AGENDA/MINUTES/REPORTS

The November 1, 2017 Board of Adjustment Meeting Agenda and Minutes can be found at

http://www.scottsdaleaz.gov/boards/board-of-adjustment

BOARD OF ADJUSTMENT
REPORT

Meeting Date: 11/1/2017
Item No.: 2

ACTION

Troon North Villas Appeals
5-BA-2017 & 6-BA-2017

Request to consider the following:

Request for an appeal (by two separate appellants with opposing positions) of the Zoning Administrator's written interpretation, dated August 24, 2017, associated with the Troon North Villas project.

OWNER

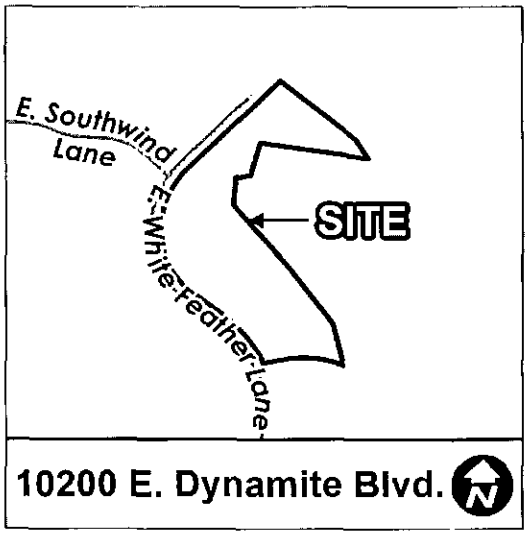
MBA Development Partners
480-361-8627

APPLICANT CONTACT (5-BA-2017)

Frederick E. Davidson
Davidson & Kaffer, PLLC
480-585-3100

APPLICANT CONTACT (6-BA-2017)

Douglas A. Jorden
Jorden Hiser & Joy, PLC
480-505-3900



LOCATION

10200 E. Dynamite Boulevard

BACKGROUND

Context

The Troon North Villas site is located along the east side of N. White Feather Lane, north of E. Dynamite Boulevard, and east of the Troon North Golf Club at the N. 103rd Street alignment.

Adjacent Uses and Zoning

- North — Stonedge at Troon North, The Golf Villas at Troon North; zoned (R-4R ESL (HD)) Resort/Townhouse Residential, Environmentally Sensitive Lands (Hillside District) overlay.
- South — On the Green at Troon North; zoned (R-4R ESL (HD)) Resort/Townhouse Residential, Environmentally Sensitive Lands (Hillside District) overlay. Pinnacle Canyon at Troon North Unit 1; zoned (R1-7 ESL (HD)) Single-family Residential, Environmentally Sensitive Lands (Hillside District) overlay.
- East — Troon North Golf Club; zoned (R-4R ESL (HD)) Resort/Townhouse Residential, Environmentally Sensitive Lands (Hillside District) overlay and (OS ESL (HD/HC)) Open Space, Environmentally Sensitive Lands (Hillside District) overlay.
- West — The Golf Villas at Troon North, The Ridge at Troon North, On the Green at Troon North; zoned (R-4R ESL (HD)) Resort/Townhouse Residential, Environmentally Sensitive Lands (Hillside District) overlay.

History

- October 21st 2016, a Development Review Board application was submitted for Troon North Villas (case 48-DR-2007#2), a 64 key resort development at 10200 E. Dynamite Boulevard. The project application went through multiple staff review cycles and evolved into a 48 unit (62 key) resort operationally tied to the adjacent Troon North Golf Club.
- July 24th 2017, City staff received a Request for Zoning Interpretation to determine the maximum number of units allowable for the Troon North Villas Development Review Board application (case 48-DR-2007#2) based on ambiguity in the zoning history.
- August 24th 2017, the Zoning Administrator completed the Request for Zoning Interpretation determining the maximum number of units allowed for the subject site is 22 dwelling units (or 31 resort units) as specified in case 3-ZN-1994.
- September 22nd 2017, City staff received two Appeals of the Zoning Administrator's decision regarding the Troon North Villas case (48-DR-2007#2). In accordance with Section 1.805.B of the Zoning Ordinance, the appeal action has stayed the proceedings of case 48-DR-2007#2.

Zoning/Development Context

The Troon North Villas site is zoned Resort/Townhouse Residential with Environmentally Sensitive Lands (Hillside District) overlay (R-4R ESL (HD)) and a portion of the site is zoned Hillside Conservation with Environmentally Sensitive Lands overlay (HC ESL).

The Resort/Townhouse Residential (R-4R) zoning district is intended primarily for self-contained accommodations which include recreational amenities and services customarily furnished at hotels, including the service of meals. Additionally, the district provides for residential development having either party walls or walled courtyards. The density for R-4R developments is structured for guest rooms or for dwelling units. The minimum gross land area per guest room is required to be four thousand one hundred (4,100) square feet (10.62 guest rooms per acre). The minimum gross land area per dwelling unit is required to be five thousand seven hundred seventy (5,770) square feet (7.55 dwelling units per acre). In the Environmentally Sensitive Lands zoning overlay, the overall density for R-4R is limited to 10.62 units per acre.

The area was part of the Troon North master development case 87-ZN-1985, amendment case 28-ZN-1989, amendment case 45-ZN-1990, amendment case 3-ZN-1994, and amendment case 43-ZN-1994. The R-4R zoned area, which includes the subject site, was more specifically addressed in the amendment case 3-ZN-1994. That amendment established an overall unit count for the R-4R parcels and a table breaking down the units for 6 individual sub-parcels.

Community Input

Numerous residents in the surrounding communities sent emails in objection to, and some in support of, the associated Development Review Board case application (48-DR-2007#2). Those in opposition identified concerns with the density in that location and the perceived impacts to the neighborhood of developing the subject site. Those in support recognized the entitlement history of the area and the eventual development of the area.

Staff has received several emails in regard to these appeal cases (5-BA-2017 and 6-BA-2017), requesting that the Board of Adjustment uphold the Zoning Administrator's decision. Those emails are attached to this report.

Zoning Ordinance Requirements

Jurisdiction:

The "jurisdiction" or authority of the Board of Adjustment is addressed in section 9-462.06 of the Arizona Revised Statutes:

> C. A board of adjustment shall hear and decide appeals from the decisions of the Zoning Administrator...
>
> G. A board of adjustment shall:
>
> 1. Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the zoning administrator in the enforcement of a zoning ordinance adopted pursuant to this article...

3. Reverse or affirm, wholly or partly, or modify the order, requirement or decision of the zoning administrator appealed from, and make such order, requirement, decision or determination as necessary...

The "jurisdiction" of the Board of Adjustment is also addressed in Section 1.805 of the Zoning Ordinance:

> The Board shall hear appeals of interpretations of the zoning ordinance text made by the Zoning Administrator. The Board of Adjustment shall determine those matters over which it has jurisdiction.

The jurisdiction of the Board of Adjustment is granted by state statute and municipal ordinance. If the Board acts in a matter over which it has no jurisdiction, the action taken has no effect.

The Zoning Code of the City of Scottsdale and the Rules of Procedure for the Board of Adjustment give the Board the authority to make the determination whether the Board has jurisdiction.
Under state law, the Zoning Ordinance, and the Board's by-laws, the Board's jurisdiction is limited to variances from the terms of the Zoning Ordinance, appeals of the Zoning Administrator's decisions, and interpretations of the zoning ordinance.

Standing:
In order to have standing, the Applicant must be an aggrieved party. Section 1.202(B) of the Scottsdale Zoning Ordinance states the following about aggrieved parties:

> "The appeal of ordinance interpretations or other decisions by the Zoning Administrator may be initiated by any aggrieved person or by any officer, department, board or commission of the City affected by the interpretation or decision of the Zoning Administrator. For purposes of this subsection, an aggrieved person is one who receives a particular and direct adverse impact from the interpretation or decision which is distinguishable from the effects or impacts upon the general public."

Action:
Upon finding that the application for appeal has both Jurisdiction and Standing, the Board of Adjustment can then discuss the merits of the case to determine whether or not the Zoning Administrator's Decision was arbitrary, capricious or an abuse of discretion as specified in Section 1.805.D.(1) of the Zoning Ordinance.

Findings: Jurisdiction and Standing

Jurisdiction:
The Board of Adjustment shall hear appeals from the Zoning Administrator's interpretation of the zoning ordinance or other decisions. SCR 1.801(A). However, the BOA may not make any changes in the uses permitted in any zoning classification or zoning district or make any changes

in the terms of the zoning ordinance.... ARS 9-462.06(H)(1). "It is well-settled that the enactment of zoning ordinances is a matter reserved to the legislative branch of government." Mehlhorn v. Pima County, 194 Ariz. 140, 978 P2d 117 (App. 1998) (Citing City of Phoenix v. Oglesby, 112 Ariz. 64, 537 P2d 934 (1975); New Pueblo Const., Inc. v. Pima County, 120 Ariz. 354, 586 P2d 199 (App. 1978)). Similarly, "the amendment of zoning ordinances is an exclusively legislative function." Mehlhorn v. Pima County, 194 Ariz. 140, 978 P2d 117 (App. 1998) (Citing Wait v. City of Scottsdale, 127 Ariz. 107, 618 P2d 601 (1980)).

The Zoning Administrator's decision identified the maximum allowable unit count for Parcel 6 in a table from zoning case 3-ZN-1994 and he determined that the City Council is the entity authorized to regulate the concentration of densities as they did in their approval of case 3-ZN-1994 by setting the specific density of Parcel 6 as 22 dwelling units or the equivalent to 31 resort units. While there is a discrepancy in the Parcel size which is listed as 1.49 acres in the table versus its actual size of 2.56 acres in the development application, the Zoning Administrator identified the remedy for correcting that error as requiring Council action. Because the discrepancy has the effect of altering the overall unit count the correct procedure is to return to City Council for an amendment.

While the case stipulations of 3-ZN-1994 identify that redistribution of the units is subject to the maximum densities and allows project coordination staff to make approvals, the stipulations also require that any significant modifications or changes must return to the City Council. The Zoning Administrator has determined that any changes in acre size of Parcel 6 would be a significant change requiring a public hearing before the City Council through a rezoning amendment.

While the Board has the jurisdiction to hear this case, the remedy that is being requested by the applicant in 5-BA-2017 is not one that the Board can provide, as the Board cannot amend or repeal any zoning ordinance as this power belongs specifically to the City Council. Ivancovich v. City of Tucson Bd. of Adjustment 22 Ariz. App. 530, 529 P2d, 242 (App. 1974).

Standing:
Staff finds no question as to either Applicant's standing in this appeal.

Discussion

On July 24th 2017, Douglas A. Jordan representing the Troon North Association submitted a request for interpretation of the Zoning Ordinance by the Zoning Administrator regarding the Troon North Villas development application (48-DR-2007#2). The request was for an interpretation finding that:

1. While the number of units being requested for the Property is dependent upon density being transferred from another property not owned by the applicant, a transfer of density for the Property is not allowed under Arizona law or the Zoning Ordinance because the applicant has not obtained consent from other property owners within Troon North Resort for such a transfer and has not followed other procedural requirements for a density transfer.
2. Absent a density transfer done in accordance with Arizona law and the Zoning Ordinance, the maximum number of units allowed on the Property is 22, either based upon the density allocated to the Property in the site plan approved in Case No. 3-ZN-1994 or based upon the Property's pro rata share of the density approved for Troon North Resort in Case No. 43-ZN-1994.
3. Alternatively, the maximum number of units allowed on the Property is 27, which is the maximum number of units allowed on the Property according to the Property's R-4R zoning and the City's Environmentally Sensitive Lands (ESL) regulations.

On August 24th 2017, the Zoning Administrator issued a written response to the interpretation request. In preparing the response, the Zoning Administrator reviewed the 1985 Troon North master development zoning case and its subsequent amendments, the stipulations of those cases, the previous development application for the subject site (48-DR-2007), the recorded plats and their respective unit counts for the surrounding R-4R developments, the Zoning Ordinance, and other relevant documentation. Based on his research, the Zoning Administrators response letter identified that case 3-ZN-1994 specifically addressed the development of the R-4R zoned parcels in the resort core of Troon North. That zoning case included a table breaking down the overall stipulated maximum unit count distributed amongst the 6 sub-parcels. Those stipulations specified a maximum of 385 units that could be increased to a maximum of 424 units if a minimum of 90 units were provided as resort units. The table in 3-ZN-1994 was structured so that the unit count for each of the 6 parcels added up to a total of 424 units. The subject site, referred to as Parcel 6 in the table, was identified as 1.49ac and allocated 22 units at a density of 15du/ac. There is correspondence within the 3-ZN-1994 case documents which indicates a discrepancy in the table for Parcel 6 and an actual area of 2.35ac, which the current development application more specifically identifies a calculated area for the site of 2.56ac. In his response letter, the Zoning Administrator acknowledges the parcel area discrepancy in the zoning case history but concludes that the table was adopted by City Council *as written and that any change to the adopted zoning case or its table, that could significantly* alter the distribution of units or the overall unit count, would need to return to City Council for subsequent amendment. As such the Zoning Administrator's response concluded that, based on the adopted stipulations of case 3-ZN-1994, the specified unit allocation for Parcel 6 was 22 units and that proposed modifications to those stipulations would require a return to the City Council for amendment. The Zoning Administrator also determined that 22 dwelling units could be viewed as equivalent to 31 resort rooms based on one dwelling unit being equivalent to 1.41 resort units as identified in the R-4R property development standards in the Zoning Ordinance and within the context of the stipulations of case 3-ZN-1994.

Case 6-BA-2017

Appeal by Douglas A. Jordan, representing the Troon North Association and neighboring residents Phil & Linda Dunn.

Applicant's Appeal:

The Applicant's Appeal of the Zoning Administrator's Decision suggests that the decision does not account for the density limitation specified in the underlying R-4R zoning district, as originally stated in the applicant's interpretation request filed July 24th 2017. The appeal states that in the Zoning Ordinance the R-4R development standards (Section 5.904.C.1) specify that guest rooms shall have a gross land area of 4,100sqft per room, which on a 2.55ac parcel yields 27 guest rooms. The applicant also identifies that the ESL density table (Table 6.1081.A) specifies that development within R-4R zoning areas be limited to 10.62 guest rooms per acre, which results 27 units on a 2.55 acre parcel.

The applicant's appeal requests that the Board of Adjustment to find, similar to the original request for interpretation, that the maximum number of resort rooms allowed on the subject property is 27.

Case 5-BA-2017

Appeal by Frederick E. Davidson, representing MBA Development Partners LLC.

Applicant's Appeal:

The Applicant's Appeal of the Zoning Administrator's Decision suggests that based upon case history, including the previously approved development application 48-DR-2007 and zoning cases, and as relied upon by MBA, the density applied to Parcel 6 remains unchanged since 1994 at 15 du/ac. Based upon the actual gross acreage of Parcel 6, MBA would be entitlement to develop up to 67 resort units. The appeal points out that any attempt to alter that entitlement constitutes an unjustified action on the part of the Zoning Administrator. Selectively relying upon the 22 units derived from a calculation based upon a lesser parcel area materially and adversely impacts MBA's reasonable expectations to develop the site.

The appeal identifies uncertainty as to the motivation of the Zoning Administrator in issuing the Interpretation and whether it was done as a result of political pressure or the protest of the Troon North residents, but states that the outcome conflicts with the City of Scottsdale Zoning Ordinance, as amended by the applicable zoning cases. As such, there exists no basis for the Board of Adjustment to uphold the Interpretation.

The applicant would like the Board of Adjustment to find that the Zoning Administrator's interpretation is erroneous, arbitrary, capricious, and an abuse of discretion and that the Board of Adjustment find that in issuing the interpretation, the Zoning Administrator has misappropriated his powers and that his decision was made based on selective and limited case stipulations while disregarding information that did not support the Interpretation. And in

doing so the applicant requests that the Board of Adjustment modify the Interpretation to find that Parcel 6 is approved for a density of 15 du/ac per 3-ZN-1994, and based upon a gross acreage for Parcel 6 of 3.17 acres, is entitled to a maximum of 47 residential units, or 67 resort units (applying one dwelling unit being equivalent to 1.41 resort units) with no density transfer being necessary to achieve that result.

Zoning Administrator's Decision:

The Zoning Administrator determined, in response to the Request for Interpretation received on July 24th 2017, that the maximum allowable unit count for the subject site is that which was identified in the table from case 3-ZN-1994, which established the resort core of Troon North. As support for that decision, he identified the following:

- The decision identifies that the previous case 48-DR-2007 (The Monument Club) received approval from the Development Review Board, but was never constructed and the case approval reached its 2 year expiration. As such it does not set precedent and is not a commitment for the subsequent development applications.
- The decision identifies that the City Council is authorized to regulate the concentration of densities and that in their approval and adoption of case 3-ZN-1994 set the specific density of Parcel 6.
- The 3-ZN-1994 table breaks the resort core down into 6 "parcels", each with a maximum number of units, all adding up to the maximum overall number of 424 units as stipulated in the zoning case.
- The subject parcel is identified as "Parcel 6" in that table and is specified 22 dwelling units. The Zoning Administrator has identified in his letter that 22 dwelling units can be equivalent to 31 resort units, based on one dwelling unit being equivalent to 1.41 resort units as identified in the R-4R property development standards in the Zoning Ordinance.
- The decision recognizes a discrepancy in the parcel size, listed as 1.49ac in the table but 2.56ac in the current development application, and identifies that the remedy for correcting that discrepancy and potentially altering the overall unit count is to return to City Council for an amendment to the zoning case.
- The stipulations of case 3-ZN-1994 identify that the redistribution of the units is subject to the maximum densities and Project Coordination Staff approval, but requires that any significant modification or changes must return to City Council for approval.

The Zoning Administrator's interpretation did not affect the vested development rights to Parcel 6 by determining that the appropriate remedy for exceeding the density of Parcel 6 set forth in case 3-ZN-1994 requires a return to the City Council for an amendment to the zoning ordinance. The Owner still has the right to develop Parcel 6 with 22 dwelling units or 31 resort units. The City cannot be estopped from requiring lawful compliance with its zoning code.

Findings

In a typical request to the Board of Adjustment, the Board must review and determine if the required four (4) findings have been justified to allow a Zoning Variance. In the case of an appeal of the Zoning Administrator decision, such as this one, these findings are not required and the Board of Adjustment will need to:

- Determine whether or not it has jurisdiction over this matter;
- Determine whether the Applicant has standing; and, if the Board first finds that it has jurisdiction over the matter and that the applicant has standing, then the Board shall;
- Discuss the merits of the case to determine whether or not the Zoning Administrator's Decision was arbitrary, capricious or an abuse of discretion.

APPROVED BY

10.18.2017

Brad Carr, AICP, Board of Adjustment Liaison
480-312-7713, bcarr@scottsdaleaz.gov

Date

10/18/2017

Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

Date

ATTACHMENTS

1. Context Aerial
2. Aerial Close-Up
3. Zoning Map
4. Applicant's Appeal (5-BA-2017)

4A. Supplement to Applicant's Appeal dated 10/16/2017 (5-BA-2017)

4B. Supplement to Applicant's Appeal dated 10/17/2017 (5-BA-2017)

5. Applicant's Appeal (6-BA-2017)

5A. Supplement to Applicant's Appeal dated 10/18/2017 (6-BA-2017)

6. Public Comment

ATTACHMENT #1

Context Aerial

ATTACHMENT #1

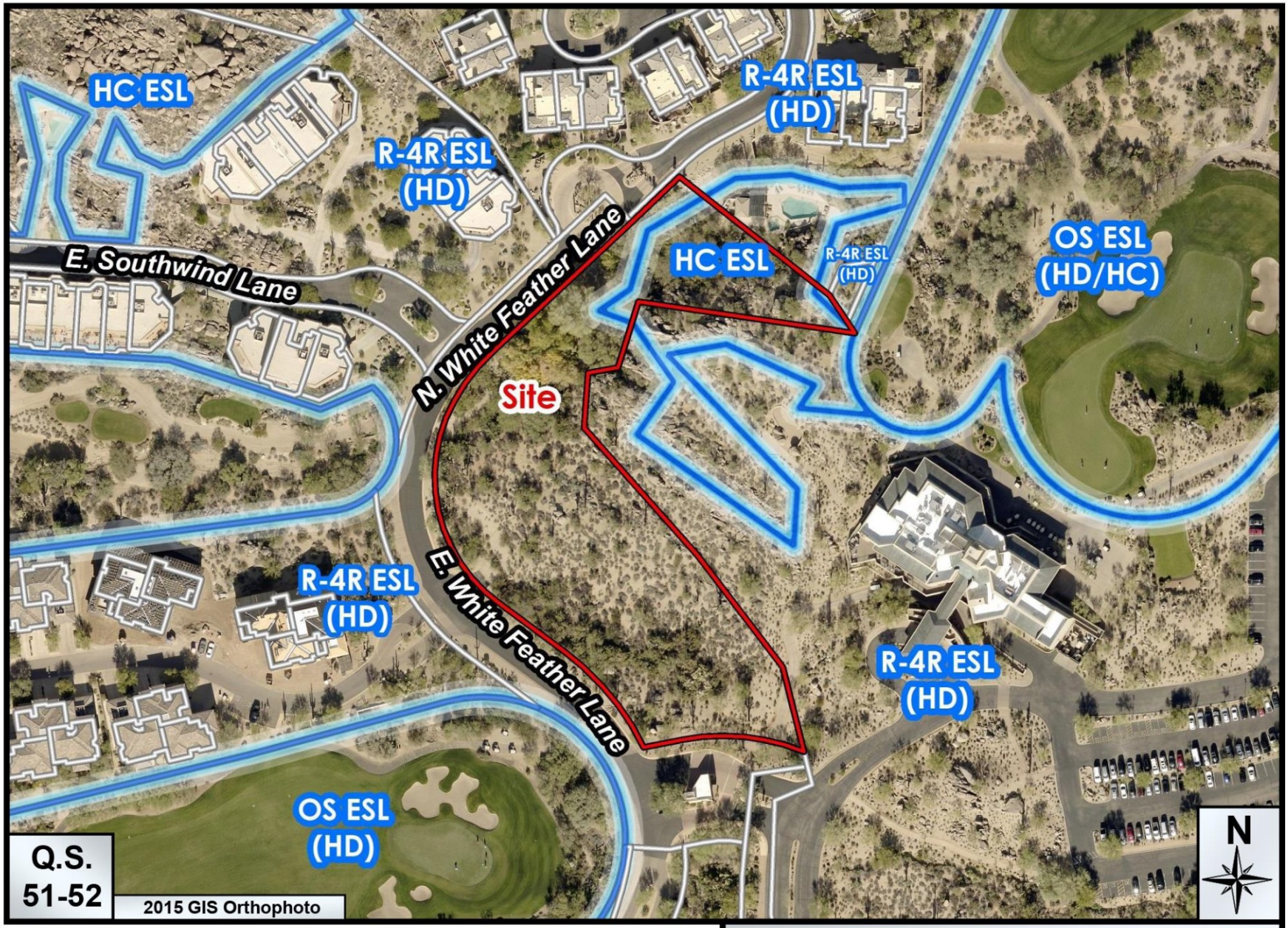
5-BA-2017 & 6-BA-2017

ATTACHMENT #2

Aerial Close-Up

ATTACHMENT #2

5-BA-2017 & 6-BA-2017



ATTACHMENT #3

Zoning Map

ATTACHMENT #3

5-BA-2017 & 6-BA-2017

Davidson & Kaffer, PLLC

"Applying Practical Business Experience to the Practice of Law"

Frederick E. Davidson
Admitted to Practice, Arizona, Colorado and New Jersey
Chad R. Kaffer
Admitted to Practice, Arizona
Josh G. Funkhouser, Of Counsel
Admitted to Practice Arizona and Ohio

Office Address:
8700 E. Pinnacle Peak Road, Suite 221
Scottsdale, Arizona 85255
Tel: (480) 585-3100
Fax. (480) 585-8585

Mailing Address:
P O Box 27500
Scottsdale, Arizona 85255

www.DavidsonLaw.net

via hand-delivery

22 September 2017

Matt Metz, Chairman
City of Scottsdale Board of Adjustment
3939 Drinkwater Boulevard
Scottsdale, Arizona 85251

Carolyn Jagger, City Clerk
City of Scottsdale
3939 Drinkwater Boulevard
Scottsdale, Arizona 85251

Brad Carr, Board of Adjustment Staff Representative
City of Scottsdale
3939 Drinkwater Boulevard
Scottsdale, Arizona 85251

Re: Appeal of Zoning Administrator's Interpretation, Dated 24 August 2017, Pertaining to the Troon North Villas Project

Dear Chairman Metz, Ms. Jagger & Mr. Carr:

This law firm represents MBA Development Partners, LLC ("MBA"), the owner of that certain Parcel commonly referred to as Parcel 6, included within the larger Resort Parcel portion of the Troon North master planned community. An aerial photograph illustrating the relative location of Parcel 6 is attached hereto as **Exhibit "A"**. On MBA's behalf, and pursuant to the provisions of City of Scottsdale Zoning Ordinance, Section 1.805 and A.R.S. § 9-462.06, we hereby submit MBA's appeal of the Zoning Administrator's Interpretation, dated 24 August 2017, pertaining to the Troon North Villas Project (the "Interpretation"). A true and correct copy of the subject Interpretation, as well as the letter requesting the interpretation, is attached hereto as **Exhibits "B" and "C"**.

The interpretation resulted from a request submitted on behalf of the Troon North Association, a property owners association established by and subject to that certain Declaration of Covenants, Conditions and Restrictions for Pinnacle Peak Village North, recorded on 25

March 1985 as Document No. 85-128823, in the Official Records of Maricopa County, Arizona; and, as amended and restated by that certain Second Restated Declaration of Covenants. Conditions and Restrictions for Troon North, recorded on 26 February 2007 as Document No. 2007-0228652, Official Records of Maricopa County, Arizona.

The Interpretation wrongfully concluded that "the maximum allowable density on Parcel 6 is 22 dwelling units or 31 resort units." Further, the Interpretation wrongfully discounts the import of Case No. 48-DR-2007 as the starting point for the proper contextual consideration of MBA's contemplated development.

MBA hereby respectfully requests that the Board of Adjustment find that the Interpretation is erroneous, arbitrary, capricious, or an abuse of discretion. Further, MBA hereby respectfully requests that the Board of Adjustment find that in issuing the Interpretation, the Zoning Administrator engaged in an *ultra vires* act by misappropriating the powers solely conferred upon the City's legislative body vis-a-vis the Zoning Adminstrator's act in unilaterally changing the City's zoning ordinance and the uses permitted within the subject zoning district.

Contrary to the Interpretation, by applying all of the stipulations contained within Case No. 3-ZN-1994, which is required by the City Council's enabling Ordinance No. 2650, including, but not limited to Zoning/Development Stipulation 2, Zoning/Development Plan Stipulation 2, and Zoning/Development Plan Stipulation 12, coupled with the actual gross acreage of Parcel 6 (i.e., 3.1707 acres), the maximum allowable density for Parcel 6 continues unchanged at 15 du/acre, resulting in an entitlement to develop 47 residential dwelling units, or 67 resort rooms (1.43 x 47). The calculations are based upon the gross acreage of Parcel 6, which is 3.1707 acres. A current survey reflecting the net and gross acreage of Parcel 6 is attached hereto as **Exhibit "D"**.

It should be noted that Zoning/Development Stipulation 2 requires the development of at least 90 resort rooms within the Resort Parcel. As a result of the previous development of Parcels 1-5 of the Resort Parcel, which was approved by the City and resulted in the construction of 341 residential dwelling units and no resort rooms, only Parcel 6 remains to meet that Stipulation. MBA's plans, developed in accordance with the existing zoning for Parcel 6, and with the guidance and consent of the City's Planning Coordination Staff as an amendment to Case No. 48-DR-2007, contemplate the development of 63 resort rooms.

I. Zoning History of Resort Parcel & Parcel 6

A. Case No. 28-Z-89

The "parent" case for the Troon North Resort Parcel was **28-Z-89** (City Council Action Report attached hereto as **Exhibit "E"**), that established the internal resort core and identified Parcels V1 (assigned R-4R HD/HC zoning, including what is now known as Parcel 6) and V2 (assigned R1-7 HD/HC zoning). The case included a stipulation (No. 10A) pertaining to what

was referred to as the North Resort Site, requiring the commencement of construction of the resort within five (5) years; and, if commencement did not timely occur, the property would be deeded to the City for the development of a resort hotel. Further, a minimum of fifty percent (50%) of the total play time was reserved for the North Resort Site; and, fifty percent (50%) of the total play time on the north golf course was required to be made available to the public until such time as the resort construction commenced. The combined Parcels V1 and V2 were allocated 280 resort rooms, plus 144 dwelling units. Stipulation 2 further provided that adjustments to proposed allowable units and proposed densities could be approved by project coordination staff, subject to the following conditions: (a) the total dwelling units and resort rooms for the overall project are not increased; (b) a specific site plan has been submitted and reviewed on-site verifying that the proposed change is environmentally sensitive and provides appropriate land use relationships; and, (c) the maximum change to parcels other than those included within V1 and V2 could not exceed certain percentages.

B. Case No. 45-Z-90

The purpose of this case was to "tweak" certain aspects of 28-Z-89, primarily related to development standards, community park issues and the use of an envisioned equestrian center. It did not include any revisions affecting Parcels V1, V2, or Parcel 6, but did retain the golf course play time stipulations and the right of the City to require the resort site to be deeded to the City for the development of a resort hotel. Certain of the stipulations described in this case were later referred to and included in Case No. 3-ZN-94. A copy of the City Council Action Report for Case No. 45-Z-90 is attached hereto as **Exhibit "F"**.

C. Case Nos. 3-ZN-94 & 2-GP-94

The next case dealing with the Troon North Resort Parcel was **3-ZN-94 & 2-GP-94** (City Council Action Report attached hereto as **Exhibit "G"**). This case was commenced due to the impending 5-year deadline for the commencement of resort construction stipulated in Case No. 28-Z-89. In this case, the former Parcel V2 was re-zoned from R1-7 ESL (HD/HC) to R-4R ESL. The development standards for the area contained within the case were amended with the intent that (a) more flexibility would be created in order to achieve the desired resort uses; (b) there would be continued integration of the resort use with the golf course; and, (c) the project would create a visual and activity core for the center of the Troon North Project. While deleting the requirement that the resort construction be commenced on a specific timeline, the fifty percent (50%) golf course use requirement specified in Case No. 28-Z-89 was retained; and, a new Stipulation No. 2 was added requiring that at least 90 of the units developed within the Resort Parcel be used as resort rooms. In relevant part, Stipulation No. 2 requires, as follows:

> "Maximum densities and dwelling unit counts shall be as indicated on the approved development plan *except that in no case shall [the] unit count exceed 385 (for units which are not used or available as resort rooms) and 424 units maximum (of which at least 90 units shall be used as resort rooms) without a*

> *subsequent public hearing.* The specific location of each parcel shall be determined at the time of site plan review. *Redistribution of the units is subject to maximum densities and Project Coordination staff approval*" [emphasis added].

In conformance with the anticipated "redistribution of the units", as set forth above, the Case retained Zoning/Development Plan Stipulation 2 from Case 28-Z-89, which conferred upon the Project Coordination staff the right to make adjustments to the proposed units and densities, provided that the total dwelling and resort rooms for the overall project are not increased. The case also retained Zoning/Development Plan Stipulation 12 from Case 28-Z-89 which provides that "*density will be based on the gross development area of each parcel.*"

Effectively, Case No. 3-Z-94 provided the Project Coordination staff with the tools, flexibility and discretion to implement the 90-resort room minimum stipulation, subject to adjustments due to the actual gross acreage of each parcel, and the requirement that in no event would the overall Resort Parcel densities and unit count be exceeded.

As reflected on the table included as part of Zoning/Development Stipulation No. 2, Parcel 6 was assigned a density of 15 du/acre (15 dwelling units per acre), clearly indicating that the development of Parcel 6 was to be much more dense than the other parcels. This makes sense, since it was Parcel 6 that was originally envisioned as being developed as a resort tied into the golf club. Based upon a purely mathematical calculation of multiplying the presumptive (not actual) acreage of the parcel by the assigned density (i.e., 1.49 acres x 15 du/acre) the resultant 22 dwelling units were set forth in the table. Clearly, the 22 units were not a fixed number of units allocable to the parcel, but instead the result of the calculation using the presumptive acreage of the parcel. After applying Zoning/Development Plan Stipulation 12 (i.e, basing the final unit count on the gross acreage of the parcel), the unit count allocable to Parcel 6 increased to 47 residential dwelling units, or 67 resort rooms, using the 1.43 conversion factor utilized by the City.

It is important to note that the Parcel 6 presumptive acreage of 1.49 reflected in the table associated with Zoning/Development Stipulation 2 is the result of a scrivener's error. An "Illustrative Site Plan/Natural Area Open Space Concept Plan" was submitted by the applicant which reflected the net acreage of all seven (7) parcels located within the Resort Parcel. Parcel No. 7 is comprised of the community's roadways, and is 1.49 acres in size. As reflected on the Plan, the net acreage for Parcel 6 is identified as 2.56 which corresponds to the most recent survey of Parcel 6 (*See*, Exhibit "D"). Clearly, in preparing either the staff report, or City Council Action Report, the person responsible for the document's preparation, misread Parcel 7's acreage on the line immediately below Parcel 6's acreage. As a result, the incorrect information was used in performing the calculation that led to the 22 dwelling unit result set forth in the final column of the Stipulation 2 table. If the proper gross acreage is substituted for the number resulting from the scrivener's error, the table should have read 47 dwelling units.

It is also interesting to note that while the City Council Action Report reflects on its first page that the project is comprised of 55± acres, the aforementioned table only reflected 52.19 total acres of land being developed. It is clear that the lion's share of the missing acreage is a result of the scrivener's error.

Case No. 3-ZN-94 also provided for an increased number of residential and resort units, referenced by the following language clarifying the maximum unit numbers,

> "The proposed unit count of 424 represents a mix of residential and resort units. The 385 unit maximum if the maximum allowed for residential units. If the residential units were all converted to resort units the maximum would be 550 units." (385 x 1.43 = 550.55)

By virtue of the enabling Ordinance 2650, (attached hereto as **Exhibit "H"**) which served as an amendment to the City of Scottsdale Zoning Ordinance, the City Council approved Case No. 3-ZN-94, thereby assigning a density of 15 du/acre to Parcel 6, to be applied based upon the gross development area of the Parcel; obligating the development of the Resort Parcel to include at least 90 resort rooms; providing the Planning Coordination staff with the authority and flexibility to see to the implementation of the Ordinance; and, to that end, binding both the City and the owner of Parcel 6.

D. Case No. 43-ZN-94

This case added the second golf course and updated various land use data; and, it also confirmed the amendment of certain stipulations from Case No. 45-Z-90. The combined Parcel V acreage was increased to 69 acres, comprised of the 55 acres dealt with in Case No. 3-ZN-94, plus 10 acres for the clubhouse site, plus 4 acres of the adjacent Dynamite Boulevard right-of-way. The total residential units for Parcel V were capped at 424 units; and the limit on resort rooms was increased from 280 to 315. Further, the remaining portion of Parcel V was rezoned from R1-7 to R4-R HD/HC. The remaining stipulations discussed above in Case No. 3-ZN-94 were left undisturbed including, but not limited to, the density of 15 du/acre for Parcel 6 based upon gross acreage, the authority of the Planning Coordination staff to redistribute units, the obligation to develop at least 90 resort rooms, and the golf course use requirements. A true and correct copy of the City Council Action Report is attached hereto as **Exhibit "I"**.

By virtue of the enabling Ordinance 2707, (attached hereto oas **Exhibit "J"**) which served as an amendment to the City of Scottsdale Zoning Ordinance, the City Council approved Case No. 43-ZN-94, thereby confirming the assignment of a density of 15 du/acre to Parcel 6, to be applied based upon the gross development area of the Parcel; obligating the development of the Resort Parcel to include at least 90 resort rooms; providing the Planning Coordination staff with the authority and flexibility to see to the implementation of the Ordinance; expanding the number of anticipated resort rooms from 280 to 312; and, to that end, binding both the City and the owner of Parcel 6.

II. Development Case History for Parcel 6

A. Case No. 48-DR-2007

This was the case for Monument Club, approved by the Development Review Board in December 2007. A true and correct copy of the DRB Minutes and Staff Report are attached hereto as **Exhibit "K"**. The case allocated a unit count of 37 residential dwelling units to Parcel 6. This number of units was the product of multiplying the referenced 2.5 net acreage of Parcel 6 by the 15 du/acre density, thereby equaling 37.5 units. As such, this case confirms that it was the density, combined with parcel acreage, that was the driving factor in determining the unit count for the Parcel. And, although the developer sought only to construct 24 total units, each of those units had a lock-off, meaning that there were a total of 48 key entries approved. This resulted in a requirement of additional parking spaces, increasing the number of spaces from the required 48 (2 per unit) to 59 spaces.

The footprint for the building was listed as 32,798 square feet, comprised of a two-story main building that was contemplated to be 300 feet long and over 80 feet wide. A second building, placed over the underground parking structure, was intended to contain common facilities.

Pursuant to the provisions of Section 1.901 of the Scottsdale Zoning Ordinance, the purpose of the Development Review Board is to review all aspects of the proposed design of a development including, but not limited to, site planning and the relationship of the development to the surrounding environment and the community, guided by the Development Review Board criteria. Further, pursuant to Section 1.902 of the Scottsdale Zoning Ordinance, the Board's powers are limited by requiring that any and all approvals be in compliance with the Zoning Ordinance, as the Board has no authority to interpret, or grant variances, from the provisions of the Zoning Ordinance or the Scottsdale Revised Code. Additionally, pursuant to Section 1.904 of the Scottsdale Zoning Ordinance, it is the responsibility of the Board to examine the design and them of the application for consistency with the design and character components of the applicable guidelines, development standards, Design Standards and Policies Manual, master plans, character plan and General Plan. And, Section 1.905 of the Scottsdale Zoning Ordinance, requires that any approval is conditioned upon the Board complying with the aforementioned requirements.

Unfortunately, due to the proximity of the DRB's approval and the advent of the Great Recession, Parcel 6 was not developed as contemplated.

B. Case 48-DR2007#2

This is the current case pending before the Development Review Board. The application process commenced in 2015, and following several changes in ownership and on-going consultation with Planning Coordination Staff, the first formal submission to the City occurred in

October 2016. In addition to various plans and studies, that submittal included a recitation on the zoning entitlements relevant to Parcel 6, as well as a project narrative, both of which are attached hereto as **Exhibit "L"**. The submittal contemplated the development of 32 resort villas, totaling 64 keys.

Upon review of the submittal, the Planning Coordination Staff determined that the case was best dealt with as an amendment to the 2007 case due to the substantial similarities of the two projects. The first Planning Coordination Staff comments were issued by the City on 21 November 2016. A true and correct copy of the letter containing those comments is attached hereto as **Exhibit "M"**. Zoning comment 3 advised the applicant, as follows:

> "With the zoning history on this site. As it ties into the overall Troon North zoning, 37 units were historically allocated for use on this site, the project narrative identifies that based on a 1.43 ratio that 37 units translates to 53 units, *and the proposed unit configurations would result in 64 possible units.* Please revise the project narrative to explain what section of the Zoning Ordinance is being utilized to equate the maximum allocated 37 units to 53 of the proposed units from the narrative and to address how the 64 proposed flex units would comply with the established zoning while exceeding both of those unit counts."

Following additional discussions with Planning Coordination Staff, several meetings were arranged with the Project Coordinator, Jeff Barnes, and the City's Zoning Administrator, Randy Grant, to discuss the issues related to density. A copy of a e-mail exchange reflecting the efforts to set up the first such meeting in late January 2017 is attached hereto as **Exhibit "N"**. At that meeting, the applicant's consultant, Don Hadder, provided Messrs. Barnes and Grant with a brief review of the Troon North Resort Parcel Density, reflecting a remaining permissible unit count of 44 residential dwelling units, or 63 resort rooms. A true and correct copy of the Density Review is attached hereto as **Exhibit "O"**. Several days after that meeting, Mr. Hadder provided supplemental documentation discussing the applicable zoning history, as well as the conclusion that Parcel 6 was entitled to 63 resort rooms. A true and correct copy of that supplemental documentation is attached hereto as **Exhibit "P"**.

Based upon discussions that continued between the Applicant and the Planning Coordination Staff, it was clear that the January/February discussions and documentation confirmed for all parties the entitlement of Parcel 6 to the requested 63 resort rooms. To that end, on 22 June 2017, the Applicant submitted its formal response to the November 2016 Staff comments, therein revising the project narrative to reflect the intent to build 48 resort suites, resulting in 63 keys. A true and correct copy of the revised submittal is attached hereto as **Exhibit "Q"**). Thereafter, on 22 July 2017, the Planning Coordination Staff forwarded their "2nd Review Comments" (a copy of which is attached as **Exhibit "R"**). As reflected therein, not only was density no longer an issue, but the letter specifically referenced to a requirement that there be three (3) refuse enclosures "based on one enclosure per 20 units." (*See*, Exhibit "R", Site Design Comment 9). Further confirming that the project's density and unit count were no longer issues,

on 12 August 2017, the Planning Coordination Staff forwarded their "3rd Review Comments" (a copy of which is attached as **Exhibit "S"**). Based upon those comments, it was clear that there were no issues regarding the project's density, nor unit counts.

Further confirming the propriety of the requested 48 resort suites, resulting in 63 keys, in response to a number of e-mails received from area residents objecting to the project, in late July 2017, the Mayor, some members of the City Council and the City Manager collectively forwarded not less than seventy-eight (78) responsive e-mails wherein it was stated

> "It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote."

Copies of all 78 of the e-mails and responses confirming the City Council's understanding are attached hereto as **Exhibit "T"**.

III. Discussion

In construing an ordinance, the same rules and principles governing the construction of statutes apply. *Arizona Found. for Neurology & Psych. v. Sienerth*, 13 Ariz.App. 472, 477 P.2d 758 (1970). The cardinal rule in construing an ordinance is to ascertain and give effect to the intent of the law-making body. *Arizona Dept. of Revenue v. Maricopa County,* 120 Ariz. 533, 587 P.2d 252 (1978); *Sandblom v. Corbin*, 125 Ariz. 178, 608 P.2d 317 (App.1980). **In determining the intent of an ordinance, a court must consider the ordinance as a whole and give harmonious effect to all its sections.** *Golder v. Department of Revenue, St. Bd. of Tax Appeals*, 123 Ariz. 260, 599 P.2d 216 (1979)[emphasis added]. It is imperative that in interpreting an ordinance, **it must be read as a whole and give meaningful operation to all of its provisions and ensure an interpretation that does not render meaningless other parts of the ordinance.** *Hahn v. Industriasl Commission of Arizona*, 227 Ariz. 72, 74, 252 P.3d 1036, 1038 (App. 2011). [emphasis added].

The Zoning Administrator's Interpretation of the City of Scottsdale's Zoning Ordinance, as amended by the above referenced cases and Ordinances adopted by the City Council, not only fails to comply with Arizona's rules of ordinance interpretation, it annihilates it.

The Interpretation erroneously concludes that only 22 dwelling units, or 31 resort rooms, are allowed to be built upon the 3.1707 gross acres that comprise Parcel 6. To that end, the Zoning Administrator relies solely upon selected stipulations within Case No. 3-ZN-94, and particularly the table associated with Zoning/Development Stipulation No. 2. In stating, "I have determined that the maximum allowable density on Parcel 6 is 22 dwelling units or 31 resort units."

While each of the zoning cases discussed above, and all of the stipulations contained therein, must be followed by both the landowner and the City of Scottsdale, for the purposes of

this appeal, we shall focus a substantial portion of our discussion on the entitlements arising out of Case No. 3-ZN-94, since it was this case upon which the Zoning Administrator relied.

As a starting point, pursuant to Section 3.100 of the Scottsdale Zoning Ordinance, "*density*" *is defined, as follows:*

> "Density is usually used to describe the number of dwelling units per acre in residential districts...."

Scottsdale's definition of "density", as required by the Zoning Ordinance, Zoning/ Development Stipulation No. 2 is quite clear and unequivocal; to wit, the approved maximum density for Parcel 6 is 15 du/acre. That is the density that was approved by the City Council in 1994; and, that is the density upon which MBA relied in acquiring the property for several million dollars, and spending hundreds of thousands of dollars in plan development with the guidance and approval of the City's Planning Coordination Staff. Accordingly, that is the density upon which MBA has made its application for the development of 48 resort units, comprised of 63 separately keyed resort rooms. To be clear, contrary to the assertions of the Zoning Administrator, and the claims made by Mr. Jorden in his request for an interpretation, MBA has not requested, and is not requesting, a change to the approved density for Parcel 6. Further, no density transfer has been requested, or is necessary, as Parcel 6 is already entitled to be developed at a density of 15 du/acre.

The "unit count" to which the Zoning Administrator refers, is not the density of the Parcel, but instead merely the product of a mathematical calculation in which the gross acreage of Parcel 6 (as defined in the subject table) is multiplied by the maximum density approved for the Parcel (1.49 x 15 = 22.35). As contemplated by the same table, and as separately confirmed in other stipulations approved as part of the case, it is the overall maximum number of units permitted to be developed within the larger Resort Parcel, that underscore the propriety of MBA's application. As a footnote to the table, in referencing the "Max # of Units", stipulated to be "385/424", the City Council stated, as follows:

> "The proposed unit count of 424 represents a mix of residential and resort units. The 385 unit maximum is the maximum allowed for residential units. If the residential units were all converted to resort units the maximum would be 550 units."

Based upon the foregoing footnote, if it was the intent of the City Council to bind each Parcel to only developing a combined 424 units, using the "Max # of Units" applied to each Parcel as an independent restriction, there would be no need to reference the potential that there could actually be 550 units constructed if all residential units were converted to resort units. Accordingly, there can only be one conclusion: the "Max # of Units" was solely a variable product of a calculation involving a Parcel's acreage and the maximum density.

The table, however is only part of one stipulation approved by the City Council. And, with regard to that Zoning/Development Stipulation No. 2, it's scope is much more extensive than discussed by the Zoning Administrator in the Interpretation, the totality of which must be given meaning and applied to MBA's property and application.

Zoning/Development Stipulation No. 2, within which the aforementioned table is located, specifically states, as follows:

- Maximum densities and dwelling unit counts shall be as indicated on the approved development plan *except* that in no case shall be [sic] unit count exceed 385 (for units which are not used or available as resort rooms) and 424 units maximum (of which 90 units shall be used as resort rooms) without a subsequent public hearing.

- The specific location of each parcel shall be determined at the time of site plan review.

- Redistribution of the units is subject to maximum densities and Project Coordination staff approval. All such requests shall include a revised master development plan and a revision to the table on page 2 indicating the parcels with the corresponding reduction/increase.

The above language clearly evidences an intent and understanding that the unit counts may differ from those referenced in the table, *provided that in totality the unit counts do not exceed the 385/424 limits.* Further, it is clearly contemplated that the parcel locations and sizes may vary from those referenced in the table. And, most importantly, the Stipulation contemplates that the number of units referenced in the table may be reallocated by the Project Coordination Staff, provided that such reallocation does not conflict with the maximum densities referenced in the table, i.e., for Parcel 6, any change in unit count could not result in a density which exceeds 15 du/acre. Additionally, the above language clearly evidences an intent that there be no fewer that 90 resort rooms constructed. This portion of the stipulation underscores the City Council's intent that a resort be developed in order to conform to the City's then-developing Golf Course Policy with a paramount goals of increasing tourism and the sustainability of the City's courses, particularly those open to public play (*See,* Golf Course Policy, attached hereto as **Exhibit "W"**).[1]

---

[1] It is important to note that Troon Golf, LLC, the owner of the Troon North golf courses and club relied upon the 90-resort room stipulation and the proposed development contemplated by MBA in making its decision to acquire its 100% interest in the property and club at a cost of almost $50 million, due to the resulting assurances that the provision of on-site overnight accommodations for golfers would provide sustainability notwithstanding regional economic cycles. In fact, it is clear from a review of all of the above-referenced cases that, but for the inclusion of the contemplated resort, that the golf courses which are the central amenity to the

In order to give meaningful operation to each portion of Zoning/Development Stipulation No. 2, the "Max. # Units" count cannot possibly be construed as a hard standard. Instead, such count can only be interpreted as a resultant product of the above-referenced mathematical calculation.

Within the context of the actual development of the Resort Parcel, five of the six parcels referenced in the table have been fully developed, with the following unit counts (*See*, Review of Current Conditions, attached hereto as **Exhibit "V"**; and, *also see*, 25 May 2017 letter from Troon North Association, included in the request for interpretation, Exhibit "C"):

- On the Green at Troon North - Parcel 1 - 82 residential units;
- The Ridge at Troon North - Parcel 2 - 100 residential units;
- The Golf Villas at Troon North - Parcel 3 - 72 residential units; and,
- Stonedge at Troon North - Parcels 4 & 5 - 87 residential units.

As developed, Parcels 1-5 contain a total of 341 residential units, but no resort units. Based upon the totality of Zoning/Development Stipulation No. 2, there remain available for development, either 41 residential units, or 83 resort units. However, given that the owners of Parcels 1-5 chose to develop those parcels with residential units, in order to comply with the Zoning Ordinance, MBA has no choice but to develop Parcel 6 as a resort facility; and, based upon the requirement of a minimum of 90 resort units, such development must be undertaken in such a manner as to include as many resort units as are permissible given the Parcel's 15 du/acre density entitlement. As will be discussed below, as a result of the Parcel's gross acreage of 3.1707, and the then current 1.43 ratio utilized by the City in establishing the number of resort rooms based upon dwelling units permitted, 67 units are permitted on Parcel 6. However, based upon sound development principles, MBA is only seeking approval for 63 resort rooms, so as to ensure a design and site use appropriate for Parcel 6, as envisioned by **Zoning/Development Stipulation No. 1** which provides, as follows:

> "The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, NAOS requirements and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to theses constraints may preclude achievement of the proposed units or density on any or all parcels."

Zoning/Development Plan Stipulation No. 12, specifically states, as follows:

- Density will be based on the gross development area of each parcel. Future determination of the "no-development line" will not affect the total number of units approved for each parcel or the project as a whole, but may require adjustments to the approved zoning on some parcels.

Troon North community, would not have been approved.

This Stipulation (one shared with all of the above-referenced zoning cases) requires that the gross acreage, not the net acreage is used to determine the number of units that can be constructed on any Parcel. In the present instance, this Stipulation is particularly important due to a scrivener's error that resulted in the incorrect acreage being set forth in the above-referenced table. Specifically, in attachment #3 to Case No. 3-ZN-94, each of the seven (7) Parcels within the Resort Parcel were identified in a table entitled, "Preliminary N.A.O.S. Allocations". The acreage assigned to Parcel 7, which is solely comprised of the roadways within the Resort Parcel, is 1.49 acres. Parcel 6 reflected 2.56 acres. It is clear that in transcribing the City Council Action Report, an error was made by inserting the wrong acreage for Parcel 6. The transcriber apparently misread the table and inserted the 1.49 number appearing on the line just below the Parcel 6 line.

It is readily apparent that the Zoning Administrator chose to ignore Zoning/Development Plan Stipulation No. 12 in deciding to use the clearly errant amount of acreage set forth in the subject table as the basis for determining the unit count for Parcel 6. As such, the Zoning Administrator chose to perpetuate a mistake and use a typographical error to support the Interpretation. Such an approach defies logic, is contrary to any standard of reasonableness, and directly conflicts with Zoning/Development Stipulation No. 2 and Zoning/Development Plan Stipulation No. 12. Based upon reading the Case No. 3-ZN-94 as a whole, and by applying all of the Stipulations adopted by the City Council, it is not only appropriate, but required that the Parcel 6's 3.1707 gross acreage be used in calculating the permissible number of units, provided that the unit count does not exceed the total permissible for the entire Resort Parcel.[2] There can be no other reasonable or legally justifiable conclusion.

The Zoning Administrator also chose to declare that the "Illustrative Site Plan" limits Parcel 6 to the development of 22 dwelling units. However, based upon the fact that plan was merely "Illustrative", and preceded both the preliminary and final platting for Parcel 6, coupled with the City Council's expectation that units would be redistributed and actual counts would be based upon gross acreage, there can be no question that the "Illustrative Site Plan" was not expected or intended to be an exact configuration of the future development of the resort/residential area as expanded by Case No. 3-ZN-94. It is important to note that the entire resort/residential zoned area was, and is, seen as one integral development unit within the Troon North Master Plan; and, in fact, that is how each Parcel was viewed by the Planning Coordination Staff as each case came in for development approval. As a result, the development standards were applied to the gross resort/residential area and not to specific Parcels.

---

[2] It must be noted that zoning in Scottsdale has always been applied to the centerline (gross area) of adjacent streets. In Case No. 3-ZN-94, the 55 acres (as affirmed in the amended table for the master zoning case of Troon North) is not reflected on the table included within Zoning/Development Stipulation No. 2 (which lists the gross acres as 52.19). The report makes no effort to reconcile this difference, which is substantial. Clearly, the lion's share of the difference was due to the scrivener's error in applying the Parcel 7 acreage to Parcel 6.

Next, in what can only be characterized as an unjustified overreaching by the Zoning Administrator, on page 2 of the Interpretation, the Zoning Administrator attempts to somehow impose a 10.62 resort room per acre standard applicable to the R4-R zoning district in attempt to rationalize the Interpretation's resulting decrease in the Parcel 6 density. However, in this instance, the permissible R4-R densities for the Resort Parcel were established by Case No. 3-ZN-94, and any attempt to revert back to a standard not approved by the City Council in the case is unjustified. Clearly, the City Council sought to ensure that in no event would the maximum densities approved in Zoning/Development Stipulation No. 2 be exceeded. Given the actual acreage of the case (i.e., 55 acres), which includes the 3.1707 gross acres comprising Parcel 6, it is easy to conclude that the 424 residential/resort unit mix unit count was the result of multiplying 55 gross acres x 7.7 du/acre. Accordingly, the density and unit counts applicable to Parcel 6 support MBA's contemplated development.

The Zoning Administrator also has used inapplicable generalities regarding environmental conditions and current conditions and standards to support the Interpretation. However, as is evident from a review of the Environmental Conditions of Parcel 6 (*See*, Environmental Conditions, attached hereto as **Exhibit "U"**) on the submitted plan, and all previous plans, the wash (singular) and boulder formations on the southeast side of the wash as it comes out of the golf course are included in a protected and undeveloped area. The buildable area of Parcel 6 has remained the same area since the rough Illustrative Site Plan shown in Case No. 3-ZN-94. The buildable area of the parcel is a trapezoidal area roughly 415 feet in length and an average of 195 feet in width. Within this area there is an approximate 10 foot elevation change. There are two low (4-6 feet) ridges or partial ridges within the area, and the greater part of the developable area lies within shall basins that are relatively flat.

As to boulders, there are five clusters of boulders scattered across the buildable area. Most of the boulders are generally two feet or less in height above the local grade. There are a total of ten boulders, generally clustered together in groups of 2 to 5, that exceed two feet above grade. These are surface boulders that can be relocated, as has been the typical practice in Scottsdale for the past 35 years. None of the boulders pose any hazard. Contrary to the Zoning Administrator's general statements, the buildable area of Parcel 6 has fewer environmental constraints than several of the sites within the Resort Parcel. For example, Parcels 3, 4, and 5 had major boulders which, in some cases, were tight against the major wash and generally had greater land slopes. Simply put, in reality, there are no environmental constraints that justify altering either the density or unit count based upon the product of multiplying Parcel 6's gross acreage of 3.1707 acres by the assigned density of 15 du/acre.

As to the "current conditions and standards", the condition of Parcel 6 and the infrastructure that serves it have not changed to any degree since 1994; and, there have been no significant changes to the site since the adoption of the other zoning cases. With regard to standards, any updated engineering standards do apply and MBA's submittal has been adjusted to apply such standards. Accordingly, the "current conditions and standards" pose no basis for any alteration of the assigned density or proposed unit count.

The Zoning Administrator also bases his Interpretation in part upon his assertion that the 2007 DRB case (48-DR-2007), in which 37 dwelling units were allocated to Parcel 6, is not a commitment, nor a precedent. Although DRB cases do not set a commitment in zoning since they are not zoning actions *per se*, they are zoning approvals that are approved under a process identified in the Zoning Ordinance, i.e., DRB approvals require compliance with the Zoning Ordinance; and, DRB approval implies that the subject case conforms to the Ordinance. Although DRB cases may not set a precedent, they do serve as a threshold of expectation for what development may be permitted on any parcel subject to a DRB case, whether eventually developed, or not. Appraisers, prospective buyers and other interested parties typically review such cases in an effort to ascertain how a parcel may or may not be used. The cases are public record and include the benefit of substantial review and analysis since the cases are strongly vetted.

In the two approved DRB cases pertaining to Parcel 6, Case 89-DR-95 was approved shortly after the City Council's approval of Case No. 3-ZN-94. As such, it demonstrates how the site could be developed, as reviewed and processed essentially by the same group of Planning Coordination Staff members that had been involved in the previous year's zoning case. The approved site plan included 35 resort units arranged in nine 3-unit buildings and 8 units combined with a lobby, dining area, meeting rooms and service facilities in a central building that was placed on top of an underground parking area. The 35 resort units would translate to 24.5 residential units, thus demonstrating the ability to redistribute units within the overall Resort Parcel, as well as the right to modify the Illustrative Site Plan in order to fit the program needed for viable development. The footprint of the main building was roughly 70 feet wide by 200 feet long; and, the 9 tri-unit buildings had a footprint of roughly 30 feet by 50 feet. The overall footprint of the building totaled 27,500 square feet and the occupied building area was roughly 45,250 square feet.

The next approved case was 48-DR-2007 which, as discussed above, included 24 main units (and, in reality, 48 resort keys/units) located in a main building with units and a second building for common functions, both of which were to be connected by an underground parking area containing 59 parking spaces. The 48 keys translates to 33.6 residential units. And, per the DRB Minutes and Staff Report (*See*, Exhibit "K") 37 residential units were allocated to Parcel 6 in the case. The main building was approximately 350 feet long and averaged approximately 80 feet wide; and, the common building was roughly 80 feet long and approximately 40 feet wide. This resulted in a footprint of approximately 33,000 square feet and a gross floor area of approximately 57,000 square feet.

Both of the aforementioned DRB cases illustrated that a substantial building area on the site would be viable and could be implemented in a manner that met applicable standards. The Planning Coordination Staff was so influenced by the viability of the 2007 case and the substantial similarities of MBA's proposed development with that case, that upon initial review

the Staff assigned MBA's proposed development Case No. 48-DR-2007#2, clarifying that the case could be handled as an amendment to the 2007 case, with the 2007 case serving as the starting threshold for the City's consideration. As referenced above, the City's first review comment letter in November 2016 (*See*, Exhibit "M"), specifically advised the applicant that Parcel 6 had previously been allocated 37 residential units, or 53 resort rooms. Accordingly, while the prior DRB cases may not serve as precedent, the City led MBA down the path of reliance upon the propriety of those cases in moving forward with its application and plan development.

Finally, the Zoning Administrator asserts that the "originally-planned 90 resort units can no longer be achieved" as a further justification for the Interpretation. However, it is not within the scope of the Zoning Administrator's duties or powers to unilaterally amend a City Council Stipulation. And, to the extent MBA can seek to comply with the 90-resort unit stipulation, it must be permitted to do so due to the obligation of both MBA and the City to comply with the Zoning Ordinance. While MBA is prohibited from constructing all of the 90-resort units on Parcel 6, its development of 63 resort rooms reflects a good faith effort on the part of both MBA and the City to comply with the Zoning Ordinance. To preclude such compliance is tantamount to rezoning Parcel 6 and constitutes a public taking without compensation, particularly due to the investment backed expectation of MBA with regard to Parcel 6's development rights.

IV. Conclusion

As stated at the beginning of this letter, the Zoning Administrator has engaged in an *ultra vires* act by misappropriating the powers solely conferred upon the City's legislative body vis-a-vis making changes to the City's zoning ordinance and the uses permitted within the subject zoning district. The selective assertion of limited Ordinance stipulations in an effort to support the Interpretation directly conflicts with Arizona law regarding the obligation to interpret an ordinance as a whole in such manner as to do no violence to any provision or stipulation.

Based upon case history, the Planning Coordination Staff's interpretation of the cases and entitlements as previously applied to Case No. 48-DR-2007#2, and as relied upon by MBA, the density applied to Parcel 6 remains unchanged since 1994 and is 15 du/acre; and, based upon compliance with all Stipulations, that density as applied to the gross acreage of Parcel 6 necessarily results in an entitlement to develop up to 67 resort units. Accordingly, any attempt to alter either that entitlement, or MBA's contemplated development of 63 resort rooms, constitutes an unjustified action on the part of the Zoning Administrator. Selectively relying upon a resultant product derived from a calculation based upon a scrivener's error defies logic and materially and adversely impacts MBA's investment backed, reasonable expectations. Clearly, it also deviates from the understandings of the City Council and Planning Coordination Staff, as communicated to the Parcel 6 owners during the course or the past 22 years.

MBA is unsure as to the motivation of the Zoning Administrator in issuing the Interpretation as drafted. Whether the result of political pressure or the inappropriate and misplaced protestations of a vocal minority of Troon North Owners[3], none of whom can be characterized as "aggrieved parties", it is clear that the Interpretation materially conflicts with the Scottsdale Zoning Ordinance, as amended by the above-referenced cases. As such, there exists no basis for the Board of Adjustment to uphold the Interpretation.

Pursuant to the provisions of A.R.S. § 9-462.06(H), "**A board of adjustment may not: 1. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance** provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this article." [emphasis added]. Therefore, due to the fact that the Interpretation unequivocally serves as a misplaced effort to misappropriate the powers solely conferred upon the City Council by seeking to alter the density assigned to Parcel 6 by the City Council in 1994; and, further inappropriately fails to comply with all of the Stipulations approved by the City Council, the Board of Adjustment cannot affirm the Interpretation, a such an affirmation would constitute a violation of A.R.S. § 9-462.06(H).

Based upon the foregoing, it is respectfully requested that the Board of Adjustment find that the Interpretation is erroneous, arbitrary, capricious, and an abuse of discretion. Further, MBA hereby respectfully requests that the Board of Adjustment find that in issuing the Interpretation, the Zoning Administrator engaged in an *ultra vires* act by misappropriating the powers solely conferred upon the City's legislative body vis-a-vis making changes to the City's zoning ordinance and the uses permitted within the subject zoning district.

Accordingly, MBA respectfully requests that the Board of Adjustment modify the Interpretation; and, to that end, find that Parcel 6 is zoned R4-R; that the approved density for

---

[3] It is important to note that all Troon North owners acquired title to their lots subject to the Troon North CC&Rs (*See*, **Exhibit "X"**), wherein, pursuant to Section 4.0 thereof, "all uses, activities and Improvements on any Lot or Parcel shall conform and be done in compliance with all applicable governmental laws, rules and regulations, including, but not limited to, building and safety codes, zoning regulations, **the requirements set forth in the Master Plan for Troon North (including stipulations and development standards)...**" Further, in a recent arbitration proceeding between Troon North Association and MBA, pertaining to the development of Parcel 6 as contemplated by MBA, the arbitrator ruled that MBA was entitled to develop the Parcel as contemplated by MBA and as reflected in its submittal to the City in Case No 48-DR-2007#2 (*See*, **Exhibit "Y"**). Based thereon, all Troon North owners are contractually bound to the entitlements afforded to MBA and Parcel 6 as discussed herein and have no standing to object thereto.

Parcel 6 is 15 du/acre; that, based upon such density and the gross acreage of Parcel 6 (3.1707 acres), Parcel 6 is entitled to the development of a maximum of 47 residential units, or 67 resort units (applying the City Council approved ratio of 1.43 resort units for each residential unit); that no density transfer is necessary to achieve that result; and, that Parcel 6 is not constrained or otherwise required to decrease either the approved density or unit count resulting from the product of multiplying the gross acreage by the approved density.

MBA sincerely appreciates your thoughtful consideration of this appeal and shall, upon request, provide any additional information or clarification that may be requested.

Very truly yours,

DAVIDSON & KAFFER, PLLC

Frederick E. Davidson

Frederick E. Davidson
For the Firm and
On Behalf of:
MBA Development Partners, LLC

Affidavit of Authorization to Act for Property Owner

CITY OF SCOTTSDALE

1. This affidavit concerns the following parcel of land:

   a. Street Address: 10200 EAST DYNAMITE BLVD
   b. County Tax Assessor's Parcel Number: 216-72-585B
   c. General Location: EAST DYNAMITE AND 103RD ST.
   d. Parcel Size: 3.1707 Gross acres
   e. Legal Description: See attached LEGAL description
   (If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.
3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.
4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.
6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.
7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)	Date	Signature
MBA Development Partners, LLC	21 September, 2017	
Noah Brocius, authorized representative	—, 20__	—
Davidson Law Firm	—, 20__	
Fred Davidson, esq., principal	21 September, 2017	

Planning and Development Services
7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • scottsdaleaz.gov

5-BA-2017
09/22/2017

EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

That portion of Section 29, Township 5 North, Range S East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more fully described as follows:

COMMENCING at the East quarter corner of said Section 29;

THENCE South 40 degrees, 03 minutes, 18 seconds West, a distance of 1368.20 feet to the TRUE POINT OF BEGINNING. said point being a point of curvature to the left whose center bears South 21 degrees, 45 minutes, 50 seconds West, a radius of 225.00 feet;

THENCE along the arc of said curve through a central angle of 33 degrees, 05 minutes, 41 seconds, an arc distance of 129.96 feet, said curve having a tangent distance of 66.85 feet, a chord distance of 128.16 feet. and a chord bearing of North 84 degrees, 47 minutes, 01 seconds West;

THENCE South 78 degrees, 40 minutes, 09 seconds West, a distance of 40.90 feet to a point of curvature to the left whose center bears South 64 degrees, 27 minutes, 11 seconds West, a radius of 272.00 feet;

THENCE along the arc of said CU1"Ve through a central angle of 28 degrees, 05 minutes, 28 seconds, an arc distance of 133.36 feet, said curve having a tangent distance of 68.0S feet, a chord distance of 132.02 feet, and a chord bearing of North 39 degrees, 35 minutes, 33 seconds West;

THENCE North 53 degrees, 38 minutes, 17 seconds West, a distance of 86.28 feet to a point of curvature to the right whose center bears North 36 degrees, 21 minutes, 43 seconds East, a radius of 165.S0 feet;

THENCE along the arc of said curve through a central angle of 82 degrees, 23 minutes, 01 seconds, an arc distance of 237.97 feet, said curve having a tangent distance of 144.84 feet, a chord distance of 217.99, and a chord bearing of North 12 degrees, 26 minutes, 46 seconds West to a point of compound curvature to the right whose center bears South 61 degrees, 27 minutes, 48 seconds East, a radius of 213.20 feet;

THENCE along the arc of said curve through a central angel of 18 degrees, 12 minutes, 00 seconds, an arc distance of 67.72 feet, said curve having a tangent distance of 34.15 feet, a chord distance of 67.44 feet, and a chord bearing of North 37 degrees, 38 minutes, 13 seconds East;

THENCE North 46 degrees, 44 minutes, 13 seconds East, a distance of 269.97 feet;

THENCE South 51 degrees, 41 minutes, 31 seconds East, a distance of 201.80 feet;

THENCE South 33 degrees, 53 minutes, 24 seconds East, a distance of 48.35 feet;

THENCE North 81 degrees, 52 minutes, 14 seconds West, a distance of233.18 feet;

THENCE South 17 degrees, 13 minutes, 01 seconds West, a distance of 73.42 feet;

THENCE South 80 degrees, 09 minutes, 05 seconds West, a distance of32.19 feet;

THENCE South 04 degrees, 03 minutes, 40 seconds West, a distance ofS8.18 feet;

THENCE South 41 degrees, 38 minutes, 01 seconds East, a distance of 180.62 feet;

THENCE South 37 degrees, 20 minutes, 00 Seconds East, a distance of 148.40 feet;

THENCE South 14 degrees, 54 minutes, 10 seconds East, a distance of 91.97 feet to the TRUE POINT OF BEGINNING.

Except all coal and minerals as reserved in the Patent

PARCEL NO.2:

An easement for Ingress and egress, vehicular and pedestrian, as set forth in Permanent Ingress and Egress Easement Agreement recorded in Instrument No. 95-0209665.

PARCEL NO.3:

An easement for ingress and egress, as set forth in Ingress and Egress Easement Agreement recorded in Instrument No. 2001-261709.

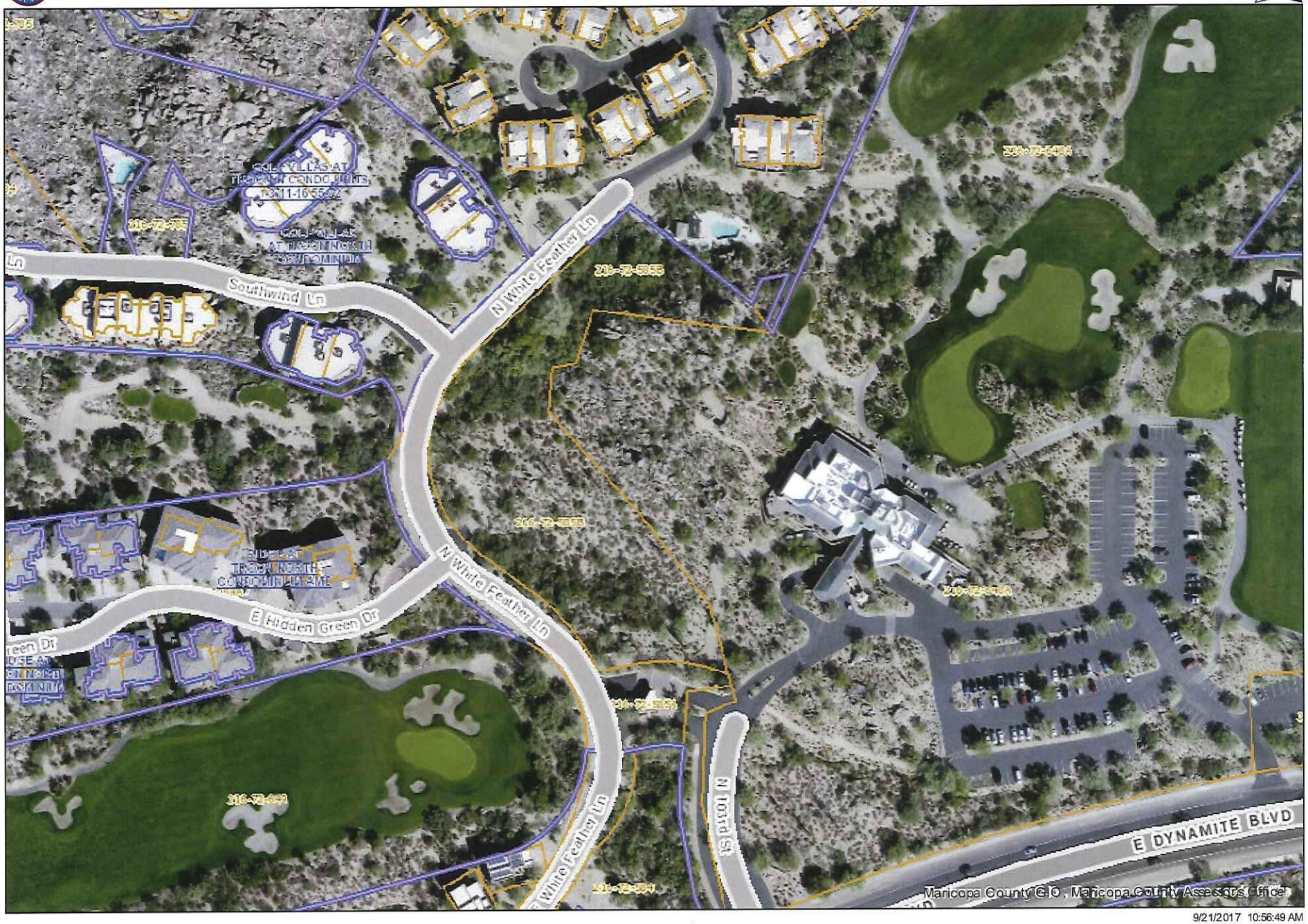
APN: 216-72-585B

ADDRESS: 10200 EAST DYNAMITE BLVD, SCOTTSDALE, ARIZONA 85262

NB

A

Map



9/21/2017 10:56:49 AM

B

Planning & Development Services

7447 E. Indian School Rd.
Scottsdale, AZ 85251

August 24, 2017

Douglas A. Jorden
Jorden Hiser and Joy, P.L.C.
5080 North 40th Street, Suite 245
Phoenix, Arizona 85018

Re: Troon North Villas

Mr. Jorden,

On July 24, 2017 you had requested a clarification of stipulations regarding the maximum density allowed on the Troon North Villas project, which has been submitted for Development Review Board hearing. This letter will provide that clarification.

Troon North is a masterplanned community originally zoned in 1985. The Troon North masterplan encompassed a variety of uses, including golf courses, attached dwellings, detached dwellings, commercial, office and resort uses. One area was specifically designated for a resort core, with 55 acres zoned R-4R (Resort/Townhouse Residential) which allows attached single-family dwellings and resort rooms. A minimum of 90 resort rooms were stipulated in the zoning case to be located within the resort core, which indicates the desire for resort tourism that would support the long-term economic sustainability of the golf course on the adjacent parcel. Within the 55-acre resort core there were 6 parcels identified when the resort core was created. This is the table from the stipulations for case 3-ZN-94:

Parcel	Gross Acres	Zoning	Proposed DU/AC	Max. DU/AC	Proposed # of Units	Max # of Units
1	14.68	R-4R HD	7/ac	7/ac	100	100
2	12.40	R-4R HD	8/ac	8/ac	100	100
3	10.20	R-4R HD	7/ac	7/ac	72	72
4	10.00	R-4R HD	10/ac	10/ac	99	99
5	3.42	R-4R HD	10/ac	10/ac	31	31
6	1.49	R-4R HD	15/ac	15/ac	22	22
	52.19		7.7/ac		424	385/424*

*The proposed unit count of 424 represents a mix of residential and resort units. The 385 unit maximum is the maximum allowed for residential units. If the residential units were all converted to resort units the maximum would be 550 units.

This table describes Parcel 6, the subject parcel, as 1.49 acres. After the City Council report had been prepared but before the Council meeting (March, 1994), a letter was received from the applicant's attorney advising that the size of Parcel 6 is actually 2.35 acres. This change was not corrected in the table before Council approval. The table also indicates that Parcel 6 is entitled to 15 dwelling units per acre, and therefore allotted 22 dwelling units. In the R-4R district, both dwelling units and resort units are allowed, with the distinction being that dwelling units require larger land area than resort units. The minimum gross land area for dwelling units is 5,770 square feet, and the minimum gross land area for resort rooms is 4,100 square feet. Therefore, one dwelling unit is equivalent to (and may be converted to) 1.41 resort rooms. Using this calculation, 22 dwelling units is equivalent to 31 resort rooms. The applicant asserts that if the actual property size (2.35 acres) is inserted into the table, the corresponding number of dwelling units allowed is 35 which converts to 49 resort rooms. Regardless, the approved Council report serves as a record of the approved stipulations.

A process was outlined in 3-ZN-94 by which adjustments could be made to allowed densities within each parcel. That process specifies that adjustments may be approved by project coordination (Planning) staff subject to 5 conditions, including two relevant conditions:

1. *A specific site plan has been submitted and reviewed on-site verifying that the proposed change is environmentally sensitive and provides appropriate land use relationships*
2. *That the maximum densities of the underlying zone are not exceeded*

The second of these stipulations relates to the maximum densities allowed in the R-4R district, which is 10.62 resort rooms per gross acre – almost half of the 21 resort rooms (or 15 dwelling units) per gross acre – that the table above allocates for Parcel 6. This small parcel can be developed to a much greater density than other R-4R parcels. The underlying R-4R district provisions include a provision that "the City Council may regulate concentrations of density by site plan approval". In effect, the City Council was approving the density for Parcel 6 that is contained in the table and as illustrated in the exhibit to 3-ZN-94 (see below).

The stipulations for 3-ZN-94 go on to specifically state that:

> *"The applicant understands and agrees that the density for each parcel is subject to drainage, topography, NAOS requirements, and other site planning concerns which will need to be resolved at the time or preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density of any or all parcels."*

These stipulations also imply that if density over the maximum over 22 dwelling units or 31 resort rooms is allowed on Parcel 6, that there are other considerations that relate to the context of the area. Any increase must also demonstrate that density "is environmentally sensitive and provides appropriate land use relationships" and recognize that "appropriate design solutions to these constraints may preclude achievement of the proposed units or density of any or all parcels". These stipulations are important because they document that density may also be limited by environmental sensitivity and context-sensitive design considerations.

Parcel 6 is a very constrained site. There are washes crossing the north end of the property and significant boulder outcroppings. The applicant indicates that a project called the Monument Club was approved in 2007 by the Development Review Board (DRB) that proposed building massing similar to the current proposal, but that project was approved for 24 resort timeshare units. DRB approvals expire after 2 years,

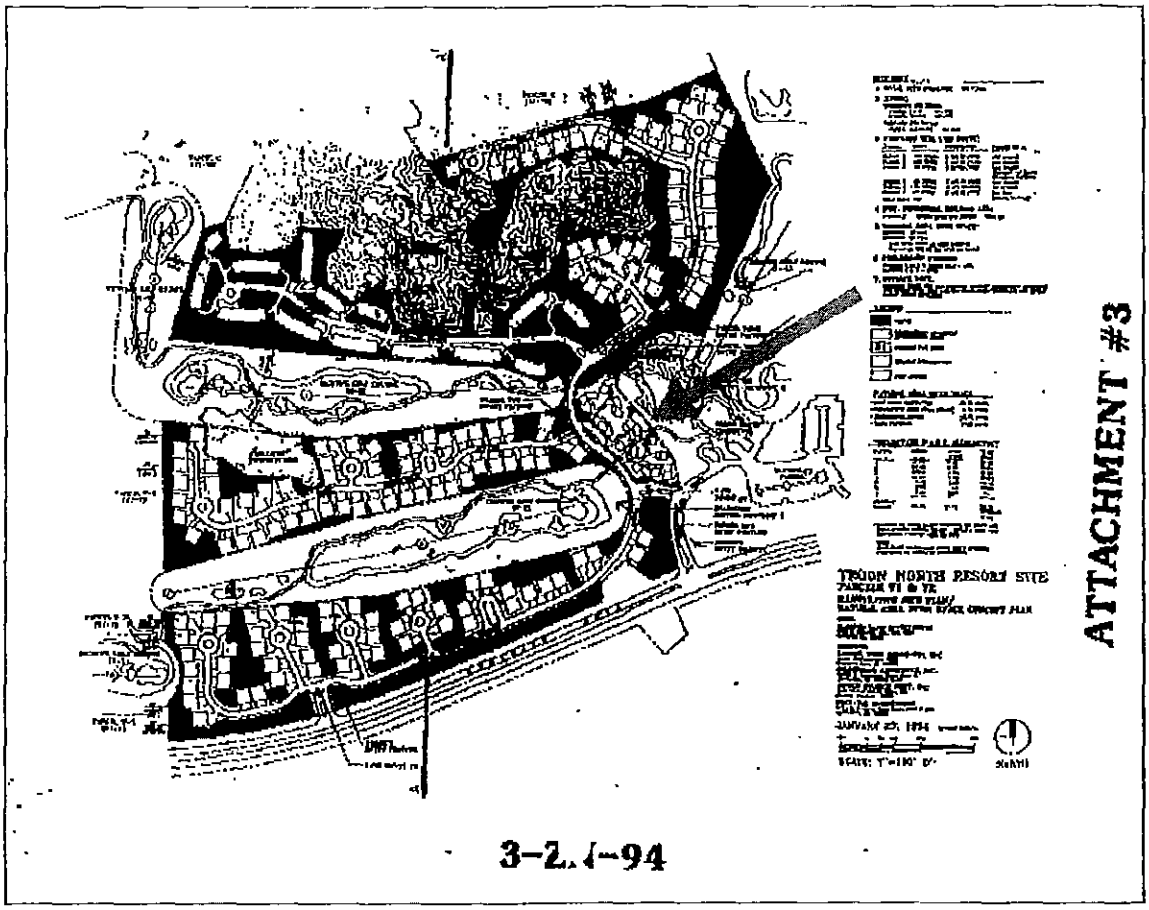
and any new project must be approved by the Board based on current conditions and standards. The 2007 approval is not a commitment and does not set a precedence. It certainly does not assure that a similarly-massed project proposed today would be viewed as environmentally sensitive and appropriately designed given the site constraints. While a resort use was anticipated (more directly required) in the 55-acre resort core, it was not projected that it would ultimately be a large resort or a mixture of resort rooms and residential units. Although the originally-planned 90 resort units can no longer be achieved, this parcel can still function as a resort and support the golf course. It would be best designed as the casita-type units that were shown on the conceptual site plan attached to case 3-ZN-94.

Zoning stipulations can be structured in a way that allows flexibility yet maintains clarity toward achieving small developments that are in proper context of a larger masterplan. The table in 3-ZN-94 specifically indicates what the maximum densities for the 6 parcels are, including the maximum number of dwelling units and Parcel 6 is currently allowed 22 dwelling units or 31 resort rooms. Although it may have been the intent at the time to provide maximum flexibility and to allow development to respond to changing needs and market conditions, it is typical that changes to "maximums" spelled out in stipulations - often even minor changes – must return to the City Council for approval of the modifications. Generally, this includes requests to a building height, a density, or a setback that is specified on a site plan or other exhibit in the stipulations. I have determined that the maximum allowable density on Parcel 6 is 22 dwelling units or 31 resort units. The property owner may request that the City Council modify their approval through a separate public hearing process.

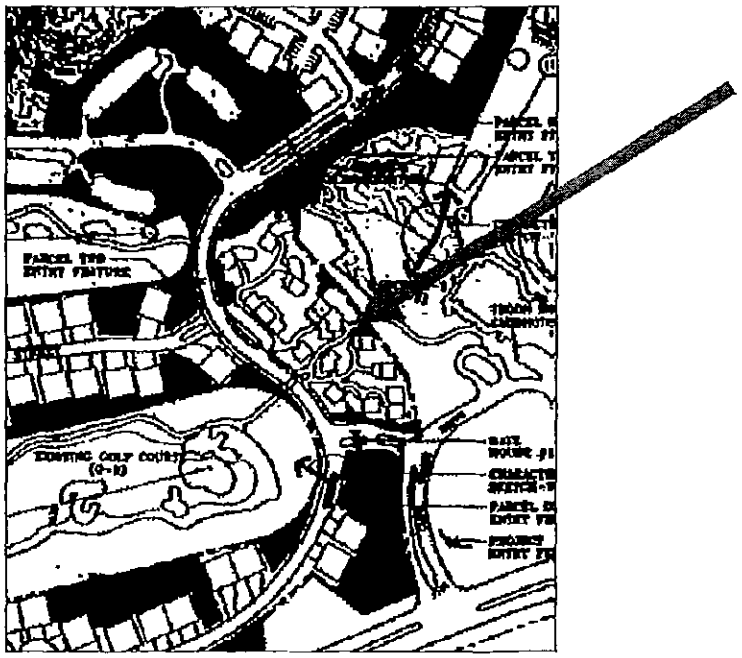
Please do not hesitate to contact me if I can be of further assistance.

Regards,

Randy Grant
City of Scottsdale
Zoning Administrator



ATTACHMENT #3



C

LAW OFFICES
JORDEN HISER
& JOY, P.L.C.

5080 NORTH 40TH STREET, SUITE 245
PHOENIX, ARIZONA 85018
TELEPHONE: 480-505-3900
FACSIMILE: 480-505-3901

DOUGLAS A. JORDEN

DIRECT LINE: 480-505-3909
E-MAIL: djorden@JHJLawyers.com
www.JHJLawyers.com

July 24, 2017

VIA E-MAIL (rgrant@scottsdaleaz.gov)
AND REGULAR MAIL

Mr. Randy Grant
Zoning Administrator
City of Scottsdale
Planning & Development Department
7447 East Indian School Road
Scottsdale, AZ 85251

Re: Case No. 48-DR-2007#2; Zoning Interpretation

Dear Mr. Grant:

This letter requests an interpretation of the Zoning Ordinance ("**Zoning Ordinance**") of the City of Scottsdale (the "**City**") by the Zoning Administrator pursuant to Section 1.202 of the Zoning Ordinance. The interpretation relates to approximately 2.55 acres of property known as Troon North Villas (the "**Property**"). We represent the Troon North Association; the Property lies within the area governed by the Troon North Association.

I. Summary

Staff claims that Case No. 43-ZN-1994 supersedes Case No. 3-ZN-1994 and that Case No. 43-ZN-1994 modified the allowable density for the overall Troon North Resort development[1] so that the 62 units requested by the applicant are allowed on the Property. However, staff seems to be ignoring the staff reports for Case No. 43-ZN-1994, which say that Troon North Resort "will not be affected by the proposal." Staff also seems to be ignoring numerous other cases after 1994 within Troon North Resort that have pointed to Case No. 3-ZN-1994 (and not Case No. 43-ZN-1994) as the applicable rezoning case.

[1] In Case No. 3-ZN-1994, the Property was part of an approximately 55-acre development (Parcel V1/V2) that included six parcels – Parcels 1 through 6 – and the Property was Parcel 6. In Case No. 43-ZN-1994, the Property was part of a 69-acre development (Parcel V) within a larger 2,457.5-acre development. See Exhibit 1 for excerpts from Case No. 3-ZN-1994 and Exhibit 2 for excerpts from Case No. 43-ZN-1994. Although the exact differences between the boundaries of the 55-acre development and the 69-acre development are not entirely clear, for purposes of this letter, the differences are irrelevant and both are called "Troon North Resort." See Exhibit 3 for an aerial map of the Troon North Resort area.

Regardless of which zoning case governs, this letter requests an interpretation finding that:

1. While the number of units being requested for the Property is dependent upon density being transferred from another property not owned by the applicant, a transfer of density for the Property is not allowed under Arizona law or the Zoning Ordinance because the applicant has not obtained consent from other property owners within Troon North Resort for such a transfer and has not followed other procedural requirements for a density transfer.

2. Absent a density transfer done in accordance with Arizona law and the Zoning Ordinance, the maximum number of units allowed on the Property is 22, either based upon the density allocated to the Property in the site plan approved in Case No. 3-ZN-1994 or based upon the Property's pro rata share of the density approved for Troon North Resort in Case No. 43-ZN-1994.

3. Alternatively, the maximum number of units allowed on the Property is 27, which is the maximum number of units allowed on the Property according to the Property's R-4R zoning and the City's Environmentally Sensitive Lands (ESL) regulations.

II. Arizona law and the Zoning Ordinance do not allow unused density to be transferred from one parcel to another without the consent of the owners of both parcels.

Because municipal zoning authority comes from the state, the power must be exercised within the limits and in the manner prescribed by state law and not otherwise.[2] Cities must strictly comply with the statute delegating them authority to act and any attempt to exercise the zoning authority without complying with the statutory conditions is void.[3] Arizona courts will reject municipal ordinances that conflict with state statutes, particularly when such ordinances involve matters of statewide concern, such as the police powers of the state and zoning regulations.[4] A.R.S. § 462.01.A(12) authorizes municipalities to "[e]stablish procedures, methods and standards for the transfer of development rights within its jurisdiction. Any proposed transfer ... shall be subject to the notice and hearing requirements of § 9-462.04 and shall be subject to the approval and consent of the property owners of both the sending and receiving property." Under this statute, an ordinance adopted by a municipality to govern the transfer of development rights must not only provide for notice and hearing and consent, but must also include the recordation of documents to sever development rights from the sending property and affix development rights to the receiving property, and meet other statutory requirements.[5]

---

[2] *Jachimek v. Superior Court*, 169 Ariz. 317, 318, 819 P.2d 487, 488 (1991).
[3] *Id.* at 319, 819 P.2d at 489.
[4] *City of Scottsdale v. State*, 237 Ariz. 476, 470-71, 352 P.3d 936, 939-40 (App. 2015).
[5] *A.R.S. § 462.01.A(12).*

The City has adopted a mechanism in Section 6.1081 of the Zoning Ordinance to allow the transfer of density from one property to another, but the application for such a transfer must be signed by the owners of both parcels and meet certain other procedural requirements, such as permanently securing the sending parcel through easements or other means approved by the City. Rather than following the mechanism allowed under Arizona law and the Zoning Ordinance, the applicant appears to be asking the Development Review Board ("**DRB**") to approve an increase in density above that allowed in the R-4R district just because other parcels within Troon North Resort "have not built to their limits."[6] This is not allowed under Arizona law or the Zoning Ordinance.

Additionally, any transfer of units from another property to increase the number of units allowed on the Property necessarily would mean a corresponding decrease the number of units allowed on the other property, depriving that sending owner of valuable property rights.[7]

Case No. 10-PP-2015 illustrates why the consent of both owners is necessary. Although the applicant's response to the City's comments dated June 22, 2017, stated that the Property would be the last of the parcels in Troon North Resort to be developed, another development is in the works. In Case No. 10-PP-2015, the City's Development Review Board approved a preliminary plat for four townhomes on a portion of Parcel 1 (Tract "V" of On the Green at Troon North) on August 18, 2016. It is impossible to know what other development on the parcels may be proposed in the future.

III. Case No. 3-ZN-1994 established a maximum of 22 units for the Property.

In Case No. 3-ZN-1994,[8] Troon North Resort was rezoned to R-4R ESL HD (Resort District/Environmentally Sensitive Lands/Hillside District)[9] with stipulations that included amended R-4R development standards and substantial compliance with the submitted plan. Section 5.904.C of the amended development standards approved in connection with Case No. 3-ZN-1994 provided for a density of 4,100 square feet of gross land area per guest room (10.46

---

[6] Although the application filed in Case No. 48-DR-2007#2 relies upon borrowing unused density from other parcels in Troon North Resort, the applicant has not identified the "sending" property or its owner, nor has the applicant identified a statute or ordinance that authorizes this "borrowing" of unused density, other than generally relying upon the overall density approved in Case No. 3-ZN-1994. Such a reduction of the "sending" property owner's rights may implicate A.R.S. § 12-1134 (Prop. 207).

[7] Additionally, Section 1.304 of the Zoning Ordinance requires that the property owner (or his authorized agent) sign the development application.

[8] Case No. 3-ZN-1994 was approved by the City Council on April 5, 1994, and affirmed on April 19, 1994. Case No. 3-ZN-1994 concerned a development of approximately 55 acres consisting of six parcels – Parcels 1 through 6. See Exhibit 1. The Property was called Parcel 6. In a preceding case, Case No. 28-ZN-1989 (approved by the City Council on September 19, 1989), this 55-acre development made up most of Parcel V1 and Parcel V2, which together consisted of 65 acres. See Exhibit 4 for materials from Case No. 28-ZN-1989.

[9] Regardless of whether the regulations for the Hillside District or Environmentally Sensitive Lands (ESL) apply, the applicant has elected to be governed under the ESL regulations pursuant to Section 6.1023.B of the Zoning Ordinance. See Exhibit 5 for the applicant's ESL election.

guest rooms per acre) or 5,770 square feet of gross land are per dwelling unit (7.5 dwelling units per acre).[10]

In Stipulation 2 of Case No. 3-ZN-1994, the total maximum number of units approved for the development ranged from 385 to 424 units, depending on whether "dwelling units" or "resort rooms" were built. Stipulation 2 stated that "in no case" shall the unit count exceed 385 (for units not used or available as resort rooms) or 424 (of which at least 90 units shall be used as resort rooms).[11] The table in Stipulation 2 allowed a maximum of 22 units on the Property, but showed the Property as consisting of 1.49 acres.[12] The site plan approved as part of Case No. 3-ZN-1994 provides for a maximum of 22 units on Parcel 6 and shows Parcel 6 as consisting of 2.56 acres.[13] A letter from attorney John Berry to the City dated March 28, 1994, says that the 1.49 acres shown for Parcel 6 is incorrect and should be amended to reflect an acreage of 2.35 acres for Parcel 6.[14] Regardless of where 1.49 acres came from, that acreage and the resulting density of 15 units per acre is simply incorrect. Based on the site plan for Case No. 3-ZN-1994, which includes the correct acreage consistent with the current application for 48-DR-2007#2, the maximum number of units allowed on the Property is 22.[15]

IV. Case No. 43-ZN-1994 did not affect the density for the Property established in Case No. 3-ZN-1994.

A. Case No. 43-ZN-1994 does not affect the stipulations approved for Troon North Resort in Case No. 3-ZN-1994.

A July 10, 2017, email from Jeff Barnes concluded that Case No. 43-ZN-1994[16] eliminated the table allocating density to Parcels 1 through 6 in Case No. 3-ZN-1994, eliminated

[10] See Exhibit 1.

[11] Attached as Exhibit 6 is a zoning interpretation from the City dated March 17, 1994, which says that the 90 resort units may be met by allocating 70 units available to the public for stays of 14 days or less and allocating 20 units available to the public for stays of 14 days to 30 days. Attached as Exhibit 7 is a letter from Troon North Association that lists the number of units currently approved for each of the six parcels and confirms that none of the existing units are being used as resort rooms available to the public for rent for less than 30 days. This letter also includes a calculation that would limit the density to 40 units, even if the 22 or 27 unit density limitations discussed below were found not to apply, as follows: 341 units have been approved by the City for Parcels 1 through 5 and the Troon North Association is involved in ongoing discussions to add another four units to Parcel 1 (now called On the Green at Troon North). These four units received preliminary plat approval from the City on August 18, 2016 (Case No. 10-PP-2015), and would increase that total from 341 to 345. As none of the existing 341 units are used or available as resort rooms, the maximum number of units allowed on Parcels 1-6 is 385, not 424. 385 units (maximum allowed) – 345 units (existing) = 40 units (remaining).

[12] The 1.49 acres in the table may have resulted from the City accidentally inserting the 1.49 acres listed for Parcel 7 on the 1994 site plan, which was a roadway, into the line in the table for Parcel 6.

[13] See Exhibit 1.

[14] See Exhibit 8 for this letter from John Berry.

[15] The applicant has listed the acreage for the Property as 2.55 acres. See Exhibit 9 for the most recent site plan submitted for Case No. 48-DR-2007#2 on June 26, 2017.

[16] Case No. 43-ZN-1994 was approved by the City Council on September 20, 1994. Case No. 43-ZN-1994 concerned 800-900 acres, a portion of which was the 55 acres rezoned in Case No. 3-ZN-1994. See Exhibit 2.

the 90 resort unit minimum requirement in Case No. 3-ZN-1994, and allocated 585 units to a 69-acre Parcel V that included Parcels 1 through 6. However, there are several problems with this conclusion:

1. This position ignores the Case No. 43-ZN-1994 staff reports for the Planning Commission meeting on September 12, 1994, and the City Council meeting on September 20, 1994, which both state that Troon North Resort "will not be affected by the proposal." The staff reports say that the purpose was to rezone portions and "refine the plan" in order to accommodate 11 new holes of golf, with increases in density to Parcels A, B, C, G, K, L, P, and S.[17]

2. This position also ignores the fact that even though the staff reports for Case No. 43-ZN-1994 said that it did not affect the Troon North Parcel, the stipulations for Case No. 43-ZN-1994 did not include the same R-4R amended development standards that had been approved for Troon North Resort by the City Council in Case No. 3-ZN-1994.[18]

3. Many cases approved after Case No. 43-ZN-1994 relied on Case No. 3-ZN-1994, for example[19]:

a. Case No. 89-DR-1995 (the Property) – the stipulations approved by the DRB dated August 3, 1995, stated that "site access shall be provided per the circulation stipulations of Zoning Case #3-ZN-94"; there is no reference to Case No. 43-ZN-1994 in these stipulations.

b. Case No. 38-PP-1995 (Parcels 4 and 5 in Case No. 3-ZN-1994) – the stipulations to the preliminary plat approved by the DRB on September 21, 1995, stated that "[a]ll pole mounted lighting shall be a maximum of 14 feet in height, per zoning Case 3-ZN-94," and the list of zoning requirement attached to the DRB stipulations stated that (i) "[d]etached guest houses shall not be permitted on lots less than 18,000 square feet in size, per Case 3-ZN-94," (ii) "[i]f guest houses are intended to have cooking facilities, the applicant shall ... [meet] the required front, side, and year yard requirements per Case 3-ZN-94," (iii) "[o]n-lot NAOS shall not be credited ... except as dedicated as contiguous NAOS on a plat per Case 3-ZN-94," (iv) "[n]on-indigenous plant material ... shall not be

[17] See Exhibit 2.
[18] Additionally, the stipulations for Case No. 43-ZN-1994 and for Case No. 3-ZN-1994 were both approved by City staff on October 10, 1994. See Exhibit 1 and Exhibit 2. The stipulations appear to have been approved by "DH," who we assume is Don Hadder, the City staff person assigned to these cases. Case No. 3-ZN-1994 must have been intended to apply to Troon North Resort even after Case No. 43-ZN-1994's approval on September 20, 1994, because there is no reason for City staff to approve stipulations for Case No. 3-ZN-1994 on October 10, 1994, if they had been superseded and served no purpose.
[19] See Exhibit 10 for excerpts from these cases.

introduced on site, per Case 3-ZN-94," and (v) "[c]omply with conditions of case No. 3-ZN-94." There is no reference to Case No. 43-ZN-1994 in these stipulations or ordinance requirements.

c. Case No. 58-DR-1996 (Parcels 4 and 5 in Case No. 3-ZN-1994) – the DRB approval dated May 9, 1996, included a list of ordinance requirements attached to the stipulations that stated that (i) "[a]s approved in Case 3-ZN-94, buildings shall be set back a minimum of zero feet from perimeter property lines adjacent to other R4-R districts...," (ii) "[a]s approved in Case 3-ZN-94, no building shall exceed thirty feet in height," and (iii) "[c]omply with conditions of case No: 3-ZN-94." There is no reference to Case No. 43-ZN-1994 in these stipulations or ordinance requirements.

d. Case No. 48-DR-2007[20] (the Property) – the stipulations to the DRB approval dated December 6, 2007, stated that "Case 3-ZN-94 is the associated rezoning request for the property." There is no reference to Case No. 43-ZN-1994 in these stipulations.

e. Case No. 10-PP-2015 (a portion of Parcel 1 in Case No. 3-ZN-1994) – the DRB report dated August 18, 2016, stated that the "[a]mended development standards shall remain as approved through Case 3-ZN-1994" and that the "existing [sewer and water] improvements were constructed in anticipation of the site being developed to the R-4R standards set forth by the Cases 2-GP-1994 and 3-ZN-1994." This case does mention Case No. 43-ZN-1994 as one of the "applicable Zoning and DRB cases for the site," along with 3-ZN-1994 and several other cases.

f. Case No. 28-DR-2007#2[21] (the Property) – the City's comments on the applicant's submittal dated November 21, 2016, stated that "[i]n accordance with the amended R-4R development standards of case 3-ZN-1994, the maximum allowable building height is restricted to thirty (30) feet...." The applicant's June 22, 2017, response to the City's comments acknowledged that the "zoning on this site is tied primarily into case 3-ZN-1994."

4. Don Hadder was the City staff person who prepared staff reports and initialed approval of the stipulations for Case No. 3-ZN-1994, Case No. 43-ZN-1994, and

[20] Although the Design Review Board staff report for Case No. 48-DR-2007 states that 37 units are allowed on Parcel 6, this calculation of the number of units is incorrect. It appears that 37 units was calculated by applying a density of 15 units per acre to a 2.5-acre parcel (15 units per acre x 2.5 acres = 37.5 units). 15 units per acre is the density in the table in Stipulation 2 for Case No. 3-ZN-1994, which lists Parcel 6 as having 1.49 acres and a maximum number of 22 units for a resulting density of 15 units per acre. However, as noted above, this acreage is incorrect. See Exhibit 11 for excerpts from Case No. 48-DR-2007.

[21] See Exhibit 9 for materials from Case No. 48-DR-2007#2.

Case No. 45-ZN-1990#2. His name is also on the staff reports prepared for Case No. 89-DR-1995, Case No. 38-PP-1995, and Case No. 58-DR-1996 listed in No. 3 above. The two reports received from Jeff Barnes on July 5, 2017, which we understand were authored by Don Hadder, acknowledge that the applicable zoning case was Case No. 3-ZN-1994. Although the reports concluded that the maximum number of units approved in Case No. 3-ZN-1994 is 550, Stipulation 2 in Case No. 3-ZN-1994 says that the maximum number of 550 units only applies "[i]f the residential units were all converted to resort units."[22] As noted above, none of the existing units are used as resort units. The reports also say that a proposal to add four acres and increase the number of units to 585 was not approved.[23]

Because the staff reports for Case No. 43-ZN-1994 said that the proposal would have no effect on the area subject to Case No. 3-ZN-1994, and because parcels subject to Case No. 3-ZN-1994 continued to be governed by its stipulations and amended development standards long after the approval of Case No. 43-ZN-1994 in September 1994, Case No. 3-ZN-1994 must still apply.

B. Even if Case No. 43-ZN-1994 does apply, the maximum density allowed on the Property is 22 units.

Even if Case No. 43-ZN-1994 applies, the maximum number of units that can be allocated to the Property is 22. The stipulations for Case No. 3-ZN-1994 contain a table (approved by City staff on October 10, 1994) showing the zoning, acreage, and intensity for the overall 2,500-acre Troon development that has one entry for Troon North Resort (Parcel V1/V2), which provides for 385/424 units on 55 acres. The stipulations for Case No. 43-ZN-1994 also contain a table (approved by City staff on October 10, 1994) for the overall 2,500-acre Troon development. This table contains several inconsistencies when it comes to Troon North Resort (Parcel V) and is difficult to read because it contains numbers that are underlined and stricken, but it appears to have two entries – one that provides for 424 units on 69 acres for a density of 6.14 units per acre and another that provides for 585 units on 69 acres for a density of 8.29 units per acre.[24] In his email of July 10, 2017, Jeff Barnes stated that according to Case No. 43-ZN-

[22] See Exhibit 1.

[23] See Exhibit 12 for excerpts from these Don Hadder reports. A table in the City's file for Case No. 43-ZN-1994 (but not included in the staff reports) indicated that four acres would be added to Parcel V (Troon North Resort) and rezoned from R1-70 ESL(HD/HC) to R-4R ESL(HD/HC), which would increase the overall number of units to 585. This table also stated that the existing zoning on Parcel V allowed 550 rooms on 65 acres (or 8.5 units per acre). While 585 is the approximate number of units for 69 acres if the density is 8.5 units per acre, Stipulation 2 of Case No. 3-ZN-1994 contemplated 550 rooms only if all residential units were converted to resort units. See Exhibit 1 and Exhibit 2.

[24] See Exhibit 1 and Exhibit 2. The table in the stipulations for a subsequent case, Case No. 45-ZN-1990#2, does not shed any light on Case No. 43-ZN-1994. Case No. 45-ZN-1990#2 was approved by the City Council on November 15, 1994. Although the property rezoned in this case did not include Troon North Resort, it does contain a table showing the zoning, acreage, and intensity for the overall 2,500-acre Troon development. This table also contains two entries for Parcel V - one for Parcel V2 that provides for 424 units on 31 acres for a density of 6.14 units per acre (which cannot be correct based on the math) and one for Parcel V1 that provides for 315 units on 38 acres for a density of 8.29 acres. See Exhibit 13. The reason for inconsistencies between the tables in Case No. 3-

1994, there were 585 units approved for a 69-acre Parcel V. Even assuming that Case No. 43-ZN-1994 applies and that this is the correct density from the table for Case No. 43-ZN-1994, a maximum of 22 units can be allocated to the Property based upon the Property's pro rata share of the maximum density of 585 units on 69 acres (8.5 units per acre x 2.55 acres = 22 units).

V. Even if the limit of 22 units does not apply, the maximum number of units allowed on the Property under the existing R-4R zoning and the ESL regulations is 27.

A. The maximum number of units allowed under the Property's R-4R zoning is 27.

Regardless of whether Case No. 3-ZN-1994 or Case No. 43-ZN-1994 applies, and even if the maximum density of 22 units does not apply, the Property is zoned R-4R. Absent a density transfer, density is capped at that allowed under the Property's R-4R zoning. The R-4R development standards require a minimum gross land area per guest room of 4,100 square feet, which converts to 10.6 guest rooms per acre.[25] Assuming that the Property consists of 2.55 acres, the maximum density is 27 (10.6 guest rooms per acre x 2.55 acres = 27 guest rooms). Numerous provisions of the R-4R district regulations were amended in Case No. 3-ZN-1994, but the density of 4,100 square feet per guest room was not amended. The only way to exceed this density is by transferring density pursuant to A.R.S. § 462.01.A(12) and Section 6.1081 of the Zoning Ordinance or by rezoning the Property.

B. The maximum number of units allowed under the City's ESL regulations is 27.

The applicant has elected to be governed by the City's ESL regulations.[26] Regardless of whether Case No. 3-ZN-1994 or Case No. 43-ZN-1994 applies, according to the ESL regulations[27] the intensity of development is determined by the underlying zoning district and shall not exceed the maximum provided in the table in Section 6.1081. In the R-4R District, that maximum number of units is 10.62 guest rooms per acre. Therefore, the maximum number of units allowed on the 2.55-acre Property under the ESL regulations would be 27 (10.62 guest rooms per acre x 2.55 acres = 27 guest rooms), even if the cap of 22 units discussed above does not apply, unless a density transfer is used pursuant to Arizona law or the Zoning Ordinance.

VI. Conclusion

The applicant has relied on a transfer of density from other parcels in seeking approval for 62 units on the Property. However, such a transfer is not allowed under Arizona law and the

---

ZN-1994, Case No. 43-ZN-1994, and Case No. 45-ZN-1990#2, is difficult to understand, especially since they appear to have been approved only about a month apart by the same staff person.

[25] Whether under Section 4.904.C of the R-4R amended development standards approved in Case No. 3-ZN-1994 or under Section 5.904.C of the Zoning Ordinance, the resort density is the same – at least 4,100 square feet for each guest room (or 10.62 guest rooms per acre).

[26] See Exhibit 5.

[27] Section 6.1050 of the Zoning Ordinance.

City's Zoning Ordinance absent the consent of any sending property owners and compliance with other procedural requirement. Based on the allocation of units approved for the Property in Case No. 3-ZN-1994, or a pro rata allocation of density set forth in Case No. 43-ZN-1994, the maximum number of units allowed on the Property is 22. Alternatively, the maximum number of units allowed on the Property under the applicable R-4R zoning and the City's ESL regulations is 27.

We have been advised by City staff that there is no filing fee for this zoning interpretation request; if a fee does apply, please let us know and it will be promptly remitted. We filed a public records request with the City on July 11, 2017, that requested access to the City's paper files for Case No. 43-ZN-1994, Case No. 28-UP-1994, Case No. 89-DR-1995, and Case No. 28-DR-1989; the City has not yet provided us with access to these paper files and we reserve the right to supplement this letter after we have an opportunity to review these files. Finally, we understand that the applicant's site plan has been scheduled before the DRB on September 7, 2017, so we ask for your interpretation prior to that date.

Sincerely,

Doug Jorden

Douglas A. Jorden

Enclosures

DAJ/eaa

cc (w/encl.): Jeff Barnes
Manny Siprut
Phil Dunn
Harold Nidetz
Scott Carpenter
Arianne Ahlvin

EXHIBIT 1

CITY COUNCIL ACTION REPORT

TO: MAYOR AND CITY COUNCIL DATE: 4/5/94
FROM: PLANNING & COMMUNITY DEVELOPMENT
SUBJECT: CASE 2-GP-94 & RESOLUTION NO. 4015 &
3-ZN-94 & ORDINANCE NO. 2650

AGENDA ITEM NO. 22
DON HADDER
JOHN FARAMELLI STAFF

REQUEST: General Plan amendment from 2 to 4 du/ac to Resort; and rezoning from R1-7 ESL HD (Single-Family Residential/Environmentally Sensitive Lands/Hillside District) to R4-R ESL HD (Resort District/Environmentally Sensitive Lands/Hillside District) with amended development standards

LOCATION: Troon North Resort, Parcels V1 and V2

APPLICANT: Larson, Voss Associates
16212 Red Mountain Trail
Fountain Hills, AZ

OWNER: Diamond Land Investments, LC
3101 N. Central, #1030
Phoenix, AZ

PLANNING COMMISSION RECOMMENDATION: APPROVE by a vote of 5-1 (Commissioner Simonson abstained) subject to the attached stipulations and ADOPT Resolution No. 4015 and Ord. No. 2650 affirming these cases.

STAFF RECOMMENDATION: Per the Planning Commission

CONCURRENCE: None required

PUBLIC COMMENT: A representative of the area homeowners association spoke in favor of the process and the plan.

ZONING HISTORY: Annexed as R1-190 in 1983. Rezoned to R-4R and R1-7 in case 87-Z-85

SITE DETAILS

USE: Resort, townhouse, casita residential units
PARCEL SIZE: 55± gross acres
DENSITY 7.7±/ac.
OTHER: 17.4 ac. natural area (32%)

HEIGHT: 30 ft. maximum
SETBACKS: Per site plan, amended standards and stipulations

GENERAL PLAN DISCUSSION:

Reflecting the current zoning categories, the current General Plan shows the north end of the site as resort and the south part as 2-4 du/ac residential. This proposal would in effect turn the entire site into the Resort Land Use Category. In the original plan, the medium density residential area was conceived as a support, adjunct use to the resort use. This revision technically changes the Land Use Plan map but in concept maintains the idea and intent of the plan.

APPROVED
10/10/94 DH
DATE INITIALS

ACTION TAKEN

S355754 (6-90)

STIPULATIONS FOR CASE 2-GP-94 & 3-ZN-94

ZONING/DEVELOPMENT

1. Development shall be in substantial conformance with the submitted plan and development program except as modified by the following stipulations. Any proposed significant change, as determined by the Planning and Community Development Administrator shall require approval through a subsequent public hearing.

   The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, NAOS requirements and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.

2. Maximum densities and dwelling unit counts shall be as indicated on the approved development plan except that in no case shall be unit count exceed 385 (for units which are not used or available as resort rooms) and 424 units maximum (of which at least 90 units shall be used as resort rooms) without a subsequent public hearing. The specific location of each parcel shall be determined at the time of site plan review. Redistribution of the units is subject to maximum densities and Project Coordination staff approval. All such requests shall include a revised master development plan and a revision to the table on page 2 indicating the parcels with the corresponding reduction/increase.

Parcel	Gross Acres	Zoning	Proposed DU/AC	Max. DU/AC	Proposed # Units	Max. # Units
1	14.68	R4-R HD	7/ac	7/ac	100	100
2	12.40	R4-R HD	8/ac	8/ac	100	100
3	10.20	R4-R HD	7/ac	7/ac	72	72
4	10.00	R4-R HD	10/ac	10/ac	99	99
5	3.42	R4-R HD	10/ac	10/ac	31	31
6	1.49	R4-R HD	15/ac	15/ac	22	22
TOTAL	52.19		7.7/ac		424	385/424*

* The proposed unit count of 424 represents a mix of residential and resort units. The 385 unit maximum is the maximum allowed for residential units. If the residential units were all converted to resort units the maximum would be 550 units.

ATTACHMENT A

10/10/94 DK
DATE

3. Adoption of the zoning shall occur on individual parcels as each parcel is approved for development and prior to issuance of permits. A legal description of each parcel shall be provided prior to zoning adoption.

4. A scenic setback with an average width of fifty (50) feet and a minimum width of forty (40) feet shall be provided for all buildings, walls, parking lots, signage or other development improvements along Dynamite Boulevard. This setback is to be left in a natural condition or revegetated with approval from the Development Review Board. This width is to be measured from the outside edge of the road right-of-way. The minimum width of the setback may be reduced by the Development Review Board if protection of significant natural features can be better achieved. This may be applicable as required N.A.O.S. for the adjacent parcels.

5. The proposed amended development standards for R4-R shall be amended per the applicants submitted standards, attached. Any further reductions shall be approved at a subsequent public hearing.

HILLSIDE ENVIRONMENT

1. All washes with a 100 year flow of 750 cfs or greater shall be designated as Vista Corridors and preserved in a natural state as determined by the Development Review Board. A scenic easement with an average width of 100 feet shall be provided along these washes concurrent with any other easements. The scenic easement shall include the washes major vegetation and low flow channels. If there are areas within thee washes which are disturbed by development proposed by this case, the wash areas shall be restored as closely as possible to their natural, pre-development state. The location and treatment of the Vista Corridor shall be approved prior to site plan or preliminary plat approval on the adjacent parcels.

2. Any proposed alteration to the natural state of washes with a 100 year flow of 50 cfs or greater or proposed improvements within these washes shall be subject to Project Review staff approval.

3. The design and construction of walls, as defined Section 3.100 of the Zoning Ordinance, along the Vista Corridor wash shall comply with the following standards:

   a. The location of the top of the bank of the wash shall be continuous up the bank to the approved corridor alignment.
   b. The Natural Area/Vista Corridor easements of the wash shall be continuous up the bank to the approved corridor alignment.
   c. Walls shall be located only within approved building envelopes.
   d. The color and materials of the wall shall match the exterior materials of the house or blend into the natural terrain.

10/10/94 DN
DATE INITIALS

STIPULATIONS FOR CASE 45-Z-90 (3-ZN-94)

ZONING/DEVELOPMENT PLAN

1. Development shall be in general conformance with the submitted plan of development except as modified by the stipulations.

2. The zoning districts, maximum land use intensities and dwelling and room totals shall be as shown on the following table except as modified below. the specific location and boundaries of each parcel shall be determined at the time of site plan approval for the parcel. The zoning for each parcel shall be adopted prior to the issuance of building permits on the parcel except for parcels V1, V2, either golf course, or any master planned community common facilities. With the action for adoption of each parcel the applicant shall submit a revised master development plan and land use data table indicating the final status of the parcel.

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
A	R1-35 HD/HC	158	113 DU	.72 DU/AC
B	R1-43 HD/HC	180	100 DU	.56 DU/AC
C	R1-70 HD/HC	117	47 DU	.40 DU/AC
D	R1-18 HD/HC	207	404 DU	1.95 DU/AC
E	R1-18 HD/HC	118	139 DU	1.18 DU/AC
F	R1-18 HD/HC	121	208 DU	1.72 DU/AC
G	R1-70 HD/HC	86	42 DU	.49 DU/AC
H	R1-18 HD/HC	62	85 DU	1.37 DU/AC
I	R-4 HD/HC	62	218 DU	3.52 DU/AC
J	R-4 HD/HC	30	98 DU	3.27 DU/AC
K	R1-7 HD/HC	51	68 DU	1.33 DU/AC
L	R1-18 HD/HC	62	84 DU	1.35 DU/AC
P	R1-35 HD/HC	40	35 DU	.88 DU/AC
S	R1-7 HD/HC	57	143 DU	2.50 DU/AC
U1	R1-70 HD/HC	10	5 DU	.48 DU/AC
U2	R1-70 HD/HC	19	9 DU	.48 DU/AC
~~-V2~~	~~R1-7-HD/HC~~	~~-31~~	~~144-DU~~	~~4.65-DU/AC~~
V1/V2	R-4R HD/HC	55	385 DU/424 W/RESORT	
AA	R1-18 HD/HC	232	432 DU	1.88 DU/AC
SUBTOTAL:		1,643	~~2.515 2,374-DU~~ 1.60	~~1.45-DU/AC~~

38 pp 45
parcel V1 – 67 units proposed

APPROVED
10/10/94 DH
DATE INITIALS

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
~~V1~~	~~R-4R-HD/HC~~	~~34~~	~~288-RM~~	~~8.24-RM/AC~~
CC	R-4R HD/HC	74	525 RM	7.14 RM/AC
SUBTOTAL:		108	~~885-RM~~ 525 (+90 - SEV V1/V2)	7.49 RM/AC
M	C-O HD	10		.20 F.A.R.
N	PCC HD	20		.25 F.A.R.
O	C-O HD	5		.25 F.A.R.
Q	S-R HD/HC	12		.25 F.A.R.
T	C-2 HD/HC	13		.20 F.A.R.
X	C-2 HD	20		.25 F.A.R.
Y	C-2 HD	12		.30 F.A.R.
SUBTOTAL:		92		
Z	OS HD	23		
PK/SC	OS HD/HC	37		
PK	OS HD/HC	185		
NGC	OS HD/HC	162.5		
SGC	OS HD/HC	155		
STREETS DEDICATED AS OF APPLICATION SUBMITTAL		52		
SUBTOTAL:		614.5		
TOTAL ACREAGE:		2,457.5		

* Adjustments to the proposed units allowed in column 4 and proposed density in column 5 may be approved by project coordination staff subject to the following conditions:

a. The total dwelling units and resort rooms for the overall project are not increased;

b. A specific site plan has been submitted and reviewed on-site verifying that the proposed change is environmentally sensitive and provides appropriate land use relationships;

c. The maximum change for parcels A, B, C, G, U, and AA is less than 10% for other parcels is less than 20%;

d. That the maximum density set by the underlying zone are not exceeded; and

e. That the applicant submits a revised master development plan and land use table for approval.

Any other changes or appeals to staff decisions regarding proposed changes are subject to public hearing review and approval by the city council.

Note: The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, NAOS requirements, and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.

3. The property development standards for the zoning districts shall be amended as submitted except as modified by the following stipulations:

a. Detached guest houses shall not be permitted on lots less than 18,000 square feet in size.

b. If guest houses on a parcel are intended to have cooking facilities, the applicant shall submit for rezoning to R-2. The R1 development standards shall apply to R-2 lots. Both dwellings shall meet the required front, side and rear yard requirements.

4. Within the 3 acre minimum lot size area shown on the submitted development plan, the improvement envelope shall be set back an average of 80 feet from the project perimeter. An 80 feet minimum improvement envelope setback shall be provided along the project perimeter on parcels A, B, G and H where the parcels are adjacent to R1-190, R1-130, R1-70, R1-43, or R1-35 zoning.

5. The site plan for the commercial, resort and office sites shall be approved through the public hearing process. The museum site shall obtain use permit approval through the public hearing process. The use permit application shall include ownership, use and role of the City in the operation (if any). Note - completed as a condition of sale.

6. The Vista Corridor Washes shall be maintained by a homeowners association. Proof that such an association has been established shall be required prior to issuance of any single family building permits on any plat adjacent to a Vista Corridor.

B. The south resort site shall begin construction within ten years of the date of council approval of case 28-Z-89 and shall proceed to completion in a diligent manner. If construction has not commenced on the south resort within the specific time frame the south resort site shall be deeded to the city for development of a resort hotel. A minimum of fifty percent (50%) of total play time on the south golf course shall be reserved for the south resort site. At least fifty percent (50%) of the total play time on the south golf course shall be available for general public play until such time as the south resort construction has begun.

11. Lot lines on a recorded plat may extend into the HC area. If development standards require minimum lot sizes, property beyond the no-development line shall not be included in the required area of any Hillside development parcel.

12. Density will be based on the gross development area on each parcel. Future determination of the "no-development line" will not affect the total number of units approved for each parcel or the project as a whole, but may require adjustments to the approved zoning on some parcels.

13. The applicant understands and acknowledges that the natural area open space requirements within developable areas are in addition to any area designated Hillside Conservation (HC).

14. Golf course development shall be in substantial general conformance with the site plan submitted as part of this application. Lighting of the driving range(s) shall be prohibited. The location of the half-way house and maintenance facilities shall be determined at the time of development review. The golf course site plan and the exterior design of the clubhouse, maintenance facilities, and other related facilities, including the color and physical character of the facilities, shall be subject to Development Review Board approval. The Development Review Board shall pay particular attention to the following:

a. A detailed study showing the peak day and average day water demand, and area in turf, revegetated and natural desert
b. Design and layout of the parking lot for the golf course clubhouse to ensure minimal cuts and fills and a design which compliments the natural topography of the site
c. Cart path locations and street crossings
d. Proposed lighting
e. Driving ranges
f. Public address systems to insure minimal noise pollution

15. All improvement plans for common open space or common service amenities and buildings, including the landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included), major drainage ways, wall designs, etc., shall be approved by the Development Review Board.

TROON NORTH RESORT (PARCELS V1 & V2)
AMENDED DEVELOPMENT STANDARDS
PREPARED: 01/17/94

Sec. 5.900. (R-4R) resort district.

Sec. 5.901. Purpose.

The resort district is intended primarily to provide for accommodations for seasonal visitors. The controlled access, deep setbacks and landscaping requirements are intended to enhance the value, safety and aesthetic quality of both the highway frontage and the adjacent residentially-zoned property.

Sec. 5.902. Approvals required.

A. *No structure or building shall be built or remodeled upon land in the R-4R district until development review (board) approval has been obtained as outlined in article, section 1.400 hereof.*

B. Tentative plan at time of rezoning.

1. The planning commission or city council may require any application for rezoning to resort district to be accompanied by a tentative overall development plan which shall show the following:
   a. Topography.
   b. Proposed street system.
   c. Proposed block layouts.
   d. Proposed reservation for parks, parkways, playgrounds, recreation areas and other open spaces.
   e. Off-street parking space.
   f. Types of buildings and portions of the area proposed therefor.
   g. Locations of buildings, garages and/or parking spaces.
   h. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed building types.
   i. A tabulation of overall density per gross acres.
   j. Preliminary plans and elevations of proposed major buildings and any proposed dwelling types.
2. The approved development review plan must substantially conform to the plan submitted at the time of rezoning.

Sec. 5.903. 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:

1. Resorts.
2. Hotels.
3. Motels.
4. Guest ranches.
5. Commercial uses apurtenant thereto, such as restaurants, cocktail lounges, small retail shops; provided that the entrance to any such appurtenant use shall be from the lobby, arcade or interior patio.
6. Dwelling units having either party walls or walled courtyards made available for rent, lease or sale.
7. Accessory buildings and uses customarily incidental to the permitted uses, including private garage, home occupations, swimming pool, recreation buildings and walled driveway entrance.
8. Municipal uses.
9. Timeshare project.

10/10/94
DATE INITIALS

B. Permitted uses by conditional use permit.
1. Church.

Sec. 5.904. Property development standards.

The following property development standards shall apply to all land and buildings in the R-4R district:

A. *Lot area(RESORT).* The overall site shall contain a minimum of seven and one-half (7 1/2) acres prior to street dedications.

LOT AREA (SINGLE FAMILY). **EACH LOT SHALL HAVE A MINIMUM AREA OF NOT LESS THAN THREE THOUSAND (3,000) SQUARE FEET.**

B. *Lot dimensions.*
1. Width **(RESORT).** The overall site shall have a minimum width of ~~three hundred (300)~~ **ONE HUNDRED (100) FEET OR FIFTY (50) FEET ADJACENT TO O-S OR H.C. AREAS.**
2. WIDTH (SINGLE FAMILY). ALL LOTS SHALL HAVE A MINIMUM WIDTH OF THIRTY-FIVE (35) FEET. ALL CORNER LOTS AT THE INTERSECTION OF TWO (2) STREETS SHALL HAVE A MINIMUM WIDTH OF FORTY-FIVE (45) FEET.
3. LOT DEPTH (SINGLE FAMILY). ALL LOTS SHALL HAVE A MINIMUM DEPTH OF SIXTY (60) FEET.
4. FLAG LOTS (SINLGE FAMILY). FLAG LOTS ARE ALLOWED WITH A MINIMUM OF TWENTY (20) FEET MEASURED AT THE ADJACENT STREET R.O.W. LINE OF THE SUBJECT LOT.

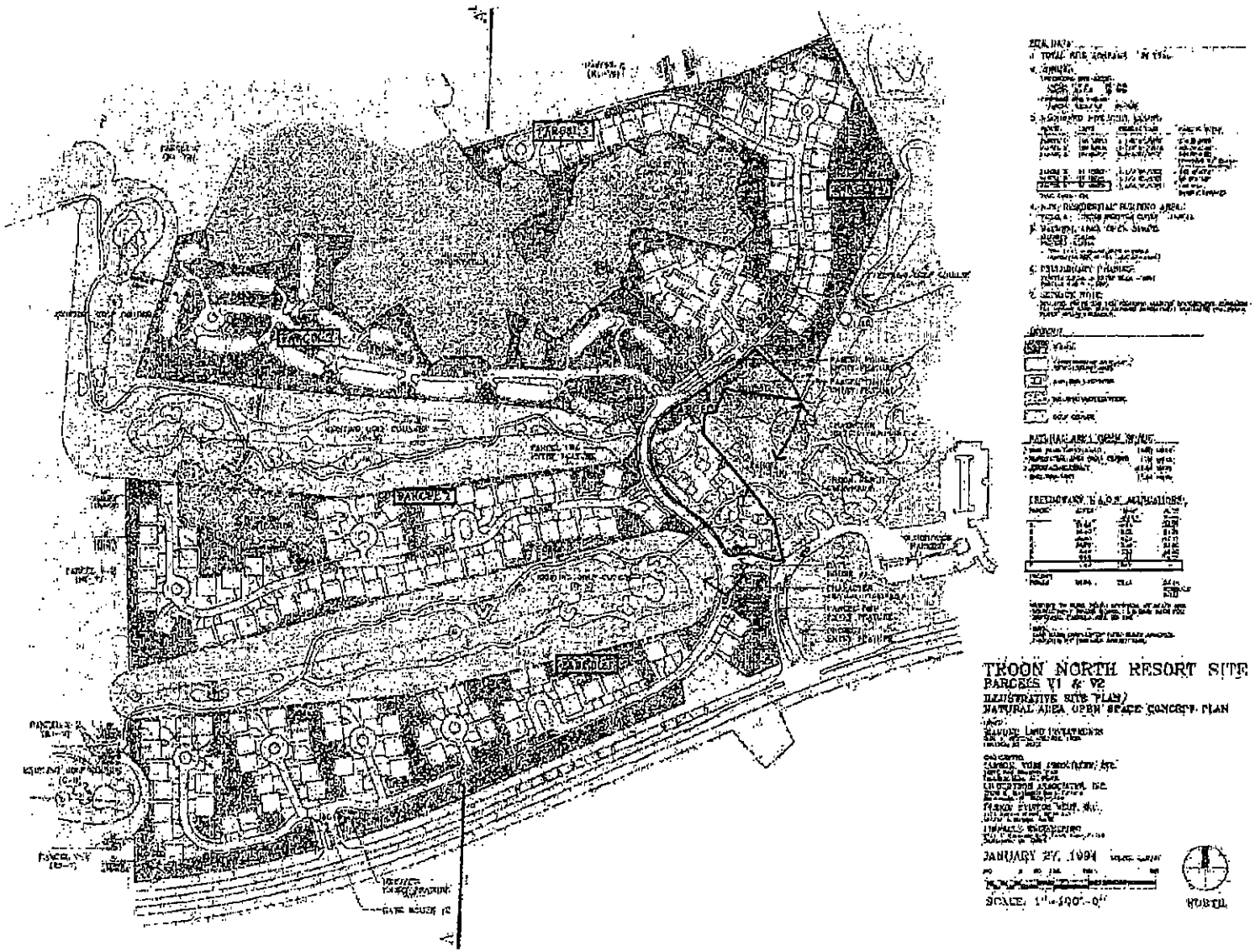
C. ~~*Density(RESORT).*~~
1. ~~The minimum gross land area per guest room shall be four thousand one hundred (4,100) square feet.~~
2. The minimum gross land area per dwelling unit having either party walls or walled courtyards made available for rent, lease or sale shall be five thousand seven hundred seventy (5,770) square feet.
3. Buildings may cover an aggregate area of ~~twenty-five (25)~~ **THIRTY-FIVE (35%)** percent excluding parking areas.
4. The city council may regulate concentrations of density by site plan approval.

DENSITY (SINGLE FAMILY). **THERE SHALL NOT BE MORE THAN ONE (1) SINGLE FAMILY DWEELING ON ANY ONE (1) LOT.**

D. *Building height.*
1. No building shall exceed ~~thirty-five (35)~~ **THIRTY (30)** feet in height.

E(1). *Overall side yard requirements (RESORT).*
1. There shall be a yard a minimum of ~~thirty (30)~~ **OF TEN (10) FEET WITH AN AVERAGE OF THIRTY (30)** feet in depth adjacent to all perimeter property lines, including property lines abutting perimeter streets, except that the minimum yard shall be only twenty (20) feet adjacent to those perimeter property lines that abut districts other than R-1, **EXCEPT THAT THE MINIMUM YARD SHALL BE ZERO (0) FEET ADJACENT TO OTHER R4-R DISTRICTS AND FIVE (5) FEET ADJACENT TO O-S AND HILLSIDE CONSERVATION (HC) USES.**
2. Within ~~one hundred (100)~~ **FIFTY (50)** feet of any perimeter street or any R-1 district boundary line all buildings shall be:

ADOPTED
10/10/94 DH



TROON NORTH RESORT SITE
PARCELS V1 & V2
ILLUSTRATIVE SITE PLAN/
NATURAL AREA OPEN SPACE CONCEPT PLAN

JANUARY 27, 1994

SCALE: 1"=100'-0"

NORTH

3-ZN-94 2/25/94

EXHIBIT 2

TO: PLANNING COMMISSION **DATE:** 9/12/94
FROM: PROJECT COORDINATION
SUBJECT: **CASE** 43-ZN-94 & 28-UP-94

REQUEST: Rezone from R1-7, R1-18, R1-43, R1-70 ESL (HD/HC) (All Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to O.S. ESL (HD/HC) (Open Space/Hillside District/Hillside Conservation) on parcel GC2; for rezoning from R1-70 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R1-43 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) on Parcel G; for rezoning from R1-7 ESL/HD/HC (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R1-18 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) on Parcel K; for rezoning from R1-70 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R-4R ESL (HD/HC) (Resort District in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) for Parcel V: all on a 212± acre parcel, including a 134± acre parcel for a golf course; and Use Permit approval for a golf course

LOCATION: The general vicinity of Dynamite Boulevard and 100th Street

APPLICANT: Ron Despain
8711 E. Pinnacle Peak Rd
Scottsdale, AZ

OWNER: PPVN Developments Limited Partnership
8711 E. Pinnacle Peak Rd.
Scottsdale, AZ

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations

CONCURRENCE: None required

PUBLIC COMMENT: No known opposition

ZONING HISTORY: The property was annexed as R1-190 in 1983. Beginning in 1984 a number of Master Planned concepts have been zoned for the site, with the most recent major update occurring with Case 28-ZN-90.

SITE DETAILS
USE: Single family, golf course
PARCEL SIZE: 800-900 acres net
DENSITY: 1.0 du/ac overall

GENERAL PLAN DISCUSSION:

The General Land Use Plan follows the current zoning layout of the plan. Although shifts in density will be occurring the overall density will remain unchanged. The expanded golf area will be most noticeable on the new north nine holes since the new south nine holes were shown previously as part of the "Estancia" project golf course. The general concept for the project remains essentially the same.

PROJECT DISCUSSION:

The request is to rezone portions of the Troon North development and refine the plan on other portions in order to accommodate the addition of about 11 new holes of golf within the development. Much of the project currently under development, including parcels D, V, F, H, E and A will not be affected by the proposal.

The expanded golf course will occupy roughly the same area that was previously shown as part of the "Estancia" project golf course south of Dynamite. A new group of nine holes will be located in the north central part of the development.

Minor increases in density will occur in parcels C, L, P and S. Somewhat more significant increases will occur in parcels A, B, G and K. The proposed development plan includes more specific buffering criteria in lot size and N.A.O.S. buffers on the east, north and west sides of the development.

COMMUNITY IMPACT:

The expanded golf course will be required to be part of the reuse system. The golf course will provide opportunities for public and resort play. No net increase in traffic or infrastructure impacts will result from the proposed changes. The overall amount of open space will increase.

Don Hadder
Project Coordination Manager

John Faramelli
Community Development Administrator

ATTACHMENTS: A - Stipulations
#1 - Aerial
#2 - Zoning Map
#2A - Zoning Map
#3 - Development Plan & Open Space/Natural Areas Map

Coordinator: Don Hadder, 994-2352

COUNCIL ACTION REPORT

TO: MAYOR AND CITY COUNCIL **DATE:** 9/20/94
FROM: PLANNING & COMMUNITY DEVELOPMENT
SUBJECT: CASE 43-ZN-94 & ORDINANCE NO. 2707 & 28-UP-94

AGENDA ITEM NO. 16
DON HADDER
JOHN FARAMELLI
STAFF

REQUEST: Rezone from R1-7, R1-18, R1-43, R1-70 ESL (HD/HC) (All Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to O.S. ESL (HD/HC) (Open Space/Hillside District/Hillside Conservation) on parcel GC2; for rezoning from R1-70 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R1-43 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) on Parcel G; for rezoning from R1-7 ESL/HD/HC (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R1-18 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) on Parcel K; for rezoning from R1-70 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R-4R ESL (HD/HC) (Resort District in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) for Parcel V: all on a 212± acre parcel, including a 134± acre parcel for a golf course; and Use Permit approval for a golf course

LOCATION: The general vicinity of Dynamite Boulevard and 100th Street

APPLICANT: Ron Despain
8711 E. Pinnacle Peak Rd
Scottsdale, AZ

OWNER: PFVN Developments Limited Partnership
8711 E. Pinnacle Peak Rd.
Scottsdale, AZ

PLANNING COMMISSION RECOMMENDATION: APPROVE subject to the attached stipulations by a vote of 6-0 with Commissioner Simonson abstaining and ADOPT Ordinance No. 2707 affirming this case.

STAFF RECOMMENDATION: Per Planning Commission

CONCURRENCE: None required

PUBLIC COMMENT: No known opposition

ZONING HISTORY: The property was annexed as R1-190 in 1983. Beginning in 1984 a number of Master Planned concepts have been zoned for the site, with the most recent major update occurring with Case 28-ZN-90.

SITE DETAILS
USE: Single family, golf course
PARCEL SIZE: 800-900 acres net
DENSITY: 1.0 du/ac overall

GENERAL PLAN DISCUSSION:

The General Land Use Plan follows the current zoning layout of the plan. Although shifts in density will be occurring the overall density will remain unchanged. The expanded golf area will be most noticeable on the new north nine holes since the new south nine holes were shown previously as part of the "Estancia" project golf course. The general concept for the project remains essentially the same.

ACTION TAKEN _____ DATE 10/10/94 INITIALS PH

S355754 (6-90)

PROJECT DISCUSSION:

The request is to rezone portions of the Troon North development and refine the plan on other portions in order to accommodate the addition of about 11 new holes of golf within the development. Much of the project currently under development, including parcels D, N, I, H, M and F will not be affected by the proposal.

The expanded golf course will occupy roughly the same area that was previously shown as part of the "Estancia" project golf course south of Dynamite. A new group of nine holes will be located in the north central part of the development.

Minor increases in density will occur in parcels C, L, P and S. Somewhat more significant increases will occur in parcels A, B, G and K. The proposed development plan includes more specific buffering criteria in lot size and N.A.O.S. buffers on the east, north and west sides of the development.

COMMUNITY IMPACT:

The expanded golf course will be required to be part of the reuse system. The golf course will provide opportunities for public and resort play. No net increase in traffic or infrastructure impacts will result from the proposed changes. The overall amount of open space will increase.

Greg Larson, General Manager
Planning & Community Development

Richard A. Boyers
City Manager

ATTACHMENTS:
A - Stipulations
#1 - Aerial
#2 - Zoning Map
#2A - Zoning Map
#3 - Development Plan & Open Space/Natural Areas Map
#4 - Ordinance No. 2707
Exhibit A#1 - Existing Zoning Map
Exhibit A#2 - Existing Zoning Map
Exhibit A#3 - Proposed Zoning Map
#5 - General Plan Map
#6 - Planning Commission Minutes 9/12/94

APPROVED
10/10/94 DL
DATE INITIALS

S355756 (06/89)

STIPULATIONS FOR CASES 45-8-90 43-ZN-94

NOTE: CHANGES MADE AT PLANNING COMMISSION ARE NOTED IN BOLD, CAPS AND UNDERLINE

ZONING/DEVELOPMENT PLAN

1. Development shall be in **general** SUBSTANTIAL conformance with the submitted plan and development **PROGRAM** except as modified by the FOLLOWING stipulations. **ANY PROPOSED SIGNIFICANT CHANGE, AS DETERMINED BY THE PLANNING AND COMMUNITY DEVELOPMENT ADMINISTRATOR SHALL REQUIRE APPROVAL THROUGH A SUBSEQUENT PUBLIC HEARING.**

   THE APPLICANT UNDERSTANDS AND AGREES THAT THE APPROVED DENSITY FOR EACH PARCEL IS SUBJECT TO DRAINAGE, TOPOGRAPHY, NAOS REQUIREMENTS AND OTHER SITE PLANNING CONCERNS WHICH WILL NEED TO BE RESOLVED AT THE TIME OF PRELIMINARY PLAT OR SITE PLAN APPROVAL. APPROPRIATE DESIGN SOLUTIONS TO THESE CONSTRAINTS MAY PRECLUDE ACHIEVEMENT OF THE PROPOSED UNITS OR DENSITY ON ANY OR ALL PARCELS.

2. The zoning districts, maximum land use intensities and dwelling and room totals shall be as shown on the following table except as modified below. the specific location and boundaries of each parcel shall be determined at the time of site plan approval for the parcel. The zoning for each parcel shall be adopted prior to the issuance of building permits on the parcel except for parcels V1, V2, either golf course, or any master planned community common facilities. With the action for adoption of each parcel the applicant shall submit a revised master development plan and land use data table indicating the final status of the parcel.

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
A	R1-35 HD/HC	±58 63	80±13 DU	1.10÷72 DU/AC
B	R1-43 HD/HC	±80 57	110±80 DU	.70÷56 DU/AC
C	R1-70 HD/HC	±17 58	30 47 DU	.52÷40 DU/AC
D	R1-18 HD/HC	297 <u>232</u>	<u>411</u>±04 DU	<u>1.85</u>±÷95 DU/AC
E	R1-18 HD/HC	±28 <u>109</u>	<u>128</u>±39 DU	<u>1.17</u>±÷18 DU/AC
F	R1-18 HD/HC	±21 <u>111</u>	<u>194</u>±88 DU	<u>1.75</u>±÷72 DU/AC
G	R1-43R1-70 HD/HC	86 82	55 42 DU	.67÷49 DU/AC
H	R1-18 HD/HC	62	<u>102</u> 85 DU	<u>1.65</u>±÷37 DU/AC
I	R-4 HD/HC	62 <u>65</u>	<u>189</u>±18 DU	<u>2.91</u>3÷52 DU/AC
J	R-4 HD/HC	30 <u>39</u>	<u>107</u> 98 DU	<u>2.74</u>3÷27 DU/AC
K	R1-7 HD/HC	51 16	24 68 DU	1.50±÷33 DU/AC
L	R1-18 HD/HC	62 87	120 84 DU	1.38±÷35 DU/AC
P	R1-35 HD/HC	40 28	27 35 DU	.96 ÷88 DU/AC
R	R1-43 HD/HC	3 <u>0</u>	<u>0</u> 2 DU	.67 DU/AC <u>N/A</u>
S	R1-7 HD/HC	57 50	107±43 DU	<u>2.14</u> 2.742÷59 DU/AC
~~U1~~ <u>U</u>	R1-70 HD/HC	~~19~~ <u>29</u>	<u>14</u> 5 DU	.48 DU/AC
U2 <u>U</u>	R1-70 HD/HC	±9 <u>29</u>	<u>14</u> 9 DU	.48 DU/AC
V2	R-4RR1-7- HD/HC	31 69<u>31</u>	424±44 DU	6.144÷65 DU/AC
AA	R1-18 HD/HC	232	432 DU	1.88 DU/AC
BB	R-4 HD/HC	74	271 DU	3.67 DU/AC
SUBTOTAL:	1,529	1,643	2,374 DU	1.45 DU/AC

ATTACHMENT A

APPROVED
10/10/94 DH
DATE INITIALS

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
(Vi	R-4R HD/HC	346938	585 280 RM 315	8.29 8.48-8.24 RM/AC)
CC	R-4R HD/HC	74	525 RM	7.14
RM/AC				
SUBTOTAL:		108	1,100 805 RM	7.49 RM/AC
M	C-O HD	530		.20 F.A.R.
N	PCC HD	20		.25 F.A.R.
O	C-O HD	5		.25 F.A.R.
Q	S-R HD/HC	12		.25 F.A.R.
T	C-2 HD/HC	13		.20 F.A.R.
X	C-2 HD	20		.25 F.A.R.
Y	C-2 HD	12		.30 F.A.R.
SUBTOTAL:		92		
Z	OS HD	23		
PK/SC	OS HD/HC	37 35		
PK	OS HD/HC	185		
NGC	OS HD/HC	276-362-5 299		
SGC	OS HD/HC	155		
STREETS DEDICATED AS OF APPLICATION SUBMITTAL		52 62		
SUBTOTAL:		614.5		
TOTAL ACREAGE:		2,457.5		

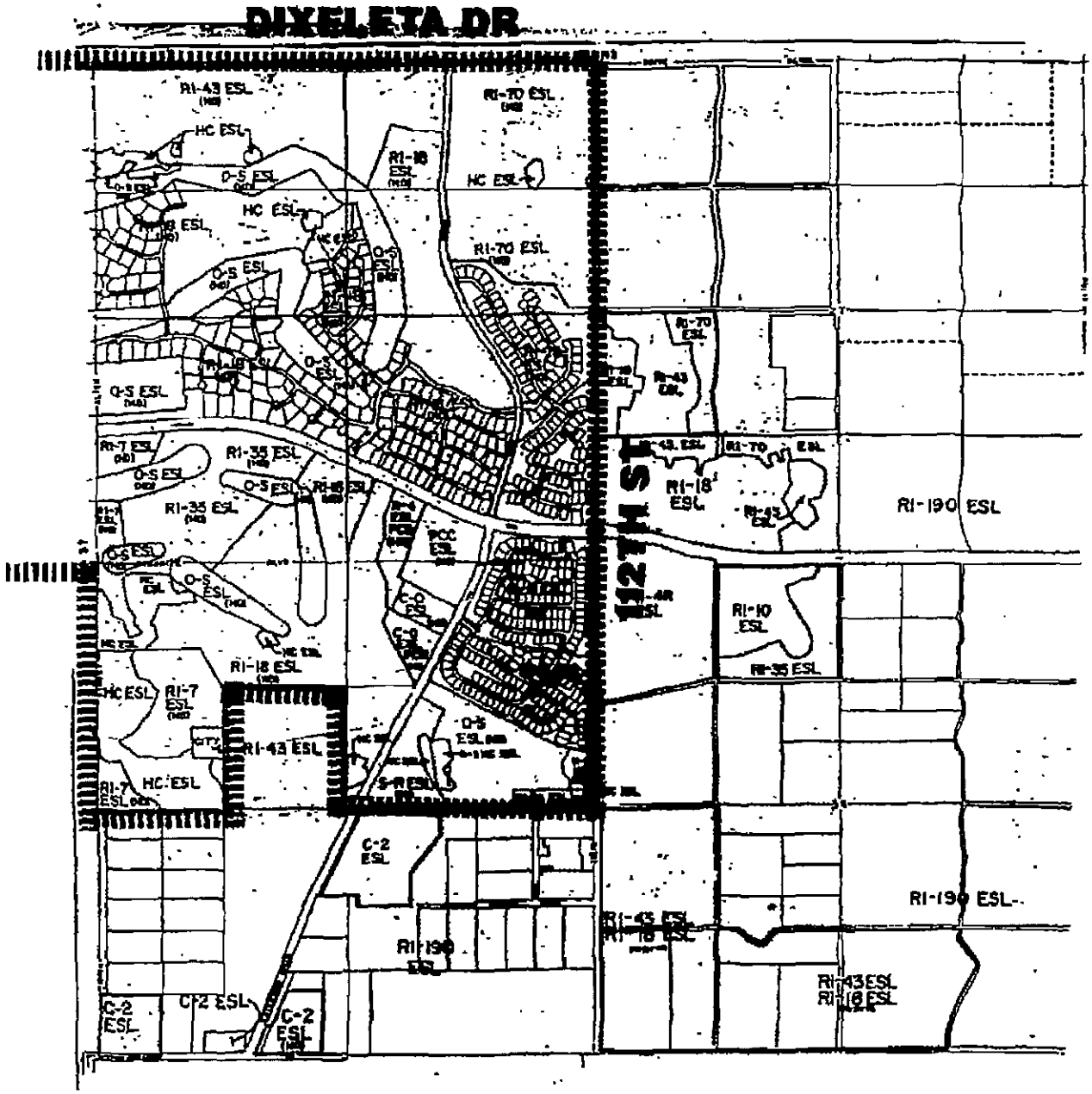
* Adjustments to the proposed units allowed in column 4 and proposed density in column 5 may be approved by project coordination staff subject to the following conditions:

a. The total dwelling units and resort rooms for the overall project are not increased;

b. A specific site plan has been submitted and reviewed on-site verifying that the proposed change is environmentally sensitive and provides appropriate land use relationships;

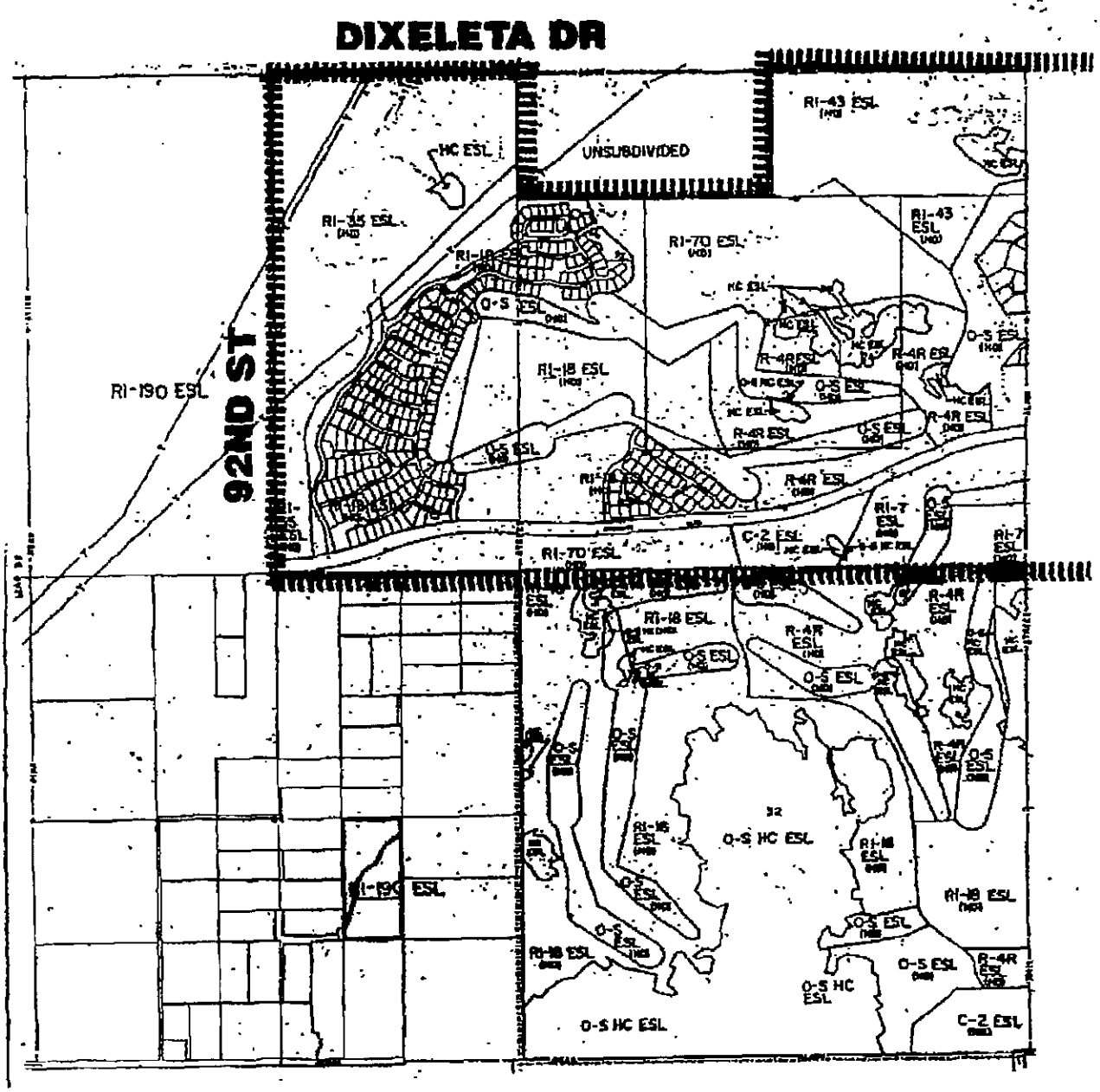
c. The maximum change for parcels A, B, C, G, U, R, and AA is less than 10% for other parcels is less than 20%;

APPROVED
10/10/94 DH
DATE INITIALS



43-ZN-94/28-UP-94
REQUESTS REZONING FROM R1-7, R1-18, R1-43, R1-70 ESL (HD/HC) TO O S ESL
FROM R1-70 ESL (HD/HC) TO R1-43 ESL (HD.HC)
FROM R1-7 ESL/HD/HC TO R1-18 ESL (HD/HC)
FROM R1-70 ESL (HD/HC) TO R-4R ESL (HD/HC)

EXHIBIT A#1



43-ZN-94/28-UP-94

EXHIBIT A#2

EXHIBIT 3

Map

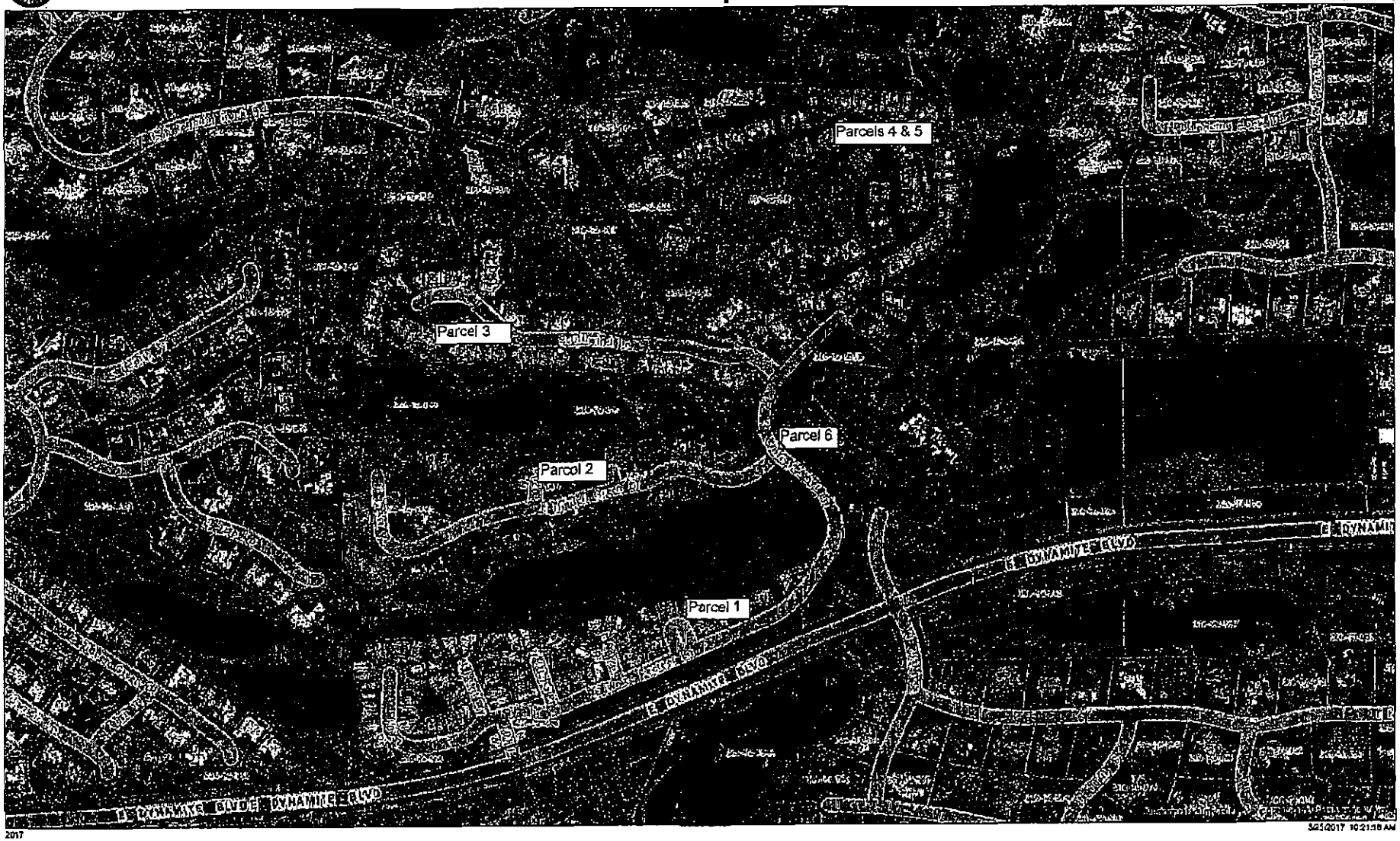

Parcels 4 & 5
Parcel 3
Parcel 6
Parcel 2
Parcel 1
E DYNAMITE BLVD

EXHIBIT 4

CITY COUNCIL ACTION REPORT

TO: MAYOR AND CITY COUNCIL **DATE:** 9/19/89
FROM: PLANNING & ZONING/PROJECT COORDINATION
SUBJECT: **CASE 28-Z-89**

AGENDA ITEM NO. 26.
DON HADDER
DICK CREW RAC
STAFF

REQUEST: To amend a master development plan, stipulations, and development standards for a mixed use development

LOCATION: Surrounding the intersection of Dynamite Boulevard and Alma School Parkway

APPLICANT: Pinnacle Peak Dev. Co.
8787 E. Pinnacle Peak Road
Scottsdale, Az.

OWNER: PPVN Limited Partnership/
Pinnacle Peak Partners
Same

PLANNING COMMISSION RECOMMENDATION: APPROVE subject to the attached stipulations by a vote of 5-0-1 (Commissioner Laraway abstaining.

STAFF RECOMMENDATION: Per the Planning Commission

CONCURRENCE: The Parks Commission reviewed the proposed parks and voted unanimously to support the park concepts and encourage ongoing dialogue with the Cave Creek School District.

PUBLIC COMMENT: Three persons spoke in favor of the proposal while focusing ongoing concerns about follow through trails, limiting density, protection of native plants, dark sky lighting control, drainage control, assuring southwestern building design, control of mass grading, assuring a balanced cost/benefit ratio and development of the desert museum.

GENERAL PLAN: Does not conform (see discussion)
ZONING HISTORY: (see discussion)
SITE DETAILS
USE: Mixed use
PARCEL SIZE: 2430+ acres
DWELLING UNITS: 2,344
DENSITY: .96 du/ac
PARKING REQUIRED: N/A
PARKING PROVIDED: N/A

BUILDINGS: N/A
HEIGHT: 30' maximum
SETBACKS: See stipulations and amended standards

DISCUSSION:

The proposal includes a complex series of adjustments from previously approved plans and involves an extensive history and several significant issues. Therefore the report is divided into sections regarding project history, general plan status, plan concept, infrastructure and analysis.

A. Project History

When Maricopa County established zoning for the general area, the site was zoned Rural-190 which typically results in a density of one house per 5 acres. Surrounding parcels were similarly zoned, however lands one mile to the east, north and south were zoned Rural-43 (a density of slightly less than one house per acre).

ACTION TAKEN Approved 5/0

STIPULATIONS FOR CASES ~~87-Z-85, 65-UP-85, 79-UP-85~~ 28-Z-89

ZONING/DEVELOPMENT PLAN

1. Development shall be in general conformance with the submitted plan of development except as modified by the stipulations.

~~2. Maximum densitites and dwelling unit counts shall be as shown on the approved plan of development. A maximum of 1285 dwelling units shall be permitted on the 1800 acre Pinnacle Peak Village North with a maximum of 740 units north of Dynamite Road alignment. The specific location of each parcel shall be determined at the time of site plan review.~~

2. THE ZONING DISTRICTS, MAXIMUM LAND USE INTENSITIES AND DWELLING AND ROOM TOTALS SHALL BE AS SHOWN ON THE FOLLOWING TABLE EXCEPT AS MODIFIED BELOW. THE SPECIFIC LOCATION AND BOUNDARIES OF EACH PARCEL SHALL BE DETERMINED AT THE TIME OF SITE PLAN APPROVAL FOR THE PARCEL. THE ZONING FOR EACH PARCEL SHALL BE ADOPTED PRIOR TO THE ISSUANCE OF BUILDING PERMITS ON THE PARCEL EXCEPT FOR PARCELS V1, V2, EITHER GOLF COURSE, OR ANY MASTER PLANNED COMMUNITY COMMON FACILITIES. WITH THE ACTION FOR ADOPTION OF EACH PARCEL THE APPLICANT SHALL SUBMIT A REVISED MASTER DEVELOPMENT PLAN AND LAND USE DATA TABLE INDICATING THE FINAL STATUS OF THE PARCEL.

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
A	R1-35 HD/HC	158	113 DU	.72 DU/AC
B	R1-43 HD/HC	180	100 DU	.56 DU/AC
C	R1-70 HD/HC	117	47 DU	.40 DU/AC
D	R1-18 HD/HC	207	404 Du	1.95 DU/AC
E	R1-18 HD/HC	118	167 DU	1.42 DU/AC
F	R1-18 HD/HC	121	208 DU	1.72 DU/AC
G	R1-70 HD/HC	86	42 DU	.49 DU/AC
H	R1-18 HD/HC	62	85 OU	1.37 DU/AC
I	R-4 HD/HC	62	218 DU	3.52 DU/AC
J	R-4 HD/HC	30	98 DU	3.27 DU/AC
K	R1-7 HD/HC	51	68 DU	1.33 DU/AC
L	R1-18 HD/HC	62	84 DU	1.35 DU/AC
P	R1-35 HD/HC	40	35 DU	.88 DU/AC
R	R1-43 HD/HC	3	2 DU	.67 DU/AC
S	R1-7 HD/HC	45	113 DU	2.50 DU/AC
U	R1-70 HD/HC	29	14 DU	.48 DU/AC
V2	R1-7 HD/Hc	31	144 DU	4.65 DU/AC
AA	R1-35 HD/HC	172	161 DU	.94 DU/AC
BB	R-4 HD/HC	74	271 DU	3.67 DU/AC
SUBTOTAL:		1,648	2,374 DU	1.44 DU/AC

ATTACHMENT A

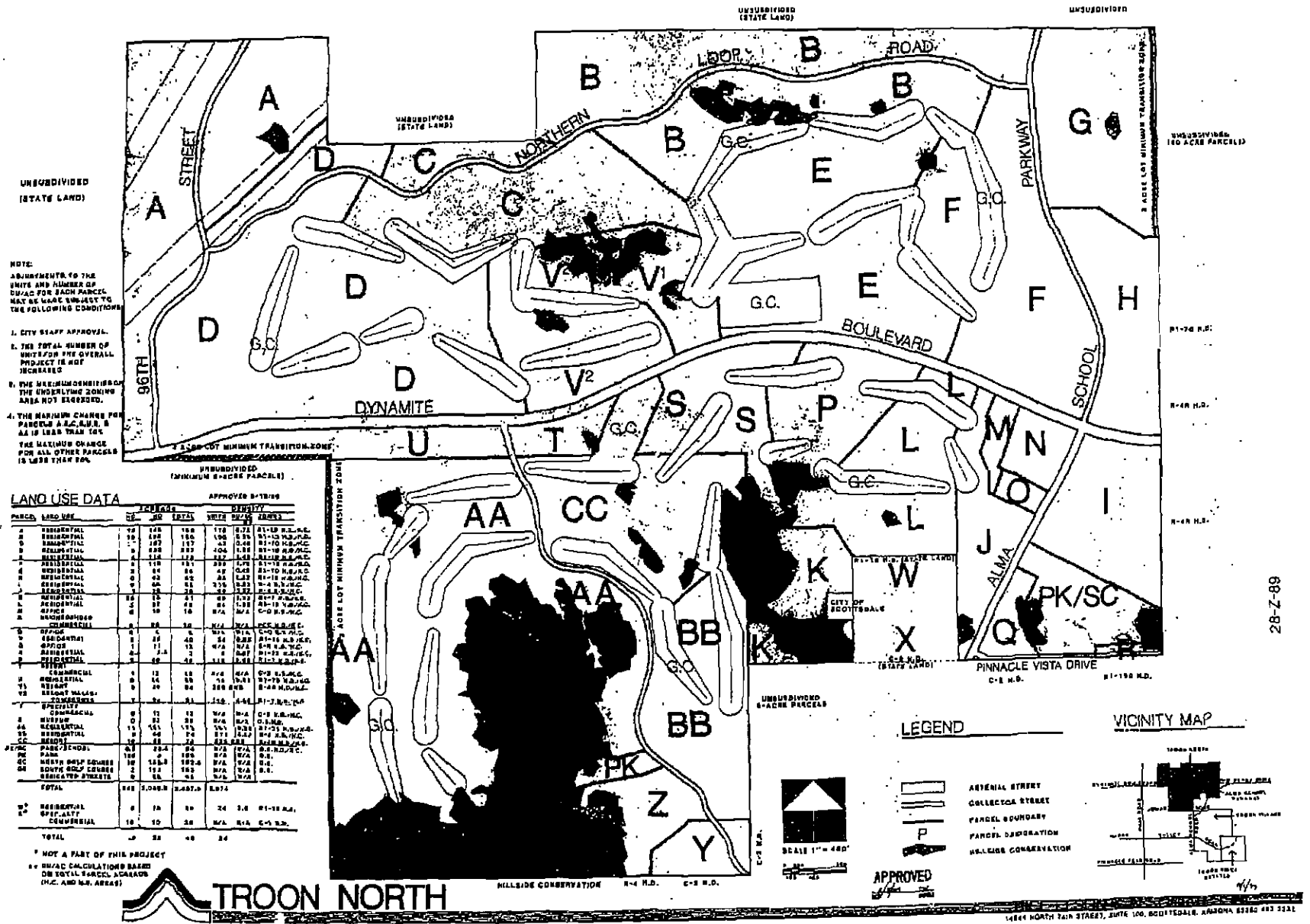
PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
V1	R-4R HD/HC	34	280 RM	8.24 RM/AC
CC	R-4R HD/HC	74	525 RM	7.09 RM/AC
SUBTOTAL:		108	805 RM	7.45 RM/AC
M	C-O HD	10		.20 F.A.R.
N	PCC HD	20		.25 F.A.R.
O	C-O HD	5		.25 F.A.R.
Q	S-R HD/HC	12		.25 F.A.R.
T	C-2 HD/HC	13		.20 F.A.R.
Y	C-2 HD	12		.30 F.A.R.
SUBTOTAL:		72		
Z	OS HD	23		
PK/SC	OS HD/HC	34		
PK	OS HD/HC	185		
NGC	OS HD/HC	162.5		
SGC	OS HD/HC	153		
STREETS DEDICATED AS OF APPLICATION SUBMITTAL		52		
SUBTOTAL:		609.5		
TOTAL ACREAGE:		2,437.5		

* ADJUSTMENTS TO THE PROPOSED UNITS ALLOWED IN COLUMN 4 AND PROPOSED DENSITY IN COLUMN 5 MAY BE APPROVED BY PROJECT COORDINATION STAFF SUBJECT TO THE FOLLOWING CONDITIONS:

A. THE TOTAL DWELLING UNITS AND RESORT ROOMS FOR THE OVERALL PROJECT ARE NOT INCREASED;

B. A SPECIFIC SITE PLAN HAS BEEN SUBMITTED AND REVIEWED ON-SITE VERIFYING THAT THE PROPOSED CHANGE IS ENVIRONMENTALLY SENSITIVE AND PROVIDES APPROPRIATE LAND USE RELATIONSHIPS;

C. THE MAXIMUM CHANGE FOR PARCELS A, B, C, G, U, R, AND AA IS LESS THAN 10% FOR OTHER PARCELS IS LESS THAN 20%;



TROON NORTH
DEVELOPMENT PLAN

14844 NORTH Main STREET, SUITE 100, SCOTTSDALE, ARIZONA 85260 483 3331

EXHIBIT 5

109-PA-2015

Request for Application of ESL Regulations

This is a request to apply the Environmentally Sensitive Lands (ESL) ordinance regulations to the proposed Troon North Resort development. This request is under Zoning Ordinance Section 6.1023.B and is in furtherance of a similar request that was included and approved in the 48-DR-2007 case previously for the same site.

As was previously established, this will allow the proposed development to use the allowed height in the R-4R zoning district (35') in lieu of the 30' limit of the HD overlay district. Furthermore, the applicant understands that this will include a commitment to follow various ESL development standards including the landscaping palette limitations, the LRV limit of 35% and other embedded regulations for outdoor lighting and other such matters.

In regards to the Natural Area Open Space (NAOS) requirement, the requirement will continue to be 34,466 square feet as established in the 48-DR-2007 case. This site is part of the Troon North master planned development and therefore the NAOS requirements were allocated based upon the overall development requirement and an overall allocation system that has been applied to all parcels within the development (refer to 3-ZN-1994).

EXHIBIT 6

March 17, 1994

Mr. Scott A. Kusy
Diamond Land Investment L.C.
8425 La Senda
Scottsdale, AZ 85255

RE: Case No. 3-ZN-94; Interpretation Pursuant to Section 1.706, Scottsdale Zoning Ordinance

Dear Mr. Kusy:

In connection with the above referenced zoning case, Stipulation No. 2 (Zoning/Development) requires that a minimum of ninety (90) resort units be developed.

Pursuant to Section 1.706 of the Scottsdale Zoning Ordinance, this letter will constitute an interpretation to 5.900 et seq. -- the R4-R Zoning District -- and the definition of resort in Section 3400 et seq., the ninety (90) units required pursuant to Stipulation No. 2 (Zoning/Development) may be allocated to seventy (70) units that are made available to the public for stays of fourteen (14) days or less while twenty (20) of those ninety (90) units may be allocated to stays of fourteen (14) days up to thirty (30) days.

Provided that the City Council approves Case No. 3-ZN-94, a copy of this letter will be included in the file. As provided by the Zoning Ordinance in Section 1.505, this interpretation may be appealed to the Board of Adjustment within thirty (30) days of the date of this letter.

Very truly yours,

Don Hadder, Sr.
City of Scottsdale

EXHIBIT 7

Troon North Association

28190 N. Alma School Pkwy.
Suite 211
Scottsdale, AZ 85262
Phone 480-682-4994
Fax 480-551-6034
www.troonnorthhoa.com

May 25, 2017

City of Scottsdale
Planning & Development Services
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251

Re: Case No. 48-DR-2007#2

To Whom It May Concern:

We understand that the zoning stipulations for Case No. 3-ZN-94, which governs a 55-acre development that includes the proposed Troon North Villas project (Parcel 6 in Case No. 3-ZN-94), contains a maximum unit count for the overall development of 385 units (for units not used or available as resort rooms) or 424 units (of which at least 90 units shall be used as resort rooms). A zoning interpretation concerning Case No. 3-ZN-94 dated March 17, 1994, states that the 90 resort rooms may be allocated to 70 units made available to the public for stays of 14 days or less, while 20 units may be allocated to stays of 14 days up to 30 days.

With respect to this 90 resort room requirement, the Troon North Association wanted to let you know that none of the units approved by the City for the other parcels subject to Case No. 3-ZN-94 are available to the public for rent for less than 30 days. These units on other parcels consist of the following:

Development Name	Parcel (per 3-ZN-94)	No. of Units
On the Green at Troon North	1	86[1]
The Ridge at Troon North	2	100
The Golf Villas at Troon North	3	72
Stonedge at Troon North	4 & 5	87
Total:		345

In fact, the CC&Rs for these parcels expressly prohibit rentals of less than 30 days.

Sincerely,

Arianne Ahlvin CMCA, AMS
Troon North Association Community Mgr
For the Troon North Board of Directors

[1] 82 units are approved/existing, while another four units may be added.

{00074008 2}

EXHIBIT 8

BEUS, GILBERT & MORRILL, PLLC.
ATTORNEYS AT LAW

LEO R. BEUS
DAVID V. SANDERSON
SUSAN PLIMPTON SEGAL
PAUL R. MADDEN, P.C.
MARK D. CANDERFIELD
MARK A. MONSERRE
STEPHEN R. BOATWRIGHT
JEFFREY D. GROSS
MARIA CRIMI SPETH
GIL SHUGA
TONY J. RUDMAN

PAUL E. GILBERT
J. TYRRELL TABER
JOHN V. BERRY
LAURIE B. CRAIG
THOMAS J. MORGAN
JOSEPH M. LEAL, III
ANTHONY H. NISSELOINE
CHRISTINE R. TARADASH
RODNEY Q. JARVIS
DENISE L. JACKSON
KEITH A. CALL

K. LAYNE MORRILL
MARTIN A. ARONSON
MICHAEL R. DEVITT
L. RICHARD WILLIAMS
SHELTON L. FREEMAN
SCOTT D. LARMORE
RICK DECALA
DAVID W. NASH
MARC H. HARRIS
DALON J. MORGAN
WILLIAM O. O'NEAL

SUITE 1000 GREAT AMERICAN TOWER
3200 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85012-2417
(602) 274-8888
FAX (602) 234-8883

WRITER'S DIRECT LINE

234-5811
FILE NUMBER

26042-001

March 28, 1994

VIA FACSIMILE

Mr. Donald E. Hadder
Planning and Zoning
City of Scottsdale
7447 E. Indian School Road
Scottsdale, AZ 85251

Re: Case No. 2-GP-94 and 3-ZN-94 -- Troon North Resort

Dear Don:

The purpose of this letter is simply to convey to you information regarding the zoning table contained in the staff report in Case 3-ZN-94.

Our client, Scott Kusy, has informed me that the acreage numbers for Parcels 4, 5 and 6 currently are shown as follows:

Parcel 4	--	10 acres
Parcel 5	--	3.42 acres
Parcel 6	--	1.49 acres

and that those numbers should be amended to reflect the surveys and legal descriptions recently provided to you and should now read as follows:

Parcel 4	--	9.83 acres
Parcel 5	--	3.62 acres
Parcel 6	--	2.35 acres

Don, thank you for your continuing assistance with this project. If you should have any questions, please don't hesitate to call me or Scott Kusy directly.

Very truly yours,

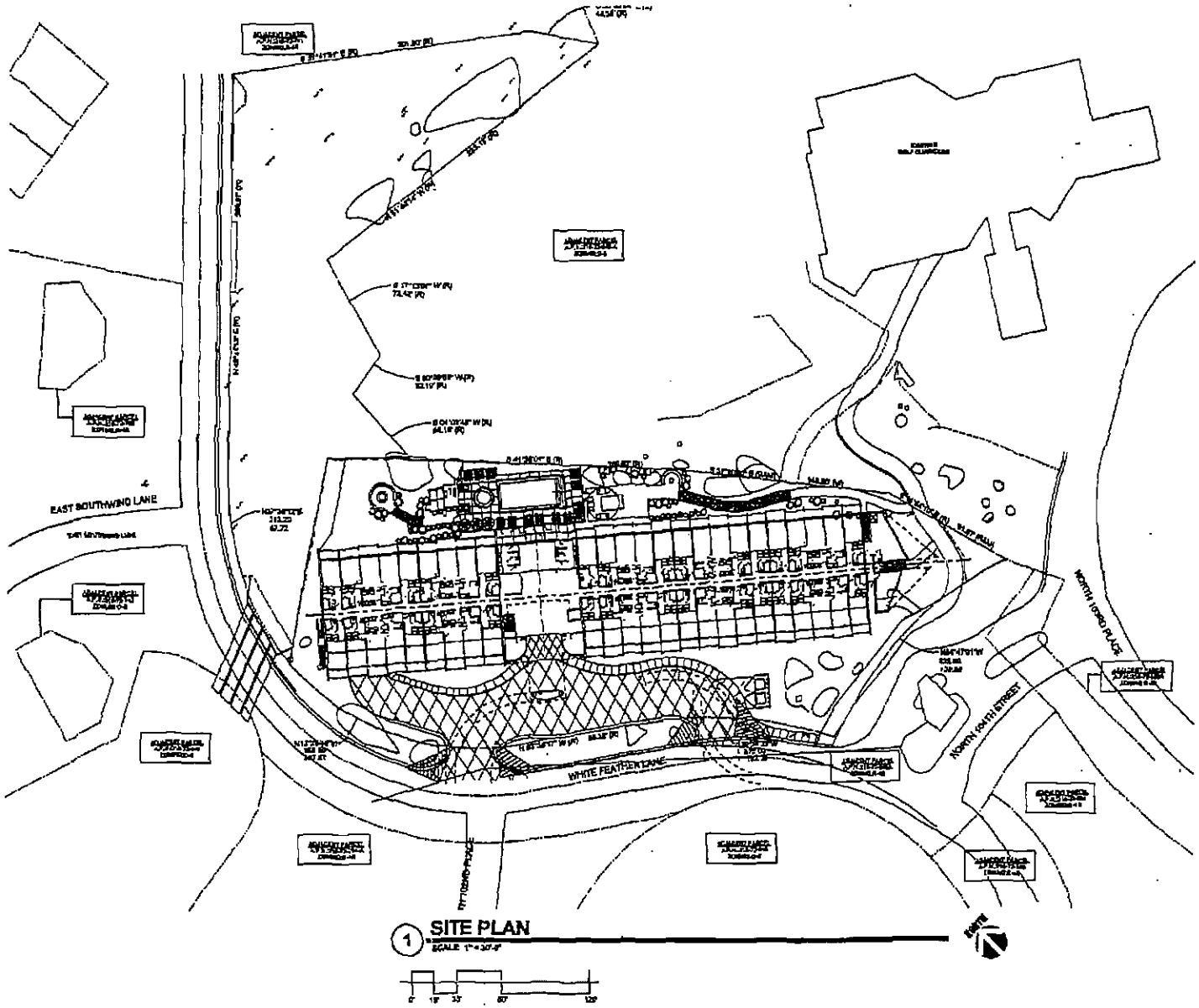
BEUS, GILBERT & MORRILL, P.L.L.C.

John Berry

JB:swg

cc: Mr. Scott Kusy (via fax)
Mr. Steven Vosa (via fax)

EXHIBIT 9



1 SITE PLAN

SCALE: 1" = 30'-0"

0' 15' 30' 60' 120'

PROJECT TEAM

CLIENT

ARCHITECT

LANDSCAPE ARCHITECT

CIVIL ENGINEER

PHX ARCHITECTURE

SITE PROJECT DATA

PROJECT ADDRESS: 10200 EAST DYNAMITE BLVD.

SCOTTSDALE, ARIZONA 85262

A.P.N.: 169-74-004A

S.R.M. STANTEC SECTION 11-07

LOT SIZE: MIN AREA = 41,000 S.F. (0.95 ACRE) R

RANCHO SONORA 54-A & RUSH SUBDIVISION

SETBACKS: 40' AND BASE OF BOP REFERENCE

BUILDING HEIGHT:
30'-0" (MAX. ALLOWABLE, Section 4.2.C.2)
(A.C. OVERHEAD PLANES HEIGHT)

PROPOSED BUILDING AREAS:
BUILDING NO. 1 (CITY)
BUILDING NO. 2 (CITY)
TOTAL AREA OF BUILDING S.F.
(TOTAL OF BUILDINGS WITHIN THE PROJECT)

PARKING AREA: SURFACE AT 111 / 200 SF = 5 SPACES P.A.A.

PARKING SPACES REQUIRED:
1.25 SPACES PER UNIT PER ORDINANCE
60 X 1.25 = 75 SPACES PER PROGRAM

SITE JURISDICTION AREAS WITHIN BOUNDARY PARKING
WITHIN THE SPACE 5 SPACES

24 PARKING SPACES PROVIDED

ACCESSIBLE PARKING REQUIRED
24 SPACES X 2% = 2 ACCESSIBLE SPACES
2 ACCESSIBLE PARKING SPACES PROVIDED

BICYCLE PARKING
SAME AS ADDITION OF PREVIOUS PHASES
THE SAME AS 24 ANIMALS BICYCLE SPACE IS
REQUIRED, 7 SPACES PROVIDED
SCOTTSDALE COVERED DOUBLES (TOW SAME A)

ON SITE SPACE CALCULATIONS
REFER TO SITE PLAN FOR "AS BUILT" SPACE

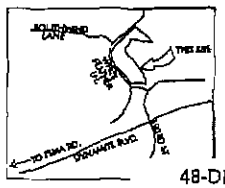
TROON NORTH VILLAS

10200 E. DYNAMITE BLVD.
SCOTTSDALE, AZ 85262

NOT FOR CONSTRUCTION

NORTH

VICINITY MAP



OVERALL SITE PLAN

As indicated

A100

48-DR-2007#2
6/26/2017

CITY OF SCOTTSDALE

11/21/2016

Andrea Lucarelli
Phx Architecture
15990 N Greenway-Hayden Loop C100
Scottsdale, AZ 85260

RE: 48-DR-2007#2
Troon North Villas

Dear Ms. Lucarelli:

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 10/21/2016. The following **1st Review Comments** represent the review performed by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Ordinance and Scottsdale Revise Code Significant Issues

The following code and ordinance related issues have been identified in the first review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. Please address the following:

Zoning:

1. Please revise the Project Narrative so that addresses the criteria set forth in Sec. 1.904 of the Zoning Ordinance which was amended in December 2012.
2. The submitted parking master plan appears to incorrectly interpret Sec. 9.102.E to reduce the parking requirement down to a 1:1 ratio. However, Sec. 9.102.E simply identifies that where flexible units are proposed, the parking requirement shall be reflective of the total possible unit count, at which point Sec. 9.103 specifies that the parking requirement shall be based on land use. In Table 9.103.A, the parking requirement for Travel Accommodations is specified to be 1.25 spaces per unit. Please revise the site plan and parking master plan to include the calculations of the required/provided number of standard parking, accessible parking, and bicycle parking spaces to demonstrate compliance with the Article IX of the Zoning Ordinance.
3. With the zoning history on this site, as it ties in to the overall Troon North zoning, 37 units were historically allocated for use on this site, the project narrative identifies that based on a 1.43 ratio that 37 units translates to 53 units, and the proposed unit configurations would result in 64 possible units. Please revise the project narrative to explain what section of the Zoning Ordinance is being utilized to equate the maximum allocated 37 units to 53 of the proposed units from the narrative and to address how the 64 proposed flex units would comply with the established zoning while exceeding both of those unit counts.

Building Elevations:

14. With the resubmittal, please provide a roof over topography plan indicating each tile ridge height or parapet height above sea level. In accordance with the amended R-4R development standards of case # ZN-1989, the maximum allowable building height is restricted to thirty (30) feet as measured from natural grade in accordance with the ESL zoning overlay Sec. 6.1070.B.1.a.

15. Please provide information and details related to screening devices that will be utilized to screen any mechanical equipment. Please refer to Zoning Ordinance Sec. 1.904.A.4 and Sec. 7.105.

16. Please provide information and details related to the roof drainage system. Please refer to Zoning Ordinance Section 7.105.

Significant Policy Related Issues

The following policy related issues have been identified in the first review of this application. Even though some of these issues may not be critical to scheduling the application for public hearing, they may affect the City Staff's recommendation pertaining to the application and should be addressed with the resubmittal of the revised application material. Please address the following:

Site Design:

17. Please modify the site design of the proposed refuse enclosure to achieve and demonstrate functional collection circulation and to achieve the minimum requirement of one (1) enclosure per every twenty (20) units in accordance with the Design Standards & Policies Manual Section 2-1.804.

18. Please provide a revised site plan and project data that complies with the Plan & Report Requirements for Development Applications. There will be comments regarding the site plan after it has been received and reviewed by staff. Please refer to Zoning Ordinance Section 1.303.

19. Revise the project data to indicate the:

    a. gross and net lot area in square feet.

    b. lot coverage / floor area ratio - allowable, provided, and show calculations.

    c. open space required and provided, and show calculations on the site plan.

20. Revise the site plan to indicate the:

    a. building footprint and do not indicate the interior spaces within each building. Showing the interior spaces on the site plan results in too much information on the plan, making it difficult to read.

    b. dimension between each building/structure.

    c. dimension from each building/structure to the adjacent/abutting property line.

    d. location of sidewalks, with pavement types; and dimensions.

21. Please eliminate the landscape symbols from the site plan. Showing the landscape symbols on the site plan results in too much information on the plan, making it difficult to read. Please refer to the Plan & Report Requirements for Development Applications. Please refer to Zoning Ordinance Section 1.303.

PHX ARCHITECTURE
LIVING • ARCHITECTURE

June 22, 2017

Development Review Board
Project Narrative

Troon North Villas
8202 E. Cactus Road
Scottsdale, Arizona 85260

Attention: *Mr. Jeff Barnes, City of Scottsdale*

Response to Comments dated 11/21/2016 for **48-DR-2007#2 – Troon North Villas Resort**

Zoning

1. **Project Narrative:**

Troon North Village and Troon North Golf Club have been highly respected and well-established communities in North Scottsdale for over nearly 30 years. Based on extensive demographic research, our client, MBA Development Partners, LLC, determined that there is a niche that is missing in the area of Troon North that caters to the Golf Travelers. This proposal is compatible with the surrounding area and the character of the adjacent residential communities. This new Resort falls under the category of R-4R and its residents/clientele will also partake in the membership benefits that the golf club offers.

Our project, the Troon North Villas, will close the gap and provide the luxury experience for the clientele that frequently visit North Scottsdale on golf trips and family vacations. The proposed construction is a new build composed of 46 resort suites, totaling 62 keys. This site has a long history and is actually the third DRB application with two prior cases being 89-DR-1995 and 48-DR-2007. This proposal is in line with the R-4R zoning as approved in cases 45-ZN-1990, 3-ZN-1994 and 43-ZN-1994. The overall architectural design is consistent with the concepts and scale of development embodied in case 48-DR-2007. The case sought a change in the Environmentally Sensitive Land overlay regulations, by creating two rows of two-story units, with the main entry to the north and the common facilities at the south end. The building design style is clean and modern, yet compliments the existing clubhouse and embraces the desert landscape. The gestures are timeless and encompass the vision of North Scottsdale, more specifically Troon North in the careful placement of the buildings between the wash, the Clubhouse to capture the stunning views of the city to the southwest and the mountains to the northeast.

This site is parcel #5 within the overall Parcel V1/V2 within Troon North and is connected to the other parcels within V1/V2 by an overall density cap. The other parcels have not built to their limits and this will be the last of these parcels to be developed. In response to the feedback from the neighbors and HOA, the parking has been neatly tucked underground and out of sight. There is a drive up entry with valet service beneath a porte cochere. Another gesture in response to the comments was to preserve the existing curb cut at White Feather Lane to maintain the axis with the neighborhood across the street. An additional one-way entry drive has been added to the east due to comments from the Fire Department, as onsite access is required for emergency vehicles for life safety purposes. Parking at the single story underground garage will consist of 64 spaces, including 3 Accessible spaces. The internal site circulation to the clubhouse is by access of cartpath, so there is no need for guests/pedestrians to traverse the public roadway, discreetly hidden from view of the neighboring residences. The site will be heavily planted with native plants along White Feather Lane, as well as maintaining existing boulders and vegetation to buffer the Villas from the driveways and existing residences.

2. **Parking master plan:**

The applicant has submitted a revised parking study (by ASJ Engineers) that refers to sections 9.104.F Parking Master Plan and Section 9.107 Remote Parking. The proposed resort will be operated under a long-term agreement by the Troon North Golf Country Club. As such the staffing for maintenance and operations along with any food service will enter the site via the golf clubhouse. In addition, the focus of the guest experience will primarily be focused on golf and to a lesser degree events contracted with the clubhouse (such as weddings). Therefore, employee parking is best located in conjunction with the clubhouse and in turn a significant number of parking spaces that would have been needed to serve golfers will be shared with the golfers staying at the resort, therefore not needing addition parking spaces since they will already be at the site. This will also relate to food service since many resort guest will likely use the clubhouse dining facilities. The proposed number of spaces at the resort will be more than needed since many guests will arrive through a transportation service and not be driving and that no resort runs at full occupancy except for very unusual and short periods of time.

3. **Zoning History**

The zoning on this site is tied primarily to case 3-ZN-1994. As demonstrated in reports prepared by Donald Hadder, Sr. titled "Resort Uses at Troon North" and an added report titled "Review of Troon North Resort Parcel Density (Parcels V1/V2 In Case 3-ZN-1994)", the site is zoned R-4R ESL (HD) and is part of a resort master plan contained within the larger Troon North master plan. The submitted density for the resort is consistent with the master approvals for the resort area as well as the dual use nature of the R-4R zoning district (which also includes dual densities).

Of note is that the city's zoning map may be incorrect with regard to those parcels that were part of the original V2 area. In 1994 the Hillside Ordinance (HD/HC) had been removed from the Zoning Ordinance. Therefore, any rezoning of the underlying districts would only be allowed to happen under what then were the recent ESL ordinance regulations. As a result, any areas which had an underlying district change should be governed by the ESL ordinance and not had the HD designation. The current city zoning map shows the entire V parcel of Troon North as R-4R ESL (HD). This is not correct.

The subject property is within the original V1 parcel and its underlying district was not changed. Therefore, it appropriately falls under the HD regulations rather than the ESL regulations. The amended standards were intended primarily for the newly zoned ESL parcels in order to have consistent buildings heights across the sub-parcels that included former elements of the V2 parcel because the HD overlay standards included a more restrictive building height limit of 30 feet.
The subject site does not have any former V2 areas and has been treated consistently as starting from the HD overlay regulations. The first DR case on the site, 89-DR-1995, consistently described the site as having R-4R HD zoning and was processed under the HD regulations. Later, in the 48-DR-2007 case, there was a request that was accepted to apply the ESL regulations instead of the ESL regulations. Our request is consistent with the 2007 DR case.

4. Parking stall dimensions reflect current City of Scottsdale criteria.

5. Dimensional information has been provided for parking spaces.

6. Screen walls have been identified.

7. NAOS calculations

See also, Comment #3. The HC area, which is a separate underlying district, will remain as HC ESL. However, under the ESL regulations it would now be included in the NAOS requirement for the property. The amount of NAOS open space being provided with this application is consistent with what was approved in the 2007 DR case. It also is embedded with the overall natural open space requirements allocated across the entire resort parcel (parcel V) as well as Troon North as a whole. Since the site was first created, this amount and location of natural area was

EXHIBIT 10

TO: DEVELOPMENT REVIEW BOARD **DATE:** 8/3/95
FROM: PROJECT COORDINATION
SUBJECT: CASE 89-DR-95

REQUEST: Approve Site Plan & Elevations for a Resort
PROJECT NAME: Troon North Resort Parcel 6
LOCATION: NEC Dynamite Boulevard & Alma School Road

DEVELOPER/OWNER: E & K Land Investments, L.L.C.
ARCHITECT/DESIGNER: Architectural Advantage
ENGINEER: N/A
APPLICANT/COORDINATOR: Ronald W. Hand/Architectural Advantage

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations.

DISCUSSION: The proposal is for a casita style resort campus at the Troon North development. The site is just west of clubhouses and backs up to a large rock feature. The site plan includes a ring of three unit buildings, a common pool area, and a building with management and meeting rooms, eight units and underground parking. The building design is styled with a primitive "pueblo" character that reflects the irregular shapes of the adjacent rock features. Using smaller building masses reduces the impact on the side. This design will blend into the setting and not draw attention away from the clubhouse.

Don Hadder
Project Coordination Manager
994-2352

ATTACHMENTS:
#1-Aerial
#2-Zoning Map
#3-Site Plan
#4-5 Landscaping Plan
#6-Plant Inventory
#7-Sections
#8-9 Elevations
#10-11 Floor Plans
#12-Project Narrative
A-Stipulations
B-Ordinance Requirements

APPROVED
8/3/95 TK
DATE INITIALS

TRAFFIC STIPULATION REQUIREMENTS
CIRCULATION AND REFUSE

ROADWAY, INTERSECTION, AND ACCESS DESIGN:

1. *The site access shall be provided per the circulation stipulations of Zoning Case #3-ZN-94.*
2. *The site entrance shall align with the Parcel 2 roadway to the west.*
3. *The minimum curb return radius on the site entrance shall be 25 feet.*

OTHER:

1. *Emergency access shall be provided to all of the site dwelling units within a maximum distance of 100 feet. The emergency access shall be a minimum width of 20 feet and be designed to accommodate a vehicle with an outside turning radius of 45 feet and inside turning radius of 25 feet. An approved turn-around or looped roadway is required for lengths of greater than 150 feet.*
2. *A pedestrian pathway connection from the main building to the "Private Drive" shall be provided.*

STRIPING AND SIGNAGE PLAN:

1. All incidental signing and striping required by site roadway improvements shall be included on the roadway paving plans.
2. All on-site parking lot striping shall be shown with the paving plans.

SIGHT DISTANCE:

A SIGHT DISTANCE EVALUATION SHALL BE DETERMINED FOR THE SITE ENTRANCE AND SUBMITTED WITH THE FINAL PLANS FOR THE DEVELOPMENT. THE PROPOSED ENTRY SIGNAGE SHALL BE RELOCATED OR MODIFIED AS NECESSARY TO RESPECT THIS SIGHT DISTANCE REQUIREMENT.

1. Sight distance triangles must be shown on final plans to be clear of landscaping, signs, or other visibility obstructions between 2 feet and 7 feet in height.
2. Sight distance easements shall be dedicated oversight distance triangles.
3. Refer to the following figures: 3.1-13 and 3.1-14 of Section 3.1 of the City's Design Standards and Procedures, published January 1994.

APPROVED
8/3/95 TK
CITY INITIALS

TO: DEVELOPMENT REVIEW BOARD **DATE:** 9/21/95
FROM: PROJECT COORDINATION
SUBJECT: CASE 38-PP-95

REQUEST: Approve a Preliminary Plat
PROJECT NAME: Troon North Resort Parcels 4 & 5
LOCATION: Dynamite Boulevard & 108th Street

DEVELOPER/OWNER: Diamond Land Investments
ARCHITECT/DESIGNER: N/A
ENGINEER: Gilbertson Associates, Inc.
APPLICANT/COORDINATOR: Scott Kusy/Diamond Land Investments

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations.

DISCUSSION: The proposal is for a preliminary plat on a fairly small parcel in the center of the Troon North development. The site is next to a large rock feature, and existing and new golf holes.

The plan provides single family lots within an R-4R zoned area. The street completes a cul-de-sac which serves three related parcels. The street has been located to avoid rock features and steeper slopes. The lots have been configured to create building sites which avoid rocks and occupy logical benches in order to reduce possible cuts and fills.

The design of the units will come to the Board at a future hearing since the zoning is R-4R. The site was badly burned in the July 1992 brush fire.

Don Hadder
Project Coordination Manager
994-2352

ATTACHMENTS: #1-Aerial
#2-Zoning Map
#3-4 Site Plan
A-Stipulations
B-Ordinance Requirements

APPROVED AS AMENDED
9/21/95 TK
DATE INITIALS

BOLD INDICATES AS AMENDED BY DRB 9/21/95
RESIDENTIAL SUBDIVISION
STIPULATIONS

FINAL PLATS MUST BE PER THE APPROVED PRELIMINARY PLAT WITH THE MODIFICATIONS PER THE FOLLOWING STIPULATIONS TO OBTAIN PERMITS

SITE DESIGN:

1. ~~Provide 20 feet from edge of garage to back of the street improvements.~~
2. *Submit a site plan which clearly identifies improvement envelopes.*
3. Provide a plan indicating the limits of construction to assure the NAOS remains natural - for field staff review and approval.
4. Final plat shall identify the use and maintenance of any land not used for residential lots.
5. *All major boulders in excess of 4 feet in diameter and all bedrock outcrops shall be identified on a site plan and shall be protected from construction by the dedication of a Natural Area Open Space easement on the final plat.*
6. ~~*A hillside conservation easement shall be dedicated over Tract E as indicated on the submitted Alta survey.*~~
7. Flagpoles, if provided, shall be one piece conical tapered.
8. Finish floor elevations shall be no higher than 14 inches above the minimum base flood water surface elevation or adjacent grade as specified by the City's "Floodplain & Drainage Ordinance No. 1993."

ON-SITE LIGHTING:

1. Provide plans indicating all exterior on-site lighting and lighting fixtures (re: diffusing, standards, glare, height, etc.) at the time of landscape plans submittal.
2. All lighting shall be consistent with the approved Master Environmental Design Concept Plan.
3. ~~All pole mounted lights shall be a maximum of 14 feet in height per zoning Case 3-ZN-94.~~

APPROVED AS AMENDED
9/21/95 TK
DATE INITIALS

PLANNING ORDINANCE REQUIREMENTS

CURBS:

1. Provide 6 inch vertical concrete curb between any driveways or parking areas and landscape areas.

LOT DESIGN:

1. Detached guest houses shall not be permitted on lots less than 18,000 square feet in size, per Case 3-ZN-94.
2. If guest houses on a parcel are intended to have cooking facilities, the applicant shall submit to rezoning to R-2 or, including meeting the required front, side, and rear yard requirements per Case 3-ZN-94.
3. All lots shall abut a public, or private street furnishing satisfactory access thereto.

OPEN SPACE:

1. Submit a plan indicating the required and provided amounts of N.A.O.S. based on the Hillside District as noted in Section 7.853, of the Zoning Ordinance at time of final plan submittal.
2. FINAL PLANS SHALL NOT BE APPROVED until a protection program indicating construction boundaries, and techniques used to insure that N.A.O.S. is not disturbed during construction, has been submitted and field approved by Project Review staff.
3. The applicant shall provide documentation of proposed distribution of Natural Area Open Space (N.A.O.S.) required for right-of-way to lots or common areas prior to final plat approval.
4. On-lot NAOS shall not be credited to the parcel NAOS allotment on lots less than 18,000 square feet in size, except as dedicated as contiguous NAOS on a plat per Case 3-ZN-94.

LANDSCAPING:

1. All plant materials in right-of-way shall be on the Department of Water Resources (DWR) low water plant list for the Phoenix Active Management Area (AMA).
2. Non-indigenous plant material which reaches a mature height of greater than 20 feet shall not be introduced on site, per Case 3-ZN-94.
3. Provide documentation required for issuance of a Native Plant Permit as required in Chapter 46 of City Code and outlined in Section 7.500 of the Zoning Ordinance. The Native Plant Permit is a separate submittal and approval. Contact Daryl Workman at 994-7938 to initiate the process.

GRADING:

1. Cuts and fills exceeding limits outlined in (Section 6.806 A. 3. of the Hillside Ordinance/Sec. 204-1 B. of the "Design Guidelines & Policies for Environmentally Sensitive Lands shall/may) require Development Review Board approval.

OTHER:

1. Comply with conditions of case No. 3-ZN-94.

TO: DEVELOPMENT REVIEW BOARD **DATE:** 5/9/96
FROM: PROJECT COORDINATION
SUBJECT: CASE 58-DR-96

REQUEST: Approve Site Plan, Cuts & Fills, Landscape Concept & Elevations for a Multi-family Project
PROJECT NAME: Stonedge at Troon North, Parcels 4 & 5
LOCATION:

DEVELOPER/OWNER: Exeter Development/Diamond Land Co.
ARCHITECT/DESIGNER: Scheurer Architects
ENGINEER: Gilbertson Associates
APPLICANT/COORDINATOR: Andy Holloran/Diamond Land LLC

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations.

DISCUSSION: The proposal is for approval of the site plan, cuts and fills, landscape concept and building and structures elevations for a townhouse-like residential project in the center of the Troon North development. The site occupies a rolling boulder-strewn parcel which wraps around a boulder pile that will be set aside as a conservation area. Minor adjustments to the conservation area boundary will keep the same acreage in the protected area and does not affect any major boulder features.

The site plan incorporates innovations and sensitivity to the terrain with techniques such as a one-way driveway loop, flexible and smaller building forms which can shift with the shape of the land, and hammerhead driveway termini. The native vegetation on this site was badly burned in 1992 and this project will provide substantial revegetation.

The building design incorporates a rustic, Mediterranean styling similar to the villas and clubhouse on the nearby Estancia project. The design includes extensive detailing, complex, building forms and multiple recesses. Building materials include gray, flat roofing tiles, stuccoed walls, and stonework. The buildings can be adjusted up and down, side-to-side, and front-to-back to work with the terrain.

Terry Kelly for Don Hadder

Don Hadder
Senior Community Planner
994-2352

STIP changes see page 6 to be ordinance requirements 5/10/96

APPROVED AS AMENDED
5/9/96 DATE
INITIALS

BUILDING SETBACK:

1. *As approved in Case 3-ZN-94, buildings shall be set back a minimum of zero feet from perimeter property lines adjacent to other R-2, R-3 districts and shall be set back a minimum of five feet from perimeter property lines adjacent to CO, S or I-G districts.*

BUILDING HEIGHT:

1. *As approved in Case 3-ZN-94, no building shall exceed thirty feet in height.*

OPEN SPACE & NAOS:

1. Submit a detailed graphic and calculation worksheet indicating the required amounts of NAOS based on *Section 6.606 of the Hillside Ordinance and the Master NAOS Distribution Table* at the time of final plans submittal. *If any of the designated NAOS areas will be disturbed by cuts & fills, drainage swales, or culverts, or other construction submit a detailed graphic and calculation worksheet depicting areas within the NAOS which require revegetation due to construction disturbance.*

2. *All areas calculated as NAOS shall be a minimum of 20 feet in width, except along roadsides where it may be reduced to 10 feet. Any alterations to this shall be approved by Project Coordination staff.*

3. FINAL PLANS SHALL NOT BE APPROVED until a protection program indicating construction boundaries, and techniques used to insure that NAOS is not disturbed during construction, has been submitted and field approved by Project Review staff.

LANDSCAPING:

1. *All plant materials in right-of-way shall be on the Department of Water Resources (DWR) low water* plant list for the Phoenix Active Management Area (AMA).

2. Trees shall be provided at a rate of at least 2 trees per dwelling unit (minimum 15 gallon size), of which 50% of the total trees provided shall be mature, as defined in Article III of the Zoning Ordinance, or larger.

3. Provide documentation required for issuance of a Native Plant Permit as required in Chapter 46 of City Code and outlined in Section 7.500 of the Zoning Ordinance. The Native Plant Permit is a separate submittal and approval. (See page 7 of this section for specific submittal requirements). Contact the City's Native Plant Officer at 994-7080 to initiate the process.

4. *Provide 6 inch vertical concrete curb between any driveways or parking areas and landscape areas.*

GRADING:

1. Prior to final plans submittal, a grading report shall be submitted indicating methods and sequencing of grading, proposed locations for stockpiling or disposing of unused materials, and plans for minimizing wind and water erosion on graded areas during development and construction.

2. Cuts and fills exceeding limits outlined in Sec. 204 of the Design Guidelines & Policies for Environmentally Sensitive Lands/Section 6.806 A.3 of the Hillside Ordinance shall require Development Review Board approval.

OTHER:

1. Comply with conditions of case No. 3-ZN-94

2. Provide 4% of required parking as handicap parking spaces (5 minimum). A minimum of one space is required to be van accessible per Section 9.105 of the Zoning Ordinance.

3. Provide one bicycle parking space per each 10 required vehicle parking spaces (14 minimum) per Section 9.103 of the Zoning Ordinance.

A 1.1

DEVELOPMENT REVIEW BOARD REPORT

Meeting Date:	August 18, 2016	Item no. 3
General Plan Element:	*Character and Design*	
General Plan Goal:	*Determine the appropriateness of all development in terms of community goals, surrounding area character, and the specific context of the surrounding neighborhood.*	

ACTION

Lot V On The Green
10-PP-2015

Request to consider the following:

1. Request approval of a Preliminary Plat for a 4-lot residential subdivision, within the existing 'On the Green at Troon North' subdivision, with existing amended development standards, and a landscape plan including walls, all on an approximately 0.70-acre site.

Related Policies, References:
32-ZN-1982, 81-ZN-1983, 43-ZN-1994, 2-GP-1994, 3-ZN-1994, 87-DR-1994#2, and 9-PP-2013

OWNER

Bob Garland
Insight Land
602-421-6300

APPLICANT CONTACT

David Letourneau
White Feather Lane LLC
602-625-6607

LOCATION

10299 E. White Feather Lane

Action Taken_____

BACKGROUND

Zoning

This site is zoned Resort/Townhouse Residential District, Environmentally Sensitive Lands (R-4R/ESL), which allows single-family residential, multi-family residential, and resort/hotel type uses. Annexed into the City of Scottsdale in January of 1982, through case 32-ZN-1982, the site is part of a larger planned community development.

The annexed parcel was rezoned from the County designation to the Single-family Residential, Hillside District (R1-190/HD) through Case 81-Z-1983. In 1991, the Environmentally Sensitive Lands (ESL) ordinance was added as an amendment to the Hillside District overlay. In 1994, the site was rezoned from the Single-family Residential, Hillside District (R1-190/HD) to the current R-4R/ESL zoning designation; through the General Plan amendment and zoning cases 2-GP-1994 and 3-ZN-1994.

General Plan

The General Plan Land Use Element designates the property as Resort/Tourism, which provides the flexibility of Resort/Tourism Land Uses to be located within this area of the community. The General Plan amendment and zoning cases (cases 2-GP-1994 and 3-ZN-1994) approved specifically for this site were tailored to complete the site as a support use for the existing golf course.

Character Area Plan

This site is located within the Reatta Pass/Troon Character Area which serves as a destination for visitors to Scottsdale, provides a diverse mix of upscale housing for both full and part-time residents, and offers a western desert character which is a significant component of Scottsdale's image.

Context

The property is located within the "On the Green at Troon North" subdivision, parcel number 216-72-584, which is located on the north side of E. Dynamite Boulevard, at approximately 103rd Street.

Adjacent Uses and Zoning

- North — Resort/Townhouse Residential District, Environmentally Sensitive Lands, zoned R-4R/ESL; Open Space.
- South — Single-family Residential District, Environmentally Sensitive Lands, zoned R1-7/ESL; Pinnacle Canyon at Troon North subdivision and Golf Course
- East — Open Space, Environmentally Sensitive Lands O-S/ESL, Resort/Townhouse Residential District, Environmentally Sensitive Lands, R-4R/ESL, and Hillside Conservation District HD/HC; Troon North Golf Club House.
- West — Resort/Townhouse Residential District, Environmentally Sensitive Lands, zoned R-4R/ESL; On the Green at Troon North subdivision and Golf Course

Key Items for Consideration

- The preliminary plat was previously approved by the Development Review Board on August 1, 2013, with a vote of 6-0.
- Existing "On the Green at Troon North" plat dedicated Tract "V" for "Future Development."
- Amended development standards shall remain as approved through Case 3-ZN-1994.

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant's request is to seek approval of a four-lot preliminary plat and landscape plan. The request is to subdivide a tract located within the "On the Green at Troon North" subdivision plat. The preliminary plat was previously approved by the Development Review Board on August 1, 2013. The preliminary plat expired before final approval by the City Council.

Development Information

• Existing Use:	Vacant (Golf Cart Path)
• Proposed Use:	4-Lot Subdivision
• Parcel Size:	0.70 acres
• Building Height Allowed:	30 feet
• Building Height Proposed:	30 feet
• Open Space Required:	0 square feet (Fulfilled by the Troon North Master Planned Community)
• Open Space Provided:	8,713 square feet
• NAOS Required:	0 square feet (Fulfilled by the Troon North Master Planned Community)
• NAOS Provided:	5,412 square feet
• Density Allowed:	7 du/ac
• Density Proposed:	6.0 du/ac

IMPACT ANALYSIS

Land Use

The existing Tract "V" was dedicated as per the "On the Green at Troon North" subdivision plat for future development. The proposed subdivision plat will continue to use the existing amended development standards as approved through the Troon North subdivision zoning case.

Traffic

All the necessary access for the proposed four lots has been dedicated through the existing plat.

Water/Sewer

The proposed plat will not affect the existing improvement requirements for the area. The existing improvements were constructed with the anticipation of the site being developed to the R-4R standards set forth by the cases 2-GP-1994 and 7-ZN-1994.

School District Comments/Review

Cave Creek Unified School District supported the approval of the Troon North Master Planned Community, with the entire proposed density. The proposed four-lot subdivision does not complete

Stipulations for Case:
Lot V On The Green
Case: 10-PP-2015

These stipulations are intended to protect the public health, safety, welfare, and the City of Scottsdale.

APPLICABLE DOCUMENTS AND PLANS:

1. Except as required by the Scottsdale Revised Code, the Design Standards and Policies Manual (DSPM), and the other stipulations herein, the improvement plans and plat shall substantially conform to the following documents:
   a. The preliminary plat submitted by Gilbert Land Surveying, PLC., with a city staff date of 12-15-2015.
   b. The Amended Development Standards submitted by Alair Homes, with a city staff date of 12-15-2015.
   c. The Natural Area Open Space (NAOS) analysis exhibit and plan submitted by Ironwood Planning, with a city staff date of 12-15-2015.
   d. The conceptual landscape plan submitted by Ironwood Planning, with a city staff date of 12-15-2015.
   e. Master Drainage Plan for Lot V on the Green; submitted by Everest Consulting Services, PC., accepted on 7-18-2016.
   f. Case Drainage Report for Lot V on the Green; submitted by Everest Consulting Services, PC., accepted on 7-18-2016.
   g. Case Grading and Drainage Plan for Lot V on the Green; submitted by Everest Consulting Services, PC., accepted on 7-18-2016.
   h. Architectural elevations will be consistent with architecture approved through case 87-DR-1994#2.

RELEVANT CASES:

Ordinance

A. At the time of review, the applicable Zoning and DRB cases for the site were: 32-ZN-1982, 81-ZN-1983, 43-ZN-1994, 2-GP-1994, 3-ZN-1994, 87-DR-1994#2, and 9-PP-2013.

SUBDIVISION PLAT REQUIREMENTS

SUBDIVISION DESIGN

DRB Stipulations

2. With the final plat, the owner shall dedicate minimum 5,412 square feet Natural Area Open Space (NAOS) area for this project.

EXHIBIT 11

DEVELOPMENT REVIEW BOARD REPORT

MEETING DATE: December 6, 2007 ITEM NO. 6

CASE NUMBER/ PROJECT NAME	**48-DR-2007** **Monument Club**
LOCATION	10200 E. Dynamite Blvd.
REQUEST	Approval of a site plan, landscape plan and building elevations for new resort timeshare units and associated amenities.

OWNER	Candlewood Development 38779 W. Summit View Tr. Carefree, AZ 85377	**ENGINEER**	Graham Engineering & Surveying 7406 E. Nonchalant Way Carefree, AZ 85377
ARCHITECT/ DESIGNER	RD Architecture PLLC 7440 E. Karen Dr. Suite 100 Scottsdale, AZ 85260	**APPLICANT/ CONTACT**	Raffik Quiroz RD Architecture PLLC 480-607-3337

BACKGROUND

Zoning.
Zoned Resort/Townhouse Residential District (R-4R), this district provides residential development, having either party walls or walled courtyards, available for rent, lease or sale.

Context.
Currently vacant and located within the Troon North Community, the approximately 2.5 acre parcel is east of the Troon North Golf Clubhouse, north of Dynamite Boulevard.
Adjacent Uses:

- North: Resort/Townhouse residential zoned R4-R ESL (HD)
- South: Tract of vacant land zoned R4-R ESL (HD) and E. Dynamite Blvd.
- East: Troon North Golf Course zoned O-S ESL (HD/HC)
- West: Resort/Townhouse residential zoned R4-R ESL (HD)

APPLICANT'S PROPOSAL

Applicant's Request.
The applicant requests approval of a site plan, landscape plan and building elevations for a new resort timeshare development and amenities within the Troon North Community.

Development Information:

- Existing Use: Vacant Land
- Proposed Use: Condo/timeshare

- Parcel Size: 2.5 acres
- Building Size: 32,798 sq. ft. for both buildings
- Lot Coverage 29 percent
- Building Height Allowed: 35 feet
- Building Height Proposed: 34 feet
- Parking Required: 46
- Parking Provided: 59
- NAOS Required: 34,466 sq. ft.
- NAOS Provided: 38,593 sq. ft.
- Number of Units Allowed: 37
- Number of Units Provided: 24

DISCUSSION

This case was continued from the 11/15/2007 Development Review Board (DRB) meeting by the DRB. The applicant was given the direction to provide clear and concise elevations for the location of colors and materials. Additionally, they were asked to provide documents that are consistent and that will dictate what will be constructed. The applicant has provided additional sheets detailing color and materials within the packet. Please refer to sheets A-9a, A-9b, A9-c, A-11a, A-11b, A-11c and the material board photo on sheet X-1. As requested by Commissioner Schwartz the applicant has provided context photographs of the surrounding developments.

A variety of colors and materials have been used to enhance the design and desert theme. The main body will be a stucco finish painted Dunn-Edwards, DE 6131, Teddy Bear. Columns are proposed to be stucco finish painted Dunn-Edwards, DE 6215, Wooden Peg. Recessed areas will be a stucco finish painted Dunn Edwards, DE 6132, Big Stone beach and the base stucco stem color is proposed as Dunn Edwards, DEC 756, Weathered Brown. Gun metal steel fascia painted Dunn Edwards, DEA 160, Hope Chest will be used on bans between floors. Windows and doors will be aluminum clad with a bronze color. Ledge based stone wall veneer will be utilized on building columns, stairs and theme walls.

This undeveloped site, within the Troon North Community, is looking for approval of a new resort timeshare development. Troon North Communities were originally zoned under the Hillside Ordinance (HD). In 1991 the Environmentally Sensitive Land (ESL) Ordinance was adopted, and by ESL provisions, undeveloped parcels were given an opportunity to administratively apply to develop under ESL standards. This property owner has applied and received approval to develop under ESL standards.

The architect has utilized a contemporary architectural style for this new timeshare resort. To capture the panoramic views of the boulder outcroppings and mountain views, development is centralized on the southern portion of the site, while the northern portion of the site will be dedicated as Natural Area Open Space and Conservation Open Space. The main structure will contain two levels of residential units and incorporate underground parking. Elevators and stairs provide access to each section of units through an open air corridor having access from the parking garage. A two story clubhouse and pool area offer

i. All landscape lighting hanging in vegetation, shall contain recessed lamps, and be directed downward and away from property line.

j. The landscape lighting lamp shall be an incandescent or halogen incandescent source, and shall not exceed forty (40) watts.

VEHICULAR AND BICYCLE PARKING:

DRB Stipulations

20. Bike rack design shall be in conformance with City of Scottsdale Standard Detail No. 2285, unless otherwise approved in writing by the City of Scottsdale's Transportation Department.

ADDITIONAL PLANNING ITEMS:

DRB Stipulations

21. Flagpoles, if provided, shall be one piece, conical, and tapered.

RELEVANT CASES:

Ordinance

B. Case 3-ZN-94 is the associated rezoning request for the property.

C. This application shall comply with the Environmentally Sensitive Land Ordinance as administratively approved with this application.

ENGINEERING

The following stipulations are provided to aid the developer in submittal requirements, and are not intended to be all inclusive of project requirements. The developer shall submit engineering design reports and plans that demonstrate compliance with city ordinances, the Scottsdale Revised Code and the Design Standards and Policies Manual (DS&PM).

APPLICABLE DOCUMENTS AND PLANS:

22. Architectural Site Plan for Monument Club, prepared by Rick Daugherty Architecture, with a submittal date of 10/30/07.

23. Entry Sign Detail/Sight View Triangles/Refuse Plan, prepared by Rick Daugherty Architecture, with a submittal date of 10/30/07.

DRAINAGE AND FLOOD CONTROL:

DRB Stipulations

24. Submit a final drainage report that demonstrates consistency with the conceptual drainage report approved in concept by the Planning and Development Services Department.

    a. Before the approval of improvement plans by city staff, the developer shall submit two (2) hard copies and one (1) compact disc copy of the complete final drainage report and plan.

25. Basin Configuration:

    a. Basin side slopes shall not be steeper than four-to-one (4:1), (ratio of four (4) feet horizontal to one (1) foot vertical), and basin depths shall not exceed three (3) feet, except as specifically approved by the Floodplain Administrator. A vertical wall may be acceptable to contain the downstream side of a basin subject to the approval of the Floodplain Administrator and the project coordinator.

    b. A maximum of fifty percent (50%) of the front open space may be used as a retention/detention basin, unless approved by the project coordinator.

EXHIBIT 12

Resort Uses at Troon North

Zoning History

The Troon North property was annexed into the City of Scottsdale in 1982. Prior to annexation there had been some zoning case approvals processed by Maricopa County, but the relevant cases in Scottsdale include 81-ZN-1983, 87-ZN-1985, 28-ZN-1989, 45-ZN-1990, 3-ZN-1994 and 43-ZN-1994. Of these, the most pertinent are the 28-ZN-1989 and 3-ZN-1994 cases.

In the 1989 case, the proposed Troon North Resort parcel was included within a larger parcel designated as "V1". This was described as a 34-acre parcel that was allowed up to 280 resort rooms. This parcel on the development plan included the proposed resort site as well as the adjacent clubhouse property to the east and some of the land across the large wash north of the site. Virtually all the major golf oriented master planned developments of that era included a resort site.

In the 3-ZN-1994 case former parcels V1 and V2 (previously zoned as R1-7 HD) were combined to create a larger resort/residential parcel. This expanded parcel grew to 52.2 acres with a proposed number of units being 424 resort/residential and the maximum allowed being 385 residential units or 550 resort rooms. This combined parcel added three extended fingers of land west of the proposed resort site. In this case there were some targeted allocations of units to 6 sub-parcel areas (Numbered 1 through 6). The proposed resort site is sub-parcel #5 in the table included in the stipulations.

R-4R Zoning District

In all the cases mentioned above the subject property was zoned as R-4R (Resort/Townhouse Residential). This district has existed in Scottsdale since the early 1970s and was designed specifically to allow for resort uses as well as related and compatible residential uses.

The allowed uses in this district (Section 5.900 of the Zoning Ordinance) include "Resorts, Hotels, Motels, Guest Ranches, appurtenant commercial uses (such as restaurant and gift shops), Dwelling Units, Municipal Uses, Wireless Communications Facilities, Timeshare Project, Churches and Places of Worship, Day Care Homes, Golf Courses and Recreational Uses." This use list has been consistent regarding the resort and residential uses since first created.

There are varying densities allowed for the resort/hotel/motel/guest ranch/timeshare project uses versus the residential uses. The resort types of uses are allowed a maximum density of 10.62 rooms per acre while the residential types of uses are allowed a maximum density of 7.55 units per acre. Therefore, each residential unit translates into 1.41 resort rooms while as the reverse, each resort room translates into .71 residential units.

Updated Status of the V1/V2 Parcel at Troon North.

Four of the six sub-parcels within this area have been developed. Originally the targeted number of resort/residential units for these four sub-parcels was 371. The actual number of units within these four

totals 272 and these are all residential units. Going back to the zoning approval, this indicates that there remains a total of 113 residential units within the capped total for Parcel V1/V2. In theory based on the R-4R density allocations this could mean that there remains the potential for 159 resort rooms with the maximum allocated to the R-4R parcel.

Since there are only two relatively small undeveloped sub-parcels within the V1/V2 parcel and the clubhouse is fully developed it is not likely this maximum will ever be achieved.

Resort Policy

About the time of the 1994 zoning case, the City of Scottsdale was in the process of developing a policy statement, later approved, regarding new golf courses. One of the key policy statements was that new golf courses would be watered via recycled and treated wastewater and another was that new golf courses should provide economic benefit to the greater community in the form of integrated resort projects. Some stipulations of the era for Troon North move in this direction and the inclusion of the resort parcel was a key element of the city's support of the golf courses.

Infrastructure Master Plans

The infrastructure master plans prepared for the Resort Community at Troon North were done using the maximum densities allowed by the 1994 case that established the expanded resort uses. This master planning included streets, water systems and sewer systems. The maximum number of units was used in order that the infrastructure would have sufficient capacity no matter how the specific uses and density arrangements would develop.

Attachments

The attachments include selected elements of the prior approved cases for the site and included commentary regarding each:

Attachment #2

Zoning Case 3-ZN-94

This was an update tot eh Troon North masterplan that focused specifically on the resort community area. The main element of this plan was to rezone Parcel V2 from R1-7 HD to R-4R, thereby creating a larger resort community. As stated in the report to the City Council: "The concept of this request is to provide opportunities for a variety of attached and semi-attached units which would be used in a variety of techniques, such as for-sale, timeshare, lease, rental pool and so on, and would be primarily oriented to seasonal resident and visitors." The report goes on to say: "Originally, the resort use was a key element in supporting the golf use on the project, given the state's outlook on use of water resources. With the advent of the CAP/Reuse System with which this golf course is already participating, the need for the resort use has shifted. This proposal retains a strong visitor use orientation which will rely in part on management and services out of the new clubhouse."

In effect, the resort community area became a sub-masterplan within the large Troon North masterplan and as such had unique stipulations applicable to the area but not to the larger Troon North area. However, the master stipulation of Troon North still applied to the extent there was no conflict with the more specific stipulations. Within the specific stipulations there was a table identifying 6 sub-parcels within this area with targeted acreage, proposed numbers of units and maximum numbers of units. The subject site is parcel #5 on this table was allocated 31 residential/resort units. The key was that for the resort community there is a maximum total of 385 residential units allowed which equates to a maximum of 550 resort units. The actual total would depend on the types of units actually built based upon the inherent density ratios of the R-4R district. Furthermore, within the cover paragraph for this table it states: "Redistribution of the units is subject to maximum densities and Project Coordination staff approval."

Attachment #3

Case 43-ZN-94

This case was another adjustment of the Troon North masterplan. In this case the zoning and density changes approved in case 3-ZN-94 were carried forward. Of note is that the applicant's original request included the possibility of adding 4 more acres to the resort community parcel and increasing the maximum number of resort units to 585 rooms. This change was not ultimately approved.

EXHIBIT 13

CITY COUNCIL ACTION REPORT

TO: MAYOR AND CITY COUNCIL DATE: 11/15/94
FROM: PLANNING & COMMUNITY DEVELOPMENT
SUBJECT: CASES 45-ZN-90#2 & Ordinance No. 2724
21-UP-90#3

AGENDA ITEM NO. 12
DON HADDER
JOHN FARAMELLI
STAFF

REQUEST: Amendment to the Master Development Plan with amended development standards and amendment to the use permit for a golf course

LOCATION: 96th Street alignment on a portion of Section 32, T5N, R5E

APPLICANT: Larson, Voss Associates
16212 North Scottsdale Road
Fountain Hills, AZ

OWNER: Pinnacle Peak Partners
7661 East Via Del Placito
Scottsdale, AZ

PLANNING COMMISSION RECOMMENDATION: APPROVE by a vote of 4-0 with Commissioner Simonson abstaining, subject to the attached stipulations and ADOPT Ordinance No. 2724 affirming this case.

STAFF RECOMMENDATION: Per Planning Commission

CONCURRENCE: The Parks Commission will review the proposal on November 9, 1994.

PUBLIC COMMENT: The applicant has contacted the area wide homeowners association, representatives from nearby developments to the south and north, and a local business to the east of the site. Two area representatives spoke in favor of the proposal.

ZONING HISTORY: Annexed as R1-190 in 1982. Rezoned as a Master Planned mixed-use project in Case 85-Z-85.

SITE DETAILS

USE: Residential, golf, resort, special use
AREA: 659± gross acres
DWELLING UNITS: 384
DENSITY: .58 du/ac

OPEN SPACE: 166 acres Conservation Area
339 acres Natural Area
90 acres Improved Golf

GENERAL PLAN DISCUSSION:

The current General Plan reflects the current zoning pattern for the property. Key elements included in the original concept are a private, exclusive resort and golf course, the Pinnacle Peak Mountain Park, and the proposed "Desert Discovery" Museum. The proposal shifts uses in terms of their specific location on the site, modifies the concept of the resort uses, scales back the area of the museum and park uses and increases the open space allocated to golf.

ESLO DISCUSSION:

Because this is a significant revision to the old plan, this project is converting from the Hillside Ordinance provisions to the ESL Ordinance provisions. The landform delineation is being revised in the northeast quadrant of the site to convert a valley and low hills from the Hillside to the Upper Desert landform.

11/15/94 PH
DATE

ACTION TAKEN Approved 6/0

STIPULATIONS FOR CASES 43-ZN-94 45-ZN-90#2

ZONING/DEVELOPMENT PLAN

1. Development shall be in substantial conformance with the submitted plan and development program except as modified by the following stipulations. Any proposed significant change, as determined by the planning and community development administrator shall require approval through a subsequent public hearing.

   The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, N.A.O.S. requirements and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.

2. The zoning districts, maximum land use intensities and dwelling and room totals shall be as shown on the following table except as modified below. the specific location and boundaries of each parcel shall be determined at the time of site plan approval for the parcel. The zoning for each parcel shall be adopted prior to the issuance of building permits on the parcel except for parcels V1, V2, either golf course, or any master planned community common facilities. With the action for adoption of each parcel the applicant shall submit a revised master development plan and land use data table indicating the final status of the parcel.

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
A	R1-35 HD/HC	163	180 DU	1.10 DU/AC
B	R1-43 HD/HC	157	110 DU	.70 DU/AC
C	R1-70 HD/HC	58	30	.52 DU/AC
D	R1-18 HD/HC	222	411 DU	1.85 DU/AC
E	R1-18 HD/HC	109	128	1.17 DU/AC
F	R1-18 HD/HC	111	194 DU	1.75 DU/AC
G	R1-43 HD/HC	82	55	.67 DU/AC
H	R1-18 HD/HC	62	102 DU	1.65 DU/AC
I	R-4 HD/HC	65	189 DU	2.91 DU/AC
J	R-4 HD/HC	39	107	2.74 DU/AC
K	R1-7 HD/HC	16	24 DU	1.50 DU/AC
L	R1-18 HD/HC	87	120	1.38 DU/AC
P	R1-35 HD/HC	28	27 DU	.96 DU/AC
R	R1-43 HD/HC	0	0 DU	.67 DU/AC
S	R1-7 HD/HC	50	107 DU	2.14 DU/AC
U	R1-70 HD/HC	29	14 DU	.48 DU/AC
U	R1-70 HD/HC	29	14 DU	.48 DU/AC
V2	R4-R HD/HC	31	424 DU	6.14 DU/AC
E-A AA	R1-18 HD/HC ESL	232 115	432 109 DU	188 1.00 DU/AC
E-B BB	R-4R R-4-HD/HC ESL	74 98	271 144 DU	3.67 1.50 DU/AC
SUBTOTAL:		1,529 1,643 1,436	2,374 DU	

ATTACHMENT B

11/15/94 DN

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
(V~~i~~	R-4R HD/HC	38	315 RM	8.29 RM/AC)
~~-CC~~ E-C	R-4R HD/HC ESL	~~74~~ 44	525-RM 77 DU	~~7.14~~ 1.70 RM/AC
E-D	R-4R ESL	11	54 DU	5.00
SUBTOTAL:		~~108~~ 93	~~1,100~~RM 446	~~7.49~~ 4.9 RM/AC
M	C-O HD	~~5~~10		.20 F.A.R.
N	PCC HD	20		.25 F.A.R.
O	C-O HD	5		.25 F.A.R.
Q	S-R HD/HC	12		.25 F.A.R.
T	C-2 HD/HC	13		.20 F.A.R.
--X-E-E	~~C~~-2-HD-SC ESL	-20 11		.25 F.A.R.
Y	C-2 HD	~~12~~ 20		.30 F.A.R.
SUBTOTAL:		92 91		
E-G	R1-35 ESL	12		
Z	OS HD	23		
E-J	COS ESL	10		
PK/SC	OS HD/HC	35		
E-PK	~~COS~~OS-HD/HC ESL	~~185~~ 155		
NGC	OS HD/HC	299		
E-SGC	~~OS~~OS-HD/HC ESL	~~155~~ 193		
STREETS DEDICATED AS OF APPLICATION SUBMITTAL		62		
SUBTOTAL:		~~614.5~~ 729		
TOTAL ACREAGE:		2,457.5		

* Adjustments to the proposed units allowed in column 4 and proposed density in column 5 may be approved by project coordination staff subject to the following conditions:

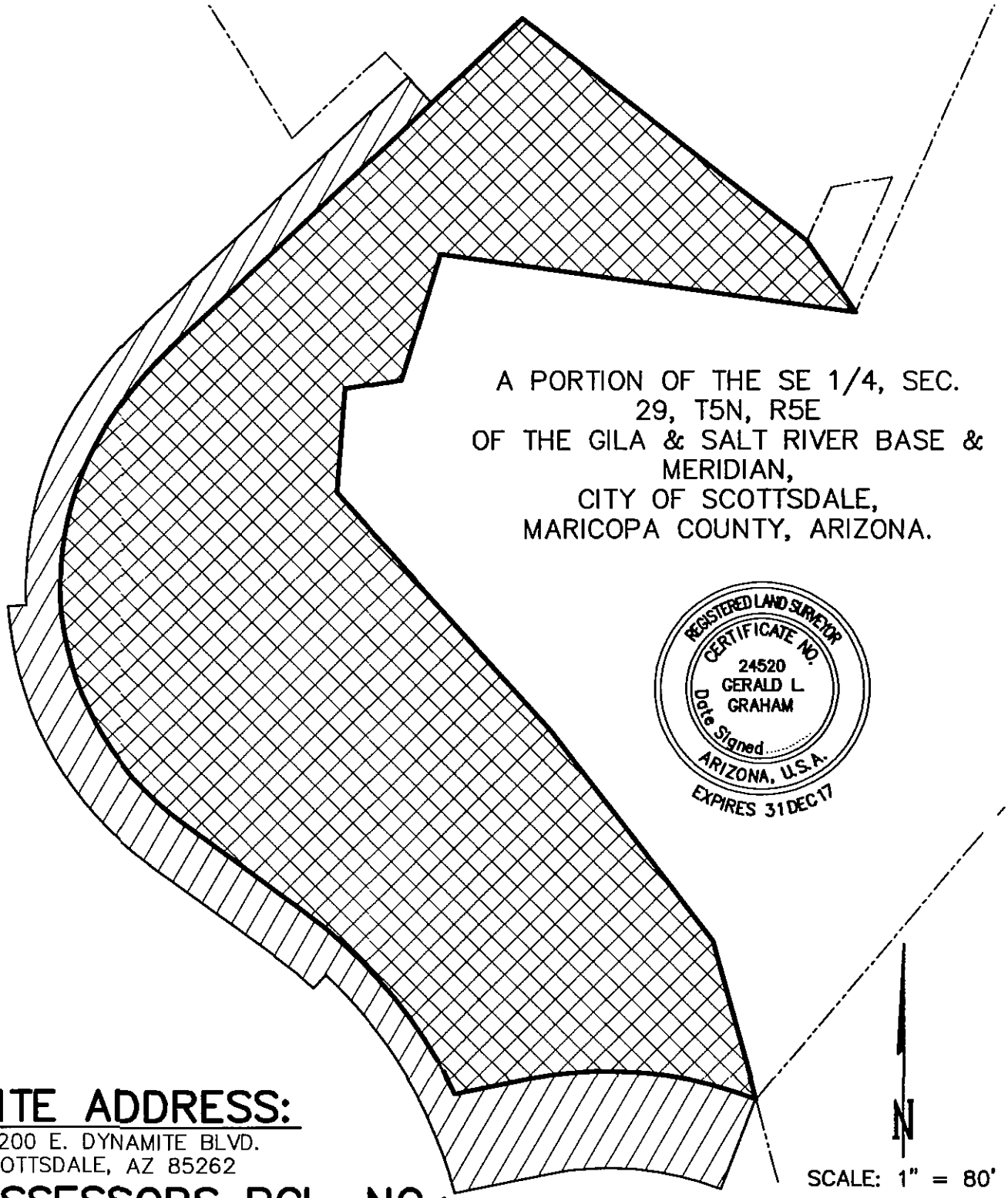
a. The total dwelling units and resort rooms for the overall project are not increased;

b. A specific site plan has been submitted and reviewed on-site verifying that the proposed change is environmentally sensitive and provides appropriate land use relationships;

c. The maximum change for parcels A, B, C, G, U, R, and AA is less than 10% for other parcels is less than 20%;

~~11/15/94~~ DH

D



A PORTION OF THE SE 1/4, SEC. 29, T5N, R5E
OF THE GILA & SALT RIVER BASE & MERIDIAN,
CITY OF SCOTTSDALE,
MARICOPA COUNTY, ARIZONA.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
24520
GERALD L. GRAHAM
Date Signed.....
ARIZONA, U.S.A.
EXPIRES 31DEC17

N

SCALE: 1" = 80'

SITE ADDRESS:

10200 E. DYNAMITE BLVD.
SCOTTSDALE, AZ 85262

ASSESSORS PCL. NO.:

216-72-585-B

LOT DATA:

LOT AREA = 138,117 S.F./ 3.1707 AC.± (GROSS)
111,398 S.F. / 2.5574 AC.± (NET)

GRAHAM SURVEYING & ENGINEERING INC.
Civil Engineers & Land Surveyors
P.O. BOX 1240, Carefree, Arizona 85377
(480) 488-4393
DATE: 08-03-17
SHT. 1 OF 1 JOB #15-006

E

CITY COUNCIL ACTION REPORT

TO: MAYOR AND CITY COUNCIL DATE: 9/19/89
FROM: PLANNING & ZONING/PROJECT COORDINATION
SUBJECT: CASE 28-Z-89

AGENDA ITEM NO. 2-Z-2
DON HADDER
DICK CREW RAC
STAFF

REQUEST: To amend a master development plan, stipulations, and development standards for a mixed use development

LOCATION: Surrounding the intersection of Dynamite Boulevard and Alma School Parkway

APPLICANT: Pinnacle Peak Dev. Co.
8787 E. Pinnacle Peak Road
Scottsdale, Az.

OWNER: PPVN Limited Partnership/
Pinnacle Peak Partners
Same

PLANNING COMMISSION RECOMMENDATION: APPROVE subject to the attached stipulations by a vote of 5-0-1 (Commissioner Laraway abstaining.

STAFF RECOMMENDATION: Per the Planning Commission

CONCURRENCE: The Parks Commission reviewed the proposed parks and voted unanimously to support the park concepts and encourage ongoing dialogue with the Cave Creek School District.

PUBLIC COMMENT: Three persons spoke in favor of the proposal while focusing ongoing concerns about follow through trails, limiting density, protection of native plants, dark sky lighting control, drainage control, assuring southwestern building design, control of mass grading, assuring a balanced cost/benefit ratio and development of the desert museum.

GENERAL PLAN: Does not conform (see discussion)
ZONING HISTORY: (see discussion)
SITE DETAILS
USE: Mixed use
PARCEL SIZE: 2430+ acres
DWELLING UNITS: 2,344
DENSITY: .96 du/ac
PARKING REQUIRED: N/A
PARKING PROVIDED: N/A

BUILDINGS: N/A
HEIGHT: 30' maximum
SETBACKS: See stipulations and amended standards

DISCUSSION:

The proposal includes a complex series of adjustments from previously approved plans and involves an extensive history and several significant issues. Therefore the report is divided into sections regarding project history, general plan status, plan concept, infrastructure and analysis.

A. Project History

When Maricopa County established zoning for the general area, the site was zoned Rural-190 which typically results in a density of one house per 5 acres. Surrounding parcels were similarly zoned, however lands one mile to the east, north and south were zoned Rural-43 (a density of slightly less than one house per acre).

ACTION TAKEN

In 1979, Maricopa County approved the "Desert Foothills Policy and Development Guide" which indicated that the area should develop as rural density residential uses. The Policy Guide indicates strong support for inclusion of resort and tourism facilities in the area but did not indicate any specific locations or location criteria for such uses. The plan also did not anticipate the connection of Dynamite Boulevard with Rio Verde Drive, even though both streets follow the same section line alignment.

In the early 1980's the property owner conducted ongoing discussion with the county about establishing a development master plan across the site on the northern 1,800 acres which would include a golf course, resort and an overall density of roughly one-home per acre. Such master plans are not zoning and there is not a comparable process in the City's planning processes.

The site was annexed into Scottsdale in 1983. Late in 1983 the City Council approved Case 81-Z-83 for the northern 1,800 acres of the site. The proposal was a plan which included 1,160 residential units in lot sizes ranging from 5 acres to 1/5 acre, a 525 room resort, commercial sites and a desert parkway system with both natural and developed park areas.

In 1986 the City Council approved Case 87-Z-85 which not only modified the previous plan but also added 680 acres of State Land into the plan concept. The original 1,800 acre portion added 125 units while the State Land acreage included in the plan provided another 432 units. The original resort decreased in size by 225 rooms but a new 525 room resort was included in the State Lands portion. The amount of commercial land remained essentially the same but new sites were provided for office uses. Additional changes included eliminating the desert parkway concept and replacing it with two 18-hole golf courses and a major public park; the provision for a nature park on Pinnacle Peak; and the provision for an interpretive desert museum.

Since approval of the zoning case, the master plans for the original 1,800 acre portion have been approved; right-of-ways for Dynamite and the extension of the realigned Alma School have been dedicated; major water, sewer and utility lines have been approved along Dynamite; and construction has begun on the north golf course. Construction is expected to begin on Dynamite and Alma School in the near future.

The following table provides a generalized comparison of the two previous cases with the current proposal:

Land Use	81-Z-83	87-Z-85	28-Z-89
Residential			
Units	1,160	1,741	2,344
Acreage	1,291	1,598	1,527
Net Density	.90	1.09	1.54
Gross Density	.64	.70	.96

Resort			
Rooms	525	825	805
Acreage	81	103	84
Density	6.49	8.04	9.58
Commercial/Office			
Commercial Ac.	44	54	44
Office Acres	-0-	26	26
Subtotal	44	80	70
Open Space Acreage			
Hillside Conservation	76	366	348
Desert Parkway			
Natural	219	-0-	-0-
Developed	87	-0-	-0-
Golf Course	-0-	279	304
Parks	(87) See above	29	31
Total Acreage	1,798	2,478	2,438

B. General Plan Status

The first adopted General Plan by the city for the area was the Scottsdale Foothills Plan, which was approved in late 1984. The planned land uses on the site reflected the approved plan in Case 81-Z-83. Of special note was the provision for the connection of Dynamite with Rio Verde and the designation of the south half as part of the "Resort Village" character district.

The current General Plan reflects the project plan approved in Case 87-Z-85. The proposal in Case 28-Z-89 does not conform with the current land use plan in that there is a significant (35%) increase in residential density. The proposal generally conforms with other plans and elements included within the General Plan.

In terms of General Plan impacts, the greatest concerns relate to adjacent uses along Dynamite Boulevard east and west of the site.

The concern is that with the increase in density on the project there might be heightened interest by adjacent propety owners to seek additional density. To a large extent this concern is buffered on the east side by topographical ridges which tend to visually screen the site from adjacent properties and an approved resort project which contains substantial buffering in it's site plan. On the west side the buffering is not quite as strong, but the scenic corridor along Dynamite, the transmission line corridors, and major flood plain corridors converge toward the southwest corner of the site and should help to provide substantial open space breaks from adjacent properties.

The land uses are not changing or are decreasing slightly in the southern portions of the site. In addition, mountain, outcrops, ridges and slope orientation help to provide a good deal of visual and physical buffering in this area. To the north is state land which is topographically separated from the site and is not likely to be developed for many years.

C. Plan Concept.

The land use concept of the proposal focuses on two nodes of activity. The first would be extensions of the General Plan concept of a resort village "cowboy commercial" district which is conceived of as an expansion of specialty retail and resort uses around the Pinnacle Peak Patio and Reata Pass Restaurant sites. The resulting land uses include the Desert Museum, specialty commercial and townhouse units in the vicinity of 104th and Jomax as one grouping and the commercial, office, park, and cluster residential units along the extension of Alma School as the other grouping. These uses complete the village core and provide transitions outward.

The other node includes the two resort sites, a specialty commercial center, and associated cluster residential units. This node establishes an internal resort core for the project. Single family uses with decreasing density transition outward from the core.

Dynamite and Alma School will provide the primary access to the project. These roads will have six lanes and four through lanes respectively. Internal collectors will feed traffic to these streets. The proposed plan changes do not substantially affect the ultimate planned street capacities. Trails and bikepaths will tie into neighboring areas and feed into the park sites.

Substantial portions of the site will be retained as open space. The two golf courses cover about 300 acres of land with only a little more than half of the area under turf. The undevelopable hillside conservation areas include about 250 acres (14%) of the total site. Of the remaining 1,900 or so acres, roughly 600 acres will be retained as natural area open space. This represents nearly one-third of the buildable area. Significant natural area corridors will be provided as scenic corridors along Dynamite and Alma School, perimeter buffers and along major washes.

D. Infrastructure

The project has provided some significant water transmission lines serving not only the site but neighboring areas as well. Additional provisions for pumping and distribution will be occurring with participation by the project. The project has led the way for serving the area from CAP sources.

Sewer lines will tend to begin on-site and flow downhill to treatment facilities at Troon Village, Desert Highlands and ultimately at the future regional plant. Again, the project is leading the way toward the ultimate development of the regional plant and re-use from the plant. Development of the former state lands portions will be predicated by transfer of CAP resourses to the city.

The project will provide opportunities to establish detention and control measures which should reduce flooding potentials downstream. The site generally is at the top of the drainage basin and therefore will not be greatly affected by any flows from upstream areas.

The planned street capacity is substantial and should handle the project's traffic without significant problems. The project has better accessability and greater capacity than most of the other local master planned projects.

E. Analysis

In reviewing the overall proposal there are of course both concerns and benefits which would result from the development.

Concerns identified by Project Coordination include:

1. The proposed land uses and densities reach the maximum yield for the environmental and locational setting of the site. Any additional intensification would begin to yield negative impacts on retaining the natural and visual quality of the development and would begin to tax the land use transitions and infrastructure capacities planned for the area.

2. The project will require more resources to serve the site and will yield more impact on the local infrastructure.

3. Approval of the project may spur real estate and speculation interest on nearby lands. Many surrounding sites do not share the key locational and infrastructure conditions which make this project viable and reasonable.

The benefits identified by Project Coordination include:

1. The proposed plan includes significant transitions and buffers and creates a viable balance of uses.

2. The project has and will provide major infrastructure systems and public facilities which will benefit local areas and the city as a whole.

3. The project has made a strong, visible commitment toward respecting the key desert character which is of special value on the site.

4. The proposal is more sensitive than the previous plan in relating certain densities to the terrain conditions.

The staff recommendation for approval is reserved and is based on the opinion that the increased intensity can be accommodated by the infrastructure and the design does not undermine the still valid very low density land use policy for the area surrounding this activity node.

COMMUNITY IMPACT:

The proposal will increase the number of dwelling units and thereby the ultimate population on the site. Increases in infrastructure are manageable and will be handled by the development. The project is a major catalyst for upgrading the infrastructure serving the general area. No additional desert will be lost as compared to earlier plans and substantial public openspaces will be provided.

William B. King
General Manager/Planning & Zoning

Jorge Carrasco
City Manager

ATTACHMENTS:
A - Stipulations
#1 - Area Map
#2 - Zoning Map
#3 - Development Plan
#4 - 87-Z-85 Development Plan
#5 - Amended Development Standards
#6 - Planning Commission Minutes 9/12/89

STIPULATIONS FOR CASES ~~87-Z-85, 65-UP-85, 79-UP-85~~ 28-Z-89

ZONING/DEVELOPMENT PLAN

1. Development shall be in general conformance with the submitted plan of development except as modified by the stipulations.

~~2. Maximum densitites and dwelling unit counts shall be as shown on the approved plan of development. A maximum of 1285 dwelling units shall be permitted on the 1800 acre Pinnacle Peak Village North with a maximum of 740 units north of Dynamite Road alignment. The specific location of each parcel shall be determined at the time of site plan review.~~

2. THE ZONING DISTRICTS, MAXIMUM LAND USE INTENSITIES AND DWELLING AND ROOM TOTALS SHALL BE AS SHOWN ON THE FOLLOWING TABLE EXCEPT AS MODIFIED BELOW. THE SPECIFIC LOCATION AND BOUNDARIES OF EACH PARCEL SHALL BE DETERMINED AT THE TIME OF SITE PLAN APPROVAL FOR THE PARCEL. THE ZONING FOR EACH PARCEL SHALL BE ADOPTED PRIOR TO THE ISSUANCE OF BUILDING PERMITS ON THE PARCEL EXCEPT FOR PARCELS V1, V2, EITHER GOLF COURSE, OR ANY MASTER PLANNED COMMUNITY COMMON FACILITIES. WITH THE ACTION FOR ADOPTION OF EACH PARCEL THE APPLICANT SHALL SUBMIT A REVISED MASTER DEVELOPMENT PLAN AND LAND USE DATA TABLE INDICATING THE FINAL STATUS OF THE PARCEL.

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
A	R1-35 HD/HC	158	113 DU	.72 DU/AC
B	R1-43 HD/HC	180	100 DU	.56 DU/AC
C	R1-70 HD/HC	117	47 DU	.40 DU/AC
D	R1-18 HD/HC	207	404 Du	1.95 DU/AC
E	R1-18 HD/HC	118	167 DU	1.42 DU/AC
F	R1-18 HD/HC	121	208 DU	1.72 DU/AC
G	R1-70 HD/HC	86	42 DU	.49 DU/AC
H	R1-18 HD/HC	62	85 DU	1.37 DU/AC
I	R-4 HD/HC	62	218 DU	3.52 DU/AC
J	R-4 HD/HC	30	98 DU	3.27 DU/AC
K	R1-7 HD/HC	51	68 DU	1.33 DU/AC
L	R1-18 HD/HC	62	84 DU	1.35 DU/AC
P	R1-35 HD/HC	40	35 DU	.88 DU/AC
R	R1-43 HD/HC	3	2 DU	.67 DU/AC
S	R1-7 HD/HC	45	113 DU	2.50 DU/AC
U	R1-70 HD/HC	29	14 DU	.48 DU/AC
V2	R1-7 HD/Hc	31	144 DU	4.65 DU/AC
AA	R1-35 HD/HC	172	161 DU	.94 DU/AC
BB	R-4 HD/HC	74	271 DU	3.67 DU/AC
SUBTOTAL:		1,648	2,374 DU	1.44 DU/AC

ATTACHMENT A

APPROVED
2/12/90 DH
DATE INITIALS

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
V1	R-4R HD/HC	34	280 RM	8.24 RM/AC
CC	R-4R HD/HC	74	525 RM	7.09 RM/AC
SUBTOTAL:		108	805 RM	7.45 RM/AC
M	C-O HD	10		.20 F.A.R.
N	PCC HD	20		.25 F.A.R.
O	C-O HD	5		.25 F.A.R.
Q	S-R HD/HC	12		.25 F.A.R.
T	C-2 HD/HC	13		.20 F.A.R.
Y	C-2 HD	12		.30 F.A.R.
SUBTOTAL:		72		
Z	OS HD	23		
PK/SC	OS HD/HC	34		
PK	OS HD/HC	185		
NGC	OS HD/HC	162.5		
SGC	OS HD/HC	153		
STREETS DEDICATED AS OF APPLICATION SUBMITTAL		52		
SUBTOTAL:		609.5		
TOTAL ACREAGE:		2,437.5		

* ADJUSTMENTS TO THE PROPOSED UNITS ALLOWED IN COLUMN 4 AND PROPOSED DENSITY IN COLUMN 5 MAY BE APPROVED BY PROJECT COORDINATION STAFF SUBJECT TO THE FOLLOWING CONDITIONS:

A. THE TOTAL DWELLING UNITS AND RESORT ROOMS FOR THE OVERALL PROJECT ARE NOT INCREASED;

B. A SPECIFIC SITE PLAN HAS BEEN SUBMITTED AND REVIEWED ON-SITE VERIFYING THAT THE PROPOSED CHANGE IS ENVIRONMENTALLY SENSITIVE AND PROVIDES APPROPRIATE LAND USE RELATIONSHIPS;

C. THE MAXIMUM CHANGE FOR PARCELS A, B, C, G, U, R, AND AA IS LESS THAN 10% FOR OTHER PARCELS IS LESS THAN 20%;

APPROVED
2/12/90 DH
DATE INITIALS

D. THAT THE MAXIMUM DENSITIES OF THE UNDERLYING ZONE ARE NOT EXCEEDED; AND

E. THAT THE APPLICANT SUBMITS A REVISED MASTER DEVELOPMENT PLAN AND LAND USE TABLE FOR APPROVAL.

ANY OTHER CHANGES OR APPEALS TO STAFF DECISIONS REGARDING PROPOSED CHANGES ARE SUBJECT TO PUBLIC HEARING REVIEW AND APPROVAL BY THE CITY COUNCIL.

NOTE: THE APPLICANT UNDERSTANDS AND AGREES THAT THE APPROVED DENSITY FOR EACH PARCEL IS SUBJECT TO DRAINAGE, TOPOGRAPHY, NAOS REQUIREMENTS, AND OTHER SITE PLANNING CONCERNS WHICH WILL NEED TO BE RESOLVED AT THE TIME OF PRELIMINARY PLAT OR SITE PLAN APPROVAL. APPROPRIATE DESIGN SOLUTIONS TO THESE CONSTRAINTS MAY PRECLUDE ACHIEVEMENT OF THE PROPOSED UNITS OR DENSITY ON ANY OR ALL PARCELS.

~~3. The approved zoning for each parcel shall be as shown on the plan of development.~~

3. The property development standards for the zoning districts shall be amended as submitted except as modified by THE FOLLOWING stipulations:

A. THE SINGLE FAMLY RESIDENTIAL DEVELOPMENT STANDARDS SHALL APPLY TO ALL R1 DISTRICTS WITHIN THE DEVELOPMENT PLAN.

B. THE MINIMUM LOT SIZE SHALL BE 5,500 SQUARE FEET AND SUBJECT TO THE DENSITY LIMITS OF THE PARCEL AND THE STANDARDS INCLUDED IN CHART "A".

C. DETACHED GUEST HOUSES SHALL NOT BE PERMITTED ON LOTS LESS THAN 18,000 SQUARE FEET IN SIZE.

D. IF GUEST HOUSES ON A PARCEL ARE INTENDED TO HAVE COOKING FACILITIES, THE APPLICANT SHALL SUBMIT FOR REZONING TO R-2. THE R1 DEVELOPMENT STANDARDS SHALL APPLY TO R-2 LOTS. BOTH DWELLINGS SHALL MEET THE REQUIRED FRONT, SIDE AND REAR YARD REQUIREMENTS.

E. THE REAR IMPROVEMENT SETBACK WHERE REQUIRED SHALL BE AN AVERAGE 12 FEET WITH A MINIMUM OF 7 FEET.

F. SIDE YARD SETBACK "VARIANCES" AS DESCRIBED SHALL BE SUBJECT TO RECORDATION OF THE ADJUSTED SIDE YARD DIMENSIONS ON ALL AFFECTED LOTS AND SUBMITTAL REFLECTING SUCH RECORDATION TO THE SUBDIVISION FILE OF THE CITY OF SCOTTSDALE. PROJECT REVIEW STAFF APPROVAL SHALL BE REQUIRED PRIOR TO RECORDATION.

G. NOTE THAT THE PROJECT REVIEW/COORDINATION STAFF INTERPRETS ALL THREE-DIMENSIONAL STRUCTURES WITH ANY FORM OF TOP COVERING; I.E. ROOF, LATTICE, TENT, AWNING, ETC.; AS BEING A BUILDING.

H. THE PARKING STANDARDS OF ARTICLE IX SHALL APPLY.

APPROVED
2/12/90 DH
DATE / INITIALS

I. THE APPLICANT SHALL SUBMIT REVISED SKETCHES FOR THE DEVELOPMENT STANDARDS FOR EACH UNIT TYPE WHICH IS AN ACCURATE, UNIFORMLY SCALED DEPICTION OF TYPICAL STANDARD KEY, THROUGH, CORNER, FLAG AND CUL-DE-SAC LOTS.

~~5. Within the 3 acre (minimum lot size) buffer area shown on the development plan, minimum main building setback shall be 60 feet from the project perimeter. Building setback from project perimeter of Parcels I and H shall conform to the setback requirement of the abutting property zoning district.~~

4. WITHIN THE 3 ACRE MINIMUM LOT SIZE AREA SHOWN ON THE SUBMITTED DEVELOPMENT PLAN, THE IMPROVEMENT ENVELOPE SHALL BE SET BACK AN AVERAGE OF 80 FEET FROM THE PROJECT PERIMETER. AN 80 FEET MINIMUM IMPROVEMENT ENVELOPE SETBACK SHALL BE PROVIDED ALONG THE PROJECT PERIMETER ON PARCELS A, B, G AND H WHERE THE PARCELS ARE ADJACENT TO R1-190, R1-130, R1-70, R1-43, OR R1-35 ZONING.

~~6. Parcel M shall be limited to 100,000 gross square feet of building. Floor area ratios shall be limited to .25 on all remaining commercial/office parcels.~~

5. The site plan for the commercial, resort and office sites shall be approved through the public hearing process. The museum site shall obtain use permit approval through the public hearing process. The use permit application shall include ownership, use and role of the City in the operation (if any). ~~The State Land Department, by condition of sale or lease, shall restrict the museum site for exclusive use as a desert discovery center.~~ NOTE - COMPLETED AS A CONDITION OF SALE

~~9. The approved zoning and plan of development shall lapse and be of no further effect if on-site construction has not begun within 36 months of the date of City Council approval. The Council may, upon request by the applicant, extend the time period in which construction must begin. Upon the lapse of the approved development plan, the zoning shall revert to R1-190 HD/HC.~~

6. The Vista Corridor Washes shall be maintained by a homeowners association. PROOF THAT SUCH AN ASSOCIATION HAS BEEN ESTABLISHED SHALL BE REQUIRED PRIOR TO ISSUANCE OF ANY SINGLE FAMILY BUILDING PERMITS ON ANY PLAT ADJACENT TO A VISTA CORRIDOR.

~~11. Future density transfers between parcels may be approved by administrative action except that any transfer which would result in a density greater than that allowed by the approved base zoning for the parcel shall be subject to City Council approval through the public hearing process. A revised plan of development showing the proposed amendment shall be submitted by the applicant prior to any such approval.~~

APPROVED
2/12/90 DN
DATE INITIALS

7. On November 17, 1983 and November 21, 1985 the Development Review Board recommended approval of an adjustment to the "no-development line" subject to the attached stipulations (Exhibit A).

8. The no-development line is conceptual only and all adjustments are to be contingent on Development Review Board approval of site plan for each parcel prior to its submittal for preliminary plat review. The applicant shall deliver a deed of dedication or a non-development scenic easement for the property within the Hillside Conservation (HC) area on that parcel PRIOR TO ISSUANCE OF ANY BUILDING PERMITS ON THAT PARCEL.

9. At the time of zoning adoption, any property above the adjusted no-development line, as approved by the Development Review Board, shall be adopted as HC (Hillside Conservation). The zoning for properties below the adjusted no-development line shall be adopted in accordance with the approved development plan at the time more specific information can be provided, as each parcel comes through for SITE PLAN development review approval.

~~10. The construction of each golf course may begin prior to the start of construction of either resort; however, each golf course shall not be open for play until building permits have been issued and construction has begun on the first phase of one of the resorts as determined at the time of site plan approval through the public hearing process. The other resort site shall begin construction within 10 years of the date of zoning approval and proceed to completion in a diligent manner. If construction has not commenced on the second resort site within the specified period, the property shall be deeded to the City.~~

10. THE CONSTRUCTION OF EACH GOLF COURSE MAY BEGIN PRIOR TO THE START OF EITHER RESORT SUBJECT TO THE FOLLOWING:

A. THE NORTH RESORT SITE SHALL BEGIN CONSTRUCTION WITHIN FIVE YEARS OF THE DATE OF COUNCIL APPROVAL OF CASE 28-Z-89 AND SHALL PROCEED TO COMPLETION IN A DILIGENT MANNER. IF CONSTRUCTION HAS NOT COMMENCED ON THE NORTH RESORT WITHIN THE SPECIFIC TIME FRAME THE NORTH RESORT SITE SHALL BE DEEDED TO THE CITY FOR DEVELOPMENT OF A RESORT HOTEL. A MINIMUM OF FIFTY PERCENT (50%) OF TOTAL PLAY TIME ON THE NORTH GOLF COURSE SHALL BE RESERVED FOR THE NORTH RESORT SITE. AT LEAST FIFTY PERCENT (50%) OF THE TOTAL PLAY TIME ON THE NORTH GOLF COURSE SHALL BE AVAILABLE FOR GENERAL PUBLIC PLAY UNTIL SUCH TIME AS THE NORTH RESORT CONSTRUCTION HAS BEGUN. RESORT CONSTRUCTION SHALL BE DEFINED AS CONSTRUCTION ON AT LEAST TEN PERCENT OF THE ULTIMATE PLANNED RESORT ROOMS, CASITAS, VILLAS OR SIMILAR TYPE UNIT.

APPROVED
2/12/90 PH
DATE INITIALS

B. THE SOUTH RESORT SITE SHALL BEGIN CONSTRUCTION WITHIN TEN YEARS OF THE DATE OF COUNCIL APPROVAL OF CASE 28-Z-89 AND SHALL PROCEED TO COMPLETION IN A DILIGENT MANNER. IF CONSTRUCTION HAS NOT COMMENCED ON THE SOUTH RESORT WITHIN THE SPECIFIC TIME FRAME THE SOUTH RESORT SITE SHALL BE DEEDED TO THE CITY FOR DEVELOPMENT OF A RESORT HOTEL. A MINIMUM OF FIFTY PERCENT (50%) OF TOTAL PLAY TIME ON THE SOUTH GOLF COURSE SHALL BE RESERVED FOR THE SOUTH RESORT SITE. AT LEAST FIFTY PERCENT (50%) OF THE TOTAL PLAY TIME ON THE SOUTH GOLF COURSE SHALL BE AVAILABLE FOR GENERAL PUBLIC PLAY UNTIL SUCH TIME AS THE SOUTH RESORT CONSTRUCTION HAS BEGUN.

11. Lot lines on a recorded plat may extend into the HC area. If development standards require minimum lot sizes, property beyond the no-development line shall not be included in the required area of any Hillside development parcel.

12. Density will be based on the gross development area of each parcel. Future determination of the "no-development line" will not affect the total number of units approved for each parcel OR THE PROJECT AS A WHOLE, but may require adjustments to the approved zoning on some parcels.

13. The applicant understands and acknowledges that the natural area open space requirements within developable areas are in addition to any area designated Hillside Conservation (HC).

14. Golf course development shall be in ~~substantial~~ GENERAL conformance with the site plan submitted as part of this application. Lighting of the driving range(s) shall be prohibited. The location of the half-way house and maintenance facilities shall be determined at the time of development review. The golf course site plan and the exterior design of the clubhouse, maintenance facilities, and other related facilities, including the color and physical character of the facilities, shall be subject to Development Review Board approval. The Development Review Board shall pay particular attention to the following:

    a. A detailed study showing the peak day and average day water demand, and area in turf, revegetated and natural desert
    b. Design and layout of the parking lot for the golf course clubhouse to ensure minimal cuts and fills and a design which compliments the natural topography of the site
    c. Cart path locations and street crossings
    d. Proposed lighting
    e. Driving ranges
    f. Public address systems to insure minimal noise pollution

15. All improvement plans for common open space OR COMMON SERVICE AMENITIES AND BUILDINGS, including the landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included), major drainage ways, wall designs, etc., shall be approved by the Development Review Board.

APPROVED
2/12/90 DN
DATE / INITIALS

16. A Scenic Corridor easement shall be provided along both sides of Dynamite Boulevard, with an average width of 50 feet and a minimum width of 40 feet adjacent to single-family uses, and an average width of 100 feet and a minimum width of 80 feet adjacent to all other uses. The Scenic Corridor is to be maintained as undisturbed natural area. The Scenic Corridor width is to be measured starting at the road right-of-way. THE WIDTH OF THE SCENIC CORRIDOR MAY BE ADJUSTED BY THE DEVELOPMENT REVIEW BOARD IF PROTECTION OF SIGNIFICANT NATURAL FEATURES CAN BE BETTER ACHIEVED.

17. Dedication of the park sites shall occur prior to development review approval of any abutting parcel (I, J, Q, R, AA, and Z). Prior to dedication the MASTER site plans for the park shall be reviewed and approved by the Parks Commission, PLANNING COMMISSION AND CITY COUNCIL. THE APPLICANT SHALL CONTRIBUTE $200,000 TOWARD THE INITIAL IMPROVEMENT OF THE COMMUNITY PARK SITES . IN LIEU OF THE CONTRIBUTION OR AGREEMENT WITH THE CITY THE APPLICANT MAY PROVIDE ON-SITE IMPROVEMENTS (SUCH AS ROUGH GRADING AND NATIVE PLANT RELOCATION) SUBJECT TO AN AGREEMENT APPROVED BY THE PARKS COMMISSION AND CITY COUNCIL. THE CONTRIBUTION SHALL BE PROVIDED PRIOR TO THE DEVELOPMENT OF ANY PARCEL ADJACENT TO EITHER PARK SITE. THE APPLICANT SHALL PROVIDE ALL NECESSARY OFF-SITE FACILITIES.

18. A 40 FEET AVERAGE/30 FEET MINIMUM WIDTH NATURAL AREA BUFFER SHALL BE PROVIDED ALONG ALMA SCHOOL PARKWAY SOUTH OF DYNAMITE.

19. THE MAXIMUM FLOOR AREA OF ANY SINGLE RETAIL USE ON PARCELS T AND Y SHALL BE 15,000 NET SQUARE FEET.

20. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS ON PARCELS AA, BB, OR Y THE APPLICANT SHALL SUBMIT VERIFICATION TO THE CITY THAT A NON-PROFIT ORGANIZATION HAS BEEN ESTABLISHED AND FUNDED WHICH WILL OWN, FINANCE, DESIGN, BUILD AND ULTIMATELY OPERATE THE DESERT MUSEUM USE IDENTIFIED FOR PARCEL Z. IT IS UNDERSTOOD THAT THE CITY SHALL ASSUME NO RESPONSIBILITY FOR THE DEVELOPMENT OR OPERATIONS OF THE FACILITY, UNLESS OTHERWISE DETERMINED BY THE CITY COUNCIL.

21. THE CITY SHALL NOT BE RESPONSIBLE FOR PROVIDING ANY FENCING OR WALLS IN ORDER TO PROVIDE SECURITY AND SITE IDENTIFICATION FOR THE PARK PERIMETERS FOR ADJACENT DEVELOPMENT.

22. BUILDING DESIGNS SHOULD INCLUDE WHEREVER POSSIBLE THE FOLLOWING MATERIALS OR FEATURES: HEAVILY TEXTURED SURFACES, MUTED EARTH TONES, DEEP OVERHANGS AND RECESSED WINDOWS AND ENTRIES, LOW SLOPING OR PARAPET ROOF LINES, STEPPED AND MULTI-FACETED BUILDING FORMS, AND SOFTENED BUILDING EDGES.

APPROVED
2/12/90 DH
DATE INITIALS

MASTER PLANS

1. Prior to any zoning map adoption, application for Development Review Board approval, or application for preliminary plat approval FOR PARCELS "A" THROUGH "V" EXCEPT V1, V2 OR U, the applicant shall SUBMIT THE FOLLOWING AMENDED MASTER PLANS AND STUDIES: A, C AND E; AND FOR PARCELS "Z" THORUGH "CC" THE APPLICANT SHALL SUBMIT ALL OF THE FOLLOWING:

   A. Provide and secure staff approval of the following AMENDED master plans and reports COVERING THE ENTIRE PHASE OF THE DEVELOPMENT PROPOSAL:

      1. master drainage plan and report (see Schedule A)
      2. master water plan and report (see Schedule B)
      3. master wastewater plan and report (see Schedule C)
      4. master circulation plan (see Schedule D)
      5. master environmental design concept plan (see Schedule)
      6. master grading plan and report (see Schedule G)

   B. Enter into an agreement with the City for ~~construction or expansion of wastewater reclamation facilities necessary to meet the wastewater treatment requirements of the project. The wastewater reclamation facilities shall be dedicated to the City upon completion and final approval at no cost to the City (see Schedule E).~~ PARTICIPATION IN DEVELOPMENT OF A REGIONAL WASTEWATER RECLAMATION FACILITY AS PROPOSED IN THE CITY'S APPROVED WASTEWATER COLLECTION-WATER RECLAMATION MASTER PLAN PURSUANT TO AGREEMENT NO. 880090 (MAY 15, 1989).

   C. Provide a summary report indicating the proposed phasing of development and the on-site and off-site improvements required for each phase as indicated by the above master plans.

   D. Dedicate the required right-of-way as shown in Schedules J and K.

   E. Submit a revised plan of development which reflects the stipulations of approval.

APPROVED
2/12/90 DH
DATE INITIALS

HILLSIDE/ENVIRONMENT

1. All washes with a 100 year flow of 750 cfs or greater shall be designated as Vista Corridors and preserved in a natural state as determined by the Development Review Board. A scenic easement with an average width of 100 feet shall be provided along these washes concurrent with any other easements. The scenic easement shall include the washes major vegetation, and low flow channels. If there are areas within these washes which are disturbed by development proposed by this case, the wash areas shall be restored as closely as possible to their natural, pre-development state. The location and treatment of the Vista Corridor shall be approved prior to site plan or preliminary plat approval on the adjacent parcels.

2. Any proposed alteration to the natural state of washes with a 100 year flow of 50 cfs or greater or proposed improvements within these washes shall be subject to Project Review staff approval.

3. The design and construction of walls, as defined in Section 3.100 of the Zoning Ordinance, along the Vista Corridor wash shall comply with the following standards:

   A. The location of the top of the bank of the wash shall be determined jointly by the developer and Project Review staff and staked by the developer.
   B. The Natural Area/Vista Corridor easements of the wash shall be continuous up the bank to the approved corridor alignment.
   C. Walls shall be located only within approved building envelopes.
   D. Walls shall be set back 4' from the approved alignment for every 1' of wall height.
   E. The color and materials of the wall shall match the exterior materials of the house or blend into the natural terrain.

4. As part of the Development Review application, developable areas shall be reflected on the site plan. Developable areas are that portion of the site which is not natural area. ~~The developable areas shall be identified at the time of final plat on an unrecorded supplemental document.~~

5. All preliminary plats and site plans shall show all major boulders (in excess of 4 feet in diameter) and bedrock outcrops. Major boulder outcroppings shall be protected and maintained as determined jointly by the Project Review staff and the applicant at the time of site plan review.

6. All Hillside Conservation and off-lot natural areas shall be accurately surveyed and clearly staked in accordance with the approved grading plans. Such surveying and staking shall be inspected and approved prior to construction in each development phase. The natural area open space required on individual lots shall be defined prior to the issuance of building permits on each lot.

APPROVED
2/12/90 DH
DATE INITIALS

7. Prior to the commencement of construction on each residential lot, the natural area shall be suitably protected during the time of construction with access corresponding to the approved site plan. At the time of final building inspection for a dwelling unit on a lot, there shall be a site inspection to ensure that there has been minimal disruption to the natural area around the construction site.

8. The applicant and subsequent owners of record shall be ultimately responsible for the preservation and maintenance of all natural area proposed throughout the development in a natural state.

9. A native plant survey and preservation plan which complies with the requirements of the Zoning Ordinance shall be sumitted for Projet Review staff approval at the time of Development Review on each parcel. The Project Review staff will work with the applicant to minimize the extent of the survey required within large areas of undevelopable open space. All significant cactii which are suitable for transplanting and are necessarily uprooted for road building or similar construction shall be stockpiled during construction and shall be replanted in landscaped areas or donated for public use in accordance with State Statute and permit procedure.

10. Non-indigenous plant material which reaches a mature height greater than 20 feet shall not be introduced on the site.

11. EACH PRELIMINARY PLAT SUBMITTAL SHALL CLEARLY SHOW ALL HC AREAS AND SHALL INDICATE PROPOSED IMPROVEMENT ENVELOPES ON EACH LOT.

12. THE APPLICANT SHALL SUBMIT A MASTER NATURAL AREA OPEN SPACE CALCULATION FOR THE PROJECT AND A MASTER N.A.O.S. ALLOCATION PROGRAM SUBJECT TO APPROVAL BY PROJECT COORDINATION. THE INITIAL ALLOCATION IS UNDERSTOOD TO BE APPROXIMATE AND SHALL BE REVISED IN DETAIL FOR EACH DEVELOPMENT SITE PLAN WHEN THE SITE PLAN IS SUBMITTED FOR APPROVAL.

13. ON-LOT NATURAL AREA OPEN SPACE SHALL NOT BE CREDITED TO THE PARCEL N.A.O.S. ALLOTTMENT ON LOTS LESS THAN 18,000 SQUARE FEET IN SIZE, EXCEPT AS DEDICATED AS CONTIGUOUS N.A.O.S. ON A PLAT SUBJECT TO THE PROVISIONS OF STIPULATION NUMBER 14 BELOW.

14. ON PARCELS D, F, I, J, K, S, AND BB ALL REQUIRED N.A.O.S. SHALL BE PROVIDED IN COMMON TRACTS WHICH HAVE A MINIMUM DIMENSION OF 40 FEET AND A MINIMUM AREA OF 5,500 SQUARE FEET, AND AS NOTED IN STIPULATIONS NUMBER 13 ABOVE. EXCEPTIONS MAY BE APPROVED BY THE DEVELOPMENT REVIEW BOARD OR PROJECT COORDINATION STAFF, AS APPROPRIATE, WHERE THE APPLICANT CAN CLEARLY DEMONSTRATE THAT CONSERVATION OF IMPORTANT NATURAL FEATURES CAN BE BETTER ACHIEVED BY THE EXCEPTION.

15. THE MAXIMUM HEIGHT OF ANY OUTDOOR LIGHTING SOURCE SHALL BE 14 FEET ABOVE NATURAL GRADE EXCEPT FOR RECREATION USES WHICH SHALL FOLLOW THE NORMAL STANDARDS OF SECTION 7.600 OF THE ZONING ORDINANCE. LOW LEVEL LIGHTING IS ENCOURAGED WHEREVER SUCH AN APPROACH IS FEASIBLE.

APPROVED
2/12/90 DH
DATE INITIALS

CIRCULATION

1. Dedication and improvement of street rights-of-way and easements shall be according to Schedules I, J, K, L and M.

2. The main street system within this development shall be in substantial conformance with that shown on the development plan submitted as part of this application.

3. The streets within this development shall be designed and constructed to "Hillside standards" with special attention given to any cuts and fills required for roadway construction.

4. Bicycle paths and equestrian trails shall be provided as shown at the locations on the ~~applicant's submitted~~ APPROVED circulation MASTER plan (Exhibit B).

5. Direct trail access shall be provided to the 185 acre park from the east along the southern property boundary. ~~and adequate parking shall be provided for hikers on Parcel V.~~

6. Median breaks and access to Dynamite Boulevard and Alma School Parkway south of Dynamite Boulevard shall be limited to intervals of 660 feet or greater as determined at the time of Master Street plan approval.

7. Dynamite Road and the realigned Alma School Parkway shall not be open to public use until accepted by the City. Opening shall not occur until all required roadway safety features (guard rails, traffic signs, safety banners, traffic signals, etc.) have been installed.

~~8. The minor collector street intersecting Dynamite Boulevard at the 100th Street alignment and extending to Parcel U shall be dedicated and improved beyond the southeast corner of the 640 acre state land parcel to a point where the street will connect with the existing public street system.~~

8. A pedestrian/~~equestrian~~/bike way/golf cart crossing on Dynamite Boulevard shall be required and shall be grade separated. Cart path underpasses or other means acceptable to the Project Review Director may be required where these crossings occur on any collector street.

9. The design concept of all drainage crossings shall be reviewed and approved by City staff ~~prior to~~ CONCURRENT WITH the approval of the Development Review application for an affected phase.

10. Prior to the approval of each ~~non single family~~ site plan application, the alignments for all internal street/driveways within that application shall be staked by the developer and inspected on-site by the City staff to insure minimal environmental and hydrological impact.

11. There shall be no direct residential access to arterial ~~or exterior collector~~ streets. A 1' V.N.E. (vehicular non-access easement) shall be required adjacent to these streets except at approved intersections.

APPROVED
2/12/90 DH
DATE INITIALS

12. There shall be no direct lot or unit access to ~~interior~~ collector streets except as approved by the Project Review Director. Where such access is proposed, a design solution for adequate safety provisions with minimal disturbance to the collector street and the natural area shall be shown. WHEN SUCH ACCESS IS PROHIBITED, A ONE FOOT VEHICULAR NON-ASCCESS EASEMENT (VNE) SHALL BE REQUIRED ADJACENT TO THESE STREETS.

13. ALL PRIVATE STREETS SHALL BE CONSTRUCTED TO FULL PUBLIC STREET STANDARDS, INCLUDING OBSERVANCE OF THE FULL PUBLIC STREET RIGHT-OF-WAY, FROM WHICH ALL SETBACKS SHALL BE MEASURED. IN ALL CASES MINIMUM LANE WIDTHS AND DESIGN SPEED CRITERIA SHALL BE MET BUT EQUIVALANT CONSTRUCTION MATERIALS OR WIDER CROSS-SECTIONS MAY BE APPROVED BY PROJECT REIVEW STAFF.

14. Secured access shall be provided on private streets only. Security gates shall be located a minimum of 75 feet from the back of curb of the ~~public~~ INTERSECTING street. An automobile turn-around shall be provided between the public street and the security gate.

15. If there are to be internal private streets, they shall not be incorporated into the City's public street system at a future date unless they are constructed AND MAINTAINED in conformance with the City's public street standards and inspected and approved by the City at the time of construction AND PRIOR TO ACCEPTANCE AS A PUBLIC STREET. ~~If the construction does not conform to the City's public street standards, then an agreement between the applicant and the City shall be recorded in the public records of the Maricopa County Recorder indicating that the streets shall not be incorporated into the City's public street system.~~ In any case, notice shall be given in the public records of the Maricopa County Recorder indicating that the private streets shall not be maintained by the City unless and until they are incorporated into the public street system of the City.

16. Access points to private streets shall be posted to identify that vehicles are entering a private street system.

17. NO CERTIFICATE OF OCCUPANCY OR FINAL CLEARANCES SHALL BE ISSUED FOR ANY RESIDENTIAL OR COMMERCIAL STRUCTURES WITHOUT TWO-WAY, PAVED ACCESS.

18. THE APPLICANT SHALL PROVIDE REASONABLE ACCESS TO THE ADJACENT PARCELS SOUTH OF THE DYNAMITE SECTION LINE IN SECTION 31 SUBJECT TO APPROVAL BY THE TRAFFIC ENGINEERING DIRECTOR. IT IS UNDERSTOOD THAT ACCESS SHALL MEAN RIGHT-OF-WAY, EASEMENTS OR OTHER SUCH LEGAL ACCESS AND DOES NOT REPRESENT DESIGN OR CONSTRUCTION OF ANY PHYSICAL ACCESS IMRPOVEMENTS.

APPROVED
2/12/90 DH
DATE INITIALS

WATER/SEWER

1. Any water reservoir required for public utility use shall be subject to Municipal Use master site plan approval. The location and design of all reservoirs and related sites shall be subject to Development Review Board approval. Such design shall include the color and physical character of the tank and the width and grade of access to the tank. Water reservoirs shall not be located within any Hillside Conservation (HC) area.

~~2. Municipal Use master site plan approval shall be obtained prior to Development Review Board application for the construction or expansion of the wastewater reclamation plant(s) and any related reservoirs which may be required. The site plan and exterior design of the wastewater reclamation plant(s) and other related facilities shall be subject to Development Review Board approval. Such design shall include the color and physical character of the facility.~~

2. An easement over the golf courses shall be provided to allow for the application of effluent from the reclamation plant(s) in excess of irrigation needs.

3. The applicant shall provide an access easement from the public street system to any wastewater reclamation facility. The access shall be paved and in place at the time facility construction begins.

4. If water and sewer lines are to be installed in advance of the preparation of detailed street/driveway improvements plans, the applicant shall prepare for the approval of the City, a detailed Master Plan of those streets giving the precise vertical and horizontal alignments. This will be required prior to the preparation of any water or sewer plans. The street alignment for those streets shall be staked by the developer and inspected on-site by the City staff to ensure minimal environmental and hydrological impact.

5. ~~Prior to~~ INCLUDED WITH any application for preliminary plat or development review, the applicant shall provide typical service access routes from the main service lines to the individual units to ensure minimal disruption to the natural areas. Utility service access to each lot shall be shown on the preliminary and final plats. Easements for utilities shall not be considered natural area unless otherwise provided by the Hillside section of the zoning ordinance.

6. The applicant understands and agrees that the granting of zoning does not and shall not commit the City to the extension, construction, or development of either water or sewer facilities (including but not limited to lines, mains, boosters, and storage facilities) to, on, or near the subject property.

7. The applicant understands and acknowledges that he is responsible for the construction and dedication to the City of all water and sewer facilities necessary to serve this development. Water and sewer facilities shall conform to the respective City Master Plan for this area AND CITY DESIGN STANDARDS.

APPROVED
2/12/90 DH
DATE INITIALS

8. Building permits shall be subject to all fees and conditions in effect at the time of permit issuance. The applicant understands and agrees that constructing water and sewer facilities as provided herein shall not be in lieu of any water development fee, sewer development fee, or development tax which is applicable at the time building permits are issued SUBJECT TO THE FOLLOWING:

   a. The applicant or successors shall be entitled to receive credit for the cost of constructing the wastewater treatment facility which may be applied toward the sewer development fees which the applicant is required to pay. ALSO IN CONSIDERATION FOR THE TRANSFER OF C.A.P. WATER RIGHTS TO THE CITY BY THE APPLICANT, THE WATER RESOURCES FEE FOR THE DEVELOPMENT SHALL BE REDUCED EQUIVALENT TO THE EXTENT OF THE TRANSFER AS APPROVED BY THE WATER RESOURCES STAFF.

9. The City of Scottsdale shall be under no obligation to provide wastewater originating outside of the subject property to any wastewater treatment plant constructed pursuant to these stipulations or any other wastewater treatment plant constructed for the purpose of watering a golf course to serve this development except as may be provided in future agreements between the applicant and the City.

~~11. The City of Scottsdale shall be under no obligation to provide domestic water, groundwater, or treated effluent to the golf course except as may be provided in future agreements between the applicant and the City. As part of such an agreement, the applicant shall be required to pay a one-time water resource development fee of $2,000 per acre-foot of annual water demand for the golf courses not supplied by the assignment of C.A.P. water from the State Land Department to the City.~~

10. Unless resolved otherwise, the City staff shall submit an application to the director of the Arizona Department of Water Resources for a modification of the applicable maximum gallons per capita per day (GPCPD) goal of the City of Scottsdale for all non-residential water use including the resort. In the event that the director of the Department of Water Resources does not approve the requested adjustment, permits shall not be issued for any of the non-residential uses, unless an alternate solution is approved by the City COUNCIL.

~~13. Unless otherwise provided by other agreement, the developer shall be required to reimburse the City for his proportionate share of the cost of the master planned water transmission main and pumping station the City is installing from the existing reservoir at Pima and Jomax through the subject property to the existing reservoir located adjacent to Pinnacle Peak. The developers contribution shall include his share of the cost of on-site transmission facilites, or the minimum City requirements whichever is greater, and his share of the cost of off-site transmission and pumping facilities according to an agreement reached iwth the City.~~

11. THE MASTER WATER PLAN SHALL INCLUDE FUTURE CONNECTION TO SECTION 31, ADJACENT TO THE WEST, AS IDENTIFIED BY WATER RESOURCES STAFF, AND AT SUCH LOCATION(S) APPROVED BY THE APPLICANT. THE APPLICANT SHALL NOT BE RESPONSIBLE FOR DETAILED DESIGN AND IMPROVEMENT COSTS ASSOCIATED WITH THE CONNECTION.

APPROVED
2/12/90 DH
DATE INITIALS

~~12. At the time of purchase or lease of the state trust land parcels in the project, the purchaser or leasee shall assign to the City any CAP water rights conveyed through such purchase or lease, and~~

~~No preliminary plat for state trust lands will be accepted for review and no permits for grubbing, clearing or grading will be issued until said subcontracts have been executed.~~

~~12. The applicant shall interconnect and construct whatever pipelines and booster stations are needed between the City's C.A.P. treatment plant and the subject property in order to deliver C.A.P. water to the development so that golf course irrigation does not require the use of any groundwater. Should other projects have need for the above deseribed facilites, the City shall use its best efforts to require those projects to participate in the cost of said facilities.~~ (SATISFIED PURSUANT TO AGREEMENT NO. 880090)

13. PRIOR TO ANY ZONING MAP ADOPTION, SUBSEQUENT APPLICATION FOR DEVELOPMENT REVIEW BOARD OR PRELIMINARY PLAT ON PARCELS "Z" THROUGH "CC" THE DEVELOPER OF SAID PARCELS SHALL CONTRIBUTE HIS PRORATA SHARE FOR THE DEVELOPMENT OF THE 24" WATERLINE IN DYNAMITE BOULEVARD AND THE PUMP STATION OF RESERVOIR NUMBER 43. CONDITIONS OF THIS CONTRIBUTION ARE AS SET FORTH IN AN AGREEMENT BETWEEN THE CITY OF SCOTTSDALE AND THE NELSON DEVELOPMENT COMPANY, DATED AUGUST 17, 1987 (CONTRACT # 870299).

14. PRIOR TO THE ISSUANCE OF ANY PERMITS FOR CONSTRUCTION WITHIN THE STATE TRUST LAND PARCELS, THE DEVELOPER SHALL ASSIGN TO THE CITY OF SCOTTSDALE THOSE CAP WATER RIGHTS ALLOCATED TO THE STATE LAND PARCELS IN THIS PROJECT. UNDUE DELAYS IN THE ASSIGNMENT OF THESE RIGHTS WHICH ARE NOT CAUSED BY THE DEVELOPER OR THE CITY SHALL NOT DELAY THE ISSUANCE OF PERMITS. The State shall implement and cooperate with the City to amend the CAP subcontracts that the state has with the Central Arizona Water Conservation District and the federal government, decreasing their subcontract by the following annual demand of water and increasing the CAP subcontract between City and said conservation district and the federal government in the same amount.

The total quantity of CAP water previously allocated to the State Land Department which is committed to the lands involved in these cases by the State Land Department is:

Use	Annual Demand in Acre Feet
Golf Course	120
Other	410

APPROVED
2/12/90 DH
DATE INITIALS

15. FOR ANY WATER DEMAND NOT MET THROUGH ASSIGNMENT TO THE CITY OF RIGHTS TO STATE TRUST LAND CAP WATER IN CONNECTION WITH THE PURCHASE OF STATE LAND PARCELS OR OTHER CAP WATER RIGHTS ACQUIRED BY THE DEVELOPER AND ASSIGNED TO THE CITY, THE DEVELOPER OR HIS SUCCESSORS OR ASSIGNEES AGREES TO:

A. PAY A ONE-TIME WATER RESOURCES DEVELOPMENT FEE IN ACCORDANCE WITH THE CITY'S FEE SCHEDULE AT THE TIME OF THE ISSUANCE OF BUILDING PERMITS AS PROSCRIBED IN SECTION 49-74.1 OF THE CITY CODE, AND

B. PAY ANY NON-REIMBURSABLE CONTRIBUTION TOWARD DEVELOPMENT OF THE RECLAIMED WATER DISTRIBUTION SYSTEM ON A PRORATED BASIS AS PROVIDED IN AGREEMENT NO. 880090 DATED MAY 15, 1989.

APPROVED
2/12/90 DH
DATE INITIALS

FIRE PROTECTION

1. No building permit shall be issued prior to the installation of an approved and operational water system with an approved fire protection system (hydrant, stand-pipe, etc.) in place and operable in the area of the building during the construction period.

2. Firebreaks shall be provided and maintained within developable areas when buildings are to be located near Vista Corridors, washes, or other major natural areas. The type and location of firebreaks proposed for the protection of buildings shall be subject to the approval of the Fire Chief or his authorized representative.

MISCELLANEOUS

1. The responsibility for the maintenance of landscape buffers on public and private property (back-of-curb to right-of-way or access easement line included) and drainageways shall be borne by the applicant and subsequent homeowners associations, and provisions, therefore, shall be set forth in a separate agreement between the applicant and the City which shall be recorded in the records of the Maricopa County Recorder.

2. Those areas of designated common area shall not be accepted for maintenance or ownership by the City without expressed action of the City Council. Before any improvement is accepted, it shall meet City standards. Failure to maintain the designated common areas could result in a civil action brought by the City for costs incurred by the City for said maintenance.

3. All improvements associated with a development or phase of a development and/or required for access or service to the development or phase of a development shall be constructed in full by the developer, including but not limited to washes, storm drains, drainage structures, water systems, sewer system, curbs and gutters, paving, sidewalks, streetlights, street signs and landscaping.

4. At the time of building permits, a park development fee may be required. The fee would be a proportionate share of the cost for land acquisition and improvements for a park to serve that portion of the community. Dedication of an acceptable park site may be provided for the entire project in lieu of any applicable park development fee.

APPROVED
2/12/90 DH
DATE INITIALS

~~SCHEDULE A (MASTER DRAINAGE PLAN AND REPORT~~

~~A Master Drainage Plan and report shall be prepared for the proposed development~~ in accordance with the City of Scottsdale Design Procedures and Criteria. The purpose of the plan and report shall be to demonstrate to the City staff and for public record that, if the development is constructed in accordance with the proposals, concepts, and schedules described in the report, hazards to life and/or property resulting from the runoff of rainfall will not be created or, if such hazards already exist, will not be increased within or outside the property to be developed. If the development will reduce or remove existing hazards, this effect shall also be described. The plan and report shall be prepared by a registered civil engineer licensed to practice in the State of Arizona. As a means of demonstrating that the above described purpose is fulfilled, the plan and report shall include, but may not be limited to, the following information:

A. Maps showing watersheds draining onto and through the property indicating the estimated peak flow runoff rates from 2, 10, 25, and 100 year storms where the flows enter and leave the property, where the flows cross streets shown on the Master Street Plan, where flows will enter and leave detention basins or other runoff management structures.

B. A comparison of estimted peak runoff flows leaving the property prior to and after development.

C. The measures to be taken to keep the peak runoff flows leaving the property from being increased by development.

D. The location, flow capacity, and type of structure to be construted where streets shown on the Master Street Plan cross a wash or channel. Include the culvert size calculation sheets and calculations for flow depth estimates where flows cross road dip-sections.

E. A portrayal of the preliminary or conceptual design of channels to be constructed or improved showing planned improvements including landscaping concepts, trails, etc. Include channel design calculations.

F. The locations and volume requirements for stormwater retention/detention basins and the areas served by each basin. Include calculations for basin volumes and outlet structures. Describe the impact of any detention basin on the drainage system into which its outlet drains.

G. The phasing of the construction of streets, storm drains, channels, detention/retention basins, and other stormwater management facilities and a comparison of this phasing with the planned phasing of development.

H. A table specifying the timing of and the persons or agencies responsible for dedication of drainage easements and construction of each stormwater management facility.

I. The proposed measures to prevent property damage and excessive erosion and deposition of sediment caused by stormwater runoff during phased construction.

J. The proposed locations for the stockpiling or disposal of excavated ~~material if the location is within the City of Scottsdale~~.

APPROVED
2/12/90 DK

SCHEDULE A (MASTER DRAINAGE PLAN AND REPORT)

A REVISED MASTER DRAINAGE PLAN AND REPORT SHALL BE REQUIRED FOR THIS DEVELOPMENT WHICH REFLECTS REVISIONS IN ACCORDANCE WITH CURRENT STORMWATER STORAGE REQUIREMENTS. THE REPORT SHALL SPECIFICALLY INCLUDE THE FOLLOWING:

A. COMPARISON OF DESIGN PEAK DISCHARGES WITH RECENTLY COMPLETED "SCOTTSDALE NORTH AREA MASTER PLAN". WHERE ESTIMATES FROM THE TWO STUDIES DIFFER, ADDITIONAL SUPPORT DATA SHALL BE REQUIRED.

B. MAP SHOWING PORTIONS OF THIS DEVELOPMENT LYING WITHIN SPECIAL FLOOD HAZARD AREA (SFHA) BOUNDARIES.

C. CONCEPTUAL DESIGN AND DESCRIPTION OF PROPOSED FLOODWATER MANAGEMENT SYSTEM, INCLUDING PROPOSED MEASURES NECESSARY TO SECURE LETTER OF MAP REVISION FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR DEVELOPMENT WITHIN SPECIAL FLOOD HAZARD AREAS WITH CITY ASSISTANCE. APPLICATION FOR L.O.M.R. SHALL BE MADE THROUGH THE CITY OF SCOTTSDALE.

D. REQUIRED STORMWATER STORAGE VOLUME FOR EACH PARCEL (OR WATERSHED) SHALL BE DETERMINED AS PART OF THE MASTER DRAINAGE PLAN. PROPOSED LOCATIONS OF STORAGE BASINS SHALL BE SHOWN ON THE PLAN.

E. APPROXIMATE BOUNDARIES OF 100-YEAR FLOODWATER SURFACE FOR ALL CHANNELS WITH CAPACITY OF 250 C.F.S. OR GREATER.

F. CONCEPTUAL EASEMENT DIMENSIONS NECESSARY FOR MAJOR WATERCOURSES TO ACCOMMODATE DESIGN DISCHARGES.

G. APPROXIMATE LOCATION, TYPE OF STRUCTURE, AND FLOW CAPACITY OF MAJOR WATERCOURSE CROSSINGS.

H. CONCEPTUAL DESIGN OF ALL MAN-MADE CHANNELS THAT INCLUDES LANDSCAPING CONCEPT, TYPICAL TRAILS, BIKEPATHS, OR OTHER PROPOSED AMENITIES.

I. PHASING PLAN SHOWING PROPOSED TIMING OF ALL DRAINAGE IMPROVEMENTS RELATIVE TO DEVELOPMENT OF STREETS AND ADJACENT PARCELS.

J. TABLE SPECIFYING THE TIMING OF, AND PERSONS OR AGENCIES RESPONSIBLE FOR DEDICATION OF DRAINAGE EASEMENTS AND CONSTRUCTION OF STORMWATER MANAGEMENT FACILITIES.

K. PROPOSED PERMANENT AND INTERIM EROSION AND SEDIMENT CONTROL METHODS.

L. PROPOSED LOCATIONS FOR STOCKPILING EXCAVATED MATERIAL.

APPROVED
2/12/90 DH
DATE INITIALS

SCHEDULE B (MASTER WATER PLAN)

The Master Water Plan and Report shall be prepared in accordance with the City's design procedures and criteria by a registered professional engineer who is licensed to practice in the State of Arizona. The master plan and report shall address, but not be limited to the following:

a. The location and size of all water system components including both on and off-site lines, pump stations, and storage facilities needed to serve the development.

b. A table specifying the timing of and responsible party for the construction of the necessary water system.

c. ~~A flow and pressure analysis of the proposed system which includes a simulation of the system operation using a computer model with peak and fire flow requirements and an analysis of the impact of the proposed development on the existing system.~~ A SUMMARY OF REVISED DEMANDS AND ESTIMATED FLOWS.

d. An estimation of the peak-day and average-day golf course water requirements.

e. Compliance with the adopted City Water Plan for the respective area AND CITY DESIGN STANDARDS.

APPROVED
2/12/90 DH
DATE INITIALS

SCHEDULE C (MASTER WASTEWATER PLAN)

The Master Wastewater Plan and Report shall be prepared in accordance with the City's design procedures and criteria by a registered professional engineer who is licensed to practice in the State of Arizona. The master plan and report shall address, but not be limited to the following:

a. The location, size, type, and capacity of the wastewater transmission and treatment system components needed to serve the development, both on-site and off-site components.

b. A table specifying the timing of and responsible party for the construction of the necessary wastewater system.

c. The REVISED calculations necessary to substantiate the selection of the sizes, types, and capacities of the wastewater transmission and treatment facilities.

d. The handling and disposal of the solids generated by the operation of the wastewater treatment plants.

e. The handling and disposal of untreated wastewater in the event of a plant breakdown or the receipt of wastewater in excess of the plants capacities.

f. Compliance with the adopted City Sewer WASTEWATER Plan for the respective area AND CITY DESIGN STANDARDS.

g. Line sizing to accommodate contributing off-site flows from an area that can be gravity serviced through the subject property.

APPROVED
2/12/90 DN
DATE INITIALS

SCHEDULE D (MASTER CIRCULATION PLAN)

The Master Circulation Plan and Report shall be prepared in accordance with the City's design procedures and criteria. The master plan shall include, but not be limited to the following:

~~A. A street plan showing primary public and private streets and driveways.~~

A. STREET PLAN SHOWING ESTIMATED AVERAGE DAILY VOLUMES FOR ALL ROADWAY SEGMENTS AND MAJOR INTERSECTIONS.

B. STREET PLAN SHOWING ALL STREET AND APPROXIMATE LOCATIONS OF MAJOR DRIVEWAY ACCESS POINTS WITH PROPOSED MEDIAN BREAK LOCATIONS.

C. REQUIRED AUXILIARY LANE LOCATIONS.

D. SIGNALIZED INTERSECTION LOCATIONS WITH CONCEPTUAL GEOMETRIC DESIGN AND ESTIMATED AND PEAK HOUR VOLUMES FOR EACH MOVEMENT.

E. A pedestrian path plan.

F. A bicycle path plan.

G. An equestrian trail plan.

H. A golf cart path plan.

I. A composite plan showing all of the above elements.

J. A table specifying the timing of and responsible party for the construction of the improvements indicated by each of the plan elements and any phasing strategies.

K. A STREET PLAN INDICATING ROADWAY CLASSIFICATIONS DETERMINED BY A REVISED TRAFFIC IMPACT STUDY SUBMITTED BY THE APPLICANT AND APPROVED BY CITY STAFF.

APPROVED
2/12/90 DH
DATE INITIALS

~~SCHEDULE E (WASTEWATER RECLAMATION PLANT AGREEMENT)~~

~~The scope of the Wastewater Reclamation Plant Agreement shall include the~~ applicant's responsibility to:

a. Provide the detailed design for facilities which are capable of treating wastewater from the project.

b. Construct facilities with sufficient capacity to accommodate development of the subject property. The facilities shall conform to all state, county and city standards.

c. Provide all of the land required for the treatment plant and related facilities.

d. Provide a timetable specifying the time and responsible party for construction and dedication of the necessary wastewater facilities.

e. Provide a bond or some other form of guarantee acceptable to the City that will assure that the necessary construction is accomplished in conformance ~~with the timetable required by sub paragraph (d) above~~.

APPROVED
2/12/90 DH
DATE INITIALS

SCHEDULE F (MASTER ENVIRONMENTAL DESIGN CONCEPT PLAN)

The Master Environmental Design Concept Plan shall address the following:

a. Landscaping
b. Street lights
c. Graphics and wall design plan for landscape buffers
d. Streetscapes including trails and walks
e. The design and aesthetic concept for all major drainage and detention facilities.
f. The timing and responsible party for construction of the above facilities.

SCHEDULE G (MASTER GRADING PLAN)

The Master Grading Plan and Report shall be prepared in accordance with the City's design procedures and criteria by a registered professional engineer licensed to practice in the State of Arizona. The master plan and report shall be prepared on a contour map with a scale and contour interval appropriate to the size of the development and the terrain of the property. The map shall show:

a. The configuration and finished contours of all grading associated with all master planned streets, utility lines, drainage and recreation facilities.

b. Identification of the types of soils found on or to be placed on the applicant's property, including the identification of any expansive soils.

c. Identification of the compaction to be provided in fill areas.

d. Identification of stands or clusters of all trees with a calipher of four (4) inches or greater and cacti six (6) feet or greater in height. The plan should show which of those trees or cacti will be removed.

e. The locations planned for temporary stockpiling of excavated material and the plan for use or disposal of this material.

f. If, because of plans for phasing the development over a period of time, the developer wishes to phase the submission of part of the above described information, the Master Grading Plan will indicate this phasing and will include an explanation of when the supplementary plans will be submitted and who will be responsible for submitting them.

APPROVED
2/12/90 PH
DATE INITIALS

~~SCHEDULE J (DEDICATION AND IMPROVEMENTS)~~

~~Roadway~~	Minimum ~~Right-of-Way (a,b,c)~~	Minimum ~~Cross Section (d)~~
Dynamite Blvd (e,f)	130' (full)	96' (full) (g,h,i)
Alma School Parkway (south of Dynamite)(e)	90' (full)	61' (full) (h,i)
Alma School Parkway (north of Dynamite)	50' (full)	26' (full) (i)
Collector St. intersecting Dynamite at the 100th St. alignment from the south(e)	50-70' (full)	26-41' (full) (i,j,l,m)
Pinnacle Vista Drive east of Alma School Pky (e)	25' (half)	13' (half) (k)
Internal Res. Collector	50' (full)	26' (full)
Internal Res. Local	40' (full)	22' (full)
Internal Commercial	60' (full)	41' (full)

a. Additional right-of-way may be necessary to protect the natural environment, to provide for auxiliary lanes, or to serve the immediate area with a higher street standard.

b. The indicated right-of-way shall be an easement for emergency/service vehicles and public utilities when private streets are approved.

c. The dedication shall include easements for all applicable drainageways and bikeways. Statements identifying the responsibility for maintenance shall be included as part of the dedication.

d. All roadways shall be designed to "Hillside" standards except for internal streets serving commercial areas. Streets serving commercial areas shall be designed to meet "Urban" standards. Cross-section widths are from back-of-outside curb to back-of-outside curb.

e. This is a "primary street" for dedication timing purposes.

f. Dynamite Boulevard improvements are to extend to Pima Road unless ~~otherwise provided by improvement district.~~

APPROVED
2/12/90 DH
DATE INITIALS

~~g. The ultimate cross-section consists of six traffic lanes and a median~~ (96'). The applicant shall be responsible for four of the six lanes and a median. (Lane widths shall be 12 feet. The median width depends upon whether the omitted lanes are the inside or outside lanes in the ultimate cross-section).

h. The improvements include a landscaped median.

i. The improvements include landscaping/natural areas in right-of-way in proportion to street improvement requirements and bikeways, paths, and trails per General Plan.

j. The dedication and street improvements are required to extend through the 640 acre "State Land Parcel" and beyond the southeast corner of the parcel to connect with the existing street system.

k. Pinnacle Vista Drive must intersect Alma School Parkway at right angles which will require a short segment of full street dedication and improvement within the applicant's property at the intersection transitioning to half street dedication and improvement east of the intersection. Access to Parcels Q and H shall occur only when a minimum of 20' of paved access is provided.

l. Right-of-way and improvements shall be determined as part of the Master Street Plan.

m. The greater right-of-way shall be provided adjacent to the museum and ~~commercial parcels.~~

APPROVED
2/12/90 DH
DATE INITIALS

SCHEDULE J (DEDICATION AND IMPROVEMENTS)

STREET NAME	NOTES	MINIMUM RIGHT-OF-WAY	MINIMUM IMPROVEMENTS
DYNAMITE BLVD.		(UNDER CONSTRUCTION)	
NORTHERN LOOP	A, H	50' (FULL)	26' (BC-BC)
ALMA SCHOOL PKY.	A, C, D	90' (FULL)	61' (BC-CL)
ALMA SCHOOL PKY. (NORTH OF DYNAMITE)	A, E, H	70' (FULL)	41' (BC-BC)
96TH STREET	A, H	50' (FULL)	26' (BC-BC)
COLLECTOR ST. -(FROM DYNAMITE SOUTH AT 100TH ST. ALIGNMENT BETWEEN PARCELS AA, CC, BB)	A, H	50' (FULL)	26' (BC-BC)
-(ADJACENT TO PARCELS Z & Y)	A, H	70' (FULL)	41' (BC-BC)
PINNACLE VISTA DR.	I	25' (HALF)	13' (BC-CL)
RES. COLLECTOR	G	50' (FULL)	26' (BC-BC)
RES. LOCAL	B, F, H	(DETERMINED BASED ON DENSITY AND ESTIMATED VOLUME)	
COMMERCIAL		60' (FULL)	41' (BC-BC)

A. ADDITIONAL EASEMENT WIDTH MAY BE NECESSARY TO ACCOMMODATE CUT OR FILL SLOPES, OR TO PROTECT THE NATURAL ENVIRONMENT.

B. THE INDICATED RIGHT-OF-WAY SHALL BE DEDICATED AS AN EASEMENT FOR EMERGENCY/SERVICE VEHICLES WHERE PRIVATE STREETS ARE APPROVED.

C. SOUTH OF DYNAMITE ALIGNMENT.

D. THE IMPROVEMENTS INCLUDE LANDSCAPING WITHIN RIGHT-OF-WAY, (INCLUDING MEDIAN), AS NECESSARY TO MITIGATE IMPACT FROM GRADING/CONSTRUCTION.

APPROVED
2/12/90 DH
DATE INITIALS

E. DEDICATIONS SHALL BE MADE WITHIN 6 MONTHS OF CITY COUNCIL APPROVAL. FAILURE TO MAKE REQUIRED DEDICATIONS SHALL RESULT IN ZONING REVERTING TO PRIOR CLASSIFICATION WITHOUT CITY COUNCIL ACTION.

F. RESIDENTIAL STREET WIDTHS SHALL BE ADJUSTED FOR DEVELOPMENT DENSITY ACCORDING TO THE FOLLOWING:

DENSITY (UNITS PER ACRE)	MIN. STREET WIDTH (B.C. TO B.C.)
0 TO 1.99	23'
2.01 TO 5.99	28'
6.0 OR HIGHER	32'

G. AT ALL INTERSECTIONS, 70' RIGHT-OF-WAY AND 41' (BC-BC) IMPROVEMENTS SHALL BE REQUIRED WITH SUFFICIENT LENGTH (100' MINIMUM), TO ACCOMMODATE LEFT-TURN STORAGE DEMAND.

H. LOCAL STREET SEGMENTS WHICH MAY BE EXPECTED TO CARRY MORE THAN APPROXIMATELY 700 VEHICLES PER DAY SHALL BE DESIGNATED COLLECTOR STREETS.

I. MINIMUM PAVEMENT WIDTH OF 20' REQUIRED FOR TWO-WAY ACCESS.

APPROVED
2/12/90 DH
DATE INITIALS

SCHEDULE K (TIMING OF RIGHT-OF-WAY DEDICATIONS)

Roadway	When Required
Dynamite Blvd. Alma School Parkway south of Dynamite Pinnacle Vista Drive	~~These are the primary streets. Prior to any zoning map adoption, application for Development Review Board approval, or application for preliminary plat approval, but within 6 months of City Council approval of the case.~~ (DEDICATED)
Internal Res. Collector Internal Res. Local Collector St. intersecting Dynamite at 100th St.	At time of final plat approval or when required for access to internal development from a primary street.
Alma School Parkway north of Dynamite	WITHIN SIX MONTHS OF THE DATE OF COUNCIL APPROVAL.
Internal commercial	At time of Development Review Board approval.

SCHEDULE L (TIMING OF ROADWAY IMPROVEMENTS

Roadway	When Required
Dynamite Blvd. (Pima Rd. to Alma School Parkway	~~Full width, full length street construction in conjunction with the first development west of 104th Street section line. Half width, full length upon any development west of Alma School Parkway. The remaining half street construction shall be completed before the issuance of the 600th building permit within the entire development.~~ FULL WIDTH CONSTRUCTION FROM PIMA TO THE EAST END OF THE DRIVING RANGE WITH FIRST PHASE, AND FURTHER TO THE EAST HALF-WIDTH, FULL LENGTH CONSTRUCTION CONCURRENT WITH DEVELOPMENT ON ADJACENT PARCELS SUBJECT TO DESIGN APPROVAL OF TAPERS, TRANSITIONS, ETC.
Dynamite Blvd. (east of Alma School Parkway to development boundary	Half width, full length construction shall occur in conjunction with any adjacent development or ~~full width, full length construction shall occur~~ in conjunction with Dynamite Blvd. (Rio Verde Drive) realignment east of 112th Street, whichever occurs first. THE REMAINING CONSTRUCTION SHALL OCCUR CONCURRANT WITH DEVELOPMENT ON ADJACENT PARCELS.
Alma School Parkway (Pinnacle Vista Dr. to Dynamite)	Full width, full length construction segments shall occur in conjunction with any adjacent development or HALF-WIDTH, FULL LENGTH CONSTRUCTION in conjunction with Dynamite (Rio Verde) realignment east of 112th Street, whichever occurs first.

APPROVED
2/12/90 DH
DATE INITIALS

Alma School Parkway (Dynamite to north boundary of development)	Full width, full length construction segments shall occur in conjunction with any adjacent development or when access to internal development from Alma School Parkway is needed.
All Others Listed on Schedule G	Full width, full length segments in conjunction with any adjacent development in the area, but construction shall provide for a continuous roadway from Dynamite, Alma School, or other primary streets. CITY AND APPLICANT SHALL WORK DILIGENTLY TO PROVIDE THE PINNACLE PEAK PARK SITE WITH 2-LANE IMPROVED ACCESS BY JANUARY 1, 1991.

RIGHT TURN LANES

Dynamite Blvd.	Design and construct right turn deceleration lanes for all intersections and access driveways WHERE WARRANTED ~~(commercial only)~~ in conjunction with the design and construction of Dynamite Boulevard.
Alma School Road	Design and construct right turn deceleration lanes for all intersections and access driveways WHERE WARRANTED ~~(commercial only)~~ in conjunction with the design and construction of Alma School Parkway.

APPROVED
2/12/90 DH
DATE / / INITIALS

CHEDULE M (REQUIRED TRAFFIC SIGNAL PARTICIPATION)

The developer shall be responsible for participation in the design and installation of a traffic signal, if warranted as determined by the City, at the following location for the percent of participation indicated:

INTERSECTION	NOTES	PARTICIPATION
Dynamite Blvd./Alma School Pky.	A	100%
Dynamite Blvd./Collector at 100th Street alignment	B	100%
Pinnacle Vista Drive/Alma School Parkway	B	50%

~~This stipulation shall not apply if a traffic signal is not warranted by the end of the 10th year from the date of approval. If the development is completed within a time period prior to the end of the 10th year and the applicant would want to terminate his responsibility for this stipulation, the applicant may deposit a fee for the remaining traffic signal requirements at a rate of $75,000.00 per 100 percent participation.~~

A. CASH PAYMENT FOR 100% OF THE DESIGN AND CONSTRUCTION SHALL BE REQUIRED PRIOR TO ISSUANCE OF ANY PERMITS FOR ANY PARCEL IMMEDIATELY ADJACENT TO THE INTERSECTION.

B. CASH PAYMENT MAY BE REQUIRED WITH ADJACENT DEVELOPMENT IF A SIGNAL IS DETERMINED BY THE CITY TO BE WARRANTED AND IF SUCH A SIGNAL LOCATION IS CONSISTANT WITH THE CITY'S SIGNAL LOCATION POLICIES IN EFFECT AT THAT TIME.

APPROVED
2/12/90 DH
DATE INITIALS

EXHIBIT A

NO DEVELOPMENT LINE
ADJUSTMENT STIPULATIONS

1800 ACRE - Pinnacle Peak Village North

A. Any change in the development plan which was presented as part of the no-development line adjustment must be reviewed by staff and shall achieve all the purposes of the Hillside District as well as the demonstration plan.

B. The location, design and construction methods for installation of water storage and pumping facilities are to be approved by the Development Review Board prior to approval of any preliminary plat or site plan on the property.

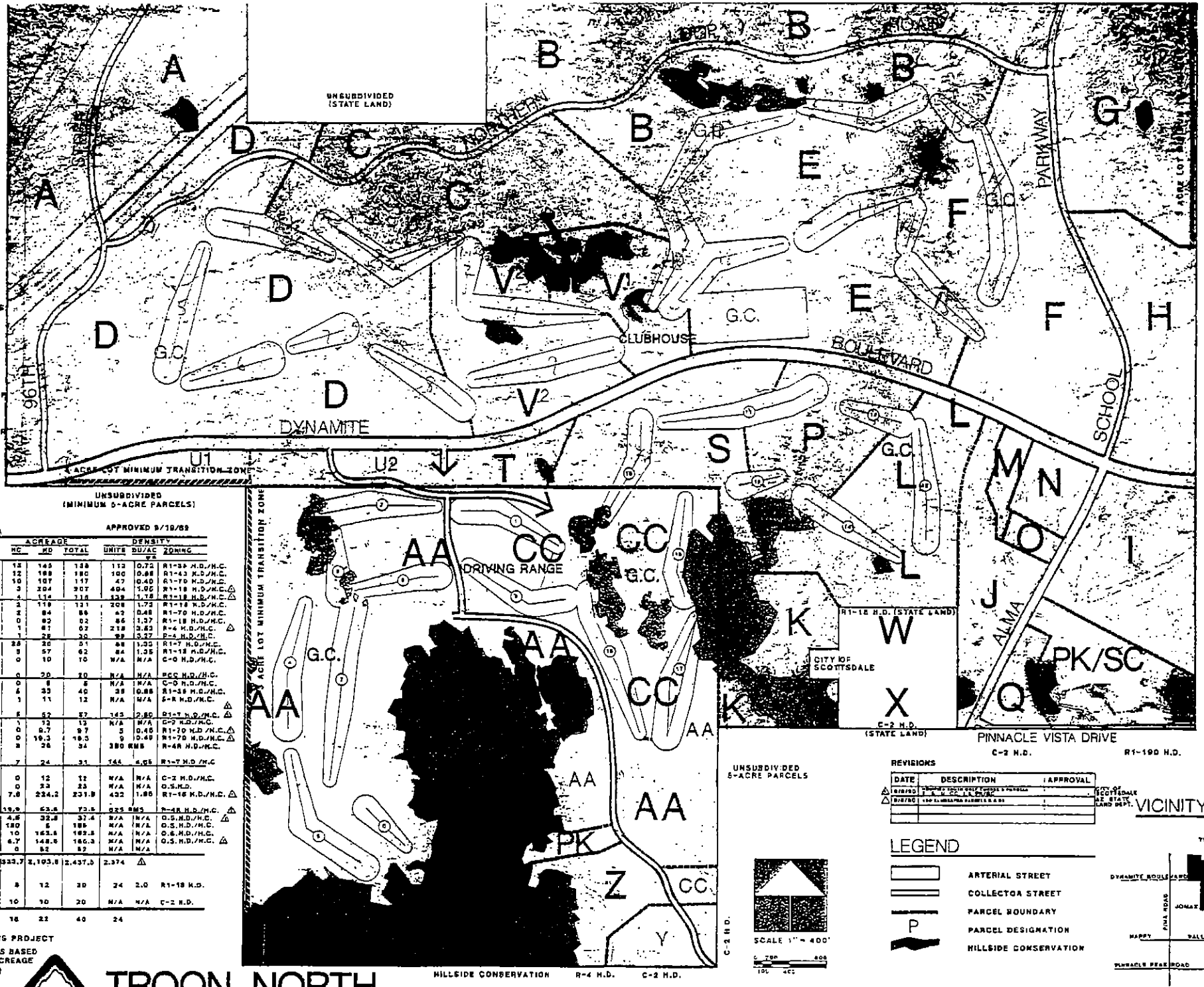
C. All surplus earthern materials not used for construction shall be removed from the adjusted area.

D. Any application for a preliminary plat or Development Review Board site plan approval shall include typical designs and plans for the treatment of all cuts and fills and retaining structures and building pads in adjusted area.

640 ACRES - State Land

A. The proposed adjustment is to be conceptual only and all adjustments are to be contingent on development review approval of the land use and site plan of each parcel prior to its submittal for preliminary plat review.

APPROVED
2/12/90 DH
DATE INITIALS



NSUBDIVIDED
STATE LAND)

E:
USTMENTS TO THE
'S AND NUMBER OF
AC FOR EACH PARCEL
BE MADE SUBJECT TO
FOLLOWING CONDITIONS

ITY STAFF APPROVAL.

HE TOTAL NUMBER OF
NITS FOR THE OVERALL
ROJECT IS NOT
ICREASED

HE MAXIMUM DENSITIES OF
HE UNDERLYING ZONING
REA NOT EXCEEDED.

HE MAXIMUM CHANGE FOR
ARCELS A,B,C,G,U,R, A
A IS LESS THAN 10%

HE MAXIMUM CHANGE
OR ALL OTHER PARCELS
LESS THAN 20%

AND USE DATA

APPROVED 9/19/89

CEL	LAND USE	ACREAGE HC	ACREAGE HD	ACREAGE TOTAL	DENSITY UNITS	DENSITY DU/AC **	ZONING	
	RESIDENTIAL	12	145	158	112	0.72	R1-35 H.D./H.C.	
	RESIDENTIAL	12	188	180	100	0.88	R1-43 H.D./H.C.	
	RESIDENTIAL	10	107	117	47	0.40	R1-70 H.D./H.C.	
	RESIDENTIAL	3	204	207	404	1.95	R1-18 H.D./H.C.	△
	RESIDENTIAL	4	114	118	139	1.18	R1-18 H.D./H.C.	△
	RESIDENTIAL	2	119	121	208	1.72	R1-18 H.D./H.C.	
	RESIDENTIAL	2	84	86	42	0.48	R1-70 H.D./H.C.	
	RESIDENTIAL	0	82	82	66	1.37	R1-18 H.D./H.C.	
	RESIDENTIAL	1	61	62	218	3.63	R-4 H.D./H.C.	△
	RESIDENTIAL	1	28	29	92	3.27	R-4 H.D./H.C.	
	RESIDENTIAL	28	30	51	68	1.33	R1-7 H.D./H.C.	
	RESIDENTIAL	5	57	62	84	1.35	R1-18 H.D./H.C.	
	OFFICE	0	10	10	N/A	N/A	C-O H.D./H.C.	
	NEIGHBORHOOD COMMERCIAL	0	20	20	N/A	N/A	PCC H.D./H.C.	
	OFFICE	0	8	8	N/A	N/A	C-O H.D./H.C.	
	RESIDENTIAL	5	35	40	38	0.88	R1-18 H.D./H.C.	
	OFFICE	1	11	12	N/A	N/A	S-R H.D./H.C.	
	RESIDENTIAL	5	52	57	143	2.80	R1-7 H.D./H.C.	△
	RESORT COMMERCIAL	1	12	13	N/A	N/A	C-2 H.D./H.C.	
	RESIDENTIAL	0	9.7	9.7	5	0.46	R1-70 H.D./H.C.	△
	RESIDENTIAL	0	19.3	19.3	9	0.48	R1-70 H.D./H.C.	△
	RESORT	3	26	34	380 RMS		R-4R H.D./H.C.	
	RESORT VILLAS/ TOWNHOMES	7	24	31	144	4.65	R1-7 H.D./H.C.	
	SPECIALTY COMMERCIAL	0	12	12	N/A	N/A	C-2 H.D./H.C.	
	MUSEUM	0	23	23	N/A	N/A	O.S.H.D.	
	RESIDENTIAL	7.8	224.2	231.9	432	1.86	R1-18 H.D./H.C.	△
	CLUBHOUSE & RESORT EQUESTRIAN	19.9	63.6	73.5	025 RMS		R-4R H.D./H.C.	△
	PARK/SCHOOL	4.6	32.8	37.4	N/A	N/A	O.S.H.D./H.C.	△
	PARK	180	5	185	N/A	N/A	O.S.H.D./H.C.	
	NORTH GOLF COURSE	10	163.6	169.3	N/A	N/A	O.S.H.D./H.C.	
	SOUTH GOLF COURSE	6.7	148.9	155.3	N/A	N/A	O.S.H.D./H.C.	△
	DEDICATED STREETS	0	52	52	N/A	N/A		
	TOTAL	333.7	2,103.8	2,437.5	2,374	△		
	RESIDENTIAL	8	12	20	24	2.0	R1-18 H.D.	
	SPECIALTY COMMERCIAL	10	10	20	N/A	N/A	C-2 H.D.	
	TOTAL	18	22	40	24			

* NOT A PART OF THIS PROJECT

** DU/AC CALCULATIONS BASED ON TOTAL PARCEL ACREAGE (H.C. AND H.D AREAS)

REVISIONS

DATE	DESCRIPTION	APPROVAL
△ 6/8/90	TROON NORTH GOLF COURSE & CLUBHOUSE A, B, C, CC, EE, FF, GG	CITY OF SCOTTSDALE
△ 8/8/90	150 EQUESTRIAN PARCELS A & B	STATE LAND DEPT.

VICINITY M

LEGEND

- ARTERIAL STREET
- COLLECTOR STREET
- PARCEL BOUNDARY
- P — PARCEL DESIGNATION
- HILLSIDE CONSERVATION

SCALE 1" = 400'

TROON

DYNAMITE BOULEVARD
PIMA ROAD
JOMAX
HAPPY
VALLEY
PINNACLE PEAK ROAD

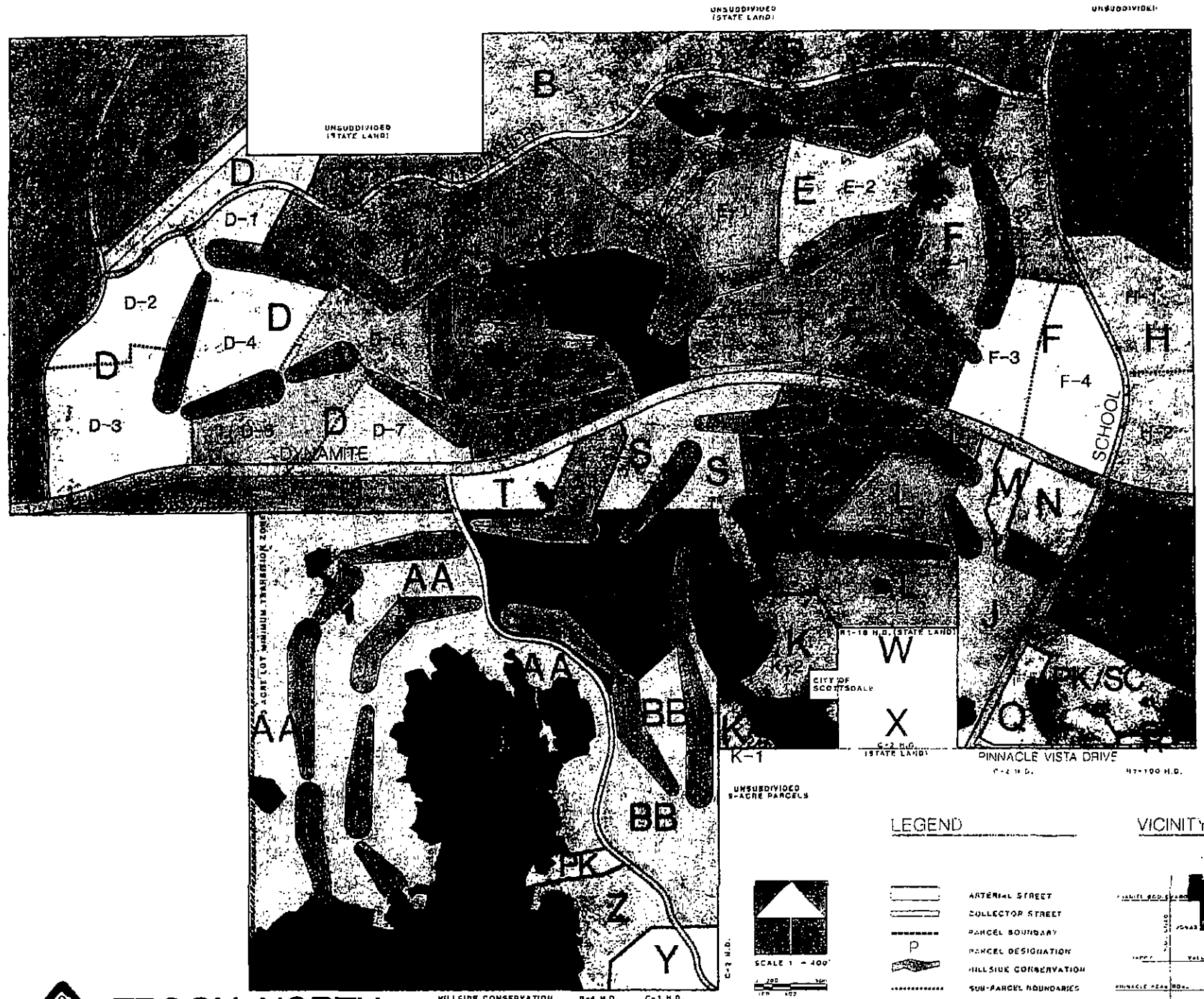
TROON NORTH

DEVELOPMENT PLAN

11/8/89

14644 NORTH 74th ST

E 100, SCOTTSDAL



TROON NORTH

DEVELOPMENT PLAN WITH HILLSIDE OVERLAY

F

CITY COUNCIL ACTION REPORT

TO: MAYOR & CITY COUNCIL DATE: 9/17/90
FROM: PLANNING & ZONING/PROJECT COORDINATION
SUBJECT: CASE 45-Z-90

AGENDA ITEM NO. 26

DICK CREW RAE
DON HADDER
STAFF

REQUEST: Amend the approved master development plan, and amend the modified development standards for the Troon North and Estancia planned developments

LOCATION: Along Dynamite Boulevard from 92nd Street to 112th Street

APPLICANT: Jerry Nelson
8787 E. Pinnacle Peak Road
Scottsdale, Arizona

OWNER: PPVN Developers Ltd. Partnership
And
Pinnacle Peak Partners
8787 E. Pinnacle Peak Road
Scottsdale, Arizona

PLANNING COMMISSION RECOMMENDATION: APPROVE subject to the attached stipulations by a vote of 6-0.

STAFF RECOMMENDATION: Per the Planning Commission

CONCURRENCE: None required

PUBLIC COMMENT: No known opposition

GENERAL PLAN: Conforms

ZONING HISTORY: Annexed as R1-190 HC/HD (Single-Family Residential in a Hillside District) in 1982. Rezoned in cases 81-Z-83, 87-Z-85 and 28-Z-89 to a mixed use development.

SITE DETAILS

USE: Mixed use
PARCEL SIZE: 2420+ acres
DWELLING UNITS: 2,374
DENSITY: .98 DU/AC gross
PARKING REQUIRED: n/a
PARKING PROVIDED: n/a

BUILDINGS: n/a
HEIGHT: 30 ft. max.
SETBACKS: per amended
OTHER: Standards and Stipulations

DISCUSSION:

The proposal is to revise and reallocate land uses and densities within a master planned development which is known as the Troon North and Estancia projects. Since being annexed in the early 1980's, there has been substantial public review of various development proposals for this site. Significant features of the more recent plans include two golf courses, two major resort sites, two major park sites including protection of Pinnacle Peak, a broad mix of residential units, a future desert museum, and a variety of support commercial and office uses.

The proposed revisions focus on minor revisions at the Four Seasons Golf Clubhouse and overall adjustments for the Estancia development (formerly State lands). Specifically, these are:

APPROVED
10/3/90 DH
DATE INITIALS

ACTION TAKEN

1. The Four Seasons Clubhouse is expanding slightly the area zoned for the Four Seasons Resort. This is due to adjustment being made with the final plans for the project.

2. Parcel "S", a small lot single family use, is being expanded westward into an area previously described as Open Space for the Estancia golf course driving range. Unit counts to be used in this expansion are coming from other parcels where more detailed plans have indicated that the originally zoned density will not be achieved.

3. The driving range for the Estancia golf course has been moved southwestward from it's previously planned location. This has resulted in the reconfiguration of the Estancia resort site. The major change to the resort site is that it reaches further south. This parcel shape makes more sense given the topography and golf course layout.

4. The residential uses within the Estancia portion of the development are being changed from a mix of low density single family and townhouse residential into a medium-low density single family concept. Actual lot sizes will likely vary a good deal depending on relationships to perimeters and topographic conditions. Actual yields will likely be less than the proposed density.

5. Hillside conservation boundaries have finally been determined throughout the Estancia project and are reflected on the plan.

The changes to the development standards basically allow buildings along open space (O-S), which includes the golf course and community park, and hillside conservation (HC) district boundaries to be closer than the usual required setback, typically at 0 or 5 feet. This is reasonable given the size, use, and status of lands in these districts on this development.

COMMUNITY IMPACT:

No changes in traffic or utility impacts should result from the proposal.

William B. King
General Manager/Planning & Zoning

Jorge Carrasco
City Manager

ATTACHMENTS: A - Stipulations
#1 - Aerial
#2 - Zoning Map
#3 - Site Plan
#4 - Development Plan
#5 - Amended Property Development Standards
#6 - Planning Commission Minutes of 9/10/90

APPROVED
10/3/90 DLL
DATE INITIALS

STIPULATIONS FOR CASES ~~28-Z-89,~~ 45-Z-90

ZONING/DEVELOPMENT PLAN

1. Development shall be in general conformance with the submitted plan of development except as modified by the stipulations.

2. The zoning districts, maximum land use intensities and dwelling and room totals shall be as shown on the following table except as modified below. the specific location and boundaries of each parcel shall be determined at the time of site plan approval for the parcel. The zoning for each parcel shall be adopted prior to the issuance of building permits on the parcel except for parcels V1, V2, either golf course, or any master planned community common facilities. With the action for adoption of each parcel the applicant shall submit a revised master development plan and land use data table indicating the final status of the parcel.

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
A	R1-35 HD/HC	158	113 DU	.72 DU/AC
B	R1-43 HD/HC	180	100 DU	.56 DU/AC
C	R1-70 HD/HC	117	47 DU	.40 DU/AC
D	R1-18 HD/HC	207	404 Du	1.95 DU/AC
E	R1-18 HD/HC	118	139 ~~167~~ DU	1.18 ~~1.42~~ DU/AC
F	R1-18 HD/HC	121	208 DU	1.72 DU/AC
G	R1-70 HD/HC	86	42 DU	.49 DU/AC
H	R1-18 HD/HC	62	85 DU	1.37 DU/AC
I	R-4 HD/HC	62	218 DU	3.52 DU/AC
J	R-4 HD/HC	30	98 DU	3.27 DU/AC
K	R1-7 HD/HC	51	68 DU	1.33 DU/AC
L	R1-18 HD/HC	62	84 DU	1.35 DU/AC
P	R1-35 HD/HC	40	35 DU	.88 DU/AC
~~R~~	~~R1-43 HD/HC~~	~~3~~	~~2 DU~~	~~.67 DU/AC~~
S	R1-7 HD/HC	57 ~~45~~	143 ~~113~~ DU	2.50 DU/AC
U1	R1-70 HD/HC	10 ~~29~~	5 ~~14~~ DU	.48 DU/AC
U2	R1-70 HD/HC	19	9 DU	.48 DU/AC
V2	R1-7 HD/Hc	31	144 DU	4.65 DU/AC
AA	R1-18 ~~R1-35~~ HD/HC	~~172~~ 232	~~161~~ DU 432	~~.94~~ DU/AC 1.88
~~BB~~	~~R-4 HD/HC~~	~~74~~	~~271 DU~~	~~3.67 DU/AC~~
SUBTOTAL:		1,643 ~~1,648~~	2,374 DU	1.45 ~~1.44~~ DU/AC

ATTACHMENT A

APPROVED

10/3/90 DH

DATE INITIALS

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*		LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)		(5)
V1	R-4R HD/HC	34	280 RM		8.24 RM/AC
CC	R-4R HD/HC	74	525 RM	7.14	~~7.09~~ RM/AC
SUBTOTAL:		108	805 RM	7.49	~~7.45~~ RM/AC
M	C-O HD	10			.20 F.A.R.
N	PCC HD	20			.25 F.A.R.
O	C-O HD	5			.25 F.A.R.
Q	S-R HD/HC	12			.25 F.A.R.
T	C-2 HD/HC	13			.20 F.A.R.
X	C-2 HD	20			.25 F.A.R.
Y	C-2 HD	12			.30 F.A.R.
SUBTOTAL:		92	~~72~~		
Z	OS HD	23			
PK/SC	OS HD/HC	37	~~34~~		
PK	OS HD/HC	185			
NGC	OS HD/HC	162.5			
SGC	OS HD/HC	155	~~153~~		
STREETS DEDICATED AS OF APPLICATION SUBMITTAL		52			
SUBTOTAL:		614.5	~~609.5~~		
TOTAL ACREAGE:		2,457.5	~~2,437.5~~		

* Adjustments to the proposed units allowed in column 4 and proposed density in column 5 may be approved by project coordination staff subject to the following conditions:

a. The total dwelling units and resort rooms for the overall project are not increased;

b. A specific site plan has been submitted and reviewed on-site verifying that the proposed change is environmentally sensitive and provides appropriate land use relationships;

c. The maximum change for parcels A, B, C, G, U, ~~R,~~ and AA is less than 10% for other parcels is less than 20%;

APPROVED
10/3/90 DH
DATE INITIALS

d. That the maximum densities of the underlying zone are not exceeded; and

e. That the applicant submits a revised master development plan and land use table for approval.

Any other changes or appeals to staff decisions regarding proposed changes are subject to public hearing review and approval by the city council.

Note: The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, NAOS requirements, and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.

3. The property development standards for the zoning districts shall be amended as submitted except as modified by the following stipulations:

~~a. The single family residential development standards shall apply to all R1 districts within the development plan.~~

~~b. The minimum lot size shall be 5,500 square feet and subject to the density limits of the parcel and the standards included in chart "A".~~

a. Detached guest houses shall not be permitted on lots less than 18,000 square feet in size.

b. If guest houses on a parcel are intended to have cooking facilities, the applicant shall submit for rezoning to R-2. The R1 development standards shall apply to R-2 lots. Both dwellings shall meet the required front, side and rear yard requirements.

~~c. The rear improvement setback where required shall be an average 12 feet with a minimum of 7 feet.~~

~~f. Side yard setback "variances" as described shall be subject to recordation of the adjusted side yard dimensions on all affected lots and submittal reflecting such recordation to the subdivision file of the City of Scottsdale. Project Review staff approval shall be required prior to recordation.~~

~~g. Note that the Project Review/Coordination Staff interprets all three dimensional structures with any form of top covering; i.e. roof, lattice, tent, awning, etc.; as being a building.~~

~~h. The parking standards of article IX shall apply.~~

APPROVED
10/3/90 DH
INITIALS

~~i. The applicant shall submit revised sketches for the development standards for each unit type which is an accurate, uniformly scaled depiction of typical standard key, through, corner, flag and cul-de-sac lots.~~

4. Within the 3 acre minimum lot size area shown on the submitted development plan, the improvement envelope shall be set back an average of 80 feet from the project perimeter. An 80 feet minimum improvement envelope setback shall be provided along the project perimeter on parcels A, B, G and H where the parcels are adjacent to R1-190, R1-130, R1-70, R1-43, or R1-35 zoning.

5. The site plan for the commercial, resort and office sites shall be approved through the public hearing process. The museum site shall obtain use permit approval through the public hearing process. The use permit application shall include ownership, use and role of the City in the operation (if any). Note - completed as a condition of sale.

6. The Vista Corridor Washes shall be maintained by a homeowners association. Proof that such an association has been established shall be required prior to issuance of any single family building permits on any plat adjacent to a Vista Corridor.

APPROVED
10/3/90 DH
DATE INITIALS

7. On November 17, 1983 and November 21, 1985 the Development Review Board recommended approval of an adjustment to the "no-development line" subject to the attached stipulations (Exhibit A).

8. The no-development line is conceptual only and all adjustments are to be contingent on Development Review Board approval of site plan for each parcel prior to its submittal for preliminary plat review. The applicant shall deliver a deed of dedication or a non-development scenic easement for the property within the Hillside Conservation (HC) area on that parcel prior to issuance of any building permits on that parcel.

9. At the time of zoning adoption, any property above the adjusted no-development line, as approved by the Development Review Board, shall be adopted as HC (Hillside Conservation). The zoning for properties below the adjusted no-development line shall be adopted in accordance with the approved development plan at the time more specific information can be provided, as each parcel comes through for site plan development review approval.

10. The construction of each golf course may begin prior to the start of either resort subject to the following:

    A. The north resort site shall begin construction within five years of the date of council approval of case 28-Z-89 and shall proceed to completion in a diligent manner. If construction has not commenced on the north resort within the specific time frame the north resort site shall be deeded to the city for development of a resort hotel. A minimum of fifty percent (50%) of total play time on the north golf course shall be reserved for the north resort site. At least fifty percent (50%) of the total play time on the north golf course shall be available for general public play until such time as the north resort construction has begun. Resort construction shall be defined as construction on at least ten percent of the ultimate planned resort rooms, casitas, villas or similar type unit.

APPROVED
10/3/90 DH
DATE INITIALS

B. The south resort site shall begin construction within ten years of the date of council approval of case 28-Z-89 and shall proceed to completion in a diligent manner. If construction has not commenced on the south resort within the specific time frame the south resort site shall be deeded to the city for development of a resort hotel. A minimum of fifty percent (50%) of total play time on the south golf course shall be reserved for the south resort site. At least fifty percent (50%) of the total play time on the south golf course shall be available for general public play until such time as the south resort construction has begun.

11. Lot lines on a recorded plat may extend into the HC area. If development standards require minimum lot sizes, property beyond the no-development line shall not be included in the required area of any Hillside development parcel.

12. Density will be based on the gross development area of each parcel. Future determination of the "no-development line" will not affect the total number of units approved for each parcel or the project as a whole, but may require adjustments to the approved zoning on some parcels.

13. The applicant understands and acknowledges that the natural area open space requirements within developable areas are in addition to any area designated Hillside Conservation (HC).

14. Golf course development shall be in substantial general conformance with the site plan submitted as part of this application. Lighting of the driving range(s) shall be prohibited. The location of the half-way house and maintenance facilities shall be determined at the time of development review. The golf course site plan and the exterior design of the clubhouse, maintenance facilities, and other related facilities, including the color and physical character of the facilities, shall be subject to Development Review Board approval. The Development Review Board shall pay particular attention to the following:

a. A detailed study showing the peak day and average day water demand, and area in turf, revegetated and natural desert
b. Design and layout of the parking lot for the golf course clubhouse to ensure minimal cuts and fills and a design which compliments the natural topography of the site
c. Cart path locations and street crossings
d. Proposed lighting
e. Driving ranges
f. Public address systems to insure minimal noise pollution

APPROVED 2K INITIALS 10/3/90 DATE

15. All improvement plans for common open space or common service amenities and buildings, including the landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included), major drainage ways, wall designs, etc., shall be approved by the Development Review Board.

16. A Scenic Corridor easement shall be provided along both sides of Dynamite Boulevard, with an average width of 50 feet and a minimum width of 40 feet adjacent to single-family uses, and an average width of 100 feet and a minimum width of 80 feet adjacent to all other uses. The Scenic Corridor is to be maintained as undisturbed natural area. The Scenic Corridor width is to be measured starting at the road right-of-way. The width of the Scenic Corridor may be adjusted by the Development Review Board if protection of significant natural features can be better achieved.

17. Dedication of the park sites shall occur prior to Development Review Board OR PRELIMINARY PLAT approval of any abutting parcel (I, J, Q, R, AA, and Z). Prior to dedication the master site plans for the park shall be reviewed and approved by the Parks Commission, Planning Commission and City Council. DEDICATION OF THE COMMUNITY PARK/SCHOOL SITE SHALL OCCUR WITHIN SIX MONTHS OF CITY APPROVAL OF THE DRAINAGE SOLUTION FOR THE PARK SITE. DEDICATION OF THE PINNACLE PEAK MOUNTAIN PARK SITE SHALL OCCUR PRIOR TO JANUARY 1, 1992. The applicant shall contribute $200,000 toward the initial improvement of the community park site WITHIN 12 MONTHS OF THE DEDICATION OF THE COMMUNITY PARK. In lieu of the contribution or agreement with the city, the applicant may provide on-site improvements (such as rough grading and native plant relocation) subject to an agreement approved by the parks commission and city council. ~~The contribution shall be provided prior to the development of any parcel adjacent to either park site.~~ The applicant shall provide all necessary off-site facilities.

18. A 40 feet average/30 feet minimum width natural area buffer shall be provided along Alma School Parkway south of Dynamite.

19. The maximum floor area of any single retail use on parcels T and Y shall be 15,000 net square feet.

20. Prior to the issuance of any construction permits on parcels AA, BB, or Y the applicant shall submit verification to the city that a non-profit organization has been established and funded which will own, finance, design, build and ultimately operate the desert museum use identified for parcel Z. It is understood that the city shall assume no responsibility for the development or operations of the facility, unless otherwise determined by the City Council.

21. The city shall not be responsible for providing any fencing or walls in order to provide security and site identification for the park perimeters for adjacent development. THE DEVELOPMENT REVIEW OR PRELIMINARY PLAT PLANS FOR ANY ADJACENT PARCEL SHALL INCLUDE THE DESIGN, LOCATION AND SPECIFICATIONS FOR DEVICES WHICH SHALL CLEARLY DELINEATE THE COMMON BOUNDARY WITH THE PARK.

22. Building designs should include wherever possible the following materials or features: Heavily textured surfaces, muted earth tones, deep overhangs and recessed windows and entries, low sloping or parapet roof lines, stepped and multi-faceted building forms, and softened building edges.

23. THE EQUESTRIAN CENTER ON THE ISOLATED SEGMENT OF PARCEL "CC" CAN BE USED ONLY FOR GUESTS OF THE MAIN RESORT USE ON PARCEL "CC".

APPROVED 4/3/90 DK
DATE INITIALS

MASTER PLANS

1. Prior to any zoning map adoption, application for Development Review Board approval, or application for preliminary plat approval for parcels "A" through "V" except V1, V2 or U, the applicant shall submit the following Amended Master Plans and Studies: A, C and E; and for Parcels "Z" through "CC" the applicant shall submit all of the following:

   A. Provide and secure staff approval of the following amended master plans and reports covering the entire phase of the development proposal:

      1. Master drainage plan and report (see Schedule A)
      2. Master water plan and report (see Schedule B)
      3. Master wastewater plan and report (see Schedule C)
      4. Master circulation plan (see Schedule D)
      5. Master environmental design concept plan (see Schedule F)
      6. Master grading plan and report (see Schedule G)

   B. Enter into an agreement with the City for participation in development of a regional wastewater reclamation facility as proposed in the city's approved Wastewater Collection-water Reclamation Master Plan pursuant to agreement No. 880090 (May 15, 1989).

   C. Provide a summary report indicating the proposed phasing of development and the on-site and off-site improvements required for each phase as indicated by the above master plans.

   D. Dedicate the required right-of-way as shown in Schedules J and K.

   E. Submit a revised plan of development which reflects the stipulations of approval.

APPROVED
10/3/90 DH
DATE INITIALS

HILLSIDE/ENVIRONMENT

1. All washes with a 100 year flow of 750 cfs or greater shall be designated as Vista Corridors and preserved in a natural state as determined by the Development Review Board. A scenic easement with an average width of 100 feet shall be provided along these washes concurrent with any other easements. The scenic easement shall include the washes major vegetation, and low flow channels. If there are areas within these washes which are disturbed by development proposed by this case, the wash areas shall be restored as closely as possible to their natural, pre-development state. The location and treatment of the Vista Corridor shall be approved prior to site plan or preliminary plat approval on the adjacent parcels.

2. Any proposed alteration to the natural state of washes with a 100 year flow of 50 cfs or greater or proposed improvements within these washes shall be subject to Project Review staff approval.

3. The design and construction of walls, as defined in Section 3.100 of the Zoning Ordinance, along the Vista Corridor wash shall comply with the following standards:

   A. The location of the top of the bank of the wash shall be determined jointly by the developer and Project Review staff and staked by the developer.

   B. The Natural Area/Vista Corridor easements of the wash shall be continuous up the bank to the approved corridor alignment.

   C. Walls shall be located only within approved building envelopes.

   D. Walls shall be set back 4' from the approved alignment for every 1' of wall height.

   E. The color and materials of the wall shall match the exterior materials of the house or blend into the natural terrain.

4. As part of the Development Review application, developable areas shall be reflected on the site plan. Developable areas are that portion of the site which is not natural area.

5. All preliminary plats and site plans shall show all major boulders (in excess of 4 feet in diameter) and bedrock outcrops. Major boulder outcroppings shall be protected and maintained as determined jointly by the Project Review staff and the applicant at the time of site plan review.

6. All Hillside Conservation and off-lot natural areas shall be accurately surveyed and clearly staked in accordance with the approved grading plans. Such surveying and staking shall be inspected and approved prior to construction in each development phase. The natural area open space required on individual lots shall be defined prior to the issuance of building permits on each lot.

APPROVED 10/3/90

7. Prior to the commencement of construction on each residential lot, the natural area shall be suitably protected during the time of construction with access corresponding to the approved site plan. At the time of final building inspection for a dwelling unit on a lot, there shall be a site inspection to ensure that there has been minimal disruption to the natural area around the construction site.

8. The applicant and subsequent owners of record shall be ultimately responsible for the preservation and maintenance of all natural area proposed throughout the development in a natural state.

9. A native plant survey and preservation plan which complies with the requirements of the Zoning Ordinance shall be sumitted for Projet Review staff approval at the time of Development Review on each parcel. The Project Review staff will work with the applicant to minimize the extent of the survey required within large areas of undevelopable open space. All significant cactii which are suitable for transplanting and are necessarily uprooted for road building or similar construction shall be stockpiled during construction and shall be replanted in landscaped areas or donated for public use in accordance with State Statute and permit procedure.

10. Non-indigenous plant material which reaches a mature height greater than 20 feet shall not be introduced on the site.

11. Each preliminary plat submittal shall clearly show all HC areas and shall indicate proposed improvement envelopes on each lot.

12. The applicant shall submit a master Natural Area Open Space calculation for the project and a master N.A.O.S. allocation program subject to approval by Project Coordination. The initial allocation is understood to be approximate and shall be revised in detail for each development site plan when the site plan is submitted for approval.

APPROVED 10/3/90 DAT INITIALS

13. On-lot Natural Area Open Space shall not be credited to the parcel N.A.O.S. allottment on lots less than 18,000 square feet in size, except as dedicated as contiguous N.A.O.S. on a plat subject to the provisions of stipulation number 14 below.

14. On parcels D, F, I, J, K, S, and ~~BB~~ all required N.A.O.S. shall be provided in common tracts which have a minimum dimension of 40 feet and a minimum area of 5,500 square feet, and as noted in stipulations number 13 above. Exceptions may be approved by the Development Review Board or Project Coordination staff, as appropriate, where the applicant can clearly demonstrate that conservation of important natural features can be better achieved by the exception.

15. The maximum height of any outdoor lighting source shall be 14 feet above natural grade except for recreation uses which shall follow the normal standards of section 7.600 of the zoning ordinance. Low level lighting is encouraged wherever such an approach is feasible.

CIRCULATION

1. Dedication and improvement of street rights-of-way and easements shall be according to Schedules I, J, K, L and M.

2. The main street system within this development shall be in substantial conformance with that shown on the development plan submitted as part of this application.

3. The streets within this development shall be designed and constructed to "Hillside standards" with special attention given to any cuts and fills required for roadway construction.

4. Bicycle paths and equestrian trails shall be provided as shown at the locations on the approved circulation master plan (Exhibit B).

5. Direct trail access shall be provided to the 185 acre park from the east along the southern property boundary.

6. Median breaks and access to Dynamite Boulevard and Alma School Parkway south of Dynamite Boulevard shall be limited to intervals of 660 feet or greater as determined at the time of Master Street plan approval.

7. Dynamite Road and the realigned Alma School Parkway shall not be open to public use until accepted by the City. Opening shall not occur until all required roadway safety features (guard rails, traffic signs, safety banners, traffic signals, etc.) have been installed.

8. A pedestrian/bike way/golf cart crossing on Dynamite Boulevard shall be required and shall be grade separated. Cart path underpasses or other means acceptable to the Project Review Director may be required where these crossings occur on any collector street.

9. The design concept of all drainage crossings shall be reviewed and approved by City staff concurrent with the approval of the Development Review application for an affected phase.

10. Prior to the approval of each site plan application, the alignments for all internal street/driveways within that application shall be staked by the developer and inspected on-site by the City staff to insure minimal environmental and hydrological impact.

11. There shall be no direct residential access to arterial streets. A 1' V.N.E. (vehicular non-access easement) shall be required adjacent to these streets except at approved intersections.

APPROVED
10/3/90 DH
DATE INITIALS

12. There shall be no direct lot or unit access to interior collector streets except as approved by the Project Review Director. Where such access is proposed, a design solution for adequate safety provisions with minimal disturbance to the collector street and the natural area shall be shown. When such access is prohibited, a one foot vehicular non-access easement (vne) shall be required adjacent to these streets.

13. All private streets shall be constructed to full public street standards, including observance of the full public street right-of-way, from which all setbacks shall be measured. In all cases minimum lane widths and design speed criteria shall be met but equivalant construction materials or wider cross-sections may be approved by project review staff.

14. Secured access shall be provided on private streets only. Security gates shall be located a minimum of 75 feet from the back of curb of the intersecting street. An automobile turn-around shall be provided between the public street and the security gate.

15. If there are to be internal private streets, they shall not be incorporated into the City's public street system at a future date unless they are constructed and maintained in conformance with the City's public street standards and inspected and approved by the City at the time of construction and prior to acceptance as a public street. In any case, notice shall be given in the public records of the Maricopa County Recorder indicating that the private streets shall not be maintained by the City unless and until they are incorporated into the public street system of the City.

16. Access points to private streets shall be posted to identify that vehicles are entering a private street system.

17. No certificate of occupancy or final clearances shall be issued for any residential or commercial structures without two-way, paved access.

18. The applicant shall provide reasonable access to the adjacent parcels south of the Dynamite section line in Section 31 subject to approval by the traffic engineering director. It is understood that access shall mean right-of-way, easements or other such legal access and does not represent design or construction of any physical access improvements.

APPROVED
10/3/90 DH
DATE INITIALS

WATER/SEWER

1. Any water reservoir required for public utility use shall be subject to Municipal Use master site plan approval. The location and design of all reservoirs and related sites shall be subject to Development Review Board approval. Such design shall include the color and physical character of the tank and the width and grade of access to the tank. Water reservoirs shall not be located within any Hillside Conservation (HC) area.

2. An easement over the golf courses shall be provided to allow for the application of effluent from the reclamation plant(s) in excess of irrigation needs.

3. The applicant shall provide an access easement from the public street system to any wastewater reclamation facility. The access shall be paved and in place at the time facility construction begins.

4. If water and sewer lines are to be installed in advance of the preparation of detailed street/driveway improvements plans, the applicant shall prepare for the approval of the City, a detailed Master Plan of those streets giving the precise vertical and horizontal alignments. This will be required prior to the preparation of any water or sewer plans. The street alignment for those streets shall be staked by the developer and inspected on-site by the City staff to ensure minimal environmental and hydrological impact.

5. Included with any application for preliminary plat or development review, the applicant shall provide typical service access routes from the main service lines to the individual units to ensure minimal disruption to the natural areas. Utility service access to each lot shall be shown on the preliminary and final plats. Easements for utilities shall not be considered natural area unless otherwise provided by the Hillside section of the zoning ordinance.

6. The applicant understands and agrees that the granting of zoning does not and shall not commit the City to the extension, construction, or development of either water or sewer facilities (including but not limited to lines, mains, boosters, and storage facilities) to, on, or near the subject property.

7. The applicant understands and acknowledges that he is responsible for the construction and dedication to the City of all water and sewer facilities necessary to serve this development. Water and sewer facilities shall conform to the respective City Master Plan for this area and city design standards.

APPROVED

10/3/90 DH

DATE INITIALS

8. Building permits shall be subject to all fees and conditions in effect at the time of permit issuance. The applicant understands and agrees that constructing water and sewer facilities as provided herein shall not be in lieu of any water development fee, sewer development fee, or development tax which is applicable at the time building permits are issued subject to the following:

   a. The applicant or successors shall be entitled to receive credit for the cost of constructing the wastewater treatment facility which may be applied toward the sewer development fees which the applicant is required to pay. Also in consideration for the transfer of C.A.P. water rights to the city by the applicant, the water resources fee for the development shall be reduced equivalent to the extent of the transfer as approved by the water resources staff.

9. The City of Scottsdale shall be under no obligation to provide wastewater originating outside of the subject property to any wastewater treatment plant constructed pursuant to these stipulations or any other wastewater treatment plant constructed for the purpose of watering a golf course to serve this development except as may be provided in future agreements between the applicant and the City.

10. Unless resolved otherwise, the City staff shall submit an application to the director of the Arizona Department of Water Resources for a modification of the applicable maximum gallons per capita per day (GPCPD) goal of the City of Scottsdale for all non-residential water use including the resort. In the event that the director of the Department of Water Resources does not approve the requested adjustment, permits shall not be issued for any of the non-residential uses, unless an alternate solution is approved by the City Council.

11. The master water plan shall include future connection to Section 31, adjacent to the west, as identified by Water Resources staff, and at such location(s) approved by the applicant. The applicant shall not be responsible for detailed design and improvement costs associated with the connection.

APPROVED
10/3/90 DH
DATE INITIALS

12. Prior to any zoning map adoption, subsequent application for Development Review Board or preliminary plat on parcels "Z" through "CC" the developer of said parcels shall contribute his prorata share for the development of the 24" waterline in dynamite boulevard and the pump station of reservoir number 43. Conditions of this contribution are as set forth in an agreement between the City of Scottsdale and the Nelson Development Company, dated August 17, 1987 (Contract # 870299).

13. Prior to the issuance of any permits for construction within the state trust land parcels, the developer shall assign to the City of Scottsdale those cap water rights allocated to the State land parcels in this project. Undue delays in the assignment of these rights which are not caused by the developer or the city shall not delay the issuance of permits. The State shall implement and cooperate with the City to amend the CAP subcontracts that the state has with the Central Arizona Water Conservation District and the federal government, decreasing their subcontract by the following annual demand of water and increasing the CAP subcontract between City and said conservation district and the federal government in the same amount.

The total quantity of CAP water previously allocated to the State Land Department which is committed to the lands involved in these cases by the State Land Department is:

Use	Annual Demand in Acre Feet
Golf Course	120
Other	410

APPROVED
10/2/90 DH
DATE INITIALS

14. For any water demand not met through assignment to the City of Rights to State Trust Land Cap Water in connection with the purchase of State land parcels or other cap water rights acquired by the developer and assigned to the City, the developer or his successors or assignees agrees to:

A. Pay a one-time water resources development fee in accordance with the City's fee schedule at the time of the issuance of building permits as proscribed in Section 49-74.1 of the City code, and

B. pay any non-reimbursable contribution toward development of the reclaimed water distribution system on a prorated basis as provided in Agreement No. 880090 dated May 15, 1989.

APPROVED
10/3/90 DH
DATE INITIALS

FIRE PROTECTION

1. No building permit shall be issued prior to the installation of an approved and operational water system with an approved fire protection system (hydrant, stand-pipe, etc.) in place and operable in the area of the building during the construction period.

2. Firebreaks shall be provided and maintained within developable areas when buildings are to be located near Vista Corridors, washes, or other major natural areas. The type and location of firebreaks proposed for the protection of buildings shall be subject to the approval of the Fire Chief or his authorized representative.

MISCELLANEOUS

1. The responsibility for the maintenance of landscape buffers on public and private property (back-of-curb to right-of-way or access easement line included) and drainageways shall be borne by the applicant and subsequent homeowners associations, and provisions, therefore, shall be set forth in a separate agreement between the applicant and the City which shall be recorded in the records of the Maricopa County Recorder.

2. Those areas of designated common area shall not be accepted for maintenance or ownership by the City without expressed action of the City Council. Before any improvement is accepted, it shall meet City standards. Failure to maintain the designated common areas could result in a civil action brought by the City for costs incurred by the City for said maintenance.

3. All improvements associated with a development or phase of a development and/or required for access or service to the development or phase of a development shall be constructed in full by the developer, including but not limited to washes, storm drains, drainage structures, water systems, sewer system, curbs and gutters, paving, sidewalks, streetlights, street signs and landscaping.

4. At the time of building permits, a park development fee may be required. The fee would be a proportionate share of the cost for land acquisition and improvements for a park to serve that portion of the community. Dedication of an acceptable park site may be provided for the entire project in lieu of any applicable park development fee.

APPROVED

10/3/90 DH

DATE INITIALS

SCHEDULE A (MASTER DRAINAGE PLAN AND REPORT)

A revised master drainage plan and report shall be required for this development which reflects revisions in accordance with current stormwater storage requirements. The report shall specifically include the following:

A. Comparison of design peak discharges with recently completed "Scottsdale North Area Master Plan". Where estimates from the two studies differ, additional support data shall be required.

B. Map showing portions of this development lying within special flood hazard area (SFHA) boundaries.

C. Conceptual design and description of proposed floodwater management system, including proposed measures necessary to secure letter of map revision from Federal Emergency Management Agency (FEMA) for development within special flood hazard areas with city assistance. Application for L.O.M.R. shall be made through the City of Scottsdale.

D. Required stormwater storage volume for each parcel (or watershed) shall be determined as part of the master drainage plan. Proposed locations of storage basins shall be shown on the plan.

E. Approximate boundaries of 100-year floodwater surface for all channels with capacity of 250 c.f.s. or greater.

F. Conceptual easement dimensions necessary for major watercourses to accommodate design discharges.

G. Approximate location, type of structure, and flow capacity of major watercourse crossings.

H. Conceptual design of all man-made channels that includes landscaping concept, typical trails, bikepaths, or other proposed amenities.

I. Phasing plan showing proposed timing of all drainage improvements relative to development of streets and adjacent parcels.

J. Table specifying the timing of, and persons or agencies responsible for dedication of drainage easements and construction of stormwater management facilities.

K. Proposed permanent and interim erosion and sediment control methods.

L. Proposed locations for stockpiling excavated material.

APPROVED
10/3/90 DH
DATE INITIALS

SCHEDULE B (MASTER WATER PLAN)

The Master Water Plan and Report shall be prepared in accordance with the City's design procedures and criteria by a registered professional engineer who is licensed to practice in the State of Arizona. The master plan and report shall address, but not be limited to the following:

A. The location and size of all water system components including both on and off-site lines, pump stations, and storage facilities needed to serve the development.

B. A table specifying the timing of and responsible party for the construction of the necessary water system.

C. A summary of revised demands and estimated flows.

D. An estimation of the peak-day and average-day golf course water requirements.

E. Compliance with the adopted City Water Plan for the respective area and city design standards.

APPROVED
10/3/90 DH
DATE INITIALS

SCHEDULE C (MASTER WASTEWATER PLAN)

The Master Wastewater Plan and Report shall be prepared in accordance with the City's design procedures and criteria by a registered professional engineer who is licensed to practice in the State of Arizona. The master plan and report shall address, but not be limited to the following:

A. The location, size, type, and capacity of the wastewater transmission and treatment system components needed to serve the development, both on-site and off-site components.

B. A table specifying the timing of and responsible party for the construction of the necessary wastewater system.

C. The revised calculations necessary to substantiate the selection of the sizes, types, and capacities of the wastewater transmission and treatment facilities.

D. The handling and disposal of the solids generated by the operation of the wastewater treatment plants.

E. The handling and disposal of untreated wastewater in the event of a plant breakdown or the receipt of wastewater in excess of the plants capacities.

F. Compliance with the adopted City Sewer Wastewater Plan for the respective area and city design standards.

G. Line sizing to accommodate contributing off-site flows from an area that can be gravity serviced through the subject property.

APPROVED
10/3/90 DH
DATE INITIALS

SCHEDULE D (MASTER CIRCULATION PLAN)

The Master Circulation Plan and Report shall be prepared in accordance with the City's design procedures and criteria. The master plan shall include, but not be limited to the following:

A. Street plan showing estimated average daily volumes for all roadway segments and major intersections.

B. Street plan showing all street and approximate locations of major driveway access points with proposed median break locations.

C. Required auxiliary lane locations.

D. Signalized intersection locations with conceptual geometric design and estimated and peak hour volumes for each movement.

E. A pedestrian path plan.

F. A bicycle path plan.

G. An equestrian trail plan.

H. A golf cart path plan.

I. A composite plan showing all of the above elements.

J. A table specifying the timing of and responsible party for the construction of the improvements indicated by each of the plan elements and any phasing strategies.

K. A street plan indicating roadway classifications determined by a revised traffic impact study submitted by the applicant and approved by city staff.

APPROVED
10/3/90 DH
DATE INITIALS

SCHEDULE F (MASTER ENVIRONMENTAL DESIGN CONCEPT PLAN)

The Master Environmental Design Concept Plan shall address the following:

A. Landscaping
B. Street lights
C. Graphics and wall design plan for landscape buffers
D. Streetscapes including trails and walks
E. The design and aesthetic concept for all major drainage and detention facilities.
F. The timing and responsible party for construction of the above facilities.

SCHEDULE G (MASTER GRADING PLAN)

The Master Grading Plan and Report shall be prepared in accordance with the City's design procedures and criteria by a registered professional engineer licensed to practice in the State of Arizona. The master plan and report shall be prepared on a contour map with a scale and contour interval appropriate to the size of the development and the terrain of the property. The map shall show:

A. The configuration and finished contours of all grading associated with all master planned streets, utility lines, drainage and recreation facilities.

B. Identification of the types of soils found on or to be placed on the applicant's property, including the identification of any expansive soils.

C. Identification of the compaction to be provided in fill areas.

D. Identification of stands or clusters of all trees with a caliper of four (4) inches or greater and cacti six (6) feet or greater in height. The plan should show which of those trees or cacti will be removed.

E. The locations planned for temporary stockpiling of excavated material and the plan for use or disposal of this material.

F. If, because of plans for phasing the development over a period of time, the developer wishes to phase the submission of part of the above described information, the Master Grading Plan will indicate this phasing and will include an explanation of when the supplementary plans will be submitted and who will be responsible for submitting them.

APPROVED
10/3/90 DH
DATE INITIALS

SCHEDULE J (DEDICATION AND IMPROVEMENTS)

STREET NAME	NOTES	MINIMUM RIGHT-OF-WAY	MINIMUM IMPROVEMENTS
Dynamite Blvd.		(Under Construction)	
Northern Loop	A, H	50' (full)	26' (BC-BC)
Alma School Pky.	A, C, D	90' (full)	61' (BC-CL)
Alma School Pky. (North of Dynamite)	A, E, H	70' (full)	41' (BC-BC)
96th Street	A, H	50' (full)	26' (BC-BC)
Collector St. -(from Dynamite south at 100th St. alignment between parcels AA, CC, ~~BB)~~	A, H	50' (full)	26' (BC-BC)
-(adjacent to parcels Z & Y)	A, H	70' (full)	41' (BC-BC)
Pinnacle Vista Dr.	I	25' (half)	13' (BC-CL)
Res. collector	G	50' (full)	26' (BC-BC)
Res. local	B, F, H	(determined based on density and estimated volume)	
Commercial		60' (full)	41' (BC-BC)

A. Additional easement width may be necessary to accommodate cut or fill slopes, or to protect the natural environment.

B. The indicated right-of-way shall be dedicated as an easement for emergency/service vehicles where private streets are approved.

C. South of Dynamite alignment.

D. The improvements include landscaping within right-of-way, (including median), as necessary to mitigate impact from grading/construction.

APPROVED
10/3/90 DH
DATE INITIALS

E. Dedications shall be made within 6 months of City Council approval. failure to make required dedications shall result in zoning reverting to prior classification without City Council action.

F. Residential street widths shall be adjusted for development density according to the following:

DENSITY (UNITS PER ACRE)	MIN. STREET WIDTH (B.C. TO B.C.)
0 TO 2.00	23'
2.01 TO 5.99	28'
6.0 or higher	32'

G. At all intersections, 70' right-of-way and 41' (BC-BC) improvements shall be required with sufficient length (100' minimum), to accommodate left-turn storage demand.

H. Local street segments which may be expected to carry more than approximately 700 vehicles per day shall be designated collector streets.

I. Minimum pavement width of 20' required for two-way access.

APPROVED
10/3/90 DH
DATE INITIALS

SCHEDULE K (TIMING OF RIGHT-OF-WAY DEDICATIONS)

Roadway	When Required
Dynamite Blvd. Alma School Parkway south of Dynamite Pinnacle Vista Drive	(Dedicated)
Internal Res. Collector Internal Res. Local Collector St. intersecting Dynamite at 100th St.	At time of final plat approval or when required for access to internal development from a primary street.
Alma School Parkway north of Dynamite	Within six months of the date of Council approval.
Internal commercial	At time of Development Review Board approval.

SCHEDULE L (TIMING OF ROADWAY IMPROVEMENTS

Roadway	When Required
Dynamite Blvd. (Pima Rd. to Alma School Parkway	Full width construction from Pima to the east end of the driving range with first phase, and further to the east half-width, full length construction concurrent with development on adjacent parcels subject to design approval of tapers, transitions, etc.
Dynamite Blvd. (east of Alma School Parkway to development boundary	Half width, full length construction shall occur in conjunction with any adjacent development or in conjunction with Dynamite Blvd. (Rio Verde Drive) realignment east of 112th Street, whichever occurs first. The remaining construction shall occur concurrent with development on adjacent parcels.
Alma School Parkway (Pinnacle Vista Dr. to Dynamite)	Full width, full length construction segments shall occur in conjunction with any adjacent development or half-width, full length construction in conjunction with Dynamite (Rio Verde) realignment east of 112th Street, whichever occurs first.

APPROVED
10/3/90 DH
DATE INITIALS

Alma School Parkway (Dynamite to north boundary of development)	Full width, full length construction segments shall occur in conjunction with any adjacent development or when access to internal development from Alma School Parkway is needed.
All Others Listed on Schedule G	Full width, full length segments in conjunction with any adjacent development in the area, but construction shall provide for a continuous roadway from Dynamite, Alma School, or other primary streets. City and applicant shall work diligently to provide the Pinnacle Peak Park site with 2-lane improved access by January 1, 1991.

RIGHT TURN LANES

Dynamite Blvd.	Design and construct right turn deceleration lanes for all intersections and access driveways where warranted in conjunction with the design and construction of Dynamite Boulevard.
Alma School Road	Design and construct right turn deceleration lanes for all intersections and access driveways where warranted in conjunction with the design and construction of Alma School Parkway.

APPROVED
10/3/90 DH
DATE INITIALS

SCHEDULE M (REQUIRED TRAFFIC SIGNAL PARTICIPATION)

The developer shall be responsible for participation in the design and installation of a traffic signal, if warranted as determined by the City, at the following location for the percent of participation indicated:

INTERSECTION	NOTES	PARTICIPATION
Dynamite Blvd./Alma School Pky.	A	100%
Dynamite Blvd./Collector at 100th Street alignment	B	100%
Pinnacle Vista Drive/Alma School Parkway	B	50%

A. Cash payment for 100% of the design and construction shall be required prior to issuance of any permits for any parcel immediately adjacent to the intersection.

B. Cash payment may be required with adjacent development if a signal is determined by the city to be warranted and if such a signal location is consistant with the city's signal location policies in effect at that time.

APPROVED
10/3/90 DH
DATE INITIALS

EXHIBIT A

NO DEVELOPMENT LINE
ADJUSTMENT STIPULATIONS

1800 ACRE - Pinnacle Peak Village North

A. Any change in the development plan which was presented as part of the no-development line adjustment must be reviewed by staff and shall achieve all the purposes of the Hillside District as well as the demonstration plan.

B. The location, design and construction methods for installation of water storage and pumping facilities are to be approved by the Development Review Board prior to approval of any preliminary plat or site plan on the property.

C. All surplus earthern materials not used for construction shall be removed from the adjusted area.

D. Any application for a preliminary plat or Development Review Board site plan approval shall include typical designs and plans for the treatment of all cuts and fills and retaining structures and building pads in adjusted area.

640 ACRES - State Land

A. The proposed adjustment is to be conceptual only and all adjustments are to be contingent on development review approval of the land use and site plan of each parcel prior to its submittal for preliminary plat review.

APPROVED
DATE 10/3/90 DH
INITIALS

AMENDED PROPERTY DEVELOPMENT STANDARDS
AUGUST 27, 1990

PROPERTY AFFECTED

	Zoning Case
Troon North/Estancia	45-Z-90

TABLE OF CONTENTS

	Page
I. Mixed Lot Size Concept and Natural Area Open Space	2
II. Single-Family Residential	3
III. Townhouse Development Standards	7
IV. Resort Development Standards	10
V. Commercial Parcels	11

ATTACHMENT #5

APPROVED
10/3/90 DH
DATE INITIALS

(44n/3)

AMENDED PROPERTY DEVELOPMENT STANDARDS

The amended property development standards apply to Troon North (which includes Pinnacle Peak Village North and the 620-acre parcel in Section 32 recently purchased from the Arizona State Land Department now called Estancia) and supercede the "Amended Development Standards" as approved in zoning case 28-Z-89 and dated January 10, 1990. All development shall be further regulated by Declaration of Covenants, Conditions and Restrictions (CC&Rs) as well as provisions of Article VI, Section 6.800, "Hillside District" of the Scottsdale Zoning Ordinance and the "Environmentally Sensitive Lands Ordinance" as approved by the City of Scottsdale.

I. MIXED LOT SIZE CONCEPT AND NATURAL AREA OPEN SPACE

The amended development standards reflect two key planning concepts that assure maximum site design flexibility and minimum disturbance of the native landscape: mixed lot sizes and aggregation of required natural area open space.

Mixed lot sizes: As long as overall density for any given development unit remains constant, individual lot sizes will be tailored to fit the terrain and can vary accordingly down to a minimum of 5,500 sq.ft. In the complex, fractured terrain of the Pinnacle Peak area, the "mixed lot size" approach assures minimum disruption of natural features and site plans that avoid a "standardized" appearance. (see figure A)

Aggregation of required natural area open space: Natural area open space (NAOS) required by the Hillside District is tied to percentages of areas that fall within six slope categories (0-2% slopes, 2%+-5% slopes, etc.). At the time plats and/or site plans are processed, more detailed slope area measurements and natural area open space requirements will be calculated.

Typically, for standard single-family subdivisions, NAOS requirements are defined for individual lots and must be met within lot boundaries. Given the "mixed lot size" approach and the site's scenic complexity, it may be desirable to transfer NAOS requirements on any given lot to other lots or tracts where unique natural features warrant preservation. Thus, NAOS can be transferred from lots without significant natural features to other lots or areas where boulder outcrops, scenic washes, major vegetation or view corridors are present. By aggregating required NAOS, larger areas can remain undisturbed. This aggregation concept is also very important for R-4 and R-4R townhome developments where NAOS requirements may be met within a larger desert tract rather than with small areas of desert located on each lot. (see figure B).

APPROVED
10/3/90 DH
DATE INITIALS

II. SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS

The property zoning standards modifications that follow provide a basis for implementing the Mixed Lot Size Concept. These standards replace all Single-Family Residential District standards found in Article V, Scottsdale Zoning Ordinance. In conjunction with the "Hillside District" requirements, these standards are intended to promote residential development while minimizing disruption of the natural desert environment. These single family residential development standards shall apply to all R1 districts within the development plan.

A. Lot Area and Dimensions

The minimum lot size shall be 5,500 square feet and subject to the density limits of the parcel and the standards included in Chart 'A'.

B. Density

1. There shall not be more than one (1) single-family dwelling unit on any one (1) lot. Detached guest houses shall not be permitted on lots less than 18,000 square feet in size.

2. Each lot greater than 18,000 square feet in size may have one (1) accessory building that is used to house guests or employees of the occupant of the principle dwelling. Said guest/employee dwelling shall never be rented, sold or offered for sale or rent independent of the principle dwelling. If guest houses on a parcel are intended to have cooking facilities, the applicant shall submit for rezoning to R-2. The R1 development standards shall apply to R-2 lots. Both dwellings shall meet the required front, side, and rear yard requirements.

C. Building Height

No building shall exceed thirty (30) feet in height, except as otherwise provided in Article VII.

D. Improvement Envelope

1. The improvement envelope is defined as that area of a lot bounded by the front yard setback, the side yard setbacks, and the rear improvement setback, as well as areas required for driveways and vehicular turn arounds. Manmade devices to enhance, stabilize or direct natural drainage will be allowed outside the improvement envelope.

APPROVED
10/3/90 DH
DATE INITIALS

2. All structures, including fences, and pools shall be contained within the improvement envelope. Driveway encroachments are allowed only within the front yard setback except that driveways that are shared by two or more lots may encroach into the side yard setback as approved by the Architectural Review Committee.

3. The improvement envelope size shall also be limited by the required NAOS unless its NAOS requirement is provided elsewhere on the NAOS-requirement document submitted to the City in addition to the plat.

4. That portion of the lot not contained within the improvement envelope shall be maintained in the natural condition as NAOS except for drainage devices.

E. Setbacks

SEE CHART A FOR SUMMARY

1. Front and rear setbacks (see figure C)

(a) The minimum front yard setback from the property line shall be twenty (20) feet for lots fronting onto local streets and twenty-five (25) feet for lots fronting onto streets of greater intensity than local streets.

(b) The minimum rear improvement setback from the property line shall be an average of twelve (12) feet with a minimum of seven (7) feet except:

(1) Type D lots (18,000 to 24,999 sq.ft.), Type E lots (10,000 to 17,999 sq.ft.) and Type F lots (5,500 to 9,999 sq.ft.): No rear improvement setbacks are required. If a space exists between improvements on adjacent lots it shall not be less than fourteen (14) feet in width with a minimum of seven (7) feet on each lot. Lots adjacent to O.S. HD/HC shall not have a minimum rear improvement setback.

(c) The minimum rear yard building setback from the property line shall be twenty (20) feet. No accessory buildings are allowed within the rear yard setback except ramadas or gazebos without solid walls. Note: City of Scottsdale Project Review/Coordination staff interprets all three-dimensional structures with any form of top covering as being a building.

APPROVED
10/3/90 DH
DATE INITIALS

(d) Determination of front yards for lots having frontage on more than one street shall be as follows:

(1) The frontage on the local street shall be considered the front yard. For lots greater than 18,000 square feet in size setback requirements on each street frontage shall be front yard setback requirements.

(2) The rear yard shall be opposite the front yard. Where these are not parallel, the rear yard shall be that line which is intersected by a line drawn perpendicular through a tangent to the midpoint of the front lot line. All lines joining the front or rear property line shall be side lot lines.

2. Side setbacks

The minimum side yard setback from the property line for each side shall be ten (10) feet except:

(a) Type D lots (18,000 to 24,999 sq.ft.) and Type E lots (10,000 to 17,999 sq.ft.): No side improvement setbacks are required. Any side yard must be a minimum of seven (7) feet in width except for those lots adjacent to O.S. HD/HC, where there is no minimum width. If a space exists between buildings on adjacent lots, it shall not be less than fourteen (14) feet in width with a minimum of seven (7) feet on each lot (see figure D). The intent of this requirement is to provide meaningful open space corridors. Variances of this seven (7) foot requirement may be granted by the Architectural Review Committee if the lots on each side of the lot line have the same owner and as long as the total space between the building is a minimum of fourteen (14) feet.

(b) Type F lots (5,500 to 9,999 sq. ft.): No side improvement setbacks are required. If a space exists between buildings on adjacent lots, it shall not be less than ten (10) feet in width (see figure E) with minimum of five (5) feet on each lot. Variances of this five foot requirement may be granted by the Architectural Review Committee if the lots on each side of the lot line have the same owner and as long as the total space between the building is a minimum of ten (10) feet.

APPROVED
10/3/90 DH
DATE INITIALS

(c) In cases where side yards of corner lots abut streets and are adjacent to key lots, the minimum side improvement setback shall be sixty (60) percent the key lot front improvement setback. "Key lot" means a lot with one side line that is contiguous to the rear line of a corner lot (see figure F).

Note: Side yard setback "variances" as described above shall be subject to recordation of the adjusted side yard dimensions on all affected lots and a submittal reflecting such recordation shall be included in the subdivision file of the City of Scottsdale. Project review staff approval shall be required prior to recordation.

F. Distance Between Buildings

1. All lots must have a minimum distance of ten (10) feet between all buildings on the lot.

2. There shall be a minimum of separation between all buildings on adjacent lots of:

(a) Twenty (20) feet for lots greater than Type D.

(b) Fourteen (14) feet for Type D and Type E lots if a space exists.

(c) Ten (10) feet for Type F lots if a space exists.

G. Walls, Fences and Landscaping

1. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted within the improvement envelope. The height of the wall or fence is measured from the natural ground outside of the enclosure. It is recommended that walls/fences be buffered by natural vegetation to avoid creating unbroken reflective surfaces.

2. Swimming pools shall be screened from adjacent properties by a protective fence or permanent structure not less than four and one half (4.5) feet in height measured from the natural ground outside the enclosure. As a minimum, the lower three and one half (3.5) feet of the wall shall be of solid masonry or similar type construction as approved by the Architectural Review Committee. The swimming pool shall be protected by a protective enclosure which shall be

APPROVED
10/3/90 DH
DATE INITIALS

controlled by the use of self-closing gates with self-latching devices. A maximum of two and one-half (2.5) feet of wrought iron fencing is allowed above the masonry wall, subject to approval by the Architectural Review Committee. Water from the pool should not be visible from a normal street traffic view.

H. Access and Parking

1. All lots shall have vehicular access on a public or private street unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

2. All lots that front onto streets, which are not categorized as local streets, must have turn-around areas or circular drives on the lot so that vehicles do not have to back out into the roadway.

3. The provisions of Article IX shall apply for parking except as modified by the Architectural Review Committee and the Development Review Board during the plan review process.

III. R-4 AND R-4R TOWNHOUSE DEVELOPMENT STANDARDS

The following development standards shall apply to all R-4 and R-4R townhouse or condominium projects and each project shall require Development Review Board approval. These standards shall replace all R-4 Townhouse Development Standards found in Article V, Section 5.800, Scottsdale Zoning Ordinance.

A. Minimum Property Size

Any property for which R-4 zoning is requested shall contain a minimum of eight thousand (8,000) square feet.

B. Open Space Requirements

The minimum amount of natural area open space shall be determined relative to the slope category per Hillside ordinance or as determined by the Environmentally Sensitive Lands ordinance, whichever is applicable. See Section II for details.

C. Building Height

The building height shall be reviewed by Development Review except that no building shall exceed thirty (30) feet in height excluding the chimneys, if any.

APPROVED
10/3/00 DH
DATE INITIALS

D. Landscaping Requirements

1. Existing vegetation shall be retained in any part of the total development which is not designated for grading or construction.

2. Existing vegetation which cannot be preserved in place but is suitable for transplanting shall be transplanted.

3. All areas between a building and street frontage, except for access drives and walks, shall be landscaped or left as natural area.

4. Irrigation, where required by non-arid plant materials, shall be provided by an automatic and timed watering system unless otherwise approved by the Project Review Director.

E. Density

1. The overall density shall not exceed one (1) dwelling unit per five thousand four hundred and fifty (5,450) square feet of gross land area.

F. Building Setback

1. There shall be a minimum front yard of twenty (20) feet. A variances from this requirement may be approved by the Architectural Review Committee if the following conditions are met:

   (a) All garage doors shall be a minimum of twenty (20) feet from the front lot line.

   (b) A maximum of one third (1/3) of the total number of units within a development may have a front yard setback of less than twenty (20) feet.

   (c) The minimum front yard setback shall be either ten (10) feet from the front property line or eighteen (18) feet from the back of curb adjacent to the lot, whichever is greater.

2. A project perimeter building setback of not less than ten (10) feet shall be provided.

3. There shall be a minimum side yard of zero (0) feet or five (5) feet and a minimum rear yard structure setback of ten (10) feet in the interior of the development.

APPROVED
10/3/90 DH
DATE INITIALS

G. Distance Between Buildings

1. The minimum distance between adjacent buildings shall be zero (0) feet.

2. If a space does exist between two main buildings, a main building and a accessory building or accessory buildings on adjacent lots, it shall not be less than ten (10) feet.

H. Walls, fences and required screening

1. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted within the improvement envelope. The height of the wall or fence is measured from the natural ground outside of the enclosure. It is recommended that walls/fences be buffered by natural vegetation to avoid creating unbroken reflective surfaces.

2. All parking areas shall be screened from off-site views to a height of three (3) feet above the parking surface.

3. Swimming pools shall be screened from adjacent properties by a protective fence or permanent structure not less than four and one-half (4 1/2) feet in height. The swimming pool shall be protected by a protective enclosure which shall be controlled by the use of self-closing gates with self-latching devices. The water should not be visible from a normal street traffic view.

I. Access

Access shall be determined by Development Review Board.

J. Signs

The provisions of Article VIII shall apply.

K. Parking

The Provisions of Article IX shall apply except as modified by the Architectural Review Committee and the Development Review Board during the plan review process.

APPROVED
10/3/90 DH
DATE INITIALS

IV. R-4R. RESORD DEVELOPMENT STANDARDS

The provisions of Article V, Section 5.900, Scottsdale Zoning Ordinance (as modified by Article VI, Section 6.800 Hillside District, Scottsdale Zoning Ordinance) shall apply except as modified below.

Section 5.904 Property Development Standards

D. Building Height

1. No building shall exceed thirty (30) feet in height.

E. Overall Yard Requirements

1. There shall be a yard a minimum of twenty (20) feet in depth adjacent to all perimeter property lines, including property lines abutting perimeter streets, except that there is no minimum yard requirement for those property lines that abut an O-S district containing a golf course or hillside conservation (H.C.) area or that abut an R-1 district if within the R-1 district there is a hillside conservation (H.C.) area at least thirty (30) feet in depth dedicated along the entire length of the property line for which there will be no minimum setback.

2. Within one hundred (100) feet of any perimeter street or any R-1 district boundary line all buildings shall be:

   a. Used only for guest rooms that are detached from central hotel facilities or for dwelling units.

   b. A maximum of one-story in height.

3. There shall be a yard a minimum of one hundred (100) feet in depth adjacent to all perimeter streets, maintained as meaningful open space except for pedestrian and vehicular access ways, unless buildings as allowed in #2 above are constructed, or unless the depth is modified by Development Review Board Approval.

4. Within fifty (50) feet of any district boundary line other than R-1 except as allowed in #1 above, or any property line abutting additional R-4R zoning, all buildings shall be:

   a. Used only for guest rooms that are detached from central hotel facilities or for dwelling units.

   b. A maximum of one-story in height.

APPROVED
10/3/90 DH
DATE INITIALS

F. Buildings, Walls, Fences and Landscaping

1. Walls and fences not to exceed eight (8) feet in height and walled driveway entrances not to exceed six (6) feet in height shall be permitted, except that walls and fences must not exceed three (3) feet in height in the required one-hundred (100) foot yard along street frontages and in the ten (10) feet adjacent to the street where a twenty (20) foot setback is allowed along street frontages. Those yards must be maintained as landscaped or natural area open space and may be penetrated by pedestrian and vehicular access ways only. (Walled driveway entrances not to exceed six (6) feet in height shall be permitted within the setback requirements if such entrance is compatible with the surrounding development).

2. When a resort district abuts a single-family residential district, a landscaped or natural area open space, a minimum of twenty (20) feet wide, with sufficient vegetation to buffer the adjacent property shall be planted or provided on the abutting lot line.

3. Landscaping shall be determined by Development Review Board approval.

4. Swimming pools shall be completely enclosed by a protective fence or structure not less than four and one-half (4 1/2) feet in height, except that pool security may be accommodated by other means when allowed by Development Review approval. Gates in required fences shall be self-closing and equipped with self-latching devices.

V. COMMERCIAL PARCELS

A. Modifications

The commercial parcels contained within this rezoning case shall be developed according to the normal development standards except as modified by the following chart.

Commercial Parcel	Maximum Height	Maximum FAR
2500 ACRES		
"M" C-O	Standard	.20
"N" PCC	Standard	.25
"O" C-O	Standard	.25
"Q" S-R	Standard	.25
"T" C-2	Standard	.20
"X" C-2	Standard	.25
"Y" C-2	Standard	.30

APPROVED
10/3/90 DLL
DATE INITIALS

CHART A
SETBACK REQUIREMENTS
SINGLE FAMILY RESIDENTIAL

TYPE	Lot Area** Minimum Sq. Ft.	Lot Area** Maximum Sq. Ft.	IMPROVEMENT ENVELOPE Minimum Setbacks Front Yard	Rear Improvment	Side*** Yard (1)	Minimum Rear*** Yard (2) Setback	Minimum Distance Between Buildings on Adjacent lots
A	70,000	——	20'(L.) 25'(G.)	7'	10'	20'	20'
B	35,000	69,999	20'(L.) 25'(G.)	7'	10'	20'	20'
C	25,000	34,999	20'(L.) 25'(G.)	7'	10'	20'	20'
D	18,000	24,999	20'(L.) 25'(G.)	0'	*0'	20'	*0' or 14'
E	10,000	17,999	20'(L.) 25'(G.)	0'	*0'	20'	*0' or 14'
F	5,500	9,999	20'(L.) 25'(G.)	0'	0'	20'	0' or 10'

NOTES

* For Type D and Type E lots: any side yard must be a minimum of seven (7) feet in width except for variances approved by the Architectural Review Committee and City of Scottsdale Project Review staff. If a space exists between buildings on adjacent lots, it shall not be less than fourteen (14) feet in width.

** Lot area is H.D. (Hillside Development) are exclusive of any H.C. (Hillside Conservation) area.

*** No side yard or rear yard improvement setbacks are required for lots that are adjacent to O.S. HD/HC.

L: Local street
G: Greater intensity than Local street

(1) For lots abutting key lots, the side yard of corner lots must be 60% of the key lot front yard. A key has one side that is contiguous to the rear line of a corner lot.

(2) No accessory buildings are allowed within the rear yard setback except ramadas or gazebos without solid walls.

RAD:rw(44n/14-8/27/90)

APPROVED
10/3/90 DH
DATE INITIALS

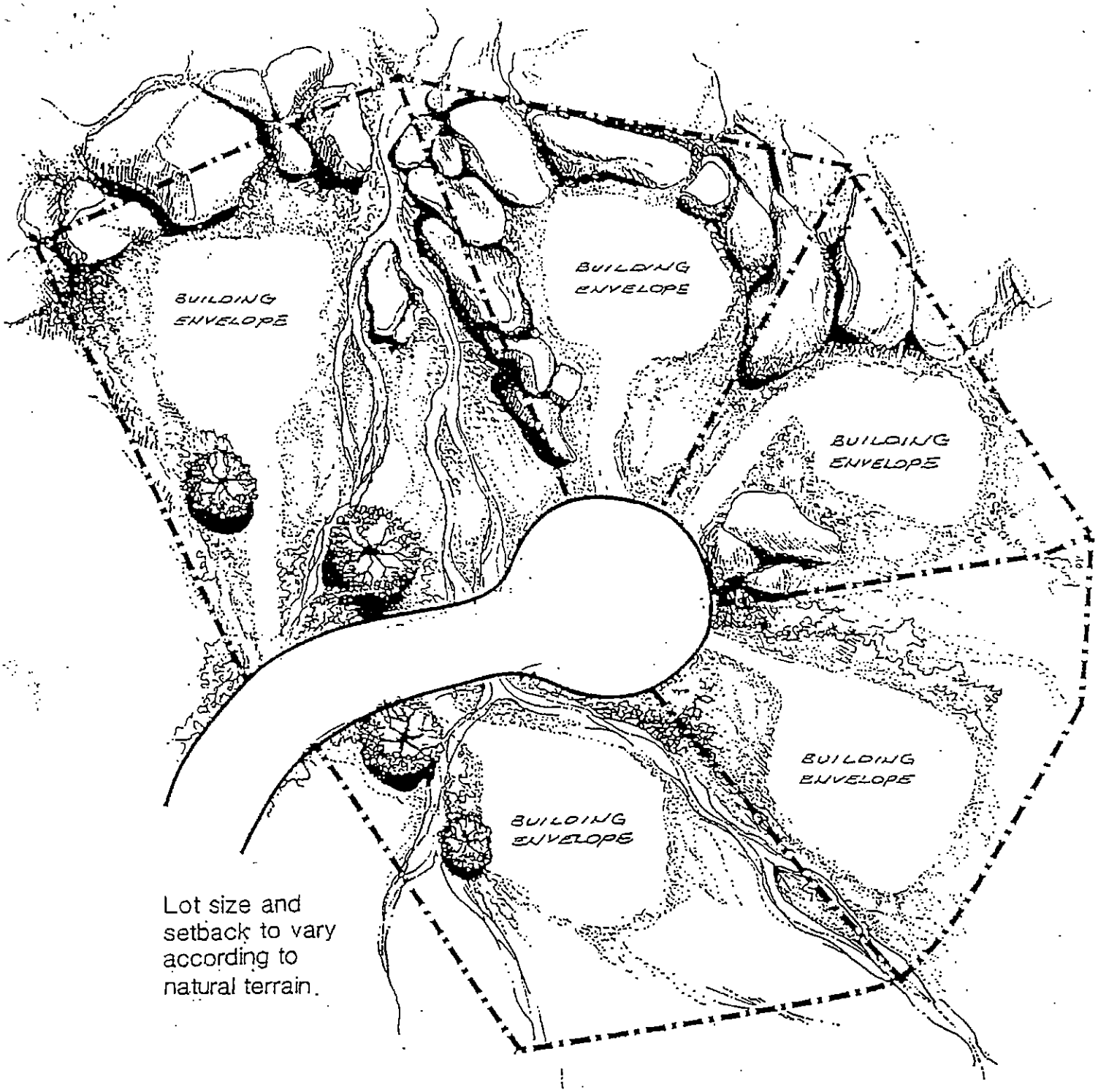


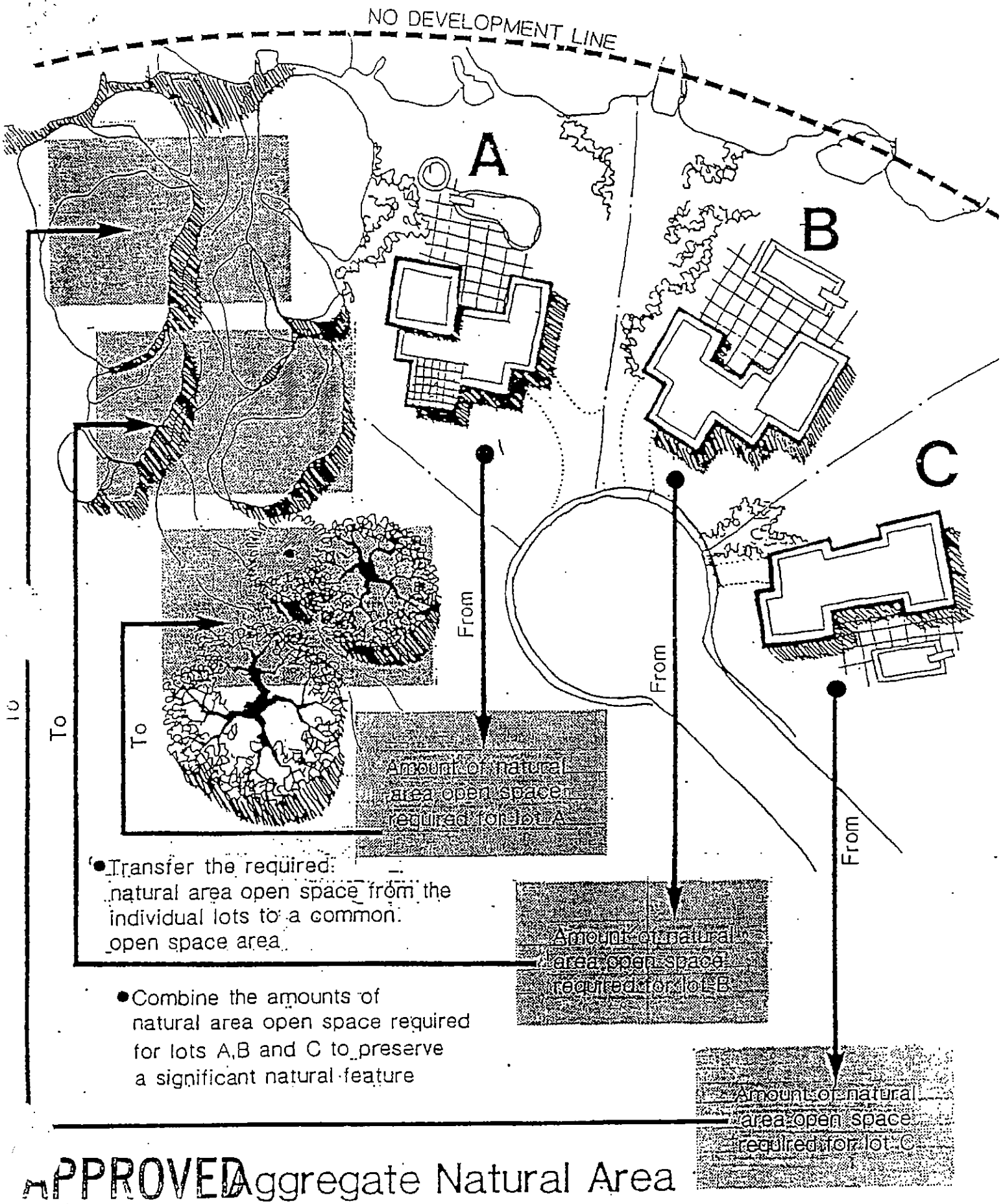
Figure A

Mixed Lot Size Concept

APPROVED

10/3/90 DV

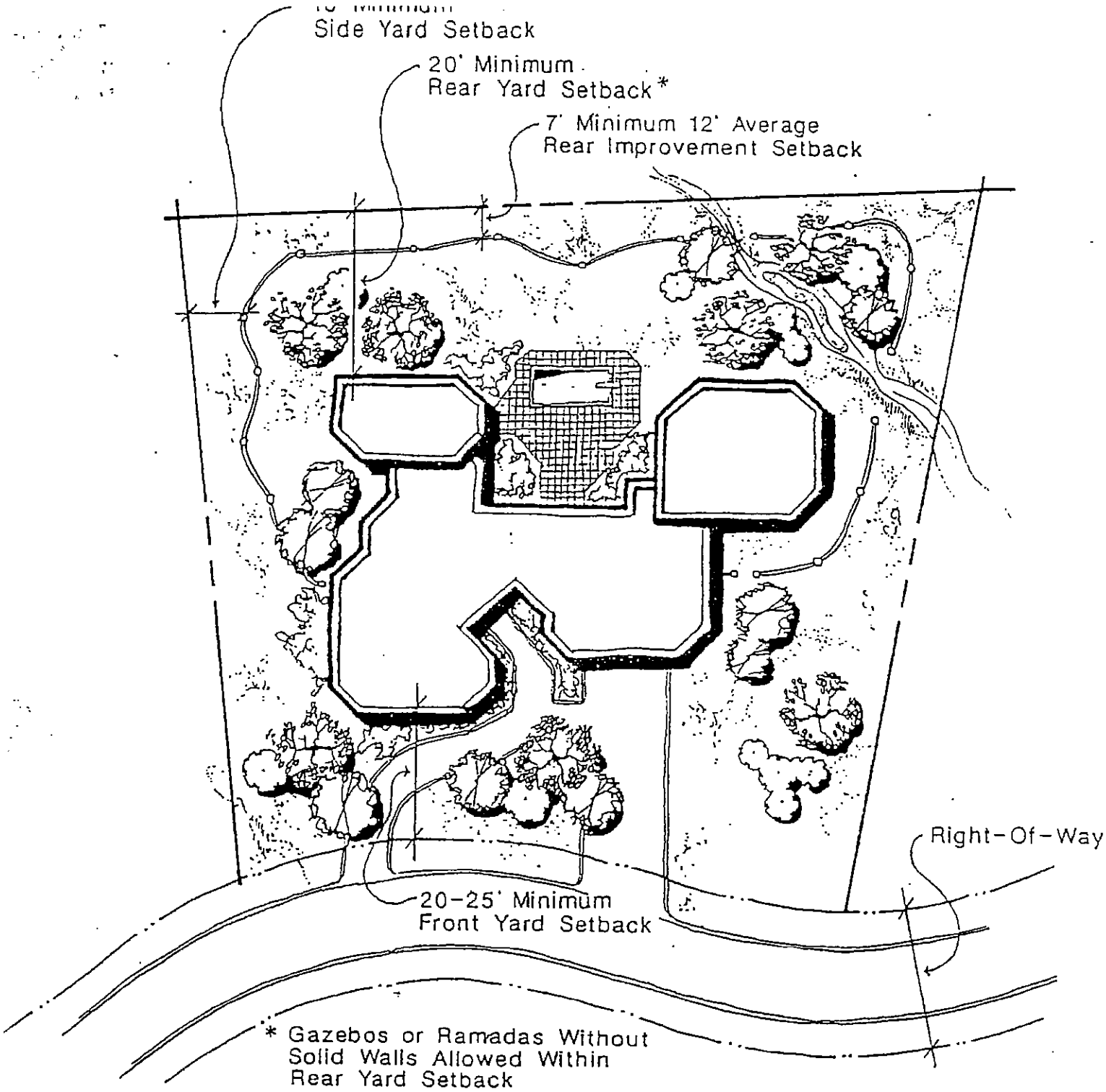
DATE INITIALS



APPROVED Aggregate Natural Area Open Space Concept Sketch

Figure B

10/3/90 DH
DATE INITIALS



SINGLE-FAMILY DEVELOPMENT STANDARDS SKETCH:

SETBACKS FOR LOTS 25,000 SQUARE FEET OR LARGER

APPROVED

10/3/90 DH

DATE INITIALS

Scale 1" = 30'

Figure C

SINGLE-FAMILY DEVELOPMENT STANDARDS SKETCH:

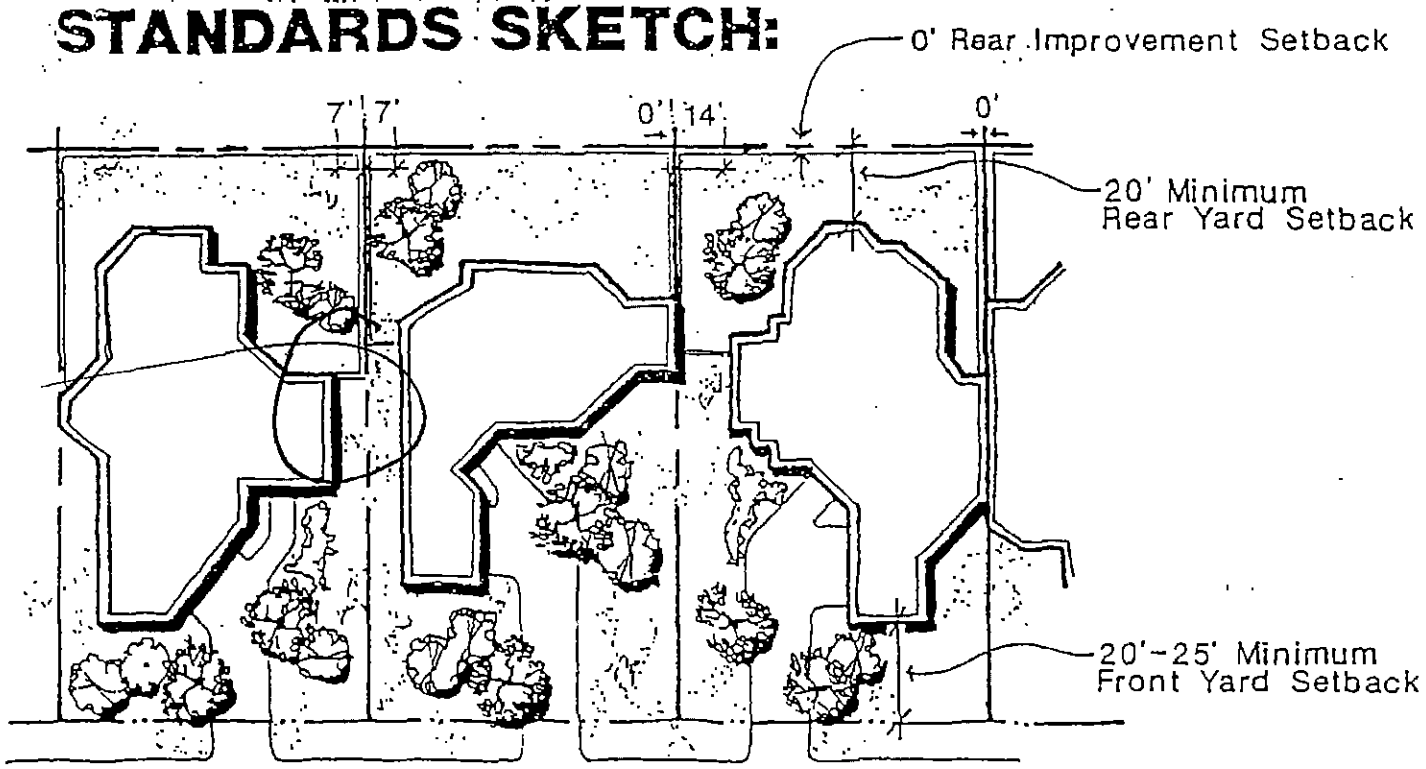
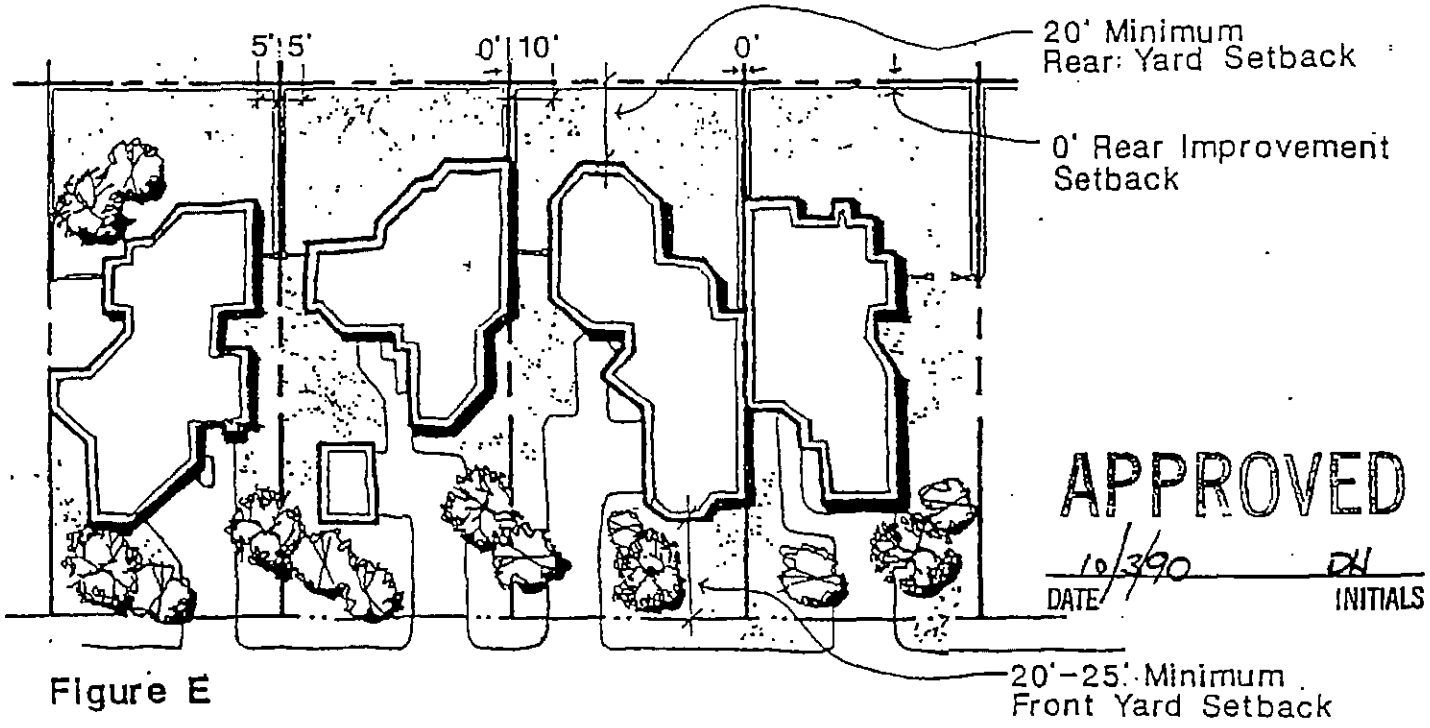


Figure D

SIDE YARD SETBACKS FOR TYPE D LOTS (18,000 SQ.FT. MINIMUM) & TYPE E LOTS (10,000 SQ.FT. MINIMUM)

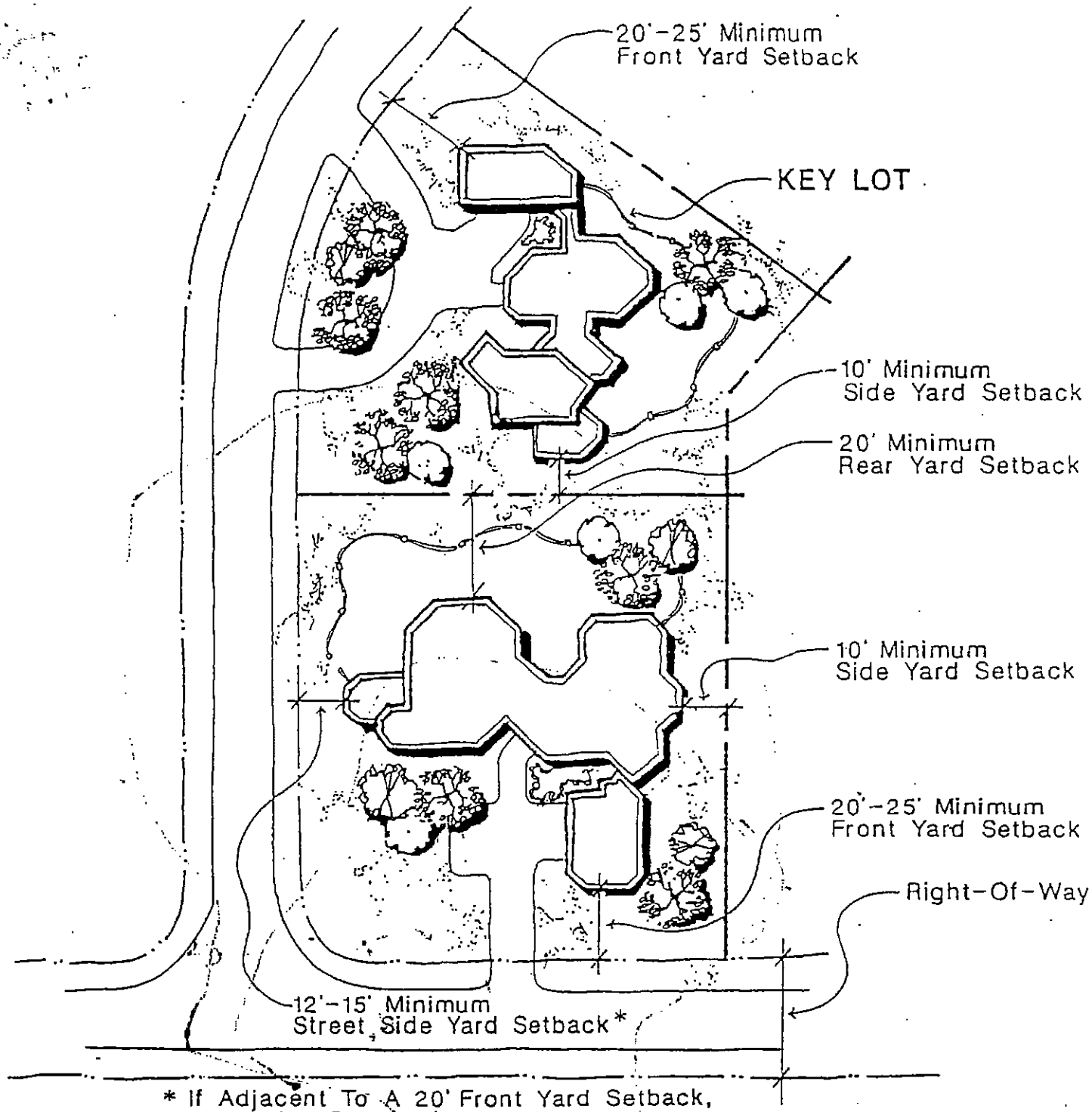


APPROVED
10/3/90 DH
DATE INITIALS

Figure E

SIDE YARD SETBACKS FOR TYPE F LOTS (5,500 SQ.FT. MINIMUM)

Scale 1" = 50'



* If Adjacent To A 20' Front Yard Setback, 12'(60%) Is Required

* If Adjacent To A 25' Front Yard Setback, 15'(60%) Is Required

SINGLE-FAMILY DEVELOPMENT STANDARDS SKETCH:

STREET SIDE SETBACKS FOR SINGLE FAMILY LOTS

APPROVED

10/3/90 DATE

DH INITIALS

Scale 1" = 50'

Figure F

G

CITY COUNCIL ACTION REPORT

TO: MAYOR AND CITY COUNCIL **DATE:** 4/5/94
FROM: PLANNING & COMMUNITY DEVELOPMENT
SUBJECT: **CASE 2-GP-94 & RESOLUTION NO. 4015 & 3-ZN-94 & ORDINANCE NO. 2650**

AGENDA ITEM NO. 22
DON HADDER
JOHN FARAMELLI
STAFF

REQUEST: General Plan amendment from 2 to 4 du/ac to Resort; and rezoning from R1-7 ESL HD (Single-Family Residential/Environmentally Sensitive Lands/Hillside District) to R4-R ESL HD (Resort District/Environmentally Sensitive Lands/Hillside District) with amended development standards

LOCATION: Troon North Resort, Parcels V1 and V2

APPLICANT: Larson, Voss Associates
16212 Red Mountain Trail
Fountain Hills, AZ

OWNER: Diamond Land Investments, LC
3101 N. Central, #1030
Phoenix, AZ

PLANNING COMMISSION RECOMMENDATION: APPROVE by a vote of 5-1 (Commissioner Simonson abstained) subject to the attached stipulations and ADOPT Resolution No. 4015 and Ord. No. 2650 affirming these cases.

STAFF RECOMMENDATION: Per the Planning Commission

CONCURRENCE: None required

PUBLIC COMMENT: A representative of the area homeowners association spoke in favor of the process and the plan.

ZONING HISTORY: Annexed as R1-190 in 1983. Rezoned to R-4R and R1-7 in case 87-Z-85

SITE DETAILS

USE: Resort, townhouse, casita residential units
PARCEL SIZE: 55± gross acres
DENSITY 7.7±/ac.
OTHER: 17.4 ac. natural area (32%)

HEIGHT: 30 ft. maximum
SETBACKS: Per site plan, amended standards and stipulations

GENERAL PLAN DISCUSSION:

Reflecting the current zoning categories, the current General Plan shows the north end of the site as resort and the south part as 2-4 du/ac residential. This proposal would in effect turn the entire site into the Resort Land Use Category. In the original plan, the medium density residential area was conceived as a support, adjunct use to the resort use. This revision technically changes the Land Use Plan map but in concept maintains the idea and intent of the plan.

APPROVED
10/10/94 DH
DATE INITIALS

ACTION TAKEN

S355754 (6-90)

DISCUSSION:

The proposal includes rezoning an R1-7 ESL parcel to R4-R ESL and amending the development standards for the overall resort/townhouse parcel. The site is located in the center of the Troon North Master Planned Development. East of the site is the Troon North Golf clubhouse, which is under construction, and the driving range. To the north is a major rock formation and very low density residential zoning. The west side of the site is typified by deep intrusions of golf holes, other significant rock features and additional golf. The south side of the site fronts onto Dynamite Boulevard, across which has been planned for medium density residential, golf, and specialty retail.

The concept of this request is to provide opportunities for a variety of attached and semi-attached units which would be used in a variety of techniques, such as for-sale, timeshare, lease, rental pool and so on, and would be primarily oriented to seasonal resident and visitors.

Originally, the resort use was a key element in supporting the golf use on the project, given the state's outlook on use of water resources. With the advent of the CAP/Reuse System with which this golf course is already participating, the need for the resort use has shifted. This proposal retains a strong visitor use orientation which will rely in part on management and services out of the new clubhouse. The size and shape of the site also makes it difficult to place a more traditional style of hotel facility on the site. This, combined with the long term downturn in hotel/resort development world-wide, leads to this type of approach as being more achievable while maintaining the resort character originally planned.

The northern portions of the site were severely burned in the July 1992 brushfire.

COMMUNITY IMPACT:

This site is virtually isolated from existing or future single family residential areas. No increase in density will occur as a result of this proposal. This project will create a visual and activity core for the center of the Troon North project.

John Faramelli
Community Development Administrator

Richard A. Bowers
City Manager

ATTACHMENTS: A - Stipulations
#1 - Aerial
#2 - Zoning Map
#3 - Site Plan
#4 - Amended Development Standards
#5 - Applicant's Narrative
#6 - Resolution No. 4015
Exhibit A - General Plan Map
#7 - Ordinance No. 2650
Exhibit A - Zoning Map
#8 - Planning Commission Minutes 3/21/94

APPROVED
10/10/94 DH
DATE INITIALS

S355756 (06/89)

STIPULATIONS FOR CASE 2-GP-94 & 3-ZN-94

ZONING/DEVELOPMENT

1. Development shall be in substantial conformance with the submitted plan and development program except as modified by the following stipulations. Any proposed significant change, as determined by the Planning and Community Development Administrator shall require approval through a subsequent public hearing.

   The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, NAOS requirements and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.

2. Maximum densities and dwelling unit counts shall be as indicated on the approved development plan except that in no case shall be unit count exceed 385 (for units which are not used or available as resort rooms) and 424 units maximum (of which at least 90 units shall be used as resort rooms) without a subsequent public hearing. The specific location of each parcel shall be determined at the time of site plan review. Redistribution of the units is subject to maximum densities and Project Coordination staff approval. All such requests shall include a revised master development plan and a revision to the table on page 2 indicating the parcels with the corresponding reduction/increase.

Parcel	Gross Acres	Zoning	Proposed DU/AC	Max. DU/AC	Proposed # Units	Max. # Units
1	14.68	R4-R HD	7/ac	7/ac	100	100
2	12.40	R4-R HD	8/ac	8/ac	100	100
3	10.20	R4-R HD	7/ac	7/ac	72	72
4	10.00	R4-R HD	10/ac	10/ac	99	99
5	3.42	R4-R HD	10/ac	10/ac	31	31
6	1.49	R4-R HD	15/ac	15/ac	22	22
TOTAL	52.19		7.7/ac		424	385/424*

* The proposed unit count of 424 represents a mix of residential and resort units. The 385 unit maximum is the maximum allowed for residential units. If the residential units were all converted to resort units the maximum would be 550 units.

ATTACHMENT A

APP
10/10/94 DH
DATE

3. Adoption of the zoning shall occur on individual parcels as each parcel is approved for development and prior to issuance of permits. A legal description of each parcel shall be provided prior to zoning adoption.

4. A scenic setback with an average width of fifty (50) feet and a minimum width of forty (40) feet shall be provided for all buildings, walls, parking lots, signage or other development improvements along Dynamite Boulevard. This setback is to be left in a natural condition or revegetated with approval from the Development Review Board. This width is to be measured from the outside edge of the road right-of-way. The minimum width of the setback may be reduced by the Development Review Board if protection of significant natural features can be better achieved. This may be applicable as required N.A.O.S. for the adjacent parcels.

5. The proposed amended development standards for R4-R shall be amended per the applicants submitted standards, attached. Any further reductions shall be approved at a subsequent public hearing.

HILLSIDE ENVIRONMENT

1. All washes with a 100 year flow of 750 cfs or greater shall be designated as Vista Corridors and preserved in a natural state as determined by the Development Review Board. A scenic easement with an average width of 100 feet shall be provided along these washes concurrent with any other easements. The scenic easement shall include the washes major vegetation and low flow channels. If there are areas within thee washes which are disturbed by development proposed by this case, the wash areas shall be restored as closely as possible to their natural, pre-development state. The location and treatment of the Vista Corridor shall be approved prior to site plan or preliminary plat approval on the adjacent parcels.

2. Any proposed alteration to the natural state of washes with a 100 year flow of 50 cfs or greater or proposed improvements within these washes shall be subject to Project Review staff approval.

3. The design and construction of walls, as defined Section 3.100 of the Zoning Ordinance, along the Vista Corridor wash shall comply with the following standards:

   a. The location of the top of the bank of the wash shall be continuous up the bank to the approved corridor alignment.
   b. The Natural Area/Vista Corridor easements of the wash shall be continuous up the bank to the approved corridor alignment.
   c. Walls shall be located only within approved building envelopes.
   d. The color and materials of the wall shall match the exterior materials of the house or blend into the natural terrain.

10/10/94 DH
DATE INITIALS

4. All preliminary plats and site plans shall show all major boulders (in excess of 4 feet in diameter) and bedrock outcrops. Major boulder outcroppings shall be protected and maintained as determined jointly by the Project Review staff and the applicant at the time of site plan review.

5. All Hillside Conservation and off-lot natural areas shall be accurately surveyed and clearly staked in accordance with the approved grading plans. Such surveying and staking shall be inspected and approved prior to construction in each development phase. The natural area open space required on individual lots shall be defined prior to the issuance of building permits on each lot.

6. Non-indigenous plant material which reaches a mature height greater than 20 feet shall not be introduced on the site.

7. Each site plan submittal shall clearly show all HC areas, all natural area open space, and proposed improvement envelopes.

8. The applicant shall submit a master Natural Area Open Space calculation for the project and a master N.A.O.S. allocation program subject to approval by Project Coordination. The initial allocation is understood to be approximate and shall be revised in detail for each development site plan when the site plan is submitted for approval at Development Review Board.

9. The maximum height of any outdoor source shall be 14 feet above natural grade at the base of the light standard except for recreation uses, which shall comply with the outdoor lighting standards of Section 7.600 of the Zoning Ordinance. Low level lighting is encouraged wherever such an approach is feasible.

10. The owner shall secure a native plant permit as defined in Chapter 46, Article V of the City Code for each development site. The Project Review staff will work with the owner to minimize the extent of the survey required within large areas of proposed undisturbed open space. Cacti which are not protected by the 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 shall be stockpiled during construction and shall be replanted in landscaped areas. 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.

10/10/94 DH
DATE

11. All improvement plans for common improved open space or common buildings and amenities such as ramadas, landscape buffers on public or private property (back-of-curb to right-of-way or access easement line included), major stormwater management systems and wall designs, shall be approved by the Development Review Board.

12. Prior to the commencement of construction in each residential parcel, the natural area open space shall be suitably protected during the time of construction with access corresponding to the approved site plan. At the time of final building inspection for a dwelling unit on a parcel, there shall be a site inspection to ensure that any disruption to the natural area open space around the construction site has been revegetated as approved on plans submitted to Project Review.

13. Prior to the approval of a site plan by the Development Review Board or preliminary plat approval, the alignments for all internal streets and extended accessways shall be staked by the developer and inspected on-site by the City staff to confirm that the proposed alignment results in the least environmental and hydrological impact. It is anticipated that the Community Development Administrator will approve the use of rectified aerial photographs in lieu of on-site staking under the following conditions:

    a. Natural area open space requirements have been satisfied and consolidated grading is permitted; or
    b. Topographical and other on-site physical conditions permit reasonable analysis of site conditions through the use of aerial photographs.

MISCELLANEOUS

1. 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 shall be constructed in full by the developer, including but not limited to washes, storm drains, drainage structures, water systems, sewer system, curbs and gutters, paving, sidewalks, streetlights, street signs and landscaping.

2. The responsibility for maintenance of landscape buffers on public and private property (back-of-curb to right-of-way or access easement line included) and drainageways shall be borne by the applicant, and between the applicant and the City which shall be recorded in the records of the Maricopa County Recorder.

APPROVED
10/10/94 DH
DATE INITIALS

3. Those areas of designated common area including landscape buffers, drainage easements, private access ways, etc. shall not be accepted for maintenance or ownership by the City without expressed action of the City Council. Information to this effect shall be provided on sales information and on the final plat. Before any improvement is accepted, it shall meet City standards, codes, and ordinance. Failure to maintain the designated common areas could result in a civil action brought by the City for costs incurred by the City for said maintenance.

CIRCULATION

1. The applicant shall be responsible for the following dedication and roadway improvements:

Street Name/Type	Dedications	Improvements	Notes
Private Road	36' full	24' BC-BC	A
Interior Collector	50' full	36' BC-BC	B
Local Residential	40' full	28' BC-BC	C

   A. The tract width for the private roadway serving Parcel 3 may be reduced if the sidewalk/pathway for pedestrians is not located at the back of curb.

   B. This collector width shall be required for the main roadway between the two gatehouse locations.

   C. The minimum pavement width for the local residential streets shall be 16 feet for one-way travel lanes separated by a median.

2. All circulation elements shall conform to the stipulations for 45-ZN-90 and the approved Troon North Master Circulation Plan, except as amended herein.

3. The design and location of all auxiliary lanes and other access requirements for this site shall be according to the approved traffic study submitted for this development. This traffic study shall be approved prior to the application of any Development Review or Preliminary Plat for this development.

10/10/94
DATE

4. The applicant shall be 100 percent responsible for any modifications to the existing median along Dynamite Boulevard as part of the required roadway improvements associated with the development of this site. This shall include the relocation or replacement of any existing median landscaping.

5. A pedestrian path/sidewalk shall connect every residential unit within these parcels to the Troon North Clubhouse. A pedestrian circulation plan that illustrates this shall be submitted for review and approval by Project Review staff concurrent with the first application for any Development Review or Preliminary Plat for this development.

DRAINAGE AND FLOOD CONTROL

1. Stipulations for zoning case 45-Z-90 apply.

2. Drainage design shall be done in accordance with the approved Troon North Master Drainage Plan. Applicable elements of this report shall be referenced in the site specific drainage reports.

3. The applicant shall submit for approval an addendum to the Master Drainage Report which identifies the location, volume, and basis for design of stormwater storage facilities within the Troon North development. The addendum shall be approved prior to submittal of final plans and submited prior to Development Review Board applications. The addendum shall:

   a. Describe the site stormwater management plan. Include discussion of all drainage structures and channels to be constructed with the development.
   b. Identify the timing and responsible parties for construction of stormwater management facilities.
   c. Include all analysis assumptions, and exhibits which clearly show the location of all facilities, tributary areas, existing washes and all other items needed to provide a complete description of the stormwater management analysis, design and construction.

WATER AND WASTEWATER

1. Stipulations for case 45-Z-90 and all subsequent Master Plans and updates apply.

10/10/94 DN
INITIALS

STIPULATIONS FOR CASE 45-Z-90 (3-ZN-94)

ZONING/DEVELOPMENT PLAN

1. Development shall be in general conformance with the submitted plan of development except as modified by the stipulations.

2. The zoning districts, maximum land use intensities and dwelling and room totals shall be as shown on the following table except as modified below. the specific location and boundaries of each parcel shall be determined at the time of site plan approval for the parcel. The zoning for each parcel shall be adopted prior to the issuance of building permits on the parcel except for parcels V1, V2, either golf course, or any master planned community common facilities. With the action for adoption of each parcel the applicant shall submit a revised master development plan and land use data table indicating the final status of the parcel.

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
A	R1-35 HD/HC	158	113 DU	.72 DU/AC
B	R1-43 HD/HC	180	100 DU	.56 DU/AC
C	R1-70 HD/HC	117	47 DU	.40 DU/AC
D	R1-18 HD/HC	207	404 Du	1.95 DU/AC
E	R1-18 HD/HC	118	139 DU	1.18 DU/AC
F	R1-18 HD/HC	121	208 DU	1.72 DU/AC
G	R1-70 HD/HC	86	42 DU	.49 DU/AC
H	R1-18 HD/HC	62	85 DU	1.37 DU/AC
I	R-4 HD/HC	62	218 DU	3.52 DU/AC
J	R-4 HD/HC	30	98 DU	3.27 DU/AC
K	R1-7 HD/HC	51	68 DU	1.33 DU/AC
L	R1-18 HD/HC	62	84 DU	1.35 DU/AC
P	R1-35 HD/HC	40	35 DU	.88 DU/AC
S	R1-7 HD/HC	57	143 DU	2.50 DU/AC
U1	R1-70 HD/HC	10	5 DU	.48 DU/AC
U2	R1-70 HD/HC	19	9 DU	.48 DU/AC
~~-V2~~	~~R1-7-HD/HC~~	~~31~~	~~144-DU~~	~~4.65-DU/AC~~
V1/V2	R-4R HD/HC	55	385 DU/424 W/RESORT	
AA	R1-18 HD/HC	232	432 DU	1.88 DU/AC
SUBTOTAL:		1,643	2.515 ~~2,374-DU~~	1.60 ~~1.45-DU/AC~~

38 pp 95
— parcel V1 – 67 units proposed

APPROVED
10/10/94 DH
DATE INITIALS

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
-V1	R-4R-HD/HC	-34	280-RM	8.24-RM/AC
CC	R-4R HD/HC	74	525 RM	7.14 RM/AC
SUBTOTAL:		108	805-RM **525 (+90 - SEV V1/V2)**	7.49 RM/AC
M	C-O HD	10		.20 F.A.R.
N	PCC HD	20		.25 F.A.R.
O	C-O HD	5		.25 F.A.R.
Q	S-R HD/HC	12		.25 F.A.R.
T	C-2 HD/HC	13		.20 F.A.R.
X	C-2 HD	20		.25 F.A.R.
Y	C-2 HD	12		.30 F.A.R.
SUBTOTAL:		92		
Z	OS HD	23		
PK/SC	OS HD/HC	37		
PK	OS HD/HC	185		
NGC	OS HD/HC	162.5		
SGC	OS HD/HC	155		
STREETS DEDICATED AS OF APPLICATION SUBMITTAL		52		
SUBTOTAL:		614.5		
TOTAL ACREAGE:		2,457.5		

* Adjustments to the proposed units allowed in column 4 and proposed density in column 5 may be approved by project coordination staff subject to the following conditions:

a. The total dwelling units and resort rooms for the overall project are not increased;

b. A specific site plan has been submitted and reviewed on-site verifying that the proposed change is environmentally sensitive and provides appropriate land use relationships;

c. The maximum change for parcels A, B, C, G, U, and AA is less than 10% for other parcels is less than 20%;

d. That the maximum densities of the underlying zone are not exceeded; and

e. That the applicant submits a revised master development plan and land use table for approval.

Any other changes or appeals to staff decisions regarding proposed changes are subject to public hearing review and approval by the city council.

Note: The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, NAOS requirements, and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.

3. The property development standards for the zoning districts shall be amended as submitted except as modified by the following stipulations:

   a. Detached guest houses shall not be permitted on lots less than 18,000 square feet in size.

   b. If guest houses on a parcel are intended to have cooking facilities, the applicant shall submit for rezoning to R-2. The R1 development standards shall apply to R-2 lots. Both dwellings shall meet the required front, side and rear yard requirements.

4. Within the 3 acre minimum lot size area shown on the submitted development plan, the improvement envelope shall be set back an average of 80 feet from the project perimeter. An 80 feet minimum improvement envelope setback shall be provided along the project perimeter on parcels A, B, G and H where the parcels are adjacent to R1-190, R1-130, R1-70, R1-43, or R1-35 zoning.

5. The site plan for the commercial, resort and office sites shall be approved through the public hearing process. The museum site shall obtain use permit approval through the public hearing process. The use permit application shall include ownership, use and role of the City in the operation (if any). Note - completed as a condition of sale.

6. The Vista Corridor Washes shall be maintained by a homeowners association. Proof that such an association has been established shall be required prior to issuance of any single family building permits on any plat adjacent to a Vista Corridor.

7. On November 17, 1983 and November 21, 1985 the Development Review Board recommended approval of an adjustment to the "no-development line" subject to the attached stipulations (Exhibit A).

8. The no-development line is conceptual only and all adjustments are to be contingent on Development Review Board approval of site plan for each parcel prior to its submittal for preliminary plat review. The applicant shall deliver a deed of dedication or a non-development scenic easement for the property within the Hillside Conservation (HC) area on that parcel prior to issuance of any building permits on that parcel.

9. At the time of zoning adoption, any property above the adjusted no-development line, as approved by the Development Review Board, shall be adopted as HC (Hillside Conservation). The zoning for properties below the adjusted no-development line shall be adopted in accordance with the approved development plan at the time more specific information can be provided, as each parcel comes through for site plan development review approval.

10. The construction of each golf course may begin prior to the start of either resort subject to the following:

    A. ~~The north resort site shall begin construction within five years of the date of council approval of case 28-Z-89 and shall proceed to completion in a diligent manner. If construction has not commenced on the north resort within the specific time frame the north resort site shall be deeded to the city for development of a resort hotel.~~ A minimum of fifty percent (50%) of total play time on the north golf course shall be reserved **BY THE TROON NORTH GOLF COURSE** for the north resort site. At least fifty percent (50%) of the total play time on the north golf course shall be available for general public play until such time as the north resort construction has begun. ~~Resort construction shall be defined as construction on at least ten percent of the ultimate planned resort rooms, casitas, villas or similar type unit.~~

B. The south resort site shall begin construction within ten years of the date of council approval of case 28-Z-89 and shall proceed to completion in a diligent manner. If construction has not commenced on the south resort within the specific time frame the south resort site shall be deeded to the city for development of a resort hotel. A minimum of fifty percent (50%) of total play time on the south golf course shall be reserved for the south resort site. At least fifty percent (50%) of the total play time on the south golf course shall be available for general public play until such time as the south resort construction has begun.

11. Lot lines on a recorded plat may extend into the HC area. If development standards require minimum lot sizes, property beyond the no-development line shall not be included in the required area of any Hillside development parcel.

12. Density will be based on the gross development area of each parcel. Future determination of the "no-development line" will not affect the total number of units approved for each parcel or the project as a whole, but may require adjustments to the approved zoning on some parcels.

13. The applicant understands and acknowledges that the natural area open space requirements within developable areas are in addition to any area designated Hillside Conservation (HC).

14. Golf course development shall be in substantial general conformance with the site plan submitted as part of this application. Lighting of the driving range(s) shall be prohibited. The location of the half-way house and maintenance facilities shall be determined at the time of development review. The golf course site plan and the exterior design of the clubhouse, maintenance facilities, and other related facilities, including the color and physical character of the facilities, shall be subject to Development Review Board approval. The Development Review Board shall pay particular attention to the following:

a. A detailed study showing the peak day and average day water demand, and area in turf, revegetated and natural desert
b. Design and layout of the parking lot for the golf course clubhouse to ensure minimal cuts and fills and a design which compliments the natural topography of the site
c. Cart path locations and street crossings
d. Proposed lighting
e. Driving ranges
f. Public address systems to insure minimal noise pollution

15. All improvement plans for common open space or common service amenities and buildings, including the landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included), major drainage ways, wall designs, etc., shall be approved by the Development Review Board.

16. A Scenic Corridor easement shall be provided along both sides of Dynamite Boulevard, with an average width of 50 feet and a minimum width of 40 feet adjacent to single-family uses, and an average width of 100 feet and a minimum width of 80 feet adjacent to all other uses. The Scenic Corridor is to be maintained as undisturbed natural area. The Scenic Corridor width is to be measured starting at the road right-of-way. The width of the Scenic Corridor may be adjusted by the Development Review Board if protection of significant natural features can be better achieved.

17. Dedication of the park sites shall occur prior to Development Review Board or preliminary plat approval of any abutting parcel (I, J, Q, R, AA, and Z). Prior to dedication the master site plans for the park shall be reviewed and approved by the Parks Commission, Planning Commission and City Council. Dedication of the community park/school site shall occur within six months of city approval of the drainage solution for the park site. Dedication of the Pinnacle Peak Mountain Park site shall occur prior to January 1, 1992. The applicant shall contribute $200,000 toward the initial improvement of the community park site within 12 months of the dedication of the community park. In lieu of the contribution or agreement with the city, the applicant may provide on-site improvements (such as rough grading and native plant relocation) subject to an agreement approved by the parks commission and city council. The applicant shall provide all necessary off-site facilities.

18. A 40 feet average/30 feet minimum width natural area buffer shall be provided along Alma School Parkway south of Dynamite.

19. The maximum floor area of any single retail use on parcels T and Y shall be 15,000 net square feet.

20. Prior to the issuance of any construction permits on parcels AA, BB, or Y the applicant shall submit verification to the city that a non-profit organization has been established and funded which will own, finance, design, build and ultimately operate the desert museum use identified for parcel Z. It is understood that the city shall assume no responsibility for the development or operations of the facility, unless otherwise determined by the City Council.

21. The city shall not be responsible for providing any fencing or walls in order to provide security and site identification for the park perimeters for adjacent development. The Development Review or preliminary plat plans for any adjacent parcel shall include the design, location and specifications for devices which shall clearly delineate the common boundary with the park.

22. Building designs should include wherever possible the following materials or features: Heavily textured surfaces, muted earth tones, deep overhangs and recessed windows and entries, low sloping or parapet roof lines, stepped and multi-faceted building forms, and softened building edges.

23. The equestrian center on the isolated segment of parcel "CC" can be used only for guests of the main resort use on parcel "CC".

MASTER PLANS

1. Prior to any zoning map adoption, application for Development Review Board approval, or application for preliminary plat approval for parcels "A" through "V" except V1, V2 or U, the applicant shall submit the following Amended Master Plans and Studies: A, C and E; and for Parcels "Z" through "CC" the applicant shall submit all of the following:

   A. Provide and secure staff approval of the following amended master plans and reports covering the entire phase of the development proposal:

      1. Master drainage plan and report (see Schedule A)
      2. Master water plan and report (see Schedule B)
      3. Master wastewater plan and report (see Schedule C)
      4. Master circulation plan (see Schedule D)
      5. Master environmental design concept plan (see Schedule F)
      6. Master grading plan and report (see Schedule G)

   B. Enter into an agreement with the City for participation in development of a regional wastewater reclamation facility as proposed in the city's approved Wastewater Collection-water Reclamation Master Plan pursuant to agreement No. 880090 (May 15, 1989).

   C. Provide a summary report indicating the proposed phasing of development and the on-site and off-site improvements required for each phase as indicated by the above master plans.

   D. Dedicate the required right-of-way as shown in Schedules J and K.

   E. Submit a revised plan of development which reflects the stipulations of approval.

HILLSIDE/ENVIRONMENT

1. All washes with a 100 year flow of 750 cfs or greater shall be designated as Vista Corridors and preserved in a natural state as determined by the Development Review Board. A scenic easement with an average width of 100 feet shall be provided along these washes concurrent with any other easements. The scenic easement shall include the washes major vegetation, and low flow channels. If there are areas within these washes which are disturbed by development proposed by this case, the wash areas shall be restored as closely as possible to their natural, pre-development state. The location and treatment of the Vista Corridor shall be approved prior to site plan or preliminary plat approval on the adjacent parcels.

2. Any proposed alteration to the natural state of washes with a 100 year flow of 50 cfs or greater or proposed improvements within these washes shall be subject to Project Review staff approval.

3. The design and construction of walls, as defined in Section 3.100 of the Zoning Ordinance, along the Vista Corridor wash shall comply with the following standards:

   A. The location of the top of the bank of the wash shall be determined jointly by the developer and Project Review staff and staked by the developer.

   B. The Natural Area/Vista Corridor easements of the wash shall be continuous up the bank to the approved corridor alignment.

   C. Walls shall be located only within approved building envelopes.

   D. Walls shall be set back 4' from the approved alignment for every 1' of wall height.

   E. The color and materials of the wall shall match the exterior materials of the house or blend into the natural terrain.

4. As part of the Development Review application, developable areas shall be reflected on the site plan. Developable areas are that portion of the site which is not natural area.

5. All preliminary plats and site plans shall show all major boulders (in excess of 4 feet in diameter) and bedrock outcrops. Major boulder outcroppings shall be protected and maintained as determined jointly by the Project Review staff and the applicant at the time of site plan review.

6. All Hillside Conservation and off-lot natural areas shall be accurately surveyed and clearly staked in accordance with the approved grading plans. Such surveying and staking shall be inspected and approved prior to construction in each development phase. The natural area open space required on individual lots shall be defined prior to the issuance of building permits on each lot.

7. Prior to the commencement of construction on each residential lot, the natural area shall be suitably protected during the time of construction with access corresponding to the approved site plan. At the time of final building inspection for a dwelling unit on a lot, there shall be a site inspection to ensure that there has been minimal disruption to the natural area around the construction site.

8. The applicant and subsequent owners of record shall be ultimately responsible for the preservation and maintenance of all natural area proposed throughout the development in a natural state.

9. A native plant survey and preservation plan which complies with the requirements of the Zoning Ordinance shall be submitted for Project Review staff approval at the time of Development Review on each parcel. The Project Review staff will work with the applicant to minimize the extent of the survey required within large areas of undevelopable open space. All significant cacti which are suitable for transplanting and are necessarily uprooted for road building or similar construction shall be stockpiled during construction and shall be replanted in landscaped areas or donated for public use in accordance with State Statute and permit procedure.

10. Non-indigenous plant material which reaches a mature height greater than 20 feet shall not be introduced on the site.

11. Each preliminary plat submittal shall clearly show all HC areas and shall indicate proposed improvement envelopes on each lot.

12. The applicant shall submit a master Natural Area Open Space calculation for the project and a master N.A.O.S. allocation program subject to approval by Project Coordination. The initial allocation is understood to be approximate and shall be revised in detail for each development site plan when the site plan is submitted for approval.

13. On-lot Natural Area Open Space shall not be credited to the parcel N.A.O.S. allotment on lots less than 18,000 square feet in size, except as dedicated as contiguous N.A.O.S. on a plat subject to the provisions of stipulation number 14 below.

14. On parcels D, F, I, J, K, and S all required N.A.O.S. shall be provided in common tracts which have a minimum dimension of 40 feet and a minimum area of 5,500 square feet, and as noted in stipulations number 13 above. Exceptions may be approved by the Development Review Board or Project Coordination staff, as appropriate, where the applicant can clearly demonstrate that conservation of important natural features can be better achieved by the exception.

15. The maximum height of any outdoor lighting source shall be 14 feet above natural grade except for recreation uses which shall follow the normal standards of section 7.600 of the zoning ordinance. Low level lighting is encouraged wherever such an approach is feasible.

CIRCULATION

1. Dedication and improvement of street rights-of-way and easements shall be according to Schedules I, J, K, L and M.

2. The main street system within this development shall be in substantial conformance with that shown on the development plan submitted as part of this application.

3. The streets within this development shall be designed and constructed to "Hillside standards" with special attention given to any cuts and fills required for roadway construction.

4. Bicycle paths and equestrian trails shall be provided as shown at the locations on the approved circulation master plan (Exhibit B).

5. Direct trail access shall be provided to the 185 acre park from the east along the southern property boundary.

6. Median breaks and access to Dynamite Boulevard and Alma School Parkway south of Dynamite Boulevard shall be limited to intervals of 660 feet or greater as determined at the time of Master Street plan approval.

7. Dynamite Road and the realigned Alma School Parkway shall not be open to public use until accepted by the City. Opening shall not occur until all required roadway safety features (guard rails, traffic signs, safety banners, traffic signals, etc.) have been installed.

8. A pedestrian/bike way/golf cart crossing on Dynamite Boulevard shall be required and shall be grade separated. Cart path underpasses or other means acceptable to the Project Review Director may be required where these crossings occur on any collector street.

9. The design concept of all drainage crossings shall be reviewed and approved by City staff concurrent with the approval of the Development Review application for an affected phase.

10. Prior to the approval of each site plan application, the alignments for all internal street/driveways within that application shall be staked by the developer and inspected on-site by the City staff to insure minimal environmental and hydrological impact.

11. There shall be no direct residential access to arterial streets. A 1' V.N.E. (vehicular non-access easement) shall be required adjacent to these streets except at approved intersections.

12. There shall be no direct lot or unit access to interior collector streets except as approved by the Project Review Director. Where such access is proposed, a design solution for adequate safety provisions with minimal disturbance to the collector street and the natural area shall be shown. When such access is prohibited, a one foot vehicular non-access easement (vne) shall be required adjacent to these streets.

13. All private streets shall be constructed to full public street standards, including observance of the full public street right-of-way, from which all setbacks shall be measured. In all cases minimum lane widths and design speed criteria shall be met but equivalent construction materials or wider cross-sections may be approved by project review staff.

14. Secured access shall be provided on private streets only. Security gates shall be located a minimum of 75 feet from the back of curb of the intersecting street. An automobile turn-around shall be provided between the public street and the security gate.

15. If there are to be internal private streets, they shall not be incorporated into the City's public street system at a future date unless they are constructed and maintained in conformance with the City's public street standards and inspected and approved by the City at the time of construction and prior to acceptance as a public street. In any case, notice shall be given in the public records of the Maricopa County Recorder indicating that the private streets shall not be maintained by the City unless and until they are incorporated into the public street system of the City.

16. Access points to private streets shall be posted to identify that vehicles are entering a private street system.

17. No certificate of occupancy or final clearances shall be issued for any residential or commercial structures without two-way, paved access.

18. The applicant shall provide reasonable access to the adjacent parcels south of the Dynamite section line in Section 31 subject to approval by the traffic engineering director. It is understood that access shall mean right-of-way, easements or other such legal access and does not represent design or construction of any physical access improvements.

WATER/SEWER

1. Any water reservoir required for public utility use shall be subject to Municipal Use master site plan approval. The location and design of all reservoirs and related sites shall be subject to Development Review Board approval. Such design shall include the color and physical character of the tank and the width and grade of access to the tank. Water reservoirs shall not be located within any Hillside Conservation (HC) area.

2. An easement over the golf courses shall be provided to allow for the application of effluent from the reclamation plant(s) in excess of irrigation needs.

3. The applicant shall provide an access easement from the public street system to any wastewater reclamation facility. The access shall be paved and in place at the time facility construction begins.

4. If water and sewer lines are to be installed in advance of the preparation of detailed street/driveway improvements plans, the applicant shall prepare for the approval of the City, a detailed Master Plan of those streets giving the precise vertical and horizontal alignments. This will be required prior to the preparation of any water or sewer plans. The street alignment for those streets shall be staked by the developer and inspected on-site by the City staff to ensure minimal environmental and hydrological impact.

5. Included with any application for preliminary plat or development review, the applicant shall provide typical service access routes from the main service lines to the individual units to ensure minimal disruption to the natural areas. Utility service access to each lot shall be shown on the preliminary and final plats. Easements for utilities shall not be considered natural area unless otherwise provided by the Hillside section of the zoning ordinance.

6. The applicant understands and agrees that the granting of zoning does not and shall not commit the City to the extension, construction, or development of either water or sewer facilities (including but not limited to lines, mains, boosters, and storage facilities) to, on, or near the subject property.

7. The applicant understands and acknowledges that he is responsible for the construction and dedication to the City of all water and sewer facilities necessary to serve this development. Water and sewer facilities shall conform to the respective City Master Plan for this area and city design standards.

8. Building permits shall be subject to all fees and conditions in effect at the time of permit issuance. The applicant understands and agrees that constructing water and sewer facilities as provided herein shall not be in lieu of any water development fee, sewer development fee, or development tax which is applicable at the time building permits are issued subject to the following:

   a. The applicant or successors shall be entitled to receive credit for the cost of constructing the wastewater treatment facility which may be applied toward the sewer development fees which the applicant is required to pay. Also in consideration for the transfer of C.A.P. water rights to the city by the applicant, the water resources fee for the development shall be reduced equivalent to the extent of the transfer as approved by the water resources staff.

9. The City of Scottsdale shall be under no obligation to provide wastewater originating outside of the subject property to any wastewater treatment plant constructed pursuant to these stipulations or any other wastewater treatment plant constructed for the purpose of watering a golf course to serve this development except as may be provided in future agreements between the applicant and the City.

10. Unless resolved otherwise, the City staff shall submit an application to the director of the Arizona Department of Water Resources for a modification of the applicable maximum gallons per capita per day (GPCPD) goal of the City of Scottsdale for all non-residential water use including the resort. In the event that the director of the Department of Water Resources does not approve the requested adjustment, permits shall not be issued for any of the non-residential uses, unless an alternate solution is approved by the City Council.

11. The master water plan shall include future connection to Section 31, adjacent to the west, as identified by Water Resources staff, and at such location(s) approved by the applicant. The applicant shall not be responsible for detailed design and improvement costs associated with the connection.

12. Prior to any zoning map adoption, subsequent application for Development Review Board or preliminary plat on parcels "Z" through "CC" the developer of said parcels shall contribute his proratia share for the development of the 24" waterline in dynamite boulevard and the pump station of reservoir number 43. Conditions of this contribution are as set forth in an agreement between the City of Scottsdale and the Nelson Development Company, dated August 17, 1987 (Contract # 870299).

13. Prior to the issuance of any permits for construction within the state trust land parcels, the developer shall assign to the City of Scottsdale those cap water rights allocated to the State land parcels in this project. Undue delays in the assignment of these rights which are not caused by the developer or the city shall not delay the issuance of permits. The State shall implement and cooperate with the City to amend the CAP subcontracts that the state has with the Central Arizona Water Conservation District and the federal government, decreasing their subcontract by the following annual demand of water and increasing the CAP subcontract between City and said conservation district and the federal government in the same amount.

The total quantity of CAP water previously allocated to the State Land Department which is committed to the lands involved in these cases by the State Land Department is:

Use	Annual Demand in Acre Feet
Golf Course	120
Other	410

14. For any water demand not met through assignment to the City of Rights to State Trust Land Cap Water in connection with the purchase of State land parcels or other cap water rights acquired by the developer and assigned to the City, the developer or his successors or assignees agrees to:

A. Pay a one-time water resources development fee in accordance with the City's fee schedule at the time of the issuance of building permits as proscribed in Section 49-74.1 of the City code, and

B. pay any non-reimbursable contribution toward development of the reclaimed water distribution system on a prorated basis as provided in Agreement No. 880090 dated May 15, 1989.

FIRE PROTECTION

1. No building permit shall be issued prior to the installation of an approved and operational water system with an approved fire protection system (hydrant, stand-pipe, etc.) in place and operable in the area of the building during the construction period.

2. Firebreaks shall be provided and maintained within developable areas when buildings are to be located near Vista Corridors, washes, or other major natural areas. The type and location of firebreaks proposed for the protection of buildings shall be subject to the approval of the Fire Chief or his authorized representative.

MISCELLANEOUS

1. The responsibility for the maintenance of landscape buffers on public and private property (back-of-curb to right-of-way or access easement line included) and drainageways shall be borne by the applicant and subsequent homeowners associations, and provisions, therefore, shall be set forth in a separate agreement between the applicant and the City which shall be recorded in the records of the Maricopa County Recorder.

2. Those areas of designated common area shall not be accepted for maintenance or ownership by the City without expressed action of the City Council. Before any improvement is accepted, it shall meet City standards. Failure to maintain the designated common areas could result in a civil action brought by the City for costs incurred by the City for said maintenance.

3. All improvements associated with a development or phase of a development and/or required for access or service to the development or phase of a development shall be constructed in full by the developer, including but not limited to washes, storm drains, drainage structures, water systems, sewer system, curbs and gutters, paving, sidewalks, streetlights, street signs and landscaping.

4. At the time of building permits, a park development fee may be required. The fee would be a proportionate share of the cost for land acquisition and improvements for a park to serve that portion of the community. Dedication of an acceptable park site may be provided for the entire project in lieu of any applicable park development fee.

SCHEDULE A (MASTER DRAINAGE PLAN AND REPORT)

A revised master drainage plan and report shall be required for this development which reflects revisions in accordance with current stormwater storage requirements. The report shall specifically include the following:

A. Comparison of design peak discharges with recently completed "Scottsdale North Area Master Plan". Where estimates from the two studies differ, additional support data shall be required.

B. Map showing portions of this development lying within special flood hazard area (SFHA) boundaries.

C. Conceptual design and description of proposed floodwater management system, including proposed measures necessary to secure letter of map revision from Federal Emergency Management Agency (FEMA) for development within special flood hazard areas with city assistance. Application for L.O.M.R. shall be made through the City of Scottsdale.

D. Required stormwater storage volume for each parcel (or watershed) shall be determined as part of the master drainage plan. Proposed locations of storage basins shall be shown on the plan.

E. Approximate boundaries of 100-year floodwater surface for all channels with capacity of 250 c.f.s. or greater.

F. Conceptual easement dimensions necessary for major watercourses to accommodate design discharges.

G. Approximate location, type of structure, and flow capacity of major watercourse crossings.

H. Conceptual design of all man-made channels that includes landscaping concept, typical trails, bikepaths, or other proposed amenities.

I. Phasing plan showing proposed timing of all drainage improvements relative to development of streets and adjacent parcels.

J. Table specifying the timing of, and persons or agencies responsible for dedication of drainage easements and construction of stormwater management facilities.

K. Proposed permanent and interim erosion and sediment control methods.

L. Proposed locations for stockpiling excavated material.

SCHEDULE B (MASTER WATER PLAN)

The Master Water Plan and Report shall be prepared in accordance with the City's design procedures and criteria by a registered professional engineer who is licensed to practice in the State of Arizona. The master plan and report shall address, but not be limited to the following:

A. The location and size of all water system components including both on and off-site lines, pump stations, and storage facilities needed to serve the development.

B. A table specifying the timing of and responsible party for the construction of the necessary water system.

C. A summary of revised demands and estimated flows.

D. An estimation of the peak-day and average-day golf course water requirements.

E. Compliance with the adopted City Water Plan for the respective area and city design standards.

SCHEDULE C (MASTER WASTEWATER PLAN)

The Master Wastewater Plan and Report shall be prepared in accordance with the City's design procedures and criteria by a registered professional engineer who is licensed to practice in the State of Arizona. The master plan and report shall address, but not be limited to the following:

A. The location, size, type, and capacity of the wastewater transmission and treatment system components needed to serve the development, both on-site and off-site components.

B. A table specifying the timing of and responsible party for the construction of the necessary wastewater system.

C. The revised calculations necessary to substantiate the selection of the sizes, types, and capacities of the wastewater transmission and treatment facilities.

D. The handling and disposal of the solids generated by the operation of the wastewater treatment plants.

E. The handling and disposal of untreated wastewater in the event of a plant breakdown or the receipt of wastewater in excess of the plants capacities.

F. Compliance with the adopted City Sewer Wastewater Plan for the respective area and city design standards.

G. Line sizing to accommodate contributing off-site flows from an area that can be gravity serviced through the subject property.

SCHEDULE D (MASTER CIRCULATION PLAN)

The Master Circulation Plan and Report shall be prepared in accordance with the City's design procedures and criteria. The master plan shall include, but not be limited to the following:

A. Street plan showing estimated average daily volumes for all roadway segments and major intersections.

B. Street plan showing all street and approximate locations of major driveway access points with proposed median break locations.

C. Required auxiliary lane locations.

D. Signalized intersection locations with conceptual geometric design and estimated and peak hour volumes for each movement.

E. A pedestrian path plan.

F. A bicycle path plan.

G. An equestrian trail plan.

H. A golf cart path plan.

I. A composite plan showing all of the above elements.

J. A table specifying the timing of and responsible party for the construction of the improvements indicated by each of the plan elements and any phasing strategies.

K. A street plan indicating roadway classifications determined by a revised traffic impact study submitted by the applicant and approved by city staff.

SCHEDULE F (MASTER ENVIRONMENTAL DESIGN CONCEPT PLAN)

The Master Environmental Design Concept Plan shall address the following:

A. Landscaping
B. Street lights
C. Graphics and wall design plan for landscape buffers
D. Streetscapes including trails and walks
E. The design and aesthetic concept for all major drainage and detention facilities.
F. The timing and responsible party for construction of the above facilities.

SCHEDULE G (MASTER GRADING PLAN)

The Master Grading Plan and Report shall be prepared in accordance with the City's design procedures and criteria by a registered professional engineer licensed to practice in the State of Arizona. The master plan and report shall be prepared on a contour map with a scale and contour interval appropriate to the size of the development and the terrain of the property. The map shall show:

A. The configuration and finished contours of all grading associated with all master planned streets, utility lines, drainage and recreation facilities.

B. Identification of the types of soils found on or to be placed on the applicant's property, including the identification of any expansive soils.

C. Identification of the compaction to be provided in fill areas.

D. Identification of stands or clusters of all trees with a calipher of four (4) inches or greater and cacti six (6) feet or greater in height. The plan should show which of those trees or cacti will be removed.

E. The locations planned for temporary stockpiling of excavated material and the plan for use or disposal of this material.

F. If, because of plans for phasing the development over a period of time, the developer wishes to phase the submission of part of the above described information, the Master Grading Plan will indicate this phasing and will include an explanation of when the supplementary plans will be submitted and who will be responsible for submitting them.

SCHEDULE J (DEDICATION AND IMPROVEMENTS)

STREET NAME	NOTES	MINIMUM RIGHT-OF-WAY	MINIMUM IMPROVEMENTS
Dynamite Blvd.		(Under Construction)	
Northern Loop	A, H	50' (full)	26' (BC-BC)
Alma School Pky.	A, C, D	90' (full)	61' (BC-CL)
Alma School Pky. (North of Dynamite)	A, E, H	70' (full)	41' (BC-BC)
96th Street	A, H	50' (full)	26' (BC-BC)
Collector St. -(from Dynamite south at 100th St. alignment between parcels AA, CC)	A, H	50' (full)	26' (BC-BC)
-(adjacent to parcels Z & Y)	A, H	70' (full)	41' (BC-BC)
Pinnacle Vista Dr.	I	25' (half)	13' (BC-CL)
Res. collector	G	50' (full)	26' (BC-BC)
Res. local	B, F, H	(determined based on density and estimated volume)	
Commercial		60' (full)	41' (BC-BC)

A. Additional easement width may be necessary to accommodate cut or fill slopes, or to protect the natural environment.

B. The indicated right-of-way shall be dedicated as an easement for emergency/service vehicles where private streets are approved.

C. South of Dynamite alignment.

D. The improvements include landscaping within right-of-way, (including median), as necessary to mitigate impact from grading/construction.

E. Dedications shall be made within 6 months of City Council approval. failure to make required dedications shall result in zoning reverting to prior classification without City Council action.

F. Residential street widths shall be adjusted for development density according to the following:

DENSITY (UNITS PER ACRE)	MIN. STREET WIDTH (B.C. TO B.C.)
0 TO 2.00	23'
2.01 TO 5.99	28'
6.0 or higher	32'

G. At all intersections, 70' right-of-way and 41' (BC-BC) improvements shall be required with sufficient length (100' minimum), to accommodate left-turn storage demand.

H. Local street segments which may be expected to carry more than approximately 700 vehicles per day shall be designated collector streets.

I. Minimum pavement width of 20' required for two-way access.

SCHEDULE K (TIMING OF RIGHT-OF-WAY DEDICATIONS)

Roadway	When Required
Dynamite Blvd. Alma School Parkway south of Dynamite *Pinnacle Vista Drive*	*(Dedicated)*
Internal Res. Collector Internal Res. Local primary Collector St. intersecting Dynamite at 100th St.	At time of final plat approval or when required for access to internal development from a street.
Alma School Parkway north of Dynamite	Within six months of the date of Council approval.
Internal commercial	At time of Development Review Board approval.

SCHEDULE L (TIMING OF ROADWAY IMPROVEMENTS

Roadway	When Required
Dynamite Blvd. (Pima Rd. to Alma School Parkway	Full width construction from Pima to the east end of the driving range with first phase, and further to the east half-width, full length construction concurrent with development on adjacent parcels subject to design approval of tapers, transitions, etc.
Dynamite Blvd. (east of Alma School Parkway or to development boundary	Half width, full length construction shall occur in conjunction with any adjacent development in conjunction with Dynamite Blvd. (Rio Verde Drive) realignment east of 112th Street, whichever occurs first. The remaining construction shall occur concurrent with development on adjacent parcels.
Alma School Parkway segments (Pinnacle Vista Dr. to Dynamite) (Rio	Full width, full length construction shall occur in conjunction with any adjacent development or half-width, full length construction in conjunction with Dynamite Verde) realignment east of 112th Street, whichever occurs first.

Alma School Parkway (Dynamite to north boundary of development)	Full width, full length construction segments shall occur in conjunction with any adjacent development or when access to internal development from Alma School Parkway is needed.
All Others Listed on Schedule G	Full width, full length segments in conjunction with any adjacent development in the area, but construction shall provide for a continuous roadway from Dynamite, Alma School, or other primary streets. City and applicant shall work diligently to provide the Pinnacle Peak Park site with 2-lane improved access by January 1, 1991.

RIGHT TURN LANES

Dynamite Blvd.	Design and construct right turn deceleration lanes for all intersections and access driveways where warranted in conjunction with the design and construction of Dynamite Boulevard.
Alma School Road	Design and construct right turn deceleration lanes for all intersections and access driveways where warranted in conjunction with the design and construction of Alma School Parkway.

SCHEDULE M (REQUIRED TRAFFIC SIGNAL PARTICIPATION)

The developer shall be responsible for participation in the design and installation of a traffic signal, if warranted as determined by the City, at the following location for the percent of participation indicated:

INTERSECTION	NOTES	PARTICIPATION
Dynamite Blvd./Alma School Pky.	A	100%
Dynamite Blvd./Collector at 100th Street alignment	B	100%
Pinnacle Vista Drive/Alma School Parkway	B	50%

A. Cash payment for 100% of the design and construction shall be required prior to issuance of any permits for any parcel immediately adjacent to the intersection.

B. Cash payment may be required with adjacent development if a signal is determined by the city to be warranted and if such a signal location is consistent with the city's signal location policies in effect at that time.

EXHIBIT A

NO DEVELOPMENT LINE
ADJUSTMENT STIPULATIONS

1800 ACRE - Pinnacle Peak Village North

A. Any change in the development plan which was presented as part of the no-development line adjustment must be reviewed by staff and shall achieve all the purposes of the Hillside District as well as the demonstration plan.

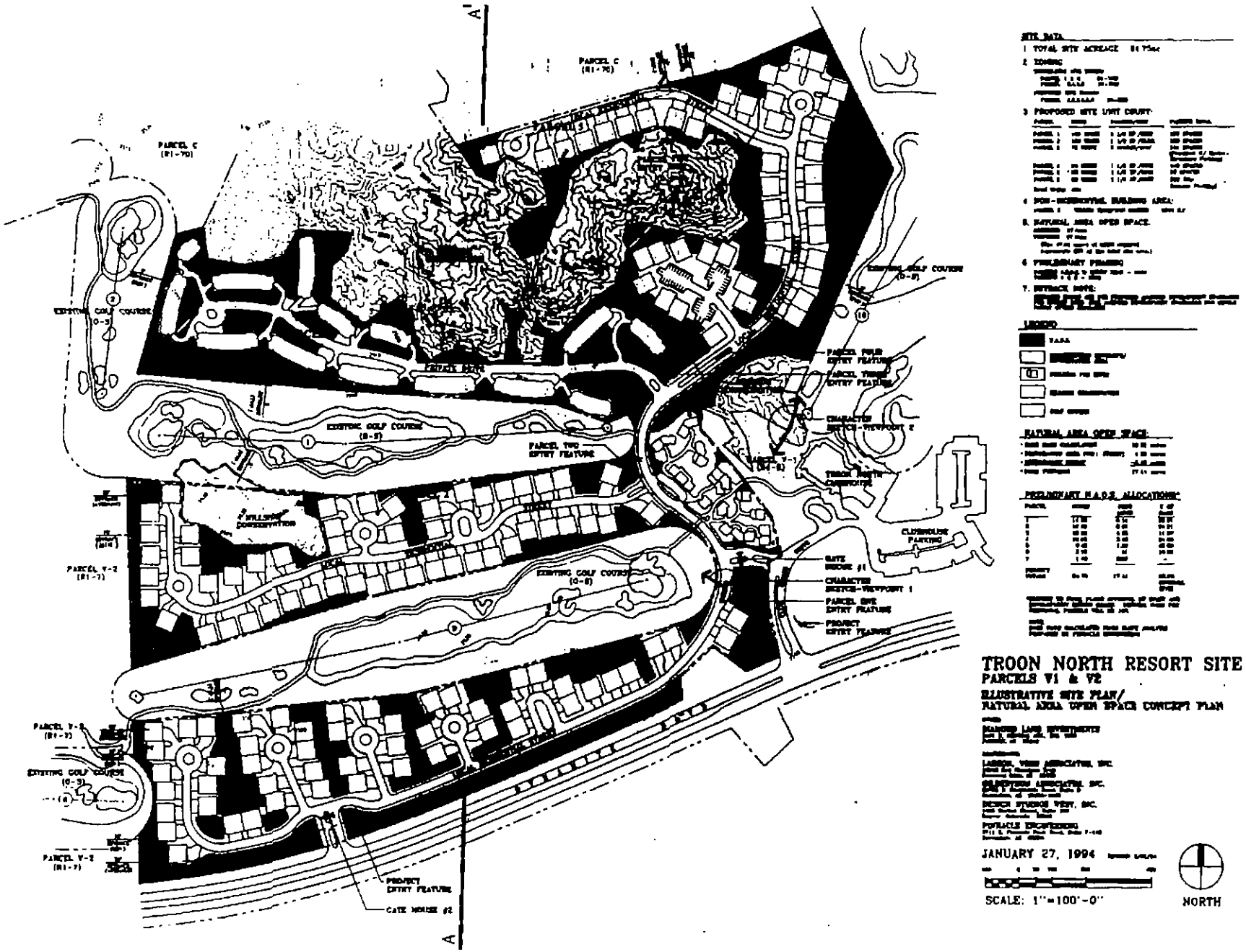
B. The location, design and construction methods for installation of water storage and pumping facilities are to be approved by the Development Review Board prior to approval of any preliminary plat or site plan on the property.

C. All surplus earthern materials not used for construction shall be removed from the adjusted area.

D. Any application for a preliminary plat or Development Review Board site plan approval shall include typical designs and plans for the treatment of all cuts and fills and retaining structures and building pads in adjusted area.

640 ACRES - State Land

A. The proposed adjustment is to be conceptual only and all adjustments are to be contingent on development review approval of the land use and site plan of each parcel prior to its submittal for preliminary plat review.



ATTACHMENT #3

3-7 -94

TROON NORTH RESORT (PARCELS V1 & V2)
AMENDED DEVELOPMENT STANDARDS
PREPARED: 01/17/94

Sec. 5.900. (R-4R) resort district.

Sec. 5.901. Purpose.

The resort district is intended primarily to provide for accommodations for seasonal visitors. The controlled access, deep setbacks and landscaping requirements are intended to enhance the value, safety and aesthetic quality of both the highway frontage and the adjacent residentially-zoned property.

Sec. 5.902. Approvals required.

A. No structure or building shall be built or remodeled upon land in the R-4R district until development review (board) approval has been obtained as outlined in article, section 1.400 hereof.

B. Tentative plan at time of rezoning.

1. The planning commission or city council may require any application for rezoning to resort district to be accompanied by a tentative overall development plan which shall show the following:
   a. Topography.
   b. Proposed street system.
   c. Proposed block layouts.
   d. Proposed reservation for parks, parkways, playgrounds, recreation areas and other open spaces.
   e. Off-street parking space.
   f. Types of buildings and portions of the area proposed therefor.
   g. Locations of buildings, garages and/or parking spaces.
   h. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed building types.
   i. A tabulation of overall density per gross acres.
   j. Preliminary plans and elevations of proposed major buildings and any proposed dwelling types.
2. The approved development review plan must substantially conform to the plan submitted at the time of rezoning.

Sec. 5.903. 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:

1. Resorts.
2. Hotels.
3. Motels.
4. Guest ranches.
5. Commercial uses apurtenant thereto, such as restaurants, cocktail lounges, small retail shops; provided that the entrance to any such appurtenant use shall be from the lobby, arcade or interior patio.
6. Dwelling units having either party walls or walled courtyards made available for rent, lease or sale.
7. Accessory buildings and uses customarily incidental to the permitted uses, including private garage, home occupations, swimming pool, recreation buildings and walled driveway entrance.
8. Municipal uses.
9. Timeshare project.

10/10/94
DATE INITIALS

B. Permitted uses by conditional use permit.
1. Church.

Sec. 5.904. Property development standards.

The following property development standards shall apply to all land and buildings in the R-4R district:

A. *Lot area(**RESORT**).* The overall site shall contain a minimum of seven and one-half (7 1/2) acres prior to street dedications.

LOT AREA (SINGLE FAMILY). **EACH LOT SHALL HAVE A MINIMUM AREA OF NOT LESS THAN THREE THOUSAND (3,000) SQUARE FEET.**

B. *Lot dimensions.*
1. Width **(RESORT).** The overall site shall have a minimum width of ~~three hundred (300)~~ **ONE HUNDRED (100) FEET OR FIFTY (50) FEET ADJACENT TO O-S OR H.C. AREAS.**
2. WIDTH (SINGLE FAMILY). ALL LOTS SHALL HAVE A MINIMUM WIDTH OF THIRTY-FIVE (35) FEET. ALL CORNER LOTS AT THE INTERSECTION OF TWO (2) STREETS SHALL HAVE A MINIMUM WIDTH OF FORTY-FIVE (45) FEET.
3. LOT DEPTH (SINGLE FAMILY). ALL LOTS SHALL HAVE A MINIMUM DEPTH OF SIXTY (60) FEET.
4. FLAG LOTS (SINLGE FAMILY). FLAG LOTS ARE ALLOWED WITH A MINIMUM OF TWENTY (20) FEET MEASURED AT THE ADJACENT STREET R.O.W. LINE OF THE SUBJECT LOT.

C. *Density(**RESORT**).*
1. The minimum gross land area per guest room shall be four thousand one hundred (4,100) square feet.
2. The minimum gross land area per dwelling unit having either party walls or walled courtyards made available for rent, lease or sale shall be five thousand seven hundred seventy (5,770) square feet.
3. Buildings may cover an aggregate area of ~~twenty-five (25)~~ **THIRTY-FIVE (35%)** percent excluding parking areas.
4. The city council may regulate concentrations of density by site plan approval.

DENSITY (SINGLE FAMILY). **THERE SHALL NOT BE MORE THAN ONE (1) SINGLE FAMILY DWEELING ON ANY ONE (1) LOT.**

D. *Building height.*
1. No building shall exceed ~~thirty-five (35)~~ **THIRTY (30)** feet in height.

E(1). *Overall side yard requirements **(RESORT).***
1. There shall be a yard a minimum of ~~thirty (30)~~ **OF TEN (10) FEET WITH AN AVERAGE OF THIRTY (30)** feet in depth adjacent to all perimeter property lines, including property lines abutting perimeter streets, except that the minimum yard shall be only twenty (20) feet adjacent to those perimeter property lines that abut districts other than R-1, **EXCEPT THAT THE MINIMUM YARD SHALL BE ZERO (0) FEET ADJACENT TO OTHER R4-R DISTRICTS AND FIVE (5) FEET ADJACENT TO O-S AND HILLSIDE CONSERVATION (HC) USES.**
2. Within ~~one hundred (100)~~ **FIFTY (50)** feet of any perimeter street or any R-1 district boundary line all buildings shall be:

APPROVED
10/10/94 DH

a. Used only for guest rooms that are detached from central hotel facilities or for dwelling units.
~~b. A maximum of one (1) story in height.~~

3. There shall be a yard ~~a minimum of one hundred (100)~~ **AN AVERAGE OF FIFTY (50) FEET, MINIMUM FORTY** (40) feet in depth adjacent to all perimeter streets, maintained as meaningful open space except for pedestrian and vehicular access ways, unless buildings as allowed in 2 above are constructed.
4. Within fifty (50) feet of any district boundary line other than R-1, or any property line abutting additional R-4R zoning, all buildings shall be:
a. Used only for guest rooms that are detached form central hotel facilities or for dwelling units.
~~b. A maximum of one (1) story in height.~~

E(2). *YARDS. (SINGLE FAMILY)*

1. FRONT YARD.

A. THERE SHALL BE A FRONT YARD WHICH PROVIDES THE FOLLOWING SETBACKS:

1. FIFTEEN (15) FEET FROM THE PROPERTY LINE TO THE MAIN BUILDING.

B. WHERE LOTS HAVE DOUBLE FRONTAGE ON TWO (2) STREETS THE REQUIRED YARD WHERE ACCESS IS NOT PROVIDED SHALL BE:

1. FIFTEEN (15) FEET FROM THE PROPERTY LINE WHERE THE STREET IS A LOCAL RESIDENTIAL STREET; OR

2. TWENTY-FIVE (25) FEET FROM THE PROPERTY LINE WHERE THE STREET IS A COLLECTOR, ARTERIAL, PARKWAY, EXPRESSWAY OR FREEWAY CLASSIFICATION.

THESE REQUIREMENTS DO NOT APPLY TO FENCES AND WALLS, POOLS AND ACCESSORY BUILDINGS.

C. WHERE THE LOT IS LOCATED AT THE INTERSECTION OF TWO (2) OR MORE STREETS THERE SHALL BE A YARD CONFORMING TO THE FRONT YARD REQUIREMENTS ON THE STREET WITH THE NARROWEST FRONTAGE AND A YARD OF NOT LESS THAN TEN (10) FEET IN DEPTH FROM THE PROPERTY LINE TO THE MAIN BUILDING.

2. SIDE YARDS.

A. THERE SHALL BE A SIDE YARD ON EACH SIDE OF A BUILDING OF ZERO (0) FEET OR FIVE (5) FEET MINIMUM.
B. THERE SHALL BE AN AGGREGATE SIDE YARD WIDTH OF TEN (10) FEET.
C. IF THERE IS TO BE A SIDE YARD SETBACK OF ZERO (0) FEET, ALL SIDE YARDS FOR LOTS WITH THE RESIDENTIAL BLOCK WHERE THE ZERO (0) SIDE YARDS OCCUR SHALL BE CLEARLY IDENTIFIED ON THE RECORDED SUBDIVISION PLAT.

3. REAR YARD. THERE SHALL BE A REAR YARD OF:

A. FIFTEEN (15) FEET WHERE THE REAR YARD ABUTS R1-5, R-4, R-4R, R-3, R-5, COMMERCIAL, OFFICE OR INDUSTRIAL DISTRICTS; OR
B. TWENTY-FIVE (25) FEET WHERE THE REAR YARD ABUTS OTHER R1 (SINGLE FAMILY) DISTRICTS; OR

ADOPTED
10/10/94 DL

C. FIVE (5) FEET WHERE THE REAR YARD ABUTS O-S OR HILLSIDE CONSERVATION AREAS.

4. OTHER REQUIREMENTS AND EXCEPTIONS AS SPECIFIED IN ARTICLE VII.

GARAGE SETBACKS.

1. THE GARAGE OR CARPORT SHALL BE SET BACK FROM THE BACK OF STREET IMPROVEMENTS ACCORDING TO THE FOLLOWING TABLE:

ANGLE OF THE FACE OF THE GARAGE FROM PARALLEL TO THE STREET	*MINIMUM SETBACK*
0 DEG. (PARALLEL) TO 29 DEG.	20'
30 DEG. TO 44 DEG.	17'
45 DEG. TO 59 DEG.	14'
60 DEG. +	10' +

IN NO CASE SHALL THE GARAGE OR CARPORT FACE BE CLOSER TO THE PROPERTY LINE THAN TEN (10) FEET.

2. THE SIDES AND REAR WALLS OF A GARAGE OR CARPORT SHALL CONFORM TO THE STANDARD MAIN BUILDING YARD REQUIREMENTS.

DISTANCE BETWEEN BUILDINGS.

1. THERE SHALL NOT BE LESS THAN EIGHT (8) FEET BETWEEN AN ACCESSORY BUILDING AND MAIN BUILDING.

2. THE MINIMUM DISTANCE BETWEEN MAIN BUILDINGS ON ADJACENT LOTS SHALL BE ZERO (0) OR NOT BE LESS THAN TEN (10) FEET.

F(1). *Buildings, walls, fences and landscaping* ***(RESORT)***

1. Walls, fences and hedges not to exceed eight (8) feet in height and walled driveway entrances not to exceed six (6) feet in height shall be permitted, except that walls, fences and hedges must not exceed three (3) feet in height in the required one-hundred-feet yard along street frontages and in the ten (10) feet adjacent to the street where a thirty-foot setback is allowed along street frontages. Those yards must be maintained as landscaped open space and may be penetrated by pedestrian and vehicular access ways only. (Walled driveway entrances not to exceed six (6) feet in height shall be permitted within the setback requirements if such entrance is compatable with the surrounding development).
2. When a resort district abuts a single-family residential district, a landscape screen **AND/OR A N.A.O.S. AREA**, a minimum of ten (10) feet wide, shall be planted and maintained on the abutting lot line.
3. Landscaping shall be determined by development review board approval.
4. Swimming pools shall be completely enclosed by a protective fence or structure not less than four and one-half (4 1/2) feet in height, except that pool security may be accommodated by other means when allowed by development review approval. Gates in required fences shall be self-closing and equipped with self-latching devices.

APPROVED
10/10/94 DH

F(2). *BUILDINGS, WALLS, FENCES AND LANDSCAPING (SINGLE FAMILY).*

1. WALLS, FENCES AND HEDGES NOT TO EXCEED EIGHT (8) FEET IN HEIGHT SHALL BE PERMITTED ON THE PROPERTY LINE OR WITHIN THE REQUIRED SIDE OR REAR YARD.

2. IN THE FRONT YARD WALLS AND FENCES A MAXIMUM OF SIX (6) FEET IN HEIGHT ARE ALLOWED PROVIDED:

A. THE YARD ENCLOSED BY SUCH WALL OR FENCE SHALL NOT INCLUDE MORE THAN THIRTY-THREE (33) PERCENT OF THE AREA BETWEEN THE FRONT PROPERTY LINE AND THE FRONT SETBACK LINE.

B. THE WALL OR FENCE SHALL BE SET BACK THREE (3) FEET FROM THE FRONT PROPERTY LINE.

C. THE PROVISIONS OF SECTION 7.104 SHALL APPLY ON CORNER LOTS.

3. IN THE REQUIRED FRONT YARD PATIO COVERS ARE ALLOWED WHEN IN CONJUNCTION WITH THE ENCLOSURE OF THE FRONT YARD (AS PROVIDED IN SECTION 5.554.H.2) SUBJECT TO THE FOLLOWING REQUIREMENTS:

A. THE AREA ENCOMPASSED BY THE PATIO COVER SHALL NOT INCLUDE MORE THAN TWENTY (20) PERCENT OF THE AREA BETWEEN THE FRONT PROPERTY LINE AND THE FRONT SETBACK LINE.

B. THE PATIO COVER SHALL BE SET BACK A MINIMUM OF TEN (10) FEET FROM THE FRONT PROPERTY LINE.

C. THE PATIO COVER SHALL BE STRUCTURALLY INTEGRATED WITH SIMILAR OR COMPATIBLE BUILDING MATERIALS TO THE ROOF SYSTEM OF THE MAIN BUILDING.

D. THE PATIO COVER SHALL BE CONSTRUCTED SO THAT A MINIMUM OF FIFTY (50) PERCENT OF THE ROOF STRUCTURE IS OPEN AND UNOBSTRUCTED TO THE SKY.

4. SWIMMING POOLS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A PROTECTIVE FENCE OR PERMANENT STRUCTURE NOT LESS THAN FOUR AND ONE-HALF (4-L/2) FEET IN HEIGHT. THE SWIMMING POOL SHALL BE PROTECTED BY A PROTECTED ENCLOSURE WHICH SHALL BE CONTROLLED BY THE USE OF SELF-CLOSING GATES WITH SELF-LATCHING DEVICES.

ACCESS. ALL LOTS SHALL HAVE VEHICULAR ACCESS ON A DEDICATED STREET, UNLESS A SECONDARY MEANS OF PERMANENT VEHICULAR ACCESS HAS BEEN APPROVED ON SUBDIVISION PLAT. (ORD. NO. 2293, § 1, 5-15-90)

G. Other requirements and exceptions as specified in article VII.
(Ord. No. 1922, & 1, 11-4-86)

Sec. 5.905 Parking.

The provisions of article IX shall apply.

Sec. 5.906. Signs.

The provisions of article VIII shall apply.

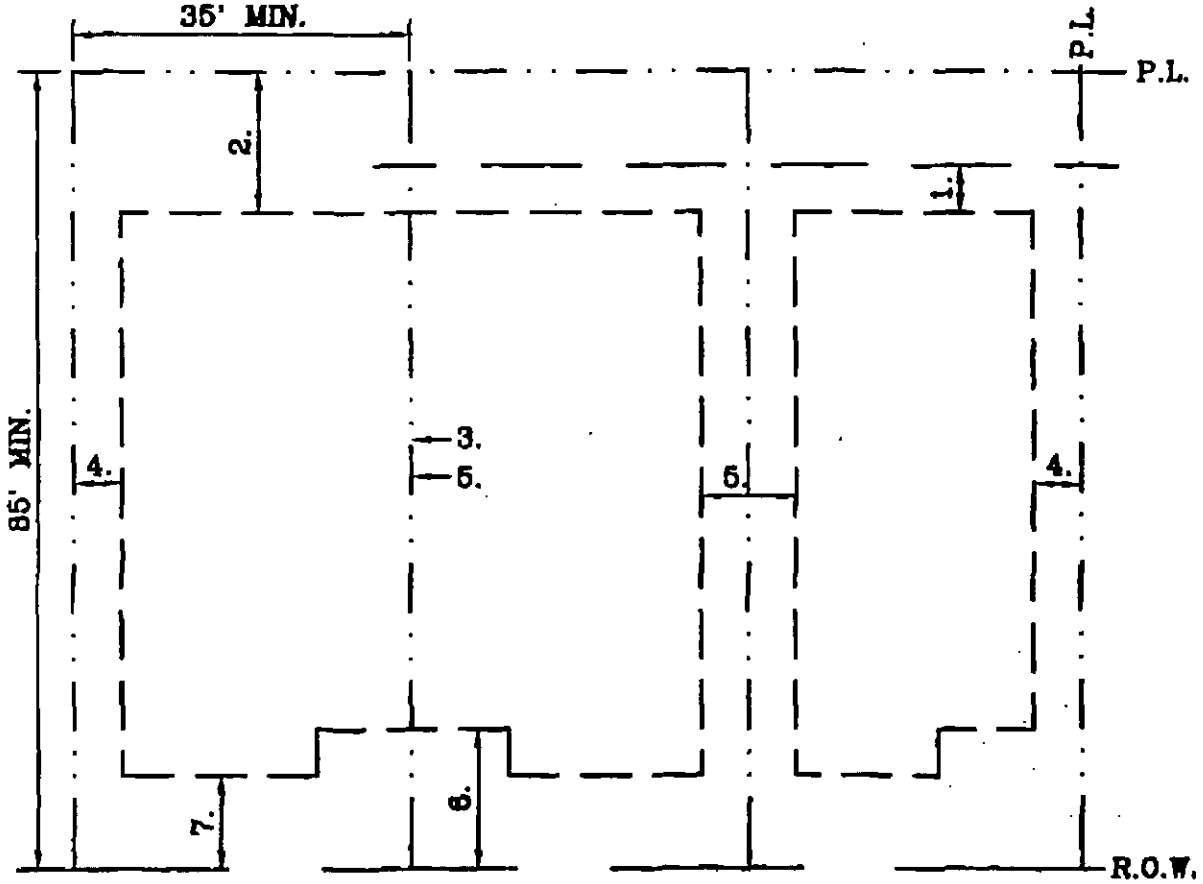
10/10/94
DATE

INITIALS

SINGLE FAMILY LOT STANDARDS

- Standard Detached Homes
- Zero Lot Line Homes
- Duplex Homes

NOTE: MINIMUM LOT SIZE = 3,000 S.F.
NOTE: MINIMUM LOT WIDTH IS 35', OR 20' IF FLAG LOTS ARE PROPOSED.



LOCAL RESIDENTAL COLLECTOR STREET

1. REAR YARD (ADJACENT TO OPEN SPACE OR HILLSIDE CONSERVATION). . . . . 5' MIN.
2. REAR YARD (ADJACENT TO OTHERS). . . . . 15' MIN.
3. SIDE YARD (ZERO LOT LINE, DUPLEX). . . . . 0'
4. SIDE YARD (STANDARD, ZERO LOT LINE). . . . . 5' MIN.
5. MINIMUM DISTANCE BETWEEN BUILDINGS. . . . . 0' OR 10'
6. FRONT YARD (TO FACE OF DWELLING). . . . . 15' MIN.
7. FRONT YARD (TO GARAGE) . . . . . VARIES*

*SEE TABLE SEC. 5.904.E (2) GARAGE SETBACKS

APPROVED
10/10/94 DH

LARSON, VOSS ASSOCIATES, INC.
16212 RED MOUNTAIN TRAIL, FOUNTAIN HILLS, ARIZONA 85268 (602) 837-0837
POST OFFICE BOX 2061, SANTA FE, NEW MEXICO 87504 (505) 820-6950

PROJECT NARRATIVE:
TROON NORTH RESORT PARCEL
PARCELS V1 & V2

INTRODUCTION

The subject resort site (± 55 Ac.) is located immediately west of the new Troon North Golf Course club house currently under construction. This proposal involves the modification of the amended development standards for both parcels and rezoning of Parcel V2 from R1-7 (Resort/Townhomes) to R-4R (Resort). The topography and natural features are more suitable for villa style units than a traditional "stacked" hotel unit or traditional R1-7 style development.

Included with this application are conceptual site plans that illustrate how various resort use options may be developed. The various resort-style units may include casitas/villas, multi-plex or attached townhouse-style units available for rent, sale or lease. The configuration of the resort parcel and topography allows for approximately 3 to 6 different products to be introduced on the 55 acres (see illustrative site plan). Specific products will be addressed by various developers and operators for each parcel. Subsequent reviews by City Staff and the Development Review Board will ensure conformance to the zoning stipulations, Amended Development Standards and the Hillside Ordinance requirements.

The existing zoning (last update: 28-ZN-89) reflects a maximum of 424 total units/rooms allowed on Parcels V1 & V2. The proposed application would maintain the same maximum number of units/rooms originally approved.

Parking requirements will be based on the ultimate use proposed for each parcel and will meet all City Ordinance requirements. Various parking options anticipated include small surface parking areas, garage or underground parking, and/or shared parking (w/valet service) with the club house.

Access to the site will be from the Club House Drive off of Dynamite. A "T" intersection with the Club House Drive will provide access into V2 via a manned Guard House. A secondary exit from the project will be provided directly to Dynamite west of Club House Drive. The second access, a right in/right out

entry, will be a card-activated gate. A traffic analysis of the various options has been submitted with this application.

BED TAX REGULATION APPLICATION

The City of Scottsdale's bed tax regulations shall apply to units within Parcels 1, 2 and 6. It is anticipated that a maximum of 225 units (but no less than 80 units) at any given time will be part of the rental pool. Those units not within the "Resort Rental Pool" will conform with the projects overall Amended Development Standards and guidelines as they relate to setbacks, building heights, etc., while remaining available for sale, lease or seasonal rentals by the owner. This system will provide the project with the flexibility to respond to broader market demands over variable economic cycles and protect a predictable bed tax revenue base for the City. The resort rental pool developer shall coordinate all monitoring and bed tax revenue schedules with the City of Scottsdale as a condition of Building Permit Approval unless otherwise stipulated by the City.

ENVIRONMENT

As stated, the 55 Ac. parcel is uniquely configured between existing golf (holes 1 and 9), Hillside Conservation areas, the new club house and Dynamite Boulevard. Topography is typical of this area with gently rolling terrain, hillside conditions, small drainage features and small granite boulder formations. The most significant "natural" feature present on the site is the scar left from the 1992 fire that burned nearly all of Parcel V1. All native ground covers nearly all significant trees have been destroyed as a result of the fire. Many of the Saguaros on the site are still standing but are substantially scarred. It may be several years before the impact on the Saguaros is known. The applicant will work with the Project Review Staff and Development Review Board to restore these areas.

Drainage has been addressed in the attached report.

This project was approved as part of the Troon North Master Plan in 1985. As such, this site falls under the regulations of the City's Hillside Ordinance (not E.S.L.O.). A slope analysis has been prepared by the Master Developer's engineer to determine the amount of N.A.O.S. required for the site. (Note: All Hillside Conservation Areas have been previously identified and approved by the City's Project Review Staff. Any proposed changes to the H.C. areas will be reviewed by the Project Review staff and the Development Review Board.) The

N.A.O.S. requirement for this parcel is ± 19.9 acres (34 %). Some N.A.O.S. may be provided from the surplus N.A.O.S. on the golf course, however, a specific N.A.O.S. allocation table will be identified by the master developer as part of this application.

PHASING

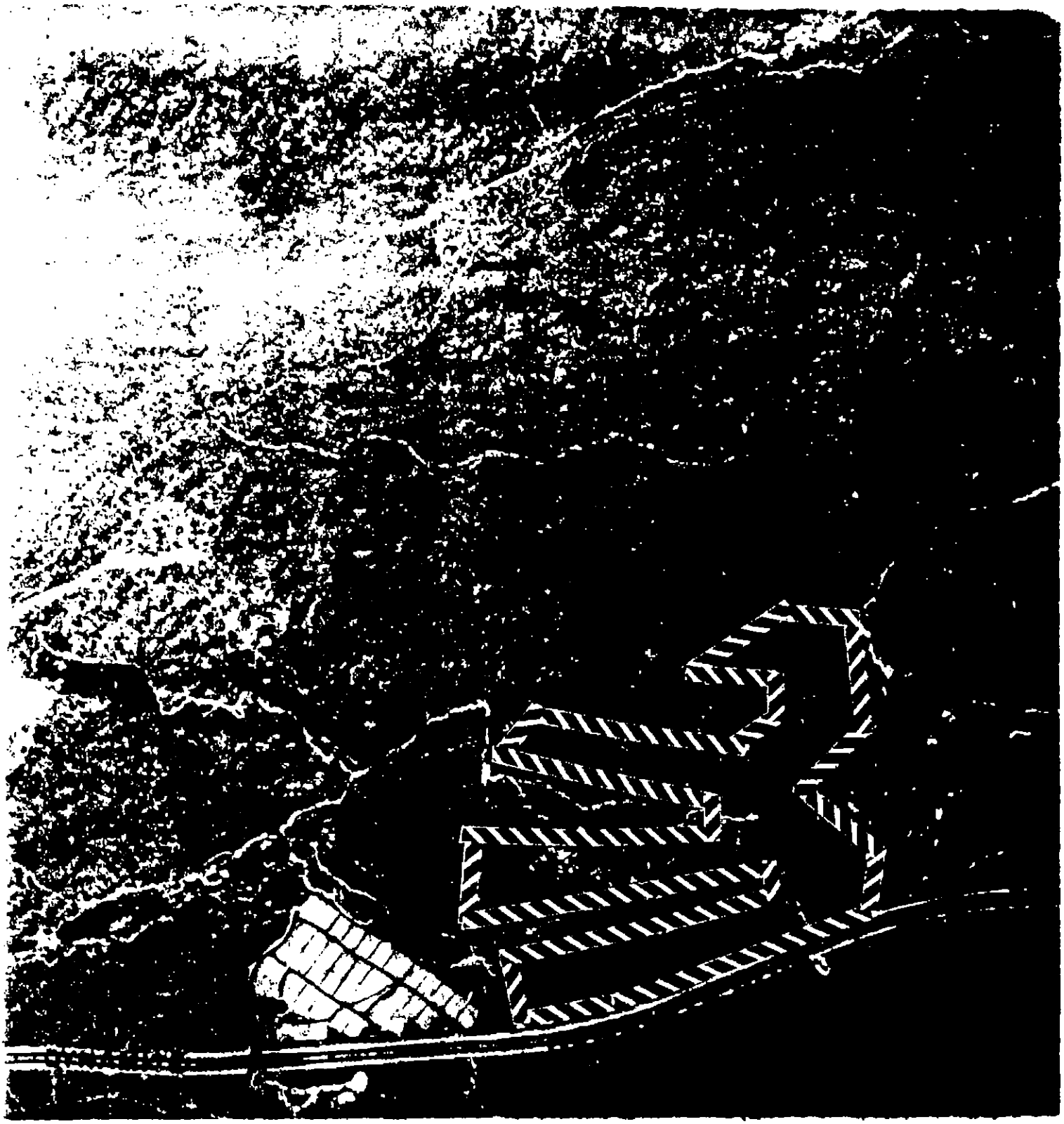
Anticipated phasing for this project is as follows:

1994	Project Entry and Parcels 1, 2, 3, and 6
1995	Parcels 4 and 5

LAND USE CONFORMANCE

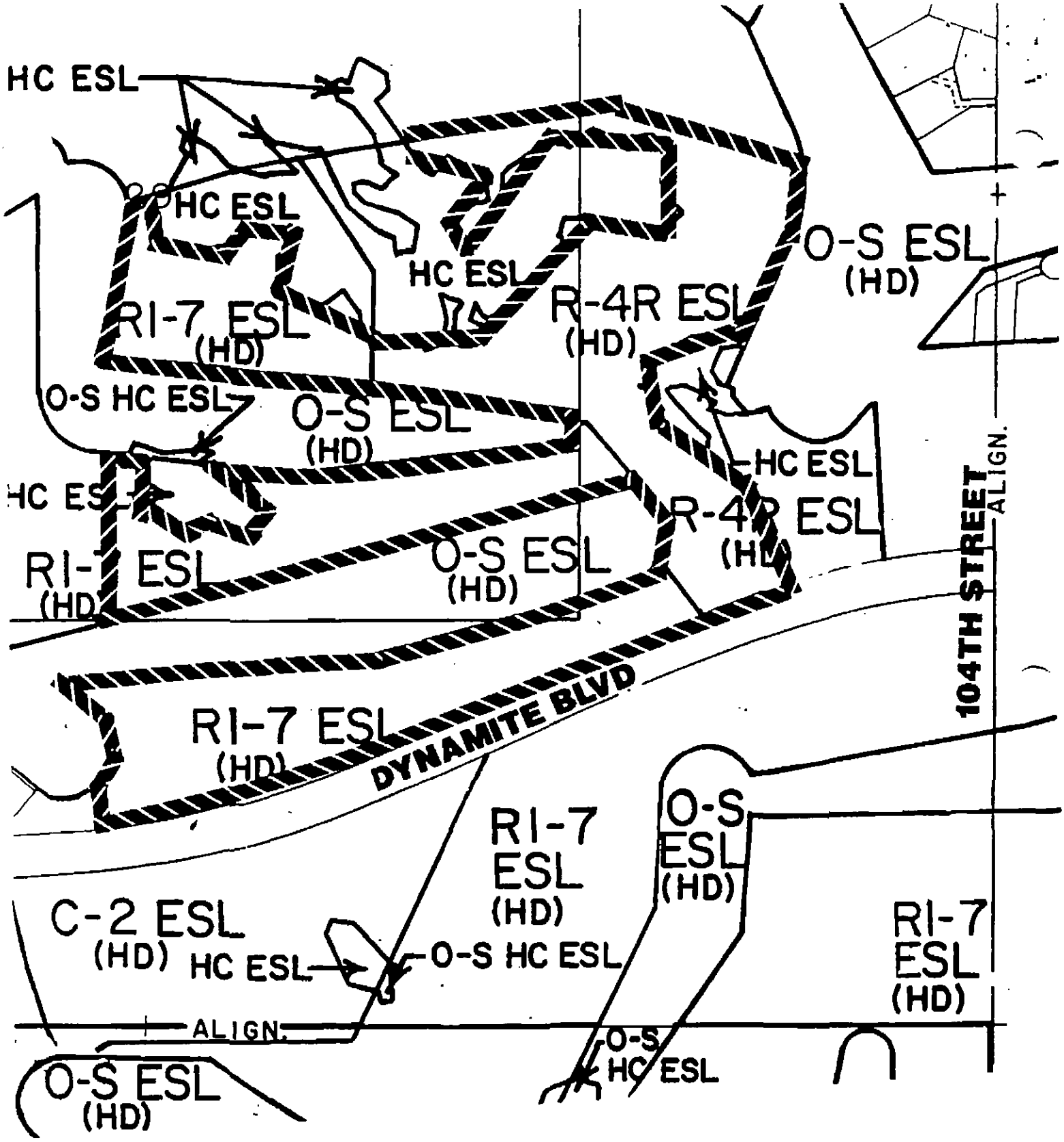
This proposal conforms to the original intended use for this area as a unique resort style use that supports the golf course as well as fitting comfortably within with existing environmental amenity present on the site.

Please refer to attached site plans and perspective drawings.



3-ZN-94

1"=800' 1991 ATTACHMENT #1



3-ZN-94
REQUESTS REZONING FROM R1-7 ESL HD
TO R-4R ESL HD

ATTACHMENT #2

RESOLUTION NO. 4015

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING AN AMENDMENT TO THE GENERAL PLAN LAND USE ELEMENT FOR THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA TO AMEND THE LAND USE PLAN FOR TROON NORTH PARCELS V1 AND V2

WHEREAS, the Planning Commission and City Council of the City of Scottsdale have authorized the preparation of a General Plan Amendment (2-GP-94) relating to Case 3-ZN-94; and

WHEREAS, the City Council, Planning Commission, and city staff have held public hearings with interested parties and have incorporated, whenever possible, the concerns expressed by those persons; and

WHEREAS, the Planning Commission has held a public hearing on March 21, 1994 concerning the General Plan amendment, and has recommended approval; and

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 amends General Plan Land Use Element for the City of Scottsdale, as provided on the attached map, Exhibit A, and in case no. 2-GP-94

Section 2. That copies of the General Plan amendment shall be on file in the Office of the City Clerk.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 5th day of April 1994.

ATTEST:
Sonia Robertson
City Clerk

By: _____
City Clerk

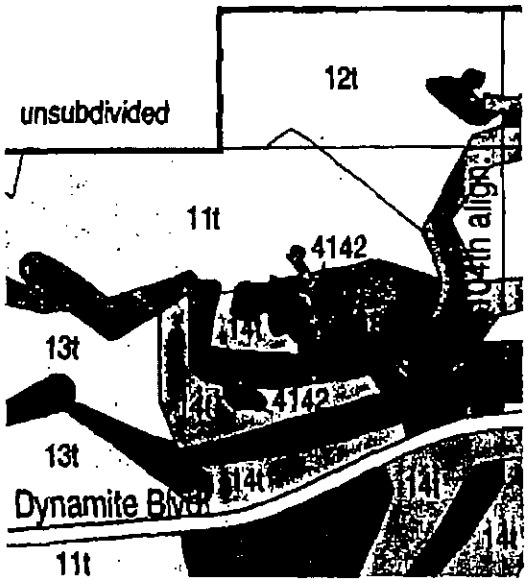
CITY OF SCOTTSDALE
A MUNICIPAL CORPORATION

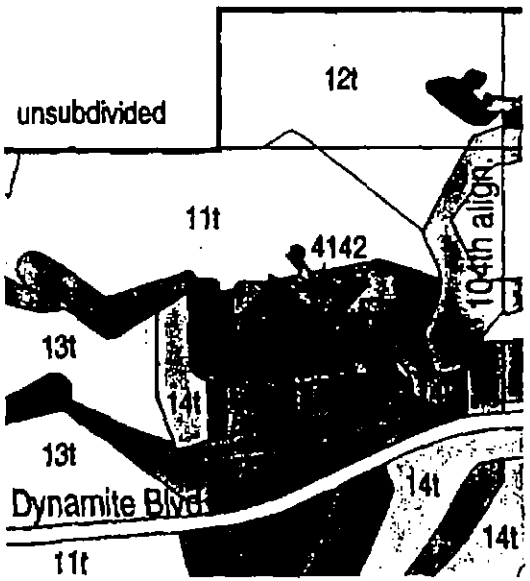
By: _____
Herbert R. Drinkwater
Mayor

APPROVED AS TO FORM:

By: _____
Richard W. Garnett, III
City Attorney

ATTACHMENT #6





Existing Land Use Plan Proposed Land Use Plan

2-GP-94
(3-ZN-94)

11	1/3 - 1/2 DU/AC
13	1 - 2 DU/AC
14	2 - 4 DU/AC
18	Tourist Accommodations
22	General Commercial
43	Developed Open Space
41/42	Natural Open Space and/or Limited Use Area

EXHIBIT A

ORDINANCE NO. 2650

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 3-ZN-94

WHEREAS, the zoning case no. 3-ZN-94, has been properly noticed for public hearing, pursuant to the requirements of the Scottsdale Zoning Ordinance and the statutes of the State of Arizona, and the necessary hearings have been completed, and

WHEREAS, the Council of the City of Scottsdale instructed the zoning staff to prepare an ordinance and map changing the zoning on the properties described in the aforementioned case from R1-7 ESL HD (Single-Family Residential/Environmentally Sensitive Lands/Hillside District) to R4-R ESL HD (Single-Family Residential/Environmentally Sensitive Lands/Hillside District) with amended development standards, and,

WHEREAS, it is now necessary that the comprehensive zoning map of the City of Scottsdale be amended to conform with the decision of the Scottsdale City Council in case no. 3-ZN-94

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Arizona, that the "District Map" adopted as a part of Ordinance No. 455, showing the zoning district boundaries in the City of Scottsdale, is amended, subject to compliance with all stipulations, as illustrated on the attached zoning map, attached hereto as Exhibit A and incoroporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale this 5th day of April, 1994.

CITY OF SCOTTSDALE
A MUNICIPAL CORPORATION

By:_____
Herbert R. Drinkwater, Mayor

ATTEST:

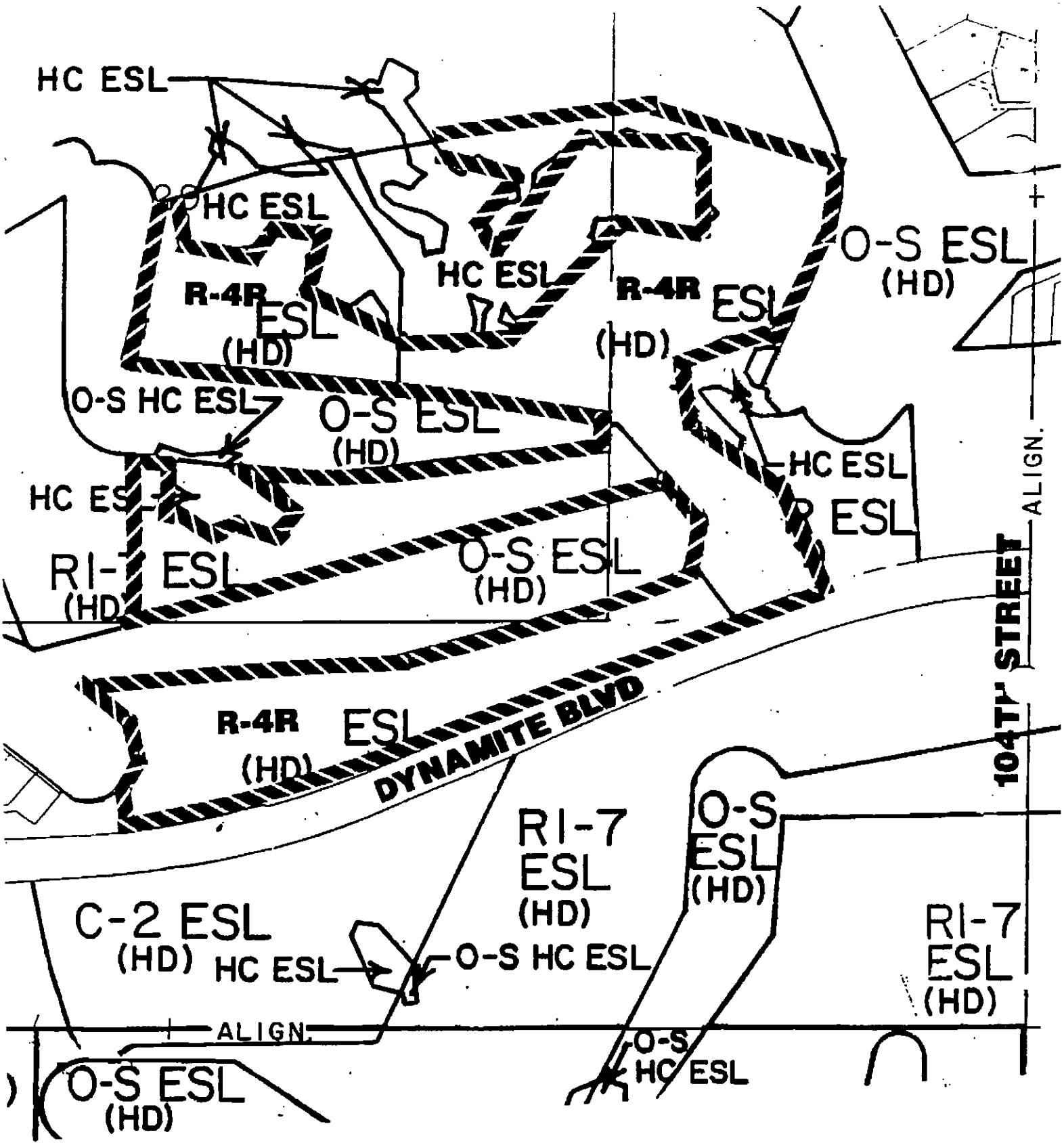
Sonia Robertson
City Clerk

By:_____
City Clerk

APPROVED AS TO FORM:

By:_____
Richard W. Garnett, III
City Attorney

ATTACHMENT #7



3-ZN-94

EXHIBIT A

KIVA-CITY HALL
3939 CIVIC CENTER BOULEVARD
MONDAY, MARCH 21, 1994

PRESENT:	Douglas Simonson, Chairman Kathryn Heffernan, Vice Chairman Keith Holben Kristen Ryan Carolyn Allen Harry Paston
ABSENT:	Robert Pettycrew
STAFF:	Don Hadder Connie Padian

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order at 6:00 p.m.

MINUTES APPROVAL

Motion by Commissioner Paston to approve the February 22, 1994 and March 7, 1994 minutes with the approved changes. The motion was seconded by Commissioner Ryan and passed unanimously.

WITHDRAWALS

3. 20-AB-94 -- abandonment of a certain portion of Oak Road right-of-way -- north of 6th Street and west of Marshall Way.

Mr. Hadder stated that case 20-AB-94 has been withdrawn, and no further action is required.

CONTINUANCES

4. 85-ZN-85#2 -- amendment to the stipulations of case 85-ZN-85 and site plan approval -- southeast corner of Pima and Pinnacle Peak Roads (Pinnacle Peak Village) -- TO BE CONTINUED TO MAY 23, 1994

5. 1-AB-94 -- abandonment of a certain portion of 4th Street right-of-way -- north of 6th Street and west of Marshall Way -- TO BE CONTINUED TO APRIL 11, 1994

MOTION to continue case 85-ZN-85#2 and 1-AB-94 to dates so stated. Motion seconded by Commissioner Ryan, and passed unanimously.

EXPEDITED AGENDA -- ZONING, USE PERMITS, ABANDONMENTS

ZONING

Chairman Simonson stated that he would not participate in case 2-GP-94 and 3-ZN-94. He turned the Chair over to Vice-President

Heffernan.

6. 2-GP-94 -- General Plan amendment from 2-4 du/ac to Resort
and
3-ZN-94 -- rezoning from R1-7 ESL HD (Single-Family Residential/Environmentally Sensitive Lands/Hillside District) to R4-R ESL HD (Resort District/Environmentally Sensitive Lands/Hillside District) with amended development standards -- Troon North Resort, Parcels V1 and V2

Mr. Hadder presented this request to amend the General Plan to shift the use from a residential use of 2 to 4 units to the acre to a resort use on a General Plan. He stated that other part of it is to rezone a portion of a parcel from R1-7 to R4-R, and also to amend the development standards for that particular site, as well as provide for a specific site plan. He stated that the site is located in the middle of an 1,800 acre Master Plan development commonly referred to as Troon North. He added that the site is located on the north side of Dynamite Boulevard, west of the clubhouse on the Troon North Development and east of some of the residential areas that are currently under development.

Mr. Hadder stated that the site is a fairly unusual shape. He stated that shape has been dictated by a number of features, including golf holes that occur through and around the parcel, as well as some major terrain features; for example, there is a large rock formation to the north, as well as rock formations to the east and to the west of this particular site. He added this site has been identified essentially as the core of activity, the core of focus for the Troon North Development.

Mr. Hadder stated that as part of this overall development, you'll also notice that there is C-2 on the south side on Dynamite that was designated for support retail uses in the future that would serve not only this, but also the proposed resort on the development project to the south. He stated that the graphic represents the basic layout of the Natural Area Open Space as proposed on the site plan. He added that the site plan is proposed of basically four types of units, including one type of unit that would occur on the southern two arms of the project. He said the second one on this northern leg runs east/west, and then two others generally on the east to northeast portions of the site. He stated that the graphic more illustratively depicts the kind of site plan that's being proposed.

Mr. Hadder stated that on this particular development he anticipates a series of both condominium-style developments as well as resort-style developments that will provide a core of activity to support the golf course and the clubhouse kinds of functions that are the center of the Troon North Development. He stated that it would provide flexibility to the site plan to accommodate transition to the various uses and to accommodate the ability to

relate to the terrain on this particular site.

Mr. Hadder stated that most of the northern portion of the site of was severely affected by one of the brush fires of the summer of 1992, and there was very substantial damage to the vegetation in that area. He stated that ultimately, as this area develops, we can anticipate a good deal of that area being restored. He added that that area would be retained as a natural area and would be restored in various fashions to help enhance that setting in that particular area. He stated that the project is appropriate for this area and that it is in the spirit of the concept that was originally developed for Troon North. He stated that he is recommending approval subject to the stipulations. He added that staff did hand out revised stipulations at the study session which reflects some further refinements with how the details of this case need to be handled.

Vice-Chairman Heffernan asked the applicant if he agreed with the proposed stipulations. He stated that he did.

BEVERLY JORDANO, 9253 East Via Del Sol, Scottsdale, addressed the Commission and stated that she is Vice President of the greater Pinnacle Peak Homeowner's Association and a member of the Area Planning Committee. She stated that she couldn't pass up this opportunity to say something nice for a change. She specifically wanted to make three points about this particular case, more in regard to how it was handled with the committee than the project itself. She stated that she does approve of this project.

Ms. Jordano stated that Roger Tornow and Scott Kusy contacted the committee, allowing enough time to meet, discuss the project and respond. She stated that they didn't have to track them down, they came to them. She added that the plans that they used in the meeting were of superior quality in that they were very detailed and complete with extremely accurate elevations. She stated they depicted a realistic view of the project. She said that many questions did not have to be asked because of their skillful, professional approach. She stated that this applicant is also using topography as a guide to design, instead of the other way around, something she also would like to see more of. In closing, she asked other applicants to use this as a model and to please follow suit.

Vice-President Heffernan stated she felt it would be appropriate to have a separate motion for this case so that Chairman Simonson could return.

Mr. Paston stated that he had a question for Mr. Voss he'd like to put on the record. He stated that this is an outstanding effort and a well-designed experience for people who will be coming to Scottsdale to enjoy the high Sonoran desert and the golfing experience there. He stated that according to the narrative and other staff information provided, the resort property will take up approximately 50 percent of the tee times available at Troon North.

He added that other tee times will then go to the members in the club and the residents in the area. He stated that Troon North has been a uniquely successful golf course, and the only one that's currently available to people coming into Scottsdale to enjoy a golfing experience in the Sonoran desert. He added that he would like it commented for the record what future opportunities those people will have who are not staying at the resort property or who do not live in that area, in terms of additional development that will be forthcoming at Troon North.

Steven Voss, 16212 Red Mountain Trail, Fountain Hills, addressed the Commission and stated that from the standpoint of where golf players can go in the north area, currently the membership structure is such that first priority is for private players; second, is the resort which was mentioned as 50 percent having access to the play of the golf course, and third is residential within Troon North and then finally public. He stated that he wanted to make it very clear that the golf course, although it is a private golf course, does have public play. He said that he anticipates that there will be future golf courses in the area, potentially in Troon North and also adjacent to the site that will have a provision for public golf in the area.

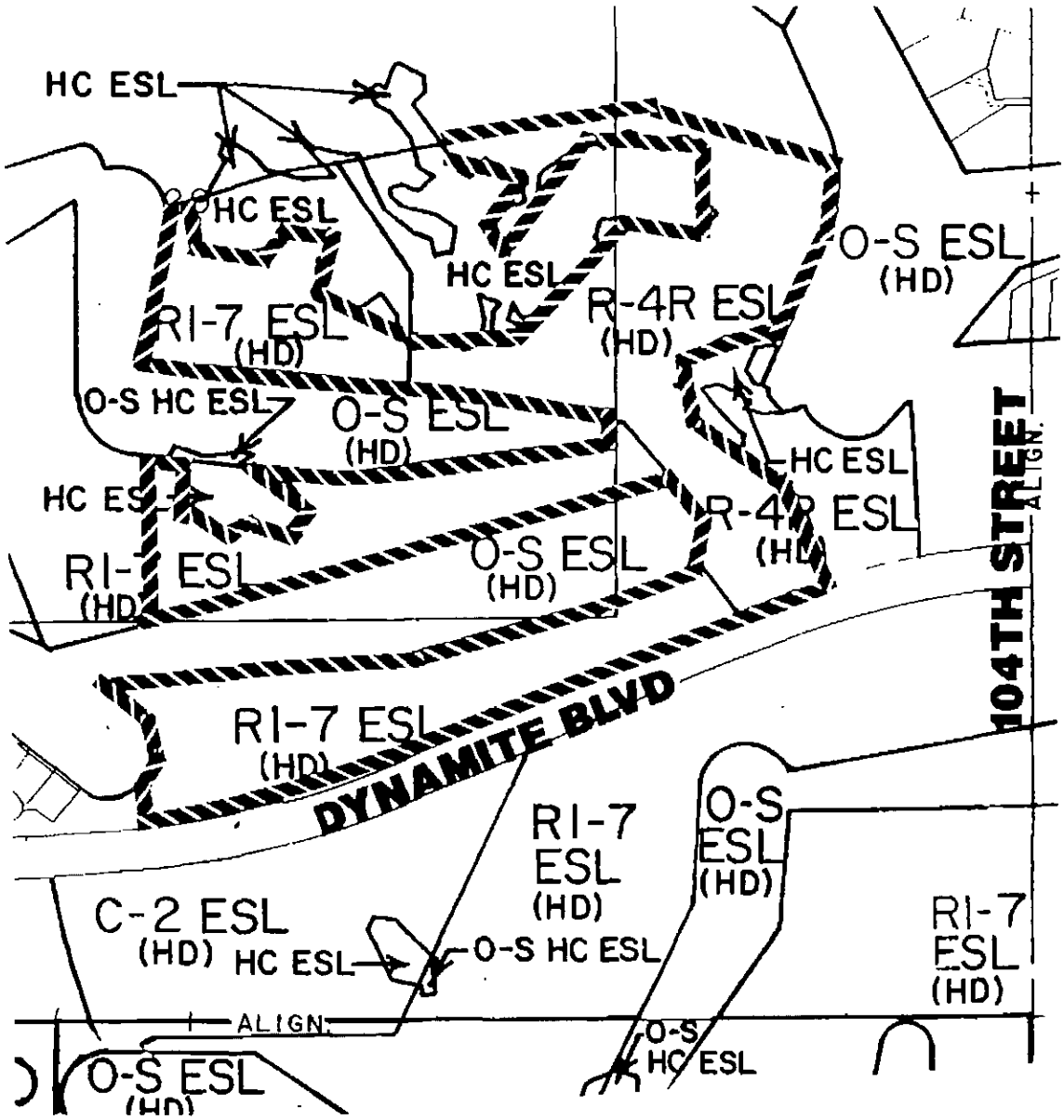
MOTION by Commissioner Paston to forward case 2-ZN-94 and 3-ZN-94 to City Council with recommendation to Planning Commission for approval. Motion was seconded by Commissioner Ryan, and passed unanimously.

USE PERMITS

7. 21-up-93#2 -- use permit approval for a golf course for a maintenance building, temporary clubhouse and temporary golf cart storage facility -- parcel 3C Core North, west of the southwest corner of Thompson Peak Parkway and Pima Road

Ms. Padian presented this request for an amendment to the use permit for a golf course. She stated that case 21-UP-93#2 is a request for an amendment to the original case 21-UP-93 which is use permit for a golf course. She stated that the property which was previously known as Core North, is now known as Grayhawk. She stated that Core North is a 2,300 acre development between Deer Valley and the Outer Loop in Scottsdale Road and Pima Road. She added that the golf course was approved last year, and it was located on the south side of Thompson Peak Parkway and over to the west from Pima Road. She stated that it's an 18-hole golf course which winds its way from Thompson Peak down to the south. She said that there are also future plans for another 18-hole golf course to the north of the Thompson Peak Parkway.

Ms. Padian stated that at the time that this came through the public hearing, the applicant had not yet designed the specifics for the clubhouse and for the maintenance building, and that is what this amendment is for. She stated that the Thompson Peak



SITE LOCATION MAP

3-ZN-94

CITY COUNCIL ACTION REPORT

TO: MAYOR AND CITY COUNCIL **DATE:** 4/5/94
FROM: PLANNING & COMMUNITY DEVELOPMENT
SUBJECT: CASE 2-GP-94 & RESOLUTION NO. 4015 & 3-ZN-94 & ORDINANCE NO. 2650

AGENDA ITEM NO. 22
DON HADDER
JOHN FARAMELLI STAFF

REQUEST: General Plan amendment from 2 to 4 du/ac to Resort; and rezoning from R1-7 ESL HD (Single-Family Residential/Environmentally Sensitive Lands/Hillside District) to R4-R ESL HD (Resort District/Environmentally Sensitive Lands/Hillside District) with amended development standards

LOCATION: Troon North Resort, Parcels V1 and V2

APPLICANT: Larson, Voss Associates
16212 Red Mountain Trail
Fountain Hills, AZ

OWNER: Diamond Land Investments, LC
3101 N. Central, #1030
Phoenix, AZ

PLANNING COMMISSION RECOMMENDATION: APPROVE by a vote of 5-1 (Commissioner Simonson abstained) subject to the attached stipulations and ADOPT Resolution No. 4015 and Ord. No. 2650 affirming these cases.

STAFF RECOMMENDATION: Per the Planning Commission

CONCURRENCE: None required

PUBLIC COMMENT: A representative of the area homeowners association spoke in favor of the process and the plan.

ZONING HISTORY: Annexed as R1-190 in 1983. Rezoned to R-4R and R1-7 in case 87-Z-85

SITE DETAILS

USE: Resort, townhouse, casita residential units
PARCEL SIZE: 55± gross acres
DENSITY 7.7±/ac.
OTHER: 17.4 ac. natural area (32%)

HEIGHT: 30 ft. maximum
SETBACKS: Per site plan, amended standards and stipulations

GENERAL PLAN DISCUSSION:

Reflecting the current zoning categories, the current General Plan shows the north end of the site as resort and the south part as 2-4 du/ac residential. This proposal would in effect turn the entire site into the Resort Land Use Category. In the original plan, the medium density residential area was conceived as a support, adjunct use to the resort use. This revision technically changes the Land Use Plan map but in concept maintains the idea and intent of the plan.

ACTION TAKEN_____

DISCUSSION:

The proposal includes rezoning an R1-7 ESL parcel to R4-R ESL and amending the development standards for the overall resort/townhouse parcel. The site is located in the center of the Troon North Master Planned Development. East of the site is the Troon North Golf clubhouse, which is under construction, and the driving range. To the north is a major rock formation and very low density residential zoning. The west side of the site is typified by deep intrusions of golf holes, other significant rock features and additional golf. The south side of the site fronts onto Dynamite Boulevard, across which has been planned for medium density residential, golf, and specialty retail.

The concept of this request is to provide opportunities for a variety of attached and semi-attached units which would be used in a variety of techniques, such as for-sale, timeshare, lease, rental pool and so on, and would be primarily oriented to seasonal resident and visitors.

Originally, the resort use was a key element in supporting the golf use on the project, given the state's outlook on use of water resources. With the advent of the CAP/Reuse System with which this golf course is already participating, the need for the resort use has shifted. This proposal retains a strong visitor use orientation which will rely in part on management and services out of the new clubhouse. The size and shape of the site also makes it difficult to place a more traditional style of hotel facility on the site. This, combined with the long term downturn in hotel/resort development world-wide, leads to this type of approach as being more achievable while maintaining the resort character originally planned.

The northern portions of the site were severely burned in the July 1992 brushfire.

COMMUNITY IMPACT:

This site is virtually isolated from existing or future single family residential areas. No increase in density will occur as a result of this proposal. This project will create a visual and activity core for the center of the Troon North project.

John Faramelli
Community Development Administrator

Richard A. Bowers
City Manager

ATTACHMENTS: A - Stipulations
#1 - Aerial
#2 - Zoning Map
#3 - Site Plan
#4 - Amended Development Standards
#5 - Applicant's Narrative
#6 - Resolution No. 4015
Exhibit A - General Plan Map
#7 - Ordinance No. 2650
Exhibit A - Zoning Map
#8 - Planning Commission Minutes 3/21/94

NOTE: CHANGE MADE BY STAFF AFTER THE PLANNING COMMISSION MEETING IS NOTED IN CAPS AND BOLD

ZONING/DEVELOPMENT

1. Development shall be in substantial conformance with the submitted plan and development program except as modified by the following stipulations. Any proposed significant change, as determined by the Planning and Community Development Administrator shall require approval through a subsequent public hearing.

   The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, NAOS requirements and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.

2. Maximum densities and dwelling unit counts shall be as indicated on the approved development plan except that in no case shall be unit count exceed 385 (for units which are not used or available as resort rooms) and 424 units maximum (of which at least 90 units shall be used as resort rooms) without a subsequent public hearing. The specific location of each parcel shall be determined at the time of site plan review. Redistribution of the units is subject to maximum densities and Project Coordination staff approval. All such requests shall include a revised master development plan and a revision to the table on page 2 indicating the parcels with the corresponding reduction/increase.

Parcel	Gross Acres	Zoning	Proposed DU/AC	Max. DU/AC	Proposed # Units	Max. # Units
1	14.68	R4-R HD	7/ac	7/ac	100	100
2	12.40	R4-R HD	8/ac	8/ac	100	100
3	10.20	R4-R HD	7/ac	7/ac	72	72
4	10.00	R4-R HD	10/ac	10/ac	99	99
5	3.42	R4-R HD	10/ac	10/ac	31	31
6	1.49	R4-R HD	15/ac	15/ac	22	22
TOTAL	52.19		7.7/ac		424	385/424*

* The proposed unit count of 424 represents a mix of residential and resort units. The 385 unit maximum is the maximum allowed for residential units. If the residential units were all converted to resort units the maximum would be 550 units.

3. Adoption of the zoning shall occur on individual parcels as each parcel is approved for development and prior to issuance of permits. A legal description of each parcel shall be provided prior to zoning adoption.

4. A scenic setback with an average width of fifty (50) feet and a minimum width of forty (40) feet shall be provided for all buildings, walls, parking lots, signage or other development improvements along Dynamite Boulevard. This setback is to be left in a natural condition or revegetated with approval from the Development Review Board. This width is to be measured from the outside edge of the road right-of-way. The minimum width of the setback may be reduced by the Development Review Board if protection of significant natural features can be better achieved. This may be applicable as required N.A.O.S. for the adjacent parcels.

5. The proposed amended development standards for R4-R shall be amended per the applicants submitted standards, attached. Any further reductions shall be approved at a subsequent public hearing.

HILLSIDE ENVIRONMENT

1. All washes with a 100 year flow of 750 cfs or greater shall be designated as Vista Corridors and preserved in a natural state as determined by the Development Review Board. A scenic easement with an average width of 100 feet shall be provided along these washes concurrent with any other easements. The scenic easement shall include the washes major vegetation and low flow channels. If there are areas within thee washes which are disturbed by development proposed by this case, the wash areas shall be restored as closely as possible to their natural, pre-development state. The location and treatment of the Vista Corridor shall be approved prior to site plan or preliminary plat approval on the adjacent parcels.

2. Any proposed alteration to the natural state of washes with a 100 year flow of 50 cfs or greater or proposed improvements within these washes shall be subject to Project Review staff approval.

3. The design and construction of walls, as defined Section 3.100 of the Zoning Ordinance, along the Vista Corridor wash shall comply with the following standards:

   a. The location of the top of the bank of the wash shall be continuous up the bank to the approved corridor alignment.
   b. The Natural Area/Vista Corridor easements of the wash shall be continuous up the bank to the approved corridor alignment.
   c. Walls shall be located only within approved building envelopes.
   d. The color and materials of the wall shall match the exterior materials of the house or blend into the natural terrain.

4. All preliminary plats and site plans shall show all major boulders (in excess of 4 feet in diameter) and bedrock outcrops. Major boulder outcroppings shall be protected and maintained as determined jointly by the Project Review staff and the applicant at the time of site plan review.

5. All Hillside Conservation and off-lot natural areas shall be accurately surveyed and clearly staked in accordance with the approved grading plans. Such surveying and staking shall be inspected and approved prior to construction in each development phase. The natural area open space required on individual lots shall be defined prior to the issuance of building permits on each lot.

6. Non-indigenous plant material which reaches a mature height greater than 20 feet shall not be introduced on the site.

7. Each site plan submittal shall clearly show all HC areas, all natural area open space, and proposed improvement envelopes.

8. The applicant shall submit a master Natural Area Open Space calculation for the project and a master N.A.O.S. allocation program subject to approval by Project Coordination. The initial allocation is understood to be approximate and shall be revised in detail for each development site plan when the site plan is submitted for approval at Development Review Board.

9. The maximum height of any outdoor source shall be 14 feet above natural grade at the base of the light standard except for recreation uses, which shall comply with the outdoor lighting standards of Section 7.600 of the Zoning Ordinance. Low level lighting is encouraged wherever such an approach is feasible.

10. The owner shall secure a native plant permit as defined in Chapter 46, Article V of the City Code for each development site. The Project Review staff will work with the owner to minimize the extent of the survey required within large areas of proposed undisturbed open space. Cacti which are not protected by the 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 shall be stockpiled during construction and shall be replanted in landscaped areas. 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.

11. All improvement plans for common improved open space or common buildings and amenities such as ramadas, landscape buffers on public or private property (back-of-curb to right-of-way or access easement line included), major stormwater management systems and wall designs, shall be approved by the Development Review Board.

12. Prior to the commencement of construction in each residential parcel, the natural area open space shall be suitably protected during the time of construction with access corresponding to the approved site plan. At the time of final building inspection for a dwelling unit on a parcel, there shall be a site inspection to ensure that any disruption to the natural area open space around the construction site has been revegetated as approved on plans submitted to Project Review.

13. Prior to the approval of a site plan by the Development Review Board or preliminary plat approval, the alignments for all internal streets and extended accessways shall be staked by the developer and inspected on-site by the City staff to confirm that the proposed alignment results in the least environmental and hydrological impact. It is anticipated that the Community Development Administrator will approve the use of rectified aerial photographs in lieu of on-site staking under the following conditions:

    a. Natural area open space requirements have been satisfied and consolidated grading is permitted; or
    b. Topographical and other on-site physical conditions permit reasonable analysis of site conditions through the use of aerial photographs.

MISCELLANEOUS

1. 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 shall be constructed in full by the developer, including but not limited to washes, storm drains, drainage structures, water systems, sewer system, curbs and gutters, paving, sidewalks, streetlights, street signs and landscaping.

2. The responsibility for maintenance of landscape buffers on public and private property (back-of-curb to right-of-way or access easement line included) and drainageways shall be borne by the applicant, and between the applicant and the City which shall be recorded in the records of the Maricopa County Recorder.

3. Those areas of designated common area including landscape buffers, drainage easements, private access ways, etc. shall not be accepted for maintenance or ownership by the City without expressed action of the City Council. Information to this effect shall be provided on sales information and on the final plat. Before any improvement is accepted, it shall meet City standards, codes, and ordinance. Failure to maintain the designated common areas could result in a civil action brought by the City for costs incurred by the City for said maintenance.

CIRCULATION

1. The applicant shall be responsible for the following dedication and roadway improvements:

Street Name/Type	Dedications	Improvements	Notes
Private Road	36' full	24' BC-BC	A
Interior Collector	50' full	36' BC-BC	B
Local Residential	40' full	28' BC-BC	C

A. The tract width for the private roadway serving Parcel 3 may be reduced if the sidewalk/pathway for pedestrians is not located at the back of curb.

B. This collector width shall be required for the main roadway between the two gatehouse locations. **THIS MAY BE MODIFIED SUBJECT TO PROJECT REVIEW APPROVAL OF A DESIGN REPORT VERIFYING ADEQUATE CAPACITY AND SAFETY IS MAINTAINED ON THIS ROAD SEGMENT.**

C. The minimum pavement width for the local residential streets shall be 16 feet for one-way travel lanes separated by a median.

2. All circulation elements shall conform to the stipulations for 45-ZN-90 and the approved Troon North Master Circulation Plan, except as amended herein.

3. The design and location of all auxiliary lanes and other access requirements for this site shall be according to the approved traffic study submitted for this development. This traffic study shall be approved prior to the application of any Development Review or Preliminary Plat for this development.

4. The applicant shall be 100 percent responsible for any modifications to the existing median along Dynamite Boulevard as part of the required roadway improvements associated with the development of this site. This shall include the relocation or replacement of any existing median landscaping.

5. A pedestrian path/sidewalk shall connect every residential unit within these parcels to the Troon North Clubhouse. A pedestrian circulation plan that illustrates this shall be submitted for review and approval by Project Review staff concurrent with the first application for any Development Review or Preliminary Plat for this development.

DRAINAGE AND FLOOD CONTROL

1. Stipulations for zoning case 45-Z-90 apply.

2. Drainage design shall be done in accordance with the approved Troon North Master Drainage Plan. Applicable elements of this report shall be referenced in the site specific drainage reports.

3. The applicant shall submit for approval an addendum to the Master Drainage Report which identifies the location, volume, and basis for design of stormwater storage facilities within the Troon North development. The addendum shall be approved prior to submittal of final plans and submited prior to Development Review Board applications. The addendum shall:

   a. Describe the site stormwater management plan. Include discussion of all drainage structures and channels to be constructed with the development.
   b. Identify the timing and responsible parties for construction of stormwater management facilities.
   c. Include all analysis assumptions, and exhibits which clearly show the location of all facilities, tributary areas, existing washes and all other items needed to provide a complete description of the stormwater management analysis, design and construction.

WATER AND WASTEWATER

1. Stipulations for case 45-Z-90 and all subsequent Master Plans and updates apply.

STIPULATIONS FOR CASE 45-Z-90 (3-ZN-94)

ZONING/DEVELOPMENT PLAN

1. Development shall be in general conformance with the submitted plan of development except as modified by the stipulations.

2. The zoning districts, maximum land use intensities and dwelling and room totals shall be as shown on the following table except as modified below. the specific location and boundaries of each parcel shall be determined at the time of site plan approval for the parcel. The zoning for each parcel shall be adopted prior to the issuance of building permits on the parcel except for parcels V1, V2, either golf course, or any master planned community common facilities. With the action for adoption of each parcel the applicant shall submit a revised master development plan and land use data table indicating the final status of the parcel.

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
A	R1-35 HD/HC	158	113 DU	.72 DU/AC
B	R1-43 HD/HC	180	100 DU	.56 DU/AC
C	R1-70 HD/HC	117	47 DU	.40 DU/AC
D	R1-18 HD/HC	207	404 Du	1.95 DU/AC
E	R1-18 HD/HC	118	139 DU	1.18 DU/AC
F	R1-18 HD/HC	121	208 DU	1.72 DU/AC
G	R1-70 HD/HC	86	42 DU	.49 DU/AC
H	R1-18 HD/HC	62	85 DU	1.37 DU/AC
I	R-4 HD/HC	62	218 DU	3.52 DU/AC
J	R-4 HD/HC	30	98 DU	3.27 DU/AC
K	R1-7 HD/HC	51	68 DU	1.33 DU/AC
L	R1-18 HD/HC	62	84 DU	1.35 DU/AC
P	R1-35 HD/HC	40	35 DU	.88 DU/AC
S	R1-7 HD/HC	57	143 DU	2.50 DU/AC
U1	R1-70 HD/HC	10	5 DU	.48 DU/AC
U2	R1-70 HD/HC	19	9 DU	.48 DU/AC
~~-V2~~	~~R1-7-HD/He~~	~~-31~~	~~144-DU~~	~~4.65-DU/AC~~
V1/V2	**R-4R HD/HC**	**55**	**385 DU/424 W/RESORT**	
AA	R1-18 HD/HC	232	432 DU	1.88 DU/AC
SUBTOTAL:		1,643	2,515 ~~2,374-DU~~	1.60 ~~1.45-DU/AC~~

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
~~-V1~~	~~R-4R-HD/HC~~	~~-34~~	~~280-RM~~	~~8.24-RM/AC~~
CC	R-4R HD/HC	74	525 RM	7.14 RM/AC
SUBTOTAL:		108	805-RM **525 (+90 - SEV V1/V2)**	7.49 RM/AC
M	C-O HD	10		.20 F.A.R.
N	PCC HD	20		.25 F.A.R.
O	C-O HD	5		.25 F.A.R.
Q	S-R HD/HC	12		.25 F.A.R.
T	C-2 HD/HC	13		.20 F.A.R.
X	C-2 HD	20		.25 F.A.R.
Y	C-2 HD	12		.30 F.A.R.
SUBTOTAL:		92		
Z	OS HD	23		
PK/SC	OS HD/HC	37		
PK	OS HD/HC	185		
NGC	OS HD/HC	162.5		
SGC	OS HD/HC	155		
STREETS DEDICATED AS OF APPLICATION SUBMITTAL		52		
SUBTOTAL:		614.5		
TOTAL ACREAGE:		2,457.5		

* Adjustments to the proposed units allowed in column 4 and proposed density in column 5 may be approved by project coordination staff subject to the following conditions:

a. The total dwelling units and resort rooms for the overall project are not increased;

b. A specific site plan has been submitted and reviewed on-site verifying that the proposed change is environmentally sensitive and provides appropriate land use relationships;

c. The maximum change for parcels A, B, C, G, U, and AA is less than 10% for other parcels is less than 20%;

d. That the maximum densities of the underlying zone are not exceeded; and

e. That the applicant submits a revised master development plan and land use table for approval.

Any other changes or appeals to staff decisions regarding proposed changes are subject to public hearing review and approval by the city council.

Note: The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, NAOS requirements, and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.

3. The property development standards for the zoning districts shall be amended as submitted except as modified by the following stipulations:

a. Detached guest houses shall not be permitted on lots less than 18,000 square feet in size.

b. If guest houses on a parcel are intended to have cooking facilities, the applicant shall submit for rezoning to R-2. The R1 development standards shall apply to R-2 lots. Both dwellings shall meet the required front, side and rear yard requirements.

4. Within the 3 acre minimum lot size area shown on the submitted development plan, the improvement envelope shall be set back an average of 80 feet from the project perimeter. An 80 feet minimum improvement envelope setback shall be provided along the project perimeter on parcels A, B, G and H where the parcels are adjacent to R1-190, R1-130, R1-70, R1-43, or R1-35 zoning.

5. The site plan for the commercial, resort and office sites shall be approved through the public hearing process. The museum site shall obtain use permit approval through the public hearing process. The use permit application shall include ownership, use and role of the City in the operation (if any). Note - completed as a condition of sale.

6. The Vista Corridor Washes shall be maintained by a homeowners association. Proof that such an association has been established shall be required prior to issuance of any single family building permits on any plat adjacent to a Vista Corridor.

7. On November 17, 1983 and November 21, 1985 the Development Review Board recommended approval of an adjustment to the "no-development line" subject to the attached stipulations (Exhibit A).

8. The no-development line is conceptual only and all adjustments are to be contingent on Development Review Board approval of site plan for each parcel prior to its submittal for preliminary plat review. The applicant shall deliver a deed of dedication or a non-development scenic easement for the property within the Hillside Conservation (HC) area on that parcel prior to issuance of any building permits on that parcel.

9. At the time of zoning adoption, any property above the adjusted no-development line, as approved by the Development Review Board, shall be adopted as HC (Hillside Conservation). The zoning for properties below the adjusted no-development line shall be adopted in accordance with the approved development plan at the time more specific information can be provided, as each parcel comes through for site plan development review approval.

10. The construction of each golf course may begin prior to the start of either resort subject to the following:

    A. ~~The north resort site shall begin construction within five years of the date of council approval of case 28-Z-89 and shall proceed to completion in a diligent manner. If construction has not commenced on the north resort within the specific time frame the north resort site shall be deeded to the city for development of a resort hotel.~~ A minimum of fifty percent (50%) of total play time on the north golf course shall be reserved **BY THE TROON NORTH GOLF COURSE** for the north resort site. At least fifty percent (50%) of the total play time on the north golf course shall be available for general public play until such time as the north resort construction has begun. ~~Resort construction shall be defined as construction on at least ten percent of the ultimate planned resort rooms, casitas, villas or similar type unit.~~

B. The south resort site shall begin construction within ten years of the date of council approval of case 28-Z-89 and shall proceed to completion in a diligent manner. If construction has not commenced on the south resort within the specific time frame the south resort site shall be deeded to the city for development of a resort hotel. A minimum of fifty percent (50%) of total play time on the south golf course shall be reserved for the south resort site. At least fifty percent (50%) of the total play time on the south golf course shall be available for general public play until such time as the south resort construction has begun.

11. Lot lines on a recorded plat may extend into the HC area. If development standards require minimum lot sizes, property beyond the no-development line shall not be included in the required area of any Hillside development parcel.

12. Density will be based on the gross development area of each parcel. Future determination of the "no-development line" will not affect the total number of units approved for each parcel or the project as a whole, but may require adjustments to the approved zoning on some parcels.

13. The applicant understands and acknowledges that the natural area open space requirements within developable areas are in addition to any area designated Hillside Conservation (HC).

14. Golf course development shall be in substantial general conformance with the site plan submitted as part of this application. Lighting of the driving range(s) shall be prohibited. The location of the half-way house and maintenance facilities shall be determined at the time of development review. The golf course site plan and the exterior design of the clubhouse, maintenance facilities, and other related facilities, including the color and physical character of the facilities, shall be subject to Development Review Board approval. The Development Review Board shall pay particular attention to the following:

a. A detailed study showing the peak day and average day water demand, and area in turf, revegetated and natural desert
b. Design and layout of the parking lot for the golf course clubhouse to ensure minimal cuts and fills and a design which compliments the natural topography of the site
c. Cart path locations and street crossings
d. Proposed lighting
e. Driving ranges
f. Public address systems to insure minimal noise pollution

15. All improvement plans for common open space or common service amenities and buildings, including the landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included), major drainage ways, wall designs, etc., shall be approved by the Development Review Board.

16. A Scenic Corridor easement shall be provided along both sides of Dynamite Boulevard, with an average width of 50 feet and a minimum width of 40 feet adjacent to single-family uses, and an average width of 100 feet and a minimum width of 80 feet adjacent to all other uses. The Scenic Corridor is to be maintained as undisturbed natural area. The Scenic Corridor width is to be measured starting at the road right-of-way. The width of the Scenic Corridor may be adjusted by the Development Review Board if protection of significant natural features can be better achieved.

17. Dedication of the park sites shall occur prior to Development Review Board or preliminary plat approval of any abutting parcel (I, J, Q, R, AA, and Z). Prior to dedication the master site plans for the park shall be reviewed and approved by the Parks Commission, Planning Commission and City Council. Dedication of the community park/school site shall occur within six months of city approval of the drainage solution for the park site. Dedication of the Pinnacle Peak Mountain Park site shall occur prior to January 1, 1992. The applicant shall contribute $200,000 toward the initial improvement of the community park site within 12 months of the dedication of the community park. In lieu of the contribution or agreement with the city, the applicant may provide on-site improvements (such as rough grading and native plant relocation) subject to an agreement approved by the parks commission and city council. The applicant shall provide all necessary off-site facilities.

18. A 40 feet average/30 feet minimum width natural area buffer shall be provided along Alma School Parkway south of Dynamite.

19. The maximum floor area of any single retail use on parcels T and Y shall be 15,000 net square feet.

20. Prior to the issuance of any construction permits on parcels AA, BB, or Y the applicant shall submit verification to the city that a non-profit organization has been established and funded which will own, finance, design, build and ultimately operate the desert museum use identified for parcel Z. It is understood that the city shall assume no responsibility for the development or operations of the facility, unless otherwise determined by the City Council.

21. The city shall not be responsible for providing any fencing or walls in order to provide security and site identification for the park perimeters for adjacent development. The Development Review or preliminary plat plans for any adjacent parcel shall include the design, location and specifications for devices which shall clearly delineate the common boundary with the park.

22. Building designs should include wherever possible the following materials or features: Heavily textured surfaces, muted earth tones, deep overhangs and recessed windows and entries, low sloping or parapet roof lines, stepped and multi-faceted building forms, and softened building edges.

23. The equestrian center on the isolated segment of parcel "CC" can be used only for guests of the main resort use on parcel "CC".

MASTER PLANS

1. Prior to any zoning map adoption, application for Development Review Board approval, or application for preliminary plat approval for parcels "A" through "V" except V1, V2 or U, the applicant shall submit the following Amended Master Plans and Studies: A, C and E; and for Parcels "Z" through "CC" the applicant shall submit all of the following:

   A. Provide and secure staff approval of the following amended master plans and reports covering the entire phase of the development proposal:

      1. Master drainage plan and report (see Schedule A)
      2. Master water plan and report (see Schedule B)
      3. Master wastewater plan and report (see Schedule C)
      4. Master circulation plan (see Schedule D)
      5. Master environmental design concept plan (see Schedule F)
      6. Master grading plan and report (see Schedule G)

   B. Enter into an agreement with the City for participation in development of a regional wastewater reclamation facility as proposed in the city's approved Wastewater Collection-water Reclamation Master Plan pursuant to agreement No. 880090 (May 15, 1989).

   C. Provide a summary report indicating the proposed phasing of development and the on-site and off-site improvements required for each phase as indicated by the above master plans.

   D. Dedicate the required right-of-way as shown in Schedules J and K.

   E. Submit a revised plan of development which reflects the stipulations of approval.

HILLSIDE/ENVIRONMENT

1. All washes with a 100 year flow of 750 cfs or greater shall be designated as Vista Corridors and preserved in a natural state as determined by the Development Review Board. A scenic easement with an average width of 100 feet shall be provided along these washes concurrent with any other easements. The scenic easement shall include the washes major vegetation, and low flow channels. If there are areas within these washes which are disturbed by development proposed by this case, the wash areas shall be restored as closely as possible to their natural, pre-development state. The location and treatment of the Vista Corridor shall be approved prior to site plan or preliminary plat approval on the adjacent parcels.

2. Any proposed alteration to the natural state of washes with a 100 year flow of 50 cfs or greater or proposed improvements within these washes shall be subject to Project Review staff approval.

3. The design and construction of walls, as defined in Section 3.100 of the Zoning Ordinance, along the Vista Corridor wash shall comply with the following standards:

   A. The location of the top of the bank of the wash shall be determined jointly by the developer and Project Review staff and staked by the developer.

   B. The Natural Area/Vista Corridor easements of the wash shall be continuous up the bank to the approved corridor alignment.

   C. Walls shall be located only within approved building envelopes.

   D. Walls shall be set back 4' from the approved alignment for every 1' of wall height.

   E. The color and materials of the wall shall match the exterior materials of the house or blend into the natural terrain.

4. As part of the Development Review application, developable areas shall be reflected on the site plan. Developable areas are that portion of the site which is not natural area.

5. All preliminary plats and site plans shall show all major boulders (in excess of 4 feet in diameter) and bedrock outcrops. Major boulder outcroppings shall be protected and maintained as determined jointly by the Project Review staff and the applicant at the time of site plan review.

6. All Hillside Conservation and off-lot natural areas shall be accurately surveyed and clearly staked in accordance with the approved grading plans. Such surveying and staking shall be inspected and approved prior to construction in each development phase. The natural area open space required on individual lots shall be defined prior to the issuance of building permits on each lot.

7. Prior to the commencement of construction on each residential lot, the natural area shall be suitably protected during the time of construction with access corresponding to the approved site plan. At the time of final building inspection for a dwelling unit on a lot, there shall be a site inspection to ensure that there has been minimal disruption to the natural area around the construction site.

8. The applicant and subsequent owners of record shall be ultimately responsible for the preservation and maintenance of all natural area proposed throughout the development in a natural state.

9. A native plant survey and preservation plan which complies with the requirements of the Zoning Ordinance shall be submitted for Project Review staff approval at the time of Development Review on each parcel. The Project Review staff will work with the applicant to minimize the extent of the survey required within large areas of undevelopable open space. All significant cacti which are suitable for transplanting and are necessarily uprooted for road building or similar construction shall be stockpiled during construction and shall be replanted in landscaped areas or donated for public use in accordance with State Statute and permit procedure.

10. Non-indigenous plant material which reaches a mature height greater than 20 feet shall not be introduced on the site.

11. Each preliminary plat submittal shall clearly show all HC areas and shall indicate proposed improvement envelopes on each lot.

12. The applicant shall submit a master Natural Area Open Space calculation for the project and a master N.A.O.S. allocation program subject to approval by Project Coordination. The initial allocation is understood to be approximate and shall be revised in detail for each development site plan when the site plan is submitted for approval.

13. On-lot Natural Area Open Space shall not be credited to the parcel N.A.O.S. allotment on lots less than 18,000 square feet in size, except as dedicated as contiguous N.A.O.S. on a plat subject to the provisions of stipulation number 14 below.

14. On parcels D, F, I, J, K, and S all required N.A.O.S. shall be provided in common tracts which have a minimum dimension of 40 feet and a minimum area of 5,500 square feet, and as noted in stipulations number 13 above. Exceptions may be approved by the Development Review Board or Project Coordination staff, as appropriate, where the applicant can clearly demonstrate that conservation of important natural features can be better achieved by the exception.

15. The maximum height of any outdoor lighting source shall be 14 feet above natural grade except for recreation uses which shall follow the normal standards of section 7.600 of the zoning ordinance. Low level lighting is encouraged wherever such an approach is feasible.

CIRCULATION

1. Dedication and improvement of street rights-of-way and easements shall be according to Schedules I, J, K, L and M.

2. The main street system within this development shall be in substantial conformance with that shown on the development plan submitted as part of this application.

3. The streets within this development shall be designed and constructed to "Hillside standards" with special attention given to any cuts and fills required for roadway construction.

4. Bicycle paths and equestrian trails shall be provided as shown at the locations on the approved circulation master plan (Exhibit B).

5. Direct trail access shall be provided to the 185 acre park from the east along the southern property boundary.

6. Median breaks and access to Dynamite Boulevard and Alma School Parkway south of Dynamite Boulevard shall be limited to intervals of 660 feet or greater as determined at the time of Master Street plan approval.

7. Dynamite Road and the realigned Alma School Parkway shall not be open to public use until accepted by the City. Opening shall not occur until all required roadway safety features (guard rails, traffic signs, safety banners, traffic signals, etc.) have been installed.

8. A pedestrian/bike way/golf cart crossing on Dynamite Boulevard shall be required and shall be grade separated. Cart path underpasses or other means acceptable to the Project Review Director may be required where these crossings occur on any collector street.

9. The design concept of all drainage crossings shall be reviewed and approved by City staff concurrent with the approval of the Development Review application for an affected phase.

10. Prior to the approval of each site plan application, the alignments for all internal street/driveways within that application shall be staked by the developer and inspected on-site by the City staff to insure minimal environmental and hydrological impact.

11. There shall be no direct residential access to arterial streets. A 1' V.N.E. (vehicular non-access easement) shall be required adjacent to these streets except at approved intersections.

12. There shall be no direct lot or unit access to interior collector streets except as approved by the Project Review Director. Where such access is proposed, a design solution for adequate safety provisions with minimal disturbance to the collector street and the natural area shall be shown. When such access is prohibited, a one foot vehicular non-access easement (vne) shall be required adjacent to these streets.

13. All private streets shall be constructed to full public street standards, including observance of the full public street right-of-way, from which all setbacks shall be measured. In all cases minimum lane widths and design speed criteria shall be met but equivalent construction materials or wider cross-sections may be approved by project review staff.

14. Secured access shall be provided on private streets only. Security gates shall be located a minimum of 75 feet from the back of curb of the intersecting street. An automobile turn-around shall be provided between the public street and the security gate.

15. If there are to be internal private streets, they shall not be incorporated into the City's public street system at a future date unless they are constructed and maintained in conformance with the City's public street standards and inspected and approved by the City at the time of construction and prior to acceptance as a public street. In any case, notice shall be given in the public records of the Maricopa County Recorder indicating that the private streets shall not be maintained by the City unless and until they are incorporated into the public street system of the City.

16. Access points to private streets shall be posted to identify that vehicles are entering a private street system.

17. No certificate of occupancy or final clearances shall be issued for any residential or commercial structures without two-way, paved access.

18. The applicant shall provide reasonable access to the adjacent parcels south of the Dynamite section line in Section 31 subject to approval by the traffic engineering director. It is understood that access shall mean right-of-way, easements or other such legal access and does not represent design or construction of any physical access improvements.

WATER/SEWER

1. Any water reservoir required for public utility use shall be subject to Municipal Use master site plan approval. The location and design of all reservoirs and related sites shall be subject to Development Review Board approval. Such design shall include the color and physical character of the tank and the width and grade of access to the tank. Water reservoirs shall not be located within any Hillside Conservation (HC) area.

2. An easement over the golf courses shall be provided to allow for the application of effluent from the reclamation plant(s) in excess of irrigation needs.

3. The applicant shall provide an access easement from the public street system to any wastewater reclamation facility. The access shall be paved and in place at the time facility construction begins.

4. If water and sewer lines are to be installed in advance of the preparation of detailed street/driveway improvements plans, the applicant shall prepare for the approval of the City, a detailed Master Plan of those streets giving the precise vertical and horizontal alignments. This will be required prior to the preparation of any water or sewer plans. The street alignment for those streets shall be staked by the developer and inspected on-site by the City staff to ensure minimal environmental and hydrological impact.

5. Included with any application for preliminary plat or development review, the applicant shall provide typical service access routes from the main service lines to the individual units to ensure minimal disruption to the natural areas. Utility service access to each lot shall be shown on the preliminary and final plats. Easements for utilities shall not be considered natural area unless otherwise provided by the Hillside section of the zoning ordinance.

6. The applicant understands and agrees that the granting of zoning does not and shall not commit the City to the extension, construction, or development of either water or sewer facilities (including but not limited to lines, mains, boosters, and storage facilities) to, on, or near the subject property.

7. The applicant understands and acknowledges that he is responsible for the construction and dedication to the City of all water and sewer facilities necessary to serve this development. Water and sewer facilities shall conform to the respective City Master Plan for this area and city design standards.

8. Building permits shall be subject to all fees and conditions in effect at the time of permit issuance. The applicant understands and agrees that constructing water and sewer facilities as provided herein shall not be in lieu of any water development fee, sewer development fee, or development tax which is applicable at the time building permits are issued subject to the following:

   a. The applicant or successors shall be entitled to receive credit for the cost of constructing the wastewater treatment facility which may be applied toward the sewer development fees which the applicant is required to pay. Also in consideration for the transfer of C.A.P. water rights to the city by the applicant, the water resources fee for the development shall be reduced equivalent to the extent of the transfer as approved by the water resources staff.

9. The City of Scottsdale shall be under no obligation to provide wastewater originating outside of the subject property to any wastewater treatment plant constructed pursuant to these stipulations or any other wastewater treatment plant constructed for the purpose of watering a golf course to serve this development except as may be provided in future agreements between the applicant and the City.

10. Unless resolved otherwise, the City staff shall submit an application to the director of the Arizona Department of Water Resources for a modification of the applicable maximum gallons per capita per day (GPCPD) goal of the City of Scottsdale for all non-residential water use including the resort. In the event that the director of the Department of Water Resources does not approve the requested adjustment, permits shall not be issued for any of the non-residential uses, unless an alternate solution is approved by the City Council.

11. The master water plan shall include future connection to Section 31, adjacent to the west, as identified by Water Resources staff, and at such location(s) approved by the applicant. The applicant shall not be responsible for detailed design and improvement costs associated with the connection.

12. Prior to any zoning map adoption, subsequent application for Development Review Board or preliminary plat on parcels "Z" through "CC" the developer of said parcels shall contribute his proratia share for the development of the 24" waterline in dynamite boulevard and the pump station of reservoir number 43. Conditions of this contribution are as set forth in an agreement between the City of Scottsdale and the Nelson Development Company, dated August 17, 1987 (Contract # 870299).

13. Prior to the issuance of any permits for construction within the state trust land parcels, the developer shall assign to the City of Scottsdale those cap water rights allocated to the State land parcels in this project. Undue delays in the assignment of these rights which are not caused by the developer or the city shall not delay the issuance of permits. The State shall implement and cooperate with the City to amend the CAP subcontracts that the state has with the Central Arizona Water Conservation District and the federal government, decreasing their subcontract by the following annual demand of water and increasing the CAP subcontract between City and said conservation district and the federal government in the same amount.

The total quantity of CAP water previously allocated to the State Land Department which is committed to the lands involved in these cases by the State Land Department is:

Use	Annual Demand in Acre Feet
Golf Course	120
Other	410

14. For any water demand not met through assignment to the City of Rights to State Trust Land Cap Water in connection with the purchase of State land parcels or other cap water rights acquired by the developer and assigned to the City, the developer or his successors or assignees agrees to:

A. Pay a one-time water resources development fee in accordance with the City's fee schedule at the time of the issuance of building permits as proscribed in Section 49-74.1 of the City code, and

B. pay any non-reimbursable contribution toward development of the reclaimed water distribution system on a prorated basis as provided in Agreement No. 880090 dated May 15, 1989.

FIRE PROTECTION

1. No building permit shall be issued prior to the installation of an approved and operational water system with an approved fire protection system (hydrant, stand-pipe, etc.) in place and operable in the area of the building during the construction period.

2. Firebreaks shall be provided and maintained within developable areas when buildings are to be located near Vista Corridors, washes, or other major natural areas. The type and location of firebreaks proposed for the protection of buildings shall be subject to the approval of the Fire Chief or his authorized representative.

MISCELLANEOUS

1. The responsibility for the maintenance of landscape buffers on public and private property (back-of-curb to right-of-way or access easement line included) and drainageways shall be borne by the applicant and subsequent homeowners associations, and provisions, therefore, shall be set forth in a separate agreement between the applicant and the City which shall be recorded in the records of the Maricopa County Recorder.

2. Those areas of designated common area shall not be accepted for maintenance or ownership by the City without expressed action of the City Council. Before any improvement is accepted, it shall meet City standards. Failure to maintain the designated common areas could result in a civil action brought by the City for costs incurred by the City for said maintenance.

3. All improvements associated with a development or phase of a development and/or required for access or service to the development or phase of a development shall be constructed in full by the developer, including but not limited to washes, storm drains, drainage structures, water systems, sewer system, curbs and gutters, paving, sidewalks, streetlights, street signs and landscaping.

4. At the time of building permits, a park development fee may be required. The fee would be a proportionate share of the cost for land acquisition and improvements for a park to serve that portion of the community. Dedication of an acceptable park site may be provided for the entire project in lieu of any applicable park development fee.

SCHEDULE A (MASTER DRAINAGE PLAN AND REPORT)

A revised master drainage plan and report shall be required for this development which reflects revisions in accordance with current stormwater storage requirements. The report shall specifically include the following:

A. Comparison of design peak discharges with recently completed "Scottsdale North Area Master Plan". Where estimates from the two studies differ, additional support data shall be required.

B. Map showing portions of this development lying within special flood hazard area (SFHA) boundaries.

C. Conceptual design and description of proposed floodwater management system, including proposed measures necessary to secure letter of map revision from Federal Emergency Management Agency (FEMA) for development within special flood hazard areas with city assistance. Application for L.O.M.R. shall be made through the City of Scottsdale.

D. Required stormwater storage volume for each parcel (or watershed) shall be determined as part of the master drainage plan. Proposed locations of storage basins shall be shown on the plan.

E. Approximate boundaries of 100-year floodwater surface for all channels with capacity of 250 c.f.s. or greater.

F. Conceptual easement dimensions necessary for major watercourses to accommodate design discharges.

G. Approximate location, type of structure, and flow capacity of major watercourse crossings.

H. Conceptual design of all man-made channels that includes landscaping concept, typical trails, bikepaths, or other proposed amenities.

I. Phasing plan showing proposed timing of all drainage improvements relative to development of streets and adjacent parcels.

J. Table specifying the timing of, and persons or agencies responsible for dedication of drainage easements and construction of stormwater management facilities.

K. Proposed permanent and interim erosion and sediment control methods.

L. Proposed locations for stockpiling excavated material.

SCHEDULE B (MASTER WATER PLAN)

The Master Water Plan and Report shall be prepared in accordance with the City's design procedures and criteria by a registered professional engineer who is licensed to practice in the State of Arizona. The master plan and report shall address, but not be limited to the following:

A. The location and size of all water system components including both on and off-site lines, pump stations, and storage facilities needed to serve the development.

B. A table specifying the timing of and responsible party for the construction of the necessary water system.

C. A summary of revised demands and estimated flows.

D. An estimation of the peak-day and average-day golf course water requirements.

E. Compliance with the adopted City Water Plan for the respective area and city design standards.

SCHEDULE C (MASTER WASTEWATER PLAN)

The Master Wastewater Plan and Report shall be prepared in accordance with the City's design procedures and criteria by a registered professional engineer who is licensed to practice in the State of Arizona. The master plan and report shall address, but not be limited to the following:

A. The location, size, type, and capacity of the wastewater transmission and treatment system components needed to serve the development, both on-site and off-site components.

B. A table specifying the timing of and responsible party for the construction of the necessary wastewater system.

C. The revised calculations necessary to substantiate the selection of the sizes, types, and capacities of the wastewater transmission and treatment facilities.

D. The handling and disposal of the solids generated by the operation of the wastewater treatment plants.

E. The handling and disposal of untreated wastewater in the event of a plant breakdown or the receipt of wastewater in excess of the plants capacities.

F. Compliance with the adopted City Sewer Wastewater Plan for the respective area and city design standards.

G. Line sizing to accommodate contributing off-site flows from an area that can be gravity serviced through the subject property.

SCHEDULE D (MASTER CIRCULATION PLAN)

The Master Circulation Plan and Report shall be prepared in accordance with the City's design procedures and criteria. The master plan shall include, but not be limited to the following:

A. Street plan showing estimated average daily volumes for all roadway segments and major intersections.

B. Street plan showing all street and approximate locations of major driveway access points with proposed median break locations.

C. Required auxiliary lane locations.

D. Signalized intersection locations with conceptual geometric design and estimated and peak hour volumes for each movement.

E. A pedestrian path plan.

F. A bicycle path plan.

G. An equestrian trail plan.

H. A golf cart path plan.

I. A composite plan showing all of the above elements.

J. A table specifying the timing of and responsible party for the construction of the improvements indicated by each of the plan elements and any phasing strategies.

K. A street plan indicating roadway classifications determined by a revised traffic impact study submitted by the applicant and approved by city staff.

SCHEDULE F (MASTER ENVIRONMENTAL DESIGN CONCEPT PLAN)

The Master Environmental Design Concept Plan shall address the following:

A. Landscaping
B. Street lights
C. Graphics and wall design plan for landscape buffers
D. Streetscapes including trails and walks
E. The design and aesthetic concept for all major drainage and detention facilities.
F. The timing and responsible party for construction of the above facilities.

SCHEDULE G (MASTER GRADING PLAN)

The Master Grading Plan and Report shall be prepared in accordance with the City's design procedures and criteria by a registered professional engineer licensed to practice in the State of Arizona. The master plan and report shall be prepared on a contour map with a scale and contour interval appropriate to the size of the development and the terrain of the property. The map shall show:

A. The configuration and finished contours of all grading associated with all master planned streets, utility lines, drainage and recreation facilities.

B. Identification of the types of soils found on or to be placed on the applicant's property, including the identification of any expansive soils.

C. Identification of the compaction to be provided in fill areas.

D. Identification of stands or clusters of all trees with a caliper of four (4) inches or greater and cacti six (6) feet or greater in height. The plan should show which of those trees or cacti will be removed.

E. The locations planned for temporary stockpiling of excavated material and the plan for use or disposal of this material.

F. If, because of plans for phasing the development over a period of time, the developer wishes to phase the submission of part of the above described information, the Master Grading Plan will indicate this phasing and will include an explanation of when the supplementary plans will be submitted and who will be responsible for submitting them.

SCHEDULE J (DEDICATION AND IMPROVEMENTS)

STREET NAME	NOTES	MINIMUM RIGHT-OF-WAY	MINIMUM IMPROVEMENTS
Dynamite Blvd.		(Under Construction)	
Northern Loop	A, H	50' (full)	26' (BC-BC)
Alma School Pky.	A, C, D	90' (full)	61' (BC-CL)
Alma School Pky. (North of Dynamite)	A, E, H	70' (full)	41' (BC-BC)
96th Street	A, H	50' (full)	26' (BC-BC)
Collector St. -(from Dynamite south at 100th St. alignment between parcels AA, CC)	A, H	50' (full)	26' (BC-BC)
-(adjacent to parcels Z & Y)	A, H	70' (full)	41' (BC-BC)
Pinnacle Vista Dr.	I	25' (half)	13' (BC-CL)
Res. collector	G	50' (full)	26' (BC-BC)
Res. local	B, F, H	(determined based on density and estimated volume)	
Commercial		60' (full)	41' (BC-BC)

A. Additional easement width may be necessary to accommodate cut or fill slopes, or to protect the natural environment.

B. The indicated right-of-way shall be dedicated as an easement for emergency/service vehicles where private streets are approved.

C. South of Dynamite alignment.

D. The improvements include landscaping within right-of-way, (including median), as necessary to mitigate impact from grading/construction.

E. Dedications shall be made within 6 months of City Council approval. failure to make required dedications shall result in zoning reverting to prior classification without City Council action.

F. Residential street widths shall be adjusted for development density according to the following:

DENSITY (UNITS PER ACRE)	MIN. STREET WIDTH (B.C. TO B.C.)
0 TO 2.00	23'
2.01 TO 5.99	28'
6.0 or higher	32'

G. At all intersections, 70' right-of-way and 41' (BC-BC) improvements shall be required with sufficient length (100' minimum), to accommodate left-turn storage demand.

H. Local street segments which may be expected to carry more than approximately 700 vehicles per day shall be designated collector streets.

I. Minimum pavement width of 20' required for two-way access.

SCHEDULE K (TIMING OF RIGHT-OF-WAY DEDICATIONS)

Roadway	When Required
Dynamite Blvd. Alma School Parkway south of Dynamite Pinnacle Vista Drive	(Dedicated)
Internal Res. Collector required Internal Res. Local primary Collector St. intersecting Dynamite at 100th St.	At time of final plat approval or when for access to internal development from a street.
Alma School Parkway north of Dynamite	Within six months of the date of Council approval.
Internal commercial approval.	At time of Development Review Board

SCHEDULE L (TIMING OF ROADWAY IMPROVEMENTS

Roadway	When Required
Dynamite Blvd. (Pima Rd. to Alma School Parkway	Full width construction from Pima to the east end of the driving range with first phase, and further to the east half-width, full length construction concurrent with development on adjacent parcels subject to design approval of tapers, transitions, etc.
Dynamite Blvd. (east of Alma School Parkway or to development boundary	Half width, full length construction shall occur in conjunction with any adjacent development in conjunction with Dynamite Blvd. (Rio Verde Drive) realignment east of 112th Street, whichever occurs first. The remaining construction shall occur concurrent with development on adjacent parcels.
Alma School Parkway segments (Pinnacle Vista Dr. to Dynamite) (Rio	Full width, full length construction shall occur in conjunction with any adjacent development or half-width, full length construction in conjunction with Dynamite Verde) realignment east of 112th Street, whichever occurs first.

Alma School Parkway (Dynamite to north boundary of development)	Full width, full length construction segments shall occur in conjunction with any adjacent development or when access to internal development from Alma School Parkway is needed.
All Others Listed on Schedule G	Full width, full length segments in conjunction with any adjacent development in the area, but construction shall provide for a continuous roadway from Dynamite, Alma School, or other primary streets. City and applicant shall work diligently to provide the Pinnacle Peak Park site with 2-lane improved access by January 1, 1991.

RIGHT TURN LANES

Dynamite Blvd.	Design and construct right turn deceleration lanes for all intersections and access driveways where warranted in conjunction with the design and construction of Dynamite Boulevard.
Alma School Road	Design and construct right turn deceleration lanes for all intersections and access driveways where warranted in conjunction with the design and construction of Alma School Parkway.

SCHEDULE M (REQUIRED TRAFFIC SIGNAL PARTICIPATION)

The developer shall be responsible for participation in the design and installation of a traffic signal, if warranted as determined by the City, at the following location for the percent of participation indicated:

INTERSECTION	NOTES	PARTICIPATION
Dynamite Blvd./Alma School Pky.	A	100%
Dynamite Blvd./Collector at 100th Street alignment	B	100%
Pinnacle Vista Drive/Alma School Parkway	B	50%

A. Cash payment for 100% of the design and construction shall be required prior to issuance of any permits for any parcel immediately adjacent to the intersection.

B. Cash payment may be required with adjacent development if a signal is determined by the city to be warranted and if such a signal location is consistent with the city's signal location policies in effect at that time.

EXHIBIT A

NO DEVELOPMENT LINE
ADJUSTMENT STIPULATIONS

1800 ACRE - Pinnacle Peak Village North

A. Any change in the development plan which was presented as part of the no-development line adjustment must be reviewed by staff and shall achieve all the purposes of the Hillside District as well as the demonstration plan.

B. The location, design and construction methods for installation of water storage and pumping facilities are to be approved by the Development Review Board prior to approval of any preliminary plat or site plan on the property.

C. All surplus earthern materials not used for construction shall be removed from the adjusted area.

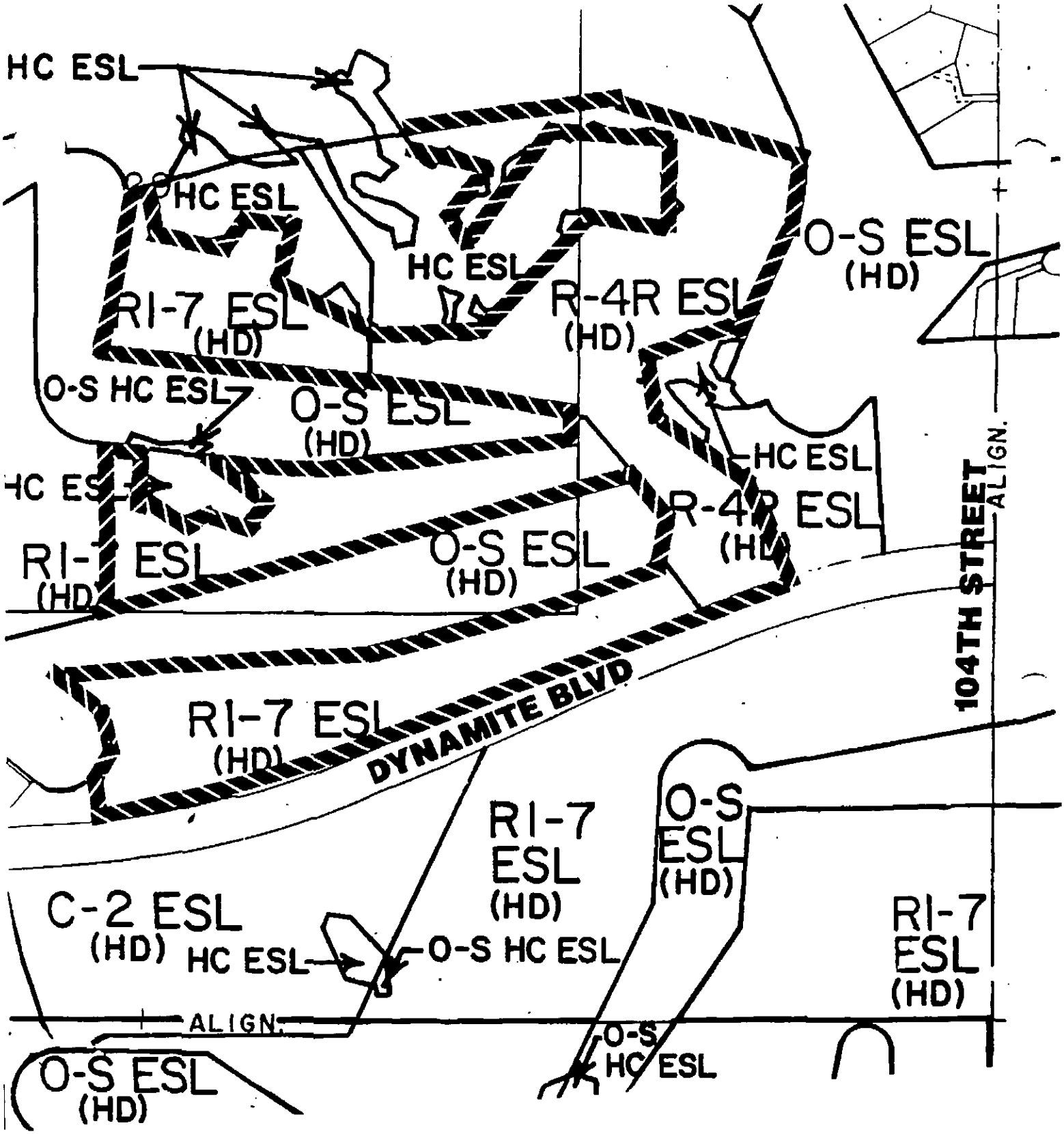
D. Any application for a preliminary plat or Development Review Board site plan approval shall include typical designs and plans for the treatment of all cuts and fills and retaining structures and building pads in adjusted area.

640 ACRES - State Land

A. The proposed adjustment is to be conceptual only and all adjustments are to be contingent on development review approval of the land use and site plan of each parcel prior to its submittal for preliminary plat review.

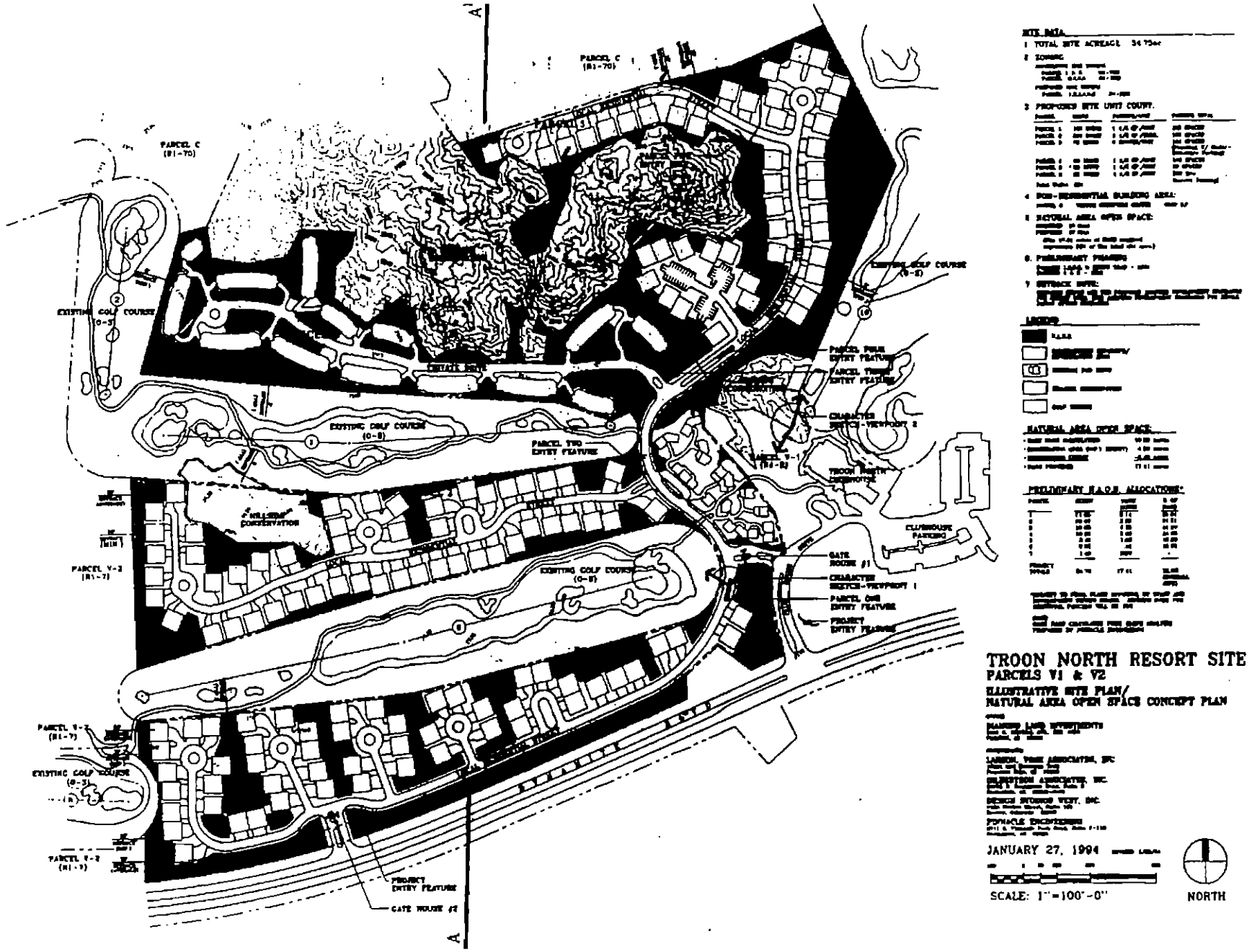
3-ZN-94

1"=800' 1991 ATTACHMENT #1



3-ZN-94
REQUESTS REZONING FROM R1-7 ESL HD
TO R-4R ESL HD

ATTACHMENT #2



SITE DATA

1. TOTAL SITE ACREAGE 34.75±ac

2. ZONING

3. PROPOSED SITE UNIT COUNT.

4. NON-RESIDENTIAL BUILDING AREA:

5. NATURAL AREA OPEN SPACE:

6. PRELIMINARY PHASING

7. SETBACK NOTE:

LEGEND

NATURAL AREA OPEN SPACE

PRELIMINARY R.A.O.S. ALLOCATIONS:

TROON NORTH RESORT SITE
PARCELS V1 & V2
ILLUSTRATIVE SITE PLAN/ NATURAL AREA OPEN SPACE CONCEPT PLAN

PLANNER: LAND RESOURCES

LANDSCAPE ARCHITECT: LANDON, YOUNG ASSOCIATES, INC.

CIVIL ENGINEER: ELLERTSON ASSOCIATES, INC.

TRAFFIC ENGINEER: DENNIS DEVANEY TRAFFIC, INC.

ENGINEER: PINNACLE ENGINEERING

JANUARY 27, 1994

SCALE: 1"=100'-0"

NORTH

ATTACHMENT #3

TROON NORTH RESORT (PARCELS V1 & V2)
AMENDED DEVELOPMENT STANDARDS
PREPARED: 01/17/94

Sec. 5.900. (R-4R) resort district.

Sec. 5.901. Purpose.

The resort district is intended primarily to provide for accommodations for seasonal visitors. The controlled access, deep setbacks and landscaping requirements are intended to enhance the value, safety and aesthetic quality of both the highway frontage and the adjacent residentially-zoned property.

Sec. 5.902. Approvals required.

A. No structure or building shall be built or remodeled upon land in the R-4R district until development review (board) approval has been obtained as outlined in article, section 1.400 hereof.

B. Tentative plan at time of rezoning.

1. The planning commission or city council may require any application for rezoning to resort district to be accompanied by a tentative overall development plan which shall show the following:
   a. Topography.
   b. Proposed street system.
   c. Proposed block layouts.
   d. Proposed reservation for parks, parkways, playgrounds, recreation areas and other open spaces.
   e. Off-street parking space.
   f. Types of buildings and portions of the area proposed therefor.
   g. Locations of buildings, garages and/or parking spaces.
   h. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed building types.
   i. A tabulation of overall density per gross acres.
   j. Preliminary plans and elevations of proposed major buildings and any proposed dwelling types.
2. The approved development review plan must substantially conform to the plan submitted at the time of rezoning.

Sec. 5.903. 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:

1. Resorts.
2. Hotels.
3. Motels.
4. Guest ranches.
5. Commercial uses apurtenant thereto, such as restaurants, cocktail lounges, small retail shops; provided that the entrance to any such appurtenant use shall be from the lobby, arcade or interior patio.
6. Dwelling units having either party walls or walled courtyards made available for rent, lease or sale.
7. Accessory buildings and uses customarily incidental to the permitted uses, including private garage, home occupations, swimming pool, recreation buildings and walled driveway entrance.
8. Municipal uses.
9. Timeshare project.

ATTACHMENT #4

B. Permitted uses by conditional use permit.
1. Church.

Sec. 5.904. Property development standards.

The following property development standards shall apply to all land and buildings in the R-4R district:

A. *Lot area(**RESORT**).* The overall site shall contain a minimum of seven and one-half (7 1/2) acres prior to street dedications.

LOT AREA (SINGLE FAMILY). **EACH LOT SHALL HAVE A MINIMUM AREA OF NOT LESS THAN THREE THOUSAND (3,000) SQUARE FEET.**

B. *Lot dimensions.*
1. Width **(RESORT).** The overall site shall have a minimum width of ~~three hundred (300)~~ **ONE HUNDRED (100) FEET OR FIFTY (50) FEET ADJACENT TO O-S OR H.C. AREAS.**
2. *WIDTH (SINGLE FAMILY).* ALL LOTS SHALL HAVE A *MINIMUM* WIDTH OF THIRTY-FIVE (35) FEET. ALL CORNER LOTS AT THE INTERSECTION OF TWO (2) STREETS SHALL HAVE A MINIMUM WIDTH OF FORTY-FIVE (45) FEET.
3. LOT DEPTH (SINGLE FAMILY). ALL LOTS SHALL HAVE A MINIMUM DEPTH OF SIXTY (60) FEET.
4. FLAG LOTS (SINLGE FAMILY). FLAG LOTS ARE ALLOWED WITH A MINIMUM OF TWENTY (20) FEET MEASURED AT THE ADJACENT STREET R.O.W. LINE OF THE SUBJECT LOT.

C. *Density(**RESORT**).*
1. The minimum gross land area per guest room shall be four thousand one hundred (4,100) square feet.
2. The minimum gross land area per dwelling unit having either party walls or walled courtyards made available for rent, lease or sale shall be five thousand seven hundred seventy (5,770) square feet.
3. Buildings may cover an aggregate area of ~~twenty-five (25)~~ **THIRTY-FIVE (35%)** percent excluding parking areas.
4. The city council may regulate concentrations of density by site plan approval.

DENSITY (SINGLE FAMILY). **THERE SHALL NOT BE MORE THAN ONE (1) SINGLE FAMILY DWEELING ON ANY ONE (1) LOT.**

D. *Building height.*
1. No building shall exceed ~~thirty-five (35)~~ **THIRTY (30)** feet in height.

E(1). *Overall side yard requirements **(RESORT).***
1. There shall be a yard a minimum of ~~thirty (30)~~ **OF TEN (10) FEET WITH AN AVERAGE OF THIRTY (30)** feet in depth adjacent to all perimeter property lines, including property lines abutting perimeter streets, except that the minimum yard shall be only twenty (20) feet adjacent to those perimeter property lines that abut districts other than R-1, **EXCEPT THAT THE MINIMUM YARD SHALL BE ZERO (0) FEET ADJACENT TO OTHER R4-R DISTRICTS AND FIVE (5) FEET ADJACENT TO O-S AND HILLSIDE CONSERVATION (HC) USES.**
2. Within ~~one hundred (100)~~ **FIFTY (50)** feet of any perimeter street or any R-1 district boundary line all buildings shall be:

a. Used only for guest rooms that are detached from central hotel facilities or for dwelling units.
~~b. A maximum of one (1) story in height.~~

3. There shall be a yard ~~a minimum of one hundred (100)~~ **AN AVERAGE OF FIFTY (50) FEET, MINIMUM FORTY (40)** feet in depth adjacent to all perimeter streets, maintained as meaningful open space except for pedestrian and vehicular access ways, unless buildings as allowed in 2 above are constructed.
4. Within fifty (50) feet of any district boundary line other than R-1, or any property line abutting additional R-4R zoning, all buildings shall be:
a. Used only for guest rooms that are detached form central hotel facilities or for dwelling units.
~~b. A maximum of one (1) story in height.~~

E(2). *YARDS. (SINGLE FAMILY)*

1. **FRONT YARD.**

A. THERE SHALL BE A FRONT YARD WHICH PROVIDES THE FOLLOWING SETBACKS:

1. FIFTEEN (15) FEET FROM THE PROPERTY LINE TO THE MAIN BUILDING.

B. WHERE LOTS HAVE DOUBLE FRONTAGE ON TWO (2) STREETS THE REQUIRED YARD WHERE ACCESS IS NOT PROVIDED SHALL BE:

1. FIFTEEN (15) FEET FROM THE PROPERTY LINE WHERE THE STREET IS A LOCAL RESIDENTIAL STREET; OR

2. TWENTY-FIVE (25) FEET FROM THE PROPERTY LINE WHERE THE STREET IS A COLLECTOR, ARTERIAL, PARKWAY, EXPRESSWAY OR FREEWAY CLASSIFICATION.

THESE REQUIREMENTS DO NOT APPLY TO FENCES AND WALLS, POOLS AND ACCESSORY BUILDINGS.

C. WHERE THE LOT IS LOCATED AT THE INTERSECTION OF TWO (2) OR MORE STREETS THERE SHALL BE A YARD CONFORMING TO THE FRONT YARD REQUIREMENTS ON THE STREET WITH THE NARROWEST FRONTAGE AND A YARD OF NOT LESS THAN TEN (10) FEET IN DEPTH FROM THE PROPERTY LINE TO THE MAIN BUILDING.

2. SIDE YARDS.

A. THERE SHALL BE A SIDE YARD ON EACH SIDE OF A BUILDING OF ZERO (0) FEET OR FIVE (5) FEET MINIMUM.

B. THERE SHALL BE AN AGGREGATE SIDE YARD WIDTH OF TEN (10) FEET.

C. IF THERE IS TO BE A SIDE YARD SETBACK OF ZERO (0) FEET, ALL SIDE YARDS FOR LOTS WITH THE RESIDENTIAL BLOCK WHERE THE ZERO (0) SIDE YARDS OCCUR SHALL BE CLEARLY IDENTIFIED ON THE RECORDED SUBDIVISION PLAT.

3. REAR YARD. THERE SHALL BE A REAR YARD OF:

A. FIFTEEN (15) FEET WHERE THE REAR YARD ABUTS R1-5, R-4, R-4R, R-3, R-5, COMMERCIAL, OFFICE OR INDUSTRIAL DISTRICTS; OR

B. TWENTY-FIVE (25) FEET WHERE THE REAR YARD ABUTS OTHER R1 (SINGLE FAMILY) DISTRICTS; OR

C. FIVE (5) FEET WHERE THE REAR YARD ABUTS O-S OR HILLSIDE CONSERVATION AREAS.

4. OTHER REQUIREMENTS AND EXCEPTIONS AS SPECIFIED IN ARTICLE VII.

GARAGE SETBACKS.

1. THE GARAGE OR CARPORT SHALL BE SET BACK FROM THE BACK OF STREET IMPROVEMENTS ACCORDING TO THE FOLLOWING TABLE:

ANGLE OF THE FACE OF THE GARAGE FROM PARALLEL TO THE STREET	*MINIMUM SETBACK*
0 DEG. (PARALLEL) TO 29 DEG.	20'
30 DEG. TO 44 DEG.	17'
45 DEG. TO 59 DEG.	14'
60 DEG. +	10' +

IN NO CASE SHALL THE GARAGE OR CARPORT FACE BE CLOSER TO THE PROPERTY LINE THAN TEN (10) FEET.

2. THE SIDES AND REAR WALLS OF A GARAGE OR CARPORT SHALL CONFORM TO THE STANDARD MAIN BUILDING YARD REQUIREMENTS.

DISTANCE BETWEEN BUILDINGS.

1. THERE SHALL NOT BE LESS THAN EIGHT (8) FEET BETWEEN AN ACCESSORY BUILDING AND MAIN BUILDING.
2. THE MINIMUM DISTANCE BETWEEN MAIN BUILDINGS ON ADJACENT LOTS SHALL BE ZERO (0) OR NOT BE LESS THAN TEN (10) FEET.

F(1). *Buildings, walls, fences and landscaping* ***(RESORT)***

1. Walls, fences and hedges not to exceed eight (8) feet in height and walled driveway entrances not to exceed six (6) feet in height shall be permitted, except that walls, fences and hedges must not exceed three (3) feet in height in the required one-hundred-feet yard along street frontages and in the ten (10) feet adjacent to the street where a thirty-foot setback is allowed along street frontages. Those yards must be maintained as landscaped open space and may be penetrated by pedestrian and vehicular access ways only. (Walled driveway entrances not to exceed six (6) feet in height shall be permitted within the setback requirements if such entrance is compatable with the surrounding development).
2. When a resort district abuts a single-family residential district, a landscape screen **AND/OR A N.A.O.S. AREA**, a minimum of ten (10) feet wide, shall be planted and maintained on the abutting lot line.
3. Landscaping shall be determined by development review board approval.
4. Swimming pools shall be completely enclosed by a protective fence or structure not less than four and one-half (4 1/2) feet in height, except that pool security may be accommodated by other means when allowed by development review approval. Gates in required fences shall be self-closing and equipped with self-latching devices.

F(2). *BUILDINGS, WALLS, FENCES AND LANDSCAPING (SINGLE FAMILY).*

1. WALLS, FENCES AND HEDGES NOT TO EXCEED EIGHT (8) FEET IN HEIGHT SHALL BE PERMITTED ON THE PROPERTY LINE OR WITHIN THE REQUIRED SIDE OR REAR YARD.
2. IN THE FRONT YARD WALLS AND FENCES A MAXIMUM OF SIX (6) FEET IN HEIGHT ARE ALLOWED PROVIDED:
   A. THE YARD ENCLOSED BY SUCH WALL OR FENCE SHALL NOT INCLUDE MORE THAN THIRTY-THREE (33) PERCENT OF THE AREA BETWEEN THE FRONT PROPERTY LINE AND THE FRONT SETBACK LINE.
   B. THE WALL OR FENCE SHALL BE SET BACK THREE (3) FEET FROM THE FRONT PROPERTY LINE.
   C. THE PROVISIONS OF SECTION 7.104 SHALL APPLY ON CORNER LOTS.

3. IN THE REQUIRED FRONT YARD PATIO COVERS ARE ALLOWED WHEN IN CONJUNCTION WITH THE ENCLOSURE OF THE FRONT YARD (AS PROVIDED IN SECTION 5.554.H.2) SUBJECT TO THE FOLLOWING REQUIREMENTS:

   A. THE AREA ENCOMPASSED BY THE PATIO COVER SHALL NOT INCLUDE MORE THAN TWENTY (20) PERCENT OF THE AREA BETWEEN THE FRONT PROPERTY LINE AND THE FRONT SETBACK LINE.
   B. THE PATIO COVER SHALL BE SET BACK A MINIMUM OF TEN (10) FEET FROM THE FRONT PROPERTY LINE.
   C. THE PATIO COVER SHALL BE STRUCTURALLY INTEGRATED WITH SIMILAR OR COMPATIBLE BUILDING MATERIALS TO THE ROOF SYSTEM OF THE MAIN BUILDING.
   D. THE PATIO COVER SHALL BE CONSTRUCTED SO THAT A MINIMUM OF FIFTY (50) PERCENT OF THE ROOF STRUCTURE IS OPEN AND UNOBSTRUCTED TO THE SKY.

4. SWIMMING POOLS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A PROTECTIVE FENCE OR PERMANENT STRUCTURE NOT LESS THAN FOUR AND ONE-HALF (4-L/2) FEET IN HEIGHT. THE SWIMMING POOL SHALL BE PROTECTED BY A PROTECTED ENCLOSURE WHICH SHALL BE CONTROLLED BY THE USE OF SELF-CLOSING GATES WITH SELF-LATCHING DEVICES.

ACCESS. ALL LOTS SHALL HAVE VEHICULAR ACCESS ON A DEDICATED STREET, UNLESS A SECONDARY MEANS OF PERMANENT VEHICULAR ACCESS HAS BEEN APPROVED ON SUBDIVISION PLAT. (ORD. NO. 2293, § 1, 5-15-90)

G. Other requirements and exceptions as specified in article VII.
(Ord. No. 1922, & 1, 11-4-86)

Sec. 5.905 Parking.

The provisions of article IX shall apply.

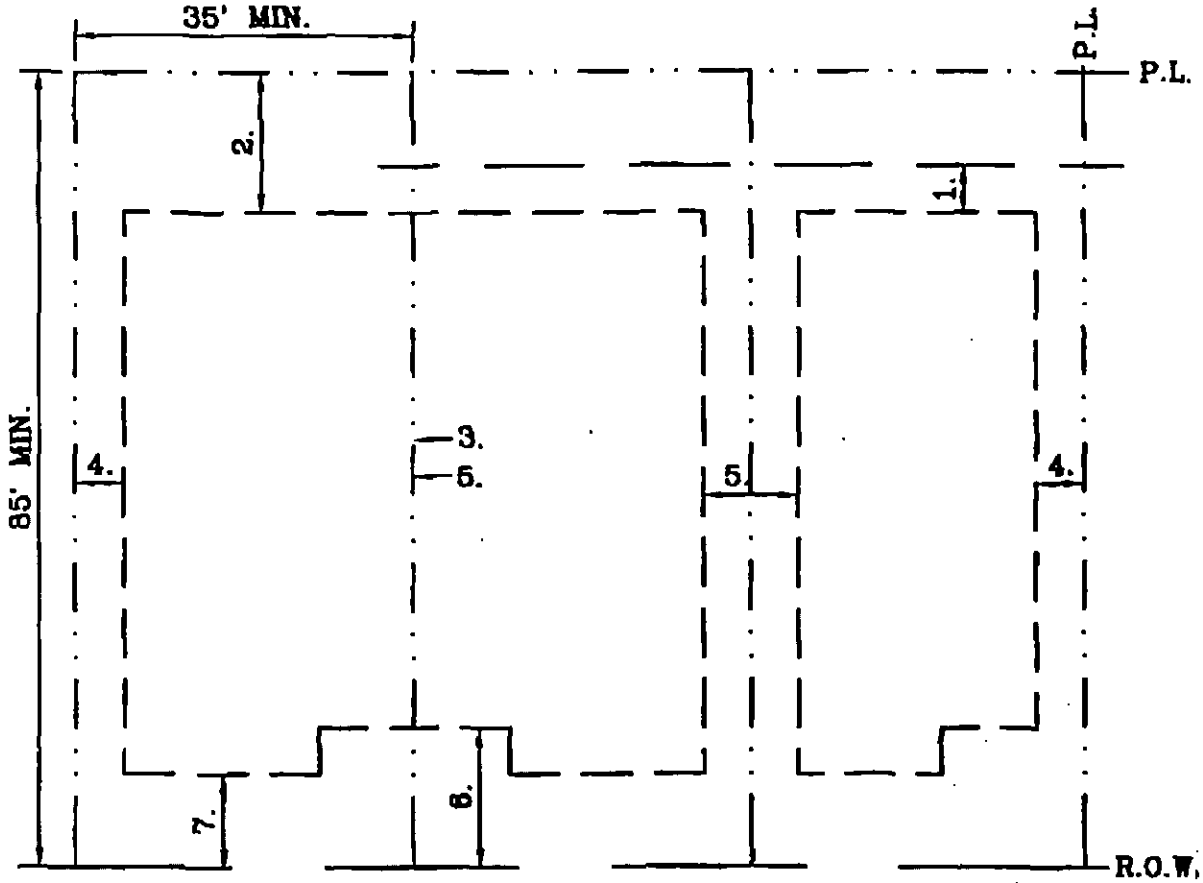
Sec. 5.906. Signs.

The provisions of article VIII shall apply.

SINGLE FAMILY LOT STANDARDS

- Standard Detached Homes
- Zero Lot Line Homes
- Duplex Homes

NOTE: MINIMUM LOT SIZE = 3,000 S.F.
NOTE: MINIMUM LOT WIDTH IS 35', OR 20' IF FLAG LOTS ARE PROPOSED.



LOCAL RESIDENTAL COLLECTOR STREET

1. REAR YARD (ADJACENT TO OPEN SPACE OR HILLSIDE CONSERVATION). . . . . 5' MIN.
2. REAR YARD (ADJACENT TO OTHERS). . . . . 15' MIN.
3. SIDE YARD (ZERO LOT LINE, DUPLEX). . . . . 0'
4. SIDE YARD (STANDARD, ZERO LOT LINE). . . . . 5' MIN.
5. MINIMUM DISTANCE BETWEEN BUILDINGS. . . . . 0' OR 10'
6. FRONT YARD (TO FACE OF DWELLING). . . . . 15' MIN.
7. FRONT YARD (TO GARAGE) . . . . . VARIES*

*SEE TABLE SEC. 5.904.E (2) GARAGE SETBACKS

LARSON, VOSS ASSOCIATES, INC.
16212 RED MOUNTAIN TRAIL, FOUNTAIN HILLS, ARIZONA 85268 (602) 837-0837
POST OFFICE BOX 2061, SANTA FE, NEW MEXICO 87504 (505) 820-6950

PROJECT NARRATIVE:
TROON NORTH RESORT PARCEL
PARCELS V1 & V2

INTRODUCTION

The subject resort site (± 55 Ac.) is located immediately west of the new Troon North Golf Course club house currently under construction. This proposal involves the modification of the amended development standards for both parcels and rezoning of Parcel V2 from R1-7 (Resort/Townhomes) to R-4R (Resort). The topography and natural features are more suitable for villa style units than a traditional "stacked" hotel unit or traditional R1-7 style development.

Included with this application are conceptual site plans that illustrate how various resort use options may be developed. The various resort-style units may include casitas/villas, multi-plex or attached townhouse-style units available for rent, sale or lease. The configuration of the resort parcel and topography allows for approximately 3 to 6 different products to be introduced on the 55 acres (see illustrative site plan). Specific products will be addressed by various developers and operators for each parcel. Subsequent reviews by City Staff and the Development Review Board will ensure conformance to the zoning stipulations, Amended Development Standards and the Hillside Ordinance requirements.

The existing zoning (last update: 28-ZN-89) reflects a maximum of 424 total units/rooms allowed on Parcels V1 & V2. The proposed application would maintain the same maximum number of units/rooms originally approved.

Parking requirements will be based on the ultimate use proposed for each parcel and will meet all City Ordinance requirements. Various parking options anticipated include small surface parking areas, garage or underground parking, and/or shared parking (w/valet service) with the club house.

Access to the site will be from the Club House Drive off of Dynamite. A "T" intersection with the Club House Drive will provide access into V2 via a manned Guard House. A secondary exit from the project will be provided directly to Dynamite west of Club House Drive. The second access, a right in/right out

entry, will be a card-activated gate. A traffic analysis of the various options has been submitted with this application.

BED TAX REGULATION APPLICATION

The City of Scottsdale's bed tax regulations shall apply to units within Parcels 1, 2 and 6. It is anticipated that a maximum of 225 units (but no less than 80 units) at any given time will be part of the rental pool. Those units not within the "Resort Rental Pool" will conform with the projects overall Amended Development Standards and guidelines as they relate to setbacks, building heights, etc., while remaining available for sale, lease or seasonal rentals by the owner. This system will provide the project with the flexibility to respond to broader market demands over variable economic cycles and protect a predictable bed tax revenue base for the City. The resort rental pool developer shall coordinate all monitoring and bed tax revenue schedules with the City of Scottsdale as a condition of Building Permit Approval unless otherwise stipulated by the City.

ENVIRONMENT

As stated, the 55 Ac. parcel is uniquely configured between existing golf (holes 1 and 9), Hillside Conservation areas, the new club house and Dynamite Boulevard. Topography is typical of this area with gently rolling terrain, hillside conditions, small drainage features and small granite boulder formations. The most significant "natural" feature present on the site is the scar left from the 1992 fire that burned nearly all of Parcel V1. All native ground covers nearly all significant trees have been destroyed as a result of the fire. Many of the Saguaros on the site are still standing but are substantially scarred. It may be several years before the impact on the Saguaros is known. The applicant will work with the Project Review Staff and Development Review Board to restore these areas.

Drainage has been addressed in the attached report.

This project was approved as part of the Troon North Master Plan in 1985. As such, this site falls under the regulations of the City's Hillside Ordinance (not E.S.L.O.). A slope analysis has been prepared by the Master Developer's engineer to determine the amount of N.A.O.S. required for the site. (Note: All Hillside Conservation Areas have been previously identified and approved by the City's Project Review Staff. Any proposed changes to the H.C. areas will be reviewed by the Project Review staff and the Development Review Board.) The

N.A.O.S. requirement for this parcel is ± 19.9 acres (34 %). Some N.A.O.S. may be provided from the surplus N.A.O.S. on the golf course, however, a specific N.A.O.S. allocation table will be identified by the master developer as part of this application.

PHASING

Anticipated phasing for this project is as follows:

1994	Project Entry and Parcels 1, 2, 3, and 6
1995	Parcels 4 and 5

LAND USE CONFORMANCE

This proposal conforms to the original intended use for this area as a unique resort style use that supports the golf course as well as fitting comfortably within with existing environmental amenity present on the site.

Please refer to attached site plans and perspective drawings.

RESOLUTION NO. 4015

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING AN AMENDMENT TO THE GENERAL PLAN LAND USE ELEMENT FOR THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA TO AMEND THE LAND USE PLAN FOR TROON NORTH PARCELS V1 AND V2

WHEREAS, the Planning Commission and City Council of the City of Scottsdale have authorized the preparation of a General Plan Amendment (2-GP-94) relating to Case 3-ZN-94; and

WHEREAS, the City Council, Planning Commission, and city staff have held public hearings with interested parties and have incorporated, whenever possible, the concerns expressed by those persons; and

WHEREAS, the Planning Commission has held a public hearing on March 21, 1994 concerning the General Plan amendment, and has recommended approval; and

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 amends General Plan Land Use Element for the City of Scottsdale, as provided on the attached map, Exhibit A, and in case no. 2-GP-94

Section 2. That copies of the General Plan amendment shall be on file in the Office of the City Clerk.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 5th day of April 1994.

ATTEST:
Sonia Robertson
City Clerk

By: _____
City Clerk

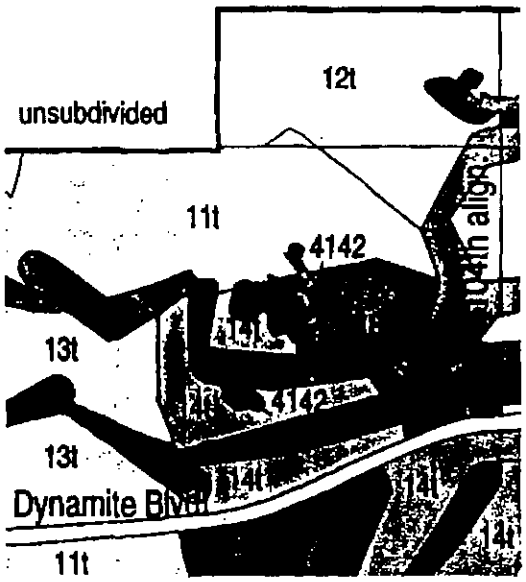
CITY OF SCOTTSDALE
A MUNICIPAL CORPORATION

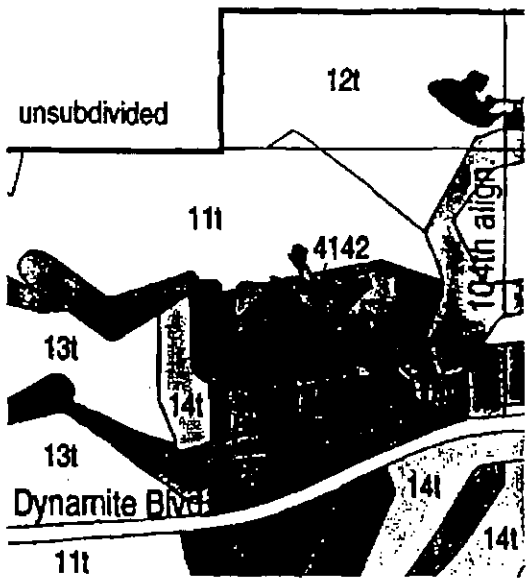
By: _____
Herbert R. Drinkwater
Mayor

APPROVED AS TO FORM:

By: _____
Richard W. Garnett, III
City Attorney

ATTACHMENT #6





Existing Land Use Plan Proposed Land Use Plan

2-GP-94
(3-ZN-94)

11	1/3 - 1/2 DU/AC
13	1 - 2 DU/AC
14	2 - 4 DU/AC
18	Tourist Accommodations
22	General Commercial
43	Developed Open Space
41/42	Natural Open Space and/or Limited Use Area

EXHIBIT A

ORDINANCE NO. 2650

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 3-ZN-94

WHEREAS, the zoning case no. 3-ZN-94, has been properly noticed for public hearing, pursuant to the requirements of the Scottsdale Zoning Ordinance and the statutes of the State of Arizona, and the necessary hearings have been completed, and

WHEREAS, the Council of the City of Scottsdale instructed the zoning staff to prepare an ordinance and map changing the zoning on the properties described in the aforementioned case from R1-7 ESL HD (Single-Family Residential/Environmentally Sensitive Lands/Hillside District) to R4-R ESL HD (Single-Family Residential/Environmentally Sensitive Lands/Hillside District) with amended development standards, and,

WHEREAS, it is now necessary that the comprehensive zoning map of the City of Scottsdale be amended to conform with the decision of the Scottsdale City Council in case no. 3-ZN-94

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Arizona, that the "District Map" adopted as a part of Ordinance No. 455, showing the zoning district boundaries in the City of Scottsdale, is amended, subject to compliance with all stipulations, as illustrated on the attached zoning map, attached hereto as Exhibit A and incoroporated herein by reference,

PASSED AND ADOPTED by the Council of the City of Scottsdale this 5th day of April, 1994.

CITY OF SCOTTSDALE
A MUNICIPAL CORPORATION

By:_____
Herbert R. Drinkwater, Mayor

ATTEST:

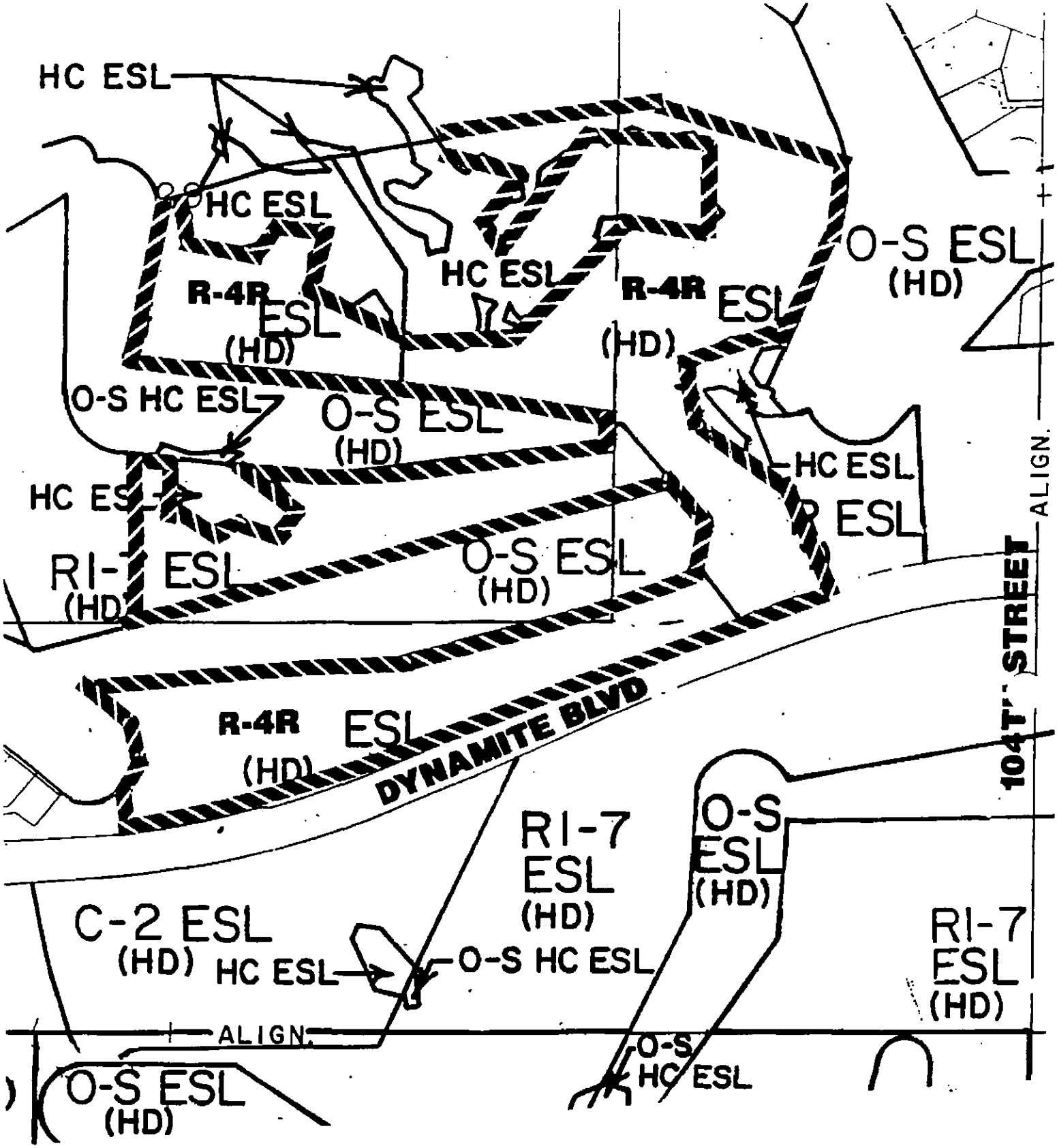
Sonia Robertson
City Clerk

By:_____
City Clerk

APPROVED AS TO FORM:

By:_____
Richard W. Garnett, III
City Attorney

ATTACHMENT #7



3-ZN-94

EXHIBIT A

KIVA-CITY HALL
3939 CIVIC CENTER BOULEVARD
MONDAY, MARCH 21, 1994

PRESENT:	Douglas Simonson, Chairman Kathryn Heffernan, Vice Chairman Keith Holben Kristen Ryan Carolyn Allen Harry Paston
ABSENT:	Robert Pettycrew
STAFF:	Don Hadder Connie Padian

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order at 6:00 p.m.

MINUTES APPROVAL

Motion by Commissioner Paston to approve the February 22, 1994 and March 7, 1994 minutes with the approved changes. The motion was seconded by Commissioner Ryan and passed unanimously.

WITHDRAWALS

3. 20-AB-94 -- abandonment of a certain portion of Oak Road right-of-way -- north of 6th Street and west of Marshall Way.

Mr. Hadder stated that case 20-AB-94 has been withdrawn, and no further action is required.

CONTINUANCES

4. 85-ZN-85#2 -- amendment to the stipulations of case 85-ZN-85 and site plan approval -- southeast corner of Pima and Pinnacle Peak Roads (Pinnacle Peak Village) -- TO BE CONTINUED TO MAY 23, 1994

5. 1-AB-94 -- abandonment of a certain portion of 4th Street right-of-way -- north of 6th Street and west of Marshall Way -- TO BE CONTINUED TO APRIL 11, 1994

MOTION to continue case 85-ZN-85#2 and 1-AB-94 to dates so stated. Motion seconded by Commissioner Ryan, and passed unanimously.

EXPEDITED AGENDA -- ZONING, USE PERMITS, ABANDONMENTS

ZONING

Chairman Simonson stated that he would not participate in case 2-GP-94 and 3-ZN-94. He turned the Chair over to Vice-President

Heffernan.

6. 2-GP-94 -- General Plan amendment from 2-4 du/ac to Resort
and
3-ZN-94 -- rezoning from R1-7 ESL HD (Single-Family Residential/Environmentally Sensitive Lands/Hillside District) to R4-R ESL HD (Resort District/Environmentally Sensitive Lands/Hillside District) with amended development standards -- Troon North Resort, Parcels V1 and V2

Mr. Hadder presented this request to amend the General Plan to shift the use from a residential use of 2 to 4 units to the acre to a resort use on a General Plan. He stated that other part of it is to rezone a portion of a parcel from R1-7 to R4-R, and also to amend the development standards for that particular site, as well as provide for a specific site plan. He stated that the site is located in the middle of an 1,800 acre Master Plan development commonly referred to as Troon North. He added that the site is located on the north side of Dynamite Boulevard, west of the clubhouse on the Troon North Development and east of some of the residential areas that are currently under development.

Mr. Hadder stated that the site is a fairly unusual shape. He stated that shape has been dictated by a number of features, including golf holes that occur through and around the parcel, as well as some major terrain features; for example, there is a large rock formation to the north, as well as rock formations to the east and to the west of this particular site. He added this site has been identified essentially as the core of activity, the core of focus for the Troon North Development.

Mr. Hadder stated that as part of this overall development, you'll also notice that there is C-2 on the south side on Dynamite that was designated for support retail uses in the future that would serve not only this, but also the proposed resort on the development project to the south. He stated that the graphic represents the basic layout of the Natural Area Open Space as proposed on the site plan. He added that the site plan is proposed of basically four types of units, including one type of unit that would occur on the southern two arms of the project. He said the second one on this northern leg runs east/west, and then two others generally on the east to northeast portions of the site. He stated that the graphic more illustratively depicts the kind of site plan that's being proposed.

Mr. Hadder stated that on this particular development he anticipates a series of both condominium-style developments as well as resort-style developments that will provide a core of activity to support the golf course and the clubhouse kinds of functions that are the center of the Troon North Development. He stated that it would provide flexibility to the site plan to accommodate transition to the various uses and to accommodate the ability to

relate to the terrain on this particular site.

Mr. Hadder stated that most of the northern portion of the site of was severely affected by one of the brush fires of the summer of 1992, and there was very substantial damage to the vegetation in that area. He stated that ultimately, as this area develops, we can anticipate a good deal of that area being restored. He added that that area would be retained as a natural area and would be restored in various fashions to help enhance that setting in that particular area. He stated that the project is appropriate for this area and that it is in the spirit of the concept that was originally developed for Troon North. He stated that he is recommending approval subject to the stipulations. He added that staff did hand out revised stipulations at the study session which reflects some further refinements with how the details of this case need to be handled.

Vice-Chairman Heffernan asked the applicant if he agreed with the proposed stipulations. He stated that he did.

BEVERLY JORDANO, 9253 East Via Del Sol, Scottsdale, addressed the Commission and stated that she is Vice President of the greater Pinnacle Peak Homeowner's Association and a member of the Area Planning Committee. She stated that she couldn't pass up this opportunity to say something nice for a change. She specifically wanted to make three points about this particular case, more in regard to how it was handled with the committee than the project itself. She stated that she does approve of this project.

Ms. Jordano stated that Roger Tornow and Scott Kusy contacted the committee, allowing enough time to meet, discuss the project and respond. She stated that they didn't have to track them down, they came to them. She added that the plans that they used in the meeting were of superior quality in that they were very detailed and complete with extremely accurate elevations. She stated they depicted a realistic view of the project. She said that many questions did not have to be asked because of their skillful, professional approach. She stated that this applicant is also using topography as a guide to design, instead of the other way around, something she also would like to see more of. In closing, she asked other applicants to use this as a model and to please follow suit.

Vice-President Heffernan stated she felt it would be appropriate to have a separate motion for this case so that Chairman Simonson could return.

Mr. Paston stated that he had a question for Mr. Voss he'd like to put on the record. He stated that this is an outstanding effort and a well-designed experience for people who will be coming to Scottsdale to enjoy the high Sonoran desert and the golfing experience there. He stated that according to the narrative and other staff information provided, the resort property will take up approximately 50 percent of the tee times available at Troon North.

He added that other tee times will then go to the members in the club and the residents in the area. He stated that Troon North has been a uniquely successful golf course, and the only one that's currently available to people coming into Scottsdale to enjoy a golfing experience in the Sonoran desert. He added that he would like it commented for the record what future opportunities those people will have who are not staying at the resort property or who do not live in that area, in terms of additional development that will be forthcoming at Troon North.

Steven Voss, 16212 Red Mountain Trail, Fountain Hills, addressed the Commission and stated that from the standpoint of where golf players can go in the north area, currently the membership structure is such that first priority is for private players; second, is the resort which was mentioned as 50 percent having access to the play of the golf course, and third is residential within Troon North and then finally public. He stated that he wanted to make it very clear that the golf course, although it is a private golf course, does have public play. He said that he anticipates that there will be future golf courses in the area, potentially in Troon North and also adjacent to the site that will have a provision for public golf in the area.

MOTION by Commissioner Paston to forward case 2-ZN-94 and 3-ZN-94 to City Council with recommendation to Planning Commission for approval. Motion was seconded by Commissioner Ryan, and passed unanimously.

USE PERMITS

7. 21-up-93#2 -- use permit approval for a golf course for a maintenance building, temporary clubhouse and temporary golf cart storage facility -- parcel 3C Core North, west of the southwest corner of Thompson Peak Parkway and Pima Road

Ms. Padian presented this request for an amendment to the use permit for a golf course. She stated that case 21-UP-93#2 is a request for an amendment to the original case 21-UP-93 which is use permit for a golf course. She stated that the property which was previously known as Core North, is now known as Grayhawk. She stated that Core North is a 2,300 acre development between Deer Valley and the Outer Loop in Scottsdale Road and Pima Road. She added that the golf course was approved last year, and it was located on the south side of Thompson Peak Parkway and over to the west from Pima Road. She stated that it's an 18-hole golf course which winds its way from Thompson Peak down to the south. She said that there are also future plans for another 18-hole golf course to the north of the Thompson Peak Parkway.

Ms. Padian stated that at the time that this came through the public hearing, the applicant had not yet designed the specifics for the clubhouse and for the maintenance building, and that is what this amendment is for. She stated that the Thompson Peak

CITY COUNCIL ACTION REPORT

TO: MAYOR AND CITY COUNCIL **DATE:** 4/19/94
FROM: PLANNING & COMMUNITY DEVELOPMENT
SUBJECT: **CASE TROON NORTH RESORT ADOPTION ORDINANCE NO. 2660**

AGENDA ITEM NO. 18
DON HADDER
JOHN FARAMELLI
STAFF

REQUEST: ADOPT Ordinance No. 2660 affirming the approved zoning cases. All stipulations required to be met prior to zoning adoption have been satisfied.

APPLICANT: City of Scottsdale

RECOMMENDATION:

It is recommended that the City Council approve Ordinance No. 2660 adopting the zoning for parcels within the Troon Resort site (Case 3-ZN-94).

DISCUSSION:

The zoning for this site was approved in March of this year. Given the unusual shapes of the parcels, additional time was needed to prepare the accurate legal descriptions for the parcels in order to proceed with adoption. There is clear interest for development to proceed over a majority of the parcels in the near future.

COMMUNITY IMPACT:

Adoption of the zoning affirms and details the original approval of R-4R ESL (HD) for this site.

John Faramelli
Community Development Administrator

Richard A. Bowers
City Manager

ATTACHMENTS: #1 - Ordinance No. 2660
Exhibit A - Zoning Map

ACTION TAKEN_____

ORDINANCE NO. 2660

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 3-ZN-94

WHEREAS, the zoning cases no. 3-ZN-94, has been properly noticed for public hearing, pursuant to the requirements of the Scottsdale Zoning Ordinance and the statutes of the State of Arizona, and the necessary hearings have been completed, and

WHEREAS, the Council of the City of Scottsdale instructed the zoning staff to prepare an ordinance and map changing the zoning on the properties described in the aforementioned cases from R1-7 ESL HD (Single-Family Residential/Environmentally Sensitive Lands/Hillside District) to R4-R ESL HD (Resort District/Environmentally Sensitive Lands/Hillside District) with amended development standards, and,

WHEREAS, it is now necessary that the comprehensive zoning map of the City of Scottsdale be amended to conform with the decision of the Scottsdale City Council in case no. 3-ZN-94,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Arizona, that the "District Map" adopted as a part of Ordinance No. 455, showing the zoning district boundaries in the City of Scottsdale, is amended, subject to compliance with all stipulations, as illustrated on the attached zoning map, attached hereto as Exhibit A and incorporated herein by reference,

PASSED AND ADOPTED by the Council of the City of Scottsdale this 19th day of April, 1994.

CITY OF SCOTTSDALE
A MUNICIPAL CORPORATION

By:_____
Herbert R. Drinkwater, Mayor

ATTEST:

Sonia Robertson
City Clerk

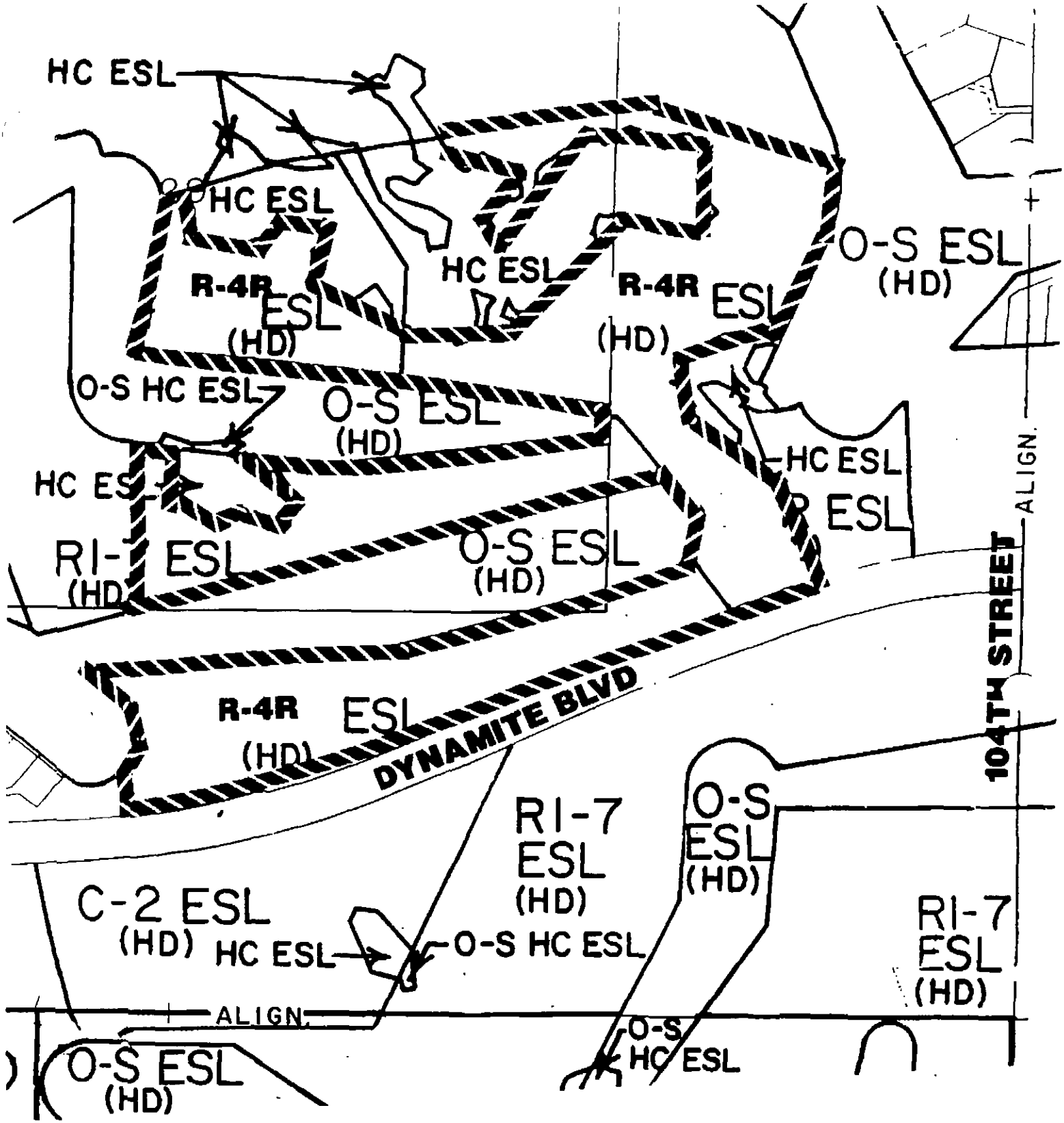
By:_____
City Clerk

APPROVED AS TO FORM:

By:_____
Richard W. Garnett, III
City Attorney

ATTACHMENT #1

DRAFT



3-ZN-94

EXHIBIT A

H

ORDINANCE NO. 2650

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 3-ZN-94

WHEREAS, the zoning case no. 3-ZN-94, has been properly noticed for public hearing, pursuant to the requirements of the Scottsdale Zoning Ordinance and the statutes of the State of Arizona, and the necessary hearings have been completed, and

WHEREAS, the Council of the City of Scottsdale instructed the zoning staff to prepare an ordinance and map changing the zoning on the properties described in the aforementioned case from R1-7 ESL HD (Single-Family Residential/Environmentally Sensitive Lands/Hillside District) to R4-R ESL HD (Single-Family Residential/Environmentally Sensitive Lands/Hillside District) with amended development standards, and,

WHEREAS, it is now necessary that the comprehensive zoning map of the City of Scottsdale be amended to conform with the decision of the Scottsdale City Council in case no. 3-ZN-94

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Arizona, that the "District Map" adopted as a part of Ordinance No. 455, showing the zoning district boundaries in the City of Scottsdale, is amended, subject to compliance with all stipulations, as illustrated on the attached zoning map, attached hereto as Exhibit A and incoroporated herein by reference,

PASSED AND ADOPTED by the Council of the City of Scottsdale this 5th day of April, 1994.

CITY OF SCOTTSDALE
A MUNICIPAL CORPORATION

By:_____
Herbert R. Drinkwater, Mayor

ATTEST:

Sonia Robertson
City Clerk

By:_____
City Clerk

APPROVED AS TO FORM:

By:_____
Richard W. Garnett, III
City Attorney

ATTACHMENT #7

CITY COUNCIL ACTION REPORT

TO: MAYOR AND CITY COUNCIL DATE: 9/20/94
FROM: PLANNING & COMMUNITY DEVELOPMENT
SUBJECT: CASE 43-ZN-94 & ORDINANCE NO. 2707 & 28-UP-94

AGENDA ITEM NO. 16
DON HADDER
JOHN PAPANELLIS
STAFF

REQUEST: Rezone from R1-7, R1-18, R1-43, R1-70 ESL (HD/HC) (All Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to O.S. ESL (HD/HC) (Open Space/Hillside District/Hillside Conservation) on parcel GC2; for rezoning from R1-70 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R1-43 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) on Parcel G; for rezoning from R1-7 ESL/HD/HC (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R1-18 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) on Parcel K; for rezoning from R1-70 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R-4R ESL (HD/HC) (Resort District in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) for Parcel V: all on a 212± acre parcel, including a 134± acre parcel for a golf course; and Use Permit approval for a golf course

LOCATION: The general vicinity of Dynamite Boulevard and 100th Street

APPLICANT: Ron Despain
8711 E. Pinnacle Peak Rd
Scottsdale, AZ

OWNER: PPVN Developments Limited Partnership
8711 E. Pinnacle Peak Rd.
Scottsdale, AZ

PLANNING COMMISSION RECOMMENDATION: APPROVE subject to the attached stipulations by a vote of 6-0 with Commissioner Simonson abstaining and ADOPT Ordinance No. 2707 affirming this case.

STAFF RECOMMENDATION: Per Planning Commission

CONCURRENCE: None required

PUBLIC COMMENT: No known opposition

ZONING HISTORY: The property was annexed as R1-190 in 1983. Beginning in 1984 a number of Master Planned concepts have been zoned for the site, with the most recent major update occurring with Case 28-ZN-90.

SITE DETAILS
USE: Single family, golf course
PARCEL SIZE: 800-900 acres net
DENSITY: 1.0 du/ac overall

GENERAL PLAN DISCUSSION:

The General Land Use Plan follows the current zoning layout of the plan. Although shifts in density will be occurring the overall density will remain unchanged. The expanded golf area will be most noticeable on the new north nine holes since the new south nine holes were shown previously as part of the "Estancia" project golf course. The general concept for the project remains essentially the same.

APPROVED
10/10/94 PH
DATE INITIALS

ACTION TAKEN

S355754 (6-90)

PROJECT DISCUSSION:

The request is to rezone portions of the Troon North development and refine the plan on other portions in order to accommodate the addition of about 11 new holes of golf within the development. Much of the project currently under development, including parcels D, V, I, H, F and E will not be affected by the proposal.

The expanded golf course will occupy roughly the same area that was previously shown as part of the "Estancia" project golf course south of Dynamite. A new group of nine holes will be located in the north central part of the development.

Minor increases in density will occur in parcels C, L, P and S. Somewhat more significant increases will occur in parcels A, B, G and K. The proposed development plan includes more specific buffering criteria in lot size and N.A.O.S. buffers on the east, north and west sides of the development.

COMMUNITY IMPACT:

The expanded golf course will be required to be part of the reuse system. The golf course will provide opportunities for public and resort play. No net increase in traffic or infrastructure impacts will result from the proposed changes. The overall amount of open space will increase.

Greg Larson, General Manager
Planning & Community Development

Richard A. Bowers
City Manager

ATTACHMENTS:
A - Stipulations
#1 - Aerial
#2 - Zoning Map
#2A - Zoning Map
#3 - Development Plan & Open Space/Natural Areas Map
#4 - Ordinance No. 2707
Exhibit A#1 - Existing Zoning Map
Exhibit A#2 - Existing Zoning Map
Exhibit A#3 - Proposed Zoning Map
#5 - General Plan Map
#6 - Planning Commission Minutes 9/12/94

APPROVED
10/10/94
DATE
INITIALS

STIPULATIONS FOR CASES 45-8-99 43-SN-94

NOTE: CHANGES MADE AT PLANNING COMMISSION ARE NOTED IN BOLD, CAPS AND UNDERLINE

ZONING/DEVELOPMENT PLAN

1. Development shall be in **general** SUBSTANTIAL conformance with the submitted plan and development PROGRAM except as modified by the FOLLOWING stipulations. ANY PROPOSED SIGNIFICANT CHANGE, AS DETERMINED BY THE PLANNING AND COMMUNITY DEVELOPMENT ADMINISTRATOR SHALL REQUIRE APPROVAL THROUGH A SUBSEQUENT PUBLIC HEARING.

   THE APPLICANT UNDERSTANDS AND AGREES THAT THE APPROVED DENSITY FOR EACH PARCEL IS SUBJECT TO DRAINAGE, TOPOGRAPHY, NAOS REQUIREMENTS AND OTHER SITE PLANNING CONCERNS WHICH WILL NEED TO BE RESOLVED AT THE TIME OF PRELIMINARY PLAT OR SITE PLAN APPROVAL. APPROPRIATE DESIGN SOLUTIONS TO THESE CONSTRAINTS MAY PRECLUDE ACHIEVEMENT OF THE PROPOSED UNITS OR DENSITY ON ANY OR ALL PARCELS.

2. The zoning districts, maximum land use intensities and dwelling and room totals shall be as shown on the following table except as modified below. the specific location and boundaries of each parcel shall be determined at the time of site plan approval for the parcel. The zoning for each parcel shall be adopted prior to the issuance of building permits on the parcel except for parcels V1, V2, either golf course, or any master planned community common facilities. With the action for adoption of each parcel the applicant shall submit a revised master development plan and land use data table indicating the final status of the parcel.

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
A	R1-35 HD/HC	±158163	180±13 DU	1.10÷72 DU/AC
B	R1-43 HD/HC	±80157	110±00 DU	.70÷56 DU/AC
C	R1-70 HD/HC	±17 58	30 47 DU	.52÷40 DU/AC
D	R1-18 HD/HC	207 222	411404 DU	1.85±÷95 DU/AC
E	R1-18 HD/HC	±18 109	128±39 DU	1.17±÷18 DU/AC
F	R1-18 HD/HC	±21 111	194208 DU	1.75±÷72 DU/AC
G	R1-43R1-70 HD/HC	86 82	55 42 DU	.67÷49 DU/AC
H	R1-18 HD/HC	62	102 85 DU	1.65±÷37 DU/AC
I	R-4 HD/HC	62 65	189±18 DU	2.91±÷52 DU/AC
J	R-4 HD/HC	30 39	107 98 DU	2.74±÷27 DU/AC
K	R1-7 HD/HC	5± 16	24 68 DU	1.50±÷33 DU/AC
L	R1-18 HD/HC	62 87	120 84 DU	1.38±÷35 DU/AC
P	R1-35 HD/HC	40 28	27 35 DU	.96 ÷88 DU/AC
R	R1-43 HD/HC	3 0	0 2 DU	.67 DU/AC N/A
S	R1-7 HD/HC	57 50	107±43 DU	2.14 2.742÷50 DU/AC
G1 O	R1-70 HD/HC	±0 29	14 5 DU	.48 DU/AC
G2 O	R1-70 HD/HC	±9 29	14 9 DU	.48 DU/AC
V2	R-4RR1-7- HD/HC	3± 6931	424±44 DU	6.144÷65 DU/AC
AA	R1-18 HD/HC	232	432 DU	1.88 DU/AC
BB	R-4 HD/HC	74	271 DU	3.67 DU/AC
SUBTOTAL:		1,529 1,643	2,374 DU	1.45 DU/AC

ATTACHMENT A

APPROVED

10/10/94 RH

DATE INITIALS

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
(V1	R-4R HD/HC	346938	585 280 RM 315	8.29 8.48-8.24 RM/AC)
CC	R-4R HD/HC	74	525 RM	7.14
RM/AC				
SUBTOTAL:		108	1,100 805 RM	7.49 RM/AC
M	C-O HD	510		.20 F.A.R.
N	PCC HD	20		.25 F.A.R.
O	C-O HD	5		.25 F.A.R.
Q	S-R HD/HC	12		.25 F.A.R.
T	C-2 HD/HC	13		.20 F.A.R.
X	C-2 HD	20		.25 F.A.R.
Y	C-2 HD	12		.30 F.A.R.
SUBTOTAL:		92		
Z	OS HD	23		
PK/SC	OS HD/HC	37 35		
PK	OS HD/HC	185		
NGC	OS HD/HC	276-162.5 299		
SGC	OS HD/HC	155		
STREETS DEDICATED AS OF APPLICATION SUBMITTAL		52 62		
SUBTOTAL:		614.5		
TOTAL ACREAGE:		2,457.5		

* Adjustments to the proposed units allowed in column 4 and proposed density in column 5 may be approved by project coordination staff subject to the following conditions:

a. The total dwelling units and resort rooms for the overall project are not increased;

b. A specific site plan has been submitted and reviewed on-site verifying that the proposed change is environmentally sensitive and provides appropriate land use relationships;

c. The maximum change for parcels A, B, C, G, U, R, and AA is less than 10% for other parcels is less than 20%;

APPROVED
10/10/96 DH
DATE INITIALS

d. That the maximum densities of the underlying zone are not exceeded; and

e. That the applicant submits a revised master development plan and land use table for approval.

Any other changes or appeals to staff decisions regarding proposed changes are subject to public hearing review and approval by the city council.

Note: The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, NAOS requirements, and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.

3. The property development standards for the zoning districts shall be amended as submitted except as modified by the following stipulations:

a. The single family residential development standards shall apply to all R1 districts within the development plan.

b. The minimum lot size shall be 5,500 square feet and subject to the density limits of the parcel and the standards included in chart "A".

a. Detached guest houses shall not be permitted on lots less than 18,000 square feet in size.

b. If guest houses on a parcel are intended to have cooking facilities, the applicant shall submit for rezoning to R-2. The R1 development standards shall apply to R-2 lots. Both dwellings shall meet the required front, side and rear yard requirements.

e. The rear improvement setback where required shall be an average 12 feet with a minimum of 7 feet.

f. Side yard setback "variances" as described shall be subject to recordation of the adjusted side yard dimensions on all affected lots and submittal reflecting such recordation to the subdivision file of the City of Scottsdale. Project Review staff approval shall be required prior to recordation.

g. Note that the Project Review/Coordination Staff interprets all three-dimensional structures with any form of top covering; i.e. roof, lattice, tent, awning, etc.; as being a building.

h. The parking standards of article IX shall apply.

ATTACHED

10/10/96 AH

DATE INITIALS

i. The applicant shall submit revised sketches for the development standards for each unit type which is an accurate, uniformly scaled depiction of typical standard key, through, corner, flag and cul-de-sac lots.

~~4. Within the 3-acre minimum lot size area shown on the submitted development plan, the improvement envelope shall be set back an average of 80 feet from the project perimeter. An 80 feet minimum improvement envelope setback shall be provided along the project perimeter on parcels A, B, G and H where the parcels are adjacent to R1-190, R1-130, R1-70, R1-43, or R1-35 zoning.~~

5.4. The site plan for the commercial, resort and office sites shall be approved through the public hearing process. The museum site shall obtain use permit approval through the public hearing process. The use permit application shall include ownership, use and role of the City in the operation (if any). Note - completed as a condition of sale.

6.5. The Vista Corridor Washes shall be maintained by a homeowners association. Proof that such an association has been established shall be required prior to issuance of any single family building permits on any plat adjacent to a Vista Corridor.

7.6. On November 17, 1983 and November 21, 1985 the Development Review Board recommended approval of an adjustment to the "no-development line" subject to the attached stipulations (Exhibit A).

8.7. The no-development line is conceptual only and all adjustments are to be contingent on Development Review Board approval of site plan for each parcel prior to its submittal for preliminary plat review. The applicant shall deliver a deed of dedication or a non-development scenic easement for the property within the Hillside Conservation (HC) area on that parcel prior to issuance of any building permits on that parcel.

9.8. At the time of zoning adoption, any property above the adjusted no-development line, as approved by the Development Review Board, shall be adopted as HC (Hillside Conservation). The zoning for properties below the adjusted no-development line shall be adopted in accordance with the approved development plan at the time more specific information can be provided, as each parcel comes through for site plan development review approval.

10.9. The construction of each golf course may begin prior to the start of either resort subject to the following:

APPROVED
10/10/94 DH
DATE INITIALS

A. ~~The north resort site shall begin construction within five years of the date of council approval of case 28-Z-89 and shall proceed to completion in a diligent manner. If construction has not commenced on the north resort within the specific time frame the north resort site shall be deeded to the city for development of a resort hotel.~~ A minimum of fifty percent (50%) of total play time on the north golf course shall be reserved for the north resort site AND/OR FOR PUBLIC PLAY. At least fifty percent (50%) of the total play time on the north golf course shall be available for general public play until such time as the north resort construction has begun. Resort construction shall be defined as construction on at least ten percent of the ultimate planned resort rooms, casitas, villas or similar type unit.

B. The south resort site shall begin construction within ten years of the date of council approval of case 28-Z-89 and shall proceed to completion in a diligent manner. If construction has not commenced on the south resort within the specific time frame the south resort site shall be deeded to the city for development of a resort hotel. A minimum of fifty percent (50%) of total play time on the south golf course shall be reserved for the south resort site. At least fifty percent (50%) of the total play time on the south golf course shall be available for general public play until such time as the south resort construction has begun.

11. Lot lines on a recorded plat may extend into the HC area. If development standards require minimum lot sizes, property beyond the no-development line shall not be included in the required area of any Hillside development parcel.

12. Density will be based on the gross development area of each parcel. Future determination of the "no-development line" will not affect the total number of units approved for each parcel or the project as a whole, but may require adjustments to the approved zoning on some parcels.

13. The applicant understands and acknowledges that the natural area open space requirements within developable areas are in addition to any area designated Hillside Conservation (HC).

14. Golf course development shall be in substantial general conformance with the site plan submitted as part of this application. Lighting of the driving range(s) shall be prohibited. The location of the half-way house and maintenance facilities shall be determined at the time of development review. The golf course site plan and the exterior design of the clubhouse, maintenance facilities, and other related facilities, including the color and physical character of the facilities, shall be subject to Development Review Board approval. The Development Review Board shall pay particular attention to the following:

APPROVED
10/10/94 DH
DATE INITIALS

a. A detailed study showing the peak day and average day water demand, and area in turf, revegetated and natural desert
b. Design and layout of the parking lot for the golf course clubhouse to ensure minimal cuts and fills and a design which compliments the natural topography of the site
c. Cart path locations and street crossings
d. Proposed lighting
e. Driving ranges
f. Public address systems to insure minimal noise pollution

~~15.-- All improvement plans for common open space or common service amenities and buildings, including the landscape buffers on public and/or private property (back of curb to right of way or access easement line included), major drainage ways, wall designs, etc., shall be approved by the Development Review Board.~~

15.14 The following improvements shall be reduced by the Development Review Board:

a. a plan indicates the treatment of washes, and wash crossings
b. wall design
c. scenic corridors, buffered parkways
d. 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)
e. major stormwater management systems
f. Vista Corridor Watercourses: All watercourses with a 100 year flow of 750 cfs or greater
g. Alterations to Natural Watercourses
h. Walls adjacent to Vista Corridors and NAOS tracts and corridors
i. Signage
j. Environmental Master Plans

16.15 A Scenic Corridor easement shall be provided along both sides of Dynamite Boulevard, with an average width of 50 feet and a minimum width of 40 feet adjacent to single-family uses, and an average width of 100 feet and a minimum width of 80 feet adjacent to all other uses. The Scenic Corridor is to be maintained as undisturbed natural area. The Scenic Corridor width is to be measured starting at the road right-of-way. The width of the Scenic Corridor may be adjusted by the Development Review Board if protection of significant natural features can be better achieved.

APPROVED
10/10/99 DR
DATE

17.16 Dedication of the park sites shall occur prior to Development Review Board or preliminary plat approval of any abutting parcel (I, J, Q, R, AA, and Z). Prior to dedication the master site plans for the park shall be reviewed and approved by the Parks Commission, Planning Commission and City Council. Dedication of the community park/school site shall occur within sic months of city approval of the drainage solution for the park site. Dedication of the Pinnacle Peak Mountain Park site shall occur prior to January 1, 1992. The applicant shall contribute $200,000 toward the initial improvement of the community park site within 12 months of the dedication of the community park. In lieu of the contribution or agreement with the city, the applicant may provide on-site improvements (such as rough grading and native plant relocation) subject to an agreement approved by the parks commission and city council. The contribution shall be provided prior to the development of any parcel adjacent to either park site. The applicant shall provide all necessary off-site facilities.

18.17 A 40 feet average/30 feet minimum width natural area buffer shall be provided along Alma School Parkway south of Dynamite.

19.18 The maximum floor area of any single retail use on parcels T and Y shall be 15,000 net square feet.

20.19 Prior to the issuance of any construction permits on parcels AA, BB, or Y the applicant shall submit verification to the city that a non-profit organization has been established and funded which will own, finance, design, build and ultimately operate the desert museum use identified for parcel Z. It is understood that the city shall assume no responsibility for the development or operations of the facility, unless otherwise determined by the City Council.

21.20 The city shall not be responsible for providing any fencing or walls in order to provide security and site identification for the park perimeters for adjacent development. The Development Review or preliminary plat plans for any adjacent parcel shall include the design, location and specifications for devices which shall clearly delineate the common boundary with the park.

22.21 Building designs should include wherever possible the following materials or features: Heavily textured surfaces, muted earth tones, deep overhangs and recessed windows and entries, low sloping or parapet roof lines, stepped and multi-faceted building forms, and softened building edges.

23.22 The equestrian center on the isolated segment of Parcel "CC" can be used only for guests of the main resort use on Parcel "CC".

APPROVED
10/6/94 DK

23. ADOPTION OF THE ZONING SHALL OCCUR ON INDIVIDUAL PARCELS AS EACH PARCEL IS APPROVED FOR DEVELOPMENT AND PRIOR TO ISSUANCE OF PERMITS. A LEGAL DESCRIPTION OF EACH PARCEL SHALL BE PROVIDED PRIOR TO ZONING ADOPTION.

MASTER PLANS

1. Prior to any zoning map adoption, application for Development Review Board approval, or application for preliminary plat approval for parcels "A" through "V" except V1, V2 or U, the applicant shall submit the following Amended Master Plans and Studies: A, C and E; and for Parcels "Z" through "CC" the applicant shall submit all of the following:

   A. Provide and secure staff approval of the following amended master plans and reports covering the entire phase of the development proposal:

      1. Master drainage plan and report (see Schedule A)
      2. Master water plan and report (see Schedule B)
      3. Master wastewater plan and report (see Schedule C)
      4. Master circulation plan (see Schedule D)
      5. Master environmental design concept plan (see Schedule F)
      6. Master grading plan and report (see Schedule G)

   B. Enter into an agreement with the City for participation in development of a regional wastewater reclamation facility as proposed in the city's approved Wastewater Collection-water Reclamation Master Plan pursuant to agreement No. 880090 (May 15, 1989).

   C. Provide a summary report indicating the proposed phasing of development and the on-site and off-site improvements required for each phase as indicated by the above master plans.

   D. Dedicate the required right-of-way as shown in Schedules J and K.

   E. Submit a revised plan of development which reflects the stipulations of approval.

APPROVED
10/10/94 DH
DATE INITIALS

HILLSIDE/ENVIRONMENT

-1.-- All washes with a 100-year flow of 750 cfs or greater shall be designated as Vista Corridors and preserved in a natural state as determined by the Development Review Board. A scenic easement with an average width of 100 feet shall be provided along these washes concurrent with any other easements. The scenic easement shall include the washes major vegetation, and low flow channels. If there are areas within these washes which are disturbed by development proposed by this case, the wash areas shall be restored as closely as possible to their natural, pre-development state. The location and treatment of the Vista Corridor shall be approved prior to site plan or preliminary plat approval on the adjacent parcels.

-2.-- Any proposed alteration to the natural state of washes with a 100-year flow of 50 cfs or greater or proposed improvements within these washes shall be subject to Project Review staff approval.

-3.-- The design and construction of walls, as defined in Section 3.100 of the Zoning Ordinance, along the Vista Corridor wash shall comply with the following standards:

------A.-- The location of the top of the bank of the wash shall be determined jointly by the developer and Project Review staff and staked by the developer.

------B.-- The Natural Area/Vista Corridor easements of the wash shall be continuous up the bank to the approved corridor alignment.

------C.-- Walls shall be located only within approved building envelopes.

------D.-- Walls shall be set back 4' from the approved alignment for every 1' of wall height.

------E.-- The color and materials of the wall shall match the exterior materials of the house or blend into the natural terrain.

1. ALL WATERCOURSES WITH A 100 YEAR FLOW OF 750 CFS OR GREATER SHALL BE DESIGNATED AS VISTA CORRIDORS AND SHALL GENERALLY BE LEFT IN A NATURAL STATE, EXCEPT THAT A VISTA CORRIDOR MAY INCORPORATE STREET AND UTILITY RIGHT-OF-WAY CROSSINGS AND STORMWATER MANAGEMENT SYSTEMS, SUCH AS; THE MULTI-USE RECREATIONAL FACILITIES, AND OTHER SIMILAR IMPROVEMENTS, SUBJECT TO DEVELOPMENT REVIEW BOARD REVIEW.

APPROVED
10/20/94 DH
Date

2. THE LOCATION OF THE VISTA CORRIDOR SHALL BE ESTABLISHED BY SCENIC EASEMENT. THE EASEMENT SHALL HAVE A MINIMUM AVERAGE WIDTH OF ONE-HUNDRED (100) FEET. THE VISTA CORRIDOR EASEMENT SHALL BE CONTINUOUS AND SHALL, AT A MINIMUM, INCLUDE:
   1. ANY EXISTING LOW FLOW CHANNELS
   2. MAJOR VEGETATION
   3. THE AREA BETWEEN THE TOPS OF THE BANKS OF THE WATERCOURSE. THE LOCATION OF THE TOP OF THE BANKS OF THE WATERCOURSE SHALL BE DETERMINED JOINTLY BY THE OWNER AND PROJECT REVIEW STAFF AND STAKED BY OWNER.

3. IF AREAS WITHIN THE VISTA CORRIDOR ARE DISTURBED BY THE PROPOSED DEVELOPMENT EXCEPT THOSE CHANGES ALLOWED UNDER THIS SECTION, THOSE WATERCOURSES AREAS SHALL BE RECONSTRUCTED AS CLOSELY AS REASONABLY POSSIBLE TO THEIR NATURAL, PRE-DEVELOPED STATE. THE LOCATION AND TREATMENT OF THE VISTA CORRIDOR SHALL BE APPROVED PRIOR TO SITE PLAN OR PRELIMINARY PLAT APPROVAL ON THE ADJACENT PARCELS.

4. THE DESIGN AND CONSTRUCTION OF WALLS, AS DEFINED IN SECTION 3.100 OF THE ZONING ORDINANCE, ADJACENT TO REQUIRED VISTA CORRIDORS SHALL COMPLY WITH THE FOLLOWING STANDARDS:

   A. WALLS SHALL NOT BE CONSTRUCTED WITHIN THE VISTA CORRIDOR EASEMENT
   B. WALLS SHALL BE LOCATED WITHIN APPROVED CONSTRUCTION ENVELOPES
   C. SOLID, OPAQUE WALLS HIGHER THAN THREE (3) FEET SHALL BE SET BACK FOUR (4) FEET FROM THE APPROVED VISTA CORRIDOR EASEMENT ALIGNMENT FOR EVERY ONE (1) FOOT OF SOLID, OPAQUE WALL HEIGHT ABOVE THREE (3) FEET, BUT SHALL NOT EXCEED THE MAXIMUM HEIGHT OF SIX (6) FEET.

5. ANY PROPOSED ALTERATION TO THE NATURAL STATE OF WATERCOURSES WITH A 100 YEAR FLOW OF 250 CFS OR GREATER OR PROPOSED IMPROVEMENTS WITHIN SUCH WATERCOURSES SHALL BE SUBJECT TO DEVELOPMENT REVIEW BOARD APPROVAL.

6. ANY PROPOSED ALTERATION TO THE NATURAL STATE OF WATERCOURSES WITH A 100 YEAR FLOW OF 50 CFS BUT LESS THAN 250 CFS OR PROPOSED IMPROVEMENTS WITHIN SUCH WATERCOURSES SHALL BE SUBJECT TO PROJECT COORDINATION STAFF APPROVAL.

4 7. As part of the Development Review application, developable areas shall be reflected on the site plan. Developable areas are that portion of the site which is not natural area.

5 8. All preliminary plats and site plans shall show all major boulders (in excess of 4 feet in diameter) and bedrock outcrops. Major boulder outcroppings shall be protected and maintained as determined jointly by the Project Review staff and the applicant at the time of site plan review.

6 9. All Hillside Conservation and off-lot natural areas shall be accurately surveyed and clearly staked in accordance with the approved grading plans. Such surveying and staking shall be inspected and approved prior to construction in each development phase. The natural area open space required on individual lots shall be defined prior to the issuance of building permits on each lot.

APPROVED
10/10/94 DH
DATE INITIALS

7 10 Prior to the commencement of construction on each residential lot, the natural area shall be suitably protected during the time of construction with access corresponding to the approved site plan. At the time of final building inspection for a dwelling unit on a lot, there shall be a site inspection to ensure that there has been minimal disruption to the natural area around the construction site.

8 11 The applicant and subsequent owners of record shall be ultimately responsible for the preservation and maintenance of all natural area *proposed throughout the development in a natural state.*

~~9.-- A native plant survey and preservation plan which complies with the requirements of the Zoning Ordinance shall be submitted for Project Review staff approval at the time of Development Review on each parcel.--The Project Review staff will work with the applicant to minimize the extent of the survey required within large areas of undevelopable open space.--All significant cacti which are suitable for transplanting and are necessarily uprooted for road building or similar construction shall be stockpiled during construction and shall be replanted in landscaped areas or donated for public use in accordance with State Statute and permit procedure.~~

12. THE OWNER SHALL SECURE A NATIVE PLANT PERMIT AS DEFINED IN CHAPTER 46, ARTICLE V OF THE CITY CODE FOR EACH DEVELOPMENT SITE. THE PROJECT REVIEW STAFF WILL WORK WITH THE OWNER TO MINIMIZE THE EXTENT OF THE SURVEY REQUIRED WITHIN LARGE AREAS OF PROPOSED UNDISTURBED OPEN SPACE. CACTI WHICH ARE NOT PROTECTED BY THE 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 SHALL BE* STOCKPILED DURING CONSTRUCTION AND SHALL BE REPLANTED IN LANDSCAPED AREAS. 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.

~~10.-- Non-indigenous plant material which reaches a mature height greater than 20 feet shall not be introduced on the site.~~

13. NON-INDIGENOUS PLANT MATERIAL WHICH HAS THE POTENTIAL TO REACH A MATURE HEIGHT GREATER THAN 20 FEET SHALL NOT BE INTRODUCED ON SITE. THE DEVELOPMENT REVIEW BOARD SHALL REVIEW AND APPROVE A PLANT LIST THAT COMPLIES WITH THIS REQUIREMENT. NOTATION OF THIS STIPULATION SHALL BE PLACED ON FINAL PLANS.

11 14 Each preliminary plat submittal shall clearly show all HC areas and shall *indicate proposed improvement envelopes on each lot.*

APPROVED
10/10/94 DAL
INITIALS

12 15 The applicant shall submit a master Natural Area Open Space calculation for the project and a master N.A.O.S. allocation program subject to approval by Project Coordination. The initial allocation is understood to be approximate and shall be revised in detail for each development site plan when the site plan is submitted for approval.

13 16 On-lot Natural Area Open Space shall not be credited to the parcel N.A.O.S. allotment on lots less than 18,000 square feet in size, except as dedicated as contiguous N.A.O.S. on a plat subject to the provisions of stipulation number 14 below.

14 17 On parcels D, F, I, J, K, S, and BB all required N.A.O.S. shall be provided in common tracts which have a minimum dimension of 40 feet and a minimum area of 5,500 square feet, and as noted in stipulations number 13 above. Exceptions may be approved by the Development Review Board or Project Coordination staff, as appropriate, where the applicant can clearly demonstrate that conservation of important natural features can be better achieved by the exception.

15 18 The maximum height of any outdoor lighting source shall be 14 feet above natural grade except for recreation uses which shall follow the normal standards of section 7.600 of the zoning ordinance. Low level lighting is encouraged wherever such an approach is feasible.

APPROVED
10/10/94 PH

CIRCULATION

1. Dedication and improvement of street rights-of-way and easements shall be according to Schedules I, J, K, L and M.

2. The main street system within this development shall be in substantial conformance with that shown on the development plan submitted as part of this application.

3. The streets within this development shall be designed and constructed to "Hillside standards" with special attention given to any cuts and fills required for roadway construction.

4. Bicycle paths and equestrian trails shall be provided as shown at the locations on the approved circulation master plan (Exhibit B).

5. Direct trail access shall be provided to the 185 acre park from the east along the southern property boundary.

6. Median breaks and access to Dynamite Boulevard and Alma School Parkway south of Dynamite Boulevard shall be limited to intervals of 660 feet or greater as determined at the time of Master Street plan approval.

7. Dynamite Road and the realigned Alma School Parkway shall not be open to public use until accepted by the City. Opening shall not occur until all required roadway safety features (guard rails, traffic signs, safety banners, traffic signals, etc.) have been installed.

8. A pedestrian/bike way/golf cart crossing on Dynamite Boulevard shall be required and shall be grade separated. Cart path underpasses or other means acceptable to the Project Review Director may be required where these crossings occur on any collector street.

9. The design concept of all drainage crossings shall be reviewed and approved by City staff concurrent with the approval of the Development Review application for an affected phase.

10. Prior to the approval of each site plan application, the alignments for all internal street/driveways within that application shall be staked by the developer and inspected on-site by the City staff to insure minimal environmental and hydrological impact.

11. There shall be no direct residential access to arterial streets. A 1' V.N.E. (vehicular non-access easement) shall be required adjacent to these streets except at approved intersections.

APPROVED
10/10/94 DH
DATE / INITIALS

12. There shall be no direct lot or unit access to interior collector streets except as approved by the Project Review Director. Where such access is proposed, a design solution for adequate safety provisions with minimal disturbance to the collector street and the natural area shall be shown. When such access is prohibited, a one foot vehicular non-access easement (vne) shall be required adjacent to these streets.

13. All private streets shall be constructed to full public street standards, including observance of the full public street right-of-way, from which all setbacks shall be measured. In all cases minimum lane widths and design speed criteria shall be met but equivalent construction materials or wider cross-sections may be approved by project review staff.

14. Secured access shall be provided on private streets only. Security gates shall be located a minimum of 75 feet from the back of curb of the intersecting street. An automobile turn-around shall be provided between the public street and the security gate.

15. If there are to be internal private streets, they shall not be incorporated into the City's public street system at a future date unless they are constructed and maintained in conformance with the City's public street standards and inspected and approved by the City at the time of construction and prior to acceptance as a public street. In any case, notice shall be given in the public records of the Maricopa County Recorder indicating that the private streets shall not be maintained by the City unless and until they are incorporated into the public street system of the City.

16. Access points to private streets shall be posted to identify that vehicles are entering a private street system.

17. No certificate of occupancy or final clearances shall be issued for any residential or commercial structures without two-way, paved access.

18. The applicant shall provide reasonable access to the adjacent parcels south of the Dynamite section line in Section 31 subject to approval by the traffic engineering director. It is understood that access shall mean right-of-way, easements or other such legal access and does not represent design or construction of any physical access improvements.

APPROVED
10/10/91 DH
DATE INITIALS

WATER/SEWER

1. Any water reservoir required for public utility use shall be subject to Municipal Use master site plan approval. The location and design of all reservoirs and related sites shall be subject to Development Review Board approval. Such design shall include the color and physical character of the tank and the width and grade of access to the tank. Water reservoirs shall not be located within any Hillside Conservation (HC) area.

2. An easement over the golf courses shall be provided to allow for the application of effluent from the reclamation plant(s) in excess of irrigation needs.

3. The applicant shall provide an access easement from the public street system to any wastewater reclamation facility. The access shall be paved and in place at the time facility construction begins.

4. If water and sewer lines are to be installed in advance of the preparation of detailed street/driveway improvements plans, the applicant shall prepare for the approval of the City, a detailed Master Plan of those streets giving the precise vertical and horizontal alignments. This will be required prior to the preparation of any water or sewer plans. The street alignment for those streets shall be staked by the developer and inspected on-site by the City staff to ensure minimal environmental and hydrological impact.

5. Included with any application for preliminary plat or development review, the applicant shall provide typical service access routes from the main service lines to the individual units to ensure minimal disruption to the natural areas. Utility service access to each lot shall be shown on the preliminary and final plats. Easements for utilities shall not be considered natural area unless otherwise provided by the Hillside section of the zoning ordinance.

6. The applicant understands and agrees that the granting of zoning does not and shall not commit the City to the extension, construction, or development of either water or sewer facilities (including but not limited to lines, mains, boosters, and storage facilities) to, on, or near the subject property.

7. The applicant understands and acknowledges that he is responsible for the construction and dedication to the City of all water and sewer facilities necessary to serve this development. Water and sewer facilities shall conform to the respective City Master Plan for this area and city design standards.

APPROVED
10/10/94 DN

8. Building permits shall be subject to all fees and conditions in effect at the time of permit issuance. The applicant understands and agrees that constructing water and sewer facilities as provided herein shall not be in lieu of any water development fee, sewer development fee, or development tax which is applicable at the time building permits are issued subject to the following:

   a. The applicant or successors shall be entitled to receive credit for the cost of constructing the wastewater treatment facility which may be applied toward the sewer development fees which the applicant is required to pay. Also in consideration for the transfer of C.A.P. water rights to the city by the applicant, the water resources fee for the development shall be reduced equivalent to the extent of the transfer as approved by the water resources staff.

9. The City of Scottsdale shall be under no obligation to provide wastewater originating outside of the subject property to any wastewater treatment plant constructed pursuant to these stipulations or any other wastewater treatment plant constructed for the purpose of watering a golf course to serve this development except as may be provided in future agreements between the applicant and the City.

10. Unless resolved otherwise, the City staff shall submit an application to the director of the Arizona Department of Water Resources for a modification of the applicable maximum gallons per capita per day (GPCPD) goal of the City of Scottsdale for all non-residential water use including the resort. In the event that the director of the Department of Water Resources does not approve the requested adjustment, permits shall not be issued for any of the non-residential uses, unless an alternate solution is approved by the City Council.

11. The master water plan shall include future connection to Section 31, adjacent to the west, as identified by Water Resources staff, and at such location(s) approved by the applicant. The applicant shall not be responsible for detailed design and improvement costs associated with the connection.

APPROVED
10/10/94 DH
DATE INITIALS

12. Prior to any zoning map adoption, subsequent application for Development Review Board or preliminary plat on parcels "Z" through "CC" the developer of said parcels shall contribute his prorate share for the development of the 24" waterline in dynamite boulevard and the pump station of reservoir number 43. Conditions of this contribution are as set forth in an agreement between the City of Scottsdale and the Nelson Development Company, dated August 17, 1987 (Contract # 870299).

13. Prior to the issuance of any permits for construction within the state trust land parcels, the developer shall assign to the City of Scottsdale those cap water rights allocated to the State land parcels in this project. Undue delays in the assignment of these rights which are not caused by the developer or the city shall not delay the issuance of permits. The State shall implement and cooperate with the City to amend the CAP subcontracts that the state has with the Central Arizona Water Conservation District and the federal government, decreasing their subcontract by the following annual demand of water and increasing the CAP subcontract between City and said conservation district and the federal government in the same amount.

The total quantity of CAP water previously allocated to the State Land Department which is committed to the lands involved in these cases by the State Land Department is:

Use	Annual Demand in Acre Feet
Golf Course	120
Other	410

APPR
10/10/94 DH

14. For any water demand <u>not</u> met through assignment to the City of Rights to State Trust Land Cap Water in connection with the purchase of State land parcels or other cap water rights acquired by the developer and assigned to the City, the developer or his successors or assignees agrees to:

A. Pay a one-time water resources development fee in accordance with the City's fee schedule at the time of the issuance of building permits as proscribed in Section 49-74.1 of the City code, and

B. pay any non-reimbursable contribution toward development of the reclaimed water distribution system on a prorated basis as provided in Agreement No. 880090 dated May 15, 1989.

APPROVED
10/10/94 DH
DATE INITIALS

FIRE PROTECTION

1. No building permit shall be issued prior to the installation of an approved and operational water system with an approved fire protection system (hydrant, stand-pipe, etc.) in place and operable in the area of the building during the construction period.

2. Firebreaks shall be provided and maintained within developable areas when buildings are to be located near Vista Corridors, washes, or other major natural areas. The type and location of firebreaks proposed for the protection of buildings shall be subject to the approval of the Fire Chief or his authorized representative.

MISCELLANEOUS

1. The responsibility for the maintenance of landscape buffers on public and private property (back-of-curb to right-of-way or access easement line included) and drainageways shall be borne by the applicant and subsequent homeowners associations, and provisions, therefore, shall be set forth in a separate agreement between the applicant and the City which shall be recorded in the records of the Maricopa County Recorder.

2. Those areas of designated common area shall not be accepted for maintenance or ownership by the City without expressed action of the City Council. Before any improvement is accepted, it shall meet City standards. Failure to maintain the designated common areas could result in a civil action brought by the City for costs incurred by the City for said maintenance.

3. All improvements associated with a development or phase of a development and/or required for access or service to the development or phase of a development shall be constructed in full by the developer, including but not limited to washes, storm drains, drainage structures, water systems, sewer system, curbs and gutters, paving, sidewalks, streetlights, street signs and landscaping.

4. At the time of building permits, a park development fee may be required. The fee would be a proportionate share of the cost for land acquisition and improvements for a park to serve that portion of the community. Dedication of an acceptable park site may be provided for the entire project in lieu of any applicable park development fee.

APPROVED
10/10/94 DH

SCHEDULE A (MASTER DRAINAGE PLAN AND REPORT)

A revised master drainage plan and report shall be required for this development which reflects revisions in accordance with current stormwater storage requirements. The report shall specifically include the following:

A. Comparison of design peak discharges with recently completed "Scottsdale North Area Master Plan". Where estimates from the two studies differ, additional support data shall be required.

B. Map showing portions of this development lying within special flood hazard area (SFHA) boundaries.

C. Conceptual design and description of proposed floodwater management system, including proposed measures necessary to secure letter of map revision from Federal Emergency Management Agency (FEMA) for development within special flood hazard areas with city assistance. Application for L.O.M.R. shall be made through the City of Scottsdale.

D. Required stormwater storage volume for each parcel (or watershed) shall be determined as part of the master drainage plan. Proposed locations of storage basins shall be shown on the plan.

E. Approximate boundaries of 100-year floodwater surface for all channels with capacity of 250 c.f.s. or greater.

F. Conceptual easement dimensions necessary for major watercourses to accommodate design discharges.

G. Approximate location, type of structure, and flow capacity of major watercourse crossings.

H. Conceptual design of all man-made channels that includes landscaping concept, typical trails, bikepaths, or other proposed amenities.

I. Phasing plan showing proposed timing of all drainage improvements relative to development of streets and adjacent parcels.

J. Table specifying the timing of, and persons or agencies responsible for dedication of drainage easements and construction of stormwater management facilities.

K. Proposed permanent and interim erosion and sediment control methods.

L. Proposed locations for stockpiling excavated material.

APPROVED
10/10/94 DH

SCHEDULE B (MASTER WATER PLAN)

The Master Water Plan and Report shall be prepared in accordance with the City's design procedures and criteria by a registered professional engineer who is licensed to practice in the State of Arizona. The master plan and report shall address, but not be limited to the following:

A. The location and size of all water system components including both on and off-site lines, pump stations, and storage facilities needed to serve the development.

B. A table specifying the timing of and responsible party for the construction of the necessary water system.

C. A summary of revised demands and estimated flows.

D. An estimation of the peak-day and average-day golf course water requirements.

E. Compliance with the adopted City Water Plan for the respective area and city design standards.

APPROVED
10/10/94 DH

SCHEDULE C (MASTER WASTEWATER PLAN)

The Master Wastewater Plan and Report shall be prepared in accordance with the City's design procedures and criteria by a registered professional engineer who is licensed to practice in the State of Arizona. The master plan and report shall address, but not be limited to the following:

A. The location, size, type, and capacity of the wastewater transmission and treatment system components needed to serve the development, both on-site and off-site components.

B. A table specifying the timing of and responsible party for the construction of the necessary wastewater system.

C. The revised calculations necessary to substantiate the selection of the sizes, types, and capacities of the wastewater transmission and treatment facilities.

D. The handling and disposal of the solids generated by the operation of the wastewater treatment plants.

E. The handling and disposal of untreated wastewater in the event of a plant breakdown or the receipt of wastewater in excess of the plants capacities.

F. Compliance with the adopted City Sewer Wastewater Plan for the respective area and city design standards.

G. Line sizing to accommodate contributing off-site flows from an area that can be gravity serviced through the subject property.

APPROVED
10/10/94 DH
DATE INITIALS

SCHEDULE D (MASTER CIRCULATION PLAN)

The Master Circulation Plan and Report shall be prepared in accordance with the City's design procedures and criteria. The master plan shall include, but not be limited to the following:

A. Street plan showing estimated average daily volumes for all roadway segments and major intersections.

B. Street plan showing all street and approximate locations of major driveway access points with proposed median break locations.

C. Required auxiliary lane locations.

D. Signalized intersection locations with conceptual geometric design and estimated and peak hour volumes for each movement.

E. A pedestrian path plan.

F. A bicycle path plan.

G. An equestrian trail plan.

H. A golf cart path plan.

I. A composite plan showing all of the above elements.

J. A table specifying the timing of and responsible party for the construction of the improvements indicated by each of the plan elements and any phasing strategies.

K. A street plan indicating roadway classifications determined by a revised traffic impact study submitted by the applicant and approved by city staff.

APPROVED
10/10/94 DH
DATE INITIALS

SCHEDULE F (MASTER ENVIRONMENTAL DESIGN CONCEPT PLAN)

The Master Environmental Design Concept Plan shall address the following:

A. Landscaping
B. Street lights
C. Graphics and wall design plan for landscape buffers
D. Streetscapes including trails and walks
E. The design and aesthetic concept for all major drainage and detention facilities.
F. The timing and responsible party for construction of the above facilities.

SCHEDULE G (MASTER GRADING PLAN)

The Master Grading Plan and Report shall be prepared in accordance with the City's design procedures and criteria by a registered professional engineer licensed to practice in the State of Arizona. The master plan and report shall be prepared on a contour map with a scale and contour interval appropriate to the size of the development and the terrain of the property. The map shall show:

A. The configuration and finished contours of all grading associated with all master planned streets, utility lines, drainage and recreation facilities.

B. Identification of the types of soils found on or to be placed on the applicant's property, including the identification of any expansive soils.

C. Identification of the compaction to be provided in fill areas.

D. Identification of stands or clusters of all trees with a caliper of four (4) inches or greater and cacti six (6) feet or greater in height. The plan should show which of those trees or cacti will be removed.

E. The locations planned for temporary stockpiling of excavated material and the plan for use or disposal of this material.

F. If, because of plans for phasing the development over a period of time, the developer wishes to phase the submission of part of the above described information, the Master Grading Plan will indicate this phasing and will include an explanation of when the supplementary plans will be submitted and who will be responsible for submitting them.

APPROVED
10/10/94 DH
DATE INITIALS

SCHEDULE J (DEDICATION AND IMPROVEMENTS)

STREET NAME	NOTES	MINIMUM RIGHT-OF-WAY	MINIMUM IMPROVEMENTS
Dynamite Blvd.		(Under Construction)	
Northern Loop	A, H	50' (full)	26' (BC-BC)
Alma School Pky.	A, C, D	90' (full)	61' (BC-CL)
Alma School Pky. (North of Dynamite)	A, E, H	70' (full)	41' (BC-BC)
96th Street	A, H	50' (full)	26' (BC-BC)
Collector St. -(from Dynamite south at 100th St. alignment between parcels AA, CC, BB)	A, H	50' (full)	26' (BC-BC)
-(adjacent to parcels Z & Y)	A, H	70' (full)	41' (BC-BC)
Pinnacle Vista Dr.	I	25' (half)	13' (BC-CL)
Res. collector	G	50' (full)	26' (BC-BC)
Res. local	B, F, H	(determined based on density and estimated volume)	
Commercial		60' (full)	41' (BC-BC)

A. Additional easement width may be necessary to accommodate cut or fill slopes, or to protect the natural environment.

B. The indicated right-of-way shall be dedicated as an easement for emergency/service vehicles where private streets are approved.

C. South of Dynamite alignment.

D. The improvements include landscaping within right-of-way, (including median), as necessary to mitigate impact from grading/construction.

APPROVED
10/10/94 DH
DATE

E. Dedications shall be made within 6 months of City Council approval. failure to make required dedications shall result in zoning reverting to prior classification without City Council action.

F. Residential street widths shall be adjusted for development density according to the following:

DENSITY (UNITS PER ACRE)	MIN. STREET WIDTH (B.C. TO B.C.)
0 TO 2.00	23'
2.01 TO 5.99	28'
6.0 or higher	32'

G. At all intersections, 70' right-of-way and 41' (BC-BC) improvements shall be required with sufficient length (100' minimum), to accommodate left-turn storage demand.

H. Local street segments which may be expected to carry more than approximately 700 vehicles per day shall be designated collector streets.

I. Minimum pavement width of 20' required for two-way access.

APPROVED
10/10/94 DH

SCHEDULE K (TIMING OF RIGHT-OF-WAY DEDICATIONS)

Roadway	When Required
Dynamite Blvd. Alma School Parkway south of Dynamite Pinnacle Vista Drive	(Dedicated)
Internal Res. Collector Internal Res. Local Collector St. intersecting Dynamite at 100th St.	At time of final plat approval or when required for access to internal development from a primary street.
Alma School Parkway north of Dynamite	Within six months of the date of Council approval.
Internal commercial	At time of Development Review Board approval.

SCHEDULE L (TIMING OF ROADWAY IMPROVEMENTS

Roadway	When Required
Dynamite Blvd. (Pima Rd. to Alma School Parkway	Full width construction from Pima to the east end of the driving range with first phase, and further to the east half-width, full length construction concurrent with development on adjacent parcels subject to design approval of tapers, transitions, etc.
Dynamite Blvd. (east of Alma School Parkway to development boundary	Half width, full length construction shall occur in conjunction with any adjacent development or in conjunction with Dynamite Blvd. (Rio Verde Drive) realignment east of 112th Street, whichever occurs first. The remaining construction shall occur concurrent with development on adjacent parcels.
Alma School Parkway (Pinnacle Vista Dr. to Dynamite)	Full width, full length construction segments shall occur in conjunction with any adjacent development or half-width, full length construction in conjunction with Dynamite (Rio Verde) realignment east of 112th Street, whichever occurs first.

APPROVED
10/10/94 DH

Alma School Parkway (Dynamite to north boundary of development)	Full width, full length construction segments shall occur in conjunction with any adjacent development or when access to internal development from Alma School Parkway is needed.
All Others Listed on Schedule G	Full width, full length segments in conjunction with any adjacent development in the area, but construction shall provide for a continuous roadway from Dynamite, Alma School, or other primary streets. City and applicant shall work diligently to provide the Pinnacle Peak Park site with 2-lane improved access by January 1, 1991.

RIGHT TURN LANES

Dynamite Blvd.	Design and construct right turn deceleration lanes for all intersections and access driveways where warranted in conjunction with the design and construction of Dynamite Boulevard.
Alma School Road	Design and construct right turn deceleration lanes for all intersections and access driveways where warranted in conjunction with the design and construction of Alma School Parkway.

APPROVED
10/10/94 DK
DATE INITIALS

SCHEDULE M (REQUIRED TRAFFIC SIGNAL PARTICIPATION)

The developer shall be responsible for participation in the design and installation of a traffic signal, if warranted as determined by the City, at the following location for the percent of participation indicated:

INTERSECTION	NOTES	PARTICIPATION
Dynamite Blvd./Alma School Pky.	A	100%
Dynamite Blvd./Collector at 100th Street alignment	B	100%
Pinnacle Vista Drive/Alma School Parkway	B	50%

A. Cash payment for 100% of the design and construction shall be required prior to issuance of any permits for any parcel immediately adjacent to the intersection.

B. Cash payment may be required with adjacent development if a signal is determined by the city to be warranted and if such a signal location is consistent with the city's signal location policies in effect at that time.

APPROVED
10/10/94 DH
DATE INITIALS

EXHIBIT A

NO DEVELOPMENT LINE
ADJUSTMENT STIPULATIONS

1800 ACRE - Pinnacle Peak Village North

A. Any change in the development plan which was presented as part of the no-development line adjustment must be reviewed by staff and shall achieve all the purposes of the Hillside District as well as the demonstration plan.

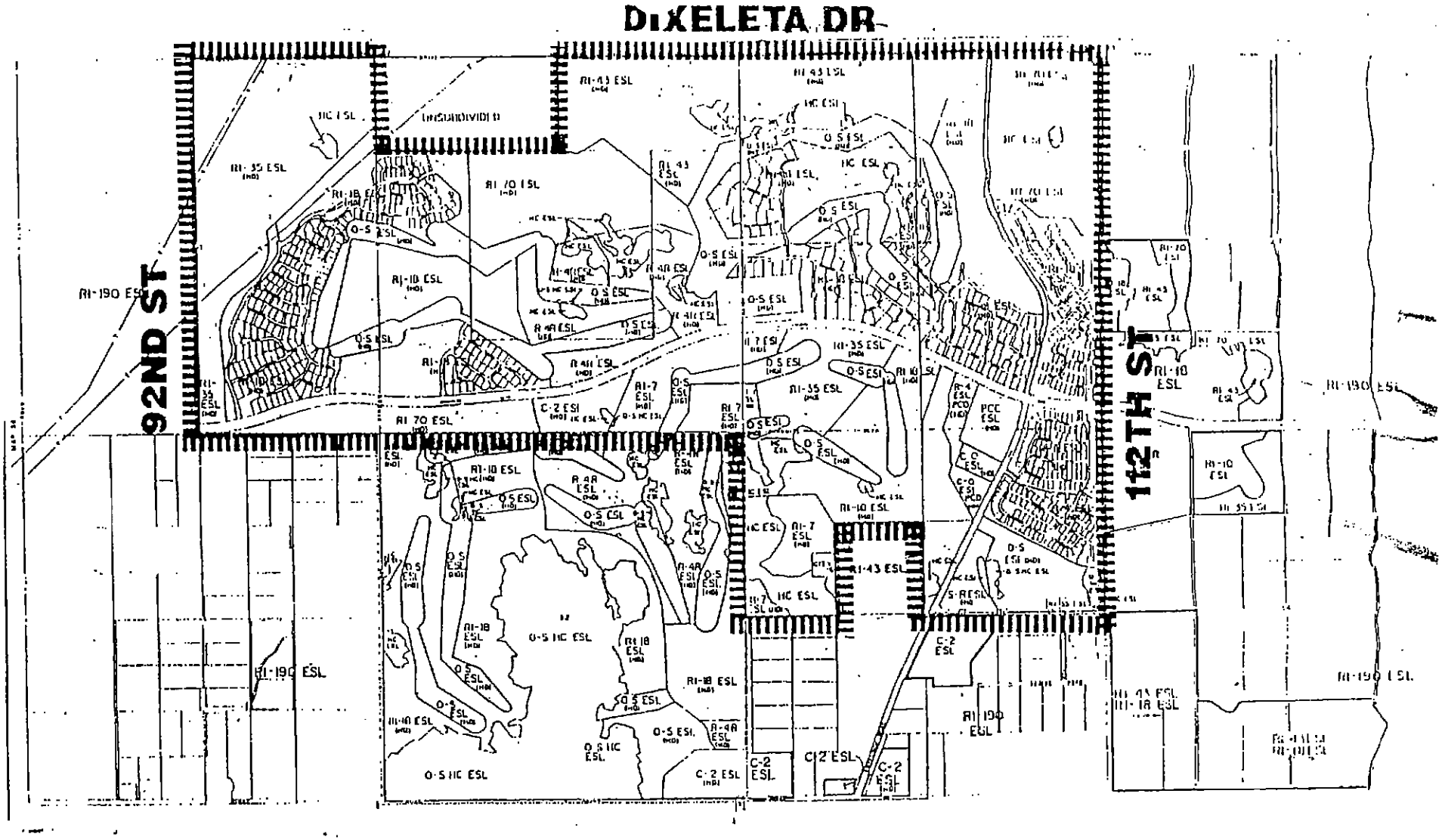
B. The location, design and construction methods for installation of water storage and pumping facilities are to be approved by the Development Review Board prior to approval of any preliminary plat or site plan on the property.

C. All surplus earthern materials not used for construction shall be removed from the adjusted area.

D. Any application for a preliminary plat or Development Review Board site plan approval shall include typical designs and plans for the treatment of all cuts and fills and retaining structures and building pads in adjusted area.

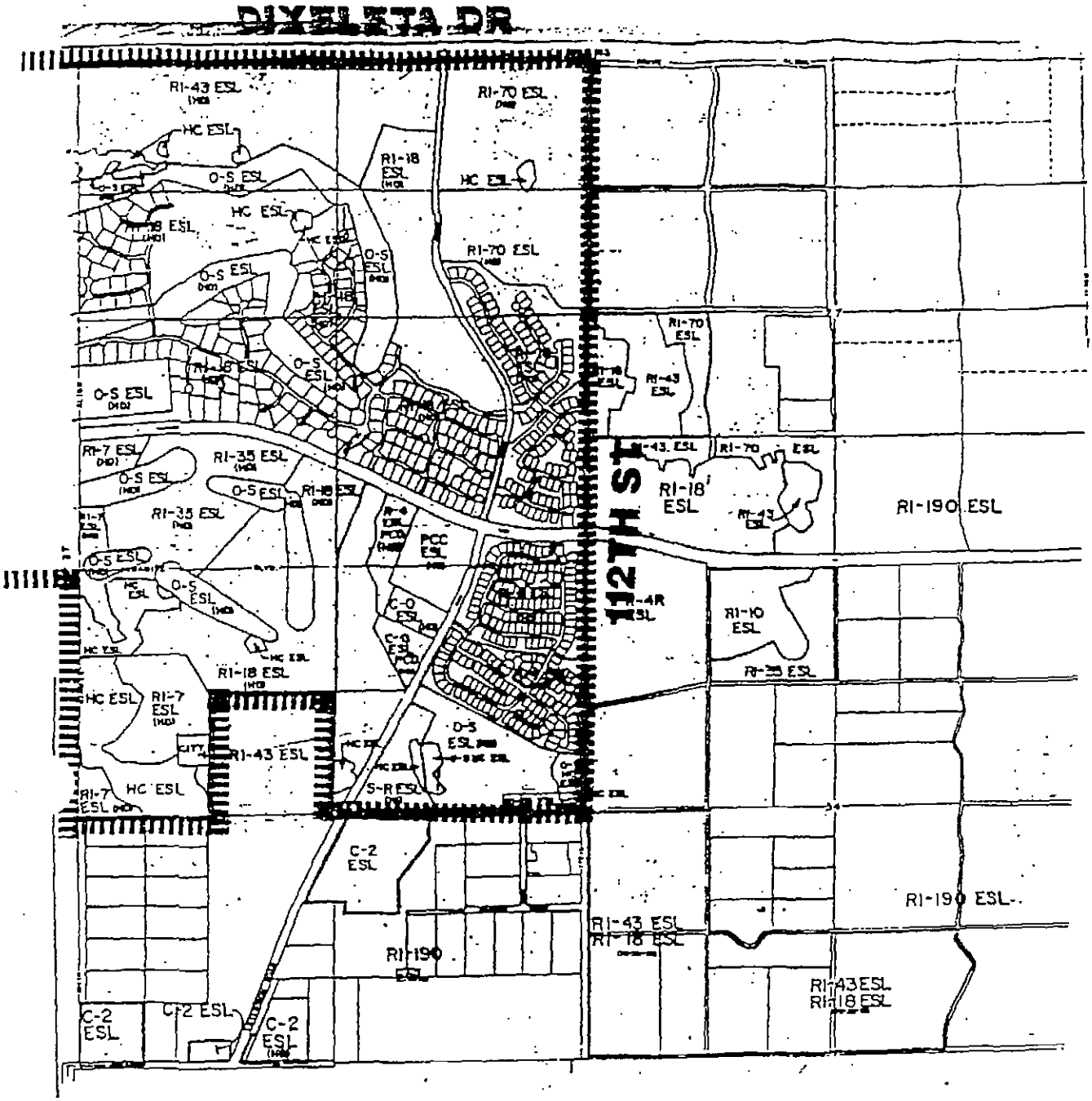
640 ACRES - State Land

A. The proposed adjustment is to be conceptual only and all adjustments are to be contingent on development review approval of the land use and site plan of each parcel prior to its submittal for preliminary plat review.



NO SCALE ATTACHMENT #1

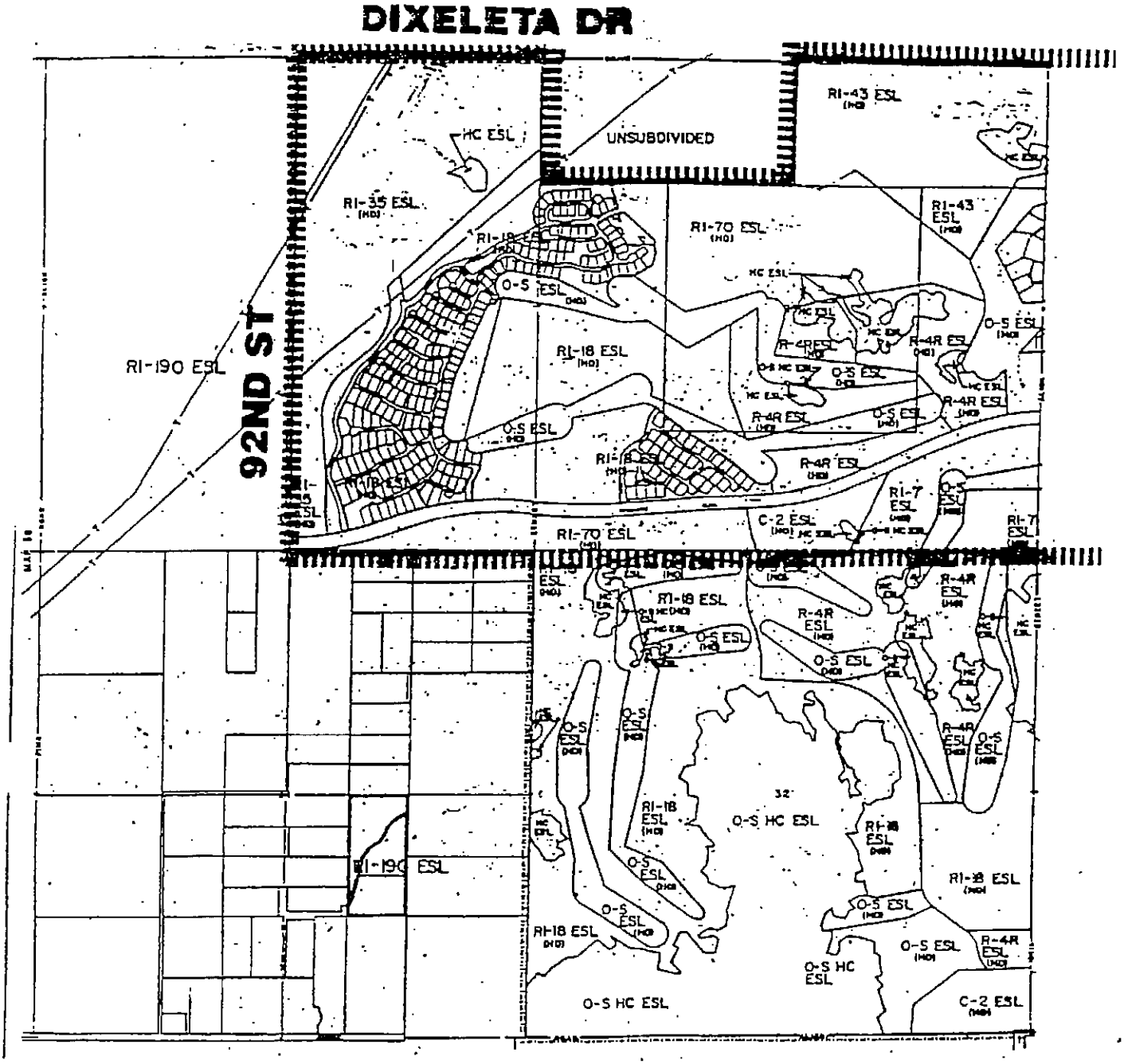
43-ZN-94/28-UP-94



43-ZN-94/28-UP-94

REQUESTS REZONING FROM R1-7, R1-18, R1-43, R1-70 ESL (HD/HC) TO O S ESL
FROM R1-70 ESL (HD/HC) TO R1-43 ESL (HD.HC)
FROM R1-7 ESL/HD/HC TO R1-18 ESL (HD/HC)
FROM R1-70 ESL (HD/HC) TO R-4R ESL (HD/HC)

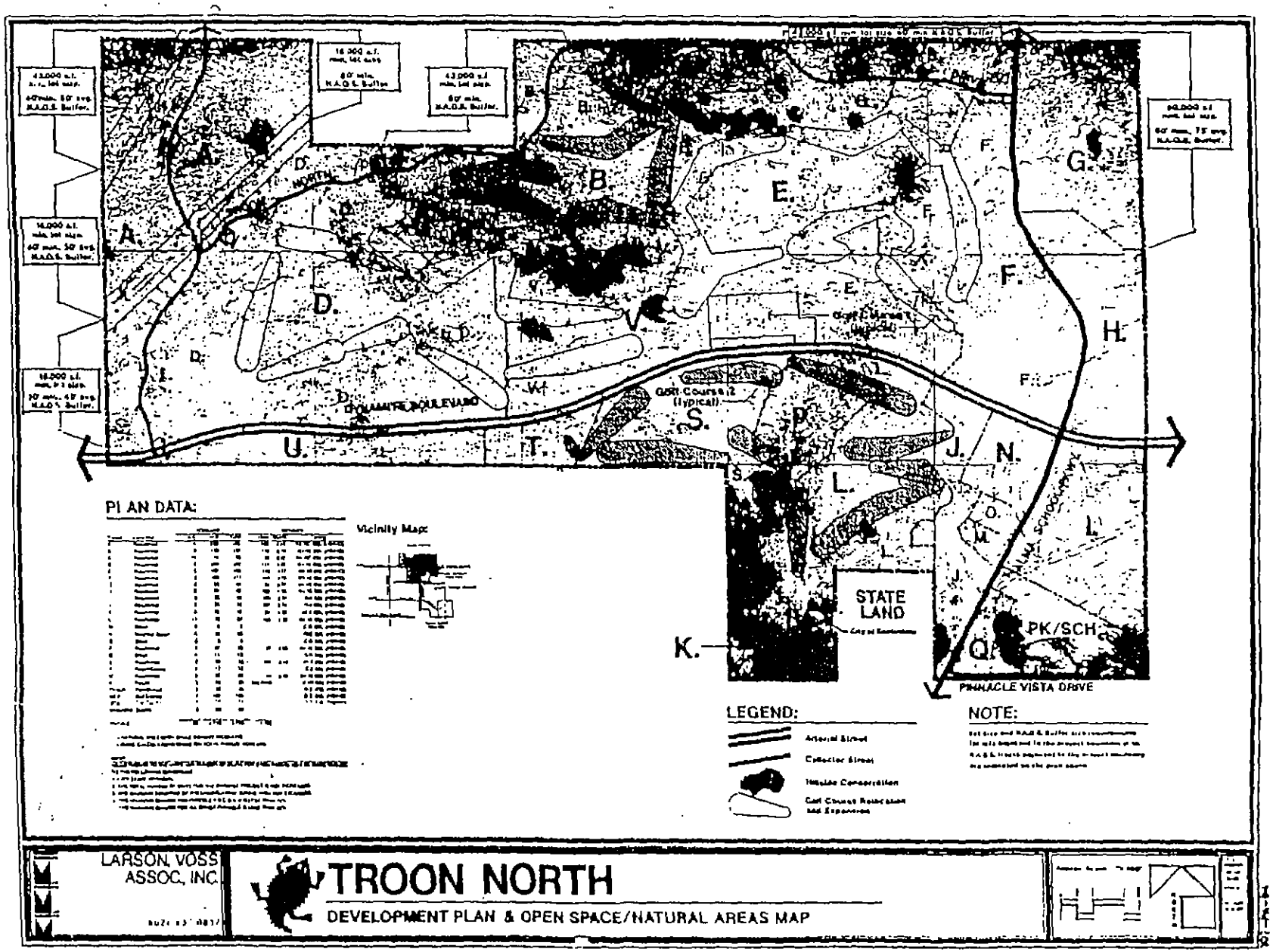
ATTACHMENT #2



43-ZN-94/28-UP-94

ATTACHMENT #2-A

ATTACHMENT #3



43-ZN-94/28-UP-94

ORDINANCE NO. 2707

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 43-ZN-94.

WHEREAS, the zoning case no. 43-ZN-94, has been properly noticed for public hearing, pursuant to the requirements of the Scottsdale Zoning Ordinance and the statutes of the State of Arizona, and the necessary hearings have been completed, and

WHEREAS, the Council of the City of Scottsdale instructed the zoning staff to prepare an ordinance and map changing the zoning on the properties described in the aforementioned case from R1-7, R1-18, R1-43, R1-70 ESL (HD/HC) (All Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to O.S. ESL (HD/HC) (Open Space/Hillside District/Hillside Conservation) on parcel GC2; for rezoning from R1-70 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R1-43 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) on Parcel G; for rezoning from R1-7 ESL/HD/HC (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to, R1-18 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) on Parcel K; for rezoning from R1-70 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R-4R ESL (HD/HC) (Resort District in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) for Parcel V: all on a 212± acre parcel, including a 134± acre parcel for a golf course, and,

WHEREAS, it is now necessary that the comprehensive zoning map of the City of Scottsdale be amended to conform with the decision of the Scottsdale City Council in case no. 43-ZN-94.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Arizona, that the "District Map" adopted as a part of Ordinance No. 455, showing the zoning district boundaries in the City of Scottsdale, is amended, subject to compliance with all stipulations, as illustrated on the attached zoning map, attached hereto as Exhibit A and incorporated herein by reference,

PASSED AND ADOPTED by the Council of the City of Scottsdale this 20th day of September, 1994.

CITY OF SCOTTSDALE
A MUNICIPAL CORPORATION

By: _____
Herbert R. Drinkwater, Mayor

ATTEST:

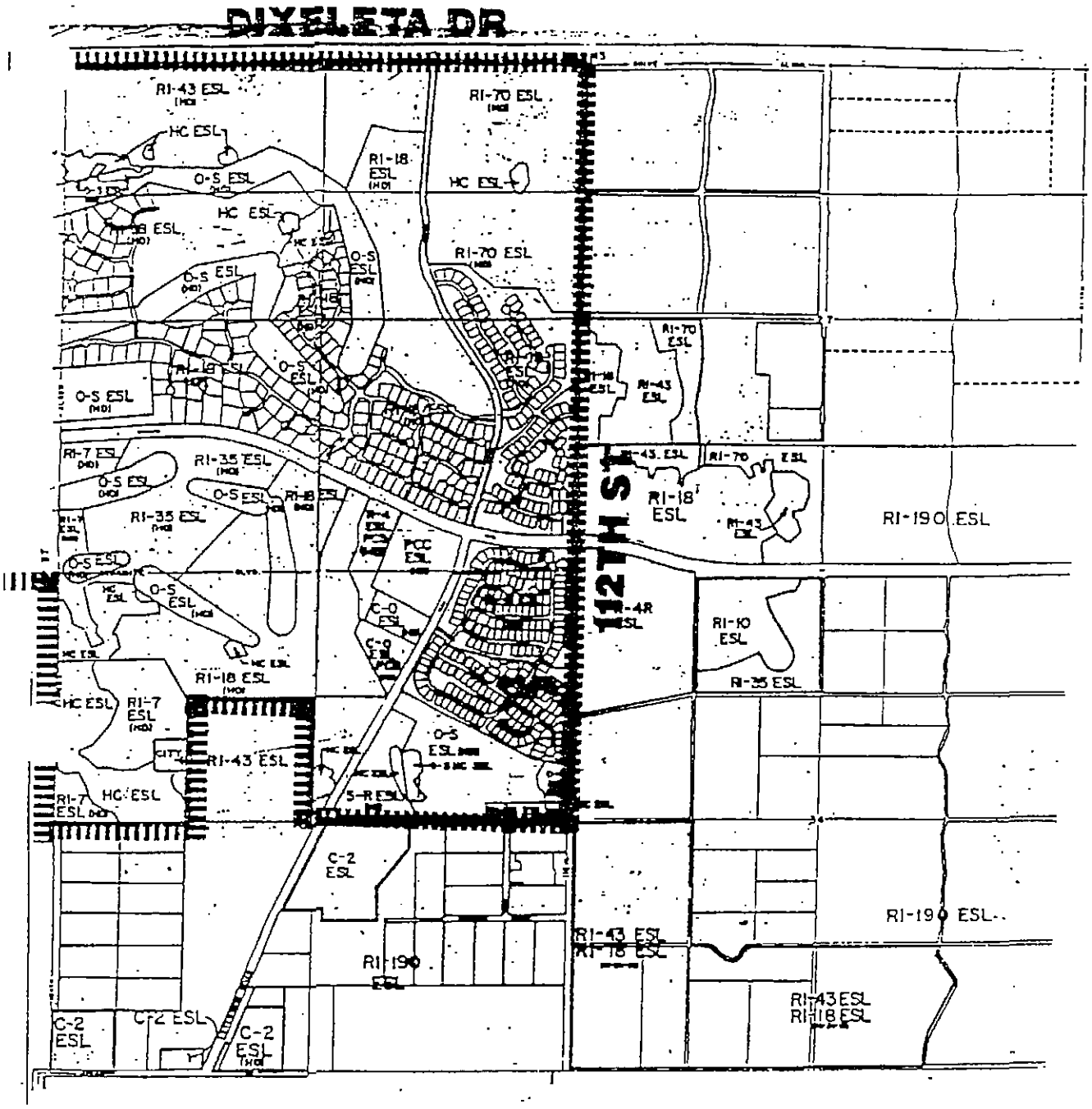
Sonia Robertson
City Clerk

By: _____
City Clerk

APPROVED AS TO FORM:

By: Margaret Wilson
for Fredda Bisman, City Attorney

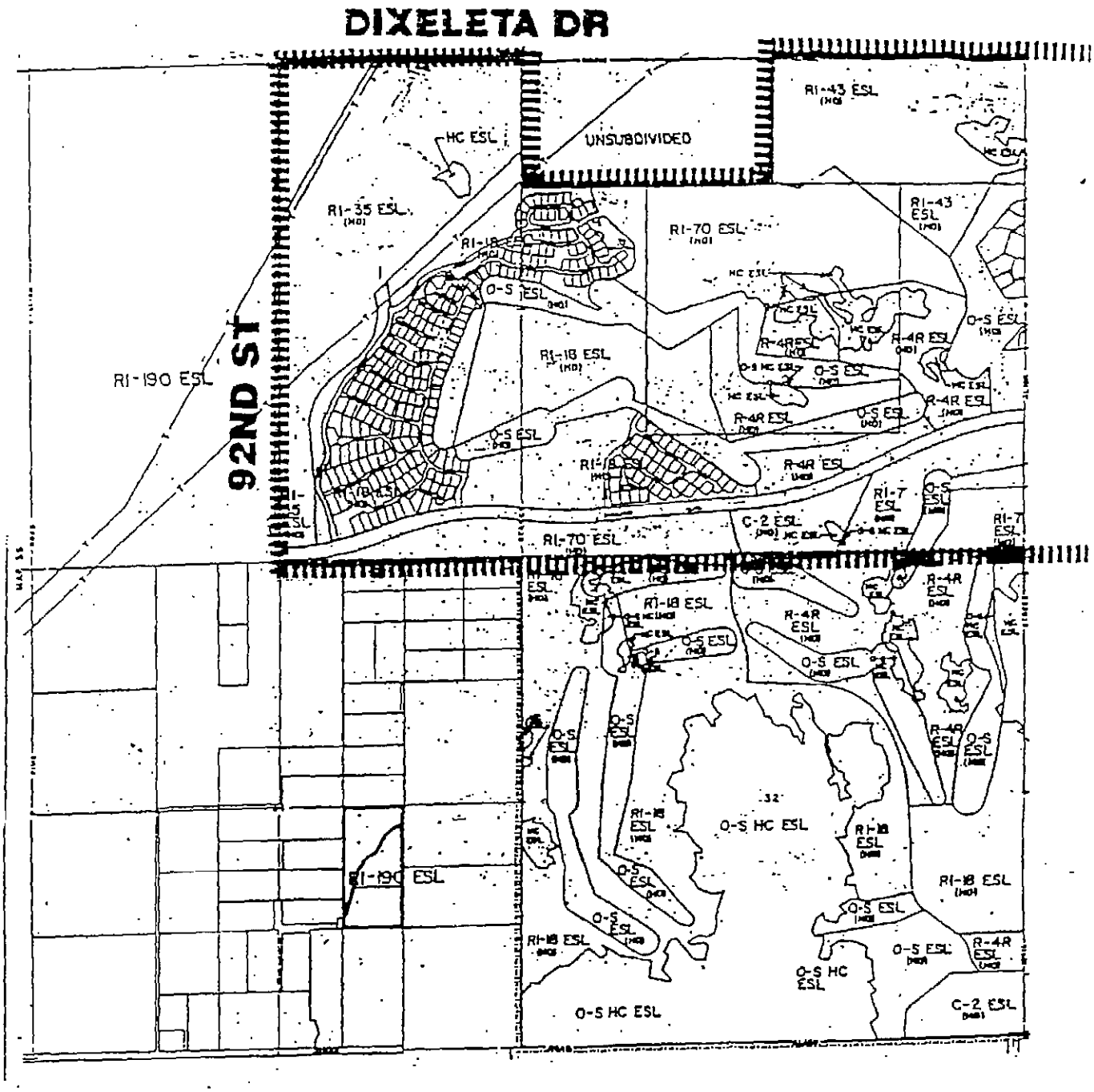
ATTACHMENT #4



43-ZN-94/28-UP-94

REQUESTS REZONING FROM R1-7, R1-18, R1-43, R1-70 ESL (HD/HC) TO O S ESL
FROM R1-70 ESL (HD/HC) TO R1-43 ESL (HD.HC)
FROM R1-7 ESL/HD/HC TO R1-18 ESL (HD/HC)
FROM R1-70 ESL (HD/HC) TO R-4R ESL (HD/HC)

EXHIBIT A#1



43-ZN-94/28-UP-94

EXHIBIT A#2

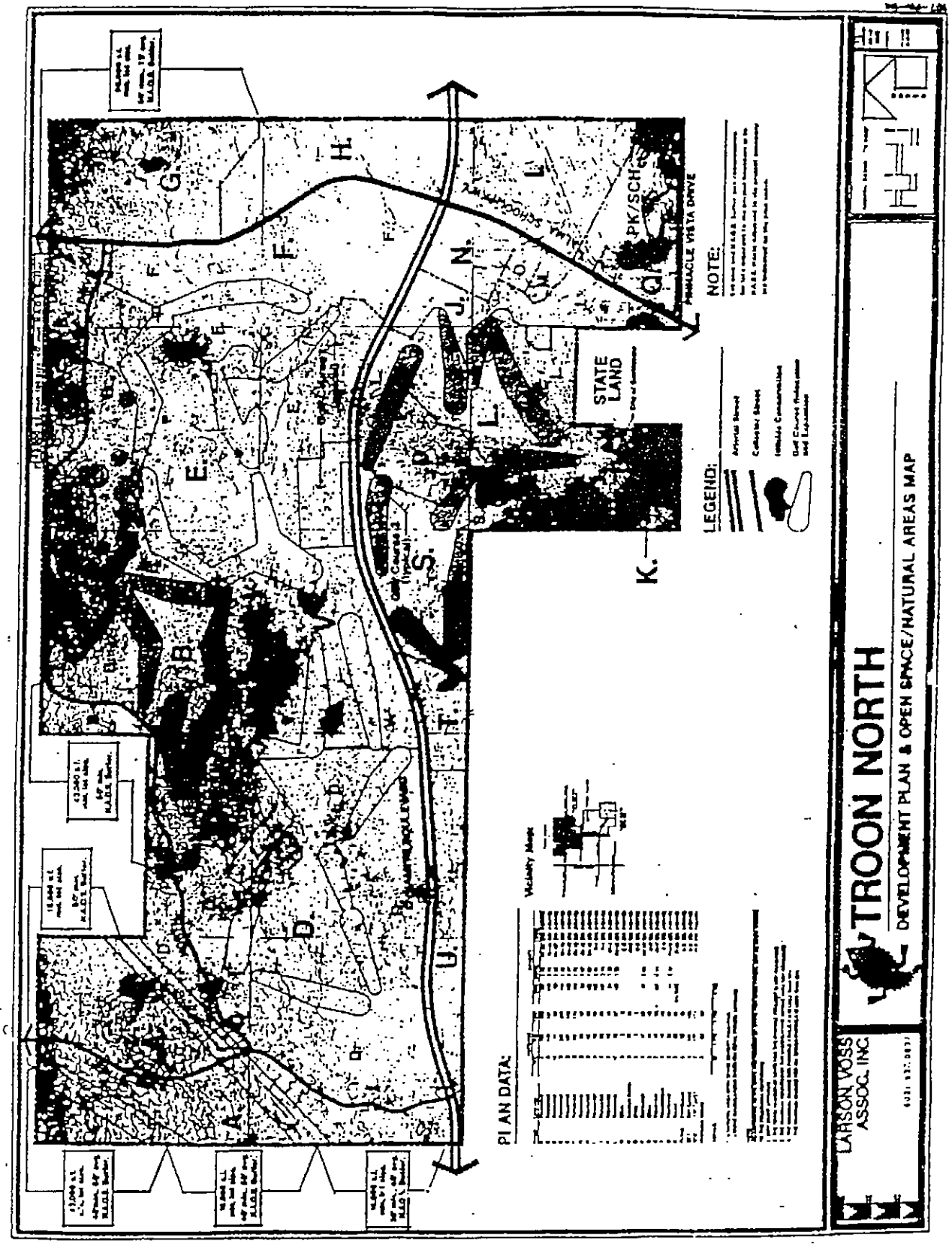
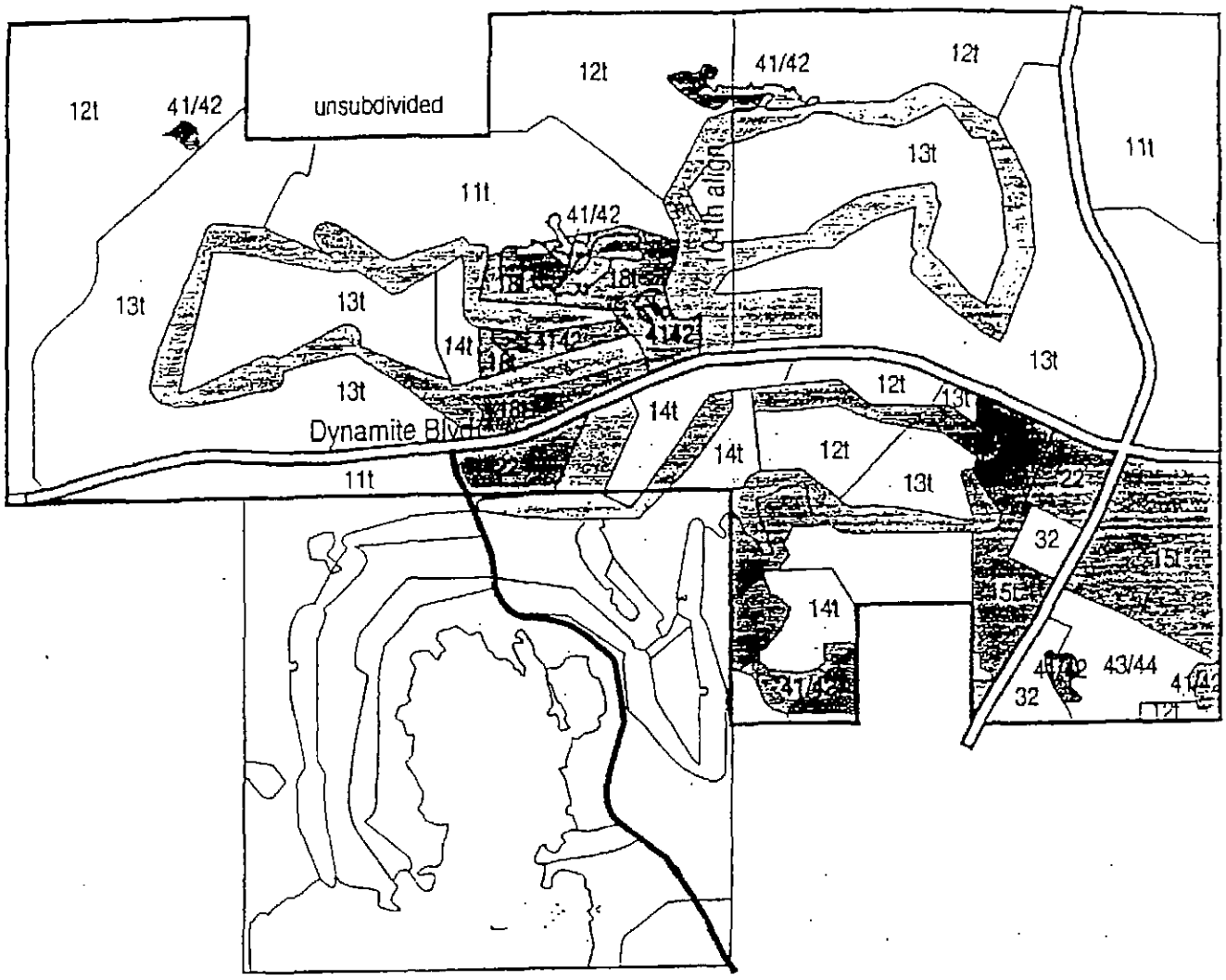

TROON NORTH
DEVELOPMENT PLAN & OPEN SPACE/NATURAL AREAS MAP
LARSON VOSS ASSOC. INC
NOTE:
LEGEND:
PLAN DATA:
STATE LAND
PK/SCH
PINNACLE VISTA DRIVE
43-ZN-94/28-UP-94

EXHIBIT A#3



Existing Land Use Plan
43-ZN-94

11	1/3 - 1/2 DU/AC
12	1/2 - 1 DU/AC
13	1 - 2 DU/AC
14	2 - 4 DU/AC
15	4 - 8 DU/AC
18	Tourist Accommodations
22	General Commercial
32	Major Office
43	Developed Open Space
44	Cultural/Institutional
41/42	Natural Open Space and/or Limited Use Area

ATTACHMENT #5

ORDINANCE NO. 2707

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 43-ZN-94.

WHEREAS, the zoning case no. 43-ZN-94, has been properly noticed for public hearing, pursuant to the requirements of the Scottsdale Zoning Ordinance and the statutes of the State of Arizona, and the necessary hearings have been completed, and

WHEREAS, the Council of the City of Scottsdale instructed the zoning staff to prepare an ordinance and map changing the zoning on the properties described in the aforementioned case from R1-7, R1-18, R1-43, R1-70 ESL (HD/HC) (All Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to O.S. ESL (HD/HC) (Open Space/Hillside District/Hillside Conservation) on parcel GC2; for rezoning from R1-70 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R1-43 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) on Parcel G; for rezoning from R1-7 ESL/HD/HC (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to, R1-18 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) on Parcel K; for rezoning from R1-70 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R-4R ESL (HD/HC) (Resort District in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) for Parcel V: all on a 212± acre parcel, including a 134± acre parcel for a golf course, and,

WHEREAS, it is now necessary that the comprehensive zoning map of the City of Scottsdale be amended to conform with the decision of the Scottsdale City Council in case no. 43-ZN-94.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Arizona, that the "District Map" adopted as a part of Ordinance No. 455, showing the zoning district boundaries in the City of Scottsdale, is amended, subject to compliance with all stipulations, as illustrated on the attached zoning map, attached hereto as Exhibit A and incorporated herein by reference,

PASSED AND ADOPTED by the Council of the City of Scottsdale this 20th day of September, 1994.

CITY OF SCOTTSDALE
A MUNICIPAL CORPORATION

By: _____
Herbert R. Drinkwater, Mayor

ATTEST:

Sonia Robertson
City Clerk

By: _____
City Clerk

APPROVED AS TO FORM:

By: Margaret Wilson
for Fredda Bisman, City Attorney

J

ORDINANCE NO. 2707

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 43-ZN-94.

WHEREAS, the zoning case no. 43-ZN-94, has been properly noticed for public hearing, pursuant to the requirements of the Scottsdale Zoning Ordinance and the statutes of the State of Arizona, and the necessary hearings have been completed, and

WHEREAS, the Council of the City of Scottsdale instructed the zoning staff to prepare an ordinance and map changing the zoning on the properties described in the aforementioned case from R1-7, R1-18, R1-43, R1-70 ESL (HD/HC) (All Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to O.S. ESL (HD/HC) (Open Space/Hillside District/Hillside Conservation) on parcel GC2; for rezoning from R1-70 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R1-43 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) on Parcel G; for rezoning from R1-7 ESL/HD/HC (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to, R1-18 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) on Parcel K; for rezoning from R1-70 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R-4R ESL (HD/HC) (Resort District in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) for Parcel V: all on a 212± acre parcel, including a 134± acre parcel for a golf course, and,

WHEREAS, it is now necessary that the comprehensive zoning map of the City of Scottsdale be amended to conform with the decision of the Scottsdale City Council in case no. 43-ZN-94.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Arizona, that the "District Map" adopted as a part of Ordinance No. 455, showing the zoning district boundaries in the City of Scottsdale, is amended, subject to compliance with all stipulations, as illustrated on the attached zoning map, attached hereto as Exhibit A and incorporated herein by reference,

PASSED AND ADOPTED by the Council of the City of Scottsdale this 20th day of September, 1994.

CITY OF SCOTTSDALE
A MUNICIPAL CORPORATION

By: _____
Herbert R. Drinkwater, Mayor

ATTEST:

Sonia Robertson
City Clerk

By: _____
City Clerk

APPROVED AS TO FORM:

By: Margaret Wilson
for Fredda Bisman, City Attorney

ATTACHMENT #4

K

SCOTTSDALE DEVELOPMENT REVIEW BOARD
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA
DECEMBER 6, 2007

PRESENT:	Betty Drake, Councilwoman Steve Steinke, Commissioner Jeremy Jones, Vice Chairman David Brantner, Development Member Michael Edwards, Design Member Michael Schmitt, Design Member
ABSENT:	Michael D'Andrea, Development Member
STAFF:	Steve Venker Don Hadder Dan Symer Jeff Ruenger Joanie Liebell

CALL TO ORDER

Councilwoman Drake called the meeting of the Scottsdale development Review Board to order at 1:04 p.m.

OPENING STATEMENT

Councilwoman Drake read the opening statement that describes the role of the Development Review Board and the procedures used in conducting this meeting.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

MINUTES APPROVAL

1. Approval of November 15, 2007 Development Review Board Study Session Minutes

2. Approval of November 15, 2007 Development Review Board Regular Minutes

Vice-Chairman Jones requested that the reference to a March City Council agenda be corrected to the accurate month.

VICE-CHAIRMAN JONES MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 15, 2007 DEVELOPMENT REVIEW BOARD INCLUDING THE STUDY SESSION AS AMENDED. SECONDED BY BOARD MEMBER BRANTNER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

CONSENT AGENDA

3. 3-PP-2007 Montalcino Estates

VICE-CHAIRMAN JONES MOVED TO APPROVE 3-PP-2007. SECONDED BY COMMISSIONER STEINKE, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

4. 38-DR-2007 Scottsdale Hotel

Board Member Edwards noted a conflict and recused himself from the discussion.

VICE-CHAIRMAN JONES MOVED TO APPROVE 38-DR-2007, SCOTTSDALE HOTEL. SECONDED BY BOARD MEMBER BRANTNER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0). BOARD MEMBER EDWARDS WAS RECUSED.

5. 46-DR-2007 Appaloosa Branch Library

Vice-Chairman Jones noted a conflict and recused himself from the discussion.

BOARD MEMBER SCHMITT MOVED TO APPROVE 46-DR-2007. SECONDED BY BOARD MEMBER EDWARDS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0). VICE-CHAIRMAN JONES WAS RECUSED.

REGULAR AGENDA

6. 48-DR-2007 Monument Club

Mr. Hadder reviewed the case, highlighting items Board Members had previously expressed concern about. Details and design updates were included in the information provided to the Board. Discussions are continuing with neighbors regarding entrance drive concerns. Speed humps will be installed in the entrance area.

In response to an inquiry by Vice-Chairman Jones, Mr. Daugherty explained the concept of designing landscaping to follow the contemporary feel of the buildings. Landscaping patterns will be repeated and clusters placed in a contemporary fashion.

Mr. Daugherty explained that the water features incorporated into the swimming pool were chosen instead of the park water feature. The water feature designed to run from the roofline into a pond was eliminated because of a water feature height restriction. The gabion wall/water feature is an entry portal and has nothing to do with the water feature.

Mr. Daugherty noted that a materials board was provided, which depicted colors and textures more accurately than the renderings.

VICE-CHAIRMAN JONES MOVED TO APPROVE 48-DR-2007. SECONDED BY BOARD MEMBER BRANTNER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

ADJOURNMENT

With no further business to discuss, the regular session of the Development Review Board adjourned at 1:19 p.m.

Respectfully submitted,
AV-Tronics, Inc

DEVELOPMENT REVIEW BOARD REPORT

MEETING DATE: December 6, 2007 ITEM NO. 6

CASE NUMBER/ PROJECT NAME	**48-DR-2007** **Monument Club**
LOCATION	10200 E. Dynamite Blvd.
REQUEST	Approval of a site plan, landscape plan and building elevations for new resort timeshare units and associated amenities.

OWNER	Candlewood Development 38779 W. Summit View Tr. Carefree, AZ 85377	**ENGINEER**	Graham Engineering & Surveying 7406 E. Nonchalant Way Carefree, AZ 85377
ARCHITECT/ DESIGNER	RD Architecture PLLC 7440 E. Karen Dr. Suite 100 Scottsdale, AZ 85260	**APPLICANT/ CONTACT**	Raffik Quiroz RD Architecture PLLC 480-607-3337

BACKGROUND

Zoning.

Zoned Resort/Townhouse Residential District (R-4R), this district provides residential development, having either party walls or walled courtyards, available for rent, lease or sale.

Context.

Currently vacant and located within the Troon North Community, the approximately 2.5 acre parcel is east of the Troon North Golf Clubhouse, north of Dynamite Boulevard.

Adjacent Uses:

- North: Resort/Townhouse residential zoned R4-R ESL (HD)
- South: Tract of vacant land zoned R4-R ESL (HD) and E. Dynamite Blvd.
- East: Troon North Golf Course zoned O-S ESL (HD/HC)
- West: Resort/Townhouse residential zoned R4-R ESL (HD)

APPLICANT'S PROPOSAL

Applicant's Request.

The applicant requests approval of a site plan, landscape plan and building elevations for a new resort timeshare development and amenities within the Troon North Community.

Development Information:

- Existing Use: Vacant Land
- Proposed Use: Condo/timeshare

- Parcel Size: 2.5 acres
- Building Size: 32,798 sq. ft. for both buildings
- Lot Coverage 29 percent
- Building Height Allowed: 35 feet
- Building Height Proposed: 34 feet
- Parking Required: 46
- Parking Provided: 59
- NAOS Required: 34,466 sq. ft.
- NAOS Provided: 38,593 sq. ft.
- Number of Units Allowed: 37
- Number of Units Provided: 24

DISCUSSION

This case was continued from the 11/15/2007 Development Review Board (DRB) meeting by the DRB. The applicant was given the direction to provide clear and concise elevations for the location of colors and materials. Additionally, they were asked to provide documents that are consistent and that will dictate what will be constructed. The applicant has provided additional sheets detailing color and materials within the packet. Please refer to sheets A-9a, A-9b, A9-c, A-11a, A-11b, A-11c and the material board photo on sheet X-1. As requested by Commissioner Schwartz the applicant has provided context photographs of the surrounding developments.

A variety of colors and materials have been used to enhance the design and desert theme. The main body will be a stucco finish painted Dunn-Edwards, DE 6131, Teddy Bear. Columns are proposed to be stucco finish painted Dunn-Edwards, DE 6215, Wooden Peg. Recessed areas will be a stucco finish painted Dunn Edwards, DE 6132, Big Stone beach and the base stucco stem color is proposed as Dunn Edwards, DEC 756, Weathered Brown. Gun metal steel fascia painted Dunn Edwards, DEA 160, Hope Chest will be used on bans between floors. Windows and doors will be aluminum clad with a bronze color. Ledge based stone wall veneer will be utilized on building columns, stairs and theme walls.

This undeveloped site, within the Troon North Community, is looking for approval of a new resort timeshare development. Troon North Communities were originally zoned under the Hillside Ordinance (HD). In 1991 the Environmentally Sensitive Land (ESL) Ordinance was adopted, and by ESL provisions, undeveloped parcels were given an opportunity to administratively apply to develop under ESL standards. This property owner has applied and received approval to develop under ESL standards.

The architect has utilized a contemporary architectural style for this new timeshare resort. To capture the panoramic views of the boulder outcroppings and mountain views, development is centralized on the southern portion of the site, while the northern portion of the site will be dedicated as Natural Area Open Space and Conservation Open Space. The main structure will contain two levels of residential units and incorporate underground parking. Elevators and stairs provide access to each section of units through an open air corridor having access from the parking garage. A two story clubhouse and pool area offer

guests an arrival destination and an outdoor community space.

Each dwelling unit will incorporate interior rolled shade screens in the living areas and block out window coverings in the bedrooms. Additionally, low-E glass will be used in conjunction with the roof overhangs to provide sun protection. All of the exterior faces of the interior window coverings will be the same color when viewed from the outside. Roof top mechanical equipment will be screened from all views with stucco parapet walls. Proposed site and retaining walls will have a boulder appearance to accent the wrought iron fencing around the pool area.

Landscape has been identified by the architect to follow the contemporary theme of the buildings. The design features native plant species in a natural design along the frontage that meets the intent of ESL, while the court yard area utilizes low water use desert plants in an ordered and textured theme of mass plantings, and features specimen plants as sculptured focal points. This year-round resort will be able to enjoy the seasonal color of native species. Minimal, low level lighting and landscape lighting will be used to accent plant material, pedestrian walks, and the pool area.

STAFF RECOMMENDATION

Staff recommends approval, subject to the attached stipulations.

STAFF CONTACT(S)

Jeff Ruemper
Senior Planner
Phone: 480-312-4208
E-mail: jruemper@scottsdaleAZ.gov

APPROVED BY

Jeff Ruemper
Report Author

Steve Venker
Development Review Board Liaison
Phone: 480.312-2831
E-mail: svenker@ScottsdaleAZ.gov

ATTACHMENTS

A. Stipulations/Zoning Ordinance Requirements
B. Fire Ordinance Requirements
1. Applicant's Narrative
2. Context Aerial
2A. Aerial Close-Up
3. Zoning Map
4. Perspective
5. Building Elevations
6. Site Plan
7. Landscape Plan
8. Landscape Elements

Stipulations for Case:
Monument Club
48-DR-2007

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale. Unless otherwise stated, the applicant agrees to complete all requirements prior to final plan approval, to the satisfaction of Project Coordinator and the Final Plans staff.

PLANNING

APPLICABLE DOCUMENTS AND PLANS:

DRB Stipulations

1. Except as required by the City Code of Ordinances, Zoning Regulations, Subdivision Regulations, and the other stipulations herein, the site design and construction shall substantially conform to the following documents:
    a. Architectural elements, including dimensions, materials, form, color, and texture, shall be constructed to be consistent with the building elevations submitted by Rick Daugherty Architecture with a date provided on the plans by City Staff of 10/30/2007.
    b. The location and configuration of all site improvements shall be constructed to be consistent with the site plan submitted by Rick Daugherty Architecture with a date provided on the plans by City Staff of 10/30/07.
    c. Landscaping, including quantity, size, and location of materials shall be installed to be consistent with the conceptual landscape plan submitted by Aridscape Concepts Inc. with a date provided on the plans by City Staff of 10/30/07.

ARCHITECTURAL DESIGN:

DRB Stipulations

2. *The owner shall install the automatic sun screens as shown on sheet A-9 in detail 5 wall section A on all windows that do not access a patio.*
3. The face of the service entrance section(s) shall be flush with the building façade and painted to match the building.
4. All exterior mechanical, utility, and communications equipment shall be screened by parapet or wall that matches the architectural color and finish of the building. Wall or parapet height for roof-mounted units shall meet or exceed the height of the tallest unit. Wall height for ground-mounted units shall be a minimum of 1-foot higher than the tallest unit.
5. All exterior conduit and raceways shall be painted to match the building.
6. No exterior roof ladders shall be allowed where they are visible to the public or from an off-site location.
7. Roof drainage systems shall be interior, except that overflow scuppers are permitted. If overflow scuppers are provided, they shall be integrated with the architectural design.
8. Wall enclosures for refuse bins or trash compactors shall be constructed of materials, with colors and textures, which are compatible with the building(s) on the site.
9. All walls shall match the architectural color, materials and finish of the building(s).

SITE DESIGN:

Ordinance

A. Signs are by separate submittal, approval and permit.

LANDSCAPE DESIGN:

DRB Stipulations

10. *The landscape plan shall be revised at time of final plans to locate plant material that grows thorns or spiky leaves a minimum of three (3) feet from any pedestrian walkway.*

11. *The landscape plan shall be revised at final plans to eliminate the Nassella tenuissima, Mexican Thread Grass, and replace with a non-invasive native species.*

12. Upon removal of the salvageable native plants, the salvage contractor shall submit completed Native Plant Tracking Form, as well as a list identifying the tag numbers of the plants surviving salvage operations, to the City's Inspection Services Unit within three (3) months from the beginning of salvage operations and/or prior to the issuance of the Certificate of Occupancy.

13. Cut and fill slopes shall be rounded to blend with the existing contours of the adjacent natural grades.

EXTERIOR LIGHTING DESIGN:

DRB Stipulations

14. All exterior luminaires shall meet all IESNA requirements for full cutoff, and shall be aimed downward and away from property line, except sign and landscape lighting.

15. The individual luminaire lamp shall not exceed 250 watts.

16. The maximum height from finished grade to the bottom of the any exterior luminaire shall not exceed sixteen (16) feet.

17. All exterior light poles, pole fixtures, and yokes shall be a flat black or dark bronze.

18. No lighting shall be permitted in dedicated NAOS easements.

19. Incorporate into the project's design, the following:

Site Lighting:

a. The maintained average horizontal illuminance level, at grade on the site shall not exceed 1.5 foot-candles.

b. The maintained maximum horizontal illuminance level, at grade on the site, shall not exceed 6.0 foot-candles. All exterior luminaires shall be included in this calculation.

c. The initial vertical illuminance at 6-foot above grade, along the entire property line, or 1-foot outside of any block wall exceeding 5-foot in height, shall not exceed .3 foot-candles. All exterior luminaires shall be included in this calculation.

Building Mounted Lighting:

d. All luminaires shall be recessed or shielded so the light source is not directly visible from property line.

e. Wall mounted luminaires shall contain house-side shields, and be mounted on a minimum 4-inch long bracket that is mounted perpendicular to the wall.

Landscape Lighting

f. All landscape lighting directed upward shall utilize the extension visor shields to limit the view of the lamp source.

g. Landscaping lighting shall only be utilized to accent plant material.

h. All landscape lighting directed upward, shall be aimed away from property line.

i. All landscape lighting hanging in vegetation, shall contain recessed lamps, and be directed downward and away from property line.

j. The landscape lighting lamp shall be an incandescent or halogen incandescent source, and shall not exceed forty (40) watts.

VEHICULAR AND BICYCLE PARKING:

DRB Stipulations

20. Bike rack design shall be in conformance with City of Scottsdale Standard Detail No. 2285, unless otherwise approved in writing by the City of Scottsdale's Transportation Department.

ADDITIONAL PLANNING ITEMS:

DRB Stipulations

21. Flagpoles, if provided, shall be one piece, conical, and tapered.

RELEVANT CASES:

Ordinance

B. Case 3-ZN-94 is the associated rezoning request for the property.

C. This application shall comply with the Environmentally Sensitive Land Ordinance as administratively approved with this application.

ENGINEERING

The following stipulations are provided to aid the developer in submittal requirements, and are not intended to be all inclusive of project requirements. The developer shall submit engineering design reports and plans that demonstrate compliance with city ordinances, the Scottsdale Revised Code and the Design Standards and Policies Manual (DS&PM).

APPLICABLE DOCUMENTS AND PLANS:

22. Architectural Site Plan for Monument Club, prepared by Rick Daugherty Architecture, with a submittal date of 10/30/07.

23. Entry Sign Detail/Sight View Triangles/Refuse Plan, prepared by Rick Daugherty Architecture, with a submittal date of 10/30/07.

DRAINAGE AND FLOOD CONTROL:

DRB Stipulations

24. Submit a final drainage report that demonstrates consistency with the conceptual drainage report approved in concept by the Planning and Development Services Department.

    a. Before the approval of improvement plans by city staff, the developer shall submit two (2) hard copies and one (1) compact disc copy of the complete final drainage report and plan.

25. Basin Configuration:

    a. Basin side slopes shall not be steeper than four-to-one (4:1), (ratio of four (4) feet horizontal to one (1) foot vertical), and basin depths shall not exceed three (3) feet, except as specifically approved by the Floodplain Administrator. A vertical wall may be acceptable to contain the downstream side of a basin subject to the approval of the Floodplain Administrator and the project coordinator.

    b. A maximum of fifty percent (50%) of the front open space may be used as a retention/detention basin, unless approved by the project coordinator.

c. Stormwater Storage on Paved Surfaces. Up to fifty percent (50%) of required stormwater storage may be provided in parking areas when the following conditions are met:

d. Storage system shall be designed to store the first thirty percent (30%) of the required runoff volume from paved areas, in order to avoid formation of nuisance water ponds on the pavement.

Ordinance

D. On-site stormwater storage is required for the full 100-year, 2-hour storm event. The design of the storage basin capacity shall account for any proposed landscaping improvements. The landscaping improvements within the basins shall not reduce the capacity of the basins under the required volume.

(1) Basin bleed-off rates shall be set so that the storage basins do not drain completely in less than twenty-four (24) hours. Storage basins must drain completely within thirty-six (36) hours.

(2) Infiltration of stormwater through the basin floor is not acceptable as the sole means of draining the basin. Stormwater storage basins should be designed to meter flow to the historic out-fall point of the site. Where an historic out-fall point does not exist (or metering is not possible), other methods of stormwater discharge from the site, such as pumps, etc., may be considered.

(3) Stormwater storage basins may not be constructed within utility easements or dedicated right-of-way. Exceptions may be granted with written approval from appropriate utility company.

(4) Off-site runoff must enter and exit the site as it did historically.

(5) All development shall be designed to satisfactorily convey the 100-year peak discharge through the site without significant damage to structures.

E. A partial waiver may be considered due to the physical limitations of the site. Any application for one shall be accompanied by sufficient demonstration that there are no adverse off-site impacts due to the reduction in storage.

F. With the final improvement plans submittal to the Planning and Development Services Department, the developer shall submit a final drainage report and plan, subject to City staff approval.

G. Underground Stormwater Storage:

(1) Underground stormwater storage is prohibited unless approval is obtained from the City's Floodplain Administrator.

(2) Drywells are not permitted.

H. Street Crossings:

(1) Watercourse crossings for roads shall be designed to provide for 100-year access to all residential properties by at least one route. Accessibility will be considered to exist if it can be shown by the engineer that at the time of the peak flow, the depth of flow over the road will not be greater than 1-foot.

ROADWAY, INTERSECTION, AND ACCESS DESIGN:

Streets and other related improvements:

DRB Stipulations

26. The owner shall design and construct the driveway accessing White Feather Lane in general conformance with City of Scottsdale Standard Detail #2256, Type CL-1.

27. The owner shall design and construct a single speed hump per MAG Standard Detail 210 across both lanes of White Feather Lane as a speed control device. The speed hump shall be located between the proposed site driveway and the existing driveway located to the south. The developer shall address all drainage impacts on White Feather Lane related to the design and installation of the speed hump with the final improvement plans submittal.

28. The owner shall provide written approval for the installation of the speed hump from the appropriate legal entity that owns the private street with the final improvement plans submittal.

29. The owner shall design and construct either an object or an object marker adjacent to the speed hump to prevent drivers from maneuvering around the hump. This design shall be shown with the final improvement plans submittal per the City's design standards and policies and construction details.

30. The owner shall follow MUTCD requirements for signage and pavement marking for the speed hump and provide this information with the final improvement plans submittal.

INTERNAL CIRCULATION:

DRB Stipulations

31. The owner shall provide a minimum parking-aisle width of twenty-four (24) feet.

32. The owner shall provide internal circulation that accommodates emergency and service vehicles with an outside turning radius of forty-five (45) feet and inside turning radius of twenty-five (25) feet.

Ordinance

I. Parking areas shall be improved with a minimum of two-point-five (2.5) inches of asphalt over four (4) inches of aggregate base.

EASEMENTS AND DEDICATIONS

DRB Stipulations

33. Sight Distance Easements:

    a. Sight distance easements shall be dedicated over sight distance triangles.

    b. Sight distance triangles must be shown on final plans to be clear of landscaping, signs, or other visibility obstructions between two (2) feet and seven (7) feet in height.

    c. Refer to the following figures: 5.3-26 and 5.3-27 of Section 5.3 of the DS&PM.

Ordinance

J. Drainage Easement:

    (1) Drainage and flood control easements shall be dedicated to the City to the limits of inundation for all vista corridor washes, for all washes having a discharge rate of 50 cfs or more, for all FEMA regulatory floodways to the extent of the 100-year base flood elevation, and for all stormwater storage basins. All drainage and flood control easements shall be dedicated to the City with maintenance responsibility specified to be that of the property owner.

K. Waterline and Sanitary Sewer Easements:

    (1) Before the issuance of any building permit for the site, the developer shall dedicate, to the City, all water easements necessary to serve the site. Water easements shall be in conformance with the Scottsdale Revised Code and Section 6-1.419 of the DS&PM.

REFUSE:

DRB Stipulations

34. Refuse enclosures shall be constructed to City of Scottsdale's standards. Details for construction of trash enclosures can be found in the City of Scottsdale Supplements to MAG Standards. Standard detail #2146-1 and 2 (2 is for grease containment) are for single enclosures, and #2147-1 and 2 (2 is for grease containment) are for double enclosures.

35. The owner shall provide an adequate number of refuse enclosures per the City's requirements that follow. The proposed site plan does not show an adequate number of refuse enclosures given the number of residential units and the clubhouse.

36. Enclosures must:

    a. Provide adequate truck turning/backing movements for a design vehicle of turning radius R (minimum) = 45 feet vehicle length of L = 40 feet.

    b. Be positioned to facilitate collection without "backtracking."

    c. Be easily accessible by a simple route.

    d. Not require backing more than thirty-five (35) feet.

    e. Not be located on dead-end parking aisles.

    f. Enclosures serviced on one side of a drive must be positioned at a 30-degree angle to the centerline of the drive.

Ordinance

L. Refuse enclosures are required as follows:

    (1) Restaurants: One per restaurant

    (2) Commercial Building Space: One for 0 to 20,000 s.f., Two for 20,001 to 40,000 s.f., Three for 40,001 to 60,000 s.f., etc.

    (3) Apartments: One for 0 to 20 units, Two for 21 to 40 units, Three for 41 to 60 units, etc.

M. Underground vault-type containers are not allowed.

N. Refuse collection methods, i.e., site plan circulation will be approved at final plan review.

O. Refuse collection can be provided by the City of Scottsdale's Sanitation Division, at 480-312-5600.

WATER AND WASTEWATER STIPULATIONS

The following stipulations are provided to aid the developer in submittal requirements, and are not intended to be all-inclusive of project requirements. Water and sewer lines and services shall be in compliance with City Engineering Water and Sewer Ordinance, the Scottsdale Revised Code and Chapters 6 and 7 of the DS&PM.

DRB Stipulations

37. Where walls cross, or run parallel with, public water mains, public sewer mains, or public fire lines the following shall apply:

    a. For walls constructed parallel to these pipes, the walls shall be a minimum of six (6) feet from the outside diameter of the pipe.

    b. For walls constructed across, or perpendicular to, these pipes, the walls shall be constructed with gates, or removable wall panels, for maintenance and emergency access.

WATER:

DRB Stipulations

38. Basis of Design Report (Water):

    a. Before the improvement plan submittal to the Plan Review and Permit Services Division, the developer shall obtain approval of the Water Basis of Design Report from the City's Water Resources Department. The report shall conform to the draft Water and Wastewater Report Guidelines available from the City's Water Resources Department.

Ordinance

P. The water system for this project shall meet required health standards and shall have sufficient volume and pressure for domestic use and fire protection.

WASTEWATER:

DRB Stipulations

39. Basis of Design Report (Wastewater):

    a. Before the improvement plan submittal to the Plan Review and Permit Services Division, the developer shall obtain approval of the Wastewater Basis of Design Report from the City's Water Resources Department. The report shall conform to the draft Water and Wastewater Report Guidelines available from the City's Water Resources Department.

40. On-site sanitary sewer shall be privately owned and maintained.

41. Existing water and sewer service lines to this site shall be utilized, or shall be abandoned by disconnection at the main.

Ordinance

Q. Privately owned sanitary sewer shall not run parallel within the waterline easement.

CONSTRUCTION REQUIREMENTS

DRB Stipulations

As-Built Plans.

42. City staff may at any time request the developer to submit as-built plans to the Inspection Services Division:

    a. As-built plans shall be certified in writing by a registered professional civil engineer, using as-built data from a registered land surveyor.

    b. 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, underground storm water storage tanks, and bridges as determined by City staff.

Ordinance

R. Section 404 permits. With the improvement plan submittal to the Plan Review and Permit Services Division, the developer's 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.]

48 DR 2007

DATE: 8/23/2007

MONUMENT CLUB
10200 E. DYNAMITE BL
SCOTTSDALE, AZ

FIRE ORDINANCE REQUIREMENTS

(INCORPORATE INTO BUILDING PLANS AS GENERAL NOTE BLOCK - USE ONLY THE DESIGNATED STIPULATIONS)

☒ 1. PREMISES IDENTIFICATION TO BE LEGIBLE FROM STREET OR DRIVE & MUST BE ON ALL PLANS.

☒ 2. FIRE LANES & EMERGENCY ACCESS SHALL BE PROVIDED & MARKED IN COMPLIANCE WITH CITY ORDINANCE & IFC AT THE FOLLOWING LOCATIONS.

WITHIN 300 FEET OF GROUND FLOOR WALLS

☐ 3. IT IS THE DEVELOPERS RESPONSIBILITY TO DETERMINE ULTIMATE COMPLIANCE WITH THE FAIR HOUSING ADMENDMENTS ACT & AMERICANS WITH DISABILITIES ACT & INCORPORATE SAME INTO THEIR BUILDING PLANS.

☒ 4. SUBMIT PLANS & SPECS FOR SUPERVISED AUTOMATIC EXTINGUISHING SYSTEM FOR ALL COOKING APPLIANCES, HOOD PLENUMS & EXHAUST DUCTS.

☒ 5. PROVIDE A KNOX ACCESS SYSTEM:
- ☒ A. KNOX BOX
- ☐ B. PADLOCK
- ☐ C. KNOX OVERRIDE & PRE-EMPTION STROBE SWITCH FOR AUTOMATIC GATES.

☐ 6. INSTALL AN AS BUILT DRAWING CABINET ADJACENT TO THE FIRE SPRINKLER RISER. IT SHALL BE OF ADEQUATE SIZE TO ACCOMMODATE BOTH THE FIRE SPRINKLER & FIRE ALARM DRAWINGS. THE CABINET SHALL BE PROVIDED WITH A LOCK & KEYED TO MATCH THE FIRE ALARM CONTROL PANEL & SUPERVISED BY THE FACP IF APPLICABLE.

☒ 7. SUBMIT PLANS FOR A CLASS PER SRC FIRE ALARM SYSTEM PER SCOTTSDALE REVISED CODES.

☒ 8. PROVIDE INTERIOR TENANT NOTIFICATION WHEN OFF-SITE MONITORING IS REQUIRED.
(SEE FIRE ALARM INTERPRETATIONS FOR CLARIFICATION)

☒ 9. ADD 2-1/2" WET FIRE HOSE VALVES (NSHT) IF FLOOR AREA EXCEEDS 10,000 SQ. FT. PER FLOOR LEVEL AND/OR IF FIRE DEPT. ACCESS IS LIMITED TO LESS THAN 360°. ____

☒ 10. BUILDINGS MAY BE SUBJECT TO INSTALLATION AND TESTING REQUIREMENTS FOR A PUBLIC SAFETY RADIO AMPLIFICATION SYSTEM.

☒ 11. BACKFLOW PREVENTION WILL BE REQUIRED ON VERTICAL RISER FOR CLASS 1 & 2 FIRE SPRINKLER SYSTEMS PER SCOTTSDALE REVISED CODE.

☒ 12. PROVIDE ALL WEATHER ACCESS ROAD (MIN. 16') TO ALL BUILDINGS & HYDRANTS FROM PUBLIC WAY DURING CONSTRUCTION.

☒ 13. SEE APPROVED CIVILS FOR THE NUMBER OF FIRE HYDRANTS REQUIRED. DEVELOPER SHALL HAVE THE REQUIREDHYDRANTS INSTALLED & OPERABLE PRIOR TO THE FOOTING INSPECTION. HYDRANTS SHALL BE SPACED AT A MAXIMUM OF 700 AT 1500 GPM. THE DEVELOPER SHALL MAKE THE C.O.S. APPROVED CIVIL WATER PLANS AVAILABLE TO THE FIRE SPRINKLER CONTRACTOR.

☒ 14. PORTABLE FIRE EXTINGUISHERS SHALL BE INSTALLED. SEE SHEET(S) ____

☒ 15. EXIT & EMERGENCY LIGHTING SHALL COMPLY WITH THE C.O.S. ORDINANCE & THE IFC. SEE SHEETS ____

☒ 16. SUBMIT MSDS SHEETS & AGGREGATE QUANTITY FOR ALL HAZARDOUS MATERIALS INCLUDING FLAMMABLES, PESTICIDES, HERBICIDES, CORROSIVES, OXIDIZERS, ETC.
A PERMIT IS REQUIRED FOR ANY AMOUNT OF HAZARDOUS MATERIALS STORED, DISPENSED, USED OR HANDLED. COMPLETE AN HMMP & SUBMIT WITH THE BUILDING PLANS.

☒ 17. FIRELINE, SPRINKLER & STANDPIPE SYSTEM SHALL BE FLUSHED & PRESSURE TESTED PER NFPA STANDARDS & SCOTTSDALE REVISED CODES.

☒ 18. FDC SIAMESE CONNECTIONS FOR SPRINKLERS AND/OR STANDPIPES WILL BE LOCATED PER ORDINANCE AND/OR AT AN APPROVED LOCATION.
MINIMUM SIZE 2-1/2 x 2-1/2 x PER CALCS (NSHT)
- ☒ 4' TO 8' BACK OF CURB; INDEP. WET LINE.
- ☐ WALL MOUNTED - 15' CLEAR OF OPENINGS.

☒ 19. ADEQUATE CLEARANCE SHALL BE PROVIDED AROUND FIRE RISER. DIMENSIONS FROM FACE OF PIPE SHALL MEASURE A MINIMUM OF 12" OFF THE BACK OF WALL, 18" ON EACH SIDE & 36" CLEAR IN FRONT WITH A FULL HEIGHT DOOR. THE FIRE LINE SHALL EXTEND A MAXIMUM OF 3' INTO THE BUILDING FROM INSIDE FACE OF WALL TO CENTER OF PIPE.

ATTACHMENT B

48 DR 2007 DATE: 8/23/2007

20. ☒ SPRINKLER SYSTEM SHALL BE INSTALLED TO COMPLY WITH MINIMUM NFPA CRITERIA 2002 EDITION & SCOTTSDALE REVISED CODES. SYSTEMS WITH 100 HEADS OR MORE SHALL HAVE OFF-SITE MONITORING. AFTER BUILDING PLAN REVIEW, INSTALLING CONTRACTOR SHALL SUBMIT (3) THREE COMPLETE SETS OF DRAWINGS & HYDRAULIC CALCULATIONS REVIEWED BY A MINIMUM NICET III DESIGN TECHNICIAN.

☒ A. MODIFIED NFPA 13-D SYSTEM WITH RESIDENTIAL QUICK RESPONSE SPRINKLER HEADS (2002 EDITION)

☒ B. MODIFIED NFPA 13R SYSTEM (2002 EDITION) WITH RESIDENTIAL QUICK RESPONSE SPRINKLER HEADS IN DWELLING UNITS & ATTIC AREAS FED FROM SEPARATE FIRELINE PER C.O.S. ORDINANCE & INTERPRETATIONS & APPLICATIONS. CALCULATE UP TO FOUR REMOTE HEADS & 900 SQ FT MIN. IN ATTIC.

☒ C. NFPA 13 2002 EDITION COMMERCIAL SYSTEM / DESIGN CRITERIA: PER OCCUPANCY/USE/HAZARD SEISMIC DESIGN CATEGORY SHALL BE DETERMINED BY STRUCTURAL ENGINEER.

☐ D. THE FIRE SPRINKLER SYSTEM DESIGN FOR WAREHOUSE / STORAGE OCCUPANCIES SHALL BE BASED ON THE FULL HEIGHT CAPACITY OF THE BUILDING PER SCOTTSDALE REVISED CODE. DENSITY CRITERIA:

☐ E. SPRINKLER DESIGN CRITERIA FOR UNSPECIFIED WAREHOUSE COMMODITIES: .45 OVER 3000 SQ. FT.

☐ F. THE PROJECT SPECIFICATIONS SHALL BE SUBMITTED WITH CONTRACT DRAWINGS.

☒ G. RESIDENCE FIRE SPRINKLER SYSTEM TO BE DETERMINED IN CONJUNCTION WITH APPLICABLE CONSTRUCTION CODE REQUIREMENTS, ACCESS, EXITING, ETC.

Submit three (3) complete sets of drawings submitted by installing contractor, after building plan review is complete. Please refer questions to Fire Dept. Plan Review, 312-7070, 312-7684, 312-7127, 312-2372.

ATTACHMENT B

Monument Club

General Architectural Narrative

Within the six parcels of Troon North Resort Parcels are five varying types of *Contemporary Architecture*. Each style of architecture is a contemporized rendition of Adobe as shown in "On The Green" (parcel one) photos, Mediterranean at "The Ridge"(parcel two), Adobe at "The Golf Villas" (parcel three) and Contemporary Tuscan at Stone Edge (parcel four and five).

The contiguous Troon North Clubhouse and Gatehouse to the resort Parcels are contemporary Southwestern architecture utilizing stucco, glass , stone and copper textures.

The subject Monument Club is a contemporary design utilizing Southwestern textures of stucco, glass, stone and rusted steel / tarnished copper detailing The Monument Club utilizes a similar design materials and textures of most of its neighboring homes and clubhouse.

Driveway Location

The President and Members of the Board of the Troon North Resort Parcels met the Saturday prior to the November 15, 2007 Scottsdale Design Review meeting and agreed on several solutions that would satisfy traffic staff approval of the entry location. The most plausible solution that was selected was the installation of a speed hump that meets Scottsdale City standards for a low clearance vehicle. Monument will work with both staff and the HOA to assure an agreement mutually acceptable for the appropriate style of speed hump standards; furthermore, Board Member Dan Allen attended the November 15, 2007 SDR meeting and agreed to accept a speed hump during questioning by the Scottsdale Design Review Board

10/30/07

ATTACHMENT #1

Monument Club

Narrative updated November 20 2007

Monument Club fractional Ownership Resort is the new wave of high end luxury resort time shares usually affiliated with some exclusive amenity, in this case Troon North Golf Club. Each of these 24 (two and three bedroom) units built will be sold in 5 week blocks (10 per year.) Each unit will receive parking passes to the units underground parking good for the time block that resident is at the resort. A key pass card will be issued at the beginning of each stay for up to two owners cars. Club house staff parking spaces is also underground under the club house building along with any sales and maintenance vehicles (golf carts)

The Site: The existing site is zoned R4R resort this narrow and gently sloping site abuts the golf courses NAOS and natural boulder-ed backdrop

Architectural concept: Urban contemporary desert architectural style incorporated the maximum use of glass capturing the panorama of the distant views southwest and mountain views north east. A boulder-ed look of site walls define the entry , become the north site retaining walls and in combination of sticks in the desert wrought iron and these boulder-ed walls become the required pool barrier. Preliminary reviews by the Troon North HOA have come with rave reviews and blessings. We are currently in the prelim design review queing for review next week. Due to the huge amounts of glass southern low E glass will be used and most glass has patio overhangs over it. All residence units will incorporate interior rolled shade screens in living areas and black out window coverings in bedroom areas. All exterior faces of interior window coverings shall be the same color when viewed from outside. Air conditioning split system unit compressors will be located on the roof and screened from view with stuccoed parapet walls. Sight lines from sunset pool patio at the Troon North Golf Club House will not see these units (see view image in architectural page A12)

Civil drainage concept: this site is a gently sloping site draining across the lot in a sheet flow method originally calculated in the Troon North master drainage plan of "natural drainage". While the new buildings and paving potentially alter the concentration of water prior to its out flow into the street and adjacent wash to the north it is the design intent to capture storm water from roof and decks and reuse this water for site irrigation with excesses being diverted into the wash area prior to peak upstream flood waters. In addition, a catch basin will be incorporated at the bottom of the basement garage driveway with the garage itself draining towards this basin and pumped out to the north wash . This basin and pump and will be designed to handle basement and driveway only. NAOS has been achieved totally on site and no additional NAOS purchase from Troon North is necessary. Use the architectural site sections for the site section requirements of the civil section.

Landscape preliminary concept: Following the contemporary theme of the architecture this stunning design features desert plants in an ordered and textured theme of mass plantings and features specimen plants like sculptured focal points. This year round resort will enjoy year round color of a native and indigenous xeroscape.

Miscellaneous: No sewer or water taps were found in the Blue staking of the property, and will located sewage pipe sizes determined by plumbing engineers at time of final submittal. Electrical service location is anticipated on the south east end of residence building. Only one electric and gas meter will be implemented on this project.

10/30/07

Monument Club

Color narrative

The general color pallet was to be warm earth tones utilized inside and out using the natural colors of the surrounding site and blending them with accent colors of window frames and any exposed basement walls

The following description correspond with the color board numbers

1. The fascias will be a metal material with a metallic paint of a rusted metal color a coppery brown. A rolled application with sand mixture helps hide the oil-canning of the metal wrapped fascias and balcony floor lines. but also allows for a subtle mottling of the finish color and a more natural finish , easily repaired and repainted . This color will also blend well with pot-scaping on the patios
2. the stone. a warm blend of rust, granite gold and sage gray. (the site wall stone is of similar but grayer versions of the building stone but is larger in scale and more boulder-d in shape.
3. This color represents all the vertical stucco elements of the project, piers and columns. This area is small in proportion but breaks the strong horizontals of this project and is still , with an LRV of 31 , below the min LRV of Troon North.
4. The primary main building stucco color is an LRV of 23 ..much darker than required by Troon North.
5. The shadowed recesses of the project ..those areas under overhangs implements a dark color as well. This color is a warm gold and rust browns reflected in the stone veneers
6. The darkest color is an LRV of 8 creates a 'floating effect for the residence building.
7. The dark color is also reflected in the bronze anodized frames of the window and sliding glass door walls , acting as a picture frame from the interiors to the p cturesque views beyond
8. the window walls are a clear un-tinted insulated glass is Low E
9. colored concrete borders and accents of the hardscapes ...a soft contrast to the desert granite backdrop
10. rust colored concrete walkways
11. exposed aggregate concrete for driveways and walk way accents
12. Pool decking is an upside down travertine allows for a very non slip surface that dispates heat away better than Kool Deck and does not age or deteriorate.
13. a porcelain matt finish floor tile on the unit patios and decks. A dark color to reduce glare into the units and to blend in to the taupes and grey desert tones.

10/30/07

Monument Club

Rendering narrative

7 renderings were originally submitted to depict architectural style. As the project evolved and colors changed the renderings were altered as best as possible but became fraught with project inconsistencies. Due to the short turn around time given for the next submittal, we have chosen 3 renderings that demonstrate all the architectural elements, represent the landscaping shown on the conceptual landscape plans

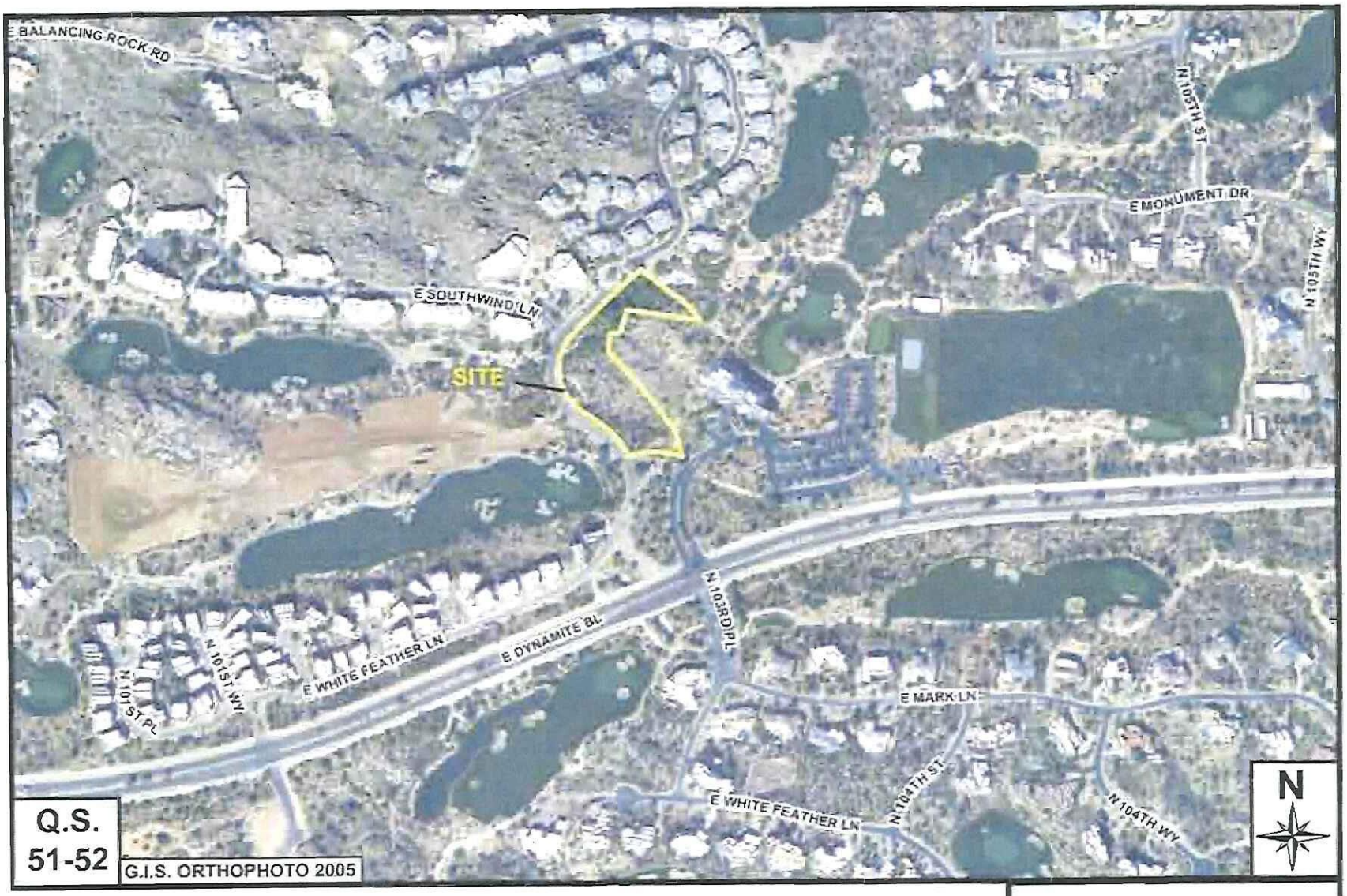
Page A11 has four renderings:

1. Upper left is redundant to the units view from the street and not reproduced
2. the street view is now seen with and without landscape in the elevations drawings and would be redundant and risk conflict in landscape reproduction
3. The club house and street entry views were recreated through the 3d software for the creation of the elevations and plotted at the same plotter so building colors would be consistent with the elevations. Subtle differences will occur due to sun orientation simulated by the computer. Landscaping was hand drawn but reference the landscape plan for plant locations and general image.

Page A12

1. upper left was a view generated from sunset point at the golf club house to demonstrate that the roof mounted AC units were not visible from the roof. This was an HOA view but was not reproduced for this final submittal. The ground area show below the building was awkward mountain "cut away " from the computer generation.
2. upper right view is of the club house from the other side of the pool, not seen by the public and passers by and was not reproduced.
3. the street view of the club house entry was recreated through the 3d software for the creation of the elevations and plotted at the same plotter so building colors would be consistent with the elevations. Subtle differences will occur due to sun orientation simulated by the computer. Landscaping was hand drawn but reference the landscape plan for plant locations and general image.

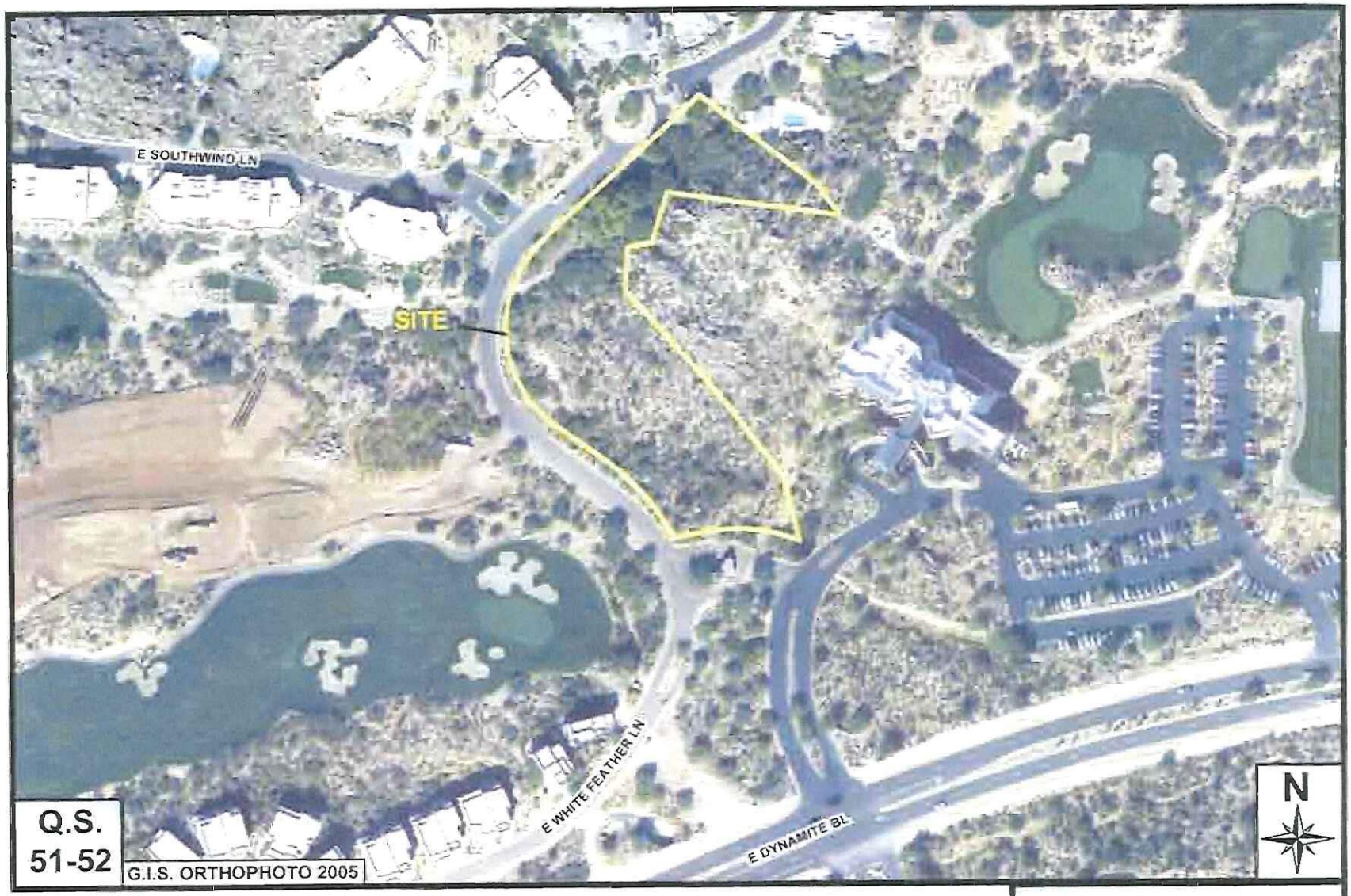
10/30/07



Monument Club

48-DR-2007

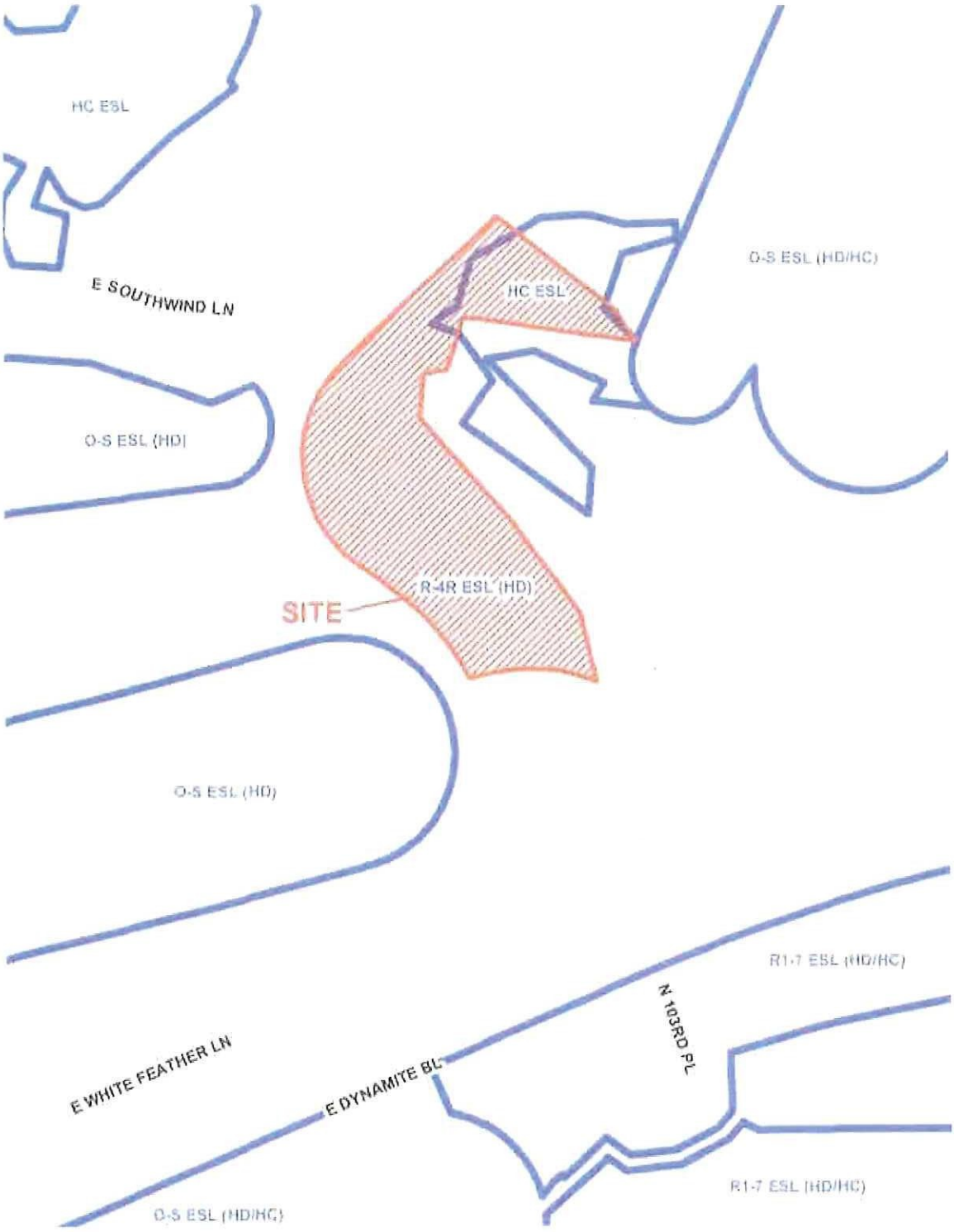
ATTACHMENT #2



Monument Club

48-DR-2007

ATTACHMENT #2A



48-DR-2007

ATTACHMENT #3

N

VIEW FROM DRIVEWAY - CLUB HOUSE & MAIN BUILDING

ATTACHMENT #4

PRELIMINARY NOT FOR CONSTRUCTION

rd

PROJECT:

MONUMENT CLUB

10200 E. Dynamite Boulevard
Scottsdale, AZ 85262

CLUB HOUSE
S.E. ELEVATION

A-11b

48-DR-2007
3rd 10/30/07

VIEW FROM WHITE FEATHER LANE - MAIN BUILDING

PRELIMINARY NOT FOR CONSTRUCTION

rd

PROJECT:

MONUMENT CLUB

10200 E. Dynamite Boulevard
Scottsdale, AZ 85262

CLUB HOUSE & E. ELEVATION

DATE:

A-11a

48-DR-2007
3rd. 10/30/07

VIEW FROM REC. AREA - CLUB HOUSE BUILDING

PRELIMINARY NOT FOR CONSTRUCTION

PROJECT:

MONUMENT CLUB

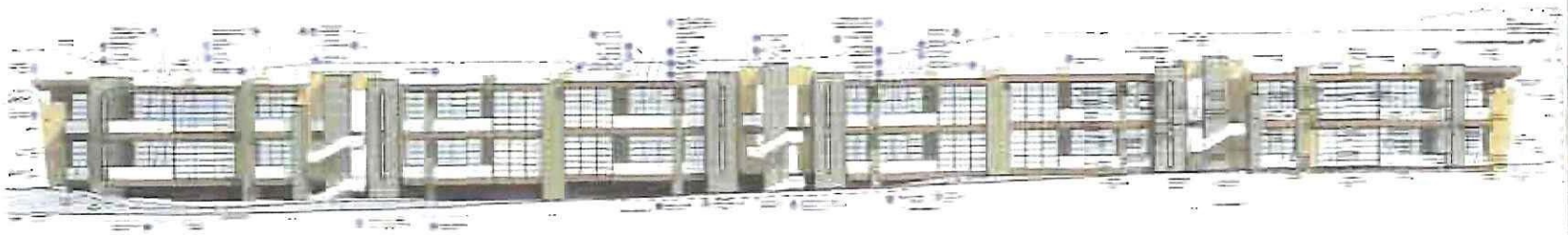
10200 E. Dynamite Boulevard
Scottsdale, AZ 85262

CLUB HOUSE S.E. ELEVATION

DATE: 9-18-07

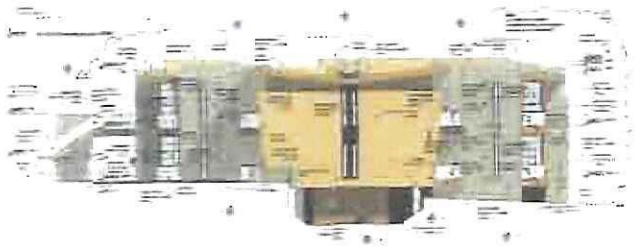
A-11c

48-DR-2007
3rd. 10/30/07



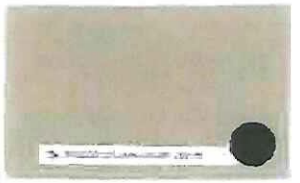
SOUTH ELEVATION

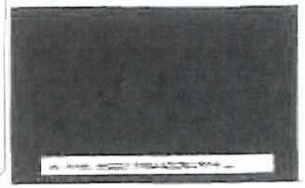
NORTH ELEVATION



WEST ELEVATION

EAST ELEVATION





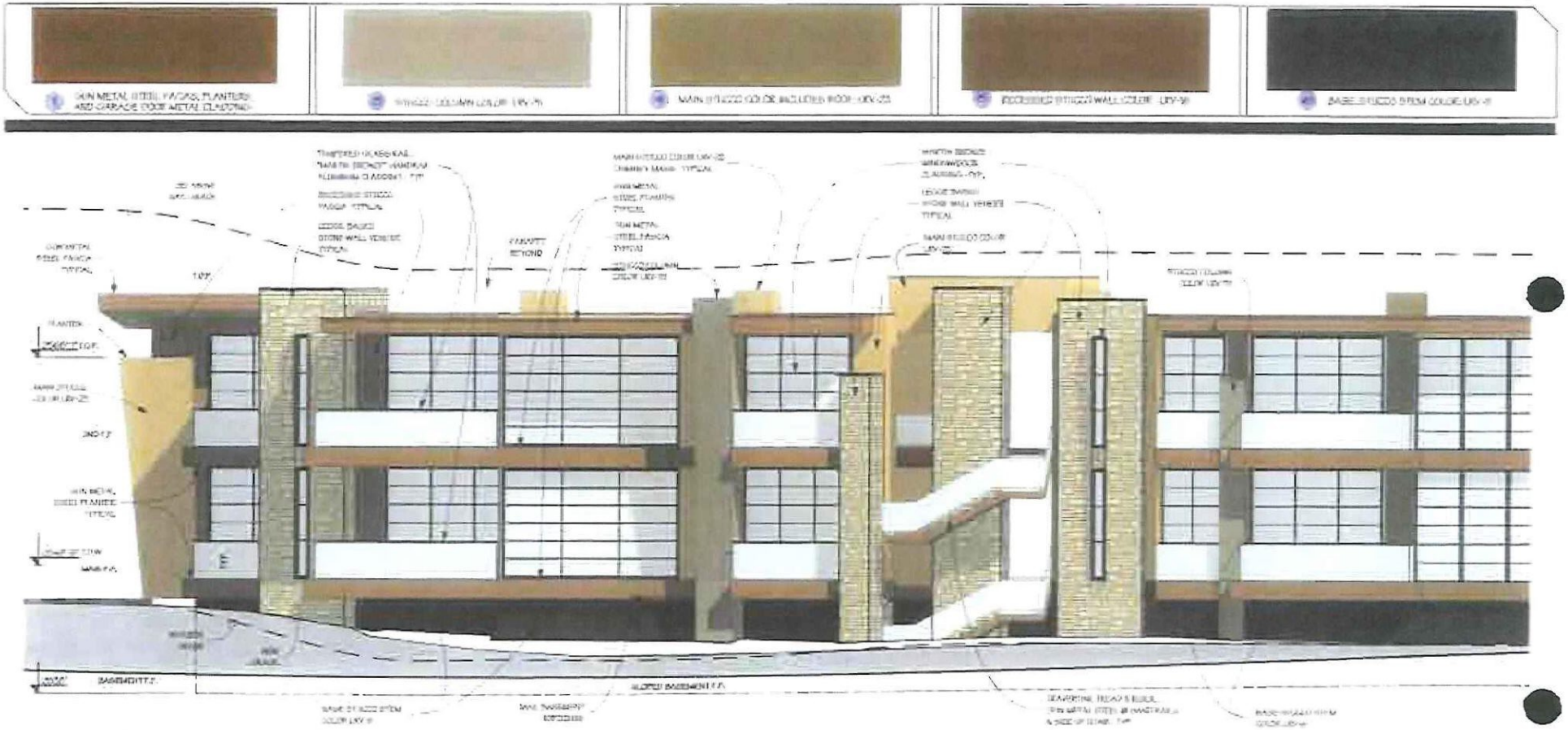
PRELIMINARY NOT FOR CONSTRUCTION

PROJECT
MONUMENT CLUB
6220 S. Dynamite Boulevard
Scottsdale, AZ 85266

A-9

ATTACHMENT #5

48-DR-2007
3rd: 10/30/07



SOUTH ELEVATION "A"

PRELIMINARY NOT FOR CONSTRUCTION

rd

PROJECT:

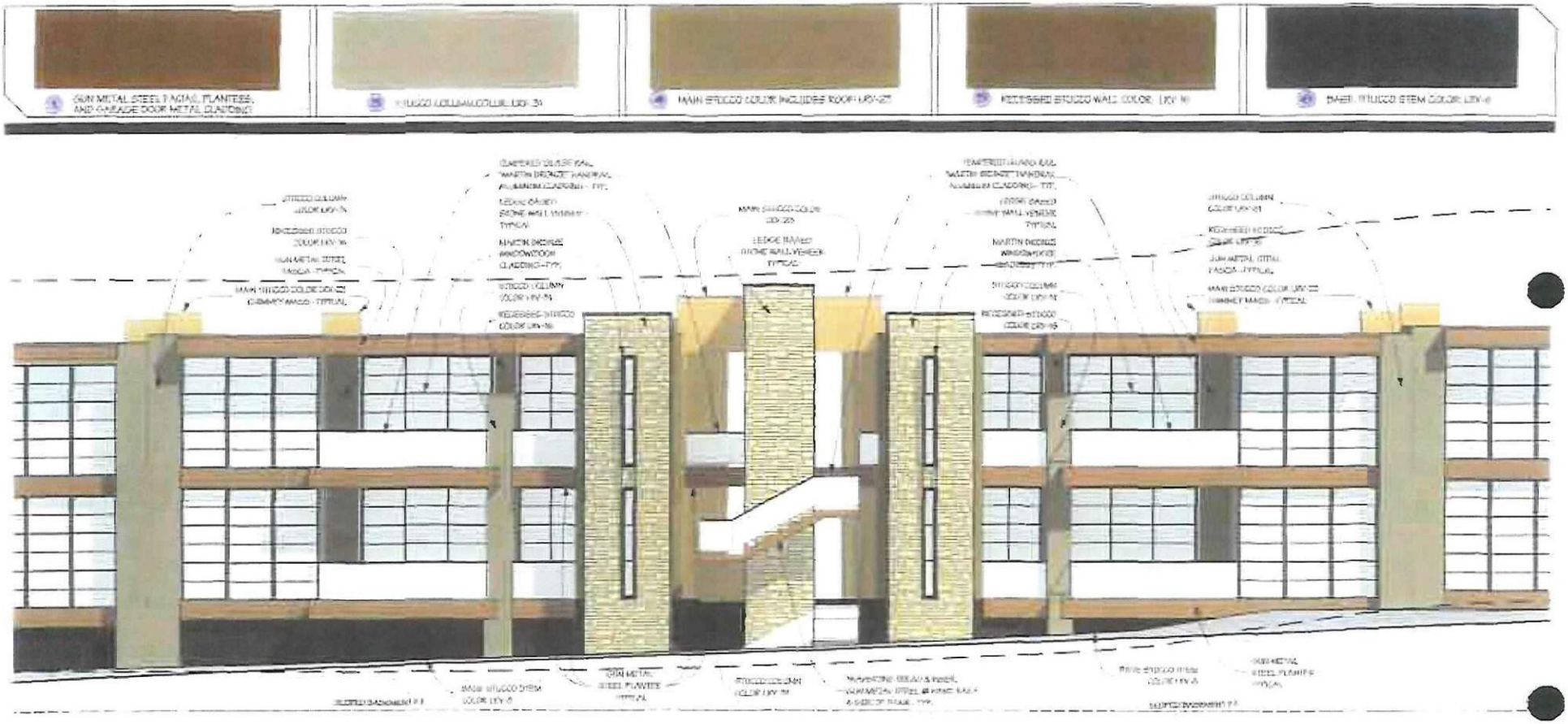
MONUMENT CLUB

10200 E. Dynamite Boulevard
Scottsdale, AZ 85262

SOUTH ELEVATION "A"

A-9a

48-DR-2007
3rd. 10/30/07



SOUTH ELEVATION "B"

PRELIMINARY NOT FOR CONSTRUCTION

rd ARCHITECTS, INC.

PROJECT:

MONUMENT CLUB

10200 E. Dynamite Boulevard
Scottsdale, AZ 85262

SOUTH ELEVATION "B"

A-9b

48-DR-2007
3rd 10/30/07

SOUTH EAST ELEVATION- CLUB HOUSE

SCALE: 1/8" = 1'-0"

PRELIMINARY NOT FOR CONSTRUCTION

rd architecture

PROJECT:

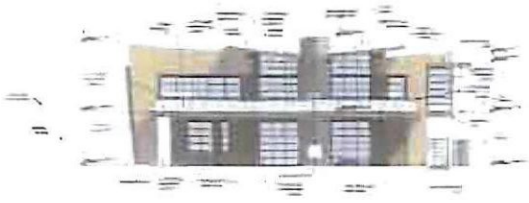
MONUMENT CLUB

10200 E. Dynamite Boulevard
Scottsdale, AZ 85262

CLUB HOUSE S.E. ELEVATION

A-9c

48-DR-2007
3rd 10/30/07



CLUB HOUSE SOUTH EAST ELEVATION

CLUB HOUSE SOUTH WEST ELEVATION

CLUB HOUSE NORTH WEST ELEVATION

CLUB HOUSE NORTH EAST ELEVATION

WEST ELEVATION

SOUTH ELEVATION

STREETSCAPE ELEVATION

PRELIMINARY NOT FOR CONSTRUCTION

PROJECT

MONUMENT CLUB

A-10

48-DR-2007

3rd 10/30/07

Rec'd: 10/30/07
AR-DR-2007

ATTACHMENT #6

10/30/07 Rec'd
48-DR-2007

ATTACHMENT #7

3rd 10/30/07
48-DR-2007

ATTACHMENT #8

L

July 29, 2016

Re: Zoning Entitlements for Monument Club Site

The Monument Club site at Troon North has been part of a master plan within the greater master plan of the Troon North development. The last major update of Troon North overall was achieved in case 45-Z-90. This master plan included what would later become the Troon North and Estancia development areas. Within this overall plan there were two resort sites: one in the center of Troon North and one on the north side of Estancia. The Monument Club site was included in the resort site (V1) on the Troon North property. This accommodated 34 acres with up to 280 rooms of resort. The fingers over development area to the west were shown on this plan as R1-7 HD on this plan.

Later, in case 3-ZN-94 (+ 2-GP-94) the resort parcel was reconfigured and enlarged, primarily by adding parcel areas to the west. This increased the total resort/residential area under the R-4R district to slightly over 52 acres and maximum densities of 385 residential units and/or 550 resort rooms. The Monument Club site was shown on the land use table in this case with 31 units based on a gross site area of 3.42 acres (the listed 10 units per acre would have actually come out to 34 units).

In case 48-DR-2007 which approved design plans for the Monument Club site, the staff report listed the proposal as being 24 units (implying residential use) and the maximum allowed being 37 units. The report goes on to use the terminology as "each dwelling unit". This would establish the threshold of 37 residential units being available to this site.

The R-4R district is somewhat unique in that it can by right be developed as residential units, as resort rooms or some combination of these uses. The density allowed for residential uses is 7 units per acre and for resorts is 10 rooms per acre. This ratio establishes a ratio that is available between the uses of 1 residential unit equals 1.43 resort rooms. The theory behind this is that resort room typically place demand on public services and infrastructure than residential units.

Of the 6 sub-units identified in the 1994 case, the 4 largest have been developed for a number of years and the two smallest (5 & 6) remain vacant. Parcel 6 at 1.49 acres is less than half the size of Parcel 5 (Monument Club site). In the parcels that have been developed and have had recorded plats placed on them, there have been a total of 272 units established. These all have been developed as residential units. This represents a reduction of 69 residential units from what was entitled in the 1994 approval. Since these 6 parcels were included within an overall plan, the distribution of units can be allocated and reallocated from what the original table provided as long as the total density is not exceeded.

If the 2007 DR case approval is considered as a bench-line for the subject parcel, the 37 residential units allocated cold be translated into **53 resort rooms** (at the ratio of 1.43). Within the overall V1/V2 parcel in Troon North there are actually *113 units* remaining under the maximum listed in the 1994 case. Based upon that consideration, it is possible to consider additional units/rooms on the Monument Club site as long as the site plan meets all applicable setbacks, the maximum height allowed and the required open space.

The 22 rooms allocated to Parcel 6 (15 units) would be a difficult number to achieve given its location and shape. Therefore, there is no threat to the remaining undeveloped parcel in applying any additional density allocation to Parcel 6.

Having resort rooms on this site actually will honor the original commitment when the golf course was allowed that the Troon North golf course would be part of a tourism activity that would generate additional revenue and benefit to the community. A golf course policy approved by the City Council in the late 1990s later solidified this intent of the city in regards to any new golf courses that might seek approval.

PHX
ARCHITECTURE

October 20, 2016

Development Review Board
Project Narrative

Troon North Villas
10200 E. Dynamite Blvd.
Scottsdale, Arizona 85262

Project Narrative:
Troon North Village and Troon North Golf Club have been highly respected and well-established communities in North Scottsdale for over nearly 30 years. Based on extensive demographic research, our client, MBA Development Partners, LLC, determined that there is a niche that is missing in the area of Troon North that caters to the Golf Travelers. This proposal is compatible with the surrounding area and the character of the adjacent residential communities. This new Resort falls under the category of R-4R and its residents/clientele will also partake in the membership benefits that the golf club offers.

Our project, the Troon North Villas, will close the gap and provide the luxury experience for the clientele that frequently visit North Scottsdale on golf trips and family vacations. The proposed construction is a new build composed of 32 resort villas, totaling 64 keys. As a part of the scope there is also a 2,000 square-foot amenity building. This site has a long history and is actually the third DRB application with two prior cases being 89-DR-1995 and 48-DR-2007. This proposal is in line with the R-4R zoning as approved in cases 45-ZN-1990, 3-ZN-1994 and 43-ZN-1994. The overall architectural design is consistent with the concepts and scale of development embodied in case 48-DR-2007. The case sought a change in the Environmentally Sensitive Land overlay regulations, by creating two rows of two-story units, with the main entry to the north and the common facilities at the south end. The building design style is clean and modern, yet compliments the existing clubhouse and embraces the desert landscape. The gestures are timeless and encompass the vision of North Scottsdale, more specifically Troon North in the careful placement of the buildings between the wash, the Clubhouse to capture the stunning views of the city to the southwest and the mountains to the northeast.

This site is parcel #5 within the overall Parcel V1/V2 within Troon North and is connected to the other parcels within V1/V2 by an overall density cap. The other parcels have not built to their limits and this will be the last of these parcels to be developed. One major change to this proposal from the previous is the elimination of the underground parking. The new development will abandon the existing curb cut on the property along White Feather Lane and add a new drive entry to the east side of the wash. Parking onsite will consist of 44 spaces and 21 offsite parking spaces on the existing Troon North Golf Clubhouse parking lot. All of the internal site circulation and parking will occur inside of the site hidden from view of the neighboring residences. The site will be heavily planted with native plants along White Feather Lane to buffer the Villas from the driveways and existing residences.

Review Criteria:
1. Describe how the proposed development is consistent with the Character and Design Chapter of the Scottsdale General Plan, the Zoning Ordinance, any pertinent master plan, scenic corridor guideline, or streetscape guideline.
Response: The Troon North Villas are a part of a master plan within the greater master plan of the Troon North development. In a related case 48-DR-2007, this proposed development was approved by Council and Staff to have up to 37 residential units allocated, these units can be translated into **53 resort rooms** (at the ratio of 1.43) villas in this R-4R district. This proposed development follows the same standards

and design guidelines as were approved in the 2007 case, 48-DR-2007. The architecture will complement the existing clubhouse building with materials and color. Landscape will also follow the standards as set forth for Environmentally Sensitive Land.

Having resort rooms on this site actually will honor the original commitment when the golf course was allowed that the Troon North golf course would be part of a tourism activity that would generate additional revenue and benefit to the community. A golf course policy approved by the City Council in the late 1990s later solidified this intent of the city in regards to any new golf courses that might seek approval

2. Explain how the proposed development will contribute to the general health, welfare, safety and convenience of persons residing or working in the vicinity.
Response: The site is pedestrian friendly in that the onsite parking area is not the typical heat retaining field of parking, but rather permeable pavers and stamped asphalt. Walkways are mostly covered for shading and native trees are sprinkled throughout. This makes the lot easier to traverse in the high temperatures during the summer, as well as providing tactile warnings to meet accessibility guidelines. Paths are illuminated, buildings are only two-stories high which also encourages walking, although elevators are provided. Pedestrian circulation is well thought out, as the landscape creates a sense of intimacy and privacy. We have also provided a cart path that connects with the existing path to the Clubhouse that leads directly into the site on the south end. The amenity building at the southeast end of the site has a swimming pool, a fitness room and a community room for small gatherings.

3. Describe the spatial relationship that will exist between the nearby structures and the proposed development, as well as open spaces, and topography, both within the project site and in the surrounding context.
Response: The project consists of a north villa building, south villa building, and the amenity building. The villa buildings buttress the north and south with parking internal to the site to create a courtyard like atmosphere. The separation varies between the buildings with an approximately 70 feet average. This is just enough for the local ingress and egress traffic, sidewalks and fire department. This also screens the parking from view from the surrounding residential communities. Natural Area Open Space has been provided on the northwest portion of the site. The topography of the site is relatively flat and easy to traverse. The existing Clubhouse is within walking distance of the villas, amenity building and pool.

4. Explain how the site layout will promote safety and convenience relative to ingress, egress, internal circulation for pedestrians and vehicles, parking areas, loading and service areas.
Response: As noted in the response for #3, the parking and circulation is all internal to the site. There is just one entry and exit. Paths are lit within the City of Scottsdale Design Guidelines.
This intimacy encourages low speed, pedestrian traffic, and the occasional golf cart. Any large scale loading and service are exclusive to the nearby clubhouse, which keeps the oversized trucks separate from guests. The cart path indicated on the proposed site plan connects directly with the existing cart path that leads to the Clubhouse from the interior of the site. This allows the guests more convenient access to the Clubhouse, which is the managing entity of the site, than going onto the main street and around the exterior perimeter of the site.

5. Describe how the architectural characteristics of the proposed development relate to character elements and design features of the structures that are within the surrounding context.
Response: The overall architectural design of the villa buildings and the amenity building complement the existing clubhouse building without directly mirroring it. The patina color at the eaves of the roof, the stone walls and colors evoke a similarity across the site. The lines are crisp, clean and timeless. The native landscape character is influenced by the surrounding desert.

6. Describe how the design features and details of the proposed development have been utilized to screen all mechanical equipment, appurtenances and utilities.
Response: The mechanical units that are mounted on the villa roofs will be screened from view with architectural elements that carryover from the vertical plane to horizontal to blend and not draw attention. All ground-mounted equipment will also be fully screened from view in a mechanical yard. Equipment will be consolidated as much as reasonably possible in order to reduce utility components throughout the site.

7. Describe how the proposed development is consistent with the Sensitive Design Principles, pertinent Architectural Design Guidelines and other design guidelines.
Response: The design conforms to the Environmentally Sensitive Lands Ordinance in this particular district. The landscape design will use a drip irrigation system consistent with the sensitive design principles. The hardscape will utilize a neutral color theme that compliments the architecture. Paint colors and other finish materials meet the required Light Reflectance Value for this location. The large overhangs at the patios, balconies and walkways provide multiple levels of shade and shadow across the buildings.

8. If the proposed development is located within the Environmentally Sensitive Lands (ESL) district, explain how the proposed development complies with the recommendations and guidelines that are described in the Environmentally Sensitive Lands (ESL) ordinance.
Response: The project is for Resort use which is consistent with the allowable use for this district. The Natural Open Space requirements have been exceeded in the proposed site design. The underground parking was eliminated from this proposal, which is a major change from previous cases.

9. If the proposed development is located within the HP, Historic Property district, then describe how the proposed development has utilized any unique or characteristic architectural features throughout the design of the project.
Response: This proposed development is not located in the Historic Property District.

10. If the proposed development is located within the Downtown District, then describe how the proposed development has incorporated urban character and pedestrian orientation throughout the design of the project.
Response: This proposed development is not located within the Downtown District.

11. If the proposed development is located within the downtown district, then describe how the proposed development has incorporated traditional or southwestern design vernaculars, subdivided the building form into smaller character elements.
Response: This proposed development is not located within the Downtown District.

12. If the proposed development is located within the downtown district, then describe how the proposed development has incorporated the urban design and architectural design guidelines.
Response: This proposed development is not located within the Downtown District.

M

CITY OF SCOTTSDALE

11/21/2016

Andrea Lucarelli
Phx Architecture
15990 N Greenway-Hayden Loop C100
Scottsdale, AZ 85260

RE: 48-DR-2007#2
Troon North Villas

Dear Ms. Lucarelli:

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 10/21/2016. The following **1st Review Comments** represent the review performed by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Ordinance and Scottsdale Revise Code Significant Issues

The following code and ordinance related issues have been identified in the first review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. Please address the following:

Zoning:

1. Please revise the Project Narrative so that addresses the criteria set forth in Sec. 1.904 of the Zoning Ordinance which was amended in December 2012.
2. The submitted parking master plan appears to incorrectly interpret Sec. 9.102.E to reduce the parking requirement down to a 1:1 ratio. However, Sec. 9.102.E simply identifies that where flexible units are proposed, the parking requirement shall be reflective of the total possible unit count, at which point Sec. 9.103 specifies that the parking requirement shall be based on land use. In Table 9.103.A, the parking requirement for Travel Accommodations is specified to be 1.25 spaces per unit. Please revise the site plan and parking master plan to include the calculations of the required/provided number of standard parking, accessible parking, and bicycle parking spaces to demonstrate compliance with the Article IX of the Zoning Ordinance.
3. With the zoning history on this site, as it ties in to the overall Troon North zoning, 37 units were historically allocated for use on this site, the project narrative identifies that based on a 1.43 ratio that 37 units translates to 53 units, and the proposed unit configurations would result in 64 possible units. Please revise the project narrative to explain what section of the Zoning Ordinance is being utilized to equate the maximum allocated 37 units to 53 of the proposed units from the narrative and to address how the 64 proposed flex units would comply with the established zoning while exceeding both of those unit counts.

4. At locations where parking spaces are perpendicular to a sidewalk or landscape area, please modify the length of the parking spaces so that they are sixteen (16) feet long with a two-foot vehicle over hang. Convert the remaining site area into sidewalk width and/or landscape area. Please refer to Zoning Ordinance Section 9.106.A.1.b and Section 10.501.F.c.

5. Please provide dimensional information and notations on the site plan demonstrating that the proposed parallel parking spaces will be in compliance with Zoning Ordinance Section 9.106.A.1.a.

6. Please identify the location of all screen walls on the site plan. Please refer to Zoning Ordinance Sections 5.904, 7.105, 9.106.F, and 10.501.H.

7. The Natural Area Open Space (NAOS) calculations identify the use of a proportional reduction for the Hillside Conservation (HC) zoned area, but the G&D plans appear to show the HC area also being reflected as NAOS. If the HC/NAOS reduction is to be utilized, the HC zoned area would need to be dedicated as a Hillside Conservation Easement (HCE) and that area cannot also be counted toward the NAOS dedication. As outlined in Sec. 6.1060.B.1, the reduction is meant to provide relief where a property's development area is being limited by both dedication types. Please revise the NAOS calculations and the G&D plans accordingly.

Landscape:

8. Please revise the conceptual landscape plan so that it includes summary data indicating the landscape area (in square feet) of on-site, right-of-way, and parking lot landscaping, in compliance with Zoning Ordinance Section 10.200.

9. Please revise the landscape plan so that the landscape legend includes quantity of the proposed plants, in compliance with Zoning Ordinance Section 10.200.

Fire:

10. Please revise the site plan to demonstrate Fire Hydrant spacing, existing and proposed per Fire Ord. 4045, 507.5.1.2.

11. Please revise the site plan to demonstrate that the FDC location complies with spacing requirements in accordance with Fire Ord. 4045, 912.

Drainage:

12. Please submit two (2) copies of the revised Drainage Report with the original red-lined copy of the report to your Project Coordinator with the rest of the resubmittal material identified in Attachment A.

    a. The initial drainage report did not address a need for storm water storage. The resubmittal will need to meet a 90% requirement for drainage report and provide a 90% preliminary grading and drainage plan. The report shows an offsite parking area but provides no information relative to it. The revised drainage report and plan will need to show how off-site flows will be conveyed through the development to their point of historical exit. There is a large wash on the west side, the drainage report will need to address pre-versus post-HEC-RAS to show no increases and will need to evaluate the scour potential and mitigate the same for the residences next to wash.

Water and Waste Water:

13. Please submit three (3) copies of the revised Water and Waste Water Design Report to your Project Coordinator with the rest of the resubmittal material identified in Attachment A. Please insure they include details such as internal pipes and layout per DSPM 6-1.205 and 7-1.204.

Building Elevations:

14. With the resubmittal, please provide a roof over topography plan indicating each tile ridge height or parapet height above sea level. In accordance with the amended R-4R development standards of case 3-ZN-1994, the maximum allowable building height is restricted to thirty (30) feet as measured from natural grade in accordance with the ESL zoning overlay Sec. 6.1070.B.1.a.

15. Please provide information and details related to screening devices that will be utilized to screen any mechanical equipment. Please refer to Zoning Ordinance Sec. 1.904.A.4 and Sec. 7.105.

16. Please provide information and details related to the roof drainage system. Please refer to Zoning Ordinance Section 7.105.

Significant Policy Related Issues

The following policy related issues have been identified in the first review of this application. Even though some of these issues may not be critical to scheduling the application for public hearing, they may affect the City Staff's recommendation pertaining to the application and should be addressed with the resubmittal of the revised application material. Please address the following:

Site Design:

17. Please modify the site design of the proposed refuse enclosure to achieve and demonstrate functional collection circulation and to achieve the minimum requirement of one (1) enclosure per every twenty (20) units in accordance with the Design Standards & Policies Manual Section 2-1.804.

18. Please provide a revised site plan and project data that complies with the Plan & Report Requirements for Development Applications. There will be comments regarding the site plan after it has been received and reviewed by staff. Please refer to Zoning Ordinance Section 1.303.

19. Revise the project data to indicate the:

    a. gross and net lot area in square feet.

    b. lot coverage / floor area ratio - allowable, provided, and show calculations.

    c. open space required and provided, and show calculations on the site plan.

20. Revise the site plan to indicate the:

    a. building footprint and do not indicate the interior spaces within each building. Showing the interior spaces on the site plan results in too much information on the plan, making it difficult to read.

    b. dimension between each building/structure.

    c. dimension from each building/structure to the adjacent/abutting property line.

    d. location of sidewalks, with pavement types, and dimensions.

21. Please eliminate the landscape symbols from the site plan. Showing the landscape symbols on the site plan results in too much information on the plan, making it difficult to read. Please refer to the Plan & Report Requirements for Development Applications. Please refer to Zoning Ordinance Section 1.303.

22. At locations where parking spaces overhang the abutting sidewalk, the clear width of the sidewalk appears to be too narrow for the adjacent pedestrian path. Please increase the sidewalk width so that it complies with the Scottsdale Design Standards & Policies Manual, Section 2-1.808.A.

23. Please indicate the locations of free standing exterior light fixtures on the site plan. Please refer to the Plan & Report Requirements for Development Applications. Please refer to Zoning Ordinance Section 1.303.

24. Perimeter and site walls shall be constructed with 6 or 8 inch wide concrete masonry blocks, 8 inches wide brick, stone, concrete, or a similar solid and durable material to match the building. Stucco and paint the surface of concrete block walls to match the on-site buildings unless they are split-faced, grid or similar decorative types of block. Grade breaks shall be located at the top of the wall at piers or corners wherever possible. Include varied setbacks, alignments, and/or heights and/or piers or buttresses for walls over 200 feet long. Vary the horizontal and vertical alignment of the wall for visual interest. Please refer to Scottsdale Design Standards & Policies Manual Section 2-1.401.5.

25. Bicycle parking spaces and rack design shall be in conformance with City of Scottsdale Standard Detail No. 2285, unless otherwise approved in writing by the City of Scottsdale's Transportation Department. Please revise the site plan to provide the 'Required' and 'Provided' bike parking calculations and the bike rack locations in accordance with section 9.106.C.2.b of the Zoning Ordinance.

26. NAOS that is to be dedicated adjacent to a building shall be set back five feet, and shall include an area that is considered revegetated NAOS within ten feet of a building and similarly within five feet of site walls. Please revise the site plan to conform to the DSPM Section 2-2.501.D.3.

Landscape Design:

27. Please provide a landscape plan that indicates the building footprint and does not indicate the interior spaces within each building. Showing the interior spaces on the landscape plan results in too much information on the plan, making it difficult to read. Please refer to the Plan & Report Requirements for Development Applications. Please refer to Zoning Ordinance Section 1.303.

28. Please show the locations of free standing exterior light fixtures on the landscape plan. Please refer to the Plan & Report Requirements for Development Applications. Please refer to Zoning Ordinance Section 1.303.

29. Please coordinate the landscape plan with the site plan regarding the location of electric power transformers. Please refer to the Plan & Report Requirements for Development Applications. Please refer to Zoning Ordinance Section 1.303.

30. Please utilize a dashed line to indicate the sight distance visibility triangles on the landscape plan. Please refer to the Plan & Report Requirements for Development Applications. Please refer to the Scottsdale Design Standards & Policies Manual Section 5-3.119. Please refer to Zoning Ordinance Section 1.303.

31. Please utilize a dashed or dotted line to indicate the site area that needs to be allocated as bicycle parking spaces. Modify the location of either the landscape improvements or the bicycle parking spaces and racks if there is a conflict between landscape plants and bicycle parking spaces. Please refer to DSPM Sec. 2-1.808 B.

Building Elevation Design:

32. Notes and dimensions on the building elevations appear to be 6-point font size, or less. Please revise the notes so that they are 12-point (1/6 inch) font size. Please refer to the Plan & Report Requirements for Development Applications. Please refer to Zoning Ordinance Section 1.303.

33. In order to improve readability of the building elevations, please add number notations (0.0, +1.5, -0.5, etc.) that indicate the differences between planer surfaces or utilize thicker and thinner lines to indicate portions of the building that are nearer or farther from view. Please refer to Zoning Ordinance Section 1.303.

34. Please provide window sections that indicate that all exterior window glazing will be recessed a minimum of fifty (50) percent of the wall depth, including glass curtain walls/windows within any tower/clerestory elements. Please demonstrate the amount of recess by providing dimensions from the face of the exterior wall to face of glazing, exclusive of external detailing. Please refer to the Scottsdale Sensitive Design Principle 9 and Scottsdale Commercial Design Guidelines, Architecture Section.

35. Please provide door sections that indicate that all exterior doors will be recessed a minimum of thirty (30) percent of the wall depth. Please demonstrate the amount of recess by providing dimensions from the face of the exterior wall to the face of the door frame or panel, exclusive of external detailing. Please refer to the Scottsdale Sensitive Design Principle 9 and Scottsdale Commercial Design Guidelines, Architecture Section.

36. Please indicate and illustrate the location of the electrical service entrance section or electrical meters and service panels for each unit. Service entrance sections (SES) or electrical meters and service panels shall be incorporated into the design of the building, either in a separate utility room, or the face of the SES shall be flush with the building face. An SES that is incorporated into the building, with the face of the SES flush with the building, shall not be located on the side of a building that is adjacent to a public right-of-way, roadway easement, or private streets. Please refer to the Scottsdale Design Standards and Policies Manual, Section 2-1.402.

37. Roof drainage systems shall be interior to the building, except that overflow scuppers are permitted. If overflow scuppers are provided, they shall be integrated with the architectural design. Areas that are rooftop drainage shall be designed and constructed to minimize erosion or staining of nearby building walls and directs water away from the building foundations. Please refer to Scottsdale Design Standards & Policies Manual Section 2-1.401.4.

38. Please provide a floor plan or roof plan that indicates and illustrates the location of the roof access ladder. Please refer to Scottsdale Design Standards & Policies Manual Section 2-1.401.3.

Lighting Design:

39. Please provide light fixture cut-sheets that are legible so that COS staff will be able to understand the lighting design concepts. Please refer to the Plan & Report Requirements for Development Applications. Please refer to Zoning Ordinance Section 1.303.

40. There are inconsistencies between the light cut sheets that have been submitted. Two light fixtures are identified as 'S1'. Please review this information and revise accordingly. Please refer to the Plan & Report Requirements for Development Applications. Please refer to Zoning Ordinance Section 1.303.

41. Please ensure the following lighting design standards are able to be met with the design proposal:

    a. All fixtures shall be IESNA full cutoff, and directed downward. (City of Scottsdale Exterior Lighting Policy)

b. No fixture shall be mounted higher than sixteen (16) feet. (City of Scottsdale Exterior Lighting Policy and DSPM)

c. The total lumen per luminaire shall not exceed 24,000 lumens. (City of Scottsdale Exterior Lighting Policy)

d. All exterior HID lamps shall be High Pressure Sodium; all other lamp shall have a Kelvin temperature of 2800 or less. (City of Scottsdale Exterior Lighting Policy)

e. All fixtures and associated hardware, including poles, shall be flat black or dark bronze. (City of Scottsdale Exterior Lighting Policy)

f. All luminaires shall be recessed or shielded so the light source is not directly visible from property line. (City of Scottsdale Exterior Lighting Policy)

g. Wall mounted luminaires shall contain house side shields, and be mounted on a minimum 4-inch long bracket that is mounted perpendicular to the wall. (City of Scottsdale Exterior Lighting Policy)

h. The maintained average horizontal luminance level, at grade on the site, shall not exceed 1.56 foot-candles. All exterior luminaires shall be included in this calculation. (City of Scottsdale Exterior Lighting Policy, and DSPM)

i. The maintained maximum horizontal luminance level, at grade on the site, shall not exceed 6 foot-candles. All exterior luminaires shall be included in this calculation. (City of Scottsdale Exterior Lighting Policy, and DSPM)

j. The initial vertical luminance at 6-foot above grade, along the entire property line (or 1-foot outside of any block wall exceeding 5-foot in height) shall not exceed 0.3 foot-candles. All exterior luminaires shall be included in this calculation. (City of Scottsdale Exterior Lighting Policy, and DSPM)

k. The pre-curfew lighting design hours shall be defined as dusk to 10:00 PM, and the post-curfew lighting design hours shall be defined as 10:00 PM to dawn. All exterior lights shall be turn off at during the post-curfew with the exception of lights for security purposes. (City of Scottsdale Exterior Lighting Policy, and DSPM)

l. A programmable timer, and photocells shall control the pre- and post-curfew lights; photocells shall be mounted on the north side of the building. The programmable timer may contain a maximum 1-hour manual over ride with an automatic turn off for after hours, and special events use only. (City of Scottsdale Exterior Lighting Policy, and DSPM)

m. No lighting shall be permitted in dedicated NAOS easements, Vista Corridor easements and Scenic Corridor easements. (City of Scottsdale Exterior Lighting Policy, and DSPM)

n. All landscape lighting directed upward shall be black and utilize the extension visor shields to limit the view of the lamp source. (City of Scottsdale Exterior Lighting Policy)

o. Landscaping lighting shall only be utilized to accent plant material. (City of Scottsdale Exterior Lighting Policy)

p. All landscape lighting directed upward, shall be aimed away from property line. (City of Scottsdale Exterior Lighting Policy)

Circulation:

42. The proposed dead-end parking aisle, in excess of 300 feet, is not functional for access and circulation by Fire and Solid Waste service vehicles. Please revise the design with the resubmittal. DSPM 2.1-809; Fig. 2.1-4

43. With the proposed relocated driveway access location, sight visibility at the curve in the street and the ability to maintain that visibility appear to be in direct conflict with preserving the directly adjacent undisturbed NAOS, which presents safety concerns. Please look at modifying the site design to utilize the existing improved driveway location on the site to ensure better sight visibility and the ability to mitigate vegetation obstructions over time, which would not be achievable given the currently proposed configuration. DSPM Sec. 5-3.119D; Fig. 5.3-26

44. Please revise the site plan to provide an ADA accessible sidewalk/pedestrian connection from the proposed buildings on the site to White Feather Lane along the site driveway. DSPM 2-1.808

Fire:

45. Please revise the site plan to demonstrate COMMERCIAL turning radii (25' inner/49' Outside /55' Bucket Swing) in accordance with DSPM 2-1.802.B.5.

46. Please revise he site plan to provide a turn-around for emergency vehicles at the end of dead-end parking isle over 300 feet in length, in accordance with DSPM 2-1.802.B.8.

47. Please revise the site plan to demonstrate any proposed fire lane surface will support 83,000 lb. Gross Vehicle Weight (GVW) in accordance with DSPM 2-1.802.B.3.

Technical Corrections

The following technical ordinance or policy related 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 a decision on the final plans submittal (construction and improvement documents) and should be addressed as soon as possible. Correcting these items before the hearing may also help clarify questions regarding these plans. Please address the following:

Building Elevations:

48. The paint color drawdowns submitted include a sample for DEW338 "White Heat" which does not appear to meet the LRV paint color restrictions and does not show up as a callout on any corresponding building elevation drawings. Please confirm with the resubmittal that "White Heat" is not included in the proposed color palette and was provided in error with the initial submittal.

☒ Floor Plan(s):

2 24" x 36" 1 11" x 17" 1 8 ½" x 11"

Technical Reports:

☒ 2 copies of Revised Drainage Report:
☒ 3 copies of Revised Water Design Report:
☒ 3 copies of Revised Waste Water Design Report:

Resubmit the revised Drainage Reports, Water and Waste Water Report and/or Storm Water Waiver application to your Project Coordinator with any prior City mark-up documents.

N

From:	Andrea Lucarelli
To:	Barnes, Jeff
Cc:	"dhadder85"; Maurita Walker; Dick Rossmiller
Subject:	RE: 48-DR-2007#2 Troon North Villas
Date:	Tuesday, January 24, 2017 8:40:53 AM

Jeff- yes, I am available on Thursday at 1:30 or 4, or on Friday at 2:30.

Don – Please let us know what works best for your schedule and we can reschedule.

Thanks,
Andrea

ANDREA LUCARELLI AIA

ARCHITECT II

15990 N. GREENWAY-HAYDEN LOOP, Suite C100
SCOTTSDALE, AZ 85260
TEL 480.477.1111 FAX 480.388.3858
PHXARCH.COM

Please consider the environment before printing this email

Privileged and confidential information may be contained in this message or its attachments. If you are not the addressee indicated in the message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and please notify us immediately. Please advise immediately if you or your employer does not consent to Internet e-mail for messages of this kind. Opinions, conclusions and other information expressed in this message are not given or endorsed by Peter Ott Architecture, LLC dba PHX Architecture unless otherwise indicated by an authorized representative independent of this message.

From: Barnes, Jeff [mailto:JBarnes@Scottsdaleaz.gov]
Sent: Tuesday, January 24, 2017 8:35 AM
To: Andrea Lucarelli
Cc: 'dhadder85'; Maurita Walker
Subject: RE: 48-DR-2007#2 Troon North Villas

Andrea,

My apologies but our meeting today appears to conflict with the City Council executive session tonight. Randy Grant wanted to be part of the discussion but I just found out he will also need to be over at city hall for that council meeting during our meeting time today. Would it be possible to reschedule our meeting to another day? Possibly Thursday 1:30 or 4:00? Or maybe Friday 2:30? Or sometime next week?

Jeff

From: Andrea Lucarelli [mailto:AndreaL@phxarch.com]
Sent: Thursday, January 19, 2017 2:59 PM
To: Barnes, Jeff
Cc: 'dhadder85'; Maurita Walker
Subject: RE: 48-DR-2007#2 Troon North Villas

Sure works for me, thank you.
Andrea

ANDREA LUCARELLI AIA
ARCHITECT II
15990 N. GREENWAY-HAYDEN LOOP, Suite C100
SCOTTSDALE, AZ 85260
TEL 480.477.1111 FAX 480.388 3858
PHXARCH.COM

Please consider the environment before printing this email

Privileged and Confidential Information may be contained in this message and attachments. If you are not the addressee indicated in the message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and please notify us immediately. Please advise immediately if you or your employer do not consent to internet e-mail for messages of this kind. Opinions, conclusions and other information expressed in this message are not given or endorsed by Peterson Architecture, LLC dba PHX Architecture unless otherwise indicated by an authorized representative independent of this message.

From: Barnes, Jeff [mailto:JBarnes@Scottsdaleaz.gov]
Sent: Thursday, January 19, 2017 10:40 AM
To: Andrea Lucarelli
Cc: 'dhadder85'; Maurita Walker
Subject: RE: 48-DR-2007#2 Troon North Villas

Andrea,

I just sent out a meeting request for Tuesday @ 4:30, hopefully that works for everyone.

Jeff

From: Andrea Lucarelli [mailto:AndreaL@phxarch.com]
Sent: Wednesday, January 18, 2017 5:25 PM
To: Barnes, Jeff
Cc: 'dhadder85'; Maurita Walker
Subject: RE: 48-DR-2007#2 Troon North Villas

Jeff- A meeting to review the density information would be great. We are still in a pause on the project as we explore some design options for the client.
We are available on Monday or Tuesday afternoon after 1:30pm, or anytime on Weds. before 4pm. Let us know what works for you and we will send a cal. invite.

Thanks,
Andrea

ANDREA LUCARELLI AIA

ARCHITECT II
15990 N. GREENWAY-HAYDEN LOOP, Suite C100
SCOTTSDALE, AZ 85260
TEL 480 477.1111 FAX 480.388 3858
PHXARCH.COM

Please consider the environment before printing this email

Privileged and Confidential Information may be contained in this message or its attachments. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and please notify us immediately. Please advise immediately if you or your employer does not consent to Internet e-mail for messages of this kind. Opinions, conclusions and other information expressed in this message are not given or endorsed by Peterson Architecture, LLC dba PHX Architecture unless otherwise indicated by an authorized representative independent of this message.

From: Barnes, Jeff [mailto:JBarnes@Scottsdaleaz.gov]
Sent: Wednesday, January 18, 2017 4:46 PM
To: *Andrea Lucarelli*
Subject: 48-DR-2007#2 Troon North Villas

Andrea,

I wanted to touch base with you on the density/unit count of the project. In the staff review comment letter we expressed concerns with understanding how the unit count was being justified and in our follow up discussion I recall we talked about Don collecting and updating the supporting density/unit tables from the zoning case(s) to be included with the resubmittal. We've had continuing questions directed to us regarding the unit count for this project and I haven't been able to put the pieces together in my research for the density of 64 units on this site, so we were thinking it might be beneficial to have another quick meeting once you guys have that supporting information analysis put together to make sure we are all on the same page moving forward. Since the unit count is a big element that ties into other requirements, it seemed like it might be better to sort that out sooner than later if possible.

Jeff Barnes
Planner
City of Scottsdale
Planning & Development Services
jbarnes@scottsdaleaz.gov
(480) 312-2376

Checkout Our NEW Online Services:
• Avoid long waits at the One Stop Shop Service Counters by checking real-time wait times:
https://eservices.scottsdaleaz.gov/bldgresources/WaitTimes
https://eservices.scottsdaleaz.gov/bldgresources

o

Troon North Villas (48-DR-2007#2)

Review of Troon North Resort Parcel Density (Parcels V1/V2 in Case 3-ZN-1994)

Per this case approval there were a maximum of 385 residential units or and equivalent 550 resort units allowed in the central resort are of the Troon North development. The following is an accounting of current development and density of the various parcels included in this site:

Parcel #1: Subdivided as On the Green at Troon North (Replat) (MCR 398-05) including sub-parcels 1, 2 (supplanted by a later plat) and 6 (shown as Tract V) – 82 units created by plat

Parcel #2: Subdivided as The Ridge at Troon North (MCR 1227-30) (formerly this was included in the On the Green at Troon North plat) – 100 units created by plat

Parcel #3: Subdivided as The Golf Villas at Troon North Condominium (MCR 398-18) – 72 units created by plat

Parcel #4: Subdivided as Stonedge at Troon North Condominium (MCR 429-32) – 87 units created by plat

All of these plats have created residential types of units thereby creating a total of 341 platted residential units. This leaves a remaining 44 residential units or an equivalent of 63 resort rooms remaining.

P

Frederick E. Davidson

From: Dick Rossmiller <drossmiller@capitalfund1.com>
Sent: Tuesday, September 12, 2017 9:50 AM
To: Frederick E. Davidson
Subject: FW: Fwd:
Attachments: Resort Uses at Troon North.docx

From: DONALD HADDER SR [mailto:donh1211@cox.net]
Sent: Wednesday, August 30, 2017 1:13 PM
To: drossmiller2@cox.net; Dick Rossmiller <drossmiller@capitalfund1.com>
Subject: Fwd:

---------- Original Message ----------
From: donh1211@cox.net
To: jeffb@scottsdaleaz.gov, randyg@scottsdaleaz.gov
Date: February 2, 2017 at 12:19 PM
Subject:

I have done a detailed review of the plats included in the Troon North resort parcel and have come up with the final numbers. Therefore I have updated the report I handed to you last week. Bottom line is that the maximum keys (resort units) available is 63. We will adjust our plans accordingly. (Not all units have actually been been built and there were more 'stacked' units than I could first locate. The attached is the corrected report.
--
Don Hadder, Sr

Don Hadder, Sr

Resort Uses at Troon North

Zoning History

The Troon North property was annexed into the City of Scottsdale in 1982. Prior to annexation there had been some zoning case approvals processed by Maricopa County, but the relevant cases in Scottsdale include 81-ZN-1983, 87-ZN-1985, 28-ZN-1989, 45-ZN-1990, 3-ZN-1994 and 43-ZN-1994. Of these, the most pertinent are the 28-ZN-1989 and 3-ZN-1994 cases.

In the 1989 case, the proposed Troon North Resort parcel was included within a larger parcel designated as "V1". This was described as a 34-acre parcel that was allowed up to 280 resort rooms. This parcel on the development plan included the proposed resort site as well as the adjacent clubhouse property to the east and some of the land across the large wash north of the site. Virtually all the major golf oriented master planned developments of that era included a resort site.

In the 3-ZN-1994 case former parcels V1 and V2 (previously zoned as R1-7 HD) were combined to create a larger resort/residential parcel. This expanded parcel grew to 52.2 acres with a proposed number of units being 424 resort/residential and the maximum allowed being 385 residential units or 550 resort rooms. This combined parcel added three extended fingers of land west of the proposed resort site. In this case there were some targeted allocations of units to 6 sub-parcel areas (Numbered 1 through 6). The proposed resort site is sub-parcel #5 in the table included in the stipulations.

R-4R Zoning District

In all the cases mentioned above the subject property was zoned as R-4R (Resort/Townhouse Residential). This district has existed in Scottsdale since the early 1970s and was designed specifically to allow for resort uses as well as related and compatible residential uses.

The allowed uses in this district (Section 5.900 of the Zoning Ordinance) include "Resorts, Hotels, Motels, Guest Ranches, appurtenant commercial uses (such as restaurant and gift shops), Dwelling Units, Municipal Uses, Wireless Communications Facilities, Timeshare Project, Churches and Places of Worship, Day Care Homes, Golf Courses and Recreational Uses." This use list has been consistent regarding the resort and residential uses since first created.

There are varying densities allowed for the resort/hotel/motel/guest ranch/timeshare project uses versus the residential uses. The resort types of uses are allowed a maximum density of 10.62 rooms per acre while the residential types of uses are allowed a maximum density of 7.55 units per acre. Therefore, each residential unit translates into 1.41 resort rooms while as the reverse, each resort room translates into .71 residential units.

Updated Status of the V1/V2 Parcel at Troon North.

Four of the six sub-parcels within this area have been developed. Originally the targeted number of resort/residential units for these four sub-parcels was 371. The actual number of units within these four

totals 341 and these are all residential units. Going back to the zoning approval, this indicates that there remains a total of 44 residential units within the capped total for Parcel V1/V2. In theory based on the R-4R density allocations this could mean that there remains the potential for 63 resort rooms with the maximum allocated to the R-4R parcel.

Since there are only two relatively small undeveloped sub-parcels within the V1/V2 parcel and the clubhouse is fully developed it is not likely this maximum will ever be achieved.

Resort Policy

About the time of the 1994 zoning case, the City of Scottsdale was in the process of developing a policy statement, later approved, regarding new golf courses. One of the key policy statements was that new golf courses would be watered via recycled and treated wastewater and another was that new golf courses should provide economic benefit to the greater community in the form of integrated resort projects. Some stipulations of the era for Troon North move in this direction and the inclusion of the resort parcel was a key element of the city's support of the golf courses.

Infrastructure Master Plans

The infrastructure master plans prepared for the Resort Community at Troon North were done using the maximum densities allowed by the 1994 case that established the expanded resort uses. This master planning included streets, water systems and sewer systems. The maximum number of units was used in order that the infrastructure would have sufficient capacity no matter how the specific uses and density arrangements would develop.

Attachments

The attachments include selected elements of the prior approved cases for the site and included commentary regarding each:

Attachment #1

Zoning Case 45-Z-90

This case was a Major update of the Troon North / Estancia master plan that had been initially approved in 1985. What is now the Troon North Resort parcel was two parcels on the plan at the time: V1 and V2. Parcel V1 was listed in the attached zoning table as having about 34 acres, zoning of R-4R HD and a potential of up to 280 resort rooms (equivalent to 199 residential units). This parcel included the clubhouse site, the subject site and a substantial area to the north and northwest of the subject site. The remaining portions of what is now the Troon North Resort Community was listed as Parcel V2. This parcel was listed in the attached zoning table as having about 31 acres, zoning of R1-7 HD and a maximum of 144 dwelling units. (This dwelling unit count would equate to 203 resort rooms under the R-4R density conversion.) Of note is that the Hillside Conservation areas within and adjacent to V1 included the R-4R designation as well. This means that there was density transfer allocated off of these areas into the adjacent R-4R zoned properties.

Attachment #2

Zoning Case 3-ZN-94

This was an update to the Troon North masterplan that focused specifically on the resort community area. The main element of this plan was to rezone Parcel V2 from R1-7 HD to R-4R, thereby creating a larger resort community. As stated in the report to the City Council: "The concept of this request is to provide opportunities for a variety of attached and semi-attached units which would be used in a variety of techniques, such as for-sale, timeshare, lease, rental pool and so on, and would be primarily oriented to seasonal resident and visitors." The report goes on to say: "Originally, the resort use was a key element in supporting the golf use on the project, given the state's outlook on use of water resources. With the advent of the CAP/Reuse System with which this golf course is already participating, the need for the resort use has shifted. This proposal retains a strong visitor use orientation which will rely in part on management and services out of the new clubhouse."

In effect, the resort community area became a sub-masterplan within the large Troon North masterplan and as such had unique stipulations applicable to the area but not to the larger Troon North area. However, the master stipulation of Troon North still applied to the extent there was no conflict with the more specific stipulations. Within the specific stipulations there was a table identifying 6 sub-parcels within this area with targeted acreage, proposed numbers of units and maximum numbers of units. The subject site is parcel #5 on this table was allocated 31 residential/resort units. The key was that for the resort community there is a maximum total of 385 residential units allowed which equates to a maximum of 550 resort units. The actual total would depend on the types of units actually built based upon the inherent density ratios of the R-4R district. Furthermore, within the cover paragraph for this table it states: "Redistribution of the units is subject to maximum densities and Project Coordination staff approval."

Attachment #3

Case 43-ZN-94

This case was another adjustment of the Troon North masterplan. In this case the zoning and density changes approved in case 3-ZN-94 were carried forward. Of note is that the applicant's original request included the possibility of adding 4 more acres to the resort community parcel and increasing the maximum number of resort units to 585 rooms. This change was not ultimately approved.

Attachment #4

Case 89-DR-95

This case was approved one year after the changes expanding the resort community area in Troon North. The approved plan included 35 resort units in a combination of two-unit casita buildings as well as units in a common building that also housed the lobby, restaurant and other guest services. The parking provided was in both at-grade and underground types of physical structure. The buildings included both one and two story elements as well as a building placed on top of a platform. These units would have had cart path access connection to the nearby clubhouse. The proposed name of the project was Talus Village at Troon North. This project was not built.

Attachment #5

Case 48-DR-2007

This case was another approval for development on the subject site. This proposal was for 24 residential units that would have been two-story structures on top of a parking garage podium. The relative impact on the site would have been very similar to the earlier proposal except that there would have been fewer breaks between buildings. The report to the Development Review Board notes that the allowed residential density for the site was 37 units. The proposed units would have been relatively larger than the previous approval. Of note is that the driveway was to be moved north from where it had previously been shown. The name given to the proposed development was "Monument Club". This proposal was not built.

Q

PHX ARCHITECTURE
LIVING + ARCHITECTURE

June 22, 2017

Development Review Board
Project Narrative

Troon North Villas
8202 E. Cactus Road
Scottsdale, Arizona 85260

Attention: Mr. Jeff Barnes, City of Scottsdale

Response to Comments dated 11/21/2016 for **48-DR-2007#2 – Troon North Villas Resort**

Zoning

1. **Project Narrative:**

Troon North Village and Troon North Golf Club have been highly respected and well-established communities in North Scottsdale for over nearly 30 years. Based on extensive demographic research, our client, MBA Development Partners, LLC, determined that there is a niche that is missing in the area of Troon North that caters to the Golf Travelers. This proposal is compatible with the surrounding area and the character of the adjacent residential communities. This new Resort falls under the category of R-4R and its residents/clientele will also partake in the membership benefits that the golf club offers.

Our project, the Troon North Villas, will close the gap and provide the luxury experience for the clientele that frequently visit North Scottsdale on golf trips and family vacations. The proposed construction is a new build composed of 48 resort suites, totaling 62 keys. This site has a long history and is actually the third DRB application with two prior cases being 89-DR-1995 and 48-DR-2007. This proposal is in line with the R-4R zoning as approved in cases 45-ZN-1990, 3-ZN-1994 and 43-ZN-1994. The overall architectural design is consistent with the concepts and scale of development embodied in case 48-DR-2007. The case sought a change in the Environmentally Sensitive Land overlay regulations, by creating two rows of two-story units, with the main entry to the north and the common facilities at the south end. The building design style is clean and modern, yet compliments the existing clubhouse and embraces the desert landscape. The gestures are timeless and encompass the vision of North Scottsdale, more specifically Troon North in the careful placement of the buildings between the wash, the Clubhouse to capture the stunning views of the city to the southwest and the mountains to the northeast.

This site is parcel #5 within the overall Parcel V1/V2 within Troon North and is connected to the other parcels within V1/V2 by an overall density cap. The other parcels have not built to their limits and this will be the last of these parcels to be developed. In response to the feedback from the neighbors and HOA, the parking has been neatly tucked underground and out of sight. There is a drive up entry with valet service beneath a porte cochere. Another gesture in response to the comments was to preserve the existing curb cut at White Feather Lane to maintain the axis with the neighborhood across the street. An additional one-way entry drive has been added to the east due to comments from the Fire Department, as onsite access is required for emergency vehicles for life safety purposes. Parking at the single story underground garage will consist of 64 spaces, including 3 Accessible spaces. The internal site circulation to the clubhouse is by access of cartpath, so there is no need for guests/pedestrians to traverse the public roadway, discreetly hidden from view of the neighboring residences. The site will be heavily planted with native plants along White Feather Lane, as well as maintaining existing boulders and vegetation to buffer the Villas from the driveways and existing residences.

2. **Parking master plan:**

The applicant has submitted a revised parking study (by ASJ Engineers) that refers to sections 9.104.F Parking Master Plan and Section 9.107 Remote Parking. The proposed resort will be operated under a long-term agreement by the Troon North Golf Country Club. As such the staffing for maintenance and operations along with any food service will enter the site via the golf clubhouse. In addition, the focus of the guest experience will primarily be focused on golf and to a lesser degree events contracted with the clubhouse (such as weddings). Therefore, employee parking is best located in conjunction with the clubhouse and in turn a significant number of parking spaces that would have been needed to serve golfers will be shared with the golfers staying at the resort, therefore not needing addition parking spaces since they will already be at the site. This will also relate to food service since many resort guest will likely use the clubhouse dining facilities. The proposed number of spaces at the resort will be more than needed since many guests will arrive through a transportation service and not be driving and that no resort runs at full occupancy except for very unusual and short periods of time.

3. **Zoning History**

The zoning on this site is tied primarily into case 3-ZN-1994. As demonstrated in reports prepared by Donald Hadder, Sr. titled "Resort Uses at Troon North" and an added report titled "Review of Troon North Resort Parcel Density (Parcels V1/V2 in Case 3-ZN-1994)", the site is zoned R-4R ESL (HD) and is part of a resort master plan contained within the larger Troon North master plan. The submitted density for the resort is consistent with the master approvals for the resort area as well as the dual use nature of the R-4R zoning district (which also includes dual densities).

Of note is that the city's zoning map may be incorrect with regard to those parcels that were part of the original V2 area. In 1994 the Hillside Ordinance (HD/HC) had been removed from the Zoning Ordinance. Therefore, any rezoning of the underlying districts would only be allowed to happen under what then were the recent ESL ordinance regulations. As a result, any areas which had an underlying district change should be governed by the ESL ordinance and not had the HD designation. The current city zoning map shows the entire V parcel of Troon North as R-4R ESL (HD). This is not correct.

The subject property is within the original V1 parcel and its underlying district was not changed. Therefore, it appropriately falls under the HD regulations rather than the ESL regulations. The amended standards were intended primarily for the newly zoned ESL parcels in order to have consistent buildings heights across the sub-parcels that included former elements of the V2 parcel because the HD overlay standards included a more restrictive building height limit of 30 feet.
The subject site does not have any former V2 areas and has been treated consistently as starting from the HD overlay regulations. The first DR case on the site, 89-DR-1995, consistently described the site as having R-4R HD zoning and was processed under the HD regulations. Later, in the 48-DR-2007 case, there was a request that was accepted to apply the ESL regulations instead of the ESL regulations. Our request is consistent with the 2007 DR case.

4. Parking stall dimensions reflect current City of Scottsdale criteria.

5. Dimensional information has been provided for parking spaces.

6. Screen walls have been identified.

7. NAOS calculations

   See also, Comment #3. The HC area, which is a separate underlying district, will remain as HC ESL. However, under the ESL regulations it would now be included in the NAOS requirement for the property. The amount of NAOS open space being provided with this application is consistent with what was approved in the 2007 DR case. It also it embedded with the overall natural open space requirements allocated across the entire resort parcel (parcel V) as well as Troon North as a whole. Since the site was first created, this amount and location of natural area was

envisioned. A Hillside Conservation Easement would be an appropriate response to the underlying zoning but under ESL it is viewed as essentially a 'higher level' natural area. (Virtually all the HC area within this parcel lies within a floodplain that exhibits swamp-like (and quicksand) wetlands conditions during wet weather cycles.

#8-9 - See Landscape letter.

10. Fire hydrant has been identified.
11. FDC has been identified.

#12-13 - See Civil letter.

14. This in turn is tied into the responses above for Comments numbers 3 and 7. The proposed building is within the 30 feet height as shown, but in order to have relief if in final plans certain technical issues arise that might cause there to be elements above the 30 feet it is our desire to apply the ESL regulations which would allow the 35 feet building height. This again is consistent with the 2007 case for essentially the same reasons. Roof over topography plan has been submitted.

15. Mechanical screens on roof to be painted metal. See detail on A902

16. Roof plan has been provided and shows slopes and roof drain/overflow with crickets.

17. Trash enclosure detail has been provided and follows City of Scottsdale standard detail 2147-1. This application is asking the board to consider granting a variance to have the enclosure relocated to the Troon North Clubhouse property. The Troon North Clubhouse Operations department has partnered with this Client to manage all resort operations, including, but not limited to food and beverage service, removal of soiled linens and trash via golf cart.

18. Overall site plan has been redesigned and is included as a part of this package.

19. Project Data has been revised.

20. Interior walls have been removed from the site plan, dimensions have been added.

21. Landscape symbols have been removed from the site plan

22. This comment is no longer applicable.

23. Refer to site electrical plan.

24. Site wall details have been shown on architectural and landscape drawings.

25. Bicycle parking shall be provided in storage room at the south side of the site near the main building entry.

26. NAOS is indicated on the Open Space Plan

#27-31 See Landscape letter and revised drawings.

32. Font has been updated.

33. +/- Planar notations have been added to the elevations.

34. Details have been added to submittal, see sheet A902

35. Details have been added to submittal, see sheet A902

36. Service Entrance Section has been incorporated into the building with electrical feed entering the building at the ground floor and continuing to the basement electrical room.

37. Roof plan sheet indicates roof drainage system.

38. Two roof ladders have been shown. There is one internal roof hatch on the east side of the building, the other is external on the west side near the exterior stair. This ladder shall be painted to match the building and could potentially have a metal screen element to hide it from view.

39-41 – See Site Electrical Plans

42. This comment is no longer applicable with new site plan design. Fire Truck turn radii have been added to the sheet.

43. Sight visibility triangles have been adjusted and added to the site plan.

44. Site plan now indicates one (1) ADA ramp on south side of property near entry drive along White Feather Lane. Plan didn't

45. Commercial Turning Radii is shown on the site

46. This comment is no longer applicable with new design.

47. Fire lane has been indicated.

48. Material Board has been updated and included as a part of this submittal.

Please let us know if you have any questions.

Sincerely,

Maurita N. Harris-Walker, AIA
Project Architect
PHX Architecture

TROON NORTH VILLAS

#24: Context Aerial With Proposed Site Improvements

CASE# 109-PA-2015 | DEVELOPMENT REVIEW

TROON NORTH Villas

PROJECT # 16027

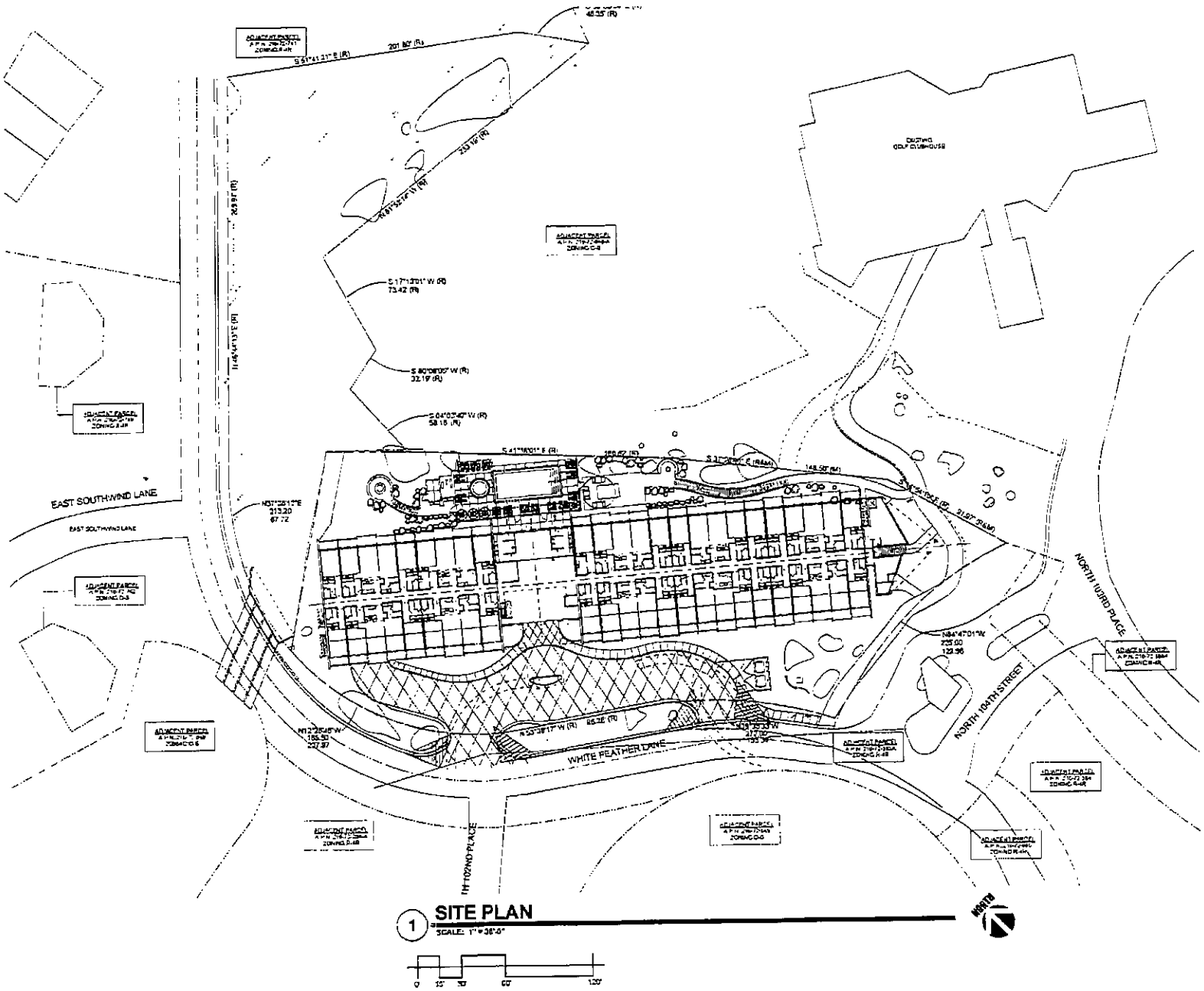
26 JUNE 2017

This design is for conceptual purposes only. Not to be used for construction.

PHX ARCHITECTURE

48-DR-2007#2

6/26/2017



1 **SITE PLAN**
SCALE: 1" = 30'-0"

0 15' 30' 60' 120'

PROJECT TEAM

CLIENT	[illegible] DEVELOPMENT PARTNERS, LLC 8378 E. VIA DE LOS FLORES SCOTTSDALE, AZ 85258 P 480.391.8101 CONTACT: MIKE ANDERSON MIKE@CAPITAL FUND1.COM
ARCHITECT	PHX ARCHITECTURE 10466 N. ORACLE/ORACLE LOOP SCOTTSDALE, AZ 85260 P 480.477.1131 CONTACT: ERIK G. PETERSEN, AIA EPETERSEN@PHXARCH.COM MALAYKA N. HARDY-MALLER, AIA MHARDY@PHXARCH.COM
LANDSCAPE ARCHITECT	LVA URBAN DESIGN STUDIO 120 SOUTH ASH AVENUE TEMPE, AZ 85281 P 480.994.0994 CONTACT: LAURA THELEN, RLA LTHELEN@LVADESIGN.COM
CIVIL ENGINEER	GRAHAM SURVEYING & ENGINEERING 7486 EAST NORTHLAND SCOTTSDALE, AZ 85251 P 480.998.4367 CONTACT: NATHAN WILLIE NWILLIE@GRAHAMSANDE.COM

SITE PROJECT DATA

PROJECT NAME: TROON NORTH VILLAS

PROJECT ADDRESS: 10200 EAST DYNAMITE BLVD.
SCOTTSDALE, ARIZONA 85262

A.P.N.: 216-72-5438

C.O.S. QUARTER SECTION: 37-32

LOT SIZE: NET AREA = 111,388.8 S.F. (2.56 ACRES)

PARCEL ZONING: R-4R P.C.D. (RD) RESORT

SETBACKS: AN AVERAGE OF 1'-0" SETBACK

BUILDING HEIGHT
30'-0" (MAX. ALLOWABLE) ZONING CODE
29'-9" (PROPOSED BUILDING HEIGHT)

PROPOSED BUILDING AREAS
BUILDING: 33,897 S.F. 1ST FLR
33,000 S.F. 2ND FLR

TOTAL AC AREA = 66,726 S.F.
(TOTAL OF 40 UNIT KEYS IN THE PROJECT)

FLOOR AREA RATIO
33,897 SF / 111,388.81 = 0.2913 F.A.R.

PARKING CALCULATIONS
1.25 PARKING STALLS PER KEY REQUIRED
40 X 1.25 = 75 SPACES REQUIRED

20% REDUCTION BASED ON THE MASTER PARKING STUDY = 60 SPACES REQUIRED

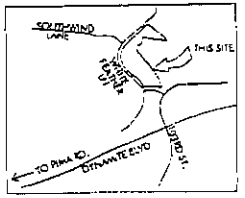
64 PARKING SPACES PROVIDED

ACCESSIBLE PARKING REQUIRED
64 SPACES X 4% = 3 ACCESSIBLE SPACES
3 ACCESSIBLE PARKING SPACES PROVIDED

BICYCLE PARKING
PARCEL CONTAINS 64 PARKING SPACES
THEREFORE, 6 MINIMUM BICYCLE SPACES REQUIRED. 7 SPACES PROVIDED
(SCOTTSDALE ZONING CODE, SECTION 9.103 C)

OPEN SPACE CALCULATIONS
REFER TO OPEN SPACE PLAN SHEET C0.04

VICINITY MAP



PHX ARCHITECTURE

TROON NORTH VILLAS
10200 E. DYNAMITE BLVD.
SCOTTSDALE, AZ 85262

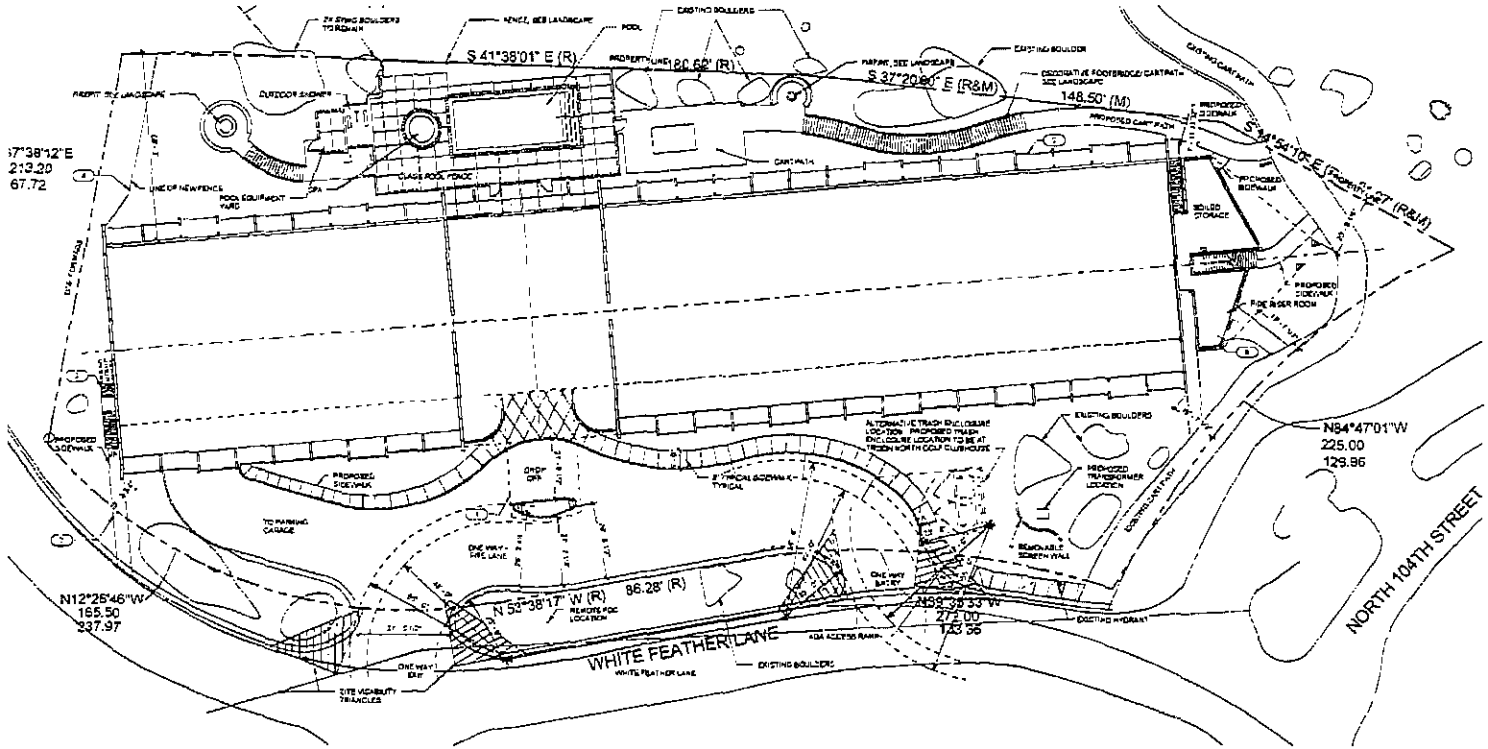
NOT FOR CONSTRUCTION

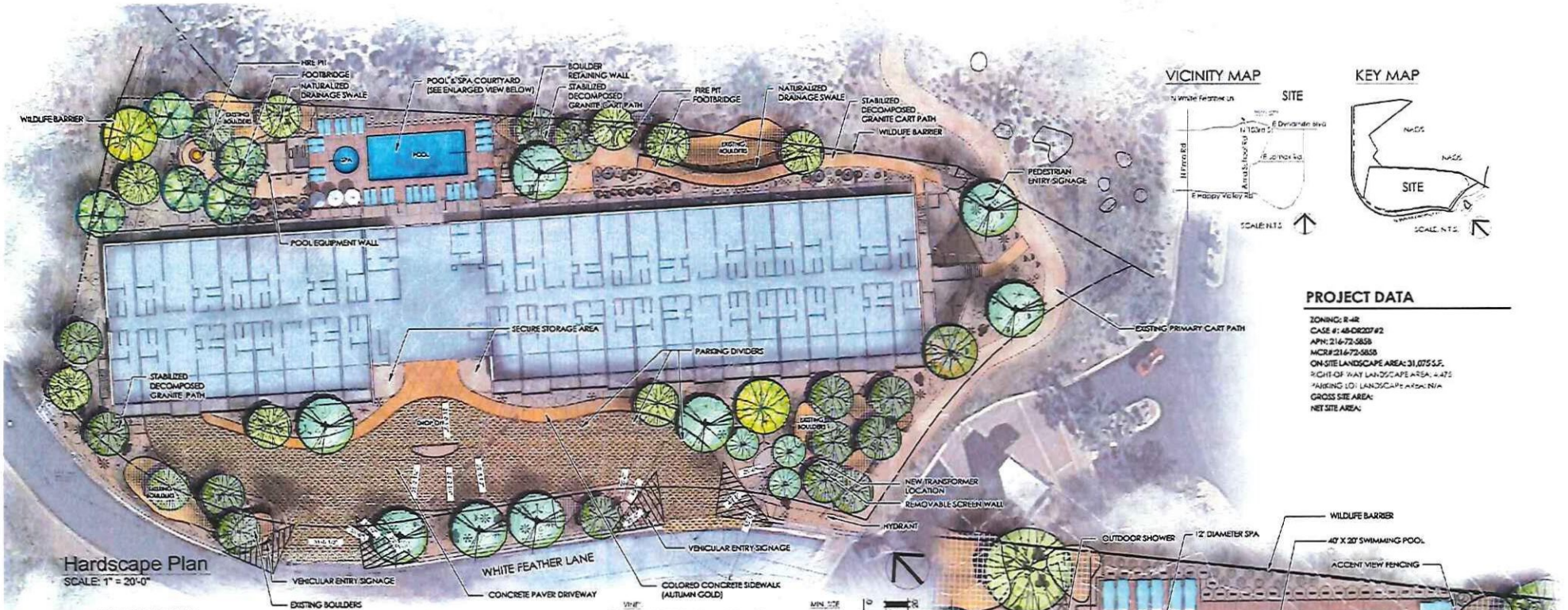
OVERALL SITE PLAN

As indicated

A100

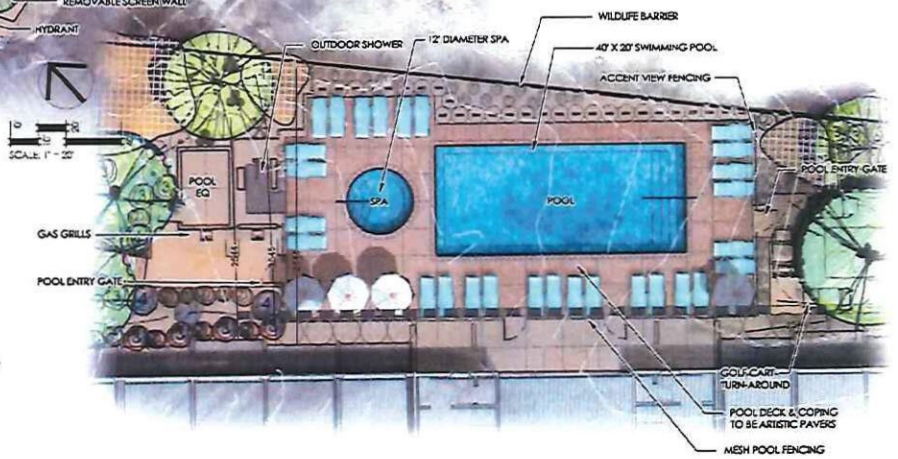
43-DR-2007#2
6/26/2017


S 41°38'01" E (R)
80.62' (R)
S 37°20'00" E (R&M)
148.50' (M)
S 44°54'10" E (R&M)
87.27' (R&M)
N84°47'01"W
225.00
129.96
NORTH 104TH STREET
N12°26'46"W
165.50
337.97
N 53°38'17" W (R)
86.28' (R)
N53°38'33"W
272.00
129.56
WHITE FEATHER LANE
PROPOSED SIDEWALK
EXISTING BOULDERS
TO PARKING GARAGE
ONE WAY FIRE LANE
ONE WAY EXIT
ONE WAY ENTRY
SITE VISIBILITY TRIANGLES
REMOVE FOG LOCATION
ADA ACCESS RAMP
EXISTING HYDRANT
REMOVABLE SCREEN WALL
RELOCATED TRANSFORMER LOCATION
ALTERNATIVE TRASH ENCLOSURE LOCATION
PROPOSED TRASH ENCLOSURE LOCATION TO BE AT TROON NORTH GOLF CLUBHOUSE
SOLID STORAGE
POOL EQUIPMENT YARD
LINE OF NEW FENCE
OUTDOOR SHOWER
POOL FENCE
CART PATH
EXISTING CART PATH
PROPOSED CART PATH
FIRE RISER ROOM
PROPOSED SIDEWALK
EXISTING BOULDER
DECORATIVE FOOTBRIDGE/CART PATH - SEE LANDSCAPE
PROPERTY LINE
PROPOSED SIDEWALK
EXISTING BOULDERS
PROPOSED SIDEWALK
PROPOSED SIDEWALK
PROPOSED SIDEWALK



Hardscape Plan

SCALE: 1" = 20'-0"



SCALE: 1" = 20'

Pool Area Enlargement

SCALE: 1" = 10'-0"

PLANT LEGEND

TREES		MIN. SIZE
EXISTING TREE	N/A	N/A
ACACIA CHLOOA	CATCLAW ACACIA	24" CALIPER
CELTIS RETICULATA	DESERT HACKBERRY	24" CALIPER
CERCIDIUM FLORIDUM	BLUE PALO VERDE	3" CALIPER
CERCIDIUM MACROPHYLLA	FOOTHILLS PALO VERDE	3" CALIPER
CERCIDIUM X HYBRID	DESERT MUSEUM PALO VERDE	3" CALIPER
CHILOPSIS LINEARIS	DESERT WILLOW VAR. 'BUBBA'	3" CALIPER
OLNEYA TESOTA	IRONWOOD	3" CALIPER
PROSOPIS VELUTINA	MESQUITE	3" CALIPER

ORNAMENTAL ACCENTS		MIN. SIZE
ALOE SP.	CENTURY PLANT	5 GAL
AMBROSIA ARENOSTACHYA	SAN DIEGO SUNFLOWER	5 GAL
AMBROSIA DELTOIDEA	TRIANGLE LEAF BURSAGE	5 GAL
ASCLEPIAS SUBULATA	DESERT MILKWEED	5 GAL
CALLIANDRA ERIOPHYLLA	FAIRY DUSTER	5 GAL
CAMISSONIA CHEIRANTHIFOLIA	EVENING PRIMROSE	5 GAL
CYLINDROPUNTIA BIGELOVII	TEDDY BEAR CHOLLA	5 GAL
DASYLIRION WHEELERI	DESERT SPOON	5 GAL
EUPHORBIA ANTISYPHILITICA	CANDELILLA	5 GAL
FEROCACTUS WISLIZENII	BARREL CACTUS	5 GAL
FOUQUIERIA SPLENDENS	OCOTILLO	5 GAL
HYPTIS EMORYI	DESERT LAVENDER	5 GAL
JUSTICIA CALIFORNICA	CHUPAROSA	5 GAL
JUSTICIA SPICIGERA	MEXICAN HONEYSUCKLE	5 GAL
LARREA TRIDENTATA	CREOSOTE	5 GAL
MUHLENBERGIA LINDHEIMERI	DEER GRASS	5 GAL
OPUNTIA ENGELMANNII	PRICKLY PEAR	5 GAL
PACHYCEREUS MARGINATUS	MEXICAN FENCEPOST	5 GAL
PEDILANTHUS MACROCARPUS	SLIPPER PLANT	5 GAL
RUELLIA SP.	RUELLIA	5 GAL
SIMMONDSIA CHINENSIS	JOJOBA	5 GAL
TECOMA ALATA	ORANGE JUBILEE	5 GAL
VIGUIERA DELTOIDEA	GOLDEYE	5 GAL
YUCCA SP.	YUCCA	5 GAL

VINE		MIN. SIZE
BIGNONIA CAPREOLATA	CROSSVINE	5 GAL
HARDENBERGIA VIOLACEA	PURPLE VINE LILAC	5 GAL

GROUNDCOVERS		MIN. SIZE
BAILEYA MULTIRADIATA	DESERT MARIGOLD	1 GAL
DYSSODIA PENTACHAETA	DOGWEED	1 GAL
HYMENOXYS ACAULIS	ANGELITA DAISY	1 GAL
KALANCHOE SP.	KALANCHOE	1 GAL
PENSTEMON SP.	PENSTEMON	1 GAL
PSEUDOGNAPHALIUM SP.	PAPER FLOWER	1 GAL
SETCREASEA PALLIDA	PURPLE HEART	1 GAL
SPHAERALCEA AMBIGUA	DESERT GLOBEMALLOW	1 GAL
TURBINA SP.	WILDROSE	1 GAL
ZEPHYRANTHES SP.	PRAIRIE LILY	1 GAL

	INERT MATERIAL	
	SANDNOR SELECT BOULDERS	TO MATCH ON-SITE ROCK COLOR
	RAKED NATIVE SOIL	IN ALL PLANTING AREAS

REVEGETATED LANDS AND ENHANCED DESERT OPEN SPACE TO INCLUDE A COMBINATION OF HYDROSEEDED PLANT MATERIALS. PLANT MATERIAL AS LISTED ABOVE AND HYDROSEEDED MIX, AREAS, AND LOCATIONS TO BE DETERMINED AT FINAL PLAN SUBMITTAL.

HYDROSEED MIX - APPLY AT RATE OF 25 PLS LBS/ACRE

		PLS LBS / ACRE
AMBROSIA DELTOIDEA	TRIANGLE LEAF BURSAGE	2.0
ANISACANTHUS QUADRIFIDUS	FLAMING SATINBUSH	2.0
ENCELIA FARINOSA	BRITTLEBUSH	2.0
LARREA TRIDENTATA	CREOSOTE BUSH	2.0
SENNA COVESII	DESERT SENNA	2.0
SPHAERALCEA AMBIGUA	GLOBEMALLOW	2.0

PLANTS INSTALLED IN DETENTION BASINS AND DRAINAGE CHANNELS TO CONFORM TO CITY OF SCOTTSDALE DESIGN SECTION 2H.900

VICINITY MAP

KEY MAP

PROJECT DATA

ZONING: R-4R
CASE #: 48-DR2007#2
APN: 216-72-585B
MCR#:216-72-585B
ON-SITE LANDSCAPE AREA: 31,075 S.F.
RIGHT-OF-WAY LANDSCAPE AREA: 4,475
PARKING LOT LANDSCAPE AREA: N/A
GROSS SITE AREA:
NET SITE AREA:

LVA urban design studio
land planning - development entitlements - landscape architecture
120 south ash avenue - tempe, arizona 85281 - 480.994.0994

Troon North Villas

Design Review Landscape Plan
2 of 5 - HARDSCAPE PLAN

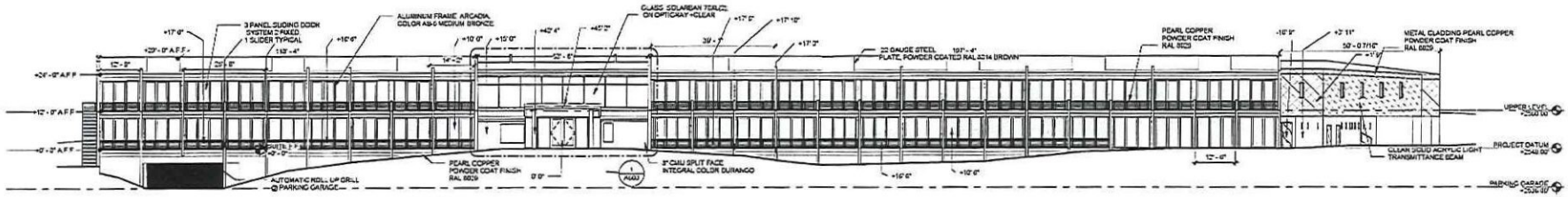
Preliminary Not For Construction

APPROX. SCALE: 1"=10' NORTH

1654 DRAWN BY: TEAM 11/18/16

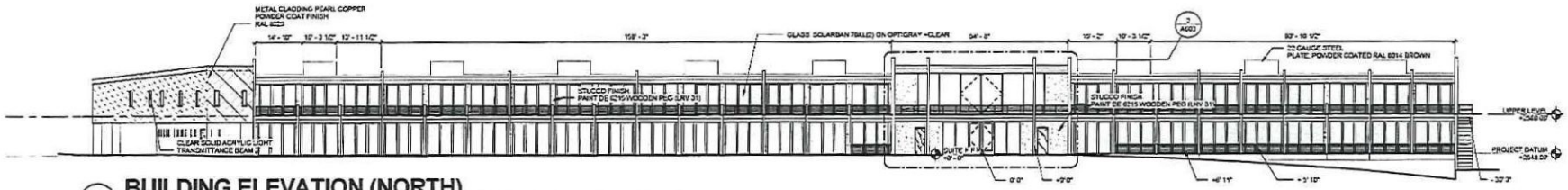
PRELIMINARY-NOT FOR CONSTRUCTION - SUBJECT TO ENGINEERING AND CITY REVIEW AND APPROVAL - © COPYRIGHT LVA URBAN DESIGN STUDIO, L.L.C.
This document together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it is prepared. Reuse of and improper reliance on this document without written authorization and adaptation by LVA Urban Design Studio, LLC shall be without liability to LVA Urban Design Studio, LLC.
C:\Users\project\Desktop\RENDERING FILE\1654-TNV.dwg Jun 21, 2017

48-DR-2007#2
6/26/2017



1 BUILDING ELEVATION (SOUTH)

SCALE: 1/16" = 1'-0"



2 BUILDING ELEVATION (NORTH)

SCALE: 1/16" = 1'-0"

PHX ARCHITECTURE
LIVING + ARCHITECTURE
13410 N. GREENWAY-HAYDEN LOOP
SUITE C-100
SCOTTSDALE, AZ 85260
T 480.477.1115
F 480.368.3858
PHXARCH.COM

TROON NORTH VILLAS
10200 E. DYNAMITE BLVD.
SCOTTSDALE, AZ 85262

NOT FOR CONSTRUCTION

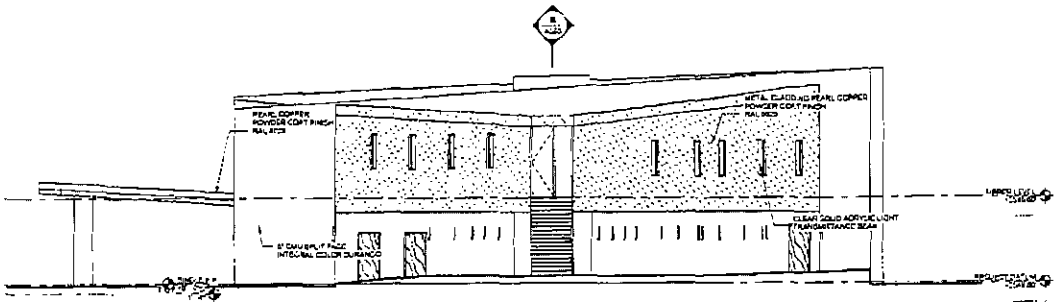
4
16
6/22/2

BUILDING ELEVATIONS

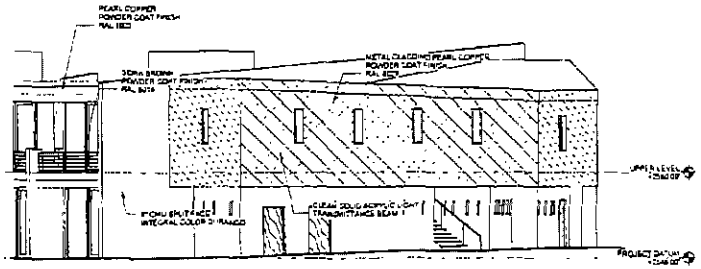
1/16" = 1'-

A601

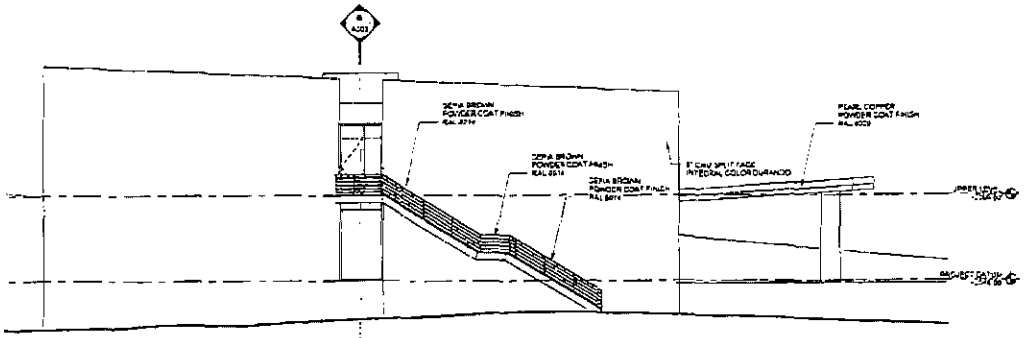
48-DR-2007#2
6/26/2017



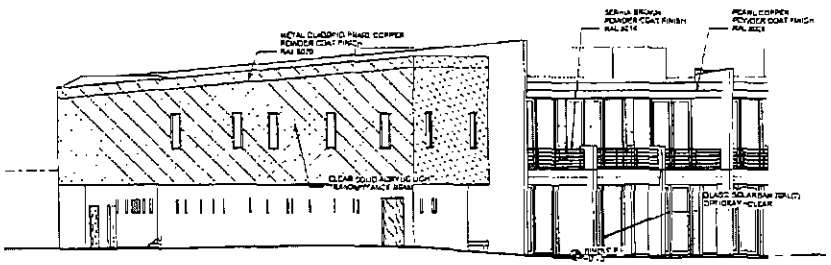
1 BUILDING ELEVATION (EAST)
SCALE: 1/8" = 1'-0"



3 Elevation 1 - a
SCALE: 1/8" = 1'-0"



2 BUILDING ELEVATION (WEST)
SCALE: 1/8" = 1'-0"



4 Elevation 2 - a
SCALE: 1/8" = 1'-0"

PHX ARCHITECTURE

TROON NORTH VILLAS
10200 E. DYNAMITE BLVD.
SCOTTSDALE, AZ 85262

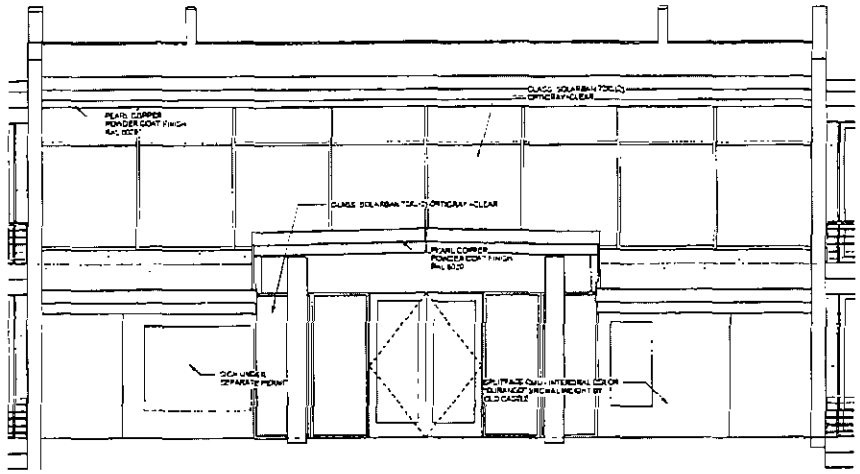
NOT FOR CONSTRUCTION

EAST + WEST ELEVATIONS

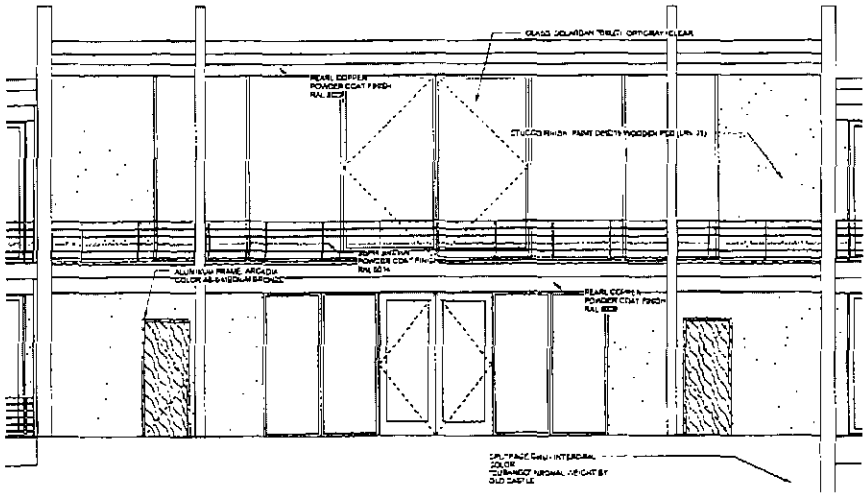
1/8" = 1'-

A602

48-DR-2007#2
6/26/2017



1 **BUILDING ELEVATION - SOUTH - ENTRANCE**
SCALE: 1/4" = 1'-0"



2 **BUILDING ELEVATION - NORTH - ENTRANCE**
SCALE: 1/4" = 1'-0"

GENERAL NOTES:

1. PER ENGINEERS UNDER SEPARATE PERMIT
2. ENTIRE BUILDING TO BE FULLY SPRINKLERED INCLUDING ALL BALCONIES, PARKING GARAGE, AND ATTIC CAVITIES
3. PARTITION WALLS TO BE 6" WIDE STAGGERED STUD 2HR RATED FIRE PARTITIONS WITH AN STC RATING OF 55 OR HIGHER. PROVIDE DOUBLE LAYER OF 1/2" GYP. BOARD EACH SIDE PLUS (1) 1" THICKNESS OF 3 1/2" SOUND ATTENUATION INSULATION
4. EXTERIOR FRAME WALLS TO HAVE STUCCO OVER 5/8" EXT. GYP. W/ MOISTURE INSULATION OVER MOISTURE BARRIER WITH MIN. R-13 BATT INSULATION
5. TYP. INTERIOR CORRIDOR IS TO BE 1/2 HR RATED (TYP.) IS BOTH SIDES OF FIRST AND SECOND FLOORS)
6. UNCONDITIONED PARKING GARAGE TO HAVE R-13 SPRAY APPLIED CELLULOSE INSULATION
7. VAPOR BARRIER AT GLASS AT PARKING GARAGE, MIN. 10 MIL

PHX ARCHITECTURE
15995 N. 92ND STREET, SUITE 6 / 109
SCOTTSDALE, AZ 85260
T 480.477.7111
F 480.394.2636
PHXARCH.COM

TROON NORTH VILLAS
10200 E. DYNAMITE BLVD.
SCOTTSDALE, AZ 85262

NOT FOR CONSTRUCTION

ENTRANCE ELEVATIONS

As indicated

A603

48-DR-2007#2
6/26/2017

MATERIAL LEGEND

A — PORTLAND CEMENT PLASTER/STUCCO FINISH. PAINT DE6215 WOODEN PEG (LRV 31)

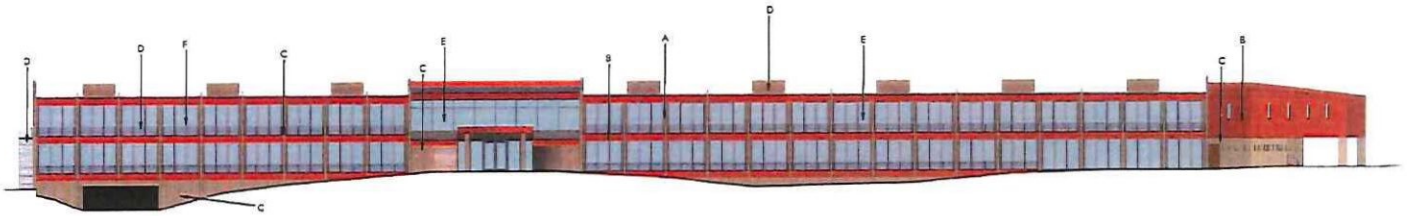
B — COPPER CLADDING; RAL 8029 PEARL COPPER

C — SPLITFACE CMU - INTEGRAL COLOR "DURANGO"; NORMAL WEIGHT; OLD CASTLE

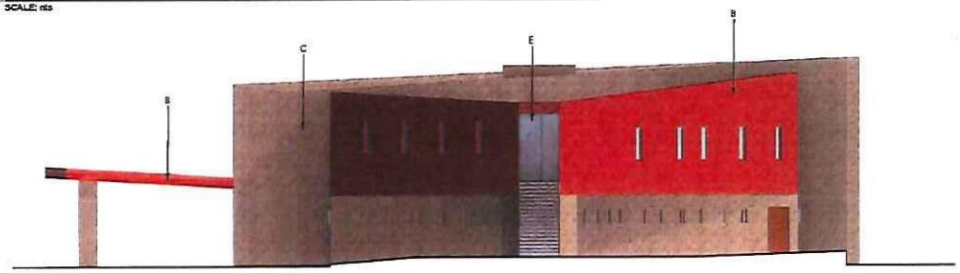
D — 22 GAUGE STEEL PLATE; POWDERCOATED RAL 8014 SEPIA BROWN

E — GLASS: SOLARBAN 70XL(2) OPTIGRAY– CLEAR; REFLECTANCE 10%

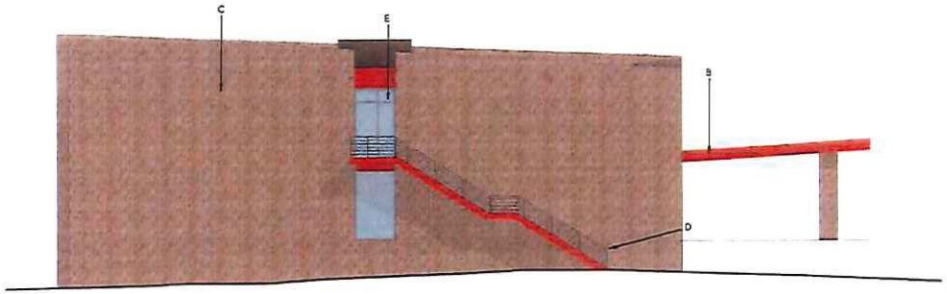
F — ALUMINUM FRAME: ARCADIA; COLOR AB-5 MEDIUM BRONZE



1 **BUILDING ELEVATION (SOUTH)**
SCALE: nts



2 **BUILDING ELEVATION (EAST)**
SCALE: nts



3 **BUILDING ELEVATION (WEST)**
SCALE: = nts

TROON NORTH VILLAS
Design Presentation

TROON NORTH Villas
PROJECT # 16027
26 June 2017
This design is for conceptual purposes only. Not to be used for construction.

PHX ARCHITECTURE

48-DR-2007#2
6/26/2017

TROON NORTH VILLAS

Design Presentation

TROON NORTH
Villas

PROJECT # 16027
26 June 2017
This design is for conceptual purposes only.
Not to be used for construction.

PHX ARCHITECTURE

48-DR-2007#2
6/26/2017

TROON NORTH VILLAS

PROJECT # 16027
26 June 2017
This design is for conceptual purposes only.
Not to be used for construction.

PHX ARCHITECTURE

TROON NORTH VILLAS

Design Presentation

48-DR-2007#2
6/26/2017

TROON NORTH VILLAS

Design Presentation

TROON NORTH Villas

PROJECT # 16027

26 June 2017

This design is for conceptual purposes only. Not to be used for construction.

PHX ARCHITECTURE

48-DR-2007#2

6/26/2017

R

CITY OF SCOTTSDALE

7/20/2017

Andrea Lucarelli
Phx Architecture
15990 N Greenway-Hayden Loop C100
Scottsdale, AZ 85260

RE: 48-DR-2007#2
Troon North Villas

Dear Ms. Lucarelli:

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 6/26/2017. The following **2nd Review Comments** represent the review performed by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Ordinance and Scottsdale Revise Code Significant Issues

The following code and ordinance related issues have been identified in the first review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. Please address the following:

Zoning:

1. Please revise the Project Narrative so that addresses the criteria set forth in Sec. 1.904 of the Zoning Ordinance which was amended in December 2012.
2. Please revise the site plan and floor plan to identify the location(s) of proposed bicycle racks. Bicycle racks can blend with the architectural context of development. Prior to installation, applicant to contact Transportation Department to ensure functionality of racks and dimension of placement. Applicant may also choose to use Standard Detail #2285 bicycle rack which does not need prior approval for installation.

Landscape:

3. Please revise the landscape plan so that the landscape legend includes quantity of the proposed plants, in compliance with Zoning Ordinance Section 10.200.

Drainage:

4. Please submit two (2) copies of the revised Drainage Report with the original red-lined copy of the report to your Project Coordinator with the rest of the resubmittal material identified in Attachment A.

a. The resubmitted Drainage Report still has major issues. There first redlines were not returned so we were unsure of the extent of the review comments made on the first review. It appears the design of the project was revised substantially from first review, and as such there are still issues as follows:

(1) There is an underground parking garage proposed adjacent to a large wash with the floor of the garage below adjacent flood elevations. The west wall of the garage will be in contact with flows and will need to be designed as a floodwall and, structurally, to account for future lateral erosion of channel.

(2) HEC-RAS not provided on disc for review and sections not laid out properly. HEC-RAS will be reviewed on 3rd submittal when corrected and provided.

(3) Development appears to be pursuing pre versus post storage waiver but is unclear on the situation. There is one proposed stormwater storage basin north of the building and just east of the wash that is inaccessible from public right of way/street tract and is, therefore, unacceptable.

(4) Provided redline markup of the preliminary grading and drainage plan and drainage report which **must** be returned with 3rd submittal.

Water and Waste Water:

5. Please submit three (3) copies of the revised Water and Waste Water Design Report to your Project Coordinator with the rest of the resubmittal material identified in Attachment A. Please insure they include details such as internal pipes and layout per DSPM 6-1.205 and 7-1.204.

Building Elevations:

6. With the resubmittal, please provide a revised roof over topography plan indicating each ridge height or parapet height above sea level and the corresponding height above the natural grade elevation directly below. Building height is measured from natural grade in accordance with the ESL zoning overlay Sec. 6.1070.B.1.a.

7. Please provide information and details related to screening devices that will be utilized to screen any mechanical equipment. Please refer to Zoning Ordinance Sec. 1.904.A.4 and Sec. 7.105.

8. Please provide information and details related to the roof drainage system. Please refer to Zoning Ordinance Section 7.105.

Significant Policy Related Issues

The following policy related issues have been identified in the first review of this application. Even though some of these issues may not be critical to scheduling the application for public hearing, they may affect the City Staff's recommendation pertaining to the application and should be addressed with the resubmittal of the revised application material. Please address the following:

Site Design:

9. Please modify the site plan to demonstrate the refuse enclosure (future contingency location) meets DSPM Section 2-1.804, the number of enclosures shall be three (3) based on one enclosure per 20 units.

a. A letter from the owner of the Golf Club allowing and accepting the use of the Golf Club for refuse from this project and the construction of the required additional refuse enclosures shall be required prior to the next submittal.

10. Please revise the site plan to demonstrate how the refuse trucks will ingress/egress for pickup in accordance with the DSPM requirements.

11. Please provide a revised site plan and project data that complies with the Plan & Report Requirements for Development Applications. There will be comments regarding the site plan after it has been received and reviewed by staff. Please refer to Zoning Ordinance Section 1.303.

    a. Revise the project data to indicate the:

        (1) Gross and net lot area in square feet.

        (2) Open space required and provided, and show calculations on the site plan.

    b. Revise the site plan to indicate the:

        (3) Building footprint and do not indicate the interior spaces within each building. Showing the interior spaces on the site plan results in too much information on the plan, making it difficult to read.

        (4) Location of sidewalks, with pavement types, and dimensions.

12. Please coordinate the Site Plan, Civil Plans, and Open Space Plans to show the same NAOS locations and the 5 foot separation and additional 5 foot revegetation as specified in DSPM Section 2-2.501.D.3

Landscape Design:

13. Please provide a landscape plan that indicates the building footprint and does not indicate the interior spaces within each building. Showing the interior spaces on the landscape plan results in too much information on the plan, making it difficult to read. Please refer to the Plan & Report Requirements for Development Applications. Please refer to Zoning Ordinance Section 1.303.

14. Please coordinate the landscape plan with the site plan regarding the location of electric power transformers. Please refer to the Plan & Report Requirements for Development Applications. Please refer to Zoning Ordinance Section 1.303.

15. Please utilize a dashed line to indicate the sight distance visibility triangles on the landscape plan. Please refer to the Plan & Report Requirements for Development Applications. Please refer to the Scottsdale Design Standards & Policies Manual Section 5-3.119. Please refer to Zoning Ordinance Section 1.303.

16. Please utilize a dashed or dotted line to indicate the site area that needs to be allocated as bicycle parking spaces. Modify the location of either the landscape improvements or the bicycle parking spaces and racks if there is a conflict between landscape plants and bicycle parking spaces. Please refer to DSPM Sec. 2-1.808 B.

Building Elevation Design:

17. Notes and dimensions on the building elevations appear to be 6-point font size, or less. Please revise the notes so that they are 12-point (1/6 inch) font size. Please refer to the Plan & Report Requirements for Development Applications. Please refer to Zoning Ordinance Section 1.303.

18. Please provide window sections that indicate that all exterior window glazing will be recessed a minimum of fifty (50) percent of the wall depth, including glass curtain walls/windows within any tower/clerestory elements. Please demonstrate the amount of recess by providing dimensions from the face of the exterior wall to face of glazing, exclusive of external detailing. Please refer to the Scottsdale Sensitive Design Principle 9 and Scottsdale Commercial Design Guidelines, Architecture Section.

19. Please provide door sections that indicate that all exterior doors will be recessed a minimum of thirty (30) percent of the wall depth. Please demonstrate the amount of recess by providing dimensions from the face of the exterior wall to the face of the door frame or panel, exclusive of external detailing. Please refer to the Scottsdale Sensitive Design Principle 9 and Scottsdale Commercial Design Guidelines, Architecture Section.

20. Roof drainage systems shall be interior to the building, except that overflow scuppers are permitted. If overflow scuppers are provided, they shall be integrated with the architectural design. Areas that are rooftop drainage shall be designed and constructed to minimize erosion or staining of nearby building walls and directs water away from the building foundations. Please refer to Scottsdale Design Standards & Policies Manual Section 2-1.401.4.

21. Please provide a floor plan or roof plan that indicates and illustrates the location of the roof access ladder. Please refer to Scottsdale Design Standards & Policies Manual Section 2-1.401.3.

Circulation:

22. *Please revise the site plan to clearly identify six (6) foot minimum width sidewalks within the* site, in accordance with DSPM 2-1.808.1.

23. Please revise the site plan to show and dimension the intersection sight distance at the existing western driveway and the proposed eastern driveway, in accordance with DSPM Sec. 5-3.119.D; Fig. 5.3-26.

24. Please revise the site plan to clarify that the emergency and service vehicle turning radii do not conflict with the porte-cochere island in the on-site drive area.

Fire:

25. Please revise the site plan to demonstrate any proposed fire lane surface will support 83,000 lb. Gross Vehicle Weight (GVW) in accordance with DSPM 2-1.802.B.3.

Please resubmit the revised application requirements and additional information identified in Attachment A, Resubmittal Checklist, and a written summary response addressing the comments/corrections identified above as soon as possible for further review. The City will then review the revisions to determine if a decision regarding the application may be made, or if additional modifications, corrections, or additional information is necessary.

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. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURN TO THE APPLICANT.

The Planning & Development Services Division has had this application in review for 40 Staff Review Days since the application was determined to be administratively complete.

These **2nd Review Comments** are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

If you have any questions, or need further assistance please contact me at 480-312-2376 or at jbarnes@ScottsdaleAZ.gov.

Sincerely,

Jeff Barnes
Planner

ATTACHMENT A
Resubmittal Checklist

Case Number: 48-DR-2007#2

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

☒ One copy: COVER LETTER – Respond to all the issues identified in the 1st Review Comment Letter
☒ One copy: Revised CD of submittal (DWG or DWF format only)
☒ Two copies of the Revised Narrative for Project

☒ Site Plan:

12 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ G&D Plan:

2 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ NAOS Plan:

2 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Open Space Plan:

2 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Elevations:

Color 2 24" x 36" 1 11" x 17" 1 8 ½" x 11"
B/W 2 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Roof over Topo Plan:

2 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Landscape Plan:

2 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Floor Plan(s):

2 24" x 36" 1 11" x 17" 1 8 ½" x 11"

Technical Reports:

- ☒ 2 copies of Revised Drainage Report:
- ☒ 3 copies of Revised Water Design Report:
- ☒ 3 copies of Revised Waste Water Design Report:

Resubmit the revised Drainage Reports, Water and Waste Water Report and/or Storm Water Waiver application to your Project Coordinator with any prior City mark-up documents.

S

CITY OF SCOTTSDALE

8/21/2017

Andrea Lucarelli
Phx Architecture
15990 N Greenway-Hayden Loop C100
Scottsdale, AZ 85260

RE: 48-DR-2007#2
Troon North Villas

Dear Ms. Lucarelli:

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 7/28/2017. The following **3rd Review Comments** represent the review performed by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Ordinance and Scottsdale Revise Code Significant Issues

The following code and ordinance related issues have been identified in the first review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. Please address the following:

Drainage:

1. Please submit two (2) copies of the revised Drainage Report with the original red-lined copy of the report to your Project Coordinator with the rest of the resubmittal material identified in Attachment A.
    a. The resubmitted Drainage Report still has one major issue to resolve. The stormwater storage basin for the entire project is still located north of the building and just east of the wash and is inaccessible from public right of way/street tract and is unacceptable.
    b. Other issues include clarifications of proposed design on the plans and waiver wording in report. Specific redlines are provided on preliminary G&D plan and drainage report.

Water and Waste Water:

2. Please submit three (3) copies of the revised Water and Waste Water Design Report to your Project Coordinator with the rest of the resubmittal material identified in Attachment A. Please insure they include details such as internal pipes and layout per DSPM 6-1.205 and 7-1.204.

Building Elevations:

3. With the resubmittal, please provide a revised roof over topography plan indicating each ridge height or parapet height above sea level and the corresponding height above the natural grade elevation directly below. Building height is measured from natural grade in accordance with the ESL zoning overlay Sec. 6.1070.B.1.a. The northern edge of the proposed building appears to exceed the maximum allowable building height when measured from the natural topography.

Circulation:

4. A copy of the parking study was requested from the previous submittal. The indication received was that an updated study is being done that would also be reflective of a current traffic counts. Staff will need time to review this information. Please include a copy of the updated and original study information with the resubmittal.

Please resubmit the revised application requirements and additional information identified in Attachment A, Resubmittal Checklist, and a written summary response addressing the comments/corrections identified above as soon as possible for further review. The City will then review the revisions to determine if a decision regarding the application may be made, or if additional modifications, corrections, or additional information is necessary.

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. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURN TO THE APPLICANT.

The Planning & Development Services Division has had this application in review for 57 Staff Review Days since the application was determined to be administratively complete.

These **3rd Review Comments** are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

If you have any questions, or need further assistance please contact me at 480-312-2376 or at jbarnes@ScottsdaleAZ.gov.

Sincerely,

Jeff Barnes
Planner

ATTACHMENT A
Resubmittal Checklist

Case Number: 48-DR-2007#2

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

☒ One copy: COVER LETTER – Respond to all the issues identified in the 3rd Review Comment Letter
☒ Two copies of the Revised Traffic/Parking study for Project

☒ Site Plan:

4	24" x 36"	1	11" x 17"	1	8 ½" x 11"

☒ G&D Plan:

2	24" x 36"	1	11" x 17"	1	8 ½" x 11"

☒ Elevations:

Color	2	24" x 36"	1	11" x 17"	1	8 ½" x 11"
B/W	2	24" x 36"	1	11" x 17"	1	8 ½" x 11"

☒ Roof over Topo Plan:

2	24" x 36"	1	11" x 17"	1	8 ½" x 11"

Technical Reports:

☒ 2 copies of Revised Drainage Report:
☒ 3 copies of Revised Water Design Report:
☒ 3 copies of Revised Waste Water Design Report:

Resubmit the revised Drainage Reports, Water and Waste Water Report and/or Storm Water Waiver application to your Project Coordinator with any prior City mark-up documents.

T

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:46 AM
To: 'Galatz, Hank'
Cc: Barnes, Jeff
Subject: RE:

Dear Mr. Galatz,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Galatz, Hank [mailto:Galatz.H@grainger.com]
Sent: Wednesday, July 26, 2017 9:01 PM
To: Lane, Jim
Subject:

Please note my opposition to the Troon Time Share Project. Please respond.

Thank you...

Sent from my iPad

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 12:33 PM
To: 'Robert Calabrese'
Cc: Barnes, Jeff
Subject: RE: 62 Timeshare Units at Troon North

Dear Mr. and Mrs. Calabrese,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Robert Calabrese [mailto:bobcalabrese@icloud.com]
Sent: Thursday, July 27, 2017 11:04 AM
To: Lane, Jim
Subject: 62 Timeshare Units at Troon North

Honorable Mayor,

I am writing you to express my disapproval of the proposed timeshare units planned for Troon North. We, the residents of Troon North, do not need additional 62 units crammed into this small space. Moreover, the building looks like a cheap Motel 6 and will devalue our property at Troon North. I cannot believe that you and the town council would put the interest of of these investors above the residents and voters of our community. Please represent the electorate who voted for you and not the special interest group seeking approval of this bad project.

Robert & Janice Calabrese
10412 E. Skinner Drive
Scottsdale, AZ 85262

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:44 AM
To: 'd.s.starnold@cox.net'
Cc: Barnes, Jeff
Subject: RE: 62 Timeshare units slated for Troon North

Dear Mr. Arnold,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: d.s.starnold@cox.net [mailto:d.s.starnold@cox.net]
Sent: Wednesday, July 26, 2017 8:40 PM
To: Lane, Jim
Subject: 62 Timeshare units slated for Troon North

Mr. Lane,

I am writing to let you know that I vehemently oppose the construction of the 62 timeshare units being proposed for Troon North.

I moved to the Troon North community in 2002 for the ambiance and community planning, not for it to turn into a timeshare property site. As an owner of timeshares through Marriott for almost 30 years, I know what the effect is first hand as a timeshare owner on what the establishment of timeshares do to adjacent property appeal and traffic to nearby properties.

I this timeshare comes into existence it will be remembered when election time comes around in 2018.

Dale St. Arnold
9399 East Sutherland Way
Scottsdale, AZ

Sent from Mail for Windows 10

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 8:59 AM
To: 'Robin Frank'
Cc: Barnes, Jeff
Subject: RE: 62 unit time share

Dear John and Robin,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Robin Frank [mailto:rlynn1961r@icloud.com]
Sent: Wednesday, July 26, 2017 4:36 PM
To: Lane, Jim
Subject: 62 unit time share

Dear Mayor Jim, My husband and I bought in the Monument four years ago for it natural beauty. Now we understand there is going to be a time share building that was approved. We are hoping that this does not happen. This will chase away the wildlife and change the natural beauty of the landscape forever. I hope I can persuade you into changing your position on this project as there are many residents who feel the same.
Sincerely
John&Robin Marzano/Frank

Sent from my iPhone

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Friday, July 28, 2017 8:36 AM
To: 'gjhambright@gmail.com'
Cc: Barnes, Jeff
Subject: RE: 62 unit time share project at Troon North

Dear Mr. and Mrs. Hambright,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: gjhambright@gmail.com [mailto:gjhambright@gmail.com]
Sent: Thursday, July 27, 2017 2:34 PM
To: Lane, Jim
Subject: 62 unit time share project at Troon North

I have been a resident of Troon North Candlewood and a member at Troon North Golf Club for 20 years. One of the many things that drew me to this location was the control of the property. No matter which development within Troon North, attention is paid to everything from the quality of construction, the color of the homes, the maintenance of the common areas to the control of the surrounding desert. Everything is first class. Allowing this development to proceed would be a travesty. The quality of construction and the density do not adhere to the surrounding residences. If I had a vote on this project going forward it would be a definitive no. Thank you for your consideration. Gary F. &Jan K. Hambright 10475 E. Monument Dr. Scottsdale, Az. 85262

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:41 AM
To: 'Kip Hamilton'
Cc: Barnes, Jeff
Subject: RE: 62 Unit Timeshare at Troon North

Dear Kip,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Kip Hamilton [mailto:kiphamilton@cox.net]
Sent: Wednesday, July 26, 2017 6:55 PM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N
Subject: 62 Unit Timeshare at Troon North

Council members:

Please do not approve the 62 unit timeshare unit project adjacent to the Troon North golf club. This is just not a fit for the location or the area. Tripling the density would downgrade the quality of the club and surroundings. There is a time and a place for timeshares but Troon North is not the place and now is not the time!

Thank you.

Kip Hamilton
28412 N. 97th Way
Scottsdale, AZ 85262
Just down the street from the the golf club.

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 8:35 AM
To: 'Guy Jarvis'
Cc: Barnes, Jeff
Subject: RE: Barracks timeshare Troon North

Dear Mr. and Mrs. Jarvis,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Guy Jarvis [mailto:jarvis.cal@shaw.ca]
Sent: Wednesday, July 26, 2017 4:13 PM
To: Lane, Jim
Subject: Barracks timeshare Troon North

I am writing this email as a concerned resident of Troon North. After seeing the rendering I cannot see how this fits in with our area. It looks like a hotel that you would find on an interstate.

We would ask you to really take another look at this proposal.

D. Guy and Charlene Jarvis
9562 E Southwind Ln
Scottsdale, AZ
85262

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:42 AM
To: 'George Hines'
Cc: Barnes, Jeff
Subject: RE: Concerned Voter: Troon North Development

Dear Mr. Hines,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: George Hines [mailto:ghines@massageenvy.com]
Sent: Wednesday, July 26, 2017 7:07 PM
To: Lane, Jim
Subject: Concerned Voter: Troon North Development

Dear Mayor Lane:

With complete respect, I am reaching out to you about the proposed, high-density development at Troon North. As a recent owner of my own real estate in the Troon North Resort, I am deeply concerned about the proposed high density development for three key reasons:

- **Ruins Exclusivity of Troon North Resort Community** - The development will lower the exclusivity of the Troon North area by creating a high-density and cheap building which looks like a dormitory alongside beautiful homes and condominiums. As owners, our property values will be degraded by this much cheaper, transient properties being pitched as a timeshare.
- **Overcalculates Allowable Density** - Takes the overall allowable density of the entire Troon North Resort area and attempt to fit in as many allowable units as possible based on existing density of the established communities. In other words, the planner has taken the total area of the resort, taken advantage of the fact that certain areas built under the standard (to promote the exclusivity and natural space we enjoy today as owners) and has maximized density into this 2.5 acre plot to maximize his potential profits with zero regard to the exclusivity of the area or adjacent property values.
- **Eliminates Natural Area and Habitat** - It will nearly eliminate a natural area of cacti and a natural habitat for animals that we as residents enjoy seeing in the area. This is a major attraction to us as owners.

As a voter, I and my wife are deeply concerned about the investment we have made in this area in real estate. As an executive at a local company (Massage Envy Franchising), I am in support of new real estate development and investments. However, I am not in favor of developments will degrade the exclusivity of our beautiful Troon North Community by lowering the standards for our community.

I would great appreciate your support and consideration to stop this development as it is planned and that it is revisited at a much lower density development.

Respectfully Submitted,

George N. Hines
Chief Information Officer
Massage Envy Franchising LLC
14350 North 87th Street, Suite 200
Scottsdale, AZ 85260
P: (480) 366-4151

ME Massage Envy

Confidentiality Notice: The information contained in this transmission may contain confidential and/or privileged information. It is intended only for the individual(s) or organization named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, duplication, distribution or copying of this communication and its attachments, if any, or the information contained herein is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by return email and destroy all copies of the original message.

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 8:35 AM
To: 'Randall Reynolds'
Cc: Barnes, Jeff
Subject: RE: Condo development at Troon north.

Dear Mr. and Mrs. Reynolds,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Randall Reynolds [mailto:r.reynolds@bell.net]
Sent: Wednesday, July 26, 2017 4:21 PM
To: Lane, Jim
Subject: Condo development at Troon north.

Good afternoon, my wife and I own a home at the Monument development in Troon North.
We have seen the plans for the high density condo development beside the Troon north golf club, I believe they have proposed a 62 unit development.
When we moved in, we understood that according to the local planning guidelines, the maximum density would be about 21 units We are strongly opposed to this development, as is our HOA..It will negatively impact property values in our community.
Appreciate your consideration of our concerns, and request the development not be approved.

Randy and Lee Reynolds
9926 E Hidden Green dr
Scottsdale.

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Friday, July 28, 2017 8:41 AM
To: 'Michael Swanson'
Cc: Barnes, Jeff
Subject: RE: Development of high density timeshare units at Troon North

Dear Mr. Swanson,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Michael Swanson [mailto:mi.swa@comcast.net]
Sent: Thursday, July 27, 2017 8:49 PM
To: Lane, Jim
Subject: Fwd: Development of high density timeshare units at Troon North

Sent from my iPad

Begin forwarded message:

> **From:** Michael Swanson <mi.swa@icloud.com>
> **Date:** July 27, 2017 at 9:46:00 PM MDT
> **To:** Michael Swanson <mi.swa@comcast.net>
> **Subject: Fwd: Development of high density timeshare units at Troon North**
>
> Sent from my iPad
>
> Begin forwarded message:

From: Michael Swanson <mi.swa@icloud.com>
Date: July 27, 2017 at 9:32:51 PM MDT
To: "jlane@scottsdaleaz.gov. sklapp@scottsdaleaz.gov. vkorte@scottsdaleaz.gov. klittlefield@scottsdaleaz.gov. lmilhaven@scottsdaleaz.gov. gphillips@scottsdaleaz.gov. " <jlane@scottsdaleaz.gov. sklapp@scottsdaleaz.gov. vkorte@scottsdaleaz.gov. klittlefield@scottsdaleaz.gov. lmilhaven@scottsdaleaz.gov. gphillips@scottsdaleaz.gov.>
Subject: Development of high density timeshare units at Troon North

Dear Mayor Jim Lane, Vice Mayor Suzanne Klapp, and Council Members Virginia Korte, Kathy Littlefield, Linda Milhaven, Guy Phillips, and David Smith,

I am writing to implore all of you to please halt the development of the high density timeshare units at the entrance to Troon North. I and my wife are several year residents of Troon North. We specifically moved to this location because of the spacious well planned design and attention and respect of the natural surroundings on which Troon North was built. The new timeshares are a tripling of the density of what was originally planned. Their design is an eyesore to the already impeccably designed community. Please take a moment to look at their actual design. They are an abomination to the developments that already exist and are totally alien to the whole intent and purpose of Troon North.

All of the current Troon North residents will have to look at these travesties of design everyday while passing by the entrance. I am not certain as to how this speculative timeshare developer has been able to triple the intended density but it is not good for the homeowners or for Troon North Golf Community which enjoys an excellent reputation world wide. This will ruin the excellently planned Golf Community and our neighborhoods as well. Please put yourself in our shoes and think how this might feel if you had to drive by these"Motel 6" units everyday in your neighborhood. Communities are tired of having their communities destroyed by developer consortiums that seek unreasonable density requests for no other reason than to line THEIR POCKETS AT THE CITY's EXPENSE. They bully government and tax payers into accepting their plans. Once they have made their money they are gone. They have no stake or concern for the community and they often leave destruction in their wake and then neighborhoods "pick up the pieces". Please halt this development by whatever means and let Troon North continue to enjoy the well deserved reputation it has earned by excellence in building and design.
Thanks so much for your attention and assistance.

Sincerely
Michael S. Swanson
The Monument
Sent from my iPad

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:50 AM
To: 'SMRUP@aol.com'
Cc: Barnes, Jeff
Subject: RE: Expansion at Troon

Dear Ms. Rupert,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: SMRUP@aol.com [mailto:SMRUP@aol.com]
Sent: Thursday, July 27, 2017 8:16 AM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Cc: aahlvin@rossmar.com; Messenger@AssociationVoice.com
Subject: Expansion at Troon

As of last Spring, traffic has increased so much, that it has become dangerous to pull out of 97th, and the turning lane from Dynamite to Pima backs up beyond the allotted distance on turning lane. Takes forever to go 1 mile from 97th to Pima. Add additional residents, and the problem will increase.
The same hazards now exist on turn into 97th from Dynamite going East. It has almost gotten to the point where a light is needed at that intersection. Add additional residents, and the problem will increase.
Soon we are going to look like and have the congestion of Shea Blvd. That is not why I invested in a home in this area.
This gov. is beginning to look like The US Senate and House. Inept and brain dead!! The nut job on Pima that always posts signs against local gov. is beginning to look like the sanest person in the area.
It appears that none of you have any consideration for your tax paying residents of this area.
Susan Rupert 9867 East Dale Lane

Frederick E. Davidson

From: Hill-Enriquez, MarJan <MHill@scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 8:53 AM
To: 'SMRUP@aol.com'
Cc: aahlvin@rossmar.com; Messenger@AssociationVoice.com; Barnes, Jeff
Subject: RE: Expansion at Troon

Good morning Ms. Rupert,

We appreciate you voicing your concerns.

To clarify, the City Manager is a member of staff and not an elected official. As such he is not part of any voting body i.e., Mayor and Councilmembers or boards and commission members. The City Manager and City of Scottsdale employees do not have the authority to support or deny projects. Staff's responsibility is to implement the direction of our elected officials and appointed Board/Commission members in accordance with the policies and ordinances they adopt.

Because the current zoning in this area would allow for the development it will not require a Council vote and will be heard by the Development Review Board September 7, 2017. You are welcome to attend and voice your opposition to this application at that time.
http://www.scottsdaleaz.gov/boards/development-review-board

I have copied Jeff Barnes, the Planner for this case, so your opposition will be added to the file as part of the public record.

We hope this information is helpful. Please let me know if we can be of further assistance.

Warm regards,
MarJan

MarJan Hill-Enriquez | City Manager's Office | (480) 312.2850

From: SMRUP@aol.com [mailto:SMRUP@aol.com]
Sent: Thursday, July 27, 2017 8:16 AM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Cc: aahlvin@rossmar.com; Messenger@AssociationVoice.com
Subject: Expansion at Troon

As of last Spring, traffic has increased so much, that it has become dangerous to pull out of 97th, and the turning lane from Dynamite to Pima backs up beyond the allotted distance on turning lane. Takes forever to go 1 mile from 97th to Pima. Add additional residents, and the problem will increase.
The same hazards now exist on turn into 97th from Dynamite going East. It has almost gotten to the point where a light is needed at that intersection. Add additional residents, and the problem will increase.
Soon we are going to look like and have the congestion of Shea Blvd. That is not why I invested in a home in this area.
This gov. is beginning to look like The US Senate and House. Inept and brain dead!! The nut job on Pima that always posts signs against local gov. is beginning to look like the sanest person in the area.
It appears that none of you have any consideration for your tax paying residents of this area.
Susan Rupert 9867 East Dale Lane

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:09 AM
To: 'Gggeno'
Cc: Barnes, Jeff
Subject: RE: From Gene Wojciechowski, resident Troon North

Dear Mr. Wojciechowski,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Gggeno [mailto:gggeno@aol.com]
Sent: Wednesday, July 26, 2017 6:44 PM
To: Lane, Jim
Cc: Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: From Gene Wojciechowski, resident Troon North

Dear Mayor Lane, Vice-Mayor, and City Council members,
My wife and I bought a two-bedroom condo in The Ridge next to the Troon North Golf Club a little more than a year ago. We chose Scottsdale--and that particular location--because it was a neighborhood, because of the seamless way the architecture blended into the landscape, and because there was a sense of community. We could have invested our hard-earned money elsewhere, paid our taxes elsewhere, but we chose Scottsdale because of what we thought was a commitment to community and the people who took pride in that community.
I'm not political by nature, but I find myself moved to ask that you and the City Council re-examine and, if common sense prevails, reverse the decision to allow a developer to shoe-horn a 62-unit timeshare motel onto a parcel never meant for that type of density--to say nothing of being parachuted into the middle of our community.
The former zoning administrator hired by the developer obviously doesn't live in our neighborhood. If he or she did--or if you or members of the City Council lived in our community, or visited it before you approved this mind-numbing plan--you'd understand why we're dumbfounded by the decision to allow such a project to be built.
We are not a zoning formula. We have kids who play in the neighborhood. We have families. To inject such a project--and all that will come with it at that density level--is to create traffic and safety concerns in an area where there is limited road volume, and where we already share sidewalk space with golf carts from Troon North. And, of course, there are legitimate concerns about how such a project will affect residential values. In other words, your decision has a real trickle-down effect on people who chose to live and invest in a community. Had we wanted to live next to a glorified motel that thumbs its nose at the architectural aesthetics that separate Scottsdale from other communities, we would have done so.

Surely there is room for compromise, for re-evaluation of a decision that might have been made with the best intentions, but upon reflection, didn't have the community and its residents' best interests at heart. At the very least, come see our community, talk to the residents, and consider the ramifications and unintended consequences of your decision. Perhaps then you'll have a better understanding why this development project--and the laughably reconfigured formula used by the developer's lobbyist to somehow justify so many units on such a small parcel--deserves, if not demands, to be seen *through the prism of those who live in Troon North, rather than benefit the developer and those who will rent one of those* 62 timeshares.
Please don't buckle to the twisted financial and zoning logic of the developer. Instead, stand with our community--those who live here, vote here, and pay taxes here.

Sincerely,

Gene Wojciechowski
The Ridge, Unit 2006

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Friday, July 28, 2017 8:40 AM
To: 'Richard Cheshire'
Cc: Barnes, Jeff
Subject: RE: High density timeshare proposal next to Troon North

Dear Mr. Cheshire,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Richard Cheshire [mailto:rickcheshire@gmail.com]
Sent: Thursday, July 27, 2017 6:57 PM
To: Lane, Jim
Subject: High density timeshare proposal next to Troon North

Mayor Lane,

I want to let you know my objection to the high density timeshare proposal next to Troon North.

When we purchased our home in the Stonedge community in north Scottsdale one of the things we searched for was a peaceful quiet place with minimal traffic. I am not opposed to development but it seems that the number of units is far beyond what is typical for the area.

Please register my objection and defeat this plan until it is reduced to a more reasonable number of units.

Your consideration is appreciated.

Richard Cheshire
28990 N White Feather Ln #176
Scottsdale, Az 85262

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:07 AM
To: 'Gspillar49'
Cc: Barnes, Jeff
Subject: RE: Motel 6 at Troon North

Good morning,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Gspillar49 [mailto:Gspillar49@cox.net]
Sent: Wednesday, July 26, 2017 5:30 PM
To: Lane, Jim
Subject: Motel 6 at Troon North

How can this development even be considered, I guess anyone who is part of the approval process must not live here and could care less.

Sent via the Samsung Galaxy Note® 4, an AT&T 4G LTE smartphone

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Friday, July 28, 2017 8:39 AM
To: 'Debra O'
Cc: Barnes, Jeff
Subject: RE: Pinnacle Canyon

Dear Ms. Onken,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

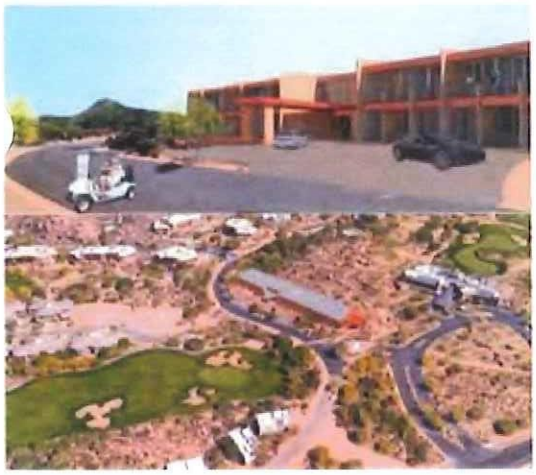
I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Debra O [mailto:sunbadgers@cox.net]
Sent: Thursday, July 27, 2017 3:50 PM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: Pinnacle Canyon

Mayor Lane,
I admonish this city leaders and council to look very closely at the risk involved to bending the rules allowing a developer to place the most ridiculous looking needless development in an established well respected area of Troon. We will continue to fight this project at every turn until someone is either re-elected or comes to their senses concerning the existing area in question.



Sincerely,
Debra Onken
10615 E Mark Lane
Scottsdale, Arizona 85262

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:47 AM
To: 'WILLIAM WAGNER'
Cc: Barnes, Jeff
Subject: RE: Please Get Rid of the Timeshare Developer

Dear Drs. William and Pannapatch Wagner,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: WILLIAM WAGNER [mailto:wwagner9@cox.net]
Sent: Wednesday, July 26, 2017 10:19 PM
To: Lane, Jim
Subject: Please Get Rid of the Timeshare Developer

Mayor Jim Lane,

Please put an end to this timeshare fiasco--it is hurting the current residents a great deal.

Drs. William and Pannapatch Wagner

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:08 AM
To: 'Gail Campbell'
Cc: Barnes, Jeff
Subject: RE: Please stop Time shares

Dear Mr. and Mrs. Campbell,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Gail Campbell [mailto:magail10@cox.net]
Sent: Wednesday, July 26, 2017 5:54 PM
To: Lane, Jim
Subject: Please stop Time shares

Please, please , listen to the people of Troon North. We have lived in Troon North for over 20 years and moved here because of its beauty and peacefulness both my husband and I cannot believe you would allow this time share that looks like barracks To infiltrate our beautiful community. We trusted that you would make the correct decisions for our community.
Please help stop this and do the right thing.
Thanks
Gail and Dennis Campbell

Sent from my iPhone

Frederick E. Davidson

From: Miholich, Morgan <MMiholich@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:20 AM
To: 'M D Austin'
Cc: Kuester, Kelli; Barnes, Jeff
Subject: RE: Project 48-DR-2007#2

Hello Mr. Austin,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Morgan Miholich
Management Assistant to City Council
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
MMiholich@scottsdaleaz.gov
(480) 312-7287

From: M D Austin [mailto:mdaustin0518@gmail.com]
Sent: Wednesday, July 26, 2017 5:52 PM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N
Cc: Miholich, Morgan; City Manager Mailbox
Subject: Project 48-DR-2007#2

Dear Distinguished Members of the City Council;

It has come to my attention that various departments of the city are usurping the City Council by creative interpretations of the Zoning Codes of the City of Scottsdale. This needs to stop and the City Council must intervene to stop this illegal action and deal with the perpetrators.

The subject project: Project 480DR-2007#2 is clear evidence that collusion by prior city employee(s), now consulting with developers, have achieved agreement to greatly exceed the very clear and unambiguous language of Sec 6.1050 "Intensity of Development". This section clearly states that "Intensities above the zone limits must be approved by the City Council. R4R is a maximum of 3 residences per acre not 24! Did you approve this?

Responses by the Council Members and the Mayor to prior communications by the angry residents of The Ridge and contiguous HOA's have just tried to brush us off saying it is in the hands of the Development Board. Because city departments and their employees have violated city Zoning Codes the City Council is obligated to step in now and prevent this travesty from becoming a reality. If the City Council did approve this radical measure, then you must reconsider before the matter comes before the Development Board.

Please to not think that because the election is next year, we will forget. Maybe on other matters, but not when this Motel 6 will be staring us in the face every day! While we may be a minority of overall Scottsdale voters, we have the ability to support the candidates (putting our full resources to work) who support the citizens over those who do not. For now I will take the position that the City Council is obligated to the citizens who elected you to your office and not the speculators forcing this prison like structure into a quiet low density neighborhood.

I look forward to hearing how and when you will take action on this matter.

Michael Austin
The Ridge at Troon North
#2060
480-717-4807

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 8:35 AM
To: 'Tim Drost'
Cc: Barnes, Jeff
Subject: RE: Proposed a Time Share Development at Troon North CC

Dear Mr. Drost,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Tim Drost [mailto:twdesert@cox.net]
Sent: Wednesday, July 26, 2017 4:18 PM
To: Lane, Jim
Subject: Proposed a Time Share Development at Troon North CC

I've been a resident of Troon North for 20 years. I believe that the proposed time share development is out of character with our community & neighborhood & puts a further strain on police, fire protection & other city services. I sincerely hope that the members of the Scottsdale governing body agree. Sincerely -Tim Drost

Sent from my iPad -- Tim D.

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:49 AM
To: 'Craig Martin'
Cc: Barnes, Jeff
Subject: RE: Proposed Development of time shares of Troon North

Dear Mr. Martin,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Craig Martin [mailto:rcraigmartin@gmail.com]
Sent: Thursday, July 27, 2017 7:29 AM
To: Lane, Jim
Subject: Proposed Development of time shares of Troon North

Dear Mayor Lane,
I want to voice my disapproval for the proposed time share development at Troon North. I am not apposed to development that keeps the population density at reasonable levels. But a tripling is unreasonable and should not be approved. Also, any development should be ascetically appealing. The proposed structure does not meet this criterion. I am a resident of Troon North and hope by working together we can maintain the high standards we now enjoy.

Thank you for your consideration of my concerns.

--
Best Regards
R. Craig Martin

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 12:34 PM
To: 'Michael Sills'
Cc: Barnes, Jeff
Subject: RE: Proposed high-density timeshare units at Troon North

Dear Dr. Sills,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Michael Sills [mailto:mgsills@cox.net]
Sent: Thursday, July 27, 2017 11:10 AM
To: Lane, Jim
Subject: Proposed high-density timeshare units at Troon North

Dear Mayor Lane,

I wrote you last year regarding a request to postpone a rezoning vote (Zoning Case 19-ZN-2014) scheduled mid-summer July 5, the night after a major holiday, to allow for the input of those in the neighboring community who would be affected by the Council's decision. The vote was not postponed and the rezoning was approved.

My wife and I have since moved to Troon North, and we find ourselves once again in the midst of a battle pitting the interest of preservationists and property owners against that of a profit-driven development consortium. I understand that the City of Scottsdale must find a balance between growth and conservation, policies that attract new investment and those that protect the land and people, and the needs of both current and future residents. Allowing a timeshare company to build 62 units in Troon North at triple the existing permitted zoned density is no way to find this balance.

I implore you to oppose this development in it's present form. Our open desert space is what makes Scottsdale such an appealing place to live in the first place, and ill-planned development like this only serves to kill the goose that lays the golden eggs.

Sincerely,

Michael G. Sills, M.D.
9427 E. Mark Lane
Scottsdale, AZ 85262

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:41 AM
To: 'bronto4@aol.com'
Cc: Barnes, Jeff
Subject: RE: Proposed Time Share at Troon North

Dear Mr. and Mrs. Bronstein,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: bronto4@aol.com [mailto:bronto4@aol.com]
Sent: Wednesday, July 26, 2017 7:01 PM
To: Lane, Jim; Korte, Virginia; Klapp, Suzanne; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: Proposed Time Share at Troon North

Dear Scottsdale City Council and City Manager,

We feel compelled to write to you regarding the proposed Time Share at Troon North. We have been fortunate to be residents of Stonedge in Troon North since 2007. We chose the Troon Community for a variety of reasons not the least of which was the beautiful surroundings. Over the years, the integrity of those esthetics has not been compromised. We are not knowledgeable enough about the legalities regarding this project. That issue aside, we urge you to also consider that by allowing this project to go forward, this eyesore will negatively impact an entire community that has continually sought to maintain its beauty.

We thank you for your consideration.

Jan and Neil Bronstein
Stonedge #139

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 10:03 AM
To: 'mcdr@cox.net'
Cc: Barnes, Jeff
Subject: RE: Proposed Timeshare at Troon North

Dear Mr. Robinson,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: mcdr@cox.net [mailto:mcdr@cox.net]
Sent: Thursday, July 27, 2017 9:56 AM
To: Lane, Jim
Cc: TroonN HOA
Subject: RE: Proposed Timeshare at Troon North

Dear Mayor Lane,

Please take action to prevent approval of the proposed 62-unit timeshare at Troon North. Both the proposed architecture and the density of units are totally inappropriate.

Thank you,

McDonald Robinson
28913 N. 111th St.
Scottsdale, AZ 85262
mcdr@cox.net

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:02 AM
To: 'Harold Ford'
Cc: Barnes, Jeff
Subject: RE: Proposed Timeshare Units at Troon North

Dear Mr. Ford,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Harold Ford [mailto:b.ford@epicorp.net]
Sent: Wednesday, July 26, 2017 5:02 PM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Cc: aahlvin@rossmar.com
Subject: Proposed Timeshare Units at Troon North

Ladies & Gentlemen

I would like to go on record as totally opposing the development of a 64 unit timeshare development at Troon North. I am a full time resident of the Talus subdivision at Troon North. I ask one simple question, if timeshares are such a positive development then why do lawyers openly advertise on TV to specializing in breaking timeshare contracts? The truth is, a substantial amount of people that experience "fast-high pressured sales tactic timeshares" have buyers remorse and want to back out of the commitment. Studies have shown that money spent on timeshares would more than cover the cost of a simple vacation each year. I thought Timeshares were the real estates scams of the 1990s, not present day. Timeshare construction is often cheap and low budget to maximize profits. The residents of Troon North do not want a development that could possibly lower property values.

Please follow the voices of your constituents and not a real estate consortium that will "love you and leave you" in November 2018. Thank you for your attention to this matter.

Harold Ford
10014 E BalancingRock Road

Scottsdale, Az 85262

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:07 AM
To: 'Mary Tomlinson'
Cc: Barnes, Jeff
Subject: RE: Proposed Timeshare Units at Troon North

Dear Mr. and Mrs. Tomlinson,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Mary Tomlinson [mailto:mtomlinson@pdstech.com]
Sent: Wednesday, July 26, 2017 5:30 PM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Cc: Messenger@AssociationVoice.com
Subject: Proposed Timeshare Units at Troon North

Dear Scottsdale Government Team,

We are earnestly in opposition to the proposed timeshare build at Troon North.
As long-term residents, voters, and tax payers, we (and our neighbors in Candlewood) **do not support this project.**
It greatly damages everything we have worked hard for and deeply value.

When we moved to Arizona in 1999, we were attracted to North Scottsdale's uniqueness and preservation of natural resources. Much has changed. Excessive building and rental properties, i.e., former Rawhide property.
OMG!! Enough is enough.

Please respect your North Scottsdale voter base, and do not support this timeshare project. What would the purpose be? The money? Please don't.

Mary & John Tomlinson
Candlewood Estates at Troon North

CONFIDENTIALITY NOTICE: This message is confidential and property of PDS Tech. It may also be privileged or otherwise protected by work product immunity or other legal rules. If you have received it by mistake, please let us know by e-mail reply and delete it from your system.You may not copy this message or disclose its contents to anyone. The integrity and security of this message cannot be guaranteed on the Internet. The recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus.

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Friday, July 28, 2017 8:42 AM
To: 'JValade@aol.com'
Cc: Barnes, Jeff
Subject: RE: Proposed Troon North development

Dear Mr. and Mrs. Valade,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: JValade@aol.com [mailto:JValade@aol.com]
Sent: Friday, July 28, 2017 6:53 AM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: Proposed Troon North development

Dear Mayor Lane, Scottsdale City Council, and City Manager,

We must voice our outrage at the seemingly egregious abuse of developmental planning in our living community of Troon North.

The proposed building of 62 timeshare units adjacent to the west side of our Troon North clubhouse is completely unreasonable, tripling the planned density of that area of the development. This abhorrent project will cheapen the values of the surrounding areas, cause extra noise and congestion, and will drastically alter the theme of our community, which is known and respected worldwide as a premier golf course development.

We urge you to stop this ridiculous project that will accomplish nothing but line the pockets of the developers at the expense of the residents and voters of Troon North.

Sincerely,

Jerry and Julie Valade
29534 N. 105th Way
Scottsdale, AZ 85262

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 12:39 PM
To: 'BETTIE CLARK'
Cc: Barnes, Jeff
Subject: RE: Ridge Timeshare Proposal @ Troon North

Dear Ms. Clark,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: BETTIE CLARK [mailto:mss2000@cox.net]
Sent: Thursday, July 27, 2017 11:51 AM
To: Lane, Jim
Cc: sklapp@scottsdaleaz.goc; City Manager Mailbox
Subject: Ridge Timeshare Proposal @ Troon North

As a resident of Stonedge I urge you to vote no on the proposed Timeshare at the entrance. It is totally out of character with the neighborhood.

Bettie Miller Clark

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:47 AM
To: 'Steven Spector'
Cc: Barnes, Jeff
Subject: RE: Stop tripling density in troon north

Dear Mr. Spector,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Steven Spector [mailto:steven.spector@cox.net]
Sent: Wednesday, July 26, 2017 10:14 PM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: Stop tripling density in troon north

As a long time resident of the area troon north, i ask you to keep the focus on residential density. Keep densities low! Timeshare being considered for the area is terrible.

Thank you

Steven Spector
602-920-0060

Sent from my iPhone

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:10 AM
To: 'Catherine Gyger'
Cc: Barnes, Jeff
Subject: RE: "The Barracks"

Dear Mr. Gyger,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Catherine Gyger [mailto:catgyger@hotmail.com]
Sent: Wednesday, July 26, 2017 6:53 PM
To: Lane, Jim
Subject: "The Barracks"

Mr Mayor,
Thanks for sending the rendering of
"The Barracks"!
Common sense, respect, civic res-
Ponsability are all missing at the
Base of this project. It is difficult to Understand how such a project could Have been prepared and submitted To the village. If this project would Materialize there will be no defense To avoid other and even more degrading projects to be executed.
Our village had ground rules clearly
Describing the rules and guidelines
To be observed when acquiring pro-
Perty(land and/or buildings). Activists
And other mostly reckless individuals
Will always try to find "openings"
For serving their's and their cronies
Interests. I hope our council-ladies
And gentlemen will be getting the
Most professional advice to defeat

This attack to our established and
Well thought through and accepted guidelines for The development of our region!
Thanks for caring about our commu-
nity's well being.
Best regards
Ernest F Gyger
9341R Quarry Trail/Troon North

Sent from my iPhone

Frederick E. Davidson

rom: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 12:33 PM
To: 'Kevin'
Cc: Barnes, Jeff
Subject: RE: This is an Atrocity!

Dear Mr. Heisler,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Kevin [mailto:boiler_86@yahoo.com]
Sent: Thursday, July 27, 2017 11:05 AM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: This is an Atrocity!

How could the City Council approve such a horrible structure to be built in one of the most beautiful areas of North Scottsdale?! Since when are non-attractive 'Motel' style structures being allowed in North Scottsdale??

Not only does it violate the zoning for the lot but it also does not fit with the surrounding structures. It also violates the Troon North HOA CCR's which should also give the City Council pause before issuing such a permit for building. Plus there is not one person who lives in this area that is supportive of such a development... and if it is not stop I'm sure our votes will be cast in 2018 to reflect our disapproval of the City Council who allowed this to happen.

Please stop and listen to the people who live here... THIS IS NOT WHAT SHOULD BE BUILT!!

Thanks,
Kevin Heisler, 25 yr resident

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 8:36 AM
To: 'michael'
Cc: Barnes, Jeff
Subject: RE: Time- Share

Dear Michael,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: michael [mailto:michael_douglas@hotmail.com]
Sent: Wednesday, July 26, 2017 4:23 PM
To: Lane, Jim
Subject: Time- Share

Please stop this non-sense!

mike

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:46 AM
To: 'ElMER DALBKE'
Cc: Barnes, Jeff
Subject: RE: Time share project at Troon north

Dear Mr. Dalbke,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: ElMER DALBKE [mailto:butchee0826@aol.com]
Sent: Wednesday, July 26, 2017 8:52 PM
To: Lane, Jim
Subject: Time share project at Troon north

I have lived at Troon North for 17 years and am very opposed to the building project proposed for time share units. I also find it offensive that the company building the project would hire a long time member of the scottsdale planning department to lobby for him.....Elmer Dalbke

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:42 AM
To: 'G Stewart'
Cc: Barnes, Jeff
Subject: RE: Time shares

Dear Mr. Stewart,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: G Stewart [mailto:garystewart@tradeprinters.net]
Sent: Wednesday, July 26, 2017 7:05 PM
To: Lane, Jim
Subject: Time shares

It seems like this concept is nothing more than a bad joke, but unfortunately it's real.

Two and a half acres and 62 ugly units with cobbled together parking in this environment is totally out of place.

Gary Stewart, Stonedge.

Sent from my iPad

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 8:32 AM
To: 'Roz Rubin'
Cc: Barnes, Jeff
Subject: RE: timeshare

Dear Roz,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Roz Rubin [mailto:rozroz007@gmail.com]
Sent: Wednesday, July 26, 2017 1:20 PM
To: Lane, Jim
Subject: timeshare

this development will ruin the beauty of troon north and the desert lifestyle i love so much living there!

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:01 AM
To: 'Karen Buenger'
Cc: Barnes, Jeff
Subject: RE: Timeshare at Troon North

Dear Mrs. Buenger,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Karen Buenger [mailto:buenger@cox.net]
Sent: Wednesday, July 26, 2017 4:45 PM
To: Lane, Jim
Subject: Timeshare at Troon North

I am against this 62 unit timeshare development project at Troon North. We spent 11 years here because of the area. Don't ruin this for us. Do you live here? If you did you wouldn't approve this project. We voted for you, now you owe us your no vote on this project.
Karen Buenger
9889 E Balancing Rock Rd
Scottsdale

Sent from my iPad

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:08 AM
To: 'Joseph Levine'
Cc: Barnes, Jeff
Subject: RE: Timeshare Density Request in Troon North

Dear Mrs. Levine,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Joseph Levine [mailto:sarjo210@gmail.com]
Sent: Wednesday, July 26, 2017 6:13 PM
To: Lane, Jim
Cc: City Manager Mailbox; sklapp@scottsdale.gov; vkorte@scottsdale.gov; kittlefield@scottsdale.gov; lmihaven@scottsdale.gov; gphillips@scottsdale.gov; dnsmith@scottsdale.gov
Subject: Timeshare Density Request in Troon North

Dear Mayor,

Please stop the density request for tripling timeshares in Troon North. There's no reason to increase the number of timeshares except to make the development consortium wealthier.

Troon North is a prestigious area known throughout the world for it's beautiful golf courses and natural Sonoran Desert. This one-of-a-kind area deserves better than overbuilding, especially by an art rendering that shows it be no nicer than a truck stop motel.

Let's insist on keeping Scottsdale and Troon North the best place to live.

Thank you.

Sarah Levine

Sent from my iPad

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:47 AM
To: 'Doug Stevens'
Cc: Barnes, Jeff
Subject: RE: Timeshare development at Troon

Dear Mr. Stevens,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Doug Stevens [mailto:doug@stevensconstruction.net]
Sent: Wednesday, July 26, 2017 6:49 PM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Smith, David N; City Manager Mailbox
Cc: doug@stevensconstruction.net
Subject: Timeshare development at Troon

I am writing to you to let you know that I strongly oppose the proposed development of timeshares in our Community of Troon. It is wrong on so many levels. I hope you will look at how this will devalue the surrounding property as well as the community, and not support this project. One of the reasons we bought a house here was because it was not a commercialized / transient vacation spot.
Respectfully,

Douglas F. Stevens
Resident in the Monument

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 8:37 AM
To: 'Rick'
Cc: Barnes, Jeff
Subject: RE: Timeshare Development at Troon North

Dear Mr. Oats,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opinion on this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Rick [mailto:oatsa@cox.net]
Sent: Wednesday, July 26, 2017 4:30 PM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: Timeshare Development at Troon North

Dear Scottsdale Government Representatives,

I am a Troon North property owner. I am supportive of the proposed Time Share Development at Troon North. In my opinion, the Troon North HOA is in opposition to this development due to parties involved and due to a lack of HOA control of the development. It is a simple power struggle.

Regards,
Allen Oats

Frederick E. Davidson

From: Hill-Enriquez, MarJan <MHill@scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 10:53 AM
To: 'Rick'
Cc: Barnes, Jeff
Subject: RE: Timeshare Development at Troon North

Good morning Mr. Oats,

We appreciate you voicing your comments on this project.

Just to clarify as there seems to be some miscommunication shared with the residents; the City Manager is a member of staff and not an elected official. As such he is not part of any voting body i.e., Mayor and Councilmembers or boards and commission members. The City Manager and City of Scottsdale employees do not have the authority to support or deny projects. Staff's responsibility is to implement the direction of our elected officials and appointed Board/Commission members in accordance with the policies and ordinances they adopt.

I have copied Jeff Barnes, the Planner for this case, so your support will be added to the file as part of the public record.

Because the current zoning in this area would allow for the development it will not require a Council vote and will be heard by the Development Review Board September 7, 2017. You are welcome to attend and voice your support of this application at that time.
http://www.scottsdaleaz.gov/boards/development-review-board

We hope this information is helpful. Please let me know if we can be of further assistance.

Warm regards,
MarJan

MarJan Hill-Enriquez | City Manager's Office | (480) 312.2850

From: Rick [mailto:oatsa@cox.net]
Sent: Wednesday, July 26, 2017 4:30 PM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: Timeshare Development at Troon North

Dear Scottsdale Government Representatives,

I am a Troon North property owner. I am supportive of the proposed Time Share Development at Troon North. In my opinion, the Troon North HOA is in opposition to this development due to parties involved and due to a lack of HOA control of the development. It is a simple power struggle.

Regards,
Allen Oats

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Friday, July 28, 2017 8:39 AM
To: 'Wayne Abbott'
Cc: Barnes, Jeff
Subject: RE: Timeshare reduces our presrige

Dear Mr. Abbott,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Wayne Abbott [mailto:wabbott330@aol.com]
Sent: Thursday, July 27, 2017 3:01 PM
To: Lane, Jim
Subject: Timeshare reduces our presrige

Stop this investment and put it next to your home! Not beautiful troon north!
Wb

Sent from my iPhone

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:02 AM
To: 'Lori Kollas'
Cc: Barnes, Jeff
Subject: RE: timeshare Troon North

Dear Mrs. Kollas,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Lori Kollas [mailto:kollaslori@gmail.com]
Sent: Wednesday, July 26, 2017 4:53 PM
To: Lane, Jim
Subject: timeshare Troon North

Please do not approve the tripling of the number of units for the timeshare project in Troon North. I don't understand why this happens. It seems to be a harder decision to get approval for us to paint our house an existing color or to remodel something than it is to get approval of a new project that exceeds existing limiations. I vote NO.

Lori Kollas
resident of Candlewood

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 8:36 AM
To: 'marla moss'
Cc: Barnes, Jeff
Subject: RE: Tripling the density of timeshares proposed at Troon North

Dear Dr. and Mrs. Moss,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: marla moss [mailto:marlalundenmoss@gmail.com]
Sent: Wednesday, July 26, 2017 4:25 PM
To: Lane, Jim
Subject: Tripling the density of timeshares proposed at Troon North

Mayor Lane,

As a responsible adult with power to stave off the incredibly greedy attempt by a developer to triple the density of timeshares adjacent to the Troon North clubhouse, PLEASE, lead your council to reject this effort. Such a development was never the intent of the original documentation for this site.

Who benefits beyond the developer? There is no need for 62 timeshares in that location beyond greed. The character of an entire (voting) community will be negatively affected by the proposed eyesore. Architecturally it is a disaster, completely out of place in an area of custom and near-custom homes surrounding Arizona's top golfing destination.

The impact of traffic, parking and servicing of these 62 motel-like units will be not only devastating but disgusting--to everyone except those who are paying off council members. Don't let this happen.

Dr. and Mrs. Albert Moss
The Monument, Troon North
Scottsdale 480-247-7430

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:46 AM
To: 'Hayden'
Cc: Barnes, Jeff
Subject: RE: Troon development

Dear Mr. Hayden,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Hayden [mailto:thehaydens77@yahoo.com]
Sent: Wednesday, July 26, 2017 9:26 PM
To: Lane, Jim
Subject: Troon development

Dear Mayor,
Please do not allow this large timeshare in our community. A better design could be done to blend with the surrounding area. Come look for yourself. The aerial view of this project easily shows how it does not blend with this area. I personally would sell my condo if this is allowed because this project would hurt property values. They may be keeping the correct amount of open space, but every project should blend with the surrounding area and be within the rules of the community. Please stand up to this money grab project and say NO!
Mark Hayden

Sent from my iPad

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:43 AM
To: 'Lindsay Berg'
Cc: Barnes, Jeff
Subject: RE: Troon N. condos

Dear Mrs. Berg,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Lindsay Berg [mailto:leols8@aol.com]
Sent: Wednesday, July 26, 2017 7:49 PM
To: Lane, Jim
Subject: Troon N. condos

Mayor Lane,
My husband and I reside in Troon N. We moved here from the Biltmore to escape the high density, high trafficked environment.
We are greatly opposed to the new condos/timeshare units that are proposed to be built in our area.

Sent from my iPhone

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:43 AM
To: 'svisner@cox.net'
Cc: Barnes, Jeff
Subject: RE: Troon North

Dear Mr. Visner,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: svisner@cox.net [mailto:svisner@cox.net]
Sent: Wednesday, July 26, 2017 7:46 PM
To: Lane, Jim
Subject: Troon North

Mayor Lane, Please stop the development of 62 timeshare units at Troon North. This is not what the desert should look like and certainly not why I moved to Scottsdale. Thank you for your help Steven Visner
10719 E Greythorn Dr
Scottsdale, AZ 85262

Sent from my iPhone

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 8:32 AM
To: 'Ken Gordon'
Cc: Barnes, Jeff
Subject: RE: Troon north

Dear Mr. Gordon,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Ken Gordon [mailto:kgordon25@cox.net]
Sent: Wednesday, July 26, 2017 4:10 PM
To: Lane, Jim
Subject: Troon north

Stop the timeshare proposal!!!!!!!

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:50 AM
To: 'Stone Jonieta'
Cc: Barnes, Jeff
Subject: RE: Troon North

Dear Ms. Stone,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Stone Jonieta [mailto:astonejj@gmail.com]
Sent: Thursday, July 27, 2017 8:32 AM
To: Lane, Jim
Subject: Troon North

Please do not approve the developer's plan to build 62 timeshare units at Troon North. The plan is not in keeping with what is currently Troon North. This development would be crowded into an area that is already developed. It is far too dense.

Traffic is already becoming a concern given the development happening between Alma School Road and Rio Verde and this will only add to the congestion. 62 units have the potential of adding 124 cars to the traffic.

Please vote no.

Thank you,

Jonieta Stone
28897 N. 94th Place
Scottsdale, AZ 85262

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:48 AM
To: 'Dave Writz'
Cc: Barnes, Jeff
Subject: RE: Troon North

Dear Mr. and Mrs. Writz,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Dave Writz [mailto:davewritz@gmail.com]
Sent: Thursday, July 27, 2017 6:29 AM
To: Lane, Jim
Cc: Julie Writz
Subject: Troon North

Hello

My wife and I have long enjoyed our visits to Arizona and Scottsdale in particular. As Wisconsin natives, we loved to escape the frozen tundra. We enjoyed it so much that we purchased a condo in Grayhawk 5 years ago. Fast forward that to last fall when we purchased a home in Troon North. One of the main reasons we chose Troon was to get away from the density of Grayhawk. Now we have learned of a proposed timeshare development with 62 units! I can't believe the council would allow this to happen and degrade the beauty of Troon.

I encourage you to do what is right and not allow the timeshare development.

Dave and Julie Writz

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Friday, July 28, 2017 8:37 AM
To: 'Bernard Hay'
Cc: Barnes, Jeff
Subject: RE: Troon North

Dear Mr. Hay,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Bernard Hay [mailto:bhay333@icloud.com]
Sent: Thursday, July 27, 2017 2:57 PM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Imilhaven@scottsdaleaz.gov; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: Troon North

Dear Mayor and Council Members,

As you are aware a time share company is attempting to seek changes to the present day zoning mandate in order that he can triple the number of units on a 2.5 acre parcel in the Troon North area. Specifically, he wants to build a time share condo that would have 62 units which far exceeds the present day zoning regulation of 22. The Troon North area is one of Scottsdale's premier communities which has approximately 1800 residences and is regarded as an area where there are significant open areas which are enjoyed by residents and visitors alike. This over reach for profit sake will certainly be a major change within our area and will be opposed by the residents of our community. We moved into this northeast Scottsdale locale because we enjoyed and valued the more open environment, wildlife and less populated density. Why would the city of Scottsdale allow such a radical change in policy? There are already too many mega large apartment buildings being constructed in the northern part of Scottsdale that change the look and feel of our area. Please don't allow another blight on our community.

Sincerely,
Bernard Hay

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:43 AM
To: 'Julie Curran'
Cc: Barnes, Jeff
Subject: RE: Troon North

Dear Ms. Curran,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Julie Curran [mailto:juliecurran1@gmail.com]
Sent: Wednesday, July 26, 2017 7:52 PM
To: Lane, Jim
Subject: Troon North

Please, please stop the plans to build an awful timeshare complex outside the Troon North Clubhouse! I live in the Golf Villas and I do not want more congestion, more noise and more people in our quiet neighborhood.

Our CCR's state that we cannot rent for less than 1 month -- why is this being allowed?

Please stop this project. The builder is using unscrupulous methods to push this project forward.

Thank you,

Julie Curran
#1066 Golf Villas

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:49 AM
To: 'David Burstein'
Cc: Barnes, Jeff
Subject: RE: Troon North 62 time share units

Dear Mr. Burstein,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: David Burstein [mailto:theca13@rogers.com]
Sent: Thursday, July 27, 2017 7:31 AM
To: Lane, Jim
Subject: Troon North 62 time share units

The association has asked me to write to you opposing the construction of the units. That makes no sense to me. I don't know what the objection to creating jobs and getting more tax dollars in realty tax revenue. I don't see this decreasing real estate values. I believe the Troon North Association are obstructionist. Please ensure all relative parties receive this email. My home address in Candlewood estates is 28743 N 106th Place Scottsdale, AZ 85262. Thank you.

David Burstein C.A.
155 Consumers Rd. Suite 104
Toronto, Ontario
M2J 0A3
F. 647 722 7343
C. 416 822 6366
www.vrbo.com/367362

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:10 AM
To: 'Ray Bronson'
Cc: Barnes, Jeff
Subject: RE: Troon North Development

Dear Mr. Bronson,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Ray Bronson [mailto:rhbronson@gmail.com]
Sent: Wednesday, July 26, 2017 6:55 PM
To: Lane, Jim
Subject: Troon North Development

Dear Mr Mayor:
I am writing to inform you that I am a Troon North home owner and I am opposed to the illegal development that you are supporting at Troon North. I do not think this is in the best interest of our community. Please explain why you are supporting this.

Raymond Bronson
28991 N. 111th St
Scottsdale

Sent from my iPad

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Friday, July 28, 2017 8:41 AM
To: 'Lori Grassman'
Cc: Barnes, Jeff
Subject: RE: Troon North development

Dear Mr. and Mrs. Grassman,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Lori Grassman [mailto:lori.grassman@gmail.com]
Sent: Thursday, July 27, 2017 7:55 PM
To: Lane, Jim
Subject: Troon North development

Dear Mayor Lane,

We, Lori and Scott Grassman, residents of Troon North's Stonedge, OPPOSE the tripling of timeshare units at the proposed development at Troon North in Scottsdale. The parcel is only 2.5 acres, not all of which is buildable. Please stand with Troon North residents and not allow the developer to borrow the unused potential density of the entire 55 acre Resort Parcel to enlarge his timeshare project to 64 units.

Sincerely,
Lori and Scott Grassman
28990 N. White Feather Ln., Unit 108
Scottsdale, AZ 85262

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:49 AM
To: 'Sue'
Cc: Barnes, Jeff
Subject: RE: Troon North Development

Dear Ms. Iwasiuk,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Sue [mailto:siwasiuk@gmail.com]
Sent: Thursday, July 27, 2017 6:33 AM
To: Lane, Jim; sklapp@scottsdaleazgov; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: Troon North Development

Dear Mayor, City Council, and City Manager,

I am writing to you to express my displeasure and opposition to the proposed 62 timeshare project being planned for Troon North.

In September, I will be transitioning from being a part time resident in the Troon North development to a full time resident. I am choosing to relocate to North Scottsdale from Michigan mostly because of the beautiful desert environment. I like that the city has done a great job of balancing needed development with open areas and parks keeping density constraints in place.

I am very concerned that the density of this planned development does not fit into the Troon North neighborhood. If density constraints are violated for this parcel, where else will they be violated in the future and will I soon be living in an urban vs a desert environment?

Please reconsider this proposal and vote no.

Your future (and active voter) constituent,

Susan Iwasiuk

28176 N 108th Way
Scottsdale, AZ 85262

Sent from Mail for Windows 10

Frederick E. Davidson

From: Hill-Enriquez, MarJan <MHill@scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:45 AM
To: 'Bill Fisher'
Cc: Barnes, Jeff
Subject: RE: Troon North Golf Villa Development

Good morning Mr. Fisher,

We appreciate you voicing your concerns.

To clarify, the City Manager is a member of staff and not an elected official. As such he is not part of any voting body i.e., Mayor and Councilmembers or boards and commission members. The City Manager and City of Scottsdale employees do not have the authority to support or deny projects. Staff's responsibility is to implement the direction of our elected officials and appointed Board/Commission members in accordance with the policies and ordinances they adopt.

Because the current zoning in this area would allow for the development it will not require a Council vote and will be heard by the Development Review Board September 7, 2017. You are welcome to attend and voice your opposition to this application at that time.
http://www.scottsdaleaz.gov/boards/development-review-board

It sounds like you have communicated with Planner Jeff Barnes, however, I have copied him on this email as well so your opposition will be added to the file as part of the public record.

We hope this information is helpful. Please let me know if we can be of further assistance.

Warm regards,
MarJan

MarJan Hill-Enriquez | City Manager's Office | (480) 312.2850

From: Bill Fisher [mailto:bill.fisher51@yahoo.com]
Sent: Wednesday, July 26, 2017 9:48 AM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: Troon North Golf Villa Development

I live in the Ridge at Troon North where an adjacent parcel of land is being considered for the development of time share villas next to the Troon North golf clubhouse. While it would be nice to

leave the area in a natural state, I certainly understand the interest of the owner in wanting to profit from his investment. In fact, given the proper size and architectural design of a development there that would blend with terrain, it could be attractive and an asset to the community.

I understand, however, that the number of units proposed by the developer is three times the density normally allowed by the City of Scottsdale. I also received a communication from the city's planning staff that this increased density can be allowed in instances when adjacent surrounding communities don't reach their full density limit. Although this seems to contradict the actual purpose of having a density limit to begin with, I am sure there maybe a situation where it would not impact the surrounding area, and could be allowed. This is not one of those situations.

The development in question is in a very small area located right in the center of three adjacent communities and the Troon North golf clubhouse. There is so little land there that the proposed rental units would be situated right on the edge of the street with little or no space for landscaping to buffer the project, let alone provide any aesthetic enhancement to the area. I understand that there are so many units being proposed, given the size of the plot, that there would not be near enough parking space available for the renters there, and they would have to drop off their luggage and then park off site at the golf course and be shuttled back and forth.

The amount of additional traffic that will be created on the narrow two lane street there is certain to result in safety concerns. The proposed entrance is located on a curved section of the street that already has it share of close calls because it has blind spots and it's where golf carts and walking golfers cross the road to get to the course. I would hope that the city council would just take a common sense look at the site before it goes any further.

While meeting with the developer's attorney regarding the proposed project, the attorney continually stated that he knows better than anyone what is allowed under Troon's CC&R's because he was the one who wrote and gained approval of them with the city of Scottsdale. I also understand that the developer has hired a former city planning staff member as a consultant. While it is very wise of the developer to hire such a well connected representatives that are familiar with the city's planning staff, it does take on the obvious appearance of a conflict of interest. In fact, to some, it may look like the kind of back room deal for which our society increasingly has little tolerance for.

One city council member has stated that it is not routinely necessary for the council to review proposals such as this. I would suggest, however, that given the unusual relationship of the developer's representatives and the controversial use of the density redistribution in this matter that this project is anything but routine. The council has good cause to provide full transparency and should at the very least review the project in an open public meeting.

Thank you for your consideration of this matter.

Sincerely,

William Fisher
10260 East White Feather Lane, #2010
Scottsdale, AZ 85262

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 2:30 PM
To: 'Skip Schreiber'
Cc: Barnes, Jeff
Subject: RE: Troon North Project

Dear Mr. Schreiber,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Skip Schreiber [mailto:skip9@mac.com]
Sent: Thursday, July 27, 2017 1:19 PM
To: Lane, Jim
Subject: Troon North Project

Good Afternoon Mayor Lane,

As a Scottsdale homeowner (and voter) I urge you to vote NO for the proposed building of a sixty-four (64) unit multi-mix complex of hotel/timeshare units in the middle of a resident community without regard to the residents and homeowners of this community. The resident community of 350 residents is represented by three (3) HOAs and all are in unison to their opposition of the proposed project.

Twenty years ago, when the Four Seasons intended to buy and develop the real estate the area was designated R4R. The designation allowed only 21 units to be built on the land parcel due to the land area. The hotel decided to move less than a mile away to an area where it could more fully develop all the services it wanted to offer. The land parcel has remained idle these past 20 years.

Currently, the developer of the parcel wants to build triple the size of the original project to build a hotel/timeshare complex of over 60 units. Due to the size of the property this complex will rise above and not

blend into the surrounding communities. Additionally, the increased traffic is a great concern. I believe the quality of life will be greatly affected negatively by approving this project. I am also concerned about the future home values and thus the property taxes that may be affected by this one (1) project. When you view the artist's conception of the project I am certain you would not want this complex rising or blighting in your neighborhood.

I also want to express my concern about the process of approval by the Planning Board. I understand the developer has engaged a former staff member of the Planning Board to usher this project for approval. My concern is this 'good old boy' system to help a former colleague circumvents the intentions of the original designation for density and land use is not in the best interest of the surrounding communities of the City of Scottsdale.

Thank you and I appreciate your consideration and support in this matter.

Skip Schreiber

Troon North Golf Villas #1053

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:02 AM
To: 'Gare Clark'
Cc: Barnes, Jeff
Subject: RE: Troon North Proposed Development (62 Unit Project)

Dear Gare,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Gare Clark [mailto:gareclark@yahoo.com]
Sent: Wednesday, July 26, 2017 4:53 PM
To: Lane, Jim
Cc: Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: Troon North Proposed Development (62 Unit Project)

Dear Mayor, Vice Mayor, Council Members & City Manager-

As a resident of Troon North for the past 6 years, I have come to appreciate the care and attention that was used to build out our area in North Scottsdale - it's attractive, and seems supportive of a consistent and measured approach to new development.

I recently heard from our Troon North Association about a new project being built (62 timeshare units), and I have some concerns.

First, let me start by saying, I'm in favor of people using their land for what they deem necessary and prudent, assuming it's allowable under the zoning and CC&R's. Having said that, I feel the proposed new project does not conform to the architectural standards

of Troon North and I'm concerned about the higher density of this project on such a small parcel.

I encourage you to take a second look at things before allowing this project to proceed. Perhaps there is some middle ground that should be discussed in committee - i.e. lowering the unit density and conforming to local architectural standards.

I hope you will at least consider a second look, and consider protecting not only the developer's rights, but also the rights of their neighbors and the neighborhood at large. Only you know all the relevant facts, and we elect you to make this difficult decisions - I just hope we can all say in 2-3 years that we are all happy with the outcome.

Let's not interfere with progress, but let's not relinquish our standards in the process.

Thank you for your time

Gare Clark
Troon North Resident

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:44 AM
To: 'davie garrison'
Cc: Barnes, Jeff
Subject: RE: Troon North proposed timeshare

Dear Mr. Garrison,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: davie garrison [mailto:daviegar@gmail.com]
Sent: Wednesday, July 26, 2017 8:29 PM
To: Lane, Jim
Subject: Troon North proposed timeshare

How could anyone in Scottsdale government let this ugly timeshare invade such a lovely community. What are you thinking?!? The land where this is proposed is beautiful desert. It's been invaded enough already. Herb Drinkwater would turn over in his grave. Isn't The Rocks bad enough. At least it doesn't look like a Motel 6. Please don't let this happen. I'm a 19 year resident of Troon North. Davie Garrison

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 12:34 PM
To: 'Mary Catherine Carlson'
Cc: Barnes, Jeff
Subject: RE: Troon North Reconsideration

Dear Ms. Carlson,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Mary Catherine Carlson [mailto:marycatherinecarlson@aol.com]
Sent: Thursday, July 27, 2017 11:20 AM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; lmilhven@scottsdaleaz.gov; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: Troon North Reconsideration

Scottsdale City Council and the City Manager

PLEASE be respectful to the owners of Troon North.
We chose this area, out of the city,
away from the hustle and bustle of just what you want to
take away from so many - peaceful surroundings.

The proposed project does not belong at Troon North.

Of all the open spaces in the vast north area, why would you
decide to drop an unattractive, dense project,
where you are, to the detriment to the current environment?

Your decision could not have taken into account so many
negative issues, which I don't need to repeat as they have
been pointed out to you many times.

Please listen to the current property owners.

Please think of who you chose to serve.

Please look for another location to drop these buildings onto a more appropriate parcel of land.

Please do the right thing.

Mary Catherine Carlson
On The Green #60
marycatherinecarlson@aol.com

Frederick E. Davidson

From: Hill-Enriquez, MarJan <MHill@scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 10:08 AM
To: 'David Burstein'
Cc: Barnes, Jeff
Subject: RE: Troon North time share

Good morning Mr. Burstein,

We appreciate you voicing your comments on this project.

Just to clarify as there seems to be some miscommunication shared with the residents; the City Manager is a member of staff and not an elected official. As such he is not part of any voting body i.e., Mayor and Councilmembers or boards and commission members. The City Manager and City of Scottsdale employees do not have the authority to support or deny projects. Staff's responsibility is to implement the direction of our elected officials and appointed Board/Commission members in accordance with the policies and ordinances they adopt.

I have copied Jeff Barnes, the Planner for this case, so your support will be added to the file as part of the public record.

Because the current zoning in this area would allow for the development it will not require a Council vote and will be heard by the Development Review Board September 7, 2017. You are welcome to attend and voice your support of this application at that time.
http://www.scottsdaleaz.gov/boards/development-review-board

We hope this information is helpful. Please let me know if we can be of further assistance.

Warm regards,
MarJan

MarJan Hill-Enriquez | City Manager's Office | (480) 312.2850

From: David Burstein [mailto:theca13@rogers.com]
Sent: Thursday, July 27, 2017 7:35 AM
To: City Manager Mailbox
Subject: Troon North time share

The association has asked me to write to you opposing the construction of the units. That makes no sense to me. I don't know what the objection to creating jobs and getting more tax dollars in realty tax revenue. I don't see

this decreasing real estate values. I believe the Troon North Association are obstructionist. Please ensure all relative parties receive this email. My home address in Candlewood estates is 28743 N 106th Place Scottsdale, AZ 85262. Thank you.

David Burstein C.A.
155 Consumers Rd. Suite 104
Toronto, Ontario
M2J 0A3
F. 647 722 7343
C. 416 822 6366
www.vrbo.com/367362

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 8:58 AM
To: 'Rreed47322'
Cc: Barnes, Jeff
Subject: RE: Troon north time share

Dear Mr. Reed,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Rreed47322 [mailto:rreed47322@aol.com]
Sent: Wednesday, July 26, 2017 4:32 PM
To: Lane, Jim
Subject: Troon north time share

I have lived in Troon North since 1999 and am appalled at the proposed time share project and our elected officials apparent support for it. Voting appears to be our main weapon if this project goes through and I will do everything I can to help ensure that those politicians who allow this project to happen are not re elected.
Bob Reed

Sent from my iPad

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:08 AM
To: 'daroes@aol.com'
Cc: Barnes, Jeff
Subject: RE: Troon North Timeshare

Dear Ms. Shimeall,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: daroes@aol.com [mailto:daroes@aol.com]
Sent: Wednesday, July 26, 2017 6:40 PM
To: Klapp, Suzanne; Lane, Jim; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Cc: Sherri 480
Subject: Troon North Timeshare

Elected Officials,

I strongly oppose the building of any timeshares at Troon North Golf Course let alone increasing the current proposal to sixty plus units. Neither the density nor the aesthetics of the proposal fit in the current environment we've work so hard to maintain. Remember you are our elected officials selected to represent our best interests and not beholding to some developer who has little or no regard for our pristine local. Thanks, in advance, for your consideration,

Cheryl Shimeall
21 Year Echo Ridge Homeowner

Sent from my iPhone

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 12:50 PM
To: 'Kimberly OGrady'
Cc: Barnes, Jeff
Subject: RE: Troon North Timeshare

Dear Ms. OGrady,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Kimberly OGrady [mailto:kimog@comcast.net]
Sent: Thursday, July 27, 2017 12:38 PM
To: Lane, Jim
Subject: Troon North Timeshare

Dear Mayor Lane,
I am writing this email to let you know I am opposed to the proposed 62 unit time share at Troon North. Quite frankly, I don't think it fits into our quiet community. 22 units is one thing - but 62 seems excessive, and unfair to the current residents. I'm asking you to please reconsider allowing the additional units.
Thank you
Kim OGrady

Sent from XFINITY Connect Mobile App

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 12:32 PM
To: 'ppihcchamp@aol.com'
Cc: Barnes, Jeff
Subject: RE: Troon North Timeshare

Dear Mr. Chicoine,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: ppihcchamp@aol.com [mailto:ppihcchamp@aol.com]
Sent: Thursday, July 27, 2017 9:50 AM
To: Lane, Jim
Cc: Klapp, Suzanne
Subject: Troon North Timeshare

Mr. Lane,

I will keep this brief, as I know the value of your time.

Before purchasing my home in 2010 in Troon North I had shopped the valley for 3 years, looking
for the right area with the right "feel". The Troon North area fit area was the right fit.
I was impressed with the way it stayed true to the Arizona desert mystique in every way, and provided World Class golf as well. Wherever I travel in the world, people are aware of, and dream
of visiting and playing at Troon North.

I don't know alot about "density, triple density" and all of the things that go into that

planning,
but I can't help but feel that the proposed 64 unit timeshare, from what I've seen, (Barracks style, butt ugly)
will certainly detract dramatically from the allure of Troon North, both for visitors and residents. From a business perspective
I certainly feel that long term, property values will suffer greatly.

I sincerely hope that the City of Scottsdale, which I am so proud to be apart of, take ALL ramifications
into account when considering this.

Thank you so much for your time.

Greg Chicoine
9813 East Gamble Lane
Scottsdale, Az. USA 85262

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:43 AM
To: 'Ken Ziehl'
Cc: Barnes, Jeff
Subject: RE: Troon North Timeshare

Dear Mr. Ziehl,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Ken Ziehl [mailto:kz3300@yahoo.com]
Sent: Wednesday, July 26, 2017 7:38 PM
To: Lane, Jim
Subject: Troon North Timeshare

Mr Mayor,

As a resident of Scottsdale and Troon North I am very much opposed to the 62 unit Timeshare proposed at Troon North. It is my understanding that this density is nearly TRIPLE what is allocated for this parcel.

If I am wrong, please correct me.

If I am correct, stop the special interest. Stop the special favors. Stop the good ol boy club. This behavior should have no place in society.

I really would like an answer as to why this is making its way through the planning / permitting process.

Regards,

Kenneth Ziehl

Frederick E. Davidson

From: Hill-Enriquez, MarJan <MHill@scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 10:38 AM
To: 'Ken Ziehl'
Cc: Barnes, Jeff
Subject: RE: Troon North Timeshare

Good morning Mr. Ziehl,

We appreciate you voicing your comments on this project. I have copied Jeff Barnes, the Planner for this case so he may respond to your inquiries. Additionally, your opposition will be added to the file as part of the public record.

Just to clarify as there seems to be some miscommunication shared with the residents; the City Manager is a member of staff and not an elected official. As such he is not part of any voting body i.e., Mayor and Councilmembers or boards and commission members. The City Manager and City of Scottsdale employees do not have the authority to support or deny projects. Staff's responsibility is to implement the direction of our elected officials and appointed Board/Commission members in accordance with the policies and ordinances they adopt.

Jeff can explain further, but because the current zoning in this area would allow for the development it will not require a Council vote and will be heard by the Development Review Board September 7, 2017. You are welcome to attend and voice your opposition of this application at that time.
http://www.scottsdaleaz.gov/boards/development-review-board

We hope this information is helpful. Please let me know if we can be of further assistance.

Warm regards,
MarJan

MarJan Hill-Enriquez | City Manager's Office | (480) 312.2850

From: Ken Ziehl [mailto:kz3300@yahoo.com]
Sent: Wednesday, July 26, 2017 7:48 PM
To: City Manager Mailbox
Subject: Troon North Timeshare

Mr City Manager,

As a resident of Scottsdale and Troon North I am very much opposed to the 62 unit Timeshare proposed at Troon North. It is my understanding that this density is nearly TRIPLE what is allocated for this parcel.

If I am wrong, please correct me.

If I am right, please explain.

Special interest, favors, good ol boy club should not have a place in any society.

I really would like to know why this project is proceeding through the planning / permitting process.

Regards,

Kenneth Ziehl

Frederick E. Davidson

From: Hill-Enriquez, MarJan <MHill@scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 11:14 AM
To: 'ppihcchamp@aol.com'
Cc: Barnes, Jeff
Subject: RE: Troon North Timeshare

Good morning Mr. Chicoine,

We appreciate you voicing your concerns and sharing your insights on our community.

Just to clarify as there seems to be some misinformation shared with residents; the City Manager is a member of staff and not an elected official. As such he is not part of any voting body i.e., Mayor and Councilmembers or boards and commission members. The City Manager and City of Scottsdale employees do not have the authority to support or deny projects. Staff's responsibility is to implement the direction of our elected officials and appointed Board/Commission members in accordance with the policies and ordinances they adopt.

Because the current zoning in this area would allow for the development it will not require a Council vote and will be heard by the Development Review Board September 7, 2017. You are welcome to attend and voice your opposition to this application at that time.
http://www.scottsdaleaz.gov/boards/development-review-board

I have copied Jeff Barnes, the Planner for this case, so your opposition will be added to the file as part of the public record.

We hope this information is helpful. Please let me know if we can be of any further assistance.

Warm regards,
MarJan

MarJan Hill-Enriquez | City Manager's Office | (480) 312.2850

From: ppihcchamp@aol.com [mailto:ppihcchamp@aol.com]
Sent: Thursday, July 27, 2017 9:55 AM
To: Smith, David N
Cc: City Manager Mailbox
Subject: Fwd: Troon North Timeshare

-----Original Message-----
From: ppihcchamp <ppihcchamp@aol.com>
To: vkorte <vkorte@scottsdaleaz.gov>
Cc: klittlefield <klittlefield@scottsdaleaz.gov>
Sent: Thu, Jul 27, 2017 11:53 am
Subject: Fwd: Troon North Timeshare

-----Original Message-----
From: ppihcchamp <ppihcchamp@aol.com>
To: jlane <jlane@scottsdaleaz.gov>
Cc: sklapp <sklapp@scottsdaleaz.gov>
Sent: Thu, Jul 27, 2017 11:49 am
Subject: Troon North Timeshare

Mr. Lane,

I will keep this brief, as I know the value of your time.

Before purchasing my home in 2010 in Troon North I had shopped the valley for 3 years, looking
for the right area with the right "feel". The Troon North area fit area was the right fit.
I was impressed with the way it stayed true to the Arizona desert mystique in every way, and provided World Class golf as well. Wherever I travel in the world, people are aware of, and dream
of visiting and playing at Troon North.

I don't know alot about "density, triple density" and all of the things that go into that planning,
but I can't help but feel that the proposed 64 unit timeshare, from what I've seen, (Barracks style, butt ugly)
will certainly detract dramatically from the allure of Troon North, both for visitors and residents. From a business perspective
I certainly feel that long term, property values will suffer greatly.

I sincerely hope that the City of Scottsdale, which I am so proud to be apart of, take ALL ramifications
into account when considering this.

Thank you so much for your time.

Greg Chicoine
9813 East Gamble Lane
Scottsdale, Az. USA 85262

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 12:40 PM
To: 'Jim and Mary Ann Kolodziej'
Cc: Barnes, Jeff
Subject: RE: Troon North Timeshare Development

Dear Mr. Kolodziej,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Jim and Mary Ann Kolodziej [mailto:kolodzij@cox.net]
Sent: Thursday, July 27, 2017 12:04 PM
To: Lane, Jim
Subject: Troon North Timeshare Development

Mayor Lane,

As a resident of Troon North please note my opposition to the development of these timeshare units. Please keep the character of our community intact.

Jim Kolodziej

28777 N 95th Way

Scottsdale AZ 85262

480-283-1959

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:50 AM
To: 'Tom Burbeck'
Cc: Barnes, Jeff
Subject: RE: Troon North Timeshare Development

Dear Mr. Burbeck,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Tom Burbeck [mailto:mountainbiker23@yahoo.com]
Sent: Thursday, July 27, 2017 7:41 AM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: Troon North Timeshare Development

To the City of Scottsdale Leadership Team,

I'm a current resident in Troon North, and would like to express my concerns with development that is currently being planned near the Troon North clubhouse. My concern is the developer would like the density of the 2.5 acer project increased from 22 units to 62 units. A three fold increase in density seems to conflict with zoning. Also if developed to the proposed density, the look of the building(s) would not blend with the look and feel of Troon North and the surrounding area.

I've seen renderings of the high density project, and it looks like a cheap hotel. I've invested a lot of my hard earned money so I can live in this wonderful community, and it would be disappointing if this project was approved at the density proposed by the developer.

Please support the position of the Troon North HOA, and only allow a density of 22 units.

Thank you,

Thomas Burbeck

10484 E. Skinner Dr
Scottsdale, AZ 85262

480-492-4334

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:04 AM
To: 'DONALD WILMES'
Cc: Barnes, Jeff
Subject: RE: Troon North Timeshare Development

Dear Mr. and Mrs. Wilmes,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: DONALD WILMES [mailto:DJBWILMES@msn.com]
Sent: Wednesday, July 26, 2017 5:11 PM
To: Lane, Jim
Subject: Troon North Timeshare Development

Dear Mayor Lane,

As a Scottsdale resident and member of the Troon North Association for the past 12 years I have never felt it necessary to voice my concerns over a proposed development project until now.

This is definitely not the place for a "timeshare" development, especially one of this design and location, and I truly hope that you can understand the negative impact on the Troon North brand name and the people who strive to make this one of Scottsdale premier communities.

I feel the proposal is totally inappropriate for the location and ask for your support in blocking it.

Thank you very much for your consideration in this matter,

Donald and Jodeen Wilmes
9651 East Skinner Drive
Scottsdale, AZ 85262
480-234-9431

Sent from Mail for Windows 10

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:06 AM
To: 'Jim Dorigan'
Cc: Barnes, Jeff
Subject: RE: Troon North Time-Share Development

Dear Mr. Dorigan,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Jim Dorigan [mailto:jdorigan22@gmail.com]
Sent: Wednesday, July 26, 2017 5:14 PM
To: Lane, Jim
Subject: Troon North Time-Share Development

Dear Mayor Lane,

As a member of the Troon North Homeowners Association and the owner of two condos located at On The Green in Troon North, I strongly oppose the approval and construction of the 62 unit time share project at Troon North. It violates the HOA bylaws, will diminish property values, create traffic issues and is in violation of prior land use agreements. It creates a short term rental usage that is inappropriate for this location. Troon North is visible and well known landmark in Scottsdale. This project will damage Troon North and the city of Scottsdale.

I strongly urge to oppose this development. Thank you for your consideration,

James T Dorigan Jr

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 10:49 AM
To: 'Candace Baldwin'
Cc: Barnes, Jeff
Subject: RE: Troon North Timeshare Development

Dear Dr. Baldwin and Mrs. Baldwin,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Candace Baldwin [mailto:thebaldwins@me.com]
Sent: Thursday, July 27, 2017 10:18 AM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: Troon North Timeshare Development

Dear Mayor Lane, Scottsdale City Council, and Scottsdale City Manager,

We are strongly opposed to the proposed Timeshare development, and the high density implications this proposal represents.

In 2010, we moved to Arizona from the Midwest. We intentionally *chose* to live in this part of the valley and north Scottsdale because of the wonderful aesthetic, abundance of wildlife, and all of the natural amenities that Troon North represented.
We have not appreciated the departure of Greasewood Flat and Pinnacle Patio, and the "high density" development that replaced them. This activity has impacted traffic volumes, increased vehicle noise, and safety for our wildlife, and more.

We have witnessed the behaviors of how the city chooses to hold "open houses" and public forums to inform residents of upcoming development proposals. The timing, in our view, for these meetings seems to be consistent with snowbird population absences. In our Troon North subdivision alone, 30% of our community of 199 homes are snowbirds.

We are paying attention, like never before, to the decisions that are quickly affecting the beauty and covenants of this jewel of Scottsdale.
We voted for you, and are depending on you to do the right thing for the Troon North communities.

Sincerely,

Candace Baldwin
John M. Baldwin, PhD

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:44 AM
To: 'Deborah Farr'
Cc: Barnes, Jeff
Subject: RE: Troon North Timeshare Project

Dear Ms. Farr,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----
From: Deborah Farr [mailto:dmf0326@gmail.com]
Sent: Wednesday, July 26, 2017 8:13 PM
To: Lane, Jim
Subject: Troon North Timeshare Project

Dear Sir:
Please do not support the tripling of the number of timeshare units at Troon North. This project dos not meet the standards set by our HOA to carefully maintain the quality and appearance of our neighborhoods.

The density alone is troubling, but having seen the rendering of the structure I am appalled at the dismal design that cheapens the look of the area. Being adjacent to the clubhouse, this eyesore will be seen by the many golfers and diners who enjoy that facility, not to mention the residents in that part of our community. It will make a questionable impression on potential residents looking to buy in this area that we love.

As a public official it is incumbent upon you to make responsible decisions which reflect the wishes of your constituents and maintain the standards expected in Scottsdale. Please listen and choose wisely. It would be greatly appreciated and remembered.

Sincerely,
Deborah Farr

Sent from my iPad

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:03 AM
To: 'dlbradley@prodigy.net'
Cc: Barnes, Jeff
Subject: RE: Troon North Timeshare Proposal

Dear Mr. Bradley,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: dlbradley@prodigy.net [mailto:dlbradley@prodigy.net]
Sent: Wednesday, July 26, 2017 5:09 PM
To: Lane, Jim
Subject: Troon North Timeshare Proposal

Mr Lane,
I have owned a home and an additional lot in Troon North for 20 years. I am appalled that the City of Scottsdale is considering approving a change in the density rules regarding this development. It is unconscionable that you and the council would bend to the developer and approve this aberration of the density rules for Troon North.
Richard Bradley

Sent from Mail for Windows 10

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 2:30 PM
To: 'LOUIS ROVNER'
Cc: Barnes, Jeff
Subject: RE: Troon North Timeshares

Dear Mr. Rovner,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: LOUIS ROVNER [mailto:lrovner3@comcast.net]
Sent: Thursday, July 27, 2017 1:03 PM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; lmihaven@scottsdaleaz.gov; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: Troon North Timeshares

To the Mayor and City Council,

As an owner of property in Troon North I strongly oppose the tripling of Timeshares at Troon North.

Sincerely,

Louis Rovner

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Thursday, July 27, 2017 9:01 AM
To: 'Terry Santiago'
Cc: Barnes, Jeff
Subject: RE: Troon North Villas

Dear Terry,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Terry Santiago [mailto:tss85260@aol.com]
Sent: Wednesday, July 26, 2017 4:48 PM
To: Lane, Jim
Subject: Troon North Villas

Dear Mayor Lane,
Please do not approve Troon North Villas. The 62 timeshare units they want to build would create a tripling of density in this small area.
I am for new development but 25 villas on this small land would be adequate.

Thank you for you time
Terry Santiago
Troon resident

Frederick E. Davidson

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Friday, July 28, 2017 8:38 AM
To: 'Charlie Scheiner'
Cc: Barnes, Jeff
Subject: RE: Want To See This At The Entrance To Troon North?

Dear Mr. and Mrs. Scheiner,

Mayor Lane, some members of Council, and the City Manager have asked that I thank you for your email and for sharing your input. It is important to let you know that the current zoning in this area would allow for the development and would not require a Council vote. However, this case will go before the Development Review Board and I have copied the planner, Jeff Barnes, on this email so he can make sure your comments are part of the public record. You are able to attend the Development Review Board meeting on September 7th to voice your opposition to this application.

I hope this information is helpful, please let me know if you have any questions

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: Charlie Scheiner [mailto:charlesscheiner23@gmail.com]
Sent: Thursday, July 27, 2017 2:42 PM
To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N; City Manager Mailbox
Subject: Want To See This At The Entrance To Troon North?

Dear Ladies and Gentlemen,

It is with regret that I find myself writing to you about my displeasure with the 64 unit condominium complex, currently under consideration. The appearance of that complex will ruin the southwestern ambience of the Troon North Community. All that can be accomplished by the construction of this building, is too cheapen the look and subsequently the property values.

With all of that being the case, other businesses in the area will suffer as well. Take for instance the Four Seasons "Stay and Play" packages that they offer. In the high season the parking lot at Troon North Golf Club is full most of the time. My understanding is that a substantial number of parking spaces on that same lot are going to be reserved for the new timeshare project. That is not good !!!

In closing, I would just like to say that most of the residents in the Troon North Community are completely against this. They just don't want a building that looks like a cheap sleazy motel in the area that will ruin the southwestern decor of the community. Please give consideration to scrapping the whole project.

Thank you for your consideration

Charles A Scheiner
Sharon Scheiner

Sent from my iPad

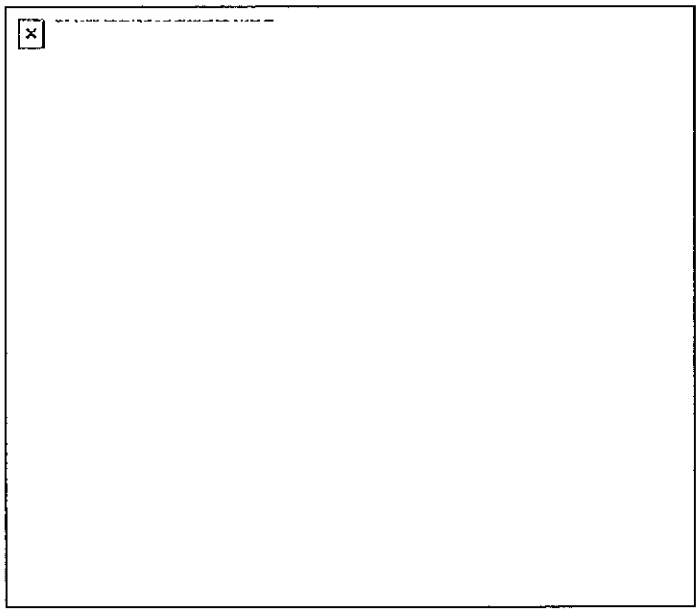
Begin forwarded message:

From: Charlie Scheiner <charlesscheiner23@gmail.com>
Date: July 26, 2017 at 10:03:03 PM EDT
Subject: Want To See This At The Entrance To Troon North?

Sent from my iPad

Begin forwarded message:

From: "Troon North Association" <Messenger@AssociationVoice.com>
Date: July 26, 2017 at 7:00:22 PM EDT
To: "Charlesscheiner23@gmail.com" <Charlesscheiner23@gmail.com>
Subject: Want To See This At The Entrance To Troon North?
Reply-To: "Arianne Ahlvin" <aahlvin@rossmar.com>



Dear Troon North Residents:

We understand over 100 emails have been received by the City Council and several members have written back supporting our position.

But we need you to keep it up. Just because the speculative timeshare developer has hired a long-time member of the Scottsdale Planning Department to lobby his case doesn't mean we can't overcome the situation. Frankly, we must.

Do you want to look at this while living at Troon North, every day? It's awful. But this is the

actual rendering provided by the developer for their 62 timeshare units. If the plan isn't named "The Barracks" it should be. The project looks like a Motel 6.

If you haven't taken a moment yet to write Mayor Lane, the Scottsdale City Council and the Scottsdale City Manager asking them to stop a tripling of this density please do so TODAY. Their emails are at the bottom of this message.

We are undertaking all available options, including legal ones, to stop this from happening. Our community is the heart of a very large voting precinct. The next city council elections are in 2018. We will keep you posted on what we hear from each councilmember and whether they intend to stand with the people and a golf course community known the World over, or a development consortium that is seeking an unreasonable density request for no other reason than to line their pockets at the city's expense.

PS: Again, please email the Scottsdale City Council and City Manager today. Here are their addresses:

Mayor Jim Lane
jlane@scottsdaleaz.gov

Vice Mayor Suzanne Klapp
sklapp@scottsdaleaz.gov

Councilmember Virginia Korte
vkorte@scottsdaleaz.gov

Councilmember Kathy Littlefield
klittlefield@scottsdaleaz.gov

Councilmember Linda Milhaven
lmilhaven@scottsdaleaz.gov

Councilmember Guy Phillips
gphillips@scottsdaleaz.gov

Councilmember David Smith
dnsmith@scottsdaleaz.gov

City Manager Jim Thompson
citymanager@scottsdaleaz.gov

This message has been sent to Charlesscheiner23@gmail.com

As a subscriber of General Correspondence at Troon North Association, we'll periodically send you an email to help keep you informed. If you wish to discontinue receiving these types of emails, you may opt out by clicking Safe Unsubscribe.

To view our privacy policy, click Privacy Policy.

This message has been sent as a service of AssociationVoice, provider of smart Websites for Associations and Management, 400 S. Colorado Blvd. Ste 790, Denver, CO 80246. AssociationVoice © 2017. All rights reserved.

U

Environmental Conditions of Site

- Case 99-DR-1989 Revised
  - Approved on January 4, 1990
  - This was for the initial concept for the Troon North golf clubhouse
  - Of note is that this site plan showed the main entry road serving the resort parcel to the north going through what would later become Parcel 6. This would have resulted in substantial rework of the site.
- Case 99-DR-1989 #3
  - Approved on January 7, 1993
  - The topographic map plan of cuts and fills shows that Parcel 6 is much less irregular and much more level than the site of the clubhouse, which is a large structure of over 200 feet in length.
- City of Scottsdale Quarter Section Topographic Map
  - This shows that the buildable portion of Parcel 6 has relatively open (i.e. not steep) contours and that it is next to but not part of the adjacent boulder ridge to the northeast.
  - It also shows that the development sites north and northwest (Parcels 4/5 and3) have much more slope and irregularity.
- "Preliminary Slope Analysis"
  - This was submitted with the 3-ZN-1994 case
  - The buildable portion of Parcel 6 is predominantly in the 2 – 10% land slope range, which is relatively flat for the Troon North area.
  - The natural slopes on Parcel 6 are less irregular than the original slopes of Parcel 1.
  - Parcel 6 is somewhat comparable with Parcel 2 in topography.
  - Parcels 3, 4 and 5 had substantial areas of slopes over 10%.
- Photographs of Four Seasons Resort
  - This nearby resort was built on similar and even more significant terrain.
  - The main building is about 460 feet long and about 285 feet wide.
  - Across the building footprint there is about 20-25 of elevation change, or about twice as much as on the Parcel 6 site.
- Photographs of Parcel 6
  - On the various photographs, the site is delineated by poles that are white with red tops. These demonstrate that the site is in a depression as compared to much of its perimeter and that the major boulder formations are not on the site.

TO: DEVELOPMENT REVIEW BOARD DATE: 1/04/90
FROM: PLANNING & ZONING MANAGER
SUBJECT: CASE 99-DR-89 REV.

REQUEST: Approve Revised Site Plan, Cuts and Fills and Elevations for a Golf Clubhouse
PROJECT NAME: Four Seasons Clubhouse
LOCATION: NEC 102nd & Dynamite Boulevard

DEVELOPER/OWNER: Pinnacle Peak Resort Partners/PPVR Ltd. Partnership
ARCHITECT: CYP
ENGINEER: Gilbertson Associates
APPLICANT/COORDINATOR: Neal Pascoe, IDG Resorts, Inc.

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations.

DISCUSSION: The proposal substantially revises the site plan and design concept for the Four Seasons Golf Clubhouse. The main clubhouse building has been shifted to the east-northeast. The parking/entrance drive has been moved south. This allows for a much more sensitive parking layout and lessens the building presence along the main resort entrance road. A number of cuts and fills exceeding four feet occur but few will be visible as such. Significant fills will occur under the parking areas but will be feathered to natural grade at the edges of the paved areas. The major cuts will occur under the building and also will not be visible as cuts. Other smaller cuts and fills occur in scattered locations and those that would be exposed will be contained by stone covered retaining walls.

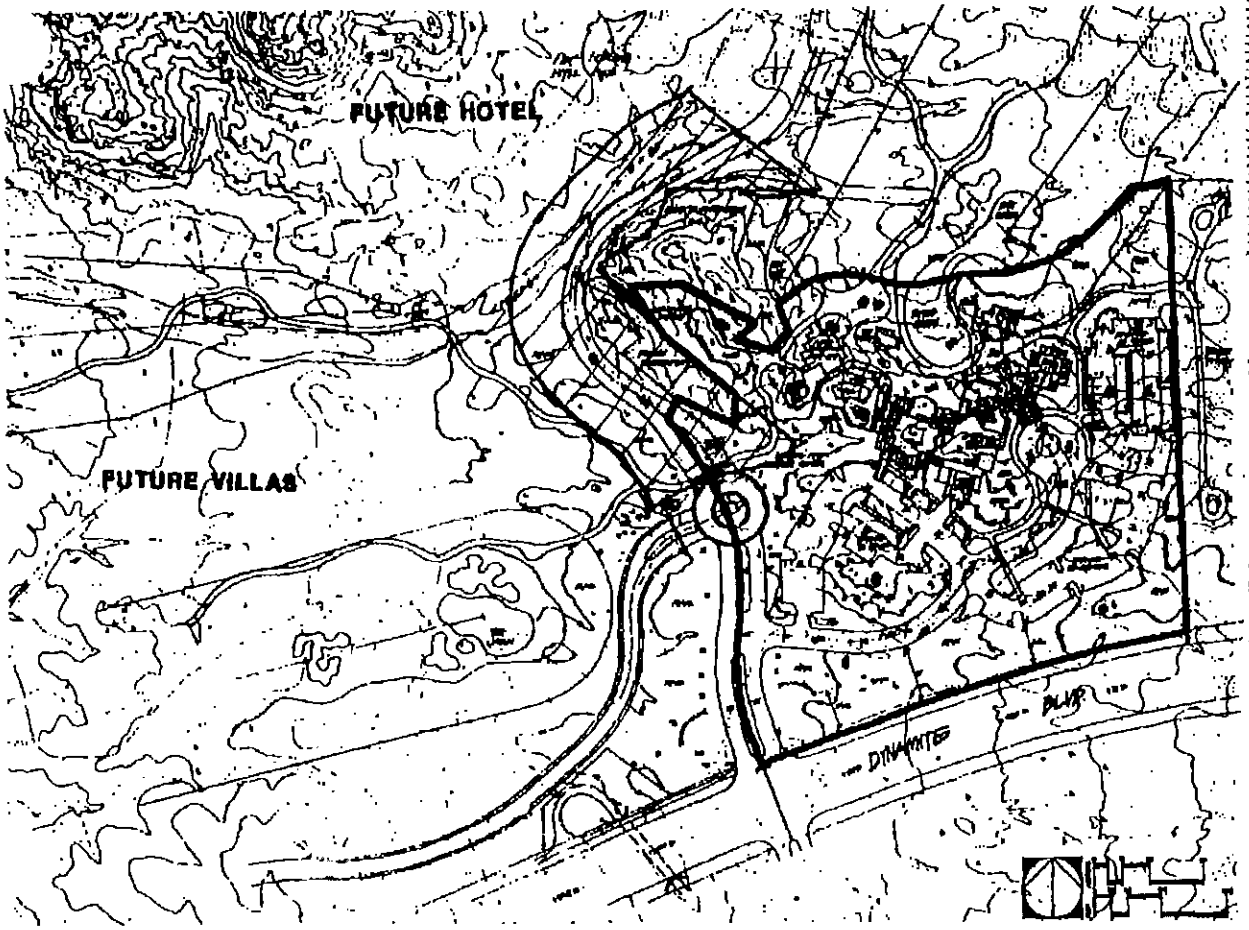
The landscaping concept is dominated by natural area open space and conservation areas. Transition areas in the parking and driveway areas will be landscaped with arid types of materials. Building perimeter and patio areas will include more colorful and lush materials. A number of boulders and major saguaros will be left intact. The outdoor lighting will focus on low scale bollard-type fixtures and subtle landscape lighting.

The building design character has been changed considerably from a Santa Fe/Pueblo style to a rural Italian style and character. The building retains a complex, angular and stepped form that tends to follow a natural ridge. Tile-roofed tower forms punctuate key functions of the building. The building walls would be covered in alternating bands of deeper and lighter pink rough-cut sandstone. The roof tile would be variegated clay pinto; wood details would be a light stain; and window and entry details would be a pale blue/green color. A multi-pierced trellis would extend from the west end of the building toward the pool area, at the pool area and at the barbeque patio in the rock hill. Other pierced entries and deeply inset windows create shadowing and depth. The design is a strong, little used character style for this area. However, the historical locations for this design style have a similar rocky setting and climatic conditions. This is a truer Mediterranean derivative than what commonly has been used in the past. The design complements the visual strength of the setting and achieves the design guidelines traditionally used in hillside areas.

The design concepts further refine the entry treatment into rhythmic piers, towers, and walls using the same stone as the building. The health club will come back for future approval.

ATTACHMENTS: #1-Site Plan
#2-Conceptual Landscape Plan
#3-Cuts & Fills Over 4'
#4-Provided N.A.O.S.
#5-Landscape/Materials List/Lighting
#6-Clubhouse Elevations
#7-Clubhouse Elevations
#8-Clubhouse Site Sections
#9-Slope Analysis
#10-Project Narrative
A-Stipulations
B-Ordinance Requirements

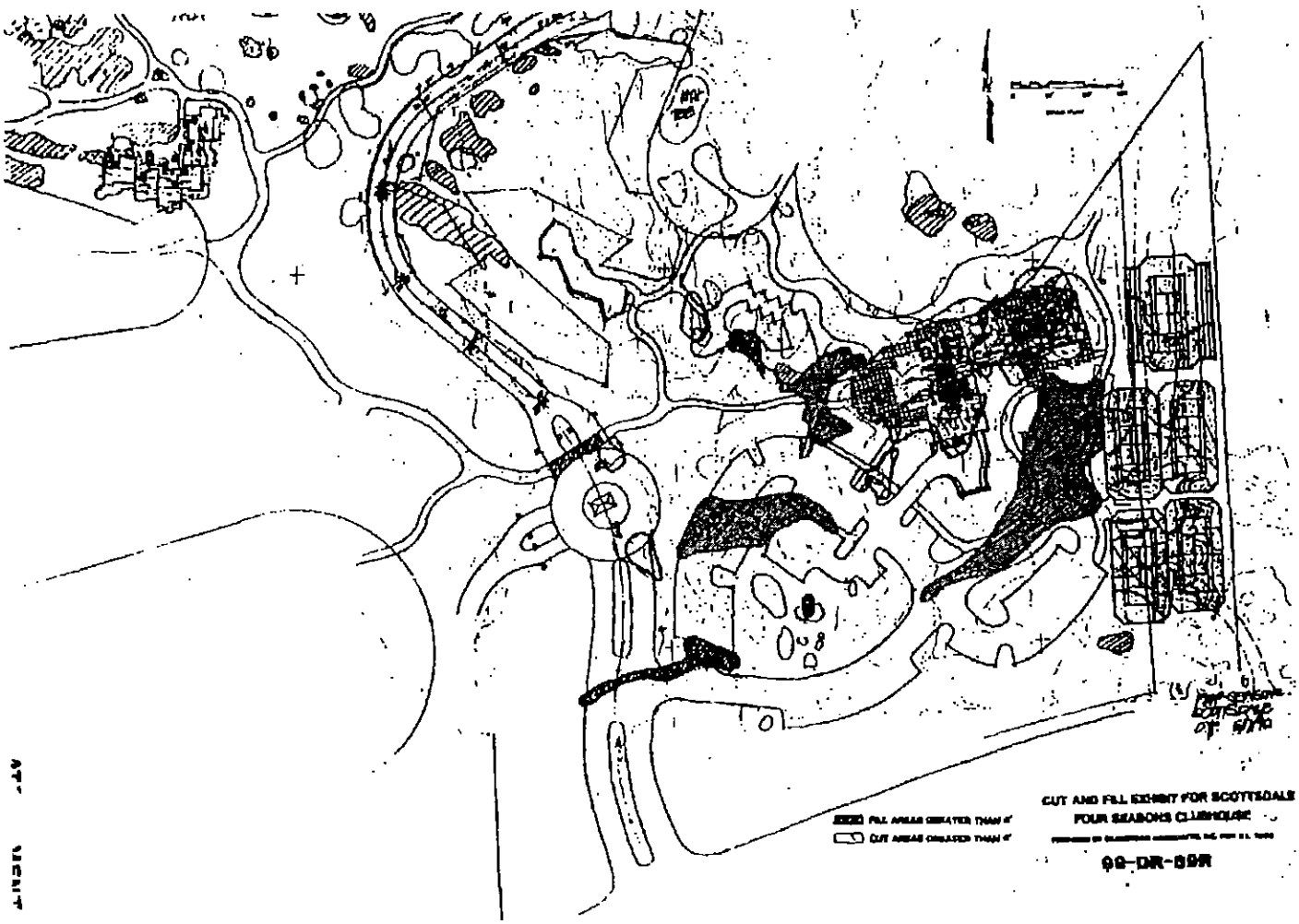
Coordinator: Don Hadder 994-2352
DRB#33



99-DR-89 REV.

SITE PLAN

ATTACHMENT #1


CUT AND FILL EXHIBIT FOR SCOTTSDALE
FOUR SEASONS CLUBHOUSE
99-DR-89R

99-DR-89 #2

TO: DEVELOPMENT REVIEW BOARD DATE: 1/7/93
FROM: PROJECT COORDINATION
SUBJECT: CASE 99-DR-89#3

REQUEST: Approve Site Plan & Elevations for a Golf Clubhouse
PROJECT NAME: Troon North Golf Clubhouse
LOCATION: 10320 East Dynamite Boulevard

DEVELOPER/OWNER: PPVN Developers, Ltd. Partnership/Troon North Golf Co.
ARCHITECT/DESIGNER: Vernon Swaback Associates, P.C.
ENGINEER: Gilbertson Associates, Inc.
APPLICANT/COORDINATOR: Dale R. Gardon/Vernon Swaback Associates, P.C.

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations.

DISCUSSION: The proposal is for the site plan and elevations for the clubhouse at the Troon North Golf Course. Two previous designs have been approved but not built. The site plan places the building in the same location as before, as well as most of the parking. The main drive, however, has been moved north, behind a small, but very attractive, boulder topped hillock. The landscaping will be native or near native in character with the exception of flowering plants next to the building.

The building has two levels; the upper has primarily public areas while the lower has cart storage and service areas. The building design style is a "Southwest Contemporary" idiom which incorporates textured stucco walls with battered and stepped forms, deep overhangs, a copper or copper-type metal roof, and stonework (primarily in pediment and patio wall areas). The building color will be a dark, earthy beige.

KEY ISSUES: Although the building forms alludes to nearby boulders, its height and bulk may tend to overpower adjacent landforms.

ATTACHMENTS: #1-Aerial
#2-Site/Landscaping Plan
#3-Scenic Corridor Plan
#4-6 Entry Features
#7-8 Elevations
#9-10 Floor Plans
#11-Site Cross Sections & Retaining Wall
#12-Topo & Grading Plan
#13-Cut & Fills
#14-N.A.O.S. & Slope Analysis
#15-Native Plant Survey
#16-Project Narrative
A-Stipulations
B-Ordinance Requirements

Coordinator: Don Hadder 994-2352
PC/DRB#2

APPROVED
1/7/93 TR
DATE INITIALS

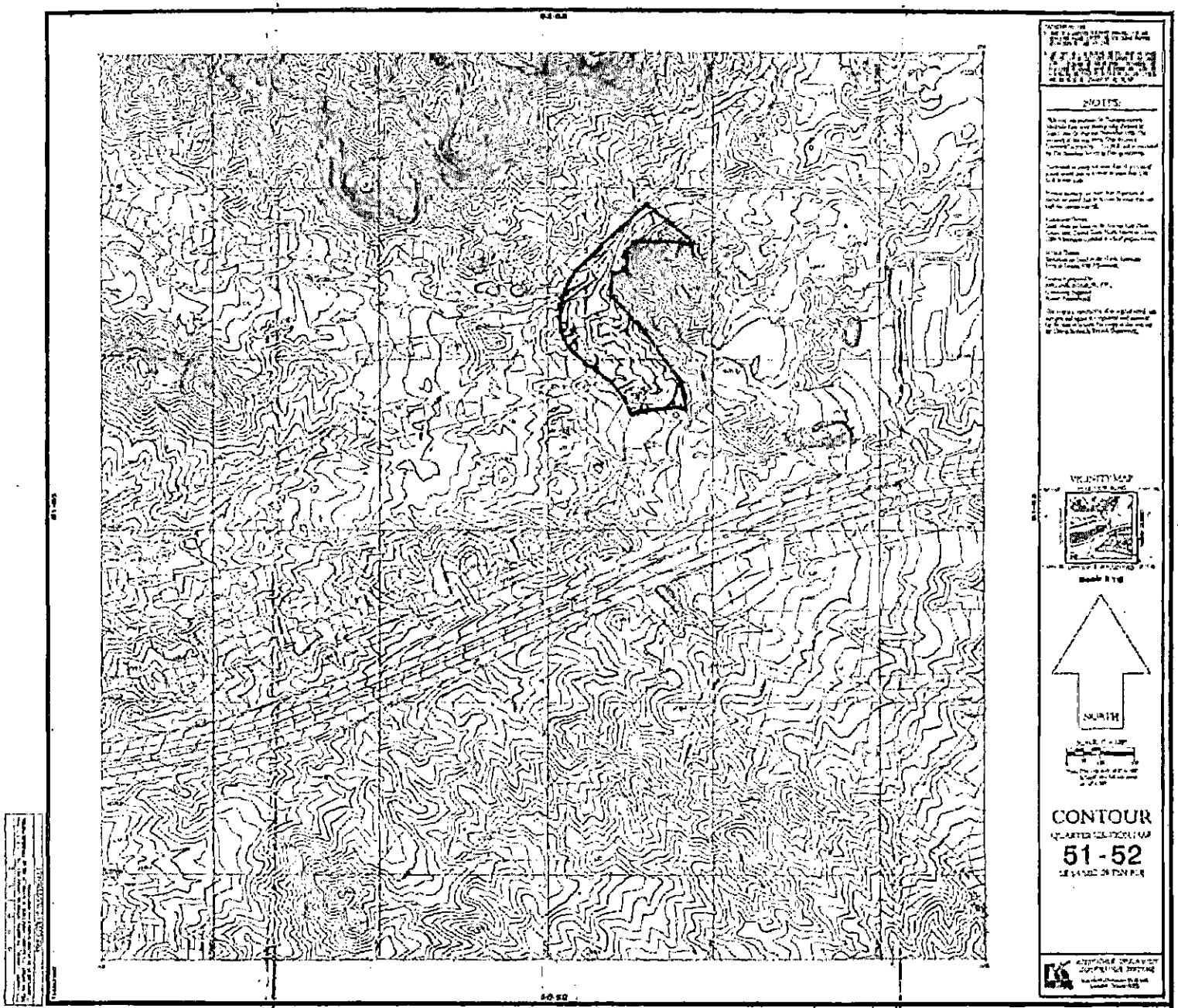
Case No 286-PA-92

99-DR-89 #3

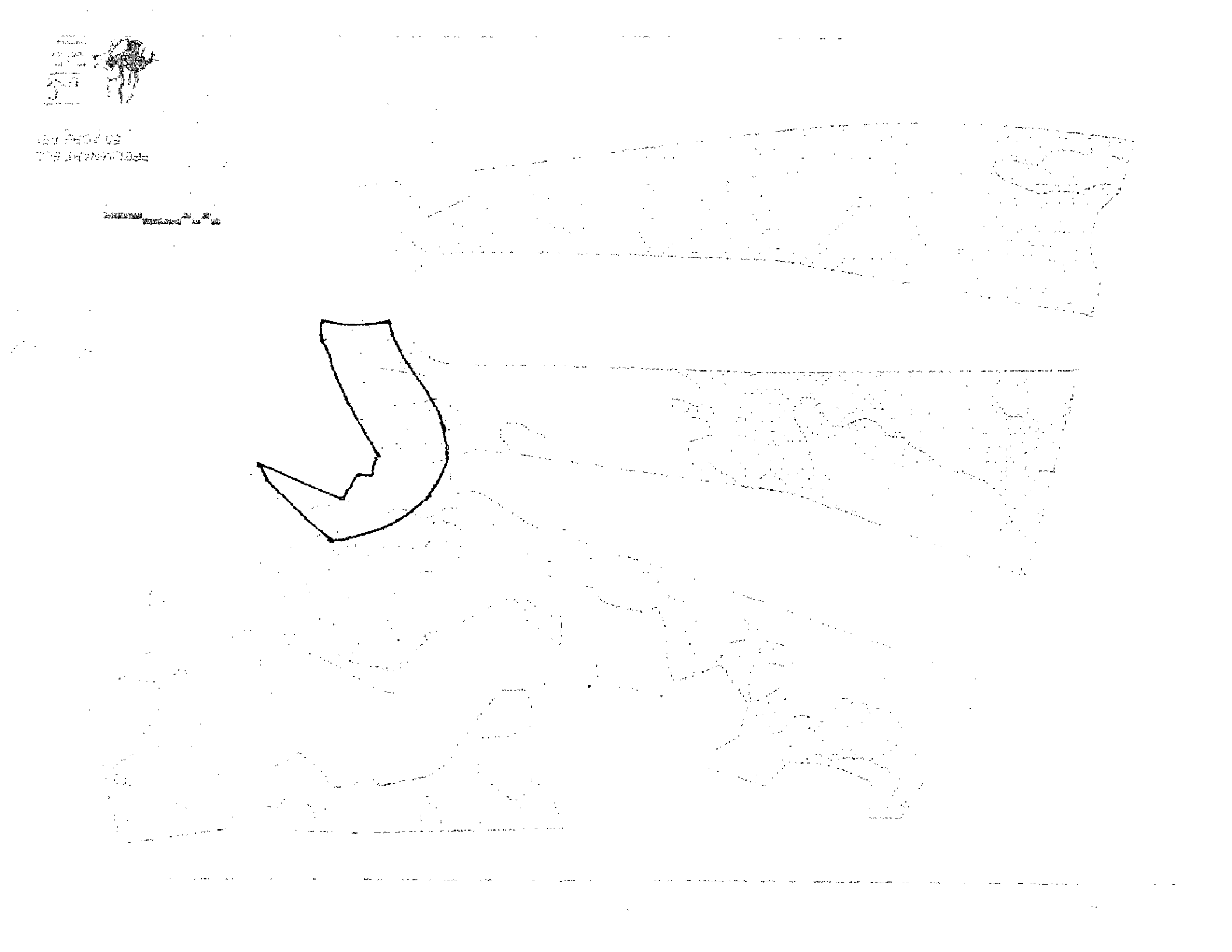
ATTACHMENT #2

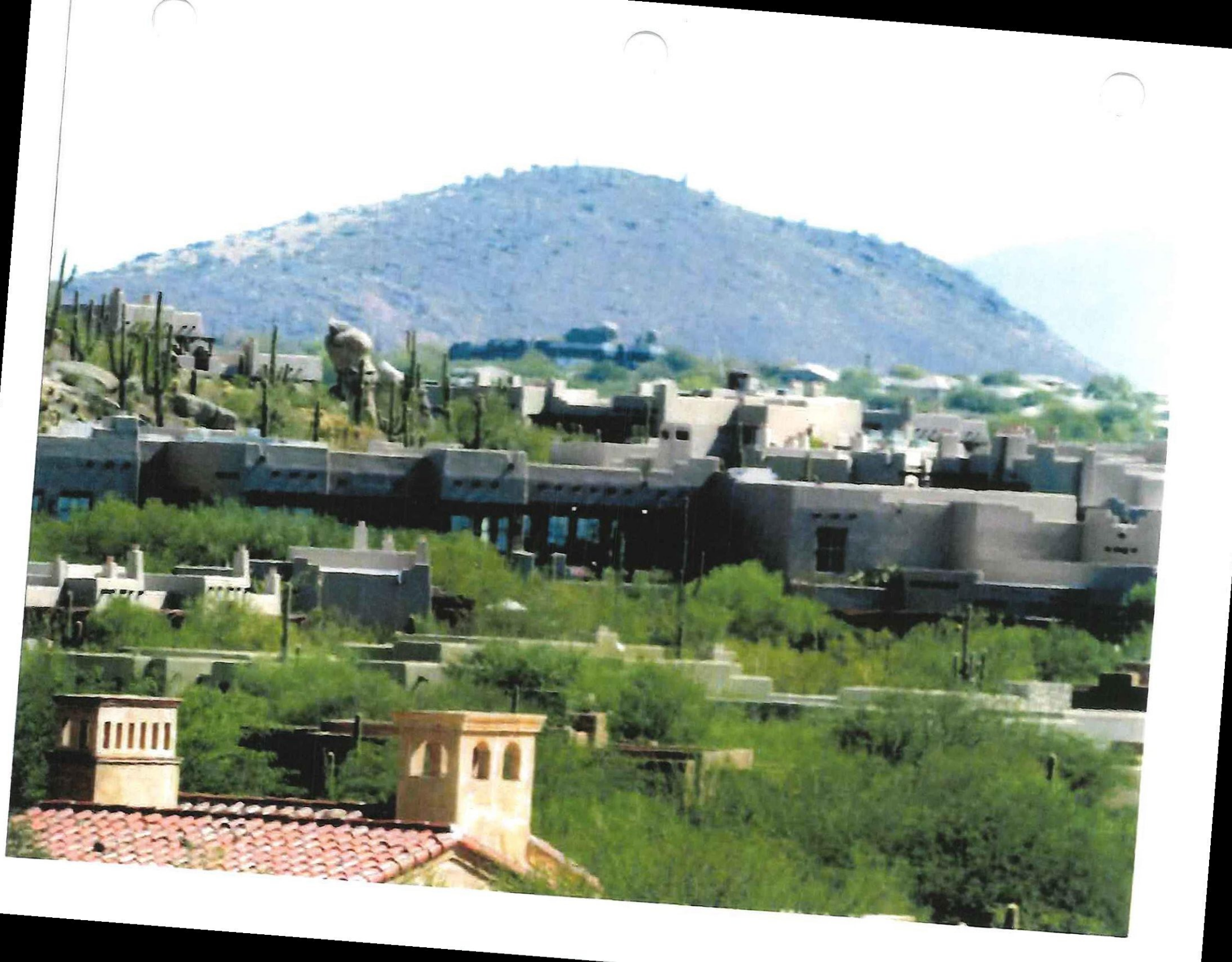
LEGEND
CUTS IN EXCESS OF 6' (12' FOR LOWER LEVEL OF BUILDING)
FILLS IN EXCESS OF 6'
SITE CROSS-SECTION LOCATION
DYNAMITE BLVD
GILBERTSON ASSOCIATES, INC
TROON NORTH GOLF CLUB
CUT/FILL EXHIBIT

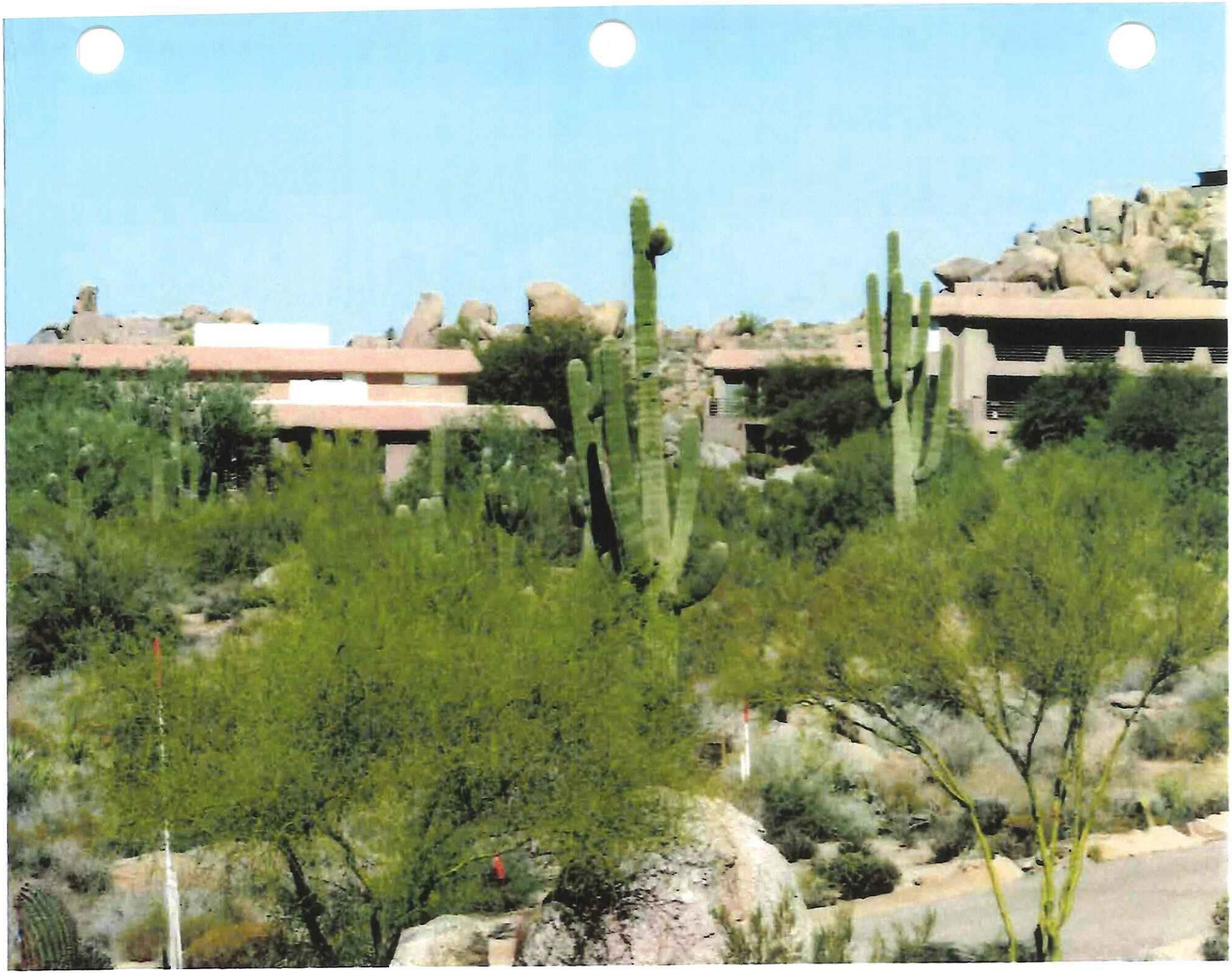
99-DR-89 #3

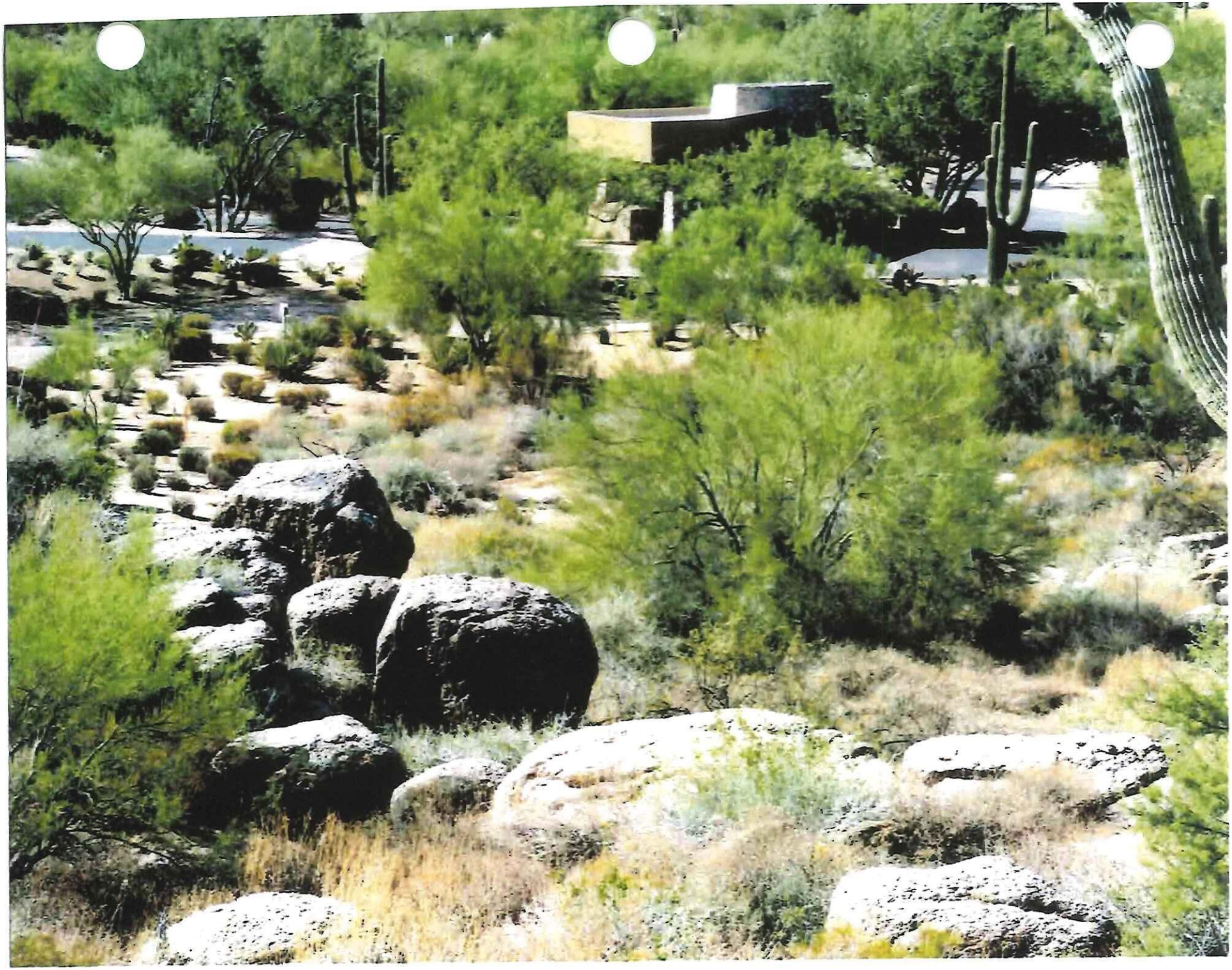


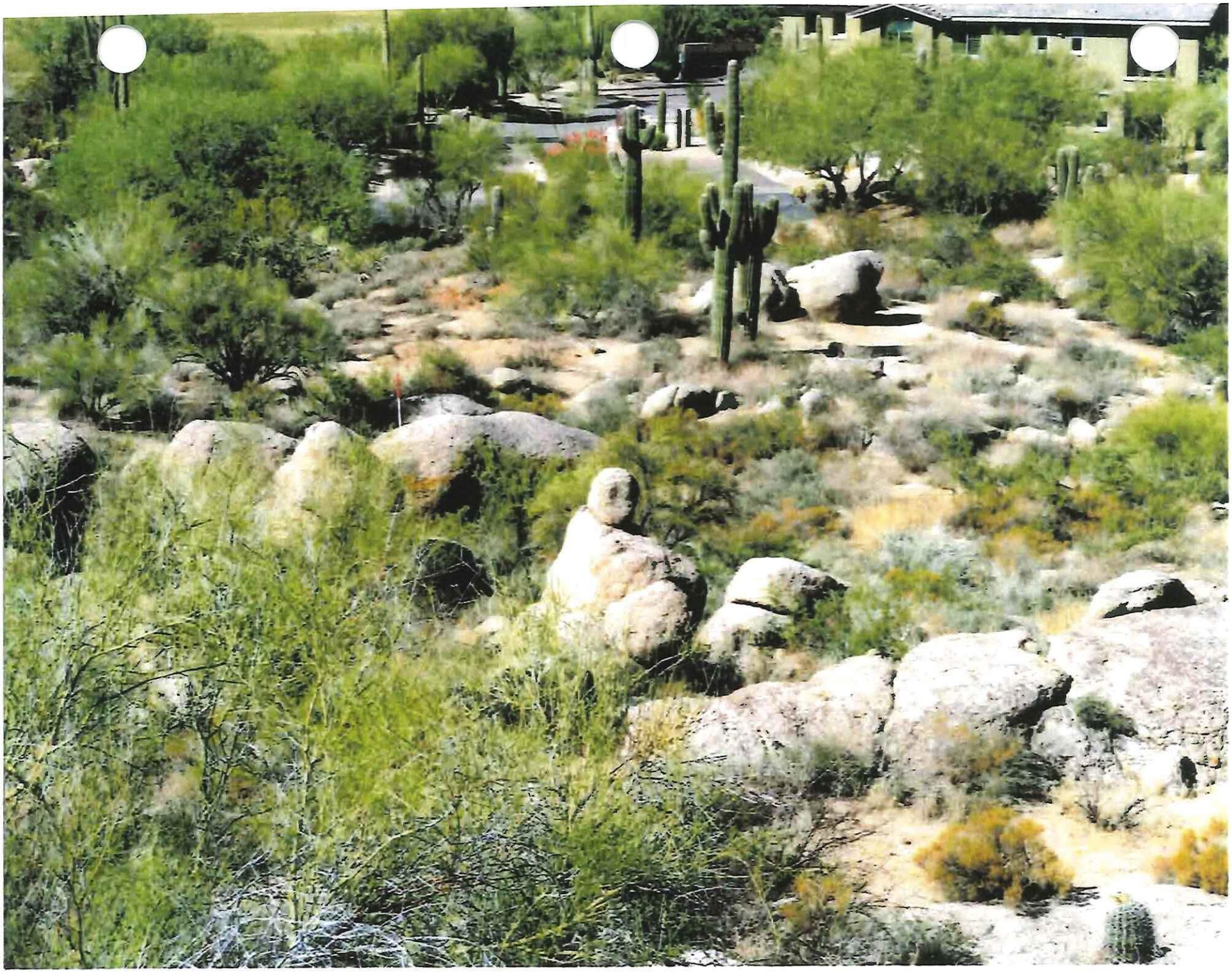
43-DR-2007
1ST: 8/16/07











Review of Current Conditions

Across the 3-ZN-1994 Site Area

Parcel 1

- Plat: On the Green at Troon North
  - Recorded on June 2, 1995
  - Included both Parcel 1 and Parcel 2
  - Has 82 lots on Parcel 1
  - Showed 66 lots on Parcel 2
  - Showed 3 tracts (I, U & V) that could be available for future development
  - Unit type:
    - Attached row-house units
    - Predominantly 2-story units with some 1-story units
    - The attached and semi-attached units create visual building masses that appear as long as 350 feet
    - Parking is provided in ground level garages
- Preliminary Plat: Troon North Parcel V
  - Approved by the Development Review Board as case 9-PP-2013 on August 8, 2013
  - It was never recorded as a final plat and the approval has likely now lapsed
  - The staff report lists the 'parcel size' as .70 acres. This is the net, not the gross, parcel area. The gross parcel area is around 2 acres. The 'proposed density' in the report is 6.0 du/ac but should have been listed as around 2 du/ac.

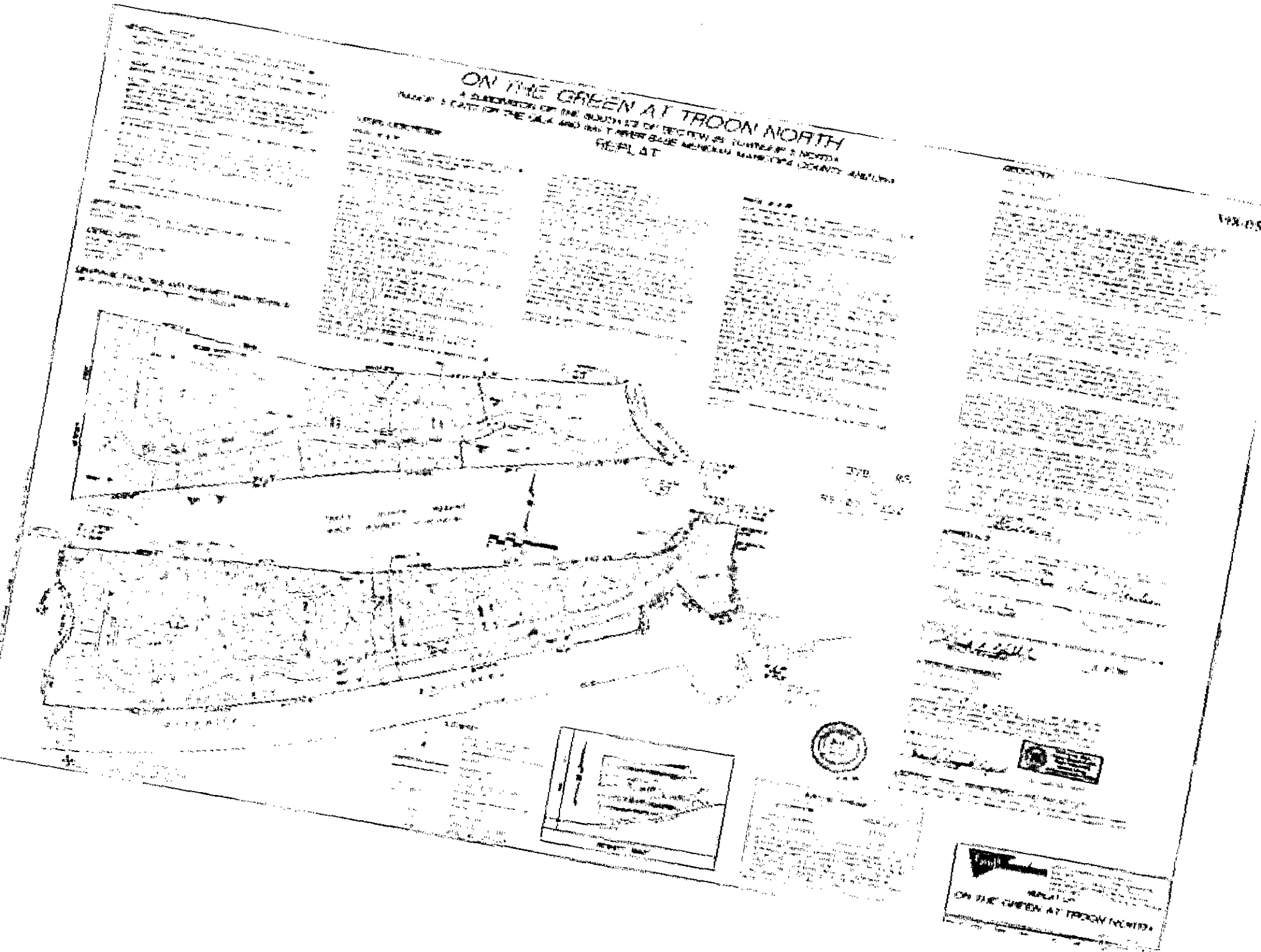
Search (0) Info (1)

Zoning (1)

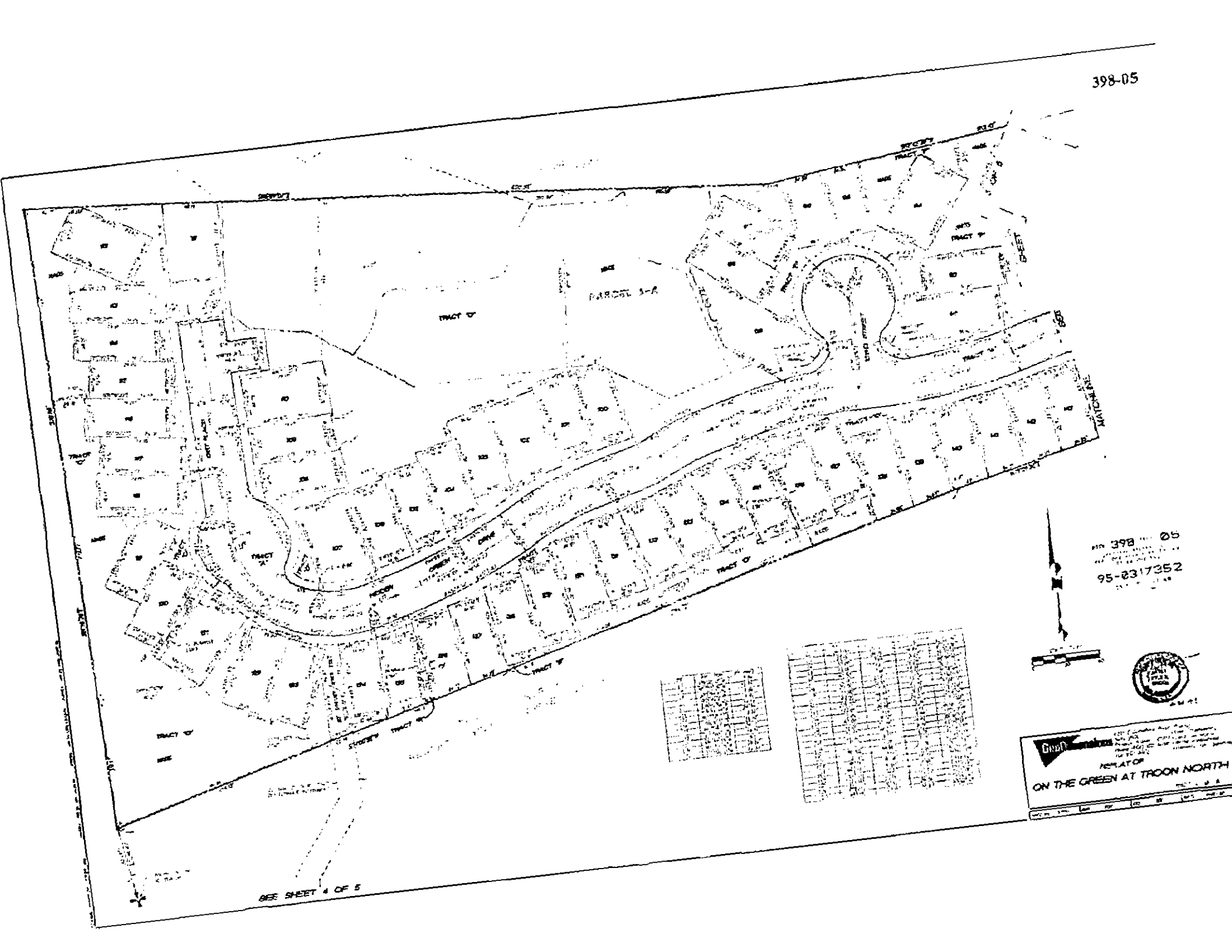
Zoning	R-4R ESL (HD)

Center on Map

from this date to to this date


ON THE GREEN AT TROON NORTH
REPLAT

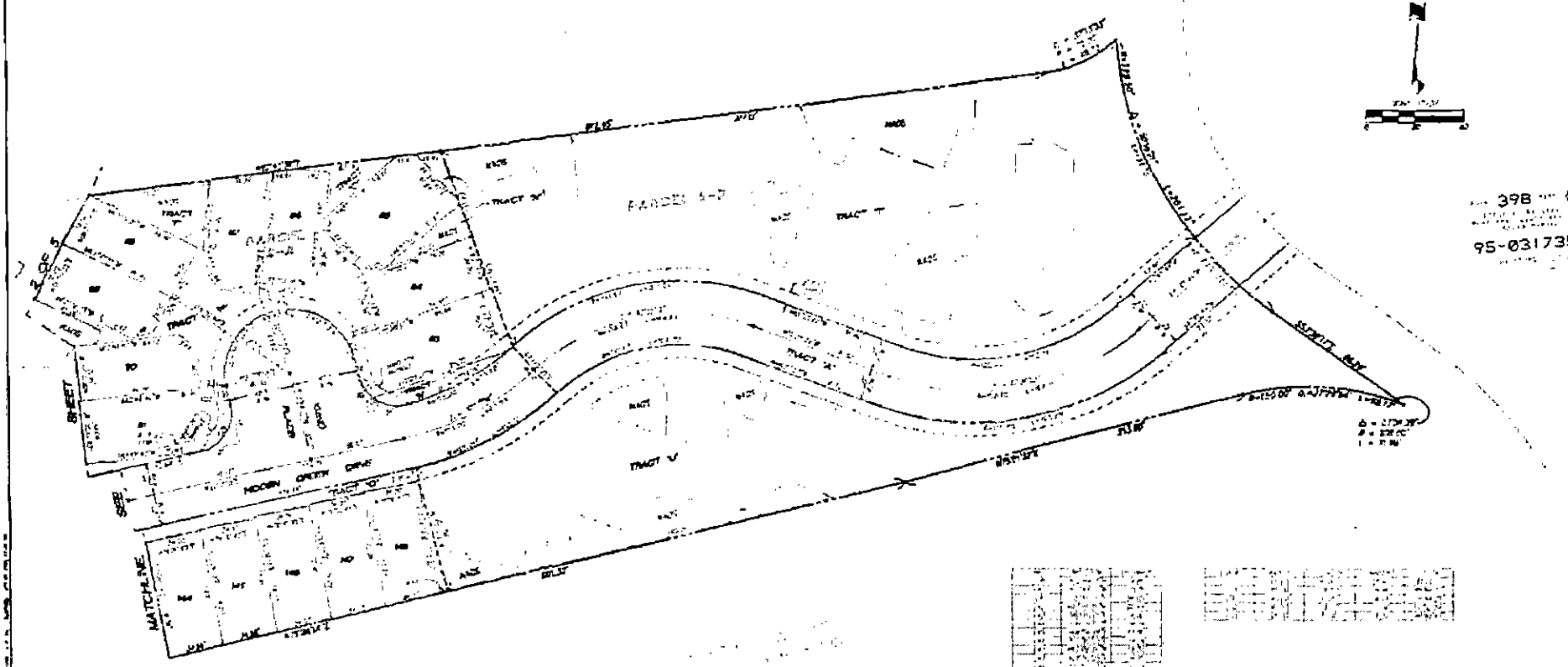
398-05


PARCEL 3-A
TRACT 'O'
TRACT 'P'
TRACT 'Q'
TRACT 'R'
TRACT 'S'
TRACT 'T'
TRACT 'U'
TRACT 'V'
TRACT 'W'
TRACT 'X'
TRACT 'Y'
TRACT 'Z'
GREEN DRIVE
HIDDEN
SEE SHEET 4 OF 5
398
05
95-0317352
REPLAT OF
ON THE GREEN AT TROON NORTH

398-05

398 - 05

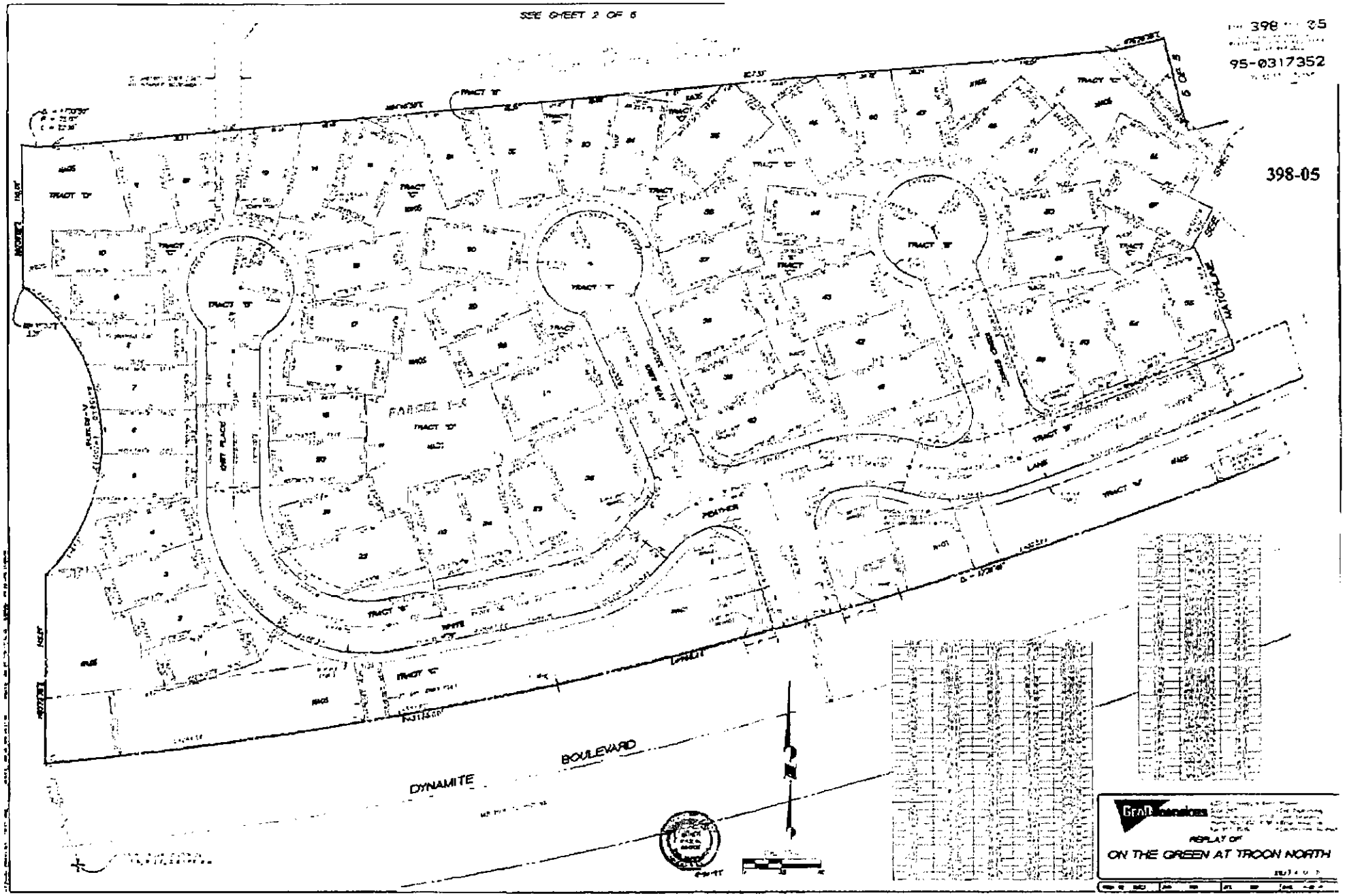
95-0317352

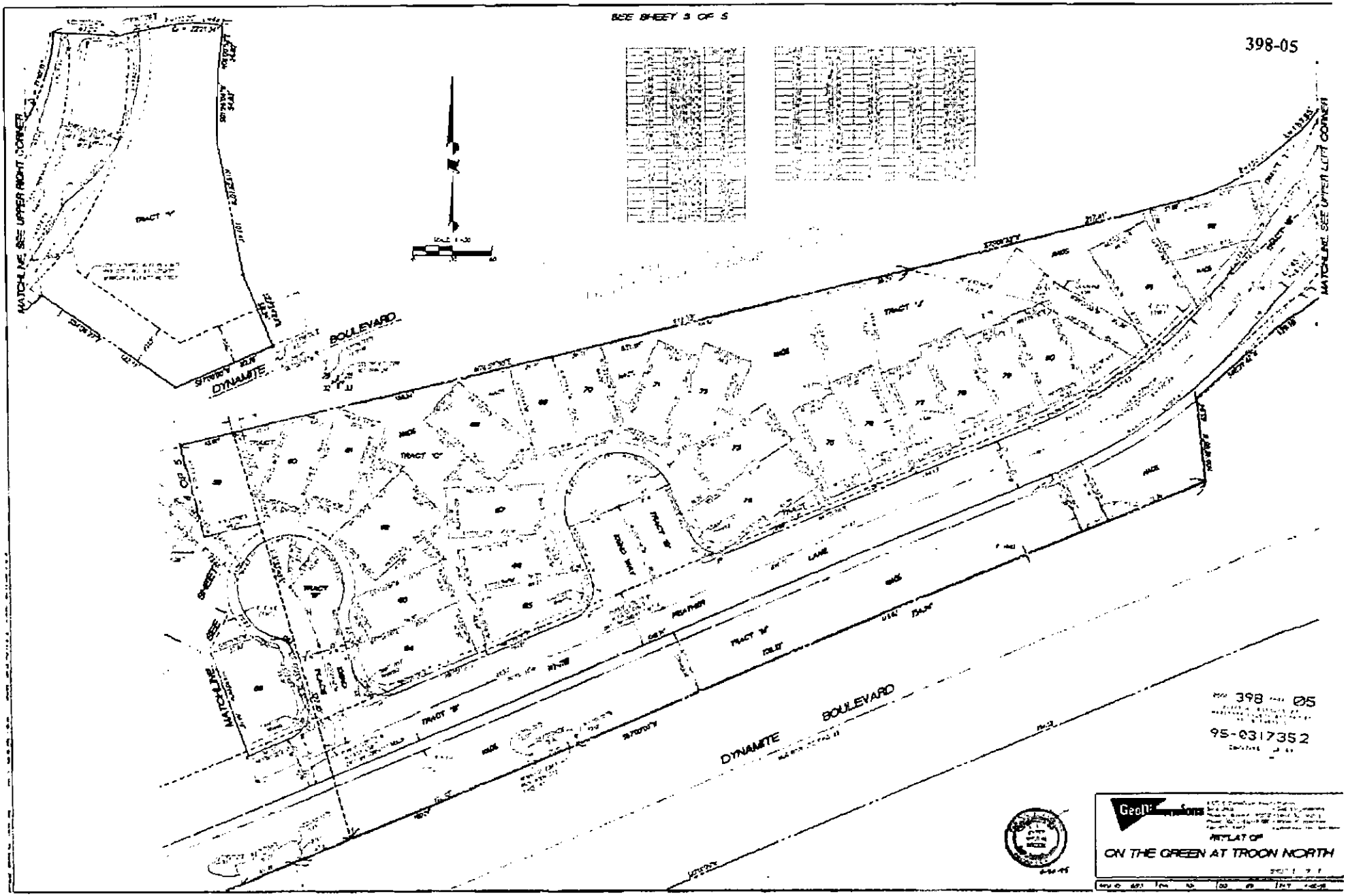


SEE SHEET 5 OF 5

REPLAT OF

ON THE GREEN AT TROON NORTH


SEE SHEET 2 OF 6
398-05
95-0317352
PARCEL 1-5
DYNAMITE
BOULEVARD
REPLAT OF
ON THE GREEN AT TROON NORTH


SEE SHEET 3 OF 5
398-05
MATCHLINE SEE UPPER RIGHT CORNER
MATCHLINE SEE UPPER LEFT CORNER
DYNAMITE BOULEVARD
DYNAMITE BOULEVARD
MATCHLINE
SEE SHEET 3 OF 5
398 - 05
95-0317352
ON THE GREEN AT TROON NORTH

- Existing "On the Green at Troon North" plat dedicated Tract "V" for "Future Development."
- Amended development standards shall remain as approved through case 3-ZN-1994.

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant's request is to seek approval of a four-lot preliminary plat and landscape plan. The request is to subdivide a tract located within the "On the Green at Troon North" subdivision plat.

Development Information

• Existing Use:	Vacant (Golf Cart Path)
• Proposed Use:	4-Lot Subdivision
• Parcel Size:	0.70 acres
• Building Height Allowed:	30 feet
• Building Height Proposed:	30 feet
• Open Space Required:	0 sq./ft. (Fulfilled by the Troon North Master Planned Community)
• Open Space Provided:	8,713 sq. /ft.
• NAOS Required:	0 sq./ft. (Fulfilled by the Troon North Master Planned Community)
• NAOS Provided:	5,412 sq. /ft.
• Density Allowed:	7 du/ac
• Density Proposed:	6.2 du/ac

IMPACT ANALYSIS

Land Use

The existing Tract "V" was dedicated as per the "On the Green at Troon North" subdivision plat for future development. The proposed subdivision plat will continue to use the existing amended development standards as approved through the Troon North subdivision zoning case.

Traffic

All the necessary access for the proposed four lots has been dedicated through the existing plat.

Water/Sewer

The proposed plat will not affect the existing improvement requirements for the area. The existing improvements were constructed with the anticipation of the site being developed to the R-4R standards set forth by the cases 2-GP-1994 and 3-ZN-1994.

School District Comments/Review

Cave Creek Unified School District supported the approval of the Troon North Master Planned Community, with the entire proposed density. The proposed four-lot subdivision does not complete the density that was approved for this parcel.

Open Space

Natural Area Open Space (NAOS) requirements have been met and dedicated as per cases and associated plats, 43-ZN-1994, 2-GP-1994, and 3-ZN-1994. The NAOS requirement was based on the slope category of the entire site and will not change based on the proposal for this particular tract. The owner will be dedicating 5,412 square feet of NAOS and providing 8,713 square feet of open space with the proposed preliminary plat.

Community Involvement

The applicant distributed a mailing to all property owners within 750 feet of the proposed subdivision site. City staff received some inquiries on the proposed project, but has not received any written comments on this case.

Community Impact

This preliminary plat is consistent in density, street alignment, and open space previously approved in the "On the Green at Troon North" final plat. All stipulations and ordinance requirements have been addressed. Approval of this request will enable the final plat to be recorded, establishing lots, and additional excess NAOS areas.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Development Review Board approve the proposed Preliminary Plat, per the attached stipulations, finding that the provisions of the Development Review Criteria have been met.

RESPONSIBLE DEPARTMENT(S)

Planning, Neighborhood and Transportation

Current Planning Services

STAFF CONTACT

Jesus Murillo, Senior Planner, 480-312-7849, E-mail: jmurillo@scottsdaleAZ.gov

APPROVED BY

Jesus Murillo, Report Author — Date: 7/29/13

Steve Venker, Development Review Board Coordinator — Date: 7/29/13

Phone: 480-312-2831 E-mail: svenker@ScottsdaleAZ.gov

Troon North Tract V

9-PP-2013

ATTACHMENT #3

Zoning Map

ATTACHMENT #4

9-PP-2013

PLANT LEGEND

RELOCATED SALVAGE INVENTORY

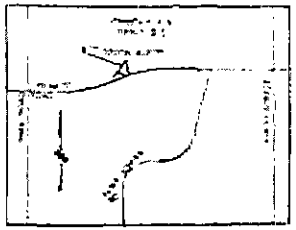
10299 E. WHITE FEATHER LANE
SCOTTSDALE, AZ 85262

TROON NORTH TRACT V

CONCEPTUAL LANDSCAPE AND WALL PLAN

PRELIMINARY PLAT
TROON NORTH TRACT "V"

A MINOR SUBDIVISION OF TRACT "V", ON THE GREEN AT TROON NORTH
BOOK 398 OF MAPS, PAGE 5, OFFICIAL RECORDS OF MARICOPA COUNTY
A PORTION OF THE SOUTH HALF OF SECTION 29,
TOWNSHIP 5 NORTH, RANGE 5 EAST, OF THE GILA & SALT RIVER MERIDIAN
MARICOPA COUNTY, ARIZONA



VICINITY MAP

DEDICATION

PROPERTY USE TABLE

SITE DATA

CIVIL ENGINEER

SURVEYOR

OWNER

LEGAL DESCRIPTION

BASIS OF BEARING

DEDICATION ACKNOWLEDGMENT

FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

APPROVAL

REFERENCE DOCUMENTS

CERTIFICATION

PRELIMINARY PLAT
TROON NORTH TRACT V

PRELIMINARY PLAT
TROON NORTH TRACT V

DEVELOPMENT REVIEW BOARD REPORT

Meeting Date:	August 1, 2013	Item No. 6
General Plan Element:	*Character and Design*	
General Plan Goal:	*Determine the appropriateness of all development in terms of community goals, surrounding area character, and the specific context of the surrounding neighborhood.*	

ACTION

Troon North Tract V
9-PP-2013

Request to consider the following:

1. Approval of a 4-lot preliminary plat, with existing amended development standards, and landscape plan, including walls, on a 0.70 acre site that is located within the "On the Green at Troon North" subdivision, parcel number 216-72-584.

Related Policies, References:
32-ZN-1982, 81-ZN-1983, 43-ZN-1994, 2-GP-1994, 3-ZN-1994, and 87-DR-1994#2

OWNER

Bob Garland
Porchlight Holdings, LLC
602-423-6300

APPLICANT CONTACT

Cynthia Paddock
ReSEED ADVISORS
480-313-6240

LOCATION

10299 E. White Feather Lane

Action Taken _____

BACKGROUND

Zoning

This site is zoned Resort/Townhouse Residential District, Environmentally Sensitive Lands (R-4R/ESL), which allows single-family residential, multi-family residential, and resort/hotel type uses. Annexed into the City of Scottsdale in January of 1982, through case 32-ZN-1982, the site is part of a larger planned community development.

The annexed parcel was rezoned from the County designation to the Single-Family Residential, Hillside District (R1-190/HD) through Case R1-Z-1983. In 1991, the Environmentally Sensitive Lands (ESL) ordinance was added as an amendment to the Hillside District overlay. In 1994, the site was rezoned from the Single Family Residential, Hillside District (R1-190/HD) to the site's current R-4R/ESL zoning designation; through the General Plan amendment and rezoning cases 2-GP-1994 and 3-ZN-1994.

General Plan

The General Plan Land Use Element designates the property as Resort/Tourism, which provides the flexibility of Resort/Tourism Land Uses to be located within this area of the community. The General Plan amendment and rezoning cases (cases 2-GP-1994 and 3-ZN-1994) approved specifically for this site were tailored to complete the site as a support use for the existing golf course.

Character Area Plan

The site is located within the Reatta Pass/Troon Character Area which serves as a destination for visitors to the city, provides a diverse mix of upscale housing for both full and part-time residents, and offers a western desert character which is a significant component of Scottsdale's image.

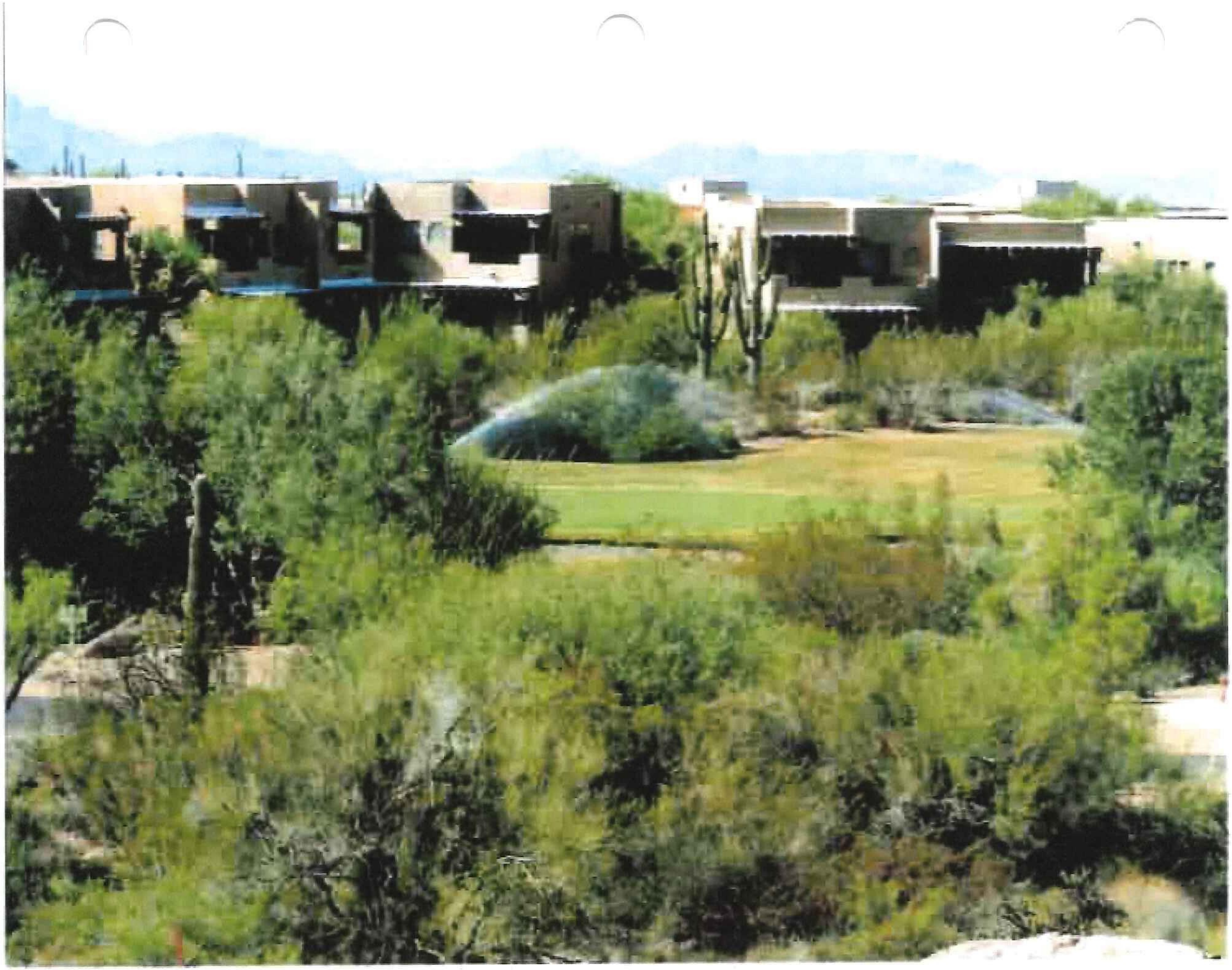
Context

The property is located within the "On the Green at Troon North" subdivision, parcel number 216-72-584, which is located on the north side of E. Dynamite Boulevard, at approximately 103rd Street

Adjacent Uses and Zoning

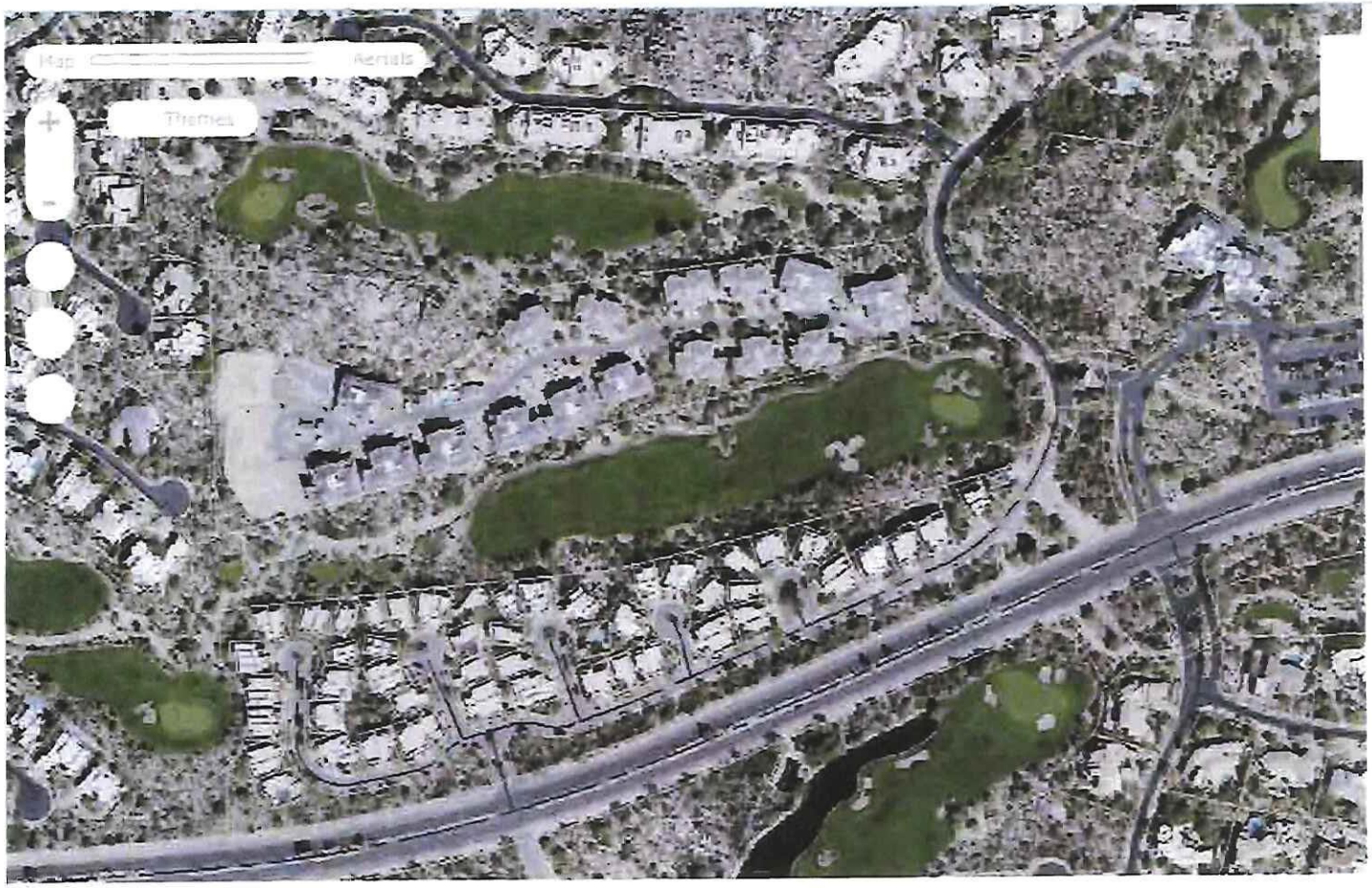
- North — Resort/Townhouse Residential District, Environmentally Sensitive Lands, zoned R-4R/ESL; Open Space
- South — Single-Family Residential District, Environmentally Sensitive Lands, zoned R1-7/ESL; Pinnacle Canyon at Troon North subdivision and Golf Course
- East — Open Space, Environmentally Sensitive Lands O-S/ESL, Resort/Townhouse Residential District, Environmentally Sensitive Lands, R-4R/ESL, and Hillside Conservation District HD/HC; Troon North Golf Club House.
- West — Resort/Townhouse Residential District, Environmentally Sensitive Lands, zoned R-4R/ESL; On the Green at Troon North subdivision and Golf Course.

Key Items for Consideration



Parcel 2

- Plat: Saguaro Ridge at Troon North
  - Recorded in 2005
  - Replaced part of On the Green At Troon North plat
  - Contains 100 residential units arranged in 20 5-unit/2-story buildings
  - Parking is provided in ground level garages
  - The site plan tends to arrange the buildings in groups of 3 with small separations, creating visual masses of about 350 feet in length



Search (0) Info (1)

Zoning (1)

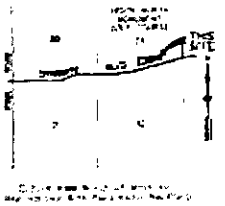
Zoning	R-4R ESL (HD)

Center on Map

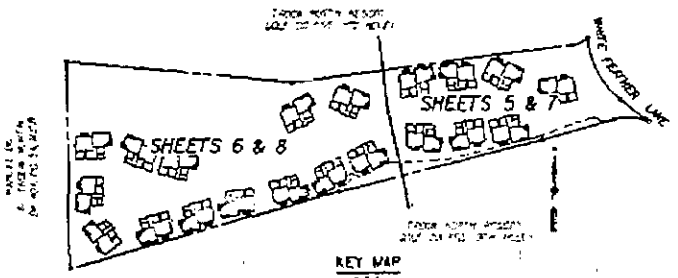
from this date to to this date

CONDOMINIUM PLAT
OF
SAGUARO RIDGE AT TROON NORTH

A PORTION OF THE SOUTH HALF OF SECTION 29,
TOWNSHIP 5 NORTH, RANGE 5 EAST
OF THE GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP



KEY MAP

DEDICATION:

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS.

KNOW ALL MEN BY THESE PRESENTS

THAT CLARITON OF TROON NORTH, L.L.C. AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY PUBLISHES THIS CONDOMINIUM PLAT OF SAGUARO RIDGE AT TROON NORTH LOCATED IN A PORTION OF THE SOUTH HALF OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 5 EAST OF THE GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE EASEMENTS CONSTITUTING THE SAME. EASEMENTS ARE HEREBY DEDICATED TO THE CITY OF SCOTTSDALE FOR THE PURPOSES STATED.

1. WATER RIGHTS TO THE CITY OF SCOTTSDALE AND APPLICABLE SERVICE PROVIDERS, AN EMERGENCY VEHICLE ACCESS EASEMENT (E.V.A.E.) AS SHOWN HEREON FOR EMERGENCY SERVICE AND REFUSE COLLECTION VEHICLES.

2. WATER RIGHTS TO THE CITY OF SCOTTSDALE AND APPLICABLE UTILITY COMPANIES A SEWER EASEMENT (SEWER EASEMENT (S.E.)) AS SHOWN HEREON GRANTED FOR THE INSTALLATION, MAINTENANCE, REPAIR, REMOVAL, RELOCATION AND REPLACEMENT OF SEWER LINES AND APPURTENANCES. THE INSTALLATION OF LANDSCAPING, FACILITIES TO BE SUBJECT TO APPROVAL BY SAGUARO RIDGE AT TROON NORTH ASSOCIATION AND ALL APPLICABLE LAWS.

3. AN EASEMENT FOR NATURAL AREA OPEN SPACE (N.A.O.S.) IS DEDICATED TO THE CITY OF SCOTTSDALE UPON EACH AND EVERY LOT WHICH IS SHOWN AS NATURAL EASEMENT (N.A.O.S.) ON THIS PLAT FOR THE PURPOSES OF PERMANENTLY PRESERVING SUCH LAND IN ITS NATURAL STATE. THE NATURAL EASEMENT SHALL NOT BE USED FOR ANY PURPOSE INCONSISTENT WITH THE PRESERVATION OF SUCH LAND IN ITS NATURAL STATE AND NO GRADING, CLEARING, EXCAVATING OR CONSTRUCTION OF ANY STRUCTURE OR DEVELOPMENT OF ANY KIND SHALL BE PERMITTED ON OR WITHIN SUCH EASEMENT EXCEPT AS ALLOWED UNDER CITY OF SCOTTSDALE ORDINANCES.

4. TO THE CITY OF SCOTTSDALE DRAINAGE EASEMENTS (DE) FOR THE PURPOSE OF CONSTRUCTION, OPERATION, REINSTATEMENT AND REPAIR OF LEVEE, LINED CHANNELS AND OTHER WORKS OF DRAINAGE OF FLOOD CONTROL IN AND OVER A PORTION OF THE AREAS DESIGNATED AS SUCH HEREON AN EASEMENT UPON, OVER AND ACROSS THE REAL PROPERTY DESCRIBED HEREON. MAINTENANCE OF THE DRAINAGE EASEMENTS SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.

OTHER WARRANTS AND REPRESENTS TO THE CITY OF SCOTTSDALE TO BE THE SOLE OWNER OF THE PROPERTY DEDICATED HEREON AND THAT ANY HOMEOWNERS ASSOCIATION, OTHER EASEMENT HOLDER OR OTHER PERSON OR ENTITY HAVING ANY INTEREST IN SAID PROPERTY HAS CONSENTED TO AND JOINED IN THIS PLAT, AS EVIDENCED BY INSTRUMENTS RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE OR WHICH SHALL BE RECORDED NO LATER THAN THE DATE OF WHICH THIS PLAT IS RECORDED.

IN WITNESS WHEREOF:

CLARITON OF TROON NORTH L.L.C. AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HEREUNTO CAUSED ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED OFFICER, DULY AUTHORIZED THIS 2nd DAY OF June, 2005.

BY: CLARITON UNLIMITED, L.L.C. A TEXAS LIMITED LIABILITY CORPORATION
ITS MANAGING MEMBER

BY: _____

NAME: JOHN SCOTT

ITS: PRESIDENT AND SOLE MEMBER

ACKNOWLEDGEMENT:

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS.

ON THIS THE 2nd DAY OF June, 2005 BEFORE ME THE UNDERSIGNED OFFICER PERSONALLY APPEARED John Scott WHO ACKNOWLEDGED HIMSELF TO BE AN OFFICER OF CLARITON OF TROON NORTH L.L.C. AN ARIZONA LIMITED LIABILITY COMPANY, ACKNOWLEDGED THAT HE, SAID OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY: _____ NOTARY PUBLIC

My Commission Expires: Oct. 14, 2006

RATIFICATION:

STATE OF Missouri }
COUNTY OF Jackson } SS.

KNOW ALL MEN BY THESE PRESENTS:

THAT RESORT FINANCE L.L.C. A MASSACHUSETTS LIMITED LIABILITY COMPANY HEREBY RATIFIES, AFFIRMS, AND APPROVES THIS CONDOMINIUM PLAT OF SAGUARO RIDGE AT TROON NORTH AND EVERY DEDICATION MADE SPECIFICALLY AS TO IT HEREIN.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS CAUSED ITS NAME TO BE SIGNED AND TO BE ATTESTED BY ITS AUTHORIZED OFFICER, BEING DULY AUTHORIZED TO DO SO THIS 24 DAY OF June, 2005.

RESORT FINANCE L.L.C. A MASSACHUSETTS LIMITED LIABILITY COMPANY

BY: _____

NAME: Teresa A. Grayson

ITS: Treasurer

ACKNOWLEDGEMENT FOR RATIFICATION:

STATE OF Missouri }
COUNTY OF Jackson } SS.

THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS 27th DAY OF June, 2005 BY Treasurer OF RESORT FINANCE L.L.C. A MASSACHUSETTS LIMITED LIABILITY COMPANY, AND ALL ACTIONS PERFORMED BY HIM AS AUTHORIZED AGENT FOR SAID COMPANY WITH RESPECT TO THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY: _____ NOTARY PUBLIC

My Commission Expires: 5-14-07

RATIFICATION:

STATE OF Arizona }
COUNTY OF Maricopa } SS.

KNOW ALL MEN BY THESE PRESENTS:

THAT SITE OF TROON NORTH L.L.C. AN ARIZONA LIMITED LIABILITY COMPANY HEREBY RATIFIES, AFFIRMS, AND APPROVES THIS CONDOMINIUM PLAT OF SAGUARO RIDGE AT TROON NORTH AND EVERY DEDICATION MADE SPECIFICALLY AS TO IT HEREIN.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS CAUSED ITS NAME TO BE SIGNED AND TO BE ATTESTED BY ITS AUTHORIZED OFFICER, BEING DULY AUTHORIZED TO DO SO THIS 24th DAY OF June, 2005.

TORRE REALTY, INC., A WISCONSIN CORPORATION
ITS SOLE MEMBER

BY: _____

NAME: Kevin Kuhl

ITS: Vice President

ACKNOWLEDGEMENT FOR RATIFICATION:

STATE OF Arizona }
COUNTY OF Maricopa } SS.

THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS 24th DAY OF June, 2005 BY Kevin Kuhl OF TORRE REALTY, INC., A WISCONSIN CORPORATION, AND ALL ACTIONS PERFORMED BY HIM AS AUTHORIZED AGENT FOR SAID COMPANY WITH RESPECT TO THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY: _____ NOTARY PUBLIC

My Commission Expires: 8-30-08

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1	COVER SHEET
2 & 3	DEDICATION OF EASEMENTS
4	LIMITS ELEVATION SCHEDULE
5	FIRST FLOOR LEVEL - SITE PLAN
6	FIRST FLOOR LEVEL - SITE PLAN
7	SECOND FLOOR LEVELS - SITE PLAN
8	SECOND FLOOR LEVELS - SITE PLAN
9	BOTH FLOOR LEVELS - BUILDING PLAN

NOTES:

1. THIS PROJECT IS ON THE CITY OF SCOTTSDALE WATER SYSTEM WHICH HAS A CERTIFICATION OF ASSURED WATER SUPPLY.
2. ANY EASEMENTS DEPICTED ON THIS CONDOMINIUM PLAT THAT ARE CREATED BY SEPARATE INSTRUMENT ARE REFERENCED TO BY SPECIFIC INFORMATION (BOOK, PAGE, ETC.) PROVIDED FOR INFORMATION PURPOSES ONLY AND ARE NOT CREATED, DEDICATED, OR CONFIRMED BY THIS CONDOMINIUM PLAT.
3. ALL EASEMENTS SHALL BE MAINTAINED IN ACCORDANCE WITH THE CONDOMINIUM DECLARATION FOR SAGUARO RIDGE AT TROON NORTH.
4. CONSTRUCTION WITHIN PUBLIC UTILITY EASEMENTS SHALL BE LIMITED TO WOOD, WIRE OR REMOVABLE SECTION TYPE FENCING.
5. THE STREET ADDRESS WILL BE 10500 EAST WHITE FEATHER LANE.
6. ALL AREAS OUTSIDE BUILDING ON ITS ARE COMMON AREAS OR LIMITED COMMON ELEMENTS AS DESIGNATED HEREON.
7. THE INDIVIDUAL SEWER OWNERS SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL LIMITED COMMON ELEMENTS AND APPURTENANCES AND UNLESS OTHERWISE PROVIDED, EACH OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL COMMON ELEMENTS.
8. THE EASEMENT HEREBY GRANTED TO THE PUBLIC UTILITY COMPANIES FOR RIGHT OF INGRESS AND EGRESS IS NON-EXCLUSIVE AND NECESSARY FOR THIS SITE FOR ALL COMMON AREAS AS DESIGNATED HEREON.
9. EACH LOT CONTAINS NATURAL AREA OPEN SPACE, WHICH SHALL BE PERMANENTLY MAINTAINED AS NATURAL DESERT OPEN SPACE PURSUANT TO THE CITY OF SCOTTSDALE'S ZONING ORDINANCE. EXCEPT AS PERMITTED BY THE CITY OF SCOTTSDALE ZONING ORDINANCE, THE NATURAL AREA OPEN SPACE SHALL NOT BE ALTERED OR DISTURBED IN ANY MANNER. EASEMENTS ARE HEREBY DEDICATED TO THE CITY OF SCOTTSDALE, THE PROPERTY OWNERS ASSOCIATION AND ALL MAINTENANCE RIGHTS WITHIN TRACTS. AREAS LOCATED ON LOTS SHALL BE MAINTENANCE OF THE LOT OWNER.

ZONING:

R-4R PD

SITE DATA:

PARCEL AREA: 21.40 ACRES

ARCHITECT:

[illegible]
8710 N. SCOTTSDALE ROAD, SUITE A
SCOTTSDALE, ARIZONA 85253-3905
CONTACT: MR. GEORGE HOAG AND
PHONE: 480-991-9573

OWNER:

CLARITON OF TROON NORTH, LLC
8343 DOUGLAS AVENUE, SUITE 650
DALLAS, TEXAS 75225
CONTACT: MR. JOHN SCOTT
PHONE: 214-750-5055

DEVELOPER:

CLARITON UNLIMITED
8343 DOUGLAS AVENUE, SUITE 650
DALLAS, TEXAS 75225
CONTACT: MR. JOHN SCOTT
PHONE: 214-750-5055

PROJECT ADDRESS:

10500 EAST WHITE FEATHER LANE
SCOTTSDALE, ARIZONA 85262

BOOK 753 PAGE 22
OFFICIAL RECORDS OF MARICOPA COUNTY RECORDER'S OFFICE
2005-1014682
[illegible]

BENCH MARK:

CITY OF SCOTTSDALE BRASS CAP FLUSH AT THE INTERSECTION OF STRAIGHTE BLVD. AND ALMA SCHOOL PKWY.

ELEVATION= 2684.21 (PUBLISHED N.G.V.D. 1929 DATUM)

BASIS OF BEARING:

THE NORTH LINE OF PARCEL 2B, OF THE VILLAS AT TROON NORTH, BEARS SOUTH 89°49'38" EAST

LEGAL DESCRIPTION:

PARCEL NO. 1:

LOTS 47 THROUGH 149, AND TRACTS A AND B THROUGH [illegible] INCLUSIVE, OF THE VILLAS AT TROON NORTH, ACCORDING TO BOOK 753 OF MAPS, PAGE 48, AND BOOK 754 OF MAPS, PAGE 1 AND CERTIFICATE OF CORRECTION RECORDED AS INSTRUMENT NO. 20-0209111, AND AFFIDAVIT OF CORRECTION RECORDED AS INSTRUMENT NO. 20-0220240, RECORDS OF MARICOPA COUNTY, ARIZONA

PARCEL NO. 2:

A NON-EXCLUSIVE PERMANENT AND PERPETUAL EASEMENT FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS OVER AND ACROSS A PORTION OF WHITE FEATHER LANE, SAID ROAD BEING A PRIVATE RESIDENTIAL/RESORT ACCESS AS CREATED BY INSTRUMENT NO. 94-0760090, RECORDS OF MARICOPA COUNTY, ARIZONA

APPROVALS:

I HEREBY CERTIFY THAT ALL ENGINEERING CONDITIONS AND REQUIREMENTS OF THE CITY CODE HAVE BEEN COMPLIED WITH.

BY: _____ 7/6/05
PROJECT CORPORATION MANAGER — DATE

BY: _____ 7/8/05
CHIEF DEVELOPMENT OFFICER — DATE

NOTE:

IN INTERPRETING THE ARCHITECTURAL AND STRUCTURAL PROVISIONS OF A BUILDING THAT IS CONSTRUCTED, ONLY IN CONFORMANCE WITH THE DIMENSIONAL LIMITS AND REQUIREMENTS SET FORTH IN THE APPLICABLE ZONING ORDINANCE, SHALL THE INTERPRETATION EXPRESSED IN THE FINAL PLAT REGARDING THE LOCATION OF PROPERTY BOUNDARIES TAKE PRECEDENCE OVER THE INTERPRETATION OF PROPERTY BOUNDARIES AS SHOWN ON ANY OF THE BUILDING AND ARCHITECTURAL PLANS OF A BUILDING THAT IS CONSTRUCTED ON A LOT. THE BOUNDARIES BETWEEN THE LOTS AND TRACTS ARE AS SHOWN ON THIS PLAT AND THOSE OF THE DWELLING UNITS.

SURVEYORS CERTIFICATION:

I HEREBY TO CERTIFY THAT THE SURVEY AND SUBDIVISION PREMISES DESCRIBED AND PLATTED HEREON WERE MADE UNDER MY DIRECTION DURING THE MONTH OF MARCH 2005; THAT THE PLAT IS CORRECT AND ACCURATE; THAT THE MONUMENTS SHOWN HEREON WERE (WILL BE) SET AS DESIGNATED AND THAT THE BEARINGS AND LOT CORNERS HAVE BEEN PERMANENTLY SET.

[illegible]
REGISTERED LAND SURVEYOR
[illegible]
[illegible]
PHOENIX, ARIZONA 85016

7/8/05

ENGINEERS COPY

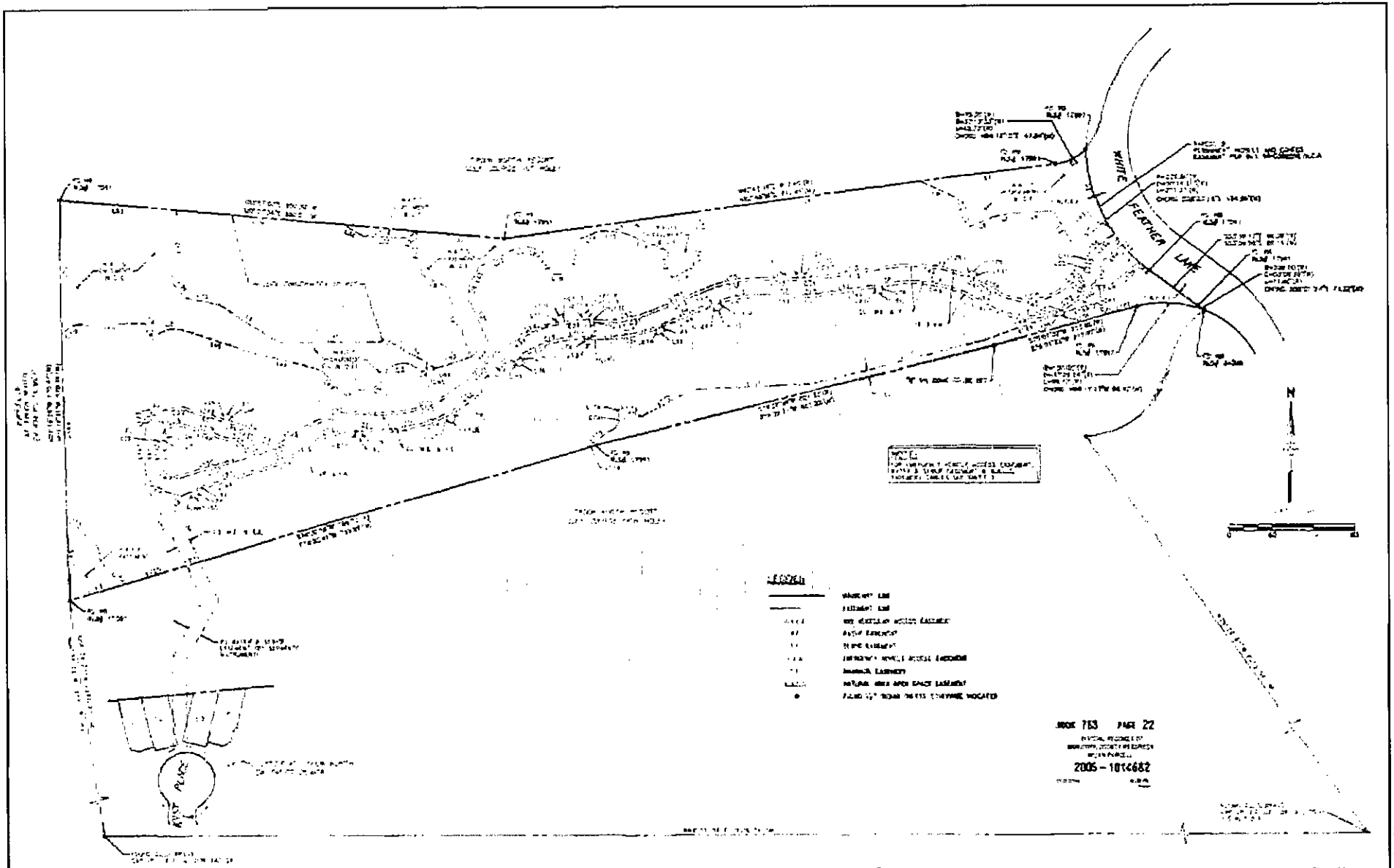
SAGUARO RIDGE AT TROON NORTH

COVER SHEET

SHEET 1 OF 9

RICK [illegible]

2957-04-3 Q.S. #31-52



ENGINEERS COPY

SAGUARO RIDGE AT TROON NORTH

DEDICATION OF EASEMENTS

SHEET 2 OF 9

RICK

S.D. #51-52 04-07-05

EMERGENCY VEHICLE ACCESS EASEMENT BEARING & DISTANCE TABLE

EMERGENCY VEHICLE ACCESS EASEMENT CURVE TABLE

WATER & SEWER EASEMENT BEARING & DISTANCE TABLE

WATER & SEWER EASEMENT CURVE TABLE

N.A.O.S. EASEMENT BEARING & DISTANCE TABLE

N.A.O.S. EASEMENT CURVE TABLE

DRAINAGE EASEMENT BEARING & DISTANCE TABLE

DRAINAGE EASEMENT CURVE TABLE

BOOK 763 PAGE 22

2005-1014882

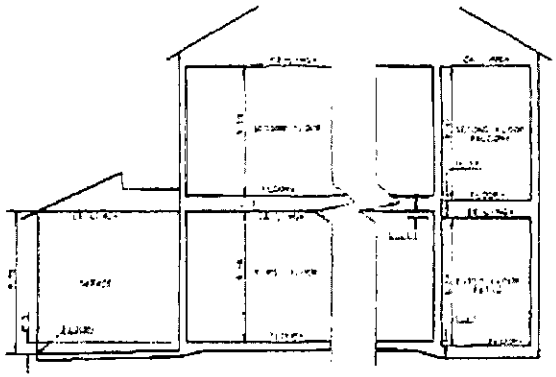
ENGINEERS COPY

DEDICATION OF EASEMENTS

SHEET 3 OF 9

SAGUARO RIDGE AT TROON NORTH

2957-04-3



TYPICAL BUILDING CROSS SECTION

MAP 153 PAGE 22

2005-1014582

ENGINEERS COPY

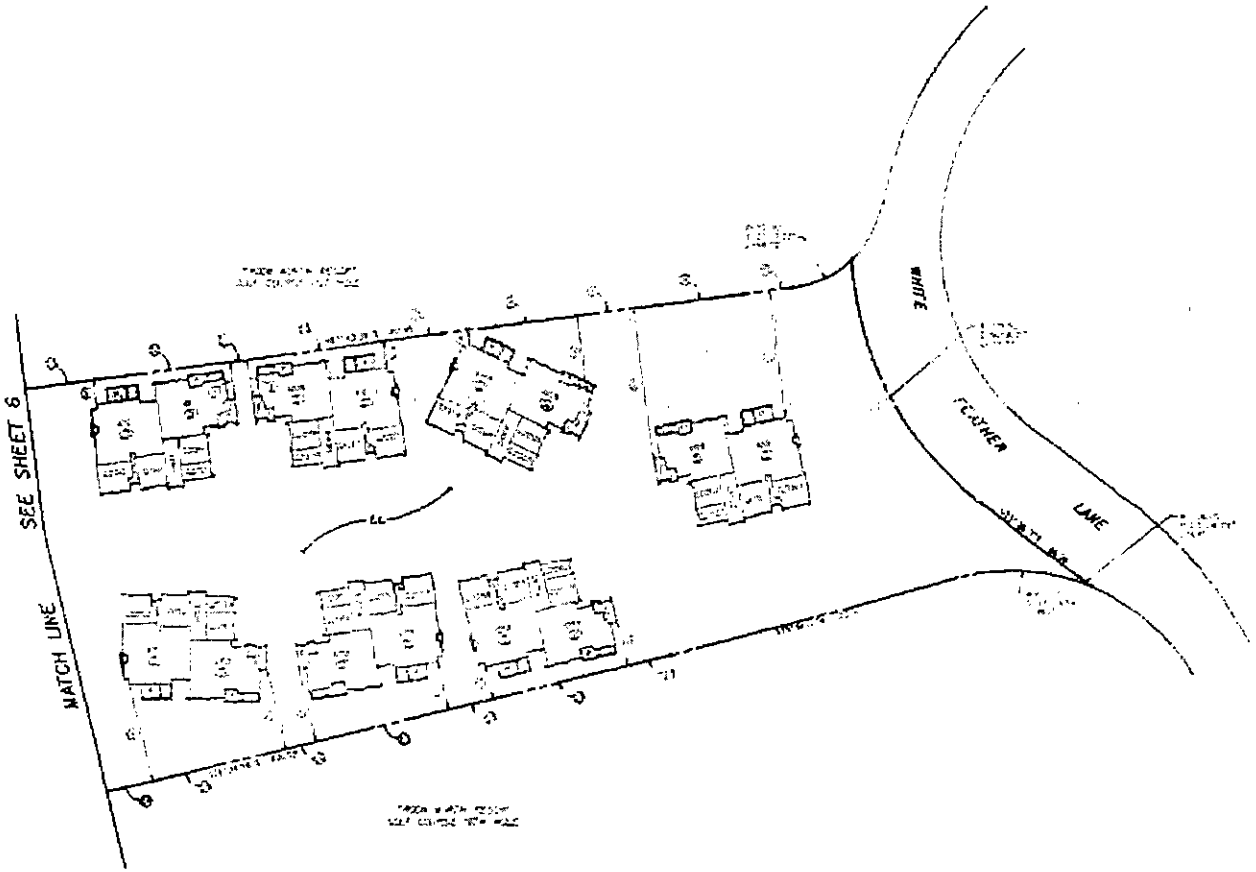
SAGUARO RIDGE AT TROON NORTH

ELEVATION SCHEDULE

SHEET 4 OF 9

RICK

2957-04-3 Q.S. #51-52



LEGEND:

- INDICATES CORNER OF SAGUARO RIDGE AT TROON NORTH
- INDICATES BOUNDARY OF SAGUARO RIDGE AT TROON NORTH
- INDICATES DWELLING UNIT NUMBER
- INDICATES TYPE OF DWELLING UNIT FLOOR PLAN
- INDICATES GARAGE SPACE
- INDICATES PATIO AREA
- INDICATES ENTRANCE AREA
- INDICATES RIGHT-OF-WAY
- INDICATES AREA OF LIMITED COMMON ELEMENTS WHICH ARE ASSIGNED TO THE UNITS TO WHICH THEY ARE ATTACHED
- COMMON ELEMENT

NOTE:
ALL BEARINGS ARE PERPENDICULAR OR RADIAL TO THE PROPERTY LINE OR RIGHT-OF-WAY

BOOK 763 PAGE 22
OFFICIAL RECORDS OF MARICOPA COUNTY RECORDER
HELEN PURCELL
2005-1014662

N

ENGINEERS COPY

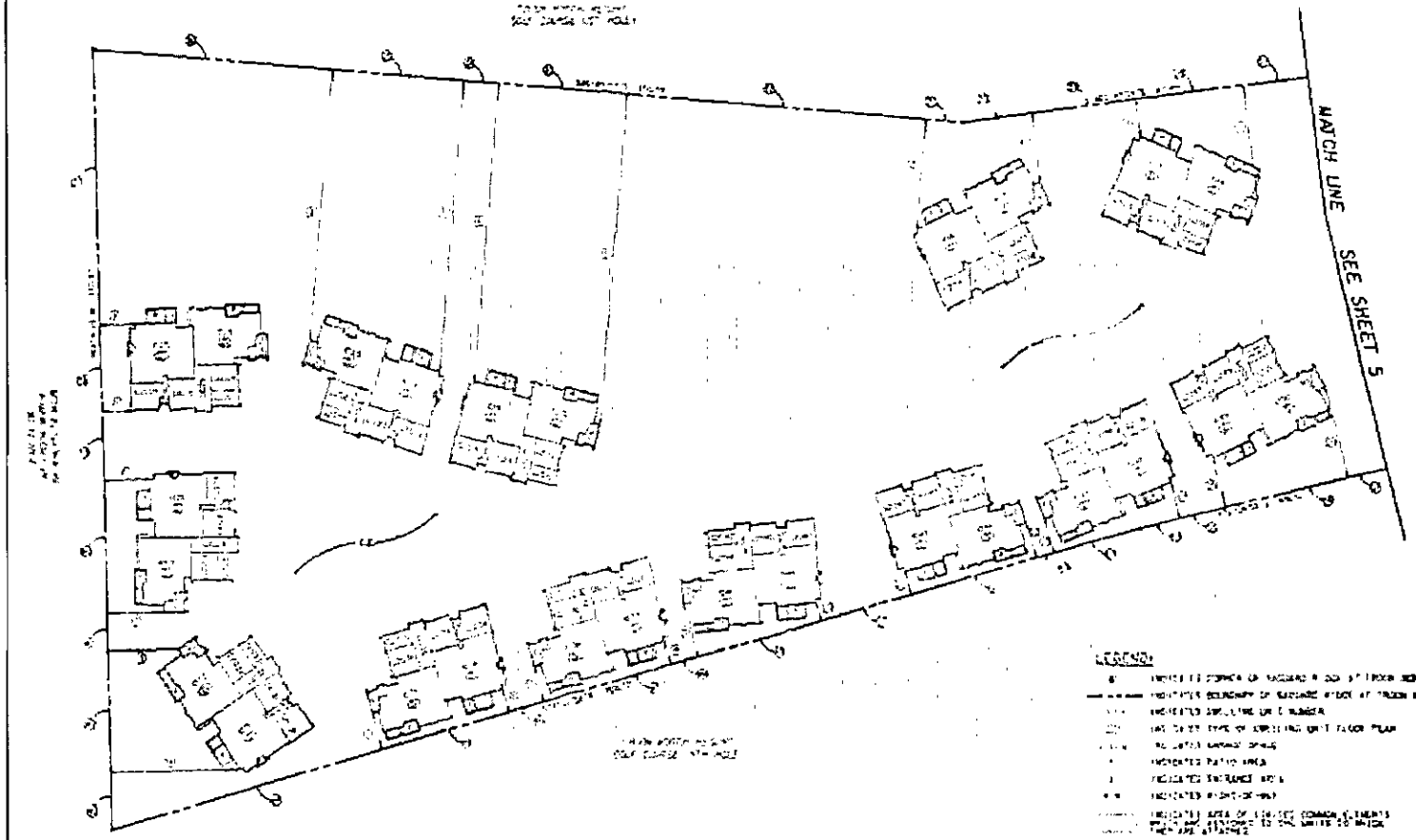
SAGUARO RIDGE AT TROON NORTH

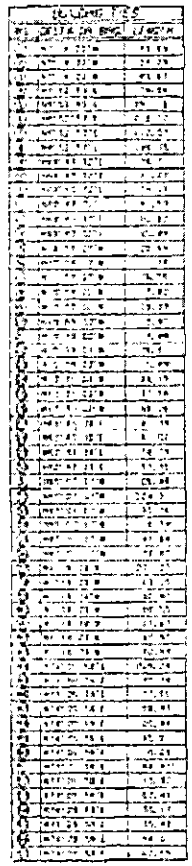
FIRST FLOOR LEVEL SITE PLAN

SHEET 5 OF 9

RICK

2937-04-3 Q.S. #31-32





BOOK 753 PAGE 22

2005-1014682

ENGINEERS COPY

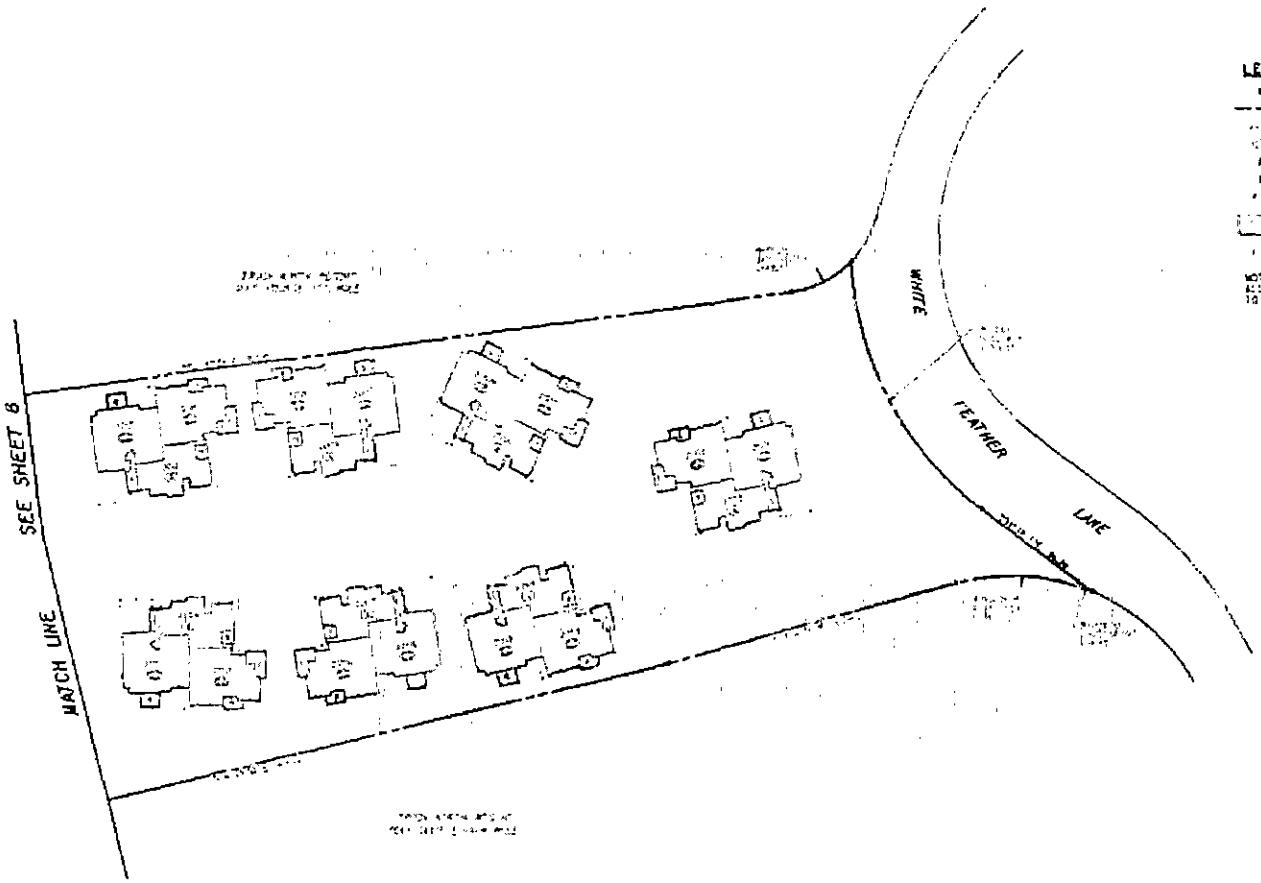
SAGUARO RIDGE AT TROON NORTH

FIRST FLOOR LEVEL SITE PLAN

SHEET 6 OF 9

RICK

2957-04-3 Q.S. #51-52



LEGEND:

- ▲ INDICATES CORNER OF SAGUARO RIDGE AT TROON NORTH
- INDICATES BOUNDARY OF SAGUARO RIDGE AT TROON NORTH
- INDICATES DWELLING UNIT NUMBER
- INDICATES TYPE OF DWELLING UNIT FLOOR PLAN
- B INDICATES BALCONY AREA
- E INDICATES ENTRANCE AREA
- INDICATES RIGHT-OF-WAY
- INDICATES AREA OF LIMITED COMMON ELEMENTS WHICH ARE APPURTENANT TO THE UNITS TO WHICH THEY ARE ATTACHED
- C.E. COMMON ELEMENT

NOTE:
ALL BUILDING TIES ARE PERPENDICULAR OR RADIAL TO THE PROPERTY LINE OR RIGHT-OF-WAY

BOOK 763 PAGE 22
OFFICIAL RECORDS OF MARICOPA COUNTY RECORDER
HELEN PURCELL
2005-1014562

N

ENGINEERS COPY

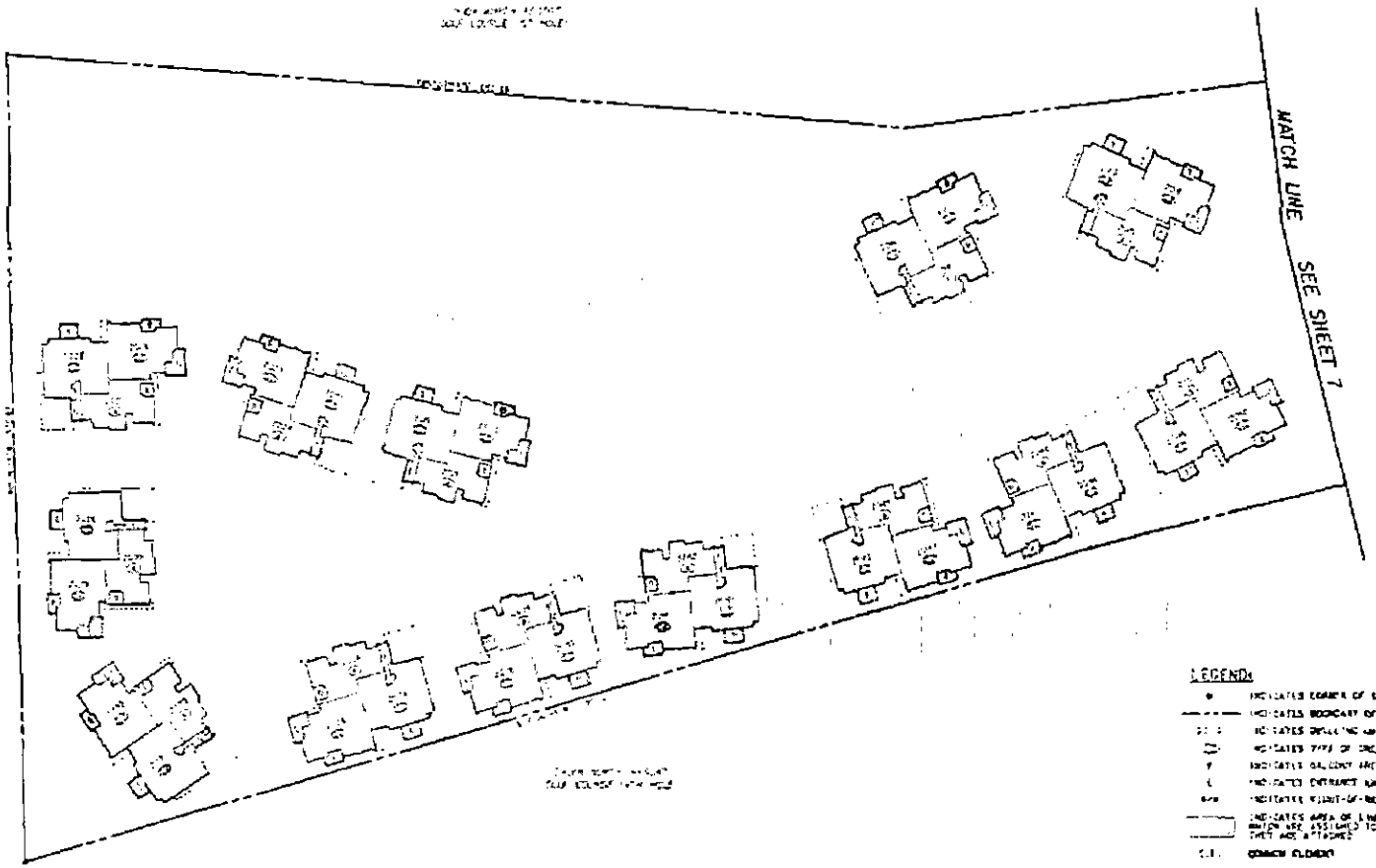
SECOND FLOOR LEVEL
SITE PLAN

SHEET 7 OF 9

SAGUARO RIDGE AT
TROON NORTH

RICK

2937-04-3 Q.S. #51-52



LEGEND:

- ● INDICATES CORNER OF SAGUARO RIDGE AT TROON NORTH
- INDICATES BOUNDARY OF SAGUARO RIDGE AT TROON NORTH
- INDICATES DWELLING UNIT NUMBER
- INDICATES TYPE OF DWELLING UNIT FLOOR PLAN
- INDICATES BALCONY AREA
- INDICATES ENTRANCE AREA
- INDICATES RIGHT-OF-WAY
- INDICATES AREA OF LIMITED COMMON ELEMENTS WHICH ARE ASSIGNED TO THE UNITS SO WHICH THEY ARE ATTACHED
- C.E. COMMON ELEMENT

NOTE:
ALL BUILDING TIES ARE PERPENDICULAR OR RADIAL TO THE PROPERTY LINE OR RIGHT-OF-WAY

BOOK 763 PAGE 22
OFFICIAL RECORDS OF MARICOPA COUNTY RECORDER
WILLIAM FREESTONE
2005-1014682

N

ENGINEERS COPY

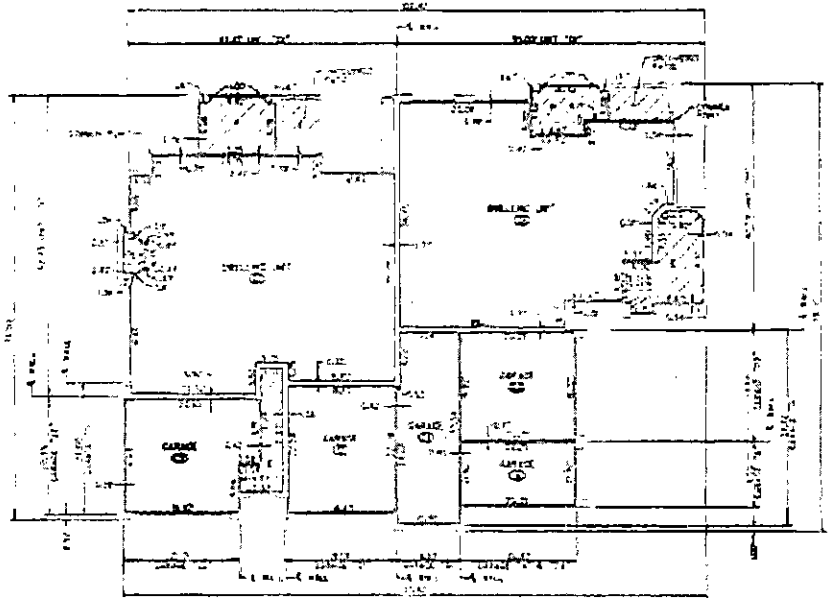
SECOND FLOOR LEVEL SITE PLAN

SHEET 8 OF 9

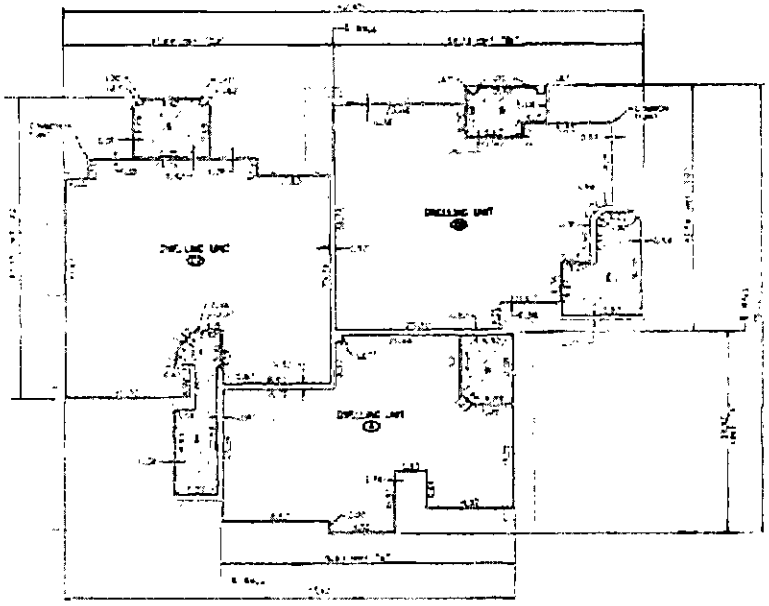
SAGUARO RIDGE AT TROON NORTH

RICK

2957-04-3 Q.S. #51-52



FIRST FLOOR



SECOND FLOOR

LEGEND:

NOTE:
ALL ANGLES ARE 90° OR 45° UNLESS OTHERWISE SPECIFIED.

BOOK 763 PAGE 22

2005-1814582

ENGINEERS COPY

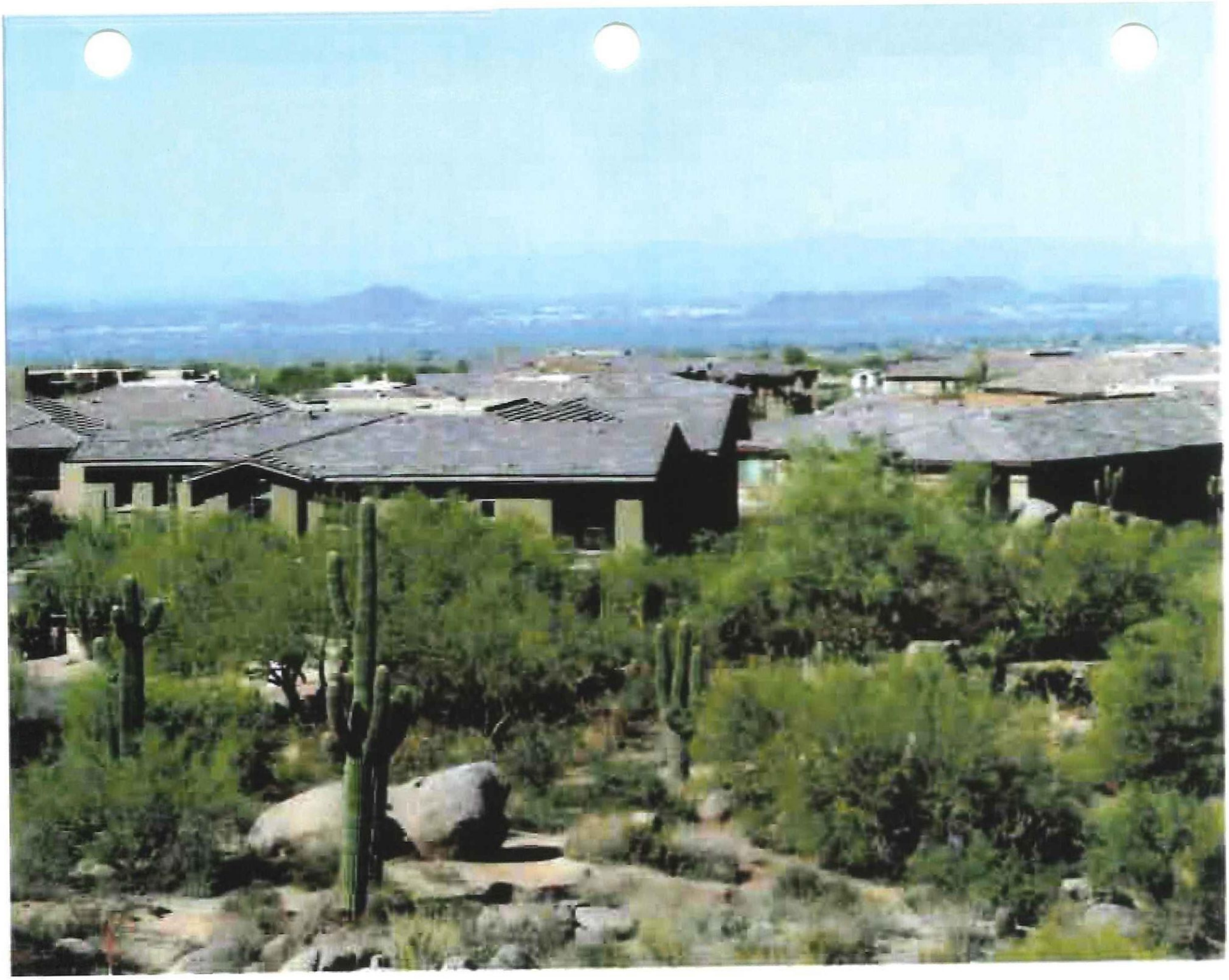
SAGUARO RIDGE AT
TROON NORTH

BOTH FLOOR LEVELS
BUILDING PLAN

SHEET 9 OF 9

RICK

2957-04-3 Q.S. #51-52



Parcel 3

- Plat: The Golf Villas at Troon North Condominium, Amended
  - Recorded on March 18, 1999 from case 95-DR-1995
  - There are 72 residential units placed in 14 buildings of 4 to 6 units each
  - The buildings are 1 & 2 story blocks of residential units placed on top of partially underground parking structures / the most common building type is about 200 feet long

Search (0) Tools (1)

Zoning (1)

Zoning	R-4R ESL (HD)

Center on Map

from this date to to this date

AMENDED CONDOMINIUM PLAT

THE GOLF VILLAS AT TROON NORTH CONDOMINIUM, AMENDED

AN AMENDMENT TO UNITS 1-4, 11-16 56-72 OF THE GOLF VILLAS AT TROON NORTH CONDOMINIUM
AS RECORDED IN BOOK 398, PAGE 18, OFFICIAL RECORDS OF MARICOPA COUNTY ,
A PORTION OF THE S.E. 1/4 OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 5 EAST
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

5/26/99

496-23

496 23

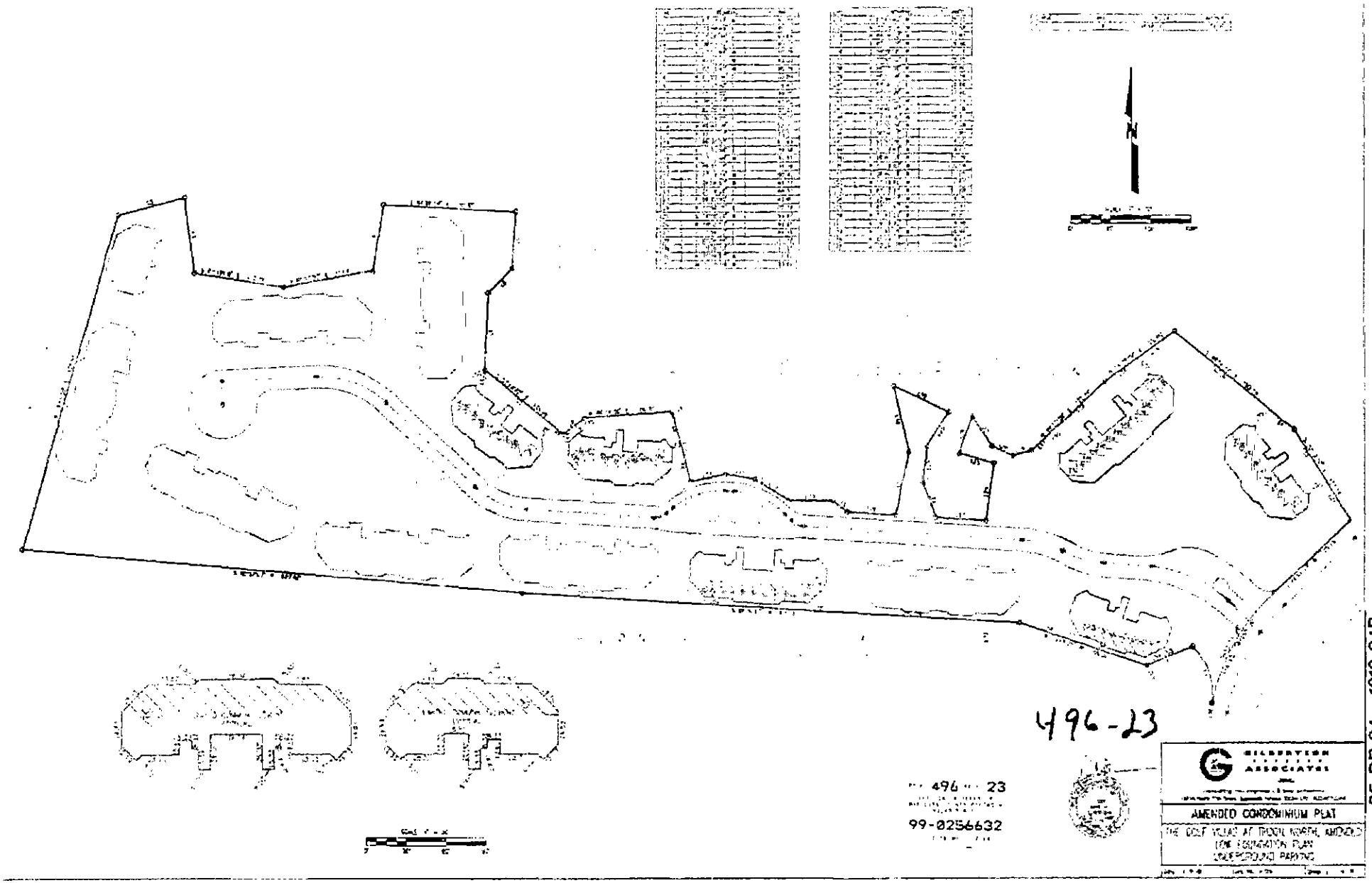
99-0256632

GILBERTSON ASSOCIATES

AMENDED CONDOMINIUM PLAT

THE GOLF VILLAS AT TROON NORTH CONDOMINIUM AMENDED

95-DR-1



496-23

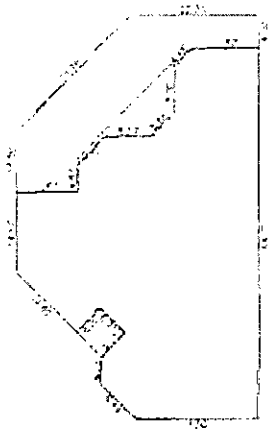
99-0256632

AMENDED CONDOMINIUM PLAT

THE GOLF VILLAS AT TROON NORTH, AMENDED
LOWER ELEVATION PLAN
UNDERGROUND PARKING

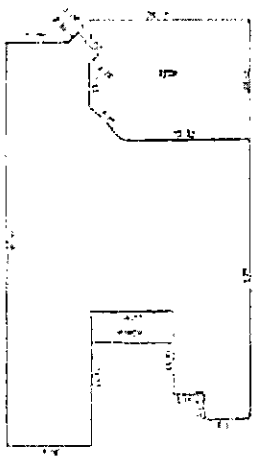
85-DR-94 1813-94B

95-DR-94 1613-94B

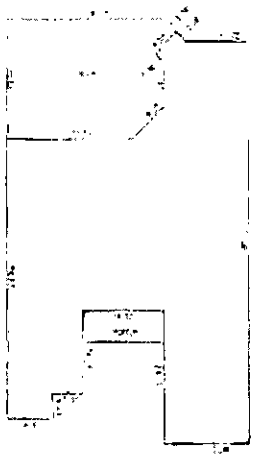


UNIT A

UNIT A REV.



UNIT D



UNIT D REV.

496-23

496 PAGE 23

99-0256632

95-DR-94 1613-94B

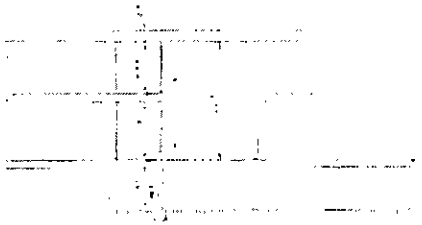
AMENDED CONDOMINIUM PLAT

THE GOLF VILLAS

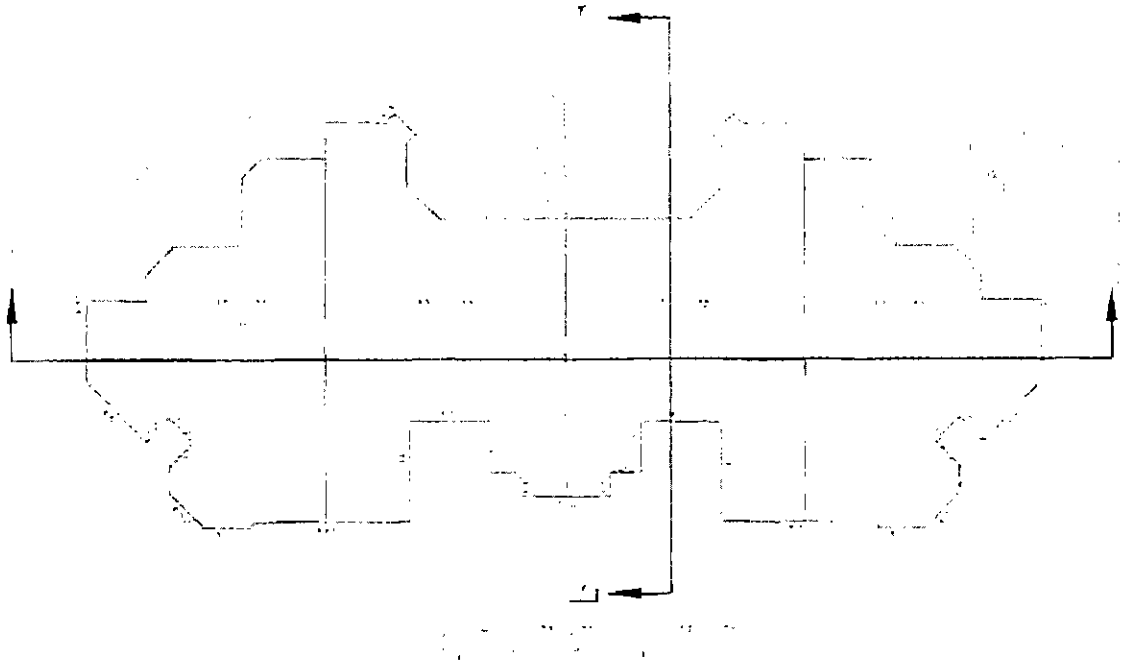
IT TOOK NORTH

CONDOMINIUM, UNRECORDED

SECTION A–A



SECTION B–B



496.23

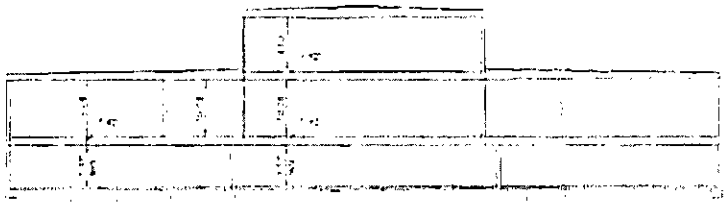
496 23

99-0256632

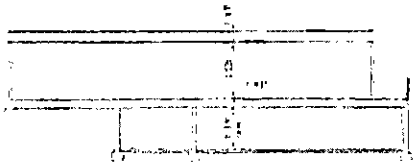
GILBERTSON ASSOCIATES

AMENDED CONDOMINIUM PLAT

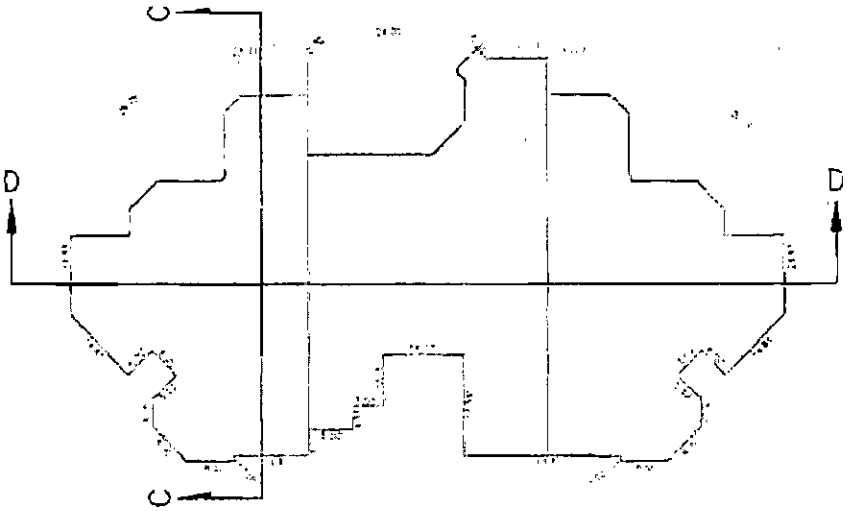
95-DR-94 1613-94B



SECTION D-D



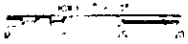
SECTION C-C



496-23

496 23

99-0256632

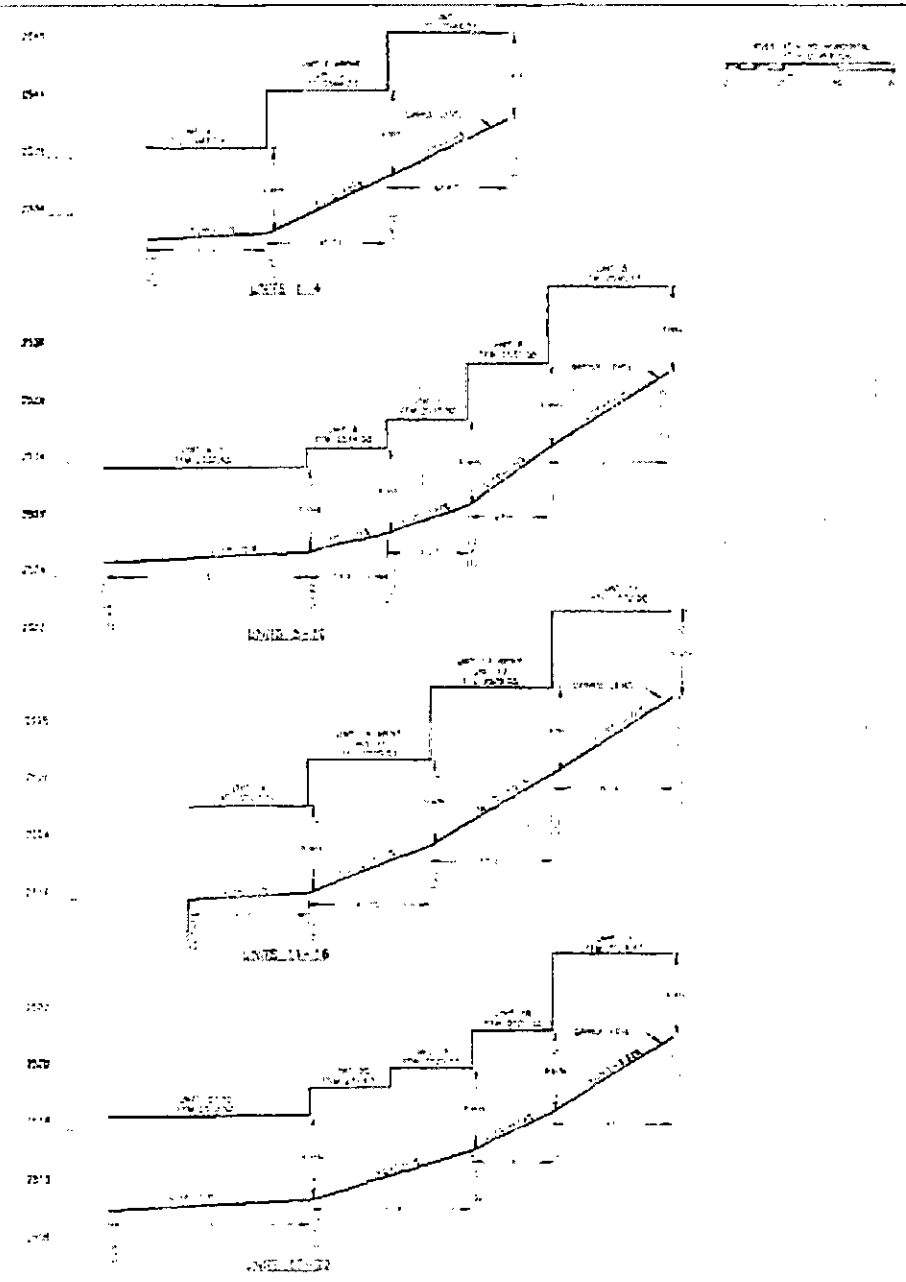


GILBERTSON ASSOCIATES

AMENDED CONDOMINIUM PLAT

THE GOLF VILLAS
A PLAT OF
CONDOMINIUM AMENDED

95-DR-94 1613-94B



496 PAGE 23

99-0256632

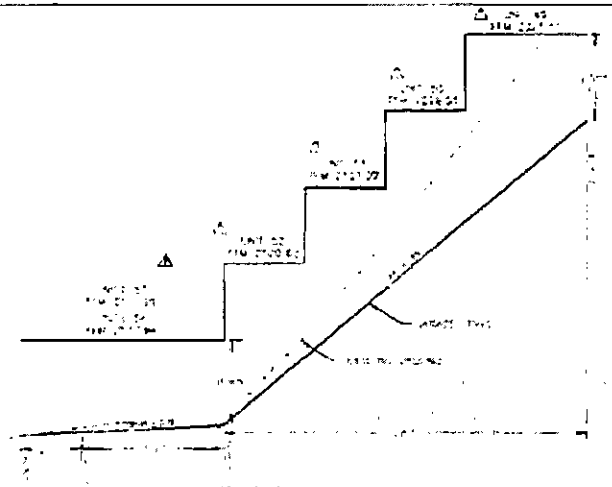
95-DR-94 1613-94B

496-23

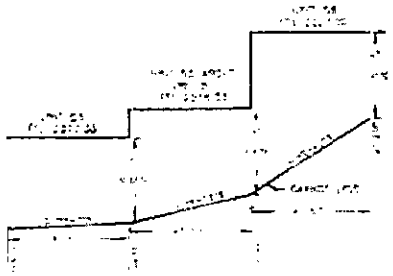
263-7100

AMENDED CONDOMINIUM PLAT

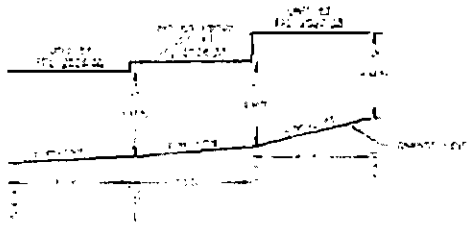
THE CREST NEAR AT TROON NORTH, AMENDED
UPPER FLOOR SECTIONS



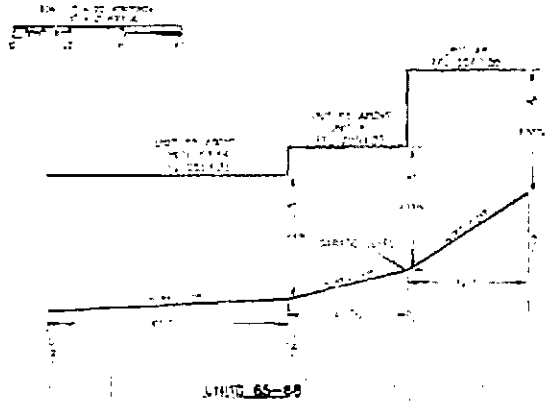
UNITS 49-54



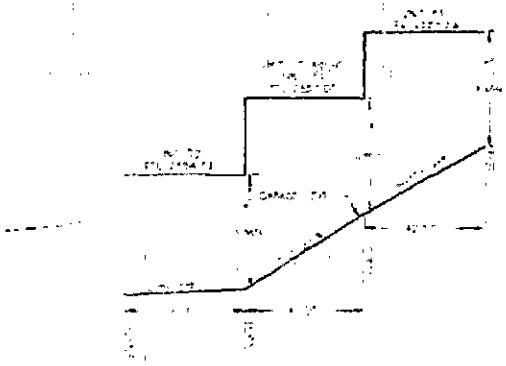
UNITS 55-58



UNITS 59-62



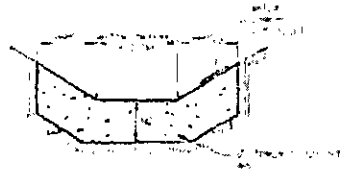
UNITS 65-68



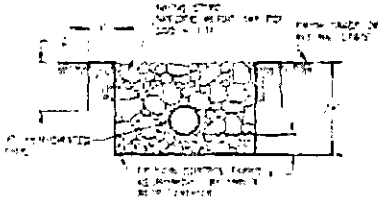
UNITS 69-72

WASH SECTION D-D

CHANNEL PROTECTION
N.T.S.



CUT-OFF WALL
N.T.S.



LOOSE STONE & PERFORATED PIPE
N.T.S.

496 PG 23

99-0256632

496-23

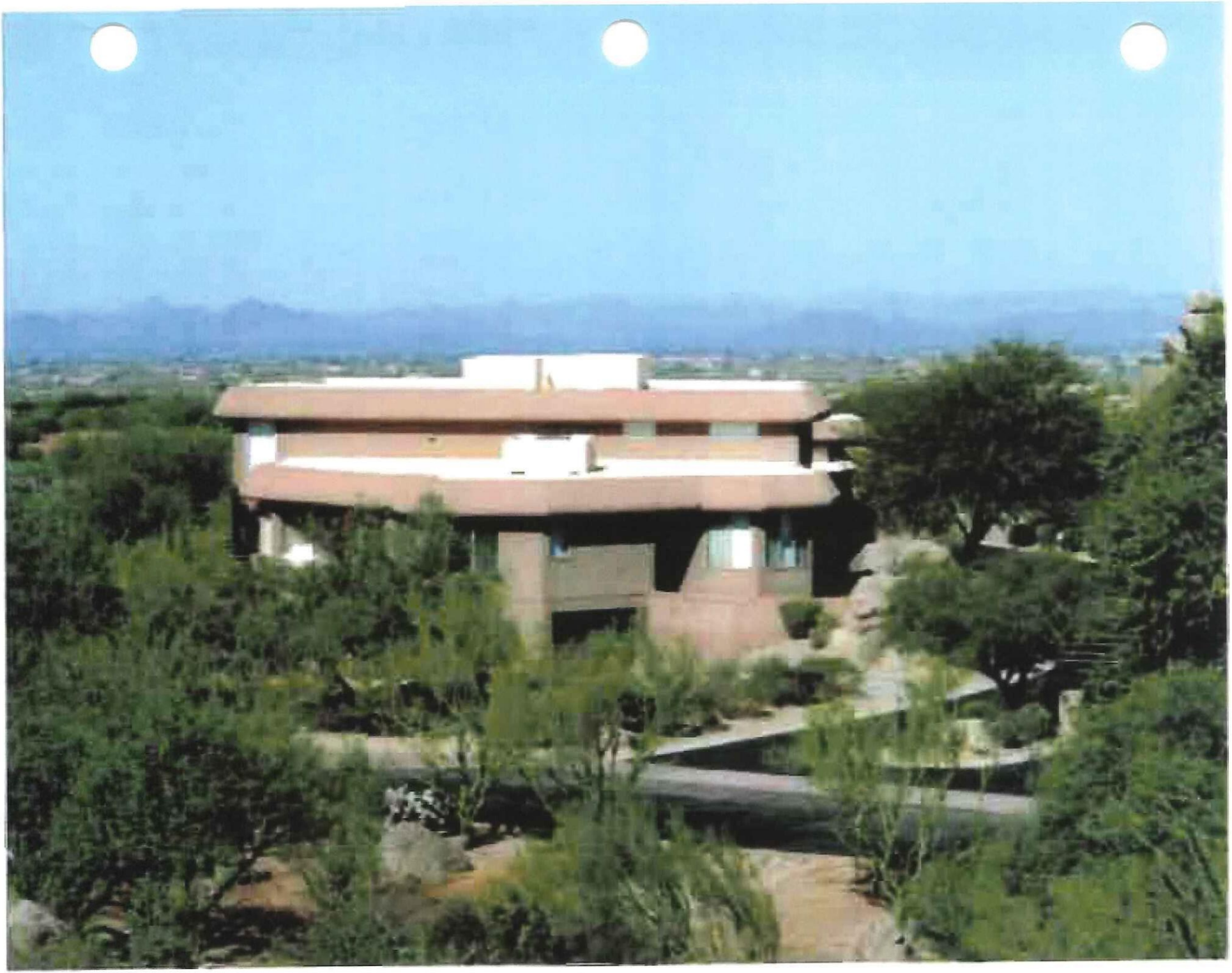
263-100

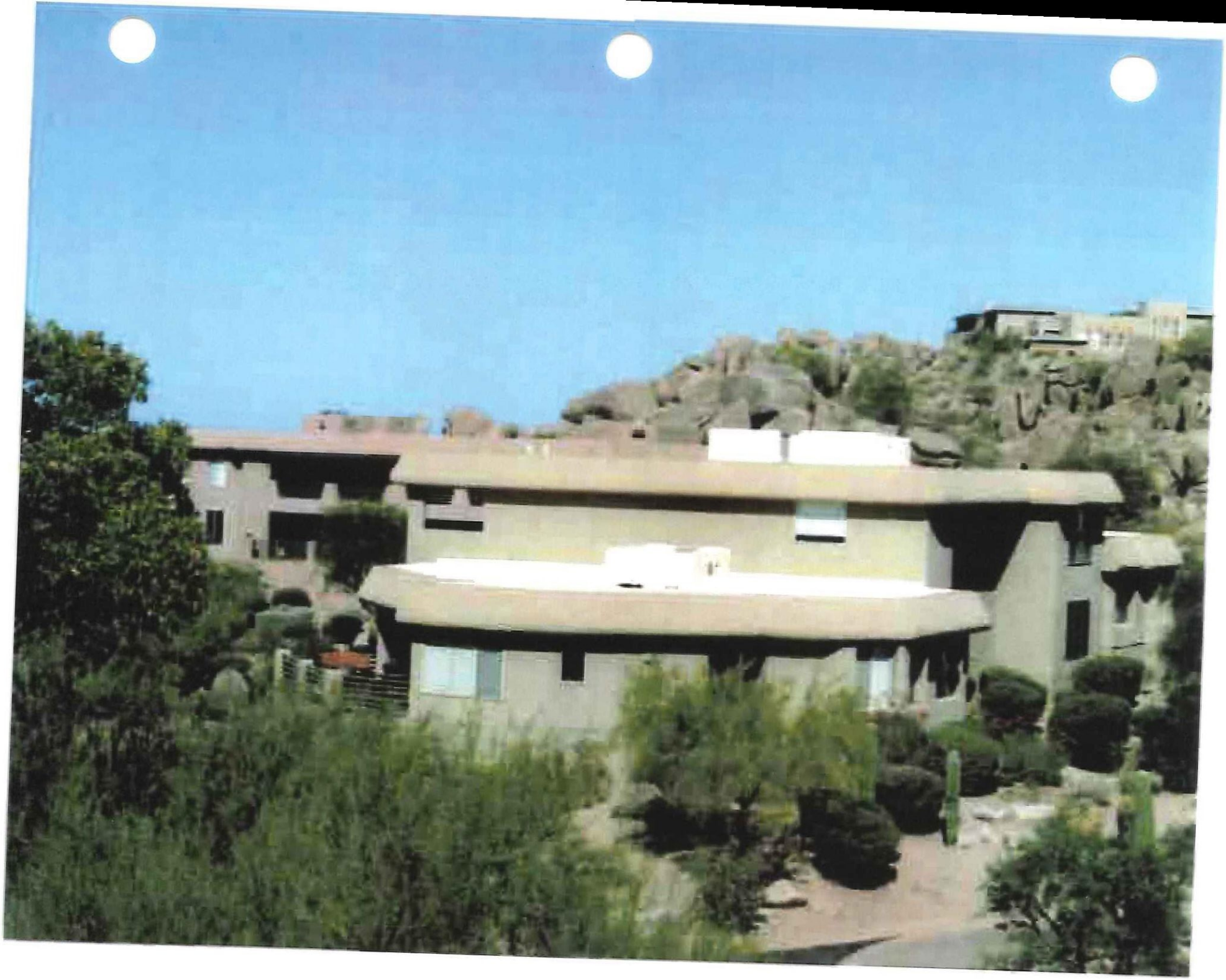
GILBERTSON ASSOCIATES, INC

AMENDED CONDOMINIUM PLAT

THE GOLF VILLAS AT TROON NORTH, AMENDED
DAVISE FLOOR SECTIONS

95-DR-94 1613-948





Parcel 4/5

- Plat: Stonedge at Troon North Condominium
  - Recorded on December 6, 1996 from case 58-DR-1996
  - There are 87 residential units built as row-houses
  - The building masses are typically composed of 2 or 3 units and are 2-stories tall / in many cases the separation between building masses is around 15 feet, giving the appearance of greater massing from a distance
  - Parking is provided in ground level garages

from this date to to this date

Parcel Boundary (2)

APN	216-72-758
Site Address	10222 E SOUTHWIND LN UNIT 61
Zip Code	85262
QS Number	51-52
Subdivision Name	THE GOLF VILLAS AT TROON NORTH CONDOMINIUM, AMENDED
MCR Number	496-23
Lot Number	-
Tract Name	-
Zoning	R-4R ESL (HD)
Fema	X
ESL Type	-

Center on Map | Link to Assessor

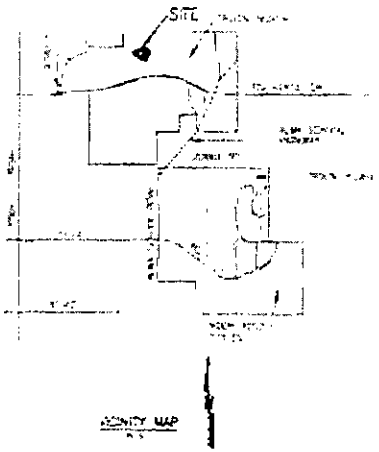
APN	216-72-757
Site Address	10222 E SOUTHWIND LN UNIT 60
Zip Code	85262
QS Number	51-52
Subdivision Name	THE GOLF VILLAS AT TROON NORTH CONDOMINIUM,

Zoning (1)

FINAL CONDOMINIUM PLAT

STONEDGE AT TROON NORTH CONDOMINIUM

A 67 UNIT CONDOMINIUM OVER A PORTION OF SECTION 29,
TOWNSHIP 5 NORTH, RANGE 5 EAST
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



LEGEND

GENERAL NOTES

429 32

96-0852957

11/25/96

11/26/96

11/25/96

November

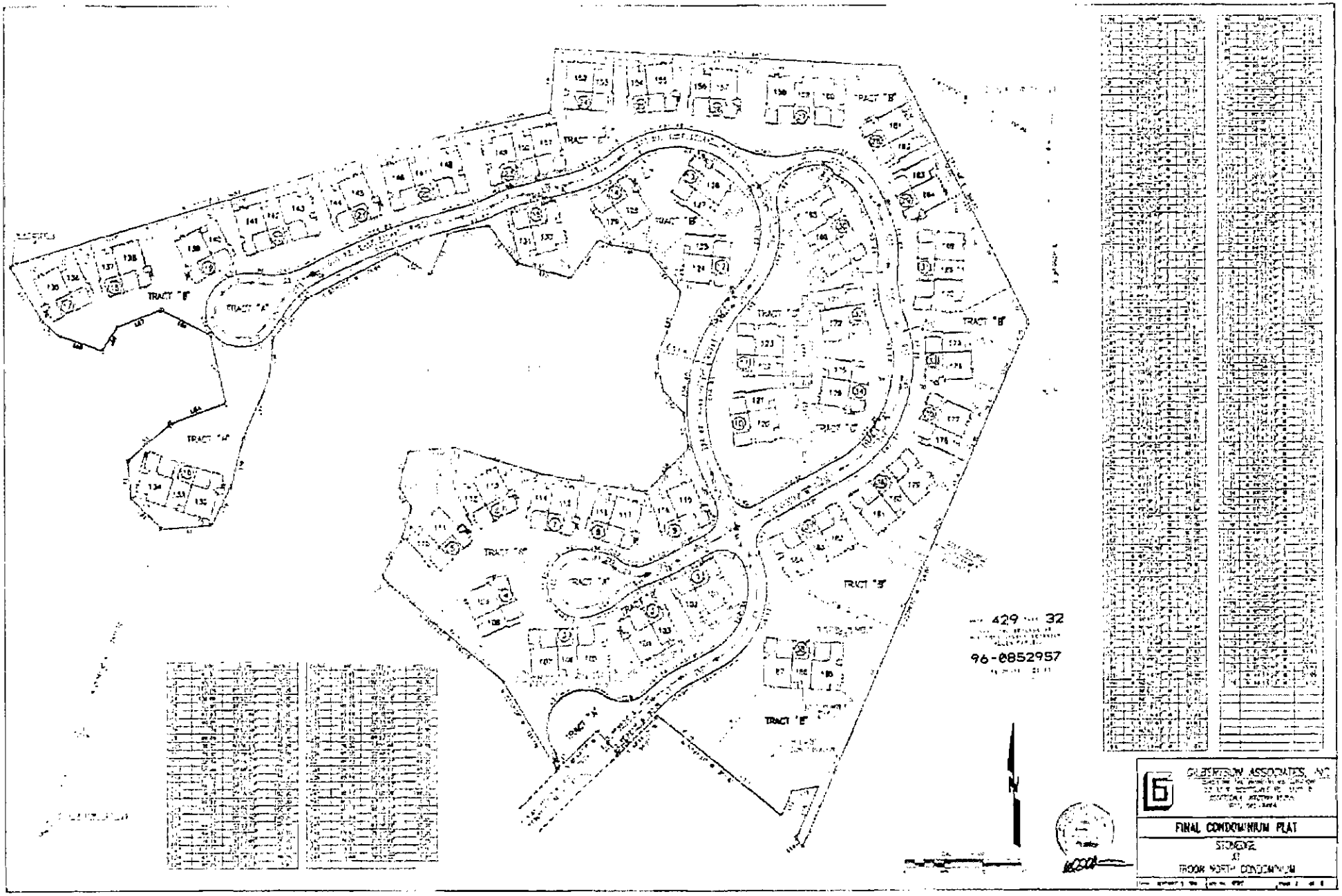
11-26-96

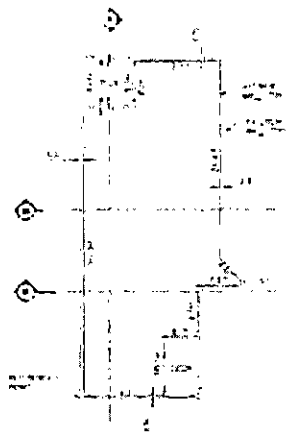
GILBERTSON ASSOCIATES, INC.

FINAL CONDOMINIUM PLAT
STONEDGE
AT
TROON NORTH CONDOMINIUM

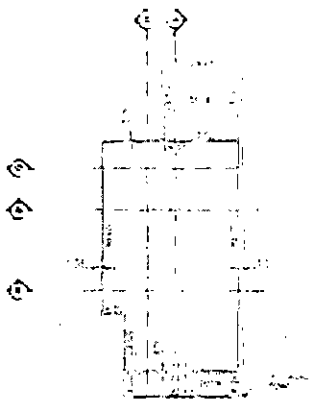
58-DR-96 1737-E-96

1 of 22

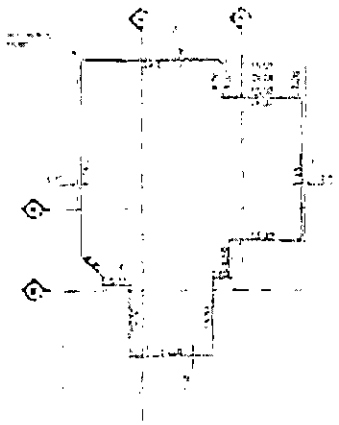

TRACT "B"
TRACT "A"
TRACT "C"
TRACT "D"
TRACT "E"
429 32
96-0852957
N
FINAL CONDOMINIUM PLAT
STORAGE
AT
TROON NORTH CONDOMINIUM



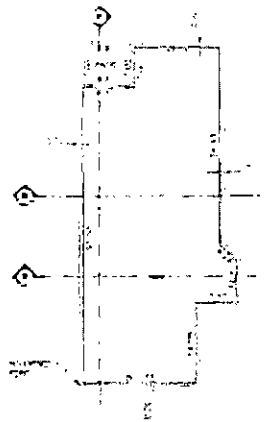
PLAN 1
2nd LEVEL FLOOR PLANS



PLAN 2
2nd LEVEL FLOOR PLANS

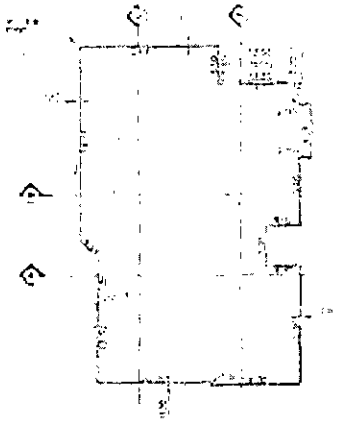


PLAN 3
2nd LEVEL FLOOR PLANS



PLAN 1
1ST LEVEL FLOOR PLANS

PLAN 2
1ST LEVEL FLOOR PLANS



PLAN 3
1ST LEVEL FLOOR PLANS

-- 429 -- 32

96-0852957

FINAL CONDOMINIUM PLAT

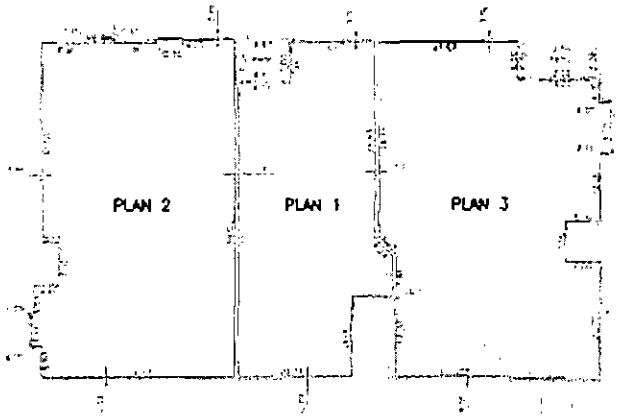
STONEDGE

AT

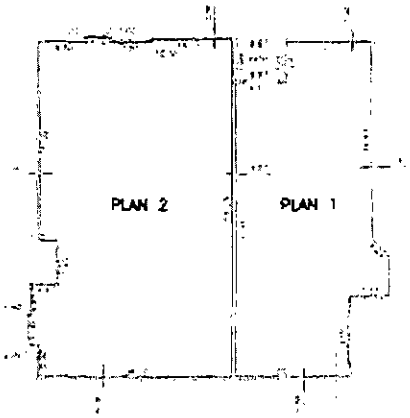
TROON NORTH CONDOMINIUM

68-DR-

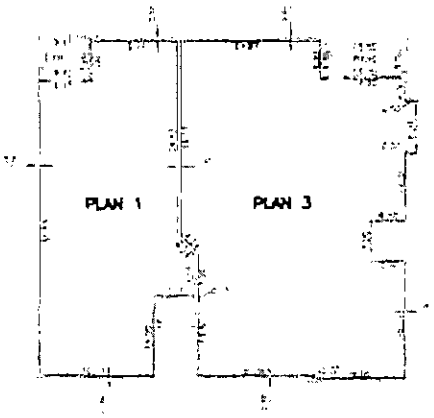
LOD .32



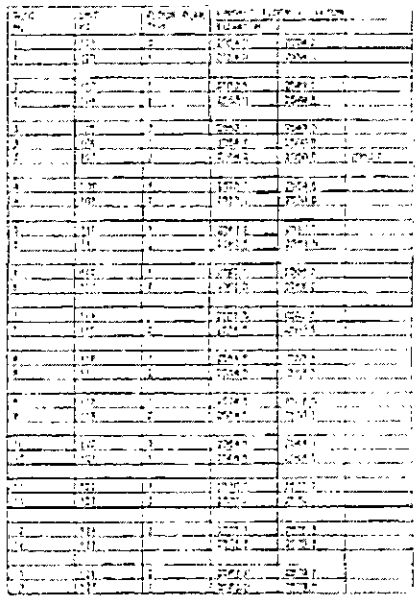
BUILDING TYPE 1 & 2

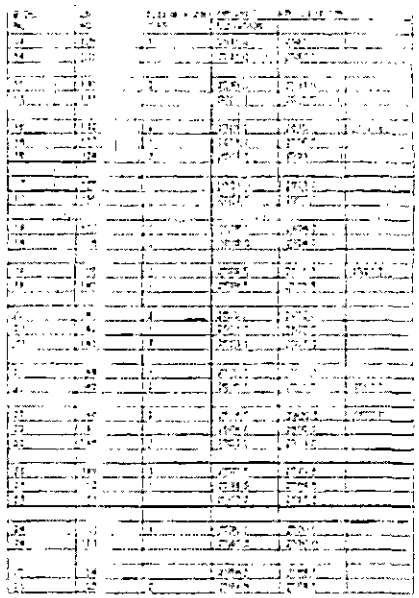


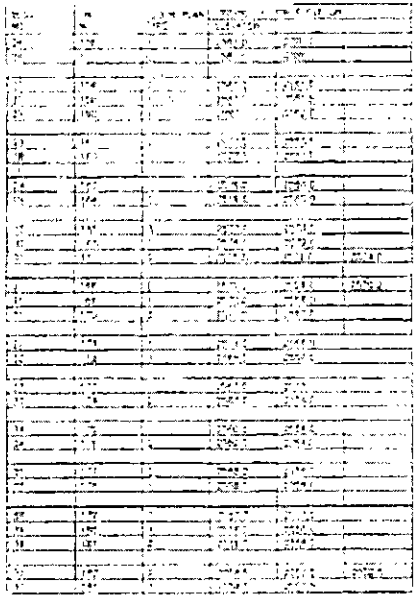
BUILDING TYPE 3, 4 & 5

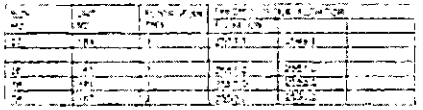


BUILDING TYPE 6









BOOK 429 PAGE 32

96-0852957

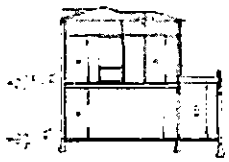
GILBERTSON ASSOCIATES, INC.

FINAL CONDOMINIUM PLAT

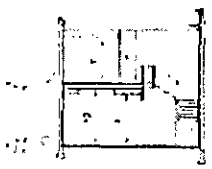
STONEDGE AT TROON NORTH CONDOMINIUM

58-DR-96 1737-E-96

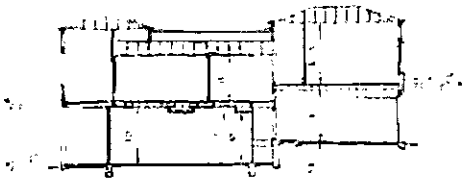
LOT 32



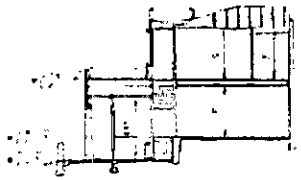
PLAN 1
SECTION E



PLAN 1
SECTION B

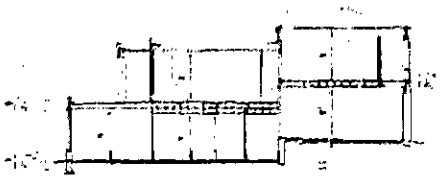


PLAN 1
SECTION F

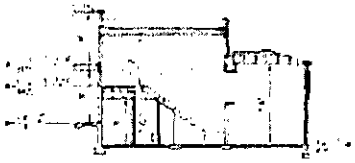


PLAN 2
SECTION E

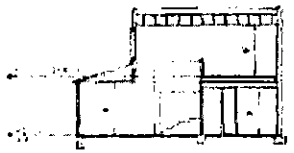
PLAN 2
SECTION B



PLAN 2
SECTION A



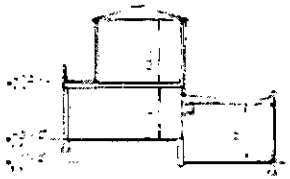
PLAN 2
SECTION C



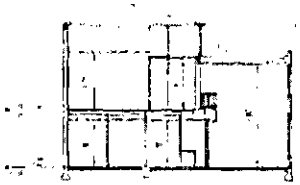
PLAN 2
SECTION D

429 32

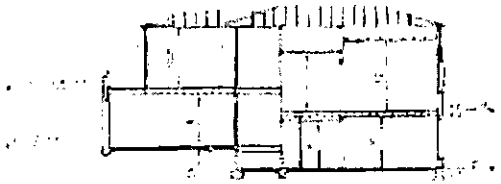
96-0852957



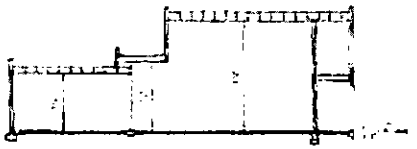
PLAN 3
SECTION E



PLAN 3
SECTION B



PLAN 3
SECTION J



PLAN 3
SECTION H

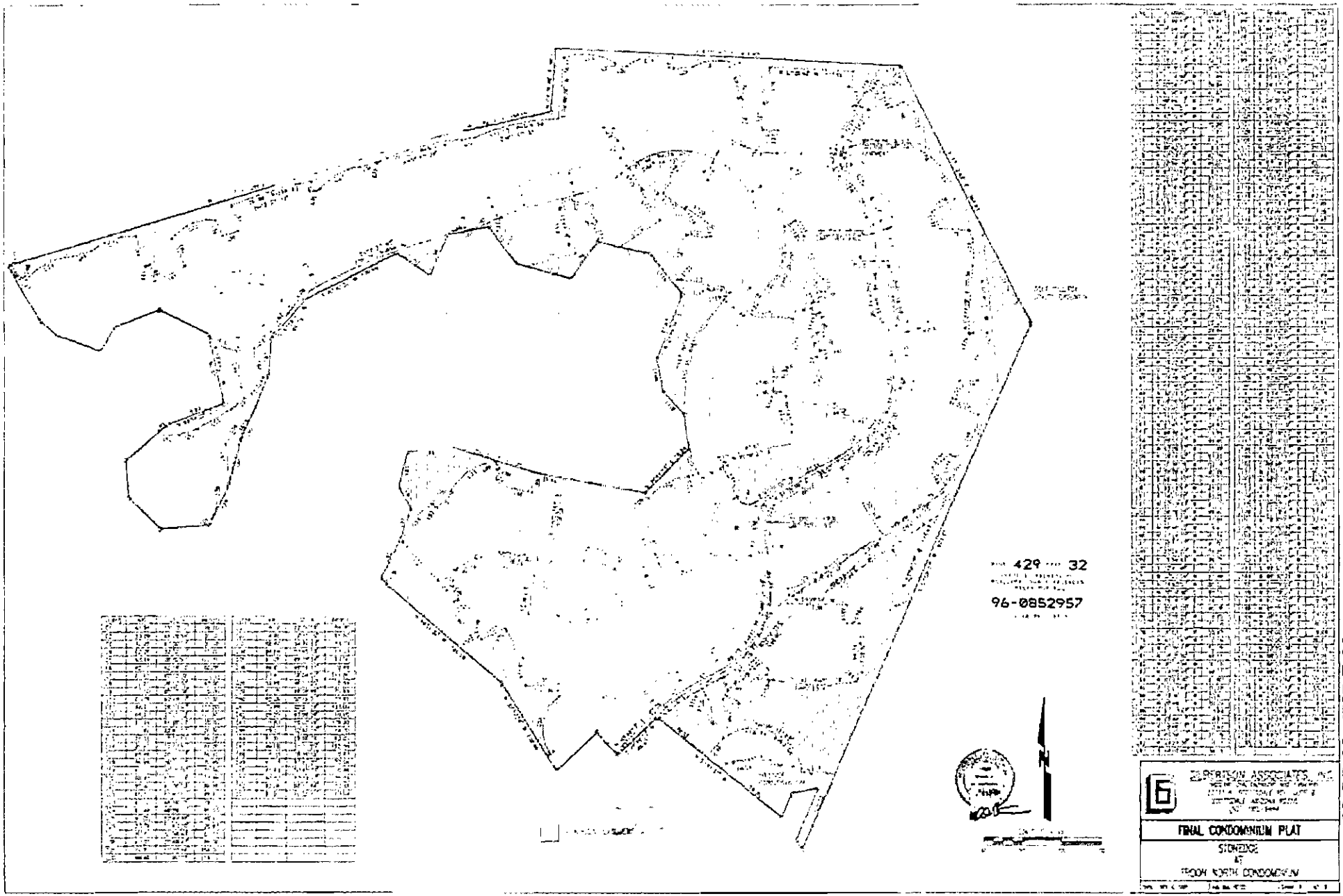
GILBERTSON ASSOCIATES, INC.

FINAL CONDOMINIUM PLAT

SCHEDULE
OF
MOON NORTH CONDOMINIUM

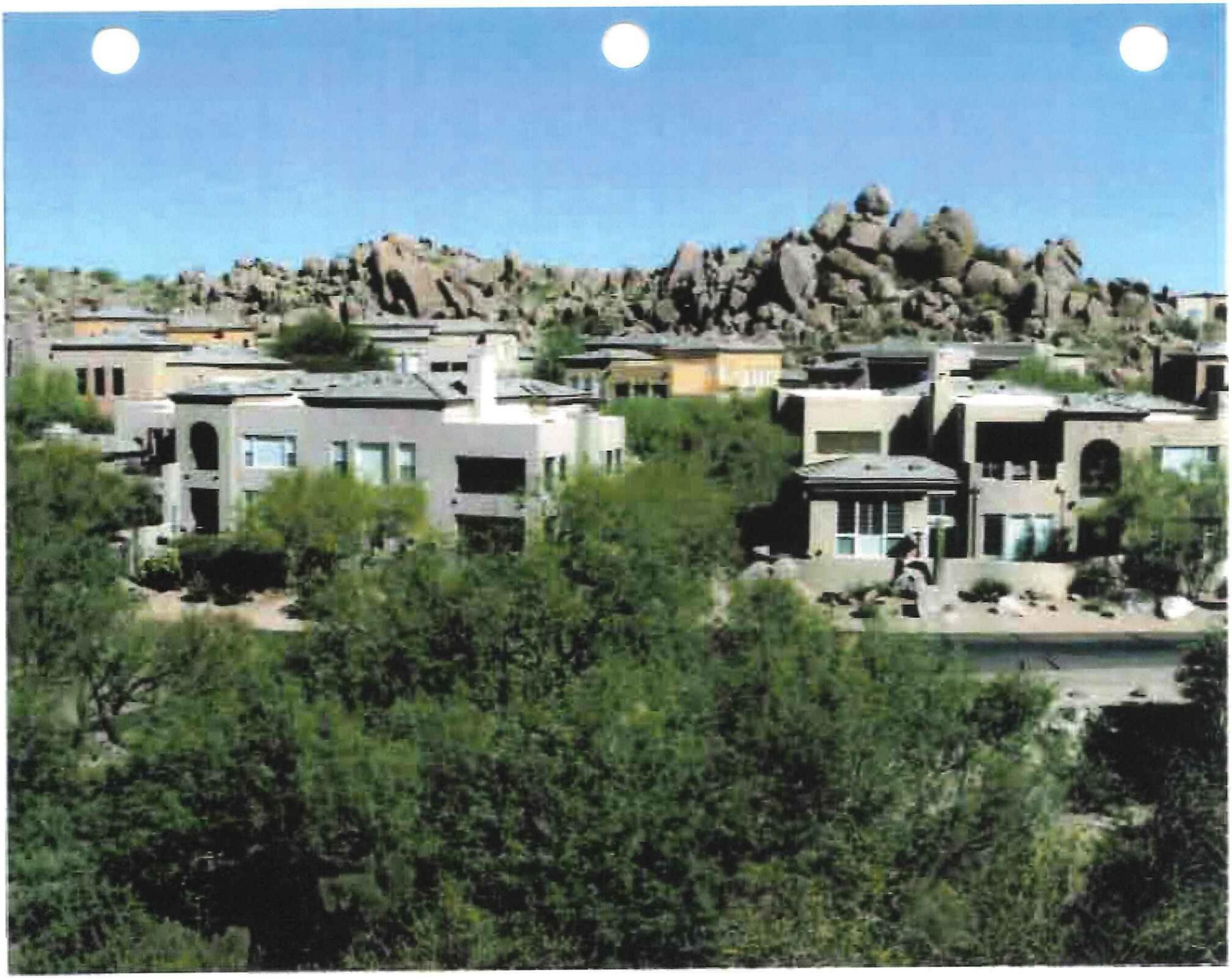
68-DR-96 1737-E-98

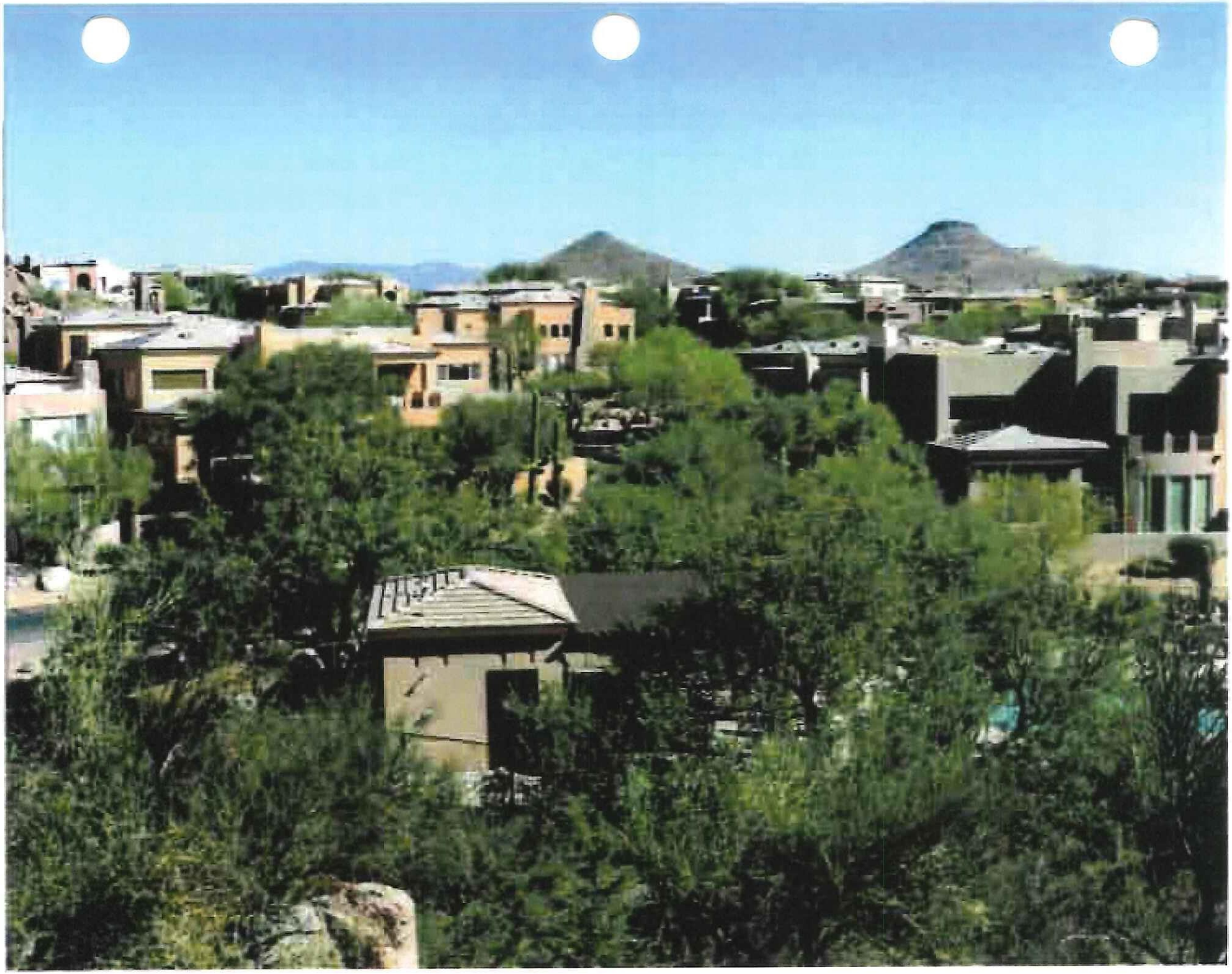
100 32



58-DR-96 1737-E-96

1100 30





W

Golf Course Policy

- Approved on May 20, 1997.
- This provides insight on city attitudes and expectations for golf courses as well as their relationship to the tourism industry.
- Staff report
  - This cites the importance of golf in Scottsdale and the desire to keep golf in Scottsdale's future.
- Section III Economic Issues
  - The lead-in cites importance of golf with emphasis on relationship to tourism.
  - The "Tourism" sub-section provides levels of impact for tourism and golf on the local economy.
  - Goal 7 / Strategy 7.2: "The development of public courses and resort-related courses should be encouraged because of their financial return to the community."
- Section V Water Supply and Infrastructure Issues
  - Goal 11: "Golf courses should develop a separate and distinct water supply and delivery system so as not to negatively impact service to the overall community or divert potable water available for citizen consumption."
- "Golf Course Assumptions and Concerns"
  - "Tourism is the number one economic sector in the Scottsdale economy."
  - "Golf is an important component of the tourism industry – approximately 20-25% of all visitors to Scottsdale play golf."
  - "Public golf courses (esp. those tied to a resort) are more beneficial than private courses, as they provide a greater economic return to the community and greater recreational value for its residents."
- There are 21 golf courses in northern Scottsdale. Of these only 5 are for public play (2 at Troon North) and just one is a true resort play course. The remaining 15 courses are private.

COUNCIL ACTION REPORT

TO : Mayor and City Council
FROM : Community Planning
SUBJECT/PROJECT NAME : Golf Course Policy

Agenda Item No.: 21
Meeting Date: 05/20/97
Staff Contact: Randy Grant
Ext. : x7995

RECOMMENDATION

It is recommended that the City Council approve the Golf Course Policy and direct staff to continue preparation of documents to implement the policy.

FACTS

Golf courses are an important land use in the community. Currently there are 26 courses in Scottsdale, providing recreational opportunities for residents and visitors, and representing a significant component of the Scottsdale economy. Up to 12 additional courses may be built in the future, given the infrastructure plans being considered to provide water to new courses.

In three retreat meetings in the summer and fall of 1996, City Council and Planning Commission members discussed a number of issues related to the golf industry and asked that staff prepare a policy that could be used to guide the development of future golf courses in Scottsdale. Guided by the discussion of a subcommittee comprised of representatives of both City Council and Planning Commission, a number of issues were identified that are the focus of this policy. Although addressed separately, these key issues are interrelated and must be balanced with one another in the overall interest of the community. The issues are categorized as 1) Environmental, 2) Land Use, 3) Economic 4) Open Space, and 5) Water Supply and Infrastructure.

This policy is designed to provide a balance between these five issue areas, and to provide a framework for formalizing the unwritten policies that have been developed over time regarding the development of golf courses.

COMMUNITY IMPACT:

By developing a written policy on golf, the quality of the discussion on new courses will be heightened, as community consensus on specific issues has been reached. The policy also will help to define the community's expectation for new golf courses in each of the five issue areas, and provide direction to insure that golf remain a sustainable part of Scottsdale's future.

Action Taken Approved 7/0

FISCAL IMPACT:

This policy will require that staff resources be provided to review and evaluate future golf courses. Given the limited number of new courses that are expected to be built in the future, it is not expected that additional staff will be required, but some staff may need additional training or consultant resources may be necessary on a short term basis when courses submit use permit applications.

Debbi Dollar
Community Planning Administrator

Richard A. Bowers
City Manager

Draft

Scottsdale Golf Course Policy

City of Scottsdale

May, 1997

05/06/97

Prepared for Presentation to Scottsdale City Council and Scottsdale Planning Commission by:

Community Planning Department
Environmental Management Office
Community Development Department
Economic Development Office
Water Resources Department
Preservation Office

and
Scottsdale Environmental Quality Advisory Board

BACKGROUND

The striking natural beauty and ideal climate of Scottsdale have contributed to the increasing role golf has played in defining the community's image and lifestyle, as well as its role in developing the local economy. Scottsdale's golf courses are destinations for tourists from all parts of the world and provide recreational opportunities for an increasing number of Valley residents. Many of the new residential developments have incorporated golf as an amenity for their residents, and many local resorts rely on golf as a lure to attract buyers. As the attached "Golf in Scottsdale" report indicates, the economic impact of the golf industry in the Valley, and particularly in Scottsdale, is substantial.

At the same time, the desire for preservation of desert resources and environmental protection have prompted increased awareness for the need to maximize the environmental sensitivity of golf courses, and focused attention on the expectation of continuing a high standard of environmental performance from these facilities.

In three retreat sessions in the summer and fall of 1996, City Council and Planning Commission members discussed a number of issues related to the golf industry and asked that staff prepare a policy that could be used to guide the development of future golf courses in Scottsdale. Guided by the discussion of a subcommittee comprised of representatives of both City Council and Planning Commission, a number of issues were identified that are the focus of this policy. Although addressed separately, these key issues are interrelated and must be balanced with one another in the overall interest of the community. The issues are categorized as:

1) Environmental Issues

2) Land Use Issues

3) Economic Issues

4) Open Space Issues

5) Water Supply and Infrastructure Issues

Proactive planning, as envisioned by CityShape 2020, requires that all aspects of land use decisions be measured against a standard reflected in the Guiding Principles: 1) Preserve Meaningful Open Space, 2) Enhance Neighborhoods, 3) Support Economic Vitality, 4) Seek Sustainability, 5) Advance Transportation, and 6) Value Scottsdale's Unique Lifestyle and Character. These principles have been integrated into the development of this policy. Achievement of "Character" and "Quality", two overriding expectations of the community in all new development, have also been fundamental considerations in the development of this policy.

This report recognizes that golf courses are one of the many land uses that contribute to a well-balanced livable community. Many existing courses in Scottsdale have generally incorporated elements of "character" and "quality", and have met many of the policies, goals and strategies that follow. This policy is designed to elevate the discussion on these five issue areas in the public dialogue, formalize policies that have been developed incrementally over time in the development process, and to heighten the level of understanding on the role of golf in the community.

This report is structured to focus on the five issue areas outlined above. A summary overview has been included for each issue area, followed by one policy recommendation, one or more goals for each policy, and one or more strategies to help accomplish each goal. To fully implement the recommendations contained in this report, several additional actions would be required. These actions include:

1) Establishment of the criteria for Resource Management Plans

2) Amendment of the Environmentally Sensitive Lands Ordinance

3) Amend the General Plan

4) Amend the Zoning Ordinance

5) Develop a Recognition and Incentive Program

6) Study the larger issue of a community Open Space Policy

A number of attachments have also been included with this policy to provide reference material if needed. The attachments consist of:

a) Environmental Principles for Golf Courses in the United States

b) Draft Outline of Natural Resources Management Plan Contents

c) Analysis of "Meaningful Open Space" by Desert Preservation Task Force

d) *"Golf in Scottsdale"* by City of Scottsdale Economic Development Office

e) Consultant Report on Environmental Issues from Jones and Stokes, Inc.

I. Environmental Issues

Nationally, the golf industry has recognized that high standards of environmental performance are expected from golf courses, just as they have become expected of other industries. In response to this perception, the golf industry has worked to develop environmental standards and guidelines for golf courses and to encourage courses to demonstrate environmental leadership and vision. This effort has been designed to: 1) maximize environmental sensitivity throughout the life of a golf course, from initial design and construction and on through the operation and management practices of the course, and 2) encourage existing golf courses to upgrade and enhance their operating procedures so that environmental performance becomes a "continuous improvement" focus for the course.

The golf courses being developed in Scottsdale are among the best in the world. They attract international attention through events such as the Phoenix Open, Traditions, and Anderson Consulting World Championship of Golf tournaments. While the new golf courses being developed here extremely high quality, there remains the opportunity to work with golf course developers and superintendents to insure that they are models of environmental sensitivity, and that they contribute to the long-term environmental sustainability of the community.

This policy is designed to be a blueprint for environmental excellence in the golf industry. Many of the guidelines contained in this section are already being studied and addressed by golf courses now being developed., but could be even more consistently and effectively developed for discussion during the development process - allowing the vision of the course and its high environmental standards to be shared with the community and decision makers.

GOLF COURSE POLICY RECOMMENDATION - ENVIRONMENT: Golf Courses should promote and contribute to the environmental sustainability of Scottsdale.

GOAL 1: **Encourage high levels of environmental performance in the design and management of new golf facilities.**

Strategy 1.1 - New Golf Courses in Scottsdale should be developed in conformance with the *Environmental Principles for Golf Courses in the United States*. These Principles have been developed by the Center for Resource Management and endorsed by more than two dozen golf industry

and environmental groups, including the United States Golf Association, the United States Environmental Protection Agency, the American Association of Golf Course Architects, the National Golf Foundation, the National Wildlife Association, and the Golf Course Superintendents Association of America (a copy of the Principles are attached to this policy).

Strategy 1.2 - The applicant has flexibility in determining how these environmental principles are incorporated into the project. Criteria for environmental management should be incorporated into the project either by:

a) Private review and enforcement through a recognized golf course certification program approved by the city, such as the Signature Certification program offered by Audubon International (or approved equivalent), OR

b) Preparation by the applicant of a *Resource Management Plan* to guide design, development and management of the course.

Strategy 1.3 - Should the applicant choose to prepare and submit a *Resource Management Plan* (Strategy 1.2(b)) the following issues should be addressed by the Plan:

- Site Evaluation/Constraints and Sensitive areas
- Water Quality
- Water Conservation/Plant palette
- Detention/Retention Management
- Integrated Pest Management
- Air Quality
- Agronomic Considerations
- Waste Reduction and Management
- Energy Conservation
- Public Education
- Wildlife habitat/Ecological considerations
- Native plant preservation
- Pesticide safety
- Environmental management/Continuous Improvement
- Integration with other land uses

Strategy 1.4 - Ongoing golf course management should incorporate sustainability principles and should follow the Resource Management Plan submitted and approved with the use permit or as directed by the certification program for Audubon International or other equivalent certification program..

GOAL 2: Encourage existing golf facilities to improve environmental performance.

Strategy 1.1 - A program to assist existing courses to enhance environmental sensitivity should be developed. This program should include education on the environmental and economic benefits of an environmental focus to course management through such actions as water conservation and chemical and waste reduction.

Strategy 2.2 - For existing courses, a recognition and incentive program should be developed to recognize and encourage environmental awareness and sensitivity.

Strategy 2.3 - This program should include recognition of the continuous improvement in the following areas:

- Water Conservation
- Chemical Storage and Management
- Integrated Pest Management
- Air Quality
- Waste Reduction
- Public Education
- Ecological Enhancements

GOAL 3: Encourage environmental sensitivity and resource protection in every phase of course development and management.

Strategy 3.1 - Identification of wildlife habitat areas and environmentally sensitive areas should occur early in the site evaluation process and protection of these areas should be a basis for site design of the course.

Strategy 3.2 - Grading and drainage of golf courses should be compatible with and reflect the character of their immediate environment.

Strategy 3.3 - Effective Integrated Pest Management should be utilized by all golf courses as a way to minimize pesticide and herbicide usage.

Strategy 3.4 - Transit connections, shuttles, and other alternative transportation opportunities with hotels, resorts, and other user groups should be encouraged and incorporated into the siting and design of the course.

Strategy 3.5 - Equipment utilized in the maintenance of golf courses and associated development should take into consideration that Scottsdale is in a non-attainment area for air pollutants.

Strategy 3.6 - Golf courses should be designed to respect natural features such as boulder outcroppings, washes, natural terrain, specimen or rare native plants, and views and vistas off the course.

GOAL 4: Develop and communicate effective communication on the environmental benefits of golf courses developed, improved, or managed consistent with this policy (both future and existing courses).

Strategy 4.1 - Economic development efforts to attract future visitors and businesses to Scottsdale should include recognition of the environmental benefits of environmentally sensitive golf course development and maintenance. Golf course development should serve to position the city as a national leader in sensitive and compatible environmental design.

Strategy 4.2 - Golf courses are encouraged to display information regarding the course's Resource Management Plan and the steps being taken by the course to promote environmental sensitivity.

Strategy 4.3 - Courses developed in Scottsdale should be developed in concert with our natural environmental and should be promoted as unique recreational resources that cannot be duplicated elsewhere in the world.

II. Land Use Issues

Golf courses in Scottsdale represent a relatively large use of land. The 26 courses currently in operation in the city comprise over 5,000 acres, or just under 8 square miles of area. As with other types of land use, golf courses can be sited to maximize positive

land use relationships and planned and designed to provide value both to adjacent land uses and to the overall community.

GOLF COURSE POLICY RECOMMENDATION - LAND USE: Future golf course locations should appropriately and positively relate to other land uses in the community.

GOAL 5: **Anticipate potential future golf course locations and integrate them with other open space linkages.**

Strategy 5.1 - Golf course locations should be designated on the General Plan Land Use Map and Open Space Map as symbols rather than as specific course layouts as currently designated.

Strategy 5.2 - The anticipated locations of future golf courses should be generally shown on the General Plan Land Use Map and Open Space Map subject to refinement by future planning activities.

Strategy 5.3 - Future golf course locations should relate to an overall open space network so that:

a) course location and design provides functional and or aesthetic linkages between adjacent open spaces in the network

b) the open space network can be continued and connected in a meaningful pattern

GOAL 6: **Golf courses should be effectively integrated into surrounding land uses, and managed so as to provide the highest benefit to the community.**

Strategy 6.1 - Where appropriate, golf courses should be designed to incorporate active physical and visual connection to adjacent land uses while mitigating any negative impacts.

Strategy 6.2 - Landscape buffers for golf courses should be designed to be low-water using plants consistent with the indigenous plants communities in which the course is located.

Strategy 6.3 - The landscape palette selected for courses should be natural and consistent in plant densities and diversity of its natural desert setting.

Strategy 6.4 - Artificial barriers, such as physical obstacles or non-native screening that prevent conflict between use of the course and vehicles, pedestrians, and residential structures should be avoided and their need mitigated through appropriate golf course design.

Strategy 6.5 - Night lighting for driving ranges or other facilities and the use of outdoor public address and sound systems are discouraged unless the course is within an active developed core area in which lighting for other similar uses are approved. If approved, they should be designed, installed and managed so as to not impact nearby residential areas. Lighting should mainly consist of the low bollard types or in-ground lighting.

Strategy 6.6 - Golf course designs and locations should reinforce community and neighborhood identity and lifestyles.

Strategy 6.7 - Golf courses should avoid artificially separating neighborhoods and blocking neighborhood connections.

III. Economic Issues

Economic Impacts of Golf in Scottsdale

The golf industry has a substantial impact on the local economy. The 25 courses in Scottsdale employ 1,025 workers with a combined payroll of $22.6 million per year. The direct economic impact of those 25 courses is conservatively estimated at $45 million per year, with revenues of almost $676,000 in sales taxes in 1995. It is the indirect economic impact from tourists enjoying golf in Scottsdale, that provides economic benefits to the entire community. In addition to playing golf, tourists stay in Scottsdale hotels and resorts, eat at local restaurants, and shopping at local businesses. The indirect revenues generated from golf can be four or five times the amount of direct revenues.

Recreation Impacts

The majority of play was enjoyed by local residents. Because golf can be played year-round, and because 43% of the Scottsdale courses are open to the public, golf is among the most popular sports activities among Scottsdale residents. It is estimated that 23,000 of Scottsdale residents play golf. While the recreational benefit of golf cannot be quantified, but it is certainly one of the activities and spectator sports for which Valley has become known. Each year, the Phoenix Open, Tradition, and World Championship of Golf collectively draw 200.000 spectators and a national television attention to Scottsdale.

Tourism

Tourism accounted for 40% of all play on Scottsdale courses in 1995. 31% of tourists indicated that golf was one of the activities they participated in while visiting Scottsdale. Tourists supplied 66% of the revenues generated on resort/semi-private courses and 36% of revenues from public courses.

Trends

While nationally the growth in golf course development has leveled off, the Valley is expected to continue to grow as a desirable golf destination. Market projections for Scottsdale indicate even greater potential growth than for the Valley as a whole.

Development Impacts

Residential developments in Scottsdale often incorporate golf courses into development plans, both as an additional amenity for future residents and as a way to add value to residential properties along the golf course. Scottsdale's private golf courses have contributed significantly to Scottsdale's image and reputation as one of the most desirable, attactive residential locations in the country. These courses generate high property values and tax revenues which contribute substantially to the city's economy. While private courses developed in this way do not generate the sales tax revenues that resort and public courses generate, the additional value of these private courses promotes an exclusivity that generates activity in other sectors of the local economy.

GOLF COURSE POLICY RECOMMENDATION - ECONOMIC:

The economic return to the community of the golf course industry in Scottsdale should be maximized.

GOAL 7: Maintain an appropriate balance between public and private golf courses in the community.

Strategy 7.1 - Golf course development in Scottsdale should be encouraged within the parameters established by this policy.

Strategy 7.2 - The development of public courses and resort-related courses should be encouraged because of their financial return to the community.

Strategy 7.3 - Continue to collect and evaluate data that provides insight on the impact of future golf courses on the long-term economic sustainability of the community.

GOAL 8: Educate and inform the community, tourists, and spectators on the economic benefits derived from Scottsdale's golf courses.

Strategy 8.1 - Accurate economic data should be collected and made available to the community on the achievements of golf courses developed consistent with this policy.

Strategy 8.2 - The long-term impact of golf courses on the economic sustainability of Scottsdale should be projected and communicated.

GOAL 9: Encourage golf as a continuing recreational opportunity for Scottsdale's residents.

Strategy 9.1 - The development and operation of privately operated golf courses that are open to the public should be encouraged as a recreational amenity for city residents.

Strategy 9.2 - The city should consider making the recreational opportunities of golf available to more residents through the operation of municipal golf courses.

Strategy 9.3 - Opportunities to make golf more affordable for Scottsdale's residents should be explored and discussed. Potential

options include public/private partnerships, golf training facilities, and youth programs.

IV. Open Space Issues

Open space is a critical part of what many residents identify as the most important aspect of Scottsdale's lifestyle and character. CityShape 2020 identified "preserving meaningful open space" as a Guiding Principle in future development, and Visioning proposed that the Sonoran Desert as a dominant theme in the city's plans. Golf is an outdoor recreational activity which can incorporate a spectacular desert experience. Most new courses are integrated into a desert setting, and have utilized that setting to enhance the economic potential of the course, either through sales of residential lots, appeal to the playing public, or in association with a resort or other facility.

Less attention has been focused on the integration of golf facilities with other types of open spaces. Economic considerations have historically driven locational decisions for new courses, and the open space network has developed as a result of the locations chosen.

The Desert Preservation Task Force has developed definitions and descriptions of "meaningful desert open space" which will assist in applying this concept to new golf courses. Meaningful desert open space is defined in the Task Force Report as "open space that due to its size, function, visibility, accessibility, and/or its strategic location is a community amenity or resource. Meaningful desert open space is open space that the community can access or see. It is also open space that serves to protect a significant ecological area." The report goes on to say that meaningful desert open space is divided into three categories: accessible desert open space, visual desert open space, and desert character open space.

Future golf courses can provide a mechanism to evaluate efforts to integrate open space into the community's vision for the future. The integration of golf courses into a community network of a variety of types of open spaces can ensure that ecological, environmental, and recreational goals can be achieved.

GOLF COURSE POLICY RECOMMENDATION - OPEN SPACE: Golf Courses should be an integral part of the open space network of the community.

GOAL 10: **Encourage that golf courses be a part of, and contribute value and diversity to, a system of meaningful open space providing aesthetic, recreational, and environmental benefit to the community.**

Strategy 10.1 - Golf Courses should be designed and maintained to provide aesthetic and/or functional linkages between other spaces to create an open space network throughout the community.

Strategy 10.2 - Golf course locations that encourage an open space relationship with other planned or existing regional open spaces should be encouraged.

Strategy 10.3 - Wildlife habitat and wildlife movement should be encouraged by connecting undisturbed open space and primary habitats between adjacent developments. Significant habitats should be preserved and integrated into the design of the course.

Strategy 10.4 - Where appropriate, golf courses should be designed to provide or allow for planned access by pedestrian and equestrian usage if existing or planned linkages on adjacent properties require a connection. This access could be provided 1) on the perimeter of the course and be buffered so as to prevent conflict with golf usage, or 2) on another portion of the development on which the course is located.

Strategy 10.5 - The Natural Area Open Space reduction for golf courses allowed in the Environmentally Sensitive Lands Ordinance should be amended so as to apply only to future golf courses that provide "meaningful open space" as defined in this policy.

V. Water Supply and Infrastructure Issues

Many observers assume that golf courses use proportionally more water than other types of land uses. Although that ratio depends upon what land use a golf course is being compared to, the turf areas of golf courses depend upon water to maintain the quality of play that visitors and residents alike expect on the courses in Scottsdale. Because of water use restrictions, costs associated with turf maintenance, and the amenities provided by "desert character" open space, new courses are now limiting the total amount of turf area.

Current city policy does not allow the use of local groundwater, potable water, or existing City water rights for new golf course construction. Golf courses are responsible for obtaining their own water supply so that existing Scottsdale customers are not negatively affected. The availability of water to supply golf courses now and into the future is a critical consideration of the "sustainability" of golf as a land use in Scottsdale.

GOLF COURSE POLICY RECOMMENDATION - WATER SUPPLY AND INFRASTRUCTURE: Future golf courses will find alternative, innovative water sources and not rely on groundwater, potable water, or city water rights to meet their water needs.

GOAL 11: Golf courses should develop a separate and distinct water supply and delivery system so as not to negatively impact service to the overall community or divert potable water available for citizen consumption.

Strategy 11.1 - The installation of individual water supply and delivery systems are discouraged within the City.

Strategy 11.2 - A cooperative delivery system separate from the City's potable water system, similar to the existing Reclaimed Water Distribution System (RWDS) should be constructed for the delivery of non-potable water to future golf courses. This delivery system should be paid for by proposed golf courses, but should be owned and operated by the City.

Strategy 11.3 - New water rights adequate to supply future golf course demands shall be identified by proposed golf courses to the city as part of this new cooperative delivery system.

Strategy 11.4 - Water rights obtained for golf course irrigation, and the infrastructure needed to deliver that water shall be adequate to accommodate peak irrigation demand in the summer months or during overseeding periods.

Strategy 11.5 - All future golf courses must enter into a pipeline capacity agreement with the City that covers relevant infrastructure, water supply, water delivery, fee payment, and rate schedule issues.

Strategy 11.6 - Every new golf course shall establish an emergency potable back-up water supply through connection to the potable

water system at the golf course's expense and by the payment of a Water Resources Development Fee according to the terms of the golf course's pipeline capacity agreement.

Strategy 11.7 - Any use permit for a golf course granted prior to water rights being obtained or a cooperative delivery system being in place shall be subject to stipulations requiring the golf course to obtain water rights and participate in the cooperative system. Agreements shall be established to clarify that the City has no obligation to provide water or construct a delivery system, and that the use permit can expire if these stipulations are not met.

Strategy 11.8 - New golf courses shall, whenever possible, utilize excess reclaimed effluent which is available from the City's Water Campus Reclamation Facility and which is not being utilized by the Reclaimed Water Distribution System.(RWDS) allottees.

GOAL 12: Continuous efforts to reduce water usage, in both existing and future golf courses, is encouraged.

Strategy 12.1 - Golf Courses must comply with all Arizona Department of Water Resources and City of Scottsdale water conservation requirements and shall make water conservation a critical priority in course design. This includes not only in layout of turf areas but in conservation-oriented turfgrass selection as well as plant palette, water conserving appliances, fixtures and systems in all course buildings and facilities.

Strategy 12.2 - The utilization of new and innovative technology, as well as the application of proven technology to decrease overall water use should be encouraged.

ACTIONS NEEDED TO IMPLEMENT THE GOLF COURSE POLICY

Because this policy is not formally adopted and is intended to offer direction and guidance, it is not formally adopted as an ordinance or resolution. Some recommendations contained in this policy would require changes to some of the city's procedures and ordinance language. The first five actions would be taken to implement the changes recommended in the policy, and the sixth action is recommended to continue the discussion of open space with the study of a more broad Open Space Policy.

1) **Establishment of the criteria for the Resource Management Plans** for future golf courses. This process has already begun, with representatives of the Arizona Golf Association, local course superintendents, and other interested parties participating.

2) **Amendment of the Environmentally Sensitive Lands Ordinance** to allow open space credit for turf only if the golf course meets the criteria for "meaningful open space" as defined by the Desert Preservation Task Force.

3) **Amendment of the General Plan** to 1) Designate golf courses as a symbol instead of the detailed graphics currently used, and 2) Show generalized locations of future courses.

4) **Amendment of the Zoning Ordinance** to include the submittal of the Resource Management Plan as a part of the Use Permit process and allow for approval either by the city or by a recognized and established certifying agency approved by the city.

5) **Develop a Recognition and Incentive Program** to encourage existing golf courses to continuously improve and enhance environmental performance

ADDITIONAL ACTION RECOMMENDED:

6) **Study the larger issue of a community Open Space Policy** and the development of a policy to effectively create an open space network. This could include golf courses, parks, desert preservation open space, recreation areas, and other open spaces.

GOLF COURSE ASSUMPTIONS & CONCERNS

Basic Facts:

- Scottsdale is committed to water conservation -- that is, using a limited resource wisely.
- Scottsdale also is striving to balance the needs of the community with the desire to leverage our resources to the the greatest economic return.
- Tourism is the number one economic sector in the Scottsdale economy.
- Golf is an important component of the tourism industry -- approximately 20-25% of all visitors to Scottsdale play golf.
- Demand for golf is increasing rapidly in the U.S., and is increasing at an even faster pace in Scottsdale.
- The Department of Water Resources has mandated that all communities in Arizona cut their per capita demand for water.
- Golf courses increase the value of adjacent properties.

Assumptions:

- The continued success and growth of the tourism industry in Scottsdale is dependent upon the continued success and growth of golf courses.
- One of the greatest barriers to the construction of new golf courses in Scottsdale is the availability and cost of water.
- The City is leaning toward a policy that says there will be no net increase in costs to the existing residents resulting from new development.

Public Perceptions:

- The general public has a number of perceptions about golf courses:
  - They waste a lot of water.
  - They are oriented towards the rich; i.e. they are unavailable and/or too costly for the average citizen.
  - They are not an efficient use of our resources.
  - They are inappropriate for a desert environment.
  - Private courses are even more inappropriate than public courses as they utilize scarce resources for the benefit of only a few privileged members, as well as the developer of the project.

Inferences:

- Golf courses do have a positive benefit for the community, and the City should support the development of additional courses.
- Public golf courses (esp. those tied to a resort) are more beneficial than private courses, as they provide a greater economic return to the community and greater recreational value for its residents.
- All golf courses should not only meet DWR's requirements for water use, but if possible exceed those requirements; additionally, all courses should ultimately participate in a wastewater treatment facility, and not use any groundwater for their operations.
- If developed with great sensitivity to the local environment, golf courses can be an asset to the community.

X

RETURN TO HELP

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
2007-0228652 02/26/07 04:52 PM
1 OF 1

WHEN RECORDED, RETURN TO:

The Davidson Law Firm, P.C.
P.O. Box 27500
Scottsdale, Arizona 85255

DO NOT REMOVE

THIS IS PART OF THE OFFICIAL DOCUMENT

RE-RECORDING

SECOND RESTATED DECLARATION OF

COVENANTS, CONDITIONS AND RESTRICTIONS

FOR TROON NORTH

To Include Inadvertently Omitted

Legal Descriptions

Referenced in the Body of the Document

Originally Recorded on October 30, 2006 at

MCRO 2006-1427122

WHEN RECORDED MAIL TO:

Mr. Frederick E. Davidson, Esq.
The Davidson Law Firm, P.C.
P.O. Box 27500
Scottsdale, Arizona 85255

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
2006-1427122 10/30/06 10:44 AM
1 OF 1

JWARTINEZB

SECOND RESTATED

DECLARATION OF

COVENANTS, CONDITIONS AND RESTRICTIONS

FOR

TROON NORTH

TABLE OF CONTENTS

PAGE

ARTICLE 1 DEFINITIONS

1.01 Architectural Review Committee. . . . 3
1.02 Articles. . . . 3
1.03 Assessment. . . . 3
1.04 Assessment Lien. . . . 3
1.05 Association. . . . 3
1.06 Association Rules. . . . 3
1.07 Board. . . . 3
1.08 Buffer Area(s). . . . 3
1.09 Bylaws. . . . 3
1.10 Common Area(s). . . . 3
1.11 Declarant. . . . 3
1.12 Declaration. . . . 3
1.13 Default Rate. . . . 3
1.14 Golf Course Property. . . . 4
1.15 Improvement(s). . . . 4
1.16 Lot. . . . 4
1.17 NDC. . . . 4
1.18 Neighborhood Association. . . . 4
1.19 Occupant. . . . 4
1.20 Owner. . . . 4
1.21 Parcel. . . . 4
1.22 Property. . . . 5
1.23 Restricted Common Area(s). . . . 5
1.24 Subdivision. . . . 5
1.25 Tract Declaration. . . . 5
1.26 Turnover Date. . . . 5

ARTICLE 2 LAND USE CLASSIFICATIONS

2.01 Land Use Classifications. . . . 5
2.02 Amendments to Tract Declarations. . . . 6
2.03 Master Plan. . . . 6

ARTICLE 3 EASEMENTS AND RIGHTS OF ENJOYMENT IN COMMON AREAS AND BUFFER AREAS

3.01 Common Areas. . . . 6
3.02 Easements of Enjoyment. . . . 7
3.03 Association Rights with Respect to Common Areas. . . . 7
3.04 Buffer Areas. . . . 7

PAGE

ARTICLE 4 USE RESTRICTIONS

4.01 Construction Activities. . . . 8
4.02 Compliance with Laws. . . . 8
4.03 Machinery and Equipment. . . . 8
4.04 Exterior Appliances and Equipment. . . . 9
4.05 Signs. . . . 9
4.06 Lighting. . . . 10
4.07 Storage Tanks. . . . 10
4.08 Height Restrictions. . . . 10
4.09 Parking. . . . 11
4.10 Garage Doors. . . . 12
4.11 Animals. . . . 12
4.12 Antennas, Flag Poles, Play Structures and Basketball Hoops. . . . 12
4.13 Clothes Drying Facilities. . . . 13
4.14 Model Homes. . . . 13
4.15 Greenhouses. . . . 13
4.16 Maintenance of Landscaping. . . . 13
4.17 Repair of Improvements. . . . 13
4.18 Nuisance and Offensive Activities. . . . 14
4.19 Trash Containers and Collection. . . . 14
4.20 Diseases and Insects. . . . 14
4.21 Health, Safety and Welfare. . . . 14
4.22 Restriction on Further Subdivision, Property Restrictions. . . . 14
4.23 Formation of Associations. . . . 15
4.24 Temporary Occupancy. . . . 15
4.25 Overhead Encroachments. . . . 15
4.26 No Obstructions to Drainage. . . . 15
4.27 Utility Service. . . . 16
4.28 Mineral Exploration. . . . 16
4.29 Nonresidential Use. . . . 16
4.30 Single-Family Occupancy; Household Composition;Tenants. . . . 16
4.31 Variances. . . . 17
4.32 Square Footage. . . . 17
4.33 Timeshares. . . . 17

ARTICLE 5 ASSOCIATION

5.01 Formation of Association. . . . 18
5.02 Powers and Duties. . . . 18
5.03 Board of Directors and Officers. . . . 19
5.04 Association Rules. . . . 20

PAGE

5.05 Personal Liability. . . . 21
5.06 Subdivision Advisory Committee. . . . 21
5.07 Priority of Master Documents. . . . 21

ARTICLE 6 MEMBERSHIP AND VOTING

6.01 Membership. . . . 22
6.02 Number of Votes. . . . 22
6.03 Fractional Votes. . . . 23
6.04 Suspension of Voting Rights. . . . 23

ARTICLE 7 ASSESSMENTS

7.01 Purposes. . . . 23
7.02 Creation of Lien; Personal Obligation. . . . 24
7.03 Regular Assessments. . . . 24
7.04 Special Assessments. . . . 25
7.05 Procedures Regarding Billing and Collections. . . . 26
7.06 Refunds; Offsets. . . . 26
7.07 Collection Costs and Interest on Delinquent Assessments. . . . 27
7.08 Evidence of Payment of Assessments. . . . 27
7.09 Property Exempt from Assessments. . . . 27
7.10 Association Remedies. . . . 28
7.11 Subordination of Assessment Lien to First Mortgage or Deed of Trust; Priority of Assessment Lien. . . . 28
7.12 Surplus Funds. . . . 28
7.13 Financial Reports. . . . 28
7.14 Failure to Assess. . . . 29

ARTICLE 8 ARCHITECTURAL REVIEW COMMITTEE

8.01 Approval of Plans. . . . 29
8.02 Establishment. . . . 29
8.03 Meetings. . . . 29
8.04 Architectural Standards and Committee Procedures. . . . 30
8.05 Appeal to Board. . . . 30
8.06 Fee. . . . 30
8.07 Compensation; Delegation. . . . 31
8.08 Non-Liability. . . . 31

PAGE

ARTICLE 9 ENFORCEMENT

9.01 Rights of Enforcement. . . . 31
9.02 Enforcement of Declaration by Neighborhood Association. . . . 31
9.03 Waiver or Abandonment. . . . 32

ARTICLE 10 EASEMENTS AND ACCESS RIGHTS

10.01 Easements. . . . 32
10.02 Access. . . . 33

ARTICLE 11 TERM; AMENDMENTS; TERMINATION

11.01 Term; Method of Termination. . . . 33
11.02 Amendments. . . . 33
11.03 Tract Declarations. . . . 34
11.04 Parcel "N" Amendments. . . . 34
11.05 Adoption of Additional Parcel "N" Restrictions. . . . 34
11.06 Change of Circumstances. . . . 34

ARTICLE 12 ANNEXATION OF ADDITIONAL PROPERTY

12.01 Annexation. . . . 34
12.02 Supplementary Declarations. . . . 34

ARTICLE 13 EXEMPTIONS

13.01 Government Property Exemption. . . . 35
13.02 Parcel "N" Exemption. . . . 35
13.03 Parcels "M", "O" and "Q" Exemptions. . . . 35
13.04 Parcel "W" Exemptions. . . . 35

ARTICLE 14 MISCELLANEOUS

14.01 Interpretation of the Covenants. . . . 36
14.02 Severability. . . . 36
14.03 Rule Against Perpetuities. . . . 36
14.04 Change of Circumstances. . . . 36
14.05 Declarant's Disclaimer of Representations. . . . 36
14.06 Limitation on the Declarant's Liability. . . . 36
14.07 Reference to Covenants in Deeds; Binding Effect. . . . 37
14.08 Gender and Number. . . . 37

PAGE

14.09 Captions and Titles. . . . 37
14.10 Notices. . . . 37
14.11 Restriction of Property for Use as a Golf Course. . . . 37
14.12 Amenity Use Agreement. . . . 37
14.13 Golf Course Activities. . . . 38

ARTICLE 15 PARCEL "N" / "ADDITIONAL PROPERTY" RESTRICTIONS

15.01 Restrictions. . . . 38
15.02 Definitions. . . . 38
15.03 Location. . . . 38
15.04 Use. . . . 38
15.05 Parking. . . . 39
15.06 Outside Sales/Display/Use. . . . 39
15.07 Effect. . . . 39
15.08 Invalidation. . . . 39
15.09 Amendment. . . . 39
15.10 Design Criteria. . . . 39

ARTICLE 16 DISPUTE RESOLUTION

16.01 Agreement to Avoid Litigation. . . . 40
16.02 Claims. . . . 40
16.03 Mandatory Procedures. . . . 41

SECOND RESTATED

DECLARATION OF

COVENANTS, CONDITIONS AND RESTRICTIONS

FOR TROON NORTH

THIS SECOND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this _____ day of October, 2006, by TROON NORTH ASSOCIATION, an Arizona non-profit corporation (the "Association").

RECITALS

A. The Association desires by this SECOND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (the "Restated CC&Rs"), to amend that certain Declaration of Covenants, Conditions and Restrictions for Troon North (formerly known as Pinnacle Peak Village North) dated March 3, 1985, and recorded March 25, 1985, as Instrument No. 85-128823, official records of the Maricopa County, Arizona Recorder ("**M.C.R.**"), as supplemented by the First Supplemental Declaration of Covenants, Conditions and Restrictions for Troon North (f/k/a Pinnacle Peak Village North) dated September 3, 1985, and recorded September 9, 1985, as Instrument No. 85-425470, M.C.R., and as amended by the First Certificate of Amendment to Declaration of Covenants, Conditions and Restrictions for Troon North (f/k/a Pinnacle Peak Village North) dated September 19, 1986, and recorded January 14, 1987, as Instrument No. 87-023350, M.C.R., by Second Certificate of Amendment to Declaration of Covenants, Conditions and Restrictions for Troon North dated December 20, 1990, and recorded March 21, 1991, as Instrument No. 91-116347, M.C.R., by Third Certificate of Amendment to Declaration of Covenants, Conditions and Restrictions for Troon North dated May 1, 1992, and recorded July 7, 1992, as Instrument No. 92-0371749, M.C.R., by Fourth Certificate of Amendment to Declaration of Covenants, Conditions and Restrictions for Troon North dated January 1, 1993, and recorded May 18, 1993, as Instrument No. 93-0307880, M.C.R., by Fifth Certificate of Amendment to Declaration of Covenants, Conditions and Restrictions for Troon North dated December 13, 1994, and recorded December 22, 1994 as Instrument No. 94-0888304, M.C.R., and by Sixth Certificate of Amendment to Declaration of Covenants, Conditions and Restrictions for Troon North dated November 12, 1998, and recorded November 24, 1998, as Instrument No. 98-1059771, M.C.R., by the Seventh Certificate of Amendment to Declaration of Covenants, Conditions and Restrictions for Troon North dated January 1, 2000 and recorded February 29, 2000 as Instrument No. 2000-0146695 M.C.R., by the Eighth Amendment to Declaration of Covenants, Conditions and Restrictions for Troon North dated July 25, 2000 and recorded on July 28, 2000 as Instrument No. 2000-0574863 M.C.R., by the Ninth Amendment to Declaration of Covenants, Conditions and Restrictions for Troon North dated November 22, 2000 and recorded November 28, 2000 as Instrument No. 2000-0907323 M.C.R., by the Tenth Certificate of Amendment to Declaration of Covenants, Conditions and Restrictions for

Troon North dated December 22, 2000 and recorded December 26, 2000 as Instrument No. 2000-0983759 M.C.R., by the Eleventh Amendment to Declaration of Covenants, Conditions and Restrictions for Troon North dated March 14, 2001 and recorded March 22, 2001 as Instrument No. 2001-0223299 M.C.R.; by the Twelfth Amendment to Declaration of Covenants, Conditions and Restrictions for Troon North, dated July 19, 2001, and recorded August 27, 2001 as Instrument No. 2001-0785461; and, by the Restated Declaration of Covenants, Conditions and Restrictions for Troon North, dated 10 May 2006 and recorded 31 May 2006 as Instrument No. 2006-0733055 M.C.R. (collectively, the **"Declaration"**).

B. Article 11, Section 11.02 of the Declaration, provides for the amendment of the Declaration prior to the Turnover Date (as defined therein) by the majority vote of the Board of Directors of the Association (the **"Board"**) at a meeting of the Board duly called pursuant to the Articles and Bylaws of the Association, for the adoption of the Amendment.

C. It is the intent of the Association that these Second Restated CC&Rs integrate all prior amendments into the Declaration, as well as amend and supplement various provisions of the Declaration, as set forth hereinbelow.

D. To that end, the Association deems it desirable to restate and establish covenants, conditions and restrictions upon the Property which will constitute a general scheme; for the government of Troon North and for the use, occupancy and enjoyment of the Property, all for the purpose of enhancing and protecting the value, desirability and attractiveness of the Property and enhancing the quality of life within Troon North.

E. In order to preserve the value, desirability and attractiveness of the Property, Troon North Association has been created, which will have the responsibility to maintain and administer the Common areas, to administer and enforce the Declaration, to collect and disburse funds as provided in this Declaration, and to perform such other acts as set forth in this Declaration as shall generally benefit the Property.

NOW, THEREFORE, it is declared and agreed that the Property shall be held, sold and conveyed subject to the following reservations, easements, limitations, restrictions, servitudes, covenants, conditions, charges and liens which are for the purpose of protecting the value and desirability of the Property and which shall run with the Property, inure to the benefit of, and be binding on all Owners and Occupants and all other parties having any right, title or interest in, or otherwise coming upon, using, or enjoying, the Property or any portion thereof, their heirs, personal representatives, administrators, executors, successors and assigns.

ARTICLE 1.

DEFINITIONS

As used in this Declaration, the following terms shall have the following meanings:

1.01 **"Architectural Review Committee"** means the committee described in Article 8 of this Declaration.

1.02 **"Articles"** means the Articles of Incorporation of the Association, as they may be amended from time to time.

1.03 **"Assessment"** means either a Regular Assessment or a Special Assessment as described in Article 7 of this Declaration.

1.04 **"Assessment Lien"** means the lien described in Section 7.02 of this Declaration.

1.05 **"Association"** means the Arizona non-profit corporation known as Troon North Association, and organized by Declarant to administer and enforce this Declaration and to exercise the rights, powers and duties of the Association as set forth in this Declaration and such corporation's successors and assigns.

1.06 **"Association Rules"** means the rules adopted by the Board pursuant to Section 5.04 of this Declaration.

1.07 **"Board"** means the Board of Directors of the Association.

1.08 **"Buffer Area(s)"** means the portion of a public or private right-of-way dedication located between the boundary of a Lot or Parcel and the paved area of the right-of-way.

1.09 **"Bylaws"** means the Bylaws of the Association, as they may be amended from time to time.

1.10 **"Common Area(s)"** means any portion of the Property designated as Common Area pursuant to Section 3.01 of this Declaration.

1.11 **"Declarant"** means PPVN Developers Limited Partnership, an Arizona limited partnership, and any successor or assign of Declarant's rights and powers hereunder to which such rights and powers have been assigned by a recorded instrument.

1.12 **"Declaration"** means the Declaration of Covenants, Conditions and Restrictions for Troon North, as amended or supplemented from time to time.

1.13 **"Default Rate"** means an annual rate of interest equal to the prime rate of J.P. Morgan Chase Manhattan, a national banking association, Phoenix, Arizona, from time to time while interest is accruing (with interest being adjusted as when the prime rate is adjusted) plus four (4) percentage points, but never less than eighteen percent (18%) per annum. Notwithstanding any other provision in this Declaration to the contrary, if, during any period, the highest lawful rate of

interest which may be paid by the person required to pay the Default Rate is less than the Default Rate, the interest payable by such person during said periods shall be the highest lawful rate. If J.P. Morgan Chase Manhattan should cease doing business or no longer announces its prime rate as described above, the Board may elect to use 18% as the Default Rate or may specify the rate, in lieu of said prime rate, for purposes of computing the Default Rate, which the Association would reasonably have to pay to borrow money at the time.

1.14 "Golf Course Property" means that real property described on Exhibit "A" hereto, as the same may be adjusted from time to time in connection with development of the Property.

1.15 "Improvement(s)" means each and every change, alteration, or addition of any kind whatsoever to any portion of the Property, including but not limited to, any excavation, grading, fill work, building, walkway, driveway, road, parking area, wall, fence, swimming pool, utility installation, drainage facility, stair, patio, courtyard, pole, sign, or landscaping and any and all components of any of the foregoing (including but not limited to, exterior paint, texture, color and finish scheme) and any and all modifications or alterations of or additions to any of the foregoing.

1.16 "Lot" means any area of real property within the Property designated as a lot on any subdivision plan and limited by a Tract Declaration to single-family residential use.

1.17 "NDC" means Nelson Development Company, an Arizona Corporation.

1.18 "Neighborhood Association" means an owners' association, including but not limited to a nonprofit corporation or an unincorporated association of owners, established by or with the approval of the Board having jurisdiction over any neighborhood and/or subdivision within Troon North, but subordinate to, the Association.

1.19 "Occupant" means the family, tenants, guests, employees, invitees, licensees, and agents of any Owner.

1.20 "Owner" means the record holder of legal title to the fee simple interest in any Lot or Parcel, including Declarant and including a purchaser of a Lot or Parcel who holds equitable title to the Lot or Parcel pursuant to a recorded contract of sale, but excluding others (including trustees under deeds of trust) who hold title merely as security for performance of an obligation or the seller under a recorded contract of sale. An Owner shall include each person who holds title to a Lot or Parcel in joint tenancy, tenancy in common, as community property, or in any other form of joint ownership. An Owner shall also include any homeowners' property association, trust, partnership, corporation, or similar organization owning any portion of the Property, including the Association.

1.21 "Parcel" means any lot, tract or parcel within the Property other than a Lot. If a horizontal property regime establishing a condominium is recorded with respect to a Parcel, then following the recordation, each separate condominium unit shall be deemed to be a separate Parcel

and any common areas within the horizontal property regime which are separately owned by a property owner's association or like organization shall also be considered a separate Parcel. Single-family residences in townhouse developments where the residence shares a common or party wall shall each be considered as separate Parcels and any common areas within the townhouse development which are separately owned by a property owner's association or like association shall also be considered a separate Parcel.

1.22 **"Property"** means the real property described on Exhibit "B" to this Declaration, and as depicted on Exhibit "C" to this Declaration. The term "property" also includes any real property subsequently annexed in the manner described in Article 12 of this Declaration.

1.23 **"Restricted Common Area(s)"** means any portion of the Common Area which constitutes an easement over a Lot or Parcel and which lies inside a wall surrounding the perimeter of the Property which is located on the Common Area, said Restricted Common Area being utilized by the Association for purposes of maintaining the interior side of such walls.

1.24 **"Subdivision"** means those platted neighborhoods ("subdivisions") within the Property, described on Exhibit "D" hereto.

1.25 **"Tract Declaration"** means a declaration recorded pursuant to Section 2.01 of this Declaration.

1.26 **"Turnover Date"** means the earlier of"

(a) December 31, 2014; or

(b) The date Declarant shall elect to transfer control of the Association to the Owners, by notice to the owners, three (3) months in advance of the Turnover Date, in writing, with the Declarant having the right to extend the Turnover Date to occur up to six (6) months after such notice if, in the sole discretion of Declarant, it is determined that such an extension would tend to result in a more orderly Turnover.

ARTICLE 2

LAND USE CLASSIFICATIONS

2.01 **Land Use Classifications.** From time to time, as portions of the Property are readied for development, additional declarations (a "Tract Declaration") as to portions of the Property may be recorded restricting the use of the portion of the Property covered by the Tract Declaration to the specific uses specified in the Tract Declaration, such as single-family residential, multi-family residential, commercial, office, resort or golf course. A Tract Declaration may also impose restrictions and conditions on the Property covered by the Declaration in addition to those contained in this Declaration; however, this Declaration shall continue to apply to the Property

covered by a Tract Declaration. Declarant shall have the unrestricted and absolute right, without the consent of any other Owner, to record Tract Declarations as to portions of the Property owned by Declarant. As to a portion of the Property not owned by Declarant, Declarant and the owner of such portion of the Property shall have the unrestricted and absolute right, without the consent of any other Owner, jointly to record a Tract Declaration as to such portion of the Property; however, any instrument recorded pursuant to this sentence shall be considered a declaration recorded pursuant to Section 4.22 of this Declaration and not a Tract Declaration unless the instrument specifically recites that it is intended to constitute a Tract Declaration. Any such Tract Declarations shall be construed as a supplement to this Declaration and fully a part of this Declaration for all purposes to the same extent as if the provisions of the Tract Declaration were set forth in this Declaration. Each Tract Declaration shall be directly enforceable by the Association.

2.02 Amendments to Tract Declarations. Prior to the Turnover Date and except as otherwise provided in this Section 2.02, Declarant shall have the unrestricted and absolute right, without the consent of any other Owner, to amend a Tract Declaration from time to time or to revoke a Tract Declaration as to all or any of the property subject to the Tract Declaration. However, if any of the property subject to the Tract Declaration is not owned by Declarant, Declarant shall not have the right to amend or revoke the Tract Declaration as to that property without the prior written consent to such amendment or revocation from Owners holding at least fifty-one percent (51%) of the voting power with respect to the property subject to that Tract Declaration which is not owned by the Declarant. After the Turnover Date, the provisions of Article 11 shall apply and amendments to Tract Declarations shall be treated the same as amendments to any other provision of this Declaration and revocations of Tract Declarations shall be treated the same as a revocation of the Declaration.

2.03 Master Plan. Except as provided in this Section 2.03, Declarant shall have the unrestricted and absolute right, without the consent of any other Owner, to modify or amend the existing Troon North Master Plan and to dedicate portions of the Property to appropriate governmental entities for use as roadways, streets, greenbelts, drainage facilities, parks, open space, conservation areas or other similar uses. If a modification or an amendment to the existing Troon North Master Plan, pertaining to a specific portion of the Property no longer owned by the Declarant, the prior written consent to such amendment or modification shall be required from Owners holding at least fifty-one percent (51%) of the voting power with respect to such portion of the Property.

ARTICLE 3

EASEMENTS AND RIGHTS OF ENJOYMENT IN COMMON AREAS AND BUFFER AREAS

3.01 Common Areas. From time to time, Declarant may designate as Common Areas portions of the Property or rights therein (such as easements), such designation to be accomplished by the conveyance of the portion of the Property so designated to the Association or by the recordation of an easement or other appropriate document in favor of the Association with respect to such portion of the Property, or right therein. However, if the portion of the Property, or

right therein, designated is not then owned by the Declarant, the prior written consent of the Owner upon such terms and conditions as such Owner may require, shall be required. If such consent is not obtained, then the property or right therein shall not be Common Area. Notwithstanding the foregoing, Declarant shall not designate any Common Area for roadway purposes unless there has been constructed thereon, at no cost to the Association, a road complying with the requirements and standards of the City of Scottsdale.

3.02 Easements of Enjoyment. Every Owner and Occupant shall have a right and non-exclusive easement of enjoyment in and to the Common Areas, other than Restricted Common Areas, which shall be appurtenant to and shall pass with the title to every Lot and Parcel, subject to the following provisions of this Article. The Owner and Occupants of a Lot or Parcel, a portion of which is Restricted Common Area, shall have an exclusive right (subject, however, to the paramount right of the Association to come upon the Restricted Common Area, from time to time, to maintain the perimeter wall) to use and enjoy the Restricted Common Area where not designated as Common Area, subject, however, to all of the provisions of this Declaration applicable to Lots and Parcels generally, and this exclusive right shall be appurtenant to and pass with the title to the affected Lot or Parcel.

3.03 Association Rights with Respect to Common Areas. In addition to any other rights specifically granted in this Declaration to the Association with respect to Common Areas, the Association shall have the right to:

(a) Levy assessments for the maintenance of the Common Areas and pay expenses incurred in connection with the Common Areas;

(b) Dedicate, grant easements over, or transfer all or any part of the Common Areas to any public agency, authority, or utility so longs as the transferee agrees to permit the Common Areas transferred to be used for substantially the same purposes as existed prior to the transfer;

(c) Exchange portions of the Common Areas with Declarant or other Owners for other portions of the Property. Following any such exchange, the Common Area conveyed to Declarant or the other Owner shall no longer be Common Area and portion of the Property conveyed to the Association shall be Common Area; and

(d) Regulate the use of the Common Areas through Association Rules and prohibit access to those Common Areas, such as landscaped areas, not intended for use by Owners or Occupants, or various categories of either group.

3.04 Buffer Areas. Except to the extent a Buffer Area constitutes Common Area, in which case the provision of this Declaration pertaining to Common Areas shall control, each Owner and Occupant of a Lot or Parcel, shall have a non-exclusive easement to use and enjoy any

Buffer Area adjoining the Lot or Parcel owned by the Owner. No Improvements, other than landscaping or driveways which the Owner of the Buffer Area has approved, shall be made to any Buffer Area by any Owner or Occupant.

ARTICLE 4

USE RESTRICTIONS

4.01 Construction Activities. Normal and reasonable construction activities and parking in connection with an Improvement to a Lot or Parcel, as determined by the Architectural Review Committee, shall not be considered a nuisance or otherwise prohibited by this Declaration. Contractors, agents or suppliers shall not, in the course of construction, use any roads within the Property which Declarant or the Board designates as off-limits for construction vehicles. In addition, any construction equipment and building materials stored or kept on any Lot or Parcel during construction of Improvements may be kept only in areas approved by and screened in accordance with the requirements of the Architectural Review Committee. All construction refuse shall be contained on the Lot or Parcel where the construction is in progress, in an appropriate refuse container. For Parcels B (Boulder Crest Estates Unit III at Troon North aka "Talus"), C (Parcel "C" at Troon North aka "Talus"), G (Boulder Crest at Troon North, Unit I), Candlewood Estates at Troon North Units 1 through 6, and Pinnacle Canyon, a commercial trash container (minimum 20 yards) must be located on the job site for the duration of construction. This container must be emptied when necessary. Trash violators will be required to enclose the construction area with a chain link fence. In addition to the commercial trash container, a portable toilet will be required on each lot and *located in an Architectural Review Committee approved location. All construction work shall be* carried forward diligently from commencement until completion so that the Lot or Parcel shall not remain in a partly finished condition any longer than reasonably necessary for the completion of the construction work. No construction trailers or similar facilities shall be permitted in connection with construction on Lots, unless approved by the Architectural Review Committee. Construction trailers shall be permitted on Parcels in connection with construction activities on such Parcels, but only upon approval by the Architectural Review Committee as to the placement on the Parcel, number of trailers permitted, and exterior appearance of the trailer (including any signs or advertising material located on any trailer). Any trailers or similar facilities approved for use during construction shall be removed immediately following the completion of the construction.

4.02 Compliance with Laws. All uses, activities and Improvements on any Lot or Parcel shall conform to and be done in compliance with all applicable governmental laws, rules and regulations, including, but not limited to, building and safety codes, zoning regulations, the requirements set forth in the Master Plan for Troon North (including stipulations and development standards), and the City of Scottsdale Hillside Ordinance and Native Plant Ordinance, as those ordinances may be amended from time to time. All Improvements shall be made by licensed contractors, or by those not required to be licensed, pursuant to an applicable exemption set forth in the provisions of A.R.S. § 32-1101 et seq.

4.03 Machinery and Equipment. No machinery or equipment of any kind shall

be placed, operated or maintained upon or adjacent to any Lot or Parcel except for (i) machinery or equipment which is usual and customary in connection with the construction (but only during the period of construction) use, or maintenance of an Improvement, (ii) machinery or equipment which Declarant or the Association may require for the operation and maintenance of the Property or the performance of their respective duties under this Declaration, or (iii) machinery or equipment which is usual or customary in connection with the activities conducted on a Lot or Parcel (provided that such activities do not otherwise violate the provisions of this Declaration or any applicable Tract Declaration).

4.04 Exterior Appliances and Equipment. Following completion of an Improvement, any and all exterior appliances and equipment of every kind or nature shall be architecturally concealed from view, in accordance with plans approved by the Architectural Review Committee. For Parcels B (Boulder Crest Estates Unit III at Troon North aka ("Talus"), C (Parcel "C" at Troon North aka "Talus"), G (Boulder Crest at Troon North, Unit I), Candlewood Estates at Troon North Units 1 through 6, and Pinnacle Canyon, all mechanical equipment must be completely screened from street, golf course and adjacent lot views. Permanent screening must be provided, landscaping is not acceptable. No roof-mounted equipment, including air conditioning equipment, shall be permitted on any residence constructed on a Lot. No roof-mounted equipment, other than air conditioners integrated into the overall design of the building, shall be permitted on any multi-family apartment, townhouse or residential condominium building constructed on a Parcel. However, if strict compliance with this Section would prevent a solar energy device from being functional or would otherwise effectively prohibit the installation or use of a solar energy device within the meaning of Arizona Revised Statutes, Section 33-439, as amended, then compliance with the requirements of this Section, as to solar energy device, shall be required only to the extent reasonably consistent with the installation and use of the device. Notwithstanding the foregoing, roof-mounted equipment shall be permitted on any resort building constructed on the real property described in Exhibit "E" attached hereto as adjusted from time to time (the "Resort Property); provided such equipment is concealed from view and/or integrated into the building in accordance with plans and specifications approved by the Architectural Review Committee.

4.05 Signs. Other than as specifically permitted by Arizona statutes, no signs whatsoever (including, but not limited to, commercial, political and similar signs) shall be erected or maintained on any Lot or Parcel, except:

(a) Signs required by legal proceedings.

(b) One (1) lighted identification sign for each individual residence, provided the sign and the location for the sign has received the prior written approval of the Architectural Review Committee ; or

(c) Such other signs (including, but not limited to, construction job identification signs, builders signs, subdivision identification signs, "for sale" signs, "for lease" signs and temporary "tent" signs) which have been approved in advance and in writing by the Architectural Review Committee as to the size,

colors, design, message content, number and location.

4.06 Lighting. Exterior lights will be allowed on any Lot or Parcel only to the extent, as determined by the Architectural Review Committee , that they do not interfere or compete with night-time views of the desert, surrounding mountains and the valley below. For Parcels B (Boulder Crest Estates Unit III at Troon North aka "Talus"), C (Parcel "C" at Troon North aka "Talus"), G (Boulder Crest at Troon North, Unit I) and Pinnacle Canyon, a lighted address pylon must be constructed on each lot. The address must be illuminated from sunset until sunrise. The materials, colors, textures and style must be similar to the constructed home.

4.07 Storage Tanks. All fuel tanks, water tanks, or similar storage facilities shall be installed or constructed underground, unless such underground installation or construction is prohibited by applicable law.

4.08 Height Restrictions.

(a) The maximum permitted height for any single-family residential Improvement within the Property, excluding any chimneys, shall be the maximum height permitted by the zoning laws of the City of Scottsdale and any other applicable governmental laws or regulations, with the height being measured from the highest pre-construction natural grade occurring within the perimeter of the Improvement to the highest projection of the Improvement; however, if such an improvement is constructed on a sloping Lot, the visible portion of the improvement may extend a maximum of ten (10) feet below the highest pre-construction natural grade within the perimeter of the improvement. For Parcels B (Boulder Crest Estates Unit III at Troon North aka "Talus"), C (Parcel "C" at Troon North aka "Talus"), G (Boulder Crest at Troon North, Unit I) and Pinnacle Canyon, the maximum building height is twenty (20) feet, measured from the highest pre-constructed natural grade within the construction footprint to the highest ridge or parapet. An additional four (4) feet may be subject to approval provided it does not exceed thirty percent (30%) of the total square footage including garage but excluding porches or patios. For Candlewood Estates at Troon North Units 1 through 6, the maximum building height is twenty-six (26) feet, measured from the highest pre-constructed natural grade within the construction footprint to the highest ridge or parapet.

(b) The maximum permitted height for residential apartment, condominium or townhouse Improvement or any commercial, office or resort Improvement within the Property, excluding any chimneys shall be the maximum height permitted by the zoning laws of the City of Scottsdale and any other applicable governmental laws or regulations, with the height being measured from the highest pre-construction natural grade occurring within the perimeter of the Improvement to the highest projection of the Improvement;

however, if such an improvement is constructed on a sloping Parcel, the visible portion of the Improvement may extend to a maximum of five (5) feet below the highest pre-construction natural grade within the perimeter of the Improvement.

(c) Chimneys may be constructed on single-family residences or other building, provided no chimney exceeds the maximum height for chimneys permitted by the zoning laws of the City of Scottsdale and any other governmental laws or regulations.

(d) No Improvement having more than two (2) stories shall be permitted on Property. This provision shall not apply to any Improvement constructed on the Resort Property, provided that the height limitations set forth above in Section 4.08(b) are otherwise satisfied.

(e) Vegetation elements of landscaping shall not be subject to the height restrictions on Improvements set forth in this Section 4.08.

(f) Notwithstanding the foregoing, the Architectural Review Committee shall be entitled to further reasonably restrict the height of any structure so as to ensure harmony and compatibility with existing structures on the Property.

4.09 Parking. No vehicles or equipment including, without limitation, cars, pickup trucks, motor cycles, mobile homes, travel trailers, recreational vehicles, tent trailers, trailers, campers, detached camper shells, boats and boat trailers, shall be parked or maintained on any public or private street within the Property except for such periods of time as shall be reasonably necessary to load or unload, and except as otherwise provided in this section. If an Owner desires to use its driveway and/or streets within the Property for parking for any reason, an Owner must seek prior written approval from the Board, which may be granted or withheld in the Board's sole discretion, to park vehicles on the streets and/or driveways within the Property, unless the Board has adopted rules regulating parking within the Property in accordance with the provisions of Section 5.04 of this Declaration, in which case the Owner shall comply with those rules and regulations. All vehicles and related equipment shall be kept either (i) in enclosed garages on Lots, (ii) appropriately screened from view of neighboring properties and approved by the Architectural Review Committee, or (iii) within parking areas approved by the Association with respect to Parcels. This Section shall not apply to parking of temporary construction trailers in locations approved by the Architectural Review Committee in accordance with Section 4.01 above. Notwithstanding the foregoing, upon the presentation by a Neighborhood Association, or by an Owner if no Neighborhood Association has been established for the subject subdivision, of a petition containing the signatures of the Owners of not less than sixty-seven percent (67%) of the Lots within that subdivision, requesting a modification to the aforementioned parking restrictions for that subdivision, the Troon North Association may, but shall not be obligated to, take the matter under advisement and render a decision as to the granting, or denial, of the requested modification, subject to Guidelines adopted by the Board of Directors of the Troon North Association, which shall contain rules not less restrictive than applicable City of Scottsdale requirements. The decision of the Troon North

Association with regard to the requested modification shall be final and binding.

4.10 Garage Doors. Garage doors shall be maintained in a closed position during all reasonable times. On all lots in excess of eighteen thousand square feet, a minimum of two(2) and a maximum of three (3) garage doors, either joined or separate, each a maximum of eight (8) feet high shall be constructed thereon, except that if the area of the lot is 65,000 square feet or more, the Architectural Committee may in its sole discretion permit more than three (3) garage doors on such lot. For Parcels B (Boulder Crest Estates Unit III at Troon North aka "Talus"), C (Parcel "C" at Troon North aka "Talus"), G (Boulder Crest at Troon North, Unit I) and Pinnacle Canyon, a minimum of three (3) separate garage doors all on separate planes are required to be constructed on each lot, each with a maximum size of nine (9) feet high by twelve (12) feet wide. Also, all garage door exteriors must be constructed of a wood material, or flush metal with a wood grain pattern, and painted to match the home exterior. Carports and parking canopies shall not be permitted on Lots but shall be permitted elsewhere within the Property. All carports and parking canopies shall be architecturally integrated into the primary building to which they are ancillary and shall be appropriately screened from view, as determined by the Architectural Review Committee.

4.11 Animals. No animal, other than dogs, cats and other animals which are customarily considered to be "household pets", shall be maintained on any Lot or Parcel except as otherwise provided in a Tract Declaration. For the purposes of this Paragraph 4.11, "Household Pets" shall not include "Livestock" as that term is defined in A.R.S. § 3-1201. No more than four (4) animals shall be permitted to be maintained on the exterior of any residence on any Lot or Parcel and then only if they are kept, bred or raised solely as domestic pets and not for commercial purposes. No animal shall be allowed to make an unreasonable amount of noise or to become a nuisance. The Board shall have the right, in its sole and absolute discretion, to determine what is an unreasonable amount of noise or whether the particular animal is a nuisance; and the determination of the Board shall be final and conclusive. Structures for the care, housing or confinement of animals shall be maintained so as to be screened from view of neighboring properties.

4.12 Antennas, Flag Poles, Play Structures and Basketball Hoops. No antenna, satellite dish, or other device for the transmission or reception of television, radio, or any other form of electromagnetic radiation shall be erected, used or maintained on any Lot or Parcel unless it is appropriately screened from view and complies with the Architectural Standards and Procedures promulgated by the Architectural Review Committee, consistent with the regulations of the Federal Communications Commission (the "FCC"). No flag poles over twenty (20) feet high shall be erected, used or maintained on any Lot or Parcel. Permanent basketball hoops with clear or an approved color backboard are allowed. However, all portable basketball hoop structures must be stored from street or adjacent lot view when not in use. Play structures may only be erected, placed or maintained on any Lot or Parcel if they are within a fenced yard and screened from view of neighboring properties, and within required setbacks. With regard to the use of satellite dishes and antennas, in order to avoid any "post-installation" issues that may arise due to improper screening, as determined by the Architectural Review Committee, an Owner may submit an application for review of a proposed satellite dish or antenna to the Architectural Review Committee, and such

application shall be reviewed, and a response provided to the Owner, within five (5) business days following the submittal of the application. Notwithstanding the foregoing, prior to the erection of any flag pole, basketball hoop (and ancillary structures), or play structure, such items must be approved, in writing, by the Architectural Review Committee.

4.13 Clothes Drying Facilities. Outside clotheslines or other outside facilities for drying or airing clothes shall not be erected, placed or maintained on any Lot or Parcel unless they are erected, placed and maintained exclusively within a fenced yard or otherwise screened from view of neighboring properties.

4.14 Model Homes. The provisions of this Declaration and of any Tract Declaration which may prohibit nonresidential use of Lots or Parcels and which regulate parking of vehicles shall not prohibit the construction and maintenance of model homes by persons engaged in the construction or marketing of residential dwellings within the Property or parking incidental to the visiting of such model homes, so long as the location of such model homes and parking areas is approved in advance by the Architectural Review Committee, the opening and closing are approved by the Board, and the construction, operation and maintenance of such model homes otherwise comply with all of the provisions of this Declaration. Any homes constructed as model homes shall cease to be used as model homes at any time when the owner thereof is not actively engaged in the construction and sale of residential dwellings within the Property, and no home shall be used as a model home for the sale of homes not located within the Property.

4.15 Greenhouses. Greenhouses shall be permitted within the Property provided they are appropriately screened from view of neighboring properties and approved by the Architectural Review Committee.

4.16 Maintenance of Landscaping. Each owner of a Lot or Parcel shall keep that Lot or Parcel and any Buffer Area adjoining the Lot or Parcel (to the extent the Buffer Area either is not Common Area or is Restricted Common Area) clean and free of trash, rubbish, debris, weeds, dead or decaying vegetation (including compost piles), other unsightly material, and any plant or other vegetation which the Architectural Review Committee determines, for aesthetic or health reasons, should not be permitted within the Property. Each Owner of a Lot or Parcel shall maintain all landscaping on the Lot or Parcel and any Buffer Area adjoining the Lot or Parcel (to the extent the Buffer Area either is not Common Area or is Restricted Common Area) in good condition and repair, neatly trimmed, properly cultivated, and in an attractive and viable condition, free of trash, rubbish, debris, weeds, dead or decaying vegetation (including compost piles), or other unsightly material.

4.17 Repair of Improvements. No Improvement on any Lot or Parcel shall be permitted to fall into disrepair, and each Improvement shall, at all times, be kept in good condition and repair and adequately painted or otherwise finished. If any Improvement is damaged or destroyed, such Improvement shall be immediately repaired or rebuilt (after the approvals required by this Declaration have been obtained) or shall be demolished.

4.18 Nuisances and Offensive Activities. No use or activity shall be undertaken or permitted on any Lot or Parcel which constitutes an annoyance to surrounding Owners or Occupants or a public or private nuisance or which would render any Lot or Parcel (or activity thereon) unsanitary, unsightly, unsafe, offensive or detrimental to any other property in the vicinity of the Lot or Parcel or to the Owner or Occupants of such other property.

4.19 Trash Containers and Collection. No garbage or trash shall be placed or kept on any Lot or Parcel, except in covered containers which are appropriately screened from the view of neighboring properties, unless necessary to make the same available for collection and then only for the shortest time reasonably necessary to effect such collection. The Architectural Review Committee may also, in its discretion and at its option, designate the location on a Lot or Parcel where such containers shall be stored between collection times in order to protect adjacent properties from noise or odors emitting from the use of such containers. No rubbish, trash, garbage or debris of any kind shall be burned within the Property. No outdoor incinerators shall be kept or maintained on any Lot or Parcel.

4.20 Disease and Insects. No Owner shall permit any thing or condition to exist upon any Lot or Parcel which shall induce, breed or harbor infectious plant diseases or noxious insects.

4.21 Health, Safety and Welfare. If additional uses, activities, and facilities are deemed by the Board to be a nuisance or to adversely affect the health, safety or welfare of Owners or Occupants or the quality or attractiveness of Troon North , the Board may make rules restricting or regulating such uses, activities and facilities. Such rules, when adopted in the manner provided in Section 5.04 of this Declaration, shall be effective as Association Rules.

4.22 Restriction on Further Subdivision, Property Restrictions. No Lot shall be split, subdivided or separated into smaller lots or parcels, and no Owner of a Lot shall sell or lease less than all of the Lot. No subdivision plat or horizontal property regime shall be recorded, modified or revoked with respect to a Parcel and no further covenants, conditions or restrictions (other than Tract Declarations and Master Plans permitted by Article 2 of this Declaration, and development plans/plats for Parcels M, N, O and Q) shall be recorded, modified or revoked by any Owner or other person with respect to any Parcel unless the Board has first approved the plan, horizontal property regime, or the proposed covenants, conditions or restrictions (or revocation or modification thereof), such approval to be evidenced by the Association's signature on the final, recorded plat (or revocation or modification thereof) or recorded instrument imposing, modifying, or revoking the covenants, conditions or restrictions (or revocation or modification thereof) recorded in violation of this Section shall be absolutely null and void. The Board's review shall be for the purpose of assuring, in the sole and absolute discretion of the Board, that the plat, horizontal property regime, or covenants, conditions and restrictions (or revocation or modification thereof) are consistent and compatible with the overall plan of development within the Property. However, in no event shall the approval of the Board of any plat, horizontal property regime, or covenant, condition or restriction (or revocation or modification thereof) be deemed an abandonment or waiver of any provision of this Declaration or of any Tract Declaration. The provisions of this Declaration shall

be and remain superior to any such plat, horizontal property regime, or covenant, condition or restriction.

4.23 Formation of Associations. Each Subdivision, or group of Subdivisions, shall have its own Neighborhood Association which shall be established by the Declarant prior to the Turnover Date, or established by the then-current Owner of the subdivision, concurrent with its development, if such Subdivision has not been platted prior to the Turnover Date. Each such Neighborhood Association shall have the rights and duties commensurate with its governing documents, as adopted by the Declarant (or as adopted by its then-current Owner concurrent with the applicable platting process) and as amended from time to time in accordance with such governing documents. No other homeowner's association, property owner's association or similar organization shall be formed with respect to any portion of the property until the organizational documents (including the articles of incorporation and bylaws) have been reviewed and approved by the Board to assure that there are no material conflicts between the new association's organizational documents and the organizational documents of the Association or any Neighborhood Association. Any and all modifications to such organizational documents shall also require the prior approval of the Board. If, on the Turnover Date, a statutory agent has not been appointed for any Neighborhood Association, Troon North Association shall be named as the statutory agent for such Neighborhood Association(s). In such event, upon receipt, as statutory agent, of any documents, correspondence, etc., on behalf of such Neighborhood Association(s), Troon North Association shall use its best efforts to ensure that such items are transmitted to the appropriate Neighborhood Association(s) and/or its/their members. Furthermore, as the statutory agent of such Neighborhood Association(s), Troon North Association shall ensure the timely filing of all annual reports as may be required by the Arizona Corporation Commission, so as to ensure the continued corporate existence of such Neighborhood Association(s).

4.24 Temporary Occupancy. No trailer, vehicle, mobile home, basement of any incomplete building, tent, shack, garage, barn, or temporary building or structure of any kind shall be used at any time for a residence, either temporary or permanent, without prior written approval by the Board.

4.25 Overhead Encroachments. No tree, shrub, or planting of any kind on any Lot or Parcel shall be allowed to overhang or otherwise to encroach upon any sidewalk, street, pedestrian way or other similar area from ground level to a height of eight (8) feet.

4.26 No Obstructions to Drainage. No Improvement shall be constructed, and no action shall be taken, on any Lot or Parcel, by any Owner that will interfere with the drainage of storm water and result in a condition which varies from the drainage plan for such Lot or Parcel which has been approved by the City of Scottsdale and as submitted to, and made a record of, the Architectural Review Committee. No Improvement shall be permitted which would interrupt the normal drainage of the land nor shall any Improvement be permitted within any area designated on a recorded document as a "drainage easement"; provided, however, with the prior consent of the City of Scottsdale and the Architectural Review Committee, non-permanent structures, including fences, may be erected over underground closed conduit storm drainage facilities.

4.27 Utility Service. All gas, electric, power, telephone, water, sewer, cable television and other utility or service lines and all other lines, pipes, cables or conduits of every kind or character (whether now existing or hereafter invented or used) shall be placed and kept underground, except to the extent, if any, such underground placement may be prohibited by law or, by the nature of the service to be rendered, such underground placement prevents the lines from being functional. However, the foregoing restriction shall not prohibit service pedestals and above ground switch cabinets and transformers, where required. This restriction shall also not prohibit temporary power or telephone structures approved by the Architectural Review Committee and which are incident to the construction of Improvements.

4.28 Mineral Exploration. No Lot or Parcel shall be used in any manner to explore for or to remove any water, oil or other hydrocarbons, minerals of any kind, gravel, earth or any earth substance of any kind.

4.29 Nonresidential Use. No gainful occupation, profession, trade or other nonresidential use shall be conducted on any Lot or on any Parcel which is developed with a residential unit, and no person shall enter upon such a Lot or Parcel for the purpose of engaging in such uses or for the purpose of receiving products or services arising out of such usage. Nothing contained in this Section 4.29 or any other portion of this Declaration shall be construed to prohibit the use of any residential unit by any stockholder, partner, officer, employee, guest or invitee of any corporate, partnership or similar type entity Owner so long as such residential unit is not used as a place from which to conduct a gainful occupation, profession, business or trade, and such individuals are members of a single housekeeping unit. Notwithstanding the foregoing, an Owner may conduct a business activity within a dwelling unit so long as: (i) the existence of operation of the business activity is not apparent or detectable by sight, sound or smell from the outside of the dwelling unit; (ii) the business activity conforms to all applicable zoning ordinances; (iii) the business activity does not involve persons coming onto the Lot or the door-to-door solicitation of other Owners; and, (iv) the business activity is consistent with the residential character of Troon North and does not constitute a nuisance or a hazardous or offensive use or threaten the security or safety of other Owners or their guests.

4.30 Single-Family Occupancy; Household Composition; Tenants. Without interfering with the freedom of occupants of dwelling units to determine the composition of their households, the Association shall, nonetheless, have the power to require that all occupants be members of a single housekeeping unit and to limit the total number of occupants permitted in each dwelling unit on the basis of size and facilities of the dwelling unit and its fair-share use of the Common Areas. In accordance therewith, each residential dwelling unit constructed on the Property may be occupied only by a single family. Any dwelling unit may be rented to a single-family tenant from time to time by the Owner, subject to the Association Rules and provided that the term of such rental is not less than thirty (30) consecutive days, or for such period as required by applicable statute and/or ordinance, whichever is greater. The Owner of each dwelling unit shall, at or prior to execution of any lease, furnish to the tenant a copy of the Declaration, the Articles and Bylaws and the Association Rules and obtain a receipt for such items executed by the tenant. The receipt obtained by the Owner shall be delivered to the Association on or before one week after the lessee

or tenant is entitled to occupancy of the dwelling unit. Nothing contained in this Section 4.30 or any other portion of this Declaration shall be construed to prohibit ownership by a corporation, partnership, limited liability company or similar type entity Owner, provided that such entity ownership is for tax-planning or estate planning purposes, and not for the purpose of evading or avoiding the restrictions set forth in this Declaration, and provided that prior to acquiring an ownership interest in any dwelling unit, each such corporation, partnership, limited liability company and/or similar type of entity shall submit to the Association, for its review, a copy of the entity's organizational and governing documents (e.g., Articles of Incorporation, Bylaws, Articles of Organization, Operating Agreement, Partnership Agreement), as well as a statement as to the reason why the entity is being used to acquire the ownership interest in such dwelling unit and the intended use of the dwelling unit by such entity. Furthermore, nothing contained in this Section 4.30 or any other portion of this Declaration shall be construed to prohibit the use of any residential unit by any stockholder, partner, officer, employee, guest or invitee of any corporate, partnership, limited liability company or similar type entity Owner so long as such residential unit is not used as a place from which to conduct a gainful occupation, profession, business or trade, or any activity related thereto, or any type of use precluded by this Declaration, and such individuals are members of a single housekeeping unit. Notwithstanding the nature of any entity that may be an Owner, it is the intent of this Declaration that each dwelling unit be occupied and utilized for residential purposes only by a single household, except with the express consent of the Board, or as otherwise provided in a Supplemental Declaration. Notwithstanding the foregoing, an Owner may conduct a business activity within a dwelling unit, subject to the conditions set forth in Section 4.29 above.

4.31 Variances. The Board may, at its sole option and in extenuating circumstances, grant variances from the restrictions set forth in Article 4 of this Declaration if the Board determines, in its sole discretion:

(a) That either (i) enforcement of a particular restriction would create a substantial hardship or burden on an Owner or Occupant, or (ii) a change of circumstances since the recordation of this Declaration has rendered such restriction obsolete; and

(b) That the activity permitted under the variance will not have any substantial adverse effect on the Owners and Occupants with the Troon North and is consistent with the high quality of life intended for the residents of Troon North.

4.32 Square Footage. For Parcels B (Boulder Crest Estates Unit III at Troon North aka "Talus"), C (Parcel "C" at Troon North aka "Talus"), G (Boulder Crest at Troon North, Unit I), Candlewood Estates at Troon North Units 1 through 6, and Pinnacle Canyon, only one (1) residence shall be permitted on a Lot, and the residence shall have a ground floor area of at least two thousand eight hundred (2800) square feet, including the walls, but excluding open porches, patios, pergolas, attached garages and other similar extensions or projections.

4.33 Timeshares. No Lot or Parcel (except a Lot or Parcel zoned R4R-Resort

Parcel, R-5, C-2, or C-3), or any portion thereof, shall be used or marketed as a "Timeshare". For the purposes hereof a "Timeshare" means any arrangement, plan or similar device, whether by membership agreement, sale, lease, deed, license, right-to-use agreement, fractional interest agreement, or by any other means, in which an individual and/or entity receives the right in perpetuity, for life, or for a term of years, or other increment of time, to the recurrent, use or occupancy of a Lot, Parcel, Unit or Segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been, or will be, divided, regardless of the number of occupancy periods into which the project has been, or will be, divided. A "Timeshare" also includes: a "Time-Share Estate", which means a right of occupancy in a Lot or Parcel which is coupled with an estate in the real property; a "Time-Share Use", which means a right of occupancy in a Lot or Parcel that is not coupled with an estate in real property; and, any co-tenancy or analogous arrangement; and, any similar fractional use scheme.

ARTICLE 5

ASSOCIATION

5.01 Formation of Association. The Association shall be a non-profit Arizona Corporation, to be known as Troon North Association. Declarant has the exclusive right to incorporate the Association. The Association shall have only the powers and duties described by this Declaration. Neither the Articles nor Bylaws shall be amended or otherwise changed or interpreted, for any reason, so as to be inconsistent with this Declaration. If there is an inconsistency, the provisions of this Declaration shall control over the inconsistent provisions of the Articles or Bylaws.

5.02 Powers and Duties. Subject to the restrictions and limitations contained in this Declaration, in conducting business, the Association shall have the powers and duties that can be exercised by a nonprofit corporation under the Arizona Nonprofit Corporation Act including, without limitation, the following:

(a) The Association may enter into contracts and transactions with others, including Declarant and its affiliated companies, and such contracts or transactions shall not be invalidated or in any way affected by the fact that one or more of the directors or officers of the Association or members of any committee is employed by or otherwise connected with Declarant or its affiliates or others with whom the Associations contracts, provided that the fact of such interest shall be disclosed or known to the other directors acting upon such contract or transaction, and provided further that the transaction or contract is fair and reasonable. Any such director, officer or committee member may be counted in determining the existence of a quorum at any meeting of the Board or committee of which he is a member which shall authorize any contract or transaction described above or grant or deny any approval sought by the Declarant, its affiliated companies or any competitor thereof and may vote thereat to authorize any such contract, transaction or

approval with like force and effect as if he were not so interested.

(b) Effective on the first renewal date following the Turnover Date, the Association shall maintain at least $10,000,000.00 (combined limits) of insurance, $5,000,000.00 per claim, against liability incurred as a result of death or injury to persons or damage to property on the Common Areas. The Association may also maintain such other insurance as the Board determines is prudent under the circumstances. Until the Turnover Date the type and amount all insurance coverage shall be at the Declarant's discretion.

(c) The Association may improve the Common Areas (subject to the limitations in Section 3.01 above), and shall manage and maintain the Common Areas at a high standard of care, reflecting the first-class nature of Troon North. To that end, and to the extent reasonably practicable (as determined by the Board), and in an effort to ensure that the amounts charged to the Association are fair, the Board will solicit three (3) competitive bids for the performance of all work. The individual or entity chosen to perform such work shall be chosen based upon an assessment of the competence of said individual or entity combined with the proposed charges for such work.

(d) The Association shall have the right to levy and collect assessments and expend funds as provided in Article 7 of this Declaration.

(e) The Association shall have the right to do such other things as are expressly authorized in this Declaration for the Association, the Board, or any committee of either to perform, as well as such things as are reasonably necessary or proper for, or incidental to, the exercise of such express powers and duties.

(f) The Association shall have the right to accept properties, Improvements, rights and interests that may be conveyed, leased, assigned or transferred to the Association.

(g) The Association shall have the right to sue and be sued.

(h) The Association shall perform the functions and discharge the obligations delegated to or imposed upon the Association, the Board, or any committee of either.

5.03 Board of Directors and Officers. Prior to the Turnover Date, the affairs of the Association shall be conducted by a Board of Directors of three (3) members and such officers as the Board may elect or appoint in accordance with the Articles and Bylaws. After the Turnover Date, the affairs of the Association shall be conducted by a Board of Directors of at least five (5) but not more than nine (9) members and such officers as the Board may elect or appoint in accordance

with the Articles and Bylaws. Unless a specific provision of this Declaration expressly permits or requires the members of the Association to take action, all actions and business of the Association shall be conducted exclusively by the Board and the Association officers, employees, committees, managers and agents appointed or elected by and acting under the direction of the Board, and actions taken by the Board, the officers, employees, committees, managers and agents shall not be subject to review by the members. Prior to the Turnover Date, all members of the Board shall be appointed by Declarant and such appointees need not be Owners. For the initial Board serving immediately after the Turnover Date, all members of the Board shall be Owners and shall be appointed by Declarant, as follows: the Declarant shall appoint a subdivision advisory board which shall, from time to time, consult with the then-current Board. On or before the Turnover Date, the subdivision advisory board shall elect, from amongst its members, those Owners who will serve as the initial Board to serve from and after the Turnover Date until the expiration of their respective terms, or the date of the first annual meeting following the Turnover Date, whichever is later. The Board shall then appoint such elected Owners to the initial post-Turnover Date Board. In order to facilitate continuity and the orderly transition from Board to Board, Board members appointed to the initial Board serving immediately after the Turnover Date shall serve staggered terms, as follows: a majority of the Board members appointed shall serve two (2) year terms, and a minority of the Board members appointed shall serve one (1) year terms. From and after the first annual meeting occurring after the Turnover Date, Board members shall be elected by the members of the Association, using cumulative voting, and each Board member shall be an Owner or an officer, director, shareholder, beneficiary, or trustee of, or partner in, an Owner. At all such post-Turnover Date elections, all Board members shall be elected to two (2) year terms. All such terms shall expire at the Association's annual meeting held during the final year of the respective term. The Board may also appoint various committees and may appoint a manager who shall be responsible for the day-to-day operation of the Association, subject to the direction of the Board. The Board shall determine the compensation to be paid to the manager. The Board may also hire such employees as may be needed to carry out the Association's duties and may also retain the services of professional advisers, such as engineers, architects, accountants, and attorneys, to advise the Board with respect to the business of the Association. In order to preclude the possibility that the Board be comprised of multiple individuals representing a single lot, only one (1) representative per lot may serve on the Board at any given time. Furthermore, in order to assure that the Board is comprised of Owners residing in as many subdivisions as possible, no more than two (2) Owners from any single subdivision may serve on the Board at any given time.

5.04 Association Rules. By majority vote of the Board, the Association, from time to time, may adopt, amend and repeal rules and regulations to be known as the Association Rules. Provided that the Association Rules are not more limiting or restrictive than this Declaration, the Association Rules may restrict and govern the use of any Lot, Parcel, or Common Area by any Owner or Occupant, and shall set forth the sequence and enforcement standards that will be followed by the Association with regard to non-compliance and/or violation of any of the provisions of the Rules and this Declaration; however, the Association Rules shall not discriminate among Owners or Occupants similarly situated nor shall the Association Rules be inconsistent with this Declaration, the Articles or Bylaws. Within five (5) business days following adoption, amendment or repeal of an Association Rule, the Board shall make available, either at the Association's regular place of

business, or by electronic means, a copy of the adopted or amended Association Rule or a notice of repeal, if an Association Rule has been repealed, and each Owner shall be responsible for checking with the Association from time to time as to the existence of any change in the Association Rules. An Association Rule or an amendment to an Association Rule shall be effective fifteen (15) days following the Board action adopting or amending the Association Rule, unless the Board specifically finds that an earlier effective date is necessary, due to emergency circumstances, in which case the earlier date designated by the Board shall be the effective date. Actions repealing Association Rules shall be effective on the date the Board takes action to repeal the Association Rule. All actions of the Board in adopting, amending, or repealing Association Rules shall become effective as provided above, regardless of whether notice of the action has been actually received by the Owners. Once the Association Rules become effective, they shall have the same force and effect as if they were set forth in and were a part of this Declaration, subject, however to the right of the Board to amend or repeal Association Rules as provided in this section.

5.05 Personal Liability. No member of the Board or any committee of the Association, no officer of the Association, and no manager or other employee of the Association shall be personally liable to any Owner, or to any other person, including the Association, for any damage, loss or prejudice suffered or claimed on account of any act, omission, error, or negligence of the Association, the Board, the manager, any representative or employee of the Association, or any committee member or officer of the Association; provided, however, the limitations set forth in this Section shall not apply to any person who has engaged in willful or intentional misconduct. The corporation shall be entitled to indemnify its members, directors, officers, employees, and agents to the full extent permitted by law.

5.06 Subdivision Advisory Committee. Recognizing that all Troon North subdivisions will not, at all times, have a representative serving on the Board, and so as to permit all Troon North subdivisions to have input with regard to matters before the Board, the Board shall appoint a Subdivision Advisory Committee which shall be comprised of one (1) Owner from each of the Troon North subdivisions. The Subdivision Advisory Committee shall advise the Board on various matters, at the Board's request. The Subdivision Advisory Committee members shall be appointed by the Board from a list of individuals provided to the Board by the subdivisions. If any subdivision fails to provide the name of a representative to serve on the Subdivision Advisory Committee prior to the date upon which the Board appoints the members of the Committee, the Board may appoint a representative from such subdivision.

5.07 Priority of Master Documents. The provisions of any Neighborhood Association Declaration are subject and subordinate to the provisions of this Declaration, the Articles and Bylaws of the Troon North Association, and any rules, regulations or policies adopted by the Troon North Association and its duly appointed committees. To the extent that the provisions of any Neighborhood Association Declaration are inconsistent with or in derogation of any of the foregoing, unless otherwise set forth herein this Declaration the more restrictive provision shall control. If an Owner violates any of the provisions of a Neighborhood Association Declaration, which violation is also a violation of this Declaration, and the Neighborhood Association fails to restrain or enforce the violation for an unreasonable period of time after written request to do so by the Troon North

Association, such violation may be restrained or enforced by the Troon North Association as provided in this Declaration.

ARTICLE 6

MEMBERSHIP AND VOTING

6.01 Membership. Every Owner, including Declarant, shall be a member of the Association. An Owner shall remain a member of the Association until such time as he ceases to be an Owner, at which time his membership in the Association shall automatically cease. Ownership of a Lot or Parcel shall be the sole qualification and criterion for membership. Membership shall be appurtenant to and may not be separated from ownership of any Lot or Parcel. A membership in the Association shall not be transferred, pledged or alienated in any way except on the sale of such Lot or Parcel and then only to the purchaser, or by intestate succession, testamentary disposition, *trustee's sale, foreclosure of mortgage of record, or other legal process. Any attempt to make a* prohibited transfer is void and will not be reflected upon the books and records of the Association. In the event an Owner fails or refuses to transfer the membership registered in his name to the purchaser of such a Lot or Parcel, the Association shall have the right to record the transfer upon the books of the Association and thereupon the old membership outstanding in the name of the seller shall be null and void as though the same had been surrendered. Each Owner shall be entitled to one membership in the Association with the number of votes determined in the manner described in Section 6.02 of this Declaration. If a Lot or Parcel is owned by a Corporation, Partnership, or similar type entity or by two or more persons in joint tenancy, tenancy in common or as community property or other form of joint ownership, the membership as to such Lot or Parcel shall nevertheless be a single membership, and the Owner or joint Owners shall designate to the Association, in writing, the person who shall have the power to vote the Membership. In the absence of such a designation, and until such a designation is made, the Board shall make the designation. If the Board fails to make such designation, any authorized representative of a Lot's or Parcel's Owner(s) shall have the power to vote the membership attributable to such Lot or Parcel. In such event, if conflicting votes are cast on behalf of any one membership, none of the votes so cast will be counted. No certificates of membership shall be issued, and memberships shall be evidenced by the official list of Owners kept by the secretary of the Association.

6.02 Number of Votes. Each Owner shall have the following number of votes in the Association, which such Owner may exercise in the manner and at the times specified in this Declaration:

(a) One (1) vote for each Lot owned by the Owner.

(b) One (1) vote for each acre, or fraction thereof, in each Parcel owned by the Owner. However, if townhouse units or an apartment, commercial or office building or resort is constructed on a Parcel and unless the provisions of Section 6.02(c) below apply, then, upon the issuance of a certificate of occupancy or other evidence of substantial completion of the building and

thereafter until such time, if ever, that the building no longer exists, the votes with respect to that Parcel shall be determined as follows:

(i) One (1) vote for each townhouse unit;

(ii) One-half (½) vote for each apartment unit;

(iii) One (1) vote for each 3,000 square feet, or fraction thereof, of commercial or office space in a commercial or office building;

(iv) One-third (1/3) vote for each resort unit.

(c) If a horizontal property regime establishing a condominium has been recorded with respect to the Parcel, then upon issuance of a certificate of occupancy or other evidence of substantial completion of the condominium building and thereafter until such time, if ever, that the building no longer exists, the votes with respect to that Parcel shall be determined as follows:

(i) One (1) vote for each residential condominium unit;

(ii) One (1) vote for each 3,000 square feet or fraction thereof, of space in a commercial or office condominium unit.

(d) Notwithstanding the foregoing, the Owner(s) of the Golf Course Property shall only be entitled to vote on matters which may result in the alteration of their rights and/or obligations under this Declaration.

6.03 Fractional Votes. Except as provided in Section 6.02(b) above, fractional votes shall not be allowed. However, if an Owner holds more than one vote, the votes need not be cast as a unit.

6.04 Suspension of Voting Rights. No Owner shall be entitled to exercise any voting rights in the Association during any period in which the Owner is delinquent in the payment of any Assessment.

ARTICLE 7

ASSESSMENTS

7.01 Purposes. The Association shall apply all funds collected and received by it for the common good and benefit of the Property and the Owners, and in a non-discriminatory manner, by devoting those funds solely to the payment of the expenses of the Association incurred in carrying out its powers and duties as specifically enumerated in this Declaration. Without limiting the generality of the foregoing provision, no funds of the Association shall be used to carry on

propaganda or otherwise to attempt to influence legislation and the Association shall make no gift, donation or contribution to any organization engaged in such activities.

7.02 Creation of Lien; Personal Obligation. Each Owner, by acceptance of the deed or other instrument making such person an Owner (whether or not it shall be so expressed in such deed) is deemed to covenant and agree to pay to the Association any Assessments established from time to time as provided in this Declaration. All Assessments, together with the interest at the default rate from the due date until paid, costs and reasonable attorney's fees of the Association incurred in connection with enforcement and collection of any Assessment or in otherwise enforcing this declaration to be secured by an Assessment Lien, shall be a charge on, and shall be a continuing servitude and lien upon, the Lot or Parcel against which such Assessment is made (an "Assessment Lien"). Each Assessment, together with interest at the Default Rate, costs and reasonable attorney's fees as described above, shall also be the personal obligation of the person who was the Owner of the Lot or Parcel on the date that the Assessment, or any installment thereof, becomes due. The personal obligation for Assessments shall not pass to the successors in title of the Owner unless expressly assumed by them; however, an Assessment Lien with respect to any Assessment shall continue as a charge and lien on the Lot or Parcel in the hands of the subsequent owner.

7.03 Regular Assessments. In order to provide funds to enable the Association to carry out its powers and duties pursuant to this Declaration, including the establishment of appropriate and reasonable reserves, at least thirty (30) days prior to the beginning of each calendar year, commencing with the first full year after the year in which this Declaration is recorded, the Board shall estimate the total expenses of the Association for the upcoming year and shall assess against each Lot and Parcel a Regular Assessment. The Regular Assessment for each Lot or Parcel shall be based on the ratio of votes to which the Lot or Parcel is entitled to the total number of votes in the Association as of January 1st of the year for which the Regular Assessment is made. Written notice of the annual Regular Assessments shall be sent to each Owner. During the year, the Board may revise the amount of the Regular Assessments in order to meet expenses which exceed the amounts anticipated by the Association and collect such increased Assessments.

Anything in this Section 7.03 to the contrary notwithstanding, during the five (5) year period beginning with January 1, 1991 and ending December 31, 1995, the Regular Assessments charged to a Lot by the Association shall not exceed the following amounts:

(a)	January 1, 1991 through December 31, 1991	$20.00 per month
(b)	January 1, 1992 through December 31, 1992	$25.00 per month
(c)	January 1, 1993 through December 31, 1993	$30.00 per month
(d)	January 1, 1994 through	

	December 31, 1994	$35.00 per month
(e)	January 1, 1995 through December 31, 1995	$40.00 per month

Unless otherwise agreed to by a majority of the Owners in Troon North, following the end of the five (5) year period referred to above, the Regular Assessments shall increase no more than five percent (5%) per year or the percentage increase in the Consumer Price Index for all Urban Consumers (or comparable index if such index is not available), whichever is greater. Furthermore, anything in this Section 7.03 to the contrary, notwithstanding, the Regular Assessment for the Golf Course Property shall be an amount equal to one-half (½) of the Regular Assessments charged to a Lot as set forth above times the number of acres, or fraction thereof, constituting the Golf Course Property. **Notwithstanding any provision of Article 11, pertaining to Amendments to the Declaration, this immediately foregoing limitation related to the Golf Course Property's responsibility for Regular Assessments, may only be amended in accordance with Article 11, subject to the express written consent of the then-current owner of the Golf Course Property.**

7.04 Special Assessments.

(a) If the need for maintenance or repair in any Common Area is caused through the willful or negligent act of any Owner, his family, guests, invitees, or any person or Occupant using the Common Area with the permission of the Owner, the cost of such maintenance or repairs shall constitute a Special Assessment against such Owner and against each Lot and Parcel owned by such Owner and shall be secured by and Assessment Lien against each Lot and Parcel of the Owner. If any portion of any Lot or Parcel is maintained so as to present a public or private nuisance or to substantially detract from the appearance or quality of the surrounding Lots and Parcels or other areas of the Property of if any portion of the Lot or Parcel is being used in a manner which violates this Declaration or a Tract Declaration or if the Owner or Occupant of any Lot or Parcel is failing to perform any of its obligations under this Declaration or any Tract Declaration or to abide by any of the provisions of this Declaration or any Tract Declaration, the Board may, by resolution, make a finding to such effect. The resolution of the Board shall specify the particular condition or conditions which exist. The Board shall have the right to: (i) record a "Notice of Noncompliance"; and/or (ii) cause corrective action to be taken at the Owner's costs and expense (and the Owner hereby grants to the Board and any party acting pursuant to the Board's directions the right to enter onto the Lot or Parcel for the purpose of performing such corrective action); and/or (iii) commence proceedings in accordance with Article 16 herein to compel compliance with this Declaration or the Tract Declaration. All costs of any proceeding commenced by the Board, including, court costs and attorneys' fees, and all fees, charges, late charges, fines and monetary penalties charged pursuant to

this Declaration, any Tract Declaration, the Articles, the Bylaws, the Association Rules and any applicable law shall bear interest from the date incurred or charged until paid at the Default Rate and shall be a Special Assessment against the offending Owner and against each Lot and Parcel owned by the Owner and shall be secured by an Assessment Lien against each Lot and Parcel of the Owner, subject to limitations imposed by applicable Arizona law.

(b) If the Association undertakes to provide materials or services which benefit primarily an individual Lot or Lots, the Board shall have the right to allocate the costs of such material or services solely to the Owners of such included Lot(s) as Special Assessments which shall be in addition to Regular Assessments.

(c) The Board shall also have the right and power to provide for the construction of additional recreational and other common facilities, and/or the alteration, demolition or removal of existing recreational and other common facilities and to provide for the payment thereof by Special Assessments to the extent not otherwise funded by reserves and/or Regular Assessments. Following the Turnover Date, any major alteration, demolition, removal, construction or improvement approved by the Board, and to be funded by such a Special Assessment, shall also require ratification and approval by the affirmative vote of Owners holding at least sixty-seven (67%) of the total voting power in the Association

(d) The Board shall also have the right to impose a transfer fee in a reasonable amount to reimburse the Association for costs incurred with regard to any Owner's transfer of any Lot, to provide for funding of reserves and for other costs that would otherwise be funded by a Special Assessment against the Lot. To the extent the transfer fee includes an amount which exceeds the Association's costs incurred with regard to the transfer of the Lot, such fee shall not apply to conveyances to affiliated entities, pursuant to Section 4.30 above, or to conveyances resulting from foreclosures or trustees' sales, provided such conveyances are not undertaken for the purpose of evading the transfer fee.

7.05 Procedures Regarding Billing and Collections. Assessments shall be paid in monthly, quarterly or annual installments, as determined by the Board and specified on the Notice of Regular Assessments sent to each Owner. The board may adopt supplemental rules and regulations setting forth procedures for the purpose of making, billing for and collecting the Assessments provided for in this Declaration, provided that the procedures are not inconsistent with the provisions of the Declaration.

7.06 Refunds; Offsets. The Association shall be under no duty to refund any

payments received by it even though the ownership of a Lot or Parcel changes during a year. Successor Owners of Lots and Parcels shall be given credit for prepayments, on a prorated basis, made by prior Owners. No offset against an Assessment shall be permitted for any reason, including, without limitation, a claim that the Association is not properly exercising its duties or responsibilities under this Declaration. No Owner may exempt himself from liability for any Assessment by waiver of the use or enjoyment of the Common Areas or by abandonment of his Lot or Parcel, or any Improvement thereon.

7.07 **Collection Costs and Interest on Delinquent Assessments.** Any Assessment or installment thereof which is not paid when due shall be deemed delinquent (the "Delinquency Date"). If any such Assessment is not paid within thirty (30) days after the Delinquency Date, a late charge of Fifteen Dollars ($15.00), or such other amount as the Board shall from time to time determine, shall be levied and the Assessment shall bear interest from the date of delinquency until paid at the Default Rate. The Association may, at its option, commence proceedings in accordance with Article 16 herein against the Member personally obligated to pay the same and/or foreclose the Assessment Lien against the Member's Lot in accordance with the then prevailing law of the State of Arizona relating to the foreclosure of liens upon real property. If proceeding(s) is/are commenced, there shall be added to the amount of such Assessment, the late charge, interest, expenses incurred in connection with collection of the debt secured by the Assessment Lien, all attorneys fees and costs relating to such action, and if a judgment is obtained, such judgment shall include all such amounts. Each Member vests in the Association, or its agents, the right and power to bring all actions at law or equity against such Member for the collection of such delinquent Assessments. At any foreclosure sale of a Lot authorized pursuant to the then prevailing laws of the State of Arizona, the Association, through its duly authorized agents, shall have the power to bid at the sale, using Association funds or funds borrowed for such purpose, and to acquire and hold, lease, mortgage and convey the same. The Board may also record a Notice of Delinquent Assessment against any Lot or Parcel as to which an Assessment is delinquent and may charge a reasonable fee to reimburse the Association's cost in recording such Notice and otherwise processing the delinquency, and that fee be treated as a collection cost of the Association, secured by the Assessment Lien.

7.08 **Evidence of Payment of Assessments.** Upon receipt of a written request by an Owner or any other person, the Association, within a reasonable period of time after receiving the request, shall issue to such Owner or other person a written certificate stating (a) that all Assessments (including interest, costs and attorneys' fees, if any, incurred in connection with the Assessment) have been paid with respect to any specified Lot or Parcel as of the date of such certificate, or (b) if all Assessments have not been paid, the amount of such Assessments (including interest, costs and attorneys' fees, if any) due and payable as of such date. The Association may make a reasonable charge for the issuance of such certificates and that charge must be paid at the time the request for any such certificate is made.

7.09 **Property Exempted from Assessments.** Property owned by the Association and/or owned by a Neighborhood Association, shall be exempt from any Assessments pursuant to this Declaration, during such time as it is owned by the Association or the respective Neighborhood

Association.

7.10 Association Remedies. Subject to the Dispute Resolution provisions of this Declaration, if any Owner fails to pay the Assessments or installments when due, then, in addition to any other rights and remedies contained in this Declaration or otherwise available at law or in equity, the Association may enforce the payment of the Assessments and/or the Assessment Lien by taking either or both of the following actions, concurrently or separately (and, by exercising either of the remedies set forth below or any other remedy, the Association does not prejudice or waive its right to exercise the other remedy or any other right or remedy):

(a) Bring an action at law and recover judgment against the Owner personally obligated to pay the Assessment; and/or

(b) Foreclose the Assessment Lien against the Lot or Parcel in accordance with the then prevailing Arizona Law relating to the foreclosures of realty mortgages (including the right to recover any deficiency).

7.11 Subordination of Assessment Lien to First Mortgage or Deed of Trust; Priority of Assessment Lien. The Assessment Lien shall be subordinate to any first mortgage or deed of trust on the affected Lot or Parcel. The Assessment Lien shall also be subordinate to liens for taxes and other public charges which by applicable law are expressly made superior. Except as above provided, the priority of any Assessment Lien relates back to the date of recordation of this Declaration and each Assessment Lien shall be superior to any and all charges, liens or encumbrances which hereafter in any manner may arise or be imposed upon any Lot or Parcel. Sale or transfer of any Lot or Parcel shall not affect the Assessment Lien unless the sale or transfer is pursuant to foreclosure of a first mortgage or first deed of trust or pursuant to any trustee's sale or any proceeding in lieu thereof. In that case, the purchaser at the mortgage foreclosure or deed of trust sale or any grantee taking by deed in lieu of foreclosure shall take the Lot or Parcel free of the Assessment Lien for all Assessments that have accrued up to the date of the issuance of a sheriff's or trustee's deed or deed in lieu of foreclosure. Such purchaser or grantee, however, shall be liable for all Assessments and associated Assessment Liens accruing subsequent to the date of issuance of a sheriff's or trustee's deed or deed in lieu of foreclosure.

7.12 Surplus Funds. The Association shall not be obligated to spend in any year all the sums received by it in such year (whether by way of Assessments, fees or otherwise), and may carry forward as surplus any balances remaining. The Association shall not be obligated to reduce the amount of the Regular Assessment in the succeeding year if a surplus exists from a prior year and the Association may carry forward from year to year such surpluses as the Board in its discretion may determine to be desirable for the greater financial security of the Association and the accomplishment of its purposes.

7.13 Financial Reports. Not later than ninety (90) days after the commencement of each fiscal year, or thirty (30) days following the date upon which the Association's tax returns for the previous fiscal year have been filed, whichever is later, the Association shall make available

to Owners for inspection, either at the Association's regular place of business, or by electronic means, a copy of the previous year's financial statements and the current year's budget. In addition thereto, the Association shall have performed by an independent auditor/certified public accountant, an annual financial audit, review or compilation of the Association. The audit, review or compilation shall be completed no later than one hundred eighty (180) days after the end of the Association's fiscal year and shall be made available upon request to the Owners within thirty (30) days after its completion.

7.14 Failure to Assess. Failure of the Board to fix assessment amounts or rates or to deliver or make available to each Owner an assessment notice or financial reports shall not be deemed a waiver, modification, or a release of any Owner from the obligation to pay assessments. In such event, each Owner shall continue to pay assessments on the same basis as for the last year for which an assessment was made, if any, until a new assessment is made, at which time the Association may retroactively assess any shortfalls in collections.

ARTICLE 8

ARCHITECTURAL REVIEW COMMITTEE

8.01 Approval of Plans. No Improvement shall be commenced, or erected or maintained within any portion of the Property unless and until detailed plans and specifications (including site plans) showing the proposed nature; location; identity, type, and quality of proposed materials; size; area; height; color; shape; and design of the proposed Improvements, as well as any other matters required by this Declaration or by the architectural standards described in Section 8.04 below, have first been approved by the Architectural Review Committee and, if applicable, by an architectural review committee of the subdivision (the "ARC Subcommittee") in which the proposed Improvements are to be erected. The Architectural Review Committee and the ARC Subcommittee, if any, may consider the location of conditions such as unstable slopes subject to boulder rolling, rockfalls or landslides, bedrock areas, slopes of fifteen percent (15%) or greater and shallow, rocky mountain soils subject to severe erosion in reviewing plans for proposed Improvements. **Notwithstanding the foregoing, the then-current owner of the Golf Course Property shall be entitled, subject only to City of Scottsdale approval, to transfer Natural Area Open Space ("NAOS") credits to lots within the Property.**

8.02 Establishment. The Architectural Review Committee shall be a committee of the Association, which shall consist of three (3) members appointed by the Board. The members of the Architectural Review Committee need not be architects and do not need to possess any special qualifications. Prior to the Turnover Date, members need not be Owners. From and after the Turnover Date, members must be Owners. Architectural Review Committee members shall serve for a term of one (1) year and may be reappointed. The Architectural Review Committee, with the advice and consent of the Board, may engage such professional services as are reasonably necessary to facilitate the Committee's discharge of its duties.

8.03 Meetings. The Architectural Review Committee shall hold regular meetings.

A quorum for such meetings shall consist of a majority of the committee members, and the affirmative vote of a majority of such members shall be necessary for any decision of the Architectural Review Committee. The Architectural Review Committee shall keep and maintain a record all actions taken at its meetings. The Architectural Review Committee may take action without a meeting by means of written consents signed by a majority of the then-current members of the Architectural Review Committee.

8.04 Architectural Standards and Committee Procedures. The Architectural Review Committee and the ARC Subcommittee, if any, shall promulgate written architectural standards and Architectural Review Committee/ARC Subcommittee procedures to be followed by Owners in preparing and submitting plans and specifications and to be used by the Architectural Review Committee in reviewing plans and specifications for proposed Improvements, in rendering its decisions and otherwise performing its functions under this Declaration. The standards and procedures adopted from time to time by the Architectural Review Committee must be approved by the Board prior to their implementation and once approved by the Board in the manner described in Section 5.04 of this Declaration, shall be effective as Association Rules. Within ten (10) business days following the adoption of any such procedures by the ARC Subcommittee, the ARC Subcommittee shall provide a copy of such procedures to the Architectural Review Committee. Any procedures adopted by the Architectural Review Committee and/or the ARC Subcommittee must include, but not be limited to, a provision which requires the Architectural Review Committee to refer all plan and specification submissions which may be subject to an ARC Subcommittee review, to the board of directors having jurisdiction over such Subcommittee within five (5) business days following the Architectural Review Committee's receipt thereof; and, a provision which requires the ARC Subcommittee to provide the Architectural Review Committee with its input not later than fifteen (15) business days following its receipt of the subject plans and specifications; and a provision which deems there to be no comment from the ARC Subcommittee if the Subcommittee fails to respond within such fifteen (15) business day period; and, a provision which states that in the event of a conflict between the Architectural Review Committee and the ARC Subcommittee on any matter involving approval or denial issues, the more restrictive requirement will prevail. Subject to the provisions of Section 8.05 of this Declaration, the collective decision of the Architectural Review Committee and the ARC Subcommittee, if any, shall be final on all matters submitted to it pursuant to this Declaration. Architectural standards and Architectural Review Committee and ARC Subcommittee procedures shall not be inconsistent with the terms of this Declaration and if there are any inconsistencies, the provisions of this Declaration shall control.

8.05 Appeal to Board. Any Owner or Occupant dissatisfied by a decision of the Architectural Review Committee may appeal the decision to the Board in accordance with procedures established by the Board. If the decision of the Architectural Review Committee is overruled by the Board on any issue or question, the prior decision of the Architectural Review Committee shall be deemed modified to the extent specified by the Board.

8.06 Fee. The Board may establish a reasonable processing fee to defray the costs of the Architectural Review Committee in considering requests for approvals submitted to it. The appropriate fee shall be paid at the time the request for approval is submitted.

8.07 Compensation; Delegation. Unless authorized by the Board, the members of the Architectural Review Committee shall not receive any compensation for services rendered. All members shall be entitled to reimbursement from Association funds for reasonable expenses incurred by them in connection with the performance of any Architectural Review Committee function or duty. Professional consultants retained by the Architectural Review Committee shall be paid such compensation as the Architectural Review Committee determines. The Architectural Review Committee may delegate its plan review responsibilities, except final plan approval, to one or more of its members or to architectural consultants retained by the Committee.

8.08 Non-Liability. Neither the Association, the Board members, Declarant, nor any member of the Architectural Review Committee shall be liable for damages to anyone submitting plans to them for approval or to any Owner or other person by reason of mistake in judgment, negligence or nonfeasance arising out or in connection with the approval or disapproval or failure to approve any plans submitted to the Architectural Review Committee and each Owner or other person submitting plans agrees, by submission of such plans and specifications, that he will not bring any action or suit against the Architectural Review Committee, any member thereof, the Association, the Board members, or Declarant to recover damages. Approval by the Architectural Review Committee, any member thereof, the Board or Declarant shall not be deemed to be a representation or warranty that the Owner's plans or specifications or the actual construction of an Improvement complies with the applicable governmental ordinances or regulations, including, but not limited to, zoning ordinances and local building codes. It shall be the sole responsibility of the Owner or other person submitting plans to the Architectural Review Committee or performing any construction to comply with all such ordinances, regulations, and codes.

ARTICLE 9

ENFORCEMENT

9.01 Rights of Enforcement. Declarant, any Owner, and the Association each shall have the right to enforce the provisions of this Declaration. In addition, the Association and Declarant shall each have the right to enforce the provisions of any other instrument which, by its terms, indicates that the provisions of such instrument were intended to be enforced by the Association or by Declarant. For the purposes of this Declaration, Enforcement shall include, without limitation, the right to proceed against any person, persons or entity, violating, or attempting, or threatening to violate any provision(s) of this Declaration, or other instrument which, by its terms, indicates that the provisions of such instrument were intended to be enforced by the Association or by Declarant, whether or not such violation, or attempted or threatened violation, results from an isolated act or event, or is continuing, occasional, completed, or, suspended, temporarily or otherwise. Enforcement shall be undertaken in accordance with the provisions of Article 16 herein.

9.02 Enforcement of Declaration by Neighborhood Association. This Declaration may be enforced by any Neighborhood Association, provided that the Neighborhood Association's board has first tendered, in writing, enforcement of this Declaration to the

Association, and the Troon North Association Board has failed to commence, or advise of its intent to commence, enforcement within thirty (30) days following the tender of enforcement. Neighborhood Associations shall have the right, but not the duty to enforce this Declaration. Any such enforcement undertaken by a Neighborhood Association shall be undertaken in accordance with Article 16 of this Declaration by proceeding against any person, persons, or entity violating, or attempting, or threatening to violate any provision of this Declaration. In order to preclude the potential of the imposition of duplicate penalties by both the Neighborhood Association and the Troon North Association for a violation of this Declaration, the imposition of penalties by the Neighborhood Association shall be coordinated with the Troon North Association. To that end, if, after a hearing, the Neighborhood Association intends to impose a penalty, the Neighborhood Association shall notify the Troon North Association, in writing, to advise it as to the Neighborhood Association's intent. If, within ten (10) business days' following the date of the written notice The Troon North Association does not object, the Neighborhood Association shall be entitled to impose the penalty. Notwithstanding the foregoing, if, at any time, it is determined that a duplicate penalty has been imposed (i.e., penalties imposed by both the Neighborhood Association and the Troon North Association for the same violation, regardless of the amount of each penalty), the penalty imposed by the Neighborhood Association shall be rescinded and any amounts paid by the violator to the Neighborhood Association shall be refunded to the violator within sixty (60) days, unless another course of action is mutually agreed upon, in writing, by the Neighborhood Association and the Troon North Association within such sixty (60) day period.

9.03 Waiver or Abandonment. The waiver of, or failure to enforce any breach or violation, or threatened or attempted breach or violation, of any provision of this Declaration shall not be deemed to be a waiver or abandonment of such provision, or a waiver of the right to enforce such breach or any subsequent breach or violation of such provision. The foregoing shall apply regardless of whether any person affected hereby (or having the right to enforce this Declaration) had knowledge of the breach or violation.

ARTICLE 10

EASEMENTS AND ACCESS RIGHTS

10.01 Easements. The following easements over the Property are hereby reserved over all Lots and Parcels of the Property:

(a) Utility and Drainage Easements. Easements in favor of Declarant and the appropriate public utilities for the installation and maintenance of electric, telephone, cable televison, water, gas, and sewer or similar lines, pipes and facilities, as may be required or appropriate to service any Lot or Parcel or as may otherwise be required by law.

(b) Construction and Maintenance Easements. Easements in favor of Declarant for the purpose of construction, repairing and maintaining all

Improvements upon the Common Areas.

(c) Maintenance and Repair of Common Areas. Easements in favor of the Association for the purpose of maintaining and repairing Improvements on the Common Areas that are located within the boundaries of Lots or Parcels.

The foregoing easements, other than the Easements referenced in Section 10.01(c), shall terminate, as to Lots, at the time of recordation of a subdivision plat creating the Lots, to the extent such easements are not expressly set forth on the subdivision plat or in another recorded instrument approved and signed by the Owner of the Lots.

10.02 Access. During reasonable hours and upon reasonable notice to the Owner or other Occupant of a Lot or Parcel, Declarant, any member of the Architectural Review Committee, any member of the Board, or an authorized representative of either, shall have the right to enter upon and inspect any Lot or Parcel, and the Improvements thereon, except for the interior portions of any completed residence or business space, for the purpose of determining whether or not the provisions of this Declaration have been or are being complied with, and such persons shall not be deemed guilty of trespass by reason of such entry.

ARTICLE 11

TERM; AMENDMENTS; TERMINATION

11.01 Term; Method of Termination. This Declaration shall be effective upon the date of recordation and, as amended from time to time, shall continue in full force and effect for the term of fifty (50) years from the date this Declaration is recorded. From and after said date, this Declaration, as amended, shall be automatically extended for successive periods of ten (10) years each, unless there is an affirmative vote to terminate this Declaration by the then Owners holding at least ninety percent (90%) of the total voting power in the Association at an election held for such purpose within six (6) months prior to the expiration of the initial fifty (50) year term or any ten (10) year extension period. Anything in the foregoing to the contrary notwithstanding, no vote to terminate this Declaration shall be effective unless and until the written consent to such termination has been obtained from the holders of recorded first mortgages or deeds of trust on sixty-seven percent (67%) of the Lots and Parcels upon which there are such recorded first mortgages and deeds of trust. If the necessary votes and consents are obtained, the Board shall cause to be recorded a Certificate of Termination, duly signed and acknowledged by the president or vice-president and attested by the secretary or assistant secretary of the Association, with their signatures acknowledge. Thereupon, this Declaration shall have no further force and effect, and the Association shall be dissolved.

11.02 Amendments. Prior to the Turnover Date, the Declaration may be amended by majority vote of the Board at a meeting of the Board duly called pursuant to the Articles and Bylaws for the adoption of the amendment. After the Turnover Date, the Declaration may be

amended by the affirmative vote of Owners holding at least sixty-seven (67%) of the total voting power in the Association at a meeting of the Association duly called pursuant to the Articles and Bylaws for the adoption of the amendment. The Declaration may be amended by recording a comprehensive Restated Declaration of Covenants, Conditions and Restrictions for Troon North, pursuant to the following requirements: So as to ensure that the Declaration and all amendments thereto are included in a single document, each amendment hereafter the date of this Restated Declaration shall be adopted and recorded as a comprehensive Restated Declaration which shall set forth the entire Declaration, as amended, with the new amendment(s) included in the then-current Restated Declaration highlighted in **bold typeface**. Commencing with the adoption and recordation of the first amendment to this Restated Declaration, such document shall be entitled, "Second Restated Declaration of Covenants, Conditions and Restrictions for Troon North", and each subsequent Restated Declaration shall include reference to its appropriate sequencing, i.e., Third, Fourth, Fifth, etc., as is appropriate. Such Restated Declaration shall be duly signed and acknowledged by the Declarant, or president or vice-president and attested to by the secretary or assistant secretary of the Association, as is appropriate.

11.03 Tract Declarations. Amendments to and revocations of Tract Declarations shall be subject to the provisions of Section 2.02 of this Declaration.

11.04 Parcel "N" Amendments. The Declaration may not be further amended with respect to Parcel "N" without the express written consent of the owner or owners of Parcel "N".

11.05 Adoption of Additional Parcel "N" Restrictions. The owner or owners of Parcel "N" may, without the consent of the Declarant or the Association, adopt covenants, conditions and restrictions for Parcel "N", provided that such covenants, conditions and restrictions do not conflict with the Declaration, as it applies to Parcel "N".

11.06 Change of Circumstances. Except as otherwise expressly provided in this Declaration, no change of conditions or circumstances shall operate to extinguish, terminate or modify any of the provisions of this Declaration.

ARTICLE 12

ANNEXATION OF ADDITIONAL PROPERTY

12.01 Annexation. Prior to the Turnover Date, Declarant may, without the approval, assent or vote of any other Owner, annex other unimproved real property located in the general vicinity of the Property to the property covered by this Declaration. After the Turnover Date, unimproved real property located in the general vicinity of the Property may be annexed to the Property with the assent, approval or affirmative vote of Owners holding at least sixty-seven percent (67%) of the total voting power in the Association.

12.02 Supplementary Declarations. The annexations authorized under the foregoing Section 12.01 shall be made by recording a supplemental declaration of covenants,

conditions and restrictions, or similar instrument, with respect to the annexed property. The recordation of said supplemental declarations shall constitute and effectuate the annexation of the annexed property, making the annexed property subject to this Declaration and subject to the functions, powers and jurisdiction of the Association, and thereafter the annexed property shall be part of the Property and all of the Owners of Lots and Parcels in the annexed property shall automatically be members of the Association.

ARTICLE 13

EXEMPTIONS

13.01 Government Property Exemption. All land and improvements owned by or dedicated to and accepted by the United States, the State of Arizona, Maricopa County, the City of Scottsdale, or any other subdivision thereof, shall be exempt from the provisions of this Declaration so long as such ownership and/or dedication remains in effect.

13.02 Parcel "N" Exemption. Parcel "N", as described on Exhibit "F" attached hereto, is hereby exempt from the following provisions of the Declaration: all of Article 2, all of Article 3, all of Article 4, all of Article 5, and all of Article 8. The foregoing provisions of the Declaration shall not apply to Parcel "N".

13.03 Parcels "M", "O" and "Q" Exemptions. Provided Parcels "M", "O" and "Q", as described on Exhibits "G", "H", and "I" respectively, are not zoned for residential use, such Parcels are hereby exempt from the following provisions of the Declaration: all of Article 2, all of Article 3, all of Article 4, all of Article 5, and all of Article 8. The foregoing provisions of the Declaration shall not apply to Parcels "M", "O", and "Q", unless said Parcels are zoned, at any time, for residential use.

13.04 Parcel "W" Exemptions. Due to the unique characteristics of Parcel "W", as described on Exhibit "J" attached hereto, the following provisions of this Declaration shall be applied to Parcel "W", as follows: (a) when applied to Parcel "W", all references to the Hillside Ordinance in this Declaration, and the Architectural Standards and Procedures, shall instead be deemed to refer to the City of Scottsdale's Environmentally Sensitive Lands II Ordinance (the "ESLIIO"); (b) variances under Section 4.31 of this Declaration shall be liberally granted with regard to Parcel "W"; and, (c) Parcel "W" shall be exempt from certain provisions of the Architectural Standards and Procedures, as amended from time to time, and subject to certain other restrictions, *in accordance with that certain Supplemental Declaration of Covenants, Conditions and Restrictions* for Troon North, dated 8 January 2004, and recorded as Document No. 2004-0020921, Records of Maricopa County, Arizona.

ARTICLE 14

MISCELLANEOUS

14.01 Interpretation of the Covenants. Except for judicial construction, the Association, by its Board, shall have the exclusive right to construe and interpret the provisions of this Declaration. In the absence of any adjudication to the contrary by a court of competent jurisdiction, the Association's construction or interpretation of the provisions of this Declaration shall be final, conclusive and binding as to all persons and property benefitted or bound by the provisions of this Declaration. Notwithstanding anything to the contrary in the Declaration , in any circumstance in which the review or approval of the Board or the Architectural Review Committee is required, the Board or the Architectural Review Committee , as the case may be, shall not unreasonably withhold or delay its review or approval.

14.02 Severability. Any determination by any court of competent jurisdiction that any provision of this Declaration is invalid or unenforceable shall not affect the validity or enforceability of any of the other provisions of this Declaration, and such provision shall be modified to the minimum extent necessary to make it or its application valid and enforceable.

14.03 Rule Against Perpetuities. If any interest purported to be created by this Declaration is challenged under the rule against perpetuities or any related rule, the interest shall be construed as becoming void and of no effect as of the end of the applicable period of perpetuities computed from the date when the period of perpetuities starts to run on the challenged interest. The "lives in being" for computing the period of perpetuities shall be (a) those which would be used in determining the validity of the challenged interest, plus (b) those of the issue of the Board who are living at the time the period of perpetuities starts to run on the challenged interest.

14.04 Change of Circumstances. Except as otherwise expressly provided in this Declaration, no change of conditions or circumstances shall operate to extinguish, terminate or modify any of the provisions of this Declaration.

14.05 Declarant's Disclaimer of Representations. Anything to the contrary in this Declaration notwithstanding, Declarant makes absolutely no warranties, representations or agreements whatsoever that the plans presently envisioned for the development of Troon North, in whole or in part, can or will be carried out, or that any land now owned or hereafter acquired by Declarant is or will be subjected to this Declaration, or that any such land (whether or not it has been subjected to this Declaration) is or will be committed to or developed for a particular (if any) use, or that if such land is once used for a particular use, such use will continue in effect.

14.06 Limitations on the Declarant's Liability. Notwithstanding anything to the contrary herein, it is expressly agreed that Declarant shall have no personal liability to the Association, or to any Owner, Occupant or other person, arising under, in connection with, or resulting from this Declaration. Furthermore, any use made, or action undertaken, by Declarant on or before the Turnover Date which is contrary to the provisions of this Declaration shall be deemed

to be a grandfathered and vested right of Declarant from and after the Turnover Date and not subject to any enforcement action or proceeding.

14.07 Reference to Covenants in Deeds; Binding Effect. Deeds to and instruments affecting any Lot or Parcel or any part of the Property may contain the provisions of this Declaration by reference to this Declaration; but regardless of whether any such reference is made in any deed or instrument, each and all of the provisions of this Declaration shall run with and burden the Property and each portion thereof and be binding upon each Owner and Occupant and all other parties having any right, title, or interest in, or otherwise coming upon, using, or enjoying the Property, their heirs, personal representatives, executors, administrators, successors and assigns.

14.08 Gender and Number. Wherever the context of this Declaration so requires, words used in the masculine gender shall include the feminine and neuter genders; words used in the neuter gender shall include the masculine and feminine genders; words in the singular shall include the plural; and words in the plural shall include the singular.

14.09 Captions and Titles. All captions, titles or headings of the Articles and Sections in this Declaration are for the purpose of reference and convenience only and are not deemed to limit, modify or otherwise affect any of the provisions hereof or to be used in determining the intent or context thereof.

14.10 Notices. If notice of any action or proposed action by the Board or any committee or of any meeting is required by applicable law, this Declaration or resolution of the Board to be given to any Owner or Occupant, then, unless otherwise specified in this Declaration or in the resolution of the Board, such notice requirement shall be deemed satisfied if notice of such action or meeting is published once in any newspaper in general circulation within the City of Scottsdale or the Property. This section shall not be construed to require that any notice be given if not otherwise required and shall not prohibit satisfaction of any notice requirement in any other manner.

14.11 Restriction of Property for Use as a Golf Course. For a period of not less than thirty (30) years following 20 December 1990, the Golf Course Property shall be restricted for use as an 36-hole golf course and related activities; provided, however, Declarant reserves the right to conduct tournaments or other promotional events on the Golf Course Property and construct on and use portions of the Golf Course Property for roadways (either public or private), maintenance facilities or such other improvements as are deemed reasonably necessary by Declarant in connection with the development of the Property. If a membership program or concept is initiated with respect to the Golf Course Property, any available memberships shall first be offered to Owners on the same terms and conditions as such memberships will be offered to the general public and Owners shall have not less than thirty (30) days in which to purchase such available memberships prior to such memberships being offered to the general public.

14.12 Amenity Use Agreement. On 11 May 1994, an Amenity Use Agreement was entered into by and between Troon North Golf Company and Diamond Land Investments, L.C.,

which, among other things, may entitle the Owners of real property within the Resort Property to certain preferential rights as to a percentage of the tee times available for the Golf Course Property. The Amenity Use Agreement shall be deemed incorporated in this Declaration by reference. The Declarant, the Association and any Owner, and their respective successors and assigns, shall be subject to, and shall not interfere with, the terms, conditions and rights granted in the Amenity Use Agreement.

14.13 Golf Course Activities. Every Lot , Parcel and the Common Area and the common property of any Neighborhood Association are burdened with an easement permitting golf balls unintentionally to come upon such Common Area, Lots, Parcels, or common property of a neighborhood and/or subdivision and for golfers at reasonable times and in a reasonable manner to come upon the Common Area, common property of a neighborhood/subdivision, or the exterior portions of a Lot to retrieve errant golf balls; provided, however, if any Lot or Parcel is fenced or walled, the golfer shall seek the Owner's permission before entry. Under no circumstances shall any of the following Persons be held liable for any damage or injury resulting from errant golf balls or the exercise of this easement: the Declarant; the Association or its Members (in their capacity as such), the Board, officers of the Association, the management company of the Association; the owner(s) of the Golf Course, or its successors, successors-in-title to the Golf Course, or assigns; any successor Declarant; or any builder or contractor (in their capacities as such).

ARTICLE 15

PARCEL "N" / "ADDITIONAL PROPERTY" RESTRICTIONS

15.01 Restrictions. Parcel "N" shall be held, transferred, sold conveyed, leased, occupied and used subject to the following covenants, conditions and restrictions. Such provisions shall apply only to Parcel "N" and shall not effect any other parcel of the Property.

15.02 Definitions.

(a) "Retail Parcel" shall refer to Parcel N of Troon North, as more particularly described on Exhibit "F" hereto.

(b) "Site Plan" shall refer to the Site Plan for Phase One approved January 21, 2000 by the Design Review Board for the City of Scottsdale.

(c) "Tenant" shall refer to any person, business, corporation, partnership or any other entity or group, leasing building space or land in the Retail Parcel.

15.03 Location. There shall be no changes in the general location of the building envelopes from that shown on the Site Plan.

15.04 Use. The buildings shall be used for commercial purposes of the type usually

found in a retail shopping center, provided that no buildings shall be used, in whole or in part, for a bowling alley, skating rink, pool hall, billiard room, game parlor, health or aerobic spa in excess of 9,000 square feet, adult entertainment or book store, or dance hall. No Tenant shall allow any excess noise, obnoxious odor or unruly behavior by its employees, invitees, guests, customers or agents, at any time.

15.05 Parking. The parking areas on the Retail Parcel, as designated on the Site Plan, shall be for the exclusive use of the Parcel "N" Declarant, Tenants and any guests, employees, invitees, customers and agents of the Parcel "N" Declarant or Tenants. The designation of specially identified and restricted parking shall be at the sole discretion of the Parcel "N" Declarant and any restricted or designated parking shall be properly marked by the Parcel "N" Declarant or its agent. In any event, all open and accessible driveway areas of the Retail Parcel shall be available to all Tenants, their guests, customers, invitees, employees and agents. The Parcel "N" Declarant reserves the right to assign specifically assigned areas for employee parking and partial reserved valet parking.

15.06 Outside Sales/Display/Use. In any area of the Retail Parcel, there shall be no outside sales, displays , temporary signage, solicitation, distribution of products or promotional items or materials or vending, without the written permission of the Parcel "N" Declarant. No private or restricted use of any of the common area of the Retail Parcel shall be allowed without the written permission of the Parcel "N" Declarant, which permission shall be at the sole discretion of the Parcel "N" Declarant. The Parcel "N" Declarant and the Parcel "N" Declarant only shall be allowed to install any holiday decorations or lighting.

15.07 Effect. These general covenants, conditions and restrictions shall remain in full force and effect for a period of sixty (60) years from 25 July 2000. Thereafter, these general covenants, conditions and restrictions shall be automatically renewed annually unless and until terminated by a recorded instrument, signed and acknowledged by the then Parcel "N" Declarant.

15.08 Invalidation. Invalidation of any one or more of these general covenants, conditions and restrictions by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

15.09 Amendment. Any of the general covenants, conditions and restrictions imposed by this instrument may at any time or times be amended by a recorded instrument, signed and acknowledged by the Parcel "N" Declarant and the current Manager or Administrator of the Troon North Association.

15.10 Design Criteria. Any architectural matters, relating to design, color palate, signage, size of buildings, site layout, use, tenants and hours of operations, shall be determined by the final approval of the Design Review Board of the City of Scottsdale, under the then approved guidelines and criteria established by the City of Scottsdale. Any matters outside those guidelines or approvals shall be subject only to the sole and separate approval of the then Parcel "N" Declarant.

ARTICLE 16

DISPUTE RESOLUTION

16.01 Agreement to Avoid Litigation. The Declarant, the Association, its officers, directors, and committee members, all Persons and entities subject to this Declaration (including Owners, their family members and tenants, and Neighborhood Associations), and any Person not otherwise subject to this Declaration who agrees to submit to this Article (collectively, "Bound Parties") agree to encourage the amicable resolution of disputes involving the Property (including all Lots and Parcels), the Declaration, the Articles of Incorporation, the Bylaws, the Association Rules, the Architectural Review Committee Standards and Procedures, any document promulgated pursuant to the foregoing documents, the Declaration of Covenants, Conditions and Restrictions of any Neighborhood Association, any Neighborhood Association Articles of Incorporation, Bylaws, Rules, Regulations, Guidelines, Standards, and any document promulgated pursuant thereto (collectively, the "Governing Documents"), without the emotional and financial costs of litigation. Accordingly, each Bound Party covenants and agrees that all claims, grievances, controversies, disagreements or disputes collectively described in this Section ("Claims") shall be resolved using alternative dispute resolution procedures in lieu of filing suit in any court.

16.02 Claims. Unless specifically exempted in this Article 16, all Claims arising out of or relating to: (i) the interpretation, application or enforcement of the Governing Documents; or, (ii) the failure of the Declarant, the Association or the Board to properly conduct elections, give adequate notice of meetings, properly conduct meetings, allow inspection of books and records, or establish adequate reserve funds; or (iii) the authority of the Association or the Board to take or not take any action under the Governing Documents; or (iv) the performance or non-performance by any Bound Parties of any of the respective obligations or responsibilities under the Governing Documents to or on behalf of any other Bound Parties; or (v) the rights, obligations and duties of any Bound Party under the Governing Documents or relating to the design or construction of Improvements on the Property shall be subject to the provisions of Section 16.03.

Notwithstanding the above, unless all parties thereto otherwise agree, the following shall not be Claims and shall not be subject to the provisions of Section 16.03:

(a) **other than a proceeding to perfect a lien for reasonable monetary penalties, or a proceeding to collect delinquent assessments**, any action or suit by the Association to foreclose any lien in favor of the Association, **if permitted by applicable law,** or to determine the priority of any lien for assessments **as such lien relates to other liens or encumbrances in favor of individuals and/or entities who are not Bound Parties;**

(b) any suit by the Association solely to obtain a temporary restraining order (or emergency equitable relief) and such other ancillary relief as the court may deem necessary in order to maintain the status quo and preserve the Association's ability to enforce, under Section 16.03, the provisions of

Article 4 (Use Restrictions) and Article 8 (Architectural Review Committee);

(c) any suit between Owners, which does not include Declarant, or the Association, or a Neighborhood Association as a party, if such suit asserts a Claim which would constitute a cause of action independent of the Governing Documents;

(d) any claim, grievance, controversy, disagreement or dispute that primarily involves (i) title to any Lot, Parcel or Common Area, (ii) the interpretation or enforcement of any express or implied warranty made in connection with the sale of a Lot or Parcel; and, (iii) the eviction of a tenant from a Lot or Parcel;

(e) any action taken arising out of any separate written contract between Owners, between Declarant and any Owner, or between Declarant and any Builder that would constitute a cause of action under the laws of the State of Arizona in the absence of the Governing Documents;

(f) any suit in which any indispensable party is not a Bound Party; and

(g) any suit as to which any applicable statute of limitations would expire within 30 days of giving the Notice required by Section 16.03(a) unless the party or parties against whom the Claim is made agree to toll the statute of limitations as to such Claim for such period as may reasonably be necessary to comply with this Article.

16.03 Mandatory Procedures.

(a) Notice/Commencement of Mediation. Any Bound Party having a Claim ("Claimant") against any other Bound Party ("Respondent") (collectively, the "Parties") shall notify each Respondent in writing and provide a copy to the Mediator/Arbitrator (as defined below), and to the Board (the "Notice"), stating plainly and concisely:

(i) the nature of the Claim, including the date, time, location, persons involved and Respondent's role in the Claim;

(ii) the legal basis of the Claim (i.e., the specific authority out of which the Claim arises); and,

(iii) Claimant's proposed remedy.

(a) In no event shall any Claim be asserted after the date when institution of legal or equitable proceedings based upon such Claim would be barred by the applicable statute of limitations.

(b) Mediation/Arbitration.

(i) The Mediator shall be the Arbitration & Mediation Center of Arizona ("AMCA"), a division of Pinnacle Pro, Ltd.. A list of AMCA mediators and arbitrators, along with instructions as to how to select a mediator/arbitrator, will be sent to each of the parties within five (5) business days from AMCA's receipt of the demand for arbitration.

(ii) Within five (5) business days after the receipt of the Notice, or eight (8) days from the date the Notice was sent, the Respondent(s) shall respond to the demand in writing, by filing a written answer with AMCA, with copies to the Board, the Claimant and other Respondents, if any.

(iii) AMCA shall initially attempt to facilitate a resolution of the matter through mediation. The mediation shall be conducted at AMCA's offices, or at such other place as the Bound Parties and AMCA may agree. If, at any time during the course of the mediation, either AMCA or any of the Bound Parties believe that a stalemate has been reached, AMCA shall schedule an arbitration hearing, without any party being entitled to pre-hearing discovery (other than a demand for, and exchange of, all relevant documents, photographs, reports and correspondence).

(iv) The arbitration hearing shall be held at AMCA's offices on five (5) business days' notice to the parties. If AMCA declines, for any reason, to mediate or arbitrate the matter, or if AMCA and the parties collectively determine that a conflict of interest exists which precludes AMCA from mediating or arbitrating the matter, then the matter will be arbitrated by a mutually agreeable party to be identified within ten (10) business days following AMCA's decline notice. If the parties are unable to agree to a mediator/arbitrator, then the matter shall be submitted to an independent mediator/arbitrator selected by AMCA or, at AMCA's discretion, the American Arbitration Association.

(v) The mediation costs and expenses (excluding attorneys' fees incurred by any party) shall be shared equally by the parties. The arbitration fees, costs and expenses (including, but not limited to, reasonable attorneys' fees) of each party shall be borne by the non-prevailing party.

(vi) At the discretion of the arbitrator, the AMCA Arbitration Rules, or

the Construction Industry Arbitration Rules (Fast Track) of the American Arbitration Association, then in effect, where not in conflict with this Section, shall be utilized in the arbitration hearing and the law of the evidence of the State of Arizona shall govern the presentation of evidence at such hearing.

(vii) An award rendered by the arbitrator appointed under and pursuant to this Agreement shall be final and binding on all parties to the proceedings, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction. **To that end, the arbitrator shall have the right to render decisions with regard to all remedies that would otherwise be available at law or in equity to the Bound Parties and the arbitrator shall have jurisdiction over all matters of fact and law necessary to render a decision.**

(viii) Should a dispute arise as to whether or not any dispute arising under the terms of this Declaration is subject to this mediation/arbitration provision, the matter shall be decided by arbitration in the same manner and with the same effect as all disputes arising out of this Agreement. **If the dispute proceeds to arbitration, the arbitrator shall have jurisdiction over all matters of fact and law necessary to render a decision.**

(ix) All mediation discussions are privileged and confidential. Persons who are not Parties are not allowed to attend the mediation conference without the consent of the Parties. Any mediation resolution may be enforced in a court of law. Each of the Parties to a Claim will bear its own costs incurred prior to and during the negotiation and mediation proceeding described herein, including the fees of its attorney or other representative. Each Party to a Claim will share equally all costs of the mediator and, if and to the extent required, will pay its respective share of the costs in advance of the mediation as a condition to its continuation of the prosecution or defense of the Claim.

(x) If the Parties agree to a resolution of any Claim through mediation in accordance with this Section 16.03 and any Party thereafter fails to abide by the terms of such agreement, then any other Party may file a demand for arbitration with AMCA (or with another mutually agreed upon arbitrator, or the independent arbitrator selected by AMCA or the American Arbitration Association, if AMCA is unwilling or unable to arbitrate the matter) without the need to again comply with the mediation procedures set forth above. In such event, the Party taking action to enforce the agreement or award shall be

entitled to recover from the non-complying Party (or if more than one noncomplying Party, from all such Parties pro rata) all costs incurred in enforcing such agreement or Award, including, without limitation, reasonable attorneys' fees, costs and expenses.

(xi) After an Award is rendered pursuant to this Section 16.03, if any Party fails to abide by such Award, then the other Party may file suit to enforce such Award without the need to again comply with the procedures set forth in Section 16.03. In such event, the Party taking action to enforce the Award shall be entitled to recover from the non-complying Party (of if more than one non-complying Party, for all such Parties pro rata) all costs incurred in enforcing the Award including, without limitation, attorneys' fees and court costs.

IN WITNESS WHEREOF, NDC and The Association have executed this Declaration as of the day and year first above written.

The "ASSOCIATION"

TROON NORTH ASSOCIATION, an Arizona nonprofit corporation

By: _____
Its President

The "DECLARANT"

PPVN DEVELOPERS LIMITED PARTNERSHIP, an Arizona limited partnership

By: NDC Developers Limited Partnership, an Arizona limited partnership, Managing General Partner

By: _____
Jerry Nelson, General Partner

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this 26th day of October, 2006, by Jerry Nelson, the President of TROON NORTH ASSOCIATION, an Arizona nonprofit corporation, on behalf of the corporation.

_____
Notary Public

My commission expires:
May 5, 2008

OFFICIAL SEAL
KATHY L. HEWITT
NOTARY PUBLIC-ARIZONA
MARICOPA COUNTY
My Comm. Expires May 5, 2008

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this 24th day of October, 2006, by Jerry Nelson, the General Partner of NDC Developers Limited Partnership, an Arizona limited partnership, as the Managing General Partner of PPVN DEVELOPERS LIMITED PARTNERSHIP, an Arizona limited partnership, on behalf of the Limited Partnership.

Kathy L. Hewitt
Notary Public

My commission expires:
May 5, 2008

C:\FED Files\Troon North\CC&Rs\Second Restated CC&Rs.02.wpd

Y

ROBERT A. BUDOFF
STATE BAR NO. 002936
PADISH & WELLS, PLLC
7373 E. Doubletree Ranch Road
Suite 255
Scottsdale, Arizona 85258
Telephone: (480) 264-7470
Facsimile: (480) 307-6763
E-Mail: docket@padishwells.com
Arbitrator

BEFORE THE ARBITRATION & MEDIATION CENTER

OF ARIZONA (USA MEDIATE)

TROON NORTH ASSOCIATION, an Arizona non-profit corporation, Claimant, Vs. PPVN DEVELOPERS LIMITED PARTNERSHIP, an Arizona limited partnership; MBA DEVELOPMENT PARTNERS, LLC, an Arizona limited liability company, Respondents.	Case No.: CV2015-094238 **ARBITRATION DECISION** (Assigned to Arbitrator Robert A. Budoff)

On January 5, 2017, the parties in this matter, represented by their respective counsel, appeared before the undersigned Arbitrator for oral argument on Claimant's Motion for Summary Judgment and Respondents' Cross Motion for Summary Judgment to which Responses and Replies were submitted. The parties had agreed that no evidence would be taken as there was no dispute as to the facts stated and contained in the motions, responses and replies with attachments. Court reporter John Lopez recorded the oral argument.

Pursuant to further agreement of the parties after oral argument, each submitted Proposed Findings of Fact and Conclusions of Law on January 13, 2017 for the consideration of the Arbitrator.

The matters presented have now been reviewed and considered. The Arbitrator FINDS AND CONCLUDES as follows:

GENERAL FINDINGS OF FACT

1. Respondent MBA is the owner of record of that real property addressed as 10200 East Dynamite Boulevard in Scottsdale, Arizona and commonly referred to as Troon North Resort Parcel Six (the "Resort Parcel"). *See* Claimant's Separate Statement of Facts ("SOF"), ¶ 6.

2. The Resort Parcel is located within the Troon North master planned community, which is subject to that Second Restated Declaration of Covenants, Conditions and Restrictions for Troon North, recorded as Document No. 2007-0228652 (the "Master Declaration"). *Id* at ¶ 2.

3. Respondent PPVN is the Declarant under the Master Declaration. *Id.*

4. Prior to MBA taking title to the Resort Parcel, on or about June 24, 2015, PPVN in its capacity as declarant, together with MBA's predecessor in interest, SREF, approved and recorded a "Tract Declaration for Troon North Villas" against the Resort Parcel, recorded at Instrument No. 2015-0451908 (the "Tract Declaration"), in the Official Records of Maricopa County. *Id* at ¶ 2.

6. Claimant TNA has brought the present action seeking the removal of the Tract Declaration. *See* TNA Demand for Arbitration.

7. In support of that action, TNA has argued, in sum, (1) that following PPVN's turnover of the Association to its members, PPVN was no longer empowered to record the Tract Declaration; (2), that as the Tract Declaration fails to restrict the Resort Parcel to single family usages, the Tract Declaration is invalid; and, (3),

that the Tract Declaration changes the character of the Troon North Association in a manner that could not be reasonably anticipated by the members of Troon North Association, and is therefore invalid. *See e.g.* Claimants' Motion for Summary Judgment.

8. In response, Respondents have argued, in sum, (1) The Tract Declaration was adopted and recorded in conformance with the plain language of the Master Declaration; (2), the Master Plan for the Troon North community, as well as the Master Declaration, specifically provide for and require the Resort Parcel to be developed as a resort and timeshare development and therefore place Claimant and its members on notice that the Resort Parcel will be developed as a resort; and, (3) MBA has vested rights in seeing the Resort Parcel developed as a resort that prohibit Claimant from interfering with the Project. *See e.g.* Respondents' Response and Cross-Motion for Summary Judgment.

9. Upon the foregoing Findings of Fact and Conclusions of Law, the Arbitrator hereby enters an award in favor of Respondents and Against Defendants as follows:

SPECIFIC FINDINGS OF FACT[1]

10. The majority of the site (approximately 1,800 acres) of the current Troon North master planned community was annexed into the City of Scottsdale in 1983. The initial proposal, crafted by Respondent PPVN, called for the development of 1,160

---

[1] The following Findings of Fact have been compiled from those uncontested facts filed by Claimant in its Separate Statement of Facts, and Respondents' Controverting Statement of Facts and Conclusions of Law.

residential units, a 525 room resort, commercial sites and a desert parkway system with both natural and developed park areas. *See*, Respondents' Controverting Statement of Facts and Separate Statement of Facts in Support of Cross Motion for Summary Judgment ("CSOF"), ¶ 19.

11. In 1986, the City of Scottsdale approved PPVN's updated plan which added 680 acres of State Land into the community, adding an additional 557 residential units. While the original resort decreased in size by 225 rooms, a new 525 room resort was included in the State Land portion of the community. At that time, the desert parkway concept was eliminated and replaced with two 18-hole golf courses and a major public park. *Id* at ¶ 20.

12. In 1989, PPVN sought to fine tune its development master plan; and, to that end, sought final approval from the City of Scottsdale for its resort sites and the envisioned two 18-hole golf courses. PPVN's plan was approved by the City of Scottsdale on 12 February 1990, with the following condition, pertaining to the Resort Parcel:

> "The construction of each golf course may begin prior to the start of either resort subject to the following: The north resort site shall begin construction within five years of the date of Council approval of Case 28-Z-89 and shall proceed to completion in a diligent manner. If construction has not comenced on the north resort within the specific time frame the north resort site shall be deeded to the City for development of a resort hotel. A minimum of fifty percent (50%) of the total play time on the north golf course shall be available for general public play until such time as the north resort construction has begun. Resort construction shall be defined as construction on at least ten percent of the ultimate planned resort rooms, casitas, villas or similar type unit."

Id at ¶ 21.

13. In 1994, prior to the expiration of the five-year period for the commencement of the resort construction, the then-current owner of the entire Resort Community, while maintaining the development's conformance with the original Troon North Master Plan, sought to further fine tune the resort development due to a long term downturn in hotel/resort development and the advent of the Central Arizona Project's "reuse system" which alleviated concerns with regard to the use of water resources. *Id* at ¶ 22.

14. This further fine tuning was intended to provide opportunities for a variety of attached and semi-attached units which would result in for-sale, timeshare, lease, and rental pool properties to be primarily oriented to seasonal residents and visitors. *Id* at ¶ 23.

15. To that end, the entire Troon North Resort area, including the Resort Parcel, was re-zoned by the City of Scottsdale as R4-R "Resort/Townhouse Residential" zoning, included 39 resort units on the Resort Parcel. *Id at* ¶ 24.

16. The R4-R zoning district permits uses such as: resorts; hotels; motels; guest ranches; and, commercial uses appurtenant thereto, such as restaurants, cocktail lounges, and small retail shops. *Id at* ¶ 25.

17. The one use that never changed between since 1986 is the use of the Resort Parcel, in conformance with the Troon North Master Plan, as a resort facility to provide lodging and appurtenant facilities for overnight guests. *Id* at ¶ 26.

18. After the City's approval of the 1994 development amendments, however, the Resort Parcel was envisioned to be developed as either a resort hotel, or a timeshare resort oriented to seasonal residents and visitors. *Id at* ¶ 27.

19. In keeping with the Troon North Master Plan and the 1994 zoning case, and as evidence of the intended use of the Resort Parcel, in 1994 an Amenity Use Agreement was entered into between the owner of the Troon North Golf Club, and the then-current owner of the Resort Parcel, to ensure the availability of tee times for the Resort Parcel's guests. This agreement was conditioned upon the actual construction of the resort facilities and their use by bona fide resort guests and not for permanent or full-time residents. Effectively, the Amenity Use Agreement reflected the intended use of the Resort Parcel as envisioned by the Troon North Master Plan. *Id* at ¶ 28.

20. In 1985, PPVN adopted the Declaration of Covenants, Conditions and Restrictions for Pinnacle Peak Village North and it was recorded as Document No. 1985-128823, Official Records of Maricopa County, Arizona (the "Original Declaration"). Pinnacle Peak Village North was the former name of the Troon North master planned community. Following the adoption of twelve amendments to the Original Declaration, in 2006 the Second Restated Declaration of Covenants, Conditions and Restrictions for Troon North was adopted by PPVN and was recorded in 2007 as Document No. 2007-0228652, Official Records of Maricopa County, Arizona (the "Master Declaration"). The Master Declaration combined all of the previous twelve amendments into a single document, coupled with certain additional provisions added by PPVN. *Id* at ¶ 29.

121. Article 2, Section 2.01 of the Master Declaration provides, as follows:

"2.01 Land Use Classifications. From time to time, as portions of the Property are readied for development, additional declarations (a "Tract Declaration") as to portions of the Property may be recorded restricting the use of the portion of the

Property covered by the Tract Declaration to the specific uses specified in the Tract Declaration, such as single-family residential, multi-family residential, commercial, office, resort or golf course. A Tract Declaration may also impose restrictions and conditions on the Property covered by the Declaration in addition to those contained in this Declaration; however, this Declaration shall continue to apply to the Property covered by a Tract Declaration. Declarant shall have the unrestricted and absolute right, without the consent of any other Owner, to record Tract Declarations as to portions of the Property owned by Declarant. As to a portion of the Property not owned by Declarant, Declarant and the owner of such portion of the Property shall have the unrestricted and absolute right, without the consent of any other Owner, jointly to record a Tract Declaration as to such portion of the Property; however, any instrument recorded pursuant to this sentence shall be considered a declaration recorded pursuant to Section 4.22 of this Declaration and not a Tract Declaration unless the instrument specifically recites that it is intended to constitute a Tract Declaration. Any such Tract Declarations shall be construed as a supplement to this Declaration and fully a part of this Declaration for all purposes to the same extent as if the provisions of the Tract Declaration were set forth in this Declaration. Each Tract Declaration shall be directly enforceable by the Association." [emphasis added].

Id at ¶ 30.

22. Article 4, Section 4.02 of the Master Declaration provides, as follows:

"4.02 Compliance with Laws. All uses, activities and Improvements on any Lot or Parcel shall conform to and be done in compliance with all governmental laws, rules and regulations, including, but not limited to, building and safety codes, zoning regulations, the requirements set forth in the Master Plan for Troon North (including stipulations and development standards), and City of Scottsdale Hillside Ordinance and Native Plant Ordinance, as those ordinances may be amended from time to time. All Improvements shall be made by licensed contractors, or by those not required to be licensed, pursuant to the applicable exemption set forth in the provisions of A.R.S. § 32-1101 et seq. [emphasis added].

Id at ¶ 31.

23. Article 2, Section 2.03 of the Master Declaration provides, as follows:

"2.03 Master Plan. Except as provided in this Section 2.03, Declarant shall have the unrestricted and absolute right, without the consent of any other Owner, to modify or amend the existing Troon North Master Plan and to dedicate portions of the Property to appropriate governmental entities for use as roadways, streets, green belts, drainage facilities, parks, open space, conservation areas or other similar uses. If a modification or an amendment to the existing Troon North Master Plan, pertaining to a specific portion of the Property no longer owned by

the Declarant, the prior written consent to such amendment or modification shall be required from Owners holding at least fifty-one percent (51%) of the voting power with respect to such portion of the Property. [emphasis added].

Id at ¶ 32.

24. Article 4, Section 4.33 of the Master Declaration provides, as follows:

"Section 4.33 Timeshares. No Lot or Parcel (except a Lot or Parcel zoned R4R-Resort Parcel, R-5, C-2, or C-3), or any portion thereof, shall be used or marketed as a "Timeshare". For the purposes hereof, a "Timeshare" means any arrangement, plan or similar device, whether by membership agreement, sale, lease, deed, license, right-to-use agreement, fractional interest agreement, or by any other means, in which an individual and/or entity receives the right in perpetuity, for life, or for a term of years, or other increment of time, to the recurrent, use or occupancy of a Lot, Parcel, Unit or Segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been, or will be, divided, regardless of the number of occupancy periods into which the project has been, or will be, divided. A "Timeshare" also includes: a "Time-Share Estate", which means a right of occupancy in a Lot or Parcel which is coupled with an estate in the real property; a "Time-Share Use", which means a right of occupancy in a Lot or Parcel that is not coupled with an estate in real property; and, any co-tenancy or analogous arrangement; and, any similar fractional use scheme." [emphasis added].

Id at ¶ 33.

25. Included within the previous amendments to the Original Declaration, was the Tenth Amendment which exempted portions, but not all of the Property subject to the Master Declaration, from certain provisions of the Original Declaration. Specifically, the Tenth Amendment, recorded as Document No. 2000-0983759, Official Records of Maricopa County, Arizona, released those portions of the Troon North Property known as Parcels M, O and Q from the following provisions of the Original Declaration: "all of Article 2, all of Article 3, all of Article 4, all of Article 5, and all of Article 8." *Id* at ¶ 34.

26. Added within the Tenth Amendment was a provision which precluded the use of any Lot or Parcel, other than a Lot or Parcel zoned R4-R and, of course, Parcels M, O and Q, from use as a timeshare. Those exemptions were reiterated within the Master Declaration. *Id* at ¶ 35.

27. The aforementioned exemptions from Articles 4 and 8, constituted exemptions of portions, but not all of the Troon North Property, from the very provisions which Claimant seeks to impose upon the Resort Parcel, i.e., Article 4, Sections 4.09, 4.29, 4.30 and Article 8. The timeshare prohibition and exception of that prohibition with regard to the Resort Parcel was also reiterated in the Master Declaration. *Id* at ¶ 36.

28. In addition to the Tenth Amendment, the Tract Declaration for Troon North Parcel U was adopted in 1996 by PPVN and the then-current owner of the subject-property, and recorded as Document No. 96-0207335, Official Records of Maricopa County, Arizona (the "Parcel U Tract Declaration"). The Parcel U Tract Declaration specifically exempted that portion of the Troon North Property from the provisions of Articles 4 and 8 of the Original Declaration; the very provisions which Claimant seeks to impose upon the Resort Parcel. *Id* at ¶ 37.

29. In June 2015, PPVN and the then current owner of the Resort Parcel, SREF Troon, LLC, adopted the Tract Declaration which is the subject of this proceeding, recorded as Document No. 2015-0451908, Official Records of Maricopa County, Arizona. *Id* at ¶ 38.

30. Citing to Article 2, Section 2.01 of the Master Declaration, and the Troon North Master Plan as it pertains to the Resort Parcel, the Tract Declaration merely clarified the following, all in accordance with the Troon North Master Plan:

1. The Land Use Classification, limiting the use of the Resort Parcel to a resort, residential condominiums, a timeshare project, or any use permitted by the City of Scottsdale's R4-R zoning district, including condominium units used for short-term rental and/or tourist accommodations;

2. The Maximum Permitted Building Height;

3. The right to erect buildings comprised of Multiple Stories;

4. The obligation to create an Owners' Association and Governing Documents, with the Articles of Incorporation and Bylaws of the Association being subject to the review and approval of Claimant;

5. The inapplicability of Master Declaration Section 4.29, pertaining to Non-Residential Use;

6. The entitlement to use the Resort Property for short-term rentals, rendering inapplicable Section 4.30 of the Master Declaration;

7. The entitlement to use the Resort Property as a Timeshare; and,

8. Clarification of the inapplicability of Sections 4.09, 4.29, 4.30 and Article 8 of the Master Declaration to the Resort Property, but requiring the architectural design of the contemplated Improvements to be approved by the City of Scottsdale's Development Review Board.

Id at ¶ 39.

CONCLUSIONS OF LAW

31. The Master Declaration constitute a contract between property owners as a whole and individual lot owners. *See Ahwatukee Custom Estates Mgmt. Assoc. Inc. v. Turner*, 196 Ariz. 631, 633–34, ¶ 5, 2 P.3d 1276, 1278–79 (App.2000).

32. The Master Declaration must be construed as a whole and interpreted in view of

its underlying purposes, giving effect to all provisions contained therein. *See Powell v. Washburn*, 211 Ariz. 553, 557, ¶ 16, 125 P.3d 373, 377 (2006).

33. In interpreting CC&Rs, "the language used will be read in its ordinary sense, and the restriction ... will be construed in light of the circumstances surrounding its formulation, with the idea of carrying out its object, purpose and intent." *See Powell v. Washburn*, 211 Ariz. 553, 557, ¶ 16, 125 P.3d 373, 377 (2006).

34. Reading Section 2.01 of the Master Declaration for its plain meaning, that Section provides in pertinent part "...As to a portion of the Property not owned by Declarant, Declarant and the owner of such portion of the Property shall have the unrestricted and absolute right, without the consent of any other Owner, jointly to record a Tract Declaration as to such portion of the Property..."

35. It is undisputed that, as of the date of this action, the Resort Parcel remains undeveloped. As such, PPVN as developer, and SREF as the then-owner of the Resort Parcel were entitled under the plain and unequivocal language of Section 2.01 to record the Tract Declaration against the Resort Parcel, without necessity of the consent of any third party.

36. Accordingly, while TNA wishes to impart a time-limitation upon PPVN's right to record the Tract Declaration, no such limitation exists within the plain language of the Master Declaration, except and until the parcel at issue is developed.

37. It should also be noted that the date of recordation of the Master Declaration, inclusive of Section 2.01 governing Tract Declarations, occurred on October 30, 2006, which is the same date that PPVN turned control of the Association over to the members of the Association. *See* SOF, Ex. A, Pg.1; SOF at ¶ 17, Ex. F.

38. If the Arbitrator is to interpret Section 2.01 in such a manner as to ascertain the "underlying purposes, giving effect to all provisions contained therein..." as required by *Powell*, *supra*, the only interpretation of Section 2.01 that does so is that espoused by Respondents i.e. that the right to record a Tract Declaration survives the turnover of the community to its members. Otherwise, Section 2.01 would be void on its effective date.

39. Indeed, though Claimant relies upon Section 6.19 of the Restatement of Servitudes for its contention that PPVN's rights had terminated, a careful reading of that section evidences it provides "(2) After the time reasonably necessary to protect its interests in completing and marketing the project, the developer has a duty to transfer the common property to the association, or the members, and to turn over control of the association to the members other than the developer... [Emphasis added]." *See* Restatement (Third) of Property (Servitudes) § 6.19 (Emphasis added). PPVN, which had entered into a development agreement and master plan with the City of Scottsdale to see the Resort Parcel developed as a resort in consideration for development of the Troon North Golf Course, certainly retained a remaining interest until that came to fruition.

40. Furthermore, while TNA at oral argument set forth a parade of evils that could result should PPVN continue to record further declarations, the Arbitrator notes that the discretion of PPVN and the owner of undeveloped property are not unfettered; rather, Section 4.02 of the Master Declaration, provides in pertinent part: "...All uses, activities and Improvements on any Lot or Parcel shall conform to and be done in compliance with all governmental laws, rules and regulations,

including, but not limited to, building and safety codes, zoning regulations, the requirements set forth in the Master Plan for Troon North (including stipulations and development standards)..."

41. This Section, of course, begs the question i.e. "Does the Tract Declaration and MBA's use of the property 'comply with all governmental laws, rules and regulations, including, but not limited to, building and safety codes, zoning regulations, the requirements set forth in the Master Plan for Troon North (including stipulations and development standards)'?"

42. The Answer is that it does. As an initial matter, Section 4.03 requires any development to be undertaken in accordance with "zoning regulations" as well as "the requirements set forth in the Master Plan for Troon North". As explained *supra*, it is undisputed that the Resort Parcel is zoned R4-R, which is a zoning designation with uses for "resorts; hotels; motels; guest ranches; and, commercial uses appurtenant thereto, such as restaurants, cocktail lounges, and small retail shops." Additionally, and as also explained *supra*, it is undisputed that since 1983 the Resort Parcel has been reserved under the Master Plan for the Troon North Association to be developed as a resort. As such, the recordation of the Tract Declaration limiting the Resort Parcel's development to resort and timeshare uses is fully in keeping with the CC&Rs.

43. Indeed, while Claimant argues that the Tract Declaration improperly exempts the Resort Parcel from certain use restrictions, (i.e. (1) restriction of parking for single-family use (Section 4.09), (2) a prohibition against nonresidential uses (Section 4.29); and, (3) a prohibition against occupancy of less than thirty days

(Section 4.30)), to impose those restrictions would have the effect of limiting the use of the Resort Parcel to single-family residential development; which, ironically, would violate the CC&Rs' requirement that the Resort Parcel be developed in accordance with the Master Plan for Troon North calling for the Resort Parcel to be developed as a resort (i.e. commercial, short-term occupancy) usage.

44. Additionally, it should be noted that, with regard to Section 4.30 governing occupancy for less than thirty days, as the Resort Parcel is zoned R4-R, it is specifically exempted from that section by Section 4.33, which prohibits timeshare uses (which are usually sold by the week) for any lot, "except a Lot or Parcel zoned R4R-Resort Parcel, R-5, C-2, or C-3" (Emphasis added).

45. Moreover, while Claimant TNA argues that its members could not anticipate an alleged change in the community that would arise from development of the Resort Parcel as a resort or timeshare development, this is not borne out by the factual record or Arizona law.

46. As an initial matter, pursuant to A.R.S. § 33-411, *et. seq.*, and specifically Section 33-411(a), purchasers and encumbrance holders are provided constructive notice by virtue of duly recorded documents.

47. In the present instance, the Master Declaration, which all parties acknowledge are recorded in the records of the Maricopa County Recorder, gives notice at Section 4.02 that development of the Resort Parcel will be undertaken in accordance with "...the requirements set forth in the Master Plan for Troon North (including stipulations and development standards)." It is also undisputed that the Master

Plan for the Resort Parcel has required since 1983 that the Resort Parcel be developed as a resort; which, in 1994 expanded to a resort and/or timeshare project.

48. Additionally, the Amenity Use Agreement, which the parties also acknowledge is recorded in the records of the Maricopa County Recorder, specifically reserves 50% of the tee times for the Troon North Golf Course for "resort guests," is replete with reference to the development of the Resort Parcel as a resort, and makes specific reference to those zoning cases before the City of Scottsdale's Planning and Development Department, 45-Z-90, 2-GP-94, and 3-ZN-94, which provide for the zoning of the Resort Parcel as R4-R and require the development of the Resort Parcel as a resort. *See* CSOF at ¶ 28, *supra.*

49. Moreover, the record reflects that Claimant TNA had actual knowledge that the Resort Parcel would be developed as a resort as, in 2007, the then-owner of the Property, Candlewood Development, LLC, made an application to the Development Review Board ("DRB") for the City of Scottsdale for that purpose, case number 48-DR-2007, which TNA had previously approved. *See* CSOF at Ex.1 at Ex.6; *Id* at ¶ 21.

50. Respondent MBA has alleged, and TNA does not dispute, that Respondent MBA's current project is so similar in nature to the Candlewood Project previously approved by TNA, that MBA has submitted its project to the DRB as an amendment to the prior application, and is being processed as such. *See* CSOF at Ex.1, ¶¶ 18-23.

51. Based upon the foregoing, it is clear that TNA and its members had constructive,

as well as actual, notice that the Resort Parcel would be developed as a resort.

52. Finally, the Arbitrator notes that MBA, as the owner of the Resort Parcel, has vested rights in that parcel.

53. As an initial matter, the Master Declaration at Section 2.03 provides in pertinent part: "...If a modification or an amendment to the existing Troon North Master Plan, pertaining to a specific portion of the Property no longer owned by the Declarant, the prior written consent to such amendment or modification shall be required from Owners holding at least fifty-one percent (51%) of the voting power with respect to such portion of the Property." (Emphasis added). In the present instance, it is undisputed that the Troon North Master Plan requires the Resort Parcel to be developed as a resort and/or timeshare project. Accordingly, Claimant's attempt to impose use restrictions on Respondent MBA that would modify or amend that use would require MBA's consent, which MBA has declined to give. As such, TNA is prohibited from imposing those restrictions against MBA in violation of the Master Plan, and, consequently, Sections 2.03, and 4.22 of the Master Declaration.

54. Moreover, MBA has provided uncontested evidence that, in performing its due diligence in deciding whether to purchase and develop the Resort Property, MBA reviewed and relied upon the Master Declaration; the Tract Declaration; the Amenity Use Agreement; the Master Plan and development history of the Resort Parcel; the 10th Amendment, and 12th Amendment to the Master Declaration (which contain significantly more extensive exemptions than those found in the Tract Declaration); as well as the Parcel U Tract Declaration (which exempts the

Estancia community from architectural control). *See* CSOF at Ex. 2, ¶ 5.

55. As explained *supra*, the Master Declaration constitutes a contract amongst the members of TNA, including MBA. MBA is therefore entitled to its reasonably anticipated benefits, and protection of its contractual rights as set forth in the instruments of record.

RULING:

Based upon the foregoing FINDINGS AND CONCLUSIONS, the Arbitrator finds in favor of Respondents and against the Claimant. There are no genuine issues of material fact and Respondents are entitled to summary judgment as a matter of law.

Respondents' Cross Motion for Summary Judgment is granted and Claimant's Motion for Summary Judgment is denied.

Respondents may make an application for an award of reasonable attorneys' fees incurred.

DATED this 1st day of February, 2017.

PADISH & WELLS, PLLC

/s/ Robert A. Budoff
Hon. Robert A. Budoff (Ret.), Arbitrator

E-filed this 1st day of February, 2017
And transmitted to:

The Honorable David Tallamante
Judge of the Superior Court

COPY of the foregoing mailed/emailed
This 1st day of February, 2017, to:

cc. Kellie Callahan
Scott Carpenter
Carpenter, Hazelwood, Delgado & Bolen
1400 E. Southern Ave, Suite 400

Tempe, Az 85282-8010

AND

Chad Kaffer
Fred Davidson
Davidson and Kaffer
8700 E. Pinnacle Peak Rd., Suite 221
PO Box 27500
Scottsdale, Az. 85255

By: /s/ Alicia Gallo

Davidson & Kaffer, PLLC

"Applying Practical Business Experience to the Practice of Law"

Frederick E. Davidson
Admitted to Practice Arizona, Colorado and New Jersey
Chad R. Kaffer
Admitted to Practice Arizona
Josh G. Funkhouser, Of Counsel
Admitted to Practice Arizona and Ohio

Office Address:
8700 E Pinnacle Peak Road, Suite 221
Scottsdale, Arizona 85255
Tel: (480) 585-3100
Fax: (480) 585-8585

Mailing Address:
P.O. Box 27500
Scottsdale, Arizona 85255

www.DavidsonLaw.net

via hand-delivery

16 October 2017

Matt Metz, Chairman
City of Scottsdale Board of Adjustment
3939 Drinkwater Boulevard
Scottsdale, Arizona 85251

Carolyn Jagger, City Clerk
City of Scottsdale
3939 Drinkwater Boulevard
Scottsdale, Arizona 85251

Brad Carr, Board of Adjustment Staff Representative
City of Scottsdale
3939 Drinkwater Boulevard
Scottsdale, Arizona 85251

Re: Appeal of Zoning Administrator's Interpretation, Dated 24 August 2017, Pertaining to the Troon North Villas Project
Memorandum Re: Vested Rights & Equitable Estoppel & Obligation to Interpret Zoning Ordinance in Favor of MBA

Dear Chairman Metz, Ms. Jagger & Mr. Carr:

This letter is intended to supplement the Notice of Appeal letter submitted on 22 September 2017 by MBA Development Partners, LLC ("MBA"), pertaining to the Zoning Administrator's Interpretation, dated 24 August 2017, regarding the Troon North Villas Project. The purpose of this letter is to expand upon the issues of MBA's vested rights, the application of the doctrine of equitable estoppel to this matter, and the obligation of the City to interpret the Zoning Ordinance in favor of MBA in the event of any ambiguity.

I. MBA's VESTED RIGHTS

A. Relevant Facts

As addressed on our September 22nd letter, MBA acquired Parcel 6 in July 2016 subject to the zoning history of the property including, but not limited to, Case No. 3-ZN-94, as well as the 1995 and 2007 Development Review Board Case Nos. 89-DR-95 and 48-DR-2007. Additionally, the prior owner of Parcel 6, Monument Club Villas, LLC, had been in discussions with the Planning Coordination Staff with regard to the development of a proposed resort since the Fall of 2015.

During the process of acquiring additional financing for the project, MBA purchased Parcel 6. The due diligence exercised by MBA prior to its closing of the transaction included a thorough review of the entire zoning and development review case history applicable to Parcel 6. MBA's findings were, in pertinent part, as follows:

- Parcel 6 was zoned R4-R;
- Parcel 6 was earmarked for development as a resort, with the resort having served as a condition of the City Council's approval of the two Troon North golf courses;
- The development of a resort was so important to the City Council, that in the pre-1994 zoning cases, there was a provision for the City's acquisition of the property, and development of a resort hotel, in the event a resort was not timely constructed;
- In 1994 the City Council imposed a stipulation that a minimum of 90 resort units would be constructed;
- Parcels 1-5 were fully developed and deed restricted as 341 residential condominium units;
- The density approved by the City Council for Parcel 6 was 15 du/acre, a greater density than approved for Parcels 1-5 due to the intended development of the resort on the property and its close proximity to the Troon North Clubhouse;
- Parcel 6 is comprised of 2.56 net acres, and 3.1707 gross acres;
- The City Council applied a 1.43 factor in determining the number of resort units that could be built on Parcel 6 versus the number of residential dwelling units (e.g., number of du/acre x 1.43 = number of resort units per acre);
- The City Council imposed a stipulation that the gross acreage of Parcel 6 would be used to determine the total number of units that could be constructed upon the property;
- The City Council imposed a stipulation that the Planning Coordination Staff could, without the need for any subsequent public hearing, allocate the requisite number of units to the various parcels, provided that the unit count for each parcel would not exceed the maximum densities which, in the case of Parcel 6, is 15 du/acre.

- In Case No. 89-DR-95, the Development Review Board, with the Planning Coordination Staff's recommendation, approved 35 resort units arranged in nine 3-unit buildings and 8 units combined with a lobby, dining area, meeting rooms and service facilities in a central building that was to be placed on top of an underground parking area;
- In Case No. 48-DR-2007, the Development Review Board, with the Planning Coordination Staff's recommendation, allocated 37 dwelling units to Parcel 6, to be configured as 48 resort rooms located in a main building, with a second building for common functions;
- The development approved in the two DRB cases illustrated that a substantial building area on Parcel 6 would be viable an could be implemented in a manner that met applicable standards;
- Based upon the fully developed Parcels 1-5, comprised of 341 residential condominium units, coupled with the maximum number of mixed (residential & resort) units stipulated by the City Council as 424, there remained 83 resort units available for development within the resort community;
- The Troon North Golf Club, and its management, Troon Golf , LLC, was promised the development of not less than 90 resort rooms, providing overnight accommodations, in order to enhance the Golf Club's sustainability; and,
- Based upon the foregoing, a resort comprised of 67 units could be developed and constructed upon Parcel 6; and, due to the residential dwelling unit counts already approved and developed, Parcel 6 must be developed as resort in order to comply with its obligations under the Zoning Ordinance.

Based upon MBA's findings, as confirmed by the Planning Coordination Staff, MBA expended $2 million in acquiring Parcel 6 and, thereafter, commenced preparation of its plans and submittal to Staff and the Development Review Board at a cost of approximately $100,000.00 per month. The initial submittal occurred on 21 October 2016 and, due to its similarities with the 48-resort room project approved by the Development Review Board in 2007, Staff assigned it Case No. 48-DR-2007#2, treating MBA's case as an amendment to the 2007 case.

On 21 November 2016, the Planning Coordination Staff provided its "1st Review Comments" including the following:

> "With the zoning history on this site. As it ties into the overall Troon North zoning, *37 units were historically allocated for use on this site, the project narrative identifies that based on a 1.43 ratio that 37 units translates to 53 units*, and the proposed unit configurations would result in 64 possible units. Please revise the project narrative to explain what section of the Zoning Ordinance is being utilized to equate the maximum allocated 37 units to 53 of the proposed units from the narrative and to address how the 64 proposed flex units would comply with the established zoning while exceeding both of those unit counts."

As discussed more thoroughly in our September 22nd Notice of Appeal Letter, in response to that inquiry, Don Hadder, who had been the City's Planning Coordination Staff member responsible for dealing with the previous zoning and Development Review Board cases involving Parcel 6, met with and provided the Zoning Administrator and Mr. Barnes a detailed explanation as to the basis for the proposed number of units. Based upon the dialogue between Mr. Hadder, the Zoning Administrator and Mr. Barnes, MBA was advised that the proposed density was no longer an issue. That was further confirmed in the Planning Coordination Staff's "2nd Review Comments", provided to MBA on 22 July 2017, which referenced a requirement that there be three (3) refuse enclosures "based on one enclosure per 20 units." Thereafter, the Staff's "3rd Review Comments", provided to MBA on 12 August 2017, included no comments related to density.

Concurrent with that process, in response to not less than seventy-eight (78) e-mails received from area residents objecting to the project and its density, the Mayor, some members of the City Council and the City Manager collectively advised the neighbors, as follows:

> "It is important to let you know that the current zoning in the area would allow for the development and would not require a Council vote."

From the very first contact with the City's Planning Coordination Staff, coupled with the content of a zoning history that spans more than 30-years, the communications from the City and its Staff, as manifested in the Staff's advice and direction provided to Monument Club Villas and MBA over a course of almost two years, to move forward with its plan development contemplating 48 resort units, comprised of 62 keys, constitutes representations relied upon by MBA in both acquiring Parcel 6 and incurring plan development and related costs now approximating over $4 million.

Then, the unexpected.....the Zoning Administrator's interpretation issued on 24 August 2017, which materially and adversely altered representations previously relied upon by MBA and Monument Club Villas to their collective detriment.

B. Vested Rights.

Arizona law recognizes the doctrine of "vested rights" which provides, based upon a sense of fairness and equity, that a landowner who incurs substantial expenditures, considerable contractual commitments, or undertakes extensive preparatory proceedings in reliance upon validly approved rezoning, permits, or the representations of a city's staff, vests its right to develop the subject property in conformance with such zoning and representations. The seminal case in Arizona is *Town of Paradise Valley v. Gulf Leisure Corp.*, 27 Ariz.App. 600, 557 P.2d 532 (1976). In that case, the Arizona Court of Appeals expressly did not differentiate between "special use permit", "variance", "rezoning", "amendment", or "building permit", as the Court recognized the use of such "devices" to re-zone areas to accommodate new uses.

In *Gulf Leisure*, reliance upon a special use permit, Gulf Leisure Corporation ("Gulf") purchased the subject property for $1.1 million, and incurred an additional $400,000.00 in architectural fees, feasibility studies, overhead and related expeses. The Court ruled that by spending money in reliance upon the "re-zoning device", including the purchase of the land and preliminary development activities, Gulf had "obtained a vested right" in developing the land in accordance with the substance of the "re-zoning device." The Court ruled that no physical construction is necessary to obtain vested rights, as it was sufficient that the landowner incurred substantial sums in reliance upon the property's re-zoning. As the Court stated, once the landowner "has materially acted in reliance thereon and the guidelines delimited therein, the right to continue under those rules is vested and a municipality may not arbitrarily revoke or change the rules...."

In arriving at its ruling, the Court relied upon a plethora of law from other jurisdictions including, but not limited to, Illinois, Nebraska, Colorado, Minnesota and Wisconsin, all of which recognize the vesting that occurs as a result of any substantial change of position, expenditure, or incurrence of obligations in reliance upon the re-zoning, regardless of subsequent zoning or changes in zoning.

As applied to our case, MBA has expended an aggregate of approximately $4 million in purchasing Parcel 6, developing plans for the construction of 48 resort units, overhead, financing costs and other contractual obligations, all in reliance upon the bullet point items referenced in Section A above, as confirmed by the representations of the City's Planning Coordination Staff, and their recommendations to move forward. As a result, MBA has acquired vested rights in developing Parcel 6 as a 48 resort unit development, as contemplated by both MBA and the City's Staff, regardless of the belated interpretation by the Zoning Administrator.

In addition to the expenditure of monies and substantial change in position resulting in vested rights, that doctrine has been expanded based upon the doctrine of equitable estoppel, which is applied in many jurisdictions against a municipality.

II. EQUITABLE ESTOPPEL

A. Equitable Estoppel Bars Any Alteration of MBAs Rights as a Result of the Zoning Administrator's Belated Interpretation.

As so aptly stated by the Florida District Court of Appeals in *Equity Resources, Inc., v. County of Leon*, 643 So.2d 1112 (1994),

> "One party will not be permitted to invite another onto a welcome mat and then be permitted to snatch the mat away to the detriment of the party induced or permitted to stand thereon. A citizen is entitled to rely on the assurances or commitments of a zoning authority and if he does, the zoning authority is bound by its representations, whether they be in the form of words or deeds."

As applied to our case, MBA relied upon the advice and direction of the Planning Coordination Staff including, but not limited to, comments set forth in the Staff's 1st Review Comments, and the resolution of the density inquiry related thereto, following the communications between Mr. Hadder, the Zoning Administrator and Mr. Barnes in January/February of this year. That resolution conformed to the City's previous actions in approving Case Nos. 89-DR-95 and 48-DR-2007, both of which were subject to the stipulations contained in Case No. 3-ZN-94; and, all of which were relied upon by MBA in acquiring Parcel 6 and expending a substantial amount in moving forward with its development in confomance therewith.

In Arizona, the doctrine of equitable estoppel is applied against municipalities when justice dictates. In *City of Tucson v. Whiteco Metrocom, Inc.*, 194 Ariz. 390, 983 P.2d 759 (App. 1999), the Court of Appeals set forth the elements of equitable estoppel, as follows:

> "(1) the party to be estopped commits acts inconsistent with a position it later adopts; (2) reliance by the other party; and (3) injury to the latter resulting from the former's repudiation of its prior conduct."

Although the City of Tucson objected to the application of the doctrine against a city pursuing its governmental functions, the Court held, as follows: "Eighteen years ago, our supreme court disapproved of the rule prohibiting the application of principles of equitable estoppel against a sovereign, stating that estoppel will be applied against a sovereign, even a sovereign exercising its governmental functions, when justice dictates."

The Court did recognize certain limits to the application of the doctrine against a sovereign, as follows: "Estoppel must, however, be applied against the government only with great caution. The government may be estopped only when its 'wrongful conduct threatens to work a serious injustice and...the public interest would not be unduly damaged."

As applied to our case, the serious injustice to MBA flows naturally from its substantial change in position, purchase of Parcel 6, and expenditure of substantial amounts in pursuing the development of its property. MBA's actions were made in full conformance with the zoning history of the property and the representations, advice and direction of the City's Planning Coordination Staff; all of which occurred prior to the belated interpretation by the Zoning Administrator which, for all intents and purposes, constitutes a 180 degree change in the City's position as to what development will be permitted on Parcel 6.

As to the public interest, for the purposes of this discussion, it is fair to say that the public is comprised of the Troon North community, including Troon Golf, LLC, the owner and operator of the Troon North Golf Club, which is the centerpiece of the Troon North Master Planned Community. As discussed in our September 22nd letter,

> "It is important to note that Troon Golf, LLC, the owner of the Troon North golf courses and club relied upon the 90-resort room stipulation and the proposed development contemplated by MBA in making its decision to acquire its 100% interest in the property and club at a cost of almost $50 million, due to the resulting assurances that the provision of on-site overnight accommodations for golfers would provide sustainability notwithstanding regional economic cycles. In fact, it is clear from a review of all of the above-referenced cases that, but for the inclusion of the contemplated resort, that the golf courses which are the central amenity to the Troon North community, would not have been approved."

Accordingly, as to Troon Golf, LLC, and the sustainability of the Golf Club and its two courses, the application of the doctrine of equitable estoppel will not damage its interest but, instead, will assist in fulfilling the City's promise of the required development of at least 90-resort rooms adjacent to the Golf Club.

With regard to the remainder of the Troon North owners, they too will not be damaged. Despite the protestations of a vocal minority of Troon North owners seeking to prohibit the development of a resort on Parcel 6, all owners within Troon North purchased their property subject to the Troon North CC&Rs (*See*, Exhibit "X" to our September 22nd Notice of Appeal Letter). Arizona law recognizes that a community's CC&Rs constitutes a contract by and amongst the owners, the developer and any property owners association. *See, Powell v. Washburn*, 211 Ariz. 553, 125 P.3d 373 (2006). By accepting a deed subject to deed restrictions (i.e., CC&Rs), all owners accepted the restrictions and are bound by them. *Duffy v. Sunburst Farms E. Mutual Water & Agric. Co., Inc.*, 124 Ariz. 413, 604 P.2d 1124 (1980).

The Troon North CC&Rs, at Article 4, Section 4.02 of the Troon North CC&Rs provides, as follows:

> "**4.02 Compliance with Laws. All uses, activities and Improvements on any Lot or Parcel shall conform to and be done in compliance with all governmental laws**, rules and regulations, including, but not limited to, building and safety codes, **zoning regulations**, the requirements set forth in **the Master Plan for Troon North (including stipulations and development standards)**, and City of Scottsdale Hillside Ordinance and Native Plant Ordinance, as those ordinances may be amended from time to time....." [emphasis added].

Moreover, Article 2, Section 2.03 of the Troon North CC&Rs provides, as follows:

> "**2.03 Master Plan.** Except as provided in this Section 2.03, Declarant shall have the unrestricted and absolute right, without the consent of any other Owner, to modify or amend the existing Troon North Master Plan and to dedicate portions of the Property to appropria.e governmental entities for use as roadways, streets, greeenbelts, drainage facilities, parks, open space, conservation areas or other

> similar uses. **If a modification or an amendment to the existing Troon North Master Plan, pertaining to a specific portion of the Property no longer owned by the Declarant, the prior writtten consent to such amendment or modification shall be required from Owners holding at least fifty-one percent (51%) of the voting power with respect to such portion of the Property.** [emphasis added].

Based upon the contractual obligations of all Troon North owners, even including the vocal minority, each owner agreed to be bound by a Master Plan which expressly envisioned the development of a resort facility adjacent to the Golf Club providing overnight accommodations; which, based upon Stipulation No. 2 of Case No. 3-ZN-94, requires that at least 90 resort rooms be developed within the resort community. And, as required by Section 2.03 of the CC&Rs, any alteration to that obligation would require the consent of MBA as owner of Parcel 6.

As applied to our case, due to the fully developed condition of the resort community Parcels 1-5 as residential condominium units; and, due to the City Council's stipulation requiring a minimum of 90 resort rooms to be constructed in the resort community, in order to conform to both the Zoning Ordinance and the Troon North CC&Rs, Parcel 6 must be developed as a resort facility providing overnight accommodations. In order to comply with the Zoning Ordinance, Parcel 6 must be developed with as many units as reasonably practicable based upon the gross acreage of the parcel (3.1707 acres) coupled with the maximum density permitted by the above-referenced Sipulation No. 2 (i.e, 15 du/ac x 1.43 x 3.1707 = 68). In this instance, MBA is contemplating 48 resort units, comprised of 62 keys, thus substantially complying with the requirements of the Zoning Ordinance and the Troon North CC&Rs.

Due to the parties' obligations to comply with the contract (i.e., the Troon North CC&Rs) there is no way that any owner within Troon North can claim to be damaged as a result of the application of the doctrine of equitable estoppel. In fact, the vocal minority's very objections constitute a breach of the Troon North CC&Rs as they are repudiating the very terms and conditions of the contract to which they previously assented.

Based upon the foregoing, applicable law, and a sense of fairness and equity, the City must be estopped from asserting the change of position as manifested by the Zoning Administrator's Interpretation.

III. AMBIGUITY MUST BE CONSTRUED IN FAVOR OF MBA

A. Arizona Law Requires Interpretation of the Zoning Ordinance to be Construed in Favor of MBA.

In addition to the doctrines of vested rights and equitable estoppel, there is yet another line of controlling Arizona law which requires, in this instance, that the Zoning Ordinance be

construed in favor of MBA. Based upon the position taken by the City's Planning Coordination Staff prior to the issuance of the Interpretation, and the actions of the Development Review Board in 1995 and 2007 with regard to Parcel 6, at best the City can argue that there is an ambiguity regarding Stipulation No. 2 in Case 3-ZN-94. That purported ambiguity is based upon whether the reference to "Max # Units...22" in the table included as part of Stipulation No. 2 is a mandate of the City Council that there will be no more than 22 dwelling units (or 31 resort units) constructed on Parcel 6, notwithstanding any change in gross acreage of the parcel; or, whether the reference to 22 is merely a product of multiplying the referenced (albeit incorrect) acreage of Parcel 6 (1.49) times the maximum density alloted to Parcel 6 (15 du/ac). It is MBA's position that the latter interpretation is the only reasonable interpretation based upon the legal obligation to interpret the Zoning Ordinance in such a way as to do no violence to any stipulation applicable to Parcel 6. The Zoning Administrator, instead, argues that it is a mandate of City Council which can only be modified by the Council.

For almost 60 years, Arizona law has been clear that zoning ordinances, being in derogation of common law property rights, will be strictly construed and any ambiguity or uncertainty decided in favor of property owners. *See*, Arizona Supreme Court case, *Kubby v. Hammond*, 68 Ariz. 17, 198 P.2d 134 (1948). Of particular note, the Supreme Court in *Kubby* opined that,

> "In any doubtful case the court should give great weight to the contemporaneous construction of an ordinance by the officials charged with the duty of enforcing it."

In *Kubby*, the Supreme Court deemed, "it significant that for seventeen years the officers of the City of Phoenix charged with construing and administering the ordinance in question have held that defendant's type of business was permitted...."

As applied to our case, on not fewer than two previous occasions; one in Case No. 89-DR-1995; and, one in Case No. 48-DR-2007, the Planning Coordination Staff, comprised of the very individuals charged with the duty of enforcing the Zoning Ordinance, as amended by Case No. 3-ZN-94, recommended, and the City's Development Review Board approved, development of Parcel 6 in the form of 35 resort units an 48 resort rooms respectively. And, with regard to the contemporaneous nature of the recommendations of the Planning Coordination Staff, the 1995 Development Review Case took place within months of the City Council's approval of Case No. 3-ZN-94, with the personnel involved most assuredly comprised of the same individuals who had been involved with the 1994 zoning case. We know, for certain, that Don Hadder was involved with both cases; and, we also know that it was and is his interpretation, based upon that involvement, that the referened to "Max # Units...22" was merely a product of a calculation involving a variable (gross acreage) multiplied by the fixed density allocated to the parcel (i.e., 15 du/ac).

The Zoning Administrator's Interpretation materially conflicts with the contemporaneous interpretations of those who had been responsible for the enforcement of the Zoning Ordinance; interpretations upon which MBA justifiably relied in purchasing Parcel 6 and expending substantial amounts in furtherance of its development plans.

IV. CONCLUSION

The Zoning Administrator's Interpretation has effectively snatched the "welcome mat" away from MBA, to MBA's extreme detriment, after MBA was induced to stand upon that "mat" by the Planning Coordination Staff's words and deeds. MBA was, and is, entitled to rely upon the City's representations as manifested by its previous interpretations of the development rights appurtenant to Parcel 6, as illustrated by the 1995 and 2007 Development Review Board cases; and, as applied by the Staff, including the Zoning Administrator, to Case No. 48-DR-2007#2 since the first submittal in October 2016.

The Interpretation totally ignores MBA's vested rights; totally ignores MBA's detrimental reliance based upon the City's prior representations that are inconsistent with the Interpretation; and, totally ignores the obligation to interpret the Zoning Ordinance in a manner that resolves any ambiguity in favor of the land owners. The Interpretation is both in derogation of MBA's vested rights, as well as in derogation of established Arizona law.

Having ignored the law, coupled with the Zoning Administrator's clear choice to ignore additional stipulations approved by the City Council in Case No. 3-ZN-94, thereby usurping the sole authority of the City Council to change the Zoning Ordinance, the Zoning Administrator's Interpretation must be concluded to be arbitrary (based on random choice or personal whim, rather than any reason or system), capricious (an unpredictable change) and an abuse of discretion (failure to exercise sound, reasonable, and legal decision-making skills).

MBA sincerely appreciates your thoughtful consideration of this supplemental information and shall, upon request, provide any additional information or clarification that may be requested.

Very truly yours,

DAVIDSON & KAFFER, PLLC

Frederick E. Davidson

Frederick E. Davidson
For the Firm and
On Behalf of:
MBA Development Partners, LLC

Davidson & Kaffer, PLLC

"Applying Practical Business Experience to the Practice of Law"

Frederick E. Davidson
Admitted to Practice Arizona, Colorado and New Jersey
Chad R. Kaffer
Admitted to Practice Arizona
Josh G. Funkhouser, Of Counsel
Admitted to Practice Arizona and Ohio

Office Address:
8700 E. Pinnacle Peak Road, Suite 221
Scottsdale, Arizona 85255
Tel: (480) 585-3100
Fax (480) 585-8585

Mailing Address:
P.O. Box 27500
Scottsdale, Arizona 85255

www.DavidsonLaw.net

via hand-delivery

17 October 2017

Matt Metz, Chairman
City of Scottsdale Board of Adjustment
3939 Drinkwater Boulevard
Scottsdale, Arizona 85251

Carolyn Jagger, City Clerk
City of Scottsdale
3939 Drinkwater Boulevard
Scottsdale, Arizona 85251

Brad Carr, Board of Adjustment Staff Representative
City of Scottsdale
3939 Drinkwater Boulevard
Scottsdale, Arizona 85251

Re: Appeal of Zoning Administrator's Interpretation, Dated 24 August 2017, Pertaining to the Troon North Villas Project
Memorandum Re: Requested Action

Dear Chairman Metz, Ms. Jagger & Mr. Carr:

This letter is intended to supplement our previous correspondence regarding the Notice of Appeal letter submitted on 22 September 2017 by MBA Development Partners, LLC ("MBA"), pertaining to the Zoning Administrator's Interpretation, dated 24 August 2017, regarding the Troon North Villas Project.

Having served on the Board of Adjustment for 6 years, between 1991 and 1997, I am sensitive to your time and the breadth of what we have submitted for your review and consideration. Frankly, based upon my experience on the Board, I doubt that any of you have had the time, or possibly the inclination, to review all of the documentation submitted in support of MBA's appeal. There is no question that we have flooded you with information and documentation, and it would be a herculean task to review each item. So, in order to alleviate some of the burden, I'd like to take this opportunity to direct your attention to several of the more

important items; a review of which will provide what I believe an understanding sufficient to make an informed decision. Basically, these are the "Cliff Notes".

To start with, I suggest you review the following letters:

- Our Notice of Appeal Letter, dated 22 September 2017;
- Our Letter Re: Vested Rights, Equitable Estoppel, and Ambiguitites, dated 16 October 2017; and,
- Our Letter Re: Standing, dated 17 October 2017.

A review of those letters, alone, should provide you with both the factual and legal contexts relevant to the matter.

Next, I suggest you carefully review the following exhibits:

- Exhibit "AA" - Don Hadder's Attestation;
- Exhibit "BB" - Mitch Harrell's Attestation;
- Exhibit "D" - Parcel 6 Survey;
- Exhibit "G" - Case 3-ZN-94;
- Exhibit "Z" - Case 89-DR-95;
- Exhibit "K" - Case 48-DR-2007;
- Exhibit "M" - City's 1st Review Comments;
- Exhibit "R" - City's 2nd Review Comments; and,
- Exhibit "T" - Letters from City Manager, Mayor & Council (actually, one or two of the letters should suffice, since they are copies of the same letter sent to multiple individuals).

These exhibits should provide you with the most useful data in assessing the propriety of the Zoning Administrator's Interpretation within the context of the zoning history related to Parcel 6 and the City's representations and direction to MBA.

While on the Board, probably the most important question asked in dealing with an appeal of a zoning administrator's interpretation, was: "What does the Appellant want the Board

to do?" And, "What can the Board do?"

As to the second question, Arizona Revised Statutes, Section 9-462.06(G)(3), confers the authority upon the Board of Adjustment to do the following:

> "Reverse or affirm, in whole or in part, or modify the order, requirement or decision of the zoning administrator appealed from, and make the order, requirement, decision or determination as necessary."

To that end, MBA requests that the Board make the following findings, and adopt the following interpretation:

Findings/Interpretation:

- Parcel 6 is zoned R4-R ESL HD [Case No. 3-ZN-94];
- The maximum allowable density on Parcel 6 is 15 dwelling units per acre ("du/ac"), pursuant to Case No. 3-ZN-94 [Stipulation No. 2];
- The unit count allocable to Parcel 6 is based upon the gross developable acreage of Parcel 6, which is 3.1707 acres, pursuant to Case No. 3-ZN-94 [Zoning/Development Plan Stipulation No. 12; and, as reflected on the Parcel 6 Survey, dated 3 August 2017 - MBA Exhibit "D"];
- The factor, established by the City Council, used to determine the number of resort units allowed, versus residential units, with regard to Parcel 6, is 1.43 [Case No. 3-ZN-94, Stipulation No. 2, Table];
- Based upon the gross developable acreage of Parcel 6 (3.1707), multiplied by the maximum allowable density allocated to Parcel 6 (15 du/ac), the maximum number of residential dwelling units allowed for Parcel 6 are 47.56;
- Using the City Council approved factor of 1.43, multiplied by the number of of allowed residential dwelling units (47.56) to determine the maximum number of resort units allowed, Parcel 6 is allowed a maximum of 68 resort units;
- When the maximum allowed 68 resort unit count for Parcel 6 is added to the 341 fully developed residential unit count on Parcels 1-5, the total mixed unit count equals 409, which is 15 units less than the maximum aggregate unit count permitted on the resort parcels [Case No. 3-ZN-94, Stipulation No. 2];
- MBA has requested a unit count of 48 resort units, comprised of 62 rooms. This request complies with the zoning for Parcel 6, as approved by the City Council;

- Pursuant to Case No. 3-ZN-94, Stipulation No. 2, the Planning Coordination Staff may approve MBA's requested unit count, without the necessity of a public hearing, as MBA's request complies with the zoning for Parcel 6, and the City Council conferred upon City Staff the approval authority;

- The request of MBA to construct 48 resort units, comprised of 62 resort rooms, conforms to the Parcel 6 pro rata share of the City Council's stipulation that there be at least 90 units constructed upon the resort parcels used as resort rooms [Case No. 3-ZN-94, Stipulation No. 2];

- The request of MBA to construct 48 resort units, comprised of 62 resort rooms, complies with the zoning history for Parcel 6 and conforms to the reprsentations made by the City Staff over the course of 30+ years;

- Based upon the foregoing, the Zoning Administrator's Interpretation (the "Interpretation"), opining that the maximum allowable density on Parcel 6 is 22 dwelling units or 31 resort units, is not supported by the evidence;

- The Interpretation is found to be arbitrary and capricious; and, due to the failure of the Zoning Administrator to strictly consider all of the City Council's stipulations approved in Case No. 3-ZN-94, the Interpretation constitutes an effort to change the Parcel 6 zoning which is beyond the scope of the Zoning Administator's authority. As such, the Zoning Administrator has abused his discretion; and,

- Based upon the foregoing, the Interpretation is reversed, and the above findings shall be deemed to constitute the correct Interpretation as to the maximum density allowed on Parcel 6.

I believe that the foregoing findings address all of the issues before the Board, and respectfully request that they be incorporated in the Board's decision. Again, thank you for your time and consideration.

Very truly yours,

DAVIDSON & KAFFER, PLLC

Frederick E. Davidson

Frederick E. Davidson
For the Firm and
On Behalf of:
MBA Development Partners, LLC

Davidson & Kaffer, PLLC

"Applying Practical Business Experience to the Practice of Law"

Frederick E. Davidson
Admitted to Practice Arizona, Colorado and New Jersey
Chad R. Kaffer
Admitted to Practice Arizona
Josh G. Funkhouser, Of Counsel
Admitted to Practice Arizona and Ohio

Office Address:
8700 E. Pinnacle Peak Road, Suite 221
Scottsdale, Arizona 85255
Tel. (480) 585-3100
Fax (480) 585-8585

Mailing Address:
P.O. Box 27500
Scottsdale, Arizona 85255

www.DavidsonLaw.net

via hand-delivery

17 October 2017

Matt Metz, Chairman
City of Scottsdale Board of Adjustment
3939 Drinkwater Boulevard
Scottsdale, Arizona 85251

Carolyn Jagger, City Clerk
City of Scottsdale
3939 Drinkwater Boulevard
Scottsdale, Arizona 85251

Brad Carr, Board of Adjustment Staff Representative
City of Scottsdale
3939 Drinkwater Boulevard
Scottsdale, Arizona 85251

Re: Appeal of Zoning Administrator's Interpretation, Dated 24 August 2017, Pertaining to the Troon North Villas Project
Memorandum Re: Standing

Dear Chairman Metz, Ms. Jagger & Mr. Carr:

This letter is intended to supplement the Notice of Appeal letter submitted on 22 September 2017 by MBA Development Partners, LLC ("MBA"), pertaining to the Zoning Administrator's Interpretation, dated 24 August 2017, regarding the Troon North Villas Project. The purpose of this letter is to address the lack of standing of Troon North Association and Mr. & Mrs. Dunn regarding their appeal of the Zoning Administrator's Interpretation.

As partially addressed in our letter of 16 October 2017, Troon North Association and the Dunns do not have standing to appeal the Zoning Administrator's Interpretation. The Dunns are the owners of 10260 E. Whitefeather Lane, Scottsdale, AZ 85262 aka Unit 1058, Ridge at Troon North Condominium; and, Troon North Association is the master homeowners' association established by the Troon North CC&Rs (*See*, Exhibit "X" to our September 22nd Notice of Appeal Letter).

Pursuant to A.R.S. § 9-462.06(D), "Appeals to the board of adjustment may be taken by persons aggrieved or by any officer, department, board or bureau of the municipality affected by a decision of the zoning administrator, within a reasonable time, by filing with the zoning administrator and with the board a notice of appeal specifying the grounds of the appeal."

With regard to the definition of "aggrieved person", Courts traditionally limit standing in zoning cases to those individuals who have sustained special damage to their interest in real property. This rule is an outgrowth of the law governing standing in public nuisance cases. Arizona law requires that landowners suffer special damage before they have standing to complain about a zoning decision of adjacent property. *See, Buckelew v. Town of Parker*, 188 Ariz. 446, 937 P.2d 368 (App. 1996). The Court of Appeals in *Buckelew*, ruled that in order to have standing, an adjacent owner must have suffered damage from an injury particular to him, or at least more substantial than that suffered by the general public.

In our case, without citing to any special damages incurred by either Troon North Association or the Dunns, their appeal is based upon their claim that the number of resort units on Parcel 6 should be limited to 27. Firstly, Troon North Association is not an adjacent owner but, instead, ironically the entity imposed with the obligation to enforce the Troon North CC&Rs. And, while the Dunns claim to be adjacent land owners, like the Association, the Dunns are subject to the Troon North CC&Rs.

As discussed in our October 16th letter, under no circumstances can any Troon North owner be deemed, or claim, to be damaged as a result of the Zoning Administrator's Interpretation unless, that is, they claim injury due to the Zoning Administrator's interference with MBA's right and obligation to develop Parcel 6 as a resort facility with as many resort units as may be constructed based upon the gross acreage (3.1707 acres) and density (15 du/acre) allocated to Parcel 6 by the City Council's amendment to the Zoning Ordinance pursuant to Case No. 3-ZN-94. However, neither Troon North Association, nor the Dunns, are appealing based upon the Zoning Administrator's failure to abide by the "not less than 90 resort room" stipulation (Stipulation No. 2) in Case No. 3-ZN-94. Instead, both Troon North Association and the Dunns claim to be damaged by the Zoning Administrator's position that MBA is entitled to construct 31 resort units on Parcel 6.

As discussed in our October 16th letter, Arizona law recognizes that a community's CC&Rs constitutes a contract by and amongst the owners, the developer and any property owners association. *See, Powell v. Washburn*, 211 Ariz. 553, 125 P.3d 373 (2006). By accepting a deed subject to deed restrictions (i.e., CC&Rs), all owners accepted the restrictions and are bound by them. *Duffy v. Sunburst Farms E. Mutual Water & Agric. Co., Inc.*, 124 Ariz. 413, 604 P.2d 1124 (1980).

The Troon North CC&Rs, in pertinent part, provides as follows:

"**4.02 Compliance with Laws. All uses, activities and Improvements on any**

> **Lot or Parcel shall conform to and be done in compliance with all governmental laws**, rules and regulations, including, but not limited to, building and safety codes, **zoning regulations**, the requirements set forth in **the Master Plan for Troon North (including stipulations and development standards)**, and City of Scottsdale Hillside Ordinance and Native Plant Ordinance, as those ordinances may be amended from time to time....." [emphasis added].

Based upon the contractual obligations of both Troon North Association and the Dunns, each is bound by a Master Plan which expressly envisioned the development of a resort facility adjacent to the Golf Club providing overnight accommodations; which, based upon Stipulation No. 2 of Case No. 3-ZN-94, requires that at least 90 resort rooms be developed within the resort community.

Further, with regard to the Dunns, their property is located within one of the previously developed resort community parcels (developed as residential condominium units) which has expressly caused Parcel 6 to be placed in the unique position of being obligated to be developed as the envisioned resort. In fact, due to the benefit derived by the Dunns and their neighbors by being permitted to develop their property as residential condominium units, instead of resort units, the only way that their property can be deemed in conformance with the Zoning Ordinance is to permit the MBA to develop Parcel 6 as contemplated by MBA's plans for 48 resort units, comprised of 62 keys. Otherwise, the Dunn's property, along with that of their neighbors would all be non-conforming uses due to their collective failure to comply with the 90-resort unit stipulation.

In order to comply with the Zoning Ordinance, Parcel 6 must be developed with as many resort rooms as reasonably practicable based upon the gross acreage of the parcel (3.1707 acres) coupled with the maximum density permitted by the above-referenced Stipulation No. 2 (i.e, 15 du/ac x 1.43 x 3.1707 = 68). In this instance, MBA is contemplating 48 resort units, comprised of 62 keys/rooms, thus substantially complying with the requirements of the Zoning Ordinance and the Troon North CC&Rs.

The claim by both Troon North Association and the Dunns constitutes a repudiation of the very contract (i.e., the Troon North CC&Rs) to which each is bound. Simply put, due to their contractual obligations, they cannot, in good faith, claim to be injured by the Zoning Administrator's Interpretation, by claiming that a maximum of 27 resort units can be developed on Parcel 6. It constitutes not only a breach of the Troon North CC&Rs by Troon North Association and the Dunns, but a disingenuous suggestion that Parcel 6 should be developed in a manner which would be in violation of the Zoning Ordinance.

Based upon the foregoing, neither Troon North Association, nor Mr. & Mrs. Dunn can be characterized as aggrieved persons. It is impossible for either of them to assert the existence of the requisite special damages, while seeking to reduce the permissible resort unit count, as they are contractually bound by the Troon North CC&Rs to comply with the Troon

North Master Plan and the Zoning Ordinance, both of which require MBA to develop Parcel 6 as contemplated by MBA.

MBA sincerely appreciates your thoughtful consideration of this supplemental information and shall, upon request, provide any additional information or clarification that may be requested.

Very truly yours,

DAVIDSON & KAFFER, PLLC

Frederick E. Davidson

Frederick E. Davidson
For the Firm and
On Behalf of:
MBA Development Partners, LLC

EXHIBIT "Z"

Case 89-DR-95

CITY OF SCOTTSDALE

ZONING CASE

89-DR-1995

TO: DEVELOPMENT REVIEW BOARD **DATE:** 8/3/95
FROM: PROJECT COORDINATION
SUBJECT: CASE 89-DR-95

REQUEST: Approve Site Plan & Elevations for a Resort
PROJECT NAME: Troon North Resort Parcel 6
LOCATION: NEC Dynamite Boulevard & Alma School Road

DEVELOPER/OWNER: E & K Land Investments, L.L.C.
ARCHITECT/DESIGNER: Architectural Advantage
ENGINEER: N/A
APPLICANT/COORDINATOR: Ronald W. Hand/Architectural Advantage

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations.

DISCUSSION: The proposal is for a casita style resort campus at the Troon North development. The site is just west of clubhouses and backs up to a large rock feature. The site plan includes a ring of three unit buildings, a common pool area, and a building with management and meeting rooms, eight units and underground parking. The building design is styled with a primitive "pueblo" character that reflects the irregular shapes of the adjacent rock features. Using smaller building masses reduces the impact on the side. This design will blend into the setting and not draw attention away from the clubhouse.

Don Hadder
Project Coordination Manager
994-2352

ATTACHMENTS:
#1-Aerial
#2-Zoning Map
#3-Site Plan
#4-5 Landscaping Plan
#6-Plant Inventory
#7-Sections
#8-9 Elevations
#10-11 Floor Plans
#12-Project Narrative
A-Stipulations
B-Ordinance Requirements

APPROVED
8/3/95 TK
DATE INITIALS

TRAFFIC STIPULATION REQUIREMENTS
CIRCULATION AND REFUSE

ROADWAY, INTERSECTION, AND ACCESS DESIGN:

1. *The site access shall be provided per the circulation stipulations of Zoning Case #3-ZN-94.*
2. *The site entrance shall align with the Parcel 2 roadway to the west.*
3. *The minimum curb return radius on the site entrance shall be 25 feet.*

OTHER:

1. *Emergency access shall be provided to all of the site dwelling units within a maximum distance of 100 feet. The emergency access shall be a minimum width of 20 feet and be designed to accommodate a vehicle with an outside turning radius of 45 feet and inside turning radius of 25 feet. An approved turn-around or looped roadway is required for lengths of greater than 150 feet.*
2. *A pedestrian pathway connection from the main building to the "Private Drive" shall be provided.*

STRIPING AND SIGNAGE PLAN:

1. All incidental signing and striping required by site roadway improvements shall be included on the roadway paving plans.
2. All on-site parking lot striping shall be shown with the paving plans.

SIGHT DISTANCE:

A SIGHT DISTANCE EVALUATION SHALL BE DETERMINED FOR THE SITE ENTRANCE AND SUBMITTED WITH THE FINAL PLANS FOR THE DEVELOPMENT. THE PROPOSED ENTRY SIGNAGE SHALL BE RELOCATED OR MODIFIED AS NECESSARY TO RESPECT THIS SIGHT DISTANCE REQUIREMENT.

1. Sight distance triangles must be shown on final plans to be clear of landscaping, signs, or other visibility obstructions between 2 feet and 7 feet in height.
2. Sight distance easements shall be dedicated oversight distance triangles.
3. Refer to the following figures: 3.1-13 and 3.1-14 of Section 3.1 of the City's Design Standards and Procedures, published January 1994.

APPROVED
8/3/95 TK
DATE INITIALS

TO: DEVELOPMENT REVIEW BOARD **DATE:** 9/21/95
FROM: PROJECT COORDINATION
SUBJECT: CASE 38-PP-95

REQUEST: Approve a Preliminary Plat
PROJECT NAME: Troon North Resort Parcels 4 & 5
LOCATION: Dynamite Boulevard & 108th Street

DEVELOPER/OWNER: Diamond Land Investments
ARCHITECT/DESIGNER: N/A
ENGINEER: Gilbertson Associates, Inc.
APPLICANT/COORDINATOR: Scott Kusy/Diamond Land Investments

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations.

DISCUSSION: The proposal is for a preliminary plat on a fairly small parcel in the center of the Troon North development. The site is next to a large rock feature, and existing and new golf holes.

The plan provides single family lots within an R-4R zoned area. The street completes a cul-de-sac which serves three related parcels. The street has been located to avoid rock features and steeper slopes. The lots have been configured to create building sites which avoid rocks and occupy logical benches in order to reduce possible cuts and fills.

The design of the units will come to the Board at a future hearing since the zoning is R-4R. The site was badly burned in the July 1992 brush fire.

Don Hadder
Project Coordination Manager
994-2352

ATTACHMENTS: #1-Aerial
#2-Zoning Map
#3-4 Site Plan
A-Stipulations
B-Ordinance Requirements

APPROVED AS AMENDED
9/21/95 TK
DATE INITIALS

BOLD INDICATES AS AMENDED BY DRB 9/21/95

RESIDENTIAL SUBDIVISION

STIPULATIONS

FINAL PLATS MUST BE PER THE APPROVED PRELIMINARY PLAT WITH THE MODIFICATIONS PER THE FOLLOWING STIPULATIONS TO OBTAIN PERMITS

SITE DESIGN:

1. ~~Provide 20 feet from edge of garage to back of the street improvements.~~
2. *Submit a site plan which clearly identifies improvement envelopes.*
3. Provide a plan indicating the limits of construction to assure the NAOS remains natural - for field staff review and approval.
4. Final plat shall identify the use and maintenance of any land not used for residential lots.
5. *All major boulders in excess of 4 feet in diameter and all bedrock outcrops shall be identified on a site plan and shall be protected from construction by the dedication of a Natural Area Open Space easement on the final plat.*
6. ~~*A hillside conservation easement shall be dedicated over Tract E as indicated on the submitted Alta survey.*~~
7. Flagpoles, if provided, shall be one piece conical tapered.
8. Finish floor elevations shall be no higher than 14 inches above the minimum base flood water surface elevation or adjacent grade as specified by the City's "Floodplain & Drainage Ordinance No. 1993."

ON-SITE LIGHTING:

1. Provide plans indicating all exterior on-site lighting and lighting fixtures (re: diffusing, standards, glare, height, etc.) at the time of landscape plans submittal.
2. All lighting shall be consistent with the approved Master Environmental Design Concept Plan.
3. **All pole mounted lighting shall be a maximum of 14 feet in height, *per zoning Case 3-ZN-94.***

APPROVED AS AMENDED

9/21/95 TK

DATE INITIALS

PLANNING ORDINANCE REQUIREMENTS

CURBS:

1. Provide 6 inch vertical concrete curb between any driveways or parking areas and landscape areas.

LOT DESIGN:

1. **Detached guest houses shall not be permitted on lots less than 18,000 square feet in size, per Case 3-ZN-94.**

2. **If guest houses on a parcel are intended to have cooking facilities, the applicant shall submit for rezoning to R-2 lot, including meeting the required front, side, and rear yard requirements per Case 3-ZN-94.**

3. All lots shall abut a public, or private street furnishing satisfactory access thereto.

OPEN SPACE:

1. Submit a plan indicating the required and provided amounts of N.A.O.S. based on the Hillside District as noted in Section 7.853, of the Zoning Ordinance at time of final plan submittal.

2. FINAL PLANS SHALL NOT BE APPROVED until a protection program indicating construction boundaries, and techniques used to insure that N.A.O.S. is not disturbed during construction, has been submitted and field approved by Project Review staff.

3. The applicant shall provide documentation of proposed distribution of Natural Area Open Space (N.A.O.S.) required for right-of-way to lots or common areas prior to final plat approval.

4. **On-lot NAOS shall not be credited to the parcel NAOS allotment on lots less than 18,000 square feet in size, except as dedicated as contiguous NAOS on a plat per Case 3-ZN-94.**

LANDSCAPING:

1. All plant materials in right-of-way shall be on the Department of Water Resources (DWR) low water plant list for the Phoenix Active Management Area (AMA).

2. **Non-indigenous plant material which reaches a mature height of greater than 20 feet shall not be introduced on site, per Case 3-ZN-94**

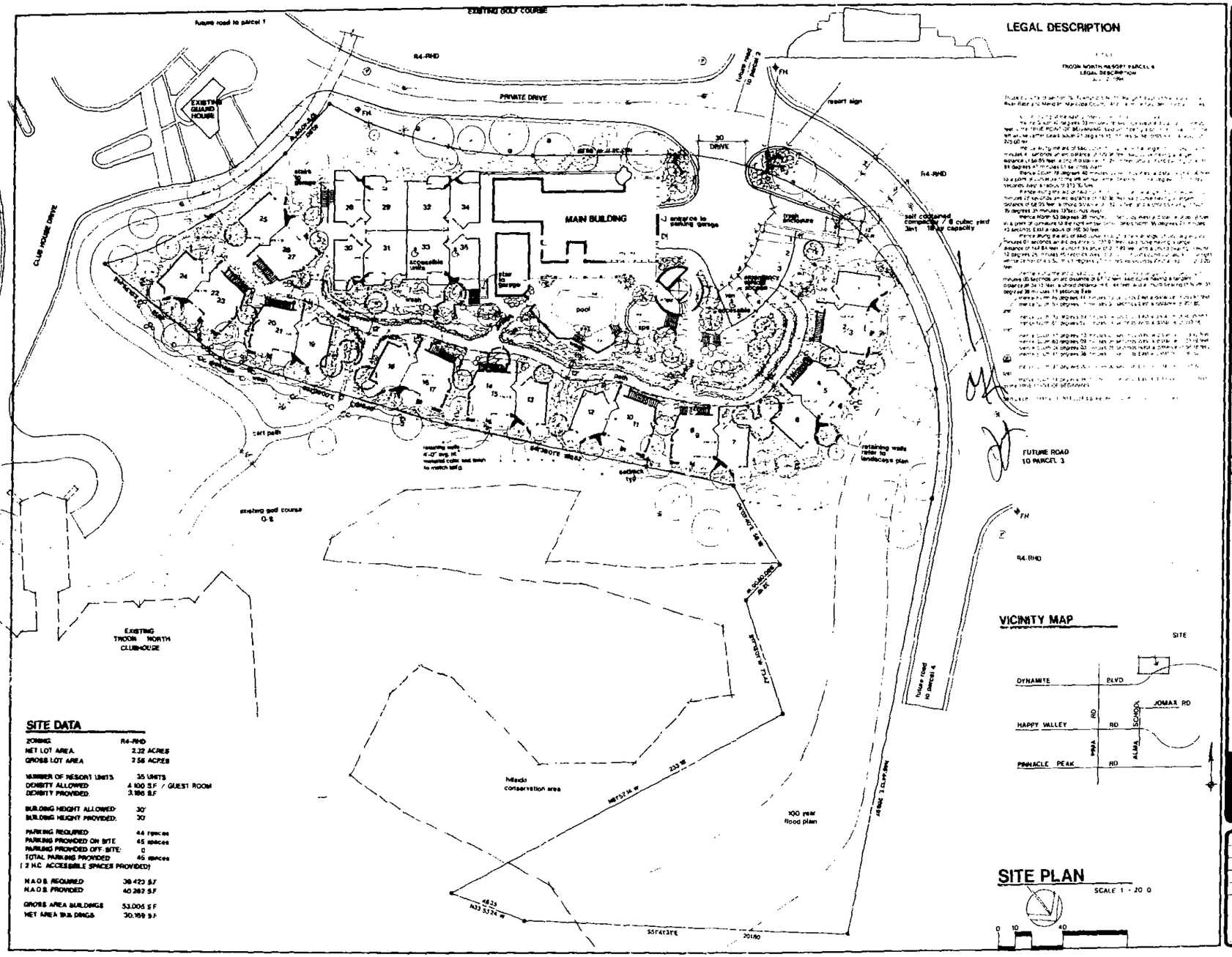
3. Provide documentation required for issuance of a Native Plant Permit as required in Chapter 46 of City Code and outlined in Section 7.500 of the Zoning Ordinance. The Native Plant Permit is a separate submittal and approval. Contact Daryl Workman at 994-7938 to initiate the process.

GRADING:

1. Cuts and fills exceeding limits outlined in (Section 6.806 A. 3. of the Hillside Ordinance/Sec. 204-1 B. of the "Design Guidelines & Policies for Environmentally Sensitive Lands shall/may) require Development Review Board approval.

OTHER:

1. Comply with conditions of case No. 3-ZN-94.

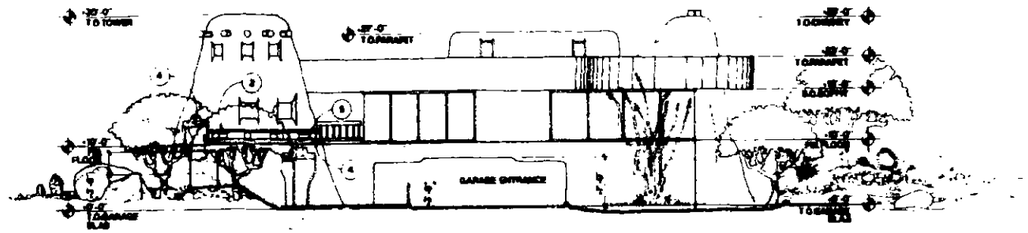


TALUS VILLAGE AT TROON NORTH
A LUXURY CASITA RESORT
SCOTTSDALE, ARIZONA
E&K LAND INVESTMENTS, LLC

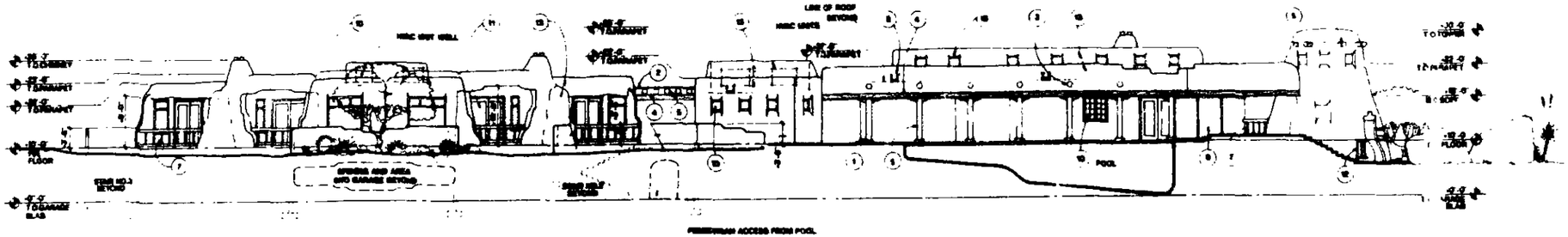
Architectural Advantage, Ltd.

RWH TMG CEK
RWH
JULY 6 1999
4621
DR-1
1 6

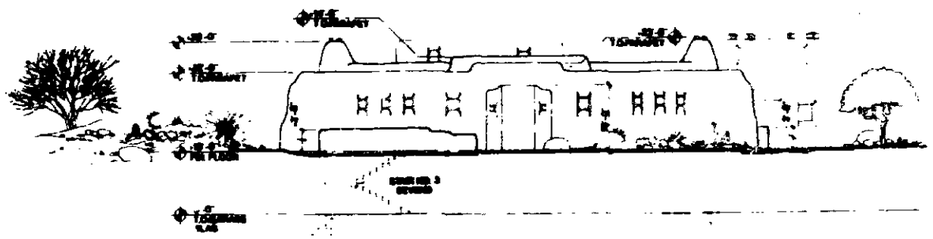
THE REPRODUCTION
OF THE FOLLOWING DOCUMENT(S)
CANNOT BE IMPROVED



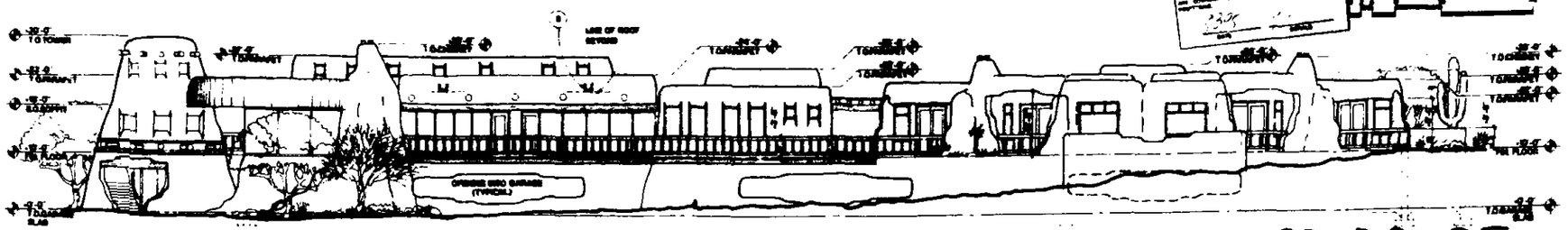
NORTHWEST ELEVATION



NORTHEAST ELEVATION



SOUTHEAST ELEVATION



SOUTHWEST ELEVATION

MATERIALS

1. 6" FLAGSTONE BASE - PALO CH
   "APACHE".
2. 2" DIA. HAND - PEELED LATILLA
   O.C. (STAINED).
3. 3" DIA. HAND - PEELED VIGA EX
   (STAINED).
4. ROUGH SAWN WOOD HE
5. 12" DIA. HAND - PEELED VIGA P
   (STAINED).
6. 12" DIA. HAND - PEELED VIGA (S
7. CUSTOM WOOD RAILING WITH 3 HA. HAND - PEELED VIGA TOP RAIL (STAINED).
8. CUSTOM WOOD SCUPPER (STAINED) WITH GALV. METAL LINING (PAINTED).
9. WOOD FENESTRATION SYSTEM (STAINED) WITH CLEAR GLASS.
10. WOOD WINDOWS (STAINED) WITH CLEAR GLASS.
11. WOOD DOORS (STAINED).
12. METAL HANDRAILS/GUARDRAILS AND MISC. METALS - COLOR: DUNN EDWARDS PC 2170 WITH PS 3100 ACCENT.
13. STUCCO SYSTEM - SAND BLAST FINISH COLOR: DUNN EDWARDS DE-100 "DRY EARTH" WITH ACCENTS OF DE-668 "COCOA MOCHA" AND DE-101 "COTTONWOOD".

CITY OF SCOTTSDALE
DEVELOPMENT REVIEW APPROVAL
ELEVATIONS

SCALE: 1/8" = 1'-0"

89-DR-95
ELEV. 7-7-95

TALUS VILLAGE AT TROON NORTH
A LUXURY CASITA RESORT
SCOTTSDALE, ARIZONA
E & H LAND INVESTMENTS, L.L.C.

Architectural Advantage Ltd.

RRH / TMG / CER

JULY 5, 1995

DR-6

6 6

100-YEAR FLOOD PLAIN

HILLSIDE CONSERVATION AREA

22/23
24
20/21
19
26/27
25
18
16/17
14/15
13
31
30
28
33
29
32
34
35
12
10/11
8/9
7
6
4/5
2/3
1
RECEPTION
GUARD HOUSE
#9 GREEN

TALUS VILLAGE AT TROON NORTH
a luxury casita resort
scottsdale, arizona
E&K LAND INVESTMENTS, L.L.C.

ARCHITECTURAL ADVANTAGE, LTD.

5/3/95 TR

89-DR-

THE REPRODUCTION
OF THE FOLLOWING DOCUMENT(S)
CANNOT BE IMPROVED
DUE TO THE CONDITION
OF THE ORIGINAL

Case 89-DR-1995

- Submitted in July, 1995.
- The application was for a resort use on the property.
- Data profile of the proposal:
  - Net lot area: 2.32 acres
  - Gross lot area: 2.56 acres
  - Number of resort units proposed: 35
  - Parking spaces proposed:
    - 45 spaces total
    - 5 spaces in surface parking area
    - 40 spaces provided in a partially underground structure
  - Buildings:
    - One main building with lobby and 8 resort units on a second floor over the parking structure / the proposed building would have been about 200 feet long and around 80 feet wide
    - The site plan also shows 9 3-unit/2-story buildings containing a total of 27 units located around the edge of the site
  - The 35 resort units would concert into 24.5 residential units (2.5 over the unit count on the table)
  - Based on the 2.56 gross acres listed with this application, the density of 15 units per acre would result in 38.4 units of residential allowed or 54.9 resort units.

July 6, 1995

PROJECT NARRATIVE:
TROON NORTH RESORT
PARCEL 6
Case #511 - PA - 94

"THE NEXT INCIDENT took place in Chaco Canyon soon after A.D. 1000. A farming population made up of small family units spread out through the Red Mesa Valley and along the eastern foothills of the Chuskas suddenly decided to abandon this way of life, and crowded into Chaco Canyon where, at intervals of a few yards, they built Talus Pueblos of thirty or more rooms, two stories high, with five or more kivas."

Talus Village at Troon North takes it's precedent and imagery from the Anazazi people and culture; in particular the Chaco culture of New Mexico. The topography and natural features of the area provide the ideal setting for the proposed thirty-five (35) luxury Casita unit Resort.

The casitas and main building's soft forms and organic lines blend with the texture of the surrounding landscape. Earth tones, building materials and massing are reminiscent of the pueblos of past cultures and eras. The architectural style is distinctly contemporary pueblo.

Talus:, course rock fragments, mixed with soil, at the foot of a cliff or natural slope; symbolically represents the resorts geographic site location and its specific relationship to the existing Troon North Clubhouse and local topography.

Natural hydrology and drainage have been incorporated as part of a central site amenity, providing the functioning wash as an integrated element of the sites meandering pedestrian circulation path and landscaping. The resorts central site design is typical of the topography of the area with gently rolling terrain, hillside conditions, small drainage features and small granite boulder formations.

Vehicular access is minimized in an effort to retain the full impact of the surrounding desert. Parking has been accommodated in an earth integrated parking garage; earth integrated in form, material and respect to existing topography.

Talus Village at Troon North conforms to the original intended use for this area as a unique resort style use that supports the golf course as well as fitting comfortably within the existing environmental setting.

ARCHITECTURAL ADVANTAGE, LTD.®
14980 North 78th Way, Suite 201
Scottsdale, Arizona 85260
(602) 948-0236

89-DR-95

ATTACHMENT #13

NARRATIVE ON SITE DEVELOPMENT AND LANDSCAPING

While a good percentage of this site is to be left untouched in its natural state, the built-on portion of the site requires some intense grading and pad work. Because the adjacent land to the north is a gentle uphill slope, much of the drainage onto our site has to be handled in some unique ways. The units adjacent to the north property line will incorporate a series of short patio/retaining walls to divert the flow to the west wash where it naturally ends up now. The water that has to traverse our site is being contained in a man-made drainage swale that will incorporate colored concrete with an irregular edge, boulders, and plant pockets. This will create a natural wash look with permanent erosion proof surfaces.

We allow for the required 12' wide emergency vehicle access way by incorporating a 6' wide colored concrete cart path, 3' of low growing annuals that provide a ribbon of changing color throughout the project and at least 3' clear granite path. The main pedestrian access to the clubhouse is up a series of steps and landings that are bordered on one side by natural boulder outcroppings. A gently flowing water feature adds both audible and visual delight as the visitor traverses his way up to the main pool area. A spa with a waterfall and pool with disappearing edge add to the excitement of this area that has several smaller patio and terraces for gathering places. The use of the boulders and other natural materials throughout the site help to integrate the architecture into this beautiful desert setting.

The planting scheme from the outside in will incorporate the re-use of the site's native trees, and along with naturally occurring shrubs matching adjacent plant densities will help to nestle the buildings and patio walls into the native desert. The plant palette within the site will continue with the use of the salvaged trees and saguaros, but also add a melody of colorful desert adapted plants.

HCRI

TAHOE LAKEFRONT RESORT — JULY 4, 1995

PARCEL L. — 1.

☐ SITE PLAN WORKSHEET ☐

ZONING: 1-4-RHD

NET LOT AREA: 2.32 ACRES (101,038 S.F.)

GROSS LOT AREA: 2.56 ACRES (111,513 S.F.)

NUMBER OF RESORT UNITS: 35 UNITS

DENSITY ALLOWED:

- DENSITY PER "TAHOE LAKEFRONT RESORT ATTACHED DEVELOPMENT STANDARDS"

1 GUEST ROOM / 4100 S.F. GROSS LAND AREA

111,513 S.F. / 4100 = 27.19 GUEST ROOMS (RESORT)

- OVERALL SITE — INTER-PROJECT TRANSFER OF THIRTEEN UNITS TO TOTAL THIRTY-FIVE (35) TOTAL UNITS DENSITY IN PARCEL L (SEE ATTACHED LETTER).

- DENSITY ALLOWED = 35 UNITS

111,513 S.F. / 35 = 3186 S.F. GROSS LAND AREA / GUEST ROOM.

DENSITY PROVIDED: 35 UNITS @ 3186 S.F.

GROSS AREA BUILDINGS:

- PARKING GARAGE = 12,524 S.F.
- MAIN BLDG. = 707 S.F. TOWER
  7043 S.F. UNIT-RESIDENTIAL
  7750 S.F. UNIT-RES.
  5704 S.F. CASITAS
  13,454 S.F. TOTAL BLDG.
- CASITAS (9) @ 3003 S.F. EA. = 27,027 S.F. [FREESTANDING]

35 UNITS = ± 32,711 GROSS S.F.

UNIT RES. = ± 7,750 GROSS S.F.

POOR QUALITY ORIGINAL

TAHOE HEALTH RESORT
PARCEL L
☐ SITE PLAN WORKSHEET ☐
(CONT'D.)

AVG. GARAGE 12,524 GROSS S.F.
53,005 GROSS S.F.
(INCLUDES ALL LEVELS ALL STRUCTURES)

☑ LOT COVERAGE: 33% PER TAHOE HEALTH RESORT AMENDED - "DEVELOPMENTS"

- GROSS SITE AREA = 2.56 AC = 111,513 S.F.
HILLSIDE CONSERVATION AREA W/ SITE = 10,476 S.F.

- MAX COVERAGE (GROSS SITE) = 37,030 S.F.
MAX COVERAGE (EXCLUDING HC) = 35,363 S.F.

- APPROX. COVERAGE
ALL-GARAGE UNITS = 1875 × 9 = 16,875
MAIN BUILDING = 13,454
30,329 S.F.

30,329 S.F. O.K.

NET AREA BUILDINGS:

- MAIN BLDG. = 4,668 S.F. NET HOUSEKEEP.
5,368 S.F. NET CASITAS
10,036 S.F. NET.
- CASITAS (FREESTANDING) = (9) × 2237 S.F. NET
= 20,133 S.F. NET

30,169 S.F. NET TOTAL

89-DR-95

POOR QUALITY
ORIGINAL

003753

0037753

TAOS HEALTH RESORT — 7-6-95
PARCEL 6 — 3.
☐ SITE PLAN WORKSHEET ☐

BUILDING HEIGHT: THIRTY (30) FEET
"TAOS HEALTH RESORT AMENDED DEVELOPMENT STANDARDS"

BUILDING HEIGHT PROVIDED: 30' TOP OF TOWER

PARKING SPACES REQUIRED:
- ONE (1) SPACE / UNIT = 35
- THREE TO PARK FOR ADMIN. STAFF = 4
- 10% HALL CLUB. NET S.F. FOR GUESTS = (0.10) · 4,116 NET S.F. (HALL-AREA) = 4.6 ≈ 5

TOTAL SPACES REQUIRED = 44 SPACES

PARKING SPACES PROVIDED:
- PARKING GARAGE — 40 SPACES
- SURFACE — 5 SPACES
— 45 SPACES

POOR QUALITY ORIGINAL

→ ADA = TWO (2) SPACES REQUIRED AND PROVIDED (ONE (1) VAN-ACCESSIBLE).

N.A.O.S. CALCULATIONS:

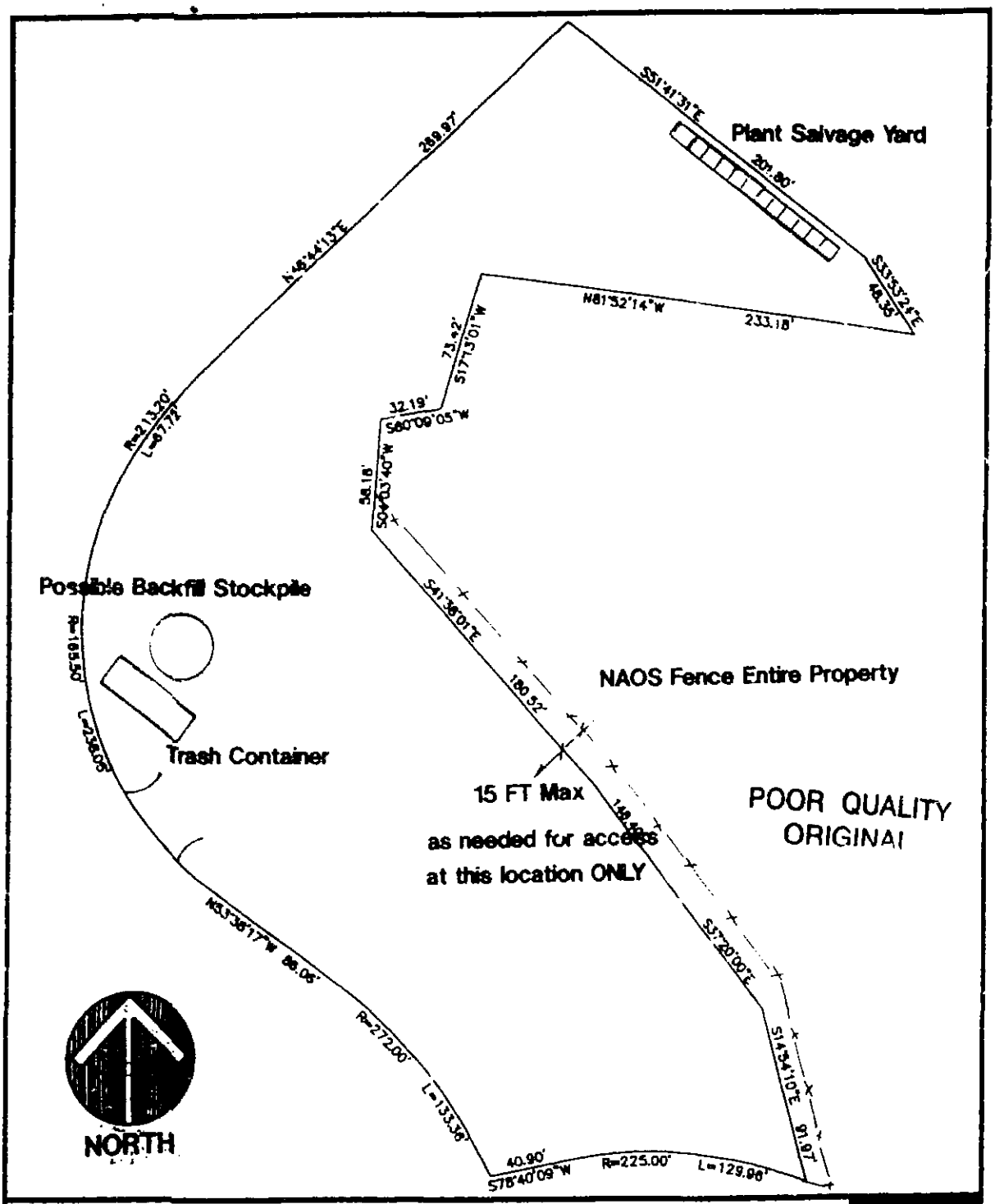
UPPER DESERT PER E.S.L.O.

TOTAL LOT AREA 111,487.61 S.F. 2.5594 ACRES

AREA @ 0% TO 5% =	41,241 S.F.	@ 25% =	10,310 S.F.
@ 5% TO 10% =	24,977 S.F.	@ 35% =	8,742 S.F.
@ 10% TO =	45,269 S.F.	@ 45% =	20,371 S.F.
TOTAL			39,423 S.F.

N.A.O.S. REQUIRED	39,423 S.F.
N.A.O.S. PROVIDED	40,262 S.F.

89-DR-95



PROJECT TITLE: **TALUS VILLAGE AT TROON NORTH**

DRAWN BY: RWH DATE: 7/6/95

CHECKED BY: RWH DRAWING NUMBER: CD-1

ARCHITECTURAL ADVANTAGE, LTD.

14999 North Nine Way, Suite 205 - Scottsdale, Arizona 85260 - 602 948 0230

CONSTRUCTION/DEVELOPMENT
(ESL PART V - #2)

89-DR-95

FILE COPY

0 0 3 7 5 5

September 6, 1994

Mr. Donald Hadder, Sr.
Project Review Coordinator
City of Scottsdale
7447 East Indian School Rd.
Scottsdale, AZ 85251

Re: Troon North Resort

Dear Don;

This letter is to confirm your direction to allow the inter project transfer of up to thirteen density units to total, thirty-five density units in Parcel 6. The developer of Parcel 6 shall always maintain a minimum of twenty-two (22) "14 days or less" resort units with the remaining thirteen units being utilized as "14 days or less" resort units, "14 days or more" resort units, or residential units in conformance with the projects amended development standards.

Additionally, we are confirming your direction to approve the offsite (Troon North Club House) parking concept for Parcel 6, based on providing one parking space per density unit. We will coordinate the contractual and technical analysis with the Troon North Golf Company. In the event we are unable to accommodate the offsite parking concept we will provide the stated requirements onsite

POOR QUALITY ORIGINAL

Sincerely,

SK

Scott A. Kusy

89-OR-95

EXHIBIT "AA"

Hadder Attestation

ATTESTATION

I Don Hadder, Sr, do hereby attest that the following information is true and correct.

Up until 2015 I was the Senior Planner in the Planning and Community Development Department in the City of Scottsdale, Arizona. I served in this Department for more than 38 years. During that time, I was the Principal Planner, Supervisor, and principal author of the overwhelming majority of the Troon North Development zoning cases, and provided interpretation and decisions on them as well.

Since my retirement from the City, I have served in the capacity as a private zoning/land consultant to various developers doing business with the City. I was retained by MBA Development Partners, LLC to provide insight on zoning related matters. Their interest in retaining me was based upon the long history that I have experienced with the Troon North master planned community. With regard to Troon North, my experience and roles include: lead planning coordinator for every major zoning case for the development from 1986 through 1995, including case no. 3-ZN-94; lead planning coordinator for development review and preliminary plat cases throughout the Troon North community; and, I also served as the City's in-house consultant regarding Troon North case related matters when I was not directing handling the cases.

For more than a year, I have been consulting with MBA regarding a proposed golf-centric resort to be located on one of the six resort land parcels within the Troon North master planned community. Due to concerns expressed by some of the Troon North residents, and what I characterize as a surprising and inaccurate interpretation issued by the Zoning Administrator, I have been asked to comment on the circumstances regarding the zoning cases which affected the six resort parcels.

As a consultant for MBA, during 2016 and 2017 I met several times with our City Planner, Jeff Barnes, and with the Zoning Administrator, Randy Grant. During the course of those meetings we discussed MBA's request for the approval of 48 resort units, configured as 62 rooms, and the conformance of that request with the zoning and development review cases involving Parcel 6. There was never an occasion when either of them questioned either my analysis or the right of Parcel 6 to be developed as requested by MBA. As a result, I was shocked when I read Randy's interpretation, as it totally conflicts with my real-time understanding of the cases and the City Council's intent.

The maximum residential unit count of 22, and resort unit count of 31, as described in the Zoning Administrator's interpretation is incorrect and does not comply with what I know to have been the intent of both the City Staff and the City Council. The intent of the developer, the City Staff and the City Council was to create a Resort Core which could be developed organically, independently and stay within the prescribed densities. It was never intended, nor was it available, to effect density transfers amongst the parcels. Instead, it was anticipated that each parcel could be developed independently with any combination of residential or resort units, provided that the total units developed on all 6 resort parcels did not exceed 385 residential units, or 424 combination of resort and residential units, or 550 strictly resort units.

I was the senior planner and primary author of zoning case 3-ZN-94 which I feel is particularly relevant, since the case establishes the template for the future development of the resort parcels. At the time of the passage by City Council of this case, none of us in the Planning Department could accurately forecast the future of the resort parcels, as it was anticipated that the development of each parcel would be based upon as-of-yet unavailable information regarding actual gross acreage, etc. To acknowledge that fact, I designed the case to include all of the six resort parcels into one homogenous group whereby, subject to limits and maximum densities which we in our discretion in the Planning Department assigned, and which was approved by the City Council, residential and resort units could be built together (mixed) or separately on each parcel. The total aggregate number of units on the six- resort parcels was limited to 385 residential units, or 424 units if resort and residential are mixed, or 550 resort units if only resort units were built.

My clear intent, which I know was shared by the City Council, was that the six resort parcels would be collectively allocated these total number of units, thereby giving the City Staff the maximum flexibility to move, allocate or redistribute resort or residential units, subject to maximum densities, according to the table set forth in Stipulation 2 of case 3-ZN-94 (the "Table"). In the Table there is a Scrivener's Error as it pertains to Parcel 6. The Gross Acreage of Parcel 6 should be stated as 3.1707 acres not 1.49 acres as reflected in the Table. This is a Scrivener's Error and should be corrected. (Legal Definition: "A Scrivener's Error "permits a typographical error in a written contract to be corrected by parol evidence if the evidence is clear, convincing and precise."). The stamped survey of Parcel 6, dated August 3, 2017, constitutes clear, convincing and precise evidence of the type I typically encountered in handling development cases on behalf of the City, sufficient to correct the error. Further, this correction also assists in resolving the discrepancy between the 55 gross acres referenced in the City Council Action Report and the 52.19 acres reference in the Table.

The numbers in the Table are fixed only as to Zoning, Max DU/AC, the 385-residential unit maximum, the 424-mixed use maximum and the 550-total resort unit maximum. All other numbers are flexible, thereby enabling the City Staff, without public hearing, to allocate, or redistribute unit counts as the variables become fixed. At no time was it ever intended that the number in the column titled, "Max. # Units", was a fixed number. Instead, that column is merely the product of multiplying the gross acreage of each parcel by the allocated maximum density. Since the gross acreage of each parcel was subject to change, the unit count was expected to change. This is what was intended by Stipulation 2.

For example, the actual gross acreage of each resort parcel was not known at the time case 3 ZN-94 was approved. In order to address this unknown, the City Council included Zoning/Development Plan Stipulation 12, which provides that density will be based on the gross development area of each parcel. That Stipulation was intended to provide City Staff with the flexibility to implement the case as acreages were fixed by survey on a parcel by parcel basis. Examples of the City Staff's implementation of this flexibility is illustrated by Development Review Board case nos. 89-DR-95 and 48-DR-2007, in which I was involved on behalf of the City. In each case, based upon the acreages presented by the developers, and the developers' requested unit counts, City Staff recommended, and the DRB approved, 35 resort units in 1995 and 37 residential units in 2007, configured as 48 resort rooms.

As it pertains to Parcel 6, using the actual gross acreage of 3.1707 acres fixed by the August 3rd survey, multiplied by the fixed maximum density of 15 du/ac, Parcel 6 is entitled to 47.56 residential units. After applying the 1.43 ratio used by the City Council in case no. 3-ZN-94 to determine the maximum number of resort units allocable to each parcel, Parcel 6 is entitled to 68 resort units. The 68 resort units when added to the residential units built on Parcels 1-5, which are fully developed, the total mixed unit count stands at 409 which is 15 units less than the mixed-use maximum fixed by the City Council. Accordingly, the 48 resort units, configured as 62 resort rooms requested by MBA, complies with both the spirit and intent of the City Council and City Staff in case no. 3-ZN-94.

This is my attestation of the facts as they exist.

Dated this 17th day of October, 2017

Don Hadder, Sr.

Don Hadder, Sr.

EXHIBIT "BB"

Harrell Attestation

TROON GOLF, LLC

I, Mitch Harrell, am the President of Troon Golf, LLC, the owner and operator of the two golf courses and Clubhouse located within the Troon North master planned community. I have had direct oversight of Troon North Golf Club, the two courses and the Troon Golf clubhouse for much of my 18 year career with Troon Management. I am writing today to attest to several important matters concerning the Troon North Villas resort proposed to be located adjacent to the Troon North clubhouse property (Case No. #48-DR-2007#2). Specifically, I wish to attest to the following:

1) I have reviewed the August 24th interpretation prepared by the City's Zoning Administrator and have grave concerns with what appears to be a 180 degree change in what Troon Golf and the Troon North Golf Club has been promised for decades.
2) Every one of the zoning cases involving the resort parcels immediately adjacent to the Club, spanning more than 30 years, have required the development of a resort facility providing accommodations for overnight guests. It has always been Troon Golf's understanding that the resort was a condition of approving at least one, if not both of the golf courses presently serving the Troon North community and the City of Scottsdale.
3) Since 1994, based upon the City's zoning cases, it has been our understanding that there would be at least 90 resort rooms constructed adjacent to the Clubhouse, intended to assist the Club in being a sustainable asset, despite any downturns in the local economy.
4) The minimum 90-room resort was viewed by Troon Golf as a commitment made by the community and the City of Scottsdale upon which the Club could rely.
5) Troon Golf has consistently relied upon these commitments in the management of the Troon North golf properties, and has made numerous decisions based upon those commitments including, but not limited to, Troon Golf's expenditure of over $48 million in obtaining the sole ownership of the courses and Clubhouse.
6) A small group of Troon North home owners and the Troon North HOA leaders have been opposed to having anything built on the Troon North Villas land. And now, the recent Zoning Interpretation has clearly undermined the intent of the Troon North Master Plan.
7) It has always been the intent of the original Troon North developer, Jerry Nelson, that this parcel be developed as a resort providing overnight lodging. Further, this parcel has always been zoned as resort with the highest density of all the resort parcels because of its close proximity to our Clubhouse.
8) The 3.17 acres of land should easily allow for a 62-key resort to be built on the property as the current design suggests. Although we have been time and again promised that there would be a minimum of 90 resort units be built (zoning case 3-Z-94), the 62-key resort will meet our requirements. These developers have spent over 2 years and millions of dollars following every direction from City Planning Staff to make sure the resort would be in compliance in every way.

TROON GOLF, LLC

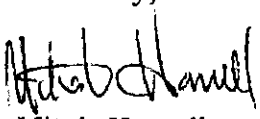
From the perspective of Troon Golf, we consider the building of an economically viable resort close to our Clubhouse to be mandatory for the continued economic success of the Troon North golf courses.

Finally, we are very excited to at last have a resort built adjacent to our Clubhouse. This has been promised and documented since the inception of the Troon North development. I ask the Board of Adjustment to give MBA Development Partners' appeal of the Zoning Administrator's interpretation your most serious consideration, due to the reliance we have placed upon the City living up to its obligations. Failure to permit MBA to develop Parcel 6 as they contemplate will most assuredly result in substantial damage to our community, our golf courses and clubhouse, and to our investment.

MBA's proposed development is a great addition to the "Scottsdale Golf Experience".

Dated this 17th of October, 2017.

Sincerely,



Mitch Harrell
President, Troon Golf, LLC
15044 North Scottsdale Rd, Suite 300,
Scottsdale AZ 85254
o 480.477.0495
c 480.694.5121

EXHIBIT "CC"

1995 Permanent Ingress Egress Easement

Unofficial Document

LAWYERS TITLE OF ARIZONA, INC.

When recorded mail to:

TROON NORTH GOLF CASITAS, L.C.
21626 South 158th Street
Chandler, AZ 85249

OFFICIAL RECORDS
MARICOPA COUNTY RECORDER
HELEN PURCELL
95-0209665 04/14/95 04:49
CARA 33 OF 35

252,327 JAS

reserved for recording info

3/3

CAPTION HEADING: PERMANENT INGRESS AND EGRESS EASEMENT AGREEMENT

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
95-0015525 01/10/95 04:15
LILIAN 3 of 15

When Recorded Return To:
TROON NORTH GOLF CASITAS, L.C.
21626 South 158th Street
Chandler, AZ 85249

LAWYERS TITLE OF ARIZONA, INC.
252,327 JAS #313

THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT THE NAME OF THE GRANTEE FROM TROON NORTH GOLF CASITAS L.C. TO E AND K LAND INVESTMENTS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY.

PERMANENT INGRESS AND EGRESS EASEMENT AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned does hereby grant to TROON NORTH GOLF CASITAS L.C., an Arizona limited liability company ("TNGC") and its successors and assigns, a non-exclusive easement over that certain real property described on the attached Exhibit "A" (the "Easement Property"), as follows:

1. The undersigned is the owner of the Easement Property.

2. TNGC is the owner of a parcel of land adjacent to the Easement Property, more particularly described on the attached Exhibit "B" (the "Benefitted Property").

3. TNGC desires to have, and the undersigned is willing to grant to TNGC and its successors and assigns, an easement over the Easement Property for the benefit of the Benefitted Property.

Now, therefore, the undersigned grants to TNGC a non-exclusive, permanent and perpetual easement over and under the Easement Property for the benefit of the Benefitted Property and all parts thereof for purposes of: (i) vehicular and pedestrian ingress and egress solely for private, residential/resort access and ancillary use for service, delivery, maintenance and repair; (ii) signage; and (iii) all utilities including, but not limited to, cable television, gas, electricity, telephone, water, sewer and irrigation, subject to all taxes and other assessments, and all easements, rights of way, obligations and liabilities as may appear of record, provided that:

a. TNGC's use of the Easement Property shall always comply with all applicable laws, ordinances and regulations of government agencies having jurisdiction of the Easement Property.

b. The undersigned, its successors and assigns shall not construct anything over or under the Easement Property or interfere with its use or availability for use as an easement.

c. At its sole cost from time to time, TNGC shall be entitled but not obligated to construct curb cuts for the purpose of access to the Benefitted Property and to construct a paved or other type of improved roadway which connects to the Easement Property.

d. TNGC may install a sign on the Easement Property advertising the existence or sale of any portion of the Benefitted Property, and may replace the same from time to time provided that the sign shall comply in all respects to applicable city ordinances.

e. TNGC will indemnify and hold the undersigned and its successors and assigns harmless from and against any and all damages, losses, expenses, obligations and liabilities of any nature whatsoever which the undersigned may incur or suffer as a result of any negligence or intentional act or omission to act on the part of TNGC.

f. The undersigned will be permitted to use the Easement Property at all times or any purposes subject to the provisions of Section b above.

Unofficial Document

The benefits and burdens created by this Easement Agreement shall run with and bind the title to the Easement Property and the Benefitted Property and all portions thereof, and the owners of all or any portion of either of said properties.

DIAMOND LAND INVESTMENTS L.C.,
an Arizona limited liability company

By: James R Barrons
James R. Barrons
A Manager

950815525

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this 28th day of December, 1995, by James R. Barrons in his capacity as a Manager of Diamond Land Investments L.C., an Arizona limited liability company, on behalf of the limited liability company.

Angela R. Matheson
Notary Public

My Commission Expires:

July 1, 1997

Unofficial Document

Exhibit "A"

Legal Description of Parcel 7

Unofficial Document

TROON NORTH RESORT PARCEL 7
LEGAL DESCRIPTION
August 8, 1994

Those portions of Section 29, Township 5 North, Range 5 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more fully described as follows;

Commencing at the east quarter corner of said Section 29;
thence South 40 degrees 03 minutes 18 seconds West a distance of 1368.20 feet to the TRUE POINT OF BEGINNING;
thence South 14 degrees 54 minutes 10 seconds East a distance of 15.91 feet;
thence South 81 degrees 57 minutes 14 seconds West a distance of 58.45 feet;
thence South 06 degrees 00 minutes 52 seconds West a distance of 72.93 feet to a point of curvature to the left whose center bears South 11 degrees 01 minutes 43 seconds West a radius of 115.00 feet;
thence along the arc of said curve through a central angle of 022 degrees 21 minutes 34 seconds an arc distance of 44.88 feet, said curve having a tangent distance of 22.73 feet, a chord distance of 44.59 feet, and a chord bearing of South 89 degrees 50 minutes 56 seconds West;
thence South 78 degrees 40 minutes 09 seconds West a distance of 36.02 feet;
thence North 86 degrees 38 minutes 59 seconds West a distance of 47.29 feet to a point of curvature to the left whose center bears North 86 degrees 38 minutes 59 seconds West a radius of 150.00 feet;
thence along the arc of said curve through a central angle of 070 degrees 49 minutes 35 seconds an arc distance of 185.42 feet, said curve having a tangent distance of 106.65 feet, a chord distance of 173.84 feet, and a chord bearing of North 32 degrees 03 minutes 46 seconds West to a point of compound curvature to the left whose center bears South 39 degrees 30 minutes 12 seconds West a radius of 208.00 feet;
thence along the arc of said curve through a central angle of 003 degrees 08 minutes 29 seconds an arc distance of 11.40 feet, said curve having a tangent distance of 5.70 feet, a chord distance of 11.40 feet, and a chord bearing of North 52 degrees 04 minutes 02 seconds West;
thence North 53 degrees 38 minutes 17 seconds West a distance of 86.28 feet to a point of curvature to the right whose center bears North 36 degrees 21 minutes 43 seconds East a radius

Unofficial Document

of 229.50 feet;

thence along the arc of said curve through a central angle of 050 degrees 16 minutes 21 seconds an arc distance of 201.37 feet, said curve having a tangent distance of 107.68 feet, a chord distance of 194.97 feet, and a chord bearing of North 28 degrees 30 minutes 07 seconds West to a point of nontangent reverse curvature to the left whose center bears North 44 degrees 29 minutes 54 seconds West a radius of 75.00 feet;

thence along the arc of said curve through a central angle of 034 degrees 36 minutes 59 seconds an arc distance of 45.31 feet, said curve having a tangent distance of 23.37 feet, a chord distance of 44.63 feet, and a chord bearing of North 28 degrees 11 minutes 36 seconds East to a point of nontangent reverse curvature to the right whose center bears South 79 degrees 06 minutes 53 seconds East a radius of 253.20 feet;

thence along the arc of said curve through a central angle of 035 degrees 51 minutes 06 seconds an arc distance of 158.43 feet, said curve having a tangent distance of 81.91 feet, a chord distance of 155.86 feet, and a chord bearing of North 28 degrees 48 minutes 40 seconds East;

thence North 46 degrees 44 minutes 13 seconds East a distance of 200.00 feet;

Unofficial Document

thence South 43 degrees 15 minutes 47 seconds East a distance of 40.00 feet;

thence South 46 degrees 44 minutes 13 seconds West a distance of 200.00 feet to a point of curvature to the left whose center bears South 43 degrees 15 minutes 47 seconds East a radius of 213.20 feet;

thence along the arc of said curve through a central angle of 018 degrees 12 minutes 00 seconds an arc distance of 67.72 feet, said curve having a tangent distance of 34.15 feet, a chord distance of 67.44 feet, and a chord bearing of South 37 degrees 38 minutes 13 seconds West to a point of compound curvature to the left whose center bears South 61 degrees 15 minutes 16 seconds East a radius of 165.50 feet;

thence along the arc of said curve through a central angle of 082 degrees 23 minutes 01 seconds an arc distance of 237.97 feet, said curve having a tangent distance of 144.84 feet, a chord distance of 217.99 feet, and a chord bearing of South 12 degrees 26 minutes 46 seconds East;

thence South 53 degrees 38 minutes 17 seconds East a distance of 86.28 feet to a point of curvature to the right whose center bears South 36 degrees 21 minutes 43 seconds West a radius of 272.00 feet;

thence along the arc of said curve through a central angle of 028 degrees 05 minutes 28 seconds an arc distance of 133.36 feet, said curve having a tangent distance of 68.05 feet, a chord distance of 132.02 feet, and a chord bearing of South 39 degrees

35 minutes 33 seconds East;

thence North 78 degrees 40 minutes 09 seconds East a distance of 40.90 feet to a point of curvature to the right whose center bears South 11 degrees 19 minutes 51 seconds East a radius of 225.00 feet;

thence along the arc of said curve through a central angle of 033 degrees 05 minutes 41 seconds an arc distance of 129.96 feet, said curve having a tangent distance of 66.85 feet, a chord distance of 128.16 feet, and a chord bearing of South 84 degrees 47 minutes 01 seconds East to the TRUE POINT OF BEGINNING.

Said parcel contains 55,227.9920 square feet or 1.27 acres, more or less.

Unofficial Document

950015525

Exhibit "B"

Legal Description of Parcel 6

Unofficial Document

TROON NORTH RESORT PARCEL 6
LEGAL DESCRIPTION
August 8, 1994

Those portions of Section 29, Township 5 North, Range 5 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more fully described as follows;

Commencing at the east quarter corner of said Section 29;
thence South 40 degrees 03 minutes 18 seconds West a distance of 1368.20 feet to the TRUE POINT OF BEGINNING, said point being a point of curvature to the left whose center bears South 21 degrees 45 minutes 50 seconds West a radius of 225.00 feet;
thence along the arc of said curve through a central angle of 033 degrees 05 minutes 41 seconds an arc distance of 129.96 feet, said curve having a tangent distance of 66.85 feet, a chord distance of 128.16 feet, and a chord bearing of North 84 degrees 47 minutes 01 seconds West;
Unofficial Document
thence South 78 degrees 40 minutes 09 seconds West a distance of 40.90 feet to a point of curvature to the left whose center bears South 64 degrees 27 minutes 11 seconds West a radius of 272.00 feet;
thence along the arc of said curve through a central angle of 028 degrees 05 minutes 28 seconds an arc distance of 133.36 feet, said curve having a tangent distance of 68.05 feet, a chord distance of 132.02 feet, and a chord bearing of North 39 degrees 35 minutes 33 seconds West;
thence North 53 degrees 38 minutes 17 seconds West a distance of 86.28 feet to a point of curvature to the right whose center bears North 36 degrees 21 minutes 43 seconds East a radius of 165.50 feet;
thence along the arc of said curve through a central angle of 082 degrees 23 minutes 01 seconds an arc distance of 237.97 feet, said curve having a tangent distance of 144.84 feet, a chord distance of 217.99 feet, and a chord bearing of North 12 degrees 26 minutes 46 seconds West to a point of compound curvature to the right whose center bears South 61 degrees 27 minutes 48 seconds East a radius of 213.20 feet;
thence along the arc of said curve through a central angle of 018 degrees 12 minutes 00 seconds an arc distance of 67.72 feet, said curve having a tangent distance of 34.15 feet, a chord distance of 67.44 feet, and a chord bearing of North 37 degrees 38 minutes 13 seconds East;
thence North 46 degrees 44 minutes 13 seconds East a

distance of 269.97 feet;
thence South 51 degrees 41 minutes 31 seconds East a distance of 201.80 feet;
thence South 33 degrees 53 minutes 24 seconds East a distance of 48.35 feet;
thence North 81 degrees 52 minutes 14 seconds West a distance of 233.18 feet;
thence South 17 degrees 13 minutes 01 seconds West a distance of 73.42 feet;
thence South 80 degrees 09 minutes 05 seconds West a distance of 32.19 feet;
thence South 04 degrees 03 minutes 40 seconds West a distance of 58.18 feet;
thence South 41 degrees 38 minutes 01 seconds East a distance of 180.62 feet;
thence South 37 degrees 20 minutes 00 seconds East a distance of 148.40 feet;
thence South 14 degrees 54 minutes 10 seconds East a distance of 91.97 feet to the TRUE POINT OF BEGINNING.

Said parcel contains 111,513.60 square feet or 2.56 acres, more or less.

Unofficial Document

EXHIBIT "DD"

2001 Permanent Ingress Egress Easement

Unofficial Document

Record at the request of:
LAWYERS TITLE OF ARIZONA, INC.

When recorded mail to:
Law Offices
Paul V. Wentworth, Esq.
2901 North Central Avenue, Suite 200
Phoenix, Arizona 85012

20

31
A1

3183367 JJS VI

PERMANENT INGRESS AND EGRESS EASEMENT

This Permanent Ingress and Egress Easement Agreement ("Easement"), is made and entered into by the undersigned this 22 day of MARCH, 2001.

COURTESY RECORDING
NO TITLE LIABILITY

RECITALS:

A. The undersigned is the owner of that certain real property described on Exhibit "A", attached hereto and made a part hereof by reference (the "Easement Property").

B. E & K Investments, L.L.C., an Arizona limited liability company, as to an undivided 62.5% interest, and R. M. Feldheim & Co. Limited Partnership, L.L.P., an Arizona limited liability partnership as Trustee under Agreement of Trust dated November 1, 1984, as to an undivided 37.5% interest (collectively "E & K/Feldheim"), are the owners of a parcel of land adjacent to the Easement Property, more particularly described on the attached Exhibit "B" (the Benefited Property").

C. E & K/Feldheim desires to have, and the undersigned is willing to grant to E & K/Feldheim and their successors and assigns, an easement over the Easement Property for the benefit of the Benefited Property.

COVENANTS:

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned Grantor does hereby grant to E & K/Feldheim, as their interests may appear, a non-exclusive, permanent and perpetual easement over, upon, under and across the Easement Property for the benefit of the Benefited Property and all parts thereof for purposes of (i) vehicular and pedestrian ingress and egress solely for private, residential/resort access and ancillary use for service, delivery, maintenance and repair, (ii) signage, and (iii) all utilities including, but not limited to, cable television, gas, electricity, telephone, fiber optics, water, sewer and irrigation, subject to all taxes and assessments, and all easements, rights of way, obligations and liabilities as may appear of record, provided that:

1. E & K/Feldheim's use of the Easement Property shall comply with all applicable laws, ordinances and regulations of government agencies having jurisdiction over the Easement Property.

2. The undersigned, its successors and assigns, shall not construct or place anything on, across, over or under the Easement Property which would interfere with the Easement Property's use or availability for use as an easement for the purposes granted herein.

3. E & K/Feldheim, their successors and assigns, will indemnify and hold the undersigned and its successors and assigns harmless from and against any and all damages, losses, expenses, obligations and liabilities of any nature whatsoever which the undersigned may incur or suffer as a result of any negligence or intentional act or omission to act on the part of E & K/Feldheim, their successors and assigns, with respect to the Easement Property.

4. The undersigned will be permitted to use the Easement Property at all times and for any purposes subject to the provisions of Paragraph No. 2 above.

The benefits and burdens created by the Easement Agreement shall run with and bind the title to the Easement Property and the Benefited Property and all portions thereof, and the owners of all or any portion of either of said properties.

TROON NORTH RESORT COMMUNITY ASSOCIATION, an Arizona non-profit corporation

By: Joseph Contadino

Unofficial Document

Its: President

STATE OF ARIZONA)
) ss.
County of Maricopa)

OFFICIAL SEAL
JEANIE GRIFFITHS
NOTARY PUBLIC - STATE OF ARIZONA
MARICOPA COUNTY
My Comm Expires March 5, 2004

On this 22 day of MARCH, 2001, before me, a Notary Public, personally appeared JOSEPH Contadino, in his/her capacity as the President of Troon North Resort Community Association, an Arizona non-profit corporation, personally known to me (or proven to me on the basis of satisfactory evidence) to be the person(s) whose name(s) are subscribed hereto and acknowledged to me that he executed the foregoing instrument for the purposes herein intended on behalf of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Jeanie Griffiths
Notary Public

My Commission Expires: 3/5/04

Exhibit A

TROON NORTH RESORT PARCEL 8
LEGAL DESCRIPTION

Those portions of Section 29, Township 5 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more fully described as follows:

Commencing at the southeast corner of said Section 29;
thence North 36 degrees 10 minutes 33 seconds West a distance of 1545.73 feet to the TRUE POINT OF BEGINNING;
thence North 22 degrees 24 minutes 23 seconds West a distance of 58.24 feet;
thence North 10 degrees 29 minutes 10 seconds West a distance of 107.41 feet;
thence North 01 degrees 26 minutes 04 seconds East a distance of 54.83 feet;
thence North 06 degrees 00 minutes 52 seconds East a distance of 107.73 feet;
thence North 81 degrees 57 minutes 14 seconds East a distance of 58.45 feet;
thence South 14 degrees 54 minutes 10 seconds East a distance of 20.43 feet;
thence South 67 degrees 24 minutes 11 seconds West a distance of 43.11 feet;
thence South 01 degrees 54 minutes 33 seconds West a distance of 120.07 feet;
thence South 12 degrees 25 minutes 51 seconds East a distance of 166.13 feet;
thence South 67 degrees 00 minutes 00 seconds West a distance of 28.25 feet;

Unofficial Document

Said parcel contains 11331.6779 square feet or 0.26 acres, more or less.

Exhibit B

Those portions of Section 29, Township 5 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more fully described as follows:

COMMENCING at the East quarter corner of said Section 29;

thence South 40 degrees 03 minutes 18 seconds West a distance of 1368.20 feet to the TRUE POINT OF BEGINNING, said point being a point of curvature to the left whose center bears South 21 degrees 45 minutes 50 seconds West a radius of 225.00 feet;

thence along the arc of said curve through a central angle of 033 degrees 05 minutes 41 seconds an arc distance of 129.96 feet, said curve having a tangent distance of 66.85 feet, a chord distance of 128.16 feet, and a chord bearing North 84 degrees 47 minutes 01 seconds West;

thence South 78 degrees 40 minutes 09 seconds West a distance of 40.90 feet to a point of curvature to the left whose center bears South 64 degrees 27 minutes 11 seconds West a radius of 272.00 feet;

thence along the arc of said curve through a central angle of 028 degrees 05 minutes 28 seconds an arc distance of 133.36 feet, said curve having a tangent distance of 68.05 feet, a chord distance of 132.02 feet, and a chord bearing of North 39 degrees 35 minutes 33 seconds West;

thence North 53 degrees 38 minutes 17 seconds West a distance of 86.28 feet to a point of curvature to the right whose center bears North 36 degrees 21 minutes 43 seconds East a radius of 165.50 feet;

thence along the arc of said curve through a central angle of 082 degrees 23 minutes 01 seconds an arc distance of 237.97 feet said curve having a tangent distance of 144.84 feet, a chord distance of 217.99 feet and a chord bearing of North 12 degrees 26 minutes 46 seconds West to a point of compound curvature to the right whose center bears South 61 degrees 27 minutes 48 seconds East a radius of 213.20 feet;

thence along the arc of said curve through a central angle of 018 degrees 12 minutes 00 seconds an arc distance of 67.72 feet, said curve having a tangent distance of 34.15 feet, a chord distance of 67.44 feet, and a chord bearing of North 37 degrees 38 minutes 13 seconds East;

thence North 46 degrees 44 minutes 13 seconds East a distance of 269.97 feet;

thence South 51 degrees 41 minutes 31 seconds East a distance of 201.80 feet;

thence South 33 degrees 53 minutes 24 seconds East a distance of 48.35 feet;

thence North 81 degrees 52 minutes 14 seconds West a distance of 233.18 feet;

thence South 17 degrees 13 minutes 01 seconds West a distance of 73.42 feet;

thence South 80 degrees 09 minutes 06 seconds West a distance of 32.19 feet;

thence South 04 degrees 03 minutes 40 seconds West a distance of 58.18 feet;

thence South 41 degrees 38 minutes 01 seconds East a distance of 180.62 feet;

thence South 37 degrees 20 minutes 00 seconds East a distance of 148.40 feet;

thence South 14 degrees 54 minutes 10 seconds East a distance of 91.97 feet to the TRUE POINT OF BEGINNING.

EXCEPT all coal and minerals as reserved in Patent.

Unofficial Document

EXHIBIT "EE"

1995 PUE to City of Scottsdale

Unofficial Document

0
MAR

LAWYERS TITLE OF ARIZONA, INC.

95-0703776 11/15/95 04:38
TONY 35 OF 35

When Recorded, Return To:
City of Scottsdale
Planning & Zoning/Records Dept.
3939 Civic Center Boulevard
Scottsdale, AZ 85251

2/2

CITY OF SCOTTSDALE
PUBLIC UTILITY, AND EMERGENCY AND SERVICE MAINTENANCE VEHICLE ACCESS EASEMENT

PROJECT 1061-e-94
Q.S. 51-52

DIAMOND LAND INVESTMENTS L.C., an Arizona limited liability company ("Grantor"), for valuable consideration, does hereby grant to the CITY OF SCOTTSDALE, a municipal corporation ("Grantee"), its successors and assigns, a perpetual easement to construct, operate, and maintain public utilities and emergency and service vehicle access over, under and across the following described real estate situated in the City of Scottsdale, State of Arizona, and described on the attached Exhibit "A".

And the Grantor hereby covenants that it is lawfully seized and possessed of this aforementioned tract or parcel of land; that it has a good and lawful right to sell and convey it; and that it will warrant the title and quiet possession thereto against the lawful claim of all persons.

DATED this 13th day of November, 1995.

DIAMOND LAND INVESTMENTS, L.C.,
an Arizona limited liability company

By: James R. Barrons
James R. Barrons
A Managing Member

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ___ day of _____, 1994, by James R. Barrons, a Managing Member of Diamond Land Investments L.C., an Arizona limited liability company, on behalf of the company.

Notary Public

My Commission Expires:

June 10, 1997

Unofficial Document

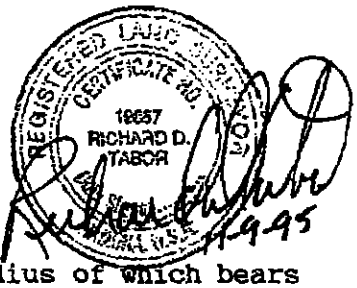
EXHIBIT "A"
Legal Description of Public Utility and Access Easement
Parcel 7
Troon North, Resort Parcel

Unofficial Document

PROPERTY DESCRIPTION
PUBLIC UTILITY AND ACCESS EASEMENT
PARCEL 7
TROON NORTH, RESORT PARCEL

A portion of Section 29, Township 5 North, Range East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly as follows:

Commencing at the Southeast corner of Section 29;
thence North 00 degrees 00 minutes 52 seconds East along the East line of said Section 29, 1486.62 feet to a point on the North Right of Way of line of Dynamite Boulevard as shown on Map of Dedication for Pinnacle Peak Village North as recorded in Book 312 of Maps, Page 43, records of Maricopa County, said point lying on a curve the radius of which bears South 05 degrees 49 minutes 14 seconds East 3065.00 feet;
thence Southwesterly along said North Right of Way and the arc of said curve through a central angle of 17 degrees 10 minutes 46 seconds a distance of 919.00 feet;
thence North 12 degrees 25 minutes 54 seconds West departing said North line 166.12 feet;
thence North 01 degrees 54 minutes 33 seconds East 120.07 feet;
thence North 67 degrees 24 minutes 11 seconds East 43.11 feet;
thence North 14 degrees 53 minutes 00 seconds West 20.43 feet to the TRUE POINT OF BEGINNING;
thence South 81 degrees 57 minutes 14 seconds West 58.45 feet to a point on a nontangent curve the radius of which bears South 09 degrees 04 minutes 59 seconds West 187.76 feet;
thence Southwesterly along the arc of said curve through a central angle of 20 degrees 24 minutes 51 seconds a distance of 66.90 feet to a point of tangency;
thence South 78 degrees 40 minutes 09 seconds West 28.18 feet;
thence South 11 degrees 19 minutes 51 seconds East 36.82 feet;
thence North 78 degrees 40 minutes 09 seconds East 28.18 feet to the beginning of a curve concave Southerly and having a radius of 150.93 feet;
thence Southeasterly along the arc of said curve through a central angle of 21 degrees 09 minutes 50 seconds a distance of 55.75 feet to a point of nontangency;
thence South 06 degrees 00 minutes 52 seconds West 36.04 feet to a point on a curve the radius of which bears South 11 degrees 01 minutes 43 seconds West 115.00 feet;
thence Southwesterly along the arc of said curve through a central angle of 22 degrees 21 minutes 34 seconds a distance of 44.88 feet to a point of tangency;
thence South 78 degrees 40 minutes 09 seconds West 36.02 feet;
thence North 86 degrees 38 minutes 59 seconds West 35.07 feet to a

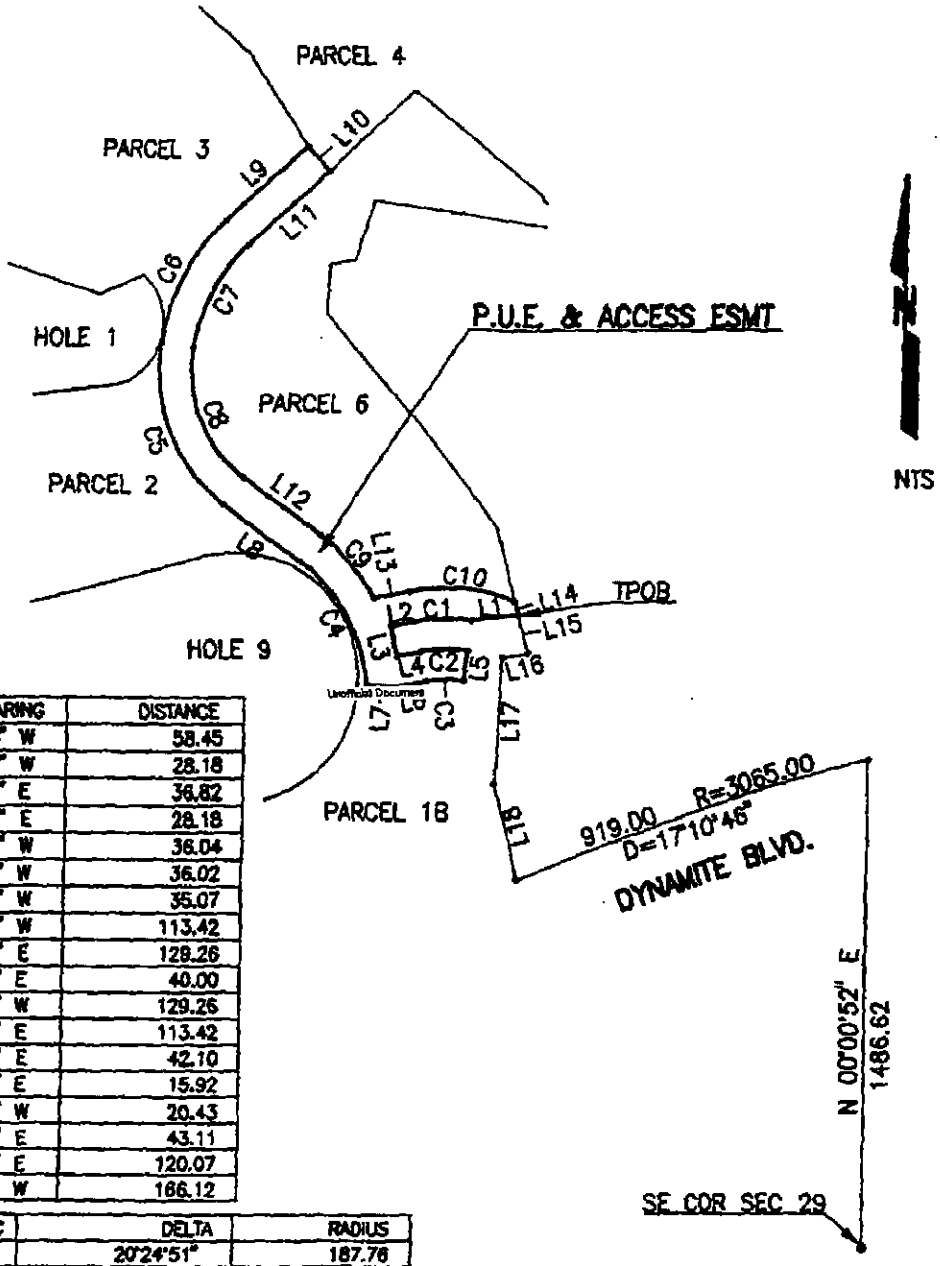


point, said point lying on a curve the radius of which bears South 84 degrees 23 minutes 59 seconds West 210.00 feet;
thence Northwesterly along the arc of said curve through a central angle of 48 degrees 02 minutes 16 seconds a distance of 176.07 feet to a point of tangency;
thence North 53 degrees 38 minutes 17 seconds West 113.42 feet to the beginning of a curve concave Northeasterly and having a radius of 200.00 feet;
thence Northwesterly along the arc of said curve through a central angle of 62 degrees 28 minutes 01 seconds a distance of 218.05 feet to the beginning of a compound curve concave Southeasterly and having a radius of 253.20 feet;
thence Northeasterly along the arc of said curve through a central angle of 37 degrees 54 minutes 29 seconds a distance of 167.52 feet to a point of tangency;
thence North 46 degrees 44 minutes 13 seconds East 129.26 feet;
thence South 43 degrees 15 minutes 47 seconds East 40.00 feet;
thence South 46 degrees 44 minutes 13 seconds West 129.26 feet to the beginning of a curve concave Southeasterly and having a radius of 231.20 feet;
thence Southwesterly along the arc of said curve through a central angle of 37 degrees 54 minutes 29 seconds a distance of 141.06 feet to the beginning of a compound curve the radius of which bears South 81 degrees 10 minutes 16 seconds East 160.00 feet;
thence Southeasterly along the arc of said curve through a central angle of 62 degrees 28 minutes 01 seconds a distance of 174.44 feet to a point of tangency;
thence South 53 degrees 38 minutes 17 seconds East 113.42 feet to the beginning of a curve concave Southwesterly and having a radius of 250.00 feet;
thence Southeasterly along the arc of said curve through a central angle of 23 degrees 36 minutes 35 seconds a distance of 103.02 feet to a point of nontangency;
thence North 78 degrees 40 minutes 09 seconds East 42.10 feet to the beginning of a curve concave Southerly and having a radius of 225.00 feet;
thence Southeasterly along the arc of said curve through a central angle of 33 degrees 05 minutes 33 seconds a distance of 129.95 feet to a point of nontangency;
thence South 14 degrees 55 minutes 40 seconds East 15.92 feet to the TRUE POINT OF BEGINNING.

Said described easement contains 40,046 square feet more or less.

Unofficial Document

PROPERTY DESCRIPTION SKETCH
PUBLIC UTILITY & ACCESS EASEMENT
PARCEL 7
RESORT PARCEL, TROON NORTH



LINE	BEARING	DISTANCE
L1	S 81°57'14" W	58.45
L2	S 78°40'09" W	28.18
L3	S 11°19'51" E	36.82
L4	N 78°40'09" E	28.18
L5	S 6°00'52" W	36.04
L6	S 78°40'09" W	36.02
L7	N 86°38'59" W	35.07
L8	N 53°38'17" W	113.42
L9	N 46°44'13" E	128.26
L10	S 43°15'47" E	40.00
L11	S 46°44'13" W	129.26
L12	S 53°38'17" E	113.42
L13	N 78°40'09" E	42.10
L14	S 14°56'40" E	15.92
L15	N 14°53'00" W	20.43
L16	N 67°24'11" E	43.11
L17	N 01°54'33" E	120.07
L18	N 12°25'54" W	166.12

CURVE	ARC	DELTA	RADIUS
C1	88.90	20°24'51"	187.76
C2	55.75	21°09'50"	150.93
C3	44.88	22°21'34"	115.00
C4	176.07	48°02'16"	210.00
C5	218.05	82°28'01"	200.00
C6	167.52	37°54'29"	253.20
C7	141.06	37°54'29"	213.20
C8	174.44	62°28'01"	160.00
C9	103.02	23°36'35"	250.00
C10	129.95	33°05'33"	225.00

GILBERTSON ASSOCIATES
#38401 9-5-95

EXHIBIT "FF"

Special Warranty Deed & Affidavit of Value

Unofficial
20 Document

14
Ho

Recording Requested by:
First American Title Insurance Company National
Commercial Services
When recorded mail to:
MBA Development Partners, LLC
10200 E Dynamite Blvd
Scottsdale, AZ 85262

SPECIAL WARRANTY DEED

File No. NCS-802872-PHX1 (AS) (1/2)

For the consideration of TEN AND NO/100 DOLLARS, and other valuable considerations, I or we,

Monument Club Villas, LLC, an Arizona limited liability company, the GRANTOR does hereby convey to

MBA Development Partners, LLC, an Arizona limited liability company, the GRANTEE

the following described real property situate in Maricopa County, Arizona:

AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Subject To: Existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights of way and easements of record.

And the GRANTOR binds itself and its successors to warrant the title as against its acts and none other, subject to the matters set forth.

24

File No.: NCS-802872-PHX1
(AS)
A.P.N.: 216-72-585

Warranty Deed - continued

DATED: July 13, 2016

Monument Club Villas, LLC, an Arizona limited liability company

By: Monument Club West, LLC, an Arizona limited liability company, its Member/Manager

By: _____
Name: Zachary W. Hope
Title: Its Manager

Unofficial Document

File No.: NCS-802872-PHX1
(AS)
A.P.N.: 216-72-585

Warranty Deed - continued

STATE OF AZ)
)ss.
County of Maricopa)

On July 13, 2016, before me, the undersigned Notary Public, personally appeared Zachary D. Hoyt, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: 3/26/18

Notary Public

ANGELIQUE SIZEMORE
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires March 26, 2018

Unofficial Document

24

File No.: NCS-802872-PHX1 (AS)
A.P.N.: 216-72-585

Warranty Deed - continued

EXHIBIT "A"

PARCEL NO. 1:

THAT PORTION OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 29;

THENCE SOUTH 40 DEGREES, 03 MINUTES, 18 SECONDS WEST, A DISTANCE OF 1368.20 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING A POINT OF CURVATURE TO THE LEFT WHOSE CENTER BEARS SOUTH 21 DEGREES, 45 MINUTES, 50 SECONDS WEST, A RADIUS OF 225.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 33 DEGREES, 05 MINUTES, 41 SECONDS, AN ARC DISTANCE OF 129.96 FEET, SAID CURVE HAVING A TANGENT DISTANCE OF 66.85 FEET, A CHORD DISTANCE OF 128.16 FEET, AND A CHORD BEARING OF NORTH 84 DEGREES, 47 MINUTES, 01 SECONDS WEST;

THENCE SOUTH 78 DEGREES, 40 MINUTES, 09 SECONDS WEST, A DISTANCE OF 40.90 FEET TO A POINT OF CURVATURE TO THE LEFT WHOSE CENTER BEARS SOUTH 64 DEGREES, 27 MINUTES, 11 SECONDS WEST, A RADIUS OF 272.00 FEET;

Unofficial Document

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28 DEGREES, 05 MINUTES, 28 SECONDS, AN ARC DISTANCE OF 133.36 FEET SAID CURVE HAVING A TANGENT DISTANCE OF 68.05 FEET, A CHORD DISTANCE OF 132.02 FEET, AND A CHORD BEARING OF NORTH 39 DEGREES, 35 MINUTES, 33 SECONDS WEST;

THENCE NORTH 53 DEGREES, 38 MINUTES, 17 SECONDS WEST, A DISTANCE OF 86.28 FEET TO A POINT OF CURVATURE TO THE RIGHT WHOSE CENTER BEARS NORTH 36 DEGREES, 21 MINUTES, 43 SECONDS EAST, A RADIUS OF 165.50 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 82 DEGREES, 23 MINUTES, 01 SECONDS, A ARC DISTANCE OF 237.97 FEET, SAID CURVE HAVING A TANGENT DISTANCE OF 144.84 FEET, A CHORD DISTANCE OF 217.99, AND A CHORD BEARING OF NORTH 12 DEGREES, 26 MINUTES, 46 SECONDS WEST TO A POINT OF COMPOUND CURVATURE TO THE RIGHT WHOSE CENTER BEARS SOUTH 61 DEGREES, 27 MINUTES, 48 SECONDS EAST, A RADIUS OF 213.20 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGEL OF 18 DEGREES, 12 MINUTES, 00 SECONDS, AN ARC DISTANCE OF 67.72 FEET, SAID CURVE HAVING A TANGENT DISTANCE OF 34.15 FEET, A CHORD DISTANCE OF 67.44 FEET, AND A CHORD BEARING OF NORTH 37 DEGREES, 38 MINUTES, 13 SECONDS EAST;

THENCE NORTH 46 DEGREES, 44 MINUTES, 13 SECONDS EAST, A DISTANCE OF 269.97 FEET;

THENCE SOUTH 51 DEGREES, 41 MINUTES, 31 SECONDS EAST, A DISTANCE OF 201.80 FEET;

THENCE SOUTH 33 DEGREES, 53 MINUTES, 24 SECONDS EAST, A DISTANCE OF 48.35 FEET;

ZH

File No.: NCS-802872-PHX1 (AS)
A.P.N.: 216-72-585

Warranty Deed - continued

THENCE NORTH 81 DEGREES, 52 MINUTES, 14 SECONDS WEST, A DISTANCE OF 233.18 FEET;

THENCE SOUTH 17 DEGREES, 13 MINUTES, 01 SECONDS WEST, A DISTANCE OF 73.42 FEET;

THENCE SOUTH 80 DEGREES, 09 MINUTES, 05 SECONDS WEST, A DISTANCE OF 32.19 FEET;

THENCE SOUTH 04 DEGREES, 03 MINUTES, 40 SECONDS WEST, A DISTANCE OF 58.18 FEET;

THENCE SOUTH 41 DEGREES, 38 MINUTES, 01 SECONDS EAST, A DISTANCE OF 180.62 FEET;

THENCE SOUTH 37 DEGREES, 20 MINUTES, 00 SECONDS EAST, A DISTANCE OF 148.40 FEET;

THENCE SOUTH 14 DEGREES, 54 MINUTES, 10 SECONDS EAST, A DISTANCE OF 91.97 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT ALL COAL AND MINERALS AS RESERVED IN THE PATENT

PARCEL NO. 2:

AN EASEMENT FOR INGRESS AND EGRESS, VEHICULAR AND PEDESTRIAN, AS SET FORTH IN PERMANENT INGRESS AND EGRESS EASEMENT AGREEMENT RECORDED IN INSTRUMENT NO. 95-0209665.

Unofficial Document

PARCEL NO. 3:

AN EASEMENT FOR INGRESS AND EGRESS, AS SET FORTH IN INGRESS AND EGRESS EASEMENT AGREEMENT RECORDED IN INSTRUMENT NO. 2001-261709.

Unofficial Document

20

14
Ho

AFFIDAVIT OF PROPERTY VALUE

1. ASSESSOR'S PARCEL IDENTIFICATION NUMBER(S)
Primary Parcel: 216-72-585 - ____
BOOK MAP PARCEL SPLIT
Does this sale include any parcels that are being split / divided?
Check one: Yes [ ] No [X]
How many parcels, other than the Primary Parcel, are included in this sale? None
Please list the additional parcels below (attach list if necessary):
(1) ____ (3) ____
(2) ____ (4) ____

2. SELLER'S NAME AND ADDRESS:
Monument Club Villas, LLC
8325 E.. Via Del Los Flores
Scottsdale, AZ 85268

3. (a) BUYER'S NAME AND ADDRESS:
MBA Development Partners, LLC
7890 E. McClain Drive, Ste 5
Scottsdale, AZ 85260
(b) Are the Buyer and Seller related? Yes [ ] No [X]
If Yes, state relationship:

4. ADDRESS OF PROPERTY:
10200 E Dynamite Blvd
Scottsdale, AZ 85262

5. (a) MAIL TAX BILL TO: (Taxes due even if no bill received)
MBA Development Partners, LLC
10200 E Dynamite Blvd
Scottsdale, AZ 85262
(b) Next tax payment due October 1, 2016

6. PROPERTY TYPE (for primary parcel): NOTE: Check Only One Box
a. [X] Vacant land
b. [ ] Single Family Residence
c. [ ] Condo or Townhouse
d. [ ] 2-4 Plex
e. [ ] Apartment Building
f. [ ] Commercial or Industrial Use
g. [ ] Agriculture
h. [ ] Mobile or manufactured Home [ ] Affixed [ ] Not Affixed
i. [ ] Other Use; Specify:

7. RESIDENTIAL BUYER'S USE: If you checked **b, c, d** or **h** in item 6 above, please check one of the following:
a. [ ] To be used as a primary residence.
b. [ ] To be rented to someone other than a "qualified family member."
c. [ ] To be used as a non-primary or secondary residence.
See reverse side for definition of a "primary residence, secondary residence" and "family member."

8. *If you checked* **e** *or* **f** *in item 6 above, indicate the number of units:* ____
For Apartments, Motels / Hotels, Mobile Home / RV Parks, etc.

9. TYPE OF DEED OR INSTRUMENT (Check Only One Box):
a. [ ] Warranty Deed
b. [X] Special Warranty Deed
c. [ ] Joint Tenancy Deed
d. [ ] Contract or Agreement
e. [ ] Quit Claim Deed
f. [ ] Other:

10. SALE PRICE: **$ 2,000,000.00 00**

11. DATE OF SALE (Numeric Digits): 0 7 / 1 6 Month/Year

12. DOWN PAYMENT **$ 7050.00 00**

13. METHOD OF FINANCING:
a. [ ] Cash (100% of Sale Price)
b. [ ] Barter or trade
c. [X] Assumption of existing loan(s)
d. [ ] Seller Loan (Carryback)
e. [ ] New loan(s) from Financial Institution:
(1) [ ] Conventional
(2) [ ] VA
(3) [ ] FHA
f. [ ] Other financing; Specify:

14. PERSONAL PROPERTY (see reverse side for definition):
(a) Did the Sale Price in item 10 include Personal Property that impacted the Sale Price by 5 percent or more? Yes [ ] No [X]
(b) If Yes, provide the dollar amount of the Personal Property:
$ 0.00 00 AND
briefly describe the Personal Property: N/A

15. PARTIAL INTEREST: If only a partial ownership interest is being sold, briefly describe the partial interest: N/A

16. SOLAR / ENERGY EFFICIENT COMPONENTS:
(a) Did the Sale Price in Item 10 include solar energy devices, energy efficient building components, renewable energy equipment or combined heat and power systems that impacted the Sale Price by 5 percent or more? Yes [ ] No [X]
If Yes, briefly describe the solar / energy efficient components:

17. PARTY COMPLETING AFFIDAVIT (Name, Address, Phone Number):
First American Title Insurance Company National Commercial Services
2425 E. Camelback Road, Suite 300
Phoenix, AZ 85016
Phone (602)567-8100

18. LEGAL DESCRIPTION (attach copy if necessary):
See Exhibit "A" attached hereto

THE UNDERSIGNED BEING DULY SWORN, ON OATH, SAYS THAT THE FOREGOING INFORMATION IS A TRUE AND CORRECT STATEMENT OF THE FACTS PERTAINING TO THE TRANSFER OF THE ABOVE DESCRIBED PROPERTY.

Signature of Seller / Agent
State of Arizona, County of Maricopa
Subscribed and sworn to before me on this 22nd day of July 20 16
Notary Public
Notary Expiration Date 9.1.19

CYNTHIA VALENZUELA
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires Sept. 1, 2019

Signature of Buyer / Agent
State of Arizona, County of Maricopa
Subscribed and sworn to before me on this 22nd day of July 20 16
Notary Public
Notary Expiration Date 9.1.19

CYNTHIA VALENZUELA
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires Sept. 1, 2019

EXHIBIT "A"

PARCEL NO. 1:

THAT PORTION OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 29;

THENCE SOUTH 40 DEGREES, 03 MINUTES, 18 SECONDS WEST, A DISTANCE OF 1368.20 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING A POINT OF CURVATURE TO THE LEFT WHOSE CENTER BEARS SOUTH 21 DEGREES, 45 MINUTES, 50 SECONDS WEST, A RADIUS OF 225.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 33 DEGREES, 05 MINUTES, 41 SECONDS, AN ARC DISTANCE OF 129.96 FEET, SAID CURVE HAVING A TANGENT DISTANCE OF 66.85 FEET, A CHORD DISTANCE OF 128.16 FEET, AND A CHORD BEARING OF NORTH 84 DEGREES, 47 MINUTES, 01 SECONDS WEST;

THENCE SOUTH 78 DEGREES, 40 MINUTES, 09 SECONDS WEST, A DISTANCE OF 40.90 FEET TO A POINT OF CURVATURE TO THE LEFT WHOSE CENTER BEARS SOUTH 64 DEGREES, 27 MINUTES, 11 SECONDS WEST, A RADIUS OF 272.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28 DEGREES, 05 MINUTES, 28 SECONDS, AN ARC DISTANCE OF 133.36 FEET SAID CURVE HAVING A TANGENT DISTANCE OF 68.05 FEET, A CHORD DISTANCE OF 132.02 FEET, AND A CHORD BEARING OF NORTH 39 DEGREES, 35 MINUTES, 33 SECONDS WEST;

Unofficial Document

THENCE NORTH 53 DEGREES, 38 MINUTES, 17 SECONDS WEST, A DISTANCE OF 86.28 FEET TO A POINT OF CURVATURE TO THE RIGHT WHOSE CENTER BEARS NORTH 36 DEGREES, 21 MINUTES, 43 SECONDS EAST, A RADIUS OF 165.50 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 82 DEGREES, 23 MINUTES, 01 SECONDS, A ARC DISTANCE OF 237.97 FEET, SAID CURVE HAVING A TANGENT DISTANCE OF 144.84 FEET, A CHORD DISTANCE OF 217.99, AND A CHORD BEARING OF NORTH 12 DEGREES, 26 MINUTES, 46 SECONDS WEST TO A POINT OF COMPOUND CURVATURE TO THE RIGHT WHOSE CENTER BEARS SOUTH 61 DEGREES, 27 MINUTES, 48 SECONDS EAST, A RADIUS OF 213.20 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGEL OF 18 DEGREES, 12 MINUTES, 00 SECONDS, AN ARC DISTANCE OF 67.72 FEET, SAID CURVE HAVING A TANGENT DISTANCE OF 34.15 FEET, A CHORD DISTANCE OF 67.44 FEET, AND A CHORD BEARING OF NORTH 37 DEGREES, 38 MINUTES, 13 SECONDS EAST;

THENCE NORTH 46 DEGREES, 44 MINUTES, 13 SECONDS EAST, A DISTANCE OF 269.97 FEET;

THENCE SOUTH 51 DEGREES, 41 MINUTES, 31 SECONDS EAST, A DISTANCE OF 201.80 FEET;

THENCE SOUTH 33 DEGREES, 53 MINUTES, 24 SECONDS EAST, A DISTANCE OF 48.35 FEET;

THENCE NORTH 81 DEGREES, 52 MINUTES, 14 SECONDS WEST, A DISTANCE OF 233.18 FEET;

THENCE SOUTH 17 DEGREES, 13 MINUTES, 01 SECONDS WEST, A DISTANCE OF 73.42 FEET;

THENCE SOUTH 80 DEGREES, 09 MINUTES, 05 SECONDS WEST, A DISTANCE OF 32.19 FEET;

THENCE SOUTH 04 DEGREES, 03 MINUTES, 40 SECONDS WEST, A DISTANCE OF 58.18 FEET;

THENCE SOUTH 41 DEGREES, 38 MINUTES, 01 SECONDS EAST, A DISTANCE OF 180.62 FEET;

THENCE SOUTH 37 DEGREES, 20 MINUTES, 00 SECONDS EAST, A DISTANCE OF 148.40 FEET;

THENCE SOUTH 14 DEGREES, 54 MINUTES, 10 SECONDS EAST, A DISTANCE OF 91.97 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT ALL COAL AND MINERALS AS RESERVED IN THE PATENT

PARCEL NO. 2:

AN EASEMENT FOR INGRESS AND EGRESS, VEHICULAR AND PEDESTRIAN, AS SET FORTH IN PERMANENT INGRESS AND EGRESS EASEMENT AGREEMENT RECORDED IN INSTRUMENT NO. 95-0209665.

PARCEL NO. 3:

AN EASEMENT FOR INGRESS AND EGRESS, AS SET FORTH IN INGRESS AND EGRESS EASEMENT AGREEMENT RECORDED IN INSTRUMENT NO. 2001-261709.

Unofficial Document

EXHIBIT "GG"

TNRCA Declaration

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
97-0660697 09/23/97 04:40
BECKY 43 OF 85

When recorded return to:
Margaret L. Steiner
Shimmel, Hill, Bishop & Gruender, P.C.
3700 North 24th Street
Phoenix, Arizona 85073

800,679 JMS 1 of 2

RESTATED DECLARATION OF

COVENANTS, CONDITIONS AND RESTRICTIONS

TABLE OF CONTENTS

Page

RECITALS 1

I **DEFINITIONS** 2

1.1 Articles 2
1.2 Assessments 3
1.3 Association 3
1.4 Association Rules 3
1.5 Board 3
1.6 Bylaws 3
1.7 Condominium 3
1.8 Common Areas 3
1.9 Common Expenses 3
1.10 Declaration 4
1.11 Lot 4
1.12 Majority or Majority of Owners 4
1.13 Master Association 4
1.14 Master Declaration 4
1.15 Member 4
1.16 Mortgage 4
1.17 Occupant 4
1.18 Owner 4
1.19 Parcel 5
1.20 Party Walls 5
1.21 Person 5
1.22 Project Documents 5
1.23 Restrictions 5
1.24 Unit 5

II **PROPERTY AND PERSONS BOUND BY THIS DECLARATION** 5

2.1 Effect 5
2.2 General Declaration 5
2.3 Association Bound 6

III **COMMON AREAS** 6

3.1 Restrictions 6
3.2 Easements and Rights of Enjoyment 6

Order: Non-Order Search Doc: MP:1997 006606Page 2 of 30 Created By: Karl Zalot Printed: 12/17/2014 8:48:19

3.3 Use 6
3.4 Waiver of Use 7

IV **MAINTENANCE** 7

4.1 Common Areas 7
4.2 Party Walls 7
4.3 Standard of Performance 7

V **ASSOCIATION** 8

5.1 Association 8
5.2 Membership 8
5.3 Powers 8
5.4 Insurance. 9
5.5 Insurance Claims 9
5.6 Personal Liability 9
5.7 Voting 9
5.8 Board of Directors 10
5.9 Qualification of Directors 10
5.10 Independent Manager 10
5.11 Board's Determination Binding 10
5.12 Action by Owners 10
5.13 Annual Meeting 10
5.14 Association Rules 11
5.15 Reserve Fund 11
5.16 Availability of Project Documents 11
5.17 Additional Provisions in Articles of Incorporation and Bylaws of the Association 11

VI **ASSESSMENTS** 11

6.1 Creation of Lien and Personal Obligation for Assessments 11
6.2 Purpose of Assessments 11
6.3 Regular Assessments 12
6.4 Capital Improvement Assessments 12
6.5 Rate of Assessments 12
6.6 Reduction or Abatement of Regular Assessments 12
6.7 No Offsets 12
6.8 Certificate of Payment 13
6.9 Statement of Information 13

Order: Non-Order Search Doc: MP:1997 0066069 Page 3 of 30 Created By: Karl Zalot Printed: 12/17/2014 8:48:19

VII **EFFECT OF NONPAYMENT OF ASSESSMENTS AND REMEDIES** 13

7.1 Delinquency 13
7.2 Late Charge 13
7.3 Interest 13
7.4 Action at Law 13
7.5 Notice of Lien 14
7.6 Foreclosure Sale 14
7.7 Suspension of Votes 14

VIII **DISPUTE RESOLUTION AND LIMITATION ON LITIGATION** 14

8.1 Agreement to Avoid Litigation 14
8.2 Claims 14
8.3 Mandatory Procedures 15
8.4 Allocation of Costs of Resolving Claims 17
8.5 Enforcement of Resolution 17

IX **MISCELLANEOUS** 17

9.1 Enforcement 17
9.2 No Waiver 18
9.3 Cumulative Remedies 18
9.4 Severability 18
9.5 Covenants to Run with the Land; Term; Termination of Condominium 18
9.6 Construction 18
9.7 Gender and Number 18
9.8 Nuisance 18
9.9 Attorneys' Fees 19
9.10 Notices 19
9.11 Effect of Declaration 19
9.12 Nonliability of Officials 20
9.13 Use of Funds Collected by the Association 20
9.14 Notification of Sale and Transfer Fee 20
9.15 Owner Liability and Indemnification 20
9.16 Conflicting Provisions 21
9.17 Amendments 21
9.18 Certificate 21

EXHIBIT A - Common Areas

Order: Non-Order Search Doc: MP:1997 006606 Page 4 of 30 Created By: Karl Zalot Printed: 12/17/2014 8:48:19

RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

This RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (the "Declaration") is made as of the date hereinafter set forth by the Troon North Resort Community Association, an Arizona nonprofit corporation (the "Association").

RECITALS:

A. The Association is the owners' association which was incorporated pursuant to that certain Declaration of Covenants, Conditions and Restrictions dated November 3, 1994, recorded November 3, 1994, at Recording No. 94-0791218, records of Maricopa County, Arizona (the "Existing Declaration"), in order to maintain the Common Areas, to enforce and administer the Existing Declaration, and to establish, collect and enforce assessments imposed by the Existing Declaration.

B. The Common Areas shall be conveyed to the Association concurrently herewith.

C. Pursuant to Section 8.2 of the Existing Declaration, the Existing Declaration may be amended by the vote of a majority of the members of the board of directors (the "Board") of the Association at a meeting of the Board duly called in accordance with the Articles and Bylaws of the Association for the purposes of amending the Existing Declaration.

D. By a vote of the Board, at a duly held meeting of the Board, the Board agreed to amend and restate the Existing Declaration in its entirety and to replace and supersede the Existing Declaration with this Declaration.

E. The Property is located within the development boundaries of the master planned community known as Troon North, formerly known as Pinnacle Peak Village North, which is governed by that certain Declaration of Covenants, Conditions and Restrictions for Pinnacle Peak North, dated March 8, 1985, recorded March 25, 1985, at Recording No. 85-128823, records of Maricopa County, Arizona, as the same has heretofore been and may hereafter be amended or supplemented from time-to-time (the "Master Declaration"). The Troon North Association, an Arizona nonprofit corporation, formerly known as the Pinnacle Peak Village North Association (the "Master Association"), has been formed by the declarant under the Master Declaration for the purpose of owning, operating and maintaining the common areas owned by the Master Association. Each Owner of a Lot, Unit or Parcel by acceptance of a deed therefor, whether or not it shall be also expressed in such deed,

Order: Non-Order Search Doc: MP:1997 0066069 Page 5 of 30 Created By: Karl Zalot Printed: 12/17/2014 8:48:19

is deemed to covenant and agree to be a member of the Master Association, to be governed by its articles of incorporation and bylaws, and to pay to the Master Association such assessments as said Master Association may from time-to-time levy pursuant to the Master Declaration, as the same may from time-to-time be amended. Each Owner further agrees that any such assessments together with late charges, interest thereon, costs, and reasonable attorney's fees, shall be a charge on and a continuing lien upon the Lot, Unit or Parcel against which such assessment is made, as set forth in said Master Declaration. No Owner may waive or otherwise escape liability for the assessments provided for in the Master Declaration by non-use of the common areas owned by the Master Association or abandonment of such Owner's Lot, Unit or Parcel. The Master Declaration, as the same may be amended from time-to-time, shall be binding upon and shall constitute obligations of each Owner as though fully set forth herein.

F. The Association desires to comply with all terms of the Master Declaration and to establish for its own benefit and for the mutual benefit of all future Owners or Occupants of the Property subject to the Existing Declaration (the "Property"), or any part thereof, certain covenants, conditions, restrictions, easements, rights, privileges, assessments, and liens as set forth herein (collectively referred to as the "Restrictions") which shall run with and be a burden upon the Property.

G. Declarant intends that the Owners, Occupants, Mortgagees and all other persons hereinafter acquiring any interest in the Property, shall at all times enjoy the benefits of, and shall hold their interest subject to, the Master Declaration and this Declaration, which is recorded for the purpose of enhancing and protecting the value, desirability, and attractiveness of the Property and the quality of life therein.

H. This Declaration shall be governed by and subject to the Master Declaration.

NOW, THEREFORE, Declarant, for the purposes hereinafter set forth, declares as follows:

ARTICLE I

DEFINITIONS

As used herein, unless the context otherwise requires, the following terms shall have the following definitions.

Section 1.1 "Articles" shall mean the articles of incorporation of the Association, as they may be amended from time-to-time.

Section 1.2 "Assessments" shall mean the charges against Owners and Lots or Parcel pursuant to Article VI of this Declaration to fund Common Expenses as well as special Assessments for capital improvements, all as provided in this Declaration.

Section 1.3 "Association" shall mean Troon North Resort Community Association, an Arizona nonprofit corporation, and its successors and assigns, whose membership shall include each Owner of a Lot, Unit or Parcel and whose function shall be to enforce the Project Documents.

Section 1.4 "Association Rules" shall mean and refer to the rules and regulations, if any, adopted by the Association pursuant to this Declaration and in furtherance of the Bylaws.

Section 1.5 "Board" shall mean the board of directors of the Association elected pursuant to the Articles and Bylaws and serving as the governing body of the Association.

Section 1.6 "Bylaws" shall mean the Bylaws adopted by the Association pursuant to Arizona Revised Statutes ("A.R.S.") § 10-2301 et seq., for the purpose of regulating the affairs of the Association, as the same may be amended from time-to-time.

Section 1.7 "Condominium" shall mean any Parcel, or portion thereof, that has been subjected to a condominium plan of description and ownership pursuant to Title 33, Chapter 9 of the Arizona Revised Statutes pertaining to condominiums in the State of Arizona, as the same may be amended from time-to-time.

Section 1.8 "Common Areas" shall mean those portions of the Property more particularly described on ***Exhibit A***, attached hereto and incorporated herein by this reference.

Section 1.9 "Common Expenses" shall mean the actual and estimated costs for: (A) maintenance, management, operation, repair and replacement of the Common Areas including, if approved by the Board, the maintenance of a manned entry gate house; (B) deficiencies arising by reason of unpaid Assessments; (C) management and administration of the Association, including, but not limited to, compensation paid by the Association to accountants, attorneys and employees; (D) utilities, landscaping and other related services; (E) insurance and bonds required by this Declaration or any additional insurance and bonds obtained by the Board in its discretion; (F) the establishment of reasonable reserves as the Board shall deem appropriate in its discretion; (G) costs incurred in connection with the acquisition of the Common Areas by the Association, including,

Order: Non-Order Search Doc: MP:1997 006606Page 7 of 30 Created By: Karl Zalot Printed: 12/17/2014 8:48:19

but not limited to, title insurance and attorneys' fees and costs; and (H) other miscellaneous charges incurred by the Association or the Board pursuant to this Declaration, the Bylaws, or the Association Rules in furtherance of the purposes of the Association or in discharge of the duties and powers of the Association.

Section 1.10 "Declaration" shall mean this Declaration including ***Exhibit A*** attached hereto and hereby incorporated herein by this reference, and any and all amendments hereof and supplements hereto.

Section 1.11 "Lot" shall mean an area of real property designated as a "lot" on a recorded subdivision plat covering any Parcel or any portion thereof, which area of real property is limited by a recorded instrument to use as a single family residence which shall include individual town houses which share a common or Party Wall.

Section 1.12 "Majority" or "Majority of Owners" shall mean the Owners of Lots to which more than fifty percent (50%) of the votes are appurtenant.

Section 1.13 "Master Association" shall mean the Troon North Association, as heretofore defined.

Section 1.14 "Master Declaration" shall mean and refer to the Master Declaration, as heretofore defined.

Section 1.15 "Member" shall mean any Person who is or becomes a member of the Association.

Section 1.16 "Mortgage" shall mean any recorded, filed or otherwise perfected mortgage, deed of trust or other instrument against a Lot, Unit or Parcel given in good faith and for valuable consideration which is not a fraudulent conveyance under Arizona law as security for the performance of an obligation, but does not mean any instrument creating or evidencing solely a security interest arising under the Arizona Uniform Commercial Code. "Mortgagee" means a person secured by a Mortgage, including a trustee and beneficiary under a deed of trust; and "Mortgagor" means the party executing a Mortgage. "First Mortgage" means a Mortgage which is the first and most senior of all Mortgages upon the same Lot, Unit or Parcel.

Section 1.17 "Occupant" shall mean a Person or Persons other than an Owner in possession of, or using a Lot, Unit or Parcel, including, without limitation, family members, tenants, guests, or invitees.

Section 1.18 "Owner" shall mean the Person or Persons who are vested with record title to a Lot, Unit or Parcel according to the records of the County Recorder of Maricopa County, Arizona, including a purchaser under an

agreement for sale within the meaning of A.R.S. § 33-741 et seq.; however, Owner shall not include a Person who holds an interest in a Lot, Unit or Parcel merely as security for the performance of an obligation. In the case of a Lot, Unit or Parcel, the fee simple title to which is vested in a trustee pursuant to a trust agreement, the beneficiary of any such trust who is entitled to possession of the trust property shall be deemed to be the Owner.

Section 1.19 "Parcel" shall mean any tract or parcel within the Property other than a Lot or Unit. Notwithstanding the preceding sentence, a Parcel shall cease being a Parcel upon the recording of the subdivision plat or declaration of condominium and condominium plat creating Lots or Units in regard thereto.

Section 1.20 "Party Walls" shall mean shared fences or walls lying between two (2) or more Lots, Parcels, Condominiums and/or Common Areas.

Section 1.21 "Person" shall mean a natural individual, corporation, partnership, trustee or other entity capable of holding title to real property.

Section 1.22 "Project Documents" shall mean the Articles, the Bylaws, this Declaration and the Association Rules.

Section 1.23 "Restrictions" shall mean the covenants, conditions, assessments, easements, liens and restrictions set forth in this Declaration.

Section 1.24 "Unit" shall mean a condominium unit within a Condominium.

ARTICLE II

PROPERTY AND PERSONS BOUND BY THIS DECLARATION

Section 2.1 Effect. The Association hereby declares that this Declaration amends, supersedes and replaces in its entirety the Existing Declaration which is hereby declared to be null and void and of no further force and effect.

Section 2.2 General Declaration. The Association hereby declares that all of the Property is and shall be held conveyed, hypothecated, encumbered, leased, occupied, built upon or otherwise used, improved or transferred, in whole or in part, subject to this Declaration, as amended or modified from time-to-time. This Declaration is declared and agreed to be in furtherance of a general plan for the development and sale of the Property and is established for the purpose of enhancing and perfecting the value, desirability and attractiveness of the Property. This Declaration shall run with the Property for all purposes and shall be binding upon and inure to the benefit of Declarant and all Owners and Occupants of the Property and

Order: Non-Order Search Doc: MP:1997 006606 Page 9 of 30 Created By: Karl Zalot Printed: 12/17/2014 8:48:19

their successors in interest, whether or not stated in any document or deed transferring any interest in any Lot, Unit or Parcel to or from such Owners or Occupants.

Section 2.3 Association Bound. This Declaration shall be binding upon and benefit the Association, and its successors and assigns.

ARTICLE III

COMMON AREAS

Section 3.1 Restrictions. The Common Areas shall be operated, maintained and utilized solely for purposes of access, roadways and a gate house (which, in the discretion of the Board, may include a guard or other security devices for purposes of preventing unauthorized access to the Property), and the use of the Common Areas shall not be changed without the prior written consent of the Board and the written consent of any Owner of a Lot, Unit or Parcel whose access is solely through the Common Areas.

Section 3.2 Easements and Rights of Enjoyment. Each Owner shall have a nonexclusive easement for use and enjoyment in and to the Common Areas, which nonexclusive easement shall be appurtenant to and shall pass with the title to such Owner's Lot, Unit or Parcel. All Occupants shall have a nonexclusive, nontransferable temporary license to use and enjoy the Common Areas so long as they remain Occupants. The foregoing grants and rights are subject, among other things, to the following limitations:

3.2.1 This Declaration, the Bylaws and any other applicable covenants.

3.2.2 Any restrictions or limitations contained in any deed conveying such property to the Association.

3.2.3 The right of the Board to adopt Association Rules regulating the use and enjoyment of the Common Areas.

3.2.4 The right of the Association, acting through the Board, to dedicate or transfer all or any part of the Common Areas, or grant easements or other rights to use of the Common Areas.

Section 3.3 Use. Any Owner or Occupant, in accordance with the Association Rules and this Declaration, shall be entitled to the use and enjoyment of the Common Areas together with such Owners' or Occupants' family members,

Order: Non-Order Search Doc: MP:1997 006606Page 10 of 30Created By: Karl Zalot Printed: 12/17/2014 8:48:19

Occupants, guests, or invitees subject to the limitations set forth herein and in the Association Rules.

Section 3.4 Waiver of Use. No Owner may be exempt from personal liability for Assessments, or release the Lot, Unit or Parcel owned by such Owner from the liens or charges arising under this Declaration or by any other recorded instrument by waiver of such Owner or such Owners' or Occupants' or guests' or invitees rights of use and enjoyment of the Common Areas.

ARTICLE IV

MAINTENANCE

Section 4.1 Common Areas. The Association shall furnish and be responsible for, as part of the Common Expenses, the maintenance, repair, and replacement of the Common Areas. All maintenance of Common Areas by the Association shall be considered a Common Expense unless it is subject to a capital improvement Assessment or a special Assessment in accordance with Section 6.4 or 6.5 below.

Section 4.2 Party Walls. In the case of Party Walls between Common Areas and Lots, Parcels or Condominiums, or Party Walls constructed on Common Areas, the Association shall be responsible for all maintenance of that portion of the Party Walls facing the Common Area and the Owner of the Lot, Unit or Condominium adjacent thereto shall be responsible for maintenance of that portion of the Party Walls facing the Owner's Lot, Unit or Condominium.

Section 4.3 Standard of Performance. Unless otherwise specifically provided herein or in other instruments creating and assigning such maintenance responsibility, responsibility for maintenance shall include responsibility for repair and replacement, and repainting as necessary. All maintenance shall be performed in a manner in accordance with all applicable governmental requirements and all applicable covenants and shall be consistent with the level of maintenance for other first class projects in Troon North. The Association and/or an Owner shall not be liable for any damage or injury occurring on, or arising out of the condition of, property which it does not own, except to the extent that it has been negligent in the performance of its maintenance responsibilities.

Order: Non-Order Search Doc: MP:1997 006606 Page 11 of 30 Created By: Karl Zalot Printed: 12/17/2014 8:48:19

ARTICLE V

ASSOCIATION

Section 5.1 Association. The Association shall serve as the governing body for all of the Owners and shall make provisions for the maintenance, repair, replacement, administration and operation of the Common Areas, assessment of Common Expenses, payment of losses, division of profits, acquisition of hazard insurance and disposition of such hazard insurance proceeds, and other matters as provided in this Declaration, the Articles and the Bylaws.

Section 5.2 Membership. Each Owner shall be a member of the Association as soon and so long as he or she shall be an Owner. Such membership shall automatically terminate when an Owner ceases for any reason to be an Owner, and the new Owner shall likewise automatically succeed to such membership in the Association. Membership in the Association shall not be transferred, pledged or alienated in any way, except upon the sale of the Lot, Unit or Parcel to which it is appurtenant (and then only to the purchaser involved in such sale) or by intestate succession, testamentary disposition, foreclosure of a Mortgage of record or other legal process transferring equitable or fee simple title to such Lot, Unit or Parcel (and then only to the Person to whom such title is transferred). Any attempt to make a prohibited transfer of a membership will be void and will not be recognized by or reflected upon the books and records of the Association. In the event the Owner of any Lot, Unit or Parcel should fail or refuse to transfer the membership registered in such Owner's name upon the sale of such Owner's Lot, Unit or Parcel to the purchaser of such Owner's Lot, Unit or Parcel, the Association shall have the right to enter a transfer upon the books of the Association and issue a new membership to the purchaser, and thereupon the old membership outstanding in the name of the seller shall be null and void as though the same had been surrendered.

Section 5.3 Powers. The Association shall have all the powers of a nonprofit corporation organized under the Arizona Revised Statutes concerning nonprofit corporations subject only to such limitations on the exercise of such powers as are set forth in the Articles, the Bylaws and this Declaration. The Association shall have the power to do any lawful thing that may be authorized, required, or permitted to be done by the Association under this Declaration, the Articles and the Bylaws, and to do and perform any act that may be necessary or proper for or incidental to, the exercise of any of the express powers of the Association, including, without limitation, the following: (A) commence and maintain actions or restrain and enjoin any actual or threatened breach of this Declaration and enforce by mandatory injunction or otherwise all of the provisions of this Declaration; (B) pay taxes, capital improvement Assessments or special Assessments and other liabilities which are or would become a lien on any portion of the Common Areas; (C) levy Assessments and perfect and enforce liens as hereinafter provided; (D) enter into contracts including, but not limited to, management contracts; (E) perform the duties set forth herein,

Order: Non-Order Search Doc: MP:1997 0066069Page 12 of 30Created By: Karl Zalot Printed: 12/17/2014 8:48:19

including but not limited to, maintenance and repair of the Common Areas, the obtaining of insurance; and the hiring of employees and services, including a guard for the gate house if deemed necessary by the Board; and (F) adopt, amend and repeal rules and regulations as it deems reasonable.

Section 5.4 Insurance. The Association shall purchase and maintain: (A) comprehensive general liability insurance upon the insurable Common Areas; (B) fire and extended coverage insurance upon the insurable improvements, if any, located within or upon the Common Areas on a current replacement costs basis in the amount of the full current replacement cost; and (C) such other insurance (including but not limited to officers' and directors' liability insurance and fidelity insurance) as the Board, in its absolute discretion, may determine. The Association shall be the named insured in all policies of insurance. Neither the Association nor the Board, nor any member of the Board or officer or agent of the Association, shall be liable to any person for failure of the Association to secure and maintain any such insurance coverage where such insurance coverage is not available in the State of Arizona at a reasonable cost and on other reasonable terms and conditions.

Section 5.5 Insurance Claims. The Association is hereby irrevocably appointed and authorized by the Owners to adjust all claims arising under insurance policies purchased by the Association and to execute and deliver releases upon the payment of claims, and to do all other acts reasonably necessary to accomplish any of the foregoing. The Board has full and complete power to act for the Association in this regard and may, at its discretion, appoint an authorized representative or committee, or enter into an insurance trust agreement wherein the trustee shall have authority, to negotiate losses under any policy purchased by the Association.

Section 5.6 Personal Liability. No member of the Board, or any officer of the Association, or any manager, shall be personally liable to any Owner, or to any other party, including the Association, for any damage, loss or prejudice suffered or claimed on account of any act , omission, error or negligence of any such person or entity if such person or entity has, on the basis of such information as may be possessed by him or it, acted in good faith without willful or intentional misconduct.

Section 5.7 Voting. The votes in the Association shall be allocated as follows:

5.7.1 Each Lot or Unit shall be entitled to one (1) vote.

5.7.2 Each Parcel shall be entitled to three (3) votes for each acre or fraction thereof.

Order: Non-Order Search Doc: MP:1997 006606Page 13 of 30Created By: Karl Zalot Printed: 12/17/2014 8:48:19

When more than one Person holds an interest as an Owner in any Lot, Unit or Parcel, all such Persons shall be Members. The voting for such Lot, Unit or Parcel shall be exercised as such persons among themselves determine, or, in the absence of such determination, as determined by the Board, but in no event shall more than one vote be cast with respect to any Lot, Unit or Parcel. If any Owner or Owners cast a vote representing a certain Lot, Unit or Parcel, it will, in the absence of prompt protest from the other Owners of such Lot, Unit or Parcel during the meeting at which such vote is cast, thereafter be conclusively presumed for all purposes that such Owner or Owners were acting with the authority and consent of all other Owners of the same Lot, Unit or Parcel.

Section 5.8 Board of Directors. The governing body of the Association shall be the Board of Directors elected pursuant to the Bylaws. Except as otherwise provided in this Declaration, the Bylaws, or the Association Rules, the Board may act in all instances on behalf of the Association. The Board shall act to adopt the Bylaws and Association Rules.

Section 5.9 Qualifications of Directors. Each director shall be an Owner or the spouse of an Owner (or if an Owner is a corporation, partnership or trust, a director may be an officer, partner, trustee or beneficiary of such Owner) and shall be current in the payment of any Association Assessments attributable to such Owner's Lot. If a director shall cease to meet such qualifications during his or her term, he or she will thereupon cease to be a director, and his or her place on the Board shall be deemed vacant.

Section 5.10 Independent Manager. The Board may employ a responsible person or entity as manager to manage, operate and maintain the Common Areas, with all of the administrative functions and such other powers and duties as the Board may delegate from time-to-time and for such fees as the Board may establish consistent with other provisions of this Declaration.

Section 5.11 Board's Determination Binding. Subject to the right of any Owner to institute an action at law or in equity, in the event of any dispute or disagreement between any Owners, or any question of interpretation or application of the provisions of this Declaration, the Articles or the Bylaws, the determination thereof by the Board shall be final and binding on each and all of such Owners.

Section 5.12 Action by Owners. Except as otherwise provide herein, the Board may not act on behalf of the Association to amend or terminate this Declaration, or to elect members of the Board, except in filling vacancies in its membership for the unexpired portion of any term.

Section 5.13 Annual Meeting. The Association shall hold an annual meeting as provided in the Bylaws.

Order: Non-Order Search Doc: MP:1997 0066069 Page 14 of 30 Created By: Karl Zalot Printed: 12/17/2014 8:48:19

Section 5.14 Association Rules. The Board may adopt Association Rules in furtherance of the Bylaws for the regulation and operation of the Condominium.

Section 5.15 Reserve Fund. The Association shall maintain an adequate reserve fund for maintenance, repair and replacement of those Common Areas that must be maintained, repaired or replaced on a periodic basis, and such reserve shall be funded as part of the regular Assessments.

Section 5.16 Availability of Project Documents. With the exception of records which may be withheld from disclosure pursuant to Arizona law, the Association will maintain current copies of this Declaration, the Articles, the Bylaws, the Association Rules, and the Association's own books, records, and financial statements available for inspection during normal business hours by any Owner or Mortgagee.

Section 5.17 Additional Provisions in Articles of Incorporation and Bylaws of the Association. The Articles and Bylaws may contain any provision not inconsistent with this Declaration relating to the conduct of the affairs of the Association and the rights and powers of its directors, officers, employees, agents and members.

ARTICLE VI

ASSESSMENTS

Section 6.1 Creation of Lien and Personal Obligation For Assessments. Each Owner, of any Lot, Unit or Parcel by acceptance of a deed or other instrument creating in such Owner the interest required to be deemed an Owner, whether or not it shall be so expressed in any such deed or other instrument, is deemed to covenant and agree to pay to the Association, such Assessments to be fixed, established and collected from time-to-time as provided in this Declaration. The Assessments, together with interest thereon, late charges, attorneys' fees, court costs and all other costs of collection incurred by the Association in collecting or attempting to collect delinquent assessments, whether or not suit is filed, shall be a continuing lien upon the Lot, Unit or Parcel against which each such Assessment is made in favor of the Association. Each such Assessment, together with such interest, late charges, costs and reasonable attorneys' fees, shall also be the personal obligation of the Owner of such Lot, Unit or Parcel at the time the Assessment becomes due. The personal obligation shall not pass to the successor in title of an Owner unless expressly assumed by such successor.

Section 6.2 Purpose of Assessments. The Assessments levied by the Association shall be used exclusively for the purposes of promoting the health,

Order: Non-Order Search Doc: MP:1997 0066069 Page 15 of 30 Created By: Karl Zalot Printed: 12/17/2014 8:48:19

safety and welfare of the Owners, the management, maintenance, care, preservation, and protection of the Common Areas, enhancing the quality of life and the value of the Property, or in furtherance of any other duty or power of the Association.

Section 6.3 Regular Assessments. The Board is hereby expressly authorized to adopt and amend budgets for the administration and operation of the Common Areas (including the maintenance and repair thereof) without ratification by the Owners, provided, however, upon request, the Board shall provide a summary of the budget to all Owners. The Board shall determine the amount of the regular Assessment to be paid by each Owner. Each Owner shall thereafter pay to the Association such Owner's regular Assessment in equal monthly installments on the first (1st) day of each month. In the event the Board shall determine that the estimate of total charges for the current year is, or will become, inadequate to meet all Common Expenses for any reason, it shall then immediately determine the approximate amount of such inadequacy and issue a supplemental estimate of the Common Expenses and determine the revised amount of the regular Assessment against each Owner, and the date or dates when revised monthly installments of regular Assessments shall commence.

Section 6.4 Capital Improvement Assessments. In addition to regular Assessments, the Board may levy in any fiscal year a capital improvement Assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction or replacement (other than due to destruction) of a described capital improvement of the Common Areas, including the necessary fixtures and personal property related thereto, or for any other lawful Association purpose. All amounts collected as capital improvement Assessments may only be used for the stated purposes and shall be deposited by the Board in a separate bank account to be held in trust for such purposes and said funds shall not be commingled with any other funds of the Association.

Section 6.5 Rate of Assessments. The Assessments for each Lot or Parcel shall be based on the ratio of (A) the votes to which the Lot or Parcel is entitled, to (B) the total number of votes in the Association as of January 1 of the year for which the Assessment is made.

Section 6.6 Reduction or Abatement of Regular Assessments. In the event the amount budgeted to meet Common Expenses for a particular fiscal year proves to be excessive in light of the actual Common Expenses, the Board in its discretion may either reduce the amount of the regular Assessments or may abate collection of regular Assessments as it deems appropriate.

Section 6.7 No Offsets. All Assessments shall be payable in the amount specified by the Assessment and no offsets against such amount shall be

Order: Non-Order Search Doc: MP:1997 006606Page 16 of 30Created By: Karl Zalot Printed: 12/17/2014 8:48:19

permitted for any reason, including, without limitation, a claim that the Association is not properly exercising its duties and powers as provided in this Declaration.

Section 6.8 Certificate of Payment. The Association shall, upon demand, furnish to any Owner liable for Assessments a certificate in writing signed by an officer or authorized agent of the Association setting forth whether the Assessments relating to a specified Lot, Unit or Parcel have been paid and the amount of delinquency, if any. A reasonable charge may be collected by the Board for the issuance of each such certificate. Each certificate shall be conclusive evidence of payment of any Assessment therein stated to have been paid.

Section 6.9 Statement of Information. The Association shall, upon receipt of notice of a pending sale of a Lot, Unit or Parcel, furnish to the purchaser, within seven (7) days after receipt of such notice all information required to be furnished pursuant to Arizona law. A reasonable charge may be collected by the Board for the issuance of each such statement of information.

ARTICLE VII

EFFECT OF NONPAYMENT OF ASSESSMENTS AND REMEDIES

Section 7.1 Delinquency. Any Assessment which is not paid when due is delinquent. Whenever an Assessment is delinquent, the Board may at its option invoke any or all of the sanctions provided for herein.

Section 7.2 Late Charge. If any Assessment is not paid within fifteen (15) days after the date when it becomes due and payable, the Owner shall be obligated to pay a late charge in an amount equal to ten percent (10%) of the amount of the unpaid assessment or such greater amount as may be established by the Board. The amount of such late charge until paid shall constitute part of the Assessment lien as provided for in Section 6.1 of this Declaration.

Section 7.3 Interest. If any Assessment is not paid within thirty (30) days after it becomes due and payable, interest at the rate of eighteen percent (18%) per annum or such other rate as then may be in effect as established by the Board may be assessed on the amount owing from the date due until such time as it is paid.

Section 7.4 Action at Law. The Association shall have the right, at its option, to enforce collection of any delinquent Assessments in any manner allowed by law. The Association may bring an action to recover a delinquent Assessment personally against the Owner obligated to pay same or to foreclose the Assessment lien in the manner provided by law for foreclosure of a realty mortgage; provided, however, that the Association's choice of one remedy shall not prejudice or

Order: Non-Order Search Doc: MP:1997 006606 Page 17 of 30 Created By: Karl Zalot Printed: 12/17/2014 8:48:19

constitute a waiver of the Association's right to exercise the other. All costs of collection, whether or not a lawsuit is commenced, including the costs of preparing and filing the complaint shall be assessed against the delinquent Owner and such Owner's Lot, Unit or Parcel and reasonable attorneys' fees, court costs and collection costs will thereafter be added to the amount in delinquency (plus interest and/or late charges, if appropriate). Each Owner vests in the Association or its assigns the right and power to bring actions at law and/or lien foreclosures against such Owner or Owners for the collection of delinquent Assessments.

Section 7.5 Notice of Lien. The recording of this Declaration constitutes record notice and perfection of the Assessment lien. The Association may, at its option, record a notice of such Assessment lien. The Association shall first make written demand on the Owner for payment of all delinquent Assessments and related charges secured by the Assessment lien. If not paid within ten (10) days after the date of the demand, the Association may proceed with recording a notice of such Assessment lien, and may charge the Owner of the applicable Lot, Unit or Parcel a lien fee in an amount established or approved by the Board.

Section 7.6 Foreclosure Sale. Any foreclosure and sale provided for in this Declaration is to be conducted in accordance with applicable provisions relating to the foreclosure of realty mortgages in the State of Arizona. The Association, may through its duly authorized agents, have and exercise the power to bid on the Lot, Unit or Parcel at the foreclosure sale and to acquire, hold, lease, mortgage and convey such Lot, Unit or Parcel.

Section 7.7 Suspension of Votes. The Board shall suspend for the entire period during which an Assessment remains delinquent the obligated Owner's right to vote on any matter at regular or special meetings of the Association.

ARTICLE VIII

DISPUTE RESOLUTION AND LIMITATION ON LITIGATION

Section 8.1 Agreement to Avoid Litigation. The Declarant, the Association, its officers and directors, all Persons subject to this Declaration, any Owner, and any Person not otherwise subject to this Declaration who agrees to submit to this Article (collectively "Bound Parties") agree to encourage the amicable resolution of disputes involving the Property, without the emotional and financial costs of litigation. Accordingly, each party covenants and agrees that those claims, grievances or disputes described in Section 8.2 ("Claims") shall be resolved using the procedures set forth in Section 8.3 in lieu of filing suit in any court.

Section 8.2 Claims. Unless specifically exempted below, all claims, grievances or disputes arising out of or relating to the interpretation, application or

Order: Non-Order Search Doc: MP:1997 006606 Page 18 of 30 Created By: Karl Zalot Printed: 12/17/2014 8:48:19

enforcement of this Declaration, the Bylaws, and the Association Rules, or the rights, obligations and duties of any Bound Party under such or relating to the design or construction of improvements on the Property shall be subject to the provisions of Section 8.3.

Notwithstanding the above, unless all parties thereto otherwise agree, the following shall not be Claims and shall not be subject to the provisions of Section 8.3.

8.2.1 Any suit by the Association against any Bound Party to enforce the provisions of Article VI (Assessments).

8.2.2 Any suit between Owners, which does not include Declarant or the Association as a party, if such suit asserts a Claim which would constitute a cause of action independent of this Declaration or the Bylaws, and Association Rules.

8.2.3 Any suit in which any indispensable party is not a Bound Party.

8.2.4 Any suit which otherwise would be barred by any applicable statute of limitations.

With the consent of all parties thereto, any of the above may be submitted to the alternative dispute resolution procedures set forth in Section 8.3.

Section 8.3 Mandatory Procedures.

8.3.1 Notice. Any Bound Party having a Claim ("Claimant") against any other Bound Party ("Respondent") (collectively the "Parties") shall notify each Respondent in writing (the "Notice"), stating plainly and concisely:

A. The nature of the Claim, including the Persons involved and Respondent's role in the Claim.

B. The legal basis of the Claim (i.e., the specific authority out of which the claim arises).

C. Claimant's proposed remedy.

D. That Claimant will meet with Respondent to discuss in good faith ways to resolve the Claim.

Order: Non-Order Search Doc: MP:1997 0066069 Page 19 of 30 Created By: Karl Zalot Printed: 12/17/2014 8:48:19

8.3.2 Negotiation and Mediation.

A. The Parties shall make every reasonable effort to meet in person and confer for the purpose of resolving the Claim by good faith negotiation. If requested in writing, accompanied by a copy of the Notice, the Board may appoint a representative to assist the Parties in resolving the dispute by negotiation.

B. If the Parties do not resolve the Claim within thirty (30) days of the date of the Notice (or within such other period as may be agreed upon by the Parties) ("Termination of Negotiations"), Claimant shall have thirty (30) additional days to submit the Claim to mediation under the auspices of an independent agency providing dispute resolution services in the Scottsdale, or Phoenix, Arizona area with whom the Association may enter into an ongoing relationship for providing mediation services.

C. If the Claimant does not submit the Claim to mediation within thirty (30) days after Termination of Negotiations, or does not appear for the mediation, Claimant shall be deemed to have waived the Claim, and Respondent shall be released and discharged from any and all liability to Claimant on account of such Claim; provided, nothing herein shall release or discharge Respondent from any liability to any Person other than the Claimant.

D. Any settlement of the Claim through mediation shall be documented in writing by the mediator. If the Parties do not settle the Claim within thirty (30) days after submission of the matter to the mediation process, or within such time as determined by the mediator, the mediator shall issue a notice of termination of the mediation proceedings ("Termination of Mediation"). The Termination of Mediation notice shall set forth that the Parties are at an impasse and the date that mediation was terminated.

E. Within five (5) days of the Termination of Mediation, the Claimant shall make a final written settlement demand ("Settlement Demand") to the Respondent and the Respondent shall make a final written settlement offer ("Settlement Offer") to the Claimant. If the Claimant fails to make a Settlement Demand, Claimant's original Notice shall constitute the Settlement Demand. If the Respondent fails to make a Settlement Offer, Respondent shall be deemed to have made a "zero" or "take nothing" Settlement Offer.

8.3.3 Final and Binding Arbitration.

A. If the Parties do not agree in writing to a settlement of the claim within fifteen (15) days of the Termination of Mediation, the Claimant shall have fifteen (15) additional days to submit the Claim to arbitration in accordance with the rules of arbitration as may be required by the agency providing

Order: Non-Order Search Doc: MP:1997 0066069 Page 20 of 30 Created By: Karl Zalot Printed: 12/17/2014 8:48:19

the arbitrator. If not timely submitted to arbitration or if the Claimant fails to appear for the arbitration proceeding, the Claim shall be deemed abandoned, and Respondent shall be released and discharged from any and all liability to Claimant arising out of such Claim; provided, nothing herein shall release or discharge Respondent from any liability to Persons other than Claimant.

B. This Article XIII is an agreement to arbitrate and is specifically enforceable under the applicable arbitration laws of the State of Arizona. The arbitration award (the "Award") shall be final and binding, and judgment may be entered upon it in any court of competent jurisdiction to the fullest extent permitted under the laws of the State of Arizona.

Section 8.4 Allocation of Costs of Resolving Claims.

8.4.1 Subject to Subsection 8.4.2, each party shall bear its own costs, including any attorneys' fees incurred, and each party shall share equally all charges rendered by mediator(s) and all filing fees and costs of conducting the arbitration proceeding ("Post Mediation Costs").

8.4.2 Any Award which is equal to or more favorable to Claimant than Claimant's Settlement Demand shall add Claimant's Post Mediation Costs to the Award, such costs to be borne equally by all Respondents. Any Award which is equal to or less favorable to Claimant than any Respondent's Settlement Offer shall award to such respondent its Post Mediation Costs.

Section 8.5 Enforcement of Resolution. After resolution of any Claim, if any party fails to abide by the terms of any agreement or Award, then any other party may file suit or initiate administrative proceedings to enforce such agreement or Award without the need to again comply with the procedures set forth in Section 8.3. In such event, the party taking action to enforce the agreement or Award shall be entitled to recover from the non-complying party (or if more than one noncomplying party, from all such Parties pro rata) all costs incurred in enforcing such agreement or Award, including, without limitation, attorneys' fees and court costs.

ARTICLE IX

MISCELLANEOUS

Section 9.1 Enforcement. The Association or any Owner shall have the right to enforce, by proceedings at law or in equity, all restrictions and other provisions now or hereafter imposed by this Declaration, or any amendments thereto, and the right to recover damages and other sums for such violations. The Association or any Owner shall also have the right to enforce by proceedings at law

Order: Non-Order Search Doc: MP:1997 0066069Page 21 of 30Created By: Karl Zalot Printed: 12/17/2014 8:48:19

or in equity the provisions of the Bylaws and the Association Rules and any respective amendments thereto.

Section 9.2 No Waiver. Failure by the Association or by any Owner to enforce any provision herein contained, or contained in the Bylaws or the Association Rules, in any certain instance or on any particular occasion shall not be deemed a waiver of such right of enforcement as to any such future breach of the same or any other Restriction or provision.

Section 9.3 Cumulative Remedies. All rights, options and remedies under this Declaration are cumulative, and no one of them shall be exclusive of any other, and the Association, and the Owners shall have the right to pursue any one or all of such rights, options and remedies or any other remedy or relief which may be provided by law, whether or not stated in this Declaration.

Section 9.4 Severability. Invalidation of any one or a portion of the Restrictions or provisions set forth in this Declaration or in the Bylaws or the Association Rules by judgment or court order shall in no way affect any other Restrictions or provisions contained herein or therein which shall remain in full force and effect.

Section 9.5 Covenants to Run with the Land; Term; Termination of Condominium. The Restrictions and other provisions of this Declaration shall run with and bind the Property as equitable servitudes and also as covenants running with the land and shall inure to the benefit of and be enforceable by the Association or any Owner, their respective legal representatives, heirs, successors and assigns, for a term of fifty (50) years from the date this Declaration is recorded, after which time the Restrictions and other provisions shall be automatically extended for successive periods of ten (10) years, unless an instrument, signed and acknowledged by Owners of Lots or Parcels to which at least eighty percent (80%) of the votes in the Association are allocated within the Property, has been recorded agreeing to terminate this Declaration during the initial or any subsequent term.

Section 9.6 Construction. The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a plan for the development of a residential Condominium community and for the maintenance of the Property. The Article and section headings have been inserted for convenience only, and shall not be considered or referred to in resolving questions of interpretation or construction.

Section 9.7 Gender and Number. Whenever the context of this Declaration requires, the singular shall include the plural, and vice versa, and the masculine shall include the feminine and the neuter, and vice versa.

Section 9.8 Nuisance. The result of every act or omission whereby any provision contained in this Declaration or any provision contained in the Bylaws

Order: Non-Order Search Doc: MP:1997 006606Page 22 of 30Created By: Karl Zalot Printed: 12/17/2014 8:48:19

or the Association Rules is violated in whole or in part is hereby declared to be and shall constitute a nuisance, and every remedy allowed at law or in equity against a nuisance, either public or private, shall be applicable with respect to the abatement thereof and may be exercised by the Association or any Owner. Such remedy shall be deemed cumulative to all other remedies set forth in this Declaration and shall not be deemed exclusive.

Section 9.9 Attorneys' Fees. In the event any action is instituted to enforce any of the provisions contained in this Declaration, the Bylaws, or the Association Rules, the party prevailing in such action shall be entitled to recover from the other party thereto as part of the judgment reasonable attorneys' fees and costs of suit.

Section 9.10 Notices. Any notice to be given to an Owner, or the Association under the provisions of this Declaration shall be in writing and shall be delivered as follows:

9.10.1 Notice to an Owner shall be delivered personally or placed in the first class United States mail, postage prepaid, to the most recent address furnished by such Owner in writing to the Board for the purpose of giving notice, or if no such address shall have been furnished, then to the street address of such Owner's Lot, Unit or Parcel; any notice so deposited in the mail shall be deemed delivered seventy-two (72) hours after such deposit; in the case of co-Owners, any such notice may be delivered or sent to any one of the co-Owners on behalf of all co-Owners and shall be deemed delivered to all such co-Owners.

9.10.2 Notices to the Association shall be delivered by registered or certified United States mail, postage prepaid, addressed to the office of the statutory agent or managing agent of the Association, or as follows while the Declarant retains control:

President
Troon North Resort Community Association
c/o Exeter Development Inc.
4455 East Camelback, Suite C-240
Phoenix, AZ 85018

Any notice so deposited in the mail shall be deemed delivered upon the date of receipt.

Section 9.11 Effect of Declaration. This Declaration is made for the purposes set forth in the recitals in this Declaration and the Association makes no warranties or representations, express or implied, as to the binding effect or enforceability of all or any portion of this Declaration, or as to the compliance of any of these provisions with public laws, ordinances, regulations and the like applicable

thereto. The Association shall have no liability whatsoever if any of the provisions of this Declaration, the Bylaws or the Association Rules are determined to be unenforceable in whole or in part or under certain circumstances.

Section 9.12 Nonliability of Officials. To the fullest extent permitted by law, neither the Board nor any officer of the Association shall be liable to any Owner or the Association for any damage, loss, or prejudice suffered or claimed on account of any decision, approval or disapproval, course of action, act, omission, error, or negligence if such Board member or officer acted in good faith within the scope of his or her duties.

Section 9.13 Use of Funds Collected by the Association. All funds collected by the Association, including Assessments and contributions to the Association paid by Owners, if any, shall be held by the Association in a fiduciary capacity to be expended in their entirety for nonprofit purposes of the Association in managing, maintaining, caring for, replacing and preserving the Common Areas and for other permitted purposes as set forth in this Declaration. No part of said funds shall inure to the benefit of any Owner (other than as a result of the Association managing, maintaining, caring for, and preserving the Common Areas and other than as a result of expenditures made for other permitted purposes as set forth in this Declaration).

Section 9.14 Notification of Sale and Transfer Fee. Concurrently with the consummation of the sale or other transfer of any Lot, Unit or Parcel, or within fourteen (14) days after the date of such transfer, the transferee shall notify the Association in writing of such transfer and shall accompany such written notice with a nonrefundable transfer fee to cover Association documentation and processing. The transfer fee shall be equal to the then current regular monthly assessment (or such other amount which is determined by the Board). The written notice shall set forth the name of the transferee and his transferor, the street address of the Lot, Unit or Parcel purchased or acquired by the transferee, the transferee's mailing address, the date of the sale or transfer, and the name and address of the transferee's lender, if any. Prior to the receipt of such written notice, all notices required or permitted to be given by the Association to the Owner shall be deemed to be duly made or given to the transferee if duly and timely made and given to the transferee's predecessor in interest. The transfer fee shall be the personal obligation of the new Owner and shall be secured by the lien in Section 6.1 hereof. Notwithstanding the other provisions hereof, this section shall not apply to a lender who becomes an Owner by a foreclosure proceeding or any deed or assignment in lieu of foreclosure.

Section 9.15 Owner Liability and Indemnification. Each Owner shall be liable to the remaining Owners and to the Association for any damage to the Common Areas that may be sustained by reason of the negligence of that Owner or such Owner's family members, contract purchasers, tenants, guests or invitees, but only to the extent that any such damage is not covered by casualty insurance in

Order: Non-Order Search Doc: MP:1997 0066069Page 24 of 30Created By: Karl Zalot Printed: 12/17/2014 8:48:19

favor of the Association. Each Owner, by acceptance of a deed for a Lot, Unit or Parcel, agrees personally and for family members, contract purchasers, tenants, guests and invitees to indemnify each and every other Owner, and to hold such other Owners harmless from, and to defend such Owners against, any claim of any person for personal injury or property damage occurring within the Lot, Unit or Parcel of that particular Owner, including any exclusive easement areas, if any, except to the extent: (A) that such injury or damage is covered by liability insurance in favor of the Association or any other Owner, or (B) the injury or damage occurred by reason of the willful or negligent act or omission of the Association or other Owner or other person temporarily visiting such Lot, Unit or Parcel.

Section 9.16 Conflicting Provisions. In the case of any conflict between this Declaration, the Articles, the Bylaws, or the Association Rules, this Declaration shall control.

Section 9.17 Amendments. This Declaration may be amended by the written approval or the vote, or combination thereof, of the Owners to which at least sixty-seven percent (67%) of the total votes in the Association are allocated. The amendment shall be effective when executed by the President and Secretary of the Association who shall certify that the amendment has been so approved, and when the amendment has been recorded in the office of the County Recorder of Maricopa County, Arizona.

Section 9.18 Certificate. This Declaration shall constitute the "certificate of amendment" required by Section 8.2 of the Existing Declaration.

IN WITNESS WHEREOF, the Association has executed this Declaration as of this 5th day of September, 1997.

TROON NORTH RESORT COMMUNITY ASSOCIATION, an Arizona nonprofit corporation

By _____
Its President

[Association]

ATTEST:

_____
Secretary

DOCS\FILES\13599\0001\RESTATED.CCR(090497.1)

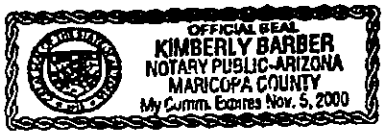
Order: Non-Order Search Doc: MP:1997 006606 Page 25 of 30 Created By: Karl Zalot Printed: 12/17/2014 8:48:19

STATE OF ARIZONA

County of Maricopa

The foregoing instrument was acknowledged before me this 8th day of September, 1997, by Daniel W. Tilton, the President of TROON NORTH RESORT COMMUNITY ASSOCIATION, an Arizona nonprofit corporation, on behalf of the corporation.

(Seal and Expiration Date)



Kimberly Barber
Notary Public

DOCS\FILES\13599\0001\RESTATED.CCR(090497.1)

Order: Non-Order Search Doc: MP:1997 006606 Page 26 of 30 Created By: Karl Zalot Printed: 12/17/2014 8:48:19

EXHIBIT A

[Common Areas]

Order: Non-Order Search Doc: MP:1997 0066069Page 27 of 30Created By: Karl Zalot Printed: 12/17/2014 8:48:19

Exhibit A

Parcel No. 1:

TROON NORTH RESORT PARCEL 7
LEGAL DESCRIPTION

Those portions of Section 29, Township 5 North, Range 5 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more fully described as follows:

Commencing at the East Quarter corner of said Section 29;
Thence South 40 degrees 03 minutes 18 seconds West a distance of 1368.20 feet to the TRUE POINT OF BEGINNING;
Thence South 14 degrees 54 minutes 10 seconds East a distance of 15.91 feet;
Thence South 81 degrees 57 minutes 1 seconds West a distance of 58.45 feet;
Thence South 06 degrees 00 minutes 52 seconds West a distance of 72.93 feet to a point of curvature to the left whose center bears South 11 degrees 01 minutes 43 seconds West a radius of 15.00 feet;
Thence along the arc of said curve through a central angle of 22 degrees 21 minutes 34 seconds an arc distance of 44.88 feet, said curve having a tangent distance of 22.73 feet, a chord distance of 44.59 feet, and a chord bearing of South 89 degrees 50 minutes 56 seconds West;
Thence South 78 degrees 40 minutes 09 seconds West a distance of 36.02 feet;
Thence North 86 degrees 38 minutes 59 seconds West a distance of 47.29 feet to a point of curvature to the left whose center bears North 86 degrees 38 minutes 59 seconds West a radius of 150.00 feet;
Thence along the arc of said curve through a central angle of 70 degrees 49 minutes 35 seconds an arc distance of 185.42 feet, said curve having a tangent distance of 106.65 feet, a chord distance of 173.84 feet, and a chord bearing of North 32 degrees 03 minutes 46 seconds West to a point of compound curvature to the left whose center bears South 39 degrees 30 minutes 12 seconds West a radius of 208.00 feet;
Thence along the arc of said curve through a central angle of 03 degrees 08 minutes 29 seconds an arc distance of 11.40 feet, said curve having a tangent distance of 5.70 feet, a chord distance of 11.40 feet, and a chord bearing of North 52 degrees 04 minutes 02 seconds West;
Thence North 53 degrees 38 minutes 17 seconds West a distance of 86.28 feet to a point of curvature to the right whose center bears North 36 degrees 21 minutes 43 seconds East a radius of 229.50 feet;
Thence along the arc of said curve through a central angle of 50 degrees 16 minutes 21 seconds an arc distance of 201.37 feet, said curve having a tangent distance of 107.68 feet, a chord distance of 194.97 feet, and a chord bearing of North 28 degrees 30 minutes 07 seconds West to a point of nontangent reverse curvature to the left whose center bears North 44 degrees 29 minutes 54 seconds West a radius of 75.00 feet;
Thence along the arc of said curve through a central angle of 34 degrees 36 minutes 59 seconds an arc distance of 45.31 feet, said curve having a tangent distance of 23.37 feet, a chord distance of 44.63 feet, and a chord bearing of North 28 degrees 11 minutes 36 seconds East to a point of nontangent reverse curvature to the right whose center bears South 79 degrees 06 minutes 53 seconds East a radius of 253.20 feet;

Thence along the arc of said curve through a central angle of 35 degrees 51 minutes 06 seconds an arc distance of 158.43 feet, said curve having a tangent distance of 81.91 feet, a chord distance of 155.86 feet, and a chord bearing of North 28 degrees 48 minutes 40 seconds East;
Thence North 46 degrees 44 minutes 13 seconds East a distance of 200.00 feet;
Thence South 43 degrees 15 minutes 47 seconds East a distance of 40.00 feet;
Thence South 46 degrees 44 minutes 13 seconds West a distance of 200.00 feet to a point of curvature to the left whose center bears South 43 degrees 15 minutes 47 seconds East a radius of 213.20 feet;
Thence along the arc of said curve through a central angle of 18 degrees 12 minutes 00 seconds an arc distance of 67.72 feet, said curve having a tangent distance of 34.15 feet, a chord distance of 67.44 feet, and a chord bearing of South 37 degrees 38 minutes 13 seconds West to a point of compound curvature to the left whose center bears South 61 degrees 15 minutes 16 seconds East a radius of 165.50;
Thence along the arc of said curve through a central angle of 82 degrees 23 minutes 01 seconds an arc distance of 237.97 feet, said curve having a tangent distance of 144.84 feet, a chord distance of 217.99 feet, and a chord bearing of South 12 degrees 26 minutes 46 seconds East;
Thence South 53 degrees 38 minutes 17 seconds East a distance of 86.28 feet to a point of curvature to the right whose center bears South 36 degrees 21 minutes 43 seconds West a radius of 272.00 feet;
Thence along the arc of said curve through a central angle of 28 degrees 05 minutes 28 seconds an arc distance of 133.36 feet, said curve having a tangent distance of 68.05 feet, a chord distance of 132.02 feet, and a chord bearing of South 39 degrees 35 minutes 33 seconds East;
Thence North 78 degrees 40 minutes 09 seconds East a distance of 40.90 feet to a point of curvature to the right whose center bears South 11 degrees 19 minutes 51 seconds East a radius of 225.00 feet;
Thence along the arc of said curve through a central angle of 33 degrees 05 minutes 41 seconds an arc distance of 129.96 feet, said curve having a tangent distance of 66.85 feet, a chord distance of 128.16 feet, and a chord bearing of South 84 degrees 47 minutes 01 seconds East to the TRUE POINT OF BEGINNING.

Parcel No. 2:

TROON NORTH RESORT PARCEL 8
LEGAL DESCRIPTION

Those portions of Section 29, Township 5 North, Range 5 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more fully described as follows:

Commencing at the Southeast corner of said Section 29;
Thence North 36 degrees 10 minutes 33 seconds West a distance of 1545.73 feet to the TRUE POINT OF BEGINNING;
Thence North 22 degrees 24 minutes 23 seconds West a distance of 58.24 feet;
Thence North 10 degrees 29 minutes 10 seconds West a distance of 107.41 feet;
Thence North 01 degrees 26 minutes 04 seconds East a distance of 54.83 feet;
Thence North 06 degrees 00 minutes 52 seconds East a distance of 107.73 feet;
Thence North 81 degrees 57 minutes 14 seconds East a distance of 58.45 feet;
Thence South 14 degrees 54 minutes 10 seconds East a distance of 20.43 feet;
Thence South 67 degrees 24 minutes 11 seconds West a distance of 43.11 feet;
Thence South 01 degrees 54 minutes 33 seconds West a distance of 120.07 feet;

Thence South 12 degrees 25 minutes 51 seconds East a distance of 166.13 feet;
Thence South 67 degrees 00 minutes 00 seconds West a distance of 28.25 feet to the TRUE POINT OF BEGINNING.

LAW OFFICES
JORDEN HISER
& JOY, P.L.C.

5050 NORTH 40TH STREET, SUITE 245
PHOENIX, ARIZONA 85018
TELEPHONE: 480-505-3900
FACSIMILE: 480-505-3901

DOUGLAS A. JORDEN

DIRECT LINE: 480-505-3909
E-MAIL: djorden@JHJLawyers.com
www.JHJLawyers.com

September 22, 2017

VIA E-MAIL (cjagger@scottsdaleaz.gov/bcarr@scottsdaleaz.gov/rgrant@scottsdaleaz.gov) AND HAND DELIVERY

City of Scottsdale
Board of Adjustment
c/o Carolyn Jagger - City Clerk
3939 North Drinkwater Boulevard
Scottsdale, AZ 85251

City of Scottsdale
Board of Adjustment
c/o Board of Adjustment Liaison
7447 East Indian School Road, Suite 105
Scottsdale, AZ 85251

Mr. Randy Grant
Zoning Administrator
City of Scottsdale
Planning & Development Department
7447 East Indian School Road, Suite 105
Scottsdale, AZ 85251

Re: Zoning Interpretation Dated August 24, 2017, Relating to Troon North Villas

Dear Board of Adjustment, Ms. Jagger, and Mr. Grant:

On behalf of our clients, Troon North Association and Phil and Linda Dunn, we submit to the Board of Adjustment this appeal from the Zoning Administrator's interpretation dated August 24, 2017 (the "Zoning Administrator's Decision"), which relates to the maximum density allowed on approximately 2.55 acres of property known as Troon North Villas (the "Property"). This letter is submitted on the assumption that the owner and or developer of the Property will file an appeal of the Zoning Administrator's Decision to the Board of Adjustment; if such an appeal has not been properly filed or is withdrawn, then this appeal will be withdrawn.

The Zoning Administrator's Decision was issued in response to our zoning interpretation request dated July 24, 2017 ("July 24 Request"). In accordance with A.R.S. § 9-462.06.C and G and the applicable City of Scottsdale ordinance, this letter asks the Board of Adjustment to find that the maximum number of resort rooms allowed on the Property is 27, for the reasons set forth below and in our July 24 Request.

Page 2 of the Zoning Administrator's Decision cites a stipulation from Case No. 3-ZN-1994, which states that an adjustment to the number of units or the density may be approved as long as "the maximum densities of the underlying zone are not exceeded." **We agree**.

Section V.A of our July 24 Request notes that the Property's R-4R zoning requires a minimum of 4,100 square feet of gross land area per guest room (or 10.62 guest rooms/acre), which would allow a maximum of 27 guest rooms on the 2.55-acre Property (2.55 acres x 10.62 guest rooms/acre = 27 guest rooms).[1] In Case No. 3-ZN-1994, the applicant could have requested a change to the density allowed under the R-4R zoning, like it did with other development standards, such as lot dimensions, yard requirements, etc. But the applicant did not do so. Allowing more than 27 guest rooms on the Property would require a rezoning.

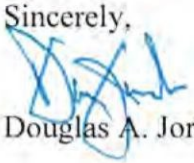
Our clients meet the definition of "persons aggrieved" by the Zoning Administrator's Decision under A.R.S. § 9-462.06.D and City of Scottsdale Zoning Ordinance Section 1.202.B. The Troon North Association is an Arizona non-profit corporation that governs the Troon North master planned community, which includes the Property, and the Dunns own a condominium across the street from the Property.[2]

Submitted with and incorporated by reference into this letter are the following:

1. Application Fee Payment – Check No. 1161 ($153.00)
2. Development Application
3. Troon North Association Authorization Letter
4. Dunn Authorization Letter
5. Zoning Interpretation Request Dated July 24, 2017
6. Zoning Administrator's Decision Dated August 24, 2017

We reserve the right to submit supplemental documentary evidence and written materials and ask that the Board of Adjustment consider all such evidence and materials submitted to the Board of Adjustment at least 14 calendar days prior to the Board of Adjustment's hearing in accordance with Rule 403 of the Rules of Procedure for the Board of Adjustment.

Sincerely,



Douglas A. Jorden

---

[1] There may be an argument that the acreage applicable to the Property is 1.49 acres. A table in the stipulations approved in Case No. 3-ZN-1994 shows the Property as having 1.49 acres and a maximum of 22 dwelling units. Based on this acreage, the maximum number of resort rooms allowed under the Property's R-4R zoning is 16 (1.49 acres x 10.62 guest rooms/acre = 16 guest rooms). This letter gives the owner/developer of the Property the benefit of the doubt and assumes that the applicable acreage is 2.55 acres.

[2] The Dunns own a condominium unit (10260 E. White Feather Lane, Unit 1058) together with an undivided interest in the common elements of The Ridge at Troon North, which lies immediately across the street from the entrance to the Property.

DAJ eaa

Enclosures

cc: Jeff Barnes
Phil Dunn
Manny Siprut
Harold Nidetz
Arianne Ahlvin

Development Application

CITY OF SCOTTSDALE

Development Application Type:
Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning		Development Review		Signs	
☐	Text Amendment (TA)	☐	Development Review (Major) (DR)	☐	Master Sign Program (MS)
☐	Rezoning (ZN)	☐	Development Review (Minor) (SA)	☐	Community Sign District (MS)
☐	In-fill Incentive (II)	☐	Wash Modification (WM)	Other:	
☐	Conditional Use Permit (UP)	☐	Historic Property (HP)	☐	Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance		Land Divisions (PP)		☐	General Plan Amendment (GP)
☐	Hardship Exemption (HE)	☐	Subdivisions	☐	In-Lieu Parking (IP)
☐	Special Exception (SX)	☐	Condominium Conversion	☐	Abandonment (AB)
☐	Variance (BA)	☐	Perimeter Exceptions	Other Application Type Not Listed	
☐	Minor Amendment (MA)	☐	Plat Correction/Revision	☑	BOA Appeal

Project Name: Troon North Villas

Property's Address: 10200 E. Dynamite Blvd.

Property's Current Zoning District Designation: R-4R ESL (HD)

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

~~Owner~~: Phil & Linda Dunn	**Agent/Applicant:** Doug Jorden
~~Company~~: Troon North Association	**Company:** Jorden Hiser & Joy, PLC
Address: c/o Doug Jorden	**Address:** 5080 North 40th Street, Suite 245, Phx 85018
Phone: **Fax:**	**Phone:** 480-505-3909 **Fax:** 480-505-3901
E-mail:	**E-mail:** djorden@JHJLawyers.com
Designer:	**Engineer:**
Company:	**Company:**
Address:	**Address:**
Phone: **Fax:**	**Phone:** **Fax:**
E-mail:	**E-mail:**

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- *This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications[1] will be reviewed in a format similar to the Enhanced Application Review methodology.*

☑	**Enhanced Application Review:**	I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.
☐	**Standard Application Review:**	I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

See authorization letters.

Owner Signature

Agent/Applicant Signature

Official Use Only Submittal Date: Development Application No.:

TROON NORTH ASSOCIATION
28190 N. ALMA SCHOOL PKWY., SUITE 211
SCOTTSDALE, AZ 85262

September 18, 2017

Douglas A. Jorden
Jorden Hiser & Joy, PLC
5080 North 40th Street, Suite 245
Phoenix, AZ 85018

Re: Authorization Letter

Dear Mr. Jorden:

The purpose of this letter is to authorize you and your firm to act as our representative with respect to all matters necessary to appeal an interpretation of the City of Scottsdale zoning administrator dated August 24, 2017, to the Scottsdale Board of Adjustment relating to the maximum density allowed on the Troon North Villas project located at 10200 East Dynamite Boulevard.

Sincerely,

TROON NORTH ASSOCIATION,
an Arizona non-profit corporation

By: _____

Name: M SIPRUT

Title: VP TNA

Dated: 9/18/17

{00080058}

PHIL AND LINDA DUNN
10260 E. DYNAMITE BOULEVARD
SCOTTSDALE, AZ 85262

September 18, 2017

Douglas A. Jorden
Jorden Bloor [illegible], PLC
5080 North 40th Street, Suite 345
Phoenix, AZ 85018

Re: Authorization Letter

Dear Mr. Jorden:

The purpose of this letter is to authorize you and your firm to act as our representative with respect to all matters necessary to appeal an interpretation of the City of Scottsdale zoning administrator dated August 24, 2017, to the Scottsdale Board of Adjustment relating to the maximum density allowed on the Troon North Villas project located at 10200 East Dynamite Boulevard.

Sincerely,

Phil Dunn

Linda Dunn

7288153v1

LAW OFFICES
JORDEN HISER
& JOY, P.L.C.

5050 NORTH 40TH STREET, SUITE 245
PHOENIX, ARIZONA 85018
TELEPHONE: 480-505-3900
FACSIMILE: 480-505-3901

DOUGLAS A. JORDEN

DIRECT LINE: 480-505-3909
E-MAIL: djorden@JHJLawyers.com
www.JHJLawyers.com

July 24, 2017

VIA E-MAIL (rgrant@scottsdaleaz.gov)
AND REGULAR MAIL

Mr. Randy Grant
Zoning Administrator
City of Scottsdale
Planning & Development Department
7447 East Indian School Road
Scottsdale, AZ 85251

Re: Case No. 48-DR-2007#2; Zoning Interpretation

Dear Mr. Grant:

This letter requests an interpretation of the Zoning Ordinance ("**Zoning Ordinance**") of the City of Scottsdale (the "**City**") by the Zoning Administrator pursuant to Section 1.202 of the Zoning Ordinance. The interpretation relates to approximately 2.55 acres of property known as Troon North Villas (the "**Property**"). We represent the Troon North Association; the Property lies within the area governed by the Troon North Association.

I. Summary

Staff claims that Case No. 43-ZN-1994 supersedes Case No. 3-ZN-1994 and that Case No. 43-ZN-1994 modified the allowable density for the overall Troon North Resort development[1] so that the 62 units requested by the applicant are allowed on the Property. However, staff seems to be ignoring the staff reports for Case No. 43-ZN-1994, which say that Troon North Resort "will not be affected by the proposal." Staff also seems to be ignoring numerous other cases after 1994 within Troon North Resort that have pointed to Case No. 3-ZN-1994 (and not Case No. 43-ZN-1994) as the applicable rezoning case.

[1] In Case No. 3-ZN-1994, the Property was part of an approximately 55-acre development (Parcel V1 V2) that included six parcels – Parcels 1 through 6 – and the Property was Parcel 6. In Case No. 43-ZN-1994, the Property was part of a 69-acre development (Parcel V) within a larger 2,457.5-acre development. See Exhibit 1 for excerpts from Case No. 3-ZN-1994 and Exhibit 2 for excerpts from Case No. 43-ZN-1994. Although the exact differences between the boundaries of the 55-acre development and the 69-acre development are not entirely clear, for purposes of this letter, the differences are irrelevant and both are called "Troon North Resort." See Exhibit 3 for an aerial map of the Troon North Resort area.

Regardless of which zoning case governs, this letter requests an interpretation finding that:

1. While the number of units being requested for the Property is dependent upon density being transferred from another property not owned by the applicant, a transfer of density for the Property is not allowed under Arizona law or the Zoning Ordinance because the applicant has not obtained consent from other property owners within Troon North Resort for such a transfer and has not followed other procedural requirements for a density transfer.

2. Absent a density transfer done in accordance with Arizona law and the Zoning Ordinance, the maximum number of units allowed on the Property is 22, either based upon the density allocated to the Property in the site plan approved in Case No. 3-ZN-1994 or based upon the Property's pro rata share of the density approved for Troon North Resort in Case No. 43-ZN-1994.

3. Alternatively, the maximum number of units allowed on the Property is 27, which is the maximum number of units allowed on the Property according to the Property's R-4R zoning and the City's Environmentally Sensitive Lands (ESL) regulations.

II. Arizona law and the Zoning Ordinance do not allow unused density to be transferred from one parcel to another without the consent of the owners of both parcels.

Because municipal zoning authority comes from the state, the power must be exercised within the limits and in the manner prescribed by state law and not otherwise.[2] Cities must strictly comply with the statute delegating them authority to act and any attempt to exercise the zoning authority without complying with the statutory conditions is void.[3] Arizona courts will reject municipal ordinances that conflict with state statutes, particularly when such ordinances involve matters of statewide concern, such as the police powers of the state and zoning regulations.[4] A.R.S. § 462.01.A(12) authorizes municipalities to "[e]stablish procedures, methods and standards for the transfer of development rights within its jurisdiction. Any proposed transfer … shall be subject to the notice and hearing requirements of § 9-462.04 and shall be subject to the approval and consent of the property owners of both the sending and receiving property." Under this statute, an ordinance adopted by a municipality to govern the transfer of development rights must not only provide for notice and hearing and consent, but must also include the recordation of documents to sever development rights from the sending property and affix development rights to the receiving property, and meet other statutory requirements.[5]

---

[2] *Jachimek v. Superior Court*, 169 Ariz. 317, 318, 819 P.2d 487, 488 (1991).
[3] *Id.* at 319, 819 P.2d at 489.
[4] *City of Scottsdale v. State*, 237 Ariz. 476, 470-71, 352 P.3d 936, 939-40 (App. 2015).
[5] A.R.S. § 462.01.A(12).

The City has adopted a mechanism in Section 6.1081 of the Zoning Ordinance to allow the transfer of density from one property to another, but the application for such a transfer must be signed by the owners of both parcels and meet certain other procedural requirements, such as permanently securing the sending parcel through easements or other means approved by the City. Rather than following the mechanism allowed under Arizona law and the Zoning Ordinance, the applicant appears to be asking the Development Review Board ("**DRB**") to approve an increase in density above that allowed in the R-4R district just because other parcels within Troon North Resort "have not built to their limits."[6] This is not allowed under Arizona law or the Zoning Ordinance.

Additionally, any transfer of units from another property to increase the number of units allowed on the Property necessarily would mean a corresponding decrease the number of units allowed on the other property, depriving that sending owner of valuable property rights.[7]

Case No. 10-PP-2015 illustrates why the consent of both owners is necessary. Although the applicant's response to the City's comments dated June 22, 2017, stated that the Property would be the last of the parcels in Troon North Resort to be developed, another development is in the works. In Case No. 10-PP-2015, the City's Development Review Board approved a preliminary plat for four townhomes on a portion of Parcel 1 (Tract "V" of On the Green at Troon North) on August 18, 2016. It is impossible to know what other development on the parcels may be proposed in the future.

III. Case No. 3-ZN-1994 established a maximum of 22 units for the Property.

In Case No. 3-ZN-1994,[8] Troon North Resort was rezoned to R-4R ESL HD (Resort District Environmentally Sensitive Lands Hillside District)[9] with stipulations that included amended R-4R development standards and substantial compliance with the submitted plan. Section 5.904.C of the amended development standards approved in connection with Case No. 3-ZN-1994 provided for a density of 4,100 square feet of gross land area per guest room (10.46

---

[6] Although the application filed in Case No. 48-DR-2007#2 relies upon borrowing unused density from other parcels in Troon North Resort, the applicant has not identified the "sending" property or its owner, nor has the applicant identified a statute or ordinance that authorizes this "borrowing" of unused density, other than generally relying upon the overall density approved in Case No. 3-ZN-1994. Such a reduction of the "sending" property owner's rights may implicate A.R.S. § 12-1134 (Prop. 207).

[7] Additionally, Section 1.304 of the Zoning Ordinance requires that the property owner (or his authorized agent) sign the development application.

[8] Case No. 3-ZN-1994 was approved by the City Council on April 5, 1994, and affirmed on April 19, 1994. Case No. 3-ZN-1994 concerned a development of approximately 55 acres consisting of six parcels – Parcels 1 through 6. See Exhibit 1. The Property was called Parcel 6. In a preceding case, Case No. 28-ZN-1989 (approved by the City Council on September 19, 1989), this 55-acre development made up most of Parcel V1 and Parcel V2, which together consisted of 65 acres. See Exhibit 4 for materials from Case No. 28-ZN-1989.

[9] Regardless of whether the regulations for the Hillside District or Environmentally Sensitive Lands (ESL) apply, the applicant has elected to be governed under the ESL regulations pursuant to Section 6.1023.B of the Zoning Ordinance. See Exhibit 5 for the applicant's ESL election.

guest rooms per acre) or 5,770 square feet of gross land are per dwelling unit (7.5 dwelling units per acre).[10]

In Stipulation 2 of Case No. 3-ZN-1994, the total maximum number of units approved for the development ranged from 385 to 424 units, depending on whether "dwelling units" or "resort rooms" were built. Stipulation 2 stated that "in no case" shall the unit count exceed 385 (for units not used or available as resort rooms) or 424 (of which at least 90 units shall be used as resort rooms).[11] The table in Stipulation 2 allowed a maximum of 22 units on the Property, but showed the Property as consisting of 1.49 acres.[12] The site plan approved as part of Case No. 3-ZN-1994 provides for a maximum of 22 units on Parcel 6 and shows Parcel 6 as consisting of 2.56 acres.[13] A letter from attorney John Berry to the City dated March 28, 1994, says that the 1.49 acres shown for Parcel 6 is incorrect and should be amended to reflect an acreage of 2.35 acres for Parcel 6.[14] Regardless of where 1.49 acres came from, that acreage and the resulting density of 15 units per acre is simply incorrect. Based on the site plan for Case No. 3-ZN-1994, which includes the correct acreage consistent with the current application for 48-DR-2007#2, the maximum number of units allowed on the Property is 22.[15]

IV. Case No. 43-ZN-1994 did not affect the density for the Property established in Case No. 3-ZN-1994.

A. *Case No. 43-ZN-1994 does not affect the stipulations approved for Troon North Resort in Case No. 3-ZN-1994.*

A July 10, 2017, email from Jeff Barnes concluded that Case No. 43-ZN-1994[16] eliminated the table allocating density to Parcels 1 through 6 in Case No. 3-ZN-1994, eliminated

---

[10] See Exhibit 1.

[11] Attached as Exhibit 6 is a zoning interpretation from the City dated March 17, 1994, which says that the 90 resort units may be met by allocating 70 units available to the public for stays of 14 days or less and allocating 20 units available to the public for stays of 14 days to 30 days. Attached as Exhibit 7 is a letter from Troon North Association that lists the number of units currently approved for each of the six parcels and confirms that none of the existing units are being used as resort rooms available to the public for rent for less than 30 days. This letter also includes a calculation that would limit the density to 40 units, even if the 22 or 27 unit density limitations discussed below were found not to apply, as follows: 341 units have been approved by the City for Parcels 1 through 5 and the Troon North Association is involved in ongoing discussions to add another four units to Parcel 1 (now called On the Green at Troon North). These four units received preliminary plat approval from the City on August 18, 2016 (Case No. 10-PP-2015), and would increase that total from 341 to 345. As none of the existing 341 units are used or available as resort rooms, the maximum number of units allowed on Parcels 1-6 is 385, not 424. 385 units (maximum allowed) – 345 units (existing) = 40 units (remaining).

[12] The 1.49 acres in the table may have resulted from the City accidentally inserting the 1.49 acres listed for Parcel 7 on the 1994 site plan, which was a roadway, into the line in the table for Parcel 6.

[13] See Exhibit 1.

[14] See Exhibit 8 for this letter from John Berry.

[15] The applicant has listed the acreage for the Property as 2.55 acres. See Exhibit 9 for the most recent site plan submitted for Case No. 48-DR-2007#2 on June 26, 2017.

[16] Case No. 43-ZN-1994 was approved by the City Council on September 20, 1994. Case No. 43-ZN-1994 concerned 800-900 acres, a portion of which was the 55 acres rezoned in Case No. 3-ZN-1994. See Exhibit 2.

the 90 resort unit minimum requirement in Case No. 3-ZN-1994, and allocated 585 units to a 69-acre Parcel V that included Parcels 1 through 6. However, there are several problems with this conclusion:

1. This position ignores the Case No. 43-ZN-1994 staff reports for the Planning Commission meeting on September 12, 1994, and the City Council meeting on September 20, 1994, which both state that Troon North Resort "will not be affected by the proposal." The staff reports say that the purpose was to rezone portions and "refine the plan" in order to accommodate 11 new holes of golf, with increases in density to Parcels A, B, C, G, K, L, P, and S.[17]

2. This position also ignores the fact that even though the staff reports for Case No. 43-ZN-1994 said that it did not affect the Troon North Parcel, the stipulations for Case No. 43-ZN-1994 did not include the same R-4R amended development standards that had been approved for Troon North Resort by the City Council in Case No. 3-ZN-1994.[18]

3. Many cases approved after Case No. 43-ZN-1994 relied on Case No. 3-ZN-1994, for example[19]:

   a. Case No. 89-DR-1995 (the Property) – the stipulations approved by the DRB dated August 3, 1995, stated that "site access shall be provided per the circulation stipulations of Zoning Case #3-ZN-94"; there is no reference to Case No. 43-ZN-1994 in these stipulations.

   b. Case No. 38-PP-1995 (Parcels 4 and 5 in Case No. 3-ZN-1994) – the stipulations to the preliminary plat approved by the DRB on September 21, 1995, stated that "[a]ll pole mounted lighting shall be a maximum of 14 feet in height, per zoning Case 3-ZN-94," and the list of zoning requirement attached to the DRB stipulations stated that (i) "[d]etached guest houses shall not be permitted on lots less than 18,000 square feet in size, per Case 3-ZN-94," (ii) "[i]f guest houses are intended to have cooking facilities, the applicant shall … [meet] the required front, side, and year yard requirements per Case 3-ZN-94," (iii) "[o]n-lot NAOS shall not be credited … except as dedicated as contiguous NAOS on a plat per Case 3-ZN-94," (iv) "[n]on-indigenous plant material … shall not be

[17] See Exhibit 2.
[18] Additionally, the stipulations for Case No. 43-ZN-1994 and for Case No. 3-ZN-1994 were both approved by City staff on October 10, 1994. See Exhibit 1 and Exhibit 2. The stipulations appear to have been approved by "DH," who we assume is Don Hadder, the City staff person assigned to these cases. Case No. 3-ZN-1994 must have been intended to apply to Troon North Resort even after Case No. 43-ZN-1994's approval on September 20, 1994, because there is no reason for City staff to approve stipulations for Case No. 3-ZN-1994 on October 10, 1994, if they had been superseded and served no purpose.
[19] See Exhibit 10 for excerpts from these cases.

introduced on site, per Case 3-ZN-94," and (v) "[c]omply with conditions of case No. 3-ZN-94." There is no reference to Case No. 43-ZN-1994 in these stipulations or ordinance requirements.

c. Case No. 58-DR-1996 (Parcels 4 and 5 in Case No. 3-ZN-1994) – the DRB approval dated May 9, 1996, included a list of ordinance requirements attached to the stipulations that stated that (i) "[a]s approved in Case 3-ZN-94, buildings shall be set back a minimum of zero feet from perimeter property lines adjacent to other R4-R districts…," (ii) "[a]s approved in Case 3-ZN-94, no building shall exceed thirty feet in height," and (iii) "[c]omply with conditions of case No: 3-ZN-94." There is no reference to Case No. 43-ZN-1994 in these stipulations or ordinance requirements.

d. Case No. 48-DR-2007[20] (the Property) – the stipulations to the DRB approval dated December 6, 2007, stated that "Case 3-ZN-94 is the associated rezoning request for the property." There is no reference to Case No. 43-ZN-1994 in these stipulations.

e. Case No. 10-PP-2015 (a portion of Parcel 1 in Case No. 3-ZN-1994) – the DRB report dated August 18, 2016, stated that the "[a]mended development standards shall remain as approved through Case 3-ZN-1994" and that the "existing [sewer and water] improvements were constructed in anticipation of the site being developed to the R-4R standards set forth by the Cases 2-GP-1994 and 3-ZN-1994." This case does mention Case No. 43-ZN-1994 as one of the "applicable Zoning and DRB cases for the site," along with 3-ZN-1994 and several other cases.

f. Case No. 28-DR-2007#2[21] (the Property) – the City's comments on the applicant's submittal dated November 21, 2016, stated that "[i]n accordance with the amended R-4R development standards of case 3-ZN-1994, the maximum allowable building height is restricted to thirty (30) feet…." The applicant's June 22, 2017, response to the City's comments acknowledged that the "zoning on this site is tied primarily into case 3-ZN-1994."

4. Don Hadder was the City staff person who prepared staff reports and initialed approval of the stipulations for Case No. 3-ZN-1994, Case No. 43-ZN-1994, and

[20] Although the Design Review Board staff report for Case No. 48-DR-2007 states that 37 units are allowed on Parcel 6, this calculation of the number of units is incorrect. It appears that 37 units was calculated by applying a density of 15 units per acre to a 2.5-acre parcel (15 units per acre x 2.5 acres = 37.5 units). 15 units per acre is the density in the table in Stipulation 2 for Case No. 3-ZN-1994, which lists Parcel 6 as having 1.49 acres and a maximum number of 22 units for a resulting density of 15 units per acre. However, as noted above, this acreage is incorrect. See Exhibit 11 for excerpts from Case No. 48-DR-2007.

[21] See Exhibit 9 for materials from Case No. 48-DR-2007#2.

> Case No. 45-ZN-1990#2. His name is also on the staff reports prepared for Case No. 89-DR-1995, Case No. 38-PP-1995, and Case No. 58-DR-1996 listed in No. 3 above. The two reports received from Jeff Barnes on July 5, 2017, which we understand were authored by Don Hadder, acknowledge that the applicable zoning case was Case No. 3-ZN-1994. Although the reports concluded that the maximum number of units approved in Case No. 3-ZN-1994 is 550, Stipulation 2 in Case No. 3-ZN-1994 says that the maximum number of 550 units only applies "[i]f the residential units were all converted to resort units."[22] As noted above, none of the existing units are used as resort units. The reports also say that a proposal to add four acres and increase the number of units to 585 was not approved.[23]

Because the staff reports for Case No. 43-ZN-1994 said that the proposal would have no effect on the area subject to Case No. 3-ZN-1994, and because parcels subject to Case No. 3-ZN-1994 continued to be governed by its stipulations and amended development standards long after the approval of Case No. 43-ZN-1994 in September 1994, Case No. 3-ZN-1994 must still apply.

B. Even if Case No. 43-ZN-1994 does apply, the maximum density allowed on the Property is 22 units.

Even if Case No. 43-ZN-1994 applies, the maximum number of units that can be allocated to the Property is 22. The stipulations for Case No. 3-ZN-1994 contain a table (approved by City staff on October 10, 1994) showing the zoning, acreage, and intensity for the overall 2,500-acre Troon development that has one entry for Troon North Resort (Parcel V1 V2), which provides for 385 424 units on 55 acres. The stipulations for Case No. 43-ZN-1994 also contain a table (approved by City staff on October 10, 1994) for the overall 2,500-acre Troon development. This table contains several inconsistencies when it comes to Troon North Resort (Parcel V) and is difficult to read because it contains numbers that are underlined and stricken, but it appears to have two entries – one that provides for 424 units on 69 acres for a density of 6.14 units per acre and another that provides for 585 units on 69 acres for a density of 8.29 units per acre.[24] In his email of July 10, 2017, Jeff Barnes stated that according to Case No. 43-ZN-

---

[22] See Exhibit 1.

[23] See Exhibit 12 for excerpts from these Don Hadder reports. A table in the City's file for Case No. 43-ZN-1994 (but not included in the staff reports) indicated that four acres would be added to Parcel V (Troon North Resort) and rezoned from R1-70 ESL(HD HC) to R-4R ESL(HD HC), which would increase the overall number of units to 585. This table also stated that the existing zoning on Parcel V allowed 550 rooms on 65 acres (or 8.5 units per acre). While 585 is the approximate number of units for 69 acres if the density is 8.5 units per acre, Stipulation 2 of Case No. 3-ZN-1994 contemplated 550 rooms only if <u>all</u> residential units were converted to resort units. See Exhibit 1 and Exhibit 2.

[24] See Exhibit 1 and Exhibit 2. The table in the stipulations for a subsequent case, Case No. 45-ZN-1990#2, does not shed any light on Case No. 43-ZN-1994. Case No. 45-ZN-1990#2 was approved by the City Council on November 15, 1994. Although the property rezoned in this case did not include Troon North Resort, it does contain a table showing the zoning, acreage, and intensity for the overall 2,500-acre Troon development. This table also contains two entries for Parcel V - one for Parcel V2 that provides for 424 units on 31 acres for a density of 6.14 units per acre (which cannot be correct based on the math) and one for Parcel V1 that provides for 315 units on 38 acres for a density of 8.29 acres. See Exhibit 13. The reason for inconsistencies between the tables in Case No. 3-

1994, there were 585 units approved for a 69-acre Parcel V. Even assuming that Case No. 43-ZN-1994 applies and that this is the correct density from the table for Case No. 43-ZN-1994, a maximum of 22 units can be allocated to the Property based upon the Property's pro rata share of the maximum density of 585 units on 69 acres (8.5 units per acre x 2.55 acres = 22 units).

V. Even if the limit of 22 units does not apply, the maximum number of units allowed on the Property under the existing R-4R zoning and the ESL regulations is 27.

A. The maximum number of units allowed under the Property's R-4R zoning is 27.

Regardless of whether Case No. 3-ZN-1994 or Case No. 43-ZN-1994 applies, and even if the maximum density of 22 units does not apply, the Property is zoned R-4R. Absent a density transfer, density is capped at that allowed under the Property's R-4R zoning. The R-4R development standards require a minimum gross land area per guest room of 4,100 square feet, which converts to 10.6 guest rooms per acre.[25] Assuming that the Property consists of 2.55 acres, the maximum density is 27 (10.6 guest rooms per acre x 2.55 acres = 27 guest rooms). Numerous provisions of the R-4R district regulations were amended in Case No. 3-ZN-1994, but the density of 4,100 square feet per guest room was not amended. The only way to exceed this density is by transferring density pursuant to A.R.S. § 462.01.A(12) and Section 6.1081 of the Zoning Ordinance or by rezoning the Property.

B. The maximum number of units allowed under the City's ESL regulations is 27.

The applicant has elected to be governed by the City's ESL regulations.[26] Regardless of whether Case No. 3-ZN-1994 or Case No. 43-ZN-1994 applies, according to the ESL regulations[27] the intensity of development is determined by the underlying zoning district and shall not exceed the maximum provided in the table in Section 6.1081. In the R-4R District, that maximum number of units is 10.62 guest rooms per acre. Therefore, the maximum number of units allowed on the 2.55-acre Property under the ESL regulations would be 27 (10.62 guest rooms per acre x 2.55 acres = 27 guest rooms), even if the cap of 22 units discussed above does not apply, unless a density transfer is used pursuant to Arizona law or the Zoning Ordinance.

VI. Conclusion

The applicant has relied on a transfer of density from other parcels in seeking approval for 62 units on the Property. However, such a transfer is not allowed under Arizona law and the

---

ZN-1994, Case No. 43-ZN-1994, and Case No. 45-ZN-1990#2, is difficult to understand, especially since they appear to have been approved only about a month apart by the same staff person.

[25] Whether under Section 4.904.C of the R-4R amended development standards approved in Case No. 3-ZN-1994 or under Section 5.904.C of the Zoning Ordinance, the resort density is the same – at least 4,100 square feet for each guest room (or 10.62 guest rooms per acre).

[26] See Exhibit 5.

[27] Section 6.1050 of the Zoning Ordinance.

City's Zoning Ordinance absent the consent of any sending property owners and compliance with other procedural requirement. Based on the allocation of units approved for the Property in Case No. 3-ZN-1994, or a pro rata allocation of density set forth in Case No. 43-ZN-1994, the maximum number of units allowed on the Property is 22. Alternatively, the maximum number of units allowed on the Property under the applicable R-4R zoning and the City's ESL regulations is 27.

We have been advised by City staff that there is no filing fee for this zoning interpretation request; if a fee does apply, please let us know and it will be promptly remitted. We filed a public records request with the City on July 11, 2017, that requested access to the City's paper files for Case No. 43-ZN-1994, Case No. 28-UP-1994, Case No. 89-DR-1995, and Case No. 28-DR-1989; the City has not yet provided us with access to these paper files and we reserve the right to supplement this letter after we have an opportunity to review these files. Finally, we understand that the applicant's site plan has been scheduled before the DRB on September 7, 2017, so we ask for your interpretation prior to that date.

Sincerely,

Doug Jorden

Douglas A. Jorden

Enclosures

DAJ/eaa

cc (w/encl.): Jeff Barnes
Manny Siprut
Phil Dunn
Harold Nidetz
Scott Carpenter
Arianne Ahlvin

EXHIBIT 1

CITY COUNCIL ACTION REPORT

TO: MAYOR AND CITY COUNCIL **DATE:** 4/5/94
FROM: PLANNING & COMMUNITY DEVELOPMENT
SUBJECT: **CASE 2-GP-94 & RESOLUTION NO. 4015 & 3-ZN-94 & ORDINANCE NO. 2650**

AGENDA ITEM NO. 22
DON HADDER
JOHN FARAMELLI STAFF

REQUEST: General Plan amendment from 2 to 4 du/ac to Resort; and rezoning from R1-7 ESL HD (Single-Family Residential/Environmentally Sensitive Lands/Hillside District) to R4-R ESL HD (Resort District/Environmentally Sensitive Lands/Hillside District) with amended development standards

LOCATION: Troon North Resort, Parcels V1 and V2

APPLICANT: Larson, Voss Associates
16212 Red Mountain Trail
Fountain Hills, AZ

OWNER: Diamond Land Investments, LC
3101 N. Central, #1030
Phoenix, AZ

PLANNING COMMISSION RECOMMENDATION: APPROVE by a vote of 5-1 (Commissioner Simonson abstained) subject to the attached stipulations and ADOPT Resolution No. 4015 and Ord. No. 2650 affirming these cases.

STAFF RECOMMENDATION: Per the Planning Commission

CONCURRENCE: None required

PUBLIC COMMENT: A representative of the area homeowners association spoke in favor of the process and the plan.

ZONING HISTORY: Annexed as R1-190 in 1983. Rezoned to R-4R and R1-7 in case 87-Z-85

SITE DETAILS

USE: Resort, townhouse, casita residential units
PARCEL SIZE: 55± gross acres
DENSITY 7.7±/ac.
OTHER: 17.4 ac. natural area (32%)

HEIGHT: 30 ft. maximum
SETBACKS: Per site plan, amended standards and stipulations

GENERAL PLAN DISCUSSION:

Reflecting the current zoning categories, the current General Plan shows the north end of the site as resort and the south part as 2-4 du/ac residential. This proposal would in effect turn the entire site into the Resort Land Use Category. In the original plan, the medium density residential area was conceived as a support, adjunct use to the resort use. This revision technically changes the Land Use Plan map but in concept maintains the idea and intent of the plan.

APPROVED
10/10/94 DH
DATE INITIALS

ACTION TAKEN

S355754 (6-90)

ZONING/DEVELOPMENT

1. Development shall be in substantial conformance with the submitted plan and development program except as modified by the following stipulations. Any proposed significant change, as determined by the Planning and Community Development Administrator shall require approval through a subsequent public hearing.

   The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, NAOS requirements and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.

2. Maximum densities and dwelling unit counts shall be as indicated on the approved development plan except that in no case shall be unit count exceed 385 (for units which are not used or available as resort rooms) and 424 units maximum (of which at least 90 units shall be used as resort rooms) without a subsequent public hearing. The specific location of each parcel shall be determined at the time of site plan review. Redistribution of the units is subject to maximum densities and Project Coordination staff approval. All such requests shall include a revised master development plan and a revision to the table on page 2 indicating the parcels with the corresponding reduction/increase.

Parcel	Gross Acres	Zoning	Proposed DU/AC	Max. DU/AC	Proposed # Units	Max. # Units
1	14.68	R4-R HD	7/ac	7/ac	100	100
2	12.40	R4-R HD	8/ac	8/ac	100	100
3	10.20	R4-R HD	7/ac	7/ac	72	72
4	10.00	R4-R HD	10/ac	10/ac	99	99
5	3.42	R4-R HD	10/ac	10/ac	31	31
6	1.49	R4-R HD	15/ac	15/ac	22	22
TOTAL	52.19		7.7/ac		424	385/424*

* The proposed unit count of 424 represents a mix of residential and resort units. The 385 unit maximum is the maximum allowed for residential units. If the residential units were all converted to resort units the maximum would be 550 units.

ATTACHMENT A

APP

10/10/94 DH

DATE

3. Adoption of the zoning shall occur on individual parcels as each parcel is approved for development and prior to issuance of permits. A legal description of each parcel shall be provided prior to zoning adoption.

4. A scenic setback with an average width of fifty (50) feet and a minimum width of forty (40) feet shall be provided for all buildings, walls, parking lots, signage or other development improvements along Dynamite Boulevard. This setback is to be left in a natural condition or revegetated with approval from the Development Review Board. This width is to be measured from the outside edge of the road right-of-way. The minimum width of the setback may be reduced by the Development Review Board if protection of significant natural features can be better achieved. This may be applicable as required N.A.O.S. for the adjacent parcels.

5. The proposed amended development standards for R4-R shall be amended per the applicants submitted standards, attached. Any further reductions shall be approved at a subsequent public hearing.

HILLSIDE ENVIRONMENT

1. All washes with a 100 year flow of 750 cfs or greater shall be designated as Vista Corridors and preserved in a natural state as determined by the Development Review Board. A scenic easement with an average width of 100 feet shall be provided along these washes concurrent with any other easements. The scenic easement shall include the washes major vegetation and low flow channels. If there are areas within thee washes which are disturbed by development proposed by this case, the wash areas shall be restored as closely as possible to their natural, pre-development state. The location and treatment of the Vista Corridor shall be approved prior to site plan or preliminary plat approval on the adjacent parcels.

2. Any proposed alteration to the natural state of washes with a 100 year flow of 50 cfs or greater or proposed improvements within these washes shall be subject to Project Review staff approval.

3. The design and construction of walls, as defined Section 3.100 of the Zoning Ordinance, along the Vista Corridor wash shall comply with the following standards:

   a. The location of the top of the bank of the wash shall be continuous up the bank to the approved corridor alignment.
   b. The Natural Area/Vista Corridor easements of the wash shall be continuous up the bank to the approved corridor alignment.
   c. Walls shall be located only within approved building envelopes.
   d. The color and materials of the wall shall match the exterior materials of the house or blend into the natural terrain.

ADOPTED
10/10/94 DH
DATE INITIALS

ZONING/DEVELOPMENT PLAN

1. Development shall be in general conformance with the submitted plan of development except as modified by the stipulations.

2. The zoning districts, maximum land use intensities and dwelling and room totals shall be as shown on the following table except as modified below. the specific location and boundaries of each parcel shall be determined at the time of site plan approval for the parcel. The zoning for each parcel shall be adopted prior to the issuance of building permits on the parcel except for parcels V1, V2, either golf course, or any master planned community common facilities. With the action for adoption of each parcel the applicant shall submit a revised master development plan and land use data table indicating the final status of the parcel.

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*		LAND USE INTENSITY PROPOSED	
(1)	(2)	(3)	(4)		(5)	
A	R1-35 HD/HC	158	113	DU	.72	DU/AC
B	R1-43 HD/HC	180	100	DU	.56	DU/AC
C	R1-70 HD/HC	117	47	DU	.40	DU/AC
D	R1-18 HD/HC	207	404	Du	1.95	DU/AC
E	R1-18 HD/HC	118	139	DU	1.18	DU/AC
F	R1-18 HD/HC	121	208	DU	1.72	DU/AC
G	R1-70 HD/HC	86	42	DU	.49	DU/AC
H	R1-18 HD/HC	62	85	DU	1.37	DU/AC
I	R-4 HD/HC	62	218	DU	3.52	DU/AC
J	R-4 HD/HC	30	98	DU	3.27	DU/AC
K	R1-7 HD/HC	51	68	DU	1.33	DU/AC
L	R1-18 HD/HC	62	84	DU	1.35	DU/AC
P	R1-35 HD/HC	40	35	DU	.88	DU/AC
S	R1-7 HD/HC	57	143	DU	2.50	DU/AC
U1	R1-70 HD/HC	10	5	DU	.48	DU/AC
U2	R1-70 HD/HC	19	9	DU	.48	DU/AC
~~-V2~~	~~R1-7-HD/He~~	~~-31~~	~~144-DU~~		~~4.65-DU/AC~~	
V1/V2	**R-4R HD/HC**	**55**	**385 DU/424 W/RESORT**			
AA	R1-18 HD/HC	232	432	DU	1.88	DU/AC
SUBTOTAL:		1,643	**2.515** ~~2,374-DU~~		**1.60**	~~1.45-DU/AC~~

38 pp 95
— parcel V1 – 67 units proposed

APPROVED
10/10/94 DH
DATE INITIALS

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
~~V1~~	~~R-4R-HD/HC~~	~~34~~	~~280-RM~~	~~8.24-RM/AC~~
CC	R-4R HD/HC	74	525 RM	7.14 RM/AC
SUBTOTAL:		108	~~805-RM~~ **525 (+90 - SEV V1/V2)**	7.49 RM/AC
M	C-O HD	10		.20 F.A.R.
N	PCC HD	20		.25 F.A.R.
O	C-O HD	5		.25 F.A.R.
Q	S-R HD/HC	12		.25 F.A.R.
T	C-2 HD/HC	13		.20 F.A.R.
X	C-2 HD	20		.25 F.A.R.
Y	C-2 HD	12		.30 F.A.R.
SUBTOTAL:		92		
Z	OS HD	23		
PK/SC	OS HD/HC	37		
PK	OS HD/HC	185		
NGC	OS HD/HC	162.5		
SGC	OS HD/HC	155		
STREETS DEDICATED AS OF APPLICATION SUBMITTAL		52		
SUBTOTAL:		614.5		
TOTAL ACREAGE:		2,457.5		

* Adjustments to the proposed units allowed in column 4 and proposed density in column 5 may be approved by project coordination staff subject to the following conditions:

a. The total dwelling units and resort rooms for the overall project are not increased;

b. A specific site plan has been submitted and reviewed on-site verifying that the proposed change is environmentally sensitive and provides appropriate land use relationships;

c. The maximum change for parcels A, B, C, G, U, and AA is less than 10% for other parcels is less than 20%;

d. That the maximum densities of the underlying zone are not exceeded; and

e. That the applicant submits a revised master development plan and land use table for approval.

Any other changes or appeals to staff decisions regarding proposed changes are subject to public hearing review and approval by the city council.

Note: The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, NAOS requirements, and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.

3. The property development standards for the zoning districts shall be amended as submitted except as modified by the following stipulations:

a. Detached guest houses shall not be permitted on lots less than 18,000 square feet in size.

b. If guest houses on a parcel are intended to have cooking facilities, the applicant shall submit for rezoning to R-2. The R1 development standards shall apply to R-2 lots. Both dwellings shall meet the required front, side and rear yard requirements.

4. Within the 3 acre minimum lot size area shown on the submitted development plan, the improvement envelope shall be set back an average of 80 feet from the project perimeter. An 80 feet minimum improvement envelope setback shall be provided along the project perimeter on parcels A, B, G and H where the parcels are adjacent to R1-190, R1-130, R1-70, R1-43, or R1-35 zoning.

5. The site plan for the commercial, resort and office sites shall be approved through the public hearing process. The museum site shall obtain use permit approval through the public hearing process. The use permit application shall include ownership, use and role of the City in the operation (if any). Note - completed as a condition of sale.

6. The Vista Corridor Washes shall be maintained by a homeowners association. Proof that such an association has been established shall be required prior to issuance of any single family building permits on any plat adjacent to a Vista Corridor.

B. The south resort site shall begin construction within ten years of the date of council approval of case 28-Z-89 and shall proceed to completion in a diligent manner. If construction has not commenced on the south resort within the specific time frame the south resort site shall be deeded to the city for development of a resort hotel. A minimum of fifty percent (50%) of total play time on the south golf course shall be reserved for the south resort site. At least fifty percent (50%) of the total play time on the south golf course shall be available for general public play until such time as the south resort construction has begun.

11. Lot lines on a recorded plat may extend into the HC area. If development standards require minimum lot sizes, property beyond the no-development line shall not be included in the required area of any Hillside development parcel.

12. Density will be based on the gross development area of each parcel. Future determination of the "no-development line" will not affect the total number of units approved for each parcel or the project as a whole, but may require adjustments to the approved zoning on some parcels.

13. The applicant understands and acknowledges that the natural area open space requirements within developable areas are in addition to any area designated Hillside Conservation (HC).

14. Golf course development shall be in substantial general conformance with the site plan submitted as part of this application. Lighting of the driving range(s) shall be prohibited. The location of the half-way house and maintenance facilities shall be determined at the time of development review. The golf course site plan and the exterior design of the clubhouse, maintenance facilities, and other related facilities, including the color and physical character of the facilities, shall be subject to Development Review Board approval. The Development Review Board shall pay particular attention to the following:

a. A detailed study showing the peak day and average day water demand, and area in turf, revegetated and natural desert
b. Design and layout of the parking lot for the golf course clubhouse to ensure minimal cuts and fills and a design which compliments the natural topography of the site
c. Cart path locations and street crossings
d. Proposed lighting
e. Driving ranges
f. Public address systems to insure minimal noise pollution

15. All improvement plans for common open space or common service amenities and buildings, including the landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included), major drainage ways, wall designs, etc., shall be approved by the Development Review Board.

Sec. 5.900. (R-4R) resort district.

Sec. 5.901. Purpose.

The resort district is intended primarily to provide for accommodations for seasonal visitors. The controlled access, deep setbacks and landscaping requirements are intended to enhance the value, safety and aesthetic quality of both the highway frontage and the adjacent residentially-zoned property.

Sec. 5.902. Approvals required.

A. No structure or building shall be built or remodeled upon land in the R-4R district until development review (board) approval has been obtained as outlined in article, section 1.400 hereof.

B. Tentative plan at time of rezoning.

1. The planning commission or city council may require any application for rezoning to resort district to be accompanied by a tentative overall development plan which shall show the following:
   a. Topography.
   b. Proposed street system.
   c. Proposed block layouts.
   d. Proposed reservation for parks, parkways, playgrounds, recreation areas and other open spaces.
   e. Off-street parking space.
   f. Types of buildings and portions of the area proposed therefor.
   g. Locations of buildings, garages and/or parking spaces.
   h. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed building types.
   i. A tabulation of overall density per gross acres.
   j. Preliminary plans and elevations of proposed major buildings and any proposed dwelling types.
2. The approved development review plan must substantially conform to the plan submitted at the time of rezoning.

Sec. 5.903. 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:

1. Resorts.
2. Hotels.
3. Motels.
4. Guest ranches.
5. Commercial uses apurtenant thereto, such as restaurants, cocktail lounges, small retail shops; provided that the entrance to any such appurtenant use shall be from the lobby, arcade or interior patio.
6. Dwelling units having either party walls or walled courtyards made available for rent, lease or sale.
7. Accessory buildings and uses customarily incidental to the permitted uses, including private garage, home occupations, swimming pool, recreation buildings and walled driveway entrance.
8. Municipal uses.
9. Timeshare project.

10/10/94
DATE INITIALS

B. Permitted uses by conditional use permit.
1. Church.

Sec. 5.904. Property development standards.

The following property development standards shall apply to all land and buildings in the R-4R district:

A. *Lot area(**RESORT**).* The overall site shall contain a minimum of seven and one-half (7 1/2) acres prior to street dedications.

LOT AREA (SINGLE FAMILY). **EACH LOT SHALL HAVE A MINIMUM AREA OF NOT LESS THAN THREE THOUSAND (3,000) SQUARE FEET.**

B. *Lot dimensions.*
1. Width **(RESORT)**. The overall site shall have a minimum width of ~~three hundred (300)~~ **ONE HUNDRED (100) FEET OR FIFTY (50) FEET ADJACENT TO O-S OR H.C. AREAS.**
2. WIDTH (SINGLE FAMILY). ALL LOTS SHALL HAVE A MINIMUM WIDTH OF THIRTY-FIVE (35) FEET. ALL CORNER LOTS AT THE INTERSECTION OF TWO (2) STREETS SHALL HAVE A MINIMUM WIDTH OF FORTY-FIVE (45) FEET.
3. LOT DEPTH (SINGLE FAMILY). ALL LOTS SHALL HAVE A MINIMUM DEPTH OF SIXTY (60) FEET.
4. FLAG LOTS (SINLGE FAMILY). FLAG LOTS ARE ALLOWED WITH A MINIMUM OF TWENTY (20) FEET MEASURED AT THE ADJACENT STREET R.O.W. LINE OF THE SUBJECT LOT.

C. *Density(**RESORT**).*
1. The minimum gross land area per guest room shall be four thousand one hundred (4,100) square feet.
2. The minimum gross land area per dwelling unit having either party walls or walled courtyards made available for rent, lease or sale shall be five thousand seven hundred seventy (5,770) square feet.
3. Buildings may cover an aggregate area of ~~twenty-five (25)~~ **THIRTY-FIVE (35%)** percent excluding parking areas.
4. The city council may regulate concentrations of density by site plan approval.

DENSITY (SINGLE FAMILY). **THERE SHALL NOT BE MORE THAN ONE (1) SINGLE FAMILY DWEELING ON ANY ONE (1) LOT.**

D. *Building height.*
1. No building shall exceed ~~thirty-five (35)~~ **THIRTY (30)** feet in height.

E(1). *Overall side yard requirements **(RESORT)**.*
1. There shall be a yard a minimum of ~~thirty (30)~~ **OF TEN (10) FEET WITH AN AVERAGE OF THIRTY (30)** feet in depth adjacent to all perimeter property lines, including property lines abutting perimeter streets, except that the minimum yard shall be only twenty (20) feet adjacent to those perimeter property lines that abut districts other than R-1, **EXCEPT THAT THE MINIMUM YARD SHALL BE ZERO (0) FEET ADJACENT TO OTHER R4-R DISTRICTS AND FIVE (5) FEET ADJACENT TO O-S AND HILLSIDE CONSERVATION (HC) USES.**
2. Within ~~one hundred (100)~~ **FIFTY (50)** feet of any perimeter street or any R-1 district boundary line all buildings shall be:

APPROVED
10/10/94 DH

SITE DATA:

1. TOTAL SITE ACREAGE: 54.75ac

2. ZONING:
   UNDERLYING SITE ZONING
   PARCEL 1 & 2 R1-70
   PARCEL 3,4,5,6 R4-R5D
   PROPOSED SITE ZONING
   PARCEL 1,2,3,4,5,6 R4-R5D

3. PROPOSED SITE UNIT COUNT:

PARCEL	UNITS	PARKING/UNIT	PARKING TOTAL
PARCEL 1	100 UNITS	1 1/2 SP./UNIT	150 SPACES
PARCEL 2	100 UNITS	1 1/2 SP./BLDG	150 SPACES
PARCEL 3	72 UNITS	2 SPACES/UNIT	144 SPACES (Provided 8/ Under-Structure Parking)
PARCEL 4	99 UNITS	1 1/2 SP./UNIT	149 SPACES
PARCEL 5	33 UNITS	1 1/2 SP./UNIT	50 SPACES
PARCEL 6	22 UNITS	1 1/2 SP./UNIT	(Off Site Remote Parking)

Total Units: 426

4. NON-RESIDENTIAL BUILDING AREA:
   PARCEL 6 VISITOR RECEPTION CENTER 6000 S.F.

5. NATURAL AREA OPEN SPACE:
   REQUIRED 17.41ac
   PROVIDED 17.41ac
   (The 17.41 acres of NAOS required represents 32% of the total site area.)

6. PRELIMINARY PHASING
   PARCELS 1,2,3,6, & ENTRY ROAD - 1994
   PARCELS 4 & 5 - 1995

7. SETBACK NOTE:
   SETBACKS SHOWN ARE PER PROPOSED AMENDED DEVELOPMENT STANDARDS FOR RESORT USES. (SEE AMENDED DEVELOPMENT STANDARDS FOR SINGLE FAMILY OPTION SETBACKS)

LEGEND

- N.A.O.S.
- CONSTRUCTION ENVELOPE/ REVEGETATION AREA
- BUILDING PAD SITES
- HILLSIDE CONSERVATION
- GOLF COURSE

NATURAL AREA OPEN SPACE:

• BASE NAOS CALCULATION	19.80 acres
• RESTORATION AREA (@2:1 CREDIT)	4.98 acres
• RESTORATION CREDIT	-2.49 acres
• NAOS PROVIDED	17.41 acres

PRELIMINARY N.A.O.S. ALLOCATIONS*

PARCEL	ACRES	NAOS ACRES	% OF NAOS
1	14.05	5.14	29.51
2	12.40	2.63	21.21
3	10.20	4.25	41.67
4	10.00	3.40	34.00
5	3.42	1.50	43.86
6	2.66	.41	15.00
7	1.49	NOW	—
PROJECT TOTALS	54.75	17.41	32.5% (OVERALL SITE)

*SUBJECT TO FINAL PLANS APPROVAL BY STAFF AND DEVELOPMENT REVIEW BOARD. MINIMUM NAOS FOR INDIVIDUAL PARCELS WILL BE 15%

NOTE:
BASE NAOS CALCULATED FROM SLOPE ANALYSIS PREPARED BY PINNACLE ENGINEERING

TROON NORTH RESORT SITE
PARCELS V1 & V2
ILLUSTRATIVE SITE PLAN/ NATURAL AREA OPEN SPACE CONCEPT PLAN

OWNER:
DIAMOND LAND INVESTMENTS
2111 N. CENTRAL AVE., STE. 1000
PHOENIX, AZ 85012

CONSULTANTS:
LARSON, VOSS ASSOCIATES, INC.
16212 Red Mountain Pkwy
Fountain Hills, AZ 85268
GILBERTSON ASSOCIATES, INC.
17700 N. Scottsdale Road, Suite B
Scottsdale, AZ 85255-5460
DESIGN STUDIOS WEST, INC.
1600 Market Street, Suite 1000
Denver, Colorado 80202
PINNACLE ENGINEERING
9711 E. Pinnacle Peak Road, Suite F-110
Scottsdale, AZ 85260

JANUARY 27, 1994 REVISED: 2/22/94

100 0 50 100 200 400

SCALE: 1"=100'-0"

NORTH

3-ZN-94 2/25/94

EXHIBIT 2

TO: PLANNING COMMISSION **DATE:** 9/12/94
FROM: PROJECT COORDINATION
SUBJECT: **CASE** 43-ZN-94 & 28-UP-94

REQUEST: Rezone from R1-7, R1-18, R1-43, R1-70 ESL (HD/HC) (All Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to O.S. ESL (HD/HC) (Open Space/Hillside District/Hillside Conservation) on parcel GC2; for rezoning from R1-70 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R1-43 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) on Parcel G; for rezoning from R1-7 ESL/HD/HC (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R1-18 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) on Parcel K; for rezoning from R1-70 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R-4R ESL (HD/HC) (Resort District in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) for Parcel V: all on a 212± acre parcel, including a 134± acre parcel for a golf course; and Use Permit approval for a golf course

LOCATION: The general vicinity of Dynamite Boulevard and 100th Street

APPLICANT: Ron Despain
8711 E. Pinnacle Peak Rd
Scottsdale, AZ

OWNER: PPVN Developments Limited Partnership
8711 E. Pinnacle Peak Rd.
Scottsdale, AZ

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations

CONCURRENCE: None required

PUBLIC COMMENT: No known opposition

ZONING HISTORY: The property was annexed as R1-190 in 1983. Beginning in 1984 a number of Master Planned concepts have been zoned for the site, with the most recent major update occurring with Case 28-ZN-90.

SITE DETAILS
USE: Single family, golf course
PARCEL SIZE: 800-900 acres net
DENSITY: 1.0 du/ac overall

GENERAL PLAN DISCUSSION:

The General Land Use Plan follows the current zoning layout of the plan. Although shifts in density will be occurring the overall density will remain unchanged. The expanded golf area will be most noticeable on the new north nine holes since the new south nine holes were shown previously as part of the "Estancia" project golf course. The general concept for the project remains essentially the same.

PROJECT DISCUSSION:

The request is to rezone portions of the Troon North development and refine the plan on other portions in order to accommodate the addition of about 11 new holes of golf within the development. Much of the project currently under development, including parcels D, V, I, H, F and E will not be affected by the proposal.

The expanded golf course will occupy roughly the same area that was previously shown as part of the "Estancia" project golf course south of Dynamite. A new group of nine holes will be located in the north central part of the development.

Minor increases in density will occur in parcels C, L, P and S. Somewhat more significant increases will occur in parcels A, B, G and K. The proposed development plan includes more specific buffering criteria in lot size and N.A.O.S. buffers on the east, north and west sides of the development.

COMMUNITY IMPACT:

The expanded golf course will be required to be part of the reuse system. The golf course will provide opportunities for public and resort play. No net increase in traffic or infrastructure impacts will result from the proposed changes. The overall amount of open space will increase.

Don Hadder
Project Coordination Manager

John Faramelli
Community Development Administrator

ATTACHMENTS: A - Stipulations
#1 - Aerial
#2 - Zoning Map
#2A - Zoning Map
#3 - Development Plan & Open Space/Natural Areas Map

Coordinator: Don Hadder, 994-2352

COUNCIL ACTION REPORT

TO: MAYOR AND CITY COUNCIL **DATE:** 9/20/94
FROM: PLANNING & COMMUNITY DEVELOPMENT
SUBJECT: **CASE** 43-ZN-94 & ORDINANCE NO. 2707 & 28-UP-94

AGENDA ITEM NO. 16
DON HADDER
JOHN FARAMELLI
STAFF

REQUEST: Rezone from R1-7, R1-18, R1-43, R1-70 ESL (HD/HC) (All Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to O.S. ESL (HD/HC) (Open Space/Hillside District/Hillside Conservation) on parcel GC2; for rezoning from R1-70 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R1-43 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) on Parcel G; for rezoning from R1-7 ESL/HD/HC (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R1-18 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) on Parcel K; for rezoning from R1-70 ESL (HD/HC) (Single-Family Residential in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) to R-4R ESL (HD/HC) (Resort District in the Environmentally Sensitive Lands/Hillside District/Hillside Conservation) for Parcel V: all on a 212± acre parcel, including a 134± acre parcel for a golf course; and Use Permit approval for a golf course

LOCATION: The general vicinity of Dynamite Boulevard and 100th Street

APPLICANT: Ron Despain
8711 E. Pinnacle Peak Rd
Scottsdale, AZ

OWNER: PPVN Developments Limited Partnership
8711 E. Pinnacle Peak Rd.
Scottsdale, AZ

PLANNING COMMISSION RECOMMENDATION: APPROVE subject to the attached stipulations by a vote of 6-0 with Commissioner Simonson abstaining and ADOPT Ordinance No. 2707 affirming this case.

STAFF RECOMMENDATION: Per Planning Commission

CONCURRENCE: None required

PUBLIC COMMENT: No known opposition

ZONING HISTORY: The property was annexed as R1-190 in 1983. Beginning in 1984 a number of Master Planned concepts have been zoned for the site, with the most recent major update occurring with Case 28-ZN-90.

SITE DETAILS
USE: Single family, golf course
PARCEL SIZE: 800-900 acres net
DENSITY: 1.0 du/ac overall

GENERAL PLAN DISCUSSION:

The General Land Use Plan follows the current zoning layout of the plan. Although shifts in density will be occurring the overall density will remain unchanged. The expanded golf area will be most noticeable on the new north nine holes since the new south nine holes were shown previously as part of the "Estancia" project golf course. The general concept for the project remains essentially the same.

ACTION TAKEN _____ 10/10/94 DATE PH INITIALS

S355754 (6-90)

PROJECT DISCUSSION:

The request is to rezone portions of the Troon North development and refine the plan on other portions in order to accommodate the addition of about 11 new holes of golf within the development. Much of the project currently under development, including parcels D, V, I, H, F and E will not be affected by the proposal.

The expanded golf course will occupy roughly the same area that was previously shown as part of the "Estancia" project golf course south of Dynamite. A new group of nine holes will be located in the north central part of the development.

Minor increases in density will occur in parcels C, L, P and S. Somewhat more significant increases will occur in parcels A, B, G and K. The proposed development plan includes more specific buffering criteria in lot size and N.A.O.S. buffers on the east, north and west sides of the development.

COMMUNITY IMPACT:

The expanded golf course will be required to be part of the reuse system. The golf course will provide opportunities for public and resort play. No net increase in traffic or infrastructure impacts will result from the proposed changes. The overall amount of open space will increase.

Greg Larson, General Manager
Planning & Community Development

Richard A. Bowers
City Manager

ATTACHMENTS:
A - Stipulations
#1 - Aerial
#2 - Zoning Map
#2A - Zoning Map
#3 - Development Plan & Open Space/Natural Areas Map
#4 - Ordinance No. 2707
Exhibit A#1 - Existing Zoning Map
Exhibit A#2 - Existing Zoning Map
Exhibit A#3 - Proposed Zoning Map
#5 - General Plan Map
#6 - Planning Commission Minutes 9/12/94

APPROVED
10/10/94 DL
DATE INITIALS

STIPULATIONS FOR CASES 45-Z-90 43-ZN-94

NOTE: CHANGES MADE AT PLANNING COMMISSION ARE NOTED IN BOLD, CAPS AND UNDERLINE

ZONING/DEVELOPMENT PLAN

1. Development shall be in **general SUBSTANTIAL** conformance with the submitted plan and development **PROGRAM** except as modified by the **FOLLOWING** stipulations. **ANY PROPOSED SIGNIFICANT CHANGE, AS DETERMINED BY THE PLANNING AND COMMUNITY DEVELOPMENT ADMINISTRATOR SHALL REQUIRE APPROVAL THROUGH A SUBSEQUENT PUBLIC HEARING.**

   THE APPLICANT UNDERSTANDS AND AGREES THAT THE APPROVED DENSITY FOR EACH PARCEL IS SUBJECT TO DRAINAGE, TOPOGRAPHY, NAOS REQUIREMENTS AND OTHER SITE PLANNING CONCERNS WHICH WILL NEED TO BE RESOLVED AT THE TIME OF PRELIMINARY PLAT OR SITE PLAN APPROVAL. APPROPRIATE DESIGN SOLUTIONS TO THESE CONSTRAINTS MAY PRECLUDE ACHIEVEMENT OF THE PROPOSED UNITS OR DENSITY ON ANY OR ALL PARCELS.

2. The zoning districts, maximum land use intensities and dwelling and room totals shall be as shown on the following table except as modified below. the specific location and boundaries of each parcel shall be determined at the time of site plan approval for the parcel. The zoning for each parcel shall be adopted prior to the issuance of building permits on the parcel except for parcels V1, V2, either golf course, or any master planned community common facilities. With the action for adoption of each parcel the applicant shall submit a revised master development plan and land use data table indicating the final status of the parcel.

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED	
(1)	(2)	(3)	(4)	(5)	
A	R1-35 HD/HC	~~158~~163	180~~113~~ DU	1.10~~.72~~ DU/AC	
B	R1-43 HD/HC	~~180~~157	110~~100~~ DU	.70~~.56~~ DU/AC	
C	R1-70 HD/HC	~~117~~ 58	30 47 DU	.52~~.40~~ DU/AC	
D	R1-18 HD/HC	~~207~~ 222	411~~404~~ DU	1.85~~1.95~~ DU/AC	
E	R1-18 HD/HC	~~118~~ 109	128~~139~~ DU	1.17~~1.18~~ DU/AC	
F	R1-18 HD/HC	~~121~~ 111	194~~208~~ DU	1.75~~1.72~~ DU/AC	
G	R1-43~~R1-70~~ HD/HC	86 82	55 42 DU	.67~~.49~~ DU/AC	
H	R1-18 HD/HC	62	102 85 DU	1.65~~1.37~~ DU/AC	
I	R-4 HD/HC	62 65	189~~218~~ DU	2.91~~3.52~~ DU/AC	
J	R-4 HD/HC	38 39	107 98 DU	2.74~~3.27~~ DU/AC	
K	R1-7 HD/HC	51 16	24 68 DU	1.50~~1.33~~ DU/AC	
L	R1-18 HD/HC	62 87	120 84 DU	1.38~~1.35~~ DU/AC	
P	R1-35 HD/HC	40 28	27 35 DU	.96 ~~.88~~ DU/AC	
R	R1-43 HD/HC	3 0	0 2 DU	.67 DU/AC	N/A
S	R1-7 HD/HC	57 50	107~~143~~ DU	2.14 2.74~~2.50~~ DU/AC	
~~U1~~ U	R1-70 HD/HC	~~10~~ 29	14 5 DU	.48 DU/AC	
~~U2~~ U	R1-70 HD/HC	~~19~~ 29	14 9 DU	.48 DU/AC	
V2	R-4~~RR1-7-~~ HD/HC	3~~1~~ 6931	424~~144~~ DU	6.14~~4.65~~ DU/AC	
AA	R1-18 HD/HC	232	432 DU	1.88 DU/AC	
BB	R-4 HD/HC	74	271 DU	3.67 DU/AC	
SUBTOTAL:		1,529 ~~1,643~~	2,374 DU	1.45 DU/AC	

ATTACHMENT A

APPROVED
10/10/94 DH
DATE INITIALS

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
(V1	R-4R HD/HC	346938	585 280 RM 315	8.29 8.48-8.24 RM/AC)
CC	R-4R HD/HC	74	525 RM	7.14 RM/AC
SUBTOTAL:		108	1,100 805 RM	7.49 RM/AC
M	C-O HD	510		.20 F.A.R.
N	PCC HD	20		.25 F.A.R.
O	C-O HD	5		.25 F.A.R.
Q	S-R HD/HC	12		.25 F.A.R.
T	C-2 HD/HC	13		.20 F.A.R.
X	C-2 HD	20		.25 F.A.R.
Y	C-2 HD	12		.30 F.A.R.
SUBTOTAL:		92		
Z	OS HD	23		
PK/SC	OS HD/HC	37 35		
PK	OS HD/HC	185		
NGC	OS HD/HC	276-162.5 299		
SGC	OS HD/HC	155		
STREETS DEDICATED AS OF APPLICATION SUBMITTAL		52 62		
SUBTOTAL:		614.5		
TOTAL ACREAGE:		2,457.5		

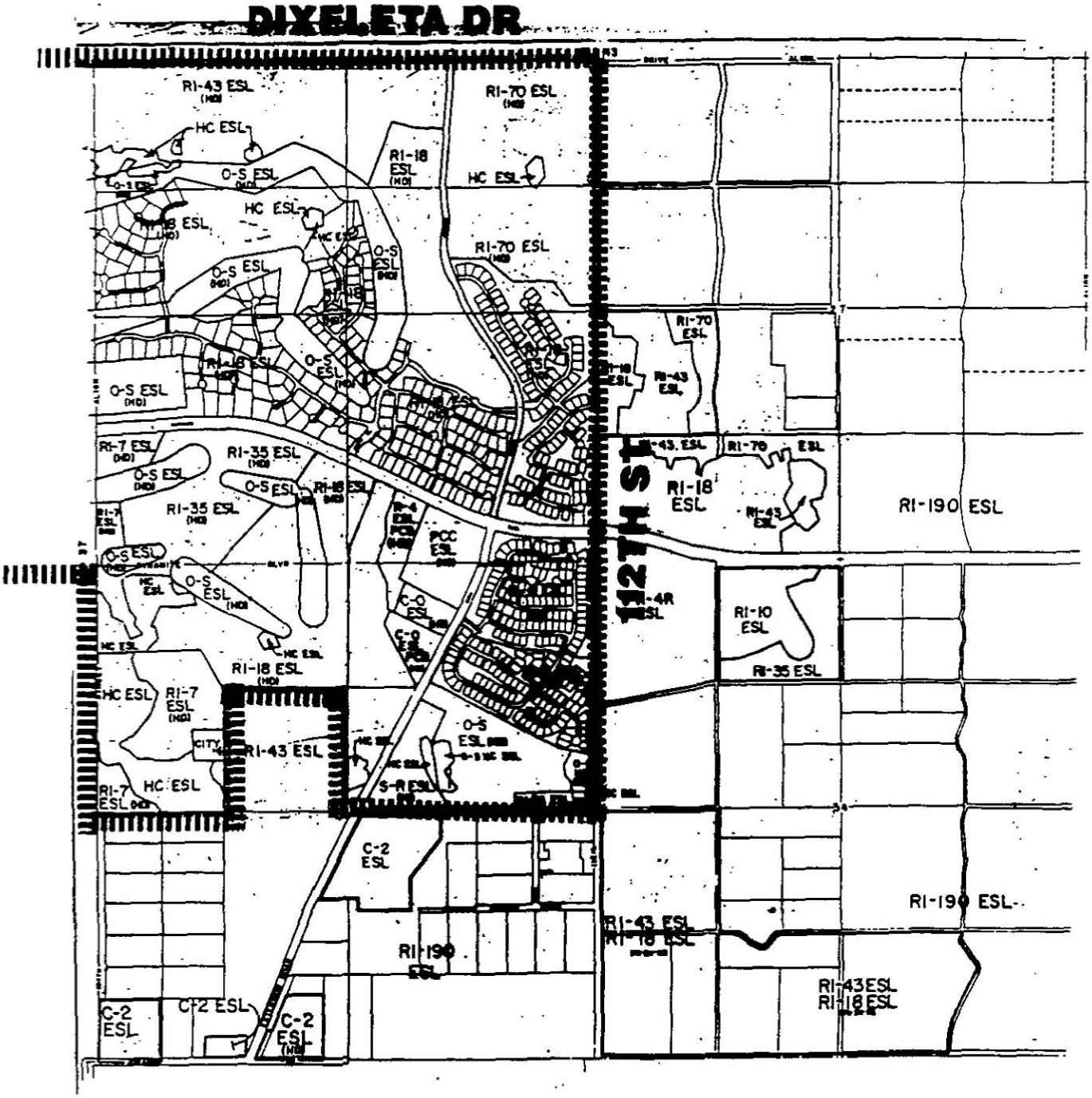
* Adjustments to the proposed units allowed in column 4 and proposed density in column 5 may be approved by project coordination staff subject to the following conditions:

a. The total dwelling units and resort rooms for the overall project are not increased;

b. A specific site plan has been submitted and reviewed on-site verifying that the proposed change is environmentally sensitive and provides appropriate land use relationships;

c. The maximum change for parcels A, B, C, G, U, R, and AA is less than 10% for other parcels is less than 20%;

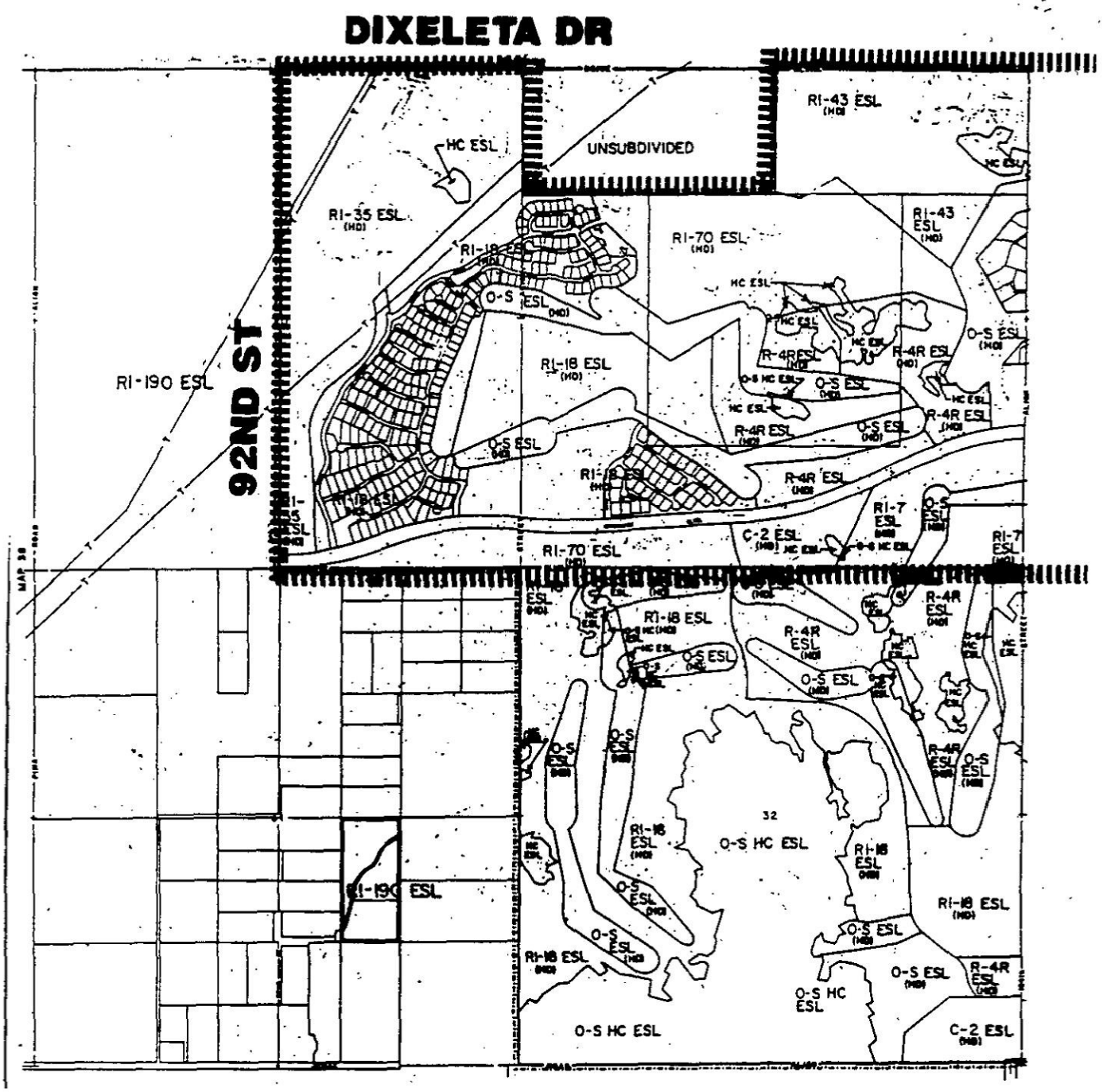
APPROVED
10/10/94 DH
DATE INITIALS



43-ZN-94/28-UP-94

REQUESTS REZONING FROM R1-7, R1-18, R1-43, R1-70 ESL (HD/HC) TO O S ESL
FROM R1-70 ESL (HD/HC) TO R1-43 ESL (HD.HC)
FROM R1-7 ESL/HD/HC TO R1-18 ESL (HD/HC)
FROM R1-70 ESL (HD/HC) TO R-4R ESL (HD/HC)

EXHIBIT A#1



43-ZN-94/28-UP-94

EXHIBIT A#2

EXHIBIT 3

Map

2017

5/25/2017 10:21:18 AM

EXHIBIT 4

CITY COUNCIL ACTION REPORT

TO: MAYOR AND CITY COUNCIL **DATE:** 9/19/89
FROM: PLANNING & ZONING/PROJECT COORDINATION
SUBJECT: **CASE 28-Z-89**

AGENDA ITEM NO. 2k
DON HADDER
DICK CREW RAC
STAFF

REQUEST: To amend a master development plan, stipulations, and development standards for a mixed use development

LOCATION: Surrounding the intersection of Dynamite Boulevard and Alma School Parkway

APPLICANT: Pinnacle Peak Dev. Co.
8787 E. Pinnacle Peak Road
Scottsdale, Az.

OWNER: PPVN Limited Partnership/
Pinnacle Peak Partners
Same

PLANNING COMMISSION RECOMMENDATION: APPROVE subject to the attached stipulations by a vote of 5-0-1 (Commissioner Laraway abstaining.

STAFF RECOMMENDATION: Per the Planning Commission

CONCURRENCE: The Parks Commission reviewed the proposed parks and voted unanimously to support the park concepts and encourage ongoing dialogue with the Cave Creek School District.

PUBLIC COMMENT: Three persons spoke in favor of the proposal while focusing ongoing concerns about follow through trails, limiting density, protection of native plants, dark sky lighting control, drainage control, assuring southwestern building design, control of mass grading, assuring a balanced cost/benefit ratio and development of the desert museum.

GENERAL PLAN: Does not conform (see discussion)
ZONING HISTORY: (see discussion)
SITE DETAILS

USE: Mixed use
PARCEL SIZE: 2430+ acres
DWELLING UNITS: 2,344
DENSITY: .96 du/ac
PARKING REQUIRED: N/A
PARKING PROVIDED: N/A

BUILDINGS: N/A
HEIGHT: 30' maximum
SETBACKS: See stipulations and amended standards

DISCUSSION:

The proposal includes a complex series of adjustments from previously approved plans and involves an extensive history and several significant issues. Therefore the report is divided into sections regarding project history, general plan status, plan concept, infrastructure and analysis.

A. Project History

When Maricopa County established zoning for the general area, the site was zoned Rural-190 which typically results in a density of one house per 5 acres. Surrounding parcels were similarly zoned, however lands one mile to the east, north and south were zoned Rural-43 (a density of slightly less than one house per acre).

ACTION TAKEN Approved 5/0

STIPULATIONS FOR CASES ~~87-Z-85, 65-UP-85, 79-UP-85~~ 28-Z-89

ZONING/DEVELOPMENT PLAN

1. Development shall be in general conformance with the submitted plan of development except as modified by the stipulations.

~~2. Maximum densitites and dwelling unit counts shall be as shown on the approved plan of development. A maximum of 1285 dwelling units shall be permitted on the 1800 acre Pinnacle Peak Village North with a maximum of 740 units north of Dynamite Road alignment. The specific location of each parcel shall be determined at the time of site plan review.~~

2. THE ZONING DISTRICTS, MAXIMUM LAND USE INTENSITIES AND DWELLING AND ROOM TOTALS SHALL BE AS SHOWN ON THE FOLLOWING TABLE EXCEPT AS MODIFIED BELOW. THE SPECIFIC LOCATION AND BOUNDARIES OF EACH PARCEL SHALL BE DETERMINED AT THE TIME OF SITE PLAN APPROVAL FOR THE PARCEL. THE ZONING FOR EACH PARCEL SHALL BE ADOPTED PRIOR TO THE ISSUANCE OF BUILDING PERMITS ON THE PARCEL EXCEPT FOR PARCELS V1, V2, EITHER GOLF COURSE, OR ANY MASTER PLANNED COMMUNITY COMMON FACILITIES. WITH THE ACTION FOR ADOPTION OF EACH PARCEL THE APPLICANT SHALL SUBMIT A REVISED MASTER DEVELOPMENT PLAN AND LAND USE DATA TABLE INDICATING THE FINAL STATUS OF THE PARCEL.

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
A	R1-35 HD/HC	158	113 DU	.72 DU/AC
B	R1-43 HD/HC	180	100 DU	.56 DU/AC
C	R1-70 HD/HC	117	47 DU	.40 DU/AC
D	R1-18 HD/HC	207	404 Du	1.95 DU/AC
E	R1-18 HD/HC	118	167 DU	1.42 DU/AC
F	R1-18 HD/HC	121	208 DU	1.72 DU/AC
G	R1-70 HD/HC	86	42 DU	.49 DU/AC
H	R1-18 HD/HC	62	85 DU	1.37 DU/AC
I	R-4 HD/HC	62	218 DU	3.52 DU/AC
J	R-4 HD/HC	30	98 DU	3.27 DU/AC
K	R1-7 HD/HC	51	68 DU	1.33 DU/AC
L	R1-18 HD/HC	62	84 DU	1.35 DU/AC
P	R1-35 HD/HC	40	35 DU	.88 DU/AC
R	R1-43 HD/HC	3	2 DU	.67 DU/AC
S	R1-7 HD/HC	45	113 DU	2.50 DU/AC
U	R1-70 HD/HC	29	14 DU	.48 DU/AC
V2	R1-7 HD/Hc	31	144 DU	4.65 DU/AC
AA	R1-35 HD/HC	172	161 DU	.94 DU/AC
BB	R-4 HD/HC	74	271 DU	3.67 DU/AC
SUBTOTAL:		1,648	2,374 DU	1.44 DU/AC

ATTACHMENT A

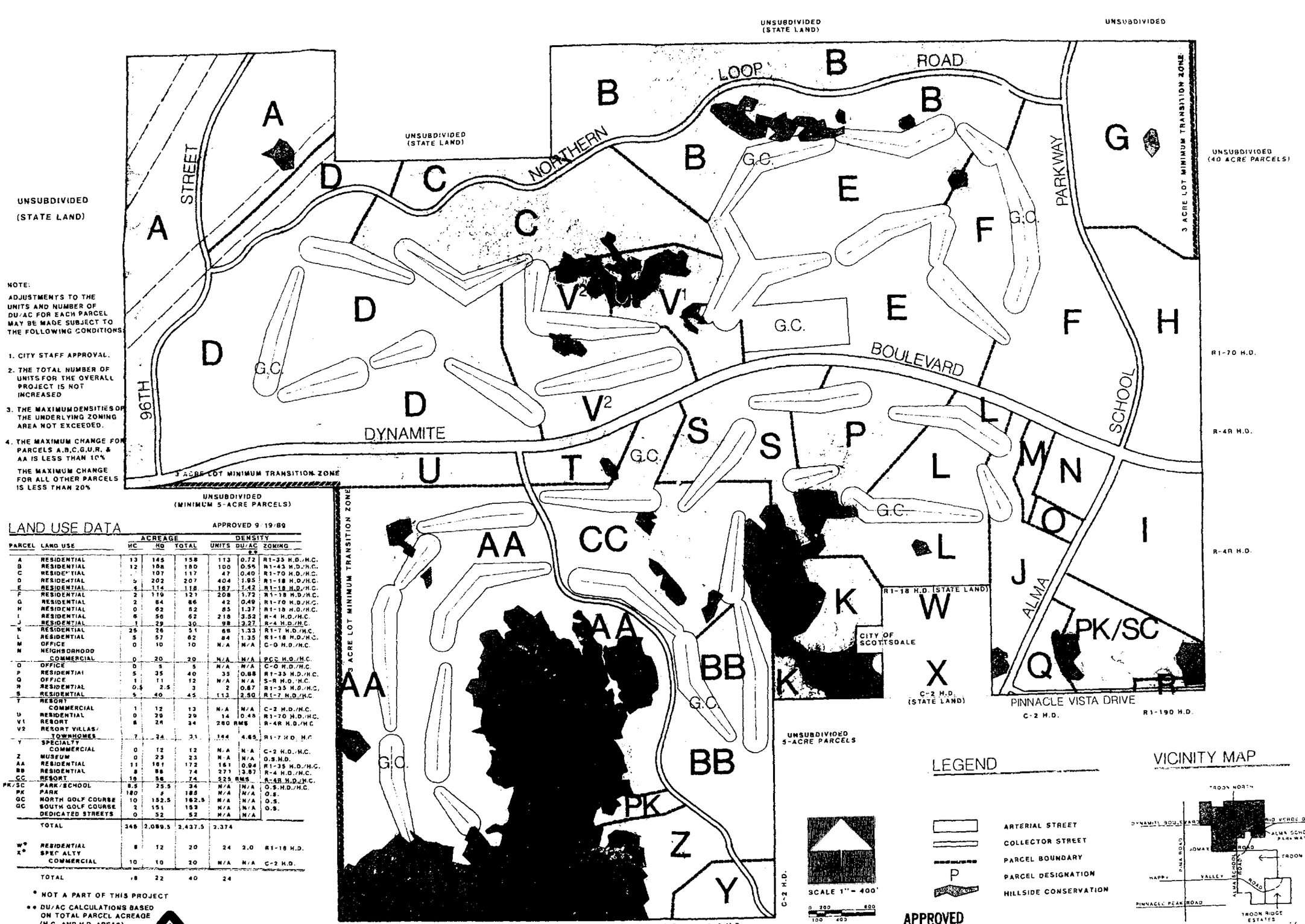
PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
V1	R-4R HD/HC	34	280 RM	8.24 RM/AC
CC	R-4R HD/HC	74	525 RM	7.09 RM/AC
SUBTOTAL:		108	805 RM	7.45 RM/AC
M	C-O HD	10		.20 F.A.R.
N	PCC HD	20		.25 F.A.R.
O	C-O HD	5		.25 F.A.R.
Q	S-R HD/HC	12		.25 F.A.R.
T	C-2 HD/HC	13		.20 F.A.R.
Y	C-2 HD	12		.30 F.A.R.
SUBTOTAL:		72		
Z	OS HD	23		
PK/SC	OS HD/HC	34		
PK	OS HD/HC	185		
NGC	OS HD/HC	162.5		
SGC	OS HD/HC	153		
STREETS DEDICATED AS OF APPLICATION SUBMITTAL		52		
SUBTOTAL:		609.5		
TOTAL ACREAGE:		2,437.5		

* ADJUSTMENTS TO THE PROPOSED UNITS ALLOWED IN COLUMN 4 AND PROPOSED DENSITY IN COLUMN 5 MAY BE APPROVED BY PROJECT COORDINATION STAFF SUBJECT TO THE FOLLOWING CONDITIONS:

A. THE TOTAL DWELLING UNITS AND RESORT ROOMS FOR THE OVERALL PROJECT ARE NOT INCREASED;

B. A SPECIFIC SITE PLAN HAS BEEN SUBMITTED AND REVIEWED ON-SITE VERIFYING THAT THE PROPOSED CHANGE IS ENVIRONMENTALLY SENSITIVE AND PROVIDES APPROPRIATE LAND USE RELATIONSHIPS;

C. THE MAXIMUM CHANGE FOR PARCELS A, B, C, G, U, R, AND AA IS LESS THAN 10% FOR OTHER PARCELS IS LESS THAN 20%;



UNSUBDIVIDED
(STATE LAND)

NOTE:
ADJUSTMENTS TO THE UNITS AND NUMBER OF DU/AC FOR EACH PARCEL MAY BE MADE SUBJECT TO THE FOLLOWING CONDITIONS:

1. CITY STAFF APPROVAL.
2. THE TOTAL NUMBER OF UNITS FOR THE OVERALL PROJECT IS NOT INCREASED
3. THE MAXIMUM DENSITIES OF THE UNDERLYING ZONING AREA NOT EXCEEDED.
4. THE MAXIMUM CHANGE FOR PARCELS A,B,C,G,U,R, & AA IS LESS THAN 10%
   THE MAXIMUM CHANGE FOR ALL OTHER PARCELS IS LESS THAN 20%

LAND USE DATA

APPROVED 9/19/89

PARCEL	LAND USE	ACREAGE HC	ACREAGE HD	ACREAGE TOTAL	DENSITY UNITS	DENSITY DU/AC **	ZONING
A	RESIDENTIAL	13	145	158	113	0.72	R1-35 H.D./H.C.
B	RESIDENTIAL	12	108	120	100	0.55	R1-43 H.D./H.C.
C	RESIDENTIAL		107	117	47	0.40	R1-70 H.D./H.C.
D	RESIDENTIAL	5	202	207	404	1.95	R1-18 H.D./H.C.
E	RESIDENTIAL	4	114	118	167	1.42	R1-18 H.D./H.C.
F	RESIDENTIAL	2	119	121	208	1.72	R1-18 H.D./H.C.
G	RESIDENTIAL	2	84	86	42	0.49	R1-70 H.D./H.C.
H	RESIDENTIAL	0	82	82	85	1.37	R1-18 H.D./H.C.
I	RESIDENTIAL	6	56	62	218	3.52	R-4 H.D./H.C.
J	RESIDENTIAL	1	29	30	98	3.27	R-4 H.D./H.C.
K	RESIDENTIAL	25	26	51	68	1.33	R1-7 H.D./H.C.
L	RESIDENTIAL	5	57	62	84	1.35	R1-18 H.D./H.C.
M	OFFICE	0	10	10	N/A	N/A	C-O H.D./H.C.
N	NEIGHBORHOOD COMMERCIAL	0	20	20	N/A	N/A	PCC H.D./H.C.
O	OFFICE	0	5	5	N/A	N/A	C-O H.D./H.C.
P	RESIDENTIAL	5	35	40	35	0.88	R1-35 H.D./H.C.
Q	OFFICE	1	11	12	N/A	N/A	S-R H.D./H.C.
R	RESIDENTIAL	0.5	2.5	3	2	0.67	R1-35 H.D./H.C.
S	RESIDENTIAL	5	40	45	113	2.50	R1-7 H.D./H.C.
T	RESORT COMMERCIAL	1	12	13	N/A	N/A	C-2 H.D./H.C.
U	RESIDENTIAL	0	20	20	14	0.48	R1-70 H.D./H.C.
V1	RESORT	8	26	34	280 RMS		R-4R H.D./H.C.
V2	RESORT VILLAS/ TOWNHOMES	7	24	31	164	4.65	R1-7 H.D. H.C.
Y	SPECIALTY COMMERCIAL	0	12	12	N/A	N/A	C-2 H.D./H.C.
Z	MUSEUM	0	23	23	N/A	N/A	O.S.H.D.
AA	RESIDENTIAL	11	161	172	161	0.94	R1-35 H.D./H.C.
BB	RESIDENTIAL	8	66	74	271	3.67	R-4 H.D./H.C.
CC	RESORT	10	56	74	325 RMS		R-4R H.D./H.C.
PK/SC	PARK/SCHOOL	8.5	25.5	34	N/A	N/A	O.S.H.D./H.C.
PK	PARK	180	8	188	N/A	N/A	O.S.
GC	NORTH GOLF COURSE	10	152.5	162.5	N/A	N/A	O.S.
GC	SOUTH GOLF COURSE	2	151	153	N/A	N/A	O.S.
	DEDICATED STREETS	0	52	52	N/A	N/A	
	TOTAL	346	2,089.5	2,437.5	3,374		
W*	RESIDENTIAL	8	12	20	24	2.0	R1-18 H.D.
X*	SPECIALTY COMMERCIAL	10	10	20	N/A	N/A	C-2 H.D.
	TOTAL	18	22	40	24		

* NOT A PART OF THIS PROJECT

** DU/AC CALCULATIONS BASED ON TOTAL PARCEL ACREAGE (H.C. AND H.D. AREAS)

SCALE 1" = 400'

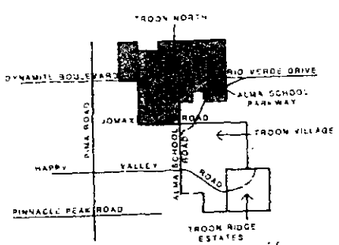
0 200 400
100 400

LEGEND

- ARTERIAL STREET
- COLLECTOR STREET
- PARCEL BOUNDARY
- P — PARCEL DESIGNATION
- HILLSIDE CONSERVATION

APPROVED

VICINITY MAP



TROON NORTH

DEVELOPMENT PLAN

TRICE ELSON & ASSOCIATES, INC.
14644 NORTH 74th STREET, SUITE 100, SCOTTSDALE, ARIZONA 85260 483 3232

28-Z-89

EXHIBIT 5

109-PA-2015

Request for Application of ESL Regulations

This is a request to apply the Environmentally Sensitive Lands (ESL) ordinance regulations to the proposed Troon North Resort development. This request is under Zoning Ordinance Section 6.1023.B and is in furtherance of a similar request that was included and approved in the 48-DR-2007 case previously for the same site.

As was previously established, this will allow the proposed development to use the allowed height in the R-4R zoning district (35') in lieu of the 30' limit of the HD overlay district. Furthermore, the applicant understands that this will include a commitment to follow various ESL development standards including the landscaping palette limitations, the LRV limit of 35% and other embedded regulations for outdoor lighting and other such matters.

In regards to the Natural Area Open Space (NAOS) requirement, the requirement will continue to be 34,466 square feet as established in the 48-DR-2007 case. This site is part of the Troon North master planned development and therefore the NAOS requirements were allocated based upon the overall development requirement and an overall allocation system that has been applied to all parcels within the development (refer to 3-ZN-1994).

48-DR-2007 #2
10/21/2016

EXHIBIT 6

March 17, 1994

Mr. Scott A. Kusy
Diamond Land Investment L.C.
8425 La Senda
Scottsdale, AZ 85255

RE: Case No. 3-ZN-94; Interpretation Pursuant to Section 1.706, Scottsdale Zoning Ordinance

Dear Mr. Kusy:

In connection with the above referenced zoning case, Stipulation No. 2 (Zoning/Development) requires that a minimum of ninety (90) resort units be developed.

Pursuant to Section 1.706 of the Scottsdale Zoning Ordinance, this letter will constitute an interpretation to 5.900 et seq. -- the R4-R Zoning District -- and the definition of resort in Section 3400 et seq., the ninety (90) units required pursuant to Stipulation No. 2 (Zoning/Development) may be allocated to seventy (70) units that are made available to the public for stays of fourteen (14) days or less while twenty (20) of those ninety (90) units may be allocated to stays of fourteen (14) days up to thirty (30) days.

Provided that the City Council approves Case No. 3-ZN-94, a copy of this letter will be included in the file. As provided by the Zoning Ordinance in Section 1.505, this interpretation may be appealed to the Board of Adjustment within thirty (30) days of the date of this letter.

Very truly yours,

Don Hadder, Sr.
City of Scottsdale

EXHIBIT 7

Troon North Association

28190 N. Alma School Pkwy.
Suite 211
Scottsdale, AZ 85262
Phone 480-682-4994
Fax 480-551-6034
www.troonnorthhoa.com

May 25, 2017

City of Scottsdale
Planning & Development Services
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251

Re: Case No. 48-DR-2007#2

To Whom It May Concern:

We understand that the zoning stipulations for Case No. 3-ZN-94, which governs a 55-acre development that includes the proposed Troon North Villas project (Parcel 6 in Case No. 3-ZN-94), contains a maximum unit count for the overall development of 385 units (for units not used or available as resort rooms) or 424 units (of which at least 90 units shall be used as resort rooms). A zoning interpretation concerning Case No. 3-ZN-94 dated March 17, 1994, states that the 90 resort rooms may be allocated to 70 units made available to the public for stays of 14 days or less, while 20 units may be allocated to stays of 14 days up to 30 days.

With respect to this 90 resort room requirement, the Troon North Association wanted to let you know that none of the units approved by the City for the other parcels subject to Case No. 3-ZN-94 are available to the public for rent for less than 30 days. These units on other parcels consist of the following:

Development Name	Parcel (per 3-ZN-94)	No. of Units
On the Green at Troon North	1	86[1]
The Ridge at Troon North	2	100
The Golf Villas at Troon North	3	72
Stonedge at Troon North	4 & 5	87
Total:		345

In fact, the CC&Rs for these parcels expressly prohibit rentals of less than 30 days.

Sincerely,

Arianne Ahlvin CMCA, AMS
Troon North Association Community Mgr
For the Troon North Board of Directors

[1] 82 units are approved/existing, while another four units may be added.

EXHIBIT 8

BEUS, GILBERT & MORRILL, P.L.L.C.

ATTORNEYS AT LAW

LEO R. BEUS
DAVID V. SANDERSON
SUSAN PLIMPTON SEGAL
PAUL R. MADDEN, P.C.
MARK C. CANGERFIELD
MARK A. MONSEREZ
STEPHEN R. BOATWRIGHT
JEFFREY D. GROSS
MARIA CRIMI SPETH
GIL SHUGA
TONY J. RUDMAN

PAUL E. GILBERT
J. TYRRELL TABER
JOHN V. BERRY
LAURIE B. CRAIG
THOMAS J. MORGAN
JOSEPH M. LEAL, III
ANTHONY H. MISSELDINE
CHRISTINE R. TARADASH
RODNEY Q. JARVIS
DENISE L. JACKSON
KEITH A. CALL

K. LAYNE MORRILL
MARTIN A. ARONSON
MICHAEL R. DEVITT
L. RICHARD WILLIAMS
SHELTON L. FREEMAN
SCOTT D. LARMORE
RICK CECALA
DAVID W. KASH
MARC H. HARRIS
DALON J. MORGAN
WILLIAM D. O'NEAL

SUITE 1000 GREAT AMERICAN TOWER
3200 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85012-2417
(602) 274-8289
FAX (602) 234-5893

WRITER'S DIRECT LINE

234-5811
FILE NUMBER

26042-001

March 28, 1994

VIA FACSIMILE

Mr. Donald E. Hadder
Planning and Zoning
City of Scottsdale
7447 E. Indian School Road
Scottsdale, AZ 85251

Re: Case No. 2-GP-94 and 3-ZN-94 -- Troon North Resort

Dear Don:

The purpose of this letter is simply to convey to you information regarding the zoning table contained in the staff report in Case 3-ZN-94.

Our client, Scott Kusy, has informed me that the acreage numbers for Parcels 4, 5 and 6 currently are shown as follows:

Parcel 4	--	10 acres
Parcel 5	--	3.42 acres
Parcel 6	--	1.49 acres

and that those numbers should be amended to reflect the surveys and legal descriptions recently provided to you and should now read as follows:

Parcel 4	--	9.83 acres
Parcel 5	--	3.62 acres
Parcel 6	--	2.35 acres

Don, thank you for your continuing assistance with this project. If you should have any questions, please don't hesitate to call me or Scott Kusy directly.

Very truly yours,

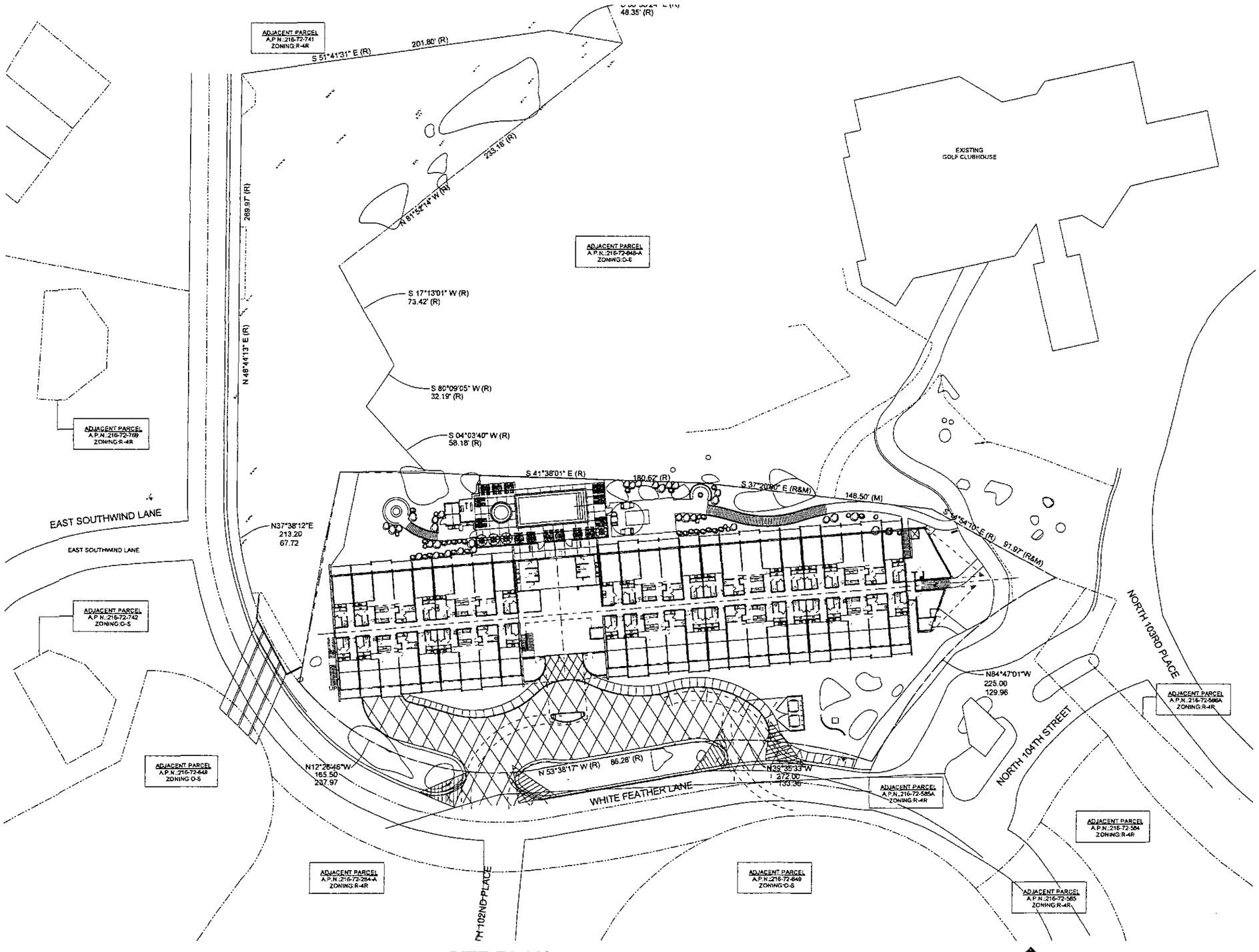
BEUS, GILBERT & MORRILL, P.L.L.C.

John Berry

JB:swg

cc: Mr. Scott Kusy (via fax)
Mr. Steven Voss (via fax)

EXHIBIT 9



1 **SITE PLAN**
SCALE: 1" = 30'-0"

PROJECT TEAM

CLIENT: MBA DEVELOPMENT PARTNERS, LLC
8325 E. VIA DE LOS FLORES
SCOTTSDALE, AZ 85258
P. 480.361.8627
CONTACT: MIKE ANDERSON
MIKE@CAPITAL FUND1.COM

ARCHITECT: PHX ARCHITECTURE
15990 N. GREENWAY-HAYDEN LOOP
SCOTTSDALE, AZ 85260
P. 480.477.1111
CONTACT: ERIK B. PETERSON, AIA
ERIKP@PHXARCH.COM
MAURITA N. HARRIS-WALKER, AIA
MAURITAW@PHXARCH.COM

LANDSCAPE ARCHITECT: LVA URBAN DESIGN STUDIO
120 SOUTH ASH AVENUE
TEMPE, AZ 85281
P. 480.994.0994
CONTACT: LAURA THELEN, RLA
LTHELAN@LVADESIGN.COM

CIVIL ENGINEER: GRAHAM SURVEYING & ENGINEERING
7406 EAST NONCHALANT
CAREFREE, AZ 85377
P. 480.488.4360
CONTACT: NATHAN WYLLIE
NWYLLIE@GRAHAMSANDE.COM

SITE PROJECT DATA

PROJECT NAME: TROON NORTH VILLAS

PROJECT ADDRESS: 10200 EAST DYNAMITE BLVD.

SCOTTSDALE, ARIZONA 85262

A.P.N.: 216-72-585B

C.O.S. QUARTER SECTION: 51-52

LOT SIZE: NET AREA = 111,398 S.F. (2.55 ACRES)

PARCEL ZONING: R4-R ESL (HD) RESORT

SETBACKS: AN AVERAGE OF 5'-0" SETBACK

BUILDING HEIGHT:
30'-0" (MAX. ALLOWABLE) ZONING CODE
30'-0" (PROPOSED BUILDING HEIGHT)

PROPOSED BUILDING AREAS:
BUILDING: 32,897 S.F. 1ST FLR
33,233 S.F. 2ND FLR.

TOTAL A/C AREA = 66,130 S.F.
(TOTAL OF 62 UNIT KEYS IN THE PROJECT)

FLOOR AREA RATIO:
32,897 SF / 111,398 SF = 0.2953 F.A.R.

PARKING CALCULATIONS:
1.25 PARKING STALLS PER KEY REQUIRED
62 X 1.25 = 78 SPACES REQUIRED

20% REDUCTION BASED ON THE MASTER PARKING STUDY = 63 SPACES REQUIRED

64 PARKING SPACES PROVIDED

ACCESSIBLE PARKING REQUIRED:
64 SPACES X .04 = 3 ACCESSIBLE SPACES
3 ACCESSIBLE PARKING SPACES PROVIDED

BICYCLE PARKING:
PARCEL CONTAINS 64 PARKING SPACES
THEREFORE, 6.4 MINIMUM BICYCLE SPACES REQUIRED. 7 SPACES PROVIDED.
(SCOTTSDALE ZONING CODE, SECTION 9.103 C)

OPEN SPACE CALCULATIONS:
REFER TO OPEN SPACE PLAN SHEET G004

PHX ARCHITECTURE
LIVING · ARCHITECTURE
15990 N. GREENWAY-HAYDEN LOOP, SUITE C-100
SCOTTSDALE, AZ 85260
T 480.477.1111
F 480.368.3858
PHXARCH.COM

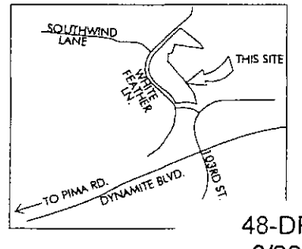
All reports, drawings, specifications, computer files, field data, notes and other documents and instruments prepared by the Architect in connection with the Project shall remain the property of the Architect. Phoenix Architecture, LLC dba PHX Architecture. The Architect shall retain all common law, statutory and other reserved rights, including copyright thereto. The use of this drawing shall be restricted to the original site for which it was prepared and publication thereof is expressly limited to such use. Reuse, reproduction or publication by any method is prohibited without written consent from Phoenix Architecture, LLC dba PHX Architecture. Copyright © 2017

TROON NORTH VILLAS
10200 E. DYNAMITE BLVD.
SCOTTSDALE, AZ 85262

NOT FOR CONSTRUCTION

REVISIONS

VICINITY MAP



NORTH

DRAWN BY: Author
PROJECT NO: 16027
DATE: 6/22/2017
CONTENTS: OVERALL SITE PLAN
SCALE: As indicated

A100

48-DR-2007#2
6/26/2017

CITY OF SCOTTSDALE

11/21/2016

Andrea Lucarelli
Phx Architecture
15990 N Greenway-Hayden Loop C100
Scottsdale, AZ 85260

RE: 48-DR-2007#2
Troon North Villas

Dear Ms. Lucarelli:

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 10/21/2016. The following **1st Review Comments** represent the review performed by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Ordinance and Scottsdale Revise Code Significant Issues

The following code and ordinance related issues have been identified in the first review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. Please address the following:

Zoning:

1. Please revise the Project Narrative so that addresses the criteria set forth in Sec. 1.904 of the Zoning Ordinance which was amended in December 2012.
2. The submitted parking master plan appears to incorrectly interpret Sec. 9.102.E to reduce the parking requirement down to a 1:1 ratio. However, Sec. 9.102.E simply identifies that where flexible units are proposed, the parking requirement shall be reflective of the total possible unit count, at which point Sec. 9.103 specifies that the parking requirement shall be based on land use. In Table 9.103.A, the parking requirement for Travel Accommodations is specified to be 1.25 spaces per unit. Please revise the site plan and parking master plan to include the calculations of the required/provided number of standard parking, accessible parking, and bicycle parking spaces to demonstrate compliance with the Article IX of the Zoning Ordinance.
3. With the zoning history on this site, as it ties in to the overall Troon North zoning, 37 units were historically allocated for use on this site, the project narrative identifies that based on a 1.43 ratio that 37 units translates to 53 units, and the proposed unit configurations would result in 64 possible units. Please revise the project narrative to explain what section of the Zoning Ordinance is being utilized to equate the maximum allocated 37 units to 53 of the proposed units from the narrative and to address how the 64 proposed flex units would comply with the established zoning while exceeding both of those unit counts.

Building Elevations:

14. With the resubmittal, please provide a roof over topography plan indicating each tile ridge height or parapet height above sea level. In accordance with the amended R-4R development standards of case 3-ZN-1994, the maximum allowable building height is restricted to thirty (30) feet as measured from natural grade in accordance with the ESL zoning overlay Sec. 6.1070.B.1.a.
15. Please provide information and details related to screening devices that will be utilized to screen any mechanical equipment. Please refer to Zoning Ordinance Sec. 1.904.A.4 and Sec. 7.105.
16. Please provide information and details related to the roof drainage system. Please refer to Zoning Ordinance Section 7.105.

Significant Policy Related Issues

The following policy related issues have been identified in the first review of this application. Even though some of these issues may not be critical to scheduling the application for public hearing, they may affect the City Staff's recommendation pertaining to the application and should be addressed with the resubmittal of the revised application material. Please address the following:

Site Design:

17. Please modify the site design of the proposed refuse enclosure to achieve and demonstrate functional collection circulation and to achieve the minimum requirement of one (1) enclosure per every twenty (20) units in accordance with the Design Standards & Policies Manual Section 2-1.804.
18. Please provide a revised site plan and project data that complies with the Plan & Report Requirements for Development Applications. There will be comments regarding the site plan after it has been received and reviewed by staff. Please refer to Zoning Ordinance Section 1.303.
19. Revise the project data to indicate the:
    a. gross and net lot area in square feet.
    b. lot coverage / floor area ratio - allowable, provided, and show calculations.
    c. open space required and provided, and show calculations on the site plan.
20. Revise the site plan to indicate the:
    a. building footprint and do not indicate the interior spaces within each building. Showing the interior spaces on the site plan results in too much information on the plan, making it difficult to read.
    b. dimension between each building/structure.
    c. dimension from each building/structure to the adjacent/abutting property line.
    d. location of sidewalks, with pavement types, and dimensions.
21. Please eliminate the landscape symbols from the site plan. Showing the landscape symbols on the site plan results in too much information on the plan, making it difficult to read. Please refer to the Plan & Report Requirements for Development Applications. Please refer to Zoning Ordinance Section 1.303.

PHX ARCHITECTURE
LIVING + ARCHITECTURE

June 22, 2017

Development Review Board
Project Narrative

Troon North Villas
8202 E. Cactus Road
Scottsdale, Arizona 85260

Attention: Mr. Jeff Barnes, City of Scottsdale

Response to Comments dated 11/21/2016 for **48-DR-2007#2 – Troon North Villas Resort**

Zoning

1. **Project Narrative:**

Troon North Village and Troon North Golf Club have been highly respected and well-established communities in North Scottsdale for over nearly 30 years. Based on extensive demographic research, our client, MBA Development Partners, LLC, determined that there is a niche that is missing in the area of Troon North that caters to the Golf Travelers. This proposal is compatible with the surrounding area and the character of the adjacent residential communities. This new Resort falls under the category of R-4R and its residents/clientele will also partake in the membership benefits that the golf club offers.

Our project, the Troon North Villas, will close the gap and provide the luxury experience for the clientele that frequently visit North Scottsdale on golf trips and family vacations. The proposed construction is a new build composed of 48 resort suites, totaling 62 keys. This site has a long history and is actually the third DRB application with two prior cases being 89-DR-1995 and 48-DR-2007. This proposal is in line with the R-4R zoning as approved in cases 45-ZN-1990, 3-ZN-1994 and 43-ZN-1994. The overall architectural design is consistent with the concepts and scale of development embodied in case 48-DR-2007. The case sought a change in the Environmentally Sensitive Land overlay regulations, by creating two rows of two-story units, with the main entry to the north and the common facilities at the south end. The building design style is clean and modern, yet compliments the existing clubhouse and embraces the desert landscape. The gestures are timeless and encompass the vision of North Scottsdale, more specifically Troon North in the careful placement of the buildings between the wash, the Clubhouse to capture the stunning views of the city to the southwest and the mountains to the northeast.

This site is parcel #5 within the overall Parcel V1/V2 within Troon North and is connected to the other parcels within V1/V2 by an overall density cap. The other parcels have not built to their limits and this will be the last of these parcels to be developed. In response to the feedback from the neighbors and HOA, the parking has been neatly tucked underground and out of sight. There is a drive up entry with valet service beneath a porte cochere. Another gesture in response to the comments was to preserve the existing curb cut at White Feather Lane to maintain the axis with the neighborhood across the street. An additional one-way entry drive has been added to the east due to comments from the Fire Department, as onsite access is required for emergency vehicles for life safety purposes. Parking at the single story underground garage will consist of 64 spaces, including 3 Accessible spaces. The internal site circulation to the clubhouse is by access of cartpath, so there is no need for guests/pedestrians to traverse the public roadway, discreetly hidden from view of the neighboring residences. The site will be heavily planted with native plants along White Feather Lane, as well as maintaining existing boulders and vegetation to buffer the Villas from the driveways and existing residences.

2. **Parking master plan:**

The applicant has submitted a revised parking study (by ASJ Engineers) that refers to sections 9.104.F Parking Master Plan and Section 9.107 Remote Parking. The proposed resort will be operated under a long-term agreement by the Troon North Golf Country Club. As such the staffing for maintenance and operations along with any food service will enter the site via the golf clubhouse. In addition, the focus of the guest experience will primarily be focused on golf and to a lesser degree events contracted with the clubhouse (such as weddings). Therefore, employee parking is best located in conjunction with the clubhouse and in turn a significant number of parking spaces that would have been needed to serve golfers will be shared with the golfers staying at the resort, therefore not needing addition parking spaces since they will already be at the site. This will also relate to food service since many resort guest will likely use the clubhouse dining facilities. The proposed number of spaces at the resort will be more than needed since many guests will arrive through a transportation service and not be driving and that no resort runs at full occupancy except for very unusual and short periods of time.

3. **Zoning History**

The zoning on this site is tied primarily into case 3-ZN-1994. As demonstrated in reports prepared by Donald Hadder, Sr. titled "Resort Uses at Troon North" and an added report titled "Review of Troon North Resort Parcel Density (Parcels V1/V2 in Case 3-ZN-1994)", the site is zoned R-4R ESL (HD) and is part of a resort master plan contained within the larger Troon North master plan. The submitted density for the resort is consistent with the master approvals for the resort area as well as the dual use nature of the R-4R zoning district (which also includes dual densities).

Of note is that the city's zoning map may be incorrect with regard to those parcels that were part of the original V2 area. In 1994 the Hillside Ordinance (HD/HC) had been removed from the Zoning Ordinance. Therefore, any rezoning of the underlying districts would only be allowed to happen under what then were the recent ESL ordinance regulations. As a result, any areas which had an underlying district change should be governed by the ESL ordinance and not had the HD designation. The current city zoning map shows the entire V parcel of Troon North as R-4R ESL (HD). This is not correct.

The subject property is within the original V1 parcel and its underlying district was not changed. Therefore, it appropriately falls under the HD regulations rather than the ESL regulations. The amended standards were intended primarily for the newly zoned ESL parcels in order to have consistent buildings heights across the sub-parcels that included former elements of the V2 parcel because the HD overlay standards included a more restrictive building height limit of 30 feet.
The subject site does not have any former V2 areas and has been treated consistently as starting from the HD overlay regulations. The first DR case on the site, 89-DR-1995, consistently described the site as having R-4R HD zoning and was processed under the HD regulations. Later, in the 48-DR-2007 case, there was a request that was accepted to apply the ESL regulations instead of the ESL regulations. Our request is consistent with the 2007 DR case.

4. Parking stall dimensions reflect current City of Scottsdale criteria.

5. Dimensional information has been provided for parking spaces.

6. Screen walls have been identified.

7. NAOS calculations

   See also, Comment #3. The HC area, which is a separate underlying district, will remain as HC ESL. However, under the ESL regulations it would now be included in the NAOS requirement for the property. The amount of NAOS open space being provided with this application is consistent with what was approved in the 2007 DR case. It also it embedded with the overall natural open space requirements allocated across the entire resort parcel (parcel V) as well as Troon North as a whole. Since the site was first created, this amount and location of natural area was

EXHIBIT 10

TO: DEVELOPMENT REVIEW BOARD **DATE:** 8/3/95
FROM: PROJECT COORDINATION
SUBJECT: CASE 89-DR-95

REQUEST: Approve Site Plan & Elevations for a Resort
PROJECT NAME: Troon North Resort Parcel 6
LOCATION: NEC Dynamite Boulevard & Alma School Road

DEVELOPER/OWNER: E & K Land Investments, L.L.C.
ARCHITECT/DESIGNER: Architectural Advantage
ENGINEER: N/A
APPLICANT/COORDINATOR: Ronald W. Hand/Architectural Advantage

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations.

DISCUSSION: The proposal is for a casita style resort campus at the Troon North development. The site is just west of clubhouses and backs up to a large rock feature. The site plan includes a ring of three unit buildings, a common pool area, and a building with management and meeting rooms, eight units and underground parking. The building design is styled with a primitive "pueblo" character that reflects the irregular shapes of the adjacent rock features. Using smaller building masses reduces the impact on the side. This design will blend into the setting and not draw attention away from the clubhouse.

Don Hadder
Project Coordination Manager
994-2352

ATTACHMENTS:
#1-Aerial
#2-Zoning Map
#3-Site Plan
#4-5 Landscaping Plan
#6-Plant Inventory
#7-Sections
#8-9 Elevations
#10-11 Floor Plans
#12-Project Narrative
A-Stipulations
B-Ordinance Requirements

APPROVED
8/3/95 TK
DATE INITIALS

TRAFFIC STIPULATION REQUIREMENTS
CIRCULATION AND REFUSE

ROADWAY, INTERSECTION, AND ACCESS DESIGN:

1. *The site access shall be provided per the circulation stipulations of Zoning Case #3-ZN-94.*
2. *The site entrance shall align with the Parcel 2 roadway to the west.*
3. *The minimum curb return radius on the site entrance shall be 25 feet.*

OTHER:

1. *Emergency access shall be provided to all of the site dwelling units within a maximum distance of 100 feet. The emergency access shall be a minimum width of 20 feet and be designed to accommodate a vehicle with an outside turning radius of 45 feet and inside turning radius of 25 feet. An approved turn-around or looped roadway is required for lengths of greater than 150 feet.*
2. *A pedestrian pathway connection from the main building to the "Private Drive" shall be provided.*

STRIPING AND SIGNAGE PLAN:

1. All incidental signing and striping required by site roadway improvements shall be included on the roadway paving plans.
2. All on-site parking lot striping shall be shown with the paving plans.

SIGHT DISTANCE:

A SIGHT DISTANCE EVALUATION SHALL BE DETERMINED FOR THE SITE ENTRANCE AND SUBMITTED WITH THE FINAL PLANS FOR THE DEVELOPMENT. THE PROPOSED ENTRY SIGNAGE SHALL BE RELOCATED OR MODIFIED AS NECESSARY TO RESPECT THIS SIGHT DISTANCE REQUIREMENT.

1. Sight distance triangles must be shown on final plans to be clear of landscaping, signs, or other visibility obstructions between 2 feet and 7 feet in height.
2. Sight distance easements shall be dedicated oversight distance triangles.
3. Refer to the following figures: 3.1-13 and 3.1-14 of Section 3.1 of the City's Design Standards and Procedures, published January 1994.

APPROVED
8/3/95 TK
DATE INITIALS

TO: DEVELOPMENT REVIEW BOARD **DATE:** 9/21/95
FROM: PROJECT COORDINATION
SUBJECT: CASE 38-PP-95

REQUEST: Approve a Preliminary Plat
PROJECT NAME: Troon North Resort Parcels 4 & 5
LOCATION: Dynamite Boulevard & 108th Street

DEVELOPER/OWNER: Diamond Land Investments
ARCHITECT/DESIGNER: N/A
ENGINEER: Gilbertson Associates, Inc.
APPLICANT/COORDINATOR: Scott Kusy/Diamond Land Investments

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations.

DISCUSSION: The proposal is for a preliminary plat on a fairly small parcel in the center of the Troon North development. The site is next to a large rock feature, and existing and new golf holes.

The plan provides single family lots within an R-4R zoned area. The street completes a cul-de-sac which serves three related parcels. The street has been located to avoid rock features and steeper slopes. The lots have been configured to create building sites which avoid rocks and occupy logical benches in order to reduce possible cuts and fills.

The design of the units will come to the Board at a future hearing since the zoning is R-4R. The site was badly burned in the July 1992 brush fire.

Don Hadder
Project Coordination Manager
994-2352

ATTACHMENTS: #1-Aerial
#2-Zoning Map
#3-4 Site Plan
A-Stipulations
B-Ordinance Requirements

APPROVED AS AMENDED
9/21/95 TC
DATE INITIALS

BOLD INDICATES AS AMENDED BY DRB 9/21/95

RESIDENTIAL SUBDIVISION

STIPULATIONS

FINAL PLATS MUST BE PER THE APPROVED PRELIMINARY PLAT WITH THE MODIFICATIONS PER THE FOLLOWING STIPULATIONS TO OBTAIN PERMITS

SITE DESIGN:

~~1. Provide 20 feet from edge of garage to back of the street improvements.~~

2. *Submit a site plan which clearly identifies improvement envelopes.*

3. Provide a plan indicating the limits of construction to assure the NAOS remains natural - for field staff review and approval.

4. Final plat shall identify the use and maintenance of any land not used for residential lots.

5. *All major boulders in excess of 4 feet in diameter and all bedrock outcrops shall be identified on a site plan and shall be protected from construction by the dedication of a Natural Area Open Space easement on the final plat.*

~~6. A hillside conservation easement shall be dedicated over Tract E as indicated on the submitted Alta. survey.~~

7. Flagpoles, if provided, shall be one piece conical tapered.

8. Finish floor elevations shall be no higher than 14 inches above the minimum base flood water surface elevation or adjacent grade as specified by the City's "Floodplain & Drainage Ordinance No. 1993."

ON-SITE LIGHTING:

1. Provide plans indicating all exterior on-site lighting and lighting fixtures (re: diffusing, standards, glare, height, etc.) at the time of landscape plans submittal.

2. All lighting shall be consistent with the approved Master Environmental Design Concept Plan.

3. **All pole mounted lighting shall be a maximum of 14 feet in height, *per zoning Case 3-ZN-94*.**

APPROVED AS AMENDED

9/21/95 TK

DATE INITIALS

PLANNING ORDINANCE REQUIREMENTS

CURBS:

1. Provide 6 inch vertical concrete curb between any driveways or parking areas and landscape areas.

LOT DESIGN:

1. Detached guest houses shall not be permitted on lots less than 18,000 square feet in size, per Case 3-ZN-94.

2. If guest houses on a parcel are intended to have cooking facilities, the applicant shall submit for rezoning to R-2 lot, including meeting the required front, side, and rear yard requirements per Case 3-ZN-94.

3. All lots shall abut a public, or private street furnishing satisfactory access thereto.

OPEN SPACE:

1. Submit a plan indicating the required and provided amounts of N.A.O.S. based on the Hillside District as noted in Section 7.853, of the Zoning Ordinance at time of final plan submittal.

2. FINAL PLANS SHALL NOT BE APPROVED until a protection program indicating construction boundaries, and techniques used to insure that N.A.O.S. is not disturbed during construction, has been submitted and field approved by Project Review staff.

3. The applicant shall provide documentation of proposed distribution of Natural Area Open Space (N.A.O.S.) required for right-of-way to lots or common areas prior to final plat approval.

4. On-lot NAOS shall not be credited to the parcel NAOS allotment on lots less than 18,000 square feet in size, except as dedicated as contiguous NAOS on a plat per Case 3-ZN-94.

LANDSCAPING:

1. All plant materials in right-of-way shall be on the Department of Water Resources (DWR) low water plant list for the Phoenix Active Management Area (AMA).

2. Non-indigenous plant material which reaches a mature height of greater than 20 feet shall not be introduced on site, per Case 3-ZN-94

3. Provide documentation required for issuance of a Native Plant Permit as required in Chapter 46 of City Code and outlined in Section 7.500 of the Zoning Ordinance. The Native Plant Permit is a separate submittal and approval. Contact Daryl Workman at 994-7938 to initiate the process.

GRADING:

1. Cuts and fills exceeding limits outlined in (Section 6.806 A. 3. of the Hillside Ordinance/Sec. 204-1 B. of the "Design Guidelines & Policies for Environmentally Sensitive Lands shall/may) require Development Review Board approval.

OTHER:

1. Comply with conditions of case No. 3-ZN-94.

TO: DEVELOPMENT REVIEW BOARD **DATE:** 5/9/96
FROM: PROJECT COORDINATION
SUBJECT: CASE 58-DR-96

REQUEST: Approve Site Plan, Cuts & Fills, Landscape Concept & Elevations for a Multi-family Project
PROJECT NAME: Stonedge at Troon North, Parcels 4 & 5
LOCATION:

DEVELOPER/OWNER: Exeter Development/Diamond Land Co.
ARCHITECT/DESIGNER: Scheurer Architects
ENGINEER: Gilbertson Associates
APPLICANT/COORDINATOR: Andy Holloran/Diamond Land LLC

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations.

DISCUSSION: The proposal is for approval of the site plan, cuts and fills, landscape concept and building and structures elevations for a townhouse-like residential project in the center of the Troon North development. The site occupies a rolling boulder-strewn parcel which wraps around a boulder pile that will be set aside as a conservation area. Minor adjustments to the conservation area boundary will keep the same acreage in the protected area and does not affect any major boulder features.

The site plan incorporates innovations and sensitivity to the terrain with techniques such as a one-way driveway loop, flexible and smaller building forms which can shift with the shape of the land, and hammerhead driveway termini. The native vegetation on this site was badly burned in 1992 and this project will provide substantial revegetation.

The building design incorporates a rustic, Mediterranean styling similar to the villas and clubhouse on the nearby Estancia project. The design includes extensive detailing, complex, building forms and multiple recesses. Building materials include gray, flat roofing tiles, stuccoed walls, and stonework. The buildings can be adjusted up and down, side-to-side, and front-to-back to work with the terrain.

Terry Bellas for Don Hadder

Don Hadder
Senior Community Planner
994-2352

Strichanges
See page 3
Taylor ordinance requirements
DS 7/10/96

APPROVED AS AMENDED
5/9/96 TK
DATE INITIALS

BUILDING SETBACK:

1. *As approved in Case 3-ZN-94, buildings shall be set back a minimum of zero feet from perimeter property lines adjacent to other R4-R districts and shall be set back a minimum of five feet from perimeter property lines adjacent to O-S or HC districts.*

BUILDING HEIGHT:

1. *As approved in Case 3-ZN-94, no building shall exceed thirty feet in height.*

OPEN SPACE & NAOS:

1. Submit a detailed graphic and calculation worksheet indicating the required amounts of NAOS based on *Section 6.806 of the Hillside Ordinance and the Master NAOS Distribution Table* at the time of final plans submittal. *If any of the designated NAOS areas will be disturbed by cuts & fills, drainage swales, or culverts, or other construction submit a detailed graphic and calculation worksheet depicting areas within the NAOS which require revegetation due to construction disturbance.*

2. *All areas calculated as NAOS shall be a minimum of 20 feet in width, except along roadsides where it may be reduced to 10 feet. Any alterations to this shall be approved by Project Coordination staff.*

3. FINAL PLANS SHALL NOT BE APPROVED until a protection program indicating construction boundaries, and techniques used to insure that NAOS is not disturbed during construction, has been submitted and field approved by Project Review staff.

LANDSCAPING:

1. *All plant materials in right-of-way shall be on the Department of Water Resources (DWR) low water* plant list for the Phoenix Active Management Area (AMA).

2. Trees shall be provided at a rate of at least 2 trees per dwelling unit (minimum 15 gallon size); of which 50% of the total trees provided shall be mature, as defined in Article III of the Zoning Ordinance, or larger.

3. Provide documentation required for issuance of a Native Plant Permit as required in Chapter 46 of City Code and outlined in Section 7.500 of the Zoning Ordinance. The Native Plant Permit is a separate submittal and approval. (See page 7 of this section for specific submittal requirements). Contact the City's Native Plant Officer at 994-7080 to initiate the process.

4. Provide 6 inch vertical concrete curb between any driveways or parking areas and landscape areas.

GRADING:

1. Prior to final plans submittal, a grading report shall be submitted indicating methods and sequencing of grading, proposed locations for stockpiling or disposing of unused materials, and plans for minimizing wind and water erosion on graded areas during development and construction.

2. Cuts and fills exceeding limits outlined in Sec. 204 of the Design Guidelines & Policies for Environmentally Sensitive Lands/Section 6.806 A.3 of the Hillside Ordinance shall require Development Review Board approval.

OTHER:

1. Comply with conditions of case No: 3-ZN-94

2. Provide 4% of required parking as handicap parking spaces (5 minimum). A minimum of one space is required to be van accessible per Section 9.105 of the Zoning Ordinance.

3. Provide one bicycle parking space per each 10 required vehicle parking spaces (14 minimum) per Section 9.103 of the Zoning Ordinance.

A 1.1

DEVELOPMENT REVIEW BOARD REPORT

Meeting Date:	August 18, 2016	Item no. 3
General Plan Element:	*Character and Design*	
General Plan Goal:	*Determine the appropriateness of all development in terms of community goals, surrounding area character, and the specific context of the surrounding neighborhood.*	

ACTION

Lot V On The Green
10-PP-2015

Request to consider the following:

1. Request approval of a Preliminary Plat for a 4-lot residential subdivision, within the existing 'On the Green at Troon North' subdivision, with existing amended development standards, and a landscape plan including walls, all on an approximately 0.70-acre site.

Related Policies, References:
32-ZN-1982, 81-ZN-1983, 43-ZN-1994, 2-GP-1994, 3-ZN-1994, 87-DR-1994#2, and 9-PP-2013

OWNER

Bob Garland
Insight Land
602-421-6300

APPLICANT CONTACT

David Letourneau
White Feather Lane LLC
602-625-6607

LOCATION

10299 E. White Feather Lane

Action Taken _____

BACKGROUND

Zoning

This site is zoned Resort/Townhouse Residential District, Environmentally Sensitive Lands (R-4R/ESL), which allows single-family residential, multi-family residential, and resort/hotel type uses. Annexed into the City of Scottsdale in January of 1982, through case 32-ZN-1982, the site is part of a larger planned community development.

The annexed parcel was rezoned from the County designation to the Single-family Residential, Hillside District (R1-190/HD) through Case 81-Z-1983. In 1991, the Environmentally Sensitive Lands (ESL) ordinance was added as an amendment to the Hillside District overlay. In 1994, the site was rezoned from the Single-family Residential, Hillside District (R1-190/HD) to the current R-4R/ESL zoning designation; through the General Plan amendment and zoning cases 2-GP-1994 and 3-ZN-1994.

General Plan

The General Plan Land Use Element designates the property as Resort/Tourism, which provides the flexibility of Resort/Tourism Land Uses to be located within this area of the community. The General Plan amendment and zoning cases (cases 2-GP-1994 and 3-ZN-1994) approved specifically for this site were tailored to complete the site as a support use for the existing golf course.

Character Area Plan

This site is located within the Reatta Pass/Troon Character Area which serves as a destination for visitors to Scottsdale, provides a diverse mix of upscale housing for both full and part-time residents, and offers a western desert character which is a significant component of Scottsdale's image.

Context

The property is located within the "On the Green at Troon North" subdivision, parcel number 216-72-584, which is located on the north side of E. Dynamite Boulevard, at approximately 103rd Street.

Adjacent Uses and Zoning

- North — Resort/Townhouse Residential District, Environmentally Sensitive Lands, zoned R-4R/ESL; Open Space.
- South — Single-family Residential District, Environmentally Sensitive Lands, zoned R1-7/ESL; Pinnacle Canyon at Troon North subdivision and Golf Course
- East — Open Space, Environmentally Sensitive Lands O-S/ESL, Resort/Townhouse Residential District, Environmentally Sensitive Lands, R-4R/ESL, and Hillside Conservation District HD/HC; Troon North Golf Club House.
- West — Resort/Townhouse Residential District, Environmentally Sensitive Lands, zoned R-4R/ESL; On the Green at Troon North subdivision and Golf Course

Key Items for Consideration

- The preliminary plat was previously approved by the Development Review Board on August 1, 2013, with a vote of 6-0.
- Existing "On the Green at Troon North" plat dedicated Tract "V" for "Future Development."
- Amended development standards shall remain as approved through Case 3-ZN-1994.

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant's request is to seek approval of a four-lot preliminary plat and landscape plan. The request is to subdivide a tract located within the "On the Green at Troon North" subdivision plat. The preliminary plat was previously approved by the Development Review Board on August 1, 2013. The preliminary plat expired before final approval by the City Council.

Development Information

- Existing Use: Vacant (Golf Cart Path)
- Proposed Use: 4-Lot Subdivision
- Parcel Size: 0.70 acres
- Building Height Allowed: 30 feet
- Building Height Proposed: 30 feet
- Open Space Required: 0 square feet (Fulfilled by the Troon North Master Planned Community)
- Open Space Provided: 8,713 square feet
- NAOS Required: 0 square feet (Fulfilled by the Troon North Master Planned Community)
- NAOS Provided: 5,412 square feet
- Density Allowed: 7 du/ac
- Density Proposed: 6.0 du/ac

IMPACT ANALYSIS

Land Use

The existing Tract "V" was dedicated as per the "On the Green at Troon North" subdivision plat for future development. The proposed subdivision plat will continue to use the existing amended development standards as approved through the Troon North subdivision zoning case.

Traffic

All the necessary access for the proposed four lots has been dedicated through the existing plat.

Water/Sewer

The proposed plat will not affect the existing improvement requirements for the area. The existing improvements were constructed with the anticipation of the site being developed to the R-4R standards set forth by the Cases 2-GP-1994 and 3-ZN-1994.

School District Comments/Review

Cave Creek Unified School District supported the approval of the Troon North Master Planned Community, with the entire proposed density. The proposed four-lot subdivision does not complete

Stipulations for Case:
Lot V On The Green
Case: 10-PP-2015

These stipulations are intended to protect the public health, safety, welfare, and the City of Scottsdale.

APPLICABLE DOCUMENTS AND PLANS:

1. Except as required by the Scottsdale Revised Code, the Design Standards and Policies Manual (DSPM), and the other stipulations herein, the improvement plans and plat shall substantially conform to the following documents:
   a. The preliminary plat submitted by Gilbert Land Surveying, PLC., with a city staff date of 12-15-2015.
   b. The Amended Development Standards submitted by Alair Homes, with a city staff date of 12-15-2015.
   c. The Natural Area Open Space (NAOS) analysis exhibit and plan submitted by Ironwood Planning, with a city staff date of 12-15-2015.
   d. The conceptual landscape plan submitted by Ironwood Planning, with a city staff date of 12-15-2015.
   e. Master Drainage Plan for Lot V on the Green; submitted by Everest Consulting Services, PC., accepted on 7-18-2016.
   f. Case Drainage Report for Lot V on the Green; submitted by Everest Consulting Services, PC., accepted on 7-18-2016.
   g. Case Grading and Drainage Plan for Lot V on the Green; submitted by Everest Consulting Services, PC., accepted on 7-18-2016.
   h. Architectural elevations will be consistent with architecture approved through case 87-DR-1994#2.

RELEVANT CASES:

Ordinance

A. At the time of review, the applicable Zoning and DRB cases for the site were: 32-ZN-1982, 81-ZN-1983, 43-ZN-1994, 2-GP-1994, 3-ZN-1994, 87-DR-1994#2, and 9-PP-2013.

SUBDIVISION PLAT REQUIREMENTS

SUBDIVISION DESIGN

DRB Stipulations

2. With the final plat, the owner shall dedicate minimum 5,412 square feet Natural Area Open Space (NAOS) area for this project.

EXHIBIT 11

DEVELOPMENT REVIEW BOARD REPORT

MEETING DATE: December 6, 2007 ITEM NO. 6

CASE NUMBER/ PROJECT NAME
48-DR-2007
Monument Club

LOCATION
10200 E. Dynamite Blvd.

REQUEST
Approval of a site plan, landscape plan and building elevations for new resort timeshare units and associated amenities.

OWNER
Candlewood Development
38779 W. Summit View Tr.
Carefree, AZ 85377

ENGINEER
Graham Engineering & Surveying
7406 E. Nonchalant Way
Carefree, AZ 85377

ARCHITECT/ DESIGNER
RD Architecture PLLC
7440 E. Karen Dr.
Suite 100
Scottsdale, AZ 85260

APPLICANT/ CONTACT
Raffik Quiroz
RD Architecture PLLC
480-607-3337

BACKGROUND

Zoning.
Zoned Resort/Townhouse Residential District (R-4R), this district provides residential development, having either party walls or walled courtyards, available for rent, lease or sale.

Context.
Currently vacant and located within the Troon North Community, the approximately 2.5 acre parcel is east of the Troon North Golf Clubhouse, north of Dynamite Boulevard.
Adjacent Uses:

- North: Resort/Townhouse residential zoned R4-R ESL (HD)
- South: Tract of vacant land zoned R4-R ESL (HD) and E. Dynamite Blvd.
- East: Troon North Golf Course zoned O-S ESL (HD/HC)
- West: Resort/Townhouse residential zoned R4-R ESL (HD)

APPLICANT'S PROPOSAL

Applicant's Request.
The applicant requests approval of a site plan, landscape plan and building elevations for a new resort timeshare development and amenities within the Troon North Community.

Development Information:

- Existing Use: Vacant Land
- Proposed Use: Condo/timeshare

- Parcel Size: 2.5 acres
- Building Size: 32,798 sq. ft. for both buildings
- Lot Coverage 29 percent
- Building Height Allowed: 35 feet
- Building Height Proposed: 34 feet
- Parking Required: 46
- Parking Provided: 59
- NAOS Required: 34,466 sq. ft.
- NAOS Provided: 38,593 sq. ft.
- Number of Units Allowed: 37
- Number of Units Provided: 24

DISCUSSION

This case was continued from the 11/15/2007 Development Review Board (DRB) meeting by the DRB. The applicant was given the direction to provide clear and concise elevations for the location of colors and materials. Additionally, they were asked to provide documents that are consistent and that will dictate what will be constructed. The applicant has provided additional sheets detailing color and materials within the packet. Please refer to sheets A-9a, A-9b, A9-c, A-11a, A-11b, A-11c and the material board photo on sheet X-1. As requested by Commissioner Schwartz the applicant has provided context photographs of the surrounding developments.

A variety of colors and materials have been used to enhance the design and desert theme. The main body will be a stucco finish painted Dunn-Edwards, DE 6131, Teddy Bear. Columns are proposed to be stucco finish painted Dunn-Edwards, DE 6215, Wooden Peg. Recessed areas will be a stucco finish painted Dunn Edwards, DE 6132, Big Stone beach and the base stucco stem color is proposed as Dunn Edwards, DEC 756, Weathered Brown. Gun metal steel fascia painted Dunn Edwards, DEA 160, Hope Chest will be used on bans between floors. Windows and doors will be aluminum clad with a bronze color. Ledge based stone wall veneer will be utilized on building columns, stairs and theme walls.

This undeveloped site, within the Troon North Community, is looking for approval of a new resort timeshare development. Troon North Communities were originally zoned under the Hillside Ordinance (HD). In 1991 the Environmentally Sensitive Land (ESL) Ordinance was adopted, and by ESL provisions, undeveloped parcels were given an opportunity to administratively apply to develop under ESL standards. This property owner has applied and received approval to develop under ESL standards.

The architect has utilized a contemporary architectural style for this new timeshare resort. To capture the panoramic views of the boulder outcroppings and mountain views, development is centralized on the southern portion of the site, while the northern portion of the site will be dedicated as Natural Area Open Space and Conservation Open Space. The main structure will contain two levels of residential units and incorporate underground parking. Elevators and stairs provide access to each section of units through an open air corridor having access from the parking garage. A two story clubhouse and pool area offer

i. All landscape lighting hanging in vegetation, shall contain recessed lamps, and be directed downward and away from property line.

j. The landscape lighting lamp shall be an incandescent or halogen incandescent source, and shall not exceed forty (40) watts.

VEHICULAR AND BICYCLE PARKING:

DRB Stipulations

20. Bike rack design shall be in conformance with City of Scottsdale Standard Detail No. 2285, unless otherwise approved in writing by the City of Scottsdale's Transportation Department.

ADDITIONAL PLANNING ITEMS:

DRB Stipulations

21. Flagpoles, if provided, shall be one piece, conical, and tapered.

RELEVANT CASES:

Ordinance

B. Case 3-ZN-94 is the associated rezoning request for the property.

C. This application shall comply with the Environmentally Sensitive Land Ordinance as administratively approved with this application.

ENGINEERING

The following stipulations are provided to aid the developer in submittal requirements, and are not intended to be all inclusive of project requirements. The developer shall submit engineering design reports and plans that demonstrate compliance with city ordinances, the Scottsdale Revised Code and the Design Standards and Policies Manual (DS&PM).

APPLICABLE DOCUMENTS AND PLANS:

22. Architectural Site Plan for Monument Club, prepared by Rick Daugherty Architecture, with a submittal date of 10/30/07.

23. Entry Sign Detail/Sight View Triangles/Refuse Plan, prepared by Rick Daugherty Architecture, with a submittal date of 10/30/07.

DRAINAGE AND FLOOD CONTROL:

DRB Stipulations

24. Submit a final drainage report that demonstrates consistency with the conceptual drainage report approved in concept by the Planning and Development Services Department.

    a. Before the approval of improvement plans by city staff, the developer shall submit two (2) hard copies and one (1) compact disc copy of the complete final drainage report and plan.

25. Basin Configuration:

    a. Basin side slopes shall not be steeper than four-to-one (4:1), (ratio of four (4) feet horizontal to one (1) foot vertical), and basin depths shall not exceed three (3) feet, except as specifically approved by the Floodplain Administrator. A vertical wall may be acceptable to contain the downstream side of a basin subject to the approval of the Floodplain Administrator and the project coordinator.

    b. A maximum of fifty percent (50%) of the front open space may be used as a retention/detention basin, unless approved by the project coordinator.

EXHIBIT 12

Resort Uses at Troon North

Zoning History

The Troon North property was annexed into the City of Scottsdale in 1982. Prior to annexation there had been some zoning case approvals processed by Maricopa County, but the relevant cases in Scottsdale include 81-ZN-1983, 87-ZN-1985, 28-ZN-1989, 45-ZN-1990, 3-ZN-1994 and 43-ZN-1994. Of these, the most pertinent are the 28-ZN-1989 and 3-ZN-1994 cases.

In the 1989 case, the proposed Troon North Resort parcel was included within a larger parcel designated as "V1". This was described as a 34-acre parcel that was allowed up to 280 resort rooms. This parcel on the development plan included the proposed resort site as well as the adjacent clubhouse property to the east and some of the land across the large wash north of the site. Virtually all the major golf oriented master planned developments of that era included a resort site.

In the 3-ZN-1994 case former parcels V1 and V2 (previously zoned as R1-7 HD) were combined to create a larger resort/residential parcel. This expanded parcel grew to 52.2 acres with a proposed number of units being 424 resort/residential and the maximum allowed being 385 residential units or 550 resort rooms. This combined parcel added three extended fingers of land west of the proposed resort site. In this case there were some targeted allocations of units to 6 sub-parcel areas (Numbered 1 through 6). The proposed resort site is sub-parcel #5 in the table included in the stipulations.

R-4R Zoning District

In all the cases mentioned above the subject property was zoned as R-4R (Resort/Townhouse Residential). This district has existed in Scottsdale since the early 1970s and was designed specifically to allow for resort uses as well as related and compatible residential uses.

The allowed uses in this district (Section 5.900 of the Zoning Ordinance) include "Resorts, Hotels, Motels, Guest Ranches, appurtenant commercial uses (such as restaurant and gift shops), Dwelling Units, Municipal Uses, Wireless Communications Facilities, Timeshare Project, Churches and Places of Worship, Day Care Homes, Golf Courses and Recreational Uses." This use list has been consistent regarding the resort and residential uses since first created.

There are varying densities allowed for the resort/hotel/motel/guest ranch/timeshare project uses versus the residential uses. The resort types of uses are allowed a maximum density of 10.62 rooms per acre while the residential types of uses are allowed a maximum density of 7.55 units per acre. Therefore, each residential unit translates into 1.41 resort rooms while as the reverse, each resort room translates into .71 residential units.

Updated Status of the V1/V2 Parcel at Troon North.

Four of the six sub-parcels within this area have been developed. Originally the targeted number of resort/residential units for these four sub-parcels was 371. The actual number of units within these four

totals 272 and these are all residential units. Going back to the zoning approval, this indicates that there remains a total of 113 residential units within the capped total for Parcel V1/V2. In theory based on the R-4R density allocations this could mean that there remains the potential for 159 resort rooms with the maximum allocated to the R-4R parcel.

Since there are only two relatively small undeveloped sub-parcels within the V1/V2 parcel and the clubhouse is fully developed it is not likely this maximum will ever be achieved.

Resort Policy

About the time of the 1994 zoning case, the City of Scottsdale was in the process of developing a policy statement, later approved, regarding new golf courses. One of the key policy statements was that new golf courses would be watered via recycled and treated wastewater and another was that new golf courses should provide economic benefit to the greater community in the form of integrated resort projects. Some stipulations of the era for Troon North move in this direction and the inclusion of the resort parcel was a key element of the city's support of the golf courses.

Infrastructure Master Plans

The infrastructure master plans prepared for the Resort Community at Troon North were done using the maximum densities allowed by the 1994 case that established the expanded resort uses. This master planning included streets, water systems and sewer systems. The maximum number of units was used in order that the infrastructure would have sufficient capacity no matter how the specific uses and density arrangements would develop.

Attachments

The attachments include selected elements of the prior approved cases for the site and included commentary regarding each:

Attachment #2

Zoning Case 3-ZN-94

This was an update tot eh Troon North masterplan that focused specifically on the resort community area. The main element of this plan was to rezone Parcel V2 from R1-7 HD to R-4R, thereby creating a larger resort community. As stated in the report to the City Council: "The concept of this request is to provide opportunities for a variety of attached and semi-attached units which would be used in a variety of techniques, such as for-sale, timeshare, lease, rental pool and so on, and would be primarily oriented to seasonal resident and visitors." The report goes on to say: "Originally, the resort use was a key element in supporting the golf use on the project, given the state's outlook on use of water resources. With the advent of the CAP/Reuse System with which this golf course is already participating, the need for the resort use has shifted. This proposal retains a strong visitor use orientation which will rely in part on management and services out of the new clubhouse."

In effect, the resort community area became a sub-masterplan within the large Troon North masterplan and as such had unique stipulations applicable to the area but not to the larger Troon North area. However, the master stipulation of Troon North still applied to the extent there was no conflict with the more specific stipulations. Within the specific stipulations there was a table identifying 6 sub-parcels within this area with targeted acreage, proposed numbers of units and maximum numbers of units. The subject site is parcel #5 on this table was allocated 31 residential/resort units. The key was that for the resort community there is a maximum total of 385 residential units allowed which equates to a maximum of 550 resort units. The actual total would depend on the types of units actually built based upon the inherent density ratios of the R-4R district. Furthermore, within the cover paragraph for this table it states: "Redistribution of the units is subject to maximum densities and Project Coordination staff approval."

Attachment #3

Case 43-ZN-94

This case was another adjustment of the Troon North masterplan. In this case the zoning and density changes approved in case 3-ZN-94 were carried forward. Of note is that the applicant's original request included the possibility of adding 4 more acres to the resort community parcel and increasing the maximum number of resort units to 585 rooms. This change was not ultimately approved.

EXHIBIT 13

CITY COUNCIL ACTION REPORT

TO: MAYOR AND CITY COUNCIL **DATE:** 11/15/94
FROM: PLANNING & COMMUNITY DEVELOPMENT
SUBJECT: CASES 45-ZN-90#2 & Ordinance No. 2724
21-UP-90#3

AGENDA ITEM NO. 17
DON HADDER
JOHN FARAMELLI
STAFF

REQUEST: Amendment to the Master Development Plan with amended development standards and amendment to the use permit for a golf course

LOCATION: 96th Street alignment on a portion of Section 32, T5N, R5E

APPLICANT: Larson, Voss Associates
16212 North Scottsdale Road
Fountain Hills, AZ

OWNER: Pinnacle Peak Partners
7661 East Via Del Placito
Scottsdale, AZ

PLANNING COMMISSION RECOMMENDATION: APPROVE by a vote of 4-0 with Commissioner Simonson abstaining, subject to the attached stipulations and ADOPT Ordinance No. 2724 affirming this case.

STAFF RECOMMENDATION: Per Planning Commission

CONCURRENCE: The Parks Commission will review the proposal on November 9, 1994.

PUBLIC COMMENT: The applicant has contacted the area wide homeowners association, representatives from nearby developments to the south and north, and a local business to the east of the site. Two area representatives spoke in favor of the proposal.

ZONING HISTORY: Annexed as R1-190 in 1982. Rezoned as a Master Planned mixed-use project in Case 85-Z-85.

SITE DETAILS

USE: Residential, golf, resort, special use
AREA: 659± gross acres
DWELLING UNITS: 384
DENSITY: .58 du/ac

OPEN SPACE: 166 acres Conservation Area
339 acres Natural Area
90 acres Improved Golf

GENERAL PLAN DISCUSSION:

The current General Plan reflects the current zoning pattern for the property. Key elements included in the original concept are a private, exclusive resort and golf course, the Pinnacle Peak Mountain Park, and the proposed "Desert Discovery" Museum. The proposal shifts uses in terms of their specific location on the site, modifies the concept of the resort uses, scales back the area of the museum and park uses and increases the open space allocated to golf.

ESLO DISCUSSION:

Because this is a significant revision to the old plan, this project is converting from the Hillside Ordinance provisions to the ESL Ordinance provisions. The landform delineation is being revised in the northeast quadrant of the site to convert a valley and low hills from the Hillside to the Upper Desert landform.

11/15/94 DH
DATE

ACTION TAKEN Approved 6/0

STIPULATIONS FOR CASES 43-ZN-94 **45-ZN-90#2**

ZONING/DEVELOPMENT PLAN

1. Development shall be in substantial conformance with the submitted plan and development program except as modified by the following stipulations. Any proposed significant change, as determined by the planning and community development administrator shall require approval through a subsequent public hearing.

   The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, N.A.O.S. requirements and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.

2. The zoning districts, maximum land use intensities and dwelling and room totals shall be as shown on the following table except as modified below. the specific location and boundaries of each parcel shall be determined at the time of site plan approval for the parcel. The zoning for each parcel shall be adopted prior to the issuance of building permits on the parcel except for parcels V1, V2, either golf course, or any master planned community common facilities. With the action for adoption of each parcel the applicant shall submit a revised master development plan and land use data table indicating the final status of the parcel.

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
A	R1-35 HD/HC	163	180 DU	1.10 DU/AC
B	R1-43 HD/HC	157	110 DU	.70 DU/AC
C	R1-70 HD/HC	58	30	.52 DU/AC
D	R1-18 HD/HC	222	411 DU	1.85 DU/AC
E	R1-18 HD/HC	109	128	1.17 DU/AC
F	R1-18 HD/HC	111	194 DU	1.75 DU/AC
G	R1-43 HD/HC	82	55	.67 DU/AC
H	R1-18 HD/HC	62	102 DU	1.65 DU/AC
I	R-4 HD/HC	65	189 DU	2.91 DU/AC
J	R-4 HD/HC	39	107	2.74 DU/AC
K	R1-7 HD/HC	16	24 DU	1.50 DU/AC
L	R1-18 HD/HC	87	120	1.38 DU/AC
P	R1-35 HD/HC	28	27 DU	.96 DU/AC
R	R1-43 HD/HC	0	0 DU	.67 DU/AC
S	R1-7 HD/HC	50	107 DU	2.14 DU/AC
U	R1-70 HD/HC	29	14 DU	.48 DU/AC
U	R1-70 HD/HC	29	14 DU	.48 DU/AC
V2	R4-R HD/HC	31	424 DU	6.14 DU/AC
E-A AA	R1-18 ~~HD/HC~~ **ESL**	232 **115**	432 **109** DU	~~188~~ **1.00** DU/AC
E-B BB	**R-4R** R-4-~~HD/HC~~ **ESL**	~~74~~ **98**	~~271~~ **144** DU	~~3.67~~ **1.50** DU/AC
SUBTOTAL:		~~1,529~~ ~~1,643~~ **1,436**	2,374 DU	~~1.45 DU/AC~~

ATTACHMENT B

APPROVED
11/15/94 DN

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
(V1	R-4R HD/HC	38	315 RM	8.29 RM/AC)
-CC E-C	R-4R HD/HC ESL	74 44	525-RM 77 DU	7.14 1.70 RM/AC
E-D	R-4R ESL	11	54 DU	5.00
SUBTOTAL:		108 93	1,100RM 446	7.49 4.9 RM/AC
M	C-O HD	510		.20 F.A.R.
N	PCC HD	20		.25 F.A.R.
O	C-O HD	5		.25 F.A.R.
Q	S-R HD/HC	12		.25 F.A.R.
T	C-2 HD/HC	13		.20 F.A.R.
--X-E-E	C-2-HD-SC ESL	-20 11		.25 F.A.R.
Y	C-2 HD	12 20		.30 F.A.R.
SUBTOTAL:		92 91		
E-G	R1-35 ESL	12		
Z	OS HD	23		
E-J	COS ESL	10		
PK/SC	OS HD/HC	35		
E-PK	COS-HD/HC ESL	185 155		
NGC	OS HD/HC	299		
E-SGC	OS-HD/HC ESL	155 193		
STREETS DEDICATED AS OF APPLICATION SUBMITTAL		62		
SUBTOTAL:		614.5 729		
TOTAL ACREAGE:		2,457.5		

* Adjustments to the proposed units allowed in column 4 and proposed density in column 5 may be approved by project coordination staff subject to the following conditions:

a. The total dwelling units and resort rooms for the overall project are not increased;

b. A specific site plan has been submitted and reviewed on-site verifying that the proposed change is environmentally sensitive and provides appropriate land use relationships;

c. The maximum change for parcels A, B, C, G, U, R, and AA is less than 10% for other parcels is less than 20%;

11/15/94 DH
DATE INITIALS

Planning & Development Services

7447 E. Indian School Rd.
Scoitsdale, AZ 85251

August 24, 2017

Douglas A. Jorden
Jorden Hiser and Joy, P.L.C.
5080 North 40th Street, Suite 245
Phoenix, Arizona 85018

Re: Troon North Villas

Mr. Jorden,

On July 24, 2017 you had requested a clarification of stipulations regarding the maximum density allowed on the Troon North Villas project, which has been submitted for Development Review Board hearing. This letter will provide that clarification.

Troon North is a masterplanned community originally zoned in 1985. The Troon North masterplan encompassed a variety of uses, including golf courses, attached dwellings, detached dwellings, commercial, office and resort uses. One area was specifically designated for a resort core, with 55 acres zoned R-4R (Resort/Townhouse Residential) which allows attached single-family dwellings and resort rooms. A minimum of 90 resort rooms were stipulated in the zoning case to be located within the resort core, which indicates the desire for resort tourism that would support the long-term economic sustainability of the golf course on the adjacent parcel. Within the 55-acre resort core there were 6 parcels identified when the resort core was created. This is the table from the stipulations for case 3-ZN-94:

Parcel	Gross Acres	Zoning	Proposed DU/AC	Max. DU/AC	Proposed # of Units	Max # of Units
1	14.68	R-4R HD	7/ac	7/ac	100	100
2	12.40	R-4R HD	8/ac	8/ac	100	100
3	10.20	R-4R HD	7/ac	7/ac	72	72
4	10.00	R-4R HD	10/ac	10/ac	99	99
5	3.42	R-4R HD	10/ac	10/ac	31	31
6	1.49	R-4R HD	15/ac	15/ac	22	22
	52.19		7.7/ac		424	385/424*

*The proposed unit count of 424 represents a mix of residential and resort units. The 385 unit maximum is the maximum allowed for residential units. If the residential units were all converted to resort units the maximum would be 550 units.

This table describes Parcel 6, the subject parcel, as 1.49 acres. After the City Council report had been prepared but before the Council meeting (March, 1994), a letter was received from the applicant's attorney advising that the size of Parcel 6 is actually 2.35 acres. This change was not corrected in the table before Council approval. The table also indicates that Parcel 6 is entitled to 15 dwelling units per acre, and therefore allotted 22 dwelling units. In the R-4R district, both dwelling units and resort units are allowed, with the distinction being that dwelling units require larger land area than resort units. The minimum gross land area for dwelling units is 5,770 square feet, and the minimum gross land area for resort rooms is 4,100 square feet. Therefore, one dwelling unit is equivalent to (and may be converted to) 1.41 resort rooms. Using this calculation, 22 dwelling units is equivalent to 31 resort rooms. The applicant asserts that if the actual property size (2.35 acres) is inserted into the table, the corresponding number of dwelling units allowed is 35 which converts to 49 resort rooms. Regardless, the approved Council report serves as a record of the approved stipulations.

A process was outlined in 3-ZN-94 by which adjustments could be made to allowed densities within each parcel. That process specifies that adjustments may be approved by project coordination (Planning) staff subject to 5 conditions, including two relevant conditions:

1. *A specific site plan has been submitted and reviewed on-site verifying that the proposed change is environmentally sensitive and provides appropriate land use relationships*
2. *That the maximum densities of the underlying zone are not exceeded*

The second of these stipulations relates to the maximum densities allowed in the R-4R district, which is 10.62 resort rooms per gross acre – almost half of the 21 resort rooms (or 15 dwelling units) per gross acre – that the table above allocates for Parcel 6. This small parcel can be developed to a much greater density than other R-4R parcels. The underlying R-4R district provisions include a provision that "the City Council may regulate concentrations of density by site plan approval". In effect, the City Council was approving the density for Parcel 6 that is contained in the table and as illustrated in the exhibit to 3-ZN-94 (see below).

The stipulations for 3-ZN-94 go on to specifically state that:

> *"The applicant understands and agrees that the density for each parcel is subject to drainage, topography, NAOS requirements, and other site planning concerns which will need to be resolved at the time or preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density of any or all parcels."*

These stipulations also imply that if density over the maximum over 22 dwelling units or 31 resort rooms is allowed on Parcel 6, that there are other considerations that relate to the context of the area. Any increase must also demonstrate that density "is environmentally sensitive and provides appropriate land use relationships" and recognize that "appropriate design solutions to these constraints may preclude achievement of the proposed units or density of any or all parcels". These stipulations are important because they document that density may also be limited by environmental sensitivity and context-sensitive design considerations.

Parcel 6 is a very constrained site. There are washes crossing the north end of the property and significant boulder outcroppings. The applicant indicates that a project called the Monument Club was approved in 2007 by the Development Review Board (DRB) that proposed building massing similar to the current proposal, but that project was approved for 24 resort timeshare units. DRB approvals expire after 2 years,

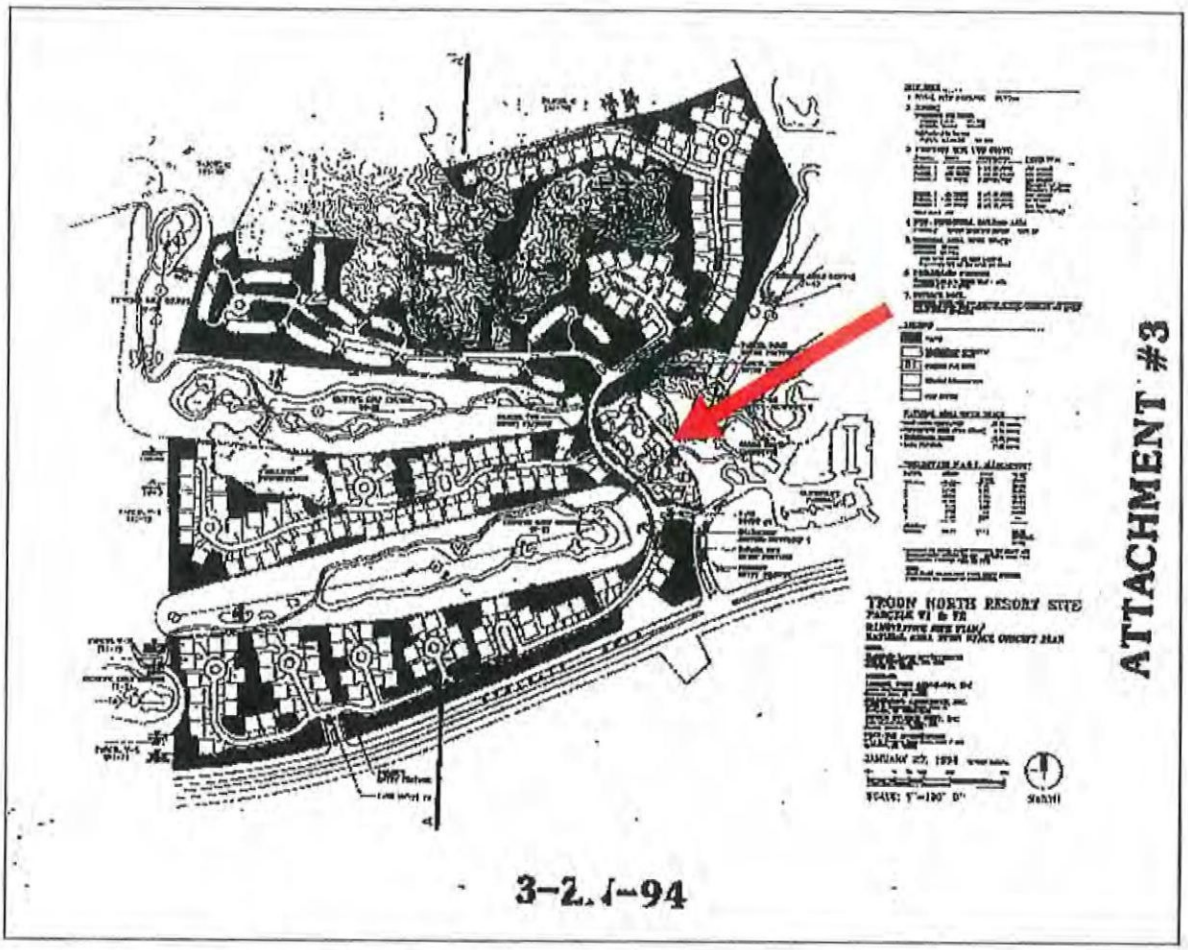
and any new project must be approved by the Board based on current conditions and standards. The 2007 approval is not a commitment and does not set a precedence. It certainly does not assure that a similarly-massed project proposed today would be viewed as environmentally sensitive and appropriately designed given the site constraints. While a resort use was anticipated (more directly required) in the 55-acre resort core, it was not projected that it would ultimately be a large resort or a mixture of resort rooms and residential units. Although the originally-planned 90 resort units can no longer be achieved, this parcel can still function as a resort and support the golf course. It would be best designed as the casita-type units that were shown on the conceptual site plan attached to case 3-ZN-94.

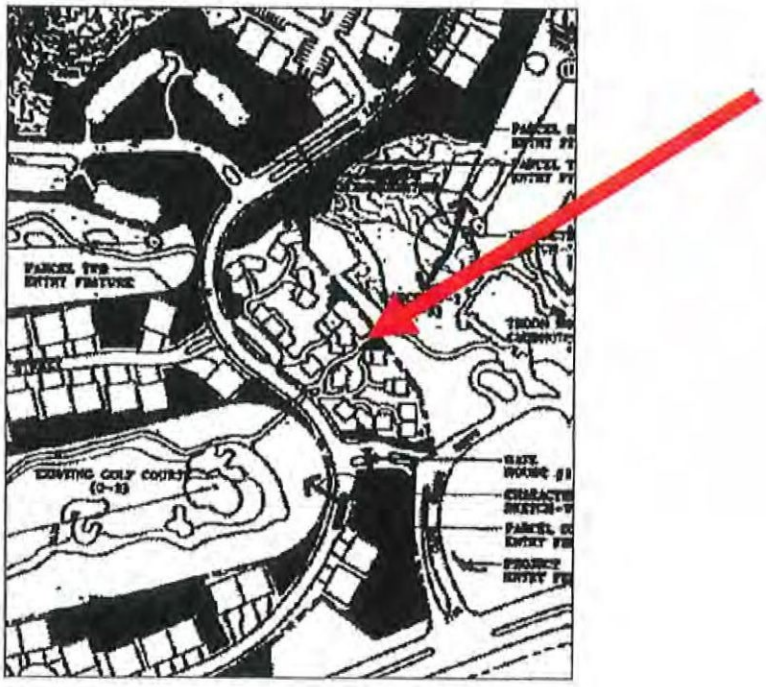
Zoning stipulations can be structured in a way that allows flexibility yet maintains clarity toward achieving small developments that are in proper context of a larger masterplan. The table in 3-ZN-94 specifically indicates what the maximum densities for the 6 parcels are, including the maximum number of dwelling units and Parcel 6 is currently allowed 22 dwelling units or 31 resort rooms. Although it may have been the intent at the time to provide maximum flexibility and to allow development to respond to changing needs and market conditions, it is typical that changes to "maximums" spelled out in stipulations - often even minor changes – must return to the City Council for approval of the modifications. Generally, this includes requests to a building height, a density, or a setback that is specified on a site plan or other exhibit in the stipulations. I have determined that the maximum allowable density on Parcel 6 is 22 dwelling units or 31 resort units. The property owner may request that the City Council modify their approval through a separate public hearing process.

Please do not hesitate to contact me if I can be of further assistance.

Regards,

Randy Grant
City of Scottsdale
Zoning Administrator


TROON NORTH RESORT SITE
PARCELS V1 & V2
3-2.1-94
ATTACHMENT #3


PARCEL V2B
ENTRY FEATURE
EXISTING GOLF COURSE
(9-HOLE)

LAW OFFICES
JORDEN HISER
& JOY, P.L.C.

5080 NORTH 40TH STREET, SUITE 245
PHOENIX, ARIZONA 85018
TELEPHONE: 480-505-3900
FACSIMILE: 480-505-3901

DOUGLAS A. JORDEN

DIRECT LINE: 480-505-3909
E-MAIL: djorden@JHJLawyers.com
www.JHJLawyers.com

October 18, 2017

HAND-DELIVERED

City of Scottsdale
Board of Adjustment
c/o Board of Adjustment Liaison
7447 East Indian School Road, Suite 105
Scottsdale, AZ 85251

Re: 6-BA-2017 & 5-BA-2017; Troon North Villas Appeal

Dear Board of Adjustment:

This letter and enclosures are submitted pursuant to Rule 403 of the Rules of Procedure for the Board of Adjustment in support of our appeal to the Board of Adjustment dated September 22, 2017,[1] from the Zoning Administrator's interpretation dated August 24, 2017 (the "Zoning Administrator's Decision"). The Zoning Administrator's Decision was issued in response to our zoning interpretation request dated July 24, 2017 ("July 24 Request") and found that the maximum density allowed on property known as Troon North Villas (the "Property") was 22 dwelling units or 31 resort units.

ALLOWED DENSITY

We support the Zoning Administrator's Decision and ask the Board of Adjustment to find that the density is capped at 22 dwelling units or 31 resort units. However, if the Board of Adjustment disagrees with the Zoning Administrator's Decision, the only remaining interpretation that makes sense is that the density is capped at 27 resort units, for the reasons set forth in our appeal dated September 22, 2017, and in our July 24 Request.

STANDING OF TROON NORTH ASSOCIATION/DUNNS

With respect to standing, the appeal of the Zoning Administrator's Decision by MBA Development Partners, LLC ("MBA"), dated September 22, 2017 (Case No. 5-BA-2017) (the "MBA Appeal") states that "none of [the Troon North Owners] can be characterized as "aggrieved parties,"" apparently because the "Troon North Owners" are contractually bound by

[1] Our letter and other appeal materials submitted to the City on September 22, 2017, are incorporated into this letter by reference. This letter and enclosures, along with the letter and other materials submitted on September 22, 2017, constitute an appeal pursuant to A.R.S. § 9-462.06.C and G and applicable City ordinance.

the "Troon North CC&Rs." The MBA Appeal also says that in a recent arbitration proceeding between Troon North Association and MBA, the arbitrator ruled that MBA was "entitled to develop the Parcel as contemplated by MBA and as reflected in its submittal to the City in Case No. 48-DR-2007#2." MBA is wrong.

First, private covenants (such as the Troon North CC&Rs) and zoning ordinances operate independently of each other.[2] Zoning restrictions are imposed by a municipality for the public welfare and private covenants are imposed for the benefit of private parties.[3] Private covenants do not "supersede, enlarge or diminish the requirements of the zoning ordinance."[4] Conversely, zoning ordinances cannot terminate, supersede, or nullify a valid covenant.[5] "Private restrictions ... and public zoning restrictions on the same land are separately and independently enforceable...."[6] The existence of a private covenant has no effect on a person's standing to challenge a zoning ordinance or decision.[7]

Second, our clients definitely meet the definition of "persons aggrieved" by the Zoning Administrator's Decision under A.R.S. § 9-462.06.D and City of Scottsdale Zoning Ordinance Section 1.202.B. A "person aggrieved" is a person who can allege specific harm peculiar to itself and different from that of the general public; proximity is also a factor.[8] Phil and Linda Dunns' use and enjoyment of their home and surrounding common areas, located across the street from the Property,[9] will be damaged by the increased traffic, noise, lights, and litter from the Property, if the Property is developed with 67 (or 62) resort units as proposed by MBA.[10] An association has standing on behalf of its members when it has a legitimate interest in an actual controversy involving its members and efficiency would be served by allowing the association to represent its members (rather than requiring them all to appear individually).[11] Troon North Association is an Arizona non-profit corporation that governs the Troon North master planned community (which includes the Property and the areas surrounding the Property) and is responsible for preserving the value, desirability, and attractiveness of Troon North.[12] In carrying out this responsibility, the Troon North Association has a legitimate interest in making sure that the Property is developed with no more density than the maximum density allowed

---

[2] 5 RATHKOPF'S THE LAW OF ZONING AND PLANNING § 82:2 (4th ed. 2017); *Moschetti v. City of Tucson*, 9 Ariz. App. 108, 111 (1969); *Murphey v. Gray*, 84 Ariz. 299, 304 (1958).

[3] 5 RATHKOPF'S THE LAW OF ZONING AND PLANNING § 82:2; *see McDonald v. Emporia-Lyon Co. Joint Bd. of Zoning Appeals*, 697 P.2d 69, 71 (Kan. Ct. App. 1985).

[4] *Bluett v. Cook County*, 153 N.E.2d 305, 306 (Ill. App. Ct. 1958).

[5] AM. JUR. 2D, *Covenants, Etc.* §231 (2017).

[6] *Moschetti*, 9 Ariz. App. at 111.

[7] 5 RATHKOPF'S THE LAW OF ZONING AND PLANNING § 82:2; *see Our Way Enterprises, Inc. v. Town of Wells*, 535 A.2d 442, 444 (Me. 1988).

[8] *Center Bay Gardens, L.L.C. v. City of Tempe City Council*, 214 Ariz. 353, 358-59 (App. 2007).

[9] Phil and Linda Dunn own a condominium unit (10260 E. White Feather Lane, Unit 1058) together with an undivided interest in the common elements of The Ridge at Troon North, just west of the Property. See Exhibit A.

[10] *See Center Bay Gardens*, 214 Ariz. at 359 (noting that courts find a person has standing when he alleges specific claims of damage to the use and enjoyment of their property).

[11] *Armory Park Neighborhood Ass'n v. Episcopal Community Services*, 148 Ariz. 1, 6 (1985)(stating the requirements for associational standing under Arizona law).

[12] See Recital E of the Tract Declaration for Troon North Villas recorded in the records of Maricopa County, Arizona at Document No. 2015-0451908.

under the City's Zoning Ordinance. It is more efficient for Troon North Association to bring this appeal than to require individual appeals from each of its many members who qualify as aggrieved persons because the use and enjoyment of their property will be damaged if the Property is developed with 67 (or 62) resort units.

Finally, the MBA Appeal brazenly states on page 16 that the arbitrator ruled that MBA was "entitled to develop the Parcel as contemplated by MBA and as reflected in its submittal to the City in Case No. 48-DR-2007#2." That is simply not true. MBA conveniently fails to mention that the February 1, 2017 decision of the single arbitrator was replaced and superseded by the subsequent de novo decision of a three-person arbitration panel on August 30, 2017 (the "Arbitration Panel Decision").[13] There is absolutely nothing in the Arbitration Panel Decision that supports MBA's claim that it is entitled to develop 62 (or 67) resort units as reflected in its submittal to the City. MBA's reliance on the February 1, 2017 decision of the single arbitrator is, at best, disingenuous.

MBA's "Memorandum Re: Standing" dated October 17, 2017, expands on MBA's arguments against our clients having standing by making a circular argument that can be summarized as: (1) the owners within Troon North accepted their property subject to the Troon North CC&Rs, (2) the Troon North CC&Rs require compliance with zoning regulations, and (3) the zoning regulations require 90 resort rooms to be developed on the Property (or at least the maximum number allowed, which MBA asserts is 68). This argument is irrelevant because the Troon North CC&Rs have no bearing on the Board of Adjustment's decision regarding a zoning matter. This argument is also nonsensical because the very purpose of the Zoning Administrator's Decision and subsequent appeals to the Board of Adjustment are to interpret the zoning regulations applicable to the Property and to answer the question: "What is the maximum density allowed on the Property?"

CONCLUSION

In summary, our clients – Phil and Linda Dunn and the Troon North Association – are persons aggrieved under A.R.S. § 9-462.06.D and City of Scottsdale Zoning Ordinance Section 1.202.B. Our clients ask the Board of Adjustment to find that the density is capped at 31 or 27 resort units.

Sincerely,

Douglas A. Jorden

DAJ/eaa

Enclosures

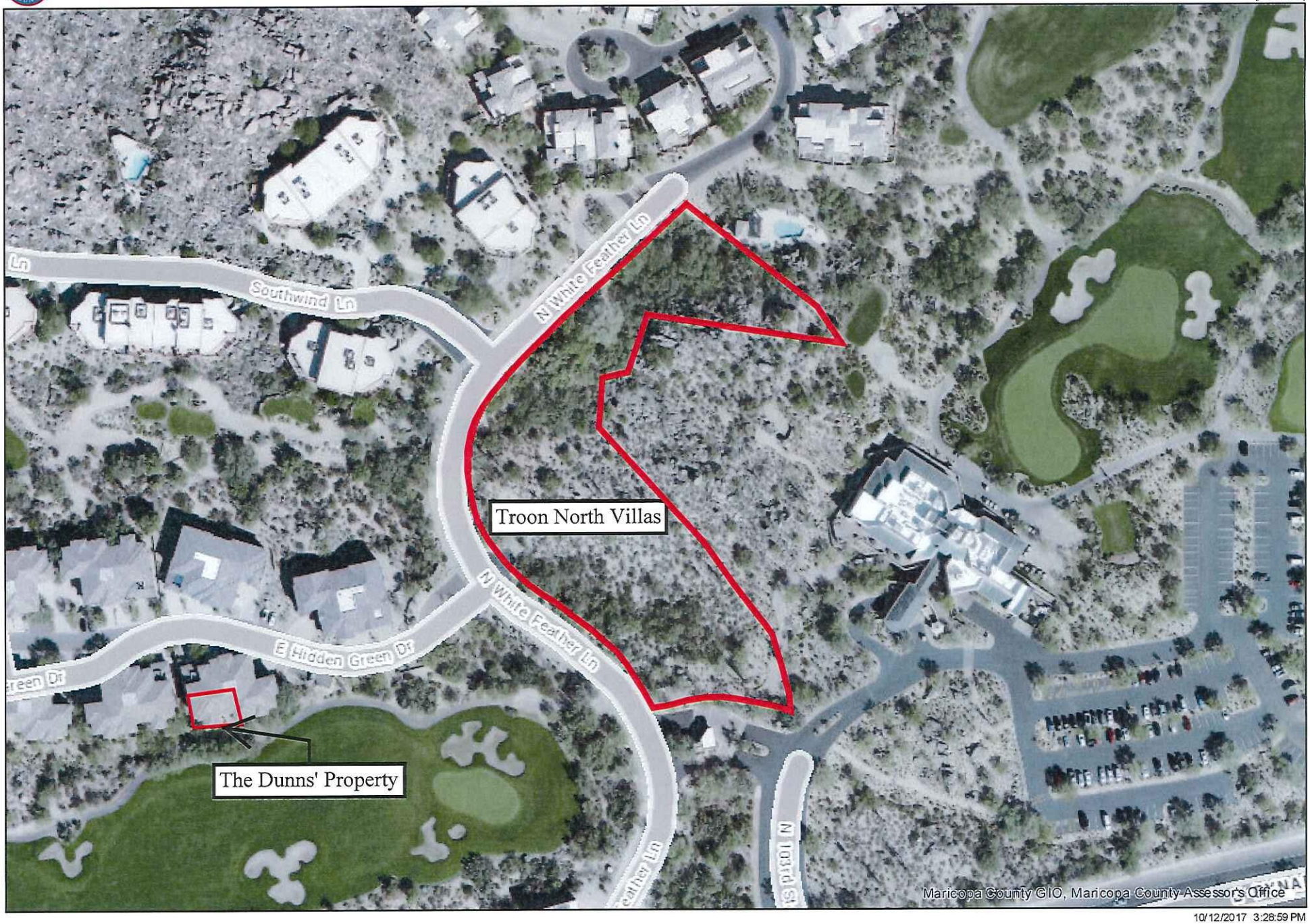
---

[13] See Exhibit B.

cc(w/encl.): Randy Grant (via e-mail)
Brad Carr (via e-mail)
Jeff Barnes (via e-mail)
Joe Padilla (via e-mail)
Phil Dunn (via e-mail)
Manny Siprut (via e-mail)
Harold Nidetz (via e-mail)
Arianne Ahlvin (via e-mail)
Frederick Davidson (via e-mail)

EXHIBIT A

Map



10/12/2017 3:28:59 PM

EXHIBIT B

Judge Bruce Meyerson (Ret.)
1951 West Camelback Road, Suite 200
Phoenix, Arizona 85015

Stephen H. Scott
SCOTT, SKELLY & MUCHMORE, LLC
1313 E. Osborn Road, Suite 120
Phoenix, Arizona 85014

Steven W. Cheifetz
CHEIFETZ IANNITELLI MARCOLINI, P.C.
111 West Monroe Street, 17th Floor
Phoenix, Arizona 85003

Arbitration Panel

BEFORE THE ARBITRATION & MEDIATION CENTER

OF ARIZONA (USA MEDIATE)

TROON NORTH ASSOCIATION, and Arizona non-profit corporation, Claimant, vs. PPVN DEVELOPERS LIMITED PARTNERSHIP, an Arizona limited partnership; MBA DEVELOPMENT PARTNERS, LLC, an Arizona limited liability company, Respondents.	No. CV2015-094238 **ARBITRATION PANEL DECISION ON APPEAL**

Claimant Troon North Association ("TNA") having asserted claims against Respondents, and the parties having filed Cross Motions for Summary Judgment, and the Arbitrator Robert A. Budoff, having ruled in favor of Respondents on February 1, 2017, and Claimant thereafter having appealed to this Arbitration Panel, and this Panel having considered the record on appeal and having heard Oral Argument on August 1, 2017, herein rules as follows:

1. Respondent MBA is the owner of record of that real property addressed as 10200

East Dynamite Boulevard in Scottsdale, Arizona and commonly referred to as Troon North Resort Parcel Six (the "Resort Parcel").

2. The Resort Parcel is located within the Troon North master planned community, which is subject to that Second Restated Declaration of Covenants, Conditions and Restrictions for Troon North, recorded as Document No. 2007-0228652.

3. Respondent PPVN is the Declarant under the Master Declaration.

4. Prior to MBA taking title to the Resort Parcel, on or about June 24, 2015, PPVN in its capacity as Declarant, together with MBA's predecessor in interest, SREF, approved and recorded a "Tract Declaration for Troon North Villas" against the Resort Parcel, recorded at Instrument No. 2015-0451908 (the "Tract Declaration"), in the Official Records of Maricopa County.

5. Claimant TNA has brought the present action seeking the removal of the Tract Declaration.

6. In support of that action, TNA has argued, in sum, (1) that following PPVN's turnover of the Association to its members, PPVN was no longer empowered to record the Tract Declaration; (2) that as the Tract Declaration fails to restrict the Resort Parcel to single family usages, the Tract Declaration is invalid; (3) that the Tract Declaration changes the character of the Troon North Association in a manner that could not be reasonably anticipated by the members of Troon North Association, and is therefore invalid; and (4) that the Declaration does not allow for the recording of a Tract Declaration that excludes certain portions of the Master Declaration.

7. In response, Respondents have argued, in sum, (1) the Tract Declaration was adopted and recorded in conformance with the plain language of the Master Declaration; (2), the Master Plan for the Troon North community, as well as the Master Declaration, specifically provide for and require the Resort Parcel to be developed as a resort and timeshare development and therefore place Claimant and its members on notice that the Resort Parcel will be developed

as a resort; and, (3) MBA has vested rights in seeing the Resort Parcel developed as a resort that prohibit Claimant from interfering with the Project.

8. Claimant asserts that pursuant to Section 6.10 of the *Restatement (Third) of Property; (Servitudes)*, that the Tract Declaration should be determined to be invalid because amendments that do not apply uniformly to similar lots and amendments that otherwise violate the community's duties to its members under Section 6.13 of the Restatement are not effective without the approval of those members whose interests would be adversely affected unless the declaration fairly apprises purchasers that such amendments may be made. The Arbitration Panel determines that Section 6.10 of the *Restatement (Third) of Property; (Servitudes)* does not preclude the recording of the Tract Declaration because the parcel at issue is not similar to other lots. The resort parcel's R-4R zoning is intended for self-contained accommodations which include recreational amenities and services customarily furnished at hotels, including the service of meals. This lot and its applicable zoning as a resort hotel is significantly different than the typical lots in the community intended for single-family homes. The Arbitration Panel also determines that Section 6.10 does not require a uniform amendment because the anticipated use as a resort parcel based upon language of the Master Declaration was reasonably foreseeable.

9. Similarly the case law relied upon by Claimant under the same theory, that amendments must be applied uniformly to the community, also does not apply because that case law also only requires that uniform amendments be applied to similar type lots.

10. The Arbitration Panel agrees with Claimant that Section 6.21 of the *Restatement (Third) of Property; (Servitudes)*, provides that the developer may not amend or modify the Master Declaration in a way that would materially change the character of the development or the burdens on the existing community members without fairly apprising purchasers that the power of the Declarant may be used for that purpose. However, the Panel concludes that the Master Declaration itself provides more than ample notice that this Parcel would be subject to this type of development.

11. Article 2, Section 2.01 of the Master Declaration, authorizing the recording of a Tract Declaration, specifically states that a Tract Declaration may be recorded to restrict the use of the property to "single family residential, multi-family residential, commercial, office, *resort* or golf course." (Emphasis added). Section 4.33 of the Master Declaration, regarding time shares, specifically carves out an exception to the prohibition against time shares for any parcel or lot zoned R-4R *resort* parcel. Section 4.02 of the Master Declaration, regarding compliance with laws, specifically provides that all uses, activities and improvements on any parcel shall conform to all applicable laws, rules and regulations, including but not limited to any building and safety codes, zoning regulations and the requirements set forth in the master plan for Troon North, which included a plan for *resort* development. Section 4.08 of the Master Declaration provides that height limitations for any commercial, office or *resort* improvement within the property, excluding any chimney, shall be the maximum height permitted by the zoning laws of the City of Scottsdale and any other applicable government laws or regulations. As such, given all of the references in the Master Declaration allowing for the development of a resort, it was reasonably foreseeable for any purchaser in the community based upon such language to anticipate that a Tract Declaration allowing for the property to be used as a resort development was possible.

12. The case law relied upon by Claimants in their arguments that such changes were not reasonably foreseeable is also inapplicable because, as explained above, the Master Declaration fairly apprises purchasers that such an R-4R zoned parcel could be used for a resort development.

13. Section 6.19 of the *Restatement (Third) of Property; (Servitudes)* also does not prevent the recording of the Tract Declaration after turnover of the development to its members. While Section 6.19 of the Restatement provides that after the time necessary to protect its interests in completing and marketing the project, the developer has the duty to transfer the common property to the Association or its members, the Panel does not view that section of the

Restatement (Third) of Property; (Servitudes) as being intended to preclude an amendment to the property after such turnover, as nothing to that effect is stated in Section 6.19. Rather Section 6.19 simply sets forth the standard as to when a developer is obligated to turn over control of the community to an association or its members.

14. Based upon the foregoing, neither the *Restatement (Third) Property; (Servitudes)* nor applicable case law, provides a basis for the Arbitration Panel to determine that the Tract Declaration was improperly recorded against the property or that the Tract Declaration should be determined to be void and of no force and effect in its entirety.

15. The Arbitration Panel disagrees with the Respondents, however, that each provision in the Tract Declaration is enforceable. Section 2.01 of the Master Declaration provides that a Tract Declaration may be recorded "restricting the use of the portion of the property covered by the Tract Declaration to the specific uses as specified in the Tract Declaration," and that the Tract Declaration may "impose restrictions and conditions on the property covered by the Declaration in addition to those contained in the Declaration." As such, the intent of the Declarant in allowing for the use of tract declarations was to only allow for further restrictions and conditions to be imposed against the property in addition to those restrictions and conditions already set forth in the Master Declaration. Using tract declarations as a mechanism to remove restrictions and conditions otherwise set forth in the Master Declaration rather than as a mechanism to impose restrictions and conditions is directly contrary to the clear and unambiguous language of the Master Declaration. Section 2.01 of the Master Declaration further provides that despite the recording of any Tract Declaration, the Master "Declaration shall continue to apply to the Property covered by a Tract Declaration." Recording a Tract Declaration that excludes certain portions of the Master Declaration is contrary to the express requirement that the Master Declaration still apply to the property after the recording of a Tract Declaration.

16. The intent of the Declarant in this regard is further evidenced by the fact that

Article 13 of the Master Declaration specifically provides for exemptions to certain parcels, as the Master Declaration provides for exemptions to Parcel N, Parcel M, Parcel O, Parcel Q and Parcel W. The Tenth Amendment to the Master Declaration is an example of how such exemptions should be established, as in that Amendment to the Master Declaration, parcels M, O, and Q are exempted from certain provisions of the applicable Declaration. Had the Declarant wished to avoid the application of certain provisions of the Master Declaration to the Resort Parcel, it was incumbent upon the Declarant to amend the Master Declaration itself, as had been done previously, to provide for the exclusion of certain property from all of the restrictions in the Master Declaration.

17. To amend the Master Declaration at the time the Tract Declaration was recorded, the Declarant would have been required to obtain approval of 67% of the owners of the community. As such, allowing the Tract Declaration to provide for exemptions to the Master Declaration rather than by requiring an amendment to the Master Declaration itself would allow the developer to avoid the requirement that 67% of the Association members approve of such an amendment.

18. Furthermore, to the extent the *Restatement (Third) Property; (Servitudes)*, requires that any such amendment must be reasonably foreseeable, or otherwise be disallowed, the Panel believes that changing the terms of the Master Declaration by the recording of a Tract Declaration rather than by amending the Master Declaration itself and thereby avoiding the 67% vote requirement, is not reasonably foreseeable and is, therefore inappropriate on such grounds as well.

19. As a result the Panel determines that the exemptions in the Tract Declaration set forth in Section 3, subparts D, E, F, and G, are invalid. As such, the non-residential use exclusion, the short term rental exclusion, the time share exclusion, and the exemptions specified in subpart G regarding parking, non-residential use, single family occupancy, and architectural review should not have been included in the Tract Declaration and, on that basis, are of no force

and effect. However, despite the foregoing, the Panel does not believe it is necessary to determine that the complete Tract Declaration is of no force and effect simply because certain exemptions set forth in the Tract Declaration were included without proper authority.

20. However, even if the exemptions set forth in the recorded Tract Declaration are not valid, it does not necessarily follow that the restrictions and conditions that the Respondents sought to avoid may now arbitrarily be enforced by the Claimant against the Resort Parcel. Indeed, the Panel believes it is clear that beginning with the Troon North Master Plan, and the updated Plan as approved by the City of Scottsdale, the Resort Parcel was always intended to be used for resort purposes. Moreover, such use is specifically permitted by R-4R zoning which applies to the Resort Parcel. Therefore, any restrictions sought to be imposed on the use of the Resort Parcel must be implemented in the manner intended by the Declarant and in a manner that is fair and reasonable for a resort parcel of this nature.

21. In addition, the case of Tierra Ranchos Homeowners Association v. Kitchukov, 216 Ariz. 195 (App. 2007), provides that an association is obligated to treat members fairly and to act reasonably in its exercise of its discretionary powers including rule making, enforcement, and design control powers. The *Restatement (Third) Property; (Servitudes)*, upon which the Tierra Ranchos Homeowners Association v. Kitchukov decision relies, provides at Sections 6.7 and 6.8 that the Association must adopt reasonable rules, and pursuant to Section 6.13, as provided in the Kitchukov decision, must treat members fairly and act reasonably in its exercise of such discretionary powers.

22. In summary, to the extent the Tract Declaration exempts the use of the Resort Parcel from Sections 4.09, 4.29, 4.30, 4.33, and Art. 8 of the Master Declaration, such exemptions are unenforceable. The Resort Parcel may be used in a manner consistent with the Troon North Master Plan and for purposes permitted in R-4R zoning. Any rules and regulations adopted by the Association that shall apply to the Resort Parcel shall be reasonable for such uses.

23. As an exercise of its discretion, the Panel determines that each side shall bear its

own attorney's fees and costs incurred in this matter.

DATED this 30th day of August, 2017.

The Honorable Bruce Meyerson (Ret.), Arbitrator

Stephen H. Scott, Esq., Arbitrator

Steven W. Cheifetz, Esq., Arbitrator

COPIES of the foregoing mailed/emailed this 30th day of August, 2017, to:

Kellie Callahan, Esq.
Scott Carpenter, Esq.
Carpenter, Hazelwood, Delgado & Bolen, PLC
1400 E. Southern Avenue, Suite 400
Tempe, Arizona 85282
Attorneys for Claimant

Chad Kaffer, Esq.
Fred Davison, Esq.
Davidson and Kaffer
8700 E. Pinnacle Peak Road, Suite 221
P.O. Box 27500
Scottsdale, Arizona 85255
Attorneys for Respondents

By:_____

N:\CLIENTS\USA Medlite Arbitration Panel\Troon North Association 4101-3\Pleadings\Notice of Decision 08 28 17 Final.doc

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #2)
Date: Wednesday, October 11, 2017 11:53:56 AM

Board of Adjustment Public Comment (response #2)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/11/2017 11:53:29 AM

Survey Response

COMMENT	
Comment:	Regarding "Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017. Please support the City of Scottsdale's proposed number of allowable units at 31 or Troon North's proposed number of allowable units at 27, NOT the ridiculous number (67) that the developer is requesting to mar one of Scottsdale's finest master planned communities and golf courses. This issue isn't just a matter of the horrific look and dominating density. The developer has also proposed locating dumpsters and using parking spaces at the Troon North Golf Club.
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	John Jacobus
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	john_l_jacobus@yahoo.com
Phone:	
Address:	
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #3)
Date: Wednesday, October 11, 2017 11:56:56 AM

Board of Adjustment Public Comment (response #3)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/11/2017 11:56:19 AM

Survey Response

COMMENT	
Comment:	Subject: "Troon North Villas" Case Numbers 5-BA-2017/6-BA-2017. I am a homeowner in the Troon North Candlewood neighborhood. I appreciate and support the City's decision to limit it to 31 units. The developer's proposal of 62 or more units would harm the existing homeowners and degrade the fabric of the unique Troon North community. I urge you to uphold the City's decision. Thank You.
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Ely Shemesh
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	eshemesh@live.com
Phone:	
Address:	10922 E Southwind Ln, Scottsdale 85262
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: jamiepilla@aol.com
To: Board Of Adjustment
Subject: Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017
Date: Wednesday, October 11, 2017 11:59:28 AM

To whom it may concern,

Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017.

It is unfortunate that I have to ask you to support even one of these units, However, I am humbly asking you to support the home owners and only allow the absolute minimum units possible.

I understand the City of Scottsdale's number at 31 or Troon North's at 27, NOT the ridiculous 67 that the developer requested to mar one of Scottsdale's finest master planned communities and golf courses.

A concerned resident,

James Pilla

From: Tom Glover
To: Board Of Adjustment
Subject: Troon North Villas - Case Numbers 5-BA-2017/6-BA-2017
Date: Wednesday, October 11, 2017 12:10:30 PM

It is my understanding that a developer is proposing building 67 units next to the Troon North golf clubhouse in the Troon North development. I am writing this e-mail to protest the proposal and to request that you only allow what has been approved previously, which is only 31 units.

The request to build 67 units is absurd given the location of the land and the size of the land that the developer has to build the units. It will stick out like a sore thumb and encroach upon the clubhouse area. Troon North is a wonderful master planned community and the 67 units have no place in the proposed location. Please help protect our community and only allow 31 units to be built.

Regards,

Tom Glover

9454 E Mark Lane
Scottsdale, AZ 85262

Sent from Mail for Windows 10

From: Sucharow, Lawrence
To: Board Of Adjustment
Cc: "Fran"
Subject: Troon North Villas Case Numbers: 5-BA-2017 / 6-BA-2017
Date: Wednesday, October 11, 2017 12:23:48 PM

Dear Members of the Scottsdale Board of Adjustment:

My wife and I are residents in the Talus subdivision of Troon North. We have been there for more than 10 years.

While we understand that nothing stays the same and Scottsdale is no longer the West's Most Western Town, it doesn't have to encourage rampant over-building of its remaining open space, or impose higher density projects than previously approved upon its existing residents who bought in Scottsdale in the first place because of the open space and "feel" of the community that the community desires and the government has succeeded in creating.

We are not against development. We understand that development is a part of progress. But we are against unnecessary, unplanned for high density development in suburban space. Not only is it unnecessary where the Master Plan doesn't call for it, it is harmful to the tax base (existing home prices) upon which our government depends.

We urge you to reject, like the City of Scottsdale already has, the wholly unnecessary tripling for commercial purposes of the proposed timeshare density (look at Sedona) and cast your votes in favor of the sensible existing requirements which will have a more minimal impact on existing homes and neighborhoods. We are not suggesting no development but the Applicant should get what he purchased, the right to build 27 Units, which is more in line with what residents' expectations were and what the community could support. The Applicants' request to add even more Units to its request to your body (67) instead of the lower 62 it sought below and was denied, speaks volumes of its insensitivity to the long-term citizens and residents of Troon North. Are they tone deaf or merely greedy.

Please do what's right and not what's expedient. Hundreds of your constituents and homeowners beg this of you.
Please support the City of Scottsdale's reasoned determination of 27 – 31 Units and don't follow the path of the blight of Sedona.

Sincerely,

Lawrence and Frances Sucharow
10533 East Troon North Dr.
Scottsdale. Arizona. 85262

Privilege and Confidentiality Notice

This electronic message contains information that is (a) LEGALLY PRIVILEGED, PROPRIETARY IN NATURE, OR OTHERWISE PROTECTED BY LAW FROM DISCLOSURE, and (b) intended only for the use of the Addressee(s) named herein. If you are not the Addressee(s), or the person responsible for delivering this to the

Addressee(s), you are hereby notified that reading, copying, or distributing this message is prohibited. If you have received this electronic mail message in error, please contact us immediately at 212-907-0700 and take the steps necessary to delete the message completely from your computer system. Thank you.

From: Paul David
To: Board Of Adjustment
Subject: Troon North Villas - Case 5-BA-2017/6-BA-2017
Date: Wednesday, October 11, 2017 12:26:05 PM

I am requesting that you support the City of Scottsdale's planning board's number of 31 units at the above proposed property and NOT the 60+ the owner wants to build as it does not meet the density standards of the zoning and the adjoining properties. The builder should be required to place all dumpsters and parking spaces for the residents on site and not in a rented space in an adjacent commercial property. To ruin the beauty of the Troon North area with an extremely high density building that looks like a Motel 6 is sinful and hopefully you will not allow.

Thank you for your attention.

Paul David
11165 E. Oberlin Way
Scottsdale, AZ 85262
p.david@cox.net

"There comes a time in your life, when you walk away from all the drama and people who create it. You surround yourself with people who make you laugh. Forget the bad and focus on the good. Love the people who treat you right, pray for the ones who don't.
Life is too short to be anything but happy.
Falling down is a part of life, getting back up is living."

From: Joe DeVecchio
To: Board Of Adjustment
Subject: Troon North Villas / Case Numbers 5-BA-2017/6-BA-2017
Date: Wednesday, October 11, 2017 12:36:34 PM

I am a resident in The Monument @ Troon North subdivision who is concerned about the proposed development named Troon North Villas. I accept the project being built with a maximum number of units of 31 which is what the City of Scottsdale has determined should be the limit. Any project with a density rate higher than that will infringe upon the current property owner's rights to live in an area of the Valley that had those limitations when we decided to purchase property there.

There are plenty of areas of the Valley that meet the criteria for the project as it is currently proposed. There is no justifiable reason to allow this project to be built in the location that it is being requested when it is not already zoned to be built there.

Please do the right thing by supporting the City of Scottsdale's decision and leaving the density rate of the Troon North areas the way they are currently designed.

Thank you,
Joe DeVecchio

From: yakov
To: Board Of Adjustment
Subject: "Troon North Villas" Case Numbers 5-BA-2017/6-BA-2017.
Date: Wednesday, October 11, 2017 12:38:13 PM

To whom it might concern,

I would like to express my support of the City of Scottsdale's decision to permit maximum 31 units at "Troon North Villas" (Case Numbers 5-BA-2017/6-BA-2017).

Thank you,
Dr. Yakov Epshteyn
9626 E. Mark Ln., Scottsdale, AZ 85262
Cell. 520-975-4467

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #4)
Date: Wednesday, October 11, 2017 1:09:01 PM

Board of Adjustment Public Comment (response #4)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/11/2017 1:08:49 PM

Survey Response

COMMENT	
Comment:	I refer to "Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017. I want to lend my support to the City of Scottsdale's number at 31 or Troon North's at 27 units, NOT the ridiculous 67 units development that the developer is requesting to mar one of Scottsdale's finest master planned communities and golf courses. We live at 9451 East Mark Lane and we chose this community for its well thought out design as well as the fantastic location. The proposal for expanded number of units by this developer does not fit the current design and will create a terrible eyesore in the neighborhood.
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Sidney Jacobson
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	jaco3sa@gmail.com
Phone:	(515) 608-3461
Address:	9451 East Mark Lane, Scottsdale 85262

Example: 3939 N. Drinkwater Blvd, Scottsdale 85251

From:	Deborah Vanasek
To:	Board Of Adjustment
Cc:	james vanasek
Subject:	"Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017
Date:	Wednesday, October 11, 2017 1:26:43 PM

I am a resident of Troon North and adding my voice to the request to STOP the developer in question from creating a project that goes against every reason my husband and I had for choosing to live here. We were looking for LESS population density, not more as well as a considered management of local land and resources. This project DOES NOT comply to the kind of community we wish to maintain in this area.

It's time for greedy developers to be slowed down NOT aided in their quest to turn every square inch of available land and desert into a profit center.

DO NOT allow this to happen, especially as a signal to the rest that their desire to enrich themselves is more important than the quality of life of the local residents whose lives they disrupt with little concern before moving on to the next land grab and overdevelopment.

Debbie Vanasek
11171 E. Balancing Rock Rd
Scottsdale 85262

*We are all the same color -- **Human**.*

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #5)
Date: Wednesday, October 11, 2017 1:29:05 PM

Board of Adjustment Public Comment (response #5)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/11/2017 1:28:20 PM

Survey Response

COMMENT	
Comment:	I am a resident of Troon North and adding my voice to the request to STOP the developer in question from creating a project that goes against every reason my husband and I had for choosing to live here. We were looking for LESS population density, not more as well as a considered management of local land and resources. This project DOES NOT comply to the kind of community we wish to maintain in this area. It's time for greedy developers to be slowed down NOT aided in their quest to turn every square inch of available land and desert into a profit center. DO NOT allow this to happen, especially as a signal to the rest that their desire to enrich themselves is more important than the quality of life of the local residents whose lives they disrupt with little concern before moving on to the next land grab and overdevelopment. Debbie Vanasek 11171 E. Balancing Rock Rd Scottsdale 85262
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Deborah Vanasek

AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	myniteowl@msn.com
Phone:	(480) 699-6607
Address:	11171 E. Balancing Rock Rd, Scottsdale 85262
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Stone Jonieta
To: Board Of Adjustment
Subject: Troon North Villas Case# 5-BA-2017/6-BA-2017
Date: Wednesday, October 11, 2017 1:31:16 PM

Dear Board Members,

Please do not approve the developer's plan to build 67 units at Troon North. It is my understanding that when Troon North was being developed this parcel was set aside for 22 units. The developer's plans for the proposed units look like Motel 6! Crowded together and not suited to the existing area.

Troon North is a community and golf course with homes that feature desert landscaping on nice sized lots of varying sizes. The HOA strives to maintain a cared for look throughout the 1800 home development. Residents maintain their homes and lots and are proud to call Troon North home. I, for one, would be dismayed to have a motel appearing building placed next to the Golf Club and the surrounding homes.

A second issue that should be considered is traffic. Given the housing that is currently under construction between Alma School Road and Rio Verde the traffic along Dynamite is already significantly increasing. 67 units have the potential of adding 134 cars to the traffic.

Please deny the developer's request for 67 units. (Troon North Villas Case # 5-BA-2017/6-BA-2017)

Thank you,

Jonieta Stone
28897 N. 94th Place
Scottsdale, AZ 85262

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #6)
Date: Wednesday, October 11, 2017 1:38:07 PM

Board of Adjustment Public Comment (response #6)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/11/2017 1:37:52 PM

Survey Response

COMMENT	
Comment:	Regarding Troon North Villas (5-BA-2017/6-BA-2017), I implore the Board to reject the ridiculous appeal of the developer for 67 units! City Council made the right decision in limiting the number to 31 units, more in keeping with the community's limit of 27. Now they have increased their request in hopes of getting more from the Board. As a neighboring resident in this planned community, it is very important to me that the Board protect the plan and protect us from this proposed scar on our community.
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Timothy Rupert
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	trupertrti@cs.com
Phone:	
Address:	9867 E Dale Lane, Scottsdale, AZ 85262 (Monument)
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From:	Linda Laughlin
To:	Board Of Adjustment
Subject:	Time share - units in Troon North.
Date:	Wednesday, October 11, 2017 1:38:56 PM

Hello,
I am a resident of the Troon North community. In this area you'll see many bicyclists, motorcyclists and hikers. It is a place for all to enjoy. However, the timeshares that a developer wants to build next to Troon North golf club are not something we want here. Already, traffic has gotten quite busy on Dynamite. The high desert will not retain its beauty and tranquility with the added traffic and unattractive timeshares that the developer wants to put in. This is a residential area and we hope to keep it a place for not only residents to enjoy but those coming in from out of town and from the valley to hike and bike. Please stop this developer from ruining the high desert. We appreciate you taking the time to read this.
Regards,
Linda Laughlin

From: Dan Groteboer
To: Board Of Adjustment
Subject: Troon North Villas
Date: Wednesday, October 11, 2017 1:42:27 PM

I urge the committee to stand by their decision of 31 units for the "Troon North Villas" Case Number 5-BA-2017/6-BA-2017. The number of 67 units is outlandish. As an owner of a property at 9377 E Hunter Ct it is very important to me to see that the City stand by their decision.

Thank you,

Daniel M Groteboer
ARS, CDPE, CNHS, GRI, REALTOR
Edina Realty
1301 Salem Rd SW
Rochester,MN
507.254.0957 - Direct
Dan@DanGroteboer.com
www.DanGroteboer.com

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #7)
Date: Wednesday, October 11, 2017 1:44:21 PM

Board of Adjustment Public Comment (response #7)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/11/2017 1:44:18 PM

Survey Response

COMMENT	
Comment:	Troon North Villas - case numbers 5 – B A- 2017/6 – B A-2017 I am writing to ask you to support the City of Scottsdale's number at 31 units or Troon North's at 27, not the developers ridiculous number of 67. Please keep the high desert at Troon North a place of beauty. Thank you, Linda Laughlin
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Linda Laughlin
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	Ljl258@aol.com
Phone:	
Address:	
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From:	Kathe Pults
To:	Board Of Adjustment
Subject:	We oppose Troon North Villas Case Numbers 5-BA-2017/6-BA-2017
Date:	Wednesday, October 11, 2017 1:49:01 PM

To The Members of the Board of Adjustment:

We are homeowners in the Stonedge project located in the Troon North area of Scottsdale and we are writing to urge you to keep the development standards of our community intact. There is currently an ongoing battle with a speculative developer who is trying to railroad a 67 unit project on to land that (according to Troon North bylaws) should only be allowed a maximum of 27 units. This proposed development (Troon North Villas, Case Numbers 5-BA-2017/6-BA-2017) is right next door to our own community. The City of Scottsdale ultimately concluded that this developer be allowed 31 units for this project. However, this developer is still trying to get around the City's decision and has actually gone from requesting 62 units to 67. This ridiculous 'in-your-face" proposal not only triples the allowed timeshare density, it also ignores the massive opposition coming from Troon North's 1800 homeowners.

Please help us preserve the beauty and integrity of the communities who have abided by the Troon North development codes. This developer has shown no sensitivity to the importance of a thoughtful architectural design or careful preservation of our community's natural beauty. Instead, this developer plans to max out every square inch of this site. The architectural design is reminiscent of a high density Motel Six and was clearly designed with a let's get the most bank-for-our-buck mentality. In fact, this project is so dense the developer has actually proposed locating dumpsters and using parking spaces at the Troon North Golf Club.

We are asking for your help to stop this type of mindless, speculative development in the middle of an area known for its thoughtful master plannning. Please support either the City of Scottsdale's number at allowing 31 units for this proposed project or Troon North's number at allowing 27 units.

Thank you for your time.

Sincerely,

Steve & Kathe Pults
28990 North White Feather Ln #127
Scottsdale, Az 85262

From: Knox Jones
To: Board Of Adjustment
Subject: 5-BA-2017/6-BA-2017
Date: Wednesday, October 11, 2017 2:04:06 PM

Dear Board of Adjustments

As homeowners at Troon North we are opposed to the development by the clubhouse on that tiny piece of land. 67 units is ridiculous, and will greatly diminish the character of the whole Troon North area.
The home owners believe 27 units is all that should be allowed while the City of Scottsdale says 31 should be allowed.
The developers using our lack of density over hundreds of acres to increase their density on 1.something acres is unacceptable to any reasonable person.
Please say no to High Density Housing in Scottsdale.
Thanks!

Knox & Julie Jones
10222 E. Southwind Ln
Scottsdale AZ 85262

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #8)
Date: Wednesday, October 11, 2017 2:05:46 PM

Board of Adjustment Public Comment (response #8)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/11/2017 2:05:25 PM

Survey Response

COMMENT	
Comment:	Re: Troon North Villas Case numbers 5-BA-2017/6-BA-2017 As a resident of Troon North I find the time share proposal of the developer to be extremely offensive as it runs rough shod over the beauty of our residential neighborhood. The density of this proposed project is accomplished only by skirting the intended use of the property and as I understand it relies on using other land not owned by the developer. I urge the Board to reduce the number of allowable units to 27 as requested by Troon North or at the maximum 31 units as allowed by the Council of the City of Scottsdale. I would like to see no time share project on the land as it runs contra to Troon North's and the City's requirement of rentals being for no less than 30 days in duration. I guess time share is not technically a rental , but the logic and reasoning behind the 30 day minimum rental requirement is still applicable; i.e.reducing the volume and volatility of persons going in and out of a property and maintenance of property values and character of the neighborhood by not allowing short term occupancy.

Comments are limited to 8,000 characters and may be cut and pasted from another source.

PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Stephen Manes
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	stepes@cox.net
Phone:	(480) 585-4077
Address:	10511 E. Monument Dr. Scottsdale 85262
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Kenneth Beck
To: Board Of Adjustment
Subject: Troon North Villas
Date: Wednesday, October 11, 2017 2:06:03 PM

As a property owner in Troon North, I totally object to the multi unit proposal under consideration. Please keep our city beautiful and in line with the wishes of residents living in the area. This references: Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017. Please support the City of Scottsdale's number at 31 or Troon North's at 27, NOT the ridiculous 67 that the developer is requesting to mar one of Scottsdale's finest master planned communities and golf courses.

Regards

Kenneth L Beck
Barbara A Beck

From: svisner@cox.net
To: Board Of Adjustment
Subject: Troon North Villas case number 5-BA-2017 , 6-BA-2017
Date: Wednesday, October 11, 2017 2:34:14 PM

Please support the city of Scottsdale number of 31 or the Troon North number at 27, but not the ridiculous number of 67 the developer is requesting. This would mar one of Scottsdale's finest master planned communities and golf courses.
Sincerely, Steven Visner

Sent from my iPad

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #9)
Date: Wednesday, October 11, 2017 2:52:54 PM

Board of Adjustment Public Comment (response #9)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/11/2017 2:52:43 PM

Survey Response

COMMENT	
Comment:	Please keep the Troon North villas development to a maximum of 31! case number 5-BA-2017/6-BA-2017 THANK YOU FOR YOUR CONSIDERATION. The Wiens 10752 East Monument Drive
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Barbara Wiens
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	organizedathome@kc.rr.com
Phone:	(913) 461-4685
Address:	10752 East Monument Drive, Scottsdale 85262
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Becky
To: Board Of Adjustment
Subject: Case # 5-BA-2017/6-BA-2017
Date: Wednesday, October 11, 2017 3:14:41 PM

Please ignore the appeal from the developer at Troon North Villas who is requesting 67 units and support the City of Scottsdale's number at 31 or Troon North's number at 27.

Thank you,

Rebecca Buffoni
9349 E Dale Lane

Sent from my iPad

From: michael Goldberg
To: Board Of Adjustment
Subject: Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017
Date: Wednesday, October 11, 2017 3:40:18 PM

Dear Board of Adjustments:

I am a resident of Troon North at Pinnacle Canyon and I am writing you today to voice my strong objection to the City of Scottsdale allowing a 67 unit timeshare being built on on a 2.5 acre parcel next to the Troon North Golf Club.

First of all a timeshare business should not be allowed to be built and operated in a residential community. Would you want such a large and transient population in your community and among a community of families?

The proposed plan for 72 units densely crammed in such a small parcel of land also goes against the zoning of the rest of Troon North and will negatively impact quality of life of the existing families and residents. This is a community that was zoned for single family homes not a profit maximizing commercial development that would negatively change the character of the community.

The City Counsel has reviewed support such a bad decision?

Regards,

Michael Goldberg
Mgoldberg1000@gmail.com

Mgoldberg1000@gmail.com

From:	nkuntz10
To:	Board Of Adjustment
Subject:	Case Numbers 5-BA-2017/6-BA-2017, Troon North Villas
Date:	Wednesday, October 11, 2017 3:47:19 PM

I respectfully request you deny all of the developers additional requests of the high number of villas.
The current ordered amount of 31 is 31 too many. The # should not exceed 27 if any at all. The continual developer grab for our pristine area must be halted. Current homeowners bought and moved to this area because of the wonderful open areas and preserved Desert views. The continual over reach of developers under the guise of progress is simple greed.
Please do the right thing. Honor homeowners rights to have our open areas preserved. Limit development and in this case to no more than 31.

A concerned taxpayer and homeowner.

Noella Kuntz

Sent from my Verizon, Samsung Galaxy Tablet

From:	michael Goldberg
To:	Board Of Adjustment
Cc:	Google
Subject:	Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017
Date:	Wednesday, October 11, 2017 3:49:20 PM

Dear Board of Adjustments:

I am a resident of Pinnacle Canyon in Troon North and I am writing you today to voice my strong objection to the City of Scottsdale allowing a 67 unit timeshare being built on a 2.5 acre parcel next to the Troon North Golf Club and in the Troon North community.

A timeshare business should not be allowed to be built and operated in a residential community. Would you want such a transient population in your community ?

Secondly, the density of a 67 unit timeshare (people, cars, traffic, garbage) in such a small parcel of land also goes against the zoning of the rest of Troon North and will negatively impact quality of life of the existing residents.

The Town of Scottsdale also needs to cognizant of not letting development and sprawl ruin the character and quality of life of our wonderful town. The developer of this parcel does not care about the community or the town. He just wants to build the maximum number of units to maximize his profits and move to the next development opportunity. No concern for the community or balance with nature. Haphazardly allowing profit motivated developers negatively change our community in the name of "progress" and a larger tax roll is a mistake that can not be reversed.

Please let the City Counsel's thoughtful and intelligent decision stand.

Regards,

Michael Goldberg
Mgoldberg1000@gmail.com.

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #10)
Date: Wednesday, October 11, 2017 3:56:00 PM

Board of Adjustment Public Comment (response #10)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/11/2017 3:55:22 PM

Survey Response

COMMENT	
Comment:	Dear Board of Adjustments: I am a resident of Pinnacle Canyon in Troon North and I am writing you today to voice my strong objection to the City of Scottsdale allowing a 67 unit timeshare being built on a 2.5 acre parcel next to the Troon North Golf Club and in the Troon North community. A timeshare business should not be allowed to be built and operated in a residential community. Would you want such a transient population in your community ? Secondly, the density of a 67 unit timeshare (people, cars, traffic, garbage) in such a small parcel of land also goes against the zoning of the rest of Troon North and will negatively impact quality of life of the existing residents. The Town of Scottsdale also needs to cognizant of not letting development and sprawl ruin the character and quality of life of our wonderful town. The developer of this parcel does not care about the community or the town. He just wants to build the maximum number of units to maximize his profits and move to the next development opportunity. No concern for the community or balance with nature. Haphazardly allowing profit motivated developers negatively change our community in the name of "progress" and

	a larger tax roll is a mistake that can not be reversed. Please let the City Counsel's thoughtful and intelligent decision stand. Regards, Michael Goldberg

Comments are limited to 8,000 characters and may be cut and pasted from another source.

PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Michael Goldberg
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	mgoldberg1000@gmail.com
Phone:	
Address:	10492 East White Feather Lane, Scottsdale 85262

Example: 3939 N. Drinkwater Blvd, Scottsdale 85251

From: Ginny Wick-Verhamme
To: Board Of Adjustment
Subject: Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017
Date: Wednesday, October 11, 2017 5:55:25 PM

Please support the City of Scottsdale's number at 31 or Troon North's at 27, NOT the ridiculous 67 that the developer is requesting to mar one of Scottsdale's finest master planned communities and golf courses.
Thank you for your consideration.
Troon North resident for 12 years,
Ginny Wick-Verhamme

From: Terry Daly
To: Board Of Adjustment
Subject: Timeshares at Troon North
Date: Wednesday, October 11, 2017 8:00:46 PM

I am a year round resident of the Golf Villas at Troon North. I moved here this month because of the beauty and serenity of the Troon area. I am very distraught to learn that a large time share will be built directly in front of my condo. I urge you to deny the request to build these timeshares!

Theresa Daly
10222 East Southwind Lane unit 1007

From:	Teri Kelley
To:	Board Of Adjustment
Subject:	Troon North Villas - 5-BA-2017/6-BA-2017
Date:	Wednesday, October 11, 2017 9:58:04 PM

Hi- My family and I live in Troon North and would like to keep our pristine single family home community just that, the neighborhood we bought into.

I strongly oppose the multi unit development proposed for my neighborhood. We are a family with four kids, and purchased here for low density and environmental enjoyment. Please do not allow high density into our neighborhood.

Thank you,
Teri Kelley
10063 E Troon North Drive
Scottsdale 85262
602-524-7500

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #11)
Date: Thursday, October 12, 2017 12:46:21 AM

Board of Adjustment Public Comment (response #11)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/12/2017 12:45:35 AM

Survey Response

COMMENT	
Comment:	My comments are in regards to Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017. I am a recent full time resident and homeowner at Troon North Villas. One of the beautiful things is peace and tranquility with almost no car traffic or low foot traffic at the lodge within the 4 complexes surrounding the North Troon Golf Lodge even in high season. I personally don't want any deveolopement, I feel the area will get to busy. I also feel that the area will lose it's beauty because every buildable space will be filled with properties. I like rural areas between the communities. My choice is no units but if that's not possible then I would at least support the City of Scottsdale's number at 31 or Troon North's proposal at 27, NOT the ridiculous 67 that the developer is requesting! I want to retire here and live in peace, that is sooo important to me and my wife. I also want to show my dissatisfaction of the developer proposal of locating dumpsters and using parking spaces at the Troon North Golf Club.
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	

First & Last Name:	Barry Mstowski
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	bmstowski@yahoo.com
Phone:	(480) 468-2394
Address:	10222 E. Southwind Ln #1016, Scottsdale, 85262
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Craig Meidinger
To: Board Of Adjustment
Subject: Please 27 Units Are Enough! for Troon North Villas, Case Number: 5-BA-2017/6-BA-2017
Date: Thursday, October 12, 2017 3:23:38 AM

Dear Honorable Board Members,

Please support the City's of Scottsdale's number of 27 Troon North Villas.

As residents of Troon North, both my wife and I are all for development, but let's keep it within the same limits and grandeur of the homes of the Great Troon North!

Sincerely,

Craig and Heather Meidinger
29178 108th Place
Scottsdale, AZ

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #12)
Date: Thursday, October 12, 2017 6:35:19 AM

Board of Adjustment Public Comment (response #12)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/12/2017 6:34:31 AM

Survey Response

COMMENT	
Comment:	"Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017. I request that you support the City of Scottsdale's number at 31 or Troon North's at 27, NOT the ridiculous 67 that the developer is requesting to mar one of Scottsdale's finest master planned communities and golf courses.
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Ronald Klayman
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	ronald@klayman.ca
Phone:	(416) 729-9332
Address:	28990 N White Feather Lane Unit 107, Scottsdale 85262
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #13)
Date: Thursday, October 12, 2017 8:20:23 AM

Board of Adjustment Public Comment (response #13)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/12/2017 8:19:44 AM

Survey Response

COMMENT	
Comment:	Good Morning... I would petition the Board of Adjustments to exercise extreme discretion when reviewing the Troon North Villas request. This proposed expansion of what is viewed by most of my neighbors as totally inappropriate construction in a limited footprint, will detract from the jewel that is Troon North. The building size increase requested by the developers is most definitely not in keeping with the flavor of the community and should be rejected. Thank you.
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Paul Rooker
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	paul.rooker@cox.net
Phone:	(480) 502-5571
Address:	11184 E Greythorn Dr, Scottsdale, AZ 85262
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From:	Mary Catherine Carlson
To:	Board Of Adjustment
Subject:	Troon North Villas, Case #s 5-BA-2017/6-BA-2017
Date:	Thursday, October 12, 2017 9:13:57 AM

TO THE BOARD OF ADJUSTMENT

Please be respectful to the owners of Troon North.
We chose this area, out of the city, away from the hustle and bustle for just what you want to take away from so many - peaceful surroundings.

The proposed project does not belong at Troon North.

Of all the open spaces in the vast north area, why would you decide to drop an unattractive, dense project, where you propose, to the detriment to the current environment?

Your proposal could not be taking into account so many negative issues, which I don't need to repeat as they have been pointed out to you many times.

Please listen to the current property owners.

Please think of who you chose to serve.

Please look for another location to drop these buildings onto.
There is a site; just not at Troon North.

That said, if you still chose to serve this developer, then help this party show their ability to do an appropriate project, that does fit into the surroundings, with a 27 unit complex that compliments the area.
Downgrading an area does not imply looking to the future.

Please do the right thing.
Thank you,

Mary Catherine Carlson
Charles E Carlson
One the Green, #60

marycatherinecarlson@aol.com
Restwellmcmc@aol.com

From: Miriam Truitt
To: Board Of Adjustment
Subject: Troon North Villas, Case # 5-BA02107/6-BA-2017
Date: Thursday, October 12, 2017 10:06:05 AM

Dear Members of the Board of Adjustments,

Please let it be known that I object to development of the parcel adjacent to Stonedge and the entrance to all the Condo in Troon North. My reasons are they are trying to ignore the rules and regulations of Troon North, by fighting us to put in 61 units when our rules state they can put in 27, and the City has told they they can put in no more than 31. Either way I don't want to see timeshares in my neighborhood as they reduce the value of surrounding real estate sales, that coupled with the fact that mortgage companies don't like to loan money in areas of timeshares. These developers are also trying to ignore the CC&R's of Troon North by not adhering to our architectural guidelines, as well as the density issues. When the rest of us have to follow these rules it is not appropriate for these litigious developers to push for such freedom. If we allow these people ignore the rules we have established here, then our total association is lost and useless. Please consider our HOA rules when making decisions concerning the approval or disapproval of their requests.

Respectfully
Miriam Truitt
28990N. White Feather Ln
#169
Scottsdale AZ 85262

From: Bill Fisher
To: Board Of Adjustment
Subject: "Troon North Villas" / Case Numbers 5-BA-2017/6-BA-2017
Date: Thursday, October 12, 2017 11:04:34 AM

Board Of Adjustment Members,

I live in the Ridge at Troon North where an adjacent parcel of land is being considered for the development of time share villas next to the Troon North golf clubhouse (Project 480DR-2007#2) "Troon North Villas" / Case Numbers 5-BA-2017/6-BA-2017 . While it would be nice to leave the area in a natural state, I certainly understand the interest of the owner in wanting to profit from his investment. In fact, given the proper size and architectural design of a development there, it could be attractive, blend with the terrain and be an asset to the community.

I understand, however, that the number of units proposed by the developer is almost three times the density normally allowed by the City of Scottsdale. I also received a communication from the city's planning staff that this increased density can be allowed in instances when adjacent surrounding communities don't reach their full density limit. Although this seems to contradict the actual purpose of having a density limit to begin with, I am sure there maybe a situation where it would not impact the surrounding area, and could be allowed. **This, however, is certainly not one of those situations.**

The development in question is in a very small area located right in the center of three adjacent communities and the Troon North golf clubhouse. There is so little land there that the proposed rental units would be situated right on the edge of the street with little or no space for landscaping to buffer the project, let alone provide any aesthetic enhancement to the area. I understand that there are so many units being proposed, given the size of the plot, that there would not be near enough parking space available for the renters there, and they would have to drop off their luggage and then park off site at the golf course and be shuttled back and forth.

The amount of additional traffic that would be created on the narrow two lane street there is certain to result in safety concerns. The proposed entrance is located on a curved section of the street that already has its share of close calls because it has blind spots and it's where golf carts, maintenance vehicles, mowers, beverage carts, and walking golfers cross the road to get to the golf course.

The proposed development is also adjacent to the street where the cart path and public sidewalk are one and the same. Many times when a cart path is shared with walking golfers and pedestrians there is room for the those walking to step aside, but in this area the only option for walkers is to step out into the street to allow motorized carts and maintenance vehicles to pass on the shared path. As a result many golf carts and maintenance vehicles in this area opt to use that curved section of the street rather than the shared cart path/sidewalk when pedestrians or walking golfers are present. With its blind spots and lack of any traffic controls, and now a significant increase in vehicular traffic being proposed it would simply be an accident waiting to happen.

I would hope that the Board of Adjustment would reject a plan that is obviously too large in size and scale for the space available.

Thank you for your consideration of this matter.

Sincerely,

William Fisher

10260 East White Feather Lane, #2010

Scottsdale, AZ 85262

From:	Austin Dunham-Weidner
To:	Board Of Adjustment
Cc:	Sam Weidner
Subject:	Troon North Villas Case Numbers 5-BA-2017/6-BA-2017
Date:	Thursday, October 12, 2017 11:26:07 AM

We are residents of Stonedge, a Troon North community, located at 28990 N. White Feather Lane, Unit 179.

This is a beautiful development, which includes a plethora of natural vegetation, along with a substantial section of NAOS (Natural Area Open Space), as designated by the City of Scottsdale. Our decision to purchase in this development was to avoid and get away from just the type of proposed timeshare development now at issue.

Please support the City of Scottsdale's number of units at 31, or even better, Troon North's current appeal at 27 units. The tripling of timeshare units to an unbelievable 67 is ridiculous. DO NOT permit the developer's appeal of this project. It will increase traffic, reduce home values and degrade the natural beauty of our development. The decision to go forward with this project cannot possibly be based on anything except financial gain for others. If development is granted, please do not exceed what the City of Scottsdale has already proposed.

If you have not already done so, we would invite you to tour our community. You would then see the beautiful area that is now in peril and view for yourself that this time share request, in its present format of 67 units, is a terrible idea. We would also hope that each of you has seen the rendering for this project. Would you want to live next to such an unsightly building? Or have dumpsters all over the Troon North Golf Club parking lot? We implore you to consider all of the issues at stake.

Thank you for your consideration and willingness to understand the implications and ramifications of this development. Please do NOT grant the developer's appeal.

Samuel and Austin Weidner

Austin Dunham-Weidner
Attorney at Law
abdweidner@gmail.com

From: Mike DeDoncker
To: Board Of Adjustment
Subject: Opposition to Troon North Villas
Date: Thursday, October 12, 2017 12:20:30 PM

Good Afternoon

I am writing as a nearby property owner concerning case numbers 5-BA-2017 and 6-BA-2017 to express my opposition to the proposals by the intended developers of Troon North Villas for 67 units in a a ridiculously small area of the Troon North property.
To be clear, my feeling is that any development in this small area would cause unnecessary and irreparable damage to one of Scottsdale's most beautiful and already properly developed areas. In addition, any construction in this area will not only damage roads but will inconvenience the residents of three Troon North subdivisions whose only access to their homes is on the road that the construction vehicles will be damaging and blocking during the course of construction.
Be assured that any construction will cause hard feelings - as has been clearly demonstrated at meetings between property owners and the developer's lawyer - for a long time to come.
If, at this point, you have no recourse but to allow this development to go through then I ask that you support either the City of Scottsdale's ruling that the development may have no more than 31 units or, even better, Troon North's contention that it be allowed no more than 27 units.

Thank you,

Michael DeDoncker
28532 N. 102nd Place
Scottsdale, AZ 85262

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #14)
Date: Thursday, October 12, 2017 12:29:26 PM

Board of Adjustment Public Comment (response #14)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/12/2017 12:28:24 PM

Survey Response

COMMENT	
Comment:	Re: Troon North Villas - Case # 5-BA-2017/6-BA-2017 It has come to my attention that the City of Scottsdale has recently approved a 31 unit development by the Troon North Golf Course and the developer is appealing the matter. I strongly oppose the appeal to allow 67 units and support the Troon North Associations appeal to reduce the number to 27. The density and appalling look of a 67 unit development will not only be devastating to the surrounding communities, it will turn a first class golf course into a mediocre one. If the City of Scottsdale concludes that a 31 unit development was the right number, reducing it to 27 is an obvious choice. Thank you for your consideration
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Calvin Stadnyk
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	calvis@shaw.ca
Phone:	(403) 391-0915

Address:	28990 N. White Feather Ln. 180
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #15)
Date: Thursday, October 12, 2017 1:52:40 PM

Board of Adjustment Public Comment (response #15)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/12/2017 1:52:06 PM

Survey Response

COMMENT	
Comment:	I am writing today regarding the "Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017. As a full-time, year-round resident of The Ridge at Troon North, I respectfully ask you to support the City of Scottsdale's number at 31 or Troon North's at 27, NOT the ridiculous 67 that the developer is requesting to mar one of Scottsdale's finest master planned communities and golf courses. Thank you. Kristina Hakanson, 10260 E White Feather Ln, Unit 1008
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Kristina Hakanson
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	kristina.ann.hakanson@gmail.com
Phone:	
Address:	
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Robert Egger
To: Board Of Adjustment
Subject: Troon North Villas
Date: Thursday, October 12, 2017 2:43:50 PM

Urban sprawl has been ignored long enough. Those living in the area have seen continued change in the number of apartments, condos and single family homes on any empty space available. Please restrict the continued development of Case #5-BA-2017 and Case #5-BA 2017 to the units the City of Scottsdale has recommended. The proposed develpoment exceeds good common sense as it stands.

Robert Egger
Pinnacle Canyon
Scottsdale
480-390-8005

From: Rebecca Egger
To: Board Of Adjustment
Subject: Troon North Villas
Date: Thursday, October 12, 2017 2:50:01 PM

I would, without hesitation, vote for NO Villas. Certainly not 31, better is 27, but I'd prefer we pass on this development. We do not need this. Rebecca Egger

From: Michael Sills
To: Board Of Adjustment
Subject: Troon North Villas: Case Numbers 5-BA-2017/6-BA-2017
Date: Thursday, October 12, 2017 4:09:03 PM

It is my understanding that the developer's request for this proposed time-share in North Troon had been denied on the basis of exceeding the maximum density allowed by existing zoning limits. Despite being allowed to develop 31 units rather than the current existing limit of 27, the developer has chosen to appeal the decision, now seeking permission to build 67 units instead of the already excessive 62 units proposed originally. This shows a marked disrespect for the residents of the community, as well as the beautiful desert landscape that Scottsdale has worked so hard to preserve.

We do not need this high-density development, it's obtrusive and unsightly architecture, it's proposed dumpsters located at the Troon North Golf Course, and it's negative impact on the desert fauna in our Troon North community of 1800 homeowners. We also do not need to enable this act of retribution — the 62 units of the original proposal was already a ridiculous number; 67 units is an affront. The action belies a streak of petty vindictiveness towards the community that held its ground to oppose runaway development. At this point, I urger you to grant the existing maximum 27 number of units rather than the generous 31 allowed by the city.

Unfortunately I will not be able to attend the scheduled meeting on this matter the evening of November 1st. Please add my voice of opposition to those in attendance.

Sincerely,

Michael Sills, M.D.

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #16)
Date: Thursday, October 12, 2017 4:11:00 PM

Board of Adjustment Public Comment (response #16)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/12/2017 4:10:43 PM

Survey Response

COMMENT	
Comment:	Troon North Villas: Case Numbers 5-BA-2017/6-BA-2017 It is my understanding that the developer's request for this proposed time-share in North Troon had been denied on the basis of exceeding the maximum density allowed by existing zoning limits. Despite being allowed to develop 31 units rather than the current existing limit of 27, the developer has chosen to appeal the decision, now seeking permission to build 67 units instead of the already excessive 62 units proposed originally. This shows a marked disrespect for the residents of the community, as well as the beautiful desert landscape that Scottsdale has worked so hard to preserve. We do not need this high-density development, it's obtrusive and unsightly architecture, it's proposed dumpsters located at the Troon North Golf Course, and it's negative impact on the desert fauna in our Troon North community of 1800 homeowners. We also do not need to enable this act of retribution — the 62 units of the original proposal was already a ridiculous number; 67 units is an affront. The action belies a streak of petty vindictiveness towards the community that held its ground to oppose runaway development. At this point, I urger you to grant the

	existing maximum 27 number of units rather than the generous 31 allowed by the city. Unfortunately I will not be able to attend the scheduled meeting on this matter the evening of November 1st. Please add my voice of opposition to those in attendance. Sincerely, Michael Sills, M.D.
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Michael Sills
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	mgsills@cox.net
Phone:	(480) 221-6173
Address:	9427 E. Mark Lane
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Roger Rider
To: Board Of Adjustment; Arianne Ahlvin
Subject: Case Numbers 5-BA-2017/6-BA-2017
Date: Thursday, October 12, 2017 4:16:33 PM

I understand that you will be hearing this matter on November 1. This petitioner appears unwilling to take NO from the Planning Commission AND the City Council for an answer.

The Troon North Master Plan was approved in the early 90's. A density for the master plan was agreed to by the City and Developer. I'm certain that there is NO provision in said plan for a Johnny Come Lately developer to take unused density 20 years after the fact from non adjacent parcels and convert it to their benefit.

For instance, if I were to work with city planners and gain approval of a PAD that includes 10 units in Parcel C, but only build 5, how can someone ethically come along later buy one of the lots and build 5 units, thereby damaging the value of the other 4 units? Petitioners thinking if adopted by the Board means the density question is never settled and thereby establishes bad precedent for future owners.

No one is questioning the 27 units approved in the PAD, we are protesting 64 or more! Just because someone did not use density 10 years ago on a parcel half a mile away, does not make it available today on this parcel for this petitioner.

I ask the Board to deny this application, and dismiss it with prejudice. Let common sense prevail. Allow surrounding and nearby property owners the quiet enjoyment of their homes.

Thank you,

Roger Lindus
Troon North
28830 N. 111th St.

From: Bett Barnett
To: Board Of Adjustment
Subject: Troon North Villas 5-BA-2017/6-BA-2017
Date: Thursday, October 12, 2017 5:47:13 PM

"Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017. Regarding the development of Timeshares on Troon North by the Club House, I request that you block any development or at least cap the number at Troon North's at 27, NOT the ridiculous 67 that the developer is requesting to mar one of Scottsdale's finest master planned communities and golf courses. It is ridiculous to even consider this density on the tiny property.

Bett and Rob Gartenberg
10827 E. Sutherland Way
Scottsdale, Az. 85262

From:	Steve Plotkin
To:	Board Of Adjustment
Cc:	HOA Pinnacle Canyon
Subject:	Troon North Villas-Case # 5-BA-2017/6-BA-2017
Date:	Thursday, October 12, 2017 5:57:58 PM

I would like to ask the Board of Adjustment to please support the City Of Scottsdale's ruling to only allow the 31 maximum units in the proposed time share units and NOT the 67 that is being requested by the developer. As a resident of Pinnacle Canyon and Troon North, I feel that what they are trying to ram through is not in our communities best interest. Thank you for your consideration in this matter.

From:	William R P Dalton
To:	Board Of Adjustment
Subject:	Troon North-Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017.
Date:	Thursday, October 12, 2017 7:16:27 PM

Dear Board,

We urge you to support the City of Scottsdale view that the number of units be 31 not the 67 units requested by the developers.

Sincerely,

Bill & Nancy Dalton
10017 E Balancing Rock Road
Scottsdale AZ

Sent from Bill's iPad

From: Faye Duncan
To: Board Of Adjustment
Subject: Timeshare Units at Troon North
Date: Friday, October 13, 2017 5:43:05 AM

Dear Board of Adjustment Officials:

I am vehemently opposed to the proposed 62 timeshare units at Troon North. As a resident of Troon North, I purchased my property because of the low density nature of our planned community. High density complexes need to be located close to freeways, not in communities that have intentionally planned otherwise!

Thank you for hearing my views.

Respectfully,
Faye Duncan
11147 E Balancing Rock Rd
Scottsdale, AZ 85262

Sent from my iPhone

From: dave dalton
To: Board Of Adjustment
Subject: Proposed Troon North Golf Villas
Date: Friday, October 13, 2017 6:54:48 AM

As a resident of Troon North, I am deeply concerned about the proposed development at Troon North Golf Club. I understand the density of the development was reduced from that requested by the developer. Any increase in density will be a detriment to the community and the asthetics of a wonderful area. I urge the Board not to make any changes to increase the units as requested by the developer. We love Troon North and want preserve the beauty that currently exists.

Respectfully submitted.
David Dalton

From: gail petersen
To: Board Of Adjustment
Subject: Troon North Villas: Case Numbers 5-BA-2017/6-BA-2017.
Date: Friday, October 13, 2017 11:40:25 AM

Hello Board members,

As a 23-year resident at Troon North, I have been so proud of our community and its leadership which has sought to maintain the look and coda envisioned by Jerry Nelson. The recent attempt by a developer to build a quite inappropriate, timeshare development at the entrance to the Troon North Golf Club is so out of character with the intent and spirit of Troon North. The City of Scottsdale recognized just that and made the right decision by turning down the developer's plan as it was. Now they are appealing, and I respectfully request you turn down their tone-deaf and cynical appeal.

Thank you for your consideration on this matter.

Sincerely,

Gail Petersen

Gail Petersen, Ph.D.
11117 E. Dale Lane
Scottsdale, Arizona 85262

480.993.8598 mobile

From: Powell, Jimmy
To: Board Of Adjustment
Subject: Troon north villas 5-ba-2017/6-ba-2017
Date: Friday, October 13, 2017 1:42:02 PM

I am a new resident of Troon North moving to the area from MA. I bought there because of the beautiful desert landscape. Now some developer wants to bypass all the guidelines that I adhere too, to put up a prison like structure in the middle of one of prettiest location in north Scottsdale. I hope the board stands by its judgement of only 27 units not the 67 the developer seeks. Thank's for all your consideration. Jim Powell

Jimmy Powell | Indiana Pacers
Advance Scout
| m: 413.427.3134

Pacers Sports & Entertainment
Pacers | Fever | Mad Ants | Bankers Life Fieldhouse
125 S. Pennsylvania St. Indianapolis, IN 46204

Opening Week presented by Kroger 2017

From: chiefmudge@aol.com
To: Board Of Adjustment
Subject: Troon North Villas
Date: Friday, October 13, 2017 1:55:31 PM

Gentlemen/Ladies,

I live in The Ridge at Troon North and have lived there only one year. I chose The Ridge because of the beautiful surroundings and tasteful architecture in the area. The design of the motel like structure with 62 units that is being suggested for this area is ridiculous. I would think that the Golf Club would be objecting, also. It makes no sense to add this dorm looking design in such a beautiful desert setting . . . a foolish idea and one that shouldn't even be considered. Please take the time to visit this area before you consider action. This developer is way off base and is certainly going out of their way to upset a home like neighborhood.

I feel that 20 units or less would be more appropriate for 2 1/2 acres. It saddens me to even think there could be more and removing all the beautiful plants is nauseating.

I appreciate your time and efforts in keeping Troon North a beautiful place to live.

Sincerely,

Joan Heinle
Unit 1002

From: Mark Brown
To: Board Of Adjustment
Subject: 5-BA-2017 6-BA-2017. Troon North development
Date: Friday, October 13, 2017 3:24:36 PM

5-BA-2017 6-BA-2017. Troon North development
To whom it may concern, as a home owner one of the Homes located in "Troon North " I would like to ask that you support the City of Scottsdale's recommendation for allowing 31 (or better yet,27) timeshare units to be built and NOT the builders request of 67 timeshare units.
Our property values will suffer greatly when the timeshares units are built, having fewer timeshare units will make the value decrease less..
Thank you so much for your consideration.
Most sincerely
Mark and Deborah Brown
On the green unit #22

Sent from my iPad

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #17)
Date: Friday, October 13, 2017 5:25:37 PM

Board of Adjustment Public Comment (response #17)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/13/2017 5:25:18 PM

Survey Response

COMMENT	
Comment:	RE: Troon North Villas Case Numbers 5-BA-2017/6-BA-2017 Please support the City of Scottsdale's number at 31 or Troon North's at 27, NOT the ridiculous 67 that the developer is requesting to mar one of Scottsdale's finest master planned communities and golf courses.
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Cathie and Michael Weiner
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	caternst@cox.net
Phone:	(480) 515-1540
Address:	10591 E. Mark Lane Scottsdale AZ 85262
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #18)
Date: Friday, October 13, 2017 5:30:40 PM

Board of Adjustment Public Comment (response #18)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/13/2017 5:30:00 PM

Survey Response

COMMENT	
Comment:	Troon North Villas Case Numbers 5-BA-2017/6-BA-2017 Please support the City of Scottsdale's number at 31 or Troon North's at 27, NOT the ridiculous 67 that the developer is requesting to mar one of Scottsdale's finest master planned communities and golf courses. Please
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Debra and Greg Onken
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	sunbadgers@cox.net
Phone:	(480) 659-9768
Address:	10615 E mark Lane Scottsdale AZ 85262
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: bonniepgordon@gmail.com
To: Board Of Adjustment
Subject: "Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017
Date: Saturday, October 14, 2017 5:49:01 AM

As a homeowner at 11155 E Monument Drive in Pinnacle VieAsk them to support the City of Scottsdale's number at 31 or Troon North's at 27, NOT the ridiculous 67 that the developer is requesting to mar one of Scottsdale's finest master planned communities and golf courses.

Thank you,

Bonnie

From:	David Butuk
To:	Board Of Adjustment
Subject:	Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017
Date:	Saturday, October 14, 2017 8:37:48 AM

Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017

Dear sirs,

Please support the city of Scottsdale ruling regarding the above case.

The developer is attempting to get approval for a density that is far beyond anything reasonable and it is strongly opposed by all the surrounding communities.

Thanks for your understanding.

Dave Butuk

From: Donna Walsh
To: Board Of Adjustment
Subject: Troon North Villa project 5-BA-2017/6-BA-2017
Date: Saturday, October 14, 2017 11:17:25 AM

Dear Board of Adjustment,
We are home owners in Troon North and strongly support the City of Scottsdale's recommended 31 units or better yet, the Troon North recommended 27 units for the proposed Troon North Villa project. Please help preserve the beauty of the area by keeping the number of units to a compromise of 27 or 31.
Thank you for your consideration.
Donna and Jerry Walsh
10686 E Mark Lane
Scottsdale, AZ 85262

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #19)
Date: Saturday, October 14, 2017 2:52:40 PM

Board of Adjustment Public Comment (response #19)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/14/2017 2:51:58 PM

Survey Response

COMMENT	
Comment:	In regard to the Troon North Villas, Case Numbers 5-BA-2017/6-BA-2017, please support the CC&R's of our community of 1800+ homes. There is no reason to ignore the regulations of a Homeowners' Association that has enforced its rules for 20 years in favor of a remote developer with a plan that will denigrate the entrance to a golf venue that has been highly rated since its inception. Support the original density of 27 units allotted to this property, instead of corrupting the plans all Troon North homeowners have been expecting over the years. "Fuzzy math" here could even discourage potential developers and buyers throughout Scottsdale in the future.
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Caroline Eckler
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	c.eckler@cox.net
Phone:	(480) 585-3345
	9958 E. Hidden Green Drive, Scottsdale

Address:	85262
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From:	R. James Clifft
To:	Board Of Adjustment
Cc:	Tom Thompson
Subject:	Troon North Villas / Case Numbers: 5-BA-2017 / 6-BA-2017
Date:	Sunday, October 15, 2017 4:36:13 PM

R. James & Trudy Clifft
Golf Villa's @ Troon North
Unit 1005
10222 E Southwind Lane, Scottsdale, AZ
Cell: (605) 310-7715

Scottsdale Board of Adjustment:

In 2004, with great enthusiasm, my wife and I purchased a Condominium at the Golf Villas of Troon North. We chose this area because of our complete confidence in the desire of Scottsdale city leadership to maintain the highest standards of living with emphasis on community and family.

It has been surprising and depressing to watch the progression of the approval process for the 2.5 acres of property that is directly south of our patio. Through our eyes this **very high-density project** nestled within our homes is totally against everything we have come to believe Scottsdale stood for - very high standards.

It is without hesitation and for the many reasons you have already heard that my wife and I express our **strong opposition** to approval of this project.

Thank you in advance for your thoughtful consideration of existing friends, neighbors and families.

With Great Respect,

R James & Trudy Clifft
Golf Villa's @ Troon North
Unit 1005

From: Roz Rubin
To: Board Of Adjustment
Subject: troon north villas
Date: Sunday, October 15, 2017 5:54:05 PM

---

i moved into my troon north home three years ago. we chose this area because of its natural beauty. the area was free of motels,strip malls and traffic congestion. the area has preserved the sonoran desert. the developer is only concerned with profit and has no concern for this area we all love so much.this motel 6 structure will destroy the area here we love so much.. thx roz rubin

From: Linda Kuker
To: Board Of Adjustment
Subject: Case Numbers 5-BA-2017/6-BA-2017
Date: Monday, October 16, 2017 5:26:00 AM

Dear sirs and madams,

The above case numbers refer to the Troon North Villas which is a proposed development across the street from The Ridge at Troon North which is where I live. The developer has petitioned for a density increase from the normal zoning of 22 units to 64 units. A few weeks ago this request was reviewed and the density was set at 31. I understand that the developer is now requesting an appeal of that decision.

Many of the residents of The Ridge at Troon North are full time residents; this is not just a golf community. If the developer is allowed to change the density from what the zoning code clearly states it will create problems with noise and parking.

I am asking you to support the board's previous recommendation of 31 units or lower it to 22 units. Thank you.

Linda Kuker

From:	Ron Kuker
To:	Board Of Adjustment
Subject:	Proposed project "The Villas at Troon North"
Date:	Monday, October 16, 2017 5:28:02 AM

Dear sirs and madams,

The above case numbers refer to the Troon North Villas which is a proposed development across the street from The Ridge at Troon North which is where I live. The developer has petitioned for a density increase from the normal zoning of 22 units to 64 units. A few weeks ago this request was reviewed and the density was set at 31. I understand that the developer is now requesting an appeal of that decision.

Many of the residents of The Ridge at Troon North are full time residents; this is not just a golf community. If the developer is allowed to change the density from what the zoning code clearly states it will create problems with noise and parking.

I am asking you to support the board's previous recommendation of 31 units or lower it to 22 units. Thank you.

Ron Kuker

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #20)
Date: Monday, October 16, 2017 5:37:22 AM

Board of Adjustment Public Comment (response #20)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/16/2017 5:36:25 AM

Survey Response

COMMENT	
Comment:	I am a year round resident of The Ridge at Troon North which is directly across the street from a proposed development called The Villas at Troon North (Case Numbers 5-BA-2017/6-BA-2017). The developer has petitioned for a density increase from the normal zoning of 22 units to 64 units. A few weeks ago this request was reviewed and the density was set at 31. I understand that the developer is now requesting an appeal of that decision. Many of the residents of The Ridge at Troon North are full time residents; this is not just a golf community. If the developer is allowed to change the density from what the zoning code clearly states it will create problems with noise and parking. I am asking you to support the board's previous recommendation of 31 units or lower it to 22 units. Thank you. Linda Kuker
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Linda Kuker
AND ONE OR MORE OF THE FOLLOWING ITEMS:	

Email:	linda.kuker@gmail.com
Phone:	(219) 464-8166
Address:	10260 E White Feather Ln, Unit 2014
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #21)
Date: Monday, October 16, 2017 8:32:38 AM

Board of Adjustment Public Comment (response #21)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/16/2017 8:31:36 AM

Survey Response

COMMENT	
Comment:	RE: Troon North Villas - Case Numbers 5-BA-2017/6-BA-2017 Dear Board My wife and I wanted to share a short note to punctuate and underscore our objection to the proposed Troon North Villas development . Equally important, urge the Board to support the City of Scottsdale's decisions to restrict the development. These restrictions specifically align with extreme concerns regarding: - the density of the units on the parcel - architectural design control of the unit buildings to be sympathetic to the existing surrounding buildings, particularly the 'look and color palette'. - the additional noise and traffic pollution that will occur - current plans do not indicate or propose the inclusion of new side walks. Thus the danger this presents to pedestrians and Troon North golfers moving around the courses on carts. - Plans for parking and guest parking is far from convincing. Guest parking in particularly appears to have been completely overlooked. Finally, the Troon North area and this parcel represents outstanding natural beauty. A development that is sympathetic should be obvious. If the Board have not visited the area and specifically this parcel, PLEASE DO and witness the beauty first hand. Best Paul & Cheryl Neal #2011,

	The Ridge, Troon North.
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Paul & Cheryl Neal
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	nealpaul53@gmail.com
Phone:	
Address:	#2011 / 10260 E.White Feather Lane, Unit 2011, The Ridge
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #22)
Date: Monday, October 16, 2017 9:09:41 AM

Board of Adjustment Public Comment (response #22)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/16/2017 9:08:39 AM

Survey Response

COMMENT	
Comment:	As a resident of Troon North I am asking that Scottsdale not approve the proposed time share at the entrance of Troon North.
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Mark Hansen
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	markshansen@cox.net
Phone:	
Address:	
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Lori Grassman
To: Board Of Adjustment
Subject: Opposition to Troon North Villas
Date: Monday, October 16, 2017 2:22:12 PM

To: Members of the Scottsdale Board of Adjustment
Re: Troon North Villas, case #5-BA-2017/6-BA-2017

Members of the Scottsdale Board of Adjustment,

As residents of Troon North, we urge you to support the City of Scottsdale's decision to limit the number of units at the proposed Troon North Villas to 31 units, or support Troon North's proposed 27 units.

Thank you.

Sincerely,
Lori and Scott Grassman
Troon North residents
#108 Stonedge

From: Gggeno
To: Board Of Adjustment
Subject: From Gene Wojciechowski, resident of The Ridge at Troon North
Date: Monday, October 16, 2017 4:05:48 PM

Dear Board Members,
As a resident of The Ridge at Troon North, I'm writing to ask...even plead, that the Board not reverse or adjust the Zoning Administration's ruling relative to Case Numbers 5-BA-2017 and 6-BA-2017. As you know, the developers of the Troon North Villas project want to build a 60-plus-unit motel-like timeshare on a sliver of property adjacent to our residential communities. Using a bizarre interpretation of the density formula, the developers somehow argued they were entitled to squeeze a vastly inappropriate amount of timeshare units into the middle of our communities--an interpretation which was rightly negated by the Zoning Administration.
The Zoning Administration's ruling calls for 31 units, which is four more than our reps have argued for--but at least not the monstrosity that the developers want. As is, the 31 units will have a significant impact on our neighborhood---aesthetically, increased traffic, more transient, more commercial, etc.
I respectfully ask that, at the very least, that you keep the number of units at no more than 31. It isn't a perfect solution for us residents--or for the developer--but at stake is the essence of a community where old-timers and newcomers are there to build roots and enjoy a neighborhood--not a commercial timeshare with little regard to those residents.

Thank you.

Gene Wojciechowski

From: Wojciechowski, Gene
To: Board Of Adjustment
Subject: Troon North Villas re. appeals hearing
Date: Monday, October 16, 2017 6:22:17 PM

From Gene Wojciechowski, Troon North resident:

Dear Board Members,
As a resident of The Ridge at Troon North, I'm writing to ask...even plead, that the Board not reverse or adjust the Zoning Administration's ruling relative to Case Numbers 5-BA-2017 and 6-BA-2017—Troon North Villas project. As you know, the developers of the Troon North Villas project want to build a 60-plus-unit motel-like timeshare on a sliver of property adjacent to our residential communities. Using a bizarre interpretation of the density formula, the developers somehow argued they were entitled to squeeze a vastly inappropriate amount of timeshare units into the middle of our communities--an interpretation which was rightly negated by the Zoning Administration.
The Zoning Administration's ruling calls for 31 units, which is four more than our reps have argued for--but at least not the monstrosity that the developers want. As is, the 31 units will have a significant impact on our neighborhood---aesthetically, increased traffic, more transient, more commercial, etc.
I respectfully ask that, at the very least, that you keep the number of units at no more than 31. It isn't a perfect solution for us residents--or for the developer--but at stake is the essence of a community where old-timers and newcomers are there to build roots and enjoy a neighborhood--not a commercial timeshare with little regard to those residents.

Thank you.

Gene Wojciechowski
10260 E. White Feather Lane
#2006
Scottsdale, Az., 85262

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #23)
Date: Monday, October 16, 2017 6:23:44 PM

Board of Adjustment Public Comment (response #23)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/16/2017 6:23:07 PM

Survey Response

COMMENT	
Comment:	Dear Board Members, As a resident of The Ridge at Troon North, I'm writing to ask...even plead, that the Board not reverse or adjust the Zoning Administration's ruling relative to Case Numbers 5-BA-2017 and 6-BA-2017. As you know, the developers of the Troon North Villas project want to build a 60-plus-unit motel-like timeshare on a sliver of property adjacent to our residential communities. Using a bizarre interpretation of the density formula, the developers somehow argued they were entitled to squeeze a vastly inappropriate amount of timeshare units into the middle of our communities--an interpretation which was rightly negated by the Zoning Administration. The Zoning Administration's ruling calls for 31 units, which is four more than our reps have argued for--but at least not the monstrosity that the developers want. As is, the 31 units will have a significant impact on our neighborhood---aesthetically, increased traffic, more transient, more commercial, etc. I respectfully ask that, at the very least, that you keep the number of units at no more than 31. It isn't a perfect solution for us residents--or for the developer--but at stake is the essence of a community

	where old-timers and newcomers are there to build roots and enjoy a neighborhood--not a commercial timeshare with little regard to those residents. Thank you. Gene Wojciechowski
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Gene Wojciechowski
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	gggeno@aol.com
Phone:	
Address:	10260 E. White Feather Lane, #2006, Scottsdale 85262
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Steve mueller
To: Board Of Adjustment
Subject: Troon North Villas- Case #'s 5-BA-2017/6-BA-2017
Date: Monday, October 16, 2017 7:46:14 PM

I am writing on behalf of the upcoming meeting (Nov. 1) before the Board of Adjustment as a homeowner in The Ridge @ Troon North. I am appealing to you to reject the developers appeal to develop a Motel 6, penal like structure that is most undesirable esthetically in our quiet Golf Community. If any developing is to occur on this property I encourage to accept the City of Scottsdale's Council recommendation of only 31 units or our Troon North recommendation of 27 units, which is more in line with the intended plat guidelines, not the misinterpretation being requested by the developer that is unsightly and not something anyone of you as homeowners would want in your own neighborhood. The developer and their hired guns have repeatedly tried to abuse and misinterpret a process that is designed to maintain the beauty of our city. I believe the developer and their use of former city officials and their attempts to persuade others has bordered on, if not crossed the line of ethical behavior. Please do not allow this plat to be developed for anymore that's the 27 or 31 units recommended by the City Council or concerned homeowners.

Thank you.

Steve & Arlene Mueller
The Ridge Unit #1055

Sent from my iPad

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #24)
Date: Monday, October 16, 2017 9:48:51 PM

Board of Adjustment Public Comment (response #24)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/16/2017 9:48:46 PM

Survey Response

COMMENT	
Comment:	to support the City of Scottsdale's number at 31 or Troon North's at 27, NOT the ridiculous 67 that the developer is requesting to mar one of Scottsdale's finest master planned communities and golf courses.
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	isabella Katzowsky
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	bellak29@outlook.com
Phone:	(602) 405-8967
Address:	28367 n 92 pl
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Fritz Hirsch
To: Board Of Adjustment
Subject: Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017
Date: Tuesday, October 17, 2017 11:42:58 AM

Board of Adjustment -

Please support the City of Scottsdale's number at 31 units or Troon North's at 27 units, NOT the ridiculous 67 that the developer is requesting to mar one of Scottsdale's finest master planned communities and golf courses.

Let's do our best to keep Scottsdale the best community in AZ and not destroy the greatness we currently enjoy.

Thank you for your service and assistance in this matter.
Fritz
--

Fritz S. Hirsch

11187 East Monument Dr.
Scottsdale, AZ 85262
Ph (847) 922-0793

This e-mail may contain material that is confidential and/or privileged and is the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #25)
Date: Tuesday, October 17, 2017 11:44:38 AM

Board of Adjustment Public Comment (response #25)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/17/2017 11:43:52 AM

Survey Response

COMMENT	
Comment:	Board of Adjustment - Please support the City of Scottsdale's number at 31 units or Troon North's at 27 units, NOT the ridiculous 67 that the developer is requesting to mar one of Scottsdale's finest master planned communities and golf courses. Let's do our best to keep Scottsdale the best community in AZ and not destroy the greatness we currently enjoy. Thank you for your service and assistance in this matter.
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Fritz Hirsch
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	fhirsch72@gmail.com
Phone:	(847) 922-0793
Address:	11187 East Monument Dr., Scottsdale 85262
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Bridget Menke
To: Board Of Adjustment
Subject: Troon North Villas Case Numbers 5-BA-2017/6-BA-2017
Date: Tuesday, October 17, 2017 1:31:54 PM

Dear Board Members,

We are writing to express our concern about the appeal to the City of Scottsdale's decision regarding the proposed timeshare development in Troon North (Troon North Villas Case Numbers 5-BA-2017/6-BA-2017). As you may guess, we are full-time voting residents who are opposed to this development.

When the City denied the developer's request to build 62 units, the developer decided to appeal, and increased the request to 67 units on the 2.5 acre parcel of land. This 2.5 acre parcel includes a significant wash area and boulder field, rendering part of it inadequate for development without a significant impact to the natural landscape. The parcel cannot even accommodate the parking that would be required for such a development and the developer has made a deal with the Troon North Golf Club for offsite parking. It is very unclear to us why the developer would be denied permission to build 62 units and then appeal to build 67. It is very unclear to us why a developer would promote a premium luxury resort that has inadequate onsite parking.

We actually live across the street from the land in question. We can tell you that this part of Troon North has a true neighborhood feel that would be destroyed by such a large transient development in the heart of our community. We both work in the evening and are unable to attend the meeting on November 1st but we would welcome another opportunity to speak with any board members who would be interested in our concerns (cell phone number 314-910-0604).

In conclusion, this project is unneeded and unwanted within the community it is proposed. In its present form, it may violate city building ordinances, it is poorly planned with regard to adequate parking, and destroys precious natural landscape and neighborhood community. It seems like this project is being considered because someone-not the residents of the community- will profit greatly. We emphatically urge you to DENY THE APPEAL for this greedy project.

Sincerely,

Dale and Bridget Menke
10222 E. Southwind Lane #1001
Scottsdale, AZ 85262

From: Beth Erickson
To: Board Of Adjustment
Subject: Troon North Villas-case#5-BA-2017/6-BA-2017
Date: Tuesday, October 17, 2017 6:05:31 PM

We will not be able to attend the hearing on November 1 but we want you to know that there is NO WAY that we would support the developers request for 67 units. This sounds like a very greedy developer who has no interest in keeping the beauty and tranquility of Troon North.
Troon North's number of 27 is all that we will support.
Please consider this.

Russell C and Beth L Erickson
Homeowner Troon North

ble64@mac.com

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #26)
Date: Tuesday, October 17, 2017 6:54:17 PM

Board of Adjustment Public Comment (response #26)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/17/2017 6:53:24 PM

Survey Response

COMMENT	
Comment:	When one works a lifetime to live near paradise and the least expensive hotel is the Four Seasons - it is very frustrating to have the equivalent of a motel 6 built in this neighborhood. I feel strongly that a minimum quality and size should be enforced. The fact that one person can profit from this at the expense of all others in this area will speak volumes to the members of the Troon North family. Please say no to 62, 37, 27 0r even one unit of inferior real estate dwelling in this prestigious environment. Mike R - E Monument Dr
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Mike Rubin
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	micknr@gmail.com
Phone:	
Address:	
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From: Nancy Perry
To: Board Of Adjustment
Subject: "Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017.
Date: Tuesday, October 17, 2017 7:01:10 PM

"Troon North Villas" and Case Numbers 5-BA-2017/6-BA-2017. Please support the City of Scottsdale's number at 31 or Troon North's at 27, NOT the ridiculous 67 that the developer is requesting to mar one of Scottsdale's finest master planned communities and golf courses.

Nancy Perry
28990 N. White Feather Lane, #187
Scottsdale, AZ 85262

From: Roz Rubin
To: Board Of Adjustment
Subject: troon north villas
Date: Tuesday, October 17, 2017 7:13:24 PM

---

i moved to troon north 3 years ago because of its natural beauty. the area was free of large shopping centers etc. the reason we have chosen this area is because we all love the desert and mountains around us. it will be a shame for a developer to be allowed to build motel type structures in this gorgeous desert area i live in. thx roz rubin

From: Board Of Adjustment
To: Board Of Adjustment
Subject: Board of Adjustment Public Comment (response #27)
Date: Tuesday, October 17, 2017 7:31:25 PM

Board of Adjustment Public Comment (response #27)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Board of Adjustment Public Comment
URL:	http://www.scottsdaleaz.gov/boards/board-of-adjustment/public-comment
Submission Time/Date:	10/17/2017 7:31:15 PM

Survey Response

COMMENT	
Comment:	I am writing regarding the Troon North Villas, Case Numbers 5-BA-2017/6-BA-2017. I am asking for support of the City of Scottsdale's number of 31 units or Troon North's at 27 units, NOT the ridiculous 67 units that the developer is requesting to mar one of Scottsdale's finest master planned communities and golf courses. Thank you
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
PLEASE PROVIDE YOUR NAME:	
First & Last Name:	Kevin Bellinghausen
AND ONE OR MORE OF THE FOLLOWING ITEMS:	
Email:	Kb1590@yahoo.com
Phone:	(480) 235-4258
Address:	11091 e blue sky dr, scottsdale 85262
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

From:	Julie Adams
To:	Board Of Adjustment
Subject:	Appeal
Date:	Tuesday, October 17, 2017 8:38:58 PM

Dear Board of Adjustment,
We are writing you regarding the Troon North Villas. As a homeowner in The Monument, we oppose the development of the land near Troon North Golf Club. Due to the surrounding area, the lifestyle of the residents and the desire to keep our property values solid, please do NOT vote on the massive increase of townhouses in the community. The Troon North Villas, case number 5-BA-2017/6-BA-2017, is not part of the desired master plan of our community. We have varied types of housing, but have no desire for the intense density the developer is asking for in their plan.
Due to our location, we are unable to attend the upcoming meeting. We will be there in spirit and fully support the opposition of this proposal. For the sake of a wonderful community plan, please do not increase the number of townhomes. Thank you for your time and understanding.
Misty Moon Ventures LLC
Julie and Jim Adams