

**Correspondence Between
Staff and Applicant
Approval Letter**



November 15, 2016

Ed Bull
Burch & Cracchiolo P A
702 E Osborn Rd Ste 200
Phoenix, AZ 85014

Re: 5-ZN-2016
Scottsdale Entrada

Dear Ed Bull,

This is to advise you that the case referenced above was approved at the November 14, 2016 City Council meeting. The Ordinance No. 4282 and Resolution No. 10574 for the Development Plan may be obtained from the City Clerk's office or city website @ <https://eservices.scottsdaleaz.gov/eServices/ClerkDocs/Default.aspx>.

Please remove the red hearing sign as soon as possible. If you have any questions, please contact me at 480-312-7713.

Sincerely,

Brad Carr
Senior Planner



Planning and Development Services Division

7447 East Indian School Road
Scottsdale, Arizona 85251

8/30/2016

Ed Bull
Burch & Cracchiolo P A
702 E Osborn Rd Ste 200
Phoenix, AZ 85014

RE: Determination of a Planning Commission hearing

Dear Mr. Bull:

Your Development Application 5-ZN-2016, Scottsdale Entrada, is scheduled on the September 28, 2016 Planning Commission hearing agenda.

You may be required to make a presentation to the Planning Commission. If you choose to present your application to the Planning Commission utilizing a Power Point presentation, please submit the electronic file to your project coordinator by 1:00 p.m. on Monday, September 26, 2016. Please limit your presentation to a maximum of 10 minutes.

A subsequent letter with your site post requirements will be sent shortly after the required text has been verified. Typically, this is approximately twenty-one (21) days before a hearing date.

The Planning and Development Services Division has had this application in review for 48 Staff Review Days.

Thank you,

Brad Carr, AICP, LEED-AP
Senior Planner

C: Case File

Carr, Brad

From: Ed Bull [<mailto:ebull@bcattorneys.com>]
Sent: Tuesday, September 27, 2016 11:54 AM
To: Carr, Brad
Subject: FW: Sunchase; 64th and McDowell (Trip Comparison Tables)

Good morning Brad,

As a follow-up to our conversation a few minutes ago, below and attached are Burgess & Niple's (Randy Kill) trip generation comparisons (presuming office and retail FAR of 0.25) that estimate/compare ADTs and Peak Hour Trips for redevelopment of Sunchase's approximately 23 acre Site with:

- Red = 100% office; or
- Gray = 100% retail; or
- Golden = 50% office/50% retail; or
- Blue = Proposed PUD.

Additional information about Burgess & Niple's assumptions, process and results is provided in Randy Kill's below e-mail. If you have questions about or want to discuss the below/attached, please contact Todd Tupper, Randy Kill or me.

Best regards,

Ed

From: Kill, Randy [<mailto:randy.kill@burgessniple.com>]
Sent: Monday, September 12, 2016 6:31 AM
To: Ed Bull; Todd Tupper <ttupper@suncap.com> (ttupper@suncap.com)
Subject: RE: Sunchase; 64th and McDowell (Trip Comparison Tables)

Ed,

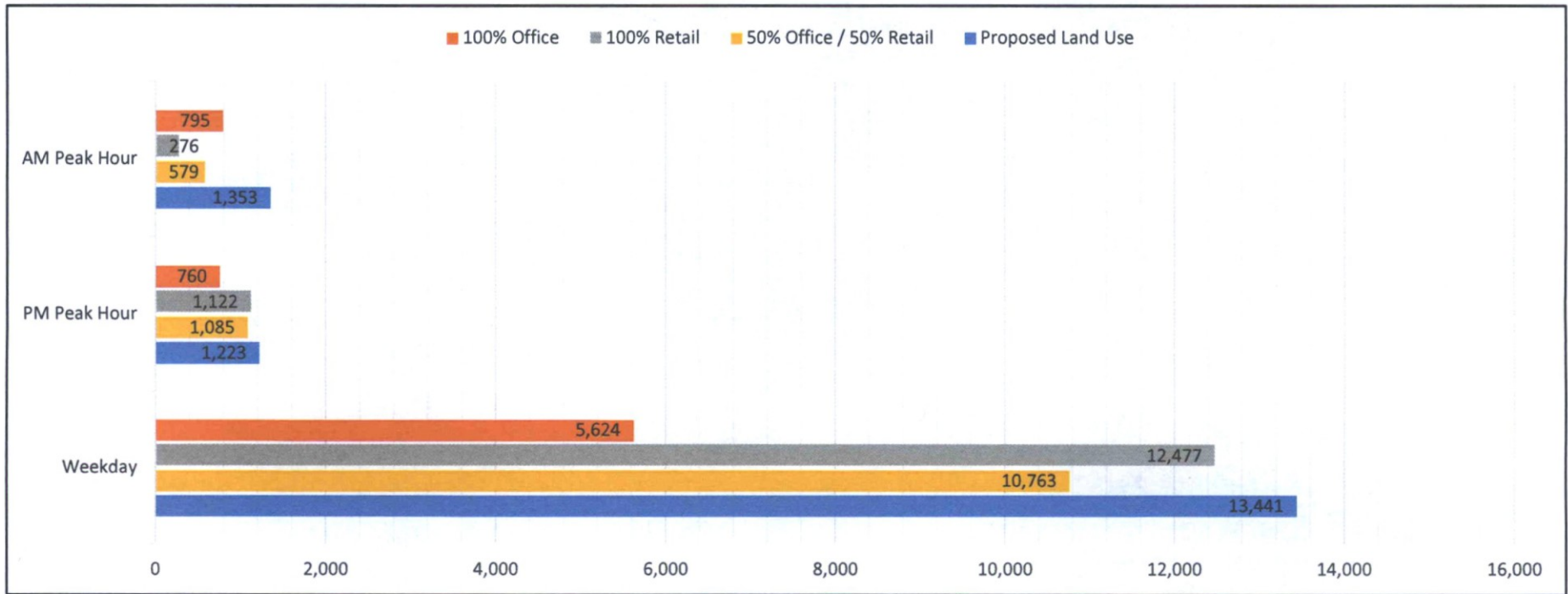
Based on our previous conversation I am sending you the requested trip comparison table. The trip generation used the following assumptions/process.

- Obtained data from Maricopa County Auditor's website to determine Floor Area Ratios (FARs) for shopping centers and office buildings. Sites without parking garages were used as examples.
- Average FAR for both office and retail was 0.25 (shown in FAR Calculations tab). This is consistent with data published in the *Planner's Estimating Guide for Projecting Land-Use and Facility Needs*.
- Assumed 23.41 acres (1,019,740 square feet) of developable land
- Square footage comparisons:
 - 100% office – 509,870 square feet (2 story office building)
 - 100% retail – 254,935 square feet
 - 50% office/50% retail – 254,935 square feet of office (2 story office building), 127,467 square feet of retail
 - Currently proposed land use – 566,256 square feet of office, 20,800 square feet of retail/restaurant, PLUS hotel and residential

The resultant trips are a little lower than the currently proposed development. This is because the current proposed land use is assuming little denser development.

Let me know if you have any questions.

Randy Kill, PE, PTOE | Burgess & Niple, Inc.
1500 North Priest Drive, Suite 102 | Tempe, AZ 85281





7/20/2016

Ricki Horowitz
Burch & Cracchiolo P A
702 E Osborn Rd Ste 200
Phoenix, AZ 85014

RE: Development Review Board Packet requirements for the Development Review Board hearing.

Dear Ms. Horowitz:

Your case 5-ZN-2016, Scottsdale Entrada, is scheduled for the 8/18/2016 Development Review Board hearing. Please submit the following directly to me by 1:00 p.m. on 8/5/2016 in order to keep this hearing date:

- 1 copy of this letter (without this letter your packets will not be accepted)
-

- 11 copies on 11"x17" paper, collated and stapled into packets; and
- 1 copy on 8 ½"x11" paper, not stapled, of the following:

- Site Plans (color)
 - Site Cross Sections (black and white)
 - Open Space Site Plan (color)
 - Perspective (color)
 - Pedestrian and Vehicle Circulation Plan (color)
 - Landscape Plans (color)
-

- 11 sets of the color context photos and the associated context photo key plan.

Please contact me at 480-312-7713 or at bcarr@ScottsdaleAZ.gov to make a submittal meeting.

You may be required to make a presentation to the Development Review Board. If you choose to present your application to the Development Review Board utilizing a Power Point presentation, please submit the electronic file to your project coordinator by 1:00 p.m. on Monday, August 15th. Please limit your presentation to a maximum of 10 minutes.

Thank you,

Brad Carr, AICP
Senior Planner



BURCH & CRACCHIOLO

EDWIN C. BULL
DIRECT LINE: 602.234.9913
DIRECT FAX: 602.850.9794
BRAY@BCATTORNEYS.COM

June 20, 2016

VIA Hand Delivery

Brad Carr
City of Scottsdale
Current Planning Services
7447 E. Indian School Rd., Ste. 105
Scottsdale, AZ 85251

RE: **Responses to 1st Review Comments**
5-ZN-2016, Scottsdale Entrada

Dear Brad:

Below are SunChase's Responses to the Planning & Development Services Division's review of the above referenced development application submitted on 2/18/2016.

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 submit a revised copy of the Citizen Review Report summary to include details of the most recent public outreach efforts, including any additional public comments that may have been received. (Zoning Ordinance, Sec. 1.305.C.2.b.)

RESPONSE: *A revised Citizen Review Report summary will be separately submitted to Staff.*

2. Please provide a revised Project Narrative that includes a justification for each of the proposed amended development standards individually. (Zoning Ordinance, Sec. 1.303.)

RESPONSE: *The Project Narrative has been revised to provide justifications for the proposed amended development standards. See Exhibit 20 of the Updated Development Booklet.*

3. Please revise the project narrative and development plans to remove reference to the amendment of development standards that are not amendable, specifically Section 5.5005.D. (Zoning Ordinance, Sec. 1.303.)

RESPONSE: *The Project Narrative and Development Plans have been updated to remove proposed modifications to Section 5.5005.D.2-3. See pg. 5 of the Updated Development Booklet.*

4. Please revise the legislative draft of development standards to remove those development standards that specifically not amendable, including Sections 5.5005.D.1. and 5.5005.D.3. (Zoning Ordinance, Sec. 1.303.)

RESPONSE: *The legislative draft of development standards has been revised to removed the proposed amendment to Section 5.5005.D.3. The proposed amendment to Section 5.5005.D.1 is still included in the PUD request as it is appropriate under the circumstances. See pg. 5 and Exhibit 20 of the Updated Development Booklet.*

5. The Planned Unit Development (PUD) zoning district is a mixed-use zoning district that encourages pedestrian-scale development and location of buildings. The Average Setback development standard is intended to ensure buildings are not setback too greatly from the street in order to create appropriate urban form for mixed-use developments. Please revise the project narrative to provide a modified Average Setback requirement in lieu of eliminating the development standard entirely. (Zoning Ordinance, Sec. 1.204.)

RESPONSE: *The Project Narrative has been updated to include 4 modified Average Setback development standards for Residential and Commercial on McDowell and on 64th Street. Those modified Average Setback development standards are at pgs. 6-7 of the Updated Development Booklet.*

6. Please revise the legislative draft of development standards to include the all of the development standards in Section 5.5005 in their entirety. (Zoning Ordinance, Sec. 1.303.)

RESPONSE: *An updated legislative draft of development standards is included in the Updated Development Booklet. See Exhibit 20 of the Updated Development Booklet.*

7. Per Zoning Ordinance Sec. 5.5006.A., parking shall not be located between the building and the street; and shall not be located between the average building setback line and the street. Please revise the development plans to demonstrate compliance with this requirement.

RESPONSE: *The McDowell Road parking has been removed from the Base Plan. See Exhibit 3 of the Updated Development Booklet.*

8. Per the Planned Unit Development (PUD) requirement of Zoning Ordinance Sec. 5.005.I.2., the minimum open space shall be 10% of the gross site area of the PUD site,

which is approximately 27.23 acres. Please revise the open space plan to reflect the correct gross site area corresponding open space requirement.

RESPONSE: *The Open Space Plan has been updated. See Exhibit 9.*

Fire:

9. Please revise the development plans to demonstrate a minimum drive aisle width of 24 feet. (Fire Ord. 4045, 503.2.1)

RESPONSE: *The Project Narrative has been revised to provide that, "Plans submitted to the DRB shall demonstrate compliance with the then applicable Fire Ordinance 4045 & DSPM." See pg. 3 of the Updated Development Booklet. The development plans that will be submitted for DRB review shall demonstrate the following standards in accordance with the applicable Code Sections (as may amended in the future by the City):*

- *a minimum drive aisle width of 24 feet. (Fire Ord. 4045, 503.2.1)*
 - *a minimum unobstructed vertical clearance requirement of 13'-6" will be provided on any portion of the site with fire access. (Fire Ord. 4045, 503.2.1)*
 - *hydrant spacing, existing and proposed. (Fire Ord. 4045, 507.5.1.2)*
 - *fire lanes for all commercial and multi-family residential drives (Fire Ord. 4045, 503.3)*
 - *that FDCs meet spacing requirements. (Fire Ord. 4045, 912)*
 - *will demonstrate commercial turning radii (25' inner/49' outside /55' bucket swing) (DSPM, Sec. 2-1.802(5))*
 - *will demonstrate the minimum width for divided entrances and drive thru by-pass lanes of 20 feet. (DSPM 2-1.802(2))*
 - *will provide a turn-around for emergency vehicles at the end of dead-ends (if any) over 300 feet in length. (DSPM, Sec. 2-1.802(8))*
 - *the fire lane surface(s) will support 83,000 lb GVW, including any bridge/culvert crossing. (DSPM, Sec. 2-1.802(3)) □ (24) the location(s) of Fire Riser room will be shown on Construction Documents. (DSPM, Sec. 6- 1.504(1))*
10. Please revise the development plans to demonstrate the minimum unobstructed vertical clearance requirement of 13'-6" is provided on any portion of the site with fire access. (Fire Ord. 4045, 503.2.1)

See Response 9 above.

11. Please revise the development plans to demonstrate hydrant spacing, existing and proposed. (Fire Ord. 4045, 507.5.1.2)

See Response 9 above.

12. Please revise the development plans to designate fire lanes for all commercial and multi-family residential drives (Fire Ord. 4045, 503.3)

See Response 9 above.

13. Please revise the development plans to demonstrate FDC meets spacing requirements. (Fire Ord. 4045, 912)

See Response 9 above.

14. Please revise the development plans to remove the cul-de-sac island unless is decorative only, flush with street and drivable. (Fire Ord, 4045, 503.4)

RESPONSE: *The development plans that will be submitted for DRB review shall comply with the applicable Code Sections (as may be amended in the future by the City).*

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:

15. The application states that the various site plan options provided with the submittal are "for illustrative purposes only and are intended to be conceptual examples of a variety of ways that the proposed mix of different uses could be laid out on the Redevelopment Site". As such, the preliminary nature of the multiple site plans do not provide the greater detail needed to better determine if the proposal will meet General Plan and Southern Scottsdale Character Area Plan goals and polices. With a resubmittal, please select a development option to proceed with through the zoning process. Alternatively, please provide a narrative detailing a minimum standard of amenities, open space, etc. that would be met through any development option, which should include the following requested items:

RESPONSE: *Although no Site Plans are required with a PUD Rezoning Application, SunChase was encouraged to provide multiple illustrative alternative Site Plans as visual aides to assist neighbors and others with visualizing the type(s) of development that could occur (subject to DRB Approval) pursuant to this PUD, its Development Standards and Guidelines and Stipulations. A particular/singular illustrative Site Plan*

cannot be selected at this PUD stage of the entitlements processes. Detailed Site Plans will be submitted to the DRB in accordance with market demand.

In addition, provided within the PUD Development Booklet (Narrative and Exhibits) are:

- *Detailed Amended Development Standards at pages 4-9 and Exhibit 20,*
 - *Design Guidelines at page 9,*
 - *Detailed General Plan Review at pages 9-16,*
 - *Detailed review of the South Scottsdale Character Area Plan at pages 16-19,*
 - *16 proposed Zoning Stipulations at pages 19-21, and*
 - *Numerous Exhibits provide additional information on Open Space, anticipated Amenities, etc.*
- a. Please respond to both Scottsdale General Plan Character & Design Element Goal 5 and Growth Areas Element Goal 6 regarding public art. The McDowell Road Streetscape Design Guidelines note this location as being a “Landmark” – *a location that is suitable for art installations and sculptures*. Although the addition of public art is not required through ordinance at this particular location, the integration of such would help create a greater sense of place. The applicant describes connections to the Cross-Cut Canal, Papago Park, as well as incorporating an enhanced gateway into Scottsdale. Since this location is envisioned as a gathering place and “Landmark” for those to live and work and serves as a prominent entry point into the city, please consider the incorporation of public art elements and/or installations as a means to enhance the visual character of the subject site.

RESPONSE: *The Project Narrative has been revised to provide: “An entry feature that is consistent with theming for the McDowell Corridor and compatible with the McDowell Road and 64th Street Streetscapes, but is not ‘public art’, shall be designed at the northeast of McDowell Road and 64th Street and submitted for DRB review.” See pg. 3 of the Updated Development Booklet.*

- b. The Land Use (Goal 8), Neighborhoods (Goal 4, bullet 7), Open Space (Goal 1, bullets 11, 14), and Community Mobility (Goal 10, bullet 2, and Goal 11, bullets 2 and 10) Elements of the General Plan encourage development that creates and/or maintains linkages to common open space areas, ultimately adding to an area’s sense of place and exemplifying a neighborhood’s character. The applicant’s narrative speaks to the connection to the Cross-Cut Canal, but does not discuss if there will be onsite improvements provided through the project that would further enhance this connection. The narrative, and further, the submitted site plan materials, do not illustrate how the development will interact with and capitalize on the Cross-Cut Canal as an amenity. Furthermore, several of the site plan options submitted indicate

parking garages as possibly abutting the canal. Please ensure that “active” uses neighbor the canal, such as residential, retail, dining, and/or the proposed hotel – and *not* “inactive” uses such as a parking garage or office that has limited hours of operation. Please provide a description in the narrative as well as any graphical material to illustrate any enhanced connections provided to the Cross-Cut Canal (ramps, bike paths, etc.).

RESPONSE: *Regarding on-site pedestrian circulation and future connections to the Crosscut Canal, on-site pedestrian linkages and pedestrian connections to the Crosscut Canal are generally illustrated on the Pedestrian and Vehicular Circulation Plan at Exhibit 10 of the Updated Development Booklet. Additional details will be provided to the DRB when appropriate. Regarding uses proximate to the Canal, this is a mixed-use PUD. Some neighbors are concerned with the placement of “active” uses proximate to the Canal. Uses will be located pursuant to market demand and in accordance with DRB Approval.*

- c. Please further respond to City of Scottsdale General Plan Character & Design Element Goals 4 and 6 so as to address how the proposal will match the established streetscape character of McDowell Road, including the McDowell Road Streetscape Design Guidelines. Objectives include promoting safe pedestrian circulation adjacent to McDowell Road and creating a unified and distinct identity in terms of streetscape improvements. In terms of a unified identity, there are several redevelopment projects in close proximity to the subject site that are currently proceeding through the entitlement process and intend to provide a streetscape palette that meets, and further exceeds, the McDowell Road Streetscape Guidelines – Aire on McDowell (15-ZN-2015) and Skye on McDowell (18-ZN-2015). Please provide a landscape plan with detail implementing the McDowell Road Streetscape Guidelines and further demonstrates coordination with that which has been proposed and/or built via neighboring redevelopment projects.

RESPONSE: *A revised Conceptual Landscape Plan is provided at Exhibit 8 of the Updated Development Booklet. Such revised plan demonstrates consistency and coordination with appropriate aspects of the Guidelines and palette of the McDowell Road Streetscape Guidelines and other existing/proposed developments in the area. Inasmuch as “theming” in the McDowell Corridor continues to evolve, the revised Plan at Exhibit 8 will be fine-tuned as appropriate for DRB review. This condition has been added to the Updated Development Booklet on pg. 2.*

- d. The subject site is within a 2001 General Plan-designated, Growth Area. As such, please respond to General Plan Growth Area Element Goal 1, bullet 3 as well as Southern Scottsdale Character Area Plan (SSCAP) Public Services & Facilities policy PSF 3.3. The subject site is adjacent to powerlines on the northern edge. Please consider undergrounding the powerlines in conjunction with the development request

as this would not only benefit the development site, but the adjacent neighborhoods to the north.

RESPONSE: *The power (and other utilities) lines described in Comment 15(d) are not adjacent to the PUD Redevelopment Area. Instead, the utilities lines are approximately 160' north of the PUD Redevelopment Area (approximately 185' north of the nearest buildings within Scottsdale Entrada), on the north side of the City's alley. Preliminary research with the City demonstrated that undergrounding the lines would be extraordinarily expensive and complicated. The powerlines on the north side of the alley will not be placed underground in connection with this development.*

- e. The narrative discusses a possible gateway feature provided by the applicant at the northeast corner of 64th Street and McDowell Road. The SSCAP Implementation Program denotes necessary implementation programs to achieve the vision of the goals and policies outlined within the plan. As such, the Implementation Program highlights "Motor Mile/Galvin Parkway Gateway Design" as a recommended program for achieving Character & Design Goal 3 within the SSCAP. Although the McDowell Road Streetscape Design Guidelines provide "Image Element" guidance – in terms of hardscaping elements of the corridor (signage, seating, etc.) – they do not provide any design suggestions in regard to a gateway element/installation. This "gateway" into the city is important, but to date no preliminary designs have been formulated by the City. As such, please consider provisions/stipulations that would ensure that the outcome of this element is thoroughly vetted through City of Scottsdale staff, the Development Review Board, and City Council.

See Response 15(a) above.

16. Please revise the project narrative and development plans to provide greater information regarding the proposed "enhanced gateway" located at the northeast corner of E. McDowell Road and N. 64th Street. (Zoning Ordinance, Sec. 1.303.)

See Response 15(a) above.

17. For each option please provide a site plan 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.

RESPONSE: *The different development options, landscaping/pedestrian connections, open space areas, pedestrian/vehicular circulation, parking areas, and phasing plan are provided for illustrative purposes only and are intended to be conceptual examples of a variety of ways that the proposed mix of different uses could be laid out on the Redevelopment Site. Final Site Planning decisions within the parameters of this PUD and applicable Zoning Stipulations will be presented to and determined through the City's DRB processes.*

18. For each option please provide a site plan that illustrates the proposed development standards. 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.

RESPONSE: *See the black and white illustrative Site Plans at updated Exhibits 3, 4, 5, and 6 of the Updated Development Booklet – which demonstrate compliance with applicable development standards that can be illustrated in Plan View.*

19. 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.

RESPONSE: *The landscape symbols have been eliminated from the black and white illustrative Site Plans. See Exhibit 8 of the Updated Development Booklet.*

Fire:

20. Please revise the development plans to demonstrate commercial turning radii (25' inner/49' outside /55' bucket swing) (DSPM, Sec. 2-1.802(5))

See Response 9 above.

21. Please revise the development plans to demonstrate the minimum width for divided entrances and drive thru by-pass lanes of 20 feet. (DSPM 2-1.802(2))

See Response 9 above.

22. Please revise the development plans to provide a turn-around for emergency vehicles at the end of a dead-end over 300 feet in length. (DSPM, Sec. 2-1.802(8))

See Response 9 above.

23. Please revise the development plans to demonstrate that fire lane surface will support 83,000 lb GVW, including any bridge/culvert crossing. (DSPM, Sec. 2-1.802(3))

See Response 9 above.

24. Please revise the development plans to demonstrate location of Fire Riser room. (DSPM, Sec. 6- 1.504(1))

See Response 9 above.

Circulation:

25. Please revise the development plans to show sidewalk connections to the path along the Crosscut Canal to the east and to the existing path to the north, especially in the northwest corner of the site. New sidewalks shall have a minimum width of 6 feet. (2008 Transportation Master Plan Ch. 7, Sec. 8; DSPM, Sec. 2-1.808)

RESPONSE: *See the revised Pedestrian and Circulation Plan at Exhibit 10 of the Updated Development Booklet.*

26. Please revise the development plans to show the construction of a deceleration lane at all site entrances located on both the E. McDowell Road and N. 64th Street frontages. (DSPM, Sec. 5- 3.206)

RESPONSE: *The deceleration lanes are shown on revised Exhibits 3-5 of the Updated Development Booklet.*

27. Please revise the development plans to modify the E. McDowell Road median to provide a “pork chop” median design at the main site driveway. (Zoning Ordinance, Sec. 1.204.)

RESPONSE. *An interim “pork/chop” in the center of McDowell Road at the main entrance has been added to the Conceptual Land Use Plans, and will be removed upon activation of the future traffic signal at the main entrance. Although signalization of the main entrance does not meet the City’s typical standards for signal spacing along arterial roadways, under the circumstances of the relatively large gateway redevelopment site with access on only two sides and an existing full directional median break that will be the primary ingress/egress for the proposed Mixed Use PUD, signalization of the main entry when warranted is appropriate. Proposed Zoning Stipulations 14 and 15 (at page 21 of the Updated Development Booklet) are provided confirming the interim pork-chop and signalization of the main entry when warranted.*

28. Please revise the development plans to modify the N. 64th Street median to provide a refuge area in the median at the main site driveway. (Zoning Ordinance, Sec. 1.204.)

RESPONSE: *The conceptual development plans have been updated to provide a refuge area in 64th Street upon approval of a refuge area design as modified as necessary under these circumstances.*

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:

Circulation:

29. Please submit a signing and striping plan for the site improvements on E. McDowell Road and N. 64th Street. The striping plan will need to address modifications to the westbound right-turn lane striping on E. McDowell approaching N. 64th Street. (Zoning Ordinance, Sec. 1.303.)

RESPONSE: *A signing and striping plan will be separately submitted to Staff with the Resubmittal package.*

30. Please note that the project will be stipulated to provide a traffic signal plan with the final plans submittal. The developer will be required to install conduit and pull boxes for the potential signal with off-site improvements. If the traffic signal is determined to be warranted by the Transportation Director within five years of the opening of the first phase of the development, the developer will be required to install the traffic signal.

RESPONSE: *Stipulation No. 15 of the proposed Stipulations (pgs. 20-21 of the Updated Development Booklet) provides: "The location and signal spacing of the proposed traffic signal at the main entry to the Site on McDonald Rd. is approved and such signal may be installed when signal warrants are determined to be satisfied by the City's Transportation Director."*

Drainage:

31. The preliminary drainage report prepared by CVL Consultants for the rezoning request is accepted. Please note that a drainage report will be required with the Development Review Board submittal and shall address the following requirement:

RESPONSE: *Thank you.*

- a. The owner shall dedicate to the city on the final plat a drainage easement over the "Common Areas" along the north and east property boundary lines as shown on the Scottsdale Auto Park plat. These areas contain existing drainage basins and drainage structures that store and convey stormwater.

RESPONSE: *A Drainage Easement will be submitted separately to Staff.*

Water and Waste Water:

32. The preliminary basis of design reports are sufficient for the rezoning request. Final Water/Sewer Basis of Design reports must be submitted to, and accepted by, the Water Resources Department prior to the submittal of improvements plans to the One-Stop-Shop per DSPM, Sec. 6-1.200 and Sec. 7-1.200. Final basis of design reports shall address the following comments:

RESPONSE: *Thank you.*

- a. Please provide an existing water meter inventory in final reports indicating location, size and serial number of the meter if fee credit is desired.

RESPONSE: *An inventory will be included in the final water report(s) to be submitted when/as appropriate in conjunction with the Construction Documents.*

Re: Responses to 1st Review Comments

5-ZN-2016

June 20, 2016

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- b. Please detail the site plan option selected and indicate location and size of all water mains, service meters, irrigation meters, fire lines and sewer services per DSPM, Chapters 6 and 7.

RESPONSE: *Such details will be provided as applicable on the Construction Documents.*

- c. Developer's engineer to survey and field verify the off-site sewer inverts referenced in the Sewer Report and include that information and analysis in the Final Report.

RESPONSE: *Such information will be provided when/as requested.*

33. Please note that construction and cost of all on-site, and any off-site improvements determined necessary, shall be at the sole cost of the developer per SRC, Chapter 49.

RESPONSE: *Understood so long as such costs are applicable and roughly proportional to this development.*

Very truly yours,

BURCH & CRACCHIOLO, P.A.

A handwritten signature in blue ink, appearing to read 'Edwin C. Bull', is written over the typed name below.

Edwin C. Bull

M. Brennan Ray

BURGESS & NIPLE

Memorandum

1500 N. Priest Drive, Ste. 102 | Tempe, Arizona 85281 | 602.244.8100

To: John Bartlett
City of Scottsdale

May 18, 2016

From: Randy Kill, PE, PTOE
Burgess & Niple, Inc.

Subject: 64th Street and McDowell Road TIMA Comment Responses

Burgess & Niple (B&N) has reviewed your comments and has provided the following responses.

1. Provide a trip generation comparison between the previous land use and the proposed land use.
A table was added on page 11 that compares the trip generation between the previous land use and the proposed land use.
2. Include daily traffic volumes on existing, site and total traffic figures.
The daily traffic volumes were added to the existing, site, and total traffic volume figures.
3. The proposed new traffic signal at the main entrance along McDowell Road does not meet standards for traffic signal spacing along arterial roadways. Report recommends that the signal is warranted by 2025, however, does not identify how much of the development can be constructed before the traffic signal is warranted. See comment 11 below for additional information on the signal warrant analysis. The Transportation Department would prefer to construction the driveway unsignalized with a "pork-chop" channelizing left-turns to and from McDowell Road, and explore the alternative of a traffic signal based on future volumes when the proposed development is open and operating. Would the distribution of exiting left-turns be different without a signal at the main entrance?

Signal warrant analysis indicates that no matter how much right-turn volume is removed from the analysis, when the development reaches 40% to 50% of full buildout, a signal would be warranted at this location. Tables and discussion of development levels and right turn volumes were added to the report.

The distribution of exiting left-turns will likely not differ between signalized and unsignalized conditions. Traffic destined to the east on McDowell Road could exit onto McDowell Road as currently shown or onto 64th Street. To exit onto 64th Street, vehicles would still need to make an unsignalized left-turn and then turn left at the congestion intersection of McDowell Road. This path adds a significant amount of delay and is not expected to be well utilized by traffic destined to the east. Therefore, the distribution would be unaffected by signalization of the main entrance with McDowell Road.

An interim "pork-chop" in the center of McDowell Road at the main entrance has been added to the Conceptual Land Use Plans, and will be removed upon activation of the future traffic signal at the main entrance. Although signalization of the main entrance does not meet the City's typical standards for signal spacing along arterial roadways, under the circumstances of the relatively large gateway redevelopment site with access on only two sides and as existing full directional median break that will be the primary ingress/egress for the proposed Mixed Use PUD, signalization of the main entry when warranted is appropriate. Appropriate Zoning Stipulations should be provided confirming the interim "pork-chop" and signalization of the main entry when warranted.

5-ZN-2016
06/20/16

B&N
burgessniple.com

Because a signal will definitely be warranted at full-build and the 2025 analysis represents full-build conditions, only signalized conditions were analyzed at this location.

4. The study mentions the existing path along the Crosscut Canal and other non-vehicular travel modes, but does not mention what the development is doing to connect to them. Provide a discussion describing how the proposed development will be improving/providing connections, such as sidewalks, to these non-motorized facilities.

The existing sidewalk will be maintained with the proposed development to provide connections to the multi-use path and bike lanes. Additionally, within the development, sidewalk connections will be provided to the Crosscut Canal along the east and north sides of the development for easy access for non-vehicular travel modes from within the development. The report text was modified to indicate that the sidewalk is to remain and provide a connection to the other facilities.

5. Table 1 shows 620 trips in and 620 trips out during the Saturday peak hour. Average rate for Saturday is 4.02 which is 626 total trips during the peak hour. Please review and adjust accordingly.

Table 1 has been updated to correctly reflect the 626 total trips during the peak hour on a Saturday.

6. Table 1 identifies the Saturday daily trips as 4,626. Appears to be a typo as the daily calculation should result in 4,636 trips.

Table 1 was revised to show 4,636 daily Saturday trips.

7. Page 4 and 5 - Identify roadway classification per the City roadway classification map in the existing conditions section. The roadway classifications are:

- a. 64th Street – Suburban Minor Arterial
- b. McDowell Road – Urban Major Arterial

The report was revised to reflect these roadway classifications.

8. Page 5 - The posted speed limit on 64th Street in the vicinity of the site is 40 mph.

The report was revised with the correct speed limit.

9. With redevelopment of the McDowell Road corridor occurring, it is reasonable to assume that a portion of the negative growth in recent years will return to the area, especially by 2025; therefore, a positive growth rate would be more appropriate when projecting 2025 background volumes.

To account for the redevelopment of McDowell Road that may not be captured in the Travel Demand Model, a 0.5% annual growth rate was applied to 2015 existing counts to obtain 2025 background volumes.

10. Table 5 – Check the AM peak hour and Saturday peak hour sections of this table, appears to be incorrect/missing information.

This table was reviewed and updated with the correct information.

11. Figures 7, 8 and 9 – Entering and exiting volumes do not match the trip generation tables.

The figures have been updated to match the trip generation tables.

12. Page 18 – No Build Scenario – Discussion identifies that signal timing and cycle lengths were optimized. The appendix includes analysis with cycle lengths of 60 and 90 seconds, which the City does not use. Obtain the current signal timing for the intersection of 64th Street and McDowell Road from the transportation

management center. The existing timing patterns are set up to progress McDowell Road, and any modifications to the current splits should be made within reason to maintain the progression, and not optimized for this specific location in a vacuum.

Signal timings were obtained from the City and the cycle lengths were maintained for analysis so that coordination and progression could be sustained.

13. Page 18 – Signal Warrant Analysis – It appears the warrant analysis included in the appendix used the entire southbound approach from the proposed development as the side street volume for the signal warrant analysis. A portion of, if not the majority of, southbound vehicles making right-turns at this location would experience little benefit from the installation of a traffic signal and should be excluded from the analysis. How was the distribution of site trips throughout the day determined? Include discussion of this analysis in the updated study.

24 hour counts from a similar site were used to determine the distribution of site trips on the outbound approach at the Main Access for the signal warrant analysis. See Comment Response for #3 about the right turn volumes.

14. Page 23 – Turn Lane Length Analysis – Standard for right-turn deceleration lane storage is 150 feet with a minimum storage of 100 feet. The northbound right-turn deceleration lane at 64th Street and Road A should meet this standard.

All new turn lanes are recommended to have at least 100 feet of storage to satisfy the City of Scottsdale's requirements.

15. Page 23 - Turn Lane Length Analysis – Recommendation to add 15 feet to the southbound storage length at 64th Street and McDowell will not accommodate an additional vehicle. Please provide additional 25 feet of storage at this location if needed based on revised volumes from previous comments.

For any locations where additional storage was required, the increase was proposed in 25 foot increments.

Carr, Brad

Subject: FW: Entrada

From: Grant, Randy
Sent: Monday, April 04, 2016 3:02 PM
To: ebull@bcattorneys.com
Subject: Entrada

Ed, a couple of thoughts on the 1st review comment letter notes that you gave me:

Section 5.5003 B. excludes building height from the standards that may be amended. You can request greater heights on the mechanical equipment and/or the max coverage area of mechanical, but not overall height.

Comments 9-14 and 20-24: These are just fire code requirements. You can either state them as “The site plan will conform to the following.....” or respond to Brad that these are code requirements that the project will need to demonstrate at the time of DRB.

Staff would prefer that whatever site plan is included with the application reflect a response to the traffic and circulation comments (25-28). This just prevents confusion in the future about whether the decal lane and the pork chop median, etc. are required (since the site plans that will be approved with the project don't show them). Easier to simply draw them in now (don't have to be engineered or to scale).

Comment 15 – One option would be to have an “open space bank” that defines the minimum open space for the project, then have each Phase draw down the amount for that phase. The risk is that the last phase may have a residual commitment to more open space than they should because previous phases didn't incorporate their share. This comment is more to make sure that an overall amount of open space is achieved.

Whether to use bubble diagrams or show buildings is a challenging question. Bubbles give greater flexibility, but your audience (neighbors and Council) want to talk about details – so you end up showing buildings anyway. We can go whichever way you want, but the neighbors want to relate to what they are being shown visually.

Comment 5b – I'd just show an arrow from the property to the canal and describe that the details of what that access includes will be defined at the time of DRB.

Comment 5 – this project is at the intersection of open space on three corners. There will be some pedestrian and biking activity, but the “urban scale” pushed out onto the street is not warranted. Conversely, we hope that there are some mixed uses that will cater to pedestrians and bikers, so having an inviting entry off the street is desirable. We don't want a suburban development that focuses only internally.

I hope this helps! Call if you have questions. Thanks!

Randy Grant
Director, Planning and Development Services
7447 E. Indian School Road, Suite 105
City of Scottsdale, Arizona 85251
480-312-2664



Carr, Brad

From: Carr, Brad
Sent: Tuesday, April 05, 2016 11:16 AM
To: 'Ed Bull'
Cc: Todd Tupper; Ricki Horowitz; 'Janet Quan'; Kris Floor; Brennan Ray; Donald Hadder (dhadder85@gmail.com)
Subject: RE: Dates of Availability - Re: SunChase; 64th & McDowell 1st Review Comments ---- Requests for Additional Information/Clarification

Hello Ed,

With regards to your questions:

Comment #6

As was presented in your first submittal, the legislative draft of the proposed amended development standard just included those standards that were being changed. However, we normally require that the entire development standard section (in this case Section 5.5005.) be written out, even if some portions of that Section are not being amended, to provide an overall description of the property development standards for the project.

Comment #15(c)

- i) These comments originated from our Long Range Planning section, specifically Taylor Reynolds (480-312-7924).
- ii) I don't believe staff is needing an extensive landscape plan with detail for the rezoning portion of the application. However, we do need enough detail to show compliance with the McDowell Road streetscape guidelines or an acknowledgement of that in the project narrative.
- iii) Again, I'm not sure we need that specific detail on a landscape plan, but a reference on the landscape plan, something to the effect of "Landscaping along the site's McDowell Road frontage shall comply with the guidelines of the McDowell Road streetscape" and a mention in the project narrative would be needed.

Comments #27 & 28

Yes, I would suggest speaking with Phil Kercher (480-312-7645) regarding the "pork chop" and area of refuge requirements.

Comment #29

The comment is meant to be addressed with the rezoning application.

Comment #31(a)

- i) At this point, the uses that I've identified that need to be covered for that 50-foot area on the east side of the site are stormwater and trail/pedestrian uses. A new drainage easement would replace the "right-of-way" over any portion of that 50-foot area that the Stormwater division deems necessary as warranted by the submitted drainage report. That would include the existing underground stormwater facilities currently located within that 50-foot area near the southern part of the site. A Non-Motorized Public Access Easement would cover the pathway that is currently constructed within the 50-foot area near the southern part of the site and very northern part.
- ii) There is an existing drainage easement over a portion of the northern drainage area (MCR 1999/1115486). Our Stormwater division is asking for an additional drainage easement to cover any other portions of that northern drainage area not covered by that existing easement, as warranted by the submitted drainage report.

Let me know if you have any additional questions regarding these comments or other items.

Regards,

Brad Carr, AICP LEED-AP

Senior Planner

City of Scottsdale

Current Planning Services

7447 E. Indian School Rd., Ste 105

Scottsdale, AZ 85251

480.312.7713p 480.312.7088f

From: Ed Bull [mailto:ebull@bcattorneys.com]

Sent: Friday, April 01, 2016 3:40 PM

To: Carr, Brad

Cc: Todd Tupper; Ricki Horowitz; 'Janet Quan'; Kris Floor; Brennan Ray; Donald Hadder (dhadder85@gmail.com); Ed Bull

Subject: RE: Dates of Availability - Re: SunChase; 64th & McDowell 1st Review Comments ---- Requests for Additional Information/Clarification

Good Afternoon Brad,

See you Tues the 12th --- thank you for suggesting the meeting and for helping to get it coordinated.

Between now and then, can you (or someone(s) on Staff) please help us with better understanding the following six Comments so SunChase's Team can continue to make progress on those items between now and the 12th. In particular, the Comments (by number) are:

6 – Can someone please tell us what Development Standards Staff believes are missing and/or need to be added into the PUD Narrative if such missing Standards are already “Code” and are not being Amended by the PUD? I am not saying SunChase is unwilling to add more Development Standards into the Narrative, I just do not understand what Staff wants us to add.

15(c) –

- i) Who should we talk with to better understand the specifics of how Staff wants SunChase to blend the 13 year old (2003) McDowell Rd Streetscape Design Guidelines with the current/future proposals of Aire, Skye, other developments and other parties who are integrally involved in overall “theming” for the McDowell Corridor? I am not saying SunChase is unwilling to engage in that exercise, we need clear and specific help and guidance from Staff to make sure that we go through the exercise properly, efficiently and properly the first time.
- ii) Does Staff really want SunChase to “...provide a landscape plan with detail...” during this PUD stage of the entitlements when it seems “...a landscape plan with detail...” is a DR Item?
- iii) If we really are to determine and lock-in on a particular “landscape plan with detail” confirming the streetscape character, palette and improvements at this PUD stage, then may we please have a sit-down working session well before 4/12th that is focused specifically on Comment 15(c) whereby appropriate Staff and SunChase's Landscape Architect can work through whatever needs to be worked through to get the job done?

27 – Should we (our Traffic Engineer) talk with someone in Traffic (who?) about what they want (and why?) for a “pork chop median design” at Scottsdale Entrada's main entry on McDowell?

28 – Same questions (what, why and who?) regarding the requested “refuge area” in 64th Street?

29 – Is the requested “signing and striping plan” intended to be a PUD item, or is it intended to be a DR (or other submittal) item?

31(a) –

- i) Eastern Common Area Drainage (and perhaps additional) Easement --- Following up on our prior discussion about the “uses” (eg, drainage, utilities or whatever) and “widths/locations” of easements the City needs within the 50’ strip that is immediately east of the east perimeter of the PUD/Redevelopment Site, did you have a chance to nail down those details with the Staff/Departments that you needed to coordinate with for those details? Again, if you can get us the “uses”, we will draft from the City’s “standard form easements” (that you provided to me earlier) an appropriately worded Easement for Staff’s and Joe Padilla’s review. And, if you will get us a marked up aerial or plan/exhibit showing the width(s) of the Easement area desired by the City, Sunchase will have CVL prepare a metes and bounds legal description.
- ii) Northern Common Area Drainage Easement --- Same questions as above “i”, but regarding the requested Drainage Easement over the north common area (which we presume Staff is not requesting be 150’+ wide north-to-south). Also, as I recall from memory, the City already has a S/W Easement within the north common area --- which we presume if to remain a S/W Easement.

Getting Staff’s help with the above Comments will help to keep Sunchase’s Team moving forward and will help make the 4/12th Staff/Sunchase meeting more efficient and productive.

Please contact anyone CC’d above if you (or others on Staff) have questions, need additional information or want to discuss any of the above questions/requests. Otherwise, we look forward to hearing further from you (or others) on how we can best drill down into the specifics on the above particular Comments. And, we look forward to meeting with Tim and you on 4/12th to work through the balance of Staff’s Comments.

Thanks Brad – great weekend to you and yours.

Ed

From: Carr, Brad [<mailto:bcarr@scottsdaleaz.gov>]
Sent: Friday, April 01, 2016 2:09 PM
To: Rachel Garcia
Cc: Ed Bull; Ricki Horowitz
Subject: RE: Dates of Availability - Re: SunChase; 64th & McDowell 1st Review Comments

Hello Rachel,

The time of 9:00am on Tuesday, April 12th will work best.

Regards,

Brad Carr, AICP LEED-AP
Senior Planner
City of Scottsdale
Current Planning Services



3/25/2016

Ricki Horowitz
Burch & Cracchiolo P A
702 E Osborn Rd Ste 200
Phoenix, AZ 85014

RE: 5-ZN-2016
Scottsdale Entrada

Dear Ms. Horowitz:

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 2/18/2016. 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 submit a revised copy of the Citizen Review Report summary to include details of the most recent public outreach efforts, including any additional public comments that may have been received. (Zoning Ordinance, Sec. 1.305.C.2.b.)
2. Please provide a revised Project Narrative that includes a justification for each of the proposed amended development standards individually. (Zoning Ordinance, Sec. 1.303.)
3. Please revise the project narrative and development plans to remove reference to the amendment of development standards that are not amendable, specifically Section 5.5005.D. (Zoning Ordinance, Sec. 1.303.)
4. Please revise the legislative draft of development standards to remove those development standards that specifically not amendable, including Sections 5.5005.D.1. and 5.5005.D.3. (Zoning Ordinance, Sec. 1.303.)
5. The Planned Unit Development (PUD) zoning district is a mixed-use zoning district that encourages pedestrian-scale development and location of buildings. The Average Setback

development standard is intended to ensure buildings are not setback too greatly from the street in order to create appropriate urban form for mixed-use developments. Please revise the project narrative to provide a modified Average Setback requirement in lieu of eliminating the development standard entirely. (Zoning Ordinance, Sec. 1.204.)

6. Please revise the legislative draft of development standards to include the all of the development standards in Section 5.5005. in their entirety. (Zoning Ordinance, Sec. 1.303.)
7. Per Zoning Ordinance Sec. 5.5006.A., parking shall not be located between the building and the street; and shall not be located between the average building setback line and the street. Please revise the development plans to demonstrate compliance with this requirement.
8. Per the Planned Unit Development (PUD) requirement of Zoning Ordinance Sec. 5.005.1.2., the minimum open space shall be 10% of the gross site area of the PUD site, which is approximately 27.23 acres. Please revise the open space plan to reflect the correct gross site area corresponding open space requirement.

Fire:

9. Please revise the development plans to demonstrate a minimum drive aisle width of 24 feet. (Fire Ord. 4045, 503.2.1)
10. Please revise the development plans to demonstrate the minimum unobstructed vertical clearance requirement of 13'-6" is provided on any portion of the site with fire access. (Fire Ord. 4045, 503.2.1)
11. Please revise the development plans to demonstrate hydrant spacing, existing and proposed. (Fire Ord. 4045, 507.5.1.2)
12. Please revise the development plans to designate fire lanes for all commercial and multi-family residential drives (Fire Ord. 4045, 503.3)
13. Please revise the development plans to demonstrate FDC meets spacing requirements. (Fire Ord. 4045, 912)
14. Please revise the development plans to remove the cul-de-sac island unless is decorative only, flush with street and drivable. (Fire Ord, 4045, 503.4)

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:

15. The application states that the various site plan options provided with the submittal are *"for illustrative purposes only and are intended to be conceptual examples of a variety of ways that the proposed mix of different uses could be laid out on the Redevelopment Site"*. As such, the preliminary nature of the multiple site plans do not provide the greater detail needed to better determine if the proposal will meet General Plan and Southern Scottsdale Character Area Plan goals and polices. With a resubmittal, please select a development option to proceed with through the zoning process. Alternatively, please provide a narrative detailing a minimum

standard of amenities, open space, etc. that would be met through any development option, which should include the following requested items:

- a. Please respond to both Scottsdale General Plan Character & Design Element Goal 5 and Growth Areas Element Goal 6 regarding public art. The McDowell Road Streetscape Design Guidelines note this location as being a "Landmark" – *a location that is suitable for art installations and sculptures*. Although the addition of public art is not required through ordinance at this particular location, the integration of such would help create a greater sense of place. The applicant describes connections to the Cross-Cut Canal, Papago Park, as well as incorporating an enhanced gateway into Scottsdale. Since this location is envisioned as a gathering place and "Landmark" for those to live and work and serves as a prominent entry point into the city, please consider the incorporation of public art elements and/or installations as a means to enhance the visual character of the subject site.
- b. The Land Use (Goal 8), Neighborhoods (Goal 4, bullet 7), Open Space (Goal 1, bullets 11, 14), and Community Mobility (Goal 10, bullet 2, and Goal 11, bullets 2 and 10) Elements of the General Plan encourage development that creates and/or maintains linkages to common open space areas, ultimately adding to an area's sense of place and exemplifying a neighborhood's character. The applicant's narrative speaks to the connection to the Cross-Cut Canal, but does not discuss if there will be onsite improvements provided through the project that would further enhance this connection. The narrative, and further, the submitted site plan materials, do not illustrate how the development will interact with and capitalize on the Cross-Cut Canal as an amenity. Furthermore, several of the site plan options submitted indicate parking garages as possibly abutting the canal. Please ensure that "active" uses neighbor the canal, such as residential, retail, dining, and/or the proposed hotel – and *not* "inactive" uses such as a parking garage or office that has limited hours of operation. Please provide a description in the narrative as well as any graphical material to illustrate any enhanced connections provided to the Cross-Cut Canal (ramps, bike paths, etc.).
- c. Please further respond to City of Scottsdale General Plan Character & Design Element Goals 4 and 6 so as to address how the proposal will match the established streetscape character of McDowell Road, including the McDowell Road Streetscape Design Guidelines. Objectives include promoting safe pedestrian circulation adjacent to McDowell Road and creating a unified and distinct identity in terms of streetscape improvements. In terms of a unified identity, there are several redevelopment projects in close proximity to the subject site that are currently proceeding through the entitlement process and intend to provide a streetscape palette that meets, and further exceeds, the McDowell Road Streetscape Guidelines – Aire on McDowell (15-ZN-2015) and Skye on McDowell (18-ZN-2015). Please provide a landscape plan with detail implementing the McDowell Road Streetscape Guidelines and further demonstrates coordination with that which has been proposed and/or built via neighboring redevelopment projects.
- d. The subject site is within a 2001 General Plan-designated, Growth Area. As such, please respond to General Plan Growth Area Element Goal 1, bullet 3 as well as Southern Scottsdale Character Area Plan (SSCAP) Public Services & Facilities policy PSF 3.3. The subject site is adjacent to powerlines on the northern edge. Please consider undergrounding the powerlines in conjunction with the development request as this would not only benefit the development site, but the adjacent neighborhoods to the north.

- e. The narrative discusses a possible gateway feature provided by the applicant at the northeast corner of 64th Street and McDowell Road. The SSCAP Implementation Program denotes necessary implementation programs to achieve the vision of the goals and policies outlined within the plan. As such, the Implementation Program highlights "Motor Mile/Galvin Parkway Gateway Design" as a recommended program for achieving Character & Design Goal 3 within the SSCAP. Although the McDowell Road Streetscape Design Guidelines provide "Image Element" guidance – in terms of hardscaping elements of the corridor (signage, seating, etc.) – they do not provide any design suggestions in regard to a gateway element/installation. This "gateway" into the city is important, but to date no preliminary designs have been formulated by the City. As such, please consider provisions/stipulations that would ensure that the outcome of this element is thoroughly vetted through City of Scottsdale staff, the Development Review Board, and City Council.
16. Please revise the project narrative and development plans to provide greater information regarding the proposed "enhanced gateway" located at the northeast corner of E. McDowell Road and N. 64th Street. (Zoning Ordinance, Sec. 1.303.)
17. For each option please provide a site plan 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.
18. For each option please provide a site plan that illustrates the proposed development standards. 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. 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.

Fire:

20. Please revise the development plans to demonstrate commercial turning radii (25' inner/49' outside /55' bucket swing) (DSPM, Sec. 2-1.802(5))
21. Please revise the development plans to demonstrate the minimum width for divided entrances and drive thru by-pass lanes of 20 feet. (DSPM 2-1.802(2))
22. Please revise the development plans to provide a turn-around for emergency vehicles at the end of a dead-end over 300 feet in length. (DSPM, Sec. 2-1.802(8))
23. Please revise the development plans to demonstrate that fire lane surface will support 83,000 lb GVW, including any bridge/culvert crossing. (DSPM, Sec. 2-1.802(3))
24. Please revise the development plans to demonstrate location of Fire Riser room. (DSPM, Sec. 6-1.504(1))

Circulation:

25. Please revise the development plans to show sidewalk connections to the path along the Crosscut Canal to the east and to the existing path to the north, especially in the northwest corner of the site. New sidewalks shall have a minimum width of 6 feet. (2008 Transportation Master Plan Ch. 7, Sec. 8; DSPM, Sec. 2-1.808)

26. Please revise the development plans to show the construction of a deceleration lane at all site entrances located on both the E. McDowell Road and N. 64th Street frontages. (DSPM, Sec. 5-3.206)
27. Please revise the development plans to modify the E. McDowell Road median to provide a "pork chop" median design at the main site driveway. (Zoning Ordinance, Sec. 1.204.)
28. Please revise the development plans to modify the N. 64th Street median to provide a refuge area in the median at the main site driveway. (Zoning Ordinance, Sec. 1.204.)

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:

Circulation:

29. Please submit a signing and striping plan for the site improvements on E. McDowell Road and N. 64th Street. The striping plan will need to address modifications to the westbound right-turn lane striping on E. McDowell approaching N. 64th Street. (Zoning Ordinance, Sec. 1.303.)
30. Please note that the project will be stipulated to provide a traffic signal plan with the final plans submittal. The developer will be required to install conduit and pull boxes for the potential signal with off-site improvements. If the traffic signal is determined to be warranted by the Transportation Director within five years of the opening of the first phase of the development, the developer will be required to install the traffic signal.

Drainage:

31. The preliminary drainage report prepared by CVL Consultants for the rezoning request is accepted. Please note that a drainage report will be required with the Development Review Board submittal and shall address the following requirement:
 - a. The owner shall dedicate to the city on the final plat a drainage easement over the "Common Areas" along the north and east property boundary lines as shown on the Scottsdale Auto Park plat. These areas contain existing drainage basins and drainage structures that store and convey stormwater.

Water and Waste Water:

32. The preliminary basis of design reports are sufficient for the rezoning request. Final Water/Sewer Basis of Design reports must be submitted to, and accepted by, the Water Resources Department prior to the submittal of improvements plans to the One-Stop-Shop per DSPM, Sec. 6-1.200 and Sec. 7-1.200. Final basis of design reports shall address the following comments:
 - a. Please provide an existing water meter inventory in final reports indicating location, size and serial number of the meter if fee credit is desired.
 - b. Please detail the site plan option selected and indicate location and size of all water mains, service meters, irrigation meters, fire lines and sewer services per DSPM, Chapters 6 and 7.

- c. Developer's engineer to survey and field verify the off-site sewer inverts referenced in the Sewer Report and include that information and analysis in the Final Report.
33. Please note that construction and cost of all on-site, and any off-site improvements determined necessary, shall be at the sole cost of the developer per SRC, Chapter 49.

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 the application is to be scheduled for a hearing date, 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 RETURNED TO THE APPLICANT.

The Planning & Development Services Division has had this application in review for 27 Staff Review Days since the application was determined to be administratively complete.

These **1st 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 480-312-7713 or at bcarr@ScottsdaleAZ.gov.

Sincerely,



Brad Carr, AICP
Senior Planner

**ATTACHMENT A
Resubmittal Checklist**

Case Number: **5-ZN-2016**

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 (PDF format)
- Two copies: Revised Narrative for Project

Site Plan:

Color	<u>8</u>	24" x 36"	<u>1</u>	11" x 17"	<u>1</u>	8 ½" x 11"
B/W	<u>8</u>	24" x 36"	<u>1</u>	11" x 17"	<u>1</u>	8 ½" x 11"

Open Space Plan:

<u>1</u>	24" x 36"	<u>1</u>	11" x 17"	<u>1</u>	8 ½" x 11"
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Pedestrian and Vehicular Circulation Plan:

<u>1</u>	24" x 36"	<u>1</u>	11" x 17"	<u>1</u>	8 ½" x 11"
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Landscape Plan:

Color	<u>1</u>	24" x 36"	<u>1</u>	11" x 17"	<u>1</u>	8 ½" x 11"
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Parking Access Plan:

<u>1</u>	24" x 36"	<u>1</u>	11" x 17"	<u>1</u>	8 ½" x 11"
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Phasing Plan:

<u>1</u>	24" x 36"	<u>1</u>	11" x 17"	<u>1</u>	8 ½" x 11"
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Development Plan Booklets

The Development Plan booklets shall be clipped together separately, and not be bounded.

Color	<u>3</u>	11" x 17"	<u>3*</u>	8 ½" x 11"
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* 8 ½" x 11" – 3 color copy on archival (acid free paper) (To be submitted after the Planning Commission hearing.)

MEMORANDUM

TO: TODD TUPPER AND ED BULL

FROM: SHARON J. OSCAR

RE: THE VALIDITY OR EFFECT OF A PUBLIC RIGHT-OF-WAY DEDICATION DEED FROM PITRE PROPERTIES, LTD. TO THE CITY OF SCOTTSDALE RECORDED AUGUST 31, 2006 AT 2006-61158832

DATE: MARCH 9, 2016

ISSUE: Is the Public Right-of-Way Dedication Deed ("Deed") from an owner of an undivided interest in common areas purporting to give fee title to the City of Scottsdale valid to convey any title; or does it have any effect?

DISCUSSION:

A. Pitre Properties, Ltd. ("Pitre"), the Grantor under the Deed to the City of Scottsdale ("City"), purported to convey fee title to Parcels 3 and 4 of the Deed to the City (a copy of the Deed is attached). However, Pitre did not hold the sole fee title to the property that was deeded to the City ("Common Areas Property"). In fact, Pitre held only an undivided interest in the fee to the Common Areas Property solely as an Owner¹ of the Common Areas, as those terms are defined in the Declaration of Covenants, Conditions, Restrictions and Easements dated September 7, 1988, recorded at 88-447263 ("CC&R's). The Common Areas are depicted on the Exhibit B Site Plan attached to the CC&R's (which Site Plan is attached, as are other pertinent pages from the CC&R's). The Common Areas depicted include, among other property, the Common Areas Property.

B. The Common Areas are governed by the CC&R's. The purported transfer by Pitre to the City was not permitted under the CC&R's. Section 13.1 specifically states: "**No interest in the Common Areas may be transferred or assigned except in connection with a transfer of a Lot or portion thereof**; and any transfer of a Lot shall automatically transfer the corresponding interest of the Owner in the Common Areas." (emphasis added) While the possibility of whether a lawful and effective conveyance of Pitre's 47.48% undivided interest could have passed to the City was considered, it is clear from the above Section 13.1 above that the answer is no; no interest whatsoever passed to the City.

C. Regardless of whether the City had actual knowledge of the CC&R's when the City's standard form Deed was provided to Pitre for execution, the CC&R's were of public record and constituted constructive notice to the City of the terms. Under Section 14.1 of the CC&R's, the provisions thereof run with the land.

D. The CC&R's can only be amended by a 75% or more vote of the Owners at a meeting specifically called for such purpose.

CONCLUSION: The Deed is void. The City holds no interest in any of the Common Areas Property described in the Deed.

¹ At the time of the Deed, the following are the pertinent owners, with corresponding undivided interests, as disclosed by Stewart Title Guaranty Company: Pitre Properties, an Arizona limited partnership (47.48%); The Car Collection, LLC, an Arizona limited liability company (10.36%); Powell's International Inc., an Arizona corporation (20.49%); Pitre Isuzu-Subaru-Hyundai of Scottsdale, Inc., a Delaware corporation (13.35%); and Wells Fargo Bank, N.A. as Trustee for the PBIS-98, LLC Restated Defined Benefit Pension Plan (8.32%). I am advised that various SunChase-related entities now own 100% of the properties, including the Common Areas Property.

WHEN RECORDED, RETURN TO:

City of Scottsdale
One Stop Shop/Records
(Rhonda Thomas)
7447 E. Indian School Road, Suite 100
Scottsdale, AZ 85251

14911-6-1-1--
HOYP

Exempt from Affidavit of Value
under A.R.S. § 11-1134(A)(3)



CITY OF SCOTTSDALE
PUBLIC RIGHT-OF-WAY DEDICATION DEED

Project No. 400-P0704

Q.S. 13-43

FOR ONE DOLLAR (\$1.00) and other good and valuable consideration received, **PITRE PROPERTIES, LTD.**, an Arizona limited partnership ("Grantor") does hereby grant and convey to the **City of Scottsdale**, an Arizona municipal corporation ("Grantee"), in fee the parcel of land (the "Property") described on the legal description and the sketch attached hereto as Exhibits "A" and "B." Without limitation, Grantee shall have the right to grade, level, fill, drain, pave, construct, operate, maintain, repair, and rebuild a road or highway and utility lines, pipes and related facilities, together with such bridges, culverts, drainage ways, ramps, sidewalks, curbs, gutters, cuts and other improvements as may be convenient for any of the foregoing, and to cut back and trim such portions of branches and tops of trees now growing or which may hereafter grow or extend over said right-of-way, so as to prevent the same from interfering with the efficient maintenance and operation of improvements to the Property.

Grantor hereby warrants and covenants to Grantee and its successors and assigns that Grantor is lawfully seized and possessed of the Property; that Grantor has a good and lawful right to make the conveyance described herein; and that Grantee shall have title and quiet possession against the claims of all persons.

The person executing this document on behalf of a corporation, trust or other organization warrants his or her authority to do so and that all persons necessary to bind Grantor have joined in this document. This document runs with the land in favor of Grantee's successors and assigns.

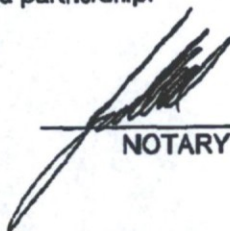
DATED this 14th day of May, 2006.

Grantor: **PITRE PROPERTIES, LTD.**, an
Arizona limited partnership

By: [Signature]
Its: [Signature]

State of Arizona)
) ss.
County of Maricopa)

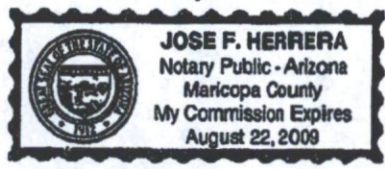
This document was acknowledged before me this 4 day of May, 2006, by
its _____, for and on
behalf of **PITRE PROPERTIES, LTD.**, an Arizona limited partnership.



NOTARY PUBLIC

My commission expires:

Aug 22, 2009



PARCELS 3 AND 4
LEGAL DESCRIPTION
FOR
RIGHT-OF-WAY
CROSSCUT CANAL MULTI-USE PATH – CITY OF SCOTTSDALE

Right-of-way, consisting of two parcels, for the City of Scottsdale, Maricopa County, Arizona, more particularly described as:

Parcel 3:

That portion of the southwest quarter of Section 34, Township 2 North, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

Commencing at the southwest quarter corner of said section 34; thence S89°37'46"E along the south line of said section, a distance of 1,387.62 feet;

Thence N 14°30'24" E, a distance of 79.69 feet to a point on the northerly right-of-way line of McDowell Road and the POINT OF BEGINNING.

Thence N 89°37'34" W, a distance of 51.81 feet, to a point on the easterly property line of Powell International Inc;

Thence along said property line of Powell International Inc, N 14°30'22" E, a distance of 197.90 feet and the beginning of a tangent curve of 614.61 foot radius concave westerly;

Thence northerly along the arc of said last mentioned curve, through a central angle of 16°16'00", a distance of 174.49 feet;

Thence N 01°45'37" W, a distance of 144.75 feet, to a point on the easterly property line of Pitre Properties LTD;

Thence along said easterly property line of Pitre Properties LTD, N 01°45'37" W, a distance of 253.00 feet;

Thence N 89°48'31" E, a distance of 50.00 feet, to a point on the westerly right-of-way of the Crosscut Canal;

Thence continuing along said westerly right-of-way line of the Crosscut Canal, S 01°45'37" E, a distance of 397.34 feet and the beginning of a tangent curve of 664.61 foot radius concave westerly;

Thence southerly along the arc of said last mentioned curve, through a central angle of 16°16'00", a distance of 188.89 feet;

Thence S 14°30'24" W, a distance of 184.32 feet and the POINT OF BEGINNING.

Said parcel contains 38,565 square feet, or 0.89 acres, more or less.

Parcel 4:

That portion of the southwest quarter of Section 34, Township 2 North, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

Commencing at the southwest quarter corner of said section 34; thence S89°37'46"E along the south line of said section, a distance of 1,387.62 feet;

Thence N 14°30'24" E, a distance of 79.69 feet to a point on the northerly right-of-way line of McDowell Road and the westerly right-of-way line of the Crosscut Canal;

Thence continuing along the westerly right-of-way line of the Crosscut Canal, N 14°30'24" E, a distance of 184.32, to the beginning of a tangent curve of 664.61 foot radius concave westerly;

Thence northerly along the arc of said curve, through a central angle of 16°16'00", a distance of 188.69 feet;

Thence N 01°45'37" W, a distance of 397.34 and the POINT OF BEGINNING.

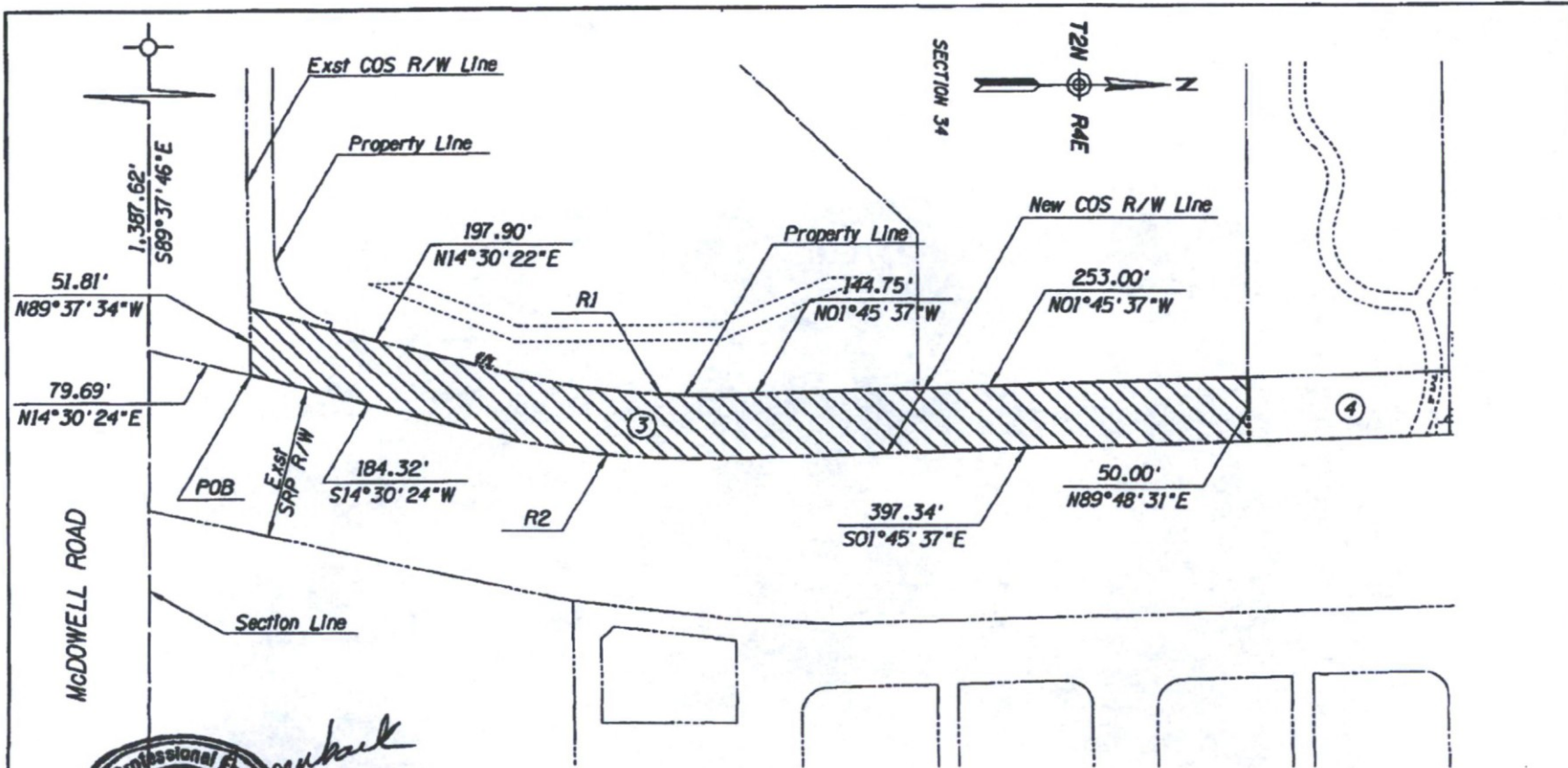
Thence S 89°48'31" W, a distance of 50.00 feet;

Thence N 01°45'37" W, a distance of 153.62 feet;

Thence N 89°50'13" E, a distance of 50.00 feet;

Thence S 01°45'37" E, a distance of 153.60 feet and the POINT OF BEGINNING.

Said parcel contains 7, 677 square feet, or 0.18 acres, more or less



BASIS OF BEARING

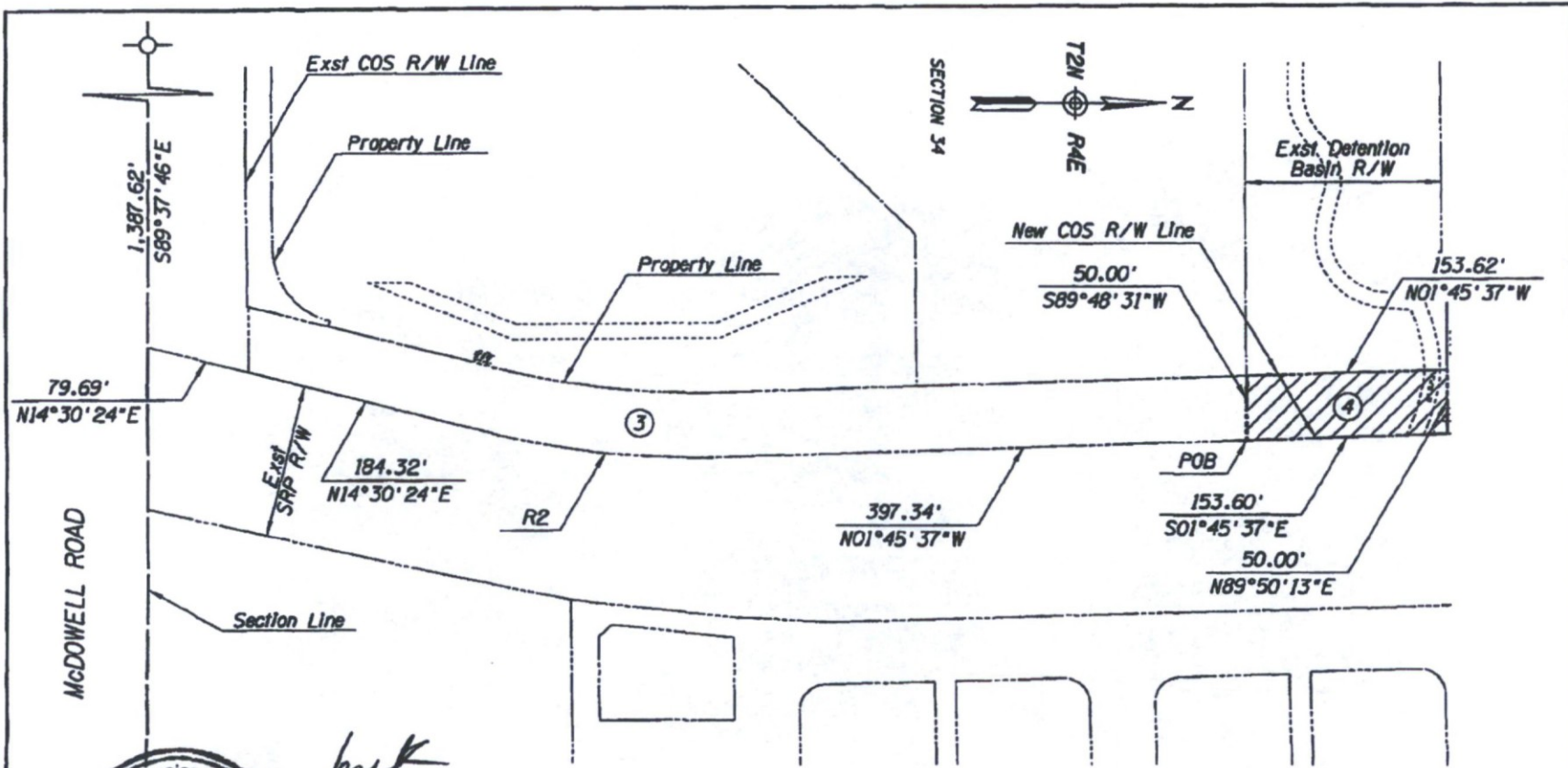
THE BASIS OF BEARING IS THE SOUTH SECTION LINE OF SECTION 34, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE MERIDIAN, MARICOPA COUNTY, ARIZONA. SAID BEARING BEING S89°37'46"E.

Curve	Radius	Delta	Length
①	614.61	16°16'00"	174.49'
②	664.61'	16°16'00"	188.69'

HDR
HDR ENGINEERING, INC.

PARCELS 3 & 4 EXHIBIT A
CROSSCUT CANAL MULTI-USE PATH - 04PB065 T2N R4E SECTION 34
PROPOSED CITY OF SCOTTSDALE RIGHT-OF-WAY
PRELIMINARY: 02-2006 REVISED: 03-2006 FINAL: 08-2006

20061158832



BASIS OF BEARING

THE BASIS OF BEARING IS THE SOUTH SECTION LINE OF SECTION 34, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE MERIDIAN, MARICOPA COUNTY, ARIZONA. SAID BEARING BEING S89°37'46"E.

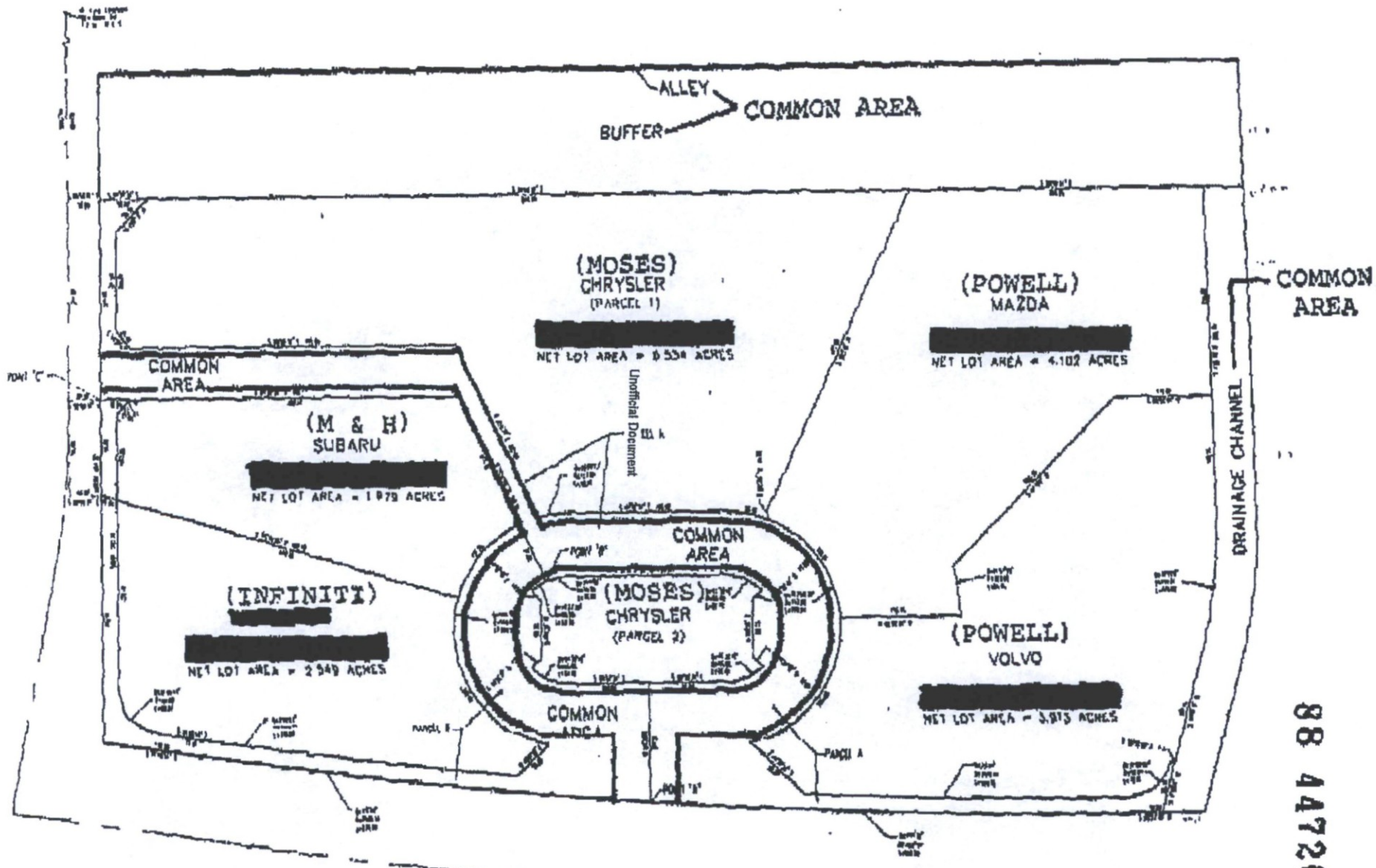
Curve	Radius	Delta	Length
R2	664.61'	16°16'00"	188.69'



PARCELS 3 & 4 EXHIBIT A
CROSSCUT CANAL MULTI-USE PATH - 04PB065 T2N R4E SECTION 34
PROPOSED CITY OF SCOTTSDALE RIGHT-OF-WAY
PRELIMINARY: 02-2006 REVISED: 03-2006 FINAL: 08-2006

20061158832

SCOTTSDALE AUTO PARK EXHIBIT TO ACCOMPANY DESCRIPTION



0 50 100 150
SCALE: 1"=40'

(Private Roads and Streets outlined in black)

88 447263

19880447263_58 Unofficial Document

ARIZONA LEGAL RE
HOLD FOR PICKUP

WHEN RECORDED, RETURN TO: ATTY.

Bruce M. Kromer
Suite 2003
3003 N. Central Avenue
Phoenix, AZ 85012

Handwritten initials: U, A, M

EASEMENT (EA) :
PROP RSTR (RS)
88 447263

RECORDED IN OFFICIAL RECORDS
OF MARICOPA COUNTY, ARIZONA
SEP 09 '88 - 8 00
KEITH POLETIS, County Recorder
FEE 62⁰⁰ PGS 58 I.G.

DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND
EASEMENTS made as of this 7th
day of September, 1988,
by Edward R. Moses and Carmen
Moses, husband and wife; Powell
International, Inc., an Arizona
corporation; M & H Company, an
Arizona general partnership;
and The Infiniti Division of
Nissan Motor Corporation in
U.S.A., a California cor-
poration ("Declarants")

R E C I T A L S :

A. Declarants are the owners of certain adjacent tracts of land located in the State of Arizona, County of Maricopa, City of Scottsdale, consisting of 28.963 total acres, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference. The property described in Exhibit "A" shall be referred to herein as the "Property".

B. Each Declarant owns a portion of the Property in fee and also owns, together with the other Declarants as tenants in common, an undivided interest in certain portions of the Property. The portions owned in fee are designated as Net Lot Area on Exhibit "B" attached hereto and incorporated herein by reference and are referred to as "Lot" or "Net Lot Area" herein. The portions owned in common are designated on Exhibit "B" hereto as Common Area, Buffer, Alley, and Drainage Channel; are more particularly described as a part of Exhibit "A" attached hereto; and are referred to collectively herein as "Common Areas" or "Common Area".

C. Declarants intend by this Declaration to impose upon the Property mutually beneficial covenants, conditions, easements and restrictions for the benefit of all of the Lots in the Property and the Owners thereof and to promote and preserve the orderly development, administration, maintenance, preservation, use and enjoyment of the Property. This Declaration supersedes that certain Declaration attached as Exhibit "C" to the Participation Agreement dated December 17, 1986, and recorded December 17, 1986, as document 86-698065, records of Maricopa County, Arizona.

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(c) any lapse, cancellation or material modification of any insurance policy or fidelity bond maintained by the Project Manager.

Section 12.3 Rights and Duties of First Mortgagees and Second Construction Mortgagees. Notwithstanding Section 12.1 hereof or any other provision of this Declaration to the contrary, no First Mortgagee, Second Construction Mortgagee, nor any other Person acquiring title to a Lot under or from, or at a foreclosure or trustee's sale conducted at the request of, such First Mortgagee or Second Construction Mortgagee shall be personally liable for any default in the observance or performance of any covenants, restrictions, agreements, regulations, rules or agreements set forth in or contemplated by this Declaration or for the payment of any Assessment or charge imposed hereby, nor shall the lien or title of such First Mortgagee, Second Construction Mortgagee, or other Person be subject to any lien arising under this Declaration for any Assessment or charge, including without limitation any indemnity obligations, which has accrued, occurred or arisen prior to the time the First Mortgagee, Second Construction Mortgagee, or such other Person takes title, directly or indirectly, to such Lot. Except as described in the foregoing sentence, however, upon acquiring title to a Lot, directly or indirectly, the First Mortgagee, Second Construction Mortgagee, or any Person acquiring title under or from, or at a foreclosure or trustee's sale conducted at the request of, such First Mortgagee or Second Construction Mortgagee shall thereafter become personally liable for the observance and performance of all covenants, restrictions, agreements, regulations, rules or agreements set forth in or contemplated by this Declaration, and for the payment of any and all Assessments or charges provided for herein, thereafter accruing or arising.

Section 12.4 Written Consent to Amendment. Except upon the written consent of all the First Mortgagees and Second Construction Mortgagees on all Lots within the Property, the Owners shall not by act or omission approve any modification, revocation, or abandonment of this Declaration and the restrictions imposed hereby.

**ARTICLE 13
TRANSFER OF INTEREST**

Section 13.1 Transfer of Interest, Rights, Power and Obligations. Except for a collateral assignment to a First Mortgagee or Second Construction Mortgagee, in no event shall the rights, powers and obligations conferred upon the Owners pursuant to this Declaration be at any time transferred or assigned by any of such Owners except through a transfer of its entire interest

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in its Lot or any portion thereof. No interest in the Common Areas may be transferred or assigned except in connection with a transfer of a Lot or portion thereof; and any transfer of a Lot shall automatically transfer the corresponding interest of the Owner in the Common Areas.

Section 13.2 Sale by Any Owner. Upon the assignment, conveyance, sale or other transfer by any Owner of its entire right, title and interest in its Lot or any portion thereof, that Owner shall be released from the obligations of this Declaration as the Owner for such Lot or transferred portion arising subsequent to the effective date of such sale or transfer (other than those obligations arising from any default by such Owner in the performance of any provision of this Declaration prior to such sale or transfer, including payment of any Assessments), provided that such Owner shall have given notice to all other Owners of such transfer.

Section 13.3 Liability of Transferee. In no event shall any transferee of any Owner be liable for any default under this Declaration of the transferring Owner which occurred prior to the effective date of the transfer of all right, title and interest in the affected portion of the Property to the transferee; provided, however, that nothing contained in this Section 13.3 shall affect the existence, priority, validity or enforceability of any lien placed upon the affected Lot under the provisions of Section 8.9 of this Declaration prior to the effective date of the transfer. Upon reasonable notice, and upon payment of such reasonable fee as is set by the ^{Original Document} Project Manager, the Project Manager shall provide any mortgagee, lessee, or successor Owner of a Lot with a statement as to whether all Assessments currently due in regard to a Lot have been paid, and such party requesting the statement shall have the right to rely thereon.

ARTICLE 14 MISCELLANEOUS PROVISIONS

Section 14.1 Covenants Run With the Land. Each and all of the foregoing provisions, agreements, rights, powers, obligations, covenants, conditions, easements, and restrictions shall run with the land which constitutes the Property and shall be binding upon and inure to the benefit of the Owners of any and all portions of the Property and each and all of their respective heirs, successors, assigns, grantees, mortgagees, representatives, occupants, and all other persons acquiring any Lot, or any portion thereof, or any interest therein, whether by operation of law or in any manner whatsoever.

Section 14.2 Amendments. Except as otherwise provided in this Declaration, this Declaration may be amended, modified,

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revoked, rescinded or otherwise revised only upon the approval of 75% or more of the Total Voting Power of the Owners given at a meeting of the Owners specifically called for such purpose or upon the written consent of all Owners.

Section 14.3 Notices. All notices required or permitted to be given under this Declaration shall be in writing and shall be deemed properly delivered, given or served upon actual delivery, provided that if notice is delivered by certified mail, postage prepaid, return receipt requested, such letter shall be deemed received if not claimed within one hundred twenty (120) hours after mailing. The mailing address for an Owner shall be the address given by such Owner to the Project Manager, or, if no such address is given, the address of such Owner as shown on the tax rolls of the governmental entity having taxing authority over the Lot. Every Owner may change its address for the receipt of future notices by giving notice in the manner specified in the first sentence of this Section 14.3 to the Project Manager.

Section 14.4 Severability of Provisions. If any article, section, paragraph, sentence, clause or phrase of this Declaration shall be or become illegal, null or void for any reason or shall be held by any court of competent jurisdiction to be illegal, null or void, such provision shall be stricken; and the remaining provisions of this Declaration shall continue in full force and effect and shall ^{Unofficial Document} not be affected thereby.

Section 14.5 Number and Gender. Words used herein, regardless of the number and gender specifically used, shall be deemed and construed to include any other number (singular or plural) and any other gender (masculine, feminine or neuter) as the context requires.

Section 14.6 Titles. The titles, headings, and captions which have been used throughout this Declaration are for convenience only and are not to be used in construing this Declaration or any part thereof.

Section 14.7 Privity of Contract and Estate. This Declaration shall create privity of contract and estate with respect to its terms with and among all Owners of all or any part of the Property, and their respective heirs, successors, assigns, grantees, mortgagees, representatives and Occupants.

Section 14.8 Applicable Law and Venue. This Declaration and the rights and obligations created hereby shall be governed by and construed in accordance with the laws of the State of Arizona. Venue for the enforcement of the same shall lie exclusively in Maricopa County, Arizona; and any Person affected hereby expressly waives the right to sue or be sued elsewhere.



Community & Economic Development Division
Planning, Neighborhood & Transportation

7447 East Indian School Road
Scottsdale, Arizona 85251

Date: 2-18-2016
Contact Name: ED BULL
Firm name: BURCH & CRACCHIANO, P.A.
Address: _____
City, State Zip: _____

RE: Application Accepted for Review.

883 - PA - 2015

Dear MR. BULL:

It has been determined that your Development Application for REZONING has been accepted for review.

Upon completion of the Staff's review of the application material, I will inform you in writing or electronically either: 1) the steps necessary to submit additional information or corrections; 2) the date that your Development Application will be scheduled for a public hearing or, 3) City Staff will issue a written or electronic determination pertaining to this application. If you have any questions, or need further assistance please contact me.

Sincerely,

Name: BRAD CARR
Title: SR. PLANNER
Phone number: 480.312.7713
Email address: bcarr@scottsdaleaz.gov

5-ZN-2016
2/18/16



BURCH & CRACCHIOLO

RICKI L. HOROWITZ
DIRECT LINE: 602.234.8728
DIRECT FAX: 602.344.3728

E-MAIL: RHOROWITZ@BCATTORNEYS.COM

January 21, 2016

Dr. A. Denise Birdwell
Interim Superintendent
Scottsdale Unified School District
7575 E. Main Street
Scottsdale, AZ 85251

Re: Scottsdale Entrada
64th Street & McDowell Road

Dear Dr. Birdwell:

This letter is being sent to you pursuant to the City of Scottsdale Planning and Development Services School District Notification Policy for zoning classification changes.

We are requesting a zoning change from C-4 and Open Space to PUD (Planned Unit Development) on approximately 23.14 acres of property located at the northeast corner of 64th Street and McDowell Road ("Site"). An aerial of the Site is attached.

The PUD request will include a mixed use development that may consist of multi-family residential (likely rental units, such as apartments and/or for-sale units, such as condos), offices, retail, restaurant and a hotel. Four conceptual site plans are attached. The number of residential units shown on the plans varies from 333 units up to 812 units.

As required per the City of Scottsdale's policy, please find attached the school district response form. Please send the completed response form to Brad Carr at the City of Scottsdale Planning and Development Services and a copy to our office. Two stamped, self-addressed envelopes are attached for your convenience.

If you would like to discuss the proposal or need additional information, I can be reached via the contact information provided above. Please let me know if you have any questions.

Sincerely,

BURCH & CRACCHIOLO, P.A.

Ricki L. Horowitz
Paralegal

5-ZN-2016
2/18/16

RLH/rg
Enclosures

Burch & Cracchiolo, P.A.
702 E Osborn Road, Suite 200 • Phoenix, AZ 85014
Main: 602.274.7611 • Fax: 602.234.0341

BCATTORNEYS.COM

School District Response Form

For additional information, please contact Brad Carr, Senior Planner at the City of Scottsdale 480-312-7713/bcarr@scottsdaleaz.gov

To be completed by applicant

Date: 1/21/16

Project Name: Scottsdale Entrada

Project Location: NEC 64th Street and McDowell Road

Applicant Name: Ed Bull, Burch & Cracchiolo, P.A.

Phone: 602-234-8728 - Ricki Horowitz
602-234-9913 - Ed Bull

Applicant E-mail: ebull@bcattorneys.com or
rhowitz@bcattorneys.com

Fax: _____

School District: Scottsdale Unified School District

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

- The school district has adequate school facilities to accommodate the projected number of additional students generated by the proposed rezoning/amendment within the school district's attendance area; or
- The school district will have adequate school facilities via a planned capital improvement to be constructed within one (1) year of the date of notification of the district and located within the school district's attendance area; or
- The applicant and the school district have entered into or are working on an agreement to provide, or help to provide, adequate school facilities within the school district's attendance area in a timely manner;
- The agreement includes or will include the reservation of a school site.
- The agreement does not or will not include the reservation of a school site.
- The school district does not have adequate school facilities to accommodate projected growth attributable to the rezoning.

Attached are the following documents supporting the above certification:

- Maps of attendance areas for elementary, middle, and high schools for this location.
- Calculations of the number of students that would be generated by the additional homes.
- School capacity and attendance trends for the past three (3) years.

Superintendent or Designee

Date



**NELSEN
PARTNERS**
ARCHITECTS & PLANNERS



--- Redevelopment Area
--- Site

64th St & McDowell
Site Analysis Diagrams

SCOTTSDALE, AZ | #31377 | AUGUST 8 2014

Site Aerial



NORTH



SUMMARY OPT BASE	SF	UNITS
Residential	572,155	560
Office	371,620	
Retail	10,600	
Restaurant	2,100	
Hotel	152,396	204
Total	1,108,871	

**64th St & McDowell
Neighborhood Exhibits**
SCOTTSDALE, AZ | #91377 | JANUARY 15, 2016

Base Option
Site Plan
SCALE 1" = 40'-0"





**NELSEN
PARTNERS**
ARCHITECTS & PLANNERS



SUMMARY OPT 1	SF	UNITS
Residential	338,249	333
Office	566,256	
Retail	14,400	
Restaurant	6,400	
Hotel	123,452	228
Total	1,048,757	

**64th St & McDowell
Neighborhood Exhibits**
SCOTTSDALE, AZ | #31377 | JANUARY 19, 2016

Option 1
Site Plan

SCALE 1" = 60'-0" | 0' | 30' | 60' | 120'





SUMMARY OPT 2	SF	UNITS
Residential	572,008	560
Office	391,932	
Retail	42,671	
Restaurant	6,565	
Hotel	179,548	176
Total	1,192,724	

**64th St & McDowell
Neighborhood Exhibits**
SCOTTSDALE, AZ | #01377 | JANUARY 19, 2016

Option 2
Site Plan

SCALE 1" = 40' 0"





SUMMARY OPT 3	SF	UNITS
Residential	831,100	812
Office	272,700	
Retail	6,120	
Restaurant	6,120	
Hotel	165,268	308
Total	1,281,307	

64th St & McDowell
Neighborhood Exhibit
 SCOTTSDALE, AZ | #31377 | JANUARY 19, 2016
Project # 2016-001

Option 3
 Site Plan
 SCALE 1" = 40'-0" 1/8" 1/4" 1/2" 1"



NELSEN PARTNERS
 ARCHITECTS & PLANNERS

