



CITY COUNCIL REPORT

MEETING DATE: March 22, 2005

ITEM NO. 22 GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

The Legends at Toscana - 16-ZN-2004

REQUEST

Request:

1. To rezone from Single Family Residential District (R1-35) to Single Family Residential District Planned Residential District (R1-10 PRD) with amended development standards on a 10 +/- acre parcel located at 12855 N 94th Street (Southeast corner of Sweetwater Avenue and 94th Street).
2. To adopt Ordinance No. 3595 affirming the above rezoning and amended development standards.

Ask for Additional Right-of-Way Along Sweetwater

Key Items for Consideration:

- The applicant has reduced the proposed density from 31 lots to 26 lots since the City Council continued this case in December 2004.
- This request increases the number of homes currently allowed on the property from 9 to 26.
- Both the existing and proposed zoning districts are consistent with the General Plan and Cactus Corridor Area Study.
- The proposal replaces equestrian-oriented property with a single-family subdivision.
- Impacts to traffic and other services are negligible.
- Approval of the zoning change would terminate the existing ranch use permit.

There is both support and opposition to this request. Surrounding neighborhoods generally support the request, however there are concerns about erosion of the area's equestrian character.

- Planning Commission recommended approval, 6-0.

Related Policies, References:

Cactus Corridor Area Study

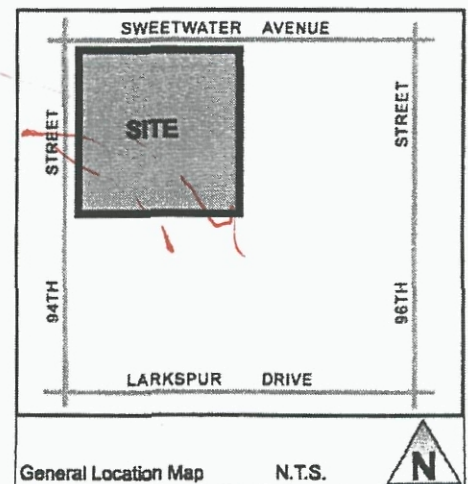
OWNER

Collin Thorstenson
602-298-6547

APPLICANT CONTACT

Larry Brandon
Lifestyles Custom Builders LLC
602-218-6732

1/4/05
- SEE URECK
- NEIGHBORHOOD MTS
- DRAINAGE
- LOCATION OF RETENTION BASINS
- SITE PLAN ON ONE SHEET
USE PLAT LANGUAGE FOR THE FIRST PAGE DS 1 PM



BACKGROUND

General Plan.

The General Plan Land Use Element designates the property as Suburban Neighborhoods. This category includes medium-lot to small-lot single-family subdivisions with densities between 1 house per acre and 8 houses per acre. The existing zoning allows densities consistent with the General Plan, and the proposed rezoning would also be consistent with the General Plan.

Cactus Corridor Area Study.

The 1992 Cactus Corridor Area Study focuses on the area generally bounded by Sweetwater Avenue to the north, Frank Lloyd Wright Boulevard to the east, Shea Boulevard to the south, and Pima Road to the west. The Study recommends a suburban character west of 96th Street and a rural character east of 96th Street. Specifically, the subject property is in a designated "Suburban" area. Both the existing and proposed zoning are consistent with the Cactus Corridor Area Study. (See attached study and graphic depicting the site and its location within the study area; Attachment #13)

Since 1991, there have been several rezoning cases of R1-35 properties to R1-35 PRD, R1-18 PRD, and R1-10 in the Cactus Corridor area. These are shown on Attachment #13A.

Zoning.

The site is currently zoned Single Family Residential District (R1-35). The R1-35 zoning district allows for 35,000-square-foot, or larger, residential lot sizes. Ranches require use permits. The existing Living Legend Ranch on the site received a use permit for a ranch in August 1999 (8-UP-1999).

Previous Actions.

- January 2005: The Planning Commission voted to approve the request to rezone the property to R1-10 PRD District for 26 lots, by a vote of 6-0. (See PC Minutes Attachment 10)
- December 2004: The applicant requested that City Council continue the rezoning hearing for the 31-lot rezoning to allow time to reduce the density and submit a revised request to the Planning Commission.
- September 2004: The Planning Commission voted to deny the request to rezone this property to R1-7 PRD District for 31 lots. (See PC Minutes Attachment 12)
- March 2003: The City Council denied a proposal to rezone this property to the R1-7 PRD District for 30 lots (Case 21-ZN-2002; See CC Minutes Attachment 11). Prior to that, the Planning Commission recommended approval (See PC Minutes Attachment 10).

Context.

The property is located at the southeast corner of 94th Street and Sweetwater Avenue, and is surrounded by single-family home developments having an approximate density of 4 homes per acre. This property is relatively flat and is currently used as a ranch that boards and trains horses and buffaloes. A drainage wash is located to the east of the property.

The surrounding property is zoned as follows:

- Single Family Residential/Planned Community Development District (R1-7/PCD) to the south and east
- Single Family Residential/Planned Residential Development District (R1-7/PRD) to the west
- Townhouse Residential/Planned Community Development District (R-4/PCD) to the north

There are existing equestrian properties within ¼ mile of this site. The adjacent single-family homes combined with nearby equestrian properties give this area a unique neighborhood character that provides a mixture of rural and the suburban lifestyles.

APPLICANT'S PROPOSAL

Goal/Purpose of Request.

This is a request to rezone the property from the R1-35 District to the R1-10/PRD District to develop the site with a maximum of 26 single-family residential lots. One private drive is proposed from Sweetwater Avenue at the north side of the property.

The applicant is requesting the Planned Residential Development (PRD) district in order to amend the development standards to accommodate the proposed housing product and specific neighborhood character. The proposed amended standards include a reduction of the lot widths and setbacks. The PRD proposal also includes a minimum 15-foot-wide landscaped/open space tracts along 94th Street and Sweetwater Avenue (Tract A), within a retention basin / recreation area near the southwest corner of the property (Tract B), interior to the subdivision (Tracts C and D), and within a drainage easement at the wash located at the northeast corner of the property (Tract E).

Development information.

- *Existing Use* Ranch
- *Proposed Use* A maximum of 26 single-family homes
- *Average Lot Size* 10,000 sq ft
- *Parcel Size* 10 acres (gross)
- *Proposed Density* 2.6 homes/acre (gross)
- *Building Height Allowed* 30 feet
- *Street Access* Private street from Sweetwater Ave
- *Open Space Proposed* 56,000 +/- sq ft in 5 tracts (1.28 acres)

IMPACT ANALYSIS

Density

Both the existing R1-35 zoning district and the proposed R1-10/PRD are consistent with the General Plan's Suburban Neighborhoods designation and the Cactus Corridor Area Study. The adjacent single-family homes combined with nearby equestrian properties give this area a unique neighborhood character that combines the rural and the suburban lifestyles. A goal of the General Plan's Neighborhoods Element is to preserve and enhance the unique sense of neighborhood found in diverse areas. Since 1991, there have been several rezoning cases of R1-35 properties to R1-35 PRD, R1-18 PRD, and

R1-10 in the Cactus Corridor area, which support larger lots and the preservation of the existing character mix in this established neighborhood.

For years this property has had an open rural character, and there are concerns that too many homes allowed on the site may not support the preservation of the existing character mix in this established neighborhood. A plan with relatively large lots and open space would be compatible with the existing rural/suburban character mix of the area. The applicant is proposing lot sizes ranging between 8,400 sq.ft. and 13,300 sq.ft., with 56,000 sq.ft. of open space. The surrounding lots range in size from 5,000 sq.ft. to 10,000 sq.ft.

Amended Development Standards.

The request to amend the development standards is necessary in order to accommodate the proposed housing product. The proposed amended standards include a reduction of the lot widths and setbacks, and will not increase the density allowed on the property. The result of modified lot widths and setbacks allow opportunities for a minimum 15-foot-wide landscape buffer along 94th Street and Sweetwater Avenue and other open space opportunities. The applicant has also agreed to limit homes on Lots 12 and 13 to one story, and the PRD limits buildings to one story within fifty (50) feet of an abutting lot having a one-story residence.

Traffic.

One private drive is proposed from Sweetwater Avenue at the north side of the property. The R1-10 zoning will result in 161+/- more trips per day than developing the property under the existing R1-35 zoning. This increase in trips is not enough to affect the Level of Service (LOS) at the signalized intersection of 94th Street and Sweetwater Avenue, the stop-controlled intersection of 96th Street and Sweetwater Avenue, or the site driveway on Sweetwater Avenue. Since 94th Street and Sweetwater Avenue are operating at traffic volumes well below capacity, the levels of service for the intersections in the horizon year 2005, including the proposed site traffic, are LOS A and B. A trail easement will be provided along Sweetwater Avenue.

Zoning/Trip Comparison Table.

Zoning	Max # of Lots	Density	Trips
Existing R1-35	9	1 home/acre	86
Proposed R1-7 PRD	26	2.6 homes/acre	249

GLO Easements.

This property has Government Land Office (GLO) patent easements along the south and east property lines, and a GLO easement through the middle of the property (running east west). The developer will make a decision regarding a possible abandonment request of the City's interests in the GLO easements during preparation of the preliminary subdivision plat. Should the applicant not obtain approval of the abandonment, revisions to the site plan will be required (with City Council approval). The applicant understands that abandonment of the GLO easements is necessary in order to develop the site as proposed.

Drainage.

There is an existing wash located at the northeast corner of the property that will be maintained. This area has had flooding problems in the past, so the City will be constructing regional drainage improvements in various parts of this wash at and beyond this property.

Water/Sewer.

The development will connect to existing water and sewer lines, so there are no anticipated water or sewer service impacts.

Police/Fire.

The property is located in Police District 2, which is served by 90th Street/Via Linda station. The nearest Fire Station is located at 90th Street/Via Linda, providing an anticipated fire response time of less than 5 minutes. Police and fire currently serve this area, so there are no anticipated police or fire service impacts.

Schools District comments/review.

Scottsdale Unified School District has been notified of this application and is aware of the impacts that this development will have on school capacity. The change of zoning increases density and the anticipated number of students. There are no projected capacity issues at Aztec Elementary School and Desert Canyon Middle School. However, there are projected capacity issues at Desert Mountain High School (10-year projection), and it is anticipated that this development will add approximately 9 high school students. (See attached School correspondence, Attachment #9)

Open space.

The proposed development provides a minimum 15-foot landscaped buffer along the streets, and open space within the subdivision and at the drainage wash along the northeast side of the property.

Community Impact/Policy Implications.

The proposed rezoning replaces the existing ranch with a single-family subdivision, which will change the character of the Sweetwater Avenue/94th Street intersection. It also increases the allowable density from approximately 9 homes (1 home per acre) to a maximum of 26 homes (2.6 homes per acre). The plan shows lots larger than the abutting lots, and open space visible along the streets to be compatible with the existing rural/suburban character mix of the area. Impacts to traffic and other services are negligible.

Community Involvement.

Over the last two years, the applicant held multiple neighborhood meetings and has provided on-going updates with the neighborhood. The surrounding neighborhoods generally support replacing the ranch with single-family homes. The applicant has also agreed to limit homes on Lots 12 and 13 to one story, in response to neighborhood concerns. Letters in support of the request were received from surrounding neighbors/homeowners' associations. Letters in opposition to the request were also received, raising concerns regarding the potential loss of the equestrian-oriented property and the overall change of equestrian character in the area. Staff has also received a phone call from a

property owner to the north concerned that new traffic from this development would cut through the existing neighborhood on 94th Place.

OTHER BOARDS AND COMMISSIONS

Planning Commission.

The Planning Commission heard this case on January 26, 2005 and voted to approve the rezoning request to R1-10 PRD District for the development of 26 lots. At the hearing, neighbors representing adjacent homeowners' associations spoke in favor of the request. There were no speakers in opposition to the request. The Planning Commission discussed the neighborhood outreach process and the possibility of limiting homes to one-story when located adjacent to existing homes. The applicant indicated adjacent residents requested one-story limitations on two specific lots, and the Planning Commission found the PRD setbacks for two-story homes adequate protection for the existing neighborhood.

RECOMMENDATION

Staff recommends approval of the rezoning and amended development standards, subject to the attached stipulations.

RESPONSIBLE DEPT(S)


Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Tim Curtis
Project Coordination Manager
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E-mail: tcurtis@ScottsdaleAZ.gov

Randy Grant
Chief Planning Officer
480-312-7995
E-mail: rgrant@ScottsdaleAZ.gov

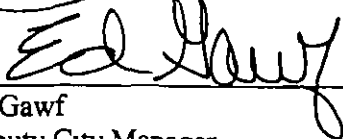
APPROVED BY



Randy Grant
Chief Planning Officer

3/8/05

Date



Ed Gawf
Deputy City Manager

3/8/05

Date

ATTACHMENTS

- 1 Applicant's Narrative
- 2 Context Aerial
- 2A Aerial Close-Up
- 3 Land Use Map
- 4 Ordinance 3595
 - Exhibit 1 Stipulations
 - Exhibit 2 Zoning Map
 - Exhibit 3 Amended Development Standards
- 5 Additional Information
- 6 Amended Development Standards
- 7 Traffic Impact Summary
- 8 Citizen Involvement
- 9 School District Correspondence
- 10 January 22, 2003 Planning Commission Minutes
- 11 March 18, 2003 City Council Minutes
- 12 September 29, 2004 Planning Commission Minutes
- 13 January 26, 2005 Planning Commission Minutes
- 14 Cactus Corridor Area Study
- 15 GLO Parcels and Easements
- 16 Area Zoning Map
- 17 Conceptual Site Plan

D R A F T

AMENDED PROJECT NARRATIVE

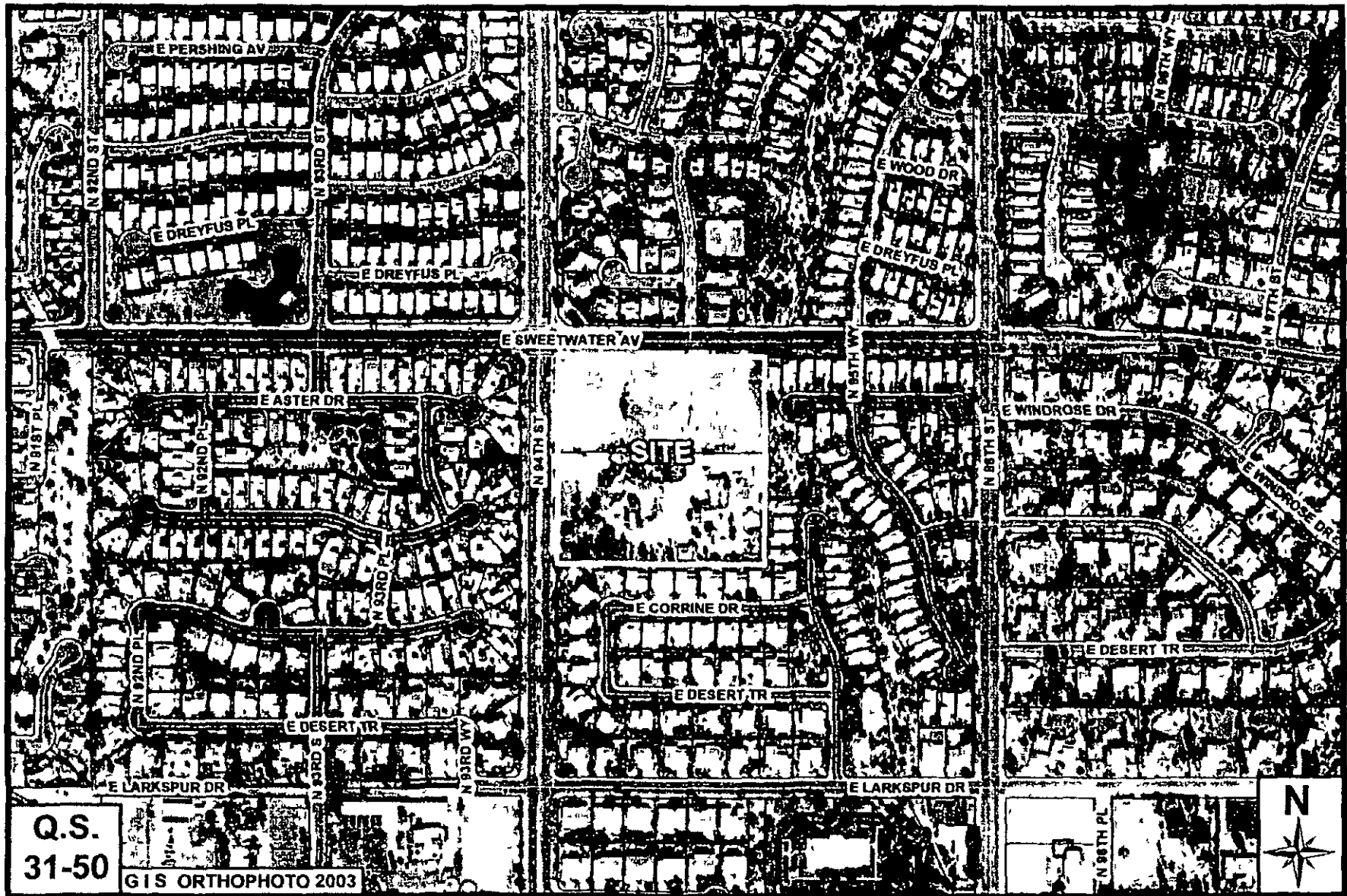
THE LEGENDS AT TOSCANA 16-ZN-2004

This application was continued from its hearing date of December 6, 2004 for the purpose of amending the application to reflect an R1-10 PRD zoning district and amended development standards, showing a total density of 26 units. The site plan concept will remain essentially the same with fewer lots. The development standards will be amended to reflect average lot sizes of 10,000 square feet. The ingress, egress and traffic circulation will remain the same, but will service fewer homes. That will reduce the traffic impact to an even lower level than it is now.

Substantial public benefit is realized because this is a very low density housing development within a higher density area and replaces a rural or ranch use which no longer fits in the neighborhood and has been the source of numerous neighborhood complaints.

The property is located on the southwest corner of 94th Street and Sweetwater. It is currently being used as a training facility for buffalo and wolves. The site consists of a house, barn and several assorted shed rows and corrals. The current zoning for this site is R1-35. The proposal is to rezone this parcel to R1-10 PRD. The rezoning of this property will result in substantial public benefit. The project will reserve 24,575 square feet of the northeast corner of the property for a storm water retention basin and open space. The site will be a private gated community consisting of 26 single family lots. The site will have an extended landscape buffer featuring a meandering trail. The site will have a small park along with a water feature for the use of its residents. The four base floor plans are unique. All have garages set back from the front of the house. All plans incorporate multiple outside use areas, such as front, side and rear courtyards. The one-story plans have the master bedroom

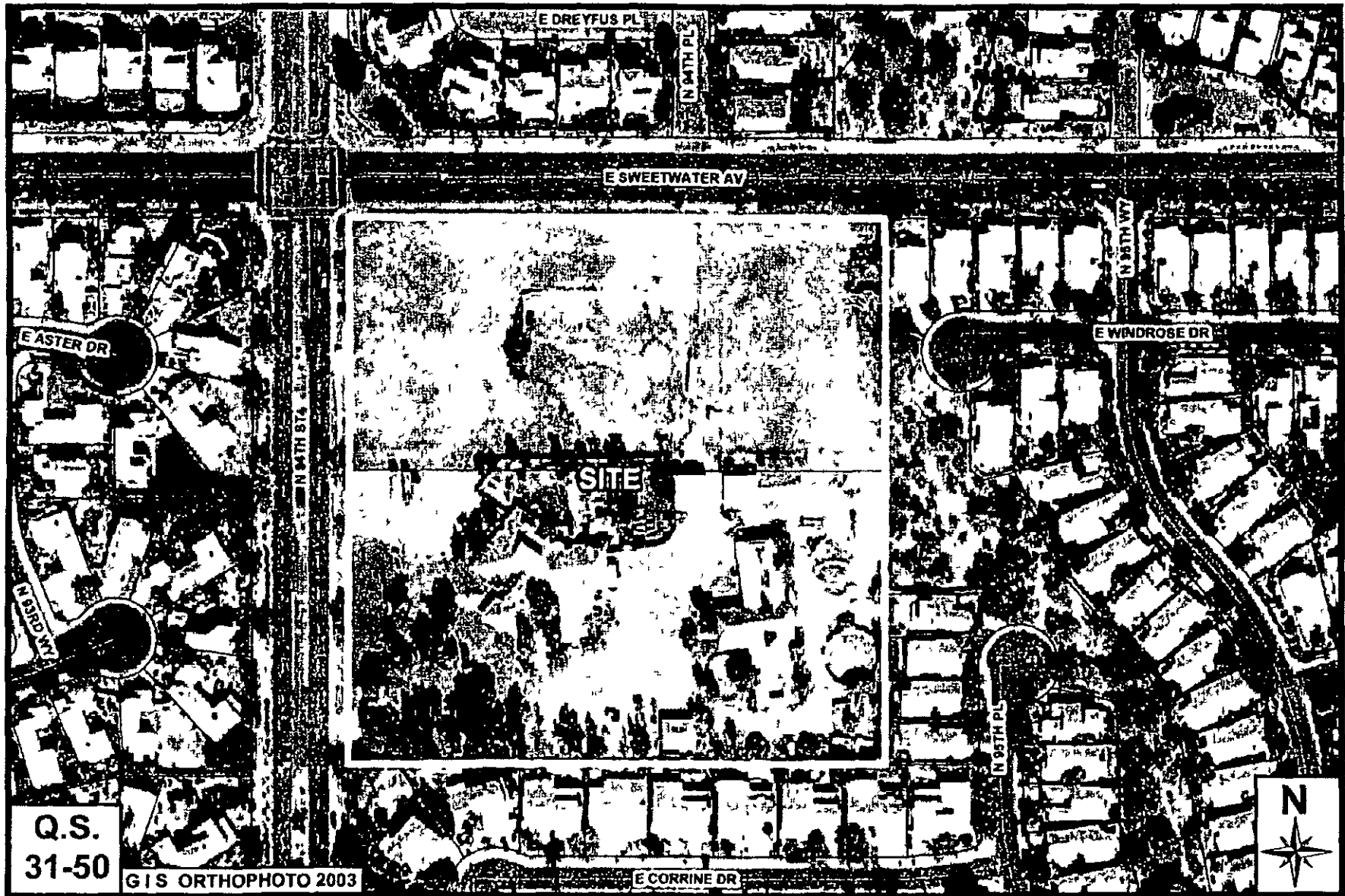
extended to the rear allowing a much greater depth of actual usable rear yard. The unique designs allow the streetscape to vary and alleviate a straight line look. Driveways will be a minimum of twenty (20) feet. Minimum lot width will be sixty-five (65) feet. The design will be in complete compliance with the R1-10 PRD zoning requirements. Buyers will be offered all available choices for the exterior of their home, such as roof tile style, stucco style, stone veneer selections and colors. The intent is to create an environment of individuality, where all the homes have a different character while being complementary to each other. This will be accomplished by a strong architectural control committee consisting of the developer, architect, engineer and landscape architect. This proposed community will greatly enhance the general area and increase surrounding property values.



The Legends at Toscana

16-ZN-2004

ATTACHMENT #2

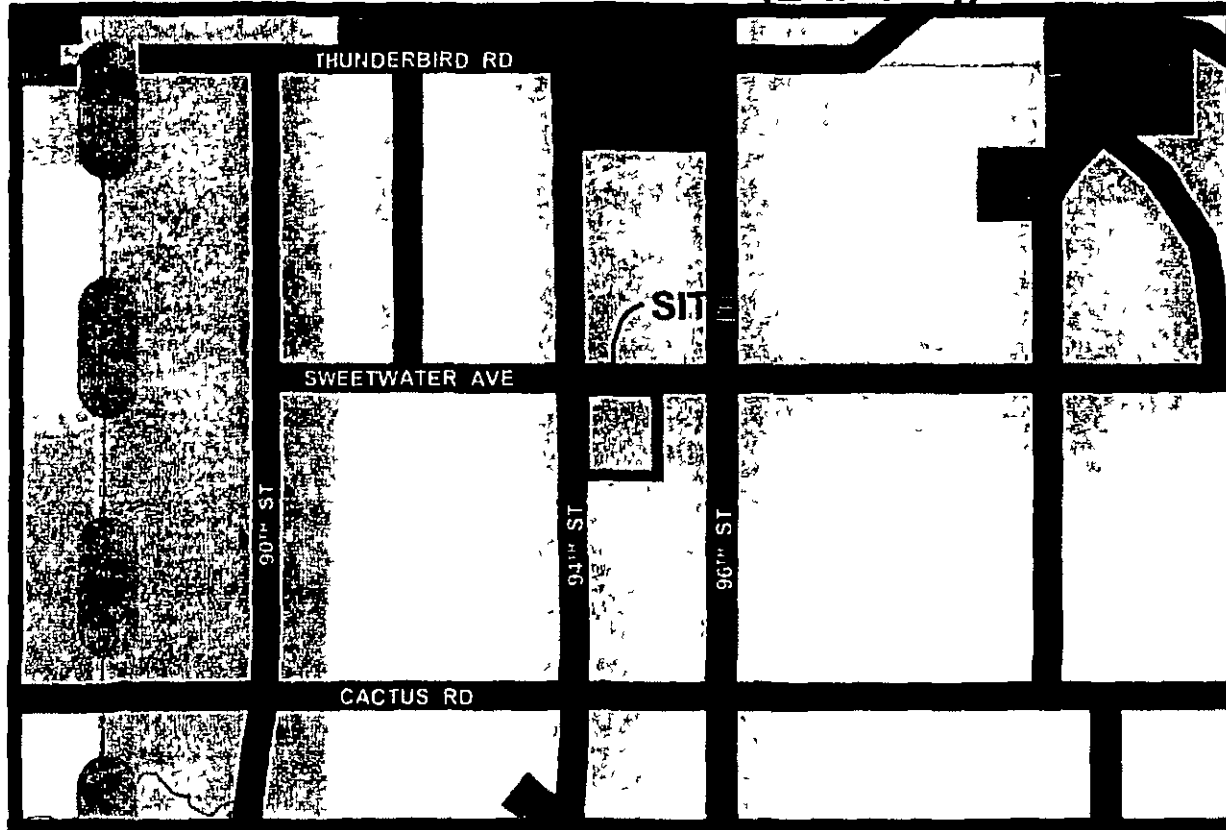


The Legends at Toscana

16-ZN-2004

ATTACHMENT #2A

General Plan (Existing)



- | | | | |
|--|---|--|--------------------------------------|
| | Rural Neighborhoods | | Commercial |
| | Suburban Neighborhoods | | Office |
| | Urban Neighborhoods | | Employment |
| | Mixed-Use Neighborhoods | | Natural Open Space |
| | Resorts/Tourism | | Developed Open Space (Parks) |
| | Shea Corridor | | Developed Open Space (Golf Courses) |
| | Mayo Support District | | Cultural/Institutional or Public Use |
| | Regional Use District | | |
| | McDowell Sonoran Preserve (as of 6/2003) | | |
| | Recommended Study Boundary of the McDowell Sonoran Preserve | | |
| | City Boundary | | Location not yet determined |



16-ZN-2004
ATTACHMENT #3

Adopted by City Council October 30 2001
 Ratified by Scottsdale voters March 12 2002
 revised to show McDowell Sonoran Preserve as of August 2003
 Revised to reflect Case 4-GP 2002 adopted by City Council October 29 2002

ORDINANCE NO 3595

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO 16-ZN-2004 TO REZONE FROM R1-35 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R1-10 PRD (SINGLE FAMILY RESIDENTIAL DISTRICT PLANNED RESIDENTIAL DISTRICT) INCLUDING AMENDED DEVELOPMENT STANDARDS ON A 10+/- ACRE PARCEL LOCATED ON THE SOUTHEAST CORNER OF 94TH STREET AND SWEETWATER AVENUE AT 12855 NORTH 94TH STREET

WHEREAS, Planning Commission and City Council have held public hearings and considered Case No 16-ZN-2004, and

WHEREAS, the Council of the City of Scottsdale wishes to amend the comprehensive zoning map of the City of Scottsdale for this property,

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

Section 1 That the "District Map" adopted as part of the Zoning Ordinance of the City of Scottsdale, showing the zoning district boundaries, is amended as follows

The 10+/- acre parcel located on the southeast corner of 94th Street and Sweetwater Avenue at 12855 North 94th Street (the "Property"), as illustrated on the zoning map attached hereto as Exhibit #2, and incorporated herein by reference, currently zoned as R1-35 (Single Family Residential District) is changed to R1-10 PRD (Single Family Residential District, Planned Residential District)

Section 2 That the development standards for the Property are hereby amended, as set forth in the Amended Development Standards, attached hereto as Exhibit #3 and incorporated herein by reference

Section 3. That the above rezoning approval is conditioned upon compliance with all stipulations attached hereto as Exhibit #1 and incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale this _____ day of March, 2005.

ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____
Carolyn Jagger
City Clerk

By: _____
Mary Manross
Mayor

APPROVED AS TO FORM:

By: 
Joseph R. Bertoldo
City Attorney

STIPULATIONS FOR CASE 16-ZN-2004

Revised stipulations by City Council are shown in **BOLD CAPS** and ~~strikethrough~~.

PLANNING/ DEVELOPMENT

1. **CONFORMANCE TO CONCEPTUAL SITE PLAN.** Development shall conform with the conceptual site plan submitted by Allen Consulting Engineers, Inc. and dated 1/12/2005. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. **MAXIMUM DWELLING UNITS.** The number of dwelling units on the site shall not exceed ~~twenty six (26)~~ **TWENTY THREE (23)** without subsequent public hearings before the Planning Commission and City Council.
3. **CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS.** Development shall conform with the amended development standards shown in Attachment 7. Any change to the development standards shall be subject to subsequent public hearings before the Planning Commission and City Council.
4. **BUILDING HEIGHT LIMITATIONS.** No building on the site shall exceed 30 feet in height, measured as defined in the Scottsdale Zoning Ordinance. Buildings on Lots 12 and 13 of the site plan shall be restricted to a maximum of one (1) story, and shall have no outside stairs or rooftop decks, roof top patios, or balconies.
5. **OPEN SPACE:** With the Preliminary Plat submittal, the developer shall provide a minimum of 56,000 square feet of landscaped open space as follows:
 - a) Along 94th Street and Sweetwater Avenue as shown as Tract A on the site plan:
 - 1) A minimum fifteen (15) feet along 94th Street and Sweetwater Avenue, excepting the subdivision access location, as shown as Tract A on the site plan.
 - 2) A triangular shaped area at the northwest corner of the site having a minimum one hundred twenty (120) foot long leg dimensions measured along 94th Street and Sweetwater Avenue (commencing at the corner of 94th Street and Sweetwater Avenue).
 - b) Within the stormwater retention basin / recreation area required as necessary for this development, as shown as Tract B on the site plan.
 - c) Within the subdivision, as shown as Tracts C and D on the site plan.
 - d) Within the drainage easement over the existing wash at the northeast corner of the site, as shown as Tract E on the site plan.
6. **EQUESTRIAN TRAIL EASEMENT:** With the Development Review Board submittal, the developer shall provide a minimum fifteen (15) feet wide trail easement along the portion of the site adjacent to Sweetwater Avenue.
7. **WALLS.** With the Development Review Board submittal, the developer shall demonstrate that walls provided along 94th Street and Sweetwater Avenue will meander, and that open space in Tracts A, B, and E will be visible from these streets.

ENVIRONMENTAL DESIGN

1. **DRAINAGE EASEMENT.** Prior to development, the property owner shall dedicate a drainage easement over the wash at the northeast corner of the site to protect the limits of inundation during a 100-year stormwater event. The property owner shall be responsible for the maintenance of the drainage easement.

APPROVED
3/22/2005
DATE


INITIALS

EXHIBIT 1

- 2 **ALTERATIONS TO NATURAL WATERCOURSES** Any proposed alteration to the natural state of watercourses with a 100 year peak flow rate estimated between 250 cfs and 749 cfs shall be subject to Development Review Board approval
- 3 **MAINTENANCE AND PRESERVATION-RECORDED AGREEMENT** Before any building permit for the site is issued, the developer shall record an agreement, satisfactory to city staff, detailing the maintenance and preservation by the developer and its successors of all common areas, landscape buffers, natural areas, drainage easements and private access ways on the site and abutting rights-of-way. These designated areas shall not be accepted for maintenance or be accepted for ownership by the city without the approval of the City Council

CIRCULATION

- 1 **STREET CONSTRUCTION** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the following right-of-way and construct the following street improvements, in conformance with the Design Standards and Policies Manual

Street Name/Type	Dedications	Improvements	Notes
94 TH STREET	EXISTING 55 FT ROW	EXISTING	
SWEETWATER AVENUE	EXISTING 45 FT ROW	EXISTING, 5 FT SIDEWALK REQUIRED	5 FT SIDEWALK ALONG THE ENTIRE FRONTAGE SEE NOTE "B" BELOW
LOCAL ON-SITE STREETS (PRIVATE)	40 FT	28 FT B/C-B/C, ROLL CURBS, 5 FT SIDEWALK ON BOTH SIDES OF STREETS	SEE NOTE "A" BELOW

- A The streets for this site shall be designed and constructed to the *LOCAL RESIDENTIAL* requirements of the *City of Scottsdale D S & P M*. Five foot wide sidewalks are required on both sides of the local residential streets for lots less than 20,000 square feet in area. The 40' dedication is for access, emergency and service vehicle and water and sewer easement
 - B The developer shall provide a five-foot sidewalk along Sweetwater Avenue or an approved alternate pedestrian route, as determined by city staff
 - C The developer shall provide any improvements supported by the approved traffic impact study for the site, as determined by the city staff
- 2 **ACCESS RESTRICTIONS** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the necessary right-of-way, as determined by city staff, and construct the following access to the site. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines)
 - a 94th Street and Sweetwater Avenue - The developer shall dedicate a one-foot wide vehicular non-access easement on these streets except any approved street entrance
 - b There shall be a maximum of one site driveway from either Sweetwater Avenue or 94th Street, with a minimum of 350 feet between the driveway and the intersection of Sweetwater Avenue and 94th Street. Access from Sweetwater Avenue shall align with 94th Place to the north
 - c At the Development Review Board submittal, the developer shall submit a site plan showing

APPROVED
 3/22/2005
 DATE INITIALS

the exact location of the site's access from the existing street.

3. **PEDESTRIAN CIRCULATION PLAN.** With the Development Review Board submittal, the developer shall submit a Pedestrian Circulation Plan for the site, which shall be subject to city staff approval. This plan shall indicate the location and width of all sidewalks and pedestrian pathways.
4. **PRIVATE STREET CONSTRUCTION.** All private streets shall be constructed to full public street standards, except equivalent construction materials or wider cross-sections may be approved by city staff. In addition, all private streets shall conform to the following requirements:
 - a. No internal private streets shall be incorporated into the city's public street system at a future date unless they are constructed, inspected, maintained and approved in conformance with the city's public street standards. Before any lot is sold, the developer shall record a notice satisfactory to city staff indicating that the private streets shall not be maintained by the city.
 - b. Before issuance of any certificate of occupancy for the site, the developer shall post access points to private streets to identify that vehicles are entering a private street system.
 - c. Secured access shall be provided on private streets only. The developer shall locate security gates a minimum of 75 feet from the back of curb to the intersecting street. The developer shall provide a vehicular turn-around between the public street and the security gate.

APPROVED

3/22/2005

DATE



INITIALS

16-ZN-2004 Amended Development Standards

(Revised language shown in BOLD CAPS and ~~strikethrough~~)

Sec. 5.400. (R1-10) SINGLE-FAMILY RESIDENTIAL DISTRICT.

Sec. 5.401. Purpose.

This district is intended to promote and preserve residential development. Lot size permits a higher density of population. Land use is composed chiefly of individual homes, together with required recreational, religious and educational facilities as the basic elements of a balanced neighborhood.

Sec. 5.402. Use regulations.

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

1. Any use permitted in the (R1-43) single-family residential district. (section 5.102A).

B. Permitted uses by conditional use permit in the (R1-43) single-family residential district. (section 5.102B).
(Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98)

Sec. 5.403. Approvals required.

Prior to development of any municipal use, or any use requiring a conditional use permit, Development Review Board approval shall be obtained as outlined in article I, section 1.900 hereof.
(Ord. No. 3225, § 1, 5-4-99)

Sec. 5.404. Property development standards.

The following property development standards shall apply to all land and buildings in the R1-10 district:

A. *Lot area.*

1. Each lot shall have a minimum area of not less than ~~ten thousand (10,000)~~ **EIGHT THOUSAND FOUR HUNDRED (8,400)** square feet. **THE AVERAGE LOT SIZE OF ALL LOTS WITHIN THIS SUBDIVISION SHALL BE A MINIMUM TEN THOUSAND (10,000) SQUARE FEET.**

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

B. *Lot dimension.*

1. Width. All lots shall have a minimum width of ~~eighty (80)~~ **SIXTY FIVE (65)** feet. **FLAG LOTS HAVING A MINIMUM WIDTH OF TWENTY (20) FEET WILL BE PERMITTED ON CURVES IN THE LOCAL STREET.**

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

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

E. *Yards.*

1. Front Yard.

- a. There shall be a front yard having a depth of not less than ~~thirty (30) feet.~~ **TWENTY (20) FEET. THERE SHALL BE AN AGGREGATE FRONT AND REAR YARD WIDTH OF THIRTY FIVE (35) FEET.**
- b. Where lots have a double frontage on two (2) streets, the required front yard of thirty (30) feet shall be provided on both streets.
- c. Where a lot is located at the intersection of two (2) or more streets, there shall be a yard conforming to the front yard requirements on the street with the narrowest frontage and a yard of not less than fifteen (15) feet on the intersecting street.
Exception: On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.

2. Side Yard. There shall be a side yard on each side of a building having an aggregate width of not less than ~~seven (7)~~ **FIVE (5)** feet.

3. **Rear Yard.** There shall be a rear yard having a depth of not less than ~~twenty-five (25)~~ **FIFTEEN (15)** feet.

- a. ~~The main building or additions to the main building may extend into the required rear yard subject to the following requirements:~~

- ~~(1) The main building or additions to the main building shall be set back fifteen (15) feet from the rear property line.~~

- ~~(2) The main building or addition to the main building shall not occupy more than thirty (30) percent of the area between the rear setback line and the rear property line.~~

4. Other requirements and exceptions as specified in article VII.

F. *Distance between buildings.*

1. There shall not be less than ten (10) feet between an accessory building and the main building.
2. The minimum distance between main buildings on adjacent lots shall not be less than ~~fourteen (14)~~ TEN (10) feet.

G. *Buildings, walls, fences and landscaping.* Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required side or rear yard. Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard, except as provided in article VII. The height of the wall or fence is measured from the inside of the enclosure. *Exception:* Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard facing the side street need only conform to the side yard requirements.

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

(Ord. No. 2509, § 1, 6-1-93)

Sec. 5.405. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.406. Signs.

The provisions of article VIII shall apply.

ADDITIONAL INFORMATION FOR CASE 16-ZN-2004

PLANNING/DEVELOPMENT

- 1 **DENSITY CONTINGENCIES** The approved density for each parcel may be decreased due to drainage issues and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.
- 2 **FINAL LOT & TRACT LOCATION** The specific location of each lot & tract shall be subject to Development Review Board approval.
- 3 **DEVELOPMENT REVIEW BOARD** The City Council directs the Development Review Board's attention to
 - a a plan indicating the treatment of washes,
 - b wall and gate design,
 - c improvement plans for common open space, common buildings and/or walls, and amenities such as ramadas, landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included)
 - d major stormwater management systems,
 - e alterations to natural watercourses (all watercourses with a 100 year flow of 250 cfs to 749 cfs),
 - f perimeter landscaping
- 4 **NOTICE TO PROSPECTIVE BUYERS** The developer shall give the following information in writing to all prospective buyers of lots on the site
 - a The closest distance from the lot to the midpoint of the Scottsdale Airport runway
 - b The development's private streets shall not be maintained by the city
 - c The city shall not accept any common areas on the site for ownership or maintenance
- 5 **NATIVE PLANT PRESERVATION** The owner shall secure a native plant permit as defined in the Scottsdale Revised Code for each parcel. City staff will work with the owner to designate the extent of the survey required within large areas of proposed undisturbed open space. Where excess plant material is anticipated, those plants shall be offered to the public at no cost to the owner in accordance with state law and permit procedure or may be offered for sale.

ENGINEERING

- 1 **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
- 2 **FEES** The construction of water and sewer facilities necessary to serve the site shall not be in lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.

3. **STREET CONSTRUCTION STANDARDS.** The streets for the site shall be designed and constructed to the standards in the Design Standards and Policies Manual.
4. **CITY CONTROL OF ACCESS.** The city retains the right to modify or void access within city right-of-way. The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.

EQUESTRIAN:

1. Public use trail(s) location shall be approved by plan review and permit services staff and are to be shown on the final plat or site plan.
2. Trails and paths shall be consistent with the Design Standards and Policies Manual for the City of Scottsdale.

WATER

1. **BASIS OF DESIGN REPORT (WATER).** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall conform to the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:
 - a. Identify the location, size, condition and availability of existing water lines and water related facilities such as water valves, water services, fire hydrants, back-flow prevention structures, etc.
 - b. Identify the timing of and parties responsible for construction of all water facilities.
 - c. Include a complete description of requirements relating to project phasing.

WASTEWATER

1. **BASIS OF DESIGN REPORT (SANITARY SEWER).** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall be in conformance with the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:
 - a. Identify the location of, the size, condition and availability of existing sanitary sewer lines and wastewater related facilities.
 - b. Identify the timing of and parties responsible for construction of all sanitary sewer facilities.
 - c. Include a complete description of requirements relating to project phasing.

OTHER REQUIREMENTS

1. **CONVEYANCE OF TRACTS/LOTS.** Unless otherwise agreed to in writing by the Asset Management Coordinator, each tract or lot dedicated to the city shall be:
 - a. conveyed by a general warranty deed, and
 - a. accompanied by a title policy in favor of the city, both to the satisfaction of city staff as designated by the Asset Management Coordinator.

16-ZN-2004 Amended Development Standards
(Revised language shown in BOLD CAPS and ~~strike~~through)

Sec. 5.400. (R1-10) SINGLE-FAMILY RESIDENTIAL DISTRICT.

Sec. 5.401. Purpose.

This district is intended to promote and preserve residential development. Lot size permits a higher density of population. Land use is composed chiefly of individual homes, together with required recreational, religious and educational facilities as the basic elements of a balanced neighborhood.

Sec. 5.402. Use regulations.

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

1 Any use permitted in the (R1-43) single-family residential district (section 5 102A).

B Permitted uses by conditional use permit in the (R1-43) single-family residential district (section 5 102B)
(Ord. No. 3048, § 2, 10-7-97, Ord. No 3034, § 1, 11-4-97, Ord No. 3103, § 1, 1-6-98)

Sec. 5.403. Approvals required.

Prior to development of any municipal use, or any use requiring a conditional use permit, Development Review Board approval shall be obtained as outlined in article I, section 1 900 hereof
(Ord No 3225, § 1, 5-4-99)

Sec. 5.404. Property development standards.

The following property development standards shall apply to all land and buildings in the R1-10 district

A *Lot area*

- 1 Each lot shall have a minimum area of not less than ~~ten thousand (10,000)~~ **EIGHT THOUSAND FOUR HUNDRED (8,400)** square feet. **THE AVERAGE LOT SIZE OF ALL LOTS WITHIN THIS SUBDIVISION SHALL BE A MINIMUM TEN THOUSAND (10,000) SQUARE FEET.**
2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section.

B. *Lot dimension*

1. Width. All lots shall have a minimum width of ~~eighty (80)~~ **SIXTY FIVE (65)** feet.
FLAG LOTS HAVING A MINIMUM WIDTH OF TWENTY (20) FEET WILL BE PERMITTED ON CURVES IN THE LOCAL STREET.

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

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

E. *Yards.*

1. Front Yard.

- a. There shall be a front yard having a depth of not less than ~~thirty (30) feet.~~
TWENTY (20) FEET. THERE SHALL BE AN AGGREGATE FRONT AND REAR YARD WIDTH OF THIRTY FIVE (35) FEET.
- b. Where lots have a double frontage on two (2) streets, the required front yard of thirty (30) feet shall be provided on both streets.
- c. Where a lot is located at the intersection of two (2) or more streets, there shall be a yard conforming to the front yard requirements on the street with the narrowest frontage and a yard of not less than fifteen (15) feet on the intersecting street.
Exception: On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.

2. Side Yard. There shall be a side yard on each side of a building having an aggregate width of not less than ~~seven (7)~~ **FIVE (5)** feet.

3. Rear Yard. There shall be a rear yard having a depth of not less than ~~twenty-five (25)~~
FIFTEEN (15) feet.

a. ~~The main building or additions to the main building may extend into the required rear yard subject to the following requirements:~~

~~(1) The main building or additions to the main building shall be set back fifteen (15) feet from the rear property line.~~

~~(2) The main building or addition to the main building shall not occupy more than thirty (30) percent of the area between the rear setback line and the rear property line.~~

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

(Ord No 2509, § 1, 6-1-93)

Sec. 5.405. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.406. Signs.

The provisions of article VIII shall apply

AMENDED DEVELOPMENT STANDARDS

SUBDIVISION NAME: The Legends at Toscana
CASE #: 16-ZN-2004
ZONING: R1-10 PRD

	ORDINANCE REQUIREMENTS	AMENDED STANDARDS	
A. MIN. LOT AREA	10,000 Sq Ft	No Change	
B. MIN. LOT WIDTH			
1. Standard Lot	80 ft	65 ft	
2. Flag Lot		Permitted	
C. MAXIMUM BUILDING HEIGHT	30 ft	No Change	
D. MIN. YARD SETBACKS			
1. FRONT YARD ²			
▪ FRONT (to face of building)	30 ft	20 ft	35' minimum front/rear aggregate
▪ FRONT (to face of garage)	30 ft	20 ft	
▪ FRONT (corner lot, side street)	15 ft	No Change	
▪ FRONT (corner lot, adjacent to key lot, side street)	15 ft	No Change	
▪ FRONT (double frontage)	30ft	One side	
2. SIDE YARD			
▪ Minimum	7ft	No Change	
▪ Minimum aggregate	14 ft	10 ft	
3. REAR YARD			
▪ Standard Depth	25 ft	15 ft.	35' minimum front/rear aggregate
▪ Min. Depth (% of difference which can be occupied)	30%	No Change	
E. DISTANCE BETWEEN BUILDINGS (MIN)³			
1. Accessory & Main	10 ft	No Change	
2. Main Buildings/Adjacent Lots	14 ft	10 ft	
F. MAXIMUM WALL HEIGHT			
1. FRONT	3 ft or 6ft up to 40%	No Change	
2. SIDE	8ft	No Change	
3. REAR	8ft	No Change	
4. Corner side not next to key lot	8ft on PL	No Change	
G. NOTES & EXCEPTIONS			
1. Varies according to the orientation of garage to the street.			
2. Front patio cover(s) are allowed in the front yard if: the area that the patio cover encompasses is not more than 20% of the front yard; the patio cover is setback a minimum of 10' from PL; the patio is constructed so that a min. of 50% of the roof is open.			
3. Distances between buildings to accessory buildings must meet building and fire codes.			

TRAFFIC IMPACT ANALYSIS SUMMARY
325-PA-2002/21-ZN-2002/16-ZN-2004
Legends at Toscana
SEC 94th Street and Sweetwater Avenue

Existing Conditions:

94th Street is identified as a Citywide System Street on the Mobility Element of the city's General Plan and is designed as a minor arterial cross section. The street has two lanes in each direction with a landscaped median. The posted speed limit on 94th Street in the vicinity of Sweetwater Avenue is 40-MPH. The average daily traffic volume on 94th Street as measured in August 2002 is 12,116 vehicles per day. A minor arterial cross section is designed to carry up to 35,000 vehicles per day. Ninety-fourth Street is a continuous route from Mountain View Road to Bell Road, although it changes alignments and becomes 92nd Street and Thompson Peak Parkway over the 4.5-mile distance.

Sweetwater Avenue is identified as a Neighborhood System Street on the Mobility Element of the city's General Plan and is designed as a major collector cross section, which is designed to carry up to 30,000 vehicles per day. Sweetwater Avenue has two lanes in each direction with a center two-way left turn lane. The posted speed limit on Sweetwater Avenue is 30-MPH. The average daily traffic volume on Sweetwater Avenue as measured in August 2002 is 2,643 vehicles per day. Sweetwater Avenue is approximately 2-miles long running from 89th Street to Frank Lloyd Wright Boulevard.

The intersection of 94th Street and Sweetwater Avenue is controlled by a traffic signal. The nearby intersection of 96th Street and Sweetwater Avenue is four-way stop controlled.

Accident data was reviewed for 2000, 2001 and through the end of November 2002. During this time period, there have been three collisions at the intersection of 94th Street and Sweetwater Avenue and two at the intersection of 96th Street and Sweetwater Avenue. There were no significant trends among the accident data. During the same time period, there have not been any segment accidents along Sweetwater Avenue between 94th Street and 96th Street or on 94th Street between Larkspur Drive and Sweetwater Avenue.

Proposed Development:

The project site is located on the southeast corner of the intersection of 94th Street and Sweetwater Avenue. It is currently zoned R1-35 and is developed as a horse boarding facility with a single-family home, two large barns, two accessory buildings, and corrals. The applicant is requesting to rezone the site to R1-7 to develop 26 single-family homes.

The Trip Generation Comparison Table below compares the trips that would be generated if the project site were to be developed under its existing zoning to what is being proposed in this case. Under the existing R1-35 zoning, it is assumed that the 8.55-acre parcel could be developed into nine 35,000 square foot lots.

TRIP GENERATION COMPARISON TABLE

Land Use	Daily Total	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Existing Zoning R1-35 Single-Family Subdivision 9 dwelling units	86	2	5	7	6	3	9
Proposed Zoning R1-7 Single-Family Subdivision 26 dwelling units	249	5	15	20	16	10	26
Total New Trips	163	3	10	13	10	7	17

A traffic impact study has been prepared for this project by AMEC Infrastructure Inc. under the City of Scottsdale's Traffic Impact and Mitigation Analysis (TIMA) program. The traffic impact study compares the trip generation characteristics of the proposed project to what could be developed under existing zoning.

This table demonstrates that the trips generated by the proposed project will increase by 163 per day over what could be developed under the existing zoning. Development under the proposed zoning would also result in an increase in 13 trips during the morning peak hour and 17 trips during the evening peak hour.

Future Conditions:

The submitted traffic study analyzes the traffic conditions for the horizon year of 2005. Intersection capacity calculations were performed at the intersections of 94th Street/Sweetwater Avenue, 96th Street/Sweetwater Avenue, and the site driveway on 94th Street. Capacity calculations were performed for two scenarios: one scenario assumes that the project site is built out under the existing R1-35 zoning, and one scenario assumes that the project site is built out under the proposed R1-7 zoning. The Level of Service (LOS) Comparison Table below demonstrates that changing the zoning from R1-35 to R1-7 does not change the LOS at any of the three intersections for the morning or the evening peak hour. Further, the LOS table shows that the intersections of 96th Street/Sweetwater Avenue will operate at LOS A during the morning and evening peak hours. The intersection of 94th Street/Sweetwater Avenue will operate at LOS B during the morning and evening peak hours. The westbound right and left turn movements out of any proposed site driveway on 94th Street will operate at LOS B during the morning and evening peak hours. The southbound left turn movement into the site driveway on 94th Street will operate at LOS A during the morning and evening peak hours. The method of reporting the LOS for an unsignalized intersection is to report the LOS for the movement that has the poorest LOS; therefore, the LOS for the driveway on 94th Street is reported as LOS B because the left turn and right turn movements out of the driveway operate at LOS B, the poorest LOS at the driveway.

Level of Service Comparison Table

	94 th & Sweetwater		96 th & Sweetwater		Driveway & 94 th	
	R1-7	R1-35	R1-7	R1-35	R1-7	R1-35
AM Peak Hour	B	B	A	A	B	B
PM Peak Hour	B	B	A	A	B	B

Additional Information:

One option is to access to the project site from 94th Street near the south property line for the site. There is an existing median break and a left turn lane for the existing driveway. The intersection of the site driveway and 94th Street is and will remain a t-intersection because there is not a driveway or street on the west side of 94th Street at the median break. There is not an existing right turn deceleration lane at the site driveway. A right-turn lane will not be required at the driveway for the proposed subdivision because there will be fewer than 30 vehicles making a right turn at the driveway during any one hour period.

Summary:

Developing the property on the southeast corner of 94th Street and Sweetwater Avenue under R1-7 zoning will result in 163 more trips per day than developing the property under the existing R1-35 zoning. This increase in trips is not enough to affect the Level of Service (LOS) at the signalized intersection of 94th Street and Sweetwater Avenue, the stop controlled intersection of 96th Street and Sweetwater Avenue, or the site driveway on 94th Street. Since 94th Street and Sweetwater Avenue are operating at traffic volumes well below capacity, the levels of service for the intersections in the horizon year 2005 including the proposed site traffic are LOS A and B. Access to this subdivision from Sweetwater Avenue aligning with the existing street to the north is preferred, but there is an existing median break and left turn lane on 94th Street that becomes the proposed site driveway. A right-turn lane will not be required at any driveway for the proposed subdivision due to the low volume of right turns expected for the site.

JEKEL HOWARD, L.L.P.

IS G. JEKEL
ROBERT C. HOWARD JR
DIANA I RADEB

ROBERT E. THOMSON
Also admitted in California

September 20, 2004

Honorable Steve Steinberg
Vice Chairman
Scottsdale Planning Commission
7447 E. Indian School Road
Scottsdale, Arizona 85251

Jekel & Howard L.L.P.
8283 N Hayden Road, Suite 100
Scottsdale, Arizona 85258-2456

480 948-7060
fax 480 951-0463

Re: Legends at Toscana - 16-ZN-2004

Dear Steve:

This firm represents T.C. Thorstenson and Larry Brandon in the above-referenced rezoning effort of the Buffalo Ranch. Realizing that you are familiar with this case having voted in favor of it last year, I am sending you updated information as this case is a little bit different in that the design issues appear to have been resolved.

The zoning request is similar, requesting R1-35 to R1-7 PRD with a yield of 31 building lots and a density of 2.99 dwelling units per acre.

On the north side of the site is an R-4 PCD development. On the east and south the zoning is R1-7 PCD. On the west the zoning is R1-7 PRD. It appears that the average density surrounding the site is approximately four dwelling units per acre.

The neighborhood support appears to still be strong as there are those who believe that the area no longer is suitable for a 10 acre working buffalo ranch.

I am enclosing copies of the subdivision plat, an aerial photograph with the subdivision superimposed, a copy of the landscape plan and a copy of typical elevations of one of the potential builders on this site, Pinnacle Builders.

There is strong neighborhood support for this case, which makes sense in that the proposal is very compatible with what exists. It would be detrimental to the land owner, the builder and the neighborhood to require

Honorable Steve Steinberg
September 20, 2004
Page 4

them to build some other housing product that does not fit the neighborhood. The homes would be hard to sell at a price commensurate with the cost of building.

We look forward to discussing this case with you and respectfully request your support at the Planning Commission hearing on September 29th.

If you have any questions, please call me.

Respectfully,

JEKEL & HOWARD, L.L.P.



Louis G. Jekel

LGJ/dp
encls.

cc: T.C. Thorstenson
Larry Brandon

CITIZEN REVIEW PLAN

Project name: The Legends at Toscana
Applicant: Legend Development IV LLC
Case # 325-PA-2002
Q.S 31-50

Residents and HOA's to be notified

1. All residents within 750 feet of the project, will be mailed an informational packet which will include a copy of all proposed homes (floor plans and elevations), a narrative letter explaining the sub-division and a copy of the plat and perimeter Landscape. A copy of this is included with this transmittal
2. All Home Owner Associations property managers within this area, have been contacted and furnished the same information, and requested to include this in their newsletters. And requested to allow us time for a presentation at there next full meeting of the residents.
3. The narrative letter explains what we are trying to accomplish, and invites any interested parties, to contact us directly. All of our phone numbers were included in the letter.
4. Over 550 of the community information packets will be mailed the week of September 6, 2002. Attached is a master list and map of the locations to be mailed. We were present and gave our presentation to the Sweetwater Ranch master association August 28, 2002. for witch they expressed resounding support for our project. We are scheduling presentations with all of the homeowner associations, during their monthly meetings (September and October)
5. We will certify the mailing of the community information packets, with a notarized affidavit. And we are asking the Home Owner Associations, to write a letter, about the sub-division after we make our presentation.
6. Advertise 1/8 page add in both the Tribune and the Republic with notice of planned zone change. And times for community meetings.
7. Conduct (3) community information meetings.
8. Add proposed zoning information to existing neighborhood Web Sites

CITIZEN REVIEW REPORT

Project name: The Legends at Toscana
Applicant: Legend Development IV LLC
Case # 325-PA-2002
Q.S 31-50

Residents and HOA's that have been notified

1. August 13, 2002 Sweetwater Ranch Master Association (John Tivnin Pres.) spoke with and explained what we planed for the area requested a date to present to the entire association.
2. August 14, 2002 Scottsdale School District (Denise Rivera) spoke on phone and faxed community information packet to her.
3. August 19, 2002 made contact with (Elaine Anghel) property manager for Sweetwater ranch master association, Sweetwater Ranch phase II , Sweetwater ranch manor II, Sweetwater ranch villages, e-mailed community information letter to her, she agreed to forward via E-mail to all the residents that had E-mail communication and include the information in there monthly news letter, also to schedule our presentation to the master association monthly meeting
4. August 20, 2002 Made contact with Sage wood and Court yards of Scottsdale homeowners association (Julie Morris) property manager forwarded community information packet to her and requested time to present at there next meeting.
5. August 23, 2002 Made contact with Sweetwater ranch Manor I (Nickie Necariez) property manager forwarded community information packet the her requested the inform community of our intention, requested time to present at the next association meeting.
6. August 28, 2002 Made presentation to the Sweetwater Ranch Master Association meeting held at Horizon Park community center. Board and attending residents gave resounding support for the project.
7. September 3, 2002 placed proposed zoning information in the Sweetwater Ranch Web Site.
8. September 4, 2002 Mailed letter to all residents previously on mailing list, informing residents of the 3 scheduled community meetings.

9. September 6, 2002 Scheduled 3 meeting dates for community information, at the Scottsdale Horizon Park community center.
10. September 11, 2002 advertised 1/8 page add legal add in the Scottsdale Tribune and the Arizona Republic in community section
11. September 11, 2002 held first community meeting at above location 7.00 PM to 8:00 PM. Small turnout very positive comments from all residents.
12. September 12, 2002 held second community meeting at above location 7:00 PM to 8:00 PM, general questions about estimated start and finish of project, met some of the home owners from adjoining properties to the East and South, discussed wall location on East property boundary, and wall height on South property line. Agreed to raise South wall to 8 feet in height to enhance privacy. Discussed that East Fence was built off the property line and would be relocated at our expense. This has no impact on any residents, as wall is entirely located along existing wash.
13. September 16, 2002 held third community meeting at above address. Had two residents from the South adjoining properties requested that the not have a 2 story behind there property. I gat there address and phone number and agreed to discuss this with them individually. One lady realtor who specializes in horse properties requested that we have an equestrian trail along Sweetwater. All comments about the development were positive.
14. October 12, 2002 Spoke with Jackie Rice who is the president of Manner II, see agreed to act as the information up-date person for all of the other associations and individual home owners. Discussed the issues pertaining the zoning process.
15. November 18, 2002 Spoke with Jackie Rice gave up-date pertaining to the wash issue and the zoning process
16. December 20, 2002 Spoke with Jackie Rice gave up-date about delays in the zoning process. Jackie stated that all of the association's members were current on the information concerning the zoning change, and were still planning to attend the public meetings.
17. January 9, 2003 Spoke with Jackie Rice gave up-date for current schedule stated she had received a letter from the city of Scottsdale notifying her of the change in date.



September 4, 2002

Dear neighbor

We have previously mailed to you information about our new sub-division planned at the corner of 94th St. and Sweetwater. We have planned several community information meetings to be held at the Community center at Horizon Park 15444 N. 100th St. I hope you find time to attend and allow us to answer any questions or concerns you may have about the proposed development.

Meeting dates

September 11, 2002 7:00 PM to 8:00 PM room (1)
September 12, 2002 7:00 PM to 8:00 PM room (1)
September 16, 2002 7:00 PM to 8:00 PM room (2)

You may reach us at the following

Larry Brandon Office 602-298-6547
Fax 602-298-7882

Alan Richard Office 602-216-2026
Fax 602-216-2044

I hope you can make plans to attend one of the above dates

Thank you

Larry Brandon
Legend Development
Managing partner

CITIZEN REVIEW REPORT

Project name: The Legends at Toscana
Applicant: Lifestyles Custom Builders LLC
Case # 16-ZN-2004
Q S 31-50

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11. September 11, 2002 held first community meeting at above location 7:00 PM to 8:00 PM. Small turnout very positive comments from all residents.
12. September 12, 2002 held second community meeting at above location 7:00 PM to 8:00 PM, general questions about estimated start and finish of project, met some of the home owners from adjoining properties to the East and South, discussed wall location on East property boundary, and wall height on South property line. Agreed to raise South wall to 8 feet in height to enhance privacy. Discussed that East Fence was built off the property line and would be relocated at our expense. This has no impact on any residents, as wall is entirely located along existing wash.
13. September 16, 2002 held third community meeting at above address. Had two residents from the South adjoining properties requested that the not have a 2 story behind there property. I gat there address and phone number and agreed to discuss this with them individually. One lady realtor who specializes in horse properties requested that we have an equestrian trail along Sweetwater. All comments about the development were positive.
14. October 12, 2002 Spoke with Jackie Reichman who is the president of Manner II, see agreed to act as the information up-date person for all of the other associations and individual home owners. Discussed the issues pertaining the zoning process.
15. November 18, 2002 Spoke with Jackie Reichman gave up-date pertaining to the wash issue and the zoning process
16. December 20, 2002 Spoke with Jackie Reichman gave up-date about delays in the zoning process. Jackie stated that all of the association's members were current on the information concerning the zoning change, and were still planning to attend the public meetings.
17. January 9, 2003 Spoke with Jackie Reichman gave up-date for current schedule stated she had received a letter from the city of Scottsdale notifying her of the change in date.
18. January 18, 2003 Spoke with Jackie Reichman gave up-date for current schedule

19. January 22, 2003 spoke with several residents attending the Plan Commission Meeting, all came to speak in favor of the project.
- 20 June 12, 2003 spoke with several residents, about how to next proceed
21. January 15, 2004 Spoke with HOA presidents from all Associations within the Sweetwater Ranch area, Organized effort on there part to support the new Council; candidates that will support this project
- 22 March 15, 2004 Helped All association presidents draft letter to all council candidates
- 23 May 20, 2004 Mailed out Project narrative with preliminary site plan to over 550 surrounding residents of the proposed development
- 24 May 20, 2004 sent required notification to Dr. Johnson Scottsdale unified School district.
- 25 June 21, 2004 Held public meeting about re-zoning effort for proposed project. Had very large turn out with overwhelming support for our effort.
- 26 December 12, 2004 All of the H O A Presidents were notified of the decision to change the zoning request from R1-7 to R1-10. The local H.O.A presidents then informed all of the resident Via E-Mail and community newsletters

McClay, Doris

From: Howard, Jim (ZF and ZF3) [Jim.Howard@standardregister.com]
Sent: Thursday, January 06, 2005 1:21 PM
To: dmccclay@scottsdaleaz.gov; tcurtis@scottsdaleaz.gov
Cc: Jim; Howard, Jim (ZF and ZF3)
Subject: 16-zn-2004 Rezoning Sweetwater & 94th St

I want to voice my opposition to reducing the size of the lots to anything smaller than ½ acre. We have already converted so much of this area to apartments from residential and lot sizes to postage stamp size lots. The value of our existing properties is being eroded by the rezoning to small lot sizes and more dense population. This impacts road traffic and many services in the area.

Please keep me informed of what is going on so I can if needed speak at the meetings and especially at the city counsel meeting.

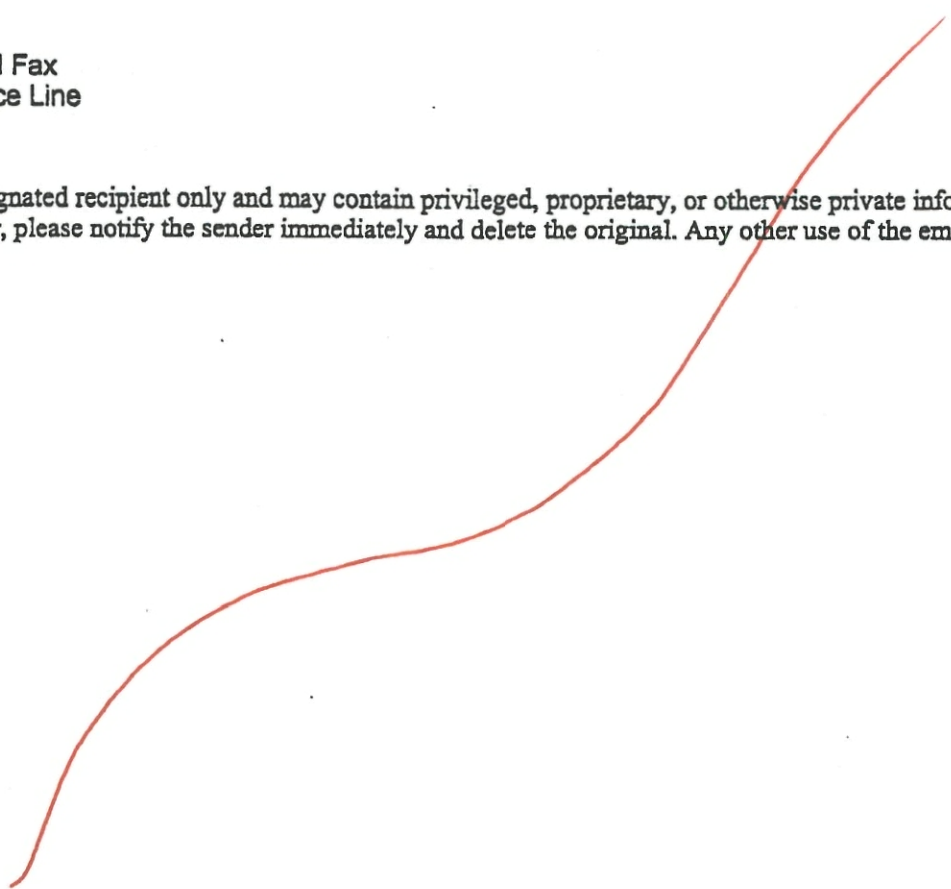
I am a long time Scottsdale resident, about 17 years.

Jim Howard
13462 N 93rd Place
Scottsdale, AZ 85260

Jim

Jim Howard
Account Director
877-919-8085 Phone and Fax
480-663-2965 Direct Office Line
602-738-3838 Cell

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ADDITIONAL INFORMATION FOR CASE 16-ZN-2004

PLANNING/DEVELOPMENT

- 1 DENSITY CONTINGENCIES The approved density for each parcel may be decreased due to drainage issues and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.
- 2 FINAL LOT & TRACT LOCATION The specific location of each lot & tract shall be subject to Development Review Board approval.
- 3 DEVELOPMENT REVIEW BOARD The City Council directs the Development Review Board's attention to
 - a a plan indicating the treatment of washes,
 - b wall and gate design,
 - c improvement plans for common open space, common buildings and/or walls, and amenities such as ramadas, landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included)
 - d major stormwater management systems,
 - e alterations to natural watercourses (all watercourses with a 100 year flow of 250 cfs to 749 cfs),
 - f perimeter landscaping
- 4 NOTICE TO PROSPECTIVE BUYERS The developer shall give the following information in writing to all prospective buyers of lots on the site
 - a The closest distance from the lot to the midpoint of the Scottsdale Airport runway
 - b The development's private streets shall not be maintained by the city
 - c The city shall not accept any common areas on the site for ownership or maintenance
- 5 NATIVE PLANT PRESERVATION The owner shall secure a native plant permit as defined in the Scottsdale Revised Code for each parcel. City staff will work with the owner to designate the extent of the survey required within large areas of proposed undisturbed open space. Where excess plant material is anticipated, those plants shall be offered to the public at no cost to the owner in accordance with state law and permit procedure or may be offered for sale.

ENGINEERING

- 1 RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
- 2 FEES The construction of water and sewer facilities necessary to serve the site shall not be in lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.

- 3 STREET CONSTRUCTION STANDARDS The streets for the site shall be designed and constructed to the standards in the Design Standards and Policies Manual
- 4 CITY CONTROL OF ACCESS The city retains the right to modify or void access within city right-of-way The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above

EQUESTRIAN

- 1 Public use trail(s) location shall be approved by plan review and permit services staff and are to be shown on the final plat or site plan
- 2 Trails and paths shall be consistent with the Design Standards and Policies Manual for the City of Scottsdale

WATER

- 1 BASIS OF DESIGN REPORT (WATER) Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval The basis of design report shall conform to the Design Standards and Policies Manual In addition, the basis of design report and plan shall
 - a Identify the location, size, condition and availability of existing water lines and water related facilities such as water valves, water services, fire hydrants, back-flow prevention structures, etc
 - b Identify the timing of and parties responsible for construction of all water facilities
 - c Include a complete description of requirements relating to project phasing

WASTEWATER

- 1 BASIS OF DESIGN REPORT (SANITARY SEWER)) Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval The basis of design report shall be in conformance with the Design Standards and Policies Manual In addition, the basis of design report and plan shall
 - a Identify the location of, the size, condition and availability of existing sanitary sewer lines and wastewater related facilities
 - b Identify the timing of and parties responsible for construction of all sanitary sewer facilities
 - c Include a complete description of requirements relating to project phasing

OTHER REQUIREMENTS

- 1 CONVEYANCE OF TRACTS/LOTS Unless otherwise agreed to in writing by the Asset Management Coordinator, each tract or lot dedicated to the city shall be
 - a conveyed by a general warranty deed, and
 - a accompanied by a title policy in favor of the city, both to the satisfaction of city staff as designated by the Asset Management Coordinator