



Application

Narrative

Cash Transmittal

Development Standards

Project Narrative

Morning Vista

May 2019

Revised December 2019

Minor Land Division Request 4-PP-2019

Request

This request is for approval of a Minor Land Division to establish a Private Street Tract which will allow for the abandonment of Morning Vista Road between 114th Street and 116th Street (11-AB-2018) thus creating a Private Street. The abandonment request does not include releasing any of the existing public utility easements. This request is made with the full support of all impacted property owners. Authorization letters are included with the application.

Background

The proposed Minor Land Division (MLD) encompasses approximately 47 acres. There are 8 separate existing parcels which make up this Plat. Five (5) of the eight (8) parcels have already been developed as single-family residences - lots 1, 2, 4, 6 & 7. The objective of this MLD is to create a Private Street Tract to support the abandonment of Morning Vista between 114th Street and 116th Street (11-AB-2018). Changes to the existing lots/parcel is not proposed here. All 8 parcels will remain the same.

History

The property owners adjacent to Morning Vista Road between 114th Street and 116th Street would like to remove the public access entitlement from Morning Vista Road between 114th Street & 116th Street in order convert it to a private drive. There are existing utilities within this portion of Morning Vista Road which will remain. As a result, all existing utility easements will remain in place.

Development Standards

The purpose of this Plat application is to create a Private Street Tract to accommodate privatization of a portion of Morning Vista Road between 114th Street and 116th Street (11-AB-2018). This Plat will bring together 7 existing lots into a single plat. The zoning is R1-190 ESL. All lots meet the R1-190 ESL development standards with one exception. The lot area of



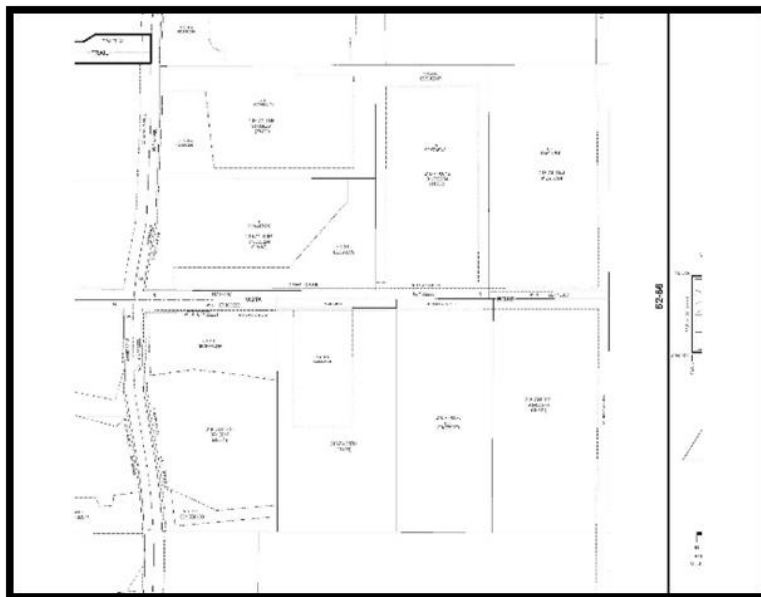
Lot #5 is slightly less than 190,000 square feet (181,098 SF). However, the gross area of this lot prior to this proposal was 187,432 SF. As a result, this lot can either be considered as a non-compliant acceptable lot or amended standards for lot size can be included as part of this approval. Our preference would be the former.

Property Owners' Association

The Board of Directors for this Property Owners' Association (POA) will be responsible for the operation and management of the Improvements through their involvement with the subject (POA).

Objective

Pursuant to Section 48-7(d) in the subdivision code which states that all residential lots shall have frontage on and access to a public street or private street, this Land Division application is being filed to establish a private street tract to replace the abandoned rights-of-way and roadway easements. This will satisfy the lot frontage code requirements.



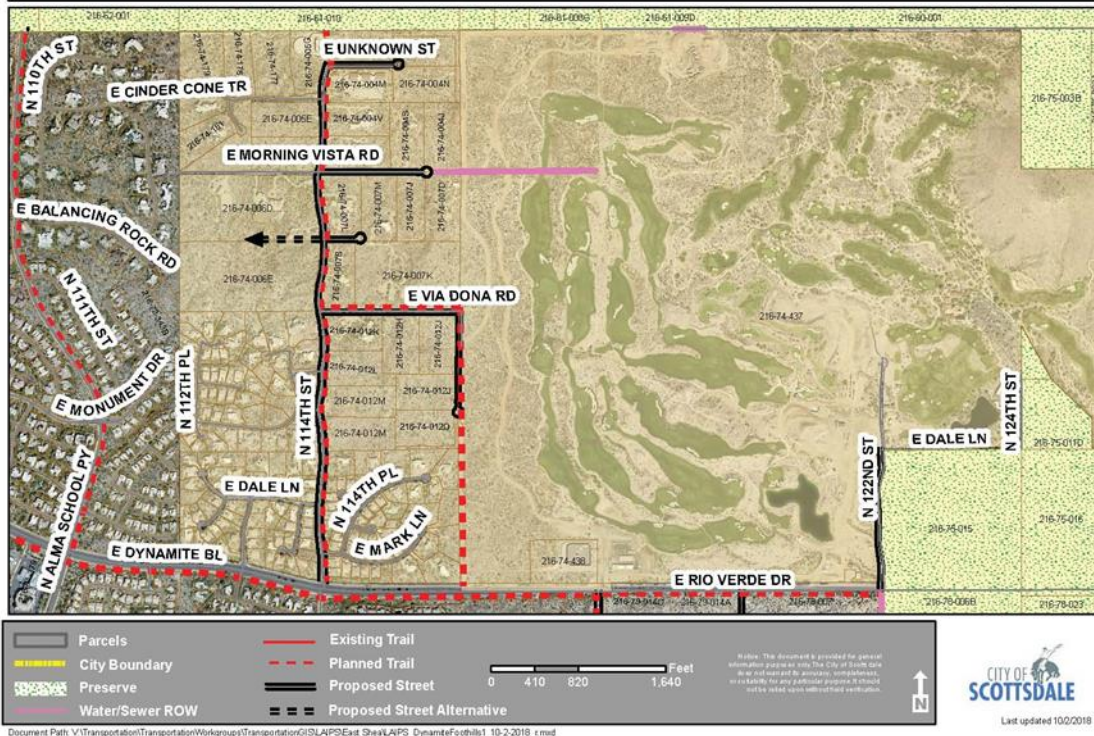


Local Area Infrastructure Plans (LAIPS)

The LAIPS were created by the City to provide coordinated Local Area Infrastructure Plans (LAIPS) to guide implementation of neighborhood-specific infrastructure. These plans have not been formally adopted by the City Council. The plans serve as guides for city staff when reviewing development proposals.

The subject segment of Morning Vista Road falls within the Area 1 LAIPS (rev. 10-02-2018) and identifies this segment of Morning Vista Road to be a proposed street terminating in a cul-de-sac with potential utility uses. There are no public trail uses within Morning Vista Road. All property owners who are impacted by this abandonment are in support of this request.

Dynamite Foothills Area 1 Local Area Infrastructure Plan



Utilities

Utilities with sufficient capacity to serve these lots are existing. The utilities include:

- Potable Water-City of Scottsdale
- Electric-Arizona Public Service
- Telephone and communications-Cox Communications
- Natural Gas-Southwest Gas

Sewer

Unfortunately, gravity sewer service is not a practical option within this portion of Morning Vista for the following reasons:

Service area - Sewer in Morning Vista east of 114th street could only serve 5 lots at the most. The 2 lots at the intersection with 114th street are already connected to the sewer in 114th street. With only 5 lots, the resulting flow rates would be extremely low and likely create a significant maintenance issue that would not justify the facility. To make issues worst, 3 of these 5 lots are already developed and likely would not connect.

Topography – The ground elevations along the alignment range from 2780 at 114th Street to 2796 at the high point (+/- 775' east of 114th street) to 2780 at 116th Street. This would require very deep sewer (in excess of 16') to serve any of the lots.

Bedrock - Bedrock and hard digging conditions exist in this area. Previous trenching has required “hard-dig” techniques to be utilized. To complicate this issue, blasting is generally not an option with the adjacency of existing development, thus making the condition even more difficult to address.

Request To Submit Concurrent Development Applications

Acknowledgment and Agreement



The City of Scottsdale recognizes that a property owner may desire to submit concurrent development applications for separate purposes where one or more of the development applications are related to another development application. City Staff may agree to process concurrently where one or more the development applications related to the approval of another development application upon receipt of a complete form signed by the property owner.

Development Application Types		
Please check the appropriate box of the types of applications that you are requesting to submit concurrently		
Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	Other
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance	Land Divisions (PP)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance (BA)	<input type="checkbox"/> Perimeter Exceptions	Other Application Type Not Listed
<input type="checkbox"/> Minor Amendment (MA)	<input type="checkbox"/> Plat Correction/Revision	<input type="checkbox"/>

Owner: _____

Company: _____

Address: _____

Phone: _____ Fax: _____

E-mail: _____

As the property owner, by providing my signature below, I acknowledge and agree: 1) that the concurrent development applications are processed at the property owner's risk; 2) to hold the City harmless of all cost, expense, claims, or other liability arising in connection with the concurrent development applications; 3) to the City of Scottsdale's Substantive Policy Statement pertaining to Concurrent Applications; 4) to placing a development application on hold in order to continue processing a concurrent development application that is related to an another development application; and 5) that upon completion of the City review(s) of the development applications, one or more of the development application(s) may not be approved.

Property owner (Print Name): _____ Title: _____

_____ Date: _____

Signature

Official Use Only:	Submittal Date: _____
Request: <input type="checkbox"/> Approved or <input type="checkbox"/> Denied	
Staff Name (Print): _____	
Staff Signature: _____	Date: _____

Planning and Development Services

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Development Application



Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning	Development Review	Land Divisions
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Subdivision (PP)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Subdivision (Minor) (MD)
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Wash Modification (WM)	<input type="checkbox"/> Land Assemblage
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Historic Property (HP)	Other
<input type="checkbox"/> Development Agreement (DA)	Wireless Communication Facilities	<input type="checkbox"/> Annexation/De-annexation (AN)
Exceptions to the Zoning Ordinance	<input type="checkbox"/> Small Wireless Facilities (SW)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Minor Amendment (MN)	<input type="checkbox"/> Type 2 WCF DR Review Minor (SA)	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Hardship Exemption (HE)	Signs	<input type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance/Accommodation/Appeal (BA)	<input type="checkbox"/> Master Sign Program (MS)	Other Application Type Not Listed
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Community Sign District (MS)	<input type="checkbox"/> Other: _____

Project Name: _____

Property's Address: _____

Property's Current Zoning District Designation: _____

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner:	Agent/Applicant:
Company:	Company:
Address:	Address:
Phone: Fax:	Phone: Fax:
E-mail:	E-mail:
Designer:	Engineer:
Company:	Company:
Address:	Address:
Phone: Fax:	Phone: Fax:
E-mail:	E-mail:

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications¹ will be reviewed in a format similar to the Enhanced Application Review methodology.

☐ **Enhanced Application Review:** I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.

☐ **Standard Application Review:** I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

_____ Owner Signature	_____ Agent/Applicant Signature
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Official Use Only

Submittal Date: _____

Development Application No.: _____

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Development Application

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Revision Date: _____

4-PP-2019
6/14/2019

Development Application

Review Methodologies



Review Methodologies

The City of Scottsdale maintains a business and resident friendly approach to new development and improvements to existing developments. In order to provide for flexibility in the review of Development Applications, and Applications for Permitting, the City of Scottsdale provides two methodologies from which an owner or agent may choose to have the City process the application. The methodologies are:

1. Enhanced Application Review Methodology

Within the parameters of the Regulatory Bill-of-Rights of the Arizona Revised Statutes, the Enhanced Application Review method is intended to increase the likelihood that the applicant will obtain an earlier favorable written decision or recommendation upon completion of the city's reviews. To accomplish this objective, the Enhanced Application Review allows:

- the applicant and City staff to maintain open and frequent communication (written, electronic, telephone, meeting, etc.) during the application review;
- City staff and the applicant to collaboratively work together regarding an application; and
- City staff to make requests for additional information and the applicant to submit revisions to address code, ordinance, or policy deficiencies in an expeditious manner.

Generally, the on-going communication and the collaborative work environment will allow the review of an application to be expedited within the published Staff Review Time frames.

2. Standard Application Review Methodology:

Under the Standard Application Review, the application is processed in accordance with the Regulatory Bill-of-Rights of the Arizona Revised Statutes. These provisions significantly minimize the applicant's ability to collaboratively work with City Staff to resolve application code, ordinance, or policy deficiencies during the review of an application. After the completion the city's review, a written approval or denial, recommendation of approval or denial, or a written request for additional information will be provided.

The City is not required to provide an applicant the opportunity to resolve application deficiencies, and staff is not permitted to discuss or request additional information that may otherwise resolve a deficiency during the time the City has the application. Since the applicant's ability to collaboratively work with Staff's to resolve deficiencies is limited, the total Staff Review Time and the likelihood of a written denial, or recommendation of denial is significantly increased.

In addition to the information above, please review the Development Application, and/or the Application for Permitting flow charts. These flow charts provide a step-by-step graphic representation of the application processes for the associated review methodologies.

Note:

1. Please see the Current Planning Services and Long Range Planning Services Substantive Policy Statements and Staff Review Timeframes for Development Applications, number III.

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Development Application

Arizona Revised Statutes Notice



§9-834. Prohibited acts by municipalities and employees; enforcement; notice

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

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