

**Application
Narrative
Cash Transmittal
Pre-Application
Pre-App Narrative
Pre-App Cash Transmittal
Development Standards**



Development Application

Development Application Type:

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

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 checked="" 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 checked="" type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input checked="" 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"/>

Project Name: The Reserve at Black Mountain

Property's Address: NWC Black Mountain Rd. & 84th St.

Property's Current Zoning District Designation: R1-190

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: HARVEY J. & MADEIRA P. LAWRENCE Agent/Applicant: Randy Clarno

Company: _____ Company: Pinnacle Land Development LLC

Address: 34822 N. 83RD STREET, SCOTTSDALE AZ 85266 Address: 7440 E. Pinnacle Peak Rd. #142 Scottsdale, AZ 85255

Phone: 480-437-9111 Fax: _____ Phone: 480-401-0800 Fax: _____

E-mail: HARVEY @ HARVEY J. LAWRENCE P.O. E-mail: randy@critterland.com

Designer: Alex Stedman Engineer: Andrew Jupp

Company: LVA Urban Design Studio Company: Kimley-Horn

Address: 120 S. Ash Ave. Tempe, AZ 85281 Address: 7740 N. 16th St. #300 Phoenix, AZ 85020

Phone: 480-994-0994 Fax: _____ Phone: 602-906-1373 Fax: _____

E-mail: astedman@lvadesign.com E-mail: andrew.jupp@kimley-horn.com

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.

Harvey J. Lawrence, Madeira P. Lawrence 10/31/16 Randy Clarno
Owner Signature Agent/Applicant Signature

Official Use Only Submittal Date: _____ Development Application No.: _____

Planning, Neighborhood & Transportation

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: www.scottsdaleaz.gov



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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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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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 the development applications are reliant upon the approval of another development application. City Staff may agree to process concurrently where one or more the development applications are reliant upon the approval of another development application upon receipt of a complete form signed by the property owner.

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Owner: HARVEY J. LAWRENCE & MADOLON A. LAWRENCE

Company: _____

Address: 34822 N. 83RD STREET, SCOTTSDALE, AZ 85264

Phone: 480-437-9111 Fax: _____

E-mail: HARVEY@HARVEYLAWRENCE.COM, MADOLON6852@GMAIL.COM

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 that states that a concurrent development application that is reliant on a decision of separate development application and is submitted at the risk of the property owner, is not considered to be subject to the provisions and timeframes of the Regulatory Bill of Rights (A R S §9-831 - 9-840), and 4) that upon completion of the City review(s) of the development applications, the development application(s) may not be approved.

Property owner (Print Name) HARVEY J. LAWRENCE, MADOLON A. LAWRENCE Title _____

Harvey J. Lawrence, Madolon A. Lawrence Signature Date 10/31/16

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

October 17, 2016

Via Hand-Delivery with Application, to:

City of Scottsdale
Planning & Development Department
7447 E. Indian School Rd.
Scottsdale, AZ 85251

Re: Letter of Authorization – The Reserve at Black Mountain– NWC 84th St. & Black Mountain Rd.

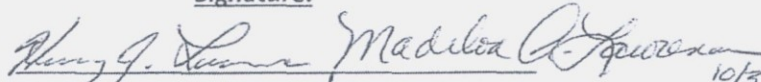
Dear Sir or Madam:

This letter authorizes LVA Urban Design Studio LLC and Kimley-Horn Associates to represent this ownership group in all matters related to the City of Scottsdale's entitlement processes for the properties generally located at the northwest corner of 84th St. and Black Mountain Rd. (APN #'s below) in the City of Scottsdale, Maricopa County, Arizona.

Entity/Owner:

Lawrence, Harvey
34822 N. 83rd St. – APN #216-34-268

Signature:


10/31/16



Affidavit of Authority to Act as the Property Owner

1 This affidavit concerns the following parcel of land

- a Street Address N/A
- b County Tax Assessor's Parcel Number 216-34-268
- c General Location NWC Black Mountain Rd & 89rd St
- d Parcel Size +/- .5 AC
- e Legal Description See attached

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

2 I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.

3 I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.

4 The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.

5 I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.

6 If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.

7 Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)	Date	Signature
<u>HARVEY J. LAWRENCE</u>	<u>OCT 31, 20<u>16</u></u>	<u>[Signature]</u>
<u>Madelon A. Lawrence</u>	<u>10/31, 20<u>16</u></u>	<u>[Signature]</u>
_____	_____, 20__	_____
_____	_____, 20__	_____

Planning and Development Services

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

APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

POLICY OF THE CITY OF SCOTTSDALE ON APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

RIGHTS OF PROPERTY OWNER

In addition to other rights granted to you by the U.S. and Arizona Constitution, federal and state law and city ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1) Any dedication or exaction which is required of you by an administrative agency or official of the city as a condition of granting approval of your request to use, improve or develop your real property. This appeal right does not apply to a dedication or exaction required as part of a city legislative act (for example a zoning ordinance) where an administrative agency or official has no discretion to determine the dedication or exaction.
- 2) The adoption or amendment of a zoning regulation that creates a taking of property in violation of Arizona and federal court decisions.

APPEAL PROCEDURE

The appeal must be in writing and specify the City action appealed and the date final action was taken, and it must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken. Address the appeal as follows:

Hearing Officer, C/O City Clerk
3939 Drinkwater Blvd.
Scottsdale, AZ 85251

- ❖ No fee will be charged for filing
- ❖ The City Attorney's Office will review the appeal for compliance with the above requirements, and will notify you if your appeal does not comply.
- ❖ Eligible appeals will be forwarded to the hearing officer, and a hearing will be scheduled within 30 days of receipt by the hearing officer of your request. Ten days notice will be given to you of the date, time and place of the hearing unless you indicate that less notice is acceptable to you.
- ❖ The city will submit a takings impact report to the hearing officer.
- ❖ In an appeal from a dedication or exaction, the City will bear the burden of proving that the dedication or exaction to be imposed on your property bears an essential nexus between the requirement and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement or development you proposed.
- ❖ In an appeal from the adoption or amendment of a zoning regulation, the City will bear the burden of proving that any dedication or exaction requirement in the zoning regulation is roughly proportional to the impact of the proposed use, improvement, or development, and that the zoning regulation does not create a taking of property in violation of Arizona and federal court cases.
- ❖ The hearing officer must render his decision within five working days after the appeal is heard.
- ❖ The hearing officer can modify or delete a dedication or exaction or, in the case of an appeal from a zoning regulation, transmit a recommendation to the City Council.
- ❖ If you are dissatisfied with the decision of the hearing officer, you may file a complaint for a trial de novo with the Superior Court within 30 days of the hearing officer's decision.

If you have questions about this appeal process, you may contact:

City Attorney's Office
3939 Drinkwater Blvd.
Scottsdale, AZ 85251
(480) 312-2405

Please be aware that City staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

**Owner Certification
Acknowledging Receipt
Of
Notice Of Right To Appeal
Exactions And Dedications**

I hereby certify that I am the owner of property located at:

34822 N. 83RD STREET, SCOTTSDALE, AZ 85266
(address where development approval, building permits, or city required improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Scottsdale as part of my property development on the parcel listed in the above address.

Manuel J. Luna Madeline A. Guerra 10/31/16
Signature of Property Owner Date



Request for Site Visits and/or Inspections

Construction Document Application

This request concerns all property identified in the construction document (plan review) application.

Project Name: The Reserve at Black Mountain

Project Address: 34822 N. 83rd St. Scottsdale, AZ 85266

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the construction document.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the construction document in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner /Property owner's agent: HARVEY J. LAWRENCE Madelon A. Lawrence
Print Name

Harvey J. Lawrence, Madelon A. Lawrence 10/31
Signature

City Use Only:

Submittal Date: _____ Plan review number: _____

Planning, Neighborhood & Transportation Division

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



Development Application

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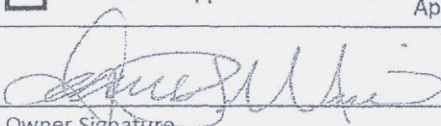
Owner: Gary Mineo	Agent/Applicant: Randy Clarno
Company:	Company: Pinnacle Land Development LLC
Address: 8494 E. Cactus Wren Cir. Scottsdale, AZ	Address: 7440 E. Pinnacle Peak Rd. #142 Scottsdale, AZ 85255
Phone: Fax:	Phone: 480-401-0800 Fax:
E-mail:	E-mail: randy@criterionland.com
Designer: Alex Stedman	Engineer: Andrew Jupp
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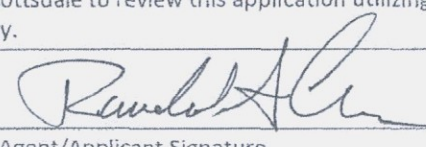
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Owner Signature


Agent/Applicant Signature

Official Use Only

Submittal Date:

Development Application No.:

Planning, Neighborhood & Transportation

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Owner: Gary P. Mineo

Company: _____

Address: 22280 Sky Breeze Court Murrieta, CA 92562

Phone: 951 331 9221 Fax: _____

E-mail: d.mineo4@linn@gmail.com

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 that states that a concurrent development application that is reliant on a decision of separate development application and is submitted at the risk of the property owner, is not considered to be subject to the provisions and timeframes of the Regulatory Bill of Rights (A.R.S. §9-831 – 9-840); and 4) that upon completion of the City review(s) of the development applications, the development application(s) may not be approved.

Property owner (Print Name): Gary P. Mineo Title: Owner

[Signature] Signature Date: 10/5/16

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

July 25, 2016

Via Hand-Delivery with Application, to:

City of Scottsdale
Planning & Development Department
7447 E. Indian School Rd.
Scottsdale, AZ 85251

Re: Letter of Authorization – The Reserve at Black Mountain– NWC 84th St. & Black Mountain Rd.

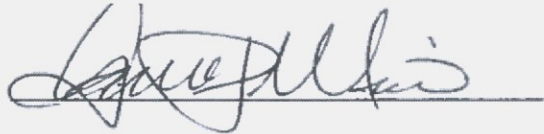
Dear Sir or Madam:

This letter authorizes LVA Urban Design Studio LLC and Kimley-Horn Associates to represent this ownership group in all matters related to the City of Scottsdale's entitlement processes for the properties generally located at the northwest corner of 84th St. and Black Mountain Rd. (APN #'s below) in the City of Scottsdale, Maricopa County, Arizona.

Entity/Owner:

Gary P. Mineo
N/A – APN #216-34-003M & 216-34-003S

Signature:

A handwritten signature in black ink, appearing to read "Gary P. Mineo", is written over a horizontal line.



Affidavit of Authority to Act as the Property Owner

1. This affidavit concerns the following parcel of land:

- a. Street Address: N/A
- b. County Tax Assessor's Parcel Number: 216-34-003M & 216-34-003S
- c. General Location: NWC Black Mountain Rd. & 84th St.
- d. Parcel Size: +/- 10 AC
- e. Legal Description: See attached

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.

3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.

4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.

5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.

6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.

7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)	Date	Signature
<u>Gary P. Mined</u>	<u>10/15</u> , 20 <u>16</u>	<u>[Signature]</u>
_____	_____, 20__	_____
_____	_____, 20__	_____
_____	_____, 20__	_____

Planning and Development Services

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

APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

POLICY OF THE CITY OF SCOTTSDALE ON APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

RIGHTS OF PROPERTY OWNER

In addition to other rights granted to you by the U.S. and Arizona Constitution, federal and state law and city ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1) Any dedication or exaction which is required of you by an administrative agency or official of the city as a condition of granting approval of your request to use, improve or develop your real property. This appeal right does not apply to a dedication or exaction required as part of a city legislative act (for example a zoning ordinance) where an administrative agency or official has no discretion to determine the dedication or exaction.
- 2) The adoption or amendment of a zoning regulation that creates a taking of property in violation of Arizona and federal court decisions.

APPEAL PROCEDURE

The appeal must be in writing and specify the City action appealed and the date final action was taken, and it must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken. Address the appeal as follows:

Hearing Officer, C/O City Clerk
3939 Drinkwater Blvd.
Scottsdale, AZ 85251

- ❖ No fee will be charged for filing
- ❖ The City Attorney's Office will review the appeal for compliance with the above requirements, and will notify you if your appeal does not comply.
- ❖ Eligible appeals will be forwarded to the hearing officer, and a hearing will be scheduled within 30 days of receipt by the hearing officer of your request. Ten days notice will be given to you of the date, time and place of the hearing unless you indicate that less notice is acceptable to you.
- ❖ The city will submit a takings impact report to the hearing officer.
- ❖ In an appeal from a dedication or exaction, the City will bear the burden of proving that the dedication or exaction to be imposed on your property bears an essential nexus between the requirement and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement or development you proposed.
- ❖ In an appeal from the adoption or amendment of a zoning regulation, the City will bear the burden of proving that any dedication or exaction requirement in the zoning regulation is roughly proportional to the impact of the proposed use, improvement, or development, and that the zoning regulation does not create a taking of property in violation of Arizona and federal court cases.
- ❖ The hearing officer must render his decision within five working days after the appeal is heard.
- ❖ The hearing officer can modify or delete a dedication or exaction or, in the case of an appeal from a zoning regulation, transmit a recommendation to the City Council.
- ❖ If you are dissatisfied with the decision of the hearing officer, you may file a complaint for a trial de novo with the Superior Court within 30 days of the hearing officer's decision.

If you have questions about this appeal process, you may contact:

City Attorney's Office
3939 Drinkwater Blvd.
Scottsdale, AZ 85251
(480) 312-2405

Please be aware that City staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

Owner Certification
Acknowledging Receipt
Of
Notice Of Right To Appeal
Exactions And Dedications

I hereby certify that I am the owner of property located at:

NWC Black Mountain Road & 84th Street
(address where development approval, building permits, or city required improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Scottsdale as part of my property development on the parcel listed in the above address.


Signature of Property Owner

10/5/16
Date



Request for Site Visits and/or Inspections Construction Document Application

This request concerns all property identified in the construction document (plan review) application.

Project Name: The Reserve at Black Mountain

Project Address: 8494 E. Cactus Wren Cir. Scottsdale, AZ 85266

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the construction document.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the construction document in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner /Property owner's agent: _____

Gary P. Mined

Print Name

[Handwritten Signature]

Signature

City Use Only:

Submittal Date: _____ Plan review number: _____

Planning, Neighborhood & Transportation Division

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



Development Application

Development Application Type

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

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 checked="" 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 checked="" type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input checked="" 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"/>

Project Name The Reserve at Black Mountain

Property's Address NWC Black Mountain Rd & 84th St

Property's Current Zoning District Designation R1-190

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 MARCUS NIEMELA

Company _____

Address 35026 N. 84th STREET

Phone 480-686-1302 Fax SCOTTSDALE

E-mail MARCUS NIEMELA @ GMAIL.COM

Designer Alex Stedman

Company LVA Urban Design Studio

Address 120 S Ash Ave Tempe, AZ 85281

Phone 480-994-0994 Fax _____

E-mail astedman@lvadesign.com

Agent/Applicant Randy Clarno

Company Pinnacle Land Development LLC

Address 7440 E Pinnacle Peak Rd #142 Scottsdale, AZ 85255

Phone 480-401-0800 Fax _____

E-mail randy@crriterionland.com

Engineer Andrew Jupp

Company Kimley-Horn

Address 7740 N 16th St #300 Phoenix, AZ 85020

Phone 602-906-1373 Fax _____

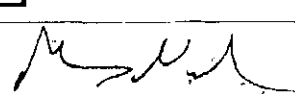
E-mail andrew.jupp@kimley-horn.com

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

This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications 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

Official Use Only: Submittal Date: _____ Development Application No: _____

Planning, Neighborhood & Transportation

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone 480-312-7000 Fax 480-312-7088

City of Scottsdale's Website: www.scottsdaleaz.gov

**26-ZN-2016
01/10/2017**



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 of 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.

Planning, Neighborhood & Transportation

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone 480-312-7000 Fax 480-312-7088

City of Scottsdale's Website www.scottsdaleaz.gov

Page 2 of 3

Revision Date 05/18/2015



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.

Planning, Neighborhood & Transportation

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: www.scottsdaleaz.gov



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 the development applications are reliant upon the approval of another development application. City Staff may agree to process concurrently where one or more the development applications are reliant upon 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 checked="" 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 checked="" type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input checked="" 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: MARCUS NIEMELA

Company: _____

Address: 35026 N. 84th STREET SCOTTSDALE, AZ 85266

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 that states that a concurrent development application that is reliant on a decision of separate development application and is submitted at the risk of the property owner, is not considered to be subject to the provisions and timeframes of the Regulatory Bill of Rights (A.R.S. §9-831 – 9-840); and 4) that upon completion of the City review(s) of the development applications, the development application(s) may not be approved.

Property owner (Print Name): MARCUS NIEMELA Title: OWNER

[Signature] Date: 10-3-16

Signature

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

October 3, 2016

Via Hand-Delivery with Application, to:

City of Scottsdale
Planning & Development Department
7447 E. Indian School Rd.
Scottsdale, AZ 85251

Re: Letter of Authorization – The Reserve at Black Mountain– NWC 84th St. & Black Mountain Rd.

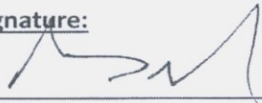
Dear Sir or Madam:

This letter authorizes LVA Urban Design Studio LLC and Kimley-Horn Associates to represent this ownership group in all matters related to the City of Scottsdale's entitlement processes for the properties generally located at the northwest corner of 84th St. and Black Mountain Rd. (APN #'s below) in the City of Scottsdale, Maricopa County, Arizona.

Entity/Owner:

Marcus Niemela Trust
35026 N. 84th St. – APN #216-34-003R

Signature:





Affidavit of Authority to Act as the Property Owner

1 This affidavit concerns the following parcel of land

- a Street Address 35026 N 84th St Scottsdale AZ 85266
- b County Tax Assessor's Parcel Number 216-34-003R
- c General Location SWC Cavalry Dr & 84th St
- d Parcel Size +/- 5 AC
- e Legal Description See attached

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

2 I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.

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4 The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.

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6 If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.

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Name (printed)	Date	Signature
<u>MARCUS NIEMEYER</u>	<u>10-3-</u> 20 <u>16</u>	<u>[Signature]</u>
_____	_____, 20__	_____
_____	_____, 20__	_____
_____	_____, 20__	_____

Planning and Development Services

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

APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

POLICY OF THE CITY OF SCOTTSDALE ON APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

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APPEAL PROCEDURE

The appeal must be in writing and specify the City action appealed and the date final action was taken, and it must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken. Address the appeal as follows:

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Scottsdale, AZ 85251

- ❖ No fee will be charged for filing
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3939 Drinkwater Blvd.
Scottsdale, AZ 85251
(480) 312-2405

Please be aware that City staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

**Owner Certification
Acknowledging Receipt
Of
Notice Of Right To Appeal
Exactions And Dedications**

I hereby certify that I am the owner of property located at:

35026 North 84th STREET SCOTTSDALE, AZ 85266

(address where development approval, building permits, or city required improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Scottsdale as part of my property development on the parcel listed in the above address.



Signature of Property Owner

10-3-16
Date



Request for Site Visits and/or Inspections

Construction Document Application

This request concerns all property identified in the construction document (plan review) application.

Project Name: The Reserve at Black Mountain

Project Address: 35026 N. 84th St. Scottsdale, Ar 85266

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the construction document.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

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Property owner /Property owner's agent:

MARCUS NIEMELA

Print Name

[Handwritten Signature]

Signature

City Use Only:

Submittal Date: _____ Plan review number: _____

Planning, Neighborhood & Transportation Division

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



Development Application

Development Application Type:

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

Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
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<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 checked="" type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
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<input type="checkbox"/> Variance (BA)	<input type="checkbox"/> Perimeter Exceptions	Other Application Type Not Listed
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Project Name: The Reserve at Black Mountain

Property's Address: NWC Black Mountain Rd. & 84th St.

Property's Current Zoning District Designation: R1-190

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: PL Black Mountain Reserve LLC

Agent/Applicant: Randy Clarno

Company:

Company: Pinnacle Land Development LLC

Address: 34834 N. 83rd St. Scottsdale, AZ 85266

Address: 7440 E. Pinnacle Peak Rd. #142 Scottsdale, AZ 85255

Phone:

Fax:

Phone: 480-401-0800

Fax:

E-mail:

E-mail: randy@criterionland.com

Designer: Alex Stedman

Engineer: Andrew Jupp

Company: LVA Urban Design Studio

Company: Kimley-Horn

Address: 120 S. Ash Ave. Tempe, AZ 85281

Address: 7740 N. 16th St. #300 Phoenix, AZ 85020

Phone: 480-994-0994

Fax:

Phone: 602-906-1373

Fax:

E-mail: astedman@lvadesign.com

E-mail: andrew.jupp@kimley-horn.com

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

Official Use Only

Submittal Date:

Development Application No.:

Planning, Neighborhood & Transportation

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: www.scottsdaleaz.gov



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 of 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.

Planning, Neighborhood & Transportation

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone 480-312-7000 Fax 480-312-7088

City of Scottsdale's Website: www.scottsdaleaz.gov



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.

Planning, Neighborhood & Transportation

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: www.scottsdaleaz.gov



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 the development applications are reliant upon the approval of another development application. City Staff may agree to process concurrently where one or more the development applications are reliant upon 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 checked="" 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 checked="" type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input checked="" 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 PL Black Mountain Reserve LLC
 Address 7440 E Pinnacle Peak Rd #142
 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 that states that a concurrent development application that is reliant on a decision of separate development application and is submitted at the risk of the property owner, is not considered to be subject to the provisions and timeframes of the Regulatory Bill of Rights (A.R.S. §9-831 – 9-840), and 4) that upon completion of the City review(s) of the development applications, the development application(s) may not be approved.

Property owner (Print Name) Randal S. Clamo Title Managing Member

 Signature Randal S. Clamo Date 10/11/16

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

October 10, 2016

Via Hand-Delivery with Application, to:

City of Scottsdale
Planning & Development Department
7447 E. Indian School Rd.
Scottsdale, AZ 85251

Re: Letter of Authorization – The Reserve at Black Mountain– NWC 84th St. & Black Mountain Rd.


Dear Sir or Madam:

This letter authorizes LVA Urban Design Studio LLC and Kimley-Horn Associates to represent this ownership group in all matters related to the City of Scottsdale's entitlement processes for the properties generally located at the northwest corner of 84th St. and Black Mountain Rd. (APN #'s below) in the City of Scottsdale, Maricopa County, Arizona.

Entity/Owner:

PL Black Mountain Reserve LLC
34834 N. 83rd St. – APN #216-34-267

Signature:



A handwritten signature in cursive script, appearing to read "Ronald A. Claus", is written over a horizontal line.



Affidavit of Authority to Act as the Property Owner

1. This affidavit concerns the following parcel of land:

- a. Street Address: 34834 N. 83rd St. Scottsdale, AZ 85266
- b. County Tax Assessor's Parcel Number: 2016-34-267
- c. General Location: NWC Black Mountain Rd. & 83rd St. Alignment
- d. Parcel Size: +/- 5 AC
- e. Legal Description: See attached

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.

3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.

4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.

5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.

6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.

7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)	Date	Signature
<u>Randal S. Clarno</u>	<u>10/11</u> , 20 <u>16</u>	<u>Randal S. Clarno</u>
_____	_____, 20__	_____
_____	_____, 20__	_____
_____	_____, 20__	_____

Planning and Development Services

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

APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

POLICY OF THE CITY OF SCOTTSDALE ON APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

RIGHTS OF PROPERTY OWNER

In addition to other rights granted to you by the U.S. and Arizona Constitution, federal and state law and city ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1) Any dedication or exaction which is required of you by an administrative agency or official of the city as a condition of granting approval of your request to use, improve or develop your real property. This appeal right does not apply to a dedication or exaction required as part of a city legislative act (for example a zoning ordinance) where an administrative agency or official has no discretion to determine the dedication or exaction.
- 2) The adoption or amendment of a zoning regulation that creates a taking of property in violation of Arizona and federal court decisions.

APPEAL PROCEDURE

The appeal must be in writing and specify the City action appealed and the date final action was taken, and it must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken. Address the appeal as follows:

Hearing Officer, C/O City Clerk
3939 Drinkwater Blvd.
Scottsdale, AZ 85251

- ❖ No fee will be charged for filing
- ❖ The City Attorney's Office will review the appeal for compliance with the above requirements, and will notify you if your appeal does not comply.
- ❖ Eligible appeals will be forwarded to the hearing officer, and a hearing will be scheduled within 30 days of receipt by the hearing officer of your request. Ten days notice will be given to you of the date, time and place of the hearing unless you indicate that less notice is acceptable to you.
- ❖ The city will submit a takings impact report to the hearing officer.
- ❖ In an appeal from a dedication or exaction, the City will bear the burden of proving that the dedication or exaction to be imposed on your property bears an essential nexus between the requirement and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement or development you proposed.
- ❖ In an appeal from the adoption or amendment of a zoning regulation, the City will bear the burden of proving that any dedication or exaction requirement in the zoning regulation is roughly proportional to the impact of the proposed use, improvement, or development, and that the zoning regulation does not create a taking of property in violation of Arizona and federal court cases.
- ❖ The hearing officer must render his decision within five working days after the appeal is heard.
- ❖ The hearing officer can modify or delete a dedication or exaction or, in the case of an appeal from a zoning regulation, transmit a recommendation to the City Council.
- ❖ If you are dissatisfied with the decision of the hearing officer, you may file a complaint for a trial de novo with the Superior Court within 30 days of the hearing officer's decision.

If you have questions about this appeal process, you may contact:

City Attorney's Office
3939 Drinkwater Blvd.
Scottsdale, AZ 85251
(480) 312-2405

Please be aware that City staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

**Owner Certification
Acknowledging Receipt
Of
Notice Of Right To Appeal
Exactions And Dedications**

I hereby certify that I am the owner of property located at:

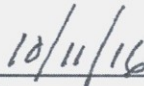
34834 N. 83rd St. Scottsdale, AZ 85266

(address where development approval, building permits, or city required improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Scottsdale as part of my property development on the parcel listed in the above address.



Signature of Property Owner



Date



Request for Site Visits and/or Inspections

Construction Document Application

This request concerns all property identified in the construction document (plan review) application

Project Name The Reserve at Black Mountain

Project Address 34834 N. 83rd St. Scottsdale, AZ 85266

STATEMENT OF AUTHORITY

- 1 I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
- 2 I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the construction document.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

- 1 I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the construction document in order to efficiently process the application.
- 2 I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner /Property owner's agent

Randal S. Clarno

Print Name

Randal S. Clarno

Signature

City Use Only

Submittal Date _____ Plan review number _____

Planning, Neighborhood & Transportation Division

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



Development Application

Development Application Type:

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

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 checked="" 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 checked="" type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input checked="" 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"/>

Project Name: The Reserve at Black Mountain

Property's Address: NWC Black Mountain Rd. & 84th St.

Property's Current Zoning District Designation: R1-190

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.

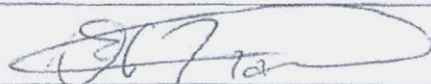
Owner: Tran Ventures LLC	Agent/Applicant: Randy Clarno
Company:	Company: Pinnacle Land Development LLC
Address: 16435 N. Scottsdale Dr. No. 440 Scottsdale	Address: 7440 E. Pinnacle Peak Rd. #142 Scottsdale, AZ 85255
Phone: Fax:	Phone: 480-401-0800 Fax:
E-mail:	E-mail: randy@criterionland.com
Designer: Alex Stedman	Engineer: Andrew Jupp
Company: LVA Urban Design Studio	Company: Kimley-Horn
Address: 120 S. Ash Ave. Tempe, AZ 85281	Address: 7740 N. 16th St. #300 Phoenix, AZ 85020
Phone: 480-994-0994 Fax:	Phone: 602-906-1373 Fax:
E-mail: astedman@lvadesign.com	E-mail: andrew.jupp@kimley-horn.com

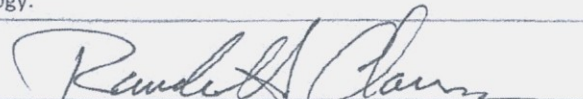
Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- 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

Official Use Only Submittal Date: Development Application No.:

Planning, Neighborhood & Transportation
7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: www.scottsdaleaz.gov



Development Application

Review Methodologies

Review Methodologies

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- City staff and the applicant to collaboratively work together regarding an application; and
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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.

Planning, Neighborhood & Transportation

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: www.scottsdaleaz.gov



Development Application

Arizona Revised Statutes Notice

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- 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.
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- 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.

Planning, Neighborhood & Transportation

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: www.scottsdaleaz.gov

Page 3 of 3

Revision Date: 05/18/2015



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 the development applications are reliant upon the approval of another development application. City Staff may agree to process concurrently where one or more the development applications are reliant upon 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		
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<input checked="" 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)
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<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input checked="" 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: Tran Ventures LLC

Company: _____

Address: 16435 N. Scottsdale Dr. No. 440 Scottsdale, AZ 85254

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 that states that a concurrent development application that is reliant on a decision of separate development application and is submitted at the risk of the property owner, is not considered to be subject to the provisions and timeframes of the Regulatory Bill of Rights (A.R.S. §9-831 – 9-840); and 4) that upon completion of the City review(s) of the development applications, the development application(s) may not be approved.

Property owner (Print Name): DAT TRAN Title: _____



Signature

Date: 10.4.2016

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

July 25, 2016

Via Hand-Delivery with Application, to:

City of Scottsdale
Planning & Development Department
7447 E. Indian School Rd.
Scottsdale, AZ 85251

Re: Letter of Authorization – The Reserve at Black Mountain– NWC 84th St. & Black Mountain Rd.

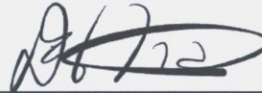
Dear Sir or Madam:

This letter authorizes LVA Urban Design Studio LLC and Kimley-Horn Associates to represent this ownership group in all matters related to the City of Scottsdale's entitlement processes for the properties generally located at the northwest corner of 84th St. and Black Mountain Rd. (APN #'s below) in the City of Scottsdale, Maricopa County, Arizona.

Entity/Owner:

Tran Ventures LLC
N/A - APN #216-34-003T

Signature:

A handwritten signature in black ink, appearing to be 'JH 722', is written over a horizontal line.



Affidavit of Authority to Act as the Property Owner

1. This affidavit concerns the following parcel of land:

- a. Street Address: N/A
- b. County Tax Assessor's Parcel Number: 216-34-003T
- c. General Location: SWC Villa Cassandra Way & 84th St.
- d. Parcel Size: +/- 5 AC
- e. Legal Description: See attached

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.

3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.

4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.

5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.

6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.

7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)	Date	Signature
<u>DAT TRAN</u>	_____, 20____	
_____	_____, 20____	_____
_____	_____, 20____	_____
_____	_____, 20____	_____

Planning and Development Services

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

APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

POLICY OF THE CITY OF SCOTTSDALE ON APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

RIGHTS OF PROPERTY OWNER

In addition to other rights granted to you by the U.S. and Arizona Constitution, federal and state law and city ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1) Any dedication or exaction which is required of you by an administrative agency or official of the city as a condition of granting approval of your request to use, improve or develop your real property. This appeal right does not apply to a dedication or exaction required as part of a city legislative act (for example a zoning ordinance) where an administrative agency or official has no discretion to determine the dedication or exaction.
- 2) The adoption or amendment of a zoning regulation that creates a taking of property in violation of Arizona and federal court decisions.

APPEAL PROCEDURE

The appeal must be in writing and specify the City action appealed and the date final action was taken, and it must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken. Address the appeal as follows:

Hearing Officer, C/O City Clerk
3939 Drinkwater Blvd.
Scottsdale, AZ 85251

- ❖ No fee will be charged for filing
- ❖ The City Attorney's Office will review the appeal for compliance with the above requirements, and will notify you if your appeal does not comply.
- ❖ Eligible appeals will be forwarded to the hearing officer, and a hearing will be scheduled within 30 days of receipt by the hearing officer of your request. Ten days notice will be given to you of the date, time and place of the hearing unless you indicate that less notice is acceptable to you.
- ❖ The city will submit a takings impact report to the hearing officer.
- ❖ In an appeal from a dedication or exaction, the City will bear the burden of proving that the dedication or exaction to be imposed on your property bears an essential nexus between the requirement and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement or development you proposed.
- ❖ In an appeal from the adoption or amendment of a zoning regulation, the City will bear the burden of proving that any dedication or exaction requirement in the zoning regulation is roughly proportional to the impact of the proposed use, improvement, or development, and that the zoning regulation does not create a taking of property in violation of Arizona and federal court cases.
- ❖ The hearing officer must render his decision within five working days after the appeal is heard.
- ❖ The hearing officer can modify or delete a dedication or exaction or, in the case of an appeal from a zoning regulation, transmit a recommendation to the City Council.
- ❖ If you are dissatisfied with the decision of the hearing officer, you may file a complaint for a trial de novo with the Superior Court within 30 days of the hearing officer's decision.

If you have questions about this appeal process, you may contact:

City Attorney's Office
3939 Drinkwater Blvd.
Scottsdale, AZ 85251
(480) 312-2405

Please be aware that City staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

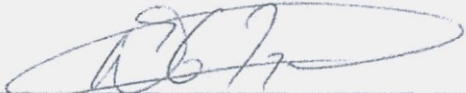
**Owner Certification
Acknowledging Receipt
Of
Notice Of Right To Appeal
Exactions And Dedications**

I hereby certify that I am the owner of property located at:

16435 N. Scottsdale Dr. No. 440 Scottsdale, AZ 85254

(address where development approval, building permits, or city required improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Scottsdale as part of my property development on the parcel listed in the above address.



Signature of Property Owner

Date



Request for Site Visits and/or Inspections

Construction Document Application

This request concerns all property identified in the construction document (plan review) application.

Project Name: The Reserve at Black Mountain

Project Address: 16435 N. Scottsdale Dr. No. 440 Scottsdale, AZ 85254

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the construction document.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the construction document in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner /Property owner's agent:

DAT TRAN

Print Name

[Handwritten Signature]

Signature

City Use Only:

Submittal Date: _____ Plan review number: _____

Planning, Neighborhood & Transportation Division

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



Development Application

Development Application Type:

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

<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input checked="" 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		<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input checked="" type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input checked="" 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"/>

Project Name: The Reserve at Black Mountain

Property's Address: NWC Black Mountain Rd. & 84th St.

Property's Current Zoning District Designation: R1-190

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: Patil Ashwinikumar	Agent/Applicant: Randy Clarno
Company:	Company: Pinnacle Land Development LLC
Address: 34846 N. 83rd St. Scottsdale, AZ 85266	Address: 7440 E. Pinnacle Peak Rd. #142 Scottsdale, AZ 85255
Phone: Fax:	Phone: 480-401-0800 Fax:
E-mail:	E-mail: randy@criterionland.com
Designer: Alex Stedman	Engineer: Andrew Jupp
Company: LVA Urban Design Studio	Company: Kimley-Horn
Address: 120 S. Ash Ave. Tempe, AZ 85281	Address: 7740 N. 16th St. #300 Phoenix, AZ 85020
Phone: 480-994-0994 Fax:	Phone: 602-906-1373 Fax:
E-mail: astedman@lvadesign.com	E-mail: andrew.jupp@kimley-horn.com

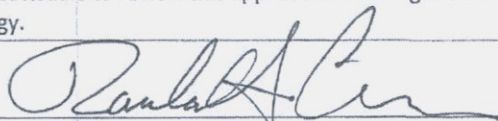
Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- 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.

 10/4/2016
Owner Signature


Agent/Applicant Signature

Official Use Only Submittal Date: Development Application No.:



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 the development applications are reliant upon the approval of another development application. City Staff may agree to process concurrently where one or more the development applications are reliant upon 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 checked="" 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 checked="" type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input checked="" 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 Patil Ashwinikumar
 Company _____
 Address 34846 N 83rd St Scottsdale, AZ 85266
 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 that states that a concurrent development application that is reliant on a decision of separate development application and is submitted at the risk of the property owner, is not considered to be subject to the provisions and timeframes of the Regulatory Bill of Rights (A.R.S. §9-831 - 9-840), and 4) that upon completion of the City review(s) of the development applications, the development application(s) may not be approved.

Property owner (Print Name) ASHWINEKUMAR PATIL Title _____

 Signature APATIL Date 10/4/16

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

July 25, 2016

Via Hand-Delivery with Application, to:

City of Scottsdale
Planning & Development Department
7447 E. Indian School Rd.
Scottsdale, AZ 85251

Re: Letter of Authorization – The Reserve at Black Mountain– NWC 84th St. & Black Mountain Rd.

Dear Sir or Madam:

This letter authorizes LVA Urban Design Studio LLC and Kimley-Horn Associates to represent this ownership group in all matters related to the City of Scottsdale's entitlement processes for the properties generally located at the northwest corner of 84th St. and Black Mountain Rd. (APN #'s below) in the City of Scottsdale, Maricopa County, Arizona.

Entity/Owner:

Ashwinikumar Patil
34846 N. 83rd St. – APN #216-34-269 & 216-34-003N

Signature:





Affidavit of Authority to Act as the Property Owner

1 This affidavit concerns the following parcel of land

- a Street Address N/A
- b County Tax Assessor's Parcel Number 216-34-269 & 216-34-003N
- c General Location NEC & NWC Villa Cassandra Way & 83rd St. alignment
- d Parcel Size +/- 15 AC
- e Legal Description See attached

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

2 I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.

3 I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.

4 The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.

5 I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.

6 If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.

7 Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)

Ashwani Patel

Date

10/4, 2016
_____, 20____
_____, 20____
_____, 20____

Signature

[Signature]

Planning and Development Services

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

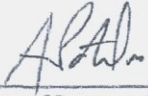
**Owner Certification
Acknowledging Receipt
Of
Notice Of Right To Appeal
Exactions And Dedications**

I hereby certify that I am the owner of property located at:

34846 N. 83rd St. Scottsdale, AZ 85266

(address where development approval, building permits, or city required improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Scottsdale as part of my property development on the parcel listed in the above address.



Signature of Property Owner

10/4/16

Date



Request for Site Visits and/or Inspections

Construction Document Application

This request concerns all property identified in the construction document (plan review) application

Project Name The Reserve at Black Mountain

Project Address 34846 N 83rd St Scottsdale, AZ 85266

STATEMENT OF AUTHORITY

- 1 I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all
- 2 I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the construction document

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

- 1 I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the construction document in order to efficiently process the application
- 2 I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection

Property owner /Property owner's agent ASHWIN KUMAR PATEL
Print Name

AS Patel 10/4/16
Signature

City Use Only	
Submittal Date _____	Plan review number _____
Planning, Neighborhood & Transportation Division 7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone 480-312-7000 ♦ Fax 480-312-7088	

PROPOSED R1-43 AMENDED DEVELOPMENT STANDARDS

Sec. 5.100. - Single-family Residential (R1-43).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 24), 4-3-12)

Sec. 5.101. - Purpose.

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

Sec. 5.102. - 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. Accessory buildings, swimming pools, home occupations and other accessory uses. The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
 2. Adult care homes; subject to the following criteria:
 - a. Floor area ratio: Is limited to thirty-five hundredths (0.35) of the net lot area.
 - b. Capacity: The maximum number of residents other than the manager or property owner at the home is ten (10).
 - c. Location: An adult care home shall not be located within seven hundred fifty (750) feet of another adult care home on the same street frontage or within five hundred (500) feet in any other direction of another adult care home.
 - d. Compatibility: The home and its premises shall be maintained in a clean, well-kept condition that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.
 - e. Parking: All parking for the property owner and any employees shall be provided in off-street locations but in no case shall parking occupy more than three-tenths (0.3) of the required front yard.
 3. Charter school located on property with a net lot size of one (1) acre or more.
 4. Day care home.
 5. Day care group home.
 6. Dwelling units, single-family.
 7. Guest houses, as an accessory use subject to the following criteria:
 - a. No more than one (1) per lot shall be permitted.
 - b. The square footage shall be no greater than one-half ($\frac{1}{2}$) the square footage of the principal building.
 - c. The guest house shall not be rented or offered for rent independent of the main building.
 - d. A guest house that is a portion of the main building shall comply with the yard requirements of the main building.
 8. Model homes.
 9. Municipal uses.

26-ZN-2016
11/02/2016

- 10 Wireless communications facilities, Types 1, 2, and 3, subject to the requirements of Sections 1 906, 3 100 and 7 200
- 11 Private tennis courts
- 12 Public, elementary and high schools
- 13 Temporary sales office buildings and buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work
- 14 Churches and places of worship, subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the R1-43 District
 - a Lot area The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net)
 - b Floor area ratio In no case shall the gross floor area of the structure(s) exceed an amount equal to 0 20 multiplied by the net lot area
 - c Building height Development Review Board may allow building heights, including towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character Maximum permissible heights may not be achievable in all neighborhoods (This provision supersedes Sections 7 100 through 7 102, exceptions to height restrictions, which shall not apply to churches within this district)
 - d Required open space
 - i Minimum 0 24 multiplied by the net lot area
 - ii For building heights over twenty (20) feet the minimum open space requirement plus 0 004 multiplied by the net lot area for each foot of building height over twenty (20) feet
 - iii NAOS may be included in the required open space
 - e Parking Parking shall observe the minimum front yard setbacks of the district for all frontages On streets classified in the Transportation Master Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback On all other street classifications, parking shall be located behind the established front building line(s)

A minimum of fifteen (15) percent of all parking areas shall be landscaped

A ten-foot minimum landscape setback shall be provided where parking is adjacent to residential districts shown on Table 4 100 A , or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4 100 A
 - f Lighting All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height

All lighting adjacent to residential districts shown on Table 4 100 A , or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4 100 A , shall be set back a minimum of thirty (30) feet from the property line All lighting, other than security, shall be shut off by 10 00 p m
 - g Screening There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts shown on Table 4 100 A , or the residential portion of a

Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

There shall be a three-foot high landscaped berm along all street frontages where parking occurs.

- h. Access: All churches must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.

Access to a local or local collector residential street is prohibited when the primary worship center, auditorium or other major gathering place exceeds three thousand (3,000) square feet.

- i. Operations: No outdoor activities shall be permitted after 10:00 p.m.

- j. Noise: Outdoor speakers or paging systems are not allowed.

B. *Uses subject to conditional use permit.*

1. Cemetery (see section 1.403 for criteria).
2. Community buildings and recreational facilities not publicly owned, such as: Athletic fields, boys' clubs, etc.
3. Farms.
4. Golf course (except miniature golf course or commercial driving range).
5. Ham transmitting or receiving radio antennas in excess of seventy (70) feet.
6. Wireless communications facilities; Type 4, subject to requirements of Sections 1.400, 3.100 and 7.200.
7. Private colleges and universities having a regular curriculum, with their related services and activities.
8. Private school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards, including, but not limited to, the following as well as those otherwise required in the R1-43 District.
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than eighty-six thousand (86,000) square feet minimum lot size.
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
 - c. Noise: Outdoor speaker systems or bells are not allowed.
 - d. Required open space:
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
 - e. Parking: Parking shall be allowed in the front yard setbacks of the district for schools on streets classified in the Transportation Master Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas in addition to open space in d. above shall be landscaped. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential

Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4 100 A

- f Lighting All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height All lighting adjacent to residential districts shown on Table 4 100 A , or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4 100 A , shall be setback a minimum of thirty (30) feet from the property line All lighting, other than security, shall be turned off by 10 00 p m , unless otherwise approved through a special event permit
 - g Screening There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts shown on Table 4 100 A , or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4 100 A
 - h Access All private schools shall have frontage on a street classified in the Transportation Master Plan as a minor collector or greater Side street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250) A drop off area shall be provided that accommodates a minimum of five (5) cars at one (1) time
 - i Operations No outdoor activities shall be permitted after 8 00 p m unless otherwise approved through a special event permit Any additions to, expansions of or proposed playgrounds or outdoor activity areas shall be setback fifty (50) feet from the property line (including right-of-way width) of any single-family residential district shown on Table 4 100 A , or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4 100 A or setback twenty-five (25) feet from any Two-family Residential R-2, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Multi-family Residential R-5 or Manufactured Home M-H district property line (including right-of-way width) All playgrounds and outdoor activity areas shall be screened from any residential district shown on Table 4 100 A , or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4 100 A by a minimum six-foot high screen wall and/or landscape screen, as approved by the Development Review Board
 - j Building design All buildings shall be designed to be compatible with the surrounding residential neighborhood All building elevations shall be approved by the Development Review Board
 - k Circulation plan The applicant shall submit a circulation plan to ensure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site
- 9 Public utility buildings, structures or appurtenances thereto for public service uses
- 10 Recreational uses including commercial stables, ranches and tennis clubs (see section 1 403 for specific uses and development criteria for each)

(Ord No 2394, § 1, 9-16-91, Ord No 2430, § 1, 1-21-92, Ord No 2431, § 1, 1-21-92, Ord No 2470, § 1, 6-16-92, Ord No 2636, § 1, 2-15-94, Ord No 2858, § 1, 12-5-95, Ord No 3048, 10-7-97, Ord No 3034, § 1, 11-4-97, Ord No 3103, § 1, 1-6-98, Ord No 3225, § 1, 5-4-99, Ord No 3493, § 1, 3-4-03, Ord No 3697, § 1(Exh 1), 9-26-06, Ord No 3879, § 1(Exh § 6), 3-2-10, Ord No 3899, § 1(Res No 8342, Exh A, § 4), 8-30-10, Ord No 3920, § 1(Exh §§ 24, 25), 11-9-10, Ord No 4005, § 1(Res No 8947, Exh A, §§ 25, 26), 4-3-12, Ord No 4140, §

1(Res No 9643, Exh A, § 2), 2-25-14, Ord No 4143, § 1(Res No 9678, Exh A, §§ 74, 75), 5-6-14)

Sec 5 103 - Reserved

Editor's note— Ord No 4164, § 1(Res No 9857, § 1, Exh A, § 8), adopted Aug 25, 2014, repealed § 5 103 which pertained to approvals required and derived from Ord No 3225, § 1, adopted May 4, 1999

Sec 5 104 - Property development standards

The following property development standards shall apply to all land and buildings in the R1-43 District

A *Lot area*

- 1 Each lot shall have a minimum lot area of not less than ~~forty three thousand (43,000) square feet~~ **thirty two thousand two hundred fifty (32,250) 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 dimensions*

Width All lots shall have a minimum lot width of ~~one hundred fifty (150) feet~~ **one hundred thirteen (113) feet**

C *Density* There shall be not more than one (1) single-family dwelling 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 ~~forty (40) feet~~ **thirty (30) feet**
- b Where lots have a double frontage on two (2) streets, the required front yard of ~~forty (40) feet~~ **thirty (30) feet** shall be provided on both streets
- c On a corner lot, the required front yard of ~~forty (40) feet~~ **thirty (30) feet** shall be provided on each street No accessory buildings shall be constructed in a front yard *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 of not less than ~~twenty (20) feet~~ **fifteen (15) feet** on each side of a building

3 Rear Yard There shall be a rear yard having a depth of not less than ~~thirty five (35) feet~~ **twenty six (26) feet**

4 Other requirements and exceptions as specified in article VII

F *Distance between buildings*

- 1 There shall be not less than ten (10) feet between an accessory building and the main building
- 2 The minimum distance between main buildings on adjacent lots shall be not less than ~~forty (40) feet~~ **thirty (30) feet**

- G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet in height are allowed subject to a twenty-foot setback from the side and rear property line. Walls, fences and hedges up to three (3) feet in height are allowed 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 within 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 of the longer street frontage 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.
- I. *Corral.* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard.

(Ord. No. 2509, § 1, 6-1-93; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 27, 28), 4-3-12)

Sec. 5.105. - Off-street parking.

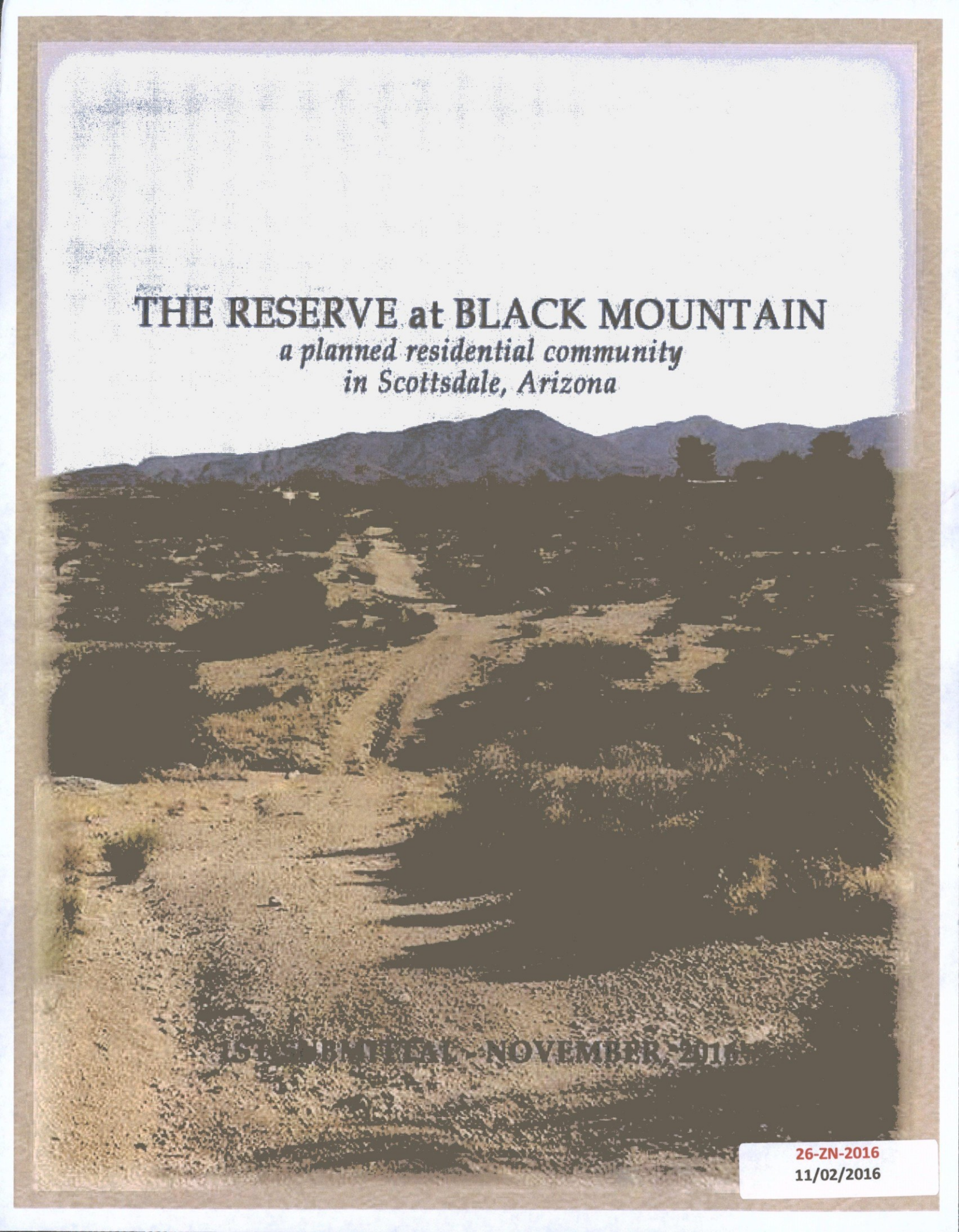
The provisions of article IX shall apply.

Sec. 5.106. - Signs.

The provisions of article VIII shall apply.

Sec. 5.107.

[Repealed by Ordinance No. 1575.]



THE RESERVE at BLACK MOUNTAIN
*a planned residential community
in Scottsdale, Arizona*

153 SUBMITTAL - NOVEMBER, 2016

26-ZN-2016
11/02/2016

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I. Purpose of Request

LVA Urban Design Studio, LLC, acting on behalf of Pinnacle Land Development, is pleased to submit this request to rezone a 45-acre property from the existing R1-190 ESL district to R1-43 ESL on a generally vacant site located on the northwest corner of 84th Street and Black Mountain Road.

See **Exhibit 2**, *Context Aerial* for the location of the property and surrounding area.

The following specifically outlines the request for this application:

A. R1-43 ESL Rezoning

The purpose of this request is to seek a rezoning from R1-190 ESL (Single-family Residential; approximately one home per five acres) to R1-43 ESL with Amended Development Standards (Single-family Residential; approximately one home per acre) on approximately 45 gross acres. The intent of this zone change is to permit the subdivision of the property into 31 single family Homesites (including two existing homes) on the 45 acre property. The proposed R1-43 district is consistent with the land use pattern and density of adjacent communities.

II. Property Location and Relationship to Surrounding Properties

A. Site Location

The subject site is approximately 45 acres of land located at the northwest corner of 84th Avenue and Black Mountain Road, approximately 1/2-mile west of Pima Road. The site consists of seven individual properties (APN#216-34-267, 216-34-268, 206-34-269, 216-34-003N, 216-34-003T, 216-34-003M, 216-34-003R and 216-34-003S) consisting of five and ten acre properties. The property legal description and ALTA Survey are provided with this application.

The property is surrounded by existing and developing residential neighborhoods. **Table 1** below provides a summary of existing and surrounding land uses, General Plan designations and existing zoning:

Table 1: On-Site and Surrounding Uses, General Plan and Zoning Designation

	Existing Land Uses	General Plan Land Use Designation	Existing Zoning Designation
SITE (Reserve at Black Mtn)	Single-family Residences	Rural Neighborhood (0-1 du/ac)	R1-190 ESL
South of Site (Cortona)	Single-family Residences	Rural Neighborhood (0-1 du/ac)	R1-43 ESL
West of Site (Sand Flower)	Single-family Residences	Rural Neighborhood (0-1 du/ac)	R1-43 ESL
North of Site (Vista Viento)	Single-family Residences	Rural Neighborhood (0-1 du/ac)	R1-43 ESL
East of Site (Sierra Highlands)	Single-family Residences	Rural Neighborhood (0-1 du/ac)	R1-43 ESL

B. Other Surrounding Land Uses within the Vicinity of the Site

Much of the property within the vicinity of the site consists of existing and planned single-family residential development, including several planned communities Sand Flower, Vista Viento Estates, Andaluza, Sierra Highlands, Sierra Boulders, and Cortana. As noted in **Table 1**, these communities are similar in density and land use to the proposed Reserve at Black Mountain community.

III. Site Analysis

A. General Plan Land Use Designation and Analysis

The property is currently designated as Rural Neighborhoods within the General Plan Land Use Map. The Rural Neighborhoods category includes areas of large lot single-family neighborhoods. This land use designation is intended for residential properties with anticipated densities of between 0 and 1 dwelling unit per acre. The proposed density of the Reserve at Black Mountain community is 0.69 dwelling units per acre.

Native desert preservation and landscaping are encouraged as well as clustering to avoid prominent environmental features, like washes and boulder outcroppings. The request to rezone from R1-190 to R1-43 will conform to the current General Plan designation. **Exhibit 8, General Plan Land Use Map** displays the site's designation.

The goals and approaches of the General Plan have been and will continue to be implemented through the rezoning process. Below are the ways in which each goal and approach is addressed:

1. *Seek early and ongoing involvement in project/policy-making discussion.*

Two neighborhood meetings were held prior to the application submittal, where participants were encouraged to ask questions to the applicant team, as well as leave comments for the proposed community. The applicant has also engaged adjacent property owners in regular communication too address questions and concerns. These communications have resulted in refinements to the site plan. **IDENTIFY THESE REFINEMENTS**

2. *Proactively seek community-wide representation on issues through vigorous outreach programs that engage citizens who are not typically involved.*

Letters of notification describing the proposal and including a copy of the site plan have been provided to HOAs and land owners within a 750' radius on two separate occasions. Also two sign postings were done to alert residents in the area of the proposal and neighborhood meeting. **ADDRESS NEIGHBORHOOD COMMENTS**

3. *Publish and process city issues in a manner that is relevant to citizens' daily lives and personal and professional interests.*

The applicant used the opportunity provided through the neighborhood meetings as a forum to address questions and describe the proposal/process for rezoning the property. These issues were articulated both verbally and through a comprehensive graphics package that includes aerial photography, copies of the General Plan and Zoning maps, as well as a rendered conceptual site plan.

4. *Accept and respond to new ways of communicating and new technologies*

Participants in the public meeting were able to communicate their thoughts in person or through a provided comment card. The applicant team also made their personal contact information available for future comments or concerns.

5. *Make available facts and information about community issues to increase understanding and insight into the complexity of challenges that affect the community.*

In addition to the applicant's verbal and illustrative presentation about the proposed application, citizens were given the project number and are able to view the project's status online at the City of Scottsdale.

6. *Foster community partnerships, community catalysts, and community networks as means of sharing information and responsibilities and working on collaborative solutions.*

The applicant has pledged to continue to partner with residents of the surrounding communities to maintain regular communication

throughout the rezoning process. Please refer to the Community Outreach Report for a comprehensive documentation of outreach efforts to date.

B. Character Area Plan Designation and Analysis

The proposed site does not fall within a Character Area Plan boundary. The Desert Foothill Character Area Plan is most proximate and most applicable character area plan.

1. Preserve the natural, visual qualities of the lush upper desert by using desert-sensitive building techniques.

The site plan has been designed to protect three prominent washes that bisect the site. Cluster development with building envelopes allow for preservation of the site's most sensitive and highest value natural areas. Much of the site's open space will be dedicated as NAOS and dedicated as protected tracts where possible.

2. Promote connected areas of desert open spaces and trails.

Building envelopes are situated to preserve wildlife corridors and prominent washes in the area. New pedestrian circulation elements (trails and sidewalks) along 84th Avenue and Black Mountain Road will be enhanced in association with the improvements to these alignments.

3. Identify and celebrate the rural desert character of the Desert Foothills area.

The natural desert is emphasized in the communities' plant and color palette. Existing desert vegetation and neutral colors celebrate those found naturally within the Sonoran Desert. The density and rural character traits found in adjacent communities will be implemented within the Reserve community.

C. Existing Land Use

The majority of the site is vacant desert land with no uses or structures. The two existing homes within the application area will be maintained. The 2-acre homesite at the northern edge of the application area will continue to maintain access directly to 84th Street as a primary access point. The home located on Black Mountain Road will also remain and take vehicular access from a private driveway off of 83rd Street via Black Mountain Rd.

The application area and adjacent communities were a component of a larger area that was annexed into the City of Scottsdale in 1985. A majority of the surrounding area has since undergone rezoning to R1-43, with exception to the proposed 45 acres which remains R1-190. With the exception of the two existing Homesites, the subject site has never been developed.

D. Existing Zoning

Existing zoning on the property is R1-190 ESL, Single-Family Residential R1-190 in the Environmentally Sensitive Land district. **Exhibit 9, Existing & Proposed Zoning Map** shows the current zoning designation. The purpose of the R1-190 ESL is to “*promote and preserve residential development. Large lots are required to maintain a low density population. The principal land use is single-family dwelling and uses incidental or accessory thereto together with required recreational, religious and educational facilities.*”

E. Topography and Drainage

The site generally slopes from the northeast to the southwest. Stormwater flows exiting the upstream developments of Andaluza and Sierra Highlands enter the site in 3 separate wash corridors that extend through the site. The two northern washes are identified as minor washes and will generally be left in a natural state where feasible. The southernmost wash is classified as a significant wash with a flow in excess of 50 cfs and will be preserved in the natural condition and current alignment. Retention will be provided largely within drainage easements in common areas, and are typically located adjacent to the internal roadway network where feasible for ease of maintenance. All proposed pads will drain to the local street network or directly to an adjacent drainage way as depicted in the case drainage report. Because this site is located within the Environmentally Sensitive Lands Overlay, a “Pre Versus Post” drainage analysis will be conducted per the City of Scottsdale Drainage Ordinance to show that all post-development stormwater flows exiting the site will be at or below the pre-development magnitudes for both the 10-year and 100-year design storms. All drainage analysis will also meet requirements outlined in the City of Scottsdale Design Standards and Policy Manual (DSPM).

F. Natural Area Open Space (NAOS) & Native Vegetation

The proposed community intends to meet and exceed the Natural Open Space requirements as outlined under the Upper Desert Landform in the Environmentally Sensitive Land Ordinance (ELSO). NAOS may be provided between development envelopes where areas exceed 30 feet, as well as larger concentrated areas found in retention basins and perimeter buffers.

A required slope analysis determined a minimum of 14.89 acres of NAOS would need to be dedicated on the site. The applicant has provided a total of 16.38 acres; 11.47 acres (70%) of undisturbed NAOS and 4.91 acres (30%) of revegetated. With this site plan the applicant intends to provide 1.49 acres (10%) in excess of natural area open space.

Native plants are considered to be a significant environmental and theming feature of the Reserve at Black Mountain community. Areas identified as NAOS will be preserved and enhanced with the development of this site, as well as efforts to salvage and relocate native plant material when possible. Densely vegetated areas like wash corridors and perimeter buffer areas will be preserved in their natural state.

G. Roads and Right-of-Way

The entrance for the project will be located on 84th Street, directly across from the entry to Sierra Highlands Subdivision. The community will be gated with an entrance that meets or exceeds City of Scottsdale standards for emergency access. All onsite roadways will be located within private tracts owned and maintained by the HOA. The internal streets will meet the Local Rural/ESL street section as depicted in the City's DS&PM. 84th Street has been previously constructed to the ultimate street section and will not require improvements or widening, although sidewalk and landscape improvements will be constructed. Required right-of-way for the half street improvements has been dedicated.

Black Mountain Road will require a small amount of half street improvements along the project frontage. These improvements will require the widening of the pavement by approximately 4 feet, and an addition of curb and gutter and natural surface trail. **Exhibit 6, *Pedestrian & Vehicular Circulation Plan*** displays this improvement information. Required right-of-way for the half street improvements has been dedicated.

All right of way that had previously been dedicated internal to the subject property will be abandoned subject to a formal application process.

H. Utilities

Individual public water and sewer services will be provided to each lot within the development. Each onsite roadway will contain a public water and sewer main within a public utility easement over the roadway tract. A gravity service will be provided to the existing home located at 34822 N. 83rd Street (APN 216-34-268). This property is currently served by septic which will be taken off-line and abandoned with this project. Water will be looped through the development from the existing main located in Black Mountain Road to the existing main located in 84th Street. The sewer main system will connect to the existing public main located just east of the project in E. Sandflower Drive. A public sewer easement will be secured over Lot 9 of the Sandflower Subdivision (APN 216-34-027) in order to make this connection. If for any reason this easement cannot be secured, a number of other sewer outfall alternatives have been identified in the Sewer Basis of Design Report. Due to challenging terrain in the southeast corner of the site, 3 proposed lots will be sewer with grinder or ejector pumps to the nearest public gravity manhole onsite. All other sewer services on the project are designed to be gravity services.

Franchise utilities will be incorporated into this project within public utility easements over all onsite roadway tracts. The following utilities are likely to serve the development: APS Electric, Southwest Gas, Century Link, and Cox Communications. These utilities will likely be joint-trenched and transformers/terminals will be placed within PUE's adjacent to roadway tracts at lot lines in various locations, as-needed, and designed by the franchise utility companies.

IV. Description and Justification of Request

A. R1-43 ESL Zoning Designation and Analysis

The proposed conceptual site plan includes 45 acres for a planned community that utilizes the Amended Development Standards to allow for modified development standards to the R1-43 ESL zoning designation to better accommodate preservation of natural environmental features. The plan includes 29 new Homesites (plus 2 existing), private gated access off of 84th Street aligned with Sierra Highland's entry, and 16.38 acres of natural open. See **Exhibit 4**, *NAOS Plan* for NAOS dedications.

The design intent is to create an environmentally sensitive community that is consistent with the density and character of surrounding planned communities. Enhanced buffers along the western and northern sides of the community were incorporated to better suit the adjacent communities. Lot orientation and a sensitive grading approach have played a role in preserving existing view corridors and minimizing drainage impacts to neighboring developments. **Exhibit 3**, *Conceptual Subdivision Plan* depicts the proposed community.

V. Design Review

A. Architectural Character

At this time the no product has been chosen for the proposed community. The applicant intends to work with a builder to incorporate homes that integrate elements of surrounding neighborhoods and characteristics that compliment the natural desert.

B. Environmental Response

The proposed site plan recognizes the prominent natural features on the site and has strategically placed building pads to accommodate prominent washes, concentrated vegetation, and wildlife habitats. Open space easements have been identified throughout the community in order to preserve natural open space and maintain undisturbed desert lands. **Exhibit 7**, *Environmental Features Map* identifies prominent natural feature.

C. Design Principles & Site Development Character

Road alignments that respond the natural topography of the site, clustering of homes, and sensitive building practices are all elements that have been incorporated into the design of the Reserve at Black Mountain community. Heat tolerant materials like stucco and tile will be the preferred building resources, while native drought tolerant plants will be utilized for landscaping of the community. Mature plant materials will provide relief from the Arizona climate for active residents. Neutral desert colors and low lighting will seamlessly integrate this community into the Sonoran Desert. **Exhibit 5**, *Conceptual Landscape Character Zones* show the site's landscape character.

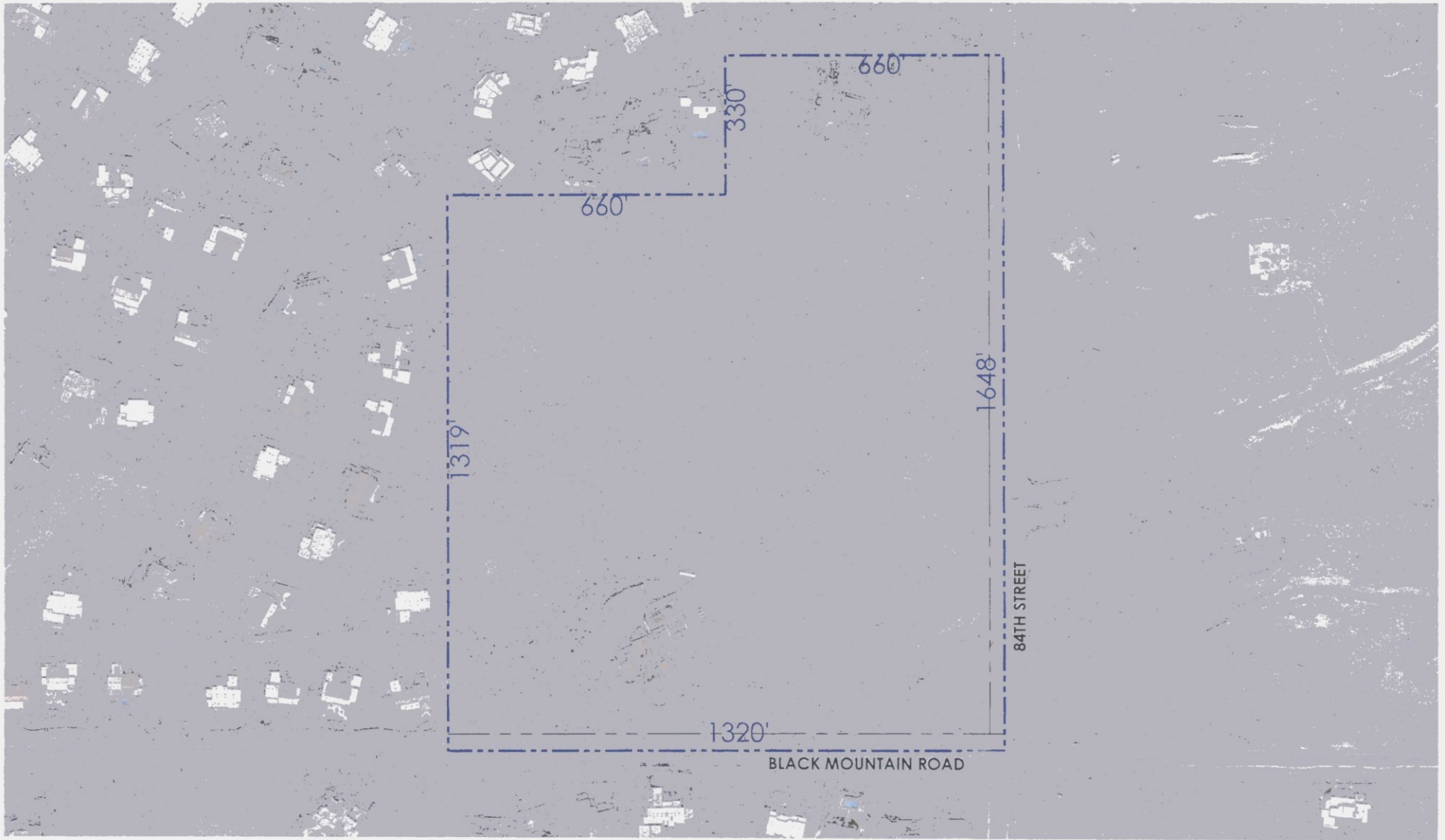
D. Landscape Character

The Reserve at Black Mountain will utilize three landscape character zones and a variety of different walls and fencing to theme the 45 acre planned community.

Zone A – Natural Vegetation will depict undisturbed portions of the property which will remain in its current natural state. Areas include but are not limited to wash corridors and NAOS tracts. Zone B – Enhanced Planting are concentrated in portions of the site that establish character and theming within the community. These areas can include salvaged plant material from onsite or nursery grown landscaping and are maintained by the community's HOA. Zone C – Native Planting are primary revegetated areas to visually mitigate the disturbance caused by construction. Plant selection and density will be designed to appear similar to the natural surrounding vegetation. Salvaged plant material from on site may also be used in this zone. Zone D – Maintained Landscaping are privately owned and maintained landscape areas that usually consist of areas adjacent to building envelopes. **Exhibit 5, *Conceptual Landscape Character Zones*** identifies these areas in relation to the site plan.

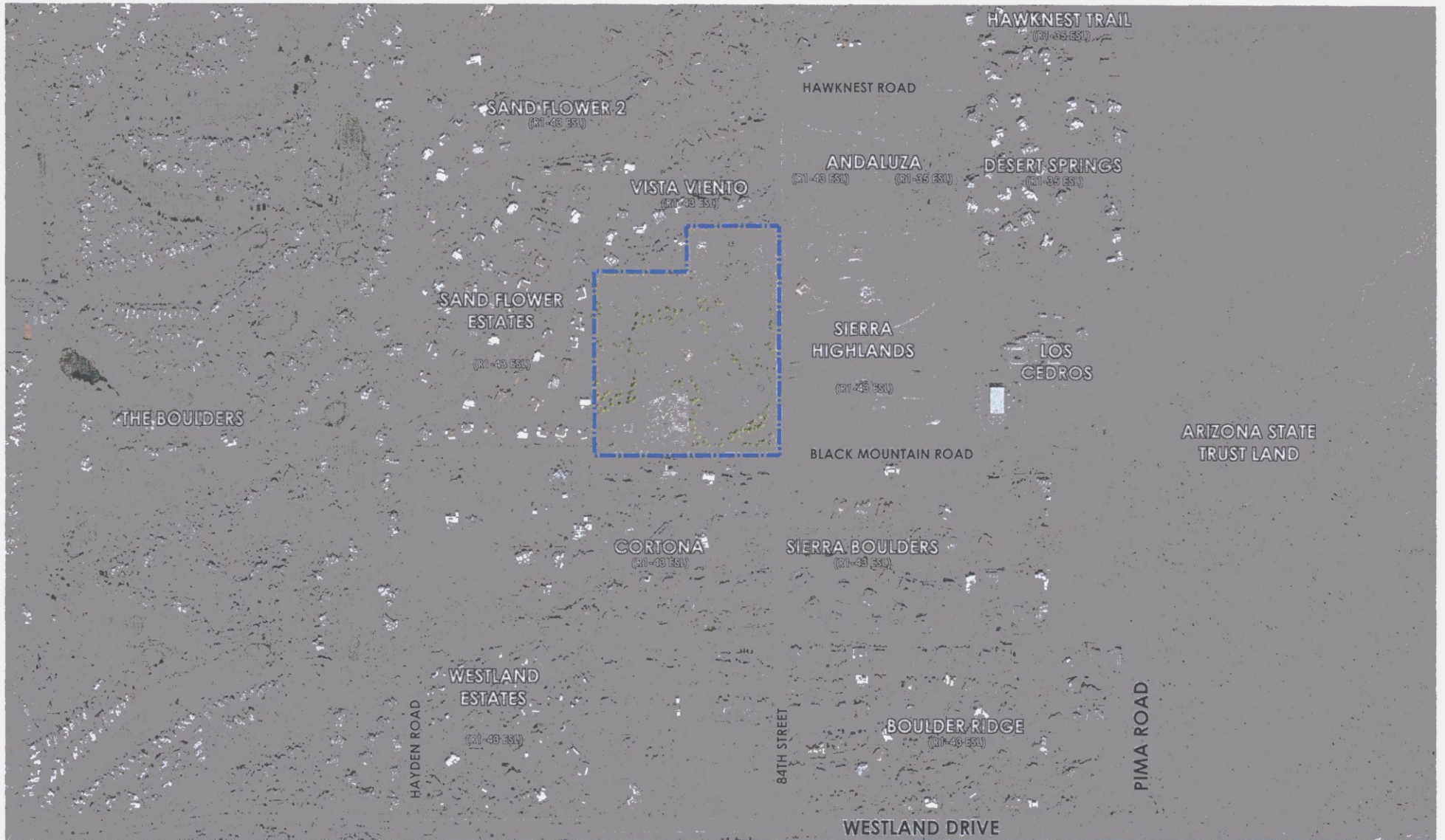
One of the main grading design goals for this project is to minimize retaining wall and exposed wall heights. In areas where retaining walls are needed (as shown in the case grading and drainage plan) they will meet the amended zoning ordinance, requirements outlined in the Environmentally Sensitive Lands Ordinance, and the City of Scottsdale DS&PM. All retaining wall heights will be limited to 6' of retained height from finished grade to finished grade. All retained differentials greater than 6' will require a tiered wall with horizontal spacing of 6'. For retaining walls with mounted screen wall, overall wall height will be limited to 12'. No single wall will expose more than 8' in height of solid block. In addition, all screen wall will be limited to a height of 8' as measured from the high side of the pad. All headwalls or singular retaining wall that are adjacent to public walkways with greater than 30" of exposed drop will have handrails that match theming for the development.

EXHIBIT 1:



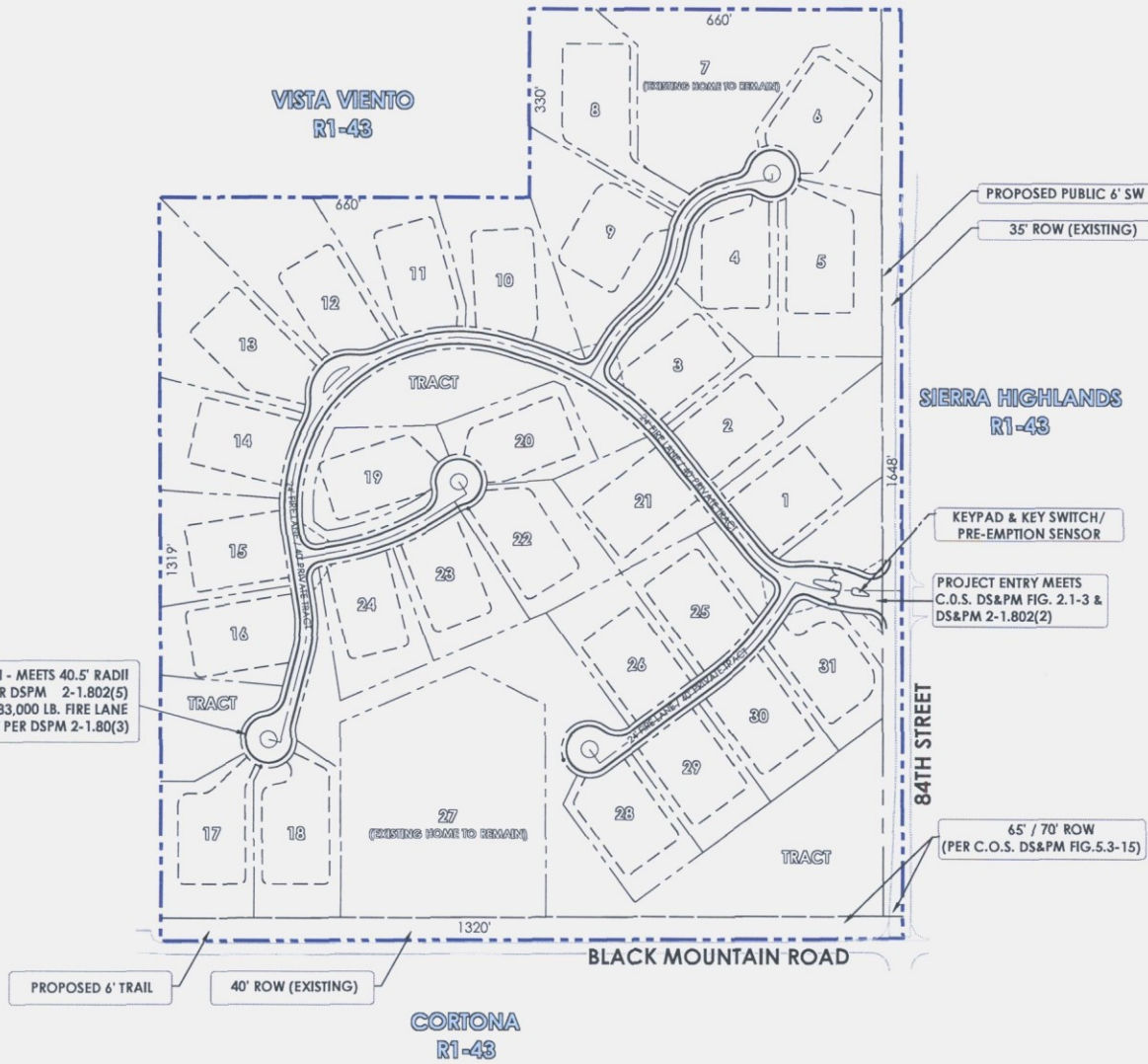
THE RESERVE at BLACK MOUNTAIN
 DIMENSION PLAN

EXHIBIT 2:



THE RESERVE at BLACK MOUNTAIN
 CONTEXT AERIAL WITH SITE PLAN

EXHIBIT 3:



LEGEND

--- GROSS BOUNDARY --- LOT LINES --- DEVELOPMENT ENVELOPES

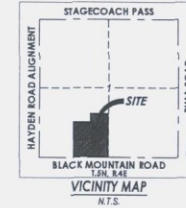
SITE INFORMATION

LOCATION: NWC 84TH ST. & BLACK MOUNTAIN RD.
 SITE AREA (GROSS): 45.0 AC (1,957,785 SQ. FT.)
 SITE AREA (NET): 42.4 AC (1,852,093 SQ. FT.)
 EXISTING G.P. LAND USE: RURAL NEIGHBORHOODS (0-1 DUA/C)
 EXISTING ZONING: R1-190 ESL
 PROPOSED ZONING: R1-43 ESL
 NUMBER OF LOTS: 31
 GROSS DENSITY: 0.69 DU/AC
 REFUSE COLLECTION: INDIVIDUAL RESIDENTIAL REFUSE CONTAINERS
 PROVIDED PARKING: 2 SPACES/UNIT TO BE PROVIDED IN GARAGE
 NAOs REQUIRED: 14.89 AC (PER SLOPE ANALYSIS)
 NAOs PROVIDED: 16.38 AC (+1.49 AC - 10% EXCESS)
 REVEG.: 4.91 AC (30%)
 UNDISTURBED: 11.47 AC (70%)

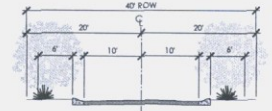
PROPOSED R1-43 AMENDED DEVELOPMENT STANDARDS

MIN. LOT AREA: 32,250 SF (25% REDUCTION PER E.S.L.)
 MIN. LOT WIDTH: 113' (25% REDUCTION PER E.S.L.)
 MAX. BUILDING HEIGHT: 24' (0% REDUCTION PER E.S.L.)
 MIN. FRONT YARD SETBACK: 30' (25% REDUCTION PER E.S.L.)
 MIN. SIDE YARD SETBACK: 15' (25% REDUCTION PER E.S.L.)
 MIN. REAR YARD SETBACK: 26' (25% REDUCTION PER E.S.L.)

VICINITY MAP



CROSS-SECTION



C.O.S. DS & PM FIG. 5.3-19 LOCAL RESIDENTIAL - RURAL/ESL CHARACTER
INTERNAL LOCAL PRIVATE STREET CROSS SECTION

EMERGENCY VEHICLE ACCESS CONFORMANCE INFORMATION

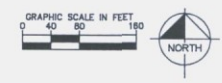
- ON-SITE STREET TRACTS ARE DESIGNATED 24" FIRE LANES.
- FIRE LANE SURFACE TO SUPPORT 83,000 LB GVW
- UNOBSTRUCTED VERTICAL CLEARANCE MIN. 13'-6"
- KEY SWITCH/PRE-EMPTION SENSOR REQUIRED FOR ALL GATES
- GATE DETAIL CONSISTENT WITH DS&PM
- ALL PRIVATE ACCESSWAYS TO MEET MINIMUM 40.5' OUTSIDE EDGE RADIUS
- PROJECT ENTRY MEETS C.O.S. DS&PM FIG. 2.1-3 & 2.1-802(2)
- CUL-DE-SAC MEETS C.O.S. DS&PM 2-1.802(5)

EXHIBIT 4:

K:\shw\cadd\2016\0501 - Black Mountain\cadd\analis\NAOS.dwg Nov 02, 2016 kyle.compbell

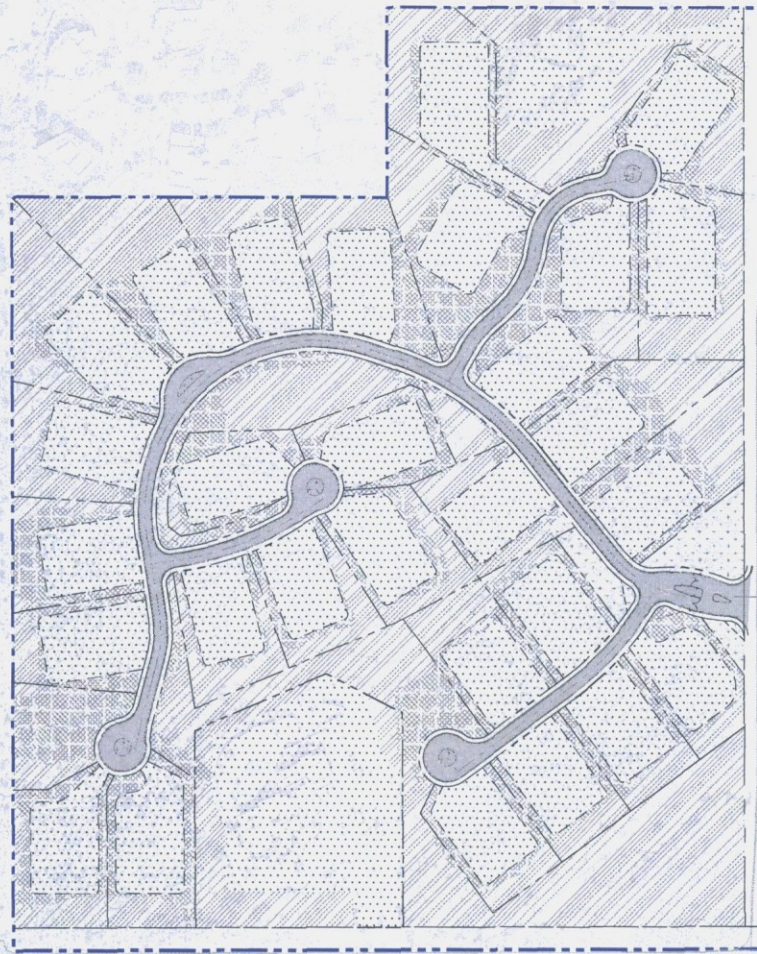


NAOS SUMMARY		
	AREA (AC)	PERCENT OF TOTAL
	4.91	30%
	11.47	70%
<hr/>		
TOTAL NAOS*	16.38	
REQUIRED NAOS	14.89	
EXCESS NAOS	1.49	+10%



NAOS ANALYSIS
Kimley»Horn
 November 2, 2016





EXHIBIT 5:



BLACK MOUNTAIN ROAD

84TH STREET

LEGEND:

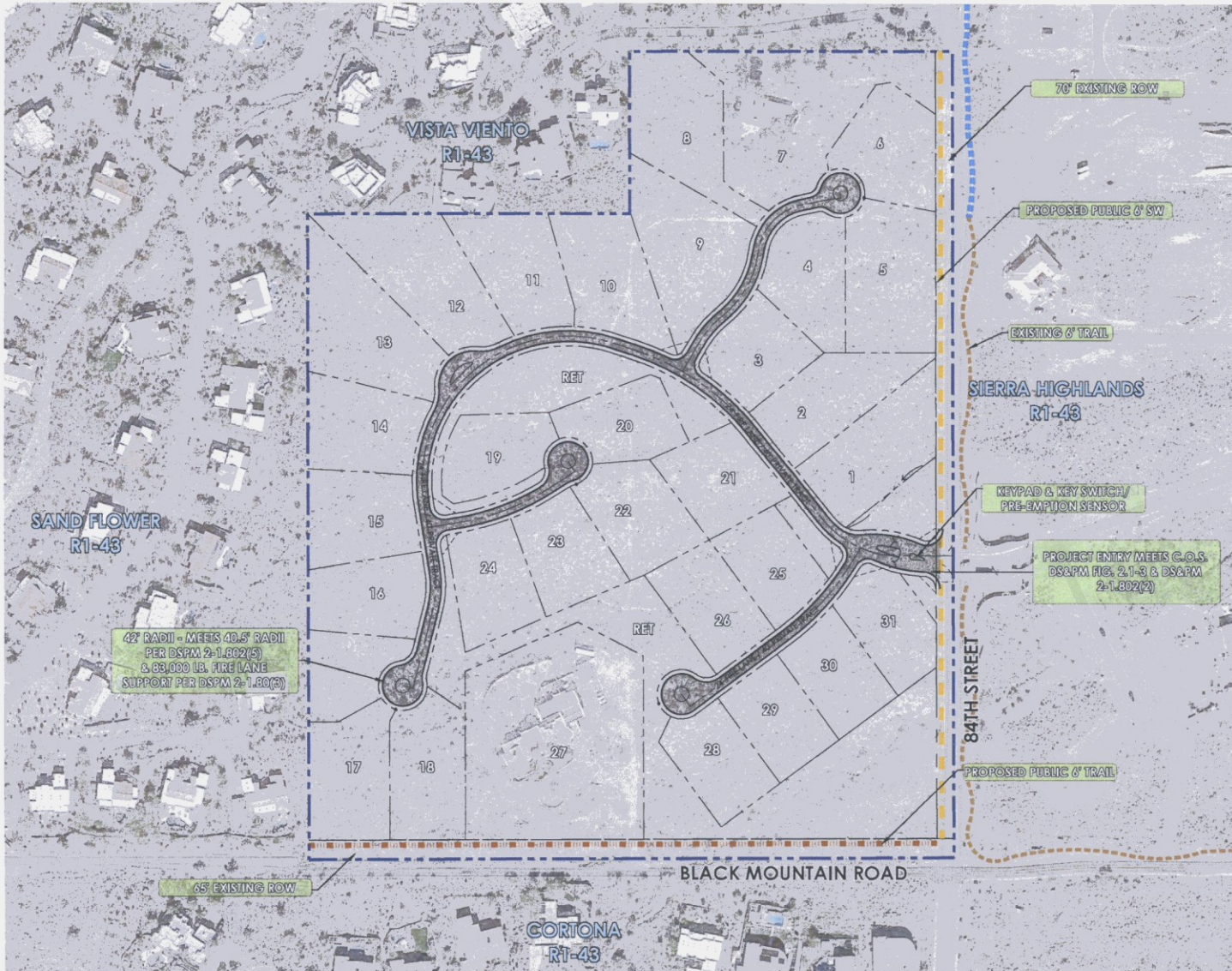
- 
ZONE A: NATURAL VEGETATION
 The identified areas depict undisturbed portions of the site which will remain in the current state.
- 
ZONE B: ENHANCED PLANTING
 The identified areas will bring character and theming to the community by including concentrated salvaged or nursery grown vegetation maintained by the HOA.
- 
ZONE C: NATIVE PLANTING
 The identified areas are primarily revegetated areas to mitigate development disturbance. Plant selection and density will match surrounding vegetation and may include salvaged materials.
- 
ZONE D: MAINTAINED LANDSCAPING
 The identified areas are privately owned and maintained. These landscaped areas are located on lot adjacent to building envelopes.

LANDSCAPE NOTES:

1. All plant material to comply with City of Scottsdale ESL plant list.
2. All disturbed areas to be top dressed with 'desert floor' decomposed granite to match color and size of adjacent inert material.
3. All berms to have maximum 4:1 side slopes.
4. Boulders are to be surface select site boulders, 1/3 buried in soil, typ.
5. 3 trees per dwelling unit shall be provided with a minimum of 234 tree per Section 10.502 of the Zoning Ordinance.

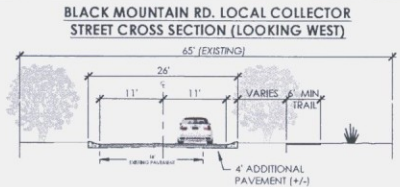
*NOTE: LIMITS OF PLANTING AREAS AS DEPICTED ON THIS EXHIBIT ARE CONCEPTUAL AND MAY BE SUBJECT TO CHANGE

EXHIBIT 6:

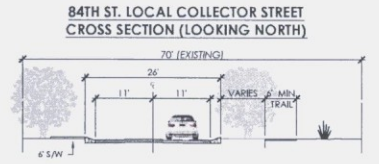


LEGEND:

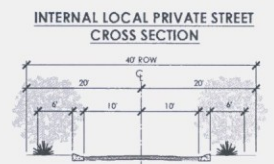
- SITE BOUNDARY
- EXISTING 5' PUBLIC SIDEWALK
- EXISTING 6' PUBLIC TRAIL
- PROPOSED 6' PUBLIC SIDEWALK
- PROPOSED 6' PUBLIC TRAIL
- RESIDENTIAL TURNING RADII (16.5'-40.5')



C.O.S. DS&PM FIG. 5.3-15 LOCAL COLLECTORS-RURAL/ESL WITH TRAILS



C.O.S. DS&PM FIG. 5.3-15 LOCAL COLLECTORS-RURAL/ESL WITH TRAILS



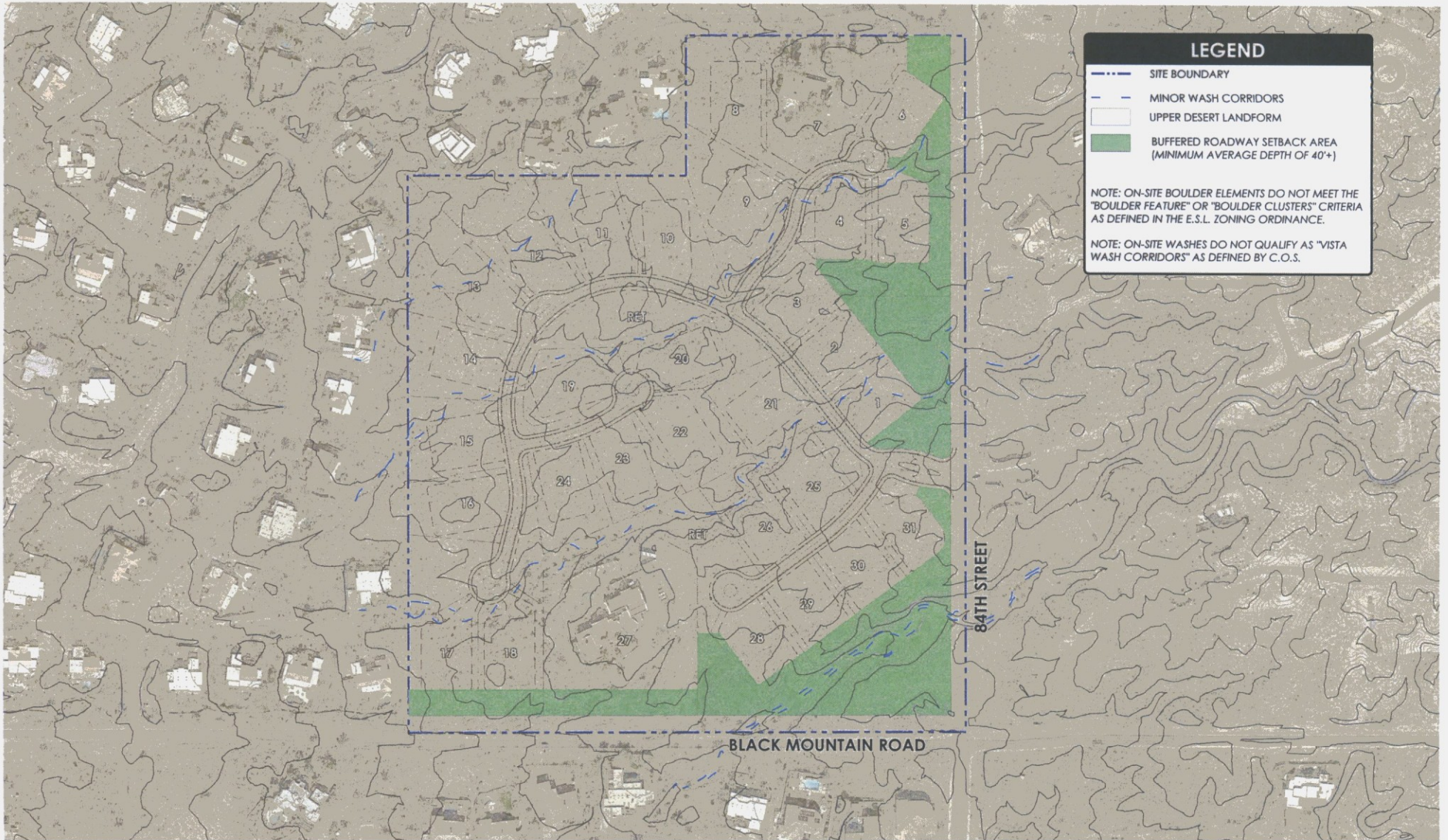
C.O.S. DS & PM FIG. 5.3-19 LOCAL RESIDENTIAL - RURAL/ESL CHARACTER

- EMERGENCY VEHICLE ACCESS CONFORMANCE INFORMATION**
- ON-SITE STREET TRACTS ARE DESIGNATED 24' FIRE LANES.
 - FIRE LANE SURFACE TO SUPPORT 65,000 LB GVW
 - UNOBSTRUCTED VERTICAL CLEARANCE MIN. 13'-6"
 - KEY SWITCH/PRE-EMPTION SENSOR REQUIRED FOR ALL GATES
 - GATE DETAIL CONSISTENT WITH DS&PM
 - ALL PRIVATE ACCESSWAYS TO MEET MINIMUM 40.5' OUTSIDE EDGE RADIUS
 - PROJECT ENTRY MEETS C.O.S. DS&PM FIG. 2.1-3 & 2.1-802(2)
 - CUL-DE-SAC MEETS C.O.S. DS&PM 2-1.802(5)

THE RESERVE at BLACK MOUNTAIN
PEDESTRIAN AND VEHICULAR CIRCULATION PLAN

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 01/1622-84TH & BLACK MOUNTAIN RD/CAD/PLANNING/LVA-1622-PED & VEHICULAR PLAN.dwg Nov 2, 2016

EXHIBIT 7:



THE RESERVE at BLACK MOUNTAIN
 ENVIRONMENTAL FEATURES MAP

EXHIBIT 8:

EXISTING GENERAL PLAN



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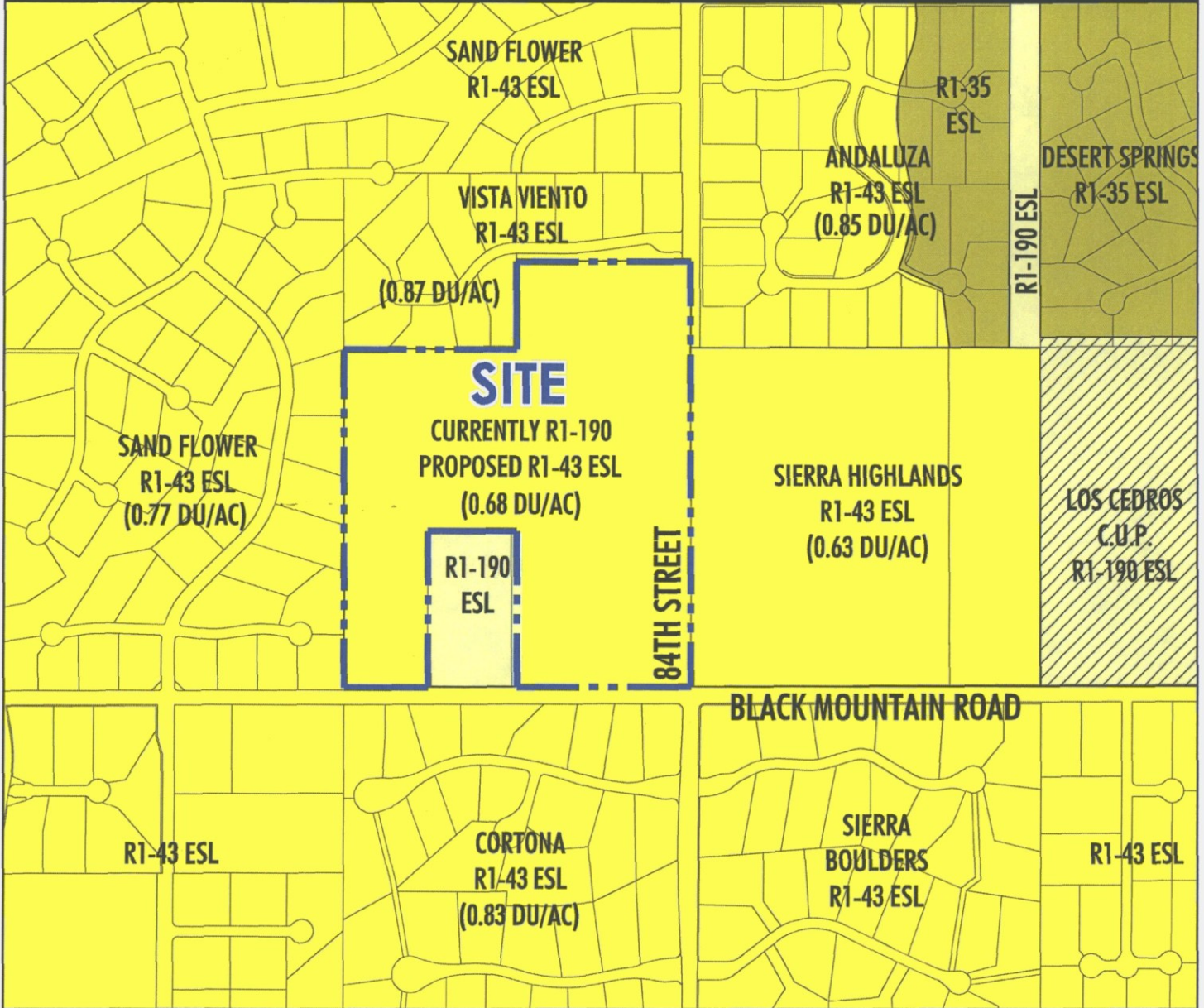
THE RESERVE at BLACK MOUNTAIN GENERAL PLAN MAP

APPROX. SCALE: 1" = 600'
 0 300' 600' 1200'
 NORTH
 1622 DRAWN BY: PR 9/30/16

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 0:1122-84TH & BLACK MOUNTAIN ROAD/PLANNING/LVA-1622-GENERAL PLAN.Map Sep 30, 2016

EXHIBIT 9:

PROPOSED ZONING



LEGEND

-  R1-190 ESL
-  R1-43 ESL
-  R1-35 ESL



APPENDIX 1:

PROPOSED R1-43 AMENDED DEVELOPMENT STANDARDS

Sec. 5.100. - Single-family Residential (R1-43).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 24), 4-3-12)

Sec. 5.101. - Purpose.

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

Sec. 5.102. - 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. Accessory buildings, swimming pools, home occupations and other accessory uses. The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
2. Adult care homes; subject to the following criteria:
 - a. Floor area ratio: Is limited to thirty-five hundredths (0.35) of the net lot area.
 - b. Capacity: The maximum number of residents other than the manager or property owner at the home is ten (10).
 - c. Location: An adult care home shall not be located within seven hundred fifty (750) feet of another adult care home on the same street frontage or within five hundred (500) feet in any other direction of another adult care home.
 - d. Compatibility: The home and its premises shall be maintained in a clean, well-kept condition that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.
 - e. Parking: All parking for the property owner and any employees shall be provided in off-street locations but in no case shall parking occupy more than three-tenths (0.3) of the required front yard.
3. Charter school located on property with a net lot size of one (1) acre or more.
4. Day care home.
5. Day care group home.
6. Dwelling units, single-family.
7. Guest houses, as an accessory use subject to the following criteria:
 - a. No more than one (1) per lot shall be permitted.
 - b. The square footage shall be no greater than one-half (1/2) the square footage of the principal building.
 - c. The guest house shall not be rented or offered for rent independent of the main building.
 - d. A guest house that is a portion of the main building shall comply with the yard requirements of the main building.
8. Model homes.
9. Municipal uses.

10. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.
11. Private tennis courts.
12. Public, elementary and high schools.
13. Temporary sales office buildings and buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.
14. Churches and places of worship; subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the R1-43 District:
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
 - c. Building height: Development Review Board may allow building heights, including towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes Sections 7.100 through 7.102, exceptions to height restrictions, which shall not apply to churches within this district.)
 - d. Required open space.
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
 - e. Parking: Parking shall observe the minimum front yard setbacks of the district for all frontages. On streets classified in the Transportation Master Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. On all other street classifications, parking shall be located behind the established front building line(s).

A minimum of fifteen (15) percent of all parking areas shall be landscaped.

A ten-foot minimum landscape setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.

All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.
 - g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts shown on Table 4.100.A., or the residential portion of a

Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

There shall be a three-foot high landscaped berm along all street frontages where parking occurs.

- h. Access: All churches must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.

Access to a local or local collector residential street is prohibited when the primary worship center, auditorium or other major gathering place exceeds three thousand (3,000) square feet.

- i. Operations: No outdoor activities shall be permitted after 10:00 p.m.

- j. Noise: Outdoor speakers or paging systems are not allowed.

B. *Uses subject to conditional use permit.*

1. Cemetery (see section 1.403 for criteria).
2. Community buildings and recreational facilities not publicly owned, such as: Athletic fields, boys' clubs, etc.
3. Farms.
4. Golf course (except miniature golf course or commercial driving range).
5. Ham transmitting or receiving radio antennas in excess of seventy (70) feet.
6. Wireless communications facilities; Type 4, subject to requirements of Sections 1.400, 3.100 and 7.200.
7. Private colleges and universities having a regular curriculum, with their related services and activities.
8. Private school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards, including, but not limited to, the following as well as those otherwise required in the R1-43 District.
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than eighty-six thousand (86,000) square feet minimum lot size.
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
 - c. Noise: Outdoor speaker systems or bells are not allowed.
 - d. Required open space:
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
 - e. Parking: Parking shall be allowed in the front yard setbacks of the district for schools on streets classified in the Transportation Master Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas in addition to open space in d. above shall be landscaped. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential

Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

- f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be setback a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
 - g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - h. Access: All private schools shall have frontage on a street classified in the Transportation Master Plan as a minor collector or greater. Side street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250). A drop off area shall be provided that accommodates a minimum of five (5) cars at one (1) time.
 - i. Operations: No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit. Any additions to, expansions of or proposed playgrounds or outdoor activity areas shall be setback fifty (50) feet from the property line (including right-of-way width) of any single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A. or setback twenty-five (25) feet from any Two-family Residential R-2, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Multi-family Residential R-5 or Manufactured Home M-H district property line (including right-of-way width). All playgrounds and outdoor activity areas shall be screened from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. by a minimum six-foot high screen wall and/or landscape screen, as approved by the Development Review Board.
 - j. Building design: All buildings shall be designed to be compatible with the surrounding residential neighborhood. All building elevations shall be approved by the Development Review Board.
 - k. Circulation plan: The applicant shall submit a circulation plan to ensure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.
9. Public utility buildings, structures or appurtenances thereto for public service uses.
10. Recreational uses including commercial stables, ranches and tennis clubs (see section 1.403 for specific uses and development criteria for each).

(Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2431, § 1, 1-21-92; Ord. No. 2470, § 1, 6-16-92; Ord. No. 2636, § 1, 2-15-94; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3697, § 1(Exh. 1), 9-26-06; Ord. No. 3879, § 1(Exh. § 6), 3-2-10; Ord. No. 3899, § 1(Res. No. 8342, Exh. A, § 4), 8-30-10; Ord. No. 3920, § 1(Exh. §§ 24, 25), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 25, 26), 4-3-12; Ord. No. 4140, §

1(Res. No. 9643, Exh. A, § 2), 2-25-14; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 74, 75), 5-6-14)

Sec. 5.103. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 8), adopted Aug. 25, 2014, repealed § 5.103 which pertained to approvals required and derived from Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.104. - Property development standards.

The following property development standards shall apply to all land and buildings in the R1-43 District:

A. *Lot area.*

1. Each lot shall have a minimum lot area of not less than ~~forty three thousand (43,000) square feet~~ **thirty two thousand two hundred fifty (32,250) 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 dimensions.*

Width. All lots shall have a minimum lot width of ~~one hundred fifty (150) feet~~ **one hundred thirteen (113) feet**.

C. *Density.* There shall be not more than one (1) single-family dwelling 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 ~~forty (40) feet~~ **thirty (30) feet**.
- b. Where lots have a double frontage on two (2) streets, the required front yard of ~~forty (40) feet~~ **thirty (30) feet** shall be provided on both streets.
- c. On a corner lot, the required front yard of ~~forty (40) feet~~ **thirty (30) feet** shall be provided on each street. No accessory buildings shall be constructed in a front yard. *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 of not less than ~~twenty (20) feet~~ **fifteen (15) feet** on each side of a building.

3. Rear Yard. There shall be a rear yard having a depth of not less than ~~thirty five (35) feet~~ **twenty six (26) feet**.

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

F. *Distance between buildings.*

1. There shall be not less than ten (10) feet between an accessory building and the main building.
2. The minimum distance between main buildings on adjacent lots shall be not less than ~~forty (40) feet~~ **thirty (30) feet**.

- G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet in height are allowed subject to a twenty-foot setback from the side and rear property line. Walls, fences and hedges up to three (3) feet in height are allowed 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 within 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 of the longer street frontage 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.
- I. *Corral.* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard.

(Ord. No. 2509, § 1, 6-1-93; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 27, 28), 4-3-12)

Sec. 5.105. - Off-street parking.

The provisions of article IX shall apply.

Sec. 5.106. - Signs.

The provisions of article VIII shall apply.

Sec. 5.107.

[Repealed by Ordinance No. 1575.]