

Nauni Valley Drive Private Road

Application for Lot Split and Conditional Use Permit for a Private Road

Submitted: January 29, 2016

Revised: March 7, 2016

Representative:	Jordan Rose, Rose Law Group pc
Property Address:	NEC of McDonald Drive and Nauni Valley Drive
APN:	169-44-012
Proposal Summary:	Lot Split and Conditional Use Permit for a private road (Nauni Valley Drive)
Applicant:	BH Nauni Valley, LLC
Property Owner:	BH Nauni Valley, LLC

Introduction

BH Nauni Valley, LLC (“Applicant”) is requesting a Conditional Use Permit (“CUP”) to establish Nauni Valley Drive as a private road meeting the Town’s requirements (see **Exhibit A**, Existing Conditions and Proposed Private Road Plan). In conjunction with the request for a private road CUP, the Applicant is applying for a lot split of parcel 169-44-012 (lot 12, Nauni Valley Ranch) which sits at the northeast corner of McDonald Drive and Nauni Valley Drive. The lot split would create two new parcels, 012A and 012B (see **Exhibit B**, Lot Split Detail).

Purpose

The purpose of this application is to comply with the Town’s policy for private roads to be permitted via CUP as well as to provide improved access to the two lots being created in conjunction with this application. This application requests that the portion of Nauni Valley Drive from the McDonald Drive ROW to a point even with the eastern most boundary of lot 169-44-012 for the full 50 foot width of Nauni Valley Drive as shown on the original Nauni Valley Ranch Subdivision (see **Exhibit C**, Nauni Valley Ranch Plat).

History

The original 16 lot Nauni Valley Ranch subdivision was created in August of 1948 by Allen and Lucille Chase. At that time, right of way for use as public streets was specifically dedicated to the public for both McDonald Drive and 56th Street. Separately, Nauni Valley Drive was clearly established as “a private road and is not dedicated for public use, but is for private use only of the lot owners in this subdivision.” Nauni Valley Drive is also shown in the survey on the plat map as a private road. While it is clear that the intention was for Nauni Valley Drive to be a private road, it does not appear to have been the intention of the creators to retain ownership of Nauni Valley Drive as they never maintained it and a tract was never created to hold it; however, it is not a tract or parcel of land, taxes have never been assessed on it and there is no property owners’ agreement among the lots it serves to formally establish responsibility for it. Thus, for almost 70 years, Nauni Valley Drive has existed since its creation as a remainder piece of land that has been informally voluntarily maintained by surrounding property owners as they saw fit.

In those 70 years, lots 1, 13, 15, 19 and 20 have changed their lot lines by a split process for 1, 13 and 15 and a lot combination for 19 and 20. As one of the largest original lots in the Nauni Valley Ranch subdivision, lot 12 is now proposed to be split as well. Discussions with Staff regarding the lot split led to a determination that formally designating Nauni Valley Drive as a private road was the most appropriate course of action. In addition to processing the CUP application to achieve this, the Applicant is also willing to re-pave Nauni Valley Drive to improve its deteriorated condition.

Compatibility with Zoning Ordinance Sec. 1103.4.A

1103.4.A.1 “Will not cause a significant increase in vehicular or pedestrian traffic in adjacent residential areas; or emit odor; dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions; or contribute in a measurable way to the deterioration of the neighborhood or area, or contribute to the downgrading of property values.”

By designating Nauni Valley Drive as a private road, the Town and Applicant will not only be in compliance with this section, it will be enhancing the adjacent and surrounding area by improving what is currently a deteriorated drive with pot holes and unmarked speed bumps. Far from downgrading property values, these improvements will contribute to the raising of property values.

1103.4.A.2 “Will be in compliance with all provisions of this ordinance and laws of the Town of Paradise Valley, Maricopa County (if applicable), State of Arizona, or the United States of America.”

The proposed private road will be in compliance with all Town, State and Federal ordinances and laws. In fact, approval of this application will bring the existing road into full compliance.

1103.4.A.3 “Will be in full conformity to any conditions, requirements or standards prescribed in the permit.”

The Applicant commits to maintain conformity with all conditions, requirements or standards as prescribed and agreed to in the CUP.

1103.4.A.4 “Will not conflict with the goals, objectives or purposes of the zoning district or policies of the Town of Paradise Valley as set forth in the Town’s General Plan.”

This proposal does not conflict with any goals, objectives or purposes of the zoning district or policies of the Town of Paradise Valley. In fact, the existing road is in conflict with the policies of the zoning ordinance so would be brought into compliance by approval of this application.

Proposed Improvements

The existing road as created by the Nauni Valley Ranch subdivision is 50 feet wide, which meets the Town’s minimum requirement per Sec. 1103.2.B.3.a. This application maintains and makes no changes to that width.

The existing paving varies from 16 feet to 29 feet wide. The Applicant proposes to pave and bring Nauni Valley Drive up to Local Street Standard Option B, as defined in the Town's General Plan, for a continuous width of 22 feet with 2 feet curb on both sides.

A deed restriction has been created and will be recorded to address the maintenance requirement of the owner of the Property for the portion of Nauni Valley Road included in the CUP. Additionally, a Roadway Maintenance Agreement has been created and will be recorded to further address the responsibility of the Applicant for maintenance of that portion of Nauni Valley Road included in the CUP as well as the Town's right to maintain that portion of the road within in the CUP as necessary and in the event that the Applicant does not fulfill their maintenance obligations.

Conclusion

Approval of this application would bring a portion of Nauni Valley Drive that has been a remnant error from a 1948 subdivision into conformance with the Town's current standards as well as improve it to the benefit of the Applicant, adjacent property owners, area property owners as well as the Town without burdening the Town with additional maintenance responsibilities. We hope you will agree and approve this request.

LEGAL DESCRIPTION

NAUNI VALLEY DRIVE ADJACENT TO LOT 12,

NAUNI VALLEY RANCH

THAT PORTION OF NAUNI VALLEY RANCH, AS RECORDED IN BOOK 44 OF MAPS, PAGE 9, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALTER RIVER, BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT D, OF SAID NAUNI VALLEY RANCH;

THENCE NORTH $89^{\circ}46'20''$ WEST (BASIS OF BEARINGS) PARALLEL WITH AND 33.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 50.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF NAUNI VALLEY RANCH DRIVE;

THENCE NORTH $00^{\circ}15'00''$ EAST ALONG SAID WEST LINE, 115.18 FEET TO THE BEGINNING OF A 400.90 FOOT RADIUS NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST, A RADIAL TO SAID BEGINNING BEARS NORTH $89^{\circ}41'16''$ WEST;

THENCE NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $89^{\circ}56'15''$ AN ARC DISTANCE OF 629.30 FEET;

THENCE NON-TANGENT TO SAID CURVE, SOUTH $00^{\circ}15'00''$ WEST A DISTANCE OF 50.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 12, AND THE BEGINNING OF A 350.90 FOOT RADIUS NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST, A RADIAL TO SAID BEGINNING BEARS NORTH $00^{\circ}14'59''$ EAST;

THENCE SOUTHWESTERLY ALONG THE EAST RIGHT-OF-WAY LINE OF SAID NAUNI VALLEY RANCH DRIVE, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $89^{\circ}55'59''$ AN ARC DISTANCE OF 550.78 FEET;

THENCE NON-TANGENT TO SAID CURVE, SOUTH $00^{\circ}15'00''$ WEST A DISTANCE OF 115.13 FEET TO THE POINT OF BEGINNING.

