

FRED LINN OSMON, A.I.A. ARCHITECT

To: Liz Lyons, President
Tonto Hills Homeowners Assoc.

From: Fred Osmon & Ralph Walters

Date: August 29, 1990

The following report was stimulated by a potential resident who has purchased Lots 213 & 214 in the commercial (C-2 zoning) core of Tonto Hills. He has also purchased a piece of Parking Tract H from Mr. Chumlea, the owner of all the parking tracts (H, G, F, J, which surround Lots 201 thru 223), for the legal access to his lot. Combined with this purchase he was granted access to his lot through the rear 40 feet area owned by Mr. Chumlea. He intends to build a combined residence and steel fabricating shop. The County will require a paved parking area and driveway on his lot due to commercial use.

The Deed Restrictions will require masonry construction, screened outdoor areas, etc. An ideal of the Architectural Control Committee would be to guide each new commercial project in such a way that the total group of buildings on all lots combined, presented a reasonably harmonious appearance (use the same material for the property walls, similar setbacks, similar amounts of landscaping, etc.). The best solution would be to keep the Parking Tract in front as driveway only with landscaping instead of a parking lot. This may be possible since most of these owners will not require much parking or drive-in traffic. We may even find a way to use a driveway for more than one property so we don't have a drive to every single lot. Lots 208, 209, 219, and 218 do not need to purchase access from Mr. Chumlea since they have access from Kachina Rd. or La Plata Rd. What will he do with the unsalable adjacent pieces of Parking Tract? He could deed them free to the adjacent lots when they purchase access from him or deed them to the Homeowners Association. Lot 219 has the Kachina Doll on the piece adjacent to it. The small 20 foot side pieces of the parking tracts next to the end Lots 213, 212, 210, and 223 could be a maintenance problem if not deeded to adjacent owners. As far as we can gather the palm trees and part of the entry walls are in this 20 foot strip owned by Mr. Chumlea.

Obviously the Architectural Control Committee will do everything it can to assure the best possible overall look of this commercial area but the Deed Restrictions give us very few tools. Working with the County will give the Committee some additional muscle.

Here are some present questions that will need resolution in the future.

1. The Deed Restrictions say you can't subdivide a commercial lot any smaller than the smallest commercial lot (9000 sq. ft.). This means in most cases that two commercial lots are needed to get enough parking tract in front for the minimum lot. Also, Mr. Chumlea can only divide a parking tract three times before it becomes a subdivision requiring all sorts of expensive improvements. Therefore two lots become the minimum for a lot that can be developed. Presently there are some one-lot owners. The owner of Lots 214 and 213 has purchased two lots and enough parking tract to be legal.

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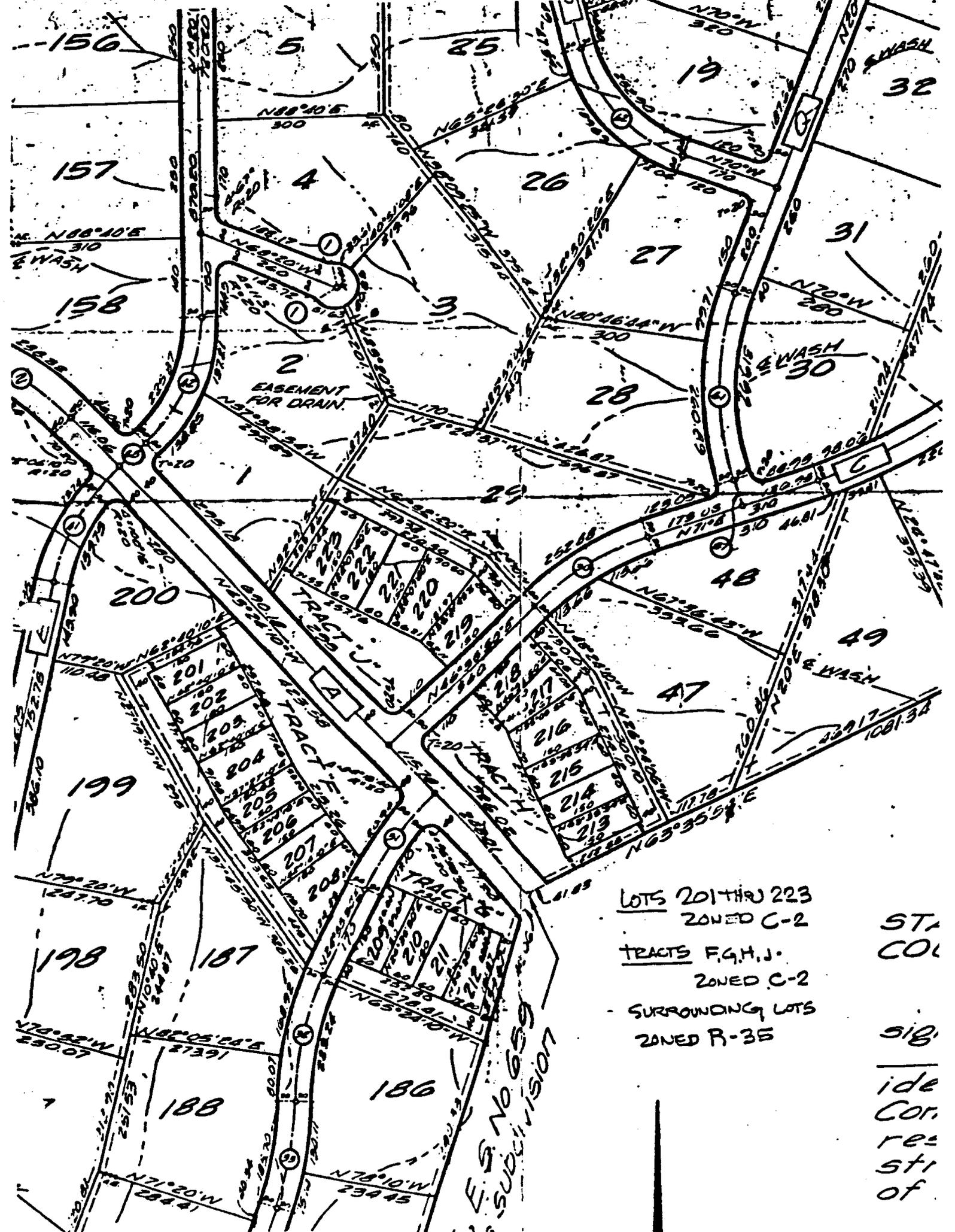
2. (Items in the revised Deed Restrictions)
Do we want to, or can we hold the commercial lot owner to a residence of 2000 sq. ft.? In most cases a two story building will block someone's view. What if this is the commercial part and not the residence?
3. We will need to coordinate with the County Flood Control Department since there is considerable sheet flow of water over this commercial area and it could cause problems to adjacent residential property.
4. The utility poles do not seem to be on the utility easement. This needs checking. Power needs to come underground from these poles per the Deed Restrictions.
5. Could someone challenge Mr. Chumlea regarding the lack of access to their lot? Can he legally block use of a lot and sell access?
6. Artists with studios should be encouraged as one of the best uses for this property. The C-2 zoning allows uses that could be objectionable to the residential area and lower property values. This of course is an understatement. C-2 zoning allows used car lots, car washes, auto repair shops, bars, carpentry shops, drive-in restaurants, motels, stores of all kinds, trailer parks, funeral homes, etc., etc. There is no way to make some of these uses look good. If everything remains as is, property values in Tonto Hills will go down in relations to the amount of commercial development.

In that regard could we separate this commercial area from the rest of Tonto Hills in such a way that it is not the main entry to Tonto Hills, and at the same time do not create a negative situation for the commercial lot owners?

This seems to be possible if we would close off Old Mine Rd. from the end of the commercial Lots 201 and 223 but keep open Kachina Rd. and La Plata Rd. Due to its width Old Mine Rd. would allow a turn around at this same end of the commercial area and the created cul de sac would not be too long. Kachina and La Plata would not allow this same condition. In a normal situation we would probably have a hassle on our hands with the commercial lots since they would be dependent on drive-by traffic for business. But even though we don't have this type of commercial use (assumed) I think we would need their OK to avoid a lawsuit. In this regard I wonder whether we should initiate a closure before the commercial area gets too developed. That is if we think closure is a good idea.

We have spoken with Bob Brittan of the County Zoning Dept. and Bob Woodring of the Highway Dept. Woodring, of course, mentioned the request to temporarily close the two entrances which we are suggesting as the residential entries. Since this request is a temporary closure it could be opened at any time. The part of Old Mine Rd. abandoned (approximately 300 ft. X 80 ft.) would revert one half to each adjacent property; Lots 1 and 200. He could offer no yes or no regarding a permanent Old Mine Rd. closure but indicated they were always open to a request. The northern entry/exit has some problems with access onto a blind curve and ~~some~~ we assume some road revision would be required for approval.

7. Should we encourage anyone who wants to buy up a big block of these lots to put in condominiums and then support the necessary special use permit from the County? How this relates to item 6 is open. If we agree on item 6 maybe this approach is redundant or contrary.



LOTS 201 THRU 223
 ZONED C-2
 TRACTS F, G, H, I, J
 ZONED C-2
 SURROUNDING LOTS
 ZONED R-35

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