

## **BACKGROUND REPORT**

### **REQUEST**

Doug Jordan, P.C., on behalf of Town Triangle, L.L.C., has filed six application requests on a 4.4-acre property located at the northwest corner of the Northern Avenue alignment and Scottsdale Road (Parcel No. 174-36-002X). This is the undeveloped triangular property adjoining the Camelback Golf Club, Indian Bend Wash, and Scottsdale Road.

The intent of these application requests is to develop eight single-family residential lots having an allowable minimum lot size of 10,000 square feet. Although, the lot sizes of the proposed lots will likely vary between approximately 12,000 square feet to 35,600 square feet.

The application requests are as follows:

- (GP-16-01) A Major General Plan Amendment to change the land use designation from "Low Density Residential" to "Medium Density Residential." "Medium Density Residential" permits densities up to 4.5 homes per acre.
- (MI-16-03) A Text Amendment to the Town's Zoning Ordinance, including Section 201 and Section 801, to allow the "R-10 Single-Family Residential District" to apply to the subject property. This district presently only applies to three existing annexed subdivisions.
- (MI-16-04) A Rezoning to change the zoning district from "R-43 Single Family Residential District" (minimum 43,560 square-foot lots) to the "R-10 Single-Family Residential District" (minimum 10,000 square-foot lots).
- (CUP-16-02) A Conditional Use Permit to make the roads within the proposed subdivision private.
- (SUP-16-03) A Special Use Permit (SUP) for private roadway gates off Scottsdale Road onto the main access road of the proposed subdivision.
- (PP-16-03) A Preliminary Plat for the eight 12,000 square-foot to 35,000 square-foot lots.

### **PLANNING COMMISSION ACTION/DISCUSSION**

In a vote of 4 to 0 on December 6, 2016 (Commissioners Wastchak, Wincel, and Campbell absent), the Planning Commission recommended forwarding to the Town Council denial of GP-16-01 to change the land use designation from "Low Density Residential" to "Medium Density Residential." This recommendation was made to allow for the applicant to consider other alternatives, allow this matter to be presented at a public hearing to the Town Council within the calendar year of 2016, and provide an opportunity for the Planning Commission to discuss and make a recommendation on this application should the Town Council continue the request.

At the request of the applicant, in a vote of 7 to 0 on November 15, 2016, the Planning Commission continued all six application requests to the meeting of December 6, 2016. There was no discussion at this meeting.

On November 1, 2016, the Planning Commission held a study session and held a citizen review meeting. The general questioning during the November 1<sup>st</sup> meeting related to time limit prescriptions on the various applications, information on the drainage, and the vehicle stacking related to the private roadway gates.

The Planning Commission heard an introductory explanation of the application requests at the August 15, 2016 meeting. This meeting was informational in nature.

### **NOTICING - COMMENTS**

Several opportunities exist for noticing and comments by the public and/or other agencies on the various applications. Cheney Estates Homeowner Association provided a letter of support. As of November 15<sup>th</sup>, Camelback Golf Club remains neutral toward the requests. Several residents have commented on the application requests. Those against cite setting a precedent for smaller lots elsewhere in Town and a concern over amending the General Plan that the majority of residents ratified. Those in support cite a preference for residential versus any of the various proposed non-residential inquiries on the site over the past years, the single-story aspect of the request, and the lower traffic and nuisances compared to a non-residential use. Refer to the attached "Comments - Minutes" for more information.

### **EXISTING CONDITIONS**

#### Site Characteristics:

The existing site is triangular in shape and devoid of much vegetation. It is generally isolated from the nearby residential homes. It borders the City of Scottsdale and Scottsdale Road along its east side. There is an existing block wall and landscaping along Scottsdale Road. This block wall is located within the jurisdiction of the City of Scottsdale. The south side of the site borders the unimproved right-of-way of Northern Avenue and the Indian Bend Wash. The northwest side of the site borders the Camelback Golf Club and part of the Indian Bend Wash. Presently, approximately three-fourths of the site lies within the floodway of Indian Bend Wash. Although in the floodway, the site was graded and raised in elevation sometime between the years of 1997 and 2000 based on aerial information. The site itself is relatively flat and drops in elevation along its south and northwest sides. Development on the site will require a letter of flood map revision through the Federal Emergency Management Agency (FEMA). The FEMA application will require both the City of Scottsdale and the Town of Paradise Valley to review the application for completeness.

#### General Plan:

The 2012 General Plan Land Use Map designates the subject property as "Low Density Residential" at up to one single-family home per acre. The subject site is not located within a Development Area. The adjoining properties south and northwest of this site

are designated as “Private Open Space” per the Town’s General Plan. This adjoining land consists of the Indian Bend Wash, a portion of the Camelback Golf Club fairway, and a landscape tract of Cheney Estates located in the floodway. Also, Mobility Policy 4.4.1.2 of the General Plan discourages the installation of private roadway gates.

Zoning:

The subject property is currently zoned R-43 and is limited to one single-family house per acre. The subject site is not designated hillside.

The adjacent property to the south is Cheney Estates which has both R-35 and R-18 Cluster Plan (CP) zoning. The lot sizes vary between 16,464 square feet to 1.1 acre in size. The average lot size in Cheney Estates is 25,718 square feet.

The zoning of the property to the northwest of this site is Special Use Permit – Resort. It is the golf course of Camelback Golf Club. Surrounding this golf course are the homes in the various phases of Camelback Golf Club Estates zoned R-43. The lots in Camelback Golf Club Estates meet the R-43 District minimum size of one-acre. Yet, many of these lots have easements across them. These easements cover up to half of the lot and restrict construction, resulting in essentially half-acre lots.

The Scottsdale development of Santo Tomas due east of this site is zoned R1-10 PRD, allowing a minimum lot size of less than 10,000 square feet since it is a planned residential development. The lots in this plat vary between 5,800 square feet to 37,000 square feet. The average lot size is 6,920 square feet.

**GENERAL PLAN MAJOR AMENDMENT**

The General Plan application was filed on May 31, 2016, meeting the deadline to file for the 2016 calendar year. The required 60-day jurisdiction review was mailed on June 7, 2016, with the 60-day deadline ending August 6, 2016.

A major amendment to the Town’s General Plan relies on making a value judgement of how this requested change meets the intent, vision, and goals of the General Plan ratified by the residents. Attached is a summary of some of the General Plan policies that can aid in evaluating the requested General Plan designation change from "Low Density Residential" to "Medium Density Residential." The General Plan in several locations emphasizes one-acre residential lots. This includes the general preface “this Plan emphasizes the desire of the community to remain primarily one-acre residential properties.” Lots that are less than one-acre in size are encouraged in a designated Development Area or associated with a resort Special Use Permit zoning district. However, approximately 15-percent of the residential lots/parcels in Town have a zoning district and lot size less than one acre. There are also approximately 15-percent of the R-43-zoned lots/parcels that are not one-acre in size. The majority of these lots less than one-acre were pre-existing at that size at annexation. The General Plan policies on new development look to the nearby character. The nearby character to the subject site does include lots less than one acre, lots with wash easements less than

one acre, and lots that are west of the subject site in the City of Scottsdale that have an average lot size of 6,920 square feet.

A General Plan amendment will require recommendation by the Planning Commission and action by the Town Council. This will be by resolution. No stipulations are allowable as part of the action. It may be possible to delay the effective date, but constraints exist.

### **ZONING ORDINANCE TEXT AMENDMENT**

The proposed development would require a text amendment to Section 201 and Section 801 that describes the “R-10 Single-Family Residential District.” Both sections have identical text. The requested edits would specifically identify the proposed plat such that it is clear the R-10 District can only apply to the three existing subdivisions and this proposed subdivision should the Town approve the concurrent application requests. Said amendment shall be as follows (with deletions shown as ~~strike throughs~~ and additions shown in **bold type**):

Article II, Definitions, Section 201, is hereby amended:

R-10 District: This district applies to ~~previously annexed~~ **the** subdivisions known as Mountain Shadows East, Mountain Shadows West, ~~and~~ Colonia Miramonte, **and the Villas at Cheney Estates**. This district is intended for single-family dwellings and uses incidental or accessory thereto, with a lot size of at least 10,000 square feet.

Article VIII, (R-10) Single-Family Residential District, Section 801, is hereby amended:

Section 801. Purpose: This district applies to ~~previously annexed~~ **the** subdivisions known as Mountain Shadows East, Mountain Shadows West, ~~and~~ Colonia Miramonte, **and the Villas at Cheney Estates**. This district is intended for single-family dwellings and uses incidental or accessory thereto, with a lot size of at least 10,000 square feet.

A text amendment to the Zoning Ordinance will require recommendation by the Planning Commission and action by the Town Council. This will be by ordinance. No stipulations are allowable as part of the action. However, the ordinance can be drafted to delay the effective date to approval of the final plat and/or other action.

### **REZONING**

The proposed development would require a rezoning, changing the zoning district from “R-43 Single Family Residential District” (minimum 43,560 square-foot lots) to the “R-10 Single-Family Residential District” (minimum 10,000 square-foot lots).

A rezoning will require recommendation by the Planning Commission and action by the Town Council. This will be by ordinance. Stipulations are allowable as part of the action. Possible stipulations could include time prescriptions for the executed Proposition 207 waiver, substantial conformance with the preliminary plat, requirement that the conditional letter of map revision (CLOMR) be approved by FEMA as part of the final plat application, requirement that the final improvements related to the final letter of map

revision by FEMA by complete prior to plat recordation, a stipulation that documentation on the 100-year assured water supply be submitted with the final plat application, and a provision for assurances related to any potential bicycle or pedestrian improvement along the subject property. The ordinance can also be drafted to delay the effective date to approval of the final plat and/or other action.

### **SPECIAL USE PERMIT**

Section 1102.2.F of the Zoning Ordinance requires that private access control gates on private roads be approved via the Special Use Permit process that starts with obtaining a Statement of Direction (SOD) from the Town Council. The Town has no regulations for such gates. Instead, there are SUP Guidelines to allow for evaluation of each request in a case-by-case basis. These SUP Guidelines for private roadway gates are the same regardless of the zoning district, lot size, and number of lots served by the proposed private access gate.

The SUP Guidelines recommend access control gates be limited to a maximum height of 8 feet, a minimum setback of 150 feet from centerline of the nearest intersecting street, and a turnaround that meets the Town's cul-du-sac standards of a 45-foot radius. The SUP Guidelines also provide for lighting and signage. Lighting guidelines include hooding and shielding of light fixtures, allowance for up lighting and pole lights, and maximum light levels of 5.0 foot-candles for entrance roadways and 0.5 foot-candles at the property line. Signage guidelines include one wall sign not to exceed 6 feet in height or 6 square feet in area, with ground signs not to exceed 4 feet in height or 2 square feet in area.

A special use permit will require recommendation by the Planning Commission and action by the Town Council. This will be by ordinance. Stipulations can be part of the action. Draft stipulations may include substantial conformance to the various plans/exhibits related to the gates, substantial conformance to the preliminary plat/final plat, the homeowners association shall be responsible for all maintenance, lighting complies with the Town Code, and/or a requirement that there be a single trash provider and yard maintenance provider to minimize nuisance and any potential vehicle stacking conflicts.

### **CONDITIONAL USE PERMIT**

There are four findings in Section 1103.4 of the Town Zoning Ordinance the applicant must meet for the Planning Commission to approve a private road. These findings are as follows:

1. *The use 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.*

2. The use will be in compliance with all provisions of this ordinance and the laws of the Town of Paradise Valley, Maricopa County (if applicable), State of Arizona, or the United States of America.
3. The use will be in full conformity to any conditions, requirements or standards prescribed in the permit.
4. The use 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.

A Conditional Use Permit is approved by the Planning Commission and appealable to Town Council. This approval will be as recorded in the minutes. Stipulations can be part of the action. Draft stipulations may include substantial conformance to the legal description of the private right-way exhibit, substantial conformance to the Preliminary Plat, lighting comply with Town Code and/or Special Use Permit Guidelines, landscaping comply with Town Landscaping Guidelines, recordation of a private roadway maintenance agreement, and provision for assurances to complete roadway improvements.

#### **PRELIMINARY PLAT**

A preliminary plat follows the standards outlined in Chapter 6, Subdivisions, of the Town Code. If necessary, Article 6-8, Variances and Modifications, of that chapter allows the Planning Commission the ability to recommend variations to the subdivision code, along with any necessary conditions of approval. The modifications as part of the proposed preliminary plat relate to the turn-around adjoining Lot 1 as described under Special Use Permit and the requirement of public utility easements on all sides of each lot.

##### *Scottsdale Road*

The property adjoins Scottsdale Road to the east. Scottsdale Road is a major arterial road. This road and the adjoining six-foot high block wall on a two-foot berm are located fully within the City of Scottsdale. No additional right-of-way is required on Scottsdale Road.

##### *Northern Avenue Alignment*

The property adjoins the Northern Avenue alignment to the south. This alignment is designated as a local road on Figure 4.1, Motorized Circulation Map, of the Town's General Plan. Several constraints exist in improving this alignment to connect to Golf Drive. This adjoining half-width of right-of-way is 40-feet. A typical local road half-width of right-of-way is 25 feet. No additional right-of-way is required, and this right-of-way may be a possible candidate for future abandonment and/or improvement as a bicycle/pedestrian connection to Golf Drive.

### *Proposed Ironwood Drive*

The proposed roadway complies with the dimensional standards in the Town Code. This includes the right-of-way width and cul-de-sac radius. The exception is the terminus of the small roadway segment adjoining Lot 1 which does not have a cul-de-sac, but meets fire code provisions.

### *Lot Configuration*

As drawn, the proposed subdivision meets all area requirements for R-10 lots, including size, lot width, access to a public street via a private road, and setbacks.

### *Tracts*

The proposed plat includes four tracts. All tracts will be maintained by the homeowner association. Tract A is the private roadway as legally described with the requested Conditional Use Permit. Tracts B and D are for landscaping, with Tract B also being used for open space and retention.

### *Conceptual Subdivision Wall/Landscaping Plan*

Section 2408 of the Town Zoning Ordinance, allows for the review of the location, height, setback, and design of perimeter subdivision walls and/or fences. The Town has approved conceptual perimeter walls, fencing, and/or landscaping with the preliminary plat in some prior plat applications.

### *Utilities*

All new utility lines will be located underground. Each of the proposed lots has the required 8-foot wide public utility easement in the front yard in accordance with Section 6-3-3 of the Town Code.

The applicant has provided will serve letters from all the utility providers that will serve this development. Many of the utilities will require extension of utility lines that will access from either adjoining rights-of-way. The applicant will also need to obtain the state required assured water supply certificate as part of the final plat process.

### *Drainage*

The property is presently mapped within a major designated flood hazard area, as approximately three-fourths of the site lies within the floodway of Indian Bend Wash. Although in the floodway, the site was graded and raised in elevation sometime between the years of 1997 and 2000 based on aerial information. Development on the site will require a letter of flood map revision through the Federal Emergency Management Agency (FEMA). This map revision will be approved by FEMA in two stages, a conditional letter describing what improvements may be required and a final letter once the improvements have been made. This map revision is in process.

### *Fire Protection*

The proposed lots will need to meet all standards related to fire protection.