

# **TOWN OF PARADISE VALLEY**

**5000 E Cottontail Run Rd**

**7117 N Tatum Blvd**

**Private Roadway Special Use Permit**

**Public Hearing**

Town Council  
June 9, 2022



# TODAY'S GOAL

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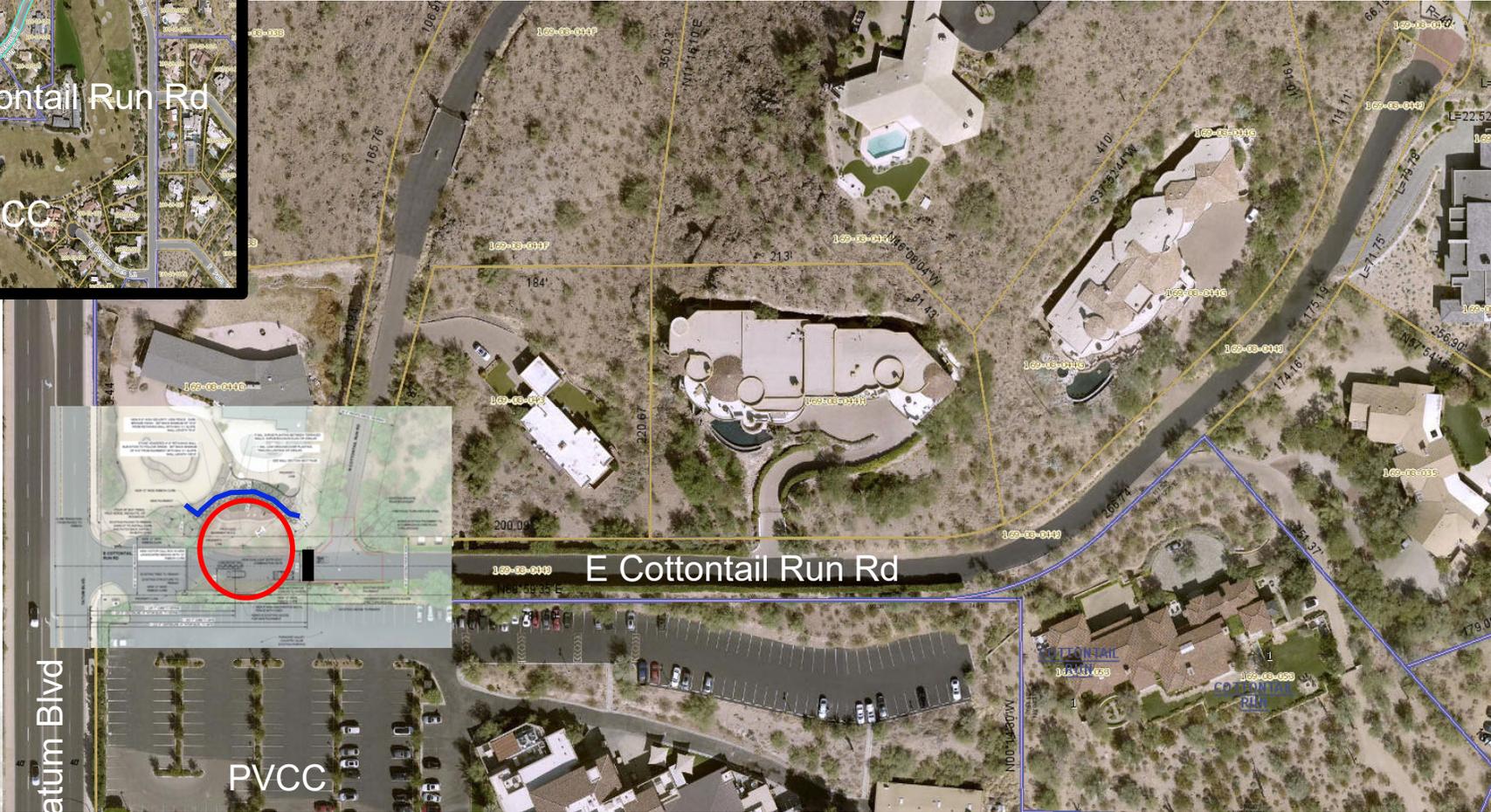
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**Discussion and action on a new Special Use Permit (SUP-21-02) for a private roadway gate on East Cottontail Run Road (5000 E Cottontail Run Rd & 7117 N Tatum Blvd)**



06/09/2022

# VICINITY MAP



# PROPERTIES WITHIN GATED AREA



### Behind gate

9 existing homes  
10 parcels

★ No legal access to Cottontail

★ Access to Cottontail, not behind gate



# COMMISSION RECOMMENDATION

## Action

- April 19, 2022
- Unanimous recommendation to approve
- Ordinance 2022-22, 7 stipulations
- 8<sup>th</sup> stipulation final gate design prior to Council approval

\* Prior to/on ordinance effective date

## Stipulation Summary

1. Legal descriptions of the property
2. Substantial compliance with submitted plans
- \* 3. Grant of Access Easement Over Private Roadway and Private Roadway Maintenance Agreement (Town + Applicant)
- \* 4. Declaration of Easements granting ingress/egress over the turnaround easement \* (Applicant + Owners – part of private agreement )
5. Improvements meet all Federal, State, and Town requirements (e.g. permits, grading, Storm Drainage Facilities Agreement)
- \* 6. Provide Waiver of Claims for Diminution of Value \* (Town + Applicant)
- \* 7. Record private agreement on long-term administration, operations, financial assurance, and other related matters (Applicant + Owners) – includes added text discussed on May 12<sup>th</sup>

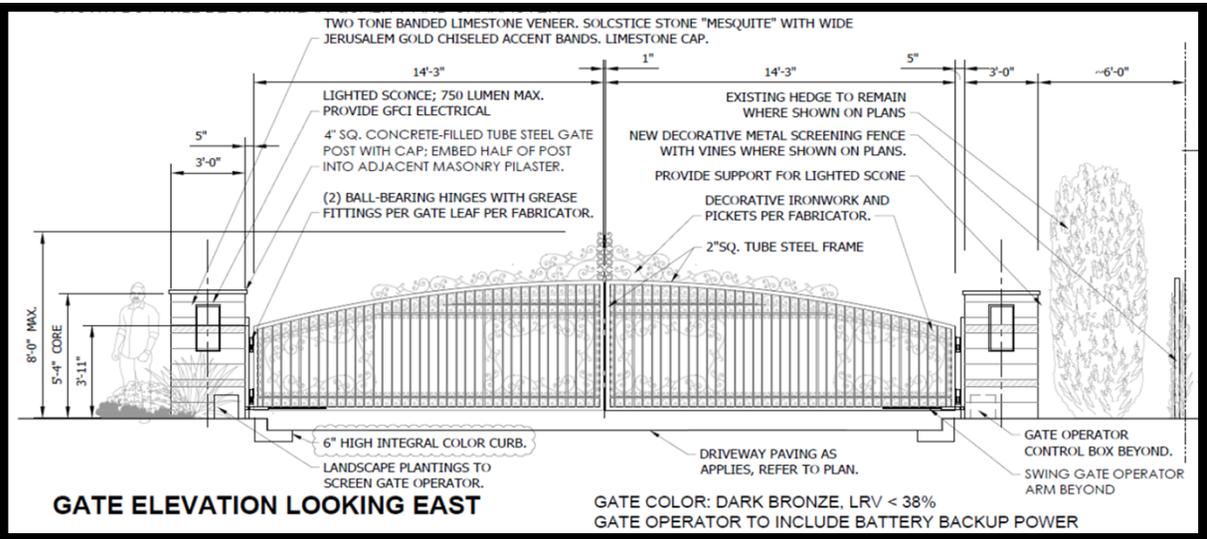


# UPDATES SINCE COUNCIL DISCUSSION

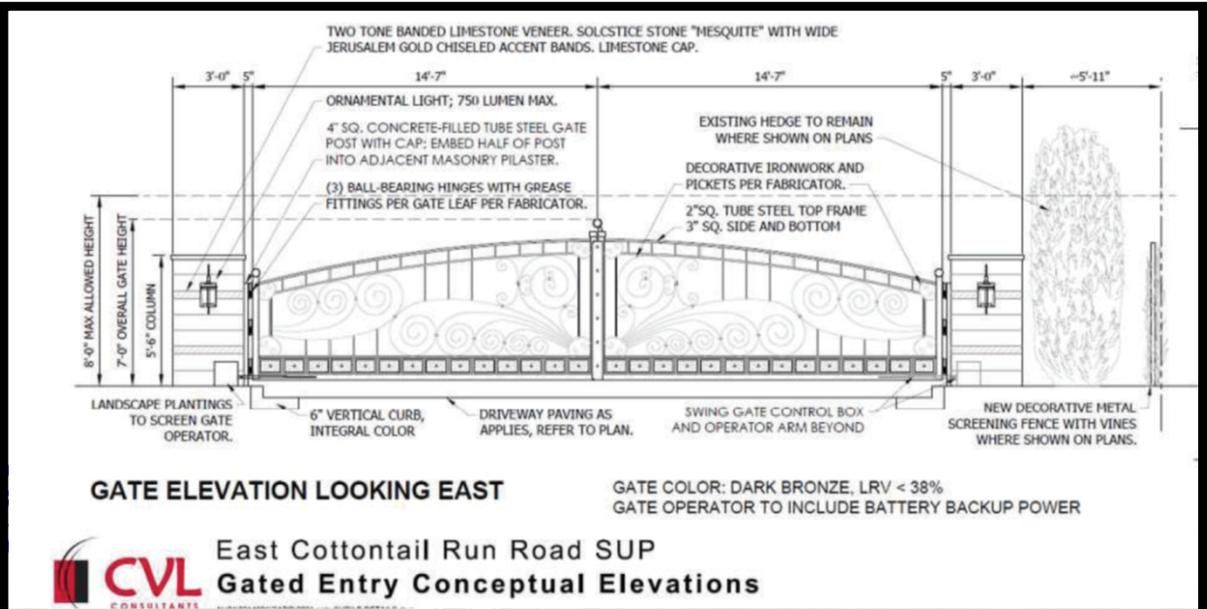
- Amended Stipulation 7 adding fully executed agreement from all owners text (signed/completed, Attachment L)
  - Provided updated gate elevation per Commission recommendation
  - Provided signed documents (Waiver of Claims, Access Easement- Attachment J)
7. The ~~owner(s)~~owners of the Property shall ~~submit for~~provide the Town ~~records duly recorded document(s) of the private~~a fully-executed agreement ~~between~~among all of the ~~owner(s)~~owners of the Property and the Cottontail Properties ~~regarding items such as a fully executed agreement from all owner(s) of the Cottontail Properties conveying~~confirming their approval of the proposed gate installation, ~~the documentation on~~ and documenting their agreement regarding long-term administration, operations, financial assurance, and other matters related ~~matter~~to the private roadway access gate and related improvements. Said private agreement shall be recorded with the Maricopa County Recorder's Office prior to ~~or on~~ the effective date of this ordinance.



# REVISED GATE ELEVATION 7



Planning Commission Submittal



Final Revised

RECORDING REQUESTED BY  
AND WHEN RECORDED, MAIL TO:

Katten Muchin Rosenman LLP  
525 W. Monroe Street  
Chicago, Illinois 60661  
Attn: Brian Spangler, Esq.

SPACE ABOVE FOR RECORDER'S USE ONLY

#### Cottontail Run Private Road and Gate Maintenance Agreement

This Private Road and Gate Maintenance Agreement ("Agreement") is entered into this 18<sup>th</sup> day of May, 2022, by and among the undersigned parcel owners ("Participating Owners").

#### RECITALS:

A. East Cottontail Run Road (the "**East Cottontail Run Roadway**") is a private road situated within the Town of Paradise Valley, Arizona, as more particularly described and shown on Exhibit A-1, attached hereto ("**East Cottontail Run Road Property**").

B. The undersigned Participating Owners (which include owners of the properties whose access is granted by North Cottontail Run Road) are users of the Roadway Property (including, without limitation, the entrance from North Tatum Boulevard to North Cottontail Run Road via East Cottontail Run Road).

C. Cottontail Run Road, LLC, an Arizona limited liability company ("**Roadway Property Owner**") is the owner of the East Cottontail Run Road Property.

D. CLT 7117, LLC, an Arizona limited liability company (the "**Turnaround Property Owner**") is the owner of the property known as 7117 North Tatum Boulevard, Paradise Valley, AZ 85253 (APN 169-08-044D) and desires to grant certain easements over and across the portion thereof as more particularly described and shown on Exhibit A-2 ("**Turnaround Property**"; the Turnaround Property and the East Cottontail Run Road Property are referred to herein together as the "**Roadway Property**").

E. Cotton Trail Run 4928, LLC, an Arizona limited liability company (the "**Sponsor**") is both a Participating Owner, and is the owner of the property known as 5000 East Cottontail Run Road, Paradise Valley, Arizona 85253 (APN 169-08-044H, more fully described in Exhibit B attached hereto as the "**Sponsor's Property**"). Sponsor desires to construct and operate, at Sponsor's sole cost and expense, a private roadway Gate (the "**Gate**") at the entrance to East Cottontail Run Road, just east of Tatum Boulevard, for the use, enjoyment and security of the Participating Owners.

# PRIVATE 8 AGREEMENT

- Cover long-term maintenance, administration, operations, and financial insurance
- Covers Stipulation 4 on granting ingress/egress over turnaround
- Applicant rerouted for signatures and expects to have signed agreement before hearing

06/09/2022

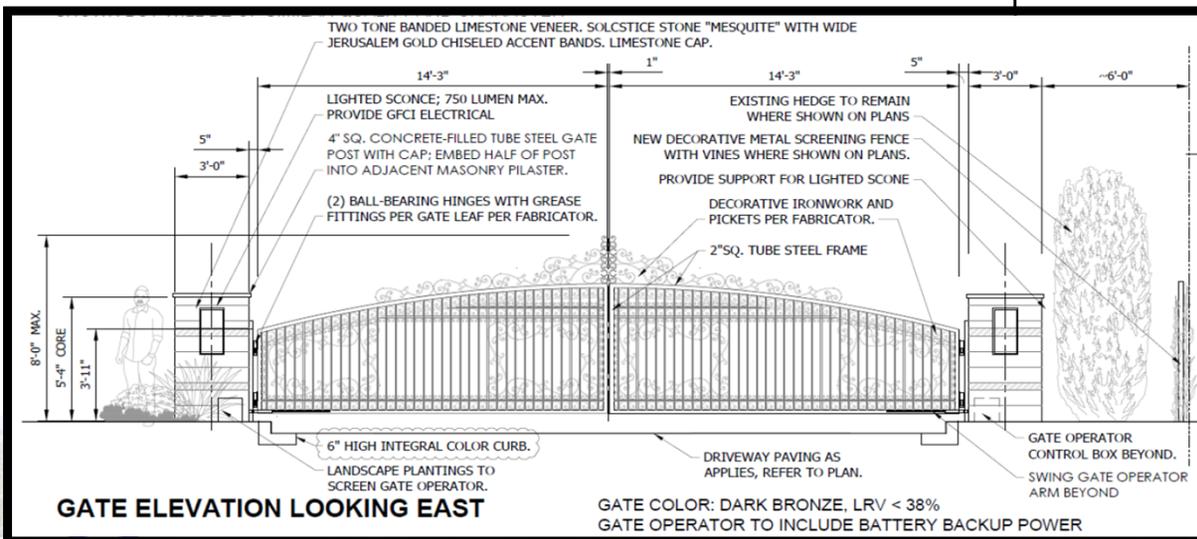
# BULK, DENSITY & DESIGN GUIDELINES

## Guidelines

- Architecturally/aesthetically compatible
- Turnaround 45' radius (right-of-way)\*
- Turnaround 40' radius (paved area)
- Gate setback 150' to street centerline\*
- Gate height 8' maximum
- Pedestrian access

## Request

- Stone/iron compatible, LRV < 38%
- **40' via an easement**, 46' to wall
- 40'
- 222'8" (192'7" to Tatum curb and call box 128'7")
- 8'
- Area north of gate open/not fenced



# TURNAROUND – DIMENSIONS

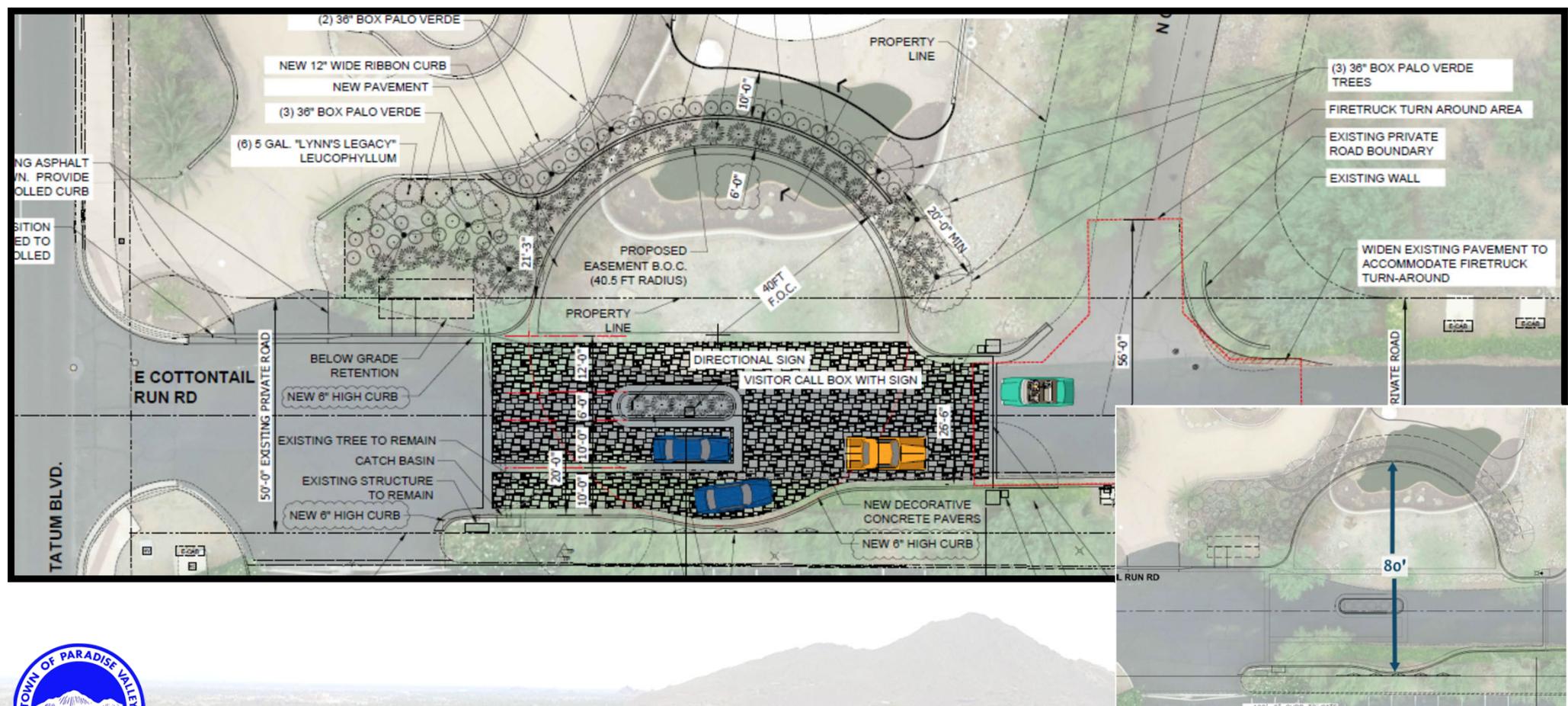


Figure 2 – Schematic Layout with a 40' Turnaround



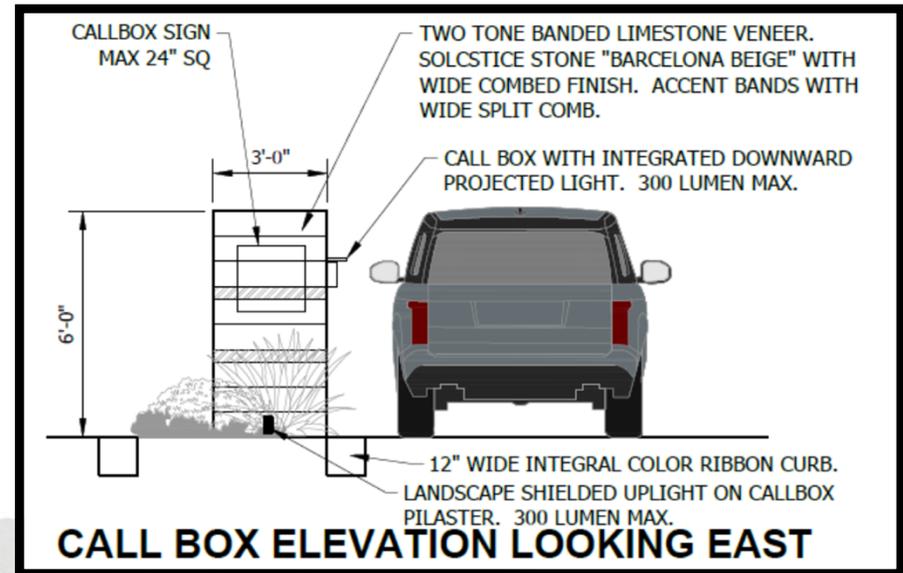
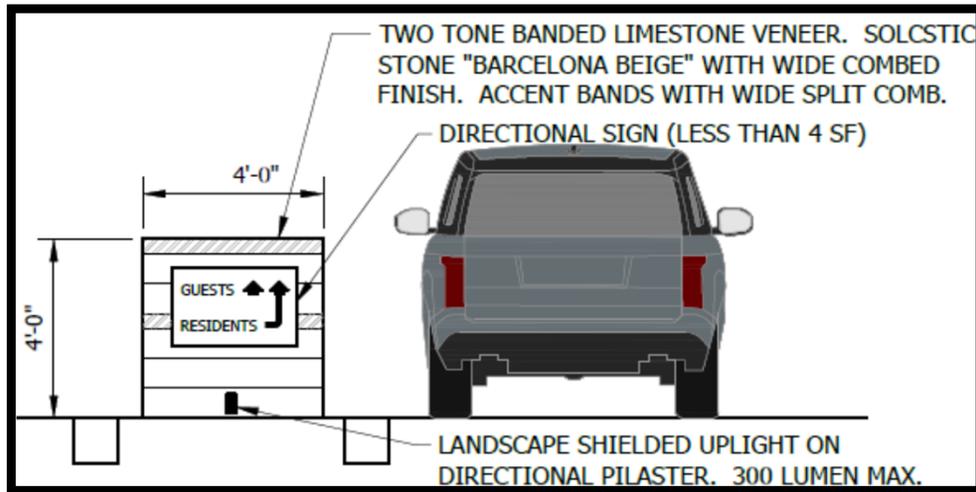
# SIGN GUIDELINES

## Guidelines

- Ground signs 2 square feet, 4' tall

## Request

- Directional (4 sf, 3'6" tall),  
Call box (1 sf, 5' tall)
- Variations aid in visibility for driver



# LIGHTING GUIDELINES

## Guidelines

- Lighting element shielded/hooded
- Up lights 300 lumens
- Lighting within residential 0.5 fc at property line, 3' tall

## Request

- 2 types of fixtures, 18 total – comply
- Max 300 lumens
- 14 of the 18 fixtures are in easement – ground mounted – low lumen under 0.5 fc

**200 LUMEN 2700K**

Mini-Micro

Downloads: Specifications Data Sheet, Installation Instructions, Fluorescent Request, CAD Files

Lumens: 1200 Watts: 300 Input: 12V  
 CCT: ● 2700K ● 3000K ● 4000K ● Amber  
 Materials: ● Aluminum ● Brass ● Stainless

CATALOG NUMBER LOGIC	
Example: B - MM - LED - e70 - SP - BLP - 12 - B - C - 3605L	
<b>MATERIAL</b>	
(Blank) - Aluminum B - Brass S - Stainless Steel	
<b>SERIES</b>	
MM - Mini-Micro	
<b>SOURCE</b>	
LED - with Non-Dimming Integral Driver*	
<b>LED TYPE</b>	
e70 - 3W LED/2700K	e72 - 3W LED/4000K
e71 - 3W LED/3000K	e73 - 3W LED/Amber
<b>OPTICS</b>	
NSP - Narrow Spot (17°)	MFL - Medium Flood (20°)
SP - Spot (21°)	ASY - Asymmetrical (7x33°)
<b>FINISH (See page 2 for full-color swatches)</b>	
Standard Finishes (BLP, BZK, BLP, BLK, WH, WHH, SLP, VER)	
Premium Finish (AB, AM, AK, BC, BGE, BPP, CAP, CM, CR, CRM, HUG, MDS, NBP, OCP, RMD, SDS, SMD, TXF, WCP, WR)	
Also available in RAL Finishes	
Brass Finishes (MAC, POL, MIT)	
Stainless Steel Finishes (MAC, PCL)	
<b>LENS TYPE</b>	
12 - Soft Focus	13 - Rectilinear
<b>SHIELDING</b>	
B - Honeycomb Baffle	
<b>CAP STYLE</b>	
A - 45°	B - 90°
C - Flush	D - 45° Less Weephole (Interior use only)
E - 90° Less Weephole (Interior use only)	
<b>OPTIONS</b>	
3605L - Rotational Knuckle Mounting System**	

**STANDARD FINISHES**

Satin Black (BLP)	Satin Bronze (BZP)	Satin White (WH)	Satin Aluminum (SAP)
Black Winkie (BLW)	Bronze Winkie (BZW)	White Winkie (WHW)	Venice (VER)

**Whisper Dark Sky LED | 5539437**

**560 LUMEN 3000K**

PRODUCT DESCRIPTION

MEASUREMENTS	
HEIGHT	10" W x 5.5" H x 13" D
BACK PLATE	1.5" W x 12.5" H x 12.5" D
SWITCHING HEIGHT	7.48" D
<b>LAMPING</b>	
INPUT VOLTAGE	120V
OUTPUT	560 Lumens
BULK	1 x 3W (30 AC) Integrated, 8W (30 AC)
BULK INCLUDED	2 Programmable
SOURCE	NSP - 800K

**FINISHES OPTION**

**MATERIAL**

Die Cast Aluminum

**RATINGS**

UL Listed  
 For Location  
 For Outdoor GARDENKIT

**ADDITIONAL**

8400 LUMENS 3000 Hours  
 OPERATING TEMPERATURES  
 30°C (-4°F), 40°C (104°F)  
 PHOENIX: Support Found Online



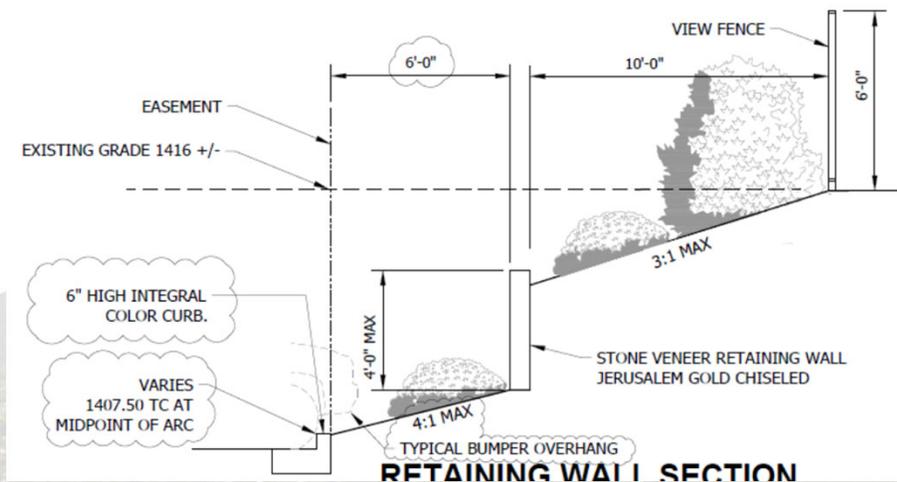
# RETAINING WALL CODE

## Code

- Only for retaining fill material
- 6' tall maximum, finished materials
- 20' setback minimum (no setback if needed to prevent erosion)
- View fence allowable on top provided 5' separation, combined height 8' tall (unless pool barrier)

## Request

- Only for fill
- 4' tall, stone veneer limestone < 38% LRV
- Minimum 20' setback, also needed for erosion control
- 6' tall pool barrier view fence, 10' separation



# STATEMENT OF DIRECTION SUMMARY

14

## *SOD*

General Plan discourages private roadway gates and if allowed roadway must be private

General Plan emphasizes quality of life such as preserving a sense of privacy that gates may enhance for a particular neighborhood based on their locational characteristics

## *Request*

Traffic study supports emergency vehicle, queuing, and safety provisions

Unique road characteristics exist

- Private road existing before incorporation
- No direct access to other public streets
- Adjoins country club, drivers may think accesses the club property
- Adjoins a major arterial

Gate will enhance quality of life by providing

- physical barrier to mitigate potential burglaries
- sense of security to the homeowners
- reduction of opportunities for incidents/accidents which reduces liability
- less traffic reducing maintenance costs

6/09/2022



# STATEMENT OF DIRECTION SUMMARY

## *SOD*

Request considered because Cottontail Run Rd is private, not a public roadway

Safe conditions related to vehicle stacking (particularly preventing impact onto Tatum Boulevard)

Amble turnaround area for emergency access and other vehicles.

## *Request*

Gate on private roadway approved by county prior to incorporation in 1982

Traffic study finds geometrics, emergency vehicle accommodation, and queuing meets required safety provisions

2 turnaround areas provided  
Fire Marshal & Town Engineer support



# TURNAROUND

- Turnaround before and after gate
- Fire Marshal/Town Engineer support

Meets safety/access

- Emergency
- Daily/landscape vehicles



Figure 5 – Emergency Vehicle Turnaround – Template 2

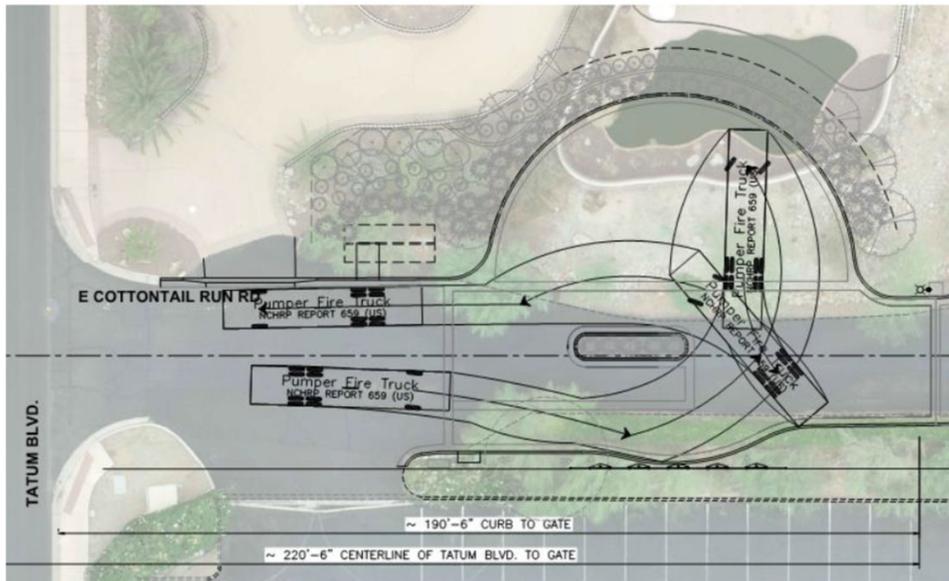


Figure 4 – Emergency Vehicle Turnaround – Template 1

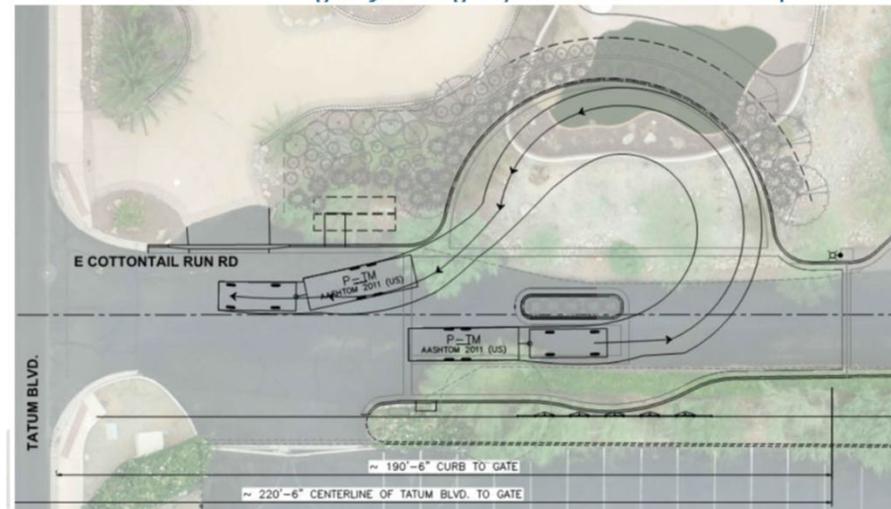


Figure 6 – Truck with Trailer Turnaround

# TRIP GENERATION & VEHICLE QUEUING

- Main travel lane stacking capacity
  - 5 passenger vehicles
  - 2 vehicles with trailers
- 2<sup>nd</sup> access lane for drivers not needing call box
- Support from Town Engineer & Police Chief
- 148 total daily trips
- Modeled 12 vs 9 existing homes
- 3 peak morning trips
- 8 peak evening trips
- Typical queue of 1 vehicle

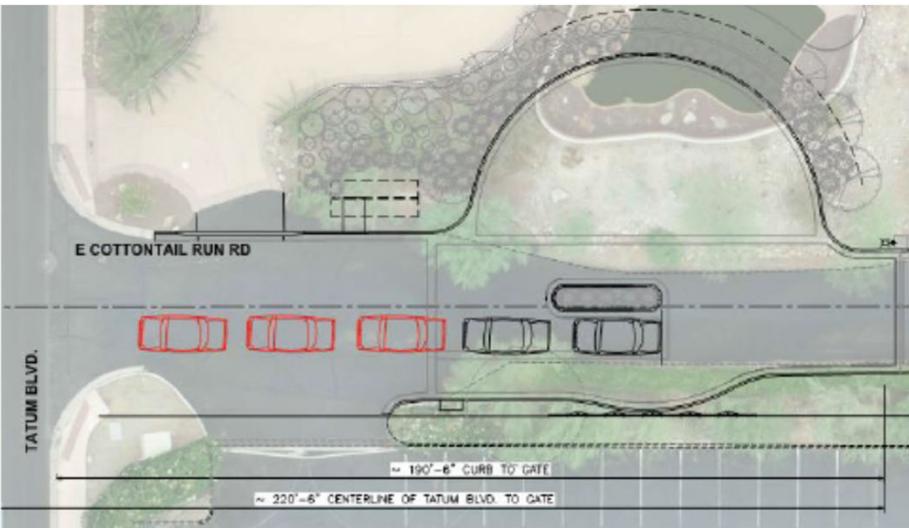


Figure 7 – Passenger Vehicle Queuing

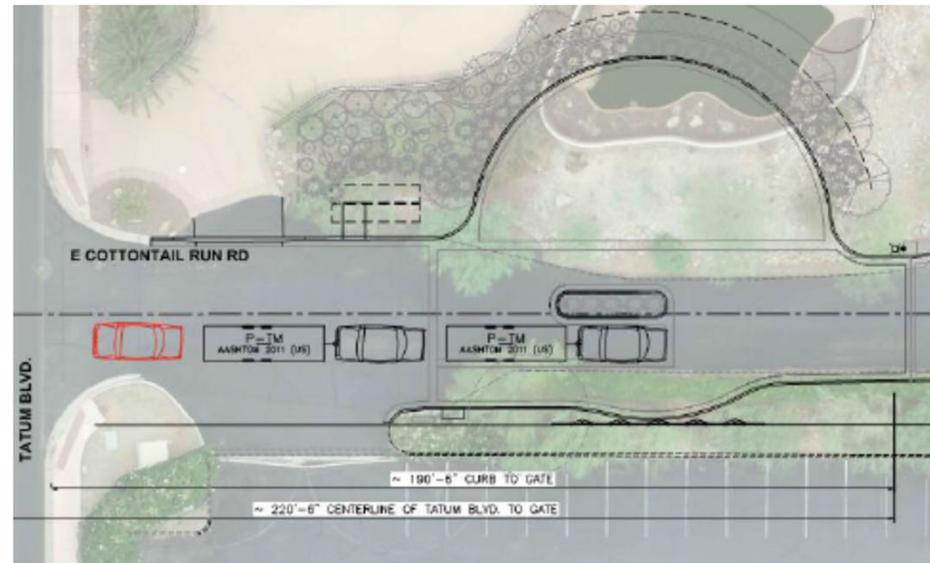


Figure 8 – Vehicle Queuing

# STATEMENT OF DIRECTION SUMMARY

## *SOD*

Height, location, and design be compatible with the surrounding area unless compelling reasons to deviate from the guidelines

Landscaping that is drought tolerant, provides seasonal color, and will not negatively impact views from neighboring properties

Lighting that is the minimum needed for safety and security.

## *Request*

Height, location, design of gate meets guidelines

Proposed landscaping is drought tolerant, palo verde allows for filtered views, color variety, and stone consistent with area

Total of 20 fixtures

- 18 ground-mounted up lights
- 2 wall-mounted ornamental fixtures
- Meet lumen and kelvin provisions

# RECOMMENDED MOTION

Motion A. Motion to continue Ordinance 2022-02, a new Special Use Permit application for a private roadway gate located on 5000 East Cottontail Run Road and 7117 N Tatum Boulevard (Maricopa County Tax Parcels 169-08-044D and 169-08-044J) to September 8, 2022.

Or

Motion B. Motion to approve Ordinance 2022-02, a new Special Use Permit application for a private roadway gate located on 5000 East Cottontail Run Road and 7117 N Tatum Boulevard (Maricopa County Tax Parcels 169-08-044D and 169-08-044J), subject to the seven stipulations in this ordinance (refer to Attachment K.)



# TODAY'S GOAL

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**Discussion and action on a new Special Use Permit (SUP-21-02) for a private roadway gate on East Cottontail Run Road (5000 E Cottontail Run Rd & 7117 N Tatum Blvd)**



06/09/2022