



## Action Report

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**File #:** 18-042

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**TO:** Mayor Collins and Town Council Members

**FROM:** Kevin Burke, Town Manager  
Eva Cutro, Community Development Director  
George Burton, Planner

**DATE:** January 25, 2018

**DEPARTMENT:** Community Development

### AGENDA TITLE:

Luke Avenue Lot Line Adjustment/Re-orientation (LLA 17-06). Public Meeting.  
6430 E. Luke Avenue and 5602 N. Wilkinson Road (APN: 173-10-001A and 173-10-001B)

### Town Value(s):

- ☒ Primarily one-acre, residential community
- ☐ Limited government
- ☐ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☐ Preserving natural open space

Re-orientating one acre lots consistent with the neighborhood configuration.

### RECOMMENDATION:

It is recommended that the Town Council approve the Luke Ave Lot Line Adjustment, re-orientating two (2) residential R-43-zoned lots, subject to the following stipulations:

1. The lot line adjustment plat must be recorded with the Maricopa County Recorder's Office, in full compliance with the plat prepared by Arizona Surveyors, Inc., Sheets 1 - 2, and dated July 7, 2017.
2. Prior to the issuance of a Certificate of Occupancy for a new single-family residence, the fire sprinkler system shall demonstrate compliance to the National Fire Protection Association standard 13D or the current equivalent code requirement.
3. Prior to the recordation of the lot line adjustment plat, the property owner or designee shall submit the required improvement plans for Town Engineer approval and provide a procedure and other forms of assurances necessary for the Town to be in a guaranteed position to

complete: 1) the pavement widening and curbing adjoining the subject site in accordance with the local roadway standard, Option B, of the Town's General Plan and 2) the installation of any applicable water or sewer improvements.

**BACKGROUND:**

**Request:**

The applicant, Celebrity Homes LLC, is requesting approval of a lot line adjustment to re-orientate two lots. The lots will be re-orientated from the existing north/south orientation to an east/west orientation. 5602 E Wilkinson Rd is 48,305 square feet (1.11 acres) and has a non-conforming lot width of 145' (a 165' minimum width is recommended per code). 6430 E. Luke Ave is 51,293 square feet (1.18 acres) and has a lot width of 165'.

In association with this re-orientation, the applicant will dedicate 10' from each property adjoining Luke Ave and Wilkinson Rd to meet the right-of-way width requirement of 25' measured from the right-of-way center line. With the re-orientation and the required dedication of right-of-way, both properties will have a lot width of less than 165' as recommended by code. Lot 1 will be 145' wide and 44,228 square feet (1.02 acres) in size. Lot 2 will be 141' wide and 48,804 square feet (1.12 acres) in size.

**Existing Site:**

The house and pool for 6430 E. Luke Ave were demolished in 2017 and the house, pool, and fence for 5602 N Wilkinson Rd were demolished in 2015.

**General Plan:**

Both properties are shown as Low Density Residential (0-1 house per acre) on the Town's General Plan Land Use Map, are zoned R-43, and are limited to one house per acre.

**ENFORCEMENT:**

There are no current zoning violations associated with the subject property.

**FACTS/DISCUSSION:**

**Luke Avenue:** 10' right-of-way (ROW) dedication is required. The existing right-of-way is 15' wide from center line and the Town standards require a minimum ROW width of 25' from center line.

**Wilkinson Road:** 10' right-of-way (ROW) dedication is required. The right-of-way is 15' wide from center line and the Town standards require a minimum ROW width of 25' from center line.

**Traffic:**

Per the Town Engineer, a traffic study is not required.

**Lot Configuration:**

The proposed lot line adjustment meets all area requirements for R-43 lots, except for the minimum lot width of 165'. Lot 1 will be 145' wide and Lot 2 will be 141' wide. Per Section 6-9-13 of the Town Code, "No lot split which creates a substandard or non-conforming lot or structure shall be approved except by Council action." Therefore, the deviation from the 165' minimum lot width must be

approved by Town Council. The Planning Commission will review and make a recommendation on the proposed lot re-orientation and the requested deviation for a lot width of less than 165' wide.

Staff is supportive of the re-orientation and of both lots having a width of less than 165' wide since:

- The right-of-way dedication/roadway improvements adjoining the site is a public benefit,
- The new lot orientation is more in character with the surrounding neighborhood, and
- The Town Code would still require right-of-way dedication/road improvements with building permits valued at \$500,000 or more even if the lots remained in their current configuration; resulting in both existing lots having a width of less than 165' wide.

Utilities:

Each of the proposed lots will have the required 6 or 8-foot public utility easement along the perimeter of the lot in accordance with Section 6-3-3 of the Town Code. The following utilities will be available to each lot.

- 1) Electric: The subject site is located within the APS service area.
- 2) Water: Water for these two lots will be provided by EPCOR Water Company.
- 3) Sewer: The property is currently on septic. If available, the two new lots may be serviced by the Paradise Valley sewer.

Drainage:

Each lot will require an individual engineering site/grading and drainage plan with each building permit application submittal. On-lot retention will be required with the development of each lot.

Fire Protection Issues:

The 2 proposed lots will meet all standards related to fire protection as follows:

1. Fire Department access: Both lots will have direct access onto a public roadway.
2. Fire hydrant spacing/location: There are two fire hydrants located near the subject properties. One hydrant is located south of the properties on Luke Ave and the other hydrant is located near the northwest part of the subject lots on Wilkinson Rd. These fire hydrants meet the Town Code requirement of a fire hydrant to be located within 400' of a property line.
3. Fire sprinkler requirement: The new homes and structures that will be constructed as a result of this lot line adjustment will have fire sprinklers in accordance with the Town Fire Code.
4. Fire Flow: The fire flow rate for this area is 3,392 gallons per minute (gpm). The Town Code requires a minimum flow test rate of 1,500 gallons per minute (gpm). A stipulation was added requiring that the fire sprinkler system for a new house shall demonstrate compliance to the National Fire Protection Association standard 13D or the current equivalent code requirement prior to issuance of a Certificate of Occupancy.

Title Report:

The applicant provided a copy of the title report for this lot. The title report references restrictions placed on the properties in May of 1952. It identifies that the lots shall not be used for commercial purposes and that no more than two dwellings shall be constructed on each two and a half acres. However, the Town does not enforce private deed restrictions, only Town Code standards.

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**PUBLIC COMMENT:**

Neighbors located within a 500' radius of the subject property will be notified of the public meeting. Staff received one inquiry regarding this lot line adjustment/re-orientation.

**TOWN COUNCIL DISCUSSION**

The Town Council discussed this request at the January 11, 2018 work session. No additional information was requested.

**PLANNING COMMISSION DISCUSSION**

On December 19, 2017, by a vote of 6 to 0, the Planning Commission made a recommendation of approval of the Luke Ave Lot Line Adjustment, re-orientating two (2) residential R-43-zoned lots, subject to stipulations.

**ATTACHMENTS:**

Application  
Vicinity & Aerial  
Narrative  
Hydrant Flow Test Report  
Plans

C:      - Applicant: Collee Marotta  
         - Case File: LS-17-02