



Action Report

File #: 16-360

TO: Chair and Planning Commission

FROM: Eva Cutro, Community Development Director
Paul Michaud, Senior Planner

DATE: November 1, 2016

CONTACT:

Paul Michaud, 480-348-3574

AGENDA TITLE:

Discussion of a Major General Plan Amendment (GP-16-01), Zoning Ordinance Text Amendment (MI-16-03), Rezoning (MI-16-04), Private Roadway Conditional Use Permit (CUP-16-02), Private Roadway Gate Special Use Permit (SUP-16-03), and Preliminary Plat (PP-16-03) to develop eight single-family residential lots, ranging in lot sizes between 12,000 net square feet to 35,000 net square feet.

Northwest Corner of Northern Ave Alignment and Scottsdale Rd (APN: 174-36-002X)

BACKGROUND

Request:

Doug Jorden, P.C., on behalf of Town Triangle, L.L.C., has filed six concurrent 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 concurrent 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.

Purpose:

The purpose of this study session is to discuss the application requests and allow for the formal Citizen Review process. This may include philosophical discussion on compliance with the General Plan to more technical discussion in reviewing the administrative application requests. Also, this study session will provide the Planning Commission opportunity to identify any additional information or changes regarding these applications prior to the scheduled advertised hearing date on November 15, 2016. If deemed necessary, the hearing on the application(s) can be continued.

Application Timing:

The applicant’s intent is to run the applications concurrently. Additional study session and/or continuances may affect the tentative schedule shown in the attachment to this report. This attachment also provides timing deadline information.

Generally, the Planning Commission will need to make a recommendation on the General Plan at its November 15th meeting. The Text Amendment, Rezoning, and Conditional Use Permit have no timing requirements. The Special Use Permit has a Statement of Direction deadline for Town Council that will likely occur near the middle of December/January, with the deadline for the Planning Commission recommendation on the Special Use Permit occurring on February 15, 2017. Depending on the code deadline used, the Planning Commission will need to make a recommendation on the Preliminary Plat by generally the middle of December 2016 or the middle of February 2017. The exact deadline dates for the Preliminary Plat is unclear since the deemed complete date has not been determined as of writing this report.

EXISTING CONDITIONS

For information on the existing site characteristics, General Plan designation, and Zoning District on the subject site and vicinity refer to the attachment to this report.

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. For information on comments received see below under “Comments”.

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.

Recommendation by the Planning Commission and action by the Town Council will be by resolution. No stipulations are allowable as part of the action. However, the resolution can be drafted to delay the effective date to approval of the final plat and/or other action.

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. The proposed track-change text is shown below:

R-10 Single-Family Residential 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.

Recommendation by the Planning Commission and action by the Town Council will be by ordinance that would indicate the proposed track-change text. No stipulations are allowable as part of the action. However, the resolution can be drafted to delay the effective date to approval of the final plat and/or other action.

REZONING

Recommendation by the Planning Commission and action by the Town Council will be by ordinance that would indicate the zoning district on the subject site changing 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). This ordinance can be drafted with no conditions and an effective date that is generally 30 days after Town Council approval. Alternatively, the ordinance can be drafted with conditions and conditionally rezone the property on some trigger such as recordation of the final plat, an executed Proposition 207 waiver, approval of the Conditional Use Permit for the private road, approval of the Special Use Permit for the private access gates, and/or approval of the

appropriate documentation regarding the floodplain matter such as the letter of map revision by the Federal Emergency Management Agency (FEMA).

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. The proposed private road meets these findings 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.*

The applicant has provided a traffic statement that indicates the eight proposed single-family homes are expected to generate 76 daily vehicular trips during a typical weekday of which six trips will occur in the morning peak hour and eight trips will occur in the evening peak hour. As zoned, three to four single family homes are permissible. The concurrent application requests would add an additional four to five homes and its associated traffic. The proposed development is expected to have traffic that would be substantially less than some of the uses that have been explored on the subject site such as a boutique resort, medical office, and continuing care retirement facility.

The circumstance with restricting access and not developing the Northern Avenue alignment results in all vehicular traffic accessing Scottsdale Road. This roadway design will result in no or minimal traffic impact to the adjoining properties within Paradise Valley.

The applicant's request for single-family R-10 zoning will result in one-story homes that should mitigate visual impact of built structures on the subject property. The nearest existing residential homes are approximately 575 feet away in Camelback Country Club Estates, 350 feet in Cheney Estates, and 175' in Santo Tomas located in the City of Scottsdale.

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.*

The private roadway is in compliance with the roadway standards for a local road cross-section standard, Option B of the Town's General Plan. The right-of-way is 50 feet in width. The improved paved area will be 26 feet in width, including two-foot wide curbs.

There are two proposed cul-de-sacs. Both cul-de-sacs meet the 45-foot right-of-way and 40-foot radius paved area standards of the Town Code. Lot 1 and Lot 2 of the proposed plat access off of the entry cul-de-sac separate from Lots 3 through 8. Lot 1 does not adjoin the entry cul-de-sac, instead there is an approximate 80-foot long 50-foot wide right-of-way that borders the front yard of Lot 1. Literal application of Section 6-3-2 of the Town Code requires a cul-de-sac at a dead end street. Although, modification of the subdivision standards is possible via Article 6-8 of the Town Code, if such modification does not nullify the intent and purpose of

the regulation. The 2015 International Fire Code requires that all portions of a building be within 150 feet of a fire apparatus access road, and allows for exceptions when there are two single-family homes and when the building is equipped with an automatic fire sprinkler system. Lots 1 and 2 meet this fire code provision.

Except as noted on Lot 1 above, the private roadway itself complies with vehicle turn-around and vehicle stacking. Turn-around and vehicle stacking is addressed in more detail with the private roadway access gate Special Use Permit.

3. The use 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.

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.

The use of this private roadway for access to single-family homes does not conflict with either the purpose of the existing R-43 zoning or the proposed R-10 zoning.

The proposed private roadway will comply with the local road cross-section standard, Option B of the Town's General Plan.

Policy 4.4.1.3 of the Town's General Plan generally discourages direct access onto a major roadway. The proposed road will be a newly-constructed road to service the proposed eight lots. Although the subject site adjoins the Northern Avenue right-of-way which is designated as a local road by the Town's General Plan, Scottsdale Road is the preferred primary and emergency access. Improvement of Northern Avenue has several constraints, including lack of full right-of-way dedication and location within the floodway of Indian Bend Wash.

Action by the Planning Commission 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, and the homeowners association shall be responsible for all maintenance of the private roadway.

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. This SOD is anticipated being issued on November 17, 2016. 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.

Generally, the proposed characteristics of the private roadway gate area include the following:

- A private roadway cul-de-sac off Scottsdale Road, with two access gates adjoining this entry cul-de-sac. This cul-de-sac will serve as the turn-around in front of the gates, has a right-of-way radius of 45 feet in accordance with Town standards, and will have a pavement radius of 40 feet.
- Stacking from the gates to the centerline of Scottsdale Road complies with the Town SUP gate guidelines. The stacking shown is 179 feet and 223 feet from the gate to the centerline of Scottsdale Road. The Town SUP guideline recommends there be at least 150 feet from the centerline of the intersecting roadway to the gate. In addition, the applicant has complied with the City of Scottsdale stacking standard of 75 feet from the call box to the back of curb along Scottsdale Road. The safe stacking of vehicles is a primary concern, as Scottsdale Road is a heavily traveled roadway and Town guidelines may not adequately address the specific conditions along this roadway. The applicant has included a traffic statement as part of their application submittal. This statement from a registered engineer provides that the provided queuing of vehicles on site is sufficient for typical ingress operation.
- The entry cul-de-sac includes two entry rolling gates at approximately 6 feet 6 inches in height, with entry gate columns at 7 feet in height. These are in compliance with the SUP Guidelines. One gate will provide access to six lots and the other gate will provide access to two lots.
- For secondary access, the applicant proposes a 20-foot wide emergency vehicle gate onto Scottsdale Road. Additional detail on the design of this access gate, requirement that the access gate swing into the subject property as to not impede pedestrian/vehicular travel along Scottsdale Road, and impact on sight distance and corner clearance should be reviewed.
- The gate illustration with the application shows landscaping, walls and/or fencing, water features, and project signage in the area of the entry gates.
 - This includes 6-foot high walls connecting to the proposed gates around the entry cul-de-sac. These proposed walls do not comply with the typical standards in Article XXIV, Walls and Fences, of the Zoning Ordinance. In certain instances, walls or fences have been approved in a private roadway tract or on an individual lot to connect to the proposed gate.
 - Perimeter and common area landscaping, along with the perimeter walls and/or fencing, is typically approved as part of the final plat process on a subdivision with private road(s). Section 2408 of the Town Zoning Ordinance, allows for the review of the location, height, setback, and design of such 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. Alternatively, walls and/or fencing, associated landscaping, lighting, and signage adjacent to the gate area may be also considered with the private roadway gate SUP.

Recommendation by the Planning Commission and action by the Town Council 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.

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. Also, the traffic study provided by the applicant states no left turn lane is needed based on the estimated traffic counts. Being located outside the town limits, the Town has no jurisdiction over this right-of-way.

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. As previously noted, 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

As noted under the Conditional Use Permit section of this report, 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. Traffic impact is not expected to be significant as described under the Conditional Use Permit section of this report.

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.

- Lot Size: The requested 8-lot single-family development has proposed lots that vary between approximately 12,000 square feet to 35,600 square feet. The minimum lot size for R-10 is 10,000 square feet. The average lot size is 18,619 square feet. These lots are approximately three times larger than the average lot size in nearby Scottsdale, 30-percent smaller than the average lot size in Cheney Estates, and slightly less than 60-percent smaller than a one-acre lot.
- Lot width: R-10 has a minimum lot width of 100 feet. All eight lots comply with this lot width and enclose a 100-foot diameter circle touching at one point on the 20-foot front yard setback.
- Access: The proposed Conditional Use Permit for the private road would allow for access to Scottsdale Road.
- Setbacks: The R-10 District has main home setbacks of 20 feet in the front, 25 feet in the rear, and 7 feet on the sides. The proposed plat meets these 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.

Tract C is 1.5-feet in width and borders the Northern Avenue alignment. This tract is proposed for landscaping. The Town has on occasion approved similar tracts, although these were typically done to avoid a larger setback impact on an existing adjoining residential lot due to the proposed development. This tract borders the Northern Avenue alignment which borders the Cheney Estates open space tract located within the Indian Bend Wash. If Northern Avenue were to be improved in the future, the width of this tract may not provide adequate buffer. The impact of this tract to the structures on the three lots adjoining it would be an increase of the main home setback from 25 feet to 26.5-feet to the exterior property line of the subject site. Also, it would result in a reduction of the setback on an accessory structure from 20 feet to 8.5 -feet from the exterior property line of the subject site.

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. As described in the Special Use Permit section of this report, the Town has approved conceptual perimeter walls, fencing, and/or landscaping with the preliminary plat in some prior plat applications.

Some areas of discussion may include the following:

- Landscaping within the 40-foot Northern Avenue alignment and/or Tract C.
- The height and the setback of the walls at the gated entry cul-de-sac as these walls are located in front yards of lots and within the private roadway tract.
- The level of detail desired on the type of landscaping, plant size, lighting, and amenities like the proposed fountains.

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. However, the proposed lots do not have side or rear public utility easements as described in Section 6-3-3 of the Town Code. However, the plat does accommodate for the location of utilities. Also, it is uncommon to have utility easements placed around all sides of smaller lots.

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 application included a hydrology/drainage report. Please refer to the attached memo from the Town Engineer for evaluation of this report. As part of the preliminary plat, drainage is reviewed conceptually. Final detail and design of the drainage will occur with the final plat and/or prior to recordation of said plat.

The property is presently mapped within a major designated flood hazard area, as approximately two-thirds 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. The applicant has been strongly encouraged to update the Town on FEMA's comments on the feasibility of the map revision as early as possible during the development application process. Also, it is suggested a stipulation of the Preliminary Plat include that the letter of map revision results, or other acceptable documentation regarding the letter of map revision, must be submitted with the final plat application.

Fire Protection

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

- Access: All lots will have direct access onto the public roadway of Scottsdale Road via the proposed private roadway.
- Spacing/Location: No fire hydrants exist within 400 feet around the subject site. Development will result in installation of a fire hydrant in each of the two cul-de-sacs.
- Fire Sprinklers: The new homes and structures that will be constructed as a result of this subdivision will have fire sprinklers in accordance with the Town Fire Code.
- Fire Flow: The applicant has provided a water service impact study. This study indicates the fire flow will comply with the 1,500 gallons per minute at 20 pounds per square inch Town standard when the City of Scottsdale system is open per its arrangement with Berneil Water Company for their service area.

File #: 16-360

NOTICING - COMMENTS

Several opportunities will exist for noticing and comments by the public and/or other agencies on the various applications. Cheney Estates Homeowner Association and Camelback Golf Club provided letters of support. Two residents have contacted staff opposed to the reduced density. Refer to the attached "Noticing-Comments" for more information.

NEXT STEPS

The concurrent applications have been scheduled for Planning Commission action on November 15, 2016. If deemed necessary, the hearing on the application(s) can be continued.

ATTACHMENTS

1. Existing Conditions (Vicinity, Aerial, Zoning, General Plan)
2. Application Timing (tentative)
3. General Plan Policies
4. Noticing - Comments
5. Application Material - Narrative
6. Water Service Impact Study
7. Traffic Study
8. Will Serve Letters
9. Drainage
10. Private Roadway Gate - Subdivision Wall
11. Preliminary Plat

C: - Applicant
 - Case File