

**TOWN**  
*Of*  
**PARADISE VALLEY**



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**STAFF REPORT**

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**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill B. Keimach, Town Manager  
Lisa Collins, Community Development Director  
Paul Michaud, Planning Manager

**DATE:** November 18, 2021

**DEPARTMENT:** Community Development Department – Planning Division  
Paul Michaud, 480-348-3574

**AGENDA TITLE:** Discussion of Statement of Direction regarding 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)

**SUMMARY STATEMENT:**

Request

Doug Jorden of Jorden Law Firm, P.C., on behalf of Cottontail Run Road HOA, LLC, an Arizona limited liability company, and CLT 7117, LLC, an Arizona limited liability company, request a new Special Use Permit application for a private roadway gate on East Cottontail Run Road (Maricopa County Tax Parcels 169-08-044D and 169-08-044J).

This request requires a Statement of Direction by the Town Council.

Location

East Cottontail Run Road is a private roadway located immediately north of the Paradise Valley Country Club property, east of Tatum Boulevard and terminates in a small cul-du-sac as illustrated in Attachment A, Vicinity Map. The roadway is owned by the owner of 4928 East Cottontail Run Road and the other property owners identified later in this report have an ingress/egress easement over the private roadway. The private roadway serves a total of ten existing homes (includes 7117 N Tatum Boulevard to be accessed outside the proposed private roadway gate).

Private Roadway Gate Process

The application request for installing new private roadway gate(s) follows Article XI, Special Uses and Additional Use Regulations, of the Town Zoning Ordinance. The Zoning Ordinance provides no requirements for private roadway gates and only outlines the approval process. This process follows a new Special Use Permit requiring Council

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issue a Statement of Direction (SOD) to the Planning Commission, Planning Commission review and make a recommendation to Town Council, the applicant hold a Citizen Review Session (neighborhood meeting) prior to Planning Commission recommendation, and Council review and take action. The Town Special Use Permit Guidelines offer suggested design standards, along with guidelines for lighting and signage as shown in Attachment D. Guidance via the SOD provides specific direction applicable to the proposed request. Refer to the section titled "Private Roadway Gate Details" in this report for more information.

### Statement of Direction and Meeting Purpose

Town Council will be reviewing the draft SOD in Attachment G for this request at its November 18<sup>th</sup> study session. The SOD is not a final decision of the Town Council and creates no vested right to the final action of this Special Use Permit. However, a SOD provides general guidance to the Planning Commission on a variety of aspects of the project itself necessary to review (e.g. height, setbacks, design, landscaping, lighting), guidance on procedural aspects (e.g. application timing), and guidance on any policy aspects that are preferred or discouraged in order to be transparent and efficient in the completion of the task (e.g. General Plan policy). The full merits of the request are reviewed in detail during the Planning Commission recommendation process, with a full review by the Town Council after Planning Commission recommendation.

### Nearby Properties

There are nine existing homes and one undeveloped parcel which will have access via the private access gate on the existing private East Cottontail Run Road. These include 4820 E Cottontail Run Road (169-08-043), 4928 E Cottontail Run Road (169-08-044H), 5001 E Cottontail Run Road (169-08-053), 5022 E Cottontail Run Road (169-08-044G), 5035 E Cottontail Run Road (169-08-035), 5044 E Cottontail Run Road (169-08-041), 5045 E Cottontail Run Road (169-08-039), 5055 E Cottontail Run Road (169-08-036), and 7201 N Cottontail Run Road (169-08-044B and 169-08-044F). These parcels were annexed into the Town in 1982, and generally existed in their current form since the mid-1950s.

Maricopa County Assessor GIS maps show a North Cottontail Run Road that adjoins East Cottontail Run Road. This "road" is more of a driveway as it is on an undeveloped flag lot with the same ownership as 7201 N Cottontail Run Road.

There is an existing home at 7211 N Tatum Boulevard with its driveway on Tatum Boulevard. This property is comprised of several parcels including Maricopa County Tax Parcel 169-08-038 that adjoins the 7201 N Cottontail Run Road properties. None of the



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deeds with the parcels associated with 7211 N Tatum Boulevard show legal access over the North or East Cottontail Run Roads.

### General Plan

The Town's 2012 General Plan designates this area as Low Density Residential and private road as Open Space. The 2012 General Plan and draft 2022 General Plan both discourage private roadway gates. However, the Town has over the years approved 25 gated communities as shown on Exhibit E. These gated communities tend to adjoin major and minor arterials or exhibit unique locational characteristics. The proposed private roadway gate accesses off Tatum Boulevard, a major arterial road. Also, this grouping of homesites is cutoff from nearby public streets since it is surrounded by the Paradise Hills subdivision platted in 1953 encompassing the Paradise Valley Country Club and its golf course. Some polices that may apply to this request are noted below.

- M.4.4.1.2. Private Roadway Gates. The Town shall discourage the installation of private roadway gates, but shall not require public access onto those created private roadways. [M.1.13 in 60-Day Review Draft 2022 General Plan]
- CC&H 3.1.1.1 Neighborhoods as a Basic Unit. Recognizing that the Town of Paradise Valley is home to many smaller neighborhoods that contribute to the Town's cultural fabric, the Town shall strive through community outreach to preserve and enhance their distinctiveness, identity, and livability. [CC&H 1.1 in 60-Day Review Draft 2022 General Plan]

### Zoning

The Town's zoning for this area is R-43, Single-Family Residential. Except for 7117 N Tatum Boulevard, the homesites within the proposed gate are hillside pursuant to Figure 1, Hillside Development Area, map in the Zoning Ordinance.

### Private Roadway Gate Details

The proposed gates are 222 feet 8 inches from the centerline of Tatum Boulevard (192 feet 7 inches from the back of curb), with a turnaround easement slightly west of North Cottontail Run Road adjoining 7117 N Tatum Boulevard at a paved radius of 40 feet, and a radius of 44 feet to a 4-foot tall retaining wall for erosion protection of the turnaround. Unlike the prior requests, the private road and 7117 N Tatum Boulevard, the lot with the proposed turnaround easement, are now owned by the same owner through different limited liability companies.

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The criteria table in Attachment F outlines how the proposed private roadway gate application meets the Town Special Use Permit Guidelines and related provisions. The Planning Commission will review this request in greater detail.

### Next Steps

This application is tentatively set for the December 2, 2021 public meeting.

### **BUDGETARY IMPACT:**

There are no direct Town budget impacts associated with the application request.

### **ATTACHMENT(S):**

- A. Staff Report
  - B. Vicinity & Related Maps
  - C. Application Packet & Plans
  - D. Special Use Permit Guidelines Excerpt
  - E. Existing Gated Communities Map
  - F. Criteria Table
  - G. Draft Statement of Direction
  - H. Presentation
- C:     - Applicant  
       - Case File