

SUP-21-02
East Cottontail Run Road Private Roadway Gate

-Statement of Direction-
December 2, 2021

On October 11, 2021, the Jordan 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, submitted a new Special Use Permit application for a private roadway gate on East Cottontail Run Road.

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. The roadway is owned by the owner of 4928 E. Cottontail Run Road and the other property owners with gate access have an ingress/egress easement over the private roadway. The private roadway serves a total of nine existing homes (10 potential).

Section 1102.3 of the Town's Zoning Ordinance states the Town Council must issue a Statement of Direction for the Special Use Permit application within 45 days of the first staff presentation (being the November 18, 2021 study session). In this case, the Statement of Direction must be issued on or before January 2, 2022.

The Statement of Direction is not a final decision of the Town Council and does not create any vested rights to the approval of a Special Use Permit. Any applicant for a Special Use Permit shall not rely upon the matters addressed in the Statement of Direction being the same as those that may be part of an approved Special Use Permit.

Therefore, the Town Council issues the following Statement of Direction for SUP-21-02:

- The General Plan discourages the installation of private roadway gates (General Plan Mobility Policy 4.4.1.2). Cottontail Run Road has existed without a private roadway gate for decades without much incidence. A private roadway gate may be justified to prevent wayward traffic from utilizing the private roadway in that East Cottontail Run Road adjoins Tatum Boulevard and it is a 20-foot wide paved road that provides access to several hillside homes with no access to other public streets.
- The visioning process in both the 2012 General Plan and current 2022 General Plan process emphasizes quality of life issues of Town residents such as preserving a sense of privacy, providing high-quality public safety services, maintaining dark skies and protection against increased noise and air pollution and blighted properties that private roadway gates may enhance for a particular neighborhood based on their locational characteristics.
- To ensure the improvements are compatible with the character of the Town and the Special Use Permit Guidelines, the Planning Commission should focus attention on the following:

- Safe conditions related to vehicle stacking (particularly preventing impact onto Tatum Boulevard).
 - Ample turnaround area for emergency access and other vehicles.
 - Height, location, and design of all structures (i.e., retaining wall and gates) such that these are compatible with the surrounding area and nearby hillside properties. In particular, preference is that the private roadway gate improvements meet Special Use Permit Guidelines (i.e. gate height of 8-foot tall) unless there are compelling reasons to deviate from the guideline recommendations.
 - 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.
 - Demonstrated effort by the applicant to document support for the proposed gate from neighboring property owners on Cottontail Run Road.
- The Planning Commission is expected to complete its review and hearing process within the 90 days from the approval of the Statement of Direction provided in Section 2-5-2.D.1 of the Town Code. The 90 day review period expires on **March 2, 2022**.

As per Section 1102.3.C.3.c of the Zoning Ordinance, at any time during the review process, the Planning Commission may request clarification and/or expansion of this Statement of Direction based on additional information that has evolved.