

# TOWN *Of* PARADISE VALLEY



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## STAFF REPORT

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

**FROM:** Lisa Collins, Community Development Director  
Paul Michaud, Planning Manager  
George Burton, Senior Planner

**DATE:** May 25, 2023

**DEPARTMENT:** Community Development  
George Burton, Senior Planner 480-349-3525

**AGENDA TITLE:** Discussion and Possible Action on Club Estates 7 Lot Split (LS-21-02). 5639 E Joshua Tree Ln (APN: 169-32-932)

### RECOMMENDATION:

Since the lot split deviates from the Town's development, it is recommended that the Town Council **deny** the Club Estates No. 7 Lot Split, located at 5639 E Joshua Tree Lane, dividing an approximately 2.023-acre property into two (2) residential R-43-zoned properties.

### REQUEST

The applicant, Nick Prodanov with Land Development Group, is requesting approval of a Non-Administrative Land Modification (lot split) to divide a 2.023-acre parcel into two lots. Proposed Lot 1 is 44,562 square feet in size ( $\pm 1.023$  acres) and proposed Lot 2 is 43,567 square feet in size ( $\pm 1.00$  acres). The subject property is located at 5639 E Joshua Tree Lane.

To make Lot 2 meet the minimum one net acre lot size and to avoid making modifications to the existing house to meet setback requirements from the new/proposed property line, the applicant angled the new property line 7 degrees adjoining the north/Joshua Tree property line and 3 degrees from the south property line; which resulted in the following modifications from Article 6-3 of the Town Code:

1. *Town Code (Section 6-3-5.A) - The lot arrangement and design shall preclude unorthodox or unusually shaped lots.* The angled lot lines create unorthodox-shaped (e.g. not square or rectangular) lots.

2. *Town Code (Section 6-3-5.B) - All side lines of lots shall be at right angles to streets.* The new lot line adjoining the north/Joshua Tree property line is tilted 7 degrees and is not at a right angle to the street.

### **TOWN COUNCIL REVIEW**

The Town Council held a work session on May 11<sup>th</sup>. During the work session, the Town Council expressed concern regarding the requested deviations and identified a lack of support for the proposed lot split.

### **PLANNING COMMISSION REVIEW**

The Planning Commission held one work session on April 4<sup>th</sup> and a public meeting on April 18<sup>th</sup>. During the public meeting, the Planning Commission expressed concerns regarding the requested modifications/deviations and forwarded a recommendation of denial to the Town Council regarding this lot split.

### **APPLICANT RESPONSE TO PLANNING COMMISSION REVIEW**

In response to the Planning Commission concerns regarding the proposed deviations, the applicant provided the following/alternative designs (see Attachment E):

1. Option 1. Dedicate access easements benefiting new Lot 1. This does not straighten the proposed property line nor eliminate the requested deviations; however, it gives the appearance of a straight property line on the plat. The property owner is also willing to build a new site wall following the proposed/straight line of the access easements.
2. Option 2. Abandon two feet of right-of-way (ROW) from Joshua Tree Lane (since the existing ROW is 27 feet wide instead of the minimum required width of 25 feet). This would enable new Lot 1 to get additional land to meet the minimum one net acre requirement and may enable the applicant to reduce the amount of bend/angle in the property line.

Neither option eliminates the deviations. Also, abandonment of ROW requires Town Council approval and would result in a scalloped ROW along Joshua Tree Lane.

### **Reasons For Denial:**

As submitted, the applicant is trying to accommodate the existing house instead of complying with the lot split development standards. Adjustments can be made to the plat to bring the lot into compliance with all of the Town's development/platting standards. The new property line can be straightened so it is perpendicular to the north and south property lines and moved several feet to the east. However, to do this, a portion of the house will need to be demolished so the home meets the 20-foot side yard setback from the newly created property line. Although this is not an ideal option, it would bring the lot split into compliance.

### **BACKGROUND**

#### **Existing Site:**

The current property was originally two lots, which were platted in Maricopa County as Lots 18 and 19 of the Club Estates subdivision. These properties were annexed into

the Town in 1961 and then the two lots were combined into one property in 2015 as Lot 1 of Club Estates 3.

The property has an existing house, ramada, pool, sport court and fence/site walls. The applicant will keep the house, pool, and sport court. However, the applicant will remove/demolish the ramada to meet the 25% floor area ratio requirement and must remove part of the existing southwestern fence wall to bring the lots into zoning compliance (should the lot split be approved).

General Plan/Zoning:

The Town's General Plan Land Use Map designates the subject property as Low Density Residential. Section LU1.1 of the Town's General Plan states:

The Town shall preserve and maintain the community's single-family residential minimum one-acre-lots. The Town recognizes that outside the predominant one-acre single family lots, existing cluster developments, lots smaller than one-acre and Resort Special Use Permit properties existing in the Town.

While the proposed lot split complies with the Town's General Plan of single-family residential one-acre-lots, it deviates from two of the Town's development/platting standards (i.e. orthodox shaped lots and the property line at right-angle to a street). The applicant is angling the new property line so they will not have to modify the house to meet setback requirements and so new Lot 2 will meet the one-acre lot size requirement. A straight lot line would result in moving the proposed property line further east, which would require part of the existing house to be removed to accommodate the 20' side yard setback from the new/proposed property line.

**ENFORCEMENT**

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

**FACTS/DISCUSSION**

Joshua Tree Lane: No right-of-way (ROW) dedication is required since Joshua Tree Lane is 27 feet wide from the center line (which exceeds the recommended half street width of 25 feet). However, the applicant proposes to install two feet of ribbon curb in accordance with the Town's ROW standards. The enclosed Offsite Paving Plan illustrates the proposed half street improvements and the applicant provided construction cost estimates.

Lost Dutchman Drive: No right-of-way (ROW) dedication is required since Lost Dutchman Drive meets the recommended half street width of 25 feet. However, the applicant proposes to install two feet of ribbon curb in accordance with the Town's ROW standards. The Offsite Paving Plan illustrates the proposed half street improvements and the applicant provided construction cost estimates.

Traffic:

No traffic study is required.

Lot Configuration:

The angled property line creates two deviations from the Town's development/platting standards, which creates unorthodox-shaped lots and does not comply with the requirement that the new property line must be at a right-angle to the street. However, these requested deviations enable the proposed lot split to meet all setback, area, and lot size requirements for the R-43 Zoning District. A lot split without the deviations would not meet all R-43 Zoning District requirements and would require the applicant to remove portions of the house to meet zoning requirements (as noted above).

Utilities:

Each of the proposed lots would 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 would be available to each lot.

- 1) Electric: The subject site is located within the APS service area.
- 2) Water: Water will be provided by EPCOR Water.
- 3) Sewer: The existing home is connected to the Town of Paradise Valley sewer system. New Lot 2 may be serviced by the Town of Paradise Valley sewer.

Drainage:

Each lot requires 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. A Drainage Easement and Maintenance Agreement for the washes shown on new Lot 2 shall be recorded prior to recordation of the plat map. New Lot 1 will retain the drainage easement that was dedicated during the 2015 lot combination of Club Estates 3.

Fire Protection Issues:

The two proposed lots 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: The nearest fire hydrant is located 194 feet from new Lot 1 and 384 feet from new Lot 2. The Town Code requires a fire hydrant to be located within 400 feet of a property line. Since the new lots are compliant with the 400-foot distance requirement, a new fire hydrant is not required.
- 3) Fire sprinkler requirement: The new home and structures that may be constructed on the new lots are required to have fire sprinklers in accordance with the Town Fire Code.
- 4) Fire Flow: The fire flow rate is compliant with the Town's standards. The fire flow rate for this area is 1,622 gallons per minute (gpm) and the Town Code requires a minimum flow test rate of 1,500 gallons per minute (gpm).

Lot Split Procedure

Article 6-8 of the Town Code, Variances and Modifications, allows the Planning Commission to consider deviations to the lot split regulations which include the requested angles in the new/proposed property line that create unorthodox-shaped lots and that the side lot line is not at a right angle to the street. It further states that the Town Council may vary the regulations after receipt of recommendation from the

Planning Commission. As noted above, the Planning Commission is not supportive of the deviations and recommends denial of this lot split.

## **PUBLIC NOTIFICATION**

Public notification was completed in accordance with the public meeting process. On March 28, 2023, the neighborhood notices were mailed to the surrounding property owners within 500 feet. Staff received one inquiry regarding this proposed lot split and one neighbor opposed to this lot split. The inquiring neighbor did not identify if he was supportive or opposed to the request. The applicant also provided three letters of support.

## **REQUIRED ACTION**

The Town Council may take the following action:

1. Deny the lot split.
2. Approve the lot split, subject to the following stipulations:
  - A. The improvement shall be in substantial compliance with the submitted plans and documents:
    - i. The Narrative prepared by Land Development Group and dated November 2, 2022.
    - ii. The "Club Estates No. 7" Plat, Sheet 1 of 1, prepared by Land Development Group dated January 25, 2023.
    - iii. The "Offsite Paving Plan. 5639 E Joshua Tree Ln. Lot 1 – Club Estates No 7", Sheet PV-1, prepared by Land Development Group and dated January 25, 2025.
    - iv. The "Offsite Paving Plan. 5629 E Joshua Tree Ln. Lot 2 – Club Estates No 7", Sheet PV-1, prepared by Land Development Group and dated January 25, 2025.
    - v. The "Drainage Report. 5639 E Joshua Tree Lane", prepared by Land Development Group and dated May 9, 2022.
    - vi. Construction Cost Estimate. Off-Site Half Street Improvements – Curb Construction. Club Estates No. 7 – Lot 1. Prepared by Land Development Group and dated December 19, 2022.
    - vii. Construction Cost Estimate. Off-Site Half Street Improvements – Curb Construction. Club Estates No. 7 – Lot 1. Prepared by Land Development Group and dated December 19, 2022.
  - B. Prior to the recordation of Club Estates No. 7, the following items must be completed:
    - i. The owner(s) of the Property, or successors, shall provide the Town, with a Drainage Easement and Maintenance Agreement for Lot 2. This form shall be submitted and approved by the Town and recorded with the Maricopa County Recorder's Office.
    - ii. Provide the required forms of assurances necessary for the Town to be in a guaranteed position to complete the improvements related to the Offsite Paving Plans (in accordance with the half street improvement plans noted in Stipulations 1.c and 1.d and the construction cost estimates noted in Stipulations 1.vi and 1.vii).

- iii. Within 60 days of Council approval of the final plat, the applicant shall submit, both in mylar and electronic version (PDF format), the final plat map for the Town's permanent record.
- iv. The existing ramada and southern portion of the fence wall on new Lot 2 must be demolished prior to recordation of the approved plat.

3. Continue the application for further review.

**ATTACHMENTS**

- A. Staff Report
- B. Vicinity Map & Aerial Photo
- C. Application
- D. Narrative, Plans, & Documents
- E. Optional Design with Access Easements
- F. Notification Materials
- G. Letters of Support
- H. Letter of Opposition
- I. Power Point Presentation

CC: LDG Nick Prodanov, Applicant (Case: LS-21-02)