



## Legislation Text

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**TO: Chair and Planning Commission**

**FROM: Jeremy Knapp, Community Development Director  
Paul Michaud, Senior Planner  
George Burton, Planner**

**DATE: February 19, 2019**

**CONTACT:**

George Burton, 480-348-3525

**AGENDA TITLE:**

**Consideration of a Preliminary Plat (PA-17-01) & Private Road Conditional Use Permit (CUP-19-01)**

**Sanctuary II - Three Lot Subdivision with Private Road**

**4474 E. Valley Vista Lane (APN 169-20-122) and 4490 E. Valley Vista Lane (APN 169-20-123)**

**RECOMMENDATION**

Two actions are required: 1) forward a recommendation of approval or denial on the preliminary plat to the Town Council and 2) act on the private road Conditional Use Permit (CUP). It is recommended that:

1. The Planning Commission forward the Preliminary Plat (PA-17-01) to the Town Council with a recommendation of denial; and
2. The Planning Commission deny the request for the private road Conditional Use Permit (CUP-19-01).

**REQUEST**

Valley Vista PV and Robert Johnson filed two applications to develop a three-lot subdivision. They will split 4474 E. Valley Vista Lane into two lots and modify the lot line on 4490 E. Valley Vista Ln to accommodate one of the new lots (Lot 2 on the Sanctuary II preliminary plat). A 50-wide private road will also be created to access the two new lots (Lot 1 and Lot 2 located on 4474 E. Valley Vista Lane). The applicant is requesting a deviation from the cul-de-sac standard and is proposing an alternate hammerhead design and access easement.

**BACKGROUND**

Planning Commission Discussion

The Planning Commission discussed the proposed preliminary plat and private road Conditional Use Permit at the January 22<sup>nd</sup> work session and February 5<sup>th</sup> public hearing. The Commission expressed concern regarding the applicants request to deviate from the cul-de-sac standard, concern regarding potential safety issues with the steepness of the proposed roadway and hammerhead

turnaround, and requested the applicant use a cul-de-sac design for this improvement. The Commission also identified during the work study session that if the plat and Conditional Use Permit are approved, the improvements located in the private road Conditional Use Permit must receive Hillside Building Committee approval prior to issuance of any permits.

The application was continued to March 19<sup>th</sup> to allow the applicant to address the Commissions concerns and direction to use a cul-de-sac design for this improvement. The applicant updated the preliminary plat and plans by placing a 30' cul-de-sac like access easement on Lot 2 to enable a landscape and delivery truck to turn around and exit the subdivision.

The information below provides a brief history of the subject properties and summarizes the scope of the improvement and request.

History:

The subject properties are zoned R-43 Hillside and were platted in 1994 via the Sanctuary subdivision. The properties then received an approved lot line adjustment in 2002 to modify the property line between the two lots, which put half of the existing drainage easement on each property. In 2003, an approximately 22,000 square foot home was approved by the Hillside Committee for development at 4474 E. Valley Vista Lane. However, the applicant did not construct the house and the lot remained vacant.

In 2016, the Town received a complaint regarding grading at 4474 E. Valley Vista Lane. Staff confirmed that there were no approved permits for work on the site and notified the contractor to stop all work and apply for the necessary Hillside Committee approvals and building permits. Since then, the applicant restored the grades and placed a native plant hydroseed mix on affected area.

The applicant is now requesting a preliminary plat and private road Conditional Use Permit to turn the two lots into a three-lot subdivision.

Preliminary Plat

The two subject properties have a combined square footage or total area of 189,222 square feet (4.344 acres) and are zoned R-43 Hillside. 4474 E. Valley Vista Lane will be split to create two lots and accommodate the new private roadway. The lot line between 4474 E Valley Vista Lane and 4490 E Valley Vista Lane will be modified to accommodate the new lot (Lot 2) and the private road. 4490 E. Valley Vista Lane will be slightly reduced in size from 93,629 square feet (2.15 acres) to 87,362 square feet (2.01 acres). Despite the reduction in the lot size and the modified property line, the existing house located on 4490 E. Valley Vista Lane will remain and complies with all setback, area, and hillside disturbance requirements.

1. *Lot Configuration & Lot Size.* The proposed properties meet the area requirements for R-43 Hillside lots, including size, lot width, and setbacks. Based upon Section 2209 of the Town Zoning Ordinance, the average slope of the subject site is 9.09%, which requires each lot to have a minimum lot size of 43,560 square feet (1 net acre). Proposed Lot 1 is 44,065 square feet (1.012 acres), Lot 2 is 44,420 square feet (1.020 acres), and modified Lot 3 is 87,362 square feet (2.006 acres). Under the current configuration, the proposed lots meet with circle test, in which a 165-foot diameter circle must touch the 40-foot front building setback line and fit within each parcel. However, if a cul-de-sac bulb was dedicated at the end of the roadway, Lot 2 would not comply with the circle test and may not meet the minimum lot size of 43,560

square feet.

*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.

- **Electric:** The subject site is located within the APS service area.
- **Water:** Water for this subdivision will be provided by EPCOR Water Company.
- **Sewer:** City of Phoenix sewer is available to service the new lots. However, the City of Phoenix sewer line is in the wash. As a result, the applicant must receive a Technical Appeal from the City of Phoenix to build a structure over the sewer (e.g. span the wash with a bridge to provide access to Lot 2). A stipulation was added to require the applicant to provide the Town with a copy of the approved Technical Appeal prior to recordation of the final plat.

*Drainage.* The preliminary grading, drainage, and pavement plan illustrates the site topography and identifies drainage easements with cross sections of the washes. Each lot will require an individual engineering site/grading and drainage plan with each building permit application submittal. On-site lot retention will also be required with the development of each lot.

*Hillside Development.* The development of each lot will require Hillside Building Committee review and approval to ensure compliance with the Town's Hillside Code. Hillside Building Committee approval is required prior to issuance of a building permit.

The applicant also provided a preliminary grading, drainage, and pavement plan to illustrate the private road improvements, identify that Lot 3 complies with the hillside disturbed area requirements, and to provide development scenarios on Lots 1 and 2 to demonstrate that these properties will meet the hillside disturbance requirements.

*Fire Protection Issues.* The proposed lots will meet all standards related to fire protection as follows:

- **Fire Department access:** Lot 1 and Lot 2 will have direct access via the new private roadway. Lot 3 will have access via the existing road (Valley Vista Lane).
- **Fire hydrant spacing/location:** The nearest fire hydrant is located 137 feet away from the new Lot 1 and over 400 feet away from new Lot 2 (approximately 430 feet away). The Town Code requires a fire hydrant to be located within 400 feet of a property line. Therefore, the installation of a new fire hydrant will be required with the development Lot 2 (via the building permit process).
- **Fire sprinkler requirement:** The new homes and structures that will be constructed will have fire sprinklers in accordance with the Town Fire Code.
- **Fire Flow:** The flow rate in this area is compliant with the Town Code requirements. The applicant provided a water impact study which identifies an average flow rate of 2,381 gallons per minute (gpm) and the Town Code requires a minimum flow test rate of 1,500 gpm.

*Landscaping.* The Town Code requires that landscaping be placed between the roadway

surface and adjoining property line of existing and new/proposed rights-of-way. 4 fifteen-gallon native trees and 5 one-gallon native shrubs shall be placed every 100 feet adjoining the rights-of-way.

The private road tract (Tract A) is approximately 275 feet lot which requires 24 trees and 30 native shrubs. The landscape plan identifies 24 trees (14 Mesquite and 10 Palo Verde) and approximately 125 shrubs (with a mixture of Desert Milkweed, Chihuahuan Sage, Blue Elf Aloe, and Baja Desert Ruellia) in and around the private roadway tract (Tract A).

The area adjoining Valley Vista Lane is approximately 150 feet long. The landscape plan identifies that 12 trees (all Palo Verde) and approximately 45 shrubs (with a mixture of Desert Milkweed, Tropical Agave, and Chihuahuan Sage) will be placed next to Valley Vista Lane.

No lighting is associated with the right-of-way landscape improvements. Also, there are no subdivision signs nor subdivisions walls proposed with this improvement.

#### Private Road Conditional Use Permit (CUP)

The applicant is proposing to construct a private road to access Lot 1 and Lot 2. The private roadway is labeled as Tract A on the preliminary plat and the roadway improvements are identified on the preliminary grading, drainage, and pavement plan.

*Tract A.* Town Code limits private roadways to:

- A minimum tract width of 50 feet,
- A paved surface width of 15 feet when serving two lots,
- A road with a grade exceeding 12% shall not be longer than 600 feet, and
- A cul-de-sac design to enable vehicle turning and backing-up.

The private roadway tract (Tract A) is:

- 50 feet wide,
- Has 16 feet of paved roadway surface to serve Lots 1 and 2,
- Has a maximum roadway slope of 20% and a total length of 275 feet, but
- Does **not** have a cul-de-sac design.

Instead, the applicant is requesting a deviation from the cul-de-sac standard and is proposing an alternate hammerhead design. The hammerhead is located within Tract A and is labeled "Fire Truck Turnaround" on the preliminary plat and preliminary grading plan. The Town Engineer and Town Fire Marshal reviewed the proposed hammerhead and deemed the design compliant with traffic safety and fire safety standards.

During the January 22<sup>nd</sup> work session and February 5<sup>th</sup> public hearing, the Planning Commission expressed concern regarding the applicants request to deviate from the cul-de-sac standard, concern regarding potential safety issues with the steepness of the proposed roadway and hammerhead turnaround, and requested the applicant use a cul-de-sac design for this improvement. The Commission also identified during the work study session that if the plat and Conditional Use Permit are approved, the improvements located in the private road conditional use permit must receive Hillside Building Committee approval prior to issuance of

any permits.

In response to Commission's concerns, the applicant updated the preliminary plat and plans by placing a cul-de-sac like access easement on Lot 2 to enable vehicles to turnaround and exit the subdivision. The access easement has a 30-foot radius to enable vehicles to turnaround. Staff also requested that the applicant identify the type of access easement surface to determine if it will match the roadway surface and provide the appearance and function of a small cul-de-sac. Also, to maintain accessibility, the owner of Lot 2 will be prohibited from placing structures in the access easement. The Planning Commission shall evaluate the deviation request to use a hammerhead and the access easement instead of a dedicated cul-de-sac with a 45-foot radius and provide a recommendation of approval or denial for Town Council review.

*Tract B.* The applicant is placing a 2-foot-wide track between Lot 3 (that has an existing house) and the private roadway tract (Tract A). Tract B was added so the private roadway will not convert Lot 3 into a corner lot and create any non-conforming setbacks on the lot (since side yards adjoining a right-of-way have greater setbacks than side yards adjoining a residential property).

*Roadway Retaining Walls.* 9 retaining walls will be used to construct the private roadway in Tract A. The heights of the retaining walls vary from 1.5 feet tall to 7.5 feet tall and the longest retaining wall is 92 feet long. The code limits roadway retaining walls to a maximum height of 8 feet tall and a maximum length of 100 feet (for walls over 4 feet in height). The retaining wall color and finish must comply with the Hillside Code and will be reviewed by the Hillside Building Committee.

*Roadway Surface & Bridge.* The roadway will have a stamped concrete surface that must comply with Hillside Code (and must meet the color and light reflective value requirements). Also, a bridge will be placed over and span the wash to provide access to Lot 2. The bridge surface will have the same stamped concrete surface as the road. The bridge and roadway surface must also receive Hillside Building Committee review and approval prior to issuance of any permits.

#### Public Comment

Neighborhood notification was performed in accordance with the public hearing process. Staff received several inquiries and comments from neighbors regarding the request. Many of the neighboring property owners expressed concern regarding the creation of an additional lot, concern regarding more development on the hillside, safety concerns with hammerhead design, and drainage concerns. One of the neighbor's also identified that the CC&Rs prohibit the lots from being subdivided. However, the Town does not enforce private deed restrictions, only Town Code standards. Copies of the emails and letters from the neighboring property owners are enclosed for Commission review.

#### Staff Recommendation of Denial on the Preliminary Plat and Private Road CUP

Per Sections 6-3-2.B and 6-7.C.9 of the Town Code:

- 6-3-2.B. A dead-end street not to exceed five hundred feet (500') in length may

be established, provided that there shall be a turn-around, at the closed end, having a right-of-way radius of not less than forty-five feet (45') with an improved traffic circle having a radius of forty feet (40').

- 6-7.C.9. Upon recommendation by the Commission and the approval of the Council, the following street modifications may apply:
  - a. Various designs for turning and backing such as hammerheads may be substituted for cul-de-sacs.
  - b. Required paving width of the traffic lanes may be modified when off-road parking bays are provided, developed, and paved in the public right-of-way.
  - c. Centerline of the paving may be offset from the centerline of the right-of-way to provide parking bays in the right-of-way.

The proposed hammerhead and access easement are deviations from the Town Code sections noted above. Due to non-compliance with Town Codes, staff recommends denial of the preliminary plat and private road Conditional Use Permit due to the following reasons:

1. There is no dedicated cul-de-sac at the end of the private roadway. The proposed 30 foot turning radius is an access easement and is not dedicated right-of-way (which should be incorporated into private roadway Tract A);
2. The proposed turning radius does not meet the 45-foot cul-de-sac radius recommended by the Town Code; and
3. If a cul-de-sac bulb was dedicated at the end of the roadway, Lot 2 would not comply with the circle test and may not meet the minimum lot size of 43,560 square feet.

## **ACTION**

Two actions are required: 1) forward a recommendation of approval or denial on the preliminary plat to the Town Council and 2) act on the private road Conditional Use Permit. However, the Planning Commission may continue either request to a future date for additional review and/or information. Below are optional actions and stipulations for each application:

### Preliminary Plat (PA-17-01):

- *Option 1. Recommendation of Denial.*  
I move that that the Planning Commission recommend forwarding to the Town Council denial of the preliminary plat (PA-17-01) for the proposed development located at 4474 E Valley Vista Lane and 4490 E. Valley Vista Lane. [Identifying/Specifying the Reasons for Denial].
- *Option 2. Recommendation of Approval.*  
I move that that the Planning Commission recommend forwarding to the Town Council approval of the preliminary plat (PA-17-01) for the proposed development located at 4474 E Valley Vista Lane and 4490 E. Valley Vista Lane, subject the following conditions:

1. The Preliminary Plat improvements shall be in substantial compliance with the

submitted plans and documents:

- a. The narrative, dated March 3, 2019 and prepared by Rich Brock;
  - b. The "Sanctuary II" preliminary plat, Sheets 1 - 2, prepared by Land Development Group and dated February 25, 2019; and
  - c. The "Preliminary Grading, Drainage & Paving Plan" for 4474 E. Valley Vista Lane and 4490 E. Valley Vista Lane, Paradise Valley, AZ 855253, Sheets C1 - C4, prepared by Land Development Group and February 25, 2019;
2. The final plat for the "Sanctuary II" shall be in substantial compliance with the Preliminary Plat, Sheets 1-2, prepared by Land Development Group and dated February 25, 2019;
  3. The landscaping along Valley Vista Lane, Tract A, and Tract B, shall be in substantial compliance with Driveway/Streetscape Landscape Plan, prepared by Sunset Landscape & Pools, and dated December 17, 2018;
  4. Improvements in Tract A for the "Sanctuary II" subdivision shall be in substantial compliance with the private road Conditional Use Permit CUP-19-01;
  5. The improvements for the "Sanctuary II" subdivision shall be in substantial compliance with the Geotechnical Evaluation, prepared by Arizona Analytical Inspection & Testing, and dated June 15, 2018;
  6. The improvements for the "Sanctuary II" subdivision shall be in substantial compliance with the Water Service Impact Study, prepared by Land Development Group, and dated November 27, 2017;
  7. Prior to the final plat of this Property being approved by the Town Council, the appropriate documentation shall be provided to the Town regarding the "Sanctuary II" subdivision having a 100-year assured water supply;
  8. No structures shall be placed in the 30-foot radius access easement that is located on Lot 2. A driveway/roadway surface is allowable and must comply with the Town's Hillside Development Regulations;
  9. Within 60 days of approval of the final plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a PDF format for the Town's permanent record;
  10. Since the sewer line is located in the wash, the applicant must provide the Town with a copy of the approved Technical Appeal from the City of Phoenix authorizing the bridge to span the sewer line prior to recordation of the final plat;
  11. The installation of a new fire hydrant is required with the development of Lot 2 and shall be installed and inspected by the Town prior to issuance of the Certificate of Occupancy or a final inspection for the primary residence for Lot 2.
  12. The property owners of 4474 E. Valley Vista Drive and 4490 E Valley Vista Drive, and/or the property owner(s) of the new lots created due to the subdivision of these properties, shall provide the Town, in a form acceptable to the Town Attorney, a grant of access easement and maintenance agreement for landscape Tract B. This form shall be reviewed by the Town Attorney, must be in-compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder's Office. Said form shall be recorded prior to issuance of the Certificate of Occupancy or a final inspection for the home(s) located the Sanctuary II subdivision.
  13. Prior to the recordation of the Sanctuary II final plat, the property owner(s) of said lots or designee(s) shall provide for Town approval the roadway plan referenced in CUP-19-01 and submit the required assurances necessary to guarantee completion of said

improvements.

14. Prior to issuance of the Certificate of Occupancy or a final inspection for the home(s) located in the Sanctuary II final plat/subdivision, the property owner(s) or designee(s) shall complete the roadway improvements referenced in CUP-19-01.
15. The landscaping located at the corner of private roadway Tract A and Valley Vista Lane and the corner of Landscape Tract B and Valley Vista Lane, shall comply and must be maintained to ensure compliance with Section 8-1-13, Corner Vision, of the Town Code.

▪ *Option 3. Recommendation of Continuance.*

I move that the Planning Commission continue their action to a specified meeting date or an unspecified meeting date. [Identifying/Specifying the Reasons for Continuance].

Private Road Conditional Use Permit (CUP-19-01):

▪ *Option 1. Recommendation of Denial.*

I move that that the Planning Commission deny CUP-19-0, a Conditional Use Permit for a private roadway at the "Sanctuary II" subdivision. This recommendation is based on not meeting Sections 6-3-2.B and 6-7.C.9 of the Town Code.

▪ *Option 2. Recommendation of Approval.*

1. The private roadway Conditional Use Permit (CUP) shall apply to the property described in the legal descriptions of the "Sanctuary II" preliminary plat, dated February 25, 2019; and
2. The CUP shall be in substantial compliance with the submitted plans and documents:
  - a. The narrative, dated March 3, 2019 and prepared by Rich Brock.
  - b. The "Sanctuary II" preliminary plat, Sheets 1 - 2, prepared by Land Development Group and dated February 25, 2019, and
  - c. The "Preliminary Grading, Drainage & Paving Plan" for 4474 E. Valley Vista Lane and 4490 E. Valley Vista Lane, Paradise Valley, AZ 855253, Sheets C1 - C4, prepared by Land Development Group and February 25, 2019;
3. All improvements located within the private road CUP Tract A, shall receive Hillside Building Committee approval prior to the issuance of any permits related to the development of Tract A.
4. The property owners of 4474 E. Valley Vista Drive and 4490 E Valley Vista Drive, and/or the property owner(s) of the new lots created due to the subdivision of these properties, shall provide the Town, in a form acceptable to the Town Attorney, a grant of access easement over the private roadway and a private roadway maintenance agreement for the private roadway Tract A, subject to this CUP. This form shall be reviewed by the Town Attorney, must be in-compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder's Office. Said form shall be recorded prior to issuance of the Certificate of Occupancy or a final inspection for the home(s) located the Sanctuary II subdivision.
5. Prior to the recordation of the Sanctuary II final plat, the property owner(s) of said lots or designee(s) shall provide for Town approval the roadway plan referenced in Stipulation 4 and submit the required assurances necessary to guarantee completion of said improvements.

6. Prior to issuance of the Certificate of Occupancy or a final inspection for the home(s) located in the Sanctuary II preliminary plat/subdivision, the property owner(s) or designee(s) shall complete the roadway improvements referenced in Stipulations 4 and 5.
7. The landscaping located at the corner of private roadway Tract A and Valley Vista Lane shall comply and must be maintained to ensure compliance with Section 8-1-13, Corner Vision, of the Town Code.

▪ *Option 3. Recommendation of Continuance*

I move that the Planning Commission continue their action to a specified meeting date or an unspecified meeting date. [Identifying/Specifying the Reasons for Continuance].

**ATTACHMENTS:**

Vicinity Map & Aerial Photo

Application - Preliminary Plat

Application - Conditional Use Permit

Narrative

Applicant Response Letter January 28, 2019

Response from Nick Prodanov from LDG

Plans:

1. Preliminary Plat - Sanctuary II
2. Landscape Plan
3. Slope Analysis
4. Design Package
5. Updated Preliminary Grading, Drainage & Paving Plan
6. Topographic Survey February 18, 2016
7. Topographic Survey April 26, 2016
8. Site Plan for 4490 E Valley Vista Ln
9. 2003 Hillside Site Plan for Proposed Home at 4474 E Valley Vista Ln
10. Water Service Impact Study
11. Geotechnical Evaluation
12. City of Phoenix Technical Appeal Correspondence
13. 404 Certification Form
14. Hydrology Map

Notification Materials

Public Comment Emails/Letters

February 5, 2019 Planning Commission Meeting Minutes

CC: Rich Brock, Dirk Bloom, and Nick Prodanov - Applicant