



Legislation Text

File #: 20-136, **Version:** 1

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill B. Keimach, Town Manager
Jeremy Knapp, Community Development Director
George Burton, Senior Planner

DATE: March 26, 2020

CONTACT:

AGENDA TITLE:

Discussion of Morning Glory Estates III Lot Split 6101 E. Caballo Lane

REQUEST

The applicant, LLC. DK Real Estate Holdings is requesting approval of a lot split to subdivide a 2.5-acre parcel into two lots. New Lot 13 is 54,416 square feet in size (1.249 acres) and new Lot 14 is 54,335 square feet in size (1.247 acres). The subject property is located at 6101 E. Caballo Lane.

The property was originally platted in 1982 as Lots 10 and 11 in the Morning Glory Estates subdivision plat and then combined into one lot in 2007 as Lot 10 in the Morning Glory Estates I lot combination plat. The owner is now proposing to split the lot back into two separate parcels. However, the proposed lots will deviate from the code standard which requires a 165' diameter circle to touch the front setback line at a single point for each lot.

BACKGROUND

Existing Site:

The property is 2.5 acres in size and abuts three streets (Caballo Lane to the north, Morning Glory Road to the west, and Caballo Drive to the south). Also, a lot split cannot create nonconforming structures and there is a primary house, guest house, tennis court, fence walls, and bridge (that spans the wash) on the existing property. The applicant intends on keeping the existing structures but will modify them to prevent any nonconformities. The following modifications to the existing structures will be made prior to recordation of the plat:

- Lot 13:
 - The existing house, tennis court, and fence walls will remain. New Lot 13 will have a floor area ratio (FAR) of 6.55%.
 - The western swing gate and the footbridge that crosses the wash will be removed to restore the flows in Cherokee wash.
- Lot 14:
 - The existing house and fence walls will remain.

- 1,137 square feet of the house will be removed to bring the home into compliance with the 40' rear yard setback requirement and the floor area ratio requirement. New Lot 14 will have a FAR of 24.95 % (which is in compliance with the 25% FAR limit).
- The eastern swing gate and the footbridge that crosses the wash will be removed to restore the flows in Cherokee wash.

General Plan:

The subject property is shown as Low Density Residential (0-1 house per acre) on the Town's General Plan Land Use Map. The proposed lots are zoned R-43 and are limited to one house per acre. The property is not hillside.

ENFORCEMENT:

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

FACTS/DISCUSSION:

No right-of-way (ROW) dedication or road improvements are required.

The Town standards require a minimum ROW width of 50' with 22' of pavement and 2' of curb adjoining the pavement (or a half street of 25' of ROW with 11' of pavement and 2' of curb). Caballo Lane, Morning Glory Road, and Caballo Drive are compliant with the Town's right-of-way standards and do not require ROW dedication or half street improvements.

Traffic:

Per the Town Engineer, a traffic study is not required.

Lot Configuration:

The proposed lot split meets the area requirements for R-43 lots, except for the standard which identifies that a 165' diameter circle must touch the 40' front building setback line at a single point. Both lots exceed the 165' minimum width, with each lot at 316' wide and 172' deep. Per Section 6-9-3 of the Town Code, "No Non-Administrative Land Modification which creates a substandard or non-conforming lot or structure shall be approved except by Council action." Therefore, the deviation from the 165' circle touching the front setback line cannot be granted without Town Council approval.

There are several items of note that this lot split will address:

- Based upon the applicant's survey, the footbridge abutments are located in the drainage easement/wash. In order to help restore the flows of the Cherokee wash, the applicant will remove the swing gates, the foot bridge that span the wash, and the footbridge abutments that are in the wash. The improvement in flow is a public benefit;
- The applicant modified the drainage easement boundaries in accordance with the Town's storm drainage design manual; and
- The applicant is returning the lots back to their original configuration and is compliant with all other development standards.

Utilities:

Each of the proposed lots will have the required 6' or 8' 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:

- 1) Electric: The subject site is located within the APS service area.
- 2) Water: Water for the Morning Glory Estates III lot split will be provided by the City of Phoenix.
- 3) Sewer: The two lots will be serviced by the Town of Paradise Valley sewer.

Drainage:

There is an existing drainage easement located on the property. Based upon the applicant's drainage report, the drainage easement will be modified and expanded in accordance with the Town's Storm Drainage Design Manual. If either lot is redeveloped, an individual grading and drainage plan will be required with each building permit application.

Fire Protection Issues:

The 2 proposed lots will 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 Town Code requires a fire hydrant to be located within 400' of a property line. There are two existing fire hydrants located within 400' of the new lots (one hydrant is located on Caballo Lane and the other hydrant is located on Caballo Drive). As a result, the installation of a fire hydrant is not required.
- 3) Fire sprinkler requirement: The existing structures will remain. However, if the homes are renovated, the addition of fire sprinklers may be required in accordance with the Town Fire Code.
- 4) Fire Flow: The fire flow rate test shows a flow rate of 1,504 gallons per minute (gpm), which is within the allowable flow rate of 1,500 gpm per the Town Code.

PUBLIC COMMENTS:

Staff received comments of support and opposition regarding this lot split. Four emails of support are enclosed for review. Also, three neighbors expressed opposition during the March 3rd Planning Commission meeting. A copy of the March 3rd meeting minutes is enclosed for reference.

Planning Commission Review

On March 3, 2020, the Planning Commission, by a vote of 6 to 0, forwarded the Morning Glory Estates III Lot Split to the Council with a recommendation of approval, subject to the following stipulations:

1. The lot split plat must be recorded with the Maricopa County Recorder's Office, in full compliance with the Morning Glory Estates III Lot Split plat, Sheets 1 - 2, CVL Project #1-01-03268-01, prepared by Coe & Van Loo Consultants, Inc. and dated January 10, 2020.
2. Prior to the recordation of the Morning Glory Estates III Lot Split plat, the following items must be completed:
 - a. The owner(s) of the Property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a Drainage Easement and Maintenance Agreement. This form shall be reviewed by the Town Engineer and 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 submitted and approved by the Town prior to recordation of the Morning Glory Estates II Lot Split plat; and
 - b. Prior to recordation of the Morning Glory Estates II Lot Split plat, all applicable

structures and/or portions of structures on this property (e.g. the wrought iron fence and gates over the wash, the footbridges and abutments over the wash, and the 1,137 square feet of the house on new Lot 14) shall be removed in accordance with the Morning Glory Estates III Proposed Lot Coverage & Site Plan, prepared by Coe & Van Loo Consultants, Inc. and dated January 15, 2020. The applicable demolition permit shall be obtained from the Town and inspections done by the Town's Community Development Department;

3. Within 60 days of approval of the plat map, the applicant shall submit Mylars and an electronic version in a pdf format for the Town's permanent record.

NEXT STEPS:

The lot split is scheduled for public meeting review at the April 23, 2020 Town Council meeting.

ATTACHMENTS

- A - Vicinity Map & Related Information
- B - Application
- C - Narrative
- D - Plat & Survey
- E - Proposed Lot Coverage & Site Plan
- F- Drainage Report
- G - Drainage Easement Agreement Forms (Lot 13 & Lot 14)
- H - Fire Hydrant Flow Rate
- I - Morning Glory Estates Plat
- J - Morning Glory Estates I Lot Combo Plat
- K - Public Comment Emails
- L - March 3, 2020 Planning Commission Meeting Minutes
- M - Power Point Presentation

- C: - Applicants: Doug Jorden and Fred Fleet
 - Case File: LS-19-02