



## Legislation Details (With Text)

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**Title:** Discussion of "The Villas at Cheney Estates"  
Various applications to develop a 9.6-acre property for 8 single-family lots located at the northwest corner of Northern Ave & Scottsdale Rd  
60 Minutes

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1 Existing Conditions - History Revised 2, 2. 2 Compliance 102617, 3. 3 General Plan Policies, 4. 4 Differences, 5. 5 Timing, 6. 6 Statement of Direction (Gate SUP), 7. 7 Application Material Revised, 8. 8 Utility - Fire, 9. 9 Traffic Statement, 10. 10 FEMA (CLOMR) - Drainage, 11. 11 Comments - Noticing, 12. 12 Minutes, 13. 13 Preliminary Plat, Plans, and Updated Material, 14. 14 Ordinances and 207 Waiver Revised 101917 2, 15. 15 Presentation

Date	Ver.	Action By	Action	Result
10/26/2017	1	Town Council	Received and Filed	

**TO:** Mayor Collins and Town Council Members

**FROM:** Kevin Burke, Town Manager  
Dawn-Marie Buckland, Deputy Town Manager  
Eva Cutro, Community Development Director  
Paul Michaud, Senior Planner

**DATE:** October 26, 2017

**DEPARTMENT:** Community Development

### AGENDA TITLE:

**Discussion of "The Villas at Cheney Estates"**

**Various applications to develop a 9.6-acre property for 8 single-family lots located at the northwest corner of Northern Ave & Scottsdale Rd**

### Town Value(s):

- ☒ Primarily one-acre, residential community
- ☐ Limited government
- ☐ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☐ Preserving natural open space

The proposed development is for single-family residential cluster plan development that maintains the Town's value as it preserves open space and has a gross density of one-acre per home.

**Council Goals or Statutory Requirements:**

Review of the proposed plat is required by State Statute. Review of the various applications filed by the applicant to develop the subject property meets Town Council goals related to governance and infrastructure.

**SUMMARY STATEMENT:**

Request

Doug Jorden, on behalf of Town Triangle, L.L.C., has filed six applications to develop a 9.6-acre property located at the northwest corner of the Northern Avenue alignment and Scottsdale Road (Parcel No. 174-36-002X and part of 174-36-188A). The proposed development is for eight single-family lots that are expected to vary in lot size between approximately 16,813 square feet to 38,665 square feet.

The six applications filed are as follows:

- A text amendment to Article IX, Cluster Plan District, of the Town's Zoning Ordinance, to allow for modifications to the cluster plan provisions for this proposed development such as lot size, height measurement, and setbacks. The gross density will comply with the minimum one home per acre (Ordinance No. 2016-13).
- A rezoning to change the zoning district from "R-43 Single Family Residential District" (minimum 43,560 square-foot lots) and "Special Use Permit - Country Club and Golf Course" to the "R-43 Single Family Residential District Cluster Plan" for minimum 16,500 square-foot lots (Ordinance No. 2016-14).
- A Preliminary Plat for eight 16,813 square feet to 38,665 square-foot lots.
- A Conditional Use Permit to make the road(s) within the proposed subdivision private (Approved by the Planning Commission on October 3, 2017).
- A Special Use Permit (SUP) for private roadway gates off Scottsdale Road into the proposed subdivision (Ordinance No. 2016-15).
- A request for two entry subdivision wall signs.

Town Council action is required on five of the six filed applications. The Conditional Use Permit (CUP) application for the private roadway is acted upon by the Planning Commission pursuant to Section 1103.4 of the Town Zoning Ordinance. The Planning Commission approved the CUP at their meeting of October 3, 2017 by a vote of 4 to 0. The CUP is appealable to Town Council within 15 days of the decision, being the end of the business day of October 18, 2017. No appeal of the CUP was filed.

Planning Commission Action

The Planning Commission unanimously recommended Town Council approval of the five aforementioned applications at their meeting of October 3, 2017. The Planning Commission vote on these five applications was 4 to 0, with Commissioners Covington, Mahrle, and Campbell absent. As noted above, the Planning Commission approved the CUP for the private road. Refer to the attached minutes and ordinances/conditions for more information.

### Major Milestones

Below is a summary of the major milestones related to the proposed development.

- The applicant reconsidered submitting an 11-lot development of minimum 10,000 square-foot lots after discussion with staff. Instead, the application filed in May 2016 proposed an 8-lot development.
- The original approach by the applicant was as an R-10 District subdivision with minimum 10,000 square-foot lots requiring a Major General Plan amendment, text amendment to R-10, rezoning, Conditional Use Permit for a private road, and Special Use Permit for private roadway gates. These application requests resulted in a philosophical discussion in approving a Major General Plan amendment for a development with lots less than one-acre. In response to this input, the applicant revised their application requests in June 2017 by seeking a cluster plan development and adding 5.2 acres of the Camelback Golf Course property to eliminate the Major General Plan amendment and have a gross density more than one home per acre.
- There was discussion on safety as it related to the drainage and the required Federal Emergency Management Agency (FEMA) documentation of the flood zone map. Much of this discussion centered on the discrepancy of the flood zone map designations to the existing conditions. In short, the existing flood zone map designations do not fully reflect past changes in grading on the golf course, the bridge construction at Scottsdale Road, the raised pad elevation of the subject site, and technological changes related to flood plain modeling. The preliminary plat application for this proposed development brought these inconsistencies to light since the applicant is required to demonstrate the site is buildable. There were separate discussions from this development regarding flood plain map changes affecting nearby lots. In July 2017, the applicant received FEMA approval of their Conditional Letter of Map Revision (CLOMR). This CLOMR approval supports the grading to open the wash area behind Lots 5 and 6 within the drainage easement shown on the proposed preliminary plat.
- The applicant modified the plan to have a southbound right turn lane on Scottsdale Road into the development after working with the City of Scottsdale. This turn lane will provide additional vehicle stacking capacity into the development beyond compliance to the Town's and Scottsdale stacking requirements.
- The Town Fire Marshal responding to the City of Scottsdale request to avoid adding another access point onto Scottsdale Road agreed that the emergency fire lane on Lot 8 could be removed since the radius of the cul-de-sac along Lots 4 through 8 was increased from 45 feet to 55 feet of paved area.
- After filing the revised applications for a cluster plan, the Planning Commission challenged the applicant to remove a lot and/or increase the lot sizes such that no lot is smaller than the 16,384 square-foot lot in the R-18 Cluster Plan by Special Use Permit of Cheney Estates. The applicant revised their development such that no lot is less than 16,500 square feet.

### Meeting Purpose

The primary purpose of this study session is to update the Town Council on the application requests and to review the ordinances and conditions recommended by the Planning Commission found under the Draft Ordinances - Stipulations attachment. The applicant has suggested some minor edits related to the conditions for Town Council Consideration. These edits include the following:

- Section 1, Page 4, of Ordinance Number 2016-14. To strike the text referring to Section 3, Severability, since Section 3 originally was drafted for non-severability. It is a typographical error in the ordinance recommended for approval.
- Section 2, Page 5, of Ordinance Number 2016-14. To add language to Condition 5 regarding assurances prior to final plat recordation that “If Scottsdale requires an assurance for improvements in its right-of-way, a copy of such assurance shall be provided to the Town but it will not be necessary for the developer/owner to provide a separate assurance to the Town.” The applicant’s concern is providing assurances to both the Town and City of Scottsdale for right-of-way work in Scottsdale Road since the majority of the improvements are within the City of Scottsdale. This change is also reflected in the 207 Waiver.
- Whereas Clause, Page 1, Ordinance Number 2016-14 and 2016-15. To add the following clause as done with the text amendment ordinance.

WHEREAS, in accordance with Article II, Sections 1 and 2, constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance

- Section 2, Pages 6 & 7 of Ordinance Number 2016-14. The applicant wants to clarify the timing of building permits and suggested modifying Condition 7 of Ordinance Number 2016-14. Town staff continues to determine the role of the flood plain board and may require additional changes to the following condition:

The Conditional Use Permit (CUP-16-02) for the private road, Special Use Permit (SUP-16-03) for the private roadway gates, and subdivision entry signs (MI-17-03) for the Property of “The Villas at Cheney Estates” will become valid when the Zoning Ordinance Text Amendment (MI-16-03) and Rezoning (MI 16 04) for the Property become effective. After approval of the final plat by the Town Council (which will occur after the Text Amendment, Rezoning, SUP, CUP, and subdivision entry sign approval have become effective) but prior to receipt of the letter from the Federal Emergency Agency (FEMA) with the initial notification that the Letter of Map Revision (LOMR) has been approved, the final plat may be recorded and the Town Council, acting in its capacity as the Floodplain Board, authorizes the issuance of permits for grading, horizontal construction (streets, utilities, etc.), site walls, and the vertical construction of houses (but not certificates of occupancy) on lots 1 and 2 as shown on the final plat. Upon receipt of the letter from FEMA with the initial notification that the LOMR has been approved, the certificates of occupancy for lots 1 and 2 and permits for other vertical construction may be issued (and certificates of occupancy issued in due course).

#### Existing Conditions & General Background

For information on the existing site characteristics, General Plan designations, zoning information, and past processing on the application requests from the earlier request refer to the Existing Conditions - History attachment.

#### Compliance to Code & Guidelines

Refer to the Compliance attachment on how the proposed development complies with the preliminary plat standards, roadway gate guidelines, subdivision wall guidelines, lighting requirements and

guidelines, landscaping guidelines, and subdivision sign standards. The General Plan Policies attachment provides a list of policies the development meets or does not meet. The Differences attachment compares the standards such as setback and heights of the proposed development to other Town zoning districts. Refer to the other attachments for information on the utility will serve letters, water impact study, traffic statement, drainage, plans, and related information.

#### Noticing

Although the enhanced noticing no longer applied with withdrawal of the Major General Plan amendment, the applicant and Town continues to follow the enhanced noticing approved pursuant to the Citizen Review Plan of the General Plan amendment that was withdrawn. This included noticing at a 2,000-foot radius within the Town and advertisement in the Paradise Valley Independent and Scottsdale Republic.

#### **COMMENTS**

There were comments in both support and against the original application requests. Since the applications were revised June 23, 2017, all the comments provided have been in support of the application requests. There was one comment from a resident opposed, but this was sent one week prior to the revised application submittals.

All prior comments and meeting minutes can be found under the respective meeting dates detailed under the history attachment by going to the Town website at <https://paradisevalleyaz.legistar.com/Calendar.aspx>.

#### **BUDGETARY IMPACT:**

There is no direct budget impact to the Town. The applicant will be making the utility and infrastructure improvements related to this development.

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

1. Existing Conditions - History
2. Compliance
3. General Plan Policies
4. Differences
5. Timing
6. Statement of Direction (Gate SUP)
7. Application Material
8. Utility - Fire
9. Traffic Statement
10. FEMA (CLOMR) - Drainage
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13. Preliminary Plat, Plans, and Updated Material
14. Ordinances and 207 Waiver

Available documents, including public input, is available at <http://www.paradisevalleyaz.gov/555/Bicycle-Pedestrian-Master-Plan>