



## Legislation Details (With Text)

**File #:** 20-019      **Version:** 1      **Name:**  
**Type:** Plat      **Status:** Passed  
**File created:** 12/24/2019      **In control:** Planning Commission  
**On agenda:** 1/21/2020      **Final action:**  
**Title:** Consideration of a 4-Lot Preliminary Plat - Estates on Invergordon (PP-19-02)  
6400 E Cactus Wren Rd (APN: 174-53-008K)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A. Vicinity Map & Related Information, 2. B. Application, 3. C. Preliminary Plat & Plans V.2, 4. D. Drainage & Related Reports, 5. E. Draft Conditions (Track-Change), 6. F. Noticing

Date	Ver.	Action By	Action	Result
1/21/2020	1	Planning Commission	Approved Subject to Stipulations	Pass

**TO:** Chair and Planning Commission

**FROM:** Jeremy Knapp, Community Development Director  
Paul Michaud, Planning Manager

**DATE:** January 21, 2020

**CONTACT:**

Paul Michaud, Planning Manager, 480-348-3574

**AGENDA TITLE:**

**Consideration of a 4-Lot Preliminary Plat - Estates on Invergordon (PP-19-02)**  
**6400 E Cactus Wren Rd (APN: 174-53-008K)**

### RECOMMENDATION

It is recommended that the Planning Commission approve the Estates on Invergordon Preliminary Plat, subdividing approximately 5.7 acres into four (4) residential R-43-zoned lots and a new public street, subject to the following conditions:

1. The final plat and related improvements for the "Estates on Invergordon" located at 6400 E Cactus Wren Road (the "Property") shall be in substantial compliance with the following submitted plans and documents:
  - a. Preliminary Plat for the "Estates on Invergordon," Sheets 1 3, prepared by Land Development Group, dated December 3, 2019;
  - b. Preliminary Paving Plan for the "Estates on Invergordon," Sheet 1 of 1, prepared by Land Development Group, dated December 3, 2019;
  - c. Preliminary Water & Sewer Plan for the "Estates on Invergordon," Sheet 1 of 1,

prepared by Land Development Group, dated December 3, 2019;

- d. Storm Water Pollution Prevention Plan, Sheet 1 of 1, prepared by Land Development Group, dated December 3, 2019;
  - e. The Planting Plan for the right-of-way Sheet PP.1, prepared by Berghoff Design Group, dated December 6, 2019;
  - f. The narrative prepared by Land Development Group, dated December 5, 2019;
  - g. The Water Service Impact Study, prepared Land Development Group, dated July 26, 2019; and
  - h. The preliminary drainage report, prepared by Land Development Group, dated July 29, 2019.
2. Prior to recordation of the final plat for said subdivision, the following items shall be submitted by the owner(s) of the Property, or successors:
- a. Submit the required final improvement plans for Town Engineer approval and provide a procedure and other forms of assurances necessary for the Town to be in a guaranteed position to complete the construction and related public site improvements as referenced in the submitted plans and documents in Condition 1 above;
  - b. If not already completed, installation and maintenance of the storm water pollution prevention plan noted in Condition 1 until the final lot improvements are completed on Lot 1 of said subdivision; and
  - c. Provide documentation that the private water well has been abandoned in accordance with the Arizona Department of Water Resources. Abandonment shall include the removal of above ground structures, including the two water tanks. The Town Community Development Director, or designee, shall inspect the property to verify the water tanks and related above-ground structures are removed.
3. Prior to the issuance of the first building permit for any home on Lots 1, 2, 3, or 4 of the said subdivision, the owner(s) of the Property, or successors, shall do the following:
- a. Complete the roadway, utility, and related infrastructure improvements as referenced in the submitted plans and documents in Condition 1 above along Invergordon Road and Cactus Wren Road;
  - b. At the discretion of the Town Engineer, the final lift of asphalt for Jacaranda Road may be postponed until the first Certificate of Occupancy for any of the Lots 1 to 4 of the said subdivision;
  - c. Remove all existing retaining walls and related structures on the entire site, along with the owners of the affected Lots having submitted and obtained approval from the Town the applicable demolition permit(s), grading permit(s), storm water pollution prevention plan(s), and associated permit(s). However, compliance to this condition shall be no later than one year from the date of the Town Council approval of the final plat for said subdivision; and
  - d. At the time the existing retaining walls are removed, the affected Lots shall be regraded

at a minimum of 4:1 slope and existing drainage patterns shall be maintained.

4. Prior to the issuance of the first Certificate of Occupancy for Lots 1, 2, 3, or 4 of the said subdivision, the owner(s) of the Property, or successors, shall complete the landscaping improvements as referenced in the submitted plans and documents in Condition 1 above.
5. 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.

## **REQUEST**

On behalf of the property owner, Mr. Bluebirds Shoulder, LLC, of the 5.7-acre property located at 6400 E Cactus Wren Road, Nick Prodanov of Land Development Group filed a preliminary plat (PP-19-02) for a 4-lot subdivision named Estates on Invergordon. The subject property is zoned R-43, for minimum one-acre single-family homesites. The four proposed lots range in size from 1.225 acres to 1.308 acres.

## **BACKGROUND**

### Update Since Work Session

The Planning Commission discussed the preliminary plat application at its December 17, 2019 work session. Several aspects of the plat were discussed. However, the only requested direction was to add a condition that the existing water well/tanks be abandoned prior to plat recordation. The property owner was in attendance and agreeable. He is currently in the process of removing the well and tanks. Condition 2.c reflects this new condition. Staff modified Condition 3, creating four subsections. Condition 3.b allows the Town Engineer the flexibility for the final pavement lift of Jacaranda Road to be done with the Certificate of Occupancy of any one of the lots instead of having the road completed by the first home building permit to allow for the new road to be in new condition upon the Town's acceptance of the roadway improvements. Conditions 3.c and 3.d allow the existing retaining walls to remain as-is until the issuance of the first single-family home permit, but no later than one year from the date of Council approval of the final plat. The draft condition presented at the work session allowed for the retaining walls to remain and said walls to be modified to the maximum 6' height prior to plat recordation. The Town Engineer finds that these retaining walls presently provide erosion protection with the prior home and perimeter walls removed. Upon further review after the work session, it was determined that the modification of the eastern retaining wall to 6' tall is not possible without fully removing the wall. The western retaining wall shown on the ALTA survey is under 6' tall. The new draft condition is meant to balance temporary erosion control on the site with the timing of when construction equipment will be present to grade Jacaranda Road and the new lots, along with mitigating visual impact to neighbors in not allowing the site to continue to be in an unfinished state.

### History

There was a large estate home built on the property in the early 1970s. This home and the related structures were demolished between 2011 and 2018. Except for some existing utilities, a water well, two 5' tall small water tanks, some miscellaneous wall debris, and two retaining walls, the subject property is presently undeveloped. The westernmost retaining wall on the ALTA is 6' tall and the easternmost retaining walls varies between 1' to 9' tall. The Zoning Ordinance restricts retaining walls to 6' tall on non-hillside sites. Refer to the ALTA survey in Attachment C.

### Timing

Pursuant to Section 6-2-2 of the Town Code, the preliminary plat/map shall be presented at least 28

days prior to a meeting of the Commission in order that reasonable time is obtained for study of the plat/map by the Planning and Zoning Commission and other officials and agencies concerned. The Commission shall act on the preliminary plat/map within 40 days of a complete application.

## **PRELIMINARY PLAT**

The proposed preliminary plat subdivides the property into four new lots and a public street. The proposed preliminary plat is a ministerial function, with no requested deviations from Town standards. The four proposed lots range in size from 1.225 acres to 1.308 acres. Below is a description of how the preliminary plat meets Town standards.

### Lot Configuration, Lot Size & Lot Shape

The proposed plat meets the R-43 area requirements, including size, lot width, and setbacks. Each lot is generally rectilinear in shape, although the shape of Lot 4 is not rectilinear due to the irregular perimeter boundary of the subject site. Each lot meets the 165' diameter circle test. All four lots are greater than one net acre in size. The required 40' front/rear/street side and 20' side yard setbacks for the main home are correctly shown on the plat.

### Yard Designation

The designated front yards for Lots 1, 2, and 3 are along Invergordon Road as the lot configuration test in fitting the 165'-diameter circle only works with Invergordon Road as the front yard. The design, driveway, and addressing of the homes on Lots 2 and 3 will likely be along Jacaranda Road. Lot 2 and 3 will have their designated street yard along Jacaranda Road. Walls, pools, and other accessory structures have a lesser setback along street yard designation. Many corner lots in town have this condition.

### Utilities

Each of the proposed lots show 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. Will serve letters from the applicable utility companies and a water service impact study are included in the packet for reference. The following utilities will be available to each lot:

- *Electric.* The subject site is located within the APS service area. There are some underground residential electric lines that serviced the prior home on the site that will be removed, with the four proposed homes to be connected via new residential service lines. Underground electric lines exist along the adjoining roads. Some relocation of electric utilities will be required to construct Jacaranda Road.
- *Water.* Water for this subdivision will be provided by EPCOR as described in the attached will serve letter. There are existing 6" and 8" water lines adjoining the property. There is an existing private water well and two small above-ground 5' tall water tanks located in the southwest corner of Lot 4 that will be removed prior to recordation. No Certificate of Assured Water Supply is required. The Arizona Department of Water Resources relies on the Arizona Revised Statutes definition of subdivision of 6 or more lots to require this Certificate, not the Cities and Towns definition of subdivision. The assured water supply requirement can also be met with a written commitment of service from a water provider designated as having an assured supply.
- *Sewer.* Town of Paradise Valley sewer is available to service the new lots and exists along the adjoining roads. It is expected that the four new homes will be connected to the sewer system.

- *Southwest Gas.* Existing natural gas lines adjoin the subject property.
- *Cable.* COX services this area. Underground cable lines exist along the adjoining roads.

### Drainage

Storm water generally sheet flows off the site in a southeasterly direction. The site has an approximate 6.5-percent slope. The submitted drainage report provided with the application explains that there are no existing onsite washes or major storm water flows on this property. Instead, storm water flows around the site. This includes storm water that flows in a shallow swale and/or down the Invergordon Road right-of-way at up to 57.1 cubic feet per second (cfs) and storm water that flows down the private road of Cactus Wren Place at up to 31.2 cfs. As such, there are no proposed drainage easements required on the subject site. However, in accordance with Town Code, each lot will require an individual engineering site/grading and drainage plan as part of the single-family home building permit application submittal. This will include on-site lot retention with the development of each lot pursuant to the Town's Storm Drainage Design Manual.

### Fire Protection

The proposed lots will meet all standards related to fire protection as follows:

- *Fire Department access.* The proposed lots comply with access requirements. The Zoning Ordinance requires either direct access onto a public road (Invergordon Road) or access to a public road via a private road that is approved by the Town. The applicant proposes Jacaranda Road be public. All lots will have direct access onto a public street.
- *Fire hydrant spacing/location.* Fire hydrant spacing/location requirements will be met. The Town Code requires all lots be within 400' of a fire hydrant. As shown on Sheet 3 of 3 of the Preliminary Plat, the developer will be installing one new fire hydrant at the end of the proposed private road adjoining Lot 4 and a second hydrant on the east side of Invergordon Road between Lots 1 and 2. If Lots 1 and 2 are combined, there is no requirement for the fire hydrant along Invergordon Road as an existing fire hydrant is near the Invergordon Road/Cactus Wren Road intersection.
- *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 fire flow rate is in compliance. The flow rate exceeds the Town Code minimum requirement of 1,500 gallons per minute (gpm). The flow rate is 7,387 gpm at 20 psi.

### Landscaping

Section 5-10-7.D of the Town Code requires new plats provide landscaping along the rights-of-way at 4 fifteen-gallon native trees and 5 one-gallon native shrubs every 100 lineal feet, unless otherwise approved by the Town where there is existing right-of-way landscaping or where other special circumstances occur. Whereas, the Town's 1996 landscape guidelines have a lesser calculation of 1 canopy tree at 30' intervals and shrubs at 20' intervals. The guidelines also suggest 20% of the trees be Ironwood.

Based on the right-of-way frontage with the subject plat, unless special circumstances exist, Invergordon Road requires between 17 to 21 native trees and 26 shrubs. The new Jacaranda Road

requires between 25 to 30 native trees and 38 shrubs. Cactus Wren Road requires between 11 to 13 trees and 16 shrubs. The proposed landscape plan meets the Town standards.

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

#### Access

As required by the Zoning Ordinance and described under Fire Protection of this report, the proposed lots will have adequate frontage upon a public street. Applicable condition(s) will be part of the preliminary plat approval process identifying that prior to the recordation of the final plat, the applicant shall submit final improvement plans for Town Engineer approval and provide an assurance for the Town to be in a guaranteed position to complete any necessary street improvements. Attachment C includes a preliminary construction estimate for these improvements of approximately \$260,000 paid by the developer.

*Invergordon Road.* Development of the subdivision includes no additional right-of-way dedication. Invergordon Road is designated a local road at a suggested width of 50' per the General Plan. The right-of-way is 73' wide, with a 33' half-width adjoining the subject site.

Development of the subdivision includes some minor street improvements to Invergordon Road adjoining the subject site. Improvement includes a street cut for the new public road per the proposed plat, curb along the east side of the street and some additional pavement up to the new curb associated with aligning the new. The existing pavement width along Invergordon Road in this area is approximately 16' wide. The additional curb/pavement with this plat will increase the total width between 16' and 18'. This street width is less than the typical suggested 22' total width pursuant to the General Plan Local Cross-Section, Option B. Additional full pavement width is not requested, as the existing pavement improvements already exist along the half-width of right-of-way along the subject site. Widening this street to the Option B standards will occur along the west street edge as the lots on the west side of the street redevelop. For example, the active building permit at 6744 N Invergordon Road includes pavement widening along the west side of Invergordon Road up to 11' wide and new ribbon curb west of the street centerline.

*Cactus Wren Road/Place.* An additional 25' of right-of-way north of the Cactus Wren Road centerline will be dedicated upon recordation of the final plat in accordance with the 50' minimum width per the General Plan. Also, a portion of Lot 1 will include a roadway easement to accommodate existing curbing. The existing right-of-way half width is 40' nearest Invergordon Road and 25' further eastward south of the street centerline. There is no existing right-of-way dedication along the subject site.

Except for repairing damaged curbs, no roadway improvements are proposed along Cactus Wren Road. The existing road exceeds the typical 11' wide drive aisles and 2' wide ribbon curb of the General Plan for a local road, with the drive aisles at 13' in width closer to Invergordon Road. The existing landscape median at the intersection with Invergordon Road is not typical, but not prohibited and was constructed as part of the La Place subdivision south of this site.

A 1' non-vehicular access easement (NVAE) is shown on Lot 4 along Cactus Wren Place to limit driveway access onto this private road along the east part of the site.

- *Jacaranda Road*. Jacaranda Road is a new road that is compliant with the Town Code and General Plan standards. The right-of-way will be 50' wide, have a paved surface of 22' wide with 2' wide curbs on each side, and the cul-de-sac meets the required 45' right-of-way radius and 40' pavement radius. The owner requests this road be public, not a private road.

#### Public Notification & Comment

By Town policy, the applicant mailed notices to property owners within 1,500 feet of the subject site regarding the January 21<sup>st</sup> public meeting. Two nearby residents provided comment.

- As noted during the work session, the property owner located at 6726 N Invergordon Road notified staff of safety concerns about the location of Jacaranda Road across from her lot/driveway. There are no known code provisions that would restrict the proposed road location. If deemed necessary, Section 6-3-10, Character of Development, of the Town Code allows for certain minimum restrictions to be placed upon the property to prevent lessening the character and value of the proposed subdivision and of adjoining property. The Planning Commission discussed consideration of adding a 1' NVAE along Invergordon Road for Lots 1, 2, and/or 3, but noted that the three additional number of homes is small compared to the total amount of traffic and restricting driveway access in the front yard of a lot is uncommon.
- The resident located at 6735 N 65<sup>th</sup> Place, east of the site, had three comments. He inquired about the timing of the clean up of the site since it has been in a partial demolition state for many years now. He was generally supportive of the draft condition regarding the removal of the existing structures/debris. He inquired whether approval of the plat would prevent the ability of his subdivision and/or the La Place subdivision in gating Cactus Wren Road. I explained the private road gate process, the Council ability to modify suggested standards, and that turn-around requirements in front of the gate and stacking requirements are typically a challenge with retrofitting a private roadway gate. His other comment was reference to the ability to build on the undeveloped lot near the subject site. This lot is 44,858 square feet, but does include an easement for the private road of Cactus Wren Place and 65<sup>th</sup> Place. The last two points are not part of the preliminary plat application request.

#### Next Steps

Provided the Planning Commission approves the preliminary plat, the applicant may make application for final plat. If the final plat is in substantial compliance with the preliminary plat, only the Town Council will discuss and act on the plat. The applicant will mail notification to property owners within 15 days of the public meeting Council takes action.

#### **ATTACHMENTS:**

- A. Vicinity Map & Related Information
- B. Application
- C. Preliminary Plat & Plans
- D. Drainage and Related Reports
- E. Draft Conditions (Track Change)
- F. Noticing

CC: Applicant

