



Legislation Text

File #: 17-171, **Version:** 1

TO: Mayor Collins and Town Council

FROM: Kevin Burke, Town Manager
Eva Cutro, Community Development Director
George Burton, Planner

DATE: May 11,, 2017

CONTACT:

AGENDA TITLE:

Paradise Hills IV Lot Split - 6722 N. Joshua Tree Lane

BACKGROUND:

Request:

The applicant, TMS Paradise Valley, is requesting approval of a lot split to divide a 2.454-acre parcel into two lots. Lot 1 is 58,322 square feet in size (1.339 acres) and Lot 2 is 48,577 square feet in size (1.115 acres). The subject property is located at 6722 N. Joshua Tree Lane. In 1978, Lot 143 and Lot 144 of the Paradise Hills subdivision were combined into a single parcel; however, this lot combination was not approved by the Town of Paradise Valley. The owner is proposing to split the lot back into two separate parcels.

Existing Site:

In 2009, the house and pool were demolished. However, there is an existing wrought iron fence located around the property. In accordance with Section 1005.B of the Zoning Ordinance, the existing fence must be demolished prior to recordation of an approved plat. A demo permit application has been submitted and is currently under review.

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.

Enforcement:

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

FACTS/DISCUSSION:

Joshua Tree Ln: No right-of-way (ROW) dedication is required. The right-of-way is 56' wide and the Town standards require a minimum ROW width of 50' per the General Plan. The applicant requested

that the Town not require curbing since there is no curb placed along this street. The Town Engineering Department has reviewed the request and is maintaining the curb requirement but allowing the applicant to provide an assurance in lieu of installing the curb. The assurance may be used by the Town at future date to install ribbon curb in front of this property.

Traffic:

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

Lot Configuration:

The proposed lot split meets all area requirements for R-43 lots, including size, lot width, access to a public street, and setbacks.

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.

- 1) Electric: The subject site is located within the APS service area.
- 2) Water: Water for the Paradise Hills IV Lot Split will be provided by EPCOR Water Company.
- 3) Sewer: The property is currently on septic. If available, the two new lots may be serviced by the City of Phoenix sewer.

Drainage:

Each lot will require 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. However, a drainage easement may be required on the northern part of Lot 1 and is currently under view with the Town Engineering Department.

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 closest fire hydrant is located near the northeast corner of the lot. The Town Code requires a fire hydrant to be located within 400' of a property line. The installation of a new fire hydrant will not be required since the existing fire hydrant meets the 400' standard.
- 3) Fire sprinkler requirement: The new homes and structures that will be constructed as a result of this lot split will have fire sprinklers in accordance with the Town Fire Code.
- 4) Fire Flow: The fire flow rate for this area is 616 gallons per minute (gpm). The Town Code requires a minimum flow test rate of 1,500 gallons per minute (gpm). Since the fire flow rate is below the minimum rate, the fire sprinkler system for a new house shall demonstrate compliance to the National Fire Protection Association standard 13D or the current equivalent code requirement prior to issuance of a Certificate of Occupancy.

Title Report:

The applicant provided a copy of the title report for this lot. The title report references restrictions placed on the Paradise Hills subdivision in August of 1940. It identifies that the lots shall not be subdivide into smaller lots than the original dimensions shown on the plat. However, the Town does

not enforce private deed restrictions, only Town Code standards. However, the Town did provide notification to adjacent homeowners such that they may take private action if they feel there is a deed restriction conflict.

Public Comment

Neighbors located within a 500' radius of the subject property were notified of the upcoming May 25th public meeting. Staff received one comment from a neighboring property owner that is opposed to the lot split due to concerns about increased traffic.

Planning Commission Discussion

The Planning Commission discussed the lot split at the April 18th work study session and public meeting. The Commission made a recommendation of approval of the lot split 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 plat prepared by Ceo & Van Loo Consultants, Inc. and dated March 22, 2017.
2. Prior to the issuance of a Certificate of Occupancy for a new single-family residence, the fire sprinkler system shall demonstrate compliance to the National Fire Protection Association standard 13D or the current equivalent code requirement.
3. A demolition permit must be obtained and the existing fence located at the front property line adjoining Joshua Tree Lane shall be removed prior to recordation of the plat.
4. The installation of ribbon curb along the west side of Joshua Tree, adjoining the subject property, will not be required to be constructed at this time in conjunction with this lot split or the development of the subdivided lots. A cash assurance shall be provided in lieu of constructing the curb. The applicant must submit an assurance for the curb in the amount of \$4,208.00 prior to issuance of a building permit. This assurance may be used by the Town of Paradise Valley to construct the curb at a future date.

Stipulation #3 must be updated to require all fencing to on the property to be removed since Section 1005.B of the Zoning Ordinance prohibits fencing on vacant lots.

Next Step:

This application is scheduled for a public meeting on May 25, 2017.

ATTACHMENTS:

Application
Vicinity & Aerial
Narrative
Summary - Water Impact Study
Fire Hydrant Map
Curb Cost Estimate
Plans

C: - Applicant: Fred Fleet
 - Case File: LS-17-02

