



## Legislation Text

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**TO:** Chair and Planning Commission

**FROM:** Eva Cutro, Community Development Director  
Paul Michaud, Senior Planner

**DATE:** July 25, 2017

**CONTACT:**

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**AGENDA TITLE:**

Discussion of several applications to develop a 9.6-acre property for 8 single-family lots located at the northwest corner of the Northern Avenue alignment and Scottsdale Road (The Villas at Cheney Estates - Town Triangle)

**REQUEST**

Doug Jorden, on behalf of Town Triangle, L.L.C., has filed several 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 may be for up to eight single-family lots that are expected to vary in lot size between approximately 12,000 square feet to 39,000 square feet. These applications include the following:

- 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.
- 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" (minimum 12,000 square-foot lots).
- A Preliminary Plat for eight 12,000 square-foot to 39,000 square-foot lots.
- A Conditional Use Permit to make the road(s) within the proposed subdivision private.
- A Special Use Permit (SUP) for private roadway gates off Scottsdale Road onto the main access road of the proposed subdivision.
- A request for two entry subdivision wall signs.

Except for the Conditional Use Permit, the Planning Commission action is a recommendation to Town Council.

## **MEETING PURPOSE**

The primary purpose of this study session is to provide an overview of the revised application requests and to have the Planning Commission provide comments on the overall concept of the proposed development. There will be other scheduled study sessions to get into details. This includes review of the Statement of Direction from the Town Council that applies specifically to the private roadway gate application.

## **TIMING**

Due to the various continuances requested by the applicant, there are no hard deadline dates with the current application requests to take action. However, processing of these application requests should still be done in a reasonable amount of time. The applicant's schedule is to have action taken on the submitted applications before the end of 2017 in an effort to further the sale of the property. Please see the attachment regarding timing for more information.

## **EXISTING CONDITIONS**

For information on the existing site characteristics, General Plan designation, and Zoning District on the subject site and vicinity refer to the attachment to this report.

## **COMPARISON TO ORIGINAL APPLICATION**

The original application requests took the approach to rezone the site as an "R-10" development. This approach required legislative action via a Major General Plan amendment from "Low Density Residential" to "Medium Density Residential", a text amendment to allow the proposed development as "R-10", a rezoning from "R-43" to "R-10", and a Special Use Permit for the private roadway gates. Also, the applications included the administrative action on a preliminary plat and Conditional Use Permit for a private roadway.

During the processing of these original-filed applications, there were many comments and concerns from the Planning Commission, Town Council, and residents. The main concerns raised during this process included the following:

- A philosophical concern that the proposed development required a Major General Plan amendment that is not in character with the predominant minimum one-acre residential character of the Town and it might create a precedent for similar requests within the Town.
- The importance of ensuring any development on the subject site is safe since it lies within and adjacent to the floodway of Indian Bend wash requiring a letter of flood map revision through the Federal Emergency Management Agency (FEMA).
- The nearby Cheney Estates homeowner association provided a letter of support since they have concerns that other less desirable uses could be approved on the subject property. In 2013, there was a request for a 3-story Continuing Care Retirement Community. Town staff also periodically receives requests for resort uses, churches, office uses, and other continuing care uses. These other uses would also require a General Plan amendment, text amendment, and/or rezoning.
- Approval of the General Plan amendment and/or rezoning may result in some other development going in should the proposed development not be built. As with other prior applications, the effective date of the rezoning and/or other related applications will be tied to the Town Council approval and/or recordation of the final plat. The effective date

can also be tied to the approval of the flood map revision with FEMA, among other requirements.

Based on the above concerns, the applicant decided to work with the seller to get additional time to eliminate the need for the Major General Plan amendment. The applicant was able to secure an additional 5.2 acres of the Camelback Golf Club golf course property and withdrew their General Plan amendment request in May 2017. The golf course will operate the same and result in no major physical changes.

With the added property, the applicant revised their application requests to pursue a cluster plan development, reserving the golf course area as the designated open space area for the cluster plan. This change in approach eliminated the need to amend the General Plan since the open space area to be preserved will remain as private open space. It requires a text amendment since the applicant is pursuing minimum lot sizes less than the 20,000 square feet required in the cluster plan district and setbacks less than the 40-foot front/rear yard and 20-foot side yard of the "R-43" or "R-35" zoning districts. The rezoning application was amended to reflect "R-43" Cluster Plan zoning in lieu of "R-10." The preliminary plat application was amended to reflect the dimensional changes of the proposed 8-lot layout with the added golf course property. The Special Use Permit application for the private roadway remained the same. A subdivision sign application was filed.

Please see the attachment regarding history for more information.

#### **DIFFERENCES FROM THE ORIGINAL APPLICATION**

The revised application has essentially the same development. It has 8 single-family residential lots in the same layout as previously submitted. The private road and common space tract remains the same. The proposed two private roadway gates and entry cul-de-sac remain the same. The main differences include the following:

- An additional 5.2 acres from the Camelback Golf Club golf course will be sold to this development for its preserved open space. The golf course has a long-term easement for its use that will remain in place. As such, the use and physical components of the golf course in this area will remain unchanged. As with the Merrill Cantatierra cluster plan located along the Indian Bend wash at Mockingbird Lane and as required by Section 908 of the cluster plan provisions, all of the subject site must be rezoned to cluster plan. The added land allows the gross density of the proposed development to comply with the minimum one home per acre.
- The lot sizes for each of the 8 lots have increased by a total of 18,906 square feet divided among each of the lots. The previous lots varied from 12,013 square feet to 35,221 square feet. The revised lots vary from 12,794 square feet to 39,362 square feet. Proposed Lots 1, 6, and 8 are the only lots with lot sizes greater than 20,000 sf and similar in size to other cluster plan lots. Proposed Lots 3, 4, and 5 are larger than 16,000 sf similar to the SUP for "R-18" Cluster Plan zoning in Cheney Estates.
- The setbacks remain the same, following "R-10." Some of the standards are more generous than "R-10" and some are less generous than "R-10." All of the setbacks proposed are less than the typical "R-43" or "R-35" setbacks. The revised application adds a reduced setback for side-loaded garages and clarifies how to measure height since the lowest natural grade sits approximately 6 feet underneath the present grade

of the property.

Please see the attachment regarding differences for more information.

## ITEMS NEEDED/FOR DISCUSSION

- Staff finds merits in approving a single-family residential cluster plan development for many of the reasons stated in the applicant's narrative. However, it is unclear why a cluster plan development cannot be done that meets or comes closer to meeting the development standards for a cluster plan like the Cheney Estates "R-18 CP SUP" (e.g. minimum lot size, setbacks). This may or may not be an issue with the Planning Commission.
- Discuss how height will be measured. Height is typically measured from lowest natural grade underneath the structure. Natural grade is at an elevation of approximately 1,295 feet. Whereas, the required lowest floor elevation (Regulatory Flood Elevation) for any structures pursuant to Article 5-11 of the Town Code will be higher than the natural grade. The proposed building pad elevation is at approximately 1,303 feet. The applicant proposes to measure height from the Regulatory Flood Elevation.
- The Planning Commission should verify whether or not the structures will or will not comply with the open space criteria per Section 1001 of the Zoning Ordinance. This open space criteria is only required to apply to R-43 and R-175 districts, but many times the Town applies this standard on other application requests. None of the existing approved cluster plans presently apply the criteria.
- The applicant still needs to provide documentation from the City of Scottsdale Engineering Department that a southbound right turn lane will not be required. The traffic study states it is typically required and not going to be done. This is important to clarify as additional right-of-way would likely impact Lot 1.
- The private roadway access for Lots 1 and 2 dead ends without a cul-de-sac. This is deemed adequate to comply with building/fire regulations, but typically a roadway has a cul-de-sac or other acceptable turn-around at the end of the roadway pursuant to Section 6-3-2 and Article 6-8 of the Town Code. This may or may not be an issue with the Planning Commission.
- Clarification is requested from the Planning Commission regarding the amount of detail needed for the Special Use Permit on the private roadway gates. The attached Statement of Direction from Town Council provides most of this direction, but not all of it. Staff suggests that all the landscaping, lighting, water features wall, and gate details be submitted for the public area around the entry cul-de-sac. This would include quantities, plant sizes, dimensions, color/material, setbacks, type of light fixtures, lumen count, photometric, among other details. The details on other areas are typically submitted with the final plat. This would be the interior common space tract, interior private roadway, and other exterior wall areas. Not under Town purview is the area along Scottsdale Road in front of the existing wall since it lies with the City of Scottsdale. Minimally, the Statement of Direction requires the applicant provide location, height, setback, and identification of plant types.
- Similar to the wall, gate, water feature, lighting, and landscaping detail above; the submitted application lacks typical detail for a subdivision sign application. This includes material/color and a photometric plan.
- Have the applicant review the drainage/flood zone status.

- Other items by the Planning Commission.

## NOTICING

The applicant and Town will continue to notice pursuant to the attached approved Citizen Review Plan. However, technically this noticing plan is no longer applicable since the Major General Plan amendment application was withdrawn.

## COMMENTS

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>. There were comments in both support and against the original application requests. Cheney Estates Homeowner Association previously provided a letter of support. Attached comments are from after the Statement of Direction approval in June 2017.

## NEXT STEPS

Another Planning Commission study session is scheduled for August 15, 2017.

## ATTACHMENTS

1. Existing Conditions
2. Timing
3. General Plan Policies
4. History
5. Differences
6. Statement of Direction (Gate SUP)
7. Noticing - Comments
8. Application Material
9. Preliminary Plat - Plans

C:     - Applicant  
       - Case File

Note: Additional detailed information can be found at <http://www.paradisevalleyaz.gov/568/Projects---Villas-at-Cheney-Estates--Tow>. This includes floodplain, water service impact study, and other material.