



## Legislation Text

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**File #:** 19-041, **Version:** 1

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**TO:** Chair and Planning Commission

**FROM:** Jeremy Knapp, Community Development Director  
Paul Michaud, Senior Planner  
George Burton, Planner

**DATE:** February 5, 2019

**CONTACT:**

George Burton, 480-348-3525

**AGENDA TITLE:**

**Consideration of a Preliminary Plat & Private Road Conditional Use Permit (PA-17-01 and CUP-19-01)**

**Sanctuary II - Three Lot Subdivision with Private Road**

**4474 E. Valley Vista Lane (Assessor's Parcel Numbers 169-20-122) and 4490 E. Valley Vista Lane (Assessor's Parcel Numbers 169-20-123)**

**RECOMMENDATION**

Continue the Preliminary Plat & Private Road Conditional Use Permit request to a date certain. As required by Town Code, the February 5<sup>th</sup> hearing must be continued to another date for action (e.g. February 19<sup>th</sup>, March 5<sup>th</sup>, or March 19<sup>th</sup>, etc.). Per Section 6-2-2 of the Town Code, there shall be a 28-day period between the Planning Commission work study session and public hearing. Since the work study was held on January 22<sup>nd</sup>, the public hearing shall be continued to a date certain to meet the 28-day period. It is recommended the Planning Commission take public comment on this item and then continue the applications to a date certain.

**REQUEST**

Valley Vista PV and Robert Johnson filed two applications to develop a three-lot subdivision. They will split 4474 E. Valley Vista Lane into two lots and modify the lot line on 4490 E. Valley Vista Ln to accommodate one of the new lots (Lot 2 on the Sanctuary II preliminary plat). A 50-wide private road tract will also be created to access the two new lots (Lot 1 and Lot 2 located on 4474 E. Valley Vista Lane). The applicant is requesting a deviation from the cul-de-sac standard and is proposing an alternate hammerhead design and access easement.

**BACKGROUND**

Planning Commission Discussion

The Planning Commission discussed the proposed preliminary plat and private road conditional use permit at the January 22<sup>nd</sup> work session. The Commission expressed concern regarding the applicants request to deviate from the cul-de-sac standard, concern regarding potential safety issues with the steepness of the proposed roadway and hammerhead turn around, and requested the

applicant use a cul-de-sac design for this improvement. The Commission also identified during the work study session that if the plat and conditional use permit are approved, the improvements located in the private road conditional use permit must receive Hillside Building Committee approval prior to issuance of any permits.

In response to Commission's concerns and request, the applicant provided a response letter detailing the history of this application and property. The applicant also updated the preliminary grading and drainage plan by enlarging the access easement on Lot 2 to enable a landscape and delivery truck to turn around and exit the subdivision. The applicant must also update the preliminary plat to illustrate the enlarged access easement.

The information below provides a brief history of the subject properties and summarizes the scope of the improvement and request.

#### History:

The subject properties are zoned R-43 Hillside and were platted in 1994 via the Sanctuary subdivision. The properties then received an approved lot line adjustment in 2002 to modify the property line between the two lots, which put half of one of the existing drainage easement on each property.

In 2016, the Town received a complaint regarding grading at 4474 E. Valley Vista Lane. Staff confirmed that there were no approved permits for work on the site and notified the contractor to stop all work and apply for the necessary Hillside Committee approvals and building permits. Since then, the applicant tried to restore the grades and placed a native plant hydroseed mix on affected area.

The applicant is now requesting a preliminary plat and private road conditional use permit to turn the two lots into a three-lot subdivision.

#### Preliminary Plat

The two subject properties have a combined square footage or total area of 189,222 square feet (4.344 acres) and are zoned R-43 Hillside. 4474 E. Valley Vista Lane will be split to create two lots and accommodate the new private roadway. The lot line between 4474 E Valley Vista Lane and 4490 E Valley Vista Lane will be modified to accommodate the new lot (Lot 2). 4490 E. Valley Vista Lane will be slightly reduced in size from 93,629 square feet (2.15 acres) to 87,362 square feet (2.01 acres). Despite the reduction in lot size and modified property line, the existing house located on 4490 E. Valley Vista Lane will remain and complies with all setback, area, and hillside disturbance requirements.

***Lot Configuration & Lot Size.*** The proposed properties meet the area requirements for R-43 Hillside lots, including size, lot width, and setbacks. Based upon Section 2209 of the Town Zoning Ordinance, the average slope of the subject site is 9.09%, which requires each lot to have a minimum lot size of 43,560 square feet (1 net acre). Proposed Lot 1 is 44,065 square feet (1.012 acres), Lot 2 is 44,420 square feet (1.020 acres), and modified Lot 3 is 87,362 square feet (2.006 acres).

***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.

- Electric: The subject site is located within the APS service area.
- Water: Water for this subdivision will be provided by EPCOR Water Company.
- Sewer: City of Phoenix sewer is available to service the new lots. However, the City of Phoenix sewer line is in the wash. As a result, the applicant must receive a Technical Appeal from the City of Phoenix to build a structure over the sewer (e.g. span the wash with a bridge to provide access to Lot 2). A stipulation will be added which will require the applicant to provide the Town with a copy of the approved Technical Appeal prior to recordation of the plat.

*Drainage.* The preliminary grading, drainage, and pavement plan illustrates the site topography and identifies drainage easements with cross sections of the washes. Each lot will require an individual engineering site/grading and drainage plan with each building permit application submittal. On-site lot retention will also be required with the development of each lot.

*Hillside Development.* The development of each lot will require Hillside Building Committee review and approval to ensure compliance with the Town's Hillside Code. Hillside Building Committee approval is required prior to issuance of a building permit.

The applicant also provided a preliminary grading, drainage, and pavement plan to illustrate the private road improvements, identify that Lot 3 complies with the hillside disturbed area requirements, and to provide development scenarios on Lots 1 and 2 to demonstrate that these properties will meet the hillside disturbance requirements.

*Fire Protection Issues.* The proposed lots will meet all standards related to fire protection as follows:

- Fire Department access: Lot 1 and Lot 2 will have direct access via the new private roadway. Lot 3 will have access via the existing road (Valley Vista Lane).
- Fire hydrant spacing/location: The nearest fire hydrant is located 137 feet away from the new Lot 1 and over 400 feet away from new Lot 2 (approximately 430 feet away). The Town Code requires a fire hydrant to be located within 400' of a property line. Therefore, the installation of a new fire hydrant will be required with the development Lot 2 (via the building permit process).
- 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 flow rate in this area is compliant with the Town Code requirements. The applicant provided a water impact study which identifies an average flow rate of 2,381 gallons per minute (gpm) and the Town Code requires a minimum flow test rate of 1,500 gpm.

*Landscaping.* The Town Code requires that landscaping be placed between the roadway surface and adjoining property line of existing and new/proposed rights-of-way. 4 fifteen-gallon native trees and 5 one-gallon native shrubs shall be placed every 100 feet adjoining the rights-of-way.

The private road tract (Tract A) is approximately 275 feet lot which requires 24 trees and 30

native shrubs. The landscape plan identifies 24 trees (14 Mesquite and 10 Palo Verde) and approximately 125 shrubs (with a mixture of Desert Milkweed, Chihuahuan Sage, Blue Elf Aloe, and Baja Desert Ruellia) in and around the private roadway tract (Tract A).

The area adjoining Valley Vista Lane is approximately 150 feet long. The landscape plan identifies that 12 trees (all Palo Verde) and approximately 45 shrubs (with a mixture of Desert Milkweed, Tropical Agave, and Chihuahuan Sage) will be placed next to Valley Vista Lane.

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

#### Private Road Conditional Use Permit (CUP)

The applicant is proposing to construct a private road to access Lot 1 and Lot 2. The private roadway is labeled as Tract A on the preliminary plat and the roadway improvements are identified on the preliminary grading, drainage, and pavement plan.

*Tract A.* Town Code limits private roadways to:

- A minimum tract width of 50 feet,
- A paved surface width of 15 feet when serving two lots,
- A road with a grade exceeding 12% shall not be longer than 600 feet, and
- A cul-de-sac design to enable vehicle turning and backing-up.

The private roadway tract (Tract A) is:

- 50 feet wide,
- Has 16' of paved roadway surface to serve Lots 1 and 2,
- Has a maximum roadway slope of 20% and a total length of 275 feet, but
- Does **not** have a cul-de-sac design.

Instead, the applicant is requesting a deviation from the cul-de-sac standard and is proposing an alternate hammerhead design. The hammerhead is located within Tract A and is labeled "Fire Truck Turnaround" on the preliminary plat and preliminary grading plan. The Town Engineer and Town Fire Marshal reviewed the proposed hammerhead and deemed the design compliant with traffic safety and fire safety standards.

During the January 22<sup>nd</sup> work session, the Planning Commission expressed concern regarding the applicants request to deviate from the cul-de-sac standard, concern regarding potential safety issues with the steepness of the proposed roadway and hammerhead turn around, and requested the applicant use a cul-de-sac design for this improvement. The Commission also identified during the work study session that if the plat and conditional use permit are approved, the improvements located in the private road conditional use permit must receive Hillside Building Committee approval prior to issuance of any permits.

In response to Commission's concerns, the applicant updated the preliminary grading and drainage plan by enlarging the access easement on Lot 2 to enable vehicles to turn around and exit the subdivision. The access easement will also prohibit the owner of Lot 2 from placing structures in the easement. The Planning Commission shall evaluate the deviation

request to use a hammerhead and access easement instead of a cul-de-sac and provide a recommendation of approval or denial for Town Council review.

*Tract B.* The applicant is placing a 2-foot-wide track between Lot 3 (that has an existing house) and the private roadway tract (Tract A). Tract B was added so the private roadway will not convert Lot 3 into a corner lot and create any non-conforming setbacks on the lot (since side yards adjoining a right-of-way have greater setbacks than side yards adjoining a residential property).

*Roadway Retaining Walls.* 9 retaining walls will be used to construct the private roadway in Tract A. The heights of the retaining walls vary from 1.5 feet tall to 7.5 feet tall and the longest retaining wall is 92 feet long. The code limits roadway retaining walls to a maximum height of 8' tall and a maximum length of 100' (for walls over 4 feet in height). The retaining wall color and finish must comply with the Hillside Code.

*Roadway Surface & Bridge.* The roadway will have a stamped concrete surface that must comply with Hillside Code (and meet color and light reflective value requirements). Also, a bridge will be placed over and span the wash to provide access to Lot 2. The bridge surface will have the same stamped concrete surface as the road and must comply with the Hillside Code requirements.

#### Public Comment

Neighborhood notification was performed in accordance with the public hearing process. Staff received several inquiries and comments from neighbors regarding the request. Many of the neighboring property owners expressed concern regarding the creation of an additional lot, concern regarding more development on the hillside, safety concerns with hammerhead design, and drainage concerns. One of the neighbors also identified that the CC&Rs prohibit the lots from be subdivided. However, the Town does not enforce private deed restrictions, only Town Code standards. Copies of the emails and letters from the neighboring property owners are enclosed for Commission review.

#### Next Steps

Continue the Preliminary Plat & Private Road Conditional Use Permit request to a date certain to meet the 28-day period between the Planning Commission work study session and public hearing (e.g. continue the hearing to February 19<sup>th</sup>, March 5<sup>th</sup>, or March 19<sup>th</sup>, etc.). It is recommended the Planning Commission take public comment on this item and then continue the applications to a date certain. Based upon direction from this meeting, additional information or edits may be made and presented to the Commission at the next meeting.

#### **ATTACHMENTS:**

Vicinity Map & Aerial Photo  
Applications - Preliminary Plat & CUP  
Applicant Response Letter January 28, 2019  
Response from Nick Prodanov from LDG  
Narrative & Plans  
Updated Preliminary Grading, Drainage & Paving Plan  
Topographic Survey dated February 18, 2016  
Topographic Survey dated April 26, 2016

Site Plan for 4490 E Valley Vista Ln  
2003 Hillside Site Plan for Proposed Home at 4474 E Valley Vista Ln  
Water Service Impact Study  
Geotechnical Evaluation  
City of Phoenix Technical Appeal Correspondence  
Notification Materials  
Public Comment Emails/Letters

CC: Rich Brock and Dirk Bloom, Applicant