



Legislation Text

File #: 19-264, **Version:** 1

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill B. Keimach, Town Manager
Dawn-Marie Buckland, Deputy Town Manager
Jeremy Knapp, Community Development Director
Paul Michaud, Senior Planner

DATE: June 13, 2019

DEPARTMENT: Community Development

AGENDA TITLE:

**Consideration of Ironwood Golf Villas Final Plat (Town Triangle)
Northwest corner of the Northern Avenue alignment and Scottsdale Road**

RECOMMENDATION:

Approve the Final Plat for "Ironwood Golf Villas" subject to the conditions in the Action Report.

CONDITIONS:

1. This subdivision shall be in substantial compliance with the following final plat and accompanying plans:
 - a. The Final Plat for "The Ironwood Golf Villas", Sheets 1-4, prepared by Coe & Van Loo Consultants, Inc. dated June 4, 2019;
 - b. Provisions of the R-43 Cluster Plan zoning of Ordinance 2016-13 and 2016-14 as approved by Town Council on November 16, 2017;
 - c. Conditional Use Permit for the private road approved by the Planning Commission on October 3, 2017;
 - d. Special Use Permit of Ordinance 2016-15 approved by Town Council on November 16, 2018 related to the private roadway gates and entry landscaping;
 - e. Subdivision signage and sign lighting as approved by Town Council on November 16, 2018 referencing the two entry wall signs on the Wall and Gate Plan prepared by Cullum Homes, with the reference that sign lighting shall not exceed two fixtures per sign, each fixture shall not exceed a lumen count of 1,080 lumens, and the illumination shall not exceed 0.75 foot-candles at the property line;
 - f. The Letter of Map Revision (LOMR) approved by the Federal Emergency Management Agency (FEMA) issued October 31, 2018;
 - g. The S.U.P. Wall and Gate Plan prepared by Cullum Homes, date stamped August 27, 2018;
 - h. The landscape and hardscape plans prepared by Refined Gardens, Sheet L-0 of 7,

Sheets L-1 of 8 through L-6 of 8, and Sheet L-1, dated October 2017, revised August 28, 2018.

2. Prior to recordation of the final plat, the applicant shall provide to the Town Attorney a copy of the CC&R's, declaration, bylaws, or other documents for review to ensure that all terms required by the Town Code, Town Zoning Ordinance, and other applicable recorded agreements are part of these documents. The property owners have agreed to a voluntary inclusion that the CC&R's will include a provision for no overnight parking on Ironwood Drive, there will be a single trash hauler provider, and that there will be a minimum of a 30-day rental limit for the residential units.
3. Within 60 days of approval of the final plat map, 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.
4. Prior to recordation of this final plat, all assurances as described in the rezoning of the site to R-43 Cluster Plan of Ordinance 2016-14 shall be completed. This includes a copy of any assurances related to improvements in the Scottsdale Road right-way given to the City of Scottsdale and grading within drainage easements on the plat. The assurance related to the improvement of a bicycle and/or pedestrian route within Northern Avenue as specified per the rezoning is void as the Walk & Bike Plan was not adopted.
5. As defined in Condition 6 of Special Use Permit of Ordinance 2016-15, and modified herein to address drainage maintenance, the owner of the property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a grant of access easement and a private right-of-way easement and maintenance agreement for the private roadway, private roadway gates, and any related roadway/gate improvements on this property; along with a drainage easement and drainage easement maintenance agreement for the storm drainage improvement areas. These easement agreements shall be reviewed by the Town Attorney, and comply with applicable local and state laws, and be recorded with the Maricopa County Recorder's Office. Said agreements shall be recorded on or about the date of the recordation of this final plat.
6. As stipulated in the rezoning of the site to R-43 Cluster Plan of Ordinance 2016-14, a trust indenture establishing title to the common areas must be executed in accordance with Section 905, Conveyance of Common Lands, of the Zoning Ordinance. Said indenture shall be recorded on or about the date of the recordation of this final plat.
7. As stipulated in the rezoning of the site to R-43 Cluster Plan of Ordinance 2016-14, the property owner(s) must sign and record a Waiver of Rights and Remedies agreement under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney. Said 207 Waiver and recordation of this final plat are necessary to make effective the amendment to the Cluster Plan zoning text of Ordinance 2016-13, rezoning of the subject site to R-43 Cluster Plan of Ordinance 2016-14, Conditional Use Permit for the private road of this subdivision, its subdivision signs, the Special Use Permit of Ordinance 2016-15 for the private roadway gates and entry landscaping, and the perimeter walls/landscaping.

8. The final improvements that address items such as drainage, street, utility, subdivision wall, landscaping, and related improvements shall be completed as set forth in the rezoning of the site to R-43 Cluster Plan of Ordinance 2016-14.

SUMMARY STATEMENT:

Update:

Pursuant to the 2018 plat process changes, approval of a final plat only requires Town Council approval since the applicant meets the conditions of the preliminary plat and the final plat is in substantial compliance to the preliminary plat. Approval is a ministerial act as to whether or not the plat meets Town Code requirements and the Preliminary Plat conditions.

The Town Council discussed this final plat and final subdivision wall/landscape plans at the September 13, 2018 study session. At that time, it was noted the only item needed prior to approval is the Certificate of Assured Water Supply. The was issued by the Arizona Department of Water Resources on June 3, 2019. Although not required until plat recordation, the applicant has secured the Letter of Map Revision (LOMR) approved by the Federal Emergency Management Agency (FEMA) that was issued on October 31, 2018. Refer to Attachment D, Certificate of Assured Water Supply & Utilities, and Attachment F, LOMR & Drainage, for more information.

Request

PV Ironwood Investments, L.L.C., a Delaware limited liability company, (formerly owned by Town Triangle, L.L.C. and Folkman Properties L.L.C.), has filed a final plat application 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). Ironwood Golf Villas, L.L.C., an Arizona limited liability company, will take ownership prior to plat recordation. The proposed development is for eight single-family lots that vary in lot size between approximately 16,813 square feet to 38,665 square feet.

Prior Action & Update

The Town Council approved the preliminary plat and related applications for the subject site at its November 16, 2017 Town Council meeting. The 2017 applications approved by the Town Council included the amendment to the Cluster Plan zoning text via Ordinance 2016-13, rezoning of the subject site to R-43 Cluster Plan via Ordinance 2016-14, an application for two subdivision signs, a conceptual perimeter wall plan, and the Special Use Permit for the private roadway gates and entry landscaping via Ordinance 2016-13. The Planning Commission approved the Conditional Use Permit for the private road on October 3, 2017. Refer to Attachment G, Prior Approvals, for more information.

These prior approvals do not become effective until the property owner(s) sign and record a Waiver of Rights and Remedies agreement under A.R.S. § 12 1134 (Proposition 207 Waiver), Town Council approves the final plat, and the final plat is recorded. There are several conditions in these prior approvals before recordation of the final plat. These conditions include the following:

- Completion of the approved Letter of Map Revision (LOMR) through the Federal Emergency Management Agency (FEMA). As noted, FEMA approved the LOMR on October 31, 2018. The LOMR became effective on March 15, 2019.
- Review by the Town Attorney of the CC&R's, declaration, bylaws, or other documents. The property owners have agreed to a voluntary inclusion that the CC&R's will include a provision for no overnight parking on Ironwood Drive, there will be a single trash hauler provider, and

that there will be a minimum of a 30-day rental limit for the residential units. The Town Attorney has reviewed draft CC&R provisions that have these voluntary inclusions.

- Submittal of all assurances such as providing a copy of any assurances related to improvements in the Scottsdale Road right-way given to the City of Scottsdale and grading within drainage easements on the plat. The stipulation regarding the improvement of a bicycle and/or pedestrian route within Northern Avenue as specified per the rezoning ordinance is void since the Walk & Bike Plan was not adopted.
- Recordation of the private roadway and drainage maintenance agreement(s). Refer to Attachment I, Maintenance Agreement, for a draft version of this agreement. The final agreement will include the correct ownership, city signatures and dates .
- Recordation of the trust indenture establishing title to the common areas must be executed in accordance with Section 905, Conveyance of Common Lands, of the Zoning Ordinance. Refer to Attachment J, Trust Indenture, for a draft version.

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 Attachment A, Existing Conditions - History.

Compliance to Code & Guidelines

Refer to Attachment B, Compliance, on how the proposed development complies with the final plat standards.

Refer to Attachment D, Certificate of Assured Water Supply & Utilities, for updates on the Certificate of Assured Water Supply, the utility will serve letters, and water impact study reviewed as part of the preliminary plat approval.

Refer to Attachment E, Traffic Statement, for the traffic statement reviewed as part of the preliminary plat approval.

Refer to Attachment F, LOMR & Drainage, for the LOMR approved in October 2018 and drainage information reviewed as part of the preliminary plat approval.

COMMENTS & NOTICING

To date, no comments have been given to staff on the final plat application.

The applicant voluntarily continued the mailing noticing procedure as done in the prior approvals in noticing all property owners within 2,000 feet of the property within the Town limits, 1,000 feet outside Town limits, and all property owners within Cheney Estates.

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):

- A. Existing Conditions - History
- B. Compliance
- C. Application

- D. Certificate of Assured Water Supply & Utilities
- E. Traffic Statement
- F. LOMR & Drainage
- G. Prior Approvals
- H. Minutes
- I. Maintenance Agreement
- J. Trust Indenture
- K. Preliminary Plat
- L. Noticing
- M. Wall & Gate Plan
- N. Landscaping Plans
- O. Final Plat
- P. Presentation