



Legislation Text

File #: 19-338, **Version:** 1

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill Keimach, Town Manager
Dawn Marie Buckland, Deputy Town Manager
Jeremy Knapp, Community Development Director
George Burton, Planner

DATE: September 26, 2019

DEPARTMENT: Community Development

AGENDA TITLE:

Consideration of Lavitt Manor II Final Plat (FP-19-01). Two Lot Subdivision with Private Road located at 7525 North Ironwood Drive (APN: 169-03-078).

RECOMMENDATION:

The review of the final plat by Town Council is ministerial which means that the Town Council must approve the final plat if it is in substantial conformance with the preliminary plat and Town Code. Since the final plat is compliant with the preliminary plat and the Town's development standards, it is recommended that the Town Council approve the Lavitt Manor II Final Plat, located at 7525 N. Ironwood Drive, subdividing an approximately 2.8-acre lot into two (2) residential R-43-zoned properties with a private roadway, subject to the stipulations in the action report.

STIPULATIONS:

Final Plat (FP-19-01)

1. The Final Plat and related improvements of "Lavitt Manor II" located at 7525 N. Ironwood Drive (the "Property") shall be in substantial compliance with the submitted plans and documents:
 - a. The Narrative prepared by Brad Cullum;
 - b. The "Lavitt Manor II" final plat, Sheet 1, prepared by Montgomery Engineering & Management, LLC and dated August 21, 2019;
 - c. The "Lavitt Manor II Paving, Grading & Drainage Plan" for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;
 - d. The Water Service Impact Study, prepared by Montgomery Engineering & Management, LLC, and dated October 2018; and
 - e. The Preliminary Drainage Report, prepared by Montgomery Engineering & Management, LLC, with revised date December 2018;

2. The landscaping along N. Ironwood Drive and E. Belmont Drive, shall be in substantial compliance with Landscape Plan, prepared by Cullum Homes;
3. The landscaping located at the corner of private roadway Tract A and Ironwood Drive shall comply and must be maintained to ensure compliance with Section 8-1-13, Corner Vision, of the Town Code;
4. Improvements in Tract A for the "Lavitt Manor II" subdivision shall be in substantial compliance with the private road Conditional Use Permit CUP-19-02 and the "Lavitt Manor II Paving, Grading & Drainage Plan" for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;
5. Prior to the recordation of the final plat of "Lavitt Manor II," the following items must be completed:
 - a. The owner(s) of the Property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a Grant of Access Easement and Private Roadway Maintenance Agreement for the private roadway Tract A. This form shall be reviewed by the Town Attorney, must be in-compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder's Office. Said form shall be submitted and approved by the Town prior to recordation of the "Lavitt Manor II" final plat;
 - b. The owner(s) of the Property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a Drainage Easement and Maintenance Agreement. This form shall be reviewed by the Town Engineer and Town Attorney, must be in-compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder's Office. Said form shall be submitted and approved by the Town prior to recordation of the "Lavitt Manor II" final plat;
 - c. The owner(s) of the Property, or successors, shall submit the required 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 "Lavitt Manor II Paving, Grading & Drainage Plan" for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019 and in CUP-19-02; and
 - d. Prior to recordation of the "Lavitt Manor II" final plat, all nonconforming structures on this property (e.g. house, guest house, tennis court, fence walls, etc.) shall be removed, with the applicable demolition permit submitted to the Town and inspections done by the Town's Community Development Department;
6. Prior to the issuance of a Certificate of Occupancy in "Lavitt Manor II" subdivision, the following items must be completed:
 - a. The installation of a new fire hydrant is required with the development of Lot 2 and shall be installed and inspected by the Town prior to issuance of the Certificate of Occupancy or a final inspection for the primary residence of Lot 2;
 - b. The property owner(s) or designee(s) shall complete the roadway improvements referenced in CUP-19-02; and

- c. The property owner(s) or designee(s) shall demonstrate that the fire sprinkler system is in compliance with the National Fire Protection Association standard 13D or the current equivalent code requirement; and
7. 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

Cullum Homes filed a subdivision application to subdivide the property at 7525 North Ironwood Drive into two lots and create a 50-foot-wide private road with cul-de-sac to access one of the newly created lots (Lot 2).

PLANNING COMMISSION REVIEW

On August 20, 2019, the Planning Commission approved the preliminary plat (PA-19-01) and the private road conditional use permit (CUP-19-02) by a vote of 7 to 0, subject to stipulations. The approved stipulations are listed below for reference.

The Planning Commission is authorized to approve conditional use permits per Section 1103.4 of the Zoning Ordinance, as such, this aspect of the application does not require Town Council approval. The approval of the conditional use permit is subject to Council approval of the final plat for the subdivision.

In accordance with Section 6-2-3, the final plat does not require Planning Commission review if it is in substantial compliance with the preliminary plat and complies with preliminary plat stipulations. Staff has determined the final plat is compliant with the preliminary plat, and therefore does not require Planning Commission review.

TOWN COUNCIL REVIEW

Section 6-2-3 states that if no Planning Commission approval is required, then the Town Council shall act on the final plat/map application within forty calendar days from when staff deems the application complete. As a result, the Council must act on the final plat by October 22, 2019. The review of the final plat by Town Council is ministerial which means that the Town Council must approve the final plat if it is in substantial conformance with the preliminary plat and Town Code.

On September 12, 2019, the Town Council reviewed the final plat for compliance with the preliminary plat. During the work study review, the Council discussed the concerns identified by the neighboring property owners. The Council also requested that staff address the drainage concerns in the staff report. Please reference the "Public Comment" section below regarding staff's response to the drainage concerns.

BACKGROUND

History:

The subject property is zoned R-43 and was platted in 1994 via the Lavitt Manor subdivision. The applicant received preliminary plat and conditional use permit approval from the Planning Commission and is now requesting final plat approval to subdivide the property into two-lots, one of

which will be accessed by a private roadway. Currently, there is an existing house, guest house, and tennis court on the property. Town Code states that the subdivision of land cannot create any non-conformities, as such the existing structures must be demolished prior to recordation of the final plat.

Final Plat

The subject property is 120,533 square feet (2.8 acres) and is zoned R-43. The property will be subdivided into two new lots, a private roadway tract, and a drainage/utility easement tract adjoining the new roadway. Lot 1 is 49,096 square feet (1.13 acres), Lot 2 is 49,488 square feet (1.14 acres), the private road Tract A is 50 feet wide and 17,099 square feet (0.39 acres), and drainage/utility easement Tract B is 20 feet wide and 4,850 square feet (0.11 acres).

Lot Configuration & Lot Size. The proposed property meets the R-43 area requirements, including size, lot width, and setbacks. Each lot is rectilinear in shape, meets the 165' diameter circle test, and is greater than one net acre in size (with new Lot 1 at 1.13 acres and new Lot 2 at 1.14 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. '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: APS service area
- Water: City of Phoenix service area
- Sewer: Town of Paradise Valley service area
- Gas: Southwest Gas service area
- Data: Cox and CenturyLink service area

Drainage. The preliminary grading, drainage, and pavement plan illustrates the site topography and identifies a drainage easement on Lot 1. The grading and drainage plans include cross sections of the drainage easement. Each lot will require an individual engineering site/grading and drainage plan with each building permit application submittal. On-site stormwater retention will also be required with the development of each lot.

Fire Protection Issues. The proposed lots are substantially compliant with the standards related to fire protection:

- Fire Department access: Lot 1 will have access via Ironwood Drive and the new private roadway. Lot 2 will have direct access via the new private roadway.
- Fire hydrant spacing/location: The nearest fire hydrant is located more than 400 feet away from new Lot 2. 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 of 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 does not meet the Town Code requirements. The applicant provided a water impact study which identifies an average flow rate is 1,062 gallons per minute (gpm) and the Town Code requires a minimum flow rate of 1,500 gpm. Since the fire flow rate is below the minimum standard, a stipulation was added requiring the fire sprinkler system for the new homes to demonstrate compliance with

the National Fire Protection Association standard 13D or the current fire code requirements.

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. Four fifteen-gallon native trees and five one-gallon native shrubs shall be placed every 100 feet adjoining the rights-of-way.

The private road tract (Tract A) is approximately 250 feet long, which requires 8 trees and 10 shrubs to be planted along each side of the new roadway. The landscape plan identifies 16 trees (12 Blue Palo Verde and 4 Foothill Palo Verde) and 35 shrubs (with a mixture of Globe Mallow, Creosote, Yellow Bells and Mexican Bird of Paradise) to be planted along private roadway Tract A.

The area adjoining the existing roadway, Ironwood Drive, is approximately 180 feet long; which requires 8 trees and 10 shrubs to be planted along the east side of the road (adjoining Lot 1). The landscape plan identifies that 8 trees (3 Blue Palo Verde and 5 Foothill Palo Verde) and 14 shrubs (with a mixture of Globe Mallow, Creosote, Yellow Bells and Mexican Bird of Paradise) to be placed next to Ironwood Drive.

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

Tract B. The applicant is placing a 20' wide drainage/utility easement track between the new private roadway and the existing property to the south. Tract B was added to retain water from the private roadway, run utilities to the new Lot 2, and prevent the new private roadway from converting the existing property to the south (located at 7425 N. Ironwood Drive) into a corner lot; which would change the setback requirements for the existing property and possibly create non-conforming structures (since side yards adjoining a right-of-way have greater setbacks than side yards adjoining a residential property).

N. Ironwood Dr (Existing Public Roadway). There is approximately 20' of pavement and no curb on the existing roadway. As a result, half street improvements are required to bring the adjoining portion of street into compliance with the Town's requirements. The applicant will add 2' of new ribbon curb adjoining Lot 1. A stipulation will also be added to identify that prior to the recordation of the final plat, the applicant shall submit improvement plans for Town Engineer approval and provide an assurance for the Town to be in a guaranteed position to complete the improvements on North Ironwood Drive.

Approved Private Road Conditional Use Permit CUP-19-02 (Belmont Drive)

The applicant is proposing to construct a private road to access 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. The private road is compliant with the Town Code and General Plan standards.

Tract A. Town Code limits private roadways to:

- A minimum tract width of 50 feet,
- A paved surface width of 18 to 22 feet, and
- A cul-de-sac design with a minimum radius of 45' to enable emergency vehicles to turn around.

The private roadway tract (Tract A) is:

- 50 feet wide,
- Has 18' of paved roadway surface with 2' of ribbon curb on each side, and
- A cul-de-sac design with a 45' radius at the end of the road.

The private road conditional use permit was approved by the Planning Commission on August 20, 2019. However, a stipulation was added to identify that the approval of the conditional use permit is subject to and contingent upon approval and recordation of the "Lavitt Manor II" final plat/subdivision.

Public Comment

During the preliminary plat and private road conditional use permit process, staff and the Planning Commission received comments from two neighbors. Also, a third neighbor recently provided comment. The neighbors expressed concern regarding the obstruction of views from the development of the new lots, the nuisance of car lights generated from the new roadway, concern that the subdivision is not in character with the surrounding development, and concern that the drainage ways are not compliant with the storm drainage design manual. A copy of the Planning Commission meeting minutes and letters from the neighboring property owners are enclosed for reference.

Additionally, the Town Engineer visited the property to walk the wash areas and reviewed the proposed grading plans and wash cross sections. The Town Engineer determined that south wash did not meet the definition of a natural wash and shall be considered a minor wash. The south wash has been previously altered by the property to the south and enters the subject lot through a pipe. The eastern side of the south wash has also been altered by the previous owner so that it is not currently in its natural state. The modifications to the wash are such that the west bank is significantly higher than the east bank. For the purposes of wash criteria calculations, the east (lower) bank was specified to be used since any water flowing in the wash would not be able to reach the top of the west bank. Most of south wash area in question is also beyond the building setback and cannot be built on. In working with the project engineer, the northern area of the south wash that would receive "tailwater" from the west wash was included in the west wash drainage easement area. This northern area of the south wash also appears to be undisturbed by prior development and is in a more "natural state" than the modified portion of the southern wash. Please reference the attached Exhibit A for photos of the southern wash area.

Neighborhood Notification

The neighboring properties located within a 1,500' radius of the subject lot were notified of the final plat public meeting in accordance with the notification process. A copy of the public meeting notification materials is enclosed for reference.

PRELIMINARY PLAT AND PRIVATE ROAD CONDITIONAL USE PERMIT STIPULATIONS

Preliminary Plat (PA-19-01)

1. The Final Plat and related improvements of "Lavitt Manor II" located at 7525 N. Ironwood Drive (the "Property") shall be in substantial compliance with the submitted plans and documents:
 - a. The Narrative prepared by Brad Cullum;

- b. The “Lavitt Manor II” preliminary plat, Sheet 1, prepared by Montgomery Engineering & Management, LLC and dated July 23, 2019;
 - c. The “Lavitt Manor II Paving, Grading & Drainage Plan” for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;
 - d. The Water Service Impact Study, prepared by Montgomery Engineering & Management, LLC, and dated October 2018; and
 - e. The Preliminary Drainage Report, prepared by Montgomery Engineering & Management, LLC, with revised date December 2018;
2. The landscaping along N. Ironwood Drive and E. Belmont Drive, shall be in substantial compliance with Landscape Plan, prepared by Cullum Homes;
 3. The landscaping located at the corner of private roadway Tract A and Ironwood Drive shall comply and must be maintained to ensure compliance with Section 8-1-13, Corner Vision, of the Town Code;
 4. Improvements in Tract A for the “Lavitt Manor II” subdivision shall be in substantial compliance with the private road Conditional Use Permit CUP-19-02 and the “Lavitt Manor II Paving, Grading & Drainage Plan” for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;
 5. Prior to the final plat of “Lavitt Manor II” being approved by the Town Council, the applicant shall provide the will-serve correspondence from the City of Phoenix acknowledging their ability to provide water service for this two-lot subdivision as the Arizona Department of Water Resources has designated the City of Phoenix water provider as having an assured water supply;
 6. Prior to the recordation of the final plat of “Lavitt Manor II,” the following items must be completed:
 - a. The owner(s) of the Property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a Grant of Access Easement and Private Roadway Maintenance Agreement for the private roadway Tract A. This form shall be reviewed by the Town Attorney, must be in-compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder’s Office. Said form shall be submitted and approved by the Town prior to recordation of the “Lavitt Manor II” final plat;
 - b. The owner(s) of the Property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a Drainage Easement and Maintenance Agreement. This form shall be reviewed by the Town Engineer and Town Attorney, must be in-compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder’s Office. Said form shall be submitted and approved by the Town prior to recordation of the “Lavitt Manor II” final plat;
 - c. The owner(s) of the Property, or successors, shall submit the required 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 “Lavitt Manor II Paving, Grading & Drainage Plan” for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019 and in CUP-19-02; and
- d. Prior to recordation of the “Lavitt Manor II” final plat, all nonconforming structures on this property (e.g. house, guest house, tennis court, fence walls, etc.) shall be removed, with the applicable demolition permit submitted to the Town and inspections done by the Town’s Community Development Department;
7. Prior to the issuance of a Certificate of Occupancy in “Lavitt Manor II” subdivision, the following items must be completed:
 1. The installation of a new fire hydrant is required with the development of Lot 2 and shall be installed and inspected by the Town prior to issuance of the Certificate of Occupancy or a final inspection for the primary residence of Lot 2;
 2. The property owner(s) or designee(s) shall complete the roadway improvements referenced in CUP-19-02; and
 3. The property owner(s) or designee(s) shall demonstrate that the fire sprinkler system is in compliance with the National Fire Protection Association standard 13D or the current equivalent code requirement; and
 8. 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.

Private Road Conditional Use Permit (CUP-19-02):

1. The private roadway Conditional Use Permit (the “CUP”) shall apply to the property described in the legal descriptions of the “Lavitt Manor II” preliminary plat, Sheet 1, prepared by Montgomery Engineering & Management, LLC and dated July 23, 2019 (the “Property”);
2. The CUP shall be in substantial compliance with the submitted plans and documents:
 - a. The Narrative prepared by Brad Cullum;
 - b. The “Lavitt Manor II” preliminary plat, Sheet 1, prepared by Montgomery Engineering & Management, LLC and dated July 23, 2019; and
 - c. The “Lavitt Manor II Paving, Grading & Drainage Plan” for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;
3. Approval of CUP-19-02 is subject to and contingent upon approval and recordation of the “Lavitt Manor II” final plat/subdivision. Thus, CUP-19-02 will not go into effect until the “Lavitt Manor II” final plat/subdivision receives Town Council approval and the approved final plat is recorded with the Maricopa County Recorder’s Office;
4. The owner(s) of the Property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a Grant of Access Easement and Private Roadway Maintenance Agreement for the private roadway Tract A. This form shall be reviewed by the Town Attorney, must be in-compliance with applicable local and state laws, and

must be recorded with the Maricopa County Recorder's Office. Said form shall be submitted and approved by the Town prior to recordation of the "Lavitt Manor II" final plat;

5. Prior to the recordation of the "Lavitt Manor II" final plat, the owner(s) of the Property, or successors, shall submit the required 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 "Lavitt Manor II Paving, Grading & Drainage Plan" for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;
6. Prior to issuance of the Certificate of Occupancy or a final inspection for the home(s) located in the "Lavitt Manor II" final plat/subdivision, the property owner(s) or designee(s) shall complete the roadway improvements referenced in CUP-19-02; and
7. The landscaping located at the corner of private roadway Tract A and Ironwood Drive shall comply and must be maintained to ensure compliance with Section 8-1-13, Corner Vision, of the Town Code.

ATTACHMENTS:

Vicinity Map & Aerial Photo
Final Plat Application & Narrative
Final Plat, Paving, G&D, and Landscape Plans
Drainage Report
Water Service Impact Study & Hydrant Flow Test
Utility Will Serve Letters
Drainage Easement Agreement
Access Easement & Private Road Maintenance Agreement
Public Comment
July 16, 2019 Planning Commission Meeting Minutes
August 20, 2019 Draft Planning Commission Meeting Minutes
Noticing Materials - Planning Commission
Noticing Materials - Town Council
Exhibit A - Site Wash Photos
Power Point Presentation

CC: Brad Cullum, Rod Cullum, and Dave Montgomery - Applicant