



## Legislation Text

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File #: 20-103, Version: 1

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**TO: Mayor Bien-Willner and Town Council Members**

**FROM: Jill B. Keimach, Town Manager  
Jeremy Knapp, Community Development Director  
Paul Michaud, Planning Manager**

**DATE: March 12, 2020**

**CONTACT:**

**AGENDA TITLE:**

**Discussion of a 4-Lot Final Plat - Estates on Invergordon (FP-20-01)  
6400 E Cactus Wren Rd (APN: 174-53-008K)**

**REQUEST**

On behalf of the property owner, Mr. Bluebirds Shoulder, LLC, of the 5.7-acre property located at 6400 E Cactus Wren Road, Nick Prodanov of Land Development Group filed a final plat (FP-20-01) for a 4-lot subdivision named Estates on Invergordon, that includes the construction of a new public street. The subject property is zoned R-43, for minimum one-acre single-family homesites. The four proposed lots range in size from 1.225 acres to 1.308 acres.

**BACKGROUND**

Preliminary Plat

The Planning Commission discussed the Estates on Invergordon preliminary plat application (PP-19-02) at its December 17, 2019 work session and approved the preliminary plat in a 6 to 0 vote, with Commissioner Lewis absent, at its meeting of January 21, 2020. There were no specific concerns over the plat itself, as the preliminary plat meets the standards in the Town Code and Zoning Ordinance. However, there is resident interest in this plat from the standpoint of drainage and neighborhood impact during construction as summarized below:

- Drainage concerns relate to the undeveloped condition of the site since the home and its perimeter wall was removed years back. Conditions 1.d and 2.b addressed this point in requiring installation of a temporary storm water pollution prevention plan along Cactus Wren Drive. The permanent storm water plan will occur as each lot develops per its approved single family home building permit as is commonly done with other homesites within the Town.
- The concerns on construction relate to potential safety and nuisances based on the narrow pavement width along Invergordon Road, the constraint to pass stopped vehicles due to the existing landscape median on Cactus Wren Drive at Invergordon Road, and that Cactus Wren Drive east of Invergordon Road is the only access point for 40 homesites generally in the subdivisions of La Place and Vista Camello. The Planning Commission approval included Condition 6, and specifically Condition 6.c related to construction turn-around and Condition 6.e on construction parking as a means to address these concerns. Condition 6.e as approved

with the preliminary plat did not fully capture the intent of the Planning Commission approval which was brought to the attention of the Planning Commission after the public meeting. Conditions on a plat generally relate to existing code provisions. However, other conditions have been placed on plats to further health and safety or to prevent the construction of substandard buildings, control of the type of structure or the use of the lots, which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property pursuant to Section 6-3-10, Character of Development, in the Town Code. The Town Attorney and Police Chief have concerns over Town enforcement of these two above conditions without posting both sides of the street “no parking” and/or posting the turnaround restriction in multiple places. As drafted, the Town’s police department will not be able to enforce these conditions without appropriate signage. However, not unlike construction parking restrictions approved by the Hillside Building Committee for various hillside applications, the enforcement of these draft conditions will be through notification to the property owner and/or contractor of any noted violations via the Community Development Department. This method provides more compliance than no condition. Town Council may wish to discuss the merits of these conditions at the study session on March 12, 2020. To help curb motorists that might think eastbound Cactus Wren Road leads out to Lincoln Drive or another through street, a “no outlet” sign was posted the at the southeast corner of Invergordon Road and Cactus Wren Road.

The property owner completed Condition 2.c regarding the removal of the private water well and tanks. As such, this condition is stricken. Attachment I has the conditions as approved by the Planning Commission with the preliminary plat. Attachment J shows the revisions to those conditions in track change for Town Council review and for action with the final plat.

### History

There was a large estate home built on the property in the early 1970s. This home and the related structures were demolished between 2011 and 2018. Except for some existing utilities, a water well, two 5’ tall small water tanks, some miscellaneous wall debris, and two retaining walls, the subject property is presently undeveloped. As noted, the property owner removed the private water well and two 5’ tall small water tanks in January 2020. The westernmost retaining wall on the ALTA is 6’ tall and the easternmost retaining walls varies between 1’ to 9’ tall. The Zoning Ordinance restricts retaining walls to 6’ tall on non-hillside sites. Refer to the ALTA survey in Attachment E.

### Timing

Pursuant to Section 6-2-3 of the Town Code, Town Council has 40 days to act on the final plat from when staff deems the application complete which was on February 20, 2020. The 40-day limit ends on March 31, 2020. Town Council action is set for the March 26, 2020 Council meeting.

## **FINAL PLAT**

The final plat is in substantial compliance with the approved preliminary plat in that there are no major differences and there are no specific unmet conditions required between preliminary plat and final plat. The plat process is a ministerial function, with no requested deviations from Town standards. The four proposed lots range in size from 1.225 acres to 1.308 acres. Attachment C includes a description of how the final plat meets Town standards.

### Resident Comment & Noticing

By Town policy, the applicant will mail notices to property owners within 1,500 feet of the subject site

regarding the scheduled March 26<sup>th</sup> public meeting for action on this final plat. Noticing material for the March 26<sup>th</sup> meeting will be included with the March 26th report. Attachment L includes the resident comments and noticing material from the preliminary plat application. As noted, the focus of resident interest is on construction parking and traffic.

#### Next Steps

The applicant and/or Town staff will address any Council direction from the study session. The meeting for action of this plat is set for the Council meeting of March 26, 2020. The applicant will mail notification to property owners of this meeting by March 10, 2020.

#### **ATTACHMENTS:**

- A. Vicinity Map & Related Information
- B. Application
- C. Plat Compliance to Town Standards
- D. Approved Preliminary Plat
- E. Related Plans
- F. Drainage and Related Reports
- G. Planning Commission Minutes
- H. Water Well Material
- I. Approved Preliminary Plat Conditions
- J. Proposed Final Plat Conditions (Track Change)
- K. Final Plat
- L. Resident Comments & Noticing
- M. Presentation

CC: Applicant