



## Legislation Text

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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 26, 2020

**CONTACT:**

Paul Michaud, Planning Manager, 480-348-3574

**AGENDA TITLE:**

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

**RECOMMENDATION:**

The review of a 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 Estates on Invergordon Final Plat, located at 6400 E Cactus Wren Drive, subdividing an approximately 5.7-acre property into four (4) residential R-43-zoned properties with a public street, subject to the conditions in the Action Report.

(edits since the March 12, 2020 study session are shown in track change):

1. The final plat and related improvements for the "Estates on Invergordon" located at 6400 E Cactus Wren Road (the "Property") shall be in substantial compliance with the following submitted plans and documents:
  - a. Final Plat for the "Estates on Invergordon," Sheets 1 and 2, prepared by Land Development Group, dated February 26, 2020;
  - b. Preliminary Paving Plan for the "Estates on Invergordon," Sheet 1 of 1, prepared by Land Development Group, dated December 3, 2019;
  - c. Preliminary Water & Sewer Plan for the "Estates on Invergordon," Sheet 1 of 1, prepared by Land Development Group, dated December 3, 2019;
  - d. Storm Water Pollution Prevention Plan, Sheet 1 of 1, prepared by Land Development Group, dated December 3, 2019;

- e. The Planting Plan for the right-of-way Sheet PP.1, prepared by Berghoff Design Group, dated December 6, 2019;
  - f. The narrative prepared by Land Development Group, dated December 5, 2019;
  - g. The Water Service Impact Study, prepared Land Development Group, dated July 26, 2019; and
  - h. The preliminary drainage report, prepared by Land Development Group, dated July 29, 2019.
2. Prior to recordation of the final plat for said subdivision, the following items shall be submitted by the owner(s) of the Property, or successors:
- a. Submit the required final 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 submitted plans and documents in Condition 1 above;
  - b. If not already completed, installation and maintenance of the storm water pollution prevention plan noted in Condition 1 until the final lot improvements are completed on Lot 1 of said subdivision; and
3. Prior to the issuance of the first building permit for any home on Lots 1, 2, 3, or 4 of the said subdivision, the owner(s) of the Property, or successors, shall do the following:
- a. Complete the roadway, utility, and related infrastructure improvements as referenced in the submitted plans and documents in Condition 1 above along Invergordon Road and Cactus Wren Road;
  - b. At the discretion of the Town Engineer, the final lift of asphalt for Jacaranda Road may be postponed until the first Certificate of Occupancy for any of the Lots 1 to 4 of the said subdivision;
  - c. Remove all existing retaining walls and related structures on the entire site, along with the owners of the affected Lots having submitted and obtained approval from the Town the applicable demolition permit(s), grading permit(s), storm water pollution prevention plan(s), and associated permit(s). However, compliance to this condition shall be no later than one year from the date of the Town Council approval of the final plat for said subdivision; and
  - d. At the time the existing retaining walls are removed, the affected Lots shall be regraded at a minimum of 4:1 slope and existing drainage patterns shall be maintained.

4. Prior to the issuance of each Certificate of Occupancy for Lots 1, 2, 3, or 4 of the said subdivision, the owner(s) of the Property, or successors, shall complete the landscaping improvements, as to each lot, as referenced in the submitted plans and documents in Condition 1 above.
5. 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.
6. The following conditions shall apply during construction of the building pads, streets, and homes at the Estates on Invergordon subdivision as a means to mitigate safety concerns along the adjoining rights-of-way:
  - a. Construction staging and storage of materials shall be done onsite and not within the Town rights-of-way;
  - b. Use of the Town rights-of-way intermittently, generally defined as up to 20 minutes, to load or unload construction material or equipment is allowable provided the loading and unloading adjoins the site and does not occur within 75 feet of the Invergordon Road/Cactus Wren Road intersection;
  - c. Construction vehicle turn-around shall not occur within 75 feet from the Invergordon Road/Cactus Wren Road intersection and either be done onsite or off the street pavement adjoining the subdivision within the Town's right-of-way to prevent turn-around traffic in the adjoining neighborhoods, specifically turn-around traffic on streets north and east of the Invergordon Road/Cactus Wren Road intersection as these streets dead end and do not connect back to Lincoln Drive or another major arterial;
  - d. Reserved
  - e. Construction parking shall not be allowed on any paved surfaces of Invergordon Road or Cactus Wren Road. Any parking on non-paved surfaces along Invergordon Road shall be restricted to the east side, and any parking on non-paved surfaces along Cactus Wren Road shall be restricted to the north side. Any non-paved surface used for construction parking shall conform to storm water pollution prevention plan requirements. All construction parking during the mass grading, utility work for the subdivision, and the construction of Jacaranda Road shall be fully on the subject site and not within any rights-of-way;
  - f. The property owner(s) of the lot(s) of said plat shall be responsible to inform the contractor(s) of the construction and plat conditions;
  - g. The above conditions do not apply to Jacaranda Road that is part of the Estates on Invergordon subdivision up to and prior to the Town's acceptance of the final street improvements of Jacaranda Road;
  - h. During construction of site improvements, a designated construction area on Lots 1, 2, 3, or 4 shall be provided to prevent parking on any paved public street surfaces or non-paved surfaces as described in Condition 6(e) above; and.

- i. The development of the site and/or development of each lot(s) shall include a construction staging plan no later than the beginning of the building permit application process as outlined in the Town's Hillside Safety Improvement Measures and Process Manual.
7. Painting and landscaping shall be used in a manner that screens all large utility boxes within or near the rights-of-way adjoining the subject site. Such landscaping shall meet all clearance requirements required by the utility company. The Town Community Development Director or designee, shall review and approve final paint color and landscape placement prior to final inspection of the utility equipment.

## REQUEST

On behalf of the property owners, Marc and Amy Salomon (previously 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

### Council Study Session

Council discussed the final plat at its study session on March 12, 2020. The following items were discussed:

- To include a construction staging condition similar to that for a hillside property to mitigate the potential impact in development of four homes at one time. It was noted that the likely scenario in speaking with the prospective new owners would be the development of only two homes that could occur at or near the same time. Condition 6, as drafted, already addresses several components related to construction. However, Condition 6.i is added that reads "The development of the site and/or development of each lot(s) shall include a construction staging plan no later than the beginning of the building permit application process as outlined in the Town's Hillside Safety Improvement Measures and Process Manual." Attachment L includes an excerpt from the Hillside Safety Improvement Measures and Process Manual. Condition 6.e was also amended to require all construction parking be on site during the mass grading, utility work for the subdivision, and the construction of Jacaranda Road based on the Council concern related to the potential for a higher number and frequency of vehicles during development of multiple lots at one time.
- Dust control measures are the purview of Maricopa County and required by Town Code Section 5.8.5. As such, the proposed conditions do not include a provision related to dust control since it is required by county regulations. Refer to Attachment M for more information.
- Water for this subdivision will be provided by EPCOR as described in the will serve letter in Attachment F. There are existing 6" and 8" water lines adjoining the property. No Certificate of Assured Water Supply is required. The Arizona Department of Water Resources is the governing entity regarding this matter and they rely on the Arizona Revised Statutes definition of subdivision of 6 or more lots to require this Certificate, not the Cities and Towns definition of subdivision. The assured water supply requirement can also be met with a written commitment of service from a water provider designated as having an assured supply. Refer to Attachment N for more assured water supply information.
- There are existing utility boxes along Invergordon Road approximately 90 feet south of the

north property line of the subject site. An additional utility box is likely along Jacaranda Road to service the development. The Town has no code requirements related to the screening of utility boxes. The Visually Significant Corridors Plan (VSC) is a guideline generally applied to only Lincoln Drive and Tatum Boulevard. The VSC Plan encourages utility screening along visually significant corridors when a utility company installs, upgrades, or replaces a utility cabinet depending on the complexity of the repair. Being that this equipment is in the right-of-way, the Town's Engineering Division reviews the applicable permit(s). In an effort to address utility screening for this plat, and if the majority of Town Council is supportive, staff added Condition 7 that reads "Painting and landscaping shall be used in a manner that screens all large utility boxes within or near the rights-of-way adjoining the subject site. Such landscaping shall meet all clearance requirements required by the utility company. The Town Community Development Director or designee, shall review and approve final paint color and landscape placement prior to final inspection of the utility equipment." Refer to Attachment O for excerpts from the VSC plan.

### 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.

### 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.

## **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 mailed 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. Attachment K includes the resident comments and noticing material. As noted, the focus of resident interest is on construction parking and traffic.

## **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. Final Plat
- K. Resident Comments & Noticing
- L. Hillside Safety Improvement Measures and Process Manual Excerpt
- M. Dust Control Information
- N. Additional Assured Water Supply Information
- O. VSC Excerpts
- P. Presentation

CC: Applicant