

## STAFF ANALYSIS

---

### REQUEST

**Subdivision (SUB) 16-08 Communities Southwest:** Communities Southwest, property owner, is requesting preliminary plat approval to subdivide 287 acres into 1,052 single family residential lots. The proposed development is generally located at the North-West corner of Murphy Road and Honeycutt Road. **DISCUSSION AND ACTION.**

### RECOMMENDATION

On January 23, 2017 a motion was made by Planning and Zoning Commissioner Joyce to approve subdivision case # SUB16-08 Trails at Tortosa, subject to conditions recommended by the Commission and was seconded by Commissioner Yocum. Voice vote carried the motion 6-0.

### COUNCIL PRIORITIES AND/OR THEMES ADDRESSED

- Transportation Connectivity
- Quality of Life
- Economic Sustainability
- Managing the Future
- Public Safety

### APPLICANT/OWNER

Communities Southwest  
7001 N. Scottsdale Road, Suite 1015  
Scottsdale, AZ 85253

Phone: 480-315-2699  
Contact: Stefanie Cerie

### HISTORY

- |       |  |
|-------|--|
| 2004: | County Board of Supervisors approves rezoning from General Rural (GR) to Single Family Residence (CR-3) and the designation of a Planned Area Development overlay for the proposed Tortosa development, case # PZ-022-03 and PZ-PD-022-03. |
| 2004: | Pinal County approves Final Plat for Tortosa North West.   |
| 2006: | City of Maricopa approves Final Plat for Tortosa South. City of Maricopa case #SUB05-31 to 05-40   |
| 2013: | City of Maricopa approves Development Agreement between Communities Southwest that owns the North-East portion of Tortosa.   |

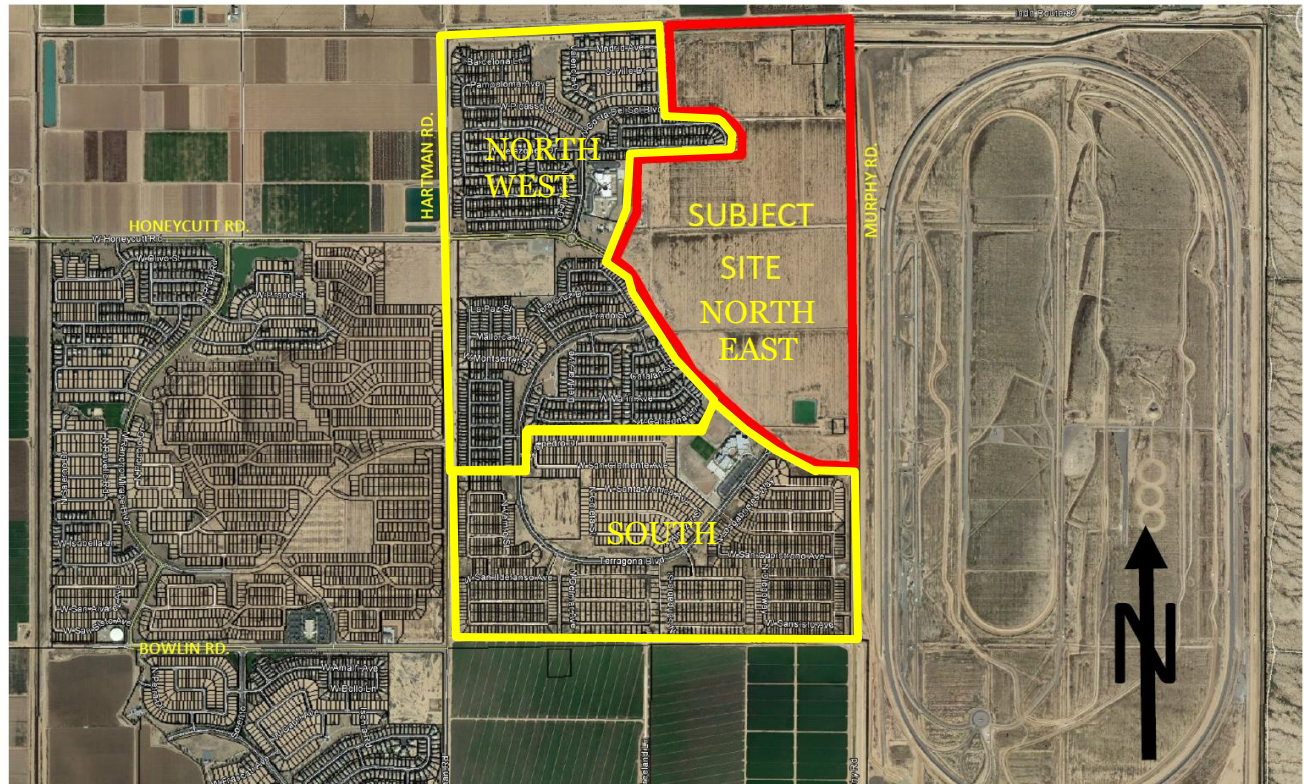


## PROJECT DESCRIPTION

Site Area:	287 Gross Acres
Current Land Use:	Vacant
Existing Zoning:	CR-3 (Single Family Zoning) PAD
Existing General Plan Land Use:	Medium Density Residential
Flood Zone:	<p>The northeasterly portion of the site (phase 3) is located within a Zone “A”, defined as:</p> <p>Zone "A"– Special Flood Hazard Areas (SFHAs) subject to inundation by the 1% Annual Chance Flood, No Base Flood Elevations determined.</p> <p>The remainder of the site (phase 1 and 2) is located within Zone “X”, defined as:</p> <p>Zone "X"– Areas determined to be outside the 0.2% annual chance floodplain</p>
Total lots:	1,052
Proposed Open Space:	60 acres (20%)
Required Open Space:	60 Acres (20%)
Density:	3.62 dwelling units an acre (D/U)
Lot Sizes:	<p>60' x 120' – 278 lots (26%)</p> <p>50' x 120' – 246 lots (24%)</p> <p>45' x 120' – 290 lots (27%)</p> <p>55' x 120' – 241 lots (23%)</p>



## SITE CONTEXT/AERIAL:



## SURROUND LAND USE AND ZONING:

Direction	Existing Zoning	Existing Use
North	N/A	Gila River Reservation
East	CI-2 Zoning	Volkswagen
South	GR – General Rural Zoning	Farmland
West	CR-3 Zoning PAD	Residential Subdivision

## STAFF ANALYSIS

Communities Southwest is requesting to subdivide the portion of land into a 12-parcel subdivision consisting of 1,052 lots. The portion of land is approximately 287 gross acres, and the density count is 3.62 units (based on gross acres). The area of land was originally zoned and entitled as a Planned Area Development in 2004 (Pinal County Jurisdictions, PZ-PD-022-003). The northwest and south portion of the Tortosa is a platted subdivision. However, it is partially built. This request is solely for the development of the unplatted portion of the north-eastern side of the of the Subdivision. See figure above (refer to Exhibit A for Narrative).

A development agreement (DA) currently exist with the City and the applicant/developer, Communities Southwest. The agreement specifies conditions on what on and off-site improvements the applicant is responsible for improving. For example, the road improvements along Murphy Rd. (paved half street and multi-use trail) And flood mitigation improvement on the north-east corner of the site. Also, through the DA, the development was granted an increase in lot coverage from 40% (base zoning district) to 50% for lots 50 feet wide or smaller. Another similar agreement is in place between the applicant/developer and Volkswagen (VW) as it relates to development encroachment to

the VW site. Such agreement requires a large 100 foot plus buffer area along the frontage of Murphy Rd., and restricting two-story homes within 233 feet of the eastern boundary (Murphy Rd., frontage).

Access is proposed by tying into the existing road network established by Tortosa North West subdivision. The main collector road will tie into the existing Costa Del Sol Boulevard which will travel through the subdivision proposed and connect to Honeycutt Road. The developer plans to build the development in three separate phases. As part of the review of the preliminary plat, staff has verified that at least two (2) separate and distinct accesses will be provided and improved in accordance with the City Engineering Standards for each phase (refer to Exhibit C Phasing Plan and Exhibit D Fire Access Plan).

As noted earlier in the site data table, phase 3 currently is located within a floodplain that will require removal of flood plan issues before final plat recordation. The floodplain removal is currently in progress in conjunction with the City and the developer through a Development Agreement. There is no expected timeframe of when the removal of the floodplain will occur as the developer will complete the withdrawal of the floodplain as the market dictates the demand. However, the developer is working with County Floodplain Administrator and FEMA to address the drainage issue.

Lastly, the applicant/developer is requesting a modified condition as it relates to how long a preliminary plat is valid for. Per Code Section, 14-4-5 of the City's Subdivision Ordinance D4, a preliminary plat is valid for two (2) years, which may be extended by the Planning Commission upon verification the development follows all current applicable codes of the City of Maricopa. With a three-phase approach, the applicant/developer is requesting a modified condition of up to six (6) years. Phase 1A and 1B will be valid for two (2) years, phase 2 will be valid for four (4) years pending the final plat recordation of phase 1A and 1B, and phase 3 will be valid for six (6) years pending the final plat recordation of phases, 1A, 1B, and 2. Staff is amenable to the modified validation period as the code itself does not address phasing conditions.

In reviewing the preliminary plat request, the following items are reviewed to assure adequacy with the city's development regulations for residential subdivisions:

**1. Lot size, dimensions:**

The four (4) proposed lot sizes and dimensions meet minimum requirement as set forth in the approved Planned Area Development standards, Pinal County case # PZ-PD-022-003.

**2. Setbacks:**

Noted setbacks adhere to the approved Planned Area Development standards, Pinal County case # PZ-PD-022-003.

**3. Wall Boundary Design:**

Theme wall, view fence and standard wall designs is proposed. Wall design and features meet minimum design requirements set forth in the City's Subdivision Code, Sec. 14-6-5 (E).

**4. Pedestrian Connectivity:** The applicant/developer is proposing a well-connected pathway system through the subdivision that will tie into the urban trail system planned per the City's Planning Maricopa General Plan. Satisfying the connectivity requirements as set forth in the City's Subdivision Code, Sec. 14-6-4 (C)(2). Refer to Exhibit D for Trails Plan.

**5. Residential Design Guidelines:**

The applicant/developer is requesting that any product design review is deferred to the City's Single Family Residential Design Guidelines process and approval procedures, prior to construction of residential homes.



**6. Conceptual Landscaping:**

Adequate landscaping has been provided and meets the minimum area required of 20% overall. The applicant/developer has demonstrated that within the 20% of the required open space, 60% of that will be usable open space.

**7. Preliminary Drainage Report:**

The Engineering Division has reviewed the preliminary report and is satisfied with the initial methods of retaining and maintaining drainage. Final drainage report and drainage plans will be reviewed and approved as part of the next development stage, final plat application.

**8. Road Design:**

50-foot ROW for local roads (neighborhood), 80-foot ROW for arterial road (Costal De Sol Blvd), and other road sections as specified in the preliminary plat (Exhibit B, p. 2) adheres to the City's Roadway standards as specified in the City's Subdivision Ordinance.

**9. Preliminary Traffic Report:**

The City and the applicant/developer acknowledge that a Traffic Impact Analysis (TIA) was performed on the Tortosa development (North West, North East and South), in July of 2003 and revised in January of 2004. As long as the total density does not increase, which it hasn't, the City shall not require an updated TIA.

**10. Technical Advisory Committee Review:**

The application was presented to the TAC on November 22, 2016. No major comment or concerns were made during the review.

**PUBLIC NOTIFICATION/COMMENTS**

During the review, it was determined that a neighborhood meeting shall be conducted by the applicant/developer. In accordance to the City's Subdivision Code, Sec. 14-4-5 (A)(2), the Zoning Administrator, if necessary, may require a neighborhood meeting with any preliminary plat request. Based on the following facts the Zoning Administrator is requesting that the applicant/developer hold a neighborhood meeting prior to the first P&Z Commission discussion and action date.

- That portion of development is an undeveloped land and left vacant for several years following the partial development of Tortosa Northwest and Tortosa South.
- At the time of zoning approval through the County (1998), there was only a handful property owner surrounding the property. Today, the area is populated by homeowners that may or may not be aware of the proposed residential subdivision adjacent to their existing development.

Notification letters were sent out to property owners within 300 feet of the property advertising a neighborhood meeting, which was held on January 10, 2016. Public notice signs were also posted on the property facing Honeycutt Road.

A Citizen Participation Report that summarizes the neighborhood meeting was provided by the applicant/developer (refer to Exhibit F). From the report, residents had general questions about the development and other questions that were not related and unfortunately could not be addressed by the applicant/developer. The report satisfies the Zoning Administrator intent of informing the residents; no further conditions is recommended as no nuisance concerns were brought up during the neighborhood meeting. Staff has received few general inquires and responded to them.

## **PLANNING AND ZONING COMMISSION**

This request was presented to the Planning and Zoning Commission on January 23, 2017 with a recommendation for approval. Deputy Fire Marshall, Eddie Rodriquez expressed concerns in regards response time in case of an emergency, and the existing road network. Staff reminded the Commission that the City signed a Development Agreement (Resolution 13-28) with the Developer which relieves this particular development Tortosa NE from any responsibilities for off-site improvements, including Hartman and Bowlin Roads. As a separate condition, not tied with the Pre-Plat request from Communities Southwest, the Commission recommended that the City further study a possible solution that will satisfy public safety needs.

The Planning and Zoning Commission unanimously moved to approve the subdivision case # SUB16-08 Trails at Tortosa, subject to conditions as stated in the staff report.

On January 23, 2017 a motion was made by Planning and Zoning Commissioner Joyce to approve subdivision case # SUB16-08 Trails at Tortosa, subject to conditions recommended by the Commission and was seconded by Commissioner Yocum. Voice vote carried the motion 6-0.

## **CONCLUSION**

### **Conditions of Approval**

Staff has determined, based on the above stated facts and criteria, that a recommendation of approval for preliminary plat request Subdivision (SUB) 16-08 be submitted to City Council for their consideration. Subject to the following conditions listed below.

1. This project shall be developed in accordance with the exhibits and plans attached to this case, unless otherwise amended by the Planning and Zoning Commission and, or the City Council.
2. Subdivision Code Section, 14-4-5, regulates validation period of preliminary plat for a maximum of two (2) years with the availability to extend the validation period through the Planning and Zoning Commission. However, the code does not specify validation periods for phasing of preliminary plats, therefore, the following conditions are recommended:
  - a. As submitted and per Subdivision Ordinance, Section 14-4-5, the preliminary plat for Trails at Tortosa will be valid for two (2) years from the day the pre-plat is approved by the City Council. However, if the final plats are processed per the Phasing Plan submitted with the preliminary plat, staff is recommending the following timeline for expiration of the preliminary plat:
  - b. Phase 1A and 1B shall be valid for two (2) years, provided the final plat will be processed within the two-year timeline. Phase 2 is valid for four (4) years, provided Phase 1A and 1B final plat has already been recorded, and Phase 2 final plat will be processed and recorded within the four-year timeline. Phase 3 is valid for six (6) years, provided Phase 2 final plat has already been recorded, and Phase 3 final plat will be processed and recorded within the six-year timeline. Refer to Exhibit C for Phasing Plan.
  - c. Within the allotted timeframe of the approved preliminary plat and phasing plan, the applicant/developer shall submit final plat applications, which includes all the required submittals per the Subdivision Ordinance.

- d. Final Plat submittals for each phase shall be subject to all applicable codes of the City at the time of submittal, regardless of what has been submitted and approved in the preliminary plat.
3. As submitted, the development shall be subject to the Phasing Plan (refer to Exhibit C), as amended and approved by the City Council. Modification(s) to the phasing plan shall require approval from the City Engineer and Zoning Administrator, and if required, the City Council.
4. Final plat application improvement plans shall be subject to the City's Subdivision Code applicable standards and subsequent standards as approved by the City of Maricopa.
5. Any changes/amendment to the preliminary plat not approved with this case, and or, addressed during this review shall require separate review and approval from staff and, if required, the City Council.
6. All off-site improvements in Phase 1A and Phase 1B shall be constructed concurrently with construction of any portion of the development, including open space. Phasing of off-site improvements shall not be permitted.
7. Developer shall create an HOA for the maintenance of all landscaping within the arterial, collector and local rights-of-ways and open spaces, parks and/or tracts as shown on the Preliminary Plat.
8. Prior to City Council approval of the preliminary plat, the developer shall address all remaining Planning and Engineering comments, if any.
9. Prior to approval of the final plat for Phase 1A and 1B, developer/ homebuilder shall provide the City with architectural design review submittals for staff review and approval.
10. C, C, & R's shall be resubmitted at the time of final platting (Phase 1) for final review and approval by staff.
11. Proposed street names for all phases shall be resubmitted at the time of final platting for final review and approval.
12. Human remains and artifacts have been found in the Maricopa area. "Public law 101-601, Native American Graves Protection and Repatriation Act" and "Public law 41-865 disturbing human remains or funerary objects; rules; violation; classification; definitions." A person can be guilty of a class 5 felony if he/she intentionally possess, sells or transfers any human remains or funerary objects that are excavated or removed. In the event that human remains and/or artifacts are discovered during construction, Ak-Chin has requested that the developers stop immediately and contact the Ak-Chin Cultural Resources Office before any further construction continues.

#### **Transportation stipulations:**

13. All public roadway and infrastructure improvements shall be in accordance with the current City of Maricopa standards and/or subsequent standards that are developed by the City, as approved by the Director of Public Works or City Engineer and installed by the developer.

#### **Building stipulations:**

14. Prior to issuance of the final Certificate of Occupancy, the applicant/developer shall submit and secure all required applications, plans supporting documents submittals,

approvals and permits from the applicable federal, state, county and any other agencies as applicable.

15. The development and operation of the proposed Facility shall be in accordance with all applicable Arizona Department of Environmental Quality (ADEQ) requirements, if applicable, and other regulatory agencies rules and regulations.

**Fire stipulations:**

16. The applicant/property owner shall have met and complied with all applicable fire codes under the IFC 2012, including amendments, as well as related National Fire Protection Agency (NFPA) guidelines, to the satisfaction of the Maricopa Fire Department.
17. All residential local roads shall be restricted to parking on one side to allow for emergency vehicle flow.

Exhibit A – Narrative

Exhibit B – Pre-Plat Site Plan

Exhibit C – Phasing Plan

Exhibit D – Fire Access Plan

Exhibit E – Preliminary Landscape Plan

Exhibit F – Citizen Participation Report

-- End of staff report --

