

RESOLUTION NO. 2011-16

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED THE "PLANNED AREA DEVELOPMENT, CRESTVIEW AT FOUNTAIN HILLS."

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. That certain document entitled the "Planned Area Development, Crestview at Fountain Hills, General Development Standards adopted May 19, 2011" of which three copies each are on file in the office of the Town Clerk and open for public inspection during normal business hours, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY the Mayor and Council of the Town of Fountain Hills, May 19, 2011.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



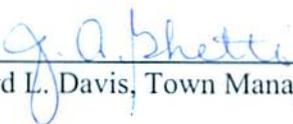
Jay T. Schlum, Mayor



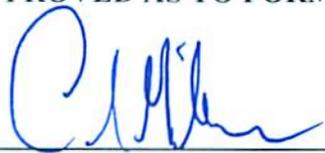
Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

frs 

Richard L. Davis, Town Manager



Andrew J. McGuire, Town Attorney

**Planned Area Development
Crestview at Fountain Hills**

**General Development Standards
Adopted May 19, 2011**

Case # PAD2011 - 01

Introduction

Crestview at Fountain Hills is a residential subdivision in Fountain Hills, Arizona, comprised of two parcels of real property located at the northwest corner of Shea Boulevard and Palisades Boulevard, as more fully described and depicted in Exhibit A to this narrative statement. The majority of the property is designated as a single family custom home area that was approved for 100 lots ("Parcel 1"). Each single-family lot contains a minimum lot area of one acre, but most are larger, and all are considered hillside lots. The remainder of the property a multifamily development originally approved for not more than 150 dwelling units, but which has now been fully built out with 68 units ("Parcel 2"). Parcel 1 and Parcel 2 are collectively referred to herein as "Crestview." The subdivision plats for Crestview were originally approved in August, 1998 under the Maricopa County subdivision standards.

The Town and the property owners entered into a Pre-Annexation Development Agreement, recorded on February 9, 1999, at Document No. 99-0128264 in the Office of the Maricopa County Recorder (the "Development Agreement"), which established the development standards for Crestview. In conjunction with the Development Agreement, the Town subsequently annexed the development into the Town's corporate limits on March 18, 1999, by Ordinance 99-16 (the "Annexation Ordinance"). The Development Agreement contemplated that Crestview would be developed consistent with the zoning category assigned to it while the property was in unincorporated Maricopa County (R1-43). Accordingly, the Development Agreement set forth that the Town would adopt a R1-43 PUD zoning category for the property upon annexation. However, the Annexation Ordinance did not specifically set forth the initial zoning categories to be assigned to the property, leaving the zoning somewhat technically in question, although the original intent was clear in the record.

Because many of the important design standards for Crestview were contained in the Development Agreement, the missing final zoning action did not impact the homes that were previously developed. Unfortunately, the Development Agreement expired by its own terms (i) as to each lot upon sale of each lot and (ii) as to the entire subdivision in February, 2009. Since the time that Crestview was initially developed, some of the Town's subdivision standards have changed significantly. Town Staff has determined that imposing all of the current standards would cause difficulties for property owners in Crestview as the subdivision was designed to fit the standards set forth in the Development Agreement. To avoid any difficulties, the Town now desires to memorialize the Development Agreement design standards by adopting this Planned Area Development zoning category ("PAD") for the Crestview development to provide relief from certain standards in the Towns Zoning Ordinance and Subdivision Ordinance.

Existing Conditions

Parcel 1 of Crestview is a partially built out single-family residential subdivision. All roads and utilities are installed and 47 of the 100 lots have been built on as of this date. Parcel 2 of Crestview is a fully built out multifamily development consisting of 68 units.

Proposed Plan

The PAD is intended to (i) allow the remaining 53 house lots within Parcel 1 to be developed using the same standards as the lots constructed prior to the Development Agreement expiration and (ii) ensure that the design standards for Parcel 2 are memorialized for future reference. Absent the PAD, all new home construction for Parcel 1 would be required to meet the current Town hillside development standards which, in some cases, will result in significantly reduced disturbance area allowances. While the Town believes imposition of all of the current standards for future development is well within the Town’s legal authority, Town Staff believes it is in the best interests of the Crestview community to allow it to develop to completion in a consistent manner.

Proposed Improvements

All required roadway and utility improvements have already been installed. No further public improvements are contemplated as part of this PAD.

General Development Standards for Parcel 1

All development within Parcel 1 shall fully comply with the existing requirements of the Town’s Subdivision Ordinance, Zoning Ordinance and other regulations applicable to the Town’s current R1-43 zoning district, except as specifically modified herein:

- Minimum Lot Area = One Acre
- Minimum Lot Width = 145’
- Maximum Lot Coverage = 15%
- Maximum Driveway slope = 20%
- Maximum Building Height = 30’ and two stories
- Minimum Distance between Buildings on the same lot = 15’.

Setbacks:

- Front 20’¹
- Side 30’
- Street Side 20’
- Rear 40’

Site Grading Standards	0%-14.9% Slope	15%+ Slope
Allowed Disturbance	100%	15%

¹ Yards along each street side of corner lots shall have a width equal to not less than one-half (1/2) the depth of the required front yard. Yards along each street side of corner lots shall otherwise conform with regulations applicable to front yards.

Cut/Fill: Any cut/fill waivers necessary to construct driveways as individual lots in Crestview are hereby approved.

Any cut/fill waivers necessary to fully develop individual lots in Crestview are hereby approved.

General Development Standards for Parcel 2

All development within Parcel 2 shall fully comply with the existing requirements of the Town's Subdivision Ordinance, Zoning Ordinance and other regulations applicable to the Town's current M-1 multifamily residential zoning district.

Hillside Development Standards

All portions of a lot or parcel having a natural slope of fifteen (15%) percent or greater shall be subject to the hillside regulations set forth below. To the extent not in conflict with these regulations, all current Town Hillside regulations shall apply. For purposes of this section "grading" shall be defined as any excavation or filling or combination thereof.

1. **Grading and Drainage Requirements.** There shall be no grading on or to any site other than percolation and test borings (100 square feet maximum in size) prior to final approval of complete plans by the Town's Building Safety Division and the issuance of a Building (grading) Permit.

- a. **Maximum Grading:** The extent of grading on that portion of a lot which has a natural slope of fifteen (15%) percent or greater shall be limited to a total area not to exceed the lot coverage limitations of the R1-43 zoning district, plus an area for construction purposes consisting of a band seven (7) feet wide around the perimeter of all approved structures and improvements. The coverage limitation shall exclude all areas used for utilities.
- b. **Utilities:** All utility lines shall be located underground within the driveway graded area whenever possible. If this location is not possible, then disturbance of natural terrain for these lines shall be confined to within four (4) feet of either side of the lines.
- c. **Drainage:** The entrance and exit points and continuity of all natural drainage channels on a hillside site shall be preserved.
- d. **Cut and Fill:** All cut and fill slopes shall be completely contained by retaining walls or by substitute materials acceptable under the provisions of the Town's currently adopted version of the International Building Code (including riprap materials) except for:
 - (1) The minimum amount of swale grading necessary for drainage purposes.

- (2) The minimum required to establish a driveway with associated parking and turn around areas (see Driveway Requirements).
- (3) Matters regulated pursuant to the requirements as listed in Subsections 2, 3 and 4 below.

2. Retaining Wall Requirements.

- a. For the purpose of this PAD, a retaining wall is a wall or terraced combination of walls used to retain earth but not supporting a wall of a building.
- b. The height of a retaining wall is as measured from low side natural grade to the top of the wall, whether the top is retaining earth or not. Open railings on top of retaining walls are not included in height measurements. The height of the retaining wall shall be included in the permitted building height if the face of the building is within fifteen (15) feet of the retaining wall.
- c. The average height of a retaining wall shall be computed by taking the total vertical surface area of the wall above grade and dividing it by its length.
- d. The maximum height and average height of a retaining wall shall not exceed the following:

AVERAGE % SLOPE AT BUILDING ²	15 – 25	25 - 30	30 - 35	35 & Over
Maximum Height (ft)	10	13	13	18
Average Height (feet)	6	8	9	11

- e. The finished surfaces of any retaining wall shall blend into the natural setting.

3. Driveway Requirements. The area of natural terrain and vegetation disturbed for the purpose of the vehicle access to a building shall be limited as follows:

² As determined by averaging percentage of slopes shown on sections through building on site plan submittal.

- a. For additional parking spaces, one thousand (1,000) square feet.
- b. The paved width of driveways shall not exceed fourteen (14) feet except at parking and turnaround.
- c. Exposed cut or fill slopes are acceptable for driveway construction, but the height of these slopes shall be limited to an average of four (4) feet on either side for the length of the driveway, but not to exceed eight (8) feet, provided the combination does not exceed twelve (12) feet. A maximum of one-third of the cross sectional width of driveway at any point may be on fill material and a minimum of two-thirds of the cross sectional width shall be on cut material or natural grade.
- d. At turn around areas adjacent to garages, exposed cut slopes or retaining walls shall be limited to heights for retaining walls as specified under "Retaining Walls" above.
- e. Disturbance of natural terrain and vegetation shall be strictly limited to a band six (6) feet wide around all parking and driveway areas.

4. Slope Stabilization and Restoration.

- a. Vegetation shall be reestablished on all exposed fill slopes, cut slopes, and graded areas by means of a mixture of grasses, shrubs, trees or cacti to provide a basic ground cover which will prevent erosion and permit natural revegetation. In lieu of the reestablishment of vegetation, all exposed cut slopes shall be riprapped with stone or chemically stain treated with materials which blend in with the natural setting.
- b. Slope stabilization can be required if necessary as set forth in Town's currently adopted version of the International Building Code.

5. Additional Procedural Regulations. In addition to the otherwise noted procedural and information requirements of this PAD, all applications for a site plan approval on those portions of properties having a natural slope of fifteen (15%) percent or greater shall contain the following materials and information and meet the following requirements:

a. Site Plan

- (1) Contour map not exceeding five (5) foot intervals.
- (2) Site plan must be submitted on/or along with a topographic survey prepared by a civil engineer or registered land surveyor.
- (3) Scale of the site plan shall be not less than 1" = 20'-0".

- (4) At all structures show sections through site and building at 25'0" intervals perpendicular to slope, giving percentage of slope at each, and showing exact heights of structures at each existing contour.
 - (5) Each flood level shall be shown with different shading with a legend giving grade or elevation of each level.
 - (6) Proposed elevation or grade at garage floor and at existing street level at drive entry. Indicate percentage of total average slope, and percent and length of single steepest portion of driveway.
 - (7) Square footage of building, garage, patios and pool area individually.
 - (8) All disturbed (or graded) areas highlighted and show the proposed method of final treatment. All retaining walls highlighted, showing the amount allowed (per regulations) and amount used.
 - (9) Show how drainage is altered, and if so, how it is redirected to original channel and show that the requirements regarding storm water runoff and drainage have been met.
 - (10) Show location of all proposed utility lines.
 - (11) Legal description, property dimensions and heading, name, address and telephone number of submitter.
- b. Elevations. Show all four (4) elevations, giving accurate existing and proposed grade lines (Scale 1/4-1'-0").

**EXHIBIT A
TO
PLANNED AREA DEVELOPMENT
CRESTVIEW AT FOUNTAIN HILLS
PARCEL 1**

[Legal Description and Map]

See following pages.

February 8, 1999

LEGAL DESCRIPTION

That portion of Section 20 and Section 29, Township 3 North, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Southwest corner of said Section 20;

Thence North 00 degrees 06 minutes 09 seconds West, along the west line of said Section 20 and the City of Scottsdale incorporated boundary, a distance of 2644.85 feet, to the west quarter corner of said Section 20;

Thence South 89 degrees 54 minutes 12 seconds East, along the North line of the Southwest Quarter of said Section 20, a distance of 2635.81 feet, to the center of said Section 20;

Thence North 38 degrees 30 minutes 39 seconds East, a distance of 730.24 feet;

Thence North 61 degrees 20 minutes 03 seconds East, a distance of 676.01 feet;

Thence South 71 degrees 44 minutes 29 seconds East, a distance of 433.22 feet;

Thence South 89 degrees 09 minutes 03 seconds East, a distance of 169.18 feet, to the westerly line of Palisades Boulevard, according to Book 447 of Maps, page 32, records of Maricopa County;

Thence departing said right-of-way South 89 degrees 10 minutes 03 seconds East, a distance of 6.28 feet to the westerly line of the Town of Fountain Hills Incorporated boundary according to the Maricopa County Board of Supervisors resolution declaring the incorporation of the Town of Fountain Hills, dated December 29, 1989;

Thence departing the City of Scottsdale incorporated boundary line South 00 degrees 50 minutes 00 seconds West, along said westerly Town of Fountain Hills incorporated boundary line, a distance of 1845.00 feet, to the arc of a tangent curve, concave westerly and having a radius of 758.00 feet;

Thence southerly, along the arc of said curve and said westerly incorporated boundary line, a distance of 369.33 feet, through a central angle of 27 degrees 55 minutes 00 seconds;

Thence South 28 degrees 45 minutes 00 seconds West, along said westerly incorporated boundary line, a distance of 784.23 feet, to the arc of a tangent curve, concave westerly and having a radius of 542.00 feet;



Thence southerly along said curve and said westerly incorporated boundary line, a distance of 591.54 feet, through a central angle of 62 degrees 31 minutes 57 seconds;
Thence South 33 degrees 46 minutes 57 seconds East along said westerly incorporated boundary line, a distance of 153.03 feet, to the arc of a tangent curve, concave westerly and having a radius of 458.00 feet;

Thence southerly along said curve and said westerly incorporated boundary line, a distance of 183.85 feet, through a central angle of 23 degrees 00 minutes 00 seconds;

Thence South 10 degrees 46 minutes 57 seconds East, along said westerly incorporated boundary line, a distance of 150.00 feet, to the northerly right-of-way line of Shea Boulevard;

Thence South 79 degrees 13 minutes 03 seconds West, along said northerly line and the Town of Fountain Hills incorporated boundary as described in Town of Fountain Hills Resolution No. 1996-05, a distance of 458.00 feet to the northwesterly corner of said incorporated boundary;

Thence departing said northerly right-of-way, but continuing along said incorporated boundary, South 10 degrees 46 minutes 57 seconds East a distance of 400.00 feet, to the southerly right-of-way of said Shea Boulevard;

Thence along said southerly right-of-way and the Town of Fountain Hills incorporated boundary as described in MCR 91-106067, South 79 degrees 13 minutes 03 seconds West, a distance of 1191.81 feet, to the arc of a tangent curve, concave northerly and having a radius of 3042.79 feet;

Thence westerly along the arc of said curve and said southerly right-of-way, a distance of 757.38 feet, through a central angle of 14 degrees 15 minutes 42 seconds;

Thence North 86 degrees 31 minutes 46 seconds West, along said southerly right-of-way, a distance of 451.66 feet, to the arc of a tangent curve, concave southerly and having a radius of 2686.79 feet;

Thence westerly along the arc of said curve and said southerly right-of-way, a distance of 1087.90 feet through a central angle of 23 degrees 11 minutes 58 seconds;

Thence South 70 degrees 18 minutes 51 seconds West, along said southerly right-of-way, a distance of 162.37 feet, to the West line of said Section 29 and the City of Scottsdale incorporated boundary;

Thence departing said southerly right-of-way and the Town of Fountain Hills incorporated boundary, North 00 degrees 04 minutes 01 seconds West, along the west line of said Section 29 and the City of Scottsdale incorporated boundary a distance of 424.65 feet, to the northerly right-of-way of Shea Blvd;

Thence continuing along the West line of said Section 29, North 00 degrees 04 minutes 01 seconds West, a distance of 998.23 feet to the Southwest corner of said Section 20 and the Point of Beginning.

This parcel contains an area of 372.6 acres more or less.

This description is based on recorded documents and is not the result of a field survey.





SUMMIT ESTATES SUBDIVISION PLAT		PALISADES BLVD MAP OF DEDICATION	
BEARING	DIST.	BEARING	DIST.
1	S081°4'17"W	127.00'	S081°4'17"W
2	S07°58'18"W	642.18'	S07°58'18"W
3	S81°44'23"E	2.50'	S81°44'23"E
4	S16°47'58"W	128.68'	S16°46'42"W
5	N89°11'56"W	4.26'	N89°11'56"W
6	S28°45'02"W	168.49'	S28°45'49"W
7	S26°37'02"E	114.62'	S26°38'10"E
8	S27°55'21"E	119.09'	S27°56'31"E
9	S79°13'12"W	1568.93'	S79°13'03"W
10	N86°31'37"W	451.53'	-----
11	S70°19'00"W	17.69'	-----

LINE TABLE

SUMMIT ESTATES SUBDIVISION PLAT		PALISADES BLVD MAP OF DEDICATION	
DELTA	RADIUS	DELTA	RADIUS
1	1672.35"	1612.35"	2055.00'
2	1803.22"	980.00'	980.00'
3	0641.57"	982.50'	982.50'
4	1031.12"	5124.22'	940.85'
5	2337.16"	755.41'	311.43'
6	3144.48"	814.18'	451.12'
7	0181.19"	354.50'	8.08'
8	0200.01"	728.00'	25.42'
9	10508.32"	30.00'	55.05'
10	1415.42"	2642.03'	657.24'
11	2311.58"	3099.41'	1252.64'

CURVE TABLE

RECORD DATA TABLES
(FOR REFERENCE ONLY)