



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Final

Planning Commission

Tuesday, November 15, 2016

6:00 PM

Council Chambers

1. CALL TO ORDER

Chairman Strom called the meeting to order at 6:00 p.m.

STAFF MEMBERS PRESENT

Town Attorney, Andrew M. Miller
Community Development Director, Eva Cutro
Senior Planner, Paul Michaud
Planner, George Burton
Interim Town Engineer, Woody Scoutten

2. ROLL CALL

Commissioner Wainwright attended by phone

Present 7 - Chairperson Dolf Strom
Commissioner Scott Moore
Commissioner Jonathan Wainwright
Commissioner Daran Wastchak
Commissioner Jeff Wincel
Commissioner Richard K. Mahrle
Commissioner Thomas G. Campbell

3. EXECUTIVE SESSION

None

4. STUDY SESSION ITEMS

- A. [16-383](#) Discussion of an amendment to a private road Conditional Use Permit (CUP 16-01)
Portion of Nauni Valley Road adjoining 6001 N Nauni Valley Drive
This item was discussed as part of the action item, 16-384.
No Reportable Action

6. ACTION ITEMS

- A. [16-384](#) CUP-16-01 Consideration of an amendment to a private road Conditional Use Permit

Portion of Nauni Valley Road adjoining 6001 N Nauni Valley Drive

There was discussion regarding the typical 50-foot by 50-foot corner vision. Woody Scoutten reviewed the applicant's sight visibility documentation. He explained that the corner vision relates to visibility of a bicyclist or pedestrian, whereas the AASHTO standards relate to the sight visibility of an oncoming vehicle. The discussion continued regarding national and local standards. Mr. Scoutten stated the Town Code allows for Town Engineer discretion when considering the appropriate standards to apply at an intersection, with factors such as pavement width, speed limit, the type of stop, among other factors that can affect the appropriate sight visibility dimensions.

There was discussion regarding the existing entry walls along McDonald Drive. Many of the neighbors spoke in favor of retaining these walls. Mr. Scoutten stated these walls are in the corner vision and recommends their removal. The Planning Commission discussed the merit of retaining these walls, generally ending with supporting the removal or relocation/reconstruction of the entry walls further north outside the corner vision.

Regarding the removal of the requirement for curbing, Commissioner Wincel expressed his disappointment that the Town Manager allowed a diminished or eliminate curb for the portions of Nauni Valley Drive outside the portion of roadway subject to this Conditional Use Permit. The applicant explained the desire of the residents on this street to remove the requirement and the circumstance that the Town has a local roadway cross-section without curbing. The discussion continued regarding private versus public roads and how different cross-sections are applied.

The impact of the revised 15-foot by 33-foot corner vision was discussed. This included a possibility to apply the typical 50-foot by 50-foot corner vision to the corner adjoining 6001 N Nauni Valley Drive. It was noted that the oleanders adjoining 6002 N Nauni Valley Drive between the entry walls within the corner vision will need to be removed or cut back to a two-foot height to comply with Town Code.

Chairman Strom opened the meeting to the public at 7:16 p.m.

Marian Cook, resident on Nauni Valley Drive, stated she is a relatively new resident to Paradise Valley. She is in support of the removal of curb and keeping the entry walls. She stated she was on the Denver zoning and planning board and provided background on her experience. She expressed that rules do not necessarily make sense. If no one has been hurt over the past 50 years, why change it.

Don Miller, resident on Nauri Valley Drive for over 50 years, provided history on the entry walls.

The public input portion was closed at 7:22 p.m.

Six motions were made on this application. The first three motions failed. The fourth motion was approved, but later reconsidered by the fifth motion. The sixth motion was approved.

Motion 1: Commissioner Mahrle moved to approve the application subject to the stipulations in the action report, noting that the 15-foot by 33-foot corner vision applies and the entry wall is to be removed as previously stipulated (noting that the entry wall could be relocated outside the corner vision. Chairman Strom seconded the motion. The motion failed by a vote of 5 to 2.

Motion 2: Commissioner Campbell moved to deny the application to remove the requirement of curbs. Commissioner Wincel seconded the motion. The motion failed by a vote of 5 to 2.

Motion 3: Commissioner Moore moved to approve the application subject to the stipulations in the action report, noting that the 15-foot by 33-foot corner vision applies and modifying the prior stipulation to remove the entry walls. Commissioner Wastchak seconded the motion. Commissioner Wainwright supported the motion. The motion failed by a vote of 4 to 3.

Motion 4: Commissioner Campbell moved to approve the application to deny the request to remove the requirement of curbs along the lot split property, allow for the 15-foot by 33-foot corner vision, and modify the entry walls such that they are not taller than two feet. Commissioner Wincel seconded the motion. The motion passed by a vote of 7 to 0.

Jordan Rose, applicant, requested there a reconsideration as the request related to the removal of the curb requirement and not the entry walls. She was unclear if the last motion that passed was understood.

Motion 5: Commissioner Moore moved for reconsideration. Commissioner Wastchak seconded the motion. The motion passed by a vote of 5 to 2, with Commissioners Campbell and Wincel dissenting.

A sixth motion was made by Commissioner Mahrle, seconded by Commissioner Wastchak, to approve the Conditional Use Permit subject to the stipulations in the action report, noting that the entry wall could be rebuilt at a location outside the 15-foot by 33-foot corner vision. The stipulations were as follows:

1. This private roadway Conditional Use Permit (CUP) shall apply to the portion of Nauni Valley Drive as described in the legal description prepared by Anthony N Zaugg dated February 29, 2016.
2. This CUP shall be is substantial compliance with the documents submitted with this application, including the following:
 - a. Narrative prepared by Rose Law Group, dated October 12, 2016.
 - b. Legal description prepared by Anthony N Zaugg dated February 29, 2016.
 - c. Paving Plan, Sheet 1, prepared by Allen Consulting Engineers, Inc., dated October 29, 2016.
3. The property owner of 6001 N Nauni Valley Drive and/or the property owner(s) of any lot created due to a lot split from 6001 E Nauni Valley Drive, shall provide the Town, in a form acceptable to the Town Attorney, a grant of access easement over the private roadway and a private roadway maintenance agreement for the portion of Nauni Valley Drive subject to this CUP. This form shall be reviewed by the Town Attorney, be in compliance to applicable local and state laws, and be recorded with the Maricopa County Recorder's Office. Said form shall be recorded prior to issuance of the Certificate of Occupancy or a final inspection for the home(s) located on Lot 12 of Nauni Valley Ranch.
4. The property owner of 6001 N Nauni Valley Drive or said owner's designee shall improve the portion of Nauni Valley Drive subject to this CUP in compliance with the Local Cross-Section Option C of the Town General Plan. This shall include any necessary pavement improvement connecting Nauni Valley Drive to McDonald Drive within the McDonald Drive right-of-way. Also, it shall include the necessary transition of Nauni Valley Drive to the existing portion of Nauni Valley Drive located outside the area of this CUP.
5. The corner vision located at the northwest and northeast corner of the intersection of McDonald Drive and Nauni Valley Drive shall comply with Section 8-1-13, Corner Vision, of the Town Code, unless documentation has been submitted prior to recordation of the lot split and approved by the Town Engineer for a modification to these requirements. Based upon the dimensions of said corner vision, any obstructions within the Nauni Valley Drive and McDonald Drive rights-of-way will need to be reduced in height or removed pursuant to said Section 8-1-13.
6. Prior to the recordation of the lot split of Lot 12 of Nauni Valley Ranch or within 60 days from approval of this CUP, whichever is earlier, the property owner of said lot or designee shall provide for Town approval the roadway plan referenced in Stipulation 4 and submit the required assurances necessary to guarantee completion of said improvements.
7. Prior to the recordation of the lot split of Lot 12 of Nauni Valley Ranch, the property owner of said lot or designee shall submit a demolition permit for the existing entry wall and the private roadway sign located within the right-of-way of Nauni Valley Drive. The final inspection and removal of said structures shall be completed no later than Certificate of Occupancy or final inspection for the home(s) on Lot 12 of Nauni Valley Ranch. [The entry wall could be moved or rebuilt north of the corner vision.

8. A private roadway sign may be installed on the street sign for Nauni Valley Drive pursuant to the Town standards for such sign, with all costs associated with said sign to be paid by the applicant requesting said sign. Alternatively, a similar sign may be installed on private property pursuant to Article XXV, Signs, of the Town Code.

9. Prior to issuance of the Certificate of Occupancy or a final inspection for the home(s) located on Lot 12 of Nauni Valley Ranch, the property owner of 6001 N Nauni Valley Drive or designee shall complete the roadway improvements referenced in Stipulations 4 and 6.

The motion carried by the following vote:

Aye: 5 - Chairperson Strom, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak and Commissioner Mahrle

Nay: 2 - Commissioner Wincel and Commissioner Campbell

B. [16-398](#)

Consideration of Ritz-Carlton Preliminary Plat (Area B)

Eva Cutro provided a summary of the request. She explained that the preliminary plat map is in substantial compliance. There were no persons that spoke during the public portion of the meeting.

A motion was made by Commissioner Wincel, seconded by Commissioner Wastchak, to recommend that the Town Council approve the preliminary plat subject to the following stipulations:

1. The final condominium plat map shall be in substantial compliance with the preliminary condominium plat map, "Ritz-Carlton Resort - Parcel B", Sheets 1-8, prepared by Coe & Van Loo Consultants, Inc. dated November 8, 2016.

2. Prior to recordation of the final plat, the applicant shall provide to the Town Attorney a copy of the CC&R's, declaration, bylaws, or other documents for review to insure that all terms required under the SUP or other recorded agreements are part of these documents, including provision for maintenance of any drainage easements dedicated on the map.

3. The final improvements that address items such as street improvements, sewer, water, grading, drainage, landscaping, and easements shall be completed as set forth in the Special Use Permit and Development Agreement for this property.

4. Within 60 days of approval of the final condominium plat map, 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.

The motion carried by the following vote:

Aye: 7 - Chairperson Strom, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak, Commissioner Wincel, Commissioner Mahrle and Commissioner Campbell

C. [16-387](#)

CUP-16-03 Consideration of a Conditional Use Permit at the Camelback

Inn for proposed Personal Wireless Service Facility Antennas
5402 E. Lincoln Drive (Assessor's Parcel Numbers 169-28-365E and
169-28-365G)

George Burton gave a presentation on the request for new cell antennas on the ballroom building. He stated staff suggests approval of the request with the stipulations in the action report.

There was review of the slides showing RF exposure. It was noted that these slides show the RF is far under the allowable limits.

Commissioner Campbell inquired about the possibility of co-location. The applicant replied it is common practice to co-locate on roof, but the constraint on the ballroom may be whether the building is able to carry the weight of additional cabinets and antennas without the need to reinforce the roof. He noted that T-Mobile is ok with co-location. It was noted that a typical cabinet weighs 400 pounds.

Chairman Strom opened the meeting to the public.

Bob O'Malley, President of Colonia Miramonte homeowner association, inquired how the cell coverage will benefit the Town, not only Camelback Inn. The applicant replied the site coverage improvement will be a radius of approximately ½ of a mile and the Town Public Safety Department uses T-Mobile as a backup provider. It was noted there are not multiple carriers seeking application at this time, and approval of this application will be one step along the way in improving cell service within Town limits.

The public portion of the meeting was closed.

A motion was made by Commissioner Mahrle, seconded by Commissioner Campbell, to approve this Conditional Use Permit subject to the following stipulations:

1. All improvements to shall be substantially compliant with the project narrative and the following plans:
 - a. Sheet T-1, Project Information & Data, prepared by Young Design Corp, dated May, 31, 2016;
 - b. Sheet LS-1, Site Survey, prepared by Young Design Corp, dated June 6, 2016;
 - c. Sheet LS-2, Site Survey, prepared by Young Design Corp, dated June 6, 2016;
 - d. Sheet A-0, Parcel Plan, prepared by Young Design Corp, dated May 31, 2016;
 - e. Sheet A-1, Site Plan, prepared by Young Design Corp, dated May 31, 2016;
 - f. Sheet A-2, Enlarged Site Plan, prepared by Young Design Corp, dated May 31, 2016;
 - g. Sheet A-3, Antenna Information, prepared by Young Design Corp, dated May 31, 2016;
 - h. Sheet A-4, Elevations, prepared by Young Design Corp, dated May 31, 2016;
2. The RF Justification Report, prepared by T-Mobile and date June 3, 2016.

3. The wireless provider shall terminate operation of the proposed wireless service facility should it interfere with any emergency radio frequency.

The motion carried by the following vote:

Aye: 7 - Chairperson Strom, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak, Commissioner Wincel, Commissioner Mahrle and Commissioner Campbell

STUDY SESSION ITEMS (Continued)

A. [16-391](#) Discussion of a Major General Plan Amendment (GP-16-01), Zoning Ordinance Text Amendment (MI-16-03), Rezoning (MI-16-04), Private Roadway Conditional Use Permit (CUP-16-02), Private Roadway Gate Special Use Permit (SUP-16-03), and Preliminary Plat (PP-16-03) to develop eight single-family residential lots, ranging in lot sizes between 12,000 net square feet to 35,000 net square feet. Northwest Corner of Northern Ave Alignment and Scottsdale Rd (APN: 174-36-002X)

There was no discussion of this item. At the request of the applicant, the Planning Commission continued this item and the related items regarding the development at the northwest corner of Scottsdale Road and Northern Avenue to the December 6, 2016 meeting. This continuance is to allow the applicant to work with the seller of the site on a time extension

No Reportable Action

5. PUBLIC HEARINGS

A. [16-392](#) GP-16-01: Consideration of a Major General Plan Amendment on a 4.4-acre property located at the northwest corner of the Northern Avenue alignment and Scottsdale Road (Parcel No. 174-36-002X)

A motion was made by Commissioner Campbell, seconded by Commissioner Mahrle, to continue this application to the next meeting of December 6, 2016. The motion carried by the following vote:

Aye: 7 - Chairperson Strom, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak, Commissioner Wincel, Commissioner Mahrle and Commissioner Campbell

B. [16-393](#) MI-16-03: Consideration of a Text Amendment to the Town's Zoning Ordinance on a 4.4-acre property located at the northwest corner of the Northern Avenue alignment and Scottsdale Road (Parcel No. 174-36-002X)

A motion was made by Commissioner Campbell, seconded by Commissioner Mahrle, to continue this application to the next meeting of December 6, 2016. The motion carried by the following vote:

Aye: 7 - Chairperson Strom, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak, Commissioner Wincel, Commissioner Mahrle and Commissioner Campbell

C. [16-394](#) MI-16-04: Consideration of a rezoning on a 4.4-acre property located at the northwest corner of the Northern Avenue alignment and Scottsdale Road (Parcel No. 174-36-002X)

A motion was made by Commissioner Campbell, seconded by Commissioner Mahrle, to continue this application to the next meeting of December 6, 2016. The motion carried by the following vote:

Aye: 7 - Chairperson Strom, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak, Commissioner Wincel, Commissioner Mahrle and Commissioner Campbell

D. [16-397](#) SUP-16-03: Consideration of a Special Use Permit (SUP) for private roadway gates on a 4.4-acre property located at the northwest corner of the Northern Avenue alignment and Scottsdale Road (Parcel No. 174-36-002X)

A motion was made by Commissioner Campbell, seconded by Commissioner Mahrle, to continue this application to the next meeting of December 6, 2016. The motion carried by the following vote:

Aye: 7 - Chairperson Strom, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak, Commissioner Wincel, Commissioner Mahrle and Commissioner Campbell

ACTION ITEMS (Continued)

A. **16-395** PP-16-03: Consideration of a Preliminary Plat on a 4.4-acre property located at the northwest corner of the Northern Avenue alignment and Scottsdale Road (Parcel No. 174-36-002X)

A motion was made by Commissioner Campbell, seconded by Commissioner Mahrle, to continue this application to the next meeting of December 6, 2016. The motion carried by the following vote:

Aye: 7 - Chairperson Strom, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak, Commissioner Wincel, Commissioner Mahrle and Commissioner Campbell

B. [16-396](#) CUP-16-02: Consideration of a Conditional Use Permit for a private roadway on a 4.4-acre property located at the northwest corner of the Northern Avenue alignment and Scottsdale Road (Parcel No. 174-36-002X)

A motion was made by Commissioner Campbell, seconded by Commissioner Mahrle, to continue this application to the next meeting of December 6, 2016. The motion carried by the following vote:

Aye: 7 - Chairperson Strom, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak, Commissioner Wincel, Commissioner Mahrle and Commissioner Campbell

STUDY SESSION ITEMS (Continued)

- A. [16-408](#) Discussion of Article XXIV, Walls and Fences, Zoning Code Text Amendment (MI-16-2)

This item was discussed as part of the action item, 16-388.

PUBLIC HEARINGS (Continued)

- A. [16-388](#) MI-16-2 (Continued from 11-01-16) Consideration of Article XXIV, Walls and Fences, Zoning Code Text Amendment

George Burton gave a presentation on the request.

It was noted to add the text "landscape restrictions" to Table 2404A.

There was explanation on where to find the side wall and finish requirements in the code.

The applicant, Taylor Earl, spoke. He agreed with the staff presentation.

There were no persons that spoke during the public portion of the meeting.

A motion was made by Commissioner Campbell, seconded by Commissioner Wastchak, to recommend that the Town Council approve the amendments to the wall and fence regulations, with the addiiton of the text "landscape restrictions" in Table 2404A. The motion carried by the following vote:

Aye: 5 - Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak, Commissioner Wincel and Commissioner Campbell

Nay: 2 - Chairperson Strom and Commissioner Mahrle

7. CONSENT AGENDA

None

8. STAFF REPORTS

None

9. PUBLIC BODY REPORTS

Commissioner Wastcak asked for clarification regarding the continuance granted on the applications related to the Scottsdale Road and Northern Avenue site. Andrew Miller stated it was to provide additional time for the applicant to close escrow, especially in light of the time it will take to process the flood map revisions.

Commissioner Wastchak asked for clarification on the application deadlines. Mr. Miller replied that the Town Council must hear the General Plan application in 2016. He added that the Town Council could continue the action into 2017, but such continuance could create confusion with the 2017 General Plan amendment cycle.

Commissioner Campbell inquired about the preliminary plat deadlines of 40-day and 90-day. Mr. Miller remarked that since the preliminary plat approval is reliant upon the other applications such as the General Plan amendment and rezoning, he finds the preliminary plat application is not complete and such deadline dates not to apply at this time.

Chairman Strom disclosed that he and Commissioners Moore and Wastchak had a meeting with the applicant earlier in the week to understand the FEMA and floodway matters.

10. FUTURE AGENDA ITEMS

Paul Michaud provided information on the upcoming meeting items.

11. ADJOURNMENT

A motion was made by Commissioner Mahrle at 8:20 p.m. to adjourn the meeting, seconded by Commissioner Moore, to The motion carried by the following vote:

Aye: 7 - Chairperson Strom, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak, Commissioner Wincel, Commissioner Mahrle and Commissioner Campbell

Paradise Valley Planning Commission

By: 
Eva Cutro, Secretary