



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Final

Planning Commission

Tuesday, August 16, 2016

6:00 PM

Council Chambers

1. CALL TO ORDER

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

2. ROLL CALL

STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller
Community Development Director Eva Cutro
Senior Planner Paul Michaud
Planner George Burton
Officer Kevin Albert, Community Resource Officer

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

3. EXECUTIVE SESSION

None

4. STUDY SESSION ITEMS

A. [16-238](#) Presentation on Expenditure Limitation Adjustment

Kevin Burke presented the topic of the expenditure limitation regarding Proposition 499.

He reviewed that the Town's budget is statutorily tied to the 1979/1980 budget and adjusted for inflation and population. He described some of the challenges with the method of adjustments for the Town, as well as the different levels of services provided today compared to 1979/1980. He did note that the Town adjusted the base limit twice and reviewed the current proposed adjustment.

Commission Wainwright and Moore asked questions regarding the expenditure limit.

No Reportable Action

- B. [16-233](#) Discussion of a Major General Plan Amendment (GP-16-01) and Related Applications
Northwest Corner of Northern Ave Alignment and Scottsdale Rd
Parcel No. 174-36-002X

Mr. Michaud presented the application in accordance with the packet. He described the various applications required to develop the subject site for eight residential lots, timing of these application requests, and reviewed policies of the General Plan that applied to the request.

Chairman Strom asked if the Planning Commission will need to review the letter of map revision regarding the flood map. Mr. Michaud clarified that the Federal Emergency Management Agency (FEMA) is responsible for review and approval of changes to the flood map. He added that the engineering departments of the Town of Paradise Valley and the City of Scottsdale will review the application for completeness that gets filed to FEMA. He continued that the applicant will need to provide documentation regarding the flood map revision as part of the final plat process.

Chairman Strom asked if they are voting on any approvals at the September 20, 2016 meeting. Mr. Michaud clarified that action to recommend to Town Council is tentatively set for the Planning Commission meeting of October 4, 2016.

There was discussion on what applications require a Citizen Review process.

Commissioner Wastchak asked why the City of Phoenix commented on the General Plan amendment application. Mr. Michaud replied that state statute requires adjoining jurisdictions to the municipality comment on such applications.

Chairman Strom remarked that the comments from the City of Scottsdale include a request to improve Northern Avenue and cul-de-sac radius and gate stacking standards that differ from Town standards. He questioned whether the Town must follow these comments. Mr. Michaud replied that these comments are suggestions that are no different than a resident who may comment on an application. The Town may opt to consider the suggestions or chose not to consider the suggestions.

Geoffrey Edmunds, applicant, explained that he met with the City of Scottsdale staff today to review their comments. He stated that Randy Grant, Planning and Development Director for the City of Scottsdale, is

now in agreement that Northern Avenue is not feasible to improve due to various factors that include the impact on Indian Bend wash.

Mr. Edmunds provided a letter of support from the JW Marriott, owner of the adjoining property.

Commissioner Wainwright inquired if the applicant will abandon Northern Avenue. Mr. Miller replied the applicant has not made a request to abandon this right-of-way. He reviewed the abandonment process.

Chairman Strom asked when the applicant will show the ingress and egress and corner vision lines along Scottsdale Road. Mr. Michaud replied this information will be shown with the preliminary plat.

No Reportable Action

C. [16-234](#)

Discussion of a proposed lot split (LS 16-05)
7808 N Ironwood Drive (APN: 169-03-039)

Mr. Michaud presented the application in accordance with the packet. He described how the lot split complied with the Town Code regarding lot configuration and lot size. He stated that the applicant will need to add curbing and some additional pavement along the adjoining roadways. He reviewed drainage and fire protection. He also reviewed proposed stipulations.

Commissioner Mahrle clarified that the Planning Commission will make a recommendation to Town Council.

Commissioner Wastchak asked if there is an opportunity for public comment. Mr. Michaud replied that state statute and Town policy does not require notification for a lot split application.

No Reportable Action

A. [16-236](#)

Discussion of a Minor Amendment to the Casa Blanca Estates Special Use Permit (SUP-16-2)
5219 N. Casa Blanca Drive (Assessor No. 173-64-039)

Mr. Burton presented the application in accordance with the packet. He stated the request is to add an egress gate and to remove the existing public pedestrian access.

He stated this application is set for Planning Commission action on September 6, 2016.

Commissioner Mahrle asked what the development does for egress currently. Mr. Burton replied there are currently no access gate and only a security person at the guard house.

Commissioner Campbell questioned the need to restrict public access. Mr. Miller explained that the General Plan was changed in 2012 removing public access from gated communities. It was noted that the Judson development removed public access via a similar amendment a couple years ago. It was also noted anecdotally that the public does not use this access.

Commissioner Campbell asked the applicant to correct for the next meeting the noted errors in drawing such as arrows that go to nothing and reference to wall/column to be removed. Joe Pappas, applicant, replied these errors would be corrected.

No Reportable Action

E. [16-239](#)

Discussion of Text Changes to Noise Code

Bob Lee asked the Planning Commission to reference the revised noise code he handed out. He remarked that the latest revision includes the changes from the last meeting such as the addition of summer hours and updating all three noise types to have similar start times.

It was noted to include the date of revision on subsequent updates and to delete the second "heavy equipment" in the definition of heavy equipment.

There was discussion on whether the proposed 75 decibel requirement is reasonable. This included the impact of ambient noise, noting that ambient noise is typically higher than the current code requirements of 45 and 56 decibels. Mr. Miller explained that it is difficult to prove a violation if ambient noise is higher than the code requirement. Responding to a question on the most common noise complaint, Officer Kevin Albert replied that loud music is a common complaint.

There was continued discussion regarding the enforcement of the current code and the proposed code. Commissioner Mahrle remarked that he witnessed the use of a lawn mower and leaf blower on a Saturday prior to 6:00 a.m., noting that enforcement is many times an issue. Commissioner Wastchak added that he likes the idea of a code provision that considers the delta number of the alleged noise violation to the ambient noise level. Ms. Cutro stated use of ambient noise measurement can be problematic since you need cooperation of the alleged violator to measure the baseline ambient noise. Ms. Cutro also noted there is a noise application you can download on a phone that generally works well.

Discussing item D.3 on construction noise that is not heavy equipment or deliveries, a question was asked if this noise related to demolition and repair work applies to new construction. Mr. Miller replied yes. Commissioner Wincel raised a question about on exceptions for emergency repair work without waiting for Town Manager approval, such as clean up after a storm. It was noted that staff would work on revised language and a definition.

Regarding restricting construction noise to 75 decibels on Sunday and not also Saturday, the Planning Commission expressed this is reasonable and follows the existing code provision. Chairman Strom and Commissioner Wincel stated their preference that the 75 decibels apply both on Saturday and Sunday.

No Reportable Action

F. [16-240](#)

Discussion of Article XXIV, Walls and Fences, Zoning Code Text Amendment (MI-16-2)

Mr. Burton reviewed the proposed changes to the wall code. He noted that the proposed front yard fence wall provision is a request from an applicant, whereas the modification on wall finish is staff driven. He continued that the fence wall request is to allow for a six-foot tall combination block wall and view fence at a 20-foot setback instead of the required 40-foot setback. He explained the present 80-percent open provision is requested to be changed to 70-percent to allow for decorative knuckles and other similar embellishment.

There was discussion regarding the impact of vegetation becoming a wall or fence since the current code provision does not regulate vegetation in that manner. Officer Albert noted that the Police Chief is supportive of the proposed wall modification provided there is no landscaping along the view fence that would restrict visibility into the yard. It was noted that enforcement and monitoring is difficult with vegetation. Commissioner Mahrle described past discussions regarding changes to the wall code favoring the 40-foot setback for a six-foot tall wall. He thinks that walls over three-feet in height should be placed parallel or behind the front elevation of the home. Commissioner Wastchak described an incident on his property whereby a similar wall as proposed would have been favorable. Ms. Cutro added that the Town a few years back did consider allowing the major arterial wall exceptions on minor arterials, noting this is something the Planning Commission may wish to consider. Commissioner Wincel remarked that walls and tall vegetation at the street front further separates people from one another and creates a canyon effect on the roadway.

Mr. Burton described the proposed changes to the wall finishes,

summarizing that the change would limit the finish to stucco and paint at a minimum, unless something different is agreed upon between the adjoining property owners. Commissioner Moore was not supportive of the change, adding he wants to new wall facing the neighbor to match the architecture of the neighboring home.

Kevin Albert, Community Resource Officer, described the Crime Prevention Through Environmental Design (CPTED) program and applicant's meeting with the Town's Advisory Committee on Public Safety who supports the proposed code change. He stated officers like to see as much as possible, of the front of home to spot crime. He reviewed three core topics of CPTED. These were natural surveillance related to how a homeowner can see outside from inside their home, natural access management on how to maintain landscaping to establish a clear line of sight, and territorial enforcement that cover lot boundary treatments.

Commissioner Moore and Chairman Strom asked about burglary risk and wall or fence height, including hillside where typical perimeter walls are prohibited. Officer Albert stated there is no data available on break-ins. He noted that most burglars will seek out the easiest target.

The applicant, Alan Garner, described a break-in at his prior home in Paradise Valley. He described how his courtyard fence came to be constructed in violation of the current wall provisions along with the denial of a variance application regarding his courtyard fence. He described examples of persons using landscaping at the street level.

Commissioner Wincel stated he conceptually likes the idea of the proposed code provision, he added however that enforcement of landscape material is a concern as it is difficult to enforce.

Commissioner Wastchak stated that if the code provision is to regulate vegetation that it should include objective standards such as plantings a specific distance to the wall, vegetation that allows a person to see the front door, and other similar standards.

Taylor Earl, attorney for the applicant, spoke. He showed examples of allowable fences today. He noted that since a wall will require a building permit, this will afford an opportunity to educate the homeowner and require a landscape plan. It was noted that many times landscaping gets altered after approval which creates enforcement challenges. Commissioner Wastchak stated that if a provision is not on the books it cannot be enforced at all. Another commissioner noted that security concerns often become privacy concerns, resulting in landscaping placed in front of view fences.

There was a discussion on wall height and scaling walls. It was noted that a person could scale a 6-foot tall wall. Also discussed, was the meaning of trespass when someone crosses a barrier or posted sign.

Chairman Strom inquired if other communities have landscaping enforcement. Ms. Cutro noted that many homeowner associations include landscape enforcement, and was not sure on other communities.

The Planning Commissioners were generally ok with the wall finish code change provision. Regarding the 6-foot tall view fence at a 20-foot setback, the Commissioners were divided. Chairman Strom felt there should be no limitation on vegetation. Commissioners Wincel and Mahrle stated they could not support the proposed provision without a vegetation restriction, with Commissioner Mahrle emphasizing a preference that walls should be placed behind the house. Commissioners Wastchak, Campbell, and Moore stated they may support this provision depending on the restriction on plantings. Commissioner Wainwright stated this is a complicated issue, and that homeowners should be able to make use of their front yard, and the provision as drafted may be hard to enforce.

It was noted to hold another study session on this item.

No Reportable Action

G. [16-241](#) Discussion of Text Changes to Lighting Code

Ms. Cutro presented the topic and Chairman Strom explained the new illustration.

Commissioner Moore asked that the beam angle be labeled to show the 45-degree angles and the 90-degree angles. Commissioner Campbell requested that the diagram be shown to scale so it accurately shows the 90-degree angle. Commissioner Wastchak asked to remove the text on the bottom of the diagram.

There was discussion over how staff will be able to enforce the beam angle. It was noted that determining compliance of the beam angle after-the-fact in the field may be difficult.

There was discussion on colored bulb and lamps. Chairman Strom suggested removal of the word "colored" bulbs, although most of the Commissioners expressed that this term covers the intent of the provision. It was suggested to expand the allowable days to include the Halloween season, most of the Commissioners were agreeable to an exception that started on October 15th and ran to January 15th

No Reportable Action

H. [16-242](#) Property Maintenance/Property Nuisance (formerly blight)

A motion was made by Commissioner Mahrle, seconded by Commissioner Campbell, to table this item until the next meeting due to the late hour. The motion carried by the following vote:

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

5. PUBLIC HEARINGS

None

6. ACTION ITEMS

None

7. CONSENT AGENDA**[16-235](#) Approval of July 19, 2016 Planning Commission Minutes**

A motion was made by Commissioner Mahrle, seconded by Commissioner Campbell, to approve the July 19 Planning Commission minutes. The motion carried by the following vote:

Aye: 6 - Commissioner Campbell, Commissioner Mahrle, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak and Commissioner Wincel

Abstain: 1 - Chairperson Strom

8. STAFF REPORTS

Mr. Michaud and Commissioner Mahrle gave an update on the bicycle and pedestrian mater plan

9. PUBLIC BODY REPORTS

None

10. FUTURE AGENDA ITEMS


Mr. Michaud reviewed the items on the upcoming agenda.

11. ADJOURNMENT

A motion was made by Commissioner Wincel, seconded by Commissioner Wainwright, to The motion carried by the following vote:

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

Paradise Valley Planning Commission

By: 
Eva Cutro, Secretary