



## Town of Paradise Valley

### Minutes – Draft

### Planning Commission

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Tuesday, February 16, 2016

6:00 PM

Council Chambers

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#### 1. CALL TO ORDER

The meeting of the Town of Paradise Valley Planning Commission was called to order by Chair Strom at 6:00 p.m.

#### 2. ROLL CALL

Chairman Strom called the roll, noting there was a quorum.

Present	6 - Chairperson Dolf Strom, Commissioner Thomas Campbell, Commissioner Johnathan Wainwright, Commissioner Scott Moore, Commissioner Richard Mahrle, Commissioner Jeff Wincel
Absent	1 - Commissioner Daran Wastchak

Staff Present	Andrew Miller, Town Attorney Eva Cutro, Community Development Director Paul Michaud, Senior Planner
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#### 3. EXECUTIVE SESSION

There was no executive session called.

#### 4. STUDY SESSION ITEMS

##### A. 16-041 Discussion of the Re-Plat to “The Villas at Mountain Shadows Amended” (RP-16-01) (SWC Lincoln Dr & 56th St)

Paul Michaud presented the Re-Plat in accordance with the Planning Commission packet and described changes presented.

In summation, the following changes were made to the plans:

- Modified 20 villa home lots into seven villa home lots and two tracts for 12 condominiums
- Increased the cart access path to eight feet throughout

## 6. ACTION ITEMS

**A. 16-042 Consideration of the Re-Plat to "The Villas at Mountain Shadows Amended" (RP-16-01)  
[APPROVED, WITH STIPULATIONS]**

Chairman Strom opened the public meeting. No one from the public spoke on this item. There was no further discussion from the Planning Commission.

A motion was made by Commissioner Moore, seconded by Commissioner Wincel, to approve the Re-Plat of "The Villas at Mountain Shadows Amended" subject to the stipulations below:

1. This subdivision shall be in substantial compliance with the re-plat, "The Villas at Mountain Shadows Amended", Sheets 1-2, prepared by Coe & Van Loo Consultants, Inc. dated February 4, 2016
2. Prior to recordation of the re-plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review to insure that all CC&R terms required under the SUP or other recorded agreements are part of the CC&Rs or other documents, including provision for maintenance of any drainage easements dedicated on the plat.
3. The final subdivision improvements shall be in substantial compliance with subdivision improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the 2 recordation of the re-plat, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve said final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.
4. Within 60 days of approval of the re-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.

**The motion carried by the following vote:**

**Aye: 6 - Chairperson Dolf Strom, Commissioner Thomas Campbell, Commissioner Johnathan Wainwright, Commissioner Scott Moore, Commissioner Richard Mahrle, Commissioner Jeff Wincel**

**Absent: 1 - Commissioner Daran Wastchak**

C. 16-048

**Consideration of the Mountain Shadows Resort – Condominium Hotel, Final Condominium Map, (FP-16-01). (SWC Lincoln Dr & 56<sup>th</sup> St)**

**[APPROVED, WITH STIPULATIONS]**

Chairman Strom opened the public meeting. No one from the public spoke on this item. There was no further discussion from the Planning Commission.

A motion was made by Commissioner Wincel, seconded by Commissioner Moore, to approve the Final Condominium Plat Map for the “Mountain Shadows Resort – Condominium Hotel” subject to the stipulations below:

1. Development shall be in substantial compliance with the Final Condominium Plat Map, “Mountain Shadows Resort – Condominium Hotel,” Sheets 1-18, prepared by Coe & Van Loo Consultants, Inc. dated February 5, 2016.
2. Prior to recordation of the Final Plat Map, 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 shall be in substantial compliance with improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Plat Map, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve said final improvement plans prior to the issuance of the building permit for the hotel condominium structure.
4. Within 60 days of approval of the Final 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.

Eva Cutro noted that the goal is to have all initiatives underway by end of the 2016 calendar year.

## 8. CONSENT AGENDA

### A. 16-052 Approval of January 19, 2016 Planning Commission Minutes

Eva Cutro stated that votes dropped off of pages four and five of the printed minutes; however, all votes were unanimous (5-0). A motion was made by Commissioner Campbell, seconded by Commissioner Mahrle, to approve the minutes with the above edit. The motion carried by the following vote:

**Aye: 6 - Chairperson Dolf Strom, Commissioner Thomas Campbell, Commissioner Johnathan Wainwright, Commissioner Scott Moore, Commissioner Richard Mahrle, Commissioner Jeff Wincel**  
**Absent: 1 - Commissioner Daran Wastchak**

## 9. STAFF REPORTS

Eva Cutro stated that the National Planning Conference is being held April 2, 2016 through April 5, 2016. Eva Cutro and Paul Michaud will each be conducting tours at the conference

## 10. PUBLIC BODY REPORTS

None

## 11. FUTURE AGENDA ITEMS

Paul Michaud reviewed the upcoming agenda items. Noting no action or hearing items, the Planning Commission cancelled the March 1, 2016 meeting.

## 12. ADJOURNMENT

A motion was made at 6:58 p.m. by Commissioner Wainwright, seconded by Commissioner Wincel, to adjourn the meeting. The motion carried by the following vote

**Aye: 6 - Chairperson Dolf Strom, Commissioner Thomas Campbell, Commissioner Johnathan Wainwright, Commissioner Scott Moore, Commissioner Richard Mahrle, Commissioner Jeff Wincel**  
**Absent: 1 - Commissioner Daran Wastchak**

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Eva Cutro, Secretary

**TOWN**  
*of*  
**PARADISE VALLEY**



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**TOWN COUNCIL MEETING**  
**6401 E. LINCOLN DRIVE**  
**PARADISE VALLEY, ARIZONA 85253**  
**MINUTES**  
**Thursday, November 19, 2015**

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**1. CALL TO ORDER / ROLL CALL**

Mayor Collins called to order the Town Council Meeting for Thursday, November 19, 2015 at 4:00 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins  
Vice Mayor Paul Dembow  
Council Member Jerry Bien-Willner  
Council Member Mark Stanton  
Council Member Maria Syms arrived at 4:40 p.m.

Council Member Mary Hamway, Council Member David Sherf were not present

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Police Chief Peter Wingert  
Community Development Director Eva Cutro  
Director of Administration and Government Affairs Dawn Marie Buckland

**2. STUDY SESSION ITEMS**

**15-281      Discussion of Amendments to Election Code and Fee Schedule**

Town Clerk Duncan Miller summarized the proposed amendments to Article 2-3 of the Town Code to conform the Town's Election Code to state law. He also presented recommended changes to the Master Fee Schedule to add a fee for on-street residential parking permits, pursuant to Ordinance 688, and to increase the vehicle towing administrative hearing fee from \$65 to \$150.

He said adoption of proposed Ordinance Number 692 and Resolution Number 1337 would be scheduled for approval on December 3, 2015.

3. The final improvements shall be in substantial compliance with improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Map, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve said final improvement plans prior to the issuance of any building permit for a residential unit in said Final Map.

4. Within 60 days of approval of the Final 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.

5. The Final Map shall not be recorded until the Town receives the appropriate information for the State of Arizona Department of Water Resources Certificate of Assured Water Supply, with the certificate number and date to be duly noted on the Final Map.

6. The Final Map and/or declaration shall include any and all necessary easements, including:

a. Easements for drainage that are consistent to the overall grading and drainage plans for the entire Special Use Permit (SUP) site west of 56th Street, which shall be depicted on the Final Map prior to recordation of said plat,

b. Easements for utilities, with said easements to be in the locations and widths as prescribed by the respective utility provider, with correspondence from said utility providers given to the Town prior to Town Council approval of the Final Map, and

c. Easements for access, parking, refuse collection, and other similar easements.

7. The Final Map application shall include all necessary corrections to emergency access points such that these points comply with the Town Code, including removal of obstructions within the turning radius. The motion carried by the following vote:

**Aye:** 6 - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Stanton, and Council Member Syms

**Absent:** 1 - Council Member Sherf

### **15-274 Consideration of "The Villas at Mountain Shadows II" Final Plat**

Senior Planner Paul Michaud presented the Final Plat for The Villas at Mountain Shadows II. He said the Planning Commission voted 7 to 0 on October 20, 2015 to recommend approval of the Final Plat. He stated that the plat is in conformance with the Preliminary Plat and the Special Use Permit and was discussed by the Town Council on November 5, 2015. The plat concerns 8 lots near the southwest corner of Lincoln Drive and 56<sup>th</sup> Street.

There were no public comments.

**A motion was made by Council Member Bien-Willner, seconded by Council Member Hamway, to Approve the Final Plat, "The Villas at Mountain Shadows II" (FP 15-02), subject to the following stipulations:**

1. This subdivision shall be in substantial compliance with the Final Plat, "The Villas at Mountain Shadows II", Sheets 1-2, prepared by Coe & Van Loo Consultants, Inc. dated October 26, 2015.
2. Prior to recordation of the Final Plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review to insure that all CC&R terms required under the SUP or other recorded agreements are part of the CC&Rs or other documents, including provision for maintenance of any drainage easements dedicated on the plat.
3. The final subdivision improvements shall be in substantial compliance with subdivision improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Plat, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve said final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.
4. 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.
5. The Final Plat shall not be recorded until the Town receives the appropriate information for the State of Arizona Department of Water Resources Certificate of Assured Water Supply, with the certificate number and date to be duly noted on the Final Plat. The motion carried by the following vote:

**Aye:** 6 - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Stanton, and Council Member Syms

**Absent:** 1 - Council Member Sherf

### **15-283 Consideration of Ordinance Number 691 - Unmanned Aerial Vehicles**

Town Attorney Andrew Miller presented draft Ordinance Number 691 regarding unmanned aerial vehicles (UAVs or drones).

He stated that the Town Council discussed the possibility of regulating drones on May 28, 2015 and directed staff to draft an ordinance. Over the summer, the Town received comments from Council Members, residents, and industry professionals. Staff also researched ordinances in other communities. He noted that the Federal Aviation Administration is still in the process of formulating rules governing UAVs. The FAA's primary concern is with avoiding conflicts between UAVs and other forms of regulated

**TOWN**  
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TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
Thursday, November 5, 2015

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**1. CALL TO ORDER / ROLL CALL**

Mayor Collins called to order the Town Council Meeting for Thursday, November 5, 2015 at 3:30 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins  
Vice Mayor Paul Dembow  
Council Member Jerry Bien-Willner  
Council Member David Sherf arrived at 4:15 p.m.  
Council Member Mark Stanton  
Council Member Maria Syms

Council Member Mary Hamway was not present

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Police Chief Peter Wingert  
Public Works Director/Town Engineer James P. Shano  
Community Development Director Eva Cutro  
Director of Administration and Government Affairs Dawn Marie Buckland  
Public Works Supervisor Jerry Cooper

**2. STUDY SESSION ITEMS**

**15-268      Tree Planting Ceremony**

Mayor Collins, the Town Council, and Town Manager Burke planted a tree on the Municipal Complex grounds in recognition of Arbor Day. The Town of Paradise Valley has received the Tree City USA designation for the past 18 years.



**15-260      Discussion of FY 2017 Budget**

Director of Administration and Government Affairs Dawn Marie Buckland explained the approach that would be used to develop the Fiscal Year 2017. She said budget preparation is an ongoing process that involves strategic goal setting, assigning revenues to meet those goals, and evaluating the performance against expectations.

**15-258      Discussion of "The Villas at Mountain Shadows II" Final Plat**

Community Development Director Eva Cutro presented Final Plat for The Villas at Mountain Shadows II, consisting of 8-lots and 1 tract for resort residential at Mountain Shadows Resort. She confirmed that the Plat is consistent with the Special Use Permit and Development Agreement standards. She reported that the Planning Commission unanimously voted to recommend approval on October 20, 2015.

She explained that the Plat is scheduled for Town Council action on November 19, 2015.

**15-259      Discussion of "The Villas at Mountain Shadows Condominiums" Preliminary Condominium Map**

Ms. Cutro presented the Preliminary Map for The Villas at Mountain Shadows Condominiums, consisting of 40 condominium homes on Tract E at Mountain Shadows Resort. She confirmed that the Preliminary Plat is consistent with the approved Special Use Permit and Development Agreement standards. She reported that the Planning Commission unanimously voted to recommend approval of the preliminary map on October 20, 2015.

Rick Carpinelli, of Crown Development, responded to questions from the Council.

**3. EXECUTIVE SESSION**

**A motion was made by Council Member Bien-Willner at 4:46 p.m., seconded by Council Member Stanton, to enter executive session. The motion carried by the following vote:**

**Aye:** 6 - Mayor Collins, Dembow, Council Member Bien-Willner, Council Member Sherf, Council Member Stanton, and Council Member Syms

**Absent:** 1 - Council Member Hamway

**Discussion and consultation with Town Attorney to consider the Town Council's position and instruct the attorney regarding a potential development agreement with Five Star Development as authorized by A.R.S. §38-431.A.4; and discussion**



## TOWN OF PARADISE VALLEY PLANNING COMMISSION ACTION SUMMARY

**DATE:**        **October 20, 2015**

**COMMISSIONERS:**

**Present:**

Dolf Strom, Richard Mahrle, Thomas Campbell, Jonathan Wainwright, Jeff Wincel, Scott Moore, and Daran Wastchak.

**Absent:**

None

**STAFF PRESENT:**

Andrew Miller, Town Attorney  
Eva Cutro, Community Development Director  
Paul Michaud, Senior Planner  
George Burton, Planner  
Duncan Miller, Town Clerk  
Jim Shano, Town Engineer/Public Works Director

**ACTION:**

- A. Consideration of a major amendment to the Ritz-Carlton Special Use Permit (SUP). The amendment to the SUP includes a mix of resort, residential, and retail uses on the approximately 105 acre site. The Planning Commission voted 5 - 2 to recommend that the Town Council **APPROVE** the SUP amendment subject to stipulations.
  
- B. Consideration of a Final Plat for "The Villas at Mountain Shadows II" (FP 15-02). The Planning Commission voted 7 - 0 to recommend that the Town Council **APPROVE** the SUP amendment subject to stipulations.
  
- C. Consideration of a Preliminary Map for "The Villas at Mountain Shadows Condominiums" (PP 15-03). The Planning Commission voted 7 - 0 to recommend that the Town Council **APPROVE** the SUP amendment subject to stipulations.

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TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
Thursday, September 24, 2015

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**1. CALL TO ORDER / ROLL CALL**

Mayor Collins called to order the Town Council Meeting for Thursday, September 24, 2015 at 4:00 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins  
Vice Mayor Paul Dembow  
Council Member Jerry Bien-Willner  
Council Member Mary Hamway  
Council Member David Sherf  
Council Member Maria Syms

Council Member Mark Stanton was not present

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Police Chief Peter Wingert  
Public Works Director/Town Engineer James P. Shano  
Community Development Director Eva Cutro  
Director of Administration and Government Affairs Dawn Marie Buckland  
Lieutenant Michael Horn

**2. STUDY SESSION ITEMS**

**Update on Police Technology**

Chief Peter Wingert and Lieutenant Michael Horn updated the Town Council on police technology improvements. Lt. Horn reminded Council that in 2014 the Department upgraded the CAD/RMS system and in-car RADAR/LIDAR. They implemented Livescan, in-car video, MDCs, mobile LPRs, and field reporting. He stated that in 2015

Deborah Corso

**Planning Commission**

Scott Moore  
Daran Wastchak

**Public Safety Personnel Retirement Board**

Richard Fincher  
Jameson Van Houten  
John Lomax

**The motion carried by the following vote:**

**Aye:** 6 - Mayor Collins, Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, and Council Member Syms

**Absent:** 1 - Council Member Stanton

Following the appointment of the Municipal Court Judges and members of various committees, commissions, and boards, Mayor Collins administered the oath of office to the Presiding Judge and Associated Judges of the Municipal Court. Mayor Collins presented each judge with a mayoral challenge coin.

**15-178 Consideration of "The Villas at Mountain Shadows II" Preliminary Plat (PP 15-02) Southwest Corner Lincoln Drive and 56th Street (Assessor No. 169-30-104/105)**

Senior Planner Paul Michaud presented the preliminary plat for The Villas at Mountain Shadows II, a preliminary plat for 8-lots and 1 tract for resort residential at Mountain Shadows Resort. He stated that on June 16, 2015, the Planning Commission voted 7-0 to recommend approval of the plat, subject to 5 stipulations.

**A motion was made by Council Member Bien-Willner, seconded by Council Member Sherf, to Approve the Preliminary Plat, "The Villas at Mountain Shadows II" (PP-15-02), subject to the following stipulations:**

1. Final Plat be in substantial compliance with the Preliminary Plat
2. Final Plat shall include any and all necessary easements and/or tracts - For drainage consistent to overall grading/drainage plans, depicted prior to plat recordation and for utilities, with correspondence from said utility providers on final locations in process given to the Town prior to Planning Commission recommendation of the Final Plat
3. Prior Final Plat recordation, provide copy of the CC&R's for review
4. Final subdivision improvements - Shall be in substantial compliance with improvement plans (e.g. sewer, water, grading); Prior to plat recordation, Town receives

all assurances necessary to guarantee completion in public ROW; and Town Engineer shall approve final improvement plans prior to issuance of building permit for a residential unit

5. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars and plans in a pdf format

**The motion carried by the following vote:**

**Aye:** 6 - Mayor Collins, Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, and Council Member Syms

**Absent:** 1 - Council Member Stanton

**15-176 Consideration of "The Villas at Mountain Shadows" Final Plat (FP 15-01) Southwest corner of Lincoln Drive and 56th Street (Assessor No. 169-30-103)**

Mr. Michaud presented the The Villas at Mountain Shadows Final Plat, a 20-lot final plat for resort residential at Mountain Shadows Resort. He stated that on July 21, 2015, the Planning Commission voted 6-1 to recommend approval. He reported that the developer is obtaining an updated certificate of assured water supply. The Commission's recommendation was for approval subject to five stipulations.

**A motion was made by Council Member Hamway, seconded by Council Member Sherf, to Approve the Final Plat, "The Villas at Mountain Shadows" (FP-15-01), subject to the following stipulations:**

1. This subdivision shall be in substantial compliance with the Final Plat, The Villas at Mountain Shadows, Sheets 1-2, prepared by Coe & Van Loo Consultants, Inc. dated August 26, 2015.
2. Prior to recordation of the Final Plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review to insure that all CC&R terms required under the SUP or other recorded agreements are part of the CC&Rs or other documents, including provision for maintenance of any drainage easements dedicated on the plat.
3. The final subdivision improvements shall be in substantial compliance with subdivision improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Plat, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town

Engineer shall approve said final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.

4. Within 30 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.

5. The Final Plat shall not be recorded until the Town receives the appropriate information for the State of Arizona Department of Water Resources Certificate of Assured Water Supply, with the certificate number and date to be duly noted on the Final Plat.

**The motion carried by the following vote:**

**Aye:** 6 - Mayor Collins, Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, and Council Member Syms

**Absent:** 1 - Council Member Stanton

### **15-181 Acquisition of an Easement for the Public Safety Communications Antenna and Equipment**

Mr. Burke withdrew this item from the agenda.

### **13. REQUESTS FOR FUTURE AGENDA ITEMS**

#### **15-189 Consideration of Requests for Future Agenda Items**

Mr. Burke summarized the items on the future agenda list. There were no additions to the schedule.

### **14. MAYOR / COUNCIL / MANAGER COMMENTS**

Mr. Burke announced that the 56th Street dedication and Community Festival would be held on Saturday, September 26 from 7:00 a.m. to 10:00 a.m. He announced that Dr. John Nalbandian from the University of Kansas will meet with the Council on October 22 to follow up on the discussion from the Council retreat on high performing local governments.

Council Member Syms updated the Council on the Advisory Committee on Public Safety. She stated that the committee met on June 25 and August 20. Their focus has been on improving communications and community outreach. The next meeting will be held on October 1. She also announced that she went on a ride along with a police officer and encouraged other Council Members to do the same.

**TOWN**  
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TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
Thursday, September 10, 2015

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**1. CALL TO ORDER / ROLL CALL**

Mayor Collins called to order the Town Council Meeting for Thursday, September 10, 2015 at 4:00 p.m. in the Town Hall Council Chambers.

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins  
Council Member Jerry Bien-Willner  
Council Member Mary Hamway  
Council Member David Sherf  
Council Member Mark Stanton  
Council Member Maria Syms

Vice Mayor Paul Dembow was not present

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Police Chief Peter Wingert  
Public Works Director/Town Engineer James P. Shano  
Community Development Director Eva Cutro  
Director of Administration and Government Affairs Dawn Marie Buckland  
Presiding Judge Tyrrell Taber

**2. STUDY SESSION ITEMS**

**Discussion of Municipal Court Appointment Process**

Town Manager Kevin Burke stated that the Mayor and Town Council are responsible for appointing the Town Manager, Town Attorney, Presiding Municipal Court Judge and the Associate Judges. He said the Council appoints and reappoints judges in September of odd numbered years.

Presiding Judge Tyrrell Taber described the history of Paradise Valley's all-volunteer bench. He explained the qualifications, selection, and review process for the judges who serve in the Town's Court.

**Discussion of "The Villas at Mountain Shadows II" Preliminary Plat located at the Southwest Corner Lincoln Drive and 56th Street**

Senior Planner Paul Michaud presented the Preliminary Plat for The Villas at Mountain Shadows II. The plat, located near Lincoln Drive and 56th Street, concerns 8 lots and one tract. The property will be used for resort residential at the Mountain Shadows Resort. He explained that the proposed preliminary plat was in conformance with the approved special use permit. He noted that there is no legislative discretion in the plat approval process. He said the Planning Commission voted 7-1 to recommend approval of the preliminary plat with five stipulations.

**Discussion of The Villas at Mountain Shadows Final Plat located at the Southwest Corner Lincoln Drive and 56th Street**

Mr. Michaud presented the Final Plat for The Villas at Mountain Shadows. He stated that this item concerns a 20-lot final plat for resort residential at the Mountain Shadows Resort. He reported that the final plat is in conformance with the approved Special Use Permit. He said the Planning Commission voted 6-1 to recommend approval of the final plat.

**3. EXECUTIVE SESSION**

**Council Member Hamway moved to go into Executive Session at 4:56 p.m.  
Council Member Bien-Willner seconded the motion which passed 6 – 0.**

Discussion and consultation with the Town Attorney to consider the Town's position and instruct the attorney regarding potential amendments to the Development Agreement with MTS Land LLC and MTS Golf, LLC regarding the Mountain Shadows Resort as authorized by A.R.S. §38-431.A.4 and legal advice regarding Special Use Permits as authorized by A.R.S. §38-431.A.3.

Discussion and consultation with Town Attorney to consider the Town Council's position and instruct the attorney regarding a potential development agreement with Five Star Development and / or an intergovernmental agreement with the City of Scottsdale for annexation / de-annexation of property as authorized by A.R.S. §38-431.A.4; and discussion or consultation for legal advice with the Town Attorney as authorized by A.R.S. §38-431.A.3.



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**PLANNING COMMISSION MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
SUMMARY MINUTES  
June 16, 2015**

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**1. CALL TO ORDER**

The meeting of the Town of Paradise Valley Planning Commission was called to order by Chairman Strom at 6:00 p.m.

**2. ROLL CALL**

George Burton called the roll, noting there was a quorum.

*COMMISSIONERS PRESENT*

Dolf Strom, Chairman  
Richard Mahrle, Commissioner  
Thomas Campbell, Commissioner  
Jonathan Wainwright, Commissioner  
Scott Moore, Commissioner  
Daran Wastchak, Commissioner  
Jeff Wincel, Commissioner

*COMMISSIONERS ABSENT*

*COUNCIL PRESENT*

Michael Collins, Mayor  
Paul Dembow, Vice Mayor  
Mark Stanton, Council Member

*STAFF PRESENT*

Andrew Miller, Town Attorney  
Eva Cutro, Community Development Director  
Paul Michaud, Senior Planner  
George Burton, Planner  
Duncan Miller, Town Clerk

**3. EXECUTIVE SESSION. None**

**4. WORK STUDY SESSION**

**A. Discussion of The Villas at Mountain Shadows II & III Preliminary Plats**

Paul Michaud presented the topic per the staff action report. He noted that the two plats being discussed today are subsequent phases to the first phase of the 20 lots for the villa homes. Whereby, the preliminary plat for the first phase was approved by the Town Council in May 2015. He noted that the Planning Commission needs to take separate action on both applications and reviewed the stipulations.

Planning Commission discussion included the following:

- Commissioner Moore asked about the configuration of 56<sup>th</sup> Street and the alignment of the medians with the proposed exit onto 56<sup>th</sup> Street between Lots 28 and 29. Mr. Michaud replied that plats do not show the physical roadway improvements. He added that the access point was reviewed and approved by the Town Engineer. Commissioner Campbell suggested an overlay to show the street improvements. The applicant's engineer, Fred Fleet, explained the design and his correspondence with the Town Engineer. It was agreed that a graphic showing this exit and the actual roadway improvements can be provided.
- Chairman Strom inquired about the function of the access onto 56<sup>th</sup> Street between Lots 28 and 29, including why the access is proposed for exit only. The applicant, Rick Carpinelli, stated the exit only will limit the number of vehicles needing to exit at the guard house and will provide an emergency access point into the development. There was discussion regarding the type of access control mechanism and which lot owners will have access to this exit. The applicant has not determined the specific control mechanism or which lot owners will have access to this exit. However, whatever mechanism is used, it will not allow for public entry into the development from 56<sup>th</sup> Street. The mechanism used will allow for emergency access entry and exit. It was discussed that the main access for residents is to use Tract A through both the Mountain Shadows West guard house and the Villas guardhouse north onto Lincoln Drive or east onto 56<sup>th</sup> Street via East Village Drive.
- There was discussion on the internal circulation. The Commission reviewed with the applicant how the one way portion of East Via La Serena Drive will function and the reviewed the dead end roadway north of Tract E. The applicant explained that the grade difference on Tract E prohibits the connection of East Via La Serena Drive to East Valley Vista Lane.
- Commissioner Moore asked about the drainage report. Mr. Michaud explained that drainage report was reviewed by the Town Engineer. Mr. Carpinelli added that the Town Engineer reviewed both the preliminary and final drainage reports. He further explained that there will be underground storm water storage beneath Tract A of East Village Drive similar to East Village Drive on the east side of 56<sup>th</sup> Street.
- Commissioner Moore asked if there are updated will-serve letters for the utilities. Fred Fleet stated yes.
- Mr. Michaud reviewed the proposed stipulations. Commissioner Mahrle suggested adding a stipulation regarding providing a graphic with the Council approval that the configuration of 56<sup>th</sup> Street will align with the proposed exit onto 56<sup>th</sup> Street between Lots 28 and 29.

Chairman Strom closed the work session for this item at 6:30 p.m.

**5. PUBLIC HEARING.**

Chairman Strom stated there were no Public Hearing items on the agenda. He moved to hear the two action items on the preliminary plats of The Villas at Mountain Shadows II & III.

**6. ACTION ITEMS**

**A. Consideration of The Villas at Mountain Shadows II Preliminary Plat for 8 lots on approximately 1.94 acres located near the southwest corner of Lincoln Drive and 56th Street (PP 15-02)**

***Recommendation:*** Forwarded to the Town Council with a recommendation of **APPROVAL** with stipulations.

Chairman Strom asked for any public comments. Hearing none, he asked for Planning Commission discussion. Hearing none, he asked for a motion Planning Commission.

**Motion –Commissioner Mahrle moved to recommend approval with the following stipulations as outlined in the action report and one additional stipulation regarding the submittal of a graphic of the exit onto 56<sup>th</sup> Street. Commissioner Wincel seconded the motion and it passed unanimously by a vote of 7 to 0, subject to the following stipulations:**

1. The Final Plat for The Villas at Mountain Shadows II shall be in substantial compliance with the Preliminary Plat, The Villas at Mountain Shadows II & III, Sheets 1-2, prepared by Coe & Van Loo Consultants, Inc. dated June 4, 2015.
2. The Final Plat for The Villas at Mountain Shadows II shall include any and all necessary easements and/or tracts, including:
  - a. Easements and/or tracts for drainage within said plat that are consistent to the overall grading and drainage plans for the entire Special Use Permit (SUP) site, which shall be depicted on the Final Plat prior to recordation of said plat,
  - b. Easements and/or tracts for utilities, with said easements to be in the locations and widths as prescribed by the respective utility provider, with correspondence from said utility providers indicating that the identification of the final locations and widths of such easement(s) are in process given to the Town prior to Planning Commission recommendation of the Final Plat, and
3. Prior to recordation of the Final Plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review to insure that all CC&R terms required under the SUP or other recorded agreements are part of the

CC&Rs or other documents, including provision for maintenance of any drainage easements dedicated on the plat.

4. The final subdivision improvements shall be in substantial compliance with subdivision improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Plat, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.
5. Within 30 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. At the time said plat is submitted to Town Council, the applicant shall demonstrate through graphics and/or visuals that there is no conflict with the exit onto 56<sup>th</sup> Street of Tract C and the 56<sup>th</sup> Street improvements.

**Passed**

**For: 7; Against: 0; Abstain: 0; Absent: 0**

**B. Consideration of The Villas at Mountain Shadows III Preliminary Plat for 35 lots on approximately 5.20 acres located near the southwest corner of Lincoln Drive and 56th Street (PP 15-03)**

***Recommendation:*** Forwarded to the Town Council with a recommendation of **APPROVAL** with stipulations.

Chairman Strom asked for any public comments. Hearing none, he asked for Planning Commission discussion. Hearing none, he asked for a motion Planning Commission.

**Motion –Commissioner Mahrle moved to recommend approval with the following stipulations as outlined in the action report. Commissioner Campbell seconded the motion and it passed by a vote of 6 to 1, with Commissioner Wincel dissenting, subject to the following stipulations:**

1. The Final Plat for The Villas at Mountain Shadows II shall be in substantial compliance with the Preliminary Plat, The Villas at Mountain Shadows II & III, Sheets 1-2, prepared by Coe & Van Loo Consultants, Inc. dated June 4, 2015.

2. The Final Plat for The Villas at Mountain Shadows III shall include any and all necessary easements and/or tracts, including:
  - a. Easements and/or tracts for drainage within said plat that are consistent to the overall grading and drainage plans for the entire Special Use Permit (SUP) site, which shall be depicted on the Final Plat prior to recordation of said plat,
  - b. Easements and/or tracts for utilities, with said easements to be in the locations and widths as prescribed by the respective utility provider, with correspondence from said utility providers indicating that the identification of the final locations and widths of such easement(s) are in process given to the Town prior to Planning Commission recommendation of the Final Plat, and
3. Prior to recordation of the Final Plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review to insure that all CC&R terms required under the SUP or other recorded agreements are part of the CC&Rs or other documents, including provision for maintenance of any drainage easements dedicated on the plat.
4. The final subdivision improvements shall be in substantial compliance with subdivision improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Plat, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.
5. Within 30 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.

**Passed**

**For: 6; Against: 1; Abstain: 0; Absent: 0**

## **7. WORK STUDY SESSION**

Chairman Strom moved to reconvene the work study session at 6:35 p.m.

### **A. Discussion of a minor amendment to the Special Use Permit for Phoenix Country Day School located at 3901 E Stanford Drive to allow for various signs (SUP 15-02).**

Paul Michaud presented the topic per the staff action report.

Planning Commission discussion included the following:

- Chairman Strom and Commissioner Wastchak asked about the difference between the maximum three signs at 45 square feet in the Special Use Permit (SUP) and the SUP Guideline of one ground sign for each entrance at 32 square feet. Mr. Michaud stated that the SUP stipulation reflects the 1985 approval, which is likely a modification of said SUP Guideline. He added that the SUP stipulation is a requirement that must be followed, unless changed via an amendment to the school's SUP. Whereas, the SUP Guidelines are used to evaluate the proposed signs of this amendment to the SUP.
- Chairman Strom asked what part of the donor monument is considered a sign and what part is considered an accessory structure. Mr. Michaud replied that the area of the lettering is considered the sign since the structure with the donor names is not itself a sign. He added that this method of using the area of the lettering as the sign area is typically applied on signs placed on structures such as walls or buildings. Chairman Strom asked if a sign was not at this location, would a wall be allowed. Eva Cutro replied yes.
- Commissioner Campbell asked if the aquatic center sign will be illuminated all night long. Mr. Michaud replied that the applicant is agreeable to a stipulation that the illumination of the signs will be turned off between the hours of 9:30 p.m. and 5:30 a.m. He added that this timeframe mirrors the lighting at the aquatic center.
- Commissioner Campbell addressed the school name on the building signs. In his opinion, he supports including the name of the school on the signs since this will be many peoples first encounter on entering the campus from Camelback Road. Commissioner Moore agreed.
- Chairman asked if anyone from the public wanted to comment on this item. Seeing none, he moved onto the next item at 7:00 p.m.

**B. Discussion of the Ritz-Carlton Paradise Valley located at 7000 E Lincoln Drive (SUP-15-01).**

Eva Cutro presented the topic per the staff action report.

Planning Commission discussion included the following:

- Chairman Strom stated that he expects that the Commission will address the Statement of Direction (SOD) item tonight about whether the resort will negatively impact the view of the McDowell Mountains.
- Chairman Strom asked about the Scottsdale parcel. Eva Cutro explained that Town Council asked that this parcel be evaluated as if it is one parcel with Area E.
- Commissioner Wastchak asked about the 25-foot setback along the perimeter of the site. Eva Cutro explained that the Town's Open Space Criteria will apply, requiring a 60-foot setback in order to reach 24 feet in height.
- It was noted that Mayor Collins and Vice Mayor Dembow were present. Mayor Collins

thanked the Planning Commission for all the time they will put in this summer on this application. He noted that the Town Council is excited about this project and will welcome a world class addition to the resort community. He continued that he is confident in the Planning Commission being able to make a recommendation that will represent the quality and character of the Town. The Mayor introduced Vice Mayor Dembow, noting he is the Town Council liaison to the Planning Commission. Vice Mayor Dembow thanked the Commission for the hard work they are about to undertake and told the Commissioners to contact him with any questions.

- Discussion began on the SOD. Eva Cutro gave a brief review of all the SOD topics.
  - *Project Density.* Eva Cutro stated the SOD identifies an average of two dwelling units per acre. It was stated that density is calculated on the entire area, inclusive of roads. Also, it was noted that there can be smaller lots than one to one-half acres, with larger lots on the perimeter and smaller lots more internal to the site. Chairman Strom noted, depending on the application details, that the Planning Commission could consider a density a little greater than the 2.0 dwelling units per acre.
  - *View of the Broadstone Apartments.* Discussion followed on uses, vegetation, and three-story or four-story height as options to screen the view of the apartments in the City of Scottsdale.
  - *De-Annexation.* Eva explained some of the reasons the Town Council may consider de-annexation.
  - *Project Retail.* The Commissioners discussed how they are to determine if retail is viable. Chairman Strom gave an overview of a meeting he had with a former executive of Nordstrom in looking at the proposed retail who was positive about the retail, noting that the retail needs to have a presence off of Scottsdale Road. Commissioner Wastchak noted to the group that the Council discussion included having no residential in Area E, which did not make the cut into the final SOD.
  - *Rights-of-way.* There was discussion on Lincoln Road and the requirement for right-of-way dedication in lieu of the 25-foot easement allowed with the 2008 SUP. This discussion included the need to look at what elements will need to be required of the applicant since Lincoln Drive is a Visually Significant Corridor. Also, the discussion included potential improvements to Mockingbird Lane and Indian Bend Road.
  - *Traffic/Parking Study.* Eva Cutro noted that the applicant will be providing full studies. Chairman Strom stated that the traffic study will need to include the development in Scottsdale and the traffic impact out to Tatum Boulevard.
  - *Grading/Drainage Study.* Commissioner Mahrle suggested requiring a grading and drainage study may be pre-mature with the density and other changes contemplated by the SOD. Commissioner Wincel agreed.
  - *Branding.* Council Member Stanton provided information regarding the branding of the Town.
  - *Water.* Commissioner Wastchak pointed out that during the Town Council discussion of the SOD there was public comment regarding potable water supply

and the potential cost impact to other EPCOR water users related to required water utility improvements. General consensus was that this item is a development agreement item and EPCOR should provide the Town information on what type of improvements may be needed.

- *Process.* It was reviewed that the SOD is direction by the Town Council and not a mandate. Overall, the Commissioners felt comfortable reviewing the resort component since the Town Council did not seriously question this component in the SOD. Several Commissioners noted that the changes in the submitted application will likely occur along the perimeter of the site and not so much in the resort area.
- Discussion moved to the series of main resort buildings, including the height and potential impact of views of the McDowell Mountains.
  - Benjamin Graff with Withey Morris, Richard Frazee with Five Star Development, and Peter Mason with Mason Architects explained the scope of the project. This included the following:
    - Explanation of various design requirements to comply with the Ritz Carlton brand such as a 26-foot high interior ballroom clearance and 20-foot high interior junior ballroom clearance.
    - Description that the main resort buildings itself include no hotel rooms.
    - Explanation of the grading of the resort area.
      - The approximate 125-foot by 600-foot ground area between the lobby and spa with the pools will be cut from two to six feet below the existing grade.
      - Fill will be added to create various tiers flanking the sides of the pool area where the mostly single-story hotel casitas will be located. This fill will range between zero and 22 feet in height. The tallest fill is located closer to the main resort building.
      - The access from Lincoln Drive to the motor court of the hotel will slowly increase in grade such that the entrance will appear at grade but is technically the second level of the structure. Lincoln Drive is at an approximate 16-foot elevation and the motor court is at a 34-foot elevation.
      - All fill will be taken from cut dirt on the project site.
    - Description of the uses, including how the main hotel component with its associated casual dining is accessed off of Lincoln Drive and the banquet ballroom/meeting/specialty dining component is accessed off the Scottsdale Road access.
    - Views of a 3-D model showing the different levels of the building, noting that all parking will be via a valet service, located primarily within the underground parking and that said underground parking areas are connected between the hotel and hotel villas.
  - The Commissioners made several comments and heard from the applicant an explanation regarding how the circulation of the site will work. This included an explanation of the internal roadway connection should it be necessary to direct



persons arriving at the hotel motor court to the banquet function drop off, concerns about traffic on Indian Bend Road, and the location of valet access points into the underground parking areas.

- The applicant showed renderings of the potential impact to the view of the McDowell Mountains. The comments included:
  - A request to show an illustration(s) with the perimeter wall, landscaping, and homes located in Area C to illustrate how these structures may impact the views.
  - Benjamin Graff noted that the intent of the illustration shown was to address the SOD concern of whether the lobby height impacts the view of the McDowell Mountains. Chairman Strom stated that the illustration answers the question that the lobby building will not block the McDowell Mountains.
- Commissioner Mahrle inquired where deliveries and garbage will be placed. The applicant explained this will be within an enclosed structure near the banquet area.
- There was discussion on the open air courtyard area between the ballrooms and how this space can function for different events at the same time providing flexibility. Discussion continued regarding how the resort design must comply with the many Ritz Carlton design standards.
- The applicant reviewed the site specific attributes of the project regarding the 200 hotel keys that includes a 40-percent suite ratio that is higher than typical Ritz Carlton projects.
- Commissioner Wastchak asked how guests will access the casitas since the design is to place the casitas on different tiers around the main resort buildings. The applicant replied there will be golf cart service to shuttle guests around the site.
- There was discussion on the glazing of the windows to manage the setting sun. The applicant replied the design will include motorized blinds.
- The Planning Commission and the applicant had a lengthy discussion on the proposed roof top trellis area above the lobby. This discussion included the following:
  - Concern that the height to the top of the columns and retractable trellis at 58 feet exceeds the 48-foot height mentioned in the SOD. Discussion ensued on the necessary heights of the proposed elevator shafts, whether only stair access to the roof top might be provided, the design standard of Ritz Carlton in using cable elevators over hydraulic elevators related to the necessary clearance above the roofline, the wall projections above the roof tying into the overall architecture of the series of buildings, and identifying how this height does not comply with the Resort SUP Guidelines. Overall, most of the Commissioners felt the rooftop use could be beneficial to the project. The Planning Commission noted that a 58-foot height is much higher than allowed by the Town in the past. However, five of the Commissioners could consider this height based on the large 105-acre size of the project, extra height at the center of the

property, and depending upon the changes the applicant makes to the other components in the SOD. These changes might include how the applicant reduces the overall density and the design changes along the perimeter of the site. Commissioners Campbell and Moore still felt the height is significant and rooftop use will negatively impact the neighborhood. Commissioner Campbell stated a story pole(s) or other means to install a temporary structure to gauge the height would be helpful.

- Commissioners Moore and Campbell raised concern about the impact of noise on adjacent residences outside the project with the use of the space for events. It was noted that stipulations to limit the type of events, amplified sound, and limit the hours to cease use of the roof top could be used to mitigate noise impact. It was suggested the applicant provide a noise assessment.
- Eva Cutro noted concern over lights on the rooftop and impact in views off the property.
- The Planning Commission reviewed the applicant's proposed timeline of topics. Commissioner Wincel noted that he would prefer to see the density discussion moved to an earlier date. Also, it was noted some of the topics may need to be combined or continued to subsequent meetings. The Commissioners who will not be present at the July 7, 2015 meeting includes Commissioners Marhle, Wainwright, and Campbell. Commissioners Marhle and Campbell noted they can phone in if needed. Commissioner Wincel noted he will be unable to attend the meeting on July 21, 2015.

## 8. CONSENT AGENDA

A. Minutes from the April 21, 2015 Planning Commission Meeting

**Motion –Commissioner Wainwright moved to approve the Consent Agenda.  
Commissioner Wastchak seconded the motion**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

## 9. STAFF REPORTS

- George Burton gave an update on the Hillside Building Committee Rotation.

## 10. COMMISISON REPORTS

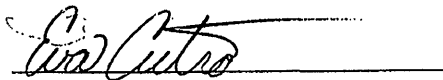
- Commissioner Wincel stated that he is against de-annexation on the Ritz Carlton SUP application.
- Commissioner Mahrle noted that if Area E is de-annexed, the Town will have shared tax revenue, etc.
- Commissioner Wincel also inquired as to why hillside homes have to have fire sprinklers in attic and flat lands lot do not.

## 11. FUTURE AGENDA ITEMS

- Paul Michaud provided an update on the future agenda items.

## 12. ADJOURNMENT

Commissioner Mahrle moved to adjourn the meeting at 10:06 p.m. Commissioner Wainwright seconded the motion and it passed unanimously.

A handwritten signature in cursive script, appearing to read "Eva Cutro", is written over a horizontal line.

Eva Cutro, Secretary