



# Town of Paradise Valley

6401 E. Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes

### Planning Commission

---

Tuesday, January 21, 2020

6:00 PM

Council Chambers

---

#### 1. CALL TO ORDER

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

#### STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller  
Community Development Director Jeremy Knapp  
Planning Manager Paul Michaud  
Town Engineer Paul Mood

#### 2. ROLL CALL

**Commissioner Campbell attended by phone.**

**Present** 6 - Commissioner Jonathan Wainwright  
Commissioner James Anton  
Commissioner Thomas G. Campbell  
Commissioner Charles Covington  
Commissioner Pamela Georgelos  
Commissioner Daran Wastchak  
**Absent** 1 - Commissioner Orme Lewis

#### 3. EXECUTIVE SESSION

None

#### 4. PUBLIC HEARINGS

None

#### 5. ACTION ITEMS

- A. 20-019 Consideration of a 4-Lot Preliminary Plat - Estates on Invergordon  
(PP-19-02)  
6400 E Cactus Wren Rd (APN: 174-53-008K)

Paul Michaud, Senior Planner, presented an overview of the staff report on the item which included a list of changes made since their last work session as well as information on utilities, landscaping, and drainage among other things.

Mr. Michaud continued his presentation addressing right-of-way easements and other issues regarding roads and curbing along the subject site. He added that noticing was required for this evening and shared some of the public comments that were received. He then briefly reviewed the draft conditions and next steps in the process.

Commissioner Anton asked if they had to put reflectors in with the fire hydrant.

Mr. Knapp responded that the reflectors are required to be put in at the time the hydrant is installed.

Chairman Wainwright asked who came up with the name for the new street. He then asked if there was any public safety concern with a street that only had a couple homes on it, since it was harder to identify.

Mr. Michaud explained that the Building Official verified that the name followed the naming process. He added that he believed that it would meet all the standards for public safety as well.

Commissioner Georgelos clarified that Lots 1, 2, and 3 all had their designated front yards off of Invergordon Road and Lot 4 would have its front yard off of the cul-de-sac.

Discussion was made on ownership of some of the surrounding properties.

Chairman Wainwright then opened the meeting up for public comments on the Item.

Maryann Clifford, Resident, commented that she lives directly across the street from the subject site. She noted that construction is a sensitive issue since one time a neighbor's construction resulted in over \$20,000 worth of damage to their property. She then asked where Jacaranda Road will intersect with her property. She feels that it may be a safety issue if it intersects with her driveway. She noted there are issues with speeding along Invergordon Road and noted the Town may want to consider speed bumps. She also asked why construction parking needs to be on Invergordon Road since it is a narrow road and the additional vehicles would cause problems. She then asked where Lot 1 would access its home.

It was noted that there is an option for the front yard for Lot 1 to be on Invergordon Road or Cactus Wren Road.

Commissioner Wastchak pointed out that it looked like Jacaranda Road would meet with Invergordon Road across the street from the center of her lot.

Commissioner Campbell agreed that the street did not appear to align with her driveway.

Commissioner Wastchak asked Paul Mood, Town Engineer, to clarify the process for requesting speed bumps.

Mr. Mood explained someone can petition a speed study to be done which looks into if an area can qualify for speed bumps. He noted that with the slope and grade of Invergordon Road it may not be feasible to put speed bumps in.

Rita Lippman, Resident, indicated that she was representing 26 home owners in the La Place community. She noted that they are looking forward to development of the property, but are concerned with what will be done to control runoff and drainage from the property. She also expressed concerns with construction traffic and parking. She shared some of the issues their community has seen with both those things in the past. She asked specifically that parking not be allowed on Cactus Wren Road.

Omar Abdallah stated he was with Rose Law Group representing La Place Home Owners Association. He noted that Cactus Wren Road was the only road with access to the La Place neighborhood. He pointed out that they support the stipulations, but would like to see that no construction parking is allowed on Cactus Wren Road during development as well.

Andrew Miller, Town Attorney, clarified that if there is a safety issue it may be a possibility to have no parking on the road during construction.

Commissioner Campbell asked for the pavement width on Cactus Wren Road.

Mr. Michaud responded that it was 33 feet including curbing.

Commissioner Campbell suggested having a stipulation that only allowed for parking on the north side of Cactus Wren Road and east of the median.

Mark Congleton, Resident, shared that he lives two lots north of the subject site. He proposed the ingress and egress for Lot 1 stay on Cactus Wren Road since it would help alleviate traffic problems on Invergordon Road. He also expressed concern with construction vehicles being parked on Invergordon Road since it is only 14 feet wide and would create a safety hazard.

Chairman Wainwright asked if the applicant would like to come up and address some of the concerns mentioned.

Jason Singer, Applicant, recognized the size of the streets and suggested having the 75 foot distance from the corners of the intersection of Cactus Wren Road and Invergordon Road. He noted that he saw several construction sites in Paradise Valley that morning, all with construction parking on both sides of the road. He suggested that this type of construction parking may simply be a necessary evil. He noted that he will not be the one to build the homes but that the current builder only has plans to build three homes and combining Lots 1 and 2 in order to do that.

Chairman Wainwright asked if during the actual construction process they would be willing to provide a staged parking area on the property.

Mr. Singer explained that he bought the land with the intention of organizing it and then selling the dirt.

Chairman Wainwright asked if he would be comfortable accepting that as a stipulation that would later be imposed on the property developer in the future.

Mr. Singer responded that he did not feel that was his responsibility.

Discussion was made on possible limitations of parking on roads for construction including temporary limitations. It was noted that much of the construction parking may end up on Jacaranda Road and not on Cactus Wren Road and Invergordon Road.

Mr. Miller noted that on smaller roads parking limitations can be made if it creates a safety hazard where cars, including emergency vehicles, cannot get by when cars are parked along the side of the road.

Commissioner Campbell commented that he agrees with the residence on Invergordon Road that an 18-foot wide street is problematic.

Chairman Wainwright pointed out to the applicant that it would seem that they would need some sort of parking plan on the site for the development of the subdivision and that would be a reasonable request. He added the Town does much better with drainage today than they have in the past and that development of the site would most likely be an improvement on drainage for those in the area. He commented that when the actual houses are built he believes most of the parking will be on Jacaranda Road and if there is a safety issue later on that could be addressed with limits on parking

Commissioner Campbell asked that they consider a stipulation that no construction parking be allowed on the paved surfaces of Invergordon Road.

Chairman Wainwright noted that an exception may need to be made for the possible development of Lot 1.

Commissioner Campbell asked if they could change the stipulation to require that landscaping adjacent to the lot and public right of way is in place before receiving a certificate of occupancy on the corresponding lot.

Mr. Knapp explained that Maricopa County requires contractors to park on a paved surface or a track out, so they are not putting more dirt on the street. He clarified that if the Town were to allow use of the shoulder, it requires making improvements to those areas per State requirements.

Tony Nelson, Representing Regal American Homes, shared that there was development happening off Luke Avenue and Wilkinson Road and all their construction parking is taking place on site since the streets are narrow in that area. He suggested that there is plenty of space on these lots to do the same at this site.

Commissioner Wastchak reviewed Stipulation 6 and shared his recommended changes. He specified that he would like to add a Stipulation 6.h, which would state that during construction of the site improvements a designated construction parking area shall be provided to prevent parking on any paved surfaces.

Commissioner Anton recommended adding that the landscaping along Invergordon Road be done prior to receiving the certificate of occupancy.

It was noted that may better fit in with Stipulation 4.

Discussion was then made on Stipulation 6.d which addressed parking along Cactus Wren Road.

Commissioner Campbell indicated he was not in support of eliminating parking on Cactus Wren Road all together since it has a width of 33 feet.

Commissioner Georgelos pointed out that the Commission may want to consider it, since it is the only access road for all the homes in the La Place neighborhood.

Commissioner Anton noted there was a lot of dirt on the side of the road as well where gravel could be put down to park on. He then suggested removal of Stipulation 6.d and have Stipulation 6.e apply to both roads.

Commissioner Covington asked if this would set a precedence for other construction sites in the Town.

Chairman Wainwright noted that it might work for another subdivision, but not for the development of a single lot.

Discussion was made on Stipulation 6.c which addressed turning around in public right-of-ways for construction vehicles.

Commissioner Wastchak asked if it was legal to include Stipulation 6.c.

Mr. Miller explained that it would be a difficult thing to impose and the Town Staff would also have issues with enforcement. He then recommended keeping the portion that trucks could not turn around within 75 feet of the intersection and recommended having some sort of a notice up for that as well.

Commissioner Wastchak asked if everyone agreed with getting rid of Stipulation 6.d and including both Invergordon Road and Cactus Wren Road in part of Stipulation 6.e.

All the Commissioners, with the exception of Commissioner Campbell, agreed with striking Stipulation 6.d and including Cactus Wren Road in Stipulation 6.e.

Further wording clarification was made to Stipulation 6, Commissioner Wastchak then reviewed the final changes made to Stipulation 6.

A motion was made by Commissioner Wastchak, seconded by Commissioner Georgelos, to approve the Estates on Invergordon Preliminary Plat, subdividing approximately 5.7 acres into four (4) residential R-43-zoned lots and a new public street, subject to the following conditions:

1. The final plat and related improvements for the "Estates on Invergordon" located at 6400 E Cactus Wren Road (the "Property") shall be in substantial compliance with the following submitted plans and documents:
  - a. Preliminary Plat for the "Estates on Invergordon," Sheets 1-3, prepared by Land Development Group, dated December 3, 2019;
  - b. Preliminary Paving Plan for the "Estates on Invergordon," Sheet 1 of 1, prepared by Land Development Group, dated December 3, 2019;
  - c. Preliminary Water & Sewer Plan for the "Estates on Invergordon," Sheet 1 of 1, prepared by Land Development Group, dated December 3, 2019;
  - d. Storm Water Pollution Prevention Plan, Sheet 1 of 1, prepared by Land Development Group, dated December 3, 2019;
  - e. The Planting Plan for the right-of-way Sheet PP.1, prepared by Berghoff Design Group, dated December 6, 2019;
  - f. The narrative prepared by Land Development Group, dated December 5, 2019;
  - g. The Water Service Impact Study, prepared Land Development Group, dated July 26, 2019; and
  - h. The preliminary drainage report, prepared by Land Development Group, dated July 29, 2019.
  
2. Prior to recordation of the final plat for said subdivision, the following items shall be submitted by the owner(s) of the Property, or successors:
  - a. Submit the required final improvement plans for Town Engineer approval and provide a procedure and other forms of assurances necessary for the Town to be in a guaranteed position to complete the construction and related public site improvements as referenced in the submitted plans and documents in Condition 1 above;
  - b. If not already completed, installation and maintenance of the storm water pollution prevention plan noted in Condition 1 until the final lot improvements are completed on Lot 1 of said subdivision; and
  - c. Provide documentation that the private water well has been abandoned in accordance with the Arizona Department of Water Resources. Abandonment shall include the removal of above ground structures, including the two water tanks. The Town Community Development Director, or designee, shall inspect the property to verify the water tanks and related above-ground structures are removed.
  
3. Prior to the issuance of the first building permit for any home on Lots 1, 2, 3, or 4 of the said subdivision, the owner(s) of the Property, or successors, shall do the following:
  - a. Complete the roadway, utility, and related infrastructure improvements as referenced in the submitted plans and documents in Condition 1 above along Invergordon Road and Cactus Wren Road;
  - b. At the discretion of the Town Engineer, the final lift of asphalt for Jacaranda Road may be postponed until the first Certificate of Occupancy for any of the Lots 1 to 4 of the said subdivision;

- c. Remove all existing retaining walls and related structures on the entire site, along with the owners of the affected Lots having submitted and obtained approval from the Town the applicable demolition permit(s), grading permit(s), storm water pollution prevention plan(s), and associated permit(s). However, compliance to this condition shall be no later than one year from the date of the Town Council approval of the final plat for said subdivision; and
- d. At the time the existing retaining walls are removed, the affected Lots shall be regraded at a minimum of 4:1 slope and existing drainage patterns shall be maintained.

4. Prior to the issuance of each Certificate of Occupancy for Lots 1, 2, 3, or 4 of the said subdivision, the owner(s) of the Property, or successors, shall complete the landscaping improvements, as to each lot, as referenced in the submitted plans and documents in Condition 1 above.

5. 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.

6. The following conditions shall apply during initial construction of the building pads, streets, and homes at the Estates on Invergordon subdivision as a means to mitigate safety concerns along the adjoining rights-of-way:

- a. Construction staging and storage of materials shall be done onsite and not within the Town rights-of-way;
- b. Use of the Town rights-of-way intermittently, generally defined as up to 20 minutes, to load or unload construction material or equipment is allowable provided the loading and unloading adjoins the site and does not occur within 75 feet of the Invergordon Road/Cactus Wren Road intersection;
- c. Construction vehicle turn-around shall not occur within 75 feet from the Invergordon Road/Cactus Wren Road intersection and either be done onsite or off the street pavement adjoining the subdivision within the Town's right-of-way to discourage turn-around traffic in the adjoining neighborhoods, specifically turn-around traffic on streets north and east of the Invergordon Road/Cactus Wren Road intersection as these streets dead end and do not connect back to Lincoln Drive or another major arterial;
- d. Reserved
- e. Construction parking shall not be allowed along the west side of Invergordon Road and the south side of Cactus Wren Road on any paved surfaces. Any non-paved surface used for construction parking shall conform to storm water pollution prevention plan requirements;
- f. The property owner(s) of the lot(s) of said plat shall be responsible to inform the contractor(s) of the construction and plat conditions;
- g. The above conditions do not apply to Jacaranda Road that is part of the Estates on Invergordon subdivision up to and prior to the Town's acceptance of the final street improvements of Jacaranda Road; and
- h. During construction of site improvements, a designated construction area on Lots 1, 2, 3, or 4 shall be provided to prevent parking on any paved public street surfaces.



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

**Aye:** 6 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos and Commissioner Wastchak

**Absent:** 1 - Commissioner Lewis

**6. STUDY SESSION ITEMS**

**A.**     20-037           Continued Discussion of Upcoming Planning Commission Items for Council Retreat

Mr. Knapp explained that he shared the agenda for the Council Retreat as well as the list of Items they previously recommended being discussed.

Commissioner Campbell commented concerning Item 1 that he did not feel they need a third citizen member on the Hillside Committee contrary to what he said at the last meeting. He also noted that he was sympathetic that a year may be too long of a term.

Commissioner Wastchak recommended striking Item 1.b.

Commissioner Campbell and Commissioner Georgelos agreed.

Chairman Wainwright stated that Item 3 regarding open space criteria on hillside lots, is important but might be better considered at a later time.

Commissioner Anton suggested leaving Item 3 on there and having Council conversation on it.

Further discussion was made on if Item 3 should be left in. It was determined that it would remain on the list for Council.

Mr. Miller explained that Council may end up addressing Item 6 themselves, so he did not believe any changes needed to be made to it. Item 6 relates to the Planning Commission rules and procedures.

Chairman Wainwright suggested adding an example to Item 7. He recommended St. Barnabas who had to notice an entire building in order to change their landscaping.

Mr. Miller recommended changing the wording from "out of town" to "outside of town boundaries", on Item 7.

Commissioner Georgelos suggested changes that would allow for lessor noticing for smaller projects.

The applicant responded that from the perimeter they would only see six feet of wall. Further clarification was made on where six-foot and nine-foot walls were visible.

Mr. Burton reviewed the requirements for a minor amendment and noted they had not received any public comments on the Item.

**No Reportable Action**

**B.     19-458**     Discussion of a 4-Lot Preliminary Plat - Estates on Invergordon (PP-19-02) 6400 E Cactus Wren Rd (APN: 174-53-008K)

Mr. Michaud provided a background and summary of the request which included drainage, fire safety, and landscaping among other things.

Mr. Michaud addressed the necessary right-of-way easements for access, improvements to several roads including Invergordon Road, Jacaranda Road, and Cactus Wren Road. He noted they had received one public comment from a neighbor who was concerned with access on Invergordon Road.

Mr. Michaud reviewed the draft conditions numbered one through five suggested by staff. He then pointed out some potential discussion points for their meeting, as well as the next steps in the process.

Commissioner Campbell asked about the proposed driveway access was on the lots along Invergordon Road.

Mr. Michaud responded that they could have a driveway off of both Cactus Wren Road and Jacaranda Road. He noted that it was more typical to keep driveways on the lower traffic road.

Commissioner Campbell stated he felt it would be inconsequential to allow for three more homes to be serviced by Invergordon Road.

Commissioner Anton asked what size the existing water tanks were.

Mr. Michaud explained they stand at five feet tall.

Discussion was made on the location of the existing water well. It was determined that they were either completely on Lot 4 or straddling Lots 2 and 4, which would make it difficult to sort out who would maintain them. It was also noted that the well was not highly functional since it did not provide a significant amount of water.

Commissioner Anton suggested creating a condition that required the well either be removed or visually hidden from off the property.

Commissioner Campbell agreed with the idea of removing the well and tanks.

Mr. Michaud asked when they would like to tie in the removal of the well and tanks.

Commissioner Georgelos suggested having it done prior to the recording of the plat.

Mr. Michaud stated he would add that to the conditions.

**No Reportable Action**

**C.     20-006**

Continued Discussion of Upcoming Planning Commission Items for Council Retreat

Mr. Michaud shared the list of items they currently have and asked for additional suggestions.

Commissioner Campbell noted that there is a discrepancy on building heights between hillside and flat lots. He explained why that has created a problem and added that he would like to discuss extending the rotation lengths for hillside to be longer than six-months.

Commissioner Anton expressed that he would like to see a better method of informing people of the additional regulations for hillside homes prior to purchasing a property. Some suggestions were made on how to address the issue through the homeowner association, closing documents, mailouts, and more.

Commissioner Anton recommended discussing a better method of posting permits.

Commissioner Lewis pointed that it can be difficult to enforce lighting violations when they are looking at the lights during the day.

Mr. Burton indicated that some night inspections are done.

Commissioner Georgelos suggested having a follow-up on compliance after six months or a year.

Mr. Michaud noted that would be hard to do without a permit to trespass on