



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Final

Planning Commission

Tuesday, February 5, 2019

6:00 PM

Council Chambers

1. CALL TO ORDER

Chairman Wastchak called the meeting to order at 6:02 p.m.

STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller
Community Development Director Jeremy Knapp
Senior Planner Paul Michaud
Planner George Burton
Town Engineer Paul Mood

2. ROLL CALL

Commissioners Campbell and Covington attended by phone.

Present 7 - Commissioner Daran Wastchak
Commissioner James Anton
Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Pamela Georgelos
Commissioner Orme Lewis
Commissioner Jonathan Wainwright

3. EXECUTIVE SESSION

- A.** [19-036](#) Discussion or consultation with the Town Attorney on legal advice regarding the Major Special Use Permit Amendment application for Mtn View Medical Center located at 10555 N Tatum Boulevard (SUP-18-12) as authorized by A.R.S. §38 431.03(A)(3.)

A motion was made by Commissioner Wainwright at 6:05 p.m., seconded by Commissioner Lewis, to go into executive session to discuss legal matters pertaining to the Mountain View Medical Major Special Use Permit application. The motion carried by the following vote:

Aye: 7 - Commissioner Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wainwright

A motion was made by Commissioner Anton at 6:35 p.m., seconded by Commissioner Georgelos, to adjourn out of the executive session. The motion

carried by the following vote:

Aye: 7 - Commissioner Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wainwright

4. PUBLIC HEARINGS

- A. [19-041](#) Consideration of a Preliminary Plat & Private Road Conditional Use Permit (PA-17-01 and CUP-19-01)
Sanctuary II - Three Lot Subdivision with Private Road
4474 E. Valley Vista Lane (Assessor's Parcel Numbers 169-20-122) and
4490 E. Valley Vista Lane (Assessor's Parcel Numbers 169-20-123)

Mr. Burton introduced the agenda item. He summarized the scope of the request. The subject property, 4474 E Valley Vista, will be split into two lots and a private road would be added. The request is also asking for deviation on the private road to include a hammerhead instead of a cul-de-sac design. He clarified that the code provision allows for a deviation if it is warranted.

Mr. Burton stated that in response to feedback given at the January 22, 2019 meeting the applicant has suggested to keep the hammerhead design but extended the access easement on Lot 2 to enable vehicles to turn-around and exit the subdivision.

Commissioner Lewis asked to what extent are the impacted neighbors fully apprised.

Mr. Burton responded that they must notify all neighbors within a 1,500-foot radius at least 15 days prior to the public meeting date.

Commissioner Campbell stated he does not feel the changes have addressed the problem of it being difficult for vehicles, especially those with trailers, to turn around.

Rich Brock, from Bedrock Developers, stated that years ago the lot was approved for a 20,000 plus square foot home with additional structures and a tennis court. It was decided in 2015 that splitting the lot and building two 5,000 square foot homes would match the neighborhood better. He emphasized that they have spent about two years to make sure they comply with every town standard. The road is private. Garbage trucks and landscape trucks will only have access if a home owner grants it, but adequate space is given for cars to park and turn around.

Chairman Wastchak asked if they talked to more of the neighbors to understand their concerns.

Mr. Brock stated that he did not, but he did spend time with Robert Johnson and Ms. Druitt.

Commissioner Lewis asked if the community supports this request.

Mr. Brock responded that from letters sent this week it looks like many are in opposition, however, he does not feel they understand what is being done. There has been a lot of concern about drainage, but the grading and drainage has been approved. He added that the disturbed area of the original plans covered pretty much the entire lot.

Commissioner Anton commented that he feels the applicant's actions do not show they are concerned with the character of the neighborhood, and the condition of Lot 1 looks deplorable, so he does not feel he can support this tonight.

Mr. Brock stated that they fixed the grading on the lot a couple years ago and they planted vegetation, but it has not grown yet.

Chairman Wastchak stated that while it still looks like a gray scar, at least he brought it back to a point that the Town was satisfied with it.

Paul Mood, Town Engineer, stated that the grade does look like it is back to its original. The natural vegetation has not come back.

Commissioner Wainwright asked if he was told they did not have to put in a road that was 50 feet wide with a cul-de-sac at the end.

Mr. Brock stated they had to apply for a 50-foot wide tract and the hammerhead was fine. He then stated if a cul-de-sac was required at the beginning they might not have done this project.

Paul Michaud, Senior Planner, stated that he disagrees, because from a planning stand point he told Mr. Brock they would need a cul-de-sac as a standard or request a deviation.

Commissioner Wainwright stated that in his experience you need to dedicate a tract that is the equivalent of a cul-de-sac.

Mr. Michaud stated that is correct, but the applicant is asking for deviation from this standard.

Nick Prodanov, engineer for the applicant, stated because this was a hillside lot the intent was to not disturb a lot of land which is why they went with a hammerhead design.

Chairman Wastchak suggested installing a gate to deal with vehicular turn around issues.

Commissioner Campbell pointed out that this will require meeting gate guidelines and feels it could create other problems.

Mr. Burton added that gating the roadway will require a Special Use Permit (SUP) and the gate be setback typically 150 feet from the roadway centerline.

Mr. Brock reiterated that the drawing does not show that there will be driveways and guest parking that will provide access to turn around.

Chairman Wastchak asked if there is a way to restrict putting gates on the individual lots so it does not take away space for vehicles to turn around in.

Mr. Knapp responded that the language for the easement could restrict it.

Commissioner Lewis pointed out the immediate access is a real challenge because there are sightline issues for vehicles in the intersection.

Chairman Wastchak opened the meeting up for public comment.

John Mulchay asked if the plan includes fill that will be greater than the permitted two feet above grade. He also is concerned about drainage and the driveway because he believes there are very few truck drivers that could navigate it.

Mr. Mood stated that because this is a hillside property they can build 24 feet above the natural grade. He then stated that each lot will need a drainage report and a design for the bridge must be in accordance with that report. He added that other requirements have been put in place because of the new hillside safety process such as the drainage report, boulder analysis, and more.

Robert Johnson, owner of Lot 3 of the application, stated that each problem he brought up the applicant addressed or fixed, and he would rather see two homes there than one giant home.

Chairman Wastchak asked if the previous plan for one home would be approved if it went to the Hillside Building Committee today.

Mr. Burton stated that the only issue he believes they would have is the amount of disturbance because of the recent code update.

Chairman Wastchak clarified what they are really deciding right now is if this will be one home or two homes.

Commissioner Campbell asked Mr. Johnson if he would be open to the applicant purchasing some of his land to be able to create a flat cul-de-sac.

Mr. Johnson responded that is maybe something he would consider.

Mr. Prodanov indicated that their intent was to not disturb the wash as much as possible and to put a cul-de-sac at the bottom of Tract A would require them to build a bigger structure over the wash.

Commissioner Campbell asked if the cul-de-sac could be built as a bridge over the wash or the sewer main could be relocated.

Mr. Prodanov pointed out that they could not build a structure in that location because of a sewer main that the City of Phoenix will not allow them to cover.

Commissioner Campbell replied for the applicant to consider this location as the sewer main is not near the centerline of the wash.

Elizabeth Drewett stated she lives west of Lot 1. She supports the lot split and feels it will add value to the neighborhood.

Mike Markham, an adjoining lot owner, shared he is concerned with the potential impact of fill that is encroaching into the wash and how it will affect his property downstream. He is also concerned about the illumination of headlights from cars into people's backyards.

Commissioner Covington asked if Mr. Markham has had any water issues.

Mr. Markham responded that he has not.

Patty McCaleb, another nearby resident, commented that she believed that the Covenants, Conditions, and Restrictions (CC&R) prohibits a lot split unless the home owner's association (HOA) approves it.

Andrew Miller, Town Attorney, replied that the Town does not enforce CC&R's.

Sabra Wagoner, a nearby resident, pointed out that Ms. Drewett's husband is the architect for the project and Mr. Johnson is the one selling the property. She is very concerned about what construction would do to the

arroyo.

Commissioner Wainwright asked how she would feel about one large home opposed to two homes on that site since this lot currently would allow for that circumstance.

Ms. Wagoner replied that it is not important what her preference is on that matter.

A motion was made by Commissioner Georgelos, seconded by Commissioner Lewis, to continue the February 5, 2019 hearing on this item to March 19, 2019. The motion carried by the following vote:

Aye: 7 - Commissioner Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wainwright

5. ACTION ITEMS

- A. [19-037](#) Recommendation of a Statement of Direction Extension for Mtn View Medical Center located at 10555 N Tatum Boulevard (SUP-18-12)

Mr. Miller introduced the item.

Commissioner Lewis stated she feels that landscaping near the intersection needs to be addressed on this item.

Mr. Michaud pointed out that this will go before City Council on February 14, 2019.

A motion was made by Commissioner Lewis, seconded by Commissioner Georgelos, for a recommendation that the Town Council modify the Statement of Direction issued on November 15, 2018 for the Mountain View Medical Center application (SUP-18-12) to change the date the Planning Commission must make their recommendation from March 5, 2019 to April 16, 2019. This will allow the applicant and Commission more time to discuss the proposed amendment. The motion carried by the following vote:

Aye: 7 - Commissioner Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wainwright

6. STUDY SESSION ITEMS

- A. [19-045](#) Discussion of Major Special Use Permit Amendment (SUP-18-05)
7101 E Lincoln Drive - Smoke Tree Resort Study Session #6

Mr. Knapp introduced the item and pointed out that on March 5, 2019 they will have a hearing on this item. He then reviewed the updates and changes that have been made to the plan since the last meeting including height

reductions and more.

Chairman Wastchak asked the applicant if the top of the second story would be used as a patio area.

Mr. Taylor Robinson stated the intent was to have a small one or to whatever extent the Commission would allow one.

Chairman Wastchak stated he would like specific plans for this area if they are going to request something like this.

Mr. Robinson asked the Commission to clarify where they would like the views to be obscured from.

Chairman Wastchak stated they do not want there to be any visibility from the Andaz resort casitas nearby.

Commissioner Campbell pointed out that noise could be a problem as well.

Commissioner Anton expressed that he does not like the height going up to 44 feet.

Mr. Knapp shared the updated open space criteria diagram.

Commissioner Lewis asked to see a rendering of elevations on the west side.

Chairman Wastchak asked the applicant to give them more renderings to include a west elevation as well as views from the east side.

Mr. Knapp pointed out that there is a portion of the building on the west that penetrates the open space criteria.

Mr. Robinson stated when they update the materials it will comply.

Mr. Knapp reviewed responses from the applicant from questions at the last submittal. This included removing 15 lock offs and making improvements to Quail Run Road.

Chairman Wastchak asked if there would be a wall along Lincoln Drive and Quail Run Road that would block headlights.

Mr. Robinson indicated it is their intent to block headlights with either a wall or landscaping.

The Commission discussed walls versus a berm or vegetation.

Chairman Wastchak clarified he would like the final approved documents to include a wall on the property.

Commissioner Anton asked with the wall added, if an 18-foot deep parking spot will be long enough.

Mr. Knapp stated they will need to lengthen them to 20 feet.

Commissioner Anton indicated that they need to be sure there is enough room for people to pull out with the change in parking stall length.

Mr. Robinson asked if in the future the adjacent lot is not residential if that will change anything.

Chairman Wastchak commented he cannot answer that, and they must focus on what is there now.

Mr. Knapp continued with plan updates on garage space sizes.

Chairman Wastchak commented suggested that they consider angled parking.

Mr. Mood stated that they had a third party look at parking for their parking analysis.

Mr. Knapp shared more updates including that they will provide two parking spaces per resort residential and a valet system will be provided.

Chairman Wastchak indicated he would like there to be enough parking that they meet the required number even if the Town later uses the 16-foot right-of-way easement. He added that he would like to see what the valet parking scenario would look like from Civtech in the parking analysis.

Commissioner Anton asked where people that showed up with a boat or trailer would park.

Mr. Robinson responded he does not know.

Commissioner Anton inquired if they have spoken with the medical plaza about parking rights in their parking lot.

Mr. Robinson replied that they have had conversations, but nothing has not

been worked out yet.

Mr. Knapp stated the reason for the 44 feet height was to help allow them to get a better rating with higher ceilings and mechanical covering.

There was discussion on height and architectural visual interest.

Commissioner Anton asked for clarification on why the buildings need to go so high.

Mr. Robinson pointed out that the tiles are used as a mechanical screen as well as architectural feature and if the pitch of the roof is flat enough the tiles will not be seen.

Commissioner Campbell requested that they see more examples of the roof slope.

Commissioner Anton asked why the tile roof screen cannot be four feet high.

The project architect stated that it helps create variation in height, so the building is not all the same height.

Chairman Wastchak asked for clarification on the elevations shown on page 37.

Mr. Robinson replied those are the concept elevations from the side on Lincoln Drive.

Chairman Wastchak reiterated that it would be very helpful to see renderings of what things will look like when people drive by. He commented it may also help people understand that the 44 feet is not across the whole building but only a few elements to create architectural style.

Mr. Robinson responded that they can develop those visuals.

Mr. Knapp discussed the stipulations for the right-of-way. He added that this item will not go back to Council until February 28, 2019.

Chairman Wastchak asked the reason for this delay.

Mr. Mood stated that they have been asked to provide a lot of exhibits, boards, scenarios and staff will need that time to come up with all of it. He then shared some of options staff looked at in making their decision

including that if joint access does not work out, that staff would support a left-in left-out option for Smoke Tree Resort.

Mr. Knapp pointed out that the meeting with Council will happen the Thursday before their Tuesday meeting, so they may need to write a stipulation that deals with how the access will be laid out whether it is joint access or not. He added that the other thing they could do is have the applicant propose a design based only on their property and the stipulation stating those plans would have to shift if a joint access is approved.

Chairman Wastchak commented that he does not want to push this item off to Council and asked for help to understand the timing.

Mr. Robinson responded that pushing means they would be running the risk of losing a whole season which is a big issue to them.

The Commission discussed pushing this item on to Council due to the timing. The consensus is that this needs to be finished up, so they will get what they can do and turn it over to Council.

Mr. Knapp shared information on signage. He noted that the signage will change based on the location of the access. The plans currently include a street corner sign as well as a street sign on Quail Run Road and one on Lincoln Drive. He added that right now the signs exceed the guidelines, but the applicant is willing to bring it into compliance.

Chairman Wastchak asked if the Quail Run Road sign is in the right-of-way. He clarified he does not want this item to leave them with a sign in the right-of-way.

Mr. Knapp stated that the depiction shows the sign as half in and half out of the right-of-way, however, there is a stipulation that states there will be no signage in the right-of-way.

Mr. Knapp indicated they are expecting a response to the draft stipulations from the last meeting by the end of the week. He then asked if they would like to talk about the stipulations tonight or push that to a future meeting.

Chairman Wastchak stated he would rather see the stipulations after they have gotten them back from the applicant and discuss them heavily at the next meeting.

Mr. Knapp pointed out the citizen review meeting is scheduled for February 18, 2019, the next work session will be on February 19, 2019, and the hearing will be on March 5, 2019. He added that the next meeting will most

likely focus only on stipulations and on March 5, 2019 he expects to have a complete booklet.

No Reportable Action

B. [19-044](#)

Discussion and Recommendation to the Town Council regarding Amendments to the Town Zoning Ordinance, Article XI, regarding Changes to Process for Approval of Managerial Amendments

Mr. Miller introduced the item and explained they are looking for any suggestions from the Commission for changes they believe need to be made to the draft ordinance recommended by the Council. He then explained the current process for Managerial Special Use Permit (SUP) amendments and what Council's recommendations are on this matter.

Chairman Wastchak indicated that he agrees with the changes.

Mr. Miller pointed out that the next step would be to schedule a citizen review meeting on the draft ordinance then an ordinance for public hearing would follow and this will most likely happen sometime in March. He then asked for any questions on the draft ordinance amendments.

Commissioner Georgelos asked why the language "town manager or designee" was struck from paragraph two.

Mr. Miller replied that he believes it is because other parts of the code talk about the manager being able to appoint a designee. He added that they will schedule it for a citizen review meeting as soon as they can.

Chairman Wastchak responded that they should notify those that have SUP properties.

Mr. Miller stated that it will also be posted on the Town website.

Chairman Wastchak asked when they might see more on the rules and procedures.

Mr. Miller responded they left it off today's agenda since it was already so full and are waiting to see how much of a priority this item is to Council at their next retreat.

No Reportable Action

7. CONSENT AGENDA

A. [19-025](#)

Approval of January 9, 2019 Planning Commission Minutes

A motion was made by Commissioner Anton, seconded by Commissioner Wainwright, to approve the minutes with a word correction on Page 7. The motion carried by the following vote:

Aye: 7 - Commissioner Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wainwright

B. [19-043](#) Approval of January 22, 2019 Planning Commission Minutes

A motion was made by Commissioner Georgelos, seconded by Commissioner Anton, to approve the minutes with a typographical correction on Pages 15 and 16. The motion carried by the following vote:

Aye: 7 - Commissioner Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wainwright

8. STAFF REPORTS

None

9. PUBLIC BODY REPORTS

Commissioner Anton shared they gave the Montessori School until January 5, 2019 to remove the containers but on January 30, 2019 one of the containers was still there. He questioned about the system in place to follow up and make sure people comply.

Mr. Knapp responded that typically that would be put on his own calendar as well as the planner who is handling the case, but in this case, it was not.

Chairman Wastchak stated he recommends that there be a clear process and there can be one calendar shared by a few people so that it is not forgotten.

Mr. Knapp replied that they will figure out a process and report back at a future date.

Mr. Michaud shared that he spoke with the school and informed them the container needed to be removed or this matter will be submitted to the Town Prosecutor for action. He then notified the Commission that the school responded to him that the container was sold, and they will let him know when it will be removed.

10. FUTURE AGENDA ITEMS

Mr. Knapp reviewed the future agenda items.

11. ADJOURNMENT

Paradise Valley Planning Commission

By: 
Jeremy Knapp, Secretary