



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Draft

### Planning Commission

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Tuesday, August 21, 2018

6:00 PM

Council Chambers

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#### 1. CALL TO ORDER

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

##### STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller  
Interim Community Development Director Paul Michaud  
Planner George Burton

#### 2. ROLL CALL

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

**Absent** 1 - Commissioner Charles Covington

#### 3. EXECUTIVE SESSION

None

#### 4.. PUBLIC HEARINGS

- A. [18-308](#) Consideration of a Minor Amendment to the Hermosa Inn Special Use Permit (SUP-18-08). 5532 N. Palo Cristi Road (Assessor No. 170-03-129) [Motion to continue to September 18, 2018]
- George Burton, Planner introduced the proposed Special Use Permit and commented that the George Burton, Planner introduced the proposed Special Use Permit and commented that the Commission discussed this at the July 17, 2018 Work Study Session. Due to neighborhood concerns, it was decided that the public hearing would be continued to September 18, 2018. He indicated that he is looking for a motion to continue the Hermosa Inn SUP-18-08 application to September 18, 2018 for the public hearing.

Chairman Wastchak opened the public hearing. No one spoke.

A motion was made by Commissioner Wainwright, seconded by Commissioner Georgelos, to continue the Minor Amendment of the Hermosa Inn Special Use Permit to the regular meeting of September 18, 2018. The motion carried by the following vote:

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

**Absent:** 1 - Commissioner Covington

## 5. STUDY SESSION ITEMS

A. [18-311](#) Discussion of a Minor Amendment to the Hermosa Inn Special Use Permit (SUP-18-08). 5532 N. Palo Cristi Road

Mr. Burton commented that this request is five-fold including the following changes:

- Reconfigure and relocate buildings
- Add a new restroom building
- Relocate the event area with a new tent plan
- Add more onsite parking
- Modify landscaping and site improvements

During the work study session, the Commission had expressed concern that the string lights would be visible from off the property. They added a stipulation that amplified music cannot be used in the temporary tents. A gate at the north ingress/egress area was added and additional landscaping is needed along the northwestern area of the campus adjoining the parking lot. A ten-foot screen wall along the expansion parking lot will be included. The Commission clarified that the height of the wall will be measured from the adjoining grade of the wall. It was requested that the applicant contact an acoustical engineer to analyze the height of the wall. The Commission wanted a narrative to describe the intensity of the use of the spa, a parking analysis, and additional information on the grading and drainage plan.

Chairman Wastchak informed the Commission that they decided to continue the public hearing due to concerns brought up by the public.

Mr. Burton overviewed the proposed changes. The room count and floor area ratio (FAR) will remain the same, which includes 49 rooms and 69,038 square feet of footprint. Parking spaces will increase from 156 to 185. The affected buildings have been previously approved but not built. He then showed the map of the site and provided a background of the site and Special Use Permit (SUP) approval.

- Guest Room Building 5:

This building will have a modified footprint. The setbacks and heights will not change. It will match the existing architecture found on site. He presented a side by side of the existing and proposed building footprints and then displayed the building elevations.

- Guest Room Building 1 and 2:

The applicant is proposing to eliminate the additions to guest room building one and two. Square footage will be utilized elsewhere on campus.

- Meeting Room and Storage Buildings 25 and 26:

These buildings will be located next to each other. They will be enlarged and located further west on campus. The setbacks are 120 feet from the west property line and 180 feet from the north property line. The height will vary. The architecture will match other buildings on campus. He then overviewed the elevations and described the building height.

- Back of House Addition 24:

The back of house addition will be located further north on campus and have 130-foot setback from the north property line. The building will contain a height of 19 feet and match existing architecture. He provided a side by side comparison of the two site plans and indicated that it will eat up some of the existing parking spaces. He then overviewed the elevations and site and aerial photos.

- Spa & Fitness Building 19:

This building will be relocated to the west side of the campus and contain a 25-foot setback from the west property line. The building height will be 18 feet. The pool, spa and fitness area are being modified to allow for guests, adjacent neighbors and 20 members who reside within 1,500 feet of the resort. This will be done on a first come/first serve basis. He then presented elevations, site photos and side by side site plans.

- New Restroom Building 44:

The restroom will be located in the center of campus and contain a height of 14'-6." He then overviewed associated plans for this building. It was clarified that this building will be separated from the adjacent building. The entryway to the restrooms will be located between the two adjacent buildings. There will be a trellis attached between the buildings.

- Temporary Tent Plan:

The two tents will be 24 feet tall. One tent will be 40' x 40' and the other will be 20' x 20'. Each will be erected for 16 consecutive days max. They will have a minimum setback of 80 feet from the closet property line and events will end by 10:00 p.m.

- Event Area:

The event area will be relocated to the south/central part of the campus and be surrounded by guest room buildings 1-8. They will add fountains, fireplaces and pathways. He then displayed associated site plans.

Commissioner Georgelos asked if the new location would be further from residential areas.

Mr. Burton confirmed that it would be further away, and near Stanford Drive.

The applicant is proposing an amendment to the current stipulation to allow for amplified music for a two-hour duration that ends by 9:00 p.m.

A commissioner asked what the maximum decibel would be.

Mr. Burton commented that they would have to meet town code. Code allows up to 56 decibels between 7:00 a.m. - 10:00 p.m. This is measured at the adjoining property line. From 10:00 p.m. - 7:00 a.m. it drops down to 46 decibels.

A commissioner asked if the applicant would regulate their decibel level on site.

Mr. Burton indicated that it would be on a complaint basis.

Chairman Wastchak stated that the police department will go out once they receive a call and measure the decibel level at the property line. If the music is above the allowed level they will then require it to be lowered.

A commissioner asked if the decibel meter is expensive.

Mr. Burton indicated that the one they have is about \$700 but residents can download a meter app on their phone.

Regarding lighting, the applicant is proposing to install lighting on 16-foot-tall poles with string lights. This will meet the output of 5.0 foot-candles at the property line. The applicant is proposing to put a shroud over the lights to limit light trespass. A stipulation has been added that if the

light is visible from off the property, then a shield will be required. He then presented lighting details and site photos.

A commissioner asked how much vegetation would be eliminated with the new parking area.

The applicant commented that the existing trees shown in the photo will remain.

Mr. Burton then moved on to parking. He indicated that during the 2007 amendment they allowed for the removal of the existing garden to accommodate parking. They required a 10-foot tall screen wall to help mitigate noise. In 2016, they modified the plan to keep the garden and remove the screen wall and then in 2018, they applicant is now proposing to remove the garden for parking and will construct the 10-foot tall screen wall and keep the oleanders.

A total of 29 parking spaces will be added on the north side and south side of campus. The parking count will go from 156 existing spaces to 185 spaces. A total of 183 spaces are required. They will add a six-foot-tall gate at the north ingress/egress point. It will be open from 8:00 a.m. to 4:00 p.m.

Commissioner Wainwright stated that the Americans with Disabilities Act (ADA) spaces were behind the back of house on item 24. He inquired why they were removed and if they are needed.

The applicant explained that ADA does not require any if parking is all valet. He indicated that they are keeping the existing ADA spaces.

Commissioner Campbell asked for clarification regarding a square symbol on the plans.

The applicant stated that it represents a drain.

Chairman Wastchak inquired regarding if ADA spaces are required for employees.

The applicant responded that is why the three ADA spaces are there.

Commissioner Georgelos asked if the employees are going to be coming through the gated area.

The applicant responded that employees would enter through the back

area from 8:00 a.m. to 4:00 p.m.

- Parking Lot Screen Wall:

The applicant will add a 320-foot long 10-foot tall wall along the north parking area. It will be setback 20 feet from the north and east property lines. They did consult with an acoustical engineer regarding the additional three feet of height to reduce noise and the engineer has indicated that it would be barely noticeable.

A commissioner asked if the wall would run along the entire parking lot.

Mr. Burton confirmed that it would. During the July 17, 2018 meeting it was shown ended short, but now it will run the entire length.

Chairman Wastchak asked if the engineer report was included.

Mr. Burton confirmed that it was.

Chairman Wastchak noted that there is a gate in the wall.

The applicant indicated that there would be three locked gates to provide access if needed.

Commissioner Georgelos asked what happened to the area on the north part of the property where there is gating. It used to be used for storage.

The applicant responded that this is where the wall is being extended.

Mr. Burton commented that with the parking improvements, there would be some additional lighting, including wall mounted lights, bollards, down lights and landscaping lights. A total of 32 up lights will be added. There will be 12 wall mounted lights installed at six feet in height, 15 bollards at 43 inches tall and 20 tree-down lights. He then presented the photometric lighting plan. Most of the output at the property line was measured close to zero. He then presented the cut sheets of each of the lights. He showed photos of the existing parking lot. Landscaping will be placed around all of the improvements which includes trees, shrubbery and ground cover. A landscaping plan was displayed. More landscaping will be added on the north property line as was requested by the Commission. The Commission also requested more information regarding the grading and drainage of the site. The applicant has provided a concept drainage plan which has a drainage solution for each area of improvement. A stipulation will be added that all grading and drainage requirements be met. He then displayed the conceptual plan.

Mr. Burton indicated that public comment was received by four neighbors concerned about the intensity of the development. He provided a list of the draft stipulations.

A commissioner asked where the people who commented live.

Mr. Burton marked the parcels on the screen.

Chairman Wastchak asked staff to read through the stipulations.

Mr. Burton then read through each of the draft stipulations.

Chairman Wastchak asked in regards to stipulation six, if any residents who are immediately adjacent to the resort are outside of the 20 additional and are already included. He asked if the adjacent neighbors were included in the traffic study.

The applicant commented that they were already included since they are right next door. They will most likely walk over.

Commissioner Anton commented that the stipulations state when the gate can be opened but not when it must be closed.

The applicant indicated that they are proposing a modification to the stipulation to close the gate from 4:00 p.m. to 8:00 a.m. The other stipulation is to shield the lights regardless of complaints. He commented that the language for the stipulation would state "It must remain closed from 4:00 p.m. to 8:00 a.m."

Chairman Wastchak requested reasoning for the condition.

The applicant clarified that it is due to the traffic in the evening and closing the gate at 4:00 p.m. will require people to drive to the main entry and use the valet. There was some concern regarding trash trucks coming in early in the morning.

Commissioner Campbell asked why they are making changes to the amplified music from one to two hours.

Doug Jorden, attorney for the property owner of the resort, stated that the only change is to add one hour.

Steve Ast, General Manager, stated that two hours will help to satisfy the needs of customers in regards to wedding ceremonies.

Mr. Jordan commented that the event area was moved to the center of the campus so if there are issues with the music it will affect the guests. It internalizes everything.

Commissioner Campbell asked if 9:00 p.m. will become the norm.

Mr. Jordan stated that most music goes until 10:00 p.m. so they are pulling it back an hour earlier.

Commissioner Wainwright stated that he likes the changes.

Commissioner Georgelos asked if the lighting in the parking area would follow the code requirements and if light would be seen off site.

Mr. Burton responded that light output will be minimal. At the property line, the output will be close to zero.

The applicant indicated that pole lights have been removed and certain down lights have been eliminated.

Chairman Wastchak asked about the lighting in the parking lot.

Mr. Jordan noted that they will use bollards, but wall mounted lights would be installed on the 10-foot tall screen wall. The parking lot will be fairly dark because there will be valet parking in place.

Commissioner Lewis asked if the Maricopa County noise ordinance prevails over the Town Code.

Andrew Miller, Town Attorney, clarified that they would not use the County ordinance, just the town's ordinance.

Commissioner Lewis asked how does enforcement of the noise ordinance work.

Mr. Miller stated that the town would find out through a complaint. If it is at night, a police officer would respond and talk with the property owner or manager. If the music is loud, they would ask them to turn it down. They could measure the noise with a noise meter. Typically, people would receive a warning first.

Mr. Jordan began his presentation. He showed the Commission a map of the proposed area. He commented that a citizen review meeting is not required under a minor amendment until the public hearing. However, they

wanted to get ahead of the curve and sent letters to the surrounding property owners regarding the project. He gave an overview of the property owners that have responded. They have tried to meet the concerns of the neighbors. They have agreed to add the oleanders on the north end and extend the wall with a sliding gate. They have removed all pole lights. In the 2007 site plan, the parking was located on the north property line. He then showed the 2014 plan and noted several site elements. He then reviewed the stipulations. They will try to get the gate in soon to limit access at night. He noted that the event area will be self-policed by their own guests.

Commissioner Georgelos asked if they would try to buffer the chain link area.

Mr. Jorden pointed out the note on the plan to add oleanders.

Commissioner Georgelos asked how the dialog is going with the neighbors.

Mr. Jorden stated that Steve Ast has been in contact with them. He noted that one of the neighbors has been contacted but the meeting has not taken place yet.

Mr. Ast commented that the meeting will be on September 5, 2018.

Mr. Jorden stated that the neighbors to the west are fine with the changes. They requested that they try to save trees. He commented that they are trying to make them happy.

Commissioner Campbell stated that when they have Special Use Permit sites in neighborhoods, the Planning Commission try to maintain the open space requirements which is 16 feet and 18 feet heights for ancillary structures. He asked why the 18-foot height on the spa.

Mr. Michaud stated as a comparison that accessory structures in residential development are limited to 16 feet in height.

Mr. Jorden indicated that the spa building will not be visible because all of the existing vegetation that will screen it.

Chairman Wastchak thanked him and stated that they will meet again on September 18, 2018.

**No Reportable Action**

- B.**     [18-310](#)     Citizen Review of Amendment to Article XVI, Home Occupation; Section 1603, of the Town Zoning Ordinance.

Mr. Miller stated that this amendment came about due to people parking in side yards and on grass areas. The proposed amendment would restrict people from parking motor vehicles in areas that are visible from the street or an adjacent property, not parked on a driveway, which is surfaced with asphalt, concrete, pavement, bricks, cement or other material that is compacted or chemically stabilized.

Chairman Wastchak asked if this is solving a current problem.

Mr. Miller indicated that they have received three separate complaints, two being recent, regarding several people being onsite for a home occupation and parking on grass and in side yards.

Commissioner Wainwright stated that he would like the ordinance to be applied town-wide.

Mr. Miller explained that some of the older housing stock in town have areas that are grandfathered and this ordinance would be an over-reach.

Commissioner Anton noted a residence in town that is not parking on their driveway.

Chairman Wastchak asked in regards to what other municipality's ordinances restrict.

Mr. Miller responded that most cities restrict parking on dirt for dust control reasons. They did look at Fountain Hill's code and they require parking in designated driveways which are approved on site plans. Paradise Valley does not have designated driveway requirements and they would have to do this after-the-fact. He remarked, staff started with a broad approach and were directed by Council to make it narrower.

Commissioner Campbell indicated that he likes it narrower.

Mr. Miller stated that they have this amendment noticed for public hearing on September 18, 2018.

Commissioner Georgelos suggested that they use consistent terminology regarding parking onsite. Instead of saying onsite, they could say on the residential property. She indicated that paragraph eight needs to be tightened up because it is overly wordy.

Chairman Wastchak suggested that Mr. Miller get with Commissioner Georgelos prior to the public hearing to review the wording. He asked if any members of the public had comments on the proposed ordinance.

There were none. He then moved on to the Hillside code amendments.

There was no public comment.

**No Reportable Action**

## 6. PUBLIC HEARINGS (CONTINUED)

- A. [18-307](#) Public Hearing for Hillside Code Amendments to Article XXII of the Zoning Ordinance. Draft Ordinance 2018-15.

Mr. Burton reviewed four sections. These sections included:

1. Update Definitions
2. Expiration of Hillside Applications
3. Pre-Application Submittal
4. Clarify Language on Request to Remove Property from hillside Designation

He then provided an overview of the background and past review dates. He commented that they are removing several definitions that are no longer needed or referenced in code and are adding and modifying definitions to address items in the code. He then provided a list of the definitions under consideration. Language is being added for hillside applications to expire similar to building permits. There is a one six-month extension and the Town Manager may grant two six-month extensions based upon circumstances beyond an applicants' control.

Mr. Burton commented that the preapplication submittal will bring the code in alignment with the Hillside Safety Manual. This will be the first step in the hillside process. This is similar to current practices. He stated that the language regarding removing a property from a hillside designation was recently added. The proposal clarifies that removal of property from a hillside designation is subject to Council discretion. Staff is recommending that the Planning Commission forward this text amendment to the Council with a recommendation of approval.

Commissioner Georgelos commented that the 'a' in application should be lowercased to be consistent throughout. She pointed out a typo in the 3rd to last line of the provisions and asked it to be cleaned up. She asked if there are any approvals that are not approved by the Hillside Building Committee or the Chair.

Commissioner Georgelos clarified that the applicant will need to get the second and third extension approved by the Town Manager or the designee. There may be some room to tighten the code in how it is written.

Chairman Wastchak suggested that the extensions be broken down into subsections to make it easier to understand.

Mr. Miller stated that he will work with Mr. Burton on these changes.

Chairman Wastchak opened the public hearing. There were no comments. He then closed the public hearing. He requested a motion to forward the ordinance to the Council for approval.

**A motion was made by Commissioner Lewis, seconded by Commissioner Wainwright, to recommend that Town Council approve the amendments to the Hillside Building Regulations to Article XXII of the Zoning Ordinance related to revisions of several definitions to reflect terms that are used in the Hillside Building Regulations, to identify the expiration limits of a hillside application, to identify the requirement for a pre-application submittal as part of the hillside review process, and to provide clarification regarding the process to remove a property from the hillside designation. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Covington

**7. ACTION ITEMS**

None

**8. CONSENT AGENDA**

**A.**     [18-309](#)     Approval of August 7, 2018 Planning Commission Minutes

**A motion was made by Commissioner Campbell, seconded by Commissioner Anton, to approve the August 7, 2018 minutes. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Covington

**9. STAFF REPORTS**

None

**10. PUBLIC BODY REPORTS**

Chairman Wastchak informed the Planning Commission that the applicant for the Lincoln Medical Plaza has reached out to him about what they are planning to do. The Mayor has indicated that he would like to have a meeting to coordinate with the applicant, Smoke Tree and Applewood Pet Resort to start communicating with each other. He commented that he will

let the Planning Commission know when the meeting is in case they want to participate.

**11. FUTURE AGENDA ITEMS**

Mr. Michaud stated that there is nothing in the pipeline for the next meeting.

Chairman Wastchak commented that the next meeting will be cancelled.

Mr. Michaud indicated that the next official meeting on September 18, 2018 will be a work session for Lincoln Medical Plaza, a hearing for Hermosa Inn and the text amendments heard today.

**12. ADJOURNMENT**

**A motion was made by Commissioner Campbell at 7:30 p.m., seconded by Commissioner Georgelos, to adjourn the meeting. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Covington

**Paradise Valley Planning Commission**

By: \_\_\_\_\_  
Paul Michaud, Secretary