



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Planning Commission

Tuesday, December 20, 2016

6:00 PM

Council Chambers

1. CALL TO ORDER

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

STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller
Community Development Director Eva Cutro
Senior Planner Paul Michaud
Planner George Burton

2. ROLL CALL

Present 5 - Chairperson Dolf Strom
Commissioner Scott Moore
Commissioner Jonathan Wainwright
Commissioner Daran Wastchak
Commissioner Thomas G. Campbell

Absent 2 - Commissioner Jeff Wincel
Commissioner Richard K. Mahrle

3. EXECUTIVE SESSION

None

5. PUBLIC HEARINGS

[16-462](#)

Consideration of a Conditional Use Permit at the Camelback Golf Club for proposed Personal Wireless Service Facility Antennas (CUP 16-4) 7847 N. Mockingbird Lane (Assessor's Parcel Numbers 174-36-188A and 174-36-189).

George Burton gave a presentation on the request. He stated that the Planning Commission reviewed this application request at their last meeting. Since that meeting, there were corrections to the RF data and more information on the safety signs.

Commissioner Wastchak inquired on the height. Mr. Burton replied the proposed parapets will not exceed the overall height of the existing

building.

Responding to a question, the applicant stated the new antennas would improve the cell reception inside the building.

Chairman Strom stated he spoke with the applicant on the RF prior to the meeting. It was noted that the RF is well below required standards, being 1% at 20' above ground and below 0.5% at ground level.

Commissioner Moore asked whether the RF information will be in the final report. Mr. Burton replied yes, referencing the stipulations.

Commissioner Campbell inquired about any removal of existing trees in the line of sight of the antennas. The applicant replied no trees will be removed as the antenna in question faces west as to not impact that group of trees.

The meeting was opened to the public. No persons spoke.

There were no further questions by the Planning Commission.

A motion was made by Commissioner Wainwright, seconded by Commissioner Campbell, to approve the Conditional Use Permit subject to the following stipulations:

1. All improvements to shall be substantially compliant with the project narrative and the following plans:
 - a. Sheet T-1, Project Information & Data, prepared by PK Design Inc, dated June 26, 2014;
 - b. Sheet C-1, Topographic Survey, prepared by RLF Consulting LLC, dated June 25, 2014;
 - c. Sheet C-2, Topographic Survey, prepared by RLF Consulting LLC, dated June 25, 2014;
 - d. Sheet Z-1, Site Plan, prepared by PK Design Inc, dated June 26, 2014;
 - e. Sheet Z-2, Enlarged Site Plan, prepared by PK Design Inc, dated June 26, 2014;
 - f. Sheet Z-3, Enlarged Site Plan, prepared by PK Design Inc, dated June 26, 2014;
 - g. Sheet Z-4, Project Elevations, prepared by PK Design Inc, dated June 26, 2014; and
 - h. Sheet Z-5, Project Details, prepared by PK Design Inc, dated June 26, 2014;
 - i. The Evaluation of Human Exposure to Radio Frequency Emissions report prepared by Global RF Solutions, dated 2012.
 - j. The Radio Frequency Compliance Evaluation letter, prepared by Verizon Wireless, dated December 13, 2016, and updated by the December 20, 2016 e-mail.

2. A Final Radio Frequency Emissions report authored, signed and certified by an RF Engineer must be submitted to the Town demonstrating the facility is in compliance with FCC regulations prior to the issuance of a Certificate of

Completion.

3. The wireless provider shall terminate operation of the proposed wireless service facility should it interfere with any emergency radio frequency.
4. A Verizon site ID sign and a 10-Site Guidelines sign shall be installed at the access hatch.
5. Landlord must ensure that Verizon Wireless Antenna access will be restricted to personnel that have been authorized by Verizon Wireless (EME Awareness trained personnel only) including all maintenance personnel and contractors accessing the antenna area.

The motion carried by the following vote:

Aye: 5 - Chairperson Strom, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak and Commissioner Campbell

Absent: 2 - Commissioner Wincel and Commissioner Mahrle

4. STUDY SESSION ITEMS

A. [16-466](#) Consideration of the Ritz-Carlton Preliminary Plat (Area C)

Eva Cutro gave a presentation on this request. She gave a history on the past changes based on Planning Commission input of prior meetings.

Commissioner Moore noted he did not favor that the additional landscape tract along Mockingbird Lane was removed and that the proposed trees are now shown as part of the lots. He emphasized that this is not in substantial compliance based on the prior input.

Commissioners Campbell and Wastchak added they do not support two-story homes along Mockingbird Lane.
Eva Cutro stated staff agrees.

Ms. Cutro reviewed the five proposed stipulations, noting Stipulation 5 addresses the two-story lot matter. There was discussion regarding the Special Use Permit approval and the proposed plat on which lots were shown as one-story versus two-story.

Commissioner Campbell inquired on the proposed roadway gates, particularly the stacking and turnaround of the northwest gate. The applicant responded the northwest gate is more of an exit gate for the three lots it serves.

The applicant gave his presentation. He described the changes in removing odd-shaped lots and the reduction in allowable lots from 45 to 40. He illustrated a sketch-up model along Mockingbird Lane.

Commissioner Moore mentioned that all the prior lots along Mockingbird Lane were forward facing and setback from an internal road. He is concerned the proposed lots now back to Mockingbird Lane. There was discussion on the outside perimeter wall/theme wall location and the 35-foot tract/easement.

Chairman Strom asked about the open space criteria. Ms. Cutro remarked that the open space criteria does not apply to this property, but if it did the measuring starts at the exterior property line. It was noted that the typical setback to the right-of-way line is 70 feet which would be consistent with open space criteria.

Commissioner Wastchak asked why the applicant needs a two-story product besides economics. The applicant replied his client is willing to provide a larger building setback via the landscape tract if the plan includes two-story on the lots in question. There was continued discussion on this topic.

Eva Cutro reviewed the proposed stipulations, including the additional stipulations.

No Reportable Action

6. ACTION ITEMS

A. [17-468](#) Consideration of the Ritz-Carlton Preliminary Plat (Area C)

The meeting was opened to the public. No persons spoke. There was no further discussion by the Planning Commission.

A motion was made by Commissioner Wastchak, seconded by Commissioner Wainwright, to approve the preliminary plat map, "Ritz-Carlton Resort - Parcel C", subject to the following stipulations:

- 1. The final plat map shall be in substantial compliance with the preliminary plat map, "Ritz-Carlton Resort - Parcel C", Sheets 1-6, prepared by Coe & Van Loo Consultants, Inc. dated December 12, 2016.**
- 2. Prior to recordation of the final plat, 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 that address items such as street improvements, sewer, water, grading, drainage, landscaping, and easements shall be completed as set forth in the Special Use Permit and Development Agreement for**

this property.

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.

5. All perimeter lots bordering Lincoln and Mockingbird shall be one story/20-foot maximum height with non-repetitive adjacent elevations and/or colors and/or orientations such that it creates a visually interesting varied streetscape.

The motion carried by the following vote:

Aye: 5 - Chairperson Strom, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak and Commissioner Campbell

Absent: 2 - Commissioner Wincel and Commissioner Mahrle

7. STUDY SESSION ITEMS (Continued)

A. [16-450](#) Discussion of a Minor Amendment to the Mountain Shadows Special Use Permit
5587 E Valley Vista Lane - Patio Encroachment in Setback
Paul Michaud presented the application in accordance with the packet.

Commissioner Campbell asked if this is denied, what is the impact and questions on hardship. Mr. Miller noted the application must comply with the minor amendment criteria instead of the variance criteria .

There was discussion regarding the setback of the home to the right-of-way, sidewalk, and edge of 56th Street. This included background on the right-of-way jog adjoinin gthe subject lot.

Chairman Strom had questions about the dimension of the angles on the site plan.

Commissioner Moore asked on the patio cover height and chimney height. It was noted that if the chimney is wood-burning that the building code would require a higher clearance.

No Reportable Action

8. PUBLIC HEARINGS (Continued)

A.1 [16-451](#) Consideration of a Minor Amendment to the Mountain Shadows Special Use Permit
5587 E Valley Vista Lane - Patio Encroachment in Setback SUP-16-06
(Assessor No. 169-30-203)

The meeting was opened to the public. No persons spoke. There was no further discussion by the Planning Commission.

A motion was made by Commissioner Campbell, seconded by Commissioner Moore, to deem the requested amendment of the patio encroachment to the Mountain Shadows Resort Special Use Permit a Minor Amendment per the criteria listed in Section 1102.7.B of the Zoning Ordinance. The motion carried by the following vote:

Aye: 5 - Chairperson Strom, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak and Commissioner Campbell

Absent: 2 - Commissioner Wincel and Commissioner Mahrle

A motion was made by Commissioner Campbell, seconded by Commissioner Wastchak, to approve the Mountain Shadows Resort Minor Special Use Permit Amendment to allow for a patio/outdoor fireplace encroachment, subject to the following stipulations:

1. All improvements to the property shall be in substantial compliance with the narrative, plans, and related items in the Minor Amendment booklet prepared by CVL Consultants dated November 16, 2016.
2. The approximate 55-square foot encroachment area shall not be enclosed on its exterior sides.
3. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by the Minor Amendment SUP-16-06.
4. The maximum chimney height shall be 15.125 inches if required by the Town building code.
5. The angled 19-foot dimensions on the site plan of Exhibit 9 shall be removed.

The motion carried by the following vote:

Aye: 5 - Chairperson Strom, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak and Commissioner Campbell

Absent: 2 - Commissioner Wincel and Commissioner Mahrle

9. STUDY SESSION ITEMS (Continued)

- A.** [17-467](#) Lighting Code Revisions to Article 10 Height and Area Regulations, Section 1023 Outdoor Lighting and Illumination; Article 22 Hillside Development Regulations, Section 2208 Outdoor Lighting; Article 25 Signs, Section 2506 Lighting; and Special Use Permit Guidelines, Section 2 Lighting as contained in Ordinance # 2016-04.

Ms. Cutro presented in accordance with the packet.

Chairman Strom noted that the purpose of entry lighting is to find the front

door and see the person outside for safety. Commissioner Moore added that options exist to use can lights versus translucent fixtures.

Commissioner Wastchak asked if the Kelvins and lumens referenced were appropriate. Ms. Cutro replied yes. She noted that these are based on research in speaking with lighting experts and research on the internet.

Tree lighting was discussed. Commissioner Moore had concerns on the changes in height for tree lights.

Chairman Strom asked about the quantity of up-lights. Ms. Cutro stated it remains at one light per 1,000 square feet of disturbance. She noted the draft limits three down lights per tree.

Chairman Strom suggested time limitations on string lights, such that they can only be on when in use. Commissioners Campbell and Moore expressed a dislike in the use of string and rope lighting. Commissioner Moore noted that differences in hillside and flat land lots on this type of lighting may be necessary.

Commissioner Moore suggested the need for a conversation with Council regarding loosening lighting standards and its impact on dark skies.

Regarding entry lights, Commissioner Campbell only sees merit for unshielded at the entry. Ms. Cutro noted that new language was added to expand to other locations on the home since most people like to use the same light fixture. Commissioner Campbell would like to explore LED panels with a globe light. It was noted that you would not see the light source but it illuminates the globe.

On next steps, several ideas were raised that include running the draft by several Council members, a joint meeting, and a community conversation to get resident input. Ms. Cutro noted she would seek direction from the Town Manager.

No Reportable Action

B. [17-469](#) Discussion of Hillside Code Updates (Article XXII of the Town Zoning Ordinance)

Mr. Burton gave a presentation on this item. He reviewed 18 topics.

RETAINING WALLS

Chairman Strom is ok with allowing a view guard at 36 inches in height along a driveway.

Commissioner Campbell noted a concern on consideration of allowing an 18-inch retaining wall versus the current 6-inch above the material the wall retains from the viewpoint of a visual effect from properties below. It was noted that the maximum retaining wall height would remain at 8 feet.

Regarding retaining walls spaced closer than four feet acting as one retaining wall, the majority of the Planning Commission suggested to leave this unchanged to encourage landscaping and as a practicality for footings.

Mr. Burton read the three ideas he was given by a local contractor regarding allowance for more than 6 inches above the material a retaining wall retains if the wall is for flood purposes, to reconsider on-site retention on slopes greater than 20-percent, and to codify that the Town receives final as-built grading and drainage plans.

There was discussion on the on-site retention and who decides retention requirements. Mr. Burton noted the ongoing stormwater manual changes.

MATERIAL PALETTE

No comments

HILLSIDE REVIEWS

Mr. Burton noted the proposed Hillside chairperson review allowances.

Commissioner Wastchak questioned the ability of the Town to deny solar panels. Mr. Miller stated he would research this point.

Scott Jarson, Hillside Chairman, suggested there be a number limit on the solar panels a chairperson can approve. This seemed agreeable to the Planning Commission. Mr. Burton did remind those present that the chairman has the ability to request the application go through the full Hillside Building Committee if there is an adverse impact.

DISTURBED AREA CALCULATIONS

There was discussion on counting house footprint into disturbed area and whether Proposition 207 could apply. This included discussion of increasing the allowable disturbance to accommodate typical footprint, uncertainty in determining the typical footprint, that Floor Area Ratio still remains at 25-percent, and that residents bought their property understanding that footprint did not count.

Commissioners Moore and Jarson suggest footprint count on disturbed

area. Commissioner Campbell suggested to do a few case studies at varying slopes to see the impact between the proposed new rule and old rule.

There was discussion on use of the building pad slope versus the site slope. Discussed the calculation of slope.

DEMO

This is a new section for assurance and stacking. All the Commissioners present were in support of this section.

STUDY MODEL

No edits were suggested regarding allowing allowance of an applicant to make a 3-D model to scale or a model by computer.

ACCESSORY STRUCTURES

No comments

OVERALL 40-FOOT HEIGHT

Chairman Strom was concerned with where to measure by including structures such as a fountain or pool. He remarked this seems overly restrictive.

DRIVEWAY DISTURBANCE AND CREDITS

There was discussion on the prohibition of asphalt driveways for new homes, whether the entire driveway or a portion of the driveway can be counted, among other points. Chairman Strom noted there is a loophole that would allow someone to pave their entire site and have a bigger driveway since the provision for an existing home is not included in disturbed area. It was suggested to modify that section.

Chairman Strom suggested all driveway and cantilever items be located in one area of the code.

LIGHTING

It was noted this was reviewed in the prior item on the Commission agenda.

REMOVE FROM HILLSIDE

No comments

ASSURANCE BOND

This item related to updating the code to define the demolition process better and include a landscape bond option.

There was discussion on the amount charged for cut/fill related to restoration. Most noted the \$25 amount seems too low. It was noted that the modification includes bids. Chairman Strom mentioned the code should define who will review these bids and identify the use for that money.

SOLAR PANELS

It was noted that the modification will allow some solar panels to be reviewed by the chairperson and allowed on a pitched roof if screened by a hillside cut or roof structure.

Andrew Miller stated a homeowner association cannot prohibit solar panels and the Town can only limit fees and reviews. He continued that he believes aesthetic rules are allowed.

Scott Jarson asked if ground mount is permissible. Mr. Burton replied yes.

CANTILEVER

There was discussion on both building cantilevers and driveway cantilevers. There were concerns about how much cantilever is allowable, whether to prohibit driveway cantilevers, the visual impact as seen from below, and the need for more illustrations.

ON SITE RETENTION

It was suggested to us a different term than basin.

POOL BARRIERS

The matter of creating a yard via a loophole in the pool barrier regulations was discussed. Chairman Strom expressed that the 15-foot distance is too small. Commissioner Wainwright stated the water feature to create a fenced yard is a loophole. Scott Jarson remarked it is hard to define the pool area, he would not want to create a standard the Town may not want. It was suggested to leave the language as the minimum amount needed to secure the pool and let the Hillside Building Committee decide.

ADMIN RELIEF

Mr. Burton noted that this is the 10-percent relief granted by the Community Development Director that applies to Article X and is proposed to apply to hillside. It was noted the provision only applies to existing structures, not new homes. Commissioner Wainwright was ok with this provision. Commissioner Campbell had concerns. It was suggested to put a list together on what is appropriate under this provision.

Going through all the points, the next step was to have an additional study session and citizen review session. It was noted that Commissioner Campbell will be the Planning Commission representative as Commissioner Moore will be moving to Town Council.

Chairman Strom opened the meeting for public comment.

Brent Kendle, local architect, applauded the effort to streamline the code. He noted that any provisions should be evaluated to avoid a one size fits all, he prefers a case-by-case review as each lot is unique, and suggests more latitude given to the Hillside Building Committee.

There were no other comments.

No Reportable Action

10. CONSENT AGENDA

None

11. STAFF REPORTS

None

12. PUBLIC BODY REPORTS

None

13. FUTURE AGENDA ITEMS

It was noted that there will be a meeting on January 3, 2017.

14. ADJOURNMENT

A motion was made by Commissioner Moore at 9:20 p.m., seconded by Commissioner Campbell, to adjourn the meeting. The motion carried by the following vote:

Aye: 5 - Chairperson Strom, Commissioner Moore, Commissioner Wainwright,
Commissioner Wastchak and Commissioner Campbell

Absent: 2 - Commissioner Wincel and Commissioner Mahrle

Paradise Valley Planning Commission

By: _____
Eva Cutro, Secretary