Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Planning Commission

Tuesday, July 25, 2017 | **6:00 PM** | **Council Chambers**

SPECIAL MEETING

STAFF MEMBERS PRESENT
Town Manager Kevin Burke
Town Attorney Andrew M. Miller
Community Development Director Eva Cutro
Senior Planner Paul Michaud
Town Engineer Paul Mood

1. CALL TO ORDER

Chairman Wastchak called the meeting to order at 6:09 p.m.
Commissioner Mahrle attended by phone.

2. ROLL CALL

Present 5 - Chairperson Daran Wastchak
Commissioner James Anton
Commissioner Thomas G. Campbell
Commissioner Richard K. Mahrle
Commissioner Jonathan Wainwright

Absent 2 - Commissioner Charles Covington
Commissioner Dolf Strom

3. EXECUTIVE SESSION

None

5. PUBLIC HEARINGS

A. 17-241 Public Hearing and Action upon Ordinance 2017-05 Regarding an Administrative Review of Small Cell Wireless Facilities

Mr. Burke reviewed the item. This is the third meeting by the Planning Commission on this item. Mr. Burke showed the redline version of the ordinance asking for any additional edits. There were no additional edits.

Chairman Wastchak inquired about reliance on the cell consultant and whether staff would gain the expertise as time goes on.

It was stated that existing verticality is mostly used up with the existing NewPath system.

There was discussion on the location of the disconnect switch. It was noted it should be above ground since it is a safety feature. It was stated the switch is small. The code states the meter and disconnect switch will be above ground.

Mr. Burke reviewed the edits on radio frequency based on input from the Town's expert. This was technical clean up.

Chairman Wastchak inquired whether the Town will have liability regarding workers and repair on poles. The Town Attorney replied yes and no.

Mr. Burke talked about interference as a real issue, but it is uncommon.

It was noted language was added to allow for extension of the application review beyond the 180 days if there was no power or via mutual agreement.

The meeting was opened to the public. There were no persons that spoke on this item.

A motion was made by Commissioner Campbell, seconded by Commissioner Anton, to recommend approval of Ordinance 2017-05 as drafted to the Town Council. The motion carried by the following vote:

Aye: 5 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Mahrle and Commissioner Wainwright

Absent: 2 - Commissioner Covington and Commissioner Strom

B. 17-256 Discussion of a Minor Amendment to the Ritz-Carlton Special Use Permit, Area B
SEC Indian Bend Road and Mockingbird Lane, 7000 E Lincoln Drive - Modifications to basement light wells and removal of the Neighborhood Walk

Ms. Cutro reviewed the request. She explained that the request is for expanded light wells, to join light wells, and to remove the interior 5-foot neighborhood walk.

She noted that there were no comments based on the noticing.

She reviewed the recommendations.

The applicant's attorney, Jason Morris, gave a presentation. He stated the

request is not to create a whole scale change. This area did not have a final user when the Special Use Permit was approved. They do not want to create a standard subdivision, instead a development that is worthy of Paradise Valley.

Mr Morris continued that all the expanded light wells will be on the perimeter lots. The contiguous light wells can be on any lot. The code permits light wells, it is to bring into this century with light and air.

Mr. Morris showed some real world examples.

Commissioner Campbell has concerns about eliminating the opportunity for landscaping between the homes. Mr. Morris replied the owner agrees to at least 5-feet of landscaping and 10-feet between light wells. Mr. Morris replied that 5-feet is enough for a tree.

On the neighborhood walk, Mr. Morris noted each home will be at least 300 feet from a sidewalk/path to the resort and this will be a walkable community. He stated this is a resort community and not a working commuter community. He emphasized the interior streets will have a low volume of traffic. He suggests alternative pavement material for the streets. The applicant is willing to prohibit on-street parking, if necessary. The Planning Commission had concerns about enforcement of the no on-street parking. Commissioner Anton had concerns on construction parking interfering with walking since the homes will develop over time. It was noted that the homeowner association will maintain the front yard landscaping and owners will maintain the rear yard.

Commissioner Campbell asked for clarification on the roadway cross section dimensions.

Chairman Wastchak opened the meeting for public comment. No persons spoke on this item.

Commissioner Campbell stated stated that most of the town does not have sidewalks in large part because of the large lots, large setbacks, and lots with autocourts. He mentioned concerns with persons downsizing and using their garage as storage. He still finds a neighborhood walk is needed.

Commissioner Wainwright stated the neighborhood walk was negotiated in the beginning with the Special Use Permit.

Chairman Wastchak suggested a minor edit to Recommendation C, Stipulation 4 to add the minimum setback of 5 feet "from the property line."

Chairman Wastchak stated he will abstain from voting since Shea Homes is his client.

A motion was made by Commissioner Wainwright, seconded by Commissioner Anton, to approve the application request for the expanded and elongated (joined) basement window wells and the removal of the 5-foot wide neighborhood walk for Area B of the Ritz Carlton Special Use Permit as a minor amendment to the Special Use Permit zoning per the criteria listed in Section 1102.7.B of the Zoning Ordinance. The motion carried by the following vote:

Aye: 4 - Commissioner Anton, Commissioner Campbell, Commissioner Mahrle and Commissioner Wainwright

Absent: 2 - Commissioner Covington and Commissioner Strom

Abstain: 1 - Chairperson Wastchak

A motion was made by Commissioner Mahrle, seconded by Commissioner Campbell, to deny the request for removal of the 5-foot wide neighborhood walk and the approve the Minor Special Use Permit Amendment for the Ritz-Carlton, Area B to allow for expanded and elongated (joined) basement window wells with the following stipulations:

1. All building shall be in accordance with the applicant's narrative and submittals dated June 1, 2017 and the applicant's supplement dated June 30, 2017.
2. The expanded window wells shall meet all setbacks for the main house and shall be included in the square footage calculations.
3. The contiguous window wells shall be allowed to encroach five (5) feet into the required setback area. Any portion that does not serve a bedroom shall be included in the square footage calculations for the main home.
4. A minimum setback of five (5) feet from the property line is required for contiguous window wells.

The motion carried by the following vote:

Aye: 4 - Commissioner Anton, Commissioner Campbell, Commissioner Mahrle and Commissioner Wainwright

Absent: 2 - Commissioner Covington and Commissioner Strom

Abstain: 1 - Chairperson Wastchak

6. ACTION ITEMS

7. STUDY SESSION ITEMS

A. 17-253 Discussion of several applications to develop a 9.6-acre property for 8 single-family lots located at the northwest corner of the Northern Avenue alignment and Scottsdale Road (The Villas at Cheney Estates - Town Triangle)

Paul Michaud, Senior Planner, presented the Villas at Cheney Estates per the application packet. He explained the existing conditions and provided

background on the parcel. The original request was over a year ago. Originally a request for 11 lots with a re-zoning to R-10. This required a major general plan amendment as well as other applications. The current application has been modified to an 8 lot cluster plan subdivision. This does not require a General Plan amendment, but required the applicant to purchase additional land from the golf course.

Commissioner Mahrle questioned how this cluster plan works. The lots will not extend into the golf course, but the golf course land will be included in the cluster plan calculations. Mr. Michaud replied the gross density is at least one home per acre, not requiring an amendment to the General Plan.

Paul Michaud reviewed the six application requests which included an amendment to modify Article IX, rezoning from R-43 to R-43 CP, CUP for private road, SUP for gate, preliminary plat, and subdivision signs.

Mr. Michaud compared the proposed setbacks, heights, and areas to those that are allowed in all other zoning categories. He also referenced the General Plan values regarding new development. There was discussion of the subdivision wall. It may vary between the amount of solid wall and amount of view fence. Traffic was reviewed, as was sight visibility. There was discussion as to whether the City of Scottsdale will require a right turn lane. This is still being discussed with the City of Scottsdale. If required, this may result in modifications to the plan.

The applicant stated they received a CLOMR yesterday.

There was concern regarding the stacking of vehicles in front of the call box. It was noted that only one landscape company will service the development for both front and rear yards. The deceleration lane would also allow stacking of vehicles if it is required.

There was discussion of sidewalks. None are proposed. There is a code box for both sides of the gate to allow bicycles and pedestrians to exit the development.

There was one public comment. They were not in support.

This is scheduled for another work session on August 15, 2017 with a citizen review on September 19, 2017 and public hearing on October 3, 2017.

Commissioner Campbell asked about the revisions to the Zoning Ordinance and whether it would now apply to all cluster plans. Town Attorney, Andrew Miller, stated that the text amendment is very limited and

would only apply to properties with the same restrictions as this lot (if any similar parcels exist).

Staff would like to see more detail on the area around the entry cul-de-sac and more detail on signage.

There was also a request for a dimension from the call box to the ROW. It was noted it is 75'. There is also room for residents to pass any cars that are stopped at the call box. Additional graphics were requested.

Open Space Criteria applied to these lots would pose a large problem according to the applicant. General direction seemed to not apply the open space criteria. It was noted that this criteria is only required for R-43 and R-175.

There was discussion regarding how height will be measured. The grade elevations are still being discussed with the Engineering department. Height may be an issue with lots 6, 7, and 8.

There was a concern that there may be confusion with calling this the Villas at Cheney Estates.

No Reportable Action

B. 17-254 Discussion of Paradise Valley Bicycle + Pedestrian Master Plan (the "Master Plan")

Paul Michaud introduced the consultants, Jim Coffman and Justin Azevedo.

Mr. Michaud presented per the Planning Commission packet. He reviewed the Statement of Direction (SOD). Introduced the Resort Loop and safety concerns, and the focus on bicycle and pedestrian routes while avoiding "urban" design elements. The SOD also calls for addressing mitigation of conflicts and minimizing signage when possible. This study should be paired with the Visually Significant Corridors plan, identify rough costs and phasing, prioritize projects while being clear and legible.

The survey results were reviewed as well as the maps of pedestrian facilities.

Gaps in sidewalks were discussed.

Bicycle related survey results were discussed. The STRAVA bicycle usage map was analyzed. There was discussion of speed humps. There was a request for additional information on the STRAVA map and to include it in the next packet.

There was a request to invite a police officer to a Commission meeting to discuss enforcement measures.

It was stated that the shared use path on Lincoln Drive has been revised to a resort loop in the SOD. There was discussion of the Capital Improvement Program and how it aligns with the proposed plan.

Missing bicycle connections were also shown.

Chairman Wastchak believes there must be a connection from the Resort Loop to someplace. The Commissioners were all in agreement. It should not be a stranded island, but we also need to be cautious of costs.

Commissioner Mahrle is beyond disappointed on the SOD as it relates to bicyclists. He believes it ignores reality and cyclists will continue to ride in the Town. He believes the SOD is short sighted and naive. It sends the message to residents that we don't care about bike paths or pedestrian paths.

Commissioner Campbell does not understand the Resort Loop to nowhere. He believes we should look at McDonald Drive or some other connection.

Tim Welsh, resident, believes McDonald Drive is horrible for bicyclists and automobiles due to the medians. He prefers the concept of a 10-foot wide shared path as originally proposed. McDonald Drive would have been a great option if not for the medians.

Commissioner Campbell is flabbergasted by the whole process. Mr. Michaud explained that bicyclists can still use sidewalks on McDonald Drive or the roadway. He added there may be an option to make improvements, such as widening part of the pavement or where there are medians or use of ribbon curb to address the ability of a motorist to more safely pass a cyclist.

Commissioner Anton believes the SOD plan may work to direct tourists, but all other cyclists are going to continue riding where they currently ride regardless of a new bike map.

Chairman Wastchak believes it is a balancing act and this study should guide where the Town invests its money.

John McCauley, resident, bicyclists use side roads so they don't have to compete with vehicles. This could lead to a conflict between cyclists and pedestrians. His concern is with the safety of pedestrians and residents

that live on these streets (Hummingbird).

Chairman Wastchak noted that the Council realized that there are issues on certain streets in the Town that are dangerous and need to be addressed. The Commission needs to respect these concerns, but not let that overly influence what happens elsewhere in the Town.

There was discussion of how we move forward. Chairman Wastchak asked if there will be a convening of stakeholders to work through some of these concerns. This is not currently in the scope of work. Chairman Wastchak would like to take the time to get this right.

Mr. Michaud explained that input was received from all stakeholders and there are opposing points of view. The Commission may have to move forward knowing this matter.

Jim Coffman suggests that a focus should be on the missed bicycle connections. He reviewed a map illustrating these missed connections.

Commissioner Anton stated that there are different bicycle users. Those that are getting from point A to point B and others that are just riding around. Their needs may have to be addressed separately.

Heidi McCauley, resident, discussed runners' and walkers' fear of the cyclists on Hummingbird Road.

Mr. Michaud stated the goal of the next meeting was to go over goal and policies, but the direction is up to the Planning Commission.

Mr. Michaud explained that the Commission must keep in mind that this is a long range plan and not a Capital Improvement Program.

Jim Coffman explained that there are many more details not discussed, but it is up to the Commission what to focus on. One of his main focuses is safety.

Chairman Wastchak believes that the plan must include options. Must be a tool box, not a telling of what needs to be done.

Chairman Wastchak believes it is okay to keep options in the toolbox, but specific illustration on streets could be misinterpreted. Standard details may be a better option.

It was discussed whether cyclists want to ride on sidewalks. It was noted they do not and sidewalks are not a good alternative for mature cyclists,

maybe for kids.

Rick Mahrle agrees that there are the destination cyclists and recreational cyclists. He is a recreational rider but could follow a destination if there is a good one offered.

No Reportable Action

8. CONSENT AGENDA

A. 17-255 Approval of July 11, 2017 Planning Commission Minutes

A motion was made by Commissioner Wainwright, seconded by Commissioner Anton, to approve the July 11, 2017 minutes. The motion carried by the following vote:

Aye: 5 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Mahrle and Commissioner Wainwright

Absent: 2 - Commissioner Covington and Commissioner Strom

9. STAFF REPORTS

Paul Michaud provided the Commission the upcoming packet.

10. PUBLIC BODY REPORTS

None

11. FUTURE AGENDA ITEMS

12. ADJOURNMENT

A motion was made by Commissioner Campbell at 9:40 p.m., seconded by Commissioner Wainwright, to adjourn the meeting. The motion carried by the following vote:

Aye: 5 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Mahrle and Commissioner Wainwright

Absent: 2 - Commissioner Covington and Commissioner Strom

Paradise Valley Planning Commission

By: _____
Eva Cutro, Secretary