

George Burton

Subject: Review meeting 7/16/19 Lavitt property PV Planning from Phil Hagenah

From: Phil Hagenah

Sent: Monday, July 15, 2019 2:30 PM

To: Planning Commissioner Jonathan Wainwright

Cc: Council Member Ellen Andeen ; Jordan Vasbinder; Susan Hagenah

Subject: Review meeting 7/16/19 Lavitt property PV Planning from Phil Hagenah

Dear Jonathan,

Greetings - sorry we cannot be there Tuesday night - we are out of town.

We want to follow up on the letter we wrote to Ann Andeen last month, of which we sent you a copy, discussing our unique (but not quite hillside) neighborhood views.

Susan and I have lived across the street from the Lavitt property, Ironwood Dr., directly to the west, for over 20 years and we have no plans to ever leave this beautiful little area.

We are concerned about the possibility of the lot being split not to mention the height of the proposed two homes.

First and foremost; this sure does look like a "Flag Lot". George Burton tried patiently to explain to me why this is not considered a flag lot. Nevertheless, it sure does look exactly like a flag lot. Flag lots, as you well know, are not allowed any more. This could be a very slippery slope that our Planning Commission is looking at with the Lavitt property, and all the other, similiar properties throughout our town.

All similiar properties (3 or 4) on Ironwood Dr. going south to Cheney Dr. have not been split. All similiar properties going north on Ironwood have not been split since flag lot ban went down. With this current application to split the lot, given the the large existing wash going through the property, it will more or less turn this lot into what we believe is a flag lot. This proposed split is not consistent with the neighborhood Our town's desire to protect open space is once again being challenged.

Please let your Planning Commission members know that our home is currently empty. Fine with us if they would like to look from our point of view, standing by the pool, looking east, please feel free. You can always reach us at

Best Regards, Phil & Susan Hagenah

Ron & Lynn Duff

Paradise Valley, Arizona 85253

August 16, 2019

Town of Paradise Valley Planning Commission
6401 East Lincoln Drive
Paradise Valley, Arizona 85253

Re: Preliminary Plat for Lavitt Manor II—Two Lot Subdivision: 7525 N. Ironwood Drive

Dear Commissioners:

My wife Lynn and I are the owners of _____—the owners of the adjoining property to the proposed Lavitt Manor II subdivision. While we recognize the Planning Commission is not concerned about our personal loss of views or decrease in property value, the Commission should be concerned about the continued creation of new subdivisions and lot splits that harm the character, beauty, charm, and well-being of the Town of Paradise Valley. More importantly, it should be concerned about proposed subdivisions and lot splits that do not follow the Town Code, Zoning Ordinances, or the Storm Drainage Design Manual. All we can ask is that the Commission follow the documents, ordinances, and guidelines that are intended to keep Paradise Valley the special place that it is—and not let the concern of a developer or a potential delay in development persuade the Commission to stray from the established laws.

Based solely on the current Town of Paradise Valley Code and Storm Drainage Design Manual, the revised documents provided to this Commission by the Applicant for the proposed Lavitt Manor II subdivision have deficiencies requiring the Preliminary Plat be rejected:

1. The Paradise Valley Town Code section 3.6(A)(3) mandates that Town easements along Natural Wash corridors “**shall be maintained**” to preserve the natural environment and landscape features and “**shall include** a landscape buffer of at least 5 feet on each side, perpendicular from the **top of the bank.**”

The Applicant’s Preliminary Plat shows the existing Natural Wash traversing through Lot 1, as well as the proposed Drainage Easement being provided to the Town (See Exhibit 1). At least three of the proposed Drainage Easement boundaries cross directly into the existing wash and existing drainage easement (as highlighted in yellow).

Natural Wash Corridors “shall include a landscape buffer of at least five feet on each side, perpendicular from the top of the bank.” The Preliminary Plat does not show or set out the required landscape buffer, and there are multiple points on the proposed easement that violate

the Town Code requirement by crossing into the existing 40 foot drainage easement recorded with the Maricopa County Recorder at document 20040670528. Applicant's Plat should not be approved until the mandated buffer and proper easement are provided to the Commission.

2. It is "the Town's policy to encourage the protection of Natural Wash corridors and discourage constructed and piped stormwater conveyances whenever possible." *Storm Drainage Design Manual*, Appendix 1-C. According to the Paradise Valley Town Code sections 5-10-7(C)(1) and 6-3-8(A) a "watercourse" means any creek, stream, wash, arroyo, channel or other body of water having historical **banks** and a bed at least two (2) feet deep and five (5) feet wide through which waters flow on a recurrent basis." Similarly, the *Storm Drainage Design Manual* defines a Natural Wash as "A natural watercourse at least two feet deep **from the top of the bank** and measuring at least five feet wide **at the top of the bank**."

The *Storm Drainage Design Manual* sections 1.5(A), 3.6(A)(2), 3.6(A)(3), all use "**top of the bank**" language. For example, section 1.5(A) states "A natural watercourse at least two feet deep from the **top of the bank** and measuring at least five feet wide at the **top of the bank**." Obviously, to determine the width of a natural watercourse, measurements must be taken at the top of each bank, not just the top of the one bank—yet the Code only says top of the bank (singular), as opposed to banks (plural).¹ This same construction of "top of the bank" must therefore be used throughout the code to ensure the same meaning for each use because the same phrase cannot have conflicting meanings. So, when the Code requires the measurement of the depth of a natural watercourse, measurements should be taken from the "top of the bank" on both sides of the wash to determine the depth of the watercourse—not just one side.

With this understanding, the revised plat points provided by the Applicant on page C3 of 4 of the Preliminary Plat for the Southern Drainage Channel, demonstrate the southern wash meets the definition of a "watercourse" and "Natural Wash" (Exhibits 2-8). The Applicant only took measurements from the shallow side of the wash to reach his conclusion the wash does not require an easement be provided to the Town of Paradise Valley. But as we all know, a wash has two banks—not one. The Code and *Storm Drainage Design Manual* requires measurements from the "top of the bank, which as discussed above, means both banks. When the measurements are reviewed for both sides of the southern wash, it meets the definition of a watercourse and Natural Wash. Applicants must dedicate this wash to the Town.

Plat Points	Elevation Pt. 1	Elevation Pt. 2	Depth of Wash	Width of Wash
C3-7	1373.2	1369.8	3.4 feet	18.5 feet
C3-8	1373.0	1369.7	3.3 feet	8.5 feet
C3-9	1372.0	1369.6	2.4 feet	10.6 feet
C3-10	1371.0	1369.3	1.7 feet	12.0 feet
C3-11	1370.1	1368.2	1.9 feet	14.0 feet

¹ Similarly, the Town Code sections 5-10-7(C)(1) and 6-3-8(A) references defines watercourses having "**historical banks**"—plural.

3. According to the Town of Paradise Valley Code § 5-10-7(C)(2), “whenever any watercourse is located in an area being developed, provision **shall be made** for an adequate drainage easement along the main channel and each side of the watercourse.” Thus, if the wash is considered a “watercourse” or “Natural Wash,” an easement is mandated to be provided to the Town of Paradise Valley. Moreover, as discussed above, a landscape buffer **shall be included** for 5 feet on each side of the wash. Paradise Valley Town Code section 3.6(A)(3).

The *Storm Drainage Design Manual* Appendix 1-C defines the southern Natural Wash on Lot 1 as a Tier 3 (Protection of a Natural Wash). It “meets or exceeds the definition of a Minor Wash” The end of the first bullet point contains the words “**and/or.**” Because the wash exceeds the definition of a Minor Wash the “**or**” language will be utilized so the second bullet point becomes unnecessary. The third bullet is the Natural Wash “impacts less than 25% of the site’s buildable area.” The southern Natural Wash impacts far less than 25% of the site’s buildable area.

Based on these facts, the *Storm Drainage Design Manual* states “a Tier 3 modification requires the Developer to maintain the wash in its natural condition . . .” and must “maintain the locations of inflow onto the property.”

4. Finally, I believe the Commission must more closely scrutinize whether the requested subdivision meets the requirements of the Paradise Valley Town Code § 6-3-5(A) that states “the lot arrangement and design **shall be** such that all lots will provide satisfactory and desirable building sites, **properly related** to topography and **to the character of surrounding development** and will preclude unorthodox or unusually shaped lots.

The Applicant has stated the buildable area outside of the new wash and buffer in the northwest corner is about 12,000 sq. ft. without impacting the wash—this amount will further decrease if the required Landscape Buffer discussed above is enforced. To provide perspective, the Applicant further states “this is larger than the lots we are building on in projects that we get 4500 sq. ft. 3 car garage homes on. Which is what the first phase will be on this lot.” See Exhibit 1.

Therefore, the buildable area on Lot 1 for a primary residence is 0.275 acres (12,000 / 43,560). While the Applicant states it is larger than lots he is building on in other projects, I speculate those projects are not in Paradise Valley and question whether it is a satisfactory and desirable building site as mandated by the Paradise Valley Town Code to approve the subdivision. I also challenge that a property being forced to be built on approximately ¼ acre is “properly related to the topography and character of the surrounding development”—which are all approximately 2 acres in size. Please note these are mandatory requirements, not subjective requirements, as the word “**shall**” is used in the Town Code.

All my wife and I are asking is that the Planning Commission follow the Codes and Guidelines adopted by the Town of Paradise Valley. We have provided the Commission evidence that the

Landscape Buffer proposal from Applicant violates the Town Code requirements. We have provided the Commission evidence that the southern drainage wash is deeper than two feet and requires the dedication of an easement to the Town of Paradise Valley (with an additional Landscape Buffer on the southern wash), and we have supplied evidence that Lot 1 only has approximately ¼ acre that can be utilized for a main residence and is not properly related to the character of the surrounding development—as mandated with the word “**shall**” in the Town Code.

Rather than claim we are merely trying to delay matters, would it not be more appropriate to have the Town attorney review this correspondence, the exhibits, and the Town Code and Guidelines to see if our assertions are correct? It would seem to us the prudent move would be to obtain a legal opinion about the Landscape Buffer issue, the means by which a wash should be measured to avoid only getting half the story, the requirement to provide the Town a drainage easement, and whether certain types of lots meet the standard of “shall” language to be considered properly related to the surrounding development. Please allow the Town Attorney to provide his written opinion so the remainder of Paradise Valley residents and developers better understand the Town Code and Guidelines for future development. Depending on the results of the Town Attorney opinion, the subdivision can move forward, be modified, or be declined.

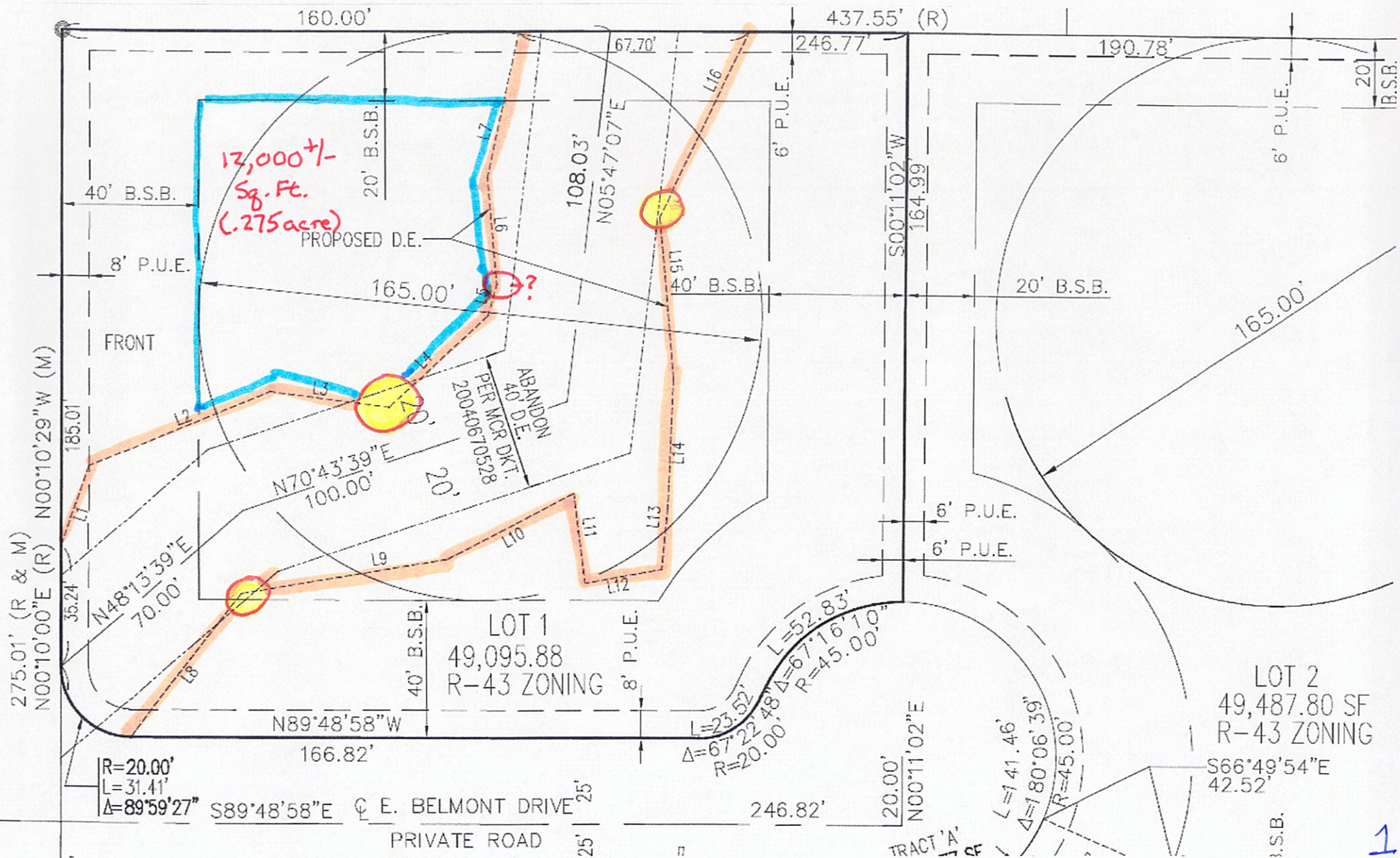
We thank you for your time and consideration. Unfortunately, like many other Paradise Valley residents, we have left Arizona for most of the summer and will not be able to attend the Planning Commission meeting on Tuesday. In our place, our legal counsel, Jim Kuntz, will be able to answer any questions you may have.

Sincerely,

Ron and Lynn Duff

Town Code 3.6(A)(3): Natural Wash Preservation: "Town rights-of-way and easements along Natural Wash corridors shall be maintained to preserve the natural environment and landscape features. Natural Wash Corridors shall include a landscape buffer of at least 5 feet on each side, perpendicular from the **top of the bank** and designed to protect the wash's functional and ecological integrity."

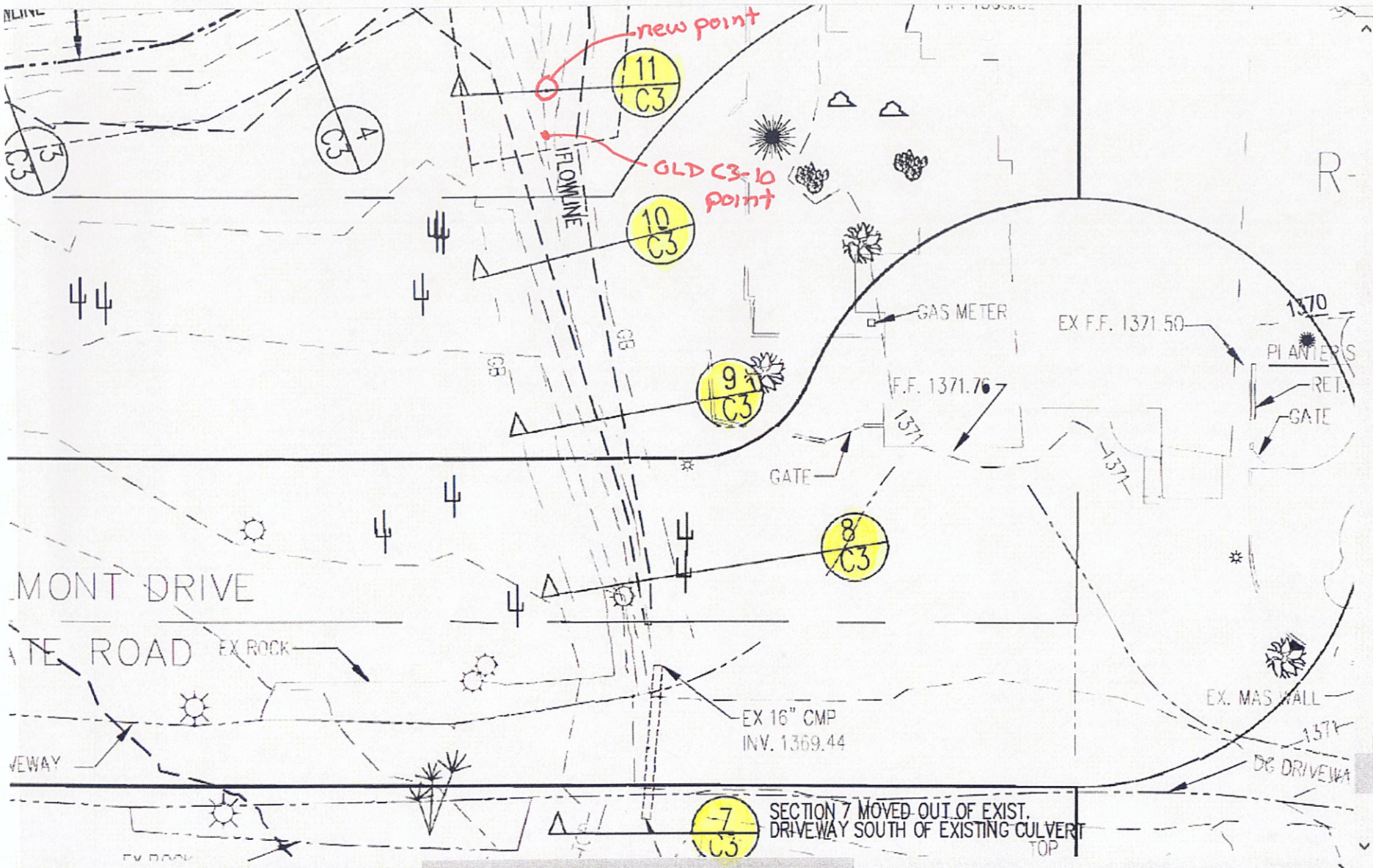
- Town of Paradise Valley is obtaining easement on Lot 1;
- Mandatory language ("shall") to have a 5 foot landscape buffer on each side of wash;
- Current easement points approaches or encroaches Natural Wash at 3 points thus the landscape buffer is not appropriate;
- Plan should not be approved as it violates the Town Code.



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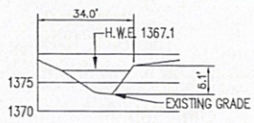
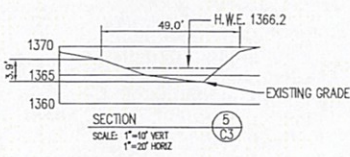
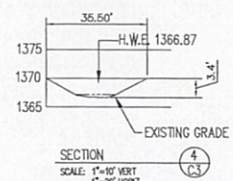
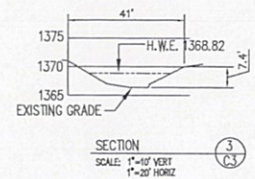
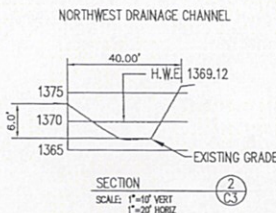
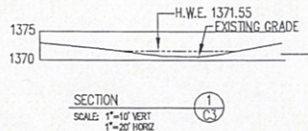
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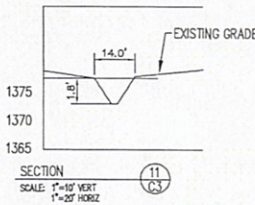
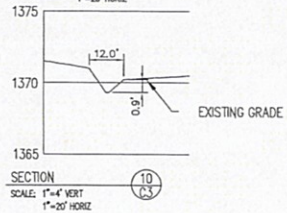
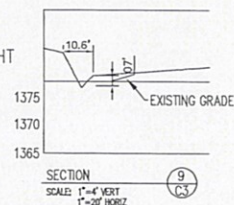
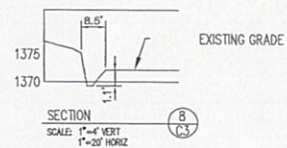
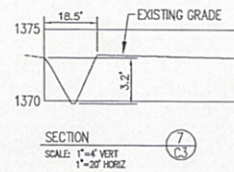
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PAVING GRADING PLAN LAVITT MANOR II



SOUTH DRAINAGE CHANNEL



5 OF 5 > 2' VERT HEIGHT
5 OF 5 > 12" LENGTH
D.E. REQUIRED

4 OF 5 < 2' VERT HEIGHT
NO EASEMENT REQUIRED



NO.	DATE	DESCRIPTION
1	12-5-16	MOVE STREET
2	1-24-19	P.V. REVISIONS
3	5-6-19	REVISE LOT 1 BSB
4	7-23-19	REVISE SECTIONS

MONTGOMERY
ENGINEERING & MANAGEMENT, LLC.
16716 E. PARKVIEW AVE., SUITE 204
FOUNTAIN HILLS, ARIZONA 85268
(480) 837-1845 fax (480) 837-8668
e-mail: Dave@CIVILAZ.com



LAVITT MANOR II
REPLAT

7525 N IRONWOOD DR
PARADISE VALLEY, AZ

DATE:	7-23-19
PROJECT NO.:	18029
REVISION:	AS NOTED

DRAWING NO:
C3 of 4

Town of Paradise Valley Code: §§ 5-10-7(C)(1) and 6-3-8(A): "For the purposes of this section, 'watercourse' means any creek, stream, wash, arroyo, channel or other body of water having historical banks and a bed at least two (2) feet deep and five (5) feet wide through which waters flow on a recurrent basis."

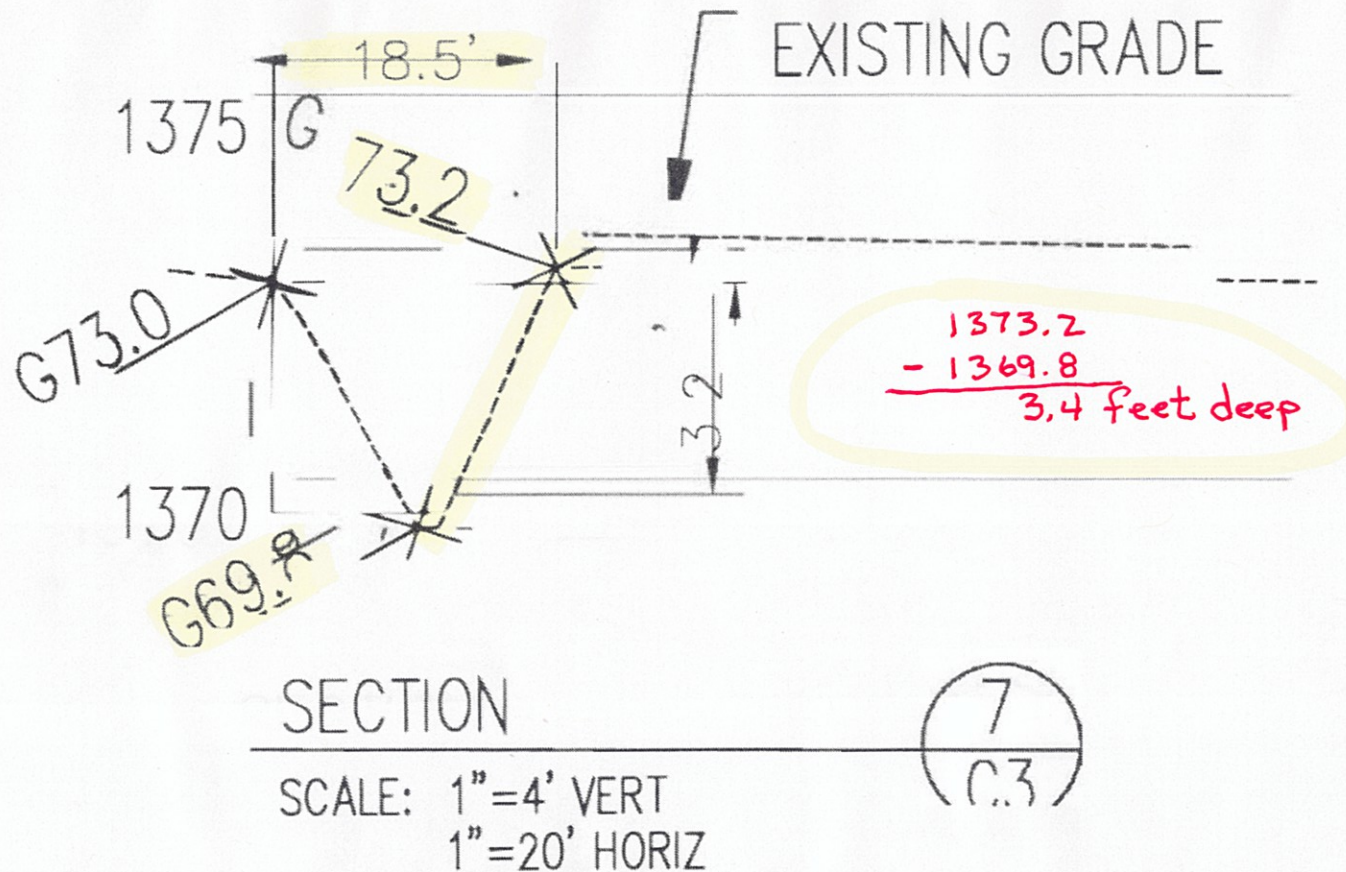
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- Nowhere does it say watercourse depth is taken from one bank, lowest bank, or existing grade of one bank.

Storm Drainage Design Manual: §1.5(A): Natural Wash: "A natural watercourse at least two feet deep **from the top of the bank** and measuring at least five feet wide **at the top of the bank**."

- Width must be determined by taking a measurement at the "top of the bank";
 - Can only mean at the top of each bank, or one could not obtain a width measurement from one bank.
- Accordingly, to ensure the same "top of the bank" meaning throughout the provisions, "top of the bank" must mean top of each bank;
 - Depth measurements must be taken from the top of each historical bank of the wash.

3.6(A)(2): Natural Wash Corridors: "To determine if a wash meets the definition of a Natural Wash or Hillside Wash, five cross sections of the wash equally spaced across the property will be provided. If three or more of the cross sections are at least 2 feet deep **from the top of the bank** and 5 feet wide **to the top of the bank**, the wash is considered a Natural Wash or Hillside Wash.

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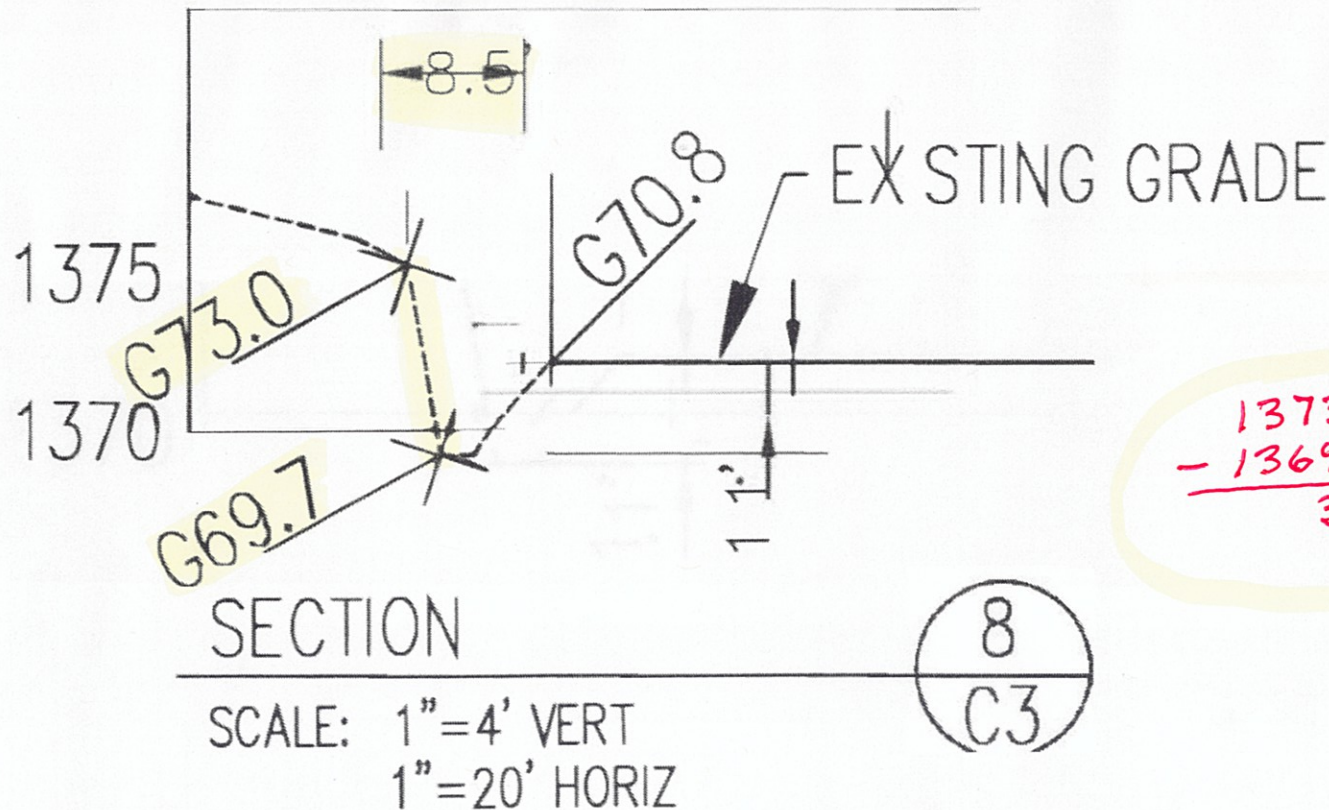
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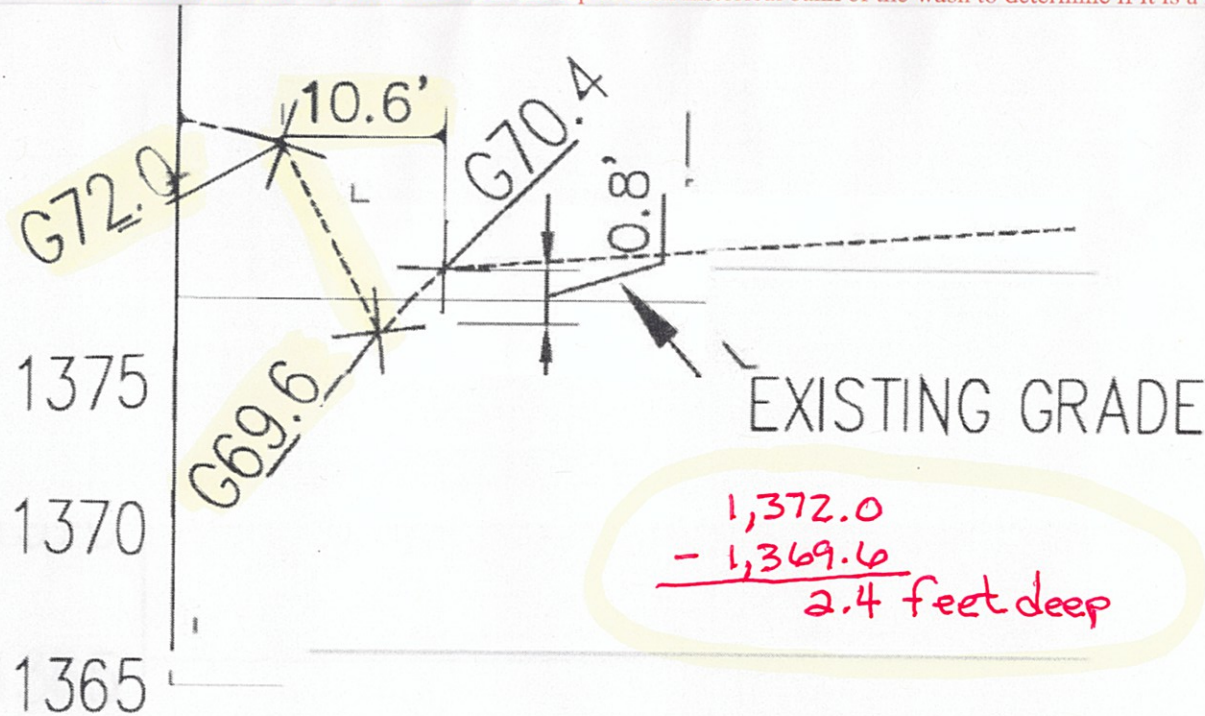
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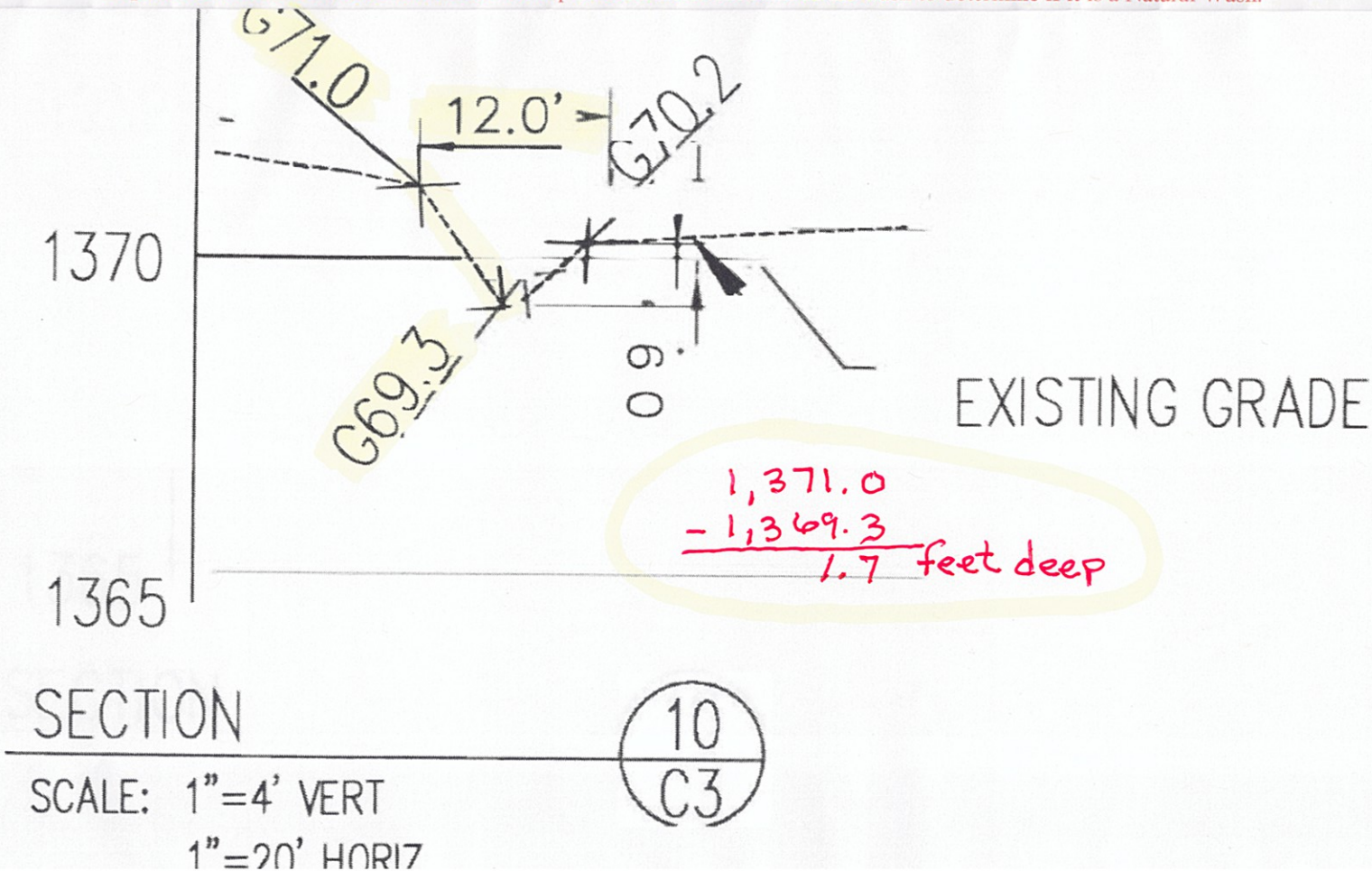
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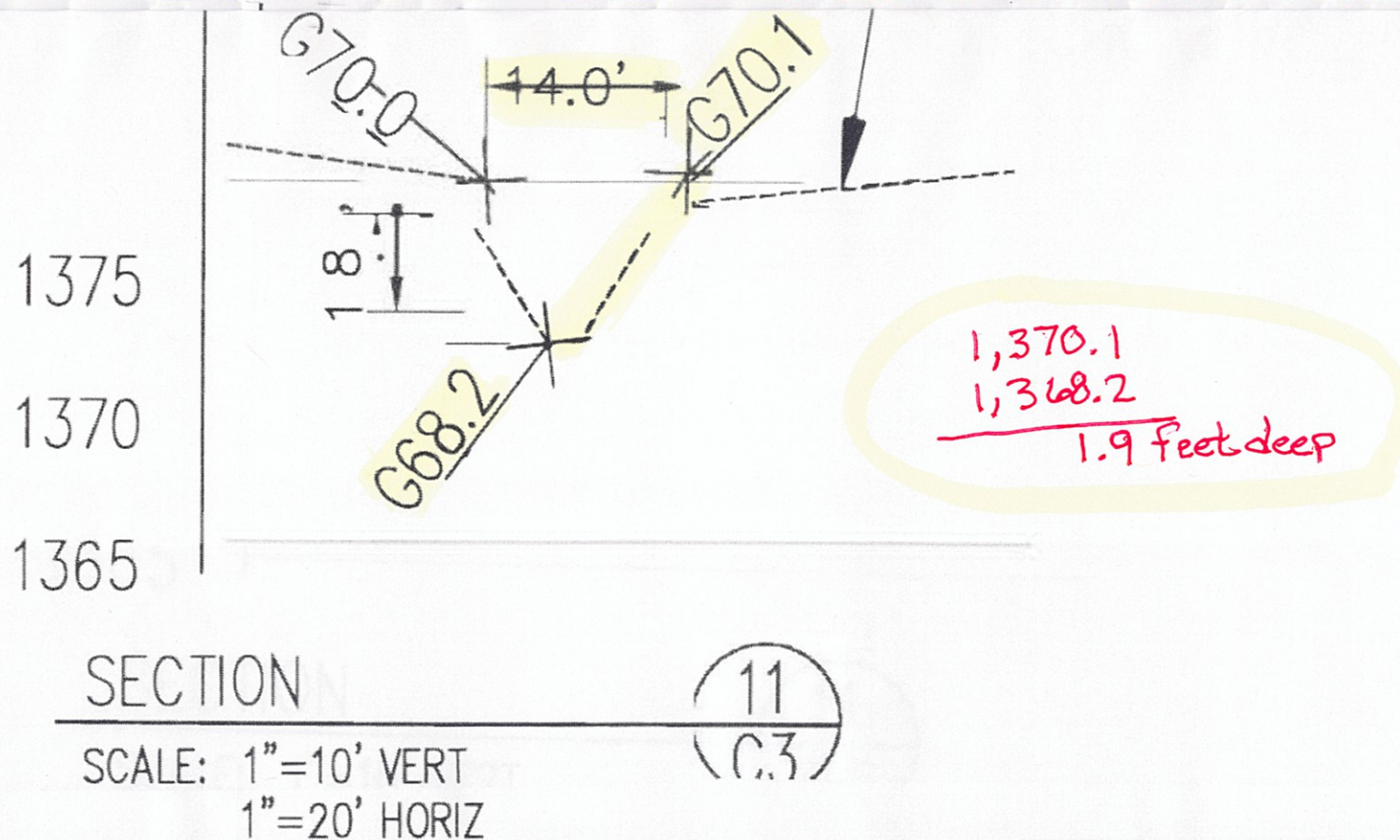
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Ron & Lynn Duff

Paradise Valley, Arizona 85253

July 16, 2019

Town of Paradise Valley Planning Commission
6401 East Lincoln Drive
Paradise Valley, Arizona 85253

Re: Preliminary Plat for Lavitt Manor II—Two Lot Subdivision: 7525 N. Ironwood Drive

Dear Commissioners:

My wife Lynn and I are the owners of [REDACTED] We are full time residents of Paradise Valley and owners of the adjoining property to the proposed subdivision. The proposed subdivision and subsequent development will negatively impact our property in numerous ways, not the least of which will be the loss of our unimpeded views of Mummy Mountain and the decline of our property value associated with such loss. The lot arrangement and design of the subdivision does not provide for a satisfactory and desirable building site on Lot 1. The large wash that traverses through the center of Lot 1 will force a narrow construction on the front right corner of the lot, which in turn will force the development of Lot 2 to the back right corner of the building envelope—negatively affecting the view and value of our home. As set forth below, we have recognized multiple problems and potential problems with the preliminary plat that have been overlooked by the Planning Commission. We believe, that upon closer scrutiny, the current preliminary plat and subdivision should not be approved, and the existing lot, with its substantial building envelope, should be retained as is.

The Planning Commission needs to look at the proposed Plat and ensure it truly does meet with all of the requirements of the Paradise Valley Town Code and its Storm Drainage Design Manual. For example, at its June 4, 2019 meeting Mr. Cullum told the Commission that the Natural Wash was not going to be touched in the development of Lot 1 and a Drainage Easement Agreement was provided to the Commissioners. Section 3-6(3) of the Storm Drainage Design Manual states Town “easements along Natural Wash corridors **shall** be maintained to preserve the natural environment and landscape features. Natural Wash corridors **shall include a landscape buffer area of at least 5 feet on each side, perpendicular to the top of the bank.**” Neither the Preliminary Plat nor the proposed Landscape Plan show the required five foot buffer area on each side of the large Natural Wash going through Lot 1 of the proposed subdivision (*see attached exhibits*). Thus the Preliminary Plat is deficient.

Similarly, the Section 3-6(2) of the Storm Drainage Design Manual states “to determine if a wash meets the definition of a Natural Wash . . . five cross sections of the wash **equally spaced**

across the property shall be provided. If three or more of the cross sections are at least 2 feet deep from the top of the bank and 5 feet wide to the top of the bank, the wash is considered a Natural Wash.” The same language and requirements are used in Town Code Sections 5-10-7(C) and 6-3-8 in defining “watercourse” and discussing drainage easements. A close inspection of the Preliminary Drainage Report and the five points selected in the report should give the Commission pause as to whether the smaller wash that enters Lot 1 to the south and merges with the large wash easement to the north is actually a Natural Wash or Watercourse as defined in the Town Code and its Storm Drainage Design Manual.

A close review of the proposed Preliminary Plat and the Paving Grading Drainage shows the five cross sections of the wash **are not** equally spaced **and not** across the entire wash (*see exhibits*); moreover, the information contained within those points selected warrant the Commission asking for further information. Point C3-6 appears in the 20 foot landscape area of the Preliminary Plat and appears to be approximately 8 feet from the beginning of the wash on the subdivision property. In contrast, point C3-10 appears to be approximately 30 feet from the end of the wash where it enters the easement created by the large Natural wash. The Storm Drainage Design Manual and the Town Code require equally spaced cross sections across the property—which the drainage cross sections provided are not. The reason for the non-equally spaced cross section points will become evident when viewed together and discussed below.

When the five cross sections provided in the Preliminary Drainage Report are analyzed it seems that Point C3-10 was merely taken in a position to ensure the smaller wash on the property was not defined as a Natural Wash or a Watercourse. First, look at the cross section points provided:

Plat Points	Elevation Pt. 1	Elevation Pt. 2	Depth of Wash	Width of Wash
C3-6	1373.0	1371.6	1.2 feet	5.70 feet
C3-7	1373.0	1370.0	3.0 feet	6.20 feet
C3-8	1372.0	1370.0	2.0 feet	7.50 feet
C3-9	1371.0	1369.3	1.7 feet	5.24 feet
C3-10	1370.3	1368.35	1.95 feet	4.36 feet

Two of the five points meet the requirements to deem the smaller wash a “Natural Wash.” However, point C3-10 is the only point that expands to the hundredth decimal position and is a mere ½ inch away from the 2.0 foot mark to make the wash a Natural Wash with an easement needing to be given to the Town to protect the wash. More importantly, look at point C3-10 on the Paving Grading Drainage Plat—point C3-10 is approximately 30 feet from where it exits into the large Natural Wash with no cross sections taken in the area (recall point C3-6 was taken only about 8 feet from the end of the wash on the south side of the property) *See exhibits*.

The reason the final cross section point C3-10 is not closer to the larger wash is because the closer the smaller wash gets to the entry to the major wash, the more the elevation drops (between 1368 and 1366 feet) and the wider the wash gets. Necessarily, if the cross section points

were taken equally spaced across the entire smaller drainage wash as required by the Town Code and Storm Drainage Design Manual (or an additional point is taken between point C3-10 and the exit of the smaller wash into the major wash), there would assuredly be at least three points that exceed a depth of 2.0 feet and width of 5.0 feet—making the smaller wash a Natural Wash or Watercourse. At a minimum, the Commission needs to investigate this issue given the Code requirement of equally spaced cross sections **across the property** was not followed completely and there appears to be an attempt to influence the Commission to believe the smaller wash is not a Natural Wash or Watercourse.

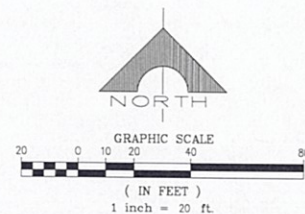
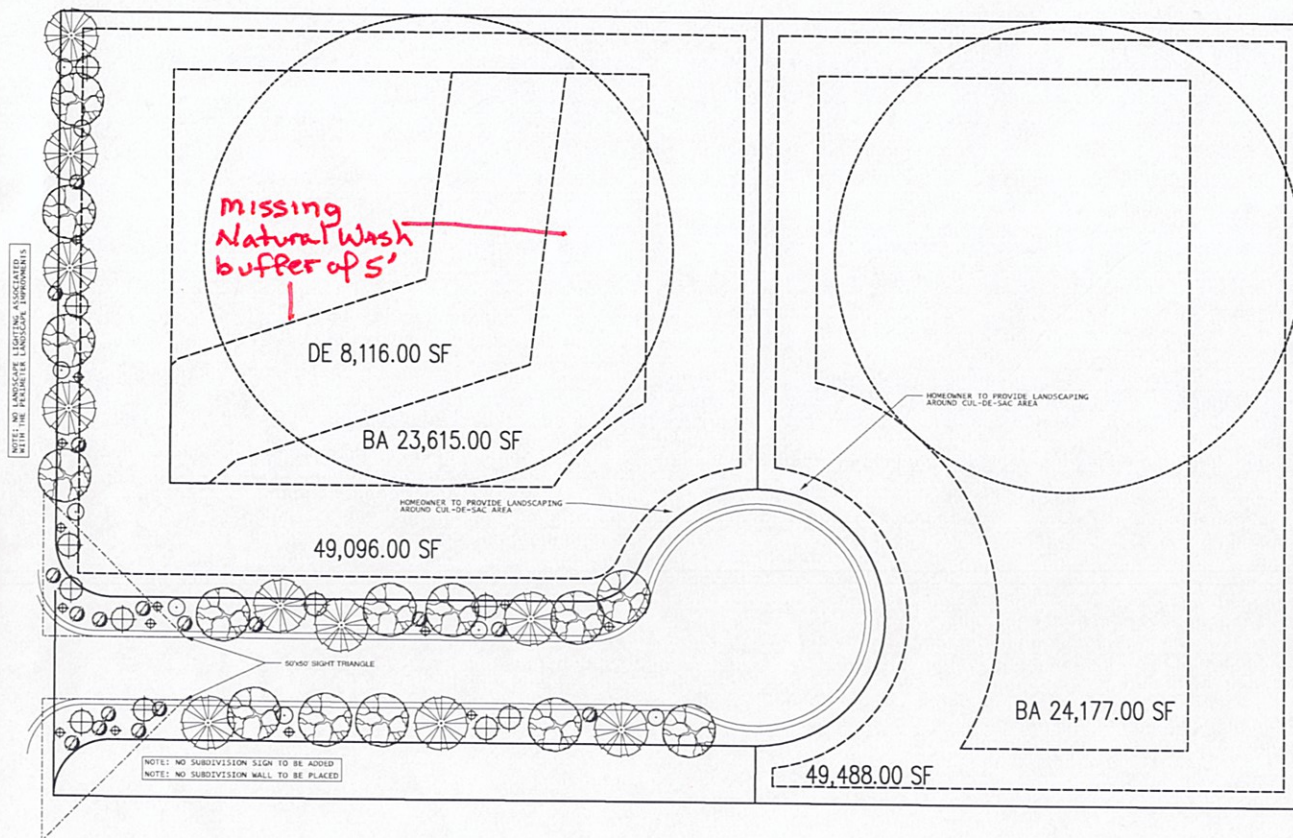
Undoubtedly, the smaller wash is a Natural Wash or Watercourse as defined by the Town. The Storm Drainage Design Manual section 7-1, along with the Town Code Sections 5-10-7 and 6-3-8 require that Watercourses (or Natural Washes) having banks and bed at least two (2) feet deep and five (5) feet wide provide a Drainage Easement be dedicated to the Town. A five foot buffer will also need to be provided on each side of the new Natural Wash as required by Section 3-6(3) of the Storm Drainage Design Manual. Moreover, according to Appendix 1-C of the Storm Drainage Design Manual, Wash Alteration Request Guidelines, the smaller Natural Wash would be a Tier 3 (Protection of a Natural Wash) because it meets or exceeds the definition of a Minor Wash and impacts less than 25% of the site's buildable area. According to the guideline, a Tier 3 modification requires the Developer to maintain the wash in its natural condition and therefore the Natural Wash and buffer zone could not be developed—no road, modified drainage, or development where the wash traverses the property.

With the new Natural Wash and landscape buffer zone required adjacent to both Natural Washes, Lot 1 of the proposed Subdivision will be trifurcated into three separate land masses (*see exhibit*) making it difficult, if not impossible, to provide a satisfactory and desirable building site as is required to approve a new Subdivision under Paradise Valley Town Code 6-3-5(A). Once an appropriate Plat map is presented to the Commission reflecting the Natural Washes and buffer zones, it will become readily apparent the building site will not be satisfactory or desirable. Indeed, it would seem that the prior developer recognized the importance of preserving the Natural Washes and the difficulty in developing around the washes. Thus, only a single lot was developed—rather than two lots.

I thank the Commissioners for their time and consideration in reviewing my concerns about the proposed subdivision, the detriment it will cause to my property views and value, and the same problems it will create for my other neighbors surrounding the property. I respectfully request you reject the Preliminary Plat until such time as a plat reflecting the required landscape buffer zones is provided and there is further investigation and proper cross sections across the entire smaller wash area is completed—I would recommend just one additional point some 8 feet from the entrance to the large Natural wash so it is in the same vicinity as the C3-6 point at the south of Lot one. The additional due diligence is needed in this circumstance.

Sincerely,
Ron and Lynn Duff

Does NOT show REQUIRED Landscape Buffer here or on plat 3-6(3) STORM DRAINAGE Design Manual



LANDSCAPE LEGEND

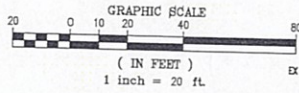
NEW PLANTS			
SYMBOL	PLANT NAME	QUANTITY	SIZE
	BLUE PALO VERDE/ CERCIOTUM FLORIDUM	14	15g
	MEXICAN BIBO/ CAESALPINA MEXICANA	8	15g
	FOOTHILL PALO VERDE/ PARKINSONIA MICROPHYLLA	10	15g
	GLOBE WILLOW/ SPHAERALCEA AMBIGUA	14	5g
	CREOSOTE BUSH/ LARREA TRIDENTATA	17	5g
	YELLOW BELLS/ TECOMA STANS	11	5g

LANDSCAPE PLAN

LAVITT MANOR
7525 N. IRONWOOD DRIVE
PARADISE VALLEY, AZ

CULLUM
HOMES
www.cullumhomes.com





PAVING GRADING DRAINAGE LAVITT MANOR II

Suspected
Natural Wash

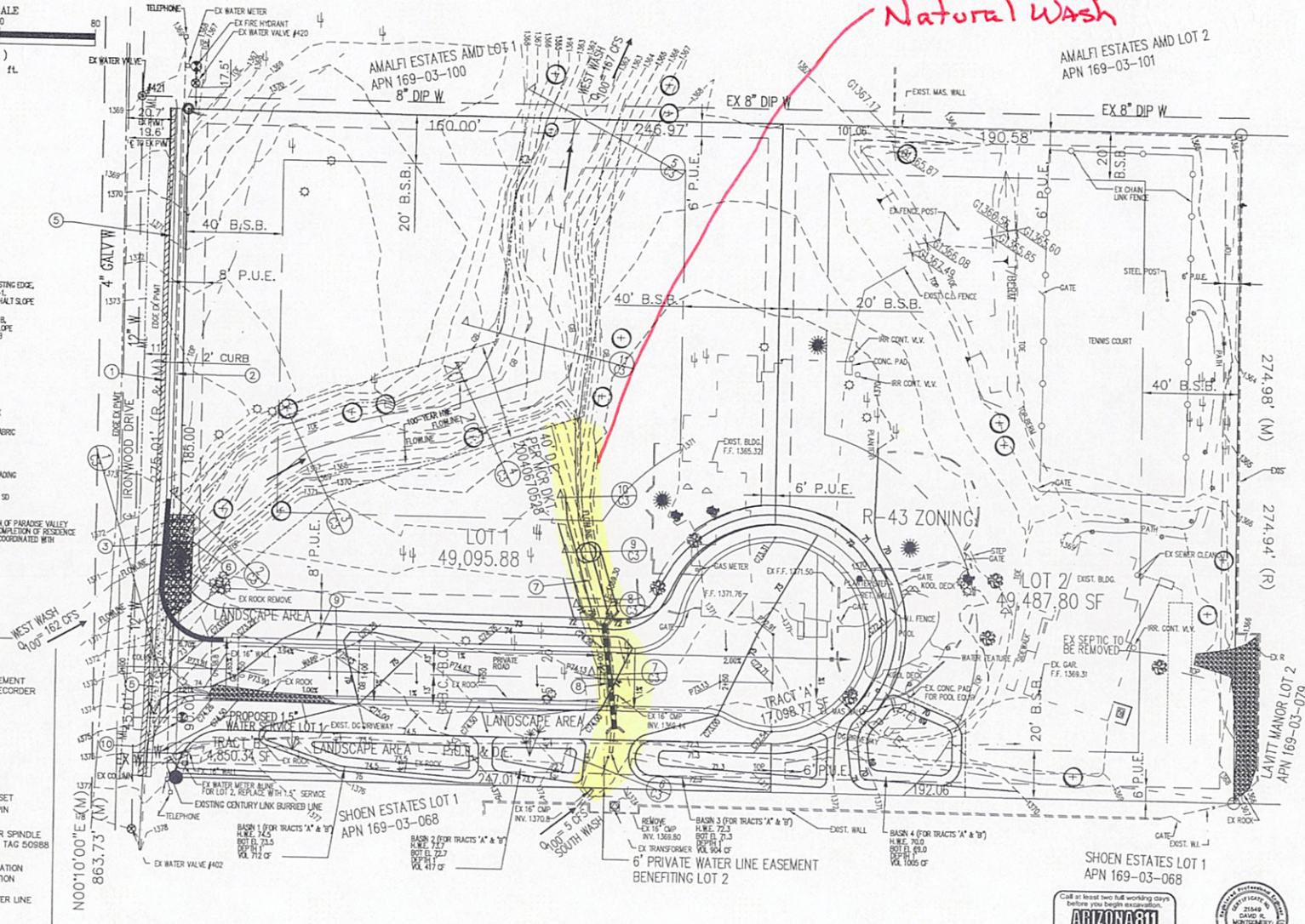
AMALFI ESTATES AMD LOT 2
APN 169-03-101

KEY NOTES

1. SARI CUT EXISTING ASPHALT 2" MIN. FROM EXISTING EDGE, RESTORE ASPHALT CONCRETE PER MAC 200-1, ASPHALT SLOPE SHALL MATCH EXISTING ASPHALT SLOPE EXTEND ASPHALT TO PROPOSED CURB
2. PROPOSED REBAR CURB PER MAC 220 TYPE B, SLOPE 1/20 CONCRETE TO MATCH EX. PAVING SLOPE MATCH ASPHALT ELEVATION AT FACE OF CURB CURB SHALL NOT DESTRUCTURE RUNOFF
3. 4" DEEP CONCRETE CUT WALL PER MAC 502
4. HEADWALL PER MAC
5. VALLEY GUTTER MAC 240
6. REPAIR IRREGULAR SHAPED INDIGENOUS ROCK SET ON 4" SAND OVER FABRIC FILTER ASHTO M288 CLASS 1 NON-WOVEN FILTER FABRIC INSTALL PER MPT'S INSTRUCTIONS
7. REGRADE FLOWLINE TO 1/20 MINIMUM SLOPE 2" WIDE BOTTOM WITH 4:1 SIDE SLOPES
8. 24" ALUMINIZED CAP CULVERT FOR 11-20 LADING INSTALL PER MAC SPECIFICATIONS
9. REBAR CURB & GUTTER BOTH SHALL PER MAC 30 220 TYPE B (TYP.) SLOPE CURB TO MATCH PAYMENT SLOPE
10. PROPOSED FIRE HYDRANT COMPLETE PER TOWN OF PARADISE VALLEY STANDARDS, TO BE CONSTRUCTED PRIOR TO COMPLETION OF RESIDENCE ON LOT 2 BY OWNER OF LOT 2 AND SHALL BE COORDINATED WITH THE CITY OF PARADISE.

LEGEND

- B.S.B. BUILDING SETBACK
P.U.E. PUBLIC UTILITIES EASEMENT
MCR MARICOPA COUNTY RECORDER
(C) CALCULATED VALUE
D.E. DRAINAGE EASEMENT
EX EXISTING
(R) RECORDED VALUE
(M) MEASURED VALUE
ROW RIGHT-OF-WAY
DE DRAINAGE EASEMENT
VE VISIBILITY EASEMENT
REBAR WITH CAP
RPLS # 50988 TO BE SET
FOUND 5/8" STEEL PIN
FOUND 1/2" REBAR
FOUND COTTON PICKER SPINDLE
FOUND IRON PIPE ADD TAG 50988
FOUND 3" BRASS CAP
X PROPOSED SPOT ELEVATION
EXISTING SPOT ELEVATION
--- 100-YEAR HIGH WATER LINE
--- LOT BOUNDARY
--- EASEMENT



REV	DATE	DESCRIPTION
1	12-5-18	DOVE STREET
2	1-24-19	P.V. FREELANS
3	1-24-19	P.V. COMMENTS
4	4-4-19	REVISE LOT 1 BSS

**MONTGOMERY
ENGINEERING & MANAGEMENT, L.L.C.**
18716 E PARKWAY ST., SUITE 204
FOUNTAIN HILLS, ARIZONA 85268
(480) 837-1845 for (480) 837-8868
e-mail: Dove@CivlA2.com



**LAVITT MANOR II
REPLAT**
7525 N IRONWOOD DR
PARADISE VALLEY, AZ

REV	DATE	DESCRIPTION
1	6-4-18	AS NOTED
2	10-11-18	DRM
3	10-11-18	DRM
4	10-11-18	DRM

DRAWING NO:
C20f3



Did NOT provide LANDSCAPE BUFFER OR
EQUALLY SPACED CROSS SECTION ACROSS ENTIRE WASH

DRAINAGE 3-6(2)
DRAINAGE 3-6(3)
PV CODE 5-10-7
PV CODE 6-3-8

PAVING GRADING DRAINAGE LAVITT MANOR II

no buffer of 5'
on each side of
wash

~30ft
wider and
deeper

C3-6
~8ft from lot line



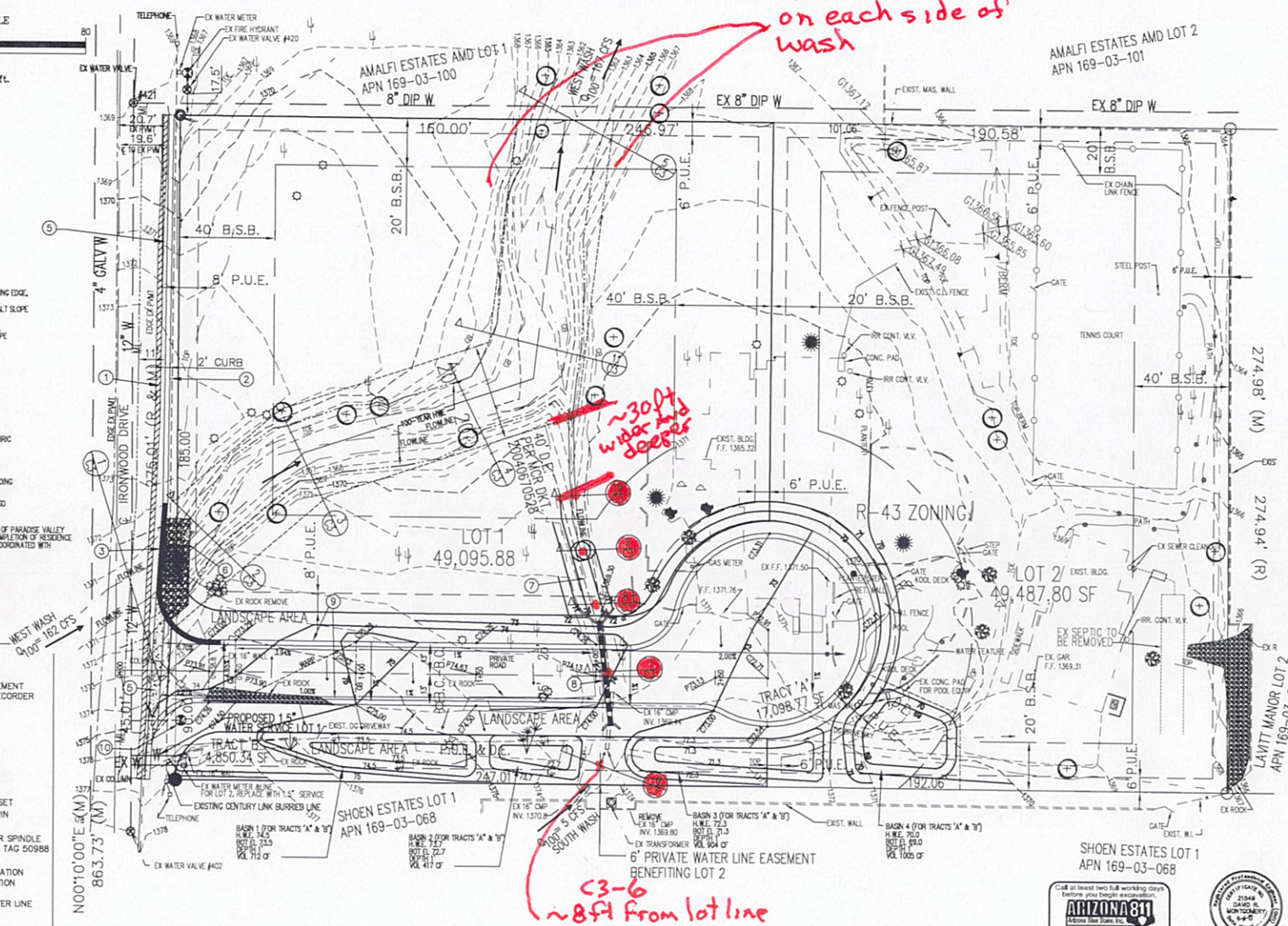
GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft

KEY NOTES

1. SANITARY EXISTING ASPHALT 2" MIN. FROM EXISTING EDGE, RESTORE ASPHALT CONCRETE PER MAG 200-1. ASPHALT SLOPE SHALL MATCH EXISTING ASPHALT SLOPE EXISTING ASPHALT TO PROPOSED CURB.
2. PROPOSED REBAR CURB PER MAG 200-1. TYPE II SLOPE 7/8" CONCRETE TO MATCH EX. PAVING SLOPE. MATCH ASPHALT ELEVATION AT FACE OF CURB. CURB SHALL NOT OBSTRUCT RUNOFF.
3. 4" DEEP CONCRETE CUT WALL PER MAG 502.
4. HEADWALL PER MAG.
5. VALLEY CUTTER MAG 240.
6. REPAIR IRREGULAR SHAPED INDIGENOUS ROCK SET ON 4" SAND OVER FABRIC FILTER. ASBESTOS MESS CLASS 1 NON-FIBER FABRIC. INSTALL PER MFG'S INSTRUCTIONS.
7. REGRADE FLOWLINE TO 1% MINIMUM SLOPE. 2" WIDE BOTTOM WITH 4:1 SIDE SLOPES.
8. 24" ALLOWED CAMP CULVERT FOR H-20 LOADING. INSTALL PER MAG SPECIFICATIONS.
9. REBAR CURB & CUTTER BOTH SIDES PER MAG 502. 22G TYPE II (TRIP) SLOPE CURB TO MATCH PAVEMENT SLOPE.
10. PROPOSED FIRE HYDRANT COMPLETE PER TOWN OF PARADISE VALLEY STANDARDS. TO BE CONSTRUCTED PRIOR TO COMPLETION OF RESIDENCE ON LOT 2 BY OWNER OF LOT 2 AND SHALL BE COORDINATED WITH THE CITY OF PHOENIX.

LEGEND

- B.S.B. BUILDING SETBACK
- P.U.E. PUBLIC UTILITIES EASEMENT
- MOR MARICOPA COUNTY RECORDER
- (C) CALCULATED VALUE
- D.E. DRAINAGE EASEMENT
- EX EXISTING
- (R) RECORDED VALUE
- (M) MEASURED VALUE
- RIGHT-OF-WAY
- DE DRAINAGE EASEMENT
- VE VISIBILITY EASEMENT
- REBAR WITH CAP
- RPLS # 50588 TO BE SET
- FOUND 5/8" STEEL PIN
- FOUND 1/2" REBAR
- FOUND COTTON PICKER SPINDLE
- FOUND IRON PIPE ADD TAG 50988
- FOUND 3" BRASS CAP
- PROPOSED SPOT ELEVATION
- EXISTING SPOT ELEVATION
- 100-YEAR HIGH WATER LINE
- LOT BOUNDARY
- EASEMENT



REV	DATE	DESCRIPTION
1	12-5-18	MOVE STREET
2	1-24-19	P.V. REVISIONS
3	3-12-19	P.V. COMMENTS
4	5-6-19	REVIEW LOT 1 BSB

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FOUNTAIN HILLS, ARIZONA 85268
(480) 837-1845 fax (480) 837-8668
e-mail: Dave@CivilAZ.com



LAVITT MANOR II
REPLAT
7525 N IRONWOOD DR
PARADISE VALLEY, AZ

DATE	BY	CHKD BY	AS NOTED
6-4-18	KM	DRM	1802/9

DRAWING NO:
C20f3





Town of Paradise Valley Planning Commission

5. PUBLIC HEARINGS 19-302 CONSIDERATION OF PRELIMINARY PLAT

JULY 16, 2019 AT 6:00 P.M.

Ron and Lynn Duff – N. Invergordon

Counsel for the Duffs:

Daniel Torrens

Portmeirion Law Offices

3131 E. Clarendon Ave., Ste. 107

Phoenix, AZ 85016

(928) 421-4213

TIMING

- ▶ Duffs received notice last week
- ▶ Duffs did not expect this type of issue would be handled in summer months
- ▶ In limited time presented, review of Plat shows serious deficiencies that warrant denial

PLANNING COMMISSION

- ▶ ENSURES COMPLIANCE WITH CODES FOR SUBDIVISION PLAT APPLICATIONS
- ▶ COMPLIANCE WITH TOWN CODE
- ▶ COMPLIANCE STORM DRAINAGE DESIGN MANUAL

PLAT DEFICIENCY

- ▶ SECTION 3-6(3) Storm Drainage Design Manual
- ▶ *Easements along Natural Wash corridors **shall be** maintained to preserve the natural environment and landscape features. Natural Wash corridors **shall include** a landscape buffer.*
- ▶ No landscape buffer. No Plat approval.

PLAT DEFICIENCY

- ▶ SECTION 3-6(2) Storm Drainage Design Manual
- ▶ Natural Wash Determination:
- ▶ Shall have: *five cross sections of the wash **equally spaced*** across the property.
- ▶ Not equally spaced point. No Plat approval.

PLAT DEFICIENCY 2

- ▶ Natural Wash Determination:
- ▶ Shall have: *five cross sections of the wash equally spaced across the property.*
- ▶ Points are not across the whole wash.
- ▶ C3-6 appears 8 feet from beginning of the wash.
- ▶ C3-10 appears 30 feet from end of the wash.
- ▶ Analysis: Points closer to end of wash will confirm this is a Natural Wash or Watercourse.

PLAT DEFICIENCY

▶ Depth	Plat Point	
▶ 1.2	C3-6	
▶ 3.0	C3-7	
▶ 2.0	C3-8	
▶ 1.7	C3-9	
▶ 1.95	C3-10	½ inch; that's 1/48 th inch way from Natural Wash

DUE DILIGENCE

Duffs agree to share expense of a survey

OR

Take one point 8' from wash entrance (but, this will show that this is a Natural Wash or Watercourse)

NATURAL WASH OR WATERCOURSE

- ▶ Confirmation would mean Drainage Issue Dedicated to Town
- ▶ Likely, this Lot was not subdivided previously for a reason

COMMISSION SHOULD PAUSE

Serious issues need to be addressed

Commission should make an informed decision

Plat should be denied

George Burton

From: Paul Michaud
Sent: Tuesday, August 20, 2019 2:49 PM
To: George Burton
Subject: FW: Review meeting 7/16/19 Lavitt property PV Planning from Phil Hagenah

From: Jonathan Wainwright
Sent: Tuesday, August 20, 2019 2:38 PM
To: Paul Michaud <pmichaud@paradisevalleyaz.gov>; Jeremy Knapp <jknapp@paradisevalleyaz.gov>
Subject: Fwd: Review meeting 7/16/19 Lavitt property PV Planning from Phil Hagenah

----- Forwarded message -----

From: Phil Hagenah
Date: Tue, Aug 20, 2019 at 12:04 PM
Subject: Re: Review meeting 7/16/19 Lavitt property PV Planning from Phil Hagenah
To: Jonathan Wainwright
Cc: <JWainwright@paradisevalleyaz.gov>, Council Member Ellen Andeen <eandeen@paradisevalleyaz.gov>, Jordan Vasbinder, Susan Hagenah, Phil Hagenah Hagenah

Dear Jonathan, Thank you again for your initial response (below). We hope it is read to tonight's audience. Susan and I live right across Ironwood from the Lavitt lot split, we are firmly against it. We like your forward thinking of "hardship" and Board of Adjustment - we hope that fact carries along down the Hearing path. Perhaps Ellen Andeen could add some history of our neighborhood lots and what was built and why and where back in the 50's and 60's. That is why the Lavitt house is where it is. Sincerely, Phil & Susan Hagenah, PV.

ps: It's a flag lot!

& Susan Hagenah

TOWN OF PARADISE VALLEY PLANNING COMMISSION

Public Hearing: 19-302 Consideration of Preliminary Plat

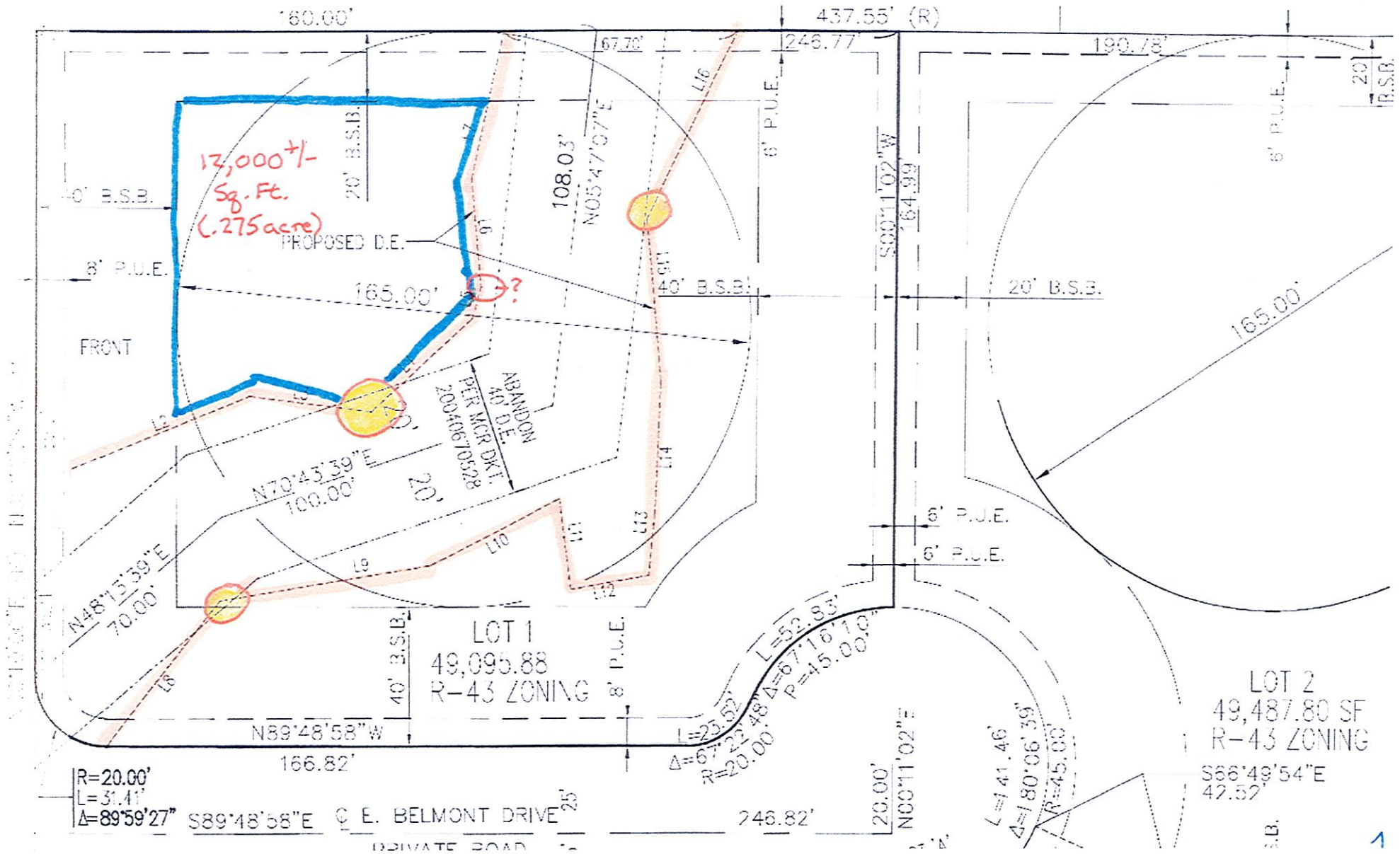
August 20, 2019 at 6:00 PM

TOWN OF PARADISE VALLEY
MISSION, VISION, & VALUES

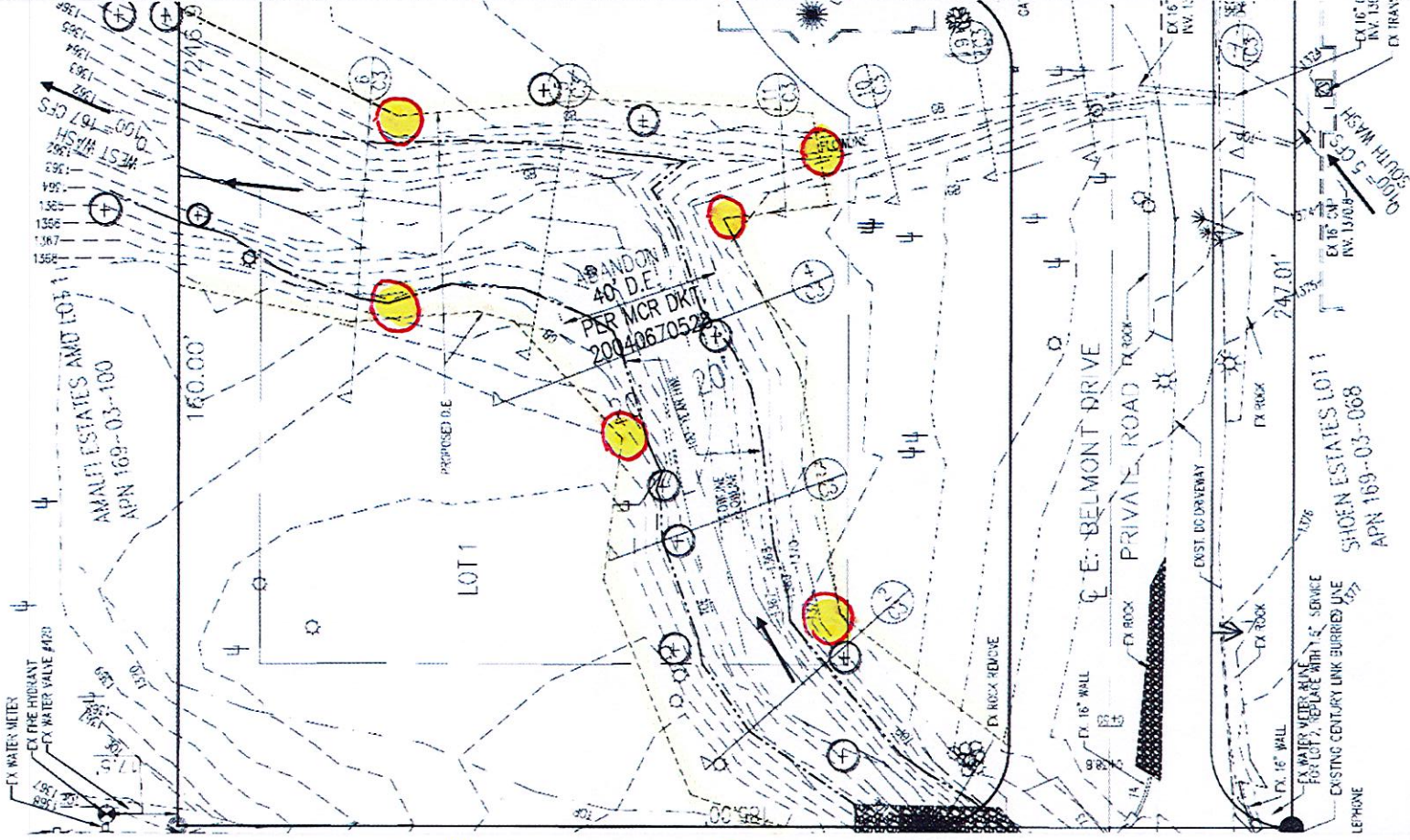
1. “Diligently preserve the special character of Paradise Valley by enforcing the land use policies identified in the Town’s General Plan, Town Code, and SUP agreements.”

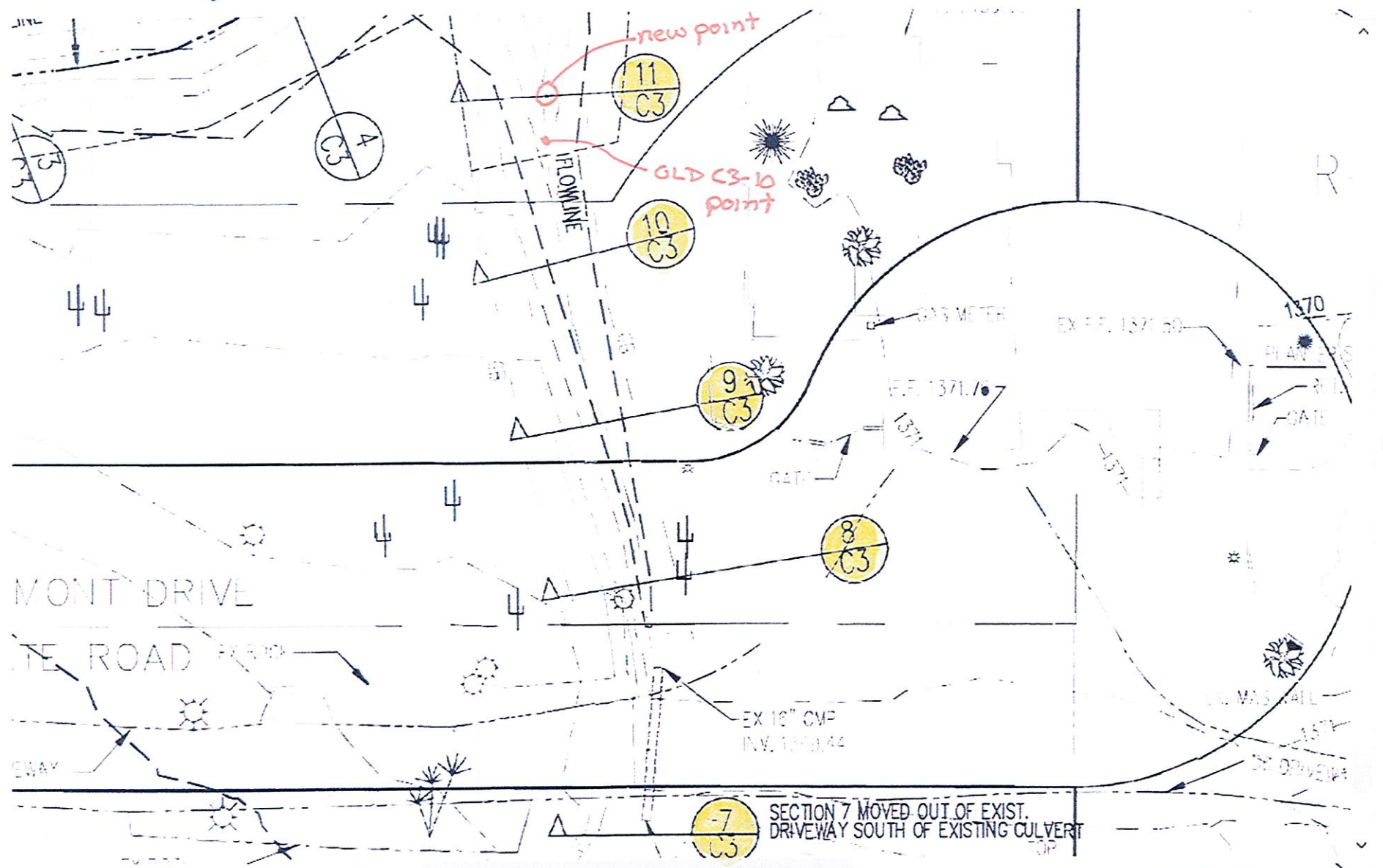
Town Code 3.6(A)(3): *Natural Wash Preservation:* "Town rights-of-way and easements along Natural Wash corridors **shall be maintained** to preserve the natural environment and landscape features. Natural Wash Corridors **shall include** a landscape buffer of **at least 5 feet on each side**, perpendicular from the **top of the bank** and designed to protect the wash's functional and ecological integrity."

- Town of Paradise Valley is obtaining easement on Lot 1;
- Mandatory language ("shall") to have a 5 foot landscape buffer on each side of wash;
- Current easement points approaches or encroaches Natural Wash at 3 points thus the landscape buffer is not appropriate;
- Plan should not be approved as it violates the Town Code.



WASH EXHIBIT LAVITT MANOR II





FORMAT

22.50

1.20

100

OBJECTS



 Edit 1

SCANNED

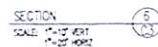
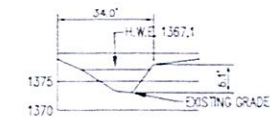
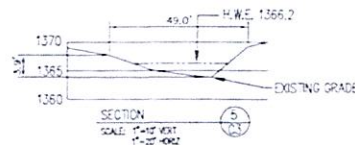
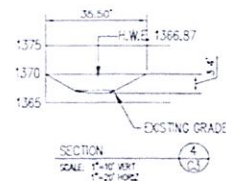
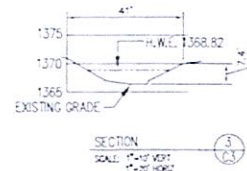
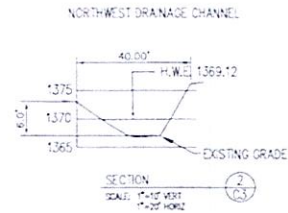
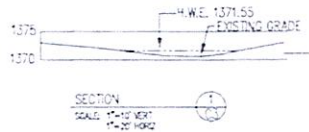
 Setti☒ Reco

Show

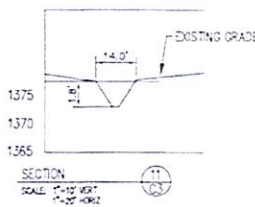
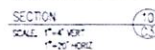
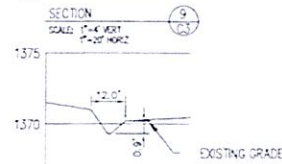
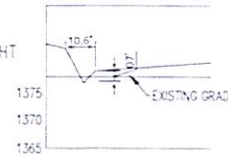
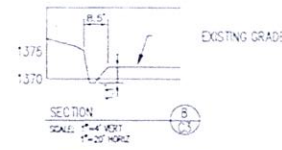
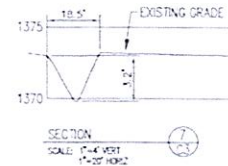
☐ Restr

2

PAVING GRADING PLAN LAVITT MANOR II



SOUTH DRAINAGE CHANNEL



5 OF 5 > 2' VERT HEIGHT
5 OF 5 > 12' LENGTH
D.E. REQUIRED

2
X OF 5 < 2' VERT HEIGHT
X EASEMENT REQUIRED



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(480) 837-1845 • (480) 837-8808
dave@vmiaz.com



LAVITT MANOR II
REPLAT
7525 N IRONWOOD DR
PARADISE VALLEY, AZ

DATE	7-23-19
PROJECT NO.	18029
SCALE	AS NOTED
SECTION & DETAILS	

DRAWING NO.
C30f4

**SUMMARY OF PLAT POINTS
FOR
SOUTHERN DRAINAGE CHANNEL**

Plat Points	Elevation Pt. 1	Elevation Pt. 2	Depth of Wash	Width of Wash
C3-7	1373.2	1369.8	3.4 feet	18.5 feet
C3-8	1373.0	1369.7	3.3 feet	8.5 feet
C3-9	1372.0	1369.6	2.4 feet	10.6 feet
C3-10	1371.0	1369.3	1.7 feet	12.0 feet
C3-11	1370.1	1368.2	1.9 feet	14.0 feet

body of water having historical banks and a bed at least two (2) feet deep and five (5) feet wide through which waters flow on a recurrent basis."

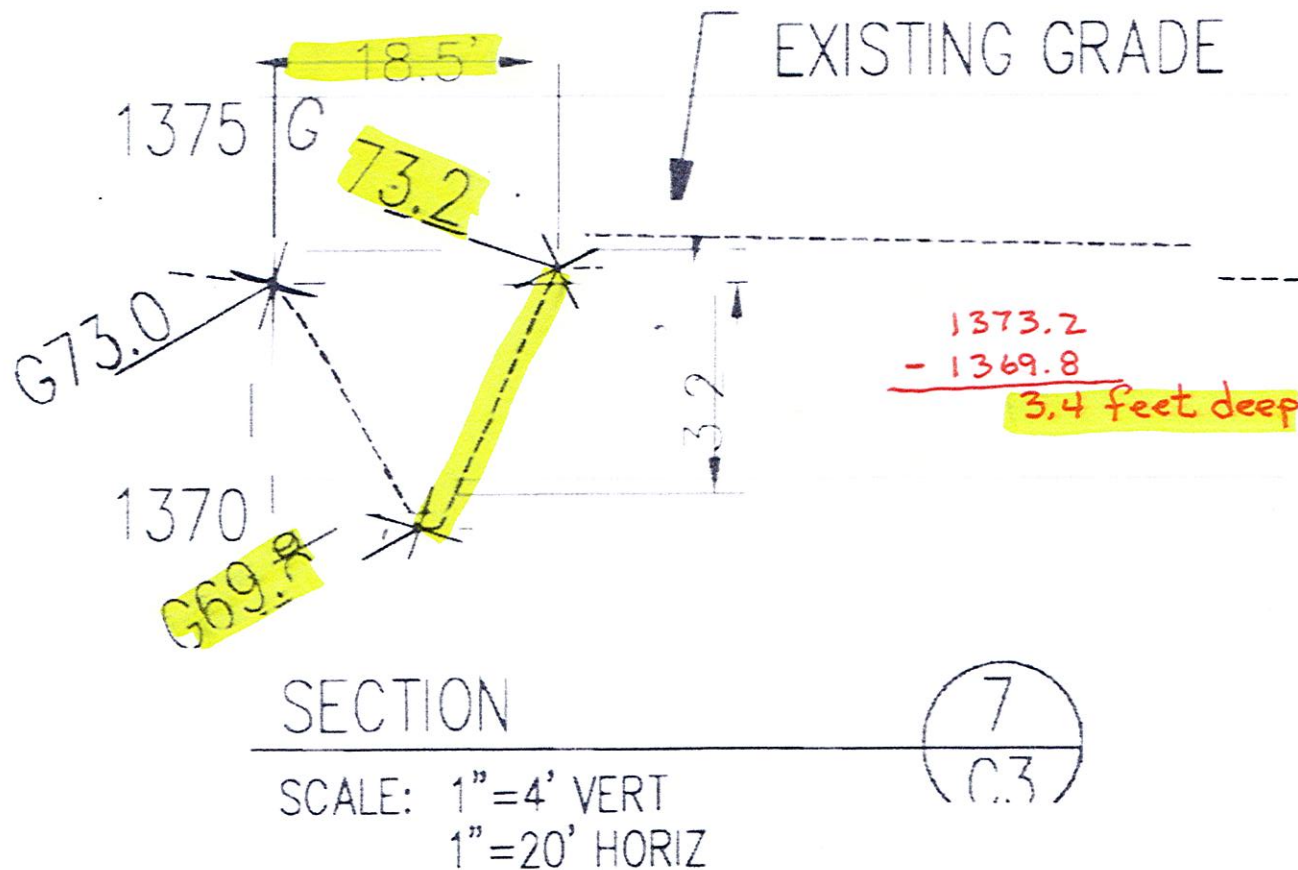
- Must consider both "historical banks" to determine depth;
- Nowhere does it say watercourse depth is taken from one bank, lowest bank, or existing grade of one bank.

Storm Drainage Design Manual: §1.5(A): Natural Wash: "A natural watercourse at least two feet deep from the top of the bank and measuring at least five feet wide at the top of the bank."

- Width must be determined by taking a measurement at the "top of the bank":
 - Can only mean at the top of each bank, or one could not obtain a width measurement from one bank.
- Accordingly, to ensure the same "top of the bank" meaning throughout the provisions, "top of the bank" must mean top of each bank;
 - Depth measurements must be taken from the top of each historical bank of the wash.

3.6(A)(2): Natural Wash Corridors: "To determine if a wash meets the definition of a Natural Wash or Hillside Wash, five cross sections of the wash equally spaced across the property will be provided. If three or more of the cross sections are at least 2 feet deep from the top of the bank and 5 feet wide to the top of the bank, the wash is considered a Natural Wash or Hillside Wash.

- Width must be determined by taking a measurement "to the top of the bank":
 - Can only mean to the top of each bank, or one could not obtain a width measurement from one bank.
- Accordingly, to ensure the same "top of the bank" meaning throughout the provisions, "top of the bank" must mean top of each bank;
 - Depth measurements must be taken from the top of each historical bank of the wash to determine if it is a Natural Wash.



OBJECTS



SCANNED



body of water having historical banks and a bed at least two (2) feet deep and five (5) feet wide through which waters flow on a recurrent basis."

- Must consider both "historical banks" to determine depth:
- Nowhere does it say watercourse depth is taken from one bank, lowest bank, or existing grade of one bank.

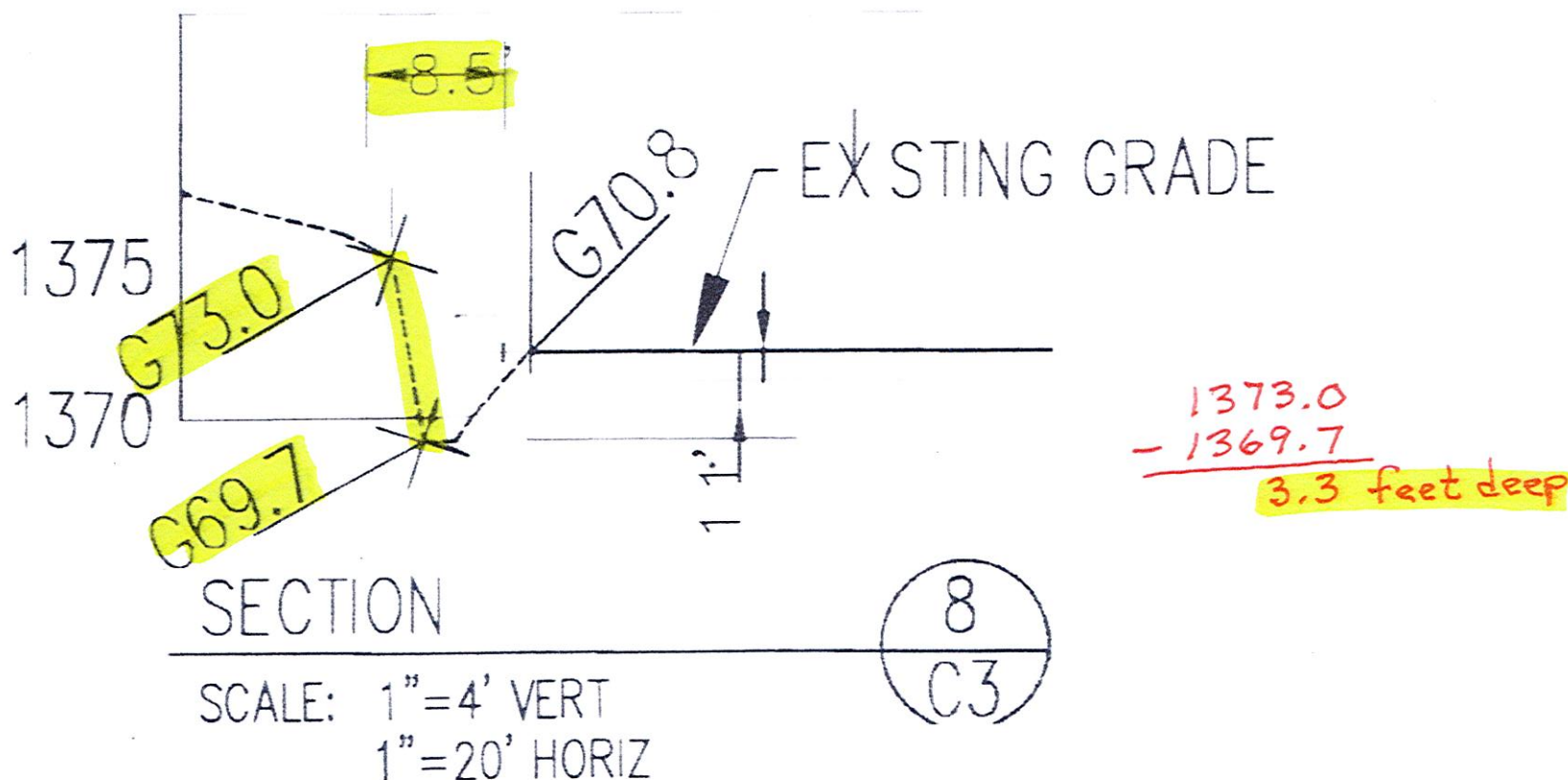
Storm Drainage Design Manual: §1.5(A): Natural Wash: "A natural watercourse at least two feet deep from the top of the bank and measuring at least five feet wide at the top of the bank."

- Width must be determined by taking a measurement at the "top of the bank":
 - Can only mean at the top of each bank, or one could not obtain a width measurement from one bank.
- Accordingly, to ensure the same "top of the bank" meaning throughout the provisions, "top of the bank" must mean top of each bank:
 - Depth measurements must be taken from the top of each historical bank of the wash.

3.6(A)(2): Natural Wash Corridors: "To determine if a wash meets the definition of a Natural Wash or Hillside Wash, five cross sections of the wash equally spaced across the property will be provided. If three or more of the cross sections are at least 2 feet deep from the top of the bank and 5 feet wide to the top of the bank, the wash is considered a Natural Wash or Hillside Wash.

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FORMAT



OBJECTS



SCANNED

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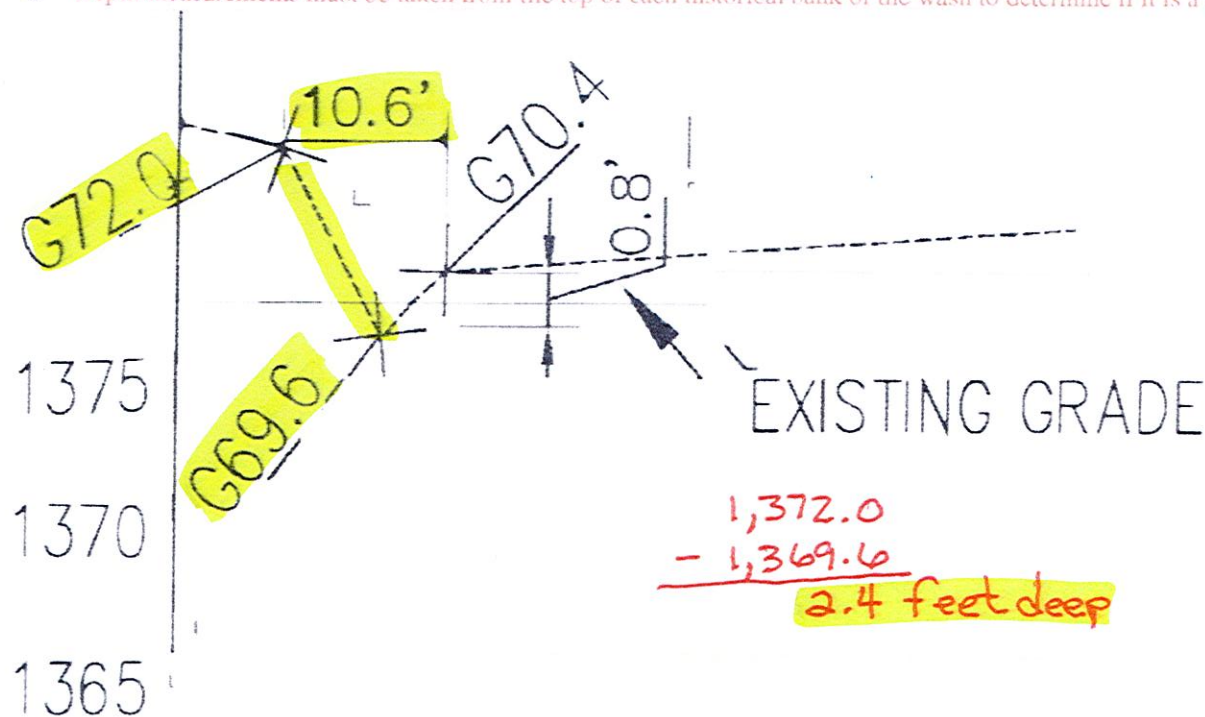
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SECTION

SCALE: 1"=4' VERT

9
(C.3)

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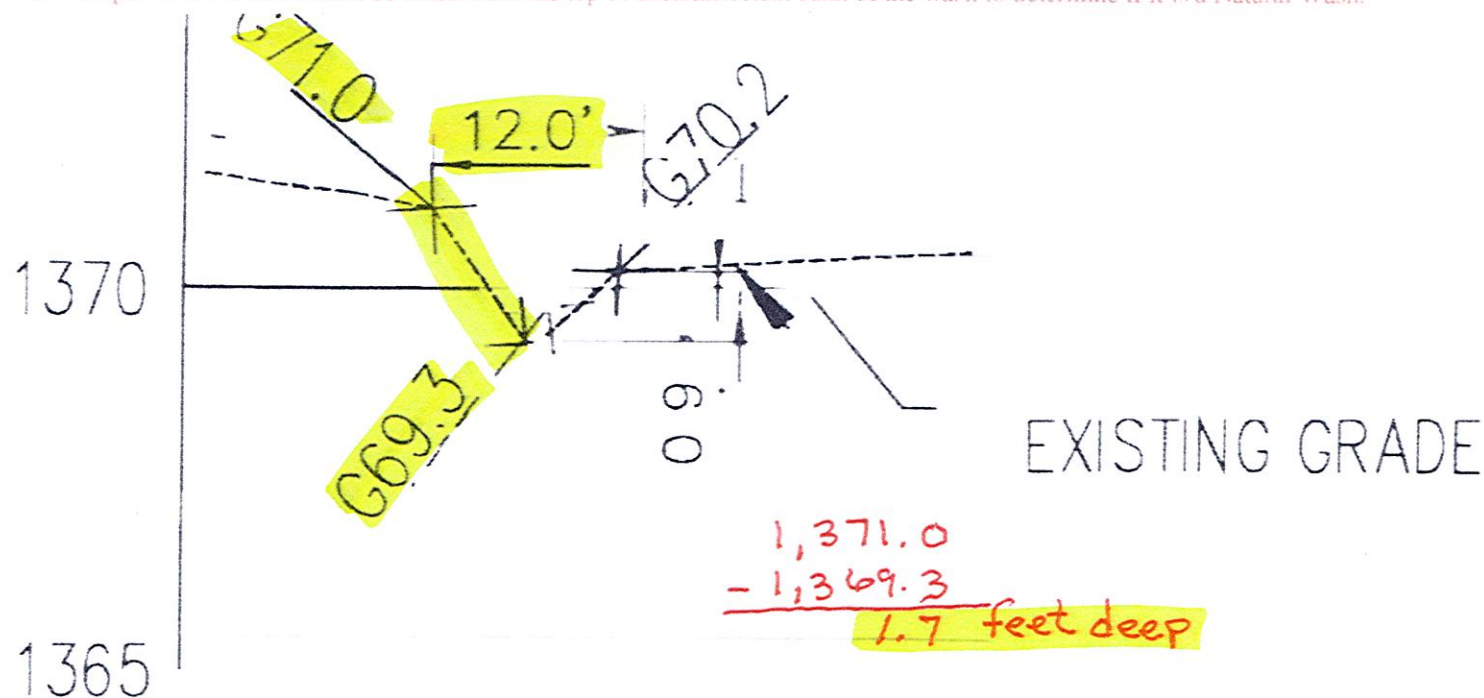
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SECTION

SCALE: 1"=4' VERT

10
C3

SCANNED

Settings

Layers

Show

Utah State Code: §§ 2-10-1(C)(1) and 6-3-8(A): "For the purposes of this section, 'watercourse' means any creek, stream, wash, arroyo, channel or other body of water having historical banks and a bed at least two (2) feet deep and five (5) feet wide through which waters flow on a recurrent basis."

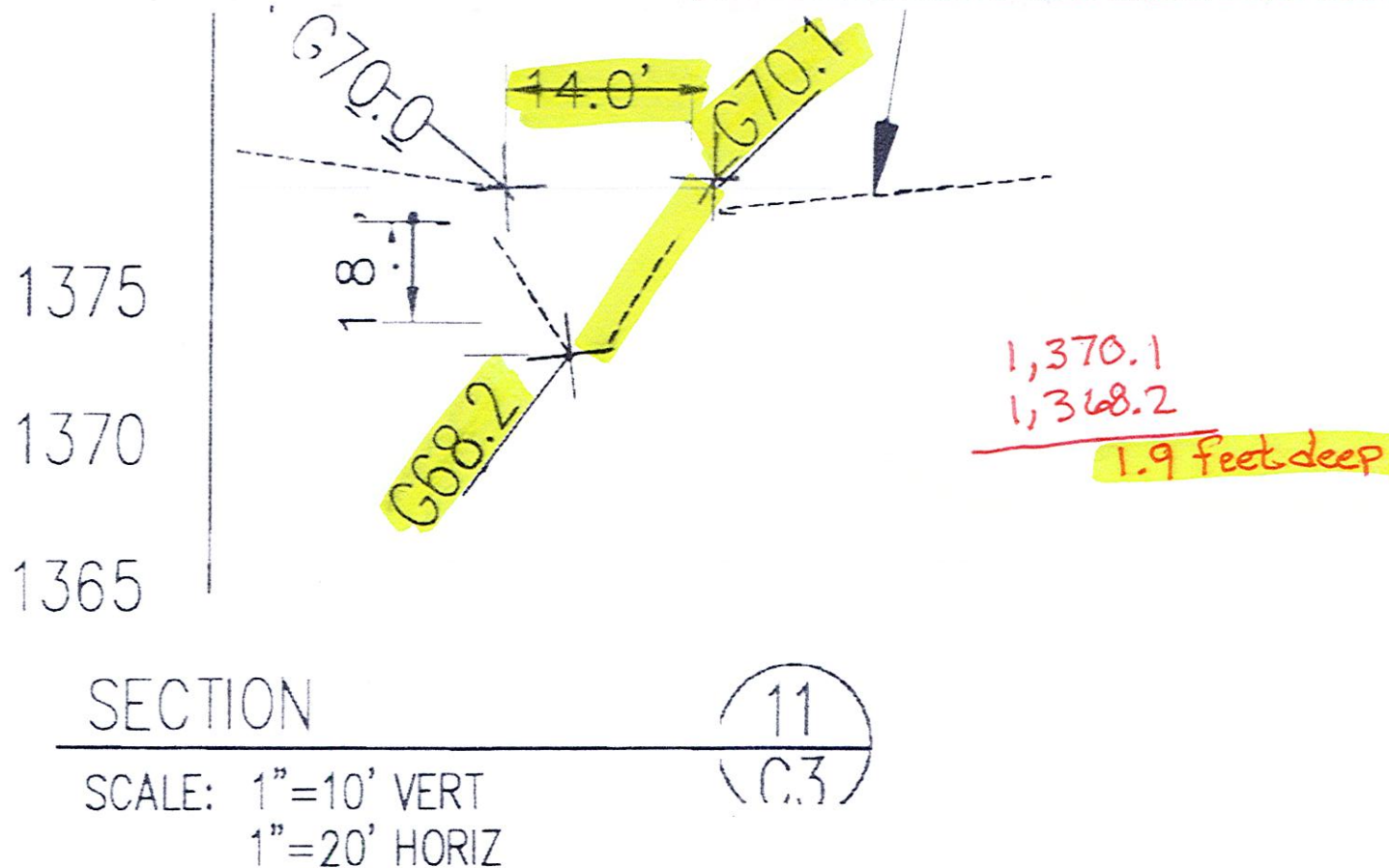
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DOCUMENTS NEEDED FOR REVIEW/APPROVAL

- Wash Exhibit showing:
 - Topography showing top of the bank of each side of the main wash;
 - Separate line showing 5 foot landscape buffer on each side of the top of the bank; and
 - Separate line showing proposed easement that reflects all points of the easement are outside of 5 foot landscape buffer.

Paradise Valley Town Code 3.6(A)(3)

- Paving Grading Drainage Exhibit showing:
 - Topography showing top of the bank of each side of the southern wash;
 - Separate line showing 5 foot landscape buffer on each side of the top of the bank;
 - Separate line showing proposed easement that reflects all points of the new easement are outside the 5 foot landscape buffer.
 - Revised Drainage Easement and Drainage Easement Agreement being provided to the Town of Paradise Valley reflecting southern Natural Wash inclusion.

Paradise Valley Town Code §§ 3.6(A)(2); 3.6(A)(3); 5-10-7(C)(2); 6-3-8.

Storm Drainage Design Manual § 7.1(B)

- Revised Preliminary Plat reflecting all of the above.
- Recommend Preliminary Plat reflect the actual buildable square footage in northwest corner of Lot1.

Paradise Valley Town Code § 6-3-5(A); 6-3-8.

TOWN OF PARADISE VALLEY
MISSION, VISION, & VALUES

“Diligently preserve the special character of Paradise Valley by enforcing the land use policies identified in the Town’s General Plan, Town Code, and SUP agreements.”

TOWN OF PARADISE VALLEY
STORM DRAINAGE DESIGN MANUAL

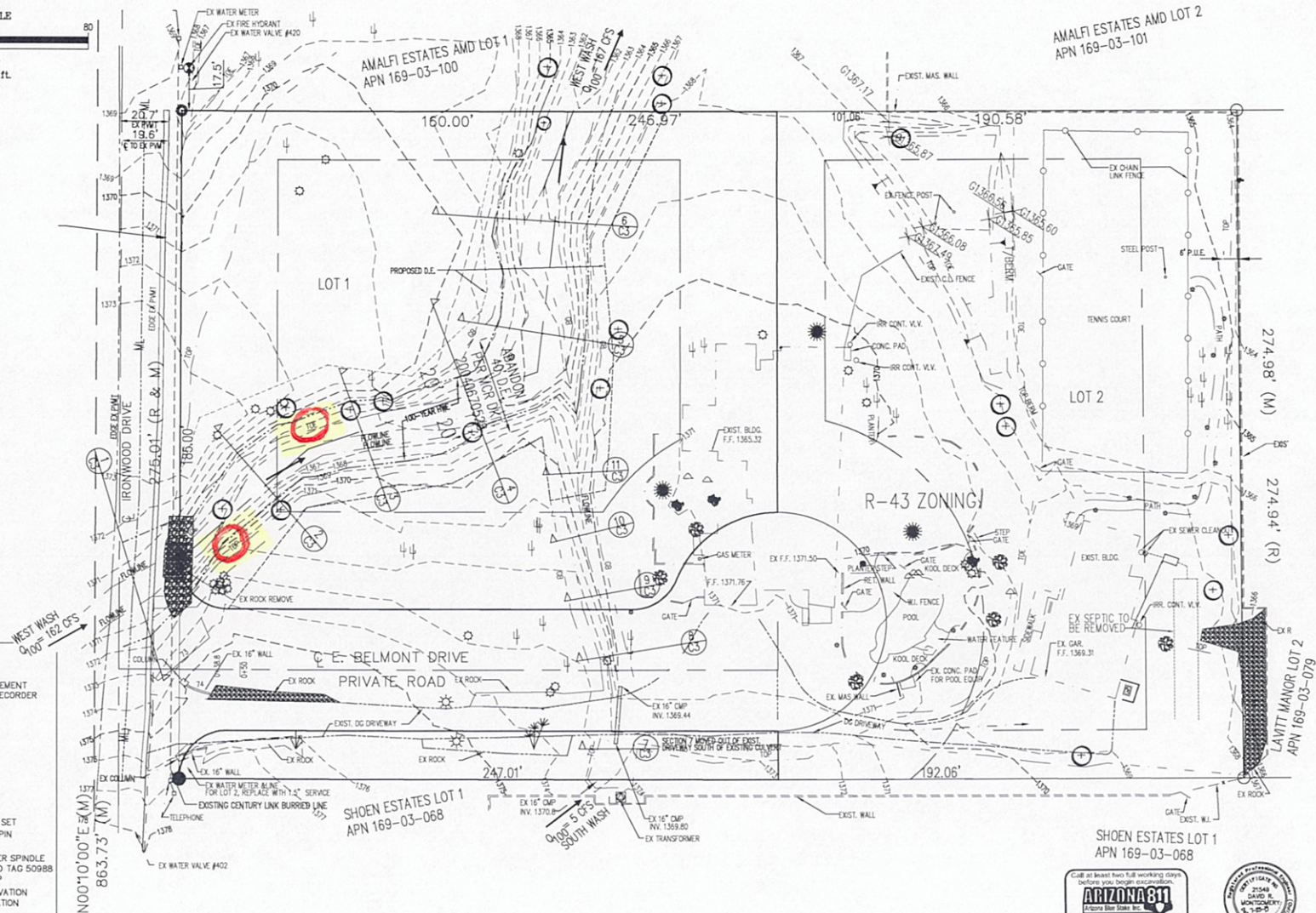
§ 3.6(A)(3)

Natural Wash Preservation: “Town rights-of-way and easements along Natural Wash corridors **shall be** maintained to preserve natural environment and landscape features. Natural Wash corridors **shall include** a landscape buffer of at least 5 feet on each side, **perpendicular from the top of the bank** and designed to protect the wash’s functional and ecological integrity.”



GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

WASH EXHIBIT LAVITT MANOR II



LEGEND

- B.S.D. BUILDING SETBACK
- P.U.E. PUBLIC UTILITIES EASEMENT
- M.C.R. MARICOPA COUNTY RECORDER
- (C) CALCULATED VALUE
- D.E. DRAINAGE EASEMENT
- EX EXISTING
- (R) RECORDED VALUE
- (M) MEASURED VALUE
- R.O.W. RIGHT-OF-WAY
- D.E. DRAINAGE EASEMENT
- VE VISIBILITY EASEMENT
- GB GRADE BREAK
- REBAR WITH CAP
- RPLS # 50988 TO BE SET
- FOUND 5/8" STEEL PIN
- FOUND 1/2" REBAR
- FOUND COTTON PICKER SPINDLE
- FOUND IRON PIPE ADD TAG 50988
- FOUND 3" BRASS CAP
- PROPOSED SPOT ELEVATION
- EXISTING SPOT ELEVATION
- 100-YEAR HIGH WATER LINE
- LOT BOUNDARY
- EASEMENT

AMALFI ESTATES AND LOT 2
APN 169-03-101

AMALFI ESTATES AND LOT 1
APN 169-03-100

LOT 1

LOT 2

R-43 ZONING

C.E. BELMONT DRIVE
PRIVATE ROAD

SHOEN ESTATES LOT 1
APN 169-03-068

SHOEN ESTATES LOT 2
APN 169-03-068



DATE	REVISION	DESCRIPTION
7-23-19	4	REVISED SECTIONS
7-23-19	4	NOT DATE

MONTGOMERY
ENGINEERING & MANAGEMENT, L.L.C.
16716 E. PARKVIEW AVE. SUITE 204
FOUNTAIN HILLS, ARIZONA 85268
(480) 837-1845 fax (480) 837-8668
e-mail: Dave@ChinAZ.com



LAVITT MANOR II
REPLAT

7525 N IRONWOOD DR
PARADISE VALLEY, AZ

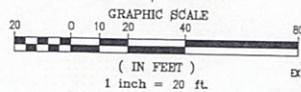
DATE	7-23-19
PROJECT NO.	18029
PROJECT FILE	AS NOTED
ISSUED	AS NOTED

DRAWING NO:
C40f4

**WASH EXHIBIT
LAVITT MANOR II**

1. Impossible to track lines of “TOB” on the plat.
2. Does not show required 5 foot “landscape buffer” that is required to be “perpendicular from the top of the bank.”
3. Cannot tell whether proposed easement conforms with the Storm Drainage Manual

Provided Plat is currently deficient and does not follow the Town requirements.



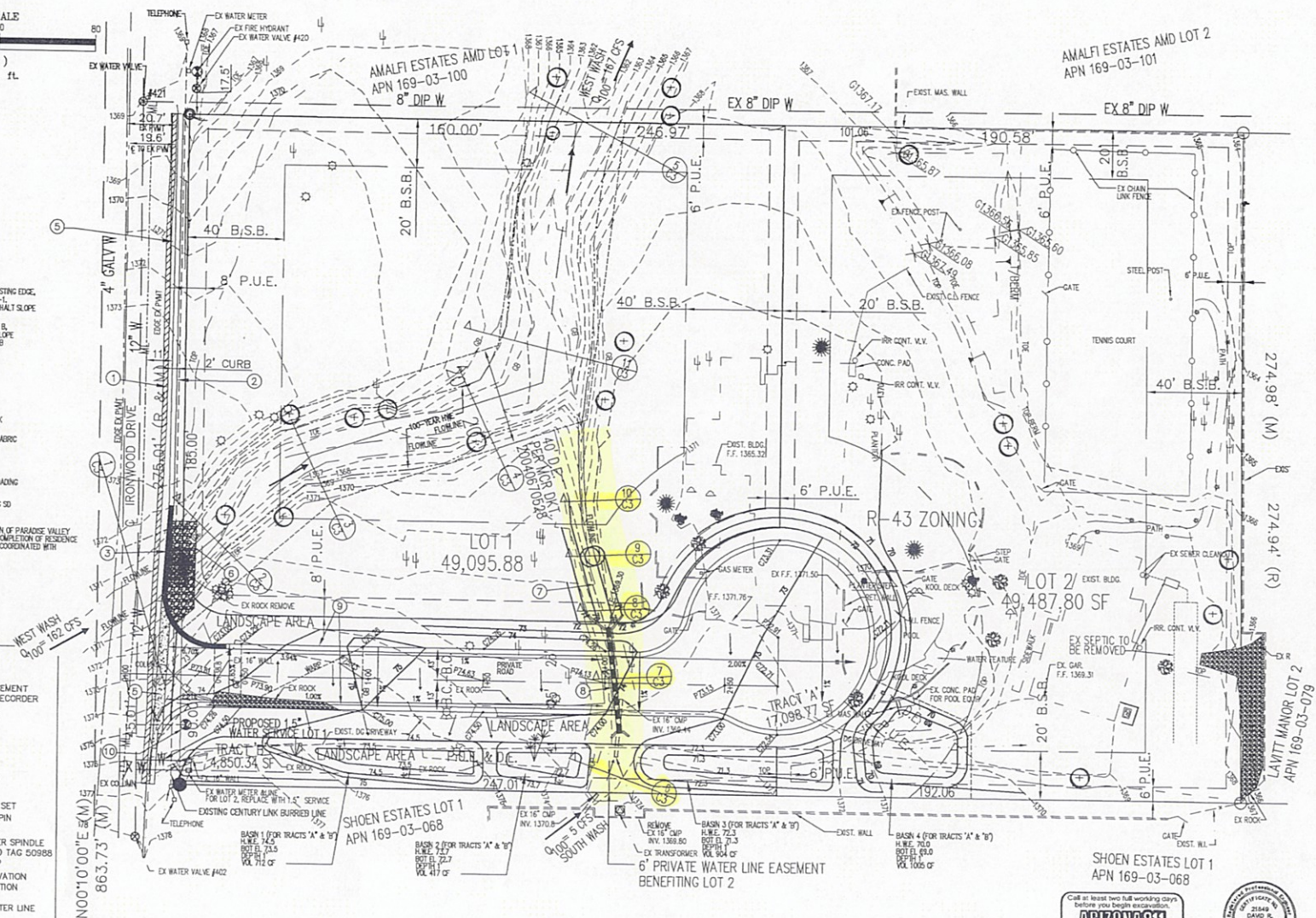
PAVING GRADING DRAINAGE LAVITT MANOR II

KEY NOTES

1. SANITARY EXISTING ASPHALT 2" MIN. FROM EXISTING EDGE. RESTORE ASPHALT CONCRETE PER MAG 200-1. ASPHALT SLOPE SHALL MATCH EXISTING ASPHALT SLOPE. EXISTING ASPHALT TO PROPOSED CURB.
2. PROPOSED REBAR CURB PER MAG 220 TYPE II. SLOPE 1/2" PER FOOT TO MATCH EX. PAVING SLOPE. MATCH ASPHALT ELEVATION AT FACE OF CURB. CURB SHALL NOT OBSTRUCT RUNOFF.
3. 4" DEEP CONCRETE CUT WALL PER MAG 502.
4. HEADWALL PER MAG.
5. VALLEY CUTTER MAG 240.
6. REPAIR IRREGULAR SHAPED INDIGENOUS ROCK SET ON 4" SAND OVER FABRIC FILTER. ASBESTOS MESH CLASS 1 NON-WOVEN FILTER FABRIC. INSTALL PER MFG'S INSTRUCTIONS.
7. REGRADE FLOWLINE TO THE MINIMUM SLOPE. 2" WIDE BOTTOM WITH 4:1 SIDE SLOPES.
8. 24" ALUMINUM CAP CULVERT FOR 18"-20" LOADING. INSTALL PER MAG SPECIFICATIONS.
9. REBAR CURB & CUTTER BOTH SIDES PER MAG 502. 200 TYPE II (TYP.) SLOPE CURB TO MATCH PAVEMENT SLOPE.
10. PROPOSED FIRE HYDRANT COMPLETE PER TOWN OF PARADISE VALLEY STANDARDS. TO BE CONSTRUCTED PRIOR TO COMPLETION OF RESIDENCE ON LOT 2 BY OWNER OF LOT 2 AND SHALL BE COORDINATED WITH THE CITY OF PHOENIX.

LEGEND

B.S.B.	BUILDING SETBACK
P.U.E.	PUBLIC UTILITIES EASEMENT
M.C.R.	MARKING COUNTY RECORDER
(C)	CALCULATED VALUE
D.E.	DRAINAGE EASEMENT
EX	EXISTING
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ROW	RIGHT-OF-WAY
DE	DRAINAGE EASEMENT
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---	LOT BOUNDARY
---	EASEMENT



AMALFI ESTATES AND LOT 2
APN 169-03-101

SHOEN ESTATES LOT 1
APN 169-03-068



REV	DATE	DESCRIPTION
3	4-4-18	REVISE LOT 1 B59
2	3-12-18	P.V. COMMENTS
1	1-24-18	P.V. REVISIONS
0	1-25-18	WAVE STREET
0	1-25-18	DATE

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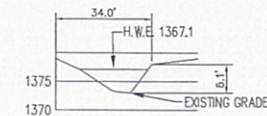
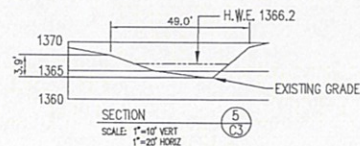
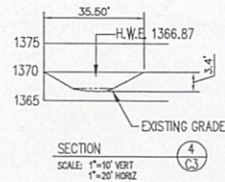
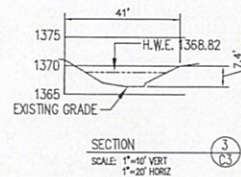
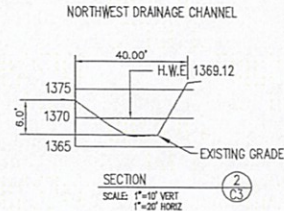
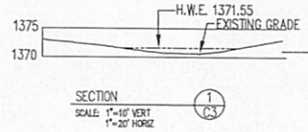
**LAVITT MANOR II
REPLAT**

7525 N IRONWOOD DR
PARADISE VALLEY, AZ

DATE:	6-4-18
PROJECT NO.:	18029
ISSUE:	AS NOTED
PROJECT:	PAVING GRADING DRAINAGE

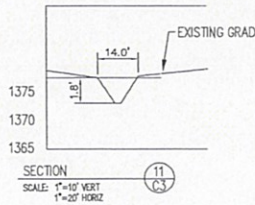
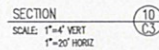
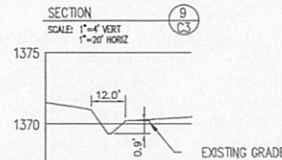
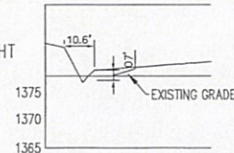
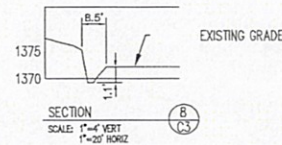
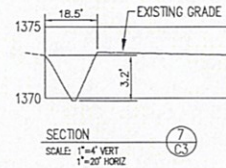
DRAWING NO:
C20f3

PAVING GRADING PLAN LAVITT MANOR II



5 OF 5 > 2' VERT HEIGHT
5 OF 5 > 12" LENGTH
D.E. REQUIRED

SOUTH DRAINAGE CHANNEL



2 OF 5 < 2' VERT HEIGHT
NO EASEMENT REQUIRED



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e-mail: Dave@CivilAZ.com

LAVITT MANOR II
REPLAT
7525 N IRONWOOD DR
PARADISE VALLEY, AZ

DRAWN BY: KM
DATE: 7-23-19
CHECKED BY: DRM
PROJECT NO.: 18028
SCALE: AS NOTED

SECTIONS & DETAILS
DRAWING NO.:
C30f4

PARADISE VALLEY TOWN CODE

§ 5-10-7(C)(1) and 6-3-8(A)

“For purposes of this section, ‘watercourse’ means any creek, stream, wash, arroyo, channel or other body of water having historical **banks** and a bed at least two (2) feet deep and five (5) feet wide through which water flows on a recurrent basis.”

TOWN OF PARADISE VALLEY

STORM DRAINAGE DESIGN MANUAL

§ 3.6 (A)(2)

“To determine if a wash meet the definition of a Natural Wash or Hillside Wash, five cross sections of the wash equally paced across the property will be provided. If three or more of the cross sections are at least 2 feet deep from the **top of the bank** and 5 feet wide to the **top of the bank**, the wash is considered a Natural Wash or Hillside Wash.”

**LEGAL INTERPRETATION OF
TOWN OF PARADISE VALLEY TOWN CODE**

1. Town Code recites “historical banks”—plural.
2. “top of the bank” is not defined as lowest bank, highest bank, or both banks.
 - a. “5 feet wide to the top of the bank” requires measurements from the top of both banks;
 - b. Therefore, “2 feet deep from the top of the bank” should require measurements from the top of both banks.

APPLICATION OF TOWN OF PARADISE VALLEY TOWN CODE

Measuring depth from other “top of bank” than that provided by Applicant:

Plat Points	Elevation Pt. 1	Elevation Pt. 2	Depth of Wash	Width of Wash
C3-7	1373.2	1369.8	3.4 feet	18.5 feet
C3-8	1373.0	1369.7	3.3 feet	8.5 feet
C3-9	1372.0	1369.6	2.4 feet	10.6 feet
C3-10	1371.0	1369.3	1.7 feet	12.0 feet
C3-11	1370.1	1368.2	1.9 feet	14.0 feet

Southern wash is a “watercourse” and “Natural Wash” as defined in the Town Code and Storm Drainage Design Manual. Therefore, an additional drainage easement is required to be dedicated to the Town of Paradise Valley.

Not an engineering issue, but rather, an issue of legal interpretation of the Code and Design Manual.

CONCLUSION

The Mission and Values of the Town is “enforcing the land use policies identified in the Town’s General Plan, Town Code, and SUP agreements.

If approved, the Town Council **IS NOT** following or enforcing the Town of Paradise Valley Code.

Do not be persuaded by engineering approvals—these are legal issues and legal interpretation of the Town Code and Storm Drainage Design Manual.

From: [Mary Larue Walker](#)
To: [George Burton](#)
Subject: Objection to approval of final plat/7525 N. Ironwood Drive/Case no. SP-19-01
Date: Thursday, September 19, 2019 1:10:32 PM

Please see the following from my client, Dodge Earnhardt.

Mary LaRue Walker
General Counsel

Mr. Burton:

I am writing in objection to the approval of the final plat for the re-plat 7525 N. Ironwood Drive, case number SP-19-01. This matter is scheduled for hearing on September 26. Please include this email with the packets for each of the council members.

Our home is located at _____ and would be immediately and negatively impacted by the proposed re-plat. My wife and I chose the location to build a family home for our four children in significant part because of the privacy afforded by the large lots in the area. We have grave concerns that minimally complaint lots created by the proposed re-plat, if approved, will dilute the character of the area and our privacy.

Additionally, we echo the concerns of our neighbors, Ron and Lynn Duff and Phillip and Susan Hagenah. Specifically, we urge the council to require strict compliance with the Town's existing drainage requirements, including the provision of a landscaping berms for the washes. We also join the previously expressed concerns with regard to the size of the building envelopes that will remain after the washes properly are accommodated. Again, the Code requires that the character of the surrounding development be considered. It is hard to reconcile small building envelopes with the character of the 2 acre+ lots in the area.

Rachel and I appreciate the Council's consideration of our sincere concerns.

Hal J. "Dodge" Earnhardt, IV