

- replacement.
- Deputy Town Manager Dawn Marie Buckland refreshed the Council Members on the process by which Council Members may add items to the agenda, as stated in the Town Council Rules and Procedure. Interim Town Manager Brian Dalke suggested that, although the Manager has the authority to place items on the agenda that have been requested by a Council Member, the preferred method is for Council Members to propose the item during a Council meeting. Mayor Collins invited Council Members to contact him about placing items on a future agenda as well.
  - Mayor Collins reviewed the Council policy which limits the amount of time staff can spend on a request from an individual Council Member to two hours.

There was no further discussion.

### **18-341 PSPRS Nominations**

Mayor Collins announced that the Chair of the Public Safety Personnel Retirement Board Richard Fincher resigned over the summer. The Mayor reached out to Board Member Jameson Van Houten about serving as chair and he agreed. To fill the vacancy created by Mr. Van Houten's appointment as Chair, Mayor Collins suggested Keith Wong who applied for a volunteer position previously but was not selected.

There was Council consensus to schedule the appointments at the September 27<sup>th</sup> meeting.

### **18-343 Discussion of Ordinance 2018-15, Amending the Hillside Development Regulations in Article XXII of the Zoning Ordinance**

Town Attorney Andrew Miller presented a draft ordinance amending Zoning Article 22, Hillside Building, to make the following changes:

- Update definitions
- Add a pre-application submittal requirement
- Provide for expiration of hillside applications
- Clarify language on request to remove a property from hillside designation

The Council discussed and raised concerns about the definition and what constitutes a "complete hillside application" and fees associated with pre-applications. The Attorney was directed to make additional edits to the draft and bring it back for further review at a study session.

### **18-321 Discussion of Ironwood Golf Villas Final Plat (Town Triangle) Northwest corner of the Northern Avenue alignment and Scottsdale Road**

Senior Planner Paul Michaud summarized a request by Doug Jorden, on behalf of Town Triangle, LLC and Folkman Properties LLC, for a final plat to develop a 9.6-acre property located at the northwest corner of the Northern Avenue alignment and Scottsdale Road. The proposed development is for eight single-family lots that are expected to vary in lot size between 16,813 square feet and 38,665 square feet.

He reviewed the prior Town Council and Planning Commission approvals of the preliminary plat, the amendment to the Cluster Plan zoning text, rezoning of the subject site to R-42 Cluster Plan, an application for two subdivision signs, a conceptual perimeter wall plan, and a Special Use Permit for a private roadway gate. He noted that the prior approvals do not become effective until the Town Council approves the final plat and until the following conditions are met:

- Completion of the approved Letter of Map Revision (LOMR) through the Federal Emergency Management Agency (FEMA). This LOMR is expected to be completed by the middle of September 2018.
- Review by the Town Attorney of the CC&R's, declaration, bylaws, or other documents. The property owners have agreed to a voluntary inclusion that the CC&R's will include a provision for no overnight parking on Ironwood Drive, there will be a single trash hauler provider, and that there will be a minimum of a 30-day rental limit for the residential units.
- Submittal of all assurances such as providing a copy of any assurances related to improvements in the Scottsdale Road right-way given to the City of Scottsdale, grading within drainage easements on the plat, and improvement of a bicycle and/or pedestrian route within Northern Avenue as specified per the rezoning.
- Recordation of the private roadway and drainage maintenance agreement(s). The Maintenance Agreement attachment provides a draft version of this agreement.
- Recordation of the trust indenture establishing title to the common areas must be executed in accordance with Section 905, Conveyance of Common Lands, of the Zoning Ordinance.

Responding to a question from Council regarding a concern about potential erection of golf netting adjoining the subdivision, it was noted that such an installation would be prohibited by current Town Code so no additional stipulations in the final plat approval were necessary.

No public comments were received on the final plat application. He stated the public hearing is tentatively scheduled for October 11 pending receipt of the certificate of assured water supply.

### **18-340 Special Use Permit Overview and Planning**

Community Development Director Jeremy Knapp briefed the Town Council on the Special Use Permit (SUP) amendment process and summarized the current SUP applications in process. There are four types of SUP amendments: managerial – approved by Town Manager; minor – approved by Planning Commission; intermediate – limited in scope, reviewed by Planning Commission, and approved by the Town Council; and major – encompassing entire SUP property, reviewed by the Planning Commission, and approved by the Town Council. He stated that the pre-application is limited to 30-days, the Town Council must issue a Statement of Direction to the Planning Commission within 45-days from the first staff presentation, the Planning Commission has 90-days to review and make a recommendation to the Town Council.

Mr. Knapp noted that his department is working on major SUP amendments for Lincoln Medical Plaza, Smoke Tree Resort, and Mountain View Medical. In addition, applications are expected from PV Medical, Five Star Development (Ritz-Carlton), and Sanctuary Resort Casa 3. He provided a suggested timeline for consideration of all the applications.

Given the large number of applications in process, the Council discussed the possibility of extending review timelines for future applications that may be submitted in the near future.

**10. CONSENT AGENDA**

Mr. Burke summarized the items on the Consent Agenda.

- 17-394**        **Minutes of Town Council Meeting October 26, 2017**
- 17-395**        **Minutes of Town Council Meeting November 2, 2017**
- 17-398**        **Adoption of Resolution No. 2017-17; authorizing the Town Attorney to file a Motion to Intervene as in interested party in the matter of the application of EPCOR Water Arizona for increases in its rates and charges for utility service by its Paradise Valley Water District.**

**Recommendation:** Adopt Resolution No. 2017-17.

**A motion was made by Council Member Moore, seconded by Council Member Sherf, to approve the Consent Agenda. The motion carried by the following vote:**

**Aye:** 7 - Mayor Collins  
Vice Mayor Bien-Willner  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Sherf  
Council Member Stanton

**11. PUBLIC HEARINGS**

- 17-384**        **Consideration of Ordinance No. 2016-13, The Villas at Cheney Estates A Text Amendment to amend Article II, Definitions, and Article IX, Cluster Plan District, of the Town's Zoning Ordinance**

Senior Planner Paul Michaud presented a request by Doug Jordan, on behalf of Town Triangle, LLC and Folkman Properties, LLC to develop eight single-family lots on a 9.6-acre property located at the northwest corner of the Northern Ave alignment with Scottsdale Road. The development proposal required six applications which Mr. Michaud explained in detail:

- A text amendment to Article II and Article IX
- A rezoning to change the zoning district from R-43 Single Family Residential and SUP / Country Club to R-43 Cluster Plan
- A Preliminary Plat
- A Conditional Use Permit for private roads
- A Special Use Permit for a private roadway gate off Scottsdale Road

- A request for two entry subdivision wall signs.

He stated that the Planning Commission reviewed all six applications and found them to be consistent with the General Plan and in compliance with the Zoning Ordinance. They voted 4 – 0 to recommend approval.

Planning Commissioner Jonathan Wainwright presented the Commission's report and responded to questions.

Developer Rod Cullum and Geoffrey Edmunds, Attorney Doug Jordan, and Engineer Len Erie spoke on behalf of the project and responded to questions.

Mayor Collins opened the public hearing.

Residents Mary Hamway, Bernard Kirk, and Robert Robihsoh spoke in favor of the project.

Resident Wayne Renken expressed concern about the flood plain study and suggested that the Town delay approval until a plan was designed and implemented to mitigate flooding on his property.

Resident Robert Nagle expressed concerns about public safety response to the development, building heights, lights, and potential erection of golf ball netting.

Mayor Collins closed the public hearing.

The Council and staff discussed questions raised during public comments.

**A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Stanton, to adopt Ordinance No. 2016-13. The motion carried by the following vote:**

**Aye: 7 -** Mayor Collins  
Vice Mayor Bien-Willner  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Sherf  
Council Member Stanton

**17-385            Consideration of Ordinance No. 2016-14, The Villas at Cheney Estates A rezoning request from R-43 and SUP to R-43 Cluster Plan located at the northwest corner of the Northern Avenue alignment and Scottsdale Road**

Mayor Collins opened the public hearing.

Resident Wayne Renken summarized the history of grading and drainage on the parcel and adjoining golf course. He suggested that alterations to the golf course and reconstructed bridge over Scottsdale Road had not received proper review by FEMA.

Mayor Collins closed the public hearing.

**A motion was made by Council Member Dembow, seconded by Vice Mayor Bien-Willner, to adopt Ordinance No. 2016-14. The motion carried by the following vote:**

- Aye: 7 - Mayor Collins**
- Vice Mayor Bien-Willner
- Council Member Dembow
- Council Member Moore
- Council Member Pace
- Council Member Sherf
- Council Member Stanton

**17-387            Consideration of Ordinance No. 2016-15, The Villas at Cheney Estates A Special Use Permit (SUP) for private roadway gates located at the northwest corner of the Northern Avenue alignment and Scottsdale Road**

Mayor Collins opened the public hearing. There were no public comments.

Mayor Collins closed the public hearing.

**A motion was made by Council Member Stanton, seconded by Council Member Dembow, to adopt Ordinance No. 2016-15. The motion carried by the following vote:**

- Aye: 7 - Mayor Collins**
- Vice Mayor Bien-Willner
- Council Member Dembow
- Council Member Moore
- Council Member Pace
- Council Member Sherf
- Council Member Stanton

**17-386      Consideration of The Villas at Cheney Estates Preliminary Plat  
located at the northwest corner of the Northern Avenue alignment  
and Scottsdale Road**

Mayor Collins opened the public hearing. There were no public comments.

Mayor Collins closed the public hearing.

**A motion was made by Council Member Dembow, seconded by Council Member Stanton, to the Preliminary Plat for "The Villas at Cheney Estates" subject to the following conditions:**

- 1. The final plat for "The Villas at Cheney Estates" shall be in substantial compliance with the Preliminary Plat, Sheets 1-3, prepared by CVL Consultants, dated August 31, 2017.**
  - 2. Prior to the final plat of this Property being approved by the Town Council, the appropriate documentation shall be provided to the Town regarding "The Villas at Cheney Estates" subdivision having a 100-year assured water supply.**
  - 3. A final subdivision wall and landscape plan shall be approved with the final plat for "The Villas at Cheney Estates." This plan shall exclude the areas approved under the Special Use Permit of Ordinance 2016-15 (SUP-16-03) related to the private roadway gates, walls, and other improvements/landscaping depicted on such plan.**
  - 4. Prior to recordation of the final plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review.**
  - 5. Within 60 days of approval of the final plat, 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.**
- The motion carried by the following vote:**

**Aye: 7 - Mayor Collins  
Vice Mayor Bien-Willner  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Sherf  
Council Member Stanton**

**12. ACTION ITEMS****17-389          Consideration of two subdivision wall signs, The Villas at Cheney Estates**

There was no discussion or public comments.

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Dembow, to approve the subdivision signs for "The Villas at Cheney Estates" subject to the following conditions:

1. Subdivision signage and sign lighting for the Property of "The Villas at Cheney Estates" shall be in substantial compliance with the Wall and Gate Plan prepared by Cullum Homes.
2. Sign lighting shall not exceed two fixtures per sign, each fixture shall not exceed a lumen count of 1,080 lumens, and the illumination shall not exceed 0.75 foot-candles at the property line.

The motion carried by the following vote:

**Aye:** 7 - Mayor Collins  
Vice Mayor Bien-Willner  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Sherf  
Council Member Stanton

**17-397          Award of Contract to Kimley-Horn and Associates in the Amount of \$319,955.00 for Design and Construction Phase Services for the Reconstruction of Doubletree Ranch Road Between Invergordon Road and Scottsdale Road**

Engineering Services Analyst Jeremy Knapp presented a contract with Kimley-Horn and Associates to design and reconstruct Doubletree Ranch Road between Invergordon Road and Scottsdale Road. Construction was anticipated to be completed by March 2019.

Responding to a question from Council, Mr. Knapp stated that this portion of Doubletree Ranch Road had been resurfaced in 2010 and typically roads have a 20 to 25-year life cycle. He clarified that this road was not being resurfaced because of its condition, rather to match the General Plan cross section recommendation.



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Final

### Planning Commission

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Tuesday, October 3, 2017

6:00 PM

Council Chambers

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#### 1. CALL TO ORDER

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

#### STAFF MEMBERS PRESENT

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

#### 2. ROLL CALL

**Present** 4 - Chairperson Daran Wastchak  
Commissioner James Anton  
Commissioner Dolf Strom  
Commissioner Jonathan Wainwright  
**Absent** 3 - Commissioner Thomas G. Campbell  
Commissioner Charles Covington  
Commissioner Richard K. Mahrle

#### 3. EXECUTIVE SESSION

None

#### 4. STUDY SESSION ITEMS

None

#### 5. PUBLIC HEARINGS

- A. 17-315 Consideration of Ordinance No. 2016-13  
A Text Amendment to amend Article II, Definitions, and Article IX, Cluster  
Plan District, of the Town's Zoning Ordinance  
(MI-16-03, The Villas at Cheney Estates - Town Triangle)  
Paul Michaud presented the request in accordance with the application  
packet.

Mr. Michaud discussed the updated plans and then discussed the scope of  
each of the six applications.



Commissioner Strom had questions regarding sight lines at the entry into the property. It was noted that the entry area will accommodate two lanes of traffic.

Commissioner Strom asked about the volume of water retention and how the flow will work. Fred Fleet, engineer for the applicant, stated the retention will retain the 100 year two hour event, being 2.2. inches of rain that falls onto the parcel. Mr. Fleet explained the drainage patterns.

Commissioner Wainwright asked about how the domestic water line will be treated since it will be below the wash. Mr. Fleet explained that it will be buried at least three feet and made of cast iron.

Chairman Wastchak asked the applicant about the four landscape light fixtures in and near the Scottsdale Road right-of-way. Rod Cullum, developer of the site, explained he wants to have appropriate lighting for the entry. There are two trees that will be up-lighted. He does not believe the City of Scottsdale will have a concern about this lighting.

Chairman Wastchak asked staff if they had concern the the proposed 1,080 lumen exceeded the 750 lumen guideline. Mr. Michaud replied staff has no concerns since the Town has approved similar light fixtures for signs and the illumination levels along Scottsdale Road are higher than most Town streets.

Public comment was opened at 6:55 pm.

Mary Hamway, resident, is in favor of the Villas at Cheney Estates. She thanked everyone involved for the various compromises. She stated that this parcel was proposed for many other uses and the zoning equals that of neighboring Cheney Estates.

Robert Robinson, resident of Cheney Estates, supports this project and agrees with Mary Hamway.

Robert Nagle, resident, expressed a concern about the 24-foot height limit. He stated this height is taller than a fast food restaurant and will block view from Golf Drive. He asked the Planning Commission to consider a lower height. Also, he inquired about the lighting and whether this is visible from only Scottsdale Road or will lighting be installed at the back to the golf course. Chairman Wastchak stated the lighting reviewed is along Scottsdale Road.

The public comment was closed at 7:00 p.m.

Rod Cullum responded to the height. He explained the homes will be one-story, with an average height of 20 feet to 22 feet.

The public comment was reopened.

Steven Silvestri, resident, explained that his property is now in the floodplain based on the required FEMA drainage documentation as part of the processing of the proposed development. He understands that the grading on the golf course has resulted in this change to his property. He has no objections to the proposed development, but believes that the approval of this development shall be delayed until his and his neighbor's house are taken out of the floodplain. It was noted that Mr. Silvestri's home has never been flooded.

Chairman Wastchak disclosed that he knows Rod Cullum and has a business relationship with Mr. Cullum on other projects.

**A motion was made by Commissioner Wainwright, seconded by Commissioner Strom, to forward to the Town Council approval of Ordinance No. 2016-13 to amend Article II, Definitions, and Article IX, Cluster Plan District, of the Town's Zoning Ordinance, to allow for modifications to the cluster plan provisions for the proposed development located at the northwest corner of the Northern Avenue alignment and Scottsdale Road. The motion carried by the following vote:**

**Aye:** 4 - Chairperson Wastchak, Commissioner Anton, Commissioner Strom and Commissioner Wainwright

**Absent:** 3 - Commissioner Campbell, Commissioner Covington and Commissioner Mahrie

**B. 17-316**

**Consideration of Ordinance No. 2016-14**

A rezoning request from R-43 and SUP to R-43 Cluster Plan located at the northwest corner of the Northern Avenue alignment and Scottsdale Road (MI-16-04, The Villas at Cheney Estates - Town Triangle)

**A motion was made by Commissioner Strom, seconded by Commissioner Anton, to forward to the Town Council approval of Ordinance No. 2016-14 changing the zoning district from R-43 and SUP to R-43 Cluster Plan with the conditions and effective date as described in said ordinance. The motion carried by the following vote:**

**Aye:** 4 - Chairperson Wastchak, Commissioner Anton, Commissioner Strom and Commissioner Wainwright

**Absent:** 3 - Commissioner Campbell, Commissioner Covington and Commissioner Mahrie

**6. ACTION ITEMS**

**A. 17-317**

Consideration of a Preliminary Plat on a 9.6-acre property located at the northwest corner of the Northern Avenue alignment and Scottsdale Road

**(PP-16-03, The Villas at Cheney Estates - Town Triangle)**

A motion was made by Commissioner Anton, seconded by Commissioner Strom, to forward to the Town Council approval of the preliminary plat for the proposed development located at the northwest corner of the Northern Avenue alignment and Scottsdale Road, subject to the following conditions:

1. The final plat for "The Villas at Cheney Estates" shall be in substantial compliance with the Preliminary Plat, Sheets 103, prepared by CVL Consultants, dated August 31, 2017.
2. Prior to the final plat of this Property being approved by the Town Council, the appropriate documentation shall be provided to the Town regarding "The Villas at Cheney Estates" subdivision having a 100-year assured water supply.
3. A final subdivision wall and landscape plan shall be approved with the final plat for "The Villas at Cheney Estates." This plan shall exclude the areas approved under the Special Use Permit of Ordinance 2016-15 (SUP-16-03) related to the private roadway gates, walls, and other improvements/landscaping depicted on such plan.
4. Prior to recordation of the final plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review.
5. Within 60 days of approval of the final plat, 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.

The motion carried by the following vote:

- Aye:** 4 - Chairperson Wastchak, Commissioner Anton, Commissioner Strom and Commissioner Wainwright
- Absent:** 3 - Commissioner Campbell, Commissioner Covington and Commissioner Mahrie

**B. 17-318**

Consideration of a Conditional Use Permit for a private roadway on a 9.6-acre property located at the northwest corner of the Northern Avenue alignment and Scottsdale Road (CUP-16-02, The Villas at Cheney Estates - Town Triangle)

A motion was made by Commissioner Wainwright, seconded by Commissioner Anton, based upon compliance to the four findings of Section 1103.4 of the Town Zoning Ordinance, to approve CUP-16-02, a Conditional Use Permit for a private roadway at "The Villas at Cheney Estates", subject to the following conditions:

1. This private roadway Conditional Use Permit (CUP) shall apply to the property as described in the legal description prepared by Eric G. Coffey dated September 11, 2017. (the "Property").
2. This CUP shall be in substantial compliance with the roadway cross-sections as shown on the Preliminary Plat prepared by CVL Consultants, dated August 31, 2017, which are in general conformance with the Typical Local Cross-Section, Option B, of the Town's General Plan.

3. The owner of the Property shall provide the Town a grant of access easement over the private roadway and a private roadway maintenance agreement pursuant to Ordinance Number 2016-15, allowing for private roadway gates of SUP-16-03.

The motion carried by the following vote:

**Aye:** 4 - Chairperson Wastchak, Commissioner Anton, Commissioner Strom and Commissioner Wainwright

**Absent:** 3 - Commissioner Campbell, Commissioner Covington and Commissioner Mahrle

### **PUBLIC HEARINGS (CONTINUED)**

**A. 17-319**

Consideration of Ordinance No. 2016-15

A Special Use Permit (SUP) for private roadway gates for a proposed subdivision located at the northwest corner of the Northern Avenue alignment and Scottsdale Road (SUP-16-03, The Villas at Cheney Estates - Town Triangle)

A motion was made by Commissioner Wainwright, seconded by Commissioner Anton, to forward to the Town Council approval of Ordinance No. 2016-15 of the Special Use Permit (SUP) for private roadway gates at the proposed subdivision of "The Villas at Cheney Estates," with the conditions and effective date as described in said ordinance. The motion carried by the following vote:

**Aye:** 4 - Chairperson Wastchak, Commissioner Anton, Commissioner Strom and Commissioner Wainwright

**Absent:** 3 - Commissioner Campbell, Commissioner Covington and Commissioner Mahrle

### **ACTION ITEMS (CONTINUED)**

**A. 17-320**

Consideration of two proposed subdivision wall signs (MI-17-03, The Villas at Cheney Estates - Town Triangle)

A motion was made by Commissioner Strom, seconded by Commissioner Wainwright, based upon compliance to the Town's sign criteria, to forward to the Town Council approval of MI-17-03, for two subdivision wall signs at "The Villas at Cheney Estates," subject to the following conditions:

1. Subdivision signage and sign lighting for the Property of "The Villas at Cheney Estates" shall be in substantial compliance with the Wall and Gate Plan prepared by Cullum Homes.

2. Sign lighting shall not exceed two fixtures per sign, each fixture shall not exceed a lumen count of 1,080 lumens, and the illumination shall not exceed 0.75 foot-candles at the property line.

The motion carried by the following vote:

**Aye:** 4 - Chairperson Wastchak, Commissioner Anton, Commissioner Strom and Commissioner Wainwright

**Absent:** 3 - Commissioner Campbell, Commissioner Covington and Commissioner Mahrle

**7. CONSENT AGENDA****A. 17-326 Approval of September 19, 2017 Planning Commission Minutes**

A motion was made by Commissioner Anton, seconded by Commissioner Strom, to approve the September 19, 2017 minutes. The motion carried by the following vote:

**Aye:** 4 - Chairperson Wastchak, Commissioner Anton, Commissioner Strom and Commissioner Wainwright

**Absent:** 3 - Commissioner Campbell, Commissioner Covington and Commissioner Mahrle

**8. STAFF REPORTS**

None

**9. PUBLIC BODY REPORTS**

None

**10. FUTURE AGENDA ITEMS**

Paul Michaud reviewed the upcoming agenda items.

**11. ADJOURNMENT**

A motion was made by Commissioner Strom at 7:10 p.m., seconded by Commissioner Wainwright, to adjourn the meeting. The motion carried by the following vote:

**Aye:** 4 - Chairperson Wastchak, Commissioner Anton, Commissioner Strom and Commissioner Wainwright

**Absent:** 3 - Commissioner Campbell, Commissioner Covington and Commissioner Mahrle

**Paradise Valley Planning Commission**

By:   
Eva Cutro, Secretary