



Minutes – Draft

Planning Commission

*Chair Karen Liepmann
Commissioner Robert Brown
Commissioner Charles Covington
Commissioner Timothy Dickman
Commissioner Pamela Georgelos
Commissioner William Nassikas
Commissioner James Rose*

Tuesday, April 2, 2024

6:00 PM

Town Hall Boardroom

1. CALL TO ORDER / ROLL CALL

Chair Liepmann called the meeting to order at 6:02 PM.

Present – Chair Karen Liepmann
Commissioner James Rose
Commissioner William Nassikas
Commissioner Timothy Dickman
Commissioner Charles Covington
Commissioner Robert Brown
Commissioner Pamela Georgelos

STAFF MEMBERS PRESENT

Community Development Director Chad Weaver
Town Attorney Andrew McGuire
Planning Manager Paul Michaud
Town Planner Brandon McMahan
Management Specialist Cherise Fullbright

2. EXECUTIVE SESSION

3. APPROVAL OR AMENDMENT OF MINUTES

A. 24-114 Approval of March 19, 2024 Planning Commission Minutes.

A motion was made by Commissioner Georgelos, seconded by Commissioner Nassikas, to approve the March 19, 2024 minutes. The motion carried with the following vote:

Aye: Chair Liepmann, Commissioner Dickman, Commissioner Nassikas,
Commissioner Rose, Commissioner Covington, Commissioner Brown,
Commissioner Georgelos

4. PRESENTATIONS

5. STUDY SESSION ITEMS

A. 24-108 **Citizen Review Session – Work Session – Proposed Amendments to Article XII, Personal Wireless Service Facilities Zoning Ordinance related to the process for site approvals.**

Vice Mayor Mark Stanton addressed the Commission, noting this was an overdue Council priority to improve cellphone service as a matter of public safety.

Planning Manager Paul Michaud presented the item. His presentation addressed concerns raised by the Commission during previous meetings and summarized the process and ordinance edits.

Commissioner Dickman asked if gaps in coverage would remain after deployment of the five sites presented. He wondered if the wireless carriers were willing to work with the Town.

Mr. Michaud advised there could be various gaps, but coverage depends on the cell providers and the owners of the five Primary Sites investing in these improvements. Additionally, he noted that providers are still interested and have been in contact with staff.

Commissioner Nassikas asked about payment for the sites.

Mr. Michaud shared that the carriers would be looking to build and pay for the facilities while the Town is looking to help in the process aspect.

Commissioner Georgelos requested reasoning behind the waiver of the application fee. She wondered if this process would be applied to future sites.

Mr. Michaud noted that the Town was not in the business of building or paying for the sites but the ability to waive the application fee was available. He agreed decisions would be made on a case-by-case basis, but it would likely be granted for the five sites being discussed. Mr. Michaud noted that if another site was added to Resolution 2022-23, this requires going through the Council process to approve the site.

Commissioner Covington asked if any state laws applied to this item and if there was an impact looking at the rollout of 5G.

Town Attorney Andrew McGuire shared that there was a sweep through the state statues related to approval of Personal Wireless Service Facilities, but most of that was small cell. The ability to regulate large cell was still intact, but this type of process was addressing the Towns process for approval. As to 5G, he believed the carrier would be able to answer that question.

Commissioner Georgelos asked how our current process compared to other jurisdictions.

Mr. Michaud stated there was not much detail for comparison, but in Scottsdale and Phoenix much of it is done by right through the building permit process.

Staff discussed how agreements must be made with owners of the privately owned sites, and if they were no longer in agreement then the carriers would have to move onto the next site. The managerial process and process for community input were discussed.

No public comment was received.

Presentation and Discussion only. No Reportable Action.

B. 24.125 Discussion on Minor Special Use Permit Amendment (SUP-24-01) Ritz Carlton Area C Lots 15-19 (7000 E Lincoln Drive)

Town Planner Brandon McMahon presented the item. He briefly went over the process, notification, criteria to amend the 2015 SUP, setbacks, lot configuration and reduction, as well as lot size. Mr. McMahon presented a visual of lot ownership and numerous renderings.

Chair Liepmann corrected a detail within the presentation. It was clarified that Commissioners toured the Ritz on March 19th, 21st, and 22nd. Further, a notice of quorum was posted for the 21st when 4 members were present.

Commissioner Covington wondered if the covered area would exceed 550 sq ft.

Mr. McMahon confirmed it would not and noted it as part of the stipulations.

Commissioner Dickman asked what would happen with the lot that's already been built if the request was not approved today. He expressed a concern with the inconsistency.

Mr. McGuire shared that a permit issued in error would not stop the town from enforcing the correct rules, so depending on the direction given, staff could stop construction on the site then leave the decision as to what happens next with the developer and owner.

Commissioner Brown suggested that the Commission weigh in on the design itself, as that would be within their authority. He did not believe the permit issue was relevant to the Commission.

Chair Liepmann discussed details of the four lots included in the request which included two lots which have been built already and two empty lots. She requested input from the applicant as to which model would be built.

Richard Frazee with Five Star Development shared that both homes had building permits issued, but the second home permit did not accommodate the overhang being built.

Commissioner Georgelos asked about outreach to the other owners in area c. She asked if there were any letters of support.

Mr. Frazee explained that notification had been completed as required by the SUP Amendment process. Additionally, there had been direct dialogue with each of the lot owners and no objection or resistance to the request. He shared that he did not have letters of affirmation today but there had been no response to the outreach letter. Mr. Frazee clarified there was no request to increase the livable square footage of the homes. It was noted that the ground level amenities would not be impacted by the request.

Commissioner Dickman shared a concern with timing of the project.

Mr. Frazee noted work was ongoing and there was an intent for the hotel to be wrapped up by the end of 2024.

At the request of Georgelos, Mr. Frazee described the configuration of the homes and how the encroachment would impact view corridors.

Presentation and Discussion only. No Reportable Action.

6. PUBLIC HEARINGS – LEGISLATIVE ACTIONS

A. 24-099 Discussion and Possible Action on Minor Special Use Permit Amendment (SUP-24-01) Ritz-Carlton Area C Lots 15-19 (7000 E Lincoln Drive)

Chair Liepmann opened the Public Hearing at 7:18 PM

Public comment was received by the following citizens: Michael Shoen and Andy Gordon. Both speakers expressed opposition and Mr. Gordon shared a photo to show the visual impact.

The Public Hearing was closed at 7:26 PM.

Mr. Frazee addressed concerns raised during public comment.

Commissioner Georgelos asked if there was anything that could be done design wise to minimize the effect of the setback encroachment.

Architect CP Drewett agreed the design could be modified to lessen the visual impact. He believed the request was a result of an additional road being added to the layout.

Mr. Rose expressed an interest in citizen input.

Community Development Director Chad Weaver informed that the project was noticed and tonight would be the opportunity to provide comment.

Mr. McMahon noted that this process required notification to surrounding properties within 1,500' and the citizen review hearing was not required but encouraged.

Mr. Michaud clarified that intermediate amendments required a citizen review hearing, but this request was for a minor amendment. The applicant had fully met the notifying requirement.

Without objection, the public hearing was reopened, and Carol Gordon provided comments. Mrs. Gordon expressed opposition.

Mr. Drewett spoke as to the alternatives for building design.

The need for an executive session was discussed.

A motion was made by Commissioner Dickman, seconded by Commissioner Georgelos, to go into executive session on items 24-099 at 7:50 PM.

Discussion only. No Reportable Action.

Without objection, the Commission came out of executive session on item 24-099 at 8:09 PM.

Additional comments were received from the Commission.

A motion was made by Commissioner Covington, seconded by Commissioner Rose, to approve item 24-099 subject to stipulations. The motion carried with the following vote:

Aye: Chair Liepmann, Commissioner Nassikas, Commissioner Rose, Commissioner Georgelos, Commissioner Covington, Commissioner Brown

No: Commissioner Dickman

7. ACTION ITEMS

A. 24-096 Discussion and Possible Action Horseshoe Estates Lot Split (LS-24-01) 7300 E Horseshoe Road (APN: 174-30-023A)

Town Planner Brandon McMahon presented a summary of the request. He shared information related to the process, background of the sites, code criteria, roadways, traffic, utilities, paving, drainage, and public comment.

Commissioner Dickman asked if sewer was available in the area.

Mr. McMahon stated there was no sewer available and the properties would be on septic.

At the request of Commission Georgelos, Mr. McMahon confirmed that all requirements have been met.

A motion was made by Commissioner Dickman seconded by Commissioner Nassikas, to approve item 24-096 subject to stipulations. The motion carried with the following vote:

Aye: Chair Liepmann, Commissioner Dickman, Commissioner Nassikas, Commissioner Rose, Commissioner Georgelos, Commissioner Covington, Commissioner Brown

B. 24-075 Selection of Chair per Section 2-5-2 of the Town Code.

Mr. Michaud explained that the Town Code required the Election of Chair during the first meeting in April. He briefly discussed the process.

A motion was made by Commissioner Rose, seconded by Commissioner Dickman, to elect Chair Liepmann to another term as Chair of the Planning Commission. The motion carried with the following vote:

Aye: Chair Liepmann, Commissioner Dickman, Commissioner Nassikas, Commissioner Rose, Commissioner Georgelos, Commissioner Covington, Commissioner Brown

8. STAFF REPORTS

9. PUBLIC BODY REPORTS

10. FUTURE AGENDA ITEMS

Mr. Michaud noted that the next meeting scheduled for April 16th would include one item, the scheduled hearing for the Personal Wireless Service Facilities (PWSF) item discussed earlier.

11. ADJOURNMENT

Motion for adjournment was made at 8:26 PM.

A motion was made by Commissioner Georgelos, seconded by Commissioner Nassikas, to adjourn the meeting at 8:26 PM. The motion carried with the following vote:

Aye: Chair Liepmann, Commissioner Nassikas, Commissioner Georgelos,
Commissioner Rose, Commissioner Covington, Commissioner Dickman,
Commissioner Brown

Paradise Valley Planning Commission

By: _____
Cherise Fullbright, Secretary