



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Final

### Planning Commission

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Tuesday, April 19, 2016

6:00 PM

Council Chambers

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#### 1. CALL TO ORDER

#### 2. ROLL CALL

**Present** 5 - Chairperson Dolf Strom, Commissioner Thomas G. Campbell, Commissioner Richard K. Mahrle, Commissioner Scott Moore and Commissioner Jonathan Wainwright

**Absent** 2 - Commissioner Daran Wastchak and Commissioner Jeff Wincel

#### 3. EXECUTIVE SESSION

Chairman Strom called the meeting to order at 6:05 p.m.

#### 4. PUBLIC HEARINGS

- A. 16-117 Consideration of Private Road for a portion of Nauri Valley Road Conditional Use Permit (CUP 16-01)  
Near northeast corner of 56th Street and McDonald Drive
- Paul Michaud presented the Conditional Use Permit in accordance with the Planning Commission packet.

He noted that the proposed lot split is not part of application but the CUP for the road is needed for the administrative lot split. There was a review of current roadway conditions and existing corner vision conditions.

Mr. Michaud explained the four findings necessary to grant a CUP and presented the proposed stipulations.

Chairman Strom inquired about the labeling of the lots. They will be labeled 12 a & 12 b. He also noted that the maintenance agreement should describe the area to be maintained as "curb to curb". As drafted, the legal description of the roadway is what shall be maintained. There was also discussion of transition from curb to non-curb. It was noted that the applicant will provide a transition. The corner site line was discussed. The Town Engineer didn't receive information on a reduced corner triangle. Until he does he cannot approve anything less than 50' x50'. It is stipulated that he could grant a lesser corner vision at a later date, after he receives documentation from the applicant. Stipulation 5 is currently drafted that

way. Lastly, Chairman Strom inquired about the existing split rail fence. This will remain and the pavement will be to the east of the fence.

There was discussion regarding parking enforcement.

Commissioner Moore discussed his preference for a non-vehicular easement along McDonald Drive. Staff will discuss this with the Town Engineer. There was discussion regarding the large pothole in front of the driveway of 6001 N Nauri Valley Drive. Commissioner Moore would like it stipulated that this pothole be filled sooner than later.

Commissioner Campbell noted that the attached roadway as-built plan is actually a roadway improvement plan. He questioned the arrow at southern end of road and what it designates. He also wants to make sure the ribbon curb will run the full length of the road out to McDonald Drive.

Jordan Rose spoke for the applicant. She noted that the massive pothole has broken car axels. She stated the applicant is prepared to stipulate to fill the pothole as part of the roadway improvements. She described past conditions of hikers parking vehicles on this road which resulted in the neighbors posting their own "no parking" signs. She continued if there are illegally-parked vehicles that the property owner can call the police or a towing company if people park on this private road.

Ms. Rose believes they will come to a safe decision with the Town Engineer on the corner vision.

Commissioner Wainwright stated he is glad to see the community come together on this issue and suggests there should be continued discussion of street ownership.

The meeting was opened to the public at 6:50 p.m.

Barry Stern - He stated that he is not objecting to the lot split. He expressed his concern that the private road will be taken over by one owner, described drainage problems where all these improvements are proposed, and objected to the changes to the road and corner.

Donald Miller - He stated he resided for over 50 years off of Nauri Valley Drive, finds a lot of the proposed improvements offensive, doesn't want Nauri Valley Drive to conform to a cookie cutter ideal, finds the ribbon curb is nonsense, and suggested to keep the road design the way it is.

Mary Cook - She stated it was the old time feel of the area is what attracted her to buy her home here, she agreed with the statements made by Don

Miller, she finds that ribbon curbing changes the character of the street, and she stated she doesn't want Nauni Valley Drive to appear like a subdivision in middle America as these are the antithesis to maintaining character.

Commissioner Campbell stated that ribbon curbing protects the edge of the street. The curbing prevents the edge from eroding away.

Judith Stern - She stated she resided for 30 years of off Nauni Valley Drive, she reiterated issues with flooding, and asked that the Town address flooding along with any road improvements.

Jordan Rose stated the applicant is agreeable to curbs or no curbs. She leaves it up to the Planning Commission to decide.

The public hearing was closed at 7:02 p.m.

**A motion was made by Commissioner Moore, seconded by Commissioner Mahrle, to approve the Conditional Use Permit subject to the nine stipulations in the action report with an amendment to Stipulation 5 that the documentation to modify the corner vision be submitted and approved prior to recordation of the lot split of 6001 N Nauni Valley Drive and the addition of Stipulation 10 requiring a temporary repair of the pothole located across the driveway of 6001 N Nauni Valley Drive.**

- 1. This private roadway Conditional Use Permit (CUP) shall apply to the portion of Nauni Valley Drive as described in the legal description prepared by Anthony N Zaugg dated February 29, 2016.**
- 2. This CUP shall be is substantial compliance with the documents submitted with this application, including the following:**
  - a. Narrative prepared by Rose Law Group, dated March 7, 2016**
  - b. Legal description prepared by Anthony N Zaugg dated February 29, 2016.**
  - c. Roadway as-built plan, Sheets 1 and 2, prepared by Allen Consulting Engineers, Inc., dated March 30, 2016**
- 3. The property owner of 6001 N Nauni Valley Drive and/or the property owner(s) of any lot created due to a lot split from 6001 E Nauni Valley Drive, shall provide the Town, in a form acceptable to the Town Attorney, a grant of access easement over the private roadway and a private roadway maintenance agreement for the portion of Nauni Valley Drive subject to this CUP. This form shall be reviewed by the Town Attorney, be in compliance to applicable local and state laws, and be recorded with the Maricopa County Recorder's Office. Said form shall be recorded prior to issuance of the Certificate of Occupancy or a final inspection for the home(s) located on Lot 12 of Nauni Valley Ranch.**
- 4. The property owner of 6001 N Nauni Valley Drive or said owner's designee shall improve the portion of Nauni Valley Drive subject to this CUP in compliance with the Local Cross-Section Option B of the Town General Plan. This shall include any necessary pavement improvement connecting Nauni Valley Drive to**

McDonald Drive within the McDonald Drive right-of-way. Also, it shall include the necessary transition of Nauni Valley Drive to the existing portion of Nauni Valley Drive located outside the area of this CUP.

5. The corner vision located at the northwest and northeast corner of the intersection of McDonald Drive and Nauni Valley Drive shall comply with Section 8-1-13, Corner Vision, of the Town Code, unless documentation has been submitted prior to recordation of the lot split and approved by the Town Engineer for a modification to these requirements. Based upon the dimensions of said corner vision, any obstructions within the Nauni Valley Drive and McDonald Drive rights-of-way will need to be reduced in height or removed pursuant to said Section 8-1-13.

6. Prior to the recordation of the lot split of Lot 12 of Nauni Valley Ranch or within 60 days from approval of this CUP, whichever is earlier, the property owner of said lot or designee shall provide for Town approval the roadway plan referenced in Stipulation 4 and submit the required assurances necessary to guarantee completion of said improvements.

7. Prior to the recordation of the lot split of Lot 12 of Nauni Valley Ranch, the property owner of said lot or designee shall submit a demolition permit for the existing entry wall and the private roadway sign located within the right-of-way of Nauni Valley Drive. The final inspection and removal of said structures shall be completed no later than Certificate of Occupancy or final inspection for the home(s) on Lot 12 of Nauni Valley Ranch.

8. A private roadway sign may be installed on the street sign for Nauni Valley Drive pursuant to the Town standards for such sign, with all costs associated with said sign to be paid by the applicant requesting said sign. Alternatively, a similar sign may be installed on private property pursuant to Article XXV, Signs, of the Town Code.

9. Prior to issuance of the Certificate of Occupancy or a final inspection for the home(s) located on Lot 12 of Nauni Valley Ranch, the property owner of 6001 N Nauni Valley Drive or designee shall complete the roadway improvements referenced in Stipulations 4 and 6.

10. The pothole located in front of the driveway of 6001 N Nauni Valley Drive shall be repaired not more than 30 days after the recordation of the lot split of said lot.

The motion carried by the following vote:

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

**Absent:** 2 - Commissioner Wastchak and Commissioner Wincel

**5. ACTION ITEMS**

None

**6. STUDY SESSION ITEMS**

**A. 16-118** Discussion on Quality of Life Initiatives



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Draft

### Planning Commission

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Tuesday, March 15, 2016

6:00 PM

Council Chambers

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#### 1. CALL TO ORDER

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

#### 2. ROLL CALL

**Present** 7 - Chairperson Dolf Strom, Commissioner Thomas G. Campbell, Commissioner Richard K. Mahrle, Commissioner Scott Moore, Commissioner Jonathan Wainwright, Commissioner Daran Wastchak and Commissioner Jeff Wincel

#### 3. EXECUTIVE SESSION

None

#### 4. STUDY SESSION ITEMS

##### A. 16-076

Discussion of Private Road for a portion of Nauri Valley Road  
Conditional Use Permit (CUP 16-01)  
Near northeast corner of 56th Street and McDonald Drive

Paul Michaud presented the Conditional Use Permit (CUP) application in accordance with the application packet.

Commission Moore asked if this request is for the half street or the whole street adjoining the lot. Mr. Michaud clarified that the request is for the entire street adjoining the subject property.

Commissioner Moore asked if this lot split will make the fence walls nonconforming. Mr. Michaud clarified that any nonconformity on the wall on the subject lot will have to be brought into compliance as part of the administrative lot split process.

Mr. Michaud reviewed the findings for the Conditional Use Permit, along with some draft stipulations.

Chairman Strom asked about the road improvements, including whether the CUP is for a portion or all of Nauri Valley Drive. Mr. Michaud stated the CUP is for only a portion of the roadway.

Responding to a question on ownership of the road, Andrew Miller described the unique circumstances of the ownership and platting of this subdivision. He explained that the heirs of the original person platting the subdivision are the owner(s), but that the property owners who have been using this private road since 1948 have a prescriptive right regarding access to their respective lots. He opined that the property owner of 6001 N Nauni Valley Drive can make application for the proposed CUP.

There was discussion on the type of roadway improvements for both the CUP portion of the roadway, the voluntary road improvements the home builder will be doing for the portion of Nauni Valley Drive not within the CUP, and the transition of the road pavement from the CUP portion to the non-CUP portion of Nauni Valley Drive. Jordan Rose, who represents the applicant and lives on this street, explained that the applicant will improve the 740 feet of street to the Town standard width of 26 feet that includes ribbon curbs on both sides. She stated that most of the homeowners want Nauni Valley Drive repaved, but do not want the entire road improved with curb or sidewalk.

Commissioner Wincel asked why staff did not recommend the roadway cross-section with the sidewalks. Mr. Michaud replied this was largely due to match the large portion of the roadway already built to the Town standard without the sidewalk and the request covering only a portion of this roadway. Further discussion ensued on sidewalks and whether or not all local roads in Town would need to have sidewalks. Commissioner Wincel concluded this discussion, expressing his opinion that the Town is underserved in terms of sidewalks and we are missing an opportunity. Commissioner Wastchak replied that he would be ok with the sidewalk if this was an entire re-work of the road, otherwise the road will be a patch work.

There was discussion regarding the roadway maintenance agreement. This included whether the other adjoining property owners to the CUP portion of the roadway must be party to the maintenance agreement. Mr. Miller explained the Town cannot require the other property owners to be party to the proposed maintenance agreement. Chairman Strom asked if the maintenance agreement only applies to the highlighted portion of the road. Mr. Miller replied yes. Commissioner Wincel asked if the owner of Lot 12 does not own the roadway, can the owner of Lot 12 apply for this and can we uphold the maintenance agreement. Mr. Miller replied yes. It was stated that the maintenance agreement would be for the roadway itself, not any landscaping on the west side of the roadway.

Commissioner Moore asked to label the Lots 12a and 12b for the lot split.

There was discussion regarding the corner vision. This included the separate code violation regarding the oleanders on Lot 13B, located at the northwest corner of McDonald Drive and Nauni Valley Drive.

Commissioner Campbell stated that he believes many of the oleanders on Lot 13B and within the right-of-way may need to be removed to meet the corner vision. The Planning Commission directed the applicant and staff to check with the Town Engineer regarding his authority to reduce the typical 50-foot by 50-foot corner vision. Also, the applicant was encouraged to speak with the property owners adjoining the area of the CUP.

In summary, the Planning Commission were generally agreeable to the maintenance agreement not including landscaping on the west side of the roadway, not requiring additional landscaping as part of the CUP process, to have the applicant work with the Town Engineer regarding possible reduction of the corner vision standard, to address landscaping as it may relate to safety at the intersection of McDonald Drive and Nauni Valley Drive, to revise the plans to show the roadway transition from the CUP portion of Nauni Valley Drive to the non-CUP portion of that roadway, to provide notice of the public hearing to all property owners within Nauni Valley Ranch, and for the applicant to follow up with the property owner of Lot 13B.

**No Reportable Action**

**B. 16-078 Discussion on Quality of Life Initiatives**

Eva Cutro presented this topic in accordance with the packet and identified the topics.

- Bicycle/Pedestrian Master Plan. Paul Michaud gave a brief overview of the RFP for the bicycle and pedestrian study. He explained that the RFP Selection Committee is set to interview consultants on March 30, 2016.
- Visually Significant Corridors Plan. Commissioner Wincel gave a brief report on his meeting with the Mayor regarding Visually Significant Corridors. He stated his understanding is that Lincoln Drive and Tatum Boulevard would be the focus, but the plan can still include a broader view. He remarked that the plan will need to have clear milestones and give examples of building design standards to give the consultant direction. Commissioner Wastchak stated he would like to see the consultants prioritize improvements in regards to ranking and timing.
- Noise. It was noted that the proposed noise ordinance changes should focus on construction noise and leaf blowers. Discussion ensued regarding electric leaf blowers, mufflers to put on leaf