



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Planning Commission

Tuesday, September 6, 2016

6:00 PM

Council Chambers

1. CALL TO ORDER

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

STAFF MEMBERS PRESENT

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

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
Commissioner Jeff Wincel

3. EXECUTIVE SESSION

None

4. PUBLIC HEARINGS

- A. [16-257](#) Consideration of a Minor Amendment to the Casa Blanca Estates Special Use Permit (SUP-16-2)
5219 N. Casa Blanca Drive (Assessor No. 173-64-039)
- Mr. Burton gave a presentation covering the points in the action report. He stated there were three letters of support and 12 letters in opposition of this request. He continued that staff finds the request meets the minor amendment criteria. He reviewed the proposed stipulations.

John Graham, President of the homeowner association spoke regarding his meeting with those persons in opposition. He noted that their association only requires a majority to be in favor. It was noted that there was no persons in opposition present at the September 9th Planning Commission meeting.

There was discussion regarding potential vehicular traffic back up with the proposed gate arm. It was noted that there is approximately four feet of clearance between the gate arm and driveway curb whereby a person could walk or ride a bike.

During the public comment period, Kevin Czerwinski, resident of Casa Blanca Estates, described his conversations with four of the nine persons noted in the opposition letter.

With the public portion closed, the Planning Commission discussed the application. It was clarified that the request will allow persons walking or bicycling to bypass the gate arm for those that live within Casa Blanca Estates, giving the homeowner association discretion to deny access to the public.

A motion was made by Commissioner Campbell, seconded by Commissioner Wastchak, to deem the application request a Minor Special Use Permit amendment per the criteria listed in Section 1102.7.B of the Zoning Ordinance. The motion carried by the following vote:

Aye: 7 - Chairperson Strom, Commissioner Campbell, Commissioner Mahrle, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak and Commissioner Wincel

A motion was made by Commissioner Wainwright, seconded by Commissioner Moore, to approve the Casa Blanca Estates Special Use Permit Amendment to add an egress gate for traffic exiting the subdivision and to remove the requirement/stipulation to provide unrestricted public pedestrian and bicycle access, subject to the following stipulation:

1. All improvements to the property shall be in substantial compliance with the following:
 - a. The Narrative, dated July 11, 2016 and prepared by John Graham, HOA Board Member
 - b. Barrier Gate Operator Detail Sheet, prepared by DKS Doorking
 - c. Site Plan, dated August 17, 2016 and prepared by Greey Picket Landscape Architecture.

The motion carried by the following vote:

Aye: 6 - Chairperson Strom, Commissioner Campbell, Commissioner Mahrle, Commissioner Moore, Commissioner Wainwright and Commissioner Wastchak

Nay: 1 - Commissioner Wincel

5. ACTION ITEMS

- A. [16-250](#) Consideration of a proposed lot split (LS 16-05)
Mummy Mountain Park VIII
7808 N Ironwood Drive (APN: 169-03-039)

Paul Michaud presented the application in accordance with the packet.

Most of the discussion centered on the wash located on the site. This included clarification on the relocation of the wash back to a previous state that better aligns with the continued flow on the east side of Ironwood Drive and clarification that the homeowner cannot build in the wash.

Commissioner Moore questioned about the signed maintenance drainage agreement and whether this agreement is sufficient to prevent building encroachment into the wash or if a stipulation is required. Mr. Miller replied this is a standard agreement and believes adequately covers this point. However, Mr. Miller stated he will re-look at the standard language in that agreement.

A motion was made by Commissioner Wincel, seconded by Commissioner Mahrle, to to the Town Council The motion carried by the following vote:

- 1. The lot split plat of Mummy Mountain Park VIII shall be recorded with the Maricopa County Recorder's Office, in substantial compliance with the survey plat, Sheets 1 and 2, prepared by Coe & Van Loo Consultants Inc., and dated August 2, 2016.**
- 2. Prior to the recordation of said lot split plat, the applicant shall submit the required improvement plans for Town Engineer approval and provide a procedure and other forms of assurances necessary for the Town to be in a guaranteed position to complete the construction and related site improvements for Northern Avenue and Ironwood Drive adjoining the subject property. These improvements include:**
 - a. pavement widening and curbing for Northern Avenue and Ironwood Drive in accordance with the local roadway standard, Option B, of the Town's General Plan,**
 - b. extension of the sewer line, and**
 - c. re-alignment of the existing wash to match the drainage easement on said lot split plat.**
- 3. The improvements described in Stipulation 2 shall be completed prior to the issuance of the first Certificate of Occupancy for a new single family residence on said lot split plat.**
- 4. Prior to the issuance of a Certificate of Occupancy for a new single-family residence, the fire sprinkler system shall demonstrate compliance to the National Fire Protection Association standard 13D or the current equivalent code requirement.**

5. Within 60 days of approval of the plat, the applicant shall submit Mylars and an electronic version in a pdf format for the Town's permanent record

6. All nonconforming walls on the subject property must be removed and the items noted below shall be completed prior to recordation of said lot split plat.

a. A demolition permit shall be obtained for the non-conforming portions of the fence wall that encroach into the setback along Northern Avenue and Ironwood Drive.

b. Any remaining perimeter walls facing the subject site shall be painted the same color to match the earth tone color of the existing perimeter wall.

c. The appropriate permits shall be obtained to redesign the perimeter wall section that crosses the wash prior to recordation of the plat.

Aye: 7 - Chairperson Strom, Commissioner Campbell, Commissioner Mahrle, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak and Commissioner Wincel

6. STUDY SESSION AND/OR CITIZEN REVIEW ITEMS

A. [16-258](#) Discussion of Article XXIV, Walls and Fences, Zoning Code Text Amendment (MI-16-2)

Mr. Burton reviewed the background on the fence code changes from the last study session and he gave a history of the steps taken by the applicant. He reviewed other community landscaping/fencing regulations. He stated the applicant proposes two options. Option 1 would require a landscape plan to be reviewed by staff and limit hedges to three feet in height at a distance of five feet from the combination wall/fence. Option 2 would prohibit hedges in the front yard over three feet in height.

There was discussion on both options. Commissioner Mahrle stated it seems like the request is to amend the zoning code to solve one resident's problem, and as a policy matter he is opposed. Commissioner Wincel agreed. Commissioner Wastchak agreed a code change should not be approved to solve one person's problem. However, he explained that he does not find this to be the case. He continued people can add landscaping walls today at the property line. He stated he would like a restriction on landscaping should the proposed code change be approved. Commissioner Moore added that he would support providing incentives. Commissioner Campbell stated his neighborhood is supportive of the request, as they like the openness and the added option. It was noted that the proposal may be hard to enforce without landscape restrictions.

Chairman Strom stated he is not in favor of having a 70-percent view fence along the entire length of a property. He suggested limiting the 70% openness to one third of the length.

Andrew Miller provided history of a combo fence at a ten-foot setback

several years back that did not get traction.

Commissioner Wainwright raised possible concerns in the creation of legal nonconforming properties.

Eva Cutro discussed enforcement concerns.

Chairman Strom suggested defining the term hedge.

Ms. Cutro passed out the CPTED rules and regulations.

Taylor Earl, attorney for the applicant spoke. He suggested doing a hybrid of Option 1 and Option 2, with removing the distance requirement. He reviewed several points on why the request is applicable town wide.

There was discussion of why a homeowner wants a tall wall at the property line, security or privacy. This included discussion on the potential impact of homes built at the front setback line.

Commissioner Wincel stated there needs to be the right definition of hedge and can support this combo wall idea.

Mr. Miller suggested some type of recorded document to educate subsequent buyers about any specific landscaping rules.

There was a discussion on the type of plant material and how these plants relate to openness. Ms. Cutro's concern is using the trimmed up trees across the entire yard. Commissioner Moore stated he would not support eliminating trees in front yard.

Direction was given to provide a definition of hedge, define with a percentage of openness, work on landscape guidelines, and create a code that is reasonable and enforceable. It was also noted that the code change should allow a six-foot tall view fence at the 20-foot front yard setback. In addition, it was stated to allow a combo fence on a side yard with right-of-way frontage at a ten-foot setback.

Regarding the proposed wall finish changes, the Planning Commission is supportive.

No Reportable Action

B. [16-262](#) Citizen Review Work Session on Lighting Code Revisions

Andrew Miller recommended moving this section to the Town Code versus

the zoning code to alleviate grandfathered issue.

Eva Cutro reviewed certain items.

- On security lighting, it was noted there is no limit on number. The Planning Commission was not in favor of the CPTED suggestion by the Town Police department to allow security lighting on tennis court pole lights.
- Entry lighting is a new section since it is presently considered safety and security lighting. An eight foot and six inch height placement was suggested.
- The Planning Commission support allowing pole lights within outdoor living areas at a seven foot and six inch height that meet house setbacks. It was noted to define outdoor living area.
- Discussed beam angle and the associated diagram. An up-light will be 45 degrees and the down light will be 90 degrees. Discussed lower angle from the ground and direction into site versus street or adjacent neighboring lots.

It was noted that there were no persons present for the advertised Citizen Review of these code changes.

There was discussion regarding architectural illumination on hillside versus non-hillside. The Commissioners discussed tree lights on non-hillside, with a suggestion to add a similar allowance on non-hillside lots. These lights are to be fully shielded and not to exceed a ten-foot mounted height.

Regarding down lights in trees, it was suggested to allow not more than three lights. Commissioner Campbell suggested using a calculation based on tree drip line.

No Reportable Action

C. [16-254](#) Property Maintenance/Property Nuisance (formerly blight)

No Reportable Action

Eva Cutro updated the Planning Commission on the latest research regarding the property maintenance quality of life directive. She stated that the International Property Maintenance Code covers other items like protective treatments, exterior walls being weather proof, neglected structures, rubbish, and other similar items. She noted that the existing regulations, with some minor edits, should address the comments previously discussed. She continued that changes would be more about enforcement.

Commissioner Mahrle inquired about enforcement regarding a house in poor condition. Ms. Cutro replied that the existing code would require the house be boarded up with the boards painted to match the house. There was discussion on what was an unsafe property. It was noted that demolition of an unsafe structure requires it to be almost falling down.

There was discussion regarding notification of nearby residents during construction. Commissioner Campbell noted that one issue is construction fencing placed at back of pavement and not 10 feet from back of the right-of-way.

Commissioner Campbell stated another issue is when a building permit is on a remodel and the home is occupied, the threat of withholding a Certificate of Occupancy is not really a threat since the owners are already in the home. This led to a discussion of material scattered in the front yard, fining not being effective to finish the permit, and whether when there is no active permit if construction material is considered debris.

Ms. Cutro summarized the discussion that the minor code edits should address storing materials in the front yard, re-evaluate the total construction timeline cap, and make the provisions easier to find via reference notes to specific code sections.

No Reportable Action

D. [16-255](#)

Discussion of Text Changes to Noise Code

Bob Lee updated the Planning Commission on various decibel levels on typical sounds. He stated he finds that the increase from 45 decibels to 75 decibels is reasonable since 75 decibels falls between the decibel level for conversation and hearing damage.

There was a discussion on legal holidays and whether to exclude legal holidays. It was noted this exclusion is already in the existing code, with holidays defined in the code.

Regarding having a higher noise restriction on Sunday versus Saturday, it was noted that this distinction presently exists.

No substantial edits from the proposed code change in the staff report were suggested.

No Reportable Action

E. [16-263](#)

Discussion of a Preliminary Plat for "Ritz-Carlton Resort - Parcel C"
7000 E Lincoln Drive

Eva Cutro gave a presentation on the proposed Preliminary Plat for Parcel C. She emphasized that staff does not deem the application a complete submittal. She noted that there were several areas staff finds the proposed plat not in substantial compliance with the site plan of the Special Use Permit (SUP). This included more lots along Mockingbird Lane, circulation changes related to the gates and greeter station, and the private roadway easement on a few lots.

Ryan Weed, applicant, addressed the stacking concerns. He stated there will be a guard at the greeter station with two lanes to pass the greeter station. It was described that the passing lanes flare out at the greeter station. Planning Commission asked the applicant to consider extending these lanes to Lincoln Drive. Eva Cutro noted that the applicant should consider the landscaping, as the additional lanes may limit the amount of landscaping buffer. Chairman Strom stated this greeter design is similar to the Princess hotel. It was suggested the applicant provide a better visual.

Discussing the guard gate into the home lots, the applicant was instructed to show a gate detail and how the proposed gates will swing as they appear to impede driveway access on adjoining lots.

There was discussion regarding the private roadway easement on three interior lots. The applicant noted these lots are designed to have their rear yard face the street. Concerns noted included access, pavement width of the roadway, wall placement, and front yard conflicts with nearby lots.

There was discussion on several lots with double frontage. Questioned came up around designating the front yard and wall setbacks. It was asked that the applicant provide a wall detail for the next meeting.

Commissioners Campbell, Wincel, and Mahrle expressed concern with the increased number of lots along Mockingbird Lane. It was noted this is the biggest concern based on the information provided.

As a point of clarification, it was noted that if the plat is not in substantial conformance that a SUP amendment will be required.

No Reportable Action

7. CONSENT AGENDA**A.** [16-249](#)

Approval of August 16, 2016 Planning Commission Minutes

A motion was made by Commissioner Mahrle, seconded by Commissioner

Wincel, to approve the August 16, 2016 Minutes. The motion carried by the following vote:

Aye: 7 - Chairperson Strom, Commissioner Campbell, Commissioner Mahrle, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak and Commissioner Wincel

8. STAFF REPORTS

Mr. Burton advised the Planning Commission of a request to change the Hillside Building Committee meeting date.

Eva Cutro noted the Town Council has directed to make an ordinance change regarding starting month on appointments, with a change from October to April.

9. PUBLIC BODY REPORTS

10. FUTURE AGENDA ITEMS

11. ADJOURNMENT

A motion was made at 9:50 p.m. by Commissioner Campbell, seconded by Commissioner Mahrle, to adjourn the meeting. The motion carried by the following vote:

Aye: 7 - Chairperson Strom, Commissioner Campbell, Commissioner Mahrle, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak and Commissioner Wincel

Paradise Valley Planning Commission

By: _____
Eva Cutro, Secretary