



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Draft

### Planning Commission

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Tuesday, July 11, 2017

5:00 PM

Council Chambers

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#### SPECIAL MEETING

#### 1. CALL TO ORDER

Chairman Wastchak called the meeting to order at 5:02 p.m.

##### STAFF MEMBERS PRESENT

Town Manager Kevin Burke  
Director of Administration & Government Affairs Dawn Marie Buckland  
Town Attorney Andrew M. Miller  
Community Development Director Eva Cutro  
Senior Planner Paul Michaud

#### 2. ROLL CALL

**Present** 6 - Chairperson Daran Wastchak  
Commissioner James Anton  
Commissioner Thomas G. Campbell  
Commissioner Charles Covington  
Commissioner Dolf Strom  
Commissioner Jonathan Wainwright  
**Absent** 1 - Commissioner Richard K. Mahrle

#### 3. EXECUTIVE SESSION

None

#### 4. STUDY SESSION ITEMS (Starting at 5:00 p.m.)

- A. [17-252](#) Discussion of a Minor Amendment to the Ritz-Carlton Special Use Permit, Area B  
SEC Indian Bend Road and Mockingbird Lane, 7000 E Lincoln Drive -  
Modifications to basement light wells and removal of the Neighborhood Walk
- Chairman Wastchak disclosed Shea Homes is a client, and that he does energy analysis work for them. The Town Attorney did not find a conflict of interest.

Eva Cutro reviewed the request. She described the three components of the request: expanded light wells, contiguous light wells, and removal of internal street system pedestrian walkways. It was noted that this request applies to Area B, the 66 single-family residential lots.

The expanded light wells will meet all setbacks, with the earth restored back to grade similar to a walk-out basement. The expanded light well is considered a courtyard, so the outdoor area will be counted toward floor area ratio. It was explained that height will be taken from restored earth.

The contiguous light wells are not necessary for egress out of common areas. These also are proposed to encroach into the side yard setback.

The removal of the pedestrian walk previously approved on one side of the street concerns staff since it provides a connection to the resort and avoid a stand-alone subdivision. However, the access points still remain to the resort.

Ms. Cutro reviewed the Minor SUP criteria.

She noted two comments were given. One individual wanted the resort to be built first before Parcel B. Ms. Cutro explained the development agreement allows Parcel B to be built first. The second comment was from a representative of Saint Barnabus, who supports the application.

Commissioner Strom states the window well area is larger than the dimensions in the Zoning Ordinance. It was confirmed there is no required height in the code for a window well. There was discussion on the proposed length of the window wells. The applicant noted these may be 40 feet to 50 feet long, but in no instance longer than the house.

Commissioner Campbell inquired about the proposed landscaping in the window wells. Mr. Peterson, architect for the applicant, stated the larger window wells will have pavers, vines, and planters. Commissioner Campbell philosophically supports subterranean living in the desert and noted that light, air, and green are important. This led to discussion on setbacks between window wells and the preference to ensure there is vegetation between the homes. It was suggested to require at least a five-foot setback between the property line and window well. Also, it was suggested to require a distance between window wells.

Commissioner Wainwright agreed with Commissioner Campbell's philosophy. Chairman Wastchak added it is better to construct down than up.

There was discussion on the importance of keeping the pedestrian walkway. Items noted included overloaded streets with vehicles due to short driveways and garages used as storage. It was clarified that the material of the walkway is not limited to concrete like a sidewalk.

Commissioner Strom suggested that if any window well is longer than 20 feet that the area be included in floor area ratio. The applicant agreed to research the impact on square footages.

It was noted that ladders or stairs will be required on window wells.

**No Reportable Action**

**B. [17-247](#)**

Discussion of a proposed lot split (LS 17-03)  
6001 E Cactus Wren Road

Paul Michaud presented per the packet. The request is for an R-43 lot split. He noted that the lot split meets all the tests for a lot split. No non-conformities will be created.

An alley exists to the south of this parcel. Commissioner Wainwright is concerned that the alley could become a nuisance issue. Mr. Michaud explained there was talk of abandoning the alley, but only one neighbor was interested at the time, so it did not occur. The property owner responded that she finds the alley a benefit.

The action on this item is set for August 15, 2017.

**No Reportable Action**

**C. [17-251](#)**

Discussion of Statement of Direction for Hillside Code Updates (Article XXII of the Town Zoning Ordinance)

Nan Murley, resident, spoke about the history of the Hillside Code and her involvement in the prior update processes. She encouraged the Planning Commission to read the purpose of the ordinance.

Eva Cutro reviewed the Statement of Direction, along with what topics the Planning Commission can and cannot review.

There was discussion on the driveway credit and loop-holes.

On lighting, Commissioner Strom suggested to fix the driveway and pedestrian walkways.

The Town Attorney was asked to look at remodels on La Place du Sommet

Commissioner Strom suggested using some different math for the Storm Water Design Manual.

**No Reportable Action**

## **5. PUBLIC HEARINGS (Starting at 6:00 p.m.)**

- A. [17-246](#) [Continued from June 20, 2017] Consideration of a Minor Amendment Request Tesseract Special Use Permit - Allow Jones-Gordon School for up to 12th Grade 4800 E Doubletree Ranch Rd

Paul Michaud, Senior Planner, presented per the Planning Commission packet. He reviewed updates since the last work session. The action on this application was continued from the July 11, 2017 meeting. The main neighborhood concern was regarding the addition of a High School.

Parking and circulation was discussed. It shall remain similar to the current parking and circulation plan. Roadway improvements were discussed. No improvements are required along Doubletree Ranch Road. Future improvements are planned along Tatum Boulevard including a sidewalk. The existing signs will be replaced with new signs, same location and size but not illuminated.

Mr. Michaud reviewed the criteria for a minor amendment to the Special Use Permit. One criteria is that there cannot be a material effect that cannot be mitigated. The Commission will need to determine if this criteria is met.

The draft stipulations were reviewed. They include limits on lighting, parking, traffic, maximum enrollment, extra-curricular activities, and special events. Mr. Michaud also reviewed the existing stipulations that will remain in effect.

John Berry, attorney, spoke for the applicant. He stated that there is an entitlement on this property that allows a school with a larger enrollment and much less restrictions that are proposed for the Jones Gordon School. He appreciates the opportunity to meet with the neighbors. He thanked the neighbors for voicing their concerns and allowing them to mitigate the concerns. Reducing enrollment helped to mitigate neighbors' concerns. A second neighborhood meeting was organized by Councilman Stanton and Mr. Berry believes the additional stipulations that came out of that meeting address the neighbors' concerns. Just before the meeting there was a

request for an additional change. Stipulation 4.b would change from 6:00 a.m. to set up for special events to a 7:00 a.m. setup time for special events.

Dana Hurtzberg reviewed the operational plan for the Jones Gordon School. Mr. Berry reviewed mitigation efforts addressing enrollment, parking, driving privileges, hours of operation, circulation, lighting, and landscaping. Mr. Berry concluded that they will be a better neighbor than the previous school and asks for approval of the amendment this evening.

#### Public Comment

Joshua Kasten, 16 year old junior at Jones Gordon, attended Tesseract for seven years. Feels this would be like coming home. In junior high his parents found Jones Gordon because he was bored. At Jones Gordon he is able to excel and progress at his own pace. Loves the sports program at Jones Gordon and would like to continue at Jones Gordon.

Samantha DePalo, Jones Gordon School, there are no behavioral issues at the school. She supervises these students. She will give her cell phone number to the neighbors. 100% of graduates have gone to their choice of colleges. Nuero diversity is on the cutting edge of the educational system. Jones Gordon is a leader in neuro diversity.

Jennifer Kasten, mother of Joshua. Speaking as the mother of a student who attended both Tesseract and Jones Gordon. She is strongly in favor of this application and can answer any questions about either school. Very small school with very involved parents. We want our kids supervised and won't tolerate inappropriate behavior.

Dorothy Smith, resident. Was against the topic at the last meeting. She has met separately with representatives of the applicant. She no longer has objections and is in favor of this application.

John Couvaras, resident. He drives and rides his bike on Doubletree Ranch Road. Has never had a problem the school and doesn't anticipate problems with this school. His adult child has learning disabilities and he would have loved for his child to attend this school.

Rhonda Riggkalla, resident. Anita Theisen is an asset to this Town. She would count on the Theisens to stand by what they are promising. She believes this school will be recognized throughout the region and should be an asset to the Town.

Kelly Lovelady, resident. She believes in charter education but is in the private school world. She is relieved that a private school has purchased

this property. She is pleased that it is the Jones Gordon school. This school's reputation is excellent. Charter schools are less regulated and do not need a Special Use Permit. They can go anywhere and can lead to overcrowding. If this private school is not approved a charter school may go in without regulation.

James Kuykendall, resident and new neighbor. He is not questioning the quality of this school. His concern is the traffic on Doubletree Ranch Road. He is fine with the high school if a cap is put on enrollment. His research shows only 11 students are from Paradise Valley. The majority will be driven to school and could add traffic to Doubletree Ranch Road. He suggested a revision to the stipulations that would require exiting the parking lot there be a sign requesting to exit to the right toward Tatum Boulevard.

Julie Sheer, resident. She has two boys that went to Tesseract and her oldest has now been accepted to Jones Gordon. Would love for him to be able to continue at the Tesseract location. Parking and traffic is not currently an issue. This school is a well oiled machine.

Kelly Michael, on behalf of her sister and nephew, the Moshers. Her nephew has a learning difference and will be at Jones Gordon next year. She was blown away by Jones Gordon School. It is a betterment for Paradise Valley. Believes the Paradise Valley enrollment will increase once it is in the community.

Anita Theisen, owner of the Jones Gordon property. She has been listening to the neighbors and has given anything they can in terms of stipulations and restrictions. Have tried very hard to accommodate all requests and agree to much more limiting stipulations that exist today on this property. This is a labor of love and wants a home for this school. This is not for a financial gain but to "pay it forward" because other kids need what her son has in Jones Gordon.

Kari Miller, resident. Has two children at Jones Gordon. As a resident she understands neighborhood concerns. But she also knows about this school and its remarkable leadership. It is beneficial for the Town to include this school in its Town limits. It is needed for the success of the children.

Jeff Cook, resident and adjacent to the school property. When he moved in the property was a tennis facility. He was opposed to Tesseract and received a lot of promises that were never put in writing. Believes everything needs to be in writing and he is grateful that it is now in writing. Likes limitations on high school. He is now comfortable and is looking

forward to stability.

Paul Dykstra, immediate neighbor. Supports the school and its students. Has not had any complaints with Tesseract and fully believes Jones Gordon will be a good neighbor. Appreciates the Jones Gordon School addressing concerns including landscaping, lighting, and start time.

Allen Perkel, parent of an incoming freshman at Jones Gordon. His child is twice exceptional. His child flourishes there and is not bored. There is individualized attention. It will be an asset to Paradise Valley. It is all about the kids. Let them start school in August at this location.

Shelly Dougherty, resident along Doubletree Ranch Road. Has no connection to this school, but believes it will be a great addition to the schools in Paradise Valley. It fills a niche. Please let them be successful. This is a great option, the next one may not be.

Melissa Tennant and Emily Tennant, Scottsdale residents. Emily has autism and they didn't know where to turn. They found Jones Gordon and her child has real friends there. She will follow Jones Gordon anywhere. She lives in Buckeye but rents near by to provide her child the education she needs. She wants to relocate to Paradise Valley but first needs to know the school has the okay to relocate here.

Chairman Wastchak read a note from Emily about Jones Gordon and how special it is to her.

Mark Stanton, resident and Councilmember, wants to compliment the Commission on the time they put in. Discussed the process and the neighborhood meetings. Appreciate the candor of the neighbors and the Theisens steps to address the concerns. Commitment from neighbors and the applicant was excellent and he applauds it.

John Berry, wants to note for the record that he thanks the neighbors and public for their involvement. With all the stipulations the neighbors that share a boundary line with this school are now in support of this school. He believes that all material changes have been mitigated and that this is a minor amendment and that it will be approved with the stipulations.

At 7:40 public comment closed

Commissioner Strom asked about traffic. A resident stated she uses Doubletree Ranch Road but most parents use Tatum Boulevard and there is no problem with traffic. Mr Strom asked Mr. Dykstra about traffic. Mr. Dykstra mentioned trash pickup was as early as 4:30 a.m. and would like

this to happen later. The applicant stated the garbage is in the northeast corner. Mr. Berry will ask the hauler to pick up later but can't guarantee this. Mr. Strom brought up an inconsistency in the stipulations regarding lighting during special events. Mr. Berry is open to a change in the stipulations to clarify this point.

Don Happ, Lighting Solutions, addressed Kelvins. They will have 3,000 kelvin or warmer lighting. Currently there are extremely bright lights with little shielding. The lighting hours are excessive. They are looking to switch to LEDs with less lumens and place timers on the lights to reduce the hours of usage. Right now half the lights are on 24 hours a day. Looking to reduce this to a quarter or less. It was noted that the existing illumination is within the SUP guideline provisions.

Commissioner Strom asked on Stipulation 5.a - what triggers the study? The Town Engineer or Town Manager will make that determination based on their observations. Dawn Cartier, CivTech, believes if cars have to wait in Doubletree Ranch Road to pick up this would trigger the additional study regarding when the turn lane may be triggered. Commissioner Strom "if delays that cars are stacked into and stationary on Doubletree Ranch Road this would trigger the study regarding a turn lane". Dawn Cartier suggests limiting the stacking to 50 feet on Doubletree Ranch Road in the turn lane if it is needed.

There was a question regarding the number of trips on Doubletree Ranch Road daily. Ms. Cartier replied there are about 5,000 vehicles a day and 340 trips are due to the school. Commissioner Campbell has a concern about limiting trips to Tatum Boulevard since he does not see the 340 trips anticipated for the school as a large increase on Doubletree Ranch Road. He is not supportive of a stipulation limiting traffic to Tatum Boulevard. Tesseract was estimated at 844 trips when at full capacity. Jones Gordon could result in a decrease in traffic. It was noted the full capacity of Doubletree Ranch Road is 16,000 vehicles a day. Chairman Wastchak is also concerned about over regulating the traffic but believes the stipulations allow some flexibility.

Commissioner Anton has concerns that future changes to the stipulations may be too easily changed. Perhaps the caps on enrollment should be considered major amendments to the Special Use Permit if they are to be amended. He suggested a new stipulation that any changes in the future to Stipulations 3c & d, or 5c should be considered major amendments and follow those procedures.

Commissioner Campbell believes expanding to the high school is a change of use and does not meet minor amendment criteria. He believes

it should go to the Town Council. He was in favor of the application but not the process. Commissioner Wainwright believes the use proposed is superior to what exists today and is not a change in use. Mr. Berry stated that the use is listed as a private school. They meet the definition of a private school. Adding a high school is not a change of use.

**A motion was made by Commissioner Strom, seconded by Commissioner Wainwright, to deem the requested amendment for the Jones-Gordon School as a minor amendment to the Special Use Permit zoning per the criteria listed in Section 1102.7.B of the Zoning Ordinance. The motion carried by the following vote:**

**Aye:** 5 - Chairperson Wastchak, Commissioner Anton, Commissioner Covington, Commissioner Strom and Commissioner Wainwright

**Nay:** 1 - Commissioner Campbell

**Absent:** 1 - Commissioner Mahrle

**A motion was made by Commissioner Strom, seconded by Commissioner Covington, to approve the Minor Special Use Permit Amendment for the Jones-Gordon School to modify the curriculum taught to 1st grade through 12th grade and replace two wall signs along Tatum Boulevard, subject to the stipulations in the stipulations document. The motion carried by the following vote:**

**Aye:** 6 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Strom and Commissioner Wainwright

**Absent:** 1 - Commissioner Mahrle

## **STUDY SESSION ITEMS (Continued)**

**A.**     [17-250](#)     Citizen Review of Ordinance Changes to include an Administrative Review of Small Cell Wireless Facilities

Kevin Burke described the documents attached. He stated many revisions were made based on the comments since the last meeting.

He stated the revisions address administrative process changes in the Town Code and legislative process changes in the Zoning Ordinance. If an applicant can demonstrate they cannot technically meet the preferred 24-foot tall faux cactus, the next option is the 56th Street pole option; otherwise the applicant can follow the Special Use Permit process.

Based on the discussion of the above code changes, the following items were noted:

- The siting standards include a safety fall zone, to blend into the area.
- Did not mandate placement where two properties meet since can this location could block view, all locations get reviewed by the Planning Commission.

- Add "without sustaining any permanent damage" on strength 115 mph. Check standard in the building code.
- The master license agreement will address any aesthetic.
- The Use faux cactus design standards are drafted in the application, not the ordinance.
- All equipment can be buried, need to verify if that includes the disconnect switch.
- Applicant should provide a technical reason they cannot make an option work, such as capacity/coverage measurements within a 1/4 mile radius. It was discussed the applicant would prove by use of modeling.
- Concern limited number of existing poles and may see increased number of poles.

Regarding the pole option, Chairman Wastchak asked that the last provider in could result in too many faux cactus in one area necessitating the pole option. Discussed issue with spacing between sites. State law prohibits spacing. Mentioned possibility of lack of co-location and providers not wanting to go on existing faux cactus since the lease cost is low.

Commissioner Strom suggested a sketch be included for the pole-mounted antenna option. Mr. Burke replied this would be in the application so it can be updated more easily should that be necessary.

Discussed what need to submit to show compliance with FCC radio-frequency.

Mr. Burke reviewed the findings regarding the noise standard of 50 decibels. The testing done by staff had readings below 50 decibels.

There was discussion on permit limitations such as 10-year approval and constructed within 180 days. Discussed if want the applicant to go back to beginning of process if not constructed. It was suggested to allow for a one-time continuance and/or right to grant an extension.

It was noted that the fees will be on a separate resolution.

Future meeting dates were noted.

The public portion of the meeting was open. No persons spoke.

**No Reportable Action**

## **6. ACTION ITEMS**

None

## 7. CONSENT AGENDA

### A. [17-248](#) Approval of June 20, 2017 Planning Commission Minutes

Meeting went into Recess

Meeting Reconvened

**A motion was made by Commissioner Strom, seconded by Commissioner Wainwright, to approve the June 20, 2017 Minutes. The motion carried by the following vote:**

**Aye:** 6 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Strom and Commissioner Wainwright

**Absent:** 1 - Commissioner Mahrle

## 8. STAFF REPORTS

Staff reviewed the status of the electronic packets.

## 9. PUBLIC BODY REPORTS

None

## 10. FUTURE AGENDA ITEMS

Mr. Michaud reviewed the upcoming agenda items.

## 11. ADJOURNMENT

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

**Aye:** 6 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Strom and Commissioner Wainwright

**Absent:** 1 - Commissioner Mahrle

**Paradise Valley Planning Commission**

By: \_\_\_\_\_  
Eva Cutro, Secretary