

**TOWN OF PARADISE VALLEY  
PLANNING COMMISSION  
MAY 06, 2014  
MINUTES**

**PRESENT:** Thomas Campbell, Chairman  
Jerald Bien-Willner, Commissioner  
Pat Hurley, Commissioner  
Dolf Strom, Commissioner  
Jonathan Wainwright, Commissioner  
Jeff Wincel, Commissioner

**ABSENT:** Richard Mahrle, Chairman

**STAFF:** Eva Cutro, Planning Director  
Paul Michaud, Senior Planner  
George Burton, Planner  
Andrew Miller, Town Attorney  
Duncan Miller, Town Clerk

**CALL TO ORDER**

The meeting of the Town of Paradise Valley Planning Commission was called to order by Chair Campbell at 6:00 p.m.

**EXECUTIVE SESSION: The Planning Commission may convene into an executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advise regarding the requests described under Regular Business by A.R.S. § 38-431.03.**

Commissioner Strom moved that the Commission adjourn into executive session to confer with the Town Attorney regarding legal advice. Seconded by Commissioner Wainwright and passed unanimously.

Chair Campbell reconvened the meeting.

**STUDY SESSION**

**Discussion of the Minor General Plan Amendment (GP-14-1), Rezoning (MI-14-1), and Preliminary Plat (PP-14-1) to develop a four-lot single-family residential subdivision for an approximate 4.1 acre property located at 6602/6606 E Malcomb Drive (former Kachina Country Day School).**

Mr. Michaud provided an overview of the request. The applicant is requesting to develop a 4-lot subdivision on an approximate 4.1 acre property located at 6602 E. Malcomb

Drive. This property is the former Kachina County Day School. This request includes the following three applications:

- A Minor General Plan Amendment (GP-14-1) application to change the land use designation from "Public/Quasi Public" to "Low Density Residential"
- A rezoning application (M1-14-1) to change the zoning from Special Use Permit District-Private School to residential zoning R-43 Single Family Residential District
- A preliminary plat application (PP-14-1) for the four-lot subdivision named 'Kachina Acres'.

Mr. Michaud stated the Commission will need to address whether or not the traffic calming device near the school is still necessary since it was installed to control the higher traffic with the school that will be greatly reduced with four residential lots.

Mr. Michaud reviewed the proposed lot design.

Chair Campbell stated that he would prefer to see a three-lot subdivision.

Mr. Michaud reported the applicant hosted a neighborhood meeting on April 16, 2014 and no one in attendance was opposed to the request. The property owner south of the subject property contacted staff relating that without the proposed roadway easement along Malcolm Drive the four lots are not possible. The applicant's Citizen Review Report, statements from two neighbors provided to staff, and a summary of public comments provided to staff were included in the commission packet. He further reported that staff received letters and a signed petition from neighbors in support of these requests.

Mr. Michaud stated this application is scheduled for a May 22, 2014 Town Council study session and June 12, 2014 Town Council public hearing. He further stated the applicant will be required to submit a Final Plat for recommendation by the Planning Commission and approval by Town Council.

Mr. Michaud responded to questions and comments from the commissioners regarding the three requests.

The Commission discussed the proposed setbacks. Mr. Michaud advised the Commission can add stipulations to address their concerns regarding setbacks.

Commissioner Strom stated cutting the street width would provide more land for open space and is consistent with the other streets in this area.

Commissioner Strom stated with regard to the side yard setbacks on Malcolm, he would suggest measuring from the back of the new curb and not the middle of the street.

Chair Campbell expressed his concern regarding how close the fences and buildings will be to Malcolm.

Doug Jorden stated they would be fine with the open space criteria being measured from the back of curb. Chair Campbell suggested measuring the setbacks from the back of curb plus 10 feet. The project planner stated that 10 feet would make him nervous but they might be able to make it work. He further stated that he would feel more comfortable with six feet. Discussion ensued regarding whether setbacks should be measured from back of the curb plus six feet or plus 10 feet.

**Discussion of the Phoenix Country Day School intermediate Special Use Permit Application (SUP-14-1), located at 3901 E. Stanford Drive (Assessor's Parcel Numbers 170-09-001A and 170-09-001-B).**

Mr. Michaud provided an overview of this request. Phoenix County Day School is requesting an intermediate amendment to their Special Use Permit (SUP) to allow for the expansion of the school's gymnasium facilities on the location of the old aquatic center. An associated shade structure, fencing and landscaping are also proposed. These improvements are located on the southeast and south portion of the property off 40<sup>th</sup> Street bordering the City of Phoenix. Residential properties are located across the street along 40<sup>th</sup> Street and commercial buildings adjoin the south property boundary.

Mr. Michaud provided additional information on traffic, lighting, perimeter fence, how open space criteria will be measured. He reported there will be no changes to the operation of the school. He further reported the overflow parking is allowed at the church across the street.

Mr. Michaud reviewed the statement of direction.

Mr. Michaud responded to questions and comments from the commissioners regarding this request.

Dawn Cartier, traffic engineer, provided information on the traffic study.

**PUBLIC HEARING**

**Consideration of the Phoenix Country Day School intermediate Special Use Permit Application (SUP-14-1), located at 3901 E. Stanford Drive (Assessor's Parcel Numbers 170-09-001A and 170-09-001B).**

Mr. Michaud presented this case as per the project coordination packet. It is recommended that the Planning Commission forward to the Town Council a recommendation of approval of the Phoenix County Day School Intermediate Special Use Permit Amendment to allow for the expansion of the school's gymnasium facilities, associated shade structure, fencing and landscaping, subject to the stipulations contained in the action report.

Mr. Michaud responded to questions and comments from the commissioners regarding this request.

Jordan Rose, Rose Law Group, reported the Traffic Impact Statement states that the 445 total approved parking spaces and overflow parking at Camelback Bible Church meet the school's parking needs. She further stated the fencing is needed for security.

Commissioner Wainwright stated that he is pleased that the applicant worked so well with the Commission to make the changes addressed at the last work study session. He further stated that he would encourage the applicant to find an alternative location for the garbage pick up. Ms. Jordan stated that the garbage is located near the cafeteria but they are working with the neighbors to schedule trash collection so that it will have less impact.

Chair Campbell opened and closed public comment as there were no residents wishing to speak.

Chair Campbell disclosed that his family is Phoenix Swim Club members. He further stated that he does not feel this will impact his ability to be impartial in this matter.

Commissioner Wincel moved the Planning Commission forward to the Town Council approval of the Phoenix Country Day School Intermediate Special Use Permit Amendment to allow for the expansion of the school's gymnasium facilities, associated shade structure, fencing and landscaping, subject to the following stipulations:

1. All improvements to the property shall be in substantial compliance with the following:
  - a. Project Narrative, prepared by Rose Law Group and dated April 29, 2014;
  - b. Traffic Impact Statement, prepared by CivTech Inc. and dated April 21, 2014;
  - c. Sheet SUP-1, Campus Plan, prepared by Architekton and dated April 21, 2014;
  - d. Sheet SUP-2, Project Plan, prepared by Architekton and dated April 21, 2014;
  - e. Sheets SUP-3 and SUP-4, Fence Plan, and Site Security Fencing Plan Exhibit, prepared by Architekton and dated April 21, 2014;
  - f. Sheets SUP-5 and SUP-6, Section and Elevations, prepared by Architekton and dated April 21, 2014;
  - g. Finish Floor Elevation Plan prepared by Architekton, Knoell & Quidort, and CVL Consultants and print dated March 18, 2014;
  - h. Sheet PR100, Landscape Plan, prepared by Architekton, Knoell & Quidort, and CVL Consultants and print dated March 5, 2014;
  - i. Sheet ES-1, Electrical Site Photometry, prepared by Architekton and Henderson Engineers Inc. and dated April 8, 2014; and
  - j. Sheet ES-2, Photometric Lighting Cut Sheets, prepared by Architekton and Henderson Engineers Inc. and dated April 8, 2014.

2. Prior to issuance of any building permit for fencing or other structures within the Arizona Canal Diversion Channel, the applicant shall provide the Town's Building Official, or designee, verification that the Flood Control District of Maricopa County is acceptable to the type and details of structures proposed.
3. Special event(s) that exceed the capacity of the 445 on-site parking spaces and the overflow capacity onto the adjoining property at 3902 E Stanford Drive (Camelback Bible Church) shall be prohibited, unless mitigation measures can be demonstrated to the Town's Community Development Director, or designee.
4. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by the Intermediate Amendment SUP-14-1.

Seconded by Commissioner Bien-Willner.

Commissioner Wainwright requested that the motion be amended to show the address on Stanford Drive not Stetson Drive.

Commissioner Wincel and Commissioner Bien-Willner accepted the amendment to the motion.

The motion passed unanimously by a vote of six (6) to zero (0).

**Consideration of the Minor General Plan Amendment, Re-zoning and Preliminary Plat applications for Kachina Estates, a four (4) lot subdivision located at 6602/6606 E Malcomb Drive (Assessors Parcel Numbers 174-62-001B and 174-62-005B).**

Mr. Michaud presented this case as per the project coordination packet. It is recommended that the Planning Commission forward to the Town Council a recommendation of approval for the Minor General Plan Amendment (GP-14-1) to amend the land use designation for "Public (Private School)" to "R-43 Single Family Residential District" for the property located at 6602/6606 E Malcomb Drive, subject to the stipulations contained in the action report.

Mr. Michaud stated it is recommended the Planning Commission forward to the Town Council a recommendation of approval for the Rezoning (M1-14-1) from "Special Use Permit District – Public (Private School)" to "R-43 Single Family Residential District" for the property located at 6602/6606 E Malcomb Drive, subject to the stipulation contained in the action report.

Mr. Michaud stated it is recommended the Planning Commission forward to the Town Council a recommendation of approval for the Preliminary Plat (PP-14-1) for the property located at 6602/6606 E Malcomb Drive, subject to the stipulations contained in the action report.

Doug Jorden reviewed the proposed setbacks. He also reviewed the proposed changes to the wall plan. He reported that the neighbors want to keep the traffic circle. He provided information on the context of the neighborhood.

Mr. Jorden responded to questions and comments from the commissioners regarding the setbacks.

Chair Campbell opened public comment.

Tim White spoke in opposition to this request. He outlined his concerns regarding this request. He stated that he felt this request has been misrepresented to the neighbors. He further stated that it is his belief that this property should only be a three lot subdivision. He adds in order for the applicant to have a four-lot subdivision they have to ignore the Town's Ordinance.

Catherine Mock spoke in opposition of this request. She expressed her concern that they are squeezing four houses in and these houses will likely be two stories. She further stated that she is in favor of keeping the traffic circle.

Rick Carpinelli spoke in favor of this request. He stated that they do not want this property to be a school because it generates a lot of traffic. He commented that he is pleased that some of the neighbors have stepped up to purchase this property.

Chris Stocks spoke in opposition to this request. He expressed his concern that in order for the applicant to have a four-lot subdivision they would be taking 12,000 feet of dedicated street thus shortening the road. He expressed his concern that the neighbors that signed the petition were not shown the plans.

Drew Hiatt, MD spoke in favor of this request. He stated that he went door to door to get the 144 people to sign the petition. He further stated that he takes great offense to the comment that he misrepresented information to the neighbors. He advised that he is not a developer that he is a doctor. He further advised that he and the other neighbors did not purchase this property to make money. They purchased this property in an effort to improve the neighborhood.

Marin Rose spoke in favor of this request. He stated that he lives across the street from the school and he appreciates the neighbors who stepped up and bought the property and are dedicated to never allow a school on this property. He further stated that he is in favor of the four lots which make the economics work.

Maragrita Rose spoke in favor of this request. She stated that her house is on the corner north of the school and that is why she prefers that this property is not a school. She stated that she felt this subdivision will improve the neighborhood.

Kyle Nelson spoke in opposition to this request. He stated that based on what he is seeing it appears that they are trying to shoehorn the lots in. He further stated that with regard to setbacks he felt everyone should have to follow the same rules.

Chair Campbell stated the following people filled out public comment cards in favor of this request but did not wish to speak: Francesca Godi, Fred Ferguson, Geri Uhl, Sheila Hiatt, Janet Read, Dennis Roth, S. Yang, Mario Gooli, Larry Reed; and Robert Griego, MD.

Chair Campbell stated the following people filled out public comment cards in opposition to this request but did not wish to speak: Brenda White and Peter More.

Chair Campbell closed public comment.

Chair Campbell expressed his concern regarding setbacks. He stated that he is concerned about the curb appeal of the lots and would like to see it developed as a three-lot subdivision. He further stated that he does not know why we are doing something they have not done in 40 years.

Commissioner Wainwright stated that he does not want to say anything unkind about the school in general but it would be fair to say that the school was a nuisance to the neighbors. He further stated that this is a unique property and not simply a four acre parcel that has been vacant and whether it is a three-lot or four-lot subdivision it will be an improvement to what has been there. He remarked that he is in favor of the subdivision as proposed.

Commissioner Hurley stated that he understands the motivation to establish this property as residential to ensure that it is not a school and that makes absolute sense. He further stated that he felt there are alternative solutions.

Commissioner Strom stated that he is in favor of this request with a little tweaking. He reviewed his recommended changes. He further stated that he is not concerned about setting any kind of precedence as it is a unique property.

Commissioner Bien-Willner stated that nobody is interested in having this property remain a school or any type of Special Use Permit. He further stated that he is not concerned with setting any type of precedence with this property. He added he is in favor of the request as proposed.

Commissioner Wincel stated that it is important to remember that we are not considering a current residential lot and application of the zoning ordinances to an existing residential lot. What we are looking at is a zoning change from SUP to R-43 and trying to make the existing zoning ordinance fit into this conversion. He further stated that he appreciates the work the applicant has done since the work study session this evening. He remarked that he supports this request.

Commissioner Wincel moved to forward to the Town Council a recommendation of approval to amend the Town's General Plan Land Use Map for the property located at 6602/6606 E Malcomb Drive from the designation of "Public/Quasi Public" to "Low Density Residential," subject to no stipulations. Seconded by Commissioner Wainwright.

The motion passed unanimously by a vote of six (6) to zero (0).

Commissioner Wincel moved to forward to the Town Council a recommendation of approval to amend the Town's Zoning Map for the property located at 6602/6606 E Malcomb Drive from "Special Use Permit District – Public (Private School)" to "R-43 Single Family Residential District," subject to the following stipulations:

1. All lots shall be in compliance with all applicable Town Ordinances and in substantial conformance with the Preliminary Plat, Sheets 1-2, prepared by Fleet Fisher Engineering, Inc. dated May 1, 2014.
2. The applicant shall remove the existing two-foot ribbon curb and six feet of pavement along the north side of Malcomb Drive, reset the ribbon curb as shown on the Setback Plan dated May 6, 2014, and have the Town Engineer evaluate whether any changes are needed for the traffic calming device located at the intersection of Malcomb Drive and Casa Blanca Drive.
3. The view fence and building setbacks shall be as shown on the Setback Plan dated May 6, 2014, with the fence setback to be modified on the Setback Plan to be 15 feet from back of the new curb.
4. The back of the new curb as described in Stipulation 2 above shall be used as the "property line" when measuring the open space criteria of Section 1001, District Regulations, in the Town Zoning Ordinance.

Seconded by Commissioner Wainwright.

The motion passed by a vote of five (5) to one (1) with Chair Campbell dissenting.

Commissioner Bien-Willner moved to forward to the Town Council a recommendation of approval of the preliminary plat for the property located at 6602/6606 E Malcomb Drive, subject to the following stipulations:

1. The Preliminary Plat, and subsequent Final Plat, is only valid if and when the Minor General Plan Amendment (GP-14-1) and Rezoning (MI-14-1) for the subject property become effective.
2. The Final Plat for Kachina Estates shall be in substantial compliance with the Preliminary Plat, Sheets 1-2, prepared by Fleet Fisher Engineering, Inc. dated May 1, 2014 and the Setback Plan dated May 6, 2014.

3. The landscaping in the right-of-way must meet the Town's Landscape Guidelines.
4. A subdivision wall and landscape plan for Malcomb Drive shall be submitted with the Final Plat for Kachina Estates for approval by the Town that is in substantial compliance with the line drawing prepared by Fleet Fisher Engineering, Inc. dated May 1, 2014 and the Setback Plan dated May 6, 2014. Unless otherwise noted, wall height and setback shall comply with Article XXIV, Walls and Fences, of the Town Code.
5. Within 30 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.
6. Prior to the recordation of the Final Plat for Kachina Estates, the applicant shall provide, subject to Town approval, all assurances necessary to guarantee completion of the public improvements adjoining the subject property in accordance with the Preliminary Plat, Sheets 1 and 2, prepared by Fleet Fisher Engineering, Inc. These improvements include:
  - a. Installation of a minimum of a 6-inch diameter water line for the 66<sup>th</sup> Place cul-de-sac that will connect to an existing 12-inch diameter water line within the right-of-way of Malcomb Drive;
  - b. Execution of a water main extension agreement with EPCOR, with a copy of such agreement provided to the Town;
  - c. Installation of a new 8-inch diameter sewer line in Malcomb Drive that will connect to an existing 8-inch sewer line located west of the subject property within the right-of-way of Casa Blanca Drive, where such sewer line will extend along the entire frontage of the subject subdivision to its eastern boundary and terminates at a manhole;
  - d. Construction of a new roadway for 66<sup>th</sup> Place extending south to connect with Malcomb Drive, having a cul-de-sac with a 45-foot right-of-way and a 40-foot radius to the back of the 2-foot ribbon curb, along with a roadway section with a 50-foot right-of-way and total cross-sectional width of 26 feet including a two-foot ribbon curb on both sides of the roadway that connects to Malcomb Drive consistent with the Setback Plan dated May 6, 2014;
  - e. Installation of water and sewer stubs to each lot prior to final roadway paving of the cul-de-sac of 66<sup>th</sup> Place;
  - f. Completion of maintenance improvements to mill and overlay the full width of Malcomb Drive from Casa Blanca Drive to the eastern boundary of the subject property, along with some minor base course roadway repairs on Malcomb Drive pursuant to Town standards as specified by the Town Engineer.
7. An easement for public right-of-way for the north half street of Malcomb Drive adjoining the subject property is deemed acceptable pursuant to Section 5-10-7,

Dedication of Public Right-of-Way , Section 6-3-2, Half Street, or Article 6-8, A or B, Variances and Modifications, for several reasons:

- a. Roadway maintenance improvements along Malcomb Drive outlined in Stipulation 6;
  - b. Reduction in vehicular traffic with removal of the private school SUP;
  - c. Termination of Malcomb Drive into a private roadway east of the site;
  - d. An existing private easement over the north half of Malcomb Road and an existing half-street make a new dedication unnecessary;
  - e. A dedication would result in extraordinary hardships;
  - f. Adequate circulation will be provided.
8. For similar reasons to Stipulation 7, the 55-foot front yard setback is acceptable, along with the added light and air a deeper setback will provide along 66<sup>th</sup> Place and that the Town's Zoning Ordinance only provides a minimum front setback.
9. Prior to the issuance of any building permit for a single-family dwelling in the subdivision, the applicant shall complete the following items:
- a. Completion of the wall and landscaping improvements listed in Stipulation 4.
  - b. Completion of the roadway improvements listed in Stipulation 6.

Seconded by Commissioner Wainwright.

The motion passed by a vote of four (4) to two (2) with Chair Campbell and Commissioner Hurley dissenting.

#### COMMISSION REPORTS

Commissioner Bien-Willner announced that he will run for Town Council.

#### ADJOURNMENT

Commissioner Strom moved to adjourn the meeting at 9:35 p.m. Seconded by Commissioner Wainwright and passed unanimously.

  
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Eva Cutro, Secretary

**TOWN**  
*of*  
**PARADISE VALLEY**



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**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
SUMMARY MINUTES  
Thursday, June 12, 2014**

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**1. CALL TO ORDER / ROLL CALL**

Mayor LeMarr called to order the Town Council Meeting for Thursday, June 12, 2014 at 3:05 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

Mayor Scott P. LeMarr  
Vice Mayor Michael Collins  
Council Member Paul E. Dembow  
Council Member Dan Schweiker arrived at 3:12 p.m.  
Council Member David A. Sherf  
Council Member Lisa Trueblood

**ABSENT**

**STAFF MEMBERS PRESENT**

Town Manager James C. Bacon, Jr.  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Public Works Director/Town Engineer James P. Shano  
Finance Director Scott McCarty  
Police Chief John J. Bennett

**2. STUDY SESSION ITEMS**

**a. Police Pension Actuary Report Follow Up**

Finance Director Scott McCarty introduced Jim Anderson of Gabriel Roeder Smith (GRS) & Co, Jared Smout, PSPRS Deputy Administrator, and Doug Cole, Highground Public Affairs consultant.

Mr. McCarty reminded Council that the causes of the Town's unfunded police pension liability were discussed on January 9 and March 22. The Council also discussed the baseline projection of contribution rates and costs over the next 23 years. He said the next step was to develop a police pension funding policy that would gradually improve

the funding status and limit contribution volatility.

Jim Anderson, GRS actuary retained by the Town to assess the Town's current and future pension liabilities, provided an update of baseline projections based on PSPRS plan wide investment earnings, court rulings impacting the plan, and local plan impacts related to lateral hires, DROP, and disability retirements.

Mr. McCarty stated that the Town's initial priority should be to reduce the \$14.3 million unfunded retiree / DROP liability. To achieve this he recommended the following actions, some of which have already been implemented:

- Make employer contributions for all authorized PSPRS positions (33) including officers in the DROP program. In FY 2014-15 this added \$235,000 to the budget
- Pre-pay annual contributions on July 1<sup>st</sup> to increase investment income
- Evaluate ability to make additional annual payments / establish reserve
- Implement best practices – employee wellness, reduce workers compensation claims, provide training for local PSPRS members
- Evaluate impacts of new employee contribution structure on recruitment and retention

Council discussed options to encourage the local PSPRS board to participate in the development of the police pension funding policy. Council requested that board members be invited to the next Council study session at which police pensions are discussed and before the draft policy is developed.

Doug Cole, Highground Public Affairs consultant for the Town, reported on a ballot measure proposal sponsored by the Firefighters Association and Fraternal Order of Police to reform public safety pension programs. He said the Governor may call a special session for the legislature to consider the proposal and refer it to the ballot. She would have to call the session by July 7 for it to be on the November ballot. The plan would require a constitutional amendment to give the legislature the authority to make changes to pension plans. A "trailer bill" would also be adopted during the special session to reinstate the reforms enacted in 2011 that were overturned in the courts.

Mr. McCarty suggested another legislature option would be to grant municipalities the authority to issue pension obligation bonds.

There was Council consensus to proceed with the development of a police pension funding policy and identify and implement "best practices" with the help of the Paradise Valley PSPRS Board.

### **b. Discussion of Police Department Strategic Plan**

Police Chief John Bennett presented the Police Department Strategic Plan. He stated that the Public Safety Task Force report released in April 2013 recommended that the department develop a five-year strategic plan that would be updated annually.

Chief Bennett stated that a key step in the drafting of the plan was to adopt a Mission/Vision/Values statement for the department.

- *Mission: The Paradise Valley Police Department provides high quality services to a community which values public safety and security through professional, proactive and innovative police services.*
- *Vision: The Paradise Valley Police Department strives to maintain a safe environment to protect the unique character of the community, its residents and visitors from around the world.*
- *Core Values: Professionalism, High Quality Customer Service, Teamwork, Respect, Accountability, Transparency, and Respect for Town Heritage*

He discussed the Police Department strategic goals:

- **Service Levels** Establish and maintain the highest level of professional law enforcement services with the support of the community and its residents and the financial support of the Town.
- **Effective Relations** Enhance and maintain effective partnerships between the Police Department and the community.
- **Leadership in Policing** Establish and maintain leadership in law enforcement services, training, techniques and technology within the Town and among our neighboring agencies.
- **Prevention / Response** Establish and maintain approaches to law enforcement that focus on prevention as well as effective response to criminal, traffic and safety concerns.
- **Oversight / Control** Establish and maintain approaches to law enforcement management that reflect accountability for the resources received, reflecting a commitment to excellence and transparency in government.

He summarized the Department's 14 performance objectives:

- **Performance Objective 1:** Evaluate and enhance the geographic policing model for deployment of patrol and other resources in the Town, including an examination of the current district structure, in order to minimize response times to emergency calls for service.
- **Performance Objective 2:** Develop and maintain a community policing patrol strategy including development of plans for use of data, supervisory oversight and technology.
- **Performance Objective 3:** Develop and maintain an investigative plan regarding case assignment, deadlines and case management for the General

Investigations Bureau, with a specific focus on enhancing internal (i.e., 2-way) communications between Patrol and GIB personnel.

- **Performance Objective 4:** Develop and maintain a technology plan for the Police Department that is updated annually. Include training and maintenance of current technology as a key element.
- **Performance Objective 5:** Establish and maintain a foundation, dedicated to the support of public safety services in the Town. This foundation would be utilized to accept private citizen donations intended to benefit the delivery of public safety services.
- **Performance Objective 6:** Develop and maintain community feedback meetings and surveys of residents and visitors.
- **Performance Objective 7:** Continue and maintain a leadership position in law enforcement by participating in groups such as: IACP, FBI-NAA, AACOP, and EVPCA.
- **Performance Objective 8:** Continue to monitor and evaluate key law enforcement, crime trends, traffic, and safety challenges facing the Town of Paradise Valley.
- **Performance Objective 9:** Evaluate participation in the regional task forces focused on narcotics, gangs, violent crimes, etc. using existing GIB staff (currently members of: ACTIC, AZCART, MCATF).
- **Performance Objective 10:** Develop a plan focused on identifying high-hazard traffic areas in the Town, and develop and maintain efforts to reduce deaths, injuries and property damage resulting from accidents, as well as improving pedestrian and other casual traffic safety in the Town including the use of photo enforcement – for total of five fixed sites with 12 approaches, and a site location of the Redflex-HALO system.
- **Performance Objective 11:** Develop, update and maintain a crime prevention and community outreach plan for the Town of Paradise Valley that focuses on the partnership between the Police Department and the community.
- **Performance Objective 12:** Assess the Police facility and other major capital needs of the Police Department.
- **Performance Objective 13:** Develop and maintain, by conducting an annual review, policies and procedures which meet national, state and local standards and which reflect the best methods in policing as implemented by the PVPD.
- **Performance Objective 14:** Develop, maintain and track key performance measures that indicate the effectiveness and efficiency of the Police Department.

Responding to a question from Council, Chief Bennett stated that the plan would evolve using input from staff and the Council as well as citizen surveys. He said periodic meeting would also be held during the year to seek feedback from residents.

Council asked that the plan include implementation dates and metrics to measure success. It was also suggested that Performance Objective 10 include a reference to the implementation of ALPRs in the Town.

**c. Discussion of Town Manager Executive Search  
Firm Selection and Recruitment Process**

Mayor LeMarr stated that interviews with the three search firm finalists would be scheduled for June 26.

**3. EXECUTIVE SESSION**

**Motion - Council Member Schweiker moved to enter Executive Session at 4:56 p.m.  
Council Member Trueblood seconded the motion.**

**Passed**

**For: 6;**

**Against: 0;**

**Abstain: 0;**

**Absent: 0**

- a. **Discussion of Town Manager recruitment and employment as authorized by A.R.S. §38-431.A.1.**
- b. **Discussion and consultation with the Town Attorney to consider the Town's position and instruct the attorney regarding potential amendments to the Development Agreement with MTS Land LLC and MTS Golf, LLC regarding the Mountain Shadows Resort as authorized by A.R.S. §38-431.A.4 and legal advice regarding Special Use Permits as authorized by A.R.S. §38-431.A.3.**
- c. **Discussion and consultation with town representatives concerning the purchase, sale or lease of real property in the vicinity of the 7000 block of Highlands Drive as authorized by A.R.S. §38-431.03.A.7; and discussion and consultation with the Town Attorney regarding an agreement Maricopa County for Public Safety Communications as authorized by A.R.S. §38-431.03.A.4.**
- d. **The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the agenda items listed on the agenda as authorized by A.R.S. §38-431.A.3.**

4. **BREAK**
5. **RECONVENE FOR REGULAR MEETING**
6. **ROLL CALL**

Mayor LeMarr reconvened the meeting in the Town Council Chambers at 6:12 p.m.

**COUNCIL MEMBERS PRESENT**

Mayor Scott P. LeMarr  
Vice Mayor Michael Collins  
Council Member Paul E. Dembow  
Council Member Dan Schweiker  
Council Member David A. Sherf  
Council Member Lisa Trueblood

**ABSENT**

**STAFF MEMBERS PRESENT**

Town Manager James C. Bacon, Jr.  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Community Development Director Eva Cutro  
Police Chief John J. Bennett  
Public Works Director/Town Engineer James P. Shano  
Finance Director Scott McCarty  
Senior Planner Paul Michaud

**OTHERS PRESENT**

Planning Commissioner Dolf Strom

7. **PLEDGE OF ALLEGIANCE\***

Mayor LeMarr led the Pledge of Allegiance.

8. **PRESENTATIONS\***

There were no presentations.

9. **CALL TO THE PUBLIC**

There were no public comments

**10. CONSENT AGENDA**

- a. **Minutes of Town Council Meeting May 22, 2014**
- b. **Award of Contract for Town Prosecution Services**  
*Recommendation:* Authorize the Town Manager to execute an agreement for Town of prosecution services with Patrick G. Gann, Attorney at Law, Inc for an amount not to exceed \$44,000 per year.
- c. **Award of Contract for Tax Auditing Services**  
*Recommendation:* Authorize the Town Manager to enter into a five-year contract with Albert Holler & Associates for local tax auditing, consulting, and monthly reporting services in an amount not to exceed \$72,000 per year.
- d. **Authorization for Town Manager to Execute an Agreement for Executive Search Firm Services**  
*Recommendation:* Authorize the Town Manager to execute an agreement for executive search firm services.
- e. **Award of Contract for 56th Street Design Pre-Construction Services and Approval of Resolution Number 1306 FY2013-14 Budget Adjustments to the Capital Improvements Fund**  
*Recommendation:* Award a contract for pre-construction services to Achen-Gardner Construction in the amount of \$50,000 for project planning, project scheduling, value engineering, and constructionability assessments for the design and construction of 56th Street between Lincoln Dr. and McDonald Dr.; and approval of Resolution Number 1306, amending the FY 2013-2014 Capital Improvement Budget.
- f. **Adoption of Resolution Number 1309 Authorizing the Town Attorney to File a Motion to Intervene as an Interested Party in the EPCOR Water Rate Case**  
*Recommendation:* Adopt Resolution Number 1309

Mr. Bacon summarized the items on the Consent Agenda. He withdrew item 10d from consideration.

**Motion - Vice Mayor Collins moved to approve the Consent Agenda as submitted with the exception of item 10d. Council Member Dembow seconded the motion.**

**Passed**

**For: 6;**

**Against: 0;**

**Abstain: 0;**

**Absent: 0**

**11. PUBLIC HEARINGS**

- a. **Consideration of Resolution Number 1308 for a Minor General Plan Amendment to change the land use designation from "Public/Quasi Public" to "Low Density Residential", Ordinance Number 676 to rezone the property from "Special Use Permit District - Public (Private School)" to "R-43 Single Family Residential District", and a Preliminary Plat application to allow for development of a four-lot single-family residential subdivision on an approximate 4.1 acre property located at 6602/6606 E Malcomb Drive**

Adopt Resolution Number 1308, Ordinance Number 676, and the Preliminary Plat for Kachina Estates.

Senior Planner Paul Michaud presented a request by Kachina School Land Holdings, LLC for a four-lot residential subdivision on an approximate 4.1 acre property located at 6602/6606 E Malcomb Drive. The property is the former Kachina Country Day School. The request included the following three applications:

- A Minor General Plan Amendment (GP-14-1) application to change the land use designation from "Public/Quasi Public" to "Low Density Residential." (Resolution Number 1308)
- A rezoning application (MI-14-1) to change the zoning from "Special Use Permit District – Public (Private School)" to residential zoning "R-43 Single Family Residential District." (Ordinance Number 676)
- A preliminary plat application (PP-14-1) for the four-lot subdivision named 'Kachina Estates'.

He reported that a total of 148 neighbors in the general area of the project submitted comments or signed petitions. He said there was no opposition to the General Plan Amendment and rezoning requests; but a minority of neighbors submitted comments opposing the four-lot preliminary plat because of the perceived negative precedence it would set to approve lots with a roadway easement to meet the 165 foot "circle test" instead of a roadway dedication.

Mr. Michaud explained that Resolution Number 1308 and Ordinance Number 676 are drafted such that the Minor General Plan Amendment, Rezoning, and plat approvals are dependent upon each other. Resolution Number 1308 and Ordinance Number 676 will become effective when the Town Council approves the Final Plat for Kachina Estates and the applicant signs the Prop 207 waiver. Until that time, the existing Public/Quasi Public General Plan designation and Special Use Permit – Public (Private School) zoning district will continue to govern the property. To mitigate this concern, the Planning Commission included a stipulation to reduce the pavement width along Malcomb Drive and to measure the setback of structures from back of curb instead of the property line. In addition, the front yard setbacks were increased from 40 feet to 55 feet.

He reported that the Planning Commission held a public hearing on the requested applications on May 6, 2014 and recommended approval of all three applications. The

Commission voted 6-0 to recommend approval to amend the Town's General Plan Land Use Map for the subject property from the designation of "Public/Quasi Public" to "Low Density Residential," subject to no stipulations. The Commission voted 5-1 to recommend approval to amend the Town's Zoning Map for the subject property from "Special Use Permit District – Public (Private School)" to "R-43 Single Family Residential District," subject to stipulations. The Commission voted 4-2 to recommend approval of the preliminary plat to develop the four single-family lots, subject to stipulations. The two Commissioners who voted against the preliminary plat expressed a preference for three lots instead of four or another alternative lot configuration to address concerns over visual impact.

Planning Commissioner Dolf Strom presented the Planning Commission's recommendation. He said the Commission was concerned about the visual impact of the subdivision and making it look consistent with the surrounding neighborhood. They worked with the applicant to increase the size of the landscaping strip and the triangular view corridor of the cul da sac. The Commission supported the idea to narrow Malcomb Drive and measure the setback from back of curb to provide more landscaping.

Attorney Doug Jorden, representing the applicants, Larry Read and Drew Hiatt who are neighbors of Kachina School, stated that his clients' intentions were to purchase the property and rezone it so that it could no longer be utilized as a school. He noted that this request "down zones" the property to a less dense usage. Responding to concerns about the four lot subdivision he stated that all four lots would be an acre and would meet or exceed development guidelines. He provided examples of other subdivisions in Town that provided roadway easements instead of roadway dedications. He further noted that 20% of R-43-zoned lots in Town are less than one-acre.

Mayor LeMarr opened the public hearing.

Residents Rick Carpinelli, Margarita Rose, Jim Uhl, Marvin Rose, Shu Yang, Larry Read, Kevin Davis, Don McElmury, and Geri Uhl were in favor of the application.

Residents Charles Pavarini, Tim White, Brenda White, Kyle Nelson, Cathy Mock, and Jay Zweig were in favor of the rezoning but opposed to the plat application.

Mayor LeMarr closed the public hearing.

Responding to a question from the Council, Ms. Cutro stated that the Kachina School buildings were inspected by building official and fire marshal. They all currently meet code and could be occupied today.

Responding to a question from Council, Tim White, resident in opposition to the preliminary plat, explained that he was opposed to the development of a subdivision with lots less than one acre exclusive of streets. Furthermore, he was concerned about how the setbacks would be measured if the property line was allowed to include a portion of the street.

Responding to a question regarding the Commissions justification or authority to

recommend the roadway easement, Planner Paul Michaud explained Article 6-8, Variances and Modifications, allows the Planning Commission to recommend variations to the subdivision code, along with any necessary conditions of approval. He said Town Code Sections 6-3-2 and 5-10-7 also give the Commission and Council discretion related to roadway dedications.

Doug Jordan summarized that use of a roadway easement is permitted by the Code and has been done recently on resort properties.

**Motion - Council Member Schweiker moved to adopt Resolution Number 1308. Council Member Trueblood seconded the motion.**

**Passed**

**For: 6;**

**Against: 0;**

**Abstain: 0;**

**Absent: 0**

**Motion - Council Member Trueblood moved to adopt Ordinance Number 676. Council Member Schweiker seconded the motion.**

**Passed**

**For: 6;**

**Against: 0;**

**Abstain: 0;**

**Absent: 0**

**Motion - Vice Mayor Collins moved to the Preliminary Plat for the property located at 6602 and 6606 E Malcomb Drive, subject to the following stipulations:**

1. The Preliminary Plat, and subsequent Final Plat, is only valid if and when the Minor General Plan Amendment (GP-14-1) and Rezoning (MI-14-1) for the subject property become effective.
2. The Final Plat for Kachina Estates shall be in substantial compliance with the Preliminary Plat, Sheets 1-2, prepared by Fleet Fisher Engineering, Inc. dated May 12, 2014 and the Wall & Setback Plan dated May 14, 2014.
3. The landscaping in the right-of-way must meet the Town's Landscape Guidelines.
4. A subdivision wall and landscape plan for Malcomb Drive shall be submitted with the Final Plat for Kachina Estates for approval by the Town that is in substantial compliance with the Wall & Setback Plan dated May 14, 2014. Unless otherwise noted, wall height and setback shall comply with Article XXIV, Walls and Fences, of the Town Code.  
Within 30 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.
5. Prior to the recordation of the Final Plat for Kachina Estates, the applicant shall provide, subject to Town approval, all assurances necessary to guarantee completion of the public improvements adjoining the subject property in

accordance with the Preliminary Plat, Sheets 1 and 2, prepared by Fleet Fisher Engineering, Inc. These improvements include:

- a. Installation of a minimum of a 6-inch diameter water line for the 66<sup>th</sup> Place cul-de-sac that will connect to an existing 12-inch diameter water line within the right-of-way of Malcomb Drive;
  - b. Execution of a water main extension agreement with EPCOR, with a copy of such agreement provided to the Town;
  - c. Installation of a new 8-inch diameter sewer line in Malcomb Drive that will connect to an existing 8-inch sewer line located west of the subject property within the right-of-way of Casa Blanca Drive, where such sewer line will extend along the entire frontage of the subject subdivision to its eastern boundary and terminates at a manhole;
  - d. Construction of a new roadway for 66<sup>th</sup> Place extending south to connect with Malcomb Drive, having a cul-de-sac with a 45-foot right-of-way and a 40-foot radius to the back of the 2-foot ribbon curb, along with a roadway section with a 50-foot right-of-way and total cross-sectional width of 26 feet including a two-foot ribbon curb on both sides of the roadway that connects to Malcomb Drive consistent with the Wall & Setback Plan dated May 14, 2014;
  - e. Installation of water and sewer stubs to each lot prior to final roadway paving of the cul-de-sac of 66<sup>th</sup> Place;
  - f. Completion of maintenance improvements to mill and overlay the full width of Malcomb Drive from Casa Blanca Drive to the eastern boundary of the subject property, along with some minor base course roadway repairs on Malcomb Drive pursuant to Town standards as specified by the Town Engineer.
6. An easement for public right-of-way for the north half street of Malcomb Drive adjoining the subject property is deemed acceptable pursuant to Section 5-10-7, Dedication of Public Right-of-Way , Section 6-3-2, Half Street, or Article 6-8, A or B, Variances and Modifications, for several reasons:
- a. Roadway maintenance improvements along Malcomb Drive outlined in Stipulation 6;
  - b. Reduction in vehicular traffic with removal of the private school SUP;
  - c. Termination of Malcomb Drive into a private roadway east of the site;
  - d. An existing private easement over the north half of Malcomb Road and an existing half-street make a new dedication unnecessary;
  - e. A dedication would result in extraordinary hardships;
  - f. Adequate circulation will be provided.
7. For similar reasons to Stipulation 7, the 55-foot front yard setback is acceptable, along with the added light and air a deeper setback will provide along 66<sup>th</sup> Place and that the Town's Zoning Ordinance only provides a minimum front setback.
8. Prior to the issuance of any building permit for a single-family dwelling in the subdivision, the applicant shall complete the following items:
- a. Completion of the wall and landscaping improvements listed in Stipulation 4.
  - b. Completion of the roadway improvements listed in Stipulation 6.

**Council Member Sherf seconded the motion.**

Passed

For: 6 (Collins, Dembow, Schweiker, Sherf, Trueblood, LeMarr);

Against: 0;

Abstain: 0;

Absent: 0

**b. Consideration of Ordinance Number 678 Repealing Section 4 of Ordinance Number 627 in order to Maintain the Current 2.5% Transaction Privilege and Use Tax Rate**

*Recommendation:* Adopt Ordinance Number 678.

Finance Director Scott McCarty presented a proposal to maintain the current 2.5% tax rate and not allow .85% increase approved in 2011 to expire August 1. He said the impact of maintaining the current rate would yield \$3.2 million per year. Of that amount, \$2.5 million would be available for the operating budget and the remaining \$0.7 million would help fund the Capital Improvement Program.

He suggested that the rate remain in place because of the following factors:

- Specific revenues have not returned to pre-Great Recession levels (i.e. building permits and interest income);
- Specialty construction sales tax revenues were eliminated due to changes imposed by the State Legislature.
- The Town Council has discussed funding items included in the expanded the definition of a "Balanced Budget" (CIP funding and the creation of asset replenishment sinking funds for the Town's existing infrastructure);
- The Town increased Police Department services levels including additional patrol officers and technology;
- The Town Council is discussing adopting a police pension funding policy which may increase the amount spent annually to address the unfunded liability.

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

Mayor LeMarr closed the public hearing.

**Motion - Council Member Schweiker moved to adopt Ordinance Number 678.**

**Council Member Sherf seconded the motion.**

Passed

For: 5 (Collins, Dembow, Schweiker, Sherf, LeMarr);

Against: 1 (Trueblood);

Abstain: 0;

Absent: 0

**12. ACTION ITEMS**

**a. Award of Job Order Contract for Traffic Signal Upgrades Townwide**

Award a job order contract to B&F Contracting for an amount not to exceed \$950,019.57 to upgrade existing traffic signals town wide.

Engineering Services Analyst Jeremy Knapp presented a proposal to upgrade traffic signals in the Town of Paradise Valley. The proposal was based on a comprehensive inventory and review of the 12 signalized intersections in Town conducted by outside consulting firm Michael Baker, Jr.

Mr. Knapp recommended using a job order contract awarded by the City of Peoria to B&F Contracting. Issuing a job order contract would allow the Town to begin replacement of the intersections that have already been designed. While those intersections are under construction, the remaining designs would be completed.

The first intersections to be upgraded included:

- Lincoln and Palo Cristi
- Lincoln and Tatum
- Lincoln and Mockingbird
- Tatum and Desert Jewel / Foothills
- Tatum and Mockingbird

Construction would begin in July. The remaining intersections would be designed and constructed by the spring of 2015.

Responding to questions from Council, Mr. Knapp stated that the intersections will be down for an entire day. The contractor will provide a traffic plan to mitigate disruptions. He also stated that construction will be timed so that multiple intersections will not be down at the same time. He stated that Staff also recognized the importance of time the construction to minimize the impact during busy tourist season.

**Motion - Vice Mayor Collins award a job order contract to B&F Contracting for an amount not to exceed \$950,019.57, and authorize the Town Manager to approve individual job orders to upgrade traffic signals at 12 intersections. Council Member Dembow seconded the motion.**

**Passed**

**For: 6;**

**Against: 0;**

**Abstain: 0;**

**Absent: 0**

**13. REQUESTS FOR FUTURE AGENDA ITEMS**

**a. Consideration of Request for Future Agenda Topics**

There were no requests.

**14. MAYOR / COUNCIL / MANAGER COMMENTS**

There were no comments.

**15. ADJOURN**

**Motion - Vice Mayor Collins moved to adjourn. Council Member Dembow seconded the motion.**

**Passed**

**For: 6;**

**Against: 0;**

**Abstain: 0;**

**Absent: 0**

Mayor LeMarr adjourned the meeting at 8:11 p.m.



**TOWN OF PARADISE VALLEY  
PLANNING COMMISSION  
OCTOBER 07, 2014  
MINUTES**

**PRESENT:** Richard Mahrle, Chairman  
Dolf Strom, Commissioner  
Jerald Bien-Willner, Commissioner  
Thomas Campbell, Commissioner  
Jonathan Wainwright, Commissioner  
Jeff Wincel, Commissioner

**ABSENT:** Pat Hurley, Commissioner

**STAFF:** James Bacon, Jr., Town Manager  
Eva Cutro, Planning Director  
Paul Michaud, Senior Planner  
George Burton, Planner  
Andrew Miller, Town Attorney  
James Shano, Public Works Director/Town Engineer  
Jeremy Knapp, Engineering Services Analyst

**CALL TO ORDER**

The meeting of the Town of Paradise Valley Planning Commission was called to order by Chair Mahrle at 6:00 p.m.

**WORK STUDY SESSION**

**Discussion of the Public Safety Communications Project for antennae, equipment building and conduit in the vicinity of 6900 North Highland Drive.**

Mr. Bacon provided information on the history of this project. He also provided information on the criteria used to select the site for this project. He stated the Town Council requests the Planning Commission provide a recommendation on the design review.

Mr. Knapp requested that the Planning Commission review and discuss the following:

- 1) Building Layout and landscape palette that should be developed.
- 2) What building materials should be utilized.
- 3) What additional information is need for the Planning Commission to make a recommendation on the design.

Jim Jimmy Trivedi representing Motorola Solutions, reviewed the RF reports and

discussed the differences between the 2012 and 2014 reports. He provided information on the RF compliance levels. He responded to questions from the commissioners regarding the reports.

Ricardo Aguilar provided information on the point to point transmission connection.

The Commission discussed the equipment building. In response to questions from the commissioners, Al Wawrzyniak provided information on the size of the back-up power generator and requirements. He also provided information regarding the on-site security.

Mr. Knapp provided information regarding the five building layout options. Braden Santarcangelo, Architect, provided information on what was looked at in determining the layout options presented. He discussed how the building will integrate into the site. He reviewed the building materials.

Mr. Bacon advised that two neighbors expressed interest in having a gate and the ability for cars that find themselves at the drive approach the ability to turn around.

The commissioners discussed the layout options. Mr. Knapp and Mr. Santarcangelo responded to questions and comments from the commissioners regarding the layout options.

In response to a question from Commissioner Wincel, Mr. Santarcangelo provided information on how a buffer could be created to keep people from climbing on the roof.

Commissioner Bien-Willner stated that there should be warning signage about the facility and possible traffic signage.

Chair Mahrle opened public comment.

Richard Post spoke in opposition of this request. He expressed his concerns regarding the site that was selected.

Nancy Monthofer spoke in opposition of this request. She expressed her concerns regarding this project. She discussed how she will be directly affected by this project. She also expressed her concerns regarding RF emission. She stated that she is also concerned about hazardous waste.

Marty Huschke, spoke in opposition of this request. He expressed his concerned regarding the disturbance this project will have on the mountain. He also expressed his concern as it relates to scarring of the mountain. He stated there needs to be stabilization of the trench all the way around the mountain. He further stated there

needs to be flood control.

Commissioner Strom provided information regarding a similar project and how those issues were addressed.

James Hadeed spoke in opposition of this request. He discussed his concerns regarding aesthetics of this project and RF emissions.

Penny Post spoke in opposition of this request. She expressed her concern that the design of the building does not comply with the Hillside Ordinance. She inquired about the outreach to the neighbors during construction. She also expressed her concern regarding water runoff. She further expressed her concern regarding how radiation could affect the wildlife in the area.

Wolfgang Monthofer spoke in opposition of this request. He stated that he does not understand why they are putting commercial in a residential area. He expressed his concern that if the equipment is not installed properly there could be radiation leak. He inquired about who is responsible for maintenance.

Chair Mahrle closed public comment.

The commission continued to discuss the building layout options and the consensus was in favor of layout 5 with some suggested adjustments.

## **ACTION ITEMS**

**Consideration of the Final Plat for Kachina Estates having four single-family one-acre R-43 lots and its associated wall/landscape plan for Malcomb Drive. The subject property is approximately 4.1 acres located at 6602 and 6606 E Malcomb Drive (FP 14-01).**

Mr. Michaud presented this case as per the project coordination packet. It is recommended that the Planning Commission forward to the Town Council approval of the Final Plat (FP 14-01) for the property located at 6602/6606 E. Malcomb Drive subject to the stipulations contained in the Action Report.

Mr. Michaud responded to questions and comments from the commissioners regarding this request.

Commissioner Strom requested that date in stipulation one be changed to September 8, 2014.

The Commission discussed who will be responsible for maintaining the landscaping. The consensus was that the applicant shall be responsible for maintaining the landscaping

until the owner of the lots assumes this responsibility.

Chair Mahrle opened public comment.

Dennis Roth spoke in favor of this request. He stated that he agrees with the request as proposed.

Chair Mahrle closed public comment.

Commissioner Strom moved the Planning Commission recommend approval of the Final Plat for Kachina Estates and its associated wall/landscape plan for Malcomb Drive located at 6602/6606 E Malcomb Drive subject to the stipulations contained in the Action Report with the following amendments:

- 1a. Final Plat for Kachina Estates prepared by Coe & Van Loo Consultants, Inc., dated September 8, 2014;
- 6a. Completion of the wall and landscaping improvements as shown on the Wall & Landscape Plan prepared by LOCUS Inc., date sealed September 22, 2014. The applicant shall be responsible for watering and maintaining the landscaping until such time as the owner of the lot assumes this responsibility;

Seconded by Commissioner Wainwright.

The motion passed by a vote of five (5) to one (1) with Commissioner Campbell dissenting.

## **PUBLIC HEARING**

**Consideration of a minor amendment to the Sanctuary on Camelback Mountain Resort Special Use Permit to modify and update the SUP stipulations. The property is located at 5700 E McDonald Drive (SUP-14-06).**

**Consideration of an intermediate amendment to the Sanctuary on Camelback Mountain Resort Special Use Permit to allow for modifications to existing SUP stipulations for the inclusion of spa-related uses, the addition of four guest units, and related modifications at Casa 2. The subject property is located at 5700 E. McDonald Drive (SUP-14-05).**

Mr. Mr. Michaud presented this case as per the project coordination packet. It is recommended that the Planning Commission deem the Sanctuary on Camelback Mountain Special Use Permit (SUP 14-06) request a minor amendment per the criteria listed in Section 1102.7B of the Zoning Ordinance.

Mr. Michaud stated it is also recommended that the Planning Commission approve the minor amendment for modifications of several stipulations to the Sanctuary on Camelback Mountain resort as outlined in the Action Report.

Chair Mahrle opened and closed public comment as there was no resident wishing to speak.

Commissioner Wincel moved the Planning Commission deem the Sanctuary on Camelback Mountain Special Use Permit (SUP 14-06) request a minor amendment per the criteria listed in Section 1102.7B of the Zoning Ordinance. Seconded by Commissioner Bien-Willner.

The motion passed unanimously by a vote of six (6) to zero (0).

Commissioner Bien-Willner moved the Planning Commission approves the minor amendment for modifications of several stipulations to the Sanctuary on Camelback Mountain resort as outlined in the Action Report. Seconded by Commissioner Strom.

The motion passed unanimously by a vote of six (6) to zero (0).

#### **ELECTION OF CHAIR**

Commissioner Campbell nominated Dolf Strom as Chair of the Planning Commission. Seconded by Commissioner Bien-Willner.

The motion passed unanimously by a vote of six (6) to zero (0).

#### **STAFF REPORTS**

Mr. Burton reviewed the future agenda items.

#### **ADJOURNMENT**

Commissioner Strom moved to adjourn the meeting at 9:10 p.m. Seconded by Commissioner Wainwright and passed unanimously.



\_\_\_\_\_  
Eva Cutro, Secretary

# TOWN

*Of*

# PARADISE VALLEY

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**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
SUMMARY MINUTES  
Thursday, October 23, 2014**

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## **1. CALL TO ORDER / ROLL CALL**

Mayor LeMarr called to order the Town Council Meeting for Thursday, October 23, 2014 at 3:30 p.m. in the Town Hall Boardroom.

### **COUNCIL MEMBERS PRESENT**

Mayor Scott P. LeMarr  
Vice Mayor Michael Collins  
Council Member Paul E. Dembow  
Council Member Mary Hamway  
Council Member David A. Sherf

### **ABSENT**

Council Member Lisa Trueblood

### **STAFF MEMBERS PRESENT**

Town Manager James C. Bacon, Jr.  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Community Development Director Eva Cutro  
Interim Public Safety Director Larry Ratcliff  
Finance Director Scott McCarty  
Senior Planner Paul Michaud  
Human Resources Manager Jinnett Hancock

### **ALSO PRESENT - Paradise Valley Public Safety Personnel Retirement Board Members**

Richard Fincher  
Richard Herold  
Jameson Van Houten  
Officer Kevin Albert  
Officer Steve Schrimpf

**2. STUDY SESSION ITEMS**

**a. Paradise Valley Public Safety Personnel Retirement System Board Update**

Finance Director Scott McCarty introduced the members of the Paradise Valley Public Safety Personnel Retirement Board: Chair Richard Fincher, Richard Herold, Jameson Van Houten, Officer Kevin Albert, and Officer Steve Schrimpf. The Board provided a briefing on the role of the local PSPR Board, reviewed the Town's unfunded liability projections noting that the Town has a higher proportion of disability retirements, reported on their education and training plan, and gave a status report on creating a pension funding policy.

The Board made the following recommendations:

1. Authorize the Board to retain independent legal counsel
2. Update existing safety and workers' compensation practices and policies
3. Develop an Officer Wellness Program

The Board will investigate enhancing new employee pre-existing medical condition process, enhance disability application review, update policies and procedures, measures to improve the fund's financial position, and provide annual reports to Council.

The Council authorized the Board to implement their recommendations.

**b. Discussion of Sanctuary Resort Special Use Permit Amendment**

Senior Planner Paul Michaud presented a request by Sanctuary on Camelback Mountain to amend their Special Use Permit (SUP) to include the following improvements:

- Remodel Casa 2 main house by:
  - Converting a bedroom into a two-person spa treatment room
  - Converting the garage into a movement studio (yoga)
  - Doing interior and cosmetic remodeling
- Remove a tennis court and replace it with a four-unit guest building.

He reported that the Planning Commission held public hearings on September 9 and October 7. The Commission voted 6-0 to recommend approval of the application. He noted that there were no public comments at the October 7 meeting.

Mr. Bacon stated that this item would be scheduled for a public hearing on November 6.

**c. Discussion of Kachina Estates Final Plat**

Senior Planner Paul Michaud presented a request by Kachina School Land Holdings, LLC for a Final Plat for Kachina Estates and associated wall/landscape plan for Malcomb Drive. The Final Plat includes four single-family R-43 lots. The proposed lots are all 1 acre.

He reported that the Final Plat conformed to the Preliminary Plat approved by the Town Council on June 12, 2014. The Planning Commission held a public meeting on October 7, 2014 and voted 5-1 to recommend approval of the Final Plat.

Mr. Bacon stated that the Final Plat was scheduled for approval during the business meeting.

**3. EXECUTIVE SESSION**

**Motion – Vice Mayor Collins moved to go into executive session. Council Member Sherf seconded the motion.**

**Passed**

**For: 5;**

**Against: 0;**

**Abstain: 0;**

**Absent: 1**

- a. **Discussion of Town Manager recruitment and employment as authorized by A.R.S. §38-431.A.1.**
- b. **Discussion and consultation with town representatives concerning the purchase, sale or lease of real property in the vicinity of the 7000 block of Highlands Drive as authorized by A.R.S. §38-431.03.A.7.**
- c. **Discussion and consultation with the Town Attorney regarding contract negotiations and/or pending or contemplated litigation related to the Fire Service Agreement with Clearwater Hills Fire District as authorized by A.R.S. §38-431.03.A.4 and legal advice as authorized by A.R.S. §38-431.A.3.**
- d. **The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the agenda items listed on the agenda as authorized by A.R.S. §38-431.A.3.**

**4. BREAK**

**5. RECONVENE FOR REGULAR MEETING**

Mayor LeMarr reconvened the meeting in the Town Council Chambers at 6:26 p.m.

**6. ROLL CALL**

**COUNCIL MEMBERS PRESENT**

Mayor Scott P. LeMarr  
Vice Mayor Michael Collins  
Council Member Paul E. Dembow  
Council Member Mary Hamway  
Council Member David A. Sherf

**ABSENT**

Council Member Lisa Trueblood

**STAFF MEMBERS PRESENT**

Town Manager James C. Bacon, Jr.  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Community Development Director Eva Cutro  
Lieutenant Michael Cole  
Senior Planner Paul Michaud

**7. PLEDGE OF ALLEGIANCE\***

**8. PRESENTATIONS\***

**a. Recognition of Artist Ed Mell**

Mayor LeMarr presented Ed Mell with a gift in appreciation for displaying his paintings at Town Hall from October 2013 through September 2014.

**9. CALL TO THE PUBLIC**

**10. CONSENT AGENDA**

Mr. Bacon summarized the items on the consent agenda.

**Motion - Council Member Sherf moved to adopt the consent agenda as submitted. Vice Mayor Collins seconded the motion.**

**Passed**

**For: 5;**

**Against: 0;**

**Abstain: 0;**

**Absent: 1**

- a. **Minutes of Town Council Meeting October 9, 2014**
- b. **Approval of Planning Commission Chair**  
*Recommendation:* Approve the Planning Commission's selection of Dolf Strom to serve a one-year term as Chair of the Planning Commission.
- c. **Approval of Board of Adjustment Chair**  
*Recommendation:* Approve the Board of Adjustment's selection of Richard Chambliss to serve a one-year term as Chair of the Board of Adjustment.

**11. PUBLIC HEARINGS**

**12. ACTION ITEMS**

- a. **Approval of Kachina Estates Final Plat**  
*Recommendation:* Approve the Kachina Estates Final Plat for the property located at 6602/6603 E Malcomb Drive, subject to the stipulations in the Action Report.

There was no discussion.

**Motion - Council Member Hamway moved to approve the Kachina Estates Final Plat for the property located at 6602/6603 E Malcomb Drive, subject to the following stipulations:**

Approval of the Kachina Estates Final Plat (FP 14-01) for the property located at 6602/6606 E Malcomb Drive, subject to the following stipulations:

1. This subdivision shall be in substantial compliance with the following final plat and accompanying plans:
  - a. Final Plat for Kachina Estates prepared by Coe & Van Loo Consultants, Inc., date sealed September 8, 2014; and
  - b. Wall & Landscape Plan prepared by LOCUS Inc., date sealed September 22, 2014.
2. The landscaping in the right-of-way must meet the Town's Landscape Guidelines.
3. Within 30 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.
4. Prior to the recordation of the Final Plat for Kachina Estates, the applicant shall provide, subject to Town approval, all improvement plans and assurances necessary to guarantee completion of the public improvements adjoining the subject property in accordance with the Final Plat for Kachina Estates prepared

by Coe & Van Loo Consultants, Inc. These improvements include:

- a. Installation of a minimum of a 6-inch diameter water line for the cul-de-sac that will connect to an existing 12-inch diameter water line within the right-of-way of Malcomb Drive;
  - b. Execution of a water main extension agreement signed by the owner and EPCOR, with a copy of such agreement provided to the Town;
  - c. Installation of a new 8-inch diameter sewer line in Malcomb Drive that will connect to an existing 8-inch sewer line located west of the subject property within the right-of-way of Casa Blanca Drive, where such sewer line will extend east in Malcomb Drive to the cul-de-sac. The sewer will not be extended east of the cul-de-sac as the existing grade prohibits the construction of a viable sewer line east of the cul-de-sac;
  - d. Construction of a new cul-de-sac that will extend south to connect with Malcomb Drive. This cul-de-sac will have a right-of-way radius of 45 feet and an improved surface area radius of 40 feet to the back of a 2-foot ribbon curb. There will be a roadway section that connects the cul-de-sac to Malcomb Drive. This roadway section will have a right-of-way width of 50 feet and total cross-sectional width of 26 feet including a 2-foot ribbon curb on both sides of the roadway;
  - e. Installation of water and sewer stubs to each lot prior to final roadway paving of the cul-de-sac; and
  - f. Completion of maintenance improvements to mill and overlay the full width of Malcomb Drive from Casa Blanca Drive to the eastern boundary of the subject property, along with some minor base course roadway repairs on Malcomb Drive pursuant to Town standards as specified by the Town Engineer.
5. All lots shall have a minimum 55-foot front yard setback for the main residence.
  6. Prior to the issuance of any building permit for a single-family dwelling in the subdivision, the applicant shall complete the following items:
    - a. Completion of the wall and landscaping improvements as shown on the Wall & Landscape Plan prepared by LOCUS Inc., date sealed September 22, 2014. The applicant shall be responsible for watering and maintaining the landscaping until such time as the owner of the lot assumes this responsibility; and
    - b. Completion of the roadway improvements listed in Stipulation 4.
  7. Prior to the recordation of this Final Plat, the applicant shall post a financial assurance acceptable to the Town for the demolition of the existing structures and any related existing improvements on the property that would be deemed in noncompliance with the Final Plat and R-43 Single Family Residential District zoning. Said demolition shall require all applicable permits and be completed within six months of the recordation of the Final Plat.

**Council Member Dembow seconded the motion.**

**Passed**

**For: 5;**

**Against: 0;**

**Abstain: 0;**

**Absent: 1**

**13. REQUESTS FOR FUTURE AGENDA ITEMS**

**a. Consideration of Request for Future Agenda Topics**

Mayor LeMarr announced that the discussion item regarding disposition of excess property would be removed from the November 6 agenda and rescheduled for a later date. He stated that the public hearing for the Special Use Permit for the Sanctuary on Camelback Mountain would be scheduled for November 6.

**14. MAYOR / COUNCIL / MANAGER COMMENTS**

Council Member Dembow announced that the 10<sup>th</sup> Annual Paradise Valley Veterans' Appreciation Vintage Car Show would be held on Saturday, November 8 starting at 8:30 a.m.

Mayor LeMarr announced that the Town Council narrowed the list of finalists for Town Manager to Kevin Burke, City Manager of Flagstaff and Joshua Wright, Town Manager of Wickenburg.

**EXECUTIVE SESSION**

**Motion – Vice Mayor Collins moved to go back into executive session at 6:34 p.m. Council Member Hamway seconded the motion.**

**Passed**

**For: 5;**

**Against: 0;**

**Abstain: 0;**

**Absent: 1**

**15. ADJOURN**

**Motion - Vice Mayor Collins moved to adjourn. Council Member Sherf seconded the motion.**

**Passed**

**For: 5;**

**Against: 0;**

**Abstain: 0;**

**Absent: 1**

Mayor LeMarr adjourned the meeting at 7:40 p.m.

