

## George Burton

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**From:** Rich Brock <rich@bedbrock.com>  
**Sent:** Tuesday, September 05, 2017 5:00 PM  
**To:** George Burton  
**Subject:** FW: Kachina Estates re subdivision sign and sheet metal wall September 5, 2017 Planning Commission Meeting

see below

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**From:** Zweig, Jay  
**Sent:** Tuesday, September 5, 2017 4:47 PM  
**To:** Rich Brock  
**Subject:** FW: Kachina Estates re subdivision sign and sheet metal wall September 5, 2017 Planning Commission Meeting

Dear Mr. Brock:

Thank you for your recent letter. I am not going to be able to make it to the Planning Commission this evening, but as a neighbor of your Kachina project, I sent some comments to the Commission and Staff this afternoon and wanted to share them with you.

As I stated in my comments below, I appreciate the way you have managed this project. My family and I welcome the new neighbors. I hope that my comments about not illuminating the sign and not putting in more fencing beyond what you have installed do not cause any undue issues.

I am an employment attorney for employers, so I do not have any expertise on land use matters. Feel free if you wish to call me to discuss.

Respectfully, Jay Zweig



**Jay A. Zweig**  
*Office Managing Partner*

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**From:** Zweig, Jay  
**Sent:** Tuesday, September 05, 2017 4:19 PM  
**To:** 'gburton@paradisevalleyaz.gov'; 'dwastchak@paradisevalleyaz.gov'; 'rmahrle@paradisevalleyaz.gov'  
**Subject:** Kachina Estates re subdivision sign and sheet metal wall September 5, 2017 Planning Commission Meeting



I live at 6210 N. Casa Blanca Drive, just down the street from the Kachina Estates Subdivision. Unfortunately, I am not able to attend tonight's Planning Commission meeting about the issues related to installation of a sign and a sheet metal rusted fence.

I would appreciate it if the Planning Commission would please consider these points:

1. I am concerned that the sign apparently does not conform to the PV sign ordinance. If approval of this sign after the fact of installation of a non-conforming sign without permission would set a precedent for others to install non-conforming signs, then I am not in favor of the Town approving the sign. If the Planning Commission does not believe this non-conforming sign would set a precedent for future non-conforming signs, then I would ask that if this non-conforming sign is approved by the Town, then it be done with the stipulation that the developer and subsequent owners do NOT later illuminate the sign or add another sign. Illuminating it would make it appear even larger and highlight non-compliance.

2. On the fence that the developer added contrary to what was permitted by the Town, I am disappointed that, like the sign, the developer failed to follow what the Town approved and installed a fence that does not comply. But, from a neighbor's perspective, the fence provides the buyer(s) of the two properties on Malcomb privacy for their back yards and I do not want them to be uncomfortable in their back yards, especially since one of them has already moved in.

If the Planning Commission does approve this non-compliant fencing, then I would like to see the developer stipulate to not add any more fencing that does not comply with the original Town-approved development plan for this subdivision. The two homes that remain under construction in the subdivision have ample privacy because they are set back from Malcomb and there is block fencing on the west side of the development and mature landscaping on the east side. And potential buyers have a chance to see what the properties look like before they buy.

Finally, although it is unfortunate that the developer proceeded with a sign and fencing that did not comply with the Town-approved plan and now seeks to have the Town ratify the non-compliance, I do want to comment that from my perspective the developer has conducted construction and sales in a clean and professional fashion that has not disrupted the neighborhood. We are pleased to see that at least one new neighbor has moved in and that residential use is being made of what had been a decaying, abandoned school.

Thank you for considering my comments and I am sorry that I am unable to attend tonight. Thanks to the Planning Commission and Staff for your work on behalf of the Town.

Jay Zweig

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bcllp2017



## George Burton

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**From:** Rich Brock  
**Sent:** Tuesday, September 05, 2017 4:59 PM  
**To:** George Burton  
**Subject:** FW: Planning Commission Meeting - September 5 , 2017

George, see below

thanks

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**From:** White, Tim  
**Sent:** Tuesday, September 5, 2017 4:54 PM  
**To:** Rich Brock Robert Sarver  
**Subject:** RE: Planning Commission Meeting - September 5 , 2017

Hi guys. My flight from Traverse City today got delayed and therefore I will unfortunately not be making it to the hearing this evening. As expressed in prior e-mails and when we met last month, I am OK with your leaving as-is the existing fence and sheet metal screen on Lot 4 along Malcomb based on your representation that the height of that fence and the sheet metal will not be raised and as long as a solid mature hedge is installed along the entire length of the exterior side of the fence along Malcomb. I also understand that the pile of granite that has been sitting across from our eastern driveway for almost 9 months will soon be removed.

Rich, I am also OK with leaving as-is the existing screening for the rear yard of Lot 1. However, I oppose any proposal to install sheet metal or other non-landscape fence shielding material any further east of the rear yard on Lot 2 (to the garage, driveway and front yard areas) as doing so would be contrary to the intent discussed in the zoning case of keeping an open feeling in this community and along Malcomb.

Tim White

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**From:** Rich Brock  
**Sent:** Wednesday, August 30, 2017 1:52 PM  
**To:** White, Tim Robert Sarver  
**Subject:** FW: Planning Commission Meeting - September 5 , 2017

Just a reminder, the public meeting is on Sept 5th, starting at 6PM.

See attached agenda and history of Kachina with the planning commission

Thanks

Rich Brock

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**From:** Town Meeting Notices <[listserv@civicplus.com](mailto:listserv@civicplus.com)>  
**Reply-To:** "[notifyme@paradisevalleyaz.gov](mailto:notifyme@paradisevalleyaz.gov)" <[notifyme@paradisevalleyaz.gov](mailto:notifyme@paradisevalleyaz.gov)>  
**Date:** Wednesday, August 30, 2017 at 1:15 PM  
**To:** Rich ·  
**Subject:** Planning Commission Meeting - September 5 , 2017

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[View this in your browser](#)

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The agenda and meeting materials for the Planning Commission meeting on September 5, 2017 are now available online. The meetings will take place at Town Hall and begin at 6:00 p.m.

[Download Agenda](#)

[Complete agenda and meeting materials](#)

Thank you for your interest!

\* \* \* \* \*

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## George Burton

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**From:** Rick Carpinelli  
**Sent:** Thursday, August 31, 2017 5:26 AM  
**To:** George Burton  
**Subject:** Fwd: Kachina Estates

Good day George. Hope this note finds you well. I am writing today to give you my thoughts on the Kachina Estates' agenda items.

As you know, we live on Casa Blanca four houses south of the Kachina Estates.

First, I would like to note that we remain pleased and thankful that our neighbors stepped up and purchased the old Kachina school and brought to us, with the Town's helps, a new community.

Second, Rich Brock has done an excellent job developing a quality community. His work has been respectful of the neighborhood and he has developed quality homes that will be sure to integrate into our great community.

Addressing the issues that are on agenda.

The sign: although I don't find the sign offensive, it violates the sign ordinance and was installed without permission. The sign should be removed.

I don't know the particulars of the sign ordinance off hand but this situation should not be a precedent for approval for two reasons. First, the notion that it's easier to ask permission after installation should not be a precedent. Second, approval of a sign based simply on aesthetics should not be a precedent.

Their argument that the sign is already installed and that it is not offensive lays a precedent for abusive violation of the ordinance. The town should stick to the rule of the law on this one.

Regarding the fence: I feel differently about the fence issue. First, I disagree with the ever evolving fence ordinance and second, the solid fence they installed is visually appropriate.

At the time the subdivision received its approval, the fence/wall was discussed and a stipulation for approval was that the fence along Malcomb needed to be a view fence to comply with the Town Ordinance. I recall at the time that the fence ordinance was in transition, as it seems to be every year. The issue with the "view fence" requirement is that people will resolve the privacy issue with the offensive and typically unmaintained Oleanders. And sure enough, that is what Rich Brock planted for his subdivision, two rows of Oleanders.

Although I don't believe it's right that they violated the ordinance, I also don't agree with the consequences of the implementation of the ordinance. Second, because this ordinance is in transition, I feel less adamant about strict enforcement. Third, unlike a sign ordinance, I think the town could develop standards for aesthetics of fences and walls. Fourth, many existing fences with in the town already violate the Town's fence ordinance.

These are my opinions. I don't feel strongly about any of them and I am happy to support the neighborhood position.

Thank you for addressing these issues.

**Rick Carpinelli** | SVP Acquisition & Development | Crown Realty & Development | [7201 E Camelback Road | Suite 250 | Scottsdale, AZ 85251](tel:72015716795) | [rcarpinelli@crowndev.com](mailto:rcarpinelli@crowndev.com) | [602.571.6795](tel:602.571.6795)

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## George Burton

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**From:** Kevin Burke  
**Sent:** Wednesday, August 30, 2017 3:05 PM  
**To:** Eva Cutro; Paul Michaud; George Burton  
**Subject:** FW: fence at Kachina Estates

-----Original Message-----

**From:** M. Scully  
**Sent:** Tuesday, August 29, 2017 1:51 PM  
**To:** Kevin Burke  
**Subject:** fence at Kachina Estates

Kevin Burke  
Town Manager  
Town of Paradise Valley

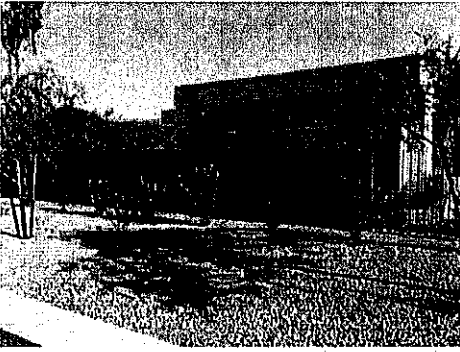
Dear Mr. Burke:

Rich Brock, of BedBrock Developers, has brought to our attention the question concerning the rustic sheet metal on the fence along Macomb Dr. in Kachina Estates. The company wrote to us and to other residents who live nearby (' a short distance from the fence) asking our support, and we are happy to give ours. It's a fine looking fence, perfectly fitting the neighborhood, and will hardly be visible anyway as trees and shrubbery gradually cover it. The case the builders make — on grounds of security and privacy for the owners of the two properties affected -- seems entirely reasonable. For whatever the opinion of neighbors might be worth in your review of the matter, can you please note that we are in support of BedBrock and their request for the Town's permission to leave fence as is? Thanks very much.

Cordially,

Matthew & Emmanuelle Scully





Hello Neighbors:

My name is Rich Brock. I am the home builder for Kachina Estates, and President of BedBrock Developers. I have been a PV resident for over 20 years.

We have been developing Kachina Estates on the site of the old Kachina Country Day School. Prior to our company getting involved, it was purchased by a couple of your neighbors. They spent the time to re-zone and subdivide the site. We started the infrastructure in November 2015 and began building homes last year. Two of the homes have been purchased by very high profile clients.

Recently, The Town of Paradise Valley has asked us to remove a very expensive and attractive antiqued sheet metal on the inside of the iron fence in the backyards at Kachina along Malcomb Drive. It affects 2 homes. It was installed due to privacy & security concerns. They are stating that before we were involved with the property several years ago, our local neighbors asked the Town to have the iron fencing be a 'view fence' and act as a sub division wall. The request at the time was not to have it screened. However, we were told that you can completely screen it with plants and trees on both sides. Plants have been installed. This would work well for front facing lots. The fence is along the side and backyards of these 2 homes. The original fence approved by the Town did not meet pool safety code and needed to be altered because the posts are vertical and can be bent by hand. The second and third concerns are for privacy and security. We have scheduled to make our argument at a hearing with the Planning Commission. The public hearing will be on Tuesday, Sept 5th at Town Hall at 6PM.

Our argument is simple. When the property was subdivided, they created 4 lots. When we hired Drewett Works, the architecture firm, they designed the two end homes on Malcomb Drive to orientate as a side and back yard. It fit much better on a narrow lot. As I stated to the Town staff, everyone in Paradise Valley is entitled to have privacy & security in their own backyard and to have pool safety.

In approx. 2 years the metal will be completely covered by the shrubs planted in front of the fence. To my knowledge no one has complained.

**We have enclosed comments from Devin Booker of the Phoenix Suns:**

"Hi Neighbors, I recently purchased one of these beautiful homes. Security and privacy are very important to me. I would appreciate your support to allow me to screen my yard for the obvious reasons. It would give me great comfort & security, knowing we can have our privacy. We will be sure to landscape the area nicely and keep it maintained weekly. Thank you in advance, Devin"

Would you be in favor to support us? If you are, could you write a short letter or attend the hearing? (see attached)

Send the letter to:

Kevin Burke, Town Manager  
Town Of Paradise Valley  
6401 E Lincoln Drive  
Paradise Valley, AZ 85253

Also send letter to his email: [kburke@paradisevalleyaz.gov](mailto:kburke@paradisevalleyaz.gov)

If you sign this letter and email back, it means you are in favor of allowing the antique metal to remain on the fence:

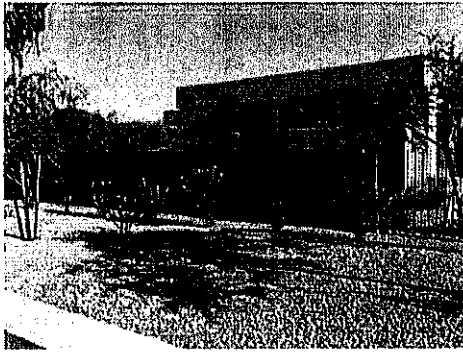
Thank you!

I am in favor of the antique metal.

John Dombroski  
Name

[Signature]  
Signature

5925 E Foothill Dr N.  
Address P.V. AZ



Hello Neighbors:

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Thank you!

I am in favor of the antique metal.

<u>John Vatslas</u>		<u>4615 E Arroyo Verde Dr.</u>
Name	Signature	Address
		P.V. AZ 85253



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Thank you!

I am in favor of the antique metal.

<u>GENE ZANELLI</u>	<u>Gene Zanelli</u>	<u>6637 E. LINCOLN DR</u>
Name	Signature	Address
MANAGING PARTNER, SOLANA NO. 6, LLC		



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Thank you!

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Nancy Singer

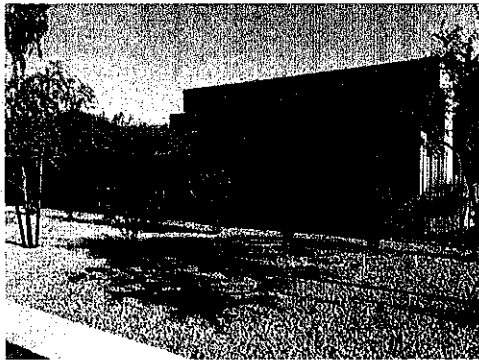
Name

N. Singer

Signature

5401 E 59th Ave

Address



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\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

**6524 E Malcomb Dr**



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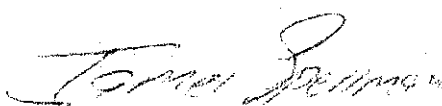
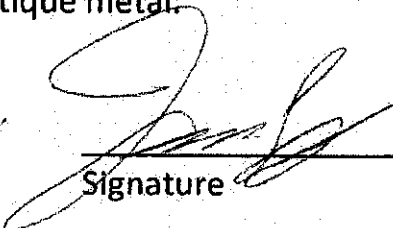

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Name	Signature	Address

**From:** M. Scully  
**Subject:** Fwd: fence at Kachina Estates  
**Date:** August 29, 2017 at 2:08 PM  
**To:** Emmanuelle Scully

Begin forwarded message:

**From:** "M. Scully" <MatthewOScully@aol.com>  
**Subject:** fence at Kachina Estates  
**Date:** August 29, 2017 at 1:50:44 PM MST  
**To:** [kburke@paradisevalleyaz.gov](mailto:kburke@paradisevalleyaz.gov)

Kevin Burke  
Town Manager  
Town of Paradise Valley

Dear Mr. Burke:

Rich Brock, of BedBrook Developers, has brought to our attention the question concerning the rustic sheet metal on the fence along Macomb Dr. in Kachina Estates. The company wrote to us and to other residents who live nearby (we're at 6601 E. Lincoln, a short distance from the fence) asking support, and we are happy to give ours. It's a fine looking fence, perfectly fitting the neighborhood, and will hardly be visible anyway as trees and shrubbery gradually cover it. The case the builders make — on grounds of security and privacy for the owners of the two properties affected -- seems entirely reasonable. For whatever the opinion of neighbors might be worth in your review of the matter, can you please note that we are in support of BedBrook and their request for the Town's permission to leave fence as is? Thanks very much.

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Matthew Scully	M Scully	6601 E Lincoln
Name	Signature	Address

Dri



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My name is Rich Brock. I am the home builder for Kachina Estates, and President of BedBrock Developers. I have been a PV resident for over 20 years.

We have been developing Kachina Estates on the site of the old Kachina Country Day School. Prior to our company getting involved, it was purchased by a couple of your neighbors. They spent the time to re-zone and subdivide the site. We started the infrastructure in November 2015 and began building homes last year. Two of the homes have been purchased by very high profile clients.

Recently, The Town of Paradise Valley has asked us to remove a very expensive and attractive antiqued sheet metal on the inside of the iron fence in the backyards at Kachina along Malcomb Drive. It affects 2 homes. It was installed due to privacy & security concerns. They are stating that before we were involved with the property several years ago, our local neighbors asked the Town to have the iron fencing be a 'view fence' and act as a sub division wall. The request at the time was not to have it screened. However, we were told that you can completely screen it with plants and trees on both sides. Plants have been installed. This would work well for front facing lots. The fence is along the side and backyards of these 2 homes. The original fence approved by the Town did not meet pool safety code and needed to be altered because the posts are vertical and can be bent by hand. The second and third concerns are for privacy and security. We have scheduled to make our argument at a hearing with the Planning Commission. The public hearing will be on Tuesday, Sept 5th at Town Hall at 6PM.

Our argument is simple. When the property was subdivided, they created 4 lots. When we hired Drewett Works, the architecture firm, they designed the two end homes on Malcomb Drive to orientate as a side and back yard. It fit much better on a narrow lot. As I stated to the Town staff, everyone in Paradise Valley is entitled to have privacy & security in their own backyard and to have pool safety.

In approx. 2 years the metal will be completely covered by the shrubs planted in front of the fence. To my knowledge no one has complained.

**We have enclosed comments from Devin Booker of the Phoenix Suns:**

"Hi Neighbors, I recently purchased one of these beautiful homes. Security and privacy are very important to me. I would appreciate your support to allow me to screen my yard for the obvious reasons. It would give me great comfort & security, knowing we can have our privacy. We will be sure to landscape the area nicely and keep it maintained weekly. Thank you in advance, Devin"

Would you be in favor to support us? If you are, could you write a short letter or attend the hearing? (see attached)

Send the letter to:

Kevin Burke, Town Manager  
Town Of Paradise Valley  
6401 E Lincoln Drive  
Paradise Valley, AZ 85253

Also send letter to his email: [kburke@paradisevalleyaz.gov](mailto:kburke@paradisevalleyaz.gov)

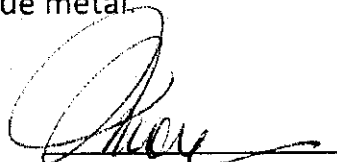
If you sign this letter and email back, it means you are in favor of allowing the antique metal to remain on the fence:

Thank you!

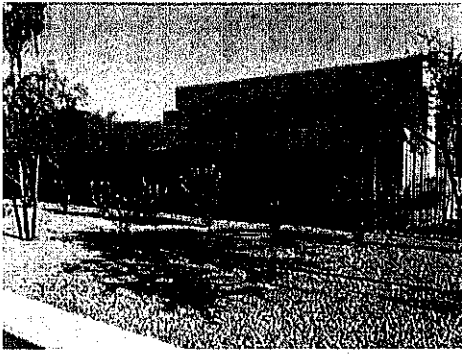
I BELIEVE THE HOME OWNER  
DESERVES HIS PRIVACY.

I am in favor of the antique metal.

MARVIN ROSE  
Name

  
Signature

6243 N. CASA BLANCA DR.  
Address 85253



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If you sign this letter and email back, it means you are in favor of allowing the antique metal to remain on the fence:

Thank you!

I am in favor of the antique metal.

Tasha Vatis

Name

Tasha Vatis

Signature

4615 E Arroyo Verde Dr

Address

PV. 85253