

10. CONSENT AGENDA

Mr. Burke summarized the items on the Consent Agenda.

- 17-394 Minutes of Town Council Meeting October 26, 2017**
- 17-395 Minutes of Town Council Meeting November 2, 2017**
- 17-398 Adoption of Resolution No. 2017-17; authorizing the Town Attorney to file a Motion to Intervene as in interested party in the matter of the application of EPCOR Water Arizona for increases in its rates and charges for utility service by its Paradise Valley Water District.**

Recommendation: Adopt Resolution No. 2017-17.

A motion was made by Council Member Moore, seconded by Council Member Sherf, to approve the Consent Agenda. The motion carried by the following vote:

**Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton**

11. PUBLIC HEARINGS

- 17-384 Consideration of Ordinance No. 2016-13, The Villas at Cheney Estates A Text Amendment to amend Article II, Definitions, and Article IX, Cluster Plan District, of the Town's Zoning Ordinance**

Senior Planner Paul Michaud presented a request by Doug Jorden, on behalf of Town Triangle, LLC and Folkman Properties, LLC to develop eight single-family lots on a 9.6-acre property located at the northwest corner of the Northern Ave alignment with Scottsdale Road. The development proposal required six applications which Mr. Michaud explained in detail:

- A text amendment to Article II and Article IX
- A rezoning to change the zoning district from R-43 Single Family Residential and SUP / Country Club to R-43 Cluster Plan
- A Preliminary Plat
- A Conditional Use Permit for private roads
- A Special Use Permit for a private roadway gate off Scottsdale Road

- A request for two entry subdivision wall signs.

He stated that the Planning Commission reviewed all six applications and found them to be consistent with the General Plan and in compliance with the Zoning Ordinance. They voted 4 – 0 to recommend approval.

Planning Commissioner Jonathan Wainwright presented the Commission's report and responded to questions.

Developer Rod Cullum and Geoffrey Edmunds, Attorney Doug Jorden, and Engineer Len Erie spoke on behalf of the project and responded to questions.

Mayor Collins opened the public hearing.

Residents Mary Hamway, Bernard Kirk, and Robert Robihsoh spoke in favor of the project.

Resident Wayne Renken expressed concern about the flood plain study and suggested that the Town delay approval until a plan was designed and implemented to mitigate flooding on his property.

Resident Robert Nagle expressed concerns about public safety response to the development, building heights, lights, and potential erection of golf ball netting.

Mayor Collins closed the public hearing.

The Council and staff discussed questions raised during public comments.

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Stanton, to adopt Ordinance No. 2016-13. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

- 17-385 Consideration of Ordinance No. 2016-14, The Villas at Cheney Estates A rezoning request from R-43 and SUP to R-43 Cluster Plan located at the northwest corner of the Northern Avenue alignment and Scottsdale Road**

Mayor Collins opened the public hearing.

Resident Wayne Renken summarized the history of grading and drainage on the parcel and adjoining golf course. He suggested that alterations to the golf course and reconstructed bridge over Scottsdale Road had not received proper review by FEMA.

Mayor Collins closed the public hearing.

A motion was made by Council Member Dembow, seconded by Vice Mayor Bien-Willner, to adopt Ordinance No. 2016-14. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

- 17-387 Consideration of Ordinance No. 2016-15, The Villas at Cheney Estates A Special Use Permit (SUP) for private roadway gates located at the northwest corner of the Northern Avenue alignment and Scottsdale Road**

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

Mayor Collins closed the public hearing.

A motion was made by Council Member Stanton, seconded by Council Member Dembow, to adopt Ordinance No. 2016-15. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

**17-386 Consideration of The Villas at Cheney Estates Preliminary Plat
located at the northwest corner of the Northern Avenue alignment
and Scottsdale Road**

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

Mayor Collins closed the public hearing.

A motion was made by Council Member Dembow, seconded by Council Member Stanton, to the Preliminary Plat for "The Villas at Cheney Estates" subject to the following conditions:

- 1. The final plat for "The Villas at Cheney Estates" shall be in substantial compliance with the Preliminary Plat, Sheets 1-3, prepared by CVL Consultants, dated August 31, 2017.**
 - 2. Prior to the final plat of this Property being approved by the Town Council, the appropriate documentation shall be provided to the Town regarding "The Villas at Cheney Estates" subdivision having a 100-year assured water supply.**
 - 3. A final subdivision wall and landscape plan shall be approved with the final plat for "The Villas at Cheney Estates." This plan shall exclude the areas approved under the Special Use Permit of Ordinance 2016-15 (SUP-16-03) related to the private roadway gates, walls, and other improvements/landscaping depicted on such plan.**
 - 4. Prior to recordation of the final plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review.**
 - 5. Within 60 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.**
- The motion carried by the following vote:**

**Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton**

12. ACTION ITEMS**17-389 Consideration of two subdivision wall signs, The Villas at Cheney Estates**

There was no discussion or public comments.

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Dembow, to approve the subdivision signs for "The Villas at Cheney Estates" subject to the following conditions:

1. Subdivision signage and sign lighting for the Property of "The Villas at Cheney Estates" shall be in substantial compliance with the Wall and Gate Plan prepared by Cullum Homes.
2. Sign lighting shall not exceed two fixtures per sign, each fixture shall not exceed a lumen count of 1,080 lumens, and the illumination shall not exceed 0.75 foot-candles at the property line.

The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

17-397 Award of Contract to Kimley-Horn and Associates in the Amount of \$319,955.00 for Design and Construction Phase Services for the Reconstruction of Doubletree Ranch Road Between Invergordon Road and Scottsdale Road

Engineering Services Analyst Jeremy Knapp presented a contract with Kimley-Horn and Associates to design and reconstruct Doubletree Ranch Road between Invergordon Road and Scottsdale Road. Construction was anticipated to be completed by March 2019.

Responding to a question from Council, Mr. Knapp stated that this portion of Doubletree Ranch Road had been resurfaced in 2010 and typically roads have a 20 to 25-year life cycle. He clarified that this road was not being resurfaced because of its condition, rather to match the General Plan cross section recommendation.



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Final

Planning Commission

Tuesday, October 3, 2017

6:00 PM

Council Chambers

1. CALL TO ORDER

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

STAFF MEMBERS PRESENT

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

2. ROLL CALL

Present 4 - Chairperson Daran Wastchak
Commissioner James Anton
Commissioner Dolf Strom
Commissioner Jonathan Wainwright
Absent 3 - Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Richard K. Mahrle

3. EXECUTIVE SESSION

None

4. STUDY SESSION ITEMS

None

5. PUBLIC HEARINGS

- A. 17-315 Consideration of Ordinance No. 2016-13
A Text Amendment to amend Article II, Definitions, and Article IX, Cluster
Plan District, of the Town's Zoning Ordinance
(MI-16-03, The Villas at Cheney Estates - Town Triangle)
Paul Michaud presented the request in accordance with the application
packet.

Mr. Michaud discussed the updated plans and then discussed the scope of
each of the six applications.

Commissioner Strom had questions regarding sight lines at the entry into the property. It was noted that the entry area will accommodate two lanes of traffic.

Commissioner Strom asked about the volume of water retention and how the flow will work. Fred Fleet, engineer for the applicant, stated the retention will retain the 100 year two hour event, being 2.2. inches of rain that falls onto the parcel. Mr. Fleet explained the drainage patterns.

Commissioner Wainwright asked about how the domestic water line will be treated since it will be below the wash. Mr. Fleet explained that it will be buried at least three feet and made of cast iron.

Chairman Wastchak asked the applicant about the four landscape light fixtures in and near the Scottsdale Road right-of-way. Rod Cullum, developer of the site, explained he wants to have appropriate lighting for the entry. There are two trees that will be up-lighted. He does not believe the City of Scottsdale will have a concern about this lighting.

Chairman Wastchak asked staff if they had concern the the proposed 1,080 lumen exceeded the 750 lumen guideline. Mr. Michaud replied staff has no concerns since the Town has approved similar light fixtures for signs and the illumination levels along Scottsdale Road are higher than most Town streets.

Public comment was opened at 6:55 pm.

Mary Hamway, resident, is in favor of the Villas at Cheney Estates. She thanked everyone involved for the various compromises. She stated that this parcel was proposed for many other uses and the zoning equals that of neighboring Cheney Estates.

Robert Robinson, resident of Cheney Estates, supports this project and agrees with Mary Hamway.

Robert Nagle, resident, expressed a concern about the 24-foot height limit. He stated this height is taller than a fast food restaurant and will block view from Golf Drive. He asked the Planning Commission to consider a lower height. Also, he inquired about the lighting and whether this is visible from only Scottsdale Road or will lighting be installed at the back to the golf course. Chairman Wastchak stated the lighting reviewed is along Scottsdale Road.

The public comment was closed at 7:00 p.m.

Rod Cullum responded to the height. He explained the homes will be one-story, with an average height of 20 feet to 22 feet.

The public comment was reopened.

Steven Silvestri, resident, explained that his property is now in the floodplain based on the required FEMA drainage documentation as part of the processing of the proposed development. He understands that the grading on the golf course has resulted in this change to his property. He has no objections to the proposed development, but believes that the approval of this development shall be delayed until his and his neighbor's house are taken out of the floodplain. It was noted that Mr. Silvestri's home has never been flooded.

Chairman Wastchak disclosed that he knows Rod Cullum and has a business relationship with Mr. Cullum on other projects.

A motion was made by Commissioner Wainwright, seconded by Commissioner Strom, to forward to the Town Council approval of Ordinance No. 2016-13 to amend Article II, Definitions, and Article IX, Cluster Plan District, of the Town's Zoning Ordinance, to allow for modifications to the cluster plan provisions for the proposed development located at the northwest corner of the Northern Avenue alignment and Scottsdale Road. The motion carried by the following vote:

Aye: 4 - Chairperson Wastchak, Commissioner Anton, Commissioner Strom and Commissioner Wainwright

Absent: 3 - Commissioner Campbell, Commissioner Covington and Commissioner Mahrle

B. 17-316

Consideration of Ordinance No. 2016-14

A rezoning request from R-43 and SUP to R-43 Cluster Plan located at the northwest corner of the Northern Avenue alignment and Scottsdale Road (MI-16-04, The Villas at Cheney Estates - Town Triangle)

A motion was made by Commissioner Strom, seconded by Commissioner Anton, to forward to the Town Council approval of Ordinance No. 2016-14 changing the zoning district from R-43 and SUP to R-43 Cluster Plan with the conditions and effective date as described in said ordinance. The motion carried by the following vote:

Aye: 4 - Chairperson Wastchak, Commissioner Anton, Commissioner Strom and Commissioner Wainwright

Absent: 3 - Commissioner Campbell, Commissioner Covington and Commissioner Mahrle

6. ACTION ITEMS

A. 17-317

Consideration of a Preliminary Plat on a 9.6-acre property located at the northwest corner of the Northern Avenue alignment and Scottsdale Road

(PP-16-03, The Villas at Cheney Estates - Town Triangle)

A motion was made by Commissioner Anton, seconded by Commissioner Strom, to forward to the Town Council approval of the preliminary plat for the proposed development located at the northwest corner of the Northern Avenue alignment and Scottsdale Road, subject to the following conditions:

1. The final plat for "The Villas at Cheney Estates" shall be in substantial compliance with the Preliminary Plat, Sheets 103, prepared by CVL Consultants, dated August 31, 2017.
2. Prior to the final plat of this Property being approved by the Town Council, the appropriate documentation shall be provided to the Town regarding "The Villas at Cheney Estates" subdivision having a 100-year assured water supply.
3. A final subdivision wall and landscape plan shall be approved with the final plat for "The Villas at Cheney Estates." This plan shall exclude the areas approved under the Special Use Permit of Ordinance 2016-15 (SUP-16-03) related to the private roadway gates, walls, and other improvements/landscaping depicted on such plan.
4. Prior to recordation of the final plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review.
5. Within 60 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.

The motion carried by the following vote:

Aye: 4 - Chairperson Wastchak, Commissioner Anton, Commissioner Strom and Commissioner Wainwright

Absent: 3 - Commissioner Campbell, Commissioner Covington and Commissioner Mahrie

B. 17-318

Consideration of a Conditional Use Permit for a private roadway on a 9.6-acre property located at the northwest corner of the Northern Avenue alignment and Scottsdale Road (CUP-16-02, The Villas at Cheney Estates - Town Triangle)

A motion was made by Commissioner Wainwright, seconded by Commissioner Anton, based upon compliance to the four findings of Section 1103.4 of the Town Zoning Ordinance, to approve CUP-16-02, a Conditional Use Permit for a private roadway at "The Villas at Cheney Estates", subject to the following conditions:

1. This private roadway Conditional Use Permit (CUP) shall apply to the property as described in the legal description prepared by Eric G. Coffey dated September 11, 2017. (the "Property").
2. This CUP shall be in substantial compliance with the roadway cross-sections as shown on the Preliminary Plat prepared by CVL Consultants, dated August 31, 2017, which are in general conformance with the Typical Local Cross-Section, Option B, of the Town's General Plan.

3. The owner of the Property shall provide the Town a grant of access easement over the private roadway and a private roadway maintenance agreement pursuant to Ordinance Number 2016-15, allowing for private roadway gates of SUP-16-03.

The motion carried by the following vote:

Aye: 4 - Chairperson Wastchak, Commissioner Anton, Commissioner Strom and Commissioner Wainwright

Absent: 3 - Commissioner Campbell, Commissioner Covington and Commissioner Mahrle

PUBLIC HEARINGS (CONTINUED)

A. 17-319

Consideration of Ordinance No. 2016-15

A Special Use Permit (SUP) for private roadway gates for a proposed subdivision located at the northwest corner of the Northern Avenue alignment and Scottsdale Road
(SUP-16-03, The Villas at Cheney Estates - Town Triangle)

A motion was made by Commissioner Wainwright, seconded by Commissioner Anton, to forward to the Town Council approval of Ordinance No. 2016-15 of the Special Use Permit (SUP) for private roadway gates at the proposed subdivision of "The Villas at Cheney Estates," with the conditions and effective date as described in said ordinance. The motion carried by the following vote:

Aye: 4 - Chairperson Wastchak, Commissioner Anton, Commissioner Strom and Commissioner Wainwright

Absent: 3 - Commissioner Campbell, Commissioner Covington and Commissioner Mahrle

ACTION ITEMS (CONTINUED)

A. 17-320

Consideration of two proposed subdivision wall signs
(MI-17-03, The Villas at Cheney Estates - Town Triangle)

A motion was made by Commissioner Strom, seconded by Commissioner Wainwright, based upon compliance to the Town's sign criteria, to forward to the Town Council approval of MI-17-03, for two subdivision wall signs at "The Villas at Cheney Estates," subject to the following conditions:

1. Subdivision signage and sign lighting for the Property of "The Villas at Cheney Estates" shall be in substantial compliance with the Wall and Gate Plan prepared by Cullum Homes.

2. Sign lighting shall not exceed two fixtures per sign, each fixture shall not exceed a lumen count of 1,080 lumens, and the illumination shall not exceed 0.75 foot-candles at the property line.

The motion carried by the following vote:

Aye: 4 - Chairperson Wastchak, Commissioner Anton, Commissioner Strom and Commissioner Wainwright

Absent: 3 - Commissioner Campbell, Commissioner Covington and Commissioner Mahrle

7. CONSENT AGENDA**A. 17-326 Approval of September 19, 2017 Planning Commission Minutes**

A motion was made by Commissioner Anton, seconded by Commissioner Strom, to approve the September 19, 2017 minutes. The motion carried by the following vote:

Aye: 4 - Chairperson Wastchak, Commissioner Anton, Commissioner Strom and Commissioner Wainwright

Absent: 3 - Commissioner Campbell, Commissioner Covington and Commissioner Mahrle

8. STAFF REPORTS

None

9. PUBLIC BODY REPORTS

None

10. FUTURE AGENDA ITEMS

Paul Michaud reviewed the upcoming agenda items.

11. ADJOURNMENT

A motion was made by Commissioner Strom at 7:10 p.m., seconded by Commissioner Wainwright, to adjourn the meeting. The motion carried by the following vote:

Aye: 4 - Chairperson Wastchak, Commissioner Anton, Commissioner Strom and Commissioner Wainwright

Absent: 3 - Commissioner Campbell, Commissioner Covington and Commissioner Mahrle

Paradise Valley Planning Commission

By: 

Eva Cutro, Secretary