



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Planning Commission

Tuesday, August 20, 2019

6:00 PM

Council Chambers

1. CALL TO ORDER

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

STAFF MEMBERS PRESENT

Deputy Town Attorney Deborah Robberson
Community Development Director Jeremy Knapp
Planner George Burton
Town Engineer Paul Mood

2. ROLL CALL

Present 7 - Commissioner Jonathan Wainwright
Commissioner James Anton
Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Pamela Georgelos
Commissioner Orme Lewis
Commissioner Daran Wastchak

3. STUDY SESSION ITEMS

None

4. PUBLIC HEARINGS

[19-311](#)

Consideration of a Preliminary Plat & Private Road Conditional Use Permit (PA-19-01 and CUP-19-02). Lavitt Manor II - Two Lot Subdivision with Private Road
7525 N. Ironwood Drive (APN: 169-03-078).

George Burton, Planner, provided an overview of the application. He indicated that the property is zoned R-43 and was part of Lot 4 of the Mummy Mountain Park platted in 1953. Lot 4 was split in 1994 as part of the Lavitt Manor plat. The applicant is requesting to subdivide this property. Currently there is a house, guest house and tennis court on the property. The subdivision cannot have nonconformities, which will require the existing structures to be demolished. The property is 2.8 acres in size and the

applicant is proposing a two-lot subdivision. Tract A is a private roadway that will provide access to the proposed Lot 2. Tract B will contain the public utility and drainage easements. The Planning Commission reviewed this project at its June 4, 2019 work study and the July 16, 2019 public hearing which was continued to August 20, 2019. The Planning Commission requested that the name of the new private roadway be changed from Ironwood Drive to East Belmont Drive.

Mr. Burton indicated that two neighbors expressed concerns regarding compliance with the storm drain design manual, with the proposal resembling a flag lot and obstruction of view corridors. In response to these concerns, the Planning Commission requested additional cross sections. He stated that the applicant has now provided five additional cross sections. The easement for the west wash was enlarged from the top of bank with an additional five feet. The Town Engineer agrees with the applicant's analysis that the south wash does not meet the definition of a natural wash and is not required to be dedicated as a drainage easement. The plans have been updated accordingly. He then reviewed the lot configuration and size criteria. The proposal meets all Town requirements.

Mr. Burton stated the existing roadway on Ironwood Drive has 20 feet of pavement and no curb. Half street improvements will be required including adding two feet of new ribbon curb adjoining Lot 1. A stipulation is proposed that prior to recordation of the final plat, the applicant shall submit improvement plans and provide assurances to complete improvements along Ironwood Drive. He then showed an exhibit of the modified easement boundaries. He showed photos of the wash taken by the Town Engineer. He also provided an overview of Tract B and presented its location on the plans. A new fire hydrant will be installed near Lot 2 due to it not meeting distance requirements for fire hydrant spacing. The new homes will have fire sprinklers. The flow rate is not compliant with code. The study only shows 1,062 gallons per minute and the code requires a minimum of 1,500 gallons per minute. A stipulation is added to require compliance with NFPA Standard 13D. He indicated that the applicant will meet landscaping requirements and will add 16 trees and 35 shrubs.

He then described the proposed Conditional Use Permit for the private roadway. The Town Code requires the roadway have a minimum of a 50' tract with 18' to 22' paved surface. The cul-de-sac must be designed with a 45' radius to accommodate fire turn around. He mentioned public input received regarding the Conditional Use Permit which included concerns regarding headlights from the new road, obstruction of views, noncompliance of the wash and similarities of a flag lot.

Mr. Burton stated staff is recommending approval of both applications with the stipulations listed in the report.

Chairman Wainwright asked what the difference in this presentation is compared to the one provided in the last meeting.

Mr. Burton indicated that the primary difference is the modified drainage easement.

Chairman Wainwright asked if it is okay for the applicant to exceed the minimum requirements for landscaping.

Mr. Burton responded yes.

Commissioner Wastchak asked for clarification regarding the note indicating abandonment of the 40' easement.

Paul Mood, Town Engineer, stated that the area identified in blue will be relinquished and the new area identified in yellow will be recorded to show the full modified easement.

Commissioner Wastchak asked if the Town has to accept the change in easement.

Mr. Mood indicated that there is nothing that prevents the change. It will get recorded with the county. The original drainage easement was recorded in the 1960's and since then a new drainage pattern has occurred. At the Town's request, the easement is being expanded.

Chairman Wainwright commented that the easement has a less than orthodox shape and asked if this would be problematic for delineation purposes.

Mr. Mood stated that the engineers will stake the boundaries in the field. There are points in the plans.

Commissioner Wastchak asked regarding the neighbors comment about the 5' landscape buffer and easement.

Mr. Mood stated that the yellow area is the top of bank plus five feet.

Commissioner Wastchak requested an executive session to speak with the Town attorney.

Commissioner Wastchak indicated that there may be things that arise during the public comment that may justify going into an executive session so they should wait until after public comment.

Mr. Mood continued his presentation regarding the washes. He explained that the applicant cut five cross sections across the west wash. The high-water elevation backs up into the south wash. He reviewed the survey drawing to show specific areas of the washes, noting that the wash on the property to the south is already piped. He showed photos of this pipe. He then presented historical aerials of the property from 1959 compared to 2017 and highlighted areas that have been modified.

Commissioner Anton asked if the runoff will be the same or less following development.

Mr. Mood commented that this is correct.

Commissioner Lewis asked what the elevation change is from the north to south boundary line.

Mr. Mood showed a perspective on the aerial map.

Mr. Burton provided elevations for the southwest corner at 1370', southeast at 1368' and northwest at 1364'.

Commissioner Georgelos asked for the elevation of the bottom of the wash.

Mr. Burton replied that it is 1362'.

Mr. Mood stated that the deepest portion of the wash is at 7.4'.

Commissioner Lewis asked for the highest point of the house.

Mr. Burton explained that the height of the house is limited to 24'.

Chairman Wainwright asked if it is the opinion of staff that the applicant met all of the Town standards.

Mr. Mood confirmed that they do.

Chairman Wainwright asked if a home could be built on the site.

Mr. Mood stated that that a home could be constructed on the property, but the size of the home will depend on the size of buildable area. There is a requirement that each lot have 100% retention.

Chairman Wainwright opened the public comment portion of the meeting.

Emmet Graham, resident, commented that he has had water pressure deficiencies on his property. He thanked Mr. Mood for intervening with the City of Phoenix and getting the issue resolved. He indicated that he is opposed to any lot split. He understands that the deed restrictions have run out. He stated that when he built his house they decided to not go to two stories so they wouldn't infringe on their neighbors. He mentioned another development that blocked views of its neighbors.

Jim Koontz spoke representing Ron and Lynn Duff property owners behind the proposed subdivision. He provided the Planning Commission a hand out. He indicated that his presentation will take 8-10 minutes. He read the Town's vision statement into the record. He stated that the blue square on the plat is the developable area which is a little over a quarter acre. He mentioned that the landscape buffer shall contain at least five feet on each side perpendicular from the top of the bank and be designed to protect the wash's ecologic and environmental integrity. He indicated that he provided a page showing where the easement will be. He mentioned that the top of the bank is the critical issue. He mentioned that the landscape buffer is supposed to be included within the easement. He stated that that there is nothing that really defines the top of bank and easement buffer. He commented that he does not believe that a landscape buffer is not provided on either side of the bank. The code recognizes that the width is based on the top of the bank. When a point is taken to determine the depth of the wash they need to consider both sides of the bank. He stated that if there are three points out of five, then it is considered a natural wash. The applicant only took measurements from the shallow side of the bank.

Commissioner Lewis asked if there is any statute or ordinance that dictates the elevation of the wash requires to bridge both sides.

Mr. Koontz replied that it is part of the code and then read a code section to the Commission. He commented that the same definition needs to be used throughout the entire code.

Commissioner Campbell commented that if the easement was extended it probably would not decrease the buildable area of the lot.

Commissioner Georgelos commented that the crux of their argument is that this is a natural wash and the code should apply.

Mr. Koontz clarified that there are two arguments. The first is that the landscaping buffer should be included within the easement and the second argument is that it should be a drainage easement provided to the Town.

Mr. Mood went over the plans showing the top of bank and other survey of the wash.

Commissioner Campbell indicated that staff has certified that the landscape buffer was included when developing the easement lines.

Chairman Wainwright asked if there were more public comments.

Rod Cullum, Cullum Homes, stated that he understands the concerns the residents are expressing. He mentioned that the lowest bank is where water would go over out of the water way. The measurement is taken from the lowest bank and not the highest bank because that is what creates the water course. He pointed out that views are important and should be respected. They are tearing down the guest home which blocks views currently. There is also a row of trees that have not been maintained. This lot will have 46% protected by the easement. He stated that the neighbors have never contacted him except through the attorneys. He commented that they have done all of the required work to make sure the site is within requirements. He indicated that the Duff's lot is smaller than the lots they are creating after the private road is taken out.

The Planning Commission went into executive session.

5. EXECUTIVE SESSION

After discussing the Lavitt Manor applications and hearing public comment, a motion was made by Commissioner Wastchak at 7:05 p.m., seconded by Commissioner Anton, to go into executive session for legal advice. The motion carried by the following vote:

Aye: 7 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wastchak

A motion was made by Commissioner Wastchak, seconded by Commissioner Anton, to go back to the regular meeting. The motion carried by the following vote:

Aye: 7 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wastchak

6. PUBLIC HEARINGS (Continued)

- A.** [19-311](#) Consideration of a Preliminary Plat & Private Road Conditional Use Permit (PA-19-01 and CUP-19-02). Lavitt Manor II - Two Lot Subdivision with Private Road
7525 N. Ironwood Drive (APN: 169-03-078).

A motion was made by Commissioner Wastchak, seconded by Commissioner Anton, to recommend that Town Council approve the Preliminary Plat (PP-19-01) subject to the stipulations in the action report.

1. The Final Plat and related improvements of “Lavitt Manor II” located at 7525 N. Ironwood Drive (the “Property”) shall be in substantial compliance with the submitted plans and documents:

- a. The Narrative prepared by Brad Cullum;
- b. The “Lavitt Manor II” preliminary plat, Sheet 1, prepared by Montgomery Engineering & Management, LLC and dated July 23, 2019;
- c. The “Lavitt Manor II Paving, Grading & Drainage Plan” for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;
- d. The Water Service Impact Study, prepared by Montgomery Engineering & Management, LLC, and dated October 2018; and
- e. The Preliminary Drainage Report, prepared by Montgomery Engineering & Management, LLC, with revised date December 2018;

2. The landscaping along N. Ironwood Drive and E. Belmont Drive, shall be in substantial compliance with Landscape Plan, prepared by Cullum Homes;

3. The landscaping located at the corner of private roadway Tract A and Ironwood Drive shall comply and must be maintained to ensure compliance with Section 8-1-13, Corner Vision, of the Town Code;

4. Improvements in Tract A for the “Lavitt Manor II” subdivision shall be in substantial compliance with the private road Conditional Use Permit CUP-19-02 and the “Lavitt Manor II Paving, Grading & Drainage Plan” for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;

5. Prior to the final plat of “Lavitt Manor II” being approved by the Town Council, the applicant shall provide the will-serve correspondence from the City of Phoenix acknowledging their ability to provide water service for this two-lot subdivision as the Arizona Department of Water Resources has designated the City of Phoenix water provider as having an assured water supply;

6. Prior to the recordation of the final plat of “Lavitt Manor II,” the following items must be completed:

- a. The owner(s) of the Property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a Grant of Access Easement and Private Roadway Maintenance Agreement for the private roadway Tract A. This form shall be reviewed by the Town Attorney, must be in-compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder’s Office. Said form shall be submitted and approved by the Town prior to recordation of the “Lavitt Manor II” final plat;
- b. The owner(s) of the Property, or successors, shall provide the Town, in a form

acceptable to the Town Attorney, a Drainage Easement and Maintenance Agreement. This form shall be reviewed by the Town Engineer and Town Attorney, must be in-compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder's Office. Said form shall be submitted and approved by the Town prior to recordation of the "Lavitt Manor II" final plat;

c. The owner(s) of the Property, or successors, shall submit the required improvement plans for Town Engineer approval and provide a procedure and other forms of assurances necessary for the Town to be in a guaranteed position to complete the construction and related public site improvements as referenced in the "Lavitt Manor II Paving, Grading & Drainage Plan" for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019 and in CUP-19-02; and

d. Prior to recordation of the "Lavitt Manor II" final plat, all nonconforming structures on this property (e.g. house, guest house, tennis court, fence walls, etc.) shall be removed, with the applicable demolition permit submitted to the Town and inspections done by the Town's Community Development Department;

7. Prior to the issuance of a Certificate of Occupancy in "Lavitt Manor II" subdivision, the following items must be completed:

a. The installation of a new fire hydrant is required with the development of Lot 2 and shall be installed and inspected by the Town prior to issuance of the Certificate of Occupancy or a final inspection for the primary residence of Lot 2;

b. The property owner(s) or designee(s) shall complete the roadway improvements referenced in CUP-19-02; and

c. The property owner(s) or designee(s) shall demonstrate that the fire sprinkler system is in compliance with the National Fire Protection Association standard 13D or the current equivalent code requirement; and

8. 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 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wastchak

A motion was made by Commissioner Wastchak, seconded by Commissioner Anton, to approve the Conditional Use Permit for the private road subject to the stipulations in the action report.

1. The private roadway Conditional Use Permit (the "CUP") shall apply to the property described in the legal descriptions of the "Lavitt Manor II" preliminary plat, Sheet 1, prepared by Montgomery Engineering & Management, LLC and dated July 23, 2019 (the "Property");

2. The CUP shall be in substantial compliance with the submitted plans and documents:
 - a. The Narrative prepared by Brad Cullum;
 - b. The “Lavitt Manor II” preliminary plat, Sheet 1, prepared by Montgomery Engineering & Management, LLC and dated July 23, 2019; and
 - c. The “Lavitt Manor II Paving, Grading & Drainage Plan” for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;
3. Approval of CUP-19-02 is subject to and contingent upon approval and recordation of the “Lavitt Manor II” final plat/subdivision. Thus, CUP-19-02 will not go into effect until the “Lavitt Manor II” final plat/subdivision receives Town Council approval and the approved final plat is recorded with the Maricopa County Recorder’s Office;
4. The owner(s) of the Property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a Grant of Access Easement and Private Roadway Maintenance Agreement for the private roadway Tract A. This form shall be reviewed by the Town Attorney, must be in-compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder’s Office. Said form shall be submitted and approved by the Town prior to recordation of the “Lavitt Manor II” final plat;
5. Prior to the recordation of the “Lavitt Manor II” final plat, the owner(s) of the Property, or successors, shall submit the required improvement plans for Town Engineer approval and provide a procedure and other forms of assurances necessary for the Town to be in a guaranteed position to complete the construction and related public site improvements as referenced in the “Lavitt Manor II Paving, Grading & Drainage Plan” for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;
6. Prior to issuance of the Certificate of Occupancy or a final inspection for the home(s) located in the “Lavitt Manor II” final plat/subdivision, the property owner(s) or designee(s) shall complete the roadway improvements referenced in CUP-19-02; and
7. The landscaping located at the corner of private roadway Tract A and Ironwood Drive shall comply and must be maintained to ensure compliance with Section 8-1-13, Corner Vision, of the Town Code.

The motion carried by the following vote:

Aye: 7 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wastchak

7. ACTION ITEMS

None

8. CONSENT AGENDA

A. [19-310](#) Approval of July 16, 2019 Planning Commission Minutes

A motion was made by Commissioner Campbell, seconded by Commissioner Georgelos, to approve the July 16, 2019 minutes. The motion carried by the following vote:

Aye: 7 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wastchak

9. STAFF REPORTS

Jeremy Knapp, Community Development Director, commented that Vice Mayor Moore was going to attend tonight but had a conflict with the Arizona League of Cities Conference in Tucson. He was going to talk about an upcoming development retreat that the Town Council was going to host in the next month or two. They would like topics that the Planning Commission would like discussed during the retreat. The retreat will include staff going through the Town processes and code used in reviewing plans and public notification procedures.

Commissioner Wastchak asked what spurred this meeting and thoughts of what it might lead to for the Planning Commission.

Mr. Knapp commented that he is not sure what spurred the meeting. He has some suggestions for the process and improvements that can be implemented. There are better ways of notifying the public.

Chairman Wainwright suggested that they put this on for discussion at a future meeting.

Mr. Knapp commented that the September 3, 2019 will be cancelled due to lack of business so the next meeting will be September, 17 2019.

Mr. Burton commented that the I-pads need to be updated and a member of the IT team will reach out to the Commission.

10. PUBLIC BODY REPORTS

None

11. FUTURE AGENDA ITEMS

Mr. Knapp indicated that there could be a lot line adjustment on September 17, 2019 for an easement release at 46th Place. There could be a small cell preapplication within Town right-of-way on a light pole. A new ordinance was passed yesterday. The preapplication is for two light poles on Scottsdale Road between Jack Rabbit Road and Vista Drive.

12. ADJOURNMENT

A motion was made by Commissioner Campbell, seconded by Commissioner Georgelos, to The motion carried by the following vote:

Aye: 7 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wastchak

Paradise Valley Planning Commission

By: _____
Jeremy Knapp, Secretary