



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes

### Planning Commission

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Tuesday, January 7, 2020

6:00 PM

Council Chambers

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#### 1. CALL TO ORDER

Chairman Wainwright called the meeting to order at 6:00pm

#### STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller  
Community Development Director Jeremy Knapp  
Senior Planner George Burton

#### 2. ROLL CALL

**Present** 5 - Commissioner Jonathan Wainwright  
Commissioner James Anton  
Commissioner Thomas G. Campbell  
Commissioner Orme Lewis  
Commissioner Daran Wastchak

**Absent** 2 - Commissioner Charles Covington  
Commissioner Pamela Georgelos

#### 3. EXECUTIVE SESSION

None

#### 5. PUBLIC HEARINGS

- A. [20-020](#) Consideration of a Minor Special Use Permit Amendment (SUP 19-06)  
Five Star/Ritz-Carlton Area C - Basement Lightwells, Modified Chimney  
Heights, and Modified Fence Wall Heights - 7000 E Lincoln Drive

**A motion was made by Commissioner Wastchak, seconded by Commissioner Campbell, to The motion carried by the following vote:that the requested amendment to the Five Star/Ritz-Carlton Special Use Permit is a Minor Amendment per the criteria listed in Section 1102.7.B of the Zoning Ordinance. The motion carried by the following vote:**

**Aye:** 4 - Commissioner Wainwright, Commissioner Campbell, Commissioner Lewis and Commissioner Wastchak

**Nay:** 1 - Commissioner Anton

**Absent:** 2 - Commissioner Covington and Commissioner Georgelos

George Burton, Senior Planner, presented an overview of the request and background on the Special Use Permit (SUP).

Commissioner Wastchak asked if the current code allows for lightwells and exits to encroach into the setbacks.

Mr. Burton responded that it allows for an encroachment that is five feet wide and ten feet long, but the applicant is asking for something larger than that which is why they are asking for the SUP.

Mr. Burton continued with his presentation and showed some renderings of the basement lightwells and patios.

Commissioner Wastchak asked if there was any concern about the fact that you cannot see the railing when the upper edge is not defined. He recognized that he is less concerned when there is a planter in front of it but would like to hear some thought on the topic.

The applicant indicated that they often do glass guard rails and noted that they are harder to see in the renderings than in person. He added that they have never had problems with glass railings.

Commissioner Lewis asked what the deciding factor was on putting the metal railing on top of some and not on others.

The applicant explained that it had to do with the design of the home.

Commissioner Anton noted that the railing would be helpful for someone to grab onto if they are maintaining the plants and start to fall.

The applicant stated the glass wall without the railing could be grabbed onto as well in that situation.

Mr. Burton reviewed the total encroachment and asked if the commission felt the breakdown and total amounts of encroachments were acceptable for the lightwells.

Commissioner Lewis asked if they have a problem with alkaline buildup on the glass material.

The applicant clarified that they should be fine with standard maintenance.

It was indicated that commission seemed to be in favor of the breakdown and totals.

Mr. Burton noted staff made some additional clarification to Stipulation 44 and shared some language changes to the permit. He then reviewed the chimney and chimney screen requests. It was clarified that the extra height was not allowed on perimeter homes but would be allowed on interior homes since they will be entirely screened by the perimeter homes.

Mr. Burton shared that around 300 neighbors were notified but they received no comments. He then shared the new Stipulation 45J which has been added to the SUP.

Commissioner Anton asked if the new stipulation still allowed for a home to have two 13 feet chimneys on a home.

The applicant explained that in theory that was possible, but all the houses are designed, and none include two 13 feet chimneys.

Discussion was made on if further regulations should be made. It was decided to allow one at a maximum length of 13 feet and another at a maximum length of 9 feet with a minimum of 10-foot separation between chimneys. Mr. Burton then clarified and read the revised stipulation.

Commissioner Lewis asked if the homes were ADA compliant.

The applicant pointed out that residential properties were not impacted by ADA standards but most of the homes have hallways and doors that would accommodate things such as wheelchairs.

Mr. Burton presented an overview of the proposed modified fence wall heights and pointed out the modified SUP stipulation number 45. He reviewed other details about the proposed fences including renderings and proposed materials.

Commissioner Lewis asked if the exterior of the walls would have a textured finish.

Mr. Burton responded they would. He noted that exterior walls will be gray but the color of the interior walls was not specified.

Commissioner Anton asked if they would see any walls over six-feet tall from the road.

Mr. Burton clarified that from private roads within the development they would but not from perimeter roads. He noted along private drives the tallest wall they would see was nine feet tall.

Further discussion was made on wall heights in the development. Some suggestions were to put planters, vegetation or a berm in front of the taller walls to mitigate their visual impact and so no more than six feet of wall was exposed. It was also clarified that they did not want to see any interior walls protruding above exterior walls.

Commissioner Campbell asked for them to stipulate that on the southeast corner no more than six feet of the wall can be visible from outside of the Lincoln right of way to be approved by staff.

Mr. Knapp indicated that if they want to allow a hedge to lower the height of the wall, they would need to clarify that in the stipulation.

Commissioner Wastchak asked that they keep walls to six feet wherever possible and in areas where engineering requires a taller wall, they would use other means to leave only six feet of the wall visible from off property.

Mr. Burton clarified the discussed amendments made to the stipulations by the commissioners.

Commissioner Lewis recommended adding a stipulation to make the perimeter wall less bland.

Commissioner Wastchak noted that the wall is already in place and had been approved. It was also noted that there were plans to put landscaping by it.

Further discussion was made on how to clarify the wording of the stipulations.

Commissioner Campbell suggested they specify that on the southeast corner no more than six feet of wall will be exposed from the public right of way using a berm and when a berm is not feasible solid visual landscape mitigation is allowed with staff approval.

Mr. Miller clarified the wording.

Mr. Knapp re-clarified the wording for the stipulation that addressing the south east corner that was then settled on.

Mr. Burton indicated they would be adding the stipulation read by Mr. Knapp and shared the other stipulation clarifications that were made.

Chairman Wainwright opened the public hearing. No comments were offered, and the public hearing was closed.

A motion was made by Commissioner Wastchak, seconded by Commissioner Orme, to approve the Five Star/Ritz-Carlton Minor Special Use Permit Amendment in Area C to allow expanded basement lightwells to encroach into the building setbacks, allow chimneys and faux chimney screens to extend 3' above the maximum height limit of the house, and to modify several fence/retaining wall heights, subject to the following stipulations:

1. All improvements to the property shall be in substantial compliance with the narrative, plans, and documents in the 7000 East Lincoln Ritz-Carlton Resort Parcel C Minor SUP Amendment submittal, Job # 01.0268908, prepared by CVL Consultants with the 3rd Revision date of December 9, 2019 and the Light Well Projection Into Building Setback Program Information sheet prepared by Drewett Works which is dated January 7, 2020.

2. Revised SUP Stipulation No. 44:

Area C may only be improved with up to forty-five (45) detached single-family residential Resort-Branded Homes and uses incidental or accessory thereto, as well as common areas and common use facilities and/or amenities, provided that all such improvements comply with the height and Floor Area limitations shown on Page D-3, and setback limitations as shown on page F-3 of the Approved Plans.

Expanded basement lightwells/patios shall be in compliance with Minor Special Use Permit Amendment SUP 19-06 and shall be included in the square footage calculations. The basement lightwells/patios that are located within the 5' encroachment from the building setback shall be limited to the following:

- ☐ Front yard lightwell/patios - Maximum of 275 square feet,
- ☐ Each Side yard lightwell/patios - Maximum of 175 square feet, and
- ☐ Rear yard lightwell/patios - Maximum of 125 square feet.
- ☐ With a total/combined encroachment of 750 square feet in all yards.

Plants placed in basement lightwells/patios shall not extend above the exterior grade of the house. Also, lightwell guards that are adjacent to or visible from a right-of-way and/or open space area shall be clear glass with an optional cap. A planting/landscape buffer shall be placed around all lightwell guards that are adjacent to or visible from a right-of-way and/or open space area (with openings for egress). This planting/landscape buffer must be maintained by the Home Owners Association (HOA).

Each Owner of a Resort-Branded Home may occupy it, or permit its family and guest(s) to occupy it, or make it available for residential uses. In addition, each Owner of a Resort-Branded Home may voluntarily participate in the Resort Hotel Rental Program and make its Resort-Branded Home available for transient occupancy uses or hospitality uses, at its sole option, under the terms and conditions of the Resort Hotel Rental Program, provided, however, that any rental of any Resort-Branded Home shall only be done through the Resort Hotel Rental Program. The principal guest of a Resort-Branded Home in the Resort Hotel Rental Program shall register with the Principal Resort Hotel. Nothing shall prohibit a Resort-Branded Home from being sold (and thereafter resold) to a third party, or parties, and used as provided herein.

**3. Revised SUP Stipulation No. 45.c:**

Additional walls not shown on the Approved Plans may be constructed on a lot within enclosed private yards, provided they do not exceed six (6) feet in height. Guards needed for basement lightwells and exits shall abut the lightwell/exit and shall be limited to a minimum height of 36 inches tall and a maximum height of 42 inches tall.

For Area C, the following exception shall apply: The walls shown on the approved plans for Minor SUP Amendment SUP-18-14 and as amended per Minor SUP Amendment SUP-19-06, shall not exceed a maximum height of 9' tall and are limited to the locations and heights as shown on the approved plans. Modified walls that are allowed at a maximum height of 8' tall and are located between Lots 8 – 13 shall not extend above the height of the SUP perimeter wall. On the southeast corner of Parcel C (the exterior to Lot 6) through the use of berming, or when berming is not feasible, solid landscaping, so that no more than 6 feet of the wall may be visible from the public right-of-way at the discretion of the Town Manager or designee.

**4. New SUP Stipulation 45j:**

**Chimney and Chimney Screens.** For chimney and chimney screens located on lots that are adjacent to a public roadway, being Lots 6 through 17 and Lots 26 through 30 of the Replat, Amended 7000 East Lincoln – Parcel C – Amended, recorded in document number 20180867736, Book 1396 and Page 29, at the Maricopa County Recorder, Maricopa County, Arizona, or as may be amended further in the future (the "Area C Plat"), the height of a chimney or chimney screen including a decorative shroud shall not exceed the maximum height allowed for the main house.

For all other lots on the Area C Plat, the height of a chimney or chimney screen including a decorative shroud shall not exceed the maximum height allowed for the main house. Exception: For any chimneys or chimney screens that are located within a 10-foot radius of any roof that is 21 feet or taller, the chimney or chimney screen height, including a decorative shroud, may exceed that portion of the building roof by not more than 3 feet.

This stipulation applies only to the main residence on each lot and does not apply to accessory structures. Chimney screens refer to portions of the building that is only used to conceal roof penetrations such as stacked vents and exhaust fan caps. Chimney and chimney screens that are allowed to extend above the 24-foot height limit shall be limited to two per residence, with one chimney to a maximum of 13 foot in length and 4 foot in width and one 9 foot in length and 3 foot in width, with a minimum 10 foot separation between the two, and shall be in substantial compliance with Minor Special Use Permit Amendment SUP 19-06.

**5. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by the Minor Amendment SUP-19-06.**

**6. The property owner and Town shall sign and record a Waiver of Rights and Remedies agreement under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney within 10 calendar days of the approval of this amendment to the Special Use Permit.**

**The motion carried by the following vote:**

**Aye:** 5 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Lewis and Commissioner Wastchak

**Absent:** 2 - Commissioner Covington and Commissioner Georgelos

**6. ACTION ITEMS**

None

**4. STUDY SESSION ITEMS**

Continued Discussion of Upcoming Planning Commission Items for  
Council Retreat

Mr. Knapp introduced the item and noted the packet has a list of items that they had previously discussed included in the Council Retreat. He noted that they will provide an agenda for the Council Retreat at the next meeting and that the retreat is taking place on January 30, 2020.

Chairman Wainwright suggested discussing legal non-conforming properties that are too small to do any sort of remodeling or redeveloping.

Commissioner Wastchak stated that the Board of Adjustment will have to deal with each of those properties one by one since the scenarios are so unique. Other suggestions were made to help address the issues including applying for a variance, lot combinations, and more.

Chairman Wainwright indicated he does not know what the solution is and recognized that there may not be one. He suggested removing that item from the list for Council.

Commissioner Wastchak commented concerning the Hillside Building Committee. He agreed with the member composition they discussed but was not in favor of the suggested change of the commissioner rotation schedule from six months to 12.

Discussion was made on requirements on who could hold the position of chairperson on the Hillside Building Committee and determined that it was best to let the committee decide themselves.

Commissioner Campbell stated he disagreed with items A and B under the Hillside Building Committee. He indicated that he suggested the change to 12 months to help give more consistency to the committee.

Chairman Wainwright suggested having three permanent members and leaving the commissioners rotations at six months.

Commissioner Campbell asked if there was anything that restricted a Planning Commission member from serving two six-month terms in a row.

Andrew Miller, Town Attorney, replied that he did not believe that would be an issue for them to simply amend the rotation schedule.

The Commission then determined to eliminate Item C and further discuss Items A and B at the next meeting.

It was also decided that Item two should remain and Item three should be removed from the list.

Commissioner Wastchak indicated that Item four addressing nighttime inspections was more of a staff enforcement issue rather than a planning issue. It was indicated that it may still be good to bring this to the Council's attention.

Commissioner Campbell expressed concern that the noticing radius may be excessive in certain situations and recommended concerning Item 6 that they have a different noticing radius for town residents versus out of town residents.

Commissioner Wastchak asked about having a construction site sign out earlier than the two-week noticing date.

Mr. Knapp stated he could add that to their list of staffs for the retreat.

Commissioner Lewis commented that he did not feel comfortable with combining sub-committees and felt that committees should only have one responsibility.

Chairman Campbell asked if they would like side yard heights for hillside discussed by Council.

Members of the Commission expressed that the topic would be worthwhile to discuss. They also decided that the item could be discussed further at the next meeting.

Mr. Knapp indicated he would make it their new Item three.

Commissioner Anton suggested having something that indicates a permit was acquired for free standing signs, so they know if they have acquired the necessary permits or not.



Commissioner Lewis asked if there was an ordinance for the American flag on what would be in scale with the building and environment.

Mr. Knapp indicated that there was not an ordinance and that the American flag is specifically exempt as a sign, so he was unsure if it could be regulated.

**No Reportable Action**

**A. [20-021](#)**

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**No Reportable Action**

## **7. CONSENT AGENDA**

### **A. [20-012](#) Approval of December 3, 2019 Planning Commission Minutes**

**A motion was made by Commissioner Wastchak, seconded by Commissioner Anton, to approve the December 3, 2019 minutes with one edit. Commissioner Campbell revised the text on the bottom of page 3 to identify "of the mass under the 24 foot and allow..." instead of 20 feet. The motion carried by the following vote:**

**Aye:** 5 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Lewis and Commissioner Wastchak

**Absent:** 2 - Commissioner Covington and Commissioner Georgelos

## **8. STAFF REPORTS**

None

## **9. PUBLIC BODY REPORTS**

Commissioner Wastchak asked for further details about their interviews coming up with Council.

Mr. Miller indicated that he believed it was a short ten-minute meeting where Council can get to know members of the Planning Commission.

## **10. FUTURE AGENDA ITEMS**

Mr. Knapp shared what would be addressed at their next meeting including a preliminary plat for 6400 East Cactus Wren four lot subdivision as well as continued discussion on Planning Commission items for the Council Retreat.

**11. ADJOURNMENT**

**A motion was made by Commissioner Campbell at 8:29pm, seconded by Commissioner Wastchak to adjourn the meeting. The motion carried by the following vote:**

**Aye:** 5 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Lewis and Commissioner Wastchak

**Absent:** 2 - Commissioner Covington and Commissioner Georgelos

**Paradise Valley Planning Commission**

By: \_\_\_\_\_  
Jeremy Knapp, Secretary