



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes

Planning Commission

Tuesday, March 3, 2020

6:00 PM

Council Chambers

1. CALL TO ORDER

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

STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller
Community Development Director Jeremy Knapp
Town Engineer Paul Mood
Planning Manager Paul Michaud
Senior Planner George Burton

2. ROLL CALL

Commissioner Georgelos attended by phone at 6:04 p.m.

Present 6 - Commissioner Jonathan Wainwright
Commissioner James Anton
Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Pamela Georgelos
Commissioner Orme Lewis
Absent 1 - Commissioner Daran Wastchak

3. EXECUTIVE SESSION

None

4. STUDY SESSION ITEMS

A. [20-102](#) Mobile Device Support for Planning Commission (15 Minutes)

Mr. Knapp, indicated there were two members of the Information Technology (IT) department present to assist with deployment of new iPads.

The new iPads were then distributed and set up.

No Reportable Action

5. ACTION ITEMS**A. [20-083](#) Morning Glory Estates III Lot Split (LS-19-02). Public Meeting.
6101 E. Caballo Lane (APN: 168-59-013A)**

Mr. Burton, presented an overview of the proposed lot split. He provided information on lot split requirements as well as a summary of the request which included a deviation from the 165-foot diameter circle test, which fit within each lot but did not touch the 40-foot front yard setback line. He then shared photos of the site and further details on utilities, drainage, and fire protection. Staff's recommendation was for the Commission to recommend approval to Town Council with the stipulations included in the packet. Mr. Burton then stated that neighbors within a 500-foot radius were notified and shared responses received.

Doug Jorden, Applicant, provided additional information on the property and the proposed lot split. He clarified that they wanted to return the property back to the 1982 configuration. He then shared some of the improvements to drainage on the site that would also be done.

Chairman Wainwright opened the Public Hearing.

Stephen Finberg, Resident, commented that they lived in the home east of the subject site. He shared some history of a flood that took place in 1993. He noted that he has worked hard and spent money to be sure he and his neighbors keep the area clean to not clog the flow and cause flood problems for themselves and others. He indicated that protection of the wash was their biggest concern.

Barbara Finberg, Resident, noted that the properties were always set up to be one large property even if they had been platted separately. She expressed her concern with all the upstream neighbors keeping things clear for water flow, so it did not build up.

Mr. Finberg clarified that they opposed the changes since the debris will come onto their property where the wash narrows.

Keith DeGreen, Resident, stated that he is against the lot split. He noted that both sides of the property were horribly maintained. He noted that the responsibility of maintaining the wash will be much more difficult when the responsibility is being split between two properties and owners. He expressed that he felt the community would be better served by someone who was willing to take care of the entire property as a whole.

Mark Bosco, Resident identified himself as a neighbor of the subject property. He indicated that the property has been nothing but blight on the neighborhood since 2008. He indicated that he felt splitting the lot between a main home and a guest house with drainage between the two was nonsense. He added that he was tired of paying for damage in the wash when others upstream did not maintain their portion. He clarified that he opposed the lot split.

Mr. Mood stated from an engineering stand point they have done everything they need to do including meeting the 100-year storm flow requirements.

Commissioner Campbell asked if fences will be built in the easements.

Mr. Mood explained that his understanding was that the fences will be outside of the easement.

Mr. Burton pointed out that the portion of the swing gate that spans the wash will be removed.

Chairman Wainwright noted that its removal will help with flow.

Commissioner Georgelos asked for clarification on where the new property line for the lot split was.

Mr. Burton responded that the lot line would go across the easement and the two swing gates, foot bridge abutments, and foot bridge over the wash will be removed. He pointed out that fences could be built up to the edge of the easement.

Mr. Mood explained that he did not know of plans to widen the wash, but the removal of the swing gates will improve the flow.

Commissioner Covington asked where the debris was coming from.

Mr. Mood indicated it came from upstream.

Commissioner Georgelos indicated she did not see any restrictions on blockage of the wash in the drainage easement agreement.

Mr. Mood responded that he believed that it states they could not build on or over the wash. He noted the Town would never approve something to be built in the wash that would restrict flow.

Mr. Miller, stated the code itself does not allow them to block the wash. He then explained the purpose of the drainage easement.

Commissioner Campbell asked for the width of the easement.

Mr. Mood replied that it was about 40 feet wide.

Mr. Bosco asked that they focus on the issue of how the wash will best be maintained for everyone around.

Ms. Finberg stated that if the lot split happened could they get a concrete strip put in, so they better know the level of debris in the wash.

Mr. Finberg commented that if a fence is put up the wash will continue to not be maintained. He added that he felt it was better to leave the flood gates in since they kept debris from bottlenecking on their property.

Mr. Mood clarified that there was a concrete strip on the property and if it was not being maintained a neighbor can contact code enforcement to ensure it gets maintained. He added that from a professional drainage stand point that the proposed changes would be better than what is existing now.

Commissioner Anton encouraged neighbors to call code enforcement if things were not being maintained.

Ms. Finberg commented that the swing gate was put in to catch some bigger items from making it further downstream.

Chairman Wainwright asked if the swing gate could remain if the lot split was not approved.

Mr. Mood responded that the swing gate should allow all debris to flow through if it functioned properly. He added that he has found no paper work on the gate and the owner could come in at any time for a demolition permit to take the fence down.

Mr. Bosco stated it would be easier for the neighbors to work with one owner of the wash than two owners.

Commissioner Campbell clarified where the fences could be built. He added that he felt it would be better as two separate properties because it created an accessible and maintainable easement.

Commissioner Covington noted that if it was split, the southern lot owner would be responsible for the area where the swing gate is now.

Commissioner Campbell responded that they would each be responsible for their portion of the easement.

Mr. Jorden stated that the owner's intent was to split the lot and sell one of the properties. He pointed out that they meet the criteria under the subdivision ordinance with the exception of the 165-foot circle test which has not been discussed.

Commissioner Anton commented that if they were to allow the lot split he would like to see the properties better maintained than the property is now.

Commissioner Covington asked if the 165-foot circle test fit within both properties.

Mr. Burton explained that it fits within each lot but did not hit the 40-foot setback on each property.

Chairman Wainwright pointed out that if there were no structures on the properties it would meet the circle test since the front and side yards could be switched. He added that he felt the lot split could lead to the property being better maintained and that it will result in an improvement to the wash.

Commissioner Georgelos expressed concern that the 165-foot circles fall into the easement.

Mr. Burton clarified that they can overlap easements.

A motion was made by Commissioner Campbell, seconded by Commissioner Lewis, to approve the Morning Glory Estates III Lot Split plat, subdividing a 2.5-acre property into two (2) residential R-43-zoned lots subject to the following stipulations:

- 1. The lot split plat must be recorded with the Maricopa County Recorder's Office, in full compliance with the Morning Glory Estates III Lot Split plat, Sheets 1 - 2, CVL Project #1-01-03268-01, prepared by Coe & Van Loo Consultants, Inc. and dated January 10, 2020.**
- 2. Prior to the recordation of the Morning Glory Estates III Lot Split plat, 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 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 Morning Glory Estates II Lot Split plat; and**
 - b. Prior to recordation of the Morning Glory Estates II Lot Split plat, all applicable structures and/or portions of structures on this property (e.g. the wrought iron fence and gates over the wash, the footbridges and abutments over the wash, and the 1,137 square feet of the house on new Lot 14) shall be removed in accordance with the Morning Glory Estates III Proposed Lot Coverage & Site Plan, prepared by Coe & Van Loo Consultants, Inc. and dated January 15, 2020. The applicable demolition permit shall be obtained from the Town and inspections done by the Town's Community Development Department;**
- 3. Within 60 days of approval of the plat map, the applicant shall submit Mylars and an electronic version in a pdf format for the Town's permanent record.**

The motion carried by the following vote:

Aye: 6 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos and Commissioner Lewis

Absent: 1 - Commissioner Wastchak

STUDY SESSION ITEMS (CONTINUED)

- A.** [20-105](#) EPCOR Booster Pump Station Improvements (CUP-20-01)
5402 E Lincoln Dr (APN 169-28-001G and APN 169-28-365E)
Work Study Session

Mr. Burton reviewed the request for the new pump station including a brief history, previous requests from the Planning Commission, scope of the request, and additional details on each of the improvements included in the request. He noted that staff would prefer to see a solid metal panel fence to secure and screen the station rather than the proposed metal view fence. He added that if the Commission was comfortable with a view fence he would suggest they recommend a maximum openness or minimum opacity.

Commissioner Georgelos commented that there is a home across the street that will have a clear view into pump station, which she did not feel was a pleasant view.

Commissioner Campbell indicated he was satisfied that nobody could get through the landscaping on the north as long as the plants stayed alive.

Mr. Burton responded that staff will include a stipulation that the fencing would need to be continued if the plants either died or were removed.

Commissioner Campbell asked that the oleanders continue to the drive.

Chairman Wainwright asked if they would be willing to do more landscaping.

Travis Nuttle, Applicant, replied that it should not be an issue to plant more oleanders. He noted that they would not want to plant Oleanders too close to the drive since the space is used for parking. He added that they were also not opposed to making the fence solid metal as long as the swing gate could have openings for wind to pass through. It was indicated that oleanders could possibly be planted to be even with the north end of the transformer.

Mr. Knapp indicated that they would need to verify with Arizona Public Service Electric (APS) that oleanders could be planted that close to the transformer.

Commissioner Campbell commented that he would like to see continuity on the patterns between the gate and fence.

Commissioner Lewis asked how often they are at the site.

Mr. Nuttle stated their staff visits the site once a day.

Chairman Wainwright clarified that the Commission agreed that it would be best to use landscaping to hide any blemishes.

Mr. Burton reviewed information on the proposed air release valve. He noted that they were scheduled for a public hearing for the Item on March 17, 2020.

No Reportable Action

B. [20-104](#)

Discussion of a Minor Special Use Permit Amendment
St. Barnabas Church (SUP-20-02). 6715 N. Mockingbird Lane.

Mr. Burton introduced the request for a Minor Special Use Permit Amendment. He then reviewed the background and scope of the request which included the parking lot renovations which increased the parking count while maintaining the existing sizes.

Chairman Wainwright asked if there was any indication of a parking problem.

Mr. Burton responded that the applicant had not made an indication of any parking problems. He added that a parking analysis could be requested.

Commissioner Campbell noted that people drive much larger cars now which is why he is supportive of wider spaces.

Commissioner Lewis noted that when he has attended services at the church the parking lot is always full.

Commissioner Georgelos asked how many spaces they could fit on the property if they were brought into compliance with code.

Mr. Burton replied that he did not know what reduction would be if they met code.

It was noted that there was also a back-parking lot that was included in the parking count.

Chairman Wainwright commented that he was inclined to not change the parking sizes if the applicant feels they are working for them now, but recognized he was likely in the minority with that belief.

Chris Winters, Applicant, clarified that they were not changing the dimensions of the parking lot but only modifying the pattern of stalls to improve circulation. He also noted that the church has indicated the narrow parking stalls were not an issue.

David Ghats, Applicant, pointed out that the church always needed more parking spaces.

Commissioner Campbell stated he felt this was a great opportunity to get the parking in compliance.

Commissioner Covington applauded them for going from 12 to 21 accessible spaces. He asked where they were located.

Mr. Winters responded that they are distributed throughout the property near entrances.

Commissioner Campbell asked for the width of the drive isle.

Mr. Winters replied it was 26 feet wide. He noted that they would go back and look at what they could do with larger spaces.

Mr. Burton continued his presentation reviewing more details on the proposed parking improvements. He then reviewed the drainage and retention improvements.

Commissioner Lewis asked if they did anything special in the parking and sidewalks to accommodate persons with disabilities.

Derick Schmucker, Applicant, explained that because of a fire line that goes around the building they are not able to raise or lower the surface enough to successfully influence the grading. He noted several issues with the addition of a tank including cost.

Chairman Wainwright noted the proposed changes would not make ponding any worse in the parking lot. He then asked if they could modify the existing dry wells.

Mr. Schmucker explained why they could not modify an older dry well. He stated he believed the dry wells were likely installed in the 80's or 90's.

Commissioner Georgelos asked if they could add additional dry wells.

Mr. Schmucker noted that was possible, but the cost of a dry well was about \$1500.

Commissioner Anton inquired as to what type of access they had to the retention area behind the property.

Mr. Schmucker responded that it was a conveyance and explained that they were currently discussing access with the owners.

Commissioner Anton asked why they had not considered sending parking lot water into the conveyance.

Mr. Schmucker replied that they would have to meet first flush requirements which required them to keep the pollutants on site.

Commissioner Georgelos asked if the compacted aggregate would alleviate drainage issues in the back-parking area.

Mr. Schmucker explained that from an overall standpoint they would be reducing the total run off, but would not impact the first flush volume.

Commissioner Georgelos asked how additional dry wells may improve the condition on the site.

Mr. Schmucker stated that in theory they could add more areas for ponding on the site.

Chairman Wainwright acknowledged that asking them to make some of the suggested changes would be a lot to ask.

Mr. Burton presented information on proposed signage which included replacement of the two existing monument signs and the addition of directional signs.

Mr. Winters clarified that they wanted to move the signs back onto the property along Mockingbird Drive and elevate them for better visibility. He added that the scale of the signs was mostly for visibility for those driving by. He noted that what they are really asking for is one additional monument sign as opposed to an increased size on the directional sign.

Commissioner Campbell asked why there were two signs so close to each other on the main entrance.

Mr. Winters indicated that the signs were flared to help create a better sense of entry and to create more visibility and impact for those driving by. He added that if they put the sign at a 90-degree angle they would need to move it out which may create a visibility issue for those pulling in and out of the property. He added that they would be willing to reduce the size of the directional sign if they can keep the signs at the front entrance in their current configuration.

Chairman Wainwrights recommended having the address on one of the signs.

Commissioner Anton asked if they were changing the finish of the wall in the front.

Mr. Winters stated they wanted to maintain as much of it as possible, but noted that some of it would have to be removed.

Mr. Burton provided an overview of the proposed identification sign for the site.

Mr. Winters shared that the reason for the identification sign was being requested to welcome people to the campus.

Commissioner Anton asked that the applicant check with the Five Star Owner and verify that they were comfortable with the sign.

Commissioner Georgelos asked if the sign needed to be quite so big.

Commissioner Campbell pointed out that they were trying to draw people in from further distances and wanted it to stand up above the landscaping.

Mr. Burton noted that there was an additional request for a new cross. He noted that the cross was six feet by three feet.

Mr. Winters asked if there would be objections to an increase in the cross size.

Commissioner Lewis asked what the cross material was.

Mr. Burton stated it was made of aluminum.

Mr. Winters added that it would not be a glossy or reflective surface.

Commissioner Georgelos inquired what the Five Star Owner thoughts would be on the position of the cross.

Mr. Winters indicated they would ask them.

Mr. Burton continued his presentation and provided information on landscaping plans. He added that the Chief of Police recommends a stipulation that landscaping comply with Crime Prevention Through Environmental Design (CPTED).

Chairman Wainwright stated he was comfortable with that recommendation.

Mr. Winters shared that there were several mature desert plants that were over three feet tall and would like to continue to discuss this with the Chief of Police to ensure that they do not create any dangerous conditions on site.

Chairman Wainwright indicated that he felt through discussion they could probably achieve the goal of making the campus safe without making that a stipulation.

Mr. Burton presented information on the requested new canopies for the property.

Commissioner Georgelos expressed concern with the playground being illuminated till 10 p.m.

Mr. Ghats stated that they hold children's activities in the early evening, but it is typically not used after about 8 p.m.

Chairman Wainwright indicated that a reduction in the lighting hours would be well received.

Mr. Winters noted that all lighting on the property complied with dark sky regulations and Town requirements.

Commissioner Campbell voiced his concern with having a canopy 15 feet high.

Mr. Winters stated that it was 15 feet in order to clear the height of the play equipment. He indicated they could look into lowering it.

Commissioner Lewis suggested they study the wind load factors on a structure that high.

Jessie Hanson, design consultant, indicated that he would not recommend changing the angle of the roof since they were already pushing it down as far as they could and still be able to have effective solar panels.

Mr. Burton continued presenting information on each of the canopies individually and then reviewed general site improvements which included a new outdoor kitchen, water feature, creation of pathways, resurfacing of pathways, and new

fencing and pony walls. He then provided additional information on proposed lighting improvements on the site.

Commissioner Lewis asked if there was a limit on the amount of lights allowed.

Commissioner Campbell explained it was based more on the area and the photometrics in the light fixture.

Mr. Burton continued to share information on the proposed lights.

Commissioner Georgelos asked how many lights were currently there. She noted that 61 seemed like a lot.

Mr. Burton pointed out that they had previously been approved for 70.

Mr. Winters clarified that they were not adding new pole locations for the majority of the lights and installing new poles in areas that were on the previously approved SUP amendment.

Chairman Wainwright noted that the lower the pole the better.

Mr. Winters noted that 16-foot tall poles allowed for even lighting that fits current Town code.

Commissioner Lewis asked if the new poles had a structural base.

Mr. Winters stated they did and clarified that they planned to use the existing bases if possible. He added that they would go through and see if there were any poles that they could reduce the height on.

Mr. Burton continued his presentation on lights reviewing surface mounted lights.

Commissioner Lewis suggested using white or a lighter color for the recess lighting cans.

Mr. Winters indicated they typically preferred to use a color that blended in most with the structure.

Mr. Burton shared details on the ground lights including landscape up lighting. He then shared information on tree lights. He then recapped all the deviations and asked the Planning Commission if they felt this constituted a Minor Special Use Amendment.

Chairman Wainwright commented that they agreed it was a Minor Amendment.

Commissioner Lewis asked who would be noticed.

Mr. Burton stated notice would go to properties within a 1,500-foot radius, which added up to around 700-800 residences.

Commissioner Anton asked how long the project would take.

Mr. Winters responded that they intended to start construction as close to May as possible and the period of construction will depend on how extensive their permits are for the first stage. He noted they will have a better idea in the next month or two but hoped to start construction in the summer and have everything completed in a year or less.

It was indicated they would likely have another study session on the March 17, 2020 and a public hearing on April 7, 2020 for this item.

Mr. Winters explained that there were currently trees separating Shea Homes from their property near the children's play area. He shared that some of the neighbors have expressed dislike for the trees since it obscures their distant views, but they also want to provide perimeter tree plantings and asked what the Planning Commission would recommend.

Chairman Wainwright stated he felt there was no appetite for the removal of existing trees.

Commissioner Campbell asked how many trees were along the Shea property.

Mr. Winters responded that they have a tree about every 25 feet.

Commissioner Lewis asked what type of trees they had.

Mr. Winters replied they were all native trees.

Commissioner Anton suggested creating a list and allowing the residence to pick which trees they would prefer being planted by their property.

Mr. Winters asked what the Town Code said about perimeter trees.

Commissioner Campbell indicated that the goal was often to create complete visual privacy between the commercial and residential properties.

Mr. Winters shared that they are in conversations with Shea homes and will talk to the property owners as necessary.

Commissioner Campbell noted that its usually done to protect the homeowner, so he may be more flexible with them not creating such a solid visual block.

Mr. Winters inquired what specific code required for landscaping between them and residential units.

Mr. Burton remarked that code did not identify quantities for the landscape buffer in this situation but only that there should be a 40-foot landscape buffer.

No Reportable Action

C. [20-085](#)

Discussion of a Minor Special Use Permit Amendment
Mountain Shadows Resort (SUP-20-01). 5445 E. Lincoln Drive.

Mr. Burton presented an overview, including background information and the scope of the request.

Commissioner Anton asked who would pay for everything if it was approved.

Mr. Burton stated that the applicant would be responsible. He then shared some photos to better clarify the location of the proposed left-hand turn.

Commissioner Lewis expressed concern with the traffic safety in the area and suggested the Town repaint the lines at a minimum.

Mr. Mood commented that they felt the traffic impact analysis met all requirements from a traffic engineering stand point. He added that the Town had plans to do mill and overlay on all of Lincoln Drive and make median improvements in 2021.

Mr. Burton indicated they would like to add signs and a turn arrow striped in the lane to clarify that drivers cannot make a left hand turn into west bound traffic out of the entrance.

The Applicant commented that often people miss the entry and can cause problems trying to turn around. He then pointed out how the addition of the left-hand turn would help direct people into the front entry.

No Reportable Action

D. [20-101](#)

Discussion of Noticing for Application Requests

Mr. Michaud presented suggestions for a new mailing radius that was done in a multi-tiered system with newly proposed radiuses of 1,500, 1,000, and 500 feet. Staff also suggested lowering the mailing radius in neighboring jurisdictions to 300 feet in Maricopa County, 300 feet in Phoenix and 750 feet in Scottsdale.

Commissioner Anton asked why they gave Scottsdale 750 feet and the other jurisdictions 300 feet.

Mr. Michaud indicated the radiuses matched the respective jurisdictions requirements. He then shared further details on the legislative applications, which he noted mostly remained the same.

Commissioner Anton asked what group lot splits belonged to.

Mr. Michaud responded it would be under the next grouping administrative applications by public body. He noted this group had the most changes. He then pointed out specific changes including the reduction of plats and lot splits to a radius of 500 square feet and minor special use permits to a radius of 1,000 square feet.

Commissioner Georgelos asked if there was an appetite for accelerated noticing.

Mr. Knapp replied that Council was looking for a recommendation on planning radiuses from the Planning Commission which would be considered in addition to timing and signage changes.

Mr. Michaud explained that for the third category administrative applications by staff there were no changes. He then briefly reviewed the changes made to all three categories. He then gave examples of how the reduction of the radius would look in the number of mailings sent out.

Mr. Michaud presented the sign posting changes proposed by staff. It was noted that signs would include the name and contact information of the contractor in case someone had a question or concern.

Commissioner Anton asked where the signs needed to be posted.

Mr. Michaud indicated that generally staff indicates where the sign should be located and may require more than one sign if it is a large property. He noted that they would see this item again on March 17, 2020 where they can give formal recommendation to Council.

No Reportable Action

6. PUBLIC HEARINGS

None

7. CONSENT AGENDA

None

8. STAFF REPORTS

None

9. PUBLIC BODY REPORTS

Chairman Wainwright noted that after the meeting on the March 17, 2020 they will make a toast to Commissioner Anton and celebrate his last day on the Planning Commission.

10. FUTURE AGENDA ITEMS

Mr. Knapp stated the March 17, 2020 included a public hearing on the EPCOR booster pump station, continued work study on the St. Barnabas minor amendment, and discussion on the public mailing notification

11. ADJOURNMENT

A motion was made by Commissioner Anton at 10:18 p.m., seconded by Commissioner Lewis, to adjourn the meeting. The motion carried by the following vote:

Aye: 6 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos and Commissioner Lewis

Absent: 1 - Commissioner Wastchak

Paradise Valley Planning Commission

By: _____
Jeremy Knapp, Secretary