



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Planning Commission

Chair Jonathan Wainwright
Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Pamela Georgelos
Commissioner Orme Lewis
Commissioner James Rose
Commissioner Daran Wastchak

Tuesday, February 16, 2021

6:00 PM

Council Chambers

**IN-PERSON ATTENDANCE AT PUBLIC MEETINGS HAS BEEN SUSPENDED UNTIL
FURTHER NOTICE. WATCH LIVE STREAMED MEETINGS AT:
<https://paradisevalleyaz.legistar.com/Calendar.aspx>**

1. CALL TO ORDER

STAFF MEMBERS PRESENT

Interim Town Attorney Deborah Robberson (attended remotely)
Community Development Director Lisa Collins (attended remotely)
Planning Manager Paul Michaud
Town Engineer Paul Mood (attended remotely)

2. ROLL CALL

**Commissioner Lewis had difficulty connecting remotely, but joined the meeting
via phone at 7:15 p.m.**

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

3. EXECUTIVE SESSION

None

4. STUDY SESSION ITEMS

A. [21-063](#) Discussion of Building Pad Heights for Non-Hillside Lots

Lisa Collins, Community Development Director, introduced the item and

indicated staff would like the Commission's feedback on the proposed Town Code amendment. She reviewed the past work that had been done to gather information and create the proposed code amendment. She shared highlights of resident feedback which included a desire to protect the character of the community, requiring applicants to build into and follow the contour of the land, and a desire for notification of new residential projects. She presented feedback from the development community which included keeping the 24-foot height restriction from lowest natural grade, keeping the open space requirement criteria to protect neighbor's views, and only allowing two feet of exposed fill outside of the building footprint.

Ms. Collins reviewed the Planning Commission's feedback from their previous meeting which included a desire for additional code language, elimination of slurry and thickened concrete slab concept, additional regulations to limit exposed fill to only two feet, and more regulations on fill for terrace and landscaped areas.

Ms. Collins presented the proposed code amendment which read "The building pad and all elevated areas including outdoor living spaces shall not exceed two (2) feet in height as measured from lowest natural grade except where required to protect the building against flooding, in which case the pad shall be one (1) foot maximum above the water surface elevation of the 100 year event at the adjacent natural grade."

Ms. Collins provided visual examples using the proposed code amendment. She pointed out that the amended language was regulating the outdoor living space more, by requiring it to follow the natural grade and only allowing two feet of fill. She noted that the proposed amendment addressed most of the residents' and development community's concerns.

Commissioner Campbell suggested that the code language identify that the restrictions applied to both automotive areas and outdoor living spaces.

Ms. Collins indicated the language can be changed, noting the intent was to apply to all elevated areas.

Commissioner Wastchak pointed out the amendment did not address slurry fill.

Ms. Collins responded the intent was to limit whatever material used to two feet. She noted that the code could include a definition of fill that might clear up any additional issues.

Commissioner Campbell noted that slurry was much more expensive than compacted earth and believed it was previously used to get around the code and get more height. He shared that he did not feel slurry needed to be addressed since the code language includes a limit to any type of fill.

Chairman Wainwright commented that he was not against the use of slurry.

Commissioner Covington remarked that he was not in favor of prescribing means and methods.

Commissioner Georgelos stated she wanted to be clear in the amendment language so there was not room for reasonable interpretations. She indicated that she would like to see a definition of fill and how it can be used added to the code.

Commissioner Wastchak asked what would prohibit someone from getting around the two-foot fill rule, giving an example of building a crawlspace with stem walls that can be up to six feet tall.

Paul Mood, Town Engineer, responded that a developer could argue that they were not violating code by doing that.

Ms. Collins noted the building height limit would stay the same since it was always measured at the lowest natural grade. He pointed out that this would likely not happen since it would raise the finished floor and the applicant would lose ceiling height.

Commissioner Covington asked if a stem wall would be limited to two feet above the natural grade.

Ms. Collins replied that was the intent, but staff could add language to clarify that point.

Commissioner Wastchak pointed out that six-foot stem walls would need to be prohibited if they did that.

Commissioner Campbell commented that he was not as concerned with what the builder did inside the home if the building did not go above the 24-foot height limit and the fill did not go way outside the building area.

Ms. Collins stated the code language could clarify anything done outside of the building envelope not to be more than two feet above the natural grade whether it was an auto court or putting green.

Commissioner Wastchak asked how finished floor height recommendations fit into the limitation of only two feet of exposed fill.

Ms. Collins replied that staff could look into that, but did not believe limiting the pad and finished floor height was necessary, especially since most of the issues people had dealt with living spaces that were projecting out from the pads.

Commissioner Wastchak pointed out that putting a limit to the finished floor height may reduce potential issues with people using stem walls to get around limits.

Chairman Wainwright pointed out that this was a drastic change going from essentially unlimited fill in outdoor living spaces to a limit of two feet of fill. He noted that he felt it was a good change. He asked if there was any interest in allowing for a larger limit than two feet on the amount of fill.

Commissioner Covington indicated he liked the limit of two feet.

Commissioner Rose stated he would support a limit of no more than two feet of fill.

Commissioner Campbell replied that he was fine with the limit of two feet and having people step their outdoor living spaces down when needed.

Commissioner Georgelos remarked that another big issue was where there is such substantial mounding in lots that it no longer fits in with the neighborhood. She stated that what the Town is trying to address was not creating mounded areas. She noted that the Planning Commission had not sufficiently addressed retaining walls and crawl spaces.

Commissioner Wastchak shared that it seemed like the development community was comfortable with the two-foot limit and indicated he was comfortable with that change as well.

Chairman Wainwright asked if the limit on a retaining wall could be creating a hardship for people using it as a pool barrier as well, especially if there is retention area next to it that is below grade.

Ms. Collins replied that this was why there was no suggested amendments to the limit on retaining walls. She pointed out that sometimes retaining walls were a result of a cut rather than fill.

Commissioner Covington commented that he believed the two-foot limitation satisfied what most people wanted, and that builders and architects could work around it.

Commissioner Campbell pointed out that most people on flatland lots put up six-foot perimeter fences. He added that he would rather have to deal with a pool fence than a large mass of fill that elevated the whole backyard.

Commissioner Lewis noted that retaining walls could be created that reflected more of what the desert was about than a flat wall.

Commissioner Campbell asked what staff's experience was with perimeter walls on property lines.

Mr. Mood replied that traditional flat land lots typically had six-foot perimeter walls and low sloping areas, while foothill areas had a mixture of leaving things more natural and enclosing only portions of the yard area.

Commissioner Georgelos commented that there were a lot of properties with special characteristics, whether that be slopes or washes. She agreed that it was difficult to consider everything that could happen. She expressed that the Planning Commission may consider taking more time to consider what the unintended consequences may be and do additional word smithing.

Chairman Wainwright asked if anyone disagreed with the consensus to limit the fill under the dwelling or in the yard to two feet.

Commissioner Lewis agreed and encouraged that retaining walls take on their own personality no matter how tall they are.

Chairman Wainwright asked how staff determined when a building pad needed to be higher to protect against a 100-year flood event.

Mr. Mood replied that in a delineated flood plain area the pad is required to be one foot above the 100-year water surface elevation. He noted in non-delineated flood plain areas the Town requires a drainage report to determine the flood elevation and leave it up to the engineer to make sure the pad and finished floor are protected.

Chairman Wainwright indicated he received a text asking for them to address water surface elevation.

Mr. Mood responded that when a property is at the bottom of a sloping lot that homes are typically built up to protect against flooding and sometimes see finished floors project out to keep them flat in those situations even though the property continues to slope down. He noted that this amendment would require the building pad to go no higher than two feet of fill or one foot above the 100-year flood level even if the lot continued to slope down.

Commissioner Campbell reiterated adding language regarding automotive areas in the amendment. He indicated it might be helpful to clarify that it was two feet above the lowest adjacent natural grade for anything in the yard.

Commissioner Georgelos pointed out that she would like additional clarification on what elevated areas were without it simply being a laundry list of items.

Ms. Collins stated she would work on making those changes and clarify that it included all altered area on a property.

Commissioner Georgelos inquired which changes will be added and what language would be included in those definitions.

Chairman Wainwright noted that the proposed amendment did not define the idea of slurry or other means to make the finished floor higher, but he was not sure it needs to add those definitions.

Ms. Collins remarked that she did not think those modifications were necessary based off of the discussion this evening.

Commissioner Lewis stated that regarding retaining walls they need to maintain sound geometry while keeping the personality of the Town.

Commissioner Georgelos noted she was fine moving forward to take care of some more immediate issues. She feels it would be good to revisit the topic as they move forward with the General Plan update and address the differences

between flat, intermediate, and hillside lots.

Commissioner Campbell commented that he likes the idea of an intermediate zone, but believed it was outside of the scope of what is currently under review.

Commissioner Georgelos indicated she would like to discuss notices for adjacent property owners for building or construction permits. She recognized that this may not be something they sort out tonight, but something the Planning Commission should be looking to address in the future.

Commissioner Covington asked if the Town is still considering a permitting requirement for the finished pad height before framing could begin.

Ms. Collins replied that staff would look into putting that into their practices, but was unsure that would be included in the amendment.

Chairman Wainwright asked how many more meetings the Planning Commission could have to discuss this topic before it needed to be back to Town Council.

Ms. Collins responded the sooner the better. She clarified that they are hoping to go over the suggestions with Council at their meeting on February 25, 2021.

Mark Stanton, Vice Mayor, applauded all their work and robust conversation. He commented that they could take another meeting to review this item if they needed.

Julie Pace, Council Member, indicated the goal was allow the Planning Commission to get a deep dive and make sure everything is clear to applicants and the development community. She noted the Commission are the technical experts and would like to make sure they have enough time to give the Council good feedback. She shared that she was happy to let them have another meeting or two to discuss the amendment.

Chairman Wainwright opened the meeting up for public comments.

Phyllis Peskin, resident, expressed that she was concerned with the end of the amendment which read "the pad shall be one foot maximum above the water surface elevation of the 100-year event at the adjacent natural grade." She indicated that Mr. Mood was aware of her situation and asked if this amendment would help.

Mr. Mood responded that this code amendment means that the pad would be allowed to be a maximum of one foot above the 100-year flood surface elevation but did not have to be a full foot above it. He clarified that someone could build below the 100-year flood elevation if they had proper flood proofing.

Ms. Peskin encouraged people to drive around her neighborhood at 5421 East Via Buena Vista. She asked for consideration to deepen the Cherokee wash to lower the 100-year water elevation.

Commissioner Georgelos asked what the comments were at their last meeting regarding the pad inspection prior to framing.

Mr. Mood indicated that there was nothing in their permitting software to make that a hard requirement. He noted there was a comment that the pad could be changed after the inspection and so it was ultimately the finished floor elevation they want to look at.

Chairman Wainwright asked if the Council's meeting on the 25th was open to the public.

Ms. Collins indicated that it was, but it would be up to whoever was running the meeting if they would allow public comments.

No Reportable Action

- B.** [21-053](#) Discussion of a Minor General Plan Amendment (GPA-20-01), a Rezoning (MI-20-03), a Minor Special Use Permit Amendment (SUP-20-07), and a non-administrative land modification (RP-20-01) to create a Single-Family R-43 Lot Ascension Lutheran Church, 7100 N Mockingbird Lane

Paul Michaud, Planning Manager, introduced the item and explained that the applicant desired to split off a net acre for an R-43 single-family lot on their property. He noted that to do this it required several applications including a Minor General Plan amendment, Rezoning, Minor Special Use Permit, and a Non-Administrative Land Modification that were all being done concurrently. He identified the location of the site and provided background on it.

Mr. Michaud reviewed the General Plan amendment application to make the general plan designation and zoning district consistent with the zone change to low density residential. He explained the rezoning was from Special Use Permit (SUP) to R-43. He noted draft stipulations will follow at the next meeting. He shared that the SUP amendment was required since the size of the church site was being reduced. He reviewed the criteria for a Minor SUP amendment. He shared that a plat map is required to create the desired new lot.

Mr. Michaud pointed out that there was no need for any right-of-way dedication and that the proposed residential lot met the four general tests regarding lot design including orthodox shape, circle configuration test, acre size or larger, and access to a public or private road. He reviewed the drainage, utilities, fire protection, and landscaping for the site. He shared that staff would be noticing for the citizen review session and for a neighborhood review meeting that were tentatively scheduled in March and April.

Commissioner Campbell asked if any of the previous amendments to the SUP considered the subject area, which he noted was currently overflow parking, in their required parking count.

Mr. Michaud replied that he did not believe so, but would double check.

Commissioner Campbell indicated he was shocked by the lack of current landscaping at the site and indicated they should be sure to include that in their

conditions of approval. He pointed out that it was unclear on the proposed landscape plan if there was curbing around some of the landscaping east of the proposed lot and asked for clarification on that to be provided.

Commissioner Wastchak asked if the perimeter wall would be six feet or eight feet tall.

Mr. Michaud replied that the new lot owner would be able to put in either a six or eight-foot-tall wall.

Commissioner Wastchak asked what the purpose was of a landscape buffer if the applicant could put portions of the parking lot in it.

Mr. Michaud responded that normally the landscape buffer would only have landscaping in it, unless the SUP approved otherwise. He clarified that this plan had about 12 feet of landscaping in the buffer area adjoining the parking lot area noted.

Commissioner Wastchak inquired if there was a requirement for a 60-foot landscape buffer.

Mr. Michaud stated there was not. He explained that these were SUP guidelines that could be modified. He added that 40 feet was the recommended landscape buffer and 60 feet was the recommended parking lot setback when such uses adjoin residential.

The applicant commented that it was a hard decision for the church to sell this portion of their property, but is necessary to get money to make necessary improvements to their building.

No Reportable Action

5. PUBLIC HEARINGS

None

6. ACTION ITEMS

None

7. CONSENT AGENDA

A. [21-062](#) Approval of the February 2, 2021 Planning Commission Minutes

A motion was made by Commissioner Campbell, seconded by Commissioner Wastchak, to approve the February 2, 2021 minutes with some corrections to simplify the verbatim comments. The motion carried by the following vote:

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

8. STAFF REPORTS

None

9. PUBLIC BODY REPORTS

None

10. FUTURE AGENDA ITEMS

Mr. Michaud announced the next scheduled meeting was on March 2, 2021. He noted there was currently no items on that agenda. He indicated their following meeting would be held on March 16, 2021 where they will see the Ascension Lutheran Church item, a code update to walls and fences, and possibly pad heights again.

Chairman Wainwright asked the Commission if they would like to hold a meeting on March 2, 2021 since there were no agenda items. It was determined that they would cancel that meeting.

11. ADJOURNMENT

A motion was made by Commissioner Wastchak at 8:59 p.m., seconded by Commissioner Covington, to adjourn the meeting. The motion carried by the following vote:

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

Paradise Valley Planning Commission

By: _____
Paul Michaud, Secretary