



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Final

Planning Commission

Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Pamela Georgelos
Commissioner Orme Lewis
Commissioner Karen Liepmann
Commissioner William Nassikas
Commissioner James Rose

Tuesday, March 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

Chairman Wainwright called the meeting to order at 6:06 p.m.

STAFF MEMBERS PRESENT

Town Attorney Andrew McGuire with Gust Rosenfeld P.L.C
Deputy Town Attorney Deborah Robberson
Community Development Director Lisa Collins
Planning Manager Paul Michaud
Town Engineer Paul Mood

2. ROLL CALL

Present 5 - Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Pamela Georgelos
Commissioner Orme Lewis
Commissioner James Rose

3. EXECUTIVE SESSION

None

4. STUDY SESSION ITEMS

- A.** [21-089](#) 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, reviewed the item and indicated the request is to create a single-family residential lot from the church property. He noted that some elements of this item will end with the Commission while others would continue to Council for final approval. He explained that the proposed R-43 area was not needed for overflow parking, but may limit future church expansion. He indicated there were changes made to the landscape plan showing the full parking area east of the newly proposed lot. He indicated the buffer on the east was similar to the 2002 plan with an additional tree. He noted that on the previous plan also had trees on the north side of the proposed lot and the applicant now proposes oleanders. He noted there were some non compliant areas to the 2002 landscape plan that is addressed in a stipulation. He continued that the applicant held a citizen review session on March 1, 2021 and had two residents in attendance, both of which were in support of the request.

Mr. Michaud reviewed the draft conditions for the application requests. He noted that one of the conditions included replacement of the shrubs and trees missing from the 2002 landscape plan. He suggested the Planning Commission might allow the church a certain period of time from the effective date of the rezoning to complete the landscaping and drainage improvements since the church representative indicated they needed funds from the sale of the property to make those improvements. He presented the next steps, which included the Planning Commission action meetings on April 6, 2021.

Commissioner Campbell expressed he wanted to support the applicant in giving them extra time to make the improvements, but did not want to lose the Town's leverage for making them do the improvements.

Commissioner Wastchak indicated he was in favor of allowing the extra time.

Mark Ficklin, representing the church, indicated extra time would help them greatly and that they were waiting to see what they must do.

Mr. Michaud pointed out the conditions on the landscaping and drainage improvements impacted the church lot and not the proposed R-43 lot.

Commissioner Wastchak inquired what recourse the Town had if the applicant did not complete the improvements within the time period.

Mr. Michaud stated the church would be in violation of a stipulation, as such the matter would be taken through the Town court process. He explained that staff drafted the time period from the effective date of the rezoning since the effective date was a definitive date as compared to say the Certificate of Occupancy of the new home which may not occur for years.

Deborah Robberson, Assistant Town Attorney, remarked that the Town experienced entities not acting and suggested tying the condition of approval to a particular definitive event, so the Town has coverage for getting it done.

Lisa Collins, Community Development Director, indicated that staff and legal council will look into a definitive date to tie the condition and come back to the Commission.

Commissioner Campbell asked to look at the landscape plan again.

Mr. Michaud showed the 2002 landscape plan and indicated the highlighted areas are what is deficient today.

Commissioner Campbell remarked that there was a lot of work for the church to bring the landscaping up to the 2002 plan. He asked for details about the landscaping along the north side of the new lot.

Mr. Michaud indicated the plan now has a row of oleanders versus trees and shrubs which were previously proposed.

Chairman Wainwright cautioned that white oleanders are subject to a disease and are dying all over the town.

Mr. Ficklin announced that the lot was all but sold, and the buyer was willing to work with them and help them with planting to go beyond what is being proposed. He expressed that he did not like oleanders and prefers the trees in the prior landscape plan.

Commissioner Campbell indicated it would be much more attractive to do desert trees rather than oleanders.

Commissioner Covington and Wastchak agreed with Commissioner Campbell.

Commissioner Georgelos recommended going away from oleanders.

Commissioner Covington asked if the new residential lots address would be on Mockingbird Lane or Meadowlark Lane.

Mr. Michaud indicated it would be on Meadowlark Lane.

Chairman Wainwright opened the meeting up for public comment on the item. There were no comments.

No Reportable Action

B. [21-106](#)

Discussion of Building Pad Heights for Non-Hillside Lots

Ms. Collins provided an overview of the item and noted the difference between an amendment in the Town Code versus the Town Zoning Ordinance. She reviewed the process gone through leading up to this meeting regarding the proposed Town Code text amendment on building pad heights. She reviewed the current proposed changes, including the removal of the term "earthen." She shared definitions that were added for building pad, finished floor, finished floor elevation, and improved outdoor area. She presented the planned modifications and visuals regarding the proposed code amendment. She explained that staff believed this addressed most of the resident concerns and the development community feedback.

Commissioner Wastchak inquired if the proposed changes would affect all

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 - Wainwright, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis, Commissioner Rose and Wastchak

8. STAFF REPORTS