



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Final

Planning Commission

Tuesday, June 20, 2017

6:00 PM

Council Chambers

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew M. Miller
Senior Planner Paul Michaud
Planner George Burton
Town Engineer Paul Mood

1. CALL TO ORDER

Chairman Wastchak called the meeting to order at 6:00 p.m. He explained that due to the public attendance for the Jones-Gordon School item, the order of the agenda will be changed to hear that item first.

2. ROLL CALL

Present 7 - Chairperson Daran Wastchak
Commissioner James Anton
Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Richard K. Mahrle
Commissioner Dolf Strom
Commissioner Jonathan Wainwright

3. EXECUTIVE SESSION

Chairman Wastchak called to go into executive session to discuss legal matters related to the Jones-Gordon School application.

A motion was made by Commissioner Campbell at 6:02 p.m., seconded by Commissioner Wainwright, to go into executive session. The motion carried by the following vote:

Aye: 7 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Mahrle, Commissioner Strom and Commissioner Wainwright

4. STUDY SESSION ITEMS

- A.** [17-232](#) Personal Wireless Service Facility (a.k.a. Cell Antennas) Ordinance Amendment
- Vice Mayor Bien-Willner spoke to the Planning Commission. It was noted

that the intent of the revision is a narrow fix for small cell sites located within the right-of-way. The Vice Mayor continued that Mr. Burke will present the statement of direction provided by Council. It was noted that the proposed code change is in response to a change in state legislation.

The timing of the code change was discussed, noting that the revised code must go into effect by August 9, 2017.

It was noted that this code change also considers light poles and not just faux cactus.

There was discussion on what the Town Manager can approve and not. Also discussed was the appeal process.

Kevin Burke presented statement of direction. Andrew Miller reviewed the draft ordinance. This discussion included the following points:

- The 24' maximum tall faux cactus will be the preferred small cell form since the Town already has these in place, it is in character with the Town's desert environment, and the Town has few light poles.
- If an applicant meets the design standards the process is an administrative review.
- The design standards of the Newpath DAS system will be the model for the faux cactus. The pole at Lincoln Drive and 56th Street will be the model for the street pole option. It was noted that lower antennas on the poles that are not sufficiently concealed is not in character with the Town.
- There was a question regarding whether the height of the small site facility is related to how many sites are needed.
- It was not the Town cannot limit the quantity.
- Review times and deadlines were reviewed.
- The proposed 1,000-foot notice was suggested to be lowered to 500 feet as measured from the cell site.
- Noise concerns were raised.
- Co-location was discussed.

In reviewing the draft code text, it was noted that both Chairman Wastchak and Commissioner Strom provided comments. Staff will incorporate these comments into the next draft. No other Commissioners had any specific concerns.

The Planning Commission was asked to consider the criteria before related to the preferred faux cactus option and the pole option. Commissioner Strom stated there needs to be a tradeoff between height

and number. Chairman Wastchak stated to make the criteria as objective as possible.

It was noted that staff will make the revisions for the next work session on July 11, 2017. It was asked that all comments be given to staff by June 30, 2017.

Commissioner Mahrle noted he cannot attend the July 11th meeting. This meeting will start at 5:00 p.m.

Commissioner Mahrle noted he can attend the July 25th meeting by phone. Commissioners Strom and Covington cannot attend the July 25th meeting.

Start July 11th at 5 pm for work study and provide food for commission.

Staff was requested to measure the noise on the faux cactus, research the landscaping around the faux cactus near McDonald Drive and 56th Street, and verify the manufacturer of the faux cactus still make this cactus.

No Reportable Action

5. PUBLIC HEARINGS

- A.** [17-228](#) Consideration of a Minor Amendment Request to the Tesseract Special Use Permit -
Change school to The Jones-Gordon School for up to 12th Grade
4800 E Doubletree Ranch Road
- John Berry, attorney for applicant, spoke and requested a continuance to allow them time to work with the neighbors.
- Chairman Wastchak asked to take comment first and then vote on continuance.
- John Berry identified that they limited the number of high school students to 60, reduced the hours of operation, agreed to a closed campus, agreed to have no after school outdoor activities, and outlined the parking agreement. This parking agreement is required for all students and parents of driving age, identifies only 20 students can drive and park on campus provided they are a junior or senior with GPA of 3.0 or greater. He added that the stipulations prohibit off-site parking. The parking agreement notes that there shall be no loitering at the school. Also, the special event stipulation requires the school officials must coordinate with the Town to mitigate any traffic impact associated with special events that could exceed the on-site parking capacity.
- It was noted that after school is defined as after 3:30 p.m.

Mr. Berry reviewed the offsite parking area locations.

Commissioner Strom noted that other schools limit parking to just seniors only. Mr. Berry stated other schools do not limit parking to only 20 students for driving.

Chairman Wastchak asked the current number of upper classman that drive. It was stated there are 45 high school students and only one drives.

Public comment was opened.

Nicole Bahu, resident. She stated her son will be attending this school. It is a very good school based upon individual attention. She cannot see traffic increasing at all. Her son will probably not be driving.

Marwan Bahu, resident. He stated the school provides an important service to our community. His child is thriving due to this type of education. This is an opportunity for the Town to be a leader.

Ynez Cross, Scottsdale resident. Her son attends this school. People don't realize there is a diverse school of kids with unique needs. These children are not delinquents. Preparing them for college. No problem with driving restrictions.

Liz Clendenin, resident. She owned the property and sold the school to Tesseract. The school has not been good for the neighbors. She has mixed emotions about request. The application seems to be going through extremely quickly. The school is giving away a lot and the school may find it is not viable. She does not like the high school going in there. The request will create more traffic.

Anita Theisen, resident and owner of the school property. Thanked everyone in moving the conversation forward. She described her concern when her son first attended the school due to the mixture of grades, but found that the kids were kind and compassionate and older kids are role models for the younger kids.

Linda Peterson Warren, resident. She stated she has been in conversation with the applicant. Objective is to maintain dark tranquil night sky. Her property adjoins the property to the rear. She described the number of lights, light height, and when lights should be turned off at the school property. She is opposed to the 8-foot tall light fixture height in the existing Special Use Permit, as this will violate the aesthetic and devalue the surrounding property. Lastly, she stated she supports the school with exception of lighting height and intensity.

Samantha DePalo, Director of the school and a Phoenix resident. Holds herself responsible for the cleanliness and operation of the school. Have had zero behavior incidents with their existing high school students. Thanked everyone for their dialog.

Kelley Bird, two of her kids attend the school and a Scottsdale resident. Jones Gordon school is a place for children to thrive.

James Kuykendall, resident. No one is questioning that this is an outstanding school. Questions is should we expand the school. He is opposed to it. The traffic around school time can back up. People do not adhere to the 30 mph speed limit on Doubletree Ranch Road. Suggested a new entrance off of Tatum Boulevard to eliminate some of the traffic on Doubletree Ranch Road. Opposes the expansion to 9 - 12 grades.

Dorothy Smith, resident. We are a complete residential neighborhood including Phoenix across the street. Against the expansion to a high school. Believes this should be an intermediate amendment for Council review. If approved, the school will be back with other amendments.

Robert Goldman, resident. He adjoins the school site to the east. His concern is for safety due to traffic in the area with kids texting and driving. They will be driving down other streets to access the school. Entrance should be on Tatum Boulevard. Enrollment that can go up to 340 people which will create more traffic that the street cant handle. Questioned how do you decide who cannot drive if have more than 20 students qualified to drive. He does not want high school, but ok with grades 1 to 8.

Paula Galasky, resident. They live behind the school. Her kinds went to public schools. Tesseract school did not live up to their commitments. Will this school live up to their commitments. Frightened of high school students. No opposition for kindergarten through 8th grade.

Dr. Steven Galasky, resident. All kids are special. Anyone can go to a psychologist and get labeled with a special need. Gets on his nerves that everyone is special. Not sold on special needs. Cannot control high school kids. Not true that there will be no incidents.

The public portion was closed. Commissioner Strom asked what is happening to the outdoor lighting. Mr. Berry reviewed the existing lighting plan in the packet and that the applicant is agreeable to the lowered height in the existing stipulation. He noted that their lighting expert will be meeting with some neighbors on-site to see that further improvements may be made. Mr. Michaud clarified the 10 p.m. light shut off is an existing stipulation.

A motion was made by Commissioner Mahrle, seconded by Commissioner Wainwright, to continue the application request to the July 11, 2017 Planning Commission meeting. The motion carried by the following vote:

Aye: 7 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Mahrle, Commissioner Strom and Commissioner Wainwright

6. ACTION ITEMS

None

7. CONSENT AGENDA

A. [17-229](#) Approval of June 6, 2017 Planning Commission Minutes

A motion was made by Commissioner Strom, seconded by Commissioner Mahrle, to approve the June 6, 2017 minutes. The motion carried by the following vote:

Aye: 7 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Mahrle, Commissioner Strom and Commissioner Wainwright

8. STAFF REPORTS

None

9. PUBLIC BODY REPORTS

None

10. FUTURE AGENDA ITEMS

Mr. Michaud reviewed the future agenda items.

11. ADJOURNMENT

A motion was made by Commissioner Strom at 9:05 p.m., seconded by Commissioner Campbell, to to adjourn the meeting.

Aye: 7 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Mahrle, Commissioner Strom and Commissioner Wainwright

Paradise Valley Planning Commission

By: 
Eva Cutro, Secretary