



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Final

### Planning Commission

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Tuesday, July 16, 2019

6:00 PM

Council Chambers

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#### 1. CALL TO ORDER

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

#### STAFF MEMBERS PRESENT

Deputy Town Attorney Deborah Robberson  
Community Development Director Jeremy Knapp  
Senior Planner Paul Michaud  
Town Engineer Paul Mood

#### 2. ROLL CALL

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

#### 3. EXECUTIVE SESSION

None

#### 4. STUDY SESSION ITEMS

None

#### 5. PUBLIC HEARINGS

- A. [19-302](#) Consideration of a Preliminary Plat & Private Road Conditional Use Permit (PA-19-01 and CUP-19-02). Lavitt Manor II - Two Lot Subdivision with Private Road  
7525 N. Ironwood Drive (APN: 169-03-078).
- Paul Michaud, Senior Planner, stated that this application is for a preliminary plat and private road Conditional Use Permit (CUP). The applicant is proposing the subdivision to create two lots with a private

roadway. He reviewed the project. The site is zoned R-43 and was originally Lot 4 of Mummy Mountain Park platted in 1953. Lot 4 was split in 1994 and created the Lavitt Manor plat. The current property is 2.8 acres. Structures would be required to be removed as they would create nonconformities. Tract A is the private roadway and Tract B contains a public utility easement and drainage easement. The Planning Commission reviewed the project at its work session on June 4, 2019. Mr. Michaud noted that the applicant changed the road name changed from Ironwood Drive to Belmont Drive as discussed at the work session.

Mr. Michaud then explained the preliminary plat criteria. The lot configuration meets the minimum acre size, 165-foot lot width and setback requirements. The lots have an orthodox shape and will have access to a public road. He further stated that a two-foot new ribbon curb is proposed adjoining the site along Ironwood Drive. He indicated that a grading and drainage plan will be submitted with each building permit. On site retention is required with development of each lot.

Mr. Michaud mentioned that staff received a comment from a neighbor to the east of the project indicating that the other tributary wash on Lot 1 should be categorized to a wash status. He then showed the wash area on the preliminary grading plan. Tract B will be used for drainage and utility easement. He then explained requirements for a new fire hydrant, fire sprinklers and flow rates. He mentioned that there are guidelines for landscaping adjacent to the roadway and that the subdivision is in compliance with these guidelines. He stated that the resident west of the site provided an email to Chairman Wainwright that the request is a flag lot. Mr. Michaud stated that the proposed plat is not a flag lot due to the proposed private roadway that complies with Town roadway standards. No deviations are being sought by the applicant. Mr. Michaud then reviewed the approval timing requirements in the Town Code.

Commissioner Wastchak asked if they need to take action tonight.

Mr. Michaud commented that since the applicant agreed with having a decision in September, the Planning Commission may continue its deliberation to a future date. Once the preliminary plat is approved, they applicant can then apply for final plat. Mr. Michaud next reviewed the proposed stipulations.

Chairman Wainwright invited the applicant to speak.

Rod Cullum, with Cullum Homes, requested the Planning Commission take action tonight. He mentioned all of the requirements of the code for platting and private roads have been met. He mentioned that he has an interested

buyer for Lot 1, the lot with the drainage easements, who is planning to build a 4,200 square foot home on the property.

There was discussion regarding the storm water flow and wash easements.

Commissioner Lewis asked if the pad for the house on Lot 1 overlapped with the area designated for the arroyo.

Mr. Cullum stated that it does overlap. The noted he could bridge this wash as they have a designated easement. He added that there have been unnatural erosion occurring along Ironwood Drive which he plans to address.

Commissioner Wastchak asked the location of the planned driveway for Lot 1.

Mr. Cullum indicated the primary entrance would be off Ironwood Drive. The driveway along Lot 2 will be off Belmont Drive.

Commissioner Georgelos asked the proposed height of the home.

Mr. Cullum stated the homes will be pursuant to the Zoning Ordinance, not greater than 24 feet.

Commissioner Wastchak recommended that they hear from Paul Mood, Town Engineer, to explain the drainage.

Chairman Wainwright asked if Lot 1 would be a candidate to reorient its address to Ironwood Drive.

Mr. Michaud replied the Zoning Ordinance includes criteria to designate the front yard, but noted that based on the location of the proposed home that Ironwood Drive looks to be the logical front yard.

Chairman Wainwright opened the public hearing and asked those speaking to fill out a speaker request form.

Dan Torrens, attorney representing Ron and Lynn Duff, handed out a packet of information to each of the Planning Commissioners. He reiterated that there is a timing issue with the notice provided to his clients. He indicated that they are asking the Planning Commission to take pause on this application. He believes there are deficiencies in the application that warrant denial. He mentioned that this is not a lot split but a subdivision. He stated easements along washes are required and not

optional. A landscape buffer is required. No landscape buffer has been identified in the plat and this warrants denial. The applicant has not complied with the storm drain manual. He stated that the manual requires five cross sections that are equally spaced. The points provided in the application are not across the entire wash. They are concerned that if the spacing is done in compliance with the storm drainage manual it would result in the wash being designated as a natural wash or water corridor. He would like the Planning Commission to require another point to be taken to include the entire wash and be equally spaced.

Commissioner Wastchak asked what his client actually wanting.

Mr. Torrens stated that if the wash is designated as a water course, then his clients have concerns whether or not the lot can be built on at all. He mentioned there are enough issues with the plat that warrant a continuance or denial. The Duffs are willing to participate in the cost of the survey. He then directed attention to the plan presented and outlined his client's concerns.

Commissioner Wastchak asked if the wash is designated as a natural wash, can roads still cross it.

Mr. Mood replied yes.

Jordan Vasbinder, representing Phil Haganah who lives directly west of the site, mentioned that Mr. and Mrs. Hagenah's concerns are the lot configuration closely resembling a flag lot. He is also concerned about his view corridor which he has enjoyed for 27 years. He asked the applicant to be cognizant of this and requested plans showing what will be built and how views may be impacted. He asked for a little more time so they can understand the project.

Chairman Wainwright mentioned that Mr. Haganah emailed him and he forwarded it to the rest of the Planning Commission.

Commissioner Campbell explained that the view rights are what is left after the property is fully developed under the Town Code. He mentioned that the road will help as it will provide a 110-foot setback until a home can be built. The plat as drawn, has improved view sheds. People are not entitled to keep views unless they purchase the property. No one can build within a street right-of-way.

Chairman Wainwright closed the public hearing.

Paul Mood, Town Engineer, explained that lowest natural grade is taken

under the proposed structure. If there were a bridge over the wash, the wash is considered an anomaly and they would not measure from the bottom of it.

Jeremy Knapp, Community Development Director, indicated that height is based off each individual structure independent from each other. The guest house may only have a height of 16 feet.

Mr. Mood stated that he did receive the letter from the Duff's. The west wash is in a current drainage easement with 162 cubic feet per second flow. This wash takes up more than 25% of the buildable area. Natural washes can be modified per the storm drain manual. There are three wash modification tiers. Tier two meets the definition of a minor natural wash. He indicated that the wash may be relocated or closed as long as the flow is maintained. An owner may also construct over the wash. The whole area is technically buildable. He mentioned the cross sections provided are not spaced properly. He then summarized the allowances for a tier one wash and related options.

Commissioner Wastchak indicated he wants to establish if the wash meets tier one.

Mr. Cullum stated that they could modify the wash to meet flow requirements.

Commissioner Wastchak stated that he does not understand if they need to meet all of the requirements or just one of them.

Mr. Cullum commented that there is a width requirement as well. The first wash does not meet this requirement. There are spots in the wash that are at least two feet deep.

Mr. Mood indicated that if the cross sections are updated, they may come to a different conclusion on determining whether or not the subject drainage area is a wash.

Commissioner Georgelos stated that the information provided seems lacking regarding the washes. She mentioned that the view corridor concern can only be alleviated if the neighbor purchases the property. She indicated that allowing more time for neighbors to gain more information is a good thing.

Commissioner Wastchak stated that he is in favor of giving more time to work things out.

Chairman Wainwright asked what noticing was performed for the last two times the Planning Commission discussed this item.

Mr. Michaud responded that they followed the normal noticing procedures which requires a mailing notice 15 days prior to the meeting. The Town does not require notice for work sessions.

Commissioner Campbell indicated that the survey looks accurate and all that is needed are a few more equally spaced cross sections. He mentioned that he would like to have more time for this work to be completed prior to approving the subdivision.

Commissioner Anton mentioned that it appears this is a stall tactic to drag this project out. He stated that they are here to make a decision on the subdivision and not the engineering. The reason people are complaining are due to views.

Mr. Cullum stated that as long as he can get to the Town Council in September, they are fine waiting if the Planning Commission is willing to meet in August.

Mr. Knapp recommended that if they continue the project that it be to the August 20, 2019 Planning Commission meeting.

**A motion was made by Commissioner Wastchak, seconded by Commissioner Campbell, to continue the Preliminary Plat & Private Road Conditional Use Permit applications (PA-19-01 and CUP-19-02) for Lavitt Manor II - Two Lot Subdivision with Private Road located at 7525 N. Ironwood Drive to the regular meeting of August 20, 2019. This continuance included that the applicant provide the additional drainage sections as discussed. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Covington

## **6. ACTION ITEMS**

None

## **7. CONSENT AGENDA**

Approval of the Consent Agenda

**A motion was made by Commissioner Wastchak, seconded by Commissioner Georgelos, to approve the Consent Agenda. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Covington

A. [19-309](#) Approval of June 4, 2019 Planning Commission Minutes

**Approved**

B. [19-303](#) Approval of June 18, 2019 Planning Commission Minutes

**Approved**

## 8. STAFF REPORTS

None

## 9. PUBLIC BODY REPORTS

None

## 10. FUTURE AGENDA ITEMS

Mr. Knapp reviewed the upcoming items. Commissioner Wastchak asked if there is only one item for the August 6th meeting whether that could be moved to the August 20th meeting. Commissioner Campbell stated he would be absent and might be able to attend by phone for the August 6th meeting. Commissioner Lewis stated he will not be in attendance for the August 20th meeting.

## 11. ADJOURNMENT


7:18 pm end

**A motion was made by Commissioner Anton at 7:18 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 Georgelos, Commissioner Lewis and Commissioner Wastchak

**Absent:** 1 - Commissioner Covington

**Paradise Valley Planning Commission**

By:   
Jeremy Knapp, Secretary