



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Final

Planning Commission

Tuesday, September 15, 2020

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 6:12 p.m.

STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller
Planning Manager Paul Michaud
Senior Planner George Burton
Town Engineer Paul Mood (attended remotely)

2. ROLL CALL

Except for Commissioner Lewis, the other Commissioners attended remotely.

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

3. EXECUTIVE SESSION

None

5. PUBLIC HEARINGS

None

- A.** [20-350](#) Consideration for a Major Special Use Permit Amendment (SUP-18-05) -
7101 E Lincoln Drive - Smoke Tree Resort [Continuance]
- Chairman Wainwright opened the public hearing on the Smoke Tree Resort item.

Patty McCaleb asked if they knew the dates of the next four meetings they would be discussing this item.

Paul Michaud stated the dates are October 6, October 20, November 3, and November 17, 2020.

Chairman Wainwright remarked that the Planning Commission will most likely take action on the item at the November 17, 2020 meeting.

Chairman Wainwright asked if there were any additional comments from the public. No further comments were made.

Commissioner James Rose shared that the newspaper indicated there would be a roof top outdoor bar and lounge at Smoke Tree.

Chairman Wainwright responded that in the original statement of direction identified it as roof top bar and lounge. He added that the applicant requested it be changed in a modified Statement of Direction and the Town Council elected not to do that.

A motion was made by Commissioner Wastchak, seconded by Commissioner Covington, to continue the public hearing for a Major Special Use Permit Amendment (SUP-18-05) on the Smoke Tree Resort located at 7101 E Lincoln Drive to the regular meeting of November 17, 2020 to allow for more time to review the application material. The motion carried by the following vote:

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

4. STUDY SESSION ITEMS

A. [20-357](#) Discussion of Building Pad Heights for Non-Hillside Lots

Paul Mood, Town Engineer, introduced the item starting with background information on the request for recommendations on building pad heights from Town Council. He provided an overview of the current Town Code section which addresses building pads and explained how the current code is interpreted by the Engineering staff. He pointed out loopholes in the code that allow developers to create flat finished floor on sloped sites that can sit up to six feet above neighboring lots. He indicated that residents have complained about this, indicating that it disturbed their viewsheds and allowed people up slope to see directly into their backyards.

Commissioner Wastchak clarified that even in these situations the viewshed could not be disturbed more than 24 feet from the lowest natural grade.

Mr. Mood shared other complaints they have gotten from residences including that current codes allow for larger homes on properties that sit closer to setback lines. He shared that staff also get complaints about drainage, but indicated that new properties were designed to meet storm drainage standards

and often require additional storm water retention.

Mr. Mood stated that the Planning Commission may want to look into requiring finished floor elevation certificates or pad elevation certificates. He clarified that the Town currently has the right to request these things from contractors, but they are not a standard requirement.

Commissioner Wastchak asked if staff got push back from contractors when they requested these certificates.

Mr. Mood replied they usually did not, but sometimes it was hard to get these from them.

Mr. Mood shared an example of a recently constructed home which neighbors had concerns about since the developer used slurry backfill to raise the elevation of the lot above the two-foot fill. He shared that no other municipalities had restrictions as to how much fill may be added to raise the pad elevation above natural grade and that the Town has one of the lowest building height limits in the area at 24 feet from the lowest natural grade.

Mr. Mood continued with his presentation and shared two diagrams: the first being a home that had only two feet of fill on the low end of the slope and the second having two feet of fill in addition to slurry back fill on the low end of the slope raising the home up five feet. He clarified that a patio could also be built out and extend the area of higher elevation closer to the property line which may concern surrounding neighbors.

Commissioner Wastchak commented that he felt the code included the limit of two feet of fill so what was displayed in the second example could not happen. He added people have found a way around the code with the slurry backfill or floating stem wall.

Commissioner Covington clarified that people used slurry backfill to create a flat floor since there was a restriction in the code on how much natural fill could be used.

Mr. Mood provided a third example that used two feet of fill in addition to a notch being dug into the slope on the higher end to help create the desired flat floor.

Commissioner Lewis inquired what the setback was for the lower end of the property.

Mr. Mood replied the rear setback was 40 feet and side setbacks were 20 feet for the actual home. He pointed out that a raised patio area could come off the home and be 20 feet from the rear property line.

Commissioner Lewis commented that would have an enormous aesthetic impact to the lower neighboring property.

Mr. Mood pointed out that on fringe hillside properties with 4% to up to 10% slopes it can have a significant visual impact.

Mr. Mood continued his presentation and provided a fourth example which displayed a home that had a stepped finish floor on a 7%-8% slope. He noted that today's consumer market preferred a flat finished floor.

Commissioner Wastchak asked what the legal limits were of what the Town could do or restrict in these situations.

Andrew Miller, Town Attorney, replied that there was not a quick and easy answer and that he would probably explain more in an executive session with Council.

Commissioner Wastchak indicated when Mr. Miller was ready, he would like him to share his advice with the Commission as well, so they can make a more informed recommendation to Council.

Commissioner Wastchak stated that the codes were designed around smaller homes and that many of the issue they are facing now were due to larger homes being built on properties.

Mr. Mood explained that the Town Code also did not limit the amount of fill that could be used for landscaped areas, as long as drainage was not affected and met setbacks. He presented some potential Town Code amendments that would require non-hillside residential structures to follow the contour of the land, including the removal of the two feet of fill limitation and an addition of a maximum finished floor height to three feet above natural grade.

Mr. Mood recommended that the Town require a building pad height certification and a rough grading inspection as part of a pre-slab inspection. He noted that this could be helpful since it would allow Town Engineers to see and inspect things before the project is complete and they do a final inspection.

Commissioner Campbell commented that he felt it would be good to have the additional inspection to ensure that what is designed and approved is what gets built.

Commissioner Wastchak agreed that it would be best to require a building pad height certification and rough grading pre-slab inspection.

Commissioner Georgelos indicated she was also in favor of the additional inspection and explained that having inspections earlier on allowed them to do their job better and avoid possible issues that can come up if inspections are done too later in the process.

Commissioner Lewis asked if there was any statement of timeliness for inspections to help the Town and developers get things done.

Mr. Mood stated inspections were often done the day after they are called in. He pointed out that a developer could start framing the home before the building pad is inspected, but would be taking the risk that they would lose the framing if it the pad was done wrong. He clarified that he did not believe adding the

additional inspection would hold up any projects.

Commissioner Campbell expressed some concern about the possible height of driveways and auto courts on sloped lots if they are allowed to sit high above the natural grade of the land.

Chairman Wainwright asked if this could be tabled till after the November 17, 2020 meeting so the Planning Commission could address the Smoke Tree item separately.

Commissioner Campbell commented that this was an important item and would be supportive of addressing this item after Smoke Tree so it can have the full focus of the Commission.

Commissioner Covington asked if the sequence of the inspections could be solved by a software package.

Mr. Mood replied that was true, but that staff would first have to sort out the order and when the different inspections should take place.

Commissioner Georgelos inquired what the possibly three additional inspections does to the staffing resources.

Mr. Mood replied that the building pad and finished floor would not be an additional inspection, but would require the contractor to provide them with information from a surveyor. He shared the Town only has one engineering inspector, but feel that doing the rough grading inspection would save time in the long run since it would prevent more people from not building according to their plans.

Commissioner Wastchak requested that they get some input from key builders and civil engineers in Town.

Mr. Mood responded that he could reach out to them.

Chairman Wainwright opened the meeting up for public comments.

Phil Hagenah asked if the letter he sent in could be read. He commented that they needed to be more concerned with the Town residence than the builders.

Paul Michaud, Planning Manager, read Mr. Hagenah's letter aloud. The letter expressed concern with the changes regarding grading and building permits that allows building pads to be raised higher than their neighbor which can create drainage problems as well as unsightly lots. He indicated that the changes destroyed the character of the neighborhood and provided addresses for homes they felt were destroying the character of their Town.

Mr. Hagenah asked that the Town take control of the crazy building happening in their Town.

Chairman Wainwright asked that Mr. Hagenah and his neighbors return at their

December 1st meeting with some suggestions for changes to the Code.

Mr. Hagenah stated they would be happy to get involved.

Commissioner Wastchak stated it is helpful to know what residents would like to see and have concrete suggestions from them.

Mr. Hagenah asked if the Town could put a freeze on all new construction.

Chairman Wainwright indicated they could not.

Chairman Wainwright called for any further public comments. No further comments were made, and the public comment portion of the meeting was closed.

Commissioner Georgelos asked how staff is noticing on this item. She stated that she would like to have resident and developer input.

Mr. Mood replied staff uses an alert system that reaches several residents and they could also ask the local paper to write an article on it; as well as, put out information on the Town website, social media, and flyers at public buildings.

Commissioner Wastchak requested to include with the noticing photos that show what is currently being allowed to help residents understand.

No Reportable Action

6. ACTION ITEMS

None

7. CONSENT AGENDA

- A. [20-358](#) Approval of September 1, 2020 Planning Commission Minutes

A motion was made by Commissioner Campbell, seconded by Commissioner Georgelos, to approve the September 1, 2020 minutes with a correction of a typographical error in the spelling of the word "stagger" on page 3 of 5. The motion carried by the following vote:

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

8. STAFF REPORTS

9. PUBLIC BODY REPORTS

Chairman Wainwright introduced Isabella a student at Arizona State University who was writing a paper on the Planning Commission.

10. FUTURE AGENDA ITEMS

Mr. Michaud stated that the next meeting would be held on October 6, 2020 and the only item was regarding the Smoke Tree Resort.

11. ADJOURNMENT

A motion was made by Commissioner Lewis at 8:12 p.m., seconded by Commissioner Georgelos, to adjourn the meeting. The motion carried by the following vote:

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

Paradise Valley Planning Commission

By: _____
Paul Michaud, Secretary