



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

non-hillside lots.

Ms. Collins replied that was correct. She noted the focus is often on the lots in between flat and hillside lots since that is where there are more issues with people raising the pad on their properties.

Commissioner Georgelos asked if the Planning Commission would have an opportunity to address the lots next to hillside as to what will happen with them or figure out if there are properties that should be hillside lots that are currently not hillside.

Ms. Collins indicated that she knew there was discussion of in-between lots and noted that Council may direct staff to address that in the future.

Commissioner Georgelos inquired if the proposed amendment addresses anything regarding construction notification to adjacent landowners at this time.

Ms. Collins responded that topic had been brought up, but noted this specific amendment would not address that issue. She noted staff is also working with their software consultant to add a finished floor elevation check into their system.

Commissioner Georgelos asked what the changes meant regarding retaining walls and crawlspaces.

Ms. Collins indicated retaining walls would be less of an issue since the proposed amendment will only allow for two feet of fill. She noted that it is more likely to see retaining walls holding back a cut rather than for fill. She pointed out that the proposed amendment limits where the finished floor would be, which would limit people from using crawlspaces to add height to their home.

Commissioner Georgelos asked if it is necessary to look into drainage issues.

Ms. Collins responded that retention basins were required on each site even when homes and building pads were raised to be out of the 100-year flood area.

Commissioner Georgelos expressed concern with the wording of the definition J. Improved Outdoor Area. She shared concern with the portion regarding the exception on finished floor heights since "necessary for structural purposes" seemed too broad.

Commissioner Covington requested that the Planning Commission move the portion regarding building pad heights forward to Council as quickly as possible and address the other issues later.

Chairman Wainwright asked to what extent these changes would apply to remodels. He indicated that he hoped they were not creating any unintended consequences.

Ms. Collins replied there could always be some level of grandfathering and things could be written into the code if it was the desire of the Commission and

Council.

Ms. Robberson requested to let staff look into the issue further and come back with some ideas.

Chairman Wainwright opened the meeting up for public comments.

Phyllis Peshkin, Town resident, invited everyone to drive through her neighborhood to see the challenge she is experiencing and has been trying to change since March 2013. She indicated that she had submitted written comments detailing the issue regarding a neighbor whose home elevation was higher than hers and other surrounding properties. She asked if these changes would still allow people to build eight inches to a foot above the 100-year flood elevation that was determined by the engineer.

Paul Mood, Town Engineer, indicated the civil engineer for the project was to establish the 100-year water elevation and the current code allows them to put the building pad one foot above that, so the home did not flood. He noted that older homes may not have building pads and finished floors high enough to avoid flooding with 100-year calculations so new homes built next to them could be significantly higher than their neighbors.

Ms. Peshkin shared that her property and surrounding properties had never flooded and did not understand why the home could be built higher up when they were not in an area prone to flooding. She indicated that she was told by other agencies that they could not help her with this issue since it was local jurisdiction that decided the rules. She thanked the Commission for all the work they had done on the update, but noted that the changes did not seem to help her situation and cautioned them to be aware of the unintended consequences of the code. She reiterated that they were all invited to come see her neighborhood and see the hardship that has been created.

Chairman Wainwright indicated the neighborhood was Mockingbird Lane Estates.

Commissioner Georgelos noted the Town does not want to construct things that are going to flood. She asked what could be done in situations where new homes were being built next to existing properties, so neighbors are not adversely affected.

Ms. Collins commented that the water needed to enter and exit the site where it did historically, and a new development was required to retain their water on their site to not increase flows exiting the site.

Mr. Mood shared that staff is careful about what they review and approve and pointed out staff did inspections to ensure changes were not made in the field before they give final approval of any certificate of occupancy.

Ms. Peshkin commented that she did not believe codes were enforced when her neighbor's property was developed that created issues and caused her property to flood. She stated that retention basins were not sized or placed

properly. She reiterated that she did not feel these code changes would make any difference to her situation and wished the Town would address her problem.

No Reportable Action

C. [21-107](#)

Discussion of Regulations for Walls / View Fences / Combination View Fences

Ms. Collins reviewed the current code for walls, view fences, and combination fences. She pointed out the proposed change which included the addition of the phrase "minor arterials and collectors." She noted that this would allow for higher and closer fencing on streets that are considered more major than local streets, but not considered major arterial. She noted there were no proposed changes to standards along local streets. She explained that this came about since there was some confusion about what was considered a side yard, back yard, and front yard. She indicated there were certain levels of streets that carry quite a bit of traffic and were different from a local street even though they were not major arterials.

Commissioner Campbell asked how this affected corner lots.

Ms. Collins explained that it only effected corner lots along collectors or major or minor arterials. She noted that this would only allow for the closer and higher fence to the side of the property adjacent to a collector or arterial street for homes that bordered those as well as local streets.

Commissioner Wastchak pointed out that this was a less restrictive standard and asked if someone that lived on a collector or arterial would be able to come back and re-do their fence.

Ms. Collins replied they would.

Commissioner Wastchak indicated he was not feeling comfortable with this on collector streets, but possibly on minor arterials. He pointed out the proposed amendment might create a canyon of walls on each side of the street.

Commissioner Covington and Rose agreed with Commissioner Wastchak's comment.

Commissioner Campbell asked that they consider if the eight-foot height was appropriate for collectors and minor arterials.

Ms. Collins clarified that she could investigate allowing for a third category that allows major arterials and local streets to stay as they are and having something in between for collectors and minor arterials.

Commissioner Georgelos noted that the Planning Commission may want to allow exceptions for corner lots rather than for entire streets.

Commissioner Wastchak expressed concern that this change could alter the feel of the Town.

Commissioner Rose stated he believed it would be a disservice to the Town to make these changes.

No Reportable Action

5. PUBLIC HEARINGS

None

No Reportable Action

6. ACTION ITEMS

None

7. CONSENT AGENDA

- A. [21-088](#) Approval of the February 16, 2021 Planning Commission Minutes

The Planning Commission requested the approval of minutes be moved to the April 6, 2021 agenda to provide time to review the minutes.

8. STAFF REPORTS

None

9. PUBLIC BODY REPORTS

Mr. Michaud thanked Chairman Wainwright for his service on the Planning Commission.

Chairman Wainwright stated he has enjoyed his service on the Planning Commission.

Mr. Michaud explained that during the first April meeting the Planning Commission would need to select a new chairperson that would be affirmed at a subsequent Council meeting.

Commissioner Campbell thanked Chairman Wainwright for his service and asked what the status was of the new appointment to the Commission.

Ms. Collins replied that Council would be making appointments at one of their upcoming meetings.

Commissioner Wastchak thanked Chairman Wainwright for his service and time on the Commission and for his efforts to allow increased public input during their meetings.

Commissioner Georgelos thanked Chairman Wainwright for the time, energy, and effort he has put into his position and commended him for serving during a difficult year and ensuring that people had their opinions heard with a change of format.

Council Member Pace expressed her gratitude and respect for Chairman Wainwright. She noted that the committee was very professional and encouraged dialogue. She indicated Chairman Wainwright would be missed.

10. FUTURE AGENDA ITEMS

Mr. Michaud announced the next scheduled meeting was April 6, 2021. He noted there would be a hearing on the Ascension Lutheran Church, selection of chairperson, and the code updates on walls/fences and pad heights may also be addressed again on that agenda.

11. ADJOURNMENT

Commissioner Lewis left the meeting before the discussion of Item 21-107 on walls and fences.

Aye: 6 - Wainwright, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Rose and Wastchak

Absent: 1 - Commissioner Lewis

Paradise Valley Planning Commission

By: _____
Paul Michaud, Secretary