



# 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*

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Tuesday, April 6, 2021

6:00 PM

Council Chambers

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**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 Rose called the meeting to order at 6:05 p.m.

#### **STAFF MEMBERS PRESENT**

Town Attorney Andrew J. McGuire  
Community Development Director Lisa Collins  
Senior Planner George Burton  
Planning Manager Paul Michaud  
Town Engineer Paul Mood

#### 2. ROLL CALL

**Present** 6 - Commissioner Thomas G. Campbell  
Commissioner Charles Covington  
Commissioner Pamela Georgelos  
Commissioner Karen Liepmann  
Commissioner William Nassikas  
Commissioner James Rose

#### 3. EXECUTIVE SESSION

None

#### 4. STAFF REPORTS

##### A. [21-131](#) Staff Update: 2022 General Plan Update

Loras Rauch, Special Projects Planner explained that last fall the Town Council approved a contract with a consultant followed by a public involvement plan that

staff has been following in the efforts to update the General Plan. She reviewed the public outreach that has been done and plans for additional outreach in the future.

Commissioner Campbell asked how they would advertise the discussion hubs and other outreach.

Ms. Rauch indicated these are published in the local newspaper as well advertised on display ads and social media. She added that there was a banner on Lincoln Drive at Town Hall to direct people to the website which has the most information. She noted she was open to other suggestions.

Commissioner Covington inquired how many responses were received from the community survey.

Ms. Rauch replied 386.

Paul Michaud, Planning Manager, remarked in the meeting chat box that Maria Ruttle, resident, suggested geo fencing the town limits with an automatic link.

Ms. Rauch responded that the survey had a mapping element to it with 497 visits and ten pinpoints that were put down including one on Jackrabbit Road with the comment to make it safer for pedestrians and adding a crosswalk. She added that she would contact Ms. Ruttle tomorrow for more information.

Commissioner Georgelos asked what the discussion hubs would be like.

Ms. Rauch indicated that they would be a Zoom meeting hosted by the consultant.

**No Reportable Action**

## 5. PUBLIC HEARINGS

### A. [21-122](#)

Recommendation of Resolution 2021-03, a Minor General Plan Amendment of one acre from Public/Quasi Public to Low Density Residential  
Ascension Lutheran Church, 7100 N Mockingbird Lane

Mr. Michaud provided an overview of the requests needed to create a single-family lot at the Ascension Lutheran Church. He pointed out discussion that was made on each of the requests at their last meeting and reviewed conditions of approval. He noted that no additional comments were received.

Commissioner Campbell inquired if they should tie the certificate of occupancy on the residential lot to the landscape restoration requirement.

Mr. Michaud indicated he did not believe it is needed as the draft condition includes the landscaping be done no later than 18 months from the effective date of the rezoning.

Commissioner Nassikas asked if the church planned to build the home and sell

the completed residence or to sell the land on its own.

Chairman Rose stated he believed they planned to sell the land on its own.

Commissioner Nassikas suggested to tie things to the sale of the lot rather than the construction of the home.

Mr. Michaud added the phrase "prior to issuance of the certificate of occupancy" to Condition 3 for the Minor SUP amendment.

Commissioner Liepmann asked if the Town can impose a condition for a lot to act that needed to be taken on a separate lot.

Andrew McGuire, Town Attorney, explained that the problem was the landscaping plan was not part of the conditions of the rezoning. He indicated that this information should be disclosed at the time of sale for the property.

Chairman Covington remarked that there was a comment in the Zoom chat which indicated the church already had an accepted contract for the property.

Mark Ficklin, applicant, indicated that the church are good neighbors and intend to do what was intended from them as they have for the past 60 years. He reminded them the prospective buyer was willing to help them with other costs beyond the purchase price. He indicated they were not opposed to the proposed addition to Condition 3.

Commissioner Georgelos inquired if this would be tied with the new lot.

Mr. McGuire explained that he did not see a reason they could not. He reiterated that the practical issue was making sure the new buyer was aware of the requirements. He shared that the Commission may be able to include a requirement that the church would have to give the new buyer the notice.

Mr. Michaud stated he could add a sentence indicating that the owner must notify the buyer of this condition.

Chairman Rose opened the meeting up for public comments on the item. No comments were offered, and the public comment period was closed.

**A motion was made by Commissioner Campbell, seconded by Commissioner Covington, to forward to the Town Council a recommendation for approval of Resolution 2021-03, a Minor General Plan Amendment from "Public/Quasi Public" to "Low Density Residential" designation for the 1.0-net acre area, with an effective date that is the same as the rezoning of Ordinance No. 2021-02. The motion carried by the following vote:**

**Aye:** 6 - Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Liepmann, Commissioner Nassikas and Commissioner Rose

**Absent:** 1 - Lewis

- B.**     [21-123](#)     Recommendation of Ordinance 2021-02, Rezoning of one acre from SUP to R-43 Ascension Lutheran Church, 7100 N Mockingbird Lane

A motion was made by Commissioner Georgelos, seconded by Commissioner Nassikas, to forward to the Town Council a recommendation for approval of Ordinance No. 2021-02, a Rezoning from "Special Use Permit - Religious Facility" to "R-43 Single-Family Residential District" for the 1.0-net acre area, with the two conditions and effective date as described in said ordinance.

1. Development of the Property shall comply with all applicable Federal, State of Arizona, and Town Ordinances, including the Zoning Ordinance and obtaining necessary building permits, as such requirements may be amended, for this R-43 Single-Family District property.

2. The property owner and Town shall sign and record a Waiver of Rights and Remedies agreement under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney within 10 calendar days of passage of this ordinance.

The motion carried by the following vote:

**Aye:** 6 - Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Liepmann, Commissioner Nassikas and Commissioner Rose

**Absent:** 1 - Lewis

**C.**     [21-124](#)

Consideration of a Minor SUP Amendment to Reduce Site Area  
Ascension Lutheran Church, 7100 N Mockingbird Lane

A motion was made by Commissioner Covington, seconded by Commissioner Georgelos, to deem the request to reduce the size of the Ascension Lutheran Church property from 6.3-net acres to 5.3-net acres as a Minor Amendment per the criteria listed in Section 1102.7.B of the Zoning Ordinance. The motion carried by the following vote:

**Aye:** 6 - Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Liepmann, Commissioner Nassikas and Commissioner Rose

**Absent:** 1 - Lewis

A motion was made by Commissioner Campbell, seconded by Commissioner Georgelos, to approve the request to reduce the size of the Ascension Lutheran Church property from 6.3-net acres to 5.3-net acres, subject to the following conditions of approval:

1. All improvements shall be in substantial compliance with the following:
  - a) The application and narrative received on December 8, 2020;
  - b) The ALTA/NSPS Land Title Survey prepared by Land Development Group, date sealed by James B. Flack on March 15, 2020;
  - c) Special Use Permit Amendment Site Plan prepared by Land Development Group, date sealed by Nickola J. Prodanov on January 30, 2021;
  - d) Preliminary Grading & Drainage Plan for Lot 1A, Sheet C-1 for Lot 1A prepared by Land Development Group, date sealed by Nickola J. Prodanov on January 30, 2021; and
  - e) The Planting Plan for the 40-foot wide buffer area on the church property adjoining the north and east side of Lot 1B as shown on Meadowlark Acres II, Sheet L.1, prepared by DynaSCAPE, dated February 6, 2021 and reviewed by the Town dated March 23, 2021. Walls along the church property shall comply with

Article XXIV, Walls and Fences, of the Town Zoning Ordinance, as may be amended (allows for walls between a residential property and an adjoining non-residential property, other than a right-of-way, up to 8-feet tall).

2. The remaining church property shall be brought into compliance with the current Town's Storm Water Design Manual requirements for storm water retention as shown on the Preliminary Grading & Drainage Plan referenced in Stipulation 1, with the completion of these improvements within 12 months of a grading permit on the residential lot and no later than 18 months from the effective date of the Rezoning (MI-20-03) of Ordinance No 2021-02.

3. The Planting Plan referenced in Stipulation 1 shall be completed within 12 months of a grading permit on the residential lot and no later than 18 months from the effective date of the Rezoning (MI-20-03) of Ordinance No 2021-02.

4. The Owner shall improve the landscaping on the church site so it is in substantial compliance with the Landscape Plan dated May 28, 2002, prepared by Laskin and Assoc., Inc-sheets LA-1 to LA-6, within 12 months of a grading permit on the residential lot and no later than 18 months from the effective date of the Rezoning (MI-20-03) of Ordinance No 2021-02. The Certificate of Occupancy for Lot 1B will not be issued by the Town until the landscaping conforms to the May 2002 approved landscape plan. The Owner must notify the buyer of Lot 1B of this condition.

5. The property owner and Town shall sign and record a Waiver of Rights and Remedies agreement under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney within 10 calendar days of the effective date of this amendment to the Special Use Permit.

6. The effective date of SUP-20-07 shall be the same as the effective date of Ordinance 2021-02 that changes the zoning of the one-net acre property from "Special Use Permit - Religious Facility" to "R-43 Single-Family Residential District."

7. All existing Special Use Permit stipulations for Ascension Lutheran Church shall remain in full force and effect, unless changed or modified by this Minor SUP Amendment (SUP-20-07).

The motion carried by the following vote:

**Aye:** 6 - Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Liepmann, Commissioner Nassikas and Commissioner Rose

**Absent:** 1 - Lewis

## 6. ACTION ITEMS

### A. [21-125](#)

Recommendation of a Non-Administrative Land Modification  
Ascension Lutheran Church, 7100 N Mockingbird Lane

A motion was made by Commissioner Georgelos, seconded by Commissioner Covington, to forward to the Town Council a recommendation for approval of the non-administrative land modification to plat map the 1.0-net acre lot for single-family use and the 5.3-net acre lot for continued church use, subject to the following conditions of approval:

1. The plat map must be recorded with the Maricopa County Recorder's Office, in substantial compliance with the "Meadowlark Acres II" plan prepared by Land Development Group, date sealed by James Flack on January 30, 2021.

2. The property owner(s) or designee(s) of Lot 1B (single-family lot) shall demonstrate that the fire sprinkler system is in compliance with the National Fire Protection Association standard 13D or the current equivalent code requirement.

3. The property owner(s) or designee(s) of Lot 1B (single-family lot) shall provide a final grading and drainage plan with the building permit for the home that is in general compliance with the Preliminary Grading & Drainage Plan for Lot 1B, Sheet C-1 for Lot 1A prepared by Land Development Group, date sealed by Nickola J. Prodanov on January 30, 2021

4. Within 60 days of approval of the plat map, the applicant shall submit Mylars and an electronic version in a pdf format for the Town's permanent record.

The motion carried by the following vote:

**Aye:** 6 - Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Liepmann, Commissioner Nassikas and Commissioner Rose

**Absent:** 1 - Lewis

**B.**      [21-114](#)      Selection of Chairperson per Section 2-5-2 of the Town Code

Item 21-114 was moved to the start of the meeting. A motion was made by Commissioner Covington, seconded by Commissioner Campbell, to nominate Commissioner Rose as the Planning Commission chairperson. Town Council will confirm the nomination at a future Council meeting. The motion carried by the following vote:

**Aye:** 6 - Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Liepmann, Commissioner Nassikas and Commissioner Rose

**Absent:** 1 - Lewis

## **7. STUDY SESSION ITEMS**

**A.**      [21-136](#)      Discussion of Building Pad Heights for Non-Hillside Lots

Ms. Collins explained they were looking for additional input on the proposed Town Code amendment regarding non-hillside building pad heights. She provided history on the item, identified efforts for public outreach, and shared feedback received from residents and the development community. She reviewed some of the proposed changes including removal of the word "earthen" and the addition of definitions for building pad, finished floor, finished floor elevation, and improved outdoor area among other additions. She showed graphics to illustrate some of the changes made. She noted that proposed changes addressed most of the resident and development community feedback.

Commissioner Georgelos suggested they replace the word "earthen" for "any" in Sections 1b and 1c. She shared that under the building pad definition it uses

the word "fill" and asked if it should match the term material used earlier.

Ms. Collins indicated she could investigate clarifying that language.

Paul Mood, Town Engineer, indicated he was not concerned with the language use.

Commissioner Georgelos clarified that she would simply like to see more consistency with the language and know that the engineers and lawyers are happy with the language. She inquired how Section C under the portion regarding the grading plan prepared by a Civil Engineer addressed the concerns from Ms. Peshkin.

Mr. Mood clarified they did not feel it would be correct for the Town to require someone to build with the contour of the land if it is under the 100-year flood zone elevation and require flood proofing and create a liability for the Town.

Commissioner Georgelos inquired what they can do to protect neighboring properties in situations like Ms. Peshkins.

Mr. Mood indicated this was covered under the 2018 storm drainage design manual update which requires new homes being built to maintain historic drainage patterns and retain 100% of disturbed area water runoff on site.

Commissioner Georgelos asked where staff is in terms of pad and finished floor certifications prior to inspection.

Mr. Mood explained that the building and engineering staff have been working on the software to do so and are getting ready to launch it at the first part of May.

Commissioner Georgelos requested that noticing neighbors of building and grading permits be addressed in addition to reassessing where flat land and hillside lots are as they go forward.

Ms. Collins indicated that had been noted as something to bring forward to Council.

Chairman Rose called for any public comment. No comments were made, and the public comment period was closed.

**No Reportable Action**

**B. [21-141](#)**

**Discussion of Regulations for View Fences**

Ms. Collins introduced the item and explained the goal was to change standards for view fences on minor arterials and collectors. She noted the proposed change was to alter the setback for view fences in front yards from 20 feet to 10 feet. She shared the definition of a view fence which included a requirement for openings to be 70% of the surface area. She noted that this would help to reduce issues for corner lots when it was unclear which boundary was the front and which was the side since the setback will be the same when they boarder major and minor arterials as well as collectors.

Commissioner Campbell commented that they had concerns about creating a canyon effect with fences near the public right-of-way. He inquired if a traffic study had been done since they created these charts or if the data was observational.

Ms. Collins responded that the information was observational only.

Commissioner Campbell indicated he was more comfortable with making these changes on minor arterials than along collector streets. He clarified that he would prefer to maintain their current setbacks.

Commissioner Covington remarked that he agreed to Commissioner Campbell but was willing to keep an open mind.

Commissioner Georgelos asked for additional information on what gave rise to the proposed change.

Ms. Collins replied that there was a recent reconstruction of a lot that brought this issue up.

Commissioner Campbell asked if there was another method to address one-off situations.

Ms. Collins responded the Board of Adjustments, but in discussing the situation it gave rise to have more discussion if more adjustments needed to be made. She noted that they had not received any public comment on this issue to date.

**No Reportable Action**

## **8. CONSENT AGENDA**

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

**A motion was made by Commissioner Campbell, seconded by Commissioner Covington, to approve the February 16, 2021 minutes. The motion carried by the following vote:**

**Aye:** 6 - Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Liepmann, Commissioner Nassikas and Commissioner Rose

**Absent:** 1 - Lewis

### **B. [21-132](#) Approval of the March 16, 2021 Planning Commission Minutes**

**A motion was made by Commissioner Campbell, seconded by Commissioner Georgelos, to approve the March 16, 2021 minutes with two edits. Edit one to strike "parking" in the second paragraph on page 3 and to change committee to Commission in the statement from Commissioner Campbell on page 7. The motion carried by the following vote:**

**Aye:** 6 - Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Liepmann, Commissioner Nassikas and Commissioner Rose



**Absent:** 1 - Lewis

## 9. PUBLIC BODY REPORTS

None

## 10. FUTURE AGENDA ITEMS

Mr. Michaud reported that the next meeting was on April 20, 2021 with a work session on walls and fences.

## 11. ADJOURNMENT

**A motion was made by Commissioner Georgelos at 8:25 p.m., seconded by Commissioner Covington, to adjourn the meeting. The motion carried by the following vote:**

**Aye:** 6 - Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Liepmann, Commissioner Nassikas and Commissioner Rose

**Absent:** 1 - Lewis

## Paradise Valley Planning Commission

By: \_\_\_\_\_  
Paul Michaud, Secretary