

**TOWN OF PARADISE VALLEY
MINUTES
TOWN COUNCIL MEETING
MAY 11, 2006
5:00 p.m.**

CALL TO ORDER

Mayor Clarke called the meeting of the Town Council of the Town of Paradise Valley, Arizona, to order at 5:04 p.m. on Thursday, May 11, 2006, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

COUNCIL MEMBERS PRESENT

Mayor Ron Clarke
Vice Mayor Ed Winkler
Council Member Scott LeMarr
Council Member Dan Schweiker
Council Member Virginia "Jini" Simpson

Council Members Mary Hamway and Rick Coffman were not present.

STAFF MEMBERS PRESENT

Town Attorney Andrew Miller
Management Services Director Lenore Lancaster
Public Works Director Andrew Cooper
Planning Director Eva Cutro

DISCUSSION ITEMS

Discussion of Administrative Relief from Zoning Code Restrictions

Mr. Miller stated there was a remodeling committee that discussed what steps the Town could take to make it easier for residents to remodel their existing home. One issue raised was the possibility of administrative relief which allowed for a relief from certain standards under the Zoning Code. Staff researched what other municipalities do. The City of Sedona allows a 10% adjustment. Glendale and Yavapai County also have a provision for administrative relief. One of the criteria was how to define which properties would be eligible for administrative relief. Staff developed a proposal recommending a maximum 10% adjustment. The proposal includes a process for neighborhood notification. If objections to the administrative relief were raised it would require a variance from the Board of Adjustment. There could also be an appeal to the Board of Adjustment.

Ms. Cutro recommended that administrative relief would be limited to remodel projects. It would exclude gazebos or similar structures. It also does not apply to fence walls, but there has been interest in applying it to fence walls.

Mr. Miller said this could reduce the workload of the Board of Adjustment. They have not talked to the Board of Adjustment for this input.

Council Member Simpson said that the Board of Adjustment's hands are tied because the applicant must meet one of the hardship criteria. This proposal allows for more flexibility outside of the Board of Adjustment process.

Council Member Schweiker asked how to prohibit applicants from repeatedly requesting administrative relief. Ms. Cutro suggested limiting the number of requests.

Council Member LeMarr stressed that administrative relief should be used for remodeling / renovation. He asked that proposed ordinance language be clarified.

Mayor Clarke recommended that the proposed ordinance be reviewed with the Board of Adjustment.

Vice Mayor Winkler said he would like to see fences and walls included in the provisions. He also recommended a reporting system to see how this is being used.

EXECUTIVE SESSION

Council Member Schweiker made a motion to adjourn to executive session at 5:29 p.m. Mayor Clarke seconded the motion, which carried 5-0.

- a. Discussion and consultation with Town representatives regarding **property in the vicinity of the 7500 block of Mockingbird Lane** as authorized by A.R.S. §38-431.03.A.7.
- b. Discussion and consultation with the Town Attorney regarding **filing an amicus brief in the Arizona American Water Company rate case before the Arizona Corporation Commission** as authorized by A.R.S. §38-431.03.A.4.
- c. Discussion and consultation with the Town Attorney regarding **agreement between the Town of Paradise Valley and the City of Phoenix for fire and emergency medical services** as authorized by A.R.S. §38-431.03.A.4.
- d. Discussion and consultation with the Town Attorney regarding **equal protection claims related to Town Code enforcement** as authorized by A.R.S. §38-431.03.A.3.
- e. Discussion and consultation with the Town Attorney regarding **public affairs contract** as authorized by A.R.S. §38-431.03.A.4.
- f. Discussion of **Town Attorney performance review** as authorized by A.R.S. §38-431.03.A.1.

CALL TO ORDER AND ROLL CALL

Mayor Clarke reconvened the Town Council of the Town of Paradise Valley, Arizona, at 7:05 p.m. on Thursday, May 11, 2006, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

COUNCIL MEMBERS PRESENT

Mayor Ron Clarke
Vice Mayor Ed Winkler
Council Member Scott LeMarr
Council Member Virginia "Jini" Simpson

Council Members Mary Hamway, Council Member Dan Schweiker and Rick Coffman were not present.

STAFF MEMBERS PRESENT

Town Attorney Andrew Miller
Management Services Director Lenore Lancaster
Planning & Building Director Eva Cutro
Police Chief John Wintersteen
Management Analyst Duncan Miller
Capital Projects Administrator Bob Ciccarelli

PLEDGE OF ALLEGIANCE

Council Member Simpson led the pledge of allegiance.

PRESENTATIONS

There were no presentations.

CALL TO THE PUBLIC

Mary –Ed Bol, 6619 E. Ocotillo Road, requested assistance from the Town to encourage the Judson subdivision Homeowners association to maintain the landscaping on the south side of Judson, encourage the La Place Homeowners association to maintain the landscaping on the west side of 66th Street, and asked the Town to maintain the east side of 66th Street. The Mayor asked the Town Manager to follow up on the requests to see what could be done.

Mel and Eileen Kowal, 6021 N. Mockingbird Lane, presented two petitions to the Town Council. The first petition requested the Town Council to create an overlay zoning district ordinance. Mr. Kowal stated that overlay zoning is generally used when there is special public interest that does

not coincide with the traditional zoning in that geographic area. He reported that the City of Scottsdale adopted an overlay ordinance. The Sherwood Heights, Sherwood Estates and Fairway Park subdivisions appealed to Scottsdale to restrict the residential building height to one-story residences with a maximum height of sixteen feet.

The second petition requested that the Council impose an overlay zoning district to restrict the building height to one-story residences with a maximum height of sixteen feet in the neighborhood including North Mockingbird Lane – Valley Vista Lane between McDonald Drive and Lincoln Drive. He stated that if the Council does not implement the requested ordinances that there is a group of citizens who will go forward with an initiative.

Christine Larkin, 6739 E. Valley Vista Lane, spoke in favor of the overlay zoning request.

Paul Streich, 6430 E. Cheney, spoke in favor of the overlay zoning request and stated there is another proposal to petition for an overlay ordinance to preserve architecturally significant homes.

Mayor Clarke referred these proposals to the Planning & Building Director for further review and possible presentation at a future work session.

MAYOR / COUNCIL / MANAGER REPORT

There were no reports.

CONSENT AGENDA

- a. Minutes of Town Council Meeting April 27, 2006**
- b. Report on Investments**
- c. Award of Contract for Investment Management Services**
- d. Approval of Addendum to Redflex Traffic Systems, Inc. Agreement**
- e. Award of Contract for Annual Wash Cleaning Program**

Management Services Director Lenore Lancaster summarized the items on the Consent Agenda.

Vice Mayor Winkler moved to approve the Consent Agenda as submitted. The motion was seconded by Council Member Simpson and approved by a vote of 4-0.

PUBLIC HEARINGS

Consideration of Rancho Valencia Final Plat and Special Use Permit, Located at the Northwest Corner of McDonald Drive & Mockingbird Lane

Ms. Cutro presented the application for a final plat and a special use permit for the Rancho Valencia subdivision. She stated that the application requests subdivision of an 8-acre site into 7 R-43 lots and granting of a Special Use Permit for a private road, water fountain, entry monument sign, and entry columns. She stated that the application complies with the minimum lot size for R-43, that all lots enclose the 165 foot diameter circle touching at 1 point on the front 40 foot setback line, all lots will have access to a public / private street, and all lots will be connected to the City of Scottsdale sewer system.

She stated that the landscaping exceeds the minimum size and number as recommended by the Town Code/ Landscape Guidelines. She reported that the applicant has revised the subdivision entry by removing the previously proposed palms and replacing them with Palo Verde and Saguaros. She stated that the walls along rights-of-way will meander and be stucco/block. The design complies with all setback, length, and area requirements of the Town Wall Code.

She explained that the Special Use Permit is for the private road and ancillary structures. The road will fully meet the Town standards. There will be no gates to restrict vehicular, pedestrian and bicycle access. The applicant is proposing a 5 foot high fountain. The fountain was suggested by the Planning Commission to replace the applicant's proposed guardhouse. There is also an accessory structure to house the equipment for the fountain. It will be 9 feet, 8 inches in height.

The fire department will have access from the new road and Mockingbird Lane. Additionally, two new fire hydrants will be installed on Rovey Avenue. The new structures will have fire sprinklers as required by Code.

Ms. Cutro then summarized the public comments received on the application. The primary issue dealt with subdivision access from Mockingbird Lane instead of McDonald Drive. Other issues included grading and drainage concerns, and loss of views by some neighbors.

The Planning Commission forwarded the final plat and Special Use Permit to the Council with a recommendation for approval. The Staff recommendation was to approve the application as proposed by the applicant.

Mr. Miller said there are two different portions to the meeting. The final plat is just an action item. The special use permit requires a public hearing. He said he had a request from the applicant to continue the hearing to a future date. There are a number of council members absent, as well as the Town Manager, the Town Engineer, and the Public Works Director. He suggested the Mayor open the public hearing, and if it is continued, it should be continued to a date certain.

Dolf Strom, Planning Commission, said the reason for the change to delete the accessory building was because they had more details on the structure. The roof hung over onto the street. They felt that the equipment could be accommodated in a different manner. They also felt that 35 lights seemed to be excessive. He stated that if it was not a private street, there would be no lights at all.

Chief Wintersteen said his general recommendation is to allow subdivision lights up to the level authorized by Town Code as a means of improving traffic safety and property protection.

Eva Cutro clarified that lots 7 and 1 could put in lights on their property but they could not put in lights in the median.

Susan Bittersmith, 3875 N. 44th Street, Suite 300, representing the applicant, requested a continuance to the May 25th agenda.

Simpson moved to continue the hearing to May 25. Mayor Clarke seconded the motion. The motion carried 3-1 with LeMarr voting no.

Mr. Miller said since the Council opened the meeting there does not have to be an additional notice for the next meeting.

ACTION ITEMS

Approval of Invergordon Manor Final Plat

Senior Planner Molly Hood presented an application for a final plat located at 6439 E. Luke Ave. She stated that all of the previous structures have been demolished. The applicant is requesting approval for 10 lot subdivision. Each lot meets or exceeds the 165 foot width and minimum net acre size. No lots will be odd-shaped. All lots will be on sewer. No new roadways will be created, excluding the extension for a turnaround on Luke Ave and widening adjoining local roads. Next she reviewed the drainage requirements. Retention basins will be required per Town Code at the development of each lot. New drainage easement will be provided through lots 6, 7, and 8.

She reviewed the public comment and the previous action on this item. Comments included the size and density of housing and increase in traffic. It is recommended the Council approve the final plat subject to the stipulations in the action report.

Mr. Strom said this was a straight forward application. Most of the concern had to do with drainage. Most of the lots on this side of Invergordon are 1 acre lots.

Council Member Simpson moved to approve the Invergordon Manor Final Plat, subdividing approximately 12 acres of land into 10 residential R-43 zoned lots, subject to the following stipulations:

1. The Final Plat, to be recorded at the Maricopa County Recorder's Office, shall be in compliance to the 'Final Plat' prepared by Wm. Ross Nelson, dated March 20, 2005, and revised March 21, 2006.
2. The final subdivision improvements shall be in substantial compliance with the accompanying subdivision improvement plans:
 - a. Sewer and Water Plan, prepared by Wm Ross Nelson, dated March 20, 2005, and revised on March 21, 2006. Final sewer line location shall comply with all required standards of the sewer utility.
 - b. Paving Plan, prepared by Wm Ross Nelson, dated March 20, 2005, and revised on March 21, 2006.
 - c. Landscape Plan, prepared by Wm Ross Nelson, dated March 20, 2005, and revised on March 21, 2006.
3. The subject subdivision shall be developed in full compliance with the R-43 Zoning District and all other applicable Code provisions.
4. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a PDF format for the Town's permanent record.
5. Prior to the recordation of the Final Plat for Invergordon Manor, the applicant shall provide a procedure and other forms of assurances necessary for the Town to be in an assured position to complete the construction and related improvements for Invergordon Manor. These improvements include:
 - a. Installation of new 8-inch diameter water lines to service the new lots of Invergordon Manor in accordance with the specifications stated in the Preliminary Water Needs Report prepared by David S. Fabiano dated April 8, 2005, and revised on October 10, 2005.
 - b. Improvements adjacent to the subject property in accordance with the Sewer and Water Plan, Paving Plan, and Landscape Plan, prepared by Wm Ross Nelson, dated March 20, 2005, and revised on March 21, 2006. These improvements include:
 - i. Two-foot wide ribbon curb on Casa Blanca Road.
 - ii. Additional pavement, curbing, and necessary drainage swales and related improvements on Luke Avenue.
 - iii. Additional pavement on the west side of Wilkinson Road.
 - iv. Extension of an 8-inch diameter sewer line to service all lots.

- v. Landscaping in the rights-of-way along Invergordon Road, Luke Avenue, Wilkinson Road, and Casa Blanca Road.
6. Development of homes in Invergordon Manor shall comply with the following construction requirements:
 - a. All construction-related parking shall be located on the property.
 - b. No construction materials shall be stored on the Town's right-of-way.
 - c. The use of hydraulic ram hammers, or other heavy equipment used to cut through rock, including machinery with audible back up warning devices shall be limited between the hours of 7:00 a.m. or sunrise, whichever is later, and 6:00 p.m. or sunset, whichever is earlier, Monday through Friday, and prohibited on Saturdays, with no work on Sunday or legal holidays.
7. Prior to the issuance of any Certificate of Occupancy in the subdivision, the applicant shall complete the improvements listed in Stipulation 5.
8. All existing and proposed walls visible from adjoining properties and public rights-of-way shall comply with Article XXIV, Walls and Fences, of the Town's Zoning Ordinance. Existing walls shall be finished prior to the issuance of a Certificate of Occupancy for each home.
9. All existing native plants as shown on the Preliminary Landscape Plan, prepared by Wm Ross Nelson, dated March 20, 2005, and revised on March 21, 2006, shall not be removed or relocated without approval by the Town.
10. The final drainage plan shall be designed to assure that the storm water will sheet flow at the same rate onto Casa Blanca Drive.

The motion was seconded by Vice Mayor Winkler which carried by a vote of 4-0.

Adoption of Resolution Number 1119; Authorization to Purchase the Property Needed for the Purposes of Owning and Improving Fire Station 1

Mr. Miller presented Resolution Number 1119. He stated that there are two fire stations in the Town today. The first fire station is located at 8444 N. Tatum Blvd on land owned by the Weitzman Family Trust. The Town has a long-term lease on the site. However, if the Town wants to make improvements on the land, it would be better to own the land. The proposed resolution authorizes the Town to take all of the steps needed in order to complete the acquisition of the property including by gift, purchase or the use of eminent domain.

Responding to a question from Mayor, Ms. Lancaster said the Town does have money to purchase the land, through a capital lease purchase. This would be outside the expenditure limitation and is therefore not subject to Proposition 400.

Mayor Clarke moved to adopt Resolution Number 1119. The motion was seconded by Vice Mayor Winkler and approved by a vote of 4-0.

ADJOURNMENT

Mayor Clarke adjourned the meeting at 7:53.



Ronald B. Clarke, Mayor

ATTEST:



Lenore P. Lancaster, Town Clerk



OFFICIAL SEAL
OFFICE OF TOWN CLERK
TOWN OF PARADISE VALLEY
LENORE LANCASTER, TOWN CLERK

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of Paradise Valley held on then 11th day May 2006. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26th day of May, 2006.



Lenore P. Lancaster, Town Clerk