



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
SUMMARIZED MINUTES**

November 1, 2012

CALL TO ORDER

Vice Mayor Collins called to order the Town Council meeting of the Town of Paradise Valley, Arizona, held at Town Hall 6401 E. Lincoln Drive, on Thursday, November 1, 2012 at 4:05 PM.

COUNCIL MEMBERS PRESENT

Mayor Scott P. LeMarr
Vice Mayor Michael Collins
Council Member Paul E. Dembow
Council Member Pam Kirby
Councilmember Dan Schweiker
Council Member Lisa Trueblood

STAFF MEMBERS PRESENT

Town Manager James C. Bacon, Jr.
Town Attorney Andrew M. Miller
Town Clerk Duncan Miller
Community Development Director Eva Cutro
Planner George Burton
Police Chief John Bennett
Public Works Director Jim Shano
Finance Director Scott McCarty
Information Technology Analyst Robert Kornovich
Town Engineer William C. Mead
Municipal Court Director Jeanette Wiesenhofer

WORK SESSION

Discussion of Non-Conforming Property Sign Code Amendments

Community Development Director Eva Cutro explained that back in June the Town Council adopted Resolution Number 1250 directing the Planning Commission to study five sections of the Zoning Ordinance. One of those sections was signage. The attorney's office and planning staff developed a draft that was presented at a Citizen Review Work Session on October 26. The

only feedback came from the building community who want to erect signs at building sites. There were no comments on signs on non-conforming properties. The Planning Commission will consider the ordinance at a public hearing on November 13, 2012.

The Town Council directed staff to do additional outreach to the nonconforming properties prior to adoption of the ordinance.

Discussion of Special Events Permits

Planner George Burton explained that the Town Council adopted Article 8-8 governing Special Event Permits on private property and public rights-of-way in July 2004. Over the past eight years staff identified language that is unclear and recommends amending the code and providing additional regulations.

The Council last discussed proposed amendments on November 4, 2010. The Council directed that special events should be limited to homes occupied by the owner/tenant in residence and SUP properties. The Council also discussed limiting the number of events per property and requiring an event permit in conjunction with a liquor license but no consensus was reached.

Mr. Burton summarized six recommendations:

1. Events on residential property - Many charitable events are better suited for a commercial venue. The staff recommendation was to add regulations to limit the scope of events on residential properties. Special events held at single family residences shall be owner occupied. It was further recommended to define "commercial use" as activity greater than a home occupation.

Council discussed a number of examples of single family residences in Town owned by charitable foundations which frequently host special events. Staff stated that events at these locations could still be permissible if the residences were owner or tenant occupied. Council directed staff to draft alternative language for "commercial use".

2. Neighborhood notification – currently there is not a requirement for neighbors to be notified in advance of a special event. The staff recommendation was to require surrounding property owners to be provided with the following information:
 - a. Date of event
 - b. Description of event
 - c. Noise description
 - d. Parking impacts
 - e. Applicant contact information
 - f. Staff contact information

3. Special Use Permit Properties – currently there are conflicts between the code and the fee schedule regarding tent permits. The staff recommendation was to repeal the fee for pre-approved tent locations in the fee schedule. If the tent is in a pre-approved location it becomes part of the SUP.
4. Special Event Permit Fees – Currently there are fees for some types of events like bicycle races but not for others like valet parking. Other cities have a blanket fee ranging from \$25-\$100. The staff recommendation was to reduce the \$750 fee for bike races, home tours, and film productions to \$125 and add a \$50 permit for all other events. There was Council consensus to make the filming permit \$125 per day.

Council discussed filming permits specifically related to pornography. Staff was directed to research how best to regulate the use of single family homes as a location for the production of pornography.

5. Events at Town Facilities – currently the code does not address the use of town facilities for events. Several inquiries have been made to use the Goldwater Memorial and Town Hall for events. The staff recommendation was to require a permit for outdoor events that use town facilities; and to prohibit events that advertise produces, goods, or held purely for profit.
6. Clarify existing language – The staff recommendation was to make grammatical corrections and further clarify definitions to resolve inconsistencies in the code.

The Council directed staff to incorporate the changes discussed and bring back a draft ordinance for review in a work study session.

Discussion of 7M Ranch Final Plat

Senior Planner Molly Hood presented the request for a final plat. She said the subject property was located at 9205 N Kober Road. The proposal was for a 4-lot subdivision named '7M Ranch'. The lots range in size from 1.00 acre (43,673 sq. ft.) to 1.04 acres (45,614 sq. ft.). No proposed subdivision signage, subdivision wall, landscape lighting, private road, or private roadway gate are proposed as part of this request. Lots 1 and 2 will also be responsible for landscape Tracts 1 and 2, respectively, which are both approximately 3,300 sq. ft. and located directly north of the new roadway. She said the plat is in compliance with the Town Code with regard to R-43 standards, sewer, water, drainage, and fire protection.

Responding to a question from Council, Public Works Director Jim Shano stated that there is a procedure in place that permits Phoenix Fire Department Dispatch to open the emergency water valve between the Berneil Water Company and City of Scottsdale via a telephone code.

Ms. Hood said there were no changes between the preliminary plat and the final plat.

Motion and vote – Vice Mayor Collins moved to go into executive session at 5:00. Councilmember Kirby seconded the motion which passed by a vote of 6 - 0.

EXECUTIVE SESSION

- a.** Discussion and consultation with Town representatives regarding roadway abandonment request in the vicinity of E. Cactus Wren Rd and 60th Street as authorized by A.R.S. §38-431.03.A.7.
- b.** Discussion and consultation with legal counsel regarding pending or potential litigation regarding current development agreement with Potomac Hotel Limited Partnership and future development agreement with MTS Land LLC and MTS Golf LLC related to the Mountain Shadows Resort as authorized by A.R.S. §38-431.03.A.4; and legal advice related to bankruptcy and other legal matters connected with the Mountain Shadows Resort project as authorized by A.R.S. §38-431.03.A.3.
- c.** The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the agenda items listed on the agenda as authorized by A.R.S. §38-431.03.A.3

BREAK

RECONVENE FOR REGULAR BUSINESS MEETING

CALL TO ORDER

Mayor LeMarr reconvened the meeting of the Town Council at 6:30 P.M.

COUNCIL MEMBERS PRESENT

Mayor Scott P. LeMarr
Vice Mayor Michael Collins
Council Member Paul E. Dembow
Council Member Pam Kirby
Councilmember Dan Schweiker
Council Member Lisa Trueblood

STAFF MEMBERS PRESENT

Town Manager James C. Bacon, Jr.
Town Attorney Andrew M. Miller
Town Clerk Duncan Miller
Community Development Director Eva Cutro
Planner George Burton

PLEDGE OF ALLEGIANCE

Mayor LeMarr led the Pledge of Allegiance.

PRESENTATIONS

Recognition of Beth Ames Swartz

The Mayor and Council recognized artist and Paradise Valley resident Beth Ames Swartz to show appreciation for exhibiting her works of art in Town Hall from October 2011 through September 2012. The Mayor presented her with a gift card as a token of appreciation.

Recognition of Louis Werner III

The Mayor and Council recognized Louis Werner III for his 12 years of volunteer service on the Planning Commission. The Mayor presented him with a gift as a token of appreciation.

Recognition of Vernon B. Parker

The Mayor and Council recognized former Mayor Vernon B. Parker for his four years of service on the Town Council. The Mayor presented him with a Soleri bell as a token of appreciation.

CALL TO THE PUBLIC

There were no public comments.

CONSENT AGENDA

- a. Adoption of Resolution Number 1264 Authorization to Transfer \$25,200 from the Operating Contingency to the Holiday Trolley Account; and Approval of Agreement with Dunn Transportation, Inc in the Amount of \$25,200 for the Town's Share of the Paradise Valley Resort Holiday Trolley Service**
Recommendation: Adopt Resolution Number 1264; and Approve an agreement with Dunn Transportation Inc in the amount of \$25,200 related to trolley services.

Mr. Bacon summarized the items on the consent agenda. Mr. Bacon stated that the trolley will run from December 28, 2012 until March 31, 2013. One change from the previous year is that the trolley will only serve Camelback Inn, Montelucia, and Sanctuary resorts.

Motion and vote: Vice Mayor Collins moved to adopt the Consent Agenda as submitted. Councilmember Dembow seconded the motion which passed by a vote of 6 – 0.

ACTION ITEMS

Consideration of Final Plat for 7M Ranch

Community Development Director Eva Cutro presented the final plat for 7M Ranch.

She said the subject property is located at 9205 N Kober Road. The proposal is for a 4-lot subdivision named '7M Ranch'. The lots range in size from 1.00 acre (43,673 sq. ft.) to 1.04 acres (45,614 sq. ft.). No proposed subdivision signage, subdivision wall, landscape lighting, private road, or private roadway gate are proposed as part of this request. Lots 1 and 2 will also be responsible for landscape Tracts 1 and 2, respectively, which are both approximately 3,300 sq. ft. and located directly north of the new roadway. She said the plat is in compliance with the Town Code with regard to R-43 standards, sewer, water, drainage, and fire protection.

Motion and vote – Councilmember Kirby moved to approve the 7M Ranch Final Plat, subdividing approximately 4.78-acres into four residential R-43 zoned lots, subject to the following stipulations:

1. The Final Plat for 7M Ranch shall be in substantial compliance with the following preliminary plat and accompanying subdivision improvement plans:
 - a. Preliminary Plat, Sheets 1 & 2, prepared by Montgomery Engineering & Management, LLC, dated March 26, 2012.
2. 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.
3. Prior to the recordation of 7M Ranch, the applicant shall provide, subject to Town approval, all assurances necessary to guarantee completion of the public improvements adjoining the subject property in accordance with the Preliminary Plat, Sheets 1 & 2, prepared by Montgomery Engineering & Management, LLC. These improvements include:
 - i. Installation of new 6-inch diameter water line in the new cul-de-sac.
 - ii. Installation of a new 8-inch sewer line extension 8" sewer line extension that will connect to an existing 8" sewer line located north of the subject property in the Kober Estates subdivision and sewer lift pumps for Lots 2, 3, and 4.
 - iii. Construction of a new roadway (to be named) extending eastward from Kober Road, with a 50-foot right-of-way, with a total paved section of 26 feet with 2' ribbon curb on both sides, terminating in a 90-foot diameter cul-de-sac.
 - iv. One additional fire hydrant adjoining the subject property on the new roadway as specified by the Town Fire Marshal.
4. Prior to the issuance of any building permit in the subdivision, the applicant shall complete the improvements listed in Stipulation 3.
5. The landscaping in the right-of-way must meet the Town's Landscape Guidelines.
6. Landscaping and irrigation must be provided in Tracts 1 and 2 prior to the issuance of any building permits.
7. The Final Plat shall include a note stating that the Lot 1 property owner is responsible for Tract 1 and the Lot 2 property owner is responsible for Tract 2

Vice Mayor Collins seconded the motion which passed by a vote of 6 – 0.

PUBLIC HEARINGS

Consideration of Ordinance Number 653; Mountain Shadows Resort Special Use Permit

Town Manager Jim Bacon stated that the purpose of tonight's meeting was to continue receiving public input on the Mountain Shadows Special Use Permit (SUP).

He summarized the concerns expressed by MSE neighbors which included: integration; design integrity and loss of views; and heights and setbacks. He summarized the concerns expressed by MSW neighbors which included: preservation of the golf course; loss of open space; and heights and setbacks.

In response to these concerns, he said the applicant reconsidered the idea of realigning 56th Street. This idea has been discussed many times before by many different potential developers.

Robert Flaxman, President of Crown Development, representing the owner of Mountain Shadows Resort, presented a proposal to realign 56th Street as a way to respond to concerns from MSE and MSW.

He said ten days ago, Crown erected story poles on the property demonstrating where heights could be and at what setbacks. The feedback from residents indicated some concern with privacy and loss of views. He said it may be possible to make the new structures lower and farther away from residences in both the east side and west side by relocating 56th Street.

The fact that 56th St bisects the property has been an issue for the resort's entire history. There have been discussions to move 56th Street east, moving it west, turning it into a cul-de-sac, or even closing it.

Mr. Flaxman presented a concept plan to move a portion of the 56th St east to align with N. Lost Dutchman Rd at Lincoln Drive. This would increase the size of the resort parcel located to the west to 25 acres. The parcel to the east would be six acres. Ideally the two 90 degree turns created by the realignment could be designed without the need for stop signs. The new alignment would also address some requests from MSW to align entries with the existing guard house.

MSE HOA Vice President Anne Woudenberg and Jim Barrett were encouraged by the proposal but were concerned with the lack of specificity and how traffic flow would be impacted the number of turns in close proximity.

MSW HOA President Brenda Lee Emerick and Herschell Parent supported the idea of realigning 56th St in some manner. Mr. Parent noted that other resort developers who have looked at the property come to the conclusion that 56th Street would have to be moved to make any redevelopment successful.

Mr. Flaxman described how moving 56th St east would impact design elements for the west side and east side. The goal would be to move heights and density away from existing residences.

MSE representatives asked the applicant to consider using the existing typography for the new residential. Mr. Flaxman stated that there is a 10-12 foot downward slope. To use the existing typography would require construction of a ramp into each garage or design the homes so that the second story is at ground level. He said this design is not desirable.

Mr. Bacon responded to a question from Council regarding the mechanics of moving 56th Street and its impact on Lot 68. He said there are seven utility easements in 56th Street. They would need to be identified or relocated. The Town would be willing to vacate the ROW but would require the utility easements to be maintained. The new realignment would require acquisition of new ROW which would come from the applicant. It would also be necessary to acquire a portion of Lot 68. The appropriate way to acquire the ROW would be to work with HOA which owns 56/60ths of Lot 68 and acquire the remainder through purchase or eminent domain. The Town would then need to make a determination about signalization of the old and new 56th St intersections.

He said Council would then need to approve contracts for the design and construction of the new 56th St. He noted that the recommendation from the Planning Commission assumes the current alignment so the Council may wish to request a new cross section for 56th St if it is realigned.

MSE resident Becky Bennett confirmed that the MS Resort Committee understands the process involved in realigning 56th St. She stated that the HOA has deeds to 55/60ths of Lot 68.

Responding to a question from Council regarding 56th Street traffic flow, Mr. Bacon stated that El Chorro, The Sanctuary Resort, and the neighborhoods surrounding 56th Street have all expressed interest in maintaining the current intersection at 56th St. and Lincoln Drive to allow pedestrians to safely cross Lincoln Drive. He said staff would study the possibility of signalizing Lincoln Dr. at both 56th St and N. Lost Dutchman. There is precedent for installing traffic lights in close proximity. There are signalized intersections 150 feet apart on Tatum Blvd. The distance between 56th Street and N. Lost Dutchman Rd is 320 feet.

Responding to a question from Council, Mr. Flaxman noted that the setback on Lincoln Drive is 100 feet from the sidewalk. He said the oleanders are on the property line.

MSW representatives summarized their concerns with the new proposal including:

- Egress / ingress and location of gatehouse
- Club house setbacks

MSE representatives summarized their concerns with the new proposal including:

- Heights, setbacks, and density are still concerns without more information
- Desire for access to 56th Street

- Moving the 56th St alignment east still does not resolve their concern that they do not feel integrated into the resort
- Asked for story poles to be relocated based on the new concept plan
- Asked for more information on the entry design to see how it would impact their design to create additional overflow parking for visitors

Mayor LeMarr stated that the next hearing would be November 15. He asked the applicant to make every effort to erect the new story poles by that time.

Mayor LeMarr reopened the public hearing.

Resident Ian Grant-Whyte encouraged that Council to take as much time as they needed to fully understand to proposal before they make a decision. He spoke in opposition to any plan that would include high density residential development.

MSE Resident Jo Ann Timbanard spoke in opposition to any three story development.

MSW Resident Charles Baker asked for clarification on traffic flow at the intersection of Lincoln Dr. and 56th St. and possible stacking that would prevent resident from turning on to the residential road serving the neighborhood.

Mr. Flaxman expressed his appreciation for being allowed to submit these changes this late in the process. He committed to submitting new designs and other information at least 48 hours before the meeting.

Motion and vote – Councilmember Schweiker moved to continue the public hearing on Ordinance Number 653, a Special Use Permit request for the re-development of the Mountain Shadows Resort to November 15, 2012. Councilmember Kirby seconded the motion which passed by a vote of 6 – 0.

REQUESTS FOR FUTURE AGENDA ITEMS

Mayor LeMarr moved to reschedule the discussion of speed limits on Lincoln Drive and Tatum Blvd from November 15 to January 10. Councilmember Trueblood seconded the motion which passed by a vote of 6 – 0.

MAYOR / COUNCIL / MANAGER REPORT

There were no reports.

ADJOURNMENT

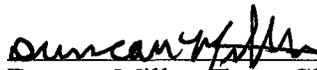
Motion and vote – Councilmember Dembow moved to adjourn. Councilmember Kirby seconded the motion which passed by a vote of 6 - 0.

Mayor LeMarr adjourned the meeting at 8:39 p.m.



Scott P. LeMarr, Mayor

ATTEST:



Duncan Miller, Town Clerk