



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

**SUMMARIZED MINUTES
MARCH 27, 2008**

CALL TO ORDER

Mayor Winkler called to order the Town Council meeting of the Town of Paradise Valley, Arizona, held at Town Hall 6401 E. Lincoln Drive, on Thursday, March 27, 2008 at 4:03 PM.

COUNCIL MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

Town Manager James C. Bacon, Jr
Town Clerk Duncan Miller
Town Engineer William Mead
Chief of Police John D. Wintersteen
Management Services Director Lenore Lancaster
Planning & Building Director Eva Cutro
Public Works Director Andrew Cooper
Senior Planner Molly Hood
Deputy Town Attorney Steven Zraick

DISCUSSION ITEMS

Discussion of The Ritz-Carlton, Paradise Valley Special Use Permit

Mayor Winkler stated that the objective of this meeting is to reach consensus on the remaining issues and then schedule an April 10th hearing on the special use permit and have an up or down vote.

Town Manager Jim Bacon stated that there is no desire or need for the application to be sent back to the Commission. He clarified that the special use permit, development agreement, and roadway abandonment may be approved separately from the preliminary plat, should the Council wish to do so. The final hearing is scheduled for April 10, 2008.

Ms. Cutro summarized the project stating that the current plan includes the following:

- A resort hotel with 225 rooms, spa, restaurants, meeting space and 511 parking spaces
- 100 resort patio homes in 50 buildings – 38 two story buildings and 12 one story buildings. The one story buildings will be a maximum of 18 feet in height and the two story buildings will be a maximum of 28 feet in height.
- 46 luxury detached residential homes one story in height with an average lot size of 20,909 square feet. They will be a maximum of 18 feet in height measured from the finished grade.
- 15 one-acre home lots with an average lot size of 45,808 square feet. They will be a maximum of 24 feet in height measured from the finished grade.
- Site improvements including parking, landscaping, and lighting

Ms. Cutro stated that the Council held meetings on the Ritz Carlton project on January 10th, January 24th, March 10th, March 13th, and March 20th. She summarized the consensus reached in previous meetings and the Council provided further direction on the following points:

1. Indian Bend Road – The cross section for the street and the location of the entrance were discussed. It was decided that medians are not required, or preferred, in the cross section. The Council also considered relocation of the entrance drive to the east to meet the existing traffic circle. While other alternatives were also discussed, the consensus was to relocate the entrance to match up with the existing circle.

Fleet Engineering clarified that the current traffic circle would be removed and reconstructed 100 feet east of the current location. There will be adequate distance between the traffic circle and the south entrance to the Scottsdale Plaza Resort.

Mr. Mead stated that the City of Scottsdale will improve the 660 feet of Indian Bend Road on the west side of Scottsdale Road in conjunction with the City's flood control and street reconstruction project on the east side Scottsdale Road. The City stated that the 660 feet of Indian Bend Rd has enough space to install bike lanes on both sides of the street. He said that the Town will extend the bike lanes to Mockingbird Lane.

The Town will also work with Scottsdale on a uniform speed limit for the full length of Indian Bend between Scottsdale Road and Mockingbird Lane.

2. Estate Lots - The consensus of the Council was to limit the perimeter Estate lots to one-story and 25% Floor Area Ratio. There was also discussion of whether height is measured from lowest natural grade (Current R-43 standard) or from finished grade (currently proposed in the SUP). No consensus was reached and there was a request to have engineering supply additional information on existing and proposed grades.

There was Council consensus to measure heights from the lowest natural grade under the structure to the highest point on the house. The one-acre estate lots would be treated like any other R-43 lot in the Town.

3. Setbacks along Lincoln Drive - It was suggested that the private drive north of lots 23-27 be relocated to the southern edge of these lots, similar to the design of the Judson subdivision. The applicant was opposed to this site plan change at this stage in the application; however, the applicant agreed to amend the wall setback along Lincoln to a minimum of 40 feet from the back of curb to the nearest lot line. A new wall exhibit will be prepared and the plans amended to reflect the change in configuration of the luxury home lots east of the entrance. There was also discussion of the estate lot at the corner of Lincoln and Mockingbird. There was a suggestion that the landscape buffer between this lot and the street corner be enlarged to create greater setbacks at the corner. The trade-off for the setback might be a smaller lot on the corner. Also, the need for an exhibit showing deceleration lanes, and setbacks, on Lincoln Drive.

Ms. Cutro offered the following options to achieve the 100 foot setback at the corner of Lincoln Drive and Mockingbird Lane desired by Council:

- Angle the perimeter wall
- Measure the acre lots from lowest natural grade
- Limit the setback on accessory structures
- Decrease the size of lot to increase the landscape tract
- Require a minimum 100 foot setback at the corner
- Stipulations regarding roof pitch

Additionally, Louis Werner, speaking for himself, provided two suggestions to increase the setback. Both the options eliminated a lot. There was no consensus.

It was agreed that Councilmembers Cooney and Clarke, and Eva Cutro, Andrew Miller would meet with the applicant before the next meeting to finalize options to increase open space at the corner.

4. Parking concerns at the patio homes – The applicant presented plans showing parking and circulation. It was noted that the plans will need to have dimensions and clearly show location of garage doors.

The applicant provided plans showing driveway and garage dimensions and turning radiuses. The applicant stated that the garage locations and sizes were designed to be accessed by the largest sport utility vehicles.

Fire Marshal Pat Dunlap stated that the private streets will be wide enough so that “no parking” signs will not be necessary. The Fire Marshal expressed concern with the three private driveways that exceed maximum length specifications for emergency vehicle access. To resolve this concern, the applicant’s engineer will design an emergency vehicle turn around in the landscape area.

5. Engineering requirements – Water infrastructure. Sewer services, and grading and drainage were discussed. Town Engineer will work with Fred Fleet, Fleet Fisher Engineering to address water supply, stormwater retention, and grading and drainage. (Information will be distributed to the Council once it becomes available).

Mr. Fleet explained that the property slopes from south to north and west to east. The property falls seven feet from Lincoln Drive to Indian Bend Rd and it falls 21 feet from Indian Bend to Scottsdale Rd.

Ms. Cutro stated that it will be necessary to revise the stipulations to clarify that the 1-acre lots will be measured from the lowest point of natural grade. The R-18 lots will be measured from finished grade. The R-18 lots on the eastern portion of Lincoln Drive will not be higher than the one-acre homes on the western portion of Lincoln because the property falls west to east.

The Council did not discuss the proposed stipulations.

Motion and vote - Mayor Winkler moved to go into executive session at 5:35 p.m. Councilmember Clarke seconded the motion which passed by a vote of 7-0.

EXECUTIVE SESSION

- a. Discussion and consultation with Town Attorney regarding the **development agreement with Five Star Development (The Ritz-Carlton, Paradise Valley)** as authorized by A.R.S. §38-431.03.A.4 and legal advice from the Town Attorney regarding **rezoning of property located at 7000 E. Lincoln Drive** as authorized by A.R.S. §38-431.03.A.3.
- b. Discussion and consultation with Town representatives regarding **right-of-way abandonment in the vicinity Indian Bend Rd and Mockingbird Lane** as authorized by A.R.S. §38-431.03.A.7.
- c. Legal advice from Town Attorney regarding **water law, regulation of private water companies, and certificate of assured water supply** as authorized by A.R.S. §38-431.03.A.3.

- d. Discussion Legal advice, discussion, and consultation with Town Attorney regarding **Arizona-American rate case related to the public safety surcharge** as authorized by A.R.S. §38-431.03.A.3 and A.R.S. §38-431.03.A.4.
- e. Discussion and consultation with Town representatives regarding **roadway abandonment request in the vicinity of Stallion Road and 67th Street** as authorized by A.R.S. §38-431.03.A.7.
- f. Discussion and consultation with Town Attorney regarding pending or contemplated litigation regarding **Steven & Alexis Stone v. City of Phoenix CV2007-3661** as authorized by A.R.S. §38-431.03.A.4.

CALL TO ORDER

Mayor Winkler reconvened the meeting of the Town Council at 7:00 P.M.

COUNCIL MEMBERS PRESENT

Mayor Ed Winkler
Vice Mayor Scott LeMarr
Council Member Ron Clarke
Council Member Brian Cooney
Council Member Mary Hamway
Council Member Dan Schweiker
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Public Works Director Andrew Cooper
Management Services Director Lenore Lancaster
Planning & Building Director Eva Cutro

PLEDGE OF ALLEGIANCE

Councilmember Schweiker led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations.

PUBLIC COMMENT - THE RITZ-CARLTON, PARADISE VALLEY SPECIAL USE PERMIT

John Meunier spoke in opposition to the project because of the high density residential and because view corridors would be blocked.

Jane Cole asked Council to require an increase in the setbacks around the perimeter of the property and asked that the residential ambiance be maintained. She encouraged the developer to plant indigenous landscaping.

Mel Kowal and Geneva Spigner, representing Preserve Our Paradise, spoke in opposition to the high density residential. They challenged the validity of the current special use permit stating that the zoning has expired and reverted to R-43 residential. A letter was submitted detailing their concerns.

Town Attorney Miller responded that under Arizona law zoning does not expire and automatically revert. It is necessary to go through a zoning process in order to change a zoning classification or to allow a property revert to a prior zoning classification. Mr. Miller stated that there is no evidence that a hearing has ever been held to change or revert the zoning. He further stated that there is no de facto reversion of zoning. He said A.R.S. §9-462.01.E requires that a reversion can only occur after a notice and hearing process before both the Planning Commission and Town Council.

Rita Weinstein stated that she is the owner of a new home built by Aztec Builders, a subsidiary of Five Star Development. She has experienced building quality and customer service problems with the contractor. She questioned what this would mean for homeowners in The Ritz-Carlton property.

Valerie Crosby submitted a written comment supporting the project.

Diane Beirden she spoke in favor of the development. She said she bought her house because she knew a Ritz-Carlton would be built. She said she has had good experiences with Five Star Development in her professional career.

CALL TO THE PUBLIC

Dennis Wurst expressed his displeasure with the current Town Council.

Edward Linskey, Jr asked Council for a letter on Town letterhead confirming that the Town of Paradise Valley has no objection to the disposal of a split heat pump air handler to a debris box on his property as opposed to having a contractor haul it away for a charge of \$150.

MAYOR / COUNCIL / MANAGER REPORT

Mr. Bacon reported that a groundbreaking ceremony for the two new fire stations would be held at Fire Station Number 2 at 10:30 a.m.

Mr. Bacon confirmed that the group assigned by Council to resolve the remaining Ritz-Carlton setback issues on Lincoln Drive will meet tomorrow morning.

Mayor Winkler reported that he represented the Town at the State Capitol for the Arbor Day Celebration. This is the seventeenth year the Town has participated.

CONSENT AGENDA

- a. Minutes of Town Council Work Session March 8, 2008**
- b. Minutes of Town Council Special Meeting March 10, 2008**
- c. Minutes of Town Council Meeting March 13, 2008**
- d. Adoption of Resolution Number 1163 Certifying the Results of the 2008 Primary Election**
Recommendation: Adopt Resolution Number 1163 certifying the results of the Primary Election held on March 11, 2008.

Mr. Bacon summarized the consent agenda.

Motion and vote – Mayor Winkler moved to approve the consent agenda as submitted. Councilmember Simpson seconded the motion which passed unanimously.

PUBLIC HEARINGS

There were no public hearings.

ACTION ITEMS

There were no action items.

Motion and vote – Councilmember Schweiker moved to reconvene into executive session. The motion was seconded by Vice Mayor LeMarr and passed unanimously.

ADJOURNMENT

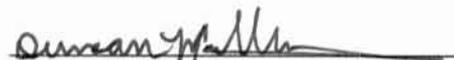
Motion and vote – Vice Mayor LeMarr moved to adjourn. Councilmember Clarke seconded the motion which passed unanimously.

Mayor Winkler adjourned the meeting at 7:50 p.m.

ATTEST:



Ed Winkler, Mayor


Duncan Miller, Town Clerk