



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Planning Commission

Tuesday, April 16, 2019

6:00 PM

Council Chambers

1. CALL TO ORDER

Chairman Wainwright called the meeting to order at 6:00 p.m.

STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller
Community Development Director Jeremy Knapp
Senior Planner Paul Michaud
Town Engineer Paul Mood

2. ROLL CALL

Chairman Covington attended by phone and left the meeting at 6:54 p.m.

Present 7 - Commissioner Jonathan Wainwright
Commissioner James Anton
Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Pamela Georgelos
Commissioner Orme Lewis
Commissioner Daran Wastchak

3. EXECUTIVE SESSION

None

5. PUBLIC HEARINGS

- A. [19-159](#) Consideration of Major Special Use Permit Amendment (SUP-18-12)
10555 N Tatum Boulevard - Mountain View Medical Center
Recommendation for Continuance

Paul Michaud, Senior Planner, provided an overview of the request. The applicant has held the citizen review meeting and the Town Council approved the request for additional time for the Planning Commissions review until June 18, 2019. The applicant is working on revising plans from comments received during prior work sessions. Draft stipulations will be

ready for the next work session.

Mr. Michaud reviewed the aspects of the application request. The narrative lists the specific uses being proposed. There was a veterinarian use that was proposed but is now eliminated. The applicant would like to retain the pharmacy use. The Council is discussing the allowance of Schedule I and II drugs. The applicant is proposing allowance for urgent care, surgery center not exceeding 48 hour stays and a sleep center. The guidelines suggest a minimum of five acres for medical office and 25% lot coverage. There is not a guideline for floor area ratio. The site is 9.8 acres in size and has 21.1% of lot coverage and 90,000 square feet of structures with 60,000 square feet of this being actual office space. The lot coverage is going up slightly. The floor area ratio will go to 27.1% as two of the new buildings are two stories. The total square footage of everything under roof is a little over 115,000 square feet. On the first floor there is 73,000 square feet and about 18,000 square feet on the second floor. About 5,000 more square feet is being proposing for covered parking spaces.

He indicated that the Special Use Permit (SUP) guidelines suggest no more than 30 feet maximum heights for main structures. Single story structures are 16 feet to 21 feet in height. Based on the citizen review meeting, they are considering moving the air conditioning units to the adjoining single-story buildings so the two-story building would have a height of 30 feet and comply with the SUP standards. The parking canopies are proposed with a nine-foot height. The two single story buildings on the end of Shea Boulevard and Tatum Boulevard exceed the open space criteria by one foot on the street side. Mr. Michaud noted that that the proposed minimum setbacks from the buildings to Firebrand Ranch are 74 feet and 82 feet, with the second story buildings at a setback of 325 feet.

He mentioned that the SUP guidelines and Visually Significant Corridors Plan calls for a 50-foot landscape setback along Tatum Boulevard and Shea Boulevard. Along Firebrand Ranch, the SUP guidelines suggest a 40-foot landscape setback. The existing 25' setback condition does not meet these guidelines. The proposed conditions will remain essentially the same landscape setbacks.

He then reviewed the SUP guidelines for signage. The applicant is working to get the monument sign size down closer to 60 square feet. They started with 82 square feet. The proposed directional signs will not meet the SUP criteria. There are three proposed directory signs that are larger in square footage. The Commission previously discussed whether a portion of the sign could be considered art. The directional signs are low in height and not visible from off site. There are no SUP criteria for tenant and building

signs. There are proposed tenant signs are each suite. There are four proposed buildings signs that will be no larger than 40 square feet. All building signs will face Tatum Boulevard and Shea Boulevard.

Mr. Michaud reviewed the number of Commission meetings held, with an expectation for a total of 14 meetings. He expects at least three Town Council meetings. Discussion and action would not happen until fall 2019.

Mr. Michaud commented that neighbors would like to see deeper landscape setback along Firebrand Ranch, have input on landscape material and they prefer a shortened construction timeline. They would like the two-story building removed or reduced to 24 feet. They had mixed feelings on the modern architecture design. They were concerned with increased traffic and cut-thru traffic, decrease in property values, increase in office square footage and noise. The applicant is still working on the draft stipulations, exterior lighting, landscaping and building height. More dense landscaping was required along Firebrand Ranch. Mr. Michaud added that the applicant is interested in adding solar to the parking canopies and adding electric charging stations.

A drone video was shown depicting the views from the 2nd story toward Firebrand Ranch.

John Bozzo, representing the applicant, commented that the drone video was taken in two different locations at 19 feet from grade which is the sight line from a second story balcony. The balcony on the second story building will be about 315 feet from the property line. The objective was to show the sight lines from the balcony to the neighbors. There are limited sight lines to the neighbors. The wall along the property line is proposed to be increased to eight feet where a resident wants it increased. The applicant stated there will be 56 trees within this landscape buffer. He presented renderings from neighbor's yards showing the project. He mentioned that the building is presented at 29 feet in height in the rendering and will actually be one foot higher. They heard from the neighbors that they were concerned mainly about building height and traffic.

A Commissioner asked if there is a consensus from the neighbors regarding the eight-foot tall wall.

Mr. Bozzo explained that they have not obtained feedback from the neighbors yet. They can alternate the height of the wall.

Commissioner Lewis suggested that they use creative architecture in alternating wall heights.

Commissioner Campbell commented that he is more concerned about view line from the top of the proposed buildings and the homes.

Mr. Bozzo stated that he can include this view.

Commissioner Campbell asked for more background on the garden level compared to a second story.

Jeremy Knapp, Community Development Director, stated that he would have the police department comment on this point. Lowering the building could provide a space for people to hide. The recessed area could create drainage problems.

Commissioner Georgelos stated that she would like to see the actual height of the building and a variety of views and where the photos are being taken.

Commissioner Campbell commented that he would like to see views from neighbors that are more exposed. He would like to see the massing of the landscaping included.

Mr. Bozzo presented a photo rendering showing the landscaping.

Chairman Wainwright opened the public comment.

Chuck Vogel stated his property adjoins the applicant's property. He indicated he is concerned with the look of the two-story building. He stated he flew a balloon from the applicant's property where the balcony would be located and believes it will have a significant impact on his view and privacy. It will be hard to shield this with landscaping. He likes the idea of relocating the rooftop units to the single-story buildings. He would like the building to be lowered to 25 feet instead and they could do this with a garden level. Traffic, density and noise and disruption will be added. Five years is a long construction timeline and he requested that this timeframe be shortened.

Paul Couture commented they have covered his points already. He stated that when a developer goes from single story to two story there is usually a reason for this change. He does not understand what this reason is for this project. He asked whether the applicant considered making the single-story buildings larger instead of going to a two-story structure. He does not believe they need windows facing south. If his neighbors cannot sell their homes, then he will have issues as well. He mentioned the two buildings should be pushed closer to the street and subsequently be pulled further away from residential homes. He suggested they remodel the center

instead of rebuilding.

Charles Koznick stated he has been a resident of the Town for four years. There are three points of ingress and egress into Firebrand Ranch. One north point is located on Shea Boulevard and two along Tatum Boulevard. He wants to focus on the southern point that connects to Beryl Avenue. Turning left from Tatum Boulevard onto Beryl Avenue has been discussed. During the months of November to April, there is an issue between 4:00 AM and 6:00 PM. He expressed concerns that patients will not be able to turn left onto Tatum Boulevard. This will require them to cut through Firebrand Ranch. The new project will make this problem even worse. He proposed closing the southern access point on Beryl Avenue be closed and curbed to accommodate additional parking for the facility. He expressed concern that children could be at risk with patients driving through the neighborhood.

Andrew Miller, Town Attorney, suggested the Planning Commission continue the public hearing to another date certain.

Chairman Wainwright invited the applicant to answer questions received from the public.

Mr. Bozzo stated they are trying to accommodate existing tenants that have been operating at the site for 25 years that want to stay in the new project. Leases are expiring at different dates and they cannot wait to start construction because it will push the project back several years.

Commissioner Wastchak stated he appreciates seeing the phasing schedule. He referenced the gantt chart. He commented the construction is shown to be 3-1/2 years and not five years.

Mr. Bozzo confirmed this point.

Commissioner Wastchak stated there is a three-month gap between physical construction. It would not be continuous. He mentioned that the last three months will be more quiet construction.

Mr. Bozzo stated it is feasible from a contractor's schedule, but they are working with existing leases. The timeline proposed is the worst-case scenario.

Commissioner Wastchak asked him to see if they can tighten the timeline.

Mr. Bozzo mentioned if the existing tenants are not moving into the new building then they could construct both buildings at the same time.

Economically it is better to have less phases.

Commissioner Anton asked if they will complete phases one and two within two years and then move to Tatum Boulevard and Shea Boulevard. He remarked the major commotion appears to be within the first two years.

Mr. Bozzo stated that he is correct.

Commissioner Campbell stated he is sympathetic to the three-month gaps for relocating tenants. As far as neighborhood impacts, they are looking at a three-year project. He asked if the applicant would be willing to have a stipulation limiting them to three years of construction.

Commissioner Wastchak stated that he would not support that stipulation.

Mr. Bozzo stated that three years is tight, but they can come down from five years.

Commissioner Lewis asked what the impediment is from placing the two-story building at the corner of the intersection. This could move traffic away from the neighbors.

Mr. Bozzo stated that they looked at plans that pushed the buildings to the street but it seemed to create a shopping center look with all of the parking in the back.

John Cantrell with Windslow Architects stated that they explored the option to move the buildings to the corner, but they were not able to get emergency vehicle access and circulation around the buildings. They felt it was better to keep the infrastructure in place. The corner building was designed to be special with a plaza design.

Commissioner Georgelos asked Mr. Cantrell to address the point raised about increasing the building footprints and not going to 2-story.

Mr. Cantrell stated that this would increase the building footprints by 18,000 square feet and reduce a lot of open space. They felt that having more landscaping was more meaningful.

Commissioner Georgelos asked for the reason the design does not push the development closer to Tatum Boulevard and Shea Boulevard to increase setbacks along the residential property lines.

Mr. Cantrell commented they would have done this but were required to have a 40-foot setback. The proposed buildings are pushed back further

from Firebrand Ranch than they currently sit.

Commissioner Georgelos asked if the option presented is the most protective to the residents.

Mr. Cantrell stated he feels it is the most protective.

Commissioner Campbell commented he would like the applicant to maintain the 40 setback and street front landscaping since this is a visually significant corridor.

Commissioner Wastchak stated there was a comment regarding closing Beryl Avenue. He asked Paul Mood to comment on this point.

Mr. Mood stated they would have to look at circulation for fire flows. They could end up pushing traffic to other neighborhoods, swapping one problem for another problem.

Commissioner Wastchak asked what the logistics are for closing a road.

Mr. Mood stated the road would remain in place, but the entrance would be closed.

Chairman Wainwright invited Mr. Koznick to speak.

Mr. Koznick explained if they don't restrict access to Beryl Avenue, patients will cut through their neighborhood. He explained he wants their parking lot to end at Beryl Avenue. Beryl Avenue would then only be used by the neighborhood. He is concerned patients will make a U-turn and come through their development if it was not closed.

Mr. Campbell requested the engineer to look into this point.

Mr. Bozzo stated his engineer's study showed very few people made this movement. If Beryl Avenue were closed off, it would make more people to head south on Tatum Boulevard. He suggested they allow the engineer to present this information at the next hearing.

A motion was made by Commissioner Wastchak, seconded by Commissioner Campbell, to continue the public hearing on the Major Special Use Permit Amendment (SUP-18-12) for Mountain View Medical Center located at 10555, 10565, 10575, 10585, 10595, and 10599 North Tatum Boulevard (Assessor Parcel No. 168-07-001C) from April 16, 2019 to its regular meeting of June 18, 2019. This continuance will allow for more time to discuss the proposed amendment. The Town Council at its meeting of April 11, 2019 authorized an extension of the Planning Commission review up to June 18, 2019. The motion carried by the following vote:

Aye: 6 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Georgelos, Commissioner Lewis and Commissioner Wastchak

Absent: 1 - Commissioner Covington

4. STUDY SESSION ITEMS

None

6. ACTION ITEMS

A. [19-165](#)

Consideration of Mummy Mountain Park 9 Lot Split (LS-19-04)
7404 N Ironwood Drive (APN: 169-03-021)

Mr. Michaud stated the Planning Commission discussed this item during the work session on April 2, 2019. At the time, the plans presented indicated the property would be on sewer. The applicant's engineer has provided the various elevation points and show the lots will be on septic instead. Curbing will be placed on Ironwood Drive. The applicant has completed a 500-foot mailing for this project. This project is an administrative application. He then reviewed the lot split and site location. The proposal is to create a one 1.0 acre and 1.23-acre lot.

He commented lots splits need to meet the following four criteria:

- Meet the 165-foot lot width
- Contain at least one-net acre in size
- Regular in shape
- Direct access unto a public road or private road

This proposal meets all four criteria. This is a corner lot which contains the suggested 50-foot right-of-way as called out in the General Plan. Both roads do not meet the total width for pavement which is 22 feet. The applicant would be required to widen the road to this minimum width. Drainage will be dealt with at the time of building permits. The wash area will need to be shown and a drainage agreement will be required. A fire hydrant is at least 60 feet from the site. The minimum flow for the area exceeds the 1,500 gpm requirement. The recommendation is for approval with the various stipulations in the action report.

Nick Prodanov from Land Development Group stated he can answer questions.

Chairman Wainwright asked if he completed a percolation test on the property.

Mr. Prodanov responded they have not. The lots are on septic, it will be

tough but doable.

There was discussion regarding the addressing and front yard designation.

Chairman Wainwright mentioned there is an extraordinary drainage going through Lot 1 and mentioned it will be challenging to develop. He then opened public comment.

Emmette Graham commented he resides two houses west of the lot split. This area has always been a unique area. The original developer designed the plat with approximate two-acre lots to provide wide open areas. This was in the deed restrictions which have now run out. He is not opposed to just this lot split but opposed to all lot splits. Lot 1 on the proposed split, if built to two stories, will take away the view of the east from the house adjacent to them. He feels this takes away from the value of the area. He hopes that when developers build a house, they will take into consideration impacts to neighbors.

Mr. Michaud explained that this property is not a hillside lot and must follow the open space criteria. He explained the criteria, adding height is measured from natural grade which helps lower the home.

Commissioner Campbell stated that they tried in the past to get a two-acre zoning district and it was not approved.

A motion was made by Commissioner Wastchak, seconded by Commissioner Lewis, to approve the Mummy Mountain Park 9 Lot Split, subdividing approximately 2.23 acres into two (2) residential R-43-zoned lots, subject to the following stipulations:

- 1. The lot split plat must be recorded with the Maricopa County Recorder's Office, in substantial compliance with the lot split plat map prepared by Land Development Group, dated sealed by James B. Flack on March 21, 2019.**
- 2. Prior to the recordation of said lot split plat, the applicant shall submit the required improvement plans for Town Engineer approval and provide a procedure and other forms of assurances necessary for the Town to be in a guaranteed position to complete the construction and related site improvements for Ironwood Drive and Cholla Drive adjoining the subject property. These improvements include:**
 - a. pavement widening for Cholla Drive in accordance with the local roadway standard, Option C, of the Town's General Plan, and**
 - b. pavement widening and curbing for Ironwood Drive in accordance with the local roadway standard, Option B, of the Town's General Plan.**
- 3. Prior to recordation of said plat, recordation of the required Town's drainage maintenance agreement form for the wash on Lot 1 shall be completed.**

4. The improvements described in Stipulation 2 shall be completed prior to the issuance of the first Certificate of Occupancy for a new single-family residence on said lot split plat.

5. 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 Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Georgelos, Commissioner Lewis and Commissioner Wastchak

Absent: 1 - Commissioner Covington

B. [19-162](#)

Consideration of Camelback Lands 6 Lot Split (LS-19-03)
5106 N. Wilkinson Road (APN: 173-20-010)

Mr. Michaud stated the Planning Commission reviewed this during their last work session on April 2, 2019. The spelling of Camelback has been corrected on the title. The applicant is proposing to create two 1.3 acre lots. There is a nonconforming wall that will need to be removed. The lot split meets the four lot split criteria. The lots front on Wilkinson Road. The lots will be able to tap into the existing sewer line along Wilkinson Road. There are no washes on the property. The lots are within 175 feet of a fire hydrant. Staff is recommending approval with conditions.

Mike Graham, with American First Builders, stated they are the contractor that will be working on the project. He mentioned the people that owned the project before them applied for a site demo permit for the home, garage and site wall. The prior contractors demolished the home but not the garage and site wall. The wall is nice and heavy duty. It creates a nice construction screen during the project. He agreed to have a stipulation that the wall be removed prior to certificate of occupancy.

Commissioner Campbell stated this is an excellent point.

Mr. Miller explained that typically before the recordation of the plat, all nonconforming structures be removed. He recommended that a bond be put in place for the demo work.

Mr. Graham stated they are planning to take the wall down and agreed to post a bond.

Commissioner Wastchak suggested that condition 2 be modified to reflect this point.

Chairman Wainwright mentioned the CC&Rs prohibit lots splits and there is litigation to this effect.

Mr. Graham commented the owner should be aware of this and completed his due diligence.

Chairman Wainwright stated that the side yard setbacks will need to be 20 feet and it may be difficult to get title insurance. The Town is not involved in the CC&Rs.

Mr. Graham noted that the property owner will remain living on one of the lots of this property.

A motion was made by Commissioner Wastchak, seconded by Commissioner Anton, to approve the Camelback Lands 6 Lot Split, subdividing approximately 2.25 acres into two (2) residential R-43-zoned lots, subject to the following stipulations:

- 1. The lot split plat must be recorded with the Maricopa County Recorder's Office, in substantial compliance with the lot split plat map prepared by EverettAlan Group, dated sealed by James A. Loftis on April 14, 2019.**
- 2. Prior to the recordation of said lot split plat, a cash bond in the amount sufficient to remove the nonconforming walls and/or gates located along Wilkinson Road on this property shall be posted in a form approved by the Town Attorney. If not removed after three (3) years from the recordation of said lot split, the Town can thereafter remove the nonconforming walls and/or gates.**
- 3. 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 Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Georgelos, Commissioner Lewis and Commissioner Wastchak

Absent: 1 - Commissioner Covington

7. CONSENT AGENDA

A. [19-169](#) Approval of April 2, 2019 Planning Commission Minutes

A motion was made by Commissioner Wastchak, seconded by Commissioner Georgelos, to approve the April 2, 2019 minutes. The motion carried by the following vote:

Aye: 6 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Georgelos, Commissioner Lewis and Commissioner Wastchak

Absent: 1 - Commissioner Covington

8. STAFF REPORTS

None

9. PUBLIC BODY REPORTS

Chairman Wainwright welcomed Commissioner Lewis back from having the flu. He also reported that he attended the Council meeting on Thursday. He provided an overview of a managerial amendment allowing the Town Manager to make minor amendments. It passed unanimously. The Council nominated a new chair to the Board of Adjustment and himself to chair of the Planning Commission. The Commission acknowledged the efforts of Commissioner Wastchak.

10. FUTURE AGENDA ITEMS

Mr. Knapp reviewed the upcoming items.

11. ADJOURNMENT

A motion was made by Commissioner Georgelos at 7:50 p.m., seconded by Commissioner Anton, to adjourn the meeting. The motion carried by the following vote:

Aye: 6 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Georgelos, Commissioner Lewis and Commissioner Wastchak

Absent: 1 - Commissioner Covington

Paradise Valley Planning Commission

By: _____
Jeremy Knapp, Secretary