



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Draft

### Planning Commission

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Tuesday, May 7, 2019

6:00 PM

Council Chambers

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#### 1. CALL TO ORDER

Chairman Wainwright opened the meeting at 6:00 p.m.

#### **STAFF MEMBERS PRESENT**

Town Attorney Andrew M. Miller  
Community Development Director Jeremy Knapp  
Senior Planner Paul Michaud  
Planner George Burton

#### 2. ROLL CALL

Commissioner Georgelos arrived at 6:05 p.m.  
Commissioner Covington arrived at 6:07 p.m.

**Present** 6 - Commissioner Jonathan Wainwright  
Commissioner James Anton  
Commissioner Charles Covington  
Commissioner Pamela Georgelos  
Commissioner Orme Lewis  
Commissioner Daran Wastchak  
**Absent** 1 - Commissioner Thomas G. Campbell

#### 3. EXECUTIVE SESSION

None

#### 4. STUDY SESSION ITEMS

**A. 19-192** Discussion of a proposed monument sign at the Ascension Lutheran Church - Minor Special Use Permit Amendment (SUP 19-03) 7100 N. Mockingbird Lane (APN: 174-51-033)

George Burton, Planner, provided an overview of the project. He indicated staff is looking to get feedback from the Planning Commission and a determination if the application is a minor amendment to the Special Use Permit (SUP) zoning. He presented a vicinity map of the property. The Special Use Permit zoning was first issued in 1977. The existing monument sign was installed in 1994. The monument sign is located on the property line along Mockingbird Lane, is 10' wide and 4' tall. It is internally

illuminated and identifies the name of the church and service times. The stipulations require illumination be turned off by 10:00 p.m., except for special events, that signage will not be installed closer to the street than the existing sign and letters shall be blue to match trim of the building.

Mr. Burton explained that the new sign will be located at the property line, have a dual face, and contain a height of 10'-8". It will contain a size of 99.88 square feet in size. He then reviewed the SUP guidelines. The sign contains three areas: a top, cabinet and base. The top part is nonilluminated and will have changeable letters. The cabinet will be internally illuminated with the church name and logo. The lighting will contain about 3,000 Kelvins and turned off by 10:00 p.m., except for special events. The plans show that the name and logo will have a translucent vinyl cover. The code requires an opaque cover, so the light source is not visible. The applicant believes the vinyl overlay meets code. He presented the cut sheets of the sign. The base is not illuminated and will contain the address. Mr. Burton then described how the request met the criteria for a minor amendment.

He mentioned that there are three questions that need to be answered. Is the cover translucent? Does the Planning Commission want to see a photometric plan to confirm the lighting output at the property line does not exceed 0.75-foot candles? Does the Planning Commission consider this application a minor special use permit?

Commissioner Covington inquired regarding code standards for lumens.

Mr. Burton responded that the sign code was recently updated to allow up to 3,500 Kelvins. The proposed color temperature will be compliant.

Commissioner Georgelos asked if the sign will reflect out to the residences across Mockingbird Lane.

Mr. Burton commented that the proposed sign will contain the same perpendicular orientation as the existing sign.

Mr. Burton noted that this application is scheduled for a public hearing on May 21, 2019. If it is determined to be a minor amendment, the Planning Commission will make the final decision.

Commissioner Wastchak asked if each side of the sign contains an area of 100 square feet.

Mr. Burton replied that they do. The current sign contains an area of 40 square feet.

Pat Hurley, representative of the sign for the church, stated this sign is a gift to the church. It was commissioned to enliven the church membership. He explained that the church is iconic in town and contains a Frank Lloyd Wright inspired design by Wesley Peters. They are trying to create something that will stand the test of time. The building needs to be painted. The windows are stained glass and very beautiful. He mentioned a similar sign at a Methodist church on Lincoln Drive that is about twice the size as the one they are proposing. He indicated that this will be a small impact on the over property. The lighting will meet town requirements.

Chairman Wainwright commented that he guesses that this request will be a minor amendment.

Commission Anton stated that the sign now seems appropriate for the size of the property.

Mr. Hurley commented that the sign now is dwarfed by the property and not visible. The new sign will not be imposing. The Methodist sign on Lincoln Drive can be used as a benchmark. It will not impede foot traffic or ingress and egress to the property.

Commissioner Covington asked if there is a way to make the text area smaller on the top of the sign.

Mr. Hurley mentioned that it would not be adequate if smaller.

Commissioner Lewis asked if they approached the neighbors about the request.

Mr. Hurley replied they mailed a notice to owners within a 1,500' radius. Many of the neighbors have come over during the regular food truck events and spoke to them about the sign. No one has expressed opposition to the request.

Commissioner Wastchak stated that the sign for Valley Presbyterian Church on McDonald Drive that was recently approved was not as substantial. He suggested that they remove the top portion of the sign to reduce it down to approximately 60 square feet. He believes that the top portion of the sign is out of place. The sign could be pushed lower with some of the text lines being removed.

Mr. Hurley stated that the sign needs to be eye catching because the church hold events that are community wide.

Commissioner Georgelos indicated that she has concerns regarding the scale of the sign.

Chairman Wainwright commented that they will probably get some push back on the size of the sign. He suggested that the sign be scaled back.

Commissioner Wastchak indicated that it appears that the sign could be pushed closer to the ground and not be elevated higher in the air.

Mr. Hurley again mentioned that he feels the sign is not out of scale.

Commissioner Covington stated that he appreciates that the sign is being designed in a Wright inspired design. He asked if they have banner signs for the events.

Mr. Hurley commented that they do get permits from the Town for these signs.

Chairman Wainwright asked for the lights to be dimmed so the Planning Commission can view the lighting display brought in by the applicant.

The applicant presented the sign and lighting source to the Planning Commission.

Mr. Burton asked if the Planning Commission would like a photometric plan.

Commissioner Wastchak stated that he does not think this is necessary.

Commissioner Anton stated that they have too many messages being displayed on the sign and this takes away from the church. Someone driving by will only have a few seconds to read one statement.

Chairman Wainwright asked if this application can be appealed to the Town Council.

Mr. Burton explained that either an approval or denial can be appealed to the Town Council. The next step is for the applicant to provide changes this week for the public hearing on May 21, 2019. If they do not receive the request material, the application will be continued to a date certain.

#### **No Reportable Action**

**B. 19-195**

Discussion of Major Special Use Permit Amendment (SUP-18-12)  
10555 N Tatum Boulevard - Mountain View Medical Center

Paul Michaud, Senior Planner, commented the focus this evening will be on the revised landscaping and lighting plans. More trees have been added on the entire site. The trees total 233 in the revised plan. There are 101 existing trees. The proposed plan seeks to remove 72 existing trees which include 14 Eucalyptus along Shea Boulevard and 17 trees along Firebrand Ranch. The proposed plan replaces these existing trees with trees of a denser canopy such as Texas Ebony, Indian Laurel Fig and Southern Live Oak. The plans now show the Town monument sign and landscaping surrounding it. The proposed plan does comply with the Visually Significant Corridor (VSC) Plan. Exposed aggregate concrete is being used for walkways and concrete pavers for the driveway and drop off areas. The plan complies with the Statement of Direction.

Mr. Michaud explained that the existing and proposed landscape plan does not meet some of the SUP guidelines, specifically the landscape setback of 50' along the street. This proposed setback is mostly at 40'. Also, the 40' setback along Firebrand Ranch is proposed to remain at 25'

Commissioner Lewis pointed out that the saguaros do not fit within the overall context of the landscaping plan.

Mr. Michaud stated that the use of the saguaros is from the VSC plan. Responding to why the Eucalyptus trees are to be removed, Mr. Michaud replied that the applicant has had maintenance issues with them so close to the street and sidewalk. Mr. Michaud then reviewed the proposed stipulations, including:

- landscaping shall comply with approved plans,
- landscaping that dies shall be replaced in a reasonable amount of time in compliance with the approved landscape plan,
- allowance for an 8' tall wall along Firebrand Ranch,
- landscaping along Firebrand Ranch shall be in Phase 1,
- landscaping along the street shall be in Phase 3,
- all other landscaping around buildings shall be completed during their specific phase,
- debris and weeds shall be removed within 72 hours,
- the Town Manager has the ability to require additional landscaping to address any future loitering concerns, and
- new trees planted along Firebrand Ranch shall be 24" and 36" box minimum.

Commissioner Georgelos asked if there can be more specific language than a "reasonable period of time" on the dead landscaping stipulation.

Andrew Miller, Town Attorney, indicated that they can look into this to

suggest a specific time period.

Commissioner Anton asked if the stipulations include language to allow for the home owners to choose the types of trees planted behind their homes.

Mr. Michaud stated that the plan allows for substantial conformance and small changes are allowed.

Commissioner Georgelos suggested that the applicant coordinate with the neighbors now on this point.

The applicant stated that they are providing the neighbors the opportunity to select from a palette of three trees and to determine if additional wall height is needed for their lot.

Commissioner Lewis commented that he is pleased with the increase in landscape density.

Chairman Wainwright commented that he is happy with the landscaping. Mr. Michaud moved to the topic of exterior lighting. He stated that the applicant provided two options. Option two uses a 3'-4" tall bollard along rear driveway along Firebrand Ranch versus a 12' tall pole light. He noted that the applicant modified the prior plan by replacing the 16' tall poles with 12' tall pole lights. He showed a comparison table between the two options with fixture details. Mr. Michaud explained that the exterior lighting plans comply with the SUP guidelines except for the 13 light fixtures nearest Firebrand Ranch. Lights are allowable but applying the SUP guidelines to this site would suggest lights within a 60' setback of Firebrand Ranch be no taller than 3'.

Mr. Michaud mentioned that there are 23 proposed wall fixtures in the prior plan and now the plan shows 21 recessed soffit fixtures and 35 parking canopy lights. He provided details on all the exterior light fixtures.

Commissioner Wastchak asked which lights will be located in the landscape buffer area adjoining Firebrand Ranch.

Mr. Michaud noted that in Option 1 there would be 13 pole lights at a height of 12' and in Option 2 are bollard lights.

Commissioner Wastchak commented that he is concerned with pole lights in the landscape buffer and is okay with bollards.

The applicant mentioned that there will be a back shield on the light fixtures, so the residents will not see the light source.

Mr. Michaud responded that staff does not support the 12' tall poles since these fixtures do not meet the SUP guideline.

Commissioner Wastchak asked who is making the choice on the options proposed.

The applicant stated that there is an engineered guideline for the lighting levels due to safety. The taller poles help them meet this requirement.

Commissioner Lewis asked if there is a timing device on the lights for them to turn off at night. He then asked what the protocol is for lighting levels in mixed use environments.

Mr. Michaud indicated that town regularly requests SUP properties to limit exterior illumination, including phasing/zoning of lights.

The applicant stated the lighting is based on safety concerns. They are below the standards required for liability reasons. The back area currently does not have lighting.

Commissioner Georgelos asked which option will provide the best screening to residents.

The applicant stated that they can use LEDs to direct lighting where they need to and to eliminate lighting spill over.

Mr. Michaud stated that the lighting plan meets the SUP guidelines for illumination as mentioned earlier.

Commissioner Wastchak mentioned that when the trees are matured the proposed 12' tall light poles will be screened from the neighboring properties.

Commissioner Georgelos asked if the lights will turn off at a certain point.

The applicant mentioned that they have not determined this now, but they could look at having the lighting level reduce to 25% in certain areas.

Mr. Michaud reviewed the lighting stipulations.

- Lighting shall comply with approved plans,
- lighting source shall not be visible from outside the property, with a shield to be added if there is a complaint by a neighbor, and
- exterior parking lot and building lighting shall be placed on a timer to

shut off between the hours of 11:00 p.m. and 6:00 a.m., unless otherwise approved by the Town Manager or designee for special events.

Commissioner Anton asked if they could use motion sensor lighting.

Mr. Michaud stated that they have used timing devices for other applications.

The applicant stated that they could install something if the light is triggered that it turns on at 25% power.

Mr. Michaud suggested the applicant work on a solution for staff to review.

Chairman Lewis commented that he would rather not have the pole lights in the landscape buffer area adjoining Firebrand Ranch.

The applicant noted that they are okay with either option.

Commissioner Wastchak stated that they would like to hear from the neighbors.

One of the neighbors present stated that she prefers the lower height option. She does not want motion lights.

Commissioner Wastchak requested that the applicant get addition input on lighting.

Mr. Michaud reviewed several other stipulations that included allowable uses, pharmacy and urgent care regulations, construction phasing, solar panels and electric charging stations and signage.

Chairman Wainwright stated that urgent care does not conform to Class A office space requirements. The signage of these uses is typically beyond what is allowed. This is the same reason he is pushing back against kennels and vets.

Commissioner Wastchak stated there are urgent care options available nearby.

The applicant indicated that they would like to pursue urgent care and can look for a tenant that does not need a large flashing sign and fit in with the site.

Commissioner Wastchak asked where the use would be located.

The applicant stated that they would like to put it in building B or D. The activity would be shielded from the residents.

Commissioner Georgelos commented they could limit the timing of the use.

Chairman Wainwright stated that urgent care is typically not a doctor that someone would go to on a regular basis and the quality of the building would not be as high.

Commissioner Lewis indicated that he would like to know more about the clientele and services provided by the surrounding urgent care uses.

Commissioner Georgelos stated that she would rather not have urgent care.

Mr. Michaud stated that right now the existing SUP for this property does not list specific uses, but allows for the use of the property as a medical clinic. The Zoning Ordinance does provide some specific uses, but it is easier for staff to determine allowable uses when specific uses are spelled out in the SUP. The Community Development Director would make the determination on what uses are allowable.

Commissioner Anton stated they have to be cognizant with urgent care because as other uses shut down for the day, urgent care will continue into the later hours.

The applicant mentioned that the other urgent care facilities in the area have hours of operation from 7:00 a.m. to 7:00 p.m.

Chairman Wainwright asked if the sleep center provides concern.

Commissioner Georgelos commented that she is concerned with sleep centers because they have ongoing hours. There is residential adjacent to the site.

Chairman Wainwright noted that they could allow this somewhere else on the site.

Commissioner Wastchak asked if any Planning Commissioners are outright opposed to uses that are outside regular hours and if there are areas on the site where these uses could be incorporated.

Commissioner Georgelos suggested that the uses be limited to typical office hours.

Chairman Wainwright replied that if a sleep center or urgent care use were permitted, they should be heavily conditioned.

Commissioner Wastchak suggested that the Planning Commission stipulate hours with the understanding that medical emergencies would be the exception.

Commissioner Georgelos commented that she is not in favor of ambulatory uses.

Mr. Michaud pulled up the line of sight renderings.

The applicant stated that he wants to get feedback on going subterranean or being at grade.

Mr. Michaud stated that the renderings show views from grade and at 30' in height in compliance with the SUP guideline.

Commissioner Covington indicated that going subterranean will help address neighbor concerns.

The applicant stated that they had proposed to go subterranean four to five feet.

Commissioner Covington noted that this would bring the building height down to 26'.

Commissioner Lewis stated that they will gain more by lower the building height 4'. A good architect and business plan can make this work.

Commissioner Georgelos indicated that this will go a long way with creating good will with the neighborhood.

Commissioner Wastchak stated that when he visited with the neighbors it appears that the height is very important to them. The Town Council will appreciate that they did not ignore this element and end up with a building below grade.

Commissioner Covington indicated that good architecture can make the design work.

The applicant commented that they would have to have ramps and an elevator. The building looks the same below grade or at grade. It will not make a considerable difference.

Commissioner Wastchak stated that if the applicant can convince the neighbors on the 30' height than he is fine with it.

The applicant asked if they were to go down 2' instead of 5' would that be an appropriate compromise. The applicant noted that bringing the building down will not make a significant difference because the one-story buildings are between it and the neighbors. The line of sight to the back of the two-story building will only be seen by two lot owners.

The applicant showed the drone video and indicated that there would not be much of a visual impact into the neighbor's backyards.

A resident stated that the landscaping is awesome and he likes the staff's recommendation of a 36" box instead of a 24" box size. The 12' tall lights in the back will get opposition from the neighbors. The neighbors prefer the bollard lighting in Option 1. The two-story building height at 25' tall as opposed to 30' tall is a big difference. Looking from the back yards to the buildings will make a difference. He believes that uses that are restricted to general office hours are fine. He is concerned with uses that are overnight or extended.

#### **No Reportable Action**

#### **C. 19-210**

Discussion of Town Manager Recommendations on Changes to Article XI, Section 1102.2.B of the Zoning Ordinance.

Mr. Miller stated that the changes are minor and have been reviewed by the Town Council. There have been lawsuits against other towns regarding the location of marijuana dispensaries and spacing from residential properties. He reviewed the spaces required by other cities and found the following:

- 1,320' in Tempe
- 1,500' in Scottsdale
- 1,000' in Gilbert
- 1,320' in Chandler
- 2,400' in Mesa

The Town Council recommended that the Town have a spacing of 1,500' like Scottsdale. The draft ordinance shows this change. The code currently states "location of the dispensary shall optimize distance from residentially zoned property, residential spacing shall be the primary consideration for all reviews of intermediate SUPs applications for medical marijuana dispensaries." This sentence will be removed and the first sentence of the section has been changed to stated that medical marijuana dispensaries shall be at least 1,500' from educational institutions, places of worship, recreational facilities, youth centers or a residential zoning district or

property or parcel solely devoted to a residential use in any zoning district. Currently the zoning ordinance does not allow for grow or infusion facilities.

Commissioner Lewis asked what the zoning is for marijuana dispensaries.

Mr. Miller stated that you would have to be in a medical office district and go through an Intermediate Special use Permit amendment.

Chairman Wainwright asked why not use a larger distance than 1,500'.

Mr. Miller indicated that 1,500' seemed reasonable.

Commissioner Wastchak asked if staff did an analysis to determine if any location in the Town would work.

Mr. Miller stated that he is willing to have an executive session to discuss that question.

Commissioner Georgelos mentioned that it is better to have more specificity than less.

Mr. Miller noted that May 21, 2019 will be the citizen review session and the public hearing will be held on June 5, 2019. The Town Council hearing will be on June 13, 2019.

**No Reportable Action**

## **5. PUBLIC HEARINGS**

None

## **6. ACTION ITEMS**

None

## **7. CONSENT AGENDA**

### **A. 19-193 Approval of April 16, 2019 Planning Commission Minutes**

**A motion was made by Commissioner Wastchak, seconded by Commissioner Georgelos, to approve the April 16, 2019 minutes. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Campbell

## **8. STAFF REPORTS**

## 9. PUBLIC BODY REPORTS

Chairman Wainwright recommended that they decrease the number of Planning Commission members on the Hillside Committee from three to two and increase the number of citizen members from two to three.

Commissioner Wastchak asked how this would happen.

Mr. Miller stated that the Town Council would have to change the code and staff can put this on a future agenda.

Commissioner Wastchak stated that this seems like a good thing to discuss.

Commissioner Georgelos stated that they should discuss this in the summer.

## 10. FUTURE AGENDA ITEMS

Mr. Michaud stated that on May 21, 2019 this is a citizen review for the medical marijuana spacing requirements, work session for Mountain View Medical, a work session for a lot split at 5301 North Andrew Gordon and a continued hearing for the church sign.

Chairman Wainwright suggested that during last work session for Mountain View Medical they allow public comment. Commissioner Wastchak recommended they take public comment sooner, next meeting. This will provide the applicant a couple meetings to work on it.

## 11. ADJOURNMENT

**A motion was made by Commissioner Anton at 8:47 p.m., seconded by Commissioner Georgelos, to adjourn the meeting. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Campbell

**Paradise Valley Planning Commission**

By: \_\_\_\_\_  
Jeremy Knapp, Secretary