



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Planning Commission

Tuesday, May 21, 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

Deputy Town Attorney Deborah Robberson
Community Development Director Jeremy Knapp
Senior Planner Paul Michaud
Planner George Burton
Town Engineer Paul Mood

2. ROLL CALL

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

4. STUDY SESSION ITEMS

- A. [19-227](#) Discussion of Major Special Use Permit Amendment (SUP-18-12)
10555 N Tatum Boulevard - Mountain View Medical Center
- Paul Michaud, Senior Planner, shared updates on the application request from the last meeting. He then continued a review of the draft stipulations section by section. He asked the Commission if there were any corrections they would like to make to the stipulations. He pointed out that staff wanted more specificity on the uses allowed on the property.

Jeremy Knapp, Community Development Director, read the portion of the statement of direction (SOD) on uses, which helped clarify what was and

was not allowed on the property.

Mr. Michaud noted that he provided the Commission with other options on how to address some of the prohibited uses, such as limiting sleep centers or urgent cares to only one at a time.

Commissioner Campbell stated he would like to address the geographic location of some of the uses on the site.

Discussion was made on the use of a pharmacy on the property. Commissioner Georgelos indicated they could limit the pharmacy to what type of drugs are available. Chairman Wainwright asked if there were any objections to the pharmacy. No objections were made.

Discussion was made on the use of a sleep center on the property. Commissioner Georgelos stated she is not in favor of it, since it is an around the clock use. Commissioner Campbell agreed.

Commissioner Lewis asked if there would be legal liability if someone had to stay at the medical center longer than the allowed hours. Commissioner Wastchak commented that if there was an emergency situation a doctor would do what they needed and ignore any stipulations. He does not believe anyone would concern themselves with the hours of operations in those situations.

Chairman Wainwright asked if a sleep center would be allowed within the regular hours of operation. Mr. Michaud responded yes, but that would likely result in this use not occurring on this site. Chairman Wainwright indicated he would feel more comfortable with establishing hours of operations and having the business meet those standards.

Commissioner Campbell reiterated that he does not agree with a sleep center as a permitted use if people are being cared for overnight. He clarified he is not for overnight uses. Commissioner Georgelos and Commissioner Anton agreed. Commissioner Lewis expressed concern with something like a procedure needing to go past the hours of operations. Chairman Wainwright responded that could be an emergency exception. Commissioner Georgelos pointed out that the offices should know how to schedule, so they are done on time.

Commissioner Georgelos indicated she is not in support of 48-hour overnight stays for surgery centers as a permitted use on the property. It was noted that this is not consistent with the direction of no overnight uses.

Mr. Michaud clarified that staff would remove sleep centers and change

outpatient surgery centers to have overnight hours.

Chairman Wainwright asked how people felt on urgent care. A Commissioner stated he was not in favor of an urgent care but suspected the signage regulations would result in one not going in anyway.

Commissioner Campbell indicated he was fine allowing an urgent care. He then asked what hours were discussed for an urgent care. Mr. Knapp stated it was 7:00 a.m. to 10:00 p.m. Commissioner Campbell responded he is fine with that, but it should be strategically located on the site. Mr. Michaud noted the stipulations specify what building locations it would be limited to on site.

Commissioner Georgelos indicated that she was not in favor of the urgent care use and explained why. She noted that if it was allowed as a use she thinks the hours should be limited more with signage, time, and other conditions.

Commissioner Campbell explained that he was in favor of some of the extended hours. Discussion continued if urgent care should be allowed or not and what regulations should be put on it.

Chairman Wainwright indicated that it seemed most of the Commission was in favor of allowing it to be open during regular business hours and that the location of the urgent care should be limited.

Commissioner Lewis suggested signage should conform to the ratio of square footage and to the use. Mr. Michaud noted they would discuss signage in another section.

Mr. Michaud continued reviewing the stipulations with the Commission. It was clarified that things such as massage therapy would only be permitted if a doctor indicated a need for the use. Commissioner Campbell noted that it should not be limited to occupational therapist, so a physical therapist should be added to the list. It was noted that the term licensed should be added as well.

Mr. Michaud shared more of the stipulations and reviewed the site plan with the Commission. He noted the applicant is requesting that a pharmacy use be allowed in any building. Discussion was made on the location of the pharmacy. Discussion was also made on if the pharmacy should be open to the public or not.

Chairman Wainwright indicated that he is comfortable with having the pharmacy at any location if it is only open during regular business hours.

Commissioner Covington stated he would stick with Buildings B, C, D, and E with regular hours. Commissioner Wastchak and Georgelos agreed. It was agreed upon that the pharmacy could be open to the public. Temporary placement in Building F was discussed and deemed acceptable.

Mr. Michaud continued reviewing the stipulations.

Chairman Wainwright indicated he would like the first sentence under Stipulation 2 to be stricken. Mr. Michaud continued onto Stipulations C.3 and C.4. It was suggested switching the Lobby/Retail area maximum square footage to 300 square feet.

Commissioner Covington asked if they could discuss vehicle wraps under Stipulation C.5. He suggested not allowing vehicle wraps for the whole complex and not only for the pharmacy. The Commission agreed that would be a good addition to Section L.

Mr. Michaud continued reviewing the stipulations starting with Stipulation C.9. Commissioner Georgelos asked if the Chief Wingert had reviewed everything. Mr. Michaud responded he had. Discussion was made on language for Stipulation C.9.c. It was decided not to change this stipulation. Language for Stipulation C.9.d. was discussed, and clarification was given that there shall be no sales of Class I and II Controlled Substances.

Commissioner Wastchak indicated he did not think that all schedule I and II drugs should be prohibited on the whole site even if it is at the pharmacy, since doctors may need to use them for procedures they are performing. Discussion on this followed.

Mr. Michaud continued reviewing the rest of Stipulations C.9. It was decided Stipulation C.9.g could be removed.

Mr. Michaud introduced the stipulations under Urgent Care. Commissioner Wastchak suggested clarifying that urgent care had to be located on either Tatum Boulevard or Shea Boulevard.

Mr. Michaud pointed out that Stipulation D.4 addressed urgent care signage. Commissioner Georgelos indicated that she is not in favor of the additional signage the applicant is asking. Commissioner Lewis asked if there is lighting restrictions for the signage. Mr. Michaud indicated that the building signs are proposed to be back lite and limited to 3000 Kelvin. The Commission indicated they did not want to allow for additional signage, but would allow one of the four building signs to be for the urgent care tenant.

Mr. Michaud reviewed more of the stipulations. The wording "regular business hours" was added to Stipulation D.7.

Mr. Michaud reviewed the remaining stipulations under Urgent Care, Management, and Construction. The Commission expressed a desire for some sort of completion bond on the project. Some wording changes were made to Stipulation F.6 under Construction.

Mr. Michaud explained the stipulations under the Design and Landscaping/Perimeter Wall section. Brief discussion was made on transitions between wall heights.

Mr. Michaud reviewed the next section on Lighting. Commissioner Georgelos asked that the allowable time for the exterior lighting to be illuminated to be reduced. Mr. Michaud responded that staff would look at that and come back with a suggestion for a reduced time at the next meeting.

Mr. Michaud introduced the section on Noise. Discussion was also made on suggested changes by the applicant for garbage pick-up. Commissioner Georgelos indicated she does not feel they should allow pick-up on Saturdays as well as Sunday.

Commissioner Georgelos stated that she felt the time allowed for deliveries should be changed from 10:00 p.m. to 7:00 p.m. Commissioner Wastchak suggested having it be from 7:00 a.m. to 7:00 p.m. Several Commission members agreed.

Mr. Michaud shared the two stipulations under Signage. The timing for lights being shut off was changed from 10:00 p.m. to 8:00 p.m.

Commissioner Georgelos indicated she would like to address the height issue. Commissioner Wastchak recommended discussing it next time when the applicant is present.

Chairman Wainwright opened the meeting up for public comments.

Hillary Vogel expressed that height is the biggest concern for the neighbors. She suggested having a garden level to take the height down. She noted that even five feet can make a difference. She noted that the applicant has been good to work with in terms of landscaping.

Joanne Ceimo indicated she is a physician and neighbor. She clarified the aspects of a sleep center and noted there could be emergencies and it could also extend well into Saturdays. After she made comments on the

pharmacy, she urged the Commission not to allow controlled substances there. She expressed that they do not need another urgent care and expressed her concerns with having one there. She expressed further input on uses on the property.

Paul Couture commented that he is disappointed with the applicant because they are unwilling to compromise. He read emails he received from neighbors. He pointed specifics in which the applicants have not compromised with neighbor's desires. He noted that business hours of 8:00 a.m. to 5:00 p.m. would be better than 7:00 a.m. to 7:00 p.m. He indicated they need a compromise on both sides and all he is seeing the applicant do is adding more landscaping.

John Nelson stated that he does not feel this site should be enlarged in any way and would be a mistake.

Chairman Wainwright closed the public comments and thanked those that made comments. He also noted that comments could be emailed in.

No Reportable Action

5. PUBLIC HEARINGS

A. [19-223](#)

Consideration 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, introduced the item and shared the background and scope of the request. He noted that the Commission needs to decide if this is considered a minor special use permit (SUP) and if so to approve or deny the request. He then reviewed the stipulations.

Commissioner Campbell indicated that he felt since they have been able to consolidate their signage they should have more leeway for a bigger sign. Mr. Burton clarified what parts of the sign were illuminated. Commissioner Georgelos asked if they could take the brightness down a little. Pat Hurley, applicant, indicated they will have a vinyl shielding on it which will make it subtler.

Mr. Hurley shared more details on the sign. He stated he feels the sign complies in principle and that they have made it as small as possible. Commissioner Wastchak indicated he is supportive of the changes that have been made to the sign.

Commissioner Georgelos asked if the church has reached out to the neighbors about the sign changes. Mr. Hurley indicated they have complied

with the noticing requirements.

Commissioner Lewis stated that he is very good friends with Mr. Hurley, but he does not feel that he has a conflict of interest.

Chairman Wainwright opened the meeting for public comment.

Mr. Hurley stated that people at the church are very excited about the sign change.

Jay Harris, representative of St Barnabus church, asked if the capital improvement project for the widening of Mockingbird Lane will impact the proposed setback for the sign. It was indicated that it should not affect it.

Chairman Wainwright closed the meeting for public comment.

A motion was made by Commissioner Wastchak, seconded by Commissioner Lewis, to deem the requested amendment as a minor amendment to the Special Use Permit zoning per the criteria listed in Section 1102.7.B of the Zoning Ordinance. The motion carried by the following vote:

Aye: 7 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wastchak

A motion was made by Commissioner Campbell, seconded by Commissioner Anton, to replace an existing monument sign with a new monument sign located at the Ascension Lutheran Church at 7100 N. Mockingbird Lane, subject to the following stipulations:

1. All improvements to the property shall be in substantial compliance with the Narrative, Plans, and Documents:
 - a. The Project Narrative;
 - b. Sheet 1 of 4, prepared by Arizona Commercial Signs and dated May 3, 2019;
 - c. Sheet 2 of 4, prepared by Arizona Commercial Signs and dated May 3, 2019;
 - d. Sheet 3 of 4, prepared by Arizona Commercial Signs and dated May 3, 2019; and
 - e. Sheet 4 of 4, prepared by Arizona Commercial Signs and dated May 3, 2019.
2. The Ascension Lutheran Church and the Town shall sign and record a Waiver of Rights and Remedies agreement under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney within 10 calendar days of the approval of this amendment to the Special Use Permit.
3. Sign illumination shall be turned off at 10:00p.m., except for special events.
4. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by the Intermediate Amendment SUP 19-03.
5. Non-illuminated address numbers shall be placed on the east side of the sign, facing Mockingbird Lane.

The motion carried by the following vote:

Aye: 7 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wastchak

6. STUDY SESSION ITEMS (Continued)

- A.** [19-226](#) Citizen Review Session Regarding Approval of Town Manager Recommendations on Changes to Article XI, Section 1102.2.B of the Zoning Ordinance
- Deborah Robberson, Deputy Town Attorney, introduced the code change to have a distance requirement between a medical marijuana dispensary and residential property. She gave background behind the code change. She noted some of the standards in surrounding cities. She then reviewed the next steps and clarified a public hearing would be held for this on June 4, 2019.
- Commissioner Campbell commented that it may not be reasonable to enact a zoning ordinance that excludes medical marijuana dispensary entirely. Indicated he would like to have an executive session that addresses this matter. Ms. Robberson suggested that they wait for the next meeting when Town Attorney, Andrew Miller, is present.
- Chairman Wainwright opened the meeting up for public comment. None were offered.
- No Reportable Action**
- B.** [19-222](#) Discussion of Camelback Lands 6 Lot Split (LS-19-05)
5307 North Invergordon Road (APN: 173-20-026)
- Mr. Burton introduced the item and shared the background of the request.
- Paul Mood, Town Engineer, explained further details about site drainage and noted some potential existing drainage problems.
- Mr. Burton noted they will have a public hearing for this on June 4, 2019 and that the applicant did notify all neighbors in a 500-foot radius. He added that if it gets a unanimous approval from the Commission on June 4, 2019 it will not need to move to Council.
- Discussion was made on covenants, conditions, and restrictions (CC&R). Chairman Wainwright stated the applicant should be aware of CC&R's and litigations that have happened concerning them.
- Rob Cullum commented on previous litigations and the drainage of the property. He stated they are fine complying with the storm water drainage,

but noted that would require the pad height to be four feet on the southeast corner in order to stay out of flood water. He noted that the height restrictions remain measured from lowest natural grade even though they are required to have four-foot pad.

No Reportable Action

7. ACTION ITEMS

None

8. CONSENT AGENDA

None

9. STAFF REPORTS

None

10. PUBLIC BODY REPORTS

None

11. FUTURE AGENDA ITEMS

Mr. Knapp stated they will have a Planning Commission Meeting on June 4, 2019 and noted what will be discussed. He added they will have another meeting on June 18, 2019 and shared what might be discussed at that meeting.

Chairman Wainwright asked if they could cancel the meeting around July 4, 2019. Mr. Knapp indicated that not having a meeting on July 2, 2019 should not delay any projects.

12. ADJOURNMENT

A motion was made by Commissioner Anton at 9:45 p.m., seconded by Commissioner Georgelos, to adjourn the meeting. The motion carried by the following vote:

Aye: 7 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wastchak

Paradise Valley Planning Commission

By: _____
Jeremy Knapp, Secretary