



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Planning Commission

Tuesday, October 2, 2018

6:00 PM

Council Chambers

1. CALL TO ORDER

Chairman Wastchak 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

Commissioner Covington attended by phone.

Present 6 - Commissioner Daran Wastchak
Commissioner James Anton
Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Pamela Georgelos
Commissioner Jonathan Wainwright

Absent 1 - Commissioner Orme Lewis

3. EXECUTIVE SESSION

A motion was made by Commissioner Campbell, seconded by Commissioner Wainwright, to go into executive session to discuss legal advice pertaining to rights-of-way. The motion carried by the following vote:

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

Absent: 1 - Commissioner Lewis

A motion was made by Commissioner Georgelos, seconded by Commissioner Wainwright, to go out of executive session. The motion carried by the following vote:

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

Absent: 1 - Commissioner Lewis

4. STUDY SESSION ITEMS

- A. [18-364](#) Discussion of Major Special Use Permit Amendment (SUP-18-06)
7125 E Lincoln Drive - Lincoln Medical Plaza

Chairman Wastchak introduced the agenda item.

Paul Michaud, Senior Planner, indicated that the commission is familiar with the project so he will provide an update from the last meeting. Staff met with the applicant on September 27, 2018 to discuss access. Notices have gone out for the required neighborhood meeting to be held on October 3, 2018. New material was submitted the morning of October 2, 2018. He reviewed the photometric plan and commented that the only exterior building lighting is shown. Guidelines require lighting to be hooded and shielded. Their plans indicate that all lighting is shielded. There is a 16-foot maximum allowed for pole lights. Pole lights are required to be setback at least the distance of the height of the light fixture or greater. The two lights adjacent to the front parking lot along Lincoln Drive are setback about 13 feet. The guidelines restrict up-lights to 250 lumens, but none are proposed. The Zoning Code, Section 1023, limits lighting to no more than 0.75-foot candles at the property line. The proposed lights are well under this requirement. Most of the lighting is on the building. Landscape lighting shall not be higher than three feet. He indicated that they will need to have the height of mounted lighting included in the fixture detail page.

The applicant commented that the lights are mounted eight feet in height.

Paul Michaud indicated that most of the lights are attached to the building and there are a few parking lot canopy lights. He suggested that the lights be turned off when they are not in use.

Chairman Wastchak stated that he is worried about lights in the back-parking lot not being on at night for safety purposes. He indicated that he would like to hear from the police department on what they would like to see.

Paul Michaud commented that staff is more concerned about the amount of lighting on the building and suggested that some of these be turned off afterhours.

Commissioner Anton suggested that they utilize motion lights.

Mr. Michaud commented that the special use standards for medical signage allows one per principle entrance. It is unclear if there are two

entrance signs, a directional and multitenant sign.

The applicant clarified that they are proposing one monument sign at the west entrance and one directional sign at the east entrance.

Jeremy Knapp, Community Development Director, stated that on sheet A4 it shows a rendering of both signs.

Mr. Michaud indicated that the guidelines allow for one sign at each entrance and are limited to 40 square feet of signage. Article 25 of the Zoning Ordinance states that no sign is allowed on public property. The sign must be internally lit. The photometric will need to include sign lighting. Signs may only be illuminated during established operational periods. Section 201 Definitions states that double faced signs are considered two signs. Technically, a multitenant sign is considered two signs. They are in compliance with these guidelines. There are no standards for building signs. The proposed building signs are 40 square feet in size. These signs are internally illuminated.

He then reviewed the landscaping plan. There is a four-foot increase in the landscape area along Lincoln Drive. This distance varies from 27 feet to 32 feet from back of curb to the parking space screen wall. The screen wall is three feet in height and will be visible from Lincoln Drive. They are proposing to remove the berm, but the wall meets guidelines. The applicant has revised the narrative regarding the medical marijuana dispensary language. They removed the 25-foot-tall entrance atrium and lowered it in height to match the rest of the building. They are requesting to keep the perimeter parking canopies.

Mr. Michaud showed a comparison rendering of the entrance before and after the height was lowered. He referred the Commission to the packet and stated that he believes they are compliance with the Statement of Direction. The draft ordinance contains the draft stipulations. The neighborhood meeting is on October 3, 2018. If the Planning Commission is not ready to act on October 16, 2018, he will need to know this in order request an extension from the Town Council on October 11, 2018.

Chairman Wastchak asked if he has a list of the outstanding items.

Paul Michaud stated this list is summarized in the action report. He does not know if they have everything regarding the traffic report. Other than this, the applicant addressed all items.

Chairman Wastchak commented that he wants to get a sense from the Commission to see if they are ready to act on October 16, 2018. He does

not want to go to Council and find that they missed something. He would have like to have the matrix completed and a full staff review on all items.

Commissioner Anton requested to see the master site plan and asked if it is anticipated that the majority of traffic will come off Scottsdale Road on the west side.

Paul Michaud confirmed that this would be the main entry.

Commissioner Anton asked if the drop off point should be moved to the east to help with traffic getting backed up.

Chairman Wastchak explained that it is incumbent on the applicant to make sure traffic is not backed up. If it becomes a problem, they will address it themselves. If they do not handle this, then the police department will receive complaints.

Commissioner Anton suggested that they install signage to direct people to pull up further.

Commissioner Georgelos commented that installing a sign would be an easy solution.

Commissioner Campbell stated that he would be supportive of that. He believes that there is a good distance here and people will probably be dropped off on the north and east sides of the building.

The applicant stated that they do not want to design the parking lot for 2% of the users. He will take a look at it but is okay with wayfinding signage. Their design is based off of a model that has been used for other similar projects.

Chairman Wastchak indicated that he is in favor of them using pavement markings.

Commissioner Anton requested a stipulation for drop off pavement markings to the east of the entry.

Chairman Wastchak commented that they do not know if it will be problem. He would like to give the town the ability to go back and require the marking to be added in the future.

Mr. Michaud suggested that they have the applicant include this language in their narrative.

Commissioner Campbell commented that people will only use the drop off if the ramp is nearby.

The applicant suggested to add a simple stipulation that states the applicant will take proper measures to ensure congestion and traffic move smoothly and safely through the drop off/pick up area in order to allow the applicant to deal with it as they see fit.

The Commission in general agreed with this language.

Chairman Wastchak stated that he wants to address the right-of-way (ROW) dedication versus an easement. He asked for staffs opinion and asked why they are proposing a 12-foot dedication and 21-foot ROW instead of a 20-foot dedication and 12-foot easement. He would like to see the dedication go as close to the parking stalls as possible.

The applicant commented that they asked the design team to place the fee-simple dedication right up to the monument sign location because they cannot place their monument sign in the dedicated area. If they push the monument sign to far back it diminishes its visibility.

Paul Mood, Town Engineer, commented that he would like to see a full dedication.

Chairman Wastchak asked what will happen if they do not get a full dedication and a partial easement.

Paul Mood commented the request for full dedication is that the Town does not know what will happen in the future with utilities or roadway.

Chairman Wastchak asked what can be done in an easement.

Paul Mood commented that a roadway easement will allow for the road, curb, gutter and sidewalk.

Chairman Wastchak indicated that the monument sign could be compromised if the Town came in with conflicting infrastructure.

The applicant stated that it does not matter if it is an easement or dedication, as long as they have their monument signs.

Deborah Robberson, Deputy Town Attorney, asked if the only issue with the dedication is the signage.

The applicant commented that they are doing the same use on the site.

They do not believe that a total dedication is fair.

Chairman Wastchak stated that they do not want the parking in the dedication area so this is why he wants the dedication pushed all the way to the parking spaces.

Commissioner Campbell suggested that they have a 16-foot dedication and a 16-foot ROW easement. This will allow them to have the monument sign in the same place.

Chairman Wastchak commented that it looks like the monument sign is about 2-3 feet from dedication line.

Commissioner Campbell responded that it measures about four feet.

The applicant stated that he does not believe the dedication of another couple feet will make a tremendous difference. A full dedication is not reasonable to the applicant.

Chairman Wastchak commented that this is the first time they have seen the dedication plan and he want to know the difference in what the Town can do between a dedication area and a ROW easement.

Deborah Robberson commented that the reason they want the dedication is for the standard Lincoln Drive design. This is a major Special Use Permit amendment and it requires the dedication.

The applicant commented that they care about visibility and would like to protect their right for the monument sign. If there is something the Town vitally needs, then they will accommodate it.

Commissioner Georgelos stated that there will be substantial redevelopment along Lincoln Drive and will need the ROW to accommodate this. This is a new Special Use Permit.

The applicant stated that if the Town can tell them from a technical stand point they will try to work providing more.

Commissioner Campbell stated that a 16-foot dedication and 16-foot easement compromise will allow them to have their monument sign. They cannot get a better compromise.

Chairman Wastchak suggested that they go into executive session so they can talk with staff.

Deborah Robberson, Deputy Town Attorney stated that she is happy to go into executive session to provide some legal advice about the dedication.

A motion was made by Commissioner Campbell to go into executive session.

[Meeting reconvened]

Chairman Wastchak asked Mr. Mood what the stipulation is for the dedication. He stated that the easement will allow them to build out the roadway and move the sign, if necessary, then he is fine with it.

Deborah Robberson stated that the 16 feet is needed for a travel lane, sidewalk and landscape buffer.

The applicant commented that they would have to see the language of the easement. Ownership will not want language that will obstruct the operation of the site.

Commissioner Georgelos stated that their client will not want the liability of the roadway and may want a dedication anyway.

Chairman Wastchak thanked the applicant for lowering the height of the entrance.

Commissioner Covington stated that it makes the building look more attractive.

Chairman Wastchak commented that he wants to go through the stipulations to make sure they get worked out now.

Commissioner Georgelos stated that that overhangs and parking canopies are not included in the building footprint calculations.

The applicant stated that the site plan and narrative have been updated to include this point. The building coverage is now 38.8%.

Paul Michaud reminded the Commission that the guidelines suggest a 25% coverage.

Chairman Wastchak stated that 14% of the proposed lot coverage is due to the parking canopies.

Commissioner Georgelos asked about the location of emergency access.

Chairman Wastchak stated that they provided turning radius movements in the parking drive aisles in the back for trucks to get around the property.

Commissioner Georgelos asked what they have done with the building signage.

Mr. Michaud pulled up the elevation drawings showing the signage. The signs are 40 square feet in size.

The Commission agreed that their concerns had been addressed.

Chairman Wastchak commented that under Stipulation of uses, medical marijuana dispensary is not allowed on the property. This varies from the applicants narrative.

The applicant stated that they are saying the same thing but differently.

Chairman Wastchak commented that the pharmacy stipulation will be for people at the building. That will be the primary use.

Commissioner Campbell stated that they focus on the new stipulations and not readdress the existing stipulations.

Chairman Wastchak commented that the pharmacy shall not exceed 2,079 square feet in total area. He asked if this is the right size.

The applicant appeared okay with this size.

Commissioner Georgelos indicated that there was an intermediate approval of the use on the property and asked if this approval will live on.

Chairman Wastchak responded that it would not. Anything from the past is being rescinded.

Commissioner Georgelos asked if they have the ability to approve a use that is not in the zoning ordinance.

Deborah Robberson stated that they are effectively granting a zoning ordinance and this will allow the urgent care and pharmacy uses.

Chairman Wastchak on the urgent care stipulations commented that it provides a list of items that may be included and asked if they are limiting the use to those items.

Commissioner Georgelos suggested that they add "but not limited to."

The applicant stated that the urgent care is required to close prior to the rest of the center. In the narrative he is asking for an operating time of 7:00 a.m. to 10:00 p.m. The Commission agreed that this time is fine.

The applicant suggested to delete the maximum square footage for urgent care.

Commissioner Campbell indicated that he wants a cap on urgent care and suggested 5,000 square feet.

The applicant asked if any of the other pharmacies limit the sale of Vicodin or Hydrocodone (class I and II prescriptions). Some procedures may require a prescription for these drugs.

Commissioner Campbell stated that the other pharmacy in Town had break ins and the Town had to eventually eliminate the sale of these drugs.

Chairman Wastchak noted under Stipulation 9.d that there will be no class I and II drugs or medical marijuana on the premises. He asked if this means they can sell to patients, but not to customers coming in.

Commissioner Georgelos stated that this is a distinction between the drugs that the doctors have on hand and not the pharmacy.

The applicant indicated that there will be a pharmacy that sells internally so there will be no retail traffic.

Chairman Wastchak clarified that as it is written now, the pharmacy will not be able to sell Class I or II drugs.

The applicant responded that they do want to sell these as the pharmacist will serve both outside and internal customers.

Chairman Wastchak moved to right-of-way parking and circulation, regarding shared access to the adjoining property on Smoke Tree and Andaz centers may be allowed. The owner shall demonstrate through a traffic and parking study from a licensed engineer as approved by the Town Engineer that the shared access does not create adverse impacts. This item will not be resolved. He asked how they will write this item coming from them to the Council.

Mr. Michaud commented that the stipulation that the stipulation is in the form of "may" since this matter will be discussed in more detail at the Council level.

Chairman Wastchak moved to signage, regarding sign lighting being placed on a timer.

Chairman Wastchak stated that he would like to see a recommendation from staff on when the lighting will be turned off and have consultation with the police department.

It was noted that the stipulations state that all pharmaceuticals will be locked, secured and controlled in the safest manner in order to comply with all federal and state regulations. Commissioner Campbell indicated that he is fine with eliminating the schedule one and two drug exclusions with the understanding that it is not a retail pharmacy.

Commissioner Anton asked if class one and two prescriptions can only be written by doctors in the building.

Chairman Wastchak commented that this is the case. He asked staff if the stipulations regarding security, **Crime prevention through environmental design** (CPTED) regulations and Class I drugs been run by the police department.

Paul Michaud indicated that staff reviews have been completed and any changes will be routed through staff again, including the police department.

The applicant raised concern over the proposed light reflective value stipulation. The stipulation limits the roof color to 38% reflective value. They are concerned about creating a heat island effect. He indicated that they are requesting it be increased to 50%.

Chairman Wastchak commented that this a concern from the Hillside Committee and Council Member Pace. They do not want to see roofs painted white. The ordinance does not cover flat land properties. He feels that there is a benefit to having flat roofs painted with lighter colors.

Commissioner Campbell stated that he is fine with 50%.

The Commission voiced their agreement.

The applicant stated that they need to update the drawings attached to the ordinance to make sure everything aligns.

Chairman Wastchak asked if the drawings will be updated by October 16, 2018.

Jeremy Knapp indicated that they will need the drawings by end of day Friday to provide adequate time for staff reviews.

Chairman Wastchak asked the Commission if they are ready to decide on October 16, 2018. He indicated that he feels they are ready.

The Commission agreed.

No Reportable Action

5. PUBLIC HEARINGS

None

6. ACTION ITEMS

None

7. CONSENT AGENDA

None

8. STAFF REPORTS

Jeremy Knapp, Community Development Director stated that he had an initial overview of the Visually Significant Corridor plan with the Council at the last meeting. The Council provided their feedback regarding the intersection of Tatum Boulevard and Lincoln Boulevard. The plan is to come back to the Council and spend an hour getting into more detail. They are planning to adopt the document on November 1, 2018.

Chairman Wastchak stated that he believes there was only concern about the monument in the middle.

Jeremy Knapp added that there were some thoughts about not added seating elements to the corners because this is the Town's busiest intersection. They want more of a landscape environment.

Commissioner Anton stated that they were not exactly happy with it either.

9. PUBLIC BODY REPORTS

None

10. FUTURE AGENDA ITEMS

Paul Michaud stated that the next meeting is on October 16, 2018 and it will include the public hearing for Lincoln Plaza Medical Center. The

meeting on November 6, 2018 will have work session items and they may discuss some of the minor amendments. They may have a hillside preliminary plat review or the PV Country Club sign logo. Mountain View Medical is going for a statement of direction on October 11, 25 & November 15, 2018. The Planning Commission will see this item in December 2018.

Jeremy Knapp commented that Smoke Tree Resort will be reviewed on November 20, 2018.

Commissioner Covington stated that November 6, 2018 is election day and October 16, 2018 he will be absent for a medical procedure.

Chairman Wastchak stated that he is leaning towards cancelling the meeting on November 6, 2018. He will be coming in from out of town that same day.

Commissioner Campbell stated that he is fine with this as well.

Paul Michaud suggested that they wait until October 16, 2018 to make decision on cancelling the meeting.

11. ADJOURNMENT

A motion was made by Commissioner Campbell at 8:30 p.m., seconded by Commissioner Anton, to adjourn the meeting. The motion carried by the following vote:

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

Absent: 1 - Commissioner Lewis