



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Planning Commission

Tuesday, June 4, 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
Planner George Burton

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

19-261

Public Hearing regarding approval of Town Manager Recommendations on Changes to Article XI, Section 1102.2.B. of the Zoning Ordinance.

A motion was made by Commissioner Wastchak at 7:00 p.m., seconded by Commissioner Georgelos, to go into executive session to discuss legal matters pertaining to Item 19-261, Recommendations on Changes to Article XI, Section 1102.2.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 at 8:00 p.m., seconded by Commissioner Georgelos, to go out of executive session regarding legal matters pertaining to Item 19-261, Recommendations on Changes to Article XI, Section 1102.2.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

4. ACTION ITEMS

A. [19-260](#)

Recommendation of a Statement of Direction Extension for Mtn View Medical Center located at 10555 N Tatum Boulevard (SUP-18-12)

Paul Michaud, Senior Planner, shared there is a request for an extension on the project and updated the Commission on other changes made since the last time the Item was reviewed. He shared some of the concerns that staff gathered from neighbors after the last meeting. He then reviewed the Statement of Direction (SOD).

Chairman Wainwright informed the Commission that Council Member Pace has pushed for the subterranean level.

Mr. Michaud explained the process of approving the extension.

Commissioner Campbell pointed out with Council taking summer off he does not see that the extension would make a big difference.

Mr. Michaud responded that without the extension the end time would be sometime in October 2019 and with the extension it would be sometime in December 2019 or January 2020. Further discussion was made on dates.

Chairman Wainwright called for public comments on the extension.

Wendy Nelson, resident, commented that it is difficult to give input when they cannot hear what is being said around the table. She then asked why the applicant wanted the extension. She expressed concern that during construction they might ask for extension after extension.

Dorothy Smith, resident, expressed that she is against the extension. She feels there have been a lot of delays in the process and she is concerned that more tenants will leave if they continue to make delays. She also expressed that having the subterranean level would be a safety issue.

Ken Goldstein, resident, commented that neighbors have concerns about things other than height such as traffic safety, street congestion and loss of home value.

John Bozzo, representative of the owners, stated they are primarily needing more time to consider the height issue and the costs involved with building subterranean versus at grade.

Commissioner Anton commented that there are concerns with safety from Council as well as the Police Chief with the building going subgrade.

Chairman Wainwright encouraged the applicant to reach out to the neighbors again on all issues, so they can feel that their concerns are being heard. He also encouraged people to reach out to the applicant if they have any questions.

A motion was made by Commissioner Wastchak, seconded by Commissioner Covington, to recommend that the Town Council modify the Statement of Direction (SOD) to extend the Planning Commission hearing date for the Mountain View Medical Center application (SUP-18-12) from June 28, 2019 to a date no later than November 5, 2019. This will allow for the applicant to determine how they want to move forward with the proposed amendment. No discussion on this application will take place in July or August 2019. The motion carried by the following vote:

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

5. STUDY SESSION ITEMS

- A. [19-255](#) Discussion of a Preliminary Plat & Private Road Conditional Use Permit (PA-19-01 and CUP-19-02).
Lavitt Manor II - Two Lot Subdivision with Private Road. 7525 N. Ironwood Drive (APN: 169-03-078).

George Burton, Planner, reviewed the background and scope of the request. He then shared the next steps for the project. He noted that the goal for the Commission today is to give input on the preliminary plat and private road Conditional Use Permit (CUP), as well as deciding if they need an additional work study review on this item.

Commissioner Wastchak asked if the road will be public once it is completed.

Mr. Burton responded that it will remain private and the developer will have to give the Town a maintenance agreement for the private roadway. It was clarified that it will be required to maintain the road to Town standards in the stipulations.

Commissioner Wastchak asked if they would be able to have a public hearing during the summer instead of making the applicant wait until September.

Jeremy Knapp, Community Development Director, informed Commissioner Wastchak that staff could speak with the Town Manager about waiting or not waiting for the public hearing on this Item.

The applicant stated that the wash and dedication needs some cleaning up, but the flow and location will be dedicated so no structures or building

supports will be in the wash at all. He further explained some of the building plans that allow them to avoid putting anything in the wash.

Mr. Burton noted that the code allows a lot owner to span the wash. It was clarified what would be defined as spanning the wash and the dedicated area.

Chairman Wainwright asked if there would be consideration to renaming the road so there is not two roads with very similar names to avoid confusion.

Mr. Burton responded that he would speak with the Building Official about that matter.

Commissioner Anton asked what the applicant can do if the water pressure is not enough for the hydrant system.

Mr. Burton stated they would have to add a stipulation that requires something like a water tank solely for the fire sprinkler system that allows the home to meet fire code.

The applicant explained that Tract B will be dedicated and owned by the second lot, so everything on the south side of the road will be maintained by them. He added that they will have a joint maintenance agreement for maintenance and damage on the street during and post construction. He reiterated that the street is being built to Town standards.

No Reportable Action

B. [19-259](#)

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

Chairman Wastchak opened the meeting up for public comments on this item.

John Nelson, resident, commented that subterranean is a bad idea. He added that he is concerned with density and questions the demand for the additional space due to the amount of vacancy. He feels it should be built in 18 months and if it is extended any further neighbors will be paying for it in construction traffic. He feels that this development will also affect how people will see the Town and that it should be protected.

Dorothy Smith, resident, stated the only problem she has had with Mountain View Medical in the past was when they wanted to bring a marijuana dispensary in. She then gave an example of another medical building located at 5010 E. Shea Boulevard that she feels was a good development. She added that she is against extended hours as well.

Dave Welch, resident, indicated he did not understand the business plan and why it is going to take so long to build. He expressed concerns if they do not finish the project on time and what that would do to the community.

Ms. McGee, resident, expressed that she did not understand how going subterranean would fix anything because they will still have traffic problems.

No Reportable Action

6. PUBLIC HEARINGS

- A. [19-261](#) Public Hearing regarding approval of Town Manager Recommendations on Changes to Article XI, Section 1102.2.B. of the Zoning Ordinance.

Andrew Miller, Town Attorney, shared background on the Item.

Chairman Wainwright asked if the 1,500 feet is measured from the property line or where the physical dispensary is located.

Mr. Miller responded he believed it would be from the property line.

Chairman Wainwright opened the public hearing on the item.

Thomas Galvin commented that he is a member of Rose Law Group, which has worked with several different municipalities on how to deal with the Medical Marijuana Act passed by voters in 2010. He expressed that they are asking the Town to reject or at least continue this item tonight so that it can be further discussed. He then read a letter sent to the Commission earlier. Among other things the letter addressed that local jurisdictions cannot adopt zoning regulations that are self-defeating by banning dispensaries.

Commissioner Wastchak asked if it is possible that a community could be unique enough in nature that it would have reasonable zoning requirements that they could do a code amendment as proposed.

Mr. Galvin replied he believed that each community is different and while some communities may only allow for a few small pockets where medical dispensaries can be located, it is still possible to have them in those communities.

Commissioner Campbell stated that they are dealing with safety issues and that if it takes 1,500 feet to be safe in one town it makes sense that it would take 1,500 feet to be safe in another town. He added that he does not feel that because they have unique land use features that 1,500 feet

would be inappropriate.

Mr. Galvin responded that some of the restrictions were originally put in to give people peace of mind, but they have since found they are very successful and safe. He suggested keeping similar wording to what the Town ordinance is now, so the Town can still be in conformance with the law by not making it impossible for a dispensary to locate in Paradise Valley.

Commissioner Anton noted that to shop for most anything, residents leave town because Paradise Valley is not set up for retail operations.

A motion was made by Commissioner Wastchak, seconded by Commissioner Covington, to forward to Town Council the recommendation on the changes to Article XI, Section 1102.2.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

7. ACTION ITEMS (Continued)

A. [19-251](#)

Consideration of Camelback Lands 7 Lot Split (LS-19-05)
5307 N. Invergordon Road (APN: 173-20-026)

Mr. Burton introduced the item. He then shared the scope of the request. He added that staff recommends approval of the lot split subject to four stipulations.

The applicant asked if the oleanders would have to come down under the new guidelines.

Mr. Burton responded they would not.

Chairman Wainwright called for public comments. None were offered.

Chairman Wainwright encouraged the applicant to investigate and hopefully obtain a title insurance company that will not make the setbacks as an exception.

A motion was made by Commissioner Campbell, seconded by Commissioner Wastchak, to approve the Camelback Lands 7 Lot Split, subdividing approximately 2.24 acres into two 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 Montgomery Engineering & Management, LLC and dated August 1, 2018.**

2. Prior to the recordation of said lot split plat, the nonconforming structures on this property shall be removed, with the applicable demolition permit submitted to the Town and inspections done by the Town's Community Development Department.

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.

4. A copy of the Drainage Easement and Maintenance Agreement forms must be submitted to the Town for review and approval prior to recordation of the Mylars.

The motion carried by the following vote:

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

8. CONSENT AGENDA

A. [19-249](#) Approval of May 7, 2019 Planning Commission Minutes

A motion was made by Commissioner Wastchak, seconded by Commissioner Georgelos, to approve the May 7, 2019 minutes. The motion carried by the following vote:

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

B. [19-258](#) Cancellation of the July 2, 2019 Planning Commission Meeting

A motion was made by Commissioner Campbell, seconded by Commissioner Anton, to cancel the regular Planning Commission meeting of July 2, 2019. The motion carried by the following vote:

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

9. STAFF REPORTS

None

10. PUBLIC BODY REPORTS

None

11. FUTURE AGENDA ITEMS

Mr. Knapp reviewed the upcoming agenda items. It was noted that Commissioner Campbell will attend the June 13, 2019 Council meeting.

12. ADJOURNMENT

A motion was made by Commissioner Anton at 8:35 p.m., seconded by Commissioner Lewis, 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