



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes

### Planning Commission

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Tuesday, December 17, 2019

6:00 PM

Council Chambers

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#### 1. CALL TO ORDER

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

#### STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller  
Planning Manager Paul Michaud  
Senior Planner George Burton

#### 2. ROLL CALL

Chairman Wainwright left the meeting after Item 19-444 at 6:35 p.m.

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

**Absent** 1 - Commissioner Daran Wastchak

#### 3. EXECUTIVE SESSION

None

#### 4. PUBLIC HEARINGS

- A.**     19-444     Consideration of a Minor Special Use Permit Amendment  
Minimum parking requirements and construction of an outdoor tank enclosure  
7125 E Lincoln Drive - Lincoln Plaza Medical Center (SUP-19-05)
- A motion was made by Commissioner Campbell, seconded by Commissioner Covington, to deem the requested amendment for minimum parking requirements and construction of an outdoor tank enclosure at Lincoln Plaza Medical Center 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:** 6 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos and Commissioner Lewis

**Absent:** 1 - Commissioner Wastchak

Paul Michaud, Planning Manager, introduced the item sharing the site location, request, and existing conditions among other things. He then reviewed parking for the site including its history and the proposed parking for 150 spaces. He also presented information on the tank and tank enclosure for the site. He continued to review the request providing an overview of the criteria for a minor amendment, noticing, public comments, and updated stipulations.

It was noted that they would have to change the stipulation on the bollards since they have to be yellow.

Commissioner Georgelos clarified that the applicant is complying with the minimum standard of 123 parking spaces and opting to have even more parking spaces. She then asked if they plan to maintain that number of parking spaces.

Mr. Michaud responded he believed so, but they could lose some parking spaces with the addition of more accessible parking or changes in access along Lincoln Drive.

Commissioner Georgelos pointed out the challenge of approving a site plan with 150 spaces but a request to only require 123.

Commissioner Campbell asked for further clarification on the tank enclosure.

Mr. Michaud clarified the tank enclosure plan and where the bollards would be located. It was noted that the striped area was to indicate no parking within 10 feet of the enclosure.

Wendy Riddell explained that she was representing the adjacent property AJ Shopping center. She indicated that their previous concern was with the location of the oxygen tank, but now that it has been relocated 50 feet from their property they are in full support of the application.

Bob Hunt, resident and patient, stated he is also in support of the project and the new medical facility which he feels will benefit himself and other Town residents.

Jerry Bisgrove, resident and patient, commented he supported the project and Paradise Valley will be very privileged to have a facility like this.

Carrie Bordinko, wellness center tenant, indicated she was there to answer questions about the wellness center.

A motion was made by Commissioner Campbell, seconded by Commissioner Anton, to approve the Minor Special Use Permit Amendment for minimum parking requirements and construction of an outdoor tank enclosure at Lincoln Plaza Medical Center located at 7125 E Lincoln Drive, subject to the stipulations in the action report with three edits that the bollards be painted yellow as required by code, to edit Stipulation 2.a changing "nearest" to "furthest from", and that the area around the enclosure be striped for no parking.

There are also three scrivener errors noted as follows: Stipulation 2, the date of the overall site plan is December 11, 2019; Stipulation 3, the date of the narrative is November 21, 2019; and Stipulation 5, the existing reduced parking spaces total 33 and 16 are angled parking spaces.

The revised stipulations are as follows:

1. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by this Minor Amendment SUP 19-05.
2. All improvements associated with SUP-19-05 shall amend any prior approved plans, or portions thereof, and such improvements shall be in substantial compliance with the following:
  - a. The overall site plan, showing the tank location south of the buildings, Sheet A-001, prepared by Vertical Design Studios, sealed by registered architect, Justin J. Gregonis, on December 11, 2019, with the tank enclosure to be located a minimum of 50 feet from any property line and located south of the building furthest from Lincoln Drive;
  - b. The tank enclosure detail plan, Sheet A-002, prepared by Vertical Design Studios, sealed by registered architect, Justin J. Gregonis, on December 11, 2019, that includes the tank and equipment not extending above the 10' tall enclosure, installation of bollards fully around the tank, painting the enclosure to match the building, painting the bollards yellow, and striping the area around the enclosure for no parking;
  - c. The narrative correspondence prepared by Vertical Design Studios, from Lori A. Knudson, Project Architect, dated November 21, 2019;
  - d. The parking study prepared by CivTech, sealed by registered professional engineer, Dawn D. Cartier, on November 11, 2019;
  - e. Sheet E-100, Electrical Site Plan, the details for the exterior light at the tank enclosure, prepared by Vertical Design Studios, sealed by registered professional engineer, Hamid Farhadi, on November 20, 2019, revising the location of the tank enclosure to 50' from the property line; and
  - f. Sheet A-003, Site Details – Parking, for the accessible ADA guardrail, prepared by Vertical Design Studios, sealed by registered architect, Justin J. Gregonis, on November 13, 2019; and
3. Operation of the hyperbaric oxygen treatment center shall fully comply with all current health and safety provisions required by Federal, State of Arizona, and Town of Paradise Valley, AZ, regulations. These are generally described in the narrative correspondence prepared by Vertical Design Studios, from Lori A.

Knudson, Project Architect, dated November 21, 2019 and the correspondence from Robert Lee, Building Official, dated November 1, 2019 and November 20, 2019. Additional provisions include the following:

- a. With the exception of an emergency; the refueling deliveries, maintenance, and repairs to the hyperbaric oxygen treatment equipment system shall be performed during daylight hours between sunrise and sunset;
- b. Emergency shall mean a sudden or unforeseen situation that requires immediate work to prevent or mitigate injury or damage to persons or property. An emergency exists only for the time necessary to remedy the immediate risk of harm;
- c. The Owner and tenant for the hyperbaric oxygen treatment center shall regularly provide the Town of Paradise Valley Police Department and Town of Paradise Valley Community Development Department a 24-hour contact with the person's name, phone number, and email, in case of emergencies; along with access to the site for safety inspections upon request. The emergency contact name and phone number shall be posted on the exterior of the tank enclosure in a visible location;
- d. In the event of an emergency, the Owner and/or tenant may make the necessary repairs. The Town of Paradise Valley Police Department shall be notified immediately of the emergency. The Town of Paradise Valley Community Development Department shall be notified by the next business day to determine any appropriate building permit(s) and inspections; and
- e. The exterior light for the tank enclosure shall be mounted below the height of the enclosure, not to exceed a mounting height of 10' to the top of the fixture, not exceed 3,000 Kelvins, and not exceed 3,500 lumens. Unless for an emergency or maintenance, the light shall be turned off between sunset and sunrise.

4. The minimum number of parking spaces on the Property shall be 123 based on the existing allowable medical and dental clinic office, pharmacy, and urgent care uses. New tenant uses that may require amendment to the Special Use Permit zoning of the Property, pursuant to Article XI, Special Uses and Additional Use Regulations, of the Town Zoning Ordinance, may require a different minimum parking requirement based on Town review. Such review may include re-evaluation of parking, traffic, and circulation. Analysis may include items such as trip generation data from registered professionals, among other analysis.

5. The parking space and aisle dimensions shall be as illustrated on the approved overall site plan attached hereto. The minimum parking space size shall be 180 square feet as defined in Article II, Definitions, of the Town Zoning Ordinance. This minimum parking space area may include up to a 2'0" overhang into an adjoining landscape/hardscape area. This overhang shall, in perpetuity, be kept and maintained clear of plant or other material that may restrict the parking of a vehicle. 33 of the parking spaces, specifically the 16 angled parking spaces in the rear yard and the 17 parking spaces along the south property line, are allowable as shown on the overall site plan.

6. The Owner shall provide to the Town of Paradise Valley Community Development Director, or designee, an as-built landscape plan and as-built overall site plan after all improvements are made to and/or adjoining the Property. These improvements, include, and may not be limited to, the tank enclosure with this Minor Special Use Permit application, SUP-19-05, the installation of sidewalk adjoining the Property along Lincoln Drive, and the coordination between the Owner and the Town of Paradise Valley regarding access driveway improvements along Lincoln Drive. Submittal of said as-built

plans shall be completed no later than 30 calendar days from the completion of said improvements or from the written request by the Town of Paradise Valley Community Development Director, or designee.

7. The property owner and 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.

8. The Owner may submit plans for the relocation of the existing trash enclosure for Town Manager, or designee, approval, provided that the trash enclosure relocation plans meet the following criteria:

- a. Have a location south of the front building, and in a location that mitigates noise and odor from the adjoining resort uses;
- b. Have a height, as measured from finished grade, not to exceed 8 feet;
- c. Have a fully screened enclosure such that the trash bins are not visible and include an opaque gate;
- d. Have a paint color for the enclosure and gate that matches the building color palette; and
- e. Have a minimum setback of at least 3 feet from any property line.
- f. Cannot be built until after applicable Town building permit(s) have been applied for and issued.

9. Due to the loss of covered parking with the location of the tank enclosure, the Owner may submit revised covered parking plans and the applicable Town building plans for Town Manager, or designee, review and approval, provided that the revised covered parking meet the following criteria:

- a. Have a location south of the front building;
- b. The total covered parking spaces on the site shall not exceed 24 covered spaces;
- c. Have a setback of a minimum of 3 feet from the property line;
- d. Have a height, as measured from finished grade, not to exceed 10 feet;
- e. Have a parking canopy painted to match the building color palette; and
- f. Have hooded and shielded lighting: not exceed 3,000 Kelvins per fixture; not to exceed 2,500 lumens per fixture; mounted 8 feet or less; and subject to verification that the installed lighting does not exceed 0.5 foot-candles at the property line.

The motion carried by the following vote:

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

**Absent:** 1 - Commissioner Wastchak

## 5. STUDY SESSION ITEMS

- A. 20-005 Discussion of a Minor Special Use Permit Amendment (SUP 19-06)  
Five Star Area C - Basement Lightwells, Modified Chimney Heights, and  
Modified Fence Wall Heights - 7000 E Lincoln Drive  
  
George Burton, Senior Planner, presented an overview of the request. He

reviewed information on the lightwells for the basement and provided renderings of them. He clarified that staff recommends limiting the amount of encroachment allowed in all the setback areas. He noted that currently there is only a limit to a five-foot encroachment with a maximum of 275 square feet in the front and no limits on the side and back yards.

Commissioner Campbell indicated he was fine allowing for more flexibility on the side and back yards but is uncomfortable with no limits.

Commissioner Georgelos expressed concern that no limits could be a safety issue. She then asked that the applicant return with more clear amounts of what size the lightwells will be on the side and rear yards.

Commissioner Campbell indicated he would like to see more detail on the size of the front lightwells as well, since it would allow for the lightwell to be 55 linear feet.

The applicant indicated that since there are different designs they would like some flexibility with the lightwells.

Commissioner Lewis asked about lighting on the building. Mr. Burton replied that any exterior lighting needs to be hooded and shielded, but he has not seen a lighting plan yet.

Commissioner Lewis inquired about the plant palette for the properties. Mr. Burton stated he would have to get back to them on that information.

Commissioner Georgelos stated her concern about the lightwells from a safety perspective.

Commissioner Lewis asked how they would maintain a 12-foot deep lightwell.

The applicant explained that the lightwells are fully accessible from the lower level and that there is drainage in them as well. It was also noted that the inside of the lightwell is maintained by the homeowner and anything on grade level is maintained by the homeowner association.

Commissioner Anton recommended that they put a limit on the plant height for things in the wells, so they do not exceed the front yard elevation.

The applicant noted that they meet building code for the railings for the lightwells.

Commissioner Campbell indicated he liked the minimal railing and that he

was comfortable with going with building code for safety standards.

Commissioner Lewis asked if they planned to have any grates over the light wells.

The applicant pointed out that if they had grates they would not need railings.

Mr. Burton pointed out that Stipulation 45.c will need to be modified to allow for the clear glass lightwell railing to range from 36 inches and 42 inches. They also discussed requiring a landscaping buffer in front of the glass lightwell railing.

Commissioner Anton suggested the glass be included in the front yard maintenance.

There was discussion on who should be responsible for maintenance of the glass railing.

Mr. Burton reviewed the request for a variance on the chimneys and chimney screens. He clarified that the proposed variance was only for the interior lots and that the exterior lots would be capped at the existing height limit.

Commissioner Campbell pointed out that they might not see the additional height from the perimeter streets.

The applicant noted they provided a video of what it would visually look like. He added that he liked the way the chimney was incorporated into the architecture. He added that he did not believe they anticipated chimneys when they created the Special Use Permit for this since 24 feet barely allows for standard 10-foot ceilings on a two-story home.

A video rendering of the development provided by the applicant was shown.

Commissioner Georgelos asked the applicant to provide mockups of the view of the community from different areas at the next meeting.

Mr. Burton reviewed the request for modified fence, which was a combination wall with three feet of retaining wall and an additional six feet of fence on top.

Commissioner Campbell asked what plans they had for landscaping near the fences to soften the height.

The applicant responded that from the perimeter they would only see six feet of wall. Further clarification was made on where six-foot and nine-foot walls were visible.

Mr. Burton reviewed the requirements for a minor amendment and noted they had not received any public comments on the Item.

**No Reportable Action**

**B. 19-458**

Discussion of a 4-Lot Preliminary Plat - Estates on Invergordon (PP-19-02) 6400 E Cactus Wren Rd (APN: 174-53-008K)

Mr. Michaud provided a background and summary of the request which included drainage, fire safety, and landscaping among other things.

Mr. Michaud addressed the necessary right-of-way easements for access, improvements to several roads including Invergordon Road, Jacaranda Road, and Cactus Wren Road. He noted they had received one public comment from a neighbor who was concerned with access on Invergordon Road.

Mr. Michaud reviewed the draft conditions numbered one through five suggested by staff. He then pointed out some potential discussion points for their meeting, as well as the next steps in the process.

Commissioner Campbell asked about the proposed driveway access was on the lots along Invergordon Road.

Mr. Michaud responded that they could have a driveway off of both Cactus Wren Road and Jacaranda Road. He noted that it was more typical to keep driveways on the lower traffic road.

Commissioner Campbell stated he felt it would be inconsequential to allow for three more homes to be serviced by Invergordon Road.

Commissioner Anton asked what size the existing water tanks were.

Mr. Michaud explained they stand at five feet tall.

Discussion was made on the location of the existing water well. It was determined that they were either completely on Lot 4 or straddling Lots 2 and 4, which would make it difficult to sort out who would maintain them. It was also noted that the well was not highly functional since it did not provide a significant amount of water.



Commissioner Anton suggested creating a condition that required the well either be removed or visually hidden from off the property.

Commissioner Campbell agreed with the idea of removing the well and tanks.

Mr. Michaud asked when they would like to tie in the removal of the well and tanks.

Commissioner Georgelos suggested having it done prior to the recording of the plat.

Mr. Michaud stated he would add that to the conditions.

**No Reportable Action**

**C.     20-006**

Continued Discussion of Upcoming Planning Commission Items for Council Retreat

Mr. Michaud shared the list of items they currently have and asked for additional suggestions.

Commissioner Campbell noted that there is a discrepancy on building heights between hillside and flat lots. He explained why that has created a problem and added that he would like to discuss extending the rotation lengths for hillside to be longer than six-months.

Commissioner Anton expressed that he would like to see a better method of informing people of the additional regulations for hillside homes prior to purchasing a property. Some suggestions were made on how to address the issue through the homeowner association, closing documents, mailouts, and more.

Commissioner Anton recommended discussing a better method of posting permits.

Commissioner Lewis pointed that it can be difficult to enforce lighting violations when they are looking at the lights during the day.

Mr. Burton indicated that some night inspections are done.

Commissioner Georgelos suggested having a follow-up on compliance after six months or a year.

Mr. Michaud noted that would be hard to do without a permit to trespass on

the property.

No Reportable Action

## 6. ACTION ITEMS

None

## 7. CONSENT AGENDA

### A. 19-457 Approval of November 19, 2019 Planning Commission Minutes

**A motion was made by Commissioner Lewis, seconded by Commissioner Anton, to approve the November 19, 2019 Planning Commission minutes. The motion carried by the following vote:**

**Aye:** 5 - Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos and Commissioner Lewis

**Absent:** 2 - Commissioner Wainwright and Commissioner Wastchak

## 8. STAFF REPORTS

None

## 9. PUBLIC BODY REPORTS

None

## 10. FUTURE AGENDA ITEMS

Mr. Michaud reviewed the upcoming items.

## 11. ADJOURNMENT

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

**Aye:** 5 - Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos and Commissioner Lewis

**Absent:** 2 - Commissioner Wainwright and Commissioner Wastchak

**Paradise Valley Planning Commission**

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