



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Final

Planning Commission

Tuesday, October 16, 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

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

2. ROLL CALL

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

3. EXECUTIVE SESSION

A motion was made by Commissioner Campbell about 6:45 p.m., seconded by Commissioner Georgelos, 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 Georgelos, Commissioner Lewis and Commissioner Wainwright
Absent: 1 - Commissioner Covington

A motion was made by Commissioner Campbell at 7:00 p.m., seconded by Commissioner Georgelos, to go out of executive session. The motion carried by the following vote:

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

Absent: 1 - Commissioner Covington

4. STUDY SESSION ITEMS

None

5. PUBLIC HEARINGS

- A. 18-381 Consideration of the Major Special Use Permit Amendment (SUP-18-06)
7125 E Lincoln Drive - Lincoln Plaza Medical Center
- Paul Michaud, Senior Planner, provided a presentation of the application. The project is located at 7125 E. Lincoln Drive. The proposal includes demolishing all existing structures and construction a new two-story medical building. The site is located on the eastern edge of town on Lincoln Drive. The property is surrounded by commercially zoned uses and consists of 25,444 square feet of medical uses. The last Special Use Permit (SUP) in 2011 was for a pharmacy and urgent care. The property is zoned SUP-Medical and is located within a Development Area on the 2012 General Plan. The right-of-way for Lincoln Drive is designated as a major arterial and shown with a cross section of 130 feet in the General Plan. The half width today is measured at 33 feet. The applicant is proposing the same uses as exist today including: offices for medical practitioners, urgent car per conditions, outpatient surgical facilities where stays do not exceed 48 hours, physical therapy facilities, pharmacy per proposed conditions and retail sales incidental to pharmacy. Medical marijuana dispensaries are not currently allowed, nor are they proposed with this application. The hours are similar, however, there are some expansion of the urgent care hours.
- The proposed facility is in a similar location as the existing facility. The building square footage will increase from 25,444 square feet to 37,490 square feet. The lot coverage will also increase from 18.0% to 38.3%. Covered parking square footage has been added. The existing height is 24 feet to 27 feet and they are proposing a new height of 32 feet and 36 feet. The measurement is taken from finished floor and Mr. Michaud requested that the Planning Commission let him know if this is okay or not. The parapet is setback 25 feet. There was no change in access to the site as it currently exists. There will be 32 feet of right-of-way deeded to the Town. There is a slight reduction in parking from 153 spaces to 146 spaces. The parking space dimensions will slightly increase. There is an estimated increase in traffic trips from 14 to 20 trips. A larger monument sign with tenant names is being proposed. New building signs will be installed on the north and east elevations. The property will see an improvement in storm water drainage and management. They are planning to retain the 100-year event in an underground pipe and dry well.

In way of updates from the last meeting, Mr. Michaud stated that the applicant has held its neighborhood meeting. One neighbor in support of the project attended. Mr. Michaud stated that he received information from the applicant that fire flow is expected to exceed the 1,500 gallon per minute (GPM) requirement. He indicated that he needs direction on two of the proposed stipulations. The first is that the pharmacy square footage was capped at 2,079 square feet and the applicant would like this increased to 2,500 square feet. The second related to Stipulation J.1 regarding the right-of-way dedication, it contains two options. One option for the 65-foot dedication and the other for 49 feet of dedication and 16 feet of roadway easement. The applicant is proposing that they generalize of this language.

Mr. Michaud reviewed how the proposed project met the Statement of Direction. He indicated that the uses are in compliance with the Zoning Ordinance. Retail is an accessory use to the pharmacy, but prohibited in other circumstances. There are various stipulations required for pharmacies and urgent care. There are compelling reasons to allow the proposed height. The entire roof line is not 36 feet tall, and the height over the 30-foot guideline is for screening to hide the mechanical equipment. Additional height was needed to accommodate the stormwater off of the roof. The adjoining nonresidential structures are taller or similar in height. The site is in a development area and the applicant redesigned the atrium to contain a lower height. The existing and proposed building both do not meet the open space criteria. The Statement of Direction did not put a lot of weight on the open space criteria. He discussed setbacks. This included that the parking canopies located in the rear yard a four to five-foot setback. In regards to impacts on adjacent uses, the parapet setback was increased and there were various iterations of the site plan that pushed the building further back from Lincoln Drive. Security measures were required like turning specific lights off at certain times. Lot coverage does exceed the 25% guideline due to the parking canopies. Both existing and proposed landscaping areas along Lincoln Drive are within the 65-foot half width ROW. The landscaping width has been increased. Mr. Michaud continued that the storm water drainage has been improved for this site. There is no impact on utilities.

Mr. Michaud reviewed the draft stipulations, pointing out edits made from the prior work session. He noted that the applicant has requested the stipulation regarding the maximum area of the pharmacy be increased to 2,500 square feet. He reviewed various on-site security measures. Chairman Wastchak asked if these include the edits from the police department and staff. Mr. Michaud replied yes.

Mr. Michaud stated the next step is for this application to be discussed by

the Town Council on November 1, 2018.

Chairman Wastchak asked if there were any comments from the Planning Commission.

Commissioner Lewis asked the Andrew Miller, Town Attorney, if the wording "medical marijuana is not presently allowed" gives the property owner a leg up to allow it in the future.

Mr. Miller stated that the language is clear the medical marijuana is not allowed. The Special Use Permit would need to be amended to have it approved.

Commissioner Lewis indicated that it seems that by mentioning this use, it appears to provide an opportunity for it in the future. He believes that the height could a precedent for the town in the future.

Mr. Miller responded that he does not believe that this will set a precedent.

Commissioner Campbell suggested that they go back to the revised wording for the right-of-way easement. He asked what the benefits are to the new wording.

Chairman Wastchak stated that what they have is not recommended text but are thoughts that will be passed along to the Town Council as option B.

Benjamin Tate, attorney for the applicant, referred to the highlighted text and commented that how the easement gets crafted will be a negotiation between staff, council and the applicant. This is something that they will not be able to decide today. The circumstance that the 16 feet becomes dedicated as right-of-way is something that will need to be negotiated with the Town Council.

Mr. Miller suggested that they hold an executive session if the Planning Commission has questions.

Commissioner Campbell responded that he would like to go into executive session.

Commissioner Georgelos stated that she would like to get the full right-of-way because it will become problematic if they do not get it. The right-of-way will be necessary for future uses.

Chairman Wastchak stated that structures within the right-of-way is the main issue. Structures can only be in an easement and not in the

right-of-way.

Commissioner Georgelos stated that if there is traffic in the right-of-way or easement it will create a liability for the applicant. It will be cleaner if it is dedicated to the Town.

Commissioner Wainwright suggested that they go into executive session.

Commissioner Anton and Lewis agreed.

Commissioner Campbell motioned to go into executive session to discuss legal advice pertaining to rights-of-way.

The motion was seconded by Commissioner Georgelos.

The motion passed unanimously.

Following the executive session, Chairman Wastchak reconvened the public hearing. He indicated that they need to make a final decision on the area of the pharmacy. There was a request by the applicant to increase the size to 2,500 square feet. He asked if there is anyone opposed to this increase.

Commissioner Campbell stated that he does not have any objection.

There were no other objections.

Chairman Wastchak asked how is it that they communicate to the Town Council that the access issue is not being resolved. He suggested that it be in a written document that the Town Council can read.

Mr. Miller stated that he has a suggested parenthetical for Stipulation J.1 using Option B. If the Planning Commission prefers, this communication can be added in a "whereas" clause of the draft ordinance.

Chairman Wastchak stated that it should be put in the parenthetical under Stipulation J.1. He then suggested language to be used.

Regarding height shown from finished floor elevation, Chairman Wastchak indicated that he was surprised that the height issue was not finalized. Staff is recommending that height be taken from the finished grade and not from finished floor. He asked what are the impacts from using finished grade.

Mr. Michaud opined that it would be about a six to seven-inch difference.

Commissioner Campbell remarked they are taking about a similar datum

point.

Jeremy Knapp, Community Development Director, stated that they typically measure height by grade where it meets the building at the base. He thinks that it may be about six inches above the parking lot surface.

Mr. Tate commented that they have come to an agreement that the height of the building should be 36 feet from finished floor, so if this requires measuring height from grade and adding six inches then that should be fine.

Commissioner Campbell commented that the height difference will be insignificant. The drawings show that the finished floor area is the same elevation of the sidewalk. He indicated that he is fine using finished floor elevation.

Mr. Knapp clarified that the Statement of Direction says height be taken from existing finished grade. He asked Mr. Tate if he knows the existing finished grade.

Mr. Tate commented that they have not had a survey of the finished grade.

Chairman Wastchak commented that they should have a tie back to a non-movable elevation point.

Paul Mood, Town Engineer, commented that code does allow for two feet of fill and then finished floor on top of that.

Chairman Wastchak suggested that they add a bullet point to the comparison next to the Statement of Direction language, to reference why they have measured from finished floor elevation, stating "finished floor as the building height measurement point, was found to be acceptable because existing finished grade is essentially the finished floor grade."

Commissioner Anton suggested that they leave the height measurement at finished grade so they do not set precedent.

Mr. Mood commented that typically finished floor is set one foot above the 100-year storm elevation. The site will be built up slightly to have positive drainage away from the building.

Chairman Wastchak asked what they did with the Ritz Carlton project since building height was a central discussion point on that application.

Mr. Knapp commented existing grade was used on the entire site and

allowed for some areas to be filled.

Mr. Mood commented that they could make reference that the height shall not be more than 36 feet above the finished floor elevation and the finished floor elevation shall not exceed one foot above the 100-year flood elevation as determined by a drainage report.

Mr. Tate indicated that this is reasonable and suggested that a parenthetical be added stating "prior to the Council taking action on the Special Use Permit, the applicant provides measurements from finished grade."

Mr. Miller stated that Stipulation F.2 talks about final grading and this would be a good place to insert language that they provide elevations from which the finished floor elevation can be established.

Commissioner Campbell noted that the 1974 plans show an elevation. Mr. Knapp suggested that they not use the elevation from a 1974 plan since they do not know what datum it is on.

Mr. Miller suggested some draft language.

Mr. Mood commented that the applicant complete their grading and drainage plans to see if the elevation needs to go up.

Mr. Tate indicated that this would be a tall order prior to Town Council.

Mr. Mood clarified that the finished floor will be set by the 100-year elevation. If there is a finished floor elevation specified and it is lower than one foot above the 100-year flood elevation, then when the building permit is reviewed, he will need to ensure that it is above this point.

Mr. Miller stated instead of having a fixed floor elevation there could be an established fixed grade elevation and it will be understood that they will have to meet this requirement in the building permit.

Mr. Tate stated that he wants it to be clear the Planning Commission felt the applicant had a compelling reason to allow 36 feet from finished floor.

Commissioner Campbell indicated that this point is expressed in the drawings.

Mr. Miller stated that the drawings are incorporated as approved plans.

Mr. Miller stated that the parenthetical in Stipulation J.1 read "[It is expected

that the owner's reservation of uses in the roadway easement area will be determined by the Town Council in a development agreement or otherwise. The Commission recommends a shared left-hand turn ingress-egress with adjoining property owners be explored, but also expects that this issue will be determined by the Town Council as well[.]”

Mr. Tate noted that the traffic plan that the owner is developing with Smoke Tree and Civ-Tech does not contemplate a shared access. They are proposing one left-in left-out driveway for each of the properties.

Chairman Wastchak opened the public hearing. No one spoke. He then closed the public hearing.

Commissioner Campbell asked where the neighbor who commented lives.

Mr. Tate responded that he lives southwest of the site and is not near the property. They sent out 247 letters. The resident recently moved to town and was curious regarding what was being built.

Chairman Wastchak stated that there was another member of the community that was going to come and shared concerns regarding the size of the proposed signage. He expressed that there are times when the Town holds a public hearing but the public feels that things are already decided and that their comments do not have much of an impact. He asked if they held a public hearing earlier in the process, would they have to hold another public hearing when they approve that application.

Mr. Miller stated that they have continued items in the past if there is controversy and things to work on. Some people wait for the Town Council meeting. The citizen review meeting is meant to provide residents the tool to provide their input.

Commissioner Campbell stated that they do a lot of crafting through the process and there is a lot of opportunity for public comment in the process. People are invited to all meetings. Sometimes people will wait until the end to try to thwart a project.

Commissioner Anton stated that people can email them. Citizens usually can provide comments at work sessions.

Mr. Tate suggested that the Commission have citizens reach out to him as the applicant to address concerns.

Commissioner Georgelos stated that applicants can start the process earlier to garner support for their projects. The Town should continue to be open in their processes.

A motion was made by Commissioner Campbell, seconded by Commissioner Anton, to forward to the Town Council approval of Ordinance #2018-19 of the Lincoln Plaza Medical Center Major Special Use Permit Amendment with the stipulations and effective date as described in said ordinance; including four revisions.

Stipulation C.4 to read "The area of the pharmacy shall not exceed 2,500 square feet in total area." The drafted square footage was 2,079 square feet.

Stipulation F.2 to read "[Correct site topography and elevations shall be supplied by the Owner prior to Council consideration of the final Ordinance so that a fixed finished grade elevation can be specified in the Ordinance.] Final grading and drainage plans and documents, prepared by a registered civil engineer, must be submitted for review and approval by the Town Engineering Department prior to issuance of a building permit for the improvements associated with SUP 18-06." The sentence in brackets was added.

Stipulation J.1.b to read "The south portion of this Right-of-Way shall be sixteen feet (16') in width and deeded as a roadway easement to the Town for future Public Improvements. [It is expected that the Owner's reservation of uses in the roadway easement area will be determined by the Town Council in a development agreement, or otherwise. The Planning Commission would recommend shared left turn ingress and egress with adjoining property owners be explained, but also expects that this issue will be determined by the Town Council as well.]"

Stipulation J.1.c to be stricken that read "The Right-of-Way deed instrument(s) shall be recorded with the Maricopa County Recorder, Maricopa County, Arizona, concurrent or prior to the Effective Date of this Ordinance" since this will be covered in the development agreement.

The motion carried by the following vote:

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

Absent: 1 - Commissioner Covington

6. ACTION ITEMS

None

7. CONSENT AGENDA

A. 18-382 Approval of September 18, 2018 Planning Commission Minutes

A motion was made by Commissioner Campbell, seconded by Commissioner Georgelos, to approve the minutes with two edits on page 7 made by Commissioner Campbell. The motion carried by the following vote:

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

Absent: 1 - Commissioner Covington

B. 18-387 Approval of October 2, 2018 Planning Commission Minutes

A motion was made by Commissioner Anton, seconded by Commissioner Georgelos, to approve the minutes as drafted. The motion carried by the following vote:

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

Absent: 1 - Commissioner Covington

8. STAFF REPORTS

Mr. Knapp stated that they discussed cancelling the November 6, 2018 meeting in their last meeting. He requested that they reschedule this meeting on November 7, 2018 as a joint meeting with the Board of Adjustment. He indicated that the attorney has a topic that addresses both boards. They may have an agenda item on November 6, 2018 for the Ritz Minor Amendments.

Chairman Wastchak stated that it is possible that they could have a kickoff discussion on Smoke Tree as well.

Andrew Miller reviewed a few text amendments he is working on.

It was decided that the Planning Commission will reschedule its meeting to November 7, 2018 at 5:30 p.m. to hold a joint meeting with the Board of Adjustment first and then to discuss the Ritz application afterwards.

Mr. Knapp stated that offices will be closed on January 1, 2018 and they have three applications to discuss. The Planning Commission may need to reschedule this meeting.

Mr. Miller indicated that he has drafted new rules for the Hillside Building Committee. He may have them review these during the November meeting.

9. PUBLIC BODY REPORTS

None

10. FUTURE AGENDA ITEMS

Mr. Michaud reviewed the future agenda items.

11. ADJOURNMENT

A motion was made by Commissioner Lewis at 8:05 p.m., seconded by Commissioner Georgelos, to adjourn the meeting. The motion carried by the following vote:

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

Absent: 1 - Commissioner Covington

Paradise Valley Planning Commission

By: 
Jeremy Knapp, Secretary