

**MINUTES OF THE BUILDING BOARD OF APPEALS  
CITY OF PEORIA, ARIZONA  
DEVELOPMENT AND COMMUNITY SERVICES BUILDING  
9875 N. 85<sup>TH</sup> AVENUE  
August 21, 2019**

A **Regular Meeting** of the Building Board of Appeals of the City of Peoria, Arizona was convened at 9875 N. 85<sup>th</sup> Avenue, Peoria, AZ in open and public session at 4:05 p.m.

**Members Present:** Chairman David Demmer, Vice-Chair Harold Gribow, Member Dennis Grenier, Member Michael Watt, and Member Scott Grainger

**Other Municipal Officials Present:** David Benton, Chief Assistant City Attorney; Robert Goodhue, Deputy Director of Development; Dennis Chase, Building Official & Inspection Supervisor; Leticia R. Martinez, Management Assistant

**Audience:** 0

**CONSENT AGENDA**

**1. Minutes**

Motion was made by Harold Gribow, seconded by Dennis Grenier, for the Approval of the Minutes of May 29, 2019. Upon vote, the motion carried unanimously 5 to 0.

**REGULAR AGENDA**

**2. Code Amendment**

Mr. Robert Goodhue informed the Board that the City Clerk's Office is revamping the Boards and Commissions sections of City Code being that each board has common language and the City Clerk's Office would like to consolidate the common language. Any changes will go to City Council to be ratified.

Under the Building Board of Appeals; establishment and membership section, discussion ensued pertaining to proposed changes allowing flexibility to get a full board. The language under the following sections will change to read:

(a)

- (5) One member shall be a fire protection professional with knowledge in fire and building codes.
- (6) One member shall be an industrial safety professional with knowledge in hazardous materials.

Member Scott Grainger motioned to approve the recommended changes to the language, and member Michael Watt seconded the motion. Upon vote, the motion carried unanimously 5 to 0.

### **3. Appeal Process**

Mr. David Benton made available an outline of the Building Board of Appeals Bylaws and Operating Rules of Procedures. City staff is working on updating the Meeting and Appeals procedures sections. Mr. Benton proposed that the Building Board of Appeals meet before the next scheduled quarterly meeting to review and discuss the updated appeals processes. The meeting has been scheduled for Wednesday, October 2, 2019 at 4:00 p.m.

### **4. Status Update of Previous Appeal Hearings**

Mr. Robert Goodhue provided a status update for Peoria Regional Medical Center (PRMC) and Grand Holdings, LLC (former Smitty's) as recently, the respective property owners attended a pre-application meeting with City staff. During the pre-application meetings, City staff from different departments are represented allowing the property owners an opportunity for discussion prior to submitting a project application. Mr. David Benton provided an update pertaining to legal status for both projects.

Grand Holdings, LLC (former Smitty's): The owners are considering proposing to change the zoning to a multiuse development. The development would occur in phases. Phase 1 would be to convert the existing structure into a mini-storage. Phase 2 would be for a commercial building or multi-family, either apartments or condominiums. The initial concern is that there will be a lot of buildings but not sufficient parking. The scope of work will be extensive. City staff provided recommendations pertaining to code. Mr. Robert Goodhue inquired with the property owner if his company was planning to perform the work and what timeline they have considered being that there is a pending case in court. The property owner stated that phase 1 would take about 5-6 months for completion and yes, his company will complete the work. City staff informed the property owner that to rezone a property, it might take up to 18 months. Should the City approve the proposed use, it will not delay or affect the current court process.

Mr. David Benton provided the legal status update. After the Superior Court judge ruled in the City's favor, the property owners filed an appeal of the Superior Court's ruling to the Court of Appeals. The Court of Appeals briefing schedule was made available with an initial due date of September 5, 2019; however, the property owners requested an extension. Thus, they have until the beginning of October to submit their briefing. Once submitted, the City will then have the opportunity to file a response. Once the property owners review the City's response, they will have an opportunity to file their response. It was confirmed that the property is currently fenced.

Peoria Regional Medical Center (PRMC): The prospective buyers are continuing to do their due diligence and recently attended a pre-application meeting with City staff. They are looking to do improvements on the property, which is part of a larger parcel, a Planned Area Development (PAD). Phase 1 includes completion of hospital or medical based offices. Due to the opposition from the neighboring community, a public meeting will need to be held. A follow-up meeting is scheduled in September 2019 to discuss a construction timeline, zoning/use, expedited, and concurrent reviews. The City

recommended that they come prepared to provide a proposal. They are diligent to resolve issues. Amending the PAD may take up to 18 months.

**BOARD MEMBER COMMENTS:**

Mr. Dennis Grenier inquired if any work has been completed on the structural steel.

Mr. Dennis Chase responded that no work has been completed to his knowledge.

Mr. David Benton provided a legal status update. PRMC is still in bankruptcy court. The new court approved date that the prospective buyers must close is December 15, 2019. The prospective buyers are actively engaged and are willing to build out. Most recently, David has been cc'd in emails from the bankruptcy attorney; there is talk about another potential buyer, a hospital developer.

Mr. Robert Goodhue stated that there are stipulations with the PAD involving a pedestrian bridge, which is a high dollar project. The prospective buyers will need to meet with the traffic engineers to discuss whose responsibility it is to cover the cost of a pedestrian bridge and traffic signal. This will all be dependent on a traffic analysis.

**Reports from Staff**

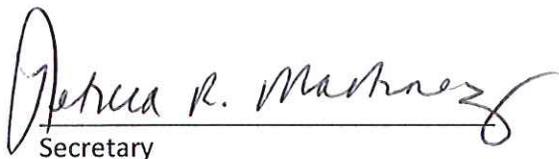
None

**Reports from Building Board of Appeals**

Member Scott Grainger recently attended a conference in Denver, CO. He would like to share the forensic engineering on cannabis presentation information to the Board and proposed that this item is added to the next meeting agenda. Member Scott Grainger will obtain a copy of the presentation and make it available prior to the meeting.

**ADJOURNMENT:**

Being no further business to come before the Board, the meeting adjourned at 5:37 p.m.

  
Secretary

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David Demmer, Chairperson