



Action Summary

Planning Commission

Tuesday, January 7, 2020

6:00 PM

Council Chambers

1. CALL TO ORDER

2. ROLL CALL

- Present** 5 - Commissioner Jonathan Wainwright
Commissioner James Anton
Commissioner Thomas G. Campbell
Commissioner Orme Lewis
Commissioner Daran Wastchak
- Absent** 2 - Commissioner Charles Covington
Commissioner Pamela Georgelos

3. EXECUTIVE SESSION

5. PUBLIC HEARINGS

- A. [20-020](#) **Consideration of a Minor Special Use Permit Amendment (SUP 19-06)
Five Star/Ritz-Carlton Area C - Basement Lightwells, Modified Chimney Heights, and Modified Fence Wall Heights - 7000 E Lincoln Drive**

A motion was made by Commissioner Wastchak, seconded by Commissioner Campbell, to The motion carried by the following vote:that the requested amendment to the Five Star/Ritz-Carlton Special Use Permit is a Minor Amendment per the criteria listed in Section 1102.7.B of the Zoning Ordinance. The motion caried by the following vote:

- Aye:** 4 - Commissioner Wainwright, Commissioner Campbell, Commissioner Lewis and Commissioner Wastchak
- Nay:** 1 - Commissioner Anton
- Absent:** 2 - Commissioner Covington and Commissioner Georgelos

A motion was made by Commissioner Wastchak, seconded by Commissioner Orme, to approve the Five Star/Ritz-Carlton Minor Special Use Permit Amendment in Area C to allow expanded basement lightwells to encroach into the building setbacks, allow chimneys and faux chimney screens to extend 3' above the maximum height limit of the house, and to modify several fence/retaining wall heights, subject to the following stipulations:

1. All improvements to the property shall be in substantial compliance with the narrative, plans, and documents in the 7000 East Lincoln Ritz-Carlton Resort Parcel C Minor SUP Amendment submittal, Job # 01.0268908, prepared by CVL Consultants with the 3rd Revision date of December 9, 2019 and the Light Well Projection Into Building Setback Program Information sheet prepared by Drewett Works which is dated January 7, 2020.

2. Revised SUP Stipulation No. 44:

Area C may only be improved with up to forty-five (45) detached single-family residential Resort-Branded Homes and uses incidental or accessory thereto, as well as common areas and common use facilities and/or amenities, provided that all such improvements comply with the height and Floor Area limitations shown on Page D-3, and setback limitations as shown on page F-3 of the Approved Plans.

Expanded basement lightwells/patios shall be in compliance with Minor Special Use Permit Amendment SUP 19-06 and shall be included in the square footage calculations. The basement lightwells/patios that are located within the 5' encroachment from the building setback shall be limited to the following:

- Front yard lightwell/patios - Maximum of 275 square feet,
- Each Side yard lightwell/patios - Maximum of 175 square feet, and
- Rear yard lightwell/patios - Maximum of 125 square feet.
- With a total/combined encroachment of 750 square feet in all yards.

Plants placed in basement lightwells/patios shall not extend above the exterior grade of the house. Also, lightwell guards that are adjacent to or visible from a right-of-way and/or open space area shall be clear glass with an optional cap. A planting/landscape buffer shall be placed around all lightwell guards that are adjacent to or visible from a right-of-way and/or open space area (with openings for egress). This planting/landscape buffer must be maintained by the Home Owners Association (HOA).

Each Owner of a Resort-Branded Home may occupy it, or permit its family and guest(s) to occupy it, or make it available for residential uses. In addition, each Owner of a Resort-Branded Home may voluntarily participate in the Resort Hotel Rental Program and make its Resort-Branded Home available for transient occupancy uses or hospitality uses, at its sole option, under the terms and conditions of the Resort Hotel Rental Program, provided, however, that any rental of any Resort-Branded Home shall only be done through the Resort Hotel Rental Program. The principal guest of a Resort-Branded Home in the Resort Hotel Rental Program shall register with the Principal Resort Hotel. Nothing shall prohibit a Resort-Branded Home from being sold (and thereafter resold) to a third party, or parties, and used as provided herein.

3. Revised SUP Stipulation No. 45.c:

Additional walls not shown on the Approved Plans may be constructed on a lot within enclosed private yards, provided they do not exceed six (6) feet in height. Guards needed for basement lightwells and exits shall abut the lightwell/exit and shall be limited to a minimum height of 36 inches tall and a maximum height of 42 inches tall.

For Area C, the following exception shall apply: The walls shown on the approved plans for Minor SUP Amendment SUP-18-14 and as amended per Minor SUP Amendment SUP-19-06, shall not exceed a maximum height of 9' tall and are limited to the locations and heights as shown on the approved plans. Modified walls that are allowed at a maximum height of 8' tall and are located between Lots 8 – 13 shall not extend above the height of the SUP perimeter wall. On the southeast corner of Parcel C (the exterior to Lot 6) through the use of berming, or when berming is not feasible, solid landscaping, so that no more than 6 feet of the wall may be visible from the public right-of-way at the discretion of the Town Manager or designee.

4. New SUP Stipulation 45j:

Chimney and Chimney Screens. For chimney and chimney screens located on lots that are adjacent to a public roadway, being Lots 6 through 17 and Lots 26 through 30 of the Replat, Amended 7000 East Lincoln – Parcel C – Amended, recorded in document number 20180867736, Book 1396 and Page 29, at the Maricopa County Recorder, Maricopa County, Arizona, or as may be amended further in the future (the “Area C Plat”), the height of a chimney or chimney screen including a decorative shroud shall not exceed the maximum height allowed for the main house.

For all other lots on the Area C Plat, the height of a chimney or chimney screen including a decorative shroud shall not exceed the maximum height allowed for the main house. Exception: For any chimneys or chimney screens that are located within a 10-foot radius of any roof that is 21 feet or taller, the chimney or chimney screen height, including a decorative shroud, may exceed that portion of the building roof by not more than 3 feet.

This stipulation applies only to the main residence on each lot and does not apply to accessory structures. Chimney screens refer to portions of the building that is only used to conceal roof penetrations such as stacked vents and exhaust fan caps. Chimney and chimney screens that are allowed to extend above the 24-foot height limit shall be limited to two per residence, with one chimney to a maximum of 13 foot in length and 4 foot in width and one 9 foot in length and 3 foot in width, with a minimum 10 foot separation between the two, and shall be in substantial compliance with Minor Special Use Permit Amendment SUP 19-06.

5. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by the Minor Amendment SUP-19-06.

6. 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.

The motion carried by the following vote:

Aye: 5 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Lewis and Commissioner Wastchak

Absent: 2 - Commissioner Covington and Commissioner Georgelos

6. ACTION ITEMS

4. STUDY SESSION ITEMS

- A. [20-021](#) **Continued Discussion of Upcoming Planning Commission Items for Council Retreat**
No Reportable Action

7. CONSENT AGENDA

- A. [20-012](#) **Approval of December 3, 2019 Planning Commission Minutes**

A motion was made by Commissioner Wastchak, seconded by Commissioner Anton, to approve the December 3, 2019 minutes with one edit. Commissioner Campbell revised the text on the bottom of page 3 to identify "of the mass under the 24 foot and allow..." instead of 20 feet. The motion carried by the following vote:

Aye: 5 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Lewis and Commissioner Wastchak

Absent: 2 - Commissioner Covington and Commissioner Georgelos

8. STAFF REPORTS

9. PUBLIC BODY REPORTS

10. FUTURE AGENDA ITEMS

11. ADJOURNMENT

- A motion was made by Commissioner Campbell at 8:29pm, seconded by Commissioner Wastchak to adjourn the meeting. The motion carried by the following vote:**

Aye: 5 - Commissioner Wainwright, Commissioner Anton, Commissioner Campbell, Commissioner Lewis and Commissioner Wastchak

Absent: 2 - Commissioner Covington and Commissioner Georgelos