

1 **SMOKETREE RESORT**  
2 **7101 E LINCOLN DRIVE**  
3 **SPECIAL USE PERMIT HISTORY**  
4

5 **[Last Prepared 04-30-2025]**  
6

7 January 11, 2024 Major SUP Amendment (SUP-23-01)  
8

9 *Approval of Ordinance 2023-05 to allow for the demolition of the existing resort*  
10 *structures and construction of a new boutique resort with 82 guest units, three-meal*  
11 *restaurant, meeting space, spa, resort pool, underground garage, and related*  
12 *improvements*  
13

14 January 15, 2020 Major SUP Amendment (SUP-18-05)  
15

16 *WITHDRAWN. Request of a major amendment to the site's existing Special Use*  
17 *Permit - Resort zoning submitted in May 2018. The proposed redevelopment of this*  
18 *property was a complete demolition of all existing structures and construction of a*  
19 *new resort. The original request was for 165 guest units (120 guest rooms and 30*  
20 *resort residential units with 15 lock-offs), 145,000 square feet total floor area, lot*  
21 *coverage at 80,000 square feet, some 3-story components with architectural portions*  
22 *up to 45-foot tall and at a 20-foot setback to the south and east property lines. The*  
23 *applicant later revised the proposed development for 122 guest rooms, 128,150*  
24 *square feet total floor area, lot coverage at 58,832 square feet, a reduced 3-story*  
25 *area along the east property line, and heights varying from 1-foot tall to 36-foot tall*  
26 *(including an interior area near the pool at 38-foot tall).*  
27

28 2007 through 2008 Substantial Compliance to Special Use Permit  
29

30 *Building permits related to mechanical screening on the restaurant building. As part*  
31 *of the renovation of the long-standing "The Other Place" restaurant for a new*  
32 *restaurant tenant "REM." Various improvements to the restaurant building fronting*  
33 *along Lincoln Drive were made in 2007 and 2008. The mechanical roof screening on*  
34 *the restaurant building was the most visible element completed. The improvements*  
35 *were all in substantial compliance with the existing Special Use Permit. REM never*  
36 *opened.*  
37

38 July 13, 1972 Special Use Permit Amendment  
39

40 *Approval to change Cottage I to a non-public use, and construct additional space by*  
41 *connecting Cottage I with "The Other Place" to provide additional kitchen facilities*  
42 *for "The Other Place" and a rest area for its employees. Approved in accordance*  
43 *with the recommendations of the Planning and Zoning Commission (which according*  
44 *to the June 6, 1972 minutes was a stipulation that all equipment that will be*  
45 *constructed on the roof area will be screened by effective means) and with special*  
46 *consideration for Fire protection with fire hydrants.*  
47  
48

49 May 27, 1971 Special Use Permit Amendment

50  
51 *Approval to convert a living unit to a private dining room or meeting room and*  
52 *additional public dining space in connection with "The Other Place" restaurant. [No*  
53 *specific stipulations were noted in the minutes. However, there is a site plan dated*  
54 *April 23, 1971 that indicates 30 units inclusion of the office and restaurant, 11*  
55 *buildings, 17,100 square feet for the 30 units, and 7,000 square feet for the*  
56 *commercial.]*

57  
58 March 13, 1969 New Special Use Permit

59  
60 *Approval to modify and enlarge the existing resort including some changes in the*  
61 *rooms, in front to place a new facade on the premises, to improve the parking by*  
62 *paving all the dirt areas, and increased landscaping. Mention of 7 feet of dedication*  
63 *along Lincoln Drive for a total width of 80 feet (40-foot half-width) and possible*  
64 *condemnation of 110 feet total (55-foot half width) by Maricopa County. Approval*  
65 *was subject to the following stipulations:*

- 66  
67 1. That a condition, approved by the Town Attorney and with the approval of the  
68 Applicant that in the event of condemnation, the condemner shall pay the actual  
69 cost to the then owners of the property as to that portion taken. [The minutes note  
70 that cost for condemnation is when an appraiser will break down a property to a  
71 square foot value based on the financial statement of the owner's cost of the land  
72 aside from the special use thereof; noting in the motion that this apply only in the  
73 event that the condemner uses federal funds.]  
74 2. That any new leases of commercial space within the resort be approved by the  
75 Council.  
76 3. Representations made by the applicant as to the use of the property as  
77 recommended by the Planning & Zoning Commission be further approved and  
78 that any other new use would have to be approved by the Council. [This refers to  
79 the February 18, 1969 Planning & Zoning hearing for recommendation of the  
80 Special Use Permit and a memo dated January 10, 1968 as part of the January 16,  
81 1968 Planning & Zoning Minutes that stated the site has twenty-eight rental units,  
82 a restaurant, public bar, private bar, hairdressing salon, and two meeting rooms]

83  
84 March 12, 1964 Annexation

85  
86 *Annexation of the resort and other areas via Ordinance 28.*  
87

ORDINANCE202305-26-1-1--  
dominguezs

**ORDINANCE NUMBER 2023-05**

**AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, APPROVING A MAJOR SPECIAL USE PERMIT AMENDMENT FOR PROPERTY ZONED SUP DISTRICT (RESORT) KNOWN AS SMOKE TREE RESORT LOCATED AT 7101 EAST LINCOLN DRIVE; PROVIDING FOR REDEVELOPMENT WITH DEMOLITION OF ALL EXISTING STRUCTURES AND CONSTRUCTION OF A NEW RESORT WITH 82 GUEST UNITS (KEYS) WITH RESORT-RELATED RESTAURANT, MEETING SPACE, SPA/FITNESS, AND SITE IMPROVEMENTS INCLUDING UNDERGROUND AND SURFACE PARKING, LANDSCAPING, LIGHTING, SIGNAGE, AND IMPROVEMENTS TO SITE INFRASTRUCTURE; PROVIDING FOR SEVERABILITY.**

**WHEREAS**, on February 17, 2023, an application was filed on behalf of ST HOLDCO, LLC, a Delaware limited liability company (the “Applicant”), for a Major Special Use Permit Amendment, SUP-23-01, for the demolition of all existing structures and the construction of a new resort (the “Application”); and

**WHEREAS**, on April 27, 2023, at a public meeting, the Town of Paradise Valley Town Council (the “Town Council”) provided a Statement of Direction to the Town of Paradise Valley Planning Commission (the “Planning Commission”); and

**WHEREAS**, on September 19, 2023, the Planning Commission held a public hearing, as prescribed by law, to consider the Application, and recommended approval with conditions; and

**WHEREAS**, on January 11, 2024, the Town Council held a public hearing, as prescribed by law, to hear and take action on Ordinance Number 2023-05 as recommended by the Planning Commission; and

**WHEREAS**, the Town Council has determined that the Applicant held a Citizen Review Meeting in accordance with Section 2-5-2(F) of the Paradise Valley Town Code; and

**WHEREAS**, the amendments to the Special Use Permit as set forth in the Application are consistent with and conform to the Town’s General Plan Land Use Map and Zoning Map; and

**WHEREAS**, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

**WHEREAS**, in accordance with A.R.S. § 462.01, the Town Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, AS FOLLOWS:**

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. Pursuant to Article XI of the Town's Zoning Ordinance, the Application is hereby approved, and SUP-23-01 is hereby granted, to ST HOLDCO, LLC, a Delaware limited liability company, and successors and assigns, as follows:

1. SUP-23-01 permits the Smoke Tree Resort to continue its resort use and operations on the approximate 5.36- gross acres (4.74-net acres) of land located at 7101 E Lincoln Drive in Paradise Valley, Arizona, as more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Property").
2. SUP 23-01 amends all of the Property's prior Special Use Permits set forth in Exhibit B, attached hereto and incorporated herein by reference, and creates a new Special Use Permit to allow for redevelopment that includes 82 guest units (keys) with resort-related restaurant, meeting space, spa/fitness, and site improvements including underground and surface parking, landscaping, lighting, signage, and improvements to site infrastructure, subject to any definitions, stipulations, plans, and documents set forth in Exhibits A through D each of which is attached hereto and incorporated herein by reference, and which together make SUP-23-01.

Section 3. If any provision of this ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provisions, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this ordinance.

[Signatures on following page]

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Paradise Valley, Arizona, this 11<sup>th</sup> day of January, 2024.

DocuSigned by:

*Jerry Bien-Willner*

CF0B61A648E9495...

Jerry Bien-Willner, Mayor

ATTEST:

DocuSigned by:

*Duncan Miller*

FD56FF67A95043D...

Duncan Miller, Town Clerk

DocuSigned by:



APPROVED AS TO FORM:

DocuSigned by:

*Andrew J. McGuire*

6C9F79CECF0C427...

Andrew J. McGuire, Town Attorney

**EXHIBIT A  
TO  
ORDINANCE NUMBER 2023-05**

**[Legal Description]**

**TOWN OF PARADISE VALLEY  
SPECIAL USE PERMIT FOR THE SMOKE TREE RESORT  
SUP-23-01**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. (Maricopa County Assessor Number 174-64-003A)

The North half of the Northwest quarter of the Northeast quarter of the Southeast quarter of Section 10, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

EXCEPT the East 200 feet, thereof.

AND

The North half of the South half of the Northwest quarter of the Northeast quarter of the Southeast quarter of Section 10, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

EXCEPT the East 200 feet, thereof.

**EXHIBIT B  
TO  
ORDINANCE NUMBER 2023-05**

**[Description of Prior SUP Amendments that are amended upon the Effective Date]**

TOWN OF PARADISE VALLEY  
SPECIAL USE PERMIT FOR THE SMOKE TREE RESORT  
SUP-23-01

The list below summarizes the known approved amendments to the original Special Use Permit, all of which are amended upon the Effective Date of Ordinance Number 2023-05.

January 11, 2024 SUP-23-01	Major Amendment for redevelopment that includes 82 guest units (keys) with resort-related restaurant, meeting space, spa/fitness, and site improvements including underground and surface parking, landscaping, lighting, signage, and improvements to site infrastructure.
2007 through 2008	Building permits related to mechanical screening on the restaurant building. As part of the renovation of the long-standing “The Other Place” restaurant for a new restaurant tenant “REM.” Various improvements to the restaurant building fronting along Lincoln Drive were made in 2007 and 2008. The mechanical roof screening on the restaurant building was the most visible element completed. The improvements were all in substantial compliance with the existing Special Use Permit. REM never opened.
July 13, 1972 SUP-72- 12	Approval to change Cottage I to a non-public use, and construct additional space by connecting Cottage I with “The Other Place” to provide additional kitchen facilities for “The Other Place” and a rest area for its employees.
May 27, 1971 SUP-71-06	Approval to convert a living unit to a private dining room or meeting room and additional public dining space in connection with “The Other Place” restaurant.
March 13, 1969	Approval to modify and enlarge the existing resort including some changes in the rooms, in front to place a new facade on the premises, to improve the parking by paving all the dirt areas, and increased landscaping.
March 12, 1964	Annexation into the Town via Ordinance 28

**EXHIBIT C  
TO  
ORDINANCE NUMBER 2023-05**

**[SUP STIPULATIONS]**

**TOWN OF PARADISE VALLEY  
SPECIAL USE PERMIT FOR THE SMOKE TREE RESORT  
SUP-23-01**

**I. PROJECT DESCRIPTION**

Redevelopment of the 5.36- gross acres (4.74-net acres) Smoke Tree Resort located at 7101 E Lincoln Drive (the “Property”), that includes 82 guest units (keys) with resort-related restaurant, meeting space, spa/fitness, and site improvements including underground and surface parking, landscaping, lighting, signage, and improvements to site infrastructure.

**II. DEFINITIONS**

“**Approved Plans**” means the plans and documents associated with SUP 23-01 and described in Subsection IV “Approved Plans” in Exhibit C to the Ordinance.

“**Brand Letter**” means the letter and brands as described in Exhibit D to the Ordinance.

“**Floor Area**” means the area under roof added to the floor area of any second and third story; provided, however that “Floor Area” also includes the horizontal solid portion(s) of trellises and/or open weave roofs, and all the horizontal solid portion of area under roof in accessory buildings such as gazebos, ramadas and other accessory buildings. Floor Area excludes the floor area of any fully subterranean portions of a building, any utility and/or storage facilities that are located subterraneously in order to avoid unsightly view from ground level, courtyard areas, and the portion of any roof overhangs which are not over useable exterior spaces.

“**Key**” or “**Keys**” means a Resort unit, served by a single key, which is part of the Resort (as defined herein), designed and constructed with all furnishings, fixtures and equipment necessary to operate as a single unit for transient occupancy use as a part of such Resort. Each Key shall have at least one bathroom and a direct lockable connection from the exterior or a corridor. A Key may be located in a principal structure (in a building that includes guest registration, reception and other allowed uses) or in any number of other buildings integrated or associated with such Resort through landscaping or otherwise. A Key may be interconnected with another Key unit through a lockable connection, so that more than one Key may be rented as a single unit.

“**Ordinance**” means Ordinance Number 2023-05.

“**Owner**” means ST HOLDCO, LLC, a Delaware limited liability company, its successors and assigns. An Owner may be an individual, corporation, partnership, limited liability company, trust, land trust, business trust or other organization, or similar entity, which in turn may be owned by individuals, shareholders, partners, members or benefitted parties under trust agreements, all of which may take any legal form, and may allocate interests in profits, loss, control or use.



“**Property**” means the real property described in Exhibit A to the Ordinance.

“**Resort**” means the entire Property and all facilities and other improvements existing, developed or redeveloped and used or useful on the Property in general conformance with the Approved Plans and/or these Stipulations.

“**Resort Quality Standards**” means the standards described in Exhibit D to the Ordinance.

“**Special Use Permit**” or “SUP-23-01” or “SUP” shall mean this special use permit as approved by the Ordinance.

“**Special Use Permit Guidelines**” means special use permit guidelines adopted by the Town and in effect as of the Approval Date.

“**Stipulations**” mean the conditions of approval as shown in Exhibit C to the Ordinance.

“**Town**” means the Town of Paradise Valley.

“**Town Code**” means the Code of the Town of Paradise Valley, Arizona, as amended from time to time, except when the Special Use Permit or a related Development Agreement specifically references ordinances or requirements in effect as of the Approval Date.

“**Town Manager**” means the Town Manager or his or her Town staff designee.

“**Visually Significant Corridors Master Plan**” means the Master Plan approved by the Town Council dated October 2018.

“**Zoning Ordinance**” means the Town’s zoning ordinance in effect as of the Approval Date and as amended.

### III. STIPULATIONS

#### A. GENERAL

1. In the event of a conflict between the stipulations and the Approved Plans (as defined below), these stipulations shall govern.
2. This Special Use Permit (SUP-23-01) shall run with the land and any person having or subsequently acquiring title to any portion of the Property shall be subject to this Special Use Permit, as it applies to the portion of the Property owned thereby and as it may be amended or superseded from time to time. SUP-23-01 supersedes all prior SUP amendments on the Property by incorporating existing SUP stipulations and plans that remain in full force and effect. Once an owner no longer owns the Property, such prior owner shall not be subject to this Special Use Permit.
3. If any portion of the Property is in violation of the terms of this Special Use Permit, the Town may, pursuant to Section 1105 of Article XI (Special Uses and Additional Use Regulations) of the Zoning Ordinance, (a) seek all available remedies after fair notice, a hearing and a reasonable opportunity to correct, and (b) impose a monetary sanction

on the then-Owner of such portion, in an amount not to exceed the maximum amount allowed for violations of the Town Zoning Ordinance for each day such violation exists, in addition to all other orders or sanctions permitted by applicable laws. No such remedy shall be applied to any other Owner or portion of the Resort that is not in violation of this Special Use Permit.

4. The use of the Property shall at all times conform to all applicable State laws and Town ordinances, except that if there is a conflict between this Special Use Permit and any Town ordinance or other Town requirement (but not State law), this Special Use Permit shall prevail.
5. The redevelopment of, and construction on, the Property shall, subject to these Stipulations, substantially conform to the intent of the Approved Plans. Each of the Approved Plans is hereby incorporated into this Special Use Permit and made an integral part hereof.
6. An electronic version of the Approved Plans for SUP-23-01 shall be submitted to the Town within 60 days after the approval date.
7. Nothing in this Special Use Permit or otherwise shall require the operation of the Resort under the name "Smoke Tree Resort" or any similar or other name. No further consent shall be required to enable the Owner to transfer all or any portion of the Resort, name or rename the Resort, or select or reselect brands or management companies of the Resort; provided that the Property shall be subject to this Special Use Permit notwithstanding any such transfer.
8. No part of the Resort shall be operated as a Time-Share project as such term is defined by the Town Zoning Ordinance. No part of the resort may be subdivided for purposes of sale or resale.
9. The Resort Owner and successor owners of the Property shall have a right to undertake and complete the development and use of the Property in accordance with this Special Use Permit.
10. The Town and the Owner believe and intend that the provisions of this Special Use Permit are valid and enforceable. In the unlikely event that this Special Use Permit is declared by a court of competent jurisdiction to be invalid or unenforceable, the Resort (as then constructed) may continue to be used and operated as a legal non-conforming use in accordance with these Stipulations until such time as a special use permit or other applicable zoning for the Resort is issued or reissued by the Town for the property.
11. The Owner shall provide the Town with a signed Waiver of Claims for Diminution of Value under A.R.S. § 12- 1134 (Proposition 207 Waiver) in the form provided by the Town Attorney prior to Town Council approval of this Application, with said form recorded prior to or on the effective date of the Ordinance.

## **B. CONSTRUCTION – DEVELOPMENT**

12. A schedule for demolition on the Property for the vertical portions of existing improvements shall be provided no later than the time of submittal of the first demolition permit associated with this Special Use Permit. Demolition of existing structures are encouraged to occur within six months of the effective date of SUP-23-01.
13. No construction permit shall be issued on the Property until appropriate engineering or architectural plans and documents are submitted to the Town and the issuance of such construction permit(s) for that particular activity is approved by the Town. Submitted plans shall be required to meet the building code most recently adopted by the Town. No final Certificate of Occupancy shall be issued until all improvements as shown on the site plan are completed and accepted by the Town.
14. The Special Use Permit improvements shall be completed in the following phases:
  - a. Phase 1 – Infrastructure. This phase includes, and is not limited to, dust and erosion control measures, job-site mobilization and set-up, demolition of existing structures, utility improvements, and construction of the underground basement/garage level.
  - b. Phase 2 – Perimeter Improvements. This phase includes, and is not limited to construction of the perimeter walls and perimeter landscaping along all four sides of the Property and off-site improvements (e.g., Quail Run Road paving). The construction schedule shall identify any perimeter areas for completion in later phases such as those adjacent to access driveways or active construction areas. However, the intent is to complete perimeter walls and perimeter landscaping early in the development process to aid in screening construction-related activities.
  - c. Phase 3 – Interior Improvements. This phase includes, and is not limited to construction of the buildings shown on the site plan, the resort pool, interior landscaping, and related items.
15. The Owner of the Resort shall be responsible to ensure that all required improvements within the Lincoln Drive and Quail Run Road rights-of-way as required by the Approved Plans have been inspected and approved by the Town no later than the last building Certificate of Occupancy related to SUP-23-01. This includes improvement of Quail Run Road adjacent to the site to the Town's street standards and installation of a sign restricting westbound left turns out of the site at the Quail Run Road access. Quail Run Road improvements are the full minimum 26-foot width pavement/curb in accordance with the Typical Local Cross-Section Option A from Lincoln Drive south to Maricopa County Tax Parcel 174-63-009B (includes striping to align with Palmeraie Boulevard directly north) and half-width improvements for the remaining Quail Run Road right-of-way to the south boundary line of the Property.
16. The Resort Owner shall submit a construction schedule prior to the issuance of the first building permit related to SUP-23-01 to ensure compliance with all Town ordinances

and in order to minimize construction nuisances. This schedule may be modified or amended from time to time. This construction schedule shall at a minimum provide the following:

- a. Dust and noise control measures.
  - b. Vehicle/equipment storage/parking.
  - c. Construction days/hours.
  - d. Location of staging area for construction supplies/equipment.
  - e. Location of any construction trailer and sanitary facility.
  - f. Location of on-site construction-materials/debris storage.
  - g. Location of fire lanes during the construction period.
  - h. The approximate beginning and ending for construction.
  - i. Offsite improvements (e.g., Quail Run Road pavement) shall be completed concurrently with the development.
17. Prior to the issuance of a certificate of completion/occupancy for any individual structure, adequate and appropriate fire service, including but not limited to, a fire sprinkler system, building risers, fire alarms, exit signage, room and building identification signage have been installed and inspected by the Town and the necessary fire, emergency, and other vehicle access for each such structure, has been constructed and approved by the Town.
18. During the period of demolition or construction of new improvements, signs shall be posted on the Property in conformance with the Town construction sign regulations that identify a person(s) with phone and email to contact regarding construction-related matters.
19. Chain link fencing with screening is required to completely surround any exterior construction areas, any construction refuse areas, any construction material storage areas and any exterior sanitation facilities used during a construction project. The screening material may not be used for advertising or other signage.
20. During demolition, site grading, and the construction of onsite or offsite improvements, the Owner shall coordinate the sweeping of the public streets adjoining the Property to remove construction-related dirt and debris, as reasonably required by the Town.
21. All permanent public utilities within the Resort shall be underground (excluding certain equipment that is typically installed above ground which shall be appropriately screened, such as transformers, meters, and other equipment) and located within appropriate easements. Screening shall meet utility company and Town requirements.

22. Prior to the issuance of the first building permit related to SUP-23-01, the Owner shall provide the Town documentation on the abandonment of the electric easement (recorded at the Maricopa County Recorder, Arizona, in Book 7328, Page 755) shown on the A.L.T.A. survey.
23. All mechanical equipment shall be screened so that it is not visible from adjoining properties not a part of this Special Use Permit and from adjoining public rights-of-way. All rooftop screening shall be part of the articulation of a building and not appear as an afterthought; shall be architecturally integrated and compatible with the architectural style. Mechanical equipment and mechanical equipment screens shall be included in the total height of any structure to which they are attached. If applicable, mechanical screening may provide the necessary noise attenuation for any mechanical equipment. All mechanical equipment, along with any screens used for attenuation of noise, shall comply with the allowable noise levels defined in the Town's noise ordinance. Noise measurement shall include any installed screening or other attenuation devices.
24. Backflow preventers, electric transformers, generators, or other similar equipment visible from off the Property shall be located so as to minimize their visual impact and shall be screened from public view to the extent possible.
25. The Owner of the Resort prior to the issuance of the first building permit with SUP-23-01 shall provide to the Town Manager documentation on the load calculations and correspondence from Arizona Public Service (APS) on the ability to relocate the existing APS utility box at the southeast intersection of Lincoln Drive and Quail Run Road. The screening of the utility equipment shall be in accordance with the Approved Plans meeting the "Best" criteria option of the Resort Living Zone in the Town's Visually Significant Corridors Plan and all safety measures such as minimum clearances. Completion of the screening in the existing location or relocation/screening of the cabinet shall occur prior to the issuance of the first Certificate of Occupancy on any structure with SUP-23-01.
26. Walls and fences shall be constructed in accordance with the Approved Plans. Block wall material shall be solid grouted (as compared to dually). The wall along the east property line shall be eight feet tall. A new eight-foot-tall wall shall be constructed on the south property line. The existing five-foot tall stucco block wall near the south property line shall be demolished prior to the construction of the new wall on the south property line. Stucco and paint shall be the minimum standard for the wall finish on both sides in accordance with Section 2403.b, Wall Finishes, Walls Adjacent to Adjoining Properties, of the Zoning Ordinance. In the event of a conflict between the Approved Plans and Article XXIV of the Town Zoning Ordinance, the Approved Plans shall control. Walls and fences shall meet required corner vision requirements outlined in Section 8-1-13 of the Town Code and shall be measured from the exterior finished grade. Additional walls or fences not shown on the Approved Plans are permissible without an amendment to this Special Use Permit provided the Owner obtains a Town building permit and the walls comply with the height and setback outlined in Article

XXIV, Walls and fences, of the Town Zoning Ordinance.

### **C. MANAGEMENT - MAINTENANCE**

27. At all times, the Property shall remain under unified management and shall be operated as one, single resort facility and not be subdivided for sale or sold as private residences.
28. Maintenance of the Resort in general and all common areas specifically, shall be coordinated through a single unified management entity, which may be the Owner.
29. All exterior portions of all structures and all driveways, parking areas, landscaping, walls, and lighting shall be kept and maintained in good condition and repair.
30. Use of outdoor space by employees for activities such as smoking may create unintended nuisances for persons on adjoining properties. This type of activity shall be located near the buildings, away from the perimeter of the Property.
31. There shall be at least one person designated by the Resort at all times who has been thoroughly briefed on the provisions of this Special Use Permit and who has the authority to resolve, or to refer to others for resolution, all problems related to compliance with this Special Use Permit. All calls from Town residents to the Town or Resort regarding noise or disturbances shall be referred to and addressed by such person(s). The name and contact information for this person shall be provided to the Town Manager no later than the effective date of the Ordinance and updated within 10 days after any change is made.
32. Interiors of the buildings on the Property may be remodeled at any time without an amendment to the Special Use Permit so long as the other aspects of the Property remain in substantial compliance with the Ordinance and the Approved Plans, and all applicable building permits are obtained.
33. Except as approved as part of a building permit application and during construction periods, no storage of outdoor materials is permitted on the Property that can be seen off site.

### **D. USES**

34. The Property shall be used for a resort only, and no changes, expansions, additions, or alterations to the Property or improvements thereon shall be allowed without an express written amendment hereto. Resort to include uses that are customary pursuant to Section 1102.2 of the Town's Zoning Ordinance such as guest units, meeting spaces, spa, pool, lobby/administrative offices, retail sales (e.g., gift shop), and food/beverage uses. For-sale dwelling units are not allowed.
35. Resort buildings and structures shall meet minimum setbacks and heights as shown on the Approved Plans, with height measured from original natural grade or finish grade (whichever is lower) for each structure.

36. The area requirements shall be as follows:

- a. The maximum Floor Area for all buildings (e.g., principal, accessory) shall be 106,030 sf. Floor Area excludes the basement level.
- b. The maximum footprint lot coverage for all buildings (e.g., principal, accessory) shall not be greater than 25.6% of the gross site area which is 59,710 sf. Footprint excludes roof overhangs, patio covers, or other projections.
- c. The maximum dripline lot coverage for all buildings (e.g., principal, accessory) shall not be greater than 31.6% of the gross site area which is 73,940 sf. Dripline lot coverage includes all building footprints, overhangs, projections, and other structures that obstruct the sky (excluding walls shown on the Site Wall Diagram in the Approved Plans).

37. The Resort shall be constructed, remodeled, or refurbished and outfitted with the following minimum Resort Quality Standards:

- a. Not more than 82 Resort Keys meeting the quality standards (as defined below), with each Key not to be less than 325 square feet in size (with the Approved Plans for this Resort providing for a minimum Key size of 475 square feet).
- b. One full-service restaurant capable of serving three daily meals.
- c. At least one swimming pool along with facilities (which may be remote from the pool).
- d. At least one heated whirlpool (such as a “Jacuzzi”).
- e. At least one fitness area to accommodate professional-grade exercise machines and related equipment.
- f. An area or areas for providing spa services such as massage services.
- g. A dedicated reception area to accommodate guest check-in, concierge, and cashier.
- h. A dedicated area to accommodate vehicle or passenger drop off (such as valet parking services) for Resort guests.
- i. A conference center (labeled as the Event Space on the Approved Plans) serving the Resort, with a maximum of 200 persons unless the Resort submits a Special Event Permit in accordance with Section 8-8-8 of the Town Code that includes documentation on parking capacity, traffic control, and head count for the event.
- j. The Event Space shall have a maximum indoor area of 5,082 net square feet as shown on the Approved Plans.

If the Resort is constructed so as to include the improvements specified on the Approved Plans, said improvements shall satisfy the requirements in subsection a

through I above. The Resort shall also be either constructed, remodeled, or refurbished and outfitted with standards of development consistent with the criteria set forth in Exhibit "D" attached hereto and incorporated herein, or any other resort hotel design supported by a Brand Letter (as defined in Exhibit "D", the "Resort Quality Standards"). The final construction documents upon which building permits shall be issued for the Resort may come in multiple phases, including but not limited to grading and other site work, buildings, plumbing, electrical, mechanical, and finish schedules. As such, permits will be issued for each phase after having been reviewed for compliance with the Approved Plans and the requirements of this stipulation to the extent such a component thereof is partially or fully reflected therein. Any changes in the Resort Quality Standards that is accompanied by a Brand Letter shall be deemed approved. Minor changes which do not materially alter the scope of a required component set forth in Exhibit "D" shall not require approval.

38. The earliest start and latest stop limits on hours of operation of the following specific uses/facilities shall be as set forth below:

- a. Vendor deliveries and trash pick-up (generally): Vender deliveries (generally), trash pickups, or other noise generating outside services involving mechanical equipment, including large commercial trucks, shall be allowed to operate between 7:00 a.m. to 7:00 p.m. daily (except for emergency deliveries). US Mail, private courier services such as UPS or FedEx, and emergency deliveries: at any time.
- b. Exterior pools, spas and Jacuzzis: 7:00 a.m. to midnight daily (except pools, spas, and Jacuzzis located in outside areas at the spa are only when the spa is open).
- c. Restaurants, bars, lounges, banquet facilities, receptions, weddings and related events, and other food service facilities: no earlier than 6:00 a.m. and no later than State Statute (generally 2:00 a.m. for alcohol sales).
- d. Room service: up to 24 hours/day
- e. Parking facilities: 24 hours/day
- f. Spa and Fitness facilities: 24 hours/day for use only by guests of the Resort (outside members limited to 5:00 a.m. to midnight daily).

39. Outdoor areas at the Resort, which includes the event lawn, pool area, and outdoor patios adjoining the restaurant as shown on the Approved Plans shall be limited as outlined below:

- a. There shall be no permanent bar and/or food preparation except as shown on the Approved Plans, but temporary alcohol and food areas as part of a Resort event are allowable.
- b. Sound shall at all times be in compliance with the noise requirements of the Town Code, as may be amended, as well as the stipulations under Noise of this Ordinance.



40. Temporary tents may be erected on the event lawn and/or in the resort pool courtyard as shown on the Approved Plans. All other temporary tent locations require a Special Event Permit with Chapter 8 of the Town Code. No temporary tent shall be higher than 24 feet above the finished grade and setback a minimum of 40 feet from the perimeter property lines. Placement of temporary tents shall have no adverse impact on parking or circulation on site. Temporary tents or structures shall not be allowed for more than 16 consecutive days unless approved through a Special Event Permit in accordance with Section 8-8-8 of the Town Code.

## **E. NOISE**

41. Except as stipulated within this Special Use Permit, the Property (which includes outdoor venues, events, or functions with music and/or amplified sound) shall operate under all Town noise regulations, including the regulations listed in Article 10-7, Control of Excessive Noise, and Article 8-10, Nuisance Noise, as may be amended, and the acoustical study in the Approved Plans. This is generally a maximum of 45 decibels (dBA) at the property line on Sundays and holidays and 56 decibels (dBA) at the property line all other times.
42. The Owner of the Resort shall employ all necessary means to comply with the noise requirements in the Town Code such as, and not limited to, the installation of a distributed audio system and a noise limiter requiring the submittal of an outdoor event audio plan to the Town Manager for review and approval prior to the first Certificate of Occupancy for SUP-23-01.
43. Deliveries of construction material shall be as set forth in Article 8-10, Nuisance Noise, as may be amended from time to time.
44. All live music or events (e.g., DJ, live band) must be concluded or be moved indoors at or before 10:00 p.m.
45. The Resort manager or designee shall be responsible for measuring the noise levels using an on-site sound level meter as a means to monitor compliance.
46. Testing of any emergency generators shall be limited to Monday through Friday, 8:00 a.m. to 4:00 p.m., for no longer than 45 minutes at a time. The noise level shall not exceed the decibel level limits as specified in Article 8-10, Nuisance Noise, as may be amended from time to time. Generators shall be screened by a wall, with no generators allowed within 60 feet of a residentially-zoned property line.
47. Amplified music, speakers, and/or public announcement (PA) systems are discouraged in all outdoor areas, with such activities prohibited during the hours between 10:00 p.m. and 7:00 a.m. daily. When such systems are used, they shall follow the mitigation measures outlined in the noise study of the Approved Plans.
48. Only non-amplified events with a maximum of 200 people shall be allowed on the event lawn on Sundays and legal holidays unless the Resort submits a Special Event Permit in accordance with Section 8-8-8 of the Town Code that includes documentation

the event is within the Town's noise regulations (e.g., 45 decibel limit).

## **F. RIGHT-OF-WAY, PARKING & CIRCULATION**

49. At any time when the parking demand is expected to exceed onsite capacity, the Resort manager or designee shall initiate a parking management plan, which in addition to valet-assisted may include the hiring an off-duty officer to direct traffic and/or use offsite parking arrangements (but not the use of parking on any public street within the Town). The tandem parking spaces located within the underground garage shall be signed for employee and/or valet use.
50. In accordance with the Approved Plans, there shall not be less than 159 striped parking spaces (minimum 180 square feet) that can accommodate not less than 181 valet-assist parking spaces. The actual number of available parking spaces may be greater if contained within the areas designated for parking on the Approved Plans.
51. On-site parking is limited to private passenger vehicles. Parking of buses and recreational vehicles, whether public or private vehicles, on-site is prohibited. Large buses with seating for more than 30 passengers are prohibited from entering or serving the Property. Minibus or minicoaches, with seating for 30 or fewer passengers are permitted. All contracts between the Resort and any valet company or other parking company shall include an acknowledgment and agreement that such company shall not park any vehicles on public streets in the Town and that all loading and unloading shall only occur on the resort property, except as expressly allowed by the Town. Any catering agreement between the Resort and any guests booking events at the Resort shall include an acknowledgment and agreement that vehicles may not park on public streets in the Town, except as expressly allowed by the Town.
52. Unlicensed support vehicles (e.g., golf carts, utility vehicles, etc.) may be used to service the Resort, but such support vehicles shall not park on public streets.
53. The parking spaces facing Lincoln Drive and Quail Run Road shall be screened as shown on the Approved Plans; at a minimum this screening shall be by a three foot high screen wall and/or landscaped berm or combination thereof to minimize the amount of vehicle headlight trespass off the property. As approved by the Town Engineer and Town Fire Marshal, portions of the parking lot may use paving methods in lieu of asphalt (e.g., stabilized decomposed granite, permeable pavers, stone pavers, brick).
54. Subject to the limitations in Stipulation 51, buses and other vehicles may be used to shuttle guests or employees to or from areas not located on the Resort, and between the Resort and other destinations (e.g., airport, shopping facilities, golf courses, etc.).
55. Except as may be allowable during construction, all parking on the adjoining public roads by any guest, invitee, parking service provider, or employees of the resort is prohibited.

56. All designated fire lanes shall maintain a vertical clearance of 14 feet above actual finished grade and a horizontal clearance of 20 feet to allow passage of emergency vehicles and must meet all Arizona Department of Transportation standards.
57. Prior to effective date of this Ordinance 2023-05, the Owner shall (i) stipulate to entry of a Final Order of Condemnation regarding the property rights the Town acquired in the Partial Summary Judgment in Case No. CV2019-015736, currently pending in Maricopa County Superior Court, (ii) dedicate to the Town the area on the southeast corner of Lincoln Drive and Quail Run Road over which there are currently existing utility infrastructure, a traffic signal pole and a traffic signal box, and (iii) dedicate to the Town, in fee simple, the following rights-of-way along the entire Property frontage of Lincoln Drive and Quail Run Road:
- a. A strip of land comprising the northernmost 33' of the Property (which area is currently subject to right-of-way easements).
  - b. A 25' strip of land along the western edge of the Property (which will result in new dedication of right-of-way).

#### **G. SIGNAGE**

58. All signs shall be in accordance with the Approved Plans, with illumination compliant with Article XXV, Signs, of the Town Zoning Ordinance and the Special Use Permit Guidelines. The monument signs on the Approved Plans shall include the address number for the Resort. Signs are subject to review and approval through the Town's building permit process.

#### **H. LIGHTING**

59. All outdoor lighting shall be in compliance with the Approved Plans. In the event the Approved Plans are not clear, such lighting shall meet the Special Use Permit Guidelines, as such may be amended from time to time.
60. Unless otherwise included in the Approved Plans, lamps, lighting, or illumination devices within an outdoor light fixture shall be screened so as to not be directly visible from outside the Property. If the Town receives a complaint from an offsite owner that the light-emitting element (i.e., the bulb) from an outside light fixtures is visible from outside the Property, the Town Manager may inspect the Property and require the Owner to shield the light-emitting element that is visible from outside the Property.
61. Additional exterior lighting requirements shall be as follows:
- a. Palm tree lighting (Fixture F1 or F2) shall be in accordance with the luminaire schedule as shown on the Approved Plans. These fixtures are limited to the event lawn and resort pool area.
  - b. Temporary holiday lighting shall be allowable in accordance with Section 1023, Outdoor Lighting and Illumination, of the Town Zoning Ordinance.

- c. Permanent festoon/bistro and similar lighting (Fixture M1) shall be limited to a maximum height of 16 feet from grade as measured adjacent to the lights and the light source shall be shielded by an opaque cover and/or shielded by a portion of the building/structure itself. These fixtures are limited to the event lawn as shown on the Approved Plans.
- d. Landscape lighting fixtures shall be selected, located, aimed, and fully shielded so that direct illumination is focused exclusively on the plantings or other intended site features and away from adjacent properties and the public street right-of-way.
- e. Light fixtures shall be prohibited within the dedicated public right-of-way areas, except for Town-approved fixtures.
- f. Motion sensors or a similar method shall be used to control site and parking lighting necessary for egress, safety, and site navigation after 11:00 p.m. such that the lights will dim to half brightness. Site lighting not needed for egress, safety, or site navigation (e.g., landscape lighting) will be turned off at 11:00 p.m.

## **I. LANDSCAPING**

- 62. Landscaping on the Property shall be in substantial compliance in quantity, size, and plant palette with the Approved Plans.
- 63. All landscaping shall be maintained in a healthy, neat, clean and weed-free condition. All dead plant material shall be replaced with live plant material of like kind and quality. Overgrown vegetation and trees shall be cut back so they do not obstruct adjoining rights-of-way.
- 64. The proposed Hopbush and Ghost Gum hedge along the south property line shall be maintained in a healthy condition. This dense planting shall meet the definition of hedge in Section 2402 of the Town's Zoning Ordinance in that the hedge forms a compact, dense, living barrier. If this hedge, including the Ghost Gum trees elsewhere on the Property, are found to create a hazard (e.g., excessive tree limb falls), the Owner shall replace the Ghost Gum with a like kind or equivalent evergreen as determined by the Town Manager.
- 65. All landscaped areas shall be supported by an automatic irrigation system, and shall be designed and maintained in a manner that promotes water conservation and prevents water overflow or seepage into the street, sidewalk, or parking areas.

## **J. CELLULAR ANTENNAS**

66. Cellular and other wireless transmission antennas are permitted, provided that they comply with this Special Use Permit and Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance or as may be amended. This includes, and may not be limited to, a design that is integrated as architectural features within the structures on the Property with screening in the same finish and color as the structure on which it is located. There shall be no unscreened projections of cellular or wireless antennas on any building above the roofline. Any lease agreement with a wireless operator shall specifically allow entry by the Town and its agent for the purpose of inspection and compliance with Town ordinances.

#### IV. APPROVED PLANS

The following plans and documents apply to the Property. In the case of discrepancies between Approved Plans, those with a later date shall take precedence. In the case of discrepancies between Approved Plans and Stipulations, the Stipulations shall take precedence as specified in Section III.A.1.

<p><b>Jan 11, 2023</b> <b>(SUP 23-01)</b></p>	<ol style="list-style-type: none"> <li>1. The Smoke Tree Resort Special Use Permit Amendment Application booklet prepared for the developer Walton Global dated February 17, 2023, and last revised on December 18, 2023, including the following sheets: <ol style="list-style-type: none"> <li>a. Page 2 through Page 14, Exhibit 1 through Exhibit 3, providing information on the applicant team, site context, and project narrative.</li> <li>b. Exhibit 4, Sheet 6, Conceptual Illustrated Site Plan, Sheet 7, Conceptual Illustrated Second Floor Plan, Sheet 8, Conceptual Illustrated Third Floor Plan, Sheet 9, Conceptual Site Dimension Plan, Sheet 10, Conceptual Level B1 &amp; Location Plan, Sheet 11, Conceptual Room Plans, Sheet 12, Preliminary Area Calculations &amp; Project Data, and Sheet 13, Conceptual Room Matrix. All sheets dated December 12, 2023.</li> <li>c. Exhibit 5, Sheet 14 though Sheet 17, providing site setbacks. All sheets dated December 12, 2023.</li> <li>d. Exhibit 6, Sheet 18, Conceptual Building Height Diagram, dated December 12, 2023.</li> <li>e. Exhibit 7, Sheet 22, Conceptual Site Sections, dated December 8, 2023.</li> <li>f. Exhibit 8, Sheet 19 through Sheet 21, Conceptual Building Elevations and Enlarged Elevations. All sheets dated December 12, 2023.</li> <li>g. Exhibit 9, Sheet 27 and Sheet 28, Conceptual Renderings Arrival, Sheet 29, Pool Area &amp; Hotel Room Wing, Sheet 30, Internal Courtyard/Amenity Spaces, Sheet 31 and Sheet 32, Perimeter Views. All sheets dated December 12, 2023.</li> <li>h. Exhibit 10, Lighting Basis of Design prepared by EXP dated December 12, 2023, that includes an exterior lighting photometric plan, cutsheets, and lighting schedule.</li> <li>a. Exhibit 11, Sheet 23, Conceptual Site Wall Diagram, Sheet 24, Conceptual Signage Diagram, and Sheet 25, Conceptual Gate and Decorative Enclosures. All sheets dated December 12, 2023.</li> <li>i. Exhibit 12, Landscape Design, that includes an Overall Site Plan, Enlarged Conceptual Plan North, Enlarged Conceptual Plan South, Landscape Perimeter Streetscape &amp; Buffer Plan – North, Landscape Perimeter Streetscape &amp; Buffer Plan – South, Lincoln Drive Streetscape Character, South &amp; East Buffer Character, and Proposed Hardscape Concepts. All sheets dated December 15, 2023.</li> </ol> </li> </ol>
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	<ol style="list-style-type: none"><li>2. Other plan sheets as follows:<ol style="list-style-type: none"><li>a. Sheet 26, Conceptual Restaurant Seating Layouts, dated December 12, 2023.</li><li>b. Land Title Survey, prepared by Alliance Land Surveying, LLC, dated March 21, 2022.</li><li>c. Preliminary Grading Plan, prepared by Coe &amp; Van Loo Consultants, Inc., dated December 6, 2023.</li><li>d. Preliminary Utilities Plan, prepared by Coe &amp; Van Loo Consultants, Inc., dated December 6, 2023.</li><li>e. Valet Parking Plan showing 181 spaces prepared by EPIC.</li></ol></li><li>3. Parking Statement (Analysis) prepared by CivTech dated December 29, 2023, and date sealed by Registered Professional Engineer Dawn D. Cartier on December 27, 2023.</li><li>4. Traffic Impact Analysis (8<sup>th</sup> Submittal) prepared by CivTech dated December 2023 and date sealed by Registered Professional Engineer Dawn D. Cartier on December 27, 2023.</li><li>5. Preliminary Drainage Report (with Preliminary Grading Plan) prepared by CVL Consultants dated December 6, 2023, and date sealed by Registered Professional Engineer William V. Haas on December 6, 2023.</li><li>6. Water Service Impact Study prepared by CVL Consultants dated December 7, 2023, and date sealed by Registered Professional Engineer Cassandra Alejandro on December 7, 2023.</li><li>7. Wastewater Capacity Study prepared by CVL Consultants dated December 7, 2023, and date sealed by Registered Professional Engineer Cassandra Alejandro on December 7, 2023.</li><li>8. Noise Study and Recommendations, dated December 14, 2023, prepared by MD Acoustics.</li></ol>
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**EXHIBIT D  
TO  
ORDINANCE NUMBER 2023-05**

**[RESORT QUALITY STANDARDS]**

**TOWN OF PARADISE VALLEY  
SPECIAL USE PERMIT FOR THE SMOKE TREE RESORT  
SUP-23-01**

Listed below in this Exhibit D to Ordinance Number 2023-05 are a set of certain criteria (the “Resort Quality Standards”) required by the Town to be met by the Owner for the Resort. Recognizing that resorts vary greatly in design and quality standards, many of which are subjective and can be achieved through a wide variety of solutions, the Owner shall be allowed wide latitude in providing resort design alternatives to meet the Resort Quality Standards. The Resort Quality Standards can be achieved through a variety of solutions and the traditional allocation of space or specifications of a feature may be satisfied in a non-traditional way. The Owner can either satisfy the Resort Quality Standards through creative, novel, alternative, or potentially unique ways or through a more traditional brand standards approach.

The Resort Quality Standards shall be deemed approved and in compliance herewith if met by Owner or accompanied by a letter executed by an authorized officer or representative of any national, regional, or local brand who will initially brand the Resort through ownership, management, franchise, or affiliation, stating that the Resort design meets their brand standards for an upscale or better full-service resort hotel (the “Brand Letter”). Attached hereto as Schedule 1 is a partial list of brands and affiliations (“Brand(s)”) that are deemed acceptable for the purpose of providing a Brand Letter. A Brand Letter is not required for approval of Resort Quality Standards. A Brand that is not a Brand listed on Schedule 1, but which owns, manages, franchises or rates hotels (as in any of the recognized affiliations, such as Leading Hotels of the World, Ltd., or rating services such as AAA, Smith Travel or Mobil) similar to any of the listed Brands, shall also qualify to issue the Brand Letter.

The following is a list of the Resort Quality Standards criteria:

- A. Exterior. The dedicated area to accommodate vehicle or passenger drop off, which may include a covered canopy area for vehicles or a motor court.
- B. Public Areas. Public areas include those areas of the Resort that are typically used and accessible to the public as opposed to those area that are generally reserved for employees or service areas. Public areas include the reception area, restaurant, pool, whirlpool, spa, and fitness area, as well as the lobby, meeting areas, and public interior corridors. The following elements shall be incorporated into any public areas included in the Resort:



1. *Meeting Areas*: One or more areas for meetings, including any combination of ballroom, boardroom, breakout room or private dining area and pre-function area; at least one or more of these areas shall be capable of providing banquet food and beverage service.
2. *Fitness/Spa Area*: An area or areas provided for fitness and initially equipped with not less than five pieces of professional-grade exercise machines such as state-of-the-art cardio and weight training equipment, as well as an area or areas for spa services such as massage, which may include m-room spa service.
3. *Restaurant*: The restaurant may have a dining room and bar/lounge area, and if more than one restaurant is provided, the required three meal service may be divided between the facilities (i.e., one restaurant may serve breakfast and lunch, while another serves dinner).
4. *Gift Shop/Business Center*: One or more areas (which need not be separately demised spaces from other public areas) that provide for the sale of gifts and sundries and a business center capable of providing business service to multiple guests. Such areas may be commingled with areas dedicated for reception, lobby, concierge, fitness, meeting, or restaurant.
5. *Wall, Ceiling, and Floor Finishes*: For the interior public areas, hard surface finishes such as wall, ceiling and floor should have a variety of finishes, which taken together provide an upscale design. Materials may include any combination of carpet, rugs, wood, stone, tile, metal, polished concrete, leather, fabric or paint. Ceilings should contain various forms of relief by using changes in elevation, material, soffit, recessed lighting, texture, beams, patterns, fans, sky lights or other effects at the discretion of Owner. Walls should use a variety of paint, wall covering, paneling, wainscot or other finishes such as plaster, stone, fabric or graphics at the discretion of Owner.
6. *Swimming Pool*: The swimming pool shall have sufficient pool deck to accommodate up to fifty hotel guests; the whirlpool or Jacuzzi may be at the pool or within the fitness/spa area.

C. Keys. All Keys shall have at least the following elements:

1. At least one full bathroom with not less than one toilet, one sink and one shower or one tub/shower combination unit. At least six square feet of counter space should be provided at vanity or other unit.
2. At least one fully enclosed closet for clothes storage and hanger space.
3. Heating and air conditioning system with in-room thermostat.
4. Furnishing and Equipment
  - a. Bed(s), with headboard and frame with enhanced feature such as pillow top

mattress, memory foam or adjustable comfort levels.

- b. At least one flat panel television of 37" minimum size; suites that have more than one room (other than bathrooms) shall have one television per room, but in no event shall a total of more than three televisions per suite be required.
- c. Seating for three guests, which may include any combination of desk chairs, side chairs, sofas, loungers, love seats, or other seating elements.
- d. Desk with lamp and access to electrical outlets.
- e. Window coverings such as and in any combination of blinds, shutters, sheers, fabric side panels, valance, glass treatment, or cornice.
- f. Either in-room Wi-Fi or hard line internet access.
- g. A telephone and separate internet capability.
- h. An in-room safe.
- i. Framed art on the walls.

5. Bathroom Finish Criteria

- a. Hard surface floor consisting of tile, marble, granite, or stone.
- b. Contemporary vanity with sink.
- c. Glass, porcelain, porcelain on steel or stone sink(s) with a counter enhancement such as wall faucets or counter-mounted faucets.
- d. Framed mirror.
- e. Tub and shower criteria:
  - i. Tub may be free standing or set within an enclosure of marble, stone, granite, or tile and shall be a minimum of four feet long and 14" deep.
  - ii. Shower, if separate from tub, shall be within an enclosure of marble, granite, stone, or tile.
  - iii. Tub/shower combination marble free standing or set in an enclosure of marble, stone, granite or tile, with glass door or double curtains.
  - iv. Powder rooms do not require a tub or shower.

The Owner, in conformance with a Brand Letter, may replace, modify, or supplement the following list.

SCHEDULE 1 TO EXHIBIT “D” ACCEPTABLE BRANDS

The following are acceptable Brands as of the effective date of Ordinance Number 2023-05.

Luxury

Affina  
AKA  
Andaz  
Capella  
Conrad  
Dorchester Collection Doyle Collection  
Fairmont  
Four Seasons  
Grand Hyatt  
InterContinental  
JW Marriott  
Langham  
Loews  
Luxury Collection Mandarin Oriental Mokara  
Hotel & Spa Montage  
Orient Express  
Park Hyatt  
Ritz-Carlton RockResorts Rosewood  
Sofitel  
St. Regis  
Taj  
The Peninsula  
Thompson Hotels Trump Hotel Collection  
Viceroy  
W Hotel  
Waldorf-Astoria

Upper Upscale

Ace Hotel  
Autograph Collection  
Camino Real  
Club Quarters  
Dolce  
Dream  
Embassy Suites  
Hard Rock  
Hilton  
Hyatt  
Joie De Vivre  
Kimpton  
Le Meridien  
Marriott  
Marriott Conference Center  
Millennium  
New Otani  
Nikko  
Omni  
Pan Pacific  
Radisson Blu  
Renaissance  
Sheraton Hotel  
Sonesta Hotel  
Starhotels  
Swissotel  
Warwick Hotels  
Westin  
Wyndham

STATE OF ARIZONA                    )  
   :SS.  
 COUNTY OF MARICOPA            )

### CERTIFICATION

I, Duncan Miller, Town Clerk of the Town of Paradise Valley, Arizona hereby certify that the foregoing is a full, true, and correct copy of Ordinance Number 2023-05 duly passed and adopted by a majority vote of the Town Council at a meeting duly called and held on the 11<sup>th</sup> day of January 2024. Said Ordinance appears in the minutes of said meeting, and it has not been rescinded or modified and is now in full force and effect.

I further certify that said municipal corporation is duly organized and existing and has the power to take the action called for by the Ordinance.



*Duncan Miller*  
 \_\_\_\_\_  
 Duncan Miller, Town Clerk

### VOTE

AYES: 7

NAYES: 0

NOT PRESENT: 2

### PUBLISHED

January 25, 2024

February 1, 2024