

Community Development Director

Town of Paradise Valley

Ph: 480-348-3522 Cell: 602-505-3992

[jknapp@paradisevalleyaz.gov](mailto:jknapp@paradisevalleyaz.gov)

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**From:** Gary Stougaard [REDACTED]  
**Sent:** Tuesday, December 18, 2018 11:48 PM  
**To:** George Burton  
**Cc:** David Sherf [REDACTED]  
**Subject:** Smoketree redevelopment concerns

George –

Dave Sherf indicated that you had not heard from me relative to my concerns about the proposed redevelopment of the Smoketree Resort.

I thought that I had made my concerns about the Smoketree redevelopment clear to staff and the Planning Commission when I appeared before them a few months ago.

Regardless, here they are:

1. **Density.** My understanding is that the developers are planning to build a total of 180 or more units on this 5 acre site. Density far in excess of anything in the area – or to my knowledge, in the Town of Paradise Valley. Four years ago, I had to beg and plead to get you to approve an additional 500 square feet – which request was ultimately denied.
2. **Building height.** Based upon the renderings and elevations I have seen, several of the buildings are as much as 45 feet tall. I believe that the Smoketree property is currently zoned for structures with a maximum of 30 feet in height. I note that the height maximum for all structures on my property was 24 feet – a standard to which I
3. **Setback requirements.** Exacerbating the proposed height of the structures are the proposed setbacks – particularly south and east sides. My understanding is that the proposed south side set backs are as little as 20 feet, far less than the requirements for my property with which I was required to comply.
4. **Use.** The proposed development includes a substantial lodging component which will directly compete with the Andaz Scottsdale Resort & Bungalows. The staff and Planning commission of the Town of Paradise Valley made it clear to me when I purchased my property in 2014 that it development would have to be consistent with the existing Zoning and other Development requirements. To allow a competitor entitlements for substantially more development immediately adjacent to my property is both inconsistent and unfair.

George, as proposed Smoketree redevelopment is an egregious overreach and inconsistent with the existing entitlements and development requirements for this property and the neighborhood. I am disappointed that the owners have been allowed to think they have a reasonable opportunity to build their proposed project and would welcome the opportunity to voice my concerns to staff, the planning commission or the Paradise Valley Town Council as appropriate.

Please do not hesitate to call me to discuss my concerns in greater detail.

Otherwise, I would appreciate being notified of any public meetings or hearings relative to this proposed development.

I can be reached any time at [REDACTED]

Best regards,

Gary Stougaard

**From:** [Jeremy Knapp](#)  
**To:** [Planning Commissioner Daran Wastchak](#); [Planning Commissioner Charles Covington](#); [Planning Commissioner James Anton](#); [Planning Commissioner Jonathan Wainwright](#); [Planning Commissioner Orme Lewis](#); [\[REDACTED\] Planning Commissioner Pamela Georgelos](#)  
**Bcc:** [Brian Dalke](#); [Dawn Marie Buckland](#)  
**Subject:** FW: Smoke Tree Resort redevelopment  
**Date:** Wednesday, December 19, 2018 1:49:00 PM

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Chair and Planning Commissioners,

Find below comments regarding the Smoke Tree Major SUP Amendment. I will also be sharing with the applicant. This information will be included in future agenda items under the Public Comment Attachment.

**Jeremy T. Knapp, AICP**

*Community Development Director*

Town of Paradise Valley  
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**From:** Scott O'Connor [REDACTED]  
**Date:** December 12, 2018 at 1:36:23 PM MST  
**To:** "[jbienwillner@paradisevalleyaz.gov](mailto:jbienwillner@paradisevalleyaz.gov)" <[jbienwillner@paradisevalleyaz.gov](mailto:jbienwillner@paradisevalleyaz.gov)>,  
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**Subject: Smoke Tree Resort redevelopment**

Dear Mayor and Council.

I have been astonished in recent months at how nonchalantly the Town is working on the Smoke Tree redevelopment, as if the nature of the proposal is not out of the ordinary.

The density and the floor area ratios proposed have no place in our town. Why would any development in Paradise Valley ever need to undertake underground parking except to accommodate excessive density above, and not to preserve the open space that would have been paved.

How is it possible there is even an application process for something so urban in its design? When I was on the Council, the sponsor would have been told to apply for a category that we had guidelines for, and nothing more.

We used to require a major resort to start with 20 acres, and have low overall floor area ratios, so the bigger elements could be set far away from neighboring properties, and the overall impact was compatible with surrounding one acre lot patterns. Redevelopment of grandfathered, nonconforming smaller properties required the overall density and neighborhood impact to remain small (e.g., Hermosa Inn, PCDS).

The things Smoke Tree's new ownership want belong in downtown Phoenix or downtown Scottsdale, not in Paradise Valley. If it is approved more or less as proposed, I would seriously consider a launching recall election against anyone who votes for it, because it would set a terrible precedent that the reasons we incorporated are no longer worthy of protection.

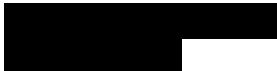
The General Plan, while labeling the East Lincoln South Development Area for resort/medical use must still respect other parts of the General Plan, including "balance a need for the Town's fiscal health against a steadfast commitment to protecting adjacent low-density residential character and quality of life." Frankly, from a municipal needs standpoint, the Smoke Tree site is better suited for an assisted living facility than more hotel rooms, condos, and restaurants.

For those of you who do not know me, I moved to what is now Paradise Valley in 1958 at age one. My parents worked on the incorporation of the Town, and my Dad served as chairman of the Planning Commission. Mom and Dad were instrumental in securing Bill Rehnquist as the Town's first attorney. Years later, late 80's and early 90's, I served on the Planning Commission and two terms on the Council.

For about 50 years, the presumed role of a Council member was to say "no" to non-residential zoning requests, unless it was part of an annexation of county islands. But, due to the bloat in Town overhead, revenue from new resorts and resort condo developments proved irresistible to pay for that bloat, and long established development standards were tossed.

It is time we hit the reset button and look to both our roots and our real needs. What Town residents are demanding the development format proposed for Smoke Tree? I am not aware of anyone asking for this sort of project besides its sponsors. Why is our overhead so much higher when our population has been stable for decades? We don't have substantially more development going on than we did historically. We just seem to throw more people and expenses at the process than we used to.

Sincerely,  
Scott H. O'Connor



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**From:** [Jordan Rose](#)  
**To:** [Paul Michaud](#); [Brian Dalke](#); [Jeremy Knapp](#)  
**Cc:** [Omar Abdallah](#); [Rebekah Pineda](#); [Jordan Rose](#)  
**Subject:** Public Comment re SmokeTree; Livi/Ruttler families  
**Date:** Tuesday, October 9, 2018 3:34:10 PM

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Dear Mr. Dalke, Knapp, and Michaud:

We represent the Ruttler and Livi families who live in the residential neighborhood immediately west of the SmokeTree Resort along North Quail Run Road.

Together, the Ruttler and Livi families own approximately 5.3 acres of property situated along Quail Run opposite to the SmokeTree Resort, and make up four of the seven homes that currently share this road to reach their homes every day.

Upon hearing of the proposed SmokeTree Resort redevelopment, the Ruttlers and Livis are concerned that it could have a negative impact on their lifestyle. As they live in residential homes so near to the proposed redevelopment, our clients request that they be able to either maintain their residential lifestyle or have the Town of Paradise Valley indicate that they may rezone to a use more compatible with that kind of immediately impactful development. In response to the proposed redevelopment, we would like to offer some suggestions to mitigate the impacts on the residential neighborhood.

The Ruttler and Livi family's primary concerns arise around issues of noise, privacy and traffic that may result following the new, larger resort. In response, we would like to offer some suggestions to mitigate the impacts on the residential neighborhood.

#### The New Quail Run Road Streetscape - Noise and Privacy Concerns

As it currently stands, the SmokeTree Resort's entire western boundary along North Quail Run Road is lined by a continuous row of oleander and other shrubbery that is both dense and tall. It serves not only as pleasant landscaping, but also as a visual and sound barrier separating the residential homes on the west side of Quail Run, and the commercial resort on the east side. The continuous row of vegetation makes it so that someone driving on Quail Run could not tell there was a resort on the other side, and a resort guest could not see into the neighboring residential homes.

The proposed redevelopment proposes to remove this vegetation, replace it according to a new landscape plan, and to open up two new access points on Quail Run Road. While the plan does offer new trees and shrubs along the Quail Run border, the wall-like effect of the existing vegetation will be reduced, which brings concerns regarding increased noise and reduced privacy. According to the site plan provided, the redevelopment's "Resort Market" sits at the western side of the property with outdoor seating facing Quail Run, near the Livi family residence. Adjacent to the east is the "Resort Restaurant" and the "Resort Clubhouse." These uses, existing on the western half of the site plan, will draw excited guests to an area very close to Quail Run and the Livi family home. Additionally, the Resort Residences are placed on the western side with balconies directly facing Quail Run, and potentially looking into, the Livi property. To mitigate these potential noise and privacy concerns, we hope that you will consider the following suggestions:

- Maximize the vegetation both placed along Quail Run and at certain points on the west half of the property so the residential neighbors have a landscape buffer that is enhanced from what currently exists. This landscape buffer should mitigate noise coming not only from the restaurant, market, and clubhouse entertainment, but also from guests that may linger in the new parking lot along Quail Run. Additionally, it should be assessed whether the proposed 36' trees are tall enough to block the resort's balcony views into the neighborhood. It appears that some balconies will have a view into the Livi properties as a result of gaps created by the two new access points. These gaps can likely be covered with additional trees placed in certain areas within the landscape plan. Alternatively, balconies on the residence units could be eliminated so that only hotel units, which are further into the property, have balconies. In any case, a carefully designed landscape plan that provides for vegetation that is dense and tall is important not only to beautify the street, but to maintain the Ruttle and Livi family's quiet and private lifestyle.
- Switch the Resort Market and Resort Restaurant buildings with the Resort Reception and Administration buildings that sit on the east side of the property. This way restaurant and market guests enjoy their time in an area further away from the neighborhood. Alternatively, the Resort Market's outdoor seating could be moved from the west side of the building to the east side so that it faces the interior of the resort rather than the neighborhood.

#### Parking Lot and New Access Points on Quail Run – Traffic Concerns

As discussed previously, the proposal provides for two new access points to the resort along North Quail Run Road. As the proposal's outdoor parking is focused on the west side along Quail Run, the new access points will surely result in increased traffic coming from resort guests, resort residents, restaurant and market guests, and a variety of service use trucks. To mitigate these concerns, we suggest the following:

- That the Town continues to encourage the cross access easement the applicant has proposed to the commercial properties to the east and south, so that use of the new access points can be reduced or eliminated entirely.
- If the new access points cannot be eliminated, require that service trucks must enter and exit only at Lincoln Road. The redevelopment narrative does not currently address where and how they will access the property. Quail Run is a narrow road used by a few families, and its use by large trucks will pose a challenge for them.

Thank you for considering the Ruttle and Livi families' concerns, and we are looking forward to being involved in this redevelopment proposal as it progresses forward. Jordan Rose and Omar Abdullah.

Jordan R. Rose

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BURCH & CRACCHIOLO

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September 24, 2018

**Via Email and Mail**

|                           |                                |                           |
|---------------------------|--------------------------------|---------------------------|
| Brian Dalke               | Jeremy T. Knapp, AICP          | Paul Michaud, AICP        |
| Interim Town Manager      | Community Development Director | Senior Planner            |
| Town of Paradise Valley   | Town of Paradise Valley        | Town of Paradise Valley   |
| 6401 E. Lincoln Dr.       | 6401 E. Lincoln Dr.            | 6401 E. Lincoln Dr.       |
| Paradise Valley, AZ 85253 | Paradise Valley, AZ 85253      | Paradise Valley, AZ 85253 |

Re: East Lincoln Drive South Development Area; Smoke Tree Resort; Lincoln Medical Plaza  
Effect on Adjacent Residential & Non-Residential Properties – Street Issues

Dear Msrs. Dalke, Knapp, and Michaud:

As you know, “SunChase” owns approximately 9 acres, zoned R-43, immediately west/southwest of the Smoke Tree Resort and within the East Lincoln Drive Development Area. As stated on behalf of SunChase at the September 13 Work Session, (1) SunChase agrees that the redevelopment of Smoke Tree at an appropriate scale is a positive and (2) SunChase wants to be part of the discussion with respect to development in the Paradise Valley East Lincoln Drive South Development Area. In addition to the Mayor’s request during the September 13 Work Session that interested parties promptly provide to Staff suggestions for resolving some of the property owners’ concerns about traffic circulation and access issues, SunChase wants to reiterate the need for additional consideration of the currently proposed redevelopment impact and effects on the neighboring residential and non-residential properties.

Repeating some of what was pointed out in our letter of September 5, 2018, Smoke Tree is proposing redevelopment that exceeds the height, lot coverage, guest unit density, and perimeter standards of the Town’s SUP Guidelines on an approximately 5 acre site that is smaller than the Guidelines typically encourage. Smoke Tree currently has two access points (with full turning ability) to/from Lincoln Drive. Although Smoke Tree is trying to preserve those access points, plans proposed by Town Staff would eliminate left turns to/from Lincoln, rendering those existing entrances “right in, right out” only for eastbound traffic. Smoke Tree’s proposed Site Plan in conjunction with its requested SUP amendment calls for adding two access points on its west side to/from Quail Run Road. Smoke Tree currently has no access to/from Quail Run and Quail Run is currently a discontinuous half-street that does not connect Lincoln to McDonald.

With respect to the adjacent, residential neighborhood, Smoke Tree currently has a low intensity of use, no access to Quail Run Road, and is surrounded by oleanders as a visual barrier. What is proposed, though, will have a significant impact on the use, tranquility, and enjoyment of those neighboring residential properties. Smoke Tree’s proposed redevelopment includes increasing its existing room capacity by more than a factor of five, clearly increasing the vehicular movements in/out of the resort. Based on Smoke Tree’s Site Plan, with parking focused on the west side, there will be greatly increased traffic in/out via Quail Run Road. Installation of the proposed traffic signal at the Lincoln/Quail Run intersection, providing safe, full directional turning ability there, will naturally draw more traffic to the advantage of using Quail Run Road. Trash receptacles, refuse pickup, and back-of-house services and activities may also be focused on the west, thereby also inviting truck, service vehicle, and employee traffic to come to/from Smoke Tree via Quail Run Road. The removal of the oleanders and increased intensity of use will change both the visual and other impacts on the adjacent neighborhood.

Quail Run Road is merely a half-street on land dedicated by the adjacent existing residential properties. Smoke Tree has never dedicated its 25’ for Quail Run. Its current proposal is to use the half-street with two access points. While its SUP submittal represents that it is providing appropriate setbacks, it appears that Smoke Tree has landscaping where it should be providing its east-half road and parking where it should have a

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larger landscaped setback. Smoke Tree does not include dedicating its half of the street, improving it on both sides, including a wall for a visual and sound barrier, or anything of significance to mitigate the negative impact its more intense use will have on the adjacent residential neighborhood.

As was stated at the September 13 Work Session and is noted above, SunChase agrees that redevelopment of Smoke Tree at an appropriate scale is a positive. But as SunChase has also pointed out, that redevelopment imposes additional challenges to the already-challenged existing residential neighborhood on its west side. If the Town expects that neighborhood to be developed/redeveloped within its current R-43 zoning, then SunChase asks that the Town Council consider and decide what the Town can do and proposes to do to address or otherwise protect that existing residential neighborhood.

With respect to the related matter of resolving some of the concerns of the owners of residential and non-residential properties south of Lincoln about traffic circulation and access issues, in response to the Mayor's request for comments and suggestions, SunChase offers the following regarding right-of-way, street improvement, and access issues:

► **Lincoln Drive**

- A. Consider having an at-grade median on Lincoln Drive in lieu of a raised median on Lincoln. The at-grade median could be provided as scored/painted concrete or other contrasting material (similar to Central Avenue in Phoenix prior to Light Rail). An at-grade median may help the Town achieve both safety and flexibility in turning movements to/from Lincoln Drive for Smoke Tree and Lincoln Medical Plaza.
- B. In the context of providing guidance to the engineers designing improvements to Lincoln Drive, consider having the Town Council declare its priorities such as, for example: 1<sup>st</sup> - safety; 2<sup>nd</sup> - traffic movement on Lincoln; 3<sup>rd</sup> - access to and impacts on developing/re-developing non-residential and residential properties; 4<sup>th</sup> - traffic demand on Quail Run Road; and 5<sup>th</sup> - aesthetics.
- C. In the context of the Town Council declared priorities per above "B," continue to study and then decide where full directional turning movements may be allowed for Smoke Tree and the Lincoln Medical Plaza.
- D. Study and then decide to what extent the Town can narrow the future right-of-way ("ROW") of Lincoln Drive to less than 130' in this area by reducing the ROW and correspondingly providing sidewalk and landscape easements as needed to make the additional ROW requirement less impactful for existing residential and non-residential property owners to redevelop their properties.

► **Quail Run Road**

1. Consider determining and having the Town Council officially decide that Quail Run Road will not be connected as a continuous street between Lincoln Drive and McDonald Drive.
2. If "1" is approved by the Town Council, then consider processing and approving a corresponding General Plan Amendment so Quail Run Road ceases to be identified as a continuous/connecting future roadway within the General Plan.
3. Consider if Smoke Tree is to be allowed access to/from Lincoln Drive via Quail Run Road, the effects and consequences of such possible connection, and the corresponding requirements for such connection.



4. If Smoke Tree is going to have any access to/from Quail Run Road, then consider requiring Smoke Tree to dedicate its east-half ROW and construct its east-half street so Quail Run Road proximate to Lincoln Drive can accommodate both Smoke Tree's projected uses/traffic and traffic going to/from residential and non-residential properties to the west/southwest of Smoke Tree.
5. Consider whether Andaz should also be allowed to access Lincoln Drive via Quail Run Road, the effects and consequences of such possible connection, and the corresponding requirements for such connection.
6. If Smoke Tree and/or Andaz is permitted access to Lincoln Drive via Quail Run Road, then consider and decide what sort of improvements, screening, landscaping, and other buffers should be provided by Smoke Tree and/or Andaz on both sides of Quail Run Road to mitigate the effects upon the adjacent residential properties.

► **Refuse and Back-of-House Uses and Activities – Traffic and Buffering**

- i. If Smoke Tree is allowed access to/from Quail Run Road, then consider the locations and design of Smoke Tree's trash receptacles, refuse pickup, back-of-house deliveries, pick-ups, and services, and employee parking in the context of additional traffic to/from Quail Run Road.
- ii. If Smoke Tree is allowed access to/from Quail Run Road and if trash, back-of-house, and employee parking are provided near the western perimeter of Smoke Tree, then consider how those uses are to be designed, screened, and buffered to mitigate the traffic, visual, noise, odors, and other impacts of those uses and activities proximate to the residential and non-residential properties to the west/southwest of Smoke Tree.

Thank you for considering SunChase's comments and perspectives.

Very truly yours,

  
Ed Bull

cc Todd Tupper



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September 5, 2018

**Via Email and Mail**

Jeremy T. Knapp, AICP  
 Community Development Director  
 Town of Paradise Valley  
 6401 E. Lincoln Dr.  
 Paradise Valley, AZ 85253

Paul Michaud, AICP  
 Senior Planner  
 Town of Paradise Valley  
 6401 E. Lincoln Dr.  
 Paradise Valley, AZ 85253

Re: Paradise Valley East Lincoln Drive South Development Area Work Session – Sept. 13  
 Major Special Use Permit Amendment (SUP-18-05) - Smoke Tree Resort  
 Major Special Use Permit Amendment (SUP-18-06) - Lincoln Medical Plaza  
 Effect on Adjacent Residential Properties

Dear Mr. Knapp and Mr. Michaud:

In response to the call and email to Todd Tupper from Jeremy Knapp advising of the September 13 Work Session, I am writing on behalf of SunChase Century, LLC and SunChase Holdings, Inc. (together “SunChase”). SunChase owns approximately 9 acres, all zoned R-43, within the residential neighborhood immediately west of the Smoke Tree Resort and within the East Lincoln Drive Development Area. SunChase is aware that redevelopment of the Smoke Tree Resort is proposed and in that regard Smoke Tree is seeking an amendment to its Special Use Permit (“SUP”). While SunChase agrees that redevelopment of the Smoke Tree Resort should occur, SunChase would also like consideration of the redevelopment’s impact and effects on the neighboring residential community.

Smoke Tree currently has two access points (with full turning ability) from Lincoln Drive. Although Smoke Tree is trying to preserve those access points, we understand that current plans proposed by Town Staff for improvements on Lincoln would eliminate left turns from Lincoln into Smoke Tree, rendering those existing entrances “right in, right out” only for eastbound traffic. Smoke Tree’s proposed Site Plan in conjunction with its requested SUP amendment calls for adding two access points on its west side from Quail Run Road. Smoke Tree currently has no access to/from Quail Run, has never dedicated its 25’ for Quail Run, the existing road is a 25’ half-street on land dedicated by the adjacent existing residential properties, and Quail Run is currently a discontinuous street that does not connect Lincoln to McDonald. Smoke Tree’s proposed redevelopment also includes substantially increasing its existing room capacity, clearly increasing the vehicular movements in/out of the resort and onto Quail Run Road.

As you know, Article XI of the Paradise Valley Zoning Ordinance addresses Special Uses. Section 1102 identifies as a purpose that “development will have minimal impact on adjacent properties.” That stated purpose is consistent with numerous goals/policies of the 2012 Paradise Valley General Plan. For instance, General Plan LU 2.1.1.7 states that: “The Town shall ensure that non-residential uses shall not affect the integrity and enjoyment of adjacent residential neighborhoods.” LU 2.1.2.2 states that: “The Town shall require proposals for revitalization and improvements of Special Use Permit properties include community impact assessments.” DA 2.2.1.3, DA 2.2.3.3, and CC&H 3.1.1.2 all identify a policy of minimizing impacts on adjacent residential areas and protecting established neighborhoods. M 4.1.2.1 and M 4.4.2.9 both identify a policy to condition approval of development and redevelopment on reducing traffic impacts on residential neighborhoods and providing adequate right-of-way for all users. In conjunction with the foregoing, there are the SUP Guidelines, which when reviewed along with Smoke Tree’s proposal discloses a property that is about ¼ the intended minimum size for a new resort with about ½ the intended minimum street frontage, but is proposing redevelopment exceeding the height, lot coverage, guest unit density, and perimeter standards of SUP Guidelines Section 4. While the Town’s Zoning Ordinance, General Plan and SUP Guidelines call for the





protection of an existing residential neighborhood, we also recognize that redevelopment within appropriate parameters is also a consideration. SunChase asks the Town to consider and determine whether and how the intensity that Smoke Tree proposes, especially with access to/from Quail Run Road, can work next door to SunChase's and other residential properties in the area. For more specific reference to the Zoning Ordinance, General Plan, and SUP Guidelines, please see the memo attached as Exhibit A. SunChase would like to know what the Town can do, and intends to do, to address or protect the adjacent neighborhood.

Of course, redevelopment of Smoke Tree is not the only activity proposed or underway in this area. There is also Lincoln Medical Plaza next to Smoke Tree, the Ritz Carlton Resort being developed on the north side of Lincoln Drive, the proposed improvement to Lincoln Drive itself, and a traffic signal at the Lincoln/Quail Run intersection. That activity raises a specter of negative impacts and unintended consequences on SunChase's property, particularly the parcel fronting on Lincoln, that would be exacerbated by the proposed addition of access points for Smoke Tree on the half-street that is Quail Run Road. In conjunction with the foregoing is the uncertainty about Quail Run Road. It currently extends south from Lincoln as a half-street for approximately 360 feet. Quail Run extends north from McDonald, also as a half-street, approximately 1300 feet. While the Town has received some dedications for the other half of the street, there remains a gap of approximately 930 feet disconnecting the two segments and limiting the development of adjacent land. When does the Town plan to take any action regarding the extension (or not) and the widening (or not) of Quail Run Road for Smoke Tree, and what action does the Town intend to take?

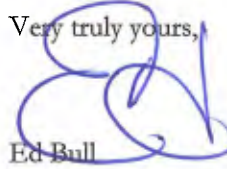
It's understood that Smoke Tree has resisted proposed changes to the existing access points and dedicating anything for streets as effectively shrinking the developable area of its property. In contrast, please see the diagrams attached as Exhibit B and Exhibit C and consider the impact on the neighboring residential property. Exhibit B depicts the current setback situation on the SunChase lot at the southwest corner of Lincoln and Quail Run. That lot is currently improved with a single-family home that is set back 52 feet from the existing Lincoln right-of-way. Exhibit C then depicts how the developable area of that lot is reduced by a number of potential additional setbacks that would impact any new construction. (1) The currently proposed Lincoln widening is an additional 32 feet (20 feet from the current residence). (2) Depending upon whether a new residence faced Lincoln or Quail Run, the front or side yard setback would be at least 40 feet from the widened Lincoln. (3) In either orientation, there is a recorded 50 feet setback required from Quail Run. (4) And in either orientation, there is another 40 feet setback from the rear and a 20 feet setback on the remaining side. (5) After the above points 1-4, the developable area that is left could be approximately  $\frac{1}{3}$  acre, for an R43 zoned lot. Now, consider the exacerbating effect that along with Smoke Tree's proposal to further burden the half-street Quail Run, but not to dedicate its 25 feet, and to improve its property within that non-dedication area, it proposes to add two access points there. So, again, SunChase would like to know what the Town can do and proposes to do to address or otherwise protect the existing residential neighborhood adjacent to Smoke Tree.

Unless solutions are found, currently what is being proposed for this area around the existing residential neighborhood southwest of the intersection of Lincoln and Quail Run negatively impacts what is supposed to be protected. Understanding that this Work Session suggests interest in a broader examination of this area, if the Town sees in the General Plan guidance for Smoke Tree's intensity, solutions for what to do with Quail Run, or some creative options not restricted to the R43 1-house/acre for the adjacent neighborhood that could ameliorate the impacts of the surrounding non-residential uses, then SunChase would be interested in participating in such a discussion. But if no creative solution is available to the challenges facing the existing residential property, then the Town should explain what can be done and what is going to be done to protect the residential neighborhood from the intensity of the proposed redevelopment of the nearby non-residential property.

*Town of Paradise Valley*  
*Letter re: East Lincoln Drive South Development Area*  
*September 5, 2018*  
*Page 3*

Thank you for considering SunChase's questions and perspectives.

Very truly yours,



Ed Bull

Enclosures  
cc Todd Tupper



# EXHIBIT A

- **Article IX of the Paradise Valley Zoning Ordinance (effective 09-15-2017)**

**Section 1102 (Special Use Permits (SUPs))** – Section 1102 states that “[t]he intent of these provisions is . . . A. The implementation of the goals and policies of the General Plan. . . I. The incorporation of standards to ensure that the development will have minimal impact on adjacent properties.”

*How is allowing Smoke Tree to add two access points on the half-street for Quail Run Road, where Smoke Tree currently has none and has not provided its half street, minimally impacting the adjacent S-F properties that use narrow Quail Run Road for ingress/egress?*

**Section 1102.1 (Nature of Special Use Permit)** – Section 1102.1 states that managerial or minor amendments are not subject to referendum, but that: “The decision to grant, or to condition the grant of, a Special Use Permit or an intermediate or major amendment is, on contrast, a legislative act subject to review by referendum.”

**Section 1102.3 (Creating a Special Use Permit)** – Section 1102.3(C)(3)(c), states that “[a]fter the formal application is deemed complete,” “staff presents the application to the Town Council,” and “[t]he Town Council then issues a Statement of Direction.” But the Smoke Tree Statement of Direction presentation to the Town Council of May 24, 2018, states on the second powerpoint screen that “[m]any application submittal items are not fully complete, but do provide the nature of the proposed redevelopment.”

*Is Smoke Tree going to resubmit its application when complete so that surrounding property owners are able to participate throughout the review and hearing process based on a complete application?*

**Section 1102.7 (Types of Amendments to Special Use Permits)** – Section 1102.7(D) defines a “Major Amendment” as one that is not within the definitions for Managerial, Minor, or Intermediate Amendments, and anything increasing floor area by more than 40% is a Major Amendment.

*So Smoke Tree should be a Major Amendment.*

**Section 1102.8 (Application and Approval Process for Amendments to Special Use Permits)** – Section 1102.8(D) states that an applicant first completes a pre-application review, then makes a formal application pursuant to Section 1102.3, the following staff review there is “a Town Council preview for a Statement of Direction”, following which there is “standard Planning Commission review” with a “recommendation for approval or denial to the Town Council,” and then a public hearing before the Town Council to determine whether to grant the application.

*Smoke Tree made a presentation seeking a Statement of Direction on May 24, 2018.*



● **2012 Paradise Valley General Plan – Land Use and Development**

**Goal LU 2.1.1 Quality of Life.** To preserve those elements or features which contribute to the Town’s quality of life and character as a premiere residential community and resort designation with strong rural and historic roots.

Policies

**LU 2.1.1.7 Conversion.** The Town shall consider the conversion of land from residential to non-residential uses only within Development Areas as designated on the Development Areas Map. (Figure 2.3). The Town shall ensure that non-residential uses shall not affect the integrity and enjoyment of adjacent residential neighborhoods.

*How would allowing Smoke Tree, pursuant to its proposed SUP Amendment, to increase its current room capacity by more than a factor of five (and three times the SUP Guidelines limit), increase its access to Quail Run Road, and to increase building height from single story 16’3” to three-story buildings at 44’ in height (including some architectural elements at 48’), preserve the integrity and enjoyment of the adjacent residential neighborhoods to the West?*

**Goal LU 2.1.2 Special Use Permit Property Revitalization.** To encourage the continued revitalization and improvement of the Town’s Special Use Permit properties while protecting the adjacent residential neighborhoods.

Policies

**LU 2.1.2.1 Encourage Revitalization.** The Town shall continue to encourage Special Use Permit property revitalization and improvement within their existing geographic boundaries as long as such improvement does not adversely affect the integrity and enjoyment of adjacent residential neighborhoods.

*How would allowing Smoke Tree to add two access points from the half-street Quail Run Road, where none currently exist, without dedicating the other half of the street and without providing significant landscape buffers preserve “the integrity and enjoyment of the adjacent residential neighborhoods” to the West?*

**LU 2.1.2.2 Require Impact Assessments.** The Town shall require that proposals for revitalization and improvement of Special Use Permit properties include community impact assessments that address beneficial as well as adverse project impacts, including but not limited to noise, traffic, parking, open space or mountain views, and light pollution.

*Has Smoke Tree provided the required community impact assessment addressing the beneficial and adverse impacts that might be anticipated with respect to the adjacent, existing residential development?*

**LU 2.1.2.3 Compatibility of Adjoining Uses.** The Town shall ensure that development within Special Use Permit properties is compatible with adjacent land uses, particularly residential uses, by requiring such features as:

- Increased building setbacks from rear or side yard property lines adjoining single-family residential uses;
- Building heights stepped back from sensitive adjoining uses to maintain appropriate transitions in scale and to protect privacy;
- Landscaped off-street parking areas, loading areas, and service areas screened from adjacent residential areas, to the degree feasible;
- Lighting shielded to minimize impacts on adjacent residential use and protect dark skies; and
- Operational restrictions to limit the adverse impact of noise, light, and traffic and minimize the risk of crime to adjacent residences.

*Pursuant to the proposed SUP Amendment, what is Smoke Tree doing to provide increased building setbacks, landscaped and screened off-street parking areas, shielded lighting, and restricted operations with respect to the adjoining residential development?*

**Goal LU 2.1.3 Community Form/Design.** To promote development in the Town that is in harmony with the natural and built environment at both the community and neighborhood levels.

Policies

**LU 2.1.3.1 Visual Openness.** The Town shall maximize the benefits of visual openness throughout the Town by specific limits on floor area ratio, setbacks, side yards, and building and wall heights.

*How does the plan accompanying the proposed Smoke Tree SUP Amendment satisfy the Visual Openness element when it substantially exceeds the Special Use Permit Guidelines on maximum floor area ratio and maximum building heights?*

2012 General Plan – Development Area Policy

**Goal DA 2.2.1 Development Area Policy.** To support limited, targeted and context appropriate development and redevelopment within Development Areas through orderly and well-planned development that provides for the needs of existing and future residents, and makes efficient use of land and infrastructure.

Policies

**DA 2.2.1.2 Balanced Consideration.** Consideration of Development Area Special Use Permit applications should balance a need for the Town’s fiscal health against a steadfast commitment to protecting adjacent low-density residential character and quality of life.

*How would permitting Smoke Tree, pursuant to its proposed SUP Amendment, to increase its density to five times its existing use (three times that permitted by the SUP Guidelines) and add two access points*

on the Quail Run Road half-street, where it currently has no access, serve to “protect the adjacent low-density residential character and quality of life” for the properties that dedicated and are currently the sole users of the existing half-street for Quail Run Road?

**DA 2.2.1.3 Minimize Neighborhood Incompatibility.** The Town shall require development or redevelopment within Development Areas to provide reasonable separation of incompatible land uses from adjacent residential areas through context- and scale appropriate land planning and architectural design, greater setback distances, noise mitigation, resort property programming, and landscape buffering.

*Smoke Tree currently has ingress/egress solely from Lincoln and no access via Quail Run. Smoke Tree’s proposed SUP Amendment does not include dedicating additional ROW on Lincoln nor providing its half-street dedication for Quail Run. Smoke Tree does, however, propose adding two points of entry on the existing Quail Run half-street. It also proposes increasing its density to five times its existing use (three times that permitted by the SUP Guidelines). How does that provide the “reasonable separation” and buffering for the existing adjacent residential areas consistent with Goal Policy DA 2.2.1.3? Pursuant to the proposed SUP Amendment, what sort of land planning and architectural design, greater setback distance, noise mitigation, resort property programming, and landscape buffering is Smoke Tree providing with respect to the adjacent residential area?*

**Goal DA 2.2.2 Community Spaces.** To conserve and enhance public open spaces, access to open spaces, open space connections, and encourage the incorporation of public art in Development Areas.

Policies

**DA 2.2.2.1 Open Space.** The Town shall seek to provide open spaces in Development Areas that encourage public gathering, enhanced aesthetics, and serve as buffers between uses of significantly differing function and intensity.

*How would permitting Smoke Tree, pursuant to its proposed SUP Amendment, to increase its density to three times that permitted by the SUP Guidelines serve as a buffer between the adjacent residential uses to the West and the commercial uses to the East?*

**Goal DA 2.2.3 Infrastructure and Development.** To direct orderly and well-planned development within Development Areas to support infrastructure improvements, and a concentration of development density and intensity.

Policies

**DA 2.2.3.1 Public Infrastructure.** The Town should promote the public and private construction of timely and financially sound public infrastructure within Development Area through the use of infrastructure and financing that is coordinated with development and funded by the developer whenever possible.

*How is Smoke Tree’s proposed plan satisfying the public infrastructure requirement when it does not intend to dedicate the additional 32’ recommended for Lincoln nor its 25’ half-street and improvements for Quail Run Road, while proposing to increase its density five-fold (and three times the SUP Guideline)*

*and to add two access points on the existing Quail Run Road half-street which is currently serving only the adjacent residential neighborhood?*

**DA 2.2.3.3 East Lincoln Drive Development Areas.** The Town should encourage moderate intensity, mixed-use, and context appropriate resort development within the East Lincoln Drive Development Areas that includes reasonable separation between incompatible uses and adjacent residential areas and effective buffering of unwanted noise, light, traffic and other adverse impacts.

*Smoke Tree currently has ingress solely from Lincoln – no access via Quail Run – but the plan submitted with the proposed SUP amendment, despite increasing the current room capacity by more than factor of five (and three times the SUP Guidelines limit), does not include dedicating additional ROW on Lincoln nor providing its half-street dedication for Quail Run, while adding two points of entry on the existing Quail Run half-street. How is the “reasonable separation” and “effective buffering” for the existing adjacent residential areas going to be provided pursuant to Goal Policy DA 2.2.3.3?*

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2012 General Plan – Community Character & Housing

**Goal CC&H 3.1.1 Residential Character.** Preserve and protect the quality of residential character development within the Town while taking care to perpetuate the natural landscape, desert plants, and scenic beauty of the mountain areas of the Town.

Policies

**CC&H 3.1.1.2 Protect Established Neighborhoods.** The Town shall encourage new development and redevelopment, both private and public, to respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of the neighborhood.

*How does the proposed plan submitted with Smoke Tree SUP Amendment protect the established adjacent residential neighborhoods?*

2012 General Plan – Mobility

**Goal M 4.1.2 Neighborhood Traffic.** To enhance the quality of life within existing neighborhoods through the use of neighborhood traffic management techniques.

Policies

**M 4.1.2.1 Neighborhood Traffic Management.** The Town shall continue to design streets and approve development applications to reduce high-traffic flows and traffic speeds within residential neighborhoods wherever possible.

*How would allowing Smoke Tree to add two access points from the half-street Quail Run Road, where none currently exist, without dedicating the other half of the street, while increasing the intensity of use from the current 32 units to 180 units, avoid imposing higher traffic flows on the adjacent residential*

neighborhoods which dedicated and are currently the sole users of the existing half-street for Quail Run Road?

**Goal M 4.4.1 Roadway System.** To create a roadway system that will ensure the safe and efficient movement of people, goods, and services that supports livable communities and reduces air pollution and greenhouse gas emissions.

Policies

**M 4.4.1.3 Access onto Major Arterials.** The Town shall require design of new developments to avoid direct access onto major arterial roadways where possible.

*How would permitting Smoke Tree, which desires to increase its density five-fold and currently has ingress/egress solely from Lincoln (while keeping the present two curb cuts there), satisfy Goal Policy M 4.4.1.3 by adding two access points on the half-street for Quail Run Road without widening, improving, and matching it up for a signalized intersection?*

**Goal M 4.4.2 Roadway Design.** To provide high-quality roadway design that promotes the character and image of the Town, reduces negative environmental impacts, and minimizes negative impacts to neighborhoods.

Policies

**M 4.4.2.9 Rights-of-Way Extents.** The Town shall ensure that all new public roadway projects and major reconstruction projects provide appropriate and adequate rights-of-way for all users including bicyclists, pedestrians, and motorists except where pedestrians or bicyclists are discouraged.

*Given that the existing residential development to the West dedicated and is using the existing half-street for Quail Run Road, how does the proposed plan for the Smoke Tree SUP Amendment, which adds two access points on the half-street for Quail Run Road, without widening or improving it, provide adequate ROW for all users, as required by the General Plan?*

2012 General Plan – Environmental Planning & Water Resources

**Goal EP 6.1.3 Visual Resource Preservation.** Maintain and protect significant visual resources and aesthetics that define the Town of Paradise Valley.

Policies

**EP 6.1.3.3 Standards for SUP Development.** The Town shall require that Special Use Permit developments not create major adverse impacts on the town's natural and semi-urban landscapes.

*How does adding two access points for use by Smoke Tree on the half-street for Quail Run Road avoid adversely impacting the existing residential neighborhood to the West?*

● **Special Use Permit Guidelines (eff. 07-08-2017)**

**Section 4 —Resorts – Site Standards 1.a and 1.b**

- a. Except for properties that have existing special use permits for resort uses, the minimum size area shall be 20 acres which shall not be bisected by any public right-of-way.
- b. Except for properties that existing special use permits for resort uses, the site shall have primary access from and frontage of a least 300 feet on a Major or Minor Arterial as designated in the Paradise Valley General Plan.

*Given that Smoke Tree is about ¼ the intended minimum size for a resort and with about ½ the intended minimum street frontage, how does that become a justification for even further deviating from other guidelines such as on density, building height, setbacks, and depth of perimeter landscape buffers? What are the mitigating standards that are being exceeded to offset all of those negative deviations?*

**Section 4 —Resorts – Bulk and Density Standards 2.a**

- a. Maximum building height:
  - i. Principal Structures – 36 feet
  - ii. Accessory Structures – 24 feet
  - iii. Service structures – 18 feet
  - iv. Towers and other architectural features may exceed maximum building heights, subject to special use permit or major amendment approval.
  - v. To maintain view corridors around the perimeter of a property, building heights shall be limited around property lines in accordance with the Open Space Criteria per Section 3 of the Special Use Permit Guidelines.

*At present, the maximum building height of Smoke Tree is 16'3" to the top of parapet and all structures are one-story, but the proposed plan specifies a majority of three-story buildings at 44' in height (including some architectural elements at 48'). How is this consistent with the SUP Guidelines maximum of 36' in height for principal structures?*

**Section 4 —Resorts – Bulk and Density Standards 2.b**

- b. Lot coverage:
  - i. Total of all structures – 25%
  - ii. Total of all impervious surfaces including building footprints – 60%
  - iii. Open space, which shall consist of land and water areas retained for active or passive recreation purposes or essentially undeveloped areas retained for resource protection or preservation purposes, a minimum of 40%

*Given that Smoke Tree is proposing 34% lot coverage and a floor ratio area of 62%, how is the open space requirement going to be met?*

**Section 4 —Resorts – Bulk and Density Standards 2.c**

c. Maximum density of guest units – 1 unit for each 4000 sq. feet of site area.

*How is the density requirement being satisfied by increasing the units on a 5.3 acre site from 32 to 180, which is three times what is permissible under the Guidelines? Are there other standards for which Smoke Tree is providing far more than the minimum to mitigate the proposed density deviation?*

**Section 4 —Resorts – Perimeter Standards 3.a**

a. Minimum distance from exterior property lines where the adjacent use is residential:

- i. Principal structures – 100 feet
- ii. Accessory structure – 60 feet
- iii. Service structure – 100 feet

**Section 4 —Resorts – Perimeter Standards 3.b**

b. Minimum distance from exterior property lines where the adjacent use is other than residential or is adjacent to a public street:

- i. Principal structures – 100 feet
- ii. Accessory structure – 40 feet
- iii. Service structure – 65 feet

*Based on the proposed plan's 90' distance without dedicating its 25' half-street, how are the minimum distances specified by the Guidelines being satisfied with respect to the residential properties on Quail Run Road?*

**Section 4 —Resorts – Perimeter Standards 3.c and 3.d**

c. There shall be a 40 foot wide landscaped area adjacent to an exterior property line where it abuts residentially zoned property.

d. There shall be a minimum 30 foot wide landscaped area where an exterior property line abuts a public or private local collector street and a 50 foot wide landscaped area where an exterior property line abuts a Major or Minor Arterial.

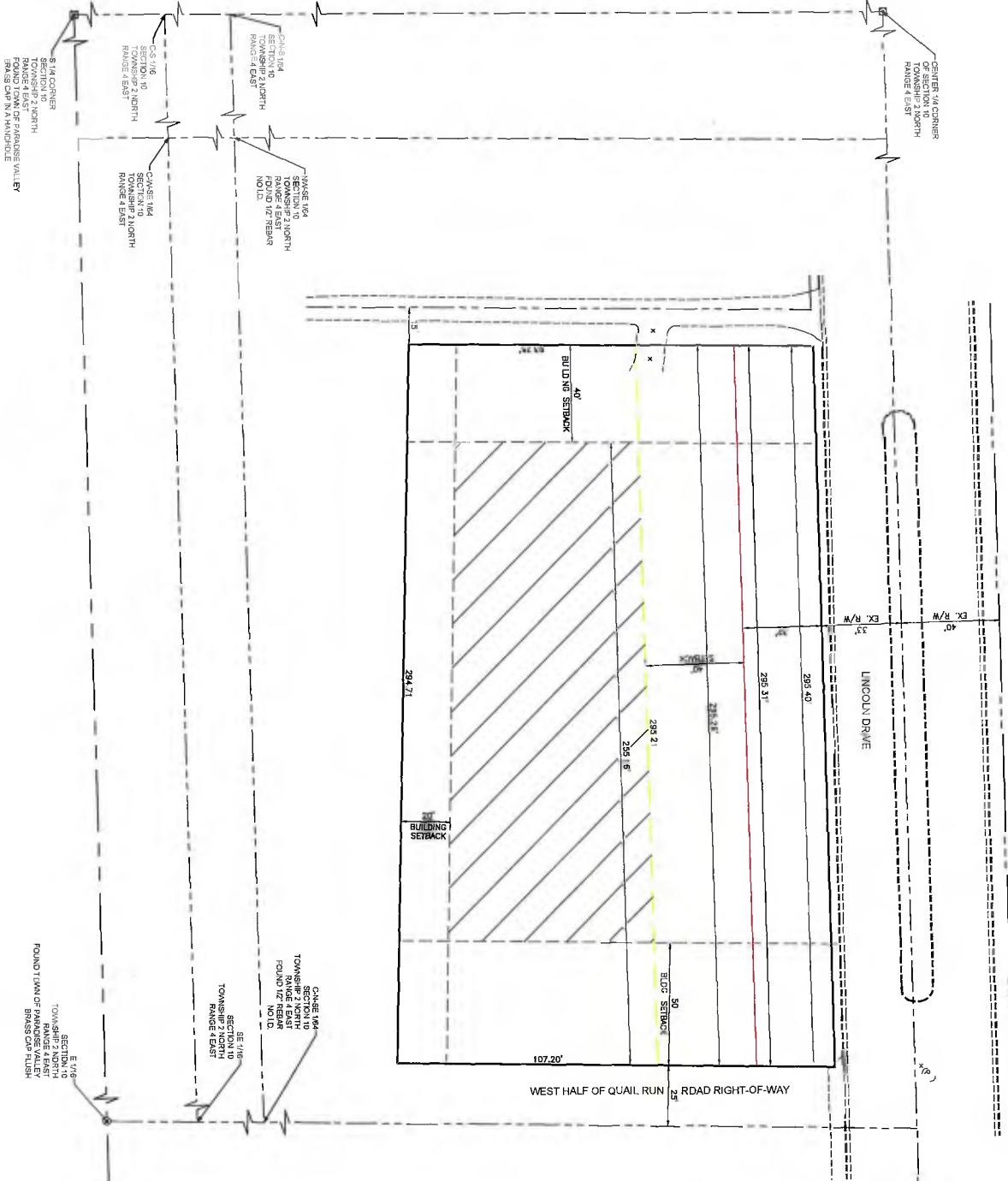
*Since the proposed Smoke Tree plan only calls for 25' landscaping adjacent to the existing residential neighborhood, including along Quail Run Road, without dedicating its 25' half-street, how are the 30' and 40' minimum distance landscaped areas specified by the Guidelines being satisfied?*


# EXHIBIT B

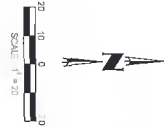




# EXHIBIT C



 BUILDING ENVELOPE  
0.3773 ACRES  
32% OF TOTAL AREA



# SUNCHASE QUAIL RUN EXHIBIT C

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