



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Final

Planning Commission

Tuesday, February 26, 2019

6:00 PM

Council Chambers

Special Meeting

1. CALL TO ORDER

Chairman Wastchak called the meeting to order at 6:05 p.m.

STAFF MEMBERS PRESENT

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

2. ROLL CALL

Present 7 - Commissioner Daran Wastchak
Commissioner James Anton
Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Pamela Georgelos
Commissioner Orme Lewis
Commissioner Jonathan Wainwright

3. EXECUTIVE SESSION

None

4. STUDY SESSION ITEMS

- A. [19-082](#) Discussion of Major Special Use Permit Amendment (SUP-18-05)
7101 E Lincoln Drive - Smoke Tree Resort Study Session #8

Indexes: Smoketree Resort

Jeremy Knapp, Community Development Director, indicated that the documents before the Planning Commission tonight are the most up-to-date available. He commented that the south elevation has been updated for the balconies.

Chairman Wastchak asked staff to go over the new project updates only.

Mr. Knapp explained that the third story patios have a trellis element added. The elevations show the roof structures are at 36 feet with eight feet for mechanical equipment and screening. The mechanical drawing shows six feet of screening and does not match up with the elevations. The total height will be 42 feet and the plans will be updated to reflect this change. Walkways have been removed between the patios and the edge of the buildings and between patio spaces. There is not a gate for the roof. The patio depth is 18 feet to the exterior wall.

Chairman Wastchak commented that he would have liked to have seen a sight line from a casita on Section C towards the Andaz.resort. He wants to see how high the fence is at the property line. He does not believe Section C shows how much of the balcony structure can be seen.

Mr. Knapp clarified that the sight line in the view is a continuation of the sight line in Section C.

Commissioner Campbell asked if the six-foot wall that defines the patio on the south is going to be solid.

The applicant, Taylor Robinson, indicated that this was the intent. They would rather be able to see through the wall.

Commissioner Campbell stated that having it see-through would help with the sight lines. He is not opposed to providing a view. The wall could be setback.

Chairman Wastchak commented that he agrees.

Commissioner Campbell commented that they should be more sensitive to what views are from the casitas at Andaz resort. The fence appears to be hidden by a three-foot parapet wall. The trellis would probably not be visible if the wall were setback.

Chairman Wastchak asked if there would be sound issues from the balcony over Andaz.

Commissioner Campbell stated that he is less concerned about that point and this could be dealt with by a stipulation restricting amplified sound. He suggested that they lower the height to what is being screened by the parapet.

Commissioner Lewis mentioned that he is surprised that there is not an overhang to block sunlight. The wall needs to be opened. This will allow a

breeze to blow through the patios.

Chairman Wastchak commented that he would rather have the patio pulled back in exchange for more views. He believes that sound issues can be taken care of through a stipulation.

Mr. Robinson mentioned that they could easily pull the wall back to the 15-foot measurement shown in the plan.

Chairman Wastchak responded that 15 feet would be better than 18 feet, but he is not sure if this is far enough.

Commissioner Campbell stated that the space for the patio should be appropriate to serve the developer's needs.

Chairman Wastchak commented that someone standing ten feet north of the northmost casita should only see a minimal portion of the patio structure. They need a view showing this point.

Commissioner Campbell commented that the occupying space in the patio is 15 feet now because of the planter. The occupant of the casita should not be able to see them.

Commissioner Covington asked if there is anything on the north side of the casitas.

Chairman Wastchak replied that there are windows and patios. There are two casitas in about the same north location. The stipulation should address 10 feet north of the north elevation of the casitas, and the sight line from a person at 5'6" tall.

Mr. Knapp commented that they can do this for the south side. He asked if there are any patios on the west side.

Mr. Robinson indicated that there are none. He requested that stipulation be valid only if the property to the west is residential.

Mr. Knapp suggested that the stipulation include "under the authority of the Town Manager."

Commissioner Georgelos stated that they must be clear in the stipulation that if any of the land or all the land is residential than the stipulation will be in effect.

Commissioner Campbell indicated that they are only concerned about two

properties to the west.

The Planning Commission discussed this issue and decided that there are three properties that will be affected.

Mr. Knapp suggested that they list the three adjoining parcels in the stipulation. He identified each property. If the properties are used for a non-residential use, the applicant can come back for a managerial amendment.

Andrew Miller, Town Attorney, explained that there is a strip of land owned by the Town that should be ignored. The parcel numbers will be listed for the other three lots on the west side.

Chairman Wastchak commented that a third stipulation be that no amplified music is allowed on balconies. He asked if there is a standard policy that should apply for lighting.

Commissioner Campbell stated that lighting needs to be shielded and no light trespass is allowed.

Mr. Miller replied that this is hard to measure.

Commissioner Campbell stated that the Planning Commission could require that there be no architectural lighting.

Commissioner Covington asked if there is a roadway between the casitas and Smoke Tree Resort

Chairman Wastchak replied that there is a driveway.

It was acknowledged that there is a current stipulation regarding light trespass, Numbers 53 and 54.

The Planning Commission discussed a patio wall height they are willing to accept.

Commissioner Georgelos stated that she would prefer that it be high enough to prohibit someone from hopping over it.

Chairman Wastchak recommended a minimum height of 48 inches.

Commissioner Campbell suggested that they meet railing code. He does not believe they are qualified to specify the height. This could be done during the permitting process.

Chairman Wastchak commented that he does want to provide a minimum height and determine if the wall needs to be anything more than a railing. He suggested that staff check to see if there is a code section that they can reference.

Commissioner Campbell clarified that they are measuring from the patio and not the parapet.

Commissioner Lewis suggested that the walls vary.

Commissioner Covington looked up the code and indicated that railing height is 36 inches. For apartments and businesses, it needs to be 42 inches high.

The Planning Commission agreed to limit the height to 42 inches.

Mr. Knapp explained that the height of the parapet for screening the mechanical equipment and noise attenuation is six feet. He showed the Commission the plan of the screening wall. The mechanical units are 54 inches in height.

Mr. Knapp stated that the sign package has been updated. Sign number four was updated to include text for the market and restaurants. The square footage did not change. He showed views from Lincoln Drive and the driveway on Quail Run Road. Sign six is a new sign and designates the resort residences. It is located on the west side of the building. The sign is three inches by two inches. Sign seven is a unit sign and is six inches by eight inches. There is also a new directional sign on the interior of the site. It provides information for parking and deliveries. It is 10 feet tall and three feet wide. It is 38 square feet in size. There are six of these signs throughout the site. The guidelines allow for 12 square feet per sign.

Commissioner Lewis asked about lighting.

Mr. Knapp stated that they can do 300 lumens of up lighting.

Commissioner Georgelos stated that it appears to be a lot of signage.

Commissioner Campbell asked how far into the site the signs are located.

Mr. Knapp explained approximately 40 feet to the west.

Commissioner Campbell commented that the height of the signs allows a car to park underneath them.

Commissioner Wainwright stated that he would rather see the signs lowered to six feet.

Commissioner Georgelos suggested that they reduce the number of signs to three with one at the valet and one at each entrance.

Commissioner Lewis stated that other major resorts have very understated signs. This applicant is requesting a much larger sign proportionately to what others have installed.

Commissioner Campbell stated that the height of the sign is due to the placement of the logo. He suggested that the logo be placed to the side of the text. The sign could be limited to six feet but have a wider sign area.

Mr. Robinson commented that they are okay with this sign.

Chairman Wastchak stated that they should limit the sign to a total square footage.

Mr. Knapp stated that the square footage now is 38 square feet, ten inches by 3.8 inches.

Commissioner Covington stated that he is in favor of a size more in line in the Special Use Permit guidelines.

Chairman Wastchak indicated that 18 square feet is 50% more size and seems reasonable.

Commissioner Lewis stated that he is not in favor of this sign. The Town is known for having discreet signage. He would like staff to look at the other resorts to get a better idea of what has been allowed in the past.

Chairman Wastchak indicated they are only talking about directional signage. There are other signs on the site that have a lot going on.

Mr. Knapp clarified that interior signage is limited to five feet in height in the guidelines.

Commissioner Georgelos suggested that they allow five feet in height with 15 square feet.

The Planning Commission appeared to accept these dimensions.

Chairman Wastchak reviewed the six sign locations and suggested

keeping the signs by the vehicular and pedestrian entrances.

Mr. Knapp indicated that there is not a quantity limit in the guidelines regarding directional signage. He suggested that the Commission give the applicant a number and allow the applicant to decide where they are located.

Mr. Robinson mentioned the northwest entrance is considered the main pedestrian entrance into the Town.

The Commission agreed that the two vehicular signs on the west could be oversized. The other signs would be pedestrian signs.

Mr. Robinson stated that he would like the sign on the valet side to be oversized. This will equal three oversized signs.

Mr. Knapp continued with building face signage. All number nines on the plans will have a building sign. The guidelines for building signage state that a sign mounted on an exterior wall or structure shall contain structure identification as necessary for emergency access.

Commissioner Georgelos stated that these signs are identifiers and not for emergency access.

Chairman Wastchak commented that he is concerned about the sign from the restaurant that is visible from the street.

Mr. Robinson indicated that they do not have an image for this sign yet. They would like to identify the lobby, restaurant and market without being too industrial. The intent is to stay within the guidelines. He does not have a specific square footage tonight.

Chairman Wastchak asked if they are looking for a building sign that is visible from the street. He would like to see a proposal. The signs shown are only internal. Due to the large variation he is not sure they can approve any of it.

Commissioner Lewis suggested that they look at the five major resorts in the Town for guidance on signage.

Chairman Wastchak stated that he wants to know what is going to be visible from the street.

Mr. Knapp recommended that they stipulate that any building face signage on the sign plan have a maximum width and a maximum length and be

nonilluminated. The signs appear to be 2' X 2' and 2' X 3'.

Commissioner Lewis mentioned that the Town does not have a precedent for what is being proposed.

Commissioner Anton stated that these signs should be smaller than those allowed on the medical plaza.

Commissioner Lewis stated that there are no other restaurant signs on Lincoln Drive. Once someone enters the site, they can then find the restaurant.

Commissioner Campbell indicated that once visitors get onto the property, they need signage to find the correct building.

Chairman Wastchak suggested that they allow six square feet and only indirect lighting.

Commissioner Campbell stated that the sign should be located lower on the building elevation.

Chairman Wastchak indicated that they could put in a 12 square foot monument sign adjacent to the restaurant. The Commission agreed.

Commissioner Covington commented that they need to follow the Special Use Permit guidelines for building signs.

Chairman Wastchak stated that if they want to add building signage in the future, they can come back through the Planning Commission for a minor amendment.

Commissioner Georgelos asked how high the sign is in the auto-court.

Chairman Wastchak noted that it is close to 20 feet.

Commissioner Georgelos asked if it needs to be 20 feet in height. She noted that they do not have exact dimensions of this sign.

Commissioner Lewis stated that the design has an interesting southwest fashion and should stand on its own feet regardless of signs.

Chairman Wastchak asked if they have any problems with signs six and seven. Sign seven is on every door of each unit.

There were no issues expressed.

Chairman Wastchak commented that it is time to jump into stipulations. The public hearing will be one week from tonight. He asked what is missing that needs to get finalized.

Mr. Knapp stated that they just went through the items that were requested from the last meeting. He indicated that the Planning Commission should give staff an expectation on what they want to see regarding material for the public hearing.

Chairman Wastchak asked if they will receive more information on parking.

Paul Mood replied that he thinks so and will send an email to check on it.

Mr. Knapp noted that some of the drawings will need to be amended prior to the meeting.

Mr. Miller asked Mr. Robinson if the exhibits will be ready in time.

Mr. Robinson stated that it would not be ready in 48 hours.

Chairman Wastchak stated that they do need to capture changes.

Mr. Miller stated that they can list the changes and have them ready prior to the Town Council.

Commissioner Georgelos stated that the problem is that they may miss something.

Mr. Knapp suggested that they go through the stipulations page by page and stop where the Planning Commission has questions.

- Page 8

Mr. Miller stated in the introductory paragraph it will specify that “there are 30 resort related residences with a maximum of 15 of such, resort related residences, to have lock-off units.”

- Page 9

Mr. Miller stated that when they talk about the branded residences, on line 9 to the end of the word “development agreement” on line 19, should have the verbiage “resort residential.” They should have the same FF&E.

Chairman Wastchak commented that he was concerned because the wording originally said that units shall initially have the same furnishings.

But he prefers that the furnishing only be customized if the unit is removed from the rental program.

Commissioner Georgelos asked if these units will always be in the rental program or can they be pulled out.

Mr. Miller indicated that they can be in the rental program, but it will be capped at 15 units. The FF&E will have to be like the hotel rooms.

Commissioner Lewis asked if they can legally have the unit in the rental program for a couple weeks.

Mr. Miller commented that they could.

Taylor stated that most likely the unit will need to be in the rental program for at least one year.

Chairman Wastchak asked if they are about to approve something that the Council told them they did not want.

Mr. Miller reviewed SOD language regarding FF&E consistency with hotel rooms initially, lock-off features for guest access and rentability through hotel program and ensuring lock-offs are part of the resort. They need to determine if they can be available for independent living or if these units need to be available for rental through the entire year. The applicant would like to have this flexibility.

Commissioner Lewis stated that they should learn from mistakes from Camelback Inn where they put too many units into the rental program. The concept collapsed. He stated that he would like to know how they qualify tenants.

Chairman Wastchak indicated that he is sensitive to the legal issues related to the lock-offs. There will be 30 resort residential units with 15 of these with lock-offs. This could place more demand on parking.

Mr. Robinson indicated that the parking analysis was done to include the lock-offs. The development was created to be in line with the zoning ordinance. The bed tax will be collected with the lock-off units.

Chairman Wastchak explained his concern regarding the lock-off units being able to be removed from the rental program and then have a modified interior.

Mr. Miller stated that potentially they could get up to 165 rental units by

splitting the lock-off units into two rentals.

Commissioner Wainwright asked when a person takes their unit out of the rental program, how does the equivalent bed tax work.

Mr. Robinson stated that this would be defined by a square footage rate in the development agreement. It guarantees a 100% occupancy for that unit. The bed tax will still be paid if they are there or not.

Chairman Wastchak asked for an explanation for the portions of overhangs that are not over usable exterior space.

Mr. Knapp stated that it would include a roof overhangs that would not include a trellis or space people would occupy.

Commissioner Anton asked what would prevent someone from buying the units and turning them into apartments.

Mr. Miller replied that they would have to be used as hotel and clarity can be added to ensure they are not used as apartments.

Mr. Gilbert, attorney for the applicant, stated that they cannot condominium 120 hotel units and sell them separately.

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Mr. Miller stated that he received public comments from former Council Member David Sherf. He stated that due to the project size and location, they likely would not need a full-service restaurant. It should not be a requirement that they serve breakfast and lunch but should have that option. Food and beverage should not be required at the pool. This project will function more as a hotel than a resort. He believes that a fitness area is a must for this project. They could include a spa/fitness area.

The Planning Commission agreed with reinserting this language into the stipulations to combine items E and F.

Commissioner Georgelos asked if this is a hotel or a resort. If they remove amenities then it feels more like a hotel.

Commissioner Anton stated that this project is a hotel and not a resort. He does not believe that language requiring a spa should be put back in.

Commissioner Campbell stated that they have been calling this a resort in the language but do use hotel key because that is the terminology in the

industry.

Commissioner Covington commented that the applicant's partner in the last meeting mentioned that the guests would go off site for these amenities.

Commissioner Georgelos stated that she wants the language to be expansive to include more amenities on site. The stipulations could be combined for more flexibility.

Mr. Gilbert commented that Smoke Tree did not have these amenities and it was classified as a resort.

Page 11

Commissioner Anton asked why they used the word "dedicated" instead of "designated."

Mr. Gilbert stated that dedicated infers that it is dedicated to the public, but this is not born out in the ownership. The area is designated and not dedicated. Ownership is not changed.

Page 12

Mr. Miller stated that the square footage for the resort hotel needs to be verified.

Page 18

Chairman Wastchak indicated that on paragraph 26, mechanical equipment and screening is struck from being included in the height of any structure to which they are attached. He asked why this was removed.

Mr. Robinson commented that to get the building height under 36 feet, they needed to exempt the mechanical equipment and screening as these elements extend above this height.

Chairman Wastchak asked about paragraph 28 which says that property may be subdivided with one or more maps from time to time.

Mr. Robinson stated that this refers to condominium maps.

Mr. Miller stated that they can clarify that the subdivision is for the 30 residential units.

Chairman Wastchak asked about language regarding extending the schedule of development if the owner gives written notice to the Town stating the extension. The owner may give multiple extensions. He commented that this appears the project can go on forever.

Mr. Miller stated that there will be no certificate of occupancies for resort residential units and accessory buildings until the hotel is completed.

Commissioner Georgelos asked if there should be an outside date so it does not go on forever.

Mr. Miller commented that they could control the phasing of the development and possibly rescind the zoning.

Chairman Wastchak noted hours of operation under item 32. Vendor deliveries are limited to 7:00 AM to 7:00 PM; with the exception of mail and emergency deliveries, outdoor pools, spas and jacuzzi limited to 6:00 AM to 12-Midnight; restaurants from 6:00 AM to 2:00 AM; bars and lounges from 10:00 AM to 3:00 AM; banquets facilities, receptions and weddings from 6:00 AM to 2:00 AM; resort retail from 7:00 AM to 12-Midnight; room service, guest reception, parking facilities and spa/fitness facilities may operate 24/7; trash pick up from 7:00 AM to 7:00 PM; outdoor venues with amplified by sound shall comply with noise ordinance.

Mr. Miller stated that State Law is 2:00 AM for bars.

Mr. Robinson commented that the language came from the Mountain Shadows Special Use Permit.

Commissioner Lewis asked if there are any statutes require lifeguards.

Commissioner Anton replied that there is not a requirement.

Commissioner Campbell stated that this is where they can put the stipulation restricting amplified music on balconies.

Mr. Knapp suggested that they put this under item 32.

The Planning Commission discussed the Town noise ordinance and if this would be sufficient to control patio noise.

Chairman Wastchak suggested to not restrict amplified music but control it through code enforcement.

Commissioner Campbell stated that they are trying to mitigate impacts to

Andaz.

Mr. Robinson commented that if all the properties are following the same rules it will make enforcement easier.

Page 22

Chairman Wastchak stated that chimneys are three feet above mechanical screens. He asked why it their chimneys are higher.

Commissioner Campbell stated that they must put the chimneys three feet higher, so the air is not pulled back in. Elevators also have an override.

Mr. Robinson commented that the heights provide an architectural interest and it makes for an aesthetic interest to have the chimneys above the mechanical screening.

Mr. Knapp stated that chimneys will be nine feet above the roof line.

Commissioner Georgelos noted that they are getting close to 50 feet in height.

Chairman Wastchak indicated that the stipulation is providing a license to keep making the height taller.

Commissioner Campbell stated that he is not in favor of the additional height for the elevator overrun.

Chairman Wastchak explained that the building height is limited to 36 feet and mechanical screens can extend to 42 feet. If chimneys and elevator overruns can extend three feet higher this gets them to 45 feet.

The Planning Commission agreed that elevator overruns can extend three feet higher when within ten feet of mechanical screening.

Mr. Knapp stated that the intent is that elevator overruns can only go three feet above screening when located within the screening area and only three feet above the building height when located in other locations.

Mr. Robinson mentioned that 35% of the roof area could be screening.

Commissioner Lewis expressed concern that nothing would stop them from installing several chimney stacks.

Mr. Knapp commented that the drawing will need to be updated and noted a tower that appears to be 45 feet or higher. There is no reason for elevator overruns to be an additional three feet above screening.

Commissioner Lewis asked how many elevators are being proposed.

Mr. Robinson replied that there will be a lot.

Mr. Knapp recommended that the language be changed to allow three feet above the building height.

Mr. Knapp stated that only one or two manufacturers can do this. It has worked on other resorts.

Chairman Wastchak stated they need more compelling reasons to do more than three feet. He then asked about chimneys.

Commissioner Lewis stated that they should put a cap on the number of chimneys.

Commissioner Campbell suggested that the flues can be combined to reduce the number.

Mr. Robinson stated that he would get back to them with a number of chimneys. Towers that are not elevator overruns will be architectural only.

Commissioner Campbell asked Mr. Robinson to come back with the number of towers that will not be associated elevators.

Chairman Wastchak stated that the stipulation should say that mechanical screening shall not exceed 35% of the roof area of each structure.

Commissioner Georgelos asked how a structure is defined.

Chairman Wastchak said that it would be each building, but they could say roof area instead. He indicated that if they find they need more than 35% they could come back for a minor amendment.

Mr. Knapp stated that it would be visible off-site and would be a managerial amendment.

Chairman Wastchak asked if the Commission is okay with the 35% on the two and three-story elements. This language was then included in the stipulation.

Mr. Robinson asked that there be a distinction between the residential and restaurant buildings. Mechanical equipment would be larger on the restaurant.

Commissioner Anton asked if they should have the mechanical equipment setback from the roof line.

Commissioner Campbell suggested that the Planning Commission allow them to screen the mechanical equipment, noting how they choose to screen it is up to them if it is below the height restrictions.

The Planning Commission agreed that the height of mechanical equipment should be relative to the heights of the buildings on which they are placed.

Commissioner Campbell asked Mr. Robinson to come back to them with the screening height they need for the front buildings.

Mr. Knapp mentioned that they deleted a sentence in the stipulation that says "in the event that the owner pursues the foregoing..." This was to allow the applicant to change the front of their property to remove parking spaces to widen the landscape buffer to come closer to the Special Use Permit guidelines. This would allow for the improvement without coming back to the Planning Commission.

Chairman Wastchak stated that they can address this in the development agreement.

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Chairman Wastchak referenced paragraph 47 that states the owner shall construct or provide payment to the Town, in lieu of actual construction, roadway improvements on Quail Run Road. Either the owner shall construct, or the Town shall construct the improvements and be reimbursed. He asked if there should be a similar paragraph for Lincoln Drive.

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Chairman Wastchak commented that he wants to know what is meant by perimeter landscaping. He feels that it is not clear because Lincoln Drive is separated out as a Town corridor.

Page 26

Commissioner Georgelos asked about the tents being up for 90

consecutive days.

Chairman Wastchak stated that this will be the maximum allowed. If there is a problem the tenants will hear about it.

No Reportable Action

5. PUBLIC HEARINGS

None

6. ACTION ITEMS

None

7. CONSENT AGENDA

None

8. STAFF REPORTS

None

9. PUBLIC BODY REPORTS

None

10. FUTURE AGENDA ITEMS

None

11. ADJOURNMENT

A motion was made by Commissioner Campbell at 10:00 p.m., seconded by Commissioner Lewis, to adjourn the meeting. The motion carried by the following vote:

Aye: 7 - Commissioner Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wainwright

Paradise Valley Planning Commission

By: 
Jeremy Knapp, Secretary