



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Final Planning Commission

Tuesday, October 6, 2015

6:00 PM

Council Chambers

1. CALL TO ORDER

The meeting of the Town of Paradise Valley Planning Commission was called to order by Chair Strom at 6:00 p.m.

2. ROLL CALL

Commissioner Wastchak attended by phone

Present 6 - Chairperson Dolf Strom, Commissioner Thomas G. Campbell, Commissioner Richard K. Mahrle, Commissioner Scott Moore, Commissioner Jonathan Wainwright and Commissioner Daran Wastchak

Absent 1 - Commissioner Jeff Wincel

STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller

Community Development Director Eva Cutro

Senior Planner Paul Michaud

Town Engineer/Public Works Director James P. Shano

3. EXECUTIVE SESSION

There was no executive session called.

4. STUDY SESSION ITEMS

A. 15-219 Work Study Session - Special Use Permit Major Amendment
Ritz-Carlton Paradise Valley
7000 E Lincoln Drive (SUP-15-01)

Commissioner Mahrle asked the Planning Commission to not lose sight of the Statement of Direction (SOD). He noted the following items:

- Provide a comparison of the proposed site plan and 2008 site plan.
- Provide a status of the noise study. Jason Morris, applicant, replied this will be submitted with the next submittal.
- Comment that he finds the 10-foot total side yard setbacks

unacceptable for Area B and Area C. Chair Strom remarked he was comfortable with the 10-foot total side yard setbacks on the interior lots only. Commissioner Wastchak questioned the need for zero-lot line setbacks. Responding to whether zero-lot line development was feasible, Commissioner Wainwright and Chair Strom replied yes and in many instances it allows for a more usable yard/open space. Commissioner Wastchak questioned the ability to have side-loaded garages. Richard Frazee, applicant, replied that side-loaded garages are feasible on the subject lots. Commissioner Moore agreed. Jason Morris, applicant, stated he is willing to look into changing the perimeter lot setbacks to 10-foot each and wants the ability for front and side-loaded garages.

- Comment that Area B has too many lots and needs to be closer to 2 du/ac per the SOD. Commissioner Campbell noted that the 2 du/ac of the SOD would result in 63 lots for Area B instead of the 87 lots proposed. Responding to earlier public comment from Judson residents, Commissioner Moore replied that the perimeter lots along Mockingbird Lane should be increased in size.
- Statement that Area D, the resort-related attached residences, are too dense.

The Planning Commission next reviewed stipulations. This was a continued discussion from the September 15, 2015 Planning Commission meeting.

- Stipulation 25, regarding elevations, material, colors, it was noted to include language that these be in substantial compliance with the development standards of the SUP.
- Stipulation 26, regarding development standards in Area B and Area C, was to leave in standards for accessory structures with a goal of incorporating such standards into the SUP booklet; to define Minor Site Improvements; and to delete 26.d regarding modification after construction since this is appropriate for the HOA documents on a single-family detached product.
- Stipulation 27, regarding development standards for Area D, to delete 26.c regarding modification after construction since this is appropriate for the HOA documents on a single-family detached product. There was discussion regarding antennas and satellite dishes. It was noted to add a stipulation on antennas and satellite dishes that also addresses screening from perimeter roads.
- The stipulation regarding development standards for Area E was deleted since this portion of the SUP will be deferred.
- Stipulation 29, lighting, was deleted since the lighting plan approval will be deferred. It was noted that approval of the lighting plan would be a Minor SUP amendment. Jason Morris questioned this approval process. The discussion concluded with all external lighting come

back as a Minor SUP amendment and any internal lighting be processed as a staff approval.

- Stipulation 31, operational standards for the rooftop lobby amenity, to require this use comply with the Town noise standards to the property line of the SUP as well as beyond the property line.
- Stipulation 32.e, regarding renting of units outside the resort rental program, was deleted to address as needed in the development agreement. Jason Morris noted that Area A-1 may include its own check in for villas.
- Stipulation 34, regarding any change in use that results in exceeding parking demand, added text that this would be approved as a Minor SUP amendment.
- Stipulation 38, regarding when the approved valet parking plan must be utilized, the parking demand of 438 parking spaces was noted to match the parking study.
- Stipulation 40, regarding maintenance of streets and days to correct, the typical 30 day time limit was left in instead of the requested 60-day time limit.

Eva Cutro reviewed some of the missing stipulations and/or submittal items. This list included:

- Data tables for accessory structure standards
- Stipulation on guard gates
- Stipulation on maintenance of perimeter landscaping
- Stipulation on the public trail in the wash, making it open and not walled/gated
- Note perimeter sidewalks must meander and be setback from the back of curb
- Stipulation that cul-de-sacs will meet Town standards
- More information regarding the villa standards for Area A-1, that there is a clear connection with the resort in Area A such as fit and finish, include in a stipulation and/or the development agreement
- A clean version of the revised stipulations
- Submit the noise study for the rooftop lobby amenity
- Work with the Town Engineer regarding any missing information on the wastewater master plan, traffic/parking study, and similar information
- Provide more information on Lincoln Drive as a Visually Significant Corridor

The Planning Commission discussed Area E, including rezoning it to R-43. Commissioner Mahrle suggested taking no action on Area E. Commissioner Campbell agreed. It was suggested to permit uses subject to coming back and updating the narrative. Also, to provide the Planning Commission a site plan, if the applicant wants development standards for

Area E. Commissioner Moore was agreeable to consider development standards at the next meeting and require a site plan before final approval.

Discussion ended at 10:00 p.m.

5. PUBLIC HEARINGS

- A. **15-218** Hearing - Special Use Permit Major Amendment
Five Star Ritz-Carlton Paradise Valley
7000 E Lincoln Drive (SUP-15-01)

RECOMMENDATION

It is recommended that the Planning Commission continue to a date certain the Five Star Ritz-Carlton SUP major amendment request. This will allow additional time to review the submittals and draft stipulations.

Eva Cutro presented the application per the action report. She stated this is the 8th meeting on this application. She provided background information on the prior approvals, the Special Use zoning, and the how the General Plan applies to the application. She continued with details on each of the proposed areas, including use, density and height. There were no questions from the Planning Commission of staff.

Jason Morris, applicant, spoke and gave a presentation. He thanked all those persons involved. He reminded the Commission that the applicant is looking to build something not done before. He emphasized that the Statement of Direction (SOD) is to brief the Planning Commission on areas of importance but may be varied. He noted that the Development Areas, which this is on, are meant to encourage new development for fiscal health, economic diversification and quality of life. He continued covering the amount of open space, representative architecture of modern feel reflecting desert surroundings, noting that the SUP is not intended to show all the fenestrations and finished architecture. He reviewed the approximate 4,000 square foot roof lobby terrace, that the concept is for a scenic outlook for residents and guests, and any noise impact will be mitigated due to its approximate 1,600-foot setback. He stated that the resort pools will link different sections of the resort. He stated that in Area A-1, the plan was revised so it is smaller and changed the housing type from earlier versions. He explained changes to Area B, including increased lot sizes and setbacks along Mockingbird Lane, that the lots get smaller as you move east. He continued that the vast majority of residents will experience the resort on the exterior, so focus was on perimeter with large landscaped setbacks including three rows of offset trees in many areas. Regarding Area C, he noted there will be large landscaped setbacks, overall lot size has increased, and the lot density is at 2.0 du/ac. He reviewed the perimeter landscape setbacks. Regarding Area D, he

explained the changes made from the prior Planning Commission discussions, including a reduction of units from 250 to 74. He spoke on project heights and phasing. There were no questions from the Planning Commission of the applicant.

Chair Strom opened the public comment at 6:45 p.m. He stated that comments will be taken on each area.

Area A

Jini Simpson, resident, stated that sound is a valid concern since it resonates, particularly bass. She was not as concerned with height. She noted that including a stipulation of no amplified music is good to make it work. Regarding the rooftop lobby amenity, she stated this will add to resort and be a draw to the Town.

Robert Rasmussen, resident, had concern with height of the lobby at 55 feet from its impact on views of the McDowell, Mummy, and Camelback mountains. He was at the Railroad Park off Scottsdale Road and stated such height would be an impact. He requested to see again the rendering of the impact of McDowell Mountain reviewed in a prior Planning Commission study session.

Walt Danley, resident, supported the application. He thinks the lobby building is poised to become a signature masterpiece and thinks the resort in the middle of the site will mitigate noise.

Patrick Van Den Busscane, resident, supported the application. He likes the Town approval process, agrees with Mr. Danley that this resort will become a signature property and will become timeless.

Al Borhan, resident, stated concerns with sound impact, adding that he hears pool parties today from some of the nearby hillside homes.

Bob Darre, resident, stated he lives west of the Cherokee School and hears Tatum Boulevard traffic. He continued that sound travels. As such, it is important to control sound so it is not obtrusive. He recommends a 10:00 p.m. shut down time for outdoor activities similar to other SUPs. He added that the resort design is spectacular and he supports it.

Area A-1

Patrick Van Den Busscane, resident, he stated that the street level position will soften the building height in Scottsdale. He added that the proposed plan is visually appealing, and he supports the project.

Dorothy Smith, resident, inquired whether these homes can be individually owned, and should all the homes be owned by the resort. Jason Morris replied that these homes will be connected to the resort in Area A that includes the same services available to the hotel room casitas (e.g. room service, hotel key to access home), that these homes can be placed in the resort rental program, such homes may be individually used by residents, and such owners will own the unit and not the land. Commissioner Mahrle asked if the homes will have full kitchens. Jason Morris replied yes.

Areas B & C

Robert Green, resident and President of the Judson homeowner association, stated he can only support the project based on Area B developed to the fundamental vision of Town (referring to acre-size lots). He continued that he opposes Area B in the current plan, and wants to see one acre lots like the approved 2008 plan on the perimeter and $\frac{1}{4}$ of an acre lots on the interior. He understands that conditions may have changed since 2008, and correlated the circumstance that all the Judson lots are now sold and not everyone is downsizing is also a changed condition. He requested that the applicant provide the square footage for all the lots.

Walt Danley, resident, remarked he does not want another Montelucia with two stories of building wall of stucco along the property line. He finds that the proposed setbacks will be larger than other Town projects and that good land planning is by design and not by requiring math calculation.

Dorothy Smith, resident, expressed concerns that Area B does not have a confirmed builder. This led to discussion with the applicant, Town Attorney, and Planning Commission about items that will be in the development agreement on in lieu fees and other related items.

Karl Foster, resident, stated he had concerns on density, that the applicant appears uninterested in following the 2.0 du/ac standard of the SOD, and thinks as proposed this Area looks more like Phoenix or Scottsdale.

Patrick Van Den Busscane, resident, supports Areas B and C. He asked people to look at this project on a macro view and to have faith in the Town process. He added that most people have a difficult time distinguishing the difference between one acre and $\frac{3}{4}$ of an acre.

Jini Simpson, resident, reminded those present that an SUP is not R-43, minimum one acre lots. She noted that the 2008 plan did include some one acre lots along the perimeter, but the rest of the lots were denser on the interior. She discussed that the typical roadway setback in the Town is 40

feet, not the 50-foot and 75-foot setbacks proposed. She described the approval process with Colonia Miramonte on 10,000 square-foot lots, noting the many fine people live in that development and over time it has not been to the detriment, ruin of the Town.

John Hayden, resident and Vice President of the Judson development, thought that Area B has too much density and may result in too much traffic onto Indian Bend Road.

Barbara Wick, resident, stated she is in favor of the resort, had some concern with traffic and flashing lights, and the development should honor the Town standards.

Area D

Karl Foster, resident, finds the density too high, adding it is not the Town's job to cover up the Broadstone apartments.

Perimeter Setbacks, Signage

Nan Murley, resident, explained the importance to consider the indoor/outdoor lifestyle of the project. She stated she has not seen any outdoor recreation areas (e.g., golf, lawn sports, play area for dogs, large free-standing covered patios). She would like this addressed and locations spread throughout this project for both owners and guests.

Traffic/Parking

Dawn Cartier, applicant traffic expert, explained the traffic charts.

John Hayden, resident, wanted verification if there will be a new westbound right turn on Mockingbird Lane. Chair Strom replied, this is not a given yet. He had other concerns on turn lanes, including why two left turn lanes at Indian Bend Road and Scottsdale Road.

Dorothy Smith, resident, expressed a concern with only two exists from the public roads into the project for 700-1000 people, noting possible vehicle stacking issues. She would like to see additional access onto the public perimeter roadways. She also noted her preference for some ground level parking that is not all underground parking and valet. Dawn Cartier, replied that the study looked at all different uses individually and how they might be shared, with an emphasis not to over park the site. She noted that the Ritz philosophy is valet only, and a high end experience.

Al Borhan, resident, asked for a summary of the proposed roadway changes. Dawn Cartier reviewed these changes as described in the traffic

report. Jim Shano, stated the executive summary of this report is available on the Town website.

Nan Murley, resident, asked whether the traffic report factored the impact on Indian Bend Road with employees/deliveries leaving Scottsdale Plaza and the proposed Ritz. Dawn Cartier replied that the report was based on peak time and not middle of the day, noting that the middle of the day is not the worst case scenario.

Karl Foster, resident, expressed that the report may be understated as the report does not address cut-through traffic and parking within the neighborhoods.

Andrew Gorden, resident, asked for information about the existing and future traffic along Lincoln Drive. He was interested in the existing and net new traffic diagram.

Grading & Drainage

There was no public comment.

Other Topics

Dorothy Smith, resident, wanted to know whether the 30-year commitment for a Ritz-Carlton began from the 2008 approval or this approval. Jason Morris replied, Ritz-Carlton has an ongoing relationship from the original application and the 30-year will begin again with this application.

Robert Rasmussen, remarked that what will be built will be different than what will be approved.

Karl Foster, resident, wanted to confirm that Area E is postponed.

Nancy Lisher Vess, resident, described her connection with the Phoenician and the problem with people having dogs not on a leash and people not following laws. She suggested a dog park.

Jason Morris, provided feedback.

There were 3 speaker requests in favor, but these persons did not speak. Eva Cutro noted an e-mail in support. Also, Robert Green provided a copy of a letter from the Judson Community Association.

The public comment period was closed at 8:00 p.m., with a five minute

recess, then a study session discussion.

A motion was made by Commissioner Mahrle, seconded by Commissioner Campbell, to continue the discussion and hearing on this application to the regular Planning Commission meeting of October 20, 2015 with a start time of 4:00 p.m. The motion carried by the following vote:

Aye: 6 - Chairperson Strom, Commissioner Campbell, Commissioner Mahrle, Commissioner Moore, Commissioner Wainwright and Commissioner Wastchak

Absent: 1 - Commissioner Wincel

6. ACTION ITEMS

A. 15-213 Election of Chair

A motion was made by Commissioner Wainwright, seconded by Commissioner Moore, to recommend the reappointment of Dolf Strom as Chairperson to the Town Council. The motion carried by the following vote:

Aye: 6 - Chairperson Strom, Commissioner Campbell, Commissioner Mahrle, Commissioner Moore, Commissioner Wainwright and Commissioner Wastchak

Absent: 1 - Commissioner Wincel

7. CONSENT AGENDA

A. 15-214 Minutes from the September 1, 2015 Planning Commission Meeting

A motion was made by Commissioner Wainwright, seconded by Commissioner Campbell, to approve the Minutes from the September 1, 2015 Planning Commission Meeting. There was one change, to delete the text "square footage" with word "area" so the bullet on Page 4 reads, "The dripline area of 252,000 square feet remained the same." The motion carried by the following vote:

Aye: 6 - Chairperson Strom, Commissioner Campbell, Commissioner Mahrle, Commissioner Moore, Commissioner Wainwright and Commissioner Wastchak

Absent: 1 - Commissioner Wincel

8. STAFF REPORTS

There were no staff reports.

9. PUBLIC BODY REPORTS

There were no public body reports.

10. FUTURE AGENDA ITEMS

Paul Michaud reviewed the upcoming items.

11. ADJOURNMENT

Commissioner Campbell moved to adjourn the meeting at 10:25 p.m., Seconded

by Commissioner Wainwright. The adjournment passed by a vote of 6 to 0.

Paradise Valley Planning Commission

By: 
Eva Cutro, Secretary