



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Draft Planning Commission

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Tuesday, September 1, 2015

6:00 PM

Council Chambers

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### 1. CALL TO ORDER

Chairman Strom called to order the Planning Commission Meeting for Tuesday, September 1, 2015 at 6:02 p.m. in the Town Hall Boardroom.

### 2. ROLL CALL

#### **STAFF MEMBERS PRESENT**

Town Attorney Andrew M. Miller  
Community Development Director Eva Cutro  
Senior Planner Paul Michaud

**Commissioner Campbell arrived at 6:12 p.m.**

**Present** 7 - Chairperson Dolf Strom, Commissioner Thomas G. Campbell, Commissioner Richard K. Mahrle, Commissioner Scott Moore, Commissioner Jonathan Wainwright, Commissioner Daran Wastchak and Commissioner Jeff Wincel

### 3. EXECUTIVE SESSION

None

### 4. STUDY SESSION ITEMS

**15-148** Work Study Session - Special Use Permit Major Amendment  
Ritz-Carlton Paradise Valley  
7000 E Lincoln Drive (SUP-15-01)

Jason Morris, attorney with Withey Morris, PLC, spoke on the recent re-submittal. He suggested that the Planning Commission can use its authority to recommend with stipulations to tailor the application to the Planning Commission needs without the need to modify the site plan.

Eva Cutro gave a presentation on the topics described in the action report. She gave an overview of the prior five meetings and what was discussed at these meetings.

Areas B and C

Eva Cutro summarized the changes in these areas compared to the prior meeting.

- Larger lots on perimeter on Mockingbird Lane north of St. Barnabus church
- Removed 7 lots
- The lots range in size from 9,000 square feet to 24,000 square feet
- The density calculation still includes the Town right-of-way
- Applicant provided roadway cross sections, with the private local roadways internal to these areas at a 30-foot right-of-way width instead of the 50-foot right-of-way width as suggested in the Town's General Plan
- The perimeter setback south of St Barnabus church was reduced from 50 feet to 37 feet

Planning Commission discussion included the following:

- Eva Cutro clarified for Commissioner Wastchak that the prior plans for this request did not include the right-of-way dimensions, with an expanded discussion by the Commissioners to better understand the rationale for the 50-foot wide right-of-way on local private roads. Eva Cutro, stated that this dimension comes from the General Plan. It was determined to follow up with the Town Engineer and provide feedback to the Planning Commission at a subsequent meeting.
- There was various points discussed related to the right-of-way width and its relationship to the building setbacks. It was generally agreed that the perceived visual impact from a person is from the back of curb to the structure, but the required setback measurement is typically taken from the property line. Eva Cutro pointed out that requiring the typical 50-foot wide right-of-way and measuring the setback to the property line results in a greater setback of the home

to the back of curb than the proposed 30-foot wide right-of-way. This is because the actual paved roadway area is 26-feet in width. As such, a 50-foot wide right-of-way results in approximately 12 feet of landscaping and/or sidewalk in addition to the proposed 20-foot building setback. A 30-foot wide right-of-way results in approximately 2 feet of landscaping. Richard Frazee, project manager with Five-Star, stated that his client may be agreeable to a 50-foot wide right-of-way, but would propose a reduction of the front setback from 20 feet to not more than 10 feet.

- It was clarified that the applicant calculated density based on using the property starting from back of curb, with Eva Cutro noting that the typical measurement is from the property line after the dedication of any right-of-way.
- Commissioner Mahrle replied that he has a difficult time reviewing Areas B and C by themselves without seeing a revised site plan addressing matters such as the 50-foot deep perimeter setbacks along Lincoln Drive and Mockingbird Lane and feedback from the representative of St Barnabus church regarding the setback and wall height along Lots 18-24.
- The Planning Commission discussed the use of stipulations, noting a preference to provide the details of the application through written text and/or plans to match any verbal statements.
- There was discussion on the type of curb as it relates to storm water management. Richard Frazee noted that this level of detail comes later in the process, closer to the plat stage.
- Regarding emergency access, Eva Cutro noted that the Town Fire Marshal prefers a 12-foot wide lane width over the 11-foot lane width in the General Plan. The various ways to meet this lane width were discussed, such as the ability to include the 2-foot wide curbing provided the curb type is drivable. This discussion was left with suggesting that the applicant illustrate the various curb types via the appropriate number of typical roadway cross section details.
- Regarding the number and size of lots, the Planning Commission appeared generally agreeable to the 9,000 square feet to 24,000 square feet range. They remarked that this plan iteration was an improvement over the prior plan. All appeared to want the applicant to increase the perimeter landscaping to at least the minimum Special Use Permit Guideline standards of 50 feet along Mockingbird Lane and Lincoln Drive. Commissioners Mahrle, Moore, Campbell, and Wincel voiced that such setback should be measured from the post roadway dedication line. Commissioner Campbell added that part of the reason for the 50-foot landscape setback is to provide a buffer for the acre residential lots along the west side of Mockingbird Lane.
- Commissioner Moore inquired on the elevation difference at the

intersection of Mockingbird Lane and Lincoln Drive and the building pad of the adjacent lots. The applicant stated the lots are essentially at grade with those roadways.

- The Planning Commission summarized the following points:
  - All the Commissioners expressed the perimeter landscape setback along Mockingbird Lane should be a minimum of 50 feet.
  - All the Commissioners were agreeable with the landscape setback along Indian Bend Road at 30 feet and greater.
  - All the Commissioners expressed the perimeter landscape setback along Lincoln Drive should be a minimum of 50 feet. Commissioners Campbell, Mahrle, and Moore noted they would like this setback measured from the post-dedication of the 25-foot right-of-way.
- The Planning Commission expressed a request for larger lots along Mockingbird Lane and Lincoln Drive in Area C. Commissioner Wastchak suggested lot widths along Lincoln Drive similar to Lots 1-9 in Area B. Whereas, Chairman Strom found Lots 1-9 an acceptable size, but suggested larger/wider lots along Mockingbird Lane in Area C. Commissioner Wainwright agreed with Chairman Strom.
- Discussing the density calculation, Chairman Strom and Commissioner Wainwright both were ok including the pre-dedication right-of-way and area to the back of curb as a part of this calculation. Commissioner Moore expressed he would need to see the revised site plan addressing the perimeter landscape setbacks and lot changes before he could give his opinion. Commissioner Wastchak agreed with Commissioner Moore. Commissioner Mahrle and Campbell supported calculating density based on the post right-of-way dedication. Commissioner Wincel had no position, but is leaning toward a no since there is an equity issue if other property owners use post right-of-way dedication.

#### Area D

Eva Cutro summarized the changes in Area D from the prior submittal.

- 3rd story along the east property is setback further from Lincoln Drive
- There was a reduction in units from 100 to 92
- Additional parking spaces were provided, totaling 136 guest parking spaces
- The dripline square footage of 252,000 square feet remained the same
- The right-of-way width proposed is 40 feet to accommodate parking on one side
- The entry was relocated off Lincoln Drive to the resort roadway

Planning Commission discussion included the following:

- Commissioner Campbell questioned the minimum driveway length as it relates to the radius in a driver maneuvering into the garage of a home and the impact of the driveways to accommodate on-street parking. Direction to the applicant was to provide more information/metrics to demonstrate that this Area will accommodate 136 guest parking spaces.
- Commissioner Mahrle was opposed to the 3rd story living space. Commissioner Wincel was ok with the 3rd story depending on the design of building.
- The Planning Commission direction was that the applicant reduces the number of units and provides the lot coverage no greater than 25-percent.

#### Area A1

Eva Cutro stated the request is for 120 units, with more information needed that these units will be part of the resort guest room program. She explained that there is one 4-story element. Also, the lot coverage was reduced from 38.2-percent to 32.7-percent, which is still over the SOD guideline of 30-percent.

Commissioner Wincel asked for the reason staff recommends no 4-story element. Eva Cutro explained that the Statement of Direction and Special Use Permit Guidelines have a 36-foot maximum height. Chairman Strom is agreeable to the 4-story provided at least one of the stories is dedicated to revenue generation to the Town and the 4-story element is only above the footprint of the retail area. Commissioner Wainwright supported Chairman Strom's suggestion. Commissioner Mahrle questioned whether the location of the 4-story was ideal for retail. Richard Frazee stated he believes it is since the adjoining proposed palm court will have retail/food beverage. He added that the 4-story allows for design articulation. Commissioner Mahrle explained that he might support the 4-story if the applicant provides the reduced lots, larger lots, and larger perimeter landscape setbacks discussed this evening since this location is hard to see from within Town limits. Commissioners Wincel and Moore supported Commissioner Mahrle's point. Commissioner Wastchak had nothing to add.

The Planning Commission took a break at 8:02 p.m.

#### Area E

Chairman Strom asked the Commissioners their opinion on how to approach Area E. He explained that talks continue with the City of Scottsdale on de-annexation. Options reviewed included:

- Exclude Area E now and have the applicant come back through the Commission/Council process at a later date. This will require the applicant modify their application request. This option suggested rezoning Area E to R-43. Commissioners Wincel and Moore liked this option.
- Jason Morris suggested some other options:
  - Have the Planning Commission do special meetings this fall to address Area E,
  - Create development standards for Area E such as no building exceed a certain height, limit the area to specific uses, and other such standards, or
  - Remove the area from the application to return at a later date as Chairman Strom described. Mr. Morris did suggest that the zoning remain SUP-Resort since it is presently that zoning.

### Wall Plan

Planning Commission discussion included the following:

- There was discussion on the best locations to use view fencing and solid fencing, along with the impact of homeowners planting vegetation in front of the view fencing. The Commissioners requested feedback from St Barnabus on the height of the wall and type of fencing along their property line. Jason Morris stated they expect the church to execute a letter on the wall and setbacks to the homes on Lots 18-24 later this month.
- Eva Cutro requested the applicant provide a bird's eye view to show how the wall will stagger/meander.
- Eva Cutro described how the 8-foot tall wall along Mockingbird Lane near Lincoln Drive at Lot 14 extends further north than it might be allowed. Commissioner Campbell stated he was agreeable to this extension as it provides balance to the wall.
- Richard Frazee explained that the proposed guard gates will comply with Town Code on staking and turn-around.
- It was suggested that the text in the packet regarding the 15-foot tall walls be revised to specifically address certain areas such as the screening of the cooling equipment and loading dock located near the resort building.

### Signs

Planning Commission discussion included the following:

- It was noted that the only proposed perimeter signs area long Lincoln Drive, a total of 3 signs.
- Reviewing the over-sized Town entry monument sign, the Planning

Commission questioned the available space and logistics of the mirror-image sign on the south side of Lincoln Drive. As far as design, Commissioners Campbell and Wincel like the design. The applicant agreed to work with staff on the size, scale, and sign location.

- There was discussion over the type of art proposed on the entry signs, with questions on who is best to approve such artwork.
- Referring to the resort sign at the intersection of Mockingbird Land and Lincoln Drive, Commissioner Wastchack asked if the 18-inch lettering might be too small to read at a 110-foot setback. Richard Frazee stated the intent was to make the sign understated. He added that the sign will be back light and comply with Town Code standards.

#### Perimeter Landscaping

Planning Commission discussion included the following:

- Commissioner Moore stated he would like to see details on the meandering of the sidewalk and proposed amenities such as seating areas, screening of utility boxes, and other related items.

#### Drainage Channel

Chairman Strom asked for clarification of the design on the wash. Richard Frazee explained that the 80-foot wide wash width is the same as in the 2008 approval. Also, the storm water entry and exit points will remain the same. He further explained that the channel is designed to handle 1,800 cubic feet per second of flow. He continued that the unresolved matter is the methodology used to determine the flow for this wash has changed at the county level, with such changes resulting in lower flow numbers than the 1,800 cubic feet per second flow. Mr. Frazee stated the flows will be confirmed and reviewed by the Town Engineer, for any reason the flow rate is higher than 1,800 the storm water plan will be brought back to the Planning Commission. It was also noted that the details on storm water/retention occurs at the plat stage. In addition, the applicant stated the trail within the drainage channel will be partly within the 100-year flood plain.

#### Other Items

There was discussion on the resort roof top deck in Area A. Chairman Strom suggested that this outdoor area be removed, along with any stair wells to the roof. He continued that the elevator projection above the roof line be at the minimum required clearance dimension per code. Richard Frazee asked whether this opposition was an operational or aesthetic concern. The Commissioners generally agreed it was more of an operational concern, particularly noise, with some concerns on aesthetics.

Jason Morris replied that his client is not prepared to say no to the rooftop outdoor area. He added that the Town has limited opportunities to develop a rooftop venue with mountain views and large building setbacks from the public roadway. Some Commissioners expressed a concern over noise, comparing the proposed use to the W Scottsdale hotel located at 7277 E. Camelback Road. Commissioner Wincel felt this rooftop experience is an important element to retain, noting that one should expect noise as part of living near a resort, stating that stipulations can be used to control how the space is used. Chairman Strom stated the rooftop will likely require shade and some type of permanent shade structure that will essentially create a 4-story rooftop. Commissioner Wastchack is worried more on sound than the physical structure. His concern is that at 56-feet in height people at the same elevation on a nearby hillside lot will hear noise. Jason Morris replied that the resort guests will likely report and demand noise control since such guests will be paying upwards of \$1,500 a night. The applicant was agreeable to preparing a sound study. The Commissioners suggested the applicant provide the specific type of limitations to control noise, a description of the allowable uses on the rooftop, and provide the sound study.

The upcoming agenda was reviewed

- September 15, 2015 will include discussion of stipulations, an update on changes made to Areas B, C, and D, and any update on the grading and drainage. Commissioner Wincel reminded the applicant to include as much information on the plans in lieu of using stipulations.
- October 6, 2015 will be scheduled for a public hearing, noting that another hearing will be necessary. Jason Morris stated that the Citizen Review meeting is tentatively set for September 17, 2015.

Chairman Strom opened the meeting for public comment at 9:30 p.m. No persons from the public spoke.

**5. PUBLIC HEARINGS**

None

**6. ACTION ITEMS**

None



## 7. CONSENT AGENDA

**15-141** Minutes from the August 18, 2015 Planning Commission Meeting

**A motion was made by Commissioner Wincel at 6:03 p.m., seconded by Commissioner Mahrle, to approve the minutes from the August 18, 2015 Planning Commission Meeting. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Campbell

## 8. STAFF REPORTS

None

## 9. PUBLIC BODY REPORTS

None

## 10. FUTURE AGENDA ITEMS

Paul Michaud reviewed the upcoming meeting agenda and Planning Commissioner representation for the Mountain Shadows plat applications set for Town Council on September 24, 2015.

## 11. ADJOURNMENT

**A motion was made by Commissioner Moore at 9:35 p.m., seconded by Commissioner Campbell, to adjourn the meeting. The motion carried by the following vote:**

**Aye:** 7 - Chairperson Strom, Commissioner Campbell, Commissioner Mahrle, Commissioner Moore, Commissioner Wainwright, Commissioner Wastchak and Commissioner Wincel