

## **Sanctuary Resort & Spa**

### **-Statement of Direction- February 23, 2017**

The Sanctuary Resort & Spa submitted a Special Use Permit application for additions to the existing casitas, two new casitas, a new pool, a new snack bar, modified parking, and a ballroom expansion.

Section 1102.3 of the Town's Zoning Ordinance states the Town Council must issue a Statement of Direction for the Special Use Permit application within 45 days of the first staff presentation. In this case, the Statement of Direction must be issued on or before March 16, 2017.

The Statement of Direction is not a final decision of the Town Council and does not create any vested rights to the approval of a Special Use Permit. Any applicant for a Special Use Permit shall not rely upon the matters addressed in the Statement of Direction being the same as those that may be part of an approved Special Use Permit.

Therefore, the Town Council issues the following Statement of Direction for the Sanctuary Resort & Spa:

- The General Plan encourages the continued revitalization and improvement of the Town's Special Use Permit properties while protecting the adjacent residential neighborhoods (General Plan Land Use Policy 2.1.2).
- The Planning Commission shall focus their review on the visible and audible effects the amendment may have on the neighbors. In particular, the Planning Commission shall focus their review on:
  - Lighting, screening of mechanical equipment, setbacks, heights, and parking/circulation.
  - The project includes a one story addition to an existing casita. This addition is located on the east side of the project area and is setback approximately 7' from the property line adjoining Starlight Way. Since the SUP Guidelines recommend a minimum setback of 40', the Planning Commission shall review the proposed setbacks.
  - Screening and setback of the additional stairwell at the ballroom
  - Overall height of the ballroom addition.
  - On-site retention in relation to the proposed improvements. The applicant shall address and identify the location of on-site retention and identify how the on-site retention may affect parking and circulation.
  - Hours of operation of the snack bar and pool area.
  - Traffic and circulation. The applicant must provide a traffic analysis report.

- Location of any new or modified utilities.
- Renderings as it relates to neighboring properties.

As per Section 1102.3.C.3.c of the Zoning Ordinance, at any time during the review process, the Planning Commission may request clarification and/or expansion of this Statement of Direction based on additional information that has evolved.

1 SUP-15-1  
2 Ritz-Carlton Paradise Valley

3  
4 -Statement of Direction -  
5 June 11, 2015  
6

7 On May 4, 2015, the applicant, Five Star Development Resort Communities, submitted a  
8 Special Use Permit application to allow for the development of a resort hotel, residential  
9 homes, and resort retail at 7000 East Lincoln Drive.

10  
11 Section 1102.3 of the Town's Zoning Ordinance states the Town Council must issue a  
12 Statement of Direction (SOD) for the Special Use Permit application within 45 days of the  
13 first staff presentation. In this case, the Statement of Direction must be issued on or before  
14 July 12, 2015.

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16 The Statement of Direction is not a final decision of the Town Council and does not create  
17 any vested rights to the approval of a Special Use Permit (SUP). Any applicant for a Special  
18 Use Permit shall not rely upon the matters addressed in the Statement of Direction being the  
19 same as those that may be part of an approved Special Use Permit.

20  
21 Therefore, the Town Council issues the following Statement of Direction for SUP-15-1, Ritz-  
22 Carlton Paradise Valley:

- 23  
24 1. The General Plan encourages revitalization and improvement of existing resorts within  
25 the Town of Paradise Valley;  
26  
27 2. The General Plan categorizes this property as a Development Area, intended to focus  
28 resort development into targeted areas that are most appropriate for accommodating the  
29 variety of land uses associated with such use.  
30  
31 3. The General Plan further states, Development Areas are meant to encourage new resort  
32 development that reflects the Town's needs for fiscal health, economic diversification,  
33 and quality of life.  
34  
35 4. THE PLANNING COMMISSION SHALL REVIEW:

36  
37 A. Density

38 Overall density is high with 1,844,650 square feet "occupiable" proposed.

39 Residential and Retail density exceed the Resort Guidelines 25% lot coverage (which  
40 may also be understated as the application uses only conditioned space to compute  
41 lot coverage). Resort lot coverage is currently at 28.5%.

42  
43 Recommend that all residential and retail density not exceed the 25% lot coverage Resort  
44 Guideline (per Area) and that it be measured by total lot coverage, not conditioned space  
45 and that overall density shall be reduced.  
46

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47 Resort lot coverage (Areas "A" and "A1" combined) shall not exceed 30% and 700,000  
48 square feet.

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50 B. Residential lot size

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52 Areas B and C are detached residential lots. Area C lots are a minimum of 12,000 square  
53 feet; Area B lots are a minimum of 9,000 square feet.

54

55 Recommend that all detached residential product in Areas B and C:

56

57 1. Have an average of two dwelling units per acre, and

58

59 2. Progress from larger lots on the north, south, and west perimeters to more dense  
60 lots in the center and eastern perimeter.

61

62 3. Detached residential product shall be a mix of 1 and 2 story.

63

64 4. Setbacks shall be proposed in a Land density table for all lot types

65 Attached residential housing is proposed for Areas D & E. Attached residential  
66 housing as approved and built in other Paradise Valley resorts, are almost exclusively  
67 used as resort rental units that are rented through the resort itself (such as is  
68 identified for Area A-1).

69 Attached residential product as proposed is disfavored and alternate uses for Area D  
70 shall be explored.

71

72 C. Heights

73 Heights far exceed Resort Guidelines' 36' maximum for principal structures and 24'  
74 height for accessory structures. Many principal structures are proposed at 48' and  
75 some accessory structures are proposed at 36' and 48'. While some additional height  
76 may be allotted to provide a transition or buffering from the four-story apartment and  
77 three-story office buildings located in the City of Scottsdale, a three-story - 36'  
78 maximum was anticipated, stepping down to two and then one-story.

79

80 With the exception of the resort lobby, it is recommended that all four-story/48' tall  
81 elements be eliminated and three-story/36' maximum height be considered for principal  
82 structures only, and as a buffer along the eastern border.

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83 Grand lobby height is not clear. Application shows up to 22' of fill under the  
84 structure with up to 6' of cut through the center of the fill area. Elevations show 22' to  
85 47' heights on the resort structure.

86 Recommend that Commission allow such lobby heights to capture the unique  
87 mountain views but fully explore the impacts of the proposed height including what  
88 is visible off-site and if current views of the Mc Dowell Mountains will be obstructed  
89 (as viewed from the adjoining public RsOW). The overall mass of the building shall be  
90 reviewed to make sure it is of appropriate scale. A 3-D graphic shall be required. An  
91 elevation shall be shown from a benchmark near the intersection of Lincoln Dr. and  
92 Mockingbird Lane.

93  
94 D. Retail Use

95  
96 Retail square footage is proposed at over 160,000 square feet, including a grocery  
97 store-type use at 36,400 sf. Although the Resort Guidelines anticipate less retail on  
98 standard resort properties, this property is not standard - it is in a designated  
99 Development Area and is approximately four times the size of a standard Paradise  
100 Valley resort.

101  
102 Parcel E shall be evaluated in conjunction with the plans for the Scottsdale Parcel to  
103 the east. The applicant shall submit equivalent plans to those submitted for Parcel E  
104 prior to the reviews directed below. It is the intent that Parcel E serve as a transition  
105 from less intense residential use on the west to more intense mixed use on the east.

106  
107 Recommend the Town Council direct Mayor and staff to negotiate agreements with  
108 their counterparts in Scottsdale addressing heights, densities, setbacks, uses, traffic,  
109 parking, drainage, and revenue sharing should Area E be de-annexed from the  
110 proposed submittal.

111  
112 Recommend the Paradise Valley Planning Commission evaluate the mixed use submittal  
113 with the following conditions:

- 114 1. No 4-story/48' height permitted;
- 115 2. Retail must be viable. Staff and commission may request applicant provide a  
116 market study addressing the feasibility of the type and amount of retail proposed  
117 including the viability of retail located on an interior site. Planning Commission  
118 may use a third-party expert to assist in the evaluation of said viability.
- 119 3. Retail must be resort related .
- 120 4. Residential must be resort related.

121  
122 Recommend the Planning Commission also evaluate the possibility of an all detached  
123 residential use of Parcel E if applicant chooses to submit such an alternate.  
124

125 E. Perimeter Setbacks/Open Space

126 Only 25' setback is proposed along portions of Indian Bend, Lincoln, and Mockingbird  
127 Lane.

128 No setback is given between the proposed residential product in Area B and the north  
129 boundary of St. Barnabas.

130 Interior drives in Areas C & D do not meet 40' setback guidelines.

131  
132 Recommend that the SUP Guideline landscape area and buffer be provided. A minimum  
133 50' wide landscaped area shall be provided along Lincoln Drive and Mockingbird Roads  
134 and a minimum of 30' wide landscape area shall be provided along Indian Bend Road. An  
135 additional landscape buffer shall be provided at the corner of Lincoln Drive and  
136 Mockingbird Lane, as well as at the main entrance to the Resort and at the gateway to the  
137 Town.

138  
139 An Open Space Element shall be provided by the applicant. It shall address both  
140 private and public open spaces, passive and active recreation, and  
141 undeveloped/natural areas. The Resort Guideline for open space is 40%. The  
142 Commission shall review this element and also consider landscape buffering as a  
143 transition from the large scale development along the eastern border with the City of  
144 Scottsdale.

145  
146  
147 F. Rights-of-Way/Traffic/Parking

148  
149 All roadway amenities such as sidewalks, medians, round-a-bouts, deceleration lanes,  
150 emergency access points, and traffic/pedestrian signals shall be reviewed and  
151 designed to meet Town Engineering Department standards.

152  
153 Traffic and Parking Study shall be reviewed.

154  
155 Recommend the Commission utilize a Town hired third-party engineer to review the  
156 traffic, parking (both above and below ground on both the Town and Scottsdale parcels ),  
157 and circulation study prepared by the applicant. The review shall include impacts from the  
158 proposed development and surrounding development, and traffic analysis on Lincoln Drive  
159 from Scottsdale to Tatum.

160  
161 Vehicular circulation shall be reviewed. Particular emphasis shall be placed on all ingress  
162 and egress points.  
163

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164 Lincoln Drive shall be viewed as a “Visually Significant Corridor” in accordance with  
165 the General Plan standards and a cross section with a typical landscape treatment  
166 shall be reviewed.

167  
168 Lincoln Drive is also a Gateway to the Town and special design consideration should be  
169 reviewed to reflect this entrance to the Town.

170  
171 Recommend that 25’ of Right of Way (ROW) dedication be required along Lincoln  
172 Drive. This differs from the 2008 SUP that allowed for a roadway easement. The  
173 2012 General Plan has now categorized Lincoln Drive as a Visually Significant  
174 Corridor and dedication is requested to allow for development of Lincoln Drive as a  
175 Visually Significant Corridor and as a Gateway to the Town. The applicant shall  
176 identify setbacks from the post-dedication property line.

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179

180 G. Additional Review Items

181 Landscaping plan will need more detail. Commission shall focus their review on the  
182 exterior landscaping along the Rights of Way.

183 Wall master plan must be examined. A meandering alternative shall be explored for  
184 the perimeter.

185  
186 Monument sign placement and size parameters shall be established.

187  
188 Recommend that the Commission utilize a Town hired third-party engineer to review  
189 the grading and drainage study prepared by the applicant with emphasis on the  
190 necessary retention requirements and the proposed rerouting of the natural wash. A  
191 detailed grading and drainage plan for the site will need to be provided that is in  
192 conformance with the most current version of the Town of Paradise Valley Storm  
193 Drain Design Manual – Subdivision Drainage Design at time of permit submittal.

194  
195 Any necessary upgrades for potable water supply shall be explored.

196 Pedestrian and non-vehicular circulation shall be reviewed.

197

198 H. Keys to Success

199  
200 The results of the Community Meeting, the Keys to Success, shall be considered when  
201 reviewing this proposal.

202

203 I. Stipulations

204

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205 The Planning Commission may craft stipulations on issues including but not limited  
206 to: landscaping, utility and mechanical equipment screening and locations, resort  
207 operational issues, and special regulatory standards (such as hours of operation,  
208 amplified music, etc..) and other land use concerns not otherwise in conflict with this  
209 SOD.

210  
211 J. Deviations from the SUP Guidelines

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213 The Planning Commission shall address any improvements/uses that deviate from  
214 the SUP Resort Guidelines and the applicant must provide a justification for the  
215 deviation from the Guidelines.

216  
217 The Planning Commission shall not address development agreement issues such as  
218 financing and phasing of construction.

219  
220 The Planning Commission shall complete its review and hearing process in 120  
221 calendar days from Town Council approval of the SOD (per Section 2-5-2.D.1 of the  
222 Town Code). There shall be an option to extend this timeframe, if necessary, with  
223 Town Council consent.

224  
225 To the extent that the application changes substantially, the revised application shall  
226 be brought back to the Town Council and the SOD amended.

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**SUP-11-1**  
**Mountain View Medical Center**

**-Statement of Direction-**  
**March 24, 2011**

On March 11, 2011 Mountain View Medical Center submitted an intermediate Special Use Permit amendment application requesting to operate a medical marijuana dispensary located in Building A.

Section 1102.3 of the Town's Zoning Ordinance states the Town Council must issue a Statement of Direction for the Special Use Permit application within 45 days of the first staff presentation.

This Statement of Direction is not a final decision of the Town Council and does not create any vested rights to the approval of a Special Use Permit (SUP). Any applicant for a Special Use Permit shall not rely upon the matters addressed in this Statement of Direction being the same as those that may be part of an approved Special Use Permit or SUP amendment.

Therefore, the Town Council issues the following Statement of Direction for SUP-11-1, Mountain View Medical Center's intermediate SUP amendment application for the approval of a new use, a medical marijuana dispensary:

- Only one (1) medical marijuana dispensary shall be allowed.
- The total square footage for the medical marijuana dispensary shall not exceed 2,736 square feet and the dispensary shall be located only in the southern portion of Building A, as identified on the attached Site Plan prepared by Rose Law Group and the Floor Plan prepared by Knoell & Quidort Architects.
- There shall be no external signage for the medical marijuana dispensary that is visible from Tatum Boulevard or Shea Boulevard. Signage shall be permitted on Building A at the entrance to the medical marijuana dispensary, but such sign shall be no larger than the signs for other tenants of the building or for similar buildings at Mountain View Medical Center and shall contain no symbols or slang for the word "marijuana" or its components.
- Drive-through services shall be prohibited at the medical marijuana dispensary.
- The medical marijuana dispensary shall be prohibited from making home deliveries of marijuana.
- The medical marijuana dispensary shall be prohibited from offering free samples of their merchandise.

- The medical marijuana dispensary shall not sell, dispense, lease or market any paraphernalia, products and sundries that are not directly and medically related to the use of medical marijuana.
- Cultivation, processing and infusing of marijuana shall be prohibited at the medical marijuana dispensary.
- No minors, under 21 years of age, are permitted within the medical marijuana dispensary unless accompanied by a parent or guardian.
- The medical marijuana dispensary's days and hours of operation shall be limited to Monday through Friday, 8:00 AM to 6:00 PM.
- If State law prohibits any medical marijuana dispensary within the Town, any approved intermediate SUP amendment to allow a medical marijuana dispensary at the Mountain View Medical Center, shall be immediately revoked by operation of law.
- All activity related to the medical marijuana dispensary shall be conducted in compliance with Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq.; DHS rules and regulations; and other implementing state statutes and administrative regulations.
- The intermediate SUP amendment for the medical marijuana dispensary shall not become effective until the owner of Mountain View Medical Center has completed all DHS requirements and obtained a license.
- Operation of a medical marijuana dispensary shall not be conducted by any person or entity convicted of a felony or any person or entity that has any felony charges filed and pending. In furtherance of this limitation, at least two weeks prior to entering into a binding lease or rental agreement for any tenant who shall run and operate a medical marijuana dispensary on the Mountain View Medical Center site, the owner shall submit criminal background information on the prospective tenant and all employees to be hired by the tenant to the Town Police Department along with full releases from all such persons or entities so that the department can conduct its own independent criminal history check prior to owner entering into any such lease.
- The Planning Commission is expected to complete its review and hearing process prior to April 28, 2011.

As per Section 1102.3.C.3.c of the Zoning Ordinance, at any time during the review process, the Planning Commission may request clarification and/or expansion of this Statement of Direction based on additional information that has evolved.