

# **TOWN** *Of* **PARADISE VALLEY**



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## **STAFF REPORT**

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**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Lisa Collins, Community Development Director  
Paul Michaud, Planning Manager  
George Burton, Senior Planner

**DATE:** May 25, 2023

**DEPARTMENT:** Community Development  
George Burton, Senior Planner 480-349-3525

**AGENDA TITLE:**

**Discussion of Andaz Resort Intermediate Special Use Permit Amendment (SUP-22-01) at 6160 N Scottsdale Rd and Rezoning of 6041 N Quail Run Rd from R-43 to SUP Resort (MI-22-01)**

**Background**

The Town Council held two study sessions on September 8, 2022, and September 22, 2022, to review and provide input on the Statement of Direction (SOD) to guide the Planning Commission review as required for the first step in the process for an Intermediate Special Use Permit (SUP). On October 13, 2022, the Town Council issued the SOD (Attachment N) and the SUP was sent to the Planning Commission for their review and recommendation.

The Planning Commission held three study sessions on November 1, 2022, November 15, 2022, and December 20, 2022, to review the SUP based on the direction from Town Council provided in the SOD. On January 3, 2023, the Planning Commission forwarded their recommendation for approval of the SUP to the Town Council.

The Town Council held two study sessions on January 26, 2023, and February 9, 2023, to review the recommendation by the Planning Commission and provide additional input and direction. The application was continued to a date uncertain to enable the applicant to update the submittal and address the direction provided by the Council.

The Council reviewed an updated submittal at the April 27<sup>th</sup> work session and stated that the applicant should relocate the pools/hot tubs in front the guest units, the applicant must explain the use of the rear trellis/patio covers, and staff must update

the stipulation regarding no amplified music between 10:00 pm – 7:00 am so it is not just limited to the new guest units.

The applicant provided an updated site plan illustrating the relocation of the pools/hot tubs for Town Council review at the May 11<sup>th</sup> public hearing. The Town Council continued the public hearing to May 25<sup>th</sup> to enable the applicant to update the submittal. The Council requested the applicant:

1. Label all the improvements on the plans (e.g. labels the walls, label the hardscape areas with the type of materials and estimated finished grade elevation, identify the approximate finished floor elevation of the guest units, etc.),
2. Raise the height of the Quail Run Road wall from 6 feet tall to 8 feet tall,
3. Provide a cross section showing the Quail Run Road wall, a person, and the guest unit,
4. Provide a cross section of the pool/hot tub area,
5. Identify that the pools/hot tubs are raised 18 inches above grade,
6. Update the site plan, civil plan, and landscape plans so they match, and
7. Update the amplified music stipulation (Stipulation No.4) to remove the 10 pm – 7 am time limit and clarify that there shall be no amplified music or PA system at these ten guest units at any time.

## **SUMMARY STATEMENT:**

### **Scope of Request**

The scope of the request is an Intermediate SUP amendment and rezoning to incorporate and develop 6041 N Quail Run Road into the resort. The request is an Intermediate SUP amendment since it meets the three criteria outlined in Section 1102.7.C of the Zoning Ordinance in that the improvements do not: (1) change or add uses otherwise allowed on a resort property (these improvements are existing/typical resort uses which are permitted uses as defined in Section 1102.2.A of the Zoning Ordinance), (2) increase the floor area more than 40 percent (the request is an increase of 25 percent or 34,809 square feet), and is not expected to have a significant material effect that cannot be sufficiently mitigated (e.g. stipulations limiting the use of amplified music and PA systems, limiting the hours of operation on the service building, raising the southern wall fence wall height to eight feet tall, and a noise study demonstrating the noise effects of the improvements, etc.).

In summary, the request is to develop the five-acre parcel with uses that currently exist on the developed resort property. These uses are ten new single-story guest units and one single-story service building. This five-acre parcel will be incorporated into the resort.

The guest units and service building will match the architecture of the existing buildings on campus. Each guest unit will have a private yard with a pool/hot tub. The area will be enclosed with an eight-foot-tall meandering wall to the west and an eight-foot-tall wall to the south. The new guest units are only accessible from the main entrance to the resort at Scottsdale Road and will not be accessible from Quail Run Road. The applicant will dedicate 20 feet of land to bring the Quail Run Road

right-of-way (ROW) into compliance with the Town's ROW width standard of 50 feet. Attachment F summarizes the resort history and provides a more detailed description regarding the scope of the request.

### **Updated Submittal**

The applicant updated the submittal in accordance with the May 11<sup>th</sup> Council direction. The site plans, civil plans, and landscape plans were updated to match and show the same design/layout. The applicant also added additional notes identifying the proposed improvements. The Quail Run Road fence wall was raised to eight feet tall and a cross section showing the wall and guest unit is included in the packet. Also, Stipulation No. 4 in Ordinance 2023-02 was updated to identify that there shall be no amplified music or PA system at the ten new guest units. Attachment D has the applicant response letter and updated plans (which have also been incorporated into Attachment E).

Noise mitigating has been one of the primary issues associated with this application. Throughout the review process, the Town Council and the Planning Commission requested changes and added stipulations to address and mitigate noise. In summary, the following site plan design features and SUP stipulations have been added to mitigate noise:

- Pools/hot tubs:
  - The pools/hot tubs have been relocated to the east side of the eastern guest units and located to the east and northern part of the western guest units. The pools/hot tubs are setback a minimum of 85 feet from the west/post dedication property line and 160 feet from the south property line. The SUP Guidelines recommend a 65-foot setback for pools available to all resort guests.
  - A five foot to six foot tall solid (e.g. masonry or glass) fence wall will be placed along the west side of each pool/hot tub to provide additional noise attenuation.
  - A stipulation was added limiting the use of the pools/hot tubs. Stipulation No. 5 state "The new pools/hot tubs cannot be used between 10:00 pm – 7:00 am. A small sign shall be placed near the pool/hot tub identifying these hours of non-use."
- Fence Walls. The southern fence wall adjoining the new guest units and event lawn will be raised to eight feet tall. Also, the fence wall adjoining Quail Run Road will be eight feet tall.
- Limit use of the guest unit areas adjacent to Quail Run Road. The applicant reduced the size of western guest unit "yard" areas by 70 percent. This was done by placing the retention basin between guest units and Quail Run Road fence wall to create a passive area and moving the active pool area to the front or side of the guest units. The retention basins will be lined with river rock and landscaped to prevent guests from walking and congregating in these areas.

- Event Sound Management. The applicant will be installing an event sound management system on the event lawn in June of 2023 to address noise from the existing event lawns. The applicant also provided an updated Noise Study from MD Acoustics, dated March 17, 2023, which identifies how the new guest units will reduce/buffer the event lawn noise and identifies how the combined event lawn audio system and new guest units will reduce the noise impact to the neighbors. The report concludes that the noise levels from the special events with the proposed distributed audio system do not exceed the 45 decibels noise limit and therefore are compliant with the Town Code.

### **Ordinance Number 2023-01**

Ordinance 2023-01 addresses the rezoning of the five-acre parcel from R-43 Single Family Residential to Special Use Permit Resort. The ordinance has two conditions, in which the rezoning shall apply to the subject property and the applicant shall provide an executed Proposition 207 waiver form.

### **Ordinance Number 2023-02**

Ordinance 2023 lists the new and existing stipulations for the Andaz Resort. The new section regarding the proposed improvements is broken down into three categories: the project description/scope of work, definitions, and stipulations. The stipulations are summarized as follows:

- All the improvements must be in substantial compliance with the plans and documents.
- The new guest units shall not have lock-offs and cannot be sold as private residences.
- Noise:
  - The new guest units shall not have amplified outdoor music nor public announcement system.
  - The pools/hot tubs cannot be used between 10 pm – 7am.
  - The southern fence wall will be raised to a height of eight feet tall.
  - An exterior noise monitoring system must be placed around the perimeter fence walls adjoining the new guest units and event lawn. The noise monitoring system shall be installed and operational prior to the first Certificate of Occupancy for the first guest unit.
- Landscaping. Landscaping must be planted in accordance with the approved plans. The landscaping must be maintained and any dead vegetation must be replaced with the same or similar type of tree or plant.
- Construction. All required permits must be obtained and the applicant must provide the Town with a construction schedule. Phasing shall start with the infrastructure, then construction of the perimeter fence walls, and lastly the development of the guest units, service building, landscaping, and hardscape.
- A development agreement prohibiting the sale of the ten new guest units and adding a one-foot Vehicular Non-Access Easement along the western part of

the resort property must be executed prior to issuance of the first building permit.

A track change version (Attachment H) and a clean version (Attachment I) of the updated ordinance are enclosed for Council review.

### **Public Comment**

Staff received three emails of public comments on May 11<sup>th</sup>. These emails have been added to the Public Comment attachments (Attachments V, W, and X).

### **Next Steps**

This application is scheduled for public hearing and action during tonight's business meeting. The Town Council may:

1. Approve the request subject to the stipulations and plans noted in Ordinance 2023-01 and Ordinance 2023-02.
2. Deny the request.
3. Continue the request to a date certain for further review and action.

### **ATTACHMENT(S):**

- A. Staff Report
- B. Presentation
- C. Vicinity Map & Aerial Photo
- D. Response Letter & Updated Plans
- E. Narrative/Plans/Application (with updated plans incorporated into plan set)
- F. Resort History & Scope of Work
- G. Ordinance 2023-01
- H. Ordinance 2023-02 Track Changes
- I. Ordinance 2023-02 Clean
- J. Town of PV Andaz Noise Study 10.21.21
- K. Noise Impact Study 08.03.22
- L. Addendum to Noise Impact Study 12.05.22
- M. Updated Noise Study 03.17.23
- N. Statement of Direction (SOD)
- O. Comparison & Consideration Points
- P. Quail Run Rd ROW Pavement Pros & Cons
- Q. Applicant Response Letter to September 8th SOD Work Session
- R. Trip Generation Comparison
- S. Water System Analysis Report
- T. Sewer System Analysis Report
- U. Conceptual Drainage Design Memo
- V. Summary of Andaz Preliminary Meeting with Neighbors
- W. Public Comment
- X. Neighborhood/Citizen Review Summary Meeting Minutes
- Y. Notification Materials
- Z. Kimley Horn Turn Around Details
- AA. Prop 207 waiver