

**From:** [REDACTED]  
**To:** [Planning Commissioner Daran Wastchak](#)  
**Subject:** Smoketree Resort  
**Date:** Friday, February 15, 2019 11:41:06 AM  
**Attachments:** [image.png](#)

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February 12, 2019

City of Paradise Valley

Councilmember

6401 E. Lincoln Dr.

Paradise Valley, AZ 85253

Dear Paradise Valley Councilmember:

As a pervious home owner at Montelucia our Villa was built with quality and the style that match the location. The view was a wonderful addition that would cause all my visitors to want to live in Montelucia. Having a gated community connected to the Omni resort was a big draw for us.

The resort amenities are outstanding. We loved that we could walk to spa, dinner, breakfast or entertain friend just a few steps from our home. As the president of Debbie Gaby Charities, we have held our Bi-annually Celebrity Catwalk event at the Omni Resort and Spa at Montelucia for 11 years.

I believe the Revitalizing the Smoketree Resort will only enhance the location giving it a life, bring in more dollars into Paradise Valley. It will protect the home to west from commercial development that would lower housing prices for them. As a smaller boutique resort it will give those who do not like staying at large resorts a choice to still stay in Paradise Valley. I can only see how this redevelopment will greatly improve the location and make it appealing to the community. Hundreds of vehicles pass this location every day. I ask that you vote to allow the redevelopment of this property as it will enhance Paradise Valley.

Sincerely,

image.png



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**Debbie Gaby Charities**

[Redacted address line]

Phoenix, AZ 85016

[Redacted address line]

**Via Email and Mail**

Brian Dalke  
Interim Town Manager  
Town of Paradise Valley  
6401 E. Lincoln Dr.  
Paradise Valley, AZ 85253

Jeremy T. Knapp, AICP  
Community Development Director  
Town of Paradise Valley  
6401 E. Lincoln Dr.  
Paradise Valley, AZ 85253

Paul Michaud, AICP  
Senior Planner  
Town of Paradise Valley  
6401 E. Lincoln Dr.  
Paradise Valley, AZ 85253

Re: East Lincoln Drive South Development Area; Smoke Tree Resort – Effect on Adjacent Residential & Non-Residential Properties – Feb. 19 Commission Work Session

As you know, “SunChase” owns approximately 9 acres, zoned R-43, immediately west/southwest of the Smoke Tree Resort and within the East Lincoln Drive Development Area. A Context Map is provided to show the context for the SunChase properties. While SunChase has stated its agreement that redevelopment of the Smoke Tree Resort is appropriate, we also have previously submitted letters regarding concerns with respect to that redevelopment and its impact on the neighboring single family residential neighborhood (should it remain). In addition to those letters, we also have met on February 6 with Jeremy Knapp and on February 8 with Smoke Tree counsel Paul Gilbert and Cassandra Ayers.

Smoke Tree (approximately 5 acres) pre-existed the Town’s adoption of its Resort Guidelines which require at least 20 acres for a resort. Hence, it already is more dense than contemplated by the Guidelines. Its SUP Amendment proposes not only to increase the density of its use, but also to vary from height limits, lot coverage, setbacks, and other perimeter standards. Conventional practice is that a property owner seeking variations from guidelines provides comparable mitigating measures. With respect to Smoke Tree, it is adjacent to an existing SFR neighborhood and the General Plan and Zoning Ordinance require that its use have minimal impact on that residential neighborhood and that the SFR neighborhood be protected. It is unclear what mitigation Smoke Tree is proposing with respect to the adverse impact upon the neighboring residential neighborhood. Clarification of mitigation was not obtained in the February 8 meeting, and a follow up meeting between Smoke Tree and SunChase representatives has occurred, but there remain open items that Smoke Tree said it would address. At present, Smoke Tree does not appear to be proposing any mitigation comparable to its significant excursions from the Resort Guidelines.

In the meantime, SunChase has received Smoke Tree’s re-submittal dated February 12, 2019 (the “Resubmittal,” which sometimes will be referred to below). SunChase suggests that among the issues that ought to be considered, clarified, and confirmed (as to both the Town’s position and Smoke Tree’s position) are the following:

	<b>Issue</b>	<b>SunChase position/comment</b>	<b>Smoke Tree’s position</b>	<b>Town position</b>
<b>1</b>	<b>Quail Run Road</b>			
	a. Extension/connection from Lincoln to McDonald	If not to connect Lincoln/McDonald, then General Plan map should be amended to show discontinuous Quail Run.	Although not part of its SUP, Quail Run should not extend to McDonald – it should be used for local access only.	Current Council may or may not be open to not connecting Quail Run between Lincoln and

	Issue	SunChase position/comment	Smoke Tree's position	Town position
				McDonald, but will not consider GP Amendment for 12-18 mos.
	b. E. ½ street ROW dedication	<p>Smoke Tree should dedicate its 25' – permitting Smoke Tree to develop too close to the existing SFR negatively impacts setbacks &amp; development opportunities for that adjacent SFR property.</p> <p>Smoke Tree Resubmittal (p.6), rather than show 25' dedicated ROW, is only showing what Smoke Tree calls a "WBA" (Western Boundary Access easement). Various exhibits within the Resubmittal (<i>i.e.</i> pp 13, 19, 34) also are unclear or inconsistent with respect to showing 25' as ROW, but treating most of it as an easement still within their property line.</p>	<p>Site Plan appears to propose only an easement (or partial ROW and partial easement) and using it for part of its landscaping and parking.</p> <p>Site Plan also shows some site landscaping and the employee break area located in what should be dedicated 25' ROW.</p>	position is to require 25' ROW dedication – no site improvements in ROW, landscaping in ROW not counted toward buffer
	c. E. ½ street improvements (what, when, & by whom)	<p>Smoke Tree should improve the E ½ street ROW (full dedicated ROW, 11' pavement, 2' curb/gutter, 12' streetscaping).</p> <p>Resubmittal (p.13) only showing 11' asphalt, 2' curb/gutter as dedicated ROW and part labeled ROW, but treated as not moving the property line. Resubmittal (p.6) characterizes only the 11' &amp;</p>	?	Position is Smoke Tree to improve full street from Lincoln to south edge of Smoke Tree's south driveway – landscaping only on E ½ street from



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		2' components as ROW, while remainder treated as an easement within Smoke Tree property boundaries. Resubmittal (p.19) has a note #5 which seems to refer to an easement, but is not marked on the accompanying map to clarify whether it applies only to Lincoln, or if Smoke Tree wants it also to apply to Quail Run. Proposed Stipulations also do not clearly specify 25' dedicated ROW.		there to south boundary
	d. # of driveways to/from Smoke Tree	<p>There is justification for one driveway if Smoke Tree dedicates 25' ROW and improves Quail Run.</p> <p>In the Feb. 2019 CivTech report (its p.14) included with Resubmittal, consultant stated proposed south driveway not expect to be used much, so it was not even included in the report. Given the proximate location of the south driveway to the dumpsters, employee break area, and south parking garage entrance/exit, the consultant's assumption seems unwarranted. But if that is what is assumed, the south driveway should just be eliminated.</p>	Showing 2, but may or may not continue requesting south driveway	Awaiting update on traffic/parking to decide
	e. W. ½ street improvements (what, when, & by whom)	Smoke Tree should provide the improvements.	Plans to install curb & asphalt (but not landscaping) & seek cost recovery agreement if W. side develops within 10 years	see above on full street

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	f. Screen wall/buffer	<p>What will shield parked cars and car lights exiting Smoke Tree to get to Lincoln?</p> <p>What specifically will separate, buffer, and shield SFR from car noise &amp; visibility in Smoke Tree surface parking lot? What distances and what buffers?</p> <p>There should be a 6' wall shielding the SFR, as there is on its boundary with Andaz.</p>	Without detail, Smoke Tree has proposed that it will protect adjacent SFR with landscape design, including masonry wall, mounding, dense palate of trees, shrubs, plants, & groundcover. Specifics have not been provided, but Smoke Tree understands Planning Comm'n wants a wall.	Considering suggestion of 3'-4' wall (full length of road improvement) to screen parking and headlights.
	g. Connection thru Smoke Tree between Quail Run & Lincoln Med.	Potential cross-traffic affects the design of Quail Run. SunChase position is that there will be cut-through traffic adverse to Quail Run.	Connection with Lincoln Med. still being considered, but Lincoln Med. has not decided. Shared access is a separate matter and remains uncertain.	Currently not considering any connection
	h. Projected # trips on Quail Run (ADT, am Peak, pm Peak)	<p>Unaware of any traffic report considering cross-traffic from Smoke Tree &amp; Lincoln Med. --- increasing density/intensity of Resort will increase the trips in/out – if access to Resort via Lincoln is reduced in any way &amp; access points are provided to Quail Run, then there will be greatly increased use of Quail Run.</p> <p>Resubmittal CivTech traffic report does not address cut-through traffic issue. That report does not address any common entrance for Smoke Tree with</p>	?	Awaiting update on traffic/parking

	Issue	SunChase position/comment	Smoke Tree's position	Town position
		<p>Lincoln Med., although Smoke Tree has said it is still open to it.</p> <p>In the Feb. 2019 CivTech report (its p.16) included with Resubmittal, consultant did not include in Trip Generation summary anything for resort clubhouse or resort market amenities, although these are characterized as open to public and are positioned for public use.</p>		
	i. Any Andaz trips to/from Quail Run	There is currently an emergency connection to Andaz. Is Andaz going to continue to have any connection to Quail Run?	Smoke Tree says no Andaz connection.	Currently not considering any connection, except emergency connection
2	Setbacks			
		<p>Smoke Tree's submittals include cross-sections (Open Space Diagram) with view from east toward west. However, there is no cross-section to show the view from the SFR property line from west to east. No adequate perspective from either viewpoint.</p> <p>Resubmittal (p.31) Open Space/Site Sections is an example of ambiguity. Cannot tell what the 35'-5" dimension represents, nor the vertical dotted line on the</p>	<p>Smoke Tree proposing 0 setback where SUP Guidelines call for 50'</p> <p>Smoke Tree stated to SunChase that it is still undecided whether affording 25' dedication or only partial ROW with an easement for parking &amp; circulation, but that it would give SunChase a dimensional cross-section (however none provided as of this submission).</p>	Commission may consider setback impacts

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		<p>Section A view. The Section B view lacks dimensions.</p> <p>Resubmittal pp 13 &amp; 34 do not match. One (p.13) shows 100' to 1<sup>st</sup> building, but other (p.34) shows the 100' to a two-story element which is represented to be 25' east of the 1<sup>st</sup> building. Moreover, as shown elsewhere (pp. 13-15) there is a building in SWC near parking garage that is closer than the line representing the 1<sup>st</sup> building. These discrepancies also make suspect the Exterior Elevations (p.30) which do not appear to match up with the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> story elements as represented on the Site Plan (pp. 13-15). Building heights should be fully specified on all elements of the Site Plan (p.13).</p> <p>SunChase would appreciate preparation of an updated Site Plan with more details, including setbacks, landscaping, dimensions, horizontal elevations, and reflecting the comments to date by the Planning Commission. SunChase previously has requested a fully dimensional cross-section.</p>		
3	Building Height - western ~150' of Smoke Tree			
		Smoke Tree has revised Site Plan with more development toward	Smoke Tree Site Plan proposes removing mature	Height measured from

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		<p>SFR neighborhood – balconies were precluded for Andaz. Is proposed development too dense? It impacts economic viability of SFR property to west.</p> <p>Resubmittal (p.13) now shows multiple balconies facing the SFR. It also is impossible to tell the depth of the balconies, which impacts their use.</p> <p>There is a discrepancy with the Site Plan (p.14) showing only a 2-level structure in SWC, but Exterior Elevations (p.30) depicting a 3-story building there.</p>	oleanders that currently provide a high/dense barrier. Smoke Tree wants 3 stories to seek 4-star rating	original, natural grade – can achieve 3 stories within 36'
<b>4</b>	<b>Parking at Smoke Tree</b>			
	a. Parking required by Code	<p>Will people prioritize parking 1<sup>st</sup> in above ground parking before driving to back area for any underground garage?</p> <p>Smoke Tree currently has 32 units with 130 parking spaces. It proposes to increase units by a factor of 5, with accompanying increase in amenities and employees, but is only doubling its parking.</p> <p>The Feb. 2019 CivTech report (its p.16) included with Resubmittal, still says consultant is studying parking, and there remains no conclusion on the capture rate, so</p>	<p>May provide a valet plan if additional parking needed</p> <p>CivTech and Kimley-Horn both still studying traffic/parking.</p>	Awaiting update on traffic/parking

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		it remains impossible to determine adequate parking.		
	b. Parking provided by Smoke Tree	<p>Where is parking for loading/unloading? Where is parking for restaurant? Where is parking for market?</p> <p>Market/convenience store and restaurant loading location(s) likely not underground. The underground parking depiction (Resubmittal p. 16) does not show any dock.</p> <p>Having an external restaurant (standalone at front) open to the public is going to generate more parking demand than a restaurant within a main hotel structure. No consideration of that seems to have occurred. The now-closed restaurant in this location used to be a destination restaurant, well-attended by patrons who were not resort guests.</p>	Smoke Tree plans for the market and restaurant to be open to the public (not just guests). Town has provided draft Stipulations which address some hours of operation and related matters.	?
5	Back of House for deliveries, trash removal, maintenance equipment, etc.			
	a. Access	Current Site Plan now places all of this near SFR neighborhood on the west – will not be underground – location will invite more intense use of Quail Run. Smoke Tree's revised plan indicates back of house deliveries	?	?

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		<p>to occur in the underground parking garage, but does not show where these trucks will access the garage (from NEC Lincoln entrance or SWC Quail Run). As currently proposed, it seems probable that linen, food, etc. deliveries will tend to enter &amp; exit via Quail Run, and trash bins are located in that SWC area near the SFR. The Resubmittal (p.13) has slightly shifted the location, but still against the property line.</p> <p>Resubmittal (p.14) currently shows both access points for the underground parking garage as for ingress &amp; egress. Is Smoke Tree trying to reserve an option to make the Lincoln opening ingress only and the SWC opening egress only? The crowded nature of the area near the Lincoln entrance might suggest that. If so, there will definitely be increased burden on Quail Run. The traffic study does not address this possible pattern.</p>		
	b. Employee Break Area	<p>This is now shown in the SWC of the property, adjacent to the SFR neighborhood, &amp; in the ROW. Should be moved out of ROW. Screening and buffers should be provided or uses moved to east side.</p>	?	Cannot be in ROW

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		Resubmittal (p.13) has slightly shifted the break area out of the ROW, but still close to SFR. Should be moved East of dumpsters to be along south boundary, away from SFR.		
	c. Employee Parking	<p>Cannot tell where employees will park.</p> <p>The Feb. 2019 CivTech report (its p.5) included with Resubmittal, seems to unrealistically assume employee parking will be insignificant or non-existent. Smoke Tree is proposing a 4-star resort, with appropriate amenities, and 165 units. That will require significant staffing and there is no public parking near the site for employees to use.</p>	?	Awaiting update on traffic/parking
6	<b>Mitigation measures to be provided by Smoke Tree to minimize impact on neighboring SFR to the west</b>			
		<p>General Plan and Zoning Ordinance require minimal impact on adjacent properties, particularly to protect adjacent residential neighborhoods.</p> <p>Intensifying the use on Smoke Tree's property may have a negative impact on the neighboring properties (particularly with the heavy use</p>	Smoke Tree initially proposed would provide SunChase with written description of mitigation measures (along with addressing some other issues posed in this table), but followed up with statement that it did not have time to do so before next Work Session and invited meeting of principals to	Need to discuss with Smoke Tree



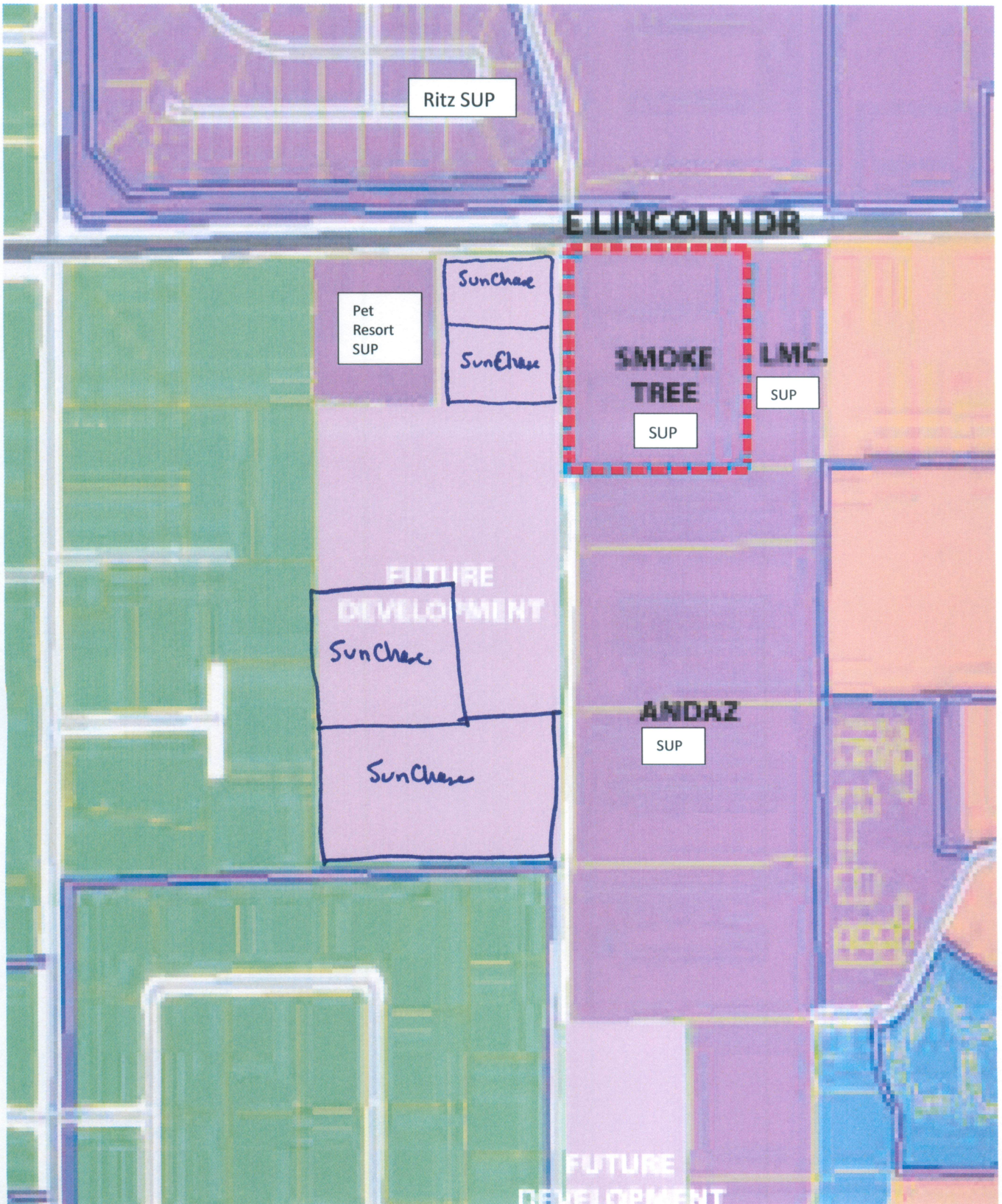
	Issue	SunChase position/comment	Smoke Tree's position	Town position
		being moved toward its west side). Does the required protection of the existing, adjacent SFR neighborhood require balance of approvals Smoke Tree seeks with mitigation it must provide in return?	discuss in advance of next Work Session. Representatives of SunChase and Smoke Tree met and Smoke Tree stated that it would be revising some exhibits.	
7	Impact of market & restaurant – will these be owned & operated by Smoke Tree or operated separately			
		<p>There will be noises with outside use. These will be open to public so there will be transient parking challenges. How much parking and where? Will these be operated by a 3<sup>rd</sup> party, rather than Smoke Tree?</p> <p>What is being done to consider the proximity of Smoke Tree's proposed market/convenience store and restaurant and what the hours of operation will be in the context of a SFR neighborhood a short distance away. The impact from Smoke Tree will be much greater than that of similar facilities in a large-sized resort.</p> <p>The proposed Stipulations contain some hours restrictions, but they are too late-night for the public components (market and restaurant), particularly for the outside area(s) near Quail Run. Outside uses should be curtailed</p>	Market and restaurant will be available to the public. Smoke Tree has not yet provided information on whether the market and restaurant will be managed by the resort (sensitive to hours, noise, etc. for resort guests) or by independent separate operations.	Believes market is available to public – need to discuss traffic, parking, noise, hours of operation, etc. with Smoke Tree

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		at earlier hours due to the proximity of the SFR.		
8	Smoke Tree conference center			
		<p>Will Smoke Tree's proposed Site Plan result in Quail Run being the easiest way in/out for transient attendees to conference center? Without more detail confirming the size, hours of operation, and the likely uses for the conference center, it is difficult to evaluate parking adequacy and what the noise/traffic impact will be to the SFR neighborhood.</p> <p>SunChase questions the 50% capture rate assumption in the current parking information. Local events (weddings, seminars) will have much less than 50% resort guests attending conf. ctr. activities and higher parking needs.</p>	?	?
9	Lighting			
	a. Parking Lot (pole heights, photometric shielding)	Publicly available plans are so small and difficult to read that cannot tell details from Site Plan – where located – heights – whether dark sky compliant.	Smoke Tree is aware of need to move light poles and has stated that it will show them relocated on exhibit.	Issue with location of poles from property line – move to east edge of parking islands
	b. Building (heights, photometric shielding)	Cannot tell details from Site Plan (see above)– where located – heights – whether dark sky compliant.	Smoke Tree is aware of requirements re style of fixtures	Downward directed shoe box style fixtures; dark sky compliant

	Issue	SunChase position/comment	Smoke Tree's position	Town position
10	SunChase Lincoln frontage & right in/right out/left in along			
		Precluded? Allowed? Or need to be requested?	?	Issue should be presented to Town Engineer



# CONTEXT MAP





Mayor Bien-Willner  
Paradise Valley Town Council  
Chairman Wastchak  
Paradise Valley Planning Commission

February 5, 2019

Re: The Smoketree Resort Amendment

As residents of The Town of Paradise Valley over 30 years, we have enjoyed the protection of its residential character, while benefitting from its proximity to many supporting amenities and services. Professionally, we have been involved in many zoning cases in-state and out, as well as in other countries, and we know the complexity of real estate development. We also value the input and judgment of our Town servants who devote time and energy to preserving a balance of uses within The Town.

We are in support of the revitalization of The Smoketree Resort. What a shame that it has basically been closed for more than a decade at one of our most important intersections. Now, as we finally see The Ritz Carleton Resort emerging from the ground, it is clear how powerful the Lincoln interface with Scottsdale Road will soon become, and how trapped this venerable old resort is. It lies between competing commercial properties (Ritz and Hyatt), on our busiest thoroughfare, and has been planned to fulfill future resort growth in our Town General Plan. This should be an easy decision.

We've read the opposing opinions and find them caught in the weeds of minutiae. Big Picture, people! Stick with the plan – protect, hedge, buffer our single-family homes, with services on the perimeter. We annexed this small resort to stave off Scottsdale growth and feed our Town coffers. So, now is the time to follow through in revitalizing it with an economically viable upgrade which will buffer Scottsdale's retail services. If it's done right, we'll also add new community amenities and a fresh tax stream to our budget. We support this action for many reasons, including:

- **The General Plan.** By direct reference to the "Development Area" in which this site is most prominent, the plan justifies Town revenue (Fiscal health) as criteria to balance against protecting residential property. The ONLY adjacent residential property is the at Western edge, which is also in the Development Area, and will no doubt see rezoning itself, as it also lies between commercial properties. Smoketree IS the buffer property The Plan had in mind to have "moderate *intensity*, mixed use, context appropriate" resort development. The context is the Scottsdale commercial core at Lincoln and Scottsdale Roads, including AJ's, restaurants, retail stores, and resorts at The Ritz, Hyatt, and Hilton hotels. Design should focus on shouldering the noise, light and traffic of that area, and absorbing impacts internally instead of turning public uses outwardly.
- **Guidelines.** Records show the original stipulations with annexation were use-oriented and minor. Around 40 years later, The Town adopted setback, coverage, and height measurements for new resorts based on a 20-acre model. These cannot possibly be applied to a pre-existing 5-acre mixed-use resort with any logical, or aesthetic result. It is meaningless math to torture equivalent open space out of such a small site. Applying proportions, style and function to achieve a charming

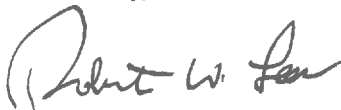
boutique result is more work, but could yield a much better result, attract guests and become a gathering place for residents. Relative to the adjacent commercial properties and most urban 5-acre hotels, the plan for 180 rooms with various heights and setbacks, under 3 stories IS “moderate intensity” and the frontage appears to be stepped down to one/two stories.

- **Traffic.** We don’t need the data to see what Lincoln is handling as it approaches Scottsdale Road, but it does confirm the need to safely plan and limit access to all the properties between Mockingbird and Scottsdale Road. AJ’s has by far the most action, and the new apartments/offices add intensity at the entry to The Town. Combining a few access points make sense, and the light at Quail Run Road will clog and control the entire corridor. Adding Hyatt trips to Lincoln makes no sense by any means, especially if/when the Western acreage in the Development Area brings in their proposal. Fortunately, the QRR light and The Ritz traffic will be a reality by then. This calls for the simplest, cooperative access, which The Town engineer has identified.
- **Residential Resort Use.** The Ritz, Mountain Shadows, Montelucia, and Camelback Inn all manage a few privately-owned units on site, which are design-integrated as hotel rooms. All these properties are hotels with restaurants and amenities, which The Smoketree Resort was originally. Returning it to the mixed-use destination it once was requires a step up to current economics and coverage to justify the recovery investment, which is all to The Town’s benefit. Planning in 20-25% of the rooms as flexible, privately held units is consistent with the zoning, the General Plan, and the competitive set of resorts already in operation.
- **Coverage.** The ratios of conditioned space and land area are irrelevant in this application. They are also not defined as approval criteria in the stipulations or the General Plan. What is defined is judgement. Solidly set on the Lincoln frontage opposing The Ritz, the buffering of Scottsdale properties is far more important than measuring a few percentage points. The Council is empowered to tighten or loosen guidelines, and this a unique application should not be smothered by low-yield standards. Let this one breathe and become what we need it to be.

The Town may have a concern about setting a precedent with this approval, but we see such unique qualities in the proximity to Scottsdale, its size, and the pre-existing uses, that we find it very rare. We don’t expect The Town to be annexing small resorts from the Scottsdale corridor soon or ever.

We are also aware of the applicant’s lengthy record of high-quality development, and local origins. It appears to be the type of committed organization we’d like to see invest in our community. We urge you to move on to special guideline approvals, and we look forward to reviewing the architecture depicted in the applicant’s package.

Sincerely,



Robert and Kay Lees  
[REDACTED] N. Martindale Road  
Paradise Valley, Arizona  
85253



6909 East Lincoln Drive  
Paradise Valley, AZ 85253

February 11, 2019

The Honorable Jerry Bein-Willner  
Mayor, Town of Paradise Valley  
Members, Town of Paradise Valley Town Council  
6401 East Lincoln Drive  
Paradise Valley, AZ 85253

**Re: Redevelopment of SmokeTree Resort by Geneva Holdings, LLC**

Dear Mayor and Council Members,

I would like to officially voice my support of Geneva Holdings' planned redevelopment of the SmokeTree Resort in accordance with the SUP Amendment Application, as submitted in September 2018. I believe Geneva Holdings to be very well-suited for the project and in accord with the spirit of Paradise Valley.

Revitalization of the property is of valuable to our community and will produce additional tax revenue for the Town. I respectfully submit that Council Members, Planning and Zoning, and Town Staff work expeditiously and free from undue influence, to grant the amended Special Use Permit.

Sincerely,

Clayton Coady  
Resident & Business Owner

**Margo and David Shein**  
**██████ East Pebble Ridge Road**  
**Paradise Valley, Arizona 85253**

February 1, 2018

Mayor Jerry Bien-Willner  
Paradise Valley Town Council  
6401 East Lincoln Drive  
Paradise Valley, Arizona 85253-4399

Re: Smoketree Resort / Proposed SUP Amendment

Dear Mayor and Town Council:

My wife and I have been Paradise Valley residents since 1997, and have raised three wonderful children in this safe and nurturing residential enclave. During this period, we have watched the Town's resorts develop and redevelop as the Town continues to refine its approach to resort zoning and permitting.

I am writing today to confirm my family's unqualified support for the proposed redevelopment of the Smoketree Resort. The property was originally developed during a different era in the Town's history and has been closed for many years. Given the property's excellent and highly visible location on Lincoln Drive (near Scottsdale Road), the property is an excellent candidate for redevelopment and revitalization. Given the property's size limitations, the site requires a smaller, more intimate, 'boutique' operation, as opposed to its larger neighbor – the Ritz Carlton - across the street.

After reviewing and considering the pending Major Amendment Application, I believe the proposed "local-centric" hospitality experience, with an appropriate mix of guest accommodations, event venues and restaurant options, will fit perfectly with the Town's character and fill a much needed niche in the Town's portfolio of resort offerings – all while respecting the property's character and important history. We all remember fondly the trademark fried chicken (with honey) served by the resort's main restaurant, the Other Place. Providing the Town's residents and tourists with an eye for 'smaller,' with a high quality and more "local" or "intimate" alternative, will complement the Town.

In the interest of full disclosure, I have a long standing professional and personal relationship with Sam Robinson and his son, Taylor. This relationship, however, strengthens my belief that the proposed redevelopment will be something the Town and its residents will be



proud to see developed. The Robinsons bring character, commitment and integrity to all of their endeavors.

I strongly encourage the Town Council approve the proposed Amendment, including a small number of integrated units for sale, so that Gentree LLC may bring this wonderful and historic property back on line, with current uses and amenities, and a corresponding (and incremental) tax revenue stream for the Town.

My sincere thanks for your consideration. If you have any follow-up questions, please let me know.

Very truly yours,

A handwritten signature in blue ink, appearing to be "D. E. Smith", written in a cursive style.



BURCH & CRACCHIOLO

EDWIN BULL  
DIRECT LINE: 602.234.9913  
DIRECT FAX: 602.343.7913  
[REDACTED]

February 4, 2019

**Via Email and Mail**

Brian Dalke  
Interim Town Manager  
Town of Paradise Valley  
6401 E. Lincoln Dr.  
Paradise Valley, AZ 85253

Jeremy T. Knapp, AICP  
Community Development Director  
Town of Paradise Valley  
6401 E. Lincoln Dr.  
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Paul Michaud, AICP  
Senior Planner  
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Re: East Lincoln Drive South Development Area; Smoke Tree Resort – Effect on Adjacent  
Residential & Non-Residential Properties – Feb. 5 Commission Work Session

Dear Messrs. Dalke, Knapp, and Michaud:

As you know, "SunChase" owns approximately 9 acres, zoned R-43, immediately west/southwest of the Smoke Tree Resort and within the East Lincoln Drive Development Area. We have previously submitted letters dated September 5 and September 24, 2018. SunChase has continuing concerns that we perceive have not been/are not being addressed. Jeremy and I have scheduled a 2/6/19 meeting to review concerns and possible solutions. I have scheduled a similar meeting on 2/8/19 with Paul Gilbert.

Thank you.

Very truly yours,

Ed Bull

cc Todd Tupper

## RABBI SHLOMY LEVERTOV

[REDACTED] N. Mockingbird Ln. | Paradise Valley, AZ 85253

February 5, 2019

**The Honorable Jerry Bien-Willner**

Mayor, Town of Paradise Valley

and **Members, Town of Paradise Valley Town Council**

6401 E. Lincoln Drive

Paradise Valley, AZ. 85253

RE : Smoketree Resort Redevelopment

Dear Mayor Bien-Willner and Council Members,

I would like to convey to you my support for the redevelopment of the Smoketree Resort.

I understand that the proposed project will include 150 rooms and 30 resort residential units, a restaurant and event space with underground parking.

A few years back my wife and I stayed at the resort and couldn't stop thinking about its potential. I have seen some drawings of the new Hotel and think it will be a beautiful addition and major improvement to what currently exists on the property.

I do understand concerns about the added traffic, building height and density, however I am sure that the professional staff, Planning Commission and Town Council will address these concerns with reasonable solutions to allow an approval of the project.

Thank you for your consideration.

Sincerely,



Rabbi Shlomy Levertov

**Margo and David Shein**  
**██████ East Pebble Ridge Road**  
**Paradise Valley, Arizona 85253**

February 1, 2018

Mayor Jerry Bien-Willner  
Paradise Valley Town Council  
6401 East Lincoln Drive  
Paradise Valley, Arizona 85253-4399

Re: Smoketree Resort / Proposed SUP Amendment

Dear Mayor and Town Council:

My wife and I have been Paradise Valley residents since 1997, and have raised three wonderful children in this safe and nurturing residential enclave. During this period, we have watched the Town's resorts develop and redevelop as the Town continues to refine its approach to resort zoning and permitting.

I am writing today to confirm my family's unqualified support for the proposed redevelopment of the Smoketree Resort. The property was originally developed during a different era in the Town's history and has been closed for many years. Given the property's excellent and highly visible location on Lincoln Drive (near Scottsdale Road), the property is an excellent candidate for redevelopment and revitalization. Given the property's size limitations, the site requires a smaller, more intimate, 'boutique' operation, as opposed to its larger neighbor – the Ritz Carlton - across the street.

After reviewing and considering the pending Major Amendment Application, I believe the proposed "local-centric" hospitality experience, with an appropriate mix of guest accommodations, event venues and restaurant options, will fit perfectly with the Town's character and fill a much needed niche in the Town's portfolio of resort offerings – all while respecting the property's character and important history. We all remember fondly the trademark fried chicken (with honey) served by the resort's main restaurant, the Other Place. Providing the Town's residents and tourists with an eye for 'smaller,' with a high quality and more "local" or "intimate" alternative, will complement the Town.

In the interest of full disclosure, I have a long standing professional and personal relationship with Sam Robinson and his son, Taylor. This relationship, however, strengthens my belief that the proposed redevelopment will be something the Town and its residents will be

proud to see developed. The Robinsons bring character, commitment and integrity to all of their endeavors.

I strongly encourage the Town Council approve the proposed Amendment, including a small number of integrated units for sale, so that Gentree LLC may bring this wonderful and historic property back on line, with current uses and amenities, and a corresponding (and incremental) tax revenue stream for the Town.

My sincere thanks for your consideration. If you have any follow-up questions, please let me know.

Very truly yours,

A handwritten signature in blue ink, appearing to be "D. E. Smith", written in a cursive style.

**From:** [Planning Commissioner Daran Wastchak](#)  
**To:** [Jeremy Knapp](#)  
**Subject:** FW: SmokeTee Resort update  
**Date:** Friday, February 1, 2019 4:08:27 PM  
**Attachments:** [SmokeTree Comps.pdf](#)

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Jeremy,

Have reviewed Scott's comments in the email below. I would like the Commission to discuss, and staff to address, his comments on parking in the garage. The balance of his comments I will discuss with Scott off-line and bring back to Commission if they need discussion by the body.

Please forward Scott's email to the Commission, and the applicant, so they can review prior to Tuesday's meeting.

Daran

=====  
Daran Wastchak  
Planning Commissioner  
[dwastchak@paradisevalleyaz.gov](mailto:dwastchak@paradisevalleyaz.gov)  
=====

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**From:** Scott O'Connor [REDACTED]  
**Sent:** Wednesday, January 30, 2019 3:44 PM  
**To:** [dwastchak@paradisevalleyaz.gov](mailto:dwastchak@paradisevalleyaz.gov)  
**Subject:** SmokeTee Resort update

Dear Daran,

As you know, I have been following the SmokeTree proposal with concern that its density aims are far in excess of what is appropriate for that site, or for any site in Paradise Valley.

***Floor Area Ratios***

They are requesting a Floor Area Ratio (FAR) far in excess of any Town precedents. The FAR is total enclosed building area (including floors above the ground floor) divided by the site land area. FAR is, essentially, the best benchmark for building mass density. It should be measured and presented for discussion on every project. If you recall, when Montelucia was under construction, there was a public uproar, as they did not know how dense the project was when approved. Yet, SmokeTree is asking for an FAR 75% higher than Montelucia's.

You are well aware that the Ritz Carlton project was controversial, and was subject to a citizen vote. Its FAR on the overall 99 acre site is 41%, while SmokeTree is asking for 50% more than that.

The densest parts of the Ritz Carlton are far from our major public thoroughfares and are buffered by lower density aspects of the project. SmokeTree, on the other hand, has no buffering, and

proposes an abrupt transition to 3 plus story building heights very close to the lot lines.

Take a look at the attached tables and graphic on SmokeTree versus other town resorts.

### ***Resort Guidelines***

Our Resort Development Guidelines prescribe minimum standards that all proposals should meet. The SmokeTree application states, with no justification provided, that those guidelines simply do not apply to them. That is a ridiculous statement.

The 3 most recent major resort projects actually all met those guidelines, or were very, very close. They all held lot coverage to 25%. SmokeTree goes to 34%, almost half again beyond the guideline.

The recent resorts all stayed within the room density guideline of one room per 4,000 sq ft of land area, except for Montelucia, which is 9% over. SmokeTree wants 308% of the guideline, PLUS a freestanding restaurant on the Lincoln frontage.

The Guidelines have, for decades, required a minimum lot size of 20 acres for new resorts. Such large sites, coupled with strict lot coverage and room density limits, ensure that there will be generous setbacks, lower neighborhood impact from building mass, and lots of open space. A resort on one of our nonconforming parcels, like SmokeTree, with less than 20 acres, requires the same governing philosophy of preserving a low density project to reduce its impact on surrounding properties, and preserving our Town character. Having less than 20 acres is not a free pass to the moon.

Where are the 100 foot setbacks to all of Smoketree's principal structures? Why do they make no effort to meet the slope triangle for upper floor building massing? Why do they think they can put their parking lots, driveways and required landscaping in the public right of way and count that toward their on site development requirements? The reason the Town sets right of way standards for its streets is to accommodate long term street widening options. Getting a "pretend" right of way, by letting the developer still use the dedicated land does not preserve the Town's options.

I have not studied the parking count for Smoketree, but I want to call two details to your attention. Hotel parking is very transient. You have out of town guests making several trips per day, using unfamiliar rental cars. You have Town residents visiting the restaurants or attending local conferences in their Escalades, Suburbans, full size luxury pickups and luxury coupes (the ones with two long doors). Providing them with only 9x18 foot parking spaces in a 90 degree plan with relatively narrow two-way aisles is a joke, especially underground, where structural columns take up part of the allegedly 9 foot spaces. Transient parking design by pros is what you see in shopping centers, which prefer 60 degree angled parking and one way aisles, with wider spaces. This may seem like a minor detail to you, but it is not if the Town cares about the visitor experience, and for Town residents' vehicle finishes. Why did SmokeTree provide all of its parking at 90 degrees and 9x18? Because this is the way to cram the most amount of parking spaces into the smallest area, without regard for ease of use. FYI, parking spaces at Town Hall are 10 feet wide; they are 9.5 ft at Mountain Shadows. That awful garage at Montelucia has 9 foot, 90 degree spaces, if you want to try it out.

The site plan is maximized in every conceivable way. This pushes garbage management to the lot lines, employee break areas to the lot lines (and into Quail Run), no room whatsoever for do-overs of these and similar details, etc.

### ***Resort Hotel vs Condo Project***

The Town made a mistake on the Ritz project, selling itself short on long term hotel bed tax revenue (the only reason we entertain resort land uses at all) by allowing much of the project to be “for sale” product. Both Montelucia and Mountain Shadows have “for sale” components, to the Town’s detriment. SmokeTree wants to have its entire third floor be “for sale.” When they say they will keep those units in the resort rental pool, but provide two segregated, reserved parking spaces per 3<sup>rd</sup> floor unit, and have 40% of the floor area of those units locked off for owner use, their actions do not match their words. If you let them build it with a design that walks and talks like a condo, they (or their successors) will be begging to use them as condos. Why approve a very predictable dilemma?

### ***General Plan Compliance***

This parcel is one of several that were labeled as a Development Area on the General Plan. The General Plan text says of this area, “Consideration of projects in the Development Areas should balance a need for the Town’s fiscal health against a ***steadfast commitment to the Town’s low-density residential character***. Development in these areas shall provide reasonable separation of incompatible land uses from adjacent residential areas.” (emphasis added). In another section, it says this area, in particular, should have “moderate intensity, mixed-use, and context appropriate resort development within the East Lincoln Drive Development Areas that includes reasonable separation between incompatible uses and adjacent residential areas and effective buffering of unwanted noise, light, traffic and other adverse impacts.”

“Moderate intensity” cannot plausibly be interpreted to permit by far the most density of any project in the entire Town. “Reasonable separation” and “effective buffering” cannot be achieved by waiving the Resort Development Guidelines.

### ***Traffic and Circulation Element***

SmokeTree not only encroaches into the proposed rights of way with its plan, it does nothing to resolve well known circulation problems in the East Lincoln Drive South Development Area. SmokeTree and the Lincoln Medical Plaza should have a cross access easement between them so they can share one functioning left run driveway, but their plan ignores this need. SmokeTree ignores the need for the property to its south to have reasonable Lincoln Drive access. Does Applewood end up with access to a left turn break in a future Lincoln median?

### ***Sunchase and Livi Properties***

Sunchase entities (Bill Pope) and members of the Livi family own most of the property between SmokeTree and Applewood, and south to the undeveloped lots between the two Quail Run cul de sacs. What is the Town’s position on this area? Is Quail Run to be a through street? These owners have been trying to sell their land to commercial interests, yet this land is NO in the boundary of the East Lincoln Drive South Development Area in the General Plan, the west boundary of which is the



western boundary of Andaz Resort. The Town should be careful to manage the expectations of these owners relative to what the General Plan allows and contemplates. It would be unwise for the Town to approve a version of SmokeTree that did not have a rational plan for the redevelopment needs of the Sunchase and Livi properties.

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I hope you will share these concerns with your colleagues and staff.

Sincerely,  
Scott H. O'Connor

[Redacted signature block]

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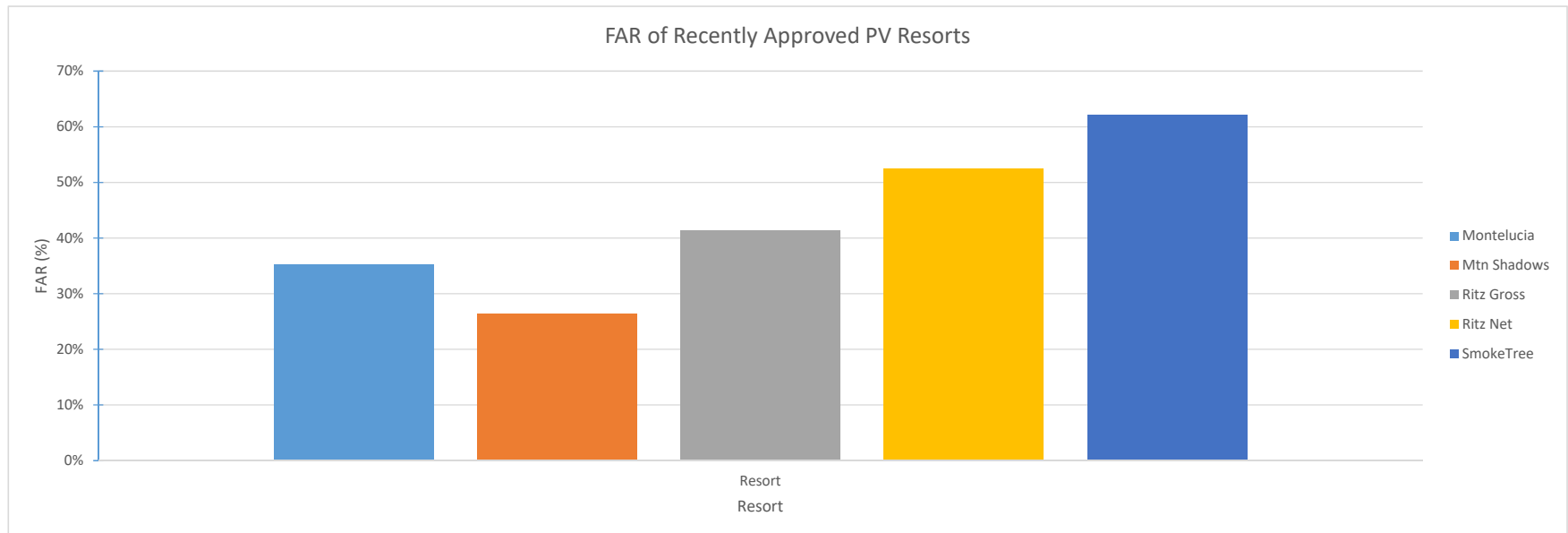
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### A Comparison of Selected Paradise Valley Resort Developments

	<i>PV Guidelines</i>		<i>Montelucia</i>		<i>Mountain Shadows</i>		<i>Ritz Carlton</i>		<i>Ritz Net of SF</i>		<i>SmokeTree</i>	
Land Area	871,200	20.0	1,215,961	27.9	916,502	21.0	4,312,440	99.0	1,938,420	44.50	233,630	5.4
Gross Building Area			427,650	100%	241,515	100%	1,781,225	100%	1,018,100	100%	145,000	
Condos			153,350	36%	76,635	32%	197,175	11%	197,175	19%		
Rooms			165,307	39%	155,165	64%	692,525	39%	692,525	68%		
Detached Homes							763,125	43%	-	0%		
Other			108,993	25%	9,715	4%	128,400	7%	128,400	13%		
Room Density @ Guideline	218	10.9	304		229		1,078		485		58	
Room Density Actual	218		331		183		458		347		180	
% of Guideline Achieved	100%		109%		80%		42%		72%		308%	
GBA Lot Coverage	25%		25%		7%		25%		25%		34%	
Total Coverage (w/patios)			31%		15%		26%		29%			
Floor Area Ratio (FAR)			35%		26%		41%		53%		62%	



**From:** [REDACTED]  
**To:** [Mayor Jerry Bien-Willner](#); [pdenbox@paradisevalleyaz.gov](mailto:pdenbox@paradisevalleyaz.gov); [Vice Mayor Scott Moore](#); [Council Member Julie Pace](#); [Council Member Mark Stanton](#); [Council Member Ellen Andeen](#); [Council Member Anna Thomasson](#); [Jeremy Knapp](#); [Planning Commissioner Daran Wastchak](#)  
**Subject:** Smoke Tree Resort Special Use Permit - Major Amendment Application  
**Date:** Thursday, January 24, 2019 10:04:09 PM

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Honorable Mayor and City Council,

We are sending you this correspondence to officially register our support for the Smoke Tree Resort in its application currently before you. Patty and I are residents of Paradise Valley. We love the unique beauty and the impressive support and camaraderie which our home city has achieved. This is not accomplished in a vacuum and we express our sincere appreciation for all that you and your support staff have contributed through leadership and dedication.

We have made it a professional and personal quest to enhance cities and communities in which we live and work. As such we are well aware of the requirements of time, experience, monetary capacity, and heart and soul necessary to accomplish complex, creative projects. We have reviewed the plans for the proposed Smoke Tree Resort and are convinced that it would offer Paradise Valley significant benefits.

The current use is languishing in its competitive position compared to other newer, well planned, well capitalize projects within Paradise Valley, Scottsdale and the surrounding communities. This key location for Paradise Valley presents the opportunity to capture our communities benefits and assets in order to enhance the experience of our citizens, visitors, and surrounding properties. The use is already established on the site. With commercial neighbors on three sides, and significant buffers on the fourth, the concept of enhancing that use is not disruptive to residential enjoyment. This development and management team is committed to quality work. We are very familiar with other project completed by these individual which have clearly made significant contributions to their communities. The combination of the hotel use along with the planned amenities, in that location can enhance the area for the city and for the neighbors.

This project represents an opportunity to improve the existing condition, and to accomplish it with quality, commitment, and a style that is clearly in harmony with the precepts you as leaders of Paradise Valley have worked so hard to establish. Patty and I are hopeful it can proceed and enhance the community which is our home.

Paul and Patty Barker  
[REDACTED] North 50th Street  
Paradise Valley, AZ

January 16, 2019

RE: The Smoketree Resort Amendment

Dear Paradise Valley Town Council Members:

My name is George Jackson and I have been a resident of Paradise Valley for twenty-six years. The last seventeen years at 7434 E. Cholla Lane, Paradise Valley, AZ 85253. I am writing to express my strong support for the proposed amendment that is in front of the Paradise Valley Town Council to rebuild and revitalize the Smoketree Resort. I have had the opportunity to review the plans for the proposed Smoketree and it is quite clear the new Smoketree Resort will be a beautiful, boutique resort that will be a source of pride for Paradise Valley residents.

The proposed new Smoketree Resort will clearly be a major improvement over the existing, very old and unsustainable Smoketree property and it fits perfectly with the objectives of the General Plan of the Town of Paradise Valley. This beautiful new resort will enhance this high profile area in the visually significant corridor on the very busy Lincoln Drive as people enter Paradise Valley.

The landscaped meandering sidewalk that is planned will provide an important pedestrian and community connection between Paradise Valley and the commercial properties located along the intersection of Scottsdale Rd. and Lincoln Dr. This pedestrian access along Lincoln Dr. will be very popular and will enhance the quality of life for Paradise Valley residents.

As a former Scottsdale School Board member, I also support reducing traffic near Kiva Elementary School by terminating the connection of Quail Run Rd. to MacDonald Dr. The proposed Smoketree plan will accomplish that with no impact on residential property.

Revitalizing the Smoketree Resort with added full-service rooms, a restaurant and meeting spaces will bring this under-utilized and high profile property into current competitive balance. It will be a thriving income producing property which will contribute to the long term fiscal health of the Town of Paradise Valley. It will turn an old decaying property into a beautiful, vibrant boutique resort that will be a source of pride for Paradise Valley.

Thank you for considering my point of view.

Kind Regards,

George Jackson  
[REDACTED] E. Cholla Lane  
Paradise Valley, AZ 85253  
[REDACTED]

## Peter M. Gooding

The Honorable Jerry Bien-Willner  
Mayor, Town of Paradise Valley  
Members, Town of Paradise Valley Town Council  
6401 East Lincoln Drive  
Paradise Valley, Arizona 85253

Re: Redevelopment of SmokeTree Resort by Geneva Holdings, LLC

Dear Mayor and Council Members,

My wife and I have been residents of Paradise Valley for over 14 years. In 2013 I served as a general member of the Mayor's Task Force on Public Safety. I love our town and want only what's in the long-term interest of its residents. I have no association with Geneva Holdings.

I support Geneva Holdings' planned redevelopment of the SmokeTree Resort to include 180 new guestrooms/residential units, a restaurant and bar/lounge, accessory uses, and indoor/outdoor event space. I am aware of Geneva Holdings reputation and prior accomplishments; they seem to be very well-suited for the project and aligned with the values of the Town of Paradise Valley.

I have read of concerns about project density, setbacks, ingress/egress, and the appearance of our town's East Entrance. I believe town staff, Planning Commission, and Town Council can positively address those concerns while approving the SmokeTree Resort redevelopment plan generally as submitted.

Moreover, I believe the planned project will generate a decades-long stream of sustainable tax revenue, a vital interest to our town.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Peter M. Gooding". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.



## LETTER OF SUPPORT

**To:** The Honorable Jerry Bien-Willner, Mayor  
Members of the Paradise Valley Town Council

**Re:** Redevelopment of the SmokeTree Resort by Geneva Holdings, LLC

Dear Mayor Bien-Willner and Council Members,

I would like to express my support for the redevelopment of the SmokeTree Resort by Geneva Holdings, which I understand will include 180 new guestrooms, a restaurant, and meeting facilities on the site of the former resort. I believe the property will be a sophisticated and attractive amenity that will visually enhance the eastern entrance to our community while generating significant new tax revenue for the Town of Paradise Valley.

Thank you very much for your consideration.

Sincerely,

By: Kay Morse Date: 1/22/19

Name: KAY MORSE

Address  
s [REDACTED] E Joshua Tree Ln, Paradise Valley, AZ 85253

**JOHN C. COTTON**  
[REDACTED]  
**PUERTO VALLARTA 48399**  
**JALISCO, UNITED MEXICAN STATES**

January 22, 2019

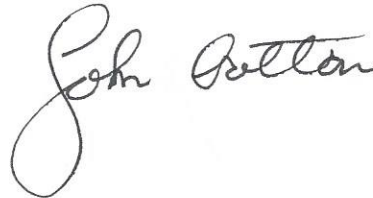
**To:** The Honorable Jerry Bien-Willner, Mayor  
Members of the Paradise Valley Town Council

**Re:** Redevelopment of the SmokeTree Resort by Geneva Holdings, LLC

Dear Mayor Bien-Willner and Council Members,

During my frequent visits to Arizona, when passing along Lincoln Drive in Paradise Valley, I have noticed the rather fallen-down, dilapidated condition of the SmokeTree Resort. It detracts from the otherwise favorable view that visitors have of your town. I understand that Geneva Holdings proposes to rehabilitate the property. What a great idea! I am sure the council is supportive of their project.

Sincerely,

A handwritten signature in black ink, reading "John Cotton". The signature is written in a cursive style with a large, looping initial "J".



*Community Development Director*

Town of Paradise Valley

Ph: 480-348-3522 Cell: 602-505-3992

[jknapp@paradisevalleyaz.gov](mailto:jknapp@paradisevalleyaz.gov)

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**From:** Gary Stougaard [REDACTED]  
**Sent:** Tuesday, December 18, 2018 11:48 PM  
**To:** George Burton  
**Cc:** David Sherf [REDACTED]  
**Subject:** Smoketree redevelopment concerns

George –

Dave Sherf indicated that you had not heard from me relative to my concerns about the proposed redevelopment of the Smoketree Resort.

I thought that I had made my concerns about the Smoketree redevelopment clear to staff and the Planning Commission when I appeared before them a few months ago.

Regardless, here they are:

1. **Density.** My understanding is that the developers are planning to build a total of 180 or more units on this 5 acre site. Density far in excess of anything in the area – or to my knowledge, in the Town of Paradise Valley. Four years ago, I had to beg and plead to get you to approve an additional 500 square feet – which request was ultimately denied.
2. **Building height.** Based upon the renderings and elevations I have seen, several of the buildings are as much as 45 feet tall. I believe that the Smoketree property is currently zoned for structures with a maximum of 30 feet in height. I note that the height maximum for all structures on my property was 24 feet – a standard to which I
3. **Setback requirements.** Exacerbating the proposed height of the structures are the proposed setbacks – particularly south and east sides. My understanding is that the proposed south side set backs are as little as 20 feet, far less than the requirements for my property with which I was required to comply.
4. **Use.** The proposed development includes a substantial lodging component which will directly compete with the Andaz Scottsdale Resort & Bungalows. The staff and Planning commission of the Town of Paradise Valley made it clear to me when I purchased my property in 2014 that it development would have to be consistent with the existing Zoning and other Development requirements. To allow a competitor entitlements for substantially more development immediately adjacent to my property is both inconsistent and unfair.

George, as proposed Smoketree redevelopment is an egregious overreach and inconsistent with the existing entitlements and development requirements for this property and the neighborhood. I am disappointed that the owners have been allowed to think they have a reasonable opportunity to build their proposed project and would welcome the opportunity to voice my concerns to staff, the planning commission or the Paradise Valley Town Council as appropriate.



Please do not hesitate to call me to discuss my concerns in greater detail.

Otherwise, I would appreciate being notified of any public meetings or hearings relative to this proposed development.

I can be reached any time at [REDACTED]

Best regards,

Gary Stougaard

**From:** [Jeremy Knapp](#)  
**To:** [Planning Commissioner Daran Wastchak](#); [Planning Commissioner Charles Covington](#); [Planning Commissioner James Anton](#); [Planning Commissioner Jonathan Wainwright](#); [Planning Commissioner Orme Lewis](#); [\[REDACTED\] Planning Commissioner Pamela Georgelos](#)  
**Bcc:** [Brian Dalke](#); [Dawn Marie Buckland](#)  
**Subject:** FW: Smoke Tree Resort redevelopment  
**Date:** Wednesday, December 19, 2018 1:49:00 PM

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Chair and Planning Commissioners,

Find below comments regarding the Smoke Tree Major SUP Amendment. I will also be sharing with the applicant. This information will be included in future agenda items under the Public Comment Attachment.

**Jeremy T. Knapp, AICP**

*Community Development Director*

Town of Paradise Valley  
Ph: 480-348-3522 Cell: 602-505-3992  
[jknapp@paradisevalleyaz.gov](mailto:jknapp@paradisevalleyaz.gov)

**From:** Scott O'Connor [REDACTED]  
**Date:** December 12, 2018 at 1:36:23 PM MST  
**To:** "[jbienwillner@paradisevalleyaz.gov](mailto:jbienwillner@paradisevalleyaz.gov)" <[jbienwillner@paradisevalleyaz.gov](mailto:jbienwillner@paradisevalleyaz.gov)>,  
"[pdembow@paradisevalleyaz.gov](mailto:pdembow@paradisevalleyaz.gov)" <[pdembow@paradisevalleyaz.gov](mailto:pdembow@paradisevalleyaz.gov)>,  
"[smoore@paradisevalleyaz.gov](mailto:smoore@paradisevalleyaz.gov)" <[smoore@paradisevalleyaz.gov](mailto:smoore@paradisevalleyaz.gov)>,  
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"[mstanton@paradisevalleyaz.gov](mailto:mstanton@paradisevalleyaz.gov)" <[mstanton@paradisevalleyaz.gov](mailto:mstanton@paradisevalleyaz.gov)>,  
"[eandeen@paradisevalleyaz.gov](mailto:eandeen@paradisevalleyaz.gov)" <[eandeen@paradisevalleyaz.gov](mailto:eandeen@paradisevalleyaz.gov)>,  
"[athomasson@paradisevalleyaz.gov](mailto:athomasson@paradisevalleyaz.gov)" <[athomasson@paradisevalleyaz.gov](mailto:athomasson@paradisevalleyaz.gov)>  
**Subject: Smoke Tree Resort redevelopment**

Dear Mayor and Council.

I have been astonished in recent months at how nonchalantly the Town is working on the Smoke Tree redevelopment, as if the nature of the proposal is not out of the ordinary.

The density and the floor area ratios proposed have no place in our town. Why would any development in Paradise Valley ever need to undertake underground parking except to accommodate excessive density above, and not to preserve the open space that would have been paved.

How is it possible there is even an application process for something so urban in its design? When I was on the Council, the sponsor would have been told to apply for a category that we had guidelines for, and nothing more.

We used to require a major resort to start with 20 acres, and have low overall floor area ratios, so the bigger elements could be set far away from neighboring properties, and the overall impact was compatible with surrounding one acre lot patterns. Redevelopment of grandfathered, nonconforming smaller properties required the overall density and neighborhood impact to remain small (e.g., Hermosa Inn, PCDS).

The things Smoke Tree's new ownership want belong in downtown Phoenix or downtown Scottsdale, not in Paradise Valley. If it is approved more or less as proposed, I would seriously consider a launching recall election against anyone who votes for it, because it would set a terrible precedent that the reasons we incorporated are no longer worthy of protection.

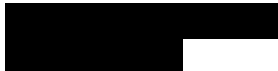
The General Plan, while labeling the East Lincoln South Development Area for resort/medical use must still respect other parts of the General Plan, including "balance a need for the Town's fiscal health against a steadfast commitment to protecting adjacent low-density residential character and quality of life." Frankly, from a municipal needs standpoint, the Smoke Tree site is better suited for an assisted living facility than more hotel rooms, condos, and restaurants.

For those of you who do not know me, I moved to what is now Paradise Valley in 1958 at age one. My parents worked on the incorporation of the Town, and my Dad served as chairman of the Planning Commission. Mom and Dad were instrumental in securing Bill Rehnquist as the Town's first attorney. Years later, late 80's and early 90's, I served on the Planning Commission and two terms on the Council.

For about 50 years, the presumed role of a Council member was to say "no" to non-residential zoning requests, unless it was part of an annexation of county islands. But, due to the bloat in Town overhead, revenue from new resorts and resort condo developments proved irresistible to pay for that bloat, and long established development standards were tossed.

It is time we hit the reset button and look to both our roots and our real needs. What Town residents are demanding the development format proposed for Smoke Tree? I am not aware of anyone asking for this sort of project besides its sponsors. Why is our overhead so much higher when our population has been stable for decades? We don't have substantially more development going on than we did historically. We just seem to throw more people and expenses at the process than we used to.

Sincerely,  
Scott H. O'Connor



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**From:** [Jordan Rose](#)  
**To:** [Paul Michaud](#); [Brian Dalke](#); [Jeremy Knapp](#)  
**Cc:** [Omar Abdallah](#); [Rebekah Pineda](#); [Jordan Rose](#)  
**Subject:** Public Comment re SmokeTree; Livi/Ruttle families  
**Date:** Tuesday, October 9, 2018 3:34:10 PM

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Dear Mr. Dalke, Knapp, and Michaud:

We represent the Ruttle and Livi families who live in the residential neighborhood immediately west of the SmokeTree Resort along North Quail Run Road.

Together, the Ruttle and Livi families own approximately 5.3 acres of property situated along Quail Run opposite to the SmokeTree Resort, and make up four of the seven homes that currently share this road to reach their homes every day.

Upon hearing of the proposed SmokeTree Resort redevelopment, the Ruttles and Livis are concerned that it could have a negative impact on their lifestyle. As they live in residential homes so near to the proposed redevelopment, our clients request that they be able to either maintain their residential lifestyle or have the Town of Paradise Valley indicate that they may rezone to a use more compatible with that kind of immediately impactful development. In response to the proposed redevelopment, we would like to offer some suggestions to mitigate the impacts on the residential neighborhood.

The Ruttle and Levi family's primary concerns arise around issues of noise, privacy and traffic that may result following the new, larger resort. In response, we would like to offer some suggestions to mitigate the impacts on the residential neighborhood.

#### The New Quail Run Road Streetscape - Noise and Privacy Concerns

As it currently stands, the SmokeTree Resort's entire western boundary along North Quail Run Road is lined by a continuous row of oleander and other shrubbery that is both dense and tall. It serves not only as pleasant landscaping, but also as a visual and sound barrier separating the residential homes on the west side of Quail Run, and the commercial resort on the east side. The continuous row of vegetation makes it so that someone driving on Quail Run could not tell there was a resort on the other side, and a resort guest could not see into the neighboring residential homes.

The proposed redevelopment proposes to remove this vegetation, replace it according to a new landscape plan, and to open up two new access points on Quail Run Road. While the plan does offer new trees and shrubs along the Quail Run border, the wall-like effect of the existing vegetation will be reduced, which brings concerns regarding increased noise and reduced privacy. According to the site plan provided, the redevelopment's "Resort Market" sits at the western side of the property with outdoor seating facing Quail Run, near the Livi family residence. Adjacent to the east is the "Resort Restaurant" and the "Resort Clubhouse." These uses, existing on the western half of the site plan, will draw excited guests to an area very close to Quail Run and the Livi family home.

Additionally, the Resort Residences are placed on the western side with balconies directly facing Quail Run, and potentially looking into, the Livi property. To mitigate these potential noise and privacy concerns, we hope that you will consider the following suggestions:

- Maximize the vegetation both placed along Quail Run and at certain points on the west half of the property so the residential neighbors have a landscape buffer that is enhanced from what currently exists. This landscape buffer should mitigate noise coming not only from the restaurant, market, and clubhouse entertainment, but also from guests that may linger in the new parking lot along Quail Run. Additionally, it should be assessed whether the proposed 36' trees are tall enough to block the resort's balcony views into the neighborhood. It appears that some balconies will have a view into the Livi properties as a result of gaps created by the two new access points. These gaps can likely be covered with additional trees placed in certain areas within the landscape plan. Alternatively, balconies on the residence units could be eliminated so that only hotel units, which are further into the property, have balconies. In any case, a carefully designed landscape plan that provides for vegetation that is dense and tall is important not only to beautify the street, but to maintain the Ruttle and Livi family's quiet and private lifestyle.
- Switch the Resort Market and Resort Restaurant buildings with the Resort Reception and Administration buildings that sit on the east side of the property. This way restaurant and market guests enjoy their time in an area further away from the neighborhood. Alternatively, the Resort Market's outdoor seating could be moved from the west side of the building to the east side so that it faces the interior of the resort rather than the neighborhood.

#### Parking Lot and New Access Points on Quail Run – Traffic Concerns

As discussed previously, the proposal provides for two new access points to the resort along North Quail Run Road. As the proposal's outdoor parking is focused on the west side along Quail Run, the new access points will surely result in increased traffic coming from resort guests, resort residents, restaurant and market guests, and a variety of service use trucks. To mitigate these concerns, we suggest the following:

- That the Town continues to encourage the cross access easement the applicant has proposed to the commercial properties to the east and south, so that use of the new access points can be reduced or eliminated entirely.
- If the new access points cannot be eliminated, require that service trucks must enter and exit only at Lincoln Road. The redevelopment narrative does not currently address where and how they will access the property. Quail Run is a narrow road used by a few families, and its use by large trucks will pose a challenge for them.

Thank you for considering the Ruttle and Livi families' concerns, and we are looking forward to being involved in this redevelopment proposal as it progresses forward. Jordan Rose and Omar Abdullah.

Jordan R. Rose

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September 24, 2018

**Via Email and Mail**

Brian Dalke	Jeremy T. Knapp, AICP	Paul Michaud, AICP
Interim Town Manager	Community Development Director	Senior Planner
Town of Paradise Valley	Town of Paradise Valley	Town of Paradise Valley
6401 E. Lincoln Dr.	6401 E. Lincoln Dr.	6401 E. Lincoln Dr.
Paradise Valley, AZ 85253	Paradise Valley, AZ 85253	Paradise Valley, AZ 85253

Re: East Lincoln Drive South Development Area; Smoke Tree Resort; Lincoln Medical Plaza  
Effect on Adjacent Residential & Non-Residential Properties – Street Issues

Dear Msrs. Dalke, Knapp, and Michaud:

As you know, “SunChase” owns approximately 9 acres, zoned R-43, immediately west/southwest of the Smoke Tree Resort and within the East Lincoln Drive Development Area. As stated on behalf of SunChase at the September 13 Work Session, (1) SunChase agrees that the redevelopment of Smoke Tree at an appropriate scale is a positive and (2) SunChase wants to be part of the discussion with respect to development in the Paradise Valley East Lincoln Drive South Development Area. In addition to the Mayor’s request during the September 13 Work Session that interested parties promptly provide to Staff suggestions for resolving some of the property owners’ concerns about traffic circulation and access issues, SunChase wants to reiterate the need for additional consideration of the currently proposed redevelopment impact and effects on the neighboring residential and non-residential properties.

Repeating some of what was pointed out in our letter of September 5, 2018, Smoke Tree is proposing redevelopment that exceeds the height, lot coverage, guest unit density, and perimeter standards of the Town’s SUP Guidelines on an approximately 5 acre site that is smaller than the Guidelines typically encourage. Smoke Tree currently has two access points (with full turning ability) to/from Lincoln Drive. Although Smoke Tree is trying to preserve those access points, plans proposed by Town Staff would eliminate left turns to/from Lincoln, rendering those existing entrances “right in, right out” only for eastbound traffic. Smoke Tree’s proposed Site Plan in conjunction with its requested SUP amendment calls for adding two access points on its west side to/from Quail Run Road. Smoke Tree currently has no access to/from Quail Run and Quail Run is currently a discontinuous half-street that does not connect Lincoln to McDonald.

With respect to the adjacent, residential neighborhood, Smoke Tree currently has a low intensity of use, no access to Quail Run Road, and is surrounded by oleanders as a visual barrier. What is proposed, though, will have a significant impact on the use, tranquility, and enjoyment of those neighboring residential properties. Smoke Tree’s proposed redevelopment includes increasing its existing room capacity by more than a factor of five, clearly increasing the vehicular movements in/out of the resort. Based on Smoke Tree’s Site Plan, with parking focused on the west side, there will be greatly increased traffic in/out via Quail Run Road. Installation of the proposed traffic signal at the Lincoln/Quail Run intersection, providing safe, full directional turning ability there, will naturally draw more traffic to the advantage of using Quail Run Road. Trash receptacles, refuse pickup, and back-of-house services and activities may also be focused on the west, thereby also inviting truck, service vehicle, and employee traffic to come to/from Smoke Tree via Quail Run Road. The removal of the oleanders and increased intensity of use will change both the visual and other impacts on the adjacent neighborhood.

Quail Run Road is merely a half-street on land dedicated by the adjacent existing residential properties. Smoke Tree has never dedicated its 25’ for Quail Run. Its current proposal is to use the half-street with two access points. While its SUP submittal represents that it is providing appropriate setbacks, it appears that Smoke Tree has landscaping where it should be providing its east-half road and parking where it should have a

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larger landscaped setback. Smoke Tree does not include dedicating its half of the street, improving it on both sides, including a wall for a visual and sound barrier, or anything of significance to mitigate the negative impact its more intense use will have on the adjacent residential neighborhood.

As was stated at the September 13 Work Session and is noted above, SunChase agrees that redevelopment of Smoke Tree at an appropriate scale is a positive. But as SunChase has also pointed out, that redevelopment imposes additional challenges to the already-challenged existing residential neighborhood on its west side. If the Town expects that neighborhood to be developed/redeveloped within its current R-43 zoning, then SunChase asks that the Town Council consider and decide what the Town can do and proposes to do to address or otherwise protect that existing residential neighborhood.

With respect to the related matter of resolving some of the concerns of the owners of residential and non-residential properties south of Lincoln about traffic circulation and access issues, in response to the Mayor's request for comments and suggestions, SunChase offers the following regarding right-of-way, street improvement, and access issues:

► **Lincoln Drive**

- A. Consider having an at-grade median on Lincoln Drive in lieu of a raised median on Lincoln. The at-grade median could be provided as scored/painted concrete or other contrasting material (similar to Central Avenue in Phoenix prior to Light Rail). An at-grade median may help the Town achieve both safety and flexibility in turning movements to/from Lincoln Drive for Smoke Tree and Lincoln Medical Plaza.
- B. In the context of providing guidance to the engineers designing improvements to Lincoln Drive, consider having the Town Council declare its priorities such as, for example: 1<sup>st</sup> - safety; 2<sup>nd</sup> - traffic movement on Lincoln; 3<sup>rd</sup> - access to and impacts on developing/re-developing non-residential and residential properties; 4<sup>th</sup> - traffic demand on Quail Run Road; and 5<sup>th</sup> - aesthetics.
- C. In the context of the Town Council declared priorities per above "B," continue to study and then decide where full directional turning movements may be allowed for Smoke Tree and the Lincoln Medical Plaza.
- D. Study and then decide to what extent the Town can narrow the future right-of-way ("ROW") of Lincoln Drive to less than 130' in this area by reducing the ROW and correspondingly providing sidewalk and landscape easements as needed to make the additional ROW requirement less impactful for existing residential and non-residential property owners to redevelop their properties.

► **Quail Run Road**

1. Consider determining and having the Town Council officially decide that Quail Run Road will not be connected as a continuous street between Lincoln Drive and McDonald Drive.
2. If "1" is approved by the Town Council, then consider processing and approving a corresponding General Plan Amendment so Quail Run Road ceases to be identified as a continuous/connecting future roadway within the General Plan.
3. Consider if Smoke Tree is to be allowed access to/from Lincoln Drive via Quail Run Road, the effects and consequences of such possible connection, and the corresponding requirements for such connection.



4. If Smoke Tree is going to have any access to/from Quail Run Road, then consider requiring Smoke Tree to dedicate its east-half ROW and construct its east-half street so Quail Run Road proximate to Lincoln Drive can accommodate both Smoke Tree's projected uses/traffic and traffic going to/from residential and non-residential properties to the west/southwest of Smoke Tree.
5. Consider whether Andaz should also be allowed to access Lincoln Drive via Quail Run Road, the effects and consequences of such possible connection, and the corresponding requirements for such connection.
6. If Smoke Tree and/or Andaz is permitted access to Lincoln Drive via Quail Run Road, then consider and decide what sort of improvements, screening, landscaping, and other buffers should be provided by Smoke Tree and/or Andaz on both sides of Quail Run Road to mitigate the effects upon the adjacent residential properties.

► **Refuse and Back-of-House Uses and Activities – Traffic and Buffering**

- i. If Smoke Tree is allowed access to/from Quail Run Road, then consider the locations and design of Smoke Tree's trash receptacles, refuse pickup, back-of-house deliveries, pick-ups, and services, and employee parking in the context of additional traffic to/from Quail Run Road.
- ii. If Smoke Tree is allowed access to/from Quail Run Road and if trash, back-of-house, and employee parking are provided near the western perimeter of Smoke Tree, then consider how those uses are to be designed, screened, and buffered to mitigate the traffic, visual, noise, odors, and other impacts of those uses and activities proximate to the residential and non-residential properties to the west/southwest of Smoke Tree.

Thank you for considering SunChase's comments and perspectives.

Very truly yours,

Ed Bull

cc Todd Tupper



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September 5, 2018

**Via Email and Mail**

Jeremy T. Knapp, AICP  
Community Development Director  
Town of Paradise Valley  
6401 E. Lincoln Dr.  
Paradise Valley, AZ 85253

Paul Michaud, AICP  
Senior Planner  
Town of Paradise Valley  
6401 E. Lincoln Dr.  
Paradise Valley, AZ 85253

Re: Paradise Valley East Lincoln Drive South Development Area Work Session – Sept. 13  
Major Special Use Permit Amendment (SUP-18-05) - Smoke Tree Resort  
Major Special Use Permit Amendment (SUP-18-06) - Lincoln Medical Plaza  
Effect on Adjacent Residential Properties

Dear Mr. Knapp and Mr. Michaud:

In response to the call and email to Todd Tupper from Jeremy Knapp advising of the September 13 Work Session, I am writing on behalf of SunChase Century, LLC and SunChase Holdings, Inc. (together “SunChase”). SunChase owns approximately 9 acres, all zoned R-43, within the residential neighborhood immediately west of the Smoke Tree Resort and within the East Lincoln Drive Development Area. SunChase is aware that redevelopment of the Smoke Tree Resort is proposed and in that regard Smoke Tree is seeking an amendment to its Special Use Permit (“SUP”). While SunChase agrees that redevelopment of the Smoke Tree Resort should occur, SunChase would also like consideration of the redevelopment’s impact and effects on the neighboring residential community.

Smoke Tree currently has two access points (with full turning ability) from Lincoln Drive. Although Smoke Tree is trying to preserve those access points, we understand that current plans proposed by Town Staff for improvements on Lincoln would eliminate left turns from Lincoln into Smoke Tree, rendering those existing entrances “right in, right out” only for eastbound traffic. Smoke Tree’s proposed Site Plan in conjunction with its requested SUP amendment calls for adding two access points on its west side from Quail Run Road. Smoke Tree currently has no access to/from Quail Run, has never dedicated its 25’ for Quail Run, the existing road is a 25’ half-street on land dedicated by the adjacent existing residential properties, and Quail Run is currently a discontinuous street that does not connect Lincoln to McDonald. Smoke Tree’s proposed redevelopment also includes substantially increasing its existing room capacity, clearly increasing the vehicular movements in/out of the resort and onto Quail Run Road.

As you know, Article XI of the Paradise Valley Zoning Ordinance addresses Special Uses. Section 1102 identifies as a purpose that “development will have minimal impact on adjacent properties.” That stated purpose is consistent with numerous goals/policies of the 2012 Paradise Valley General Plan. For instance, General Plan LU 2.1.1.7 states that: “The Town shall ensure that non-residential uses shall not affect the integrity and enjoyment of adjacent residential neighborhoods.” LU 2.1.2.2 states that: “The Town shall require proposals for revitalization and improvements of Special Use Permit properties include community impact assessments.” DA 2.2.1.3, DA 2.2.3.3, and CC&H 3.1.1.2 all identify a policy of minimizing impacts on adjacent residential areas and protecting established neighborhoods. M 4.1.2.1 and M 4.4.2.9 both identify a policy to condition approval of development and redevelopment on reducing traffic impacts on residential neighborhoods and providing adequate right-of-way for all users. In conjunction with the foregoing, there are the SUP Guidelines, which when reviewed along with Smoke Tree’s proposal discloses a property that is about ¼ the intended minimum size for a new resort with about ½ the intended minimum street frontage, but is proposing redevelopment exceeding the height, lot coverage, guest unit density, and perimeter standards of SUP Guidelines Section 4. While the Town’s Zoning Ordinance, General Plan and SUP Guidelines call for the





protection of an existing residential neighborhood, we also recognize that redevelopment within appropriate parameters is also a consideration. SunChase asks the Town to consider and determine whether and how the intensity that Smoke Tree proposes, especially with access to/from Quail Run Road, can work next door to SunChase's and other residential properties in the area. For more specific reference to the Zoning Ordinance, General Plan, and SUP Guidelines, please see the memo attached as Exhibit A. SunChase would like to know what the Town can do, and intends to do, to address or protect the adjacent neighborhood.

Of course, redevelopment of Smoke Tree is not the only activity proposed or underway in this area. There is also Lincoln Medical Plaza next to Smoke Tree, the Ritz Carlton Resort being developed on the north side of Lincoln Drive, the proposed improvement to Lincoln Drive itself, and a traffic signal at the Lincoln/Quail Run intersection. That activity raises a specter of negative impacts and unintended consequences on SunChase's property, particularly the parcel fronting on Lincoln, that would be exacerbated by the proposed addition of access points for Smoke Tree on the half-street that is Quail Run Road. In conjunction with the foregoing is the uncertainty about Quail Run Road. It currently extends south from Lincoln as a half-street for approximately 360 feet. Quail Run extends north from McDonald, also as a half-street, approximately 1300 feet. While the Town has received some dedications for the other half of the street, there remains a gap of approximately 930 feet disconnecting the two segments and limiting the development of adjacent land. When does the Town plan to take any action regarding the extension (or not) and the widening (or not) of Quail Run Road for Smoke Tree, and what action does the Town intend to take?

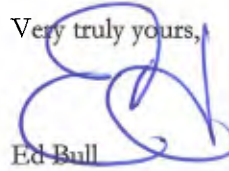
It's understood that Smoke Tree has resisted proposed changes to the existing access points and dedicating anything for streets as effectively shrinking the developable area of its property. In contrast, please see the diagrams attached as Exhibit B and Exhibit C and consider the impact on the neighboring residential property. Exhibit B depicts the current setback situation on the SunChase lot at the southwest corner of Lincoln and Quail Run. That lot is currently improved with a single-family home that is set back 52 feet from the existing Lincoln right-of-way. Exhibit C then depicts how the developable area of that lot is reduced by a number of potential additional setbacks that would impact any new construction. (1) The currently proposed Lincoln widening is an additional 32 feet (20 feet from the current residence). (2) Depending upon whether a new residence faced Lincoln or Quail Run, the front or side yard setback would be at least 40 feet from the widened Lincoln. (3) In either orientation, there is a recorded 50 feet setback required from Quail Run. (4) And in either orientation, there is another 40 feet setback from the rear and a 20 feet setback on the remaining side. (5) After the above points 1-4, the developable area that is left could be approximately  $\frac{1}{3}$  acre, for an R43 zoned lot. Now, consider the exacerbating effect that along with Smoke Tree's proposal to further burden the half-street Quail Run, but not to dedicate its 25 feet, and to improve its property within that non-dedication area, it proposes to add two access points there. So, again, SunChase would like to know what the Town can do and proposes to do to address or otherwise protect the existing residential neighborhood adjacent to Smoke Tree.

Unless solutions are found, currently what is being proposed for this area around the existing residential neighborhood southwest of the intersection of Lincoln and Quail Run negatively impacts what is supposed to be protected. Understanding that this Work Session suggests interest in a broader examination of this area, if the Town sees in the General Plan guidance for Smoke Tree's intensity, solutions for what to do with Quail Run, or some creative options not restricted to the R43 1-house/acre for the adjacent neighborhood that could ameliorate the impacts of the surrounding non-residential uses, then SunChase would be interested in participating in such a discussion. But if no creative solution is available to the challenges facing the existing residential property, then the Town should explain what can be done and what is going to be done to protect the residential neighborhood from the intensity of the proposed redevelopment of the nearby non-residential property.

*Town of Paradise Valley*  
*Letter re: East Lincoln Drive South Development Area*  
*September 5, 2018*  
*Page 3*

Thank you for considering SunChase's questions and perspectives.

Very truly yours,

A handwritten signature in blue ink, appearing to be "Ed Bull", written over the closing "Very truly yours,".

Ed Bull

Enclosures  
cc Todd Tupper



# EXHIBIT A

- **Article IX of the Paradise Valley Zoning Ordinance (effective 09-15-2017)**

**Section 1102 (Special Use Permits (SUPs))** – Section 1102 states that “[t]he intent of these provisions is . . . A. The implementation of the goals and policies of the General Plan. . . I. The incorporation of standards to ensure that the development will have minimal impact on adjacent properties.”

*How is allowing Smoke Tree to add two access points on the half-street for Quail Run Road, where Smoke Tree currently has none and has not provided its half street, minimally impacting the adjacent S-F properties that use narrow Quail Run Road for ingress/egress?*

**Section 1102.1 (Nature of Special Use Permit)** – Section 1102.1 states that managerial or minor amendments are not subject to referendum, but that: “The decision to grant, or to condition the grant of, a Special Use Permit or an intermediate or major amendment is, on contrast, a legislative act subject to review by referendum.”

**Section 1102.3 (Creating a Special Use Permit)** – Section 1102.3(C)(3)(c), states that “[a]fter the formal application is deemed complete,” “staff presents the application to the Town Council,” and “[t]he Town Council then issues a Statement of Direction.” But the Smoke Tree Statement of Direction presentation to the Town Council of May 24, 2018, states on the second powerpoint screen that “[m]any application submittal items are not fully complete, but do provide the nature of the proposed redevelopment.”

*Is Smoke Tree going to resubmit its application when complete so that surrounding property owners are able to participate throughout the review and hearing process based on a complete application?*

**Section 1102.7 (Types of Amendments to Special Use Permits)** – Section 1102.7(D) defines a “Major Amendment” as one that is not within the definitions for Managerial, Minor, or Intermediate Amendments, and anything increasing floor area by more than 40% is a Major Amendment.

*So Smoke Tree should be a Major Amendment.*

**Section 1102.8 (Application and Approval Process for Amendments to Special Use Permits)** – Section 1102.8(D) states that an applicant first completes a pre-application review, then makes a formal application pursuant to Section 1102.3, the following staff review there is “a Town Council preview for a Statement of Direction”, following which there is “standard Planning Commission review” with a “recommendation for approval or denial to the Town Council,” and then a public hearing before the Town Council to determine whether to grant the application.

*Smoke Tree made a presentation seeking a Statement of Direction on May 24, 2018.*

- **2012 Paradise Valley General Plan – Land Use and Development**

**Goal LU 2.1.1 Quality of Life.** To preserve those elements or features which contribute to the Town's quality of life and character as a premiere residential community and resort designation with strong rural and historic roots.

Policies

**LU 2.1.1.7 Conversion.** The Town shall consider the conversion of land from residential to non-residential uses only within Development Areas as designated on the Development Areas Map. (Figure 2.3). The Town shall ensure that non-residential uses shall not affect the integrity and enjoyment of adjacent residential neighborhoods.

*How would allowing Smoke Tree, pursuant to its proposed SUP Amendment, to increase its current room capacity by more than a factor of five (and three times the SUP Guidelines limit), increase its access to Quail Run Road, and to increase building height from single story 16'3" to three-story buildings at 44' in height (including some architectural elements at 48'), preserve the integrity and enjoyment of the adjacent residential neighborhoods to the West?*

**Goal LU 2.1.2 Special Use Permit Property Revitalization.** To encourage the continued revitalization and improvement of the Town's Special Use Permit properties while protecting the adjacent residential neighborhoods.

Policies

**LU 2.1.2.1 Encourage Revitalization.** The Town shall continue to encourage Special Use Permit property revitalization and improvement within their existing geographic boundaries as long as such improvement does not adversely affect the integrity and enjoyment of adjacent residential neighborhoods.

*How would allowing Smoke Tree to add two access points from the half-street Quail Run Road, where none currently exist, without dedicating the other half of the street and without providing significant landscape buffers preserve "the integrity and enjoyment of the adjacent residential neighborhoods" to the West?*

**LU 2.1.2.2 Require Impact Assessments.** The Town shall require that proposals for revitalization and improvement of Special Use Permit properties include community impact assessments that address beneficial as well as adverse project impacts, including but not limited to noise, traffic, parking, open space or mountain views, and light pollution.

*Has Smoke Tree provided the required community impact assessment addressing the beneficial and adverse impacts that might be anticipated with respect to the adjacent, existing residential development?*



**LU 2.1.2.3 Compatibility of Adjoining Uses.** The Town shall ensure that development within Special Use Permit properties is compatible with adjacent land uses, particularly residential uses, by requiring such features as:

- Increased building setbacks from rear or side yard property lines adjoining single-family residential uses;
- Building heights stepped back from sensitive adjoining uses to maintain appropriate transitions in scale and to protect privacy;
- Landscaped off-street parking areas, loading areas, and service areas screened from adjacent residential areas, to the degree feasible;
- Lighting shielded to minimize impacts on adjacent residential use and protect dark skies; and
- Operational restrictions to limit the adverse impact of noise, light, and traffic and minimize the risk of crime to adjacent residences.

*Pursuant to the proposed SUP Amendment, what is Smoke Tree doing to provide increased building setbacks, landscaped and screened off-street parking areas, shielded lighting, and restricted operations with respect to the adjoining residential development?*

**Goal LU 2.1.3 Community Form/Design.** To promote development in the Town that is in harmony with the natural and built environment at both the community and neighborhood levels.

#### Policies

**LU 2.1.3.1 Visual Openness.** The Town shall maximize the benefits of visual openness throughout the Town by specific limits on floor area ratio, setbacks, side yards, and building and wall heights.

*How does the plan accompanying the proposed Smoke Tree SUP Amendment satisfy the Visual Openness element when it substantially exceeds the Special Use Permit Guidelines on maximum floor area ratio and maximum building heights?*

#### 2012 General Plan – Development Area Policy

**Goal DA 2.2.1 Development Area Policy.** To support limited, targeted and context appropriate development and redevelopment within Development Areas through orderly and well-planned development that provides for the needs of existing and future residents, and makes efficient use of land and infrastructure.

#### Policies

**DA 2.2.1.2 Balanced Consideration.** Consideration of Development Area Special Use Permit applications should balance a need for the Town's fiscal health against a steadfast commitment to protecting adjacent low-density residential character and quality of life.

*How would permitting Smoke Tree, pursuant to its proposed SUP Amendment, to increase its density to five times its existing use (three times that permitted by the SUP Guidelines) and add two access points*

on the Quail Run Road half-street, where it currently has no access, serve to “protect the adjacent low-density residential character and quality of life” for the properties that dedicated and are currently the sole users of the existing half-street for Quail Run Road?

**DA 2.2.1.3 Minimize Neighborhood Incompatibility.** The Town shall require development or redevelopment within Development Areas to provide reasonable separation of incompatible land uses from adjacent residential areas through context- and scale appropriate land planning and architectural design, greater setback distances, noise mitigation, resort property programming, and landscape buffering.

*Smoke Tree currently has ingress/egress solely from Lincoln and no access via Quail Run. Smoke Tree’s proposed SUP Amendment does not include dedicating additional ROW on Lincoln nor providing its half-street dedication for Quail Run. Smoke Tree does, however, propose adding two points of entry on the existing Quail Run half-street. It also proposes increasing its density to five times its existing use (three times that permitted by the SUP Guidelines). How does that provide the “reasonable separation” and buffering for the existing adjacent residential areas consistent with Goal Policy DA 2.2.1.3? Pursuant to the proposed SUP Amendment, what sort of land planning and architectural design, greater setback distance, noise mitigation, resort property programming, and landscape buffering is Smoke Tree providing with respect to the adjacent residential area?*

**Goal DA 2.2.2 Community Spaces.** To conserve and enhance public open spaces, access to open spaces, open space connections, and encourage the incorporation of public art in Development Areas.

Policies

**DA 2.2.2.1 Open Space.** The Town shall seek to provide open spaces in Development Areas that encourage public gathering, enhanced aesthetics, and serve as buffers between uses of significantly differing function and intensity.

*How would permitting Smoke Tree, pursuant to its proposed SUP Amendment, to increase its density to three times that permitted by the SUP Guidelines serve as a buffer between the adjacent residential uses to the West and the commercial uses to the East?*

**Goal DA 2.2.3 Infrastructure and Development.** To direct orderly and well-planned development within Development Areas to support infrastructure improvements, and a concentration of development density and intensity.

Policies

**DA 2.2.3.1 Public Infrastructure.** The Town should promote the public and private construction of timely and financially sound public infrastructure within Development Area through the use of infrastructure and financing that is coordinated with development and funded by the developer whenever possible.

*How is Smoke Tree’s proposed plan satisfying the public infrastructure requirement when it does not intend to dedicate the additional 32’ recommended for Lincoln nor its 25’ half-street and improvements for Quail Run Road, while proposing to increase its density five-fold (and three times the SUP Guideline)*

*and to add two access points on the existing Quail Run Road half-street which is currently serving only the adjacent residential neighborhood?*

**DA 2.2.3.3 East Lincoln Drive Development Areas.** The Town should encourage moderate intensity, mixed-use, and context appropriate resort development within the East Lincoln Drive Development Areas that includes reasonable separation between incompatible uses and adjacent residential areas and effective buffering of unwanted noise, light, traffic and other adverse impacts.

*Smoke Tree currently has ingress solely from Lincoln – no access via Quail Run – but the plan submitted with the proposed SUP amendment, despite increasing the current room capacity by more than factor of five (and three times the SUP Guidelines limit), does not include dedicating additional ROW on Lincoln nor providing its half-street dedication for Quail Run, while adding two points of entry on the existing Quail Run half-street. How is the “reasonable separation” and “effective buffering” for the existing adjacent residential areas going to be provided pursuant to Goal Policy DA 2.2.3.3?*

2012 General Plan – Community Character & Housing

**Goal CC&H 3.1.1 Residential Character.** Preserve and protect the quality of residential character development within the Town while taking care to perpetuate the natural landscape, desert plants, and scenic beauty of the mountain areas of the Town.

Policies

**CC&H 3.1.1.2 Protect Established Neighborhoods.** The Town shall encourage new development and redevelopment, both private and public, to respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of the neighborhood.

*How does the proposed plan submitted with Smoke Tree SUP Amendment protect the established adjacent residential neighborhoods?*

2012 General Plan – Mobility

**Goal M 4.1.2 Neighborhood Traffic.** To enhance the quality of life within existing neighborhoods through the use of neighborhood traffic management techniques.

Policies

**M 4.1.2.1 Neighborhood Traffic Management.** The Town shall continue to design streets and approve development applications to reduce high-traffic flows and traffic speeds within residential neighborhoods wherever possible.

*How would allowing Smoke Tree to add two access points from the half-street Quail Run Road, where none currently exist, without dedicating the other half of the street, while increasing the intensity of use from the current 32 units to 180 units, avoid imposing higher traffic flows on the adjacent residential*

neighborhoods which dedicated and are currently the sole users of the existing half-street for Quail Run Road?

**Goal M 4.4.1 Roadway System.** To create a roadway system that will ensure the safe and efficient movement of people, goods, and services that supports livable communities and reduces air pollution and greenhouse gas emissions.

Policies

**M 4.4.1.3 Access onto Major Arterials.** The Town shall require design of new developments to avoid direct access onto major arterial roadways where possible.

*How would permitting Smoke Tree, which desires to increase its density five-fold and currently has ingress/egress solely from Lincoln (while keeping the present two curb cuts there), satisfy Goal Policy M 4.4.1.3 by adding two access points on the half-street for Quail Run Road without widening, improving, and matching it up for a signalized intersection?*

**Goal M 4.4.2 Roadway Design.** To provide high-quality roadway design that promotes the character and image of the Town, reduces negative environmental impacts, and minimizes negative impacts to neighborhoods.

Policies

**M 4.4.2.9 Rights-of-Way Extents.** The Town shall ensure that all new public roadway projects and major reconstruction projects provide appropriate and adequate rights-of-way for all users including bicyclists, pedestrians, and motorists except where pedestrians or bicyclists are discouraged.

*Given that the existing residential development to the West dedicated and is using the existing half-street for Quail Run Road, how does the proposed plan for the Smoke Tree SUP Amendment, which adds two access points on the half-street for Quail Run Road, without widening or improving it, provide adequate ROW for all users, as required by the General Plan?*

2012 General Plan – Environmental Planning & Water Resources

**Goal EP 6.1.3 Visual Resource Preservation.** Maintain and protect significant visual resources and aesthetics that define the Town of Paradise Valley.

Policies

**EP 6.1.3.3 Standards for SUP Development.** The Town shall require that Special Use Permit developments not create major adverse impacts on the town's natural and semi-urban landscapes.

*How does adding two access points for use by Smoke Tree on the half-street for Quail Run Road avoid adversely impacting the existing residential neighborhood to the West?*

● **Special Use Permit Guidelines (eff. 07-08-2017)**

**Section 4 —Resorts — Site Standards 1.a and 1.b**

- a. Except for properties that have existing special use permits for resort uses, the minimum size area shall be 20 acres which shall not be bisected by any public right-of-way.
- b. Except for properties that existing special use permits for resort uses, the site shall have primary access from and frontage of a least 300 feet on a Major or Minor Arterial as designated in the Paradise Valley General Plan.

*Given that Smoke Tree is about ¼ the intended minimum size for a resort and with about ½ the intended minimum street frontage, how does that become a justification for even further deviating from other guidelines such as on density, building height, setbacks, and depth of perimeter landscape buffers? What are the mitigating standards that are being exceeded to offset all of those negative deviations?*

**Section 4 —Resorts — Bulk and Density Standards 2.a**

- a. Maximum building height:
  - i. Principal Structures – 36 feet
  - ii. Accessory Structures – 24 feet
  - iii. Service structures – 18 feet
  - iv. Towers and other architectural features may exceed maximum building heights, subject to special use permit or major amendment approval.
  - v. To maintain view corridors around the perimeter of a property, building heights shall be limited around property lines in accordance with the Open Space Criteria per Section 3 of the Special Use Permit Guidelines.

*At present, the maximum building height of Smoke Tree is 16'3" to the top of parapet and all structures are one-story, but the proposed plan specifies a majority of three-story buildings at 44' in height (including some architectural elements at 48'). How is this consistent with the SUP Guidelines maximum of 36' in height for principal structures?*

**Section 4 —Resorts — Bulk and Density Standards 2.b**

- b. Lot coverage:
  - i. Total of all structures – 25%
  - ii. Total of all impervious surfaces including building footprints – 60%
  - iii. Open space, which shall consist of land and water areas retained for active or passive recreation purposes or essentially undeveloped areas retained for resource protection or preservation purposes, a minimum of 40%

*Given that Smoke Tree is proposing 34% lot coverage and a floor ratio area of 62%, how is the open space requirement going to be met?*

#### **Section 4 —Resorts – Bulk and Density Standards 2.c**

- c. Maximum density of guest units – 1 unit for each 4000 sq. feet of site area.

*How is the density requirement being satisfied by increasing the units on a 5.3 acre site from 32 to 180, which is three times what is permissible under the Guidelines? Are there other standards for which Smoke Tree is providing far more than the minimum to mitigate the proposed density deviation?*

#### **Section 4 —Resorts – Perimeter Standards 3.a**

- a. Minimum distance from exterior property lines where the adjacent use is residential:
  - i. Principal structures – 100 feet
  - ii. Accessory structure – 60 feet
  - iii. Service structure – 100 feet

#### **Section 4 —Resorts – Perimeter Standards 3.b**

- b. Minimum distance from exterior property lines where the adjacent use is other than residential or is adjacent to a public street:
  - i. Principal structures – 100 feet
  - ii. Accessory structure – 40 feet
  - iii. Service structure – 65 feet

*Based on the proposed plan's 90' distance without dedicating its 25' half-street, how are the minimum distances specified by the Guidelines being satisfied with respect to the residential properties on Quail Run Road?*

#### **Section 4 —Resorts – Perimeter Standards 3.c and 3.d**

- c. There shall be a 40 foot wide landscaped area adjacent to an exterior property line where it abuts residentially zoned property.
- d. There shall be a minimum 30 foot wide landscaped area where an exterior property line abuts a public or private local collector street and a 50 foot wide landscaped area where an exterior property line abuts a Major or Minor Arterial.

*Since the proposed Smoke Tree plan only calls for 25' landscaping adjacent to the existing residential neighborhood, including along Quail Run Road, without dedicating its 25' half-street, how are the 30' and 40' minimum distance landscaped areas specified by the Guidelines being satisfied?*

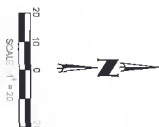
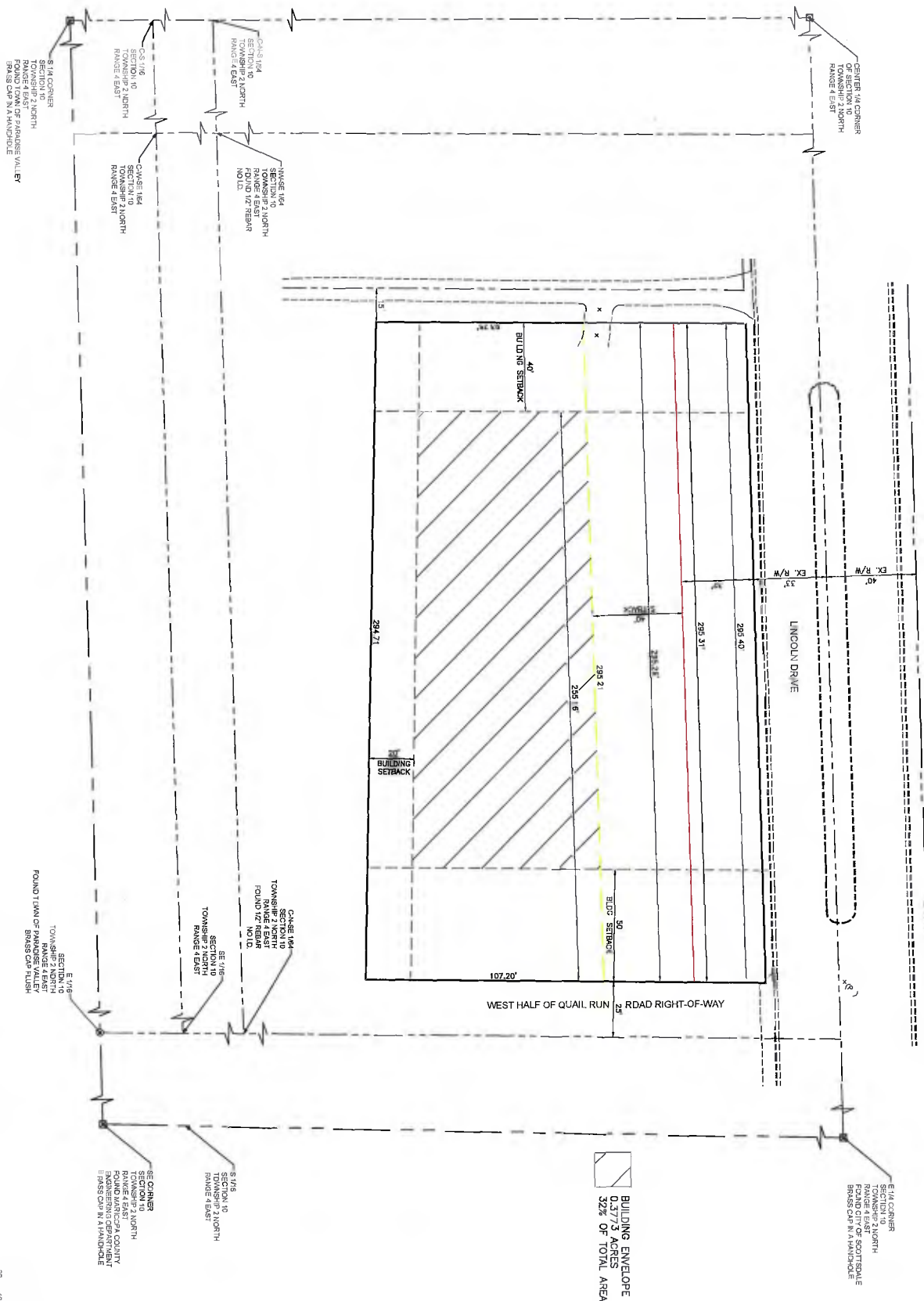
# EXHIBIT B





4550 North 12th Street  
Phoenix, Arizona 85014  
602-264-6831  
www.cvlci.com

# EXHIBIT C



BUILDING ENVELOPE  
0.3773 ACRES  
32% OF TOTAL AREA

# SUNCHASE QUAIL RUN EXHIBIT C