



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Draft

### Planning Commission

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Tuesday, March 5, 2019

6:00 PM

Council Chambers

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#### 1. CALL TO ORDER

Chairman Wastchak called the meeting to order at 6:05 p.m.

#### STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller  
Community Development Director Jeremy Knapp  
Senior Planner Paul Michaud  
Planner George Burton  
Town Engineer Paul Mood

#### 2. ROLL CALL

**Commissioner Campbell attended by phone.**

**Present** 7 - Commissioner Daran Wastchak  
Commissioner James Anton  
Commissioner Thomas G. Campbell  
Commissioner Charles Covington  
Commissioner Pamela Georgelos  
Commissioner Orme Lewis  
Commissioner Jonathan Wainwright

#### 3. EXECUTIVE SESSION

None

#### 5. PUBLIC HEARINGS

**A. 19-090 Major Special Use Permit Amendment (SUP-18-05)  
7101 E Lincoln Drive - Smoke Tree Resort Public Hearing**

Indexes: Smoketree Resort

Chairman Wastchak introduced the project.

Jeremy Knapp, Community Development Director, reviewed the project and staff recommendations. The property is 5.3 acres in size and located at the intersection of Lincoln Drive and Quail Run Road. The property

referred to as the Five Star Development/Ritz Carlton Resort is located to the north. Single family residential is located to the west, the Andaz Resort is to the south and Lincoln Medical Plaza is located to the east. The site has been in operation since 1953 and has 32 rooms; 23 of which are in service. The restaurant is not in use. The property is designated SUP-Resort in the general plan, located in the Lincoln Drive South Development Area and zoned SUP-Resort. The applicable General Plan policies include Goal LU 2.1.2, Special Use Permit Property Revitalization and there are several policies of Goal DA 2.2.1 Development Area Policy.

The applicant is requesting 120 traditional hotel guest room keys, 30 resort residential units with 15 of these containing a lock-off feature to be available for rent through the resort. There is a proposed restaurant and bar/lounge. He provided a list of accessory uses. He provided an overview of the site plan and called out the location of each proposed use. He showed the underground parking structure and indicated where the exits/entrances are located. North side of the parking structure contains storage. He then read through the Statement of Direction (SOD) regarding use and density of the project. He noted a requirement for furniture fixtures and equipment (FF&E) consistency with hotel and lock-off features. Density reductions should be considered on the west and south sides of the site. In total, 165 units are proposed with a density of 31 units per gross acre. The stipulations and development agreement address FF&E requirements. The total square footage of the project is 145,000 square feet with a coverage of 34% and floor area ratio (FAR) of 62%. Minimum height is recommended on the west side of the site closest to the existing residential properties and then transitioning to increased heights on the east side of the site adjacent to Lincoln Plaza Medical Center. All heights shall be taken from existing finished grade and there must be a compelling reason to allow heights above 36 feet for mechanical screening. The proposed height is 36 feet to the top of the third story with mechanical screening and some architectural elements going above this point.

He provided a section view demonstrating building height. The applicant has updated the site plan to remove the third story on the south side of the property. The overall height was reduced from 44 feet to 42 feet. The width of the existing right-of-way shows 35 feet, but this is a typo, it is really 25 feet. He presented a graphic showing the viewshed from the Andaz resort. This has some penetration into the viewshed on the south side. The third story was removed at this location and they comply with the front open space requirements.

Mr. Knapp stated that they are proposing a 25-foot setback along Quail Run Road. The setback exhibit will be updated to conform to the site plan. The project will contain a 100-foot setback from the adjacent residential

which complies with the SOD. The SOD asked that the Planning Commission address impacts to residential along the western side of the development and balconies for the hotel guest room keys and resort residential units. The Commission shall also study impact from noise, light, traffic and other adverse impacts to residential units.

He indicated that patios and balconies will be removed from the west property line and will not be seen from the Andaz units. He reviewed stipulations regarding the patio walls. Parking lights need to be adjusted and relocated 15 feet from the property line. Trash collection is located on the southwest portion of the site. Deliveries cannot come from off Quail Run Road. There is a three-foot screen wall along the western property line. Rooftop mechanical equipment will be screened and not cover more than 35% of the roof footprint.

He provided the SOD direction for site landscaping. The Visually Significant Corridors Plan has now been adopted by the Town Council. A stipulation has been included requiring landscaping to be replaced should it die. There are two points of pedestrian access along the frontage and landscaping improvements are included along Quail Run Road and Lincoln Drive. The water impact study shows that the request meets fire flows and improvements are necessary to tie Lincoln Road into Quail Run Road. The drainage report indicates that they are providing pre versus post retention per direction of the Town Engineer. Underground storage tanks will be used and additional information will be required. He then explained the SOD direction for traffic and parking. The General Plan identifies 25 feet of right-of-way on Quail Run Road and 65 feet on Lincoln Drive. The applicant would like to pursue a similar option that was recommended for Lincoln Plaza Medical Center.

The applicant is requesting to use the right-of-way for landscaping buffers and parking which will impact FAR. Full dedication of both Lincoln Drive and Quail Run Road is approximately 25% of the site. He presented a cross section of Quail Run Road and explained proposed improvements. The right-of-way on Lincoln Drive is proposed with 49 feet of dedication and 16 feet of roadway easement. Parking is 9' by 18' with two feet of overhang. He described the parking requirements for each proposed use. The applicant is proposing 1.05 spaces per hotel room. This is not supported by the third-party analysis which recommends 1.2 spaces per hotel room. If additional parking is necessary, the underground parking garage will be expanded. The resident portion of the garage has controlled access and two spaces are provided per unit. They have not yet received a valet parking plan. Eight signs are proposed for the site with informational signage on the trash enclosure. He gave the dimensions and location of each of the sign types.

Mr. Knapp noted that 15 chimneys are being proposed which will extend above the building height. There will be eight tower/architectural elements that will extend above building height which include elevator overruns and stairwells. The east and west elevation will need to have the screening height changed from eight feet to six feet. He presented renderings showing views into the project.

Chairman Wastchak asked if there are any questions at this point in the presentation.

Commissioner Campbell asked at what stage will they decide if more parking will be required.

Chairman Wastchak added to his question and clarified that parking capacity could be increased by 15% with valet. If they remove land for future road widening, this could reduce parking for the project. He asked how do they know if the dual use of the lawn area will create a problem.

Mr. Knapp responded the expansion of the parking garage is somewhat tied to the traffic impact analysis. The Town staff has reviewed this document and provided comments. The applicant has not yet responded to these comments. Staff would need to see responses to these comments and see issues addressed prior to going to the Town Council. The Town could require a valet plan to accommodate the addition of tents on the lawn area.

Andrew Miller, Town Attorney, stated that they could address the valet plan in the development agreement should the parking along Lincoln Drive be removed.

Chairman Wastchak asked if they could handle this through the stipulations.

Mr. Knapp noted that they could put that in the stipulations, but they probably do not have enough information tonight. They could base valet requirements off the parking study, if in fact it calls for valet parking with the use of two tents on the lawn area.

Chairman Wastchak asked if the updates will occur prior to the project going to the Council.

Mr. Knapp responded that they will.

Chairman Wastchak asked about the water connection in Lincoln Drive.

Paul Mood, Town Engineer, stated that staff is considering if a new 12" line needs to be brought in off Lincoln Drive onto Quail Run Road which the applicant could tap into.

Commissioner Wainwright indicated that the applicant is proposing 14% or 18 spaces less than required in code.

Mr. Mood stated that they are waiting for the applicant to respond to the third-party comments.

Commissioner Covington asked if the parking structure would be increased if more spaces were needed.

Mr. Mood confirmed that if the surface spaces were maxed out then the parking structure would be expanded. This would be decided before the Town Council takes action.

Chairman Wastchak stated that they have not spent a lot of time talking about landscaping on the south side of the site and indicated that he wants to know more about the proposed trees on the Andaz side.

Commissioner Lewis responded that he does not want Eucalyptus trees. Oleanders can provide density. These could work. Aesthetically they could find a tree that does not work as well but looks better.

Mr. Knapp stated that they could stipulate additional landscaping then what is on the landscape plan be planted by the applicant. Additional landscaping would be compliant if the minimum requirements are met.

Mr. Miller stated that he can draft a stipulation to address this point.

Commissioner Anton asked if the building can go up to 36 feet, mechanical screening with 35% of the roof footprint extend to 42 feet, chimneys allowed up to 45 feet if located within the mechanical screening area and elevators up to 42 feet.

Mr. Knapp replied that this is correct.

Commissioner Anton asked if they know what is included in the architectural elements.

Mr. Knapp clarified that these are the towers which include elevator overruns, stairwells and articulation. There will be eight towers. The heights are included in the stipulations and they can add the numbers as well.

Chairman Wastchak suggested that he just cover the stipulations that have changed.

Mr. Knapp summarized each of the changes as follows:

- More details are provided in the definition of branded residences regarding FF&E and modification if removed from the rental pool.
- Changes to the minimum hotel improvements regarding restaurants and room service.

Mr. Miller recommended that they include lunch and breakfast.

Commissioner Lewis asked if the café could serve three meals at the same time as the major facility.

Mr. Knapp responded that they can.

- Item D is a new item for hotel improvements, requiring at least one fitness area to accommodate professional grade exercise equipment and/or areas to provide spa services.
- Language from the branded residential was incorporated into the resort residential requiring the same FF&E as the hotel keys.
- The hours of operation section has an addition referring to the Town Code as amended from time to time. This language will be added to the section on patios.
- A new stipulation restricts patios from the west side of the property as long as the adjacent properties are zoned residential. If they are zoned SUP in the future, patios may be added through a managerial amendment to the SUP.
- Outdoor patios on the south side of the site shall meet the following criteria:
  - Perimeter fence with a minimum height as prescribed in the building code
  - Occupancy shall be restricted to the designated patio area and occupancy shall be restricted from spaces outside of the patio areas.
  - A viewshed study shall be completed taken from 10 feet of the northern most Andaz hotel key and 5'8" above grade. It shall show a line of sight towards the Smoke Tree property.
  - If the study shows that occupants of the third story patios can be seen from the Andaz hotel key, then the patio perimeter wall shall be constructed of a solid material to screen the patio.

Chairman Wastchak commented that they need to increase the height of the wall for proper screening.

Mr. Knapp suggested added language to include height of the screening.

Commissioner Campbell suggested that they include adequate height and patio occupants into the stipulation. They are trying to block the patio occupants and not just the patio.

Commissioner Wainwright stated that they don't want the wall to be overly high.

Chairman Wastchak mentioned that they could pull the wall back further onto the roof line to keep the occupants out of the sight line.

- Patios shall comply with allowable noise levels as defined in the code as amended from time to time.
- Additional landscaping shall be added to the southern property line above and beyond that shown in the approved landscape plan, to create a full visual barrier between the subject property and adjoining property to the south. There should be a time period to allow the vegetation to mature.
- New stipulation to remove sign nine shown on the sign plan. Any future signs are subject to the minor SUP process.

Mr. Knapp stated that there is a new section five for requirements for information to be submitted prior to Council.

Commissioner Anton shared his concern that there is no minimum square footage for the fitness center and suggested 400 square feet.

Commissioner Campbell stated that he does not feel qualified to sign off on a square footage.

Commissioner Anton responded that most have 400-500 square feet.

Commissioner Campbell stated that he is in support of a 400 square foot minimum.

Commissioner Georgelos stated that the site plan shows the spa is approximately 2,500 square feet and she does not want to create a disconnect with the stipulations. She is okay with a minimum square footage and then they can exceed it.

Mr. Knapp suggested language to break the two uses apart to include a

minimum of 2,500 square feet for the spa and 400 square feet for the fitness center.

Commissioner Georgelos suggested that they go back to the original plan.

Mr. Miller stated that on page 27 under temporary uses, he will add that if two temporary structures are utilized, under the Town Manager's discretion, valet plan shall be utilized to avoid a shortage of parking spaces.

Chairman Wastchak opened the public hearing.

Edward Bole commented that he represents Sun Chase which owns nine acres west of the subject property. He is not in opposition. They have been working with representatives with the Town and Smoke Tree. They submitted their concerns and some of these have been resolved. They are still meeting and talking about these issues. The stipulations have addressed many of the questions.

Edward Sanford, Scottsdale resident, commented that the outside events at Andaz ruins his Friday and Saturday nights. They run multiple events per night. He suggested that they place a stipulation to control noise decibel.

Mr. Knapp clarified that the stipulations refer to the Town Code regarding noise levels. After 10:00 p.m. the maximum decibel level is 56. If there are issues, residents may call the police department and staff can follow up with the resort the following day.

Warren Bryant, Paradise Valley resident, mentioned that he is concerned with buffering shown in the plan regarding noise. No buffering is provided on the residential side. They hear the noise during the evening events at Andaz Resort.

Commissioner Anton noted that there are residences that will be on-site, so they will not be happy if there is noise.

Cassandra Aires stated that she was asked to convey by Taylor Robinson his appreciation for the Planning Commissions hard work. She indicated that they have been working on this project for over a year and have met ten times with the Planning Commission. They have made some concessions at the Planning Commission request like reduced heights, increased setbacks, protection of residents and lots of public outreach. They will continue to work with their immediate neighbors. She stated that of the 14 public comment submitted and over 40 doors they have knocked on, only two provided opposition. She stated that there are two letters of support that will be in the next staff report. She quoted SUP section one. This site is



uniquely situated.

Chairman Wastchak closed the public hearing.

**A motion was made by Commissioner Wainwright, seconded by Commissioner Campbell, to recommend that the Planning Commission forward to the Town Council approval of Ordinance #2019-02 of the Smoke Tree Resort Major Special Use Permit Amendment with the conditions and effective date as described in said ordinance, along with the edits identified in the meeting this evening and the plan modifications identified in Section V of said ordinance. The motion failed by the following vote:**

**Aye:** 3 - Commissioner Wastchak, Commissioner Campbell and Commissioner Wainwright

**Nay:** 4 - Commissioner Anton, Commissioner Covington, Commissioner Georgelos and Commissioner Lewis

**Indexes:** Smoketree Resort

**A motion was made by Commissioner Georgelos, seconded by Commissioner Anton, to recommend that the Planning Commission forward to the Town Council denial of Ordinance #2019-02 of the Smoke Tree Resort Major Special Use Permit Amendment with the conditions and effective date as described in said ordinance, along with the edits identified in the meeting this evening and the plan modifications identified in Section V of said ordinance.**

Commissioner Covington stated he did not find the application as presently depicted to meet the Statement of Direction. In particular, he noted the density and height do not meet those parameters, along with too many drawings to be revised.

Commissioner Georgelos agreed with Commissioner Covington. She added the application could have more progress on lowering density and height, along with increasing setbacks. She added that there are also open ended issues on how the site will be used, noting auxiliary uses. She stated the concept presented is great, but the application is not there yet. She found the renderings to have flair and appeal in accordance with Town standards.

Commissioner Lewis stated the proposal has more substance and complexity than other resorts in Town, noting issues around too much intensity and density.

Commissioner Anton stated he wants the project to be done, but done right. He noted concerns of regret if the Town approves this project at this height and setbacks.

**The motion carried by the following vote:**

**Aye:** 4 - Commissioner Anton, Commissioner Covington, Commissioner Georgelos and Commissioner Lewis

**Nay:** 3 - Commissioner Wastchak, Commissioner Campbell and Commissioner Wainwright

**B. [19-088](#) Public Hearing for recommendation to the Town Council for amendments**



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Final

### Planning Commission

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Tuesday, February 26, 2019

6:00 PM

Council Chambers

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#### Special Meeting

#### 1. CALL TO ORDER

Chairman Wastchak called the meeting to order at 6:05 p.m.

##### STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller  
Community Development Director Jeremy Knapp  
Senior Planner Paul Michaud  
Town Engineer Paul Mood

#### 2. ROLL CALL

**Present** 7 - Commissioner Daran Wastchak  
Commissioner James Anton  
Commissioner Thomas G. Campbell  
Commissioner Charles Covington  
Commissioner Pamela Georgelos  
Commissioner Orme Lewis  
Commissioner Jonathan Wainwright

#### 3. EXECUTIVE SESSION

None

#### 4. STUDY SESSION ITEMS

- A.** 19-082 Discussion of Major Special Use Permit Amendment (SUP-18-05)  
7101 E Lincoln Drive - Smoke Tree Resort Study Session #8

Indexes: Smoketree Resort

Jeremy Knapp, Community Development Director, indicated that the documents before the Planning Commission tonight are the most up-to-date available. He commented that the south elevation has been updated for the balconies.

Chairman Wastchak asked staff to go over the new project updates only.

Mr. Knapp explained that the third story patios have a trellis element added. The elevations show the roof structures are at 36 feet with eight feet for mechanical equipment and screening. The mechanical drawing shows six feet of screening and does not match up with the elevations. The total height will be 42 feet and the plans will be updated to reflect this change. Walkways have been removed between the patios and the edge of the buildings and between patio spaces. There is not a gate for the roof. The patio depth is 18 feet to the exterior wall.

Chairman Wastchak commented that he would have liked to have seen a sight line from a casita on Section C towards the Andaz resort. He wants to see how high the fence is at the property line. He does not believe Section C shows how much of the balcony structure can be seen.

Mr. Knapp clarified that the sight line in the view is a continuation of the sight line in Section C.

Commissioner Campbell asked if the six-foot wall that defines the patio on the south is going to be solid.

The applicant, Taylor Robinson, indicated that this was the intent. They would rather be able to see through the wall.

Commissioner Campbell stated that having it see-through would help with the sight lines. He is not opposed to providing a view. The wall could be setback.

Chairman Wastchak commented that he agrees.

Commissioner Campbell commented that they should be more sensitive to what views are from the casitas at Andaz resort. The fence appears to be hidden by a three-foot parapet wall. The trellis would probably not be visible if the wall were setback.

Chairman Wastchak asked if there would be sound issues from the balcony over Andaz.

Commissioner Campbell stated that he is less concerned about that point and this could be dealt with by a stipulation restricting amplified sound. He suggested that they lower the height to what is being screened by the parapet.

Commissioner Lewis mentioned that he is surprised that there is not an overhang to block sunlight. The wall needs to be opened. This will allow a

breeze to blow through the patios.

Chairman Wastchak commented that he would rather have the patio pulled back in exchange for more views. He believes that sound issues can be taken care of through a stipulation.

Mr. Robinson mentioned that they could easily pull the wall back to the 15-foot measurement shown in the plan.

Chairman Wastchak responded that 15 feet would be better than 18 feet, but he is not sure if this is far enough.

Commissioner Campbell stated that the space for the patio should be appropriate to serve the developer's needs.

Chairman Wastchak commented that someone standing ten feet north of the northmost casita should only see a minimal portion of the patio structure. They need a view showing this point.

Commissioner Campbell commented that the occupying space in the patio is 15 feet now because of the planter. The occupant of the casita should not be able to see them.

Commissioner Covington asked if there is anything on the north side of the casitas.

Chairman Wastchak replied that there are windows and patios. There are two casitas in about the same north location. The stipulation should address 10 feet north of the north elevation of the casitas, and the sight line from a person at 5'6" tall.

Mr. Knapp commented that they can do this for the south side. He asked if there are any patios on the west side.

Mr. Robinson indicated that there are none. He requested that stipulation be valid only if the property to the west is residential.

Mr. Knapp suggested that the stipulation include "under the authority of the Town Manager."

Commissioner Georgelos stated that they must be clear in the stipulation that if any of the land or all the land is residential then the stipulation will be in effect.

Commissioner Campbell indicated that they are only concerned about two

properties to the west.

The Planning Commission discussed this issue and decided that there are three properties that will be affected.

Mr. Knapp suggested that they list the three adjoining parcels in the stipulation. He identified each property. If the properties are used for a non-residential use, the applicant can come back for a managerial amendment.

Andrew Miller, Town Attorney, explained that there is a strip of land owned by the Town that should be ignored. The parcel numbers will be listed for the other three lots on the west side.

Chairman Wastchak commented that a third stipulation be that no amplified music is allowed on balconies. He asked if there is a standard policy that should apply for lighting.

Commissioner Campbell stated that lighting needs to be shielded and no light trespass is allowed.

Mr. Miller replied that this is hard to measure.

Commissioner Campbell stated that the Planning Commission could require that there be no architectural lighting.

Commissioner Covington asked if there is a roadway between the casitas and Smoke Tree Resort

Chairman Wastchak replied that there is a driveway.

It was acknowledged that there is a current stipulation regarding light trespass, Numbers 53 and 54.

The Planning Commission discussed a patio wall height they are willing to accept.

Commissioner Georgelos stated that she would prefer that it be high enough to prohibit someone from hopping over it.

Chairman Wastchak recommended a minimum height of 48 inches.

Commissioner Campbell suggested that they meet railing code. He does not believe they are qualified to specify the height. This could be done during the permitting process.

Chairman Wastchak commented that he does want to provide a minimum height and determine if the wall needs to be anything more than a railing. He suggested that staff check to see if there is a code section that they can reference.

Commissioner Campbell clarified that they are measuring from the patio and not the parapet.

Commissioner Lewis suggested that the walls vary.

Commissioner Covington looked up the code and indicated that railing height is 36 inches. For apartments and businesses, it needs to be 42 inches high.

The Planning Commission agreed to limit the height to 42 inches.

Mr. Knapp explained that the height of the parapet for screening the mechanical equipment and noise attenuation is six feet. He showed the Commission the plan of the screening wall. The mechanical units are 54 inches in height.

Mr. Knapp stated that the sign package has been updated. Sign number four was updated to include text for the market and restaurants. The square footage did not change. He showed views from Lincoln Drive and the driveway on Quail Run Road. Sign six is a new sign and designates the resort residences. It is located on the west side of the building. The sign is three inches by two inches. Sign seven is a unit sign and is six inches by eight inches. There is also a new directional sign on the interior of the site. It provides information for parking and deliveries. It is 10 feet tall and three feet wide. It is 38 square feet in size. There are six of these signs throughout the site. The guidelines allow for 12 square feet per sign.

Commissioner Lewis asked about lighting.

Mr. Knapp stated that they can do 300 lumens of up lighting.

Commissioner Georgelos stated that it appears to be a lot of signage.

Commissioner Campbell asked how far into the site the signs are located.

Mr. Knapp explained approximately 40 feet to the west.

Commissioner Campbell commented that the height of the signs allows a car to park underneath them.

Commissioner Wainwright stated that he would rather see the signs lowered to six feet.

Commissioner Georgelos suggested that they reduce the number of signs to three with one at the valet and one at each entrance.

Commissioner Lewis stated that other major resorts have very understated signs. This applicant is requesting a much larger sign proportionately to what others have installed.

Commissioner Campbell stated that the height of the sign is due to the placement of the logo. He suggested that the logo be placed to the side of the text. The sign could be limited to six feet but have a wider sign area.

Mr. Robinson commented that they are okay with this sign.

Chairman Wastchak stated that they should limit the sign to a total square footage.

Mr. Knapp stated that the square footage now is 38 square feet, ten inches by 3.8 inches.

Commissioner Covington stated that he is in favor of a size more in line in the Special Use Permit guidelines.

Chairman Wastchak indicated that 18 square feet is 50% more size and seems reasonable.

Commissioner Lewis stated that he is not in favor of this sign. The Town is known for having discreet signage. He would like staff to look at the other resorts to get a better idea of what has been allowed in the past.

Chairman Wastchak indicated they are only talking about directional signage. There are other signs on the site that have a lot going on.

Mr. Knapp clarified that interior signage is limited to five feet in height in the guidelines.

Commissioner Georgelos suggested that they allow five feet in height with 15 square feet.

The Planning Commission appeared to accept these dimensions.

Chairman Wastchak reviewed the six sign locations and suggested

keeping the signs by the vehicular and pedestrian entrances.

Mr. Knapp indicated that there is not a quantity limit in the guidelines regarding directional signage. He suggested that the Commission give the applicant a number and allow the applicant to decide where they are located.

Mr. Robinson mentioned the northwest entrance is considered the main pedestrian entrance into the Town.

The Commission agreed that the two vehicular signs on the west could be oversized. The other signs would be pedestrian signs.

Mr. Robinson stated that he would like the sign on the valet side to be oversized. This will equal three oversized signs.

Mr. Knapp continued with building face signage. All number nines on the plans will have a building sign. The guidelines for building signage state that a sign mounted on an exterior wall or structure shall contain structure identification as necessary for emergency access.

Commissioner Georgelos stated that these signs are identifiers and not for emergency access.

Chairman Wastchak commented that he is concerned about the sign from the restaurant that is visible from the street.

Mr. Robinson indicated that they do not have an image for this sign yet. They would like to identify the lobby, restaurant and market without being too industrial. The intent is to stay within the guidelines. He does not have a specific square footage tonight.

Chairman Wastchak asked if they are looking for a building sign that is visible from the street. He would like to see a proposal. The signs shown are only internal. Due to the large variation he is not sure they can approve any of it.

Commissioner Lewis suggested that they look at the five major resorts in the Town for guidance on signage.

Chairman Wastchak stated that he wants to know what is going to be visible from the street.

Mr. Knapp recommended that they stipulate that any building face signage on the sign plan have a maximum width and a maximum length and be



nonilluminated. The signs appear to be 2' X 2' and 2' X 3'.

Commissioner Lewis mentioned that the Town does not have a precedent for what is being proposed.

Commissioner Anton stated that these signs should be smaller than those allowed on the medical plaza.

Commissioner Lewis stated that there are no other restaurant signs on Lincoln Drive. Once someone enters the site, they can then find the restaurant.

Commissioner Campbell indicated that once visitors get onto the property, they need signage to find the correct building.

Chairman Wastchak suggested that they allow six square feet and only indirect lighting.

Commissioner Campbell stated that the sign should be located lower on the building elevation.

Chairman Wastchak indicated that they could put in a 12 square foot monument sign adjacent to the restaurant. The Commission agreed.

Commissioner Covington commented that they need to follow the Special Use Permit guidelines for building signs.

Chairman Wastchak stated that if they want to add building signage in the future, they can come back through the Planning Commission for a minor amendment.

Commissioner Georgelos asked how high the sign is in the auto-court.

Chairman Wastchak noted that it is close to 20 feet.

Commissioner Georgelos asked if it needs to be 20 feet in height. She noted that they do not have exact dimensions of this sign.

Commissioner Lewis stated that the design has an interesting southwest fashion and should stand on its own feet regardless of signs.

Chairman Wastchak asked if they have any problems with signs six and seven. Sign seven is on every door of each unit.

There were no issues expressed.

Chairman Wastchak commented that it is time to jump into stipulations. The public hearing will be one week from tonight. He asked what is missing that needs to get finalized.

Mr. Knapp stated that they just went through the items that were requested from the last meeting. He indicated that the Planning Commission should give staff an expectation on what they want to see regarding material for the public hearing.

Chairman Wastchak asked if they will receive more information on parking.

Paul Mood replied that he thinks so and will send an email to check on it.

Mr. Knapp noted that some of the drawings will need to be amended prior to the meeting.

Mr. Miller asked Mr. Robinson if the exhibits will be ready in time.

Mr. Robinson stated that it would not be ready in 48 hours.

Chairman Wastchak stated that they do need to capture changes.

Mr. Miller stated that they can list the changes and have them ready prior to the Town Council.

Commissioner Georgelos stated that the problem is that they may miss something.

Mr. Knapp suggested that they go through the stipulations page by page and stop where the Planning Commission has questions.

- Page 8

Mr. Miller stated in the introductory paragraph it will specify that “there are 30 resort related residences with a maximum of 15 of such, resort related residences, to have lock-off units.”

- Page 9

Mr. Miller stated that when they talk about the branded residences, on line 9 to the end of the word “development agreement” on line 19, should have the verbiage “resort residential.” They should have the same FF&E.

Chairman Wastchak commented that he was concerned because the wording originally said that units shall initially have the same furnishings.

But he prefers that the furnishing only be customized if the unit is removed from the rental program.

Commissioner Georgelos asked if these units will always be in the rental program or can they be pulled out.

Mr. Miller indicated that they can be in the rental program, but it will be capped at 15 units. The FF&E will have to be like the hotel rooms.

Commissioner Lewis asked if they can legally have the unit in the rental program for a couple weeks.

Mr. Miller commented that they could.

Taylor stated that most likely the unit will need to be in the rental program for at least one year.

Chairman Wastchak asked if they are about to approve something that the Council told them they did not want.

Mr. Miller reviewed SOD language regarding FF&E consistency with hotel rooms initially, lock-off features for guest access and rentability through hotel program and ensuring lock-offs are part of the resort. They need to determine if they can be available for independent living or if these units need to be available for rental through the entire year. The applicant would like to have this flexibility.

Commissioner Lewis stated that they should learn from mistakes from Camelback Inn where they put too many units into the rental program. The concept collapsed. He stated that he would like to know how they qualify tenants.

Chairman Wastchak indicated that he is sensitive to the legal issues related to the lock-offs. There will be 30 resort residential units with 15 of these with lock-offs. This could place more demand on parking.

Mr. Robinson indicated that the parking analysis was done to include the lock-offs. The development was created to be in line with the zoning ordinance. The bed tax will be collected with the lock-off units.

Chairman Wastchak explained his concern regarding the lock-off units being able to be removed from the rental program and then have a modified interior.

Mr. Miller stated that potentially they could get up to 165 rental units by

splitting the lock-off units into two rentals.

Commissioner Wainwright asked when a person takes their unit out of the rental program, how does the equivalent bed tax work.

Mr. Robinson stated that this would be defined by a square footage rate in the development agreement. It guarantees a 100% occupancy for that unit. The bed tax will still be paid if they are there or not.

Chairman Wastchak asked for an explanation for the portions of overhangs that are not over usable exterior space.

Mr. Knapp stated that it would include a roof overhangs that would not include a trellis or space people would occupy.

Commissioner Anton asked what would prevent someone from buying the units and turning them into apartments.

Mr. Miller replied that they would have to be used as hotel and clarity can be added to ensure they are not used as apartments.

Mr. Gilbert, attorney for the applicant, stated that they cannot condominium 120 hotel units and sell them separately.

Page 10

Mr. Miller stated that he received public comments from former Council Member David Sherf. He stated that due to the project size and location, they likely would not need a full-service restaurant. It should not be a requirement that they serve breakfast and lunch but should have that option. Food and beverage should not be required at the pool. This project will function more as a hotel than a resort. He believes that a fitness area is a must for this project. They could include a spa/fitness area.

The Planning Commission agreed with reinserting this language into the stipulations to combine items E and F.

Commissioner Georgelos asked if this is a hotel or a resort. If they remove amenities then it feels more like a hotel.

Commissioner Anton stated that this project is a hotel and not a resort. He does not believe that language requiring a spa should be put back in.

Commissioner Campbell stated that they have been calling this a resort in the language but do use hotel key because that is the terminology in the

industry.

Commissioner Covington commented that the applicant's partner in the last meeting mentioned that the guests would go off site for these amenities.

Commissioner Georgelos stated that she wants the language to be expansive to include more amenities on site. The stipulations could be combined for more flexibility.

Mr. Gilbert commented that Smoke Tree did not have these amenities and it was classified as a resort.

Page 11

Commissioner Anton asked why they used the word "dedicated" instead of "designated."

Mr. Gilbert stated that dedicated infers that it is dedicated to the public, but this is not born out in the ownership. The area is designated and not dedicated. Ownership is not changed.

Page 12

Mr. Miller stated that the square footage for the resort hotel needs to be verified.

Page 18

Chairman Wastchak indicated that on paragraph 26, mechanical equipment and screening is struck from being included in the height of any structure to which they are attached. He asked why this was removed.

Mr. Robinson commented that to get the building height under 36 feet, they needed to exempt the mechanical equipment and screening as these elements extend above this height.

Chairman Wastchak asked about paragraph 28 which says that property may be subdivided with one or more maps from time to time.

Mr. Robinson stated that this refers to condominium maps.

Mr. Miller stated that they can clarify that the subdivision is for the 30 residential units.

Chairman Wastchak asked about language regarding extending the schedule of development if the owner gives written notice to the Town stating the extension. The owner may give multiple extensions. He commented that this appears the project can go on forever.

Mr. Miller stated that there will be no certificate of occupancies for resort residential units and accessory buildings until the hotel is completed.

Commissioner Georgelos asked if there should be an outside date so it does not go on forever.

Mr. Miller commented that they could control the phasing of the development and possibly rescind the zoning.

Chairman Wastchak noted hours of operation under item 32. Vendor deliveries are limited to 7:00 AM to 7:00 PM; with the exception of mail and emergency deliveries, outdoor pools, spas and jacuzzi limited to 6:00 AM to 12-Midnight; restaurants from 6:00 AM to 2:00 AM; bars and lounges from 10:00 AM to 3:00 AM; banquets facilities, receptions and weddings from 6:00 AM to 2:00 AM; resort retail from 7:00 AM to 12-Midnight; room service, guest reception, parking facilities and spa/fitness facilities may operate 24/7; trash pick up from 7:00 AM to 7:00 PM; outdoor venues with amplified by sound shall comply with noise ordinance.

Mr. Miller stated that State Law is 2:00 AM for bars.

Mr. Robinson commented that the language came from the Mountain Shadows Special Use Permit.

Commissioner Lewis asked if there are any statutes require lifeguards.

Commissioner Anton replied that there is not a requirement.

Commissioner Campbell stated that this is where they can put the stipulation restricting amplified music on balconies.

Mr. Knapp suggested that they put this under item 32.

The Planning Commission discussed the Town noise ordinance and if this would be sufficient to control patio noise.

Chairman Wastchak suggested to not restrict amplified music but control it through code enforcement.

Commissioner Campbell stated that they are trying to mitigate impacts to

Andaz.

Mr. Robinson commented that if all the properties are following the same rules it will make enforcement easier.

Page 22

Chairman Wastchak stated that chimneys are three feet above mechanical screens. He asked why it their chimneys are higher.

Commissioner Campbell stated that they must put the chimneys three feet higher, so the air is not pulled back in. Elevators also have an override.

Mr. Robinson commented that the heights provide an architectural interest and it makes for an aesthetic interest to have the chimneys above the mechanical screening.

Mr. Knapp stated that chimneys will be nine feet above the roof line.

Commissioner Georgelos noted that they are getting close to 50 feet in height.

Chairman Wastchak indicated that the stipulation is providing a license to keep making the height taller.

Commissioner Campbell stated that he is not in favor of the additional height for the elevator overrun.

Chairman Wastchak explained that the building height is limited to 36 feet and mechanical screens can extend to 42 feet. If chimneys and elevator overruns can extend three feet higher this gets them to 45 feet.

The Planning Commission agreed that elevator overruns can extend three feet higher when within ten feet of mechanical screening.

Mr. Knapp stated that the intent is that elevator overruns can only go three feet above screening when located within the screening area and only three feet above the building height when located in other locations.

Mr. Robinson mentioned that 35% of the roof area could be screening.

Commissioner Lewis expressed concern that nothing would stop them from installing several chimney stacks.

Mr. Knapp commented that the drawing will need to be updated and noted a tower that appears to be 45 feet or higher. There is no reason for elevator overruns to be an additional three feet above screening.

Commissioner Lewis asked how many elevators are being proposed.

Mr. Robinson replied that there will be a lot.

Mr. Knapp recommended that the language be changed to allow three feet above the building height.

Mr. Knapp stated that only one or two manufacturers can do this. It has worked on other resorts.

Chairman Wastchak stated they need more compelling reasons to do more than three feet. He then asked about chimneys.

Commissioner Lewis stated that they should put a cap on the number of chimneys.

Commissioner Campbell suggested that the flues can be combined to reduce the number.

Mr. Robinson stated that he would get back to them with a number of chimneys. Towers that are not elevator overruns will be architectural only.

Commissioner Campbell asked Mr. Robinson to come back with the number of towers that will not be associated elevators.

Chairman Wastchak stated that the stipulation should say that mechanical screening shall not exceed 35% of the roof area of each structure.

Commissioner Georgelos asked how a structure is defined.

Chairman Wastchak said that it would be each building, but they could say roof area instead. He indicated that if they find they need more than 35% they could come back for a minor amendment.

Mr. Knapp stated that it would be visible off-site and would be a managerial amendment.

Chairman Wastchak asked if the Commission is okay with the 35% on the two and three-story elements. This language was then included in the stipulation.



Mr. Robinson asked that there be a distinction between the residential and restaurant buildings. Mechanical equipment would be larger on the restaurant.

Commissioner Anton asked if they should have the mechanical equipment setback from the roof line.

Commissioner Campbell suggested that the Planning Commission allow them to screen the mechanical equipment, noting how they choose to screen it is up to them if it is below the height restrictions.

The Planning Commission agreed that the height of mechanical equipment should be relative to the heights of the buildings on which they are placed.

Commissioner Campbell asked Mr. Robinson to come back to them with the screening height they need for the front buildings.

Mr. Knapp mentioned that they deleted a sentence in the stipulation that says "in the event that the owner pursues the foregoing..." This was to allow the applicant to change the front of their property to remove parking spaces to widen the landscape buffer to come closer to the Special Use Permit guidelines. This would allow for the improvement without coming back to the Planning Commission.

Chairman Wastchak stated that they can address this in the development agreement.

Page 24

Chairman Wastchak referenced paragraph 47 that states the owner shall construct or provide payment to the Town, in lieu of actual construction, roadway improvements on Quail Run Road. Either the owner shall construct, or the Town shall construct the improvements and be reimbursed. He asked if there should be a similar paragraph for Lincoln Drive.

Page 25

Chairman Wastchak commented that he wants to know what is meant by perimeter landscaping. He feels that it is not clear because Lincoln Drive is separated out as a Town corridor.

Page 26

Commissioner Georgelos asked about the tents being up for 90

consecutive days.

Chairman Wastchak stated that this will be the maximum allowed. If there is a problem the tenants will hear about it.

No Reportable Action

## 5. PUBLIC HEARINGS

None

## 6. ACTION ITEMS

None

## 7. CONSENT AGENDA

None

## 8. STAFF REPORTS

None

## 9. PUBLIC BODY REPORTS

None

## 10. FUTURE AGENDA ITEMS

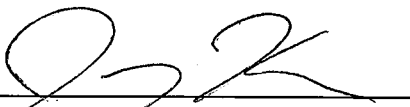
None

## 11. ADJOURNMENT

A motion was made by Commissioner Campbell at 10:00 p.m., seconded by Commissioner Lewis, to adjourn the meeting. The motion carried by the following vote:

Aye: 7 - Commissioner Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wainwright

**Paradise Valley Planning Commission**

By:   
Jeremy Knapp, Secretary

Chairman Wastchak stated they asked for a 40-foot buffer and the applicant came back and still wanted a 25-foot buffer. He then asked the Commissioners thoughts on this point.

Commissioner Anton stated that he would like to get homeowner input on what types of trees go up behind their home.

Commissioner Georgelos shared that she would still like to see more buffering by the homes.

Mr. Bozzo indicated they do not have a problem with allowing homeowners a say in the landscaping choices.

Commissioner Campbell asked if they investigated moving everything closer to Tatum Boulevard and Shea Boulevard.

Mr. Bozzo commented that the buildings have been pushed as close to Tatum Boulevard and Shea Boulevard as they possibly could. He added that they plan to talk to each of the homeowners to find out what wall height they would like as well as tree and vegetation they would prefer behind their home.

Chairman Wastchak shared the only problem he sees is they are satisfying the current homeowner, but it may not be what a future homeowner wants.

Mr. Bozzo stated they also moved the trash enclosures further from the neighbors.

Mr. Michaud reviewed future discussion points including pharmacy hours, Special Use Permit stipulations, clarification on a noise statement, and more. After he reviewed future planning Commission meetings that will include this topic. The next meeting is March 5, 2019.

Commissioner Anton stated that the homeowner needs to know how things will work with finishing the walls on the homeowners' side.

**No Reportable Action**

**B.**

**19-069**

**Discussion of Major Special Use Permit Amendment (SUP-18-05)  
7101 E Lincoln Drive - Smoke Tree Resort Study Session #7**

**Indexes:** Smoketree Resort

Jeremy Knapp, Community Development Director, introduced the item starting with updated plans which included an additional parking lot screen wall, added parking spaces on the surface and in the garage, the completed drainage and water impact, and more.

Chairman Wastchak asked if angling the parking stalls in the garage was considered.

Taylor Robinson, applicant, responded that they did not specifically look at angling the parking spots, they did look more into a valet system. He added that the plans are still conceptual.

Chairman Wastchak asked where they would do double stack parking if they lost some of the surface parking.

Mr. Robinson replied that parking would need to be evaluated at that point.

Mr. Knapp shared plans for the third story patio.

Commissioner Campbell stated they should eliminate the perimeter and the center walkway.

Chairman Wastchak stated they needed to get rid of the center walkway and the applicant would need to demonstrate that 18 feet of patio will be okay.

Mr. Knapp shared more updates specifically on the screen wall that has been added to the plans.

Chairman Wastchak asked if there was a screen wall along Lincoln Drive as well.

Mr. Robinson stated the wall was added in response to the last meeting.

Chairman Wastchak asked Paul Mood, Town Engineer, if the geometry of the deceleration lane is sufficient.

Mr. Mood responded that he believes it is sufficient.

Chairman Wastchak commented that he appreciates they got rid of the west entrance.

Mr. Knapp shared more graphics and information on the east and west elevation.

Chairman Wastchak asked for more renderings of elevations from the south side.

Commissioner Campbell asked what the compelling reason is for going over 36 feet.

Commissioner Georgelos and Anton agreed.

Commissioner Campbell stated that the mechanical should be clustered so that there is not as many hip roofs and there would be more undulation in the downward direction, so most of the building would still be at 36-foot height.

Commissioner Georgelos asked if this needs to be a three-story building.

Mr. Robinson responded that if the building goes down to two levels its coverage will go up. They have also thought of having a ratio around 50% of the roof that would be allowed to go above the 36 feet to create a variation in height and coverage for mechanical.

Commissioner Anton stated that the problem is the height limit is 36 feet, but they want to go up to three floors.

Commissioner Campbell indicated that instead of a flat 50% he would rather figure the ratio that would be required to cover up mechanical and only allow that amount to go above the 36 feet.

Chairman Wastchak asked the applicant to come back with more justification on the roof height in the places it would go over 36 feet. He added that they should not be taking eight feet if they can get away with less.

Commissioner Covington stated that he feels that the areas where the building height is going into the open space criteria are not acceptable.

Chairman Wastchak asked the Commission if the applicant needed to do anything else other than give any more articulation on the eastern boundary and more restraint on the height. He then clarified that he and Commissioner Campbell are fine with the third floor on the eastern boundary. He then asked if Commissioner Covington is okay with it.

Commissioner Covington responded that he is not comfortable with it, but he could be convinced if there was a compelling reason though.

Commissioner Campbell explained that the viewshed is a residential standard and to the east he feels it is very commercial and not residential so that is why he is comfortable with it.

Commissioner Georgelos shared that she is still concerned with how much they are piercing the 36 feet.

Chairman Wastchak commented they could make a statement that 40 feet is their maximum height with the exception for architectural overruns like chimneys. He then asked Mr. Robinson to come back and tell them if that is not acceptable.

Mr. Knapp shared the updated sign plans.

Mr. Robinson stated that restaurant and stores will have their own name and branding and they do not have signage on the street for them worked out yet, but it will be like places like Omni.

Commissioner Wainwright commented that the monument they see now is like a piece of art, but if you are adding other names and it is more like an advertisement it becomes a different issue.

Chairman Wastchak stated that they will need to see more renderings of what that will be like.

Commissioner Georgelos clarified that they will need to see more of what signage on the building will look like as well.

An applicant representative stated they will have a few identities within Smoke Tree for the bar, the restaurant, and retail shop, but they do not know what those will be yet.

Chairman Wastchak stated that if they do not figure out signage now they will have to come back as an amendment.

Mr. Knapp asked for the applicant to give them generally the location, height, and width. He then continued sharing the drainage report and the water impact study.

Chairman Wastchak asked Paul Mood if these plans looked good to him.

Mr. Mood responded that they did, but they will need to show more detail how everything drains in the parking lot.

Commissioner Georgelos asked why the pre and post development drainage was included in the report.

Mr. Mood explained that pre-condition is the desert and the post is the parking lot and the difference of runoff is what they will have to retain.

Commissioner Georgelos asked if the flows run north and east.

Mr. Mood responded that is correct.

Chairman Wastchak stated he would like to have Mr. Miller's feedback on the redlines staff received from the applicant.

Mr. Miller stated that he has looked at them, but they have not redrafted anything on them.

Chairman Wastchak asked how many meetings they have left to go through stipulations.

Mr. Knapp replied that they have one more meeting on March 5, 2019 which is the public hearing, but they could schedule a special meeting.

Commissioner Georgelos commented that she feels a special meeting would be a good idea.

Mr. Knapp shared a couple of the stipulations.

Chairman Wastchak asked how many of the stipulations will become development agreements.

Mr. Miller responded that the stipulations will stay stipulations and development agreements will fill in things such as phasing, public improvements, quality standards, and resort fees. He feels they do need to talk with the applicant about what sort of property this will be since some of the initial things like a spa have been removed.

Chairman Wastchak inquired if there were any objections to doing a special meeting next Tuesday.

Commissioner Campbell asked if they could get feedback on the revised heights on the east side by the special meeting.

Mr. Robinson stated that if it can be answered by text they can get it done quickly but if they want images it will take a bit longer. He added that they can go over the redlines that they made.

Mr. Knapp shared some of the redlines made by the applicant. He shared that he is concerned with not having the same brand for the resort residence as well as not having consistent furniture, fixtures, and equipment.

The representative of the hotel clarified that this is an independent project.

He added that he does not want to be locked into these being Smoke Tree Residences.

Commissioner Anton commented that he does not understand why they would have half under one name and half under another.

The representative of the hotel explained that if a resident wants to participate in the program they will go under the hotel brand, but they are not required to do so.

Mr. Miller shared that at Mountain Shadows that they gave them the option of having more than one hotel product, however, they gave them a limit of how much residential square footage they could have. He added that they need to understand more of how much will be hotel and what will be more full-time residential living.

Commissioner Wainwright stated that he would like to see it all branded the same.

Chairman Wastchak and Commissioner Georgelos agreed.

Commissioner Covington stated he feels that Smoke Tree Residence sounds good.

Commissioner Campbell clarified that they want the whole building to be perceived as the Smoke Tree Resort.

Mr. Miller pointed out that most SUPs allow for a change in the name.

Chairman Wastchak asked if they could restrict them from not calling it Scottsdale something instead of Paradise Valley.

Mr. Miller responded that he does not believe they can restrict them to that.

Mr. Knapp shared changes in the minimum resort hotel improvements section.

The representative of the hotel indicated they are making changes to the full-service food and beverage service because they do not feel it would be profitable with the size of the hotel it will be. He explained that their plan is to have something fast and casual for lunch and a full dinner service in the evening. They have not sorted out what the plan will be for breakfast. He added that they may do a type of room service that would be pre-arranged for certain rooms, but they do not want to be stuck having to do room service.



Chairman Wastchak mentioned that it seems like the Commission is fine with what the applicant has described, but they would like to know a bit more of what final plans for food and room service will be. He added that he would like them to modify the document instead of completely striking out items.

Commissioner Anton asked if they do not anticipate having a bar out by the pool.

The representative of the hotel responded that in season they will have a bar set-up, but it will be as demand warrants. He added they will have a pool, but do not currently have plans for a hot tub.

Mr. Miller stated that he could talk with former Council Member David Sherf to get a better idea of what the standards would be on things like hot tubs.

The representative of the hotel commented that if they are afforded the space they will do a fitness center, but if they do not have the space they would be better off doing an affiliation with a local gym. He added that since the space is so small they also do not have plans to do a spa.

Commissioner Georgelos asked if it will hurt their business not having these additional services.

The representative of the hotel replied that they simply want to focus on doing a few things well and not doing everything. He added that their concept is to have an energy and activity level that is local centric and not limited to the hotel and the people staying there.

Mr. Miller asked if they would have ties to other places nearby if they do not have it on site.

The representative of the hotel responded that he sees the future in that area being high energy and something walkable.

Mr. Robinson commented that these things are in the document as allowable uses, so they could put them in if the market demands it, but it would not be something required of them otherwise. He added that while they may not have on-site service they will have the ability and connections to bring things in for customers such as a masseuse, food, and more.

Mr. Miller indicated that the resort retail has that it will be open 24 hours a day and usually they require a closing time.

arroyo.

Commissioner Wainwright asked how she would feel about one large home opposed to two homes on that site since this lot currently would allow for that circumstance.

Ms. Wagoner replied that it is not important what her preference is on that matter.

**A motion was made by Commissioner Georgelos, seconded by Commissioner Lewis, to continue the February 5, 2019 hearing on this item to March 19, 2019. The motion carried by the following vote:**

**Aye:** 7 - Commissioner Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wainwright

## 5. ACTION ITEMS

- A.**     [19-037](#)     Recommendation of a Statement of Direction Extension for Mtn View Medical Center located at 10555 N Tatum Boulevard (SUP-18-12)

Mr. Miller introduced the item.

Commissioner Lewis stated she feels that landscaping near the intersection needs to be addressed on this item.

Mr. Michaud pointed out that this will go before City Council on February 14, 2019.

**A motion was made by Commissioner Lewis, seconded by Commissioner Georgelos, for a recommendation that the Town Council modify the Statement of Direction issued on November 15, 2018 for the Mountain View Medical Center application (SUP-18-12) to change the date the Planning Commission must make their recommendation from March 5, 2019 to April 16, 2019. This will allow the applicant and Commission more time to discuss the proposed amendment. The motion carried by the following vote:**

**Aye:** 7 - Commissioner Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wainwright

## 6. STUDY SESSION ITEMS

- A.**     [19-045](#)     Discussion of Major Special Use Permit Amendment (SUP-18-05)  
7101 E Lincoln Drive - Smoke Tree Resort Study Session #6

Mr. Knapp introduced the item and pointed out that on March 5, 2019 they will have a hearing on this item. He then reviewed the updates and changes that have been made to the plan since the last meeting including height

reductions and more.

Chairman Wastchak asked the applicant if the top of the second story would be used as a patio area.

Mr. Taylor Robinson stated the intent was to have a small one or to whatever extent the Commission would allow one.

Chairman Wastchak stated he would like specific plans for this area if they are going to request something like this.

Mr. Robinson asked the Commission to clarify where they would like the views to be obscured from.

Chairman Wastchak stated they do not want there to be any visibility from the Andaz resort casitas nearby.

Commissioner Campbell pointed out that noise could be a problem as well.

Commissioner Anton expressed that he does not like the height going up to 44 feet.

Mr. Knapp shared the updated open space criteria diagram.

Commissioner Lewis asked to see a rendering of elevations on the west side.

Chairman Wastchak asked the applicant to give them more renderings to include a west elevation as well as views from the east side.

Mr. Knapp pointed out that there is a portion of the building on the west that penetrates the open space criteria.

Mr. Robinson stated when they update the materials it will comply.

Mr. Knapp reviewed responses from the applicant from questions at the last submittal. This included removing 15 lock offs and making improvements to Quail Run Road.

Chairman Wastchak asked if there would be a wall along Lincoln Drive and Quail Run Road that would block headlights.

Mr. Robinson indicated it is their intent to block headlights with either a wall or landscaping.

The Commission discussed walls versus a berm or vegetation.

Chairman Wastchak clarified he would like the final approved documents to include a wall on the property.

Commissioner Anton asked with the wall added, if an 18-foot deep parking spot will be long enough.

Mr. Knapp stated they will need to lengthen them to 20 feet.

Commissioner Anton indicated that they need to be sure there is enough room for people to pull out with the change in parking stall length.

Mr. Robinson asked if in the future the adjacent lot is not residential if that will change anything.

Chairman Wastchak commented he cannot answer that, and they must focus on what is there now.

Mr. Knapp continued with plan updates on garage space sizes.

Chairman Wastchak commented suggested that they consider angled parking.

Mr. Mood stated that they had a third party look at parking for their parking analysis.

Mr. Knapp shared more updates including that they will provide two parking spaces per resort residential and a valet system will be provided.

Chairman Wastchak indicated he would like there to be enough parking that they meet the required number even if the Town later uses the 16-foot right-of-way easement. He added that he would like to see what the valet parking scenario would look like from Civtech in the parking analysis.

Commissioner Anton asked where people that showed up with a boat or trailer would park.

Mr. Robinson responded he does not know.

Commissioner Anton inquired if they have spoken with the medical plaza about parking rights in their parking lot.

Mr. Robinson replied that they have had conversations, but nothing has not

been worked out yet.

Mr. Knapp stated the reason for the 44 feet height was to help allow them to get a better rating with higher ceilings and mechanical covering.

There was discussion on height and architectural visual interest.

Commissioner Anton asked for clarification on why the buildings need to go so high.

Mr. Robinson pointed out that the tiles are used as a mechanical screen as well as architectural feature and if the pitch of the roof is flat enough the tiles will not be seen.

Commissioner Campbell requested that they see more examples of the roof slope.

Commissioner Anton asked why the tile roof screen cannot be four feet high.

The project architect stated that it helps create variation in height, so the building is not all the same height.

Chairman Wastchak asked for clarification on the elevations shown on page 37.

Mr. Robinson replied those are the concept elevations from the side on Lincoln Drive.

Chairman Wastchak reiterated that it would be very helpful to see renderings of what things will look like when people drive by. He commented it may also help people understand that the 44 feet is not across the whole building but only a few elements to create architectural style.

Mr. Robinson responded that they can develop those visuals.

Mr. Knapp discussed the stipulations for the right-of-way. He added that this item will not go back to Council until February 28, 2019.

Chairman Wastchak asked the reason for this delay.

Mr. Mood stated that they have been asked to provide a lot of exhibits, boards, scenarios and staff will need that time to come up with all of it. He then shared some of options staff looked at in making their decision

including that if joint access does not work out, that staff would support a left-in left-out option for Smoke Tree Resort.

Mr. Knapp pointed out that the meeting with Council will happen the Thursday before their Tuesday meeting, so they may need to write a stipulation that deals with how the access will be laid out whether it is joint access or not. He added that the other thing they could do is have the applicant propose a design based only on their property and the stipulation stating those plans would have to shift if a joint access is approved.

Chairman Wastchak commented that he does not want to push this item off to Council and asked for help to understand the timing.

Mr. Robinson responded that pushing means they would be running the risk of losing a whole season which is a big issue to them.

The Commission discussed pushing this item on to Council due to the timing. The consensus is that this needs to be finished up, so they will get what they can do and turn it over to Council.

Mr. Knapp shared information on signage. He noted that the signage will change based on the location of the access. The plans currently include a street corner sign as well as a street sign on Quail Run Road and one on Lincoln Drive. He added that right now the signs exceed the guidelines, but the applicant is willing to bring it into compliance.

Chairman Wastchak asked if the Quail Run Road sign is in the right-of-way. He clarified he does not want this item to leave them with a sign in the right-of-way.

Mr. Knapp stated that the depiction shows the sign as half in and half out of the right-of-way, however, there is a stipulation that states there will be no signage in the right-of-way.

Mr. Knapp indicated they are expecting a response to the draft stipulations from the last meeting by the end of the week. He then asked if they would like to talk about the stipulations tonight or push that to a future meeting.

Chairman Wastchak stated he would rather see the stipulations after they have gotten them back from the applicant and discuss them heavily at the next meeting.

Mr. Knapp pointed out the citizen review meeting is scheduled for February 18, 2019, the next work session will be on February 19, 2019, and the hearing will be on March 5, 2019. He added that the next meeting will most

likely focus only on stipulations and on March 5, 2019 he expects to have a complete booklet.

**No Reportable Action**

**B. [19-044](#)**

Discussion and Recommendation to the Town Council regarding Amendments to the Town Zoning Ordinance, Article XI, regarding Changes to Process for Approval of Managerial Amendments

Mr. Miller introduced the item and explained they are looking for any suggestions from the Commission for changes they believe need to be made to the draft ordinance recommended by the Council. He then explained the current process for Managerial Special Use Permit (SUP) amendments and what Council's recommendations are on this matter.

Chairman Wastchak indicated that he agrees with the changes.

Mr. Miller pointed out that the next step would be to schedule a citizen review meeting on the draft ordinance then an ordinance for public hearing would follow and this will most likely happen sometime in March. He then asked for any questions on the draft ordinance amendments.

Commissioner Georgelos asked why the language "town manager or designee" was struck from paragraph two.

Mr. Miller replied that he believes it is because other parts of the code talk about the manager being able to appoint a designee. He added that they will schedule it for a citizen review meeting as soon as they can.

Chairman Wastchak responded that they should notify those that have SUP properties.

Mr. Miller stated that it will also be posted on the Town website.

Chairman Wastchak asked when they might see more on the rules and procedures.

Mr. Miller responded they left it off today's agenda since it was already so full and are waiting to see how much of a priority this item is to Council at their next retreat.

**No Reportable Action**

## **7. CONSENT AGENDA**

**A. [19-025](#)**

Approval of January 9, 2019 Planning Commission Minutes

Mr. Michaud responded in the early 1980's.

Mr. Campbell asked when it was developed.

Mr. Michaud responded the early 1980's as well. He then stated future discussion points include height/viewsheds, architectural design, signage, SUP stipulations. He also showed a tentative schedule for when the next meetings would be including the tentative hearing for March 5, 2019.

**No Reportable Action**

**B.**

**19-022**

**Discussion of Major Special Use Permit Amendment (SUP-18-05)  
7101 E Lincoln Drive - Smoke Tree Resort Study Session #5**

**Indexes:** Smoketree Resort

Mr. Knapp stated staff received some updated plans on January 9, 2019 that have been included in their packets and one updated sheet that shows changes to height setbacks which he received on Friday. He then reviewed a summary of the request. He continued stating that the revised site plan shows the applicant removed the dumpsters at the northeast corner of the site and added the employee break area to the southeast corner of the site.

Mr. Knapp addressed traffic and parking. This Thursday the Town Engineer will make a recommendation for Lincoln Drive to the Council.

Chairman Wastchak asked which recommendation was going to be shown to them in the illustration.

Mr. Knapp responded it closely aligns with Recommendation 1. He indicated that the Town Code identifies 25 feet from centerline on Quail Run Road and 65 feet on Lincoln Drive for the right-of-way. There is a request to use right of way for landscape buffers and parking. He noted that full dedication of both Lincoln Drive and Quail Run Road is approximately 25% of the site. The applicant is also open to full dedication if relief is given from other Special Use Permit (SUP) guidelines.

Chairman Wastchak asked Mr. Knapp if he would be covering signage along Lincoln Drive today.

Mr. Knapp responded that he will cover signage later in the presentation.

Chairman Wastchak stated that when he looked at signage there were several on Lincoln Drive that were in the 60-foot dedication.

Mr. Knapp then showed the plans for the 25-foot right-of-way on Quail Run



Road which also includes full improvements to both sides of the road.

Commissioner Georgelos asked if the idea is to leave it as is but have the dedication in place.

Mr. Knapp responded that this shows improvements on both lanes from Lincoln Drive all the way to the southern driveway.

Commissioner Georgelos asked whether there will be two lanes.

Mr. Knapp responded that was correct.

Commissioner Campbell asked what happens when the issues are resolved in that area.

Mr. Knapp replied one concern he saw with the location is that if it does fall in the Quail Run right-of-way and the road continues further down there will be issues with the location of the employee break area.

Chairman Wastchak asked for clarification of the western extent of their improvements.

Mr. Knapp responded the road will be centered on the centerline of the road. There will be 11-foot improvement on each side of the centerline and 2 feet of curb on each side. That is 26 feet in total width.

Commissioner Lewis asked if drainage was an issue.

Mr. Knapp replied that they do not have a drainage report for the project yet.

Chairman Wastchak commented that when he looks at the 25 feet he is not seeing how the western and eastern sides are equal.

Mr. Knapp replied that the plan is not an engineer drawing and it may not look centered in the image, but he believes the intention is for it to be centered. He added they can make sure it is a stipulation. He then stated that he has stipulations that are currently being reviewed by staff which will be available at the next meeting.

Mr. Knapp continued sharing the layout of the underground parking area. He noted that the resident area has controlled access.

Commissioner Lewis asked what the plan is for ventilation in the parking garage.

Mr. Knapp responded that they do not have that level of detail yet. He then stated they are proposing 9-foot by 18-foot parking spaces with two-foot overhang. They also show the underground retention location in the plan. The plan includes 75 surface spaces and 120 public spaces and 57 resident spaces underground.

Commissioner Campbell asked if there was any reason the parking structure could not be moved further to the south or to the east on the southern portion.

Mr. Knapp replied that he does not know of any reason that would prevent them from moving the western or southern wall.

Commissioner Covington asked if there are only two or three accessible parking spots.

Mr. Knapp responded he believes there are seven. He clarified there are four more on the main level.

Commissioner Covington asked if the yellow squares are elevators.

Mr. Knapp responded it is a combination of both an elevator and stairs.

Commissioner Anton stated it is strange they are proposing 30 units and 57 parking spaces and not 60 parking spaces.

Mr. Knapp responded that their guidelines say 2 per unit, which would be 60. He added that he is not sure how the spaces will be allocated. He stated that the next item is setbacks. The revised setback shows they have pulled back the 44-foot height further off Lincoln Drive. The 44-foot height has also been setback an additional 16 feet on the south and east sides. He added that on the west side there is a similar setback.

Commissioner Lewis asked if they have been given a compelling reason to go over 36 feet in height.

Mr. Knapp stated they could go down to 36 feet with a different roof design, but the preferred roof design goes up to 44 feet. He added that most of the height above 36 feet is driven by mechanical screening and roof structure.

Commissioner Lewis asked about the certain architectural elements that go up to 48 feet.

Mr. Knapp responded there are elements such as chimneys and columns that exceed 44 feet. He added they would want to include a stipulation on

what could exceed the 44 feet.

Commissioner Georgelos asked if they could see the different roof designs that would comply with the 36 feet. She added that she would prefer a design that complies.

Mr. Knapp replied they could ask the applicant to provide an example of what that might look like.

Chairman Wastchak stated he is concerned with what this will look like from the casitas on the north side and the height on the south boundary. He added that he feels the picture on page 28 is disingenuous. He continued that he has a problem with the plans encroaching in on the open space criteria. They have also heard from the neighbor on the south side who is also not ok with them pushing density on the south property line.

Commissioner Georgelos commented that what they are looking at is putting way more density on a five-acre parcel than what is on a 20-acre parcel right next to it, and that concerns her. She feels this is moving in the wrong direction and it needs to be scaled back.

Commissioner Campbell and Commissioner Covington stated they agreed with Commissioner Georgelos.

Mr. Knapp clarified that at the Council meeting on Thursday they will request an extension from February 6, 2019 to March 6, 2019. He noted that the applicant has agreed to this extension.

Chairman Wastchak asked the Commission if they agree that they are not as concerned with them going into the open space on the eastern boundary.

Commissioner Covington stated he would still rather not see a 44-foot wall on the eastern side.

Chairman Wastchak commented that a setback would be nice.

Commissioner Wainwright clarified that the top floor is all a for-sale product.

Commissioner Anton asked if it was normal for a resort to have 41% of it be made up of sold condos. He is concerned that it is taking on more of a condo project than a resort.

Mr. Knapp stated he would report back on that point.

Commissioner Georgelos commented that she feels it is inconsistent to have for sale condos be such a big portion of the property.

Chairman Wastchak stated that his understanding was that the condos would not be in a rental pool. This resulted in a discussion on rental pool versus rental program and these units having the same furniture, fixtures, and equipment (FF&E) as the resort units.

Chairman Wastchak commented that he is concerned that years from now many of the units will have people living in them and will not be a part of the rental program.

Commissioner Campbell stated he is more concerned that it looks like a resort than what percentage is for sale. He added that if they can get them FF&E and have designs that encourage them to be for more transient use than a full-time home.

Commissioner Georgelos commented that the applicant could scale back the condos.

Chairman Wastchak stated that the applicant may decide to scale it differently and if there are adjustments they will have to come back to explain the adjustments.

Mr. Knapp showed what the units would look like and stated samples were included in their packets on page 21. He then explained the lot coverage is 34% and the floor area ratio is 62%. Mr. Knapp then shared the SUP guidelines for signage and showed the current plans for signage on the site.

Chairman Wastchak stated the bottom sign on the right is in the 16-foot dedication.

Mr. Knapp responded that in the site plan on sheet 13, it shows a shift in the parking.

Chairman Wastchak commented that he wants to make it clear no structures should be in the 16-foot right-of-way dedication.

Chairman Wastchak asked the applicant could provide them with elevations of the signs and which way they are facing. He then asked where the signage stands relative to the guidelines.

Mr. Knapp responded that with the current detail it is hard to say if they are

complaint or not. He then stated that some of the outstanding items are final traffic, circulation, and parking study to be updated, which he expects to have next week. They also need a drainage report, water impact service study, and other SOD items such as landscaping and infrastructure.

Chairman Wastchak asked if the third-party traffic consultant will weigh in on the traffic study.

Mr. Mood responded they will.

Mr. Knapp shared the tentative schedule.

**No Reportable Action**

**C. [19-024](#)**

Discussion of a Preliminary Plat & Private Road Conditional Use Permit (PA-17-01 and CUP-19-01)

Sanctuary II - Three Lot Subdivision with Private Road

4474 E. Valley Vista Lane (Assessor's Parcel Numbers 169-20-122) and

4490 E. Valley Vista Lane (Assessor's Parcel Numbers 169-20-123)

George Burton introduced the item and reviewed what the request is and background information. Part of the history included that 4474 Valley Vista was graded without approval in 2016. He believes the grading was done by the current owner.

Chairman Wastchak asked what the Town's position was when that happened.

Mr. Miller stated it was a violation of Town Code, since you need a permit. Typically, what happens is a notice of violation and stop work order is given to the property owner. Staff also typically asks the owner to restore the grade back.

Chairman Wastchak asked about pushing dirt into a wash.

Mr. Miller responded that would also be a violation of Town Code.

Chairman Wastchak asked if it would be more than a violation of Town Code.

Mr. Miller replied that it could violate state law or common law as well.

Chairman Wastchak asked when the Commission will deal with this matter.

Mr. Knapp commented that whether the application came forward or not, the engineering department will be following up with the owner toward restoring the grade on the site.

Plans, prepared by Nelsen Partners, Inc. and dated November 30, 2018.

3. The property owner and Town shall sign and record a Waiver of Rights and Remedies agreement under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney within 10 calendar days of the approval of this amendment to the Special Use Permit.

4. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by the Minor Amendment SUP-18-15.

The motion carried by the following vote:

Aye: 7 - Commissioner Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wainwright

#### 4. STUDY SESSION ITEMS

**19-005**

**Discussion of Major Special Use Permit Amendment (SUP-18-05)  
7101 E Lincoln Drive - Smoke Tree Resort Study Session #4**

Indexes: Smoketree Resort

Chairman Wastchak asked Mr. Knapp to walk the commission through this Item.

Mr. Knapp stated Smoke Tree Resort was going to submit some additional information today as a reaction to comments that they were given over the last couple meetings, but he has not received it yet, so they will discuss that at their next meeting. The schedule moving forward is to hear about the submittal and the stipulations at the meeting on January 22, 2019. They have seen it three times so far, but they only have two meetings between now and when they are expected to make a recommendation to council. In order to request an extension, he will have to do that at the January 24, 2019 Town Council meeting, so there is no time between now and that meeting to discuss it as a commission where they are and how much time they have. He added that the SOD would have the hearing by February 5, 2019. He mentioned to the applicant that they may be asking for additional time. He added that once the packet from the applicant comes in he can reach back out to him about the additional time.

Chairman Wastchak clarified that they need to submit this a week before the Council Meeting on January 24, 2019 in order to get it on the agenda.

Mr. Knapp stated he could ask to put it on Council's agenda and the commission could meet on the January 22, 2019. He can then let the Town Council know if it is necessary. He clarified that they can ask for more time.

Chairman Wastchak stated that unless there is an objection from the commission he intends to ask Mr. Knapp to put it is on council's agenda for

the January 24, 2019.

No objections were made.

Chairman Wastchak asked Mr. Knapp if he had any further advice.

Mr. Knapp stated that he will discuss a date with the applicant. He might suggest the second meeting in February or March.

Chairman Wastchak asked if he needed to present a date on the agenda item or can it simply be put on the agenda for discussion.

Mr. Knapp responded that typically they put a date.

Chairman Wastchak commented that it is a little more complicated than he thought with having to get a specific date, but he still feels they should move forward as previously discussed.

Mr. Knapp stated he will put it down for the January 24, 2019. He added that he has updated attachment H which is a compilation of all the public comments he received. He specified that the December 12, 2018 and December 8, 2018 letters were not in the previous packet. The comments were also provided to the applicant.

Chairman Wastchak thanked Mr. Knapp for the update and work he has done.

Commissioner Lewis asked if the geometry of the ingress and egress has worked out.

Mr. Knapp stated it would be best for the town engineer to give the update on that.

Mr. Mood stated the ingress and the egress has not been nailed down. He added that he will give a presentation on the median access at the January 24, 2019 Council Work Study. The recommendation still stands for Smoke Tree and Lincoln Medical to share a joint access driveway.

Chairman Wastchak asked if they are sharing a driveway.

Mr. Mood clarified that is staff's recommendation.

Chairman Wastchak stated with Lincoln Medical he was comfortable letting that item move forward to Council without having been resolved, but he is

not comfortable allowing the same thing to happen with Smoke Tree. He added that he can be convinced otherwise but at this point he does not want to move it on to Council until they have sorted things out because it impacts what they approve.

Mr. Knapp clarified that the site plan that they saw from Smoke Tree during the last meeting, did have the drive way in the place recommended by Mr. Mood's report. They also verbally told him they are open to a cross access with Lincoln Medical.

Commissioner Anton asked how Lincoln Medical feels about it.

Mr. Knapp responded that they submitted updated information today and it is still showing the same site plan as before.

Chairman Wastchak stated they will handle that as it comes along. He added at least Smoke Tree is addressing the recommendations from the town. He then asked Mr. Mood if this is something that could be sorted out in the next 30 days or as a discussion that will not see a resolution very soon.

Mr. Mood stated from his understanding Lincoln Medical would like to see a joint access on the property line. He added that he does not see a way to get it there and meet the engineering and safety standards. He has spoken with Scottsdale to see if they could extend the median further into Scottsdale among other things, but they responded by email today stating they would not support that.

Chairman Wastchak responded that is good background to have and they will have to wait to see how this goes.

Commissioner Campbell stated he also feels they need to resolve this. He also has a feeling the reason they have not seen anything from Lincoln Medical is because we let them have the by, however, that was only given to them because Smoke Tree was still in development. He is afraid if they kick the can down they will get even less cooperation.

Commissioner Wainwright stated he thinks it is good to look at it as a whole. They would be doing a disservice the medical center if they do something they do not like, and they need to show fairness to all concerned.

Commissioner Covington asked if what they could do is kick that decision to the Council.



Chairman Wastchak replied that if it is still being discussed after it leaves the Commission it would be. He then asked if there were any other questions for staff after which he opened the meeting up for public comments.

Jini Simpson asked what the current setback is. She then stated that her concern is when the project across the street was done, they talked at great length of how this was the entrance to the Town. Because it was the entrance they asked them to dedicate an additional 25 feet of land, so they had a setback of 65 feet. That land then became Town property which the applicant had to landscape. She added that she does not understand that the Town entrance would only be on the north, because that is what they are doing by not asking for the same setbacks on the south side. She also feels every applicant should be treated equal.

Chairman Wastchak asked Mr. Knapp the setback.

Mr. Knapp responded he believes it is 65 feet.

Chairman Wastchak asked if the 65 feet starts from center.

Mr. Knapp replied he did not know but would pull the plan up to see.

Ms. Simpson stated they also need to remember they have a law about density in this town.

Chairman Wastchak stated the setback on Five Star was the same 65 feet from center line.

Mr. Miller stated originally in 2008 there was a 25-foot roadway easement and 40 feet of existing right of way. Then in 2016, when they did the amended SUP, they converted that to a dedicated right of way. In addition to that because of the open space criteria and the desire for greater setbacks because of the general plan, the Council asked to have those greater setbacks.

Chairman Wastchak stated they did 25 feet of dedication and a 50-foot setback from the dedication line.

Mr. Knapp stated it is a 65-foot set back from the existing right away which is 33 feet from the center line.

Ms. Simpson stated they should look at the proposed 34% density as opposed to 25% on most of those properties.

Chairman Wastchak stated they received the letter from the Adnaz resort owner Gary Stougaard and thanked him for sharing with them.

Mr. Stougaard stated that he came to another meeting and there was a lot less dialogue than he thought there would be, and he thought he would be a lot more involved with the process than he has been. When he was developing he was told it was the Commission's way or the highway and all his setbacks are at an 80-foot minimum. He had to get a variance on the east side for his new lobby building, because 5 feet of his building stuck into the 100-foot setback. There was a lot of discussion about height and density. He clarified that he would have loved to develop something more intense on his 24 acres. The people from Smoke Tree called him and told him of the project they were proposing, and he believed it would not have the Town's support because it was so far out of the box.

Mr. Stougaard continued stating the biggest issues he has with the development is the narrow setbacks. They want to build something 30 feet tall 20 feet away from his property and he has a problem with that. He also feels it does not make sense to put for sale residential on the top of their property. He added part of the reason he owns the property he does is because the people who owned it previously could not get more density than one unit per acre. The only reason he believes they want residential is because this is the only way they can recoup their costs. He feels this is so intense that he cannot support it and it does not fit with what Paradise Valley is all about. He then added that it does not make sense to him that they have purchased such an expensive piece of land, plan to put parking underground, and to put residential on top. He knows that it is hard to make money running a hotel and he feels that is why they want residential too. More importantly all the rules he had to comply with and the conversations he had before he built is a whole different program than what these guys are in.

Chairman Wastchak stated the Statement of Direction (SOD) they received from Council suggested pushing heights to the south and east boarder, one of which the Andaz resort.

Mr. Stougaard commented that he already has that, and it is awful. He feels if condominiums go up 20 feet from his property he will have to deal with them every day. He is disappointed that is the direction they got from Council. He then reiterated that he disagrees with someone putting 30-foot wall 20 feet from his property.

Commissioner Wainwright responded that this is a game changer from two weeks ago. He added that when they make major changes they like to consider the impact from adjacent properties. Before they had seen Mr.

Stougaard as silent, but they now have a better understanding on how he feels.

Mr. Stougaard commented that he was precluded from even building a two-story hotel and the plans he is seeing here is a three-story building 60 feet closer to his property than his own setback. He apologized for being silent at first and explained that it was because he believed the plans would be rejected and so he would not have to say anything.

Commissioner Anton asked Mr. Stougaard what he would do with the property if he owned it.

Mr. Stougaard stated as a developer you look at what your basis is so that you can develop it in order to recoup your costs and so he understands why they would want density. Do you start a 120-room hotel with no underground parking or do you double down with parking and put residential on top to recoup the cost. He then stated that he guarantees that this does not pencil unless they can sell a lot of residential. One of his answers to the question is that it does not make any sense. The second is that they need to go two stories in order to make any money. He would put the tallest point at the center of the property and figure out how to make it work, which is what the Commission told him on his property. He added that to push it away from Lincoln Drive and next to his guest rooms is inconsistent with him having to have 80-foot setbacks.

Chairman Wastchak asked if there were any other questions.

Commissioner Campbell stated he really appreciates Mr. Stougaard coming forward and explaining where he stands.

Chairman Wastchak clarified that the information was shared with the applicant as well. He then thanked Mr. Stougaard and encouraged him to stay involved.

Mr. Stougaard stated they can assume he will be involved. He apologized that his silence was viewed as acceptance, because nothing could be further from the truth. He is happy to respond to any questions. He added that he played by the rules when he did his project and because this is so far from the rules he played by, he never thought it would come to this point.

Chairman Wastchak clarified that Mr. Knapp reached out to the applicant and they were not able to come tonight. When they get to the next meeting on January 22, 2019 they will have an opportunity to respond. He then asked the applicant's legal representative if she had a response at this time. She replied that she will wait until next time.

**No Reportable Action****A. [19-002](#)**

Discussion of Major Special Use Permit Amendment (SUP-18-12)  
10555 N Tatum Boulevard - Mountain View Medical Center

Chairman Wastchak stated they would first hear from Paul Michaud after which they will allow for questions from the Planning Commission followed by three five-minute timed presentations for public comments.

Commissioner Covington asked if everyone is aware that this item has been pulled from the agenda.

Chairman Wastchak stated everyone is aware.

Mr. Michaud stated that the applicant has requested to move this item to the next meeting on January 22, 2019. The request is to demolish the six existing buildings and replace them with new buildings. The topics they were going to discuss tonight were in regard to parking, traffic circulation, landscaping, and infrastructure. Those items will carry over to the next meeting.

Chairman Wastchak asked for him to go over the timeline if he is prepared to do so.

Mr. Michaud stated that because they are requesting to demolish a structure there are different levels of amendments the highest being a major amendment. A major amendment requires that they go through both a Planning Commission and Town Council review. Part of that is a Statement of Direction (SOD) which Council gives to the Planning Commission. In the SOD the Council gives a target date of when they would like to have a recommendation back. In this case the date is no later than March 5, 2019, which they believe is when the hearing will be on this item. There is always the opportunity for the Commission to ask the Council for more time if it is needed. Once it is out of the Commission, Council will have separate work sessions and then a public hearing.

Mr. Michaud clarified that the public gets notice at three different stages. First, the citizen review meeting which must be ten days prior to the Commission recommendation. The applicant believed that would be around the middle or end of January, but that probably will shift to a later time.

Commissioner Georgelos asked how they will be notified.

Mr. Michaud responded that everyone within 1,500 feet of the site will get a notification in the mail. He added that he also sends the list out to people

**Aye:** 6 - Commissioner Wastchak, Commissioner Anton, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wainwright

**Absent:** 1 - Commissioner Campbell

## 5. STUDY SESSION ITEMS

**A.** **18-493** **Discussion of Major Special Use Permit Amendment (SUP-18-05)**  
**7101 E Lincoln Drive - Smoke Tree Resort Study Session #3**

**Indexes:** Smoketree Resort

Jeremy Knapp, Community Development Director, reviewed the proposed application. This is the third work session on this application. The property is on the south side of Lincoln Drive and is 5.3 acres in size. On December 4, 2018, the Commission discussed use and density, lot coverage and floor area ratio, heights and viewsheds, setbacks, impacts to adjacent uses and traffic, parking and circulation. Based on prior comments staff requested additional information. He noted that the Commission did not get through all of the comments in the last meeting. More material will be provided in the next meeting.

He reviewed the Statement of Direction (SOD) requirements for landscaping. The landscape guidelines call for a combination of a wall or berm when adjacent to residential. This will be applicable on Quail Run Road. The right-of-way on Quail Run Road makes installing a wall problematic. The narrative states that they will adhere to the Resort Living character zone of the Visually Significant Corridors Plan.

Attention shall be paid to landscaping on Lincoln Drive and Quail Run Road. Pedestrian access needs to be considered within landscape areas. Lincoln Drive is a gateway into the Town requiring additional consideration. The Visually Significant Corridors Plan shall be considered as well as cohesion with the planned landscape improvements along the north side of Lincoln Drive. A stipulation may be considered to ensure replacement of landscaping should it die. The applicant has indicated that they will comply with this plan. The landscaping is general. They provided a list of the plant types and commented that these will be incorporated into the landscaping of the site.

Chairman Wastchak asked if they need to have the applicant show all of the landscape species in this plan.

Mr. Knapp stated that they can require a specific landscaping plan or have the location of trees noted with a requirement that the species come off of the list provided.

The Planning Commission indicated that they are okay with a flexible plan.

Mr. Knapp noted that 50 feet of landscaping buffer is required along Lincoln Drive. This is not shown because they are trying to maintain the frontage of the existing building. Right now, they have 16 feet of landscape buffer. This can be adjusted depending on the access.

Chairman Wastchak indicated that there will be 33 feet of landscaping easement and 16 feet for parking and circulation. He asked if they will see any adjustments during the next revision.

Mr. Knapp stated that he is not sure. It will be up to the applicant on what they are going to present.

The applicant's attorney representative stated that Paul Gilbert and her met with Andrew Miller to discuss open space, property lines and post dedication. They were advised to leave the property line where it is shown.

Chairman Wastchak pointed out that the proposed site plan shows 33 feet of dedicated roadway, 16 feet of landscaping and 16 feet of parking and circulation. He asked when they come back, are they going to show this same layout.

The applicant's attorney representative indicated that this will stay the same.

Chairman Wastchak indicated that the parking can stay within an easement, but the 16 feet of landscaping will be dedicated.

The Planning Commission agreed that this should be consistent with Lincoln Plaza Medical Center.

Taylor Robinson with Smoke Tree Resort indicated that they have been in conversations with Lincoln Plaza Medical Center regarding access. This topic will require further discussion with the Town Council. Their goal is safety in the area.

Mr. Knapp commented that the SOD directs the Planning Commission to consider signage and its impacts on adjacent properties and streetscape. They should look at the broader signage plan for Lincoln Drive. The Special Use Permit (SUP) guidelines allow for one identification sign per entrance with a maximum height of eight feet and sign area of 40 square feet on major arterials. Other streets allow for one identification sign per entrance, a maximum of four feet of height with a sign area of 32 square feet. The signs may be backlit or internally illuminated.

Chairman Wastchak stated that signs that are on Lincoln Drive need to be uniform.

Mr. Knapp showed graphics of the proposed signs. Three are proposed on Quail Run Road and one sign is proposed at each entrance on Lincoln Drive. He reviewed the design of the proposed signs.

Commissioner Lewis commented that the exterior signs need to be consistent in size with the nearby redeveloping properties. If the signs are designed the same, they will become unduly redundant.

Chairman Wastchak explained that he was only talking about the signs having a similar size and not a similar design.

Commissioner Anton asked what the distance is between the two entrances on Lincoln Drive.

Chairman Wastchak commented that the No. 3 sign serves more as a partial wall. It will provide sound buffering from the street.

Mr. Knapp commented that the entrances are 180 feet apart.

Chairman Wastchak asked if they have restriction on walls by the street.

Mr. Knapp commented that there are landscape buffers but he is not sure if there are specific requirements for walls.

George Burton, Planner, responded that walls in residential districts may be three feet in height and setback 10 feet.

Commissioner Georgelos noted that the architectural element on the sign will increase the height to eight feet.

Chairman Wastchak asked for justification on why they need a large sign at both entrances.

Mr. Robinson stated that the sign on the west will serve as more of a corner sign for Quail Run Road and Lincoln Drive. The sign further to the east is for the main entrance.

Chairman Wastchak requested that they provide a blow-up of the sign areas during the next meeting.

Mr. Robinson stated that they are using the 33-foot sight triangle on the corner and will include this in the next meeting.

Commissioner Lewis indicated that he would like the proposed western sign addressed as well.

Commissioner Anton asked if there are other signs that will be visible from the street.

Mr. Robinson stated that there may be building signs visible from the street.

Chairman Wastchak stated if they intend to have more signs then they should submit these now instead of waiting.

Mr. Knapp commented the applicant will be required to address and show how they will meet onsite retention. Staff is waiting for a drainage study and water impact study. The site engineer has contacted the town engineer regarding water service to the site.

A Commissioner asked how the underground parking drainage will tie into the site system.

Mr. Robinson commented that their engineer is working on this point.

Commissioner Georgelos asked where they are regarding the plans for the underground parking garage and the employee break room and other uses.

Mr. Robinson indicated that they are still working on it and do not have it nailed down.

Chairman Wastchak asked if she would like to see a plan or is she comfortable knowing that these uses will be down there.

Mr. Robinson commented that they can work off what is approved from the Town Council. They can bring back a working drawing. The basement plan will be conceptual and may change a little.

Mr. Knapp stated that the last items to address are site context appropriate design, site lighting, screening of mechanical equipment, material palette of improvements and providing renderings from adjacent properties. They have provided five renderings. The lighting plan shows all fixtures are full cut off. There are some areas that exceed the number of foot candles per the guidelines. They are going to address these. They need to provide setbacks for pole lighting in the parking lot. The guidelines require setbacks, at a minimum, to meet the height of the pole. They need more information on landscape lighting.



Commissioner Lewis asked what are the stipulations for the lumens in the parking garage. He mentioned that natural lighting in the garage will be much more compatible.

Mr. Knapp explained that the parking garage will need to meet building code requirements. There are no SUP guidelines regarding lighting. The Planning Commission could grant a stipulation to address this point.

Commissioner Georgelos asked if there is something else, they can do on the west side without using poles.

Mr. Knapp responded if the spacing works out they could put these at the end of the landscape islands. They could add an additional landscape island to pull the lighting further inward.

Commissioner Georgelos stated that it appears certain lights will wash the wall.

Mr. Knapp stated that he will have to talk with the applicant about this point.

Commissioner Wainwright indicated that they require down, not up lighting.

Mr. Knapp reviewed a rendering of the site from Lincoln Road, Quail Run Road and the fire entrance for Andaz Resort. He then reiterated each of the items staff is waiting for. The next work study will be on January 9, 2019. The hearing could happen on January 22, 2019 or February 5, 2019.

Commissioner Anton asked what the requirements are for flag poles and referenced the proposed flag pole on page 32.

Mr. Burton provided the residential standards for flag poles. There are no standards for flag poles at resorts.

Mr. Robinson stated that they do not have any plans for flag poles.

Commissioner Anton commented that there needs to be a convenient place for employees to go and have a break without going underground.

Mr. Knapp stated that staff has requested more information regarding this point.

Commissioner Anton stated that he has not seen a compelling reason to go over 36 feet in height.

Commissioner Covington stated that they need to address this point.

Chairman Wastchak stated that he is concerned about the open space criteria and encroachments into the site triangle on corners. He wants them to stay out of the viewsheds and place height in the center of the property. He is okay with height above 36 feet if it is in the center of the property.

Commissioner Georgelos commented that she agrees with his points on viewsheds. She would like to see information on why they need to go above 36 feet.

Commissioner Wainwright stated that he needs a compelling reason to go above 36 feet. He wants to see some undulation and is okay with some features going above 36 feet. People do need a place to take a break.

Commissioner Lewis stated he does not want the over development of the site to over power the property. He feels that less is more.

**No Reportable Action**

**B. [18-490](#)**

Discussion of Major Special Use Permit Amendment (SUP-18-12)  
10555 N Tatum Boulevard - Mountain View Medical Center

Chairman Wastchak introduced the item. He indicated that residents Marjorie Schumacher and Robert Kramer would like to speak and suggested that they speak prior to staff's report.

Marjorie Schumacher stated that she is a resident of the Firebrand Ranch neighborhood. She stated that the neighborhood was not fully notified of this project. She indicated that she will read a letter from JoAnn Ceimo. She then read the letter which indicated that due to out-of-state family obligations, she could not be in attendance tonight. Firebrand Ranch is under siege by developers. The investment in their homes and peace and quiet is being threatened. The development proposal is a travesty. She moved to the area for the lifestyle. There will be noise pollution from construction, increased traffic congestion and added air pollution. She asked if there are health mitigations that have been considered. Construction raises dust and impacts health. There are children and retirees within the development that will be at increased risk of the construction. There will be light and traffic pollution in the neighborhood. There will be a decrease in parking spaces.

Ms. Schumacher commented that she has several letters that she will leave with Mr. Michaud.

Robert Kramer provided an anonymous letter to the Planning Commission

Mr. Michaud stated that no changes are occurring to entrances. A traffic study analysis is in the packet.

Commissioner Wainwright commented that he used to live behind this medical plaza and the access is not ideal but you learn to live with it.

Mr. Michaud stated that the applicant has done some voluntary outreach. There has been one neighbor who expressed concerns regarding access/traffic.

Mr. Michaud stated that the Commission has until March 5, 2018 to make their Council recommendation, with a preference that the hearing take place on February 5, 2019. He listed the proposed meeting schedule for work sessions and the public hearing dates.

Commissioner Campbell asked how long it will take to make the change for the architectural buildings.

Mr. Michaud stated that the December 18, 2018 packet will go out next Wednesday.

The applicant stated that they could have something ready by Wednesday.

Commissioner Campbell suggested pulling the height back from the edge of the building to break up the massing.

Chairman Wastchak suggested that they work on SOD Sections 1, 3, 4 and 5 for the next work session meeting. He believes they can get this done by February.

**No Reportable Action**

**C.**

**18-475**

**Discussion of Major Special Use Permit Amendment (SUP-18-05)  
7101 E Lincoln Drive - Smoke Tree Resort Study Session #2**

**Indexes:** Smoketree Resort

Mr. Knapp provided an overview of the application. The property is 5.33 acres located at the intersection of Lincoln Drive and Quail Run Road. It has been in operation since 1954, contains 32 rooms but only 23 rooms are in service. The restaurant is not in use. The General Plan designates the site as SUP-Resort and it is within the Lincoln Drive South Development Area. The site is zoned SUP-Resort. The applicant is requesting 150 traditional hotel guest rooms, 30 resort residential units of approximately 1,250 square feet with lock-off features which will be available for rent through the resort. There will be a restaurant and bar/lounge area and an assortment of accessory uses. Indoor and outdoor

event space is provided.

He stated that staff received updated site plans and renderings, a final traffic circulation and parking study, and they are waiting on the drainage study. They are also waiting for a water impact service study and have received the exterior lighting plan and details for the walls.

Chairman Wastchak stated that the Lincoln Drive median design will be a discussion item at the Council meeting on Thursday.

Mr. Knapp commented that they will discuss it within the context of the Lincoln Drive access plan for the capital improvement plan. There are three options being proposed by Civ Tech, who is working for Lincoln Medical and Smoke Tree. The Town's engineer and a third-party engineer have reviewed these Lincoln Drive options.

Chairman Wastchak indicated that this is in their packet. They will not talk about this tonight because they need to see what the Council wants to do.

Mr. Knapp reviewed the updated plans. They are proposing 33 feet of dedicated easement, 16 feet of landscape easement and 16 feet of parking and circulation easement. There is a reconfiguration of the driveway on the eastern part of the site entering in from Lincoln Drive for an auto-court and valet. They are now showing a 100-foot setback on Quail Run Road from the residential property line. There is 25 feet of right-of-way to be dedicated on Quail Run Road. A trash enclosure is now being shown on the south side and on the north near the auto-court. The second story has been changed to have the spa on the front. The two units are being added near Quail Run Road.

Chairman Wastchak asked if any of the units are not in the rental pool.

Mr. Knapp commented that the owner can decide to include their unit in the pool or not.

Mr. Miller stated that they can ask questions regarding the development agreement. He said that the applicant's attorney, Paul Gilbert, commented that they may be willing to enter into a development agreement so if units were out of the rental pool, they would replace the lost bed tax with a replacement formula. If all rooms will have the required furniture, fixtures and equipment (FF&E) is still being determined. If a unit is sold but required to be rented, then it may be considered a security. He believes they may be able to make the full FF&E.

Chairman Wastchak mentioned that the Council was not looking favorably

upon nonparticipation in the rental pool. He asked for guidance on what can be talked about.

Mr. Miller stated that they can talk about it and look at requirements that were placed on Mountain Shadows.

Mr. Knapp stated that it affects Building G and the 3rd story of Building K.

Commissioner Georgelos stated that this seems very dense.

Chairman Wastchack commented that the list of uses are only possible uses. He suggested that staff develop the use list based on what has been allowed in other SUPs.

Mr. Knapp went over the Statement of Direction (SOD) lot coverage recommendations. He indicated that the proposed lot coverage is 34% with a floor area ratio of 62%. The lot coverage requirement guidelines for all resort structures shall not exceed 25%, total of all impervious surfaces is 60% and open space shall meet at least 40%. Based on the size of the lot, these percentages may not be reasonable.

Commissioner Georgelos stated that there are two separate parcels and the legal description includes Lincoln Drive resulting in the area being less than the 5.3 acres.

Chairman Wastchak commented that the Council wants the Commission to consider lot coverage, but they only told them that the proposal is too high and needs to come down.

Commissioner Lewis stated that the key consideration is ingress and egress for this project.

Commissioner Georgelos stated that it appears there is a utility easement that runs east and west. She asked how buildings are going to be constructed over this easement. She noted the area in the drawing. She has not seen the underlying documents.

Mr. Miller stated that it looks like it is supposed to be for electric utilities.

The applicant indicated that they can provide more detail on this easement.

Commissioner Anton stated that there appears to be lack of green space and the pool appears to be small for the amount of proposed rooms. Everything appears to be dedicated to maximizing the amount of rooms.

Commissioner Georgelos stated that she agrees and the site is overly crowded with too many units.

Commissioner Campbell noted that the property lines have not been properly identified yet. There is landscaping and parking shown in the right-of-way on Quail Run Road.

Mr. Knapp responded that typically they allow landscaping in the right-of-way from the back of curb to the property line.

Commissioner Lewis asked if they have done a title search on the right-of-way.

Commissioner Campbell stated that he doubts it, but the property lines should be known.

Chairman Wastchak stated that they look at the deceleration lane proposed on Lincoln Drive.

Mr. Knapp commented that the Town Engineer worked with their third-party engineer, Kimley Horn; and of the three options, recommended that both Lincoln Medical and Smoke Tree have one shared access which will be about 85 feet from the eastern property line of Smoke Tree. He identified the location on the site plan. The Town Engineer is recommending 115 feet of stacking due to the turning radius. A dedicated right turn lane will access the same drive access. The landscaping area will accommodate the deceleration lane. He noted two driveways that will be eliminated. There will be shared access easement between Smoke Tree Resort and Lincoln Medical Plaza and a non-vehicular access easement between Lincoln Medical and AJs and to the south along the Andaz resort.

Commissioner Anton asked if parking at Smoke Tree Resort will be free.

Mr. Knapp commented that he believes it will be free.

Commissioner Anton stated that if they do charge for parking, then customers will overflow onto Lincoln Medical.

The applicant stated that there will be a cross-access easement.

Chairman Wastchak indicated that they need to find a way to move traffic between the properties safely. The property owners will need to worry about cross parking.

Commissioner Campbell responded that the priority is safety and access.

This has to be accommodated through the shared access.

Chairman Wastchak asked if staff has any concerns regarding the right-of-way on Quail Run Road.

Mr. Knapp stated that the landscape buffer does not meet their guidelines for right-of-way.

Commissioner Anton stated that they don't want people parking on Quail Run Road.

Mr. Knapp stated the SOD addresses consideration of heights and viewsheds. Minimum height is encouraged on the west side of the property near residential and then transitions up in height towards the east side of the site. A compelling reason must be given for heights over 36 feet. This height shall be limited in area and only allowed for mechanical equipment and architectural elements. All heights shall be taken from existing grade. He presented a graphic showing allowable heights on the site. The exhibit will need to be updated to show the true setbacks. The applicant is proposing 36 feet in height near Quail Run Road and Lincoln Drive and 44 feet near Smoke Tree. He then showed the viewshed exhibit. Setbacks are shown with 65 feet from the right-of-way on Lincoln Drive and 20 feet from the east and rear property lines. There is 75 feet shown on the Quail Run Road side, which equals 100 feet when the 25 feet of setback is added from the residential property lines.

Commissioner Campbell stated that he does not have any objection on the Smoke Tree side, but would like to see stair stepping to the west. He indicated that he is speaking more of in terms of architectural massing.

Commissioner Georgelos stated that they could do small tweaks to get it into compliance.

Chairman Wastchak indicated that they have not talked about the number of units to this point. The Council did not seem to have a concern regarding the number of units. They want building massing to be pulled away from the residential side.

Commissioner Wainwright commented that it is more about the overall mass of the project and not the number of units.

Commissioner Anton indicated that developers typically come with more than they need, so he hopes they have room to come down. It is too much for him now.

Commissioner Georgelos agreed that it feels dense and cluttered.

Chairman Wastchak stated that this feels more like a hotel than a resort. There does not seem to be adequate space for meetings. The aesthetics and design of the building does look really good.

Commissioner Anton stated that the garbage area has now been moved up. He does not understand why the garbage is being placed on the north side of the lot by the entrance. He suggested that they locate all of the garbage on the rear of the project.

Mr. Knapp reiterated that they need to look at setbacks on the east and south sides of the property lines considering adjacent uses.

Chairman Wastchak asked if the 65-foot setback off of Lincoln Drive move further south following the addition of the deceleration lane.

Mr. Knapp commented that this will have a major impact and he assumes the applicant will maintain the location of the buildings and bring the setback down to something less.

Chairman Wastchak asked if normally the setbacks on the east and south would be 40 feet.

Mr. Knapp commented that the minimum distance from exterior property lines adjacent to uses, other than residential, shall be 100 feet for the principle structure and the property line. The setback for an accessory structure would be 40 feet.

Mr. Knapp reviewed impacts to adjacent uses. The resort has a market with outside tables along the western side of the property near the existing residential uses, with the resort restaurant in direct line of sight from a residential property. Balconies for the hotel guest room keys and resort residential units also face west. The Commission shall consider impacts including noise, light, traffic and other adverse impacts. Storage and deliveries will happen on the rear of the property under the structure. The restaurant and market are on the front side of the development. He showed photos from Quail Run Road, Andaz Resort and Lincoln Drive.

Commissioner Georgelos asked if it is possible to move the restaurant seating to the internal side as opposed to the western side.

Mr. Knapp stated that they could establish a stipulation that the dining space be located on a specific portion of the building.



Commissioner Georgelos stated that she is concerned with people sitting on the patio generating noise.

Commissioner Anton stated that he is not concerned because it is a daytime use and on the ground level.

Mr. Knapp responded that they have not had a conversation regarding hours of operation.

Commissioner Wainwright stated that they might not hear anything due to the noise from Lincoln Drive.

Chairman Wastchak asked where would the employees break.

The applicant clarified that there would be a small employee area below in the garage.

**No Reportable Action**

## **6. ACTION ITEMS**

None

## **7. CONSENT AGENDA**

### **A. [18-462](#) Approval of November 7, 2018 Planning Commission Minutes**

A motion was made by Commissioner Campbell, seconded by Commissioner Lewis, to approve the November 7, 2018 minutes with some minor edits. These edits included adding the word "of" after the word "neither" in the paragraph on Page 12 regarding Quail Run Road on the Smoke Tree Resort item, changing the word "delivers" to "deliveries" on Page 15 regarding the Ritz Carlton - Area C item, and noting the the "A Commissioner" references are from Commissioner Covington. The motion carried by the following vote:

**Aye:** 7 - Commissioner Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Georgelos, Commissioner Lewis and Commissioner Wainwright

## **8. STAFF REPORTS**

Mr. Knapp stated that the Town holiday party is on Friday.

Mr. Knapp asked the Commission to reschedule the January meeting schedule due to the New Year holiday. The meeting dates were set for Wednesday, January 9th and Tuesday, January 22nd at 6:00 p.m.

Commissioner Campbell stated that he cannot go to the Hillside Building Committee meeting on January 12, 2019. He asked if there is someone

Chairman Wastchak asked if there is any opposition from the Board to combining rules where they can.

Vice Mayor Bien-Willner stated that the rules should be consistent where possible. He does see issues with the Board of Adjustment because they have specific rules they need to follow. Staff can handle different sets of rules. Applicants have to migrate back and forth between the different bodies. Submittal requirements need to be consistent.

Chairman Wastchak stated that a December 6, 2018 deadline to the Town Council seems inadequate for providing feedback.

Mr. Miller stated that he just wants feedback on other areas the Commission and Board want considered by this date.

Vice Mayor Bien-Willner responded that the Town Council does not want to rush getting the new rules in place.

#### **No Reportable Action**

**B.**

**18-425**

#### **Discussion of Major Special Use Permit Amendment (SUP-18-05) 7101 E Lincoln Drive - Smoke Tree Resort**

Chairman Wastchak introduced the agenda item.

Jeremy Knapp, Community Development Director, commented that the submittal they are seeing tonight is the same that the Town Council issued the Statement of Direction (SOD) on. He stated that Mr. Gilbert, attorney for the applicant, will go through his presentation and will cover the nature of the application. He indicated that he has also provided a presentation and will indicate how the SOD applies to site plan.

Paul Gilbert, Attorney, commented that he is representing the new owners of the Smoke Tree Resort - Sam Robinson and Taylor Robinson. He indicated that they have come a long way with working with the Town Council regarding the SOD. He complimented the chairman for coming to every meeting. It is his understanding that they are here tonight to give the Planning Commission a full overview of the project and then to take their comment and feedback. He explained that Section one of the SOD requests more information on proposing accessory uses. There are 30 for sale units in the resort but they will not spend a lot of time on these. He believes they need to work through these with the Town Attorney. There will be a total of 180 units. About a 150 of these will be conventional resort units. The SOD refers to the Visually Significant Corridor Plan. Section

three refers to mitigation measures of lot coverage. He invited the architect Erik Peterson, PHX Architecture, to give an overview of the project.

Mr. Peterson commented that they were involved in the Mountain Shadows and Ritz Carlton Special Use Permit projects. They are familiar with the process and the Town's general plan. He presented an aerial view of the property. The site is five acres in size. There are no rules for how to approach a project at this size because the guidelines were written for projects of at least 20 acres. They tried to meet the spirit of the guidelines. The general plan talks about visual openness, community spaces, connections, corridors in and out of the space and public space/art. The owner believes in all of these elements. Most people don't realize that there is a courtyard in the center of the project and experience the parking lot fronting the street. They have plans to revitalize the parking area. He then presented a concept plan and indicated that the property is located in the gateway to the town and at the new intersection for the Ritz Carlton. They want to open the whole resort up to Lincoln Drive. Open spaces and connections will be provided right off of Lincoln Drive. They do not want walls on the front of site but want it to be inviting and open to the public. The landscape in the front will create a landscaped parking zone. All of the parking for the hotel will be placed underground.

Chairman Wastchak asked him to indicate the boundaries of the hotel parking.

Mr. Peterson noted the underground parking will be located on the front half of the site. The red areas in the front are community and open spaces. These include the market, restaurant, hotel lobby, reception areas and plaza. A community path and public art will be located at the front of the site. The purple building is an open pavilion building which will be open on all sides during the day. Most of the density is being pushed toward the back of the site and away from the residential. The buildings will tier downward towards the intersection. He showed a massing graphic.

Chairman Wastchak asked for a copy of the graphic.

Mr. Peterson said that he would provide the Planning Commission one. Then he showed a setback exhibit and building section views to demonstrate the viewsheds. He provided a height comparison with the adjoining developments.

Chairman Wastchak commented that they were showing an encroachment into the view-lines in the plans provided in the packet, but the graphic being presented shows they are outside of these.

Jeremy Knapp, Community Development Director, commented that the difference between the packet and what is being shown is that instead of taking the 20 feet from their property they are measuring the 20 feet from the Lincoln Plaza Medical Center property.

Mr. Peterson stated that the 20 feet is measured on the property if the site contains 20 acres. They are measuring this proportionately due to their smaller size. They are measuring 100 feet all around their property. In the spirit of the guidelines they are keeping a distance of 100 feet until they meet their maximum height. He then provided a rendering to demonstrate the building height being tiered back from the intersection. He reviewed architecture types they are looking to do. Shade structures like trellises and cabanas will be used throughout. He showed an example of the pavilion design. They are planning to rent out the pavilion for events.

Chairman Wastchak asked if the archway onto Lincoln Drive is for pedestrians only.

Mr. Peterson confirmed that it is only for pedestrians. They are aiming to get many view corridors into the project.

Mr. Gilbert commented that there are three documents that guide the design of the Smoke Tree Resort. These include the General Plan, resort guidelines of the ordinance and SOD. He mentioned that the guidelines are not requirements and that they were designed for 20-acre projects. He believes that the Town Council feels their project complies with the General Plan. He highlighted the following sections of the General Plan:

- LU2.1.2 To encourage the continued revitalization and improvement of Special Use Permit (SUP) properties and to protect the adjacent residential neighborhoods.

He indicated that they are meeting this criterion. He mentioned they are surrounded on three sides by commercial and resort uses. Residential is only located west of the site. This residential is part of a redevelopment area in the General Plan. Areas of density and height are located away from the residential. They are looking to reduce their impact on the existing Andaz Resort by reducing the number of windows on the south facing part of the building, keeping balconies only on lower levels and providing landscaping.

- LU2.1.2.1 The town shall continue to encourage SUP property revitalization and improvement within their existing geographical boundaries.

He indicated that they will achieve this. They have received letters from adjoining property owners. The main thrust of these letters is regarding impact on traffic on Quail Run Road. They are aiming to keep traffic off of Quail Run Road and have it directed onto Lincoln Drive. There are two entrances on Quail Run Road. He does not support connecting Quail Run Road between Lincoln Drive and McDonald Drive. There is language in the General Plan that supports this point. He indicated that they are not prepared tonight to speak in detail regarding traffic. He mentioned that their traffic engineer, Dawn Cartier, is working for several other property owners as well. Her study is under review by the Town's consultant.

Paul Mood, Town Engineer, indicated that staff will be finished reviewing her report by the end of the week.

Mr. Gilbert commented that development areas, as identified under Section 2.2 of the General Plan are areas that are intended for resort development in targeted areas. The Smoke Tree property is a resort in a development area. These areas are to provide for new resorts and redevelopment of resorts. The current resort is underutilized. He then overviewed Section 2.2.1.2 which talks about the development of SUP areas. He indicated that the application is consistent with the Town's policies for resort development. They are estimating that the resort will bring in about \$800,000 in annual revenue to the Town. Right now, the resort only brings in about \$30,000.

He then continued to the resort SUP guidelines. He indicated that they have adhered to the majority of the SUP guidelines but need some modifications. Lot coverage is a major factor in this application. They do comply proportionately under the SUP guidelines. In terms of lot density and coverage, the core areas of the different resorts of the town, the Smoke Tree Resort is on the low side. He presented several images of other resorts within the town. He provided a table comparing core development and pointed out that they are number eight on the list. The guideline states that one unit is allowed per 4,000 square feet. This would mean they could only have 58 units. There is no way they could tear down all of the existing buildings and only build 58 units and make a profit.

He mentioned that resorts need critical mass of units and square footage to be successful. They are proposing 150 rental rooms and 30 for sale units. The average room count in the Town is 290. In order to transform the resort, they need between 150 and 200 rooms to make it work. For sale rooms are needed because they are the financing mechanism the project needs for upfront costs. They are willing to include in-lieu fees for the 30 rooms being proposed for sale. The town would not lose any income for these units.

He reviewed the height requirements under Section 4.2.8.1 of the SUP Guidelines that suggest the building height shall not exceed 36 feet. The habitable part of their proposal is only 36 feet. They only exceed 36 feet for architectural elements and screening. This complies with their requirements. Smoke Tree Resort is in close proximity to Scottsdale which has taller buildings. They meet the key standards for setbacks and landscape buffers.

Commissioner Lewis asked what will go above the parking garage and does it have natural light.

Mr. Peterson noted the area of the garage and commented that they have estimated the development that would be above it. The parking is subterranean.

Commissioner Lewis asked what they are proposing for the grocery store.

Mr. Peterson stated that it would have coffee, wine, cheese and a bakery.

Commissioner Lewis indicated that there was a similar store in a resort that was not successful.

The applicant mentioned that the store he was referring to was closed off from the community. It will be more of a neighborhood store as opposed to a traditional grocery store.

Commissioner Lewis asked for an update on a plan for joint ingress/egress with the medical building.

Mr. Gilbert commented that they are waiting to hear from the traffic engineer. By the next meeting they can comment on this point. They are willing to share a driveway.

Commissioner Georgelos asked if they have a final parking number.

Mr. Peterson stated that they do not because they are waiting for their final unit count.

Chairman Wastchak stated that they have lots of flexibility with their underground parking.

Commissioner Campbell commented that he does not want to change the guideline for view corridors but would like to understand where they do not meet this guideline and see if a modification is justified. The diagonal

measurements need to be from the property lines.

Commissioner Georgelos stated that she agrees with Commissioner Campbell.

Commissioner Campbell asked if residences are provided on the top floor.

Mr. Peterson responded that on Section A the part above the diagram are the resort residences.

Commissioner Covington asked about the parking ingress/egress off of Lincoln Drive and if both are necessary.

Mr. Peterson commented that he feels they should be. One entrance would be used by resort guests and the other would be for residents. Deliveries would hopefully be completed underground.

Chairman Wastchak thanked the applicant and invited Mr. Knapp to present the staff report.

Mr. Knapp commented that he will focus on the SOD points. He indicated that the Visually Significant Corridor Plan was adopted by the Town Council last week. He presented the site plan and provided an overview of the tentative schedule. He then highlighted the following from the SOD:

- More information is needed on the new accessory uses and the proposed resort residential to ensure such uses are accessory to the resort.
- The proposed 180 units creates a density of approximately 34 units per acre. The Planning Commission shall take into consideration the 5.3-acre site area and reduce density on the west and south sides of the site.
- There are 30 resort residential units with a size of 1,250 square feet.
- The resort will contain a restaurant/bar and event spaces.
- The Planning Commission shall consider lot coverage and FAR while acknowledging the unique characteristics considered in the development area. Reasonable separation between incompatible uses and buffering of noise, light, traffic and offsite building shall be considered. The proposed lot coverage is 34% and FAR is 62%.
- Height shall be evaluated for its impact on adjacent properties. A minimum height is encouraged on the west side of the site closest to the existing residential properties. Height shall be transitioned up towards the medical facility adjacent to the property. Height shall be measured from existing finished grade.
- Conditioned space is 36 feet in height and architectural elements

extend to 44 feet. A 65-foot setback is shown adjacent to Lincoln and 50 feet is provided from the edge of Quail Run.

- The Planning Commission shall consider view sheds from adjoining properties of any encroachment outside the imaginary plane suggested by the Open Space Criteria. A limited amount of encroachment may be possible due to the size of the lot and the adjacency of commercial uses. Special consideration shall be given to the views from the south side bordering the Andaz resort and the west side bordering Quail Run Road.
- Setbacks shall be considered along the east and south property lines due to adjacent uses. The Town Council wanted the 100-foot setback from the residential property line.
- Consideration needs to be paid to the residential view lines regarding the resort market, outside tables and balconies facing west.
- Attention shall be paid to the landscaping along Lincoln Drive and Quail Run Road. A landscape plan is required. The Visually Significant Corridors Plans shall be considered. A stipulation for replacing dead landscape will be added.
- Drainage and related improvements shall be reviewed. On-site retention needs to be identified as it may conflict with parking and circulation.
- The density and location of the project places a heightened need to ensure the proposal does not have negative impact on traffic safety, parking and circulation. Several items were listed under this category for future consideration.
- 180 Parking spaces are shown with 90 surface and 90 garage spaces. There are four driveways and presently no cross access with Lincoln Medical. They are working on a left in/left out on Lincoln Drive. Currently, there are 33 feet of right-of-way on Lincoln Drive. The Lincoln Medical Center provided 65 feet of right-of-way as required by Town Code and the General Plan. Quail Run Road is a local road and requires 50 of right-of-way.

Chairman Wastchak commented that they want to see the breakdown of the right-of-way early in the process. He wants to see how it compares to Lincoln Medical.

Mr. Knapp commented that staff holds the position that they need to provide the 65 feet of right-of-way from center line on Lincoln Drive and 25 feet from centerline on Quail Run Road as required by code.



Chairman Wastchak asked for a breakdown on dedication versus easement for Lincoln Medical.

Mr. Knapp commented that the Planning Commission proposed to Council that they provide 16 feet of roadway easement and 16 feet of dedicated right-of-way for the Lincoln Medical application. There was a total of 49 feet of dedication from centerline and an additional 16 feet of easement.

Chairman Wastchak stated that they are looking for something along these lines in terms of a compromise. Parking and signage need to stay out of this area. It appears that they are close to what Lincoln Medical provided.

Commissioner Campbell asked that they review the right-of-way on Quail Run Road. It appears that neither of the 25-foot dimensions are for right-of-way.

Mr. Knapp indicated on the plan where the existing right-of-way is located. It is west of the center line. The first 25 feet they are showing would be a roadway easement. This would get them to the full 50 feet. There is 25 feet for a landscape buffer. Some of the landscape area is shown in the right-of-way. Staff's position is that there should be 25 feet of right-of-way with an 11-foot lane on either side of the centerline plus a rolled curb behind this area.

Mr. Gilbert explained their proposal and indicated that the residential side would not be expanded. He indicated that their goal is to allow the full right-of-way at the intersection and then to transition down to a single lane. The area is being dedicated as an easement with landscaping. The road will be completed to the back driveway.

Commissioner Campbell responded that they should not reduce the right-of-way since this is a redevelopment area.

Mr. Knapp continued with SOD items.

- The Planning Commission with focus on the impact of project sign locations, dimension and illumination and their impacts to the streetscape. Two signs are shown at each driveway. More information is needed.
- Context appropriate design will be utilized including lighting, screening of mechanical equipment and the choice of material pallet of the improvements. Renderings from neighboring properties may be required.
- He then reviewed outstanding items to be submitted.

Chairman Wastchak asked what the timeline is for the outstanding items. He indicated that he wants established deadlines for each of the items. Commissioner Campbell stated that the west side of the project is a non-starter. He wants the full 25-foot right of way and not an easement. Quail Run Road will be a major access point for the redevelopment area. The redevelopment area will not be serviced properly without the full right-of-way. He is open to not meeting the open space criteria. He is interested in understanding the portions of the building that are over the 36 feet. It appears the vaulted ceilings are extending above 36 feet. He believes these things can be worked out.

Commissioner Anton indicated that he is concerned about deliveries being able to get into the garage. The location of the garage entrance does not coincide with truck traffic. He does not want truck traffic to conflict with visitor traffic coming into the site. The entrance should be placed by the intersection with the light.

Commissioner Wainwright indicated that Lincoln Drive has to be consistent with the property to the east. He sees no reason to go beyond the unit numbers in the Statement of Direction. He asked which resorts their room rates would be comparable to.

Mr. Gilbert explained that they will be below the Andaz rates and stabilize around \$250.00 per night. In season, the rates will go up.

Commissioner Campbell indicated that he likes the architecture and is open to modifying some of the guidelines.

Commissioner Lewis agreed with Commissioner Campbell's comments.

Commissioner Georgelos believes that there is a need for redevelopment on the property and is not sure about heights yet. She wants clear indication of how the buildings will look.

Chairman Wastchak indicated that they need to see elevations on the west and south sides.

Commissioner Georgelos continued that she agrees that access needs to be provided on the western portion of the property and greater right-of-way is needed. There is another five-acre resort in town, Hermosa Inn, and the density level is much lower.

Mr. Knapp stated that the next meeting is on November 20, 2018. The packets will go out on Wednesday. He asked if they should skip a meeting to give the applicant time to pull materials together.

Chairman Wastchak agreed with this point.

Commissioner Covington stated that there are two units on either side of the building above the view shed line and asked if it is lost how many units would be eliminated on the Lincoln Medical side.

Mr. Knapp noted that six units would be lost. The next meeting will be on December 4, 2018.

**No Reportable Action**

**C. [18-428](#)**

Discussion of a Minor Special Use Permit Amendment  
Ritz-Carlton Area C - North East Corner of Mockingbird Lane and Lincoln Drive  
7000 E Lincoln Drive (SUP 18-14)

George Burton, Planner, reviewed the application. They have slightly modified the request to remove the phased construction. They are requesting to modify the height and size of the guard house and increase the fence wall heights. He showed the property location in an aerial view. The applicant is requesting to increase the guard house from 800 square feet to 1,700 square feet and to 20 feet in height. They will accommodate the porte-cochere entry and two gates. Staff is concerned that if the guard house is unmanned that traffic will back up behind the gates. They are recommending that if the guard house is unmanned that the gates be left in an open position.

Mr. Knapp indicated that they could use a communication device with the resort security. The height of the porte-cochere is for emergency access.

Mr. Burton commented that these changes would amend Stipulation 29. He reviewed the proposed language.

Chairman Wastchak suggested that if they can control the flow remotely without any backup then they will be fine, but if it starts to backup, they will need to comply with the criteria of Stipulation 29.

Mr. Miller commented that if there is an issue they will be in violation of the Special Use Permit. Mr. Burton can draft some specific criteria so it is enforceable by staff.

Commissioner Anton stated that he does not see why they need the additional gates since there are other security gates.

Commissioner Georgelos stated that the secondary gates would not be manned.