



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Final

Planning Commission

Tuesday, October 20, 2020

6:00 PM

Council Chambers

**IN-PERSON ATTENDANCE AT PUBLIC MEETINGS HAS BEEN SUSPENDED UNTIL
FURTHER NOTICE. WATCH LIVE STREAMED MEETINGS AT:
<https://paradisevalleyaz.legistar.com/Calendar.aspx>**

1. CALL TO ORDER

Chairman Wainwright called the meeting to order at 6:00 p.m.

STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller (attended remotely)
Planning Manager Paul Michaud
Senior Planner George Burton
Town Engineer Paul Mood (attended remotely)

2. ROLL CALL

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

3. STUDY SESSION ITEMS

- A.** [20-404](#) Continued Discussion of a Major Special Use Permit Amendment
(SUP-18-05) - 7101 E Lincoln Drive - Smoke Tree Resort
- Commissioner Wastchak inquired if they could discuss the email regarding the Levi residence and Smoke Tree Resort in their executive session.
- Andrew Miller, Town Attorney, stated they could and provided them with an example of how they might make the motion to properly include that item in the executive session.
- Commissioner Rose disclosed that he had a phone conversation yesterday with the applicant, Taylor Robinson.

Paul Gilbert, legal representative for the applicant, listed the items the Planning Commission would be discussing, which included up light features and the draft stipulations. He noted that the applicant provided a complete rendering of the Smoke Tree façade, as well as, examples of up light features as requested. He indicated the applicant is basically satisfied with the stipulations. He clarified alcohol would not be served at the Third Floor Communal Area, but requested Stipulation 33 be reworded to allow guests to bring a drink to from their room and/or order room service. Regarding Stipulations 54 and 55, he stated the applicant would like the ability to rent the event lawn and pavilion at the same time under the condition that they would be for small enough numbers, so it would not create any parking issues. He apologized that the applicant does not have the renderings for them this evening, but indicated these will be completed in the next few days.

Mr. Michaud briefly reviewed the project summary and pointed out the updates from the prior meeting, which included reduction of the pole lights and a valet parking plan among other things. He showed images of the up light examples. He noted there were two new public comments, one of which objected to the density, traffic, and branding. He reviewed items still under review. He gave an overview of the draft stipulations.

Mr. Michaud asked the Commission if it was their intent to prohibit alcohol on the Third Floor Communal Area.

Commissioner Wastchak stated his concern was that there was not a bar in that area serving alcohol which may create an atmosphere that was noisier on the third floor.

Mr. Gilbert clarified that there is no bar on the third floor, but they would like to allow someone to get a drink from another location and bring it up there if they desired.

Commissioner Campbell asked if the allowance included someone calling for room service on the third floor and get drinks delivered.

Mr. Gilbert responded yes.

Commissioner Campbell stated he could see more of an issue with that.

Mr. Gilbert pointed out that a guest could do the same thing at the pool or any other location.

Mr. Wastchak pointed out that the issue was that this location was three stories up. He noted that sound would project further from the third-floor location than from the pool on ground level.

Commissioner Rose commented that he agreed with the other Commissioners.

Commissioner Campbell suggested removing the words "or consumed."

Commissioner Georgelos asked what would stop guests from taking up a cooler of drinks and creating a party atmosphere, which was really what the Commission is trying to avoid.

Taylor Robinson, owner, explained that the third-floor area would only be accessible with a key card and a controlled elevator. He stated there was also on-site staff that would be responsible for keeping things in compliance with the stipulations. He suggested that the term "wet bar" be removed from the stipulation.

Commissioner Georgelos expressed concern that there could still be a problem.

Mr. Robinson asked if the issue was with people consuming alcohol and leading to noise on the outdoor patio or if they didn't want alcohol in the third floor at all, including in the rooms.

Commissioner Campbell stated that the stipulation was regarding the communal area on the third floor and not the rooms.

Mr. Gilbert pointed out that the stipulation requires the doors to the outdoor third floor patio be closed at 10:00 p.m.

Commissioner Georgelos commented that a lot of noise could be generated between 10:00 p.m. and 6:00 a.m. She suggested the doors close earlier.

Commissioner Campbell asked if the doors were just closed or if they would be locked at that time.

Commissioner Georgelos added that she believes there will be an alcohol issue up there and things such as the key card access are easy to circumvent.

Mr. Gilbert suggested limiting the noise instead of the alcohol. He noted that people could make a lot of noise without alcohol.

Commissioner Georgelos agreed that there could still be noise with alcohol, but suggested that the alcohol factor would create more noise. She stated that if the Commission allows alcohol it would be best if there are limits on the noise and to close the area early.

Mr. Robinson reiterated that he is agreeable to whatever the Planning Commission requested of him on this matter.

Commissioner Rose stated that the Third Floor Communal Area was not to be a roof top bar and that it was not open to the public. He noted he would not be opposed if someone brought a drink up, but he believed it could become a slippery slope if several guests bringing their own alcohol up there.

Commissioner Campbell stated a stipulation could be drafted to prohibit room service to deliver drinks to the third floor, but noted that is difficult to police. He

suggested adding a stipulation that prohibits alcohol to be served there and that outside alcohol could not be served. He noted that people would be more likely to throw a party somewhere else if they had those limitations.

Commissioner Covington agreed and noted that the resort may not want people bringing liquor into a public access place since it may affect their liquor license.

Commissioner Georgelos expressed that she still felt that the restrictions would be easy to circumvent.

Chairman Wainwright stated he did not see it becoming a nuisance, if alcohol could not be served there.

Commissioner Wastchak indicated that he agreed with Commissioner Covington's suggestion to add there shall be no alcohol served on or brought from off property to the third-floor area.

Commissioner Lewis stated he was sympathetic to the direction they were going. He asked if allowing alcohol in the pool area would be a contradiction and if they should have the same stance for any exterior hard liquor.

Chairman Wainwright pointed out that the third-floor area is the only area they were suggesting being more restrictive than the rest of the property.

Mr. Gilbert indicated he was comfortable with the revision.

Commissioner Covington asked if they still had a limit on the noise threshold for the third-floor area.

Mr. Gilbert replied yes.

Commissioner Georgelos asked about requiring the doors be closed earlier.

Commissioner Campbell commented that an electronic door closer is possible that would not allow the doors to be held open during certain hours.

Mr. Gilbert stated that nobody could be on the patio after 10:00 p.m.

Commissioner Wastchak asked what after hours meant for the third-floor area in the stipulations.

Mr. Miller indicated he did not see the 10:00 p.m. closing time listed.

Mr. Michaud clarified that the 10:00 p.m. was listed under Stipulation 37, the noise section. He indicated that Commissioner Wastchak was correct that after hours was not clarified.

Commissioner Wastchak indicated he was only concerned with a closing time for the outside portion of the Third Floor Communal Area. He shared that the resort could regulate what happened inside.

Commissioner Campbell suggested they alter the stipulation to say access shall not be permitted after 10:00 p.m. until sometime in the morning.

Mr. Robinson stated that the restaurant and other facilities open at 6:00 a.m. and recommended the patio open back up at that same time. He indicated the exterior doors would be electronically controlled and will have a sensor to allow people back inside after the doors are locked but not allow people back in.

Commissioner Wastchak asked if Areas B and C on the floor plan were considered outside and if they should both fall in the prohibited access between 10:00 p.m. and 6:00 a.m.

Mr. Robinson clarified that Area B is fully enclosed, but has more of a transparent structure than Areas G and A.

Commissioner Wastchak clarified the limitation is to Area C.

Mr. Michaud asked if the Planning Commission wanted all the detailed stipulations on Sheet A21 and in the ordinance, or only in one or the other.

Commissioner Wastchak stated he would like them on both.

Commissioner Rose asked why the plans in their packets are called approved plans.

Mr. Michaud indicated that the plan set in the packet become approved plans after ordinance adoption and once construction plans come in, Town staff checks the construction plans for compliance to the approved plans. He clarified that the plans with the Special Use Permit zoning are not construction plans.

Commissioner Rose indicated it was strange to approve things in renderings and not actual drawings.

Mr. Miller explained that the intention is that the approved plans and stipulations work together as a set. He noted that something like this is more predictable than some of the more generalized Special Use Permits where there is more freedom to move things around.

Regarding the hotel key definitions, Commissioner Wastchak indicated he felt it would be best to give a specific maximum number on the amount of hotel keys rather than having a range.

Chair Wainwright shared that he did not see a need for a minimum number of hotel keys.

Mr. Miller suggested maintaining a certain number of rooms in order for it to be an actual resort.

Mr. Robinson explained that the plan is for 122 rooms.

Chair Wainwright asked if the applicant would be opposed to a minimum number such as 110.

Mr. Gilbert replied he did not see an issue with a minimum number.

Commissioner Georgelos pointed out that the minimum was already built in since the definition of Minimum Resort Hotel Improvements requires the Maximum Hotel Keys which is now defined as 122 rooms.

Chair Wainwright stated he would like to give flexibility to possibly combine rooms in the future.

Mr. Robinson indicated he was happy to be locked in at 122 rooms.

Commissioner Covington suggested striking the words "at least" from the requirement for one swimming pool under Minimum Resort Hotel Improvements.

Mr. Michaud asked if the Commission wanted to include any project phasing stipulations or the order for the certificates of occupancy since each building requires to get their own certificate of occupancy.

Mr. Robinson shared that he plans to have construction take place all in one phase.

Chair Wainwright stated he was fine with leaving Stipulation 17 the way it is worded.

Commissioner Campbell agreed.

Commissioner Covington expressed that he felt it was adequate.

Commissioner Wastchak inquired on the timing of the curb for the deceleration lane.

Paul Mood, Town Engineer, explained and indicated more details concerning the curb cut are in Stipulation 14.

Commissioner Rose asked if there was going to be a sidewalk in front of the resort.

Mr. Mood replied that their site plan included a sidewalk on the property frontage.

Chair Wainwright asked when the sidewalk would be completed.

Mr. Miller explained that the Town is still working on the timeline and phasing of the public improvements, and that those dates would be included in the Development Agreement.

Commissioner Wastchak remarked that Stipulation 24 addresses exterior colors and noted that the Planning Commission had not approved any colors.

Mr. Michaud stated the colors will be as generally shown in the renderings.

Commissioner Georgelos indicated she was concerned that the renderings were not concrete enough to be approved.

Commissioner Rose asked if the Commission will get color or material boards for the project.

Mr. Michaud stated not unless the Commission asked for that detailed information.

Mr. Robinson shared that they planned to submit materials as part of the construction phase and that staff would verify that they were substantially the same with what was included in the Special Use Permit.

Commissioner Wastchak asked when the issue regarding the relocation of the existing utility box along Lincoln Drive will be resolved and if it will be part of the Development Agreement.

Mr. Gilbert replied that their team needs direction from Arizona Public Service Electric (APS), but APS cannot give them direction until they have construction plans submitted. He noted that the resort owner cannot address and solve this issue until they have gotten the feedback they need from APS.

Commissioner Wastchak asked if pools, spas, and Jacuzzis could be open 24 hours a day or only 6:00 a.m. to midnight.

Mr. Miller explained that pools, spas, and Jacuzzis located indoors were opened 24 hours and exterior ones would have the restricted hours.

Commissioner Wastchak inquired if the decibel amount five feet from the speaker is important when there are other stipulations out to the property line.

Mr. Michaud stated in speaking with the third-party reviewer for the acoustical study that a measurement at the speaker level would allow it to be set properly so the noise limit is not exceeded at the property line.

Commissioner Wastchak stated that he appreciated that they stated what the limits were in Stipulation 41 rather than just referencing the Town Ordinance. He added that there is a typo on Stipulation 42. He pointed out they were missing the word "an." He requested that staff verify whether Andaz Resort has a similar stipulation.

Mr. Miller recommended adding "on Sundays and holidays" to the last sentence of Stipulation 41.

Mr. Gilbert asked if they could discuss Stipulation 54. He recommended that it read "The Pavilion and Event Lawn may have simultaneous events as long as these events do not exceed the parking capacity."

Mr. Robinson suggested “events held at the Pavilion and Event Lawn shall not exceed the capacity of either individual venue.”

Further discussion was made about how Stipulation 54 should be worded.

Mr. Michaud indicated that staff will wordsmith the stipulation and have Commission review it at their next meeting.

Commissioner Georgelos asked why the parking plan referred to in Stipulation 53 was triggered at 90%.

Mr. Gilbert indicated that the stipulation was almost word for word what the parking study said.

Mr. Mood commented that one of the third-party consultants told him the valet parking should kick in at 85%-90% of available parking. He shared that the applicant should know based on the bookings if they will need valet parking, so that proper preparation could be made.

Mr. Miller asked for clarification on the word capacity in the stipulation and if it only referred to the room count and not events happening at the resort.

Mr. Robinson deferred to the language on page 9 of the parking management plan which indicates it is the total supply of available parking.

Commissioner Covington pointed out that the resort may not have to go to valet parking at 90% if there was not an event.

Commissioner Wastchak remarked that the parking management study is a part of this approval.

Commissioner Georgelos stated that the stipulation needed some additional wordsmithing and suggested staff work on that and verify definitions matched between the ordinance and the parking management study.

Mr. Michaud indicated he would bring an edited version back at the next meeting. He inquired if the Commission had any direction for staff concerning Stipulation 67 on the architectural up light fixture.

Commissioner Campbell shared that he was comfortable with the up lights after seeing the examples.

Commissioner Rose inquired how the Town can be sure that the end result would not allow for more up lights.

Commissioner Campbell stated the resort owner would be limited to the location and the number of fixtures in the plan set. He added that he liked the offer the applicant made to put them on their own circuit so they could be deactivated if there was any objection.

Commissioner Wastchak asked about an option to simply reduce the

brightness or number if the Town determines the lights to be too bright, rather than completely shutting them off.

Commissioner Georgelos commented that there was a sidewalk in the right-of-way area, and she did not believe there would be enough illumination without the up lighting.

Chair Wainwright agreed. He noted that their next meeting will be on November 3, 2020 and that Mr. Gilbert has requested to not hold the meeting on that date

Mr. Gilbert stated that it was election day eve and he was concerned that their minds might not be on the subject at hand and would prefer it being moved to another day.

Discussion was made on other dates and times to hold the meeting. It was determined that the meeting would be Monday, November 2, 2020 at 6:00 p.m.

Chair Wainwright asked if there were any public comments. There were none.

No Reportable Action

B. [20-406](#)

Discussion regarding referral from the Town Council of an amendment to the Town Zoning Ordinance to prohibit recreational marijuana establishments.

Mr. Miller indicated they would be discussing the referral of a draft ordinance from Council to the Planning Commission for review and recommendations regarding recreational marijuana establishments. He provided background on the draft ordinance to prohibit marijuana establishments.

Mr. Michaud stated that the citizen review for this Item is November 17, 2020 and the hearing is set for December 1, 2020.

Commissioner Campbell asked, concerning the different definitions of marijuana, why they used the word "single."

Mr. Miller stated much of the language is borrowed from the statute. He shared that it did allow for the potential for someone who already had an approved medical marijuana dispensary to apply to be a dual facility. He clarified that the ordinance would prohibit a place where marijuana products were sold, cultivated, manufacture, packaged, stored, and tested.

No Reportable Action

4. EXECUTIVE SESSION

A motion was made by Commissioner Wastchak at 8:47 p.m., seconded by Commissioner Covington, to move into executive session for legal advice on Item 20-204, Continued Discussion of a Major Special Use Permit Amendment (SUP-18-05), regarding the letter received on October 20, 2020 from the Rose Law Group representing nearby property owners related to Quail Run Road; and for

legal advice on Item 20-406, Amendment to prohibit recreational marijuana establishments. The motion carried by the following vote:

Aye: 6 - Commissioner Wainwright, Commissioner Covington, Commissioner Georgelos, Commissioner Wastchak, Commissioner Campbell and Commissioner Rose

Absent: 1 - Commissioner Lewis

4. EXECUTIVE SESSION

A motion was made by Commissioner Campbell at 9:35 p.m., seconded by Commissioner Wastchak, to adjourn the executive session. The motion carried by the following vote:

Aye: 6 - Commissioner Wainwright, Commissioner Covington, Commissioner Georgelos, Commissioner Wastchak, Commissioner Campbell and Commissioner Rose

Nay: 1 - Commissioner Lewis

5. PUBLIC HEARINGS

6. ACTION ITEMS

7. CONSENT AGENDA

8. STAFF REPORTS

Paul Michaud introduced Loras Rauch as the Town's temporary special projects planner. He indicated she was the lead on the General Plan for the Town.

Ms. Rauch shared some of her background in planning which consisted mainly of work within the public sector. She indicated that the first step in the General Plan was developing a public involvement plan. She indicated they have planned for an immersion summit next week where members of the Planning Commission will sit down with the Consultant one on one so they can get a feel for the community on some of the issues to help them formulate the public involvement plan. She noted that a draft of the public involvement plan would go to Council on November 19, 2020 and would go back for adoption on December 3, 2020. She noted that they wanted everyone involved with the General Plan update.

Commissioner Wastchak asked if she planned to attend their meeting next week and if she has ever been involved in a public participation program during the pandemic.

Ms. Rauch replied that she did plan to attend the meeting and explained that the consultant has been working on these sorts of programs during the pandemic.

9. PUBLIC BODY REPORTS

None

10. FUTURE AGENDA ITEMS

Mr. Michaud commented there was a special meeting on November 2, 2020 with only one item, the Smoke Tree Resort work session. The following meeting will be on November 17, 2020 with a hearing for Smoke Tree and the citizen review work session for the marijuana item.

11. ADJOURNMENT

Commissioner Lewis left the meeting shortly before the conclusion of Item 20-404 regarding Smoke Tree Resort due to technical difficulties.

A motion was made by Commissioner Covington at 9:52 p.m., seconded by Commissioner Campbell, to adjourn the meeting. The motion carried by the following vote:

Aye: 6 - Commissioner Wainwright, Commissioner Covington, Commissioner Georgelos, Commissioner Wastchak, Commissioner Campbell and Commissioner Rose

Absent: 1 - Commissioner Lewis

Paradise Valley Planning Commission

By: _____
Paul Michaud, Secretary