



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Final

### Planning Commission

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Tuesday, November 17, 2020

6:00 PM

Council Chambers

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**IN-PERSON ATTENDANCE AT PUBLIC MEETINGS HAS BEEN SUSPENDED UNTIL  
FURTHER NOTICE. WATCH LIVE STREAMED MEETINGS AT:  
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#### 1. CALL TO ORDER

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

#### **STAFF MEMBERS PRESENT**

Town Attorney Andrew M. Miller  
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. EXECUTIVE SESSION

None

#### 4. PUBLIC HEARINGS

- A. [20-435](#) Public Hearing of a Major Special Use Permit Amendment (SUP-18-05) -  
7101 E Lincoln Drive - Smoke Tree Resort

Paul Michaud, Planning Manager, presented an overview of the item including background that the resort has the appropriate zoning and that the request is a complete demolition of all existing structures for construction of a new modern interpretation of a resort. He pointed out major milestones for the project starting with the original application in May 2018. He provided a project summary which identified 122 room keys, a restaurant and bar/lounge, a third

story guest-only fitness and common area, as well as additional resort retail accessory uses, and indoor and outdoor event space.

Mr. Michaud continued his presentation sharing a project summary. He noted that the applicant agreed to make larger keys on the third floor and add cellar dining at the restaurant.

Commissioner Covington asked for further information regarding the cellar dining space.

Commissioner Lewis indicated it would be a private space that seated around 12-16 people to gather and eat.

Erik Peterson, with PHX Architecture, commented that they liked this private dining experience as it would offer a special experience similar to what is at Hermosa Inn.

Commissioner Campbell asked if there was a natural light element to the space and if there was a net increase in the restaurant space with this addition.

Mr. Peterson indicated it was to have a cellar type feel and would primarily be used at night when there would not be much natural light.

Mr. Michaud stated the cellar square footage will be deducted from the maximum 3,200 square feet for the restaurant.

Commissioner Covington inquired how the space would be accessed.

Mr. Peterson responded it would have both an elevator and stairway, as well as an access for staff to serve from the kitchen. He noted the applicant team is thinking the space would be around 16 feet by 24 feet in area.

Commissioner Covington expressed concern with safety if there was a fire.

Mr. Peterson reassured him there would be at least two methods of egress and would meet fire code.

Commissioner Wastchak remarked that he appreciated the applicant's consideration of the larger family type units and the underground dining, both of which changes he supports.

Mr. Michaud provided an overview of the Statement of Direction (SOD) on area coverage. He clarified that it exceeded the lot coverage guidelines, but the SOD allowed for consideration based on mitigation efforts. He reviewed the SOD analysis on height for the project. He noted that most of the site fit within the height limits, except for the interior courtyard at the pool and the accessory structures of the pavilion and pedestrian courtyard access archway (as these accessory structures have the lower 24-foot height guideline).

Chairman Wainwright asked if there was a need for the two-foot height deviation in the pool area.

Mr. Peterson stated this allowed a walk out to the pool level. He added that the applicant wants 10-foot ceilings in the rooms to create a nicer feel in the space.

Chairman Wainwright agreed that the higher ceilings made for a better-quality room.

Commissioner Covington asked where the excavation resulted in the original natural grade.

Mr. Peterson shared that it would make most sense to be at the pool enclosure fence.

Commissioner Covington inquired where the ducts and mechanicals would be located.

Mr. Peterson explained they were in the within the two-foot flooring structure and over bathrooms and closets where there were lower ceilings.

Commissioner Campbell asked if the HVAC was a split system and where the condensers would be located.

Mr. Peterson replied that it would be a split system and that the condensers would be located on the roof.

Commissioner Campbell asked if those would be covered with the two-foot parapet.

Mr. Peterson explained they would be in the center of the units and may have to recess a small area for them to be covered. He clarified the HVAC units and mechanical equipment would not be above the parapet.

Commissioner Covington inquired where the condensers would be for the auxiliary buildings.

Mr. Peterson responded that the roof would be the preferred location.

Mr. Michaud continued his presentation reviewing the SOD analysis on viewsheds. He shared that the viewshed complied with the open space criteria except for a portion of the pedestrian courtyard access archway and a portion of the third story adjoining the medical plaza.

Chairman Wainwright noted that they were trying to keep height down, but the archway was a small element that created some architectural interest.

Mr. Michaud reviewed the SOD findings regarding setbacks. The setbacks were mostly in compliance, except for the 100-foot setback for principle buildings on the west, south, and east sides as well as the parking lot setbacks. He presented the analysis on the impact on adjacent properties and noise and noted they were both in compliance if the Commissions supported the mitigation efforts via the stipulations.

Commissioner Wastchak asked if the ambient noise levels included noise coming from off site.

Mr. Michaud replied that was correct. He presented information on the SOD analysis of landscaping which included the suggested stipulations and noted the proposal does not meet the 30- and 50-foot landscape buffer along streets and that it only met landscape islands if the perimeter landscape was included.

Commissioner Lewis asked if the oleanders would be limited to the south end of the property.

Mr. Michaud responded that was correct. He clarified that the existing oleanders would remain where they are, and a sour orange hedge would be planted next to them. He provided an overview of the SOD analysis for utilities. Mr. Michaud pointed out the existing APS cabinet and two proposed relocation sites. He noted that the relocation process would be further determined in the development agreement and the equipment would have to be screened.

Mr. Michaud provided an overview of the SOD analysis on outdoor lighting. The analysis covered parking lot, building, and landscape lighting.

Chairman Wainwright pointed out the applicant had been accommodating concerning the Commission's request on lighting.

Mr. Michaud shared the SOD analysis on traffic which included information on the traffic report. The traffic report estimated the site would generate 754 trips a week and suggested changing the timing at the nearby intersections. The study also reviewed storage and visibility as well as patterns and recommendations. He reviewed the parking lot design, including the proposed parking lot screening and information regarding the parking study. He provided information on the parking management plan which involved the valet plan. He noted there are three access points to the site and briefly reviewed access to the back of house and loading zones. He shared information concerning pedestrian circulation, which included a new sidewalk along Lincoln Drive. The traffic analysis also included material on each of the surrounding rights of way.

Commissioner Rose inquired if 65% of access to the site would be from Scottsdale Road.

Mr. Michaud replied that was what the traffic study modeled.

Commissioner Rose pointed out that people coming from the airport would be more likely to enter from Lincoln Drive. He inquired about the accuracy of the study.

Paul Mood, Town Engineer, stated that a third-party traffic consultant reviewed the study and did not have cause for concern.

Commissioner Georgelos remarked that she agreed with Commissioner Rose.

Chairman Wainwright asked if there were any areas that the traffic studies were conflicting or if Mr. Mood had any issues with the studies.

Mr. Mood stated the only conflict was the internal capture rate of the retail and coffee shop, but the site meets the parking for both. He added that he had no issues with the results of the study.

Mr. Michaud reviewed the SOD analysis on signage and reviewed the zoning ordinance and SUP guidelines regarding signs. He noted that the proposed signage met all the zoning ordinance requirements but not all the SUP guidelines.

Chairman Wainwright asked what the legal address of the site was since the proposed main access will now be on Quail Run Road, but the spirit of the resort is on Lincoln Drive.

Taylor Robinson stated the current address was 7101 East Lincoln Drive and would prefer to keep that address.

Chairman Wainwright suggested the applicant include the address on the corner monument sign.

Commissioner Rose and Covington agreed.

Mr. Robinson indicated they would be pleased to add that to their monument sign.

Mr. Michaud requested the Planning Commission add that suggested language to their recommendation and indicate what signs to include an address.

Commissioner Georgelos expressed concern that the address would not match the location of the main entrance. She recommended the address be switched to Quail Run Road.

Commissioner Lewis commented that he felt it needed to be a Lincoln Drive address.

Commissioner Wastchak suggested including the number and the street name on the sign to avoid any confusion.

Discussion was made on if the signage and how much of the address should be included and the size of the sign. It was determined to add the number portion of the address to Sign 1 and 2 along Lincoln Drive.

Mr. Michaud provided additional information on the resort identification signs. He summarized the proposed stipulations regarding construction standards, allowed uses, control of excessive noise, height and height measurement, right-of-way, parking and circulation, signage, lighting, landscaping, temporary uses, cellular antennas, management and maintenance among others.

Commissioner Campbell asked if they had already added stipulations

concerning the changes, they had discussed regarding the room count and subterranean dining area.

Mr. Michaud stated he had a slide that addressed adding those in the motion for approval option. He reviewed public comments on the item. He also shared comments not in support, most of which addressed density, traffic, and setbacks, among other things.

Mr. Michaud indicated the item is set for a Council study session on December 3, 2020. He provided motion of approval and denial options for the Commission.

Discussion was made on how to reword Commissioner Lewis' suggested recommendations concerning the subterranean dining area to make it mandatory that it be included.

Andrew Miller, Town Attorney, recommended clarifying the basement was included in the limit of 3,200 square feet.

Cassandra Ayres, legal consultant for the applicant, suggested changing the minimum resort improvements on page nine by adding the phrase "restaurant which includes the basement dining area" to address the desired requirement to have the basement fit within the square footage.

Commissioner Campbell suggested staff work on wording for the additional stipulation while they take public comment.

Commissioner Georgelos asked if they wanted to specify the size of the subterranean dining area.

Commissioner Campbell indicated he would rather not get so specific and only limit them to staying within the allowed square footage.

Commissioner Covington expressed he was not sure the Town should require the resort owner do the underground space.

Chairman Wainwright stated he felt there should be some sort of requirement for dining space, but was not sure specifying a square footage.

Paul Gilbert, legal consultant for the applicant, indicated they were happy to require the subterranean dining area and suggested a minimum of 384 square feet.

Chairman Wainwright asked if he would accept a minimum of 400 square feet. Mr. Gilbert indicated he would.

Chairman Wainwright opened the public hearing on the item at 8:30 p.m.

Mr. Hamilton stated he and his wife have been residents for the past 30 years and often have guests that stay in local resorts and hotels. He feels this would be a way to further showcase their Town. He added that he was happy to hear

they were doing a subterranean dining element as well. He shared that it would also be an opportunity for the Town to get additional tax revenue.

Laurie Jackson shared that she would like to see the property redeveloped. She noted that she has professional expertise in hospitality and believes the applicant adequately addressed concerns about density, landscaping, setback, third floor and more. She also believed that these plans exceeded the quality of many other resorts that had been redeveloped along Scottsdale Road.

Mr. Michaud noted that there was talk in the chat room from Scott O'Connor, Patty McCaleb, and Jane Horn who may want to speak.

Mr. O'Connor commented that the architecture had improved a lot and he appreciated the applicant's efforts. He clarified that he was supportive of redevelopment on the site, but remained upset at the lack of landscape setback inside the net property line on the Lincoln Drive and Quail Run Road sides of the property. He added that the floor area ratio is far beyond any other property in the Town. He expressed that allowing these things would set a new precedence for the Town.

Omar Abdallah indicated he was from the Rose Law Group representing the Ruttle and Levi families that own four homes next to the resort. He shared that the family expressed that they had not been treated well from the Smoke Tree owners and requested they include stipulations regarding the addition of a private gate on Quail Run Road that would protect their client's privacy as well as access for their clients to all the resort amenities.

Chairman Wainwright expressed concern about adding stipulations regarding specific individuals and suggested the owner of the properties take that up directly with the owners of Smoke Tree Resort. He added that it could be addressed further with Council if needed as well.

Mr. Abdallah suggested instead of identifying specific individuals identifying the four parcels. He added that this had been done in the past with other resorts and their surrounding properties.

Commissioner Campbell stated he believed Stipulation 57 addressed these concerns well.

Mr. Miller shared he would have a difficult time creating special benefits for people off site as a stipulation and felt it would better fit in an agreement. He added that it would also be difficult to include the proposed gate on private property when the gate itself would require a Special Use Permit.

Commissioner Rose commented that he believed these issues were something the Town could not deal with, but the property owners could one on one.

Patti McCaleb expressed that she felt the density was still too high and felt they should be able to create a new resort with a similar number of hotel rooms as what currently exists on the site.

Rob Swagger stated he had been a resident since 2005 and thanked the Commission and developer for the time they have put into this project. He commented that he felt this was a beautifully designed project and felt it was a good addition to the area. He added that a higher density did not mean they would lose tranquility. He recognized that privacy may need to be discussed further. He shared that GPS systems were more location driven than address driven (responding to an earlier addressing discussion on direction apps).

Mr. Michaud read Jane Horn's comments against the development put in the chat room.

Chairman Wainwright closed the public hearing at 9:07 p.m.

Mr. Peterson commented that they have worked hard to follow the Statement of Direction and create a charming and wonderful project. He thanked the Commission for their help on the project and allowing them to make revisions.

Chairman Wainwright re-opened the public hearing.

Clay Coady, owner of the Applewood Pet Resort, stated he owned property close to Smoke Tree Resort and was in favor of the application.

Chairman Wainwright closed the public hearing.

Mr. Gilbert remarked that the applicant took the SUP guidelines at face value. He added that they were primarily a resort with accessory uses and had the second lowest number of rooms at 150 and lot coverage at 29% of all the resorts in Paradise Valley. He shared that the plan included a large amount of open space, was surrounded on three sides by commercial use, and did not believe they would be setting a precedence for other resorts. He pointed out that if they compared core to core between their resort and others, they would have a very similar density to the other resorts. He shared that experts have looked at the traffic and there would be no negative impact and indicated the property owner agreed to mitigation measures. He noted parking and acoustics have been addressed and they have made all the changes the Commission has requested of them. He reviewed some of the changes made as requested by the Commission. He thanked the Commission for the time they have spent on their project, which he now felt was worthy to move on to Town Council.

Commissioner Wastchak remarked the applicant had made great accommodations throughout the process. He pointed out that while people felt the resort was not in character with the Town that this site was different than others since it is on the edge of town and located near several commercial properties. He remarked that the parking and traffic were reviewed, and studies did not indicate any issues. He added that he did not believe this would set a precedence and the proposal adds to the variety of resorts in Paradise Valley. He indicated he was looking forward to forwarding the item onto Council with a positive endorsement.

Commissioner Rose thanked the applicant. He noted that many were expecting



a resort to be built on the site, but the plans did not fit the general definition of a resort. He pointed out there are limited balconies and views and no tennis, golf, or spa. He indicated that it would set a precedence since this site would have the highest keys per acre in Paradise Valley. He indicated that he believed the density and amount of functions were understated along with the parking and traffic. He clarified that he would feel more comfortable with a project that was fewer rooms and less meeting space and a more villa like concept with a larger pool.

Commissioner Campbell inquired if they have heard any comments from Andaz.

Mr. Gilbert replied they have reached out to them and made several changes to accommodate them.

Commissioner Covington commented that he had spoken with many of his neighbors about this project and this project did not meet what their idea of Paradise Valley.

Commissioner Georgelos thanked the applicant. She shared that she believed most of the problems stemmed from the development trying to do too much on a small site and indicated that the plans seemed more like a hotel. She expressed additional concerns about the third story element, as well as concerns on parking and traffic.

Commissioner Lewis acknowledged that this property was challenging and felt they were on track for developing the property in a rational way rather than letting it sit indefinitely and potentially becoming a denser site in the future.

**A motion was made by Commissioner Wastchak, seconded by Commissioner Lewis, to forward to the Town Council approval of Ordinance No. 2020-09 (with the noted track changes and changes related to reducing the total hotel keys from 122 to 115 by combining third floor units and requiring a basement dining area), the request being a major amendment to the Special Use Permit (SUP-18-05) for property zoned SUP-Resort known as the Smoke Tree Resort located at 7101 East Lincoln Drive, providing for redevelopment with demolition of all existing structures and construction of a new resort hotel with 115 hotel keys and resort related restaurant, retail, meeting space, and related site improvements, with the conditions and effective date as described in said ordinance. The motion failed by the following vote:**

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

**Nay:** 4 - Commissioner Covington, Commissioner Georgelos, Commissioner Campbell and Commissioner Rose

**A motion was made by Commissioner Georgelos, seconded by Commissioner Rose, to forward to the Town Council denial of Ordinance No. 2020-09, being a major amendment to the Special Use Permit (SUP-18-05) for property zoned SUP-Resort known as the Smoke Tree Resort located at 7101 East Lincoln Drive, providing for redevelopment with demolition of all existing structures and construction of a new resort hotel with 115 hotel keys and resort related restaurant, retail, meeting space, and related site improvements, with the conditions and effective date as described in said ordinance. The motion**

carried by the following vote:

**Aye:** 4 - Commissioner Covington, Commissioner Georgelos, Commissioner Campbell and Commissioner Rose

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

## 5. STUDY SESSION ITEMS (CITIZEN REVIEW SESSION)

- A. [20-440](#) Citizen Review discussion regarding referral from the Town Council of an amendment to the Town Zoning Ordinance to prohibit recreational marijuana establishments.

Mr. Miller provided an overview of the item.

Chairman Wainwright opened the public hearing for the item.

Mr. Coady indicated he did not vote for marijuana to be legal and did not believe Paradise Valley needed to be a part of this at this time. He clarified that he believed marijuana was dangerous and led to worse drugs.

Mr. Miller indicated the next step is the public hearing on December 1, 2020.

Commissioner Wastchak stated he was glad to hear they had another public hearing and suggested it be taken early in the next meeting.

Mr. Michaud replied it was the only hearing item on the next agenda.

Commissioner Covington had questions on the approach.

Mr. Miller clarified that there was an allegation that it would be unreasonable if the Town adopted a 1,500 foot spacing. He explained there was a dual license that allowed an existing dispensary to convert to owning a license for both medical marijuana and retail marijuana which is where many cities might see the most action, but did not believe Paradise Valley would have an issues with it.

**No Reportable Action**

## 6. ACTION ITEMS

None

## 7. CONSENT AGENDA

- A. [20-427](#) Approval of the October 20, 2020 Planning Commission Minutes

**A motion was made by Commissioner Georgelos, seconded by Commissioner Lewis, to approve the October 20, 2020 minutes. The motion carried by the following vote:**

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

## **8. STAFF REPORTS**

None

## **9. PUBLIC BODY REPORTS**

Commissioner Campbell stated he attended the Arizona League of Cities & Town's webinar on Commission and Board Rules last week and was impressed. He suggested it would be helpful for everyone to have a copy of Riggins Rules that were given out during this webinar.

## **10. FUTURE AGENDA ITEMS**

Mr. Michaud announced that their next meeting was on December 1, 2020 which included a hearing for the marijuana text amendment, a work session for Special Use Amendment regarding an accessory awning at 7171 East Paradise Canyon, and possibly a work session for pad height.

Paul Mood indicated he had reached out to the public, contractors, architects, and engineers and had not received any comments to date and therefore will not have a lot more feedback for the next meeting. He noted they could push the meeting out to see if they could get any more input.

Chairman Wainwright suggested they push it out to December 15, 2020.

Commissioner Covington stated he has gotten some input about pad heights, the cycle of building permits, and inspectors from some of the public. He inquired if that information would fit within the discussion of pad heights.

Mr. Miller stated he believed it would be separate, unless they are connected to pad heights.

Vice Mayor Julie Pace thanked the Planning Commission for all the hard work they do and the time they have devoted to so many issues.

Commissioner Rose thanked staff for all the work they did on the Smoke Tree Resort item.

## **11. ADJOURNMENT**

**Commissioner Campbell lost service shortly before the motion to adjourn and was not present for the adjournment, but entered back into the meeting room afterwards.**

**A motion was made by Commissioner Georgelos at 10:27 p.m., seconded by Commissioner Lewis, to adjourn the meeting. The motion carried by the**

**following vote:**

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

**Absent:** 1 - Commissioner Campbell

**Paradise Valley Planning Commission**

By: \_\_\_\_\_  
Paul Michaud, Secretary