



Legislation Details (With Text)

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**Title:** Discussion of a Minor Amendment to the Ritz-Carlton Special Use Permit, Area B  
SEC Indian Bend Road and Mockingbird Lane, 7000 E Lincoln Drive - Modifications to basement light wells and removal of the Neighborhood Walk

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 060117 Minor Amendment Narrative with Attachments, 2. 67170627 Narrative Supplement v4, 3. G-4

Date	Ver.	Action By	Action	Result
7/25/2017	1	Planning Commission	Approved	Pass
7/25/2017	1	Planning Commission	Approved Subject to Stipulations	Pass

**TO: Chair and Planning Commission**

**FROM: Eva Cutro, Community Development Director**

**DATE: July 25, 2017**

**CONTACT:**

Eva Cutro, 480-348-3522

**AGENDA TITLE:**

Discussion of a Minor Amendment to the Ritz-Carlton Special Use Permit, Area B  
SEC Indian Bend Road and Mockingbird Lane, 7000 E Lincoln Drive - Modifications to basement light wells and removal of the Neighborhood Walk

**REQUEST**

Shea Homes Limited Partnership is requesting a Minor Special Use Permit amendment for Ritz-Carlton, Area B located at 7000 E Lincoln Drive (Assessor Parcel 174-58-162) for expanded and elongated (joined) basement window wells to allow additional natural light into the basement areas and provide for outdoor living space. The request also includes removal of the 5' Neighborhood Walk approved through the Special Use Permit.

**RECOMMENDATION A**

Deem or not deem the requested amendment for the Ritz-Carlton, Area B as a minor amendment to the Special Use Permit zoning per the criteria listed in Section 1102.7.B of the Zoning Ordinance.

### **RECOMMENDATION B**

Approve the Minor Special Use Permit Amendment for the Ritz-Carlton, Area B to allow for expanded and elongated (joined) basement window wells and removal of the 5' Neighborhood Walk approved through the Special Use Permit.

### **RECOMMENDATION C**

Deny the request for removal of the 5' Neighborhood Walk approved through the Special Use Permit.

Approve the Minor Special Use Permit Amendment for the Ritz-Carlton, Area B to allow for expanded and elongated (joined) basement window wells with the following stipulations:

1. All building shall be in accordance with the applicant's narrative and submittals dated June 1, 2017 and the applicant's supplement dated June 30, 2017.
2. The expanded window wells shall meet all setbacks for the main house and shall be included in the square footage calculations.
3. The contiguous window wells shall be allowed to encroach five (5) feet into the required setback area. Any portion that does not serve a bedroom shall be included in the square footage calculations for the main home.
4. A minimum setback of five (5) feet is required for contiguous window wells.

### **BACKGROUND**

#### History:

The property located at 7000 E. Lincoln Drive was annexed into the Town in 1964. In 1987 the Town Council granted a Special Use Permit and re-zoning for Sun Valley Resort a mix of resort units, residential lots, and a golf course. The SUP allowed for up to 500 resort keys, 39 R-43 cluster plan lots, and a golf course. Although an entrance circle on Indian Bend Road was constructed, no further development occurred.

In 2008 the Town Council granted an amendment to the existing Special Use Permit to allow for a resort community, including: a resort hotel with 225 rooms, spa, restaurants, and meeting space; 100 resort patio homes; 46 luxury detached residential homes, 15 one-acre home lots; and, site improvements including parking, landscaping, and lighting and, improvements to site infrastructure. No development occurred.

In 2012 the Town adopted a new General Plan. The General Plan categorized this property as one of the new Development Areas, intended to focus resort development into targeted areas that are most appropriate for accommodating the variety of land uses associated with such use. The General Plan further states, Development Areas are meant to encourage new resort development that reflects the Town's needs for fiscal health, economic diversification, and quality of life.

In December 2015 the SUP was amended to approve a development with five distinct Areas with a mix of resort, residential, and retail uses. The total square footage of structure on site is approved at 1,781,225, with a lot coverage from the dripline of the structures at 26.2%.

This request is for Area B - resort related luxury homes.

#### Enforcement:

As of the date of this report, there are no outstanding code violations on this SUP property.

### General Plan/Zoning:

The subject property has a General Plan designation of "Resort/Country Club" according to the Town's General Plan Land Use Map. The zoning on the subject property is "Special Use Permit - Resort." The proposed revisions are in conformance with this designation and zoning.

## **DISCUSSION/FACTS**

### Compliance with SUP Guidelines and Other Standards

#### Enlarged/Expanded Light Well

The applicant is proposing basement outdoor living areas through expanded window wells. These areas will allow additional natural light, a safer emergency exiting route, and additional outdoor patio space. Town Code states,

Basement exits, with the exception of standard window wells, shall be included in the Floor Area Ratio for the structure and shall meet all setbacks for the structure; however, the floor area of any fully subterranean portions of the actual basement shall be excluded from the Floor Area Ratio.

The expanded window wells will meet all setbacks for the main house. The earth will be restored back to natural grade around the expanded area so that it will not be considered in the height measurement. The basement shall remain fully subterranean and shall be excluded from FAR; however, staff would consider the expanded light well a courtyard and include the area of the light well in the square footage calculations approved by the SUP.

#### Contiguous Light Well

The applicant is also proposing contiguous light wells as an option. Town Code allows standard window wells to encroach into required setbacks. A standard window well is described as follows:

Window wells shall have a minimum horizontal area of 9 sf and a maximum length of 10'. They shall have a maximum width of 5' and a minimum width of 4'.

Based on the above staff has always allowed a 5' x 10' window well from a bedroom to encroach into the setback area. The applicant is proposing window wells that encroach into the setback area and exceed the 10' length. Staff has concerns regarding this. Staff is supportive of combining light wells that are necessary for egress out of bedrooms. For instance, if there are two adjoining bedroom a 5' x 20' window well could serve them. However, the applicant has stated that the contiguous light wells would serve bedrooms and common areas. Since window wells are not required from common areas, staff is not supportive of allowing window wells from common areas that encroach into the setback. If the applicant wishes to have window wells from common areas staff would recommend they be included in the floor area ratios.

#### Removal of Pedestrian Walk

The approved SUP (Sheet G-4) shows a Private 5' Neighborhood Walk on one side of the street in Area B. The applicant is requesting removal of this Neighborhood Walk, "to create an improved streetscape and community environment more consistent with a custom, luxury neighborhood."

Staff has concerns with removal of the 5' pedestrian walk. While sidewalks are not required, they are preferred. This neighborhood walk connected pedestrians to the access points for the wash/walk and the resort. Anything that further separates this subdivision from the resort is not viewed favorably. The applicant states that the external connections to the resort are fully retained and that the right-of-way is sufficiently wide enough to accommodate both pedestrian and vehicular traffic. However, staff has a safety concern because on street parking is allowed in this neighborhood which may impede pedestrians walking along the edge of the right-of-way.

#### Minor Amendment Criteria Conformance

The Planning Commission will need to take two actions related to this application request. First, the application request must be deemed a minor amendment pursuant to the four criteria in Section 1102.7.B of the Town Zoning Ordinance. Second, the Planning Commission must take action on the application with any relevant stipulations. This request meets the four minor amendment criteria as follows:

#### **1. Change or add any uses.**

There is no change in allowable use or addition of a new use. The use on the property will remain for single family residences.

#### **2. Increase the floor area of the project by more than 5000 square feet or constitute an increase of more than 15% upon the existing or, if still under construction, approved floor area square footage of the affected SUP property, whichever is less, with any such increase to be measured cumulatively over a sixty month period.**

There is no increase in floor area proposed. The floor area of the expanded window wells will be included in the total floor area. Even with the addition of this square footage, Shea homes is committed to keeping the full project within the approved SUP floor area ratios.

#### **3. Have any material effect on the adjoining property owners that is visible, audible, or otherwise perceptible from adjacent properties that cannot be sufficiently mitigated.**

The expanded window wells will not be visible off-site.

Since the proposed subdivision is a gated community the elimination of the neighborhood walk will also not be perceptible to anyone outside of the neighborhood.

#### **4. Change the architectural style.**

The proposed architectural style remains unchanged.

#### **PRIOR DISCUSSION**

The Planning Commission reviewed this application at a work study session on July 11, 2017. There was discussion of the benefits of basements in the desert environment. There was a suggestion that landscaping be installed between window wells and property lines. There was discussion on including the area of contiguous window wells that do not serve bedrooms in the square footage calculations for the home. The applicant stated they would explore the square footage calculations, but the applicant has not submitted any additional information. There were concerns regarding removal of the pedestrian walk. Items noted included safety concerns due to overloaded streets with

vehicles parked on both sides, short driveways, and garages used for storage.

**PUBLIC COMMENT & NOTICING**

Mailing notification to all property owners within a radius of 1,500 feet, newspaper advertisement, and property posting has been completed.

**ATTACHMENTS**

1. Application/Narrative June 1, 2017
2. Application Narrative Supplement June 30, 2017
3. Plans & Related Material

C:       - Applicant  
          - Case File