



Legislation Details (With Text)

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On agenda: 2/20/2018 **Final action:** 2/20/2018
Title: Consideration 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 interior walls

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2-12-18 Minor SUP Submittal

Date	Ver.	Action By	Action	Result
2/20/2018	1	Planning Commission	Approved	Pass
2/20/2018	1	Planning Commission	Approved Subject to Stipulations	Pass

TO: Chair and Planning Commission

FROM: Eva Cutro, Community Development Director

DATE: February 20, 2018

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 interior walls

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 interior, rear yard walls to exceed the six foot height limitation.

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 interior, rear yard walls to exceed the six foot height limitation.

1. All building shall be in accordance with the applicant's narrative and submittals dated February

12, 2018.

ALTERNATE RECOMMENDATION

Deny the request for interior, rear yard walls to exceed the six foot height limitation.

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

The applicant is proposing interior, rear yard walls to exceed the six foot height limitation. There is a grade change between lots that requires up to a three foot high retaining wall. The applicant is proposing a six foot high privacy wall on top of this retaining wall resulting in a wall up to a nine foot in height.

The Special Use Permit states,

Additional walls not shown on the Approved Plans may be constructed on the lot within enclosed private yards, provided they do not exceed six (6) feet in height.

Town Code states,

g. Fence walls may be located on top of the retaining material provided:

2. All other fence walls placed on top of the retaining wall fill shall maintain a minimum separation of ten (10) feet from the top of the retaining wall; and

3. The combined walls shall be measured as one single wall and shall not exceed a total vertical height of eight (8) feet, measured from the low side of natural grade to the top of the wall.

The applicant is not proposing any separation between the retaining wall and privacy wall plus the walls exceed the six foot height for a single wall and the eight foot height for separated walls.

The applicant did not realize that the Town measures the retaining walls and the privacy walls as one wall. The applicant applied for the retaining walls and received approval since the walls were less than three feet in height. The applicant later applied for the privacy walls and received approval because these walls were six feet in height. It was not noted on the plans that the privacy walls were on top of the already approved retaining walls. Once this was discovered, the applicant applied for the minor amendment.

This amendment only applies to fourteen of the lots (as shown on exhibit C). The walls will not be visible off site. Only the homeowner on the low side of the wall will see the increased wall height. The homeowner on the high side of the wall will only see the six foot high privacy wall. The walls have not been constructed, but the retaining walls are engineered to support the total wall height. There are no safety concerns associated with this request.

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.

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 walls will not be visible off-site. The increased wall height will only be visible to the owner on the low side of the wall. The buyer of this property will be made aware of the wall height (if the wall is not yet built) or will see the wall height when visiting the property.

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 February 6, 2018. The Planning Commission requested the following:

- Illustration of the wall for lots 3, 31 and 34

- Elevations and spot grades

- Topographic/grading plans for the lots

- Illustrations of how the top of the intersecting walls will appear.

The Commission also requested site visits to observe the grade changes in Area B. The applicant has arranged for these visits and provided the requested submittals.

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 February 12, 2018
2. Plans & Related Material

C: - Applicant
 - Case File