



## Legislation Details (With Text)

**File #:** 18-428      **Version:** 1      **Name:**  
**Type:** Memo      **Status:** Agenda Ready  
**File created:** 10/30/2018      **In control:** Planning Commission  
**On agenda:** 11/7/2018      **Final action:** 11/7/2018  
**Title:** 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)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Application, 2. Vicinity & Aerial, 3. Narrative & Plans, 4. Ritz Carlton SUP Stipulations

Date	Ver.	Action By	Action	Result
11/7/2018	1	Planning Commission	No Reportable Action	

**TO:** Chair and Planning Commission

**FROM:** Jeremy Knapp, Community Development Director  
Paul Michaud, Senior Planner  
George Burton, Planner

**DATE:** November 7, 2018

**CONTACT:**

George Burton, 480-348-3525

**AGENDA TITLE:**

**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)**

**REQUEST**

Five Star Resort Owner LLC is requesting a Minor Special Use Permit (SUP) amendment for Area C to: 1) allow for phased construction, 2) modify the size and height of the guard house, and 3) allow for increased fence wall heights.

**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. In 2008, the Town Council granted an amendment to the existing SUP 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 identifies that 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 applicant is now requesting additional changes to allow for phased construction, modifications to the guard house, and increased fence wall heights:

#### Phased Construction

Ritz-Carlton SUP Stipulation No. 24.g requires all internal streets of an area to be completed prior to issuance of a Certificate of Occupancy (C of O). The applicant would like to modify this stipulation to allow for phased construction of Area C, in which the Certificate of Occupancy for a home located in Area C can be issued prior to the completion of all internal streets. Instead, the development of Area C will be broken down into two phases (which will require the internal streets that service a home in Phase 1 to be completed prior to issuance of C of O for homes in Phase 1).

Phase 1 includes the development of the southern portion of Area C and is limited to Lots 1-27, Lots 35-39, and Tract B (which includes the secondary emergency access). Phase 2 includes the northern portion of Area C and is limited to Lots 28-34. The internal streets will be completed in conjunction with each phase. As a result, the internal streets that service a home must be completed prior to issuance of C of O (instead of requiring all the internal streets to be completed prior to C of O). Also, a temporary cul-du-sac bulb will be placed at Lots 28 and 34, until work starts on Phase 2.

Stipulation 24.g will be modified to reflect this change. Staff would like to receive Commission input regarding revised Stipulation 24.g (with the new language identified in bold font):

Prior to the issuance of any certificate of occupancy for any structure within an Area, all internal streets within such Area, together with the connecting street(s) to a public right-of-way, shall be complete; **except for Area C, which will be phased in accordance with the approved phasing plan (as depicted on Exhibit A of the Ritz Carlton Resort Parcel C Minor SUP Amendment plan set that is prepared by CVL Consultants and dated October 12, 2018).**

**The internal street(s) in Phase 1 and the connecting street(s) to a public right-of-way must be complete prior to issuance of any certificate of occupancy for Area C Phase 1.**

**The internal street(s) in Phase 2 and the connecting street(s) to a public right-of-way must be complete prior to issuance of any certificate of occupancy for Area C Phase 2.**

#### Guard House

Ritz-Carlton SUP Stipulation No. 29 limits the guard house in Areas B and C to a maximum of 800 square feet of floor area and a maximum height of 16' tall. The applicant would like to increase the size and height of the guard house in Area C to a maximum size of 1,700 square feet of floor area and a maximum height of 20 feet tall. The additional square footage and height is primarily needed to accommodate an entry porte-cochere. The port-cochere will serve as an architectural feature that

delineate where motor vehicles need to enter. Also, two additional gates will be placed at the end of the porte-cochere for extra security.

However, staff has concerns regarding the proposed changes. Staff has concern that the two additional gates at the porte-cochere may cause traffic to back-up when the guard house is unmanned. The applicant identified that "Should the gatehouse be at Parcel C ever be unmanned, camera and intercom communication will be provided for visitor arriving at the Parcel C gatehouse via the staff at the Ritz-Carlton Hotel security office."

In order to prevent any potential congestion or traffic backing-up, staff recommends adding a stipulation that will require the barrier arm gates at the porte-cochere to be removed or placed in the "open" position when the guard house is unmanned. Please note that the community will remain secure even with the porte-cochere gate arms in the open position since additional gates are provided beyond the guard house (located at the entrance to the subdivision).

Based upon the proposed modifications to the guard house and staff's concerns regarding the two new gates, staff recommends the following edits to Stipulation 29 (with the new language identified in bold font and removed language strikeout):

Stand-alone accessory and service structures over six (6) feet in height (as defined in the Special Use Permit Guidelines) in Areas A and A1, ~~and the guard houses (each limited to eight-hundred (800) square feet of Floor Area) in Areas B and C ,~~ **and the guard house (limited to seventeen-hundred (1,700) square feet of Floor Area) in Area C,** may be added to the Approved Plans, provided that the total square footage of all the accessory and service structures added together does not exceed fifteen thousand (15,000) square feet of Floor Area, such additions to be provided to the Town Manager as a revised conceptual site plan.

Stand-alone accessory and service structures cannot exceed sixteen (16) feet in height **(with the exception of a maximum height limit of twenty (20) feet for the Area C guard house)** and must be set back a minimum of forty (40) feet for any accessory structure and sixty (60) feet for any service structure from any rights-of-way or residential property lines outside of the SUP boundaries and ten (10) feet from any non-residentially zoned property outside of the SUP boundaries.

**Should the Area C guard house be unmanned, the barrier arm gates at the end of the porte-cochere shall be removed or placed in the "open" position.**

#### Fence Walls

Ritz-Carlton SUP Stipulation No. 45.c limits fence wall heights to a maximum of 6 feet tall. The applicant would like to increase the allowable height to 9 feet tall for specific walls located within Area C. Due to grade differentials, the applicant is proposing to use two different type of walls: a *combination wall* with up to 3 feet of retaining wall and a 6-foot-tall wall on top (with a maximum overall height of 9' tall) and an *offset wall* in which a retaining wall up to 3-feet-tall will have a 4 foot separation from a 6 foot tall free standing wall (with a maximum overall or combined height of 9' tall). For reference, this request is similar to the Minor SUP Amendment that was granted on February 20, 2018 for Area B (Shea Homes - Azure).

However, additional information is needed in order to fully evaluate two of the proposed walls and staff also has concern regarding the visibility of the wall located between Lots 29 and 30. Since the

wall adjoining Mockingbird Lane is only 6-feet-tall, staff has concern that the 8-foot-tall wall on Lots 29 and 30 will be visible from Mockingbird. Staff recommends that this wall be tapered or stepped down to transition from a height of 8-feet-tall (on the east side) down to a height of 6-feet-tall (on the west side adjoining the existing Mockingbird Lane wall). Lastly, the applicant must provide details/sections for the proposed walls adjoining Lots 31 - 34.

Based upon the proposed wall heights, staff recommends the following edits to Stipulation 45.c (with the new language identified in bold font and removed language strikeout):

Additional walls not shown on the Approved Plans may be constructed on a lot within enclosed private yards, provided they do not exceed six (6) feet in height. **For Area C, the following exception shall apply: The walls shown on the approved plans for Minor SUP Amendment SUP-18-14, shall not exceed a maximum height of 9' tall and are limited to the location and heights as shown on the approved plans.**

## **DISCUSSION/FACTS:**

### General Plan:

The proposed improvements are consistent with Section 1.3 of the Town's General Plan which encourages the continued revitalization and improvement of the Town's resorts while protecting the adjacent residential neighborhoods.

### Minor Amendment Criteria

Per the new SUP Ordinance effective November 22, 2009, a Minor Amendment to a Special Use Permit shall include any proposal which is not a Managerial Amendment and does not:

1. Change or add any uses; or
2. Increase the floor area of the project by more than 5,000 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; or
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; or
4. Change the architectural style of the existing Special Use Permit.

### Zoning Ordinance Compliance:

The proposed improvements are consistent with the existing resort use. The increased guard house square footage is less than 5,000 square feet (with an increase of 900 square feet). Also, all of the improvements are internal to the site and will not be visible from off the SUP property (with the exception of the wall located at Lots 29 and 30 - however, the height of this wall can be adjusted to tie into the existing wall adjoining Mockingbird Lane).

### Public Comment

Public notification is not required for the work study session.

### Next Steps

If an additional review is needed, this application can be scheduled for a second work study on November 20<sup>th</sup>. Otherwise, this application is scheduled for public hearing on December 4, 2018. Notification will be performed in accordance with the public hearing process.

**ATTACHMENTS:**

Vicinity Map & Aerial Photo  
Application  
Narrative & Plans  
Ritz-Carlton SUP Stipulations

CC: Heidi Tilson, Applicant