



## Legislation Details (With Text)

**File #:** 20-404      **Version:** 1      **Name:**  
**Type:** Special Use Permit      **Status:** Agenda Ready  
**File created:** 10/14/2020      **In control:** Planning Commission  
**On agenda:** 10/20/2020      **Final action:** 10/20/2020  
**Title:** Continued Discussion of a Major Special Use Permit Amendment (SUP-18-05) - 7101 E Lincoln Drive - Smoke Tree Resort

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Application, 2. B - Vicinity Map Related Maps, 3. C.1 - Narrative and Plans (July 7, 2020 Submittal), 4. C.2 - Parking Study and Associated Documents (Revised 09-28-20), 5. C.3 - Traffic Impact Analysis, 6. C.4 - Preliminary Drainage Report, 7. C.5 - Wastewater Capacity Study, 8. C.6 - Water Service Impact Study, 9. D - SUP Guidelines, 10. E - General Plan Policies, 11. F - General & SUP History, 12. G.1 - Public Comments (Revised 10-14-20), 13. G.2 - Notifications (Revised 09-10-20), 14. G.3 - Minutes (Revised 10-14-20), 15. H - Statement of Direction (Revised 09-10-20), 16. I - Tentative Timeline (Revised 10-14-20), 17. J - Sample Use Parameters, 18. K- Landscape Plan (Revised 08-04-20), 19. L - Right-of-Way, 20. M - Floor Plans (Revised 08-04-20), 21. N - Site Elevation Grades (Revised 08-04-20), 22. O - Site Plan (Revised 08-04-20), 23. P - Elevations (Revised 08-04-20), 24. Q - Draft Ordinance (Revised 10-14-20), 25. R - Quail Run Road Illustration (Revised 09-30-20), 26. S - Lighting Plans (Revised 09-11-20), 27. T - Acoustical Information (Dated 09-24-20), 28. U - Fixture LU Examples and Renderings (Provided 10-08-20)

Date	Ver.	Action By	Action	Result
10/20/2020	1	Planning Commission	No Reportable Action	

**TO:** Chair and Planning Commission Members

**FROM:** Paul Michaud, Planning Manager  
George Burton, Senior Planner

**DATE:** October 20, 2020

**DEPARTMENT:** Community Development

### AGENDA TITLE:

Continued Discussion of a Major Special Use Permit Amendment (SUP-18-05) - 7101 E Lincoln Drive - Smoke Tree Resort

### MEETING PURPOSE:

Continue to discuss elements of this project. In particular, these items include revisiting up-light fixture LU on certain buildings that illuminates some of the architectural features and reviewing the draft ordinance - stipulations.

### UPDATE FROM PRIOR MEEETING:

The Planning Commission discussed the acoustical study, exterior lighting, the Parking Management Plan, and improvements along Quail Run Road.

The discussion of the acoustical study centered primarily around the loading area and garbage bin location at the northeast portion of the site since the modeling resulted in 54 dBA above the nighttime, Sunday, and holiday noise threshold of 45 dBA. Stipulation 32.a describes the allowable hours for deliveries and trash pick-up. Stipulation 57 describes use of the Lincoln Drive access and circulation for commercial vehicles discussed at the October 6<sup>th</sup> Planning Commission work session. The applicant will need to provide a typical gate detail at the loading area and a typical trash enclosure detail with the complete plan set for the November 17<sup>th</sup> Planning Commission meeting.

The discussion on exterior lighting focused on the pole lights (Fixture SA) and the 250 lumen up-light fixtures highlighting portions of some of the building architecture (Fixture LU). The Planning Commission suggested reducing the proposed 16' tall pole lights to 12' tall for at least the lights along Lincoln Drive and/or along the perimeter. Also, many Commissioners suggested that these pole lights be setback 20' along the perimeter similar to the pole light fixtures along the south property line. The applicant was not opposed and Stipulation 67.a requires all pole lights at 12' tall. The applicant was asked to evaluate the impact with 12' tall pole lights creating any hot spot illumination in the parking area and to evaluate safety with moving the pole light fixture to the drive aisle alignment versus at the front of the parking space. Regarding the up-light fixture, the applicant provided some nearby examples and a photo rendering of the Lincoln Drive façade with and without these lights for the Planning Commission to review by the October 20<sup>th</sup> work session (see Attachment U). The applicant stated he can remove these fixtures, lower the intensity, or agree to a stipulation the lights be turned off if the results are contrary to the desires of the Town.

The discussion of the Parking Management Plan focused on clarifying the trigger for when the valet plan will be activated, how the plan mitigates stacking of vehicles in the public roadway, and operational characteristics when in valet mode (i.e., circulation, number of valet attendants, transition period out of valet, etc.) This trigger is when the parking reaches 90% parking capacity. The CivTech consultant explained the assumptions, noting that the resort may be in valet mode approximately 20% of the year. Draft stipulations related to parking operation are Stipulations 49, 50, 51, 52, and 53.

During the public comment period, Maria Ruttle who resides near the resort off Quail Run Road asked about the Quail Run Road improvements to eliminate traffic that may go past the new resort access on Quail Run Road. Her request includes a proposed gate on the privately-owned portion of the Quail Run Road alignment. The existing condition of Quail Run Road and the nearby accessways are not at typical Town standards. This includes a private strip of land on the west portion of the Quail Run Road alignment owned by a nearby resident a gate is desired, private access easements for the residential parcels east and southeast of the resort, and an emergency access for Andaz resort that uses the private strip of land. The proposed resort plans have the applicant dedicating the half right-of-way along Quail Run Road and Lincoln Drive, along with street improvements (including the west half of Quail Run Road north the new resort access). Stipulation 58 addresses the Quail Run improvements generally with direction that the Development Agreement cover mitigation measures such as column markers on both sides of Quail Run Road past the resort access, signage, and transitioning the new pavement on Quail Run Road south of the resort access to tie into the existing pavement on Quail Run Road. The draft stipulation requires the gate matter be reviewed within the second year of operation based on an independent study of traffic and parking past the resort access and after the appropriate approvals by Council (e.g. gate SUP). The nearby

resident would like the private gate addressed as part of the resort SUP without going through a separate Town process. The resort SUP and Development Agreement addresses mitigation along Quail Run Road, but the approval of a private access gate(s) off the resort property involve residential owners not part of the resort application, General Plan matters, deviations to typical Town private roadway gate guidelines, among other aspects that merit a more thorough review by the Planning Commission and/or Town Council.

#### **INFORMATION UNDER REVIEW OR STILL NEEDED FROM THE APPLICANT:**

There are some items still under review and discussion. These include, and may not be limited to, the following:

- Density/3<sup>rd</sup> Story. The Planning Commission will need to conclude discussion on density and the 3<sup>rd</sup> story element of the project. The Planning Commission at past meetings discussed the traffic study, parking study, perimeter landscaping, and the Parking Management Plan.
- Complete Updated Plan Set. The applicant will provide the complete updated plan set to replace Attachment C.1.

#### **DISCUSSION:**

##### LU and SA Light Fixture

The 250 lumen up-light “LU” fixture highlights portions of some of the building architecture. The applicant provided some nearby examples and a photo rendering of the Lincoln Drive façade in Attachment U. Based on Planning Commission direction, the applicant stated he can remove these fixtures, lower the intensity, or agree to a stipulation the lights be turned off if the results are contrary to the desires of the Town. The applicant can update the Planning Commission at the work session regarding their analysis on the increased setback of 20’ from the perimeter property line and lowering the 16’ tall pole light to 12’ tall.

##### Draft Ordinance - Stipulations.

Attachment Q includes the revised draft ordinance (with preliminary stipulations) from the version provided in the August 18<sup>th</sup> Planning Commission packet. Overall, most of the draft stipulations are standard criteria found in other resort Special Use Permit ordinances, require final data or sheet number references once the applicant provides the final plan set for the November 17<sup>th</sup> Planning Commission hearing, and/or require editing after Planning Commission review. Specific focus areas of the draft ordinance that the Planning Commission may wish to focus on include the following:

- Review the definition of “Maximum Hotel Keys” which is a change from “Minimum Hotel Keys” in the August 18<sup>th</sup> draft. Other resorts used a variety of means to define the number of keys. More discussion may be merited in requiring a specific number or a range of keys.
- Review the definition of “Resort Ancillary Facilities and Uses” that was changed from the August 18<sup>th</sup> draft in an attempt to better define the accessory uses as described in the narrative/parking/traffic and take into consideration the need to evaluate such uses as tenants change over time.
- Review the definition for “Resort Retail Uses” in an attempt to better define the accessory uses as described in the narrative/parking/traffic and take into consideration the need to evaluate such uses as tenants change over time.
- Discuss project phasing (e.g. what parts of the project can or cannot be opened first or at all).

The applicant intends to develop the project in one phase. However, the order of the Certificate of Occupancy and related matters may need to be addressed in the Development Agreement approved by Council. Related, may be the timing of perimeter landscaping and/or walls. These points are noted under Stipulation 17 for construction phasing. If necessary to address, these points will likely be a separate stipulation and/or item for the Development Agreement.

- Review the stipulations related to the third floor uses in Stipulation 33.
- Discuss Stipulations 36 through 42 on noise. These stipulations are based off the mitigation measures from the acoustical study reviewed at the October 6<sup>th</sup> work session.
- Discuss Stipulation 58 to address the Quail Run Road improvements related to the residential owners west of the site. The thinking is that the Development Agreement will address the mitigation measures.
- Edit Stipulation 67 on lighting, as needed, after Planning Commission direction on exterior light fixture “LU” used to fixture highlights portions of some of the building architecture.

#### **PUBLIC COMMENTS AND NOTICING:**

There was one new written comment provided to staff since the October 6, 2020 meeting (see Attachment G.1). The applicant will be holding a third neighborhood meeting at the resort on Wednesday , October 21<sup>st</sup> between 6:00 p.m. and 7:00 p.m.

There have been several residents who provided comment. The owners of the adjoining Andaz Resort and nearby Applewood Pet Resort provided comment. The owner of the Applewood Pet Resort is supportive of the project. The owner of the Andaz Resort expressed a desire to retain the 12’ to 15’ tall oleander hedge along the south property line (which is predominantly on the Andaz property and the applicant agreed to maintain in addition to planting a sour orange hedge and staggered parking lot trees) and earlier expressed concerns on height and density. The adjoining owner of the Lincoln Plaza Medical Center did not provide comment directly, but has worked with the applicant on the shared access driveway and has knowledge of the proposed application. The comments since June 2020, including from the applicant’s neighborhood meeting on August 20<sup>th</sup>, addressed the following: concerns about density and traffic, a question on the Town’s property tax model, request for Quail Run Road improvements to mitigate vehicle stacking and traffic south of the resort entry, questions on the operation at the resort, comments on the hotel versus resort feel of the project, questions regarding the third floor amenity (i.e. views into the residential parcels west of the site, use for events), combining the coffee shop and restaurant, and operation of the pool (i.e. food/drink service, pool size). Please reference Attachments G.1, G.2, and G.3 for more information.

#### **NEXT STEPS:**

The next work session meeting is on November 3, 2020 and public hearing on November 17, 2020.

#### **ATTACHMENT(S):**

- A Application
- B Vicinity Map & Related Maps
- C.1 Narrative and Plans (Presented 07-07-20)
- C.2 Parking Studies and Associated Documents (Revised 09-28-20)
- C.3 Traffic Impact Analysis
- C.4 Preliminary Drainage Report
- C.5 Wastewater Capacity Study

C.6	Water Service Impact Study
D	SUP Guidelines
E	General Plan Policies
F	General & SUP History
G.1	Public Comments (Revised 10-14-20)
G.2	Notifications (Revised 09-10-20)
G.3	Minutes (Revised 10-14-20)
H	Statement of Direction (Revised 09-10-20)
I	Tentative Timeline (Revised 10-14-20)
J	Sample Use Parameters
K	Landscape Plan (Revised 08-04-20)
L	Right-of-Way
M	Floor Plans (Revised 08-04-20)
N	Site Elevation Grades (Revised 08-04-20)
O	Site Plan (Revised 08-04-20)
P	Elevations (Revised 08-04-20)
Q	Draft Ordinance (Revised 10-14-20)
R	Quail Run Road Illustration (Revised 09-30-20)
S	Lighting Plans (Revised 09-11-20)
T	Acoustical Information (Dated 09-24-20)
U	Fixture LU Examples and Renderings (Provided 10-08-20)