



## Legislation Text

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**File #:** 18-335, **Version:** 1

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### **Town of Paradise Valley Action Report**

**TO:** Chair and Planning Commission

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

**DATE:** September 18, 2018

**CONTACT:**

George Burton, 480-348-3525

**AGENDA TITLE:**

Consideration of a Minor Amendment to the Hermosa Inn Special Use Permit (SUP-18-08). 5532 N. Palo Cristi Road (Assessor No. 170-03-129)

**RECOMMENDATION**

RECOMMENDATION A:

It is recommended the Planning Commission deem the requested amendment to the Hermosa Inn Special Use Permit a Minor Amendment per the criteria listed in Section 1102.7.B of the Zoning Ordinance.

RECOMMENDATION B:

It is recommended that the Planning Commission approve the Hermosa Inn Minor Special Use Permit Amendment to reconfigure and re-orientate buildings, add a new restroom building, relocate the event area with a tent plan, add more parking, and add new landscape and site improvements, subject to the following stipulations:

1. All improvements to the property shall be in substantial compliance with the following:
  - a. Project Narrative, dated September 11, 2018;
  - b. Site and Use Plan 2018, prepared by CVL Consultants and dated September 11, 2018;
  - c. Fire/Emergency Access Plan 2018, prepared by CVL Consultants and dated September 11, 2018;
  - d. Delivery/Service Circulation Plan 2018, prepared by CVL Consultants and dated September 11, 2018;
  - e. Conceptual Drainage Plan 2018, prepared by CVL Consultants and dated September 11, 2018;
  - f. Site Lighting Zone Plan 2018, prepared by CVL Consultants and

- dated September 11, 2018;
  - g. Parking Lot Lighting Plan 2018, prepared by CVL Consultants and dated September 11, 2018;
  - h. Light Fixture Details/Specification Plan, prepared by CVL Consultants and dated September 11, 2018;
  - i. Landscape Plan 2018, prepared by CVL Consultants and dated September 11, 2018; and
  - j. Exterior Building Elevations Plan, prepared by CVL Consultants and dated September 11, 2018;
2. Strict compliance with the Town's Noise Ordinance/Code, must be observed. In addition, there shall be no public address system of any kind or live amplified music in outdoor areas, including event tents, except for amplified music not to exceed two hours in duration that is incidental to the ceremony portion of a wedding or similar event and which ends no later than 9:00 p.m. Low level background music in public areas is allowed.
  3. Two (2) temporary event tents may be erected in accordance with the Project Narrative and the Site and Use Plan 2018, prepared by CVL Consultants and dated September 11, 2018. A temporary tent may be erected for a maximum of 16 consecutive days per event, but may exceed the 16 days if the resort applies for a special event permit (in accordance with the Town Code Special Event Permit requirements - Chapter 8).
  4. The existing 6-foot shared wall and the oleanders between the parking lot and the neighbor directly north of the parking lot will remain. To further reduce noise levels, a new 10-foot-high wall, setback 20 feet from the north property line, will be constructed as depicted on the Site and Use Plan 2018.
  5. All improvements shall comply with the applicable Town Grading & Drainage codes and requirements.
  6. The swimming pool and spa and fitness areas may be used only by the Resort's registered guests and their guests, and residents immediately adjacent to or directly across the street from the Property, and a maximum of 20 members who reside within a 1,500-foot radius of the Hermosa Inn property.
  7. The north parking lot gate shall not exceed a height of 5' tall and must remain closed from 4 p.m. to 8 a.m.
  8. All mechanical equipment shall be screened so that it is not visible from properties not a part of this Special Use Permit and from public rights-of-way. Mechanical equipment and mechanical equipment screens shall be included in the total height of any structure they are attached to.
  9. All new exterior lighting shall comply with the Site Lighting Zone Plan 2018 and Section 1023 of the Town Zoning Ordinance.
  10. Trash pickup will be limited to Monday through Friday, between the hours of 8 a.m. until 4 p.m. and there will be no trash pickup on weekends unless there are special circumstances.
  11. After the 10' tall wall on the north side of the parking lot is installed, five sapling trees (spaced approximately every 40') will be installed between the 10' tall wall and the oleanders along the north property line. If any of the trees die, the owner of the Hermosa Inn shall not be responsible for replacing the trees; but will allow reasonable access to the Hermosa Inn property so that the owner of the lot immediately to the north of the Hermosa Inn property may replace the trees if such owner elects to do so.
  12. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by the Minor Amendment SUP-18-08.

## **BACKGROUND:**

### **History**

The Town annexed the subject property in 1961. The original Special Use Permit (SUP) was issued in 1976 and has been amended several times. The three most recent amendments were approved in 2007, 2014, and 2016. The 2007 amendment was a major amendment that included the modification of the existing room count, a redesign of the pool area, a new spa/fitness facility, and reconfiguration of the restaurant area and parking area. The 2014 amendment was a managerial amendment that reconfigured buildings, eliminated the second story on the guest rooms, and enlarged the event space. The 2016 amendment was a minor amendment that reconfigured and re-orientated buildings, added fireplaces and fountains throughout the campus, modified and added fence walls, and modified the parking area.

### **Request:**

The applicant requests a minor amendment to the Special Use Permit to: 1) reconfigure and relocate previously approved buildings such as the spa, fitness rooms, and resort units, 2) add a new restroom building, 3) relocate the event area with a new tent plan, 4) add more on-site parking, and 5) modify and add new landscaping and site improvements.

These modifications do not alter the total square footage or total number of keys (in which the property will maintain a total lot coverage of 69,038 square feet and a total of 49 keys). However, the total number of parking spaces will increase from 156 spaces to 185 spaces. All the affected or modified buildings have been approved by previous Special Use Permit (SUP) amendments, but have not been built/constructed. Below is a summary of the proposed modifications and improvements.

#### ▪ Reconfigure and Relocate Previously Approved Buildings and Additions

- i. *Guest Room Building 5.* The applicant is proposing to modify the footprint of Guest Room Building 5. It will maintain the previously approved setback of 20' from the south property line (adjoining Stanford Drive) and will maintain the previously approved maximum height of 16' measured from existing grade (19' tall to the top of the chimneys). The guest room will be finished and painted to match the existing structures.
- ii. *Additions to Guest Room Buildings 1 & 2.* The additions to Guest Room Buildings 1 and 2 will be eliminated (shown in green on the 2016 site plan). The square footage from these units will be used and allocated to other modified buildings.
- iii. *Meeting/Event Room and Storage Buildings.* The Meeting/Event Room and Storage Buildings (numbers 25 and 26 on the site plan) will be relocated further west on the campus and will be enlarged. These buildings are located next to each other and will be setback approximately 120' from the west property line and 180' from the north property line. The height varies from 12' tall to 26' tall, measured from existing grade.

The elevation of the Meeting/Event Building has been modified and updated; however, the location and height remain the same. Both the Meeting/Event and Storage

buildings will be finished and painted to match the existing structures on campus.

- iv. *Back of House Addition.* The back of house addition (number 24 on the site plan) will be relocated further north on campus. The addition is setback approximately 130' from the north property line. The addition is 19' tall and will be finished and painted to match the existing buildings. One of the existing ADA parking spaces will be relocated to the west end of the adjoining drive aisle and another ADA parking space will be added next to it (the expanded parking lot is compliant with the ADA Accessibility Standards, which requires a minimum of six ADA parking spaces based upon the total number of proposed parking spaces).
- v. *Spa and Fitness Building.* The Spa and Fitness building (number 19 on the site plan) will be relocated from the north part of the campus to the west side of the campus. The Spa and Fitness building is 17'6" tall, will be setback approximately 25' from the west property line, and will be finished and painted to match the existing buildings.

Also, the current Special Use Permit (SUP) limits the pool, spa, and fitness area to resort guest and immediate adjacent neighbors (via SUP Stipulation C.20 in Ordinance 595). The applicant is proposing to modify this stipulation to allow these areas to be available for use by guest of the resort, adjacent neighbors, and a maximum of 20 members who reside within a 1,500' radius of the resort. The hours of use by the Spa/Fitness members will be limited from 6 a.m. to 7 p.m.

All exterior lighting added to the modified buildings or additions will be in compliance with the Site Lighting Zone Plan 2018 and Section 1023 of the Town Zoning Ordinance. However, specified building light fixtures have not been identified. A stipulation has been added identifying that all new exterior lighting shall comply with the Site Lighting Zone Plan 2018 and Section 1023 of the Town Zoning Ordinance.

- New Restroom Building

The new restroom building (number 44 on the site plan) will be located in the center of the resort campus (next to Guest Room Building 11). The restroom building is 14'6" tall and will be finished and painted to match the existing buildings. Any exterior lighting added to this building will be in-compliance with the Site Lighting Zone Plan 2018 and Section 1023 of the Town Zoning Ordinance.

- Relocation of the Outdoor Event Area and New Tent Plan

The event area will be relocated from the western part of the campus (adjoining the residential neighbors) to the existing garden area (which is located between the existing guest room buildings near the southern part of the campus). This area will be enhanced with new landscaping, fountains, fireplaces, and pathways. The fountains and fireplaces will be limited to a maximum height of 6' tall. Also, 16' tall pole and string lights will be placed in the event/garden area. In accordance with the SUP Guidelines, this area will meet the recommended light output with an average output of 5.0-foot candles. To address concerns that the light source of the string lights may be visible from off the property via the gaps

between the guest buildings, the applicant added an opaque hood to shield each light bulb.

The applicant is also proposing to add a temporary tent plan at the event/garden area. Two tents will be used in this area, with a maximum size of 40' x 40' for one tent and a maximum size of 20' x 20' for the other tent. The 40' x 40' tent will be limited to a maximum height of 24' tall and the 20' x 20' tent will be limited to a maximum height of 16' tall. A temporary tent may be erected for a maximum of 16 consecutive days for each event. The event area is setback 80' from closest/southern property line and tent events will end by 10:00 p.m.

The applicant would also like to modify the limitation on amplified music for the event area. Currently, the SUP states:

Strict compliance with Article 10-7 of the Town Code, Control of Excess Noise, must be observed. In addition, there shall be no public address system of any kind or live amplified music in outdoor areas, *except for amplified music not to exceed one hour in duration that is incidental to the ceremony portion of a wedding or similar event and which ends not later than 8:00 PM.* Low level background music in public areas is allowed.

However, the applicant is proposing to modify this exception and allow amplified music for a duration of two hours, that would end by 9:00 p.m.

▪ Modified Parking Lot

- i. *Additional Parking Spaces.* 29 additional parking spaces will be added to the resort campus. The new parking spaces will be placed at the northeast part of the campus (over the existing vegetable garden) and the southeast part of the campus (near Guest Room Buildings number 1 and 2). The new northern parking spaces match most of the existing parking spaces at a size of 9' x 18' (which is in accordance with the Hermosa Inn SUP). The new southern parking spaces will be 9' x 20' in size (which is compliant with the recommended parking space size of 180 square feet per the Town Zoning Ordinance). Due to concern from a neighbor, the applicant will add a manually operated sliding gate at the north parking lot entrance to help mitigate the impact of vehicles. The gate is 6' tall, setback 22' from the Palo Cristi Road back of curb, and will be closed from 4 p.m. to 8 a.m.

The applicant also provided a parking analysis. The parking at Hermosa Inn will be valet only. 185 parking spaces will be provided, and per the parking analysis, 183 shared parking spaces are required.

- ii. *Parking Lot Lighting.* A mixture of wall mounted fixtures, bollards, landscape up-lights, and tree down lights will be used to illuminate the parking lot. These fixtures will have an average output of 1.5-foot candles (which is below the 1.6-foot candles recommend by the SUP Guidelines). The approximate quantity and height of the parking lot fixtures are summarized below:

Fixture	Quantity	Height
Up-Lights	32	10"
Wall Mounted Lights	12	6'
Bollards	15	1.2' (42")
Tree Down Lights	20	10'

- iii. *Parking Lot Screen Wall.* A 10' screen wall will be placed along the north side of the parking lot to mitigate any potential noise. It will be setback 20' from the north property line, will have a stucco and paint finish, and is approximately 320 lineal feet long. Additional oleanders will be used to infill the area between the wall and north property line and 6' tall access gates will be placed on the east and west ends of the screen wall to help secure the area between the screen wall and the northern property line.

Also, during the July 17<sup>th</sup> work session, the Commission asked if raising the wall height to 13' would provide additional sound attenuation. The applicant provided a letter from an acoustical engineer, identifying that the noise attenuation from an additional 3' of height would be "barely noticeable."

▪ Campus Lighting

All new exterior lighting added to the modified buildings, additions, event area, and parking lot will be in compliance with the Site Lighting Zone Plan 2018. The Site Lighting Zone Plan identifies the average foot candles for each zone. Also, the photometric identifies an output of 0-foot candles around most of the parking lot area (measured at the property line).

▪ Landscape Improvements

The applicant provided a landscape plan that identifies the plant pallet that will be used around the area of improvements. It does not provide the quantity and location of plants for the interior improvements. However, the plan specifies the type of plants that will be used around the most visible areas associated with these improvements (e.g. around the north parking lot access area, the landscaping around Guest Building #5, the Fitness and Spa Building, and adjoining the north parking lot screen wall).

▪ Grading & Drainage

The Commission requested that the applicant provide more information regarding the Grading & Drainage of the site. The applicant met with Town Engineer and provided a Conceptual Drainage plan. The plan identifies drainage solutions for each area of improvement. Also, a stipulation has been added which identifies that the development of the resort campus must meet the Town's Grading & Drainage codes and requirements.

## DISCUSSION/FACTS

### Zoning Ordinance Compliance:

The proposed improvements are consistent with the existing resort use. The modified buildings, new restroom building, event area, tent plan, landscape improvements, and modified parking lot are

components which do not change the use or architectural style of the Special Use Permit. The improvements are also substantially compliant with the SUP Guidelines. The guidelines recommend that principal buildings be limited to a height of 36' tall and non-principal structures be limited to a maximum height of 24' tall. The modified guest room buildings are limited to a maximum height of 19' tall and the modified meeting and event building maintain the previously approved height of 26' tall. The output of the proposed lighting is also compliant with the SUP Guidelines. The parking lot lighting will have an average output of 1.5-foot candles, which is less than the 1.6-foot candles recommended by the SUP Guidelines. Also, the modified parking lot adds 29 more spaces to the resort; which increase the parking count from 156 previously approved parking spaces to 185 parking spaces.

#### General Plan:

The proposed improvements are consistent with Section 2.1 of the Town's General Plan which encourages the continued revitalization and improvement of the Town's Special Use Permit properties 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.

The proposed improvements are substantially compliant with the SUP Guidelines, do not increase the lot coverage, and do not change the use or architectural style of the SUP.

#### Public Comment

Staff received several letters from neighboring property owners expressing concern about increased development and the intensity of use. The Planning Commission discussed these concerns at the July 17<sup>th</sup> works session and August 21<sup>st</sup> public hearing. The Commission encouraged the applicant to continue to work with the neighbors. A copy of the letters is enclosed.

#### Planning Commission Discussion

The Planning Commission reviewed this application at the July 17, 2018 work session and August 21, 2018 public hearing. The Commission identified or requested the following during the July 17<sup>th</sup> work session:

1. There was concern that the string lighting may be visible from off the property. It was recommended that the applicant set-up temporary string lighting in the event area for Commission evaluation. Also, a stipulation must be added to the SUP to clarify that the Town may require the lights to be shielded if visible from a neighboring property.
2. Add a stipulation to clarify that amplified music cannot be used in the temporary tents.
3. Add a gate at the north ingress/egress area. The applicant must update the site plan to show the location of the gate and identify the height of the gate.
4. Additional landscaping shall be added at the northwestern area of the parking lot.
5. 10' tall north screen wall:
  - a. Identify that the height of the wall is measured from the finished grade adjoining the wall.
  - b. The applicant must consult a professional (e.g. acoustical engineer) to evaluate how much more noise attenuation a 13' tall wall would provide versus the proposed 10' tall wall.
6. The narrative must be updated to describe the intensity of use of the spa (e.g. the number of treatment rooms, the estimated amount of exercise equipment, etc.).
7. The applicant must provide a parking analysis for the August 21<sup>st</sup> meeting.
8. The applicant must provide more information regarding the Grading & Drainage of the site. Also, a stipulation shall be added that requires the development of the resort campus to meet the Town's Grading & Drainage codes and requirements.
9. Continue the August 21<sup>st</sup> public hearing to September 18<sup>th</sup> to provide sufficient time to addresses the concerns raised by the neighbors.

During the August 21<sup>st</sup> meeting, the Commission continued the public hearing to September 18, 2018 in order to allow the applicant to continue to work with the neighbors regarding their concerns. The continuance passed by a vote of 6 to 0. The Commission also identified or requested the following via the August 21<sup>st</sup> meeting:

1. The Commission inquired if the affected ADA parking space by the new Back-of-House Addition will be relocated or permanently removed. Per direction from the Town's Building Official, the affected ADA parking spaces must be relocated.
2. The Commission discussed the draft stipulations:
  - a. The applicant recommended removing the draft stipulation regarding the tent event lighting since they are modifying the fixtures to bring them into code compliance by adding shields on each light bulb of the event string lights.
  - b. The applicant recommended modifying the parking lot gate stipulation to clarify that the north parking gate will be closed from 4 pm to 8 am.
3. There was discussion if the height of the Spa Building could be lowered from 18' tall to 16' tall. The applicant clarified that the height was needed to screen the roof mounted ac unit with the parapet.

The applicant updated the plans and documents in accordance with the Commission's concerns.

**ENFORCEMENT:**

There are no current zoning violations associated with the subject property.



**ATTACHMENTS:**

Application  
Vicinity & Aerial  
Narrative & Plans  
Parking Analysis  
Noise Study  
Public Comment  
Notification Material

C:       - Applicant: Doug Jorden  
          - Case File: SUP-18-08