



## Legislation Text

---

**File #:** 18-465, **Version:** 1

---

**TO:** Chair and Planning Commission

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

**DATE:** December 4, 2018

**CONTACT:**

George Burton, 480-348-3525

**AGENDA TITLE:**

**Consideration of a Minor Special Use Permit Amendment (SUP 18-14)  
Ritz-Carlton Area C - North East Corner of Mockingbird Lane and Lincoln Drive  
7000 E Lincoln Drive**

**REQUEST**

Five Star Resort Owner LLC is requesting a Minor Special Use Permit (SUP) amendment for Ritz Carlton Area C to: 1) modify the size and height of the guard house 2) add control arm gates to the guard house, and 3) increase the fence wall heights.

**RECOMMENDATION**

**RECOMMENDATION A:**

It is recommended the Planning Commission deem the requested amendment to the Ritz-Carlton 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 Ritz-Carlton Minor Special Use Permit Amendment for Area C to modify the size and height of the guard house, add control arm gates to the guard house, and increase the fence wall heights, subject to the following stipulations:

1. All improvements to the property shall be in substantial compliance with the Narrative and Plans, Job # 01.0268908, prepared by CVL Consultants and dated November 20, 2018.
2. Revised SUP Stipulation No. 29:  
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, the guard houses (limited to eight-hundred (800) square feet of Floor Area) in Area B, 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.

If the camera and intercom solution identified on page 1 of the narrative (per the approved plans for Minor SUP Amendment SUP-18-14) is problematic or ineffective in responding to traffic backing-up due to an unmanned guard house, then the gate arms located at the guard house must remain in the open position or be removed. The requirement for the guard house gate arms to be left in the open position or removed shall be required if the Town receives more than 3 complaints in a calendar year that traffic is backing-up due to an unmanned guard house.

3. Revised SUP Stipulation No. 45.c:

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.

4. The property owner and Town shall sign and record a Waiver of Rights and Remedies agreement under A.R.S. § 12 1134 (Proposition 207 Waiver) in the form provided by the Town Attorney within 10 calendar days of the approval of this amendment to the Special Use Permit.
5. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by the Minor Amendment SUP-18-14.

## 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 modifications to the guard house and increased fence wall heights.

### Planning Commission Discussion

The Planning Commission discussed this request at the November 7<sup>th</sup> work study session. Prior to the meeting, the applicant modified the application and withdrew the request for phased construction in this area. As a result, the Commission's review was focused on the modifications to the guard house and increased fence wall heights.

During the work study review, the Commission asked the applicant to:

1. Demonstrate that the guard house complies with the Town's minimum stacking requirements.
2. Provide details of the walls adjoining Lots 31 - 34.
3. Identify if the wall between Lots 29 and 30 will extend above the height of the perimeter wall adjoining Mockingbird Lane or if the wall will step down or taper to meet the height of the existing wall.
4. Add a stipulation regarding an unmanned guard house. Specifically, to stipulate that if the call box option provided by the applicant becomes problematic or does not work, then the new gate arms at the guard house must be left in the open position or removed when the gate house is unmanned.

The applicant provided an illustration showing the stacking distance from the guard house to Palmeraie Blvd. and details on all of the proposed fence walls. A stipulation has also been added to address the concern regarding an unmanned guard house.

### 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, the Commission recommended adding a stipulation to identify that if the guard house is unmanned and the Town receives more than 3 complaints about traffic backing up, then the control arm gates must be left if an open position or removed. A stipulation was added to this effect. 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).

Also, the applicant provided an illustration identifying the stacking distance measured from the guard house to Palmeraie Blvd. The SUP Guidelines recommend a minimum stacking distance of 150' and the applicant is providing a stacking distance of 310'.

Based upon the proposed modifications to the guard house and the traffic concern regarding an unmanned guard house, 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.

**If the camera and intercom solution identified on page 1 of the narrative (per the approved plans for Minor SUP Amendment SUP-18-14) is problematic or ineffective in responding to traffic backing-up due to an unmanned guard house, then the gate arms located at the guard house must remain in the open position or be removed. The requirement for the guard house gate arms to be left in the open position or removed shall be required if the Town receives more than 3 complaints in a calendar year that traffic is backing-up due to an unmanned guard house.**

#### 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).

During the November 7<sup>th</sup> work study, Commission and staff expressed concern regarding the visibility of the wall located between Lots 29 and 30. Since the wall adjoining Mockingbird Lane is only 6-feet-tall, there was concern that the 8-foot-tall wall on Lots 29 and 30 will be visible from Mockingbird. The applicant provided a detail illustrating that the masonry 8' tall wall will terminate 6' away from the existing perimeter wall adjoining Mockingbird Lane. The gap between the new wall and perimeter wall will be filled in with a 4' tall view fence.

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 was mitigated by creating a 6' separation between the new masonry wall and existing wall adjoining Mockingbird Lane and filling the gap with a 4' tall view fence).

### Public Comment

Public notification was performed in accordance with the public hearing process. Staff received two inquires and no comment about this request.

### Next Steps

The Planning Commission may take two actions on this request. The Planning Commission must first determine if the request constitutes a Minor SUP Amendment. If deemed a Minor SUP Amendment, then the Planning Commission may approve the amendment, approve the amendment

with stipulation, deny the amendment, or continue the hearing for additional review.

**ATTACHMENTS:**

Application

Vicinity Map & Aerial Photo

Narrative & Plans

Ritz-Carlton SUP Stipulations

Notification Materials

CC: Heidi Tilson, Applicant