



Legislation Text

File #: 19-003, **Version:** 1

TO: Chair and Planning Commission

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

DATE: January 9, 2019

CONTACT:

George Burton, 480-348-3525

AGENDA TITLE:

**Consideration of a Minor Special Use Permit Amendment (SUP 18-15)
Ritz-Carlton Area A1 - North East Corner of Mockingbird Lane and Lincoln Drive
6651 N. Palmeraie Blvd. (Assessor's Parcel Number 174-58-355)**

REQUEST

Five Star Resort Owner LLC is requesting a Minor Special Use Permit (SUP) amendment for Area A1 to modify the building heights of the Resort Villas.

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 modifications to the building heights in Area A1 (The Ritz-Carlton Resort Villas), subject to the following stipulations:

1. All improvements to the property shall be in substantial compliance with the Narrative, prepared by Nelsen Partners, Inc. and dated November 30, 2018.
2. All improvements to the property shall be in substantial compliance with the Plans, prepared by Nelsen Partners, Inc. and dated November 30, 2018.
3. 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.

4. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by the Minor Amendment SUP-18-15.

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 SUP has been amended several times, with the most recent amendments in 2018 to Area A and Area C (modifying the hotel building footprint and heights in Area A and modifying the guard house and several fence walls in Area C).

Planning Commission Discussion

The Planning Commission discussed this request at the November 18th work study session. During the work study review, the Commission expressed concern regarding the change in heights. However, staff clarified that the change in height is primarily a result of a difference in interpretation of the SUP and changes in the grades around the buildings. The applicant has been working from a specified roof elevation based upon an interpretation made by the previous Town Manager; however, the SUP requires the building height measurements be taken from the adjoining finished grade. As a result, the applicant is requesting a Minor Amendment to accommodate the additional height based upon the language in the SUP, which takes the height measurement from the adjoining finished grade next to the building/structure.

Also, during the work session review, the Commission agreed that the request constitutes a Minor SUP Amendment and did not request any changes to the plans and documents.

Modifications to the Resort Villa Buildings

The Resort Villas are comprised of 7 buildings. The applicant is proposing to modify the height on 5 buildings. Portions of Buildings A, B, C, D, and F will increase in height to accommodate roof articulation and elevator overruns. The roof articulation and elevator overruns add 3.5' to 5' of extra height, depending upon the building.

Building A. Building A is setback approximately 700 feet away from Lincoln Drive. The current SUP limits Building A to a maximum height of 28' tall and the roof articulation will add 4'8" of additional height to building (for a maximum height of 32'8").

Building B. Building B is setback approximately 1,000 feet away from Lincoln Drive. The

current SUP limits Building B to a maximum height of 36' tall and the roof articulation will add 2'0" of additional height and the elevator overrun will add 1'2" of additional height to the building (for a maximum height of 39'6").

Building C. Building C is setback approximately 800 feet away from Lincoln Drive. The current SUP limits Building C to a maximum height of 36' tall and the roof articulation will add 2'0" of additional height and the elevator overrun will add 1'2" of additional height to the building (for a maximum height of 39'6").

Building D. Building D is setback approximately 520 feet away from Lincoln Drive. The current SUP limits Building D to a maximum height of 36' tall and the roof articulation will add 2'0" of additional height and the elevator overrun will add 1'2" of additional height to the building (for a maximum height of 39'6").

Building F. Building B is setback approximately 800 feet away from Lincoln Drive. The current SUP limits Building F to a maximum height of 36' tall and the roof articulation will add 2'0" of additional height and the elevator overrun will add 1'2" of additional height to the building (for a maximum height of 39'6").

The allowable number of stories for each building will remain the same and the roof articulation and elevator overruns result in a 3.5% increase in height. The villas will be screened from the east by the existing building located in the City of Scottsdale, the Resort Related Attached Residence buildings to the south, and the Resort Branded Homes to the west.

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 modified Resort Villa

Buildings retain the previously approved architectural style. Due to the location of the Villa Buildings and the development around them, there should be no material effect on the adjoining properties. Also, there is no increase in the amount of square footage and the number of stories for each building will remain the same.

Public Comment

Public notification was performed in accordance with the public hearing process.

Next Steps

The Planning Commission will take two actions. First, to determine if the request constitutes a Minor SUP Amendment. If deemed a Minor SUP Amendment, the Commission may approve, approve with stipulations, deny, or continue the request for further review.

ATTACHMENTS:

Vicinity Map & Aerial Photo

Application

Narrative & Plans

Ritz-Carlton SUP Stipulations and SUP Sheets D-3, E-6, and H-6

Notification Materials

CC: Richard Frazee, Applicant