



## Legislation Text

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File #: 19-090, Version: 1

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**TO:** Chair and Planning Commission

**FROM:** Jeremy Knapp, Community Development Director

**DATE:** March 5, 2019

**DEPARTMENT:** Community Development

**AGENDA TITLE:**  
**Major Special Use Permit Amendment (SUP-18-05)**  
**7101 E Lincoln Drive - Smoke Tree Resort Public Hearing**

**REQUEST:**  
Gentree LLC, the property owner of the Smoke Tree Resort is seeking redevelopment of the property located at 7101 East Lincoln Drive (APN 174-64-003A) via a major amendment to the site's existing Special Use Permit - Resort zoning. The application is attached as Attachment A, below. The proposed redevelopment of this property will be a complete demolition of all existing structures and construction of a resort.

**MEETING PURPOSE:**  
The primary purpose of this meeting is to hold a public hearing on the requested SUP Amendment and make a recommendation to Town Council.

**BACKGROUND:**  
Council Statement of Direction  
The Town Council issued a Statement of Direction (SOD) on October 25<sup>th</sup>, 2018. Height, use, landscaping, traffic, parking, and circulation were areas identified for review. On January 24<sup>th</sup> the Town Council approved an amended SOD to extend the Planning Commission's action date to March 6<sup>th</sup>.

History and Conditions  
Use of the property for guest services began prior to its annexation into the Town in 1961. At annexation, the property operated as a resort and restaurant in much the same configuration as it presently exists. The original Special Use Permit (SUP) was issued on March 13, 1969. There is limited information on past approvals and stipulations for this property. Historically, the property has not had many building permits issued or amendments to its Special Use Permit zoning. The latest activity included renovations to the restaurant in 2007 that never opened.

General Plan/ Zoning  
The subject property has a General Plan designation of "Resort/Country Club" pursuant to the Town's

General Plan Land Use Map. The zoning on the property is “Special Use Permit - Resort”. The proposed resort use is in conformance with this designation and zoning.

Several General Plan policies apply related to the request for redevelopment of the Smoke Tree property. Primary policies that apply are the policies of Goal LU 2.1.2, Special Use Permit Property Revitalization, and several of the policies of Goal DA 2.2.1, Development Area Policy. The site is located in the East Lincoln Development Area that encourages moderate intensity, mixed-use, and context appropriate resort development that includes reasonable separation between incompatible uses and adjacent residential areas and effective buffering of unwanted noise, light, traffic and other adverse impacts. Also, the General Plan encourages upgrading existing structures and properties to improve their physical condition to acceptable Town standards.

#### Enforcement

As of the date of this report, there are no known active code violations on the subject site.

#### **DISCUSSION:**

The applicant’s proposed redevelopment of this resort property will be a complete demolition of all existing structures. The proposed resort site includes the following uses:

- 120 traditional hotel guest room keys for transient occupancy owned by the resort owner.
- 30 resort residential units at approximately 1,250 square feet, 15 with a lock-off feature and available for transient occupancy through the resort.
- Restaurant and bar/lounge in a similar location to the prior on-site restaurant.
- Accessory uses such as a fresh food market, café/eatery, micro-brewery, speakeasy, pop-up retail, coffee shop, florist, sandwicheria, bakery, and epicurean retail and sundries.
- Indoor and outdoor space for events, including a resort pavilion for banquets/meetings and pool areas.

#### Use

Proposed uses include 120 hotel rooms, 30 resort dwelling units with 15 lock offs, restaurant, market/retail, and meeting space described on Sheet 9 (narrative) that appear to align with the Special Use Permit zoning for SUP-Resort. The property is within a designated Development Area per the General Plan that encourages moderate intensity, mixed-use, and context appropriate resort development. Accessory uses such as the market, retail, florist and related uses must be accessory to the resort for the support and service of guests or visitors to functions at the site.

While the primary resort use will not change, more information is needed on the new accessory uses (retail and function space/event gardens) and the proposed resort residential to ensure such uses are accessory to the resort. When reviewing the resort residential component, consider FF&E for consistency with hotel, lock-off feature, parking, guest access, and availability through the hotel rental program to ensure these units are part of the resort.

#### Density

The applicant requests consideration for a density and lot coverage above the SUP Guidelines due to the site being ¼ the size of the 20-acre minimum for resorts, located in a Development Area, and adjoining non-residential uses on three sides. Proposed lot coverage of 34% with a floor area ratio of 62%.

Consideration should be given to lot coverage and floor area ratio while acknowledging the unique characteristics considered in the Development Area. The review shall address reasonable separation between incompatible uses and effective buffering of unwanted noise, light, traffic, views of the buildings offsite, and other adverse impacts. There shall be consideration of lowering the proposed lot coverage and floor area ratio and/or requiring specific mitigation measures.

The proposed 165 units (resort and residential) creates a density of approximately 31 units per acre. The Planning Commission shall take into consideration the 5.3 acre site area and reduce density on the west and south sides of the site. Consider how the density impacts safety and quality of life of town residents.

### Height

As presented, the majority of the hotel buildings are 3-story at 36' in height, with mechanical screening up to 42' in height, and some architectural elements at 45'0". The 42' height is approximately 60' from the south and 20' from the east property line. The remaining buildings are proposed at 36' or less.

Some elements of the buildings have been relocated or altered in order to comply with the Open Space Criteria as measured from the existing property lines particularly to the west side of the site (adjacent to residentially zoned property) and the north side of the site, adjacent to Lincoln Drive, although if this measurement were taken from the newly proposed property lines these may not comply. Also, the third story as originally proposed along the south side of the site (adjacent to Andaz resort) has been removed, although the revision doesn't comply with the OSC, it is substantially less intrusive.

Evaluation of the proposed height and its impact on adjacent properties is necessary. The minimum height is encouraged on the west side of the site closest to existing residential properties, transitioning to higher heights on the east side of the site adjacent to Lincoln Medical Plaza. A compelling reason must be given for heights proposed over 36', with such height to be limited in area and considered when necessary for mechanical screening and architectural elements. It is recommended that all heights be taken from existing finished grade. If any portion of the rooftop is visible off-site, care should be taken to minimize the impact. White roofing material is discouraged if visible off-site.

The Planning Commission shall consider the impact to adjoining properties of any encroachment outside of the imaginary plane suggested by the Open Space Criteria. Due to the size of this property being one quarter the suggested 20-acre size per the Special Use Permit Guideline and the location adjoining other commercial uses, a limited amount of encroachment may be permissible. Structures are suggested to generally stair-step from one-story/lowest height closer to the subject site property lines to not more than three-story/36 feet in height from Lincoln Drive, Quail Run Road, and the adjoining Andaz resort. The overall mass of the structures shall be reviewed to make sure it is of appropriate scale and special consideration shall be given to the views from the south side bordering the Andaz resort and the west side bordering Quail Run Road.

### Setbacks

Building C/M/E, J/K, and G are principal structures. The proposed setbacks for principal structures are 75' from Lincoln Dr (43' with full ROW dedication), 90' from Quail Run Rd (65' with full ROW

dedication) , and 20' rear and east side.

Remaining proposed buildings have larger setbacks than the SUP Guideline of 40' such as 133' from Lincoln Dr (100' with full dedication), 120' from Quail Run Rd (95' with full dedication), 180' rear and 215' east side.

The Planning Commission shall explore appropriate setbacks along the east and south property lines considering the adjacent uses. The west side shall also be a focus because the property borders residential. Attention shall be paid to privacy and noise levels for these residents. Consideration should be given to a 100 foot SUP guideline setback to the adjacent residential property lines. The Commission shall also identify any mitigating circumstances that may buffer the development (e.g. the use of vegetation, modified setbacks or heights, reorientation of the structures, etc.).

#### Impact to Adjacent Uses

The proposal has the resort market (with outside tables) along the western side of the property near the existing residential uses, with the resort restaurant in direct line of sight from a residential property. Balconies for the hotel guest room keys and resort residential units also face west. In addition, the Planning Commission shall consider impacts including noise, light, traffic and any other adverse impacts, particularly for those existing residential properties west of the site along Quail Run Road. In particular, outdoor employee areas and service uses such as maintenance, maid service/laundry, trash collection/storage, mechanical equipment (roof/ground), and all other noise generating elements shall be studied. Relocation or buffering of uses shall be considered.

#### Landscaping

Proposed landscaping buffers of 16' to 32' along Lincoln Dr (includes portion in the right-of-way) and 12' along Quail Run within the right-of-way).

The submitted narrative explains that the existing vegetation condition is not recommended for salvage due to age, size, and diseased quality. Evaluation of the existing mature trees shall be reviewed.

Attention shall be paid to the landscaping along Lincoln Drive and along Quail Run Road. A landscape plan shall be required. Hardscaping and pedestrian access shall be considered with the landscape plan. Special attention shall be given to the Lincoln Drive frontage as this is a gateway to the Town. The Draft Visually Significant Corridors Plan shall be considered as well as cohesion with the planned landscape improvements along the north side of Lincoln Drive. A stipulation may be considered to ensure replacement of any landscaping should it die.

#### Infrastructure Improvements

Drainage and related improvements shall be reviewed. The applicant shall address and identify the location of on-site retention and identify how the on-site retention may affect parking and circulation. Utility improvements that may have a visual impact or service level impact should be explained and mitigated. Water impact service study, utility information, and hydrology report shall be reviewed.

Will serve letters have been provided by EPCOR, CenturyLink, Cox, APS, and Southwest Gas. In addition, the Town is the sewer service provider and the site and will be extending the sewer line in the area with its own Capital Improvement Project. The Town will serve the site with sewer and a sewer buy back will be required for the property.

The Water Service Impact Study indicates that sufficient flow is available in the area but a waterline extension is required in Quail Run Road to service the property.

The Preliminary Drainage Report has been submitted as well. The report indicates the applicant will provide the required on site retention but more clarity is necessary on the existing drywell, how the stormwater in the garage will be handled, and how the off site flows are addressed across the site.

#### Traffic, Parking, Access, and Circulation

The proposed density and location within a heavily-traveled and mixed-use density area near the City of Scottsdale creates a heightened need for ensuring the proposed redevelopment does not have a negative impact on traffic safety, parking, and circulation. The Commission shall consider staffs review and recommendations regarding:

- Number of access points in/out of the site
- Emergency access to the site
- Location and screening of loading zones and dumpsters
- Coordination with Town improvements along Lincoln, i.e. the entry/exit and roadway medians
- Deceleration turn lane for eastbound traffic entering the site
- Cross-access easement(s) with Lincoln Medical Plaza and Andaz Resort.
- Sidewalk and other pedestrian circulation
- Necessary roadway dedication for Lincoln Drive and Quail Run Road
- Number of parking spaces, use of shared parking, and ride-share
- Full build-out of The Ritz-Carlton Resort Special Use Permit
- Coordination of improvements/impacts with neighboring non-residential properties
- Uses that generate quick turn-around trips such as a coffee shop or take-out food

The applicant is proposing the following for right-of-way:

65' ROW shown on Lincoln Drive. The mix of dedication and easement for this 65' ROW is dependent on the proposed uses of the areas. A 49' Dedication of ROW would be an acceptable option provided that the remaining 16' can be used for parking and circulation and that setbacks and other measurements are not re-indexed from the post-dedication ROW line. Several alternatives would also be acceptable, and the details of such dedications or easements are being discussed as part of a potential Development Agreement. A deceleration lane has been added to the Lincoln Drive frontage and the western most driveway, nearest Quail Run Road, has been removed.

25' ROW shown on Quail Run Road with improvements (street and gutter) shown on both sides, including in Town owned ROW. The 25' Dedication would be an acceptable option provided that setbacks and other measurements are not re-indexed from the post-dedication ROW line. Several alternatives would also be acceptable, and the details of such dedications or easements are being discussed as part of a potential Development Agreement. The applicant is proposing to construction both sides of Quail Run Road to their southern driveway with two 11' lanes and two 2' curbs centered within the 50' right-of-way.

To clarify parking, four additional parking spaces have been added to the site for a total of 256 total parking spaces, 76 surface parking and 180 underground. The applicant has provided 2 parking spaces per residential unit in the garage.

The applicant has clarified that deliveries to the site will enter off the northernmost driveway on Quail Run Road and off-load near area Q labeled on the site plan, then continue through internal drives and exit out onto Lincoln Drive. A stipulation should be considered stating that deliveries should not stage or happen on an adjacent town right-of-way.

#### Signage

The proposed signage plan shows 3 entry signs, interior directional signage, and building signage. Planning Commission review shall focus on the impact of project sign location, dimensions, and illumination on the resulting impact to the streetscape. The Commission shall look at the broader signage plan for Lincoln Drive including proposed gateway signs, identification signs, and Ritz-Carlton and Lincoln Medical Plaza signage, and any Andaz signage that may be re-located to Lincoln Drive.

The revised plans show one Street Corner Sign located at the southeast corner of Lincoln Drive and Quail Run Road. This sign has a total square footage of 81 square feet with a maximum height of 8'. The towns SUP guidelines permit this sign to a height of 8' but does restrict the maximum sign area to 40 square feet. As such, this particular sign does not meet the guidelines.

Two secondary street signs are proposed as well, one at the driveway entrance on Lincoln Drive and the other at the northernmost entrance on Quail Run Road. These signs are proposed at 38 square feet each with a height of 4'. The towns SUP guidelines permit one of these signs on Quail Run Road with a maximum height of 4' and a maximum sign area to 32 square feet. As such, these signs do not meet the guidelines either.

All signs have been relocated to be outside of town right-of-way.

#### Context Appropriate Design

The Planning Commission may require that the applicant provide more precise information pursuant to General Plan Section LU 2.1.2.5. This includes impact related to exterior lighting, screening of mechanical equipment, and the choice of material pallet of the improvements. This may include providing renderings as they relate to neighboring properties.

The applicant has provided east, west, and south facing elevations as requested by the commission as well as photo simulations.

#### **PUBLIC COMMENT AND NOTICING:**

Mailing notification has been completed prior to the Planning Commission's March 5<sup>th</sup> hearing along with newspaper advertisement and property posting. The applicant held their Citizen Review Meeting on the property at 7101 East Lincoln Drive on Monday February 18, 2019 at 6PM, which met the required minimum of 10 days prior to the Planning Commission hearing. Public Notification materials and a summary of the Citizen Review Meeting can be found in Attachment J.

All received public comments can be found in Attachment K.

#### **NEXT STEPS:**

The item will be forwarded to Town Council for consideration at a future Work Study Session.

**ATTACHMENTS:**

Attachment A - Application  
Attachment B - Vicinity Map & Related Maps  
Attachment C.1 - Narrative and Plans dated 2/12/2019  
Attachment C.2 - Supplemental Plan Sheets  
Attachment C.3 - Conceptual South Patio Plans  
Attachment C.4 - Supplemental Signage Sheets  
Attachment C.5 - Quail Run Road Section  
Attachment C.6 - Mechanical Equipment  
Attachment C.7 - Water Service Impact Study  
Attachment C.8 - Preliminary Drainage Report  
Attachment C.9 - Parking Analysis  
Attachment C.10 - Traffic Impact Analysis  
Attachment D - SUP Guidelines  
Attachment E - General Plan Policies  
Attachment F - SUP History  
Attachment G - Statement of Direction  
Attachment H - Ordinance 2019-02 Redlines  
Attachment I - Ordinance 2019-02 Clean  
Attachment J - Public Notification Materials  
Attachment K - Public Comments as of March 1, 2019

C:     Applicant  
      Case File