



Legislation Text

File #: 20-385, **Version:** 1

TO: Chair and Planning Commission Members

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

DATE: October 6, 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 the acoustical study, parking management plan, revisions to the exterior lighting postponed from the September 1st work session, and any direction on density or stipulations (with a full review of the draft stipulations set for the October 20th and November 3rd work sessions).

UPDATE FROM PRIOR MEETING:

The Planning Commission last discussed the amended application at its September 15, 2020 meeting. This meeting was the advertised public hearing that the Planning Commission continued to its regular meeting of November 17, 2020. The Town Council granted the Planning Commission an extension of their recommendation from no later than September 30, 2020 to November 17, 2020 within a total of four regular meetings (October 6, 2020; October 20, 2020; November 3, 2020, and November 17, 2020). Except for clarification of upcoming meeting dates, there was no public comment at the November 17th hearing or substantive discussion.

INFORMATION UNDER REVIEW OR STILL NEEDED FROM THE APPLICANT:

There are some items the applicant and Town staff are still working on, along with items not yet revised. These include, and may not be limited to, the following:

- Density/3rd Story. The Planning Commission continues to review the proposed density and 3rd story height elements. Although the traffic study, several parking study updates, perimeter landscaping, and other aspects of the application have been discussed; the Planning Commission requested review of the Parking Management Plan with valet plan to aid in understanding the proposed density. Attachment C.2 includes the updated Parking Management Plan.
- Stipulations. Attachment Q includes the draft ordinance (with preliminary stipulations)

provided in the August 18th Planning Commission packet. Due to other discussion items, the Planning Commission has yet to review these stipulations. The Planning Commission directed the applicant and staff to work together in vetting the stipulations as best as possible to minimize discussion time at upcoming work sessions. The applicant and staff continue to evaluate the draft stipulations and will have an updated ordinance for Planning Commission review at your October 20th work session. There are several stipulations that will require Planning Commission direction. 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 17th Planning Commission hearing, or require general editing after Planning Commission review.

- Quail Run Road and Neighbor's Traffic Concerns. A resident west of the site has concerns regarding the possible stacking of vehicles leaving the resort on Quail Run Road; in which vehicles may pass the resort entrance and turnaround on their property. Attachment R includes an updated illustration for Quail Run Road, along with two possible APS utility box locations discussed at prior work sessions. The Development Agreement for Council approval will address both the off-site improvements to Quail Run Road and the APS cabinet. In addition, the revised draft ordinance the Commission will get at the October 20th meeting includes a separate stipulation for both matters.

DISCUSSION:

Acoustical study.

The acoustical information is new information for Planning Commission review. The applicant submitted an acoustical study from MD Acoustics for staff review in early July 2020. Since this first submittal, Town staff hired a 3rd party reviewer from Acoustical Consulting Services to aid in the review process. Some of the items requiring correction during the review process addressed typographical errors, assumptions, increasing noise modeling in certain areas on the site, correcting locations of measurements, and other related aspects of the modeling. Attachment T includes the third party review letter, the final acoustical study by MD Acoustics dated September 24, 2020, and information of Town noise complaints at resorts in Town between 2019-2020. A representative from both acoustical firms are invited to the October 6th work session.

The Statement of Direction (SOD) asks the Planning Commission to evaluate noise impact. Under Lot Coverage/Floor Area Ratio, the SOD states "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." Under Setbacks, the SOD states "The Planning Commission shall explore appropriate setbacks, with particular attention to the privacy and noise levels for residents west of the site and resort guests south of the site." Under Impact to Adjacent Uses, the SOD states "The proposal has the resort restaurant and market (with outside tables) along the north side of the property near Lincoln Drive. Additionally, a third story bar/lounge with indoor/outdoor space is proposed, which should be evaluated for square footage (bar/rooftop deck), types of uses, impacts of light and noise trespass off-site; a sound study shall be required and certified by an acoustical engineer. 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 and buffering of uses shall be considered.”

With a couple caveats on operation and existing conditions, the acoustical study provided by the applicant and reviewed by the Town’s 3rd party acoustical firm meets all industry standards and the Town Code noise requirements. The caveats are as follows:

- Delivery/Garbage Bin Location. The study noted that delivery trucks and/or trash pick-up in the northeast portion of the site models sound at 54 dBA at the west property line adjoining the medical center. The revised draft ordinance the Commission will get at the October 20th meeting includes a stipulation prohibiting use of this loading area/trash pickup during the nighttime, Sunday, and holiday periods when the Town’s noise requirement is 45 dBA.
- Modeling Assumptions. All modeling use various assumptions, including the model in the submitted study that used weighted averages. The 3rd party reviewer cautioned some measurements above the Town standard could occur since the modeled noise in Table 3 and Table 4 show instances whereby the project noise meets or are close to the maximum allowable dBA levels. However, other mitigation factors include the required resort management monitoring of events, other stipulations on the resort, the lower perceived decibel level for those off property since any nearby guest or resident is not adjoining the resort property line where the modeled noise measurement is taken, and the short duration of the noise generating event. The revised draft ordinance the Commission will get at the October 20th meeting includes stipulations addressing mitigation factors.
- Ambient Noise. The ambient noise, specifically along Lincoln Drive, is greater than 45 dBA and 56 dBA limits. Town Code compliance uses site project noise, but it is noteworthy that off-site ambient noise impacts this site.

This acoustical study models potential operational noise for the entire site to verify compliance to the Town’s noise standards in Section 10-7-3 of the Town Code. These noise standards require on-site noise at the property line not to exceed 45 dBA after 10:00 p.m. and before 7:00 a.m. Monday through Saturday, all day Sunday, and on legal holidays. Noise from 7:00 a.m. to 10:00 p.m. Monday through Saturday cannot exceed 56 dBA. There are other noise standards not addressed in the acoustical study or typically requiring a separate Special Use Permit stipulation. This includes vehicle noise as defined under Section 10-7-4 of the Town Code that applies to this site as it does anywhere within the Town limits. Also, construction and other similar nuisance noise has different standards as defined in Article 8-10 of the Town Code that applies to this site as it applies within the Town limits.

Staff is seeking the Commission’s input regarding this acoustical study, specifically regarding the noted caveats. This includes the noted exceedance at the northeast portion of the site related to deliveries and trash pick-up that can comply with the Town Code by restricting such activity during certain hours and days of the week. Also, discussing the potential exceedance of the Town’s dBA levels as no model can fully assure complete compliance to the stated noise standards and the impact of existing ambient noise along Lincoln Drive.

Parking Management Plan

The Planning Commission reviewed parking and traffic at the August 4, 2020 work session. The

applicant hired CivTech to prepare their parking, traffic, and parking management plans. The applicant also later hired Walker Consultants to address peak parking demands based on the Urban Land Institute (ULI) shared parking methodology.

The Town used Kimley-Horn as its 3rd party reviewer. Over the past several months, several meetings were held with all parties to clarify the intended operation of the resort ancillary spaces, internal capture rates, and updating site plans. It was determined that the ULI shared parking methodology was appropriate. Attachment C.2 includes the final updated parking management plan and valet plan, along with the prior parking/traffic documentation. A representative from one or more of the parking study firms are invited to the October 6th work session.

Below is a summary of pertinent information:

- *Peak Demand.* The peak parking weekday demand is 181 parking spaces at 9:00 p.m. or 187 parking spaces at 6:00 p.m. depending on the model. The peak weekend demand is 175 and 178 parking spaces at 8:00 p.m. With 199 on-site parking spaces in valet mode, the site meets peak parking demand on-site. Other resorts in Town have a valet plan to cover peak demand which includes, and is not limited to, Mountain Shadows Resort, Hermosa Inn, Montelucia Omni, and Sanctuary Resort.
- *Number of Parking Spaces.* The project will provide 170 traditional parking spaces on-site. There will also be 199 on-site parking spaces when in the valet mode. The resort also has a month-to-month arrangement with the adjoining Lincoln Plaza Medical Center for use of 25 parking spaces from 5:30 p.m. through 4:30 a.m. on Monday through Thursday and starting 5:30 p.m. on Friday to 4:30 a.m. on Monday. This provides 224 total parking spaces either on-site or directly adjacent to the resort.
- *Valet Operation.* The vehicle drop-off for valet will be at the reception entry plaza from the Quail Road entrance, where valet employees will circulate vehicles in a counter clockwise direction around the site. After picking up their vehicles, guests may exit at a proposed secondary exit-only driveway onto Quail Run Road or use the shared Lincoln Drive access with Lincoln Plaza Medical Center. The valet plan includes a secondary valet stand near the coffee shop/market in the northeast portion of the site. The trigger for valet mode is set at 90% or greater of the total 170 on-site parking spaces (153 parking spaces). The hotel management will monitor the parking through the combination of hotel occupancy and event bookings.
- *Added Options.* As needed, the Parking Management Plan requires alternative options for employees to park off-site that makes up to an additional 35 on-site parking spaces available for patrons of the resort. Also, large events will require a police officer to manually control the future traffic signal at Lincoln Drive and Quail Run Road.

The SOD identifies that 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 Town Council has worked with the owner of Smoke Tree Resort and Lincoln Plaza Medical Center on access with a solution for a shared driveway, along with right-of-way improvements. The Planning Commission shall focus their review on the following:

- Location and screening of loading zones and dumpsters.
- Deceleration turn lane for eastbound traffic entering the site.
- Cross-access easement(s) with Lincoln Medical Plaza
- Sidewalk and other pedestrian circulation.
- Necessary roadway dedication for Lincoln Drive and Quail Run Road.
- Adequacy of the required and provided parking spaces based on the proposed use(s) which shall allow for adequate parking throughout the life of the project that shall be identified in a Parking Management Plan.
- Full build-out of The Ritz-Carlton Resort Special Use Permit.
- Uses that generate quick turn-around trips such as a coffee shop or take-out food.

Staff is seeking the Commission's input regarding the Parking Management Plan. This parking and traffic documentation will be part of the approved plans, along with stipulations. Attachment Q provides an earlier version of the draft stipulations, with an updated version set for Planning Commission review on October 20, 2020.

Lighting

The Planning Commission reviewed exterior lighting at the August 4, 2020 work session. The original submittal had bollard and landscape lighting located in the right-of-way. Based upon staff and Commission concerns, the applicant removed these fixtures from the right-of-way and submitted an updated lighting plan. The applicant also provided the requested illumination information regarding the resort identification signs.

The SOD identifies that the Planning Commission focus on exterior lighting along the perimeter of the site. Parking lot, landscape, pathway, water feature, and building lighting will be placed around the site for on-site visibility, wayfinding, aesthetics, and life safety requirements. The SUP Guidelines recommend that the light source of each fixture be hooded and shielded so that it is not visible from adjacent properties, identifies recommended height and setbacks for certain fixtures, and recommends a maximum output at the property line based upon the use (such as parking lot, entrance roadways, etc.). Article XXV of the Zoning Ordinance also recommends a maximum color temperature of 3000 Kelvins (K).

Below is an updated summary from the August 4th work session of the resort light fixtures:

- *Pole Lights.* 23 pole lights will be placed in the parking lot and around the auto court/entrance (Fixture Type SA). This is a reduction of 3 lights since the original plan showed a total of 26 pole lights. These pole lights are 16' tall above the adjoining finished grade (height includes a 28" decorative base), have a color temperature of 2700 K, and vary in setback from 2' to 16' from the adjoining and post-dedicated property lines. The SUP Guidelines recommend that pole lights be limited to a maximum height of 16' tall, setback a distance equal to or greater than the height of the pole measured from the adjoining property line, and a maximum output of 1.6 foot candles for parking lot lights. The table below summarizes the setbacks of the parking lot light poles from each adjoining property lines:

Property Line	Minimum Setbacks
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Lincoln Dr (North - Net/Post Dedication)	2'
Quail Run Rd (West - Net/Post Dedication)	16'
Andaz (South Property Line)	16'
Lincoln Plaza Medical Center (East Property Line)	2'
SUP Guidelines	16' Minimum (Height of the fixture determines the setback)

The pole lights have a ML660 Millenia Series hood (with the light source recessed into the hood of the fixture), will have shields on all the perimeter fixtures to help reduce the amount of light trespass onto the neighboring properties, and are proposed to be on from dusk until dawn. However, several pole lights deviate from the SUP Guidelines since approximately 12 pole lights encroach into the 16' recommended setback. The number of pole lights which encroach into the recommended setback has been reduced from 18 to 12 poles. Encroachment into the recommended setback is typically discouraged or limited.

- **Building Lights.** Five different fixtures will be placed on or around the exterior of the resort buildings. All building lights will turn on at dusk, be reduced to 50% intensity at 1:00 a.m., and turned off at dawn. A stipulation will be added to identify the duration and reduced intensity of the building lights. Below is a summary of the various building light fixtures:
 - 57 wall sconces (Fixture Type WP) will be placed on the buildings. The light source is shielded by an opaque cover, directed downward, and has a color temperature of 2700K. This is the same as the prior lighting plan.
 - 30 sconces (Fixture Type WS) will be placed in the building patios. The light source is recessed in the hood of the fixture, directed downward, and has a color temperature of 3000K. This is the same as the prior lighting plan.
 - 62 accent lights (Fixture Type LT) will be placed on the building trellises and on two free standing trellises located in the event lawn. The light source is recessed into the fixture, directed downward, and has a color temperature of 2700K. This is an increase of 6 fixtures from the prior lighting plan.
 - An estimated 90 accent up-lights (Fixture Type LU) will be placed around five of buildings and will highlight the façade of the buildings. The light source is recessed within the fixture, will have a maximum of 250 lumens, and have a color temperature of 2700 K. Building accent lighting is typically discouraged or limited. This is an increase of 2 fixtures from the prior lighting plan.
 - 17 carriage style lights will be placed on four of the buildings, predominately on the restaurant and event pavilion buildings. These are a new fixture type since the prior lighting plan. Some of these carriage lights replace proposed sconce fixtures. These fixtures have a color temperature of 3000K, will face Lincoln Drive and Quail Run Road, and do not meet all of the Town Code requirements. The Code requires the light source of each fixture to be screened or shielded so they are not visible from off the property. However, the light source on these fixtures are located behind semi-opaque or frosted glass panels, which does not properly shield the light bulb.

With the exception of the carriage style lights, the building fixtures are compliant with the SUP

Guidelines.

- ***Landscape and Path Lights.*** One type of bollard, three types of landscape fixtures, and one type of handrail fixture will be used to illuminate the landscaping and pathways. All landscape lights will turn on at dusk, be reduced to 50% intensity at 1:00 a.m., and turned off at dawn:
 - 12 bollard lights (Fixture Type BL) will be placed next to the various walkways within the campus. The original plan had 8 bollards in the right-of-way. However, the applicant removed all lighting from the right-of-way in response to Commission and staff concerns. The bollards are approximately 4' tall, have the light source recessed in the top of the fixture, and have a color temperature of 3000K.
 - 24 ring lights (Fixture Type TR) will be placed on the palm trees. Each ring can hold up to four lights. The lights are directed downward and will illuminate from the bottom half of the trees, have a color temperature of 2700 K, and the light source is recessed in the hood of the fixture. These lights will be limited to a maximum mounted height of 16' tall. The majority of the tree lights are located in the event lawn; however, four of these tree lights are located at the main entrance off of Quail Run Road. Palm tree light rings are typically discouraged or limited.
 - 32 landscape up lights (Fixture Type GU) will be placed around the campus. 18 of these lights were originally going to be placed in the right-of-way. However, all light fixtures have been removed from the right-of-way in accordance with Planning Commission's direction. The color temperature is 2700 K.
 - An estimated 11 handrail fixtures (Fixture Type HR) will be placed under all the exterior handrails on campus. The light source is recessed inside the fixture, has a color temperature of 2700 K, and the light is directed downward on the walking surface.
 - 5 flush mounted up-lights (Fixtures LU) will be placed in the parking lot landscape islands adjoining Lincoln Drive in lieu of the bollard lights in the right-of-way. These lights will highlight the trees in the parking lot planters. The light source is recessed within the fixture, will have a maximum of 250 lumens, and have a color temperature of 2700 K. Building accent lighting is typically discouraged or limited.
- ***Resort Identification Sign Illumination.*** As noted in the previous meetings, a total of three sign types will be used at the resort: resort identification, retail signage, and directional signage. Resort identification includes three signs that will face Lincoln Drive and one sign that will face Quail Run Road (see Sheets A25 and A26). The applicant provided updated plans and a detail illustrating the illumination of resort identification signs. These are backlit signs, with the light source located behind opaque aluminum lettering, and a color temperature of 2700K.
- ***Water Feature Lights.*** 19 water feature lights will be used in the seven water features shown on Sheet A12. Each fixture is 250 lumens.
- ***Output.*** The applicant provided an updated photometric plan (Sheet AL5) which illustrates the combined output of the proposed exterior lighting. The updated plan accounts for the changes noted above and identifies the minimum, average, and maximum output levels which are summarized in the Calculation Summary Table. The SUP Guidelines recommend maximum output levels at the property line per use. Parking lots have a recommended output of 1.6 foot candles at the property line and roadway entrances, drop off areas, and driveways have a

recommended output of 5.0 foot candles measured at the property line. Please reference Section 2 in the SUP Guidelines (Attachment D) for all the recommended outputs by use. It is also recommended that all other areas not outlined in the SUP Guidelines comply with the residential output of 0.75 foot candles at the property line.

Per the updated photometric plan, the output varies from 0.0 foot-candles to 0.5 foot-candles at the property lines. The Calculation Summary Table is broken down into three categories of the light trespass, interior drives, and pool deck area. The light trespass areas have an average output of 0.18 foot-candles and maximum output of 0.5 foot-candles (which is compliant with the recommended output of 0.75 foot-candles at the property line). The interior drives have an average output of 1.08 foot-candles and a maximum output of 4.4 (which is compliant with the recommended output of 5 foot-candles for driveways and entrances). The pool deck area has an average output of 1.62 foot-candles and a maximum output of 4.9 (which is compliant with the recommended output of 5 foot-candles for pool decks and function areas).

Staff is seeking the Commission's input regarding the reduced setbacks for the parking lot light poles, use of palm tree lighting, and if there are any concerns regarding the timing of certain light fixtures. Refer to Attachment S for the updated lighting plans.

PUBLIC COMMENTS AND NOTICING:

There have been several residents who provided comment. There are no new comments provided to staff since the September 15, 2020 meeting. 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 20th, 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 October 20, 2020. Besides any carryover discussion, the primary focus will be to review the draft stipulations in the proposed ordinance.

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 09-10-20)
G.2	Notifications (Revised 09-10-20)
G.3	Minutes (Revised 09-30-20)
H	Statement of Direction (Revised 09-10-20)
I	Tentative Timeline (Revised 09-30-20)
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 (Dated 08-13-20)
R	Quail Run Road Illustration (Revised 09-30-20)
S	Lighting Plans (Revised 09-11-20)
T	Acoustical Information (Dated 09-24-20)