



## Legislation Text

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**File #:** 20-418, **Version:** 1

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**TO:** Chair and Planning Commission Members

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

**DATE:** November 2, 2020 (Special Meeting)

**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 revisiting the proposed density/height as this discussion was not completed, continuing the review of the draft ordinance - stipulations, and any other aspect of the project the Planning Commission requires additional review.

**UPDATE FROM PRIOR MEEETING:**

The Planning Commission discussed the draft ordinance - stipulations at the October 6<sup>th</sup> work session. With two exceptions, the applicant stated they were agreeable to the stipulations in the draft the ordinance dated October 14, 2020. These exceptions included a clarification in Stipulation 33 on the Third Floor Communal Area restrictions on the allowance to bring alcohol and/or order alcohol via room service and a clarification in Stipulations 54 and 55 for the allowance to have separate events in the Pavilion and Event Lawn provided such events are within the parking parameters.

The edit discussed by the Planning Commission regarding alcohol at the Third Floor Communal Area allows a guest to bring alcohol purchased on the resort property up to this area, prohibits alcohol being served in this area, and limits the use of the outdoor patio area late at night and early morning to prevent noise disturbance. Stipulation 33.b reads, "There shall be no alcohol served on, nor shall importation of alcohol from off Property be brought on the Third Floor Communal Area." The Planning Commission further clarified in Stipulation 33.d, "Outdoor patio access shall not be permitted to Area C on Sheet A21 of the Approved Plans between 10:00 p.m. and 6:00 a.m."

The direction discussed by the Planning Commission regarding booking separate events at the Pavilion and Event Lawn was agreeable provided such allowance is within the parking parameters. Stipulations 54 and 55 are combined and edited. Stipulation 54 reads, "The Pavilion and Event Lawn may not be booked for separate events at the same time when such simultaneous events will exceed the total parking capacity of the Resort per the Parking Management Plan and Parking Study in the Approved Plans."

The Planning Commission reviewed the architectural building lighting, Fixture LU. The 250 lumen up-light "LU" fixture highlights portions of some of the building architecture. Prior to the October 6<sup>th</sup> work session, the applicant provided some nearby examples and a photo rendering of the Lincoln Drive façade in Attachment J. The general direction by the Planning Commission was to allow for some architectural lighting as this also adds to the wayfinding illumination. Stipulation 66.f is added. It reads, "The Type LU fixture is a flush grade fixture to uplight landscape, pots, and key architectural features as shown on the lighting plans on Sheets A14 through A19 of the Approved Plans. Illumination of key architectural features are also illustrated in the renderings "With Uplights" and "Without Uplights" prepared by Creative Designs in Lighting, submitted on October 8, 2020. These uplights allow some illumination of the architectural features while meeting the intent of the Town's Zoning Ordinance and Special Use Permit (SUP) Guidelines to preserve low light level conditions that minimize light pollution, while maintaining adequate lighting for safety, security, and enjoyment of outdoor living. At any time these uplights are not found to meet the above intent, the Town Manager or designee may inspect the Property and require the Owner to turn off or reduce the light level (which may include, and is not limited to, reducing fixture count, applying a dimmer, or similar measure)."

The Planning Commission requested a reduction in the pole lights and a greater setback of these fixtures during a prior work session. The applicant prepared a revised lighting plan prior to the October 6<sup>th</sup> work session showing the reduction in the pole lights, Fixture SA, from 16' tall to 12' tall. The fixture setback to the property line varies from 2' to 20'. Refer to Sheets A14 through A19 of the revised plans in Attachment C.1.

Other items discussed included keeping the restrictions for the Third Floor Communal Area in both the ordinance and on Sheet A27, Enlarged Floor Plan for this area. The revised plan set in Attachment C.1 includes a revised Sheet A27. The Planning Commission direction on project phasing was to leave the ordinance as written, which assumes the development will be built and opened in one phase. As expressed by the applicant, the intent is to construct the project in one phase. As a Certificate of Occupancy is granted by building, the development agreement will need to include a clause related to issuance of Certificate of Occupancies until the resort is completed. Town staff clarified that the general architectural style, color, and material is expressed in the proposed Approved Plans. Specifically, Sheets A21, A22, A28, and A33 of the Major Amendment Application and Sheets A3 through A10 of the Supplemental Exhibits illustrate this information. There was clarification on Stipulation 28 on the APS cabinet along Lincoln Drive that APS, the Town, and the applicant will not have the necessary load calculations until the construction drawing phase, requiring relocation be addressed in the development agreement. The Planning Commission received a letter from the Rose Law Group representing an adjacent land owner regarding stipulating a gate on the private land aligned with the Quail Run Road public right-of-way and resort access in perpetuity. Stipulation 57 requires the development agreement address mitigation measures related to persons using vehicle and other modes of travel south of the resort access on Quail Run Road.

#### **INFORMATION UNDER REVIEW OR STILL NEEDED FROM THE APPLICANT:**

Unless noted during the November 2<sup>nd</sup> work session or in this report, there are no known items still under review and discussion.

**DISCUSSION:**

Density/3<sup>rd</sup> Story. The August 18<sup>th</sup> work session was the last time the Planning Commission had an in depth discussion on this topic. Several Commissioners expressed concern over the hotel feel of the project, some desire to reconsider the third story, and the general impact the density has in driving the various aspects of the project. The applicant, along with their hotel expert, spoke regarding the niche market for this project being a modern reinterpretation of the resort experience. This included entering into a referral program to nearby resorts (e.g. spa at Andaz resort), the grouping of rooms with an ability to close off hallway areas for small groups (6 to 12 rooms), catering to guests that want to be in a higher energy area (e.g., walking to Scottsdale dining/shopping/events), and explained how the price point complements the other resort uses instead of competes with these other resorts.

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 (5.01 gross acres and 4.61 net acres), being located in a Development Area which allows for “moderate intensity, mixed-use, and context appropriate resort development within the East Lincoln Drive Development Areas that includes reasonable separation between incompatible uses and adjacent residential areas and effective buffering of unwanted noise, light, traffic and other adverse impacts,” and adjoining non-residential uses on three sides. The proposed 122 resort guest units creates a density of approximately 26.5 units per net acre (24.4 units per gross acre) compared to the Town’s SUP Guideline of one unit for each 4,000 square feet of site area (or 10.9 units per acre, suggesting 50 or 55 resort guest units depending on use of net or gross acreage). The table below shown to the Planning Commission previously provides a comparison of the proposed project to existing resort developments within the town limits.

SUP PROPERTY	TOTAL SITE ACREAGE	TOTAL UNITS	DENSITY (UNITS/ACRE)	MAX HEIGHT (FEET)
Five- Star Ritz Carlton	99	458 *	4.6	48
Mtn Shadows	68.5	331 *	4.8	36
Montelucia Omni	28	327 *	11.7	44**
Scottsdale Plaza	36.5	404	11.1	28'
Hermosa Inn	6.4	49	7.7	26
Sanctuary on Camelback Mtn	17	174 *	10.2	24
Andaz	27.5	201	7.3	25
Camelback Inn	117	453 *	3.9	36
Doubletree PV	18.8	378	20.1	28
<b>Smoke Tree (Proposed)</b>	<b>4.6</b>	<b>122</b>	<b>26.5</b>	<b>36</b>
<b>AVERAGES (Excludes Smoke Tree)</b>	<b>46.5</b>	<b>308</b>	<b>9.0</b>	

\* Includes for-sale product allowable in rental program; \*\* Lodge at 36', architectural elements up to 44'

Draft Ordinance - Stipulations.

Attachment L includes the revised draft ordinance (with preliminary stipulations) from the version provided in the October 20<sup>th</sup> Planning Commission packet. The track changes made in this draft ordinance only reflect known proposed edits after the October 20<sup>th</sup> Planning Commission work

session. There may be other edits, including edits to already discussed items, as the draft ordinance moves forward. Some edited areas of the draft ordinance are outlined below:

- The applicant needs to provide the gross and net legal descriptions for the ordinance exhibits. This will be needed by Council.
- The applicant requests removal of the 1969 SUP summary in Exhibit C.
- Stipulation 22 reflects that the curb cut location on the Approved Plan set is general in nature.
- Stipulation 35 further describes the square footage data on Sheet A41.
- Stipulation 46 describes that the easements for the traffic signal and sidewalk on the Approved Plan set is general in nature. These easements will be dedicated via a separate recorded instrument.
- Stipulation 53 describes when the valet plan is initiated and includes the edits referring to the Parking Management Plan language as discussed at the October 20<sup>th</sup> Planning Commission meeting.
- Stipulations 54 and 55 on use of the Pavilion and Event Lawn are now combined and allows simultaneous events provided the total parking capacity is not exceeded per the Parking Management Plan and Parking Study in the Approved Plans as discussed at the October 20<sup>th</sup> meeting.
- Stipulation 66.f describes the architectural upright fixture (LU) as described above under "Update From Prior Meeting."
- Stipulation 70 is revised to note the oleanders along Andaz since it is hard to discern them in the submitted landscape plans.
- Staff is working on adding the appropriate plan and document references for Section IV, Approved Plans.

Complete Updated Plan Set. The applicant provided the complete updated plan set to replace Attachment C.1.

SOD Comparative Analysis Table. Town staff prepared the typical SOD analysis table as done with other SUP applications. This table will be further edited as needed before the scheduled November 17, 2020 Planning Commission hearing.

#### **PUBLIC COMMENTS AND NOTICING:**

There was a forwarded article from the Arizona Progress & Gazette in opposition to the Special Use Permit amendment. The applicant also held a voluntary third neighborhood meeting at the resort on Wednesday, October 21<sup>st</sup> between 6:00 p.m. and 7:00 p.m. with the meeting summary in Attachment G.1.

There have been several residents who provided comment. This includes two adjacent residential owners requesting a stipulation to install a private gate on the private portion of the Quail Run Road alignment and to provide these owners resort access that would run with their land. 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 October 21<sup>st</sup> and August 20<sup>th</sup>, relate to 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 meeting is the public hearing for the Planning Commission recommendation to Town Council on November 17, 2020. There is no option for continuance as the Council Statement of Direction gives the Planning Commission until November 17, 2020 to render their recommendation. Council review of this application is tentatively set for a study session at their meeting on December 3, 2020. The Council action date has not been set and will require mailing, newspaper, and property mailing notice to land owners within 1,500 feet of the site.

#### **ATTACHMENT(S):**

- A Application
- B Vicinity Map & Related Maps
- C.1 Narrative & Plans (Revised 10-01-20 & 10-28-20)
- C.2 Parking Studies and Associated Documents (Revised 10-21-20)
- C.3 Traffic Impact Analysis (Dated October 2020)
- C.4 Preliminary Drainage Report (Revised 10-15-20)
- C.5 Wastewater Capacity Study (Revised 10-16-20)
- C.6 Water Service Impact Study (Revised 10-16-20)
- C.7 Acoustical Study (Revised 10-22-20)
- D SUP Guidelines
- E General Plan Policies
- F General & SUP History
- G.1 Public Comments (Updated 10-28-20)
- G.2 Notifications (Updated 10-28-20)
- G.3 Minutes (Updated 10-14-20)
- H Statement of Direction (Revised 09-10-20)
- I Tentative Timeline (Revised 10-28-20)
- J Fixture LU Examples and Renderings (Provided 10-08-20)
- K SOD Comparative Analysis Table (Dated 10-28-20)
- L Draft Ordinance (Revised 10-27-20)