



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Meeting Notice and Agenda Town Council

---

Thursday, September 10, 2015

4:00 PM

Council Chambers

---

### 1. CALL TO ORDER / ROLL CALL

*Notice is hereby given that members of the Town Council will attend either in person or by telephone conference call, pursuant to A.R.S. §38-431(4).*

### 2. STUDY SESSION ITEMS

*Work/Study is open to the public however the following items are scheduled for discussion only. The Town Council will be briefed by staff and other Town representatives. There will be no votes and no final action taken on discussion items. The Council may give direction to staff and request that items be scheduled for consideration and final action at a later date. The order of discussion items and the estimated time scheduled to hear each item is subject to change.*

**15-166**

Discussion of Municipal Court Appointment Process

**Staff Contact:**

Duncan Miller, 480-348-3610

*30 Minutes*

**15-142**

Discussion of "The Villas at Mountain Shadows II" Preliminary Plat located at the Southwest Corner Lincoln Drive and 56th Street

**Staff Contact:**

Paul Michaud, 480-348-3574

*15 Minutes*

**15-144**

Discussion of The Villas at Mountain Shadows Final Plat located at the Southwest Corner Lincoln Drive and 56th Street

**Staff Contact:**

Paul Michaud, 480-348-3574

*15 Minutes*

**3. EXECUTIVE SESSION**

- 15-167** Discussion and consultation with the Town Attorney to consider the Town's position and instruct the attorney regarding potential amendments to the Development Agreement with MTS Land LLC and MTS Golf, LLC regarding the Mountain Shadows Resort as authorized by A.R.S. §38-431.A.4 and legal advice regarding Special Use Permits as authorized by A.R.S. §38-431.A.3.
- 15-171** Discussion and consultation with Town Attorney to consider the Town Council's position and instruct the attorney regarding a potential development agreement with Five Star Development and / or an intergovernmental agreement with the City of Scottsdale for annexation / de-annexation of property as authorized by A.R.S. §38-431.A.4; and discussion or consultation for legal advice with the Town Attorney as authorized by A.R.S. §38-431.A.3.
- 15-172** Discussion and consultation with Town Representatives concerning the purchase, sale, or lease of real property in the vicinity of 7000 block of Highlands Drive as authorized by A.R.S. §38-431.03.A.7.
- 15-175** Discussion and consultation with the Town Attorney to consider the Town's position and instruct the attorney regarding Notice of Claim filed by Storey Family Trust as authorized by A.R.S. §38-431.A.4.
- 15-173** Discussion of Town Attorney Performance Review and employment agreement as authorized by A.R.S. §38-431.03.A.1.
- 15-168** The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the agenda items listed on the agenda as authorized by A.R.S. §38-431.A.3.

**4. BREAK****5. RECONVENE FOR REGULAR MEETING 6:00 PM****6. ROLL CALL****7. PLEDGE OF ALLEGIANCE\*****8. PRESENTATIONS\***

**15-155** Recognition of the Town's Legislative Delegation for their Support of Cities and Towns

**Recommendation:** Recognize the Town's legislative delegation for their support of cities and towns.

**Staff Contact:** Dawn Marie Buckland, 480-348-3555

## 9. CALL TO THE PUBLIC

*Citizens may address the Council on any matter not on the agenda. In conformance with Open Meeting Laws, Council may not discuss or take action on this matter at this Council meeting, but may respond to criticism, ask that staff review a matter raised, or ask that it be placed on a future agenda. Those making comments shall limit their remarks to three (3) minutes. Please fill out a Speaker Request form prior to addressing the Council.*

## 10. CONSENT AGENDA

*All items on the Consent Agenda are considered by the Town Council to be routine and will be enacted by a single motion. There will be no separate discussion of these items. If a member of the Council or public desires discussion on any item it will be removed from the Consent Agenda and considered separately. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.*

**15-133** Minutes of Town Council Meeting June 11, 2015

**15-134** Minutes of Town Council Meeting June 25, 2015

**15-146** Approval of Special Event Liquor License for Alliance Francaise of Greater Phoenix

**Recommendation:** Approve a Special Event Liquor License for Alliance Francaise of Greater Phoenix for an event on Saturday, November 21, 2015, subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; consumption shall be limited to the premises as indicated in the application; and Section 10-7 Control of Excess Noise be observed.

**Staff Contact:** Duncan Miller, 480-348-3610

**15-130** Approval of Special Event Liquor License for Amanda Hope Rainbow Angels

**Recommendation:** Approve a Special Event Liquor License for Amanda Hope Rainbow Angels for an event on September 26, 2015, subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; consumption shall be limited to the premises as indicated in the application; and Section 10-7 Control of Excess Noise be observed.

**Staff Contact:** Duncan Miller, 480-348-3610

- 15-138** Approval of Special Event Liquor License for Colleen's Dream Foundation
- Recommendation:** Approve a Special Event Liquor License for Colleen's Dream Foundation for an event on Friday, September 25, 2015, subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; consumption shall be limited to the premises as indicated in the application; and Section 10-7 Control of Excess Noise be observed.
- Staff Contact:** Duncan Miller, 480-348-3610
- 15-132** Approval of Special Event Liquor License for Gabriel's Angels
- Recommendation:** Approve a Special Event Liquor License for Gabriel's Angels for an event on Friday, October 2, 2015, subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; consumption shall be limited to the premises as indicated in the application; and Section 10-7 Control of Excess Noise be observed.
- Staff Contact:** Duncan Miller, 480-348-3610
- 15-158** Approval of Contract Addendum #4 to the Electric Distribution Undergrounding Agreement with Arizona Public Service Company (APS)
- Recommendation:** It is recommended that the Town Council authorizes the Town Manager to execute Addendum #4 to the Electric Distribution Undergrounding Agreement with Arizona Public Service Company.
- Staff Contact:** James P. Shano, P.E. Public Works Director / Town Engineer  
480-348-3573
- 15-163** Authorize the Town Manager to execute an agreement for the provision to the Town of prosecution services with Robert Hubbard, Attorney at Law for a fixed rate of \$3,000.00 per month, plus additional compensation for certain services identified in the agreement, with the total of fixed and additional services to not exceed \$44,000.00 per year.
- Recommendation:** Execute an agreement for the provision to the Town of prosecution services with Robert Hubbard, Attorney at Law.
- Staff Contact:** Andrew M. Miller, Town Attorney 480-348-3691
- 15-169** Consideration of Amendment #1 to the Amended and Restated Development Agreement with Mountain Shadows
- Recommendation:** Staff recommends approval of Amendment #1 to the Mountain Shadows Development Agreement.
- Staff Contact:** Kevin Burke, 480-348-3690

## 11. PUBLIC HEARINGS

NONE

## 12. ACTION ITEMS

*The Town Council May Take Action on This Item. Citizens may address the Council regarding any or all of these items. Those making comments are limited to three (3) minutes. Speakers may not yield their time to others. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.*

**15-170** Adoption of Resolution 1339 allowing for the reimbursement of capital expenditures with bond proceeds

**Recommendation:** Adopt Resolution 1339

**Staff Contact:**

Dawn Marie Buckland, 480.348.3555

## 13. REQUESTS FOR FUTURE AGENDA ITEMS

*The Town Council May Take Action on This Item.*

*The Mayor or Town Manager will present the long range meeting agenda schedule and announce major topics for the following meeting. Any member of the Council may move to have the Town Manager add a new agenda item to a future agenda. Upon concurrence of three more Members, which may include the Mayor, the item shall be added to the list of future agenda items and scheduled by the Town Manager as a future agenda item within 60 days. The Mayor or Town Manager will present the long range meeting agenda schedule and announce major topics for the following meeting. Any member of the Council may move to have the Town Manager add a new agenda item to a future agenda. Upon concurrence of three more Members, which may include the Mayor, the item shall be added to the list of future agenda items and scheduled by the Town Manager as a future agenda item within 60 days.*

**15-165** Consideration of Requests for Future Agenda Items

**Recommendation:** Review the current list of pending agenda topics.

**Staff Contact:** Kevin Burke, 480-348-3690

## 14. MAYOR / COUNCIL / MANAGER COMMENTS

*The Mayor, Council or Town Manager may provide a summary of current events. In conformance with Open Meeting Laws, Council may not have discussion or take action at this Council meeting on any matter discussed during the summary.*

**15. ADJOURN***AGENDA IS SUBJECT TO CHANGE*

*\*Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Town Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.*

*The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 480-483-1811 (TDD) to request accommodation to participate in the Town Council meeting.*



## Action Report

---

**File #:** 15-166

---

### Memo

**TO:** Mayor Collins and Town Council Members

**FROM:** Kevin Burke, Town Manager  
Duncan Miller, Town Clerk

**DATE:** September 10, 2015

**DEPARTMENT:** Town Manager

**AGENDA TITLE:**  
Discussion of Municipal Court Appointment Process

**Council Goals**  
Engagement - Encourage volunteer opportunities

**SUMMARY STATEMENT:**  
The Paradise Valley Municipal Court is comprised of a Presiding Judge, Associate Presiding Judge, and eight Associate Judges who all volunteer their time. The Municipal Court has jurisdiction to hear and adjudicate all criminal misdemeanors, civil traffic offenses, and Town Code violations occurring within the Town limits. The Judges also issue orders of protection, harassment injunctions, and issue summons and arrest warrants within the Town limits.

Pursuant to Article 12-2 of the Town Code, the Presiding Judge and Associate Presiding Judges are appointed by the Town Council every two years for terms that end October 31.

Presiding Judge Tyrell Taber will be present at the September 10, 2015 Study Session to discuss the appointment process.

**ATTACHMENT(S):**  
None



## Action Report

---

**File #:** 15-142

---

**TO:** Mayor Collins and Town Council

**FROM:** Eva Cutro, Community Development Director  
Paul Michaud, Senior Planner

**DATE:** September 10, 2015

**CONTACT:**

Paul Michaud, 480-348-3574

**AGENDA TITLE:**

**Discussion of "The Villas at Mountain Shadows II" Preliminary Plat located at the Southwest Corner Lincoln Drive and 56<sup>th</sup> Street**

**BACKGROUND**

Request:

MTS Land, L.L.C. is requesting approval of a preliminary plat application located near the southwest corner of Lincoln Drive and 56<sup>th</sup> Street, Lots 133 and 134 of the Final Map Mountain Shadows Resort Unit 2 - Amended VII. The Villas at Mountain Shadows II is for 8 lots on approximately 1.94 acres, along with a separate tract on approximately 5.20 acres. Development will be pursuant to the approved Special Use Permit - Resort zoning on the subject properties for resort residential development.

Update and Planning Commission Recommendation:

MTS Land, L.L.C. submitted two separate preliminary plat applications for the 7.14 acres of land described in the above request. These preliminary plats were titled as "The Villas at Mountain Shadows II" for the 1.94-acre area and "The Villas at Mountain Shadows III" for the 5.20-acre area. The 1.94-acre application included 8 lots to be developed for villa home sites. The 5.20-acre application included 35 lots to be developed for villa home sites. The Planning Commission recommended approval of both preliminary plat applications on June 16, 2015. Since this recommended approval, the applicant is pursuing a stacked two-story condominium product for the 5.20 acre site. SUP Stipulation III.E.43 allows for horizontal property regimes (i.e. condominium development) in this portion of the SUP. Due to this change, the 5.20-acre condominium application will be brought back to the Planning Commission for a new recommendation before continuing on to the Town Council.

The applicant requests to pursue Town Council approval of the Preliminary Plat for the 8 villa home site lots over the 1.94 acres. Except for two modifications, the design of these 8 lots on the 1.94 acres is in substantial conformance to the Preliminary Plat recommended for approval by the



Planning Commission. The preliminary plat, "The Villas at Mountain Shadows II," that is before the Town Council was amended to include the 5.20 acres as one tract. This amendment is necessary to remove the lot lines created by Lots 133 and 134 of the Final Map Mountain Shadows Resort Unit 2 - Amended VII. The removal of said lines could be processed by staff through a lot line adjustment, but the applicant was agreeable to process this adjustment along with the preliminary/final plat process. The other modification was to make the exit-only access onto 56<sup>th</sup> Street between Lot 28 and Lot 29 as emergency access only. The Planning Commission was updated of these recent changes at their August 18, 2015 meeting.

As noted previously, the Planning Commission recommended approval of the preliminary plat, "The Villas at Mountain Shadows II," for the 8 villa home site lots. This was a unanimous recommendation by a vote of 7 to 0. Besides the typical plat stipulations, Stipulations 1 through 5 as listed on pages 3 and 4 of the Planning Commission Minutes dated June 16, 2015, the Planning Commission included a sixth stipulation that the applicant demonstrate through graphics and/or visuals that the exit onto 56<sup>th</sup> Street between Lot 28 and Lot 29 will not conflict with the 56<sup>th</sup> Street improvements (e.g., the exit will not result in a new median cut). This graphic is attached to this report. Refer to the Planning Commission Minutes dated June 16, 2015 for additional information.

History:

The subject site is part of the Mountain Shadows resort that was demolished in early 2014. In April 2013, the Town granted Special Use Permit - Resort (SUP) zoning status for the approximate 67 acres that comprise this resort. The 2013 SUP allows for a new resort, resort amenities, and resort residential. The subject site was annexed in 1961.

Enforcement:

As of the date of this report, there are no outstanding code violations on this SUP property.

**DISCUSSION/FACTS**

General Plan:

The subject property has a General Plan designation of "Resort/Country Club" according to the Town's General Plan Land Use Map. The proposed plat for resort residential and future resort uses is in conformance with this designation.

Zoning:

The zoning on the subject property is "Special Use Permit - Resort." This zoning was approved in April 2013 by Ordinance Number 653. This is the appropriate zoning for resort-related uses. Each Special Use Permit has its own unique set of development standards. For this subject property, the provisions of both Ordinance Number 653 and its associated Development Agreement apply regarding platting within the SUP area. The following standards apply to this SUP.

- The subject area of this plat is in Area 'B' of the SUP.
- SUP Stipulation III.E.43 allows for subdivision of land by one or more plats and/or maps in various forms such as on individual lots and/or horizontal property regimes (i.e. condominium development).
- Article 3.C.3(d) of the Development Agreement states that plats within the SUP will follow the standards and requirements of Article 6, Subdivisions, of the Town Code, except as modified by the SUP and Development Agreement. The typical requirements for ingress/egress, right-of

-way width, roadway pavement width, size/location of public utility easements, minimum lot size, lot configuration and lot shape do not apply.

Parking:

The proposed subdivisions will comply with the required minimum number of parking spaces. SUP Stipulation III.G.93 requires at least two parking spaces per each dwelling unit. Two garaged parking spaces will be provided with each residential unit.

Roadways:

The subject property will have access to Lincoln Drive and 56<sup>th</sup> Street via Tract 'A' through the resort as approved by the SUP. Also it will have emergency access onto 56<sup>th</sup> Street. Lincoln Drive is a designated Major Arterial and 56<sup>th</sup> Street is a designated Collector road pursuant to Figure 401, Motorized Circulation Map, of the Town's General Plan.

The proposed roadways are in compliance with the SUP and Development Agreement. These roadways will all be private local roads pursuant to SUP Stipulation III.G.96. Article 3.C.3(d)ii of the Development Agreement requires a minimum width of rights-of-way at 30 feet instead of the typical 50 feet. The proposed typical right-of-way cross section has a 30-foot right-of-way width. SUP Stipulation III.G.96 requires the pavement width for all streets to be of an adequate width, generally not less than 26 feet. This 26-foot width reflects the local roadway cross-section in the Town's General Plan. This width includes two-foot curb on both sides of a 22-foot wide traveled way. The proposed roadway cross-section has a pavement width of 26 feet.

Lot Configuration:

Article 3.C.3(d)iv of the Development Agreement allows lots and lot arrangement in any configuration provided these comply with standards of the SUP or Development Agreement. The typical requirements of the Town Code for minimum lot size, width, access and orthodox shape do not apply. The perimeter boundary of this plat is determined by the perimeter boundary of Lot 133 and Lot 134 of the Final Map Mountain Shadows Resort Unit 2 - Amended VII Plat. The perimeter boundary of the Preliminary Plat matches the perimeter boundary of said lots.

Building Lines & Setbacks:

The lots proposed on the Preliminary Plat meet setbacks. Article 3.C.3(d)v of the Development Agreement and Sheet 5 of the SUP requires a 40-foot setback along 56<sup>th</sup> Street. No building setbacks are required between lots or other portions of this plat.

Building Permit/Town Manager Approval:

The type and character of resort residential, signage, landscaping and walls/fences are either approved by building permit and/or Town Manager approval. As such, these items will not be considered with this plat request. For background, the information below describes the general parameters for the above-mentioned items.

*Height:* SUP Stipulation III. E. 47 allows for an allowable height limit for Resort Residential at 28 feet. Sheet 5 of the SUP further provides the maximum allowable heights, which is 36 feet for resort structures. The Town's Open Space Criteria applies, except along 56<sup>th</sup> Street a height of 24 feet is allowable at the 40-foot setback.

*Signs:* SUP Stipulation III.D.30 allows signage by right pursuant to the Resort Sign Guidelines.

*Walls/Landscaping:* SUP Stipulation III.E.49 allows for walls and fences in accordance with Article XXIV of the Town Code on or adjacent to interior property lines created by new plats or maps. Walls and landscaping require Town Manager approval along with the applicable wall building permit(s).

Drainage:

An overall master hydrology and drainage study for the entire west side of the Mountain Shadows SUP has been reviewed by the Town Engineer. The final approval of the hydrology and drainage study by the Town Engineer will occur along with the improvement plans associated with this plat and prior to the recordation of said plat.

Utilities:

All new utility lines will be located underground and generally underneath the proposed private roadways. Article 3.C.3(d)iii of the Development Agreement requires that all easements shall be in the locations and widths as prescribed by the utility provider instead of the typical 6-foot and 8-foot easements of Section 6-3-3 of the Town Code. The applicant has received correspondence from all the utility providers that the proposed utility easement locations are acceptable. Sewer correspondence is not necessary, as the sewer lines within the SUP are private. Utility width and location is not expected to be an issue, as this plat provides utility location within all its tracts. All typical type of utilities will be provided; such as water, electricity, natural gas and sewer.

Fire Protection:

The proposed lots will meet all standards related to fire protection. All lots will have direct access onto a public roadway via the private roadways shown on the plat. Also, emergency access will be provided onto 56<sup>th</sup> Street. New fire hydrants will be installed such that all lots are within 400 feet of a fire hydrant. The new homes will have fire sprinklers in accordance with the Town Fire Code. EPCOR has verified the capacity to service the subject site and fire flow pressure of 2,064 gpm to 2,124 gpm at the required residual zone pressure of 20 psi.

**NOTICING & PUBLIC COMMENTS**

No comments have been received as of the writing of this report. Except for posting of the meeting agenda, there is no required public notification for a preliminary or final plat. Consistent with the Town's application process, the applicant provided a mailing notification to the property owners within 1,000 feet for scheduled meetings where the Commission or Council will take action.

**NEXT STEPS**

If approved, the applicant must submit the final plat for recommendation by the Planning Commission and approval by the Town Council.

---

**File #:** 15-142

---

**ATTACHMENTS**

Presentation  
Proposed Stipulations  
Graphic 56<sup>th</sup> Street  
Vicinity Map/Aerial/General Plan/Zoning  
Application/Narrative  
Prior Minutes  
Fire Marshal Correspondence  
Utility Correspondence  
Final Map Mtn Shadows Resort Unit 2 - Amended VII  
Recommended Preliminary Plat  
Proposed Preliminary Plat

Link to full version of the SUP Ordinances and Development Agreements at [www.paradisevalleyaz.gov/126/Planning](http://www.paradisevalleyaz.gov/126/Planning)

C:     - Fred Fleet (Applicant)  
       - Case File: (PP 15-02)

# TOWN OF PARADISE VALLEY

## The Villas at Mountain Shadows II Preliminary Plat (PP 15-02)



Town Council  
September 10, 2015

# Request

Preliminary Plat for 8-lots and 1 tract  
for Resort Residential at  
Mountain Shadows Resort SUP



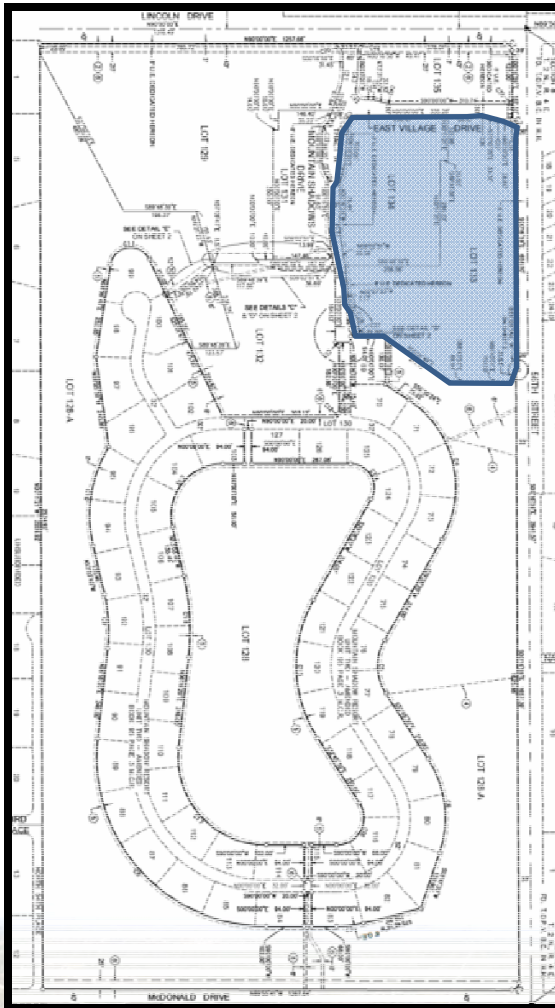
# Vicinity Map

Subject Property



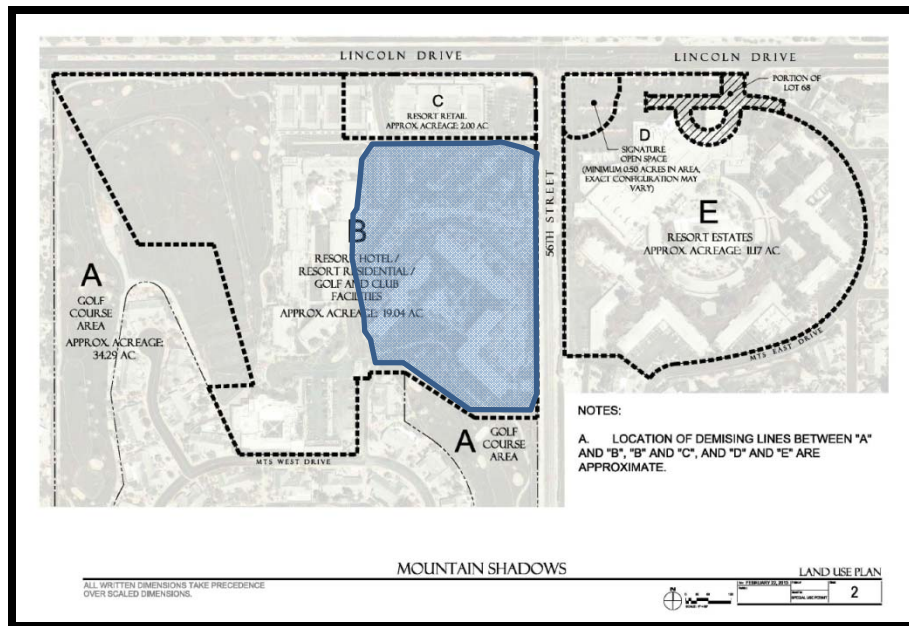
# Overall Map

- Lot 133 and 134
- SUP Stip III.E.43 allows subdivision via plats/maps





# Background



- April 2013, Council approved Ord. 653 and development agreement for new SUP
- Plat on portion of Area B
- Area B allows Resort Residential



# Resort Residential

- Allowed in the hotel rental program
- Allowed by any form (e.g. attached/detached homes)
- Allowed by separate lot/horizontal regime
- Required to meet setbacks/height Sheet 5
- Overall 300,000 SF FAR cap in Area B



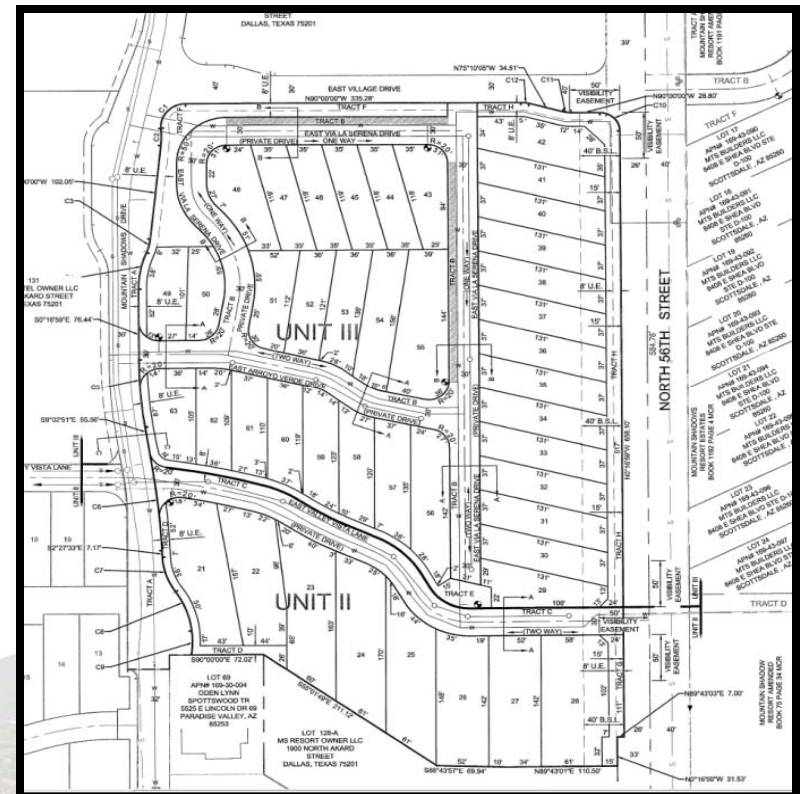
# Requirements – Processing

- Plat held to SUP standards & Development Agmt
- Administrative review/approval process
  - All SUP standards met = approvable
  - Typical requirements for ROW, easements, lot size, lot width, setbacks etc. do not apply
  - No legislative discretion
  - 40 calendar day review period



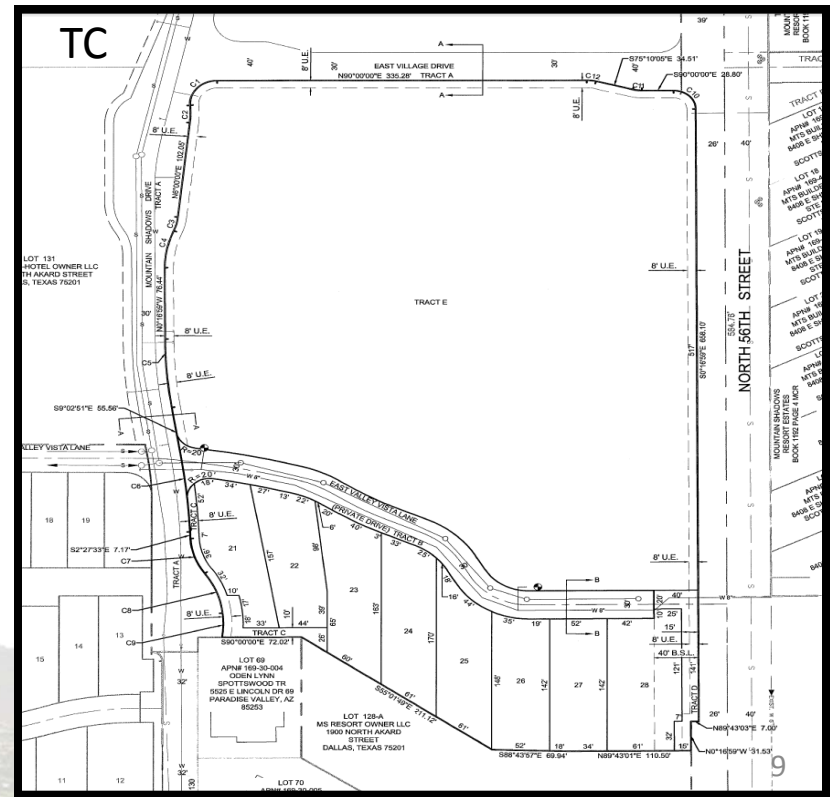
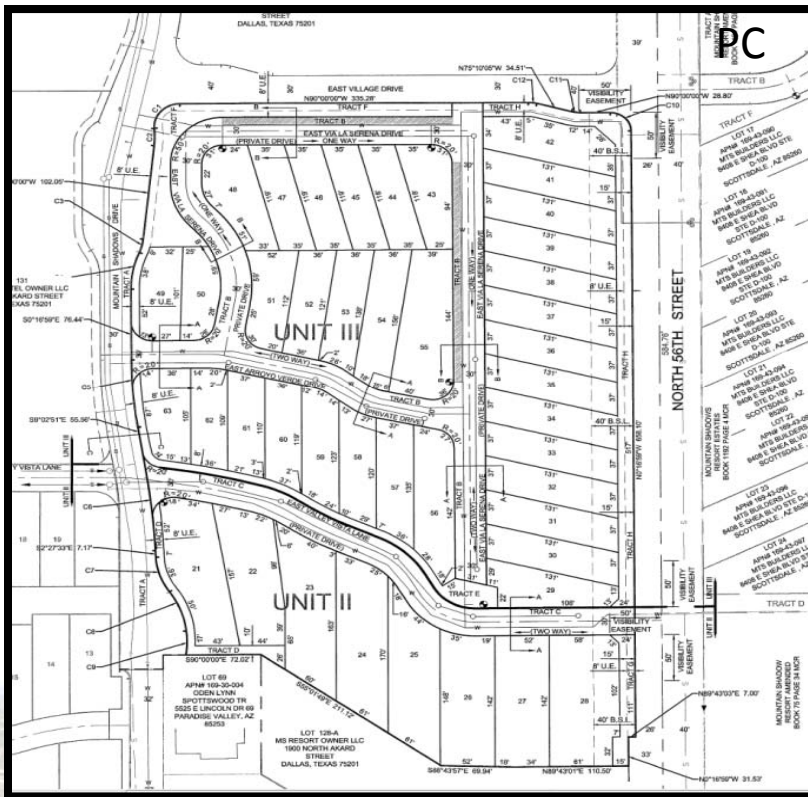
# Commission Pre-Plat Recommendation

- June 16, 2015: Approval (7-0)
  - 2 plat applications
  - Discussion points
    - Alignment with median onto 56<sup>th</sup> St
    - Control mechanism for gate onto 56<sup>th</sup> St
    - Circulation pattern
    - Drainage



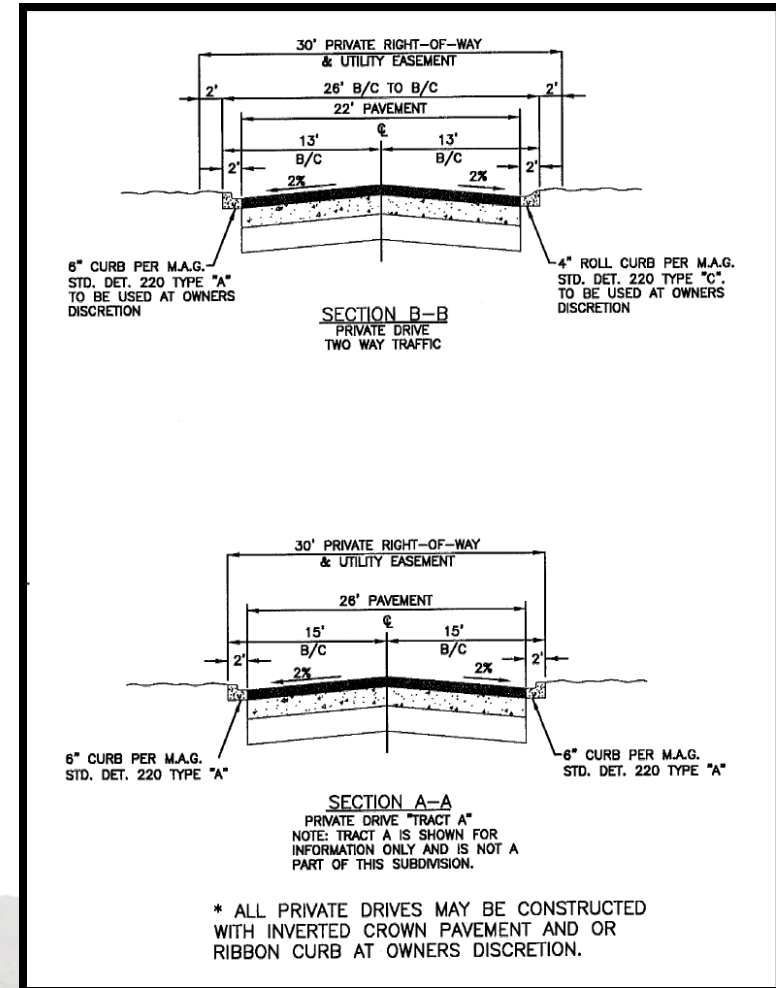
# PC to TC Pre-Plat Comparison

- Substantially compliant (56th St Exit; Tract E)



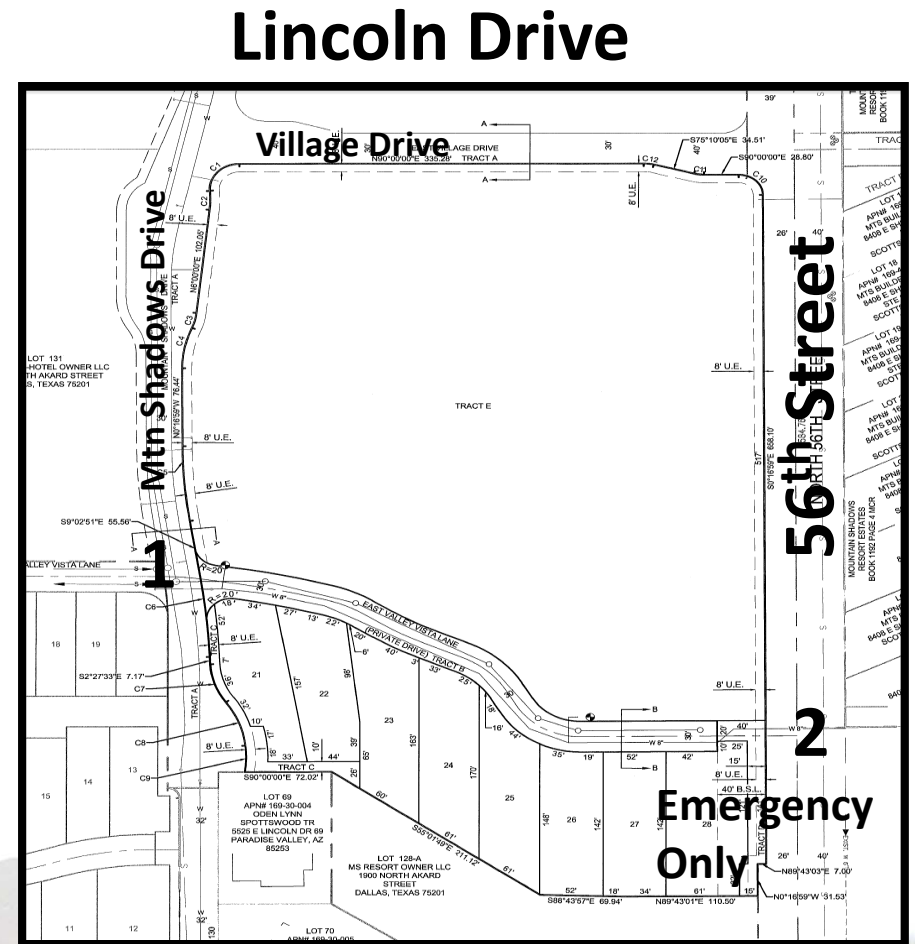
# Roadways, Parking

- Plat will connect to public ROW of 56<sup>th</sup> St & Lincoln Dr via Tract A
- Proposed roads comply with minimum 30' ROW width and 26' pavement width
- Each lot will accommodate at least two vehicle parking spaces per the SUP



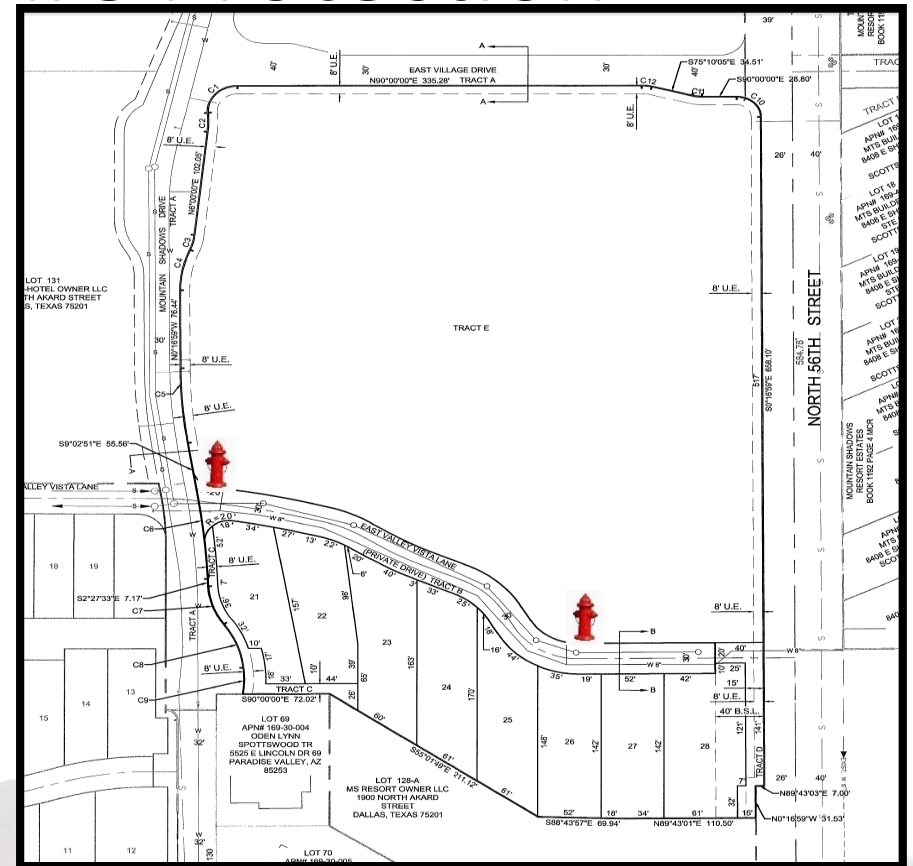
# Emergency Access

- IFC authorizes ability for multiple access if potential impairment
- 56<sup>th</sup> St Access provided



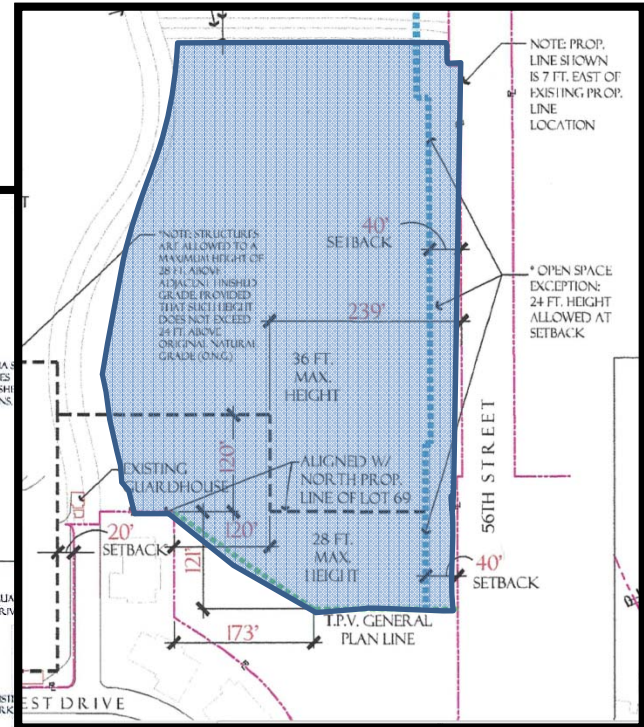
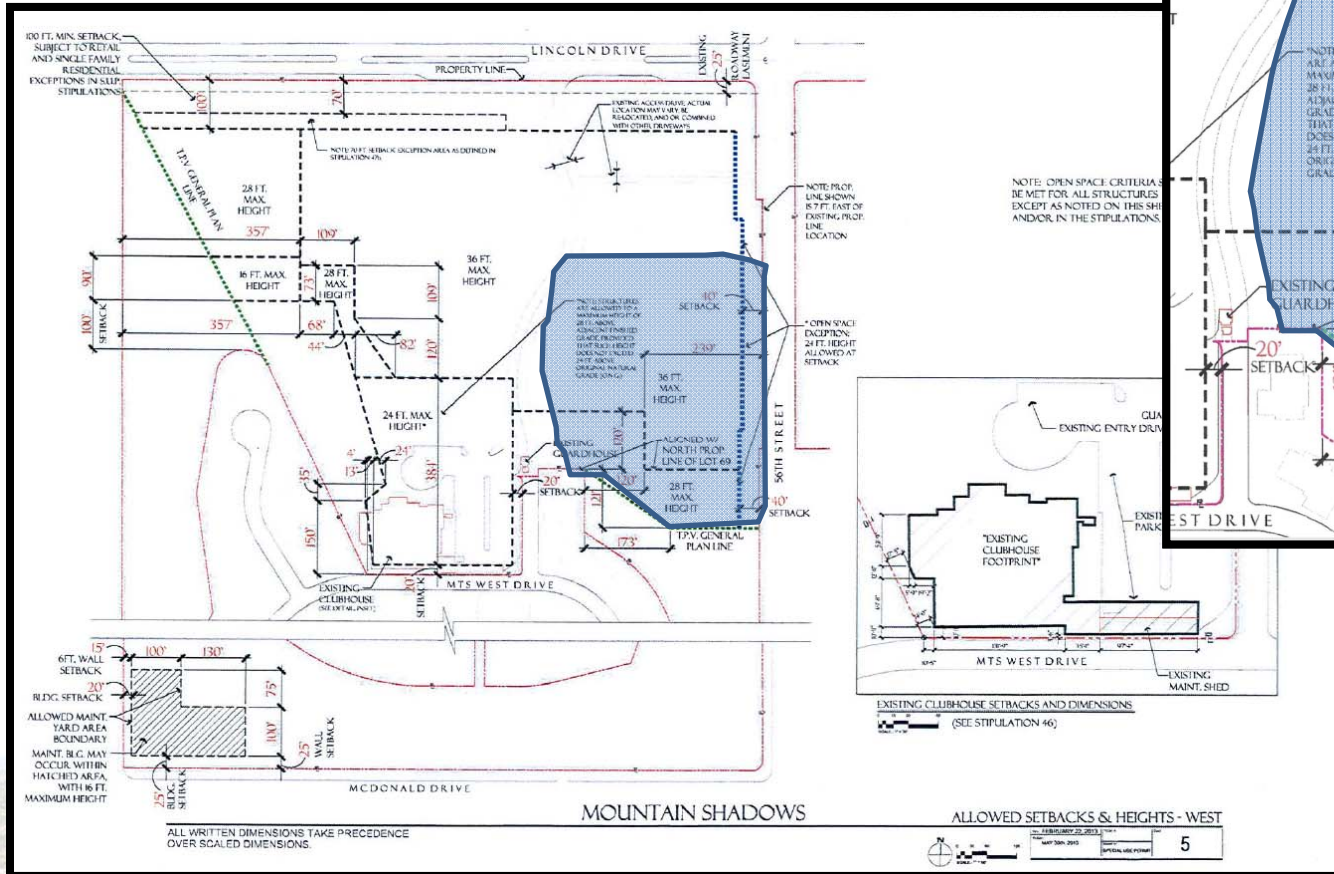
# Drainage, Utilities, Fire Protection

- Drainage reviewed by Town Engineer
- Storm water flow via private roads into retention under E. Village Drive/golf course
- 2 new hydrants
- Water pressure exceeds minimum Town 1,500 gpm standard





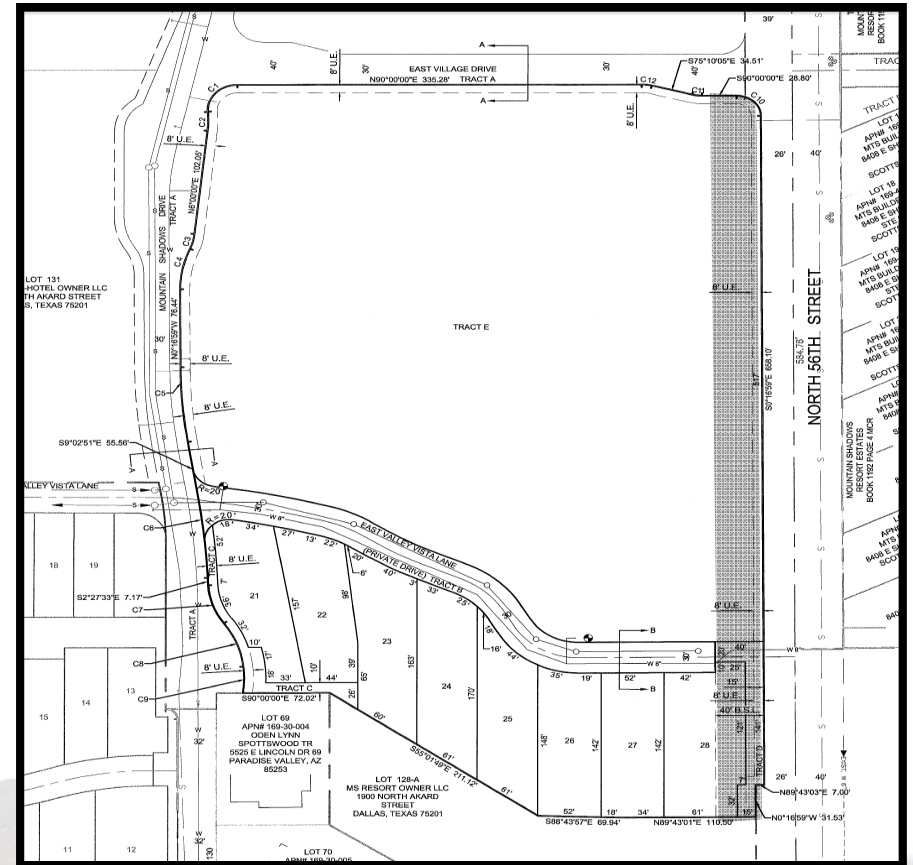
# Setbacks/Height



28' height  
 40' Setback  
 Comply w/OSR 56<sup>th</sup> St

# Size, Shape, Setbacks

- Typical requirements do not apply
- No minimum lot size, width or shape per SUP
- Plat complies with the 40' setback from 56<sup>th</sup> Street



# Commission Recommendation (Summary)

Recommendation of approval, subject to 5 stipulations :

1. Final Plat be in substantial compliance with the Preliminary Plat
2. Final Plat shall include any and all necessary easements and/or tracts
  - For drainage consistent to overall grading/drainage plans, depicted prior to plat recordation
  - For utilities, with correspondence from said utility providers on final locations in process given to the Town prior to Planning Commission recommendation of the Final Plat
3. Prior Final Plat recordation, provide copy of the CC&R's for review



# Recommendation (Summary)

## 4. Final subdivision improvements

- Shall be in substantial compliance with improvement plans (e.g. sewer, water, grading)
- Prior to plat recordation, Town receives all assurances necessary to guarantee completion in public ROW
- Town Engineer shall approve final improvement plans prior to issuance of building permit for a residential unit

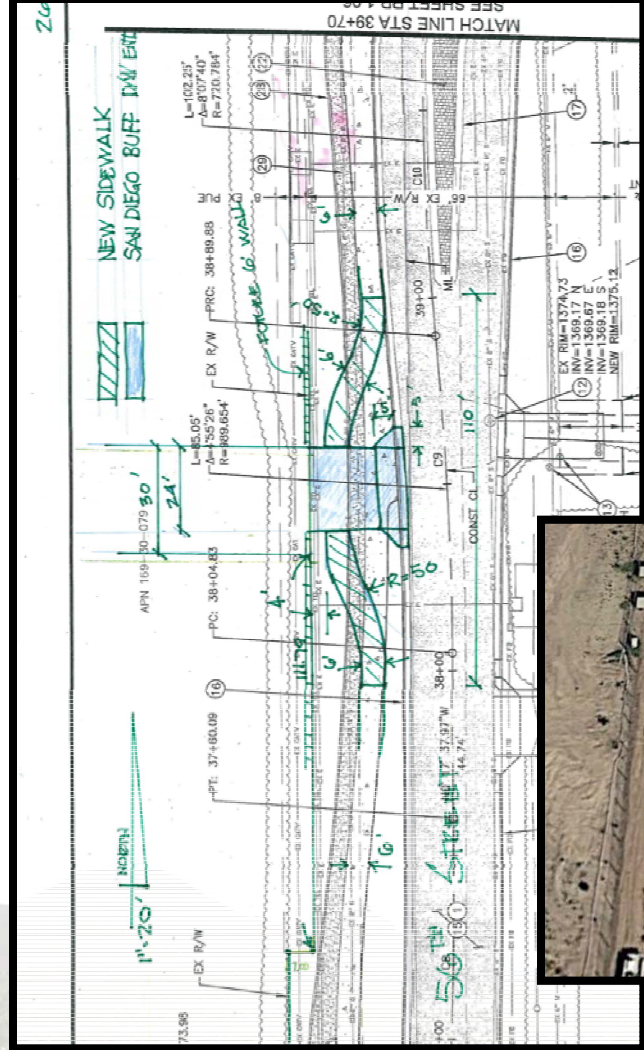
## 5. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars and plans in a pdf format

## ~~6. PROVIDED. Demonstrate through graphics/visuals no conflict with exit onto 56<sup>th</sup> Street~~





# 56th St Graphic

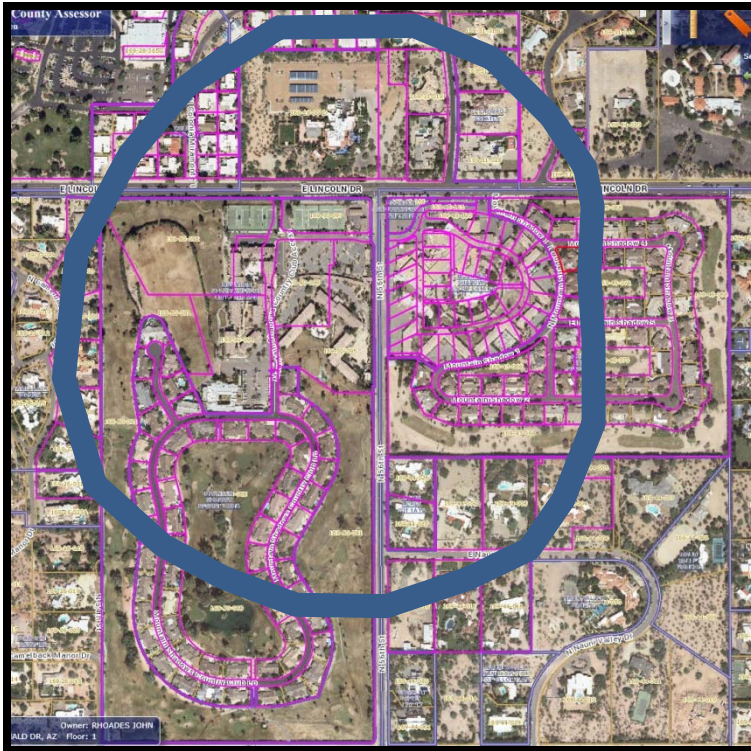


# Next Steps

- Council action on September 24
- Commission/Council Final plat at later date



# Public Comments



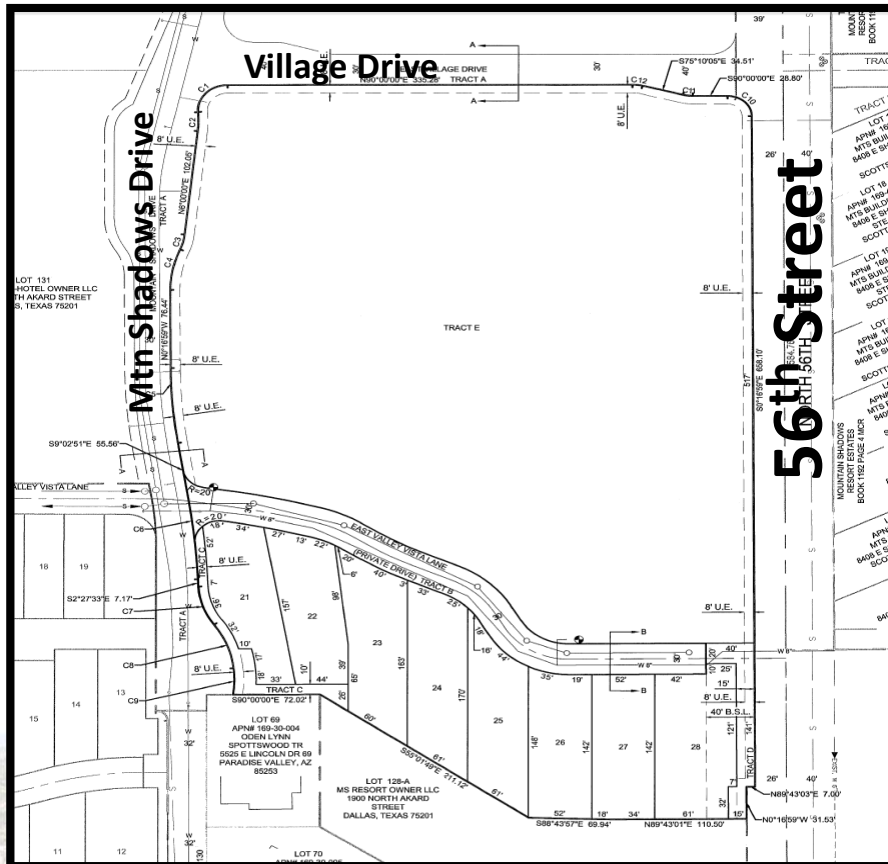
- Property owners within 1,000' mailed notice
- No comments received



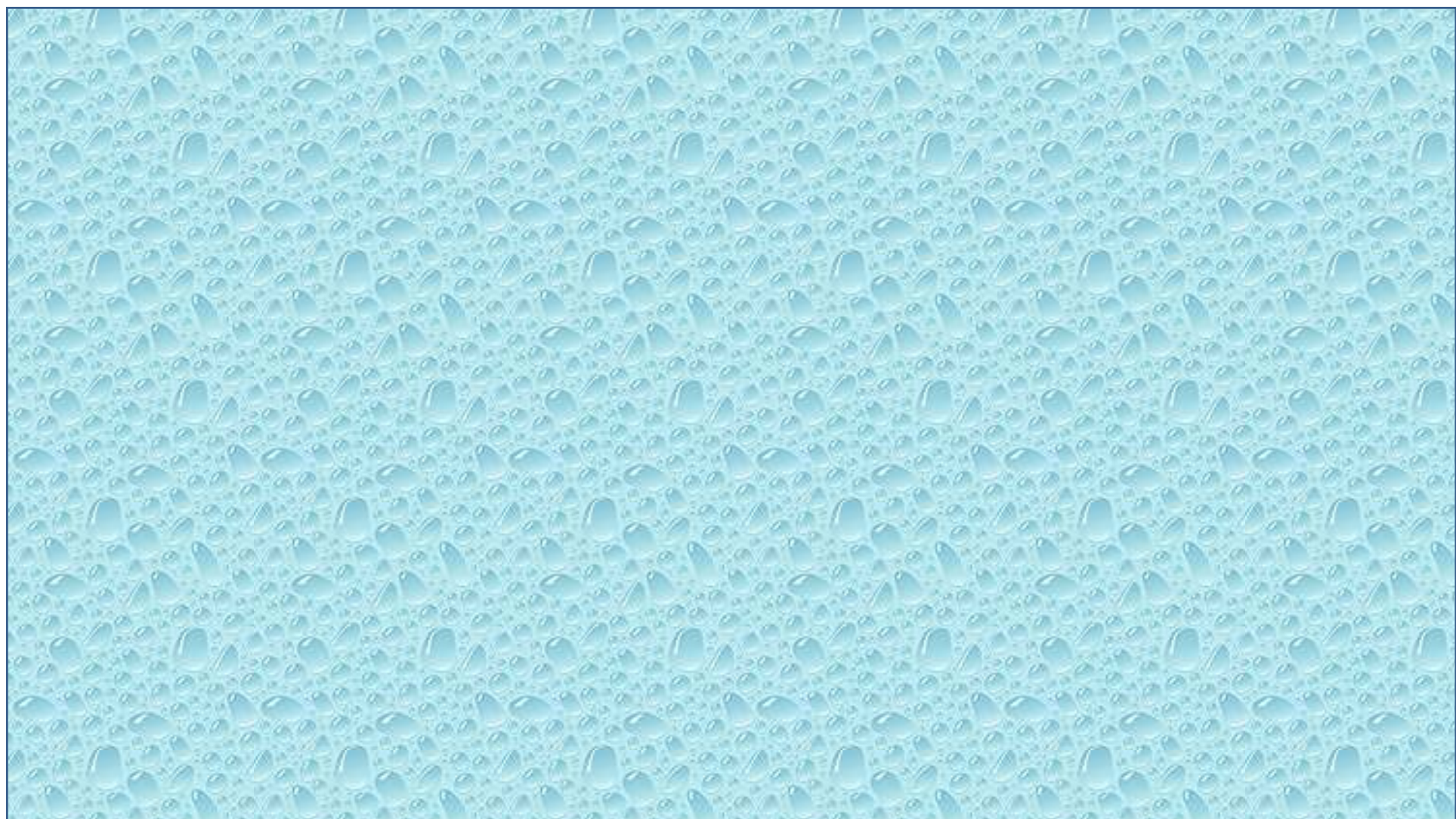
Approximate 1,000' radius

# Questions?

## Lincoln Drive



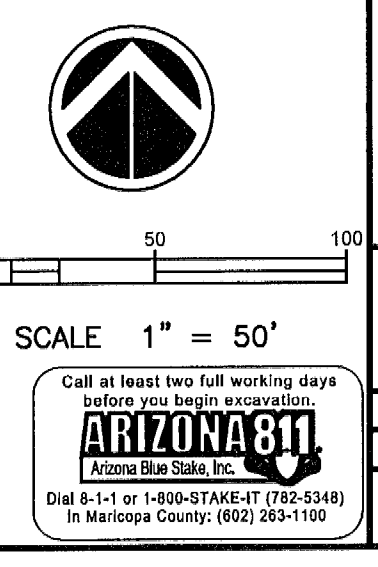
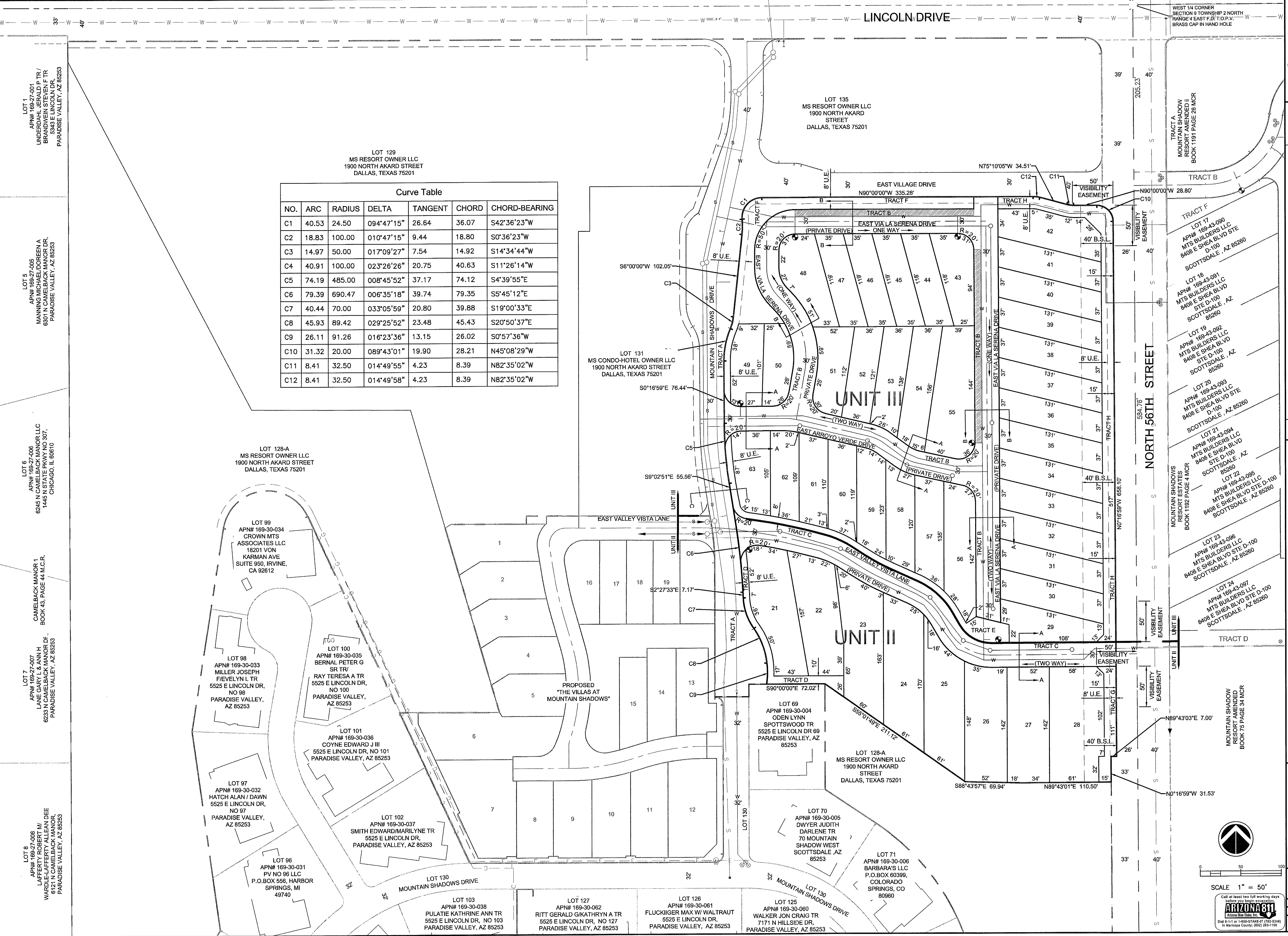


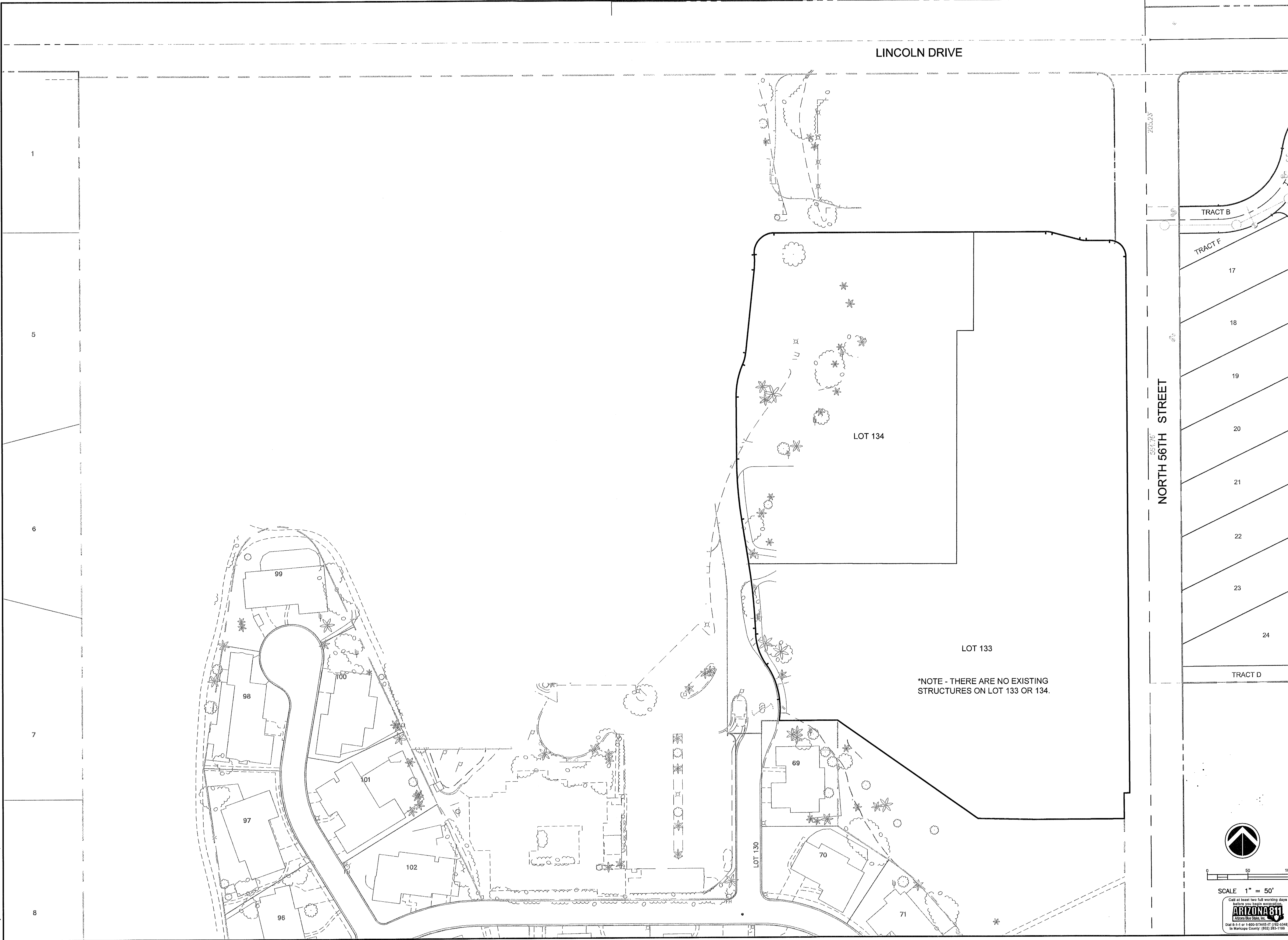




**Curve Table**

NO.	ARC	RADIUS	DELTA	TANGENT	CHORD	CHORD-BEARING
C1	40.53	24.50	094°47'15"	26.64	36.07	S42°36'23"W
C2	18.83	100.00	010°47'15"	9.44	18.80	S0°36'23"W
C3	14.97	50.00	017°09'27"	7.54	14.92	S14°34'44"W
C4	40.91	100.00	023°26'26"	20.75	40.63	S11°26'14"W
C5	74.19	485.00	008°45'52"	37.17	74.12	S4°39'55"E
C6	79.39	690.47	006°35'18"	39.74	79.35	S5°45'12"E
C7	40.44	70.00	033°05'59"	20.80	39.88	S19°00'33"E
C8	45.93	89.42	029°25'52"	23.48	45.43	S20°50'37"E
C9	26.11	91.26	016°23'36"	13.15	26.02	S0°57'36"W
C10	31.32	20.00	089°43'01"	19.90	28.21	N45°08'29"W
C11	8.41	32.50	014°49'55"	4.23	8.39	N82°35'02"W
C12	8.41	32.50	014°49'58"	4.23	8.39	N82°35'02"W

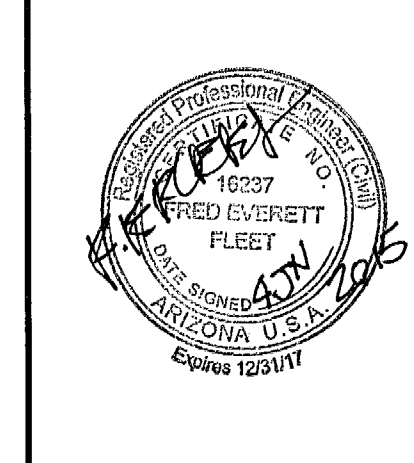




NO.	REVISION	DATE

**Coe & Van Loo Consultants, Inc.**

**PRELIMINARY PLAT**  
**THE VILLAS AT MOUNTAIN SHADOWS II & III**  
**PARADISE VALLEY, ARIZONA**



SCALE 1" = 50'



SHEET NUMBER	3 OF 3
CVL Department: Land	
CVL Project #: 01-0245801	
CVL File:	

**NOTES**

- ALL ELECTRIC, GAS, TELEPHONE AND CABLE TV SERVICE LINES WILL BE INSTALLED UNDERGROUND EXCEPT AS REQUIRED BY THE UTILITY PROVIDERS.
- CONSTRUCTION WITHIN UTILITY EASEMENTS, EXCEPT BY PUBLIC AGENCIES AND UTILITY COMPANIES SHALL BE LIMITED TO WOOD AND WIRE OR REMOVABLE SECTION TYPE FENCING AND MUST BE IN CONFORMANCE WITH APPLICABLE DEED RESTRICTIONS, TOWN CODES, AND MAG SPECS AND STANDARD DETAILS.
- THE ELEVATION OF ANY PAD FOR A BUILDING OR STRUCTURE WITHIN THE BASE FLOOD LIMITS OF AN AREA OF SPECIAL HAZARD MUST BE IN ACCORDANCE WITH ARTICLE 5-11 OF THE TOWN OF PARADISE VALLEY TOWN CODE, FLOODPLANE ADMINISTRATION.
- TRACT B IS A PRIVATE DRIVE. TRACT B WILL CONTAIN EASEMENTS FOR PRIVATE SEWER LINES, PUBLIC & PRIVATE WATER LINES, GAS, ELECTRIC, TELEPHONE, CABLE TELEVISION, DRAINAGE, REFUSE COLLECTION, AND EMERGENCY AND SIMILAR SERVICE TYPE VEHICLES.
- THE DEVELOPMENT OF THE LOTS IN "THE VILLAS AT MOUNTAIN SHADOWS II" IS PURSUANT TO THE DEVELOPMENT AGREEMENT AND SPECIAL USE PERMIT FOR MOUNTAIN SHADOWS AS RECORDED IN DOCKET 2013-0359723 MCR AND DOCKET 2013-0358792 MCR RESPECTIVELY.
- BUILDING HEIGHTS AND BUILDING SETBACKS ARE PURSUANT TO THE SPECIAL USE PERMIT FOR MOUNTAIN SHADOWS.
- C&R'S FOR THESE DEVELOPMENTS ARE AS PER THE MOUNTAIN SHADOWS VII AMENDED MAP AND RESTATED MASTER DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS AS RECORDED IN DOCKET 20150109812 MCR AND THE MOUNTAIN SHADOWS WEST DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS AS RECORDED IN DOCKET 20150109980 MCR AS AMENDED IN DOCKET \_\_\_\_\_ MCR.
- INDIVIDUAL TRACTS OR LOTS CAN INCLUDE POOLS OR OTHER AMENITIES IN CONFORMANCE WITH APPROVED SPECIAL USE PERMIT.
- THOSE PORTIONS OF TRACT B AND TRACT D WHICH WILL BE DRIVABLE SURFACES TO BE UTILIZED ONLY BY EMERGENCY VEHICLES SHALL BE CONSTRUCTED WITH MATERIALS TO BE APPROVED BY THE FIRE MARSHAL.
- THERE ARE NO EXISTING STRUCTURES ON LOT 133 OR LOT 134.

**100 YEAR ASSURED WATER SUPPLY**

THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF EPCOR WATER ARIZONA INC. - PARADISE VALLEY WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO SECTION 45-576 ARIZONA REVISED STATUTES AS PER ARIZONA DEPARTMENT OF WATER RESOURCES CERTIFICATE NUMBER 27-700797.0000 DATED AUGUST 27, 2014.

**DRAINAGE EASEMENT RESTRICTIONS**

PURSUANT TO A.R.S. 9-463.01(C), AND ARTICLE 6-4(E)(J), 8-7-1 ET. SEQ., AND SECTION 6-3-8 OF THE CODE OF ORDINANCES OF THE TOWN OF PARADISE VALLEY, DRAINAGE EASEMENTS ARE FOR THE PURPOSE OF ALLOWING STORM, FLOOD AND OTHER WATERS TO PASS OVER, UNDER OR THROUGH THE LAND SET ASIDE FOR SUCH EASEMENTS, AND NOTHING WHICH MAY, TO ANY DEGREE, IMPEDE OR OBSTRUCT THE FLOW OF SUCH WATERS. SHALL BE CONSTRUCTED, PLACED, PLANTED, OR ALLOWED TO GROW ON OR IN SUCH EASEMENTS. THE MAINTENANCE AND CLEARING OF THESE DRAINAGE EASEMENTS SHALL BE THE SOLE RESPONSIBILITY AND DUTY OF THE OWNER OF THE PROPERTY ON WHICH SAID EASEMENTS ARE PLATTED. HOWEVER, THE TOWN OF PARADISE VALLEY, A MUNICIPAL CORPORATION, MAY, IF THE TOWN DEEMS IT TO BE IN THE BEST INTERESTS OF THE HEALTH, SAFETY, OR WELFARE OF THE TOWN OF PARADISE VALLEY, CONSTRUCT AND/OR MAINTAIN DRAINAGE FACILITIES ON OR UNDER SUCH EASEMENTS. AGENTS AND EMPLOYEES OF THE TOWN OF PARADISE VALLEY SHALL HAVE FREE ACCESS TO AND FROM ALL PORTIONS OF SUCH EASEMENTS AT ALL TIMES.

**UTILITY PROVIDERS**

SEWER	CITY OF PHOENIX
WATER	EPCOR WATER
TELEPHONE	CENTURY LINK
CABLE	COX COMMUNICATIONS
GAS	SOUTHWEST GAS
ELECTRIC	ARIZONA PUBLIC SERVICE

**SITE DATA**

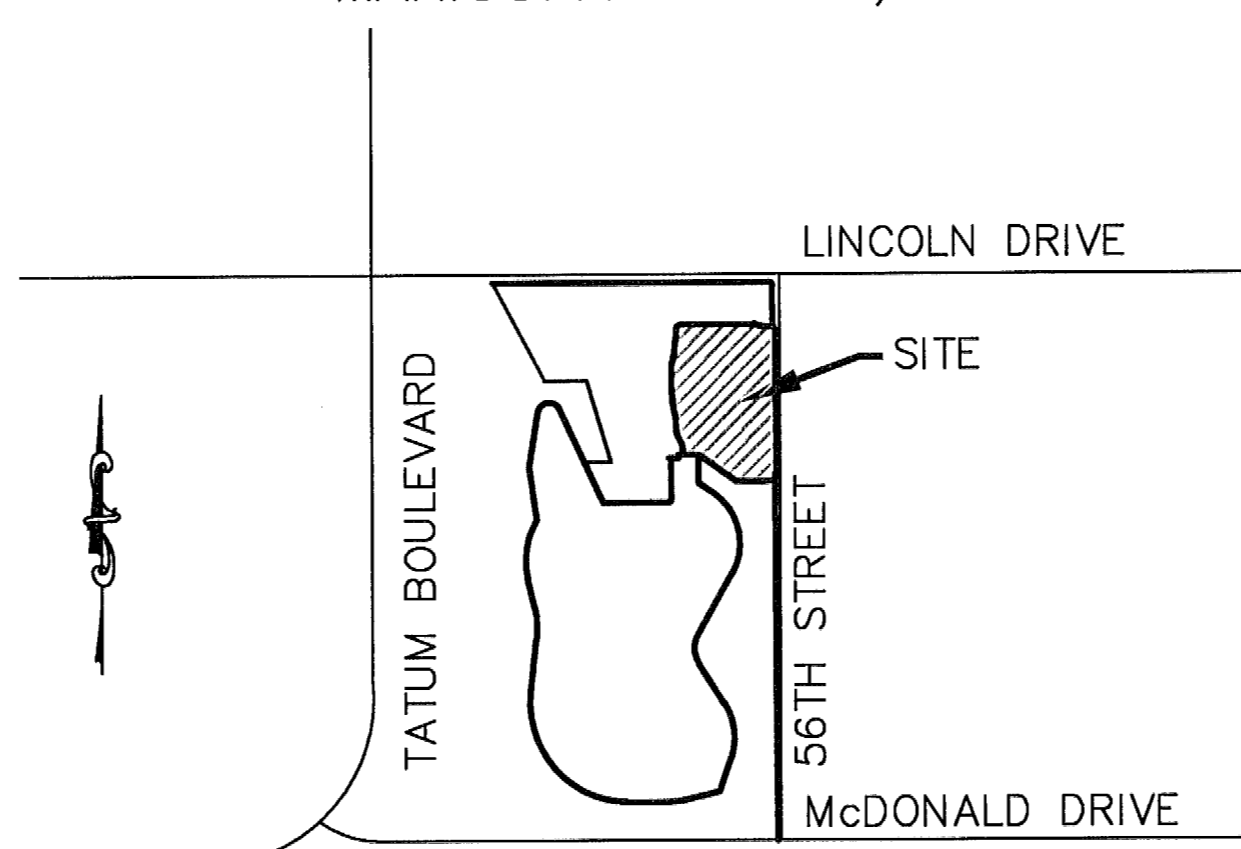
EXISTING ZONING -	S.U.P.- RESORT
TOTAL TRACTS -	4
TOTAL LOTS -	8
GROSS SITE AREA -	7.14 AC.
NET SITE AREA -	7.14 AC.

**LEGEND**

BSL - BUILDING SETBACK LINE	G - GAS LINE
B/C - BACK OF CURB	S - SEWER LINE
C.A. - COMMON AREA	W - WATER LINE
E/P - EDGE OF PAVEMENT	△ - FND. OR SET MONUMENT AT SECTION CORNER
ESMT. - EASEMENT	⊙ - SUBDIVISION CORNER &/OR FND. OR SET MONUMENT AS NOTED
EXST. - EXISTING	⊕ - FIRE HYDRANT (EXISTING)
P.U.E. - PUBLIC UTILITY EASEMENT	⊕ - FIRE HYDRANT (PROPOSED)
U.E. - UTILITY EASEMENT	⊙ - SEWER MANHOLE (EXISTING OR PROPOSED)
TYP. - TYPICAL	TR - DENOTES TRUST
S.U.P.- SPECIAL USE PERMIT	MCR - DENOTES MARICOPA COUNTY RECORDS
M.A.G. - MARICOPA ASSOCIATION OF GOVERNMENTS	
STD. - STANDARD	
C - CABLE	
T - TELEPHONE	

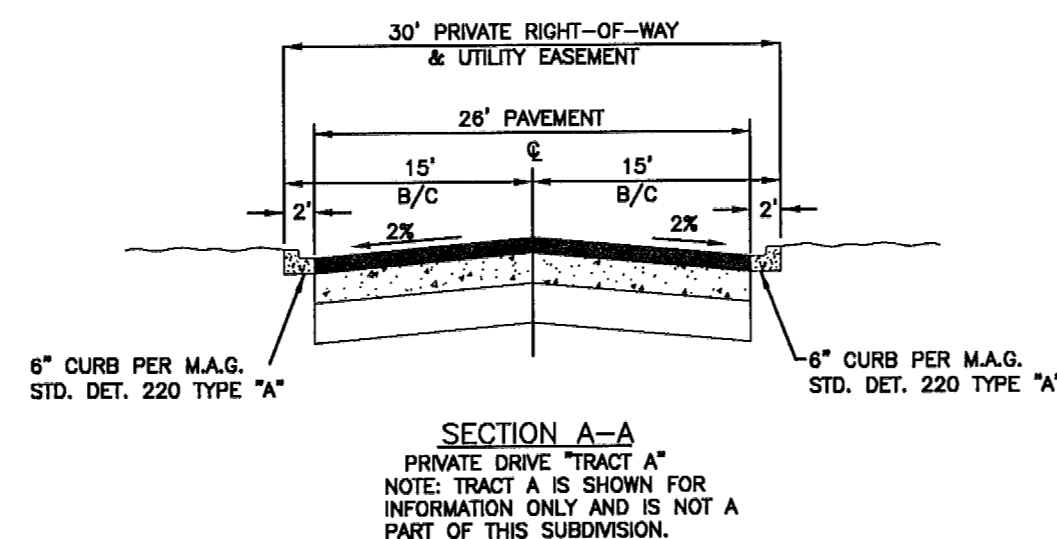
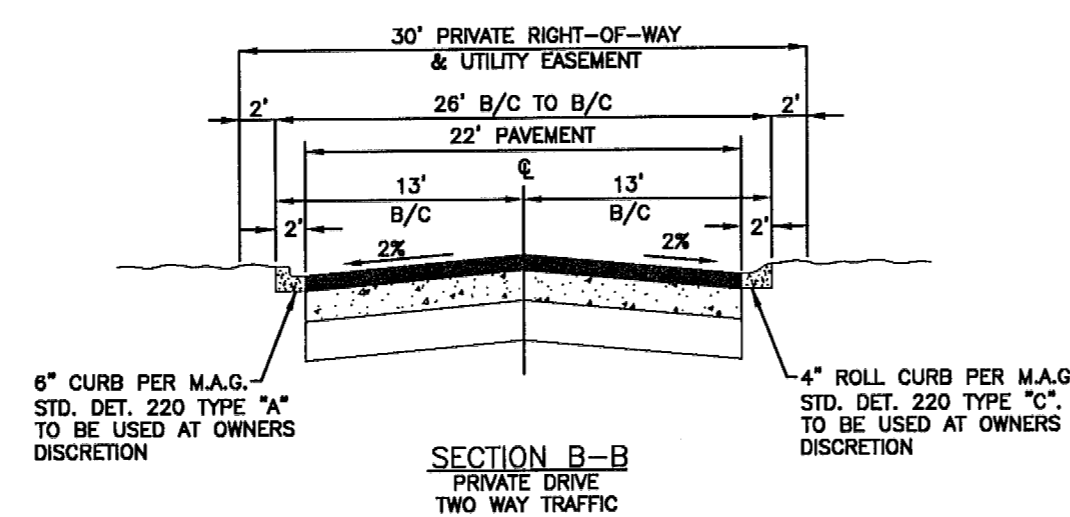
**PRELIMINARY PLAT**  
**"THE VILLAS AT MOUNTAIN SHADOWS II"**

A RESUBDIVISION OF LOTS 133 & 134, OF "MOUNTAIN SHADOW RESORT UNIT 2 - AMENDED VII" AS RECORDED IN BOOK 1232 OF MAPS AT PAGE 27 OF THE MARICOPA COUNTY RECORDERS OFFICE, MARICOPA COUNTY, ARIZONA



**VICINITY MAP**

N.T.S.



\* ALL PRIVATE DRIVES MAY BE CONSTRUCTED WITH INVERTED CROWN PAVEMENT AND OR RIBBON CURB AT OWNERS DISCRETION.

**TRACT TABLE**

UNIT II		
TRACTS	SQ.FT	DESCRIPTION
A	0	NOT A PART OF THIS SUBDIVISION
B	14,515	PRIVATE DRIVE/ UTILITY EASEMENTS
C	2,737	LANDSCAPE TRACT/CART PATH/UTILITY EASEMENT
D	3,084	LANDSCAPE TRACT/ UTILITY EASEMENTS
E	226,527	FUTURE DEVELOPMENT
<b>TOTAL</b>	<b>246,863</b>	

**LOT AREAS**

UNIT II	
LOTS	SQ.FT.
21	7,448
22	7,586
23	8,276
24	8,415
25	7,754
26	7,504
27	7,405
28	9,664
<b>TOTAL</b>	<b>64,052</b>

**DEDICATION**

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS  
KNOW ALL MEN BY THESE PRESENTS:

**MTS LAND LLC, A DELEWARE LIMITED LIABILITY COMPANY**  
**IN WITNESS WHEREOF:**

MTS LAND, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HAS HERETO CAUSED IT'S NAME TO BE AFFIXED HERETO AND THE SAME TO BE ATTESTED BY ROBERT A FLAXMAN IT'S AUTHORIZED AGENT.

ROBERT A FLAXMAN, AUTHORIZED AGENT DATE \_\_\_\_\_

**ACKNOWLEDGMENT:**

STATE OF CALIFORNIA }  
COUNTY OF ORANGE }

ON \_\_\_\_\_, BEFORE ME, ANN M. VERA, A NOTARY PUBLIC, PERSONALLY APPEARED ROBERT A. FLAXMAN, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE: \_\_\_\_\_  
ANN M. VERA

**APPROVALS:**

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY THIS \_\_\_\_\_ DAY \_\_\_\_\_, 2015.

BY: \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
TOWN ENGINEER

\_\_\_\_\_  
PLANNING DIRECTOR

**CERTIFICATION**

THIS IS TO CERTIFY THAT THE SURVEY AND DIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF 2015 AND THAT THIS SURVEY IS COMPLETE AS SHOWN, THAT THE MONUMENTS SHOWN ACTUALLY EXIST, THAT THEIR POSITIONS ARE CORRECTLY SHOWN, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE TRACED.

REGISTERED LAND SURVEYOR



DATE

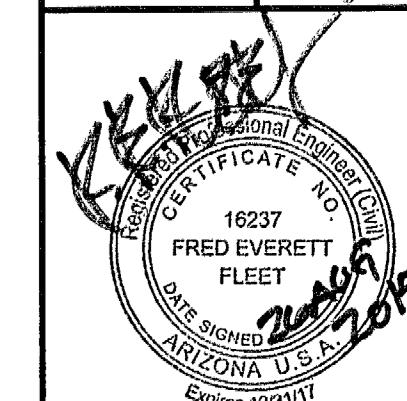
REVISION

NO.

PRELIMINARY PLAT

THE VILLAS AT MOUNTAIN SHADOWS II  
PARADISE VALLEY, ARIZONA

Coe & Van Loo Consultants, Inc.



SHEET NUMBER  
1 OF 3

CVL Department: Land  
CVL Project #: 01-0245801  
CVL File:



LOT 1 APN# 169-27-001 UNDERDAHL JERALD P TR / BRANDWEIN STEVEN F TR, 5343 E LINCOLN DR, PARADISE VALLEY, AZ 85253

LOT 5 APN# 169-27-005 MANNING MICHAEL DOREEN A, 6307 N CAMELBACK MANOR DR, PARADISE VALLEY, AZ 85253

LOT 6 APN# 169-27-006 6245 N CAMELBACK MANOR LLC, 1445 N STATE PKWY NO 307, CHICAGO, IL 60610

LOT 7 APN# 169-27-007 LANE GARY L & ANN H, 6233 N CAMELBACK MANOR DR, PARADISE VALLEY, AZ 85253

LOT 8 APN# 169-27-008 LAFFERTY ROBERT M / WARDLE LAFFERTY ALLEAN DEE, 6121 N CAMELBACK MANOR, PARADISE VALLEY, AZ 85253

LOT 99 APN# 169-30-034 CROWN MTS ASSOCIATES LLC, 18201 VON KARMAN AVE SUITE 950, IRVINE, CA 92612

LOT 98 APN# 169-30-033 MILLER JOSEPH F/EVELYN L TR, 5525 E LINCOLN DR, NO 98 PARADISE VALLEY, AZ 85253

LOT 100 APN# 169-30-035 BERNAL PETER G SR TR / RAY TERESA A TR, 5525 E LINCOLN DR, NO 100 PARADISE VALLEY, AZ 85253

LOT 101 APN# 169-30-036 COYNE EDWARD J III, 5525 E LINCOLN DR, NO 101 PARADISE VALLEY, AZ 85253

LOT 97 APN# 169-30-032 HATCH ALAN / DAWN, 5525 E LINCOLN DR, NO 97 PARADISE VALLEY, AZ 85253

LOT 102 APN# 169-30-037 SMITH EDWARD/MARILYNE TR, 5525 E LINCOLN DR, PARADISE VALLEY, AZ 85253

LOT 96 APN# 169-30-031 PV NO 96 LLC, P.O.BOX 536, HARBOR SPRINGS, MI 49740

LOT 103 APN# 169-30-038 PULATIE KATHRINE ANN TR, 5525 E LINCOLN DR, NO 103 PARADISE VALLEY, AZ 85253

LOT 127 APN# 169-30-062 RITT GERALD G/KATHRYN A TR, 5525 E LINCOLN DR, NO 127 PARADISE VALLEY, AZ 85253

LOT 126 APN# 169-30-061 FLUCKIGER MAX W/ WALT TRAUT, 5525 E LINCOLN DR, PARADISE VALLEY, AZ 85253

LOT 125 APN# 169-30-060 WALKER JON CRAIG TR, 7171 N HILLSIDE DR, PARADISE VALLEY, AZ 85253

LOT 70 APN# 169-30-005 DWYER JUDITH DARLENE TR, 70 MOUNTAIN SHADOW WEST SCOTTSDALE, AZ 85253

LOT 71 APN# 169-30-006 BARBARA'S LLC, P.O.BOX 60399, COLORADO SPRINGS, CO 80960

LOT 69 APN# 169-30-004 ODEN LYNN SPOTTWOOD TR, 5525 E LINCOLN DR 69 PARADISE VALLEY, AZ 85253

LOT 128-A MS RESORT OWNER LLC, 1900 NORTH AKARD STREET, DALLAS, TEXAS 75201

LOT 129 MS RESORT OWNER LLC, 1900 NORTH AKARD STREET, DALLAS, TEXAS 75201

LOT 130 MS CONDO-HOTEL OWNER LLC, 1900 NORTH AKARD STREET, DALLAS, TEXAS 75201

LOT 131 MS RESORT OWNER LLC, 1900 NORTH AKARD STREET, DALLAS, TEXAS 75201

LOT 135 MS RESORT OWNER LLC, 1900 NORTH AKARD STREET, DALLAS, TEXAS 75201

LOT 17 APN# 169-43-090 MTS BUILDERS LLC, 8408 E SHEA BLVD STE D-100, SCOTTSDALE, AZ 85260

LOT 18 APN# 169-43-091 MTS BUILDERS LLC, 8408 E SHEA BLVD STE D-100, SCOTTSDALE, AZ 85260

LOT 19 APN# 169-43-092 MTS BUILDERS LLC, 8408 E SHEA BLVD STE D-100, SCOTTSDALE, AZ 85260

LOT 20 APN# 169-43-093 MTS BUILDERS LLC, 8408 E SHEA BLVD STE D-100, SCOTTSDALE, AZ 85260

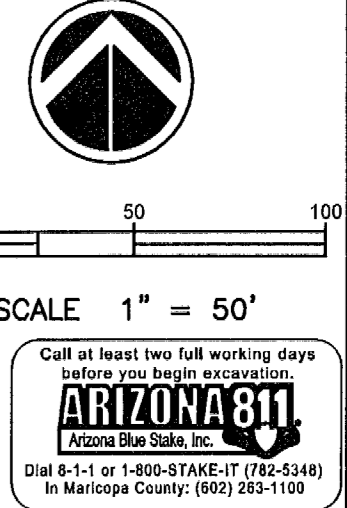
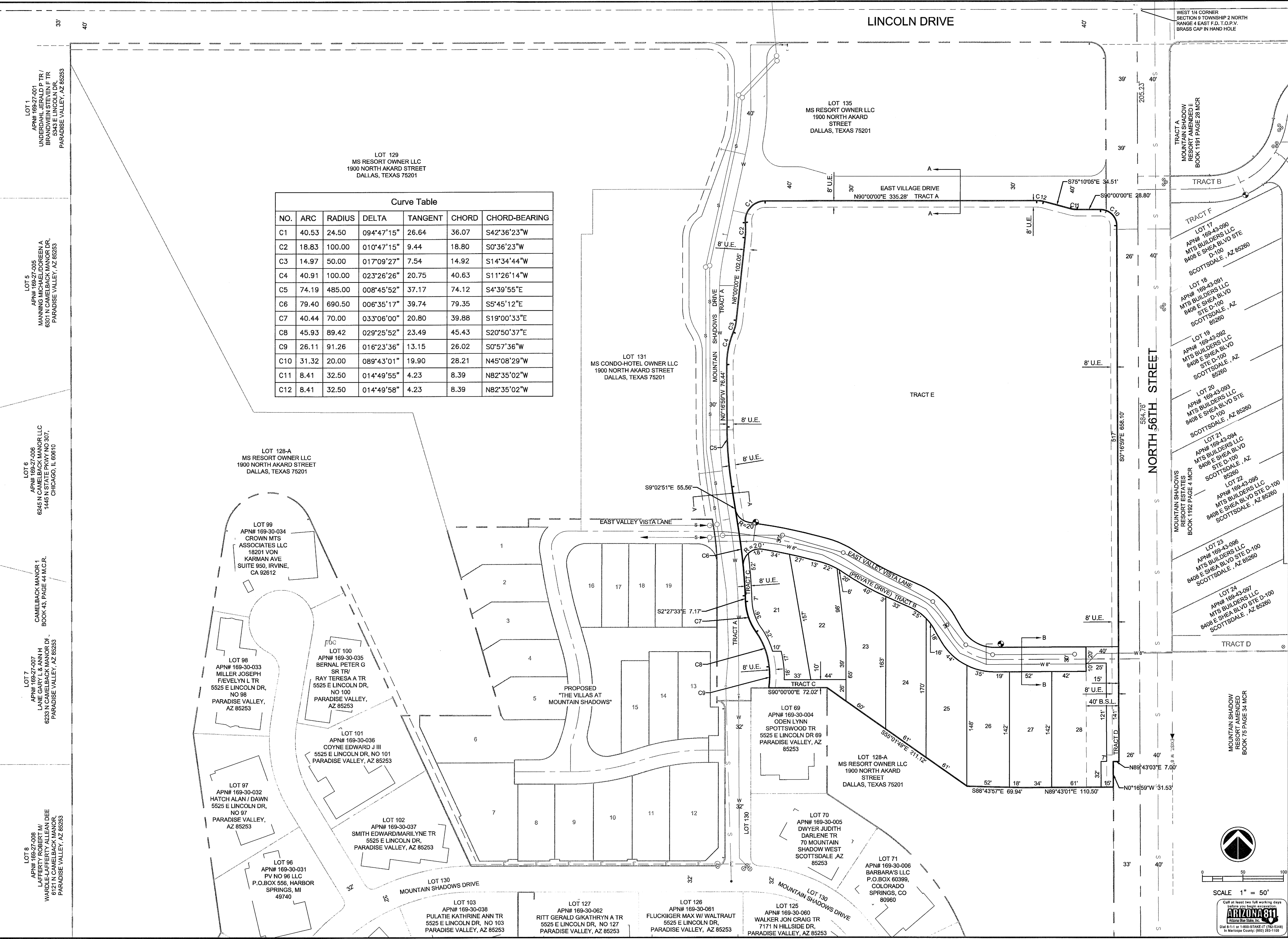
LOT 21 APN# 169-43-094 MTS BUILDERS LLC, 8408 E SHEA BLVD STE D-100, SCOTTSDALE, AZ 85260

LOT 22 APN# 169-43-095 MTS BUILDERS LLC, 8408 E SHEA BLVD STE D-100, SCOTTSDALE, AZ 85260

LOT 23 APN# 169-43-096 MTS BUILDERS LLC, 8408 E SHEA BLVD STE D-100, SCOTTSDALE, AZ 85260

LOT 24 APN# 169-43-097 MTS BUILDERS LLC, 8408 E SHEA BLVD STE D-100, SCOTTSDALE, AZ 85260

Curve Table						
NO.	ARC	RADIUS	DELTA	TANGENT	CHORD	CHORD-BEARING
C1	40.53	24.50	094°47'15"	26.64	36.07	S42°36'23"W
C2	18.83	100.00	010°47'15"	9.44	18.80	S0°36'23"W
C3	14.97	50.00	017°09'27"	7.54	14.92	S14°34'44"W
C4	40.91	100.00	023°26'26"	20.75	40.63	S11°26'14"W
C5	74.19	485.00	008°45'52"	37.17	74.12	S4°39'55"E
C6	79.40	690.50	006°35'17"	39.74	79.35	S5°45'12"E
C7	40.44	70.00	033°06'00"	20.80	39.88	S19°00'33"E
C8	45.93	89.42	029°25'52"	23.49	45.43	S20°50'37"E
C9	26.11	91.26	016°23'36"	13.15	26.02	S0°57'36"W
C10	31.32	20.00	089°43'01"	19.90	28.21	N45°08'29"W
C11	8.41	32.50	014°49'55"	4.23	8.39	N82°35'02"W
C12	8.41	32.50	014°49'58"	4.23	8.39	N82°35'02"W



**CVL**  
CONSULTANTS  
4550 North 12th Street  
Phoenix, Arizona 85014  
602-264-6831  
www.cvlci.com

NO.	REVISION	DATE

**PRELIMINARY PLAT**

**THE VILLAS AT MOUNTAIN SHADOWS II**  
PARADISE VALLEY, ARIZONA

**ARIZONA**  
REGISTERED PROFESSIONAL ENGINEER  
16237  
FRED EVERETT  
FLEET  
Arizona, U.S.A.  
Expires 12/31/17

SHEET NUMBER  
**2 OF 3**

CVL Department: Land  
CVL Project #: 01-0245801  
CVL File:

PROJECT NO. XXXXXX

Printed By: Julie V Print Date: August 26, 2015 Filename: N:\010245801\CADD\WEST\Residential\2\Preliminary\PS.PRE\PLAT.01-03.MSU.dwg



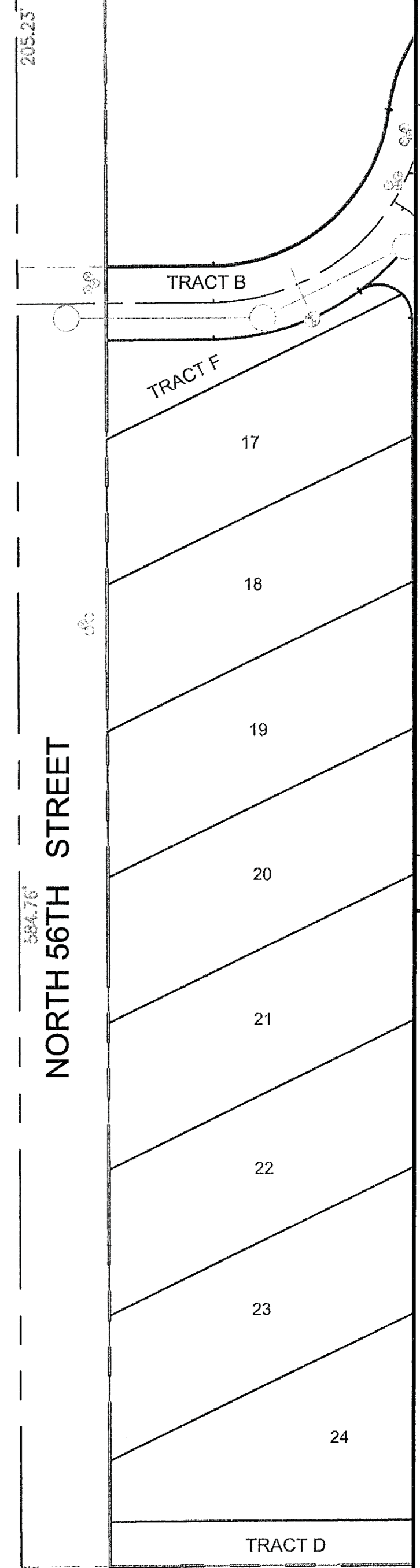
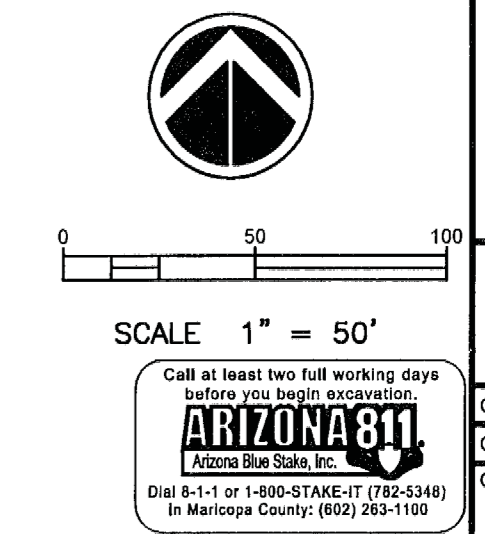
LINCOLN DRIVE

NORTH 56TH STREET

LOT 134

LOT 133

\*NOTE - THERE ARE NO EXISTING STRUCTURES ON LOT 133 OR 134.

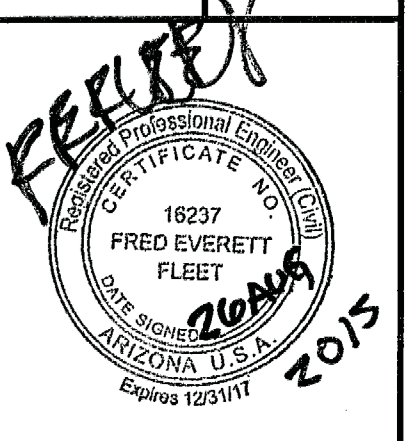


NO.	REVISION	DATE

PRELIMINARY PLAT  
THE VILLAS AT MOUNTAIN SHADOWS II  
PARADISE VALLEY, ARIZONA

SHEET NUMBER  
**3 OF 3**  
CVL Department: Land  
CVL Project #: 01-0245801  
CVL File:

**CVL**  
CONSULTANTS  
4550 North 12th Street  
Phoenix, Arizona 85014  
602-264-6831  
www.cvlci.com



PROJECT NO. XXXXXXX

## PROPOSED STIPUALTIONS

The Villas at Mountain Shadows II Preliminary Plat

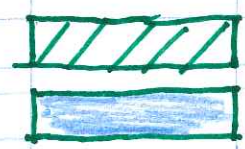
TC 09-10-15

Approval of the Preliminary Plat, "The Villas at Mountain Shadows II" (PP-15-02), subject to the following stipulations:

1. The Final Plat for The Villas at Mountain Shadows II shall be in substantial compliance with the Preliminary Plat, The Villas at Mountain Shadows II, Sheets 1-2, prepared by Coe & Van Loo Consultants, Inc. dated August 26, 2015.
2. The Final Plat for The Villas at Mountain Shadows II shall include any and all necessary easements and/or tracts, including:
  - a. Easements and/or tracts for drainage within said plat that are consistent to the overall grading and drainage plans for the entire Special Use Permit (SUP) site, which shall be depicted on the Final Plat prior to recordation of said plat,
  - b. Easements and/or tracts for utilities, with said easements to be in the locations and widths as prescribed by the respective utility provider, with correspondence from said utility providers indicating that the identification of the final locations and widths of such easement(s) are in process given to the Town prior to Planning Commission recommendation of the Final Plat, and
3. Prior to recordation of the Final Plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review to insure that all CC&R terms required under the SUP or other recorded agreements are part of the CC&Rs or other documents, including provision for maintenance of any drainage easements dedicated on the plat.
4. The final subdivision improvements shall be in substantial compliance with subdivision improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Plat, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.
5. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record

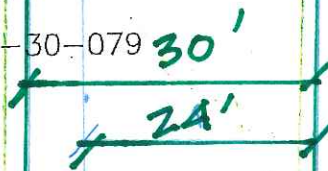


26 AUGUST 15

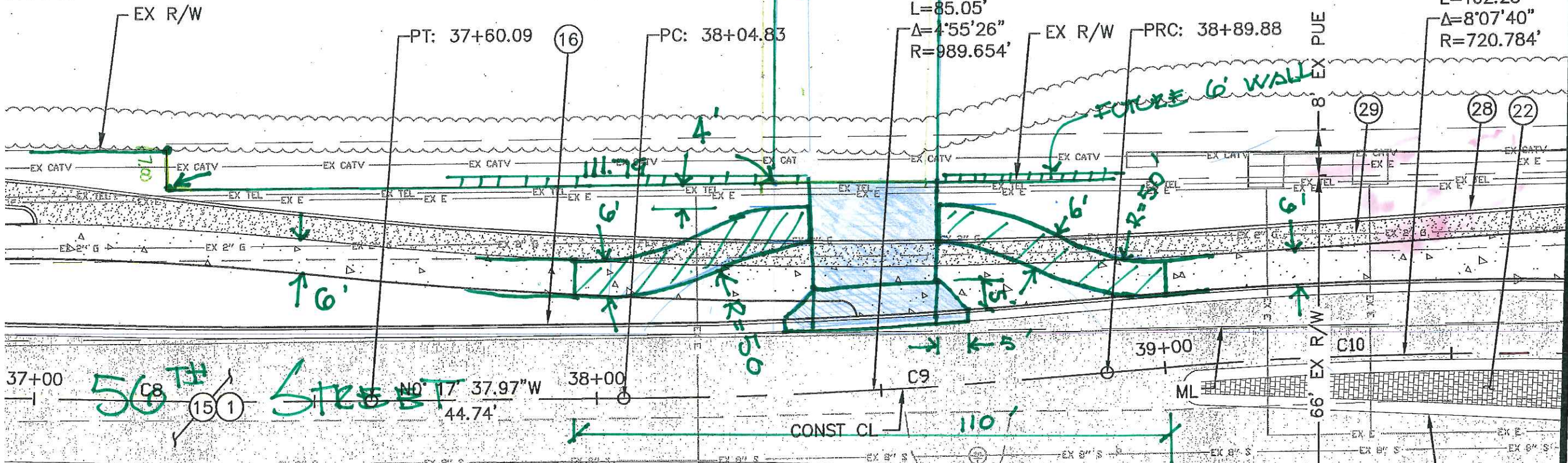


NEW SIDEWALK  
SAN DIEGO BUFF DW ENT

APN 169-30-079



6+73.98



37+00

56 TH STREET

NO 17 37.97"W  
44.74'

38+00

39+00

CONST CL 110'

MATCH LINE STA 39+70  
SEE SHEET PP-1.06

EX RIM=1374.73  
INV=1369.17 N  
INV=1369.67 E  
INV=1369.18 S  
NEW RIM=1375.12

70' FROM DOWNSTREAM MH  
L=18', S=0.0104'/FT

F CL 16' DWY  
STA: 37+85.11

G CL 12' DWY  
STA: 38+63.70  
STA 38+50.50

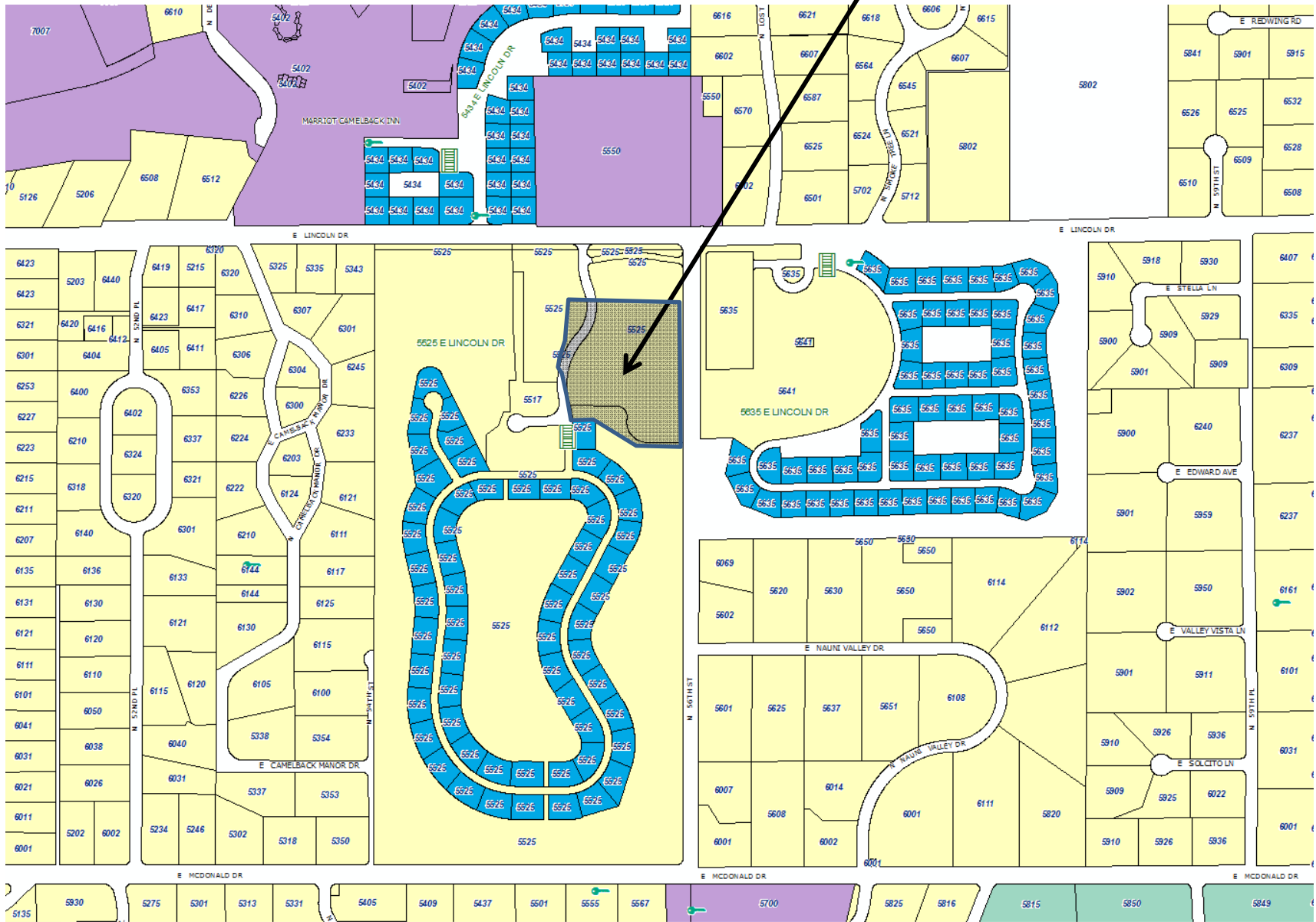
15.66' EX  
LANDSCAPE &  
WALL EASEMENT

1' EX VNE

5641 E LINCOLN DR  
APN 169-43-006

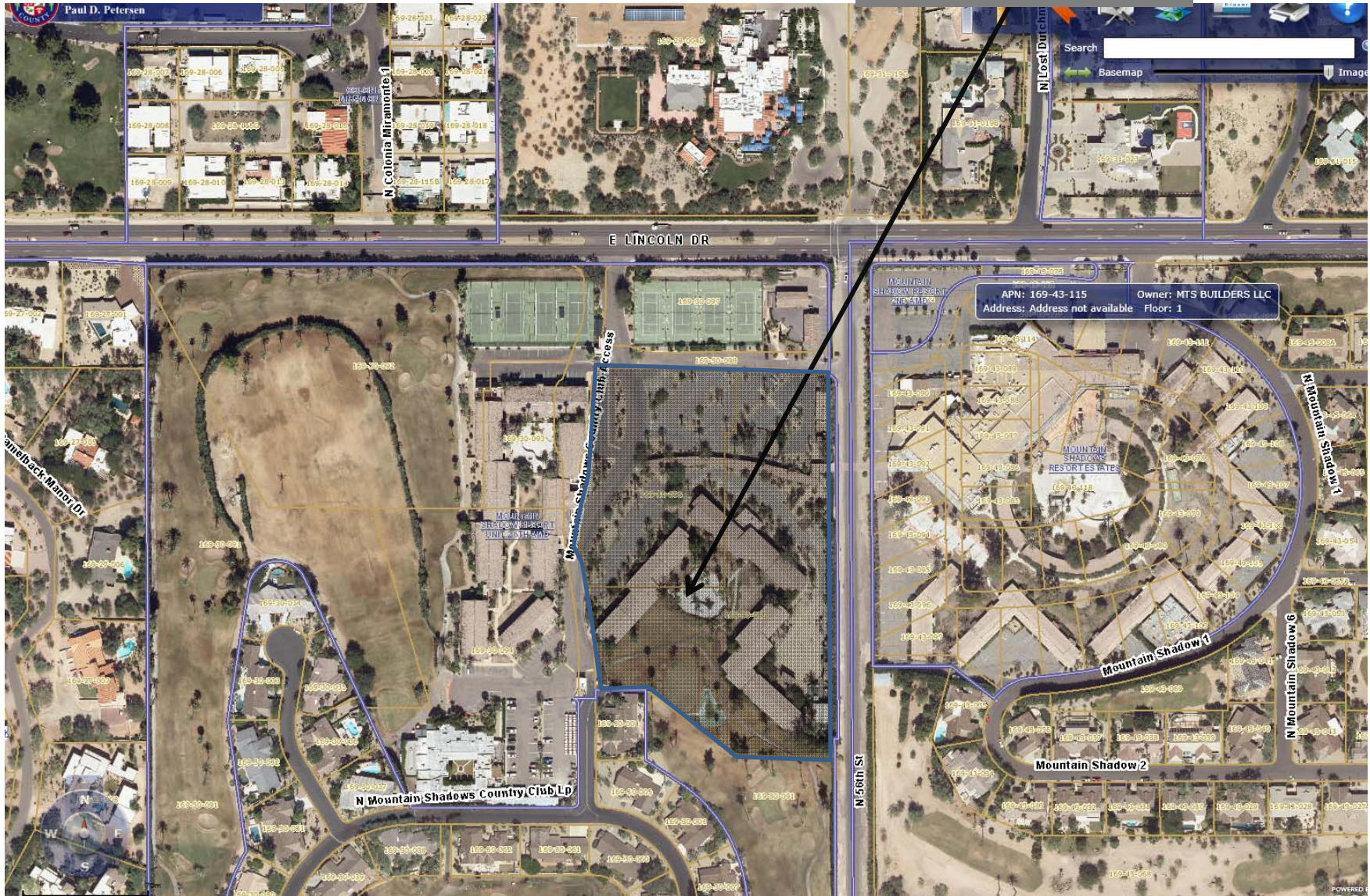
# Vicinity Map

# Subject Property



# Aerial Photo

# Subject Property

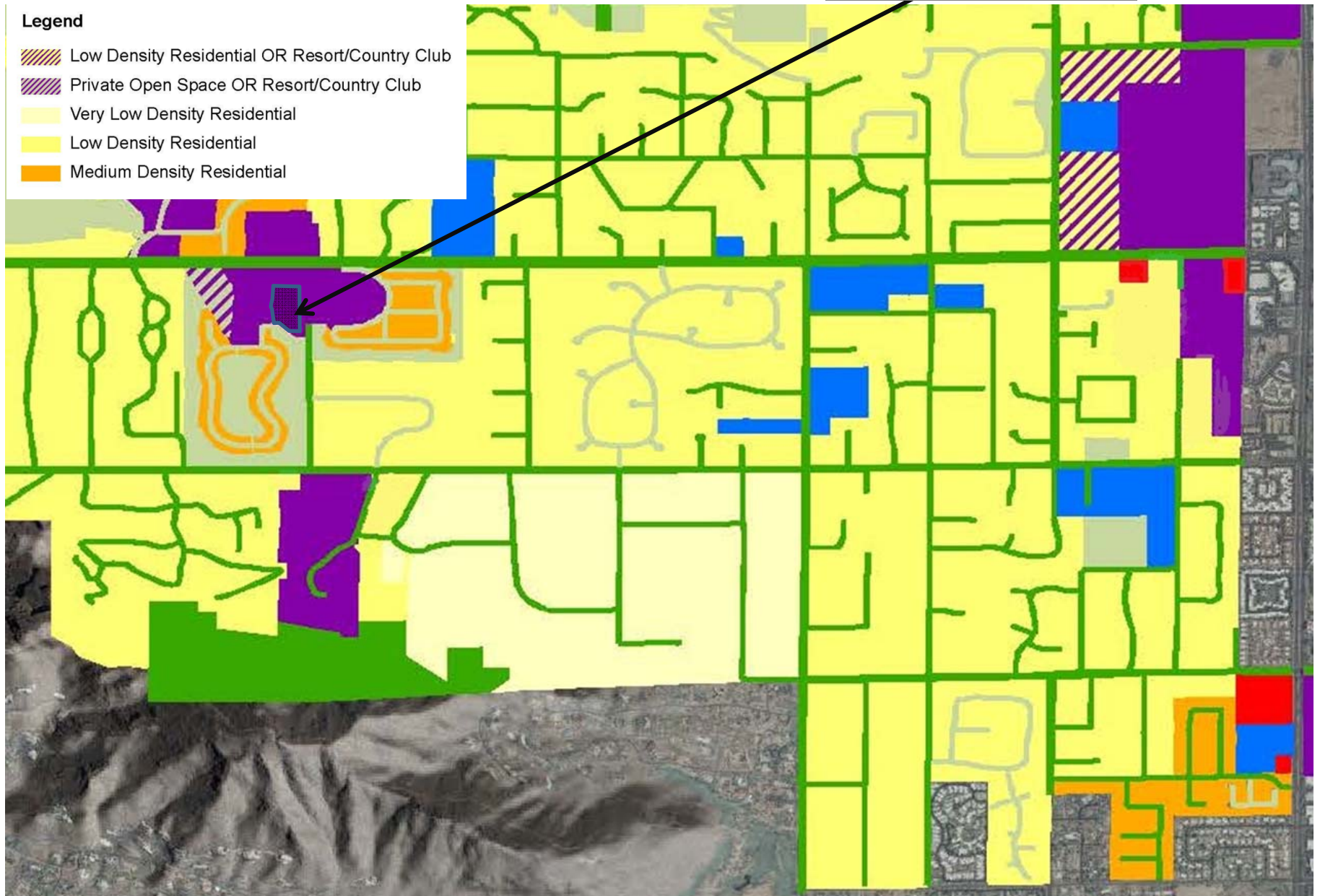


# General Plan

# Subject Property

## Legend

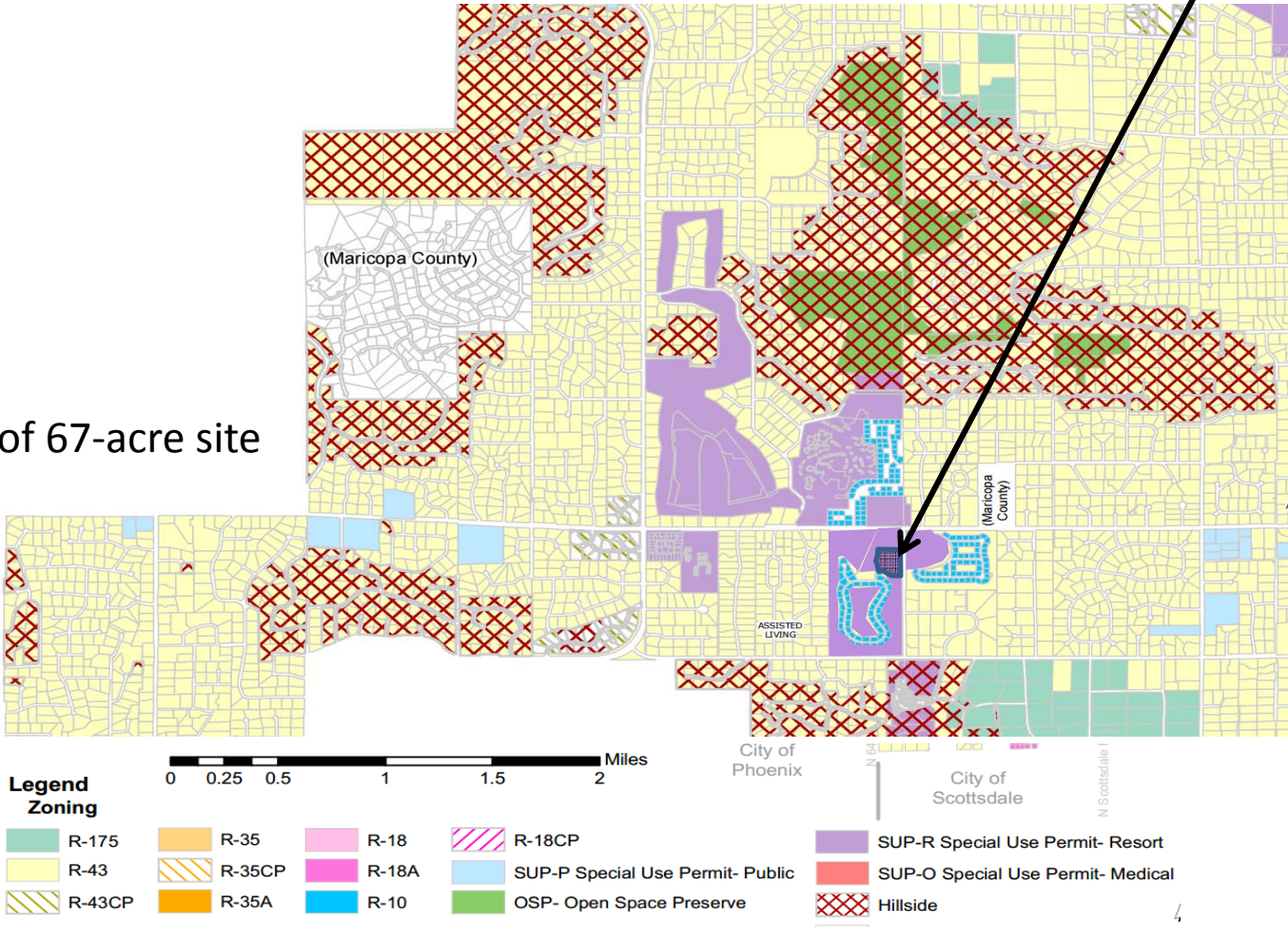
- Low Density Residential OR Resort/Country Club
- Private Open Space OR Resort/Country Club
- Very Low Density Residential
- Low Density Residential
- Medium Density Residential



# Zoning

7.1 acres of 67-acre site

Subject Property



**TOWN OF PARADISE VALLEY**  
**APPLICATION FOR PRELIMINARY PLAT**

PLEASE MARK THE APPROPRIATE BOX FOR APPLICATION.

PARCEL NO.: 169 - 30 - 095      DATE: 3 June 2015  
(County Tax Assessor Number)

NAME OF SUBDIVISION: The Villas at Mountain Shadows II

ADDRESS OR LOCATION OF PROPERTY: Southwest corner  
of 56th Street & Lincoln Drive

OWNER: MTS LAND, LLC % Green Realty & Development Inc.  
NAME  
18201 Von Karman Avenue # 950 (419) 476-2200  
ADDRESS      Irvine, CA 92612      PHONE #

AUTHORIZED AGENT: Fred E. Fleet, P.E.  
NAME  
% COB & VAN Loo  
4550 N. 12th Street, Phoenix, AZ 85014  
ADDRESS  
(602-264-6831)      602-264-0928  
PHONE #      FAX #

[Signature] MTS Land LLC Authorized Signatory June 3, 2015  
SIGNATURE OF REPRESENTATIVE

**APPLICATION FOR PRELIMINARY PLAT**

**(REQUIRED)**

PLEASE PROVIDE A NARRATIVE DESCRIPTION OF THE PROPOSAL. YOU MAY USE A SEPARATE 8 1/2" BY 11" SHEET IF NECESSARY.

SEE ATTACHED

**PLAN STATISTICS  
(REQUIRED)**

TOTAL AREA

1.94 AC

NUMBER OF LOTS

8

**CONCURRENT APPLICATIONS, IF ANY:**

GUARD GATES

YES

NO

PRIVATE ROADS

YES

NO

ROADWAY VACATION

YES

NO

**FOR OFFICE USE ONLY**

PRE APPLICATION CONFERENCE WITH STAFF DATE

APPLICATION SUBMITTED ON

APPLICATION FEE IN THE AMOUNT OF \$ DATE

RECEIPT NUMBER RECEIVED BY

APPLICATION FILE NUMBER

**The Villas at Mountain Shadows II  
Project Narrative**

This preliminary plat of the Villas at Mountain Shadows II is proposed as an 8 lot development. The proposed Resort Residential units will be designed to a consistent design theme with the Design Submittal for the Principal Resort Hotel approved by the Town in a letter dated January 16, 2015, subject to the variation in design, materials and building types as allowed by the SUP (Stipulation 48 (e)).

Each of the 8 lots is currently intended to be designed to accommodate one Resort Residential unit with not less than two parking spaces per Resort Residential unit provided. Parking spaces will be in garages, surface parking spaces or a combination of both. Additional guest parking will be provided within the development. The exact number of additional guest parking spaces will vary based on final civil drawings and current and future landscape plans. The Resort Residential units may be designed with a zero lot line and common elements. Each Resort Residential unit will comply with the allowable heights of the SUP.

Following approval of the preliminary plat, building plans will be processed with the Town which shall include a tabulation of actual Floor Area for each Resort Residential unit on each lot (and not the Floor Area of any other allowed elements of the Resort pursuant to Stipulation 43).

Signage for this platted area will comply with the Resort Sign Guidelines (Stipulation 29) to be submitted at a later date and approval by the Town Manger.

There are no existing structures in the area of the proposed plat.

The Owner reserves the right to re-plat all or any portion of the area encompassed by this plat.



# TOWN *Of* PARADISE VALLEY



---

PLANNING COMMISSION MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
SUMMARY MINUTES  
June 16, 2015

---

## 1. CALL TO ORDER

The meeting of the Town of Paradise Valley Planning Commission was called to order by Chairman Strom at 6:00 p.m.

## 2. ROLL CALL

George Burton called the roll, noting there was a quorum.

### *COMMISSIONERS PRESENT*

Dolf Strom, Chairman  
Richard Mahrle, Commissioner  
Thomas Campbell, Commissioner  
Jonathan Wainwright, Commissioner  
Scott Moore, Commissioner  
Daran Wastchak, Commissioner  
Jeff Wincel, Commissioner

### *COMMISSIONERS ABSENT*

### *COUNCIL PRESENT*

Michael Collins, Mayor  
Paul Dembow, Vice Mayor  
Mark Stanton, Council Member

### *STAFF PRESENT*

Andrew Miller, Town Attorney  
Eva Cutro, Community Development Director  
Paul Michaud, Senior Planner  
George Burton, Planner  
Duncan Miller, Town Clerk

## 3. EXECUTIVE SESSION. None

## 4. WORK STUDY SESSION

### A. Discussion of The Villas at Mountain Shadows II & III Preliminary Plats

Paul Michaud presented the topic per the staff action report. He noted that the two plats being discussed today are subsequent phases to the first phase of the 20 lots for the villa homes. Whereby, the preliminary plat for the first phase was approved by the Town Council in May 2015. He noted that the Planning Commission needs to take separate action on both applications and reviewed the stipulations.

Planning Commission discussion included the following:

- Commissioner Moore asked about the configuration of 56<sup>th</sup> Street and the alignment of the medians with the proposed exit onto 56<sup>th</sup> Street between Lots 28 and 29. Mr. Michaud replied that plats do not show the physical roadway improvements. He added that the access point was reviewed and approved by the Town Engineer. Commissioner Campbell suggested an overlay to show the street improvements. The applicant's engineer, Fred Fleet, explained the design and his correspondence with the Town Engineer. It was agreed that a graphic showing this exit and the actual roadway improvements can be provided.
- Chairman Strom inquired about the function of the access onto 56<sup>th</sup> Street between Lots 28 and 29, including why the access is proposed for exit only. The applicant, Rick Carpinelli, stated the exit only will limit the number of vehicles needing to exit at the guard house and will provide an emergency access point into the development. There was discussion regarding the type of access control mechanism and which lot owners will have access to this exit. The applicant has not determined the specific control mechanism or which lot owners will have access to this exit. However, whatever mechanism is used, it will not allow for public entry into the development from 56<sup>th</sup> Street. The mechanism used will allow for emergency access entry and exit. It was discussed that the main access for residents is to use Tract A through both the Mountain Shadows West guard house and the Villas guardhouse north onto Lincoln Drive or east onto 56<sup>th</sup> Street via East Village Drive.
- There was discussion on the internal circulation. The Commission reviewed with the applicant how the one way portion of East Via La Serena Drive will function and the reviewed the dead end roadway north of Tract E. The applicant explained that the grade difference on Tract E prohibits the connection of East Via La Serena Drive to East Valley Vista Lane.
- Commissioner Moore asked about the drainage report. Mr. Michaud explained that drainage report was reviewed by the Town Engineer. Mr. Carpinelli added that the Town Engineer reviewed both the preliminary and final drainage reports. He further explained that there will be underground storm water storage beneath Tract A of East Village Drive similar to East Village Drive on the east side of 56<sup>th</sup> Street.
- Commissioner Moore asked if there are updated will-serve letters for the utilities. Fred Fleet stated yes.
- Mr. Michaud reviewed the proposed stipulations. Commissioner Mahrle suggested adding a stipulation regarding providing a graphic with the Council approval that the configuration of 56<sup>th</sup> Street will align with the proposed exit onto 56<sup>th</sup> Street between Lots 28 and 29.

Chairman Strom closed the work session for this item at 6:30 p.m.

**5. PUBLIC HEARING.**

Chairman Strom stated there were no Public Hearing items on the agenda. He moved to hear the two action items on the preliminary plats of The Villas at Mountain Shadows II & III.

**6. ACTION ITEMS**

**A. Consideration of The Villas at Mountain Shadows II Preliminary Plat for 8 lots on approximately 1.94 acres located near the southwest corner of Lincoln Drive and 56th Street (PP 15-02)**

***Recommendation:*** Forwarded to the Town Council with a recommendation of **APPROVAL** with stipulations.

Chairman Strom asked for any public comments. Hearing none, he asked for Planning Commission discussion. Hearing none, he asked for a motion Planning Commission.

**Motion –Commissioner Mahrle moved to recommend approval with the following stipulations as outlined in the action report and one additional stipulation regarding the submittal of a graphic of the exit onto 56<sup>th</sup> Street. Commissioner Wincel seconded the motion and it passed unanimously by a vote of 7 to 0, subject to the following stipulations:**

1. The Final Plat for The Villas at Mountain Shadows II shall be in substantial compliance with the Preliminary Plat, The Villas at Mountain Shadows II & III, Sheets 1-2, prepared by Coe & Van Loo Consultants, Inc. dated June 4, 2015.
2. The Final Plat for The Villas at Mountain Shadows II shall include any and all necessary easements and/or tracts, including:
  - a. Easements and/or tracts for drainage within said plat that are consistent to the overall grading and drainage plans for the entire Special Use Permit (SUP) site, which shall be depicted on the Final Plat prior to recordation of said plat,
  - b. Easements and/or tracts for utilities, with said easements to be in the locations and widths as prescribed by the respective utility provider, with correspondence from said utility providers indicating that the identification of the final locations and widths of such easement(s) are in process given to the Town prior to Planning Commission recommendation of the Final Plat, and
3. Prior to recordation of the Final Plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review to insure that all CC&R terms required under the SUP or other recorded agreements are part of the

CC&Rs or other documents, including provision for maintenance of any drainage easements dedicated on the plat.

4. The final subdivision improvements shall be in substantial compliance with subdivision improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Plat, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.
5. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.
6. At the time said plat is submitted to Town Council, the applicant shall demonstrate through graphics and/or visuals that there is no conflict with the exit onto 56<sup>th</sup> Street of Tract C and the 56<sup>th</sup> Street improvements.

**Passed**

**For: 7; Against: 0; Abstain: 0; Absent: 0**

**B. Consideration of The Villas at Mountain Shadows III Preliminary Plat for 35 lots on approximately 5.20 acres located near the southwest corner of Lincoln Drive and 56th Street (PP 15-03)**

***Recommendation:*** Forwarded to the Town Council with a recommendation of **APPROVAL** with stipulations.

Chairman Strom asked for any public comments. Hearing none, he asked for Planning Commission discussion. Hearing none, he asked for a motion Planning Commission.

**Motion –Commissioner Mahrle moved to recommend approval with the following stipulations as outlined in the action report. Commissioner Campbell seconded the motion and it passed by a vote of 6 to 1, with Commissioner Wincel dissenting, subject to the following stipulations:**

1. The Final Plat for The Villas at Mountain Shadows II shall be in substantial compliance with the Preliminary Plat, The Villas at Mountain Shadows II & III, Sheets 1-2, prepared by Coe & Van Loo Consultants, Inc. dated June 4, 2015.

2. The Final Plat for The Villas at Mountain Shadows III shall include any and all necessary easements and/or tracts, including:
  - a. Easements and/or tracts for drainage within said plat that are consistent to the overall grading and drainage plans for the entire Special Use Permit (SUP) site, which shall be depicted on the Final Plat prior to recordation of said plat,
  - b. Easements and/or tracts for utilities, with said easements to be in the locations and widths as prescribed by the respective utility provider, with correspondence from said utility providers indicating that the identification of the final locations and widths of such easement(s) are in process given to the Town prior to Planning Commission recommendation of the Final Plat, and
3. Prior to recordation of the Final Plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review to insure that all CC&R terms required under the SUP or other recorded agreements are part of the CC&Rs or other documents, including provision for maintenance of any drainage easements dedicated on the plat.
4. The final subdivision improvements shall be in substantial compliance with subdivision improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Plat, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.
5. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.

**Passed**

**For: 6; Against: 1; Abstain: 0; Absent: 0**

## **7. WORK STUDY SESSION**

Chairman Strom moved to reconvene the work study session at 6:35 p.m.

### **A. Discussion of a minor amendment to the Special Use Permit for Phoenix Country Day School located at 3901 E Stanford Drive to allow for various signs (SUP 15-02).**

Paul Michaud presented the topic per the staff action report.

Planning Commission discussion included the following:

- Chairman Strom and Commissioner Wastchak asked about the difference between the maximum three signs at 45 square feet in the Special Use Permit (SUP) and the SUP Guideline of one ground sign for each entrance at 32 square feet. Mr. Michaud stated that the SUP stipulation reflects the 1985 approval, which is likely a modification of said SUP Guideline. He added that the SUP stipulation is a requirement that must be followed, unless changed via an amendment to the school's SUP. Whereas, the SUP Guidelines are used to evaluate the proposed signs of this amendment to the SUP.
- Chairman Strom asked what part of the donor monument is considered a sign and what part is considered an accessory structure. Mr. Michaud replied that the area of the lettering is considered the sign since the structure with the donor names is not itself a sign. He added that this method of using the area of the lettering as the sign area is typically applied on signs placed on structures such as walls or buildings. Chairman Strom asked if a sign was not at this location, would a wall be allowed. Eva Cutro replied yes.
- Commissioner Campbell asked if the aquatic center sign will be illuminated all night long. Mr. Michaud replied that the applicant is agreeable to a stipulation that the illumination of the signs will be turned off between the hours of 9:30 p.m. and 5:30 a.m. He added that this timeframe mirrors the lighting at the aquatic center.
- Commissioner Campbell addressed the school name on the building signs. In his opinion, he supports including the name of the school on the signs since this will be many peoples first encounter on entering the campus from Camelback Road. Commissioner Moore agreed.
- Chairman asked if anyone from the public wanted to comment on this item. Seeing none, he moved onto the next item at 7:00 p.m.

**B. Discussion of the Ritz-Carlton Paradise Valley located at 7000 E Lincoln Drive (SUP-15-01).**

Eva Cutro presented the topic per the staff action report.

Planning Commission discussion included the following:

- Chairman Strom stated that he expects that the Commission will address the Statement of Direction (SOD) item tonight about whether the resort will negatively impact the view of the McDowell Mountains.
- Chairman Strom asked about the Scottsdale parcel. Eva Cutro explained that Town Council asked that this parcel be evaluated as if it is one parcel with Area E.
- Commissioner Wastchak asked about the 25-foot setback along the perimeter of the site. Eva Cutro explained that the Town's Open Space Criteria will apply, requiring a 60-foot setback in order to reach 24 feet in height.
- It was noted that Mayor Collins and Vice Mayor Dembow were present. Mayor Collins

thanked the Planning Commission for all the time they will put in this summer on this application. He noted that the Town Council is excited about this project and will welcome a world class addition to the resort community. He continued that he is confident in the Planning Commission being able to make a recommendation that will represent the quality and character of the Town. The Mayor introduced Vice Mayor Dembow, noting he is the Town Council liaison to the Planning Commission. Vice Mayor Dembow thanked the Commission for the hard work they are about to undertake and told the Commissioners to contact him with any questions.

- Discussion began on the SOD. Eva Cutro gave a brief review of all the SOD topics.
  - *Project Density*. Eva Cutro stated the SOD identifies an average of two dwelling units per acre. It was stated that density is calculated on the entire area, inclusive of roads. Also, it was noted that there can be smaller lots than one to one-half acres, with larger lots on the perimeter and smaller lots more internal to the site. Chairman Strom noted, depending on the application details, that the Planning Commission could consider a density a little greater than the 2.0 dwelling units per acre.
  - *View of the Broadstone Apartments*. Discussion followed on uses, vegetation, and three-story or four-story height as options to screen the view of the apartments in the City of Scottsdale.
  - *De-Annexation*. Eva explained some of the reasons the Town Council may consider de-annexation.
  - *Project Retail*. The Commissioners discussed how they are to determine if retail is viable. Chairman Strom gave an overview of a meeting he had with a former executive of Nordstrom in looking at the proposed retail who was positive about the retail, noting that the retail needs to have a presence off of Scottsdale Road. Commissioner Wastchak noted to the group that the Council discussion included having no residential in Area E, which did not make the cut into the final SOD.
  - *Rights-of-way*. There was discussion on Lincoln Road and the requirement for right-of-way dedication in lieu of the 25-foot easement allowed with the 2008 SUP. This discussion included the need to look at what elements will need to be required of the applicant since Lincoln Drive is a Visually Significant Corridor. Also, the discussion included potential improvements to Mockingbird Lane and Indian Bend Road.
  - *Traffic/Parking Study*. Eva Cutro noted that the applicant will be providing full studies. Chairman Strom stated that the traffic study will need to include the development in Scottsdale and the traffic impact out to Tatum Boulevard.
  - *Grading/Drainage Study*. Commissioner Mahrle suggested requiring a grading and drainage study may be pre-mature with the density and other changes contemplated by the SOD. Commissioner Wincel agreed.
  - *Branding*. Council Member Stanton provided information regarding the branding of the Town.
  - *Water*. Commissioner Wastchak pointed out that during the Town Council discussion of the SOD there was public comment regarding potable water supply

and the potential cost impact to other EPCOR water users related to required water utility improvements. General consensus was that this item is a development agreement item and EPCOR should provide the Town information on what type of improvements may be needed.

- *Process.* It was reviewed that the SOD is direction by the Town Council and not a mandate. Overall, the Commissioners felt comfortable reviewing the resort component since the Town Council did not seriously question this component in the SOD. Several Commissioners noted that the changes in the submitted application will likely occur along the perimeter of the site and not so much in the resort area.
- Discussion moved to the series of main resort buildings, including the height and potential impact of views of the McDowell Mountains.
  - Benjamin Graff with Withey Morris, Richard Frazee with Five Star Development, and Peter Mason with Mason Architects explained the scope of the project. This included the following:
    - Explanation of various design requirements to comply with the Ritz Carlton brand such as a 26-foot high interior ballroom clearance and 20-foot high interior junior ballroom clearance.
    - Description that the main resort buildings itself include no hotel rooms.
    - Explanation of the grading of the resort area.
      - The approximate 125-foot by 600-foot ground area between the lobby and spa with the pools will be cut from two to six feet below the existing grade.
      - Fill will be added to create various tiers flanking the sides of the pool area where the mostly single-story hotel casitas will be located. This fill will range between zero and 22 feet in height. The tallest fill is located closer to the main resort building.
      - The access from Lincoln Drive to the motor court of the hotel will slowly increase in grade such that the entrance will appear at grade but is technically the second level of the structure. Lincoln Drive is at an approximate 16-foot elevation and the motor court is at a 34-foot elevation.
      - All fill will be taken from cut dirt on the project site.
    - Description of the uses, including how the main hotel component with its associated casual dining is accessed off of Lincoln Drive and the banquet ballroom/meeting/specialty dining component is accessed off the Scottsdale Road access.
    - Views of a 3-D model showing the different levels of the building, noting that all parking will be via a valet service, located primarily within the underground parking and that said underground parking areas are connected between the hotel and hotel villas.
  - The Commissioners made several comments and heard from the applicant an explanation regarding how the circulation of the site will work. This included an explanation of the internal roadway connection should it be necessary to direct



persons arriving at the hotel motor court to the banquet function drop off, concerns about traffic on Indian Bend Road, and the location of valet access points into the underground parking areas.

- The applicant showed renderings of the potential impact to the view of the McDowell Mountains. The comments included:
  - A request to show an illustration(s) with the perimeter wall, landscaping, and homes located in Area C to illustrate how these structures may impact the views.
  - Benjamin Graff noted that the intent of the illustration shown was to address the SOD concern of whether the lobby height impacts the view of the McDowell Mountains. Chairman Strom stated that the illustration answers the question that the lobby building will not block the McDowell Mountains.
- Commissioner Mahrle inquired where deliveries and garbage will be placed. The applicant explained this will be within an enclosed structure near the banquet area.
- There was discussion on the open air courtyard area between the ballrooms and how this space can function for different events at the same time providing flexibility. Discussion continued regarding how the resort design must comply with the many Ritz Carlton design standards.
- The applicant reviewed the site specific attributes of the project regarding the 200 hotel keys that includes a 40-percent suite ratio that is higher than typical Ritz Carlton projects.
- Commissioner Wastchak asked how guests will access the casitas since the design is to place the casitas on different tiers around the main resort buildings. The applicant replied there will be golf cart service to shuttle guests around the site.
- There was discussion on the glazing of the windows to manage the setting sun. The applicant replied the design will include motorized blinds.
- The Planning Commission and the applicant had a lengthy discussion on the proposed roof top trellis area above the lobby. This discussion included the following:
  - Concern that the height to the top of the columns and retractable trellis at 58 feet exceeds the 48-foot height mentioned in the SOD. Discussion ensued on the necessary heights of the proposed elevator shafts, whether only stair access to the roof top might be provided, the design standard of Ritz Carlton in using cable elevators over hydraulic elevators related to the necessary clearance above the roofline, the wall projections above the roof tying into the overall architecture of the series of buildings, and identifying how this height does not comply with the Resort SUP Guidelines. Overall, most of the Commissioners felt the rooftop use could be beneficial to the project. The Planning Commission noted that a 58-foot height is much higher than allowed by the Town in the past. However, five of the Commissioners could consider this height based on the large 105-acre size of the project, extra height at the center of the

property, and depending upon the changes the applicant makes to the other components in the SOD. These changes might include how the applicant reduces the overall density and the design changes along the perimeter of the site. Commissioners Campbell and Moore still felt the height is significant and rooftop use will negatively impact the neighborhood. Commissioner Campbell stated a story pole(s) or other means to install a temporary structure to gauge the height would be helpful.

- Commissioners Moore and Campbell raised concern about the impact of noise on adjacent residences outside the project with the use of the space for events. It was noted that stipulations to limit the type of events, amplified sound, and limit the hours to cease use of the roof top could be used to mitigate noise impact. It was suggested the applicant provide a noise assessment.
- Eva Cutro noted concern over lights on the rooftop and impact in views off the property.
- The Planning Commission reviewed the applicant's proposed timeline of topics. Commissioner Wincel noted that he would prefer to see the density discussion moved to an earlier date. Also, it was noted some of the topics may need to be combined or continued to subsequent meetings. The Commissioners who will not be present at the July 7, 2015 meeting includes Commissioners Marhle, Wainwright, and Campbell. Commissioners Marhle and Campbell noted they can phone in if needed. Commissioner Wincel noted he will be unable to attend the meeting on July 21, 2015.

## 8. CONSENT AGENDA

A. Minutes from the April 21, 2015 Planning Commission Meeting

**Motion –Commissioner Wainwright moved to approve the Consent Agenda.  
Commissioner Wastchak seconded the motion**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

## 9. STAFF REPORTS

- George Burton gave an update on the Hillside Building Committee Rotation.

## 10. COMMISISON REPORTS

- Commissioner Wincel stated that he is against de-annexation on the Ritz Carlton SUP application.
- Commissioner Mahrle noted that if Area E is de-annexed, the Town will have shared tax revenue, etc.
- Commissioner Wincel also inquired as to why hillside homes have to have fire sprinklers in attic and flat lands lot do not.

## **11. FUTURE AGENDA ITEMS**

- Paul Michaud provided an update on the future agenda items.

## **12. ADJOURNMENT**

Commissioner Mahrle moved to adjourn the meeting at 10:06 p.m. Commissioner Wainwright seconded the motion and it passed unanimously.

---

Eva Cutro, Secretary

## Paul Michaud

---

**From:** Robert Lee  
**Sent:** Friday, July 24, 2015 11:23 AM  
**To:** Paul Michaud  
**Cc:** Eva Cutro; Fred Fleet  
**Subject:** Will serve letter

Hi Paul,

As the Fire Marshal of the Town, I have previously required a fire flow test for the Villas at Mountain Shadows and the water is available for fire suppression. No action is required of the engineer to address fire protection.

FYI,  
Bob



---

June 8, 2015

Re: Mountain Shadows Villas II and III

Dear Planning Commission Members;

The plat for Mountain Shadows Villas II and III has been reviewed and meets the requirements of the 2012 International Fire Code.

Sincerely,  
Robert D Lee  
Fire Marshal

# **WATER CORRESPONDENCE**

## Paul Michaud

---

**Subject:** UPDATE: Villas at Mtn Shadows Plats - Paradise Valley (EPCOR "Not Guarantee Language)

**From:** Finke, Brad [<mailto:bfinke@epcor.com>]  
**Sent:** Wednesday, August 12, 2015 11:21 AM  
**To:** Paul Michaud  
**Subject:** FW: Villas at Mtn Shadows Plat - Paradise Valley

Paul:

Josh forwarded your e-mail to me for review and response. Item 3 in EPCOR's "will-serve" letter dated January 26, 2015, regarding water service for the Villas at Mountain Shadows includes the sentence "Please note that EPCOR does not guarantee the adequacy of its water capacity for fire protection." This statement is standard language that we include in all of our "will-serve" letters and it typically catches the attention of developers and municipalities.

The basis of this disclaimer is that EPCOR is a regulated utility that provides water service to the public in compliance with State law. As a utility that is regulated by the Arizona Corporation Commission, EPCOR does not provide fire protection services and does not warrant, guarantee or represent that any water utility services provided will comply with any fire-protection requirements of any governmental agency, or of any county, municipal, or private fire protection providers. EPCOR will allow public and private fire protection providers to use water from our system for fire-fighting purposes, provided that our normal system demands are first met and water system pressure is not decreased to less than 20 pounds per square inch. The requirement to maintain a minimum standard delivery pressure of 20 pounds per square inch is provided in the Arizona Administrative Code for all water utilities. The rules and regulations do not require water utilities to provide sufficient water capacity for fire protection.

EPCOR's letter dated May 8, 2015, regarding fire flow availability for Mountain Shadows states that "based on the hydraulic modeling results of the proposed water lines, Mountain Shadows West will receive fire flows in the range of 2,064 gpm to 2,124 gpm at the required residual zone pressure of 20 psi." We are confident that the fire flows will indeed be between 2,064 gpm to 2,124 gpm under the conditions mentioned in the letter, including that the proposed water lines will be installed as shown in our hydraulic model. However, we cannot guarantee that these fire flows will be available at all times, such as when a line break occurs, or if water demands significantly change with increased development over time, or when maintenance is being performed on the water system, or during times of local emergencies or disasters that require a disruption in service.

I hope this helps to clarify the language that we use in our letters. If you have any further questions on this matter, please let me know.

The logo for EPCOR WATER, featuring the text "EPCOR WATER" in white, bold, sans-serif capital letters on a black rectangular background.

Brad Finke, P.E.  
Engineering Manager  
**EPCOR Water**  
2355 W. Pinnacle Peak Road, Suite 300  
Phoenix, AZ 85027

O 623.445.2402

[epcor.com](http://epcor.com)

This message and any attachments are solely for the use of the intended recipients. They may contain privileged and/or confidential information, attorney work product or other information protected from disclosure. If you are not an intended recipient, you received this email in error, and any review, dissemination, distribution or copying of this email or any attachment is strictly prohibited. If you received this email in error, please delete the message and any attachment from your system and contact the sender. Thank you for your cooperation.

---

**From:** Paul Michaud [<mailto:pmichaud@paradisevalleyaz.gov>]  
**Sent:** Friday, August 07, 2015 1:40 PM  
**To:** Vig, Joshua  
**Subject:** Villas at Mtn Shadows Plat - Paradise Valley

Josh:

I have been asked by the Paradise Valley Planning Commission to clarify some language on correspondence provided by EPCOR regarding the proposed subdivision villa plats at Mountain Shadows (APN 169-30-103, 169-30-104 and 169-30-105). I need to provide this update in my staff report for an upcoming hearing due out at the end of August. The Paradise Valley Planning Commission reviewed some of these plats at their July meeting. They asked to get clarification on text written in the attached January 26, 2015 EPCOR correspondence. Specifically, Item 3, which states "Please note that EPCOR does not guarantee the adequacy of its fire capacity for fire protection." The confusion or uneasiness by our Planning Commission was that EPCOR verified the capacity to service the subject site with a fire flow pressure of 2,064 gpm to 2,124 gpm, which is more than the minimum Town required 1,500 gpm flow rate at the residual zone pressure of 20 psi. It was assumed that the "not guarantee" language added in the EPCOR correspondence may be a new standard disclaimer, might relate back to the circumstance that fire flow testing is a model and done without the benefit of the specifics for the actual structures that will be built, and/or some other reasoning. I would appreciate if you, or another appropriate representative from EPCOR, could clarify the reasoning for the inclusion of this "not guarantee" language for me to report back to the Planning Commission. Staff is comfortable with the EPCOR correspondence, as evidenced by the attached correspondence from our Fire Marshal. However, the appointed/elected officials would like further comfort level by EPCORs clarification of this matter. I appreciate your time on this inquiry.

Regards,

Paul E. Michaud, AICP  
Senior Planner  
6401 E Lincoln Drive  
480-348-3574 (phone)  
480-483-1811 (TDD)  
[pmichaud@paradisevalleyaz.gov](mailto:pmichaud@paradisevalleyaz.gov)





2355 West Pinnacle Peak Road, Suite 300  
Phoenix, AZ 85027 USA  
[epcor.com](http://epcor.com)

July 16, 2015

Town of Paradise Valley  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

**RE: The Final Plat for the Villas at Mountain Shadows**

EPCOR has reviewed the project for the Final Plat for the Villas at Mountain Shadows, a resubdivision of Lot 132 of Mountain Shadow Resort Unit 2 – Amended VII. EPCOR has no issue with the Final Plat as well as the construction plans for water service. The PUE to be dedicated is adequate for our utility service, per our Project Manager Josh Vig. Therefore, EPCOR has no objection.

Please feel free to contact me with any questions or concerns at 623-780-3777 or email at [kdotray@epcor.com](mailto:kdotray@epcor.com)

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Dotray". The signature is fluid and cursive, written over the printed name.

Kimberly Dotray  
Real Property Manager



2355 West Pinnacle Peak Road, Suite 300  
Phoenix, AZ 85027 USA  
epcor.com

May 8, 2015

Fred E. Fleet  
Coe and Van Lee Consultants, Inc.  
4550 North 12<sup>th</sup> Street  
Phoenix, Arizona 85014

Dear Mr. Fleet,

This letter is to inform you that an analysis of the fire flow availability for the proposed Mountain Shadows West has been completed.

The analysis was performed using the hydraulic model for EPCOR Water's Paradise Valley water district, prepared by EPCOR. This model was last calibrated in 2010 and has been updated as necessary. The model is believed to be an accurate representation of the water system within a reasonable margin of error.

According to the plans submitted to EPCOR, the water lines proposed for Mountain Shadows West will be located in the northeast portion of the existing Mountain Shadows Golf Course, which is positioned at the southwest corner of Lincoln Drive and 56<sup>th</sup> Street. The proposed water lines are shown in the attached diagram. The new water lines will be 8-inch ductile iron pipe; they will connect to the existing 12-inch pipe in Lincoln Drive and the 8-inch pipe in 56<sup>th</sup> Street.

The Town of Paradise Valley is requesting a minimum fire flow of 1,500 gpm at a residual pressure of 20 psi. Based on the hydraulic modeling results of the proposed water lines, Mountain Shadows West will receive fire flows in the range of 2,064 gpm to 2,124 gpm at the required residual zone pressure of 20 psi (see attachment). This analysis was performed using the maximum day demand scenario. The results show that there is adequate fire flow availability to satisfy the minimum flow requested by the Town. Please note that these are estimated values from a model, and actual field tests are expected to vary depending on system demand and other fluctuating conditions.

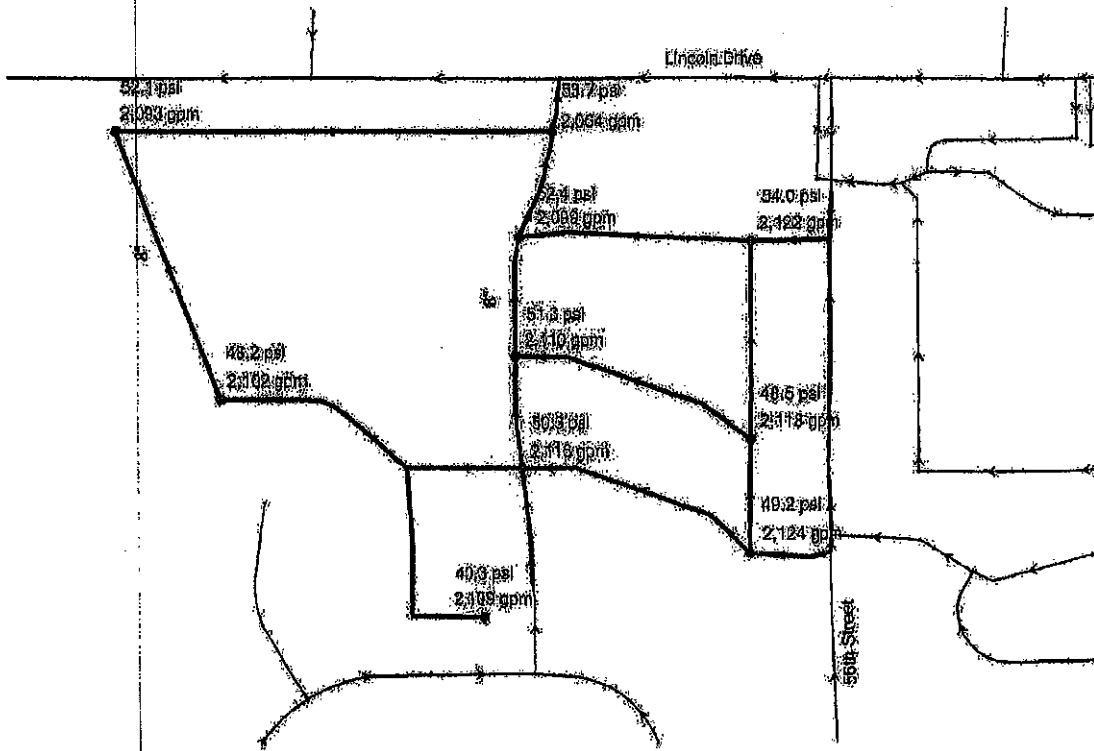
If you have any questions concerning the model or the analysis performed, please feel free to contact me.

Sincerely,

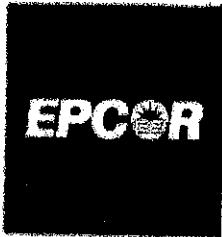
Gandace Coleman, PE  
Engineering Project Manager  
EPCOR Water

Attachment: Mountain Shadows West, Fire Flow Availability

**Mountain Shadows West**  
**Fire Flow Availability and Residual Pressure**  
**20 psi Minimum Zone Pressure**  
**Maximum Day Demand Scenario**



Prepared by EPCOR Water  
 Paradise Valley Working Model



2355 West Pinnacle Peak Road, Suite 300  
Phoenix, AZ 85027 USA  
epcor.com

January 26, 2015

MTS Land LLC  
18201 Van Karman Suite 950  
Irvine, CA 92812

Sent via e-mail to: [Fef\\_cvlci.com](mailto:Fef_cvlci.com)

Re: Will-Serve Letter for Water Service  
Villas at Mountain Shadows

To whom it may concern;

This letter is in response to Coe & Van Loo's request to EPCOR Water Arizona Inc. ("EPCOR") regarding EPCOR's willingness to provide water service to the Villas at Mountain Shadows (the "Development"). The Development is a residential project that encompasses approximately 9 acres and is located in the Town of Paradise Valley as shown in Exhibit A. EPCOR provides the following information for your consideration:

1. EPCOR has confirmed that the Development is located within the area encompassed by EPCOR's Certificate of Convenience & Necessity ("CC&N") as issued by the Arizona Corporation Commission.
2. Where new waterlines will be required to serve the Development, such water service to the Development by EPCOR will be conditioned upon the developer entering into a Main Extension Agreement (an "MXA") with EPCOR in a form acceptable to EPCOR, and upon the developer fully performing its obligations under the MXA. The MXA will provide, among other things, that the developer will be responsible for the cost to construct all water main extensions necessary to distribute water from EPCOR's existing system to the individual service line connections in the Development. The design and construction of all such main extensions will be subject to EPCOR's approval, and ownership of the main extensions, together with related real property easement rights, must be transferred to EPCOR prior to the initiation of water service in the Development.
3. Based on water service currently provided by EPCOR in the CC&N, EPCOR will have adequate water capacity for normal use in the Development upon developer's fulfillment of its obligations under the MXA. Please note that EPCOR does not guarantee the adequacy of its water capacity for fire protection.
4. Developer will be required, as a condition to EPCOR providing water service to the Development, to pay all required fees pursuant to EPCOR's then-current tariffs and as may be provided in the MXA.

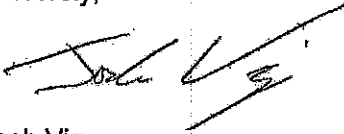
This letter assumes that construction of the main extensions within the Development will begin within one (1) year after the date of this letter.

If developer begins construction of any water mains in the Development or any other water service infrastructure intended to serve the Development without, in each instance, the prior written approval of such construction by EPCOR, developer will be proceeding with such construction at its own risk.

This letter does not independently create any rights or obligations in either developer or EPCOR, and is provided to developer for information only. Any agreement between developer and EPCOR for water service in the Development must be memorialized in a written agreement executed and delivered by their respective authorized representatives.

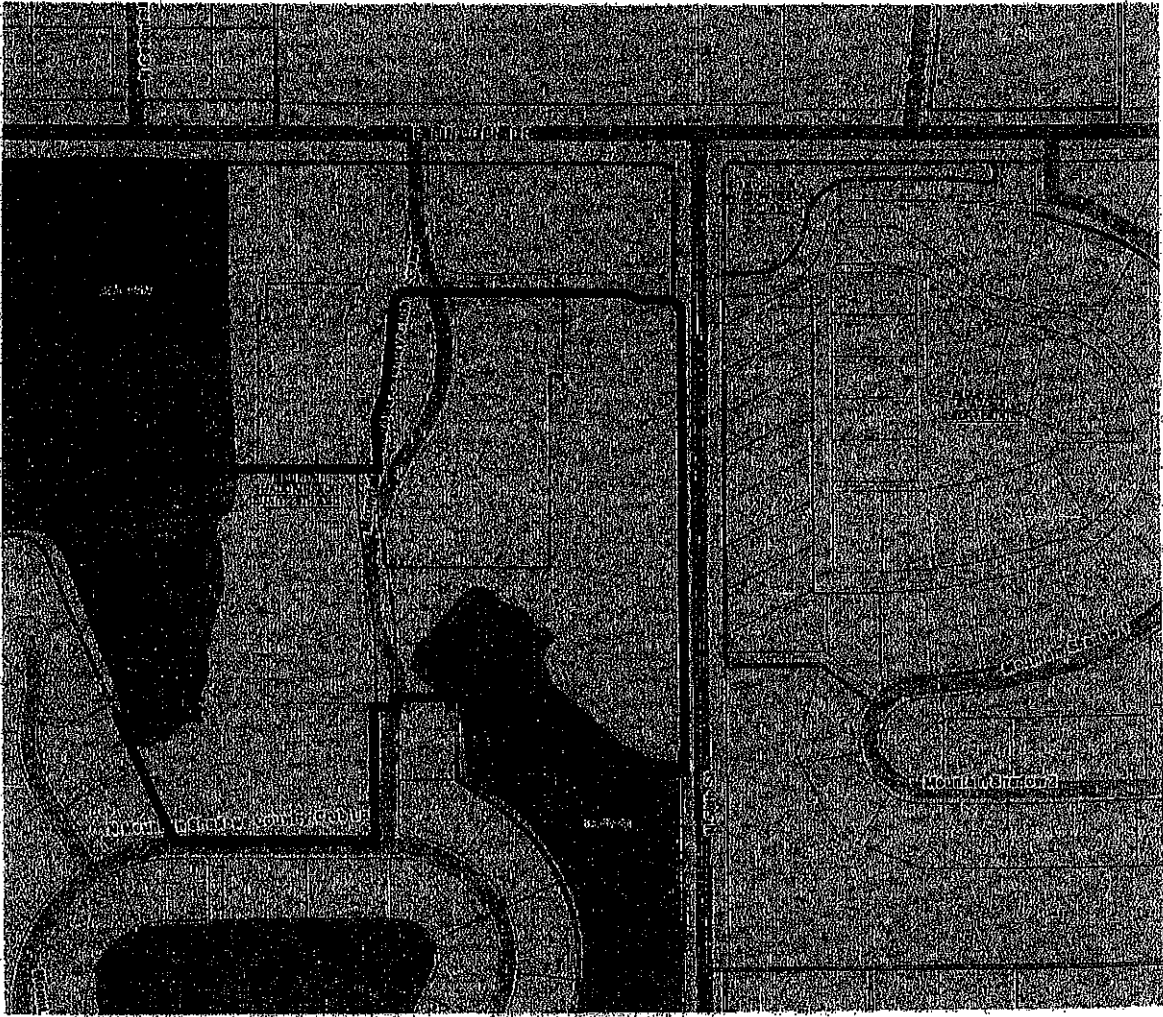
For additional information, please contact me at (623) 445-2495 or at [jvig@epcor.com](mailto:jvig@epcor.com)

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Vig", written over a horizontal line.

Josh Vig  
Project Manager

EXHIBIT A





**EPCOR**

2355 West Pinnacle Peak Road, Suite 300  
Phoenix, AZ 85027 USA  
epcor.com

January 15, 2015

Fred E. Fleet  
Coe and Van Loo Consultants, Inc.  
4550 North 12<sup>th</sup> Street  
Phoenix, Arizona 85014

Dear Mr. Fleet,

This letter is to inform you that an analysis of the fire flow availability for the proposed Villas at Mountain Shadows Resort has been updated.

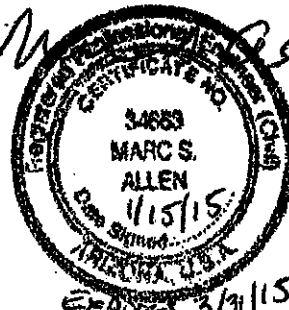
The analysis was performed using the hydraulic model for EPCOR Water's Paradise Valley water district, prepared by EPCOR. This model was last calibrated in 2010 and has been updated as necessary. The model is believed to be an accurate representation of the water system within a reasonable margin of error.

According to the plans Fleet-Fisher Engineer submitted to EPCOR, the water lines proposed for this phase of the Mountain Shadows Resort will be located in the northeast portion of the existing Mountain Shadows Golf Course, which is positioned at the southwest corner of Lincoln Drive and 56<sup>th</sup> Street. The proposed water lines are shown in the attached diagram. The new water lines will be 8-inch ductile iron pipe; they will connect to the existing 12-inch pipe in Lincoln Drive and the 8-inch pipe in 56<sup>th</sup> Street. There are six fire hydrants in the proposed plan.

The Town of Paradise Valley is requesting a minimum fire flow of 1,500 gpm at a residual pressure of 20 psi. Based on the hydraulic modeling results of the proposed water lines, the hydrants will receive a flow of 2,066 gpm to 2,137 gpm at the required residual zone pressure of 20 psi (see attachment). This analysis was performed using the maximum day demand scenario. The results show that there is adequate fire flow availability to satisfy the minimum flow requested by the Town. Please note that these are estimated values from a model, and actual field tests are expected to vary depending on system demand and other fluctuating conditions.

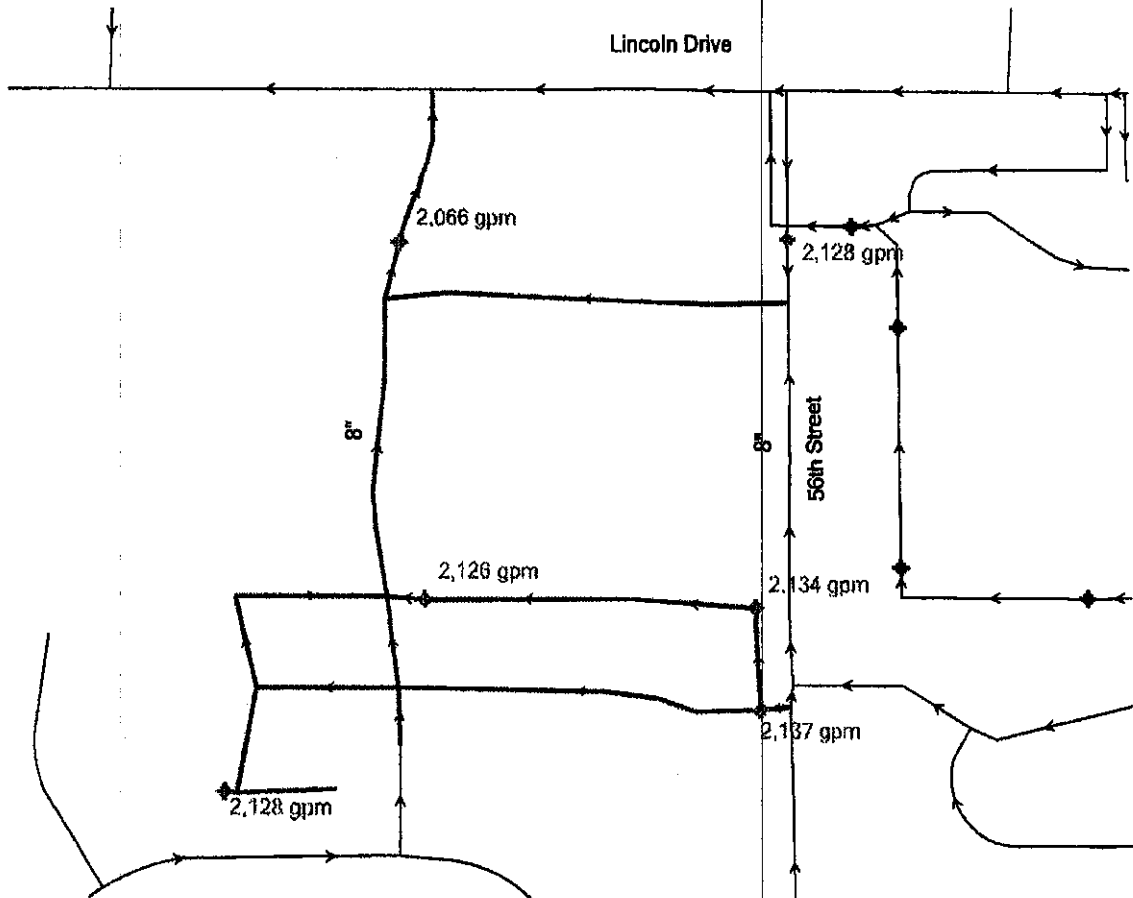
If you have any questions concerning the model or the analysis performed, please feel free to contact me.

Sincerely,  
*Candace Coleman*  
Candace Coleman, PE  
Engineer, Planning  
EPCOR Water



Attachment: Villas at Mountain Shadows Resort, Fire Flow Availability

**Villas at Mountain Shadows Resort**  
**Fire Flow Availability at 20 psi Minimum Zone Pressure**  
**Maximum Day Demand Scenario**



Prepared by EPCOR Water  
Paradise Valley Working Model



**STATE OF ARIZONA  
DEPARTMENT OF WATER RESOURCES  
CERTIFICATE OF ASSURED WATER SUPPLY**

This is to certify that

**MTS Land, LLC, a Delaware limited liability company, owner**

has met the requirements of A.R.S. §§ 45-576 and the applicable regulations, and

By powers vested in the Director of the Arizona Department of Water Resources by the State of Arizona, and subject to the conditions contained in the applicable regulations,

Is issued this Certificate of Assured Water Supply for

**Mountain Shadows Resort  
Township 2 North, Range 4 East, Section 8  
GSRB&M Maricopa County, PHOENIX Active Management Area**

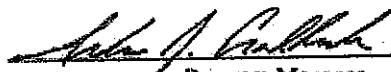
Sufficient water of adequate quality will be continuously available to satisfy the water demand of the referenced subdivision for at least one hundred years. The referenced subdivision consists of 178 lots as described in the preliminary plat on file with the Department, and has an estimated water demand of 36.42 acre-feet per year. The subdivision will be served groundwater by EPCOR - Paradise Valley.

This Certificate is invalid as to any entity not named above.  
This Certificate may be assigned pursuant to A.A.C. R12-15-705.

Certificate Number: 27-700797.0000



**ARIZONA DEPARTMENT OF WATER RESOURCES**

  
\_\_\_\_\_  
Program Manager

8/27/2014  
Date

TYPE A CERTIFICATE

# **SEWER CORRESPONDENCE**



**City Of Phoenix**  
Water Services Department  
Resource and Development Planning

June 8, 2015 (*letter revised*)

Fred Fleet, P.E.  
Coe and Van Loo  
4550 N 12<sup>th</sup> Street  
Phoenix, Arizona 85014

RE: Sewer Capacity for Mountain Shadows Redevelopment, Southwest corner of 56<sup>th</sup> Street and Lincoln Drive, Paradise Valley, Q.S. 21-40.

The request for sewer capacity and availability for the proposed re-development project has been reviewed. Based on the conceptual site plan it depicts the following:

1. 43 single family townhouse units
2. 20 single family townhouse units
3. 32 multi-unit condominiums
4. Re-development of 183 room hotel with 60,000 SF resort
5. 7000 SF restaurant

City of Phoenix affirms that sewer capacity is available to serve the proposed development. There is an 8-inch tap connection available at City of Phoenix manhole #406 in Lincoln Dr. The sewer shall remain as private but will connect to the City's 12-inch sewer main in Lincoln Drive.

Please call me at 602-495-7684 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Graham".

Lucy Graham  
Principal Engineering Technician  
Water Services Department  
Water Resource, Development & Planning

S:200dmshared/WRDP/letters/21-40 PV MountainShadowsReDev.doc

cc: Gary Griffith  
Jesse Flores



## City of Phoenix

WATER SERVICES DEPARTMENT  
DISTRIBUTION & COLLECTION ENGINEERING DIVISION

August 13, 2007

Fred Fleet, P.E.  
Fleet Fisher Engineering, Inc.  
4250 E Camelback Road, Suite 410K  
Phoenix, AZ 85018

Re: Mountain Shadows Redevelopment  
56<sup>th</sup> St and Lincoln Drive – Paradise Valley, AZ

Dear Mr. Fleet:

In accordance with R18-9-E301C, the City of Phoenix affirms that it has capacity in its downstream collection system and treatment plants for the volume of wastewater from the proposed sewer collection system of the subject project.

Please call me at 602-495-5407 if we can provide additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Shannon".

James F. Shannon, P.E.  
Civil Engineer III Team Leader  
Distribution and Collection Engineering

c: Gary Griffith

# **ELECTRIC CORRESPONDENCE**



ARIZONA PUBLIC SERVICE

Town of Paradise Valley  
c/o Ron Watson  
Dry Utilities Services Arizona  
4801 S. Lakeshore Dr.  
Suite 112  
Tempe, AZ 85282

**Ray Smith**  
*Survey & Row Representative*  
*Customer Construction East*

Mail Station 4031  
P.O. Box 53933  
Phoenix, AZ 85072-3933  
T: 602.493-4405  
F: 602.493-4429  
[R.Smith@aps.com](mailto:R.Smith@aps.com)

June 11, 2015

This is regarding the plans for The Final Plat For The Villas at Mountain Shadows, a resubdivision of Lot 132 of Mountain Shadow Resort Unit 2 - Amended VII. After reviewing the preliminary plat for The Villas at Mountain Shadows, Arizona Public Service does not see a problem with Tract B, Tract C and Tract D being dedicated to water, sewer, gas, electric, telephone and cable television utility providers. It is also understood that the purpose of this easement is to allow service to and from Lots 128, 128-A, 129, 131, 132(Future Lots 1-20), 133, 134, 135 and Tract "A" of Amended VII. This will be sufficient enough to place Arizona Public Service facilities in order to meet the needs of the customers of this development.

Please contact me at 602-493-4405 or by email at [r.smith@aps.com](mailto:r.smith@aps.com) with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Smith", with a stylized flourish at the end.

Ray Smith  
Survey/ROW Agent  
Arizona Public Service  
Customer Construction East



4612 E BELL RD  
PHOENIX, AZ 85032

4-29-15

Mr. Rick Carpinelli  
CROWN REALTY DEVELOPMENT  
5517 East Lincoln Drive  
Paradise Valley, AZ 85253

Re: Villas at Mountain Shadows

Dear Mr. Carpinelli,

The above referenced project is located in Arizona Public Service Company's electric service area. The Company extends its lines in accordance with the "Conditions Governing Extensions of Electric Distribution Lines and Services," Schedule 3, and the "Terms and Conditions for the Sale of Electric Service," Schedule 1, on file with the Arizona Corporation Commission at the time we begin installation of the electric facilities.

Application for the Company's electric service often involves construction of new facilities for various distances and costs depending upon customer's location, load size and load characteristics. With such variations, it is necessary to establish conditions under which Arizona Public Service will extend its facilities.

The enclosed policy governs the extension of overhead and underground electric facilities to customers whose requirements are deemed by Arizona Public Service to be usual and reasonable in nature.

Please give me a call at 602-493-4470 so that we may set up an appointment to discuss the details necessary for your project.

Sincerely,

*Harry O'Neill*

**Harry O'Neill**  
Customer Project Manager  
Customer Construction East

# **NATURAL GAS CORRESPONDENCE**





# **SOUTHWEST GAS CORPORATION**

July 16, 2015

Town of Paradise Valley  
c/o Ron Watson  
Dry Utility Services Arizona  
4801 S. Lakeshore Drive  
Suite 112  
Tempe, AZ 85282

To Whom It May Concern:

This is regarding the plans for the final plat for 'The Villas at Mountain Shadows', a re-subdivision of Lot 132 of Mountain Shadows Resort Unit 1 – Amended VII. After reviewing the preliminary plat, Southwest Gas Corporation doesn't see a problem with Tract B, Tract C and Tract D being dedicated to allow utilities the right to install and operate within those Tracts. It is understood that the purpose of this dedication is to allow service to and from the lots specified within the proposed plat. This dedication language will be sufficient to allow Southwest Gas to install its facilities subject to the future design and provided the design for installation is within the areas specified and there is adequate room within those areas.

Please contact me at 602-484-5281 or by email at [alis.gause@swgas.com](mailto:alis.gause@swgas.com) with any questions.

Respectfully,

*Alis Gause*

Alis Gause  
Analyst I, Right of Way  
Engineering & Project Support Staff  
Southwest Gas Corporation



# **SOUTHWEST GAS CORPORATION**

June 11, 2015

**Crown Realty Development  
Attn: Rick Carpinelli  
5517 E Lincoln Dr  
Paradise Valley AZ 85253**

**RE: Natural Gas Service: Villas at Mountain Shadows (56<sup>th</sup> St & Lincoln)**

In response to your recent inquiry concerning the availability of natural gas to the above location, Southwest Gas Corporation is the natural gas supplier for this area. Gas can be extended to this subdivision from our gas main along Mountain Shadows Country Club Access Rd. Please keep in mind there is an existing service and meter on site with address of 5525 E Lincoln Dr Paradise Valley AZ 85253 that will need to be removed and abandoned.

Natural gas is available to serve this project in accordance with our Rule Six as filed with the Arizona Corporation Commission. We extend our facilities based on economic justification. Without reviewing a preliminary engineering plan for this project, we cannot, at this time, determine what fees would be required from the developer. We are interested in serving this project with the preferred fuel, natural gas, and look forward to hearing from you as plans progress.

If you have any questions regarding our policies or procedures, please contact me at 602-818-1891.

Sincerely,

Jeff Shelton  
Energy Advisor  
Central Arizona Division

# **CABLE CORRESPONDENCE**



Town of Paradise Valley  
c/o Ron Watson  
Dry Utilities Services Arizona  
4801 S. Lakeshore Dr.  
Suite 112  
Tempe, AZ 85282

June 26, 2015

This is regarding the plans for The Final Plat for the Villas at Mountain Shadows, a re-subdivision of Lot 132 of Mountain Shadow Resort Unit 2 - Amended VII. After reviewing the preliminary plat for The Villas at Mountain Shadows, Cox does not see a problem with Tract B, Tract C and Tract D being dedicated to water, sewer, gas, electric, telephone and cable television utility providers. It is also understood that the purpose of this easement is to allow service to and from Lots 128, 128-A, 129, 131, 132 (Future Lots 1-20), 133, 134, 135 and Tract "A" of Amended VII. This will be sufficient enough to place Cox facilities in order to meet the needs of the customers of this development.

Please contact me at 602-694-1418 or by email at [zachary.killin@cox.com](mailto:zachary.killin@cox.com) with any questions or concerns.

Sincerely,

*Zach Killin*

**Zach Killin**

Cox Communications  
Construction Planner  
[zachary.killin@cox.com](mailto:zachary.killin@cox.com)  
1550 W. Deer Valley Rd  
Phoenix Arizona 85027  
Cell - 602-694-1418



1550 W Deer Valley Road  
Phoenix, AZ 85027

April 16<sup>th</sup>, 2015

Mr. Rick Carpinelli  
CROWN REALTY DEVELOPMENT  
5517 East Lincoln Drive  
Paradise Valley, AZ 85253

Project: Villas at South Mountain

To Whom It May Concern:

This letter is to confirm that Cox Communications is a licensed telecommunications provider for the above area located in Maricopa County. Service to a development with public streets and public utility easements, meeting the density requirement as stipulated in the license with the County, will be provided at no cost to the developer. Should the project not meet the density requirement, a capital contribution program is available.

For private communities (whether gated or not), our standard easement agreement will be required. Otherwise the same procedures apply. The developer also has the option of providing service to the community at a reduced rate under the bulk discount program. If you're interested, please contact me for additional information on the program.

Upon receipt of the appropriate trench maps and placement time lines, Cox Communications will place its facilities in the joint utility trenches. For the preliminary information and/or the service are map, please call our Cox Traffic Management Center at 623-328-3554.

Sincerely,

*Daniel Weryzynski*

Daniel Weryzynski  
Account Executive  
Phone 623-328-6701

# **INTERNET CORRESPONDENCE**



100 Centurylink Dr.  
Mailstop 3TCW089.2  
Monroe, LA 71203

June 11, 2015

Town of Paradise Valley  
c/o Ron Watson  
Dry Utilities Services Arizona  
4801 S. Lakeshore Dr.  
Suite 112  
Tempe, AZ 85282

To Whom It May Concern:

This is regarding the plans for The Final Plat For The Villas at Mountain Shadows, a re-subdivision of Lot 132 of Mountain Shadow Resort Unit 2 – Amended VII. After reviewing the preliminary plat for For The Villas at Mountain Shadows, CenturyLink does not see a problem with Tract B, Tract C and Tract D being dedicated to water, sewer, gas, electric, telephone and cable television utility providers. It is also understood that the purpose of this easement is to allow service to and from Lots 128, 128-A, 129, 131, 132(Future Lots 1-20), 133, 134, 135 and Tract "A" of Amended VII. This will be sufficient enough to place CenturyLink facilities in order to meet the needs of the customers of this development.

Please contact me at 318-330-6894 or by email at [michael.pietlukiewicz@centurylink.com](mailto:michael.pietlukiewicz@centurylink.com) with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Pietlukiewicz".

Michael Pietlukiewicz  
Network Real Estate



**CenturyLink™**

CenturyLink Engineering  
135 W. Orion St. 1<sup>st</sup> Floor  
Tempe, AZ 85283  
BICS@Centurylink.com

April 14, 2015

Mr. Rick Carpinelli  
CROWN REALTY DEVELOPMENT  
5517 East Lincoln Drive  
Paradise Valley, Arizona 85253

RE: Villas at Mountain Shadows

Mr. Carpinelli,

The above mentioned project is located in a parcel of land located in Section 8, Township 2N and Range 4E in Maricopa County.

In response to your "Service Availability" request for the above mentioned development located at the southwest corner of Lincoln Drive and 56<sup>th</sup> Street, Paradise Valley, AZ, this letter is to acknowledge that this subject property is within CenturyLink serving territory.

The tariff Rates and Regulations prescribed for service for this area are on file with your State Utilities Commission, and may be examined at your local CenturyLink Business Office.

Sincerely,

Ronijean Grant-Sloan  
CenturyLink Supervisor Construction/Engineering Permits/Joint Use/Developer Administration  
135 W Orion Street, 1st Floor  
Tempe, AZ 85283  
480/768-4294 (Office)  
480/748-1352 (Cell)



# FINAL MAP

## "MOUNTAIN SHADOW RESORT UNIT 2 - AMENDED VII"

A LOT LINE ADJUSTMENT OF LOT 128 OF "MOUNTAIN SHADOW RESORT UNIT 2 AMENDED" AS RECORDED IN BOOK 95 OF MAPS, PAGE 3 M.C.R. & LOT 128-A, LOT 129, LOT 131, LOT 132, LOT 133, LOT 134, LOT 135 AND TRACT "A" OF "MOUNTAIN SHADOW RESORT UNIT 2 - AMENDED VI" AS RECORDED IN BOOK 1210 OF MAPS, PAGE 31 M.C.R. AND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

### ZONING:

EXISTING ZONING - SUP - RESORT

### UTILITY PROVIDERS

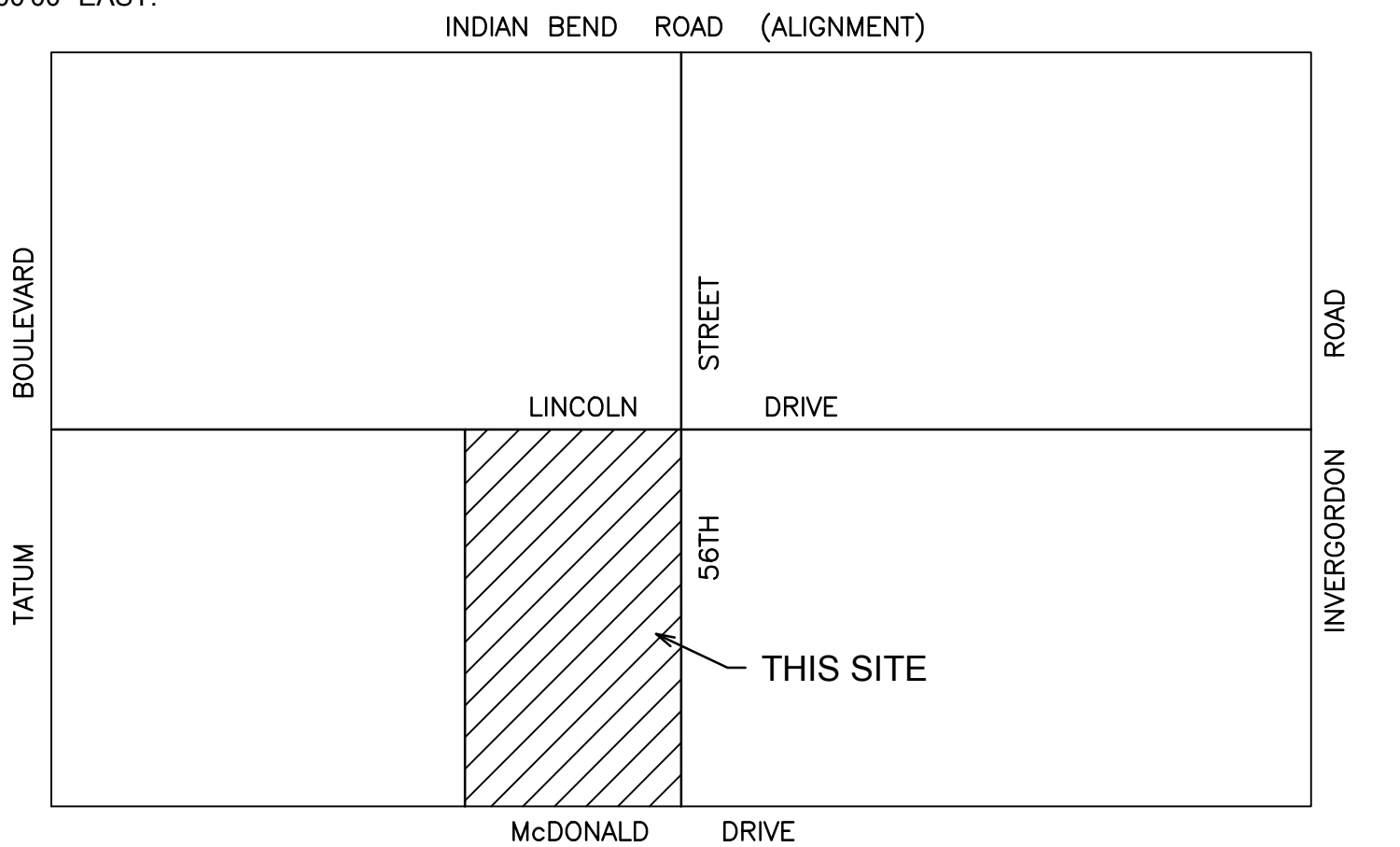
WATER - EPCOR WATER  
SEWER - CITY OF PHOENIX  
ELECTRIC - ARIZONA PUBLIC SERVICE  
TELEPHONE - CENTURYLINK  
GAS - SOUTHWEST GAS  
CABLE TELEVISION - COX COMMUNICATIONS

### ENGINEER

COE & VAN LOO CONSULTANTS  
4550 NORTH 12TH STREET  
PHOENIX, ARIZONA 85014  
PHONE: (602) 264-6831  
FAX: (602) 264-6831  
CONTACT: FRED E. FLEET, P.E.

### BASIS OF BEARING

THE NORTH LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 8, T. 2 N., R. 4 E. USING A BEARING OF NORTH 90°00'00" EAST.



### VICINITY MAP

(NOT-TO-SCALE)

### SHEET INDEX

- 1 - COVER
- 2 - DETAILS, AREA TABLE, AND LEGEND
- 3 - FINAL MAP

### ACKNOWLEDGEMENT

STATE OF ARIZONA )  
 )SS  
COUNTY OF MARICOPA )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED KRISTOPHER L. HARMAN, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

### ACKNOWLEDGEMENT

STATE OF CALIFORNIA )  
 )SS  
COUNTY OF ORANGE )

ON \_\_\_\_\_, BEFORE ME, ANN M. VERA, A NOTARY PUBLIC, PERSONALLY APPEARED ROBERT A. FLAXMAN, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

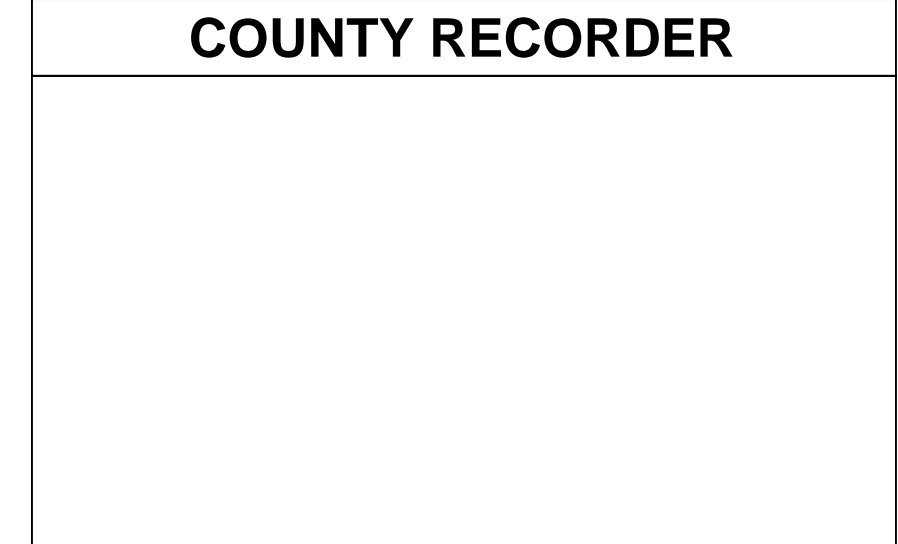
SIGNATURE \_\_\_\_\_  
ANN M. VERA

### APPROVALS

APPROVED BY THE TOWN ENGINEER AND THE PLANNING DIRECTOR OF THE TOWN OF PARADISE VALLEY, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ OF 2015.

BY: \_\_\_\_\_  
TOWN ENGINEER

\_\_\_\_\_  
PLANNING DIRECTOR



### DECLARATION - CONTINUED

AN EASEMENT FOR RELOCATED UNDERGROUND SEWER LINES (LISTED IN NO. 9 AND NO. 10 IN THE EASEMENT SCHEDULE) IS HEREBY DEDICATED TO SEWER UTILITY PROVIDERS UNDER AND ACROSS LOT 128-A, LOT 129, AND 131 AS DEPICTED HEREON FOR THE INSTALLATION, MAINTENANCE, REPAIR AND REMOVAL OF UNDERGROUND PRIVATE SEWER LINES PURSUANT TO THAT CERTAIN SEWER EASEMENT RELOCATION AND MAINTENANCE AGREEMENT RECORDED IN RECORDING NO. 2013-1074865, M.C.R. (THE "SEWER EASEMENT AGREEMENT"). THE UNDERGROUND EASEMENT ALSO INCLUDES AN EASEMENT FOR ANY ABOVE-GROUND FACILITIES REQUIRED BY SEWER UTILITY PROVIDERS IN CONNECTION WITH THE UNDERGROUND SEWER LINES. MAINTENANCE OF THE AREA SUBJECT TO THE FOREGOING EASEMENT SHALL BE THE RESPONSIBILITY OF THE LOT OWNER OR ASSOCIATION, AS DETERMINED BY THE ASSOCIATION, AND AS SET FORTH IN AND SUBJECT TO THE SEWER EASEMENT AGREEMENT, PROVIDED THAT AFTER ANY INSTALLATION, MAINTENANCE, REPAIR, OR REMOVAL, ANY SEWER UTILITY PROVIDER THAT DISTURBS THE SURFACE OR SUBSURFACE OF THE GROUND SHALL BE RESPONSIBLE FOR RESTORING SUCH AREA TO SUBSTANTIALLY THE CONDITION THAT EXISTED PRIOR TO SUCH DISTURBANCE. THIS EASEMENT FOR RELOCATED SEWER LINES IS IN ADDITION TO THE UTILITY CORRIDOR EASEMENT GRANTED IN THE MOUNTAIN SHADOWS WEST DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED IN RECORDING NO. 2015-0109960, M.C.R., AND AMENDED IN RECORDING NO. 2015-\_\_\_\_\_, M.C.R., (THE "WEST DECLARATION") WHICH IS ALSO LISTED IN NO. 9 IN THE EASEMENT SCHEDULE. UPON THE RELOCATION OF SEWER LINES FROM THE EASEMENT LISTED AS NO. 8 IN THE EASEMENT SCHEDULE TO THE EASEMENT FOR RELOCATED SEWER LINES LISTED IN NO. 9 AND NO. 10 IN THE EASEMENT SCHEDULE, AND UPON COMPLIANCE WITH SECTION 1.2 OF THE SEWER EASEMENT AGREEMENT, THE EASEMENT LISTED AS NO. 8 IN THE EASEMENT SCHEDULE AND AS DEPICTED HEREON SHALL BE ABANDONED IN THE FUTURE AND ANY EASEMENT FOR SEWER PURPOSES AS IT PERTAINS TO THE UTILITY EASEMENT DEPICTED AS NO. 8 HEREON SHALL BE AUTOMATICALLY TERMINATED AND OF NO FURTHER FORCE AND EFFECT, AS SET FORTH IN AND SUBJECT TO THE SEWER EASEMENT AGREEMENT.

MTS LAND LLC, A DELAWARE LIMITED LIABILITY COMPANY

MS RESORT OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY

MS CONDO-HOTEL OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY

MOUNTAIN SHADOWS MASTER ASSOCIATION, INC., AN ARIZONA NONPROFIT CORPORATION

### IN WITNESS WHEREOF:

MTS LAND LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HAS CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF ROBERT A. FLAXMAN, ITS AUTHORIZED AGENT. DULY AUTHORIZED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

BY: \_\_\_\_\_  
AUTHORIZED AGENT

### IN WITNESS WHEREOF:

MS RESORT OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HAS CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF KRISTOPHER L. HARMAN, ITS VICE PRESIDENT ON BEHALF OF THE COMPANY DULY AUTHORIZED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

BY: \_\_\_\_\_  
KRISTOPHER L. HARMAN  
VICE PRESIDENT

### IN WITNESS WHEREOF:

MS CONDO-HOTEL OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HAS CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF KRISTOPHER L. HARMAN, ITS VICE PRESIDENT ON BEHALF OF THE COMPANY DULY AUTHORIZED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

BY: \_\_\_\_\_  
KRISTOPHER L. HARMAN  
VICE PRESIDENT

### IN WITNESS WHEREOF:

MOUNTAIN SHADOWS MASTER ASSOCIATION, INC., AN ARIZONA NONPROFIT CORPORATION, AS OWNER, HAS CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF ROBERT A. FLAXMAN, ITS AUTHORIZED AGENT. DULY AUTHORIZED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

BY: \_\_\_\_\_  
AUTHORIZED AGENT

### SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND RELOCATION OF THE LOT LINES DESCRIBED AND MAPPED HEREON WERE MADE UNDER MY DIRECTION DURING THE MONTH OF SEPTEMBER 2014, THAT THIS SURVEY IS COMPLETE AS SHOWN, THAT THE MONUMENTS AND LOT CORNERS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

LARRY E. SULLIVAN, R.L.S. #22782

GROSS AREA = 55.394 ACRES



4550 North 12th Street  
Phoenix, Arizona 85014  
602-264-6831  
www.cvlici.com

FINAL MAP

MOUNTAIN SHADOW RESORT  
UNIT - 2 AMENDED VII

PRELIMINARY

SHEET OF 3

CVL Contact: R. WEED  
CVL Project #: 01-0245811  
CVL File #:

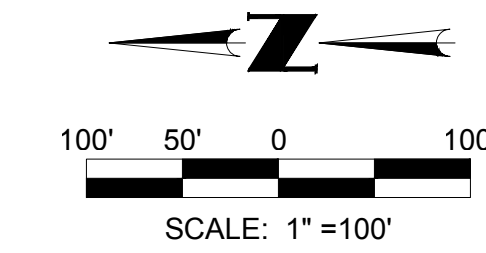
CURVE TABLE

Table with 6 columns: NO., RADIUS, ARC, DELTA, TANGENT, CHORD, CHORD-BEARING. Contains 23 rows of curve data.

CURVE TABLE

Table with 6 columns: NO., RADIUS, ARC, DELTA, TANGENT, CHORD, CHORD-BEARING. Contains 22 rows of curve data.

COUNTY RECORDER



CENTER SECTION 9  
T. 2 N., R. 4 E.  
FD. M.C.H.D. B.C. IN H.H.

MOUNTAIN SHADOW RESORT AMENDED II  
BOOK 1191 OF MAPS, PAGE 28  
EAST 1/4 CORNER SECTION 8  
T. 2 N., R. 4 E.  
FD. T.O.P.V. B.C. IN H.H.

MOUNTAIN SHADOW RESORT ESTATES  
BOOK 1192 OF MAPS, PAGE 4

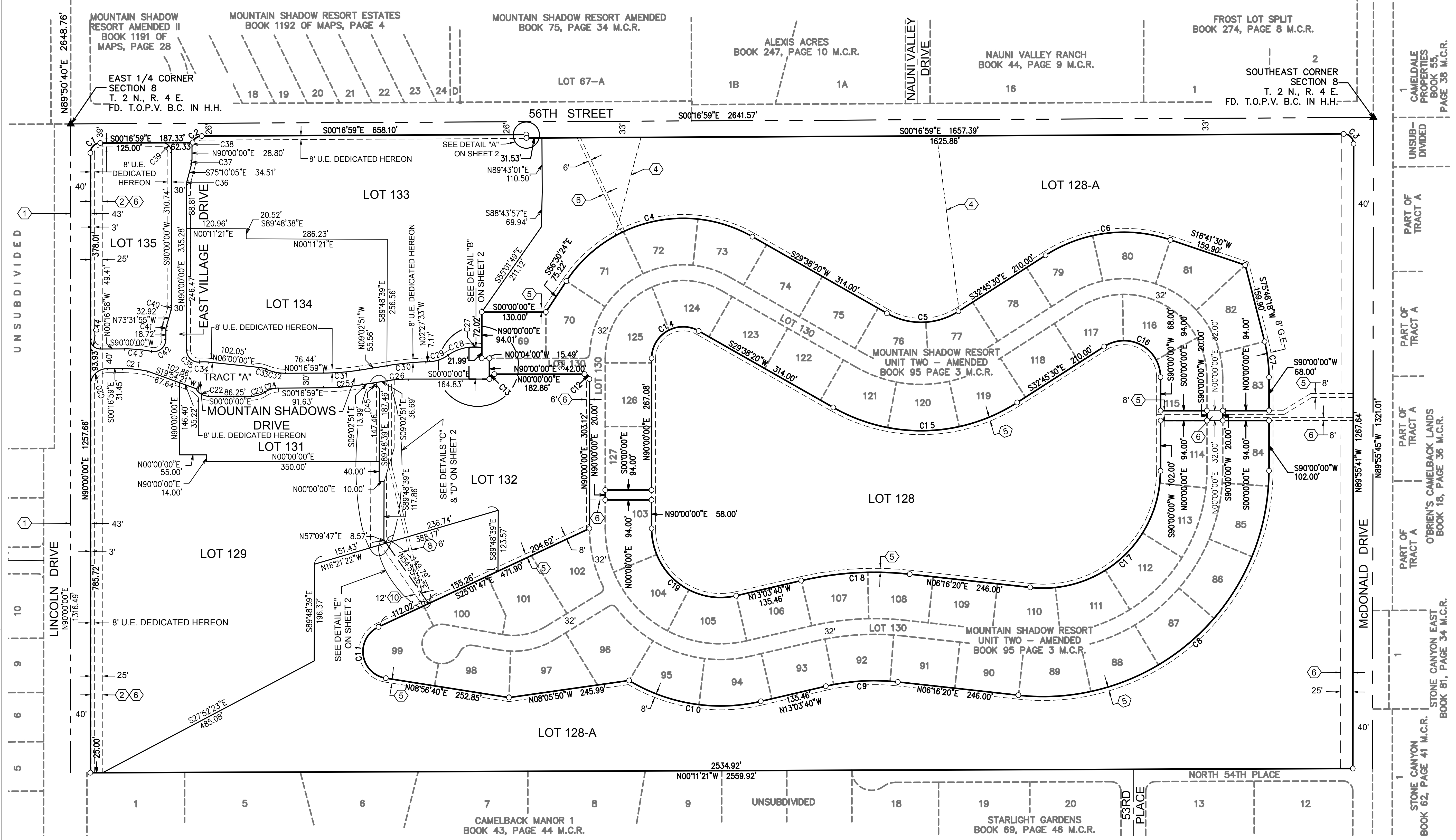
MOUNTAIN SHADOW RESORT AMENDED  
BOOK 75, PAGE 34 M.C.R.  
LOT 67-A

ALEXIS ACRES  
BOOK 247, PAGE 10 M.C.R.  
1B 1A

NAUNI VALLEY DRIVE  
NAUNI VALLEY RANCH  
BOOK 44, PAGE 9 M.C.R.  
16

FROST LOT SPLIT  
BOOK 274, PAGE 8 M.C.R.  
1 2  
SOUTHEAST CORNER SECTION 8  
T. 2 N., R. 4 E.  
FD. T.O.P.V. B.C. IN H.H.

CAMELDALE PROPERTIES  
BOOK 55, PAGE 38 M.C.R.  
1  
UNSUB-DIVIDED  
PART OF TRACT A



DATE  
REVISION  
NO.

FINAL MAP  
MOUNTAIN SHADOW RESORT  
UNIT - 2 AMENDED VII

3 SHEET OF 3  
CVL Contact: R. WEED  
CVL Project #: 01-0245811  
CVL File #:

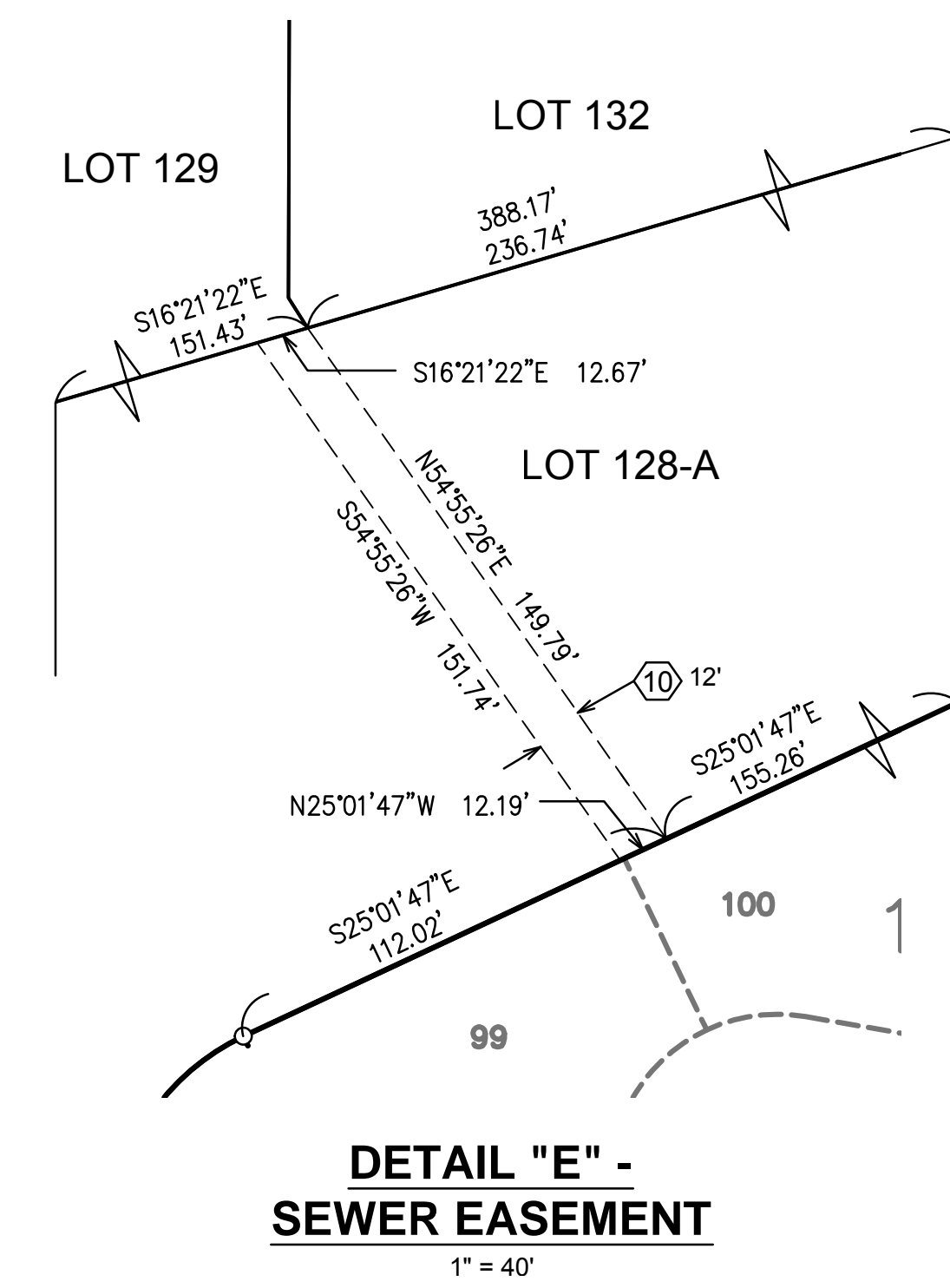
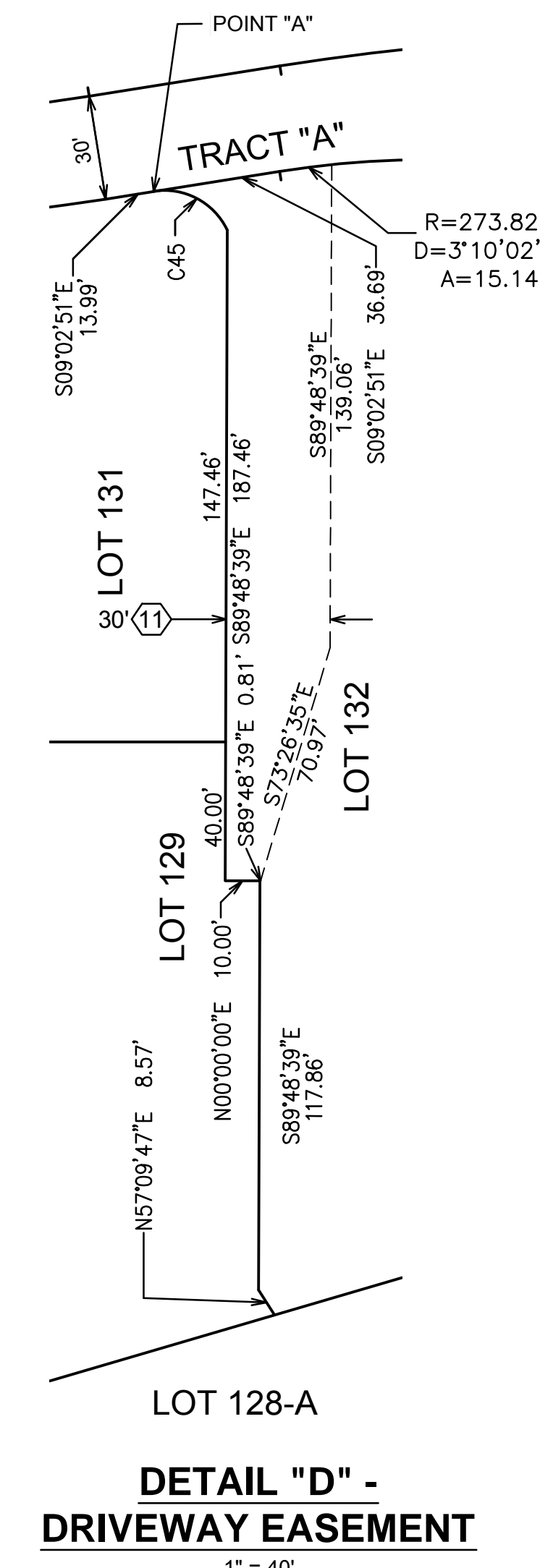
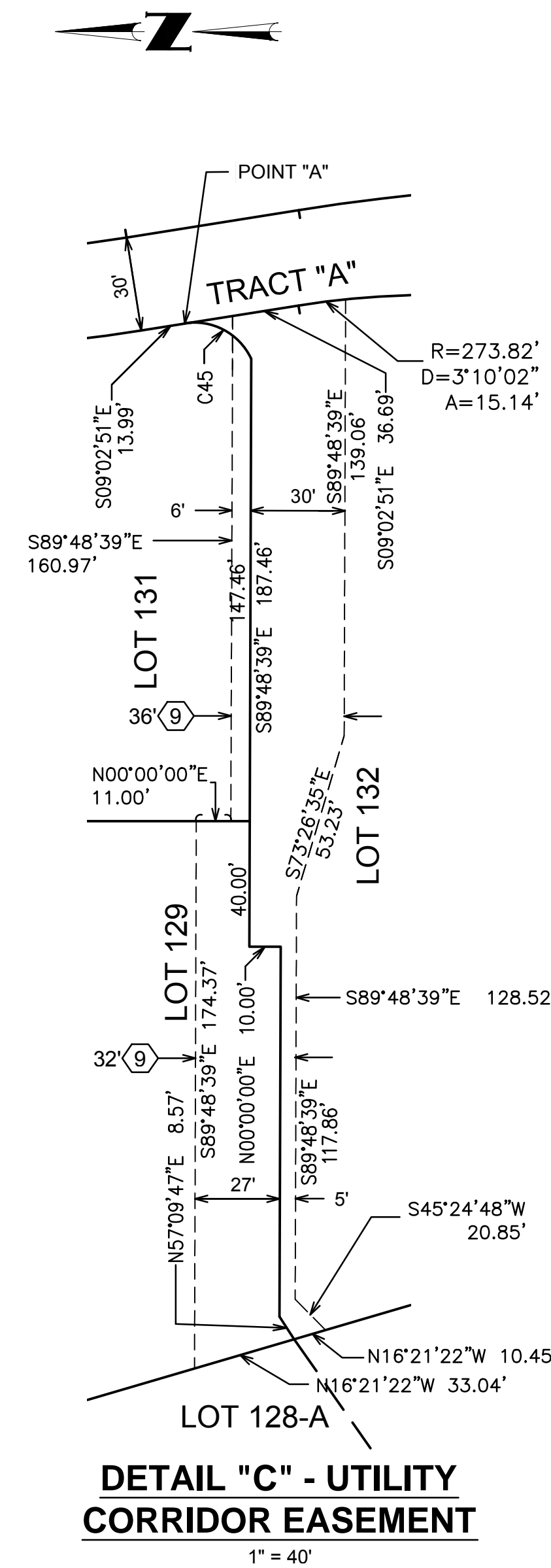
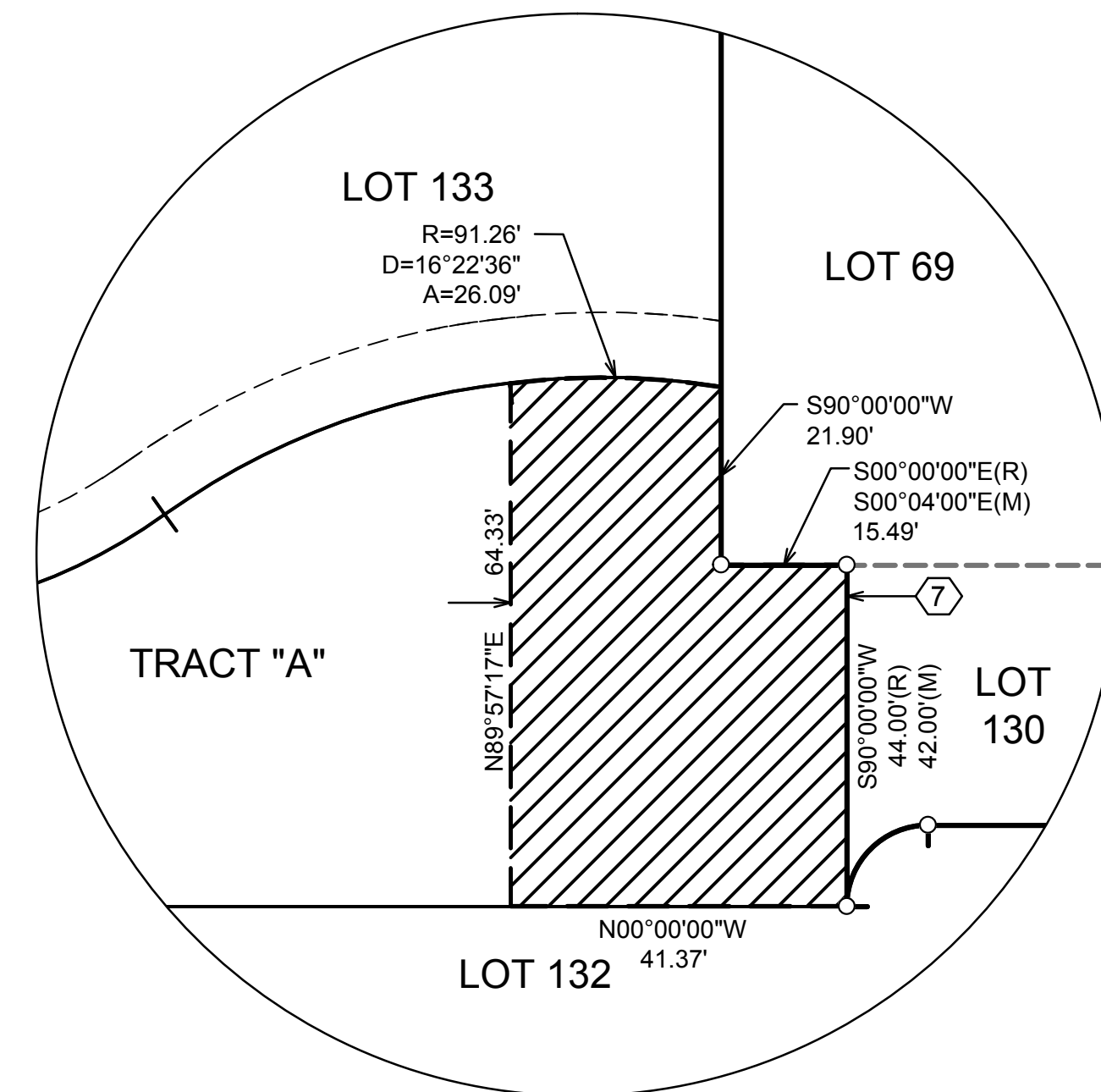
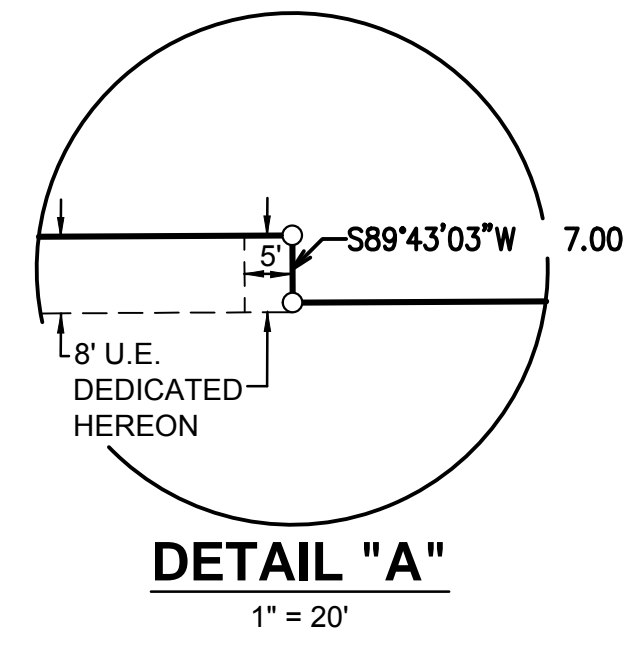


N:\01024581\1\CADD\AMENDED VILDS\FPLAT.S02.DWG MikeR June 4, 2015 - 2:36 PM

**LEGEND**

- ▲ FOUND OR SET MONUMENT AT SECTION OR 1/4 CORNER
- CORNER OF SUBDIVISION (CALCULATED POINT)
- CORNER OF SUBDIVISION FD. MONUMENT (1" PIPE)
- B.C. BRASS CAP
- FD. FOUND
- H.H. HAND HOLE
- T.O.P.V. TOWN OF PARADISE VALLEY
- M.C.H.D. MARICOPA COUNTY HIGHWAY DEPT.
- M.C. MARICOPA COUNTY
- G.E. GAS LINE EASEMENT
- U.E. UTILITY EASEMENT
- M.C.R. MARICOPA COUNTY RECORDS

LOT TABLE		
LOT NO.	AREA (SQUARE FEET)	AREA (ACRES)
128	409,590	9.403
128-A	1,080,938	24.815
129	297,302	6.825
131	58,254	1.337
132	137,505	3.157
133	201,606	4.628
134	109,309	2.509
135	68,106	1.564
TRACT "A"	50,357	1.156
TOTAL	2,412,967	55.394



NO.	REVISION	DATE

**FINAL MAP**  
**MOUNTAIN SHADOW RESORT**  
**UNIT - 2 AMENDED VII**





## Action Report

---

**File #:** 15-144

---

**TO:** Mayor Collins and Town Council

**FROM:** Eva Cutro, Community Development Director  
Paul Michaud, Senior Planner

**DATE:** September 10, 2015

**CONTACT:**

Paul Michaud, 480-348-3574

**AGENDA TITLE:**

**Discussion of The Villas at Mountain Shadows Final Plat located at the Southwest Corner Lincoln Drive and 56<sup>th</sup> Street**

**BACKGROUND**

Request:

MTS Land, L.L.C. is requesting approval of a final plat application for "The Villas at Mountain Shadows." This is a 20-lot plat on approximately 3.157 acres located near the southwest corner of Lincoln Drive and 56<sup>th</sup> Street. The subject site is Lot 132 of the Final Map Mountain Shadows Resort Unit 2 - Amended VII. Development will be pursuant to the approved Special Use Permit - Resort zoning on the subject property for resort residential development.

Update and Planning Commission Recommendation:

The Planning Commission in a vote of 6 to 1, Commissioner Wincel dissenting, forwards the Town Council a recommendation of approval for this Final Plat. This recommendation includes seven stipulations as described in the Planning Commission minutes dated July 21, 2015. However, three of these stipulations have been met. Stipulation 5 required that the applicant forward to the Town the final SW Gas correspondence regarding utility locations. This correspondence is attached under Utility Correspondence. Stipulation 6 required that the applicant add the word "only" to Note 9 on the plat to read, "Those portions of Tract B and Tract C which will be drivable surfaces to be utilized only by emergency vehicles shall be constructed with materials to be approved by the Fire Marshal." The attached plat includes this correction. Stipulation 7 related to questions by the Planning Commission regarding the correspondence from EPCOR to provide adequate water service for potable and fire flow, specifically that "The applicant shall clarify with EPCOR its statement it does not guarantee the adequacy of its water capacity for fire protection." Attached is correspondence from EPCOR. It states this disclaimer is a result of EPCOR not providing fire protection services and being unable to warrant, guarantee or represent that any water utility services provided will comply with any fire-protection requirements. However, this correspondence goes on to state that EPCOR is confident that the fire flows for the Mountain Shadows SUP development will be between 2,064 gpm to 2,124

gpm, well above the minimum Town standard of 1,500 gpm. For more information, refer to the attachments.

Preliminary Plat Approval:

In May 2015, the Town Council approved the Preliminary Plat for “The Villas at Mountain Shadows” by a vote of 5 to 0. In April 2015, the Planning Commission recommended said plat for approval by a vote of 4 to 2. The Planning Commission stipulated the removal of the emergency access onto the roadway tract owned by the adjacent Mountain Shadows West Development. The approval by the Town Council retained this emergency access via a plat note. Refer to the attached minutes for more information.

History:

The subject site is part of the Mountain Shadows resort that was demolished in early 2014. In April 2013, the Town granted Special Use Permit - Resort (SUP) zoning status for the approximate 67 acres that comprise this resort. The 2013 SUP allows for a new resort, resort amenities, and resort residential. The subject property for this plat is at the location of the prior resort clubhouse. The subject site was annexed in 1961.

Enforcement:

As of the date of this report, there are no outstanding code violations on this SUP property.

**DISCUSSION/FACTS**

Comparison to Preliminary Plat:

The proposed Final Plat is in substantial compliance with the approved Preliminary Plat. All easements on the Final Plat are depicted as illustrated on the tract table of Sheet 1. The layout and design of the proposed lots remain relatively unchanged. The following is a list of some of the minor refinements since approval of said Preliminary Plat:

- The applicant increased the triangular area of Tract “C” behind Lot 6 from approximately 50 square feet to 1,000 square feet in size, enlarging the area of the golf cart path and opening onto the golf course;
- The applicant increased the width of the golf cart path portion of Tract “C” on the south side of Lots 7-12 such that the 8-foot width area increased from approximately 36 lineal feet to 188 lineal feet; and
- The Final Plat combined the internal roadway tract and tract between Lots 13-15 and Lots 16-20 into one tract. This will provide a more organic layout of the access drives, guest parking and landscaped open spaces. The access drives will still meet the required roadway cross section details shown on Sheet 1 of the Preliminary Plat.

General Plan:

The subject property has a General Plan designation of “Resort/Country Club” according to the Town’s General Plan Land Use Map. The proposed plat for resort residential and future resort uses is in conformance with this designation.

Zoning:

The zoning on the subject property is “Special Use Permit - Resort.” This zoning was approved in April 2013 by Ordinance Number 653. This is the appropriate zoning for resort-related uses. Each Special Use Permit has its own unique set of development standards. For this subject property, the provisions of both Ordinance Number 653 and its associated Development Agreement apply regarding platting within the SUP area. The following standards apply to this SUP.

- The subject area of this plat is in Area ‘B’ of the SUP.
- SUP Stipulation III.E.43 allows for subdivision of land by one or more plats and/or maps in various forms such as on individual lots and/or horizontal property regimes (i.e. condominium development).
- Article 3.C.3(c) of the Development Agreement states the platting process is not required to follow Article 6-2, Procedure for the Preparation and Filing of Plats, of the Town Code. The SUP granted a longer time period for submittal of the final plat after approval of the preliminary plat, from one year to two years.
- Article 3.C.3(d) of the Development Agreement states that plats within the SUP will follow the standards and requirements of Article 6, Subdivisions, of the Town Code, except as modified by the SUP and Development Agreement. The typical requirements for ingress/egress, right-of-way width, roadway pavement width, size/location of public utility easements, minimum lot size, lot configuration and lot shape do not apply.

Parking:

The proposed subdivisions will comply with the required minimum number of parking spaces. SUP Stipulation III.G.93 requires at least two parking spaces per each dwelling unit. Two garaged parking spaces will be provided with each residential unit.

Roadways:

The subject property will have access to Lincoln Drive and 56<sup>th</sup> Street via Tract ‘A’ through the resort as approved by the SUP. Lincoln Drive is a designated Major Arterial and 56<sup>th</sup> Street is a designated Collector road pursuant to Figure 401, Motorized Circulation Map, of the Town’s General Plan.

The proposed roadways are in compliance with the SUP and Development Agreement. These roadways will all be private local roads pursuant to SUP Stipulation III.G.96. Article 3.C.3(d)ii of the Development Agreement requires a minimum width of rights-of-way at 30 feet instead of the typical 50 feet. The proposed typical right-of-way cross section has a 30-foot right-of-way width. SUP Stipulation III.G.96 requires the pavement width for all streets to be of an adequate width, generally not less than 26 feet. This 26-foot width reflects the local roadway cross-section in the Town’s General Plan. This width includes two-foot curb on both sides of a 22-foot wide traveled way. The proposed roadway cross-section has a pavement width of 26 feet.

As modified with the Preliminary Plat, the Final Plat retains the corner vision of 30 feet by 30 feet at the southeast corner of Lot 12. Pursuant to the SUP and Development Agreement, the typical corner vision of 50 feet by 50 feet does not apply to this plat.

Lot Configuration:

Article 3.C.3(d)iv of the Development Agreement allows lots and lot arrangement in any configuration provided these comply with standards of the SUP or Development Agreement. The typical requirements of the Town Code for minimum lot size, width, access and orthodox shape do not apply. The perimeter boundary of this plat is determined by the perimeter boundary of Lot 132 of the Final Map Mountain Shadows Resort Unit 2 - Amended VII. The perimeter boundary of the Final Plat matches the perimeter boundary of said Lot 132.

Building Lines & Setbacks:

The lots proposed on the plat meet setbacks. Article 3.C.3(d)v of the Development Agreement and Sheet 5 of the SUP requires a 20-foot setback along Mountain Shadow West Drive (Lots 7-12 and a portion of Lot 13). Also, it requires setback from the perimeter of the SUP boundary as shown on Lots 6 and 7 of the plat. No setbacks are required between lots.

Building Permit/Town Manager Approval:

The type and character of resort residential; signage, landscaping, and walls/fences are either approved by building permit and/or Town Manager approval. As such, these items will not be considered with this plat request. For background, the information below describes the general parameters for the above-mentioned items.

*Height:* SUP Stipulation III.E.47 allows for an allowable height limit for resort residential at 28 feet. Sheet 5 of the SUP further provides the maximum allowable heights. Lots 1-20 have a maximum allowable height of 24 feet from original natural grade and 28 feet from adjacent finished grade per Sheet 5 of the SUP. Heights will be measured in the manner prescribed by the SUP. This includes compliance with the Town's Open Space Criteria, resulting in a maximum height of 16 feet at the 20-foot setback along the rear of Lots 7-12. A height of 24 feet requires a 60-foot setback from the south perimeter boundary of the said lots.

*Signs:* SUP Stipulation III.D.30 allows signage by right pursuant to the Resort Sign Guidelines.

*Walls/Landscaping:* SUP Stipulation III.E.49 allows for walls and fences in accordance with Article XXIV of the Town Code on or adjacent to interior property lines created by new plats or maps. Walls and landscaping require Town Manager approval along with the applicable wall building permit(s).

Drainage:

An overall master hydrology and drainage study for the entire west side of the Mountain Shadows SUP has been reviewed by the Town Engineer. The final approval of the hydrology and drainage study by the Town Engineer will occur along with the improvement plans associated with this plat and prior to the recordation of said plat.

Utilities:

All new utility lines will be located underground and generally underneath the proposed private roadways. Article 3.C.3(d)iii of the Development Agreement requires that all easements shall be in the locations and widths as prescribed by the utility provider instead of the typical 6-foot and 8-foot

easements of Section 6-3-3 of the Town Code. The applicant has received correspondence from all the utility providers that the proposed utility easement locations are acceptable. Sewer correspondence is not necessary, as the sewer lines within the SUP are private. Utility width and location is not expected to be an issue, as this plat provides utility location within all its tracts. All typical type of utilities will be provided; such as water, electricity, natural gas and sewer.

Fire Protection/Emergency Access:

The proposed lots will meet all standards related to fire protection. All lots will have direct access onto a public roadway via the private roadways shown on the plat. Also, emergency access will be provided on Tract "B" and Tract "C" via Note 9 on the plat. New fire hydrants will be installed such that all lots are within 400 feet of a fire hydrant. The new homes will have fire sprinklers in accordance with the Town Fire Code. EPCOR has verified the capacity to service the subject site and fire flow pressure of 2,064 gpm to 2,124 gpm at the required residual zone pressure of 20 psi.

**NOTICING & PUBLIC COMMENTS**

No comments have been received as of the writing of this report. Except for posting of the meeting agenda, there is no required public notification for a preliminary or final plat. Consistent with the Town's application process, the applicant provided a mailing notification to the property owners within 1,000 feet for scheduled meetings where the Commission or Council will take action.

**NEXT STEPS**

If approved, the applicant is to comply with any stipulations and record the plat.

**ATTACHMENTS**

- Presentation
  - Proposed Stipulations
  - Vicinity Map/Aerial/General Plan/Zoning
  - Application/Narrative
  - Prior Minutes
  - Fire Marshal Correspondence
  - Utility Correspondence
  - Final Map Mtn Shadows Resort Unit 2 - Amended VII
  - Approved Preliminary Plat
  - Final Plat
- Link to full version of the SUP Ordinances and Development Agreements at [www.paradisevalleyaz.gov/126/Planning](http://www.paradisevalleyaz.gov/126/Planning)

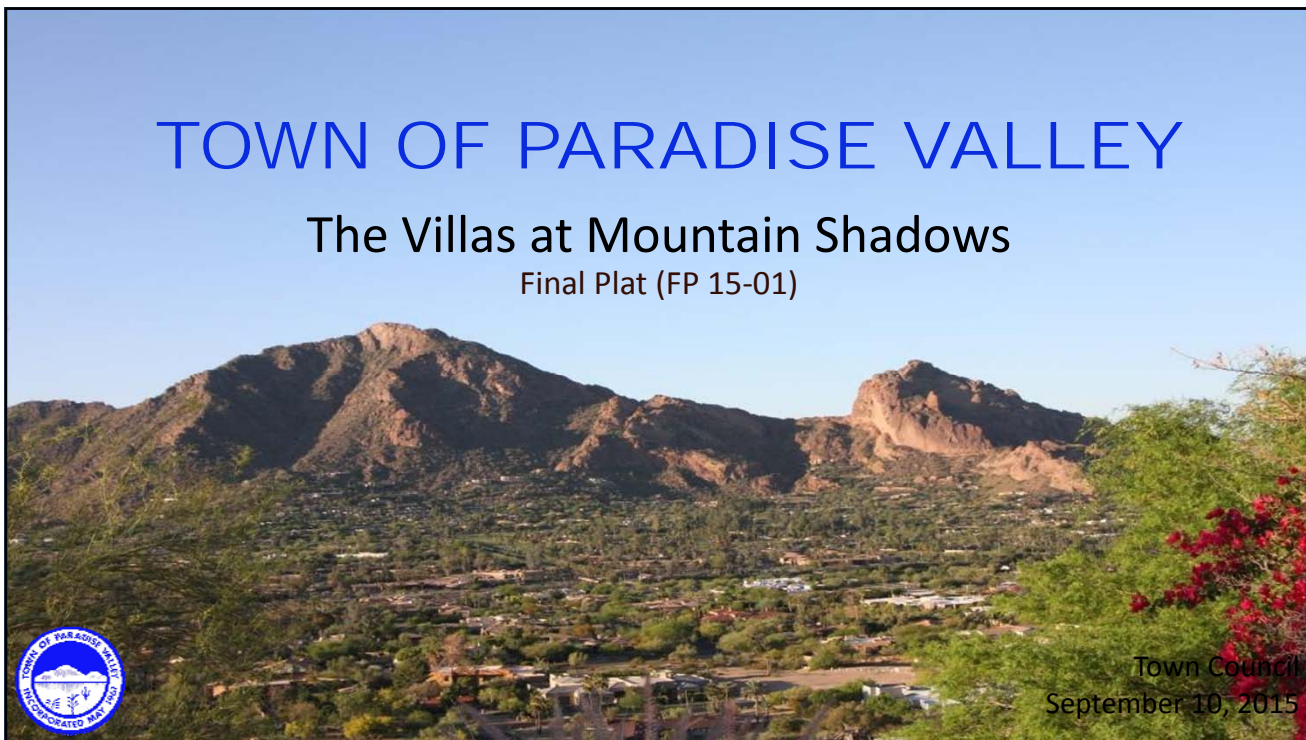
- C:     - Fred Fleet (Applicant)  
       - Case File: (FP 15-01)



# TOWN OF PARADISE VALLEY

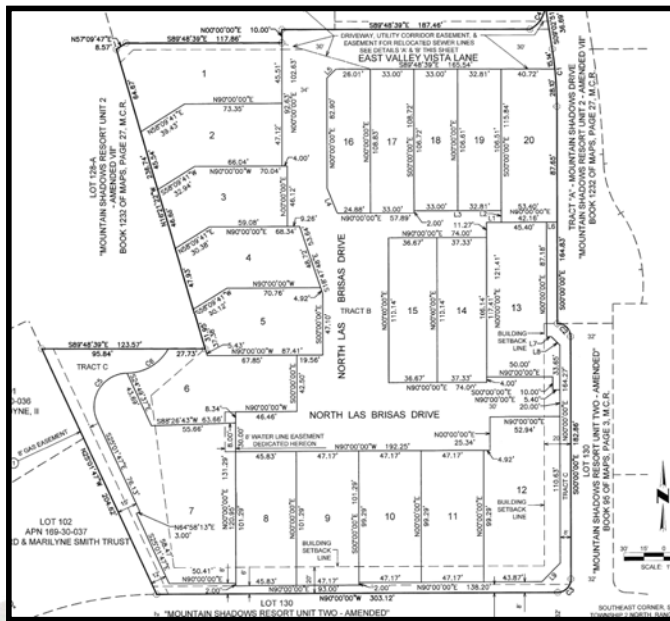
## The Villas at Mountain Shadows

Final Plat (FP 15-01)



# Request

20-lot final plat for  
Resort Residential at  
Mountain Shadows Resort SUP



# Vicinity Map

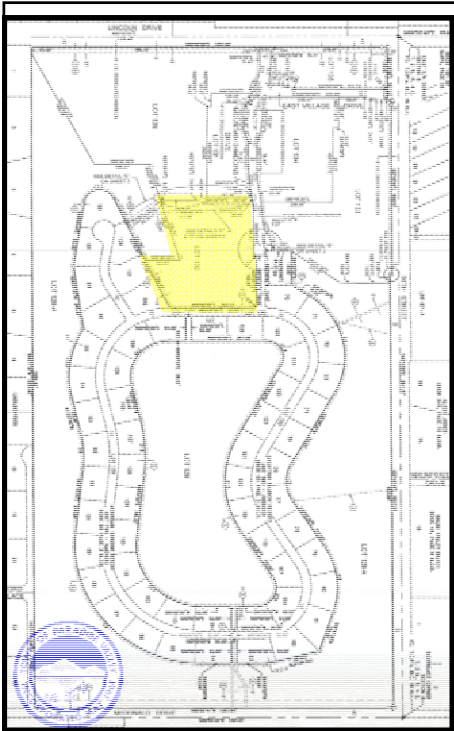
Subject Property



3

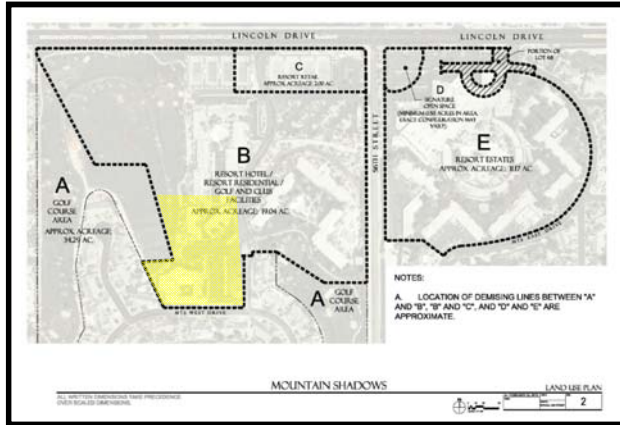
# Overall Map

- Lot 132
- SUP allows any # of plats/maps



4

# Background



- April 2013, Council approved Ord. 653 and development agreement for new SUP
- Plat on portion of Area B
- Area B allows Resort Residential



5

# Resort Residential

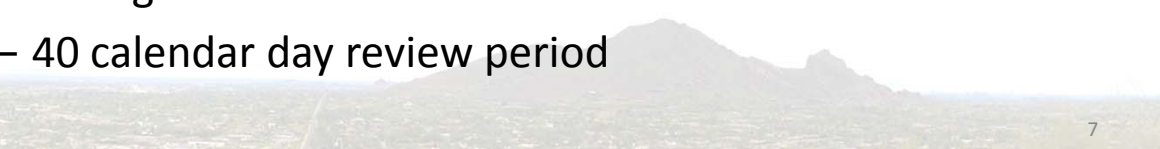
- Considered Resort Units
- Allowed in the hotel rental program
- Allowed by any form (e.g. attached/detached homes)
- Allowed by separate lot/horizontal regime
- Required to meet setbacks/height Sheet 5
- Overall 300,000 SF FAR cap in Area B



6

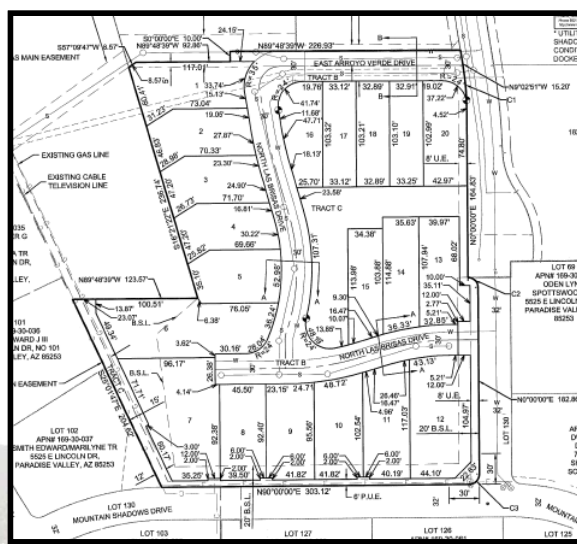
# Requirements – Processing

- Plat held to SUP standards & Development Agmt
- Administrative review/approval process
  - All SUP/DA standards met = approvable
  - Typical requirements for ROW, easements, lot size, lot width, setbacks etc. do not apply
  - No legislative discretion
  - 40 calendar day review period



# Commission Pre-Plat Recommendation

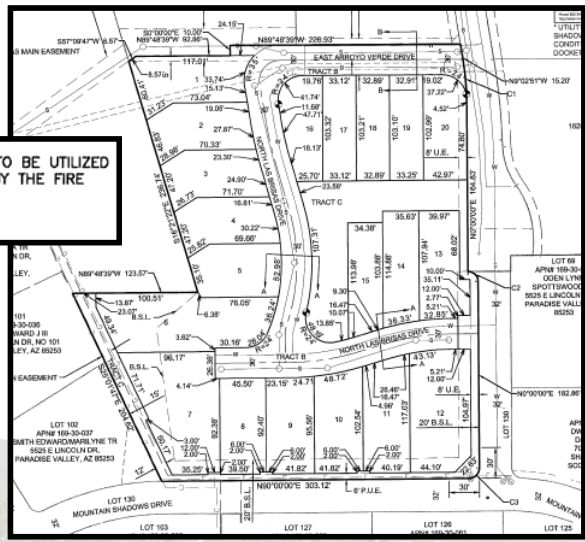
- April 21, 2015: Approval (4-2)
  - Add wall staggers
  - Correct dimensions
  - Corner vision
  - Golf cart path
  - Emergency access



# Council Pre-Plat Action

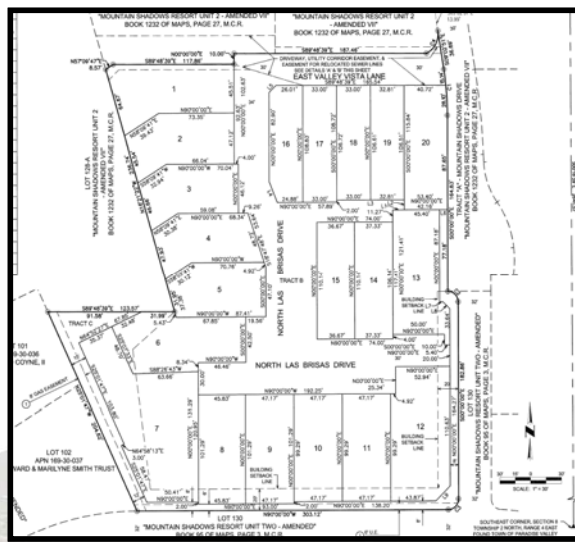
- May 14, 2015: Approval (5-0)
  - Included emergency access

10. THOSE PORTIONS OF TRACT B AND TRACT C WHICH WILL BE DRIVABLE SURFACES TO BE UTILIZED BY EMERGENCY VEHICLES SHALL BE CONSTRUCTED WITH MATERIALS TO BE APPROVED BY THE FIRE MARSHAL.



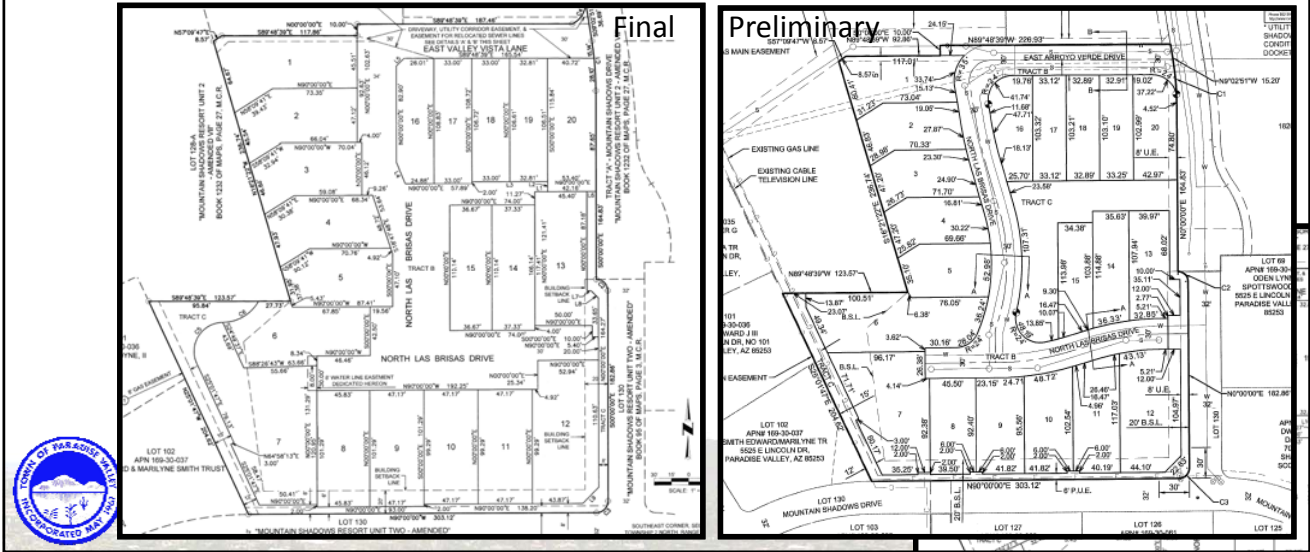
# Commission Final Plat Recommendation

- July 21, 2015: Approval (6-1)
  - Get SW Gas correspondence
  - Update emergency access note
  - EPCOR clarification



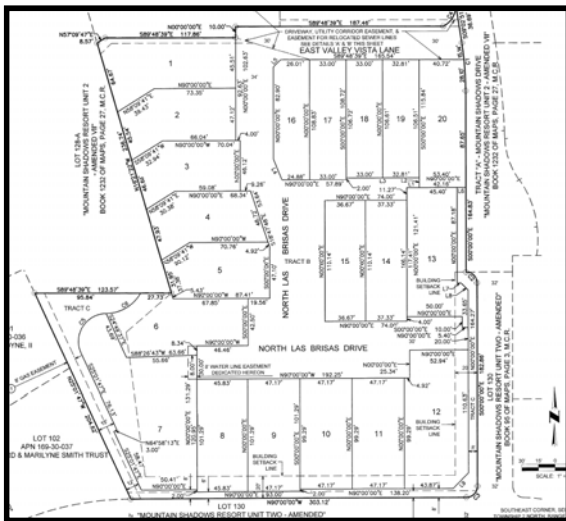
# Final Plat to Pre-Plat Comparison

- Substantially compliant



## Refinements

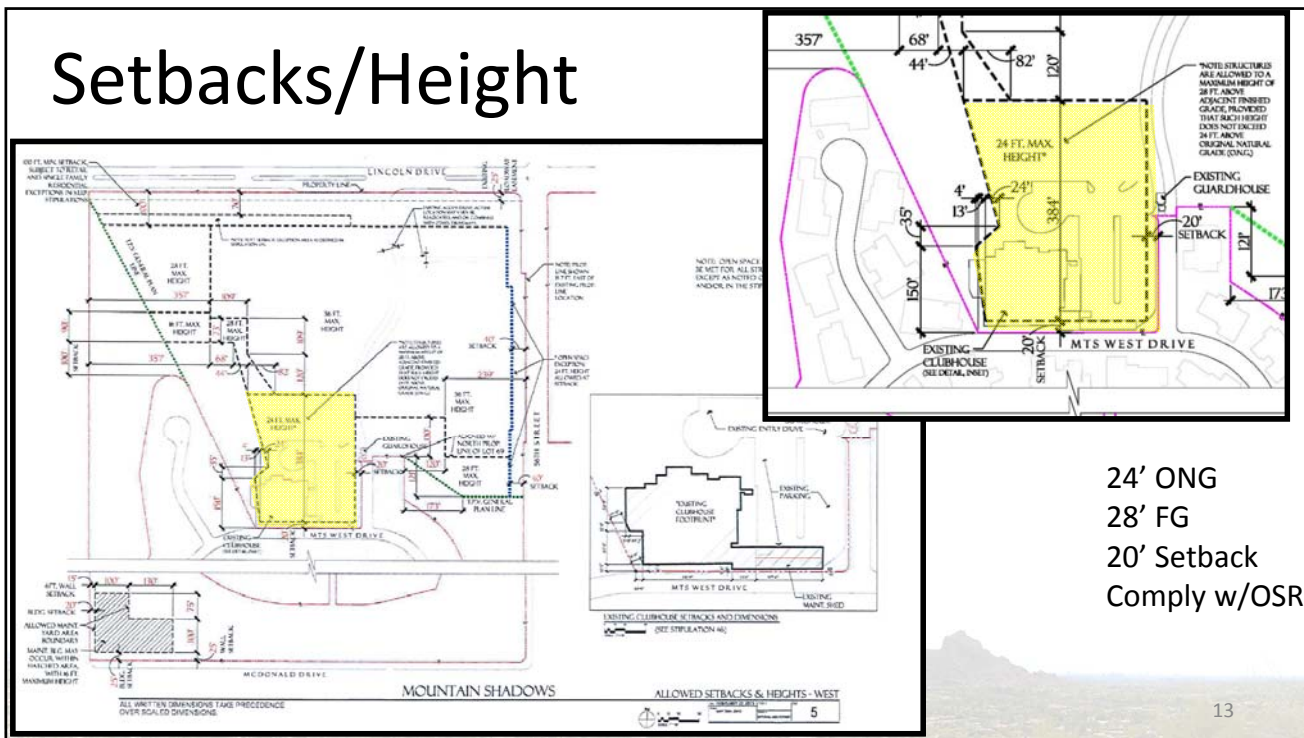
- Increased tract behind Lot 6 (50 sf to 1000 sf)
- Increased lineal length of 8' wide path (36 lf to 188 lf)
- Combined 2 internal tracts



Final Plat

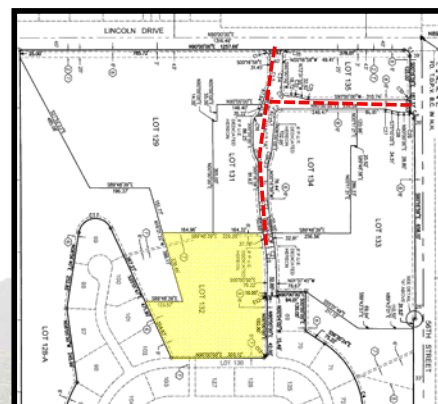
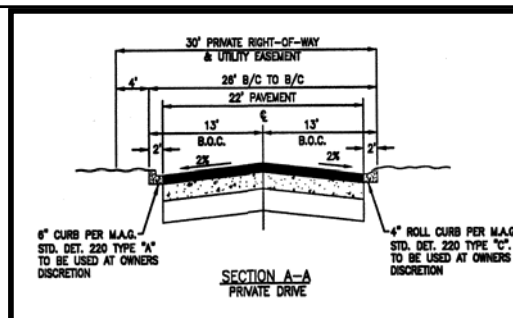


# Setbacks/Height



# Roadways, Parking

- Plat will connect to public ROWs via Tract A
- Roadways comply w/min 30' ROW width/26' paving width
- Each lot will have at least two vehicle parking spaces in accordance with SUP



# Corner Vision

- Typical corner vision standards do not apply
- Will provide 30' x 30' corner vision



# Emergency Access

- Town Council approved pre-plat with emergency access
- Access via note on plat

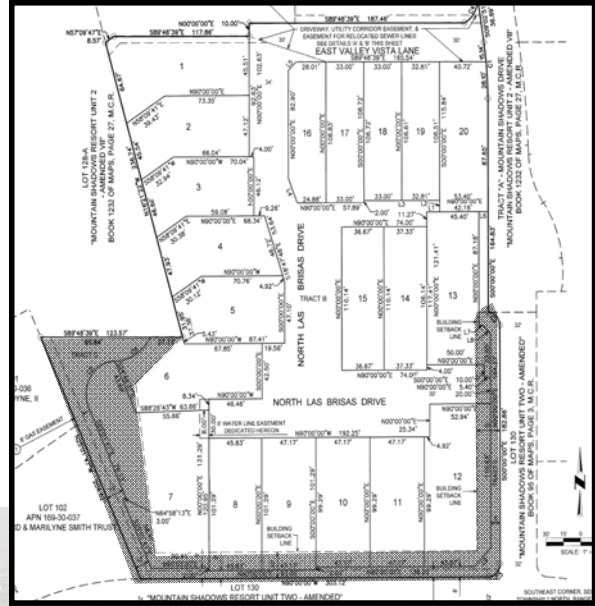
9. THOSE PORTIONS OF TRACT B, AND TRACT C WHICH WILL BE DRIVABLE SURFACES TO BE UTILIZED ONLY BY EMERGENCY VEHICLES SHALL BE CONSTRUCTED WITH MATERIALS TO BE APPROVED BY THE FIRE MARSHAL.





# Size, Shape, Setbacks

- Typical requirements do not apply
- No minimum lot size, width or shape per SUP
- Plat complies with the 20' setback to Mt Shadows West ROW per SUP



# Drainage and Fire Protection

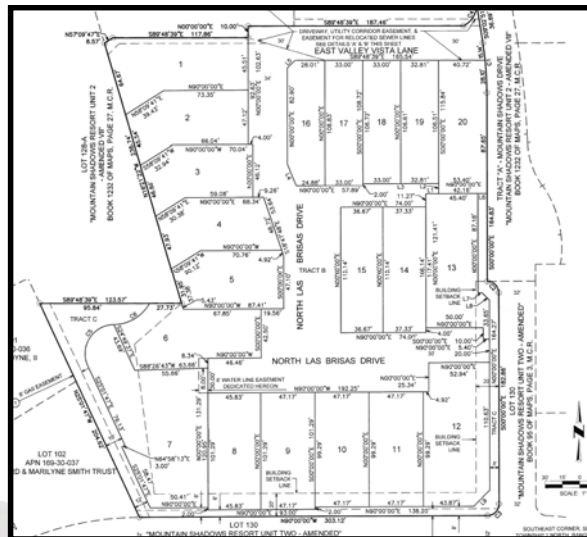
- Tracts will accommodate drainage/retention/utility easements
- 3 new hydrants
- Water pressure exceeds minimum Town 1,500 gpm standard



# Utilities

iii. private easements for utilities shall be in such locations and of such widths as required by the utility providing the service (replaces Section 6-3-3 of the Town Code);

Provider	Will Serve	Easement Correspondence
Sewer	Yes	Not Applicable (private lines)
Water	Yes	Yes
Electric	Yes	Yes
Gas	Yes	Yes
Internet	Yes	Yes
Cable	Yes	Yes



# Final Plat Public Comments



- 1,000' radius mailed notice
- No comments received



Approximate 1,000' radius

## Commission Recommendation (Summary)

### Approval, subject to 4 stipulations:

1. Subdivision shall be in substantial compliance with the Final Plat
2. Prior Final Plat recordation, provide copy of the CC&R's for review
3. Final subdivision improvements shall be in substantial compliance with improvement plans (e.g. sewer, water, grading).
  - Prior to plat recordation, Town receives all assurances necessary to guarantee completion of any improvements in the public right-of-way
  - Prior to the issuance of any building permit, Town Engineer shall approve final subdivision improvement plans
4. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars and plans in a pdf format.



21

## Commission Recommendation (Summary)

### Stipulations Met:

5. **DONE.** Provide all remaining correspondence from the utility providers regarding acceptance of the utility easement locations.
6. **DONE.** Add word "only" to Note 9 on the plat to read, "Those portions of Tract B and Tract C which will be drivable surfaces to be utilized only by emergency vehicles shall be constructed with materials to be approved by the Fire Marshal."
7. **DONE.** Clarify with EPCOR statement , not guarantee the adequacy of its water capacity for fire protection



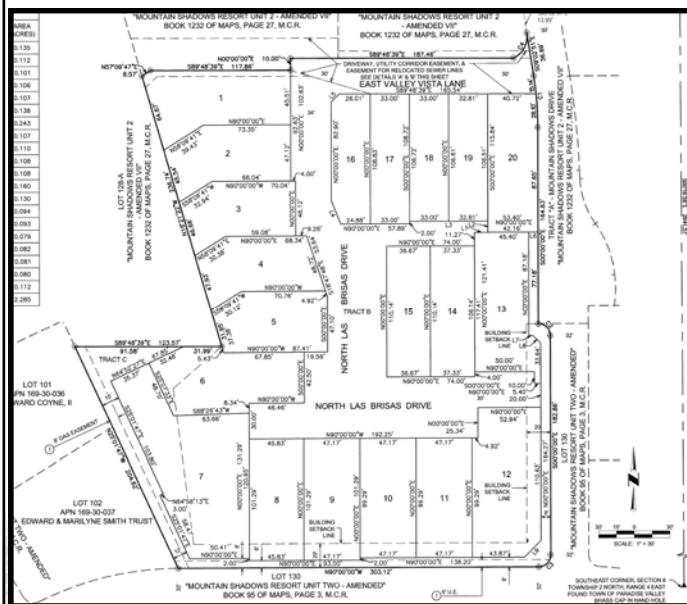
22

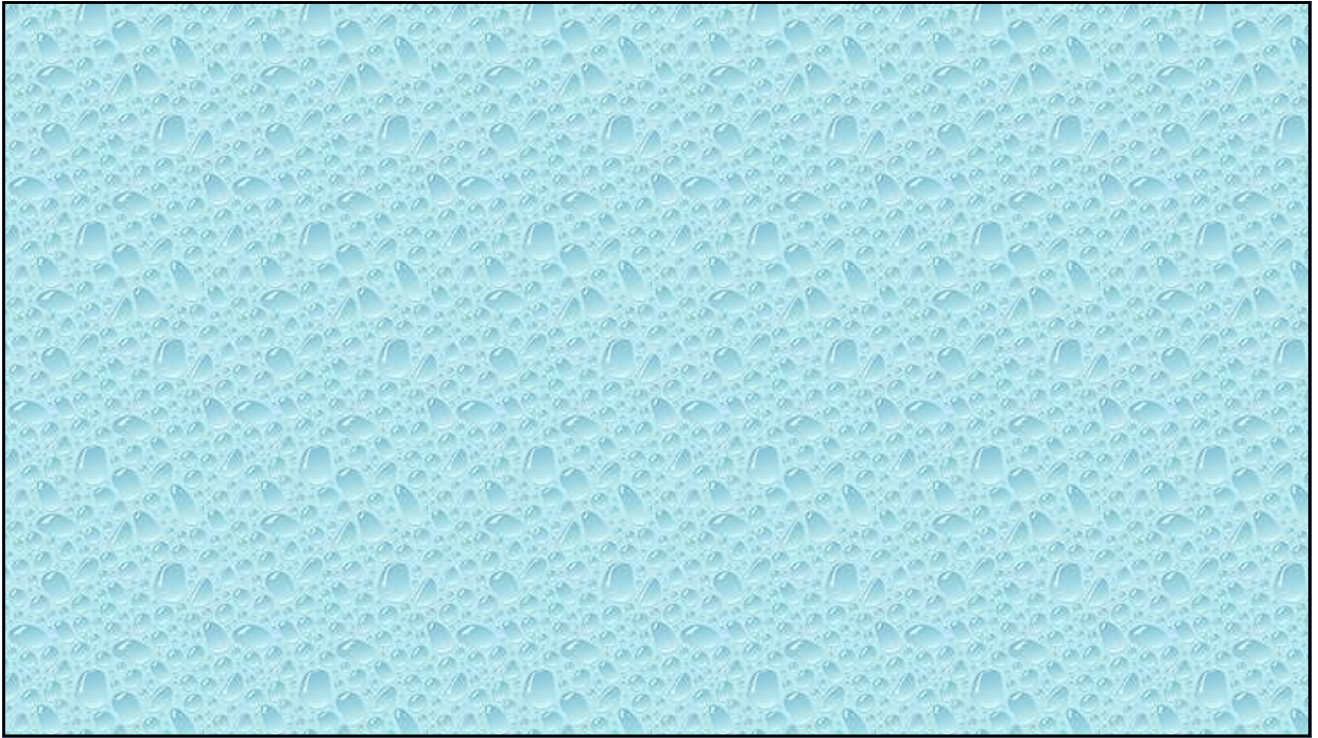
# Next Steps

- Council action September 24, 2015
- Comply with Final Plat Stipulations
- Construction permits



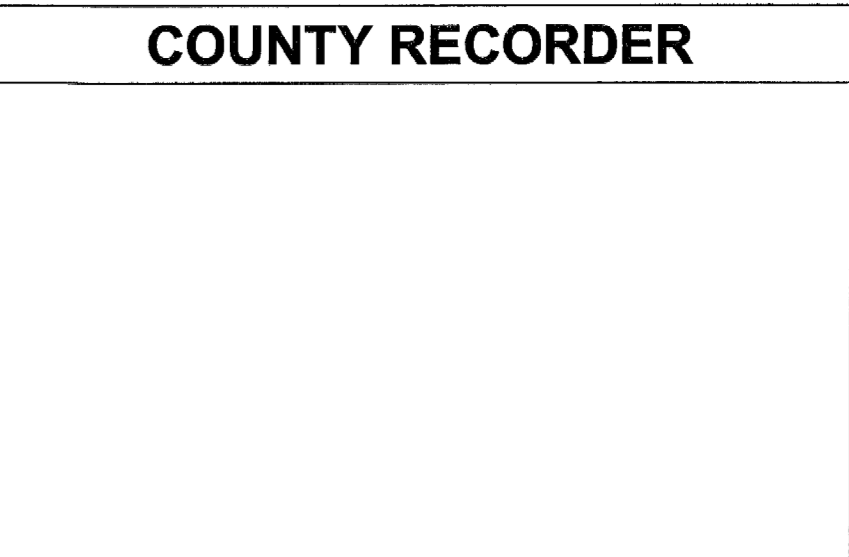
# Questions?





THE VILLAS AT MOUNTAIN SHADOWS

A RE-SUBDIVISION OF LOT 132 OF "MOUNTAIN SHADOW RESORT UNIT 2 - AMENDED VII" AS RECORDED IN BOOK 1232 OF MAPS, PAGE 27 IN THE OFFICE OF THE MARICOPA COUNTY RECORDER ("AMENDED VII") AND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 2 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



CVL CONSULTANTS 4550 North 12th Street Phoenix, Arizona 85014 602-264-6831 www.cvlci.com

DEDICATION

STATE OF ARIZONA )
COUNTY OF MARICOPA )SS

KNOW ALL MEN BY THESE PRESENTS:

THAT MTS LAND, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF "THE VILLAS AT MOUNTAIN SHADOWS" A RE-SUBDIVISION OF LOT 132 OF "MOUNTAIN SHADOW RESORT UNIT 2 - AMENDED VII" AS RECORDED IN BOOK 1232 OF MAPS, PAGE 27 IN THE OFFICE OF THE MARICOPA COUNTY RECORDER ("AMENDED VII") AND IS SITUATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 2 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS AND TRACTS CONSTITUTING THE SAME AND THAT EACH LOT AND TRACT SHALL BE KNOWN BY THE NUMBER OR LETTER GIVEN EACH RESPECTIVELY ON SAID PLAT.

MTS LAND, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HEREBY DEDICATES TO THE WATER, SEWER, NATURAL GAS, ELECTRIC, TELEPHONE, AND CABLE TELEVISION UTILITY PROVIDERS AND RESERVES FOR THE "VILLAS AT MOUNTAIN SHADOWS" HOMEOWNERS ASSOCIATION OR ANY SUBASSOCIATION DESIGNATED BY SUCH ASSOCIATION (COLLECTIVELY, THE "ASSOCIATION") AN UNDERGROUND PUBLIC UTILITY EASEMENT UNDER AND ACROSS TRACT B, TRACT C, AND THOSE AREAS SHOWN ON THIS PLAT AS EASEMENTS DEDICATED HEREON FOR THE INSTALLATION, MAINTENANCE, REPAIR, AND REMOVAL OF UNDERGROUND PUBLIC AND PRIVATE WATER LINES, PRIVATE SEWER LINES, NATURAL GAS, ELECTRIC, TELEPHONE, AND CABLE TELEVISION UTILITIES STRICTLY AS NECESSARY TO PROVIDE SUCH UTILITY SERVICES AND SOLELY FOR THE PURPOSE OF PROVIDING SUCH UTILITY SERVICES TO OR FROM LOTS 128, 128-A, 129, 131, 132, 133, 134, 135, AND TRACT "A" OF AMENDED VII. THIS UNDERGROUND EASEMENT ALSO INCLUDES AN EASEMENT FOR ANY ABOVE GROUND FACILITIES REQUIRED BY UTILITY PROVIDERS IN CONNECTION WITH THE UTILITIES. MAINTENANCE OF THE AREAS SUBJECT TO UTILITY EASEMENTS SHALL BE THE RESPONSIBILITY OF THE LOT OWNER, TRACT OWNER, OR ASSOCIATION, AS DETERMINED BY THE ASSOCIATION.

TRACT B IS DEDICATED AS A PRIVATE DRIVE.

AN EASEMENT FOR DRAINAGE IS HEREBY DEDICATED OVER AND ACROSS TRACT B TO THE TOWN OF PARADISE VALLEY AND TO THE ASSOCIATION, WHICH ASSOCIATION ALSO BENEFITS, IN THE AREAS SHOWN ON THIS PLAT AS DRAINAGE EASEMENTS.

AN EASEMENT FOR REFUSE COLLECTION AND EMERGENCY AND SIMILAR SERVICE TYPE VEHICLE ACCESS IS HEREBY DEDICATED OVER AND ACROSS TRACT B TO THE TOWN OF PARADISE VALLEY AND OTHER EMERGENCY SERVICE PROVIDERS AND REFUSE COLLECTION PROVIDERS AND TO THE ASSOCIATION, WHICH ASSOCIATION ALSO BENEFITS.

TRACT C IS HEREBY DEDICATED FOR THE ADDITIONAL PURPOSES SHOWN IN THE TRACT TABLE.

TRACT B AND TRACT C ARE NOT DEDICATED FOR THE USE OF THE GENERAL PUBLIC. TRACT B AND TRACT C SHALL BE OWNED AND MAINTAINED BY THE ASSOCIATION.

IN WITNESS WHEREOF:

MTS LAND LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER OF THE LAND DESCRIBED HEREIN, HAS CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED DULY AUTHORIZED OFFICER.

MTS LAND LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: ROBERT A. FLAXMAN
ITS: AUTHORIZED SIGNATORY

CERTIFICATION

I, LARRY E. SULLIVAN, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS MAP, CONSISTING OF TWO (2) SHEETS, CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF JUNE, 2015, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

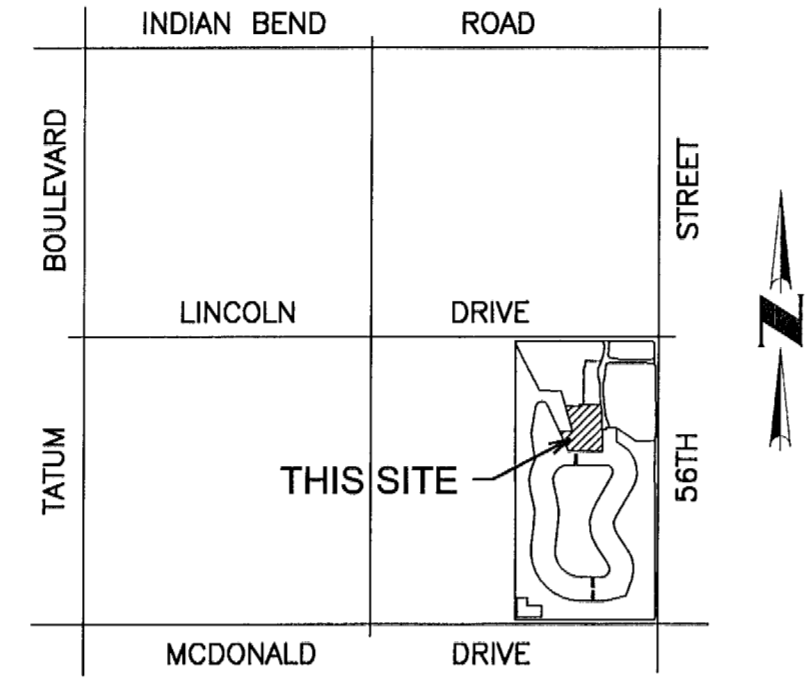
LARRY E. SULLIVAN
REGISTRATION NUMBER 22782
4550 N. 12TH STREET
PHOENIX, ARIZONA 85014
(602)-264-6831
CVLSURVEY@CVLCI.COM

Coe & Van Loo Consultants, Inc.

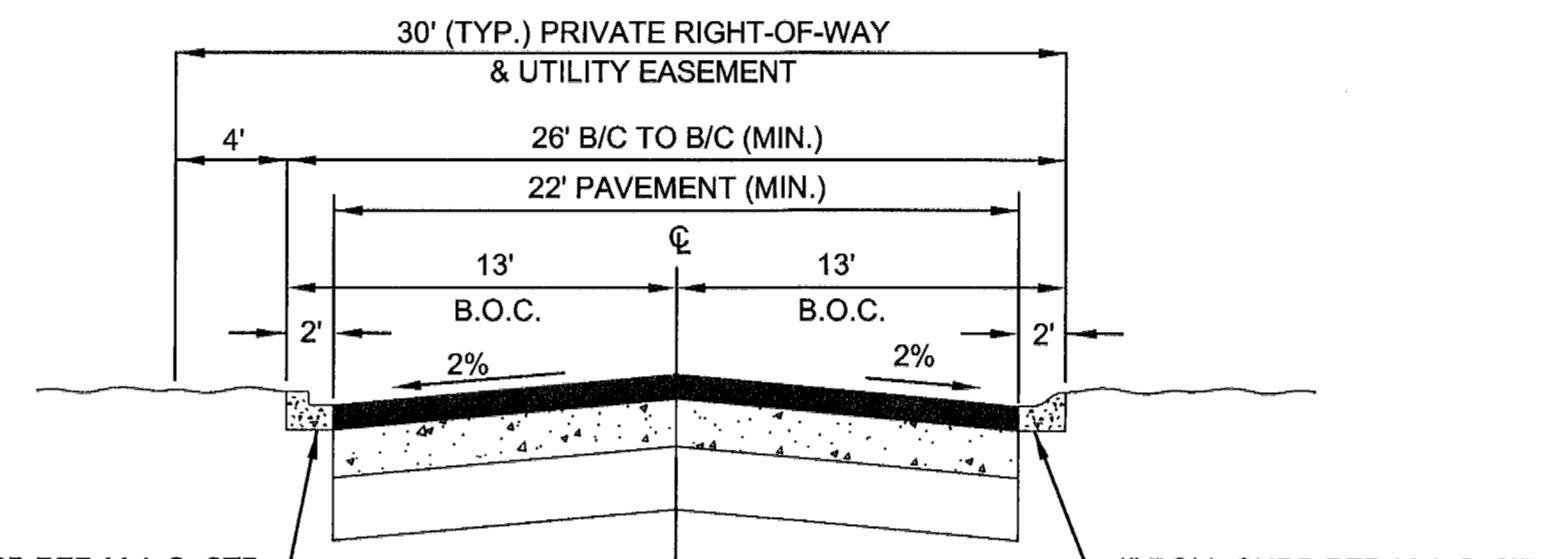
FINAL PLAT THE VILLAS AT MOUNTAIN SHADOWS PARADISE VALLEY, ARIZONA

NOTES

- 1. ALL ELECTRIC, NATURAL GAS, TELEPHONE AND CABLE TV SERVICE LINES WILL BE INSTALLED UNDERGROUND EXCEPT AS REQUIRED BY THE UTILITY PROVIDERS.
2. CONSTRUCTION WITHIN UTILITY EASEMENTS, EXCEPT BY PUBLIC AGENCIES AND UTILITY COMPANIES SHALL BE LIMITED TO WOOD AND WIRE OR REMOVABLE SECTION TYPE FENCING AND MUST BE IN CONFORMANCE WITH APPLICABLE DEED RESTRICTIONS, TOWN CODES, AND MAG SPECS AND STANDARD DETAILS.
3. THE ELEVATION OF ANY PAD FOR A BUILDING OR STRUCTURE WITHIN THE BASE FLOOD LIMITS OF AN AREA OF SPECIAL HAZARD MUST BE IN ACCORDANCE WITH ARTICLE 5-11 OF THE TOWN OF PARADISE VALLEY TOWN CODE, FLOODPLAIN ADMINISTRATION.
4. TRACT B IS A PRIVATE DRIVE. TRACTS B AND C CONTAIN EASEMENTS FOR PRIVATE SEWER LINES, PUBLIC & PRIVATE WATER LINES, NATURAL GAS, ELECTRIC, TELEPHONE, CABLE TELEVISION, DRAINAGE, REFUSE COLLECTION, AND EMERGENCY AND SIMILAR SERVICE TYPE VEHICLES.
5. THE DEVELOPMENT OF THE LOTS IN "THE VILLAS AT MOUNTAIN SHADOWS" IS PURSUANT TO THE DEVELOPMENT AGREEMENT AND SPECIAL USE PERMIT FOR MOUNTAIN SHADOWS AS RECORDED IN DOCUMENT NO. 2013-0359723 M.C.R. AND DOCUMENT NO. 2013-0358792 M.C.R. RESPECTIVELY.
6. BUILDING HEIGHTS ARE PURSUANT TO THE SPECIAL USE PERMIT (SUP) FOR MOUNTAIN SHADOWS.
7. CC&R'S FOR THIS DEVELOPMENT ARE AS PER THE MOUNTAIN SHADOWS AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS AS RECORDED IN DOCUMENT NO. 2015-0109812 M.C.R., AND AMENDED IN DOCUMENT NO. 2015-0426439 M.C.R. AND THE MOUNTAIN SHADOWS WEST DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS AS RECORDED IN DOCUMENT NO. 2015-0109960 M.C.R. AS AMENDED IN DOCUMENT NO. 2015-0426438 M.C.R.
8. INDIVIDUAL TRACTS OR LOTS CAN INCLUDE POOLS OR OTHER AMENITIES IN CONFORMANCE WITH APPROVED SPECIAL USE PERMIT (SUP).
9. THOSE PORTIONS OF TRACT B, AND TRACT C WHICH WILL BE DRIVABLE SURFACES TO BE UTILIZED ONLY BY EMERGENCY VEHICLES SHALL BE CONSTRUCTED WITH MATERIALS TO BE APPROVED BY THE FIRE MARSHAL.



VICINITY MAP (NOT-TO-SCALE)



SECTION A-A PRIVATE DRIVE

ALL PRIVATE DRIVES MAY BE CONSTRUCTED WITH INVERTED CROWN PAVEMENT AND/OR RIBBON CURB AT THE OWNER'S DISCRETION.

OWNER

MTS LAND LLC, A DELAWARE LIMITED LIABILITY COMPANY
18201 VON KARMAN AVENUE, SUITE 950
IRVINE, CALIFORNIA 92612
PHONE: (949) 476-2200
CONTACT: ROBERT A. FLAXMAN, CEO

ENGINEER

COE & VAN LOO CONSULTANTS, INC.
4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
PHONE: (602) 264-6831
FAX: (602) 264-0928
CONTACT: JOSEF PAPPAS, P.E.

LAND USE TABLE

Table with 2 columns: PARCEL, AREA. Includes rows for EXISTING ZONING (SUP-RESORT), YIELD (20 LOTS), and GROSS / NET AREA (3.157 AC).

TRACT TABLE

Table with 3 columns: TRACT, AREA (ACRES), DESCRIPTION. Includes rows for TRACT 'B', TRACT 'C', and TOTAL.

EASEMENT SCHEDULE

EASEMENTS SET FORTH IN BOOK 1232 OF MAPS, PAGE 27.

ACKNOWLEDGEMENT

STATE OF CALIFORNIA )
COUNTY OF ORANGE )SS
ON \_\_\_\_\_ BEFORE ME, ANN M. VERA, A NOTARY PUBLIC,

PERSONALLY APPEARED ROBERT A. FLAXMAN, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE: ANN M. VERA

APPROVAL

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

BY: MAYOR

ATTEST: TOWN CLERK

TOWN ENGINEER

PLANNING DIRECTOR

DRAINAGE EASEMENT RESTRICTIONS

PURSUANT TO A.R.S. 9-463.01 (C), AND SECTION 6-4 (E)(J), 8-7-1 ET. SEQ. AND 6-3-8 OF THE CODE OF ORDINANCES OF THE TOWN OF PARADISE VALLEY, DRAINAGE EASEMENTS ARE FOR THE PURPOSE OF ALLOWING STORM, FLOOD AND OTHER WATERS TO PASS OVER, UNDER, OR THROUGH THE LAND SET ASIDE FOR SUCH EASEMENTS, AND NOTHING WHICH MAY, TO ANY DEGREE, IMPEDE OR OBSTRUCT THE FLOW OF SUCH WATER, SHALL BE CONSTRUCTED, PLACED, PLANTED OR ALLOWED TO GROW ON OR IN SUCH EASEMENTS. THE MAINTENANCE AND CLEARING OF THESE DRAINAGE EASEMENTS SHALL BE THE SOLE RESPONSIBILITY AND DUTY OF THE OWNER OF THE PROPERTY ON WHICH SAID EASEMENTS ARE PLATTED. HOWEVER, IF THE TOWN DEEMS IT TO BE IN THE BEST INTERESTS OF THE HEALTH, SAFETY, OR WELFARE OF THE TOWN OF PARADISE VALLEY, THE TOWN OF PARADISE VALLEY MAY CONSTRUCT AND/OR MAINTAIN DRAINAGE FACILITIES ON OR UNDER SUCH EASEMENTS. AGENTS AND EMPLOYEES OF THE TOWN OF PARADISE VALLEY SHALL HAVE FREE ACCESS TO AND FROM ALL PORTIONS OF SUCH EASEMENTS AT ALL TIMES.

100 YEAR ASSURED WATER SUPPLY

THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF EPICOR WATER ARIZONA INC. - PARADISE VALLEY WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO SECTION 45-576 ARIZONA REVISED STATUTES AS PER ARIZONA DEPARTMENT OF WATER RESOURCES CERTIFICATE NUMBER 27-700797.0000 DATED AUGUST 27, 2014.

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS NORTH 00°16'59" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

UTILITY PROVIDERS

Table listing utility providers: SEWER (CITY OF PHOENIX), WATER (EPICOR WATER), TELEPHONE (CENTURYLINK), CABLE (COX COMMUNICATIONS), GAS (SOUTHWEST GAS), ELECTRIC (ARIZONA PUBLIC SERVICE).

GROSS AREA = 3.157 ACRES

SEE SHEET 2 FOR CURVE, LINE & LOT AREA TABLES

1 SHEET OF 2

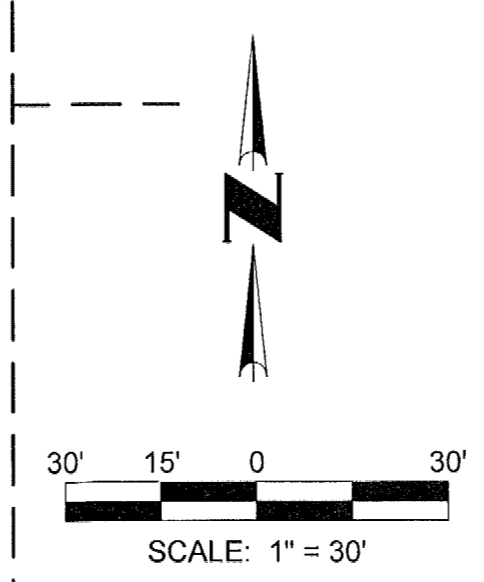
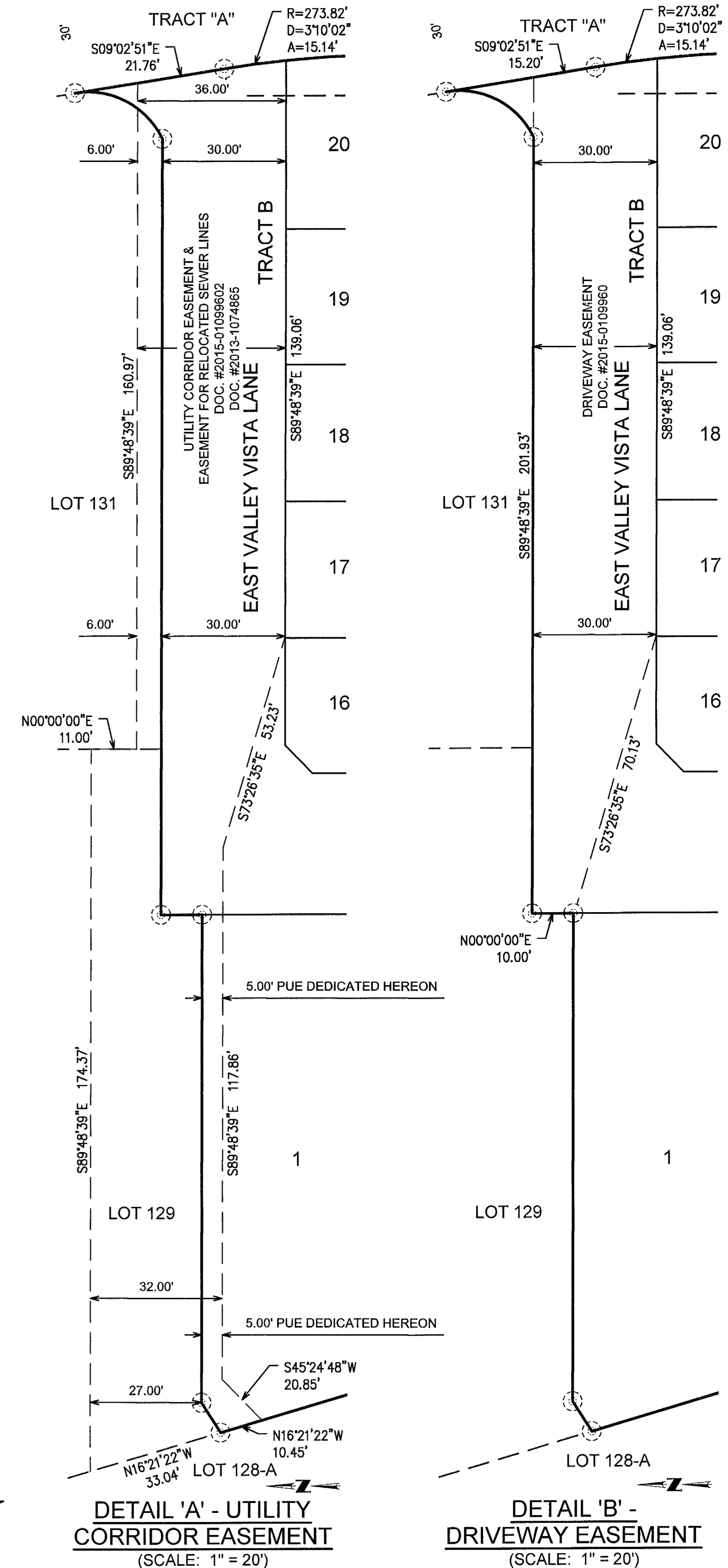
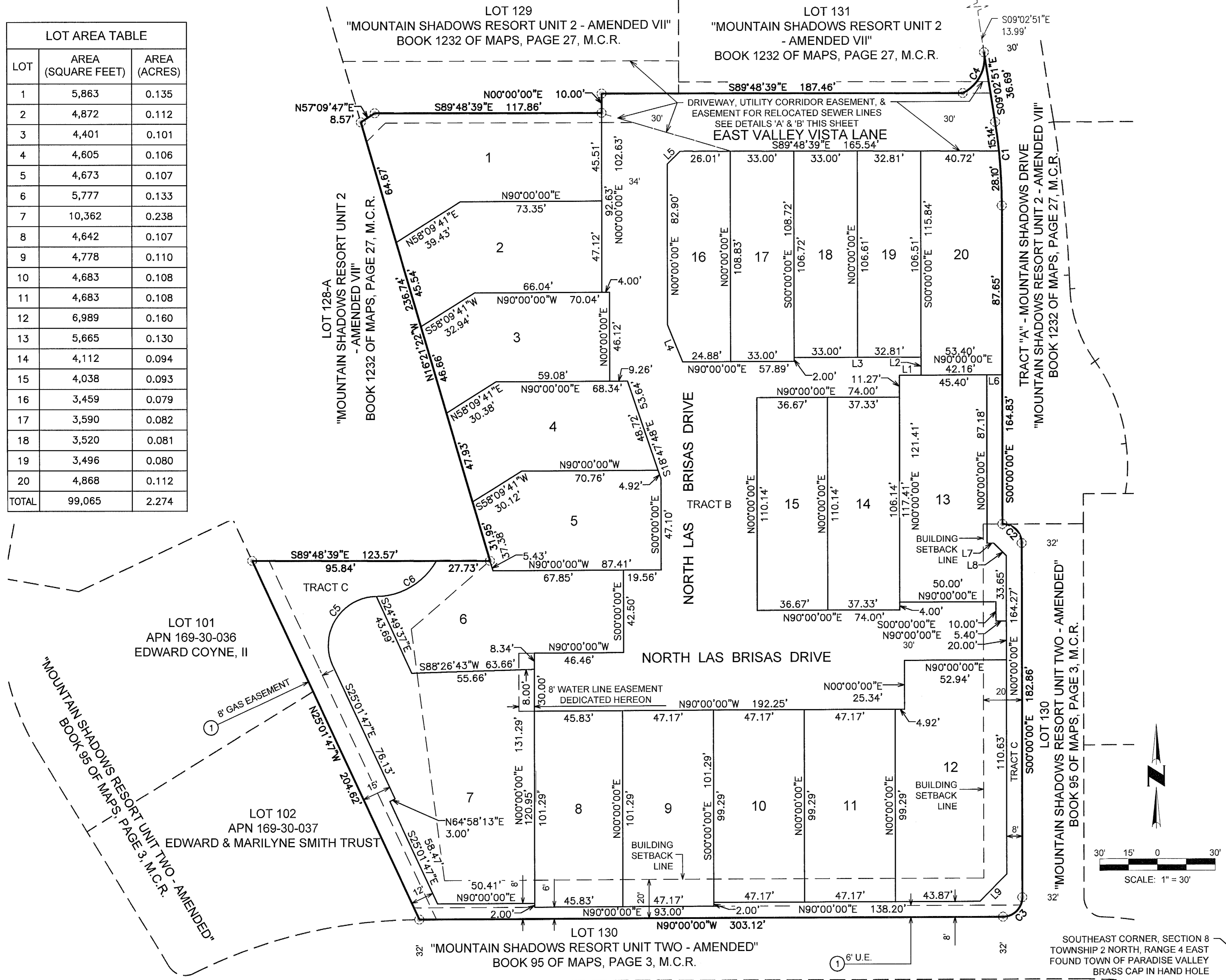
CVL Contact: J. PAPPAS
CVL Project #: 01-0245801
CVL File #:

CURVE TABLE						
NO.	ARC	RADIUS	DELTA	TANGENT	CHORD	CHORD-BEARING
C1	43.24	273.82	009°02'51"	21.66	43.19	N04°31'26"W
C2	15.71	10.00	090°00'00"	10.00	14.14	N45°00'00"W
C3	15.71	10.00	090°00'00"	10.00	14.14	N45°00'00"E
C4	25.62	20.00	073°23'42"	14.91	23.90	N27°39'00"E
C5	50.10	25.19	113°56'09"	38.75	42.24	S32°25'49"W
C6	37.96	36.21	060°03'46"	20.93	36.24	N59°49'56"E
C7	78.78	515.00	008°45'53"	33.83	78.70	S04°39'55"E
C8	28.92	50.00	033°08'06"	26.18	28.51	S16°51'02"E
C9	29.16	50.00	033°25'04"	17.66	28.75	S16°42'32"E
C10	31.93	30.00	060°58'28"	15.01	30.44	S30°29'14"W
C11	52.15	235.00	012°42'54"	14.87	52.04	S06°04'28"W
C12	53.24	34.00	089°43'02"	39.47	47.96	S45°08'29"E

LINE TABLE		
NO.	LENGTH	BEARING
L1	11.24	N90°00'00"E
L2	9.33	S00°00'00"E
L3	65.81	N90°00'00"E
L4	20.91	N21°49'54"W
L5	9.38	S45°11'22"W
L6	8.00	N90°00'00"E
L7	3.41	N90°00'00"W
L8	9.31	N45°00'00"W
L9	19.80	S45°00'00"W

- LEGEND**
- ▲--- INDICATES SECTION CORNER - FOUND BRASS CAP (UNLESS OTHERWISE NOTED)
  - INDICATES FOUND 1/2" REBAR WITH CAP RLS #22782 (UNLESS OTHERWISE NOTED)
  - U.E. INDICATES UTILITY EASEMENT
  - L1 INDICATES LINE NUMBER
  - C1 INDICATES CURVE NUMBER
  - M.C.R. INDICATES MARICOPA COUNTY RECORDER
  - APN INDICATES ASSESSOR PARCEL NUMBER
  - MAG INDICATES MARICOPA ASSOCIATION OF GOVERNMENTS
  - PUE INDICATES PUBLIC UTILITY EASEMENT
  - ① INDICATES EASEMENT SCHEDULE NO.

LOT AREA TABLE		
LOT	AREA (SQUARE FEET)	AREA (ACRES)
1	5,863	0.135
2	4,872	0.112
3	4,401	0.101
4	4,605	0.106
5	4,673	0.107
6	5,777	0.133
7	10,362	0.238
8	4,642	0.107
9	4,778	0.110
10	4,683	0.108
11	4,683	0.108
12	6,989	0.160
13	5,665	0.130
14	4,112	0.094
15	4,038	0.093
16	3,459	0.079
17	3,590	0.082
18	3,520	0.081
19	3,496	0.080
20	4,868	0.112
TOTAL	99,065	2.274

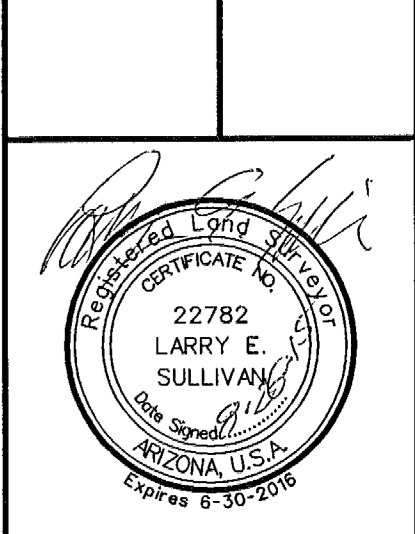


COUNTY RECORDER



**Coe & Van Loo Consultants, Inc.**

**THE VILLAS AT MOUNTAIN SHADOWS**  
PARADISE VALLEY, ARIZONA



2 SHEET OF 2  
CVL Contact: J. PAPPAS  
CVL Project #: 01-0245801  
CVL File #:

Printed By: DanHIF Print Date: August 26, 2015 Filename: N:\010245801\CADD\WEST\Residential\1\DS.R1.FPLAT.02.dwg

SEE SHEET 2 FOR CURVE TABLE AND LINE TABLE

## PROPOSED STIPUALTIONS

The Villas at Mountain Shadows Final Plat

TC 09-10-15

Approval of the Final Plat, "The Villas at Mountain Shadows" (FP-15-01), subject to the following stipulations:

1. This subdivision shall be in substantial compliance with the Final Plat, The Villas at Mountain Shadows, Sheets 1-2, prepared by Coe & Van Loo Consultants, Inc. dated August 26, 2015.
2. Prior to recordation of the Final Plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review to insure that all CC&R terms required under the SUP or other recorded agreements are part of the CC&Rs or other documents, including provision for maintenance of any drainage easements dedicated on the plat.
3. The final subdivision improvements shall be in substantial compliance with subdivision improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Plat, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve said final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.
4. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.



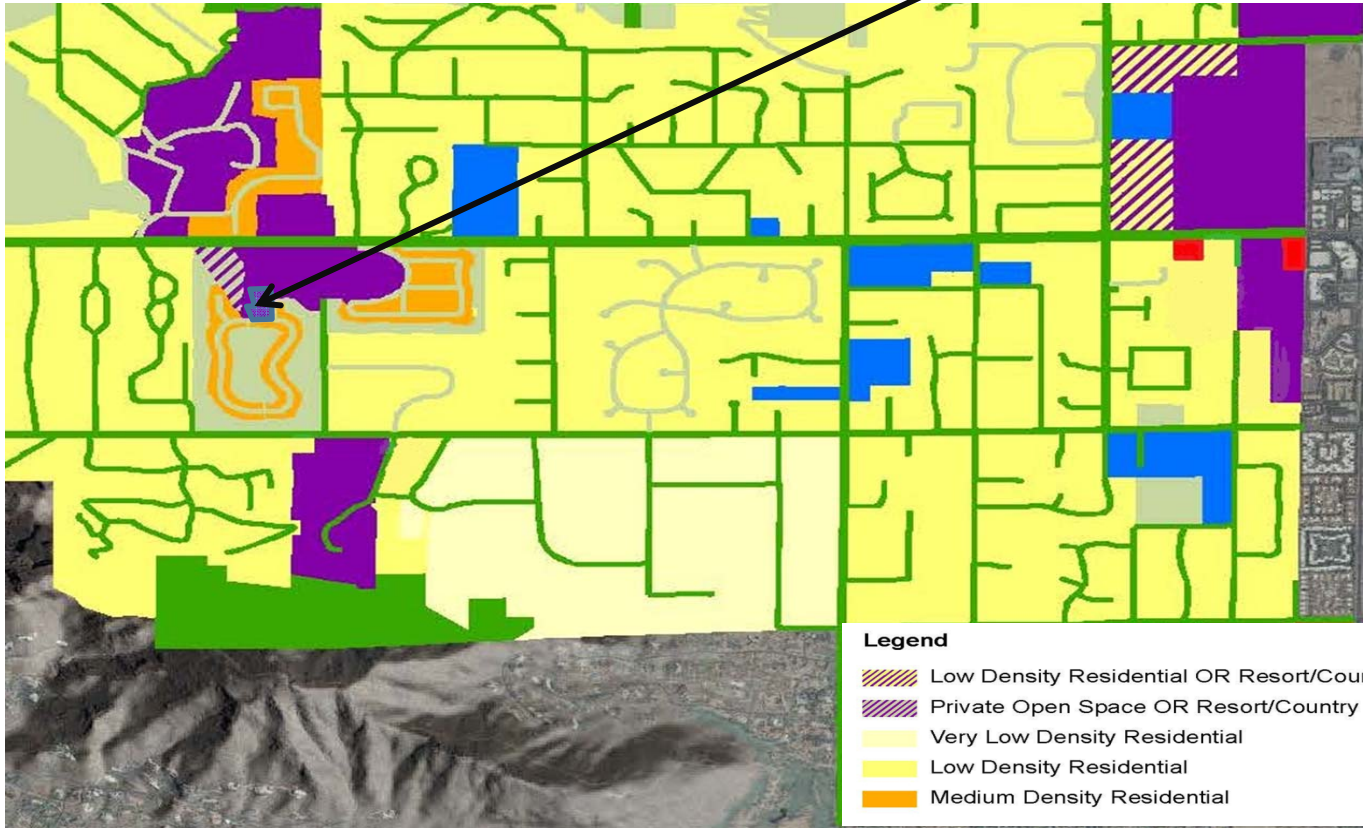
## Vicinity Map/ Aerial Photo

## Subject Property



# General Plan

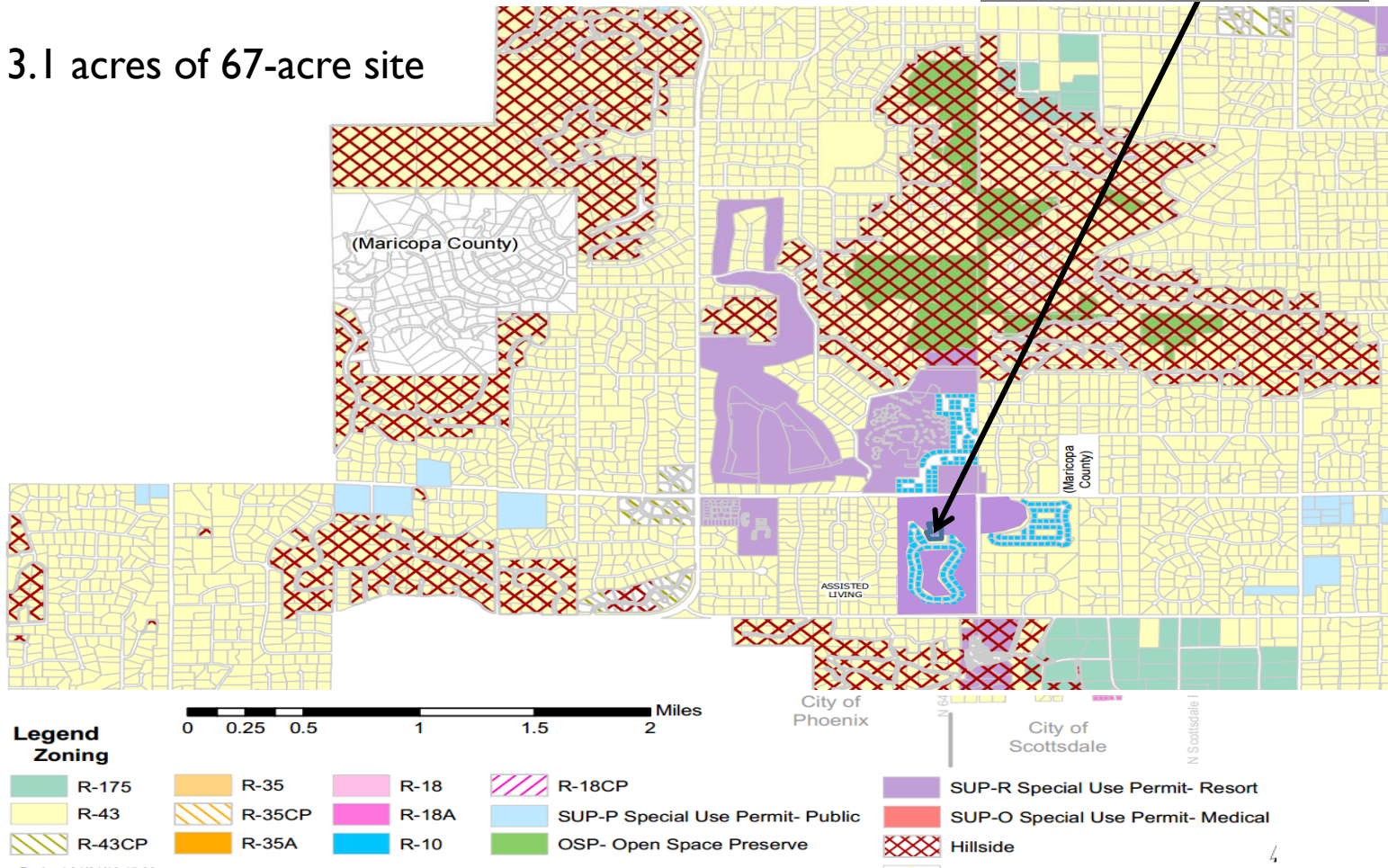
# Subject Property



# Zoning

3.1 acres of 67-acre site

Subject Property



TOWN OF PARADISE VALLEY  
APPLICATION FOR FINAL PLAT

PLEASE MARK THE APPROPRIATE BOX FOR APPLICATION.

PARCEL NO.: 169 - 30 - 94  
(County Tax Assessor Number)

DATE: 3 June, 2015

NAME OF SUBDIVISION: The Villas at Mountain Shadows

ADDRESS OR LOCATION OF PROPERTY: Southwest corner of  
56<sup>th</sup> Street & Lincoln Drive

OWNER: MTS LAND LLC, Attn Robert Flexman  
NAME

18201 Van Kermad Ave. Suite 950 649-476-2200  
ADDRESS IRVINE, CALIFORNIA 92612 PHONE #

AUTHORIZED AGENT: FRED E. FLEET, P.E.  
% COE & VAN LOO BLDG. NAME

4550 N 12<sup>th</sup> STREET, PHOENIX, AZ 85014  
ADDRESS

602-264-6831  
PHONE #

602-264-0928  
FAX #

FRG for MTS Land LLC Authorized Signatory - 6-3-15  
SIGNATURE OF REPRESENTATIVE

**APPLICATION FOR FINAL PLAT**

**(REQUIRED)** PLEASE PROVIDE A NARRATIVE DESCRIPTION OF THE PROPOSAL. YOU MAY USE A SEPARATE 8 1/2" BY 11" SHEET IF NECESSARY:

SEE ATTACHED

**(REQUIRED) PLAT STATISTICS**

TOTAL AREA

3.157 ACRES

NUMBER OF LOTS

20

**CONCURRENT APPLICATIONS, IF ANY:**

GUARD GATES

YES

NO

PRIVATE ROADS

YES

NO

ROADWAY VACATION

YES

NO

## **The Villas at Mountain Shadows Project Narrative**

This Final plat of the Villas at Mountain Shadows is proposed as a 20 lot development. The proposed Resort Residential units will be designed to a consistent design theme with the design Submittal for the Principal Resort Hotel approved by the Town in a letter dated January 16, 2015, subject to the variation in design, materials and building types, as allowed by the SUP (Stipulation 48(e)).

Each of the 20 lots is currently intended to be designed to accommodate one Resort Residential unit with not less than two parking spaces per Resort Residential unit provided. Parking spaces will be in garages, surface parking spaces or a combination of both. Additional guest parking will be provided within the development. The exact number of additional guest parking spaces will vary based on final civil drawings, and current and future landscape plans. The Resort Residential units may be designed with a zero lot line and common elements. Each Resort Residential unit will comply with the allowable heights of the SUP.

Following approval of the Final plat, building plans will be processed with the Town, which shall include a tabulation of actual Floor Area for each Resort Residential unit on each lot (and not the Floor Area of any other allowed elements of the Resort pursuant to Stipulation 43).

Signage for this platted area will comply with the Resort Sign Guidelines (Stipulation 29) to be submitted at a later date and approval by the Town Manager.

The existing clubhouse is the only structure that exists in the area of the proposed plat. The clubhouse will be demolished prior to, or concurrently with the commencement of the grading and civil improvements for this area.

The Owner reserves the right to re-plat all or any portion of the area encompassed by this plat.



## Minutes - Final Planning Commission

---

Tuesday, July 21, 2015

6:00 PM

Council Chambers

---

### 1. CALL TO ORDER

Chairman Strom called the meeting to order at 6:00 p.m

### 2. ROLL CALL

**Present** 7 - Chairperson Dolf Strom, Commissioner Thomas G. Campbell, Commissioner Richard K. Mahrle, Commissioner Scott Moore, Commissioner Jonathan Wainwright, Commissioner Daran Wastchak and Commissioner Jeff Wincel

Staff Present:

Susan Goodwin, Acting Town Attorney  
Eva Cutro, Community Development Director  
Paul Michaud, Senior Planner  
George Burton, Planner

### 3. EXECUTIVE SESSION

There was no executive session called.

### 4. STUDY SESSION ITEMS

**A. 15-118** Discussion of The Villas at Mountain Shadows Final Plat (FP 15-01)  
Southwest Corner Lincoln Drive and 56th Street

Paul Michaud gave a presentation covering the points in the action report.

Comments from the Planning Commission included the following:

- Commissioner Moore asked if the Town received an updated sewer capacity letter from the City of Phoenix. Mr. Michaud confirmed in the affirmative.
- Chairman Strom asked for clarification on the two fire flow letters from EPCOR. He stated one letter states there is sufficient flow and the other letter states EPCOR does not guarantee the adequacy of its water capacity for fire protection. Fred Fleet, engineer for the applicant, said his firm did the calculations and project will have adequate fire flow capacity. Commissioner Campbell suggested a stipulation to have the applicant explain the discrepancy between the two letters. Commissioner Wincel asked if the guarantee for fire flow is necessary for approval. It was stated

yes since the Town Code has minimum fire flow standards. Susan Goodwin stated that the Planning Commission can make a recommendation in approval that fire flow is clarified or demonstrated.

- Chairman Strom suggested adding a stipulation to add the word "only" to Note 9 on the plat to read, "Those portions of Tract B and Tract C which will be drivable surfaces to be utilized only by emergency vehicles shall be constructed with materials to be approved by the Fire Marshal."
- Commissioner Wainwright asked a question regarding process for stipulations and changes from when the Planning Commission makes its recommendation to when staff presents the application to Town Council.

**5. ACTION ITEMS**

**A. 15-119** Consideration of The Villas at Mountain Shadows Final Plat (FP 15-01) Southwest corner of Lincoln Drive and 56th Street

Chairman Strom opened the meeting for public comment at 6:25 p.m. Being none, public comment was closed.

**A motion was made by Commissioner Wastchak, seconded by Commissioner Mahrle, to forward to the Town Council a recommendation of approval for the Final Plat of The Villas at Mountain Shadows (FP-15-01), subject to the five stipulations in the action report and two additional stipulations. Stipulation 6 is to add the word "only" to Note 9 on the plat to read, "Those portions of Tract B and Tract C which will be drivable surfaces to be utilized only by emergency vehicles shall be constructed with materials to be approved by the Fire Marshal." Stipulation 7, regarding the will-serve letter from EPCOR to provide adequate water service for potable and fire flow, requires that "The applicant shall clarify with EPCOR its statement it does not guarantee the adequacy of its water capacity for fire protection." The motion carried by the following vote:**

**Aye:** 6 - Chairperson Strom, Commissioner Campbell, Commissioner Mahrle, Commissioner Moore, Commissioner Wainwright and Commissioner Wastchak

**Nay:** 1 - Commissioner Wincel

**6. PUBLIC HEARINGS**

There were no public hearing items.



# TOWN *Of* PARADISE VALLEY



---

**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
SUMMARY MINUTES  
Thursday, May 14, 2015**

---

**1. CALL TO ORDER / ROLL CALL**

Mayor Collins called to order the Town Council Meeting for Thursday, May 14, 2015 at 1:10 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins  
Council Member Bien-Willner  
Council Member Mary Hamway  
Council Member David A. Sherf  
Council Member Stanton  
Council Member Syms attended by telephone conference call.

**ABSENT**

Vice Mayor Paul E. Dembow

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Interim Public Safety Director Larry Ratcliff  
Public Works Director/Town Engineer James P. Shano  
Community Development Director Eva Cutro  
Municipal Court Director Jeanette Wiesenhofer  
Interim Finance Director Kent Brooksby  
Information Technology Analyst Robert Kornovich  
Senior Financial Analyst Christine Covell-Granberg  
Senior Planner Paul Michaud  
Engineering Services Analyst Jeremy Knapp

**2. STUDY SESSION ITEMS**

**a. Discussion of Fiscal Year 2016 Budget**

Town Manager Kevin Burke continued the presentation of his recommended budget. The following departments and programs were discussed: Town Attorney, Municipal Court, Finance & Information Technology, Capital Projects Program and health insurance.  
(Attached)

**b. Discussion of Mountain Shadows Preliminary Plat**

Senior Planner Paul Michaud presented the Preliminary Plat for The Villas at Mountain Shadows. Rick Carpinelli, Crown Development representing the owner, responded to questions from the Council. Planning Commissioner Jonathan Wainwright responded to questions from the Council regarding the 4-2 vote to recommend approval of the preliminary plat.

**Motion – Council Member Bien-Willner moved to enter Executive Session at 3:55 p.m. Council Member Hamway seconded the motion.**

**Passed For: 6; Against: 0; Abstain: 0; Absent: 1**

**c. Advisory Committee on Public Safety Interviews**  
**Staff Contact:** Mayor Michael Collins

Mayor Collins reconvened the Study Session at 4:10 p.m.

Council Member Syms arrived at 4:19 p.m.

The Mayor and Council interviewed the following residents who submitted applications to serve on the Advisory Committee on Public Safety:

Victoria Bellomo-Rosacci  
Richard Coulston  
Larry Fink  
Charlie Herf  
Paul Moore  
Jay Ozer  
Richard Post  
Jennifer Schwarz

Mayor Collins recessed the meeting at 5:23 pm.

Mayor Collins reconvened the meeting at 5:35 p.m.

**Continued Discussion of the FY 2016 Budget**

The Council gave the following direction on items added to the add/delete list:

- Police APX radios – keep in the budget
- Police tablet charging stations – keep in budget
- Community Development chroma meter – keep in budget
- Security improvements to the Council dais – do not include in budget
- Enhanced emergency preparedness drill – do not include in budget
- Part-time attorney staffing – keep in budget
- Re-bid janitorial contract – add to budget
- Accept the Town Manager's recommendation on healthcare including offering a high deductible plan and a PPO plan

Mayor Collins recessed the meeting at 6:00 p.m.

**3. EXECUTIVE SESSION**

- a. **Discussion and consultation with Town Representatives concerning the purchase, sale, or lease of real property in the vicinity of 7000 block of Highlands Drive as authorized by A.R.S. §38-431.03.A.7.**
- b. **The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the agenda items listed on the agenda as authorized by A.R.S. §38-431.A.3.**

**4. BREAK****5. RECONVENE FOR REGULAR MEETING****6. ROLL CALL**

Mayor Collins reconvened the meeting at 6:05 p.m.

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins  
Council Member Bien-Willner  
Council Member Mary Hamway  
Council Member David A. Sherf  
Council Member Stanton  
Council Member Syms

**ABSENT**

Vice Mayor Paul E. Dembow

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Interim Public Safety Director Larry Ratcliff  
Interim Finance Director Kent Brooksby  
Community Development Director Eva Cutro  
Senior Planner Paul Michaud  
Municipal Court Director Jeanette Wiesenhofer

**7. PLEDGE OF ALLEGIANCE\***

Mayor Collins led the Pledge of Allegiance.

**8. PRESENTATIONS\***

There were no presentations.

**9. CALL TO THE PUBLIC**

There were no public speakers.

## 10. CONSENT AGENDA

Mr. Burke summarized the items on the consent agenda.

**Motion - Council Member Mark Stanton moved to approve the Consent Agenda as submitted. Council Member Sherf seconded the motion.**

**Passed For: 6; Against: 0; Abstain: 0; Absent: 1**

a. **Minutes of Town Council Meeting April 23, 2015**

b. **Approval of Special Event Liquor License for Leukemia and Lymphoma Society**

**Recommendation:** Approve a Special Event Liquor License for the Leukemia & Lymphoma Society for an event on Saturday, May 30, 2015, subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; consumption shall be limited to the premises as indicated in the application; and Section 10-7 Control of Excess Noise be observed.

## 11. PUBLIC HEARINGS

There were no public hearings.

## 12. ACTION ITEMS

a. **Approval of Appointments to the Committee on Public Safety**

**Recommendation:** Approve appointments to the Advisory Committee on Public Safety.

Mayor Collins announced that the Council interviewed residents earlier in the meeting who had volunteered to serve on the Advisory Committee on Public Safety. He stated that Council Member Syms would chair the committee.

Council Member Syms stated that the committee will be a valuable tool in serving as a liaison between the police department and the community and continue the momentum started by the Public Safety Task Force.

**Motion - Mayor Collins moved to make the following appointments to the Advisory Committee on Public Safety:**

**Council Member Maria Syms, Chair**

**Victoria Bellomo-Rosacci**

**Larry Fink**

**Paul Moore**

**Jay Ozer**

**Richard Post**

**Jennifer Schwarz**

**Council Member Sherf seconded the motion.**

**Passed For: 6; Against: 0; Abstain: 0; Absent: 1**

b. **Approval of Mountain Shadows Preliminary Plat**

**Recommendation:** Approve the Villas at Mountain Shadows Preliminary Plat subject to the stipulations in the Action Report.

Council Member Syms left the meeting at 6:14 p.m.

Senior Planner Paul Michaud presented the preliminary plat for The Villas at Mountain

Shadows.

Rick Carpinelli representing the applicant stated that the plat is in conformance with the approved SUP and Development Agreement. He reported that he met with the Mountain Shadows West neighbors and came to an agreement about items related to the golf cart path and corner vision. He stated that the developer would comply with the Council's decision regarding the fire access points recommended by the Fire Marshal but not recommended by the Planning Commission.

Resident Lyn Odin spoke in opposition to the fire access gate.

Mr. Carpinelli stated that if a fire access gate was required, the developer's design team would attempt to make the gate aesthetically appealing.

Resident Pat Dickinson stated that Mountain Shadows HOA resort committee reached an agreement on the developer regarding the width of the cart paths and landscaping.

**Motion - Council Member Hamway moved to approve the Villas at Mountain Shadows Preliminary Plat subject to the stipulations in the following stipulations:**

1. The Final Plat for The Villas at Mountain Shadows shall be in substantial compliance with the Preliminary Plat, Sheets 1-3, prepared by Coe & Van Loo Consultants, Inc. dated April 28, 2015.
2. The Final Plat for The Villas at Mountain Shadows shall include any and all necessary easements and/or tracts, including:
  - a. Easements and/or tracts for drainage within said plat that are consistent to the overall grading and drainage plans for the entire Special Use Permit (SUP) site, which shall be depicted on the Final Plat prior to recordation of said plat,
  - b. Easements and/or tracts for utilities, with said easements to be in the locations and widths as prescribed by the respective utility provider, with correspondence from said utility providers indicating that the identification of the final locations and widths of such easement(s) are in process given to the Town prior to Planning Commission recommendation of the Final Plat, and
  - c. The utility and driveway easements across Lots 129 and 131 of Mountain Shadow Resort Unit 2 – Amended VI as recorded in Docket 20140826758, M.C.R. that shall be duly recorded prior to Town Council approval of said Final Plat.
3. Prior to recordation of the Final Plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review to insure that all CC&R terms required under the SUP or other recorded agreements are part of the CC&Rs or other documents, including provision for maintenance of any drainage easements dedicated on the plat.
4. The final subdivision improvements shall be in substantial compliance with subdivision improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final

Plat, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.

5. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.
6. The Map of "Mountain Shadow Resort Unit 2 – Amended VII" shall be approved by the Town and recorded prior to recordation of the Final Plat.

**Council Member Mark Stanton seconded the motion.**

**Passed For: 5; Against: 0; Abstain: 0; Absent: 2 (Dembow, Syms)**

### **13. REQUESTS FOR FUTURE AGENDA ITEMS**

Mr. Burke summarized the future agenda item list.

Council Member Hamway asked that the ordinances regarding stormwater management be added to a future agenda.

#### **a. Consideration of Request for Future Agenda Topics**

### **14. MAYOR / COUNCIL / MANAGER COMMENTS**

Mr. Burke announced that he appointed Dawn Marie Buckland as Director of Administration and Governmental Affairs. Her start date would be June 8, 2015.

He reported that a new Police Chief would be appointed very soon once the final background checks have been conducted.

**Motion – Council Member Sherf moved to enter Executive Session at 6:40 p.m. Council Member Hamway seconded the motion.**

**Passed For: 5; Against: 0; Abstain: 0; Absent: 2 (Dembow, Syms)**

### **15. ADJOURN**

**Motion - Council Member Jerry Bien-Willner moved to adjourn. Council Member Mark Stanton seconded the motion.**

**Passed For: 5; Against: 0; Abstain: 0; Absent: 2 (Dembow, Syms)**

Mayor Collins adjourned the meeting at 6:55 p.m.

## **TOWN OF PARADISE VALLEY**

SUBMITTED BY:

\_\_\_\_\_  
Duncan Miller, Town Clerk

**TOWN**  
*Of*  
**PARADISE VALLEY**



---

**PLANNING COMMISSION MEETING**  
**6401 E. LINCOLN DRIVE**  
**PARADISE VALLEY, ARIZONA 85253**  
**SUMMARY MINUTES**  
**April 21, 2015**

---

**1. CALL TO ORDER**

The meeting of the Town of Paradise Valley Planning Commission was called to order by Chair Strom at 6:00 p.m. He explained that the primary item this evening will be The Villas at Mountain Shadows Preliminary Plat. He stated that the order of the agenda will be an executive session, followed by the study session and public meeting on said plat, then the public meeting on the hillside rotation.

**2. ROLL CALL**

George Burton called the roll, noting there was a quorum.

*COMMISSIONERS PRESENT*

Dolf Strom, Chairman  
Thomas Campbell, Commissioner  
Jonathan Wainwright, Commissioner  
Scott Moore, Commissioner  
Daran Wastchak, Commissioner  
Jeff Wincel, Commissioner

*COMMISSIONERS ABSENT*

Richard Mahrle, Commissioner

*STAFF PRESENT*

Paul Michaud, Senior Planner  
George Burton, Planner  
Susan Goodwin, Acting Town Attorney  
Duncan Miller, Town Clerk

**3. EXECUTIVE SESSION**

At 6:02 p.m., Commissioner Wastchak moved the Planning Commission go into executive session to discuss legal matters regarding the Villas at Mountain Shadows Preliminary Plat agenda item. Commissioner Wainwright seconded the motion and it passed unanimously. The regular meeting resumed at 6:15 p.m.

#### 4. WORK STUDY SESSION

##### A. Discussion of The Villas at Mountain Shadows Preliminary Plat

Paul Michaud presented the topic per the Action Report. He focused on the three points raised at the April 7, 2015 Planning Commission meeting. These points were the corner vision at the southeast corner of Lot 12 adjoining the private roadway tract of Mountain Shadows West, the golf cart path on the subject property adjoining said private roadway tract and the 20-foot by 20-foot wide Emergency Access Easement (E.A.E) located on Tract C between Lots 12 and 13 of the Preliminary Plat.

During the course of the study session the applicant, Rick Carpinelli, and Scott McPherson, representative of the Resort Committee for the Mountain Shadows West Homeowners Association, spoke to clarify points.

Corner Vision: All parties' present expressed that they found the proposed 30-foot by 30-foot corner vision acceptable.

Golf Cart Path: It was noted that the Special Use Permit and Development Agreement do not require or specify any golf cart path locations. Also, these documents do not provide any design standards necessary to evaluate compliance to a proposed golf cart path. The plat itself will only show a tract(s) that includes golf cart usage along with the perimeter dimensions of said tract(s). Westroc (the resort owner), MTS Land LLC (the applicant for the Villas at Mountain Shadows) and the Mountain Shadows West Homeowners Association are working together on the final design of said path. Some concerns noted included the potential conflicts with golf cart drivers heading the opposite direction due to the one-way flow and potential conflicts with vehicles as the golf cart path adjoins the private roadway of Mountain Shadows West. The applicant noted that the newly proposed eight-foot setback wall staggers on the rear property lines along Lots 7-12 of the Preliminary Plat was a compromise.

Emergency Access: The Commissioners discussed the Town Fire Marshal's letter describing his reasoning for the access easement, along with prior conversations between the Fire Marshal and certain Commissioners. Said emergency access easement is not supported by the Mountain Shadows West Homeowners Association, claiming possible inverse condemnation and imposing new standards on an existing development. Discussion included that the Fire Marshal stated that the plat accommodates emergency access without said easement, said easement allows for another alternative emergency access point that builds in redundancy, the width of the private roadway of Mountain Shadows West and possible parked vehicles could limit turning movement and the actual use of said emergency access would likely be a rarity.

#### 5. ACTION ITEMS

##### A. Consideration of The Villas at Mountain Shadows Preliminary Plat

**Recommendation:** Forwarded a recommendation of **APPROVAL** with stipulations.



Directly following the study session discussion, the Planning Commission went into the public meeting. Scott McPherson reviewed the three points discussed during the study session.

**Motion – There were three motions. The first two motions failed. The first motion was the same motion as the third motion that was approved. The first motion failed by a vote of 2 – 4 (Commissioners Strom, Campbell, Wincel and Wastchak dissenting). The second motion removed the stipulation to delete the Emergency Access Easement. This motion failed by a vote of 2 – 4 (Commissioners Campbell, Wainwright, Wincel and Moore dissenting). A third motion passed whereby Commissioner Wastchak moved to recommend approval of the preliminary plat subject to the following stipulations. Commissioner Wainwright seconded the motion and it passed by a vote of 4 - 2 (Commissioners Strom and Campbell dissenting).**

1. The Final Plat for The Villas at Mountain Shadows shall be in substantial compliance with the Preliminary Plat, Sheets 1-3, prepared by Coe & Van Loo Consultants, Inc. dated April 9, 2015.
2. The Final Plat for The Villas at Mountain Shadows shall include any and all necessary easements and/or tracts, including:
  - a. Easements and/or tracts for drainage within said plat that are consistent to the overall grading and drainage plans for the entire Special Use Permit (SUP) site, which shall be depicted on the Final Plat prior to recordation of said plat,
  - b. Easements and/or tracts for utilities, with said easements to be in the locations and widths as prescribed by the respective utility provider, with correspondence from said utility providers indicating that the identification of the final locations and widths of such easement(s) are in process given to the Town prior to Planning Commission recommendation of the Final Plat, and
  - c. The utility and driveway easements across Lots 129 and 131 of Mountain Shadow Resort Unit 2 – Amended VI as recorded in Docket 20140826758, M.C.R. that shall be duly recorded prior to Town Council approval of said Final Plat.
3. Prior to recordation of the Final Plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review to insure that all CC&R terms required under the SUP or other recorded agreements are part of the CC&Rs or other documents, including provision for maintenance of any drainage easements dedicated on the plat.
4. The final subdivision improvements shall be in substantial compliance with subdivision improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Plat, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the

public right-of-way. The Town Engineer shall approve final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.

5. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.
6. The applicant shall delete from the Preliminary Plat the 20-foot by 20-foot wide Emergency Access Easement (E.A.E) located on Tract C between Lots 12 and 13 of the Preliminary Plat.
7. The applicant shall revise Tract C to include the 8-foot setback wall staggers on the rear property lines along Lots 7-12 of the Preliminary Plat as shown on Sheet LH002, Preliminary Hardscape Plans, prepared by CVL Consultants dated April 21, 2015.
8. The applicant shall correct the southern perimeter lot dimension of Lot 15 of the Preliminary Plat.

**Passed**

**For: 4; Against: 2; Abstain: 0; Absent: 1**

**B. Consideration of Hillside Building Committee Rotation Schedule.**

There was no discussion or public comment made.

**Motion –Commissioner Campbell moved to recommend approval of the changes to Section 2-5-6, Hillside Building Committee, of the Town Code with the following stipulations. Commissioner Wincel seconded the motion and it passed unanimously.**

- A. Hillside Building Committee (HIBCO) established to review applications for building permits in a Hillside Development Area.
- B. Committee shall consist of three (3) members of Planning Commission and two citizens, all of whom shall be appointed by the Mayor and confirmed by the Town Council. Citizen members must be Town residents but may not be members of the Planning Commission or Town staff.
- C. Term of citizen members shall be two (2) years. The first appointees shall serve individual terms of one year and two years. The terms of the members of the Planning Commission shall coincide with their terms of office, however such members shall serve on the Committee ~~via for six month staggered intervals according to a bi-annual rotation schedule proposed by the Mayor and confirmed by the Town Council. The rotation schedule shall also designate the member who shall serve as Chair.~~
- D. **The Hillside Building Committee members shall select the Hillside Committee Chair.**

## Paul Michaud

---

**From:** Robert Lee  
**Sent:** Friday, July 24, 2015 11:23 AM  
**To:** Paul Michaud  
**Cc:** Eva Cutro; Fred Fleet  
**Subject:** Will serve letter

Hi Paul,

As the Fire Marshal of the Town, I have previously required a fire flow test for the Villas at Mountain Shadows and the water is available for fire suppression. No action is required of the engineer to address fire protection.

FYI,  
Bob



---

June 16, 2015

Re: Emergency Assessment Easement

Dear Town Council Members;

In my capacity as the Fire Marshal (fire code official) of the Town of Paradise Valley, I have determined that the "The Villas At Mountain Shadows" plat meets the requirements of the International Fire Code in regards to access.

Sincerely,

Robert D Lee  
Fire Marshal

# **WATER CORRESPONDENCE**

## Paul Michaud

---

**Subject:** UPDATE: Villas at Mtn Shadows Plats - Paradise Valley (EPCOR "Not Guarantee Language)

**From:** Finke, Brad [<mailto:bfinke@epcor.com>]  
**Sent:** Wednesday, August 12, 2015 11:21 AM  
**To:** Paul Michaud  
**Subject:** FW: Villas at Mtn Shadows Plat - Paradise Valley

Paul:

Josh forwarded your e-mail to me for review and response. Item 3 in EPCOR's "will-serve" letter dated January 26, 2015, regarding water service for the Villas at Mountain Shadows includes the sentence "Please note that EPCOR does not guarantee the adequacy of its water capacity for fire protection." This statement is standard language that we include in all of our "will-serve" letters and it typically catches the attention of developers and municipalities.

The basis of this disclaimer is that EPCOR is a regulated utility that provides water service to the public in compliance with State law. As a utility that is regulated by the Arizona Corporation Commission, EPCOR does not provide fire protection services and does not warrant, guarantee or represent that any water utility services provided will comply with any fire-protection requirements of any governmental agency, or of any county, municipal, or private fire protection providers. EPCOR will allow public and private fire protection providers to use water from our system for fire-fighting purposes, provided that our normal system demands are first met and water system pressure is not decreased to less than 20 pounds per square inch. The requirement to maintain a minimum standard delivery pressure of 20 pounds per square inch is provided in the Arizona Administrative Code for all water utilities. The rules and regulations do not require water utilities to provide sufficient water capacity for fire protection.

EPCOR's letter dated May 8, 2015, regarding fire flow availability for Mountain Shadows states that "based on the hydraulic modeling results of the proposed water lines, Mountain Shadows West will receive fire flows in the range of 2,064 gpm to 2,124 gpm at the required residual zone pressure of 20 psi." We are confident that the fire flows will indeed be between 2,064 gpm to 2,124 gpm under the conditions mentioned in the letter, including that the proposed water lines will be installed as shown in our hydraulic model. However, we cannot guarantee that these fire flows will be available at all times, such as when a line break occurs, or if water demands significantly change with increased development over time, or when maintenance is being performed on the water system, or during times of local emergencies or disasters that require a disruption in service.

I hope this helps to clarify the language that we use in our letters. If you have any further questions on this matter, please let me know.

The logo for EPCOR WATER, featuring the text "EPCOR WATER" in white, bold, sans-serif font on a black rectangular background.

Brad Finke, P.E.  
Engineering Manager  
**EPCOR Water**  
2355 W. Pinnacle Peak Road, Suite 300  
Phoenix, AZ 85027

O 623.445.2402

[epcor.com](http://epcor.com)

This message and any attachments are solely for the use of the intended recipients. They may contain privileged and/or confidential information, attorney work product or other information protected from disclosure. If you are not an intended recipient, you received this email in error, and any review, dissemination, distribution or copying of this email or any attachment is strictly prohibited. If you received this email in error, please delete the message and any attachment from your system and contact the sender. Thank you for your cooperation.

---

**From:** Paul Michaud [<mailto:pmichaud@paradisevalleyaz.gov>]  
**Sent:** Friday, August 07, 2015 1:40 PM  
**To:** Vig, Joshua  
**Subject:** Villas at Mtn Shadows Plat - Paradise Valley

Josh:

I have been asked by the Paradise Valley Planning Commission to clarify some language on correspondence provided by EPCOR regarding the proposed subdivision villa plats at Mountain Shadows (APN 169-30-103, 169-30-104 and 169-30-105). I need to provide this update in my staff report for an upcoming hearing due out at the end of August. The Paradise Valley Planning Commission reviewed some of these plats at their July meeting. They asked to get clarification on text written in the attached January 26, 2015 EPCOR correspondence. Specifically, Item 3, which states "Please note that EPCOR does not guarantee the adequacy of its fire capacity for fire protection." The confusion or uneasiness by our Planning Commission was that EPCOR verified the capacity to service the subject site with a fire flow pressure of 2,064 gpm to 2,124 gpm, which is more than the minimum Town required 1,500 gpm flow rate at the residual zone pressure of 20 psi. It was assumed that the "not guarantee" language added in the EPCOR correspondence may be a new standard disclaimer, might relate back to the circumstance that fire flow testing is a model and done without the benefit of the specifics for the actual structures that will be built, and/or some other reasoning. I would appreciate if you, or another appropriate representative from EPCOR, could clarify the reasoning for the inclusion of this "not guarantee" language for me to report back to the Planning Commission. Staff is comfortable with the EPCOR correspondence, as evidenced by the attached correspondence from our Fire Marshal. However, the appointed/elected officials would like further comfort level by EPCORs clarification of this matter. I appreciate your time on this inquiry.

Regards,

Paul E. Michaud, AICP  
Senior Planner  
6401 E Lincoln Drive  
480-348-3574 (phone)  
480-483-1811 (TDD)  
[pmichaud@paradisevalleyaz.gov](mailto:pmichaud@paradisevalleyaz.gov)



2355 West Pinnacle Peak Road, Suite 300  
Phoenix, AZ 85027 USA  
[epcor.com](http://epcor.com)

July 16, 2015

Town of Paradise Valley  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

**RE: The Final Plat for the Villas at Mountain Shadows**

EPCOR has reviewed the project for the Final Plat for the Villas at Mountain Shadows, a resubdivision of Lot 132 of Mountain Shadow Resort Unit 2 – Amended VII. EPCOR has no issue with the Final Plat as well as the construction plans for water service. The PUE to be dedicated is adequate for our utility service, per our Project Manager Josh Vig. Therefore, EPCOR has no objection.

Please feel free to contact me with any questions or concerns at 623-780-3777 or email at [kdotray@epcor.com](mailto:kdotray@epcor.com)

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Dotray". The signature is fluid and cursive, written over the printed name.

Kimberly Dotray  
Real Property Manager





2355 West Pinnacle Peak Road, Suite 300  
Phoenix, AZ 85027 USA  
epcor.com

May 8, 2015

Fred E. Fleet  
Coe and Van Lee Consultants, Inc.  
4550 North 12<sup>th</sup> Street  
Phoenix, Arizona 85014

Dear Mr. Fleet,

This letter is to inform you that an analysis of the fire flow availability for the proposed Mountain Shadows West has been completed.

The analysis was performed using the hydraulic model for EPCOR Water's Paradise Valley water district, prepared by EPCOR. This model was last calibrated in 2010 and has been updated as necessary. The model is believed to be an accurate representation of the water system within a reasonable margin of error.

According to the plans submitted to EPCOR, the water lines proposed for Mountain Shadows West will be located in the northeast portion of the existing Mountain Shadows Golf Course, which is positioned at the southwest corner of Lincoln Drive and 56<sup>th</sup> Street. The proposed water lines are shown in the attached diagram. The new water lines will be 8-inch ductile iron pipe; they will connect to the existing 12-inch pipe in Lincoln Drive and the 8-inch pipe in 56<sup>th</sup> Street.

The Town of Paradise Valley is requesting a minimum fire flow of 1,500 gpm at a residual pressure of 20 psi. Based on the hydraulic modeling results of the proposed water lines, Mountain Shadows West will receive fire flows in the range of 2,064 gpm to 2,124 gpm at the required residual zone pressure of 20 psi (see attachment). This analysis was performed using the maximum day demand scenario. The results show that there is adequate fire flow availability to satisfy the minimum flow requested by the Town. Please note that these are estimated values from a model, and actual field tests are expected to vary depending on system demand and other fluctuating conditions.

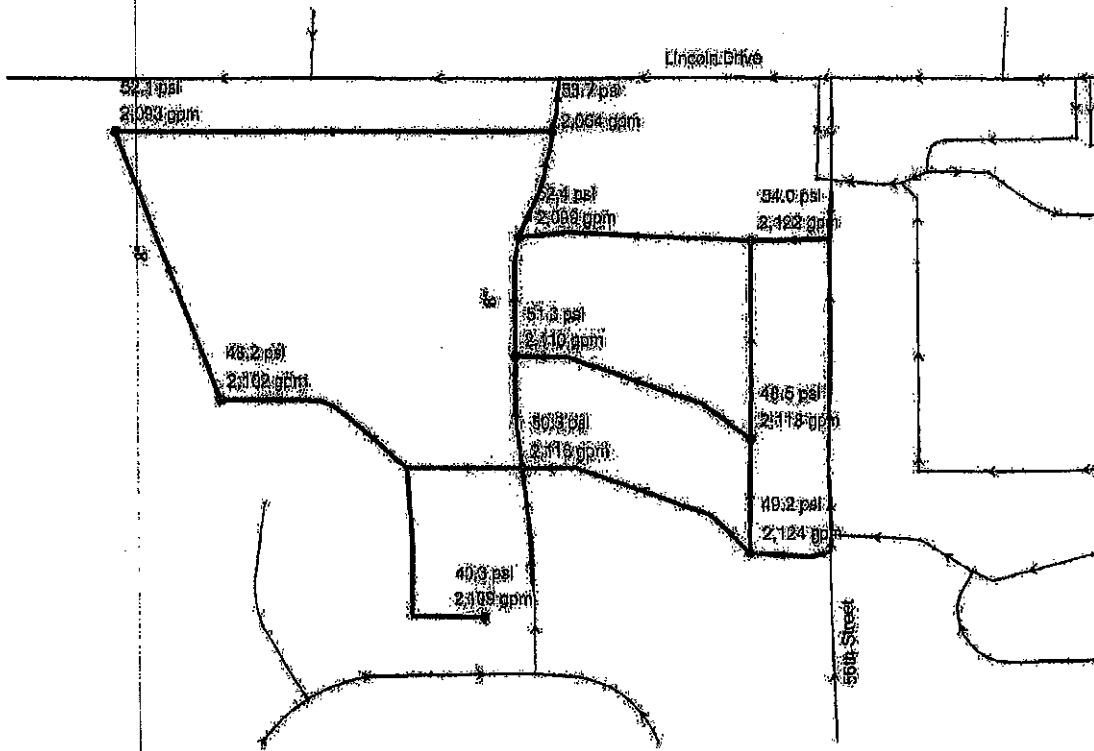
If you have any questions concerning the model or the analysis performed, please feel free to contact me.

Sincerely,

Gandace Coleman, PE  
Engineering Project Manager  
EPCOR Water

Attachment: Mountain Shadows West, Fire Flow Availability

**Mountain Shadows West**  
**Fire Flow Availability and Residual Pressure**  
**20 psi Minimum Zone Pressure**  
**Maximum Day Demand Scenario**



Prepared by EPCOR Water  
 Paradise Valley Working Model



2355 West Pinnacle Peak Road, Suite 300  
Phoenix, AZ 85027 USA  
epcor.com

January 26, 2015

MTS Land LLC  
18201 Van Karman Suite 950  
Irvine, CA 92812

Sent via e-mail to: [Fef\\_cvlci.com](mailto:Fef_cvlci.com)

Re: Will-Serve Letter for Water Service  
Villas at Mountain Shadows

To whom it may concern;

This letter is in response to Coe & Van Loo's request to EPCOR Water Arizona Inc. ("EPCOR") regarding EPCOR's willingness to provide water service to the Villas at Mountain Shadows (the "Development"). The Development is a residential project that encompasses approximately 9 acres and is located in the Town of Paradise Valley as shown in Exhibit A. EPCOR provides the following information for your consideration:

1. EPCOR has confirmed that the Development is located within the area encompassed by EPCOR's Certificate of Convenience & Necessity ("CC&N") as issued by the Arizona Corporation Commission.
2. Where new waterlines will be required to serve the Development, such water service to the Development by EPCOR will be conditioned upon the developer entering into a Main Extension Agreement (an "MXA") with EPCOR in a form acceptable to EPCOR, and upon the developer fully performing its obligations under the MXA. The MXA will provide, among other things, that the developer will be responsible for the cost to construct all water main extensions necessary to distribute water from EPCOR's existing system to the individual service line connections in the Development. The design and construction of all such main extensions will be subject to EPCOR's approval, and ownership of the main extensions, together with related real property easement rights, must be transferred to EPCOR prior to the initiation of water service in the Development.
3. Based on water service currently provided by EPCOR in the CC&N, EPCOR will have adequate water capacity for normal use in the Development upon developer's fulfillment of its obligations under the MXA. Please note that EPCOR does not guarantee the adequacy of its water capacity for fire protection.
4. Developer will be required, as a condition to EPCOR providing water service to the Development, to pay all required fees pursuant to EPCOR's then-current tariffs and as may be provided in the MXA.

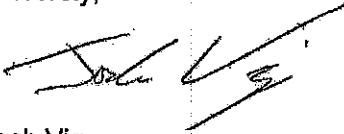
This letter assumes that construction of the main extensions within the Development will begin within one (1) year after the date of this letter.

If developer begins construction of any water mains in the Development or any other water service infrastructure intended to serve the Development without, in each instance, the prior written approval of such construction by EPCOR, developer will be proceeding with such construction at its own risk.

This letter does not independently create any rights or obligations in either developer or EPCOR, and is provided to developer for information only. Any agreement between developer and EPCOR for water service in the Development must be memorialized in a written agreement executed and delivered by their respective authorized representatives.

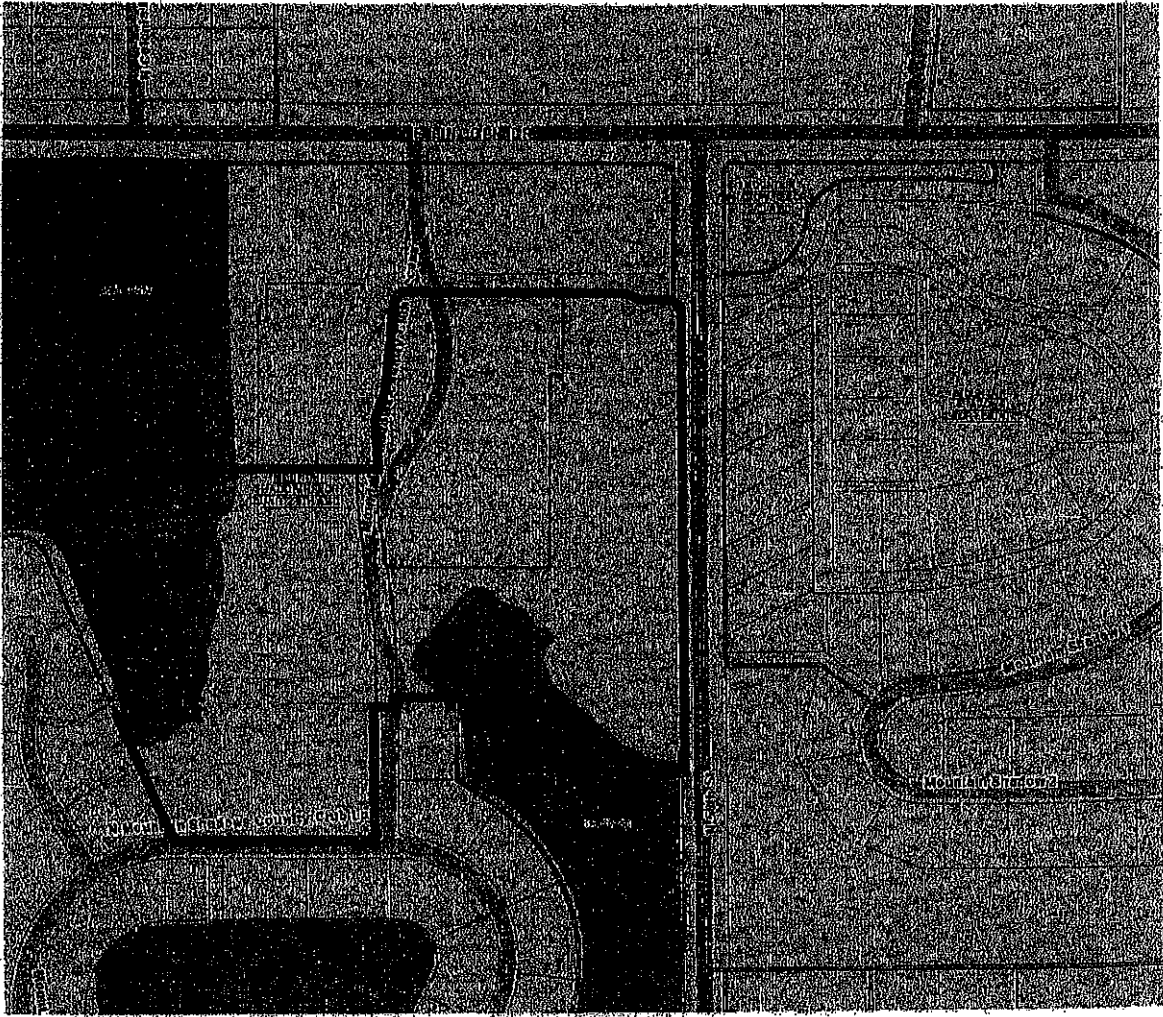
For additional information, please contact me at (623) 445-2495 or at [jvig@epcor.com](mailto:jvig@epcor.com)

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Vig", written over a horizontal line.

Josh Vig  
Project Manager

EXHIBIT A





**EPCOR**

2355 West Pinnacle Peak Road, Suite 300  
Phoenix, AZ 85027 USA  
epcor.com

January 15, 2015

Fred E. Fleet  
Coe and Van Loo Consultants, Inc.  
4550 North 12<sup>th</sup> Street  
Phoenix, Arizona 85014

Dear Mr. Fleet,

This letter is to inform you that an analysis of the fire flow availability for the proposed Villas at Mountain Shadows Resort has been updated.

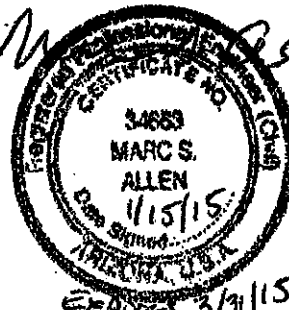
The analysis was performed using the hydraulic model for EPCOR Water's Paradise Valley water district, prepared by EPCOR. This model was last calibrated in 2010 and has been updated as necessary. The model is believed to be an accurate representation of the water system within a reasonable margin of error.

According to the plans Fleet-Fisher Engineer submitted to EPCOR, the water lines proposed for this phase of the Mountain Shadows Resort will be located in the northeast portion of the existing Mountain Shadows Golf Course, which is positioned at the southwest corner of Lincoln Drive and 56<sup>th</sup> Street. The proposed water lines are shown in the attached diagram. The new water lines will be 8-inch ductile iron pipe; they will connect to the existing 12-inch pipe in Lincoln Drive and the 8-inch pipe in 56<sup>th</sup> Street. There are six fire hydrants in the proposed plan.

The Town of Paradise Valley is requesting a minimum fire flow of 1,500 gpm at a residual pressure of 20 psi. Based on the hydraulic modeling results of the proposed water lines, the hydrants will receive a flow of 2,066 gpm to 2,137 gpm at the required residual zone pressure of 20 psi (see attachment). This analysis was performed using the maximum day demand scenario. The results show that there is adequate fire flow availability to satisfy the minimum flow requested by the Town. Please note that these are estimated values from a model, and actual field tests are expected to vary depending on system demand and other fluctuating conditions.

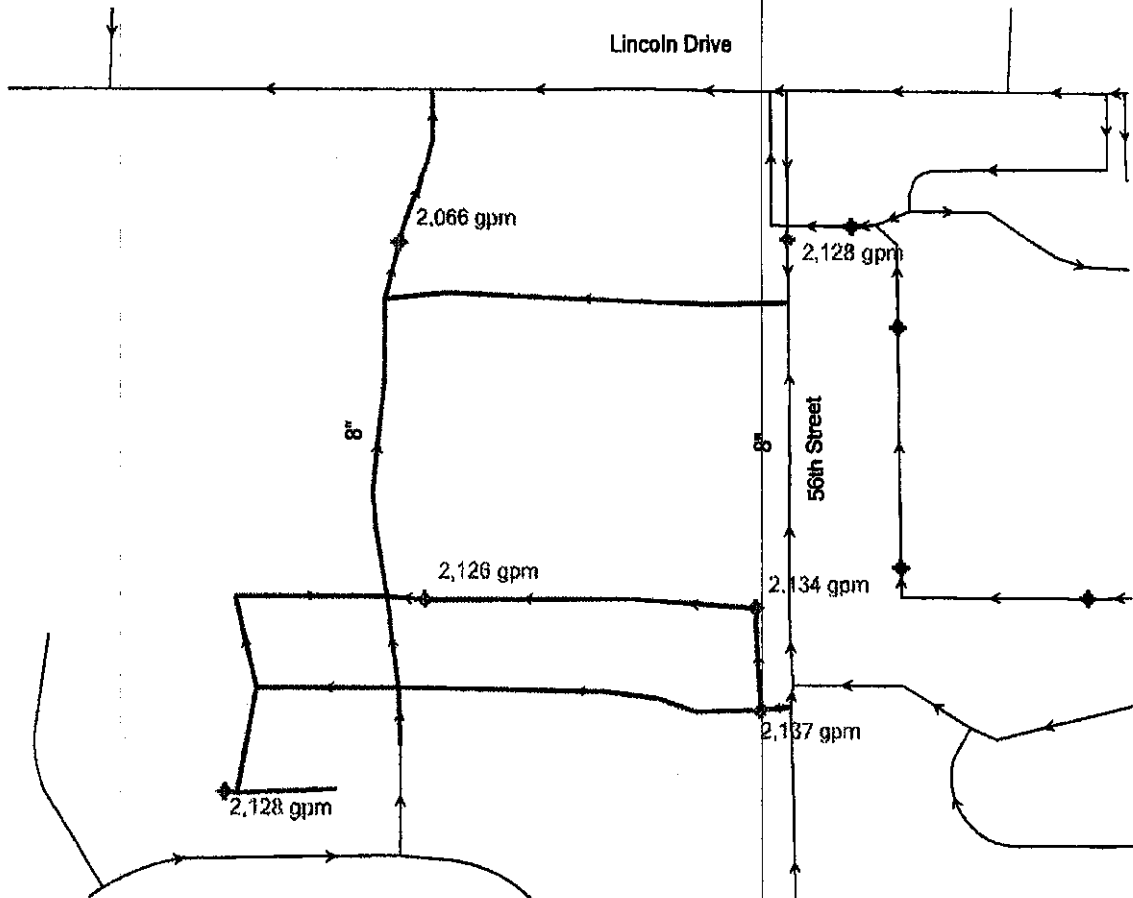
If you have any questions concerning the model or the analysis performed, please feel free to contact me.

Sincerely,  
*Candace Coleman*  
Candace Coleman, PE  
Engineer, Planning  
EPCOR Water



Attachment: Villas at Mountain Shadows Resort, Fire Flow Availability

**Villas at Mountain Shadows Resort**  
**Fire Flow Availability at 20 psi Minimum Zone Pressure**  
**Maximum Day Demand Scenario**



Prepared by EPCOR Water  
Paradise Valley Working Model

**STATE OF ARIZONA  
DEPARTMENT OF WATER RESOURCES  
CERTIFICATE OF ASSURED WATER SUPPLY**

This is to certify that

**MTS Land, LLC, a Delaware limited liability company, owner**

has met the requirements of A.R.S. §§ 45-576 and the applicable regulations, and

By powers vested in the Director of the Arizona Department of Water Resources by the State of Arizona, and subject to the conditions contained in the applicable regulations,

Is issued this Certificate of Assured Water Supply for

**Mountain Shadows Resort  
Township 2 North, Range 4 East, Section 8  
GSRB&M Maricopa County, PHOENIX Active Management Area**

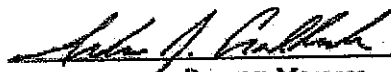
Sufficient water of adequate quality will be continuously available to satisfy the water demand of the referenced subdivision for at least one hundred years. The referenced subdivision consists of 178 lots as described in the preliminary plat on file with the Department, and has an estimated water demand of 36.42 acre-feet per year. The subdivision will be served groundwater by EPCOR - Paradise Valley.

This Certificate is invalid as to any entity not named above.  
This Certificate may be assigned pursuant to A.A.C. R12-15-705.

Certificate Number: 27-700797.0000



**ARIZONA DEPARTMENT OF WATER RESOURCES**

  
\_\_\_\_\_  
Program Manager

8/27/2014  
Date

TYPE A CERTIFICATE



# **SEWER CORRESPONDENCE**



**City Of Phoenix**  
Water Services Department  
Resource and Development Planning

June 8, 2015 (*letter revised*)

Fred Fleet, P.E.  
Coe and Van Loo  
4550 N 12<sup>th</sup> Street  
Phoenix, Arizona 85014

RE: Sewer Capacity for Mountain Shadows Redevelopment, Southwest corner of 56<sup>th</sup> Street and Lincoln Drive, Paradise Valley, Q.S. 21-40.

The request for sewer capacity and availability for the proposed re-development project has been reviewed. Based on the conceptual site plan it depicts the following:

1. 43 single family townhouse units
2. 20 single family townhouse units
3. 32 multi-unit condominiums
4. Re-development of 183 room hotel with 60,000 SF resort
5. 7000 SF restaurant

City of Phoenix affirms that sewer capacity is available to serve the proposed development. There is an 8-inch tap connection available at City of Phoenix manhole #406 in Lincoln Dr. The sewer shall remain as private but will connect to the City's 12-inch sewer main in Lincoln Drive.

Please call me at 602-495-7684 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Graham".

Lucy Graham  
Principal Engineering Technician  
Water Services Department  
Water Resource, Development & Planning

S:200dmshared/WRDP/letters/21-40 PV MountainShadowsReDev.doc

cc: Gary Griffith  
Jesse Flores



## City of Phoenix

WATER SERVICES DEPARTMENT  
DISTRIBUTION & COLLECTION ENGINEERING DIVISION

August 13, 2007

Fred Fleet, P.E.  
Fleet Fisher Engineering, Inc.  
4250 E Camelback Road, Suite 410K  
Phoenix, AZ 85018

Re: Mountain Shadows Redevelopment  
56<sup>th</sup> St and Lincoln Drive – Paradise Valley, AZ

Dear Mr. Fleet:

In accordance with R18-9-E301C, the City of Phoenix affirms that it has capacity in its downstream collection system and treatment plants for the volume of wastewater from the proposed sewer collection system of the subject project.

Please call me at 602-495-5407 if we can provide additional assistance.

Sincerely,

James F. Shannon, P.E.  
Civil Engineer III Team Leader  
Distribution and Collection Engineering

c: Gary Griffith

# **ELECTRIC CORRESPONDENCE**



ARIZONA PUBLIC SERVICE

Town of Paradise Valley  
c/o Ron Watson  
Dry Utilities Services Arizona  
4801 S. Lakeshore Dr.  
Suite 112  
Tempe, AZ 85282

**Ray Smith**  
*Survey & Row Representative*  
*Customer Construction East*

Mail Station 4031  
P.O. Box 53933  
Phoenix, AZ 85072-3933  
T: 602.493-4405  
F: 602.493-4429  
[R.Smith@aps.com](mailto:R.Smith@aps.com)

June 11, 2015

This is regarding the plans for The Final Plat For The Villas at Mountain Shadows, a resubdivision of Lot 132 of Mountain Shadow Resort Unit 2 - Amended VII. After reviewing the preliminary plat for The Villas at Mountain Shadows, Arizona Public Service does not see a problem with Tract B, Tract C and Tract D being dedicated to water, sewer, gas, electric, telephone and cable television utility providers. It is also understood that the purpose of this easement is to allow service to and from Lots 128, 128-A, 129, 131, 132(Future Lots 1-20), 133, 134, 135 and Tract "A" of Amended VII. This will be sufficient enough to place Arizona Public Service facilities in order to meet the needs of the customers of this development.

Please contact me at 602-493-4405 or by email at [r.smith@aps.com](mailto:r.smith@aps.com) with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Smith", with a stylized flourish at the end.

Ray Smith  
Survey/ROW Agent  
Arizona Public Service  
Customer Construction East



4612 E BELL RD  
PHOENIX, AZ 85032

4-29-15

Mr. Rick Carpinelli  
CROWN REALTY DEVELOPMENT  
5517 East Lincoln Drive  
Paradise Valley, AZ 85253

Re: Villas at Mountain Shadows

Dear Mr. Carpinelli,

The above referenced project is located in Arizona Public Service Company's electric service area. The Company extends its lines in accordance with the "Conditions Governing Extensions of Electric Distribution Lines and Services," Schedule 3, and the "Terms and Conditions for the Sale of Electric Service," Schedule 1, on file with the Arizona Corporation Commission at the time we begin installation of the electric facilities.

Application for the Company's electric service often involves construction of new facilities for various distances and costs depending upon customer's location, load size and load characteristics. With such variations, it is necessary to establish conditions under which Arizona Public Service will extend its facilities.

The enclosed policy governs the extension of overhead and underground electric facilities to customers whose requirements are deemed by Arizona Public Service to be usual and reasonable in nature.

Please give me a call at 602-493-4470 so that we may set up an appointment to discuss the details necessary for your project.

Sincerely,

*Harry O'Neill*

**Harry O'Neill**  
Customer Project Manager  
Customer Construction East

# **NATURAL GAS CORRESPONDENCE**



# **SOUTHWEST GAS CORPORATION**

July 16, 2015

Town of Paradise Valley  
c/o Ron Watson  
Dry Utility Services Arizona  
4801 S. Lakeshore Drive  
Suite 112  
Tempe, AZ 85282

To Whom It May Concern:

This is regarding the plans for the final plat for 'The Villas at Mountain Shadows', a re-subdivision of Lot 132 of Mountain Shadows Resort Unit 1 – Amended VII. After reviewing the preliminary plat, Southwest Gas Corporation doesn't see a problem with Tract B, Tract C and Tract D being dedicated to allow utilities the right to install and operate within those Tracts. It is understood that the purpose of this dedication is to allow service to and from the lots specified within the proposed plat. This dedication language will be sufficient to allow Southwest Gas to install its facilities subject to the future design and provided the design for installation is within the areas specified and there is adequate room within those areas.

Please contact me at 602-484-5281 or by email at [alis.gause@swgas.com](mailto:alis.gause@swgas.com) with any questions.

Respectfully,

*Alis Gause*

Alis Gause  
Analyst I, Right of Way  
Engineering & Project Support Staff  
Southwest Gas Corporation





# **SOUTHWEST GAS CORPORATION**

June 11, 2015

**Crown Realty Development  
Attn: Rick Carpinelli  
5517 E Lincoln Dr  
Paradise Valley AZ 85253**

**RE: Natural Gas Service: Villas at Mountain Shadows (56<sup>th</sup> St & Lincoln)**

In response to your recent inquiry concerning the availability of natural gas to the above location, Southwest Gas Corporation is the natural gas supplier for this area. Gas can be extended to this subdivision from our gas main along Mountain Shadows Country Club Access Rd. Please keep in mind there is an existing service and meter on site with address of 5525 E Lincoln Dr Paradise Valley AZ 85253 that will need to be removed and abandoned.

Natural gas is available to serve this project in accordance with our Rule Six as filed with the Arizona Corporation Commission. We extend our facilities based on economic justification. Without reviewing a preliminary engineering plan for this project, we cannot, at this time, determine what fees would be required from the developer. We are interested in serving this project with the preferred fuel, natural gas, and look forward to hearing from you as plans progress.

If you have any questions regarding our policies or procedures, please contact me at 602-818-1891.

Sincerely,

Jeff Shelton  
Energy Advisor  
Central Arizona Division

# **CABLE CORRESPONDENCE**



Town of Paradise Valley  
c/o Ron Watson  
Dry Utilities Services Arizona  
4801 S. Lakeshore Dr.  
Suite 112  
Tempe, AZ 85282

June 26, 2015

This is regarding the plans for The Final Plat for the Villas at Mountain Shadows, a re-subdivision of Lot 132 of Mountain Shadow Resort Unit 2 - Amended VII. After reviewing the preliminary plat for The Villas at Mountain Shadows, Cox does not see a problem with Tract B, Tract C and Tract D being dedicated to water, sewer, gas, electric, telephone and cable television utility providers. It is also understood that the purpose of this easement is to allow service to and from Lots 128, 128-A, 129, 131, 132 (Future Lots 1-20), 133, 134, 135 and Tract "A" of Amended VII. This will be sufficient enough to place Cox facilities in order to meet the needs of the customers of this development.

Please contact me at 602-694-1418 or by email at [zachary.killin@cox.com](mailto:zachary.killin@cox.com) with any questions or concerns.

Sincerely,

*Zach Killin*

**Zach Killin**

Cox Communications  
Construction Planner  
[zachary.killin@cox.com](mailto:zachary.killin@cox.com)  
1550 W. Deer Valley Rd  
Phoenix Arizona 85027  
Cell - 602-694-1418



1550 W Deer Valley Road  
Phoenix, AZ 85027

April 16<sup>th</sup>, 2015

Mr. Rick Carpinelli  
CROWN REALTY DEVELOPMENT  
5517 East Lincoln Drive  
Paradise Valley, AZ 85253

Project: Villas at South Mountain

To Whom It May Concern:

This letter is to confirm that Cox Communications is a licensed telecommunications provider for the above area located in Maricopa County. Service to a development with public streets and public utility easements, meeting the density requirement as stipulated in the license with the County, will be provided at no cost to the developer. Should the project not meet the density requirement, a capital contribution program is available.

For private communities (whether gated or not), our standard easement agreement will be required. Otherwise the same procedures apply. The developer also has the option of providing service to the community at a reduced rate under the bulk discount program. If you're interested, please contact me for additional information on the program.

Upon receipt of the appropriate trench maps and placement time lines, Cox Communications will place its facilities in the joint utility trenches. For the preliminary information and/or the service are map, please call our Cox Traffic Management Center at 623-328-3554.

Sincerely,

*Daniel Weryzynski*

Daniel Weryzynski  
Account Executive  
Phone 623-328-6701

# **INTERNET CORRESPONDENCE**



100 Centurylink Dr.  
Mailstop 3TCW089.2  
Monroe, LA 71203

June 11, 2015

Town of Paradise Valley  
c/o Ron Watson  
Dry Utilities Services Arizona  
4801 S. Lakeshore Dr.  
Suite 112  
Tempe, AZ 85282

To Whom It May Concern:

This is regarding the plans for The Final Plat For The Villas at Mountain Shadows, a re-subdivision of Lot 132 of Mountain Shadow Resort Unit 2 – Amended VII. After reviewing the preliminary plat for For The Villas at Mountain Shadows, CenturyLink does not see a problem with Tract B, Tract C and Tract D being dedicated to water, sewer, gas, electric, telephone and cable television utility providers. It is also understood that the purpose of this easement is to allow service to and from Lots 128, 128-A, 129, 131, 132(Future Lots 1-20), 133, 134, 135 and Tract "A" of Amended VII. This will be sufficient enough to place CenturyLink facilities in order to meet the needs of the customers of this development.

Please contact me at 318-330-6894 or by email at [michael.pietlukiewicz@centurylink.com](mailto:michael.pietlukiewicz@centurylink.com) with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Pietlukiewicz".

Michael Pietlukiewicz  
Network Real Estate



**CenturyLink™**

CenturyLink Engineering  
135 W. Orion St. 1<sup>st</sup> Floor  
Tempe, AZ 85283  
BICS@Centurylink.com

April 14, 2015

Mr. Rick Carpinelli  
CROWN REALTY DEVELOPMENT  
5517 East Lincoln Drive  
Paradise Valley, Arizona 85253

RE: Villas at Mountain Shadows

Mr. Carpinelli,

The above mentioned project is located in a parcel of land located in Section 8, Township 2N and Range 4E in Maricopa County.

In response to your "Service Availability" request for the above mentioned development located at the southwest corner of Lincoln Drive and 56<sup>th</sup> Street, Paradise Valley, AZ, this letter is to acknowledge that this subject property is within CenturyLink serving territory.

The tariff Rates and Regulations prescribed for service for this area are on file with your State Utilities Commission, and may be examined at your local CenturyLink Business Office.

Sincerely,

Ronijean Grant-Sloan  
CenturyLink Supervisor Construction/Engineering Permits/Joint Use/Developer Administration  
135 W Orion Street, 1st Floor  
Tempe, AZ 85283  
480/768-4294 (Office)  
480/748-1352 (Cell)





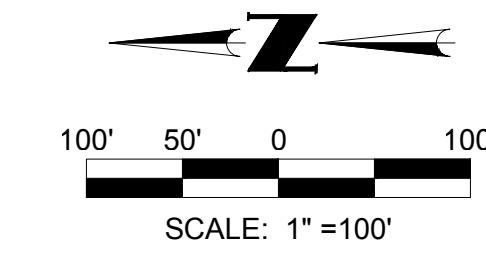
**CURVE TABLE**

NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD-BEARING
1	20.00	31.32	089°43'01"	19.90	28.21	S45°08'29.5"E
2	20.00	24.26	069°30'46"	13.88	22.80	S35°02'22.0"E
3	20.00	31.54	090°21'19"	20.12	28.37	S44°53'40.5"W
4	284.00	427.00	086°08'44"	265.51	387.90	S13°26'02.0"E
5	140.00	152.47	062°23'50"	84.78	145.04	S01°33'35.0"E
6	294.00	264.00	051°27'00"	141.65	255.22	S07°02'00.0"E
7	294.00	73.01	014°13'42"	36.69	72.82	S82°53'09.0"W
8	458.00	769.56	096°16'20"	511.10	682.17	N41°51'50.0"W
9	436.00	147.12	019°20'00"	74.27	146.42	N03°23'40.0"W
10	360.00	277.01	044°05'13"	145.77	270.22	N08°58'56.5"E
11	54.99	140.15	146°01'20"	179.99	105.18	N81°57'20.0"E
12	10.00	15.71	090°00'00"	10.00	14.14	N45°00'00.0"E
13	10.00	15.71	090°00'00"	10.00	14.14	N45°00'00.0"W
14	64.00	133.64	119°38'20"	110.05	110.65	S30°10'50.0"E
15	360.00	392.06	062°23'50"	218.01	372.96	S01°33'35.0"E
16	74.00	158.55	122°45'30"	135.61	129.92	S28°37'15.0"W
17	238.00	399.90	096°16'20"	265.59	354.49	N41°51'50.0"W
18	656.00	221.35	019°20'00"	111.74	220.31	N03°23'40.0"W
19	140.00	251.83	103°03'40"	176.20	219.22	N38°28'10.0"E
20	34.00	53.24	089°43'01"	33.83	47.96	S45°08'29.5"E
21	235.00	52.15	012°42'54"	26.18	52.04	S06°04'28.0"W
22	30.00	31.93	060°58'28"	17.66	30.44	S30°29'14.0"W
23	50.00	29.16	033°25'04"	15.01	28.75	S16°42'32.0"E

**CURVE TABLE**

NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD-BEARING
24	50.00	28.92	033°08'05"	14.87	28.51	S16°51'01.5"E
25	515.00	78.78	008°45'52"	39.47	78.70	S04°39'55.0"E
26	273.82	43.24	009°02'51"	21.66	43.19	S04°31'25.5"E
27	91.26	26.11	016°23'36"	13.15	26.02	N00°57'36.0"E
28	89.42	45.93	029°25'52"	23.48	45.43	N20°50'37.0"W
29	70.00	40.44	033°05'59"	20.80	39.88	N19°00'32.5"W
30	690.47	79.39	006°35'18"	39.74	79.35	N05°45'12.0"W
31	485.00	74.19	008°45'52"	37.17	74.12	N04°39'55.0"W
32	100.00	40.91	023°26'26"	20.75	40.63	N11°26'14.0"E
33	50.00	14.97	017°09'27"	7.54	14.92	N14°34'43.5"E
34	100.00	18.83	010°47'15"	9.44	18.80	N00°36'22.5"E
35	24.50	40.53	094°47'15"	26.64	36.07	N42°36'22.5"E
36	32.50	8.41	014°49'55"	4.23	8.39	S82°35'02.5"E
37	32.50	8.41	014°49'55"	4.23	8.39	S82°35'02.5"E
38	20.00	7.05	020°12'15"	3.56	7.02	S79°53'52.5"E
39	20.00	31.51	090°16'59"	20.10	28.35	S44°51'30.5"W
40	32.50	9.34	016°28'06"	4.70	9.31	N81°45'57.0"W
41	32.50	9.34	016°28'06"	4.70	9.31	N81°45'57.0"W
42	24.50	43.21	101°03'20"	29.75	37.82	N39°28'20.0"W
43	276.00	54.62	011°20'19"	27.40	54.53	N05°23'10.5"E
44	20.00	31.51	090°16'59"	20.10	28.35	N44°51'30.5"E
45	20.00	25.62	073°23'42"	14.91	23.90	N27°39'00.0"E

**COUNTY RECORDER**



CENTER SECTION 9  
T. 2 N., R. 4 E.  
FD. M.C.H.D. B.C. IN H.H.

MOUNTAIN SHADOW RESORT AMENDED II  
BOOK 1191 OF MAPS, PAGE 28

EAST 1/4 CORNER SECTION 8  
T. 2 N., R. 4 E.  
FD. T.O.P.V. B.C. IN H.H.

MOUNTAIN SHADOW RESORT ESTATES  
BOOK 1192 OF MAPS, PAGE 4

MOUNTAIN SHADOW RESORT AMENDED  
BOOK 75, PAGE 34 M.C.R.

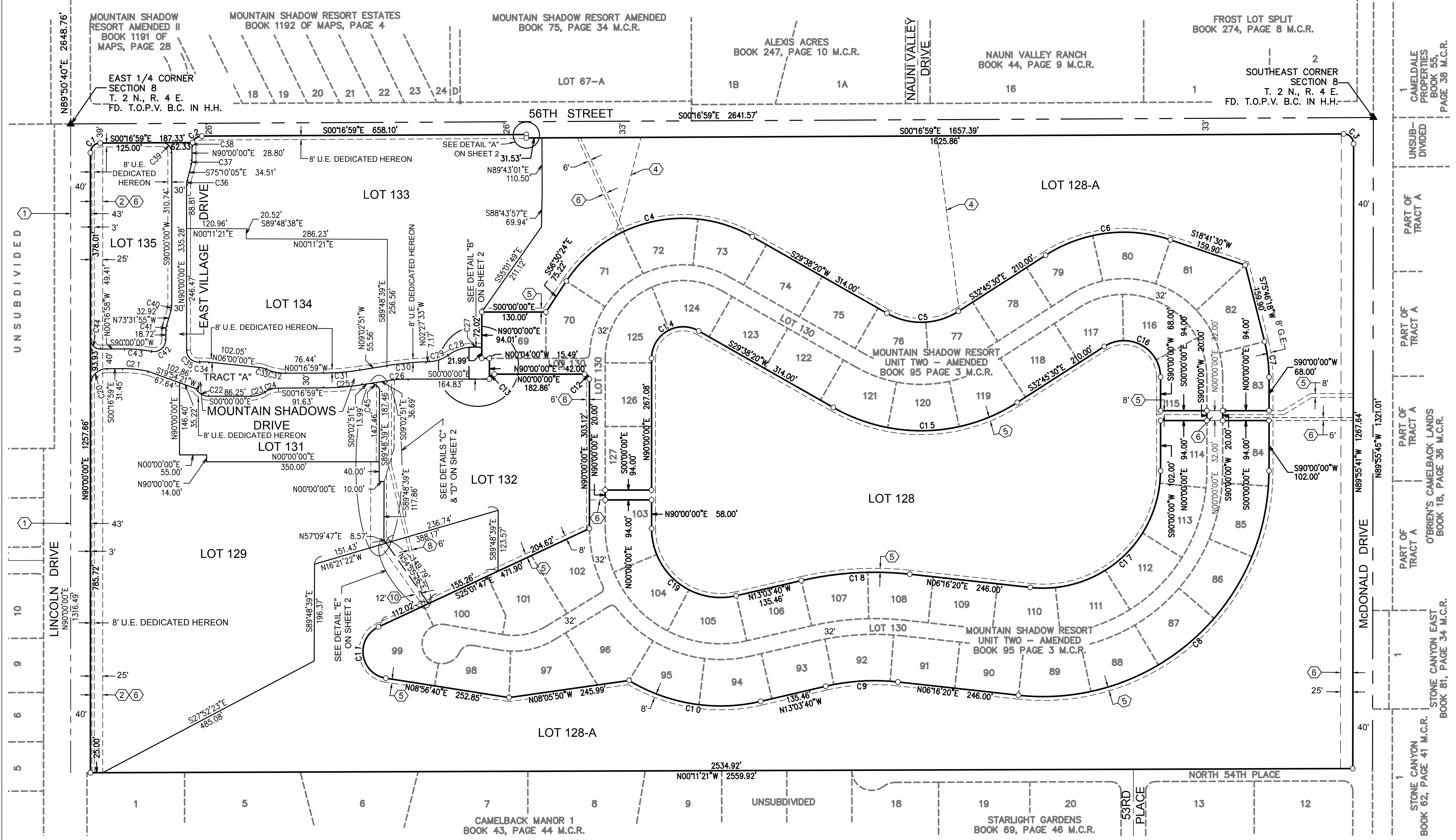
ALEXIS ACRES  
BOOK 247, PAGE 10 M.C.R.

NAUNI VALLEY RANCH  
BOOK 44, PAGE 9 M.C.R.

FROST LOT SPLIT  
BOOK 274, PAGE 8 M.C.R.

SOUTHEAST CORNER SECTION 8  
T. 2 N., R. 4 E.  
FD. T.O.P.V. B.C. IN H.H.

CAMELBACK PROPERTIES  
BOOK 55, PAGE 38 M.C.R.



DATE

REVISION

NO.

**Coe & Van Loo Consultants, Inc.**

**FINAL MAP**

**MOUNTAIN SHADOW RESORT**

**UNIT - 2 AMENDED VII**

3 SHEET OF 3

CVL Contact: R. WEED  
CVL Project #: 01-0245811  
CVL File #:

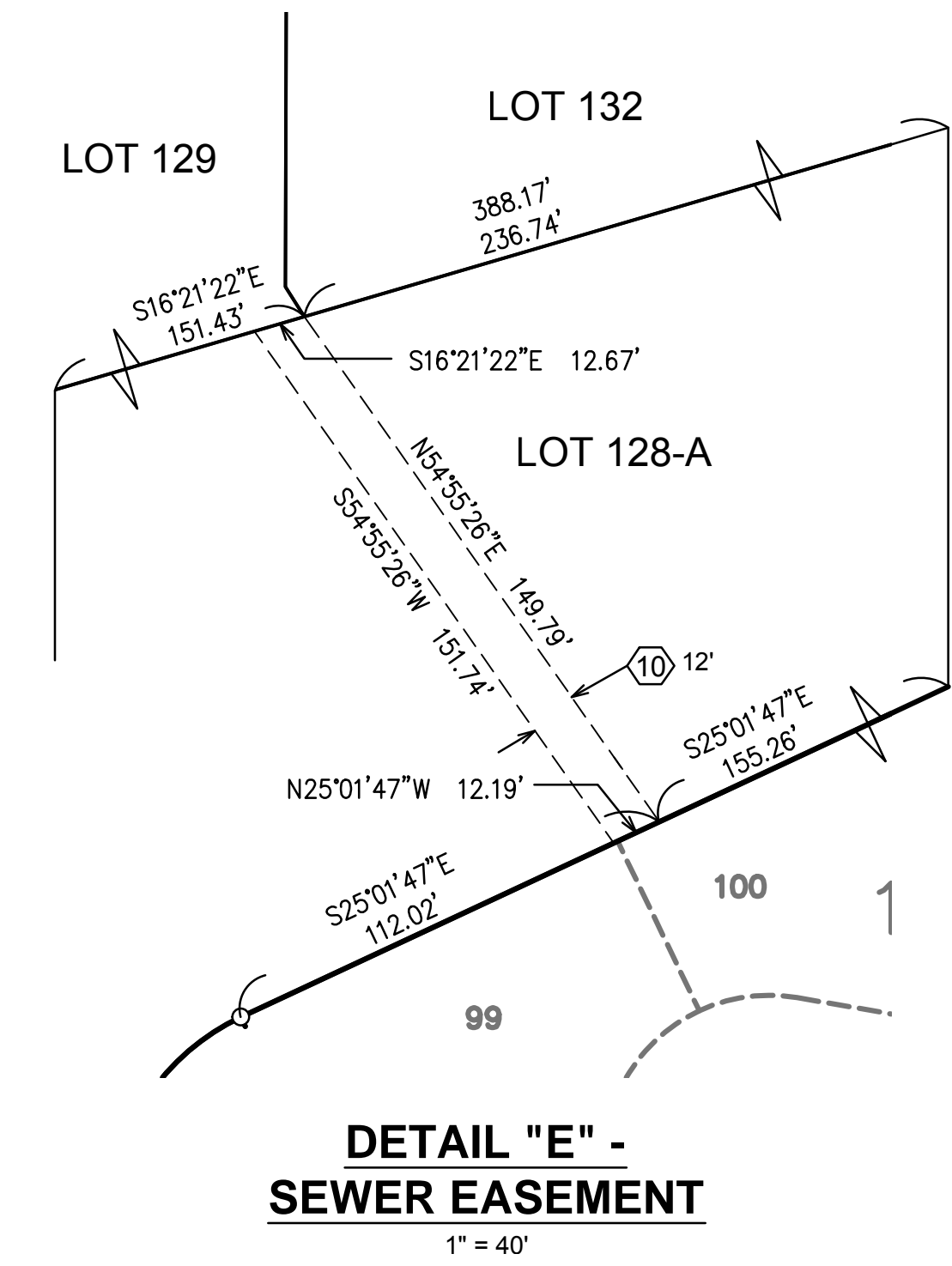
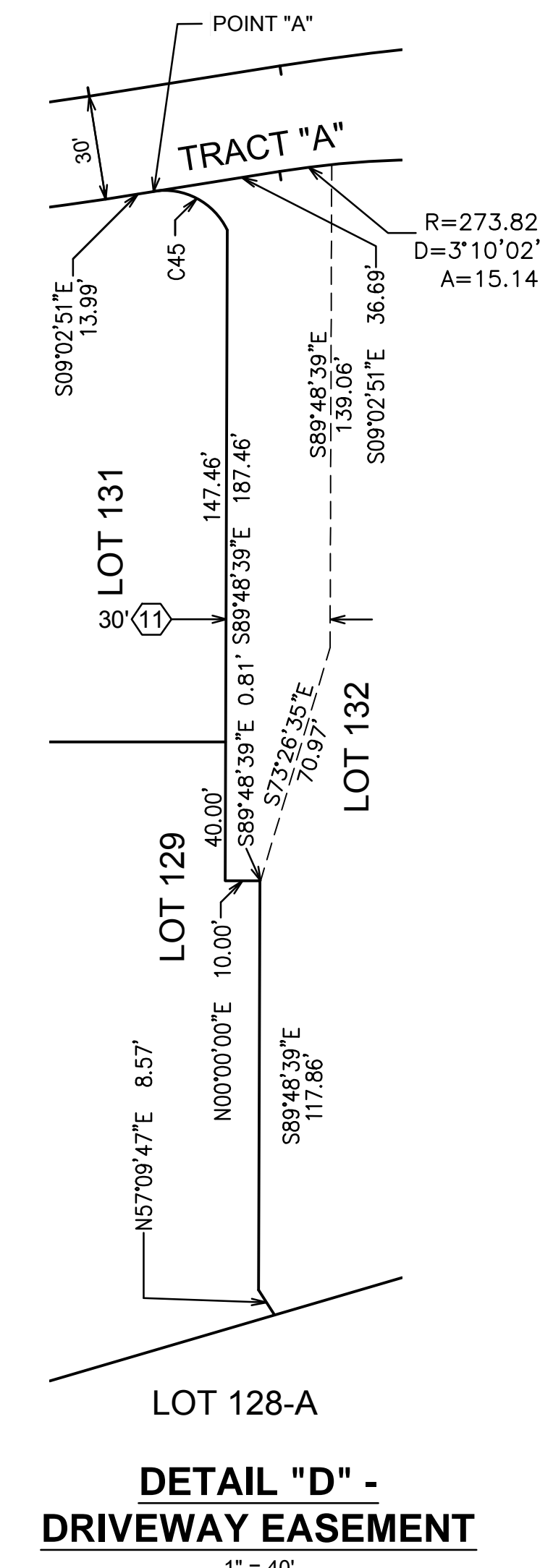
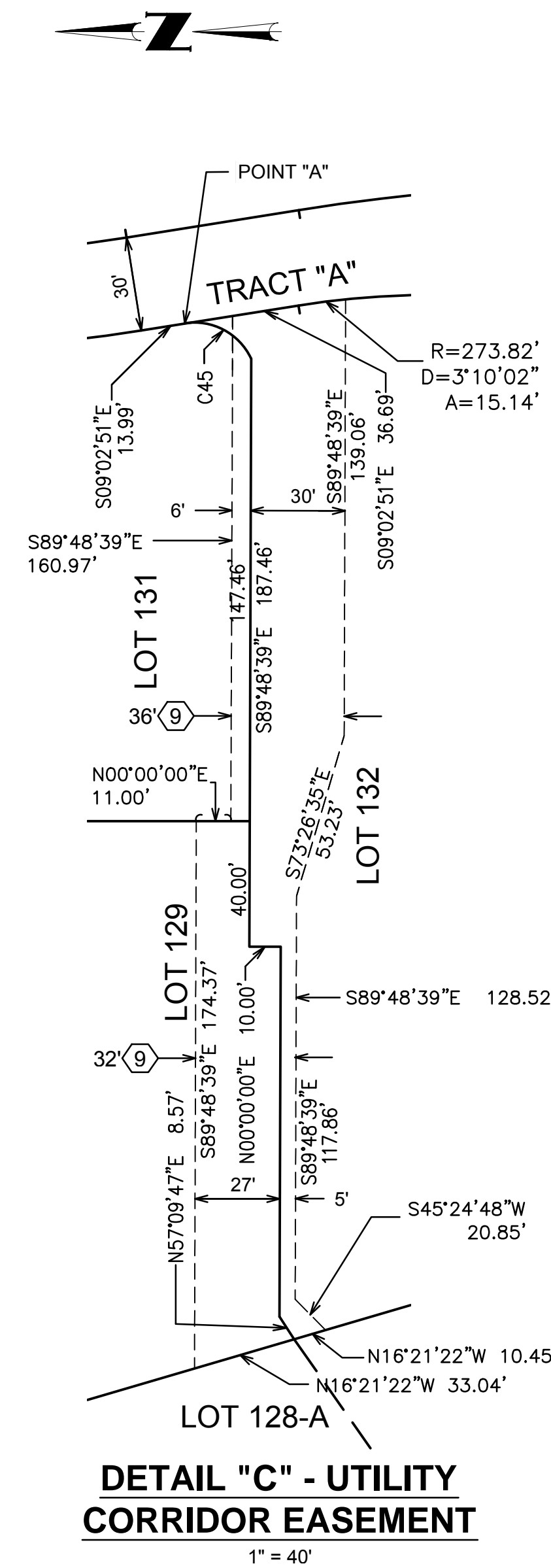
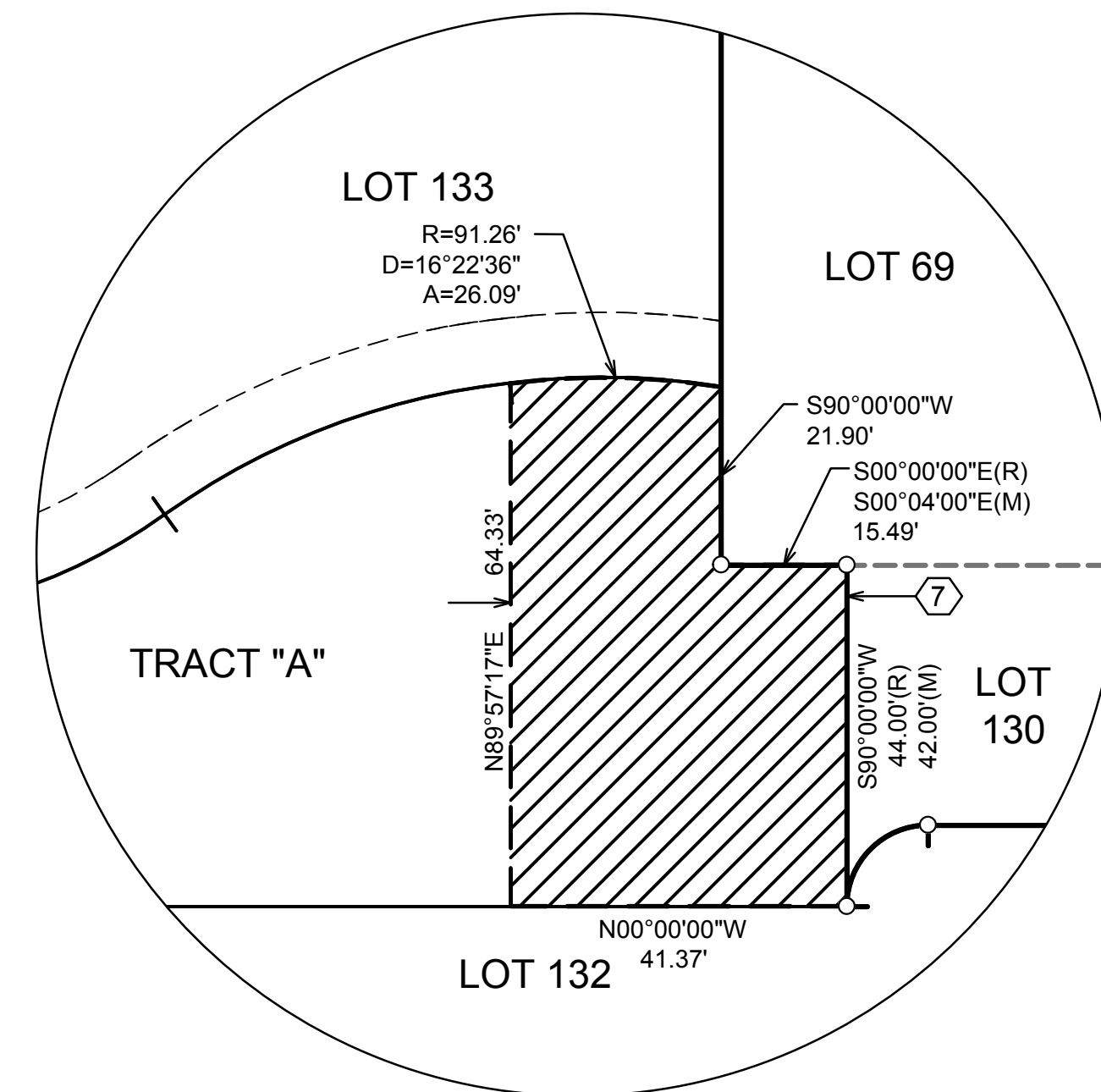
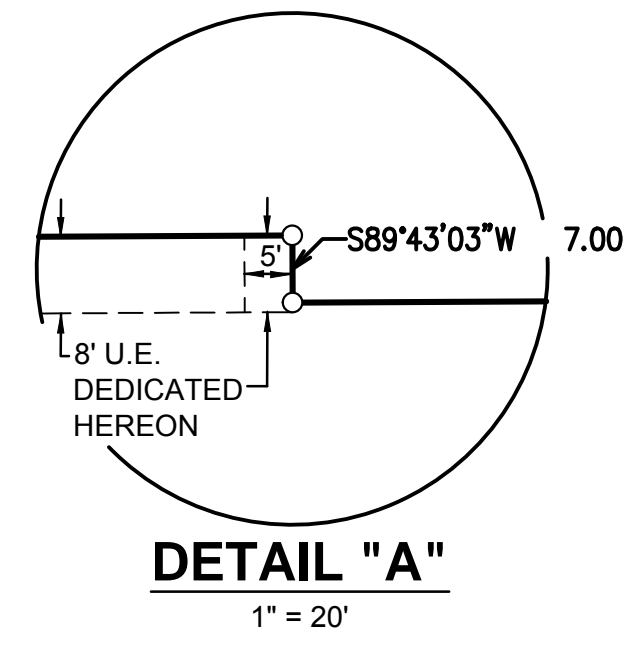


N:\01024581\1\CADD\AMENDED VILDS\FPLAT.S02.DWG MikeR June 4, 2015 - 2:36 PM

**LEGEND**

- ▲ FOUND OR SET MONUMENT AT SECTION OR 1/4 CORNER
- CORNER OF SUBDIVISION (CALCULATED POINT)
- CORNER OF SUBDIVISION FD. MONUMENT (1" PIPE)
- B.C. BRASS CAP
- FD. FOUND
- H.H. HAND HOLE
- T.O.P.V. TOWN OF PARADISE VALLEY
- M.C.H.D. MARICOPA COUNTY HIGHWAY DEPT.
- M.C. MARICOPA COUNTY
- G.E. GAS LINE EASEMENT
- U.E. UTILITY EASEMENT
- M.C.R. MARICOPA COUNTY RECORDS

LOT TABLE		
LOT NO.	AREA (SQUARE FEET)	AREA (ACRES)
128	409,590	9.403
128-A	1,080,938	24.815
129	297,302	6.825
131	58,254	1.337
132	137,505	3.157
133	201,606	4.628
134	109,309	2.509
135	68,106	1.564
TRACT "A"	50,357	1.156
TOTAL	2,412,967	55.394



N:\01024581\CADD\AMENDED VILDS\FPL\AT.S01.DWG MikeR June 4, 2015 - 2:36 PM

NO.	REVISION	DATE

**FINAL MAP**

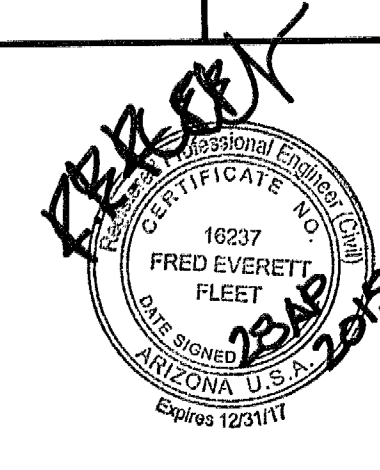
**MOUNTAIN SHADOW RESORT**

**UNIT - 2 AMENDED VII**



**Coe & Van Loo Consultants, Inc.**





NO.	REVISION	DATE

LINCOLN DRIVE

NO.	ARC	RADIUS	DELTA	TANGENT	CHORD	CHORD-BEARING
C1	38.71	273.82	008°06'04"	19.39	38.68	N4°59'49"W
C2	15.71	10.00	090°00'00"	10.00	14.14	N45°00'00"W
C3	15.71	10.00	090°00'00"	10.00	14.14	N45°00'00"E

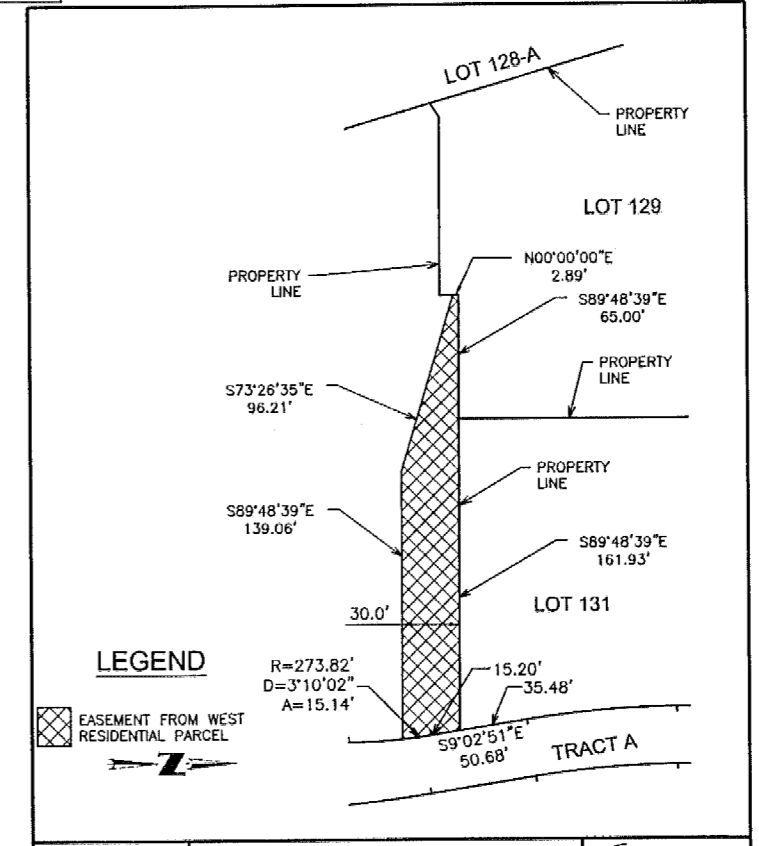
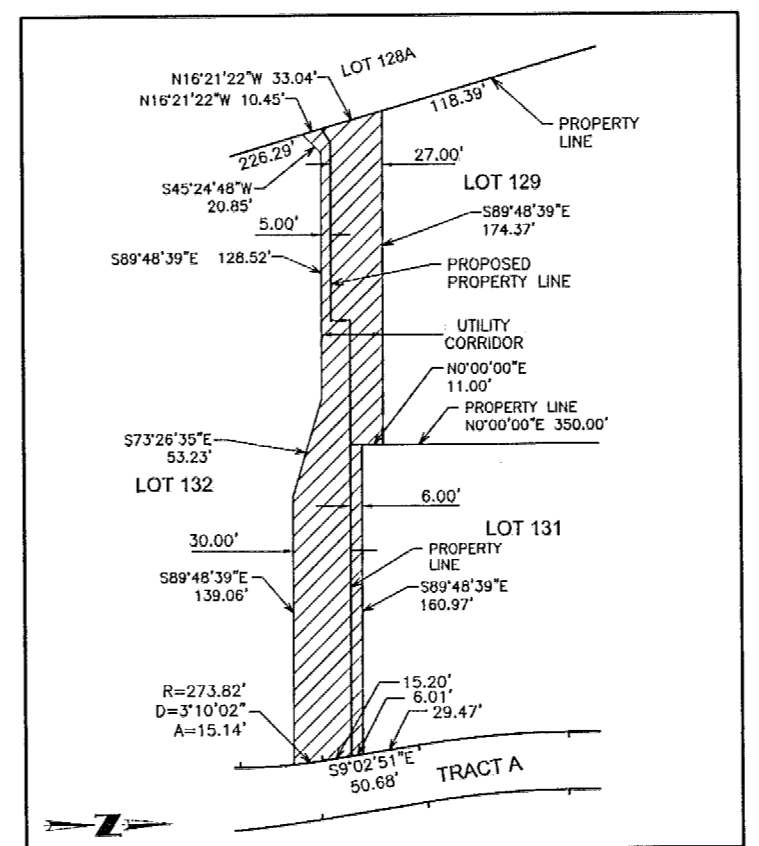
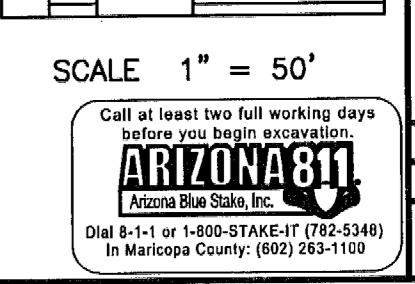
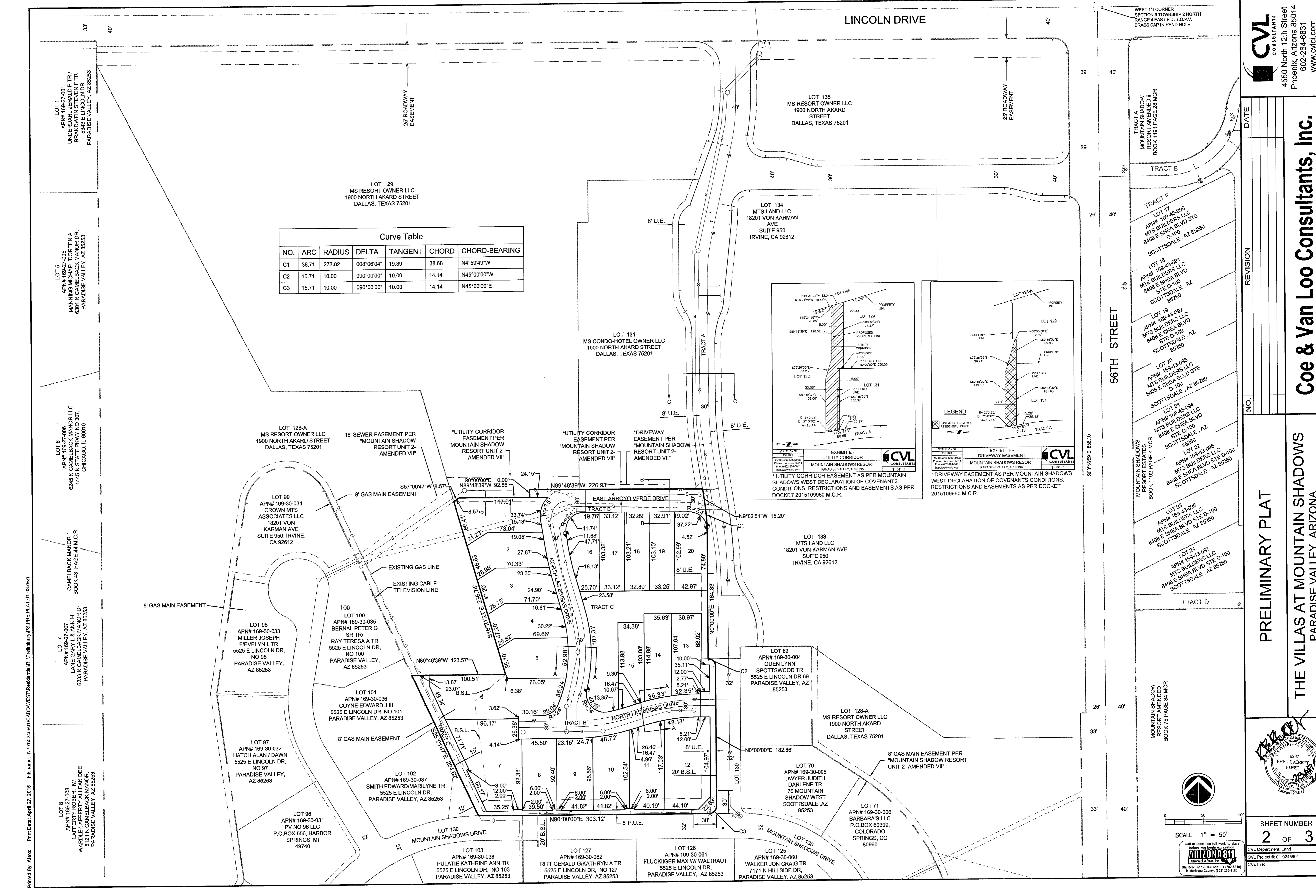


EXHIBIT E - UTILITY CORRIDOR  
 MOUNTAIN SHADOWS RESORT PARADISE VALLEY, ARIZONA

EXHIBIT F - DRIVEWAY EASEMENT  
 MOUNTAIN SHADOWS RESORT PARADISE VALLEY, ARIZONA

\* UTILITY CORRIDOR EASEMENT AS PER MOUNTAIN SHADOWS WEST DECLARATION OF COVENANTS CONDITIONS, RESTRICTIONS AND EASEMENTS AS PER DOCKET 2015109960 M.C.R.

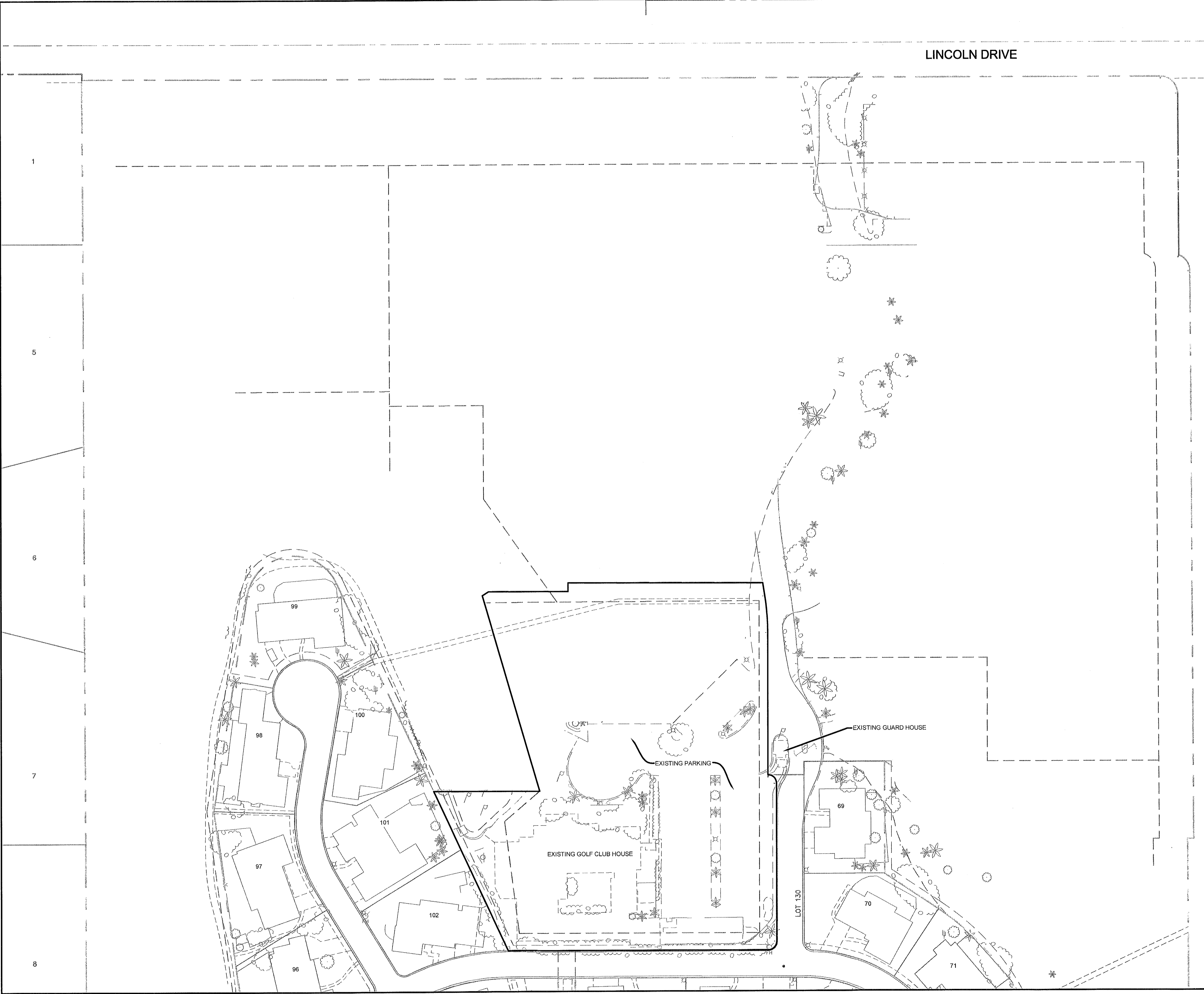
\* DRIVEWAY EASEMENT AS PER MOUNTAIN SHADOWS WEST DECLARATION OF COVENANTS CONDITIONS, RESTRICTIONS AND EASEMENTS AS PER DOCKET 2015109960 M.C.R.



Printed By: Alex Date: April 27, 2018 Filename: N:\010245901\CADD\WEST\Residential\PT\Preliminary\PS\FRE\_PLAT\_01-03.dwg

PROJECT NO. XXXXXXX

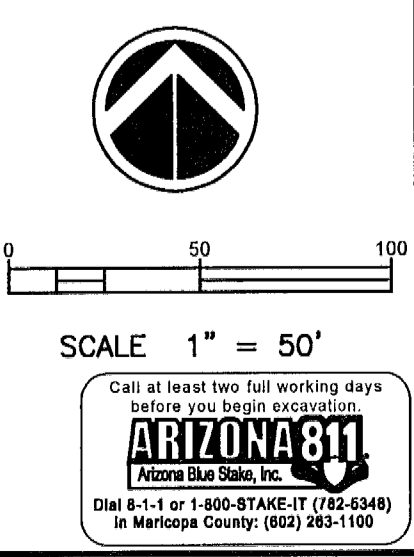
Printed By: Alene Print Date: April 27, 2015 Filename: N:\010245801\CADD\WEST\residential\1\preliminary\PS\PRE-PLAT.01-03.dwg



LINCOLN DRIVE

56TH STREET

TRACT B	17
TRACT F	18
	19
	20
	21
	22
	23
	24
TRACT D	



NO.	REVISION	DATE

PRELIMINARY PLAT

THE VILLAS AT MOUNTAIN SHADOWS  
PARADISE VALLEY, ARIZONA



SHEET NUMBER  
**3 OF 3**

CVL Department: Land  
CVL Project #: 01-0245801  
CVL File:

**CVL**  
CONSULTANTS  
4550 North 12th Street  
Phoenix, Arizona 85014  
602-264-6831  
www.cvlci.com

**Coe & Van Loo Consultants, Inc.**

DDG ERT JG VVVVVVV



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Action Report

---

**File #:** 15-167

---



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Action Report

---

**File #:** 15-171

---



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Action Report

---

**File #:** 15-172

---





# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Action Report

---

**File #:** 15-175

---



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Action Report

---

**File #:** 15-173

---



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Action Report

---

**File #:** 15-168

---



## Action Report

---

**File #:** 15-155

---

**TO:** Mayor Collins and Town Council Members

**FROM:** Kevin Burke, Town Manager  
Dawn Marie Buckland, Director of Administration and Government Affairs  
Duncan Miller, Town Clerk

**DATE:** September 10, 2015

**DEPARTMENT:** Town Manager

**AGENDA TITLE:**

**Recognition of the Town's Legislative Delegation for their Support of Cities and Towns**

**Agenda Item Relates to Mission/Vision:**

- Provides high quality public services to a community which values limited government

**RECOMMENDATION:**

Recognize the Town's legislative delegation for their support of cities and towns.

**SUMMARY STATEMENT:**

Each year the League of Arizona Cities and Towns recognizes Arizona legislators who demonstrate their commitment to two core principles: preserving local government decision-making and preserving the revenue sharing system established by the voters. At this year's League Conference, 47 law makers were singled out for this distinction including all three members of District 28.

Senator Adam Driggs, Representative Eric Meyer, and Representative Kate Brophy McGee were not able to attend the League Conference to receive their awards. Instead, Senator Driggs and Representative McGee will be recognized on September 10 and Representative Meyer will be recognized on September 24 by the Mayor and Council for their efforts to support cities and towns.

**BUDGETARY IMPACT:**

None

**ATTACHMENT(S):**

None



Office of the Mayor  
and Council

# Proclamation

*WHEREAS, government at all levels should be responsive to the people; and*

*WHEREAS, municipalities and the state legislators serve the same constituents; and*

*WHEREAS, each level of government has a necessary and critical function and should strive to complement each other; and*

*WHEREAS, state legislators that support cities and towns recognize that the government closest to the people is in the best position to respond to local needs, and*

*WHEREAS, the partnership between local and state officials is key to successful governance.*

*NOW, THEREFORE, be it resolved that the Town of Paradise Valley and the League of Arizona Cities and Towns do hereby proclaim*

## **SENATOR ADAM DRIGGS**

*is a Legislative Friend and should be publicly recognized for her support of local decision-making.*

*IN WITNESS WHEREOF, I have set my hand and caused to be affixed the seal of the Town of Paradise Valley this 10th day of September, 2015.*



Town of Paradise Valley  
6401 East Lincoln Drive  
Paradise Valley, Arizona  
85253-4328

(480) 348-3690  
(480) 951-3715 Fax  
(480) 483-1811 TDD

---

*Michael Collins, Mayor*

*Attest:*

---

*Duncan Miller, Town Clerk*



Office of the Mayor  
and Council

# Proclamation

*WHEREAS, government at all levels should be responsive to the people; and*

*WHEREAS, municipalities and the state legislators serve the same constituents; and*

*WHEREAS, each level of government has a necessary and critical function and should strive to complement each other; and*

*WHEREAS, state legislators that support cities and towns recognize that the government closest to the people is in the best position to respond to local needs, and*

*WHEREAS, the partnership between local and state officials is key to successful governance.*

*NOW, THEREFORE, be it resolved that the Town of Paradise Valley and the League of Arizona Cities and Towns do hereby proclaim*

## **REPRESENTATIVE KATE BROPHY MCGEE**

*is a Legislative Friend and should be publicly recognized for her support of local decision-making.*

*IN WITNESS WHEREOF, I have set my hand and caused to be affixed the seal of the Town of Paradise Valley this 10th day of September, 2015.*



Town of Paradise Valley  
6401 East Lincoln Drive  
Paradise Valley, Arizona  
85253-4328

(480) 348-3690  
(480) 951-3715 Fax  
(480) 483-1811 TDD

---

*Michael Collins, Mayor*

*Attest:*

---

*Duncan Miller, Town Clerk*



Office of the Mayor  
and Council

# Proclamation

*WHEREAS, government at all levels should be responsive to the people; and*

*WHEREAS, municipalities and the state legislators serve the same constituents; and*

*WHEREAS, each level of government has a necessary and critical function and should strive to complement each other; and*

*WHEREAS, state legislators that support cities and towns recognize that the government closest to the people is in the best position to respond to local needs, and*

*WHEREAS, the partnership between local and state officials is key to successful governance.*

*NOW, THEREFORE, be it resolved that the Town of Paradise Valley and the League of Arizona Cities and Towns do hereby proclaim*

## **REPRESENTATIVE ERIC MEYER**

*is a Legislative Champion and should be publicly recognized for his support of local decision-making.*

*IN WITNESS WHEREOF, I have set my hand and caused to be affixed the seal of the Town of Paradise Valley this 10th day of September, 2015.*



Town of Paradise Valley  
6401 East Lincoln Drive  
Paradise Valley, Arizona  
85253-4328

(480) 348-3690  
(480) 951-3715 Fax  
(480) 483-1811 TDD

---

*Michael Collins, Mayor*

*Attest:*

---

*Duncan Miller, Town Clerk*



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Action Report

---

**File #:** 15-133

---



TOWN  
Of  
PARADISE VALLEY

---



**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
SUMMARY MINUTES  
Thursday, June 11, 2015**

---

**1. CALL TO ORDER / ROLL CALL**

Mayor Collins called to order the Town Council Meeting for Thursday, June 11, 2015 at 4:00 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins  
Vice Mayor Paul E. Dembow  
Council Member Bien-Willner  
Council Member Mary Hamway  
Council Member David A. Sherf  
Council Member Stanton  
Council Member Syms arrived at 4:06 p.m.

**ABSENT**

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller

**2. EXECUTIVE SESSION**

**Motion – Council Member Hamway moved to enter executive session at 4:02 p.m.  
Council Member Sherf seconded the motion.**

**Passed For: 6; Against: 0; Abstain: 0; Absent: 1**

- a. **Discussion of Town Manager and Town Attorney Performance Reviews as authorized by A.R.S. §38-431.03.A.1.**
- b. **Discussion and consultation with Town Representatives concerning the purchase, sale, or lease of real property in the vicinity of 7000 block of Highlands Drive as authorized by A.R.S. §38-431.03.A.7.**

- c. **Discussion and consultation with Town Attorney to consider the Town Council's position and instruct the attorney regarding a potential development agreement with Five Star Development and / or an intergovernmental agreement with the City of Scottsdale for annexation / de-annexation of property as authorized by A.R.S. §38-431.A.4; and discussion or consultation for legal advice with the Town Attorney as authorized by A.R.S. §38-431.A.3.**
- d. **The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the agenda items listed on the agenda as authorized by A.R.S. §38-431.A.3.**

### **3. STUDY SESSION ITEMS**

#### **STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Acting Police Chief Michael Cole  
Public Works Director/Town Engineer James P. Shano  
Community Development Director Eva Cutro  
Director of Administration and Government Affairs

- a. **Discussion of Proposed Ordinance Regarding Parking Permits in Designated No Parking Areas**

Mayor Collins convened the Study Session at 5:35 p.m.

Town Attorney Andrew Miller summarized the amendments made to Ordinance 688 since the last Council meeting. The Town Council directed the attorney to make further amendments to clarify the eligibility of areas to be designated "parking permit only". The Council also asked for a one-year review of the pilot program.

**Motion – Council Member Bien-Willner moved to enter executive session at 5:45 p.m. Council Member Stanton seconded the motion.  
Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

### **4. BREAK**

### **5. RECONVENE FOR REGULAR MEETING**

Mayor Collins reconvened the meeting at 6:07 p.m.

**6. ROLL CALL**

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins  
Vice Mayor Paul E. Dembow  
Council Member Bien-Willner  
Council Member Mary Hamway  
Council Member David A. Sherf  
Council Member Stanton  
Council Member Syms

**ABSENT**

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Acting Police Chief Michael Cole  
Public Works Director/Town Engineer James P. Shano  
Community Development Director Eva Cutro  
Interim Finance Director Kent Brooksby  
Director of Administration and Government Affairs Dawn Marie Buckland

**7. PLEDGE OF ALLEGIANCE\***

Representatives of the U.S. Army – Phoenix Recruiting Battalion, Captain Weaver and Sergeant Ely led the Pledge of Allegiance.

**8. PRESENTATIONS\***

**a. Declaring United States Army Week in Paradise Valley**

***Recommendation:*** Declare June 14-20, 2015 United States Army Week in Paradise Valley.

Mayor Collins presented a proclamation to Phoenix Recruiting Battalion, Captain Weaver and Sergeant Ely declaring June 14-20, 2015 United States Army Week in Paradise Valley.

**9. CALL TO THE PUBLIC**

There were no public comments.

## 10. CONSENT AGENDA

Mr. Burke summarized the items on the consent agenda. He withdrew item 10h from consideration.

**Motion - Council Member Sherf moved to approve the consent agenda, with the exception of item 10h. Vice Mayor Dembow seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

- a. **Minutes of Town Council Meeting May 28, 2015**
- b. **Minutes of Town Council Meeting June 4, 2015**
- c. **Cancellation of June 25, 2015 Regular Town Council Meeting**  
*Recommendation:* Cancel the June 25, 2015 Regular Council Meeting.
- d. **Approval of Purchase of Network Firewall Device**  
*Recommendation:* Approve the purchase of a network firewall device in the amount of \$60,047.
- e. **Approval of Fiscal Year 2015-16 Property, Liability, and Excess Land Use Liability Insurance and Workers Compensation**  
*Recommendation:* Approve Fiscal Year 2015-16 Property, Liability, and Excess Land Use Liability Insurance and Workers Compensation with the Arizona Municipal Risk Retention Pool
- f. **Approval of Intergovernmental Agreement with the Arizona Department of Revenue for Administration, Licensing, Collection, and Auditing of Transaction Privilege Tax and Other Taxes Levied by the Town**  
*Recommendation:* Authorize the Mayor to execute an Intergovernmental Agreement between the Town of Paradise Valley and the Arizona Department of Revenue regarding the uniform administration, licensing, collection, and auditing of taxes imposed by the Town.
- g. **Award of Contract to Varsity Facility Services for Custodial Cleaning Services**  
Authorize the Town Manager to execute a contract with Varsity Facility Services for custodial services in the amount of 68,774.  
*Staff Contact:* James P. Shano Public Works Director/Town Engineer 480-348-3573
- h. **Approve the Purchase of a Vehicle for the Police Department**  
*Recommendation:* Approve the purchase of a new vehicle for Chief Peter Wingert in an amount not to exceed \$29,468.

## 11. PUBLIC HEARINGS

a. **Consideration of Allred's Hermosa Inn Series 11 Liquor License Application**

**Recommendation:** Hold a public hearing and recommend approval of the Series 11 Liquor License application filed on behalf of Allred's Hermosa Inn

Town Clerk Duncan Miller presented a request for issuance of a new Series 11 (hotel) liquor license by Andrea Lewkowitz, agent for Allred's Hermosa Inn located at 5532 N Palo Cristi Rd

He said notice of the application was posted on the applicant's premises for 20 days in accordance with state law. The Town did not receive any arguments in support of or opposition to the application. There are no pending violations on file with the Arizona Department of Liquor Licenses and Control against the property. The Police Department and the Community Development Department have reviewed the application and found no reason to oppose it.

Mayor Collins opened the public hearing. There were no public comments.

Mayor Collins closed the public hearing.

**Motion - Council Member Jerry Bien-Willner moved to recommend approval of the Series 11 Liquor License application filed on behalf of Allred's Hermosa Inn. Vice Mayor Dembow seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

**12. SPECIAL MEETING - PUBLIC HEARING**

a. **Consideration of Resolution Number 1334, Adopting the Final Budget for Fiscal Year 2015-2016 Budget**

**Recommendation:** Adopt Resolution Number 1334.

In accordance with state statute, Mayor Collins recessed the regular meeting and convened a special meeting for consideration of the Fiscal Year 2015-2016 budget.

There was no discussion.

Mayor Collins opened the public hearing.

Resident Giselle Alexander suggested items to eliminate from the budget.

Mayor Collins closed the public hearing.

**Motion - Council Member Syms moved to adopt Resolution Number 1334 with the following amendments:**

**Cut \$100,000 from the Town Manager's budget for professional services**

**Cut \$75,00 from the Town Attorney's budget for professional services**

**Cut \$12,110 from the Public Works Department for professional services related to street maintenance.**

**Cut \$30,500 from Public Works Department – streets**

**Cut \$45,000 from building department professional services – inspections**

**Cut \$4,200 from miscellaneous**

**Cut \$13,500 from the Finance Department for overtime**

**Cut \$20,700 from the NCAA funding contract**

**Cut \$16,500 from Mayor and Council recognition events**

**Cut \$80,500 from Public Works/Engineering professional services – receptionist**

**Cut \$302,280 from the Health Savings Account**

**Eliminate the following from the Capital Improvement budget:**

**Marquee signs at Lincoln Drive and Tatum Blvd**

**Replacement of asphalt sidewalks**

**Bicycle path study**

**Iconic visually significant corridors study**

**Reduce expenditure for flood control studies**

**And reconsider the \$8.5 million bond**

**Mayor Collins seconded the motion.**

**Failed For: 1; Against: 6; Abstain: 0; Absent: 0**

**Motion - Council Member Sherf moved to adopt Resolution Number 1334 as submitted.**

**Council Member Maria Stanton seconded the motion.**

**Council Member Syms moved to strike the Health Savings Account. The motion died for lack of a second.**

**Council Member Syms moved to strike the receptionist position. The motion died for lack of a second.**

**Mayor Collins called the previous question which was seconded by Vice Mayor Dembow.**

**Question: Passed For: 6; Against: 1 (Syms); Abstain: 0; Absent: 0**

**Final Adoption: Passed For: 6; Against: 1 (Syms); Abstain: 0; Absent: 0**

- b. Adoption of Resolution Number 1335, Authorizing an Inter-fund Loan to Finance the Sewer Fund Debt Service Payment for Fiscal Year 2015-16**

**Recommendation:** Adopt Resolution Number 1335.

**Motion - Vice Mayor Dembow moved to adopt Resolution Number 1335. Council Member Jerry Bien-Willner seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

### **13. RECONVENE REGULAR MEETING**

Mayor Collins reconvened the regular meeting.

### **14. ACTION ITEMS**

- a. **Adoption of Ordinance Number 684, Clarifying that the Time Limits for Planning Commission Recommendations on Special Use Permits are to be set by the Council in its Statement of Direction; and Designation of the Community Development Director as the "Planning Agency"**  
*Recommendation:* Adopt Ordinance Number 684.

**Motion - Council Member Hamway moved to adopt Ordinance Number 684. Vice Mayor Dembow seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

- b. **Approve the Statement of Direction for The Ritz-Carlton, Paradise Valley**

*Recommendation:* Approve the Statement of Direction for a Major Amendment to the Special Use Permit for Ritz-Carlton Paradise Valley, 7000 E Lincoln Drive.

Community Development Director Eva Cutro summarized the proposed Ritz Carlton development project submitted by Five Star Development and the draft Statement of Direction.

Attorney Jason Morris, representing Five Star, presented 4 suggested amendments or additions to the Statement of Direction.

Paradise Valley residents Len Gaby, Sam Khazen, Dorothy Smith, Paul Butzler, Rod Cullum, Gordon McGuire, and Scottsdale resident Sandra Wilken addressed the Council regarding the Ritz-Carlton project. Paul Bowers, Asim Hamid, and Mike Foley submitted written comments.

**Motion - Vice Mayor Dembow moved to approve the Statement of Direction for a Major Amendment to the Special Use Permit for Ritz-Carlton Paradise Valley, 7000 E Lincoln Drive, with the following amendment to paragraph 3:**

The Statement of Direction is not a final decision of the Town Council and does not create any vested rights to the approval of a Special Use Permit (SUP). Any applicant for a Special Use Permit shall not rely upon the matters addressed in the Statement of Direction being the same as those that may be part of an approved Special Use Permit. The Statement of Direction is created to brief the Planning Commission on areas of importance, provide general guidelines for ongoing planning discussions, but may be varied from as circumstances warrant throughout the Planning Commission Review.

**Council Member Hamway seconded the motion.**

**Passed For: 5; Against: 2 (Stanton, Syms); Abstain: 0; Absent: 0**

- c. **Award of Community Services Funding for Fiscal Year 2014-2015**

*Recommendation:* Authorize the Town Manager to execute funding agreements with the community services organizations listed in the Action Report in the total amount of \$40,000.

Town Clerk Miller presented recommendations from the Town Council's Community Services Funding Committee. The Committee was made up of Mayor Collins, Council Member Bien-Willner, Council Member Hamway, and Town Manager Kevin Burke.

**Motion - Council Member Hamway moved to authorize the Town Manager to execute funding agreements with the following agencies and in the following amounts:**

**Central Arizona Shelter Services = \$25,000**

**Duet: Partners in Health and Aging = \$10,000**

**Scottsdale Prevention Institute = \$5,000**

**Council Member Mark Stanton seconded the motion.**

**Passed For: 6; Against: 1 (Syms); Abstain: 0; Absent: 0**

- d. **Adoption of Ordinance Number 683, Providing for Hillside Building Committee Membership Rotation and Selection of Chair**

*Recommendation:* Adopt Ordinance Number 683.

**Motion - Council Member Jerry Bien-Willner moved to adopt Ordinance Number 683.**

**Council Member Mark Stanton seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

- e. **Adoption of Ordinance Number 685 Clarifying that Appeals to the Board of Adjustment are only Decisions of the Zoning Administrator**

*Recommendation:* Adopt Ordinance Number 685.

**Motion - Council Member Hamway moved to adopt Ordinance Number 685.**

**Council Member Maria Syms seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

- f. **Adoption of Ordinance Number 686, Separating the Personnel Appeals Board and the Public Safety Personnel Retirement Board**

*Recommendation:* Adopt Ordinance Number 686.

Resident Dorothy Smith spoke in favor of Ordinance 686.

**Motion - Vice Mayor Dembow moved to adopt Ordinance Number 686. Council Member Mark Stanton seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

- g. **Adoption of Ordinance Number 687, Changing the Finance Director Title to Director of Administration and Government Affairs**

*Recommendation:* Adopt Ordinance Number 687.

Mr. Burke introduced Dawn Marie Buckland who will serve as Director of Administration and Government Affairs.

**Motion - Council Member Mark Stanton moved to adopt Ordinance Number 687.**



**Council Member Maria Syms seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

- h. Adoption of Ordinance Number 688, Establishing Parking Permits for Designated No Parking Zones**

*Recommendation:* Adopt Ordinance Number 688.

**Motion - Council Member Sherf moved to adopt Ordinance Number 688. Vice Mayor Dembow seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

- i. Adoption of Ordinance Number 689, Adding Article 11-8, Pedestrian/Traffic Safety**

*Recommendation:* Adopt Ordinance Number 689.

**Motion - Council Member Jerry Bien-Willner moved to adopt Ordinance Number 689. Vice Mayor Dembow seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

- j. Adoption of Ordinance Number 690, Clarifying Property Owner Responsibility for the Sewer Connection between the Structure and the Main Line**

*Recommendation:* Adopt Ordinance Number 690.

**Motion - Council Member Sherf moved to adopt Ordinance Number 690. Council Member Jerry Bien-Willner seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

- k. Adoption of Ordinance Number 702, Clarifying the Penalties for Failure of Property Owners to Contract for Fire Services**

*Recommendation:* Adopt Ordinance Number 702.

**Motion - Vice Mayor Dembow moved to adopt Ordinance Number 702. Council Member Hamway seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

- l. Adoption of Resolution Number 1338, Authorizing and Directing that all or a Portion of a Parcel of Land be Acquired by the Town by Dedication, Donation, Purchase, Exchange or under the Power of Eminent Domain as a Matter of Public Necessity**

*Recommendation:* Adopt Resolution Number 1338.

Town Attorney Miller explained that the purpose of this resolution is to give the Town the authority to acquire by dedication, donation, purchase, exchange or under the power of eminent domain as a matter of public necessity Lot 12 of Paradise Highlands for construction of a public safety communications antennae and associated facilities.

Residents Dorothy Smith, Patrick Terranova, Rod Cullum, Barbara Terranova addressed the Council on this item. Robert Rasmussen submitted a written comment.

Attorney John Burrig and realtor Rusty Davis also addressed the Council.

**Motion - Vice Mayor Dembow moved to adopt Resolution Number 1338. Council Member Sherf seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

- m. **Discussion and Possible Action to Approve Changes to the Town Attorney Employment Agreement**

*Recommendation:* Consider amendments to the Town Attorney's Employment Agreement.

**Motion - Vice Mayor Dembow moved to table consideration of the Town Attorney Employment Agreement. Council Member Maria Syms seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

## **15. REQUESTS FOR FUTURE AGENDA ITEMS**

- a. **Consideration of Request for Future Agenda Topics**

Council Member Syms asked for a discussion on when the Code Red notification system should be used.

## **16. MAYOR / COUNCIL / MANAGER COMMENTS**

Public Works Director/Town Engineer James Shano announced that the Town of Paradise Valley received its 19<sup>th</sup> consecutive Tree City USA designation from the Arizona State Forestry and the National Arbor Day Association.

**Motion - Vice Mayor Dembow moved to enter Executive Session at 8:24 p.m. Council Member Mark Stanton seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

## **17. ADJOURN**

**Motion - Vice Mayor Dembow moved to adjourn. Council Member Bien-Willner seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

Mayor Collins adjourned the meeting at 9:00 p.m.

**TOWN OF PARADISE VALLEY**

SUBMITTED BY:

\_\_\_\_\_  
Duncan Miller, Town Clerk

STATE OF ARIZONA                    )  
  :SS.  
COUNTY OF MARICOPA            )

**CERTIFICATION**

I, Duncan Miller, Town Clerk of the Town of Paradise Valley, Arizona hereby certify that the following is a full, true, and correct copy of the minutes of the regular meeting of the Paradise Valley Town Council held on Thursday, Thursday, June 11, 2015.

I further certify that said municipal corporation is duly organized and existing. The meeting was properly called and held and that a quorum was present.

\_\_\_\_\_  
Duncan Miller, Town Clerk



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Action Report

---

**File #:** 15-134

---

TOWN  
Of  
PARADISE VALLEY

---



**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
SUMMARY MINUTES  
Thursday, June, 2015**

---

**1. CALL TO ORDER / ROLL CALL**

Mayor Collins called to order the Town Council Meeting for Thursday, June 25, 2015 at 4:00 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins

Vice Mayor Paul E. Dembow attended by telephone conference call

Council Member Bien-Willner attended by telephone conference call

Council Member Mary Hamway

Council Member David A. Sherf attended by telephone conference call

Council Member Stanton

Council Member Syms attended by telephone conference call

**ABSENT**

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke

Town Attorney Andrew M. Miller

Deputy Town Clerk Natalie Montenegro

**2. ACTION ITEMS**

**Approval of Agreement with Motorola Solutions, Inc. for the Purchase of a MCC 7500 Dispatch Console, APZ Portable Radios, and Communications Infrastructure for the Public Safety Communications site at Lot 12 of Paradise Highlands.**

***Recommendation:*** Approve the agreement with Motorola Solutions, Inc. for the purchase of a MCC 7500 Dispatch Console, APZ Portable Radios, and Communications Infrastructure for the Public Safety Communications site at Lot 12 of Paradise Highlands.

Town Attorney Andrew Miller noted that since there are four council members participating by phone, a motion is necessary to waive the Council policy

requiring that no more than three council members participate by phone at the same time.

**Motion – Council Member Stanton moved suspend the rules. Council Member Hamway seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

Town Manager Kevin Burke presented a recommendation to award a contract to Motorola Solutions, Inc. for the purchase of a MCC 7500 Dispatch Console, APZ Portable Radios, and Communications Infrastructure for the Public Safety Communications site at Lot 12 of Paradise Highlands.

Kathy Russ with Motorola Solutions, Inc. responded to questions from Council Members.

**Motion - Council Member Hamway moved to approve the agreement with Motorola Solutions, Inc. to purchase a MCC7500 dispatch console, APZ portable radios, and communications infrastructure for the public safety communications site at Lot 12 of Paradise Highlands. Council Member Stanton seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

### **3. ADJOURN**

**Motion - Council Member Hamway moved to adjourn. Council Member Stanton seconded the motion.**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

Mayor Collins adjourned the meeting at 4:35 p.m.

**TOWN OF PARADISE VALLEY**

SUBMITTED BY:

\_\_\_\_\_  
Duncan Miller, Town Clerk

STATE OF ARIZONA            )  
  :SS.  
COUNTY OF MARICOPA    )

**CERTIFICATION**

I, Duncan Miller, Town Clerk of the Town of Paradise Valley, Arizona hereby certify that the following is a full, true, and correct copy of the minutes of the regular meeting of the Paradise Valley Town Council held on Thursday, Thursday, June 25, 2015.

I further certify that said municipal corporation is duly organized and existing. The meeting was properly called and held and that a quorum was present.

\_\_\_\_\_  
Duncan Miller, Town Clerk



## Action Report

---

**File #:** 15-146

---

**TO:** Mayor Collins and Town Council Members

**FROM:** Kevin Burke, Town Manager  
Duncan Miller, Town Clerk

**DATE:** September 10, 2015

**DEPARTMENT:** Town Manager

**AGENDA TITLE:**

**Approval of Special Event Liquor License for Alliance Francaise of Greater Phoenix**

**Agenda Item Relates to Mission/Vision:**

**Strategic Initiative:**

**Council Goals or Other Policies / Statutory Requirements:**

A.R.S. §4-203.02

**RECOMMENDATION:**

Approve a Special Event Liquor License for Alliance Francaise of Greater Phoenix for an event on Saturday, November 21, 2015, subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; consumption shall be limited to the premises as indicated in the application; and Section 10-7 Control of Excess Noise be observed.

**SUMMARY STATEMENT:**

The Alliance Francaise of Greater Phoenix is a non-profit organization that seeks to develop an appreciation of French culture, encourage the study of the French language, and promote friendship among Americans and French-speaking peoples. They will hold an event in conjunction with Phoenix Sister Cities on Saturday, November 21, 2015 from 6:00 p.m. to 8:00 p.m. at the PV Design Center located at 5203 E Lincoln Drive. Alcohol will be provided at the event, thus requiring them to obtain a special event liquor license.

State law requires the Town to approve special event liquor licenses before the State Liquor Board can issue a license. The Police Department and Community Development Department have reviewed the application and find no reason to oppose it as long as the stipulations listed above are observed.



---

**File #:** 15-146

---

**BUDGETARY IMPACT:**

None

**ATTACHMENT(S):**

None



## Action Report

---

**File #:** 15-130

---

**TO:** Mayor Collins and Town Council Members

**FROM:** Kevin Burke, Town Manager  
Duncan Miller, Town Clerk

**DATE:** September 10, 2015

**DEPARTMENT:** Town Manager

**AGENDA TITLE:**

**Approval of Special Event Liquor License for Amanda Hope Rainbow Angels**

**Agenda Item Relates to Mission/Vision:**

**Strategic Initiative:**

**Council Goals or Other Policies / Statutory Requirements:**

A.R.S. §4-203.02

**RECOMMENDATION:**

Approve a Special Event Liquor License for Amanda Hope Rainbow Angels for an event on September 26, 2015, subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; consumption shall be limited to the premises as indicated in the application; and Section 10-7 Control of Excess Noise be observed.

**SUMMARY STATEMENT:**

Amanda Hope Rainbow Angels is a non-profit, support and educational organization founded in 2013 to celebrate the life of Amanda Hope who died of cancer. Her dream was to design a fun clothing line for kids with cancer that would provide comfort and dignity during treatment.

They will hold a fundraising event on Saturday, September 26 from 6:00 p.m. to 11:00 p.m. at a private residence located at 7046 N 59<sup>th</sup> Place. Alcohol will be served at the event thus requiring them to obtain special event liquor licenses.

State law requires the Town to approve special event liquor licenses before the State Liquor Board can issue a license. The Police Department and Community Development Department have reviewed the application and find no reason to oppose it as long as the stipulations listed above are observed.

---

**File #:** 15-130

---

**BUDGETARY IMPACT:**  
[Insert Budgetary Impact]

**ATTACHMENT(S):**  
[Insert Department]



## Action Report

---

**File #:** 15-138

---

**TO:** Mayor Collins and Town Council Members

**FROM:** Kevin Burke, Town Manager  
Duncan Miller, Town Clerk

**DATE:** September 10, 2015

**DEPARTMENT:** Town Manager

**AGENDA TITLE:**

**Approval of Special Event Liquor License for Colleen's Dream Foundation**

**Agenda Item Relates to Mission/Vision:**

**Strategic Initiative:**

**Council Goals or Other Policies / Statutory Requirements:**

A.R.S. §4-203.02

**RECOMMENDATION:**

Approve a Special Event Liquor License for Colleen's Dream Foundation for an event on Friday, September 25, 2015, subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; consumption shall be limited to the premises as indicated in the application; and Section 10-7 Control of Excess Noise be observed.

**SUMMARY STATEMENT:**

Colleen's Dream is a Phoenix-based charitable organization that funds ovarian cancer research. They will hold a fundraising event on Friday, September 25, 2015 from 6:00 p.m. to 11:00 p.m. at a private residence located at 7211 N Tatum Blvd. Alcohol will be provided at the event, thus requiring them to obtain a special event liquor license.

State law requires the Town to approve special event liquor licenses before the State Liquor Board can issue a license. The Police Department and Community Development Department have reviewed the application and find no reason to oppose it as long as the stipulations listed above are observed.

**BUDGETARY IMPACT:**

---

**File #:** 15-138

---

None

**ATTACHMENT(S):**  
Applicant Cover Letter



Dear Special Event Liquor License Board,

It is with great excitement that we introduce you to Colleen's Dream Foundation and request a Series 15 Special Event Liquor License for our upcoming 2015 *Cocktails & Couture* event!

Colleen's Dream is a Phoenix-based, qualified 501(c)(3) non-profit organization that funds ovarian cancer research with an emphasis on developing an early detection test and improved treatment options. Ovarian cancer is commonly referred to as "the silent killer" because there is no standardized early detection screening tool and its symptoms generally do not arise until the cancer has spread.

Colleen's Dream was founded in 2012 by Nicole and Billy Cundiff, 11-year veteran kicker in the NFL, in honor of her mother, Colleen Drury. In the nearly two years Colleen's Dream has been operational, it has garnered unfathomable support and quickly became the largest, privately funded, ovarian cancer specific non-profit in the state of Arizona. Colleen's Dream fulfills its mission by partnering with the top gynecological oncologists and research-based hospitals in the United States.

*Cocktails & Couture* is a unique and exclusive fundraising event featuring the latest fashion trends provided by top boutiques Amy, inc. and Bonafide, craft cocktails, beer, and education, and delectable culinary fare by The Upton. It will be held on the evening of Friday, September 25th, at the Price House, a Frank Lloyd Wright original home located at 7211 N. Tatum Blvd. Paradise Valley, Arizona.

All of the alcohol served at the event will be donated by Tito's Handmade Vodka, Crescent Crown Distributing, and Youngs Market. The event will feature several mixologists who will be serving sample-sized craft cocktails designed to teach our guests about new and unique combinations. There will be some standard sized craft beers and cocktails served. No alcohol will be sold and therefore we do not have a contract providing that Colleen's Dream will be receiving at least 25% of the proceeds.

There will be hired security provided by Pride Group to monitor all areas where guests could enter and exit the private residence. There are barriers created by elevation of the premises and as well as block and retaining walls, which prevent guests from coming and going through alternative routes. Further, security will be posted near the alcohol stations to ensure guest safety. It should be noted that the mixologists and servers are all professionals and will be trained not to over-serve guests.

Colleen's Dream Foundation is committed to the safety and security of our guests and supporters. Please feel free to contact us with any questions or concerns.

Respectfully,

*Michelle Batschelet*

Michelle Drury Batschelet  
Director, Colleen's Dream Foundation  
[Michelle@ColleensDream.org](mailto:Michelle@ColleensDream.org)  
[www.colleensdream.org](http://www.colleensdream.org)

\*Colleen's Dream Foundation is a tax-exempt charity under the IRS code section 501(c)(3), tax ID# 45-5323829.



## Action Report

---

**File #:** 15-132

---

**TO:** Mayor Collins and Town Council Members

**FROM:** Kevin Burke, Town Manager  
Duncan Miller, Town Clerk

**DATE:** September 10, 2015

**DEPARTMENT:** Town Manager

**AGENDA TITLE:**

**Approval of Special Event Liquor License for Gabriel's Angels**

**Agenda Item Relates to Mission/Vision:**

**Strategic Initiative:**

**Council Goals or Other Policies / Statutory Requirements:**

A.R.S. §4-203.02

**RECOMMENDATION:**

Approve a Special Event Liquor License for Gabriel's Angels for an event on Friday, October 2, 2015, subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; consumption shall be limited to the premises as indicated in the application; and Section 10-7 Control of Excess Noise be observed.

**SUMMARY STATEMENT:**

Gabriel's Angels is a charitable organization that serves abused, neglected, and at-risk children in Arizona through the application of pet therapy. They will hold a fundraising event on Friday, October 2, 2015 from 5:00 p.m. to 11:00 p.m. at the Omni Montelucia Resort, 4949 E. Lincoln Drive. The event will include a wine auction for off-site consumption, thus requiring them to obtain a special event liquor license.

State law requires the Town to approve special event liquor licenses before the State Liquor Board can issue a license. The Police Department and Community Development Department have reviewed the application and find no reason to oppose it as long as the stipulations listed above are observed.

---

**File #:** 15-132

---

**BUDGETARY IMPACT:**

None

**ATTACHMENT(S):**

Applicant Cover Letter





July 14, 2015

To whom it may concern;

Please find attached an application for a Special Event Liquor License for Gabriel's Angels. This license is for OFF-PREMISE CONSUMPTION only, for the Wine Auction to be held during our annual fundraising event on October 2, 2015. 100% of proceeds from the Wine Auction benefits Gabriel's Angels. The event will be held at the Omni Montelucia at 4747 E. Lincoln Ave, Paradise Valley, from 5pm – 11pm. Please note that the Omni Montelucia will retain their ON-PREMISE CONSUMPTION liquor license for the evening, so there is no letter of suspension included.

Should you have any questions, or need further information, please feel free to contact me directly at 602-266-0875 x17 or via email at [mshipitofsky@gabrielsangels.org](mailto:mshipitofsky@gabrielsangels.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Shipitofsky", written over a horizontal line.

Michele Shipitofsky, CFRE  
Chief Development Officer



## Action Report

---

**File #:** 15-158

---

**TO:** Mayor Collins and Town Council Members

**FROM:** Kevin Burke, Town Manager  
James P. Shano, P.E. Public Works Director / Town Engineer  
Jeremy Knapp, Engineering Services Analyst

**DATE:** September 10, 2015

**DEPARTMENT:** Public Works and Engineering Department

**AGENDA TITLE:**

**Approval of Contract Addendum #4 to the Electric Distribution Undergrounding Agreement with Arizona Public Service Company (APS)**

**Agenda Item Relates to Mission/Vision:**

- Provides high quality public services to a community which values limited government

**Strategic Initiative:**

- Regularly invest in public facility and infrastructure projects.

**Council Goals or Other Policies / Statutory Requirements:**

- Undergrounding improvements

**RECOMMENDATION:**

It is recommended that the Town Council authorizes the Town Manager to execute Addendum #4 to the Electric Distribution Undergrounding Agreement with Arizona Public Service Company.

**SUMMARY STATEMENT:**

Since January 19, 1988 the Town of Paradise Valley and Arizona Public Service Company (APS) have carried out a town-wide utility undergrounding program. To date, 53 districts and 60 miles of overhead power lines have been undergrounded through the agreement providing an upgraded electrical distribution system while achieving an aesthetic quality unparalleled in neighboring communities, much to the satisfaction of town residents.

This is the fourth addendum to the agreement which will extend it 3 more years, until January 2018, to allow for additional time for the completion of the final APS undergrounding district, APS District 30. District 30 is currently identified in the Town's Capital Improvement Plan for design in FY2015-16 and construction in FY2016-17. Subsequent to this agreement, APS will begin design of this district.

---

**File #:** 15-158

---

**BUDGETARY IMPACT:**

The approval of this item does not authorize the expenditure of any funds at this time but does agree to cost share with APS for a future undergrounding project identified in the Capital Improvement Plan.

**ATTACHMENT(S):**

Original Undergrounding Agreement with APS  
Addendum #4

ELECTRIC DISTRIBUTION  
UNDERGROUNDING AGREEMENT

By this Electric Distribution Undergrounding Agreement (this "Agreement") entered into this 18<sup>th</sup> day of JANUARY, 1988, Arizona Public Service Company, an Arizona corporation, ("APS") and the Town of Paradise Valley, an incorporated municipality, ("Paradise Valley") in consideration of the mutual covenants, promises, provisions and agreements stated herein, do hereby agree as follows:

RECITALS:

1. Paradise Valley is an incorporated municipality in Maricopa County, Arizona.
2. APS is a public utility company currently providing electric energy to a large portion of Paradise Valley, its occupants and residents and the surrounding area. APS has both overhead electric transmission lines of 69 kilovolts (69kV) and more and approximately 55 miles of overhead electric distribution lines of 12 kilovolts (12kV) and less (the "12kV Lines") within the corporate limits of Paradise Valley.
3. Paradise Valley desires to have all overhead electric distribution lines within its boundaries systematically removed and converted to an underground system during the next ten (10) years.

4. APS is interested in cooperating with and assisting Paradise Valley in converting its overhead distribution system to an underground system in an efficient and timely manner.

PROMISES AND COVENANTS:

NOW THEREFORE, in consideration of the foregoing recitals and in further consideration of the following covenants, promises, and provisions, the parties hereto, for themselves, their agents, employees, successors and assignees, do hereby agree as follows:

5. Underground Conversion:

APS agrees to remove all of the 12kV Lines then owned by it pursuant to the priority list referred to in Section 7 below and replace them with equivalent underground lines at the rate of approximately 5-1/2 miles per year or as otherwise agreed to by the parties.

APS will be responsible for the total coordination of all activities required to convert the 12kV Lines, including: (i) providing all materials, labor, trenching, backfill, conduits, ducts and surface restoration; (ii) interfacing with other utilities; and (iii) coordinating conversion of service entrances with APS' customers.

6. Qualified Contractors

Paradise Valley and APS will agree to a jointly prepared list of prequalified contractors which will be updated periodically, but in no event later than July 1 of each year.

These contractors will be requested to bid on selected portions of underground conversion projects.

Paradise Valley and APS will jointly review the bids received and select the successful bidders. If the parties fail to agree, the lowest responsible bidder shall be chosen.

Paradise Valley at its option may provide such services as earth work and surface restoration, or such other services as agreed to by the parties. The value of any such services provided by Paradise Valley shall be included in the total cost of each individual line conversion to be funded pursuant to Section 7 below.

7. Project Funding:

The conversion from overhead to underground of the entire 55 miles of 12kV Lines will be completed in 10 years unless Paradise Valley fails to meet its obligations set forth herein, in which case this Agreement may be renewed pursuant to Section 11 hereof. The cost of the entire conversion project is currently estimated at Twenty Million Dollars (\$20,000,000.00) calculated in today's dollars not adjusted for inflation.

APS agrees to pay 45% and Paradise Valley agrees to pay 55% of the cost of the entire conversion project. It is understood by the parties that these percentages are based on the completion of the entire project and may vary from line conversion to line conversion and from year to year in accordance with the Arizona Corporation Commission's Rules and

Regulations and APS' tariffs approved by the Commission pursuant thereto.

8. Priority List:

Paradise Valley and APS shall jointly prepare a prioritized list of the 12kV Lines to be converted, taking into account among other things the long range plans of both parties.

If the parties cannot agree on the order of priority for converting the 12kV Lines, APS agrees to accept Paradise Valley's preferred ordering unless to do so would cause APS undue hardship in operating or maintaining its system, in which case Paradise Valley agrees to accept APS' preferred priority ordering.

9. Undergrounding Ordinances:

Paradise Valley shall assist APS in the conversion of the 12kV Lines during the term of this Agreement including passing ordinances as needed to facilitate APS customers' participation in the conversion projects.

10. Mummy Mountain Substation:

APS will present to Paradise Valley's Council a plan for the beautification of its Mummy Mountain Substation, which includes: (i) improving or replacing the existing fence with materials appropriate for the surrounding area; (ii) upgrading and maintaining the substation landscaping; and (iii) sharing in the cost of undergrounding the transmission lines running between the substation and the transmission lines on Lincoln Drive.

Construction on the fence will be completed by December 31, 1988 and will comply with Paradise Valley's fencing ordinances where possible. It is understood, however, that due to public safety concerns all fencing must comply with the National Electric Safety Code.

11. 69kV Transmission Line on Lincoln Drive:

APS plans to rebuild the 69kV transmission line along Lincoln Drive in 1995 to improve system performance and reliability. APS agrees that at that time it will present to Paradise Valley a plan to improve the appearance of the line by; (i) using steel poles which may be painted a neutral color; (ii) increasing spacing between poles which effectively eliminates approximately 40% of the existing poles; and (iii) using non-specular conductors which reduces their visibility.

12. Term:

The term of this Agreement is 10 years. This Agreement may be renewed for consecutive one year terms by the written mutual consent of the parties.

13. Effective Date

This Agreement shall become effective on the date upon which the Electors of Paradise Valley approve the franchise agreement submitted by APS.




IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.


MAYOR OF PARADISE VALLEY

ARIZONA PUBLIC SERVICE COMPANY

  
ROBERT W. PLENCE

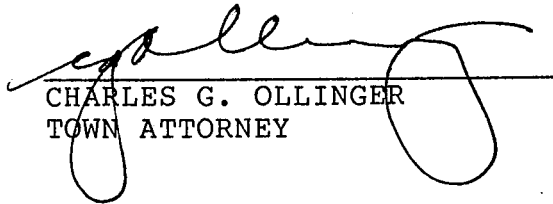
BY:   
JAN H. BENNETT  
Manager, Eastern Division

ATTEST:

  
MARY ANN BRINES, TOWN CLERK

APPROVED AS TO FORM:

SIGNED THIS 18<sup>th</sup> DAY OF  
JANUARY, 1988.

  
CHARLES G. OLLINGER  
TOWN ATTORNEY

ADDENDUM NUMBER FOUR  
TO  
ELECTRIC DISTRIBUTION UNDERGROUNDING AGREEMENT

This Addendum Number Four to Electric Distribution Undergrounding Agreement (the "Addendum") is entered into the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between Arizona Public Service Company, an Arizona corporation ("APS"), and the Town of Paradise Valley, an incorporated municipality (the "Town").

The Town and APS entered into an electric Distribution Undergrounding Agreement which became effective January 19, 1988 (the "Agreement") for the purpose of facilitating the undergrounding of overhead electric distribution lines within the corporate limits of the Town.

The Town and APS are now interested in extending the termination date of the Agreement under the terms contained herein. This Addendum Number Four supersedes Addendum Number Three, dated April 13, 2006.

NOW, THEREFORE, in consideration of the following covenants, promises and provisions, the receipt and sufficiency of which are hereby acknowledged, the parties hereto do hereby agree as follows:

1. The termination date of the Agreement shall be extended to January 19, 2018, by amending the first sentence of Section 12 of the agreement to read as follows:

The termination of this agreement is 30 years.

2. All other terms and conditions of the Agreement (including the funding provisions) shall remain unchanged and in full force and effect except as expressly modified herein.
3. The Town agrees that the extension of the Agreement is for the conversion of the remaining APS District 30, near Scottsdale and Jackrabbit Roads.
4. APS agrees that it shall maintain enough staff to facilitate the planning and liaison activities required under the Agreement.
5. The Town agrees that it shall maintain enough people assigned to the undergrounding project to expeditiously move the project forward.
6. The parties shall act diligently to accomplish the goals of the undergrounding project.

IN WITNESS WHEREOF, the parties have executed this Addendum on the day and year first above written.

TOWN OF PARADISE VALLEY

ARIZONA PUBLIC SERVICE COMPAY

\_\_\_\_\_  
KEVIN BURKE, TOWN MANAGER

\_\_\_\_\_  
PATRICK DINKEL, VICE PRESIDENT

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
TOWN ATTORNEY



## Action Report

---

**File #:** 15-163

---

**TO:** Mayor Collins and Town Council Members

**FROM:** Kevin Burke, Town Manager  
Andrew M. Miller, Town Attorney

**DATE:** September 10, 2015

**DEPARTMENT:** Town Attorney

**AGENDA TITLE:**

**Authorize the Town Manager to execute an agreement for the provision to the Town of prosecution services with Robert Hubbard, Attorney at Law for a fixed rate of \$3,000.00 per month, plus additional compensation for certain services identified in the agreement, with the total of fixed and additional services to not exceed \$44,000.00 per year.**

**Agenda Item Relates to Mission/Vision:**

- Provides high quality public services to a community which values limited government

**Strategic Initiative:**

- Conscientiously manage the Town's financial resources.

**Council Goals or Other Policies / Statutory Requirements:**

**RECOMMENDATION:**

Execute an agreement for the provision to the Town of prosecution services with Robert Hubbard, Attorney at Law.

**SUMMARY STATEMENT:**

The Town Attorney's Office conducted a request for proposal process to select a new vendor for the procurement of contract prosecution services. The process used to select the best overall proposal was as follows:

- June 4 - a request for proposals (RFP) was advertised as well as mailed to attorneys who had previously submitted a proposal in prior years; over 60 people viewed the RFP on the Town's server
- June 24 - deadline to file response to the RFP, with 9 proposals received
- The 9 RFPs were reviewed by four Town staff members, and graded for a determination of the best proposals to be selected for oral interviews, with 4 proposals so selected
- July 1 - The four finalist proposals were interviewed by a 5 member panel consisting of staff

members from the following departments: code enforcement/planning, police, town attorney and the HR Manager

- Based on a scoring system that included background an experience, oral interview responses and pricing/cost factors, the selection committee selected Robert Hubbard
- The Town Attorney then selected the most advantageous pricing option from the Hubbard proposal to negotiate an agreement for future contract prosecution services.

#### Details of the Agreement and Operating Terms

- Prosecutor will provide basic prosecution services for \$3,000 per month, including coverage of all trials and pre-trials conducted during the regular pre-trial docket (currently on Tuesdays)
- Prosecutor will review prosecution files prior to pre-trials and/or trials, conduct bench trials and evidentiary hearings, act as an on-call legal advisor for the police department, and otherwise respond to calls from staff, police, opposing counsel, victims and witnesses regardless of the day of the week or time of day
- Prosecutor will conduct two separate 4 hour training sessions for the PV police officers, with content to be determined by the Town Attorney
- Jury and bench trials set for days other than the typical pre-trial/trial day (currently Tuesday) will be done at the rate of \$100/hr, subject to an annual compensation not to exceed \$44,000
- The fulltime paralegal in the Town Attorney's Office will continue to handle most of the internal coordination of the case filings, criminal histories, victim contacts, motion drafting, and most court responses and case coordination, in conjunction with the contract prosecutor, and will perform many other tasks and functions that will help limit the costs for contract prosecution services

It is respectfully recommended that the Council authorize the Town Manager to execute an agreement for prosecution services with Robert Hubbard, Attorney at Law, on the terms specified above and in the attached Draft Agreement.

#### **BUDGETARY IMPACT:**

The contract services will be made part of the Town Attorney outside counsel budget as part of the Town Attorney Office's FY2015-16 budget proposal. The annual cost of the contract will be between the \$36,000 for set monthly services and an annual not to exceed amount of \$44,000.00.

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

Draft Contract with Robert Hubbard

# TOWN OF PARADISE VALLEY AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT made and entered into this 1<sup>st</sup> day of October, 2015, by and between the **TOWN OF PARADISE VALLEY**, a municipal corporation of the State of Arizona, hereinafter referred to as "Town", and **Robert S. Hubbard**, Attorney at Law, hereinafter referred to as "Contractor".

The parties agree as follows:

1. Contractor is an independent contractor and shall provide prosecutorial services for misdemeanor and petty offenses and juvenile proceedings as assigned by the Town as described in Attachment A to this Agreement and other duties as may be mutually agreed by the parties.
2. Contractor shall not be supervised or controlled by Town in the performance of the services identified herein, and shall only be given instructions on the performance of this Agreement as to deadlines. Contractor shall use its own equipment and supplies in the performance of this Agreement, except to the extent that Town supplies are made available pursuant to the Scope of Services, Attachment A hereto. Contractor is free to perform the same or similar services for any other entity.
3. Contractor shall at all times herein comply with all laws of the Town of Paradise Valley, the County of Maricopa, the State of Arizona and the United States of America in providing services to and on behalf of the Town.
4. The Contractor shall provide the Town with a Certificate of Insurance form with coverages and limits acceptable to the Town.

The Contractor shall at all times indemnify and hold harmless the Town of Paradise Valley and its officers, agents and employees from any and all claims, damages, losses, including but not limited to, judgments, liability or workers' compensation payments, litigation expenses and counsel fees, arising out of injuries to person(s) (including death) or damage to property arising out of Contractor's performance of this Agreement, unless such claims, damages or losses are caused by the affirmative act or negligence of the Town, its officers, agents or employees. The existence of insurance shall in no way limit the scope of this indemnification. The Contractor further undertakes to reimburse the Town of Paradise Valley for damage to or loss of property of the Town of Paradise Valley caused by the Contractor, or his employees, agents or subcontractors in the performance of this Agreement.

5. Town shall pay Contractor for services rendered herein in accordance with Attachment B to this Agreement, at a flat rate of \$3,000.00 (Three Thousand Dollars) per month for the Basic Services as defined in Attachment A (subject to

the average hours per month specified in the Scope of Services). Contractor shall also be paid for Additional Services (as defined in Attachment B) and Fire Service Agreement Prosecution Services (as defined in Attachment B) based on those amounts billed separately for such service, provided, however, that payments made for to Contractor for the sum of all Basic Services, Additional Services, and Fire Service Agreement Prosecution Services shall not exceed forty-four thousand dollars (\$44,000.00) per fiscal year. Sums due herein are payable within fifteen (15) days after the date that the Town receives the billing statement for each month's services. By way of example, if the Contractor starts providing the services specified in Attachment on October 1, 2015 and the first billing statement is received on November 1, 2015, the first payment shall be paid within fifteen (15) days of November 1, 2015. In the event of cancellation of this Agreement in the middle of a month, Contractor shall be paid on a pro-rata basis for the services rendered up to the date of cancellation. By way of example, if the Contractor cancels the Agreement and stops providing services on the 21<sup>st</sup> day of a 30 day month, 20 days of service out of 30 would be paid for such month, equaling one-third (2/3) of the full month's payment for such partial month. In the event that the Town desires the Contractor to perform Additional Services and Fire Service Agreement Prosecution Services, both being outside the scope of Attachment A, Contractor shall be paid for such services at the rate specified in Attachment B for each hour of said work, provided that all such work shall first have been approved by the Town Attorney in writing. Payments for Additional Services and Fire Service Agreement Prosecution Services shall be paid subsequent to Contractor's submission, not more frequently than monthly, of billing statement(s) specifying hours and other costs as allowed in Attachment B and the actual Additional Services performed.

6. Town shall not withhold any social security taxes, federal income taxes or state income taxes from the monies due Contractor under this Agreement. Contractor acknowledges that it is not eligible for any pension plans, bonuses, paid vacations or sick pay from Town and that no worker's compensation insurance will be carried on Contractor by the Town.
7. The term of this Agreement shall run from October 1, 2015 to June 30, 2017, unless sooner terminated as provided herein. Either party may cancel this Agreement at any time with thirty (30) days' written notice to the other party. Upon termination, expenses to date, according to the terms of the Agreement, will be paid as specified in paragraph 5 above. This contract may be extended by mutual agreement of the parties for three additional one year terms, said terms to run from July 1, 2017 to June 30, 2018; July 1, 2018 to June 30, 2019; and July 1, 2019 to June 30, 2020.
8. No other agreements or representations of any kind have been made by and between the parties hereto.
9. This Agreement is subject to cancellation pursuant to A.R.S. § 38-511.

10. This Agreement shall extend to and be binding upon the heirs, administrators, executors, successors and permitted assigns of the respective parties. Contractor shall not assign this Agreement or any rights thereunder.
11. All notices pursuant to this Agreement shall be in writing and shall be deemed properly given if sent by facsimile, personal delivery, by certified mail or by courier, postage prepaid, addressed to the addresses set forth below. Notice shall be deemed effective on the date of actual receipt or five (5) days after the date of mailing, whichever is earlier.

Town Attorney  
Town of Paradise Valley  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253  
Fax: 480-596-3790

Robert S. Hubbard:  
Robert S. Hubbard, Attorney at Law  
4708 E. Kiowa Court  
Phoenix, Arizona 85044

12. Amendments to this Agreement shall be made in writing and executed by the parties below.
13. The parties agree that this Agreement does not obligate the expenditure of Town funds beyond the close of the fiscal year in which this Agreement is executed. Such funding for a future fiscal year is dependent on appropriation by the Town.
14. Immigration Warranty. Under the provisions of A.R.S. § 41-4401, Contractor hereby warrants to the Town of Paradise Valley (“Town”) that the Contractor and each of its subcontractors will comply with, and are contractually obligated to comply with, all Federal Immigration laws and regulations that relate to their employees and A.R.S. §23-214(A) (hereinafter “Contractor Immigration Warranty”).

A breach of the Contractor Immigration Warranty shall constitute a material breach of this Contract and shall subject the Contractor to penalties up to and including termination of this Contract at the sole discretion of the Town.

Both Parties retain the legal right to inspect the papers of any Contractor or subcontractors’ employee who works on this Contract to ensure compliance with the Contractor Immigration Warranty. Contractor agrees to assist the Town in regard to any such inspections.



The Town may, at its sole discretion, conduct random verification of the employment records of the Contractor and any of subcontractors to ensure compliance with Contractor's Immigration Warranty. Contractor agrees to assist the Town in regard to any random verifications performed, and to keep papers and records open for said inspection during normal business hours, and waives any right to keep such papers and records confidential.

Neither the Contractor nor any subcontractor shall be deemed to have materially breached the Contractor Immigration Warranty if the Contractor or subcontractor establishes that it has complied with the employment verification provision prescribed by sections 274A and 274B of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. §23-214(A). Voluntary compliance may be available through the Arizona Attorney General's Voluntary Employer Enhanced Compliance Program.

IN WITNESS WHEREOF, the parties have entered into this Agreement effective on the date first above written.

TOWN OF PARADISE VALLEY

CONTRACTOR  
Robert S. Hubbard

By: \_\_\_\_\_  
Kevin Burke, Town Manager

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Duncan Miller, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Andrew M. Miller, Town Attorney

## ATTACHMENT A

### SCOPE OF SERVICES

Contractor shall provide prosecutorial services under the general direction of the Town Attorney in the Town's Municipal Court. Services shall include up to thirty-four and one-half (34.5) hours per month, on average, of prosecuting attorney services, primarily the prosecution of misdemeanor and other violations (a complete list of the services to be provided is contained in section 1 below) as assigned by the Town and accepted by the Contractor within the fiscal limitations of the Agreement. Cases assigned will include but not be limited to the following types of offenses:

Misdemeanor offenses under State Law and the Paradise Valley Town Code  
(including felony 6 offenses prosecuted as misdemeanors)  
Criminal traffic violations (except violations of ARS § 701.02)  
Juvenile proceedings in the Municipal Court pursuant to ARS § 8-232

#### **1. Basic Services Provided**

The Contractor shall:

- a. Review, edit and finalize responses to pretrial motions based on initial drafts by the Town's in-house paralegal.
- b. Review cases for plea offers and negotiate same with defense attorneys.
- c. Attend court hearings in the Town of Paradise Valley Municipal Court.
- d. Document case file with status of hearings/trials.
- e. Conduct discussions with defense attorneys, victims, and staff re legal issues surrounding above-referenced caseload, and give direction re same.
- f. Review long form complaints submitted by the Paradise Valley Police Department and Code Compliance Officers; and give direction on charges to be brought or not brought, as the case may be.
- g. Interview police officers and witnesses, as necessary, in preparation for hearings/trials.
- h. Provide eight hours per year of in-house training to the Police Department and/or Code Compliance staff of the Town (training time does not count towards the average monthly time allotment above); the topics of each in-house training to be approved by the Town Attorney prior to such in-house training.

#### **2. Town Staff Support Services Provided to Contractor**

The Town will provide secretarial or paralegal support services for the following activities, under the supervision of the Contractor:

- a. Create, prepare and maintain preliminary case files for all cases assigned to Contractor.
- b. File documents into case files, with court, Contractor, etc.

- c. Prepare and send initial victim notifications.
- d. Order police reports, MVD Records, Criminal Histories and other necessary records.
- e. Draft long form complaints pursuant to direction provided by Contractor.
- f. Reproduce preliminary file contents and witness lists for discovery Rule compliance.
- g. Order, acquire and maintain certified documents to forward to Contractor and/or for file.
- h. Subpoena witnesses as directed by Contractor.
- i. Forward preliminary files (preferably by pdf transmittal) to Contractor at least one week before pre-trial conference if such files were not prepared for “in-house” review by Contractor at least one week prior to the scheduled pre-trial conference.
- j. Receive and maintain files at conclusion of case.
- k. Preparing plea agreements per offer extended by Contractor.
- l. Convey plea offers to defenses attorneys as instructed by Contractor.
- m. Mail or electronically transmit plea offers reviewed and approved by the Contractor to defense attorneys as instructed by Contractor for specific cases.
- n. Draft pretrial motions and responses (i.e. Motions to Dismiss, Motions to Suppress Evidence, Motions to Compel, Motions to Continue, etc.).
- o. Victim contact regarding court appearances and restitution issues.
- p. Prepare Summons as necessary and arrange for process service.
- q. Contact police officers regarding evidentiary and testimonial issues.
- r. Coordinate with Redflex regarding photo enforcement hearings.
- s. Other duties as agreed.

If the Town declines to provide any of the above services, Contractor shall arrange or provide them as needed in accordance with the Fee Schedule in Attachment B to this Agreement. To the extent possible, Contractor will utilize supplies, forms, equipment, telephone, photocopy and facsimile facilities as are available from the Town in order to minimize costs.

### **3. Additional Scope of Work Requirements**

Contractor will provide the Town with timely advice of all significant developments arising during performance of the services hereunder, orally or in writing, as Contractor and Town consider appropriate. For the initial 6 months of the Agreement, Contractor shall meet on a monthly basis with the Town Attorney to review the status of pending cases, the flow of the work, and any needs related to coordination or communication between the Contractor and the Town staff. Thereafter, Contractor and Town Attorney shall meet at least quarterly to conduct the same review functions. Contractor shall provide regular reports to the Town Attorney and the Police Department as agreed on status and disposition of cases and cases which Contractor declines to prosecute. All work performed in connection with this Agreement is subject to audit. Contractor will maintain all books, documents, papers, accounting records and other evidence of time billed and costs incurred, and to make such materials available at its offices at all reasonable times during the Agreement period, and for at least three (3) years after the date of final payment, for inspection by the Town or its agents. All files and records

prepared pursuant to this Agreement are the property of the Town and shall be released to the Town upon request.

#### **4. Delegation and Assignment**

Services herein will not be assigned in whole or in part without prior written consent of the Town. It is understood from the terms of the proposal submitted that the key personnel supplying prosecuting attorney services under the Agreement shall be Robert S. Hubbard. Contractor shall provide the Town with a list of any additional Contractor staff who will provide services hereunder prior to commencement of the Agreement. Amendments to this list shall be provided by Contractor prior to the change taking effect, and are subject to approval by the Town.

#### **5. Documentation of Additional Services and Fire Service Agreement Prosecution Services**

Contractor will document actual time spent performing any Additional Services or Fire Service Agreement Prosecution Services requested and approved by the Town (in writing). The documentation will be in the form of an itemized bill and supporting time slips. Contractor will document actual expenses (photocopy costs, facsimile charges, postage, long distance telephone) related to prosecutorial services provided by Contractor. The Town shall process the billings upon receipt.

#### **6. Conflicts**

Contractor does not presently have any interest in any matter which will render the services required herein a violation of any applicable local, state or federal law and the Code of Ethics/Canons of Professional Responsibility. Contractor agrees to refrain from any activity, contract, client, firm, corporation or person that will cause a conflict of interest to arise. Contractor will be free to pursue any activity, contract, client, firm, corporation or person that will not cause a conflict of interest.

**ATTACHMENT B**  
**SCHEDULE OF FEES AND CHARGES**

Basic Services specified in Attachment A, the Scope of Work

Basic Prosecutorial Services \$3,000.00 (Three Thousand Dollars) per month\*

Additional Services\*\*

Prosecutorial Services \$ 100.00 (One Hundred Dollars) per hour\*

Appellate Services \$135.00 (One Hundred Thirty-Five Dollars) per hour\*

Fire Service Agreement Prosecution Services\*\*\* \$100.00 (One Hundred Dollars) per hour\*

Appellate Services re Fire Service Agreement Prosecution Services\*\* \$135.00 (One Hundred Thirty-Five Dollars) per hour\*

Photocopies

\$ .10 per page

Facsimile (Transmit from Contractor only, not receipt)

\$ .25 per page

Postage and long distance telephone

Contractor's actual cost

\* Does not include any travel time to and from Contractor's Office and Town Hall

\*\* Additional Services are those prosecution services that are outside the scope of work stated in Attachment A

\*\*\* Fire Service Agreement Prosecution Services relate to time and costs spent in the prosecution of violations or Town Code §13-4-2



## Action Report

---

**File #:** 15-169

---

**TO:** Mayor Collins and Town Council Members

**FROM:** Kevin Burke, Town Manager

**DATE:** September 10, 2015

**DEPARTMENT:** Town Manager

**AGENDA TITLE:**

**Consideration of Amendment #1 to the Amended and Restated Development Agreement with Mountain Shadows**

**RECOMMENDATION:**

Staff recommends approval of Amendment #1 to the Mountain Shadows Development Agreement.

Staff report to be provided next week.



## Action Report

---

**File #:** 15-170

---

**TO:** Mayor Collins and Town Council Members

**FROM:** Kevin Burke, Town Manager  
Dawn Marie Buckland, Director of Administration & Gov Affairs

**DATE:** September 10, 2015

**DEPARTMENT:** Administration and Government Affairs Department

Dawn Marie Buckland, 480.348.3555

**AGENDA TITLE:**

**Adoption of Resolution 1339 allowing for the reimbursement of capital expenditures with bond proceeds**

**Agenda Item Relates to Mission/Vision:**

- Provides high quality public services to a community which values limited government
- Enhance the community's unique character

**Strategic Initiative:**

- Continuously provide high quality public safety services for Town residents and visitors.
- Regularly invest in public facility and infrastructure projects.
- Conscientiously manage the Town's financial resources.
- Consistently identify opportunities to create and promote a more sustainable community.

**Council Goals or Other Policies / Statutory Requirements:**

**RECOMMENDATION:**

Adopt Resolution 1339

**SUMMARY STATEMENT:**

The Town of Paradise Valley approaches its finances in a responsible and conservative manner. When evaluating capital projects, the Town issues debt only when in the best interests of the Town. The Town is currently undertaking several capital projects which are included in the attached listing. The reimbursement resolution will allow initial expenditures to be made using fund balance and provide the ability to reimbursement the use of fund balance once the bonds are sold.

**BUDGETARY IMPACT:**

While these are all budgeted expenses in the FY 2015-16 adopted budget, a reimbursement

---

**File #:** 15-170

---

resolution allows for a single bond sale, minimizing issuance costs and allowing the Town to monitor the market and sell the bonds when interest rates and yields are most advantageous to the Town.

**ATTACHMENT(S):**

Exhibit A

Capital Improvement Program Project Listing



**RESOLUTION NUMBER 1339**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA ("TOWN") DESIGNATING THE DIRECTOR OF ADMINISTRATION AND GOVERNMENT AFFAIRS TO DECLARE OFFICIAL INTENT ON BEHALF OF THE TOWN WITH RESPECT TO REIMBURSEMENT FROM PROCEEDS OF TAX-EXEMPT OBLIGATIONS PURSUANT TO TREASURY REGULATIONS SECTION 1.150-2.**

**WHEREAS**, the Town of Paradise Valley, Arizona (the "Town") may from time to time make expenditures with the intent that such expenditures will be reimbursed from the proceeds of tax-exempt obligations (the "Reimbursement Obligations"); and

**WHEREAS**, in order to treat such reimbursements as an expenditure of proceeds of the Reimbursement Obligations for the purpose of applying Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended, the Town may be required, pursuant to Treasury Regulation Section 1.150-2, to declare its intention to reimburse an expenditure with proceeds of a Reimbursement Obligation; and

**WHEREAS**, such declaration of intention to reimburse an expenditure must be made not later than sixty (60) days after the payment of such expenditure; and

**WHEREAS**, the Town may designate an officer or officers to declare such official intent on its behalf; and

**WHEREAS**, the appropriate officer of the Town to make such declaration on behalf of the Town is the Chief Financial Officer; and

**WHEREAS**, the Director of Administration and Government Affairs is the Chief Financial Officer for the Town of Paradise Valley;

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA** that:

**Section 1.** For the purposes of the Treasury Regulation Section 1.150-2, the Director of Administration and Government Affairs is hereby designated to declare the official intent of the Town to reimburse expenditure with the proceeds of a Reimbursement Obligation. Such declaration of official intent shall be signed by the designated officer and shall be in substantially the form of Exhibit A attached hereto or such other form as may be necessary to comply with the provisions of the Treasury Regulation Section 1.150-2. The declaration of intent shall be effective when executed.

**Section 2.** Upon the issuance of Reimbursement Obligations, the Director of Administration and Government Affairs shall cause a written allocation to be made that evidences the Town's use of proceeds of the Reimbursement Obligations to reimburse a prior expenditure.

**Section 3.** The Director of Administration and Government Affairs shall not permit proceeds of a Reimbursement Obligation to be used to reimburse a prior expenditure unless such reimbursement is made within the reimbursement time period set forth in Treasury Regulation Section 1.150-2 or unless the requirements of such section are otherwise satisfied.

**Section 4.** The Director of Administration and Government Affairs is authorized to take any other appropriate actions which are necessary to meet the requirements of Treasury Regulation Section 1.150-2.

**PAS SED, ADOPTED AND APPROVED** by the Mayor and Council of the Town of Paradise Valley, Arizona this 10th day of September, 2015.

\_\_\_\_\_  
Michael Collins, Mayor

**ATTEST:**

\_\_\_\_\_  
Duncan Miller, Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Andrew M. Miller  
Town Attorney

**CERTIFICATION**

I, Duncan Miller, the duly appointed and acting Town Clerk of the Town of Paradise Valley, Arizona, do hereby certify that the above and foregoing Resolution Number 1339 was duly passed by the Town Council of the Town of Paradise Valley, Arizona, at a regular meeting held on September 10, 2015, and the vote was \_\_\_\_\_ aye's and \_\_\_\_\_ nay's and that the Mayor and Town Council Members were present thereat.

DATED: \_\_\_\_\_, 2015

Duncan Miller, T Clerk

**EXHIBIT A**

**DECLARATION OF OFFICIAL INTENT UNDER  
TREASURY REGULATION SECTION 1.150-2 TO  
REIMBURSE EXPENDITURE WITH PROCEEDS OF TAX-  
EXEMPT OBLIGATIONS**

The undersigned is the Director of Administration and Government Affairs and Chief Financial Officer of Town of Paradise Valley, Arizona (the "Town") and has been designated by the Mayor and Council of the Town to declare official intent on behalf of the Town with respect to the reimbursement of expenditures with proceeds of tax-exempt obligations.

**Section 1. Declaration of Official Intent.** The undersigned hereby declares under Treasury Regulation Section 1.150-2 the official intent of the Town to reimburse capital expenditures with respect to the Project described below with the proceeds of tax-exempt obligations.

**Section 2. Timeliness of Declaration.** This declaration is being made not later than sixty (60) days after payment of the expenditure(s) to be reimbursed.

**Section 3. Project Descriptions.** The Project for which expenditures were, or will be, made are as listed below and are budgeted for in the Town's FY 2015-16 budget.

**Section 4. Maximum Principal Amount.** The maximum principal amount of obligations expected to be issued for the project described in Section 3 is not to exceed eight and a half million dollars.

**Section 5. Reasonable Expectation to Reimburse.** This Declaration as of its date is consistent with the budgetary and financial circumstances of the Town and the Town reasonably expects to reimburse the expenditures with respect to the Projects described in Section 3 and listed below with proceeds of tax-exempt obligation

**Dated:** \_\_\_\_\_

**By:** \_\_\_\_\_  
**Dawn Marie Buckland. CFO**  
**Director of Administration and Government Affairs**  
**Town of Paradise Valley**





## Action Report

---

**File #:** 15-165

---

**TO:** Mayor Collins and Town Council Members

**FROM:** Kevin Burke, Town Manager  
Duncan Miller, Town Clerk

**DATE:** September 10, 2015

**DEPARTMENT:** Town Manager

**AGENDA TITLE:**  
Consideration of Requests for Future Agenda Items

**Council Goals or Other Policies / Statutory Requirements:**  
Resolution Number 1250: Town Council Rules of Procedure

**RECOMMENDATION:**  
Review the current list of pending agenda topics.

**SUMMARY STATEMENT:**  
Attached is the most recent Town Council Study Session Topic Schedule. Pursuant to the Council's Rules and Procedures as adopted by Resolution Number 1250, any member of the Council may move to have the Town Manager add a new agenda item to a future agenda. Upon concurrence of three or more Members, which may include the Mayor, the item will be added to the list of future agenda items and placed on a meeting agenda within sixty days. Reminder is provided that any discussion on the motion to add a future agenda item shall be limited to the propriety of placing such item on a future agenda and shall not include discussion on the merits of the topic itself.

**BUDGETARY IMPACT:**  
None

**ATTACHMENT(S):**  
Future agenda topics schedule

# TOWN COUNCIL STUDY SESSION TOPIC SCHEDULE

## September 4, 2015

09/10	09/17	09/24	10/08
<p><b>4 PM STUDY SESSION</b></p> <ul style="list-style-type: none"> <li>The Villas at Mountain Shadows II and III Prelim Plat and Villas at Mountain Shadows Final Plat</li> <li>Committee Volunteer Interviews</li> </ul> <p><b>EXECUTIVE SESSION</b></p> <ul style="list-style-type: none"> <li>Presiding Judge Interview</li> <li>Storey Claim</li> <li>Radio Tower Land Acquisition</li> <li>Attorney review and employment agreement</li> </ul> <p><b>ACTION ITEMS</b></p> <ul style="list-style-type: none"> <li>Prosecutor Contract</li> <li>Special Event Liquor License</li> <li>Bond Reimbursement Resolution</li> <li>APS Underground Agreement Amendment</li> </ul>	<p><b>COUNCIL RETREAT</b> <b>Vista Boardroom Sanctuary 8:30</b></p> <ul style="list-style-type: none"> <li>Council &amp; Staff Roles &amp; Expectations; and Review of Council Policies and Procedures</li> <li>Expenditure limitation</li> <li>IT Strategic Plan Update/GIS Implementation Strategy</li> <li>Progress Report on Council Goals</li> <li>Resort Outreach Updates</li> </ul>	<p><b>4 PM STUDY SESSION</b></p> <ul style="list-style-type: none"> <li>Police Technology Update</li> <li>Sewer User Fee and Debt Service Update</li> </ul> <p><b>EXECUTIVE SESSION</b></p> <ul style="list-style-type: none"> <li>5 Star Development Agreement Deal Points</li> <li>Szambelan Claim</li> <li>Rafi-Zadeh Claim</li> </ul> <p><b>ACTION ITEMS</b></p> <ul style="list-style-type: none"> <li>Authorize use of Town Resources for Annual Car Show</li> <li>Appointments to Municipal Court, Committees, Commissions, and Boards</li> <li>Swear in judges</li> <li>The Villas at Mountain Shadows II and III Prelim Plat and Villas at Mountain Shadows Final Plat</li> <li>Award of Watershed Study RFQs</li> </ul>	<p><b>4 PM STUDY SESSION</b></p> <ul style="list-style-type: none"> <li>Legislative Agenda</li> <li>Marquee Signs</li> <li>Unmanned Aircraft Ordinance (Drones)</li> </ul> <p><b>EXECUTIVE SESSION</b></p> <p><b>ACTION ITEMS</b></p>
10/22	11/05	11/19	12/03
<p><b>4 PM STUDY SESSION</b></p> <ul style="list-style-type: none"> <li>Ritz-Carlton SUP</li> <li>Police Alarm Monitoring Service Continuation</li> </ul> <p><b>EXECUTIVE SESSION</b></p> <p><b>ACTION ITEMS</b></p> <ul style="list-style-type: none"> <li>Award of Contract for Sidewalk Replacement</li> </ul>	<p><b>4 PM STUDY SESSION</b></p> <ul style="list-style-type: none"> <li>Tree Planting Ceremony</li> <li>Ritz-Carlton SUP</li> </ul> <p><b>EXECUTIVE SESSION</b></p> <p><b>ACTION ITEMS</b></p>	<p><b>4 PM STUDY SESSION</b></p> <ul style="list-style-type: none"> <li>Ritz-Carlton SUP</li> </ul> <p><b>EXECUTIVE SESSION</b></p> <p><b>ACTION ITEMS</b></p>	<p><b>4 PM STUDY SESSION</b></p> <ul style="list-style-type: none"> <li>Ritz-Carlton SUP</li> <li>PD Strategic Plan Update</li> </ul> <p><b>EXECUTIVE SESSION</b></p> <p><b>ACTION ITEMS</b></p> <ul style="list-style-type: none"> <li>Award of Contract for Card Reader Door Locks</li> <li>52<sup>nd</sup> St Improvements</li> </ul>
12/17	01/14	01/28	02/11

### **Items to be scheduled**

1. Excess Real Property Disposition
2. Camelback Mountain Shuttle
3. Emergency Planning