

# BACKGROUND REPORT

## Consideration of “The Villas at Mountain Shadows II”

### Final Plat (FP 15-02)

### Southwest Corner Lincoln Drive and 56<sup>th</sup> Street (Assessor No. 169-30-104/105)

#### Town Council Discussion:

The Town Council discussed this application on November 5, 2015. There were no specific concerns regarding this application.

#### Planning Commission Final Plat Recommendation:

In a 7 to 0 vote, the Planning Commission recommended approval of the Final Plat with the five stipulations attached to this report and an additional stipulation to rotate Detail “A” on Sheet 2 so north is oriented to the top of the page. The recommended stipulations are typical to other plat stipulations and essentially identical to the approved stipulations of the Preliminary Plat. These stipulations relate to substantial compliance to the plat, Town review of the CC&Rs, processing of final improvement plans, deadline to submit copies of the plat, and receipt of an updated Certificate of Assured Water Supply prior to recordation of the plat. As discussed during the preliminary plat process, this last stipulation addresses the circumstance that the current Certificate of Assured Water Supply on file with the Department of Water Resources may need to be updated prior to plat recordation. As such, the referenced August 2014 date on the Certificate of Assured Water Supply may change. The August 2014 Certificate of Assured Water Supply is still valid as it covers water demand for 178 lots over Lots 131 through 134 of the overall map for the Mountain Shadows Resort. This area covers the proposed Resort Residential in Area B and the resort-branded hotel condominium on Lot 131. The total proposed lots/units will be approximately 113 units (28 Villas, 40 Resort Residential condominiums, and 45 Resort-branded condominiums). This is well below the water provision of 178 lots in the Certificate of Assured Water Supply. The stipulation to rotate Detail “A” has been completed. The Final Plat attached to this report depicts Detail “A” such that north is oriented to the top of the page.

#### Preliminary Plat and Plat Conformance:

In a 6 to 0 vote, the Town Council approved the Preliminary Plat on September 24, 2015. In a 7 to 0 vote, the Planning Commission recommended approval of the Preliminary Plat on June 16, 2015. Some items that came up during the preliminary plat process included the following:

- Submittal of a graphic demonstrating that the access onto 56<sup>th</sup> Street will not negatively impact the recently completed 56<sup>th</sup> Street improvements. This graphic was part of the Preliminary Plat approval and is attached to this report.
- Modification by the applicant of the access onto 56<sup>th</sup> Street for only emergency access that Town Council approved as part of the Preliminary Plat.
- Inclusion of the 5.17-acre tract, Tract “E” on the Final Plat, 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.

An enhancement from the Council-approved Preliminary Plat on the Final Plat was an increase of the land for all 8 lots from 64,052 square feet to 65,921 square feet. Otherwise, the Final Plat is in substantial compliance with the approved Preliminary Plat.

#### 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.

#### 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. As there have been no significant changes since approval of the Preliminary Plat, the attached utility correspondence remains unchanged and is copied for reference.

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:

There was one comment received by phone from a resident in Mountain Shadows East, who was opposed to the plat due to density. 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 will need to comply with the stipulations, the Town will record the plat, and building permits will need to be approved for the homes.

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