Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Meeting Notice and Agenda

Planning Commission

Chair Karen Liepmann
Commissioner Robert Brown
Commissioner Charles Covington
Commissioner Timothy Dickman
Commissioner Pamela Georgelos
Commissioner William Nassikas
Commissioner James Rose

Tuesday, April 2, 2024 **6:00 PM** **Council Chambers**

1. CALL TO ORDER / ROLL CALL

Notice is hereby given that members of the Planning Commission will attend either in person or by electronic conference system, pursuant to A.R.S. §38-431(4).

2. EXECUTIVE SESSION

The Planning Commission 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 items listed on the agenda as authorized by A.R.S. §38-431.03.A.3.

3. APPROVAL OR AMENDMENT OF MINUTES

A. **24-114** **Approval of March 19, 2024 Planning Commission Minutes.**

Staff Contact: Cherise Fullbright, 480-348-3539

Attachments: 2024-03-19 PC Draft Minutes

4. PRESENTATIONS

5. STUDY SESSION ITEMS

The Study Session is open to the public for viewing, and the following items are scheduled for discussion among the Planning Commission, Staff, and invited presenters. Votes will not be made on any of these items but may be made when the item is scheduled for final action later in the meeting or at a future meeting. Public comment will not be invited at this time.

A. **24-108** **Citizen Review Session - Work Session - Proposed amendments to Article XII, Personal Wireless Service Facilities Zoning Ordinance related to the process for site approvals**

Staff Contact: **Paul Michaud, 480-348-3574**

Attachments:
A. Staff Report
B. Planning Commission Minutes
C. Resolution 2022-23
D. Article XII, PWSF (Track-Change)
E. Ordinance 2024-02 (Draft)
F. Presentation

B. **24-125** **Discussion on Minor Special Use Permit Amendment (SUP-24-01) Ritz-Carlton Area C Lots 15-19 (7000 E Lincoln Dr)**

Staff Contact: Brandon McMahon, 480-348-3531

Attachments:
A. Staff Report
B. Vicinity & Related Maps
C. Application
D. Five Star Project Excerpts
E. Summary of Five Star SUP Amendments
F. Narrative, Plans & Renderings V.3
G. Notification Materials
H. Waiver of Rights and Remedies (Prop 207)
I. Presentation

6. PUBLIC HEARINGS - LEGISLATIVE ACTIONS

Public Hearings are legislative actions scheduled for action by the Planning Commission. Staff will present the item, the Planning Commission will have an opportunity to discuss and ask questions of staff and/or the applicant, the public hearing will open for public comment, after receiving public comment the public hearing will be closed, the Planning Commission may have further discussion, and lastly, the Planning Commission will take action on the item.

A. **24-099** **Discussion and Possible Action on Minor Special Use Permit Amendment (SUP-24-01) Ritz-Carlton Area C Lots 15-19 (7000 E Lincoln Dr)**

Staff Contact: Brandon McMahon, 480-348-3531

Attachments:
- A. Staff Report
- B. Vicinity & Related Maps
- C. Application
- D. Five Star Project Excerpts
- E. Summary of Five Star SUP Amendments
- F. Narrative, Plans & Renderings
- G. Notification Materials
- H. Waiver of Rights and Remedies (Prop 207)
- I. Presentation

7. ACTION ITEMS

Items for Public Hearings are Legislative Actions scheduled for action by the Planning Commission. Staff will present the item, the Planning Commission will have an opportunity to discuss and ask questions of staff and/or the applicant, the public hearing will open for public comment, after receiving public comment the public hearing is closed, the Planning Commission may have further discussion, and lastly, the Planning Commission will take action on the item by making a motion.

A. **24-098** **Discussion and Possible Action on Horseshoe Estates Lot Split (LS-24-01) 7300 E Horseshoe Road (APN: 174-30-023A)**

Staff Contact: Brandon McMahon, 480-348-3531

Attachments:
- A. Staff Report
- B. Vicinity & Related Maps
- C. Application
- D. Narrative, Plans & Docs
- E. Water Impact Service Study
- F. Utility Service Letters
- G. Preliminary Drainage Report
- H. Notification Materials
- I. Presentation

B. **24-075** **Selection of Chair per Section 2-5-2 of the Town Code**

Staff Contact: Paul Michaud, 480-348-3574

Attachments: A. Staff Report

8. STAFF REPORTS

9. PUBLIC BODY REPORTS

10. FUTURE AGENDA ITEMS

11. ADJOURNMENT

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 Planning Commission 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 Planning Commission meeting.

Action Report

File #: 24-114

AGENDA TITLE:
Approval of March 19, 2024 Planning Commission Minutes.

STAFF CONTACT:

Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes – Draft

Planning Commission

Chair Karen Liepmann
Commissioner Robert Brown
Commissioner Charles Covington
Commissioner Timothy Dickman
Commissioner Pamela Georgelos
Commissioner William Nassikas
Commissioner James Rose

Tuesday, March 5, 2024	**6:00 PM**	**Town Hall Boardroom**

1. CALL TO ORDER / ROLL CALL

Chair Liepmann called the meeting to order at 6:01 PM.

Present – Chair Karen Liepmann
Commissioner James Rose
Commissioner William Nassikas
Commissioner Timothy Dickman
Commissioner Charles Covington
Commissioner Robert Brown

Commissioner Pamela Georgelos joined the meeting at 6:05 PM

STAFF MEMBERS PRESENT

Community Development Director Chad Weaver
Town Attorney Michael Goodman
Planning Manager Paul Michaud
Senior Planner George Burton
Management Specialist Cherise Fullbright

2. EXECUTIVE SESSION

3. APPROVAL OR AMENDMENT OF MINUTES

A. 24-105 Approval of March 5, 2024 Planning Commission Minutes.

A motion was made by Commissioner Dickman, seconded by Commissioner Rose, to approve the March 5, 2024 minutes. The motion carried with the following vote:

Aye: Chair Liepmann, Commissioner Dickman, Commissioner Nassikas, Commissioner Rose, Commissioner Covington Commissioner Brown

Absent: Commissioner Georgelos

4. PRESENTATIONS

5. STUDY SESSION ITEMS

6. PUBLIC HEARINGS – LEGISLATIVE ACTIONS

7. ACTION ITEMS

A. 24-096 Discussion and Possible Action on Club Estates 7 Lot Split (LS-21-02). 5639 E Joshua Tree Lane (APN: 169-32-932)

Commissioner Dickman moved to approve item 24-105. The motion was withdrawn after Commissioner Rose requested a brief presentation.

Senior Planner George Burton provided a brief overview of the item and noted staff was recommending approval.

Commissioner Brown addressed partial removal of the pool.

Commissioner Nassikas asked about the process for final approval.

A motion was made by Commissioner Dickman seconded by Commissioner Brown to approve item 24-096 subject to stipulations. The motion carried with the following vote:

Aye: Chair Liepmann, Commissioner Dickman, Commissioner Nassikas, Commissioner Rose, Commissioner Georgelos, Commissioner Covington Commissioner Brown

8. STAFF REPORTS

9. PUBLIC BODY REPORTS

10. FUTURE AGENDA ITEMS

Mr. Michaud noted that the next meeting on April 2nd would include the Election of Chair, a work session and possible action for the Ritz-Carlton Minor Special Use Permit Amendment for Area C setbacks and acting on the Horseshoe Road lot split. Also scheduled is a citizen review and work session on the PWSF (Personal Wireless Service Facilities) text amendments.

11. ADJOURNMENT

Motion for adjournment was made at 6:20 PM.

A motion was made by Commissioner Covington, seconded by Commissioner Georgelos, to adjourn the meeting at 6:20 PM. The motion carried with the following vote:

Aye: Chair Liepmann, Commissioner Nassikas, Commissioner Georgelos, Commissioner Rose, Commissioner Covington, Commissioner Dickman, Commissioner Brown

Paradise Valley Planning Commission

By: _____
Cherise Fullbright, Secretary

Action Report

File #: 24-108

AGENDA TITLE:
Citizen Review Session - Work Session - Proposed amendments to Article XII, Personal Wireless Service Facilities Zoning Ordinance related to the process for site approvals

STAFF CONTACT:

TOWN
Of
PARADISE VALLEY

STAFF REPORT

TO: **Chair & Planning Commission Members**

FROM: **Chad Weaver, Community Development Director**
Paul Michaud, Planning Manager

DATE: **April 2, 2024**

DEPARTMENT: **Community Development – Planning Division**
Paul Michaud, 480-348-3574

AGENDA TITLE: **Proposed amendments to Article XII, Personal Wireless Service Facilities Zoning Ordinance relating to the process for site approvals.**

REQUEST

Proposed amendments to Article XII, Personal Wireless Service Facilities, of the Zoning Ordinance relating to the process for site approvals.

BACKGROUND

Resolution 2022-23 directs Town staff to take forward an amendment to Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance for Planning Commission recommendation and Town Council action creating a managerial or similar process for Personal Wireless Service Facilities (PWSF) for five specific sites (referred to as the Primary Sites). This managerial process is similar to the Managerial Special Use Permit process outlined in Section 1102.8.A of the Town Zoning Ordinance that requires an applicant make formal application, Town staff review the application in accordance with specific guidelines and regulations, and the Town Manager (or designee) transmit all approved determinations to the Town Council within a specified time period allowing the Town Council to affirm the determination or schedule an appeal at a Town Council meeting. This managerial process will replace the Conditional Use Permit (CUP) Planning Commission approval for only the Primary Sites in Resolution 2022-23 or as may be amended. PWSF requests at sites not identified in Resolution 2022-23 will continue to follow the administrative CUP process requiring Planning Commission approval that are appealable to the Town Council as outlined in Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance.

The Town Council discussed closing the gaps in cell coverage at its September 8, 2022 and October 27, 2022 study sessions. Discussion included review of the gaps in coverage for the wireless carriers, information on the selected sites to improve coverage, and ways the Town can facilitate wireless carriers in making cellular improvements that meet Town standards. Past efforts since 1997 when Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance was adopted have

only partially met desired coverage expectations.

Many rules and regulations at both the Federal and State levels have given more rights to wireless carriers over the years. Also, the low density character of the Paradise Valley, hillside terrain, timing of the Town's PWSF process, and the wireless carriers internal funding process for projects results in many PWSF applications started and never followed through by the wireless carrier.

Since 2018, the Town has focused on four goals identified by the Council's Cellular Service Task Force to improve cell coverage within Paradise Valley. These goals seek to (1) improve voice service, (2) preserve and maintain the Town's aesthetics, (3) provide the greatest coverage and capacity with the least visible infrastructure, and (4) provide infrastructure for future services related to PWSF sites. Three of those goals have been completed and Resolution 2022-23 is the next step toward the implementation in providing the greatest coverage and capacity with the least visible infrastructure.

Resolution 2022-23 is a result of many efforts over several years between the Town, Engineering Wireless Services (EWS), and the wireless carriers. This includes a Town-driven radio frequency strength and quality study of the main carriers within the Town limits EWS completed in 2018 and later updated in 2021. During 2022, these participants canvassed the town and identified the five locations listed below as best to close the gaps in cell coverage.

Cosanti Foundation	6433 E Doubletree Ranch Road
Fire Station #91	8444 N. Tatum Boulevard
Paradise Valley Country Club	7101 N. Tatum Boulevard
Sanctuary Camelback Mountain Resort	5700 E. McDonald Drive
Town-Owned Property	7012 N Invergordon Road

Resolution 2022-23 provides siting and design guidance for PWSF at the identified five locations. These provide limitations on number, location, height, setback, and desired design. The fire station, Paradise Valley Country Club, and Sanctuary on Camelback Mountain Resort suggest a faux chimney design on an existing building. Whereas the Town-owned property at 7012 N Invergordon Road the guideline is for a retaining wall and at Cosanti the guideline is a separate structure near the existing buildings which would require a Special Use Permit amendment process if there were the addition of a separate new structure.

MANAGERIAL PWSF PROCESS

Resolution 2022-23 is modeled after the Managerial Amendment for Special Use Permits in Section 1102.7, Types of Amendments to Special Use Permits, in the Town Zoning Ordinance. Section 1213 of draft Ordinance 2024-02 describes this process which will only apply to PWSF at the five Primary Sites. This process is generally as follows:

- The applicant files a pre-application in accordance with Section 2-5-2(E) of the Town Code.
- The applicant files a formal application that Town staff reviews against the guidelines in Resolution 2022-23 and the requirements of Article XII, Personal

Wireless Service Facilities, of the Zoning Ordinance. If not in compliance with the above guidelines and requirements, the Managerial PWSF request is denied or follows the Conditional Use Permit process.

- The Town Manager (or designee) reviews and either approves or denies the Managerial PWSF application. If approved, the Managerial PWSF application and approval letter is forwarded to the Town Council.
- The Town Manager decision becomes final unless at least three Town Council Members submit a written request for appeal of the Managerial PWSF application. If appealed, the Managerial PWSF application is set for Town Council consideration at a Council meeting.

PLANNING COMMISSION DISCUSSION

The Planning Commission discussed the proposed PWSF amendments on February 7, 2023. Highlights from this discussion included the following:

- PWSF Design. There were questions about the specific PWSF design at the five sites, particularly the Town-owned hillside location at 7012 N Invergordon Road and the Cosanti location at 5433 E Doubletree Ranch Road. Resolution 2022-23 provides some parameters (retaining wall PWSF that meets Town Hillside standards for the Invergordon site, concealed PWSF toward the center/middle with consideration of up to 30 feet at the Cosanti site, and faux chimney PWSFs on the other three sites), but the exact PWSF design will not be presented to the Town until the wireless carrier makes application.
- Designee. The was clarification on the Town Manager designee in the text of Section 1213 describing the application process. The Town Manager designee regarding PWSF is typically the Community Development Director. The Town Code and Town Zoning Ordinance has multiple places using the term designee without any added description.
- Right-of-Way. Discussion included an explanation regarding the use of the faux cactus and sites in the rights-of-way. This text amendment only applies to the process method for the five-specified PWSF that are on private property. The faux cactus network in the Town's right-of-way are small cell facilities that fall under Arizona Revised Statutes and Section 2-2-2(I), Small Wireless Service Facility Located in the Rights-of-Way, in the Town Code and originally approved via the Special Use Permit process.
- Build and Pay. The construction and payment for PWSF improvements are typically the responsibility of the wireless carrier. The Town's efforts included resident time such as through the Cellular Service Task Force, procurement of the 2018 and updated 2021 radiofrequency (RF) gap study that aided in the selection of the Primary Sites, multiple Town staff time in meetings, allowance to waive Town application fees in accordance with Section 6 of Resolution 2022-23, and other processing time efficiencies such as the proposed text amendment.
- Site Selection. The Primary Sites were the result of the commissioned RF study noted above and site canvasing through the Town's consultant (EWS), along with Town staff and other wireless carrier representatives. Any changes to the Primary Site locations would require amendment of Resolution 2022-23 by the Town Council at a public meeting.
- Colocation. Statement that there be multiple carriers on each site. This is already addressed. The text amendment retains the existing colocation provisions in Sections 1208 and 1209 of Article XII, Personal Wireless Service Facilities, of the

Town Zoning Ordinance on the use of a single mount and/or site by more than one personal wireless service provider.

- FCC. The Federal Communications Commission (FCC) requirements are already addressed as the text amendment retains the FCC provisions in Sections 1206, 1207, 1208, and 1211 of Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance.
- Staff Review Timeframe. Prior discussion included adding a Managerial PWSF time frame for Town staff review. If a time frame is considered, Section 1213(B) of draft Ordinance 2024-02 could include that the Town Manager (or designee) shall have 20 business days from the date the Managerial PWSF application is submitted to notify the applicant whether the application is complete. This timeframe is similar to the 20-day Town staff deadline for a Small Wireless Facility application and typical Town staff review time to review formal planning applications. Further consideration might include adding in Section 1213(C) of draft Ordinance 2024-02 a timeframe for the Town Manager (or designee) to either approve or deny a Managerial PWSF application from the date of a completed application (possibly 10 business days if there is no noticing, meeting, or similar requirements) or several days after any noticing. There are instances within the Town Code and Zoning Ordinance for Town review times such as 20 days for the Town to deem a Small Wireless Facility application complete in Section 2-5-2(I)(10)(b) of the Town Code, 75 days for the Planning Commission to take action on an Administrative Small Wireless Facility when complying with the objective design or alternate design standards, and 180 days for action on a Small Wireless Facility not meeting those standards that requires a Special Use Permit as outlined in Section 2-2-2(I), Small Wireless Service Facility Located in the Rights-of-Way, in the Town Code.
- CUP Processing Time. The Commission inquired about the length of time to process a PWSF CUP as compared with the timing of a Managerial PWSF. Since 2000, there have been approximately 28 PWSF pre-application requests. 12 of these moved forward as a formal application and 4 required only building permit approval as they were maintenance improvements in substantial compliance. Pre-application review by Town staff is typically 15 to 20 business days. Once filed, a CUP takes on average 30 business days to deem the application complete. Scheduling a separate Planning Commission work session and the public hearing typically adds another 30 to 45 business days to account for preparing the meeting application and noticing material. This results in a typical Conditional Use Permit taking 4 to 5 months to complete after pre-application. Whereas a Managerial PWSF could take 1 to 2 months to complete after pre-application.
- Noticing. Several Commissioners commented that the Managerial PWSF process due to the significance of wireless facilities should include resident notification. If necessary, some suggestions by the Commission, among other possible vetting opportunities, included the following:
    - Have the Town Council review period that allow for at least three Town Council Members to appeal the Town Manager approval occur at a Town Council meeting. This could be on the consent agenda or as an action meeting. Reasons noted were that residents can sign up via AlertPV to be noticed on upcoming agendas and gives a public forum.

- Reevaluate the CUP process. Ideas noted included combining the Planning Commission study session and action in one meeting. Resolution 2022-23 focuses on the managerial process.
- Add to Section 1213 of draft Ordinance 2024-02 some type of notice provision within a period after application submittal, prior to the Town Manager decision and forwarding to the Town Council for their 7-day review (such as 10 or 15 days), or other point in the application process to seek comments from nearby property owners. Notice radius could be as determined by the Town Manager (or designee) or a specific radius given (e.g., 500 feet, 600 feet, 1,000 feet, or 1,500 feet are typical radius ranges on some planning applications). This notice could be in the Town of Paradise Valley Community Development Department mailing notification policy instead of within Ordinance 2024-02.

Refer to the February 7, 2023 minutes for more information (Attachment B).

COMMENTS

Although there is no formal noticing related with Resolution 2022-23 on the cell gap coverage, a resident south of the Cosanti site was aware of the cell gap coverage discussions and contacted the Town staff on November 4, 2022. His concerns are having a PWSF at Cosanti related to the proximity and existing health of his child. During the Citizen Review Session in February 2023, a resident inquired if the new Managerial process applies to all Town-owned property, which is not the case.

NEXT STEPS

The next steps after this Citizen Review Session and Planning Commission discussion is the public hearing for recommendation on the text amendment to Article XII, Personal Wireless Service Facilities, of the Town of Paradise Valley Zoning Ordinance. The draft ordinance will be forwarded to the Town Council with the recommendations as approved by the Planning Commission for discussion and public hearing for action which is tentatively set for May/June 2024.

ATTACHMENT(S)

A. Staff Report
B. Planning Commission Minutes
C. Resolution 2022-23
D. Article XII, PWSF (Track Change)
E. Ordinance 2024-02 (Draft)
F. Presentation

Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Final

Planning Commission

Chairman James Rose
Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Pamela Georgelos
Commissioner Karen Liepmann
Commissioner Kristina Locke
Commissioner William Nassikas

Tuesday, February 7, 2023 **6:00 PM** **Council Chambers**

1. CALL TO ORDER

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

STAFF MEMBERS PRESENT
Community Development Director Lisa Collins
Town Attorney Andrew McGuire
Planning Manager Paul Michaud
Senior Planner George Burton

2. ROLL CALL

Commission Members Covington (arrived at 6:05 p.m.), Georgelos, and Nassikas attended remotely.

Present 7 - Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Pamela Georgelos
Commissioner Karen Liepmann
Commissioner Kristina Locke
Commissioner William Nassikas
Commissioner James Rose

3. EXECUTIVE SESSION

None

4. CITIZEN REVIEW SESSION ITEMS

A. 23-041 Proposed amendments to Article XII, Personal Wireless Service Facilities Zoning Ordinance creating a managerial or similar process for certain Personal Wireless Service Facilities as directed in the Town of Paradise

Valley Resolution 2022-23 to close the gaps in cell coverage.

Ms. Collins presented the staff report. The Town of Paradise Valley has passed a resolution directing staff to create a managerial process for Personal Wireless Service Facilities for five specific sites. This process is like the Managerial Special Use Permit process and will replace the Conditional Use Permit Planning Commission approval for those sites. The Town Council recently discussed closing the gaps in cell coverage. The resolution is a result of efforts between the Town, Engineering Wireless Services (EWS), and the wireless carriers to improve cell coverage within Paradise Valley while preserving aesthetics and providing the greatest coverage and capacity with the least visible infrastructure. The resolution provides siting and design guidance for Personal Wireless Service Facilities at the identified five locations, with guidelines for number, location, height, setback, and design. Ms. Collins detailed each location.

Commissioner Campbell asked what the structure's design would be for the Invergordon location and if it would be visible.

Ms. Collins stated it would be integrated into a block retaining wall. The antennas would blend in and not extend above the hilltop. There was no specific design at this time.

Commissioner Campbell noted that the design standard was a faux cactus at one time and asked if that was an option. This and the Cosanti locations concerned him. He asked if the Planning Commission would be involved in the Invergordon site.

Ms. Collins noted that a faux cactus could be used if that was the best design to camouflage the Personal Wireless Service Facility. She replied that the Planning Commission would not be involved with this site, but the Town Council would be. She added that the Personal Wireless Service Facility application still must comply with all the requirements in the Zoning Ordinance and there would be considerable review. She detailed the process of going through the Town Manager and Town Council.

Commissioner Liepmann asked what the criteria for choosing these sites involved. She asked if a particular cell carrier will be the applicant for each case. Additionally, she asked who would build a wall at the Invergordon site.

Ms. Collins replied that the five selected sites provide the most coverage where the Town has gaps, and it would be a particular wireless carrier. Whoever applied to do the Personal Wireless Service Facility at Invergordon would also do the construction based on the plans reviewed and approved by the Town.

Commissioner Liepmann was concerned that the proposed amendment stated that the Town Manager reviews or designee. She would like it to be more specific, for example, "staff designee."

Commissioner Locke asked if they considered sites that were right-of-way or public easements.

Ms. Collins replied there were several small cells that were approved before her time at the Town in the right-of-way. All the faux cacti are small cells. She added that the five proposed sites are all on private property. The resolution has been amended a few times. The purpose of this meeting is to get input on the language within the text amendment. She responded to a question from Commissioner Locke that they wanted to see multiple carriers on each site.

Commissioner Nassikas asked who would pay for the construction at these sites.

Ms. Collins responded that the Town would waive the application fee and that the carrier would cover all the other costs. The Town Council would review the application and verify it meets the qualifications.

Commissioner Campbell was concerned that the surrounding residents would not be properly notified before installation.

Commissioner Liepmann agreed and wanted the Town Council to review the Managerial Personal Wireless Service Facility as an agenda item in their meetings.

Commissioner Georgelos asked who provided the list of sites to the Town Council for consideration.

Ms. Collins replied that EWS worked with the Town and looked at the sites that could close the gaps in coverage.

Commissioner Georgelos expressed that she was concerned about the proposed managerial amendment process in that unless appealed by three or more members of the Town Council the application is approved. She continued that this streamlined process would mean the review would be complete and final without any further notice or review. She felt that the proposed managerial process provides very little in terms of notice, and the issues regarding wireless facilities is significant in the Town. She was not in favor of moving forward with the proposal in this manner and felt that there should be a vetting process other than just the Town Manager or their designee.

Commissioner Locke agreed with the other Commissioners. She wanted to add language about compliance with the Federal Communications Commission (FCC) guidelines.

Ms. Collins replied that the FCC review is a requirement. She acknowledged the comments and concerns raised by others but explained that the proposed changes did not allow for any reduction in the submittal and that there are federal guidelines that must be met. She acknowledged that the Town staff received some input, but it was mainly focused on timing constraints faced by the carriers and health concerns. She suggested that this item come back to the Planning Commission with more information on how the Town Council is informed about these managerial amendments and provide assurance that the

Council will not be sidestepped. The idea behind the proposed changes is to move quickly and meet all code requirements while addressing the concerns raised by citizens over the years regarding coverage. She emphasized that there may be some locations where this solution would help resolve those concerns, but it was not meant to suggest that more managerial amendments would follow. She added that other Personal Wireless Service Facilities may occur and these will be reviewed via the Conditional Use Permit process.

Chairman Rose stated that he wanted the residents to have input regardless of the outcome. He made suggestions for streamlining the process.

Commissioner Liepmann brought up making the timeline in Section 1213.A and Section 1213.C of the proposed text amendment to including a timeframe and it be consistent.

Ms. Collins commented on the objective that once the application was complete, it could be reviewed within days. If it was approved, the Town Manager would send the managerial application to the Town Council.

Commissioner Georgelos asked if the Planning Commission could see examples of a situation where Personal Wireless Service Facility approvals were not made or not continued due to funding. She did not like the proposed process. She wanted clarification on what was driving the timeframe.

Commissioner Campbell suggested they could streamline the Conditional Use Permit process. He reiterated that the proposed managerial process impacts public input opportunity and thinks residents will express concerns after these structures are constructed.

Commissioner Georgelos agreed.

Commissioner Covington asked if the purpose of streamlining the process was to benefit the applicants or the Town.

Ms. Collins replied that it would benefit both, with the purpose to close coverage gaps.

Chairman Rose opened the Citizen Review Session. Ms. Brady, a resident, asked if the only Town owned site was the Invergordon site and whether this allowance applied to all Town-owned property

Ms. Collins replied the Invergordon is the only Town owned site of the five sites and the managerial process applied only to these five sites.

No Reportable Action

5. STUDY SESSION ITEMS

A. 23-009 Discussion of Scottsdale Plaza Intermediate Special Use Permit 7200 N Scottsdale Road (SUP-22-02)

RESOLUTION NUMBER 2022-23

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, RELATING TO PERSONAL WIRELESS SERVICE FACILITIES, AND REPEALING RESOLUTIONS 932 AND 932(A).

WHEREAS, the Mayor and Town Council (the "Town Council") of the Town of Paradise Valley (the "Town") adopted Resolution 932 on February 26, 1998, providing a non-exclusive list of potential Personal Wireless Service Facilities sites (the "Site List") to be considered in accordance with the Town's Personal Wireless Service Facilities provisions set forth in Article XII of the Town's Zoning Ordinance ("Article XII"); and

WHEREAS, the Town Council adopted Resolution 932(A) on September 20, 2001, to modify the Site List to remove one site; and

WHEREAS, in 2018 the Town Council established a Cellular Service Task Force to study ways to improve voice service, to preserve and maintain the Town's aesthetics expectations, to provide the greatest coverage and capacity with the least visible infrastructure, and to provide infrastructure for future services; and

WHEREAS, in 2018 the Town engaged Engineering Wireless Services ("EWS") to complete a radio frequency strength and quality study of the main carriers within the Town limits (the "Study"); the 2018 study was updated in 2021; and

WHEREAS, in 2022, the Town, EWS, and T-Mobile representatives canvassed several sites within the Town limits that the Study showed to best fit Town and carrier needs to improve coverage and capacity with the least visible infrastructure. Based upon this canvas, the group identified five primary sites: (i) the Sanctuary on Camelback Mountain located at 5600 E. McDonald Drive, (ii) the Paradise Valley Country Club located at 7101 N. Tatum Boulevard, (iii) the Town's Fire Station #91 located at 8444 N. Tatum Boulevard, (iv) the Cosanti Foundation property located at 5433 E. Doubletree Ranch Road, and (v) a Town-owned parcel on Mummy Mountain located at 7012 N. Invergordon Road (collectively, the "Primary Sites"); and

WHEREAS, the Town Council at its study session on September 8, 2022, discussed next steps in moving the goals of the Cellular Service Task Force forward; and

WHEREAS, the Town Council at its study session on October 27, 2022, discussed implementing a time-sensitive process and option to waive application fees for the Primary Sites; and

WHEREAS, the Town Council desires to (i) repeal Resolutions 932 and 932(A) and replace the Site List therein with the non-exclusive list set forth in this resolution, including two new locations, and (ii) provide guidance with respect to Conditional Use Permits considered for the Primary Sites identified in the Study.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Paradise Valley, Arizona, as follows:

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. The Site List is hereby amended to add the Cosanti Foundation property located at 5433 E. Doubletree Ranch Road and the Town-owned parcel on Mummy Mountain located at 7012 N. Invergordon Road as potential Personal Wireless Service Facilities sites. This revised Site List is not intended to be an exclusive listing of locations for which a Conditional Use Permit may be requested for Personal Wireless Service Facilities.

NAME	**ADDRESS**
ANDAZ RESORT	6160 N. SCOTTSDALE ROAD
ASCENSION LUTHERAN CHURCH	7100 N. MOCKINGBIRD
CALVARY CHURCH OF THE VALLEY	6107 N. INVERGORDON
CAMELBACK BIBLE CHURCH	3900 E. STANFORD DRIVE
CAMELBACK GOLF CLUB	7847 N. MOCKINGBIRD LANE
CAMELBACK INN	5402 E. LINCOLN DRIVE
CAMELBACK UNITED PRESBYTERIAN CHURCH	3535 E. LINCOLN DRIVE
CHEROKEE SCHOOL	8801 N. 56TH STREET
CHRIST CHURCH OF ASCENSION	4015 E. LINCOLN DRIVE
COSANTI FOUNDATION	6433 E DOUBLETREE RANCH ROAD
DOUBLETREE PARADISE VALLEY RESORT	5401 N. SCOTTSDALE ROAD
EL CHORRO LODGE	5550 E. LINCOLN DRIVE
FIRE STATION #91	8444 N. TATUM BOULEVARD
FIRST SOUTHERN BAPTIST CHURCH	5230 N. SCOTTSDALE ROAD
HERMOSA INN	5532 N. PALO CRISTI ROAD
KIVA SCHOOL	6911 E. MCDONALD DRIVE
LINCOLN BIBLE CHURCH	4222 E. LINCOLN DRIVE
MOUNTAIN SHADOWS RESORT	5445 E. LINCOLN DRIVE
MOUNTAIN VIEW MEDICAL PLAZA	10575 N. TATUM BOULEVARD
OMNI MONTELUCIA RESORT	4949 E. LINCOLN DRIVE
PARADISE VALLEY COUNTRY CLUB	7101 N. TATUM BOULEVARD
PARADISE VALLEY MEDCIAL PLAZA	7101 E. JACKRABBIT ROAD
PARADISE VALLEY TOWN HALL	6401 E. LINCOLN DRIVE
PARADISE VALLEY UNITED METHODIST CHURCH	4455 E. LINCOLN DRIVE
PHOENIX COUNTRY DAY SCHOOL	3901 E. STANFORD DRIVE
SANCTUARY CAMELBACK MOUNTAIN RESORT	5700 E. MCDONALD DRIVE
SCOTTSDALE PLAZA RESORT	7200 N SCOTTSDALE ROAD
SMOKETREE RESORT	7101 E. LINCOLN DRIVE
ST. BARNABAS CHURCH	6715 N. MOCKINGBIRD LANE
TOWN-OWNED PROPERTY	7012 N INVERGORDON ROAD
UNITARIAN UNIVERSALIST CHURCH	4027 E. LINCOLN DRIVE

Section 3. The Town's Planning Commission (the "Commission") shall consider, when reviewing a request for modifications to provisions of Article XII (due to extraordinary hardship or as necessary to comply with Federal or state law), the extent to which the Personal Wireless Service Facility meets the Cellular Service Task Force goals to improve voice service, preserve and maintain the Town's aesthetics, provide the greatest coverage and capacity with the least visible infrastructure, and provide infrastructure for future services while ensuring any modifications remain within the required FCC Guidelines for Radio Frequency (RF) safety. The Commission shall also ensure that modifications are only permitted if such modification improves coverage within the Town limits over strict compliance to Article XII, which improvement must be verified by the applicant through coverage maps.

Section 4. The Town Council hereby directs Town staff to take forward an amendment to Article XII, Personal Wireless Service Facilities, of the Town of Paradise Valley Zoning Ordinance and/or other code sections for Planning Commission recommendation and Town Council action creating a managerial or similar process for Personal Wireless Service Facilities for the Primary Sites. This managerial process may be similar to the Managerial Special Use Permit process outlined in Section 1102.8.A of the Town of Paradise Valley Zoning Ordinance that requires an applicant make formal application, Town staff review the application in accordance with the guidelines, and the Town Manager (or designee) transmit all approved determinations to the Town Council within a specified time period allowing the Town Council to affirm the determination or schedule an appeal at a Town Council meeting. This managerial process will replace the Conditional Use Permit Planning Commission approval for identified Primary Sites. Primary Sites may be amended from time to time by the Town Council, including guidelines for specific sites.

Section 5. To further the goals of the Cellular Service Task Force, the Town Council hereby directs Town staff through a process similar to Managerial Amendments to Special Use Permits to evaluate proposals for Personal Wireless Service Facilities to be located at the Primary Sites according to the provisions set forth below. This guidance is not a final decision of the Town Council, and compliance with the provisions below does not (i) ensure approval of a Personal Wireless Service Facility or (ii) create any vested rights to the approval of a Personal Wireless Service Facility.

Sanctuary Resort

- Preference is for Personal Wireless Service Facilities that use a faux chimney design with up to four faux chimneys possible for co-location and improved coverage on existing structures. Alternatively or in addition, a Personal Wireless Service Facility incorporated into the design of an existing structure, such as a parapet wall, may be permissible if it complies with Article XI, Special Uses and Additional Use Regulations, of the Town of Paradise Valley Zoning Ordinance, as applied with these guidelines.

- Preferred locations are on the principal buildings of the casitas (Tennis Ranch on Camelback, plat recorded in Book 124, Page 5 in the office of the Maricopa County Recorder) or the main resort principal buildings.

- Consideration could be given for the height of a faux chimney to exceed that portion of the roof on which it is located by up to four feet six inches as a means to enhance the authenticity of the disguise of the faux chimney. At no time should the faux chimney height exceed the Resort Special Use Permit Guideline of a principal building (36 feet tall). Any faux chimney should be in scale with the building on which the Personal Wireless Service Facility is located.

- Setbacks are expected to meet Article XII (200 feet from the west and north property lines) and there may be consideration for a reduced setback from the public streets to the north (McDonald Drive) and east (Superstition Lane). Reduced setback should not exceed the Resort Special Use Permit Guideline of a principal building (100 feet).

- The faux chimney should be appropriate to the architectural context, match the style of existing structure, complement or match the color of the structure, and be designed as a feature commonly found on the type/style of structure.

- The number and spacing of any faux chimneys and/or any operational chimneys on any one structure should be limited to the number, size, and design that is appropriate for the structure.

- Door hatches, cables, antenna access, rooftop ballast-mounted structures for radio equipment, and related items should be integrated into the design as best as possible to camouflage this required equipment.

<u>Paradise Valley Country Club</u>

- Preference is for Personal Wireless Service Facilities that use a faux chimney design with up to four faux chimneys possible for co-location and improved coverage on existing structures. Alternatively or in addition, a Personal Wireless Service Facility incorporated into the design of an existing structure, such as a parapet wall, may be permissible if it complies with Article XI, Special Uses and Additional Use Regulations, of the Town of Paradise Valley Zoning Ordinance, as applied with these guidelines.

- Preferred location is the main clubhouse principal building with the faux chimney(s) to match the architectural design and scale of the existing chimneys.

- Height of a faux chimney should generally not exceed the maximum 30 feet as required by the Paradise Valley Country Club Special Use Permit recorded in Document 84-136742 recorded with the Maricopa County Recorder, Maricopa County, Arizona, except there may be consideration for a faux chimney to exceed that portion of the roof on which it is located by up to 4 feet 6 inches as a means to enhance the authenticity of the disguise of the faux chimney and complement the other existing chimneys on the clubhouse.

- Setbacks are expected to meet Article XII (200 feet) due to the large amount of acreage and setbacks of the clubhouse.

- The faux chimney should be appropriate to the architectural context, match the style of existing structure, complement, or match the color of the structure, and should be designed as a feature commonly found on the type/style of structure.

- The number and spacing of any faux chimneys and/or any operational chimneys on any one structure should be limited to the number, size, and design that is appropriate for the structure.

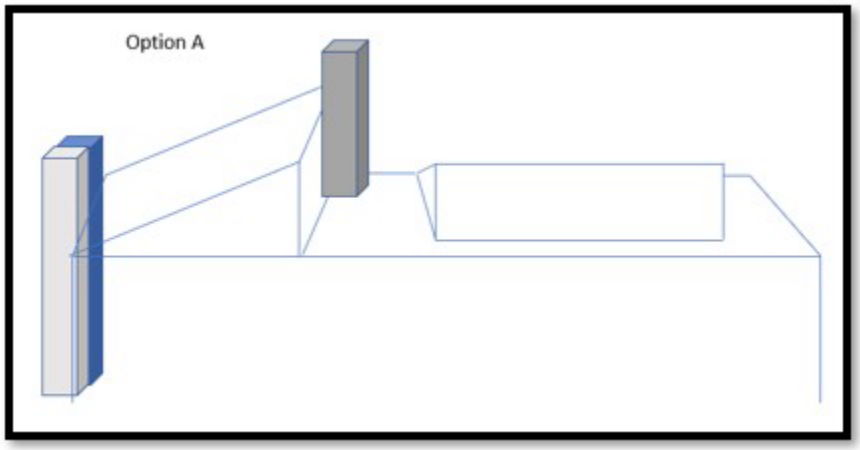
- Door hatches, cables, antenna access, rooftop ballast-mounted structures for radio equipment, and related items should be integrated into the design as best as possible to camouflage this required equipment.

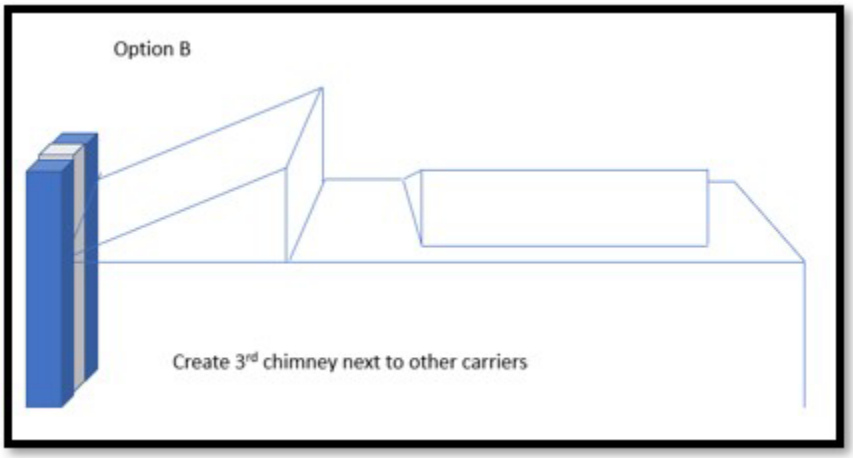
Fire Station #91

- Preference is for Personal Wireless Service Facilities that use a faux chimney design with up to one additional faux chimney possible for colocation and improved coverage on existing structures. Alternatively or in addition, a Personal Wireless Service Facility incorporated into the design of an existing structure, such as a parapet wall, may be permissible if it complies with Article XI, Special Uses and Additional Use Regulations, of the Town of Paradise Valley Zoning Ordinance, as applied with these guidelines.

- Preferred location is the fire station building with the faux chimney to match the architectural design and scale of the existing faux chimneys.

- Height of a faux chimney should generally not exceed the existing 28-foot 8-inch height of the fire station building as illustrated in Option "B" below, except there may be consideration for a faux chimney to exceed that portion of the roof on which it is located by up to 4 feet 6 inches as a means to enhance the authenticity of the disguise of the faux chimney and complement the other existing faux chimney as illustrated in Option "A" below.





- Consideration may be given for setbacks other than the 200-foot distance pursuant to Article XII, with any additional faux chimney generally in the location of the existing faux chimney or the eastern 65 feet of the existing building.

- The faux chimney should be appropriate to the architectural context, match the style of existing structure, complement, or match the color of the structure, and should be designed as a feature commonly found on the type/style of structure.

- The number and spacing of any faux chimneys and/or any operational chimneys on any one structure should be limited to the number, size, and design that is appropriate for the structure.

- Door hatches, cables, antenna access, rooftop ballast-mounted structures for radio equipment, and related items should be integrated into the design as best as possible to camouflage this required equipment.

Cosanti Foundation

- A separate detached structure to conceal and disguise a Personal Wireless Service Facility may be considered in that the existing structures are under 16 feet tall and have structural limitations.

- The new structure housing the Personal Wireless Service Facility shall also require the review and approval process of the applicable Special Use Permit amendment type pursuant to Article XI, Special Uses and Additional Use Regulations, of the Town of Paradise Valley Zoning Ordinance.

- Preferred siting is toward the middle and/or center of the site near the existing structures.

- Height of the Personal Wireless Service Facility may be considered up to 30 feet, which is an allowable height for residential lots greater than 4 acres as a comparison with a height not to exceed the Non-Profit Organization Special Use Permit Guideline for a principal building of 35 feet tall, generally encouraging the lowest possible height and a facility that will blend and disappear into the surroundings through the use of camouflage.

- ☐ Consideration may be given for a reduction in setbacks from the 200-foot distance pursuant to Article XII, particularly from Doubletree Ranch Road to the north and/or to the west or east property lines due to the 330-foot width of the Cosanti site, with any reduced setback not to exceed the Non-Profit Organization Special Use Permit Guideline of 60 feet adjoining residentially zoned property and 40 feet adjoining a public street if the Personal Wireless Service Facility is 24 feet or less in height and a setback of not less than 100 feet if taller than 24 feet.

7012 N Invergordon

- ☐ Preference is for Personal Wireless Service Facilities that use a faux retaining wall design for multiple carriers for co-location and improved coverage.

- ☐ Height, setback, and equipment locations and screening shall generally follow the requirements for retaining walls on a hillside property in accordance with Section 2207.VI, Walls and Fences, of Article XXII, Hillside Development Regulations, of the Town of Paradise Valley Zoning Ordinance.

Section 6. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to waive application fee(s) for Personal Wireless Service Facilities for Primary Sites.

Section 7. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

Section 8. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED, ADOPTED, AND APPROVED by the Town Council of the Town of Paradise Valley this 8th day of December, 2022.

Jerry Bien-Willner, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

SAB for

Andrew J. McGuire, Town Attorney

4624452.6

Article XII. PERSONAL WIRELESS SERVICE FACILITIES [437] [455] [511] [564] 2024-02

Section 1201. Purpose

A. The purpose of this ordinance is to establish appropriate locations, site development standards, and permit requirements to allow for personal wireless services to the residents of the Town, in a manner which will facilitate the location of various types of personal wireless service facilities in locations consistent with the residential character of the Town. The nature of residences, their scale (height and mass), their proximity to each other and the street, and the extensive natural, informal landscaping all contribute to this distinctive character. Precluding the adverse visual impact of these facilities within this virtually developed residential area is one of the primary objectives of this ordinance. Limitations on the height of antennas are intended to conform the antennas to the existing limitations of height of residential buildings. The ordinance is intended to allow personal wireless service facilities which are sufficient to provide adequate service to citizens, the traveling public and others within the Town and to accommodate the need for connection of such services to wireless facilities in adjacent and surrounding communities.

B. It is also the intent that this ordinance and its purposes are implemented as allowed by applicable law, particularly in light of evolving federal and state regulations, laws and interpretations, evolving technology and land uses for personal wireless services.

Section 1202. Definitions

For the purpose of this Article, the following terms shall have the meanings prescribed herein unless the context clearly requires otherwise:

1 "Antenna" means the surface from which wireless radio signals are sent from and received by a personal wireless service facility;

2 "Applicant" means a person or other entity who submits an application with the Town for a special use permit or major amendment to a special use permit for a personal wireless service facility. A personal wireless service carrier and the owner of the subject property shall be an applicant(s) or co-applicant(s) on such application;

3 "Co-location" means the use of a single mount and/or site by more than one personal wireless service;

4 "Commercial mobile radio service" means any of several technologies using radio signals at various frequencies to send and receive voice, data or video to and from mobile transceivers;

5 "Design" means the appearance of a personal wireless service facility, including but not limited to its material, color or shape;

6 "Equipment cabinet" means an enclosed mobile home, shed or box at the base of or near a mount within which are housed, among other things, batteries and electrical equipment (hereinafter referred to as "equipment"). This equipment is connected to the antenna by cable. Equipment cabinets are also called "base transceiver stations";

7 "Licensed carrier" means a company authorized by the FCC to build and operate a commercial mobile radio services system;

8 "Location" means property(ies) or site(s) where personal wireless service facilities are located or could be located;

9 "Modification" means any physical or operational change, alteration, or other modification of any of the following as they relate to a personal wireless service facility or the subject property upon which it is located, including but not limited to:

a. The site plan;
b. The sight line representation;
c. The design submittal as required in this Article;

The conversion of a single-use personal wireless service facility to a co-location is also considered a modification;

10 "Monopole" means a type of mount that is self-supporting with a single shaft of steel or concrete or other acceptable material;

11 "Permittee" means the owner of a subject property and a personal wireless service carrier;

12 "Personal wireless service facility" or "PWSF" means a facility for the provision of personal wireless services as defined by the Telecommunications Act 1996, and any amendments thereto. PWSFs are composed of two (2) or more of the following components:

a. Antenna
b. Mount
c. Equipment Cabinet
d. Security Barrier;

13 "Personal wireless services" means commercial mobile radio services, unlicensed wireless services and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996, and any amendments thereto;

14 "Security barrier" means a locked, impenetrable wall or fence that completely seals an area from unauthorized entry or trespass;

15 "Sight line representation" means a drawing in which a sight line is drawn from the closest facade of each building, private road or right of way (viewpoint) within five hundred (500) feet of the PWSF to the highest point (visible point) of the PWSF. Each sight line shall be depicted in profile, drawn at one inch equals forty (40) feet unless otherwise specified by the Town. The profiles shall show all intervening trees and structures;

16 "Site" means the subject property where a personal wireless service facility is located or proposed to be located and includes any contiguous property(ies) under the same ownership as the subject property;

17 "Siting" means the method and form of placement of a personal wireless service facility on a specific area of a subject property;

18 "Subject property" means all the area within a lot, lots, or tax parcel(s) under common ownership upon which a personal wireless service facility is either proposed to be, or already is, developed, located, constructed or operated;

19 "Unlicensed wireless service" means commercial mobile services that can operate on public domain frequencies and that therefore need no FCC license.

Section 1203. General Requirements [564]

A. All PWSF shall be located, developed, constructed, modified or operated in accordance with the requirements and standards in this Zoning Ordinance and the Town Code, including granting of, or modifications to, Special Use Permits as may be required to accommodate a PWSF.

~~A.~~B. ~~The determination of where a PWSF shall be located is subject to the following.~~ Certain locations have been identified by the Council in Resolution 2022-23 for ~~Town as~~ potential PWSF sites, some of which have been designated as "Primary Sites." ~~and are subject to all of the provisions of this Article and the Town Code. Said locations are set forth in Town of Paradise Valley Resolution No. 932 as it may be amended from time to time. Any subject property that meets the requirements of this Article may be eligible for consideration for a PWSF, or modification thereof, pursuant to a conditional use permit, in accordance with the standards in this article.~~ Those sites designated in Resolution 2022-23 as "Primary Sites" shall only be subject to the Managerial Approval/Amendment process set forth in Section 1213 of this Zoning Ordinance; potential locations not designated as "Primary Sites" require a Conditional Use Permit pursuant to Section 1103.2 of this Zoning Ordinance.

~~B. A PWSF or modification thereof is permitted only with a conditional use permit, granted pursuant to Article 11, Sections 1103 et seq of the Zoning Ordinance and this Article. No PWSF may be developed, located, constructed or operated without a conditional use permit. A conditional use permit is required for any modification to a PWSF.~~

C. A PWSF may be mounted on a structure ~~which~~that is not a dwelling unit on the side or roof in accordance with the requirements of this Article. A PWSF is prohibited on any dwelling unit or site containing dwelling units ~~(s)~~ unless otherwise authorized as a Primary Site pursuant to Subsection A of this section.

Section 1204. Siting Standards [511] [564]

The following siting criteria apply to consideration of a conditional use permit for a PWSF:

1 A PWSF shall be:

a. Completely screened from public view and rights of way by trees, mature vegetation, natural features or structures on the subject property, and

b. Completely camouflaged in a manner that is architecturally compatible with the structure on which it is mounted and integrated as an integral architectural element of the structure;

2. The screening required in this section may exist on the subject property or be installed as part of the proposed PWSF or a combination of both;

3. A PWSF shall not be approved for a location on a site containing a dwelling unit, except where the dwelling unit is located on the site of an existing Special Use Permit granted by the Town for a resort or guest ranch. A PWSF shall not be initially approved for a location closer than two hundred (200) feet from a dwelling unit in existence at the time of the initial approval of the conditional use permit for such PWSF site. For a proposed PWSF site that is adjacent to residentially zoned lots or parcels that are vacant at the time of the initial approval of the proposed conditional use permit for a PWSF, the proposed PWSF site shall be located no closer that two hundred (200) feet from the lot line of such vacant parcel or lot, less the greater of any

applicable setback from such lot line or any platted or recorded easement adjacent to such lot line on the vacant parcel or lot. Once initially approved, changes to the dwelling unit locations or any changes in the setbacks or platted or recorded easements on the lots or parcels adjacent to the PWSF site shall not compel the removal or relocation of the PWSF that was initially approved for a conditional use permit in compliance with this section, nor shall the renewal of the conditional use permit for such a PWSF be withheld due to such changes in the adjacent lots or parcels.

4. A PWSF shall be set back from all property lines a distance equal to the height of the mount or the antenna, whichever is higher, and comply with all zoning setback requirements;

5. The height of a PWSF shall be limited to

   a The maximum height applicable to a building on the subject property pursuant to the Town's Zoning Ordinance Table 1001-A1. A roof-mounted PWSF may project a maximum of four and one-half (4 1/2) feet above the highest point of the roof so long as it does not exceed the maximum height provided in Table 1001-A1, whichever is lower; or

   b If mounted to an existing structure on the subject property, the height of that structure.

   Any PWSF shall be screened and camouflaged as required herein. The height requirements of this Section supersede requirements specified for antenna in Section 1003 and Table 1003-1 of the Town's Zoning Ordinance as applied to a PWSF;

6. A side-mounted PWSF shall not project more than forty-two (42) inches from the side a nondwelling unit facade, shall not extend above the highest point of the roof of the structure and shall be screened and camouflaged as required herein. The PWSF shall not project into an easement, driveway or setback unless otherwise specified in the conditional use permit;

7. An equipment cabinet shall be located within or adjacent to the structure on which a PWSF is placed, or located below natural grade underground if site conditions permit and if technically feasible. An equipment cabinet shall be completely screened from view by compatible wall, fence or landscaping consistent with Town landscaping guidelines except that an equipment cabinet larger than one hundred forty-four (144) cubic feet may not be required to be totally screened from view if the Planning Commission finds, in its discretion, that the cabinet has been designed with a structure or facade, materials, colors or detailing that effect a structure which emulates the residential character of the area;

8. A security barrier shall be screened from view through the use of appropriate landscaping materials consistent with Town landscaping guidelines.

Section 1205. Design Standards [564]

The following design criteria apply to consideration of a conditional use permit for a PWSF, in addition to others which may be identified and utilized by the Planning Commission in its consideration of the conditional use permit:

1. Appearance. The degree to which the PWSF "blends with" or "disturbs" the setting, the subject property and its character and use, or neighboring properties and their character and use;

2. Form. The degree to which the shape of the PWSF and any equipment cabinet relates to its surroundings;

3. Color. A PWSF shall be in natural tones and a non-reflective color or color scheme appropriate to the background against which the PWSF would be viewed from a majority of points within its viewshed. "Natural" tones are those reflected in the natural features and structural background against which the PWSF is viewed from a majority of points within its viewshed. Final colors and color scheme must be approved by the Planning Commission;

4. Size. The silhouette of the PWSF shall be reduced to minimize visual impact.

To the extent allowed by law, the Town shall consider the cumulative visual effects of PWSFs and any mount, specifically their appearance or domination of the skyline, natural and structural features or terrain, in determining whether to approve a conditional use permit.

Section 1206. Radiofrequency (RF) Performance and Interference Standards and Monitoring [564]

A. To the extent allowed by law, the following radiofrequency (RF) performance standards apply to consideration of a conditional use permit for a PWSF, in addition to monitoring requirements as required in this Article:

1. All equipment proposed for a PWSF shall meet the current FCC RF Guidelines and any amendments thereto (hereafter "FCC Guidelines");

2. Any side-mounted or roof-mounted equipment shall meet FCC Guidelines, including but not limited to the following:

a. At the roof-mount or at the side-mount, the equipment shall meet the FCC Guidelines for occupational/controlled conditions;

b. At ground level at the point of the structure closest to the antenna, the equipment shall meet FCC Guidelines for general population/uncontrolled conditions.

B. Within ninety (90) days after FCC issuance of an operational permit for the PWSF, and annually thereafter, the personal wireless service carrier shall submit a written report providing existing and maximum future projected measurements of RF radiation from the PWSF for:

1. Existing PWSF: Maximum RF radiation from the PWSF RF radiation environment. These measurements shall be for the measurement conditions specified in Subsection A of this Section;

2. Existing PWSF plus cumulative: Maximum estimate of RF radiation from the existing PWSF plus the maximum estimate of RF radiation from the total addition of co-located

PWSFs. These measurements shall be for the measurement conditions in Subsection A of this Section;

3. Certification, signed by an RF engineer, stating that RF radiation measurements are accurate and meet FCC Guidelines as specified in Subsection A of this Section.

If FCC Guidelines are changed during the period of any conditional use permit for a PWSF use, then the PWSF shall be brought into compliance with such revised guidelines within the time period provided by the FCC or if no time period is stated, then within sixty (60) days of the effective date of such guidelines.

C. If at any time during the term of the permit the Town has reasonable evidence that the Permittee or personal wireless service carrier is not in compliance with FCC Guidelines, and the Town provides notice of such, the Permittee or personal wireless service carrier so notified shall provide to the Town, within thirty (30) days after such notice, an analysis and determination of its compliance with FCC guidelines showing the data collected and status pursuant to FCC Guidelines. If on review, the Town finds that the PWSF does not meet FCC Guidelines, the Permittee or personal wireless service carrier shall have sixty (60) days from the date of the Town's finding of noncompliance to bring the PWSF into compliance. If compliance is not achieved in the sixty-day period, the conditional use permit may be revoked or modified by the Town.

D. The Permittee shall ensure that the PWSF does not cause localized interference with the reception of area television or radio broadcasts or to personal wireless services. If on review the Town finds that the PWSF interferes with such reception, and if such interference is not cured by the Permittee within sixty (60) days after notice from the Town, the Town may revoke or modify the conditional use permit.

Section 1207. Noise and Environmental Standards [564]

A. To the extent allowed by law, the following noise and environmental standards apply to consideration of a conditional use permit for a PWSF in addition to the monitoring requirements of this Article:

1 Roof-mounted or side-mounted equipment for a PWSF shall not generate noise in excess of fifty (50) decibels (dba) at ground level at the base of the facility closest to the antenna;

2 An environmental assessment is required by the National Environmental Policy Act (NEPA) for any PWSF prior to commencing operations where any of the following exist:

a. Wilderness area;

b. Wildlife preserve;

c. Endangered species;

d. Historical site;

e. Indian religious site;

f. Flood plain;

g. High intensity white lights in residential neighborhoods;

h. Excessive radiofrequency radiation exposure.

3 An environmental assessment which, at a minimum, conforms with FCC requirements shall be submitted to the Town for each PWSF where any of the above exists, and when the FCC requires such an environmental assessment to be submitted to the FCC. If the applicant has determined that an environmental assessment is not required pursuant to FCC rules, this Article and applicable state law and Town Code, a written certification to that effect must be submitted to the Town. If an applicant has not included an environmental assessment that the Town finds to be necessary under the National Environmental Policy Act, the Town may prepare, or cause to be prepared, such an environmental assessment at the applicant's expense. The environmental assessment shall be amended or revised by the applicant within thirty (30) days after notice to do so from the Town when modifications are made or occur on the PWSF. Failure to amend or revise shall constitute grounds for revocation of the conditional use permit.

B. Within ninety (90) days after the approval of the conditional use permit and annually from the date of approval of the permit, the Permittee shall submit existing and maximum future projected measurements of noise from the PWSF for the following:

1. Existing PWSF: Maximum noise radiation from the PWSF. These measurements shall be for the type of mounts specified in Subsection A of this section;

2. Existing PWSF plus cumulative: Maximum estimate of noise from the existing PWSF plus the maximum estimate of noise from the total addition of co-located PWSFs. These measurements shall be for the type of mounts specified in Subsection A of this section;

3. Certification, signed by an acoustical engineer, stating that noise measurements are accurate and meet Subsection A of this section.

Section 1208. Co-Location and Limitations [564]

A. A Permittee shall cooperate with other personal wireless service carriers in co-locating antennas and mounts provided the proposed co-locators have received a conditional use permit for the use at such site from the Town. A Permittee shall exercise good faith in co-locating other personal wireless service carriers and sharing the permitted site, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities). Applicants shall demonstrate a good faith effort to co-locating with other personal wireless service carriers, including but not limited to:

1. Contact with all other personal wireless service carriers operating in the Town;

2. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location;

In the event a dispute arises as to whether a Permittee has exercised good faith in accommodating other users, the Town may require a third party technical study at the expense of either or both the applicant and Permittee.

B. All applicants shall demonstrate reasonable efforts in developing a co-location alternative for their proposal.

C. Failure to comply with the co-location requirements of this Section may result in the denial of a permit request or revocation of an existing permit.

Section 1209. Submittal Requirements [564]

A. In addition to the information requested in the Town's conditional use permit application, the following items shall be required for a PWSF application:

1. A master site plan in accordance with Planning Commission rules and regulations showing the subject property and adjacent properties; all existing and proposed buildings on the subject property and their purpose; the specific placement of the PWSF antenna, mount and equipment cabinet; security barrier (if any), including type and extent and point of controlled entry on the site; fall zone; all proposed changes to the existing site, including grading, vegetation, roads, sidewalks and driveways;

2. A landscape plan showing specific placement of existing and proposed vegetation, trees, shrubs, identified by species and size of specimen at installation in accordance with Town landscape guidelines;

3. Photographs, diagrams, photosimulations and sight line representations as listed below:
    a. A diagram or map showing the viewshed of the proposed facility;
    b. Sight line representation;
    c. Existing (before condition) photographs illustrated by four (4) by six (6) inch color photograph(s) of what can currently be seen from any adjacent residential buildings or properties, private roads and rights of way adjacent to the site;
    d. Photosimulations of the proposed facility from each adjacent residential properties or buildings, private roads and public rights-of-way adjacent to the site (after condition photographs). Such photosimulations shall include, but not be limited to, each of the existing condition photographs with the proposed PWSF superimposed on it to show what will be seen from residential buildings, properties, private roads and rights of way adjacent to the site;
    e. Aerial photograph as required by the Planning Commission rules and regulations;
4. Siting elevations, or views at natural grade, from all directions (north, south, east, west) for a fifty-foot radius around the proposed PWSF plus from all existing rights of way and private roads that serve the subject property. Elevations shall be at one-quarter inch equals one foot scale and show the following:
    a. Antenna, mount, equipment cabinet;
    b. Security barrier. If the security barrier will block views of the PWSF, the barrier drawing shall be cut away to show the view behind the barrier;
    c. Any and all structures on the subject property, existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation;
    d. Grade changes or cuts and fills to be shown at original grade and new grade line;
5. Design submittals as follows:

a. Equipment brochures for the PWSF such as manufacturer's specifications or trade journal reprints;

b. Materials of the PWSF and security barrier, if any, specified by generic type and specific treatment, such as anodized aluminum, stained wood, painted fiberglass, etc.;

c. Colors represented by samples or a color board showing actual colors proposed;

d. Dimensions of all equipment specified for all three dimensions: height, width and breadth;

e. Appearance shown by at least two (2) photographic superimpositions of the PWSF within the site. The photographic superimpositions shall include the antenna, mount, equipment cabinet and security barrier, if any, for the total height, width and breadth. The submittal may also include, if required by the Town, a scaled three-dimensional model of the PWSF on the site;

6. Market and service maps as follows:

a. A map showing the service area of the proposed PWSF and the explanation of the need for that facility.

b. A map showing the locations and service areas of other PWSF sites operated by the applicant and those that are proposed by the applicant which are close enough to impact service within the Town or are within a two-mile radius of the limits of the Town;

7. Co-location submittals, including signed statements indicating:

a. The applicant agrees to allow for the potential co-location of additional PWSF(s) by other personal wireless services and carriers on the applicant's structure or facility or within the same site;

b. That the applicant agrees to remove the PWSF as required by this Article;

c. That the applicant has made a good faith effort to achieve co-location with other carriers and facilities as required in this Article, and if co-location is not feasible for this application for a substantial technical reason, a written statement of the reasons for the infeasibility;

8. A lease agreement with the owner or landholder shall also be submitted that:

a. Allows the landholder to enter into leases with other providers;

b. Specifies that if the carrier fails to remove the PWSF when required by this Article, the responsibility for removal falls upon the landholder; and

c. Allows entry by the Town and its agent for the purpose of inspection and compliance with Town Codes;

d. Consents to the terms of Section 1211 of this Article;

9 To the extent allowed by law, radiofrequency (RF) radiation performance submittals shall include in a form or study acceptable to Town staff the applicant's written statement of the existing and maximum future projected measurements of RF radiation from the proposed PWSF:

a. Existing or ambient: measurement of existing RF radiation;

b. Existing plus proposed PWSF: maximum estimate of RF radiation from the proposed PWSF plus the existing RF radiation environment. These measurements shall be for the conditions specified in the RF performance standards in this Article;

c. Existing plus proposed PWSF plus cumulative: maximum estimate of RF radiation from the proposed PWSF plus the maximum estimate of RF radiation from the total addition of co-located PWSF plus the existing RF radiation environment. These measurements shall be for the conditions specified in the RF performance standards in this Article;

d. Certification, signed by an RF engineer, stating that RF radiation measurements are accurate and meet FCC Guidelines as specified in the RF performance standards in this Article;

10 To the extent allowed by law, noise performance submittals shall include a statement of the existing and maximum future projected measurements of noise from the proposed PWSF measured in decibels (logarithmic scale, accounting for greater sensitivity at night) for the following:

a. Existing or ambient: the measurement of existing noise;

b. Existing plus proposed PWSF: maximum estimate of noise from the proposed PWSF plus the existing noise environment;

c. Existing plus proposed PWSF plus cumulative: maximum estimate of noise from the proposed PWSF plus the maximum estimate of noise from the total addition of co-located PWSFs plus the existing noise environment;

d. Certification signed by an acoustical engineer stating that noise measurements are accurate and meet the noise performance standards section of this Article;

11. To the extent allowed by law, environmental submittals shall include an environmental assessment if required in the environmental standards section of this ordinance. If the applicant determines that the environmental assessment is not required, certification to that effect shall be provided. The applicant shall also list location, type and amount of any materials proposed for use within the PWSF that are considered hazardous by the federal, state or town government.

B. In addition to the requirements of this Article, processing and consideration of a PWSF conditional use permit shall comply with the conditional use permit requirements specified in Article 11, Sections 1103~~1~~ et seq. of the Zoning Ordinance.

Section 1210. Technological Change and Periodic Review.

A. The Town recognizes that PWSFs and communication technologies in general are currently subject to rapid change. Innovations in such things as switching hardware and software, transmission/receiving equipment, communications protocols, and development of hybrid cable/wireless systems may result in reducing the impact of individual facilities and to render specific portions of this ordinance obsolete. Therefore, the Town may review this Article periodically and assess its provisions relative to current trends in the communications industry, innovations in communications technology, permit activity during the preceding

years, and effectiveness in producing PWSFs that are compatible with the Town's residential character.

B. The Town may recommend updates to this Article that may include, but not be limited to the deletion, modification, or addition of allowed locations; allowed heights; site development requirements; administrative review possibilities; or permitting procedures.

C. When changes are made pursuant to Subsection B, the Town and Permittees agree in good faith to review and modify the stipulations and terms of such permits during their terms in order to reflect current technologies and then current laws and ordinances. If such modifications adversely and materially affect, either operationally or monetarily, Permittee's use of a PWSF, such modifications may not be made without a Permittee's consent. If such modifications adversely affect the Town's regulations or this permit, such modifications may not be made without the Town's consent.

Section 1211. Permit Limitations and General Conditions. [564]

A. A conditional use permit shall expire five (5) years after the date of the permit approval. A Permittee wishing to continue the use at the end of the five-year period must apply for a conditional use permit renewal application to continue that use at least six months prior to its expiration. In ruling on the renewal the Planning Commission shall apply all then existing regulations affecting the application.

B. The conditional use permit shall become null, void and non-renewable if the permitted facility is not constructed and placed into use within one year of the date of permit approval, provided that the conditional use permit may be extended one time for six (6) months if construction has commenced before expiration of the initial year.

C. The permit shall expire and the Permittee must remove the PWSF if the use is discontinued for a period in excess of ninety (90) days in any three-hundred-sixty-five (365) day period. A Permittee shall notify the Town in writing at least thirty (30) days prior to abandonment or discontinuance of operation of the PWSF. Failure to give such notice shall be considered abandonment of the special use permit or amendment by the Permittee.

D. If the conditional use permit expires, terminates, is abandoned or revoked for any reason pursuant to this Article or the Town Code, if removal of the PWSF is required in this Article, or if the use is discontinued pursuant to this Article, the PWSF shall be removed as required herein. If the PWSF is not so removed, the Town may cause the facility to be removed and all expenses of removal shall be paid by the owner of the land where the facility is located. If not paid by the owner within thirty (30) days of notice by the Town, the Permittee agrees that the Town's costs shall constitute a lien upon the subject property upon its execution and filing with the county recorder's office. The term "remove" shall include but not be limited to the following:

1 Removal of antenna, mount, equipment, equipment cabinet, security barrier from the site;

2 Transportation of the antenna, mount, equipment, equipment cabinet or security barrier to a location off-site; if the location is within the Town limits, it is subject to approval by the Town.

3 Restoration of the site of the PWSF to its natural condition, except that any landscaping and grading shall remain in finished condition.

E. A personal wireless service carrier, upon granting of a conditional use permit for a PWSF use, shall indemnify, protect and hold harmless the Town, its officers and agents, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney fees (collectively "liabilities") incurred by the Town arising directly or indirectly from 1) the PWSF use as contemplated herein and in the use permit; and 2) the installation and operation of the PWSF permitted thereby, including without limitation, any and all liabilities arising from emission by the PWSF of electromagnetic fields or other energy waves or emissions. The personal wireless service carrier's compliance with this Section is an express condition of the conditional use permit and is binding on any and all of personal wireless service carrier's successors and assigns. The requirements of this section shall survive the termination of any such permit.

F. The Permittee shall maintain the PWSF to standards that are imposed by the Town at the time of granting of a permit. Such maintenance shall include, but shall not be limited to, maintenance of the paint, structural integrity and landscaping. If the Permittee fails to maintain the facility, the Town may undertake the maintenance at the expense of the Permittee or terminate or revoke the permit, at its sole option. If such maintenance expense is not paid by the owner within thirty (30) days of notice by the Town, the Permittee agrees that the Town's costs shall constitute a lien upon the subject property upon its execution and filing with the county recorder's office.

G. A conditional use permit granted to a Permittee is specific to the owner and personal wireless service carrier and may not be assigned, provided however that the personal wireless service carrier may assign its interest in the permit to any subsidiary or other affiliate of the personal wireless service carrier. In the event of such assignment, the assignee shall re-execute the conditional use permit within thirty (30) days of the effective date of the assignment or the permit shall automatically expire. Permittee shall notify the Town of any change in ownership or operation of the PWSF at least ninety (90) days prior to such change taking place for approval by the Town, which approval shall not be unreasonably withheld.

H. In its consideration of applications herein, and in addition to criteria provided in this article, Article 11 (Sections 1103 et seq) of the Zoning Ordinance and within the authority granted by law, the Town may also consider and prescribe limitations on the locations and numbers of special use permits which may be granted pursuant to this article.

I. Where the Planning Commission finds that strict compliance with the requirements of this Article may result in extraordinary hardship or are needed to ensure the Town's compliance with Federal or state law, the Planning Commission may modify such requirements only upon a showing of noncompliance with applicable law or extraordinary hardship so that substantial justice may be done and the public interest secured. Hardship as used herein shall include, but not be limited to, a finding that special circumstances applicable to the property, including its size, shape, topography, location or surroundings, will deprive such property of privileges enjoyed by other property in the same classification in the same zoning district through the strict application of the zoning ordinance. In granting such modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied and modified.

J. Any violation of the terms of this Article or the conditional use permit may result in revocation by the Town of the conditional use permit. Acceptance of any portion of the

conditional use permit is acceptance of the entire conditional use permit and the terms of this Article.

K. Within ninety (90) days after issuance of the FCC operational permit, the personal wireless service carrier shall provide a copy of such permit to the Town and register the PWSF, providing information and data as may be requested by the town. Any change in the permit or registration data shall be filed with the Town within thirty (30) days after the change is made. The personal wireless service carrier shall submit to the Town a copy of is FCC Form 600 prior to the Town's approval of final inspection of a building permit for the PWSF or portion thereof.

L. The Town and its agents are authorized to enter on the subject property and PWSF site for the purpose of inspection and determining compliance with this Article and the provisions of the special use permit or amendment thereto.

Section 1212. Applicability

The requirements of this ordinance apply to all new PWSFs and modification of any existing PWSFs.

Section 1213. Managerial PWSF Approvals/Amendments

The application process for a Managerial Approval/Amendment is comprised of two phases: Phase I - the application submittal process, in which the applicant and Town staff work together to create a complete application and Phase II - the formal project review by the Town Manager or designee.

A. The applicant must first complete the pre-application review process in accordance with Section 2-5-2(E) of the Town Code.

B. Upon completion of the pre-application review, the applicant shall submit to the Town (1) the formal Managerial PWSF application on a form prescribed by the Town, (2) the fee set forth in the Town of Paradise Valley Fee Schedule, as such may be amended from time to time, unless waived as allowed by Resolution No. 2022-23, and (3) all documents and materials deemed necessary by the Town Manager (or designee) for compliance with the applicable "Primary Site" guidelines set forth in Resolution No. 2022-23 and the requirements of this Article. A Managerial PWSF application that does not meet the "Primary Site" guidelines set forth in Resolution No. 2022-23, as it may be amended from time to time, shall be processed according to the Conditional Use Permit requirements pursuant to Section 1103.2 of this Zoning Ordinance.

C. Upon receipt of a complete submittal including all of the information and fees as set forth in Section 1213(B), the Town Manager (or designee) will review the submittal within a reasonable time and either approve or deny the Managerial PWSF application.

D. The Town Manager (or designee) shall transmit all determinations approving a Managerial Approval/Amendment to the Council within two business days of making the determination.

E. The Town Manager's (or designee's) decision shall be final, subject to Council review as set forth in Section 1213(F). unless

F. If, within seven calendar days after the Town Manager's (or designee's) written determination, at least three members of the Council submit a written request to the Town Manager, the Council shall have the authority to review an approved Managerial Approval/Amendment application. Such review shall be considered at a Council meeting within 14 calendar days after the Town Manager's receipt of the third written request pursuant to this Section. The Council's review shall be limited to a determination, by a majority vote of the members present and not otherwise disqualified, as to whether the Town Manager's (or designee's) decision meets the criteria for a Managerial Approval/Amendment related to a Primary Site. If the Council decides that the criteria have been met, then there shall be no further consideration and the Managerial Approval/Amendment is final. If the Council determines that the criteria have not been met, the Council may deny the Managerial Approval/Amendment, in whole or in part. A majority vote of the members present and not otherwise disqualified shall be necessary to deny or modify the decision of the Town Manager (or designee); otherwise the Town Manager's written determination shall be deemed affirmed.

FOOTNOTES

437 Ordinance #437 - 02/13/97
455 Ordinance #455 - 02/26/98
511 Ordinance #511 – 07/26/2001
564 Ordinance #564 – 11/03/2005
Ordinance 2024-02

ORDINANCE NUMBER 2024-02

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING THE ZONING ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARTICLE XII, PERSONAL WIRELESS SERVICE FACILITIES, RELATING TO THE PROCESS FOR SITE APPROVALS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Mayor and Town Council (the "Town Council") of the Town of Paradise Valley (the "Town) adopted Resolution 2022-23 on December 8, 2022, which resolution repealed Resolutions 932 and 932(A), updated a non-exclusive list of Personal Wireless Service Facility locations, and directed Town staff to take forward an amendment to Article XII (Personal Wireless Service Facilities) of the Town of Paradise Valley Zoning Ordinance (the "Zoning Ordinance") for Planning Commission recommendation and Town Council action creating a managerial or similar process for Personal Wireless Service Facilities ("PWSF") for five specific sites to close the gaps in cell coverage; and

WHEREAS, on April 16, 2024, the Town of Paradise Valley Planning Commission (the "Planning Commission") held a public hearing, as prescribed by law, to consider Ordinance Number 2024-02, and recommended _____; and

WHEREAS, on _____, 2024, the Town Council held a public hearing to hear and take action on Ordinance Number 2024-02 as recommended by the Planning Commission; and

WHEREAS, the Town Council has determined that the Citizen Review Meeting held by the Planning Commission on April 2, 2024, was in accordance with Section 2-5-2(G) of the Paradise Valley Town Code; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, the Town Council has determined that this ordinance, although a "zoning ordinance text amendment of general applicability" as described in A.R.S. § 9-462.01(J), does not, because of its limited applicability to locations for PWSF, have any relationship to, or impact on, housing. Therefore, the Town Council has determined is not possible to prepare or consider a housing impact statement regarding the impact of the zoning ordinance text amendment that includes the information required by A.R.S. § 9-462.01(J)(1) – (3).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, AS FOLLOWS:

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. The Zoning Ordinance, Article XII (Personal Wireless Service Facilities), Section 1203 (General Requirements), is hereby deleted in its entirety and replaced with the following:

Section 1203. General Requirements.

A. All PWSF shall be located, developed, constructed, modified or operated in accordance with the requirements and standards in this Zoning Ordinance and the Town Code, including granting of, or modifications to, Special Use Permits as may be required to accommodate a PWSF.

B. Certain locations have been identified by the Council in Resolution 2022-23 for potential PWSF sites, some of which have been designated as "Primary Sites." Those sites designated in Resolution 2022-23 as "Primary Sites" shall only be subject to the Managerial Approval/Amendment process set forth in Section 1213 of this Zoning Ordinance; potential locations not designated as "Primary Sites" require a Conditional Use Permit pursuant to Section 1103.2 of this Zoning Ordinance.

C. A PWSF may be mounted on a structure that is not a dwelling unit on the side or roof in accordance with the requirements of this Article. A PWSF is prohibited on any dwelling unit or site containing dwelling units unless otherwise authorized as a Primary Site pursuant to Subsection B of this section.

Section 3. The Zoning Ordinance, Article XII (Personal Wireless Service Facilities), is hereby amended to add a new Section 1213 (Managerial PWSF Approvals/Amendments), as follows:

Section 1213. Managerial Approval/Amendment.

The application process for a Managerial Approval/Amendment is comprised of two phases: Phase I - the application submittal process, in which the applicant and Town staff work together to create a complete application and Phase II - the formal project review by the Town Manager or designee.

A. The applicant must first complete the pre-application review process in accordance with Section 2-5-2(E) of the Town Code.

B. Upon completion of the pre-application review, the applicant shall submit to the Town (1) the formal Managerial PWSF application on a form prescribed by the Town, (2) the fee set forth in the Town of Paradise Valley Fee Schedule, as such may be amended from time to time, unless waived as allowed by Resolution No. 2022-23, and (3) all documents and materials deemed necessary by the Town Manager (or designee) for compliance with the applicable "Primary Site" guidelines set forth in Resolution No. 2022-23 and the requirements of this Article. A Managerial PWSF

application that does not meet the "Primary Site" guidelines set forth in Resolution No. 2022-23, as it may be amended from time to time, shall be processed according to the Conditional Use Permit requirements pursuant to Section 1103.2 of this Zoning Ordinance.

C. Upon receipt of a complete submittal including all of the information and fees as set forth in Section 1213(B), the Town Manager (or designee) will review the submittal within a reasonable time and either approve or deny the Managerial PWSF application.

D. The Town Manager (or designee) shall transmit all determinations approving a Managerial Approval/Amendment to the Council within two business days of making the determination.

E. The Town Manager's (or designee's) decision shall be final, subject to Council review as set forth in Section 1213(F).

F. If, within seven calendar days after the Town Manager's (or designee's) written determination, at least three members of the Council submit a written request to the Town Manager, the Council shall have the authority to review an approved Managerial Approval/Amendment application. Such review shall be considered at a Council meeting within 14 calendar days after the Town Manager's receipt of the third written request pursuant to this Section. The Council's review shall be limited to a determination, by a majority vote of the members present and not otherwise disqualified, as to whether the Town Manager's (or designee's) decision meets the criteria for a Managerial Approval/Amendment related to a Primary Site. If the Council decides that the criteria have been met, then there shall be no further consideration and the Managerial Approval/Amendment is final. If the Council determines that the criteria have not been met, the Council may deny the Managerial Approval/Amendment, in whole or in part. A majority vote of the members present and not otherwise disqualified shall be necessary to deny or modify the decision of the Town Manager (or designee); otherwise the Town Manager's written determination shall be deemed affirmed.

Section 4. If any provision of this ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provisions, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this ordinance.

[Signatures on following page]

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Paradise Valley, Arizona, this _____ day of _____, 2024.

_____
Jerry Bien-Willner, Mayor

ATTEST:

_____
Duncan Miller, Town Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, Town Attorney

TOWN OF PARADISE VALLEY

Personal Wireless Service Facilities Text Amendment (PWSF)

Citizen Review Session

Work Session

Planning Commission
April 2, 2024

TODAY'S GOAL & AGENDA

- **Take public comment on amendments to Article XII, Personal Wireless Service Facilities (PWSF) relating to the process for site approvals**

- **Planning Commission discussion**

Agenda

1. Provide Background
2. Review Prior Commission Discussion
3. Review Edits to Article XII
4. Allow for Commission Discussion
5. Hold Citizen Review Session for Comments

BASIC NETWORK COMPONENTS







MACRO SITE (PWSF)

Height	50 feet to 200 feet (most places) 24 feet to 36 feet (Paradise Valley)
Range	Few miles (less when lower in height)
Location	Private Property
Design	Monopole – camouflaged or not Part of building design (Paradise Valley)
Code	Article XII, Town Zoning Ordinance Article XI, Town Zoning Ordinance Resolution 2022-23

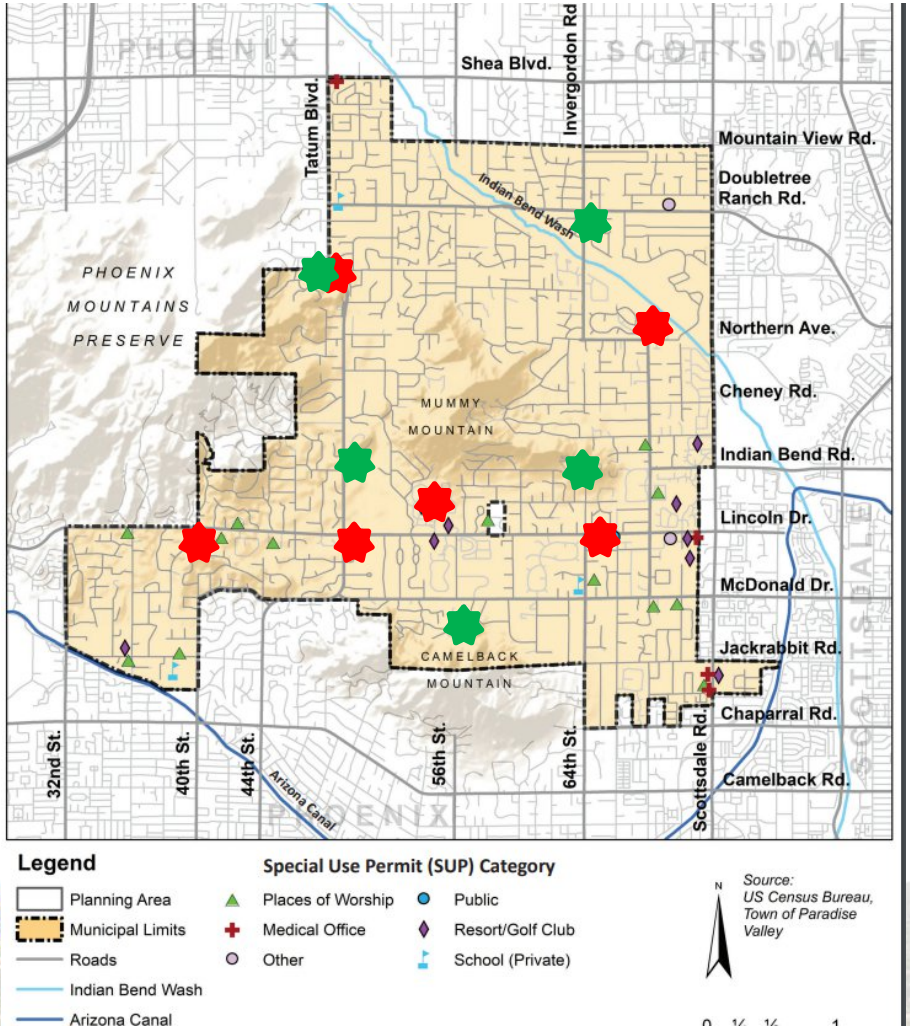
SMALL WIRELESS FACILITY (SWF)

Height	Up to 24 feet (most places) 24 feet (Paradise Valley, faux cactus) 35 feet (Paradise Valley, light pole)
Range	About 100 yards
Location	Right-of-way
Design	Traffic/light pole Mostly faux cactus (Paradise Valley)
Code	Section 2-5-2.I, Town Code A.R.S 9-591 – 9.599





EXISTING PWSF LOCATIONS



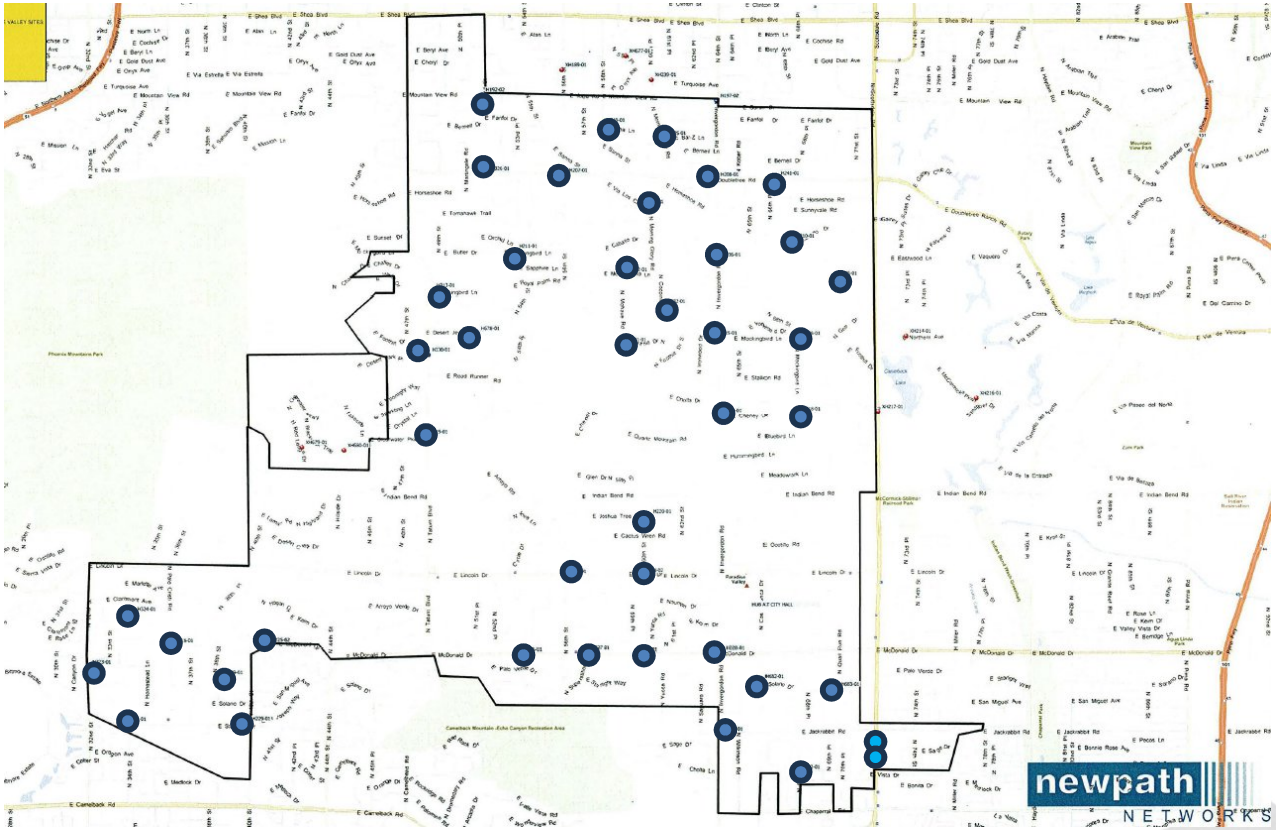
- Existing PWSF Locations

Fire Station at Tatum
Camelback Golf Club
Town Hall
Camelback Inn
Montelucia
Christ Church of the Ascension

- Primary Sites

Sanctuary on Camelback Mountain
Paradise Valley Country Club
Fire Station #91
Cosanti Foundation
Town-owned 7012 N Invergordon Road

SWF LOCATIONS

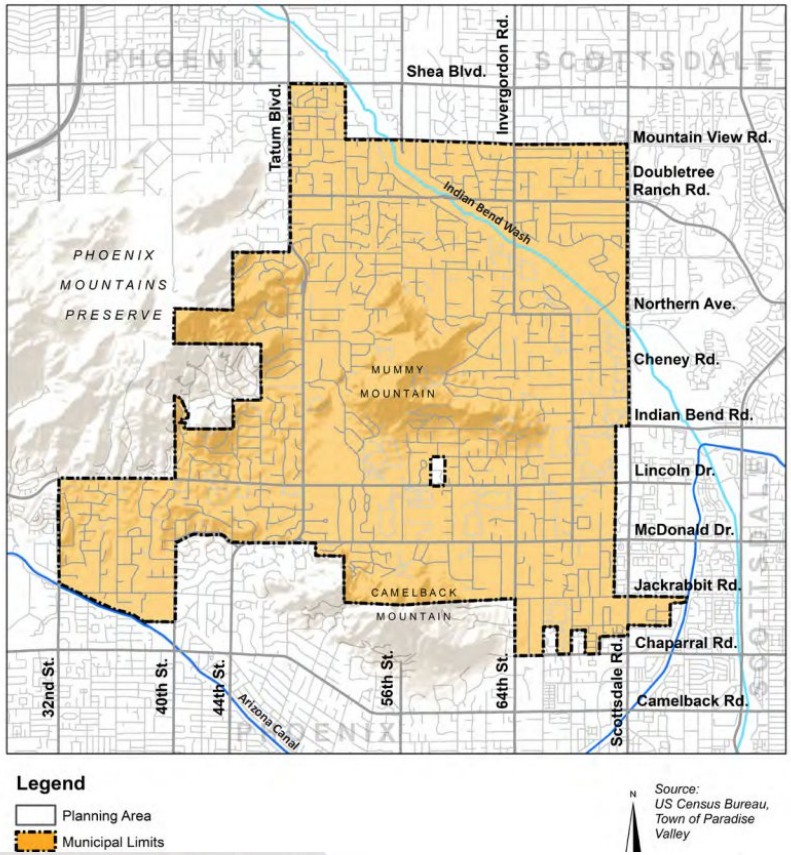


SITE NUMBER	INTERSECTION	CORNER	STRUCTURE TYPE
H192	E Mountainview Rd & N 52nd St	SWC	Cactus
H197	E Mountainview Rd & N Invergordon	SWC	Cactus
H207	E Double Tree Ranch Rd & N 56th St	SEC	Cactus
H208	W of N Inverdordon & Southside of E Double Tree Ranch Rd	S Side	Cactus
H209	E Via Los Caballos & Via Del Cielo	SWC	Cactus
H210	North of E Caballo Dr, Westside of N 68th St	W Side	Cactus
H211	North Side of E Mockingbird Ln at N 54th St	N Side	Cactus
H212	N Mohave/59th St. & E Mockingbird Ln	SEC	Cactus
H213	N Tatum Blvd & E Mockingbird Ln	NEC	Traffic Pole
H215	North of E Northern Ave, Westside of N Invergordon Rd	W Side	Cactus
H218	East Side of N Mockingbird LN & N of E Cheney Dr	E Side	Cactus
H219	E Clearwater Pkwy & N Tatum Blvd	NWC	Street Light
H220	South side of E Joshua Tree Ln, East of N 60th St	S Side	Cactus
H221	E Lincoln Dr & 56th St	SWC	Traffic Pole
H225	SEC of Median on E McDonald Dr & 41st Pl	SEC	Cactus
H226	South of E McDonald Dr & Eastside of N 54th St	SEC	Cactus
H227	Southside of E McDonald Dr at N 59th Pl	S Side	Cactus
H228	E McDonald Dr & N Invergordon Rd	SEC	Street Light
H229	Westside of N 40th St and North of E Stanford Dr	W Side	Cactus
H231	Southside of E Stanford, E of N 32nd Street	S Side	Cactus
H232	N Invergordon & E Jackrabbit Rd	SEC	Street Light
H236	S of E Calle Bruvira & Eastside of N Invergordon	E Side	Cactus
H237	E Cheney Dr & N Invergordon Rd	NWC	Cactus
H238	N Mockingbird LN & E Northern Av	E Side	Cactus
H240	N 58th St & E Donna Ln	NEC	Cactus
H241	E Doubletree Ranch Rd & N 67th St	N Side	Cactus
H242	West Side of N 68th St at E Vista Dr	W Side	Cactus
H318	North of E. Bethany Home Rd & West of N Palo Christi Rd	W Side	Cactus
H323	East Side of N 32nd St, North of El Camino Sin Nombre	E Side	Cactus
H324	South Side of E Valley Vista & W of N 34th Pl	S Side	Cactus
H325	West Side of N Morning Glory Rd at E Bar Z Ln	W Side	Cactus
H326	E Double Tree Ranch Rd & N 52nd St	SEC	Cactus
H327	E McDonald Dr & Nauni Valley Dr	S Side	Cactus
H328	N 60th St and E Lincoln Dr	S Side	Cactus
H329	E San Miguel Ave, East of N 38th Pl	E Side	Cactus
H330	West Side of N Tatum Blvd, North of E Road Runner	W Side	Cactus
H331	Y intersection of N Mohave Rd & E Foothill Rd	W Side	Cactus
H332	East Side of N Coconino Rd, South of E Mockingbird Ln	E Side	Cactus
H678	South of E Desert Jewel & Eastside of N Arroyo Dr	E Side	Cactus
H682	South of E Solano Dr & Westside of N Casa Blanca Dr	W Side	Cactus
H683	E Montebello & N 70th St (Quail Run)	W Side	Cactus
H685	N Golf Dr between E Oak Mont Dr & Merion Wy	S Side	Cactus

- 42 nodes approved via SUP 7/8/2010
- New Path (Crown Castle)
- AT&T and Verizon using
- 2 small cell approved 2022 along Scottsdale Road

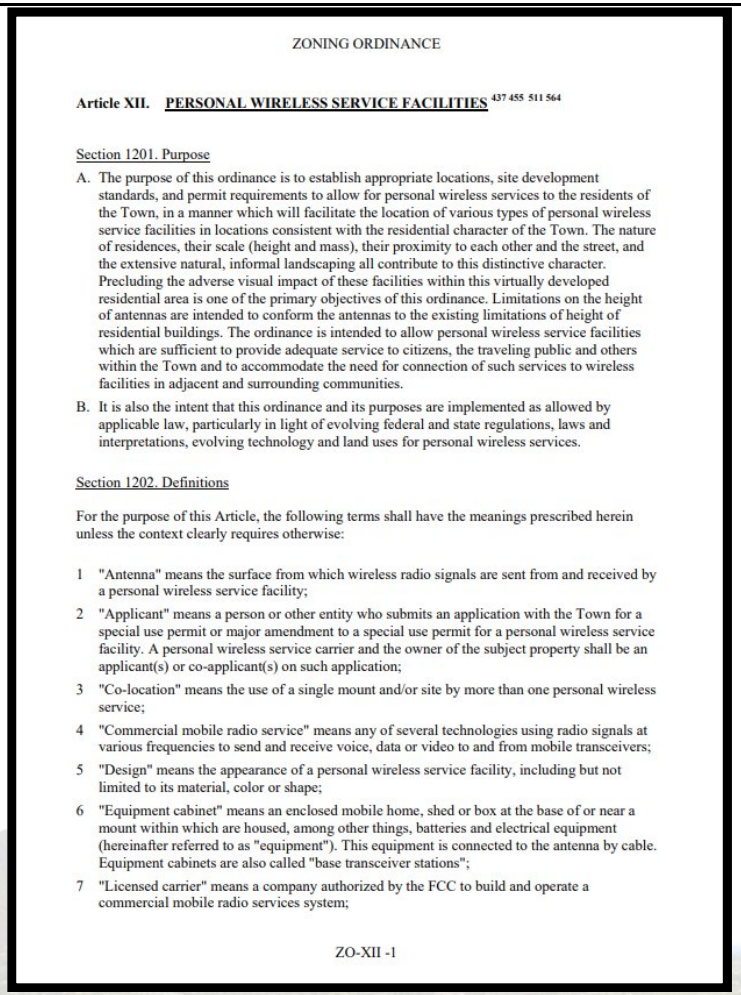
NETWORK CHALLENGES

- Macro/small cell network is generally line-of-sight technology
- Hillside within Town limits the coverage range
- Limits on placing PWSF on a site with a dwelling (except SUP)
  - Town is predominantly residential (~37 non-residential properties)
  - Large lot, low-density community
- Low population which impacts wireless carrier return on investment
- Town has a higher level of process review than most communities



PWSF CODE/RESOLUTIONS

- Article XII, Personal Wireless Service Facilities, of Zoning Ordinance was adopted in 1997 and last revised in 2005 establishes Conditional Use Permit process and site development standards
- Resolutions 932 adopted in 1998 and amended by 932(A) in 2001 and in 2022 by 2022-23 establishes appropriate locations



ZONING ORDINANCE

Article XII. PERSONAL WIRELESS SERVICE FACILITIES [437 455 511 564]

Section 1201. Purpose

A. The purpose of this ordinance is to establish appropriate locations, site development standards, and permit requirements to allow for personal wireless services to the residents of the Town, in a manner which will facilitate the location of various types of personal wireless service facilities in locations consistent with the residential character of the Town. The nature of residences, their scale (height and mass), their proximity to each other and the street, and the extensive natural, informal landscaping all contribute to this distinctive character. Precluding the adverse visual impact of these facilities within this virtually developed residential area is one of the primary objectives of this ordinance. Limitations on the height of antennas are intended to conform the antennas to the existing limitations of height of residential buildings. The ordinance is intended to allow personal wireless service facilities which are sufficient to provide adequate service to citizens, the traveling public and others within the Town and to accommodate the need for connection of such services to wireless facilities in adjacent and surrounding communities.

B. It is also the intent that this ordinance and its purposes are implemented as allowed by applicable law, particularly in light of evolving federal and state regulations, laws and interpretations, evolving technology and land uses for personal wireless services.

Section 1202. Definitions

For the purpose of this Article, the following terms shall have the meanings prescribed herein unless the context clearly requires otherwise:

1 "Antenna" means the surface from which wireless radio signals are sent from and received by a personal wireless service facility;

2 "Applicant" means a person or other entity who submits an application with the Town for a special use permit or major amendment to a special use permit for a personal wireless service facility. A personal wireless service carrier and the owner of the subject property shall be an applicant(s) or co-applicant(s) on such application;

3 "Co-location" means the use of a single mount and/or site by more than one personal wireless service;

4 "Commercial mobile radio service" means any of several technologies using radio signals at various frequencies to send and receive voice, data or video to and from mobile transceivers;

5 "Design" means the appearance of a personal wireless service facility, including but not limited to its material, color or shape;

6 "Equipment cabinet" means an enclosed mobile home, shed or box at the base of or near a mount within which are housed, among other things, batteries and electrical equipment (hereinafter referred to as "equipment"). This equipment is connected to the antenna by cable. Equipment cabinets are also called "base transceiver stations";

7 "Licensed carrier" means a company authorized by the FCC to build and operate a commercial mobile radio services system;

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CELLULAR TASK FORCE

- Improvement of Cell Service Coverage Identified as a “Quality of Life” initiative by Town Council in 2016
- In 2018, Council established a Cellular Task Force with 4 goals

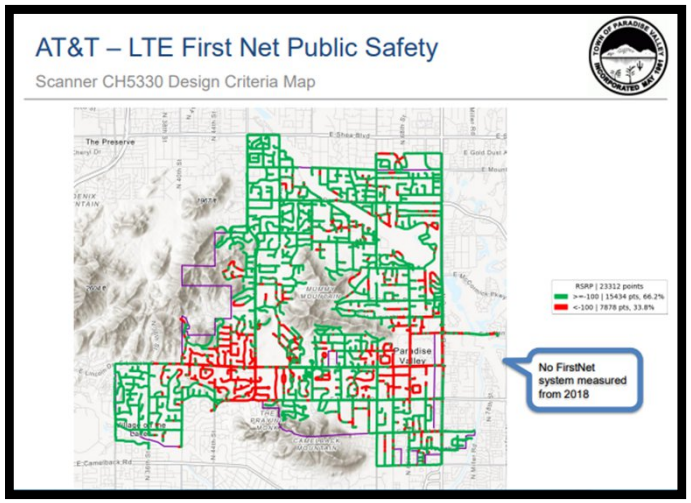
1. Improve voice service
2. Preserve and maintain the Town’s aesthetics
3. Provide the greatest coverage and capacity with the least visible infrastructure
4. Provide infrastructure for future services

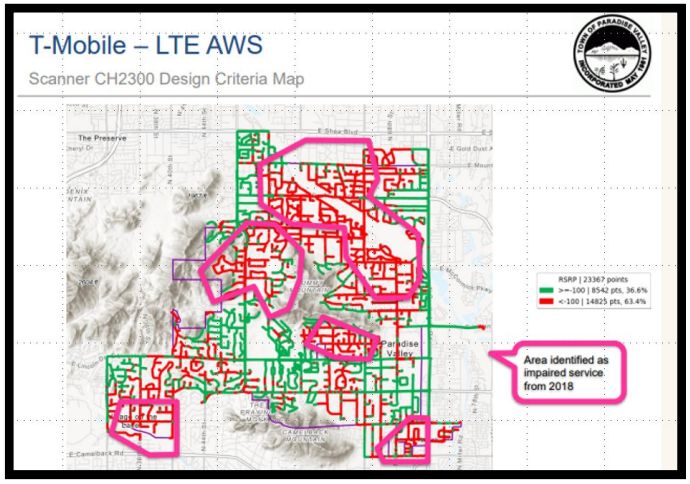
Sample Accomplishments

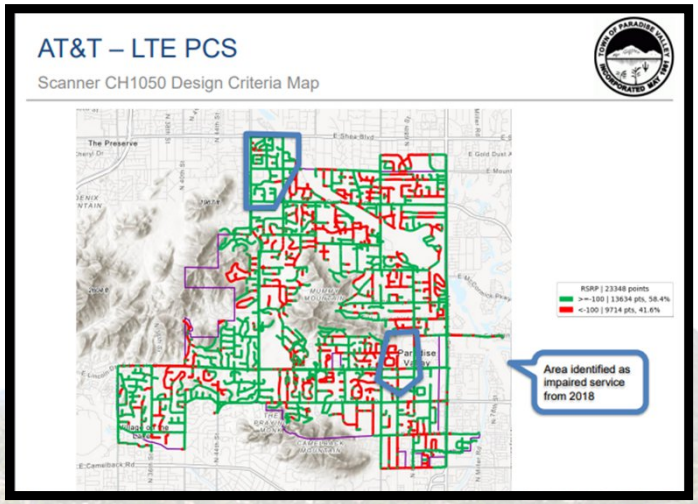
Goal 1:	Information to residents on boosters, brochures, & variety of other outreach
Goal 2:	DAS faux cactus design standard, related code updates on small cell
Goal 3:	2018/2021 EWS carrier gap coverage studies
Goal 4:	Several incremental updates by providers and Town (e.g., AT&T SafetyNet, replaced/ new fiber with Town road projects)

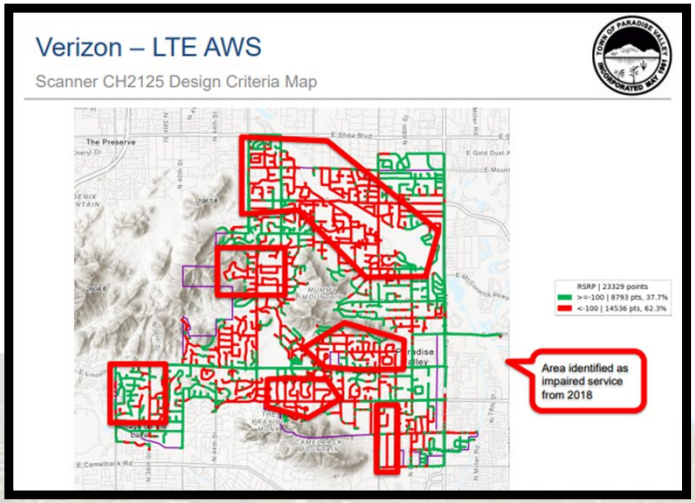
COVERAGE GAPS

- Primary Sites result of coverage gap study
- Covered First-Net, AT&T, T-Mobile, & Verizon
- Prepared in 2018 and updated in 2021 by EWS



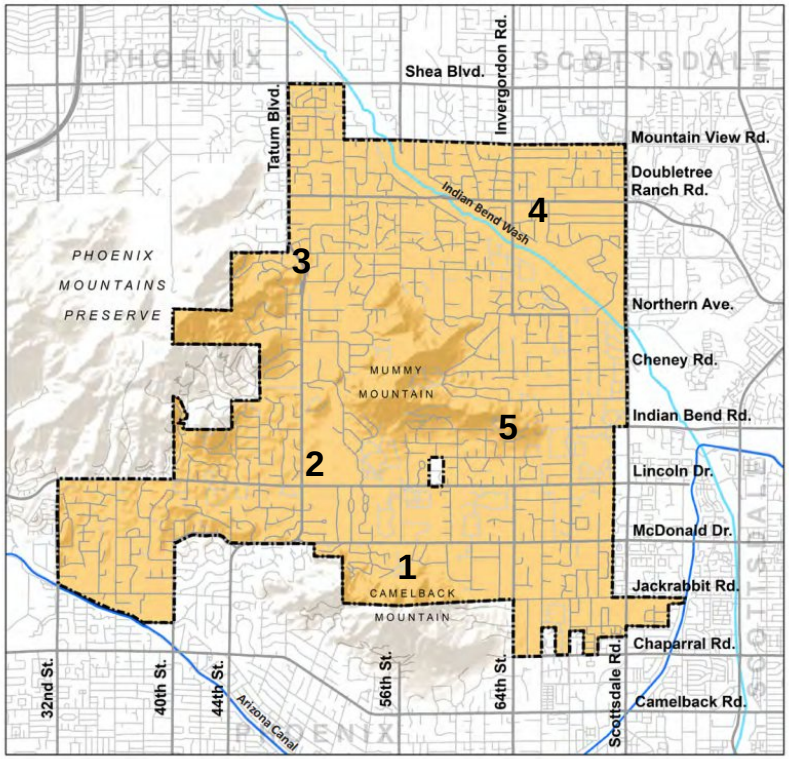




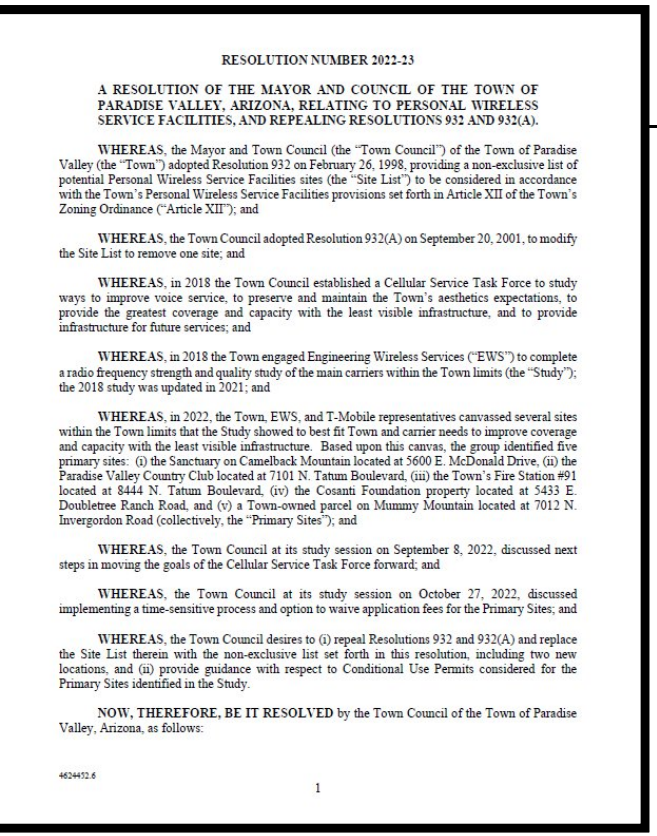


PRIMARY SITES CANVAS SELECTION

- Canvas done by EWS, T-Mobile, and Town staff representatives in 2022



Selected Sites	
Site 1:	Sanctuary on Camelback Mountain 5600 E McDonald Drive
Site 2:	Paradise Valley Country Club 7101 N Tatum Boulevard
Site 3:	Fire Station #91 8444 N Tatum Boulevard
Site 4:	Cosanti Foundation 5433 E Doubletree Ranch Road
Site 5:	Town-owned parcel 7012 N Invergordon Road



RESOLUTION NUMBER 2022-23

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, RELATING TO PERSONAL WIRELESS SERVICE FACILITIES, AND REPEALING RESOLUTIONS 932 AND 932(A).

WHEREAS, the Mayor and Town Council (the "Town Council") of the Town of Paradise Valley (the "Town") adopted Resolution 932 on February 26, 1998, providing a non-exclusive list of potential Personal Wireless Service Facilities sites (the "Site List") to be considered in accordance with the Town's Personal Wireless Service Facilities provisions set forth in Article XII of the Town's Zoning Ordinance ("Article XII"); and

WHEREAS, the Town Council adopted Resolution 932(A) on September 20, 2001, to modify the Site List to remove one site; and

WHEREAS, in 2018 the Town Council established a Cellular Service Task Force to study ways to improve voice service, to preserve and maintain the Town's aesthetics expectations, to provide the greatest coverage and capacity with the least visible infrastructure, and to provide infrastructure for future services; and

WHEREAS, in 2018 the Town engaged Engineering Wireless Services ("EWS") to complete a radio frequency strength and quality study of the main carriers within the Town limits (the "Study"); the 2018 study was updated in 2021; and

WHEREAS, in 2022, the Town, EWS, and T-Mobile representatives canvassed several sites within the Town limits that the Study showed to best fit Town and carrier needs to improve coverage and capacity with the least visible infrastructure. Based upon this canvas, the group identified five primary sites: (i) the Sanctuary on Camelback Mountain located at 5600 E. McDonald Drive, (ii) the Paradise Valley Country Club located at 7101 N. Tatum Boulevard, (iii) the Town's Fire Station #91 located at 8444 N. Tatum Boulevard, (iv) the Cosanti Foundation property located at 5433 E. Doubletree Ranch Road, and (v) a Town-owned parcel on Mummy Mountain located at 7012 N. Invergordon Road (collectively, the "Primary Sites"); and

WHEREAS, the Town Council at its study session on September 8, 2022, discussed next steps in moving the goals of the Cellular Service Task Force forward; and

WHEREAS, the Town Council at its study session on October 27, 2022, discussed implementing a time-sensitive process and option to waive application fees for the Primary Sites; and

WHEREAS, the Town Council desires to (i) repeal Resolutions 932 and 932(A) and replace the Site List therein with the non-exclusive list set forth in this resolution, including two new locations, and (ii) provide guidance with respect to Conditional Use Permits considered for the Primary Sites identified in the Study.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Paradise Valley, Arizona, as follows:

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RESOLUTION 2022-23

- Identifies potential PWSF locations
- Added Cosanti and Invergordon site
- Directs Commission to consider Task Force goals
- Directs Commission to move forward with a text amendment for a managerial or similar PWSF process
- Provides guidelines for the 5 Primary Sites on number, location, height, setback, and design
- Allows waiving application fees
- Acknowledged timing as an incentive

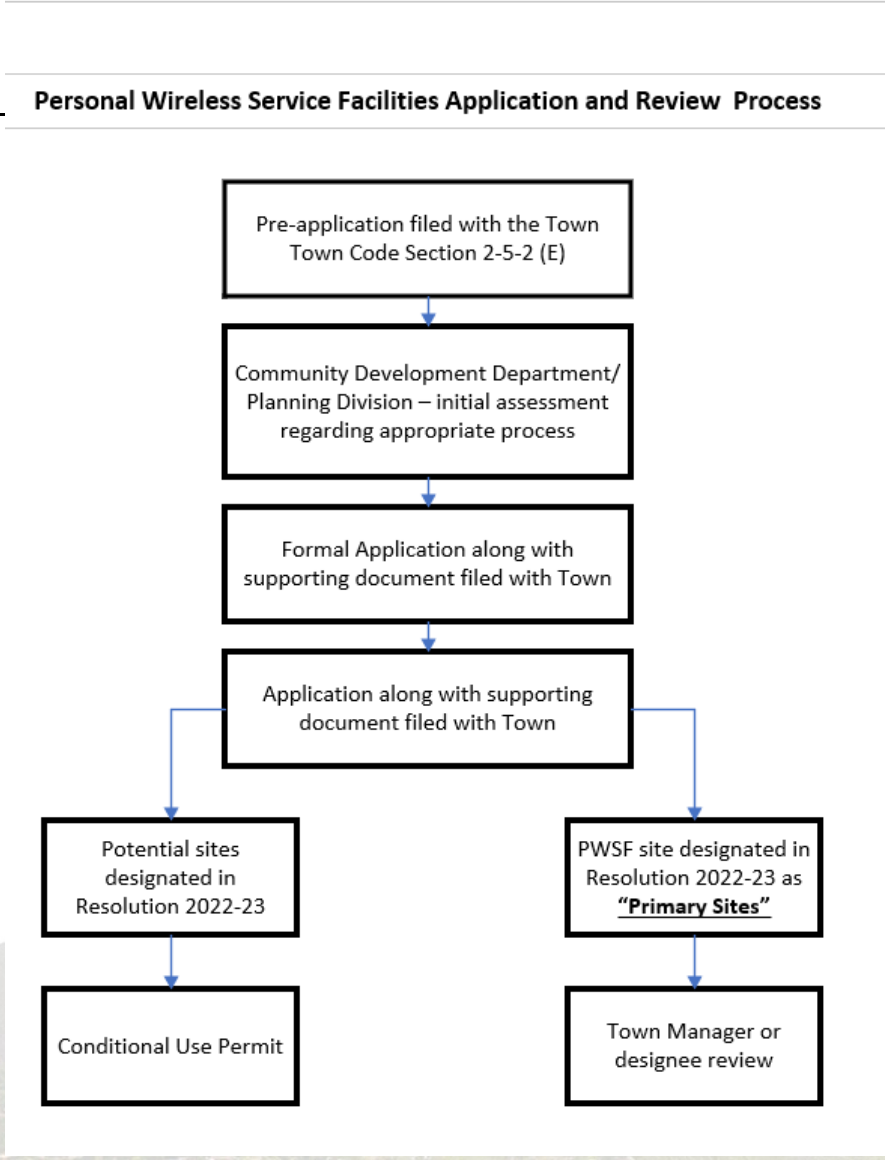
PWSF PROCESS

Current Administrative Process:

- Pre-application, before formal application
- Staff review against guidelines/code
- Planning Commission Study Session(s)
- Conditional Use Permit (CUP) via Planning Commission Hearing
- 4 to 5 months to complete (typical)

Proposed Administrative Process:

- Pre-application, before formal application
- Staff review against guidelines/code
- Town Manager action
- Council notice/ability for an appeal meeting
- 1 to 2 months to complete (typical)



COMMISSION DISCUSSION (FEB 2023)

ITEM	RESPONSE
Specific design at the 5 Primary Sites	▪ Resolution 2022-23 provides various parameters ▪ Exact PWSF will be at time of formal application ▪ Refer to reference slides or Resolution 2022-23
Clarify the Town Manager designee	▪ Typically, Community Development Director ▪ Town Code multiple places using the term designee without any added description
Use of the rights-of-way/faux cactus	▪ Ordinance 2024-02 applies to private property and the 5 Primary Sites only
Build and pay PWSF	▪ Wireless carrier pay and build ▪ Town focusing on providing time, waiving application fees, paid for the gap study

COMMISSION DISCUSSION (FEB 2023)

ITEM	RESPONSE
How 5 Primary Sites selected	▪ Based on Town-commissioned RF study ▪ Site canvasing ▪ Town's consultant (EWS), along with Town staff and other wireless carrier representatives ▪ Changes require amendment of Resolution 2022-23 by Council via public meeting
Require colocation	▪ No changes to existing colocation provisions in Sections 1208 and 1209 of Article XII
Require FCC compliance	▪ No changes to existing FCC provisions in Sections 1206, 1207, 1208, and 1211 of Article XII

COMMISSION DISCUSSION (FEB 2023)

ITEM	RESPONSE
Consider adding timeframe for staff review after pre-application	▪ Conditional Use Permit ~ 4 to 5 months ▪ Managerial PWSF ~1 to 2 months

Consider adding resident notification/possible vetting opportunities	▪ Consider Town Council 7-day review occur at a Town Council meeting
	▪ Reevaluate the Conditional Use Permit process
	▪ Consider notice provision to seek comments
	  ▪ Prior to Town Manager decision or prior to forwarding to the Town Council
	  ▪ Notice radius determined by Town Manager, or a specific radius given (e.g. 500, 600,1,000, 1,500)
	  ▪ Notice by Department policy or in code
	  ▪ Notice occur certain number of days after filing a complete application or a certain number of days before Town Manager decision
	  ▪ Increases Managerial PWSF timeframe

ORDINANCE 2024-02

- Modify Section 1203, General Requirements, to identify the 5 Primary Sites go through the Managerial process

Section 1203. General Requirements [564]

A. The determination of where a PWSF shall be located is subject to the following. Certain locations have been identified by the Town as potential PWSF sites, which ~~and~~ are subject to all of the provisions of this Article and the Town Code. ~~Said~~said the potential PWSF site locations are set forth in Town of Paradise Valley Resolution No. ~~932~~2022-23, as it may be amended from time to time. Any ~~subject property~~potential PWSF site that meets the requirements of this Article may be eligible for consideration for a PWSF, or modification thereof~~, pursuant to~~. Those sites designated in Resolution 2022-23 as "Primary Sites" shall be subject to the Managerial Approval/Amendment process set forth in Section 1213 of this Zoning Ordinance; potential locations not designated as "Primary Sites" require a conditional use permit~~,~~ pursuant to Section 1103.2 of this Zoning Ordinance. All PWSF shall be developed in accordance with the standards in this ~~a~~Article.

B. ~~A PWSF or modification thereof is permitted only with a conditional use permit, granted pursuant to Article 11, Sections 1103 et seq of the Zoning Ordinance and this Article. No~~Except for "Primary Sites" as described above, no PWSF may be developed, located, constructed or operated without a conditional use permit. ~~A~~ Except for "Primary Sites" as described above, a conditional use permit is required for any modification to a PWSF.

C. A PWSF may be mounted on a structure ~~which~~that is not a dwelling unit on the side or roof in accordance with the requirements of this Article. A PWSF is prohibited on any dwelling unit or site containing dwelling unit~~(s)~~ unless otherwise authorized as a Primary Site pursuant to Subsection A of this section.

ORDINANCE 2024-02

- Add Section 1213, that defines to process
- Modeled after the Managerial SUP process (Section 1102.8A, Zoning Ordinance)
- No other changes to Article XII, PWSF

Process

- Pre-application review (15 – 20 days)
- Formal application submittal
  - *Staff reviews against guidelines/code*
  - *If not met, follows CUP process*
- Town Manager action
- Town Manager forward to Council (2 business days)
- Council review (7 calendar days)
  - *If 3 members disagree = appeal*
- Defines the appeal meeting process
  - *14 calendar days*
  - *Held at Council meeting*

Section 1213. Managerial PWSF Approvals/Amendments

The application process for a Managerial Approval/Amendment is comprised of two phases. Phase I is the application submittal process, in which the applicant and Town staff work together to create a complete application. Phase II consists of the formal project review by the Town Manager or designee.

A. The applicant must first complete the pre-application review process in accordance with Section 2-5-2(E) of the Town Code. A formal application can then be made to the Town including all documents and materials deemed necessary by the Town Manager for compliance with the applicable "Primary Site" requirements set forth in Town of Paradise Valley Resolution No. 2022-23, as it may be amended from time to time. The Town Manager or designee will then review and either approve or deny the application.

B. The Town Manager (or designee) shall transmit all determinations approving a Managerial Approval/Amendment to the Town Council within two (2) business days of making the determination.

C. The Town Manager's (or designee's) decision shall be final unless within seven (7) calendar days after the Town Manager's (or designee's) written determination at least three (3) members of the Town Council submit a written request to the Town Manager to appeal the Managerial Approval/Amendment.

D. The Town Council shall have the authority to decide appeals of an approved Managerial Approval/Amendment application. The appeal shall be set for consideration at a Town Council meeting within fourteen (14) calendar days after the Town Manager's receipt of the third written appeal request. The Town Council shall first decide, by a majority vote of the members present and not otherwise disqualified, to affirm whether the Town Manager's (or designee's) decision meets the criteria for a Managerial Approval/Amendment related to a Primary Site. If the Council decides that the criteria have been met, then there shall be no further appeal and the Managerial Approval/Amendment is final. If the Council decides that the criteria have not been met, the Town Council may deny the Managerial Approval/Amendment, in whole or in part. A majority vote of the members present and not otherwise disqualified shall be necessary to deny or modify the decision of the Town Manager (or designee); otherwise the written determination shall be affirmed.

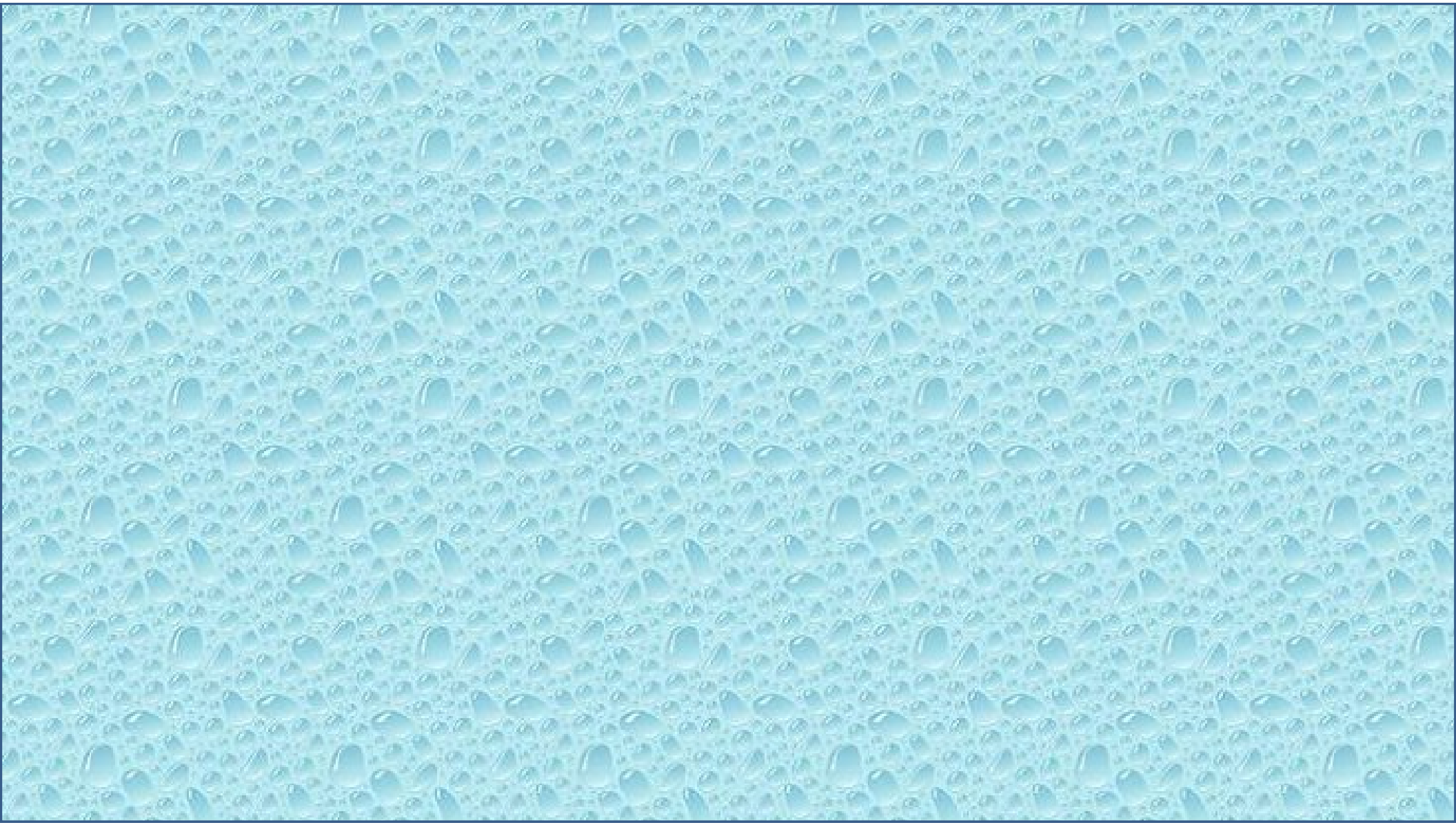
NEXT STEPS/QUESTIONS

- **April 16th** Planning Commission Public Hearing
- **May 9th or 23rd** Town Council Study Session (Tentative)
- **June 13th** Town Council Public Hearing (Tentative)

CITIZEN REVIEW SESSION

- **One comment from Feb 7, 2023**
  - **If new process applies to all Town-owned property (answer, no)**

- **Open for public comment**



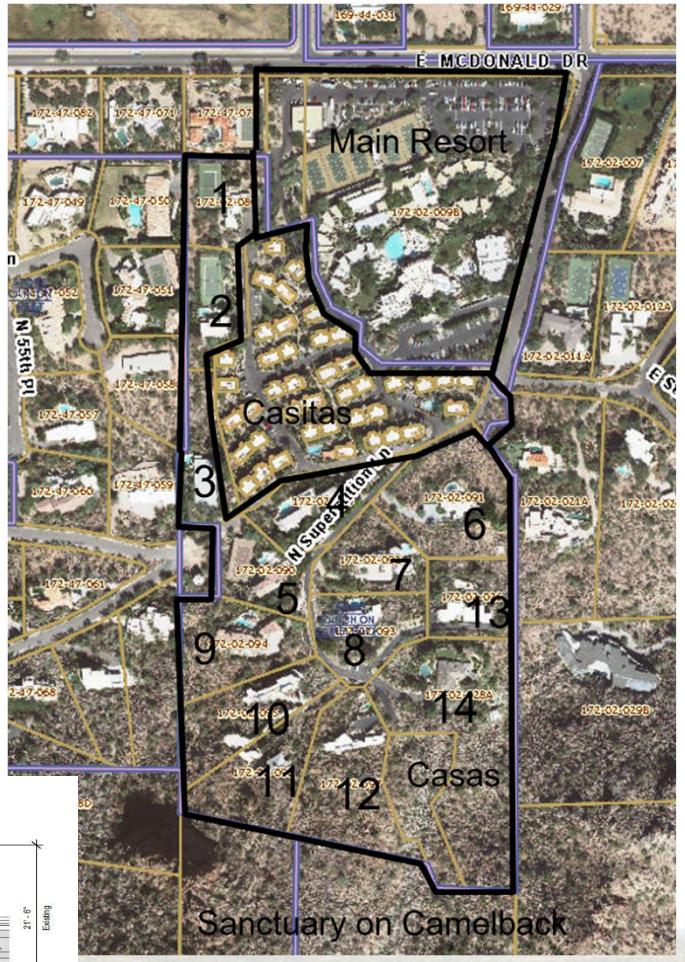
SLIDES FOR REFERENCE BELOW

Additional information on the five Primary Site guidelines from Resolution 2022-23

SANCTUARY CAMELBACK MTN RESORT

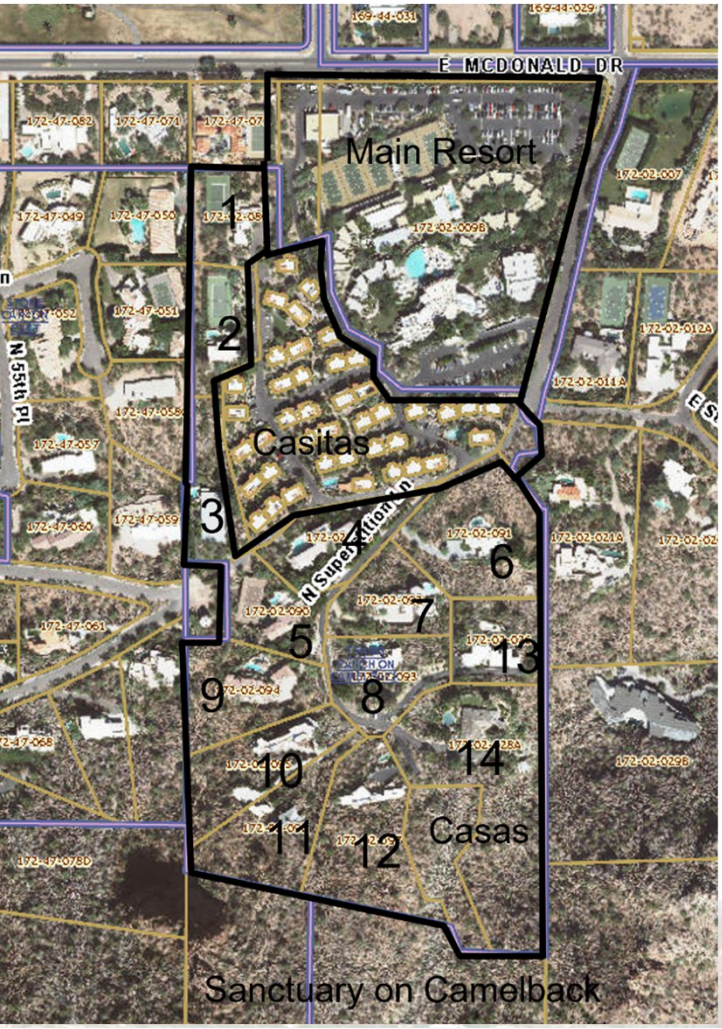
Guidelines

- Preference is faux chimney with up to 4 on existing structures and alternatively, or in addition, PWSF incorporated into the design
- Preferred locations are on principal buildings of the casitas or the main resort principal buildings
- Consideration height up to 4’6” above roof (not exceed 36’) and be in scale with building
- Setbacks expected to meet 200’ from west and north, consideration for reduced setback from public streets not to exceed guideline of 100’





SANCTUARY CAMELBACK MTN RESORT



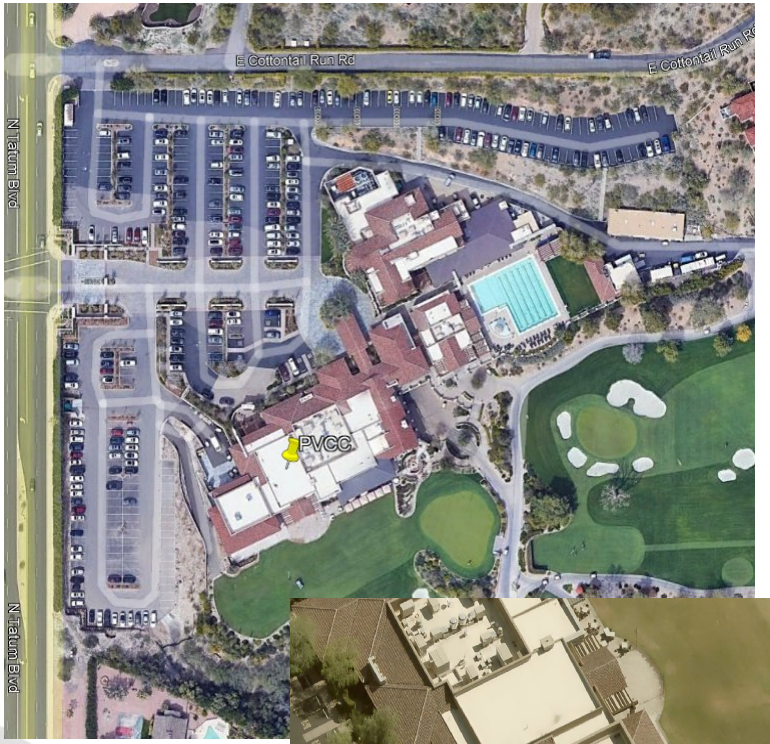
Guidelines Continued

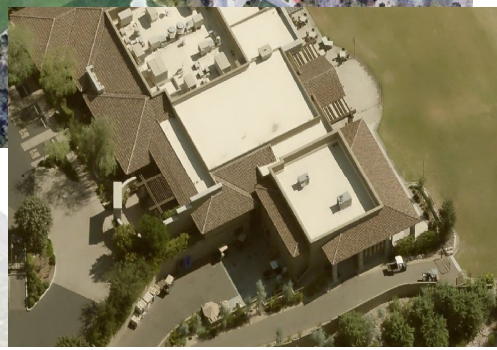
- Faux chimney should be appropriate to the architectural context, match the style of existing structure, complement, or match the color of the structure, and should be designed as a feature commonly found on the type/style of structure
- The number and spacing should be limited to the number, size, and design appropriate for the structure
- Door hatches, cables, antenna access, rooftop ballast mounted structures for radio equipment, and related items should be integrated into the design as best as possible to camouflage these required equipment

PARADISE VALLEY COUNTRY CLUB

Guidelines

- Preference is faux chimney with up to 4 on existing structures and alternatively, or in addition, PWSF incorporated into the design
- Preferred locations are on principal buildings of the clubhouse
- Generally, height not to exceed 30’ height restriction in their SUP, except consideration to up to 4’6” above roof for chimney
- Setbacks expected to meet 200’due to large acreage and clubhouse setbacks
- Same context, spacing, and equipment guidelines as Sanctuary

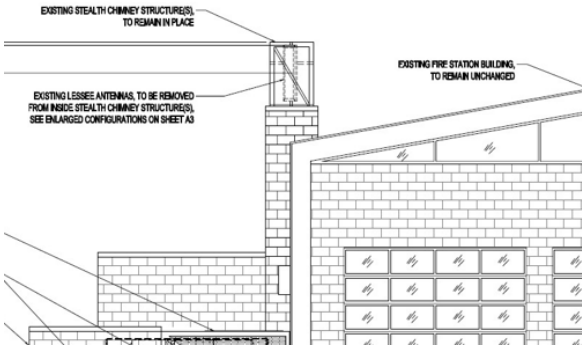




FIRE STATION #91

Guidelines

- Preference is faux chimney design on existing structures and alternatively, or in addition, PWSF incorporated into the design
- Preferred location on the fire station building
- Generally, height not to exceed 28’8” building, except consideration up to 4’6” above roof for chimney
- Consideration for setbacks other than 200’ with additional chimney near existing or east 65’ of building
- Same context, spacing, and equipment guidelines as Sanctuary

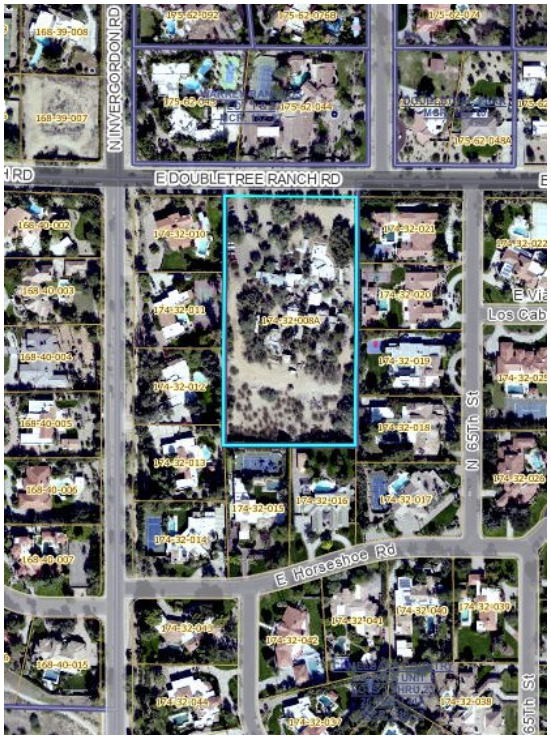




COSANTI

Guidelines

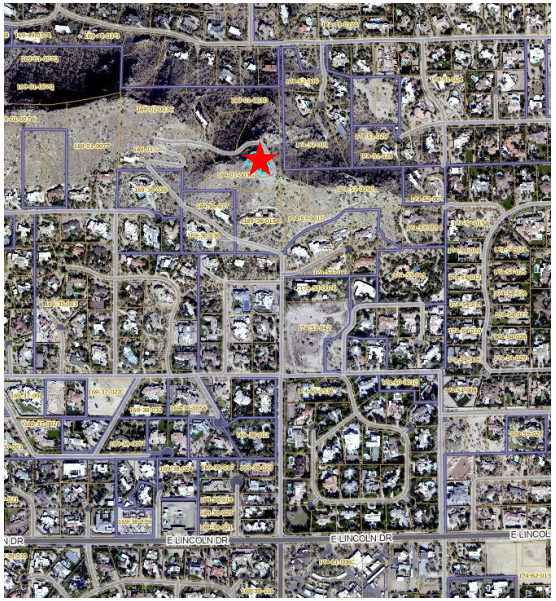
- A separate detached structure may be considered since existing structures low/have structural limitations
- New PWSF structure will also require the applicable SUP amendment application
- Preferred siting is toward the middle and/or center of the site near the existing structures
- Heights 30 to 35 feet may be considered if camouflaged well
- Consideration for reduction in the 200’ setback to 60’ (40’ to street) if 24’ tall (otherwise 100’)



7012 N INVERGORDON RD

Guidelines

- Preference is for a faux retaining wall
- Height, setback, and equipment locations and screening shall generally follow the requirements for retaining walls on hillside
  - 8’ tall maximum
  - Maximum 100’ lineal length







NAME	ADDRESS
ANDAZ RESORT	6160 N. SCOTTSDALE ROAD
ASCENSION LUTHERAN CHURCH	7100 N. MOCKINGBIRD
CALVARY CHURCH OF THE VALLEY	6107 N. INVERGORDON
CAMELBACK BIBLE CHURCH	3900 E. STANFORD DRIVE
CAMELBACK GOLF CLUB	7847 N. MOCKINGBIRD LANE
CAMELBACK INN	5402 E. LINCOLN DRIVE
CAMELBACK UNITED PRESBYTERIAN CHURCH	3535 E. LINCOLN DRIVE
CHEROKEE SCHOOL	8801 N. 56TH STREET
CHRIST CHURCH OF ASCENSION	4015 E. LINCOLN DRIVE
COSANTI FOUNDATION	6433 E DOUBLETREE RANCH ROAD
DOUBLETREE PARADISE VALLEY RESORT	5401 N. SCOTTSDALE ROAD
EL CHORRO LODGE	5550 E. LINCOLN DRIVE
FIRE STATION #91	8444 N. TATUM BOULEVARD
FIRST SOUTHERN BAPTIST CHURCH	5230 N. SCOTTSDALE ROAD
HERMOSA INN	5532 N. PALO CRISTI ROAD
KIVA SCHOOL	6911 E. MCDONALD DRIVE
LINCOLN BIBLE CHURCH	4222 E. LINCOLN DRIVE
MOUNTAIN SHADOWS RESORT	5445 E. LINCOLN DRIVE
MOUNTAIN VIEW MEDICAL PLAZA	10575 N. TATUM BOULEVARD
OMNI MONTELUCIA RESORT	4949 E. LINCOLN DRIVE
PARADISE VALLEY COUNTRY CLUB	7101 N. TATUM BOULEVARD
PARADISE VALLEY MEDCIAL PLAZA	7101 E. JACKRABBIT ROAD
PARADISE VALLEY TOWN HALL	6401 E. LINCOLN DRIVE
PARADISE VALLEY UNITED METHODIST CHURCH	4455 E. LINCOLN DRIVE
PHOENIX COUNTRY DAY SCHOOL	3901 E. STANFORD DRIVE
SANCTUARY CAMELBACK MOUNTAIN RESORT	5700 E. MCDONALD DRIVE
SCOTTSDALE PLAZA RESORT	7200 N SCOTTSDALE ROAD

RESOLUTION 2022-23

NAME	ADDRESS
SMOKETREE RESORT	7101 E. LINCOLN DRIVE
ST. BARNABAS CHURCH	6715 N. MOCKINGBIRD LANE
TOWN-OWNED PROPERTY	7012 N INVERGORDON ROAD
UNITARIAN UNIVERSALIST CHURCH	4027 E. LINCOLN DRIVE

- Identifies potential PWSF locations
- Added Cosanti and Invergordon site



PWSF DESIGN CRITERIA

Article XII, Town Zoning Ordinance

- **Appearance**
  Degree PWSF "blends with" or "disturbs" the setting, the subject property and its character and use, or neighboring properties and their character and use
- **Form**
  Degree to which the shape of the PWSF and any equipment cabinet relates to its surroundings
- **Color**
  PWSF shall be in natural tones and a non-reflective color or color scheme appropriate to the background against which the PWSF would be viewed from a majority of points within its viewshed
- **Size**
  Silhouette of the PWSF shall be reduced to minimize visual impact

PWSF SUBMITTAL ITEMS

Article XII, Town Zoning Ordinance, Formal Application

- Site Plan
- Landscape Plan
- Photographs, diagrams, photo simulations and sight line representations
- Siting elevations, or views at natural grade, from all directions (north, south, east, west)
- Equipment brochures
- Market and service maps
- Co-location submittals, including signed statements
- Lease agreement
- RF performance submittals
- Noise performance submittals
- Other items as necessary

RECOMMENDATION

It is recommended that the Planning Commission forward [*approval, approval as amended, denial, or continuance*] of Ordinance 2024-02, amending Article XII, Personal Wireless Service Facilities, of the Zoning Ordinance creating a managerial or similar process for Personal Wireless Service Facilities known as Primary Sites.

Action Report

File #: 24-125

AGENDA TITLE:
Discussion on Minor Special Use Permit Amendment (SUP-24-01) Ritz-Carlton Area C Lots 15-19 (7000 E Lincoln Dr)

STAFF CONTACT:

TOWN
Of
PARADISE VALLEY

STAFF REPORT

TO: **Chair & Planning Commission Members**

FROM: **Chad Weaver, Community Development Director**
Paul Michaud, Planning Manager
Brandon McMahon, Planner

DATE: **April 2, 2024**

DEPARTMENT: **Community Development Department – Planning Division**
Brandon McMahon, 480-348-3531

AGENDA TITLE: **Discussion and Possible Action on a Minor Special Use Permit Amendment (SUP-24-01) Ritz-Carlton Area C Lots 15-18 – 7000 E Lincoln Dr**

PLANNING COMMISSION REVIEW
The Planning Commission reviewed the Minor Special Use Permit application at the March 5, 2024 work study session. During the work session, the Commission reviewed the project and asked questions regarding the history of the 2021 replat of Area C, if the Ritz branded homes within Area C may serve as rental properties (what and if any CC&Rs are in place), current ownership of the 5 lots, the notification process for the amendment, requested sightline models for the 5 lots, and had overall questions regarding the purpose of this amendment. The Town attorney staff is researching the Five-Star Ritz development agreement as it pertains to short-term rentals and will discuss findings at the April 2nd meeting. The Planning Commission indicated the desire for the applicant to formally present and requested an additional Work Session prior to the potential action hearing on this item on April 2nd, 2024.

Since the last Planning Commission meeting the Planning Commissioners at separate times had a tour of the development. The applicant removed Lot 19 as this home is under construction and meets required setbacks. The applicant provided additional visuals showing the average setback and the Open Space Criteria encroachment on Lot 16 and 18 (homes under construction) which are part of the application packet (Attachment F). The applicant provided an ownership map showing 8 of the 32 lots are under private ownership. As directed at the last work session, the applicant also contacted these individual lot owners. The applicant is expected to have the required Waiver of Rights and Remedies for the four lots subject to the proposed amendment by the meeting (if not already part of the packet). Stipulation 2 limits the amendment to only the four subject lots, the rear second-story setback, non-livable uses, and a maximum of 550 square feet.

RECOMMENDATION
RECCOMENDATION A:
It is recommended the Planning Commission deem the requested amendment to the Five Star/Ritz-Carlton Special Use Permit a Minor Amendment per the criteria listed in Section 1102.7.B of the Zoning Ordinance.

RECOMMENDATION B:
It is recommended that the Planning Commission approve the Five Star/Ritz-Carlton Minor Special Use Permit Amendment in Area C to modify the 35-foot Rear Yard Second Floor setback requirement on five interior lots (Lots 15-18), subject to the following stipulations:

1. All improvements to the Property shall be in substantial compliance with the Narrative, Plans, and Documents:
    a. Narrative, prepared by Drewett Works, dated March 25, 2024.
    b. Plan Set, Renderings, Average Setback, and Open Space Sections, prepared by Drewett Works, Sheets A.200, A.201, and A.202, revised March 25, 2024 and March 26, 2024.

2. The 35-foot rear yard second floor main building setback of Lots 15 through 18 of Replat Amended 7000 East Lincoln – Parcel C – Amended IV as shown on Page F-3, Area C Ritz-Carlton Residential Lots, of the Approved Plans as referenced in Stipulation 44 from the 2015 Special Use Permit via Town of Paradise Valley Ordinance 694 be amended requiring that the minimum rear yard livable area second floor setback shall be 35 feet and the minimum rear yard non-livable area second floor setback intended for outdoor covered patio shall be 20 feet with the maximum non-livable area within the rear second floor setback between the 20-foot setback and 35-foot setback not to exceed 550 square feet.

3. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by Minor Amendment SUP-24-01.

4. The Owner shall provide the Town with a signed Waiver of Claims for Diminution of Value under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney prior to the Planning Commission approval.

SUMMARY STATEMENT:

Request

The applicant, Drewett Works on behalf of Five Star Development LLC, requests a Minor Special Use Permit (SUP) amendment for Area C of the Five-Star Development project to remove the 35-foot Rear Yard Second Floor setback requirement on four interior lots (Lots 15-18). Any second story, non-livable covered patio, will adhere to the 20-foot rear yard setback requirement.

Purpose

The purpose of the April 2nd work session is to review the scope of the request and provide an opportunity for the Planning Commission to provide final comments prior to the action meeting that same evening.

Location

Area C is a portion of the overall Five-Star Development project consisting of the Ritz-Carlton resort, villas, single-family homes, and resort-related retail. The project is generally bounded by Lincoln Drive, Mockingbird Lane, Indian Bend Road, and the eastern Town limits near Scottsdale Road (Attachment D). Area C is for the Ritz-Carlton Resort Branded Homes located at the northeast corner of Mockingbird Land and Lincoln Drive. It is bordered by two public roads. These are Lincoln Drive, a major arterial, and Mockingbird Lane, a minor arterial. To the west of Area C are R-43 zoned single-family lots (side yards) of the Mockingbird Acres and Judson subdivisions. To the direct north of Area C is St. Barnabus of the Desert Church, as well as Ritz-Carlton Area A. To the east is the internal private road Palmeraie Boulevard and Ritz-Carlton Area D. And to the south, across Lincoln Drive, R-43 zoned single-family lots (front yards).

History

The property located at 7000 E. Lincoln Drive was annexed into the Town in 1964. The Town Council granted the initial Special Use Permit (SUP) zoning in 1987, with Major SUP Amendments approved in 2008 and 2015. No development occurred on the site until after the 2015 Major SUP Amendment. Since 2015, there have been several Managerial and Minor SUP Amendments along with replats as the site has undergone construction. The last Minor SUP Amendment for Area C occurred in January 2020 to allow for expanded basement lightwells to encroach into the building setbacks, allow chimneys and chimney screens to extend 3 feet above the maximum height limit of the house, and to modify several fence/retaining wall heights. The configuration of the subject lots

are as shown on Replat Amended 7000 East Lincoln – Parcel C – Amended IV (Attachment D). It is common for large developments like the Five Star Ritz project to have Special Use Permit amendments to finetune the project as it gets built out.

The 35-foot Rear Yard Second Floor requirement is shown on Page F-3, Area C Ritz-Carlton Residential Lots, of the Approved Plans as referenced in Stipulation 44 from the 2015 SUP via Ordinance 694. Stipulation 44 reads, "Area C may only be improved with up to forty-five (45) detached single-family residential Resort-Branded Homes and uses incidental or accessory thereto, as well as common areas and common use facilities and/or amenities, provided that all such improvements comply with the height and Floor Area limitations shown on Page D-3, and setback limitations as shown on page F-3 of the Approved Plans…"

The Town's Open Space Criteria requirements were applied along Lincoln Drive and Mockingbird Lane as illustrated in the Road Sections on pages D-9 and D-10 (see attached) of the Ritz-Carlton Resort Technical Book and per the Town's Special Use Permit Guidelines. The result was an establishment of 35'-0" second story rear yard setbacks as shown on page F-3 of the Ritz-Carlton Resort Technical Book. According to the applicant's narrative, this second-floor setback was set in place to maintain view corridors around the perimeter of the property by limiting building heights and was unintentionally applied to the internal lots which do not directly impact view corridors from Lincoln Drive and Mockingbird Lane. Lots 15-18 now sit within the interior of the Ritz-Carlton Area C and pose no danger to disrupt the view corridors from around the perimeter of the property.

2015 Original SUP Area B&C Building Setback Table:

Area B & C Main Building Setbacks	
Front Yard First Floor	20'
Front Yard Second Floor	25'
Side Yard Lots greater than 15,000 sf	15' each side
Side Yard Lots 10,000 - 15,000 sf	20' total (not less than 5')
Rear Yard First Floor	20'
Rear Yard Second Floor	35'
Lot size greater than 15,000 sf	▲
Single story home with construction limited to a maximum of 20' in height	✿

Proposed Area C Main Building Setback Table for Lots 15-18 only:

AREA C LOTS 15-18 MAIN BUILDING SETBACKS	
Front Yard First Floor	20'
Front Yard Second Floor	25'
Side Yard Lots greater than 15,000 sf	15' each side
Side Yard Lots 10,000 - 15,000 sf	20' total (not less than 5')
Rear Yard First Floor	20'
Rear Yard Second Floor (Livable)	35'
Raer Yard Second Floor (Non-Livable)	20'

Second-Story Use

Drewett Works will limit the architecture that encroaches into what was the second story setback to non-livable second floor covered patios with a maximum roof cover of 550 square feet. Five Star Development will inform the current and future owners of the homes on these lots that these patios are to remain non-livable and at no time can be enclosed to create additional livable space.

DISCUSSION/FACTS:

General Plan:

The proposed improvements are consistent with Section 1.3 of the Town's General Plan which encourages the continued revitalization and improvement of the Town's resorts while protecting the adjacent residential neighborhoods.

Minor Amendment Criteria

Per Section 1102.7 B (of Article 11 of the Town Zoning Ordinance), a Minor Amendment to a Special Use Permit shall include any proposal which is not a Managerial Amendment and does not:

1. Change or add any uses; or

   This Minor Amendment request will not change or add any uses that are permitted in the current SUP. The use remains single-family.

2. Increase the floor area of the project by more than 5,000 square feet or constitute an increase of more than 15% upon the existing or, if still under construction, approved floor area square footage of the affected SUP property, whichever is less, with any such increase to be measured cumulatively over a sixty-month period; or

   The modification of the second story setback requirement will not impact the required maximum total residential floor area of 309,375 square feet or the maximum lot coverage/drip line area of 236,250 square feet within the Resort Branded Homes as indicated on the land density table (Page D-3 of the Approved Plans). This proposed amendment will also not have an impact on the 33% open and pervious area requirement of each lot per Stipulation 45.f of the 2015 SUP (Ordinance 694). Lots 15-18 are the smallest lots in terms of overall square footage within Area C. The average lot size of all lots within Area C, excluding 15-18, is 20,324 square feet, with the largest lot being Lot 22 at 27,820 square feet. Lots 15-18 square footages are as follows:

   1. *Lot 15 is 13,568 square feet (0.31 acres)*
   2. *Lot 16 is 13,569 square feet (0.31 acres)*
   3. *Lot 17 is 12,848 square feet (0.3 acres)*
   4. *Lot 18 is 13,904 square feet (0.32 acres)*

3. Have any material effect on the adjoining property owners that is visible, audible, or otherwise perceptible from adjacent properties that cannot be sufficiently mitigated; or

   Lots 15-18 sit within the interior of the Ritz-Carlton Area C and the rear yard property lines for these lots are approximately 238 feet from the center line of Lincoln Drive and approximately 162 feet 6 inches from the overall site's southern property line. With that, the proposed amendment does not penetrate the Open Space Criteria (20% slope) nor have any negative effect on the view corridors from adjacent properties or around the perimeter of the property. Lots 15-18 are also internal to Area C and are separated from the adjacent front and rear lots by Stellina Vita Drive to the north and Palma Vista Drive to the south. Furthermore, since the creation of the original 2015 SUP, Area C was re-plated in 2021 which deviates a great deal from the original layout, both in terms of configuration and number of lots. The original SUP site layout called for 45 lots with lots 21-45 abutting each other. With the 2021 re-plat, the site was revised to include 32 lots (a 28.8% reduction from the original layout) with no properties abutting each other and are separated by two new internal streets (Stellina Vita Drive and Palma Vita Drive).

4. Change the architectural style of the existing Special Use Permit.

   The requested second story setback requirement removal for Lots 15-18 does not change the architectural style of the existing Special Use Permit.

Process

The process for the Minor SUP Amendment is first a pre-application review by the Town staff (completed), Planning Commission review of the SUP (completed), and a Planning Commission public meeting on the SUP (in process - April 2nd, 2024).

Public Comment

Public notification was performed in accordance with the public meeting process. Mailing notification was sent to properties within a 1,500 square foot radius of the site on March 8, 2024. Staff did not receive any comments regarding this request.

Five Star Development is in the process of discussing this request with all property owners within Parcel C. Five Star does not foresee any opposition in removing the second story setback requirement for the non-livable covered patios. Confirmation of property owner approval will be presented at the April 2nd Planning Commission meeting.

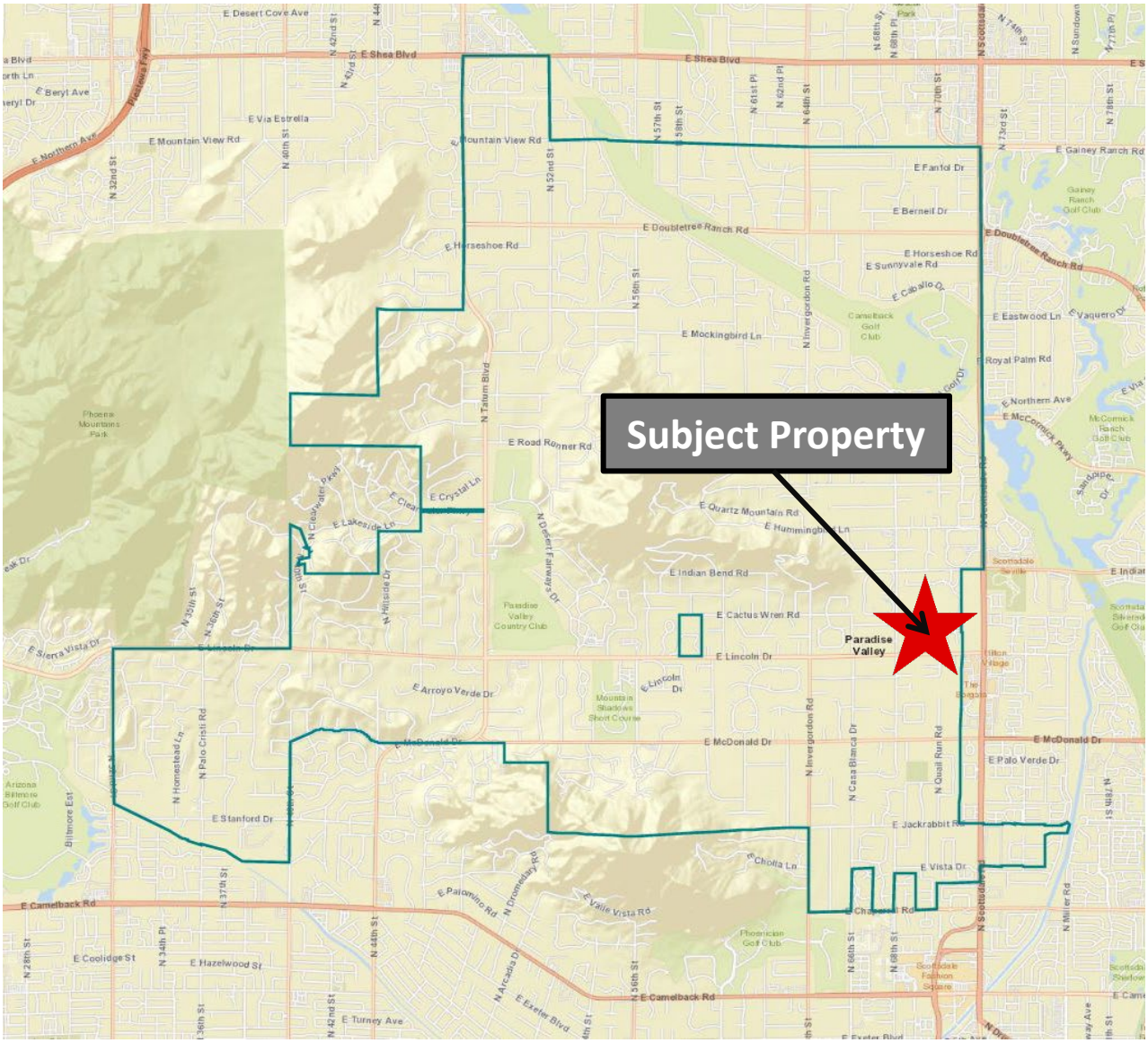
Next Steps

The Commission must take two actions on a Minor SUP Amendment request. The first action is to determine if the request constitutes a Minor Amendment. If deemed a Minor Amendment, the Commission must either approve the request (with stipulations), deny the request, or continue the application for additional information and/or discussion.

ATTACHMENT(S):

A. Staff Report
B. Vicinity & Related Maps
C. Application
D. Five Star Project Excerpts
E. Summary of Five Star SUP Amendments
F. Narrative, Plans & Renderings
G. Notification Materials
H. Waiver of Rights and Remedies (Prop 207)
I. Presentation

VICINITY



Ritz-Carlton/Five Star Area C

7000 E Lincoln Dr

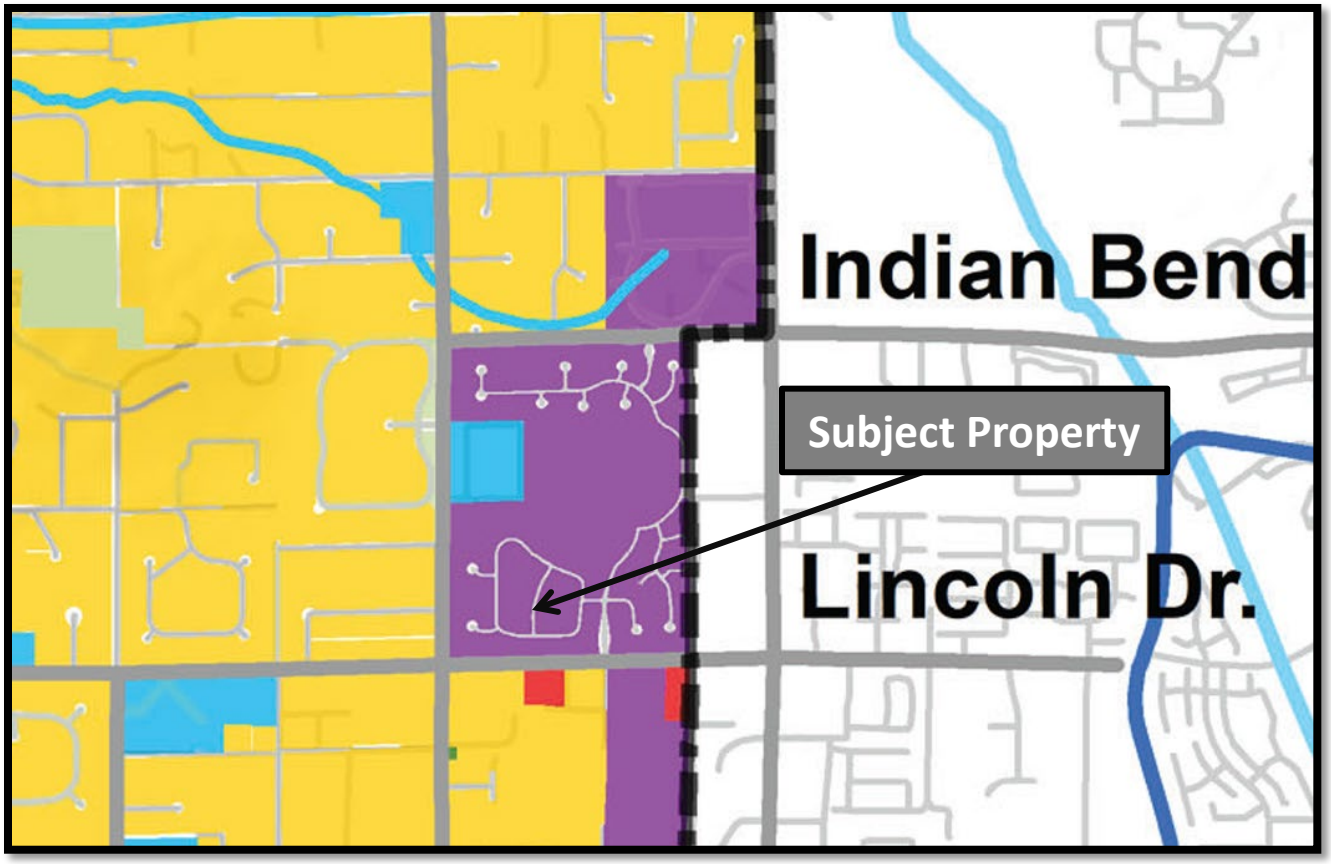
AERIAL



Ritz-Carlton/Five Star Area C

7000 E Lincoln Dr

GENERAL PLAN



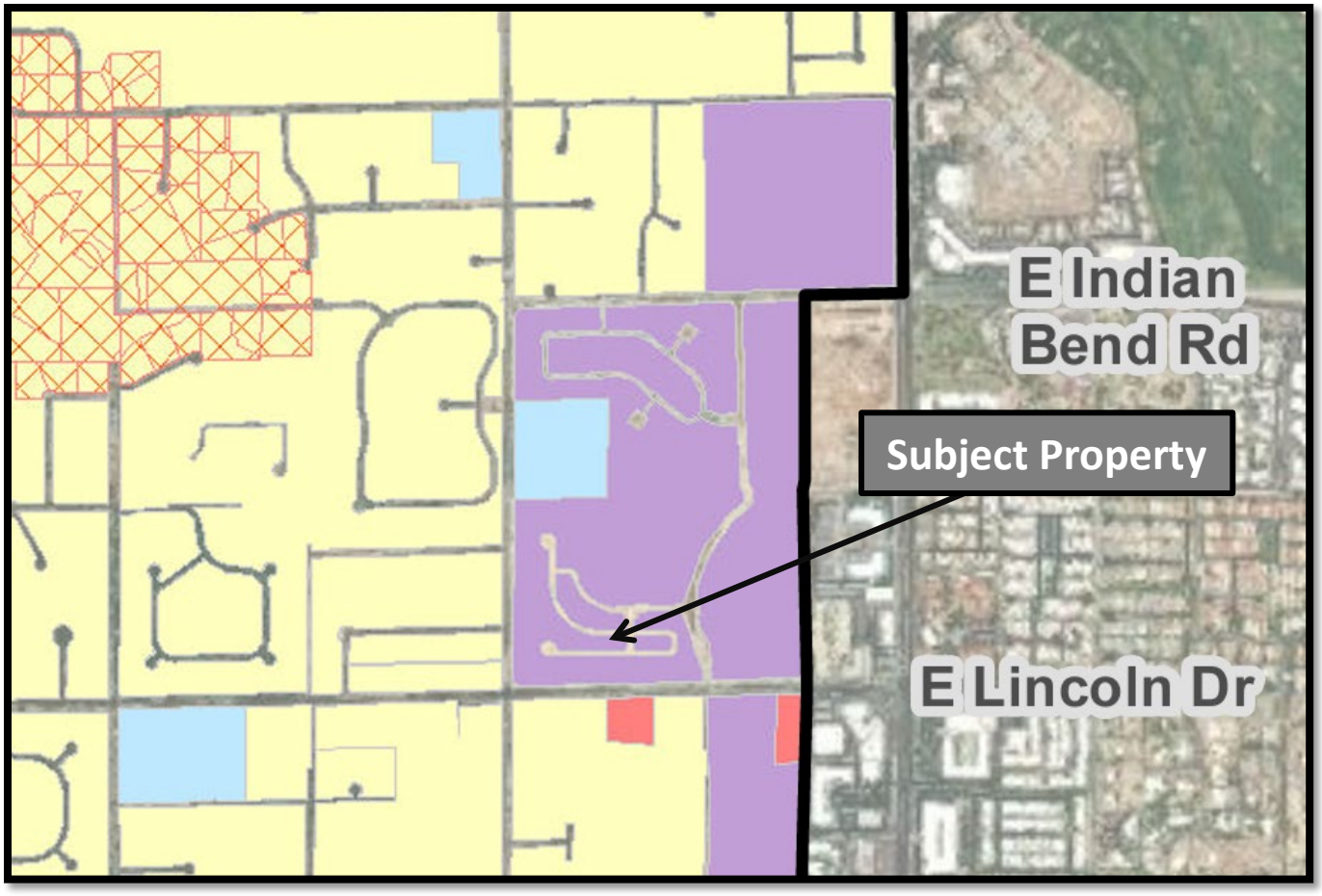
Land Use Classifications

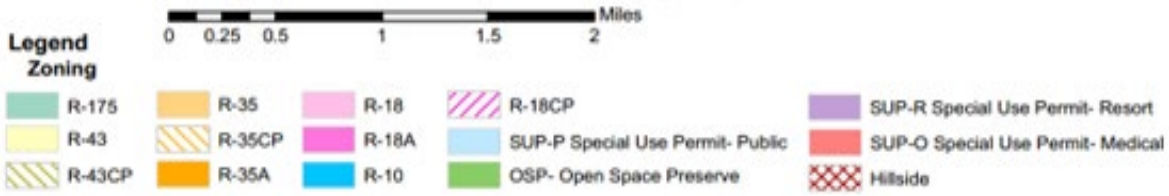
Very Low Density Residential	Public Open Space
Low Density Residential	Medical Office
Medium Density Residential	Public/Quasi Public
Private Open Space	Resort/Country Club

Ritz-Carlton/Five Star Area C

7000 E Lincoln Dr

ZONING





Ritz-Carlton/Five Star Area C

7000 E Lincoln Dr

COMMUNITY DEVELOPMENT DEPARTMENT
SPECIAL USE PERMIT APPLICATION GUIDE

Town of Paradise Valley ● 6401 East Lincoln Drive ● Paradise Valley, Arizona 85253 ● Phone: (480) 348-3693

APPLICANT & CONTACT INFORMATION

Please check the appropriate box for the Type(s) of Application(s) you are requesting	
Special Use Permit	
☐ Managerial Amendment	☐ Intermediate Amendment
☒ Minor Amendment	☐ Major Amendment/New SUP

Project Name: Ritz-Carlton Residential Lots Area C

Date: 1/9/2024 Existing Zoning: SUP-R Proposed Zoning: _____ Net Acres: 17.3

Property Address: NWC of Lincoln Drive and Mockingbird Lane

Assessor's Parcel Number: Varies - multiple lots

Owner: Five Star Development

Address: 6720 N. Scottsdale Road, Suite 130, Scottsdale, AZ 85253

Phone number: 480-603-1378

E-mail address: RichardF@Fivestardevelopment.com

Signature: See attached Agent Authorization Letter
(Or provide a separate letter of authorization)

Applicant/Representative: Rob Banach

Company Name (if Applicable): Drewett Works

Address: 7144 E Stetson Dr, Ste 204, Scottsdale, AZ 85251

Phone number: 480-329-7504

E-mail address: rob@drewettworks.com

Signature: Rob Banach Digitally signed by Rob Banach
DN: C=US, E=rob@drewettworks.com, O=Drewett Works, CN=Rob Banach
Date: 2024.01.09 09:35:15-07'00'

THE ABOVE APPLICANT HEREBY APPLIES FOR AN APPLICATION AS INDICATED IN THE SUBMITTED NARRATIVE, PLANS, AND DOCUMENTS IN ACCORDANCE WITH THE TOWN CODE AND TOWN POLICIES.

FOR DEPARTMENTAL USE ONLY

App.#: _____ Submittal Date: _____ Expiration Date: _____

COMMUNITY DEVELOPMENT DEPARTMENT
SPECIAL USE PERMIT APPLICATION GUIDE

Town of Paradise Valley ● 6401 East Lincoln Drive ● Paradise Valley, Arizona 85253 ● Phone: (480) 348-3692

SUBMITTAL REQUIREMENTS

Submittal requirements will vary based upon the project/scope of the request. Unless otherwise approved by Planning staff; plan size is 24" x 36", **provide 2 paper copies of submittal items (upon staff request) and provide 1 electronic copy of all material in PDF format** on a USB flash drive/memory stick. Additional copies may be required for scheduled meetings. The following documents are required for **all four SUP application types**:

- ■ Filing Fee:

Application Type		Application Fee (schools/government or places of worship)		Application Fee (other uses)
Managerial	☐	$1,437	☐	$3,375
Minor	☐	$3,270	■	$8,475
Intermediate	☐	$5,325	☐	$13,425 + $275 per acre or portion
Major/New	☐	$7,600	☐	$19,050 + $400 per acre or portion

- ■ Narrative description of the request (2 paper upon staff request and 1 electronic). The narrative shall identify the following:
  - ■ Scope of request, including uses, ownership/management, phasing and/or design philosophy
  - ■ How request meets the SUP criteria outlined in Section 1102.7 of the Town Zoning Ordinance
  - ■ How request meets and/or deviates from the Town development standards and guidelines, that might include compatibility with adjoining properties; environmental impacts; water flow and pressure impacts, site access, parking and circulation
  - ■ How request meets the Town's long-range plans (such as the General Plan and/or Visually Significant Corridor Plan)
- ☑ Applicable plans and documents for staff review (2 paper upon staff request and 1 electronic), including but not limited to:
  - ■ Site Plan depicting location and type of all improvements and any additional information as needed (e.g. setbacks, parking, internal circulation, access points, site data, etc.)
  - ☐ Legal Description
  - ☐ Aerial Photo
  - ☐ ALTA Survey and/or Title Report
  - ☐ Building Plans including, schematic floor plans, building elevations and heights, an analysis of the Open Space Criteria, architectural style and details, and exterior building materials and colors
  - ■ Site Data (e.g., square footages, floor area ratio, lot coverage, site gross/net acreage)
  - ☐ Grading & Drainage Plan, with the Illustration of all washes including 5 equally spaced cross sections
  - ☐ Parking/Traffic Study to address impact on adjacent properties and roadway system, internal circulation and parking analysis, and any necessary roadway dedication and improvement
  - ☐ Landscape Plan including hardscape and plant names, quantity, sizes, and locations
  - ☐ Lighting Plan, which may require photometric study, including fixture type, quantity, lumens, watt, kelvins and cut sheets
  - ☐ Signage Plan including sign elevations, lighting and dimensions for each sign type

☐ Noise study to evaluate the compatibility of the proposed project with surrounding areas
☐ Other items

Town Code/Zoning Ordinance Sections and long-range documents that may apply to your request

Zoning Ordinance	**Town Code**
Article XI, Special Uses & Additional Regulations	Chapter 5, Section 5-10, Development
Article XXV, Signs	Chapter 6, Subdivisions
Other	
Special Use Permit Guidelines	
General Plan	
Visually Significant Corridors Master Plan	
Storm Drainage Design Manual	

General notes

1 *An application is not complete until all required information is submitted in an approved form. No application will be reviewed until complete. No agenda date will be set until the completed application has been reviewed and accepted by staff*

2 *In considering a SUP application, not only shall the nature of the use be considered, but also the special conditions influencing its location, design and operation, the proposed location and design of buildings, parking and other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated, compatibility with the residential character and zoning of the Town, and the influence that such factors and development are likely to exert on adjoining properties*

3 *Final approval may be granted upon such conditions reasonably related to the use of the subject property*

4 *In the exercise of its legislative discretion on Intermediate, Major and New SUP applications, the Town Council may modify the development standards or permit additional related uses in order to promote the goals and policies of the General Plan, in exchange for site enhancements that improve overall site design, or to promote the best interests of the Town or its residents*

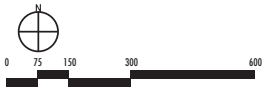
5 *No variance from the terms, provisions, or conditions of a SUP shall be granted by the Board of Adjustment; Applications to modify the terms, provisions, or conditions of a SUP must be filed as part of an amendment to the SUP*

6 *Refer to Article XI, Special Uses and Additional Use Regulations, of the Town Zoning Ordinance for additional information*

MASTER PLAN

Area	Description
A	Ritz-Carlton Resort Hotel
A1	Ritz-Carlton Resort Villas
B	Resort Related Luxury Homes
C	Ritz-Carlton Resort Branded Homes
D	Resort Related Attached Residences
E1	Resort Related Retail
E2	Resort Related Mixed Use (Final Site Plan Deferred)





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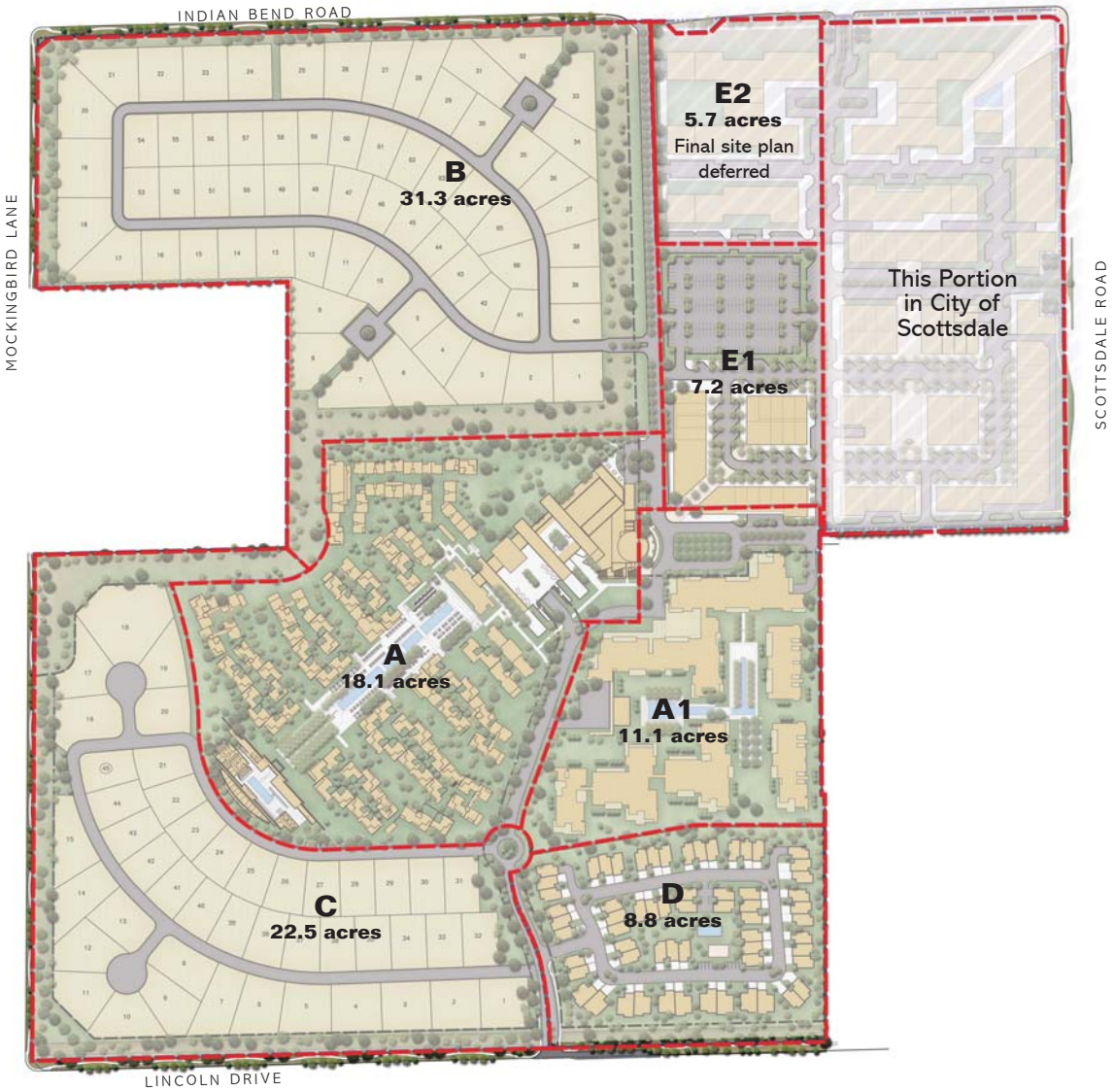
NELSEN PARTNERS
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480.949.6800
contact: George A Melara

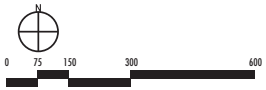
WITHEY MORRIS, PLC
Land Use & Zoning Attorney
2525 E Arizona Biltmore Cir | Ste A-212
Phoenix, Arizona 85016
602.230.0600
contact: Jason Morris

FIVE STAR DEVELOPMENT

MASTER PLAN

Area	Description	Acreage
A	Ritz-Carlton Resort Hotel	18.1
A1	Ritz-Carlton Resort Villas	11.1
B	Resort Related Luxury Homes	31.3
C	Ritz-Carlton Resort Branded Homes	22.5
D	Resort Related Attached Residences	8.8
E1	Resort Related Retail	7.2
E2	Resort Related Mixed Use (Final Site Plan Deferred)	5.7
	TOTAL	104.7 Acres- Post Dedication





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FIVE STAR DEVELOPMENT

2015 Proposed SUP Overview

Area	Land Use Product	Gross Acreage	Proposed Residential Units	Residential Lot Sizes	Average Unit Size Conditioned, sf [9]	Maximum Total Residential Floor Area, sf [4]	Maximum Total Resort Related Floor Area, sf [4]	Lot Coverage: Drip Line Area, sf	Area Coverage, Percentage [1]	Maximum Height, ft [2]
A	The Ritz-Carlton Resort Hotel	18.1	Public Spaces				352,000	234,000	29.7%	48'
			200 Hotel Rooms							24'
	Accessory & Service Structures						15,000			16'
A1	Ritz-Carlton Resort Villas	11.1	94 Resort Villas				328,000	149,000	30.8%	36'
	- Food & Beverage						32,000			24'
	Subtotals - A & A1	29.2					727,000	383,000	30.1%	
B	Resort Related Luxury Homes	31.3	66	10,000 sf min	4,000	453,750		336,600	24.7%	20' /24' [3]
				13,540 sf avg [9]						
				20,320 sf max [9]						
C	Ritz-Carlton Resort Branded Homes	22.5	45	12,000 sf min	4,000	309,375		236,250	24.1%	20' /24' [3]
				14,191 sf avg [9]						
				37,605 sf max [9]						
D	Resort Related Attached Residences	8.8	62		2,400	209,700		96,950	25.2%	20'/24'/36' [5]
E1	Resort Related Retail	7.2					78,400	78,400	25.0%	30'
	Accessory & Service Structures						3,000			16'
E2	Resort Related Mixed-Use (Deferred)	5.7 [10]								
	Subtotals B,C,D & E1	**69.8**				**972,825**	**81,400**	**748,200**	**24.6%**	
	Total All Parcels (excluding E2)	**99.0**	**Post Dedication**			**972,825**	**808,400**	**1,131,200**	**26.2%**	

Total Square Footage

Residential	972,825
Resort Related	808,400
Total Proposed	1,781,225 sf

Area Setbacks (from post dedication property lines)

North of Lincoln Drive:	50'
East of Mockingbird Lane:	50'
South of Indian Bend Road:	30'
North and East of St. Barnabas Church	10'

Single Family Dwelling Units per Acre

Parcel B	66	du
Parcel C	45	du
Total	111	du

Net Acres	53.8 ac [6]	2.06	du/ac
Gross Acres	54.5 ac [7]	2.04	du/ac
Improved Acres	56.5 ac [8]	1.96	du/ac

Notes:

[1] Area coverage is calculated using drip line of structures including trellises at 50% coverage. Current area coverage values are an approximation. Area Coverage in Area B and Area C will be permitted up to the limits established by the maximum Floor Area for each area.

[2] The maximum heights indicated are measured from finish grade. Finish grade is no more than 2' above existing grade or as depicted on Page E-7.

[3] Residential lots adjacent to public roadway are limited to one story and a 20' maximum height. Specific lots are depicted on Page F-2 and F-3.

[4] Gross area including at-grade garages, patios, trellises, overhangs but excluding fully subterranean basements

[5] 36' (three story) height only occurs as a buffer along the eastern border. Third floor: interior area will not exceed 50%, exterior covered will not exceed 10%, exterior uncovered will not exceed 10% of the second floor area. One story units are limited to 20' in height, two story units are limited to 24' in height. See Page F-4 for specific unit height limitations.

[6] Post-dedication acreage excluding the 1.1 acres earmarked for the Lincoln Drive right-of-way dedication

[7] Pre-dedication acreage including the 1.1 acres earmarked for the Lincoln Drive right-of-way dedication

[8] Improved Acres include landscaped right-of-way (to the back of curb) in addition to the perimeter Area Setbacks

[9] Illustrative values only

[10] The acreage for Area E2 is excluded from the overall Area Coverage calculation

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480.659.4250
contact: Dawn Carter

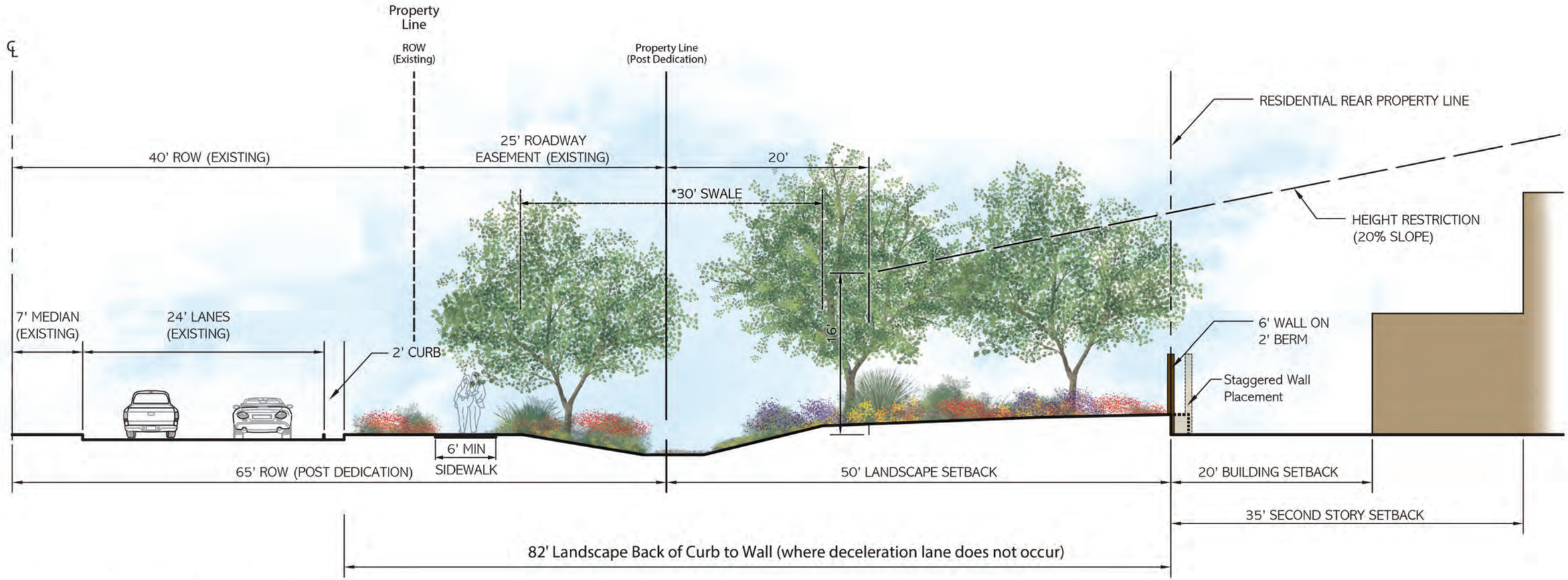
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FIVE STAR DEVELOPMENT



*PENDING FINAL TOWN APPROVED ENGINEERING

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Scottsdale, AZ 85260-5595
480.659.4250
contact: Dawn Carter

CVL CONSULTANTS
Civil, Landscape, Planning, & Survey
4550 N 12th St
Phoenix, AZ 85014
602.264.6831
contact: Ryan Weed

MASON ARCHITECTS
Architecture & Master Planning
957 Industrial Road | Ste C
San Carlos, CA 94070
650.851.8810
contact: Peter Mason

NELSEN PARTNERS
Mixed-Use Architecture
15210 N Scottsdale Rd | Ste 300
Scottsdale, AZ 85254
480.949.6800
contact: George A Melara

WITHEY MORRIS, PLC
Land Use & Zoning Attorney
2525 E Arizona Biltmore Cir | Ste A-212
Phoenix, Arizona 85016
602.230.0600
contact: Jason Morris

FIVE STAR DEVELOPMENT

ANTICIPATED TRANSITIONAL DESERT PLANT PALETTE

(May include but not limited to)

Trees

Foothills Palo Verde

Desert Willow

Ironwood

Shrubs

Hopbush

Fairy Duster

Brittle Bush

Globe Mallow

Accents

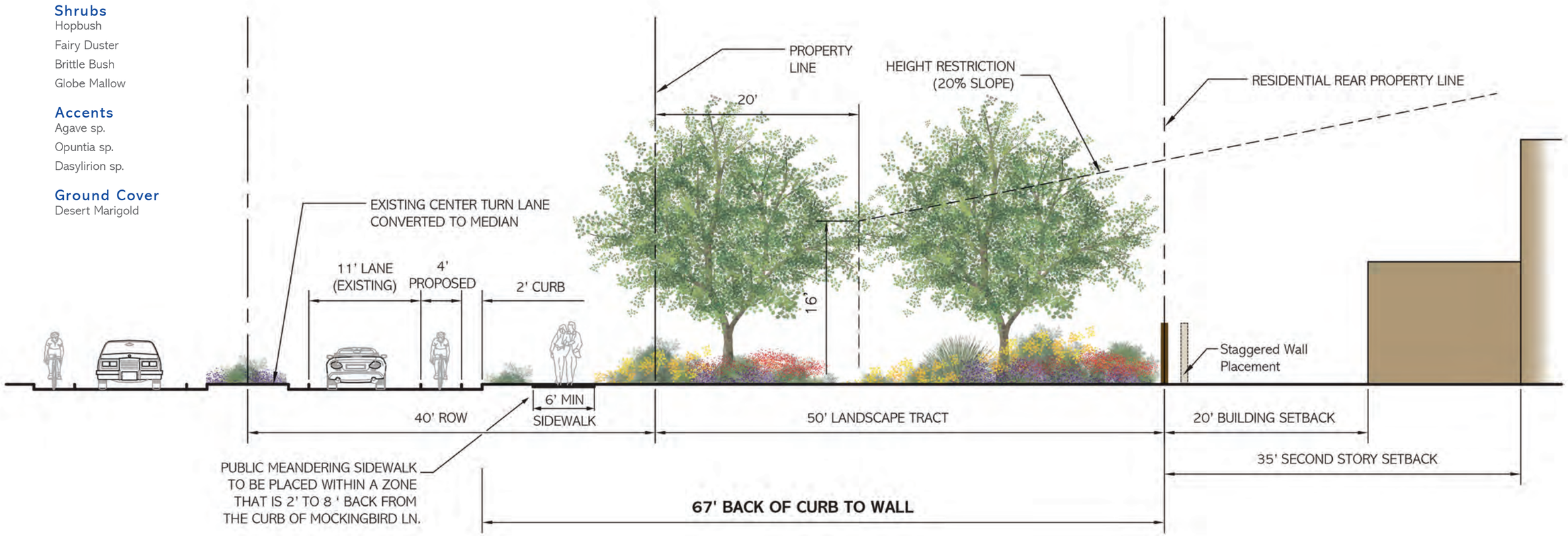
Agave sp.

Opuntia sp.

Dasylirion sp.

Ground Cover

Desert Marigold



CIVTECH, INC
Traffic Engineering
10605 N Hayden Road | Ste 140
Scottsdale, AZ 85260-5595
480.659.4250
contact: Dawn Carter

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contact: Ryan Weed

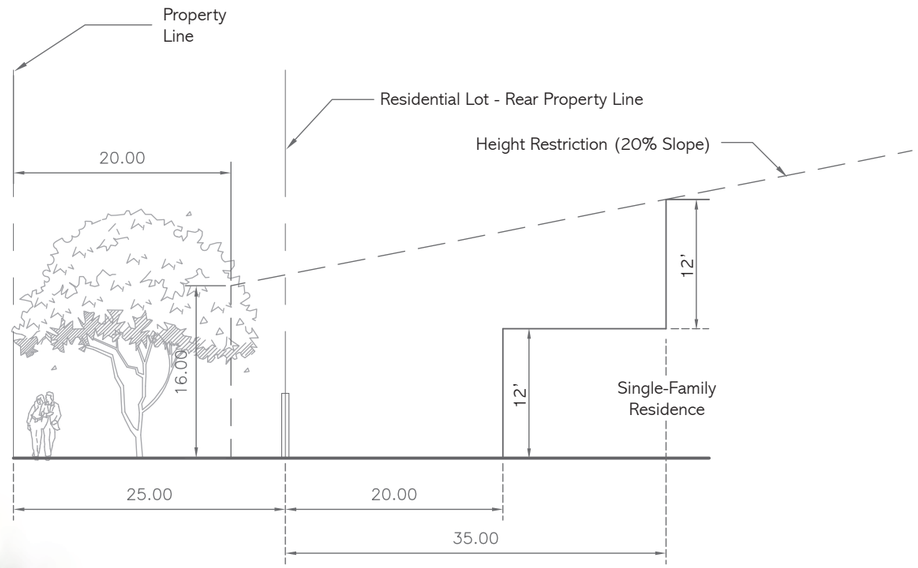
MASON ARCHITECTS
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FIVE STAR DEVELOPMENT





Open Space Criteria

Area B & C Main Building Setbacks	
Front Yard First Floor	20'
Front Yard Second Floor	25'
Side Yard Lots greater than 15,000 sf	15' each side
Side Yard Lots 10,000 - 15,000 sf	20' total (not less than 5')
Rear Yard First Floor	20'
Rear Yard Second Floor	35'
Lot size greater than 15,000 sf	●
Single story home with construction limited to a maximum of 20' in height	✿

Area B & C Accessory Building Setbacks	
Front Yard	10'
Side Yard	5'
Side Yard	10' (that abuts a street)
Rear Yard	10'

Guest Parking:
2 cars in the driveway at each home

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FIVE STAR DEVELOPMENT



THE PALMERAIE®

Master Site Plan

The Palmeraie®

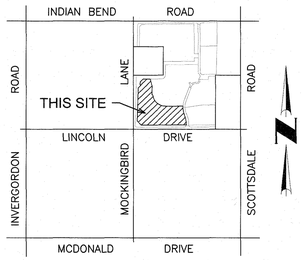
The Ritz-Carlton™ Paradise Valley, The Palmeraie Hotel, Villas, and Estate Homes

FENDI Private Residences

REPLAT

AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED IV

A REPLAT OF AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED II, AS RECORDED IN BOOK 1482 OF MAPS, PAGE 11, AND AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED III, AS RECORDED IN BOOK 1505 OF MAPS, PAGE 15, MARICOPA COUNTY RECORDS, BEING SITUATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP
(NOT-TO-SCALE)

COUNTY RECORDER

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
STEPHEN RICHER
20210290192 03/16/2021 08:34
BOOK 1579 PAGE 31
ELECTRONIC RECORDING

PLAT2101-3-1-1-M-
brodiek

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 A IS A PRIVATE DRIVE. TRACT A CONTAINS 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 "AMENDED 7000 EAST LINCOLN - PARCEL C" IS PURSUANT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT, AND COVENANT RUNNING WITH THE LAND, AND RELEASE RECORDED IN THE OFFICIAL RECORDS OF MARICOPA COUNTY AT DOCUMENT NUMBER 2016-00048361 AND PURSUANT TO SPECIAL USE PERMIT NO. 15-01 ISSUED BY THE TOWN OF PARADISE VALLEY.
6. BUILDING HEIGHTS ARE PURSUANT TO SPECIAL USE PERMIT NO. 15-01 ISSUED BY THE TOWN OF PARADISE VALLEY.
7. CC&R'S FOR THIS DEVELOPMENT ARE AS PER THE FIRST AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, LIENS AND RESTRICTIONS FOR 7000 EAST LINCOLN RESORT COMMUNITY AS RECORDED IN DOCUMENT NO. 2017-0193183 M.C.R.
8. INDIVIDUAL TRACTS OR LOTS CAN INCLUDE POOLS OR OTHER AMENITIES IN CONFORMANCE WITH APPROVED SPECIAL USE PERMIT (SUP-15-01).
9. THOSE PORTIONS OF TRACT B AND LOT 28 WHICH WILL BE DRIVABLE SURFACES TO BE UTILIZED ONLY BY EMERGENCY VEHICLES SHALL BE CONSTRUCTED WITH MATERIALS TO BE APPROVED BY THE FIRE MARSHAL.
10. LOTS 5 THROUGH 14, INCLUSIVE, AND LOTS 22 THROUGH 25, INCLUSIVE, ARE TO BE SINGLE-STORY LIMITED TO A MAXIMUM HEIGHT OF 20 FEET.
11. TWO TREES PER LOT SHALL BE PLANTED WITHIN THE 35' LANDSCAPE EASEMENT ON LOTS 22, 23, AND 24.
12. ACCESSORY STRUCTURES WITH LIVEABLE SQUARE FOOTAGE ON LOTS 5 THROUGH 14, INCLUSIVE, AND LOTS 22 THROUGH 25, INCLUSIVE, SHALL HAVE A REAR YARD SETBACK OF 20 FEET.
13. NO STRUCTURES OR WALLS MAY BE CONSTRUCTED WITHIN THE EMERGENCY ACCESS EASEMENT OVER THE CORNER OF LOT 28.
14. VEHICULAR NON-ACCESS EASEMENT ABANDONED HEREON ALONG THE SOUTH LOT LINE OF LOT 28. A VEHICULAR NON-ACCESS EASEMENT IS DEDICATED HEREON ALONG THE WESTERN LOT LINE OF LOT 28.

BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 00°18'21" EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, ACCORDING TO BOOK 1022 OF MAPS, PAGE 23, MARICOPA COUNTY RECORDS.

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 HOMEOWNERS ASSOCIATION. 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.

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 27-700892.0000 DATED OCTOBER 18, 2016.

ENGINEER

CVL CONSULTANTS, INC
4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
PHONE: (602) 264-6831
FAX: (602) 264-0938
CONTACT: HEIDI TILSON
EMAIL: HTILSON@CVLCI.COM

OWNER

FSPV RES C, LLC
6720 N. SCOTTSDALE ROAD SUITE 130
SCOTTSDALE, ARIZONA 85253
PHONE: (480) 603-1387
CONTACT: GERALD C. AYOUB
EMAIL: JERRYA@FIVESTARDEVELOPMENT.COM

OWNER (LOT 18)

THE GARY L. BRIDGE REVOCABLE TRUST
181 FREMONT STREET, 67B
SAN FRANCISCO, CALIFORNIA 94015
PHONE: (415) 978-9628
EMAIL: GB1776@GMAIL.COM

OWNER (LOT 16)

THE DALTON FAMILY TRUST
5304 E. SAGUARO PLACE
PARADISE VALLEY, ARIZONA 85253
PHONE: (602) 312-9373
CONTACT: MARY ELLEN DALTON
EMAIL: MARYELLENDALTON08@GMAIL.COM

LEGEND

▲	INDICATES SECTION CORNER - FOUND BRASS CAP IN HANDHOLE (UNLESS OTHERWISE NOTED).
⊙	INDICATES FOUND 1/2" IRON PIPE (UNLESS OTHERWISE NOTED).
○	INDICATES CORNER OF THIS SUBDIVISION - SET SURVEY MARKER PER M.A.G. STD DET. 120-1, TYPE "C" MODIFIED (UNLESS OTHERWISE NOTED).
◆	CENTERLINE MONUMENTATION AND STREET ADDRESSING CHANGE - SET BRASS CAP FLUSH UPON COMPLETION OF JOB PER M.A.G. STD. DTL. 120, TYPE "B" (UNLESS OTHERWISE NOTED)
●	INDICATES CENTERLINE MONUMENT
AC	INDICATES ACRES
C1	INDICATES CURVE NUMBER
P.U.E.	INDICATES PUBLIC UTILITY EASEMENT
P.A.E.	INDICATES PEDESTRIAN ACCESS EASEMENT
V.N.A.E.	INDICATES VEHICULAR NON-ACCESS EASEMENT
S.W.L.E.	INDICATES SIDEWALK, WALL AND LANDSCAPE EASEMENT
BSL	INDICATES BUILDING SETBACK LINE
HOA	INDICATES HOME OWNER ASSOCIATION
APN	INDICATES ASSESSSOR PARCEL NUMBER
EX.	INDICATES EXISTING
R/W	INDICATES RIGHT OF WAY
(1)	INDICATES SIGHT VISIBILITY TRIANGLE EASEMENT - 30' X 30'
SVD	INDICATES EAST SIERRA VISTA DRIVE
BVD	INDICATES EAST BELLA VITA DRIVE
*	INDICATES SINGLE-STORY LIMITED LOT
⇦	INDICATES FRONT OF LOT
- - - - - - -	INDICATES RECORDED LOT LINES

SITE TABLE		
GROSS AREA	17.329	754,841 SQ FT
NET AREA	17.329	754,841 SQ FT
ZONING	SUP-RESORT	
YIELD	32	100%
LOTS 10,000 - 15,000 SF	5	33%
LOTS GREATER THAN 15,000 SF	27	67%
GROSS DENSITY	1.85	DU/AC
NET DENSITY	1.85	DU/AC
PRIVATE DRIVE (TRACT A)	2.947	AC

MAIN BUILDING SETBACKS		
FRONT YARD	FIRST FLOOR	20'
	SECOND FLOOR	25'
SIDE YARD	LOTS GREATER THAN 15,000 SF	15' EACH SIDE
	LOTS 10,000 - 15,000 SF	20' TOTAL (NOT LESS THAN 5')
REAR YARD	FIRST FLOOR	20'
	SECOND FLOOR	35'

ACCESSORY BUILDING SETBACKS	
FRONT YARD	10'
SIDE YARD	5'
	10' (ABUTTING A STREET)
REAR YARD	*10'

* REFER TO NOTE NO. 12 REGARDING ACCESSORY STRUCTURES WITH LIVEABLE SQUARE FOOTAGE.

UTILITY PROVIDERS

SEWER	TOWN OF PARADISE VALLEY
WATER	EPCOR WATER
TELEPHONE	COX COMMUNICATIONS/CENTURY LINK
CABLE	COX COMMUNICATIONS
GAS	SOUTHWEST GAS
ELECTRIC	ARIZONA PUBLIC SERVICE

CERTIFICATION

THIS IS TO CERTIFY THAT (1) THE SURVEY OF THE PREMISES DESCRIBED AND PLATTED HEREIN WERE MADE UNDER MY DIRECTION DURING THE MONTH OF NOVEMBER 2015, AND (2) THIS PLAT IS CORRECT AND ACCURATE, AND (3) THE MONUMENT OR MONUMENTS SHOWN HEREIN HAVE BEEN LOCATED AS DESCRIBED.

BY: _____
RICHARD G. ALCOCER
REGISTRATION NUMBER 33851
4550 N. 12TH STREET
PHOENIX, ARIZONA 85014
(602)-264-6831
CVLSURVEY@CVLCI.COM

APPROVAL

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THIS 28 DAY OF January, 2021.

BY: _____
MAYOR

ATTEST: _____
TOWN CLERK

_____
TOWN ENGINEER

_____
PLANNING DIRECTOR

ACKNOWLEDGEMENT

STATE OF ~~ARIZONA~~ California)
) SS
COUNTY OF MARICOPA) San Francisco

ON THIS THE 12th DAY OF Feb, 2021, BEFORE ME

PERSONALLY APPEARED Gary L. Bridges AND ACKNOWLEDGED HIMSELF/HERSELF TO BE AN AUTHORIZED AGENT OF ~~FSPV RES C, LLC, A DELAWARE LIMITED LIABILITY COMPANY~~*, AND ACKNOWLEDGED THAT HE/SHE, AS THE AUTHORIZED AGENT, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE CONTAINED THEREIN.

IN WITNESS WHEREOF:

I HEREBY SET MY HAND AND OFFICIAL SEAL

* The Gary L. Bridge Revocable Trust

BY: _____ MY COMMISSION EXPIRES: ~~8/27/2024~~
NOTARY PUBLIC DATE

AMERICA FOY LARUE
COMMISSION # 2332568
NOTARY PUBLIC - CALIFORNIA
COUNTY OF SAN FRANCISCO
COMM. EXPIRES AUGUST 27, 2024

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS THE 3rd DAY OF March, 2021, BEFORE ME

PERSONALLY APPEARED Gerald C. Ayoub, AND ACKNOWLEDGED HIMSELF/HERSELF TO BE AN AUTHORIZED ~~AGENT~~ OF ~~THE GARY L. BRIDGE REVOCABLE TRUST~~*, AND ACKNOWLEDGED THAT HE/SHE, AS THE AUTHORIZED AGENT, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE CONTAINED THEREIN.

* FSPV Res C, LLC, a Delaware limited liability company

IN WITNESS WHEREOF:

I HEREBY SET MY HAND AND OFFICIAL SEAL

BY: _____ MY COMMISSION EXPIRES: May 28, 2021
NOTARY PUBLIC DATE

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS THE 2nd DAY OF March, 2021, BEFORE ME

PERSONALLY APPEARED Mary Ellen DeHon, AND ACKNOWLEDGED HERSELF TO BE MARY ELLEN DALTON, AND ACKNOWLEDGED THAT SHE, AS THE AUTHORIZED AGENT, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE CONTAINED THEREIN.

IN WITNESS WHEREOF:

I HEREBY SET MY HAND AND OFFICIAL SEAL

BY: _____ MY COMMISSION EXPIRES: May 28, 2021
NOTARY PUBLIC DATE

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

THAT FSPV RES C, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("FIVE STAR"), THE GARY L. BRIDGE REVOCABLE TRUST, AND THE DALTON FAMILY TRUST, AS OWNERS, HEREBY PUBLISH THIS REPLAT FOR "AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED IV", A REPLAT OF AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED II, AS RECORDED IN BOOK 1482 OF MAPS, PAGE 11, AND AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED III, AS RECORDED IN BOOK 1505 OF MAPS, PAGE 15, MARICOPA COUNTY RECORDS, BEING SITUATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISH THIS PLAT AS AND FOR THE REPLAT OF "AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED IV" AND HEREBY DECLARE THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS AND EASEMENTS CONSTITUTING SAME AND THAT EACH LOT AND TRACT SHALL BE KNOWN BY THE NUMBER OR LETTER THAT IS GIVEN TO EACH, RESPECTIVELY, ON SAID PLAT.

FSPV RES C, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("FIVE STAR"), THE GARY L. BRIDGE REVOCABLE TRUST, AND THE DALTON FAMILY TRUST, AS OWNERS, HEREBY DEDICATE TO THE WATER, SEWER, NATURAL GAS, ELECTRIC, TELEPHONE, AND CABLE TELEVISION UTILITY PROVIDERS THOSE PUBLIC UTILITY EASEMENTS (P.U.E) AS SHOWN ON THIS PLAT AND HEREBY DEDICATE THOSE AREAS UNDER AND ACROSS THOSE AREAS AS SHOWN. THE PUBLIC UTILITY EASEMENTS AS ARE FOR THE INSTALLATION, MAINTENANCE, REPAIR AND/OR REMOVAL OF PRIVATE WATERLINES, SEWER LINES, NATURAL GAS, ELECTRIC, TELEPHONE, AND CABLE TELEVISION UTILITIES STRICTLY AS NECESSARY TO PROVIDE SUCH UTILITY SERVICES.

TRACTS "A" AND "B" ARE DESIGNATED FOR THE PURPOSES SHOWN HEREON AND ARE TO BE OWNED BY FSPV RES C, LLC,OR 7000 EAST LINCOLN RESORT COMMUNITY ASSOCIATION, INC., OR OTHER ASSOCIATION CREATED PURSUANT TO THE CC&RS (DEFINED BELOW), AND MAINTAINED PURSUANT TO A DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS TO BE RECORDED IN THE OFFICIAL RECORDS OF MARICOPA COUNTY HEREAFTER (THE "CC&RS").

TRACT "A" IS A PRIVATE DRIVE. TRACT "A" CONTAINS 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 AND WILL BE OWNED BY FSPV RES C, LLC, OR 7000 EAST LINCOLN RESORT COMMUNITY ASSOCIATION, INC., OR OTHER ASSOCIATION CREATED PURSUANT TO THE CC&RS, AND MAINTAINED PURSUANT TO THE CC&RS.

AN EASEMENT FOR PRIVATE WATERLINE, AND EMERGENCY AND SERVICE TYPE VEHICLE ACCESS IS HEREBY DEDICATED TO THE PUBLIC, SOLELY FOR THE FOREGOING PURPOSES, OVER TRACT "B".

AN EASEMENT FOR EMERGENCY AND SERVICE TYPE VEHICLE ACCESS IS HEREBY DEDICATED TO THE PUBLIC, SOLELY FOR THE FOREGOING PURPOSES, AS SHOWN ON LOT 28.

A PERPETUAL, NON-EXCLUSIVE, UTILITY EASEMENT ("EASEMENT") AS DESCRIBED IN THIS PLAT IS GRANTED TO EPCOR WATER ARIZONA INC., AN ARIZONA CORPORATION AND ITS SUCCESSORS AND ASSIGNS (COLLECTIVELY "GRANTEE"), TO CONSTRUCT, OPERATE, AND MAINTAIN WATER LINES AND APPURTENANT FACILITIES (COLLECTIVELY, "FACILITIES") UPON, ACROSS, OVER, AND UNDER THE SURFACE OF THE UTILITY EASEMENTS CREATED BY THIS PLAT (THE "EASEMENT AREA"), TOGETHER WITH THE RIGHT TO OPERATE, REPAIR, REPLACE, MAINTAIN, AND REMOVE THE FACILITIES; TO ADD OR TO ALTER THE FACILITIES WITHIN THE EASEMENT AREA, AND TO PROVIDE GRANTEE WITH REASONABLE INGRESS AND EGRESS TO THE FACILITIES AS NECESSARY. GRANTEE WILL HAVE UNRESTRICTED ACCESS TO THE EASEMENT AREA FOR THE ACTIVITIES DESCRIBED ABOVE AND FORMAL NOTIFICATION OR APPROVAL BY ANY ASSOCIATION PRIOR TO ACCESSING THE EASEMENT WILL NOT BE REQUIRED. GRANTOR SHALL NOT ERECT OR CONSTRUCT OR PERMIT TO BE ERECTED OR CONSTRUCTED ANY BUILDING, STRUCTURE OR SIMILAR IMPROVEMENT WITHIN THE LIMITS OF THE EASEMENT GRANTED HEREIN, GRANTOR SHALL NOT, NOR PERMIT, THE GRADE OVER GRANTEE'S FACILITIES TO BE SUBSTANTIALLY ALTERED WITHOUT, IN EACH INSTANCE, THE PRIOR WRITTEN CONSENT OF GRANTEE, AND GRANTOR AGREES THAT NO OTHER PIPES OR CONDUITS SHALL BE PLACED WITHIN THE PREMISES SUBJECT TO THE EASEMENT GRANTED HEREIN, EXCEPT PIPES CROSSING GRANTEE'S FACILITIES AT RIGHT ANGLES, IN WHICH CASE, A MINIMUM VERTICAL DISTANCE OF TWO (2) FEET (AS MEASURED FROM THE CLOSEST POINTS ON THE OUTSIDE EDGES) SHALL BE MAINTAINED BETWEEN GRANTEE'S FACILITIES AND SUCH OTHER PIPES OR CONDUITS. UNLESS GRANTEE EXPRESSLY CONSENTS IN WRITING OTHERWISE, ANY AND ALL SEWER PIPES CROSSING THE EASEMENT GRANTED HEREIN SHALL BE LAID BELOW GRANTEE'S FACILITIES. NOTWITHSTANDING ANYTHING TO THE CONTRARY HEREIN, GRANTOR SHALL HAVE THE RIGHT TO CONSTRUCT AND ERECT FENCES, TO INSTALL LANDSCAPING, PARKING FACILITIES AND DRIVEWAYS, AND TO ESTABLISH OTHER USES WHICH ARE NOT INCONSISTENT WITH USES WITHIN THE LIMITS OF SAID EASEMENT IN A MANNER WHICH WILL NOT UNREASONABLY INTERFERE WITH GRANTEE'S ACCESS TO THE FACILITIES.

IN WITNESS WHEREOF:

FSPV RES C, LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE GARY L. BRIDGE REVOCABLE TRUST, AND THE DALTON FAMILY TRUST, AS OWNERS OF THE LAND DESCRIBED HEREIN, HAS CAUSED THEIR NAMES TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURES OF THE UNDERSIGNED DULY AUTHORIZED OFFICERS.

FSPV RES C, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: _____ DATE: 3-3-21
MANAGER

ITS: AUTHORIZED SIGNATORY

THE GARY L. BRIDGE REVOCABLE TRUST

BY: _____ DATE: 2/17/21
~~MANAGER~~ TRUSTEE

ITS: AUTHORIZED SIGNATORY

THE DALTON FAMILY TRUST

BY: _____ DATE: 3-2-21
~~MANAGER~~, TRUSTEE

ITS: AUTHORIZED SIGNATORY

GROSS AREA = 17.329 ACRES

SEE SHEET 2 FOR CURVE TABLE AND LINE TABLE
SEE SHEET 3 FOR LOT AREA TABLE

UNOFFICIAL DOCUMENT

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

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

REPLAT
AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED IV
PARADISE VALLEY, ARIZONA

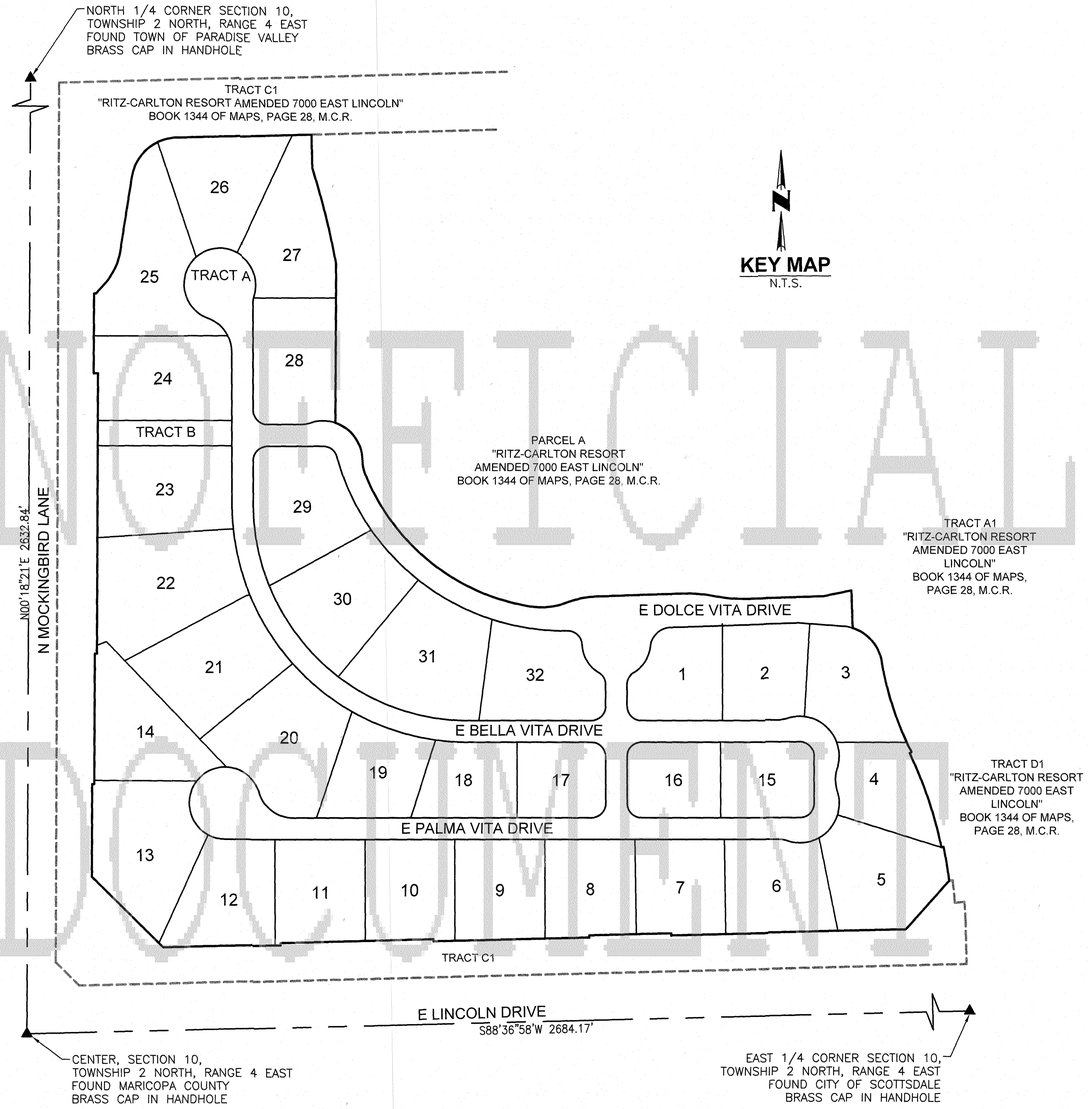
Registered Land Surveyor
CERTIFICATE NO.
33851
RICHARD G. ALCOCER
Date Signed 2-10-21

1 SHEET OF 3

CVL Contact: HEIDI TILSON
CVL Project #: 01-0268908
CVL File #:

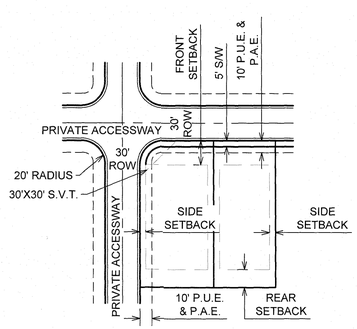
Printed By: Heidi Print Date: February 9, 2021 Filename: N:\01\0268908\1\CADD\Parcel C\DS\C:REPLAT IV.dwg

CURVE TABLE						
NO.	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD-BEARING
C1	65.31'	60.00'	062°21'51"	36.31'	62.13'	S40°47'06"E
C2	125.94'	430.00'	016°46'51"	63.42'	125.49'	S17°59'36"E
C3	6.09'	570.00'	000°36'44"	3.04'	6.09'	N26°04'40"W
C4	138.28'	567.00'	013°58'25"	69.49'	137.94'	S18°47'05"E
C5	47.61'	570.00'	004°47'10"	23.82'	47.60'	S09°24'18"E
C6	51.59'	90.35'	032°43'06"	26.52'	50.90'	N25°28'08"E
C7	90.09'	65.00'	079°24'55"	53.98'	83.05'	S48°49'02"W
C8	136.38'	1098.45'	007°06'48"	68.28'	136.29'	S14°02'28"E
C9	67.72'	55.00'	070°32'58"	38.91'	63.52'	S36°23'40"E
C10	20.00'	55.00'	020°50'10"	10.11'	19.89'	S11°32'16"E
C11	307.35'	300.00'	058°42'01"	168.70'	294.09'	S51°18'22"E
C12	52.77'	100.00'	030°14'05"	27.01'	52.16'	N84°13'35"E
C13	43.57'	131.50'	018°59'09"	21.99'	43.38'	N78°36'07"E
C14	47.62'	208.00'	013°07'05"	23.92'	47.52'	S85°20'45"E
C15	43.96'	192.00'	013°07'03"	22.08'	43.86'	S85°20'44"E
C16	14.52'	60.00'	013°52'07"	7.30'	14.49'	S78°54'05"E
C17	79.83'	60.00'	076°13'58"	47.07'	74.07'	N47°43'10"W
C18	42.69'	30.00'	081°32'18"	25.87'	39.18'	N47°19'35"E
C19	43.95'	48.00'	052°27'44"	23.65'	42.43'	N32°47'18"E
C20	20.60'	20.00'	059°01'20"	11.32'	19.70'	S29°30'30"W
C21	31.42'	20.00'	090°00'00"	20.00'	28.28'	S45°00'10"E
C22	16.65'	55.00'	017°20'29"	8.39'	16.58'	N81°19'35"E
C23	119.69'	55.00'	124°40'58"	104.94'	97.43'	N45°00'10"W
C24	16.36'	55.00'	017°02'32"	8.24'	16.30'	S08°49'03"W
C25	16.36'	55.00'	017°02'32"	8.24'	16.30'	S08°49'23"E
C26	119.69'	55.00'	124°40'58"	104.94'	97.43'	N44°59'50"E
C27	16.65'	55.00'	017°20'29"	8.39'	16.58'	N81°19'56"W
C28	220.38'	50.00'	252°32'33"	-68.14'	80.62'	S36°16'06"W
C29	63.31'	50.00'	072°32'33"	36.69'	59.16'	S53°43'54"E
C30	31.56'	20.00'	090°23'48"	20.14'	28.38'	N44°47'50"E
C31	31.28'	20.00'	089°36'23"	19.86'	28.19'	N45°12'16"W
C32	518.36'	330.00'	090°00'00"	330.00'	466.69'	S45°00'10"E
C33	37.49'	50.00'	042°57'21"	19.67'	36.61'	N48°49'22"W
C34	232.09'	50.00'	265°57'36"	-53.66'	73.16'	S62°40'46"W
C35	9.29'	50.00'	010°38'54"	4.66'	9.28'	S05°19'17"W
C36	31.42'	20.00'	090°00'00"	20.00'	28.28'	S45°00'10"E
C37	16.65'	55.00'	017°20'29"	8.39'	16.58'	N81°19'35"E
C38	34.25'	55.00'	035°40'30"	17.70'	33.70'	N89°30'24"W
C39	101.97'	55.00'	106°13'28"	73.29'	87.98'	N54°13'55"W
C40	25.99'	20.00'	074°27'56"	15.20'	24.20'	N52°46'12"W
C41	117.41'	330.00'	020°23'05"	59.33'	116.79'	N61°57'40"W
C42	30.60'	20.00'	087°40'02"	19.20'	27.70'	N46°55'26"W
C43	46.86'	48.00'	055°56'05"	25.49'	45.02'	S31°03'28"E
C44	20.60'	20.00'	059°01'20"	11.32'	19.70'	N29°30'50"W
C45	31.42'	20.00'	090°00'00"	20.00'	28.28'	N44°59'50"E
C46	471.24'	300.00'	090°00'00"	300.00'	424.26'	S45°00'10"E
C47	31.42'	20.00'	090°00'00"	20.00'	28.28'	S44°59'50"W
C48	31.42'	20.00'	090°00'00"	20.00'	28.28'	S44°59'57"W
C49	31.42'	20.00'	090°00'00"	20.00'	28.28'	N45°00'10"W
C50	31.42'	20.00'	090°00'00"	20.00'	28.28'	N44°59'50"E
C51	31.42'	20.00'	090°00'00"	20.00'	28.28'	S45°00'03"E
C52	494.80'	315.00'	090°00'00"	315.00'	445.48'	S45°00'10"E
C53	446.11'	315.00'	081°08'39"	269.72'	409.75'	S51°19'18"E
C54	47.92'	35.00'	078°27'03"	28.57'	44.27'	N39°34'21"E
C55	5.90'	55.00'	006°08'31"	2.95'	5.89'	S75°43'36"W



KEY MAP
N.T.S.

LINE TABLE		
NO.	BEARING	LENGTH
L1	S64°13'42"W	3.00'
L2	N78°12'07"E	3.00'
L3	N01°23'02"W	3.00'
L4	S01°23'02"E	3.00'
L5	N01°23'02"W	3.00'
L6	S01°23'02"E	3.00'
L7	S89°41'39"E	3.00'
L8	S89°41'39"E	3.00'
L9	S68°09'37"W	14.17'
L10	N89°41'39"W	6.00'
L11	S89°41'39"E	3.00'
L12	N41°49'41"E	18.03'
L13	N78°22'30"E	40.26'
L14	S01°46'17"E	52.59'
L15	S85°50'09"E	15.65'
L16	N00°00'10"W	29.37'
L17	S00°00'10"E	29.37'
L18	N00°00'10"W	35.00'
L19	S89°59'50"W	31.29'

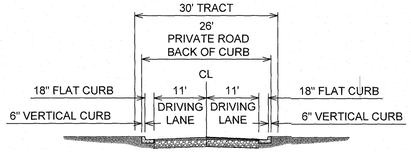


TYPICAL LOT LAYOUT FOR MAIN RESIDENCE ONLY
N.T.S.

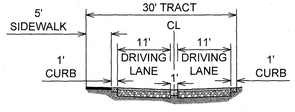
FRONT: 20' FIRST FLOOR, 25' SECOND FLOOR

SIDE: 15' EACH SIDE FOR LOTS > 15,000 S.F.
20' TOTAL FOR LOTS 10,000–15,000 S.F
(NO LESS THAN 5' EACH SIDE)

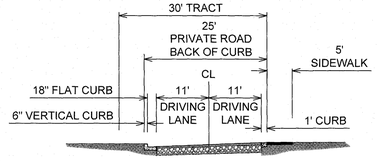
REAR: 20' FIRST FLOOR, 35' SECOND FLOOR



LOCAL PRIVATE ROAD (VERTICAL CURB)
N.T.S.



LOCAL PRIVATE ROAD (INVERTED CROWN)
N.T.S.



LOCAL PRIVATE ROAD (SUPER ELEVATED)
N.T.S.

SEE SHEET 1 FOR LEGEND AND SEE SHEET 3 FOR LOT AREA TABLE

UNOFFICIAL DOCUMENT

COUNTY RECORDER
OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
STEPHEN RICHER
20210290192 03/16/2021 08:34
BOOK 1579 PAGE 31
ELECTRONIC RECORDING

PLAT2101-3-1-1-M-
brodiek

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

DATE
REVISION
NO.

REPLAT
AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED IV
PARADISE VALLEY, ARIZONA

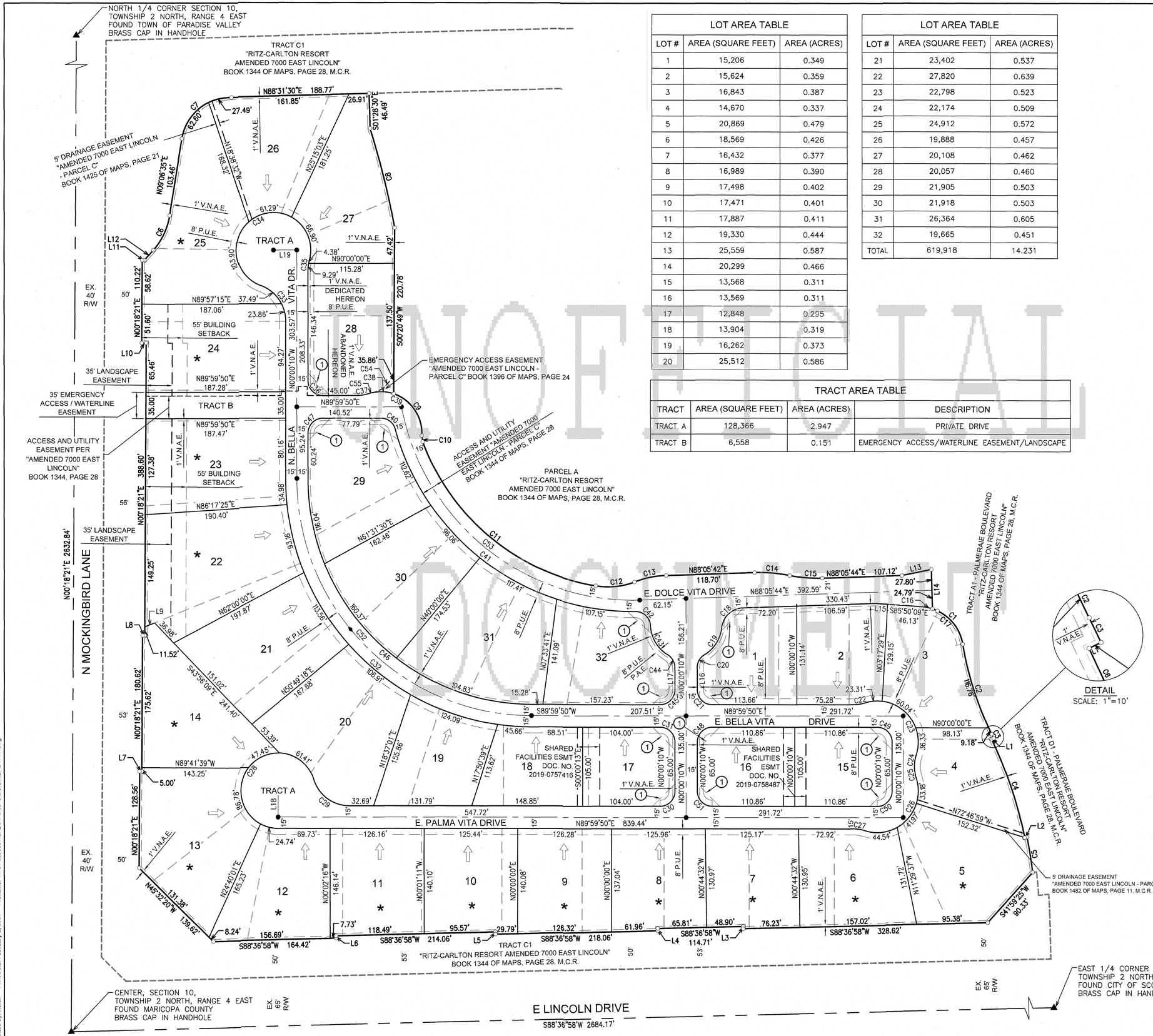
Coe & Van Loo Consultants, Inc.

Registered Land Surveyor
CERTIFICATE NO.
33851
RICHARD G. ALCOCER
Date Signed 10-21
RENEWAL 06/30/2022

SHEET 2 OF 3

CVL Contact: HEIDI TILSON
CVL Project #: 01-0268908
CVL File #:

Printed By: Heidi Print Date: February 8, 2021 Filename: N:\01\0268908\1\CADD\Parcel C\DS.C.REPLAT IV.dwg



LOT AREA TABLE		
LOT #	AREA (SQUARE FEET)	AREA (ACRES)
1	15,206	0.349
2	15,624	0.359
3	16,843	0.387
4	14,670	0.337
5	20,869	0.479
6	18,569	0.426
7	16,432	0.377
8	16,989	0.390
9	17,498	0.402
10	17,471	0.401
11	17,887	0.411
12	19,330	0.444
13	25,559	0.587
14	20,299	0.466
15	13,568	0.311
16	13,569	0.311
17	12,848	0.295
18	13,904	0.319
19	16,262	0.373
20	25,512	0.586

LOT AREA TABLE		
LOT #	AREA (SQUARE FEET)	AREA (ACRES)
21	23,402	0.537
22	27,820	0.639
23	22,798	0.523
24	22,174	0.509
25	24,912	0.572
26	19,888	0.457
27	20,108	0.462
28	20,057	0.460
29	21,905	0.503
30	21,918	0.503
31	26,364	0.605
32	19,665	0.451
TOTAL	619,918	14.231

TRACT AREA TABLE			
TRACT	AREA (SQUARE FEET)	AREA (ACRES)	DESCRIPTION
TRACT A	128,366	2.947	PRIVATE DRIVE
TRACT B	6,558	0.151	EMERGENCY ACCESS/WATERLINE EASEMENT/LANDSCAPE

UNOFFICIAL DOCUMENT

COUNTY RECORDER

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
STEPHEN RICHER
20210290192 03/16/2021 08:34
BOOK 1579 PAGE 31
ELECTRONIC RECORDING

PLAT2101-3-1-1-M-
brodiek

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

DATE
REVISION
NO.

Coe & Van Loo Consultants, Inc.

REPLAT

AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED IV

PARADISE VALLEY, ARIZONA

Registered Land Surveyor CERTIFICATE NO. 33851 RICHARD C. ALCOCER 8-31-22

SHEET 3 OF 3

SEE SHEET 1 FOR LEGEND AND SEE SHEET 2 FOR CURVE TABLE AND LINE TABLE

CVL Contact: HEIDI TILSON
CVL Project #: 01-0268908
CVL File #:

Printed By: Heidi Print Date: February 8, 2021 Filename: N:\01\0268901\CAD\Parcel C\DS C-REPLAT IV.dwg

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20160048362 01/25/2016 02:04
ELECTRONIC RECORDING

ORDINANCE694-31-1-1--
Palumboa

When recorded, return to:
Paradise Valley Town Attorney
6401 East Lincoln Drive
Paradise Valley, Arizona 85253

ORDINANCE NUMBER 694

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING THE ZONING ORDINANCE AND AMENDING THE ZONING MAP TO PROVIDE FOR THE ISSUANCE OF AN AMENDED SPECIAL USE PERMIT FOR PROPERTY ZONED SUP DISTRICT (RESORT) AND THE REZONING FROM SUP DISTRICT (RESORT) TO SUP DISTRICT (RESORT) TO ALLOW FOR A LUXURY RESORT HOTEL WITH INTEGRATED DWELLING UNITS AND RESORT-RELATED RETAIL (THE RITZ-CARLTON, PARADISE VALLEY) FOR THE PROPERTY LOCATED AT 7000 E. LINCOLN DRIVE, GENERALLY BORDERED BY LINCOLN DRIVE TO THE SOUTH, MOCKINGBIRD LANE TO THE WEST, INDIAN BEND ROAD TO THE NORTH, AND THE CITY OF SCOTTSDALE TO THE EAST, WITH THE PROPOSED SUP DISTRICT (RESORT) TO INCLUDE A RESORT COMMUNITY, INCLUDING: A RESORT HOTEL WITH 200 HOTEL KEYS AND SPA, RESTAURANTS, RESORT-RELATED RETAIL, AND MEETING SPACE; 94 RESORT VILLAS; 66 RESORT RELATED LUXURY DETACHED SINGLE FAMILY HOMES; 45 RESORT BRANDED DETACHED SINGLE FAMILY HOMES; 53 RESORT RELATED ATTACHED RESIDENCES; ADDITIONAL RESORT RELATED RESTAURANTS AND RETAIL USES SEPARATE FROM THE HOTEL; AND SITE IMPROVEMENTS INCLUDING PARKING, LANDSCAPING, LIGHTING, AND IMPROVEMENTS TO SITE INFRASTRUCTURE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Paradise Valley Planning Commission held public hearings on October 6, 2015 and October 20, 2015, in the manner prescribed by law, for the purpose of considering a rezoning of the property described in Exhibit A attached hereto ("Property") from SUP District (Resort) to a new SUP District (Resort) and for the purpose of making a recommendation on a proposed SUP District (Resort) amendment for the Property (to be known as the Special Use Permit for The Ritz-Carlton, Paradise Valley), and recommended approval of the new SUP District (Resort) to the Town Council; and

WHEREAS, the Town Council at its meetings on December 3, 2015, and December 17, 2015, held public hearings, as prescribed by law, to hear the request for the rezoning of the Property to a new SUP District (Resort) based upon the recommendation made by the Planning Commission as noted above, and to amend the Town Official Zoning Map to reflect the issuance of a new SUP District (Resort) for the Property; and

WHEREAS, pursuant to Article III of the Town Zoning Ordinance, the Town Council finds that the proposed rezoning is consistent with and conforms to the Land Use Map of the Town's adopted General Plan; and

WHEREAS, the Town Council now desires to approve a rezoning of the Property from SUP District (Resort) to SUP District (Resort), subject to the terms and conditions of the Special Use Permit and Related Stipulations for The Ritz-Carlton, Paradise Valley (Exhibit B attached hereto, incorporated herein by reference, and hereinafter referred to as the "SUP" and the "Stipulations," respectively) and to amend the Zoning Map to reflect such rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THAT:

SECTION 1. Findings. The proposed SUP District (Resort) rezoning is in accordance with Articles III and XI of the Town Zoning Ordinance. Specifically:

a. It is authorized by and is in conformity with the Town's adopted General Plan, as amended;
b. It will not be detrimental to, interfere with, or adversely affect existing uses or character of adjacent properties, persons residing or working in the vicinity, the neighborhood, the public health, safety, peace, comfort and general welfare; and
c. It will be in full conformity with any conditions, requirements, or standards prescribed in the Stipulations, in the Zoning Ordinance, and in the other ordinances of the Town.

SECTION 2. Rezoning. A parcel of land, as described in Exhibit A attached hereto, is hereby rezoned from SUP District (Resort) to a new SUP District (Resort; SUP-15-01) designation, with such changes to be made on the Town's Official Zoning Map, such new SUP District (Resort) to allow for use of the Property as a resort and for those other related uses permitted by the SUP and the Stipulations and as limited in the SUP and the Stipulations.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Effective Date. This ordinance shall become effective as of the Effective Date (as such term is defined in the Stipulations).

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this 21 day of December 2015

Michael Collins, Mayor

SIGNED AND ATTESTED TO THIS 21 DAY OF December, 2015.

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney

STATE OF ARIZONA)
:ss.
COUNTY OF MARICOPA)

CERTIFICATION

I, Duncan Miller, Town Clerk of the Town of Paradise Valley, Arizona hereby certify that the foregoing is a full, true, and correct copy of Ordinance Number 694 duly passed and adopted by a majority vote of the Town Council at a meeting duly called and held on the 21st day of December, 2015. Said Ordinance appears in the minutes of said meeting, and it has not been rescinded or modified and is now in full force and effect.

I further certify that said municipal corporation is duly organized and existing, and has the power to take the action called for by the Ordinance.

TOWN CLERK TOWN OF PARADISE VALLEY SEAL 1961 MARICOPA COUNTY, ARIZONA

Duncan Miller, Town Clerk

VOTE

AYES: 4

NAYES: 3

NOT PRESENT: 0

ABSTAIN: 0

PUBLISHED
January 28, 2016
February 4, 2016

EXHIBIT A
TO
ORDINANCE NUMBER 694
LEGAL DESCRIPTION OF THE PROPERTY

(TOWN OF PARADISE VALLEY NET AREA)

PARCEL NO. 2:

LOTS 1 THROUGH 149 AND TRACTS A THROUGH I, 7000 EAST LINCOLN, ACCORDING TO BOOK 1022 OF MAPS, PAGE 23, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPT THAT PORTION OF TRACT C AND G DESCRIBED IN PARCEL NO. 3.

PARCEL NO. 3:

THOSE PORTIONS OF TRACT C AND G, ACCORDING TO BOOK 1022 OF MAPS, PAGE 23, WHICH LIE WITHIN THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTH 15.00 FEET OF THE NORTH 55.00 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER;

EXCEPT FOR THE WEST 40.00 FEET THEREOF.

TOGETHER WITH THE SOUTH 15.00 FEET OF THE NORTH 55.00 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, ALL IN SECTION 10, TOWNSHIP 2 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2 CONTAINING 104.649 ACRES, MORE OR LESS
PARCEL NO. 3 CONTAINING 0.620 ACRES, MORE OR LESS



Expires: 6/30/2017

EXHIBIT B
TO
ORDINANCE NUMBER 694

TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR THE RITZ-CARLTON, PARADISE VALLEY
SUP-15-01

I. PROJECT DESCRIPTION

Pursuant to Article XI of the Zoning Ordinance of the Town of Paradise Valley, Arizona (the "Town"), the Town hereby grants to Five Star Development Resort Communities, LLC, an Arizona limited liability company, its successors and assigns (collectively, the "Owner"), this Special Use Permit No. 15-01 (with these Stipulations, the "SUP") governing the use the Property. All capitalized terms contained herein shall have the definitions set forth in this SUP.

The Property subject to this Special Use Permit is currently owned by the Owner and is comprised of approximately one hundred and five (105) acres located at the northeast corner of Mockingbird Lane and Lincoln Drive in the Town of Paradise Valley, Arizona, as more particularly described on Exhibit A to Ordinance No. 694.

This SUP is referred to throughout as "this SUP" to distinguish it from the prior Special Use Permit governing the use of the Property. The Town enacted Ordinance No. 603 relating to the prior Special Use Permit for the Property in April 2008. This Special Use Permit supersedes and replaces the prior Special Use Permit effective as of the Effective Date. This Special Use Permit is being granted by the Town to permit the development, construction, use and operation of the Property as a resort subject to and in accordance with these Stipulations and the 2015 Development Agreement.

Subject to these Stipulations, the improvements, facilities, and uses authorized to be developed, constructed, used, operated, and maintained on the Property include the following, which are further described below: Principal Resort Hotel with Hotel Keys and Resort Ancillary Facilities and Uses, Resort Villas, Resort Related Luxury Homes, Resort-Branded Homes, Resort Related Attached Residences, Area E Retail/Restaurant Uses on Area E1 (with the remainder (Area E2) to be further defined by an intermediate amendment to this SUP).

II. DEFINITIONS

"2015 Development Agreement" means the development agreement between the Town and the Owner entered into pursuant to A.R.S. § 9-500.05, which is to be executed concurrently with the approval of this SUP, as amended and restated or supplemented in writing from time to time, and all exhibits and schedules thereto.

"Acceptable Brand" means as defined in the 2015 Development Agreement.

"Affiliate," as applied to any person, means any person directly or indirectly controlling, controlled by, or under common control with, that person (or spouse or children of such person, if such person is a natural person). For the purposes of this definition, (i) "control" (including

with correlative meaning, the terms "controlling," "controlled by" and "under common control"), as applied to any person, means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of that person, whether through the beneficial ownership of voting securities, by contract or otherwise, and (ii) "person" means and includes natural persons, corporations, limited partnerships, general partnerships, joint stock companies, joint ventures, associations, limited liability companies, limited liability partnerships, limited liability limited partnerships, trusts, land trusts, business trusts or other organizations, whether or not legal entities.

"Applicable Laws" means all federal, state, county, and local laws (statutory and common law), and ordinances, rules, regulations, permit requirements, and other requirements and official policies of the Town that apply to the development of the Property.

"Approval Date" means the date on which all of the following have occurred: Ordinance 694 is (i) approved (i.e., voted on) by the Town Council of the Town of Paradise Valley, Arizona, and (ii) signed by the Mayor.

"Approved Plans" means those certain plans and other documents certified by the Town Clerk that are listed in Schedule 1 attached hereto and incorporated herein by this reference.

"Area A," "Area A1," "Area B," "Area C," "Area D," "Area E1," and "Area E2" means those portions of the Property as shown on Page D-1of the Approved Plans. Whenever in these Stipulations a reference is made to an "Area," such reference is to one or more particular Areas on Page D-1 of the Approved Plans.

"Area E1 Retail/Restaurant Uses" means: one or more full service, sit down restaurants (not a fast food restaurant) and/or a gourmet food shop (such as are operated by Dean & DeLuca or Le Grande Orange) and retail facilities, which are open to the general public, offering for sale goods and merchandise or certain services, such as, a café (such as Starbucks or Coffee Bean); full service salon; jewelry store; art gallery; gift items and apparel, sundries, cosmetics, over the counter pharmaceuticals, housewares and related kitchen wares, furniture; fresh or artificial flower sales; art; jewelry; fashion eyewear, fashion clothing, footwear and apparel; cigar or tobacco products; or newspapers, books and periodicals. Area E1 Retail/Restaurant Uses specifically excludes the sale of medical marijuana and stores commonly referred to as convenience store, gas station, or minimart (such as Circle K, 7 Eleven, AM/PM Minimart, Quick Trip, or similar brands of retail establishments that sell as the principal part of their business convenience goods, such as prepackaged food items, tobacco, periodicals, and other household goods, collectively "convenience store"); provided that a convenience store does not include a restaurant or gourmet food shop described above selling the foregoing. Except as provided above, Area E1 Retail/Restaurant Uses does not include establishments that are principally engaged in the provision of services (as opposed to restaurant and retail facilities) that are not subject to the Town's transaction privilege tax or the gross receipts derived from retail sales activities.

"CC&Rs" means one or more sets of conditions, covenants and restrictions applicable to discrete portions of the Property that, among other things, implement provisions of these Stipulations.

"Courtyard Areas" means any residential courtyard areas as defined in Article XXIV of the Town Zoning Ordinance in effect as of the Approval Date of this SUP.

"Effective Date" means the date on which all of the following have occurred: (i) this SUP and the 2015 Development Agreement have been adopted and approved by the Town Council, executed by duly authorized representatives of the Town and Five Star, and recorded (if applicable) in the office of the Recorder of Maricopa County, Arizona; (ii) the Owner has executed and recorded a "Proposition 207" waiver acceptable to the Town that waives certain rights and remedies pursuant to A.R.S. § 12-1134; and (iii) any applicable referendum period has expired without referral, or any proposed referendum has been declared invalid in a final non-appealable judgment by a court of competent jurisdiction, or this SUP (or the 2015 Development Agreement, as applicable) has been approved by the voters at a referendum election conducted in accordance with Applicable Laws.

"Finished Grade" means that the grade that is no more than two (2) feet above existing grade or as depicted on Page E-6 and/or Page H-6 of the Approved Plans.

"Floor Area" means the area under roof added to the floor area of any second and third story; provided, however that "Floor Area" also includes the horizontal solid portion(s) of trellises and/or open weave roofs, and all the horizontal solid portion of area under roof in accessory buildings such as gazebos, ramadas, and other accessory buildings, and the Courtyard Areas in Area B, Area C, and Area D. Floor Area excludes the floor area of any fully subterranean portions of a building, Courtyard Areas for all structures other than in Area B, Area C and Area D. The definition of "Floor Area" shall be subject to the Town Code and Town Zoning Ordinance as of the Approval Date of this SUP.

"Hotel Key" means a hotel room located in Area A, served by a single key, designed, constructed, and maintained with all furnishings, fixtures, and equipment necessary to operate as a single unit for transient occupancy use and used for transient occupancy as part of a Resort Hotel. Each Hotel Key shall have at least one five (5) fixture bathroom and a direct lockable connection from the exterior or a corridor.

"Hotel Quality Standards" means as defined in the 2015 Development Agreement.

"Minimum Hotel Keys" means the two hundred (200) Hotel Keys included as part of the Principal Resort Hotel and owned by a single legal Owner which also owns the Minimum Resort Hotel Improvements.

"Minimum Resort Hotel Improvements" means the minimum improvements included in the initial design and construction of the Principal Resort Hotel and including not less than all of the following elements:

(a) The Minimum Hotel Keys, provided that Hotel Keys in excess of the Minimum Hotel Keys may be owned by an Owner(s) other than the Owner of the Principal Resort Hotel; and providing that one hundred percent (100%) of the Hotel Keys will be a minimum of four hundred and fifty (450) square feet and at least twenty percent (20%) of Hotel Keys will be at least six hundred (600) square feet. All Hotel Keys will have minimum ceiling heights of eight feet six inches (8'6") and a five (5) fixture bathroom.

(b) Two (2) full service restaurants which, together with other restaurants and food service areas, are collectively capable of serving three (3) daily meals and providing room service to the Minimum Hotel Keys.

(c) At least one (1) swimming pool along with facilities (which may be remote from the pool) intended to provide food and beverage service to Resort Hotel guests at the pool.

(d) At least one (1) fitness area to accommodate professional-grade exercise machines and related equipment.

(e) An area or areas for at least one (1) spa, which will provide spa services such as massage services.

(f) A dedicated reception area to accommodate guest check-in, concierge, and cashier; along with an associated lounge with available food and beverage.

(g) A dedicated, covered area to accommodate vehicle or passenger drop off (such as valet parking services) for Resort Hotel guests, including a separate ingress and egress route for vehicles.

(h) A dedicated three (3) division ballroom, a pre-function area, a board room, and an outdoor event space to accommodate meetings and banquets.

"Open Space-Wash Corridor" means an area designated on Page H-6 of the Approved Plans as a wash and greenbelt area that is to be improved and used only for open space and shall not be otherwise developed, except for drainage, landscaping and hardscaping.

"Owner" means Five Star Development Resort Communities, LLC, an Arizona limited liability company and its respective successors and assigns, as well as any subsequent owner of any portion or portions of the Property, including but not limited to, an owner of a Resort Hotel, a Resort Villa, a Resort Related Luxury Home, a Resort-Branded Home, a Resort Related Attached Residence, any part of Area E1 or Area E2, or one or more combinations thereof. An Owner may be an individual, corporation, partnership, limited liability company, trust, land trust, business trust or other organization, or similar entity, which in turn may be owned by individuals, shareholders, partners, members, or benefitted parties under trust agreements, all of which may take any legal form, and may allocate interests in profits, loss, control or use.

"Principal Resort Hotel" means the Resort Hotel in Area A which is designated as the Principal Resort Hotel, is affiliated with one of the Acceptable Brands, meets the Hotel Quality Standards, and includes the Minimum Resort Hotel Improvements. The Principal Resort Hotel shall be owned by a single legal Owner.

"Property" means the real property described in Exhibit A to Ordinance No. 694. The Property is comprised of approximately one hundred five (105) acres of land.

"Resort" means the entire Property and all facilities and other improvements existing, developed or redeveloped and used or useful on the Property in substantial conformance with this SUP.

"Resort Ancillary Facilities and Uses" means: all facilities and uses related or incidental to the operation of a resort or resort hotel, including specifically, but without limitation: restaurants, bars and lounges; spas and salons; fitness facilities; barbershops; indoor and outdoor meeting, convention, display, exhibit, wedding and social function facilities; sale of food and alcohol (for on or off site consumption); catering facilities; outdoor cooking facilities; outdoor dining facilities; gourmet food shops (offering any combination of cooked, frozen, fresh, prepared or pre-packaged foods, beer, wines, liquors, gifts, fresh fruits and vegetables, groceries, sundries, cosmetics, over the counter pharmaceuticals, housewares, and related kitchen, indoor and/or outdoor dining items); deli, coffee, tea, ice cream, yogurt and similar shops or sales; snack bars; central plant, maintenance shop, engineering facilities, housekeeping facilities, laundry, storage and support facilities; valet and other parking facilities, parking decks, garages and areas; automobile rentals; gift and sundries shops; flower sales; art and art galleries; jewelry and jewelry shops; fashion eyewear, footwear and apparel sales; sale of hotel items such as furniture, bedding, art, toiletries; other resort retail; other resort sales and marketing; travel agency offices; tour and other off-site activity offices; administrative, support and other resort offices including temporary offices and facilities for construction, sales, marketing, and design; indoor and outdoor entertainment facilities; ramadas; pools; cabanas; tents; tennis and other recreational or sport uses and services, amenities, recreational facilities and fitness facilities. Any such use or facility may be within any Resort Hotel or separate building(s) located in Area A or A1, individually or grouped in one or more buildings or facilities.

"Resort-Branded Homes" means the forty-five (45) residential units in Area C further described in this SUP.

"Resort Hotel" means the hotel to be designed and constructed within Area A. Resort Hotels provide accommodations for transient occupants (as defined in §4A-477 of the Town Code) and related facilities and services and any Resort Ancillary Facilities and Uses. The Resort Hotel in Area A shall be the Principal Resort Hotel that at all times contains the Minimum Resort Hotel Improvements (subject to force majeure, remodeling, alteration, reconstruction, redevelopment, and similar events).

"Resort Hotel Manager" means the Owner of any Resort Hotel, including any Affiliate thereof or a third party hotel management company which manages any Resort Hotel. A Resort Hotel Manager may also manage any other portions of the Resort, including but not limited to Resort Villas, Resort Related Luxury Homes, Resort-Branded Homes, Resort Related Attached Residences, and Hotel Keys. If any Resort Hotel Manager is not the Owner of a Resort Hotel (or an affiliate of such Owner), it shall initially be a hotel management company which has not less than five (5) years' experience managing full service luxury hotels or resorts or which currently manages not fewer than five (5) full service luxury hotels or resorts.

"Resort Hotel Owner" means the single legal owner of each Resort Hotel.

"Resort Hotel Rental Program" means a rental management program offered and managed by the Owner of the Principal Resort Hotel (or Affiliate thereof) or a Resort Hotel Manager (or Affiliate thereof), which provides rental management service for a Resort Villa or Resort-Branded Home where the Owner of such Resort Villa or Resort-Branded Home elects to include its residence in the Resort Hotel Rental Program.

"Resort Related Attached Residences" means the fifty-three (53) residential units in Area D further described in this SUP.

"Resort Related Luxury Homes" means the sixty-six (66) residential units in Area B further described in this SUP.

"Resort Sign Guidelines" and "Resort Sign Program" means plans and/or a narrative describing signage for the Resort as described in Stipulation 35.

"Resort Villas" means the ninety-four (94) residential units in Area A1 further described in this SUP.

"Special Use Permit" or "SUP" means this Special Use Permit No. 15-01, which includes Schedule 1 and other exhibits thereto and these Stipulations.

"Special Use Permit Guidelines" means special use permit guidelines adopted by the Town and in effect as of the Approval Date.

"Town" means the Town of Paradise Valley, Arizona.

"Town Code" means the Code of the Town of Paradise Valley, Arizona, as amended from time to time, except when this SUP specifically references ordinances or requirements in effect as of the Approval Date, as attached as Schedule 3.

"Town Manager" means the Town Manager or his designee.

"Zoning Ordinance" means the Town's zoning ordinance, as amended from time to time, except when this SUP specifically references ordinances or requirements in effect as of the Approval Date, as attached as Schedule 3.

III. STIPULATIONS

A. GENERAL

1. As of the Effective Date, this Special Use Permit shall supersede and replace any and all prior Special Use Permits related to the Property. Unless and until the Effective Date, the prior Special Use Permit shall remain in effect.

2. This Special Use Permit touches and concerns the land and shall run with the land. Any person having or subsequently acquiring title to any portion of the Property shall be subject to this Special Use Permit, as it applies to the portion of the Property owned thereby and as it may be amended or superseded from time to time. Once an Owner no longer owns a portion of the Property, such prior Owner shall no longer be subject to this Special Use Permit (with respect to such portion of the Property no longer owned) and shall have no further obligations or liabilities hereunder, except that such prior Owner shall remain responsible for its own acts or omissions that resulted in a violation of this SUP during its period of ownership.

3. Development of the Resort shall be in substantial conformance with the Approved Plans and these Stipulations.

4. Lot coverage for the Property as a whole shall not exceed that noted in the Land Density Table in Page D-3 of the Approved Plans.

5. The use of the Property shall at all times conform to this Special Use Permit and all Applicable Laws, except that if there is a conflict between this Special Use Permit and any provision of the Town Code or Zoning Ordinance or other Town requirement, this Special Use Permit shall prevail, except when otherwise required for health, safety, or welfare reasons.

6. If any section, subsection, sentence, clause, or phrase of this Special Use Permit is for any reason held illegal, invalid, or unconstitutional by the final, non-appealable decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Special Use Permit. The Town and the Owner believe and intend that the provisions of this Special Use Permit are valid and enforceable. In the unlikely event that this Special Use Permit is declared by a court of competent jurisdiction to be invalid or unenforceable, the Principal Resort Hotel (if constructed and as then constructed) may continue to be used and operated as a legal non-conforming use in accordance with these Stipulations until such time as a special use permit or other applicable zoning for the Resort is reissued by the Town for the Property.

7. In the case of inconsistencies or conflicts between or among these Stipulations and the Approved Plans, these Stipulations shall govern. In the event of a conflict between the text and the diagrams, drawings or other graphic representations contained in the Approved Plans, the text will prevail and control over the diagrams, drawings, and other graphic representations.

8. Mylar versions and electronic versions of all Approved Plans shall be submitted to the Town within thirty (30) days after the Approval Date.

9. No part of the Resort shall be operated as a Time-Share Project as such term is defined by the Town Zoning Ordinance. No part of the Principal Resort Hotel in Area A may be subdivided for purposes of sale or resale.

10. When applicable, all approvals and determinations by the Town Manager referenced herein shall be governed by the Town Code in effect at the date of that determination, except when this SUP specifically references ordinances or requirements in effect as of a specific date (e.g., see definition of Special Use Permit Guidelines).

11. The Town Manager's approval or determination is provided for in several instances in these Stipulations. The Town Manager shall base his approval on standards and criteria set forth in this SUP, the 2015 Development Agreement, the Town Code, and the Zoning Ordinance, as reasonably applicable, with the intent to implement the viable development of the Resort as provided in this SUP and the 2015 Development Agreement. Recognizing that the final design and building permit process for which any particular

approval of the Town Manager is sought involves multiple stages, including conceptual, schematic, design development and construction documents, an Owner may seek the approval of the Town Manager at one or more stages of such design. Notwithstanding the foregoing, no construction may occur with respect to any particular element or structure until necessary permits for that element or structure are issued. An Owner may rely upon an approval in proceeding from one stage of design to the next. Although the parties intend that this Special Use Permit, the 2015 Development Agreement, the Zoning Ordinance, and the Town Code state a consistent relationship between them, the parties agree that in the event of a conflict between these documents that the order of priority shall be the (1) Special Use Permit, (2) 2015 Development Agreement, (3) Zoning Ordinance, and (4) Town Code; the parties agree that the higher priority document shall control. If the 2015 Development Agreement is declared invalid or unenforceable in its entirety by a court of competent jurisdiction or if a bankruptcy court rejects the 2015 Development Agreement or approves a sale of the Property free and clear of the 2015 Development Agreement, or any portion thereof, then Sections 2.1, 2.2, and 2.3 of the 2015 Development Agreement (together with any exhibits and definitions referenced in those sections) shall be incorporated into this SUP by reference with the same force and effect as if fully set forth herein

12. If any portion of the property is used in violation of the terms of this Special Use Permit, the Town may, after: (1) fair notice; (2) a hearing; and (3) a reasonable opportunity to correct, impose a monetary sanction on the then Owner of such portion, in an amount not to exceed the maximum amount allowed for violations of the Town Zoning Ordinance for each day such violation exists, in addition to all other remedies, orders, or sanctions permitted by Applicable Laws, including, at the Town's election, injunctive relief. No such remedy shall be sought from any other Owner or portion of the Property that is not in violation of this Special Use Permit.

13. Unless otherwise stipulated in this Special Use Permit, amendments to this Special Use Permit shall follow the appropriate process outlined in Article XI, Special Uses and Additional Use Regulations, of the Town Zoning Ordinance, as amended.

B. CONSTRUCTION AND DEVELOPMENT STANDARDS

14. All utilities within the Resort shall be underground (excluding certain equipment typically installed above ground, such as transformers, meters, etc., which shall be appropriately screened) and located within appropriate easements. All water and sewage facilities shall be constructed in accordance with plans approved by the Town Manager.

15. No construction permit shall be issued for any construction on the Property until appropriate engineering or architectural plans are submitted to the Town and the issuance of such construction permit for that particular activity is approved by the Town Manager. Submitted plans shall be required to meet the building code most recently adopted by the Town. However, the Town may issue approvals and/or permits to salvage native plants and stage or prepare the job-site for work with fences, trailers, dumpsters, sanitation, water tanks, material storage, erosion control and dust control measures, and the like, without engineering or architectural plans.

16. During the period of demolition or construction of new improvements, signs shall be posted on the Property (or at the entrance to a particular phase) indicating the name and phone number of a person the public may contact with construction-related concerns. Sign details such as the sign size, height, and location shall be reviewed and approved by the Town Manager.

17. All new construction shall satisfy all fire department requirements for each component of work (which may include temporary fire protection facilities) prior to the issuance of any building permit for such work.

18. Prior to the issuance of a certificate of occupancy for any individual structure, adequate fire, emergency, and other vehicle access and adequate fire service shall be provided for such structure and the particular phase of development in which such structure is located, as determined by the Town Manager.

19. Interiors of the Principal Resort Hotel structure may be remodeled at any time without an amendment to this Special Use Permit or other approvals by the Town (except for appropriate building permits when required by the Town Code so long as such remodeling does not increase or decrease the number of Hotel Keys, the remodeled Principal Resort Hotel continues to comply with the Hotel Quality Standards, and the Principal Resort Hotel continues to include the Minimum Resort Hotel Improvements.

20. One or more locations within the Resort as approved by the Town Manager may be improved and used as a marketing center, inclusive of the construction and occupancy of model homes, for the sales and marketing of the Resort until such time as all construction has been substantially completed and all Resort Villas, Resort Related Luxury Homes, Resort-Branded Homes, and Resort Related Attached Residences have been initially sold.

21. Temporary construction driveway locations are subject to the approval by the Town Manager and are limited to locations on Lincoln Drive and/or Indian Bend Road east of the existing traffic circle.

22. If vertical construction has not commenced within an Area that has been otherwise disturbed by grading or other construction work by a date that is three (3) years after the Approval Date, any such disturbed portion within such Area shall be stabilized and/or landscaped to minimize dust.

23. The Resort Hotel Owner shall submit a construction schedule prior to the issuance of any building permits for a structure to ensure compliance with all Town ordinances and in order to minimize construction nuisances. This construction schedule shall include the following:

    a. Dust and noise control measures

    b. Vehicle/equipment storage/parking

    c. Construction days/hours

d. Location of staging area for construction supplies/equipment

e. Location of any construction trailers and sanitary facilities

f. Location of on-site construction-materials/debris storage

g. Location of fire lanes during the construction period

h. The approximate beginning and ending dates for construction of structures

i. All construction related parking and storage must be contained within the boundaries of the Property and on the adjacent property within the City of Scottsdale owned by Owner.

24. Consistent with the phasing requirements and limitations contained within the 2015 Development Agreement, the Owner shall arrange for construction phasing within an Area (or Areas combined) on the Property in the following sequence:

a. Commence native plant salvage, dust and erosion control measures, job-site mobilization and set-up, and the like.

b. Begin storm water pollution prevention plan and measures.

c. Upon completion of the salvage, erosion and dust control, job-site mobilization, and set-up, commence utility and civil improvements and site work.

d. Upon substantial completion of, or in conjunction with, the utility and civil improvements, commence perimeter walls, and perimeter landscaping (outside the perimeter walls) of the Property along Lincoln Drive, Mockingbird Lane, and Indian Bend Road.

e. Upon substantial completion of above, vertical building improvements for Areas A1, B, C, D, and E1 may commence in accordance with the provisions and limitations contained within the 2015 Development Agreement.

f. Vertical building improvements for Area A may commence at any time after completion of subsections a, b, and c as listed above.

g. Prior to the issuance of any certificate of occupancy for any structure within an Area, all internal streets within such Area, together with the connecting street(s) to a public right-of-way, shall be complete.

25. Subject to requirements for construction of the horizontal or vertical improvements, construction access, emergency vehicle access, erosion control, storm water pollution prevention control, dust control and other measures, portions of the perimeter wall and landscaping may be postponed or re-opened for construction or access, subject to approval by the Town Manager.

26. During construction and development of the Resort, temporary sales and marketing signs may be posted on the Property consistent with a temporary sign program to be submitted by the Owner and approved by the Town Manager.

27. During grading and construction, the Owner shall sweep the streets adjacent to the Property and any other public streets in the Town directly affected by development on the Property using a PM-10 or equivalent capable street sweeper at least three (3) times a week or more, as required by the Town Manager.

28. Screening of any backflow preventer, transformer, or other similar equipment visible from Lincoln Drive, Mockingbird Lane, or Indian Bend Road shall be required and the precise location of such equipment and screening shall be approved by the Town Manager and the utility provider.

29. Stand-alone accessory and service structures over six (6) feet in height (as defined in the Special Use Permit Guidelines) in Areas A and A1, and guard houses (each limited to eight-hundred (800) square feet of Floor Area) in Areas B and C , may be added to the Approved Plans, provided that the total square footage of all the accessory and service structures added together does not exceed fifteen thousand (15,000) square feet of Floor Area, such additions to be provided to the Town Manager as a revised conceptual site plan. Stand-alone accessory and service structures cannot exceed sixteen (16) feet in height and must be set back a minimum of forty (40) feet for any accessory structure and sixty (60) feet for any service structure from any rights-of-way or residential property lines outside of the SUP boundaries and ten (10) feet from any non-residentially zoned property outside of the SUP boundaries.

30. Accessory structures that do not exceed six (6) feet in height above Finished Grade (raising the Finished Grade by placing fill solely for the purpose of adding additional height is prohibited) in Areas A and A1, including, but not limited to, pools, barbeques, fire pits, fireplaces, water features, and other accessory structures, shall be allowed within the boundaries of Areas A and A1, subject to approval by the Town Manager. These accessory structures shall not count towards the fifteen thousand (15,000) square feet of additional Floor Area for stand-alone accessory structures and service structures over six (6) feet in height provided for in Stipulation 29 above.

31. All outdoor lighting not visible off site shall meet the Special Use Permit Guidelines. All outdoor lighting (including fixtures, light source, etc.) visible off site shall be processed through a minor amendment to this Special Use Permit. If the Town receives a complaint from an offsite owner that a lamp or lighting or illumination device within an outdoor light fixture is visible from outside the Property, the Town Manager may inspect the Property and require the Owner of such lighting fixture to shield such light source if the light emitting element is visible from outside the Property.

32. Except as otherwise allowed by Federal or State requirements, antenna and satellite dishes are permitted, as follows:

    a. Satellite dishes must not be located above the roof line. Satellite dishes and antennas greater than twenty-four (24) inches in diameter are permitted, provided that they are

not mounted on the roof and meet all Town Code requirements, including full screening of equipment from view from the public right-of-way or properties not part of this Special Use Permit

b. All wiring shall be contained within a structure, conduit, or underground.

33. Cellular and other wireless transmission antennas are permitted, provided that they comply with this Special Use Permit and all applicable Town ordinances, specifically including the requirement to obtain a conditional use permit pursuant to Article XI of the Zoning Ordinance, as amended; but further provided that no conditional use permit is required for cellular antennas located in the primary structures of the Principal Resort Hotel. Any cellular antennas shall be designed as integrated architectural features within the structures on the Property and any screening shall be in the same finish and color as the structure on which it is located. There shall be no unscreened projections of cellular antennas on any building above the roofline. Any lease agreement with a wireless operator will specifically allow entry by the Town and its agent for the purpose of inspection and compliance with Town ordinances and will require compliance with Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance or any successor ordinance.

34. The final design for Indian Bend Road, Mockingbird Lane, and the Visually Significant Corridor of Lincoln Drive shall be in accordance with the terms of the 2015 Development Agreement.

35. Subsequent to the Approval Date, Owner shall submit comprehensive Resort Sign Guidelines for the overall Resort for review and determination by the Town Manager. Any additional signage which is not shown on the Approved Plans and is visible offsite, beyond the boundaries of this SUP, shall be processed as a minor amendment to this SUP.

36. Perimeter landscaping plans shall be in accordance with the terms of the 2015 Development Agreement and this SUP.

C. DEVELOPMENT AREAS

AREA A – RESORT HOTEL AND RESORT ANCILLARY FACILITIES AND USES

37. Area A may only be improved with a Resort Hotel, which shall be the Principal Resort Hotel, and Resort Ancillary Facilities and Uses. No part of Area A may be subdivided with plats or maps for the purpose of sale or resale. The Principal Resort Hotel shall: include the Minimum Resort Hotel Improvements; comply with the Hotel Quality Standards; and comply with the height, setback, and Floor Area limitations as shown on Page D-3 of the Approved Plans.

38. All mechanical equipment, including pool and fountain equipment, shall be screened so that it is not visible from Paradise Valley properties not a part of this Special Use Permit and from Paradise Valley public rights-of-way. All pool heaters are to be low-profile in configuration. Mechanical equipment and mechanical equipment screens shall be

included in the total height of any structure they are attached to. If applicable, mechanical screening may provide the necessary noise attenuation for any mechanical equipment. All mechanical equipment, along with any screens used for attenuation of noise, shall comply with the allowable noise levels as defined in the Town Code provisions relating to noise, as it is amended from time to time. Noise measurement shall include any installed screening or other attenuation devices.

39. The hours of public operation for the Resort Hotel shall be twenty-four (24) hours per day, seven (7) days a week, except for the hours and operational standards set forth below:

    a. Indoor bars/lounges: 6:00 a.m. to close per state statute.

    b. Outdoor banquets, receptions, weddings, and socials: 6:00 a.m. to 2:00 a.m.

    c. Spa & fitness facilities: Outside members limited to 5:00 a.m. to midnight; and resort guests up to twenty-four (24) hours a day.

    d. Trash pickup: 7:00 a.m. to 7:00 p.m.

AREA A1 – RESORT VILLAS

40. Area A1 may only be improved with up to ninety-four (94) attached residential Resort Villas and uses incidental or accessory thereto (specifically including the Area E1 Retail/Restaurant Uses up to the maximum Floor Area for food and beverage uses shown in Page D-3 of the Approved Plans), as well as common areas and common use facilities and/or amenities, provided that the Resort Villa plans comply with the height, setback, and Floor Area limitations shown on Page D-3 of the Approved Plans. Each Owner of a Resort Villa may occupy it, or permit its family and guest(s) to occupy it, or make it available for residential uses. In addition, each Owner of a Resort Villa may voluntarily participate in the Resort Hotel Rental Program and make its Resort Villa available for transient occupancy uses or hospitality uses, at its sole option, under the terms and conditions of the Resort Hotel Rental Program, provided, however, that any rental of any Resort Villa shall only be done through the Resort Hotel Rental Program. The principal guest of a Resort Villa in the Resort Hotel Rental Program shall register with the Principal Resort Hotel. Nothing shall prohibit a Resort Villa from being sold (and thereafter resold) to a third party, or parties, and used as provided herein.

41. Resort Villas are subject to the following requirements:

    a. Resort Villas shall be constructed in conformance with the development standards set forth in this Special Use Permit.

    b. Resort Villas in the Resort Hotel Rental Program must always meet the Hotel Quality Standards for the Principal Resort Hotel.

    c. Rental of Resort Villas will be processed through the Resort Hotel Rental Program or other similar mechanism where the Principal Resort Hotel can track all rental activity.

d. Each floor of a building containing Resort Villas must contain a room or rooms providing housekeeping closet and room service pantry services.

e. Each Resort Villa must have locking entrance doors tied to a remote master key system located at the guest reception area of the Principal Resort Hotel, which system is capable of issuing new key cards for each Resort Villa as it is rented and cancelling key cards upon expiration of the rental term.

f. Each Resort Villas must be connected to a master television system as would typically be found in a full service luxury resort hotel.

g. Each Resort Villas must be connected to a master communication system that allows intra-system calls to the front desk, concierge, housekeeping, room service, and other hotel services, as typically found in a luxury resort hotel.

h. Any part or individual unit of the Resort Villas may be subdivided (if previously combined) or combined for the purposes of sale or resale provided that the total number of units shall not exceed ninety-four (94).

AREA B – RESORT RELATED LUXURY HOMES

42. Area B may only be improved with up to sixty-six (66) detached single-family residential Resort Related Luxury Homes and uses incidental or accessory thereto, as well as common areas and common use facilities and/or amenities, provided that all such improvements comply with the height and Floor Area limitations shown on Page D-3, and setback limitations as shown on Page F-2 of the Approved Plans. Each Owner of a Resort Related Luxury Home may occupy it or permit its family and guest(s) to occupy it, or make it available for residential uses. Nothing shall prohibit a Resort Related Luxury Home from being sold (and thereafter resold) to a third party, or parties, and used as provided herein.

43. Resort Related Luxury Homes are subject to the following requirements:

a. Resort Related Luxury Homes shall be constructed in conformance with the development standards set forth in this Special Use Permit.

b. Additional walls not shown on the Approved Plans may be constructed on the lot within enclosed private yards, provided they do not exceed six (6) feet in height.

c. Air conditioners may be installed on roofs, provided they shall be screened and noise attenuated so as to comply with the allowable noise levels as defined in the Town Code provisions relating to noise, as it is amended from time to time. Noise measurement shall include any installed screening or other attenuation devices. Such screening shall be included in the overall height of the structure.

d. All outdoor lighting shall comply with Town ordinances.

e. A minimum of thirty-three (33) percent of each lot shall be open and pervious, provided that swimming pools (excluding surrounding deck surfaces) shall be deemed to be open and pervious.

f. Accessory structures that do not exceed six (6) feet in height above Finished Grade, including, but not limited to, pools, barbeques, fire pits, fireplaces, water features and other accessory structures, shall be allowed within the boundaries of each lot, provided they are located in a rear yard screened from public streets. The requirements of the preceding sentence shall not apply to accessory structures adjacent to or visible only from private streets. Accessory structures over six (6) feet above Finished Grade (or under six (6) feet in height but not in an enclosed yard), which may include casitas, gazebos, trellises, and patio covers, shall be allowed on each lot, provided that they comply with the Floor Area limitations shown on Page D-3 of the Approved Plans, are limited to sixteen (16) feet above Finished Grade, and comply with the setbacks on Page F-2 of the Approved Plans.

g. Accessory structures containing livable square footage shall meet the setbacks for the main home and may not exceed sixteen (16) feet in height as measured from Finished Grade.

h. House-mounted basketball backboards and pre-fabricated storage sheds shall not be permitted.

AREA C – RESORT-BRANDED HOMES

44. Area C may only be improved with up to forty-five (45) detached single-family residential Resort-Branded Homes and uses incidental or accessory thereto, as well as common areas and common use facilities and/or amenities, provided that all such improvements comply with the height and Floor Area limitations shown on Page D-3, and setback limitations as shown on page F-3 of the Approved Plans. Each Owner of a Resort-Branded Home may occupy it, or permit its family and guest(s) to occupy it, or make it available for residential uses. In addition, each Owner of a Resort-Branded Home may voluntarily participate in the Resort Hotel Rental Program and make its Resort-Branded Home available for transient occupancy uses or hospitality uses, at its sole option, under the terms and conditions of the Resort Hotel Rental Program, provided, however, that any rental of any Resort-Branded Home shall only be done through the Resort Hotel Rental Program. The principal guest of a Resort-Branded Home in the Resort Hotel Rental Program shall register with the Principal Resort Hotel. Nothing shall prohibit a Resort-Branded Home from being sold (and thereafter resold) to a third party, or parties, and used as provided herein.

45. Resort-Branded Homes are subject to the following requirements:

a. Resort-Branded Homes shall be constructed in conformance with the development standards set forth in this Special Use Permit.

b. Resort-Branded Homes in the Resort Hotel Rental Program must always meet the requirements of the Acceptable Brand for the Principal Resort Hotel.

c. Additional walls not shown on the Approved Plans may be constructed on a lot within enclosed private yards, provided they do not exceed six (6) feet in height.

d. Air conditioners may be installed on roofs, provided they shall be screened and noise attenuated so as to comply with the allowable noise levels as defined in the Town Code provisions relating to noise, as it is amended from time to time. Noise measurement shall include any installed screening or other attenuation devices. Such screening shall be included in the overall height of the structure.

e. All outdoor lighting shall comply with Town ordinances.

f. A minimum of thirty-three (33) percent of each lot shall be open and pervious, provided that swimming pools (excluding surrounding deck surfaces) shall be deemed to be open and pervious.

g. Accessory structures that do not exceed six (6) feet in height above Finished Grade, including, but not limited to, pools, barbeques, fire pits, fireplaces, water features and other accessory structures, shall be allowed within the boundaries of each lot, provided they are located in a rear yard screened from public streets. The requirements of the preceding sentence shall not apply to accessory structures adjacent to or visible only from private streets. Accessory structures over six (6) feet above Finished Grade (or under six (6) feet in height but not in an enclosed yard), which may include casitas, gazebos, trellises, and patio covers, shall be allowed on each lot, provided they comply with the Floor Area limitations shown on Page D-3 of the Approved Plans, are limited to sixteen (16) feet above Finished Grade, and comply with the setbacks on Page F-3 of the Approved Plans.

h. Accessory structures containing livable square footage shall meet the setbacks for the main home and may not exceed sixteen (16) feet in height as measured from Finished Grade.

i. House mounted basketball backboards, and pre-fabricated storage sheds shall not be permitted.

AREA D – RESORT RELATED ATTACHED RESIDENCES

46. Area D may only be improved with up to fifty-three (53) attached single-family residential Resort Related Attached Residences and uses incidental or accessory thereto, as well as common areas and common use facilities and/or amenities, provided that all such improvements comply with the height, setback, and Floor Area limitations shown on Page D-3 of the Approved Plans. Each Owner of a Resort Related Attached Residence may occupy it or permit its family and guest(s) to occupy it, or make it available for residential uses. Nothing shall prohibit a Resort Related Attached Residence from being sold (and thereafter resold) to a third party, or parties, and used as provided herein.

47. Resort Related Attached Residences are subject to the following requirements:

a. The Resort Related Attached Residences shall be constructed in conformance with the development standards set forth in this Special Use Permit.

b. Accessory structures that do not exceed six (6) feet in height above Finished Grade, including, but not limited to, barbeques, fire pits, fireplaces, water features and other accessory structures, that are not over one hundred and fifty (150) square feet in size, not shown on the Approved Plans may be constructed on a lot when otherwise in compliance with this Special Use Permit.

OPEN SPACE-WASH CORRIDOR

48. The Open Space-Wash Corridor shown on Page H-6 of the Approved Plans shall be constructed in substantial conformance with the Approved Plans and with landscaping and hardscaping as approved by the Town Manager. Thereafter the Open Space-Wash Corridor shall be maintained by a master association and used only for stormwater conveyance and detention, public trails, benches, and permanent open space and shall not be otherwise developed, except for landscaping and hardscaping, including but not limited to: pathways, seat walls, benches, sculptures, entry monument signage, water features and storm water detention systems. Public access to the Open Space-Wash Corridor may only be restricted when flooding or other conditions exist so as to require such restrictions in order to protect the health, safety, and welfare of the public. No roadways or other motorized vehicular access shall be permitted on or across the Open Space-Wash Corridor, except as provided on the Approved Plans and for temporary access in order to perform landscape maintenance and other related maintenance. No parking of vehicles shall be permitted on any portion of the Open Space-Wash Corridor.

AREA E1 – RETAIL APPROVAL AND FUTURE AREA E2 APPROVAL AREA

49. Current Approvals for Area E1 and Future Uses and Approval Process for Area E2

a. Area E1 may only be improved at this time with Area E1 Retail/Restaurant Uses. All improvements to Area E1 shall comply with the height, setback, parking requirements, and Floor Area limitations shown on Page D-3 of the Approved Plans. Building exteriors in Area E1 shall be maintained in good working condition and absent any visible signs of disrepair.

b. Future improvements to Area E2 shall only be allowed as permitted by an intermediate amendment to this SUP (as provided in Article XI of the Zoning Ordinance). The Town and Owner anticipate Area E2 may include the following uses: resort hotel, resort-related retail, resort-related above-ground parking structure or structures, and resort-related health services. No use for Area E2 shall be deemed approved unless and until the intermediate amendment referenced above is obtained. The intermediate amendment to the SUP shall determine the square footage approvals for each of these uses, as well as the heights, setbacks, and locations of each such use. Processing of any plat approval or building permits for Area E2 shall not be permitted until after the intermediate amendment has been processed by the Town.

c. Stand-alone accessory and service structures over six (6) feet in height (as defined in the Special Use Permit Guidelines) in Area E1 may be added to the Approved Plans, provided that the total square footage of all the accessory and service structures added together does not exceed three thousand (3000) square feet of Floor Area within Area E1, such additions to be provided to the Town Manager as a revised conceptual site plan. Stand-alone accessory and service structures cannot exceed sixteen (16) feet in height and must be set back a minimum of forty (40) feet for any accessory structure and sixty (60) feet for any service structure from any rights-of-way or residential property lines outside of the SUP boundaries and ten (10) feet from any non-residentially zoned property outside of the SUP boundaries.

d. Accessory structures that do not exceed six (6) feet in height above Finished Grade (raising the Finished Grade by placing fill solely for the purpose of adding additional height is prohibited) in Area E1 shall be allowed within the boundaries of Area E1, subject to approval by the Town Manager. These accessory structures shall not count towards the three thousand (3000) square feet of additional Floor Area for stand-alone accessory structures and service structures over six (6) feet in height provided for in Stipulation 49.c above.

D. TEMPORARY USES/EASEMENT/MAINTENANCE

50. Temporary tents or pavilions may be erected in the locations shown on Page E-4 of the Approved Plans, provided that such temporary tents or pavilions shall not remain erected for more than sixteen (16) consecutive days per event. No tent shall be higher than twenty-four (24) feet above Finished Grade.

51. Special events shall be permissible, with or without temporary tents or pavilions, provided these events are in accordance with the Article 8-8, Special Events on Private Property and Public Rights-of-Way, of the Town Code, with the following conditions:

    a. As allowable in said Article 8-8, Special Use Permit properties are exempt from the Special Event permit review process provided that such exempted events are limited to the type of activities that are customary and incidental to the primary uses of this Special Use Permit and any temporary tents or pavilions comply with Stipulation 50.

    b. Exemption from the Special Event permit review process does not exempt the Owner from any applicable required permit inspections related to public health, safety, and welfare by the Town, the State of Arizona, or other applicable jurisdiction. Town permit inspections are determined as follows:

        i. A permit from the Town Fire Marshal, or designee, shall be required for any structure or tent having an area in excess of two hundred (200) square feet or a canopy in excess of four hundred (400) square feet.

        ii. Review by the Town Community Development Department shall be required for the provision for and location of any portable restroom facilities.

c. Any temporary tents or pavilions not in the locations shown on Page E-4 of the Approved Plans may be approved in accordance with Article 8-8-10, Procedure for Review of Application and Appeal of Decision, of the Town Code.

d. Temporary tents or pavilions must meet a minimum setback of forty (40) feet to the exterior property line of the Property.

e. Placement of any temporary tent or pavilion shall have no adverse impact on parking or circulation.

52. The following provisions in this Stipulation 52 shall be set forth in easements and/or CC&Rs or other recorded instruments (which may include recorded plats or maps), to be recorded on (or otherwise encumber title to) the Resort or such part thereof for which such provision is germane. Such recordation shall occur concurrently with or prior to recordation of any applicable final plats or final maps as the case may be for a particular phase of development. As a condition to approval of a final plat(s) or final map(s), if such final plat or final map does not itself address the provisions in this Stipulation 52, then any necessary recorded instruments (other than the plat or map itself) shall be approved by the Town Manager; provided that, (i) the Town's review shall be limited to whether such recorded instrument satisfies the provisions in this Stipulation 52, and (ii) if the recording satisfies the provisions in this Stipulation 52, the Town's approval shall not be unreasonably withheld. Easements within any lot or parcel boundary will not affect setback measurements or determination of lot areas. Any lot within an Area can provide (by easement or otherwise) parking, drives, utilities, and signs for another lot within an Area, including lots owned by different Owners.

a. Easements

i. Vehicular and pedestrian access easements providing access to public rights-of-way as reasonably determined by the Owner and benefiting all Owners within the Resort shall be dedicated and maintained. The adequacy of such easements shall be reasonably approved by the Town Manager.

ii. Utility and drainage easements shall be dedicated to the utility provider, the Town, and/or the Owner as the case may be, as reasonably determined by the Town Manager. Any such easement shall be maintained in accordance with applicable requirements of the utility or the Town, as applicable. Where required by law, such easements shall be shown on the final plats or final maps.

b. General Maintenance Rights and Responsibilities

i. The Resort may be developed in one or more phases as provided in the 2015 Development Agreement. A general infrastructure plan for each phase shall be formulated by each Owner which shall set forth common elements for roadways, utilities (including fire service), lighting, gates, landscape, walls and other elements for the use, benefit, enjoyment and safety of all of Owner's guests, employees and other invitees of the Resort. Some of such common elements

may benefit all phases of the Resort, while others may serve only one or more phases of the Resort.

ii. A maintenance, repair, and replacement regime shall be formulated by Owner(s) and incorporated into one or more CC&Rs, which shall be a first priority lien (junior only to existing matters of record other than monetary liens and the 2015 Development Agreement) on the Resort or each particular phase, as the case may be. Said regime shall provide for governance through a master developer of the Resort or of a phase, or through an authorized or duly formulated association of certain, some, or all Owners of the Resort or phased parts thereof. Said regime shall set forth and contain the minimum following elements:

(a) All exterior portions of all structures and all roadways, parking areas, landscaping, walls, pools and lighting shall be kept and maintained in a first class condition, commensurate with a mixed use resort project serving multiple uses and Owners so that each part is benefited by the first class condition of each other part.

(b) Adequate and reasonable assessments shall be made of each Owner to reasonably fund estimated budgets for the maintenance, repair, replacement, and care of the completed Resort and/or each phase thereof.

(c) A governance mechanism to protect all Owners and insure the reasonable and adequate maintenance of all components of all phases of the Resort, including the power to access and enter upon the property of another for the purpose of enforcing the regime.

(d) Architectural guidelines to insure that the requirements of this Special Use Permit are adhered to in the initial and any redevelopment of the Resort. Such architectural guidelines may be administered through an Owner as master developer of the Resort or phase therein, a master association for the Resort, or an association for a particular phase as the case may be, it being the intention of the Town that the Resort be developed in a cohesive, cooperative and harmonious manner which adheres to the requirements of this Special Use Permit and such other requirements Owner may formulate from time to time.

c. 2015 Development Agreement Provisions

i. A mechanism for the master association to perform obligations under the 2015 Development Agreement that are to be performed by an "Owners Association," as defined in the 2015 Development Agreement.

ii. An acknowledgement applicable to the master association and all of the Owners of property governed by the master association that (i) they are bound by this SUP and the 2015 Development Agreement and (ii) an acknowledgement that this SUP and the 2015 Development Agreement constitute valid, binding and enforceable obligations, enforceable according to their terms.

iii. A release in favor of the Town as a third party beneficiary substantially in conformance with the "Five Star Release," as defined in the 2015 Development Agreement, applicable to the master association and all of the Owners of property governed by the master association.

53. The streets, drives, surface parking lots and common landscaping areas within the Property shall be constructed and maintained by the Owner. A covenant will be recorded on the Property and shall run with the land and shall be binding thereon (which may be set forth in CC&Rs) providing the Town with a right (but not the obligation) to perform repair of streets, drives, surface parking lots and common landscaping areas within the Property. In the event that the Town Manager finds, in his or her reasonable discretion, that the streets, drives, surface parking lots and common landscaping areas within the Property are not reasonably maintained, the Town may give the Owner of the affected area and the Owner(s) of all lot(s) or unit(s) within the Area a written notice to undertake appropriate maintenance to cure such condition. Notice pursuant to this Stipulation 53 shall be given by certified mail to an Owner to the address as shown on the records of the Maricopa County Assessor. If the condition remains uncured for sixty (60) days after notice thereof in writing is given by the Town, or if the condition is such that it cannot be reasonably corrected within sixty (60) days, the correction thereof not having been commenced and thereafter diligently prosecuted within sixty (60) days from receipt of such written notice, the Town may enter the Property and perform such work necessary to cure the condition. In connection with the foregoing work, the Town may assess the actual, reasonable costs and expenses related to such work against the Owner(s) of the lots/units within such Area on a pro rata, per lot/unit basis (based on gross square footage of all lots/units) and such Owner(s) shall remit payment to the Town within thirty (30) days after receipt of an invoice together with the reasonable supporting materials from the Town. If an Owner fails to remit its prorated payment within the thirty (30)-day period, the Town may file a lien against such Owner's lot/unit for any such unpaid amount due to the Town and enforce such lien as provided by and pursuant to Arizona law; provided that the Town shall, under any circumstances, be required to provide no less than thirty (30) additional days written notice to such Owner(s) prior to filing any lien pursuant to this Stipulation 53.

E. PARKING AND CIRCULATION

54. Parking shall meet or exceed the parking requirements set forth on in the parking study incorporated into the Approved Plans. Any change in use of the Resort that increases the parking demand over the parking requirements set forth in the parking study incorporated into the Approved Plans must be approved as a minor amendment to this Special Use Permit. The Owner shall submit a revised parking study which reflects the parking demands of the final Approved Plans within thirty (30) days of the Effective Date.

55. All contracts between the Resort Hotel Owner and any valet company or other parking company shall include an acknowledgment and agreement that such company shall not park any vehicles on public streets in the Town. Buses and other vehicles may be used to shuttle guests or employees to or from parking areas not located on the Resort, and between the Resort and other destinations (e.g., airport, shopping facilities, golf courses,

attractions, etc.). Any catering agreement between Resort Hotel Owner and any resident or guest booking events at the Resort shall include an acknowledgement and agreement that catering vehicles may not park on public streets in the Town.

56. Unlicensed support vehicles (i.e., golf carts, utility vehicles, etc.) may be used to transport guests and residents and provide services to any Area of the Resort, but shall not be used or parked on any public street.

57. All designated fire lanes shall maintain a vertical clearance of fourteen (14) feet above Finished Grade and a horizontal clearance of twenty (20) feet to allow passage of emergency vehicles, and must meet all current Arizona Department of Transportation standards. Emergency access points are only to be utilized for emergency vehicles; no deliveries or other use of emergency access points is allowed.

58. At any time when the parking demand within the Resort is expected to exceed onsite capacity, the Owners of the affected areas shall initiate a parking management plan, which may include valet parking or offsite parking arrangements (but not the use of parking on any public street within the Town).

59. All streets, drives, sidewalks, and paved areas constructed shall remain private; provided, however, that all new streets constructed shall be in compliance with Page D-12 of the Approved Plans and shall be of adequate width and design, as determined by the Town, to permit the provision of fire and police protection to the Property.

60. The eight (8) feet wide public trail located in the Open Space Corridor shall remain ungated and unobstructed at all times except as necessary for storm events and maintenance. The trail must meet Americans with Disabilities Act requirements.

61. Proposed guard gates and guardhouses shall be in the general locations shown on the Resort Wall Master Plan to be approved by the Town Manager and must meet the standards of the Special Use Permit Guidelines and the Zoning Ordinance in effect as of the Approval Date.

62. All proposed cul-de-sacs in Areas B and C shall have a right-of-way radius of not less than forty-five (45) feet with an improved traffic circle having a radius of not less than forty (40) feet.

63. No loading, truck parking, trash containers, or outdoor storage area shall be located within one hundred (100) feet of residentially zoned property outside of the Property's boundaries. All such areas shall provide visual and noise screening to minimize impacts on adjacent residential property.

F. MANAGEMENT

64. There shall be at least one person at the Resort at all times who has been thoroughly briefed on the provisions of this Special Use Permit and who has the authority to resolve all problems related to compliance with this Special Use Permit and compliance with the Town Code. All calls from Town residents to the Town or Resort regarding noise or

disturbances shall be referred to and addressed by such person(s). Maintenance of the Resort in general, and all common areas specifically, shall be coordinated through a single unified management entity, which may be the Owner of the Principal Resort Hotel or a master association of Owners.

65. At all times, the Property shall remain under unified management through a master association and shall be operated as an integrated resort facility. There may be sub-associations relating to specific Area(s) within the overall Property. Area E1 may be under a separate management company on behalf of the owners/landlord(s).

G. COMMUNITY OUTREACH

66. Subsequent to the approval of this Ordinance, the Owner shall implement the Community Outreach Plan set forth on Schedule 2.

H. PLAT AND MAP APPROVAL

67. Plat and map approval shall be processed in accordance with the terms of the 2015 Development Agreement.

Summary of Five Star (Ritz) Special Use Permit (SUP) Amendments 7000 E Lincoln Drive

SUP #	Date Approved	Nature of Approval
SUP-24-01	XXX	Minor SUP Amendment for Area C (Ritz-Carlton Resort Branded Homes) to remove the second-story setback requirement for Lots 15-19.
SUP-19-06	January 7, 2020	Minor SUP amendment for Area C (Ritz-Carlton Resort Branded Homes) to allow expanded basement lightwells to encroach into the building setbacks, allow chimneys and chimney screens to extend 3 feet above the maximum height limit of the house, and to modify several fence/retaining wall heights.
SUP-18-15	January 9, 2019	Minor SUP amendment for Area A-1 to modify the building heights of the Resort Villas.
SUP-18-14	December 4, 2018	Minor SUP amendment for Area C (Ritz-Carlton Resort Branded Homes) to modify the size and height of the guard house, add control arm gates to the guard house, and increase the fence wall heights.
SUP-18-13	December 4, 2018	Minor SUP amendment for Area A of the main resort to modify the footprint, modify the heights and grades around the hotel building, and add more square footage to the project
SUP-18-09	August 9, 2018	Managerial SUP amendment in Area A of the main resort related to site pad grades, plan elevations, and related matters.
SUP-18-02	February 20, 2018	Minor SUP amendment for modification to interior walls in Area B (Azure by Shea Homes).
SUP-17-08	December 19, 2017	Minor SUP amendment for Area B (Azure by Shea Homes) for an 11-foot high entry wall and a subdivision sign.
SUP-17-04	July 25, 2017	Minor SUP amendment for Area B for expanded and elongated (joined) basement window wells to allow additional natural light into the basement areas and provide for outdoor living space. The request also included removal of the 5'-wide sidewalk from the 2015 SUP which was denied.
SUP-15-01	January 14, 2016 December 21, 2015	Major SUP amendment to allow for a luxury resort hotel with integrated dwelling units and resort related retail via Ordinance 694 and a Development Agreement via Ordinance 696. This SUP rescinded prior SUP approvals.
SUP-08-05	December 2, 2008	SUP amendment to reduce the patio homes from 100 to 88. SUP-15-01 resends this older SUP approval.
SUP-06-02	April 10, 2008	Major SUP amendment for 225 resort keys, spa, restaurants, and meeting space, 100 patio homes, 46 detached homes on 21,000 square-foot lots, and 15 one-acre lots, preliminary plat, and adoption of Resolution 1164 Development Agreement. SUP-15-01 resends this older SUP approval.
SUP-87-14 SUP-87-13 SUP-87-12 SUP-87-11 SUP-87-10	May 14, 1987 April 9, 1987	Phase I and Phase II approval for a new Special Use Permit rezoning (Ordinance 266) for Sun Valley Resort, golf course, preliminary plat, and private road for a mix of resort units, residential lots, and a golf course. The SUP allowed for up to 500 resort keys, 39 R-43 cluster plan lots, and a golf course. SUP-15-01 resends this older SUP approval.

No SUP Number	March 12, 1964	The subject site was annexed into the Town limits by Ordinance 28.

Note: This list contains known Special Use Permit and related amendments when preparing this summary.

March 25, 2024

Ritz-Carlton Residential Lots, Area C, NWC of Lincoln Drive and Mockingbird Lane, Paradise Valley, AZ

Minor Amendment to SUP 01-15 (Ordinance No. 694)

Application Narrative

I. Introduction

The 2015 SUP provides for a Ritz-Carlton Resort Hotel (Parcel A), Resort Villas (Parcel A1), Resort related luxury homes (Parcel B), Resort branded homes (Parcel C), Resort related attached residences (Parcel D), and Resort related retail (Parcels E1 and E2). Parcel C is located at the northwest corner of Lincoln Drive and Mockingbird Lane.

The Town's Open Space Criteria requirements were applied along Lincoln Drive and Mockingbird Lane as illustrated in the Road Sections on pages D-9 and D-10 (see attached) of the Ritz-Carlton Resort Technical Book and per the Town's Special Use Permit Guidelines. The result was an establishment of 35'-0" second story rear yard setbacks as shown on page F-3 of the Ritz-Carlton Resort Technical Book. This was set in place to maintain view corridors around the perimeter of the property by limiting building heights. It was also unintentionally applied to the internal lots which do not directly impact view corridors from Lincoln Drive and Mockingbird Lane. Through this application, Five Star Development is seeking approval from the Town of Paradise Valley for the following changes to the 2015 SUP (Ordinance #694), Section C-Development Areas, Area C-Resort-Branded Homes, requirement #44.

1. The removal of the 35' second story rear yard setback requirement from interior lots 15-18 as shown on page F-3 (see attached) of the Ritz-Carlton Resort Technical Book. Any second story will adhere to the 20' rear yard setback requirement. Note that this site has been re-plated since the initial SUP approval so the layout and number of lots illustrated on F-3 do not match the current layout and number of lots. The original site layout called for 45 lots with lots 21-45 backing up to each

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other. With the re-plat, the site was revised to 32 lots, a 28.8% reduction from the original layout, with no properties backing up to each other and separated by streets.

II. Removal of second story setbacks

Lots 15-18 sit within the interior of the Ritz-Carlton Area C and pose no danger to disrupt the view corridors from around the perimeter of the property. Please refer to drawing **A-202** for the location of these lots along with an Open Space Criteria site section showing the height restriction (20% slope) per sheet D-9 of the Ritz-Carlton Resort Technical Book. The rear yard property lines for these lots are approximately 238' from the center line of Lincoln Drive and approximately 162'-6" from the overall site's southern property line. Also, being that these are interior lots, separated from the adjacent front and rear lots by E Stellina Vita Drive to the north and E Palma Vista Drive to the south, building density will not feel constricted due to the open space between these properties.

Lots 15-18 are the smallest lots in Area C. Also, being that this setback is a resultant of the Town's Open Space Criteria, which is typically applied to properties that are 1 acre (43,560 sf) or larger, it has a significant impact on these smaller lots.

1. Lot 17 = 12,848 sf
2. Lot 15 = 13,568 sf
3. Lot 16 = 13, 569 sf
4. Lot 18 = 13,904 sf

This Minor Amendment request will not change or add any uses that are permitted in the current SUP. In addition, the request will not change the existing architectural styles of the current or future residences. The three styles of Modern, Moditerranean and Prairie will be maintained throughout the Resort Branded Homes.

The removal of second story setbacks will not impact the maximum total residential floor area of 309,375 sf and the maximum lot coverage: drip line area of 236,250 sf within the Resort Branded Homes as indicated on the land density table, sheet D-3 of the Ritz-Carlton Resort Technical Book. Nor will it impact the 33% open and pervious requirement of each lot per the 2015 SUP (Ordinance #694), Section C-Development Areas, Area C-Resort-Branded Homes, requirement #44-f.

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Drewett Works will limit the architecture that encroaches into what was the second story setback to non-livable second floor covered patios with a maximum roof cover of 550 square feet. Five Star Development will inform the current and future owners of the homes on these lots that these patios are to remain non-livable and at no time can be enclosed to create additional livable space.

Drewett Works feels that the removal of the 35' second story rear yard setback requirement will not have any material impact on the adjoining property owners that is visible, audible, or otherwise perceptible from adjacent properties that cannot be properly mitigated with the architectural design. The current second story design of the homes on lots 15-18 calls for a covered patio within the space between the current 35' second story rear yard setback and the requested 20' second story rear yard setback. The key/focused views are to the south and north as opposed to the east and the west where these patios are located.

These upper patios are either off a bedroom or secondary living space and approximately 300 square feet suitable for four individuals to comfortably sit and visit. Considering the caliber of the Resort branded homes and its clientele, one would be inclined the think that noise levels would be regulated and respected accordingly. In the end, Drewett Works cannot control what happens in this space but can confirm that the architecture itself will not have any material impact that is audible from adjacent properties. There is no additional equipment such as upper-level condensers that would increase the noise for neighboring homes.

Five Star Development has discussed this request with all property owners within Parcel C and have received no opposition or concern with removing the second story setback requirement for the non-livable covered patios.

III. Conclusion

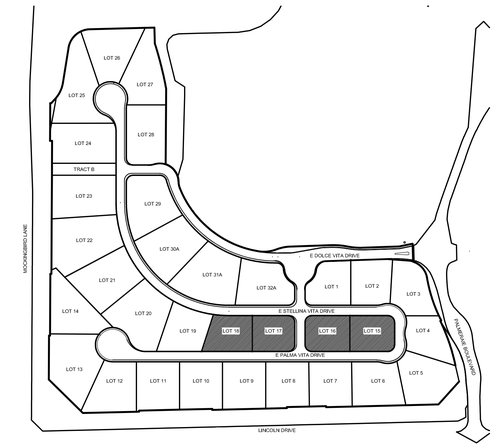
Approval of the requested modification will allow Five Star Development to fully utilize the potential of lots 15-18 without compromising the Town's intention of preserving view corridors around the perimeter of the property or increasing the perception of density.

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If you have any questions or require additional information, please contact me at (480)-329-7504 or rob@drewettworks.com.

Sincerely,
Rob Banach
Drewett Works

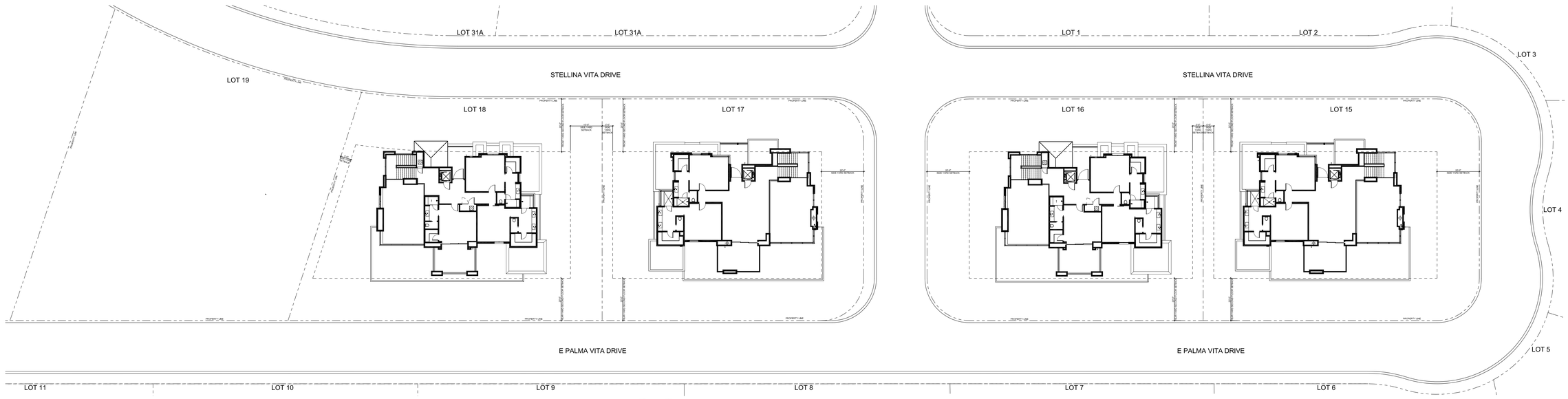
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NORTH

PARCEL C KEYMAP

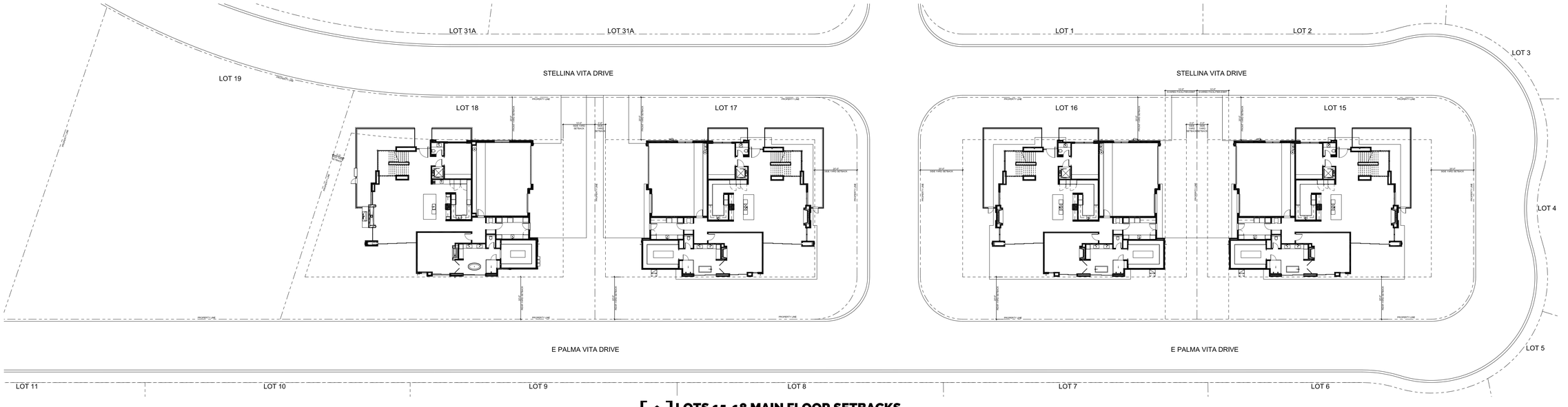
N.T.S.



NORTH

LOTS 15-18 PROPOSED UPPER FLOOR SETBACKS

1" = 20'-0"



NORTH

LOTS 15-18 MAIN FLOOR SETBACKS

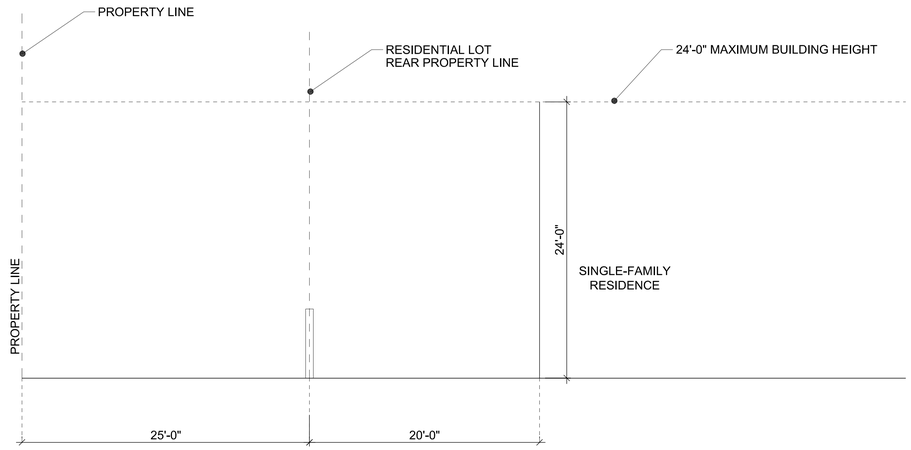
1" = 20'-0"

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RITZ-CARLTON RESIDENTAIL LOTS AREA C

RITZ-CARLTON RESIDENTIAL LOTS AREA C	project
MINOR SUP	issued for
3/25/2024	issued date
1"=20'	scale

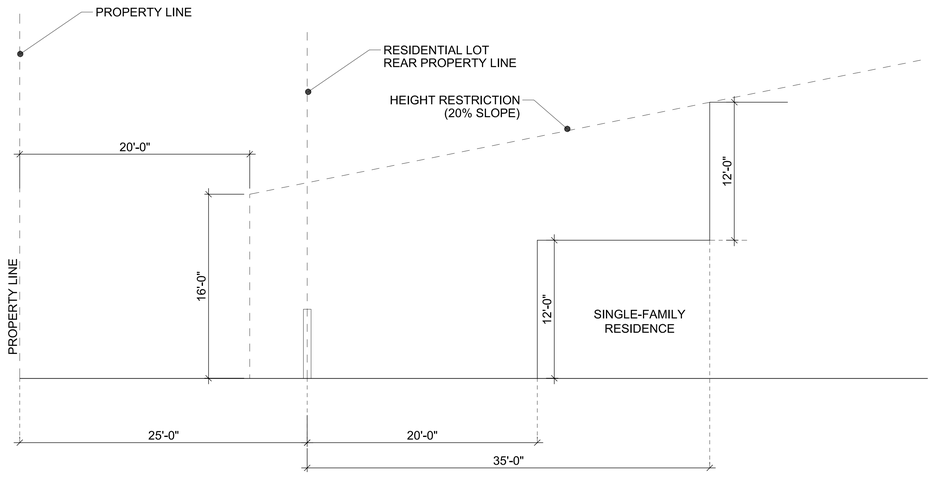
Nº A.200



PROPOSED OPEN SPACE CRITERIA

3/16" = 1'-0"

AREA C LOTS 15-18 BUILDING SETBACKS	
FRONT YARD FIRST FLOOR	20'
FRONT YARD SECOND FLOOR	25'
SIDE YARD LOTS GREATER THAN 15,00 SF	15' EACH SIDE
SIDE YARD LOTS LESS THAN 15,00 SF	20' TOTAL (NOT LESS THAN 5')
REAR YARD FIRST FLOOR	20'
REAR YARD SECOND FLOOR	20'



CURRENT OPEN SPACE CRITERIA PER SUP

3/16" = 1'-0"

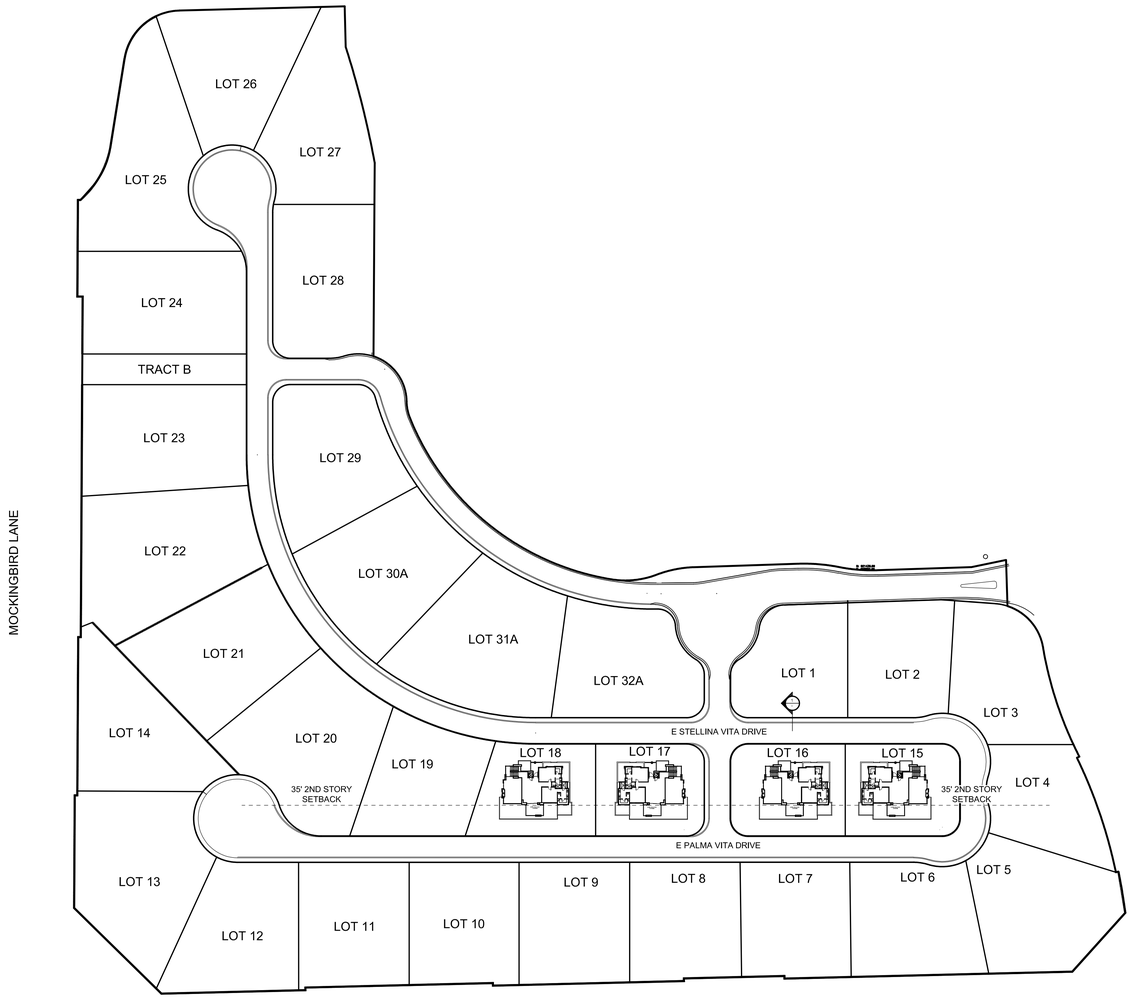
DW | 22 YEARS
DREWETT WORKS // ARCHITECTURE
7144 E. STETSON DR. SUITE 204
SCOTTSDALE, AZ 85251
P 855-373-9388 // F 855-373-9388
WWW.DREWETTWORKS.COM

RITZ-CARLTON RESIDENTAIL LOTS AREA C

RITZ-CARLTON RESIDENTIAL LOTS AREA C project
MINOR SUP issued for
3/25/2024 issued date
3/16" = 1'-0" scale

NO

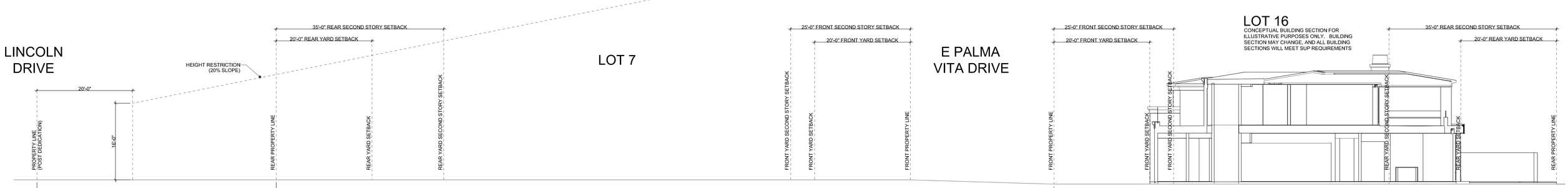
A.201



SECOND STORY SITE PLAN

1" = 70'-0"

NOTE: CONCEPTUAL FLOOR PLANS FOR ILLUSTRATIVE PURPOSES ONLY. FLOOR PLANS MAY CHANGE, AND ALL PLANS WILL MEET SUP REQUIREMENTS.



[1] OPEN SPACE CRITERIA SITE SECTION

1/8" = 1'-0"

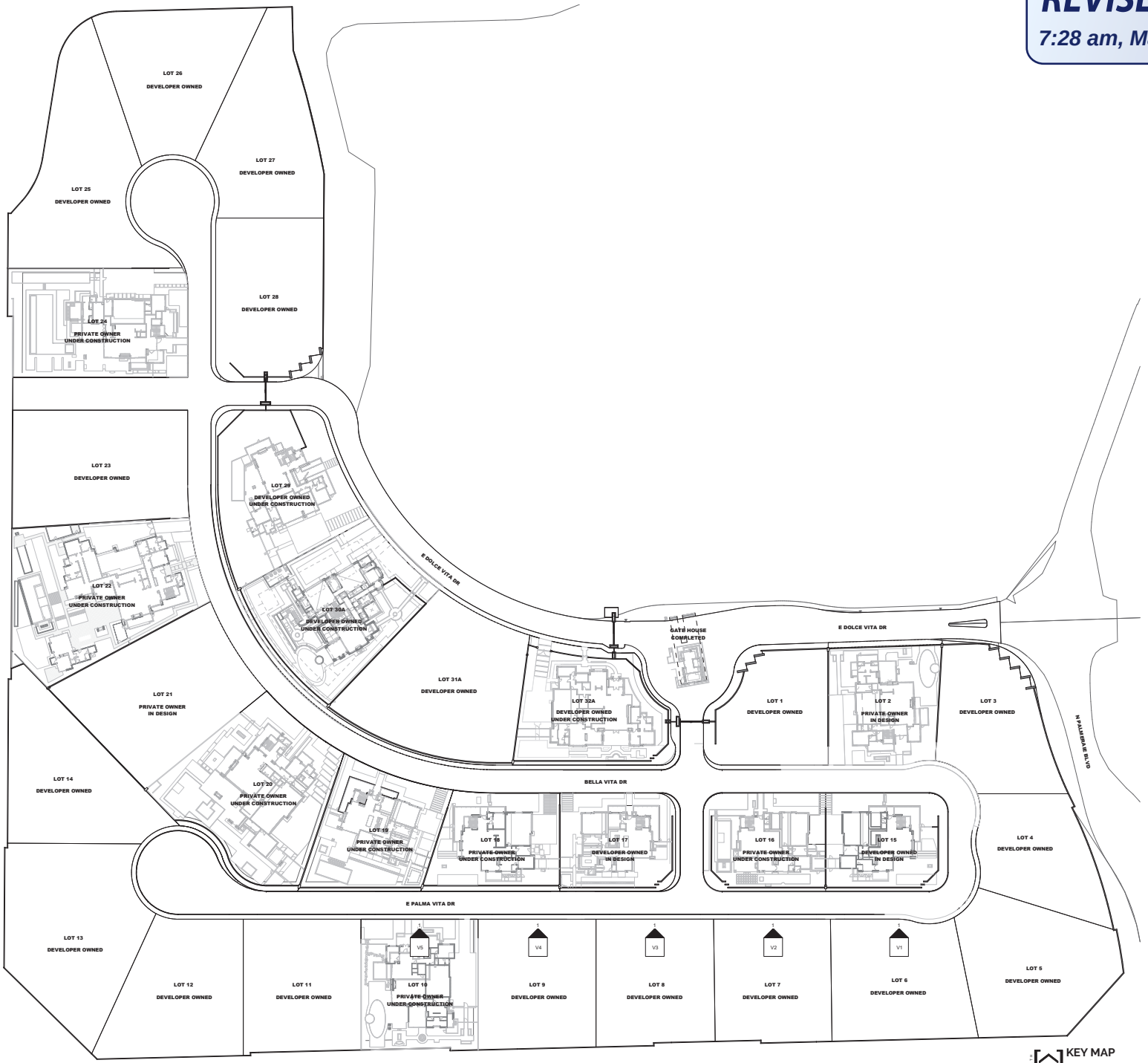
DW | 22 YEARS
DREWETT WORKS // ARCHITECTURE
7144 E STETSON DR ..... SUITE 204
SCOTTSDALE, AZ 85251
P 855-373-9388 // F 855-373-9388
WWW.DREWETTWORKS.COM

RITZ-CARLTON RESIDENTAIL LOTS AREA C

RITZ-CARLTON RESIDENTIAL LOTS AREA C — project
MINOR SUP — issued for
3/25/2024 — issued date
VARIES — scale

NO A.202

REVISED
7:28 am, Mar 26, 2024



KEY MAP
1" = 40'-0"

DREWETT WORKS // ARCHITECTURE
7144 E. STETSON DR., SUITE 525
SCOTTSDALE, AZ 85251
P 855-373-9388 // F 855-373-9389
PLANS@DREWETTWORKS.COM

RITZ COMMUNITY SITE WALLS & ENTRY GATES

FOR: MINOR SUP
DATE: 03-13-2024
REV.:

KEY MAP

NOT FOR CONSTRUCTION
Date Signed
03-13-2024
Expires 12/31/2022

SUP
18-03

REVISED
7:28 am, Mar 26, 2024



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW OF LOT 15 FROM LOT 6

VI

DW

REVISED
7:28 am, Mar 26, 2024



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW OF LOT 16 FROM LOT 7

V2

DW

REVISED
7:28 am, Mar 26, 2024



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW OF LOT 17 FROM LOT 8

V3

DW

REVISED
7:28 am, Mar 26, 2024



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW OF LOTS 17 & 18 FROM LOT 9

VL

DW

REVISED
7:28 am, Mar 26, 2024



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW OF LOTS 18 & 19 FROM LOT 10

V5

DW

REVISED
7:28 am, Mar 26, 2024

LOT 18



36'-7" * 24'-3" = 60'-10"

22'-0" * 22'-1" = 44'-1"

37'-3" * 28'-3" = 65'-6"

170'-5" / 74'-7" =

27'-5" AVERAGE SETBACK

REVISED
7:28 am, Mar 26, 2024

LOT 17



35’-3” * 28’-8” = 63’-11”

22’-11” * 20’-6” = 43’-5”

36’-5” * 25’-8” = 61’-8”

169’-0” / 74’-9” =

27’-2” AVERAGE SETBACK

REVISED
7:28 am, Mar 26, 2024

LOT 16



36’-6” * 24’-3” = 60’-9”

21’-10” * 22’-1” = 43’-11”

37’-1” * 28’-3” = 65’-4”

170’-0” / 74’-7” =

27’-4” AVERAGE SETBACK

REVISED
7:28 am, Mar 26, 2024

LOT 15



35'-3" * 28'-8" = 63'-11"

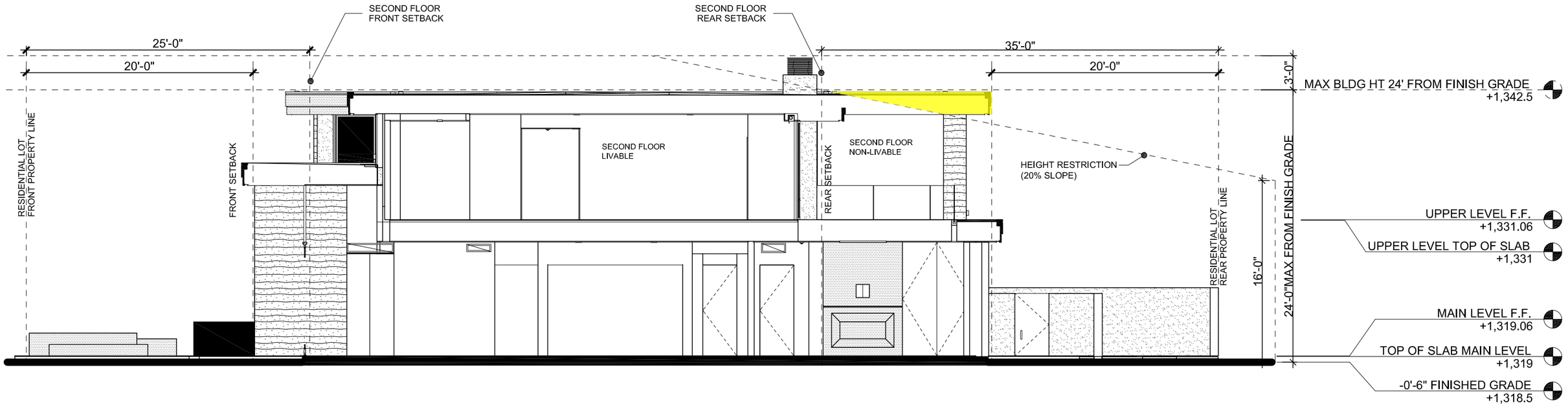
22'-11" * 20'-6" = 43'-5"

36'-5" * 25'-8" = 61'-8"

169'-0" / 74'-9" =

27'-2" AVERAGE SETBACK

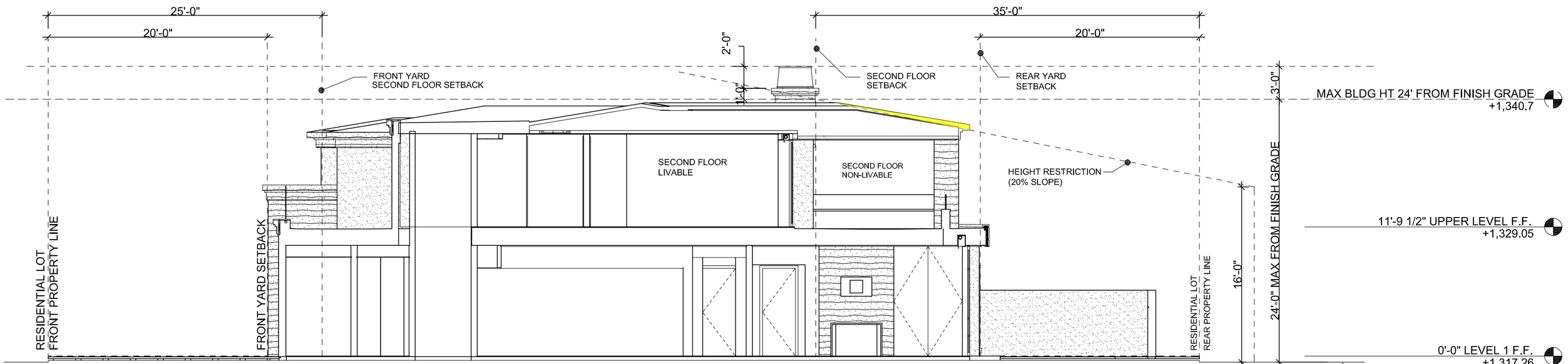
REVISED
7:28 am, Mar 26, 2024



LOT 18 OPEN SPACE SECTION

SAME SECTION APPLIES TO LOT 16

REVISED
7:28 am, Mar 26, 2024



LOT 16 OPEN SPACE SECTION

AFFIDAVIT OF MAILING NOTIFICATION

STATE OF ARIZONA)

) ss:

County of Maricopa)

In accordance with the requirements of the Town of Paradise Valley, the undersigned hereby certifies that the mailing list for the proposed project is a complete list of property owners within 1,500 feet of the subject property, as obtained from the Maricopa County Assessor's Office on the following date March 4, 2024, and such notification has been mailed on the following date March 5, 2024.

Signature

Allie Riley

The foregoing instrument was acknowledged by me this 5 day of March, 2024, by Edna Lopez.

NOTARY PUBLIC

My commission expires:

10-24-2024

EDNA A LOPEZ
Notary Public - Arizona
Maricopa County
Commission # 593660
My Comm. Expires Oct 24, 2024

March 8, 2024

Brandon McMahon
Planner
Town of Paradise Valley
6401 E. Lincoln Drive
Paradise Valley, AZ 85253
(480) 348-3574

Dear Resident:

Notice is hereby given that the Town of Paradise Valley Planning Commission will hold a **public meeting at 6:00 p.m., on Tuesday, April 2nd, 2024**, at Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253 for:

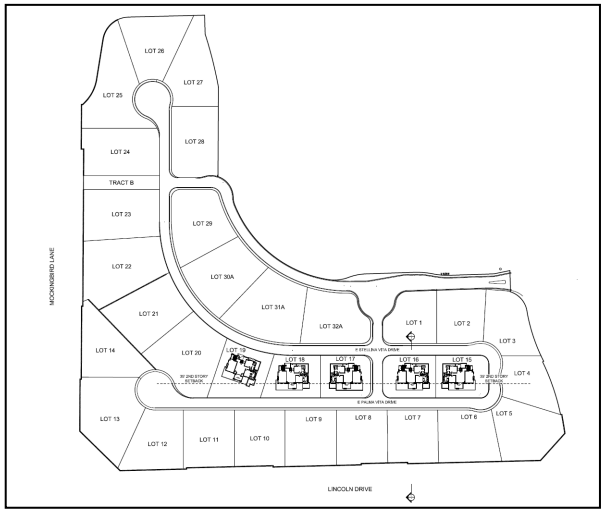
PUBLIC MEETING: Discussion and Possible Action on the Minor Special Use Permit Amendment (SUP-24-01) Ritz-Carlton Area C Lots 15-19 – 7000 E Lincoln Dr

The applicant, Drewett Works on behalf of Five Star Development LLC, requests a Minor Special Use Permit (SUP) amendment for Area C of the Five-Star Development project to remove the 35-foot Rear Yard Second Floor setback requirement on five interior lots (Lots 15-19 of Area C). The Rear Yard Second Floor setback on these lots would meet the 20-foot Rear Yard First Floor setback.

If you have questions about this application please call the Community Development Department, 6401 E. Lincoln Drive, Paradise Valley, Arizona at (480) 348-3531.

Sincerely,

Brandon McMahon
Planner



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

All agendas are subject to change. You can view the agenda, find application material, and provide your input via eComment approximately 4-6 days prior to the meeting date at https://paradisevalleyaz.legistar.com/Calendar.aspx You may also contact the staff liaison, Brandon McMahon, on this application at bmcmahon@paradisevalleyaz.gov or 480-348-3531 at any time before the scheduled meeting date.

Ritz Carlton Addresses

Owner	MAIL_ADDR1	MAIL_CITY	MAIL_STATE	MAIL_ZIP
GANIM TRUST	1 PADDINGTON CT	BELMONT	CA	94002
GARY L BRIDGE REVOCABLE TRUST	10 WINTHROP ST	ROCHESTER	NY	14607
FV CASA RESERVE LLC	1013 ALTA CIR	LOUISVILLE	KY	40205
3S TUNA VENTURE LLC	1302 WAUGH DR 539	HOUSTON	TX	77019
JONES RANDY	144 S SANDSTONE ST	GILBERT	AZ	85296
KEITH ANGUS/FRANCES V	16211 N SCOTTSDALE RD STE A6A	SCOTTSDALE	AZ	85254
HAWKINS JAMES B/MARY PAT	1678 ORVIETO CT	PLEASANTON	CA	945666494
LILIEN FAMILY TRUST	17900 N HAYDEN RD APT 1042	SCOTTSDALE	AZ	85255
REVOCABLE TRUST OF DANIEL AND CARI WALL	1839 KILLARNEY WAY	BELLEVUE	WA	98004
RN PROPERTIES LINCOLN PLAZA LLC	2021 E CAMELBACK STE A38	PHOENIX	AZ	85016
FREDERICK PHILIP SNOW REVOCABLE TRUST/JENNIFER XUAN THANH SNOW REVOCABLE TRUST	21 BEAUMONT ST	FAIRFIELD	CT	6824
EMMAN REVOCABLE TRUST	2121 AVENUE OF THE STARS STE 2200	LOS ANGELES	CA	90067
KUOLT FAMILY TRUST	220 13TH ST	MANHATTAN BEACI	CA	90266
PARADISE VALLEY WATER CO	2355 W PINNACLE PEAK RD STE 300	PHOENIX	AZ	85027
STUART JON/MILDRED D	2431 E 61ST ST STE 600	TULSA	OK	74136
HENNESSEY GILBERT H/LYNN A	25 WOODRIDGE RD	WELLESLEY	MA	2482
JOHN F MORICI & LISA A MORICI 2007 LIVING TRUST	25505 OAK SAVANNAH CT	VALENCIA	CA	91381
MRKNY INVESTMENT SERVICES LLLP	27631 N 68TH PL	SCOTTSDALE	AZ	85068
HAYFO ARIZONA LLC	2810 N CHURCH ST STE 77051	WILMINGTON	DE	198024447
BUECHEL JASON JOSEPH	301 W AVENUE, UNIT 5802	AUSTIN	TX	78701
CAIOLA BEN/BORA	316 E 63RD ST APT 1A	NEW YORK	NY	10065
RONCK BRYAN/CATHERINE S	4301 GLEN FALLS LN	VAIL	CO	81657
GRI LINCOLN VILLAGE LLC	4350 EAST-WEST HIGHWY STE 400	BETHESDA	MD	20814
ALENE HOLDINGS LLC	4400 N SCOTTSDALE RD STE 9 PMB 283	SCOTTSDALE	AZ	85251
JAMEL GREENWAY PVMOB LLC	4771 N 20TH ST B22	PHOENIX	AZ	85016
REYNOLDS JAMES JR/SANDRA MICHELE	4923 S KIMBARK AVE	CHICAGO	IL	60615
RANDALL R BIRD TRUST	500 REDLANDS AVE	NEWPORT BEACH	CA	92663
THIRD AVENUE INVESTMENTS LLC	51 S MAIN ST STE 301	SALT LAKE CITY	UT	84111
WOZNY ROBERT	51500 STRATTON CT	GRANGER	IN	46530
E K GAYLORD II TRUST/NATALIE J GAYLORD TRUST	5709 N SAGUARO RD	PARADISE VALLEY	AZ	85253
6225 MOCKINGBIRD LLC	6031 E PARADISE DR	SCOTTSDALE	AZ	85254
PV SCOTTSDALE HOTEL OWNER SPE LLC	6160 N SCOTTSDALE RD	PARADISE VALLEY	AZ	85253
FRANK C SKRUPA RESIDENCE TRUST/ETAL	6212 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
HARKINS KAREN A	6226 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
GIEDRAITIS JOHN B/CATHERINE N TR	6305 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
BRICK MICHELE/TIMOTHY P	6306 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
BIGGER HOUSE HOLDINGS LLC	6307 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
SURVIVORS TRUST	6309 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
JOHN AND KELLY PARKER LIVING TRUST	6316 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
POLERA JENNIFER KANZELBERGER/ROBERT A	6341 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
MAJORS K WAYNE II/OSWALT SANDRA C	6350 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
HUMBLE ARTHUR B/ JEAN M TR	6630 E HORSESHOE LN	PARADISE VALLEY	AZ	85253
SIMON DAVID & LINDSAY	6631 E HORSESHOE LN	PARADISE VALLEY	AZ	85253
6637 E LINCOLN LLC	6637 E LINCOLN DR	PARADISE VALLEY	AZ	85253
CHILDS FAMILY REVOCABLE TRUST	6641 E LINCOLN DR	PARADISE VALLEY	AZ	85253
6672 E CACTUS WREN ROAD LLC	6672 E CACTUS WREN RD	PARADISE VALLEY	AZ	85253
TROYL TRUST	6683 E JUDSON RD	PARADISE VALLEY	AZ	85253
AX PETER	6684 E CACTUS WREN RD	PARADISE VALLEY	AZ	85253
MMD JR LEGACY TRUST	6685 E CACTUS WREN RD	SCOTTSDALE	AZ	85253
ROTH REVOCABLE LIVING TRUST	6700 E MALCOMB DR	PARADISE VALLEY	AZ	85253
HARLOW NANCY R	6708 E HORSESHOE LN	PARADISE VALLEY	AZ	85253
JOSEPH B & ELAINE B WILMET FAMILY TRUST	6708 E LINCOLN DR	PARADISE VALLEY	AZ	85253
LESCAULT FAMILY LIVING TRUST	6708 E OCOTILLO RD	SCOTTSDALE	AZ	85253
BORHAN ALI	6709 E HORESHOE LN	PARADISE VALLEY	AZ	85253
ST BARNABAS OF THE DESERT	6715 N MOCKINGBIRD LN	SCOTTSDALE	AZ	85253
FEY-LYON FAMILY REVOCABLE TRUST	6716 E MALCOMB DR	PARADISE VALLEY	AZ	85253
MICHAEL L SHOEN FAMILY TRUST	6719 E MALCOMB DR	PARADISE VALLEY	AZ	85253
FIVE STAR LAND OWNER LLC	6720 N SCOTTSDALE RD STE 130	SCOTTSDALE	AZ	85253
NOON ERUM/MAHMOOD ABDUL A	6723 E LINCOLN DR	PARADISE VALLEY	AZ	85253

WHITE HOWARD W	6724 E LINCOLN DR	PARADISE	AZ	85253
HORSESHOE LANE LLC	6725 E HORSESHOE LN	PARADISE VALLEY	AZ	85253
SCOTTSDALE SPECTRUM LLC	6730 N SCOTTSDALE RD	SCOTTSDALE	AZ	85253
MONTENEGRINO VINCENT J/NATALIE	6740 E LINCOLN DR	PARADISE VALLEY	AZ	85253
6823 E LINCOLN DR LLC	6823 E LINCOLN DR	PARADISE VALLEY	AZ	85253
MARK DANIEL DETMER & SHELLY ANN DETMER TRUST	6826 E SOLCITO LN	PARADISE VALLEY	AZ	85253
SUD FAMILY TRUST	6835 E SOLCITO LN	PARADISE VALLEY	AZ	85253
GORDON ANDREW W/CAROL L TR	6837 E LINCOLN DR	PARADISE VALLEY	AZ	85253
GIRAUDO SHEELA/MARK	6844 E SOLCITO LN	PARADISE VALLEY	AZ	85253
CHRISTOPHER AND HELEN YEUNG FAMILY TRUST	6845 E SOLCITO LN	PARADISE VALLEY	AZ	85253
BRYANT FAMILY REVOCABLE TRUST	6846 E SOLCITO LN	PARADISE VALLEY	AZ	85253
6884 E STELLINA VITA DRIVE LLC	6884 E STELLINA VITA DR	PARADISE VALLEY	AZ	85253
COADY ENTERPRISES INC	6909 E LINCOLN DR	PARADISE VALLEY	AZ	85253
6440 QUAIL RUN LLC	6909 E LINCOLN DR STE 1	PARADISE VALLEY	AZ	85253
6909 QUAIL RUN LLC	6909 E LINCOLN DR STE 1	PARADISE VALLEY	AZ	85253
LIVI FAMILY TRUST	6927 E QUAIL RUN RD	PARADISE VALLEY	AZ	85253
JOSHUA & INETTE BROWN REVOCABLE TRUST	6940 N CACTUS WREN CT	PARADISE VALLEY	AZ	85253
KATHLEEN A LEWIS AND CLUNET R LEWIS FAMILY TRUST	6965 E CACTUS WREN RD	PARADISE VALLEY	AZ	85253
WILL WINSTON HOLDINGS LLC	6989 E CACTUS WREN RD	PARADISE VALLEY	AZ	85253
OPTIMA DCHGLOBAL LINCOLN 6701 LLC	7157 E RANCHO VISTA DR	SCOTTSDALE	AZ	85251
MALEK MARCEL	8438 E SHEA BLVD STE 101	SCOTTSDALE	AZ	85260
3S TUNA VENTURE LLC	8501 N SCOTTSDALE RD STE 270	SCOTTSDALE	AZ	85253
ST HOLDCO LLC	8800 N GAINEY CENTER DR STE 345	SCOTTSDALE	AZ	85258
RM LINCOLN LLC	9448 E HIDDEN SPUR TRL	SCOTTSDALE	AZ	85255
7000 EAST LINCOLN RESORT COMMUNITY PARCEL B RESIDENTIAL ASSOCIATION	PO BOX 13615	CHANDLER	AZ	85248
JUDSON COMMUNITY ASSOCIATION	PO BOX 15427	SCOTTSDALE	AZ	85267
SYLVIA L SHINE REVOCABLE TRUST	PO BOX 737	SPENCER	IA	51301

AFFIDAVIT OF POSTING

STATE OF ARIZONA)

) ss:

County of Maricopa)

I, Allie Riley, depose and state that the attached notice, of proposed application Minor SUP Amendment (SUP-24-01) Ritz-Carlton Area C Lots 15-19 located at 7000 E Lincoln Dr for the (Planning Commission/Town Council/Board of Adjustment/Hillside Committee) meeting date of April 2, 20 24 is a true and correct copy of a notice which I cause to be posted by the following day of the week Monday, and on the following date March 11, 20 24 in the following location(s):

Lincoln Drive & Palmeraie Blvd near the entrance of Parcel C

All in the Town of Paradise Valley, Arizona and County and State aforesaid, the same being public places in said County and in the following locations:

All to the Town of Paradise Valley, Arizona and County and State aforesaid.

DATED this 14 day of March, 20 24.

Signature

This affidavit was SUBSCRIBED AND SWORN to before me this 14 day of March, 2024

NOTARY PUBLIC

My commission expires:

10-24-2024

EDNA A L[illegible]
Notary Public - Arizona
Maricopa County
Commission # 593660
My Commission Expires Oct 24, 2024

Updated on 02/06/2021

When recorded, return to:

Paradise Valley
Town Attorney
6401 E. Lincoln Dr.
Paradise Valley, AZ 85253

WAIVER OF CLAIMS FOR DIMINUTION OF VALUE UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136 BETWEEN THE TOWN OF PARADISE VALLEY AND FSPV RES C, L.L.C.

THIS WAIVER OF CLAIMS FOR DIMINUTION OF VALUE under ARIZ. REV. STAT. §§ 12-1134 through 1136 (this "Waiver") is made as of April 2, 2024, between FSPV RES C, L.L.C., an Delaware limited liability company (the "Owner"), and the Town of Paradise Valley, an Arizona municipal corporation (the "Town"), regarding the parcels of real property located at 6883 E. Stellina Vita Drive, Paradise Valley, Arizona, and 6861 E. Stellina Vita Drive, Paradise Valley, Arizona, as more particularly described on Exhibit A attached hereto and incorporated as if fully set forth herein (collectively, the "Property"). The Owner intends to encumber the Property with the following agreements and waivers.

1. Waiver of Claims Related to the Change in Land Use Entitlements.

(a) The Owner agrees and understands that the Town is entering into this Waiver in conjunction with that certain approval of the Owner's application for a Minor Special Use Permit amendment, SUP-24-01, removing the 35-foot Rear Yard Second Floor setback requirement on five interior lots (Lots 15-19 of Replat Amendment 7000 East Lincoln – Parcel C – Amended IV) from the 2015 Major Special Use Permit Amendment on the Five Star Development Ritz-Carlton Resort development on Page F-3, Area C Ritz-Carlton Residential Lots, of the approved plans as referenced in Stipulation 44 of Ordinance 694, which is attached hereto as Exhibit B and incorporated as if fully set forth herein (the "Application"), in good faith and with the understanding that, if the Town approves the Application, it will not be subject to a claim for diminished value of the Property from the Owner or other parties having an interest in the Property.

(b) The Owner (i) agrees and consents to all the conditions imposed as part of the Application approval, which approval documents are incorporated by reference as if fully set forth herein, including all stipulations adopted by the Planning Commission of the Town of Paradise Valley (the "Planning Commission"), and (ii) by signing this Waiver, hereby waives any and all claims, suits, damages, compensation, and causes of action the Owner may have now or in the future under the provisions of ARIZ. REV. STAT. §§ 12-1134 through and including 1136 (but specifically excluding any provisions included therein relating to eminent domain) and resulting solely from actions relating to the Application.

(c) The Owner acknowledges and agrees that any stipulations imposed by the Planning Commission as part of the Application will not result in a reduction of the Property's "fair market value," as that term is defined in ARIZ. REV. STAT. § 12-1136. The Owner acknowledges that additional stipulations may be imposed by the Planning Commission, in its sole discretion, prior to approval of the Application.

(d) The Owner agrees and understands that its waiver of claims, as set forth in this Waiver, shall be deemed to extend to cover any changes to the Application and all stipulations to the Application approved by the Planning Commission unless, not later than three business days following such Planning Commission approval, the Owner notifies the Town, in writing, of its disagreement with such stipulations. If the Owner timely notifies the Town of such disagreement, the Owner shall not be deemed to have waived claims with respect to only the stipulations imposed or revised by the Planning Commission prior to approval of the Application; provided, however, that if the Owner does not submit a separate waiver of such claims, in a form acceptable to the Town, prior to close of business on the fifth business day following approval of the Application, then the Town may, after proper notice and hearing, rescind the Approval, and if rescinded by the Planning Commission acting in its sole discretion, this Waiver shall act as a bar to a claim for diminished value based upon the rescinded Application.

(e) The foregoing waiver of claims shall be of no further force and effect with respect to the Application in the event the Planning Commission disapproves the Application, except that it shall serve as a bar to a claim for diminished value based upon denial of the Application; provided, however, that in the event an approval or a denial of the Application is appealed to the Town Council of the Town (the "Town Council") pursuant to Section 1102.8(B) of the Town's Zoning Ordinance, (i) the foregoing waiver of claims shall remain in full force and effect during the pendency of such appeal, (ii) the process for Owner to notify the Town of its disagreement with any conditions imposed by the Town Council as part of such appeal shall extend for the periods of time set forth in subsection 1(d) above following the final determination of the Town Council, and (iii) any such conditions imposed by the Town Council shall become binding on the Owner following expiration of the time periods set forth in subsection 1(d) above. The foregoing waiver of claims shall be of no further force and effect with respect to the Application in the event the Town Council denies the Application on appeal, except that it shall serve as a bar to a claim for diminished value based upon denial of the Application.

2. Entire Agreement; Modification. This Waiver constitutes the entire understanding and agreement of the Owner and the Town and shall supersede all prior agreements or understandings between the Owner and Town regarding waiver of claims pursuant to ARIZ. REV. STAT. §§ 12-1134 through 1136 relating to the Application. This Waiver may not be modified or amended except by written agreement by the Owner and the Town.

3. Applicable Law; Venue. This Waiver is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. Any suit pertaining to this Waiver may be brought only in courts in Maricopa County, Arizona.

4. Conflict of Interest. This Waiver is subject to the cancellation provisions of ARIZ. REV. STAT. § 38-511.

5. Recording; Waiver Runs With Land. The Town Clerk shall file the Waiver in the Official Records of the County Recorder's Office, Maricopa County, Arizona, but a failure to timely do so shall not invalidate this Waiver. This Waiver runs with the land and is binding upon all present and future owners of the above-referenced Property.

6. Owner Authority. The Owner warrants and represents that it collectively owns all right, title, and interest to the Property, and that no other person has an ownership interest in the Property. The person who signs on behalf of the Owner personally warrants and guarantees to the Town they have the legal power to bind the Owner to this Waiver.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date and year first set forth above.

"**Owner**"

FSPV RES C, L.L.C.

By: [redacted]

Name: [redacted]

Title: 03/25/2024

ACKNOWLEDGMENT

STATE OF Arizona)
) ss
COUNTY OF Maricopa)

On 3-25, 2024, before me personally appeared Jerry Lynch, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, representing FSPV RES C, L.L.C., an Delaware limited liability company, as its _____, and acknowledged that he or she signed this document on behalf thereof.

Notary Public

My Commission Expires: 10-24-2024

EDNA A LOPEZ
Notary Public - Arizona
Maricopa County
Commission # 593660
My Comm. Expires Oct 24, 2024

6117881.2

"Town"

TOWN OF PARADISE VALLEY, an Arizona municipal corporation

By: _____
Jerry Bien-Willner, Mayor

ATTEST:

_____
Duncan Miller, Town Clerk

APPROVED AS TO FORM:

_____
Andrew McGuire, Town Attorney

EXHIBIT A
TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN
THE TOWN OF PARADISE VALLEY
AND
FSPV RES C, L.L.C.

[Legal Description of the Property]

Lot 15 and Lot 19, of Replat Amendment 7000 East Lincoln – Parcel C – Amended IV,according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 1579 of Maps, Page 31.

PARCEL NO. (Maricopa County Assessor Numbers 174-58-471 and 174-58-473)

EXHIBIT B
TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN
THE TOWN OF PARADISE VALLEY
AND
FSPV RES C, L.L.C.

[Five Star Development Minor Special Use Permit Amendment Application]

(See following pages.)

When recorded, return to:

Paradise Valley
Town Attorney
6401 E. Lincoln Dr.
Paradise Valley, AZ 85253

WAIVER OF CLAIMS FOR DIMINUTION OF VALUE UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136 BETWEEN THE TOWN OF PARADISE VALLEY AND FSPV RES C, L.L.C.

THIS WAIVER OF CLAIMS FOR DIMINUTION OF VALUE under ARIZ. REV. STAT. §§ 12-1134 through 1136 (this "Waiver") is made as of April 2, 2024, between FSPV RES C, L.L.C., an Delaware limited liability company (the "Owner"), and the Town of Paradise Valley, an Arizona municipal corporation (the "Town"), regarding the parcels of real property located at 6861 E. Stellina Vita Drive, Paradise Valley, Arizona, as more particularly described on Exhibit A attached hereto and incorporated as if fully set forth herein (collectively, the "Property"). The Owner intends to encumber the Property with the following agreements and waivers.

1. Waiver of Claims Related to the Change in Land Use Entitlements.

(a) The Owner agrees and understands that the Town is entering into this Waiver in conjunction with that certain approval of the Owner's application for a Minor Special Use Permit amendment, SUP-24-01, removing the 35-foot Rear Yard Second Floor setback requirement on five interior lots (Lots 15-18 of Replat Amendment 7000 East Lincoln – Parcel C – Amended IV) from the 2015 Major Special Use Permit Amendment on the Five Star Development Ritz-Carlton Resort development on Page F-3, Area C Ritz-Carlton Residential Lots, of the approved plans as referenced in Stipulation 44 of Ordinance 694, which is attached hereto as Exhibit B and incorporated as if fully set forth herein (the "Application"), in good faith and with the understanding that, if the Town approves the Application, it will not be subject to a claim for diminished value of the Property from the Owner or other parties having an interest in the Property.

(b) The Owner (i) agrees and consents to all the conditions imposed as part of the Application approval, which approval documents are incorporated by reference as if fully set forth herein, including all stipulations adopted by the Planning Commission of the Town of Paradise Valley (the "Planning Commission"), and (ii) by signing this Waiver, hereby waives any and all claims, suits, damages, compensation, and causes of action the Owner may have now or in the future under the provisions of ARIZ. REV. STAT. §§ 12-1134 through and including 1136 (but specifically excluding any provisions included therein relating to eminent domain) and resulting solely from actions relating to the Application.

(c) The Owner acknowledges and agrees that any stipulations imposed by the

Planning Commission as part of the Application will not result in a reduction of the Property's "fair market value," as that term is defined in ARIZ. REV. STAT. § 12-1136. The Owner acknowledges that additional stipulations may be imposed by the Planning Commission, in its sole discretion, prior to approval of the Application.

(d) The Owner agrees and understands that its waiver of claims, as set forth in this Waiver, shall be deemed to extend to cover any changes to the Application and all stipulations to the Application approved by the Planning Commission unless, not later than three business days following such Planning Commission approval, the Owner notifies the Town, in writing, of its disagreement with such stipulations. If the Owner timely notifies the Town of such disagreement, the Owner shall not be deemed to have waived claims with respect to only the stipulations imposed or revised by the Planning Commission prior to approval of the Application; provided, however, that if the Owner does not submit a separate waiver of such claims, in a form acceptable to the Town, prior to close of business on the fifth business day following approval of the Application, then the Town may, after proper notice and hearing, rescind the Approval, and if rescinded by the Planning Commission acting in its sole discretion, this Waiver shall act as a bar to a claim for diminished value based upon the rescinded Application.

(e) The foregoing waiver of claims shall be of no further force and effect with respect to the Application in the event the Planning Commission disapproves the Application, except that it shall serve as a bar to a claim for diminished value based upon denial of the Application; provided, however, that in the event an approval or a denial of the Application is appealed to the Town Council of the Town (the "Town Council") pursuant to Section 1102.8(B) of the Town's Zoning Ordinance, (i) the foregoing waiver of claims shall remain in full force and effect during the pendency of such appeal, (ii) the process for Owner to notify the Town of its disagreement with any conditions imposed by the Town Council as part of such appeal shall extend for the periods of time set forth in subsection 1(d) above following the final determination of the Town Council, and (iii) any such conditions imposed by the Town Council shall become binding on the Owner following expiration of the time periods set forth in subsection 1(d) above. The foregoing waiver of claims shall be of no further force and effect with respect to the Application in the event the Town Council denies the Application on appeal, except that it shall serve as a bar to a claim for diminished value based upon denial of the Application.

2. Entire Agreement; Modification. This Waiver constitutes the entire understanding and agreement of the Owner and the Town and shall supersede all prior agreements or understandings between the Owner and Town regarding waiver of claims pursuant to ARIZ. REV. STAT. §§ 12-1134 through 1136 relating to the Application. This Waiver may not be modified or amended except by written agreement by the Owner and the Town.

3. Applicable Law; Venue. This Waiver is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. Any suit pertaining to this Waiver may be brought only in courts in Maricopa County, Arizona.

4. Conflict of Interest. This Waiver is subject to the cancellation provisions of ARIZ. REV. STAT. § 38-511.

5. Recording; Waiver Runs With Land. The Town Clerk shall file the Waiver in the Official Records of the County Recorder's Office, Maricopa County, Arizona, but a failure to timely do so shall not invalidate this Waiver. This Waiver runs with the land and is binding upon all present and future owners of the above-referenced Property.

6. Owner Authority. The Owner warrants and represents that it collectively owns all right, title, and interest to the Property, and that no other person has an ownership interest in the Property. The person who signs on behalf of the Owner personally warrants and guarantees to the Town they have the legal power to bind the Owner to this Waiver.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date and year first set forth above.

"**Owner**"

FSPV RES C, L.L.C.

By: [redacted]

Name: [redacted]

Title: 3/25/2024

ACKNOWLEDGMENT

STATE OF Arizona)
) ss
COUNTY OF Maricopa)

On 3-25, 2024, before me personally appeared Jerry Ayoub, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, representing FSPV RES C, L.L.C., an Delaware limited liability company, as its _____, and acknowledged that he or she signed this document on behalf thereof.

Notary Public

My Commission Expires: 10-24-2024

EDNA A LOPEZ
Notary Public - Arizona
Maricopa County
Commission # 593660
My Comm. Expires Oct 24, 2024

"Town"

TOWN OF PARADISE VALLEY, an Arizona municipal corporation

By: _____
Jerry Bien-Willner, Mayor

ATTEST:

_____
Duncan Miller, Town Clerk

APPROVED AS TO FORM:

_____
Andrew McGuire, Town Attorney

EXHIBIT A
TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN
THE TOWN OF PARADISE VALLEY
AND
FSPV RES C, L.L.C.

[Legal Description of the Property]

Lot 17 of Replat Amendment 7000 East Lincoln – Parcel C – Amended IV,according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 1579 of Maps, Page 31.

PARCEL NO. (Maricopa County Assessor Numbers 174-58-471 and 174-58-473)

EXHIBIT B
TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN
THE TOWN OF PARADISE VALLEY
AND
FSPV RES C, L.L.C.

[Five Star Development Minor Special Use Permit Amendment Application]

(See following pages.)

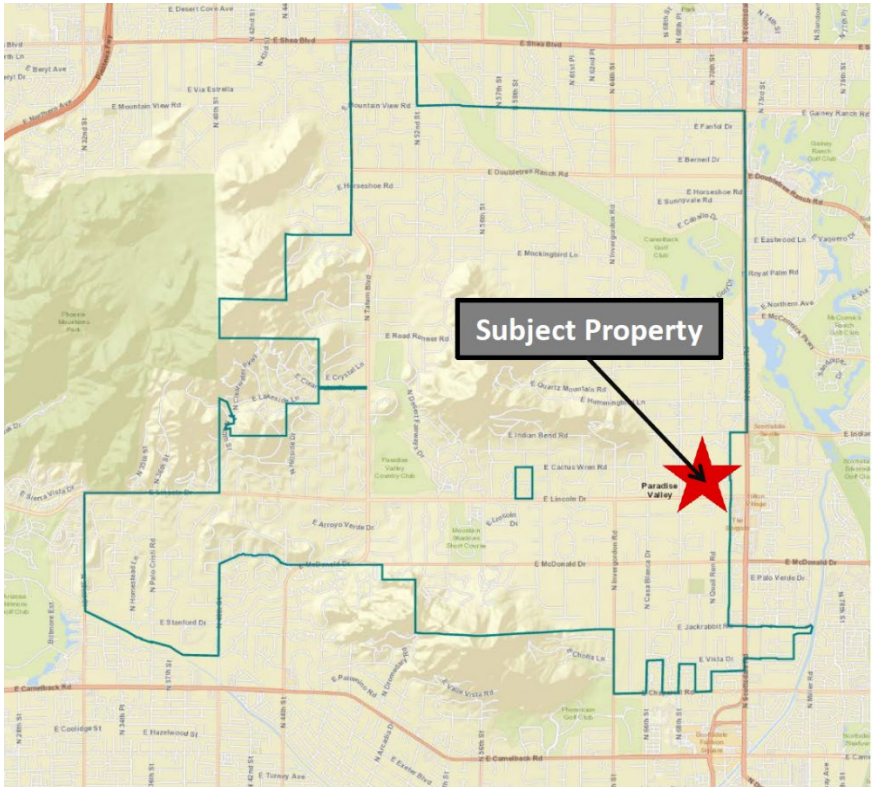
TOWN OF PARADISE VALLEY

Ritz Area C Lots 15-18
Minor Special Use Permit Amendment
7000 E Lincoln Dr
Public Hearing

Planning Commission
April 2, 20

TODAY'S GOAL

- Review and Take Action on Minor Special Use Permit Amendment



VICINITY MAP



RITZ/FIVE STAR PROJECT SITE



PROCESS & NOTIFICATION

The process for approval of a Minor SUP Amendment:

- Application Submittal (January 17, 2024)
- Planning Commission review of the SUP (March 5, 2024)
- Planning Commission work session and potential public hearing on the SUP (April 2nd, 2024) – notification provided 3-8-24
- Five Star Development is in the process of discussing this request with all property owners within Parcel C



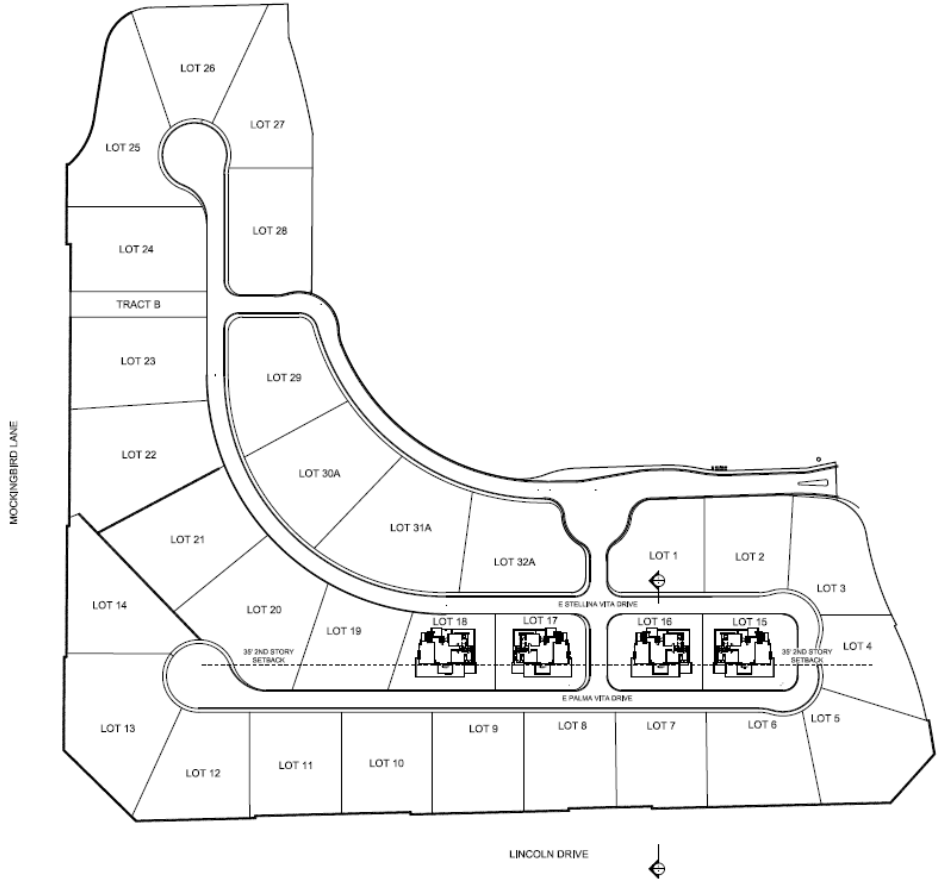
SUP AMENDMENT CRITERIA

1. The request is classified as a Minor SUP Amendment due to the alteration in a development standard which is part of the original 2015 SUP approval.

2. The amendment ***does not***:
    1. Change or add any uses; or
    2. Increase the floor area of the project by more than 5,000 square feet or constitute an increase of more than 15% upon the existing or, if still under construction, approved floor area square footage of the affected SUP property, whichever is less, with any such increase to be measured cumulatively over a sixty-month period; or
    3. Have any material effect on the adjoining property owners that is visible, audible, or otherwise perceptible from adjacent properties that cannot be sufficiently mitigated; or
    4. Change the architectural style of the existing Special Use Permit.

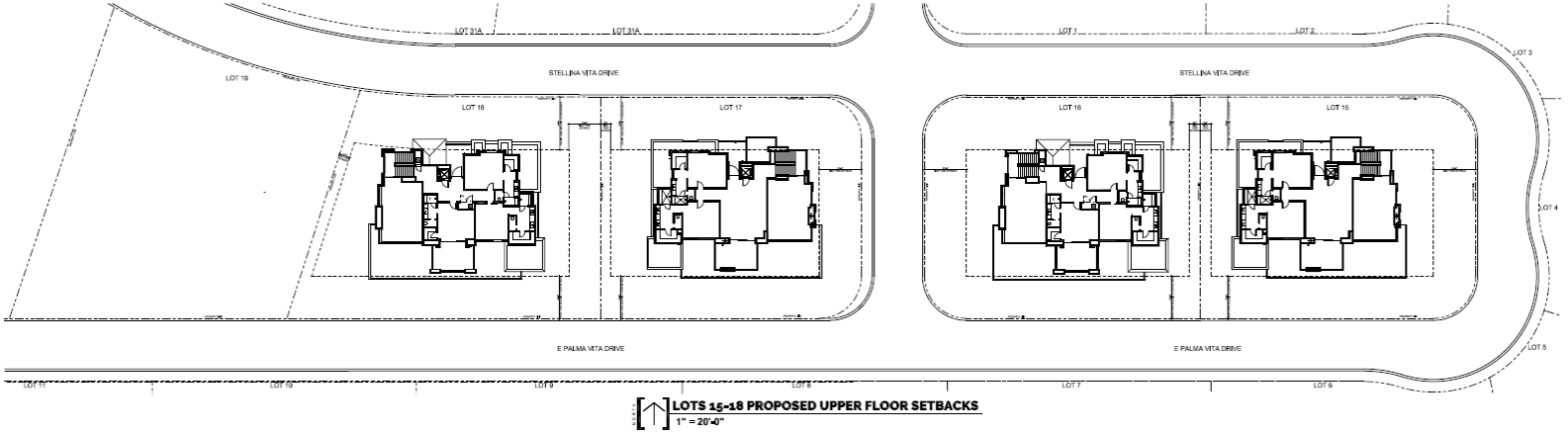
SUMMARY OF REQUEST

- The applicant, Drewett Works on behalf of Five Star Development LLC, requests Minor SUP amendment for Area C to modify the 35-foot second story rear yard setback requirement from interior lots 15-18 of Area C.
  - 20-foot rear setback for non-livable second floor covered patios with a maximum roof cover of 550 square feet.
  - 35-foot rear setback for livable second floor.



SETBACKS

According to the applicant's narrative: Setbacks in place to maintain view corridors around the perimeter of the property by limiting building heights. Unintentionally applied to the internal lots which do not directly impact view corridors from Lincoln Drive and Mockingbird Lane. Lots 15-18 now sit within the interior of Area C and pose no danger to disrupt the view corridors from around the perimeter of the property.



SETBACKS (CONT'D)

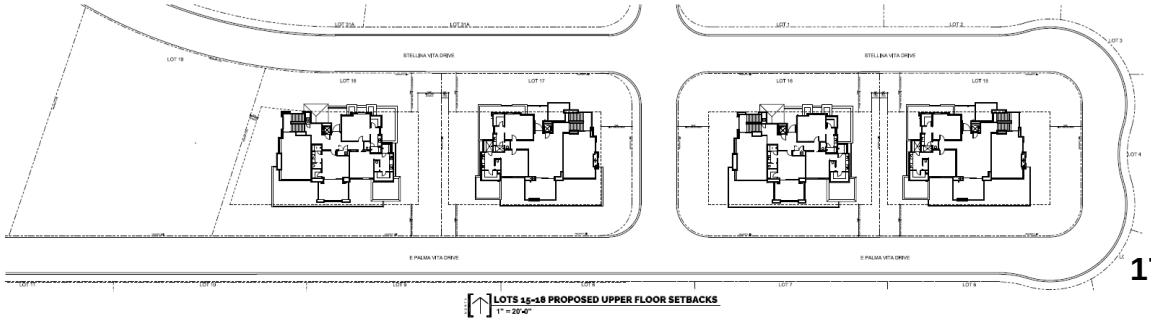
2015 Original SUP Area B&C Building Setback Table:

Area B & C Main Building Setbacks	
Front Yard First Floor	20'
Front Yard Second Floor	25'
Side Yard Lots greater than 15,000 sf	15' each side
Side Yard Lots 10,000 - 15,000 sf	20' total (not less than 5')
Rear Yard First Floor	20'
Rear Yard Second Floor	35'
Lot size greater than 15,000 sf	▲
Single story home with construction limited to a maximum of 20' in height	⬢

Proposed Area C Main Building Setback Table for Lots 15-18 only:

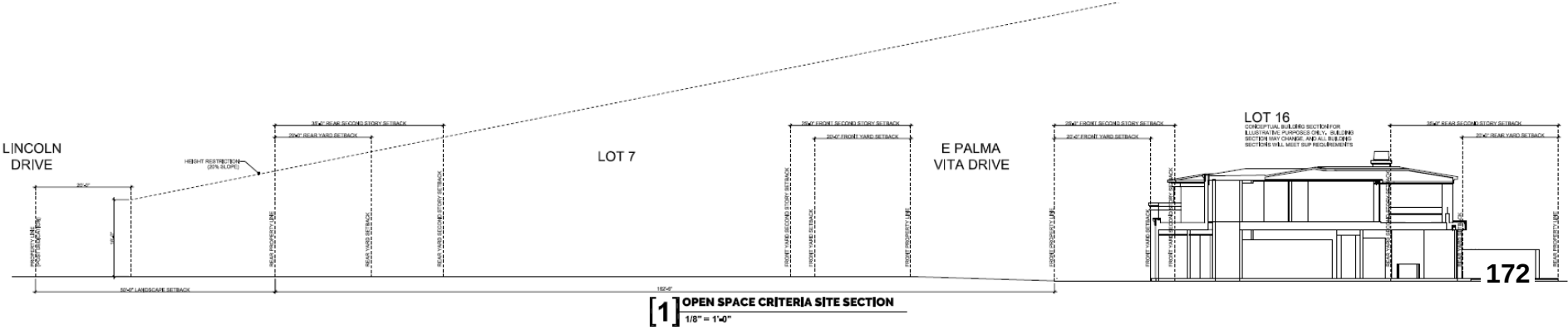
AREA C LOTS 15-18 MAIN BUILDING SETBACKS	
Front Yard First Floor	20'
Front Yard Second Floor	25'
Side Yard Lots greater than 15,000 sf	15' each side
Side Yard Lots 10,000 - 15,000 sf	20' total (not less than 5')
Rear Yard First Floor	20'
Rear Yard Second Floor (Livable)	35'
Rear Yard Second Floor (Non-Livable)	20'

Proposed Lots 15-18 Second Story Setbacks of 20 feet:



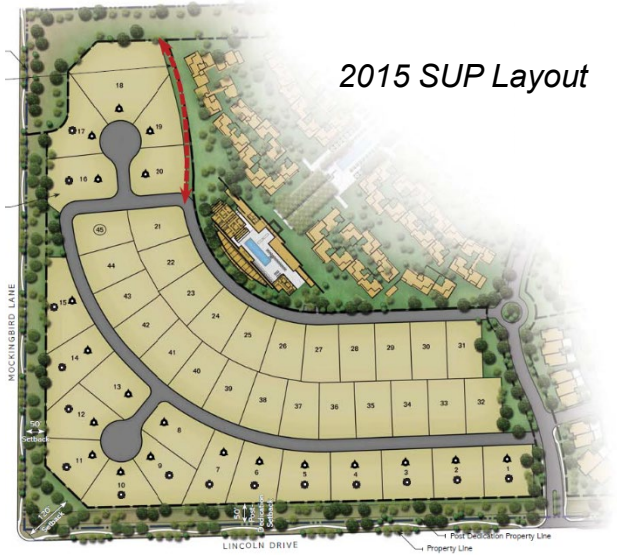
OPEN SPACE CRITERIA

- Proposed amendment does not penetrate the Open Space Criteria (20% slope).
  - Lots 15-18 are interior to Area C and are separated from the adjacent front and rear lots by Stellina Vita Drive to the north and Palma Vista Drive to the south.
  - Rear yard property lines for these lots are approximately 238’ from the center line of Lincoln Drive and approximately 162’6” from the overall site’s southern property line.

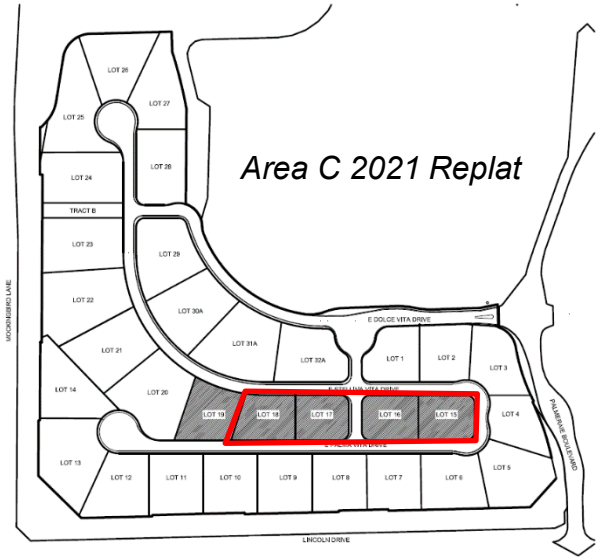


LOT CONFIGURATION

- The original SUP site layout called for 45 lots with lots 21-45 abutting each other. 2021 replat revised to 32 lots (28.8% reduction from the original layout).
- No properties abutting each other and are separated by two new internal streets (Stellina Vita Drive and Palma Vita Drive).



2015 SUP Layout



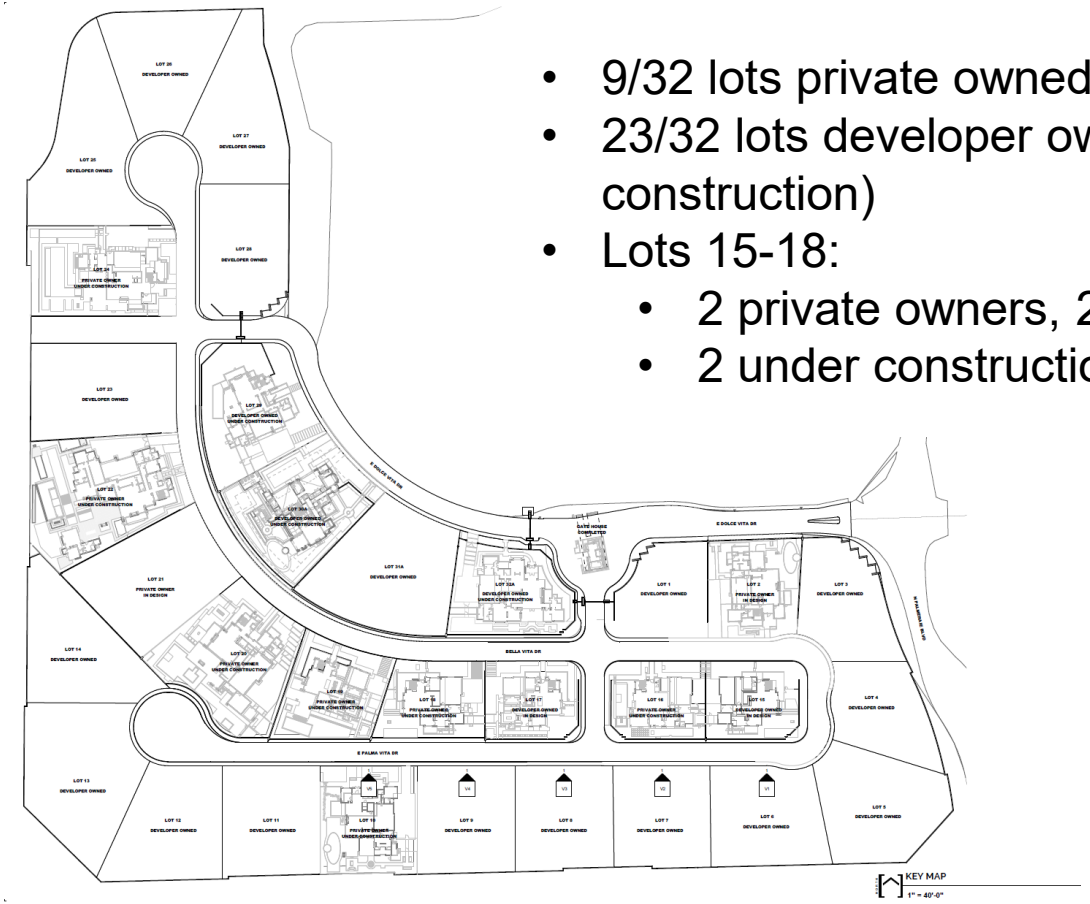
Area C 2021 Replat

LOT SIZE

- Lots 15-18 are smallest lots in terms of overall square footage within Area C.
- The average lot size of all lots within Area C, excluding 15-18, is 20,324 square feet.
- Largest lot is Lot 22 at 27,820 square feet.

LOT AREA TABLE		
LOT #	AREA (SQUARE FEET)	AREA (ACRES)
1	15,206	0.349
2	15,624	0.359
3	16,843	0.387
4	14,670	0.337
5	20,869	0.479
6	18,569	0.426
7	16,432	0.377
8	16,989	0.390
9	17,498	0.402
10	17,471	0.401
11	17,887	0.411
12	19,330	0.444
13	25,559	0.587
14	20,299	0.466
15	13,568	0.311
16	13,569	0.311
17	12,848	0.295
18	13,904	0.319
19	16,262	0.373
20	25,512	0.586
21	23,402	0.537
22	27,820	0.639
23	22,798	0.523
24	22,174	0.509
25	24,912	0.572
26	19,888	0.457
27	20,108	0.462
28	20,057	0.460
29	21,905	0.503
30	21,918	0.503
31	26,364	0.605
32	19,665	0.451

AREA C LOT OWNERSHIP



- 9/32 lots private owned (7 under construction)
- 23/32 lots developer owned (3 under construction)
- Lots 15-18:
  - 2 private owners, 2 developer
  - 2 under construction and 2 in design

RENDERINGS





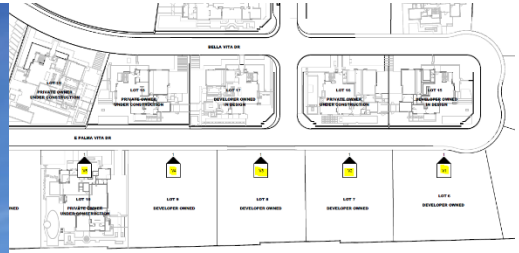
*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

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VIEW OF LOT 15 FROM LOT 6

RENDERINGS (CONT'D)





VIEW OF LOT 16 FROM LOT 7

RENDERINGS (CONT'D)





*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW OF LOT 17 FROM LOT 8

RENDERINGS (CONT'D)



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW OF LOTS 17 & 18 FROM LOT 9

RENDERINGS (CONT'D)





*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

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VIEW OF LOTS 18 & 19 FROM LOT 10

RECOMMENDATION

- Recommendation A:
  - It is recommended the Planning Commission deem the requested amendment to the Five Star/Ritz-Carlton Special Use Permit a Minor Amendment per the criteria listed in Section 1102.7.B of the Zoning Ordinance.

- Recommendation B:
  - It is recommended that the Planning Commission approve the Five Star/Ritz-Carlton Minor Special Use Permit Amendment in Area C to modify the 35-foot Rear Yard Second Floor setback requirement on five interior lots (Lots 15-18), subject to stipulations.

STIPULATIONS

1. All improvements to the Property shall be in substantial compliance with the Narrative, Plans, and Documents:
   a) Narrative, prepared by Drewett Works, dated March 25, 2024.
   b) Plan Set, Renderings, Average Setback, and Open Space Sections prepared by Drewett Works, Sheets A.200, A.201, and A.202, revised March 25, 2024 and March 26, 2024.

2. The 35-foot rear yard second floor main building setback of Lots 15 through 18 of Replat Amended 7000 East Lincoln – Parcel C – Amended IV as shown on Page F-3, Area C Ritz-Carlton Residential Lots, of the Approved Plans as referenced in Stipulation 44 from the 2015 Special Use Permit via Town of Paradise Valley Ordinance 694 be amended requiring that the minimum rear yard livable area second floor setback shall be 35 feet and the minimum rear yard non-livable area second floor setback intended for outdoor covered patio shall be 20 feet with the maximum non-livable area within the rear second floor setback between the 20-foot setback and 35-foot setback not to exceed 550 square feet.

STIPULATIONS

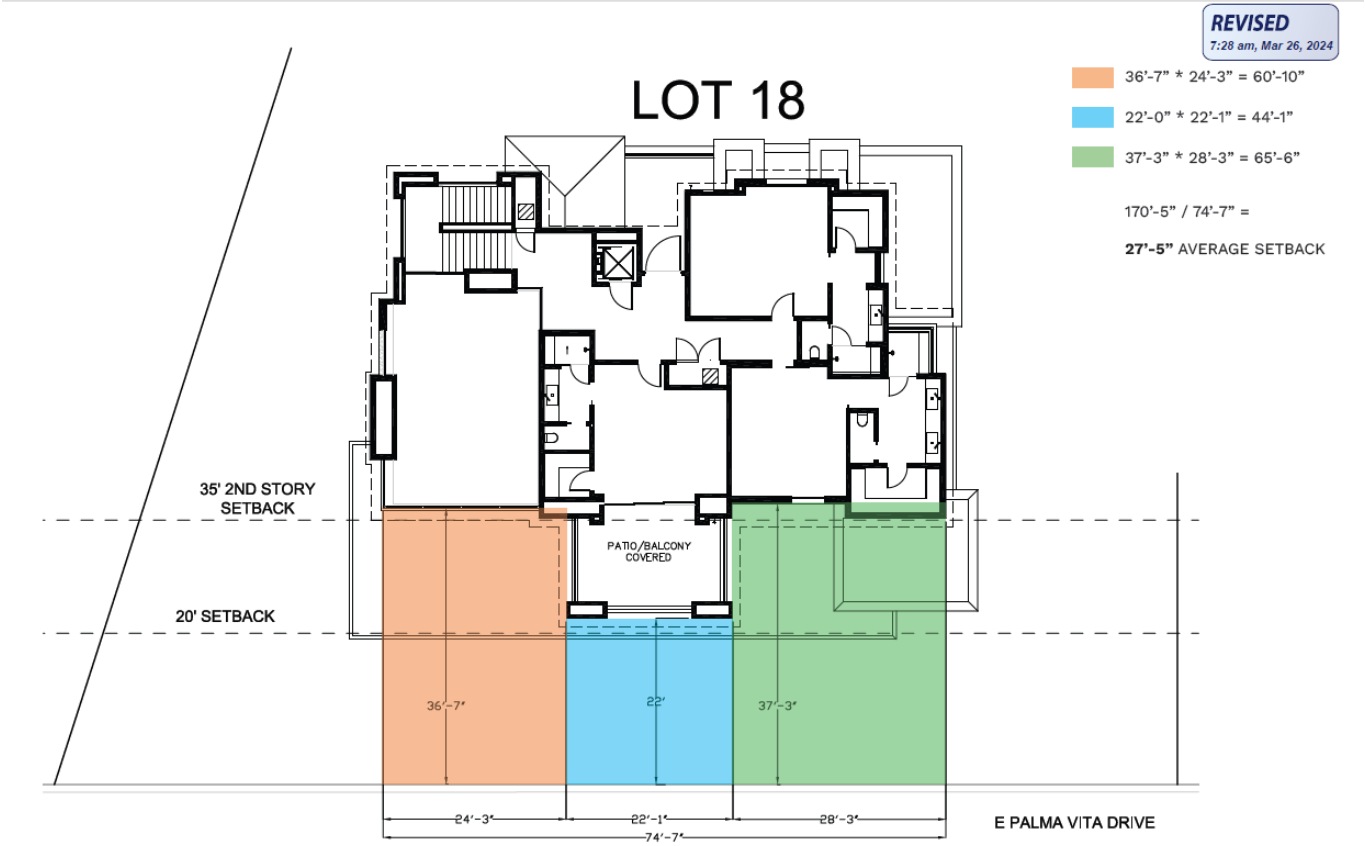
3. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by Minor Amendment SUP-24-01.

4. The Owner shall provide the Town with a signed Waiver of Claims for Diminution of Value under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney prior to Planning Commission approval.

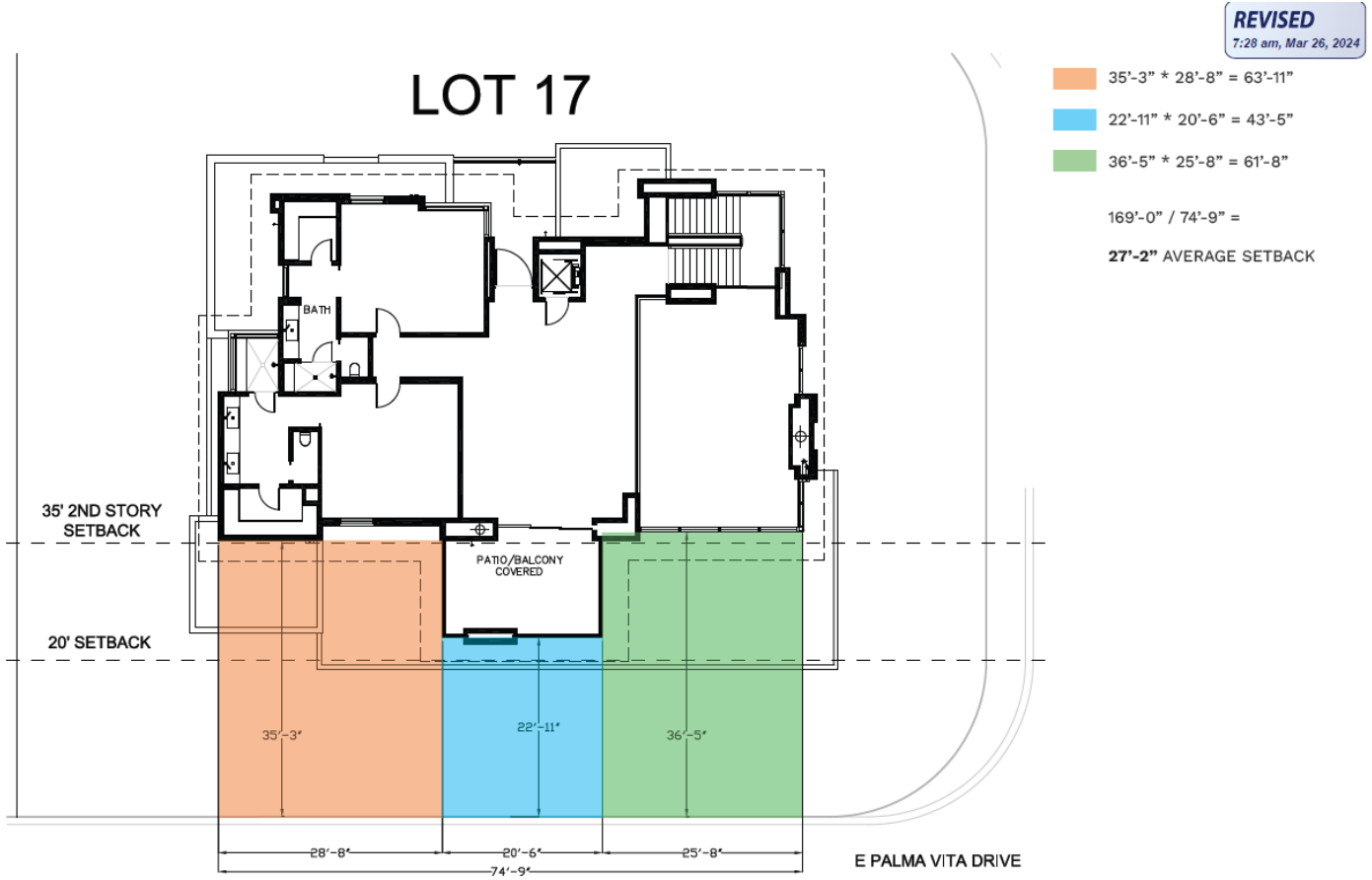
QUESTIONS? ACTION?



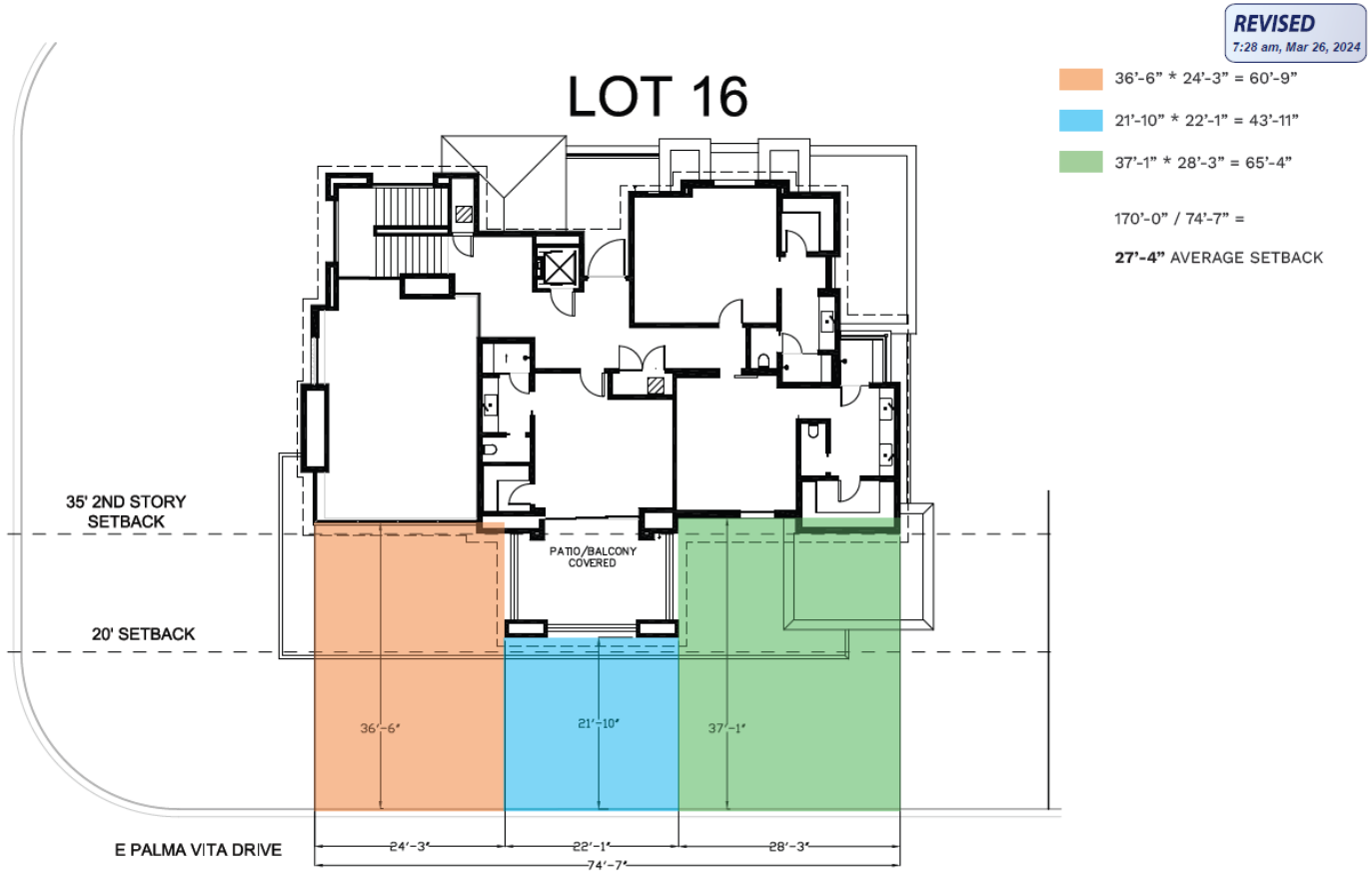
AVERAGE SETBACK



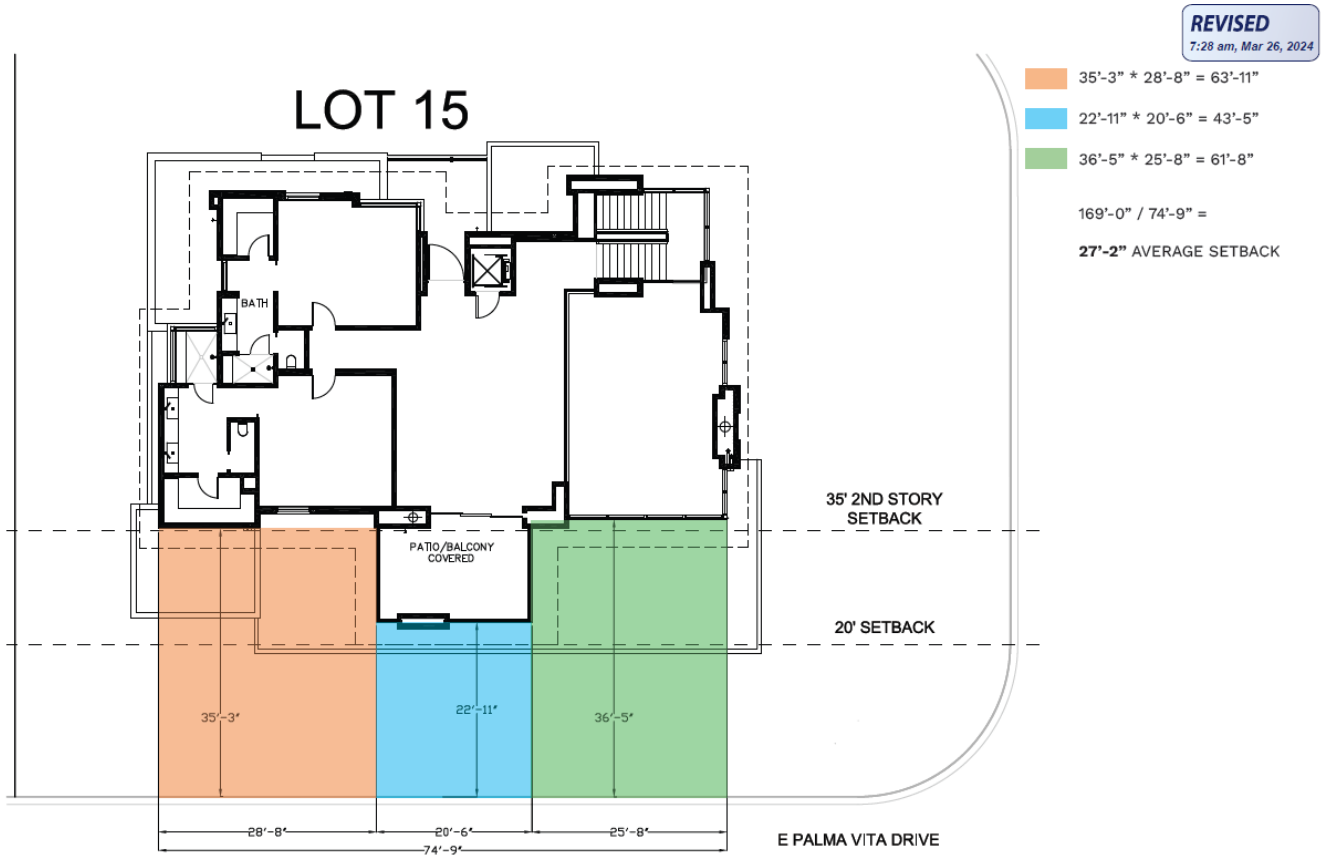
AVERAGE SETBACK



AVERAGE SETBACK

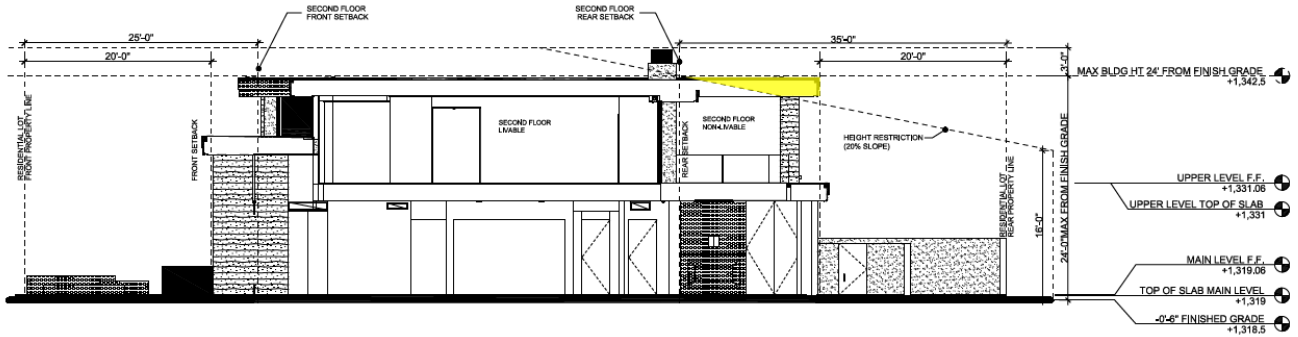


AVERAGE SETBACK



OPEN SPACE SECTION

REVISED
7:28 am, Mar 26, 2024

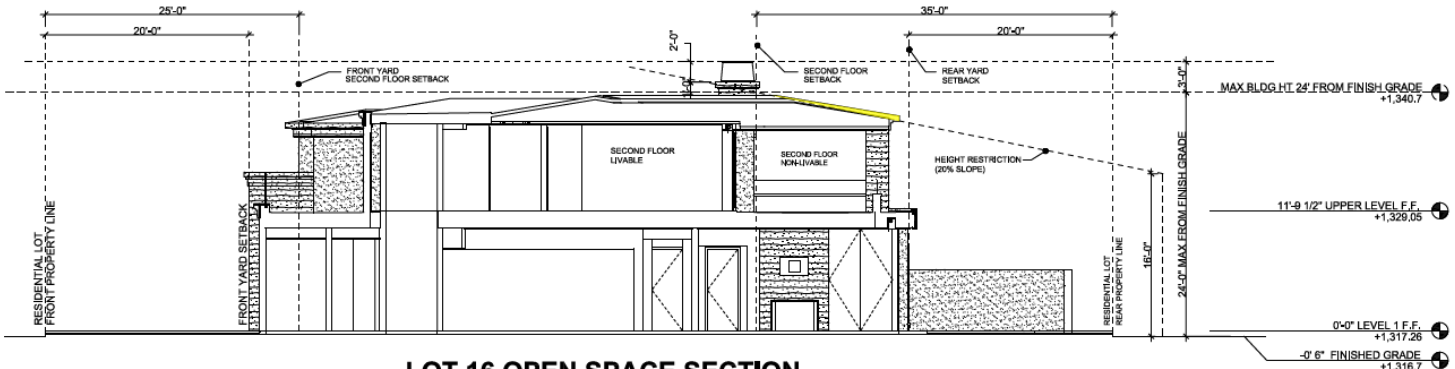


LOT 18 OPEN SPACE SECTION

SAME SECTION APPLIES TO LOT 16

OPEN SPACE SECTION

REVISED
7:28 am, Mar 26, 2024



LOT 16 OPEN SPACE SECTION

Action Report

File #: 24-099

AGENDA TITLE:
Discussion and Possible Action on Minor Special Use Permit Amendment (SUP-24-01) Ritz-Carlton Area C Lots 15-19 (7000 E Lincoln Dr)

STAFF CONTACT:

TOWN
Of
PARADISE VALLEY

STAFF REPORT

TO: **Chair & Planning Commission Members**

FROM: **Chad Weaver, Community Development Director**
Paul Michaud, Planning Manager
Brandon McMahon, Planner

DATE: **April 2, 2024**

DEPARTMENT: **Community Development Department – Planning Division**
Brandon McMahon, 480-348-3531

AGENDA TITLE: **Discussion and Possible Action on a Minor Special Use Permit Amendment (SUP-24-01) Ritz-Carlton Area C Lots 15-18 – 7000 E Lincoln Dr**

PLANNING COMMISSION REVIEW
The Planning Commission reviewed the Minor Special Use Permit application at the March 5, 2024 work study session. During the work session, the Commission reviewed the project and asked questions regarding the history of the 2021 replat of Area C, if the Ritz branded homes within Area C may serve as rental properties (what and if any CC&Rs are in place), current ownership of the 5 lots, the notification process for the amendment, requested sightline models for the 5 lots, and had overall questions regarding the purpose of this amendment. The Town attorney staff is researching the Five-Star Ritz development agreement as it pertains to short-term rentals and will discuss findings at the April 2nd meeting. The Planning Commission indicated the desire for the applicant to formally present and requested an additional Work Session prior to the potential action hearing on this item on April 2nd, 2024.

Since the last Planning Commission meeting the Planning Commissioners at separate times had a tour of the development. The applicant removed Lot 19 as this home is under construction and meets required setbacks. The applicant provided additional visuals showing the average setback and the Open Space Criteria encroachment on Lot 16 and 18 (homes under construction) which are part of the application packet (Attachment F). The applicant provided an ownership map showing 8 of the 32 lots are under private ownership. As directed at the last work session, the applicant also contacted these individual lot owners. The applicant is expected to have the required Waiver of Rights and Remedies for the four lots subject to the proposed amendment by the meeting (if not already part of the packet). Stipulation 2 limits the amendment to only the four subject lots, the rear second-story setback, non-livable uses, and a maximum of 550 square feet.

RECOMMENDATION
RECCOMENDATION A:
It is recommended the Planning Commission deem the requested amendment to the Five Star/Ritz-Carlton Special Use Permit a Minor Amendment per the criteria listed in Section 1102.7.B of the Zoning Ordinance.

RECOMMENDATION B:
It is recommended that the Planning Commission approve the Five Star/Ritz-Carlton Minor Special Use Permit Amendment in Area C to modify the 35-foot Rear Yard Second Floor setback requirement on four interior lots (Lots 15-18), subject to the following stipulations:

1. All improvements to the Property shall be in substantial compliance with the Narrative, Plans, and Documents:
    a. Narrative, prepared by Drewett Works, dated March 25, 2024.
    b. Plan Set, Renderings, Average Setback, and Open Space Sections, prepared by Drewett Works, Sheets A.200, A.201, and A.202, revised March 25, 2024, March 26, 2024, and March 29, 2024.

2. The 35-foot rear yard second floor main building setback of Lots 15 through 18 of Replat Amended 7000 East Lincoln – Parcel C – Amended IV as shown on Page F-3, Area C Ritz-Carlton Residential Lots, of the Approved Plans as referenced in Stipulation 44 from the 2015 Special Use Permit via Town of Paradise Valley Ordinance 694 be amended requiring that the minimum rear yard livable area second floor setback shall be 35 feet and the minimum rear yard non-livable area second floor setback intended for outdoor covered patio shall be 20 feet with the maximum non-livable area within the rear second floor setback between the 20-foot setback and 35-foot setback not to exceed 550 square feet.

3. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by Minor Amendment SUP-24-01.

4. The Owner shall provide the Town with a signed Waiver of Claims for Diminution of Value under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney prior to the Planning Commission approval.

SUMMARY STATEMENT:

Request

The applicant, Drewett Works on behalf of Five Star Development LLC, requests a Minor Special Use Permit (SUP) amendment for Area C of the Five-Star Development project to remove the 35-foot Rear Yard Second Floor setback requirement on four interior lots (Lots 15-18). Any second story, non-livable covered patio, will adhere to the 20-foot rear yard setback requirement.

Purpose

The purpose of the April 2nd work session is to review the scope of the request and provide an opportunity for the Planning Commission to provide final comments prior to the action meeting that same evening.

Location

Area C is a portion of the overall Five-Star Development project consisting of the Ritz-Carlton resort, villas, single-family homes, and resort-related retail. The project is generally bounded by Lincoln Drive, Mockingbird Lane, Indian Bend Road, and the eastern Town limits near Scottsdale Road (Attachment D). Area C is for the Ritz-Carlton Resort Branded Homes located at the northeast corner of Mockingbird Land and Lincoln Drive. It is bordered by two public roads. These are Lincoln Drive, a major arterial, and Mockingbird Lane, a minor arterial. To the west of Area C are R-43 zoned single-family lots (side yards) of the Mockingbird Acres and Judson subdivisions. To the direct north of Area C is St. Barnabus of the Desert Church, as well as Ritz-Carlton Area A. To the east is the internal private road Palmeraie Boulevard and Ritz-Carlton Area D. And to the south, across Lincoln Drive, R-43 zoned single-family lots (front yards).

History

The property located at 7000 E. Lincoln Drive was annexed into the Town in 1964. The Town Council granted the initial Special Use Permit (SUP) zoning in 1987, with Major SUP Amendments approved in 2008 and 2015. No development occurred on the site until after the 2015 Major SUP Amendment. Since 2015, there have been several Managerial and Minor SUP Amendments along with replats as the site has undergone construction. The last Minor SUP Amendment for Area C occurred in January 2020 to allow for expanded basement lightwells to encroach into the building setbacks, allow chimneys and chimney screens to extend 3 feet above the maximum height limit of the house, and to modify several fence/retaining wall heights. The configuration of the subject lots

are as shown on Replat Amended 7000 East Lincoln – Parcel C – Amended IV (Attachment D). It is common for large developments like the Five Star Ritz project to have Special Use Permit amendments to finetune the project as it gets built out.

The 35-foot Rear Yard Second Floor requirement is shown on Page F-3, Area C Ritz-Carlton Residential Lots, of the Approved Plans as referenced in Stipulation 44 from the 2015 SUP via Ordinance 694. Stipulation 44 reads, "Area C may only be improved with up to forty-five (45) detached single-family residential Resort-Branded Homes and uses incidental or accessory thereto, as well as common areas and common use facilities and/or amenities, provided that all such improvements comply with the height and Floor Area limitations shown on Page D-3, and setback limitations as shown on page F-3 of the Approved Plans…"

The Town's Open Space Criteria requirements were applied along Lincoln Drive and Mockingbird Lane as illustrated in the Road Sections on pages D-9 and D-10 (see attached) of the Ritz-Carlton Resort Technical Book and per the Town's Special Use Permit Guidelines. The result was an establishment of 35'-0" second story rear yard setbacks as shown on page F-3 of the Ritz-Carlton Resort Technical Book. According to the applicant's narrative, this second-floor setback was set in place to maintain view corridors around the perimeter of the property by limiting building heights and was unintentionally applied to the internal lots which do not directly impact view corridors from Lincoln Drive and Mockingbird Lane. Lots 15-18 now sit within the interior of the Ritz-Carlton Area C and pose no danger to disrupt the view corridors from around the perimeter of the property.

2015 Original SUP Area B&C Building Setback Table:

Area B & C Main Building Setbacks	
Front Yard First Floor	20'
Front Yard Second Floor	25'
Side Yard Lots greater than 15,000 sf	15' each side
Side Yard Lots 10,000 - 15,000 sf	20' total (not less than 5')
Rear Yard First Floor	20'
Rear Yard Second Floor	35'
Lot size greater than 15,000 sf	▲
Single story home with construction limited to a maximum of 20' in height	✿

Proposed Area C Main Building Setback Table for Lots 15-18 only:

AREA C LOTS 15-18 MAIN BUILDING SETBACKS	
Front Yard First Floor	20'
Front Yard Second Floor	25'
Side Yard Lots greater than 15,000 sf	15' each side
Side Yard Lots 10,000 - 15,000 sf	20' total (not less than 5')
Rear Yard First Floor	20'
Rear Yard Second Floor (Livable)	35'
Raer Yard Second Floor (Non-Livable)	20'

Second-Story Use

Drewett Works will limit the architecture that encroaches into what was the second story setback to non-livable second floor covered patios with a maximum roof cover of 550 square feet. Five Star Development will inform the current and future owners of the homes on these lots that these patios are to remain non-livable and at no time can be enclosed to create additional livable space.

DISCUSSION/FACTS:

General Plan:

The proposed improvements are consistent with Section 1.3 of the Town's General Plan which encourages the continued revitalization and improvement of the Town's resorts while protecting the adjacent residential neighborhoods.

Minor Amendment Criteria

Per Section 1102.7 B (of Article 11 of the Town Zoning Ordinance), a Minor Amendment to a Special Use Permit shall include any proposal which is not a Managerial Amendment and does not:

1. Change or add any uses; or

   This Minor Amendment request will not change or add any uses that are permitted in the current SUP. The use remains single-family.

2. Increase the floor area of the project by more than 5,000 square feet or constitute an increase of more than 15% upon the existing or, if still under construction, approved floor area square footage of the affected SUP property, whichever is less, with any such increase to be measured cumulatively over a sixty-month period; or

   The modification of the second story setback requirement will not impact the required maximum total residential floor area of 309,375 square feet or the maximum lot coverage/drip line area of 236,250 square feet within the Resort Branded Homes as indicated on the land density table (Page D-3 of the Approved Plans). This proposed amendment will also not have an impact on the 33% open and pervious area requirement of each lot per Stipulation 45.f of the 2015 SUP (Ordinance 694). Lots 15-18 are the smallest lots in terms of overall square footage within Area C. The average lot size of all lots within Area C, excluding 15-18, is 20,324 square feet, with the largest lot being Lot 22 at 27,820 square feet. Lots 15-18 square footages are as follows:

   1. *Lot 15 is 13,568 square feet (0.31 acres)*
   2. *Lot 16 is 13,569 square feet (0.31 acres)*
   3. *Lot 17 is 12,848 square feet (0.3 acres)*
   4. *Lot 18 is 13,904 square feet (0.32 acres)*

3. Have any material effect on the adjoining property owners that is visible, audible, or otherwise perceptible from adjacent properties that cannot be sufficiently mitigated; or

   Lots 15-18 sit within the interior of the Ritz-Carlton Area C and the rear yard property lines for these lots are approximately 238 feet from the center line of Lincoln Drive and approximately 162 feet 6 inches from the overall site's southern property line. With that, the proposed amendment does not penetrate the Open Space Criteria (20% slope) nor have any negative effect on the view corridors from adjacent properties or around the perimeter of the property. Lots 15-18 are also internal to Area C and are separated from the adjacent front and rear lots by Stellina Vita Drive to the north and Palma Vista Drive to the south. Furthermore, since the creation of the original 2015 SUP, Area C was re-plated in 2021 which deviates a great deal from the original layout, both in terms of configuration and number of lots. The original SUP site layout called for 45 lots with lots 21-45 abutting each other. With the 2021 re-plat, the site was revised to include 32 lots (a 28.8% reduction from the original layout) with no properties abutting each other and are separated by two new internal streets (Stellina Vita Drive and Palma Vita Drive).

4. Change the architectural style of the existing Special Use Permit.

   The requested second story setback requirement removal for Lots 15-18 does not change the architectural style of the existing Special Use Permit.

Process

The process for the Minor SUP Amendment is first a pre-application review by the Town staff (completed), Planning Commission review of the SUP (completed), and a Planning Commission public meeting on the SUP (in process - April 2nd, 2024).

Public Comment

Public notification was performed in accordance with the public meeting process. Mailing notification was sent to properties within a 1,500 square foot radius of the site on March 8, 2024. Staff did not receive any comments regarding this request.

Five Star Development is in the process of discussing this request with all property owners within Parcel C. Five Star does not foresee any opposition in removing the second story setback requirement for the non-livable covered patios. Confirmation of property owner approval will be presented at the April 2nd Planning Commission meeting.

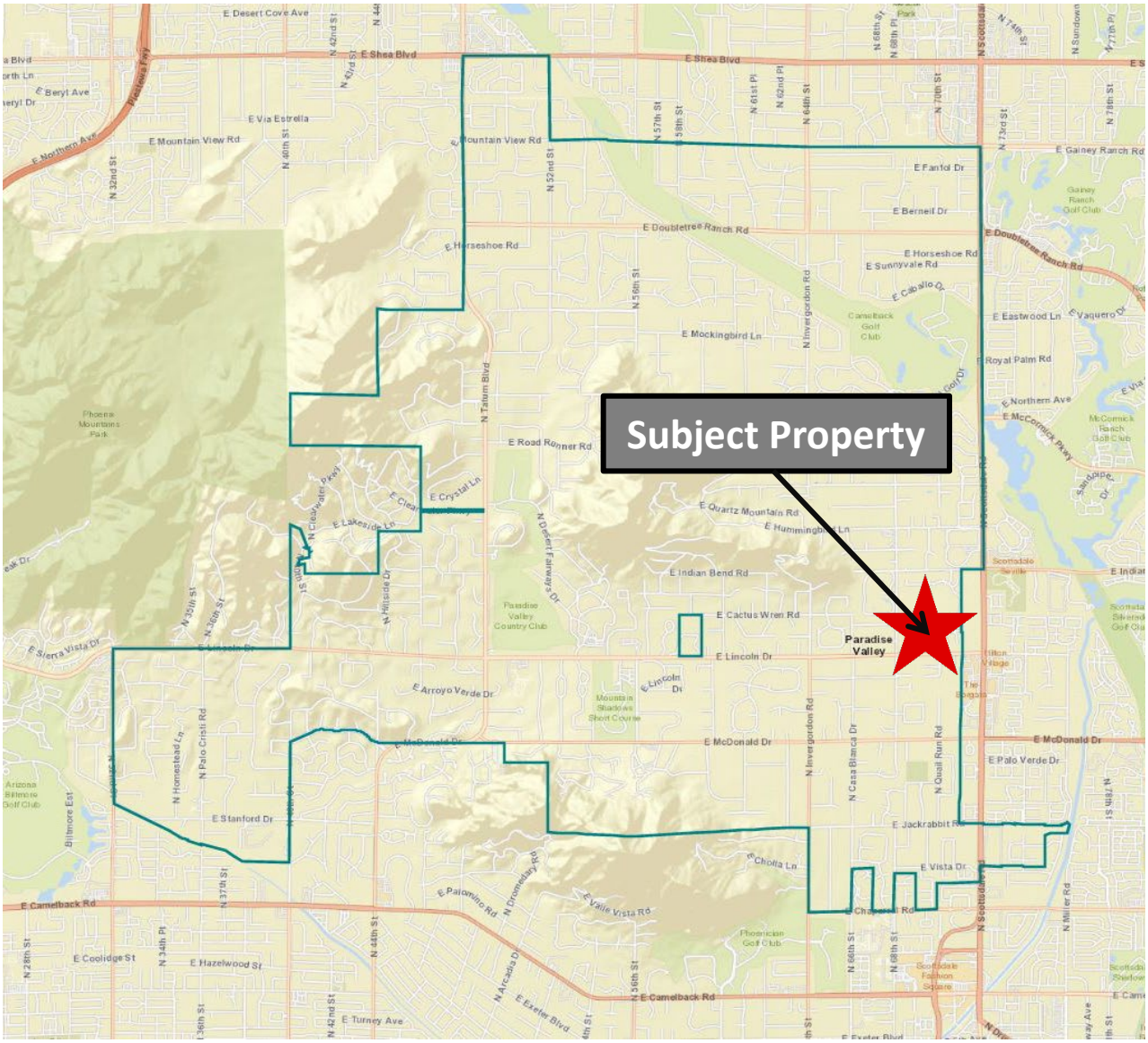
Next Steps

The Commission must take two actions on a Minor SUP Amendment request. The first action is to determine if the request constitutes a Minor Amendment. If deemed a Minor Amendment, the Commission must either approve the request (with stipulations), deny the request, or continue the application for additional information and/or discussion.

ATTACHMENT(S):

A. Staff Report
B. Vicinity & Related Maps
C. Application
D. Five Star Project Excerpts
E. Summary of Five Star SUP Amendments
F. Narrative, Plans & Renderings
G. Notification Materials
H. Waiver of Rights and Remedies (Prop 207)
I. Presentation

VICINITY



Ritz-Carlton/Five Star Area C

7000 E Lincoln Dr

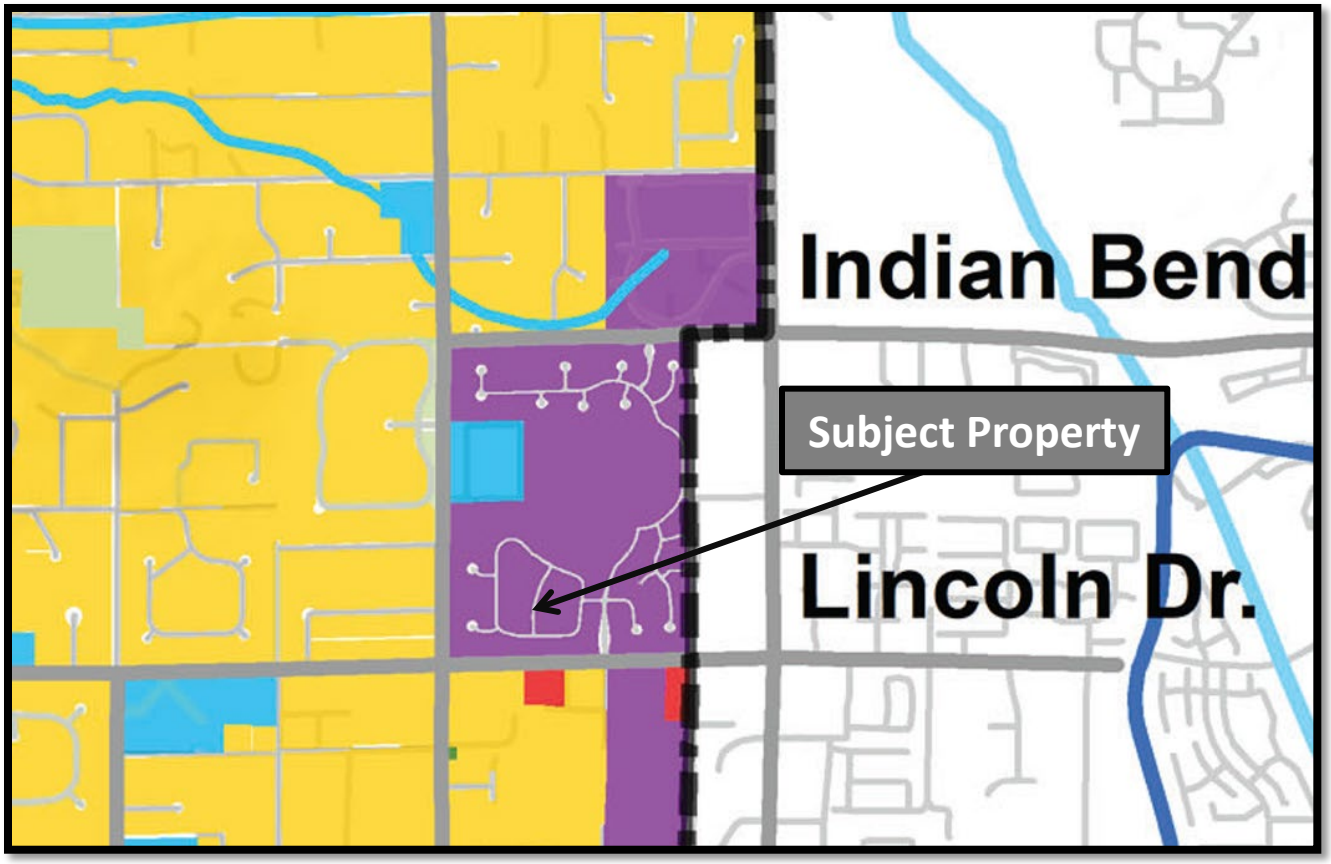
AERIAL



Ritz-Carlton/Five Star Area C

7000 E Lincoln Dr

GENERAL PLAN



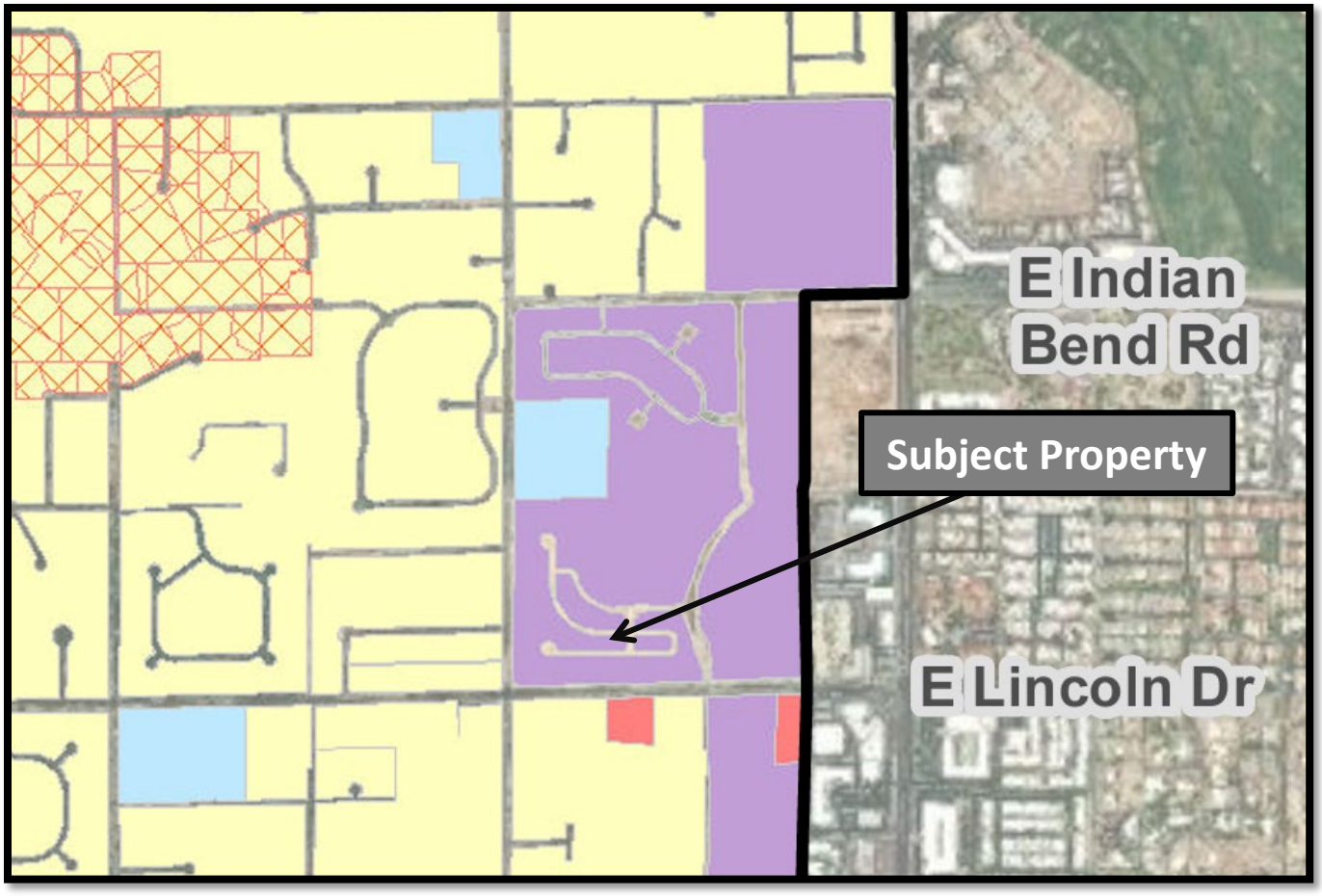
Land Use Classifications

Very Low Density Residential	Public Open Space
Low Density Residential	Medical Office
Medium Density Residential	Public/Quasi Public
Private Open Space	Resort/Country Club

Ritz-Carlton/Five Star Area C

7000 E Lincoln Dr

ZONING





Ritz-Carlton/Five Star Area C

7000 E Lincoln Dr

COMMUNITY DEVELOPMENT DEPARTMENT
SPECIAL USE PERMIT APPLICATION GUIDE

Town of Paradise Valley ● 6401 East Lincoln Drive ● Paradise Valley, Arizona 85253 ● Phone: (480) 348-3693

APPLICANT & CONTACT INFORMATION

Please check the appropriate box for the Type(s) of Application(s) you are requesting	
Special Use Permit	
☐ Managerial Amendment	☐ Intermediate Amendment
☒ Minor Amendment	☐ Major Amendment/New SUP

Project Name: Ritz-Carlton Residential Lots Area C

Date: 1/9/2024 Existing Zoning: SUP-R Proposed Zoning: _____ Net Acres: 17.3

Property Address: NWC of Lincoln Drive and Mockingbird Lane

Assessor's Parcel Number: Varies - multiple lots

Owner: Five Star Development

Address: 6720 N. Scottsdale Road, Suite 130, Scottsdale, AZ 85253

Phone number: 480-603-1378

E-mail address: RichardF@Fivestardevelopment.com

Signature: See attached Agent Authorization Letter
(Or provide a separate letter of authorization)

Applicant/Representative: Rob Banach

Company Name (if Applicable): Drewett Works

Address: 7144 E Stetson Dr, Ste 204, Scottsdale, AZ 85251

Phone number: 480-329-7504

E-mail address: rob@drewettworks.com

Signature: Rob Banach Digitally signed by Rob Banach
DN: C=US, E=rob@drewettworks.com, O=Drewett Works, CN=Rob Banach
Date: 2024.01.09 09:35:15-07'00'

THE ABOVE APPLICANT HEREBY APPLIES FOR AN APPLICATION AS INDICATED IN THE SUBMITTED NARRATIVE, PLANS, AND DOCUMENTS IN ACCORDANCE WITH THE TOWN CODE AND TOWN POLICIES.

FOR DEPARTMENTAL USE ONLY

App.#: _____ Submittal Date: _____ Expiration Date: _____

COMMUNITY DEVELOPMENT DEPARTMENT
SPECIAL USE PERMIT APPLICATION GUIDE

Town of Paradise Valley ● 6401 East Lincoln Drive ● Paradise Valley, Arizona 85253 ● Phone: (480) 348-3692

SUBMITTAL REQUIREMENTS

Submittal requirements will vary based upon the project/scope of the request. Unless otherwise approved by Planning staff; plan size is 24" x 36", **provide 2 paper copies of submittal items (upon staff request) and provide 1 electronic copy of all material in PDF format** on a USB flash drive/memory stick. Additional copies may be required for scheduled meetings. The following documents are required for **all four SUP application types**:

- ■ Filing Fee:

Application Type		Application Fee (schools/government or places of worship)		Application Fee (other uses)
Managerial	☐	$1,437	☐	$3,375
Minor	☐	$3,270	■	$8,475
Intermediate	☐	$5,325	☐	$13,425 + $275 per acre or portion
Major/New	☐	$7,600	☐	$19,050 + $400 per acre or portion

- ■ Narrative description of the request (2 paper upon staff request and 1 electronic). The narrative shall identify the following:
  - ■ Scope of request, including uses, ownership/management, phasing and/or design philosophy
  - ■ How request meets the SUP criteria outlined in Section 1102.7 of the Town Zoning Ordinance
  - ■ How request meets and/or deviates from the Town development standards and guidelines, that might include compatibility with adjoining properties; environmental impacts; water flow and pressure impacts, site access, parking and circulation
  - ■ How request meets the Town's long-range plans (such as the General Plan and/or Visually Significant Corridor Plan)
- ☑ Applicable plans and documents for staff review (2 paper upon staff request and 1 electronic), including but not limited to:
  - ■ Site Plan depicting location and type of all improvements and any additional information as needed (e.g. setbacks, parking, internal circulation, access points, site data, etc.)
  - ☐ Legal Description
  - ☐ Aerial Photo
  - ☐ ALTA Survey and/or Title Report
  - ☐ Building Plans including, schematic floor plans, building elevations and heights, an analysis of the Open Space Criteria, architectural style and details, and exterior building materials and colors
  - ■ Site Data (e.g., square footages, floor area ratio, lot coverage, site gross/net acreage)
  - ☐ Grading & Drainage Plan, with the Illustration of all washes including 5 equally spaced cross sections
  - ☐ Parking/Traffic Study to address impact on adjacent properties and roadway system, internal circulation and parking analysis, and any necessary roadway dedication and improvement
  - ☐ Landscape Plan including hardscape and plant names, quantity, sizes, and locations
  - ☐ Lighting Plan, which may require photometric study, including fixture type, quantity, lumens, watt, kelvins and cut sheets
  - ☐ Signage Plan including sign elevations, lighting and dimensions for each sign type

☐ Noise study to evaluate the compatibility of the proposed project with surrounding areas
☐ Other items

Town Code/Zoning Ordinance Sections and long-range documents that may apply to your request

Zoning Ordinance	**Town Code**
Article XI, Special Uses & Additional Regulations	Chapter 5, Section 5-10, Development
Article XXV, Signs	Chapter 6, Subdivisions
Other	
Special Use Permit Guidelines	
General Plan	
Visually Significant Corridors Master Plan	
Storm Drainage Design Manual	

General notes

1 *An application is not complete until all required information is submitted in an approved form. No application will be reviewed until complete. No agenda date will be set until the completed application has been reviewed and accepted by staff*

2 *In considering a SUP application, not only shall the nature of the use be considered, but also the special conditions influencing its location, design and operation, the proposed location and design of buildings, parking and other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated, compatibility with the residential character and zoning of the Town, and the influence that such factors and development are likely to exert on adjoining properties*

3 *Final approval may be granted upon such conditions reasonably related to the use of the subject property*

4 *In the exercise of its legislative discretion on Intermediate, Major and New SUP applications, the Town Council may modify the development standards or permit additional related uses in order to promote the goals and policies of the General Plan, in exchange for site enhancements that improve overall site design, or to promote the best interests of the Town or its residents*

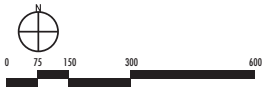
5 *No variance from the terms, provisions, or conditions of a SUP shall be granted by the Board of Adjustment; Applications to modify the terms, provisions, or conditions of a SUP must be filed as part of an amendment to the SUP*

6 *Refer to Article XI, Special Uses and Additional Use Regulations, of the Town Zoning Ordinance for additional information*

MASTER PLAN

Area	Description
A	Ritz-Carlton Resort Hotel
A1	Ritz-Carlton Resort Villas
B	Resort Related Luxury Homes
C	Ritz-Carlton Resort Branded Homes
D	Resort Related Attached Residences
E1	Resort Related Retail
E2	Resort Related Mixed Use (Final Site Plan Deferred)





CIVTECH, INC
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10605 N Hayden Road | Ste 140
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480.659.4250
contact: Dawn Carter

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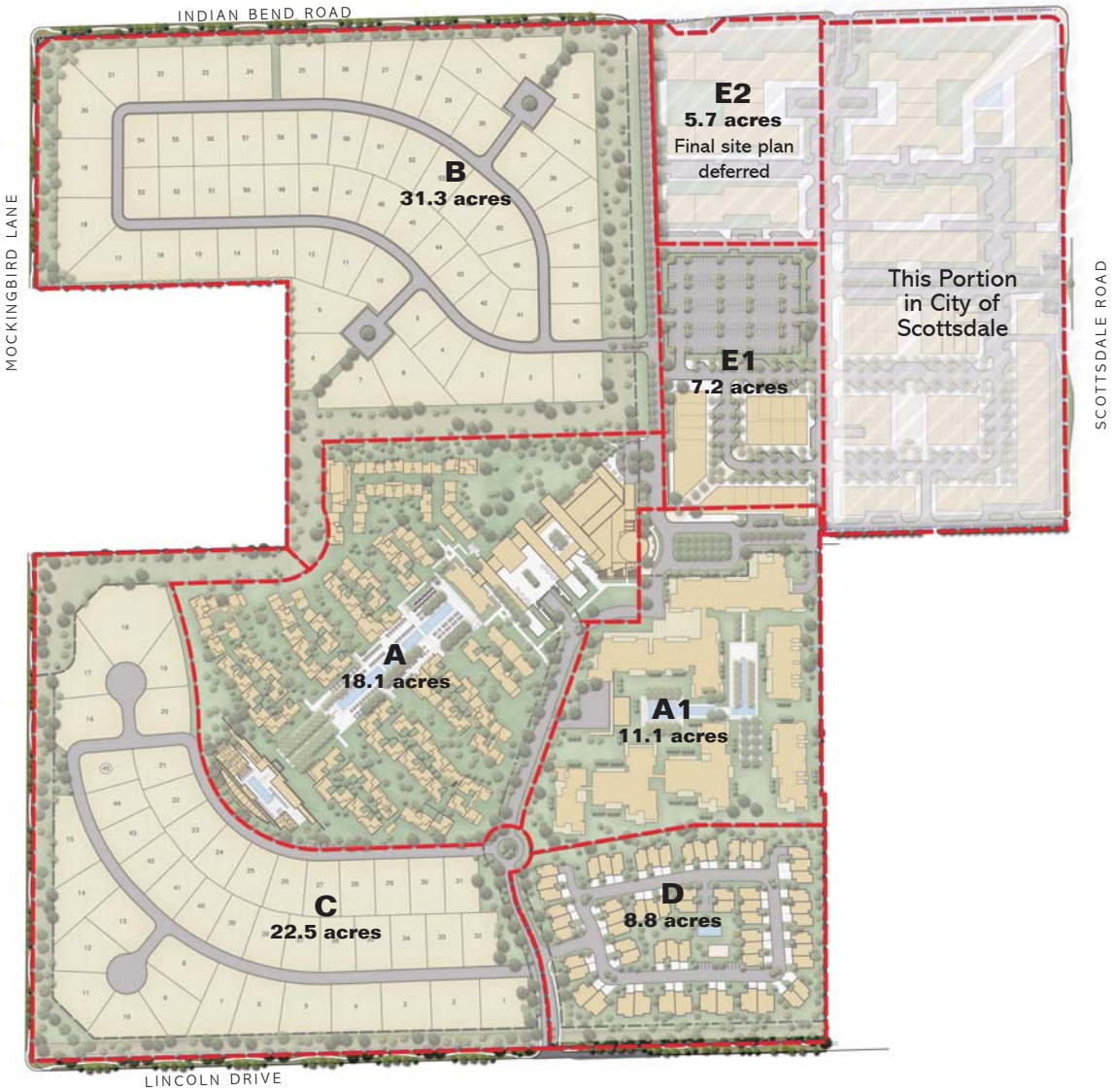
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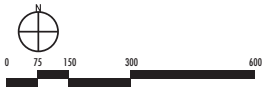
WITHEY MORRIS, PLC
Land Use & Zoning Attorney
2525 E Arizona Biltmore Cir | Ste A-212
Phoenix, Arizona 85016
602.230.0600
contact: Jason Morris

FIVE STAR DEVELOPMENT

MASTER PLAN

Area	Description	Acreage
A	Ritz-Carlton Resort Hotel	18.1
A1	Ritz-Carlton Resort Villas	11.1
B	Resort Related Luxury Homes	31.3
C	Ritz-Carlton Resort Branded Homes	22.5
D	Resort Related Attached Residences	8.8
E1	Resort Related Retail	7.2
E2	Resort Related Mixed Use (Final Site Plan Deferred)	5.7
	TOTAL	104.7 Acres- Post Dedication





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FIVE STAR DEVELOPMENT

2015 Proposed SUP Overview

Area	Land Use Product	Gross Acreage	Proposed Residential Units	Residential Lot Sizes	Average Unit Size Conditioned, sf [9]	Maximum Total Residential Floor Area, sf [4]	Maximum Total Resort Related Floor Area, sf [4]	Lot Coverage: Drip Line Area, sf	Area Coverage, Percentage [1]	Maximum Height, ft [2]
A	The Ritz-Carlton Resort Hotel	18.1	Public Spaces				352,000	234,000	29.7%	48'
			200 Hotel Rooms							24'
	Accessory & Service Structures						15,000			16'
A1	Ritz-Carlton Resort Villas	11.1	94 Resort Villas				328,000	149,000	30.8%	36'
	- Food & Beverage						32,000			24'
	Subtotals - A & A1	29.2					727,000	383,000	30.1%	
B	Resort Related Luxury Homes	31.3	66	10,000 sf min	4,000	453,750		336,600	24.7%	20' /24' [3]
				13,540 sf avg [9]						
				20,320 sf max [9]						
C	Ritz-Carlton Resort Branded Homes	22.5	45	12,000 sf min	4,000	309,375		236,250	24.1%	20' /24' [3]
				14,191 sf avg [9]						
				37,605 sf max [9]						
D	Resort Related Attached Residences	8.8	62		2,400	209,700		96,950	25.2%	20'/24'/36' [5]
E1	Resort Related Retail	7.2					78,400	78,400	25.0%	30'
	Accessory & Service Structures						3,000			16'
E2	Resort Related Mixed-Use (Deferred)	5.7 [10]								
	Subtotals B,C,D & E1	**69.8**				**972,825**	**81,400**	**748,200**	**24.6%**	
	Total All Parcels (excluding E2)	**99.0**	**Post Dedication**			**972,825**	**808,400**	**1,131,200**	**26.2%**	

Total Square Footage

Residential	972,825
Resort Related	808,400
Total Proposed	1,781,225 sf

Area Setbacks (from post dedication property lines)

North of Lincoln Drive:	50'
East of Mockingbird Lane:	50'
South of Indian Bend Road:	30'
North and East of St. Barnabas Church	10'

Single Family Dwelling Units per Acre

Parcel B	66	du
Parcel C	45	du
Total	111	du

Net Acres	53.8	ac [6]	2.06	du/ac
Gross Acres	54.5	ac [7]	2.04	du/ac
Improved Acres	56.5	ac [8]	1.96	du/ac

Notes:

[1] Area coverage is calculated using drip line of structures including trellises at 50% coverage. Current area coverage values are an approximation. Area Coverage in Area B and Area C will be permitted up to the limits established by the maximum Floor Area for each area.

[2] The maximum heights indicated are measured from finish grade. Finish grade is no more than 2' above existing grade or as depicted on Page E-7.

[3] Residential lots adjacent to public roadway are limited to one story and a 20' maximum height. Specific lots are depicted on Page F-2 and F-3.

[4] Gross area including at-grade garages, patios, trellises, overhangs but excluding fully subterranean basements

[5] 36' (three story) height only occurs as a buffer along the eastern border. Third floor: interior area will not exceed 50%, exterior covered will not exceed 10%, exterior uncovered will not exceed 10% of the second floor area. One story units are limited to 20' in height, two story units are limited to 24' in height. See Page F-4 for specific unit height limitations.

[6] Post-dedication acreage excluding the 1.1 acres earmarked for the Lincoln Drive right-of-way dedication

[7] Pre-dedication acreage including the 1.1 acres earmarked for the Lincoln Drive right-of-way dedication

[8] Improved Acres include landscaped right-of-way (to the back of curb) in addition to the perimeter Area Setbacks

[9] Illustrative values only

[10] The acreage for Area E2 is excluded from the overall Area Coverage calculation

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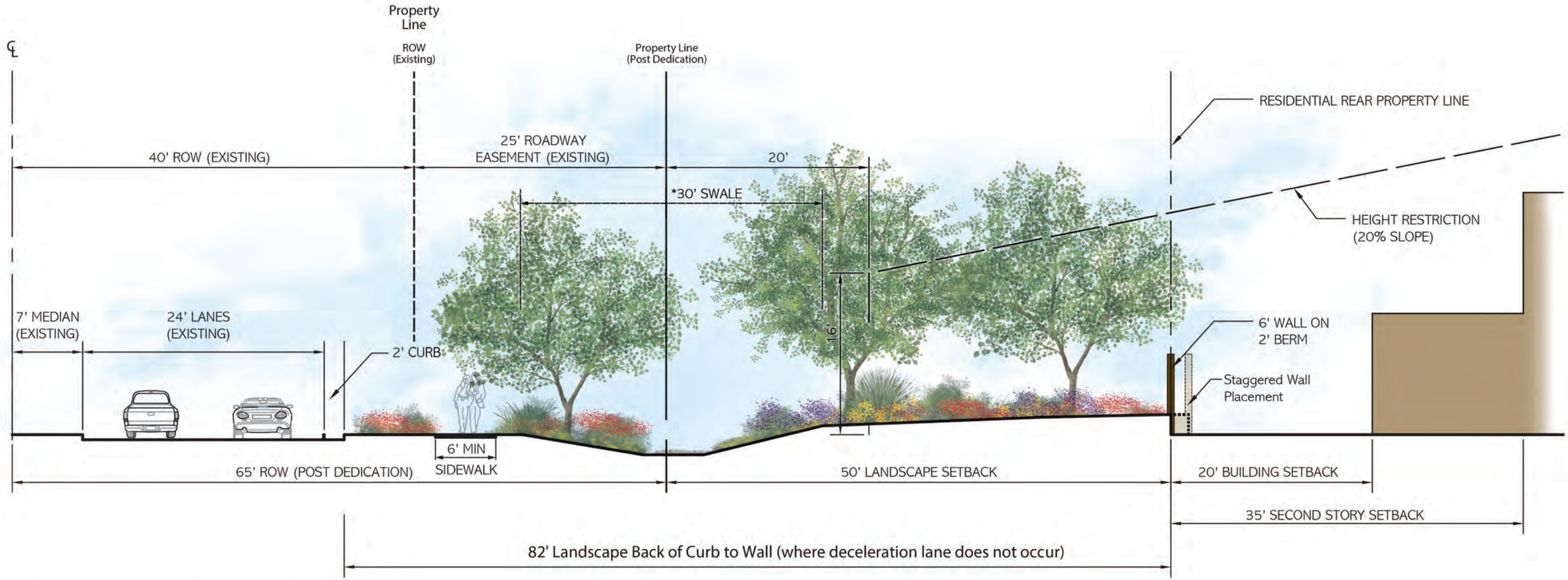
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FIVE STAR DEVELOPMENT



*PENDING FINAL TOWN APPROVED ENGINEERING

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FIVE STAR DEVELOPMENT

ANTICIPATED TRANSITIONAL DESERT PLANT PALETTE

(May include but not limited to)

Trees

Foothills Palo Verde

Desert Willow

Ironwood

Shrubs

Hopbush

Fairy Duster

Brittle Bush

Globe Mallow

Accents

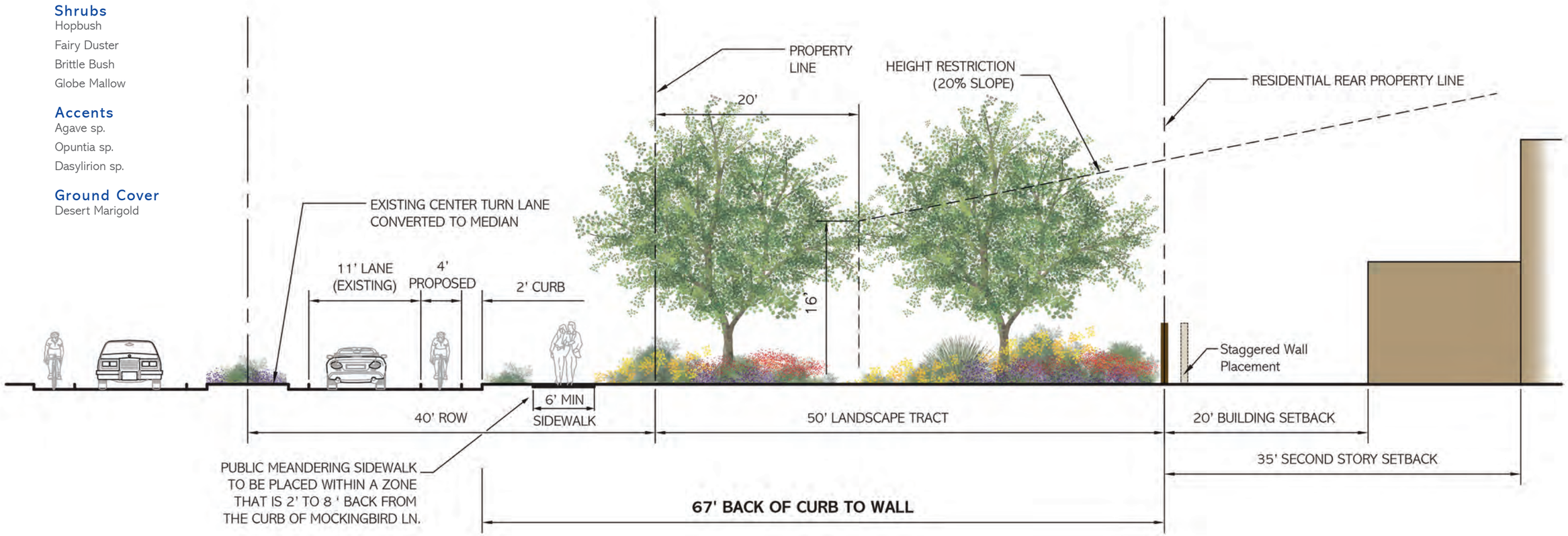
Agave sp.

Opuntia sp.

Dasylirion sp.

Ground Cover

Desert Marigold



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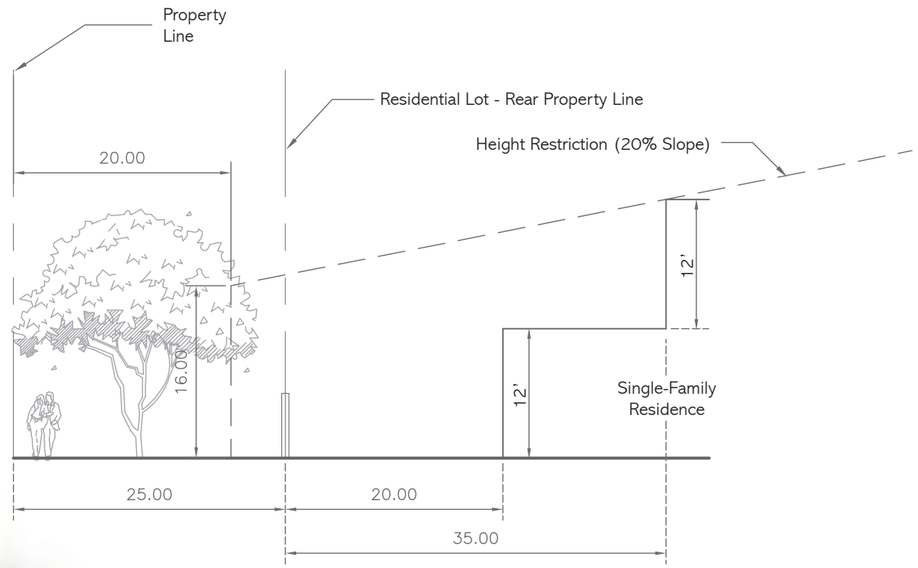
MASON ARCHITECTS
Architecture & Master Planning
957 Industrial Road | Ste C
San Carlos, CA 94070
650.851.8810
contact: Peter Mason

NELSEN PARTNERS
Mixed-Use Architecture
15210 N Scottsdale Rd | Ste 300
Scottsdale, AZ 85254
480.949.6800
contact: George A Melara

WITHEY MORRIS, PLC
Land Use & Zoning Attorney
2525 E Arizona Biltmore Cir | Ste A-212
Phoenix, Arizona 85016
602.230.0600
contact: Jason Morris

FIVE STAR DEVELOPMENT





Open Space Criteria

Area B & C Main Building Setbacks	
Front Yard First Floor	20'
Front Yard Second Floor	25'
Side Yard Lots greater than 15,000 sf	15' each side
Side Yard Lots 10,000 - 15,000 sf	20' total (not less than 5')
Rear Yard First Floor	20'
Rear Yard Second Floor	35'
Lot size greater than 15,000 sf	●
Single story home with construction limited to a maximum of 20' in height	✿

Area B & C Accessory Building Setbacks	
Front Yard	10'
Side Yard	5'
Side Yard	10' (that abuts a street)
Rear Yard	10'

Guest Parking:
2 cars in the driveway at each home

CIVTECH, INC
Traffic Engineering
10605 N Hayden Road | Ste 140
Scottsdale, AZ 85260-5595
480.659.4250
contact: Dawn Carter

CVL CONSULTANTS
Civil, Landscape, Planning, & Survey
4550 N 12th St
Phoenix, AZ 85014
602.264.6831
contact: Ryan Weed

MASON ARCHITECTS
Architecture & Master Planning
957 Industrial Road | Ste C
San Carlos, CA 94070
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FIVE STAR DEVELOPMENT



THE PALMERAIE®

Master Site Plan

The Palmeraie®

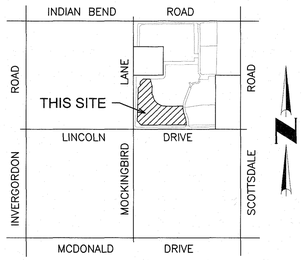
The Ritz-Carlton™ Paradise Valley, The Palmeraie Hotel, Villas, and Estate Homes

FENDI Private Residences

REPLAT

AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED IV

A REPLAT OF AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED II, AS RECORDED IN BOOK 1482 OF MAPS, PAGE 11, AND AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED III, AS RECORDED IN BOOK 1505 OF MAPS, PAGE 15, MARICOPA COUNTY RECORDS, BEING SITUATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP
(NOT–TO–SCALE)

COUNTY RECORDER

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
STEPHEN RICHER
20210290192 03/16/2021 08:34
BOOK 1579 PAGE 31
ELECTRONIC RECORDING

PLAT2101-3-1-1-M-
brodiek

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 A IS A PRIVATE DRIVE. TRACT A CONTAINS 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 "AMENDED 7000 EAST LINCOLN - PARCEL C" IS PURSUANT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT, AND COVENANT RUNNING WITH THE LAND, AND RELEASE RECORDED IN THE OFFICIAL RECORDS OF MARICOPA COUNTY AT DOCUMENT NUMBER 2016-00048361 AND PURSUANT TO SPECIAL USE PERMIT NO. 15-01 ISSUED BY THE TOWN OF PARADISE VALLEY.
6. BUILDING HEIGHTS ARE PURSUANT TO SPECIAL USE PERMIT NO. 15-01 ISSUED BY THE TOWN OF PARADISE VALLEY.
7. CC&R'S FOR THIS DEVELOPMENT ARE AS PER THE FIRST AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, LIENS AND RESTRICTIONS FOR 7000 EAST LINCOLN RESORT COMMUNITY AS RECORDED IN DOCUMENT NO. 2017-0193183 M.C.R.
8. INDIVIDUAL TRACTS OR LOTS CAN INCLUDE POOLS OR OTHER AMENITIES IN CONFORMANCE WITH APPROVED SPECIAL USE PERMIT (SUP-15-01).
9. THOSE PORTIONS OF TRACT B AND LOT 28 WHICH WILL BE DRIVABLE SURFACES TO BE UTILIZED ONLY BY EMERGENCY VEHICLES SHALL BE CONSTRUCTED WITH MATERIALS TO BE APPROVED BY THE FIRE MARSHAL.
10. LOTS 5 THROUGH 14, INCLUSIVE, AND LOTS 22 THROUGH 25, INCLUSIVE, ARE TO BE SINGLE-STORY LIMITED TO A MAXIMUM HEIGHT OF 20 FEET.
11. TWO TREES PER LOT SHALL BE PLANTED WITHIN THE 35' LANDSCAPE EASEMENT ON LOTS 22, 23, AND 24.
12. ACCESSORY STRUCTURES WITH LIVEABLE SQUARE FOOTAGE ON LOTS 5 THROUGH 14, INCLUSIVE, AND LOTS 22 THROUGH 25, INCLUSIVE, SHALL HAVE A REAR YARD SETBACK OF 20 FEET.
13. NO STRUCTURES OR WALLS MAY BE CONSTRUCTED WITHIN THE EMERGENCY ACCESS EASEMENT OVER THE CORNER OF LOT 28.
14. VEHICULAR NON-ACCESS EASEMENT ABANDONED HEREON ALONG THE SOUTH LOT LINE OF LOT 28. A VEHICULAR NON-ACCESS EASEMENT IS DEDICATED HEREON ALONG THE WESTERN LOT LINE OF LOT 28.

BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 00°18'21" EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, ACCORDING TO BOOK 1022 OF MAPS, PAGE 23, MARICOPA COUNTY RECORDS.

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 HOMEOWNERS ASSOCIATION. 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.

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 27-700892.0000 DATED OCTOBER 18, 2016.

ENGINEER

CVL CONSULTANTS, INC
4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
PHONE: (602) 264-6831
FAX: (602) 264-0938
CONTACT: HEIDI TILSON
EMAIL: HTILSON@CVLCI.COM

OWNER

FSPV RES C, LLC
6720 N. SCOTTSDALE ROAD SUITE 130
SCOTTSDALE, ARIZONA 85253
PHONE: (480) 603-1387
CONTACT: GERALD C. AYOUB
EMAIL: JERRYA@FIVESTARDEVELOPMENT.COM

OWNER (LOT 18)

THE GARY L. BRIDGE REVOCABLE TRUST
181 FREMONT STREET, 67B
SAN FRANCISCO, CALIFORNIA 94015
PHONE: (415) 978-9628
EMAIL: GB1776@GMAIL.COM

OWNER (LOT 16)

THE DALTON FAMILY TRUST
5304 E. SAGUARO PLACE
PARADISE VALLEY, ARIZONA 85253
PHONE: (602) 312-9373
CONTACT: MARY ELLEN DALTON
EMAIL: MARYELLENDALTON08@GMAIL.COM

LEGEND

▲	INDICATES SECTION CORNER - FOUND BRASS CAP IN HANDHOLE (UNLESS OTHERWISE NOTED).
⊙	INDICATES FOUND 1/2" IRON PIPE (UNLESS OTHERWISE NOTED).
○	INDICATES CORNER OF THIS SUBDIVISION - SET SURVEY MARKER PER M.A.G. STD DET. 120-1, TYPE "C" MODIFIED (UNLESS OTHERWISE NOTED).
◆	CENTERLINE MONUMENTATION AND STREET ADDRESSING CHANGE - SET BRASS CAP FLUSH UPON COMPLETION OF JOB PER M.A.G. STD. DTL. 120, TYPE "B" (UNLESS OTHERWISE NOTED)
●	INDICATES CENTERLINE MONUMENT
AC	INDICATES ACRES
C1	INDICATES CURVE NUMBER
P.U.E.	INDICATES PUBLIC UTILITY EASEMENT
P.A.E.	INDICATES PEDESTRIAN ACCESS EASEMENT
V.N.A.E.	INDICATES VEHICULAR NON-ACCESS EASEMENT
S.W.L.E.	INDICATES SIDEWALK, WALL AND LANDSCAPE EASEMENT
BSL	INDICATES BUILDING SETBACK LINE
HOA	INDICATES HOME OWNER ASSOCIATION
APN	INDICATES ASSESSSOR PARCEL NUMBER
EX.	INDICATES EXISTING
R/W	INDICATES RIGHT OF WAY
(1)	INDICATES SIGHT VISIBILITY TRIANGLE EASEMENT - 30' X 30'
SVD	INDICATES EAST SIERRA VISTA DRIVE
BVD	INDICATES EAST BELLA VITA DRIVE
*	INDICATES SINGLE-STORY LIMITED LOT
⇦	INDICATES FRONT OF LOT
- - - - - -	INDICATES RECORDED LOT LINES

SITE TABLE		
GROSS AREA	17.329	754,841 SQ FT
NET AREA	17.329	754,841 SQ FT
ZONING	SUP–RESORT	
YIELD	32	100%
LOTS 10,000 – 15,000 SF	5	33%
LOTS GREATER THAN 15,000 SF	27	67%
GROSS DENSITY	1.85	DU/AC
NET DENSITY	1.85	DU/AC
PRIVATE DRIVE (TRACT A)	2.947	AC

MAIN BUILDING SETBACKS		
FRONT YARD	FIRST FLOOR	20'
	SECOND FLOOR	25'
SIDE YARD	LOTS GREATER THAN 15,000 SF	15' EACH SIDE
	LOTS 10,000 - 15,000 SF	20' TOTAL (NOT LESS THAN 5')
REAR YARD	FIRST FLOOR	20'
	SECOND FLOOR	35'

UTILITY PROVIDERS

SEWER	TOWN OF PARADISE VALLEY
WATER	EPCOR WATER
TELEPHONE	COX COMMUNICATIONS/CENTURY LINK
CABLE	COX COMMUNICATIONS
GAS	SOUTHWEST GAS
ELECTRIC	ARIZONA PUBLIC SERVICE

ACCESSORY BUILDING SETBACKS	
FRONT YARD	10'
SIDE YARD	5'
	10' (ABUTTING A STREET)
REAR YARD	*10'

* REFER TO NOTE NO. 12 REGARDING ACCESSORY STRUCTURES WITH LIVEABLE SQUARE FOOTAGE.

CERTIFICATION

THIS IS TO CERTIFY THAT (1) THE SURVEY OF THE PREMISES DESCRIBED AND PLATTED HEREIN WERE MADE UNDER MY DIRECTION DURING THE MONTH OF NOVEMBER 2015, AND (2) THIS PLAT IS CORRECT AND ACCURATE, AND (3) THE MONUMENT OR MONUMENTS SHOWN HEREIN HAVE BEEN LOCATED AS DESCRIBED.

BY: _____
RICHARD G. ALCOCER
REGISTRATION NUMBER 33851
4550 N. 12TH STREET
PHOENIX, ARIZONA 85014
(602)-264-6831
CVLSURVEY@CVLCI.COM

APPROVAL

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THIS 28 DAY OF January, 2021.

BY: _____
MAYOR

ATTEST: _____
TOWN CLERK

_____
TOWN ENGINEER

_____
PLANNING DIRECTOR

ACKNOWLEDGEMENT

STATE OF ~~ARIZONA~~ California)
) SS
COUNTY OF MARICOPA) San Francisco

ON THIS THE 12th DAY OF Feb, 2021, BEFORE ME

PERSONALLY APPEARED Gary L. Bridges AND ACKNOWLEDGED HIMSELF/HERSELF TO BE AN AUTHORIZED AGENT OF ~~FSPV RES C, LLC, A DELAWARE LIMITED LIABILITY COMPANY~~*, AND ACKNOWLEDGED THAT HE/SHE, AS THE AUTHORIZED AGENT, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE CONTAINED THEREIN.

IN WITNESS WHEREOF:

I HEREBY SET MY HAND AND OFFICIAL SEAL

* The Gary L. Bridge Revocable Trust

BY: _____ MY COMMISSION EXPIRES: ~~8/27/2024~~
NOTARY PUBLIC DATE

AMERICA FOY LARUE
COMMISSION # 2332568
NOTARY PUBLIC - CALIFORNIA
COUNTY OF SAN FRANCISCO
COMM. EXPIRES AUGUST 27, 2024

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS THE 3rd DAY OF March, 2021, BEFORE ME

PERSONALLY APPEARED Gerald C. Ayoub, AND ACKNOWLEDGED HIMSELF/HERSELF TO BE AN AUTHORIZED ~~AGENT~~ OF ~~THE GARY L. BRIDGE REVOCABLE TRUST~~*, AND ACKNOWLEDGED THAT HE/SHE, AS THE AUTHORIZED AGENT, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE CONTAINED THEREIN.

* FSPV Res C, LLC, a Delaware limited liability company

IN WITNESS WHEREOF:

I HEREBY SET MY HAND AND OFFICIAL SEAL

BY: _____ MY COMMISSION EXPIRES: May 28, 2021
NOTARY PUBLIC DATE

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS THE 2nd DAY OF March, 2021, BEFORE ME

PERSONALLY APPEARED Mary Ellen DeHon, AND ACKNOWLEDGED HERSELF TO BE MARY ELLEN DALTON, AND ACKNOWLEDGED THAT SHE, AS THE AUTHORIZED AGENT, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE CONTAINED THEREIN.

IN WITNESS WHEREOF:

I HEREBY SET MY HAND AND OFFICIAL SEAL

BY: _____ MY COMMISSION EXPIRES: May 28, 2021
NOTARY PUBLIC DATE

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

THAT FSPV RES C, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("FIVE STAR"), THE GARY L. BRIDGE REVOCABLE TRUST, AND THE DALTON FAMILY TRUST, AS OWNERS, HEREBY PUBLISH THIS REPLAT FOR "AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED IV", A REPLAT OF AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED II, AS RECORDED IN BOOK 1482 OF MAPS, PAGE 11, AND AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED III, AS RECORDED IN BOOK 1505 OF MAPS, PAGE 15, MARICOPA COUNTY RECORDS, BEING SITUATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISH THIS PLAT AS AND FOR THE REPLAT OF "AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED IV" AND HEREBY DECLARE THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS AND EASEMENTS CONSTITUTING SAME AND THAT EACH LOT AND TRACT SHALL BE KNOWN BY THE NUMBER OR LETTER THAT IS GIVEN TO EACH, RESPECTIVELY, ON SAID PLAT.

FSPV RES C, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("FIVE STAR"), THE GARY L. BRIDGE REVOCABLE TRUST, AND THE DALTON FAMILY TRUST, AS OWNERS, HEREBY DEDICATE TO THE WATER, SEWER, NATURAL GAS, ELECTRIC, TELEPHONE, AND CABLE TELEVISION UTILITY PROVIDERS THOSE PUBLIC UTILITY EASEMENTS (P.U.E) AS SHOWN ON THIS PLAT AND HEREBY DEDICATE THOSE AREAS UNDER AND ACROSS THOSE AREAS AS SHOWN. THE PUBLIC UTILITY EASEMENTS AS ARE FOR THE INSTALLATION, MAINTENANCE, REPAIR AND/OR REMOVAL OF PRIVATE WATERLINES, SEWER LINES, NATURAL GAS, ELECTRIC, TELEPHONE, AND CABLE TELEVISION UTILITIES STRICTLY AS NECESSARY TO PROVIDE SUCH UTILITY SERVICES.

TRACTS "A" AND "B" ARE DESIGNATED FOR THE PURPOSES SHOWN HEREON AND ARE TO BE OWNED BY FSPV RES C, LLC,OR 7000 EAST LINCOLN RESORT COMMUNITY ASSOCIATION, INC., OR OTHER ASSOCIATION CREATED PURSUANT TO THE CC&RS (DEFINED BELOW), AND MAINTAINED PURSUANT TO A DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS TO BE RECORDED IN THE OFFICIAL RECORDS OF MARICOPA COUNTY HEREAFTER (THE "CC&RS").

TRACT "A" IS A PRIVATE DRIVE. TRACT "A" CONTAINS 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 AND WILL BE OWNED BY FSPV RES C, LLC, OR 7000 EAST LINCOLN RESORT COMMUNITY ASSOCIATION, INC., OR OTHER ASSOCIATION CREATED PURSUANT TO THE CC&RS, AND MAINTAINED PURSUANT TO THE CC&RS.

AN EASEMENT FOR PRIVATE WATERLINE, AND EMERGENCY AND SERVICE TYPE VEHICLE ACCESS IS HEREBY DEDICATED TO THE PUBLIC, SOLELY FOR THE FOREGOING PURPOSES, OVER TRACT "B".

AN EASEMENT FOR EMERGENCY AND SERVICE TYPE VEHICLE ACCESS IS HEREBY DEDICATED TO THE PUBLIC, SOLELY FOR THE FOREGOING PURPOSES, AS SHOWN ON LOT 28.

A PERPETUAL, NON-EXCLUSIVE, UTILITY EASEMENT ("EASEMENT") AS DESCRIBED IN THIS PLAT IS GRANTED TO EPCOR WATER ARIZONA INC., AN ARIZONA CORPORATION AND ITS SUCCESSORS AND ASSIGNS (COLLECTIVELY "GRANTEE"), TO CONSTRUCT, OPERATE, AND MAINTAIN WATER LINES AND APPURTENANT FACILITIES (COLLECTIVELY, "FACILITIES") UPON, ACROSS, OVER, AND UNDER THE SURFACE OF THE UTILITY EASEMENTS CREATED BY THIS PLAT (THE "EASEMENT AREA"), TOGETHER WITH THE RIGHT TO OPERATE, REPAIR, REPLACE, MAINTAIN, AND REMOVE THE FACILITIES; TO ADD OR TO ALTER THE FACILITIES WITHIN THE EASEMENT AREA, AND TO PROVIDE GRANTEE WITH REASONABLE INGRESS AND EGRESS TO THE FACILITIES AS NECESSARY. GRANTEE WILL HAVE UNRESTRICTED ACCESS TO THE EASEMENT AREA FOR THE ACTIVITIES DESCRIBED ABOVE AND FORMAL NOTIFICATION OR APPROVAL BY ANY ASSOCIATION PRIOR TO ACCESSING THE EASEMENT WILL NOT BE REQUIRED. GRANTOR SHALL NOT ERECT OR CONSTRUCT OR PERMIT TO BE ERECTED OR CONSTRUCTED ANY BUILDING, STRUCTURE OR SIMILAR IMPROVEMENT WITHIN THE LIMITS OF THE EASEMENT GRANTED HEREIN, GRANTOR SHALL NOT, NOR PERMIT, THE GRADE OVER GRANTEE'S FACILITIES TO BE SUBSTANTIALLY ALTERED WITHOUT, IN EACH INSTANCE, THE PRIOR WRITTEN CONSENT OF GRANTEE, AND GRANTOR AGREES THAT NO OTHER PIPES OR CONDUITS SHALL BE PLACED WITHIN THE PREMISES SUBJECT TO THE EASEMENT GRANTED HEREIN, EXCEPT PIPES CROSSING GRANTEE'S FACILITIES AT RIGHT ANGLES, IN WHICH CASE, A MINIMUM VERTICAL DISTANCE OF TWO (2) FEET (AS MEASURED FROM THE CLOSEST POINTS ON THE OUTSIDE EDGES) SHALL BE MAINTAINED BETWEEN GRANTEE'S FACILITIES AND SUCH OTHER PIPES OR CONDUITS. UNLESS GRANTEE EXPRESSLY CONSENTS IN WRITING OTHERWISE, ANY AND ALL SEWER PIPES CROSSING THE EASEMENT GRANTED HEREIN SHALL BE LAID BELOW GRANTEE'S FACILITIES. NOTWITHSTANDING ANYTHING TO THE CONTRARY HEREIN, GRANTOR SHALL HAVE THE RIGHT TO CONSTRUCT AND ERECT FENCES, TO INSTALL LANDSCAPING, PARKING FACILITIES AND DRIVEWAYS, AND TO ESTABLISH OTHER USES WHICH ARE NOT INCONSISTENT WITH USES WITHIN THE LIMITS OF SAID EASEMENT IN A MANNER WHICH WILL NOT UNREASONABLY INTERFERE WITH GRANTEE'S ACCESS TO THE FACILITIES.

IN WITNESS WHEREOF:

FSPV RES C, LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE GARY L. BRIDGE REVOCABLE TRUST, AND THE DALTON FAMILY TRUST, AS OWNERS OF THE LAND DESCRIBED HEREIN, HAS CAUSED THEIR NAMES TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURES OF THE UNDERSIGNED DULY AUTHORIZED OFFICERS.

FSPV RES C, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: _____ DATE: 3-3-21
MANAGER

ITS: AUTHORIZED SIGNATORY

THE GARY L. BRIDGE REVOCABLE TRUST

BY: _____ DATE: 2/17/21
~~MANAGER~~ TRUSTEE

ITS: AUTHORIZED SIGNATORY

THE DALTON FAMILY TRUST

BY: _____ DATE: 3-2-21
~~MANAGER~~, TRUSTEE

ITS: AUTHORIZED SIGNATORY

GROSS AREA = 17.329 ACRES

SEE SHEET 2 FOR CURVE TABLE AND LINE TABLE
SEE SHEET 3 FOR LOT AREA TABLE

UNOFFICIAL DOCUMENT

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

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

REPLAT
AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED IV
PARADISE VALLEY, ARIZONA

Registered Land Surveyor
CERTIFICATE NO.
33851
RICHARD G. ALCOCER
Date Signed 2-10-21

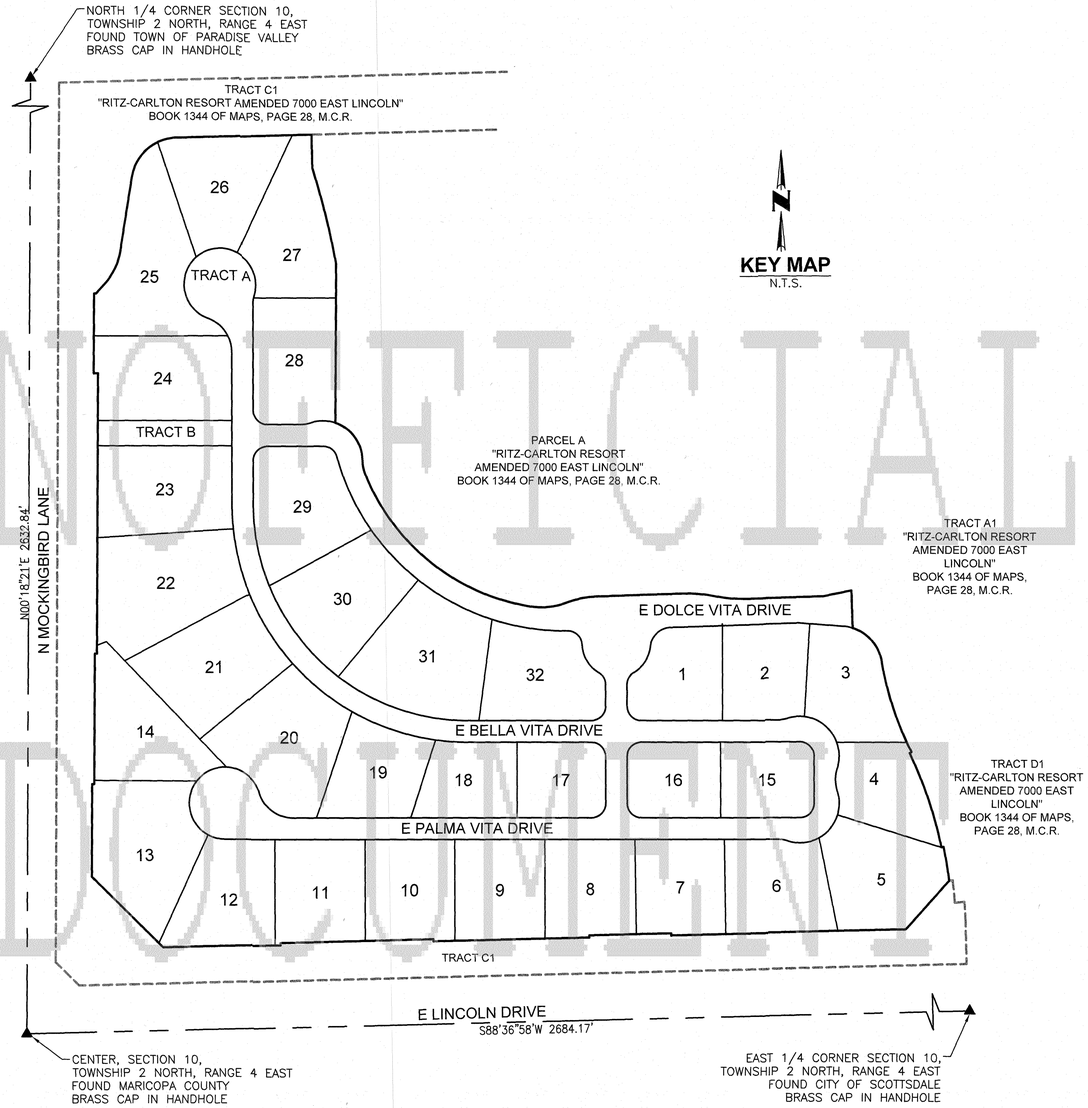
1 SHEET OF 3

CVL Contact: HEIDI TILSON
CVL Project #: 01-0268908
CVL File #:

212

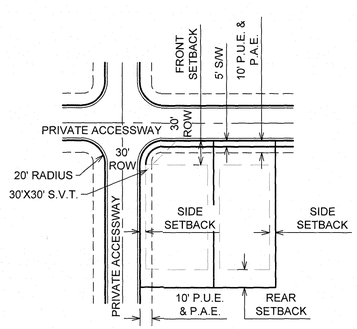
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CURVE TABLE						
NO.	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD-BEARING
C1	65.31'	60.00'	062°21'51"	36.31'	62.13'	S40°47'06"E
C2	125.94'	430.00'	016°46'51"	63.42'	125.49'	S17°59'36"E
C3	6.09'	570.00'	000°36'44"	3.04'	6.09'	N26°04'40"W
C4	138.28'	567.00'	013°58'25"	69.49'	137.94'	S18°47'05"E
C5	47.61'	570.00'	004°47'10"	23.82'	47.60'	S09°24'18"E
C6	51.59'	90.35'	032°43'06"	26.52'	50.90'	N25°28'08"E
C7	90.09'	65.00'	079°24'55"	53.98'	83.05'	S48°49'02"W
C8	136.38'	1098.45'	007°06'48"	68.28'	136.29'	S14°02'28"E
C9	67.72'	55.00'	070°32'58"	38.91'	63.52'	S36°23'40"E
C10	20.00'	55.00'	020°50'10"	10.11'	19.89'	S11°32'16"E
C11	307.35'	300.00'	058°42'01"	168.70'	294.09'	S51°18'22"E
C12	52.77'	100.00'	030°14'05"	27.01'	52.16'	N84°13'35"E
C13	43.57'	131.50'	018°59'09"	21.99'	43.38'	N78°36'07"E
C14	47.62'	208.00'	013°07'05"	23.92'	47.52'	S85°20'45"E
C15	43.96'	192.00'	013°07'03"	22.08'	43.86'	S85°20'44"E
C16	14.52'	60.00'	013°52'07"	7.30'	14.49'	S78°54'05"E
C17	79.83'	60.00'	076°13'58"	47.07'	74.07'	N47°43'10"W
C18	42.69'	30.00'	081°32'18"	25.87'	39.18'	N47°19'35"E
C19	43.95'	48.00'	052°27'44"	23.65'	42.43'	N32°47'18"E
C20	20.60'	20.00'	059°01'20"	11.32'	19.70'	S29°30'30"W
C21	31.42'	20.00'	090°00'00"	20.00'	28.28'	S45°00'10"E
C22	16.65'	55.00'	017°20'29"	8.39'	16.58'	N81°19'35"E
C23	119.69'	55.00'	124°40'58"	104.94'	97.43'	N45°00'10"W
C24	16.36'	55.00'	017°02'32"	8.24'	16.30'	S08°49'03"W
C25	16.36'	55.00'	017°02'32"	8.24'	16.30'	S08°49'23"E
C26	119.69'	55.00'	124°40'58"	104.94'	97.43'	N44°59'50"E
C27	16.65'	55.00'	017°20'29"	8.39'	16.58'	N81°19'56"W
C28	220.38'	50.00'	252°32'33"	-68.14'	80.62'	S36°16'06"W
C29	63.31'	50.00'	072°32'33"	36.69'	59.16'	S53°43'54"E
C30	31.56'	20.00'	090°23'48"	20.14'	28.38'	N44°47'50"E
C31	31.28'	20.00'	089°36'23"	19.86'	28.19'	N45°12'16"W
C32	518.36'	330.00'	090°00'00"	330.00'	466.69'	S45°00'10"E
C33	37.49'	50.00'	042°57'21"	19.67'	36.61'	N48°49'22"W
C34	232.09'	50.00'	265°57'36"	-53.66'	73.16'	S62°40'46"W
C35	9.29'	50.00'	010°38'54"	4.66'	9.28'	S05°19'17"W
C36	31.42'	20.00'	090°00'00"	20.00'	28.28'	S45°00'10"E
C37	16.65'	55.00'	017°20'29"	8.39'	16.58'	N81°19'35"E
C38	34.25'	55.00'	035°40'30"	17.70'	33.70'	N89°30'24"W
C39	101.97'	55.00'	106°13'28"	73.29'	87.98'	N54°13'55"W
C40	25.99'	20.00'	074°27'56"	15.20'	24.20'	N52°46'12"W
C41	117.41'	330.00'	020°23'05"	59.33'	116.79'	N61°57'40"W
C42	30.60'	20.00'	087°40'02"	19.20'	27.70'	N46°55'26"W
C43	46.86'	48.00'	055°56'05"	25.49'	45.02'	S31°03'28"E
C44	20.60'	20.00'	059°01'20"	11.32'	19.70'	N29°30'50"W
C45	31.42'	20.00'	090°00'00"	20.00'	28.28'	N44°59'50"E
C46	471.24'	300.00'	090°00'00"	300.00'	424.26'	S45°00'10"E
C47	31.42'	20.00'	090°00'00"	20.00'	28.28'	S44°59'50"W
C48	31.42'	20.00'	090°00'00"	20.00'	28.28'	S44°59'57"W
C49	31.42'	20.00'	090°00'00"	20.00'	28.28'	N45°00'10"W
C50	31.42'	20.00'	090°00'00"	20.00'	28.28'	N44°59'50"E
C51	31.42'	20.00'	090°00'00"	20.00'	28.28'	S45°00'03"E
C52	494.80'	315.00'	090°00'00"	315.00'	445.48'	S45°00'10"E
C53	446.11'	315.00'	081°08'39"	269.72'	409.75'	S51°19'18"E
C54	47.92'	35.00'	078°27'03"	28.57'	44.27'	N39°34'21"E
C55	5.90'	55.00'	006°08'31"	2.95'	5.89'	S75°43'36"W



KEY MAP
N.T.S.

LINE TABLE		
NO.	BEARING	LENGTH
L1	S64°13'42"W	3.00'
L2	N78°12'07"E	3.00'
L3	N01°23'02"W	3.00'
L4	S01°23'02"E	3.00'
L5	N01°23'02"W	3.00'
L6	S01°23'02"E	3.00'
L7	S89°41'39"E	3.00'
L8	S89°41'39"E	3.00'
L9	S68°09'37"W	14.17'
L10	N89°41'39"W	6.00'
L11	S89°41'39"E	3.00'
L12	N41°49'41"E	18.03'
L13	N78°22'30"E	40.26'
L14	S01°46'17"E	52.59'
L15	S85°50'09"E	15.65'
L16	N00°00'10"W	29.37'
L17	S00°00'10"E	29.37'
L18	N00°00'10"W	35.00'
L19	S89°59'50"W	31.29'

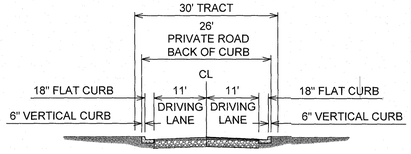


TYPICAL LOT LAYOUT FOR MAIN RESIDENCE ONLY
N.T.S.

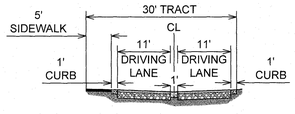
FRONT: 20' FIRST FLOOR, 25' SECOND FLOOR

SIDE: 15' EACH SIDE FOR LOTS > 15,000 S.F.
20' TOTAL FOR LOTS 10,000–15,000 S.F
(NO LESS THAN 5' EACH SIDE)

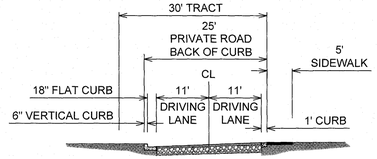
REAR: 20' FIRST FLOOR, 35' SECOND FLOOR



LOCAL PRIVATE ROAD (VERTICAL CURB)
N.T.S.



LOCAL PRIVATE ROAD (INVERTED CROWN)
N.T.S.



LOCAL PRIVATE ROAD (SUPER ELEVATED)
N.T.S.

SEE SHEET 1 FOR LEGEND AND SEE SHEET 3 FOR LOT AREA TABLE

UNOFFICIAL DOCUMENT

COUNTY RECORDER
OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
STEPHEN RICHER
20210290192 03/16/2021 08:34
BOOK 1579 PAGE 31
ELECTRONIC RECORDING

PLAT2101-3-1-1-M-
brodiek

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

DATE
REVISION
NO.

REPLAT
AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED IV
PARADISE VALLEY, ARIZONA

Coe & Van Loo Consultants, Inc.

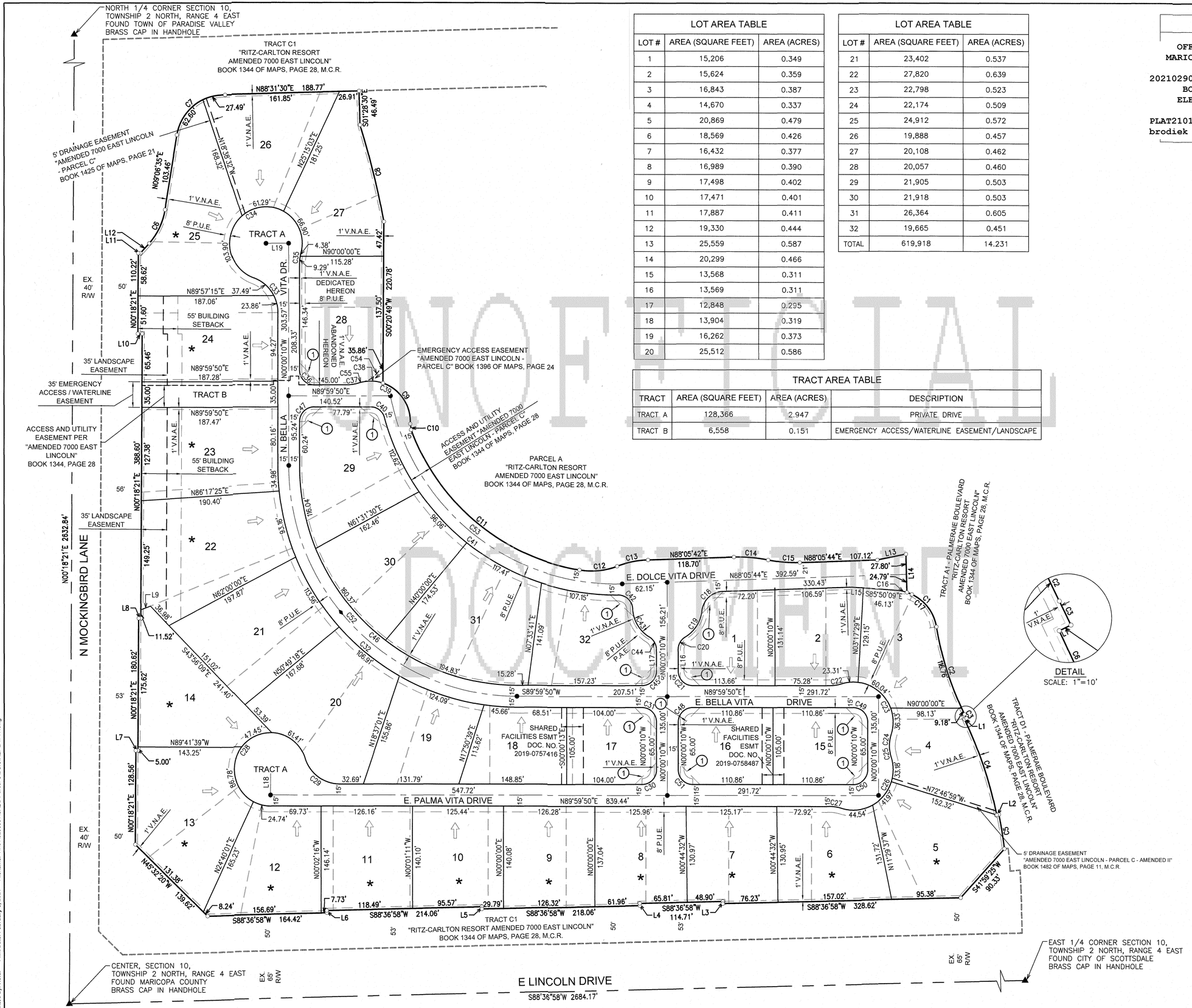
Registered Land Surveyor
CERTIFICATE NO.
33851
RICHARD G. ALCOCER
Date Signed 10-30-21

SHEET 2 OF 3

CVL Contact: HEIDI TILSON
CVL Project #: 01-0268908
CVL File #:

213

Printed By: Heidi Print Date: February 8, 2021 Filename: N:\01\0268901\CADD\Parcel C\DS.C-REPLAT IV.dwg



LOT AREA TABLE		
LOT #	AREA (SQUARE FEET)	AREA (ACRES)
1	15,206	0.349
2	15,624	0.359
3	16,843	0.387
4	14,670	0.337
5	20,869	0.479
6	18,569	0.426
7	16,432	0.377
8	16,989	0.390
9	17,498	0.402
10	17,471	0.401
11	17,887	0.411
12	19,330	0.444
13	25,559	0.587
14	20,299	0.466
15	13,568	0.311
16	13,569	0.311
17	12,848	0.295
18	13,904	0.319
19	16,262	0.373
20	25,512	0.586

LOT AREA TABLE		
LOT #	AREA (SQUARE FEET)	AREA (ACRES)
21	23,402	0.537
22	27,820	0.639
23	22,798	0.523
24	22,174	0.509
25	24,912	0.572
26	19,888	0.457
27	20,108	0.462
28	20,057	0.460
29	21,905	0.503
30	21,918	0.503
31	26,364	0.605
32	19,665	0.451
TOTAL	619,918	14.231

TRACT AREA TABLE			
TRACT	AREA (SQUARE FEET)	AREA (ACRES)	DESCRIPTION
TRACT A	128,366	2.947	PRIVATE DRIVE
TRACT B	6,558	0.151	EMERGENCY ACCESS/WATERLINE EASEMENT/LANDSCAPE

UNOFFICIAL DOCUMENT

COUNTY RECORDER

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
STEPHEN RICHER
20210290192 03/16/2021 08:34
BOOK 1579 PAGE 31
ELECTRONIC RECORDING

PLAT2101-3-1-1-M-
brodiek

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

DATE
REVISION
NO.

REPLAT

AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED IV

PARADISE VALLEY, ARIZONA

Coe & Van Loo Consultants, Inc.

Registered Land Surveyor
CERTIFICATE NO.
33851
RICHARD C. ALCOCER
Arizona U.S.A.

SHEET 3 OF 3

CVL Contact: HEIDI TILSON
CVL Project #: 01-0268908
CVL File #:

SEE SHEET 1 FOR LEGEND AND SEE SHEET 2 FOR CURVE TABLE AND LINE TABLE

214

Printed By: Heidi Print Date: February 8, 2021 Filename: N:\01\0268901\CAD\Parcel C\DS C-REPLAT IV.dwg

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20160048362 01/25/2016 02:04
ELECTRONIC RECORDING

ORDINANCE694-31-1-1--
Palumboa

When recorded, return to:
Paradise Valley Town Attorney
6401 East Lincoln Drive
Paradise Valley, Arizona 85253

ORDINANCE NUMBER 694

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING THE ZONING ORDINANCE AND AMENDING THE ZONING MAP TO PROVIDE FOR THE ISSUANCE OF AN AMENDED SPECIAL USE PERMIT FOR PROPERTY ZONED SUP DISTRICT (RESORT) AND THE REZONING FROM SUP DISTRICT (RESORT) TO SUP DISTRICT (RESORT) TO ALLOW FOR A LUXURY RESORT HOTEL WITH INTEGRATED DWELLING UNITS AND RESORT-RELATED RETAIL (THE RITZ-CARLTON, PARADISE VALLEY) FOR THE PROPERTY LOCATED AT 7000 E. LINCOLN DRIVE, GENERALLY BORDERED BY LINCOLN DRIVE TO THE SOUTH, MOCKINGBIRD LANE TO THE WEST, INDIAN BEND ROAD TO THE NORTH, AND THE CITY OF SCOTTSDALE TO THE EAST, WITH THE PROPOSED SUP DISTRICT (RESORT) TO INCLUDE A RESORT COMMUNITY, INCLUDING: A RESORT HOTEL WITH 200 HOTEL KEYS AND SPA, RESTAURANTS, RESORT-RELATED RETAIL, AND MEETING SPACE; 94 RESORT VILLAS; 66 RESORT RELATED LUXURY DETACHED SINGLE FAMILY HOMES; 45 RESORT BRANDED DETACHED SINGLE FAMILY HOMES; 53 RESORT RELATED ATTACHED RESIDENCES; ADDITIONAL RESORT RELATED RESTAURANTS AND RETAIL USES SEPARATE FROM THE HOTEL; AND SITE IMPROVEMENTS INCLUDING PARKING, LANDSCAPING, LIGHTING, AND IMPROVEMENTS TO SITE INFRASTRUCTURE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Paradise Valley Planning Commission held public hearings on October 6, 2015 and October 20, 2015, in the manner prescribed by law, for the purpose of considering a rezoning of the property described in Exhibit A attached hereto ("Property") from SUP District (Resort) to a new SUP District (Resort) and for the purpose of making a recommendation on a proposed SUP District (Resort) amendment for the Property (to be known as the Special Use Permit for The Ritz-Carlton, Paradise Valley), and recommended approval of the new SUP District (Resort) to the Town Council; and

WHEREAS, the Town Council at its meetings on December 3, 2015, and December 17, 2015, held public hearings, as prescribed by law, to hear the request for the rezoning of the Property to a new SUP District (Resort) based upon the recommendation made by the Planning Commission as noted above, and to amend the Town Official Zoning Map to reflect the issuance of a new SUP District (Resort) for the Property; and

WHEREAS, pursuant to Article III of the Town Zoning Ordinance, the Town Council finds that the proposed rezoning is consistent with and conforms to the Land Use Map of the Town's adopted General Plan; and

WHEREAS, the Town Council now desires to approve a rezoning of the Property from SUP District (Resort) to SUP District (Resort), subject to the terms and conditions of the Special Use Permit and Related Stipulations for The Ritz-Carlton, Paradise Valley (Exhibit B attached hereto, incorporated herein by reference, and hereinafter referred to as the "SUP" and the "Stipulations," respectively) and to amend the Zoning Map to reflect such rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THAT:

SECTION 1. Findings. The proposed SUP District (Resort) rezoning is in accordance with Articles III and XI of the Town Zoning Ordinance. Specifically:

a. It is authorized by and is in conformity with the Town's adopted General Plan, as amended;
b. It will not be detrimental to, interfere with, or adversely affect existing uses or character of adjacent properties, persons residing or working in the vicinity, the neighborhood, the public health, safety, peace, comfort and general welfare; and
c. It will be in full conformity with any conditions, requirements, or standards prescribed in the Stipulations, in the Zoning Ordinance, and in the other ordinances of the Town.

SECTION 2. Rezoning. A parcel of land, as described in Exhibit A attached hereto, is hereby rezoned from SUP District (Resort) to a new SUP District (Resort; SUP-15-01) designation, with such changes to be made on the Town's Official Zoning Map, such new SUP District (Resort) to allow for use of the Property as a resort and for those other related uses permitted by the SUP and the Stipulations and as limited in the SUP and the Stipulations.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Effective Date. This ordinance shall become effective as of the Effective Date (as such term is defined in the Stipulations).

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this 21 day of December 2015

Michael Collins, Mayor

SIGNED AND ATTESTED TO THIS 21 DAY OF December, 2015.

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney

STATE OF ARIZONA)
:ss.
COUNTY OF MARICOPA)

CERTIFICATION

I, Duncan Miller, Town Clerk of the Town of Paradise Valley, Arizona hereby certify that the foregoing is a full, true, and correct copy of Ordinance Number 694 duly passed and adopted by a majority vote of the Town Council at a meeting duly called and held on the 21st day of December, 2015. Said Ordinance appears in the minutes of said meeting, and it has not been rescinded or modified and is now in full force and effect.

I further certify that said municipal corporation is duly organized and existing, and has the power to take the action called for by the Ordinance.

TOWN CLERK TOWN OF PARADISE VALLEY SEAL 1961 MARICOPA COUNTY, ARIZONA

Duncan Miller, Town Clerk

VOTE

AYES: 4

NAYES: 3

NOT PRESENT: 0

ABSTAIN: 0

PUBLISHED
January 28, 2016
February 4, 2016

EXHIBIT A
TO
ORDINANCE NUMBER 694
LEGAL DESCRIPTION OF THE PROPERTY

(TOWN OF PARADISE VALLEY NET AREA)

PARCEL NO. 2:

LOTS 1 THROUGH 149 AND TRACTS A THROUGH I, 7000 EAST LINCOLN, ACCORDING TO BOOK 1022 OF MAPS, PAGE 23, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPT THAT PORTION OF TRACT C AND G DESCRIBED IN PARCEL NO. 3.

PARCEL NO. 3:

THOSE PORTIONS OF TRACT C AND G, ACCORDING TO BOOK 1022 OF MAPS, PAGE 23, WHICH LIE WITHIN THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTH 15.00 FEET OF THE NORTH 55.00 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER;

EXCEPT FOR THE WEST 40.00 FEET THEREOF.

TOGETHER WITH THE SOUTH 15.00 FEET OF THE NORTH 55.00 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, ALL IN SECTION 10, TOWNSHIP 2 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2 CONTAINING 104.649 ACRES, MORE OR LESS
PARCEL NO. 3 CONTAINING 0.620 ACRES, MORE OR LESS



EXHIBIT B
TO
ORDINANCE NUMBER 694

TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR THE RITZ-CARLTON, PARADISE VALLEY
SUP-15-01

I. PROJECT DESCRIPTION

Pursuant to Article XI of the Zoning Ordinance of the Town of Paradise Valley, Arizona (the "Town"), the Town hereby grants to Five Star Development Resort Communities, LLC, an Arizona limited liability company, its successors and assigns (collectively, the "Owner"), this Special Use Permit No. 15-01 (with these Stipulations, the "SUP") governing the use the Property. All capitalized terms contained herein shall have the definitions set forth in this SUP.

The Property subject to this Special Use Permit is currently owned by the Owner and is comprised of approximately one hundred and five (105) acres located at the northeast corner of Mockingbird Lane and Lincoln Drive in the Town of Paradise Valley, Arizona, as more particularly described on Exhibit A to Ordinance No. 694.

This SUP is referred to throughout as "this SUP" to distinguish it from the prior Special Use Permit governing the use of the Property. The Town enacted Ordinance No. 603 relating to the prior Special Use Permit for the Property in April 2008. This Special Use Permit supersedes and replaces the prior Special Use Permit effective as of the Effective Date. This Special Use Permit is being granted by the Town to permit the development, construction, use and operation of the Property as a resort subject to and in accordance with these Stipulations and the 2015 Development Agreement.

Subject to these Stipulations, the improvements, facilities, and uses authorized to be developed, constructed, used, operated, and maintained on the Property include the following, which are further described below: Principal Resort Hotel with Hotel Keys and Resort Ancillary Facilities and Uses, Resort Villas, Resort Related Luxury Homes, Resort-Branded Homes, Resort Related Attached Residences, Area E Retail/Restaurant Uses on Area E1 (with the remainder (Area E2) to be further defined by an intermediate amendment to this SUP).

II. DEFINITIONS

"2015 Development Agreement" means the development agreement between the Town and the Owner entered into pursuant to A.R.S. § 9-500.05, which is to be executed concurrently with the approval of this SUP, as amended and restated or supplemented in writing from time to time, and all exhibits and schedules thereto.

"Acceptable Brand" means as defined in the 2015 Development Agreement.

"Affiliate," as applied to any person, means any person directly or indirectly controlling, controlled by, or under common control with, that person (or spouse or children of such person, if such person is a natural person). For the purposes of this definition, (i) "control" (including

with correlative meaning, the terms "controlling," "controlled by" and "under common control"), as applied to any person, means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of that person, whether through the beneficial ownership of voting securities, by contract or otherwise, and (ii) "person" means and includes natural persons, corporations, limited partnerships, general partnerships, joint stock companies, joint ventures, associations, limited liability companies, limited liability partnerships, limited liability limited partnerships, trusts, land trusts, business trusts or other organizations, whether or not legal entities.

"Applicable Laws" means all federal, state, county, and local laws (statutory and common law), and ordinances, rules, regulations, permit requirements, and other requirements and official policies of the Town that apply to the development of the Property.

"Approval Date" means the date on which all of the following have occurred: Ordinance 694 is (i) approved (i.e., voted on) by the Town Council of the Town of Paradise Valley, Arizona, and (ii) signed by the Mayor.

"Approved Plans" means those certain plans and other documents certified by the Town Clerk that are listed in Schedule 1 attached hereto and incorporated herein by this reference.

"Area A," "Area A1," "Area B," "Area C," "Area D," "Area E1," and "Area E2" means those portions of the Property as shown on Page D-1of the Approved Plans. Whenever in these Stipulations a reference is made to an "Area," such reference is to one or more particular Areas on Page D-1 of the Approved Plans.

"Area E1 Retail/Restaurant Uses" means: one or more full service, sit down restaurants (not a fast food restaurant) and/or a gourmet food shop (such as are operated by Dean & DeLuca or Le Grande Orange) and retail facilities, which are open to the general public, offering for sale goods and merchandise or certain services, such as, a café (such as Starbucks or Coffee Bean); full service salon; jewelry store; art gallery; gift items and apparel, sundries, cosmetics, over the counter pharmaceuticals, housewares and related kitchen wares, furniture; fresh or artificial flower sales; art; jewelry; fashion eyewear, fashion clothing, footwear and apparel; cigar or tobacco products; or newspapers, books and periodicals. Area E1 Retail/Restaurant Uses specifically excludes the sale of medical marijuana and stores commonly referred to as convenience store, gas station, or minimart (such as Circle K, 7 Eleven, AM/PM Minimart, Quick Trip, or similar brands of retail establishments that sell as the principal part of their business convenience goods, such as prepackaged food items, tobacco, periodicals, and other household goods, collectively "convenience store"); provided that a convenience store does not include a restaurant or gourmet food shop described above selling the foregoing. Except as provided above, Area E1 Retail/Restaurant Uses does not include establishments that are principally engaged in the provision of services (as opposed to restaurant and retail facilities) that are not subject to the Town's transaction privilege tax or the gross receipts derived from retail sales activities.

"CC&Rs" means one or more sets of conditions, covenants and restrictions applicable to discrete portions of the Property that, among other things, implement provisions of these Stipulations.

"Courtyard Areas" means any residential courtyard areas as defined in Article XXIV of the Town Zoning Ordinance in effect as of the Approval Date of this SUP.

"Effective Date" means the date on which all of the following have occurred: (i) this SUP and the 2015 Development Agreement have been adopted and approved by the Town Council, executed by duly authorized representatives of the Town and Five Star, and recorded (if applicable) in the office of the Recorder of Maricopa County, Arizona; (ii) the Owner has executed and recorded a "Proposition 207" waiver acceptable to the Town that waives certain rights and remedies pursuant to A.R.S. § 12-1134; and (iii) any applicable referendum period has expired without referral, or any proposed referendum has been declared invalid in a final non-appealable judgment by a court of competent jurisdiction, or this SUP (or the 2015 Development Agreement, as applicable) has been approved by the voters at a referendum election conducted in accordance with Applicable Laws.

"Finished Grade" means that the grade that is no more than two (2) feet above existing grade or as depicted on Page E-6 and/or Page H-6 of the Approved Plans.

"Floor Area" means the area under roof added to the floor area of any second and third story; provided, however that "Floor Area" also includes the horizontal solid portion(s) of trellises and/or open weave roofs, and all the horizontal solid portion of area under roof in accessory buildings such as gazebos, ramadas, and other accessory buildings, and the Courtyard Areas in Area B, Area C, and Area D. Floor Area excludes the floor area of any fully subterranean portions of a building, Courtyard Areas for all structures other than in Area B, Area C and Area D. The definition of "Floor Area" shall be subject to the Town Code and Town Zoning Ordinance as of the Approval Date of this SUP.

"Hotel Key" means a hotel room located in Area A, served by a single key, designed, constructed, and maintained with all furnishings, fixtures, and equipment necessary to operate as a single unit for transient occupancy use and used for transient occupancy as part of a Resort Hotel. Each Hotel Key shall have at least one five (5) fixture bathroom and a direct lockable connection from the exterior or a corridor.

"Hotel Quality Standards" means as defined in the 2015 Development Agreement.

"Minimum Hotel Keys" means the two hundred (200) Hotel Keys included as part of the Principal Resort Hotel and owned by a single legal Owner which also owns the Minimum Resort Hotel Improvements.

"Minimum Resort Hotel Improvements" means the minimum improvements included in the initial design and construction of the Principal Resort Hotel and including not less than all of the following elements:

(a) The Minimum Hotel Keys, provided that Hotel Keys in excess of the Minimum Hotel Keys may be owned by an Owner(s) other than the Owner of the Principal Resort Hotel; and providing that one hundred percent (100%) of the Hotel Keys will be a minimum of four hundred and fifty (450) square feet and at least twenty percent (20%) of Hotel Keys will be at least six hundred (600) square feet. All Hotel Keys will have minimum ceiling heights of eight feet six inches (8'6") and a five (5) fixture bathroom.

(b) Two (2) full service restaurants which, together with other restaurants and food service areas, are collectively capable of serving three (3) daily meals and providing room service to the Minimum Hotel Keys.

(c) At least one (1) swimming pool along with facilities (which may be remote from the pool) intended to provide food and beverage service to Resort Hotel guests at the pool.

(d) At least one (1) fitness area to accommodate professional-grade exercise machines and related equipment.

(e) An area or areas for at least one (1) spa, which will provide spa services such as massage services.

(f) A dedicated reception area to accommodate guest check-in, concierge, and cashier; along with an associated lounge with available food and beverage.

(g) A dedicated, covered area to accommodate vehicle or passenger drop off (such as valet parking services) for Resort Hotel guests, including a separate ingress and egress route for vehicles.

(h) A dedicated three (3) division ballroom, a pre-function area, a board room, and an outdoor event space to accommodate meetings and banquets.

"Open Space-Wash Corridor" means an area designated on Page H-6 of the Approved Plans as a wash and greenbelt area that is to be improved and used only for open space and shall not be otherwise developed, except for drainage, landscaping and hardscaping.

"Owner" means Five Star Development Resort Communities, LLC, an Arizona limited liability company and its respective successors and assigns, as well as any subsequent owner of any portion or portions of the Property, including but not limited to, an owner of a Resort Hotel, a Resort Villa, a Resort Related Luxury Home, a Resort-Branded Home, a Resort Related Attached Residence, any part of Area E1 or Area E2, or one or more combinations thereof. An Owner may be an individual, corporation, partnership, limited liability company, trust, land trust, business trust or other organization, or similar entity, which in turn may be owned by individuals, shareholders, partners, members, or benefitted parties under trust agreements, all of which may take any legal form, and may allocate interests in profits, loss, control or use.

"Principal Resort Hotel" means the Resort Hotel in Area A which is designated as the Principal Resort Hotel, is affiliated with one of the Acceptable Brands, meets the Hotel Quality Standards, and includes the Minimum Resort Hotel Improvements. The Principal Resort Hotel shall be owned by a single legal Owner.

"Property" means the real property described in Exhibit A to Ordinance No. 694. The Property is comprised of approximately one hundred five (105) acres of land.

"Resort" means the entire Property and all facilities and other improvements existing, developed or redeveloped and used or useful on the Property in substantial conformance with this SUP.

"Resort Ancillary Facilities and Uses" means: all facilities and uses related or incidental to the operation of a resort or resort hotel, including specifically, but without limitation: restaurants, bars and lounges; spas and salons; fitness facilities; barbershops; indoor and outdoor meeting, convention, display, exhibit, wedding and social function facilities; sale of food and alcohol (for on or off site consumption); catering facilities; outdoor cooking facilities; outdoor dining facilities; gourmet food shops (offering any combination of cooked, frozen, fresh, prepared or pre-packaged foods, beer, wines, liquors, gifts, fresh fruits and vegetables, groceries, sundries, cosmetics, over the counter pharmaceuticals, housewares, and related kitchen, indoor and/or outdoor dining items); deli, coffee, tea, ice cream, yogurt and similar shops or sales; snack bars; central plant, maintenance shop, engineering facilities, housekeeping facilities, laundry, storage and support facilities; valet and other parking facilities, parking decks, garages and areas; automobile rentals; gift and sundries shops; flower sales; art and art galleries; jewelry and jewelry shops; fashion eyewear, footwear and apparel sales; sale of hotel items such as furniture, bedding, art, toiletries; other resort retail; other resort sales and marketing; travel agency offices; tour and other off-site activity offices; administrative, support and other resort offices including temporary offices and facilities for construction, sales, marketing, and design; indoor and outdoor entertainment facilities; ramadas; pools; cabanas; tents; tennis and other recreational or sport uses and services, amenities, recreational facilities and fitness facilities. Any such use or facility may be within any Resort Hotel or separate building(s) located in Area A or A1, individually or grouped in one or more buildings or facilities.

"Resort-Branded Homes" means the forty-five (45) residential units in Area C further described in this SUP.

"Resort Hotel" means the hotel to be designed and constructed within Area A. Resort Hotels provide accommodations for transient occupants (as defined in §4A-477 of the Town Code) and related facilities and services and any Resort Ancillary Facilities and Uses. The Resort Hotel in Area A shall be the Principal Resort Hotel that at all times contains the Minimum Resort Hotel Improvements (subject to force majeure, remodeling, alteration, reconstruction, redevelopment, and similar events).

"Resort Hotel Manager" means the Owner of any Resort Hotel, including any Affiliate thereof or a third party hotel management company which manages any Resort Hotel. A Resort Hotel Manager may also manage any other portions of the Resort, including but not limited to Resort Villas, Resort Related Luxury Homes, Resort-Branded Homes, Resort Related Attached Residences, and Hotel Keys. If any Resort Hotel Manager is not the Owner of a Resort Hotel (or an affiliate of such Owner), it shall initially be a hotel management company which has not less than five (5) years' experience managing full service luxury hotels or resorts or which currently manages not fewer than five (5) full service luxury hotels or resorts.

"Resort Hotel Owner" means the single legal owner of each Resort Hotel.

"Resort Hotel Rental Program" means a rental management program offered and managed by the Owner of the Principal Resort Hotel (or Affiliate thereof) or a Resort Hotel Manager (or Affiliate thereof), which provides rental management service for a Resort Villa or Resort-Branded Home where the Owner of such Resort Villa or Resort-Branded Home elects to include its residence in the Resort Hotel Rental Program.

"Resort Related Attached Residences" means the fifty-three (53) residential units in Area D further described in this SUP.

"Resort Related Luxury Homes" means the sixty-six (66) residential units in Area B further described in this SUP.

"Resort Sign Guidelines" and "Resort Sign Program" means plans and/or a narrative describing signage for the Resort as described in Stipulation 35.

"Resort Villas" means the ninety-four (94) residential units in Area A1 further described in this SUP.

"Special Use Permit" or "SUP" means this Special Use Permit No. 15-01, which includes Schedule 1 and other exhibits thereto and these Stipulations.

"Special Use Permit Guidelines" means special use permit guidelines adopted by the Town and in effect as of the Approval Date.

"Town" means the Town of Paradise Valley, Arizona.

"Town Code" means the Code of the Town of Paradise Valley, Arizona, as amended from time to time, except when this SUP specifically references ordinances or requirements in effect as of the Approval Date, as attached as Schedule 3.

"Town Manager" means the Town Manager or his designee.

"Zoning Ordinance" means the Town's zoning ordinance, as amended from time to time, except when this SUP specifically references ordinances or requirements in effect as of the Approval Date, as attached as Schedule 3.

III. STIPULATIONS

A. GENERAL

1. As of the Effective Date, this Special Use Permit shall supersede and replace any and all prior Special Use Permits related to the Property. Unless and until the Effective Date, the prior Special Use Permit shall remain in effect.

2. This Special Use Permit touches and concerns the land and shall run with the land. Any person having or subsequently acquiring title to any portion of the Property shall be subject to this Special Use Permit, as it applies to the portion of the Property owned thereby and as it may be amended or superseded from time to time. Once an Owner no longer owns a portion of the Property, such prior Owner shall no longer be subject to this Special Use Permit (with respect to such portion of the Property no longer owned) and shall have no further obligations or liabilities hereunder, except that such prior Owner shall remain responsible for its own acts or omissions that resulted in a violation of this SUP during its period of ownership.

3. Development of the Resort shall be in substantial conformance with the Approved Plans and these Stipulations.

4. Lot coverage for the Property as a whole shall not exceed that noted in the Land Density Table in Page D-3 of the Approved Plans.

5. The use of the Property shall at all times conform to this Special Use Permit and all Applicable Laws, except that if there is a conflict between this Special Use Permit and any provision of the Town Code or Zoning Ordinance or other Town requirement, this Special Use Permit shall prevail, except when otherwise required for health, safety, or welfare reasons.

6. If any section, subsection, sentence, clause, or phrase of this Special Use Permit is for any reason held illegal, invalid, or unconstitutional by the final, non-appealable decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Special Use Permit. The Town and the Owner believe and intend that the provisions of this Special Use Permit are valid and enforceable. In the unlikely event that this Special Use Permit is declared by a court of competent jurisdiction to be invalid or unenforceable, the Principal Resort Hotel (if constructed and as then constructed) may continue to be used and operated as a legal non-conforming use in accordance with these Stipulations until such time as a special use permit or other applicable zoning for the Resort is reissued by the Town for the Property.

7. In the case of inconsistencies or conflicts between or among these Stipulations and the Approved Plans, these Stipulations shall govern. In the event of a conflict between the text and the diagrams, drawings or other graphic representations contained in the Approved Plans, the text will prevail and control over the diagrams, drawings, and other graphic representations.

8. Mylar versions and electronic versions of all Approved Plans shall be submitted to the Town within thirty (30) days after the Approval Date.

9. No part of the Resort shall be operated as a Time-Share Project as such term is defined by the Town Zoning Ordinance. No part of the Principal Resort Hotel in Area A may be subdivided for purposes of sale or resale.

10. When applicable, all approvals and determinations by the Town Manager referenced herein shall be governed by the Town Code in effect at the date of that determination, except when this SUP specifically references ordinances or requirements in effect as of a specific date (e.g., see definition of Special Use Permit Guidelines).

11. The Town Manager's approval or determination is provided for in several instances in these Stipulations. The Town Manager shall base his approval on standards and criteria set forth in this SUP, the 2015 Development Agreement, the Town Code, and the Zoning Ordinance, as reasonably applicable, with the intent to implement the viable development of the Resort as provided in this SUP and the 2015 Development Agreement. Recognizing that the final design and building permit process for which any particular

approval of the Town Manager is sought involves multiple stages, including conceptual, schematic, design development and construction documents, an Owner may seek the approval of the Town Manager at one or more stages of such design. Notwithstanding the foregoing, no construction may occur with respect to any particular element or structure until necessary permits for that element or structure are issued. An Owner may rely upon an approval in proceeding from one stage of design to the next. Although the parties intend that this Special Use Permit, the 2015 Development Agreement, the Zoning Ordinance, and the Town Code state a consistent relationship between them, the parties agree that in the event of a conflict between these documents that the order of priority shall be the (1) Special Use Permit, (2) 2015 Development Agreement, (3) Zoning Ordinance, and (4) Town Code; the parties agree that the higher priority document shall control. If the 2015 Development Agreement is declared invalid or unenforceable in its entirety by a court of competent jurisdiction or if a bankruptcy court rejects the 2015 Development Agreement or approves a sale of the Property free and clear of the 2015 Development Agreement, or any portion thereof, then Sections 2.1, 2.2, and 2.3 of the 2015 Development Agreement (together with any exhibits and definitions referenced in those sections) shall be incorporated into this SUP by reference with the same force and effect as if fully set forth herein

12. If any portion of the property is used in violation of the terms of this Special Use Permit, the Town may, after: (1) fair notice; (2) a hearing; and (3) a reasonable opportunity to correct, impose a monetary sanction on the then Owner of such portion, in an amount not to exceed the maximum amount allowed for violations of the Town Zoning Ordinance for each day such violation exists, in addition to all other remedies, orders, or sanctions permitted by Applicable Laws, including, at the Town's election, injunctive relief. No such remedy shall be sought from any other Owner or portion of the Property that is not in violation of this Special Use Permit.

13. Unless otherwise stipulated in this Special Use Permit, amendments to this Special Use Permit shall follow the appropriate process outlined in Article XI, Special Uses and Additional Use Regulations, of the Town Zoning Ordinance, as amended.

B. CONSTRUCTION AND DEVELOPMENT STANDARDS

14. All utilities within the Resort shall be underground (excluding certain equipment typically installed above ground, such as transformers, meters, etc., which shall be appropriately screened) and located within appropriate easements. All water and sewage facilities shall be constructed in accordance with plans approved by the Town Manager.

15. No construction permit shall be issued for any construction on the Property until appropriate engineering or architectural plans are submitted to the Town and the issuance of such construction permit for that particular activity is approved by the Town Manager. Submitted plans shall be required to meet the building code most recently adopted by the Town. However, the Town may issue approvals and/or permits to salvage native plants and stage or prepare the job-site for work with fences, trailers, dumpsters, sanitation, water tanks, material storage, erosion control and dust control measures, and the like, without engineering or architectural plans.

16. During the period of demolition or construction of new improvements, signs shall be posted on the Property (or at the entrance to a particular phase) indicating the name and phone number of a person the public may contact with construction-related concerns. Sign details such as the sign size, height, and location shall be reviewed and approved by the Town Manager.

17. All new construction shall satisfy all fire department requirements for each component of work (which may include temporary fire protection facilities) prior to the issuance of any building permit for such work.

18. Prior to the issuance of a certificate of occupancy for any individual structure, adequate fire, emergency, and other vehicle access and adequate fire service shall be provided for such structure and the particular phase of development in which such structure is located, as determined by the Town Manager.

19. Interiors of the Principal Resort Hotel structure may be remodeled at any time without an amendment to this Special Use Permit or other approvals by the Town (except for appropriate building permits when required by the Town Code so long as such remodeling does not increase or decrease the number of Hotel Keys, the remodeled Principal Resort Hotel continues to comply with the Hotel Quality Standards, and the Principal Resort Hotel continues to include the Minimum Resort Hotel Improvements.

20. One or more locations within the Resort as approved by the Town Manager may be improved and used as a marketing center, inclusive of the construction and occupancy of model homes, for the sales and marketing of the Resort until such time as all construction has been substantially completed and all Resort Villas, Resort Related Luxury Homes, Resort-Branded Homes, and Resort Related Attached Residences have been initially sold.

21. Temporary construction driveway locations are subject to the approval by the Town Manager and are limited to locations on Lincoln Drive and/or Indian Bend Road east of the existing traffic circle.

22. If vertical construction has not commenced within an Area that has been otherwise disturbed by grading or other construction work by a date that is three (3) years after the Approval Date, any such disturbed portion within such Area shall be stabilized and/or landscaped to minimize dust.

23. The Resort Hotel Owner shall submit a construction schedule prior to the issuance of any building permits for a structure to ensure compliance with all Town ordinances and in order to minimize construction nuisances. This construction schedule shall include the following:

    a. Dust and noise control measures

    b. Vehicle/equipment storage/parking

    c. Construction days/hours

d. Location of staging area for construction supplies/equipment

e. Location of any construction trailers and sanitary facilities

f. Location of on-site construction-materials/debris storage

g. Location of fire lanes during the construction period

h. The approximate beginning and ending dates for construction of structures

i. All construction related parking and storage must be contained within the boundaries of the Property and on the adjacent property within the City of Scottsdale owned by Owner.

24. Consistent with the phasing requirements and limitations contained within the 2015 Development Agreement, the Owner shall arrange for construction phasing within an Area (or Areas combined) on the Property in the following sequence:

a. Commence native plant salvage, dust and erosion control measures, job-site mobilization and set-up, and the like.

b. Begin storm water pollution prevention plan and measures.

c. Upon completion of the salvage, erosion and dust control, job-site mobilization, and set-up, commence utility and civil improvements and site work.

d. Upon substantial completion of, or in conjunction with, the utility and civil improvements, commence perimeter walls, and perimeter landscaping (outside the perimeter walls) of the Property along Lincoln Drive, Mockingbird Lane, and Indian Bend Road.

e. Upon substantial completion of above, vertical building improvements for Areas A1, B, C, D, and E1 may commence in accordance with the provisions and limitations contained within the 2015 Development Agreement.

f. Vertical building improvements for Area A may commence at any time after completion of subsections a, b, and c as listed above.

g. Prior to the issuance of any certificate of occupancy for any structure within an Area, all internal streets within such Area, together with the connecting street(s) to a public right-of-way, shall be complete.

25. Subject to requirements for construction of the horizontal or vertical improvements, construction access, emergency vehicle access, erosion control, storm water pollution prevention control, dust control and other measures, portions of the perimeter wall and landscaping may be postponed or re-opened for construction or access, subject to approval by the Town Manager.

26. During construction and development of the Resort, temporary sales and marketing signs may be posted on the Property consistent with a temporary sign program to be submitted by the Owner and approved by the Town Manager.

27. During grading and construction, the Owner shall sweep the streets adjacent to the Property and any other public streets in the Town directly affected by development on the Property using a PM-10 or equivalent capable street sweeper at least three (3) times a week or more, as required by the Town Manager.

28. Screening of any backflow preventer, transformer, or other similar equipment visible from Lincoln Drive, Mockingbird Lane, or Indian Bend Road shall be required and the precise location of such equipment and screening shall be approved by the Town Manager and the utility provider.

29. Stand-alone accessory and service structures over six (6) feet in height (as defined in the Special Use Permit Guidelines) in Areas A and A1, and guard houses (each limited to eight-hundred (800) square feet of Floor Area) in Areas B and C , may be added to the Approved Plans, provided that the total square footage of all the accessory and service structures added together does not exceed fifteen thousand (15,000) square feet of Floor Area, such additions to be provided to the Town Manager as a revised conceptual site plan. Stand-alone accessory and service structures cannot exceed sixteen (16) feet in height and must be set back a minimum of forty (40) feet for any accessory structure and sixty (60) feet for any service structure from any rights-of-way or residential property lines outside of the SUP boundaries and ten (10) feet from any non-residentially zoned property outside of the SUP boundaries.

30. Accessory structures that do not exceed six (6) feet in height above Finished Grade (raising the Finished Grade by placing fill solely for the purpose of adding additional height is prohibited) in Areas A and A1, including, but not limited to, pools, barbeques, fire pits, fireplaces, water features, and other accessory structures, shall be allowed within the boundaries of Areas A and A1, subject to approval by the Town Manager. These accessory structures shall not count towards the fifteen thousand (15,000) square feet of additional Floor Area for stand-alone accessory structures and service structures over six (6) feet in height provided for in Stipulation 29 above.

31. All outdoor lighting not visible off site shall meet the Special Use Permit Guidelines. All outdoor lighting (including fixtures, light source, etc.) visible off site shall be processed through a minor amendment to this Special Use Permit. If the Town receives a complaint from an offsite owner that a lamp or lighting or illumination device within an outdoor light fixture is visible from outside the Property, the Town Manager may inspect the Property and require the Owner of such lighting fixture to shield such light source if the light emitting element is visible from outside the Property.

32. Except as otherwise allowed by Federal or State requirements, antenna and satellite dishes are permitted, as follows:

    a. Satellite dishes must not be located above the roof line. Satellite dishes and antennas greater than twenty-four (24) inches in diameter are permitted, provided that they are

not mounted on the roof and meet all Town Code requirements, including full screening of equipment from view from the public right-of-way or properties not part of this Special Use Permit

b. All wiring shall be contained within a structure, conduit, or underground.

33. Cellular and other wireless transmission antennas are permitted, provided that they comply with this Special Use Permit and all applicable Town ordinances, specifically including the requirement to obtain a conditional use permit pursuant to Article XI of the Zoning Ordinance, as amended; but further provided that no conditional use permit is required for cellular antennas located in the primary structures of the Principal Resort Hotel. Any cellular antennas shall be designed as integrated architectural features within the structures on the Property and any screening shall be in the same finish and color as the structure on which it is located. There shall be no unscreened projections of cellular antennas on any building above the roofline. Any lease agreement with a wireless operator will specifically allow entry by the Town and its agent for the purpose of inspection and compliance with Town ordinances and will require compliance with Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance or any successor ordinance.

34. The final design for Indian Bend Road, Mockingbird Lane, and the Visually Significant Corridor of Lincoln Drive shall be in accordance with the terms of the 2015 Development Agreement.

35. Subsequent to the Approval Date, Owner shall submit comprehensive Resort Sign Guidelines for the overall Resort for review and determination by the Town Manager. Any additional signage which is not shown on the Approved Plans and is visible offsite, beyond the boundaries of this SUP, shall be processed as a minor amendment to this SUP.

36. Perimeter landscaping plans shall be in accordance with the terms of the 2015 Development Agreement and this SUP.

C. DEVELOPMENT AREAS

AREA A – RESORT HOTEL AND RESORT ANCILLARY FACILITIES AND USES

37. Area A may only be improved with a Resort Hotel, which shall be the Principal Resort Hotel, and Resort Ancillary Facilities and Uses. No part of Area A may be subdivided with plats or maps for the purpose of sale or resale. The Principal Resort Hotel shall: include the Minimum Resort Hotel Improvements; comply with the Hotel Quality Standards; and comply with the height, setback, and Floor Area limitations as shown on Page D-3 of the Approved Plans.

38. All mechanical equipment, including pool and fountain equipment, shall be screened so that it is not visible from Paradise Valley properties not a part of this Special Use Permit and from Paradise Valley public rights-of-way. All pool heaters are to be low-profile in configuration. Mechanical equipment and mechanical equipment screens shall be

included in the total height of any structure they are attached to. If applicable, mechanical screening may provide the necessary noise attenuation for any mechanical equipment. All mechanical equipment, along with any screens used for attenuation of noise, shall comply with the allowable noise levels as defined in the Town Code provisions relating to noise, as it is amended from time to time. Noise measurement shall include any installed screening or other attenuation devices.

39. The hours of public operation for the Resort Hotel shall be twenty-four (24) hours per day, seven (7) days a week, except for the hours and operational standards set forth below:

    a. Indoor bars/lounges: 6:00 a.m. to close per state statute.

    b. Outdoor banquets, receptions, weddings, and socials: 6:00 a.m. to 2:00 a.m.

    c. Spa & fitness facilities: Outside members limited to 5:00 a.m. to midnight; and resort guests up to twenty-four (24) hours a day.

    d. Trash pickup: 7:00 a.m. to 7:00 p.m.

AREA A1 – RESORT VILLAS

40. Area A1 may only be improved with up to ninety-four (94) attached residential Resort Villas and uses incidental or accessory thereto (specifically including the Area E1 Retail/Restaurant Uses up to the maximum Floor Area for food and beverage uses shown in Page D-3 of the Approved Plans), as well as common areas and common use facilities and/or amenities, provided that the Resort Villa plans comply with the height, setback, and Floor Area limitations shown on Page D-3 of the Approved Plans. Each Owner of a Resort Villa may occupy it, or permit its family and guest(s) to occupy it, or make it available for residential uses. In addition, each Owner of a Resort Villa may voluntarily participate in the Resort Hotel Rental Program and make its Resort Villa available for transient occupancy uses or hospitality uses, at its sole option, under the terms and conditions of the Resort Hotel Rental Program, provided, however, that any rental of any Resort Villa shall only be done through the Resort Hotel Rental Program. The principal guest of a Resort Villa in the Resort Hotel Rental Program shall register with the Principal Resort Hotel. Nothing shall prohibit a Resort Villa from being sold (and thereafter resold) to a third party, or parties, and used as provided herein.

41. Resort Villas are subject to the following requirements:

    a. Resort Villas shall be constructed in conformance with the development standards set forth in this Special Use Permit.

    b. Resort Villas in the Resort Hotel Rental Program must always meet the Hotel Quality Standards for the Principal Resort Hotel.

    c. Rental of Resort Villas will be processed through the Resort Hotel Rental Program or other similar mechanism where the Principal Resort Hotel can track all rental activity.

d. Each floor of a building containing Resort Villas must contain a room or rooms providing housekeeping closet and room service pantry services.

e. Each Resort Villa must have locking entrance doors tied to a remote master key system located at the guest reception area of the Principal Resort Hotel, which system is capable of issuing new key cards for each Resort Villa as it is rented and cancelling key cards upon expiration of the rental term.

f. Each Resort Villas must be connected to a master television system as would typically be found in a full service luxury resort hotel.

g. Each Resort Villas must be connected to a master communication system that allows intra-system calls to the front desk, concierge, housekeeping, room service, and other hotel services, as typically found in a luxury resort hotel.

h. Any part or individual unit of the Resort Villas may be subdivided (if previously combined) or combined for the purposes of sale or resale provided that the total number of units shall not exceed ninety-four (94).

AREA B – RESORT RELATED LUXURY HOMES

42. Area B may only be improved with up to sixty-six (66) detached single-family residential Resort Related Luxury Homes and uses incidental or accessory thereto, as well as common areas and common use facilities and/or amenities, provided that all such improvements comply with the height and Floor Area limitations shown on Page D-3, and setback limitations as shown on Page F-2 of the Approved Plans. Each Owner of a Resort Related Luxury Home may occupy it or permit its family and guest(s) to occupy it, or make it available for residential uses. Nothing shall prohibit a Resort Related Luxury Home from being sold (and thereafter resold) to a third party, or parties, and used as provided herein.

43. Resort Related Luxury Homes are subject to the following requirements:

a. Resort Related Luxury Homes shall be constructed in conformance with the development standards set forth in this Special Use Permit.

b. Additional walls not shown on the Approved Plans may be constructed on the lot within enclosed private yards, provided they do not exceed six (6) feet in height.

c. Air conditioners may be installed on roofs, provided they shall be screened and noise attenuated so as to comply with the allowable noise levels as defined in the Town Code provisions relating to noise, as it is amended from time to time. Noise measurement shall include any installed screening or other attenuation devices. Such screening shall be included in the overall height of the structure.

d. All outdoor lighting shall comply with Town ordinances.

e. A minimum of thirty-three (33) percent of each lot shall be open and pervious, provided that swimming pools (excluding surrounding deck surfaces) shall be deemed to be open and pervious.

f. Accessory structures that do not exceed six (6) feet in height above Finished Grade, including, but not limited to, pools, barbeques, fire pits, fireplaces, water features and other accessory structures, shall be allowed within the boundaries of each lot, provided they are located in a rear yard screened from public streets. The requirements of the preceding sentence shall not apply to accessory structures adjacent to or visible only from private streets. Accessory structures over six (6) feet above Finished Grade (or under six (6) feet in height but not in an enclosed yard), which may include casitas, gazebos, trellises, and patio covers, shall be allowed on each lot, provided that they comply with the Floor Area limitations shown on Page D-3 of the Approved Plans, are limited to sixteen (16) feet above Finished Grade, and comply with the setbacks on Page F-2 of the Approved Plans.

g. Accessory structures containing livable square footage shall meet the setbacks for the main home and may not exceed sixteen (16) feet in height as measured from Finished Grade.

h. House-mounted basketball backboards and pre-fabricated storage sheds shall not be permitted.

AREA C – RESORT-BRANDED HOMES

44. Area C may only be improved with up to forty-five (45) detached single-family residential Resort-Branded Homes and uses incidental or accessory thereto, as well as common areas and common use facilities and/or amenities, provided that all such improvements comply with the height and Floor Area limitations shown on Page D-3, and setback limitations as shown on page F-3 of the Approved Plans. Each Owner of a Resort-Branded Home may occupy it, or permit its family and guest(s) to occupy it, or make it available for residential uses. In addition, each Owner of a Resort-Branded Home may voluntarily participate in the Resort Hotel Rental Program and make its Resort-Branded Home available for transient occupancy uses or hospitality uses, at its sole option, under the terms and conditions of the Resort Hotel Rental Program, provided, however, that any rental of any Resort-Branded Home shall only be done through the Resort Hotel Rental Program. The principal guest of a Resort-Branded Home in the Resort Hotel Rental Program shall register with the Principal Resort Hotel. Nothing shall prohibit a Resort-Branded Home from being sold (and thereafter resold) to a third party, or parties, and used as provided herein.

45. Resort-Branded Homes are subject to the following requirements:

a. Resort-Branded Homes shall be constructed in conformance with the development standards set forth in this Special Use Permit.

b. Resort-Branded Homes in the Resort Hotel Rental Program must always meet the requirements of the Acceptable Brand for the Principal Resort Hotel.

c. Additional walls not shown on the Approved Plans may be constructed on a lot within enclosed private yards, provided they do not exceed six (6) feet in height.

d. Air conditioners may be installed on roofs, provided they shall be screened and noise attenuated so as to comply with the allowable noise levels as defined in the Town Code provisions relating to noise, as it is amended from time to time. Noise measurement shall include any installed screening or other attenuation devices. Such screening shall be included in the overall height of the structure.

e. All outdoor lighting shall comply with Town ordinances.

f. A minimum of thirty-three (33) percent of each lot shall be open and pervious, provided that swimming pools (excluding surrounding deck surfaces) shall be deemed to be open and pervious.

g. Accessory structures that do not exceed six (6) feet in height above Finished Grade, including, but not limited to, pools, barbeques, fire pits, fireplaces, water features and other accessory structures, shall be allowed within the boundaries of each lot, provided they are located in a rear yard screened from public streets. The requirements of the preceding sentence shall not apply to accessory structures adjacent to or visible only from private streets. Accessory structures over six (6) feet above Finished Grade (or under six (6) feet in height but not in an enclosed yard), which may include casitas, gazebos, trellises, and patio covers, shall be allowed on each lot, provided they comply with the Floor Area limitations shown on Page D-3 of the Approved Plans, are limited to sixteen (16) feet above Finished Grade, and comply with the setbacks on Page F-3 of the Approved Plans.

h. Accessory structures containing livable square footage shall meet the setbacks for the main home and may not exceed sixteen (16) feet in height as measured from Finished Grade.

i. House mounted basketball backboards, and pre-fabricated storage sheds shall not be permitted.

AREA D – RESORT RELATED ATTACHED RESIDENCES

46. Area D may only be improved with up to fifty-three (53) attached single-family residential Resort Related Attached Residences and uses incidental or accessory thereto, as well as common areas and common use facilities and/or amenities, provided that all such improvements comply with the height, setback, and Floor Area limitations shown on Page D-3 of the Approved Plans. Each Owner of a Resort Related Attached Residence may occupy it or permit its family and guest(s) to occupy it, or make it available for residential uses. Nothing shall prohibit a Resort Related Attached Residence from being sold (and thereafter resold) to a third party, or parties, and used as provided herein.

47. Resort Related Attached Residences are subject to the following requirements:

a. The Resort Related Attached Residences shall be constructed in conformance with the development standards set forth in this Special Use Permit.

b. Accessory structures that do not exceed six (6) feet in height above Finished Grade, including, but not limited to, barbeques, fire pits, fireplaces, water features and other accessory structures, that are not over one hundred and fifty (150) square feet in size, not shown on the Approved Plans may be constructed on a lot when otherwise in compliance with this Special Use Permit.

OPEN SPACE-WASH CORRIDOR

48. The Open Space-Wash Corridor shown on Page H-6 of the Approved Plans shall be constructed in substantial conformance with the Approved Plans and with landscaping and hardscaping as approved by the Town Manager. Thereafter the Open Space-Wash Corridor shall be maintained by a master association and used only for stormwater conveyance and detention, public trails, benches, and permanent open space and shall not be otherwise developed, except for landscaping and hardscaping, including but not limited to: pathways, seat walls, benches, sculptures, entry monument signage, water features and storm water detention systems. Public access to the Open Space-Wash Corridor may only be restricted when flooding or other conditions exist so as to require such restrictions in order to protect the health, safety, and welfare of the public. No roadways or other motorized vehicular access shall be permitted on or across the Open Space-Wash Corridor, except as provided on the Approved Plans and for temporary access in order to perform landscape maintenance and other related maintenance. No parking of vehicles shall be permitted on any portion of the Open Space-Wash Corridor.

AREA E1 – RETAIL APPROVAL AND FUTURE AREA E2 APPROVAL AREA

49. Current Approvals for Area E1 and Future Uses and Approval Process for Area E2

a. Area E1 may only be improved at this time with Area E1 Retail/Restaurant Uses. All improvements to Area E1 shall comply with the height, setback, parking requirements, and Floor Area limitations shown on Page D-3 of the Approved Plans. Building exteriors in Area E1 shall be maintained in good working condition and absent any visible signs of disrepair.

b. Future improvements to Area E2 shall only be allowed as permitted by an intermediate amendment to this SUP (as provided in Article XI of the Zoning Ordinance). The Town and Owner anticipate Area E2 may include the following uses: resort hotel, resort-related retail, resort-related above-ground parking structure or structures, and resort-related health services. No use for Area E2 shall be deemed approved unless and until the intermediate amendment referenced above is obtained. The intermediate amendment to the SUP shall determine the square footage approvals for each of these uses, as well as the heights, setbacks, and locations of each such use. Processing of any plat approval or building permits for Area E2 shall not be permitted until after the intermediate amendment has been processed by the Town.

c. Stand-alone accessory and service structures over six (6) feet in height (as defined in the Special Use Permit Guidelines) in Area E1 may be added to the Approved Plans, provided that the total square footage of all the accessory and service structures added together does not exceed three thousand (3000) square feet of Floor Area within Area E1, such additions to be provided to the Town Manager as a revised conceptual site plan. Stand-alone accessory and service structures cannot exceed sixteen (16) feet in height and must be set back a minimum of forty (40) feet for any accessory structure and sixty (60) feet for any service structure from any rights-of-way or residential property lines outside of the SUP boundaries and ten (10) feet from any non-residentially zoned property outside of the SUP boundaries.

d. Accessory structures that do not exceed six (6) feet in height above Finished Grade (raising the Finished Grade by placing fill solely for the purpose of adding additional height is prohibited) in Area E1 shall be allowed within the boundaries of Area E1, subject to approval by the Town Manager. These accessory structures shall not count towards the three thousand (3000) square feet of additional Floor Area for stand-alone accessory structures and service structures over six (6) feet in height provided for in Stipulation 49.c above.

D. TEMPORARY USES/EASEMENT/MAINTENANCE

50. Temporary tents or pavilions may be erected in the locations shown on Page E-4 of the Approved Plans, provided that such temporary tents or pavilions shall not remain erected for more than sixteen (16) consecutive days per event. No tent shall be higher than twenty-four (24) feet above Finished Grade.

51. Special events shall be permissible, with or without temporary tents or pavilions, provided these events are in accordance with the Article 8-8, Special Events on Private Property and Public Rights-of-Way, of the Town Code, with the following conditions:

    a. As allowable in said Article 8-8, Special Use Permit properties are exempt from the Special Event permit review process provided that such exempted events are limited to the type of activities that are customary and incidental to the primary uses of this Special Use Permit and any temporary tents or pavilions comply with Stipulation 50.

    b. Exemption from the Special Event permit review process does not exempt the Owner from any applicable required permit inspections related to public health, safety, and welfare by the Town, the State of Arizona, or other applicable jurisdiction. Town permit inspections are determined as follows:

        i. A permit from the Town Fire Marshal, or designee, shall be required for any structure or tent having an area in excess of two hundred (200) square feet or a canopy in excess of four hundred (400) square feet.

        ii. Review by the Town Community Development Department shall be required for the provision for and location of any portable restroom facilities.

c. Any temporary tents or pavilions not in the locations shown on Page E-4 of the Approved Plans may be approved in accordance with Article 8-8-10, Procedure for Review of Application and Appeal of Decision, of the Town Code.

d. Temporary tents or pavilions must meet a minimum setback of forty (40) feet to the exterior property line of the Property.

e. Placement of any temporary tent or pavilion shall have no adverse impact on parking or circulation.

52. The following provisions in this Stipulation 52 shall be set forth in easements and/or CC&Rs or other recorded instruments (which may include recorded plats or maps), to be recorded on (or otherwise encumber title to) the Resort or such part thereof for which such provision is germane. Such recordation shall occur concurrently with or prior to recordation of any applicable final plats or final maps as the case may be for a particular phase of development. As a condition to approval of a final plat(s) or final map(s), if such final plat or final map does not itself address the provisions in this Stipulation 52, then any necessary recorded instruments (other than the plat or map itself) shall be approved by the Town Manager; provided that, (i) the Town's review shall be limited to whether such recorded instrument satisfies the provisions in this Stipulation 52, and (ii) if the recording satisfies the provisions in this Stipulation 52, the Town's approval shall not be unreasonably withheld. Easements within any lot or parcel boundary will not affect setback measurements or determination of lot areas. Any lot within an Area can provide (by easement or otherwise) parking, drives, utilities, and signs for another lot within an Area, including lots owned by different Owners.

a. Easements

i. Vehicular and pedestrian access easements providing access to public rights-of-way as reasonably determined by the Owner and benefiting all Owners within the Resort shall be dedicated and maintained. The adequacy of such easements shall be reasonably approved by the Town Manager.

ii. Utility and drainage easements shall be dedicated to the utility provider, the Town, and/or the Owner as the case may be, as reasonably determined by the Town Manager. Any such easement shall be maintained in accordance with applicable requirements of the utility or the Town, as applicable. Where required by law, such easements shall be shown on the final plats or final maps.

b. General Maintenance Rights and Responsibilities

i. The Resort may be developed in one or more phases as provided in the 2015 Development Agreement. A general infrastructure plan for each phase shall be formulated by each Owner which shall set forth common elements for roadways, utilities (including fire service), lighting, gates, landscape, walls and other elements for the use, benefit, enjoyment and safety of all of Owner's guests, employees and other invitees of the Resort. Some of such common elements

may benefit all phases of the Resort, while others may serve only one or more phases of the Resort.

ii. A maintenance, repair, and replacement regime shall be formulated by Owner(s) and incorporated into one or more CC&Rs, which shall be a first priority lien (junior only to existing matters of record other than monetary liens and the 2015 Development Agreement) on the Resort or each particular phase, as the case may be. Said regime shall provide for governance through a master developer of the Resort or of a phase, or through an authorized or duly formulated association of certain, some, or all Owners of the Resort or phased parts thereof. Said regime shall set forth and contain the minimum following elements:

(a) All exterior portions of all structures and all roadways, parking areas, landscaping, walls, pools and lighting shall be kept and maintained in a first class condition, commensurate with a mixed use resort project serving multiple uses and Owners so that each part is benefited by the first class condition of each other part.

(b) Adequate and reasonable assessments shall be made of each Owner to reasonably fund estimated budgets for the maintenance, repair, replacement, and care of the completed Resort and/or each phase thereof.

(c) A governance mechanism to protect all Owners and insure the reasonable and adequate maintenance of all components of all phases of the Resort, including the power to access and enter upon the property of another for the purpose of enforcing the regime.

(d) Architectural guidelines to insure that the requirements of this Special Use Permit are adhered to in the initial and any redevelopment of the Resort. Such architectural guidelines may be administered through an Owner as master developer of the Resort or phase therein, a master association for the Resort, or an association for a particular phase as the case may be, it being the intention of the Town that the Resort be developed in a cohesive, cooperative and harmonious manner which adheres to the requirements of this Special Use Permit and such other requirements Owner may formulate from time to time.

c. 2015 Development Agreement Provisions

i. A mechanism for the master association to perform obligations under the 2015 Development Agreement that are to be performed by an "Owners Association," as defined in the 2015 Development Agreement.

ii. An acknowledgement applicable to the master association and all of the Owners of property governed by the master association that (i) they are bound by this SUP and the 2015 Development Agreement and (ii) an acknowledgement that this SUP and the 2015 Development Agreement constitute valid, binding and enforceable obligations, enforceable according to their terms.

iii. A release in favor of the Town as a third party beneficiary substantially in conformance with the "Five Star Release," as defined in the 2015 Development Agreement, applicable to the master association and all of the Owners of property governed by the master association.

53. The streets, drives, surface parking lots and common landscaping areas within the Property shall be constructed and maintained by the Owner. A covenant will be recorded on the Property and shall run with the land and shall be binding thereon (which may be set forth in CC&Rs) providing the Town with a right (but not the obligation) to perform repair of streets, drives, surface parking lots and common landscaping areas within the Property. In the event that the Town Manager finds, in his or her reasonable discretion, that the streets, drives, surface parking lots and common landscaping areas within the Property are not reasonably maintained, the Town may give the Owner of the affected area and the Owner(s) of all lot(s) or unit(s) within the Area a written notice to undertake appropriate maintenance to cure such condition. Notice pursuant to this Stipulation 53 shall be given by certified mail to an Owner to the address as shown on the records of the Maricopa County Assessor. If the condition remains uncured for sixty (60) days after notice thereof in writing is given by the Town, or if the condition is such that it cannot be reasonably corrected within sixty (60) days, the correction thereof not having been commenced and thereafter diligently prosecuted within sixty (60) days from receipt of such written notice, the Town may enter the Property and perform such work necessary to cure the condition. In connection with the foregoing work, the Town may assess the actual, reasonable costs and expenses related to such work against the Owner(s) of the lots/units within such Area on a pro rata, per lot/unit basis (based on gross square footage of all lots/units) and such Owner(s) shall remit payment to the Town within thirty (30) days after receipt of an invoice together with the reasonable supporting materials from the Town. If an Owner fails to remit its prorated payment within the thirty (30)-day period, the Town may file a lien against such Owner's lot/unit for any such unpaid amount due to the Town and enforce such lien as provided by and pursuant to Arizona law; provided that the Town shall, under any circumstances, be required to provide no less than thirty (30) additional days written notice to such Owner(s) prior to filing any lien pursuant to this Stipulation 53.

E. PARKING AND CIRCULATION

54. Parking shall meet or exceed the parking requirements set forth on in the parking study incorporated into the Approved Plans. Any change in use of the Resort that increases the parking demand over the parking requirements set forth in the parking study incorporated into the Approved Plans must be approved as a minor amendment to this Special Use Permit. The Owner shall submit a revised parking study which reflects the parking demands of the final Approved Plans within thirty (30) days of the Effective Date.

55. All contracts between the Resort Hotel Owner and any valet company or other parking company shall include an acknowledgment and agreement that such company shall not park any vehicles on public streets in the Town. Buses and other vehicles may be used to shuttle guests or employees to or from parking areas not located on the Resort, and between the Resort and other destinations (e.g., airport, shopping facilities, golf courses,

attractions, etc.). Any catering agreement between Resort Hotel Owner and any resident or guest booking events at the Resort shall include an acknowledgement and agreement that catering vehicles may not park on public streets in the Town.

56. Unlicensed support vehicles (i.e., golf carts, utility vehicles, etc.) may be used to transport guests and residents and provide services to any Area of the Resort, but shall not be used or parked on any public street.

57. All designated fire lanes shall maintain a vertical clearance of fourteen (14) feet above Finished Grade and a horizontal clearance of twenty (20) feet to allow passage of emergency vehicles, and must meet all current Arizona Department of Transportation standards. Emergency access points are only to be utilized for emergency vehicles; no deliveries or other use of emergency access points is allowed.

58. At any time when the parking demand within the Resort is expected to exceed onsite capacity, the Owners of the affected areas shall initiate a parking management plan, which may include valet parking or offsite parking arrangements (but not the use of parking on any public street within the Town).

59. All streets, drives, sidewalks, and paved areas constructed shall remain private; provided, however, that all new streets constructed shall be in compliance with Page D-12 of the Approved Plans and shall be of adequate width and design, as determined by the Town, to permit the provision of fire and police protection to the Property.

60. The eight (8) feet wide public trail located in the Open Space Corridor shall remain ungated and unobstructed at all times except as necessary for storm events and maintenance. The trail must meet Americans with Disabilities Act requirements.

61. Proposed guard gates and guardhouses shall be in the general locations shown on the Resort Wall Master Plan to be approved by the Town Manager and must meet the standards of the Special Use Permit Guidelines and the Zoning Ordinance in effect as of the Approval Date.

62. All proposed cul-de-sacs in Areas B and C shall have a right-of-way radius of not less than forty-five (45) feet with an improved traffic circle having a radius of not less than forty (40) feet.

63. No loading, truck parking, trash containers, or outdoor storage area shall be located within one hundred (100) feet of residentially zoned property outside of the Property's boundaries. All such areas shall provide visual and noise screening to minimize impacts on adjacent residential property.

F. MANAGEMENT

64. There shall be at least one person at the Resort at all times who has been thoroughly briefed on the provisions of this Special Use Permit and who has the authority to resolve all problems related to compliance with this Special Use Permit and compliance with the Town Code. All calls from Town residents to the Town or Resort regarding noise or

disturbances shall be referred to and addressed by such person(s). Maintenance of the Resort in general, and all common areas specifically, shall be coordinated through a single unified management entity, which may be the Owner of the Principal Resort Hotel or a master association of Owners.

65. At all times, the Property shall remain under unified management through a master association and shall be operated as an integrated resort facility. There may be sub-associations relating to specific Area(s) within the overall Property. Area E1 may be under a separate management company on behalf of the owners/landlord(s).

G. COMMUNITY OUTREACH

66. Subsequent to the approval of this Ordinance, the Owner shall implement the Community Outreach Plan set forth on Schedule 2.

H. PLAT AND MAP APPROVAL

67. Plat and map approval shall be processed in accordance with the terms of the 2015 Development Agreement.

Summary of Five Star (Ritz) Special Use Permit (SUP) Amendments 7000 E Lincoln Drive

SUP #	Date Approved	Nature of Approval
SUP-24-01	XXX	Minor SUP Amendment for Area C (Ritz-Carlton Resort Branded Homes) to remove the second-story setback requirement for Lots 15-19.
SUP-19-06	January 7, 2020	Minor SUP amendment for Area C (Ritz-Carlton Resort Branded Homes) to allow expanded basement lightwells to encroach into the building setbacks, allow chimneys and chimney screens to extend 3 feet above the maximum height limit of the house, and to modify several fence/retaining wall heights.
SUP-18-15	January 9, 2019	Minor SUP amendment for Area A-1 to modify the building heights of the Resort Villas.
SUP-18-14	December 4, 2018	Minor SUP amendment for Area C (Ritz-Carlton Resort Branded Homes) to modify the size and height of the guard house, add control arm gates to the guard house, and increase the fence wall heights.
SUP-18-13	December 4, 2018	Minor SUP amendment for Area A of the main resort to modify the footprint, modify the heights and grades around the hotel building, and add more square footage to the project
SUP-18-09	August 9, 2018	Managerial SUP amendment in Area A of the main resort related to site pad grades, plan elevations, and related matters.
SUP-18-02	February 20, 2018	Minor SUP amendment for modification to interior walls in Area B (Azure by Shea Homes).
SUP-17-08	December 19, 2017	Minor SUP amendment for Area B (Azure by Shea Homes) for an 11-foot high entry wall and a subdivision sign.
SUP-17-04	July 25, 2017	Minor SUP amendment for Area B for expanded and elongated (joined) basement window wells to allow additional natural light into the basement areas and provide for outdoor living space. The request also included removal of the 5'-wide sidewalk from the 2015 SUP which was denied.
SUP-15-01	January 14, 2016 December 21, 2015	Major SUP amendment to allow for a luxury resort hotel with integrated dwelling units and resort related retail via Ordinance 694 and a Development Agreement via Ordinance 696. This SUP rescinded prior SUP approvals.
SUP-08-05	December 2, 2008	SUP amendment to reduce the patio homes from 100 to 88. SUP-15-01 resends this older SUP approval.
SUP-06-02	April 10, 2008	Major SUP amendment for 225 resort keys, spa, restaurants, and meeting space, 100 patio homes, 46 detached homes on 21,000 square-foot lots, and 15 one-acre lots, preliminary plat, and adoption of Resolution 1164 Development Agreement. SUP-15-01 resends this older SUP approval.
SUP-87-14 SUP-87-13 SUP-87-12 SUP-87-11 SUP-87-10	May 14, 1987 April 9, 1987	Phase I and Phase II approval for a new Special Use Permit rezoning (Ordinance 266) for Sun Valley Resort, golf course, preliminary plat, and private road for a mix of resort units, residential lots, and a golf course. The SUP allowed for up to 500 resort keys, 39 R-43 cluster plan lots, and a golf course. SUP-15-01 resends this older SUP approval.

No SUP Number	March 12, 1964	The subject site was annexed into the Town limits by Ordinance 28.

Note: This list contains known Special Use Permit and related amendments when preparing this summary.

March 25, 2024

Ritz-Carlton Residential Lots, Area C, NWC of Lincoln Drive and Mockingbird Lane, Paradise Valley, AZ

Minor Amendment to SUP 01-15 (Ordinance No. 694)

Application Narrative

I. Introduction

The 2015 SUP provides for a Ritz-Carlton Resort Hotel (Parcel A), Resort Villas (Parcel A1), Resort related luxury homes (Parcel B), Resort branded homes (Parcel C), Resort related attached residences (Parcel D), and Resort related retail (Parcels E1 and E2). Parcel C is located at the northwest corner of Lincoln Drive and Mockingbird Lane.

The Town's Open Space Criteria requirements were applied along Lincoln Drive and Mockingbird Lane as illustrated in the Road Sections on pages D-9 and D-10 (see attached) of the Ritz-Carlton Resort Technical Book and per the Town's Special Use Permit Guidelines. The result was an establishment of 35'-0" second story rear yard setbacks as shown on page F-3 of the Ritz-Carlton Resort Technical Book. This was set in place to maintain view corridors around the perimeter of the property by limiting building heights. It was also unintentionally applied to the internal lots which do not directly impact view corridors from Lincoln Drive and Mockingbird Lane. Through this application, Five Star Development is seeking approval from the Town of Paradise Valley for the following changes to the 2015 SUP (Ordinance #694), Section C-Development Areas, Area C-Resort-Branded Homes, requirement #44.

1. The removal of the 35' second story rear yard setback requirement from interior lots 15-18 as shown on page F-3 (see attached) of the Ritz-Carlton Resort Technical Book. Any second story will adhere to the 20' rear yard setback requirement. Note that this site has been re-plated since the initial SUP approval so the layout and number of lots illustrated on F-3 do not match the current layout and number of lots. The original site layout called for 45 lots with lots 21-45 backing up to each

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other. With the re-plat, the site was revised to 32 lots, a 28.8% reduction from the original layout, with no properties backing up to each other and separated by streets.

II. Removal of second story setbacks

Lots 15-18 sit within the interior of the Ritz-Carlton Area C and pose no danger to disrupt the view corridors from around the perimeter of the property. Please refer to drawing **A-202** for the location of these lots along with an Open Space Criteria site section showing the height restriction (20% slope) per sheet D-9 of the Ritz-Carlton Resort Technical Book. The rear yard property lines for these lots are approximately 238' from the center line of Lincoln Drive and approximately 162'-6" from the overall site's southern property line. Also, being that these are interior lots, separated from the adjacent front and rear lots by E Stellina Vita Drive to the north and E Palma Vista Drive to the south, building density will not feel constricted due to the open space between these properties.

Lots 15-18 are the smallest lots in Area C. Also, being that this setback is a resultant of the Town's Open Space Criteria, which is typically applied to properties that are 1 acre (43,560 sf) or larger, it has a significant impact on these smaller lots.

1. Lot 17 = 12,848 sf
2. Lot 15 = 13,568 sf
3. Lot 16 = 13, 569 sf
4. Lot 18 = 13,904 sf

This Minor Amendment request will not change or add any uses that are permitted in the current SUP. In addition, the request will not change the existing architectural styles of the current or future residences. The three styles of Modern, Moditerranean and Prairie will be maintained throughout the Resort Branded Homes.

The removal of second story setbacks will not impact the maximum total residential floor area of 309,375 sf and the maximum lot coverage: drip line area of 236,250 sf within the Resort Branded Homes as indicated on the land density table, sheet D-3 of the Ritz-Carlton Resort Technical Book. Nor will it impact the 33% open and pervious requirement of each lot per the 2015 SUP (Ordinance #694), Section C-Development Areas, Area C-Resort-Branded Homes, requirement #44-f.

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Drewett Works will limit the architecture that encroaches into what was the second story setback to non-livable second floor covered patios with a maximum roof cover of 550 square feet. Five Star Development will inform the current and future owners of the homes on these lots that these patios are to remain non-livable and at no time can be enclosed to create additional livable space.

Drewett Works feels that the removal of the 35' second story rear yard setback requirement will not have any material impact on the adjoining property owners that is visible, audible, or otherwise perceptible from adjacent properties that cannot be properly mitigated with the architectural design. The current second story design of the homes on lots 15-18 calls for a covered patio within the space between the current 35' second story rear yard setback and the requested 20' second story rear yard setback. The key/focused views are to the south and north as opposed to the east and the west where these patios are located.

These upper patios are either off a bedroom or secondary living space and approximately 300 square feet suitable for four individuals to comfortably sit and visit. Considering the caliber of the Resort branded homes and its clientele, one would be inclined the think that noise levels would be regulated and respected accordingly. In the end, Drewett Works cannot control what happens in this space but can confirm that the architecture itself will not have any material impact that is audible from adjacent properties. There is no additional equipment such as upper-level condensers that would increase the noise for neighboring homes.

Five Star Development has discussed this request with all property owners within Parcel C and have received no opposition or concern with removing the second story setback requirement for the non-livable covered patios.

III. Conclusion

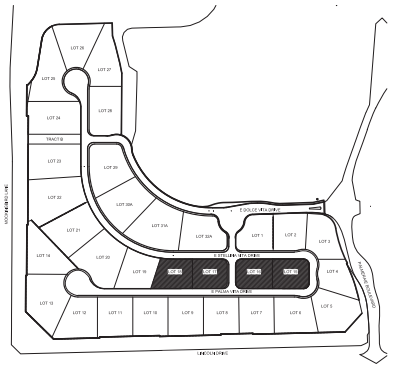
Approval of the requested modification will allow Five Star Development to fully utilize the potential of lots 15-18 without compromising the Town's intention of preserving view corridors around the perimeter of the property or increasing the perception of density.

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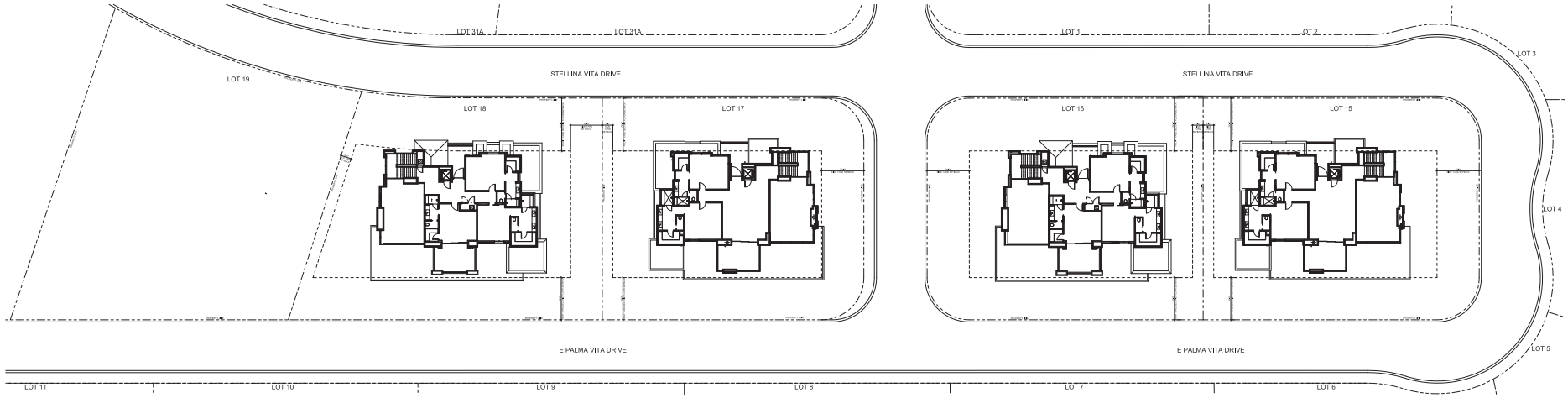
If you have any questions or require additional information, please contact me at (480)-329-7504 or rob@drewettworks.com.

Sincerely,
Rob Banach
Drewett Works

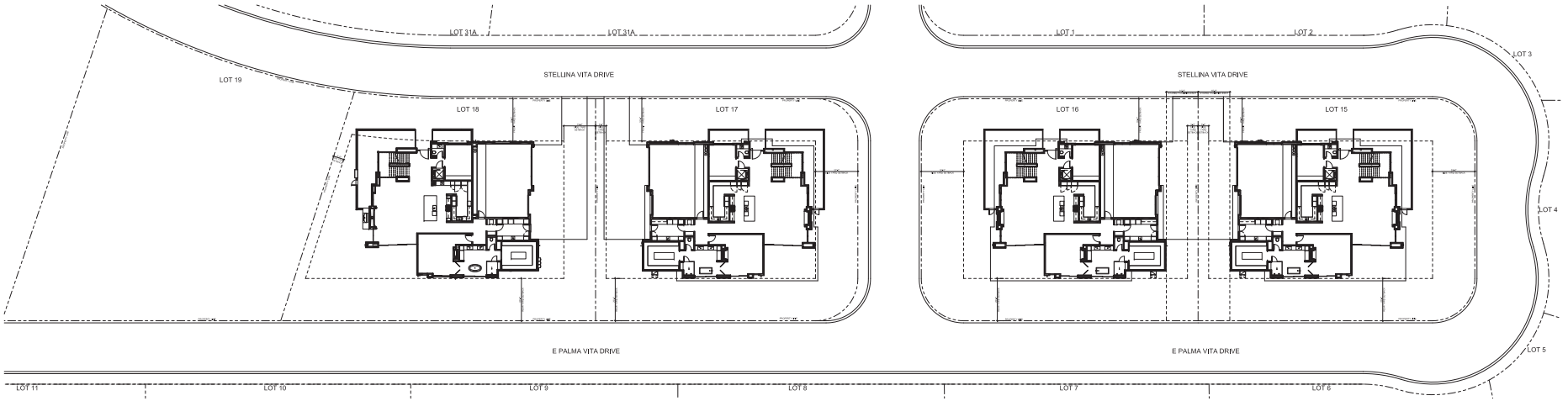
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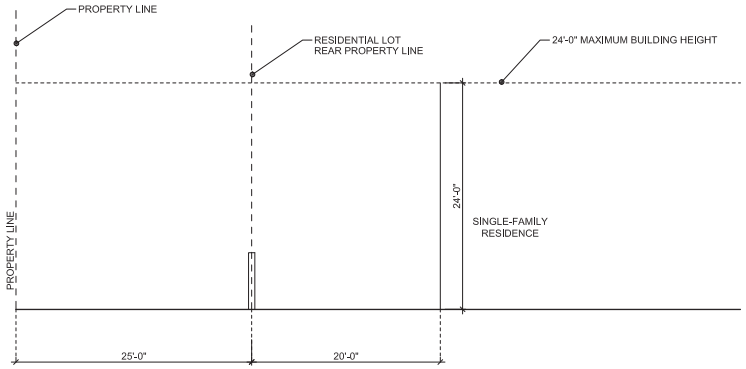
PARCEL C KEYMAP
N.T.S.



LOTS 15-18 PROPOSED UPPER FLOOR SETBACKS
1" = 20'-0"



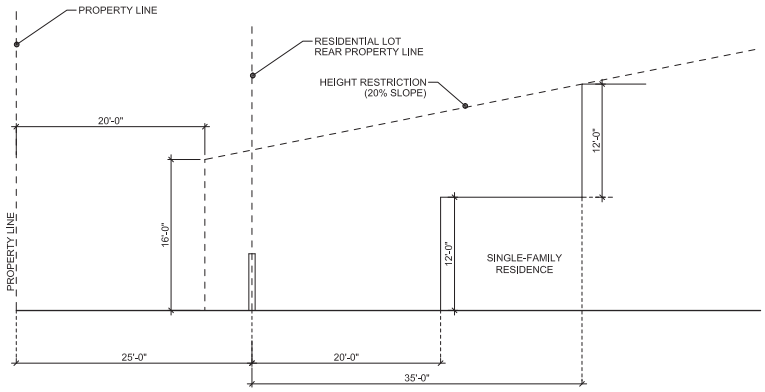
LOTS 15-18 MAIN FLOOR SETBACKS
1" = 20'-0"



PROPOSED OPEN SPACE CRITERIA

3/16" = 1'-0"

AREA C LOTS 15-18 BUILDING SETBACKS	
FRONT YARD FIRST FLOOR	20'
FRONT YARD SECOND FLOOR	25'
SIDE YARD LOTS GREATER THAN 15,00 SF	15' EACH SIDE
SIDE YARD LOTS LESS THAN 15,00 SF	20' TOTAL (NOT LESS THAN 5')
REAR YARD FIRST FLOOR	20'
REAR YARD SECOND FLOOR	20'



CURRENT OPEN SPACE CRITERIA PER SUP

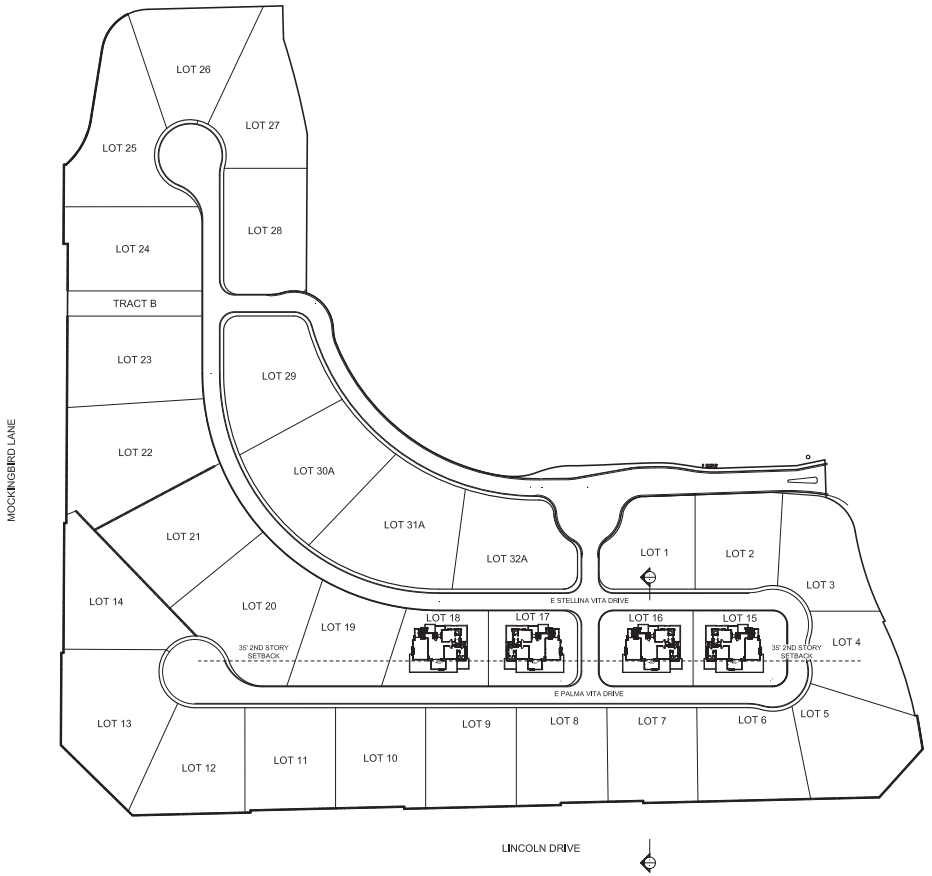
3/16" = 1'-0"

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RITZ-CARLTON RESIDENTAIL LOTS AREA C

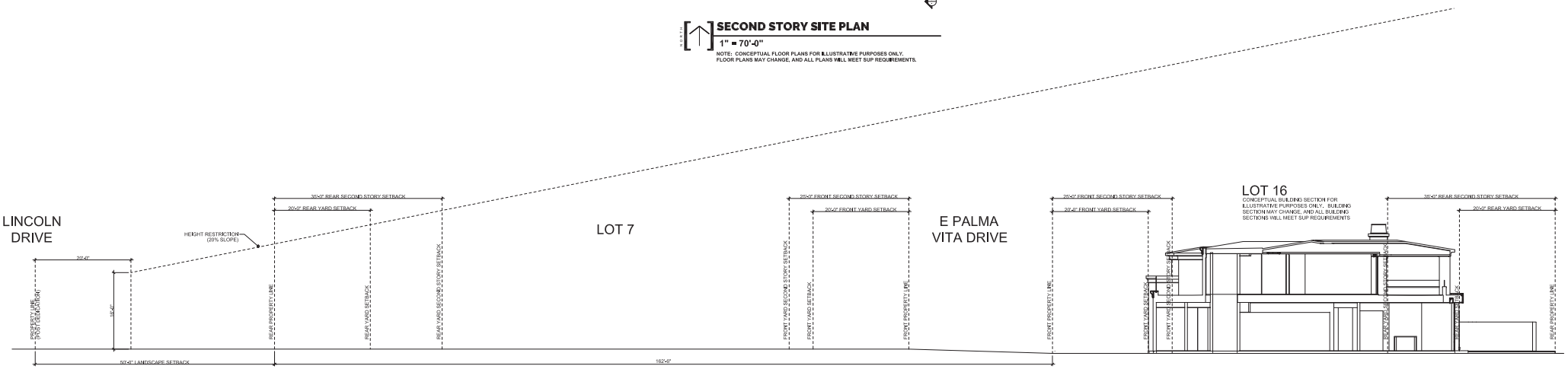
RITZ-CARLTON RESIDENTIAL LOTS AREA C project
MINOR SUP issued for
3/25/2024 issued date
3/16" = 1'-0" scale

A.201



SECOND STORY SITE PLAN
1" = 70'-0"

NOTE: CONCEPTUAL FLOOR PLANS FOR ILLUSTRATIVE PURPOSES ONLY. FLOOR PLANS MAY CHANGE, AND ALL PLANS WILL MEET SUP REQUIREMENTS.



[1] OPEN SPACE CRITERIA SITE SECTION
1/8" = 1'-0"

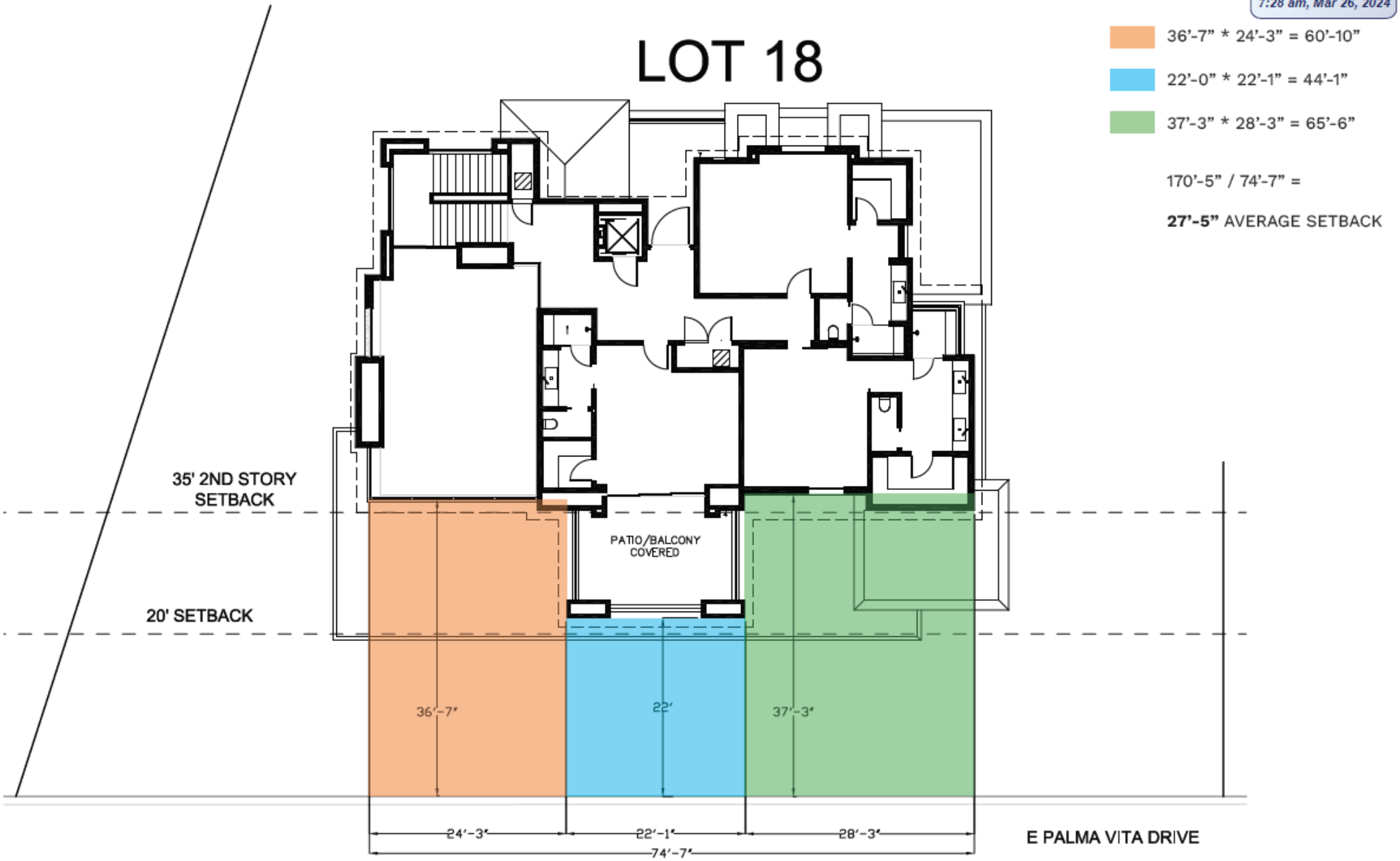
RITZ-CARLTON RESIDENTAIL LOTS AREA C

RITZ-CARLTON RESIDENTIAL LOTS AREA C_Conditional Use Permit
MINOR SUP — Issued for
3/25/2024 — Issued date
VARIES — scale

A.202

REVISED
7:28 am, Mar 26, 2024

LOT 18



36'-7" * 24'-3" = 60'-10"

22'-0" * 22'-1" = 44'-1"

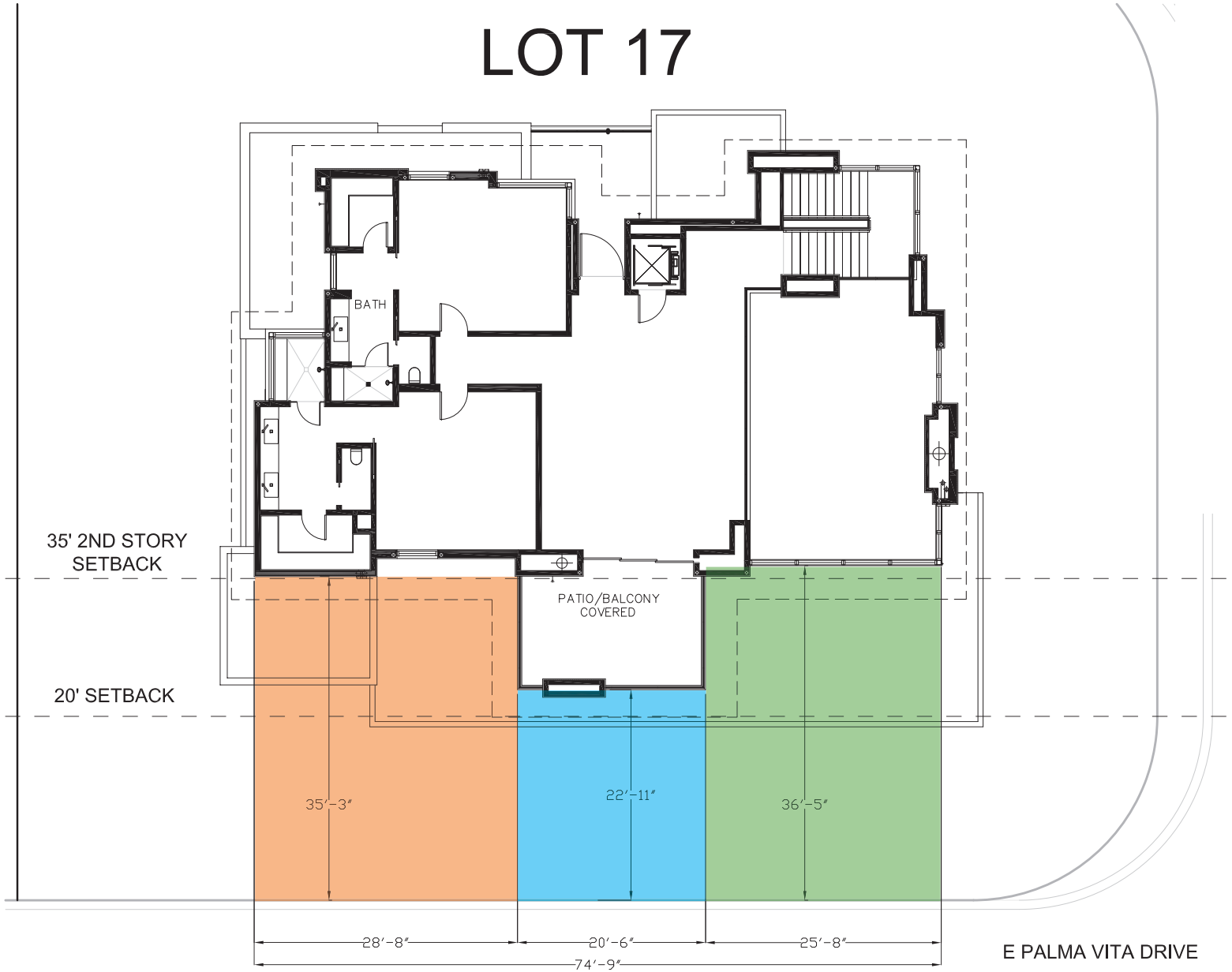
37'-3" * 28'-3" = 65'-6"

170'-5" / 74'-7" =

27'-5" AVERAGE SETBACK

REVISED
7:28 am, Mar 26, 2024

LOT 17



35'-3" * 28'-8" = 63'-11"

22'-11" * 20'-6" = 43'-5"

36'-5" * 25'-8" = 61'-8"

169'-0" / 74'-9" =

27'-2" AVERAGE SETBACK

REVISED
7:28 am, Mar 26, 2024

LOT 16



36'-6" * 24'-3" = 60'-9"

21'-10" * 22'-1" = 43'-11"

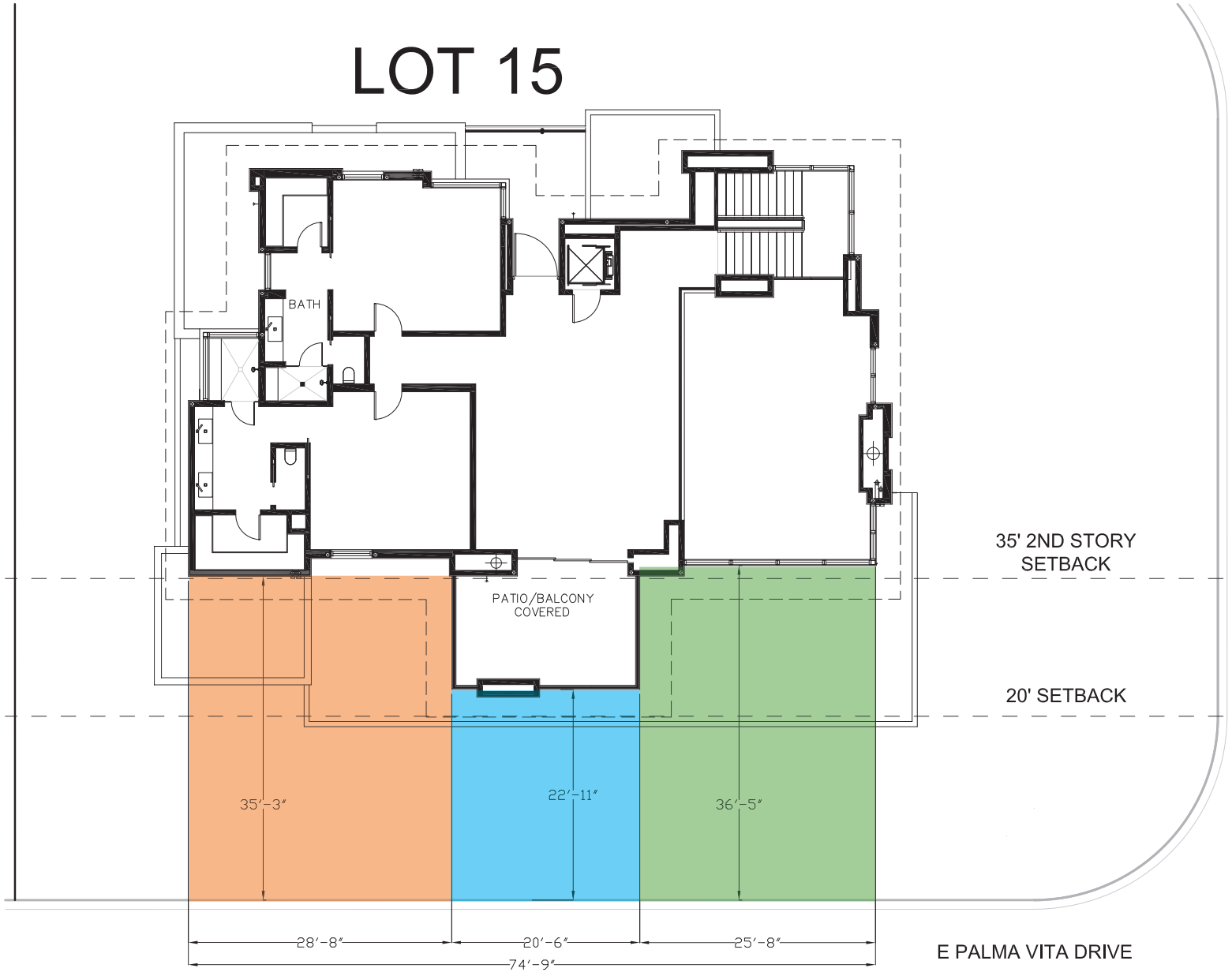
37'-1" * 28'-3" = 65'-4"

170'-0" / 74'-7" =

27'-4" AVERAGE SETBACK

REVISED
7:28 am, Mar 26, 2024

LOT 15



35'-3" * 28'-8" = 63'-11"

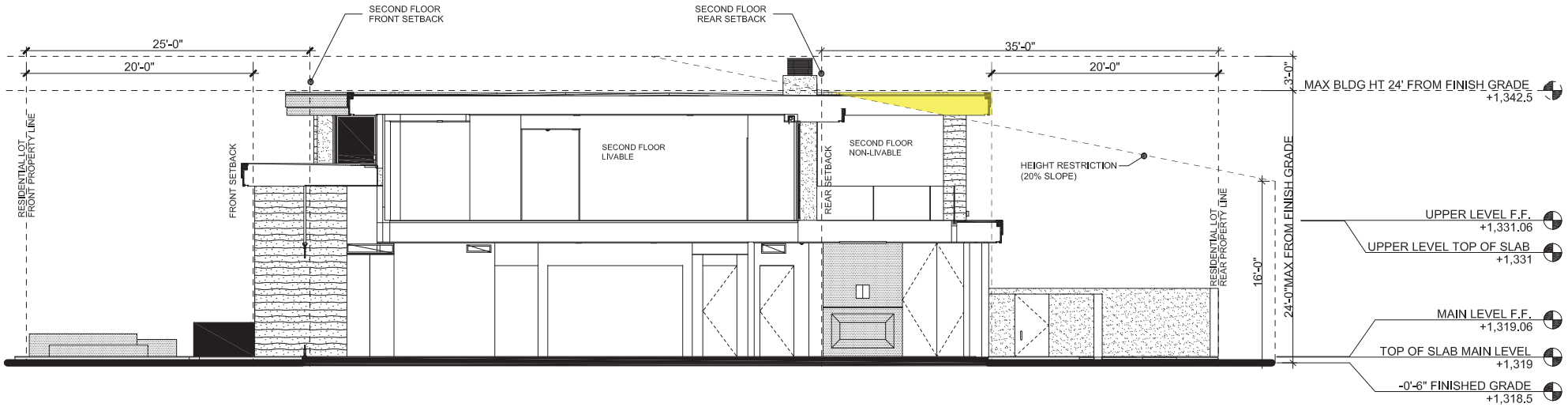
22'-11" * 20'-6" = 43'-5"

36'-5" * 25'-8" = 61'-8"

169'-0" / 74'-9" =

27'-2" AVERAGE SETBACK

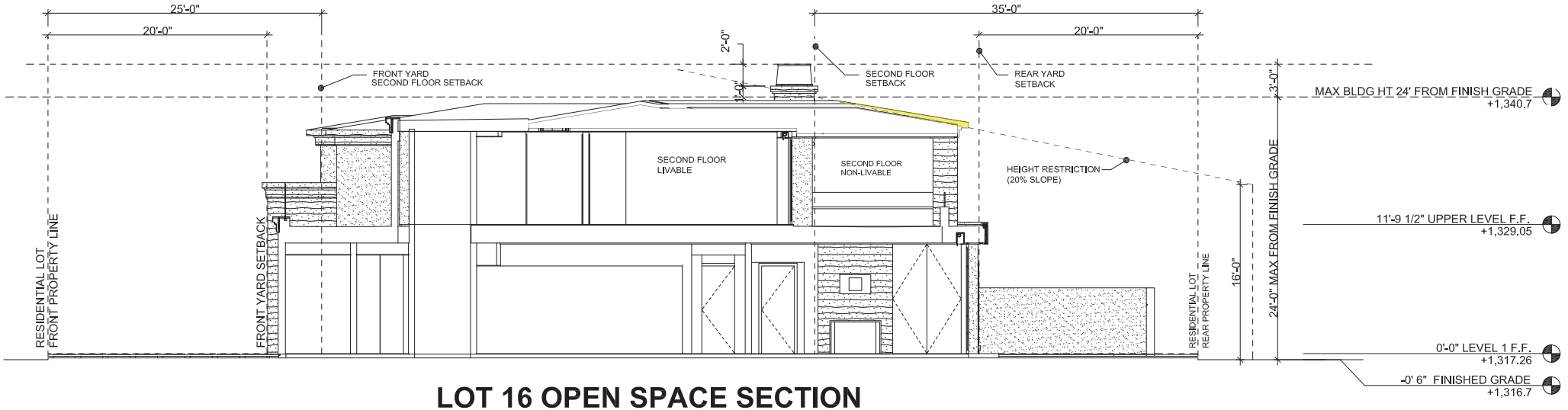
REVISED
7:28 am, Mar 26, 2024



LOT 18 OPEN SPACE SECTION

SAME SECTION APPLIES TO LOT 16

REVISED
7:28 am, Mar 26, 2024

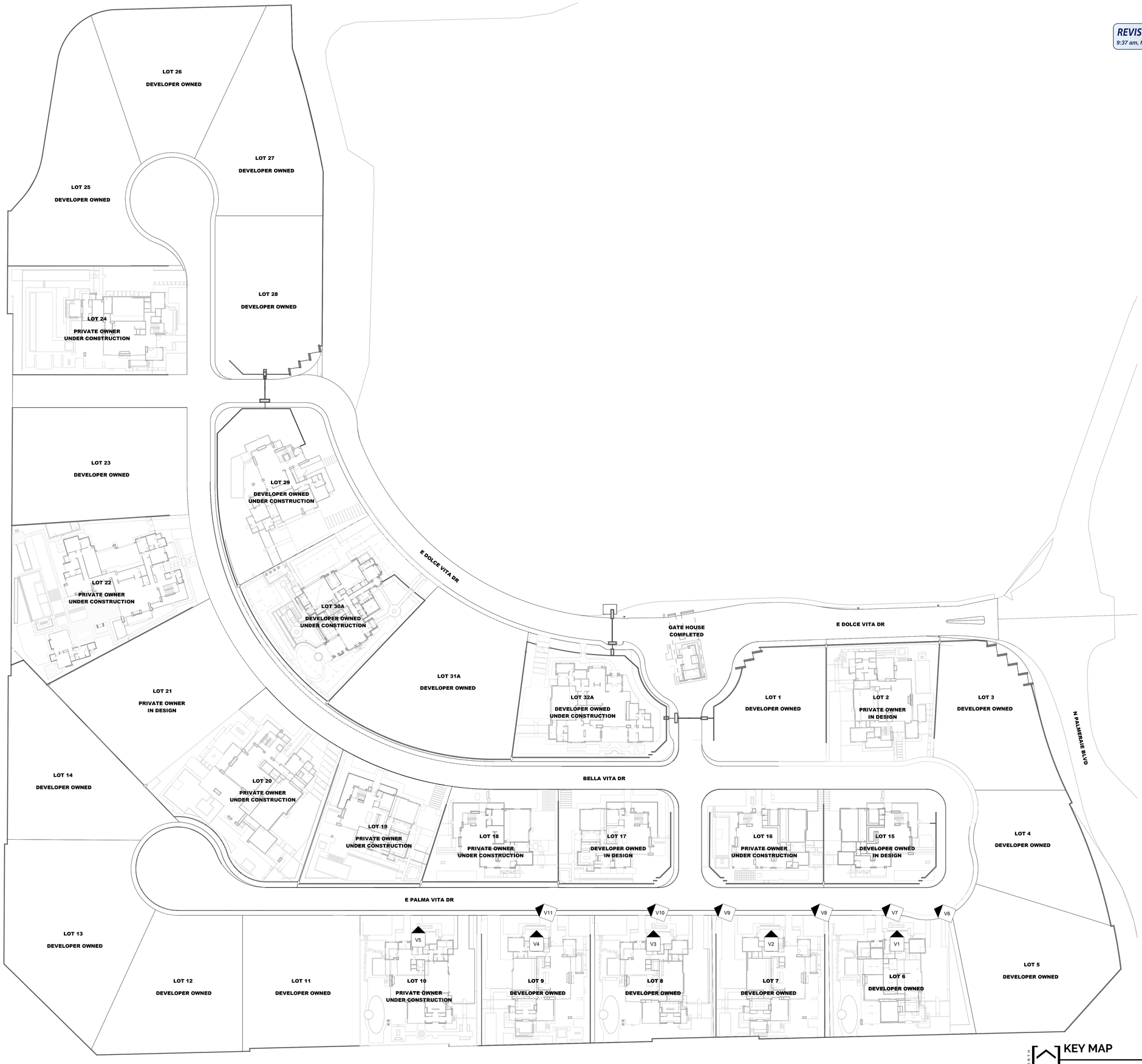


LOT 16 OPEN SPACE SECTION

REVISED
9:37 am, Mar 29, 2024

DREWETT WORKS // ARCHITECTURE

7144 E. STETSON DR., SUITE 204
SCOTTSDALE, AZ 85251
P 855-373-9388 // F 855-373-9389
PLANS@DREWETTWORKS.COM



NORTH

KEY MAP
1" = 40'-0"

RITZ COMMUNITY SITE WALLS & ENTRY GATES

FOR	MINOR SUP
DATE	03-29-2024
REV.	

KEY MAP

SUP

18-03

REGISTERED ARCHITECT
CLYDE SHOCK DREWETT JR.
Date Signed: 03-29-2024
ARIZONA U.S.A.
Expires: 12/31/2022
NOT FOR CONSTRUCTION



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW OF LOT 15 FROM LOT 6

REVISED
9:37 am, Mar 29, 2024



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW OF LOT 16 FROM LOT 7

V2

REVISED
9:37 am, Mar 29, 2024



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW OF LOT 17 FROM LOT 8

REVISED
9:37 am, Mar 29, 2024



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW OF LOTS 17 & 18 FROM LOT 9

REVISED
9:37 am, Mar 29, 2024



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW OF LOTS 18 & 19 FROM LOT 10

V5



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW FROM SIDEWALK

REVISED
9:37 am, Mar 29, 2024



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW FROM SIDEWALK

REVISED
9:37 am, Mar 29, 2024



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW FROM SIDEWALK

V8

REVISED
9:37 am, Mar 29, 2024



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW FROM SIDEWALK

REVISED
9:37 am, Mar 29, 2024



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW FROM SIDEWALK

REVISED
9:37 am, Mar 29, 2024



*RENDERING REPRESENTS LANDSCAPE CONCEPTS. FINAL DESIGN AND INSTALLATION MAY VARY.

VIEW FROM SIDEWALK

AFFIDAVIT OF MAILING NOTIFICATION

STATE OF ARIZONA)

) ss:

County of Maricopa)

In accordance with the requirements of the Town of Paradise Valley, the undersigned hereby certifies that the mailing list for the proposed project is a complete list of property owners within 1,500 feet of the subject property, as obtained from the Maricopa County Assessor's Office on the following date March 4, 2024, and such notification has been mailed on the following date March 5, 2024.

Signature

Allie Riley

The foregoing instrument was acknowledged by me this 5 day of March, 2024, by Edna Lopez.

NOTARY PUBLIC

My commission expires:

10-24-2024

EDNA A LOPEZ
Notary Public - Arizona
Maricopa County
Commission # 593660
My Comm. Expires Oct 24, 2024

March 8, 2024

Brandon McMahon
Planner
Town of Paradise Valley
6401 E. Lincoln Drive
Paradise Valley, AZ 85253
(480) 348-3574

Dear Resident:

Notice is hereby given that the Town of Paradise Valley Planning Commission will hold a **public meeting at 6:00 p.m., on Tuesday, April 2nd, 2024**, at Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253 for:

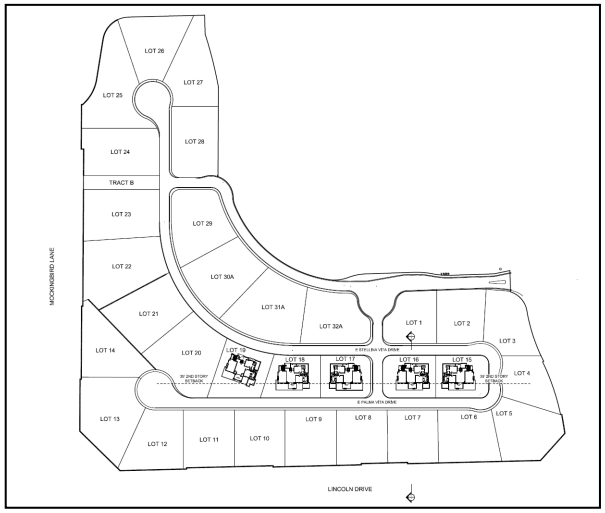
PUBLIC MEETING: Discussion and Possible Action on the Minor Special Use Permit Amendment (SUP-24-01) Ritz-Carlton Area C Lots 15-19 – 7000 E Lincoln Dr

The applicant, Drewett Works on behalf of Five Star Development LLC, requests a Minor Special Use Permit (SUP) amendment for Area C of the Five-Star Development project to remove the 35-foot Rear Yard Second Floor setback requirement on five interior lots (Lots 15-19 of Area C). The Rear Yard Second Floor setback on these lots would meet the 20-foot Rear Yard First Floor setback.

If you have questions about this application please call the Community Development Department, 6401 E. Lincoln Drive, Paradise Valley, Arizona at (480) 348-3531.

Sincerely,

Brandon McMahon
Planner



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

All agendas are subject to change. You can view the agenda, find application material, and provide your input via eComment approximately 4-6 days prior to the meeting date at https://paradisevalleyaz.legistar.com/Calendar.aspx You may also contact the staff liaison, Brandon McMahon, on this application at bmcmahon@paradisevalleyaz.gov or 480-348-3531 at any time before the scheduled meeting date.

Ritz Carlton Addresses

Owner	MAIL_ADDR1	MAIL_CITY	MAIL_STATE	MAIL_ZIP
GANIM TRUST	1 PADDINGTON CT	BELMONT	CA	94002
GARY L BRIDGE REVOCABLE TRUST	10 WINTHROP ST	ROCHESTER	NY	14607
FV CASA RESERVE LLC	1013 ALTA CIR	LOUISVILLE	KY	40205
3S TUNA VENTURE LLC	1302 WAUGH DR 539	HOUSTON	TX	77019
JONES RANDY	144 S SANDSTONE ST	GILBERT	AZ	85296
KEITH ANGUS/FRANCES V	16211 N SCOTTSDALE RD STE A6A	SCOTTSDALE	AZ	85254
HAWKINS JAMES B/MARY PAT	1678 ORVIETO CT	PLEASANTON	CA	945666494
LILIEN FAMILY TRUST	17900 N HAYDEN RD APT 1042	SCOTTSDALE	AZ	85255
REVOCABLE TRUST OF DANIEL AND CARI WALL	1839 KILLARNEY WAY	BELLEVUE	WA	98004
RN PROPERTIES LINCOLN PLAZA LLC	2021 E CAMELBACK STE A38	PHOENIX	AZ	85016
FREDERICK PHILIP SNOW REVOCABLE TRUST/JENNIFER XUAN THANH SNOW REVOCABLE TRUST	21 BEAUMONT ST	FAIRFIELD	CT	6824
EMMAN REVOCABLE TRUST	2121 AVENUE OF THE STARS STE 2200	LOS ANGELES	CA	90067
KUOLT FAMILY TRUST	220 13TH ST	MANHATTAN BEACI	CA	90266
PARADISE VALLEY WATER CO	2355 W PINNACLE PEAK RD STE 300	PHOENIX	AZ	85027
STUART JON/MILDRED D	2431 E 61ST ST STE 600	TULSA	OK	74136
HENNESSEY GILBERT H/LYNN A	25 WOODRIDGE RD	WELLESLEY	MA	2482
JOHN F MORICI & LISA A MORICI 2007 LIVING TRUST	25505 OAK SAVANNAH CT	VALENCIA	CA	91381
MRKNY INVESTMENT SERVICES LLLP	27631 N 68TH PL	SCOTTSDALE	AZ	85068
HAYFO ARIZONA LLC	2810 N CHURCH ST STE 77051	WILMINGTON	DE	198024447
BUECHEL JASON JOSEPH	301 W AVENUE, UNIT 5802	AUSTIN	TX	78701
CAIOLA BEN/BORA	316 E 63RD ST APT 1A	NEW YORK	NY	10065
RONCK BRYAN/CATHERINE S	4301 GLEN FALLS LN	VAIL	CO	81657
GRI LINCOLN VILLAGE LLC	4350 EAST-WEST HIGHWY STE 400	BETHESDA	MD	20814
ALENE HOLDINGS LLC	4400 N SCOTTSDALE RD STE 9 PMB 283	SCOTTSDALE	AZ	85251
JAMEL GREENWAY PVMOB LLC	4771 N 20TH ST B22	PHOENIX	AZ	85016
REYNOLDS JAMES JR/SANDRA MICHELE	4923 S KIMBARK AVE	CHICAGO	IL	60615
RANDALL R BIRD TRUST	500 REDLANDS AVE	NEWPORT BEACH	CA	92663
THIRD AVENUE INVESTMENTS LLC	51 S MAIN ST STE 301	SALT LAKE CITY	UT	84111
WOZNY ROBERT	51500 STRATTON CT	GRANGER	IN	46530
E K GAYLORD II TRUST/NATALIE J GAYLORD TRUST	5709 N SAGUARO RD	PARADISE VALLEY	AZ	85253
6225 MOCKINGBIRD LLC	6031 E PARADISE DR	SCOTTSDALE	AZ	85254
PV SCOTTSDALE HOTEL OWNER SPE LLC	6160 N SCOTTSDALE RD	PARADISE VALLEY	AZ	85253
FRANK C SKRUPA RESIDENCE TRUST/ETAL	6212 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
HARKINS KAREN A	6226 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
GIEDRAITIS JOHN B/CATHERINE N TR	6305 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
BRICK MICHELE/TIMOTHY P	6306 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
BIGGER HOUSE HOLDINGS LLC	6307 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
SURVIVORS TRUST	6309 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
JOHN AND KELLY PARKER LIVING TRUST	6316 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
POLERA JENNIFER KANZELBERGER/ROBERT A	6341 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
MAJORS K WAYNE II/OSWALT SANDRA C	6350 N MOCKINGBIRD LN	PARADISE VALLEY	AZ	85253
HUMBLE ARTHUR B/ JEAN M TR	6630 E HORSESHOE LN	PARADISE VALLEY	AZ	85253
SIMON DAVID & LINDSAY	6631 E HORSESHOE LN	PARADISE VALLEY	AZ	85253
6637 E LINCOLN LLC	6637 E LINCOLN DR	PARADISE VALLEY	AZ	85253
CHILDS FAMILY REVOCABLE TRUST	6641 E LINCOLN DR	PARADISE VALLEY	AZ	85253
6672 E CACTUS WREN ROAD LLC	6672 E CACTUS WREN RD	PARADISE VALLEY	AZ	85253
TROYL TRUST	6683 E JUDSON RD	PARADISE VALLEY	AZ	85253
AX PETER	6684 E CACTUS WREN RD	PARADISE VALLEY	AZ	85253
MMD JR LEGACY TRUST	6685 E CACTUS WREN RD	SCOTTSDALE	AZ	85253
ROTH REVOCABLE LIVING TRUST	6700 E MALCOMB DR	PARADISE VALLEY	AZ	85253
HARLOW NANCY R	6708 E HORSESHOE LN	PARADISE VALLEY	AZ	85253
JOSEPH B & ELAINE B WILMET FAMILY TRUST	6708 E LINCOLN DR	PARADISE VALLEY	AZ	85253
LESCAULT FAMILY LIVING TRUST	6708 E OCOTILLO RD	SCOTTSDALE	AZ	85253
BORHAN ALI	6709 E HORESHOE LN	PARADISE VALLEY	AZ	85253
ST BARNABAS OF THE DESERT	6715 N MOCKINGBIRD LN	SCOTTSDALE	AZ	85253
FEY-LYON FAMILY REVOCABLE TRUST	6716 E MALCOMB DR	PARADISE VALLEY	AZ	85253
MICHAEL L SHOEN FAMILY TRUST	6719 E MALCOMB DR	PARADISE VALLEY	AZ	85253
FIVE STAR LAND OWNER LLC	6720 N SCOTTSDALE RD STE 130	SCOTTSDALE	AZ	85253
NOON ERUM/MAHMOOD ABDUL A	6723 E LINCOLN DR	PARADISE VALLEY	AZ	85253

WHITE HOWARD W	6724 E LINCOLN DR	PARADISE	AZ	85253
HORSESHOE LANE LLC	6725 E HORSESHOE LN	PARADISE VALLEY	AZ	85253
SCOTTSDALE SPECTRUM LLC	6730 N SCOTTSDALE RD	SCOTTSDALE	AZ	85253
MONTENEGRINO VINCENT J/NATALIE	6740 E LINCOLN DR	PARADISE VALLEY	AZ	85253
6823 E LINCOLN DR LLC	6823 E LINCOLN DR	PARADISE VALLEY	AZ	85253
MARK DANIEL DETMER & SHELLY ANN DETMER TRUST	6826 E SOLCITO LN	PARADISE VALLEY	AZ	85253
SUD FAMILY TRUST	6835 E SOLCITO LN	PARADISE VALLEY	AZ	85253
GORDON ANDREW W/CAROL L TR	6837 E LINCOLN DR	PARADISE VALLEY	AZ	85253
GIRAUDO SHEELA/MARK	6844 E SOLCITO LN	PARADISE VALLEY	AZ	85253
CHRISTOPHER AND HELEN YEUNG FAMILY TRUST	6845 E SOLCITO LN	PARADISE VALLEY	AZ	85253
BRYANT FAMILY REVOCABLE TRUST	6846 E SOLCITO LN	PARADISE VALLEY	AZ	85253
6884 E STELLINA VITA DRIVE LLC	6884 E STELLINA VITA DR	PARADISE VALLEY	AZ	85253
COADY ENTERPRISES INC	6909 E LINCOLN DR	PARADISE VALLEY	AZ	85253
6440 QUAIL RUN LLC	6909 E LINCOLN DR STE 1	PARADISE VALLEY	AZ	85253
6909 QUAIL RUN LLC	6909 E LINCOLN DR STE 1	PARADISE VALLEY	AZ	85253
LIVI FAMILY TRUST	6927 E QUAIL RUN RD	PARADISE VALLEY	AZ	85253
JOSHUA & INETTE BROWN REVOCABLE TRUST	6940 N CACTUS WREN CT	PARADISE VALLEY	AZ	85253
KATHLEEN A LEWIS AND CLUNET R LEWIS FAMILY TRUST	6965 E CACTUS WREN RD	PARADISE VALLEY	AZ	85253
WILL WINSTON HOLDINGS LLC	6989 E CACTUS WREN RD	PARADISE VALLEY	AZ	85253
OPTIMA DCHGLOBAL LINCOLN 6701 LLC	7157 E RANCHO VISTA DR	SCOTTSDALE	AZ	85251
MALEK MARCEL	8438 E SHEA BLVD STE 101	SCOTTSDALE	AZ	85260
3S TUNA VENTURE LLC	8501 N SCOTTSDALE RD STE 270	SCOTTSDALE	AZ	85253
ST HOLDCO LLC	8800 N GAINEY CENTER DR STE 345	SCOTTSDALE	AZ	85258
RM LINCOLN LLC	9448 E HIDDEN SPUR TRL	SCOTTSDALE	AZ	85255
7000 EAST LINCOLN RESORT COMMUNITY PARCEL B RESIDENTIAL ASSOCIATION	PO BOX 13615	CHANDLER	AZ	85248
JUDSON COMMUNITY ASSOCIATION	PO BOX 15427	SCOTTSDALE	AZ	85267
SYLVIA L SHINE REVOCABLE TRUST	PO BOX 737	SPENCER	IA	51301

AFFIDAVIT OF POSTING

STATE OF ARIZONA)

) ss:

County of Maricopa)

I, Allie Riley, depose and state that the attached notice, of proposed application Minor SUP Amendment (SUP-24-01) Ritz-Carlton Area C Lots 15-19 located at 7000 E Lincoln Dr for the (Planning Commission/Town Council/Board of Adjustment/Hillside Committee) meeting date of April 2, 20 24 is a true and correct copy of a notice which I cause to be posted by the following day of the week Monday, and on the following date March 11, 20 24 in the following location(s):

Lincoln Drive & Palmeraie Blvd near the entrance of Parcel C

All in the Town of Paradise Valley, Arizona and County and State aforesaid, the same being public places in said County and in the following locations:

All to the Town of Paradise Valley, Arizona and County and State aforesaid.

DATED this 14 day of March, 20 24.

Signature

This affidavit was SUBSCRIBED AND SWORN to before me this 14 day of March, 2024

NOTARY PUBLIC

My commission expires:

10-24-2024

EDNA A L[illegible]
Notary Public - Arizona
Maricopa County
Comm. # 593660
My Comm. Expires Oct 24, 2024

When recorded, return to:

Paradise Valley
Town Attorney
6401 E. Lincoln Dr.
Paradise Valley, AZ 85253

WAIVER OF CLAIMS FOR DIMINUTION OF VALUE UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136 BETWEEN THE TOWN OF PARADISE VALLEY AND FSPV RES C, L.L.C.

THIS WAIVER OF CLAIMS FOR DIMINUTION OF VALUE under ARIZ. REV. STAT. §§ 12-1134 through 1136 (this "Waiver") is made as of April 2, 2024, between FSPV RES C, L.L.C., an Delaware limited liability company (the "Owner"), and the Town of Paradise Valley, an Arizona municipal corporation (the "Town"), regarding the parcels of real property located at 6883 E. Stellina Vita Drive, Paradise Valley, Arizona, and 6861 E. Stellina Vita Drive, Paradise Valley, Arizona, as more particularly described on Exhibit A attached hereto and incorporated as if fully set forth herein (collectively, the "Property"). The Owner intends to encumber the Property with the following agreements and waivers.

1. Waiver of Claims Related to the Change in Land Use Entitlements.

(a) The Owner agrees and understands that the Town is entering into this Waiver in conjunction with that certain approval of the Owner's application for a Minor Special Use Permit amendment, SUP-24-01, removing the 35-foot Rear Yard Second Floor setback requirement on five interior lots (Lots 15-19 of Replat Amendment 7000 East Lincoln – Parcel C – Amended IV) from the 2015 Major Special Use Permit Amendment on the Five Star Development Ritz-Carlton Resort development on Page F-3, Area C Ritz-Carlton Residential Lots, of the approved plans as referenced in Stipulation 44 of Ordinance 694, which is attached hereto as Exhibit B and incorporated as if fully set forth herein (the "Application"), in good faith and with the understanding that, if the Town approves the Application, it will not be subject to a claim for diminished value of the Property from the Owner or other parties having an interest in the Property.

(b) The Owner (i) agrees and consents to all the conditions imposed as part of the Application approval, which approval documents are incorporated by reference as if fully set forth herein, including all stipulations adopted by the Planning Commission of the Town of Paradise Valley (the "Planning Commission"), and (ii) by signing this Waiver, hereby waives any and all claims, suits, damages, compensation, and causes of action the Owner may have now or in the future under the provisions of ARIZ. REV. STAT. §§ 12-1134 through and including 1136 (but specifically excluding any provisions included therein relating to eminent domain) and resulting solely from actions relating to the Application.

(c) The Owner acknowledges and agrees that any stipulations imposed by the Planning Commission as part of the Application will not result in a reduction of the Property's "fair market value," as that term is defined in ARIZ. REV. STAT. § 12-1136. The Owner acknowledges that additional stipulations may be imposed by the Planning Commission, in its sole discretion, prior to approval of the Application.

(d) The Owner agrees and understands that its waiver of claims, as set forth in this Waiver, shall be deemed to extend to cover any changes to the Application and all stipulations to the Application approved by the Planning Commission unless, not later than three business days following such Planning Commission approval, the Owner notifies the Town, in writing, of its disagreement with such stipulations. If the Owner timely notifies the Town of such disagreement, the Owner shall not be deemed to have waived claims with respect to only the stipulations imposed or revised by the Planning Commission prior to approval of the Application; provided, however, that if the Owner does not submit a separate waiver of such claims, in a form acceptable to the Town, prior to close of business on the fifth business day following approval of the Application, then the Town may, after proper notice and hearing, rescind the Approval, and if rescinded by the Planning Commission acting in its sole discretion, this Waiver shall act as a bar to a claim for diminished value based upon the rescinded Application.

(e) The foregoing waiver of claims shall be of no further force and effect with respect to the Application in the event the Planning Commission disapproves the Application, except that it shall serve as a bar to a claim for diminished value based upon denial of the Application; provided, however, that in the event an approval or a denial of the Application is appealed to the Town Council of the Town (the "Town Council") pursuant to Section 1102.8(B) of the Town's Zoning Ordinance, (i) the foregoing waiver of claims shall remain in full force and effect during the pendency of such appeal, (ii) the process for Owner to notify the Town of its disagreement with any conditions imposed by the Town Council as part of such appeal shall extend for the periods of time set forth in subsection 1(d) above following the final determination of the Town Council, and (iii) any such conditions imposed by the Town Council shall become binding on the Owner following expiration of the time periods set forth in subsection 1(d) above. The foregoing waiver of claims shall be of no further force and effect with respect to the Application in the event the Town Council denies the Application on appeal, except that it shall serve as a bar to a claim for diminished value based upon denial of the Application.

2. Entire Agreement; Modification. This Waiver constitutes the entire understanding and agreement of the Owner and the Town and shall supersede all prior agreements or understandings between the Owner and Town regarding waiver of claims pursuant to ARIZ. REV. STAT. §§ 12-1134 through 1136 relating to the Application. This Waiver may not be modified or amended except by written agreement by the Owner and the Town.

3. Applicable Law; Venue. This Waiver is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. Any suit pertaining to this Waiver may be brought only in courts in Maricopa County, Arizona.

4. Conflict of Interest. This Waiver is subject to the cancellation provisions of ARIZ. REV. STAT. § 38-511.

5. Recording; Waiver Runs With Land. The Town Clerk shall file the Waiver in the Official Records of the County Recorder's Office, Maricopa County, Arizona, but a failure to timely do so shall not invalidate this Waiver. This Waiver runs with the land and is binding upon all present and future owners of the above-referenced Property.

6. Owner Authority. The Owner warrants and represents that it collectively owns all right, title, and interest to the Property, and that no other person has an ownership interest in the Property. The person who signs on behalf of the Owner personally warrants and guarantees to the Town they have the legal power to bind the Owner to this Waiver.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date and year first set forth above.

"**Owner**"

FSPV RES C, L.L.C.

By: [redacted]

Name: [redacted]

Title: 03/25/2024

ACKNOWLEDGMENT

STATE OF Arizona)
) ss
COUNTY OF Maricopa)

On 3-25, 2024, before me personally appeared Jerry Lynch, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, representing FSPV RES C, L.L.C., an Delaware limited liability company, as its _____, and acknowledged that he or she signed this document on behalf thereof.

Notary Public

My Commission Expires: 10-24-2024

EDNA A LOPEZ
Notary Public - Arizona
Maricopa County
Commission # 593660
My Comm. Expires Oct 24, 2024

6117881.2

"Town"

TOWN OF PARADISE VALLEY, an Arizona municipal corporation

By: _____
Jerry Bien-Willner, Mayor

ATTEST:

_____
Duncan Miller, Town Clerk

APPROVED AS TO FORM:

_____
Andrew McGuire, Town Attorney

EXHIBIT A
TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN
THE TOWN OF PARADISE VALLEY
AND
FSPV RES C, L.L.C.

[Legal Description of the Property]

Lot 15 and Lot 19, of Replat Amendment 7000 East Lincoln – Parcel C – Amended IV,according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 1579 of Maps, Page 31.

PARCEL NO. (Maricopa County Assessor Numbers 174-58-471 and 174-58-473)

EXHIBIT B
TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN
THE TOWN OF PARADISE VALLEY
AND
FSPV RES C, L.L.C.

[Five Star Development Minor Special Use Permit Amendment Application]

(See following pages.)

When recorded, return to:

Paradise Valley
Town Attorney
6401 E. Lincoln Dr.
Paradise Valley, AZ 85253

WAIVER OF CLAIMS FOR DIMINUTION OF VALUE UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136 BETWEEN THE TOWN OF PARADISE VALLEY AND FSPV RES C, L.L.C.

THIS WAIVER OF CLAIMS FOR DIMINUTION OF VALUE under ARIZ. REV. STAT. §§ 12-1134 through 1136 (this "Waiver") is made as of April 2, 2024, between FSPV RES C, L.L.C., an Delaware limited liability company (the "Owner"), and the Town of Paradise Valley, an Arizona municipal corporation (the "Town"), regarding the parcels of real property located at 6861 E. Stellina Vita Drive, Paradise Valley, Arizona, as more particularly described on Exhibit A attached hereto and incorporated as if fully set forth herein (collectively, the "Property"). The Owner intends to encumber the Property with the following agreements and waivers.

1. Waiver of Claims Related to the Change in Land Use Entitlements.

(a) The Owner agrees and understands that the Town is entering into this Waiver in conjunction with that certain approval of the Owner's application for a Minor Special Use Permit amendment, SUP-24-01, removing the 35-foot Rear Yard Second Floor setback requirement on five interior lots (Lots 15-18 of Replat Amendment 7000 East Lincoln – Parcel C – Amended IV) from the 2015 Major Special Use Permit Amendment on the Five Star Development Ritz-Carlton Resort development on Page F-3, Area C Ritz-Carlton Residential Lots, of the approved plans as referenced in Stipulation 44 of Ordinance 694, which is attached hereto as Exhibit B and incorporated as if fully set forth herein (the "Application"), in good faith and with the understanding that, if the Town approves the Application, it will not be subject to a claim for diminished value of the Property from the Owner or other parties having an interest in the Property.

(b) The Owner (i) agrees and consents to all the conditions imposed as part of the Application approval, which approval documents are incorporated by reference as if fully set forth herein, including all stipulations adopted by the Planning Commission of the Town of Paradise Valley (the "Planning Commission"), and (ii) by signing this Waiver, hereby waives any and all claims, suits, damages, compensation, and causes of action the Owner may have now or in the future under the provisions of ARIZ. REV. STAT. §§ 12-1134 through and including 1136 (but specifically excluding any provisions included therein relating to eminent domain) and resulting solely from actions relating to the Application.

(c) The Owner acknowledges and agrees that any stipulations imposed by the

Planning Commission as part of the Application will not result in a reduction of the Property's "fair market value," as that term is defined in ARIZ. REV. STAT. § 12-1136. The Owner acknowledges that additional stipulations may be imposed by the Planning Commission, in its sole discretion, prior to approval of the Application.

(d) The Owner agrees and understands that its waiver of claims, as set forth in this Waiver, shall be deemed to extend to cover any changes to the Application and all stipulations to the Application approved by the Planning Commission unless, not later than three business days following such Planning Commission approval, the Owner notifies the Town, in writing, of its disagreement with such stipulations. If the Owner timely notifies the Town of such disagreement, the Owner shall not be deemed to have waived claims with respect to only the stipulations imposed or revised by the Planning Commission prior to approval of the Application; provided, however, that if the Owner does not submit a separate waiver of such claims, in a form acceptable to the Town, prior to close of business on the fifth business day following approval of the Application, then the Town may, after proper notice and hearing, rescind the Approval, and if rescinded by the Planning Commission acting in its sole discretion, this Waiver shall act as a bar to a claim for diminished value based upon the rescinded Application.

(e) The foregoing waiver of claims shall be of no further force and effect with respect to the Application in the event the Planning Commission disapproves the Application, except that it shall serve as a bar to a claim for diminished value based upon denial of the Application; provided, however, that in the event an approval or a denial of the Application is appealed to the Town Council of the Town (the "Town Council") pursuant to Section 1102.8(B) of the Town's Zoning Ordinance, (i) the foregoing waiver of claims shall remain in full force and effect during the pendency of such appeal, (ii) the process for Owner to notify the Town of its disagreement with any conditions imposed by the Town Council as part of such appeal shall extend for the periods of time set forth in subsection 1(d) above following the final determination of the Town Council, and (iii) any such conditions imposed by the Town Council shall become binding on the Owner following expiration of the time periods set forth in subsection 1(d) above. The foregoing waiver of claims shall be of no further force and effect with respect to the Application in the event the Town Council denies the Application on appeal, except that it shall serve as a bar to a claim for diminished value based upon denial of the Application.

2. Entire Agreement; Modification. This Waiver constitutes the entire understanding and agreement of the Owner and the Town and shall supersede all prior agreements or understandings between the Owner and Town regarding waiver of claims pursuant to ARIZ. REV. STAT. §§ 12-1134 through 1136 relating to the Application. This Waiver may not be modified or amended except by written agreement by the Owner and the Town.

3. Applicable Law; Venue. This Waiver is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. Any suit pertaining to this Waiver may be brought only in courts in Maricopa County, Arizona.

4. Conflict of Interest. This Waiver is subject to the cancellation provisions of ARIZ. REV. STAT. § 38-511.

5. Recording; Waiver Runs With Land. The Town Clerk shall file the Waiver in the Official Records of the County Recorder's Office, Maricopa County, Arizona, but a failure to timely do so shall not invalidate this Waiver. This Waiver runs with the land and is binding upon all present and future owners of the above-referenced Property.

6. Owner Authority. The Owner warrants and represents that it collectively owns all right, title, and interest to the Property, and that no other person has an ownership interest in the Property. The person who signs on behalf of the Owner personally warrants and guarantees to the Town they have the legal power to bind the Owner to this Waiver.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date and year first set forth above.

"**Owner**"

FSPV RES C, L.L.C.

By: [redacted]

Name: [redacted]

Title: 3/25/2024

ACKNOWLEDGMENT

STATE OF Arizona)
) ss
COUNTY OF Maricopa)

On 3-25, 2024, before me personally appeared Jerry Ayoub, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, representing FSPV RES C, L.L.C., an Delaware limited liability company, as its _____, and acknowledged that he or she signed this document on behalf thereof.

Notary Public

My Commission Expires: 10-24-2024

EDNA A LOPEZ
Notary Public - Arizona
Maricopa County
Commission # 593660
My Comm. Expires Oct 24, 2024

"Town"

TOWN OF PARADISE VALLEY, an Arizona municipal corporation

By: _____
Jerry Bien-Willner, Mayor

ATTEST:

_____
Duncan Miller, Town Clerk

APPROVED AS TO FORM:

_____
Andrew McGuire, Town Attorney

EXHIBIT A
TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN
THE TOWN OF PARADISE VALLEY
AND
FSPV RES C, L.L.C.

[Legal Description of the Property]

Lot 17 of Replat Amendment 7000 East Lincoln – Parcel C – Amended IV,according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 1579 of Maps, Page 31.

PARCEL NO. (Maricopa County Assessor Numbers 174-58-471 and 174-58-473)

EXHIBIT B
TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN
THE TOWN OF PARADISE VALLEY
AND
FSPV RES C, L.L.C.

[Five Star Development Minor Special Use Permit Amendment Application]

(See following pages.)

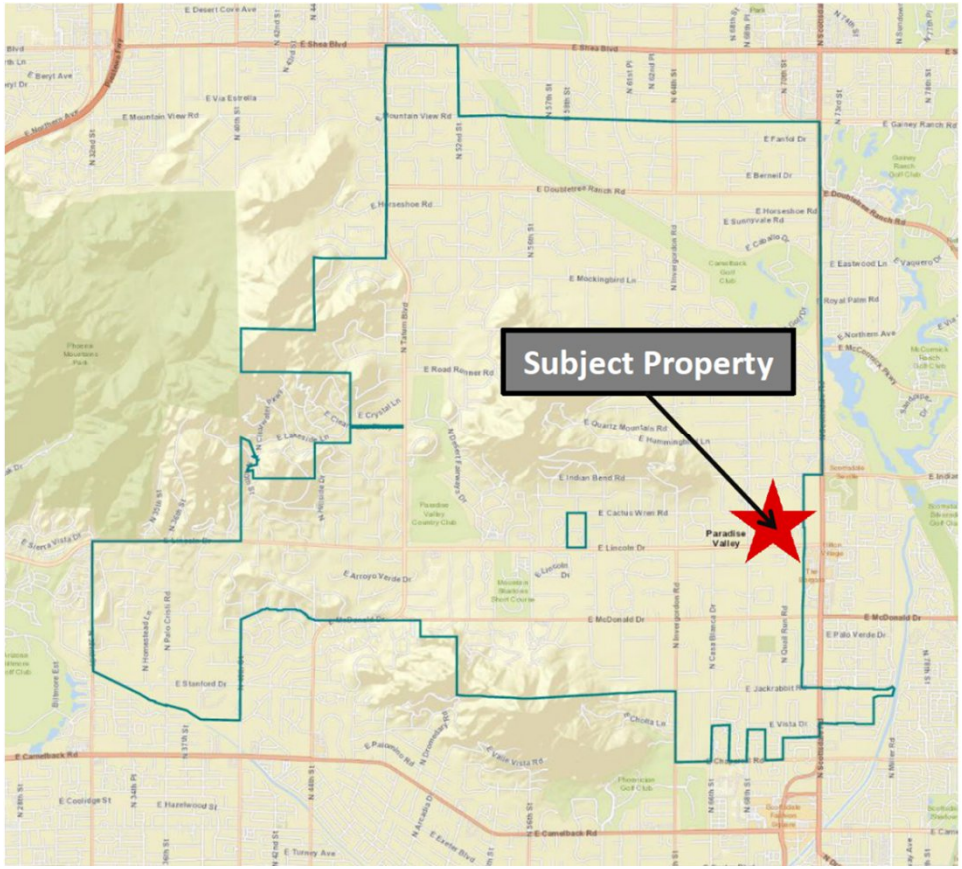
TOWN OF PARADISE VALLEY

Ritz Area C Lots 15-18
Minor Special Use Permit Amendment
7000 E Lincoln Dr
Public Hearing

Planning Commission
April 2, 2024

TODAY'S GOAL

- Review and Take Action on Minor Special Use Permit Amendment



VICINITY MAP



RITZ/FIVE STAR PROJECT SITE



PROCESS & NOTIFICATION

The process for approval of a Minor SUP Amendment:

- Application Submittal (January 17, 2024)
- Planning Commission review of the SUP (March 5, 2024)
- Planning Commission work session and potential public hearing on the SUP (April 2nd, 2024) – notification provided 3-8-24
- Five Star Development is in the process of discussing this request with all property owners within Parcel C



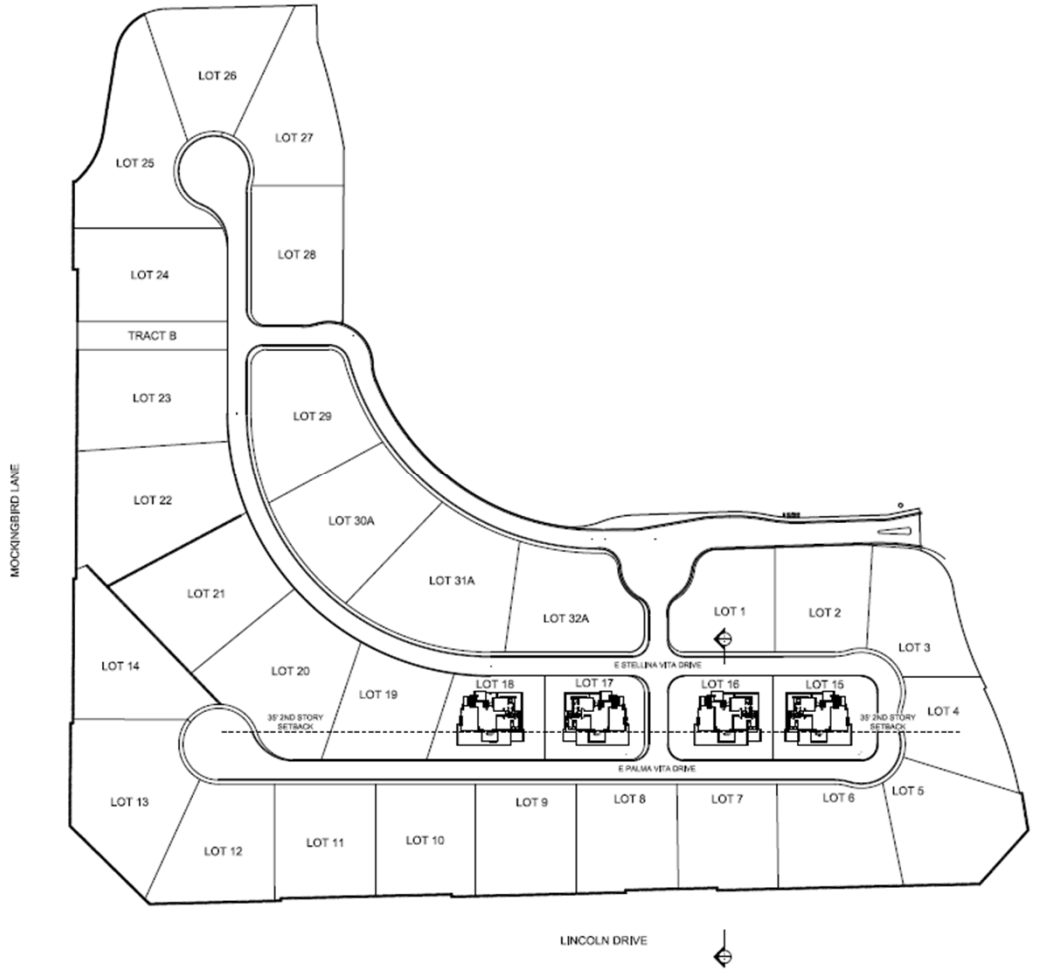
SUP AMENDMENT CRITERIA

1. The request is classified as a Minor SUP Amendment due to the alteration in a development standard which is part of the original 2015 SUP approval.

2. The amendment ***does not***:
    1. Change or add any uses; or
    2. Increase the floor area of the project by more than 5,000 square feet or constitute an increase of more than 15% upon the existing or, if still under construction, approved floor area square footage of the affected SUP property, whichever is less, with any such increase to be measured cumulatively over a sixty-month period; or
    3. Have any material effect on the adjoining property owners that is visible, audible, or otherwise perceptible from adjacent properties that cannot be sufficiently mitigated; or
    4. Change the architectural style of the existing Special Use Permit.

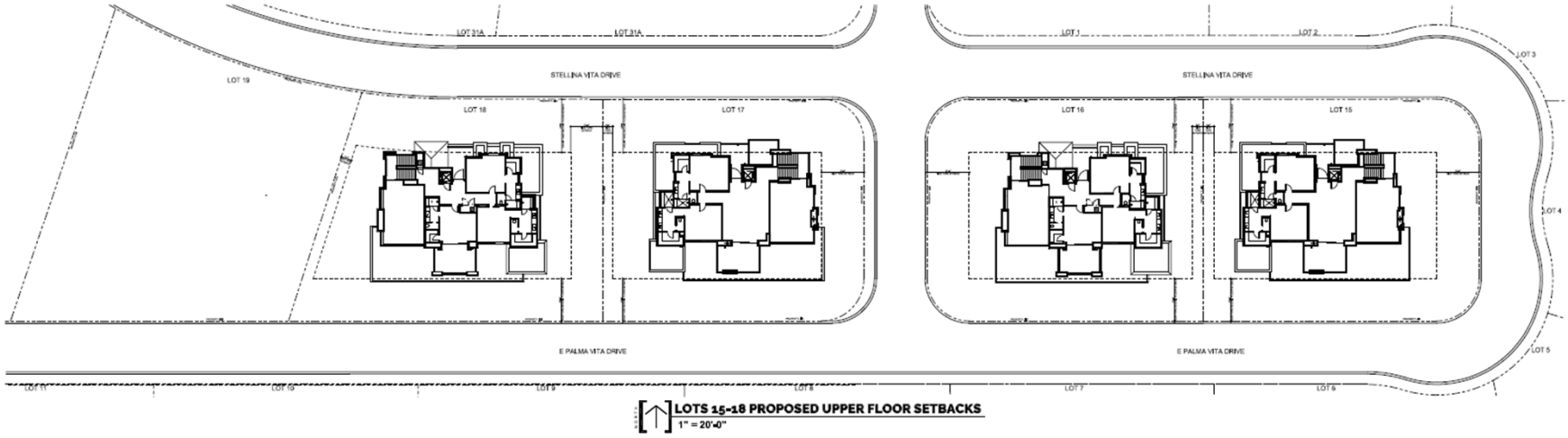
SUMMARY OF REQUEST

- The applicant, Drewett Works on behalf of Five Star Development LLC, requests Minor SUP amendment for Area C to modify the 35-foot second story rear yard setback requirement from interior lots 15-18 of Area C.
  - 20-foot rear setback for non-livable second floor covered patios with a maximum roof cover of 550 square feet.
  - 35-foot rear setback for livable second floor.



SETBACKS

According to the applicant's narrative: Setbacks in place to maintain view corridors around the perimeter of the property by limiting building heights. Unintentionally applied to the internal lots which do not directly impact view corridors from Lincoln Drive and Mockingbird Lane. Lots 15-18 now sit within the interior of Area C and pose no danger to disrupt the view corridors from around the perimeter of the property.



SETBACKS (CONT'D)

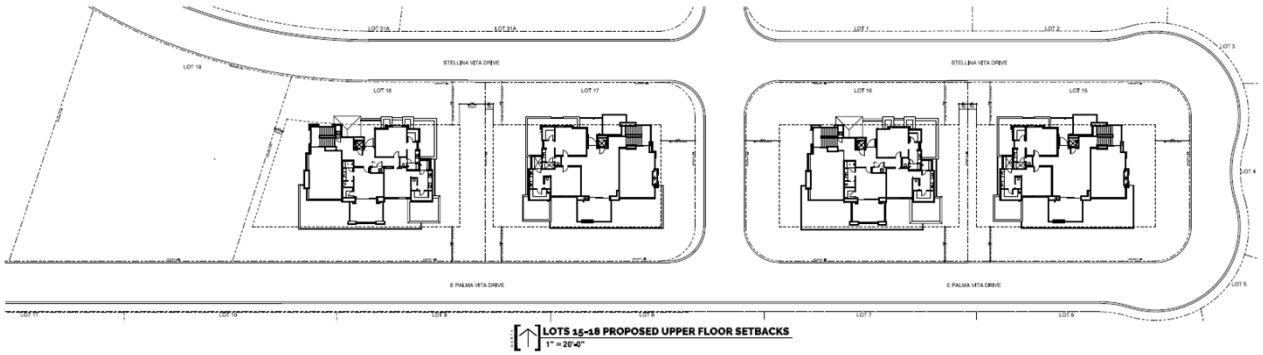
2015 Original SUP Area B&C Building Setback Table:

Area B & C Main Building Setbacks	
Front Yard First Floor	20'
Front Yard Second Floor	25'
Side Yard Lots greater than 15,000 sf	15' each side
Side Yard Lots 10,000 - 15,000 sf	20' total (not less than 5')
Rear Yard First Floor	20'
Rear Yard Second Floor	35'
Lot size greater than 15,000 sf	▲
Single story home with construction limited to a maximum of 20' in height	⬢

Proposed Area C Main Building Setback Table for Lots 15-18 only:

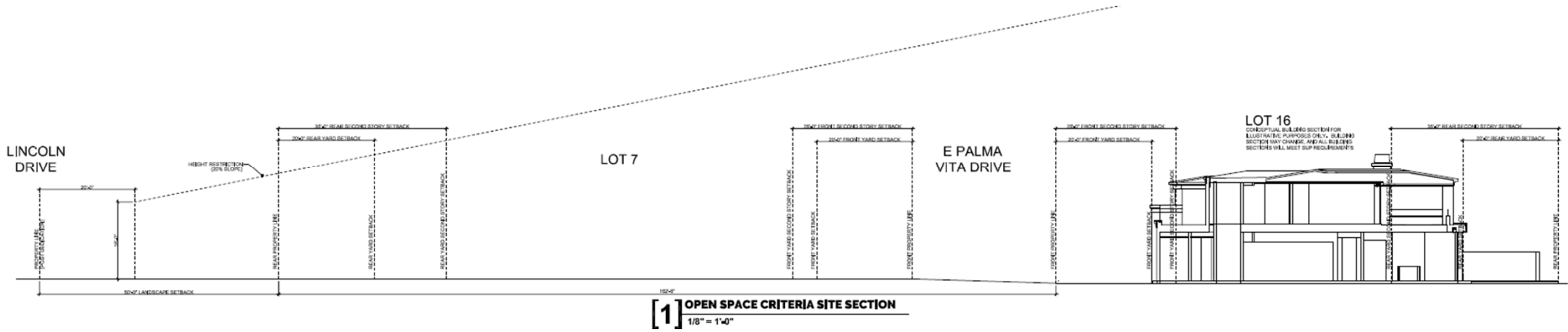
AREA C LOTS 15-18 MAIN BUILDING SETBACKS	
Front Yard First Floor	20'
Front Yard Second Floor	25'
Side Yard Lots greater than 15,000 sf	15' each side
Side Yard Lots 10,000 - 15,000 sf	20' total (not less than 5')
Rear Yard First Floor	20'
Rear Yard Second Floor (Livable)	35'
Rear Yard Second Floor (Non-Livable)	20'

Proposed Lots 15-18 Second Story Setbacks of 20 feet:



OPEN SPACE CRITERIA

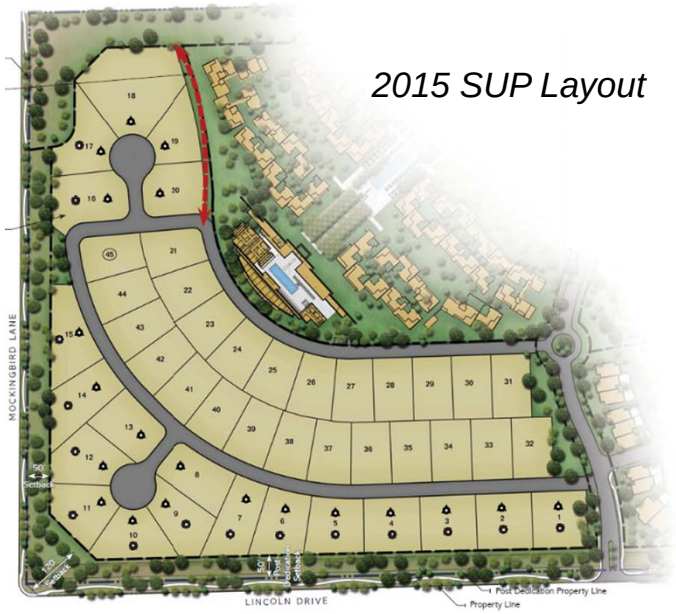
- Proposed amendment does not penetrate the Open Space Criteria (20% slope).
  - Lots 15-18 are interior to Area C and are separated from the adjacent front and rear lots by Stellina Vita Drive to the north and Palma Vista Drive to the south.
  - Rear yard property lines for these lots are approximately 238’ from the center line of Lincoln Drive and approximately 162’6” from the overall site’s southern property line.



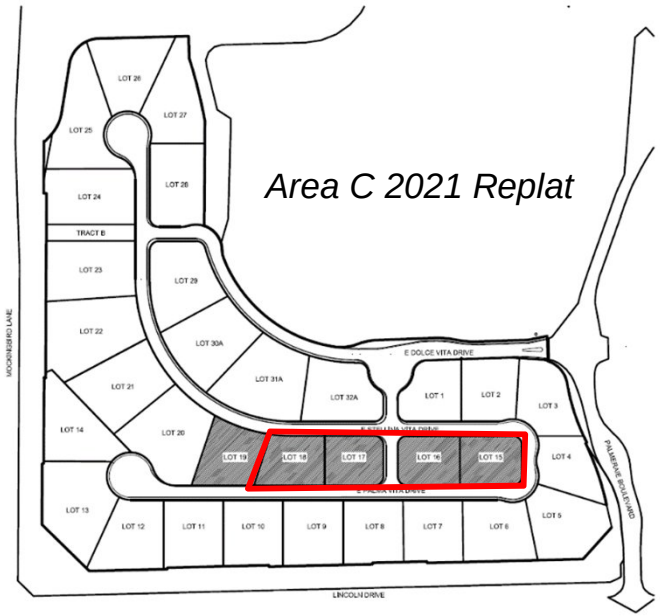
[1] OPEN SPACE CRITERIA SITE SECTION
1/8" = 1'-0"

LOT CONFIGURATION

- The original SUP site layout called for 45 lots with lots 21-45 abutting each other. 2021 replat revised to 32 lots (28.8% reduction from the original layout).
- No properties abutting each other and are separated by two new internal streets (Stellina Vita Drive and Palma Vita Drive).



2015 SUP Layout



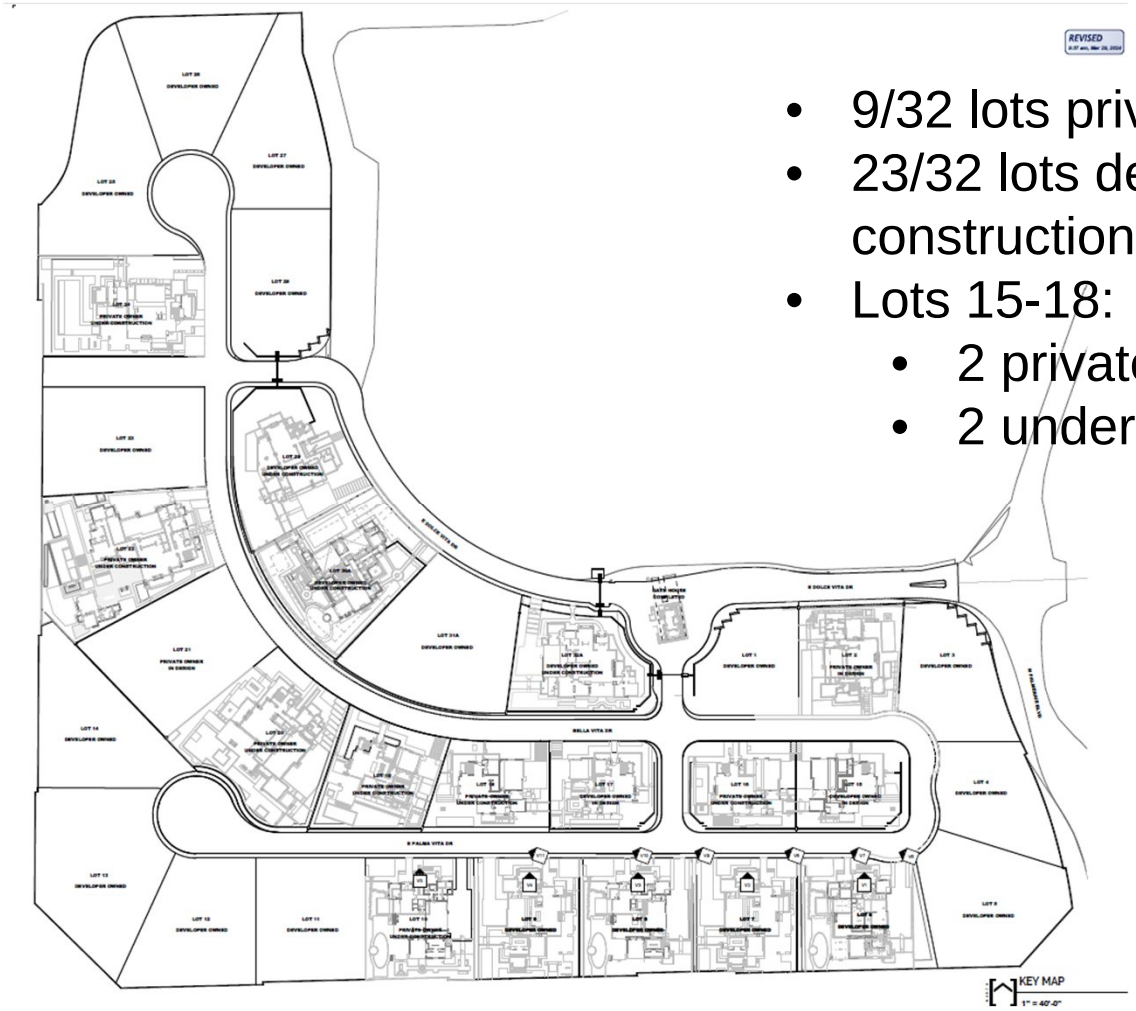
Area C 2021 Replat

LOT SIZE

- Lots 15-18 are smallest lots in terms of overall square footage within Area C.
- The average lot size of all lots within Area C, excluding 15-18, is 20,324 square feet.
- Largest lot is Lot 22 at 27,820 square feet.

LOT AREA TABLE		
LOT #	AREA (SQUARE FEET)	AREA (ACRES)
1	15,206	0.349
2	15,624	0.359
3	16,843	0.387
4	14,670	0.337
5	20,869	0.479
6	18,569	0.426
7	16,432	0.377
8	16,989	0.390
9	17,498	0.402
10	17,471	0.401
11	17,887	0.411
12	19,330	0.444
13	25,559	0.587
14	20,299	0.466
15	13,568	0.311
16	13,569	0.311
17	12,848	0.295
18	13,904	0.319
19	16,262	0.373
20	25,512	0.586
21	23,402	0.537
22	27,820	0.639
23	22,798	0.523
24	22,174	0.509
25	24,912	0.572
26	19,888	0.457
27	20,108	0.462
28	20,057	0.460
29	21,905	0.503
30	21,918	0.503
31	26,364	0.605
32	19,665	0.451

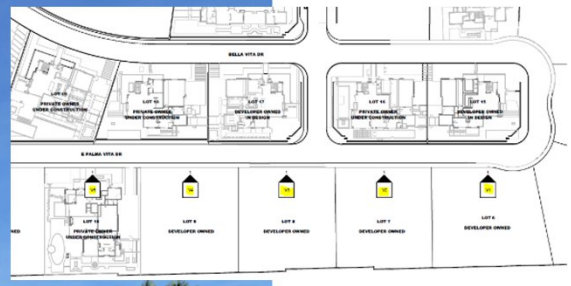
AREA C LOT OWNERSHIP



- 9/32 lots private owned (7 under construction)
- 23/32 lots developer owned (3 under construction)
- Lots 15-18:
  - 2 private owners, 2 developer
  - 2 under construction and 2 in design

RENDERINGS

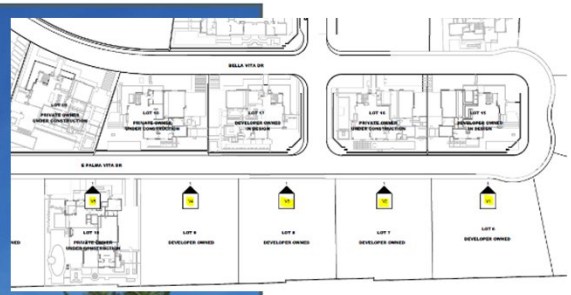




VIEW OF LOT 15 FROM LOT 6

RENDERINGS (CONT'D)





VIEW OF LOT 16 FROM LOT 7

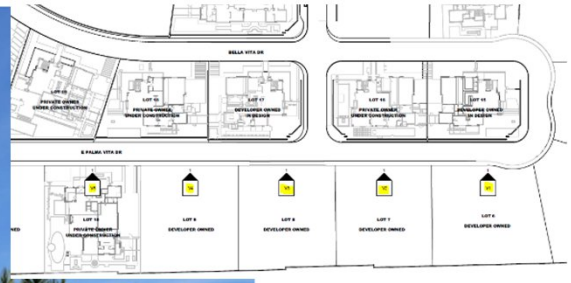
RENDERINGS (CONT'D)



VIEW OF LOT 17 FROM LOT 8

RENDERINGS (CONT'D)





VIEW OF LOTS 17 & 18 FROM LOT 9

RENDERINGS (CONT'D)





VIEW OF LOTS 18 & 19 FROM LOT 10

RENDERINGS (CONT'D)



VIEW FROM SIDEWALK

RENDERINGS (CONT'D)



VIEW FROM SIDEWALK

RENDERINGS (CONT'D)



VIEW FROM SIDEWALK

RENDERINGS (CONT'D)



VIEW FROM SIDEWALK

RENDERINGS (CONT'D)



VIEW FROM SIDEWALK

RENDERINGS (CONT'D)



VIEW FROM SIDEWALK

RECOMMENDATION

- Recommendation A:
  - It is recommended the Planning Commission deem the requested amendment to the Five Star/Ritz-Carlton Special Use Permit a Minor Amendment per the criteria listed in Section 1102.7.B of the Zoning Ordinance.

- Recommendation B:
  - It is recommended that the Planning Commission approve the Five Star/Ritz-Carlton Minor Special Use Permit Amendment in Area C to modify the 35-foot Rear Yard Second Floor setback requirement on five interior lots (Lots 15-18), subject to stipulations.

STIPULATIONS

1. All improvements to the Property shall be in substantial compliance with the Narrative, Plans, and Documents:
   a) Narrative, prepared by Drewett Works, dated March 25, 2024.
   b) Plan Set, Renderings, Average Setback, and Open Space Sections prepared by Drewett Works, Sheets A.200, A.201, and A.202, revised March 25, 2024 and March 26, 2024.

2. The 35-foot rear yard second floor main building setback of Lots 15 through 18 of Replat Amended 7000 East Lincoln – Parcel C – Amended IV as shown on Page F-3, Area C Ritz-Carlton Residential Lots, of the Approved Plans as referenced in Stipulation 44 from the 2015 Special Use Permit via Town of Paradise Valley Ordinance 694 be amended requiring that the minimum rear yard livable area second floor setback shall be 35 feet and the minimum rear yard non-livable area second floor setback intended for outdoor covered patio shall be 20 feet with the maximum non-livable area within the rear second floor setback between the 20-foot setback and 35-foot setback not to exceed 550 square feet.

STIPULATIONS

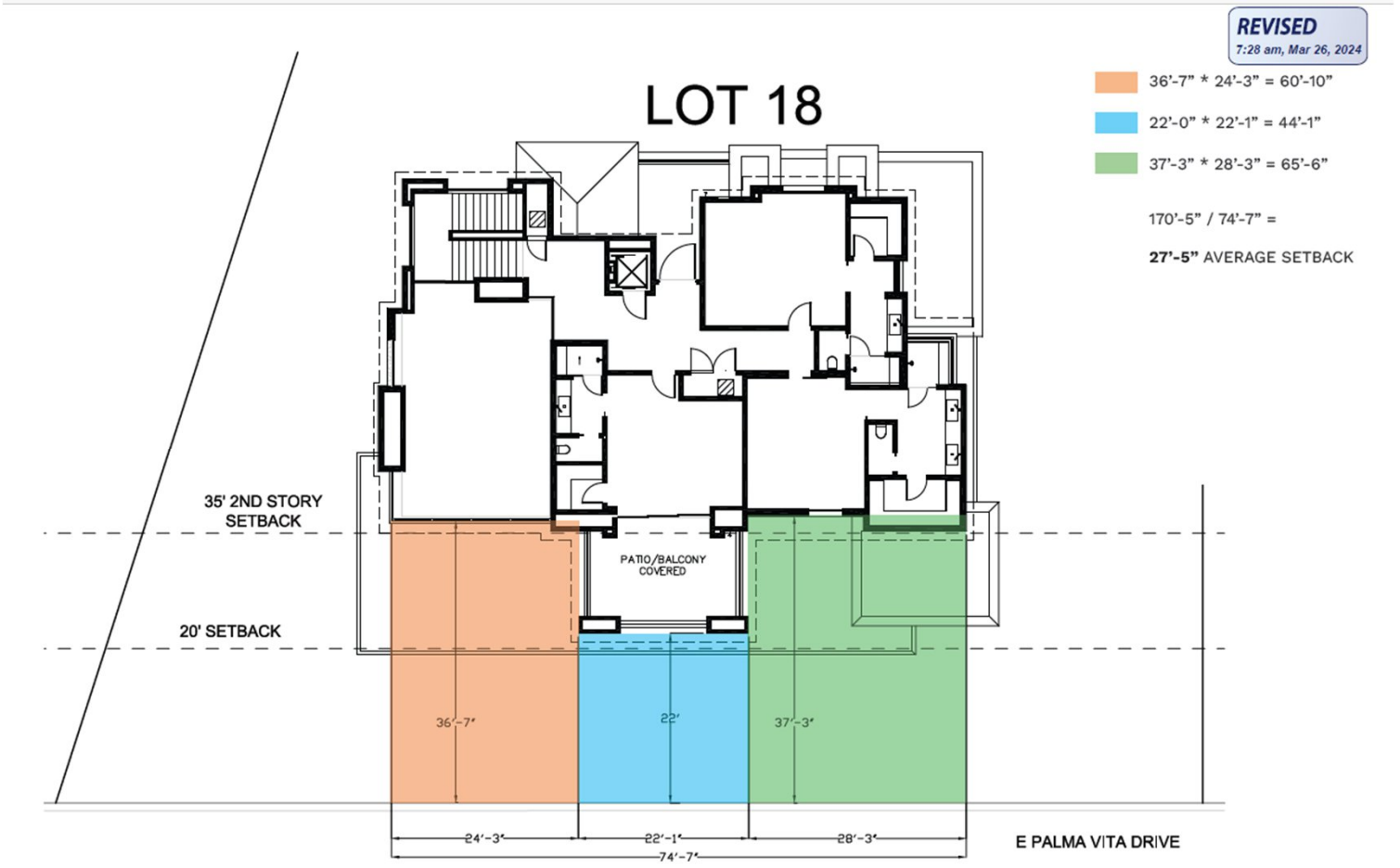
3. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by Minor Amendment SUP-24-01.

4. The Owner shall provide the Town with a signed Waiver of Claims for Diminution of Value under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney prior to Planning Commission approval.

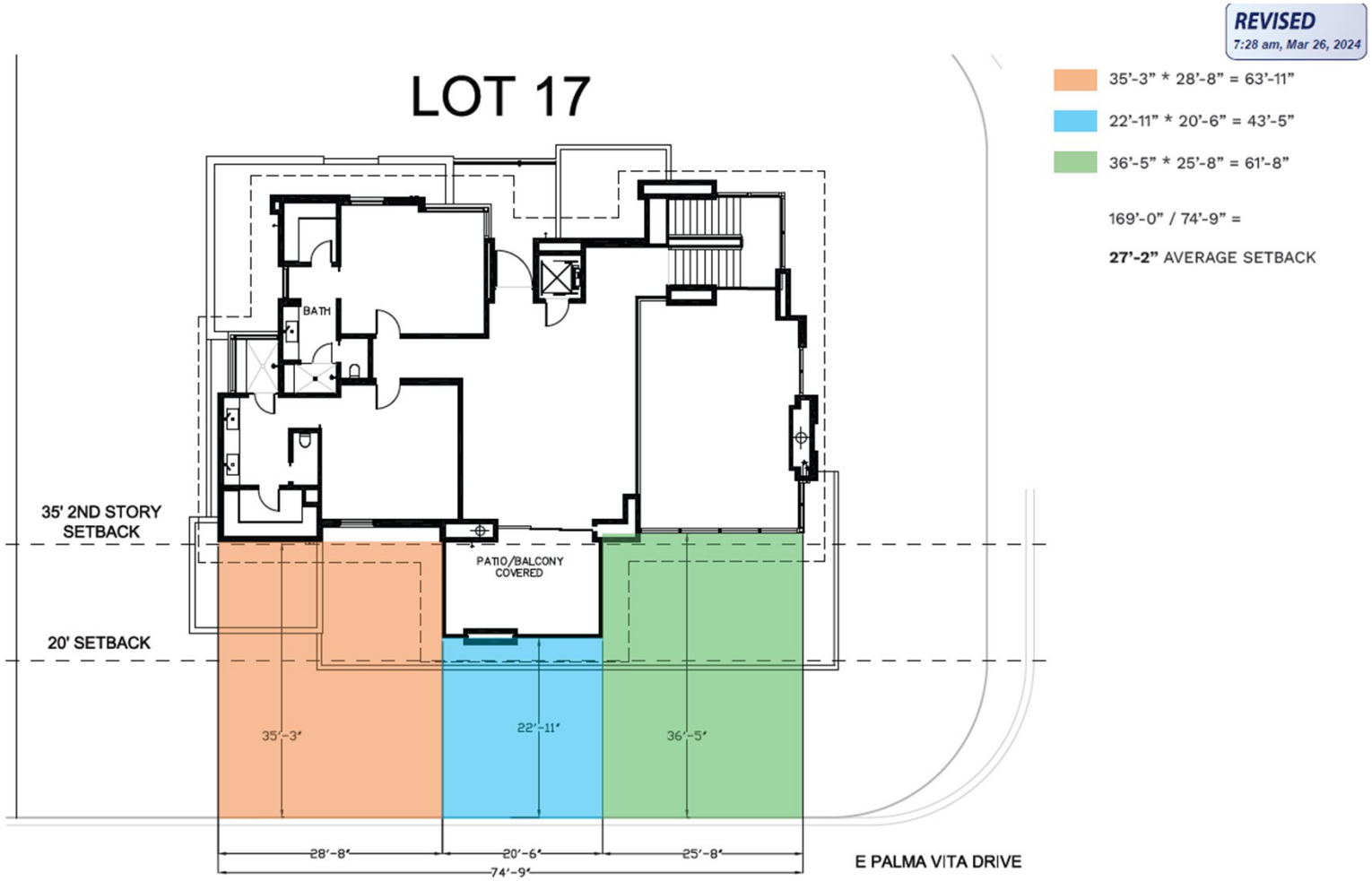
QUESTIONS? ACTION?



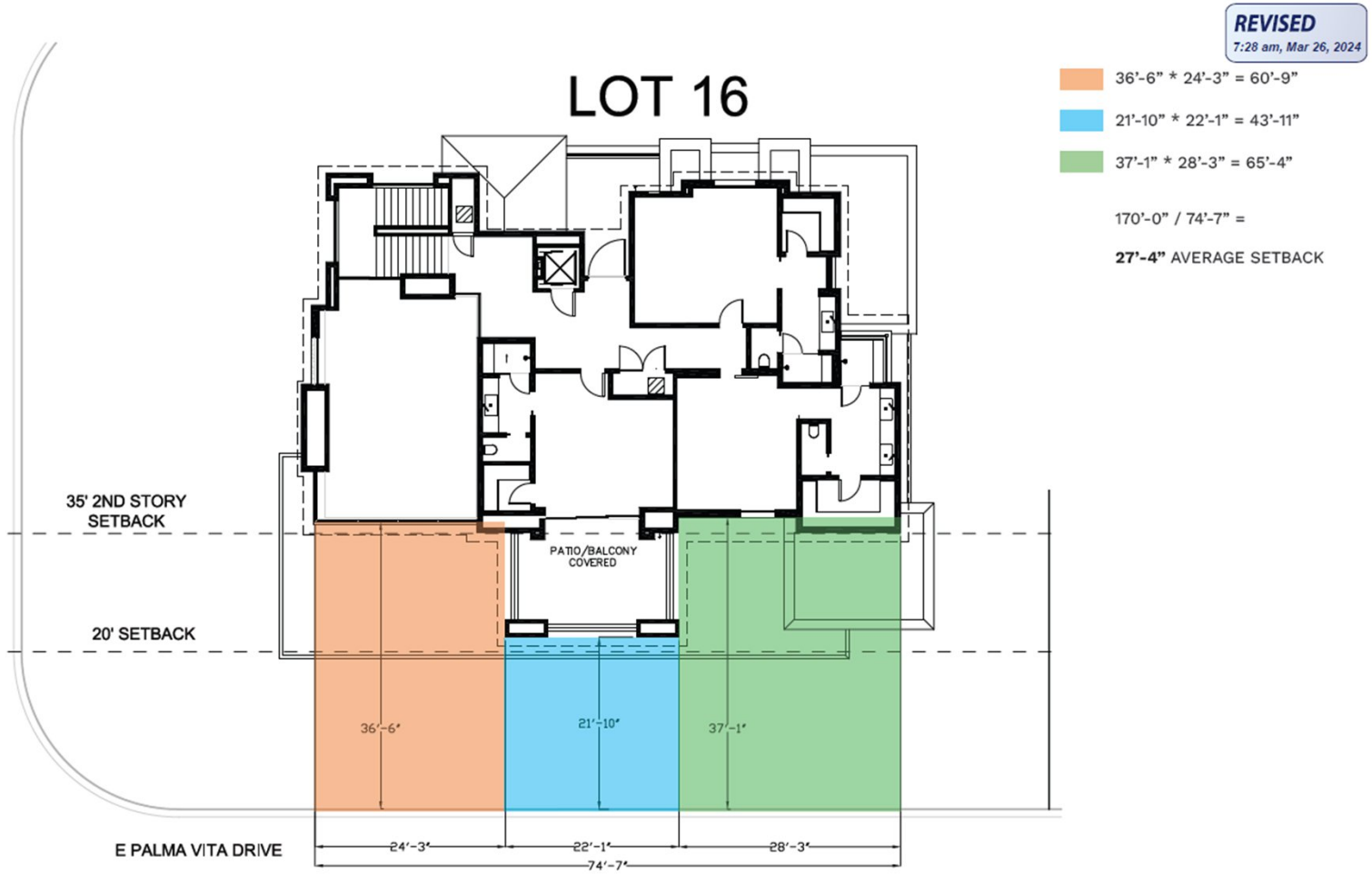
AVERAGE SETBACK



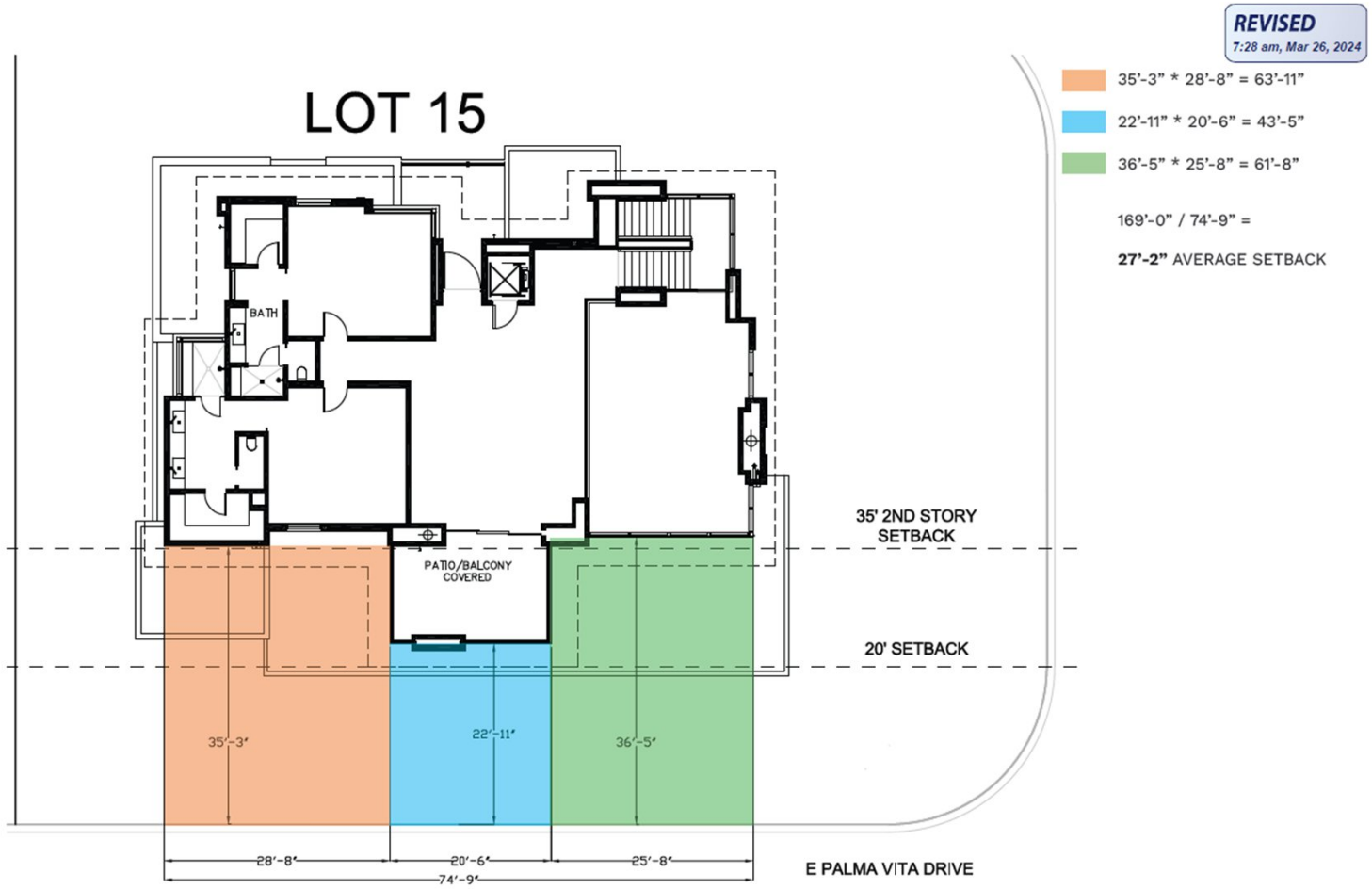
AVERAGE SETBACK



AVERAGE SETBACK

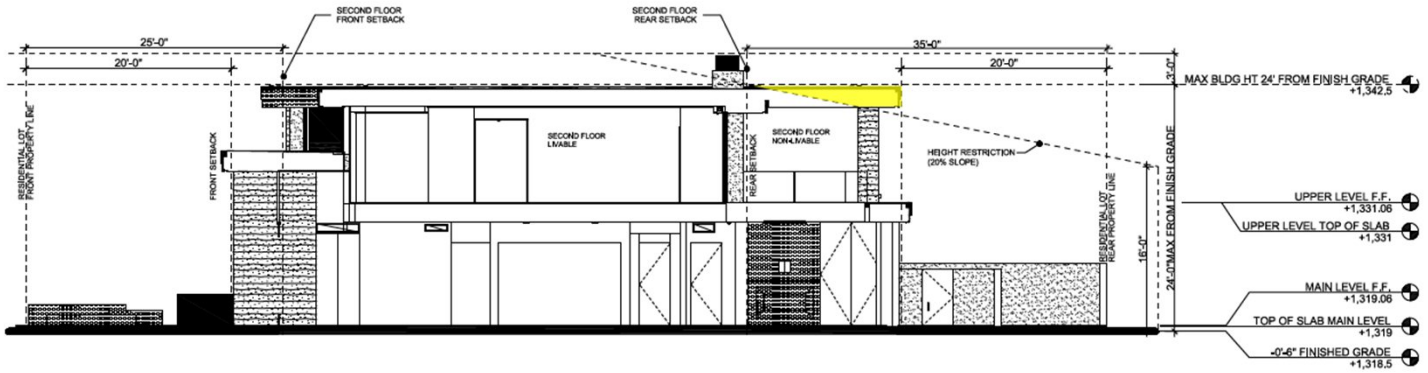


AVERAGE SETBACK



OPEN SPACE SECTION

REVISED
7:28 am, Mar 26, 2024

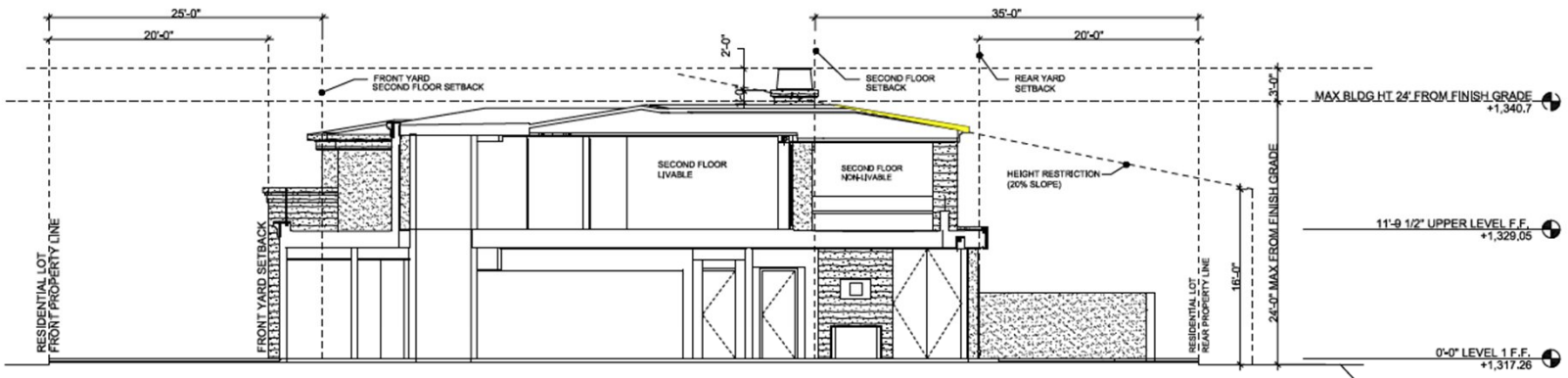


LOT 18 OPEN SPACE SECTION

SAME SECTION APPLIES TO LOT 16

OPEN SPACE SECTION

REVISED
7:28 am, Mar 26, 2024



LOT 16 OPEN SPACE SECTION

Action Report

File #: 24-098

AGENDA TITLE:
Discussion and Possible Action on Horseshoe Estates Lot Split (LS-24-01) 7300 E Horseshoe Road (APN: 174-30-023A)

STAFF CONTACT:

TOWN
Of
PARADISE VALLEY

STAFF REPORT

TO: **Chair & Planning Commission Members**

FROM: **Chad Weaver, Community Development Director**
Paul Michaud, Planning Manager
Brandon McMahon, Planner

DATE: **April 2, 2024**

DEPARTMENT: **Community Development – Planning Division**
Brandon McMahon, 480-348-3531

AGENDA TITLE: **Discussion and Possible Action on Horseshoe Estates Lot Split (LS-24-01) 7300 E Horseshoe Road (APN: 174-30-023A)**

REQUEST
The applicant, Nick Prodanov of Land Development Group, is requesting approval of a lot split to divide a 2.32-acre parcel into two lots. Lot 1 is proposed to be 50,481 square feet in size (±1.16 acres) and Lot 2 is 50,479 square feet in size (±1.16 acres). The subject property is located at 7300 E Horseshoe Road.

PLANNING COMMISSION REVIEW
The Planning Commission reviewed the Lot Split at the March 5, 2024 work study session. During the work session, the Commission reviewed the project and asked questions on site drainage, right-of-way widths within Horseshoe Road, and the notification process but did not indicate or identify any issues of specific concern or request changes.

RECOMMENDATION
Since the Preliminary Plat is compliant with the Town's development standards, it is recommended that the Planning Commission approve the Horseshoe Estates Lot Split, located at 7300 E Horseshoe Road, dividing an approximately 2.32-acre property into two (2) residential R-43-zoned properties, subject to the following stipulations:

Lot Split (LS-24-01)

1. The plat and related improvements for "Horseshoe Estates" located at 7300 E Horseshoe Road (the "Property") shall be in substantial compliance with the submitted plans and documents:

    a. The Narrative prepared by Land Development Group dated January 16, 2024.
    b. The "Horseshoe Estates" Lot Split, Sheet 1, prepared by Land Development Group with revised dated January 12, 2024.
    c. The "Paving Plan for Horseshoe Estates", Sheets PV-1, prepared by Land Development Group dated January 12, 2024.
    d. The "Alta/NSPS Land Title Survey", Sheet 1-2, prepared by Land Development Group dated December 15, 2023.

e. The Drainage Report, prepared by Land Development Group dated December 19, 2023.

2. Prior to the recordation of Horseshoe Estates, the following items must be completed:
    a. The owner(s) of the Property, or successors, shall submit the required improvement plans for Town Engineer approval and provide a cost estimate for civil improvements (e.g., water, paving, storm drainage, landscaping etc.) to determine financial assurance requirements.
    b. Provide the required forms of assurances necessary for the Town to be in a guaranteed position to complete the construction and related public site improvements as referenced in the Horseshoe Estates Paving Plan.
    c. Within 60 days of Council approval of the plat, the applicant shall submit, both in mylar and electronic version (PDF format), the plat map for the Town's permanent record.
    d. The existing structures on the property must be demolished prior to recordation of the approved plat.

3. Prior to the issuance of the first building permit for any home on Lot 1 & Lot 2 of "Horseshoe Estates," the following items must be completed:
    a. The property owner(s) or designee(s) shall complete the roadway improvements on Horseshoe Road.
    b. The owner(s) of the Property, or successors, shall provide the Town, with a Drainage Easement and Maintenance Agreement for any dedicated drainage easements on Lot 1 and/or Lot 2. These forms shall be submitted and approved by the Town and recorded with the Maricopa County Recorder's Office.
    c. The installation of the water infrastructure is complete, including inspection by the Town.

4. Prior to the issuance of a Certificate of Occupancy in "Horseshoe Estates" Lot Split, the following items must be completed:
    a. The property owner(s) or designee(s) shall demonstrate that the fire sprinkler system is in compliance with the National Fire Protection Association standard 13D or the current equivalent code requirement.

BACKGROUND

Existing Site

The property is zoned R-43, Single-Family Residential for minimum one-acre lots. The property is not in a recorded subdivision and has a single-family home built in 1953, with an existing pool and two accessory structures. The existing structures must be demolished prior to recordation of an approved plat, since the lot split cannot create any non-conforming structures.

Process

Lot splits follow Section 6-9-7 of the Town Code requiring if the lot split is approved by a unanimous vote of the Planning Commission, then it shall be deemed approved. If the lot split application is not approved by a unanimous vote of the Planning Commission, then the lot split application shall be forwarded to the Council for review and final approval. The Town Code provides no specific timing provisions for lot splits.

FACTS/DISCUSSION

Horseshoe Road

The applicant will dedicate the north 25 feet of right-of-way of the subject property. The total right-of-way width within Horseshoe Road is currently and will be 43-feet, which is less than the minimum right-of-way width for a local street of 50 feet. The 25-foot dedication on the north side of Horseshoe Rd (directly adjacent to the subject property) is compliant with the 25-foor half street width, whereas the south side rear yard frontage from the Rancho Sunnyvale subdivision is only 18-feet of right-of-way. The applicant is proposing to saw-cut and remove 2-feet minimum of pavement in kind to provide a straight edge, and construct 2-feet of ribbon curb to match what exists with the two adjacent lots.
It appears that the plat to the south only dedicated 8' of ROW initially, although more has been added over time, several lots have been replatted and developed without being asked for a full 25'. It is possible that the original plat did not contemplate the 8' being used for full roadway purposes.

Traffic

A traffic study is not required.

Lot Configuration

The proposed lot split meets all area requirements for R-43 lots, including size, lot width, access to a public street, and setbacks. The new lots will be in similar character and size to the surrounding lots in the immediate neighborhood. The proposed lot split map sets the new boundary line to be exactly in the middle of the property, in line with previous lot splits in the direct vicinity.

Utilities

Each of the proposed lots will have the required 6 or 8-foot public utility easement along the perimeter of the lot in accordance with Section 6-3-3 of the Town Code. The following utilities will be available to each lot.

1) *Electric*: The subject site is located within the APS service area.
2) *Water*: Water will be provided by Berneil Water Company.
3) *Sewer*: The two new lots will be on septic sewer system.

Drainage

Each lot will require an individual engineering site/grading and drainage plan with each building permit application submittal. On-lot retention will be required with the development of each lot. Historically the flows run to the south along the east property line and ultimately discharged at the right-of-way of Horseshoe Road. Per the provided drainage report, the water entering the site on the east side of the lot does not have the necessary depth and flow for proper conveyance, and any drainage easement will be dedicated at the building permit stage of development.

Fire Protection

The two proposed lots will meet all standards related to fire protection as follows:

1) *Fire Department access*: Both lots will have direct access onto a public roadway.
2) *Fire hydrant spacing/location*: There is an existing fire hydrant at Horseshoe Road right of way, 5-foot from the southwest property corner. The Town Code requires a fire hydrant to be located within 400 feet of a property line.
3) *Fire sprinkler requirement*: The new homes and structures that will be constructed on the new lots will have fire sprinklers in accordance with the Town Fire Code.
4) *Fire Flow*: The fire flow rate is compliant with the Town's standards. The fire flow rate for this area is 1,564 gallons per minute (gpm) and the Town Code requires a minimum flow test rate of 1,500 gallons per minute (gpm).

PUBLIC NOTIFICATION:

Public notification was completed in accordance with the public hearing process. On March 8, 2024, the public notice was mailed to the surrounding property owners within 500 feet and the property was posted. Staff has not received any comment or questions on this proposed lot split.

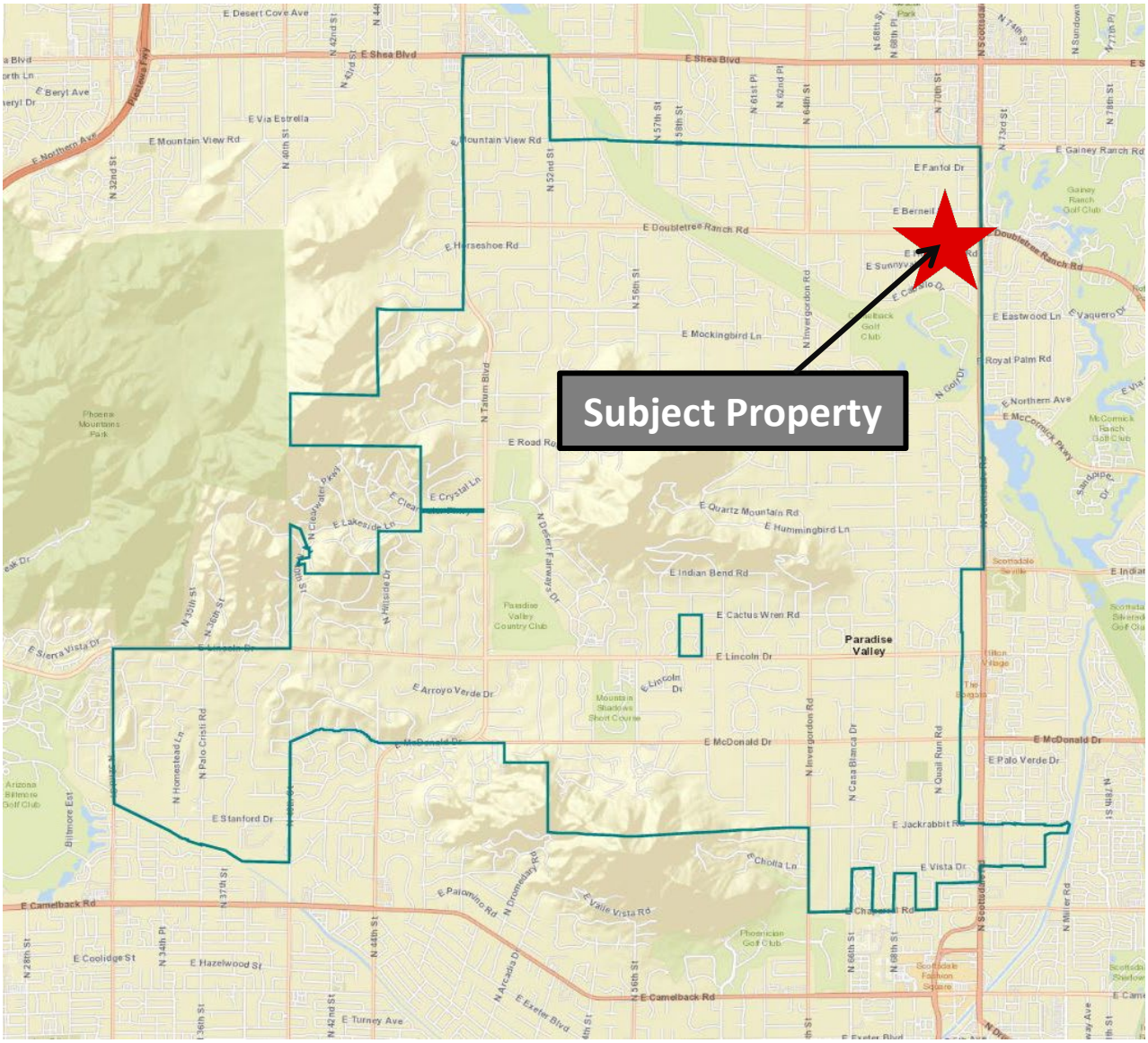
PRELIMINARY PLAT PROCESS:
The Lot Split is compliant with the Town's development standards and is in conformance with Section 6-2-2 of the Town Code. With a unanimous vote of the Planning Commission, then it shall be deemed approved.

ATTACHMENTS

A. Staff Report
B. Vicinity Map & Aerial Photo
C. Application
D. Narrative, Plans & Documents
E. Water Impact Service Study
F. Utility Service Letters
G. Preliminary Drainage Report
H. Notification Materials
I. Presentation

CC: LDG Nick Prodanov, Applicant (Case: LS-24-01)

VICINITY



Horseshoe Estates

7030 E Horseshoe Rd

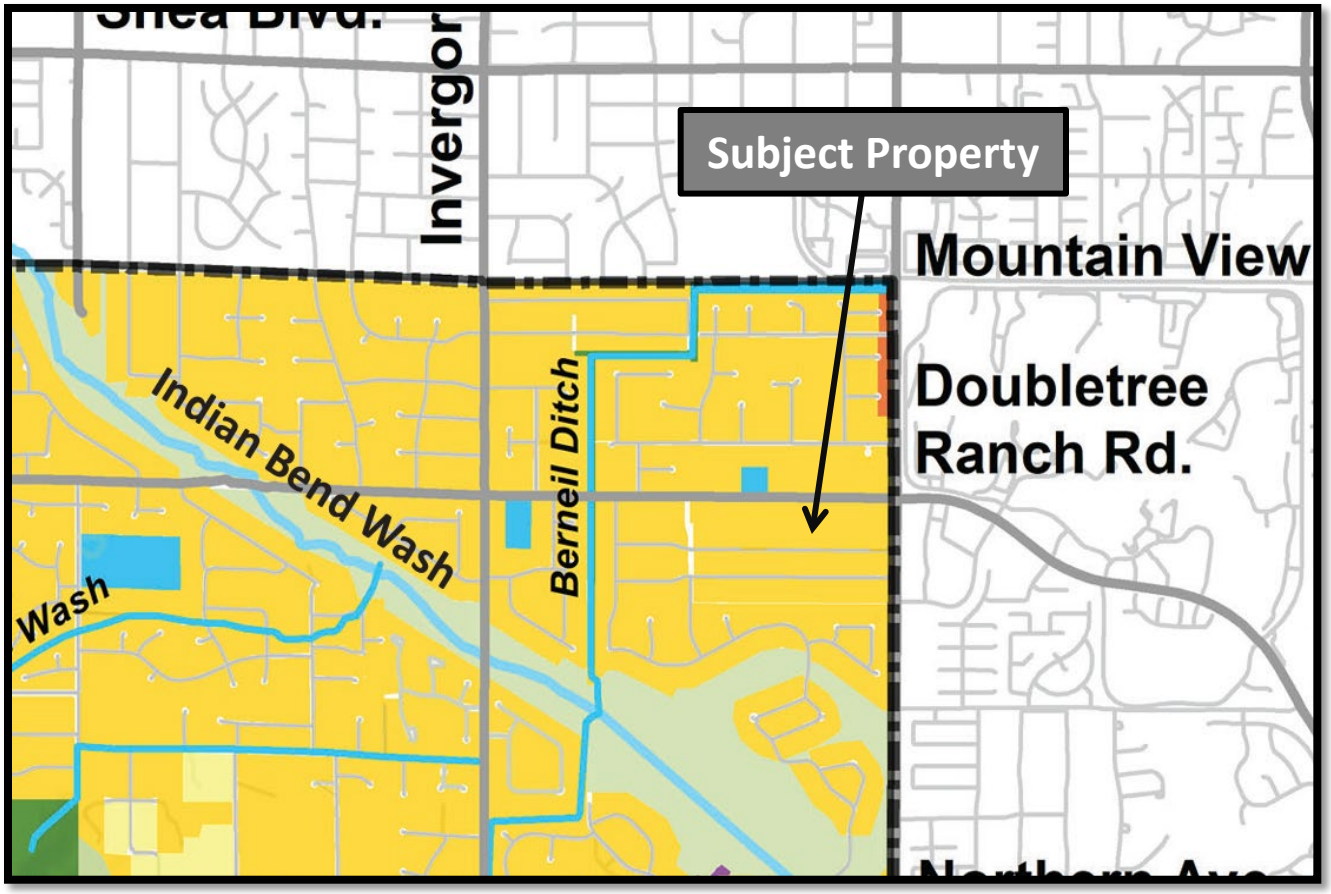
AERIAL



Horseshoe Estates

7030 E Horseshoe Rd

GENERAL PLAN



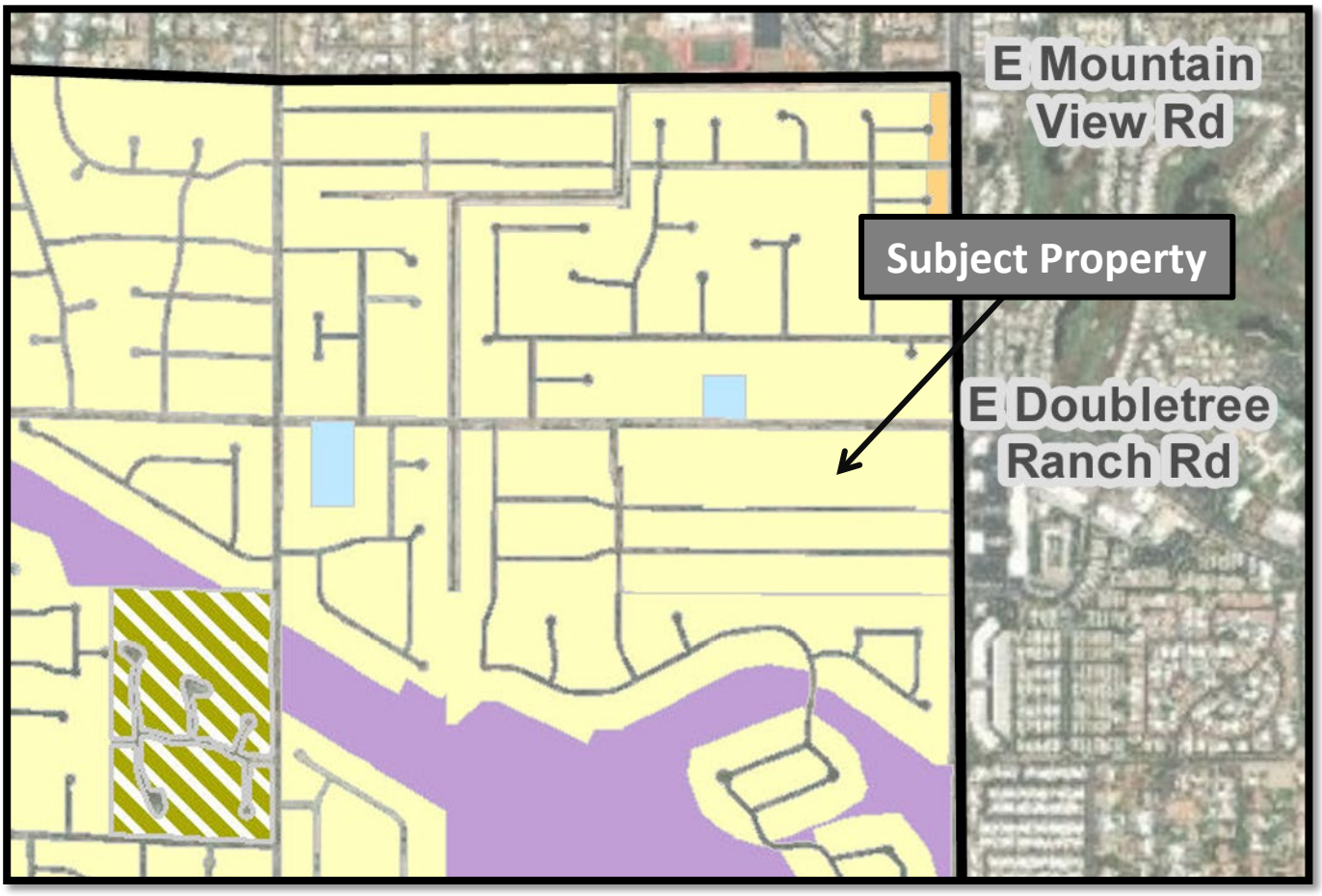
Land Use Classifications

Very Low Density Residential	Public Open Space
Low Density Residential	Medical Office
Medium Density Residential	Public/Quasi Public
Private Open Space	Resort/Country Club

Horseshoe Estates

7030 E Horseshoe Rd

ZONING



Horseshoe Estates

7030 E Horseshoe Rd

COMMUNITY DEVELOPMENT DEPARTMENT
PLAT/LAND MODIFICATION APPLICATION GUIDE

Town of Paradise Valley ● 6401 East Lincoln Drive ● Paradise Valley, Arizona 85253 ● Phone: (480) 348-3693

STAFF CONTACT INFORMATION

George Burton, Senior Planner 480-348-3525 gburton@paradisevalleyaz.gov
Paul Michaud, Planning Manager 480-348-3574 pmichaud@paradisevalleyaz.gov

PLAT/LAND MODIFICATION PERMIT REVIEW PROCESS

The applicant must first file a Pre-Application for the plat or land modification request. Following the review, you will be advised by the Planning Division if the application has been accepted as submitted and/or if corrections or additional material is needed. Part of the pre-application review is to assess the type of application request(s) required.

This application is to be used for modifications to existing lot/parcel boundaries. Plats refer to a preliminary plat, final plat, or replat. Preliminary and final plats involve the creation of 4 or more lots or 2 or more lots if a new street is required. A replat is necessary when modifying or reconfiguring property lines and easements of record. Other land modifications within the Town are categorized as administrative or non-administrative. Administrative land modifications refer to lot line adjustments/combinations, easement modifications, or exempt lot splits greater than 2.5-net acres into 2 or 3 parcels of land that may be on a subdivided or un-subdivided property. Non-administrative land modifications include lot splits on parcels equal to or less than 2.5-net acres (most common), lot splits with the creation of a new road, deviations to development standards, release of easements, or administrative land modifications on Special Use Permit (SUP)-zoned property.

Deviations from development standards refers to deviations as described in Article 6-8 of the Town Code. Deviation examples include alternative turn-around designs from a standard cul-de-sac and modifications in applying the lot configuration of Section 6-3-5.G of the Town Code. These deviations require Planning Commission recommendation and Town Council approval in which the applicant must demonstrate extraordinary hardships that results from the strict compliance with these regulations. However, certain deviations require a variance from the Town's Board of Adjustment if it concerns requirements from the Town Zoning Ordinance. Variance examples include reducing the private local road right-of-way width less than 50 feet, requesting a right-of-way easement, and reducing the lot width as required in Table 1001-A1 of the Zoning Ordinance. Variances require a stricter level of hardship test.

Once applied, Town staff will review the plat/land modification application submittal to ensure it is complete. The Planning Division strives to provide comments back on or before 15 working days after each submittal. Plats and non-administrative land modification applications require meeting(s) with the Planning Commission and/or Town Council for work session review, recommendation, and/or action. Whereas, administrative land modification applications are approved at a staff level. Public meeting(s), where recommendation or action takes place, have noticing requirements (please refer to the Notification section of this application). The length/time of an application request depends upon the complexity of the request, completeness of the application, the amount of time an applicant takes to resubmit corrections, new issues that arise during the review process, among other factors. Refer to Chapter 6, Subdivisions, of the Town Code for more information. Outlined below are key process steps by application type:

Key Process Steps by Application Type						
	Administrative	**Non-Administrative**		**Plat/Replat**		
Steps	**Lot Line Adjustment/ Combination[1]/ Lot Split > 2.5 Net Acres[1] / Easement Modification[1]**	**Lot Split ≤ 2.5 Net Acres[2]**	**Lot Line Adjustment/ Combination[3]/ Lot Split[3]/ Release of Easement[4]/ Easement Modification[5]**	**Prelim Plat**	**Final Plat/ Replat**	**Deviations to Development Standards[6]**
Pre-Application	Yes	Yes	Yes	Yes	Yes	Yes
Application	Yes	Yes	Yes	Yes	Yes	Yes
Planning Commission Work Session(s)	No	Yes	No	Yes	No[7]	Yes
Planning Commission Recommendation	No	No	No	No	No[7]	Yes
Planning Commission Action [8, 9]	No	Yes	No	Yes	No	Yes
Council Work Session(s)	No	No[10]	Yes	No[11]	Yes	Yes
Council Action	No	No[10]	Yes	No[11]	Yes	Yes

[1] *Applies to land modifications with non-SUP zoning and no deviations from Chapter 6 of the Town Code*

[2] *Applies to a lot split with non-SUP zoning and no deviations from Chapter 6 of the Town Code*

[3] *Applies to SUP-zoned property, regardless of property acreage and no deviations from Chapter 6 of the Town Code*

[4] *Applies to all property, regardless of zoning classification and property acreage*

[5] *Applies to an easement modification with deviation(s) from Chapter 6 of the Town Code, regardless of zoning classification and property acreage*

[6] *These are any deviations to the standards in Chapter 6 of the Town Code related to a replat, final plat, preliminary plat, lot line adjustment/combination, or lot split, regardless of zoning classification and property acreage*

[7] *No Planning Commission approval is required for the final plat if it is in substantial compliance with the approved preliminary plat and preliminary plat stipulations*

[8] *There are a minimum of 28 calendar days required between the meetings of the Planning Commission work session and action per Section 6-2-2.A of the Town Code*

[9] *An applicant has the right to appeal a Planning Commission denial to Town Council per Section 6-2-2.D of the Town Code*

[10] *If lot split is denied by Planning Commission or not unanimous vote - requires Council review/approval*

[11] *If rejected by Planning Commission, the preliminary plat is appealable to Council - Refer to Section 6-2-2.D Town Code*

COMMUNITY DEVELOPMENT DEPARTMENT
PLAT/LAND MODIFICATION APPLICATION GUIDE

Town of Paradise Valley ● 6401 East Lincoln Drive ● Paradise Valley, Arizona 85253 ● Phone: (480) 348-3693

APPLICANT & CONTACT INFORMATION

Please check the appropriate box for the Type(s) of Application(s) you are requesting		
Administrative Land Modification	**Non-Administrative Land Modification**	**Plat/Replat**
☐ Lot Line Adjustment/Combination (Non-SUP & No Deviations(s))	☐ Lot Line Adjustment/Combination (SUP)	☐ Preliminary Plat
	☐ Lot Split (Any acreage & SUP)	☐ Final Plat
☐ Lot Split (> 2.5 net acres, Non-SUP, No Deviations(s) & No New Street(s))	■ Lot Split (≤ 2.5 net acres & Non-SUP)	☐ Replat
	☐ Release of Easement (Any zoning)	☐ Plat/ Replat/ Lot Line Adjustment/Combination/ Lot Split (Any zoning & w/ Deviation(s))
☐ Easement Modification (Non-SUP & No Deviations(s))	☐ Easement Modification (Any zoning & w/ Deviation(s)	

Project Name: Horseshoe Estates

Date: 12/28/22 Existing Zoning: R-43 Proposed Zoning: R-43 Net Acres: 2.3

Property Address: 7030 E Horseshoe Road, Paradise Valley, AZ 85253

Assessor's Parcel Number: 174-30-023A

Owner: Eugene A. & Nureen K. Parsons Trust

Address: 7030 E Horseshoe Road, Paradise Valley, AZ 85253

Phone number: _____

E-mail address: _____

Signature: See Authorization Letter to Daniel Yonker
(Or provide a separate letter of authorization)

Applicant/Representative: Nick Prodanov, PE, PMP

Company Name (if Applicable): Land Development Group, LLC

Address: 8808 N Central Ave Ste. 288, Phoenix, AZ 85020

Phone number: 602 889 1984

E-mail address: nick@ldgeng.com

Signature: Nick Prodanov

THE ABOVE APPLICANT HEREBY APPLIES FOR AN APPLICATION AS INDICATED IN THE SUBMITTED NARRATIVE, PLANS, AND DOCUMENTS IN ACCORDANCE WITH THE TOWN CODE AND TOWN POLICIES.

FOR DEPARTMENTAL USE ONLY

App.#: _____ Submittal Date: _____ Expiration Date: _____

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SUBMITTAL REQUIREMENTS

Submittal requirements will vary based upon the project/scope of the request. Unless otherwise approved by Planning staff; plan size is 24" x 36", provide 2 paper copies of the submittal items upon staff request and provide all material in PDF format on a USB flash drive/memory stick. Additional copies may be required for scheduled meetings. Unless otherwise noted, the following documents are required for **all plat/land modification application types**:

- ☒ Filing Fee:

Application Type **Administrative Land Modification (Non-SUP & No Deviation(s))**		**Application Fee**
Lot Line Adjustment/Combination (Non-SUP & No Deviations(s))	☐	$2,225
Lot Split (> 2.5 net acres, Non-SUP, No Deviations(s) & No Roadway(s))	☐	$2,225
Easement Modification (Non-SUP & No Deviations(s))	☐	$2,225
Application Type **Non-Administrative Land Modification**		
Lot Line Adjustment/Combination (SUP, SUP w/Deviation(s))	☐	$3,575
Lot Split (Any net acreage) (SUP, SUP w/Deviation(s))	☐	$3,575
Lot Split (≤ 2.5 net acres) (Non-SUP w/ or no Deviation(s))	☒	$3,575
Release of Easement (Any zoning)	☐	$5,200
Easement Modification (Any zoning & w/ Deviation(s)	☐	$3,575
Application Type **Plat/Replat (Any net acreage & Any Zoning)(w/ or no Deviation)**		
Preliminary Plat	☐	$3,850 + $25 per lot
Final Plat	☐	$2,835
Replat	☐	$2,635
Plat/ Replat/ Lot Line Adjustment/ Combination/Lot Split (Any zoning & w/ Deviation(s))	☐	$3,575

- ☒ Narrative description of the request (2 paper upon staff request and electronic copies). The narrative shall identify the following:
  - ☒ Scope of request, including description of any concurrent application requests
  - ☒ As applicable, description of any deviations from Town Code/Zoning Ordinance
  - ☒ As applicable, any minimum restrictions related to the character of the development per Section 6-3-10 of the Town Code

- [x] Applicable plans/documents for staff review (2 paper upon staff request and electronic copies), including but not limited to:
  - [x] Proof of Ownership. Title report and/or warranty deed (Unless otherwise approved, the Title Report shall be dated 30 days or less prior to submittal date)
  - [x] ALTA Survey, including all rights-of-ways and easements (Unless otherwise approved, ALTA Report shall be dated 30 days or less prior to submittal date)
  - [ ] Preliminary traffic study (if requested by the Town Engineer)
  - [ ] Water Service Impact Study per Section 6-2-2.A & 6-4-3.B of the Town Code, including will serve letters from applicable utility companies (not applicable for lot line adjustment/combo, release of easement, and easement modification applications)
  - [ ] Hydrology Study and/or Grading & Drainage Plan (Illustrate all washes including 5 equally spaced cross sections) (Required, unless waived by the Town Engineer)
  - [ ] As applicable, access and/or watercourse easement maintenance agreement(s) per Section 6-3-8 of the Town Code (Contact Town staff for sample form and/or find forms on Town website)

☐	Watercourse (drainage) easement maintenance agreement(s) per Section 6-3-8 of the Town Code
☐	Private roadway access and maintenance agreement per Section 6-4-3.J of the Town Code
☐	Public and/or private street right(s)-of-way within, adjacent to, or extending from the site per Sections 6-3-1 and 6-3-2 of the Town Code
☐	Dedication of right-of-way pursuant to Section 5-10-7.B of the Town Code, such dedication may require recordation of a quit claim deed
☐	Conservation easements (e.g. Paradise Valley Mountain Preserve Trust)

  - [ ] Landscape Plan including hardscape and plant names, quantity, sizes, and locations as required by Section 5-10-7.D of the Town Code
  - [ ] Preliminary cost estimate and associated preliminary plans for minimum street, water, sewer, fire hydrant, drainage, and other public improvements required with guaranteeing assurances pursuant to Article 6-4 of the Town Code
  - [ ] As applicable, the subdivider shall make necessary provisions for the continuous maintenance and operation of facilities that will not be maintained by the Town in the form of deed restrictions (CC&R's) and must include the right of the Town to do the maintenance after reasonable notice; if the property owners fail to do the maintenance, the Town has the ability to recover costs and the ability to place a lien if not reimbursed
  - [ ] As applicable, Flood Plain Requirements per Section 6-3-9 and Article 5-11 of the Town Code, and specifically, subdivisions greater than 5 net acres must identify the area of the special flood hazard area and the elevation of the base flood, and identify the elevation(s) of the proposed structure(s) and pads
  - [ ] As applicable, documentation from all affected utility companies regarding the abandonment and/or modification of any utility easements
  - [ ] As applicable, subdivision wall plan per Section 6-3-12 of the Town Code (with a preliminary plat/final plat only)
  - [ ] As applicable, subdivision sign plan with lighting details (if illuminated) per Section 6-3-11 of the Town Code (with a preliminary plat/final plat only)

☐ Applicable plans/documents for hillside properties (2 paper upon staff request and electronic) pursuant to Article 6-7 of the Zoning Ordinance, including but not limited to:

- ☐ Topographic map at 2' intervals, 5' intervals, and elevations of special characteristics, with a larger scale and closer contour intervals and/or cross sections/profiles of areas where roads, driveways, buildings, utility, or grading construction is proposed with the final plat/map review
- ☐ Grading & Drainage Plan as noted above, adding that such plan show the natural topography of the total parcel to be platted, the location and size of all structures, and grade of all improvement locations and the depth and extent of all cuts, fills, and disturbed areas
- ☐ Road profiles and cross sections at all significant changes in the cross slopes; the cross section to show proposed and natural grade at the centerline of the road, the right-of-way line, and the proposed building setback lines
- ☐ Soil investigation report to determine any geological hazard and soil bearing quality (Required for preliminary plat, may be required on other plat/map applications)
- ☐ Slope analysis to determine minimum lot sizes pursuant to Section 2209 of the Zoning Ordinance
- ☐ Locations of all building sites and proposed driveways shown on final plat/map
- ☐ Description about any cuts, fill, what will be done with excavated material, retaining walls, bridges, safety measures, and related information in the narrative
- ☐ As applicable, for septic, percolation test and test boring logs in accordance with the requirements of the County Health Department (Required for preliminary plat, may be required on other plat/map applications)
- ☐ As applicable, approval by the County Health Department of any sewage treatment facility (Required for final plat, may be required on other plat/map applications)

Town Code/Zoning Ordinance Sections and other documents that may apply to your request

Zoning Ordinance	**Town Code**
Article II, Definitions	Chapter 5, Section 5-10, Development
Article XI, Special Uses & Additional Regulations	Chapter 6, Subdivisions
Other	
Visually Significant Corridors Master Plan	General Plan
Storm Drainage Design Manual	

General notes

1. *An application is not complete until all required information is submitted in an approved form. No application will be reviewed until complete. No agenda date will be set until the completed application has been reviewed and accepted by staff*

2. *Final approval may be granted upon such conditions reasonably related to the use of the subject property*

3. *Variances and modifications to the regulations of Chapter 6, Subdivisions, of the Town Code will require Planning Commission recommendation and Town Council approval and/or variances from the Zoning Ordinance will require Board of Adjustment approval*

COMMUNITY DEVELOPMENT DEPARTMENT
PLAT/LAND MODIFICATION APPLICATION GUIDE

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INFORMATION TO BE SHOWN ON PLAT/ MAP

The final recorded document for all plat/land modification application types is a plat or map which will have certain required components as addressed below. Refer to Articles 6-5, 6-6, and 6-7 of Chapter 6, Subdivisions, of the Town Code, for more information. Unless otherwise noted, the following information is required for **all plat/land modification application types**:

■	Statements as applicable as set forth in Exhibits A through E of this application form
■	As applicable, note regarding existing and new/proposed CC&Rs and/or other private restrictions to be shown or referenced (Required for all application types, preferred on preliminary plat)
■	Plat or map name and legal description referenced by bearing and dimension to two (2) separate section or quarter section corners, benchmark and description
■	Elevation and description of benchmark used
■	Vicinity Map
■	Scale not more than 1" = 100', with index sheet if more than 2 sheets required
■	All dimensions shall be expressed in feet or decimals thereof
☐	Name, address, and tax parcel number of all adjacent property owners and other properties within three hundred (300) feet with location of existing lots if subdivided. If not subdivided, note "unsubdivided" next to name, address, and tax parcel number of owner
☐	Names and adjoining boundaries of all adjoining subdivisions showing the name, recording number, and existing dedications
☐	Name, address, license number, and phone number of person responsible for preparing plat
☐	Name, address, and phone number of landowner and applicant
☐	North point
■	Date of preparation and revision date box
☐	Borders of area being platted must be clearly indicated. Please identify property corners
■	Lot and block numbers, lot lines and setback lines, fully dimensioned; The boundaries of the property fully balanced and closed showing all bearings, angles and dimensions, determined by an accurate survey in the field; A relative location to the nearest existing street shall also be shown on the plat (Required for all application types, preferred on preliminary plat)
☐	Each lot shall note the zoning category along with its net acreage and net square footage (include "Hillside" label if property has a hillside designation
	Location and width of all existing and proposed dedications and/or easements; fully dimensioned, with notations concerning dedication, reservation, and use, including, but not limited to:

☐	Utility easement(s) as required per Section 6-3-3 of the Town Code
☐	Watercourse easement(s) (drainage/washes) per Section 6-3-8 of the Town Code
☐	Public and/or private street right(s)-of-way within, adjacent to, or extending from the site per Sections 6-3-1 and 6-3-2 of the Town Code
☐	Dedication of right-of-way pursuant to Section 5-10-7.B of the Town Code, such dedication may require recordation of a quit claim deed
☐	Conservation easements (e.g. Paradise Valley Mountain Preserve Trust)

☐	Indications to show areas which are subject to frequent or periodic flood inundation (preliminary plat only)
▬	Name of utility providers
☐	Existing topography by contours related to USGS datum and any proposed alterations (Required for all preliminary plat submittals and hillside properties, may be required for other application types)
☐	As applicable, structures on adjacent properties within 40’ of the site
☐	As applicable, location of all existing buildings, structures, septic facilities, and amenities with note as to proposed disposition
☐	Minimum lot width shown per standards set forth in Table 1001-A1 Primary Building Area, Width, Story, and Setback Limitations of Paradise Valley Zoning Ordinance and Section 6-3-5, Lots, of the Town Code
☐	Minimum required setback lines per Section 6-3-6 of the Town Code
☐	Show the lot configuration circle for each lot described in Section 6-3-5.G of the Town Code with the submittal, the circle(s) will be removed prior to plat or map recordation
☐	As applicable, any public reservations per Section 6-3-7 of the Town Code
▬	Metes and bounds legal description for the parent property and all proposed lot(s) (Not required for preliminary plat, final plat, or replat applications)
▬	Provide an area on each sheet for the Maricopa County Recorder stamp and comply with Maricopa County Recorder requirements to mitigate rejection of plat/map recordation (Refer to attached Maricopa County Recorder information)
▬	Maricopa County Recorder Plat and Map Recordation Criteria (reference page 20 of this application)

COMMUNITY DEVELOPMENT DEPARTMENT
PLAT/LAND MODIFICATION APPLICATION GUIDE

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DESIGN STANDARDS

The Town Code includes various design standards that will apply to a plat or land modification. Unless otherwise noted, the following information is required for **all plat and land modification application types**:

☐	The arrangement of streets shall make provision for the continuation of the principal existing streets in adjoining areas or their proper projections where adjoining land is not subdivided insofar as they may be deemed necessary for public requirements and the width of streets shall be not less than the minimum width established by the Town's General Plan street cross sections pursuant to Section 6-3-1.A and Section 6-3-2.A of the Town Code
☐	Wherever a subdivision adjoins a major thoroughfare, the Commission may require that access to all residential lots be provided from other than the major thoroughfare pursuant to Section 6-3-1.B of the Town Code
☐	A dead-end street not to exceed five hundred feet (500') in length may be established, provided that there shall be a turn-around, at the closed end, having a right-of-way radius of not less than forty-five feet (45') with an improved traffic circle having a radius of forty feet (40') pursuant to Section 6-3-2.B of the Town Code. A private street/roadway requires a Conditional Use Permit pursuant to Section 1101 and Section 1103 of the Town Zoning Ordinance
☐	Dedication of half streets shall be discouraged; Where there exists a dedicated or platted half street or alley adjacent to the tract being subdivided, the other half shall be platted unless deemed unnecessary by the Town pursuant to Section 6-3-2.C of the Town Code
☐	Provide utility easement(s) on each lot as required per Section 6-3-3 of the Town Code, generally being 8' wide along the front and rear property lines and 6' wide along side property lines
☐	Provide watercourse easement(s) (drainage/washes) per Section 6-3-8 of the Town Code, watercourse having historical banks and a bed at least 2' deep and 5' wide through which waters flow on a recurrent basis
☐	No block shall be longer than fifteen hundred feet (1,500') per Section 6-3-4 of the Town Code
	Each lot shall meet the standards of Section 6-3-5 of the Town Code
☐	Meets the minimum net area for its zoning district
☐	Meets its lot configuration, circle with the lot width diameter (165' most common) as specified in Table 1001-A1 of the Zoning Ordinance touching the front setback without encroaching outside the lot
☐	Provides desirable building site related to topography and neighborhood character, with lot not being unorthodox or unusually shaped
☐	Meets access requirements of either adequate frontage upon a public street or adequate and recorded access to a public street by a private road Conditional Use Permit/Special Use Permit
☐	Confer with the Town Building Official or designee on the proper addressing and street names in accordance with the Town's Address & Street Assignment Manual (Generally not required for lot line adjustment/combination, easement modification, or release of easement applications)
☐	Electrical service, gas mains, telephone service, water service and cable communications systems shall be provided within each subdivision and shall be located underground pursuant to Section 5-10-8.E and Section 6-4-3.H of the Town Code

The following design standards are additional design standards that apply to hillside properties pursuant to Article 6-7 of the Zoning Ordinance, including but not limited to:

☐	Minimum lot size based on average slope per Section 2209 of the Town Zoning Ordinance
☐	A public or private road with a grade exceeding 12% shall not be longer than 600’
☐	All public and private roads shall have a 50’ right-of-way width and shall be constructed with decorative brick pavers or other surface material as approved by the Town Council, with the right-of-way allowing for drainage and/or utility purposes. A private street/roadway requires a Conditional Use Permit pursuant to Section 1101 and Section 1103 of the Town Zoning Ordinance
☐	The maximum public road grade shall not exceed 15%
☐	All private roads shall have sufficient turnarounds, and may be identified by a single road sign
☐	Subdivision identification signage shall not be permitted
☐	Land devoted to public and private rights-of-way shall not exceed 10% of gross parcel area
☐	Total area subject to cut and/or fill for purposes of public or private roads shall not exceed 5% of gross parcel area
☐	Vertical curbs may be required on the downhill side of roads having grades of 6 percent (6%) or greater; concrete U or V gutter may be installed in lieu of conventional rolled or vertical curb elsewhere as determined by the final drainage report
☐	Transverse road cross sections with gutter on the uphill side may be used where approved by the Town
☐	All cut and fill shall be within the roadway right-of-way or easement. For cul-de-sacs and turnarounds, easements for slope maintenance may be required by the Town Engineer
☐	All cut slopes and fill slopes shall be landscaped or treated in such a manner that the slopes blend into the natural appearance of the hillside; Blending shall be accomplished within one year of the start of any roadway improvements and shall be required before the release of assurances
☐	All excavated material from a right-of-way shall be removed or contained behind retaining walls or otherwise hidden in order that no fill material will be visible from any public or private road
☐	Intersecting roads shall provide a 50’ x 50’ corner vision, whereas not to create an obstruction which extends 2’ or more above the grade of either road within an area formed by the lot lines on the road sides and a line joining points on such lines located a distance of 50’ from the point of their intersection
	Roadway retaining walls

☐	Not exceed 8’ in height
☐	If over 4’ in height, shall not exceed 100’ in length
☐	Must be veneered with natural rock compatible to the site

Upon recommendation by the Planning Commission and the approval of the Council, the following street modifications may apply:

☐	Various designs for turning and backing such as hammerheads may be substituted for cul-de-sacs
☐	Required paving width of the traffic lanes may be modified when off-road parking bays are provided, developed, and paved in the public right-of-way
☐	Centerline of the paving may be offset from the centerline of the right-of-way to provide parking bays in the right-of-way
☐	To minimize cuts, consideration of a public road pavement width not less than 20’ wide and private road pavement width not less than 12’ wide if serving only one lot, 15’ if serving two lots, and 20’ if serving three or more lots
☐	Under demonstrated hardship, consideration may be allowed for a public road grade over 15%, not to exceed 20%
☐	Consideration of one-way loop public or private roads
☐	To minimize cuts, the 50’ x 50’ corner vision may be reduced, but no lesser than 30’

COMMUNITY DEVELOPMENT DEPARTMENT
PLAT/LAND MODIFICATION APPLICATION GUIDE

Town of Paradise Valley ● 6401 East Lincoln Drive ● Paradise Valley, Arizona 85253 ● Phone: (480) 348-3692

GENERAL CONDITIONS

The Town Code requires certain general conditions the Town may include as part of an approval of a plat or land modification. The property owner or designee typically completes these conditions prior to plat or map recordation and/or prior to a certain phase of the development; such as, prior to issuance of a building permit or issuance of a Certificate of Occupancy. Below is an illustrative list of typical conditions that may apply to any plat or land modification.

☐	Submittal of any required assurance(s) and/or final plans for public improvements for review and approval by the Town Engineer and Town Attorney in accordance with Article 6-4 of the Town Code
☐	Submittal of any Covenants, Conditions & Restrictions (CC&Rs) for Town Attorney review to ensure the CC&R's address continuous maintenance and operation of facilities for common use and/or public benefit as described in Section 6-4-3.J of the Town Code
☐	Recordation of any applicable access and/or maintenance agreements as may be necessary pursuant to Section 6-3-7, Section 6-3-8, and/or Section 6-4-3.J of the Town Code, with such agreements to include the right of the Town to do the maintenance after reasonable notice if the property owners fail to do the maintenance, the ability to recover costs, and the ability to place a lien if not reimbursed
☐	Completion of improvements to service the development related to street, water, sewer, fire hydrant, drainage, and utilities as described in Article 6-4 of the Town Code
☐	Completion of landscaping within the public or private street right-of-way as described in Section 5-10-1.G and Section 5-10-7.D of the Town Code
☐	Installation of permanent survey markers shall be installed in accordance with current Town standards; After all improvements have been installed, a registered land surveyor or civil engineer, at the expense of the developer, shall check the location of markers, correct any inaccuracies, and certify their accuracy
☐	Coordination with the Town Engineer and Town Public Works Director for the installation of street signs per the Town's Address & Street Assignment Manual
☐	Notification of the appropriate utility provider(s) and any application Town permit(s), with such notice to include date of trenching and location sketches, in accordance with Section 6-4-3.H of the Town Code
☐	Placement of other minimum restrictions and/or maintenance provisions to prevent the depreciation of the character of the area and/or property values as described in Section 6-3-10 of the Town Code

COMMUNITY DEVELOPMENT DEPARTMENT
PLAT/LAND MODIFICATION APPLICATION GUIDE

Town of Paradise Valley ● 6401 East Lincoln Drive ● Paradise Valley, Arizona 85253 ● Phone: (480) 348-3692

NOTICING REQUIREMENTS

At certain times during the plat/land modification application process, neighborhood notification may be required in accordance with Arizona Revised Statutes, Town Code, and/or by Town policy. Notification may include, but is not limited to, posting and/or mailing notification to nearby property owners regarding the application request and the applicable meeting date(s). An applicant is always encouraged to meet with interested parties and neighbors any number of times above and beyond the minimum noticing requirements.

The minimum noticing requirements required for the applicant are outlined in Table 1 below. The notice of the application request include the scheduled meeting date/time when the Planning Commission and/or Town Council will make a recommendation or act on the application request. Work session/study meetings and meetings/hearings continued to a date certain do not require additional noticing.

Posting of Property

It shall be the responsibility of the applicant to properly post and document the site/property. The basic steps include: (1) obtaining an official posting notice(s) from the Community Development Department at least 21 calendar days prior to the scheduled meeting date; (2) posting the official notice on the subject site/property in a visible location no earlier than 21 calendar days and no later than 15 calendar days prior to the scheduled meeting date; and (3) signing, notarizing, and submitting an affidavit of posting along with a color photo of the posted sign to the Community Development Department no later than 15 calendar days prior to the scheduled meeting date.

Mailing Notification

It shall be the responsibility of the applicant to properly mail the notice by the required deadline dates and document such mailing to the Town. The basic steps include: (1) Providing a list of all property owners with respective Maricopa County Tax Parcel Number for all properties within the notice area. Notice area is 1,500 feet from perimeter of subject property, or as specified by the Town; (2) Providing a sample Notice of Public Hearing (on page 6 below) for staff review and approval. Verify with staff if language must be added to the Notice of Public Hearing regarding remote participation requirements; (3) Mailing the Notice of Public Hearing no earlier than 21 calendar days and no later than 15 calendar days prior to the scheduled meeting date; (4) Verifying with the staff member processing your application that there are no additional persons of interest that will require notification; (5) Making sure each envelope has the Town return address of, “Town of Paradise Valley Planning Division, 6401 East Lincoln Drive, Paradise Valley AZ 85253-4399”, and (6) Signing, notarizing, and submitting the affidavit of mailing along with a copy of the notice and mailing address list to the Community Development Department no later than 15 calendar days prior to the scheduled meeting date

Table 1

Application Type [1]	**Reviewing/Approval Body**	**Posting of Property**	**Mailing Notification**
Lot Line Adjustment/Combo	Community Development Director/Town Engineer	No	No
Lot Line Adjustment/Combo with Deviation from Town Standards	Planning Commission Town Council	No	Yes, 500' radius 21 to 15 days prior to meeting
Lot Split (≤ 2.5 Net Acres)	Planning Commission Town Council [2]	No	Yes, 500' radius 21 to 15 days prior to meeting
Lot Split (> 2.5 Net Acres)	Community Development Director/Town Engineer	No	No
Lot Split with Deviation from Town Standards	Planning Commission Town Council	No	Yes, 500' radius 21 to 15 days prior to meeting
Preliminary Plat	Planning Commission Town Council [3]	No	Yes, 1,500' radius 21 to 15 days prior to meeting
Final Plat	Planning Commission [4] Town Council	No	Yes, 1,500' radius 21 to 15 days prior to meeting
Replat	Planning Commission [4] Town Council	No	Yes, 1,500' radius 21 to 15 days prior to meeting
Lot Line Adjustment/Lot Combo/Lot Split on Special Use Permit (SUP) properties	Town Council	No	Yes, 1,500' radius 21 to 15 days prior to meeting

[1] No newspaper notification required for any plat/land modification application

[2] If denied by Planning Commission or not unanimous vote requires Council review/approval

[3] If rejected by Planning Commission, plat is appealable to Council - Refer to Section 6-2-2.D

[4] If final plat not meeting a stipulation or not in substantial compliance with preliminary plat- requires Commission review/recommendation

COMMUNITY DEVELOPMENT DEPARTMENT
AFFIDAVIT OF MAILING NOTIFICATION

Town of Paradise Valley ● 6401 East Lincoln Drive ● Paradise Valley, Arizona 85253 ● Phone: (480) 348-3692

STATE OF ARIZONA)
) ss:
County of Maricopa)

In accordance with the requirements of the Town of Paradise Valley, the undersigned hereby certifies that all the property owners within 1,500 feet of the property, as obtained from the Maricopa County Assessor's Office on _____, for the proposed application _____ has been mailed on the following
(Case Number)
date _____, 20 _____.

(This property list shall not be older than thirty (30) days at the time of filing of the application).

_____

_____

The foregoing instrument was acknowledged by me this _____ day of _____,

20 _____, by _____.
Name

_____
NOTARY PUBLIC

My commission expires:

_____

EXHIBIT A

STATE OF ARIZONA)

) ss

County of Maricopa)

KNOW ALL MEN BY THESE PRESENTS:

_____; _____, as legal Name of
owner(s) Status (i.e.: husband, wife, corporation, etc.)

owners of said real property, have subdivided or has joined under the name of _____,

(name of subdivision)

a subdivision located at _____,

(legal description)

as shown and platted hereon and hereby publish this plat and hereby declare that this plat sets forth the location and gives the dimensions of the lots and streets constituting same and that each lot and street shall be known by the number or name given each respectively on this plat, and hereby dedicate and grant to the Town of Paradise Valley the streets and rights-of-way shown on this plat and included in the above-described premises. Easements are hereby dedicated for the purposes shown.

IN WITNESS WHEREOF:

_____,, as owners, have hereunto affixed their

signature this _____ day of _____, 20_____,

_____ _____
(name of owner) (name of owner)

ACKNOWLEDGMENTS

STATE OF ARIZONA)

) ss

County of Maricopa)

Before me this _____ day of _____, 20_____, the following persons appeared before me, the undersigned notary public, _____ and _____, who acknowledged (a) themselves to be _____ and _____; and acknowledged (b) themselves to be the legal owners of the property platted hereon; and acknowledged (c) that they, as legal owners, executed this instrument for the purposes herein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires: _____ _____

Notary Public

EXHIBIT A – MODIFIED
DRAINAGE EASEMENT

STATE OF ARIZONA)
) ss
County of Maricopa)

KNOW ALL MEN BY THESE PRESENTS:

_____; _____, as legal
Name of owner(s) Status (i.e.: husband, wife, corporation, etc.)

owners of said real property, have modified the drainage easement under the name of_____,
(name of plat)

a subdivision located at_____,
(MCR# and/or APN#)
as shown and platted hereon and hereby publish this plat and hereby declare that this plat sets forth the location and gives the dimensions of the lots and streets constituting same and that each lot and street shall be known by the number or name given each respectively on this plat, and hereby modifies and dedicates the drainage easement, included in the above-described premises. Easements are hereby dedicated for the purposes shown.

IN WITNESS WHEREOF:

_____, as owners, have hereunto affixed

their signature this_____day of_____, 20_____,

_____ _____

(name of owner) (name of owner)

ACKNOWLEDGMENTS

STATE OF ARIZONA)
) ss
County of Maricopa)

Before me this_____day of_____, 20_____, the following persons appeared before me, the undersigned notary public,_____and____, who acknowledged (a) themselves to be _____and_____; and acknowledged (b) themselves to be the legal owners of the property platted hereon; and acknowledged (c) that they, as legal owners, executed this instrument for the purposes herein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires: _____ _____
Notary Publi

EXHIBIT B

RATIFICATION

_____; _____

(names of any and all mortgages of all or any part of the subdivision)

mortgagee(s) of _____, hereby ratifies, approves, and acquiesces in the dedications as stated in this dedication.

By_____

(name and title of responsible official empowered to so represent the mortgagee)

ACKNOWLEDGMENT

STATE OF ARIZONA)

) ss

County of Maricopa)

Before me this _____ day of _____, 20_____, the following person personally appeared before me, the undersigned notary public, _____, who acknowledged (a) himself

(name of responsible person)

to be _____; of _____, being duly

(title of responsible person)

authorized so to do, executed this instrument for the purpose herein contained by signing the name of _____, by himself as _____.

(owner) (title)

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires: _____ _____

Notary Public

EXHIBIT C

CERTIFICATION

This is to certify that (1) the survey of the premises described and platted herein were made under my direction during the month of _____, 20_____, and (2) this plat is correct and accurate, and (3) the monument or monuments shown herein have been located as described.

_____

Registered Land Surveyor

APPROVAL:

EXHIBIT D

Approved by the Town Council of the Town of Paradise Valley, Arizona this _____ day of _____, 20_____.

By: _____ Attest:_____

Mayor Town Clerk

_____ _____

Town Engineer Planning Director

EXHIBIT E

DRAINAGE EASEMENT RESTRICTIONS

Pursuant to A.R.S. § 9-463.01 (c), and Sections 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 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.

Maricopa County Recorder Plat and Map Recordation Criteria

Recorder and Elections Dept.
111 S. Third Ave.
Phoenix AZ 85003
Hours: 8:00 A.M. - 5:00 P.M. Monday - Friday
Phone: 602-506-3535

The following criteria must be met in order for maps to be accepted by the Maricopa County Recorder's Office.
**This is not inclusive and we reserve the right to reject any maps not meeting the ARS guidelines*
***This refers to maps other than those that are 8 ½" X 14" or smaller*

GENERAL CRITERIA:

- **MATERIAL** Must be printed on Polyester or Linen (mylar) per ARS 11-481-B
- **AUTHENTICITY** Must be original map or photographic copy of map
  (please see criteria for signature) ARS 11-481-B
  DO NOT USE DIAZO per ARS 11-481-B
  **Recommended to test copies with kit.
- **TITLE** Must contain title indicating:
  - Type of map or plat
  - Name of subdivision or a description of the location of the area by section, township & range
  - Name of the owner of record of the property being surveyed per ARS 11-481-A
    Examples:
    Record of Survey of Sec. 17, T 21N, R 07E
    Owner: John and Mary Smith

    Final Plat of Cheshire Estates Unit 3 in Sec. 5, T 21 N, R 07E
    Owner: J. Smith Development
  - A place for the recorder's Information and seal block on the sheet
- **SEAL AND SIGNATURE** All seals and signatures must be original per ARS 11-480-A3 and in **black** ink to ensure quality reproduction. (**dark** blue ink may be accepted)
- **LEGIBILITY** All maps must be sufficiently legible to **reproduce** legibly from microfiche images and contain at least 11 point type per ARS 11-480

  We will not be able to accept maps for recordation that have: printing or markings that are lighter than the rest of the map, maps that have Information overlapping, or maps that are "mirrored."

TYPE SPECIFIC CRITERIA:

SUBDIVISION

- 24" X 36"
- Drawn to accurate scale with at least 11pt. type with left margin of 2 inches
- Approvals by governing body of City or County with original signatures: per ARS 9-475; ARS 9-478
- Authorization from Water Commission received by Recorder's Office (Unless in exempt area: Flagstaff) Per ARS 45-108

RECORD OF SURVEY or any other map

- 18" X 24" or 24" X 36"
- Drawn to accurate scale with at least 11pt. type with left margin of 2 inches
- Parcel not split into more than 6 lots
- Exceptions: Lots are 36 acres or more per ARS 32-2101

All other maps may be recorded if they are letter or legal size on paper or polyester. They will be treated as regular recordings.
Exceptions:
Maps required to be recorded by the director of water resources under ARS 45-401 through ARS 45-704

January 16th, 2024

Mr. Brandon McMahon
Planner
Town of Paradise Valley
6401 E. Lincoln Drive
Paradise Valley, Arizona 85253

Re: Non-Administrative Lot Split
7030 E Horseshoe Road
Paradise Valley, AZ 85253
Parcel 174-30-023A

Dear Mr. McMahon:

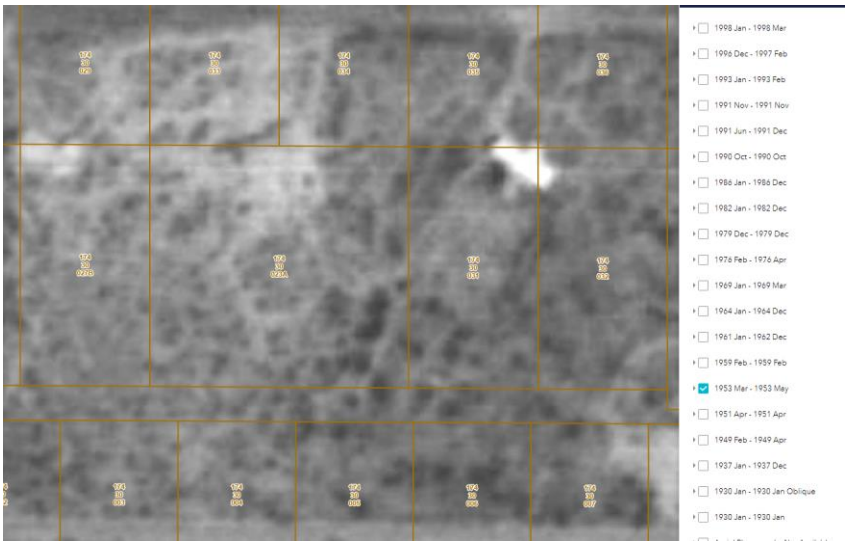
We are pleased to submit this application for a lot split of the existing parcel 174-30-023A, located at 7030 E Horseshoe Road.

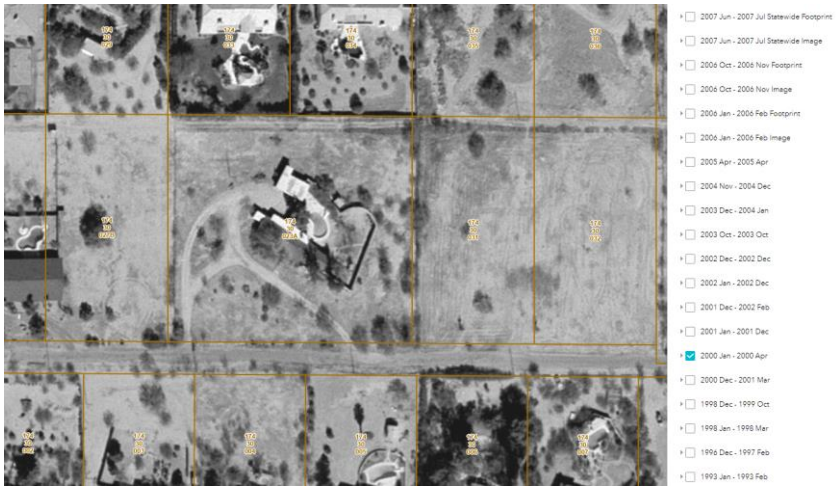
The subject property is currently not a part of a residential subdivision and it is described as a portion of the NW ¼, of the NE ¼, of the NE ¼ of Section 34, T3N, R4E.

The property is bounded by Horseshoe Road (South) and large residential properties from the North, West and East. The 2.318-acre lot is zoned R-43, which in accordance with the Town of Paradise Valley Zoning Ordinance allows for one dwelling unit per acre density.

As a part of the project development process, a lot split plat map subject to the Town of Paradise Valley review and approval is prepared and enclosed herein. The owner is proposing to split the existing property into two lots. The proposed lot split map defines the new property divider lines, location and distances of new building setback lines and public utility easements. Both lots will exceed the minimum required area of 1 acre per Chapter 6 of Town of Paradise Valley Code.

Based on our research of the historic aerial maps, there was a home built on the parcel since 1953. The existing home, walls, pool and driveway will be removed as a part of this project after a demo permit is issued in accordance with the Town's requirements.







The proposed split map sets the new boundary line to be exactly in the middle of the property, making the new lots with equal areas.

Berneil Water Company supplies domestic water in the vicinity. There is a water main in Horseshoe Road. There are three water meters found at the southwest property corner. There is an existing fire hydrant at Horseshoe Road right of way, 5' from the southwest property corner. Will Serve Letters have been provided by the utility providers.

The Town of Paradise Valley is the sanitary sewer provider in the vicinity of this project. There are currently no sanitary sewer mains in Horseshoe Road. The lot is served by a private septic system. There is an existing sanitary sewer main located in 66th Place. The developer's intent is to maintain septic systems for the new homes.

New 6' wide public utility easements are proposed along the divider line.

Existing two 9'x1.5' drainage openings were noted at the east property line. Historically the flows ran to the south along the east property line and ultimately discharged at the right of way Horseshoe Road. A drainage easement will be recorded as a part of the building permitting process for the east lot.

Should you have any questions regarding our application, please feel free to contact me.

Sincerely,

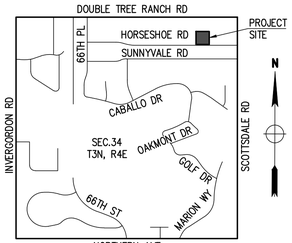
Nick Prodanov

Nick Prodanov, PE, PMP
Principal
Land Development Group, LLC
8808 N Central Ave., Suite 288
Phoenix, AZ 85020
P: 602 889 1984
nick@ldgeng.com

"HORSESHOE ESTATES"

A LOT SPLIT OF PARCEL NO. 174-30-023A

LOCATED IN A PORTION OF THE NW 1/4 OF THE NE 1/4 OF THE NE 1/4 OF SECTION 34, T.3N, R.4E OF THE GILA & SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP
NTS

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

EUGENE A. & NUREEN K. PARSONS TRUST, AS LEGAL OWNER OF SAID REAL PROPERTY, HAS SUBDIVIDED PARCEL NO. 174-30-023A, MARICOPA COUNTY RECORDS, LOCATED IN A PORTION OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA UNDER THE NAME OF "HORSESHOE ESTATES", AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS LOT SPLIT AND HEREBY DECLARES THAT THIS LOT SPLIT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS AND STREETS CONSTITUTING SAME AND THAT EACH LOT AND STREET SHALL BE KNOWN BY THE NUMBER OR NAME GIVEN EACH RESPECTIVELY ON THIS PLAT AND HEREBY DEDICATES AND GRANTS TO THE TOWN OF PARADISE VALLEY THE STREETS AND RIGHT OF WAY SHOWN ON THIS LOT SPLIT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE HEREBY DEDICATED FOR THE PURPOSES SHOWN.

IN WITNESS WHEREOF:

EUGENE A. & NUREEN K. PARSONS TRUST, AS OWNER, HAS HEREUNTO AFFIXED HIS SIGNATURE THIS _____ DAY OF _____, 2024.

_____

_____

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS _____ OF _____, 2023, BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED, _____, WHO ACKNOWLEDGED SELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF; I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

_____
NOTARY PUBLIC DATE

_____, 20_____
MY COMMISSION EXPIRES

DRAINAGE EASEMENT RESTRICTIONS

PURSUANT TO A.R.S. §9-463.01 (c), AND SECTIONS 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 THOUGH 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.

GENERAL NOTES

1. THIS IS NOT AN ALTA/ACSM TITLE SURVEY.
2. NO CC&R'S ARE CREATED WITH THIS MAP. EXISTING CC&R'S AFFECTING THE SUBJECT PROPERTIES ARE RECORDED IN DOCKET 914, PAGE 113, MCR.
3. BUILDING SETBACK LINES, ZONING, FLOOD AREA ZONES, OWNERSHIP INFORMATION, AND ADDRESSES THAT MAY BE SHOWN ARE SUPPLIED BY THE GOVERNING AGENCY OR TAKEN FROM THE BEST AVAILABLE RECORDS. THE SURVEYOR WILL NOT ACCEPT RESPONSIBILITY FOR THE ACCURACY OF ANY INFORMATION SUPPLIED BY OTHERS.
4. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS MAP, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAT POSSIBLE EASEMENTS, WHICH WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
5. THE DESCRIPTION OF PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON, REPRESENT THAT INFORMATION PROVIDED IN WARRANTY DEED RECORDED IN DOC. NO 2006-0327066, M.C.R.
6. EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED OR AVAILABLE TO THE SURVEYOR AT THE TIME OF THE SURVEY.
7. ANY INFORMATION SHOWN WHICH MAY VARY FROM THE CONTENTS OF THE REPORT(S) NOTED ABOVE, REPRESENTS INFORMATION AND MEASUREMENTS FOUND DURING THE COURSE OF THE SURVEY.
8. UNLESS OTHERWISE NOTED, ALL DIMENSIONS SHOWN ARE MEASURED.
9. THE EXISTING STRUCTURES ON THE LOT WILL BE DEMOLISHED. THIS INCLUDES THE SINGLE-FAMILY RESIDENCE, ACCESSORY STRUCTURES, AND ANY SITE WALLS. THE TOWN WILL NOT RECORD A PLAT UNTIL A DEMO PERMIT IS APPLIED, ISSUED, AND FINALIZED.
10. ALL LANDSCAPING WITHIN THE RIGHTS-OF-WAY WILL BE LANDSCAPED IN ACCORDANCE WITH SECTION 5-10-7.D OF THE TOWN CODE AND THE TOWN LANDSCAPE GUIDELINES.

UTILITIES

WATER: BERNEIL WATER COMPANY
SANITARY SEWER: SEPTIC
ELECTRIC: APS
TELEPHONE: CENTURY LINK, COX COMMUNICATIONS
NATURAL GAS: SOUTHWEST GAS
CABLE TV: CENTURY LINK, COX COMMUNICATIONS

FLOOD INSURANCE RATE MAP (FIRM) DATA

COMMUNITY # 040049	PANEL # 1765 OF 4425		SUFFIX L	BASE FLOOD ELEVATION N/A
MAP # 04013C	PANEL DATE 10/16/2013	FIRM INDEX DATE 11/04/2015	ZONE X*	

*AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

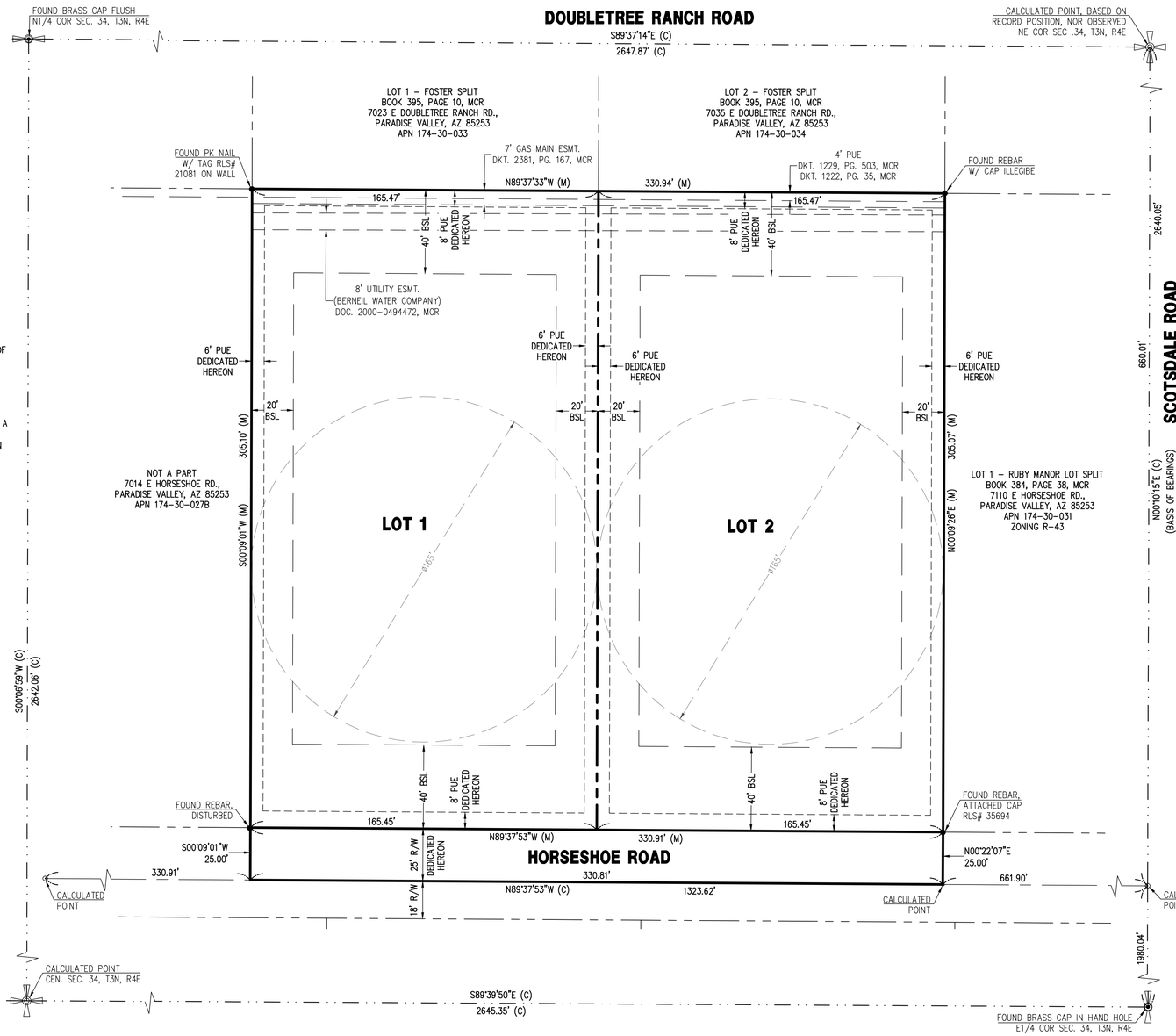
LEGEND

- SECTION CORNER
- 1/4 QUARTER
- BRASS CAP FLUSH
- BRASS CAP IN HANDHOLE
- CALCULATED POINT
- FOUND REBAR AS NOTED
- NEW PROPERTY CORNER
- PROPERTY LINE
- ADJACENT LOT PROPERTY LINE
- EASEMENT LINE
- MONUMENT LINE
- SECTION LINE

N

30' 15' 0 30'

SCALE 1" = 30'



OWNER

EUGENE A. & NUREEN K. PARSONS TRUST
7030 E HORSESHOE RD.
PARADISE VALLEY, AZ 85253

PARENT SITE DATA

APN: 174-30-023A
ADDRESS: 7030 E HORSESHOE RD., PARADISE VALLEY, AZ 85253
LOT AREA: 100,960 S.F. (2.318 AC.);
QS #: 26-44

ZONING

R-43

NEW LOT AREAS

LOT 1: 50,481 S.F. (1.159 AC.)
LOT 2: 50,479 S.F. (1.159 AC.)

BASIS OF BEARINGS

THE CALCULATED EAST LINE OF SECTION 34, T3N, R4E, THE BEARING OF WHICH IS N00°10'15"E.

PARENT LEGAL DESCRIPTION

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN.

EXCEPT THE NORTH 9 FEET OF THE SOUTH 23 FEET THEREOF;

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE SOUTH 16 FEET OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, AS SET FORTH IN INSTRUMENT RECORDED SEPTEMBER 28, 1961 IN DOCKET 3862, PAGE 525.

LOT 1 - NEW LEGAL DESCRIPTION

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN.

EXCEPT THE SOUTH 25 FEET THEREOF FOR RIGHT OF WAY;

LOT 2 - NEW LEGAL DESCRIPTION

THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN.

EXCEPT THE SOUTH 25 FEET THEREOF FOR RIGHT OF WAY;

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT (1) THE SURVEY OF THE PREMISES DESCRIBED AND PLATTED HEREIN WERE MADE UNDER MY DIRECTION DURING THE MONTH OF DECEMBER, 2023, AND (2) THIS PLAT IS CORRECT AND ACCURATE, AND (3) THE MONUMENT OR MONUMENTS SHOWN HEREIN HAVE BEEN LOCATED AS DESCRIBED.

REGISTERED LAND SURVEYOR CERTIFICATE NO. 35694 JAMES B. FLACK Date Signed 01/12/24 ARIZONA, U.S.A.

JAMES FLACK, RLS — 01/12/24 DATE

APPROVAL

APPROVED BY THE TOWN PLANNING COMMISSION OF THE TOWN OF PARADISE VALLEY, ARIZONA THIS _____ DAY OF _____, 2024.

_____ TOWN ENGINEER

_____ COMMUNITY DEVELOPMENT DIRECTOR

REVISIONS:	DATE:	SCALE: 1"=30'	DATE: 01/12/24
		DESIGNED BY: NP	JOB: 2311.356
		DRAWN BY: DW	VERSION: 1.2
		CHECKED BY: JF	PLOT DATE: 01/12/24

THE DRAWING IS AN INSTRUMENT OF SERVICE AND AS SUCH SHALL REMAIN PROPERTY OF LAND DEVELOPMENT GROUP, LLC. UNAUTHORIZED USE, REUSE, REPRODUCTION, OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF LAND DEVELOPMENT GROUP, LLC IS PROHIBITED. THE USE OF THIS DRAWING SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH IT WAS PREPARED.

LOT SPLIT MAP

'HORSESHOE ESTATES'
7030 E HORSESHOE RD.,
PARADISE VALLEY,
AZ 85253

P. 602 889 1984 | F. 602 445 9482
8808 N. CENTRAL AVE., SUITE 288
PHOENIX, AZ 85020
PHOENIX@LDGENG.COM
Land DEVELOPMENT GROUP

1 OF 1

PAVING PLAN
FOR
"HORSESHOE ESTATES"
A LOT SPLIT OF PARCEL NO. 174-30-023A
LOCATED IN A PORTION OF THE NW 1/4 OF THE NE 1/4 OF THE NE 1/4 OF SECTION 34, T.3N, R.4E OF THE GILA & SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

GENERAL NOTES (PARADISE VALLEY) FOR PUBLIC WORKS CONSTRUCTION

1. ALL CONSTRUCTION IN THE PUBLIC RIGHTS-OF-WAY OR IN EASEMENTS GRANTED FOR PUBLIC USE MUST CONFORM TO THE LATEST MARICOPA ASSOCIATION OF GOVERNMENTS (MAG) UNIFORM STANDARD SPECIFICATIONS AND UNIFORM STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION.
2. THE TOWN ONLY APPROVES THE SCOPE, NOT THE DETAIL, OF ENGINEERING DESIGNS; THEREFORE, IF CONSTRUCTION QUANTITIES ARE SHOWN ON THESE PLANS, THEY ARE NOT VERIFIED BY THE TOWN.
3. THE APPROVAL OF PLANS IS VALID FOR SIX (6) MONTHS. IF AN ENCROACHMENT PERMIT FOR THE CONSTRUCTION HAS NOT BEEN ISSUED WITHIN SIX MONTHS, THE PLANS MUST BE RESUBMITTED TO THE TOWN FOR REAPPROVAL.
4. A PUBLIC WORKS INSPECTOR WILL INSPECT ALL WORKS WITHIN THE TOWN OF PARADISE VALLEY RIGHTS-OF-WAY AND IN EASEMENTS. NOTIFY INSPECTION SERVICES 24 HOURS PRIOR TO BEGINNING CONSTRUCTION BY CALLING 480- 312-5750.
5. WHENEVER EXCAVATION IS NECESSARY, CALL THE BLUE STAKE CENTER, 602-263-1100, TWO WORKING DAYS BEFORE EXCAVATION BEGINS. THE CENTER WILL SEE THAT THE LOCATION OF THE UNDERGROUND UTILITY LINES IS IDENTIFIED FOR THE PROJECT. CALL "COLLECT" IF NECESSARY.
6. ENCROACHMENT PERMITS ARE REQUIRED FOR ALL WORK IN PUBLIC RIGHTS-OF-WAY AND EASEMENTS GRANTED FOR PUBLIC PURPOSES. AN ENCROACHMENT PERMIT WILL BE ISSUED BY THE CITY ONLY AFTER THE REGISTRANT HAS PAID A BASE FEE PLUS A FEE FOR INSPECTION SERVICES. COPIES OF ALL PERMITS MUST BE RETAINED ON-SITE AND BE AVAILABLE FOR INSPECTION AT ALL TIMES. FAILURE TO PRODUCE THE REQUIRED PERMITS WILL RESULT IN IMMEDIATE SUSPENSION OF ALL WORK UNTIL THE PROPER PERMIT DOCUMENTATION IS OBTAINED.
7. ALL EXCAVATION AND GRADING THAT IS NOT IN THE PUBLIC RIGHTS-OF-WAY OR NOT IN EASEMENTS GRANTED FOR PUBLIC USE MUST CONFORM TO CHAPTER 70, EXCAVATION AND GRADING, OF THE LATEST EDITION OF THE UNIFORM BUILDING CODE PREPARED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS. A PERMIT FOR THIS GRADING MUST BE SECURED FROM THE CITY FOR A FEE ESTABLISHED BY THE UNIFORM BUILDING CODE.
8. EXCAVATIONS SHALL COMPLY WITH REQUIREMENTS OF OSHA EXCAVATION STANDARDS (29 CFR, PART 1926, SUBPART P). UNDER NO CIRCUMSTANCES WILL THE CONTRACTORS BE ALLOWED TO WORK IN A TRENCH LOCATED WITHIN THE TOWN'S RIGHT-OF-WAY WITHOUT PROPER SHORING OR EXCAVATION METHODS.

TOWN OF PARADISE VALLEY PAVING NOTES

1. CONSTRUCTION WITHIN THE TOWN'S RIGHT-OF-WAY SHALL CONFORM TO THE LATEST APPLICABLE MARICOPA ASSOCIATION OF GOVERNMENTS (M.A.G.) UNIFORM STANDARD SPECIFICATIONS AND DETAILS.
2. COMPACTION SHALL COMPLY WITH M.A.G. SECTION 601.
3. OBSTRUCTIONS TO PROPOSED IMPROVEMENTS IN THE RIGHT-OF-WAY SHALL BE REMOVED OR RELOCATED BEFORE BEGINNING CONSTRUCTION OF THE PROPOSED IMPROVEMENTS.
4. PAVEMENT REPLACEMENT THICKNESS AND TYPE ARE TO BE PER M.A.G. SECTION 336. (1/2" COP LOW VOLUME MIX – 3" AC ON 6" AB MINIMUM REQUIRED OR MATCH EXISTING, WHICHEVER IS GREATER. CRACK SEAL JOINTS.
   CURB AND GUTTER REPLACEMENT SHALL BE A MINIMUM OF ONE (1) FULL SECTION, PER M.A.G. STANDARD DETAIL 220. SIDEWALK REPLACEMENT SHALL BE A MINIMUM OF ONE (1) FULL PANEL PER M.A.G. STANDARD DETAIL 230.
5. CONCRETE SIDEWALKS SHALL BE DAVIS SAN DIEGO BUFF COLOR OR APPROVED EQUAL. VERIFY WITH TOWN INSPECTOR FOR REQUIRED COLOR OF CONCRETE PRIOR TO COMMENCEMENT OF THE WORK.
6. WATER VALVES AND SEWER MANHOLES SHALL HAVE A BLACK CONCRETE COLLAR.
7. TREES AND SHRUBBERY IN THE RIGHT-OF-WAY THAT CONFLICT WITH PROPOSED IMPROVEMENTS SHALL NOT BE REMOVED WITHOUT APPROVAL OF THE TOWN.

SPECIAL NOTES

1. EXISTING STRUCTURES, FOOTINGS, UTILITIES, SIDEWALKS, PAVEMENT, AND OTHER FACILITIES IMMEDIATELY ADJACENT TO EXCAVATIONS AND PAVEMENT REMOVALS SHALL BE PROTECTED AGAINST DAMAGE. CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO AVOID DAMAGE TO EXISTING ITEMS TO REMAIN IN PLACE, TO BE REUSED, OR TO REMAIN ON THE PROPERTY. CONTRACTOR SHALL REPLACE OR REPAIR ANY DAMAGED PROPERTY AT NO ADDITIONAL COST TO THE OWNER.
2. CONSTRUCT AND MAINTAIN SHORING, BRACING, AND SUPPORTS AS REQUIRED. ENSURE THAT ALL STRUCTURAL ELEMENTS AND TRENCHES ARE NOT OVERLOADED AND ARE PROPERLY BRACED. INCREASE STRUCTURAL SUPPORTS OR ADD NEW SUPPORTS AS MAY BE REQUIRED AS A RESULT OF ANY EXCAVATION, CUTTING, REMOVAL, DECONSTRUCTION, OR DEMOLITION WORK PERFORMED UNDER THIS CONTRACT. PROVIDE NEW SUPPORTS AND REINFORCEMENT FOR EXISTING CONSTRUCTION WEAKENED BY DEMOLITION, EXCAVATION, DECONSTRUCTION, OR REMOVAL WORK.
3. PROTECT ALL EXISTING UTILITIES INDICATED TO STAY IN SERVICE AND PROTECT AGAINST DAMAGE DURING DEMOLITION OPERATIONS. WHERE REMOVAL OF EXISTING UTILITIES AND PAVEMENT IS SPECIFIED OR INDICATED, PROVIDE APPROVED BARRICADES, TEMPORARY COVERING OF EXPOSED AREAS, AND TEMPORARY SERVICES OR CONNECTIONS.
4. ANY EXISTING UTILITIES TO REMAIN THAT WERE REMOVED OR DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
5. THE WORK UNDER THIS CONTRACT REQUIRES SPECIAL ATTENTION TO THE SCHEDULING AND CONDUCT OF THE WORK IN CONNECTION WITH THE USE OF THE EXISTING SEWER LINE. COORDINATE WITH THE OWNER (S) ALL CONSTRUCTION ACTIVITIES, WHICH CONSTITUTES A POTENTIAL INTERRUPTION TO OPERATIONS. INTERRUPTION TO WATER, SANITARY SEWER, STORM SEWER, TELEPHONE SERVICE, ELECTRIC SERVICE, AIR CONDITIONING, HEATING, FIRE ALARM, GAS SHALL BE COORDINATED WITH THE OWNER (S).
6. CONTRACTOR SHALL REPAIR EXISTING DAMAGED CONCRETE CURB AND PAVEMENT ADJACENT TO NEW CONSTRUCTION WORK.
7. CONTRACTOR MUST OBTAIN PERMITS FROM TOWN OF PARADISE VALLEY AND MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT PRIOR TO START OF CONSTRUCTION. RIGHT-OF-WAY PERMIT SHALL BE ISSUED BY THE TOWN OF PARADISE VALLEY AND PERMIT FOR INSPECTION OF SEWER MAIN TO BE ISSUED BY TOWN OF PARADISE VALLEY.

OFFSITE PAVING KEY-NOTES

1. SAWCUT & REMOVE 2' MIN. A.C. PAVEMENT IN KIND TO PROVIDE A CLEAN STRAIGHT EDGE.
2. CONSTRUCT 2' WIDE RIBBON CURB PER MAG STD DET 220-1, TYPE B.
3. MATCH EXISTING GRADE.
4. PROTECT IN PLACE.

NOTE: IF EXISTING PAVEMENT ON HORSESHOE ROAD IS DAMAGED DUE TO CONSTRUCTION THE TOWN RESERVES THE RIGHT TO REQUIRE THE DEVELOPER TO EITHER MILL AND OVERLAY OR PMM THE ENTIRE STREET (POLYMER MODIFIED MASTER SEAL APPLICATION)

LEGEND

- PROPERTY LINE
- EASEMENT LINE
- MONUMENT LINE
- SECTION LINE
- WATER VALVE
- FIRE HYDRANT
- CTV CABLE TV RISER
- TELEPHONE PEDESTAL
- A/C UNIT
- SEWER CLEANOUT
- MAILBOX
- PP POWER POLE
- E.M. ELECTRIC METER
- GM GAS METER
- CHAINLINK FENCE
- C COMMUNICATIONS LINE
- T CATV, PHONE
- G GAS LINE
- E ELECTRIC LINE
- OHE OVERHEAD ELECTRIC LINE
- 1319 EXISTING CONTOUR
- EXIST. DRAINAGE FLOW
- TREE
- PALO VERDE TREE

ABBREVIATIONS

EG	EXISTING GRADE
EL, ELEV	ELEVATION
EP	EDGE OF PAVEMENT
ESMT	EASEMENT
EX, EXIST.	EXISTING
(M)	MEASURED
MCR	MARICOPA COUNTY RECORDER
P, PVMT	PAVEMENT
PUE	PUBLIC UTILITY EASEMENT
(R), REC.	RECORDED
R	RADIUS
R/W	RIGHT OF WAY
T	TANGENT, TELEPHONE
TPV	TOWN OF PARADISE VALLEY
W	WEST, WATERLINE

ESTIMATED OFFSITE QUANTITIES

DESCRIPTION	QUANTITY
SAWCUT, REMOVE AND REPLACE AC PAVEMENT.....	73 SY
2' WIDE CONC. RIBBON CURB.....	330 LF

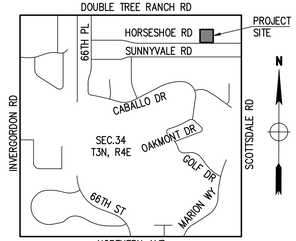
ALL QUANTITIES LISTED ON THESE PLANS ARE ESTIMATES ONLY. NO SHRINK OR SWELL IS ASSUMED. THE CONTRACTOR SHALL MAKE THEIR OWN DETERMINATION OF THE QUANTITIES AND BASE THEIR BIDS ON THEIR ESTIMATES.

AS-BUILT CERTIFICATION

I HEREBY CERTIFY THAT THE "RECORD DRAWING" MEASUREMENTS AS SHOWN HEREON WERE MADE UNDER MY SUPERVISION OR AS NOTED AND ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

REGISTERED ENGINEER

REGISTRATION NUMBER DATE



VICINITY MAP
NTS

SITE DATA

APN: 174-30-023A
ADDRESS: 7030 E HORSESHOE RD., PARADISE VALLEY, AZ 85253
LOT AREA: 100,960 S.F. (2.318 AC.);
QS #: 26-44

OWNER

EUGENE A. & NUREEN K. PARSONS TRUST
7030 E HORSESHOE RD.,
PARADISE VALLEY, AZ 85253

BENCHMARK

BRASS CAP FLUSH AT THE INTERSECTION OF 68TH STREET AND DOUBLE TREE RANCH ROAD, HAVING AN ELEVATION OF 1321.43 NAVD 88 DATUM, GDACS# 26093-21.

BASIS OF BEARINGS

THE CALCULATED EAST LINE OF SECTION 34, T3N, R4E, THE BEARING OF WHICH IS N00°10'15"E.

LEGAL DESCRIPTION

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN.

EXCEPT THE NORTH 9 FEET OF THE SOUTH 23 FEET THEREOF;

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE SOUTH 16 FEET OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, AS SET FORTH IN INSTRUMENT RECORDED SEPTEMBER 28, 1961 IN DOCKET 3862, PAGE 525.

UTILITIES

WATER: BERNEIL WATER COMPANY
SANITARY SEWER: SEPTIC
ELECTRIC: APS
TELEPHONE: CENTURY LINK, COX COMMUNICATIONS
NATURAL GAS: SOUTHWEST GAS
CABLE TV: CENTURY LINK, COX COMMUNICATIONS

FLOOD INSURANCE RATE MAP (FIRM) DATA

COMMUNITY #	PANEL #		SUFFIX	
040049	1765 OF 4425		L	BASE FLOOD ELEVATION N/A
MAP #	PANEL DATE	FIRM INDEX DATE	ZONE	
04013C	10/16/2013	11/04/2015	X*	

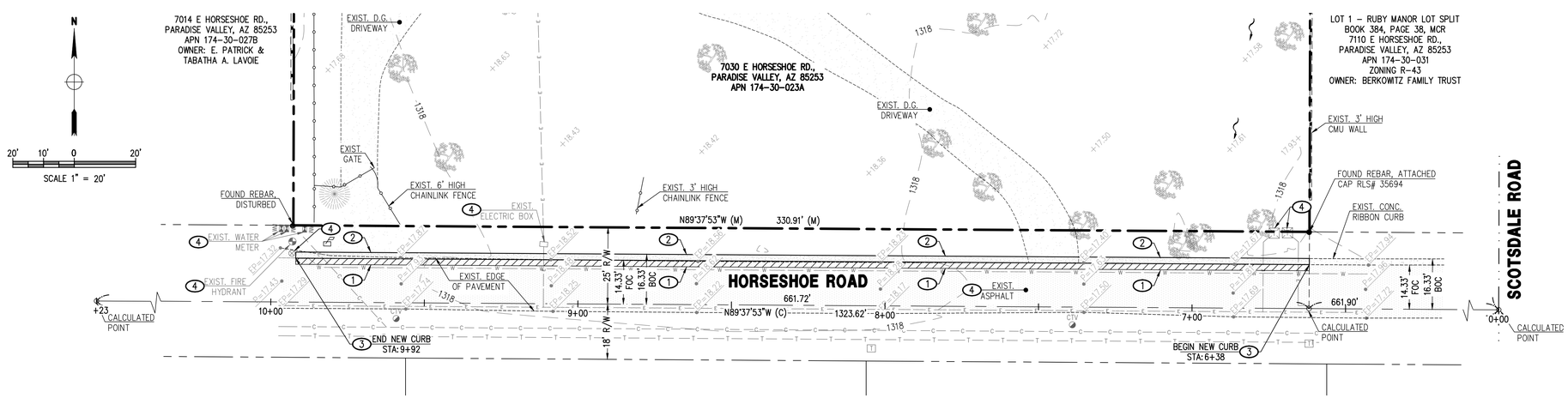
*AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

APPROVAL

THIS SET OF PLANS HAS BEEN REVIEWED FOR COMPLIANCE WITH TOWN OF PARADISE VALLEY REQUIREMENTS PRIOR TO ISSUANCE OF PERMIT. THE TOWN NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. THIS COMPLIANCE APPROVAL SHALL NOT PREVENT THE TOWN ENGINEER FROM REQUIRING CORRECTIONS OF ERRORS OR OMISSIONS IN THE PLANS TO BE FOUND IN VIOLATION OF LAWS OR ORDINANCES.

TOWN ENGINEER
TOWN OF PARADISE VALLEY

DATE



Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA811
Call 811 or click Arizona811.com

DATE: 01/12/24
SCALE: 1"=20'
JOB: 2311.356
DESIGNED BY: NP
VERSION: 1.1
DRAWN BY: DW
CHECKED BY: JB
PLOT DATE: 01/12/24
DATE:
REVISIONS:

THE DRAWING IS AN INSTRUMENT OF SERVICE AND AS SUCH SHALL REMAIN PROPERTY OF LAND DEVELOPMENT GROUP, LLC. UNAUTHORIZED USE, REUSE, REPRODUCTION, OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF LAND DEVELOPMENT GROUP, LLC IS PROHIBITED. THE USE OF THIS DRAWING SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH IT WAS PREPARED.

PAVING PLAN

PARCEL NO. 174-30-023A
7030 E HORSESHOE RD.,
PARADISE VALLEY,
AZ 85253

P. 602.889.1984 | F. 602.445.9482
8808 N. CENTRAL AVE., SUITE 288
PHOENIX, AZ. 85020
PHOENIX@LDDENG.COM
Land DEVELOPMENT GROUP

REGISTERED PROFESSIONAL ENGINEER
CERTIFICATE NO.
41005
NICKOLA J. PRODANOV
Date Signed 01/12/24
ARIZONA U.S.A.

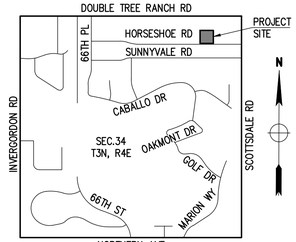
PV-1
1 OF 1

ALTA/NSPS LAND TITLE SURVEY

7030 E HORSESHOE RD., PARADISE VALLEY, AZ 85253

PARCEL NO. 174-30-023A

LOCATED IN A PORTION OF THE NW 1/4 OF THE NE 1/4 OF THE NE 1/4 OF SECTION 34, T.3N, R.4E OF THE GILA & SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP
NTS

SCHEDULE 'B' ITEMS

COMMITMENT FOR TITLE INSURANCE FILE NO.: 23-183709
BY: WFG NATIONAL TITLE INSURANCE COMPANY
DATE OF REPORT: NOVEMBER 14, 2023 AT 8:00 A.M.

1	DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.	NOT PLOTABLE, NOT SHOWN
2	ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS THAT ARE NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR THAT MAY BE ASSERTED BY PERSONS IN POSSESSION OF THE LAND.	NOT PLOTABLE, NOT SHOWN
3	ANY RIGHTS, INTERESTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS.	NOT PLOTABLE, NOT SHOWN
4	ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR, MATERIALS OR EQUIPMENT IN CONNECTION WITH IMPROVEMENTS, REPAIRS OR RENOVATIONS PROVIDED BEFORE, ON, OR AFTER DATE OF POLICY AND NOT SHOWN BY THE PUBLIC RECORDS AT DATE OF POLICY.	NOT PLOTABLE, NOT SHOWN
5	ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, CONFLICT IN BOUNDARY LINE(S), SHORTAGE IN AREA, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY AND/OR PHYSICAL INSPECTION OF THE LAND. THE TERM "ENCROACHMENT" INCLUDES ENCROACHMENTS OF EXISTING IMPROVEMENTS LOCATED ON THE LAND ONTO ADJOINING LAND, AND ENCROACHMENTS ON THE LAND OF EXISTING IMPROVEMENTS LOCATED ON ADJOINING LAND.	NO OBSERVED SIGNIFICANT ENCROACHMENTS FOUND DURING COURSE OF SURVEY
6	(A) TAXES OR ASSESSMENTS THAT ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; (B) PROCEEDINGS BY A PUBLIC AGENCY THAT MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS.	NOT PLOTABLE, NOT SHOWN
7	EASEMENTS OR CLAIMS OF EASEMENTS NOT SHOWN BY THE PUBLIC RECORDS.	NOT PLOTABLE, NOT SHOWN
8	(A) UNPATENTED MINING CLAIMS; (B)RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; AND (C) OIL, NATURAL GAS, COAL, FISSIONABLE MATERIALS OR OTHER MINERALS PREVIOUSLY CONVEYED, LEASED OR RETAINED BY PRIOR OWNERS, WHETHER OR NOT APPEARING IN THE PUBLIC RECORDS OR LISTED IN SCHEDULE B. THE COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS. THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF INTERESTS THAT ARE NOT LISTED.	NOT PLOTABLE, NOT SHOWN
9	ANY ADVERSE OWNERSHIP CLAIM BY RIGHT OF SOVEREIGNTY TO ANY PORTION OF THE LANDS INSURED HEREUNDER, INCLUDING TIDELANDS, SUBMERGED, FILLED AND ARTIFICIALLY EXPOSED LANDS AND LANDS ACCRETED TO SUCH LANDS OR DISPUTE AS TO THE BOUNDARIES PURPORTEDLY CAUSED BY A CHANGE IN THE LOCATION OF ANY WATER BODY WITHIN OR ADJACENT TO THE LAND.	NOT PLOTABLE, NOT SHOWN
10	WATER RIGHTS, AND CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.	NOT PLOTABLE, NOT SHOWN
11	RESERVATIONS AND/OR EXCEPTIONS CONTAINED IN THE PATENT FROM THE UNITED STATES OF AMERICA OR THE STATE OF ARIZONA.	NOT PLOTABLE, NOT SHOWN
12	PROPERTY TAXES, WHICH ARE A LIEN NOT YET DUE AND PAYABLE, INCLUDING ANY ASSESSMENTS COLLECTED WITH TAXES TO BE LEVIED FOR THE SECOND HALF OF THE FISCAL YEAR 2023.	NOT PLOTABLE, NOT SHOWN
13	LIABILITIES, OBLIGATIONS OR ASSESSMENTS, IF ANY, AFFECTING SAID LAND WHICH MAY EXIST BY REASON OF: (A) INCLUSION IN COMMUNITY FACILITY DISTRICTS WHICH MAY EXIST BY VIRTUE OF ASSESSMENT MAPS OR NOTICES FILED BY SAID DISTRICTS; (B) INCLUSION IN ANY DISTRICT FORMED PURSUANT TO TITLE 48, ARIZONA REVISED STATUTES, AND; (C) INCLUSION WITHIN THE FOLLOWING DISTRICT(S) AND/OR ASSOCIATION(S): VERDE RIVER IRRIGATION AND POWER DISTRICT.	NOT PLOTABLE, NOT SHOWN
14	TERMS, PROVISIONS, COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, CHARGES, ASSESSMENTS AND LIENS PROVIDED IN THE COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED ON APRIL 23, 1952, IN DOCKET 914, PAGE 113, OF OFFICIAL RECORDS.	BLANKET STYLE CONDITIONS, NO EASEMENTS DEFINED, DOCUMENT STATES NO BUILDING SHALL BE NEARER THAN 25' TO LINE OF ANY LOT OR PARCEL. SHOWN BY THE INDEX 14
15	EASEMENT AND THE TERMS AND CONDITIONS THEREOF AFFECTING A PORTION OF SAID PREMISES, AS RECORDED UNDER DOCKET 1222, PAGE 35 OF OFFICIAL RECORDS. IN FAVOR OF: PUBLIC FOR: PUBLIC UTILITIES	THIS ITEM DOES AFFECT THE SURVEY, AND IS
16	EASEMENT AND THE TERMS AND CONDITIONS THEREOF AFFECTING A PORTION OF SAID PREMISES, AS RECORDED UNDER DOCKET 1229, PAGE 503 OF OFFICIAL RECORDS. IN FAVOR OF: PUBLIC FOR: PUBLIC UTILITIES	THIS ITEM DOES AFFECT THE SURVEY, AND IS SHOWN BY THE INDEX 16
17	EASEMENT AND THE TERMS AND CONDITIONS THEREOF AFFECTING A PORTION OF SAID PREMISES, AS RECORDED UNDER DOCKET 1339, PAGE 81 OF OFFICIAL RECORDS. IN FAVOR OF: G.R. HEREBERGER AND KATHERINE KIERLAND HEREBERGER FOR: ROAD	THIS ITEM DOES AFFECT THE SURVEY, AND IS SHOWN BY THE INDEX 17
18	EASEMENT AND THE TERMS AND CONDITIONS THEREOF AFFECTING A PORTION OF SAID PREMISES, AS RECORDED UNDER DOCKET 2381, PAGE 167 OF OFFICIAL RECORDS. IN FAVOR OF: ARIZONA PUBLIC SERVICE COMPANY FOR: GAS MAIN	THIS ITEM DOES AFFECT THE SURVEY, AND IS SHOWN BY THE INDEX 18
19	EXCEPTION FOR ROAD PURPOSES AND THE TERMS AND PROVISIONS THEREOF, RECORDED AS DOCKET 872, PAGE 319, OF OFFICIAL RECORDS.	THIS ITEM DOES AFFECT THE SURVEY, AND IS SHOWN BY THE INDEX 19
20	NOTIFICATION OF DEDICATION OF PUBLIC ROADWAY AND THE TERMS AND PROVISIONS THEREOF, RECORDED AS DOCKET 11721, PAGE 80, OF OFFICIAL RECORDS.	THIS ITEM DOES AFFECT THE SURVEY, AND IS SHOWN BY THE INDEX 20
21	LICENSE AND AGREEMENT AND THE TERMS AND CONDITIONS THEREOF, RECORDED AS 2000-0494472, OF OFFICIAL RECORDS.	THIS ITEM DOES AFFECT THE SURVEY, AND IS SHOWN BY THE INDEX 21

LEGEND

- SECTION CORNER
- 1/4 QUARTER
- BRASS CAP IN HANDHOLE
- BRASS CAP FLUSH
- FOUND REBAR OR AS NOTED
- CALCULATED POINT
- PROPERTY LINE
- EASEMENT LINE
- MONUMENT LINE
- SECTION LINE
- WATER VALVE
- FIRE HYDRANT
- CTV — CABLE TV RISER
- T — TELEPHONE PEDESTAL
- A — A/C UNIT
- SEWER CLEANOUT
- MAILBOX
- PP — POWER POLE
- E.M. / ET1 — ELECTRIC METER
- GM — GAS METER
- POOL EQUIPMENT
- 15 — SCHEDULE B ITEM
- CHAINLINK FENCE
- C — COMMUNICATIONS LINE
- T — CATV, PHONE
- G — GAS LINE
- E — ELECTRIC LINE
- OHE — OVERHEAD ELECTRIC LINE
- 1319 — EXISTING CONTOUR
- EXIST. DRAINAGE FLOW
- TREE
- PALO VERDE TREE
- BUSH
- STUMP

ABBREVIATIONS

EG	EXISTING GRADE
EL, ELEV	ELEVATION
EP	EDGE OF PAVEMENT
ESMT	EASEMENT
EX, EXIST.	EXISTING
(M)	MEASURED
MCR	MARICOPA COUNTY RECORDER
P, PVMT	PAVEMENT
PUE	PUBLIC UTILITY EASEMENT
(R), REC.	RECORDED
R	RADIUS
R/W	RIGHT OF WAY
T	TANGENT, TELEPHONE
TPV	TOWN OF PARADISE VALLEY
W	WEST, WATERLINE

GENERAL NOTES

1. THE PREMISES SURVEYED HAVE NO KNOWN DISCREPANCIES, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHT-OF-WAYS EXCEPT AS SHOWN, AND APPEARS TO HAVE ACCESS FROM A DEDICATED PUBLIC ROADWAY WITH STREET NAME OF "HORSESHOE ROAD".
2. THIS IS AN ABOVE GROUND SURVEY. THE UNDERGROUND UTILITIES AS SHOWN ARE BASED ON INFORMATION PROVIDED BY THE VARIOUS UTILITY COMPANIES AND THESE LOCATIONS SHOULD BE CONSIDERED APPROXIMATE. THERE MAY BE ADDITIONAL UNDERGROUND UTILITIES, NOT SHOWN ON THIS DRAWING. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN HEREON ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE AT THE TIME OF THE SURVEY.
3. BUILDING SETBACK LINES, ZONING, FLOOD AREA ZONES, AND ADDRESSES THAT MAY BE SHOWN ARE SUPPLIED BY THE GOVERNING AGENCY OR TAKEN FROM THE BEST AVAILABLE RECORDS. THE SURVEYOR WILL NOT ACCEPT RESPONSIBILITY FOR THE ACCURACY OF ANY INFORMATION SUPPLIED BY OTHERS.
4. THE DESCRIPTION OF PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON, REPRESENT THAT INFORMATION PROVIDED ON TITLE REPORT PROVIDED BY CLIENT REFERENCED HEREON.
5. EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED OR AVAILABLE TO THE SURVEYOR AT THE TIME OF THE SURVEY. THERE MAY EXIST OTHER DOCUMENTS OF RECORD, WHICH WOULD AFFECT THIS PARCEL.
6. ANY INFORMATION SHOWN WHICH MAY VARY FROM THE CONTENTS OF THE REPORT(S) NOTED ABOVE, REPRESENTS INFORMATION AND MEASUREMENTS FOUND DURING THE COURSE OF THE SURVEY.
7. ON-SITE PLANT INFORMATION SHOWN HEREON IS FOR REFERENCE ONLY. SURVEYOR ASSUMES NO LIABILITY FOR THE EVALUATION, SALVAGEABILITY, REMOVAL AND/RELOCATION OF ON-SITE PLANT MATERIALS.
8. ALL MEASURED BEARINGS AND DISTANCES EQUAL RECORD UNLESS NOTED OTHERWISE.
9. ANY AERIAL MAPS SHOWN ON THIS PLAN ARE FOR REFERENCE ONLY AND DO NOT NECESSARILY DEPICT THE EXACT CURRENT CONDITIONS.
10. A ZONING REPORT OR LETTER WAS NOT PROVIDED AT TIME OF THIS SURVEY, THEREFORE, NO ZONING DATA HAS BEEN SHOWN HEREON.
11. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK FOR THIS SURVEY.
12. THERE WAS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK FOR THIS SURVEY.

OWNER

EUGENE A. & NUREEN K. PARSONS TRUST
7030 E HORSESHOE RD.,
PARADISE VALLEY, AZ 85253

SITE DATA

APN: 174-30-023A
ADDRESS: 7030 E HORSESHOE RD.,
PARADISE VALLEY, AZ 85253
LOT AREA: 100,960 S.F. (2.318 AC.);
QS #: 26-44

BENCHMARK

BRASS CAP FLUSH AT THE INTERSECTION OF 68TH STREET AND DOUBLE TREE RANCH ROAD, HAVING AN ELEVATION OF 1321.43 NAVD 88 DATUM, GDACS# 26093-21.

BASIS OF BEARINGS

THE CALCULATED EAST LINE OF SECTION 34, T3N, R4E, THE BEARING OF WHICH IS N00°10'15"E.

LEGAL DESCRIPTION

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN.

EXCEPT THE NORTH 9 FEET OF THE SOUTH 23 FEET THEREOF;

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE SOUTH 16 FEET OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, AS SET FORTH IN INSTRUMENT RECORDED SEPTEMBER 28, 1961 IN DOCKET 3862, PAGE 525.

UTILITIES

WATER: BERNEIL WATER COMPANY
SANITARY SEWER: SEPTIC
ELECTRIC: APS
TELEPHONE: CENTURY LINK, COX COMMUNICATIONS
NATURAL GAS: SOUTHWEST GAS
CABLE TV: CENTURY LINK, COX COMMUNICATIONS

FLOOD INSURANCE RATE MAP (FIRM) DATA

COMMUNITY #	PANEL #		SUFFIX	
040049	1765 OF 4425		L	BASE FLOOD ELEVATION N/A
MAP #	PANEL DATE	FIRM INDEX DATE	ZONE	
04013C	10/16/2013	11/04/2015	X*	

*AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

CERTIFICATE OF SURVEY

CERTIFIED TO:
-WFG NATIONAL TITLE INSURANCE COMPANY
-DFA PROPERTIES LLC, AN ARIZONA LIMITED LIABILITY COMPANY
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-5, 7(A), 7(B)(1), 10, 11(A), 16-19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED IN DECEMBER, 2023.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
35694
JAMES B.
FLACK
Date Signed 12/15/23
ARIZONA, U.S.A.

JAMES FLACK, RLS

12/15/23
DATE

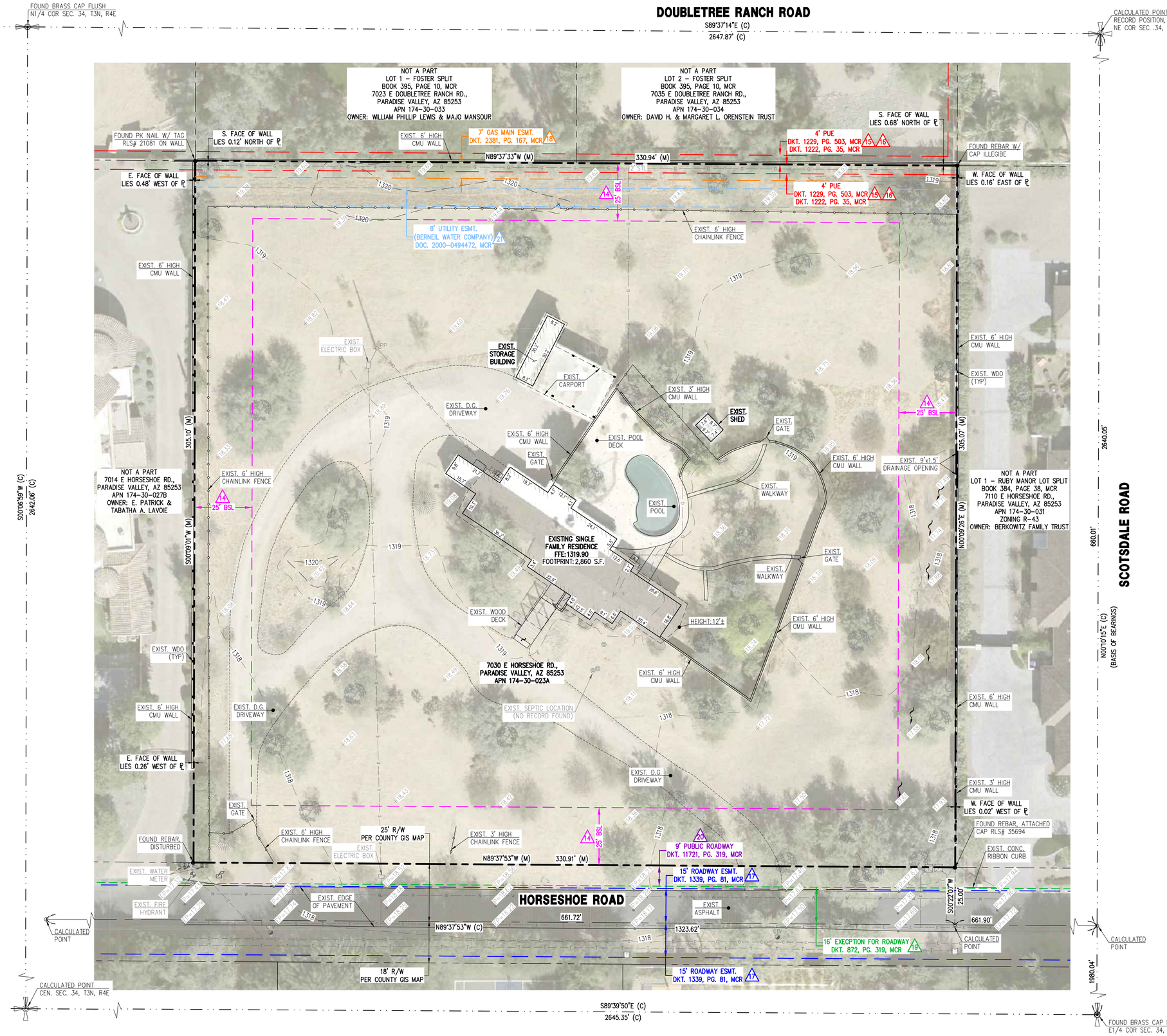
DATE: 12/15/23
SCALE: N.T.S.
DESIGNED BY: NP
DRAWN BY: SA
CHECKED BY: JF
JOB: 2311.356
VERSION: 1.1
PLOT DATE: 12/15/23
DATE:
REVISIONS:

THE DRAWING IS AN INSTRUMENT OF SERVICE AND AS SUCH SHALL REMAIN PROPERTY OF LAND DEVELOPMENT GROUP, LLC. UNAUTHORIZED USE, REUSE, REPRODUCTION, OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF LAND DEVELOPMENT GROUP, LLC IS PROHIBITED. THE USE OF THIS DRAWING SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH IT WAS PREPARED.

ALTA/NSPS LAND TITLE SURVEY

PARCEL NO. 174-30-023A
7030 E HORSESHOE RD.,
PARADISE VALLEY,
AZ 85253

P. 602.889.1984 | F. 602.445.9482
8808 N. CENTRAL AVE., SUITE 288
PHOENIX, AZ. 85020
PHOENIX@LDDENG.COM
Land DEVELOPMENT GROUP



DATE: 12/15/23
SCALE: 1"=20'
DESIGNED BY: NP
DRAWN BY: SA
CHECKED BY: JF
JOB: 2311.356
VERSION: 1.1
PLOT DATE: 12/15/23

THE DRAWING IS AN INSTRUMENT OF SERVICE AND AS SUCH SHALL REMAIN PROPERTY OF LAND DEVELOPMENT GROUP, LLC. UNAUTHORIZED USE, REUSE, REPRODUCTION, OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF LAND DEVELOPMENT GROUP, LLC IS PROHIBITED. THE USE OF THIS DRAWING SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH IT WAS PREPARED.

DATE:
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Land DEVELOPMENT GROUP

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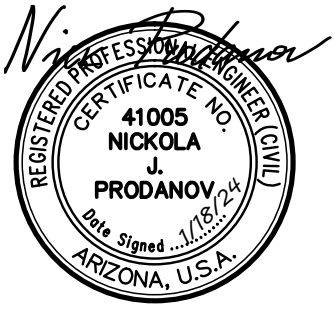
WATER SERVICE IMPACT STUDY

7030 E Horseshoe Rd
Paradise Valley, Arizona

LDG PROJECT #2311355

Prepared for:
Eugene A. & Nureen K. Parsons Trust
7030 E Horseshoe Rd.,
Paradise Valley, Arizona 85253

Submitted to:
Town of Paradise Valley
Engineering Department
6401 E Lincoln Dr.
Paradise Valley, Arizona 85253



Prepared by:
Land Development Group, LLC
8808 N Central Ave., Ste 288
Phoenix, Arizona 85020
Contact: Nick Prodanov, PE, PMP
P: 602 889 1984

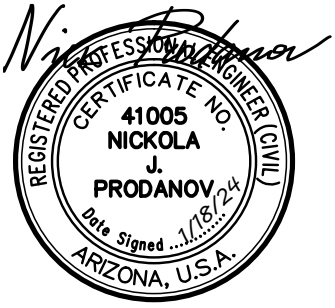
January 18th, 2024

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3.	References	3

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Appendix A-2	Water Flow Test	5
Appendix A-3	Will Serve Letter	6



January 18th, 2024

1. INTRODUCTION

This Water Service Impact Study and related design have been developed in accordance with the current Town of Paradise Valley Design Standards, Codes and adopted Ordinances. It provides engineering analysis and assessment of the required water services and fire flow demand for the proposed subdivision development - parcel 174-30-023A, located at 7030 E Horseshoe Road, Paradise Valley, AZ 85253, being a portion of the NW ¼, of the NE ¼, of the NE ¼ of Section 34, Township 3 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. Refer to Appendix A-1 – Vicinity Map.

The project site is zoned R-43. The property is currently developed with a single-family residence, and it is approximately 2.318 acres. The site is surrounded by large residential lots from the north, west and east. The south side fronts the right-of-way of Horseshoe Road.

As a part of the project development process, a lot split plat map, subject to the Town of Paradise Valley review and approval is prepared and enclosed herein. The owner is proposing to split the property into two lots. The proposed lot split map defines the new property divider line, location and distances of new building setback lines and public utility easements. Both lots will exceed the minimum required area of 1 acre per Chapter 6 of Town of Paradise Valley Code.

2. DOMESTIC WATER AND FIRE SUPPRESSION SYSTEM

Berneil Water Company supplies domestic water in the vicinity. There is a water main in Horseshoe Road. There are three water meters found near the southwest property corner. Two most likely serve the property to the west and one the subject unsubdivided property. There is an existing fire hydrant at Horseshoe Road right of way, 5’ from the southwest property corner.

New water service tap and meter will be required for the new lot (east) created. The representative of the Berneil Water Company has issued a Will Serve Letter stating that they will be serving the two newly created lots.

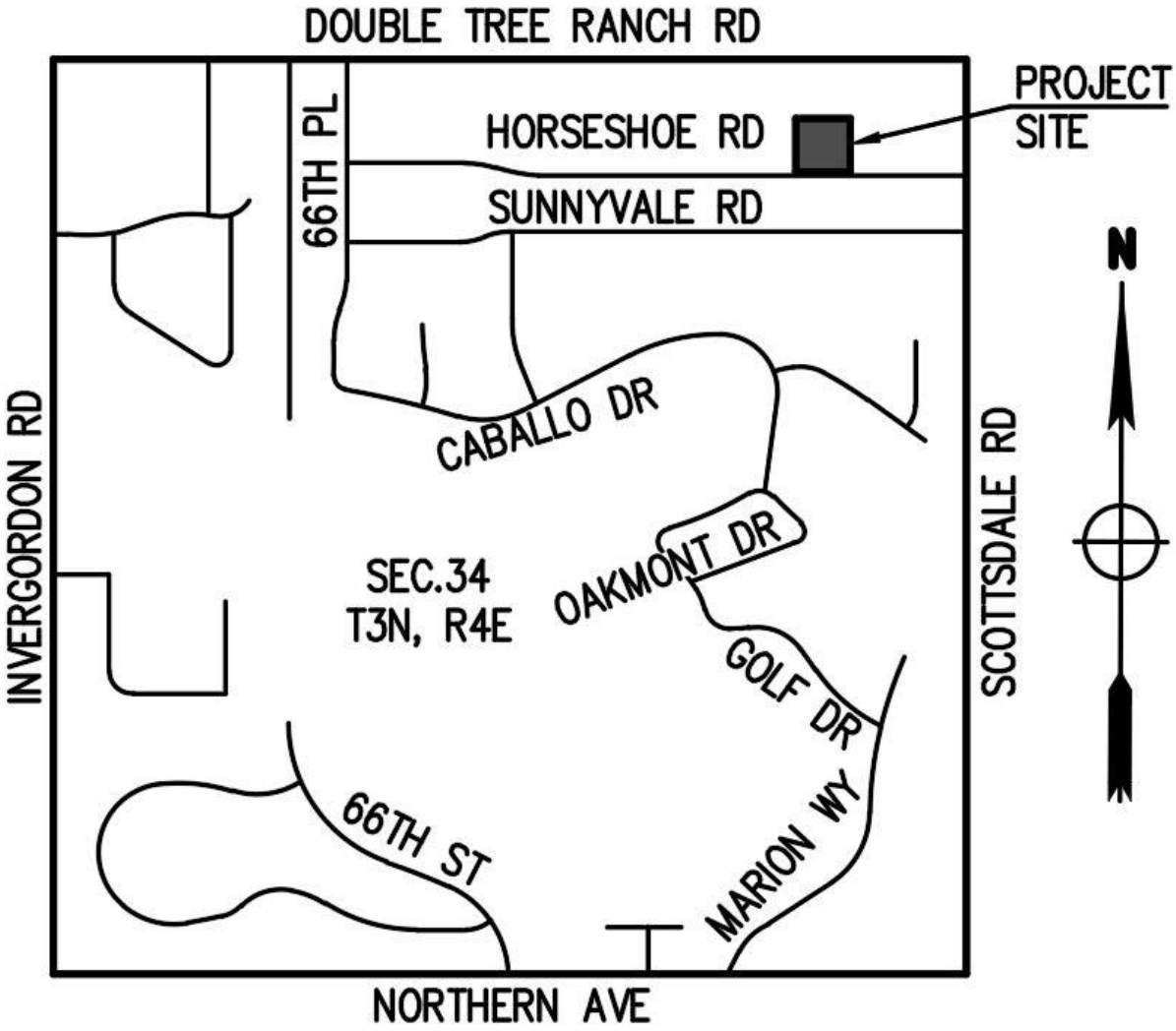
Fire flow test was conducted on January 18th, 2024 by Arizona Flow Testing, LLC and witnessed by Berneil Water Company representative. Based on the results of the fire flow test, the existing water infrastructure is capable of suppling the required fire flow protection per the Town Code 13.1.6 (1,500 gpm at 20 psi). Fire sprinklers for the new residence will be fed off the domestic water service. Per the performed Hydrant Fire Flow Test, the fire hydrant could supply 1,564 gpm at 20 psi, which meets and exceeds the Town of Paradise Valley Code 13.1.6 and the Building Code requirements.

The Town of Paradise Valley is the sanitary sewer provider in the vicinity of this project. There are currently no sanitary sewer mains in Horseshoe Road. The lot is served by a private septic system. There is an existing sanitary sewer main located in 66th Place. The developer’s intent is to maintain septic systems for the new homes.

3. REFERENCES

- Town of Paradise Valley Design Standards & Policies.
- 2018 International Fire Code, Appendix B, Fire Flow Requirements for Buildings.

APPENDIX A-1
Vicinity Map



APPENDIX A-2
Water Flow Test

Arizona Flow Testing LLC

HYDRANT FLOW TEST REPORT

Project Name:	Not Provided
Project Address:	7030 East Horseshoe Road, Paradise Valley, Arizona, 85253
Client Project No.:	Not Provided
Arizona Flow Testing Project No.:	24033
Date and time flow test conducted:	January 18, 2024 at 8:45 AM
Data is current and reliable until:	July 18, 2024
Conducted by:	Floyd Vaughan – Arizona Flow Testing, LLC (480-250-8154)
Coordinated by:	Jeff Rhodes –Berneil Water Company (480-966-0015)

Raw Test Data

Static Pressure: **70.0 PSI**
(Measured in pounds per square inch)

Residual Pressure: **36.0 PSI**
(Measured in pounds per square inch)

Pitot Pressure: **11.0 PSI**
(Measured in pounds per square inch)

Diffuser Orifice Diameter: One 4-inch Hose Monster
(Measured in inches)

Coefficient of Diffuser: 0.802

Flowing GPM: **1,270 GPM**
(Measured in gallons per minute)

GPM @ 20 PSI: **1,564 GPM**

Data with 10 % Safety Factor

Static Pressure: **63.0 PSI**
(Measured in pounds per square inch)

Residual Pressure: **29.0 PSI**
(Measured in pounds per square inch)

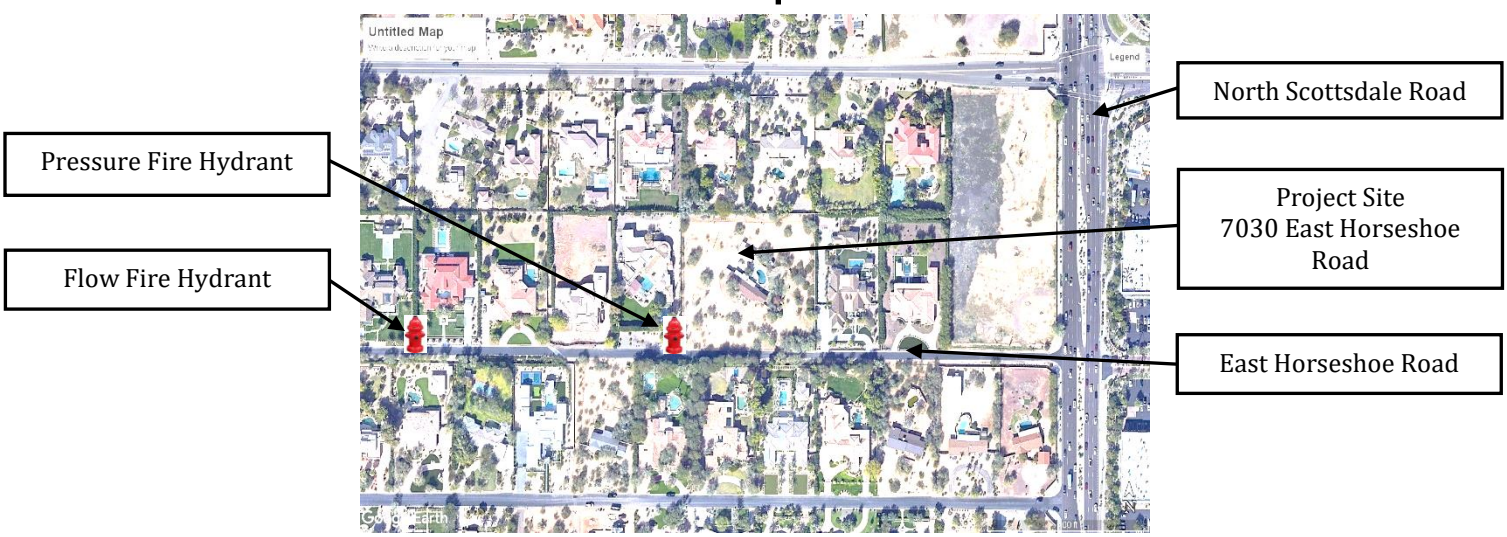
Approx. distance between hydrants: 660 feet

Main size: Not Provided

Flowing GPM: **1,270 GPM**

GPM @ 20 PSI**:** **1,442 GPM**

Flow Test Location **North**



APPENDIX A-3
Will Serve Letter

BERNEIL WATER **PHONE 480-966-5804**
P. O. BOX 219
TEMPE, ARIZONA 85280

January 9, 2024

This letter is in response to your request for a Will-Serve Letter from Berneil Water Company for the Property located at 7030 E Horseshoe Road, Paradise Valley, AZ 85253

Being a proposed Lot Split of existing property into 2 lots.

Berneil Water confirms that the Property is located within the area encompassed by Berneil Water's Berneil Water's Paradise Valley District.

Berneil Water currently does and will provide water service to the properties proposed.

Brad Folkman
President

BERNEIL WATER **PHONE 480-966-5804**
P. O. BOX 219
TEMPE, ARIZONA 85280

January 9, 2024

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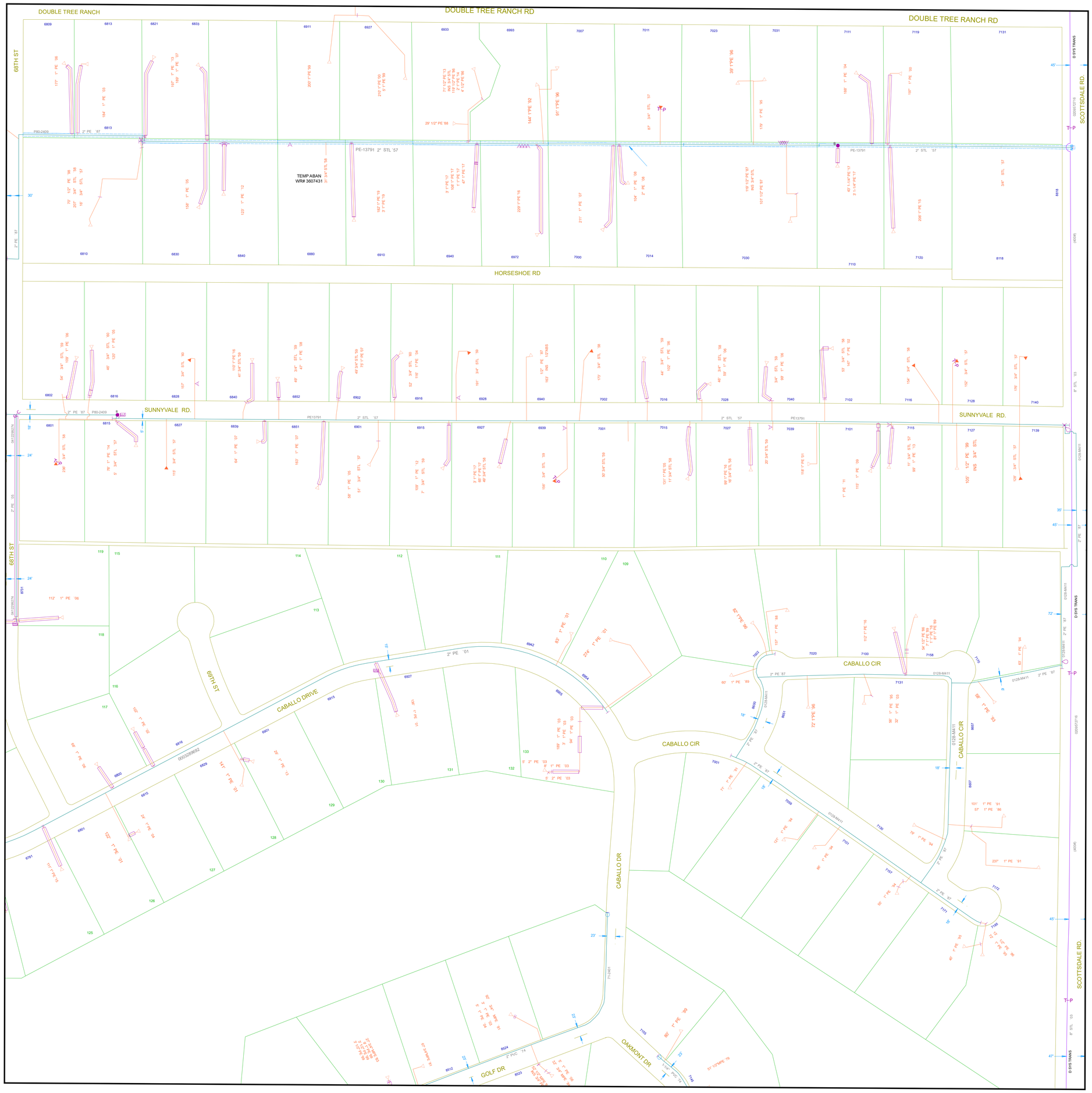
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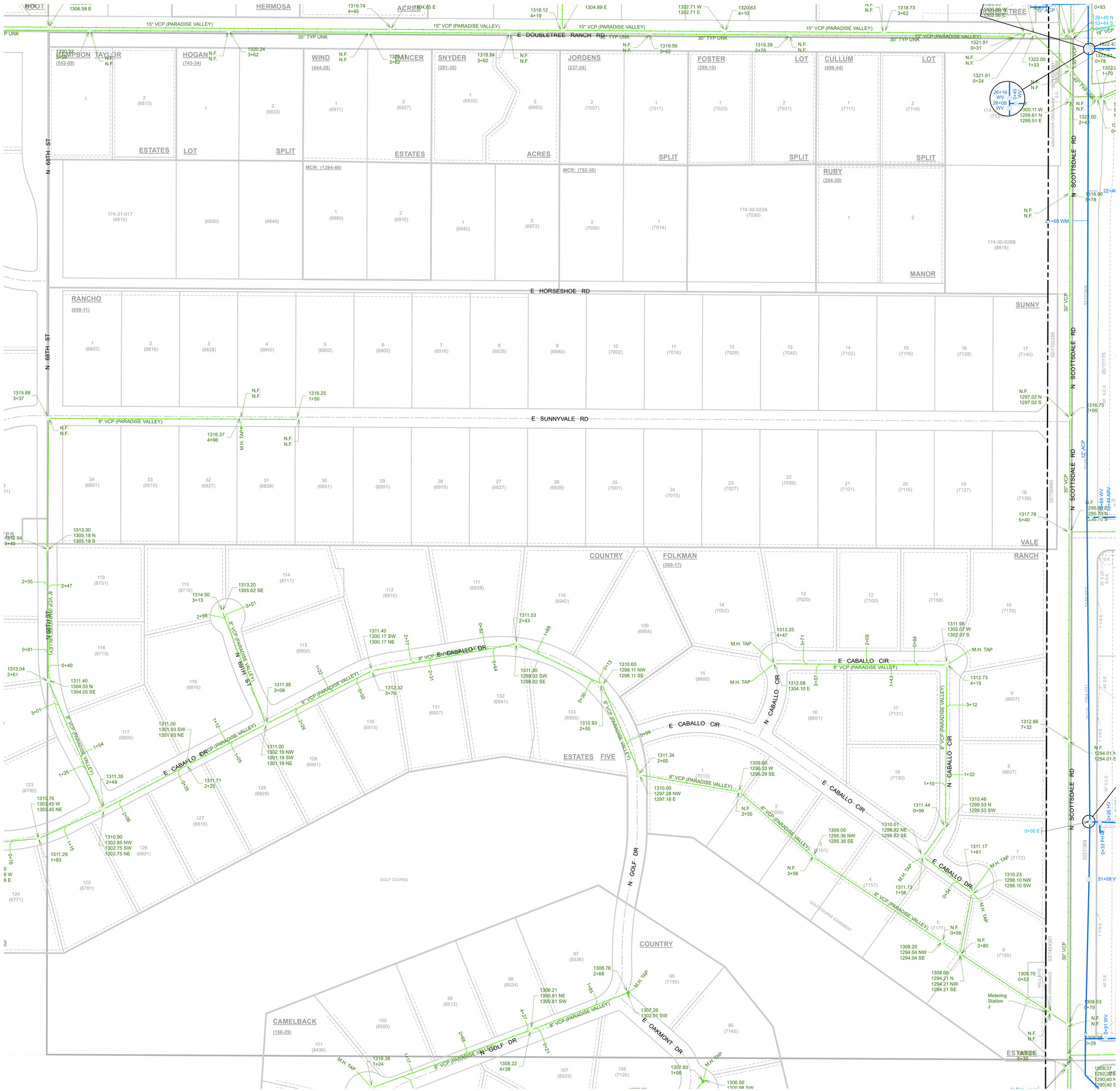
Brad Folkman
President

26-43

- EXISTING MAIN
- PROPOSED MAIN
- PROPOSED ABANDONED MAIN
- MAINS CROSS OVER
- MAINS TIED TOGETHER
- CASING
- END OF PIPE
- TWO TYPES OF PIPE JOIN
- VALVE - OPEN
- VALVE - CLOSED
- LINE STOPPER
- BRANCH FITTING - 3-WAY TEE
- CVT — CURB VALVE TEE
- S — BRANCH - WILLIAMSON 3-WAY
- S — FITTING - SHORTSTOP
- M — FITTING - MUELLER
- T — FITTING - QUALITECH
- C — FITTING - CONTINENTAL
- FITTING - BLOW DOWN
- R — REG.STATION - ABOVE GROUND
- R — REG.STATION - VAULTED
- M — METER SET ASSEMBLY - ABOVE GROUND
- M — METER SET ASSEMBLY - VAULTED
- P — PRESSURE RECORDER
- BOND OVER
- I.F. — ISOLATED FLANGE
- I.W. — ISOLATED WELD
- C.C. — COMPRESSION COUPLING
- T.P. — TEST POINT
- T.P. — TEST POINT IN CASING
- E.F. — ELECTROFUSION
- L.C. — LEAK CLAMP
- A — ANODE
- A T.P. — ANODE W/TEST POINT
- INSULATOR
- RECTIFIER STA. W/GROUND BED
- EXISTING SERVICE LINE
- RISER - STEEL
- RISER - ANNODELESS
- SERVICE SLEEVE
- GAS LAMP - ANODELESS
- GAS LAMP - STEEL
- EXCESS FLOW VALVE
- EMS — LOCATOR - EMS
- LLP — LINE LOCATE POINT
- SCADA
- X — LEAK REPAIR SYMBOL
- FOREIGN PIPE LINE
- RAIL ROAD TRACKS
- GATE TAP — GATE TAP NAME
- SECTION CORNER (1, 6, 12, 7)
- POINT OF INTEREST


DOUBLE TREE RANCH
DOUBLE TREE RANCH RD
DOUBLE TREE RANCH RD
68TH ST
SCOTTSDALE RD.
D SYS TRANS
HORSESHOE RD
SUNNYVALE RD.
SUNNYVALE RD.
68TH ST
CABALLO DRIVE
68TH ST
CABALLO CIR
CABALLO CIR
CABALLO CIR
CABALLO DR
OAKMONT DR
GOLF DR
SCOTTSDALE RD
TEMP ABAN
WR# 3607431
PE-13791 2" STL '57
2" PE '87 P80-2409
0128AM11
0005272716
0128AM11
0005272716
0128AM11
0005272716

27-44



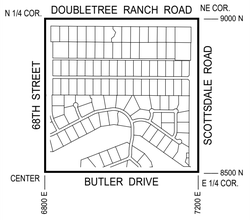
GENERAL NOTES:

- THIS IS A COMPUTER GENERATED DRAWING. FOR ANY REVISIONS PLEASE CONTACT THE CITY OF SCOTTSDALE GIS DEPARTMENT AT (480) 312-7792.
- THE SECTION LINE BEARING AND DISTANCES ARE BASED ON THE CITY OF SCOTTSDALE GPS SURVEY OF SEPTEMBER, 1991. BEARINGS ARE NAD 83 GRID AND DISTANCES ARE FLATTENED TO GROUND. WHERE NO CORNER WAS FOUND THE DIMENSIONS ARE GIVEN TO CALCULATED SECTION CORNERS AND ARE NOTED AS 'CALCULATED' ON THE MAP.

LEGEND:

- Water Valve
- Non-potable Water Valve
- Fire Hydrant
- Water Blowoff
- Water Main Reducer
- Water Sample Station
- Water Air Release Valve
- Non-potable Water Air Release Valve
- Water Pressure Reducing Valve
- Water Vault
- Water Manhole
- Non-Potable Water Manhole
- Water Pump
- Water Main
- Non-Potable Water Main
- Fire Line
- Water Service
- Non-Scottsdale Water Main
- Sewer Manhole
- Sewer Cleanout
- Sewer Lift Station
- Sewer Treatment Plant
- Sewer Main - Gravity
- Sewer Main - Force
- Non-Scottsdale Sewer Main
- Sewer Service

VICINITY MAP



NORTH

SCALE: 1" = 100'

0 50 100 200

The map scale of 1" = 100' is based on a full size print of 30" x 36"

WATER & SEWER

QUARTER SECTION MAP

26-44

NE 1/4 SEC. 34 T3N R4E

N O T I C E

THIS DOCUMENT IS PROVIDED FOR GENERAL INFORMATION PURPOSES ONLY. THE CITY OF SCOTTSDALE DOES NOT WARRANT ITS ACCURACY, COMPLETENESS OR SUITABILITY FOR ANY PARTICULAR PURPOSE. IT SHOULD NOT BE RELIED UPON WITHOUT FIELD VERIFICATION.

THE CITY OF SCOTTSDALE

CITY OF SCOTTSDALE

SCOTTSDALE GEOGRAPHIC INFORMATION SYSTEMS

3629 North Drinkwater Boulevard
Scottsdale, Arizona 85251

Cox Information Sheet for New Build Single Family R-1

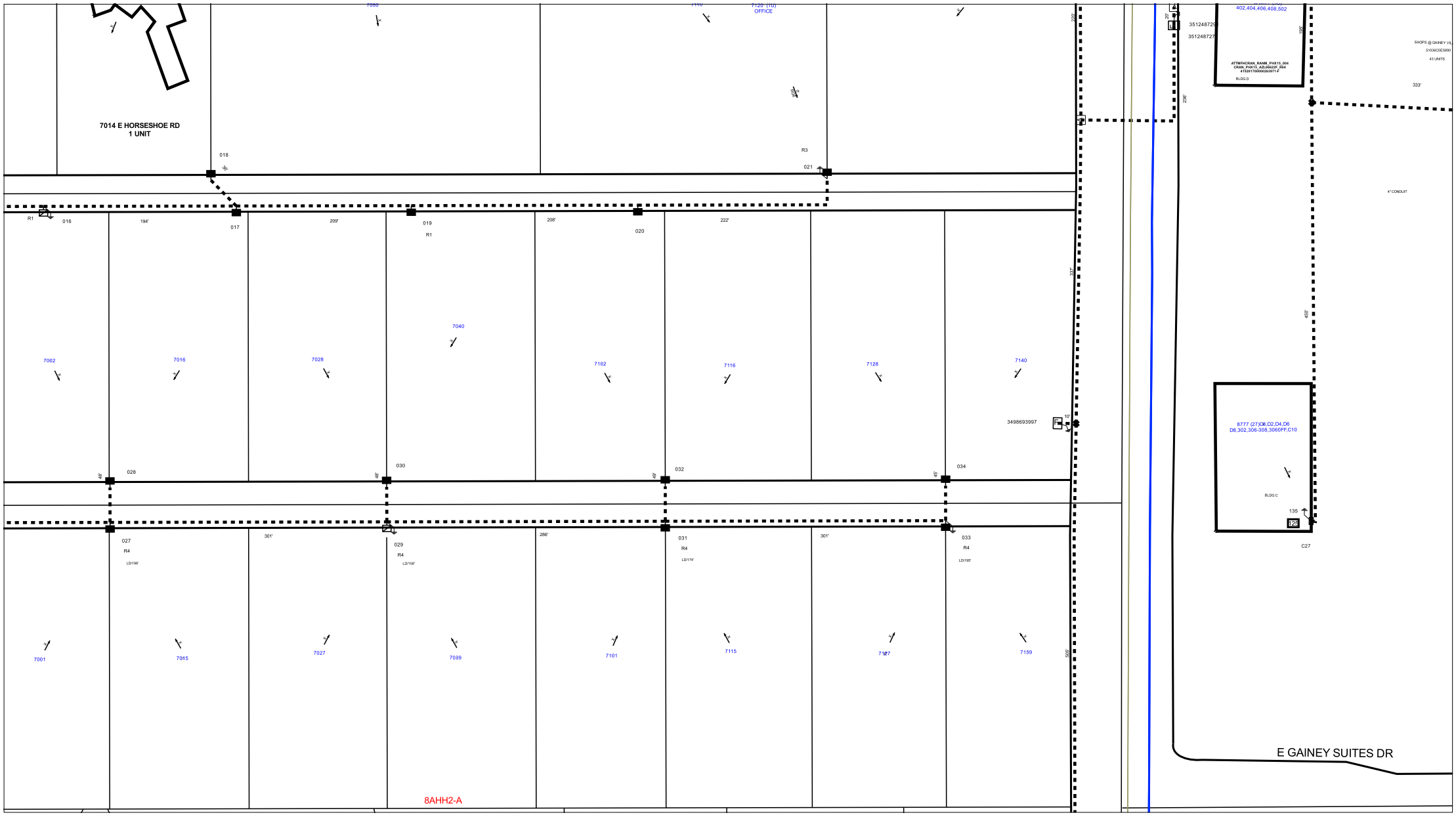
For Will Serve Letters, please send the following information to ConstructionSupport@cox.com;

- Include a Site Map:
- Name of Property: 7030 E Horseshoe Rd
- Location (Cross Streets): Horseshoe Rd & Scottsdale Rd
- Parcel Number: 174-30-031 & 174-30-027B
- City and County: Paradise Valley
- Type of Property: Residential
- Number of Homes/Units: 2
- Private Streets or Public Streets: Public
- Is this an existing property or is this being built?
  - Property Being Built (Name of Builder/Developer): Land Development Group, LLC
  - Who letter should be addressed to:
  - Individual's Name: Nick Prodanov, PE, PMP
  - Company: LDG
  - Address: 8808 N Central Ave., Suite 288
  - City/ State/ Zip Code: Phoenix, AZ 85020
  - Contact Phone Number: 602-889-1984

In order to begin a design for your new residential development, Cox Communications will require the following 120 days prior to the start of dry utilities:

- Final Plat for community
- APS/SRP Mainline drawings {1 lines) (preliminary and/or finals)
- Dry Utility & Construction Schedule
- Offsite Improvement plans
  - Preliminary plans accepted with the stipulation final plans will be submitted upon approval
- Address List- Microsoft Excel format required
- Will there be Models, gates, Construction trailers?
  - Are services needed to these?
  - What is the ETA for needing service
- Estimated date for first closing?

Please email all the above information to ConstructionSupport@cox.com;



Map Legend:

Pedestal

Vault V

Riser ® 25'

Pole

Underground Structure

Overhead Structure

Station 4031
P.O. Box 53933
PHOENIX, AZ 85072
www.aps.com

12/4/2023

Katie
Land Development Group
8808 N Central Ave Suite 288
Phoenix Az 85020

Re: 7030 E Horseshoe Rd, Paradise Valley AZ

Dear Katie,

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 Schedule 3 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 PHONE# so that we may set up an appointment to discuss the details necessary for your project.

Sincerely,

Adrianne Brennan

Adrianne Brennan | Administrative Coordinator – T&D Customer Construction East

Physical: 4612 E Bell Rd Mailing: PO Box 53999, M.S. 4031 Phoenix, Az 85004 CCEControlDesk@apsc.com

Adrianne.Brennan@aps.com **(602) 493-4401**

General Description

This schedule establishes the terms and conditions under which Company will extend, relocate, and upgrade its facilities in order to provide service. Provision of electric service from Arizona Public Service Company (Company) may require construction of new facilities or the relocation or upgrade of existing facilities. Costs for construction depend on the applicant's location, scope of project, load size, and load characteristics. Costs include, but are not limited to, project management, coordination, engineering, design, surveys, permits, construction inspection, and support services.

All facility installations and upgrades will be made in accordance with good utility construction practices, as determined by Company, and are subject to the availability of adequate capacity, voltage and Company facilities at the beginning point of an extension as determined by Company.

The following provisions govern the installation of overhead and underground electric distribution facilities to applicants whose requirements are deemed by Company to be usual and reasonable in nature.

1. Definitions

1.1. **APS Approved Electrical Distribution Contractor** means an electrical contractor who is licensed in the State of Arizona and properly qualified to install electric distribution facilities in accordance with Company standards and good utility construction practices as determined by Company.
1.2. **Backbone Infrastructure** means the electrical distribution facilities typically consisting of main three-phase feeder lines and/or cables, conduit, duct banks, manholes, switching cabinets and capacitor banks.
1.3. **Conduit Only Design** means the conduit layout design for the installation of underground Extension Facilities that will be required when the Extension Facilities are to be installed at a later date.
1.4. **Conversion** means converting overhead distribution facilities to underground facilities.
1.5. **Corporate Business and Industrial Park Development** means a tract of land which has been divided into contiguous lots in which a developer offers improved lots for sale and the purchaser of the lot is responsible for construction of buildings for commercial or industrial use.
1.6. **Doubtful Permanency means** a customer who in the opinion of the Company is neither Permanent nor Temporary. Service which, in the opinion of the Company, is for operations of a speculative character is considered Doubtfully Permanent.
1.7. **Economic Feasibility** means a determination by Company that the estimated annual revenue based on Company's then currently effective rate for delivery service (excluding taxes, regulatory assessment and other adjustments) less the cost of service provides an adequate rate of return on the investment made by Company to serve the applicant.
1.8. **Execution Date** means the date Company signs the agreement after the applicant has signed the agreement and money has been collected by company.
1.9. **Extension Facilities** means the electrical facilities, including conductors, cables,

transformers, and related equipment, installed solely to serve an individual applicant or groups of applicants. For example, the Extension Facilities to serve a Residential Subdivision would consist of the line extension required to connect the subdivision to Company's existing system as well as Company's electrical facilities constructed within the subdivision which would include primary and service lines, and transformers.

1.10. **High Rise Development** means a building built with four or more floors (usually using elevators for accessing floors) that may consist of residential or non-residential use, or a combination of both residential and non-residential uses.

1.11. **Irrigation** means water pumping service.

1.12. **Line Extension Agreement** means the contractual agreement between Company and applicant that defines applicant payment requirements, terms of refund, scope of project, estimated costs, and construction responsibilities for Company and the applicant. Line Extension Agreements may be assigned to applicants successors in interest with Company approval, which approval will not be unreasonably withheld.

1.13. **Master Planned Community Development** means a development that consists of a number of separately subdivided parcels for different Residential Subdivisions. The development may also incorporate a variety of uses including multi-family, non-residential, and public use facilities.

1.14. **Master Meter** means a meter for measuring or recording the flow of electricity that has passed through it at a single location where said electricity is distributed to tenants or occupants for their individual usage.

1.15. **Metro Area** means a city with a population of 750,000 or more and its contiguous and surrounding communities.

1.16. **Mixed-Use Development** means a development that consists of both residential and non-residential uses, such as a building with three stories or less, where the first level is for commercial purposes and the upper floors are for residential units, or a development that includes an apartment complex and a commercial center, or a development that includes a subdivision and a water treatment plant.

1.17. **Permanent** means a customer who is a tenant or owner of a service location who applies for and receives electric service, which, in the opinion of the Company, is of a permanent and established character. The use of electricity may be continuous, intermittent, or seasonal in nature. Permanency at the service location may be established by such things as city/county/state permits, a permanent water system, an approved sewer/septic system, or other permanent structures.

1.18. **Project-Specific Cost Estimate** means cost estimates that are developed recognizing the unique characteristics of large or special projects to which the Schedule of Charges is not applicable. A Project-Specific Cost Estimate provided to an applicant is valid for a period of up to six months from the date the estimate is provided to the applicant.

1.19. **Relocation** means moving a distribution line or facilities from its current location to a new location.

1.20. **Residential "Lot Sale" Development** means a tract of land that has been divided into four or more contiguous lots in which a developer offers improved lots for sale and the purchaser of the lot is responsible for construction of a residential home and the costs to provide service, which may include backbone, transformer and service.

1.21. **Residential Multi-Family Development** means a development consisting of apartments, condominiums, or townhouses with less than four floors.

1.22. **Residential Single Family** means a house, or a manufactured or mobile home Permanently affixed to a lot or site.
1.23. **Residential Subdivision** means a tract of land, which has been divided into four or more contiguous lots with an average size of one acre or less, in which the developer is responsible for the costs to provide service, including backbone, transformers and services for the residential homes or permanent manufactured or mobile home sites.
1.24. **Residual Value** means the remaining un-depreciated original cost of the existing facilities to be removed
1.25. **Arizona Rural Municipality** means Arizona incorporated cities and towns with populations of less than 150,000 (based on U.S. Census Bureau 2010 population data) not contiguous with or situated within a Metro Area.
1.26. **Rural Municipal Business Development** means a tract of land which has been divided into contiguous lots, is owned and developed by an Arizona Rural Municipality, and where the Arizona Rural Municipality will be the lease-holder for future permanent applicants.
1.27. **Schedule of Charges** means the list of charges that is used to determine the applicant's cost responsibility for the Extension Facilities.
1.28. **Service Entrance Upgrade** means the replacement of the customer's electric panel to one with larger load capacity. This includes panels that are upgraded to a larger amperage rating, greater voltage or additional phases (1 phase to 3 phase).
1.29. **Temporary** means premises or enterprises which are temporary in character, or where it is known in advance that the Extension Facilities will be of limited duration.

2. General Provisions for Service

2.1. **Applicant Classification** - For the purposes of this Service Schedule 3, applications for Extension Facilities will be classified as "Residential" or "General Service" as listed below, and further described in the referenced sections.
(A) Residential classifications are: "Residential Single Family Home" (Section 3), "Residential Subdivision Developments" (Section 4), "Residential "Lot Sale" Developments (Section 5), "Master Planned Community Developments" (Section 6) or "Residential Multi-Family Developments" (Section 7).
(B) General Service classifications are: "Basic General Service" (Section 9), "High Rise Developments" (Section 10), Mixed-Use Developments (Section 11), "Corporate Business & Industrial Park Developments" (Section 12), Temporary Applicants (Section 13), and Doubtful Permanency Customers (Section 14).

2.2. **Schedule of Charges** - An applicant requesting an extension will be provided a sketch showing the Extension Facilities and an itemized cost quote based on the Schedule of Charges or other applicable details. The Schedule of Charges is attached to this Service Schedule as Attachment 1. When the Schedule of Charges is not applicable, charges for Extension Facilities will be determined by the Company based on Project-Specific Cost Estimates. The Schedule of Charges is not applicable for the following:
(A) Extension Facilities requiring modifications, removal, relocations or conversions of existing facilities in conjunction with a new extension or existing customer requested upgrade. The removal, replacement, conversion, and new Extension

Facilities charges will be determined by a combination of Schedule of Charges and a Project-Specific Cost Estimate depending on the scope of the project and may include residual value costs as computed in accordance with the method described in A.R.S 40-347.

(B) Extension Facilities required for modifications, relocations or conversions of existing facilities not in conjunction with a new extension or existing customer upgrade.

(C) Extension Facilities for General Service applicants with estimated demand loads of three megawatts or greater, or that require in aggregate 3,000 kVA of transformer capacity or greater.

(D) Extension Facilities that require three-phase transformer installations greater than the sizes noted in the Schedule of Charges.

(E) Extension Facilities required for High Rise Developments, Mixed-Use Developments, Master Planned Developments or Temporary service.

(F) Extension Facilities involving spot networks, vault installations, primary metering, or specialized or additional equipment for enhanced reliability.

(G) Special studies, leases or permits required by the city, county, state or federal governmental agency for installing electric facilities on private, government or public lands.

2.3. **General Underground Construction Policy** - With respect to all underground installations under a Line Extension Agreement, Company will install underground facilities only if all of the following conditions are met:

(A) The Extension Facilities meet all requirements as specified in "Residential" or "General Service" Sections 2.1 (A) & (B) of this Service Schedule 3.

(B) The applicant signs a trench agreement and provides all earth-work including, but not limited to, trenching, boring or punching, backfill, compaction, and surface restoration in accordance with Company specifications.

(C) The applicant provides installation of equipment pads, pull-boxes, manholes, conduits, and appurtenances as required and in accordance with Company specifications.

(D) In lieu of applicant providing these services and equipment, the applicant may pay Company to provide these services and equipment as a non-refundable contribution in aid of construction. The payment will equal the cost of such work plus any administrative or inspection fees incurred by Company. Applicants electing this option will be required to sign an agreement indemnifying and holding Company harmless against claims, liabilities, losses or damage (Claims) asserted by a person or entity other than Company's contractors, which Claims arise out of the trenching and conduit placement, provided the Claims are not attributable to the Company's gross negligence or intentional misconduct.

2.4. **Refunds** – The following general refund conditions will apply:

(A) No refund will be made to any applicant for an amount more than the unrefunded balance of the applicant's refundable advance.

(B) Company reserves the right to withhold refunds to any applicant who is delinquent on any account, agreement, or invoice, including the payment of

electric service, and may apply these refund amounts to past due bills.

(C) The refund eligibility period for Basic General Service and High Rise Development will be five years from the date Company executes the Line Extension Agreement with the applicant. Any unrefunded advance balance will become a non-refundable contribution in aid of construction five years from the Execution Date of the agreement.

(D) The refund eligibility period for Residential Subdivisions and Multi-Family Developments will be five years and will start three months from the date Company executes the Line Extension Agreement with the applicant. Any unrefunded advance balance will become a non-refundable contribution in aid of construction five years from the Execution Date of the agreement.

(E) Refunds will be mailed to the applicant of record noted on the executed agreement no later than 60-days from the annual review date.

2.5. **Interest** - All refundable advances made by the applicant to the Company will be non-interest bearing.

2.6. **Ownership** - Except for applicant owned facilities, all Extension Facilities installed in accordance with this Service Schedule 3 will be owned, operated, and maintained by Company.

RESIDENTIAL

3. Residential Single Family Homes

3.1. Extension Facilities will be installed to new Permanent residential applicants or groups of new Permanent residential applicants on a free footage basis under the following conditions:

(A) A Line Extension Agreement signed by the applicant and construction costs in excess of the allowances, as described in 3.1(C) and 3.2 will be paid by the applicant before the Company begins installing facilities. Payment is due at the time the Line Extension Agreement is signed by the applicant.

(B) The site plan has been approved and recorded in the county having jurisdiction.

(C) The total footage of the Extension Facilities (primary, secondary, service) does not exceed 750 feet per applicant or $10,000; or

(D) The total cost of the Extension Facilities, as determined by Company, is less than $10,000 per applicant.

3.2. All additional construction costs over $10,000 per applicant will be paid by applicant as a non-refundable contribution in aid of construction.

3.3. Applicants who combine to form a group may also combine their allowance as specified in Sections 3.1(C) and 3.2.

3.4. The cost of extending service to applicant will be determined in accordance with the Schedule of Charges or combination of Schedule of Charges and a Project-Specific Cost

Estimate depending on the scope of the project which will exclude the cost of one single-phase transformer.

3.5. The footage allowance of 750 feet and the cap of $10,000 will be reviewed from time to time with the Arizona Corporation Commission.

3.6. Examples of the application of Section 3.1 can be found in Attachment 2 – Free Footage Illustrative Example.

4. Residential Subdivision Developments

4.1. Extension Facilities will be installed to Residential Subdivision developments of four or more homes in advance of application for service by Permanent customers under the following conditions:

(A) A Line Extension Agreement signed by the applicant and advance payment of all project costs is required before the start of construction by the Company. Payment is due at the time the Line Extension Agreement is signed by the applicant.

(B) The subdivision development plat has been approved and recorded in the county having jurisdiction. Applicant is responsible for providing Company an approved subdivision plat prior to project design. If final approved plat is different from what was originally submitted to Company it may cause delays and additional cost for redesign.

4.2. The cost of extending service to applicant will be determined in accordance with the Schedule of Charges or combination of Schedule of Charges and a Project-Specific Cost Estimate depending on the scope of the project.

4.3. A portion of the project cost will be designated as a refundable advance and will be eligible for refund based on the "per lot" allowance provisions of Section 4.6 and in accordance with Section 2.4.

4.4. In lieu of a cash payment for the refundable advance amount, the Company will reserve the right to accept an alternative financial instrument, such as a Letter of Credit or Surety Bond, based on the financial condition or organizational structure of developer.

4.5. That portion of the project cost in excess of the refundable advance will be non-refundable in addition to any other non-standard construction charges such as street lights.

4.6. The refundable advance will be eligible for refund based on a "per lot" allowance of $3,500 for each Permanently connected residential customer over a five year period. Refunds of refundable advances will be governed by Section 2.4. The refund eligibility period will be five years which will start three months from the date Company executes the Line Extension Agreement with the applicant. A review of the project will be conducted annually to determine subdivision buildout, and if the qualifications have been met for any refunds.

4.7. Examples of the application of Section 4 can be found in Attachment 3 – Residential

Subdivision Illustrative Example.

5. Residential "Lot Sale" Developments

5.1. Extension Facilities will be installed to residential "Lot Sale" developments in advance of application for service by Permanent applicants under the following conditions:
   (A) A Line Extension Agreement signed by the applicant and advance payment of all project costs is required before the start of Company construction. Payment is due at the time the Line Extension Agreement is signed by the applicant.
   (B) The development plat has been approved and recorded in the county having jurisdiction.

5.2. The cost of extending service to applicant will be determined in accordance with the Schedule of Charges or combination of Schedule of Charges and a Project-Specific Cost Estimate depending on the scope of the project.

5.3. The applicant will pay the total project estimated cost as a non-refundable contribution in aid of construction in addition to costs for street lights and other non-standard construction charges.

5.4. Company will provide a "Conduit Only Design" provided applicant makes a payment in the amount equal to the estimated cost of the preparation of the design, in addition to the costs for any materials, field survey and inspections that may be required. Future extensions in the development will be required to follow the original design plan

5.5. Extension Facilities will be installed to individual applicants in accordance with provisions listed in Section 3.

6. Master Planned Community Developments

6.1. Extension Facilities will be installed to Master Planned Community Developments in advance of application for service by Permanent applicants under the following conditions:
   (A) A Line Extension Agreement signed by the applicant and advance payment of all project costs is required before the start of Company construction. Payment is due at the time the Line Extension Agreement is signed by the applicant.
   (B) The site development plan has been approved and recorded in the county having jurisdiction.

6.2. The cost of extending service to applicant will be determined by a Project-Specific Cost Estimate based on the scope of the project.

6.3. The applicant will pay the total project estimated cost as a non-refundable contribution in aid of construction in addition to costs for street lights and other non-standard construction charges.

6.4. Extension Facilities will be installed to each subdivided tract within the planned development in accordance with the applicable sections of this Service Schedule 3.

7. Residential Multi-Family Developments

7.1. Extension Facilities will be installed to Residential Multi-Family Developments in advance of application for service by Permanent customers under the following conditions:
(A) A Line Extension Agreement signed by the applicant and advance payment of all project costs is required before the start of Company construction. Payment is due at the time the Line Extension Agreement is signed by the applicant.
(B) The site development plan has been approved and recorded in the county having jurisdiction.

7.2. The cost of extending service to applicant will be determined in accordance with the Schedule of Charges or combination of Schedule of Charges and a Project-Specific Cost estimate depending on the scope of the project.

7.3. A portion of the project cost will be designated as a refundable advance and will be eligible for refund based on the "per unit" refundable allowance provisions of Section 7.6 and in accordance with Section 2.4.

7.4. In lieu of a cash payment for the refundable advance amount, the Company will reserve the right to accept an alternative financial instrument, such as a Letter of Credit or Surety Bond, based on the financial condition, or organizational structure of applicant.

7.5. That portion of the project cost in excess of the refundable advance will be non-refundable in addition to any other non-standard construction charges such as street lights etc.

7.6. The refundable advance will be eligible for refund based on a "per unit" allowance of $1,000 for each new meter, installed for a permanent residential structure, over a five year period. Refunds of refundable advances will be governed by Section 2.4. The refund eligibility period will be five years which will start three months from the date Company executes the Line Extension Agreement. A review of the project will be conducted annually to determine buildout and if the qualifications have been met for any refunds.

GENERAL SERVICE

8. General Service Provisions

8.1. Extension Facilities that do not meet the requirements under Residential Sections 3, 4, 5, 6, or 7 will be considered General Service and will be installed to all applicants who meet the qualifications under Sections 9, 10, 11, 12, 13, or 14 of this Service Schedule 3.

9. Basic General Service

9.1. Extension Facilities will be installed to Basic General Service in advance of application for service by Permanent applicants under the following conditions:

(A) A Line Extension Agreement signed by the applicant and advance payment of all project costs is required before the start of Company construction. Payment is due at the time the Line Extension Agreement is signed by the applicant.
(B) The site development plan for the project for which the Line Extension has been requested has been approved and recorded in the county having jurisdiction.

9.2. The project costs for Basic General Service installations will be determined in accordance with the Schedule of Charges, a Project-Specific Cost Estimate, or a combination of Schedule of Charges and Project-Specific Cost Estimate depending on the scope of the project.

9.3. The cost for Extension Facilities installed for applicants with estimated demand loads of less than three megawatts or less than 3,000 kVA of transformer capacity, will be determined in accordance with the Schedule of Charges or combination of Schedule of Charges and a Project-Specific Cost Estimate depending on the scope of the project.

9.4. The cost for Extension Facilities installed for applicants with projected loads of three megawatts or greater, requiring transformer capacity of 3,000 kVA and greater, special requests involving primary metering, or specialized/additional equipment for enhanced reliability will be determined by the Company based on Project-Specific Cost Estimates.

9.5. Economic Feasibility Analysis for Basic General Service Applicants - Applicants whose Extension Facilities are installed on the basis of an Economic Feasibility analysis which determines that the estimated installation cost of the Extension Facilities is not supported by the applicant's estimated delivery service revenue may be required to advance sufficient funds to make installation of the Extension Facilities economically feasible. Company reserves the right to collect a full advance from the applicant based on the project scope, location, applicant's financial condition or organizational structure of the applicant. The following conditions will apply to Economic Feasibility projects:
(A) Project Cost $25,000 or less - Economic Feasibility for projects where the applicant’s Extension Facilities cost (excluding non-refundable applicant contributions such as street lights and other non-standard construction charges) is $25,000 or less will be established where the estimated annual revenue based on Company’s then currently effective rate for delivery service (excluding taxes, regulatory assessment and other adjustments) multiplied by six is equal to or greater than the cost of the applicant’s Extension Facilities.
(B) Project Cost greater than $25,000 - Economic Feasibility for projects where the applicant’s Extension Facilities cost (excluding non-refundable applicant contributions such as street lights and other non-standard construction charges) is greater than $25,000 will be established where the estimated annual revenue based on Company's then currently effective rate for delivery service (excluding taxes, regulatory assessment and other adjustments), less the cost of service, provides an adequate rate of return on the investment made by Company to serve the applicant.
(C) Applicants whose Economic Feasibility analysis results in the requirement for a payment in advance of construction may be eligible for a refund of such advance

over the term of the Line Extension Agreement's five-year period if the actual annual delivery service revenue for the applicant's project exceeds the estimated delivery service revenue used in the Economic Feasibility analysis.

(D) The Economic Feasibility analysis for the Extension Facilities will be reviewed at the end of the third and fifth year of the Line Extension Agreement based on actual delivery service revenue for the preceding year, and to the degree that actual revenue supports the Extension Facilities cost, all or a portion of the applicant's construction advance may be refunded. In no case will refunds exceed the unrefunded balance of the applicant's advance.

(E) Any unrefunded balance remaining five years from the date of the Company's executed Line Extension Agreement will become a non-refundable contribution in aid of construction.

(F) Company may include a capacity factor component, as determined by Company, to the Economic Feasibility Analysis for applicants that request excess or redundant system capacity.

10. High Rise Developments

10.1. Extension Facilities will be installed to High Rise Developments in advance of application for service by Permanent applicants under the following conditions:

(A) A Line Extension Agreement is signed by the applicant and advance payment of all project costs is required before the start of Company construction. Payment is due at the time the Line Extension Agreement is signed by the applicant.

(B) The site development plan has been approved and recorded in the county or city having jurisdiction.

(C) The residential units are individually metered or master metered in accordance with Section 21.

(D) Extension Facilities will be installed to designated points of delivery in accordance with APS' Electric Service Requirements Manual (ESRM). It is the applicant's responsibility to provide and maintain the electrical facilities within the building.

10.2. The charges for Extension Facilities will be determined based on a Project-Specific Cost Estimate and will be paid by the applicant before Company installing facilities.

10.3. Economic Feasibility Analysis for High Rise Developments - Applicants whose Extension Facilities are installed on the basis of an Economic Feasibility analysis which determines that the estimated installation cost of the Extension Facilities is not supported by the applicant's estimated delivery service revenue may be required to advance sufficient funds to make installation of the Extension Facilities economically feasible. Company reserves the right to collect a full advance from the applicant based on the project scope, location, applicant's financial condition or organizational structure of the applicant. The following conditions will apply to Economic Feasibility projects:

(A) Economic Feasibility for projects where the applicant's Extension Facilities cost (excluding non-refundable applicant contributions such as street lights and other non-standard construction charges) is greater than $25,000 will be established where the estimated annual revenue based on Company's then currently effective

rate for delivery service (excluding taxes, regulatory assessment and other adjustments), less the cost of service, provides an adequate rate of return on the investment made by Company to serve the applicant.

(B) Applicants whose Economic Feasibility analysis results in the requirement for a payment in advance of construction may be eligible for a refund of such advance over the term of the Line Extension Agreement's five-year period if the actual annual delivery service revenue for the applicant's project exceeds the estimated delivery service revenue used in the Economic Feasibility analysis.

(C) The Economic Feasibility analysis for the Extension Facilities will be reviewed at the end of the third and fifth year of the Line Extension Agreement based on actual delivery service revenue for the preceding year, and to the degree that actual revenue supports the Extension Facilities cost, all or a portion of the applicant's construction advance may be refunded. In no case will refunds exceed the unrefunded balance of the applicant's advance. Any unrefunded balance remaining five years from the date of the Company's executed Line Extension Agreement will become a non-refundable contribution in aid of construction.

(D) Company may include a capacity factor component, as determined by Company, to the Economic Feasibility Analysis for applicants that request excess or redundant system capacity.

10.4. Before Company orders specialized materials or equipment required to provide service, applicant will be required to make an advance payment to the Company for the estimated cost of the material or equipment in accordance with Section 27.2.

11. Mixed-Use Developments

11.1. Extension Facilities will be installed to Mixed-Use Developments in advance of application for service by Permanent applicants under the following conditions:

(A) A Line Extension Agreement is signed by the applicant and advance payment of all project costs is required before the start of Company construction. Payment is due at the time the Line Extension Agreement is signed by the applicant.

(B) The site development plan has been approved and recorded in the county or city having jurisdiction.

(C) The residential units are individually metered or master metered in accordance with Section 21.

11.2. The charges for Extension Facilities will be determined based on a Project-Specific Cost Estimate and will be paid by the applicant before Company installing facilities.

11.3. Economic Feasibility Analysis for Mixed Use Developments - Applicants whose Extension Facilities are installed on the basis of an Economic Feasibility analysis which determines that the estimated installation cost of the Extension Facilities is not supported by the applicant's estimated delivery service revenue may be required to advance sufficient funds to make installation of the Extension Facilities economically feasible. Company reserves the right to collect a full advance from the applicant based on the project scope, location, applicant's financial condition or organizational structure

of the applicant. The following conditions will apply to Economic Feasibility projects:

(A) Economic Feasibility for projects where the applicant's Extension Facilities cost (excluding non-refundable applicant contributions such as street lights and other non-standard construction charges) is greater than $25,000 will be established where the estimated annual revenue based on Company's then currently effective rate for delivery service (excluding taxes, regulatory assessment and other adjustments), less the cost of service, provides an adequate rate of return on the investment made by Company to serve the applicant.

(B) Applicants whose Economic Feasibility analysis results in the requirement for a payment in advance of construction may be eligible for a refund of such advance over the term of the Line Extension Agreement's five-year period if the actual annual delivery service revenue for the applicant's project exceeds the estimated delivery service revenue used in the Economic Feasibility analysis.

(C) The Economic Feasibility analysis for the Extension Facilities will be reviewed at the end of the third and fifth year of the Line Extension Agreement based on actual delivery service revenue for the preceding year and to the degree that actual revenue supports the Extension Facilities cost, all or a portion of the applicant's construction advance may be refunded. In no case will refunds exceed the unrefunded balance of the applicant's advance. Any unrefunded balance remaining five years from the date of the Company's executed Line Extension Agreement will become a non-refundable contribution in aid of construction.

(D) Company may include a capacity factor component, as determined by Company, to the Economic Feasibility Analysis for applicants that request excess or redundant system capacity.

11.4. Before Company orders specialized materials or equipment required to provide service applicant will be required to make an advance payment to the Company for the estimated cost of the material or equipment in accordance with Section 27.2.

12. Corporate Business & Industrial Park Developments

12.1. Extension Facilities will be made to Corporate Business and Industrial Park Developments in advance of application for service by Permanent customer under the following conditions:

(A) A Line Extension Agreement signed by the applicant and advance payment of all project costs is required before the start of Company construction. Payment is due at the time the Line Extension Agreement is signed by the applicant.

(B) The site development plan has been approved and recorded in the county or city having jurisdiction.

12.2. The cost of installing Extension Facilities will be determined in accordance with the Schedule of Charges, a Project-Specific Cost Estimate, or combination of Schedule of Charges and a project-specific cost estimate depending on the scope of the project.

12.3. The cost for Extension Facilities installed for applicants with estimated demand loads of less than three megawatts or less than 3,000 kVA of transformer capacity will be

determined in accordance with the Schedule of Charges or combination of Schedule of Charges and a Project-Specific Cost Estimate depending on the scope of the project.

12.4. The cost for Extension Facilities installed for applicants with projected loads of three megawatts or greater, requiring transformer capacity of 3,000 kVA and greater, special requests involving primary metering, or specialized/additional equipment for enhanced reliability will be determined by the Company based on Project-Specific Cost Estimates.

12.5. The applicant will pay the total project estimated cost as a non-refundable contribution in aid of construction in addition to costs for street lights and other non-standard construction charges.

12.6. Company will provide a "Conduit Only Design" provided applicant makes a payment in the amount equal to the estimated cost of the preparation of the design, in addition to the costs for any materials, field survey and inspections that may be required. Future extensions in the development will be required to follow the original design plan.

12.7. Extension Facilities will be installed to individual lots (at the request of an applicant) within the Corporate Business and Industrial Park Development in accordance with the applicable sections of this Service Schedule 3.

13. Temporary Applicants

13.1. Where Temporary Extension Facilities are required to provide service to the applicant, the applicant will make a non-refundable payment in advance of installation or construction equal to the cost of installing and removing of the facilities required in providing Temporary service, less the salvage value of such facilities. Charges will be determined by Company based on a Project-Specific Cost Estimate.

13.2. A Line Extension Agreement signed by the applicant and advance payment of all project costs is required before the start of Company construction. Payment is due at the time the Line Extension Agreement is signed by the applicant.

13.3. When use of the Temporary service is discontinued or service is terminated, Company may dismantle and remove its facilities and the materials and equipment provided by Company will remain Company property.

14. Doubtful Permanency Customers

14.1. When, in the opinion of Company, permanency of the applicant's residence or operation is doubtful, the applicant will be required to pay the total cost of the Extension Facilities. The cost of extending service to applicant will be determined in accordance with the Schedule of Charges or combination of Schedule of Charges and a Project-Specific Cost Estimate. The applicant will pay the total project estimated cost as a non-refundable contribution in aid of construction in addition to costs for street lights and other non-standard construction charges.

14.2. A Line Extension Agreement signed by the applicant and advance payment of all project costs is required before the start of Company construction. Payment is due at the time the Line Extension Agreement is signed by the applicant.

OTHER CONDITIONS

15. Municipalities and Other Governmental Agencies

15.1. Extension Facility installations, relocations, or conversions of existing facilities required to serve loads of municipalities or other governmental agencies may be constructed before the receipt of a signed Line Extension Agreement. However, this does not relieve the municipality or governmental agency of the responsibility for payment of the Extension Facilities costs in accordance with the applicable sections of this Service Schedule 3.

15.2. The effective date for projects enacted under this provision for purposes of Section 2.4 will be the date the municipality or agency provided written approval to the Company to proceed with construction.

16. Change in Applicant's Service Requirements

16.1. Company will rebuild, modify, or upgrade its existing facilities to meet the applicant's added load, service entrance upgrade, or change in service requirements on the basis specified in Sections 3, 4, 5, 6, 7, 8, 9, 10, 11 , 12, 13, or 14. Charges for such changes will be in accordance with the Schedule of Charges, a Project-Specific Cost Estimate, or combination of Schedule of Charges and a Project-Specific Cost Estimate determined by the Company based on project-specific requirements.

17. Relocations, Conversions and Upgrades of Company Facilities

17.1. **Relocations** - Company will relocate its facilities at the applicant's request. The cost of relocations not in conjunction with a new extension or existing customer upgrade will be determined by a Project-Specific Cost Estimate.

(A) When the relocation of Company facilities involves "prior rights" conditions, the applicant will be required to make payment equal to the estimated cost of relocation as a non-refundable contribution in aid of construction. In addition, applicant will be required to provide similar "rights" for the relocated facilities.

(B) Payment of all project costs is required prior to the start of Company construction. Payment is due at the time the Line Extension Agreement is signed by applicant.

17.2. **Conversions** - Company will convert from overhead to underground its facilities at applicant request. The cost of conversions not in conjunction with a new extension or existing customer upgrade will be determined by a Project-Specific Cost Estimate and may include residual value costs as computed in accordance with the method described in A.R.S. Section 40-347.

(A) The applicant will be required to make a payment equal to the estimated cost of

conversion as a non-refundable contribution in aid of construction.

(B) Payment of all project costs is required prior to the start of Company construction. Payment is due at the time the Line Extension Agreement is signed by the applicant.

17.3. **Upgrades** - Company will upgrade its facilities at applicant request. The cost of Company facility upgrades not in conjunction with a new extension or existing customer upgrade will be determined by a Project-Specific Cost Estimate.

(A) The applicant will be required to make a payment equal to the estimated cost of the upgrade as a non-refundable contribution in aid of construction.

(B) Payment of all project costs is required prior to the start of Company construction. Payment is due at the time the Line Extension Agreement is signed by the applicant.

18. Additional Primary Feed or Specialized Equipment

18.1. When specifically requested by an applicant to provide an alternate primary feed or specialized equipment (excluding transformation), Company will perform a special study to determine the feasibility of the request. The applicant will be required to pay for the cost of the additional feed requested as a non-refundable contribution in aid of construction. Installation cost will be based on a Project-Specific Cost Estimate. Payment for the installation of Extension Facilities is due at the time the Line Extension Agreement is signed by the applicant.

19. Unusual Circumstances

19.1. In unusual circumstances as determined by Company, when the application and provisions of this Service Schedule 3 appear impractical, or in case of extension of lines to be operated on voltages other than specified in the applicable rate schedule, or when applicant's estimated demand load will exceed 3,000 kW, Company may make a special study of the conditions to determine the basis on which service may be provided. Additionally, Company may require special contract arrangements as provided for in the Company's Service Schedule 1, Terms and Conditions for Standard Offer and Direct Access Service.

20. Abnormal Loads

20.1. Company, at its option, may install Extension Facilities to serve certain abnormal loads (such as transformer type welders, x-ray machines, wind machines, excess capacity for test purposes and loads of unusual characteristics) and the costs of any distribution system modifications or enhancements required to serve the applicant will be included in the payment described in previous sections of this Service Schedule 3.

21. Master Metering

21.1. **Mobile Home Parks** - Company will refuse service to all new construction or expansion of existing Permanent residential mobile home parks unless the construction or expansion is individually metered by Company.

21.2. **Residential Apartment Complexes, Condominiums** - Company will refuse service to all new construction of apartment complexes and condominiums which are master metered unless the builder or developer can demonstrate that the installation meets the provisions of R14-2-205 of the Arizona Administrative Code and the requirements discussed in 21.3 below. This section is not applicable to Senior Care/Nursing Centers registered with the State of Arizona with independent living units which provide packaged services such as housing, food, and nursing care.

21.3. **Multi-Unit High Rise Residential Developments** - Company will allow master metering for high rise residential units under the following conditions:

(A) The building will be served by a centralized heating, ventilation or air conditioning system

(B) Each residential unit will be individually sub-metered and responsible for energy consumption of that unit.

(C) Sub-metering will be provided and maintained by the builder or homeowners association.

(D) Responsibility and methodology for determining each unit's energy billing will be clearly specified in the original bylaws of the homeowners association, a copy of which must be provided to Company before Company installing Extension Facilities.

21.4. **Conversion from master meter to individually metered system** - Company will convert its facilities from a master metered system to a Permanent individually metered system at the applicant's request provided the applicant makes a non-refundable contribution in aid of construction equal to the residual value plus the removal costs less salvage of the master meter facilities to be removed. The new facilities to serve the individual meters will be extended in accordance with the applicable sections of this Service Schedule 3. Applicant is responsible for all costs related to the installation of new service entrance equipment.

22. Voltage

22.1. All Extension Facility installations will be designed and constructed for operation at standard voltages used by Company in the area in which the Extension Facilities are located. At the request of applicant, Company may, at its option, deliver service for special applications of non-standard or higher voltages with prior approval from Company's Engineering Department. Applicant will be required to pay the costs of any required studies as a non-refundable payment.

22.2. Extension Facilities installed at higher voltages will be limited to serving an applicant

operating as one integral unit under the same name and as part of the same business on adjacent and contiguous sites not separated by private property owned by another party or separated by public property or public right–of- way.

23. Point of Delivery

23.1. For overhead service, the point of delivery will be where Company's service conductors terminate at the applicant's weatherhead or bus riser.

23.2. For underground service, the point of delivery will be where Company's service conductors terminate in the applicant's or development's service equipment. The applicant will furnish, install and maintain any risers, raceways and termination cabinets necessary for the installation of Company's underground service conductors.

23.3. For special applications where service is provided at voltages higher than the standard voltages specified in the APS Electric Service Requirements Manual, Company and applicant will mutually agree upon the designated point of delivery.

24. Easements

24.1. Before Company begins construction of Extension Facilities, all suitable easements and rights-of-way required for any portion of the extension will be obtained by applicant and provided to Company in Company's name without cost to or condemnation by Company. All easements and rights-of-way obtained on behalf of Company will be on Company's standard easement form which contains the terms and conditions that are acceptable to Company.

25. Grade Modifications

25.1. If after construction of Extension Facilities, the final grade of the property established by the applicant is changed in such a way as to require relocation of Company facilities, or the applicant's actions or those of his contractor results in damage to such facilities, the cost of replacement, relocation, or any resulting repairs will be borne by applicant as a non-refundable contribution in aid of construction.

26. Measurement and Location

26.1. Measurement must be along the proposed route of construction.

26.2. Construction will be on public streets, roadways, highways, or easements acceptable to Company.

26.3. The Extension Facilities must be a branch from, the continuation of, or an addition to, Company's existing distribution facilities.

27. Agreements

27.1. **Study and Design Agreements** - Any applicant requesting Company to prepare special studies or detailed plans, specifications, or cost estimates will be required to make a payment to Company in an amount equal to the estimated cost of preparation. When the applicant authorizes Company to proceed with construction of the Extension Facilities, the payment will be credited to the cost of the Extension Facilities otherwise the payment will be non-refundable. Company will prepare, without charge, a preliminary sketch and rough estimate of the cost to be paid by the applicant upon request.

27.2. **Material Order Agreements** - Any applicant requesting Company to enter into a Line Extension Agreement or relocation agreement which requires either large quantities of material or material and equipment which the Company does not keep in stock will be required to make a payment to Company before the material being ordered in an amount equal to the material/equipment's estimated cost. When the applicant authorizes Company to proceed with construction of the extension, the payment will be credited to the cost of the extension; otherwise the payment will be non-refundable.

27.3. **Line Extension Agreements** - All facility installations or equipment upgrades requiring payment by an applicant will be in writing and signed by both the applicant and Company.

28. Applicant Construction of Company Distribution Facilities

28.1. Applicant may provide construction related labor only services associated with the installation of new distribution line facilities (21 kV and below) to serve the applicant's new or added load provided the applicant receives written approval from Company before performing any such services and uses electrical contractors who are qualified and licensed in the State of Arizona to construct such facilities and designated as an APS Approved Electrical Distribution Contractor.

28.2.This option is not available for the following:

(A) Replacement, modifications, upgrades, relocation, or conversions of existing systems.

(B) Where all or a portion of the distribution line facilities are to be constructed on or installed on existing distribution line or transmission lines.

28.3. All construction services provided by the applicant will be subject to inspection by a duly authorized Company representative and will comply with Company designs, construction standards, and other requirements which may be in effect at the time of construction. Any work found to be substandard in the sole opinion of the Company must be corrected by applicant before energization by Company.

28.4. Applicant will reimburse Company for all inspection and project coordination costs as a non-refundable contribution in aid of construction. Estimated costs for inspection and project coordination will be identified in the construction agreement executed by

Company and applicant.

28.5. Costs for Extension Facilities for applicants who provide construction of Company distribution facilities will be based on a Project-Specific Cost Estimate.

28.6. A signed agreement and payment of all project costs minus labor are required before the start of applicant construction. Payment is due at the time the agreement is signed by the applicant.

28.7. For applicants that are not served by the terms in General Service Sections of this document, Company will provide a Project-Specific Cost Estimate. Applicants may submit an invoice detailing costs of Extension Facilities and apply any allowance provided in Residential Sections 3, 4, or 7 to these costs. At no point will these costs exceed the Company's Project-Specific Cost Estimate.

28.8. Applicants served by the terms in General Service Sections 9, 10, 11, 12, 13, or 14 of this document will be subject to the rules set forth in the respective section and Refund Section 2.4.

29. Settlement of Disputes

29.1. Any dispute between the applicant or prospective applicant and Company regarding the interpretation of these "Conditions Governing Extensions of Electric Distribution Lines and Services" may be referred to the Arizona Corporation Commission or a designated representative or employee for determination by either party.

30. Policy Exceptions

30.1. This Schedule 3 is applicable to all applicants unless specific exceptions are approved by the Arizona Corporation Commission. The following exceptions have been approved for Rural Municipality applicants:

(A) Extension Facilities will be installed to Rural Municipal Business Developments on the basis of an Economic Feasibility analysis in advance of application for service by permanent applicants.

(B) The cost of installing Extension Facilities to Rural Municipal Business Developments will be determined in accordance with the Schedule of Charges, a Project-Specific Cost Estimate, or combination of Schedule of Charges and a project-specific cost estimate depending on the scope of the project.

(C) The refund eligibility period for Rural Municipal Business Developments will be 7 years from the date the Company executes the Line Extension Agreement with the Rural Municipality applicant.

(D) Rural Municipal Business Development applicants will be required to advance payment of one-half of the project costs at the time the Line Extension Agreement is signed and before the start of Company construction. The balance of the project cost will be required 7 years from the Execution Date of the agreement if the project has not become economically feasible by the end of the 7 year refundable

period. Any unrefunded advance balance paid at the start of the project, plus the balance of project costs due at the end of refund period, will become a non-refundable contribution in aid of construction 7 years from the Execution Date of the agreement.

(E) Company may require a Surety Bond, Irrevocable Letter of Credit or Assignment of Monies in amount equal to any Advance not collected at the start of construction.

(F) The Economic Feasibility analysis for the Rural Municipal Business Development's Extension Facilities will be reviewed at the end of the third, fifth and seventh year of the Line Extension Agreement based on the average monthly demand within the Rural Municipal Business Development for the preceding year and to the degree that the average monthly demand supports the Extension Facilities cost, all or a portion of the applicant's construction advance may be refunded. In no case will refunds exceed the unrefunded balance of the applicant's advance.

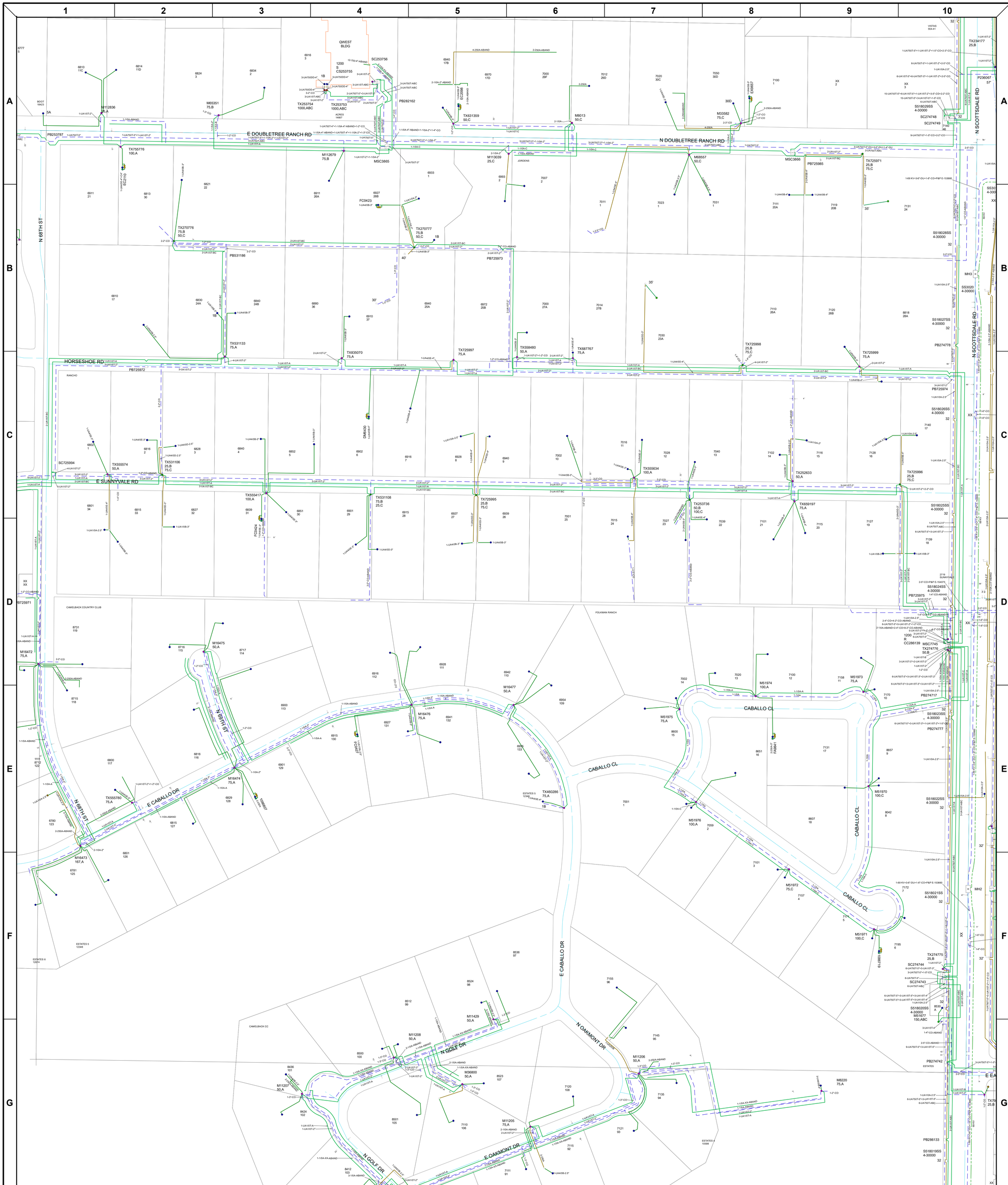
(G) Company may include a capacity factor component, as determined by Company, to the Economic Feasibility Analysis for applicants that request excess or redundant system capacity.

Attachment 1
Schedule of Charges – Single Phase

APS Schedule 3 Rev 13, Line Extension Schedule of Charges

Single Phase	OH Primary	UG Primary				OH Secondary	UG Secondary	
	Cost per Circuit Foot	Cost per Circuit Foot	Pull Box	Pad Mount Junction Cabinet	OH/UG Transition	Secondary Pole	OH/UG Secondary Transition	J Box
	$16.67	$5.64	$898	$3,889	$1,346	$2,259	$892.22	$105.55
	Each Installation							
Pole Interset	$5,146.88							
OVERHEAD Single Phase	SES Size	Transformer Size, 120/240V		Service wire/Linear Ft				
	200 Amp	25kVA	$3,853	$6.15				
	200 Amp	50kVA	$4,178	$7.90				
	400 Amp	50kVA	$4,178	$7.90				
	600 Amp	75kVA	$5,249	$13.06				
	800 Amp	100kVA	$6,057	$18.23				
UNDERGROUND Single Phase	SES Size	Transformer Size, 120/240V		Service wire/Linear Ft				
	200 Amp	25kVA	$4,266	$5.22				
	200 Amp	50kVA	$4,657	$6.66				
	400 Amp	50kVA	$4,657	$6.66				
	600 Amp	75kVA	$5,229	$13.46				
	800 Amp	100kVA	$5,984	$14.91				

1) Extension Facilities that do not qualify for the Schedule of Charges will be determined by a project specific cost estimate.
2) Cost per foot charges will be determined from termination at the source to the next device in the circuit. Linear footage for each circuit will be summed to determine charges
3) Pad Mount Junction Cabinet is a single phase termination cabinet.
4) Primary OH cost per foot is for one phase and a neutral or two phases and no neutral; includes poles, framing, 2R conductor.
5) Charges for services are based on linear footage from Transformer to SES regardless of the number of sets. J Boxes not included in footage cost.
6) All footages to be calculated by linear footages.
7) Transition is from the OH line to the UG line: includes wire down pole and accessories. Pole NOT included.



GIS MAPPING DEPARTMENT
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NOTICE:

THE UTILITY LOCATIONS SHOWN ON THIS MAP ARE APPROXIMATE ONLY AND ARE NOT RELIABLE FOR CONSTRUCTION PURPOSES. IN ADDITION, THERE MAY BE FACILITIES IN EXISTENCE DUE TO RECENT CONSTRUCTION THAT ARE NOT SHOWN. FOR ACTUAL FIELD LOCATIONS CONTACT ARIZONA BLUE STAKE CENTER AT 1-800-782-5348 (1-800-STAKE-IT).

Electric Line Features Legend

- Overhead Primary
- Overhead Aerial Cable
- Overhead Secondary
- Overhead Service
- Underground Secondary
- Underground Service
- Underground Primary
- Underground Transmission
- Underground 230 kV Transmission
- Overhead Transmission
- Overhead Communication Line
- Underground Communication Line
- Conduit / Duct / Direct Buried

Electric Device Features Legend

- Overhead Capacitor Bank
- Pad Mounted Capacitor
- Feeder Circuit Breaker
- Fuse Disconnect
- One Anchor Guy
- OH/UG Change in Wire/Conduit Size
- Overhead Tap Mid Span
- PM Auto Transfer Enclosure
- PM Switching Enclosure
- PM Junction Enclosure
- PM Sectionalizing Enclosure
- PM Termination Enclosure
- OH Auto Transfer Switch
- OH Recloser
- OH Sectionalizer
- Pad Mounted Sectionalizer
- Metal Pole - APS-Owned - Not Joint Use
- Metal Pole - APS Owned - Joint Use
- Wood Pole - APS Owned - Not Joint Use
- Wood Pole - APS Owned - Joint Use
- Riser/Transition Assembly
- OH Primary Meter
- Service Entry Point
- Pad Mounted Primary Meter
- Dusk-To-Dawn Light
- Street Light
- Substation
- OH Blade Disconnect
- OH Gang-Operated Air Break Switch
- Open Point
- Manhole - Octagon
- Manhole - Rectangular
- Primary Pull Box - Man Accessible
- Primary Junction Box
- Secondary Junction Box
- Primary Pull Box
- Vault Building
- OH Voltage Regulator
- Pad Mounted Voltage Regulator
- OH APS XFR Bank - One Unit
- OH APS XFR Bank - Two Units
- OH APS XFR Bank - Three Units
- Pad Mounted 1 Ph XFR
- Pad Mounted Duplex XFR
- Pad Mounted 3Ph XFR
- Subsurface XFR

Wire Code Legend

Overhead:

3 – R002W – NC – ABC

- Phases
- Neutral Position
- Wire Code
- # of Conductors

Underground:

3 – UA750T – 5" – CO

- Encasement*
- Size of Conduit*
- Wire Code
- # of Conductors

(* No Conduit Size or Encasement = Direct Buried)

Arizona Public Service

OH & UG ELECTRIC

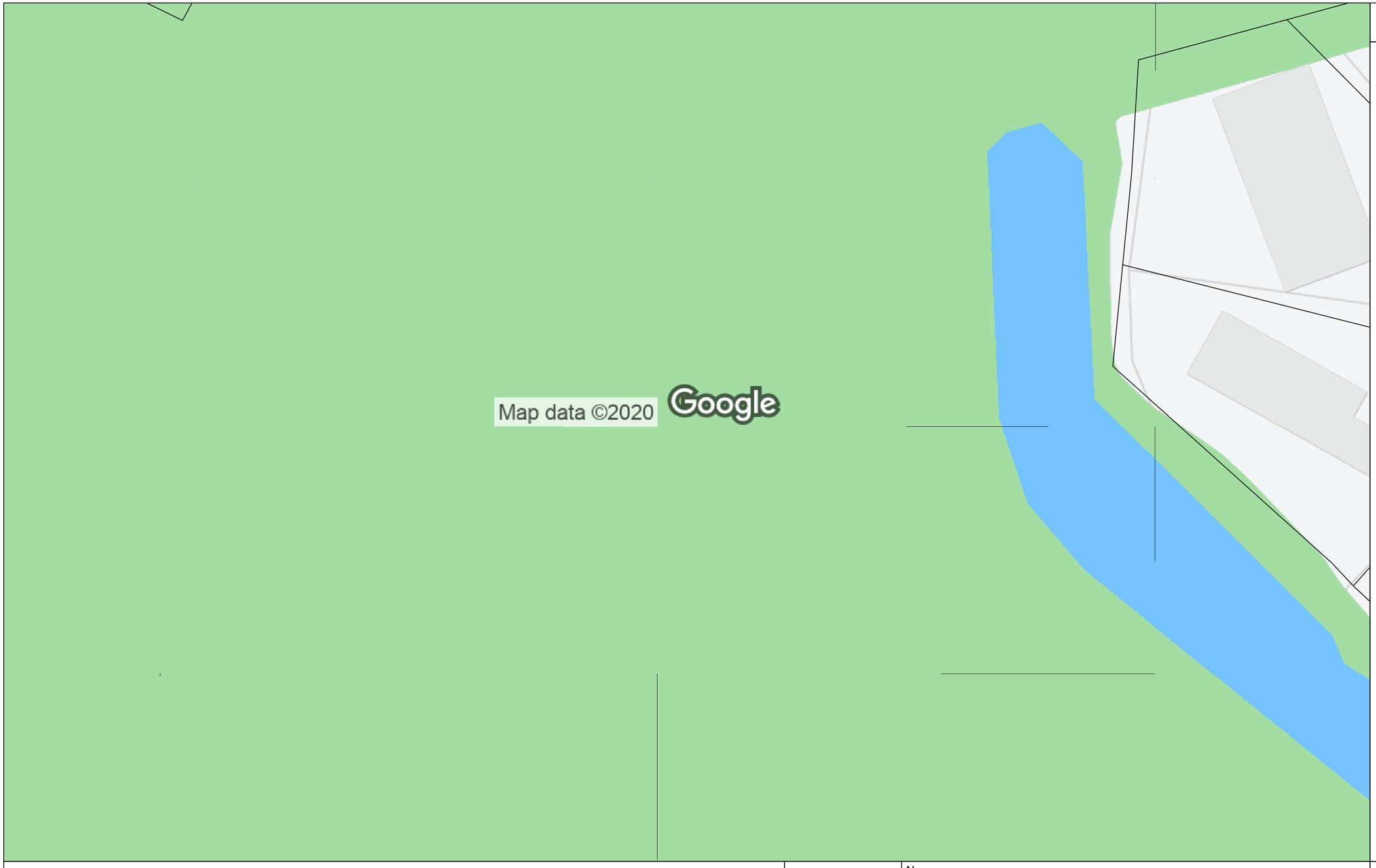
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1 " = 100 '



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Project #:	**WC CLLI: FTMDAZMA**	*Contract Engineer*	Name: Company:	**CONFIDENTIAL - Disclose and Distribute Solely to CTL Employees Having a Need to Know.**
Community Name:		*Construction Coordinator*	Name: Phone Number:	
Exchange Key:	Remote Switch Exchange Key:	Revision number:		*Sheet 1* *of 15*

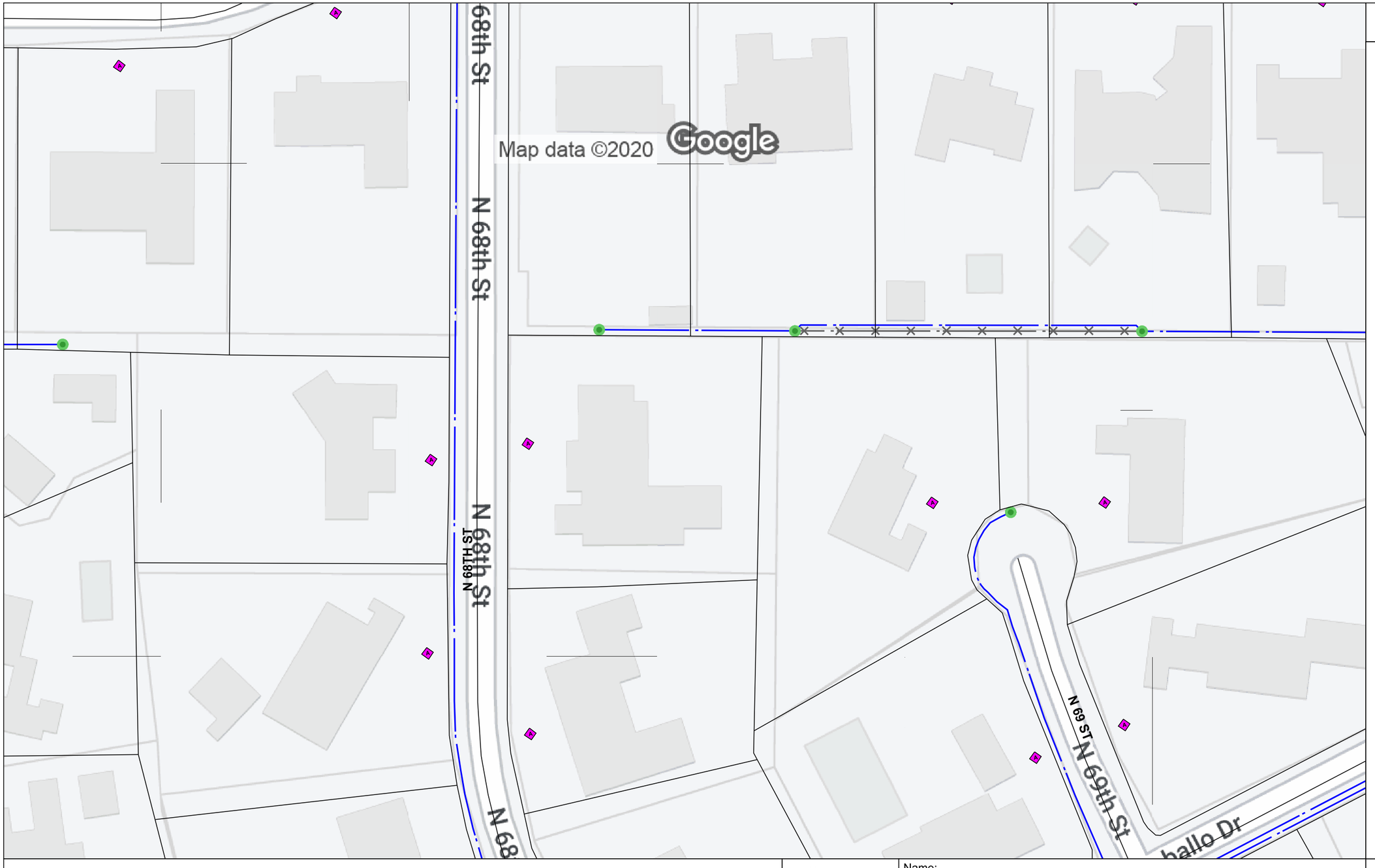


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CenturyLink

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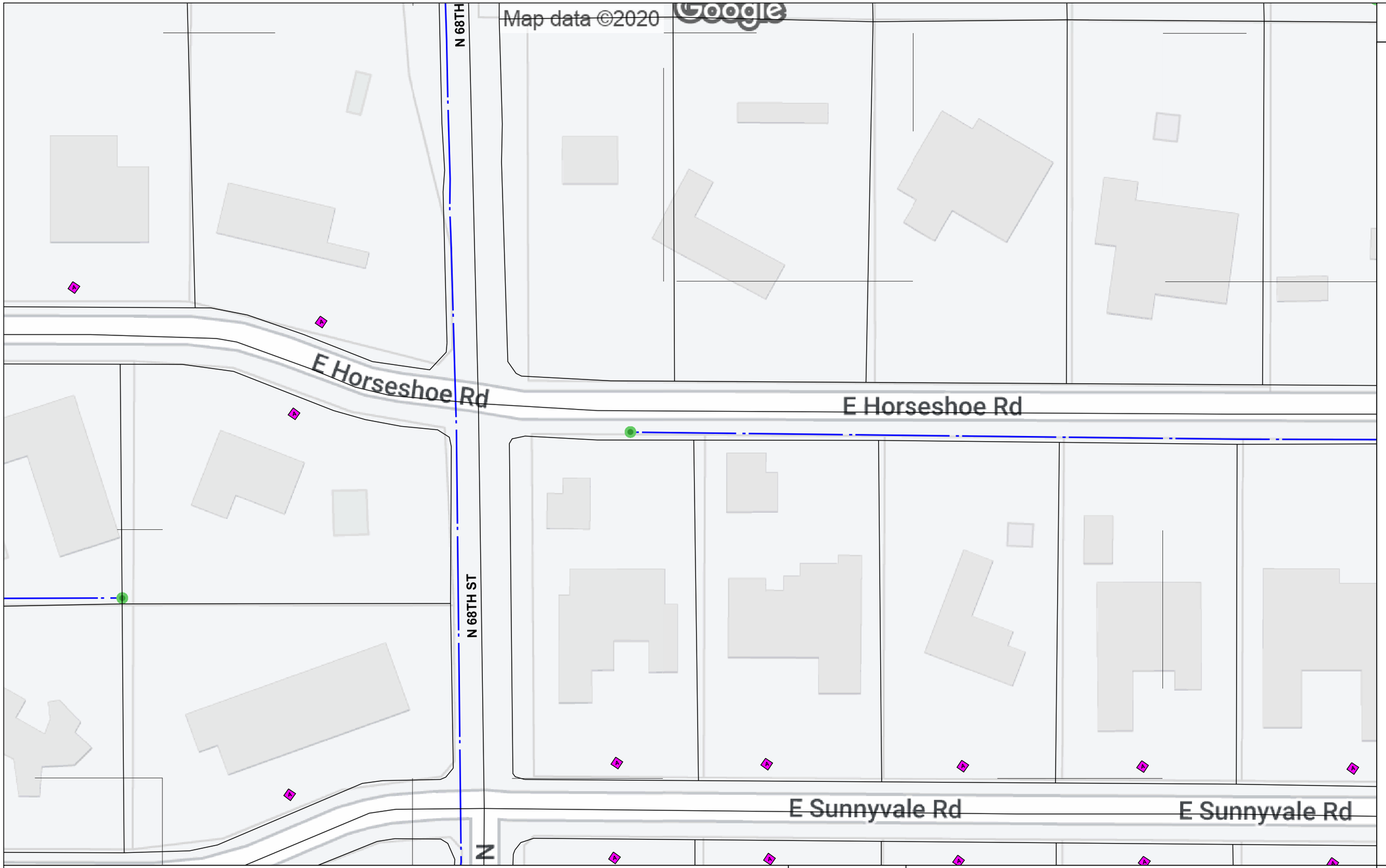
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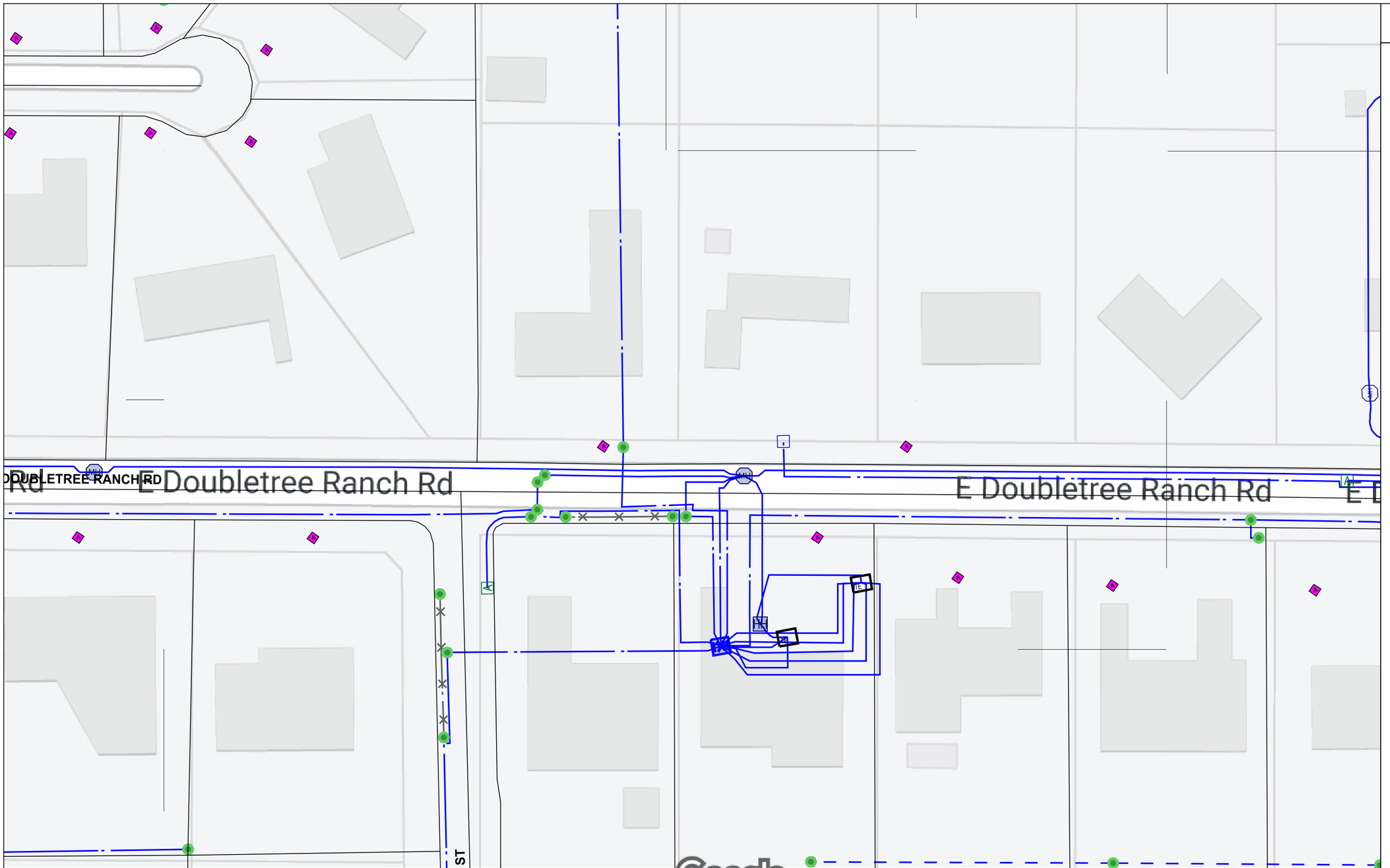
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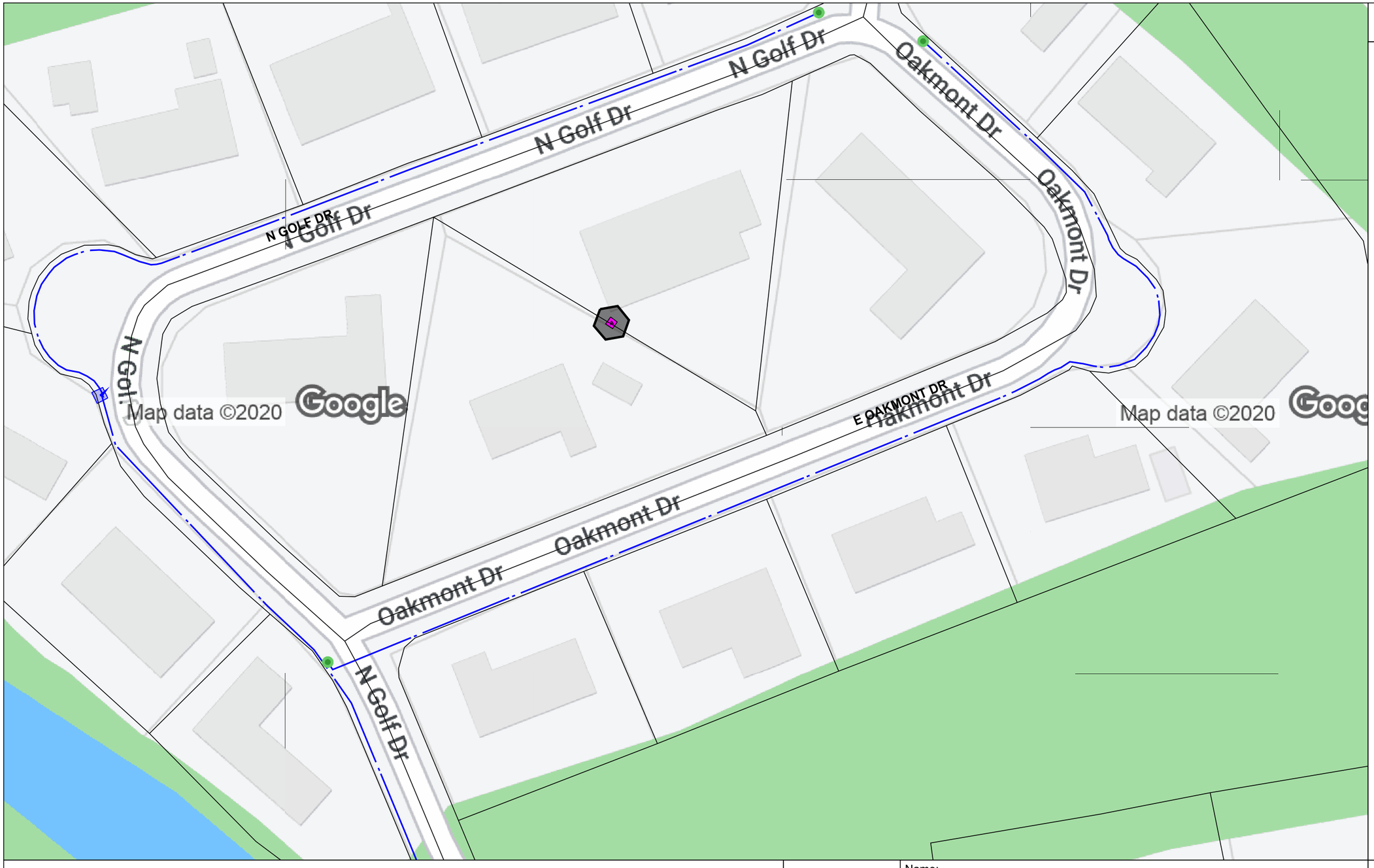
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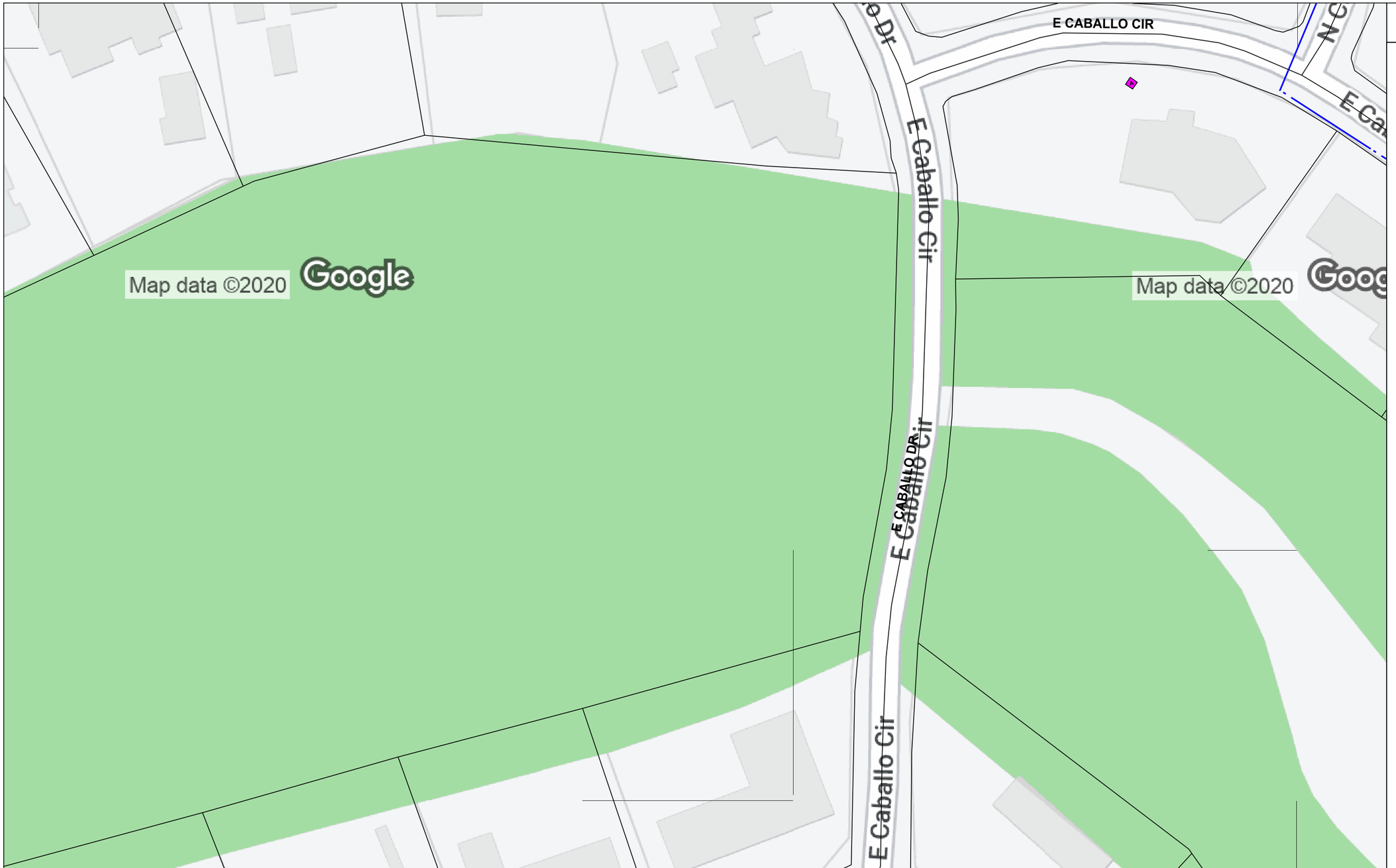
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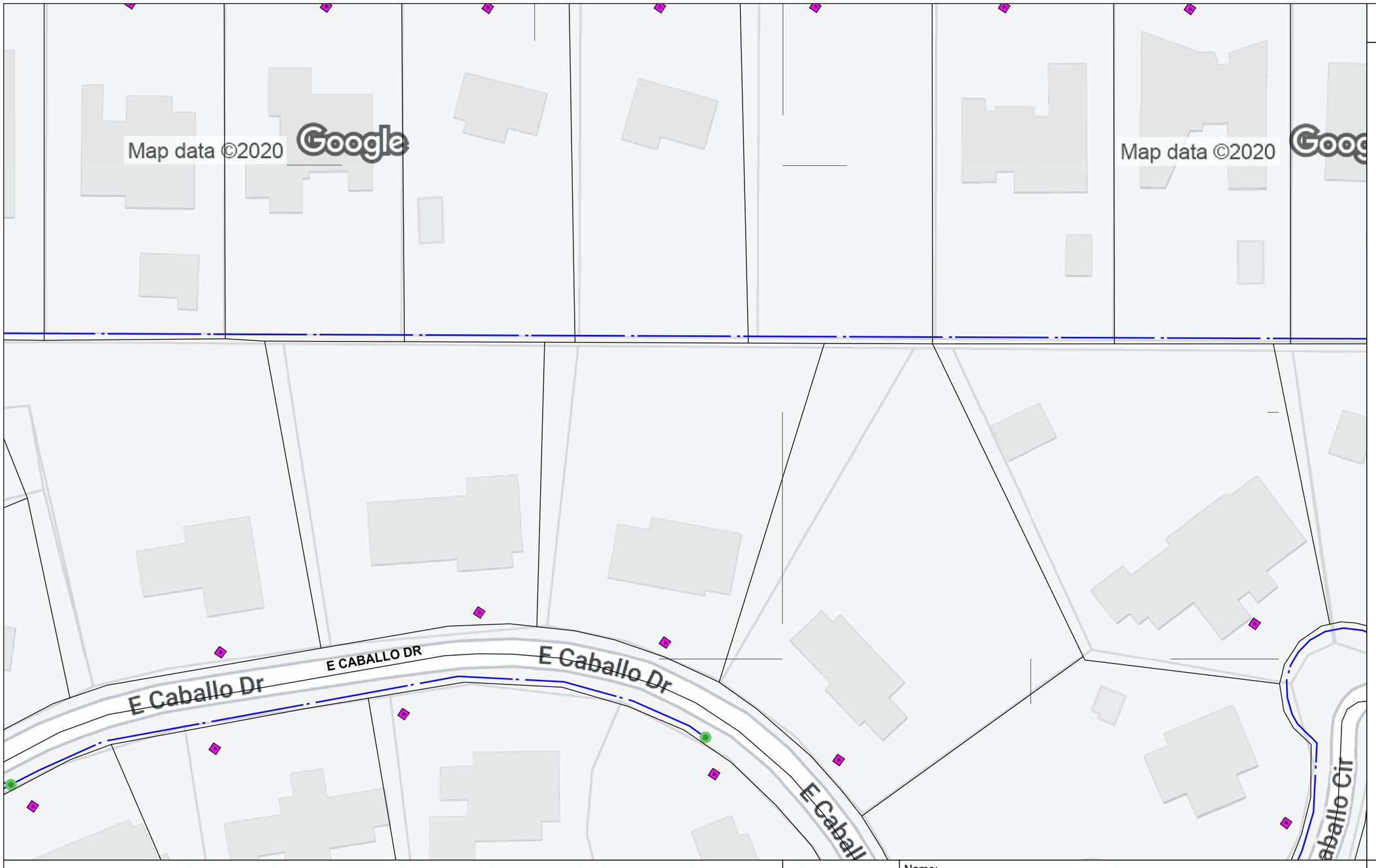
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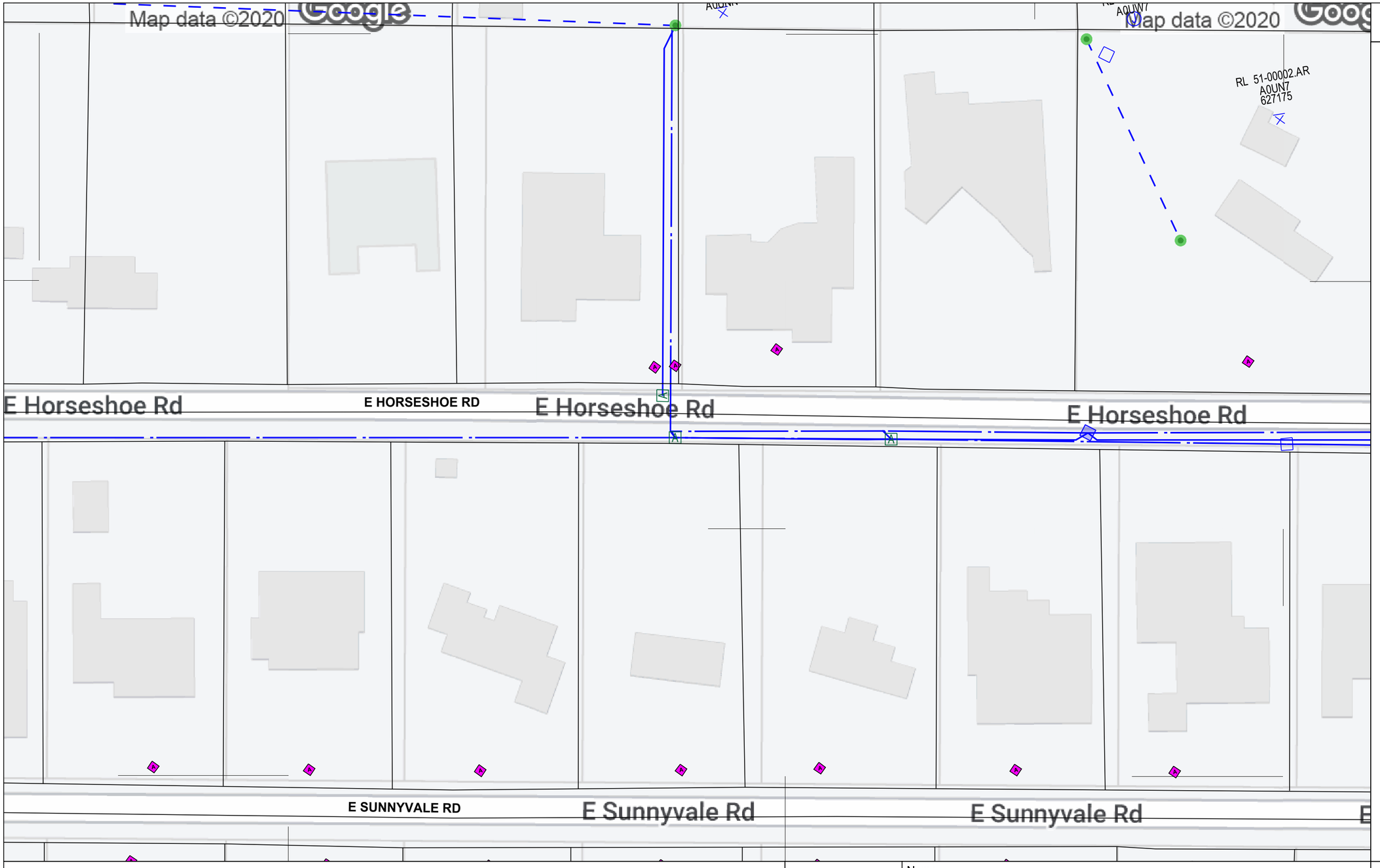
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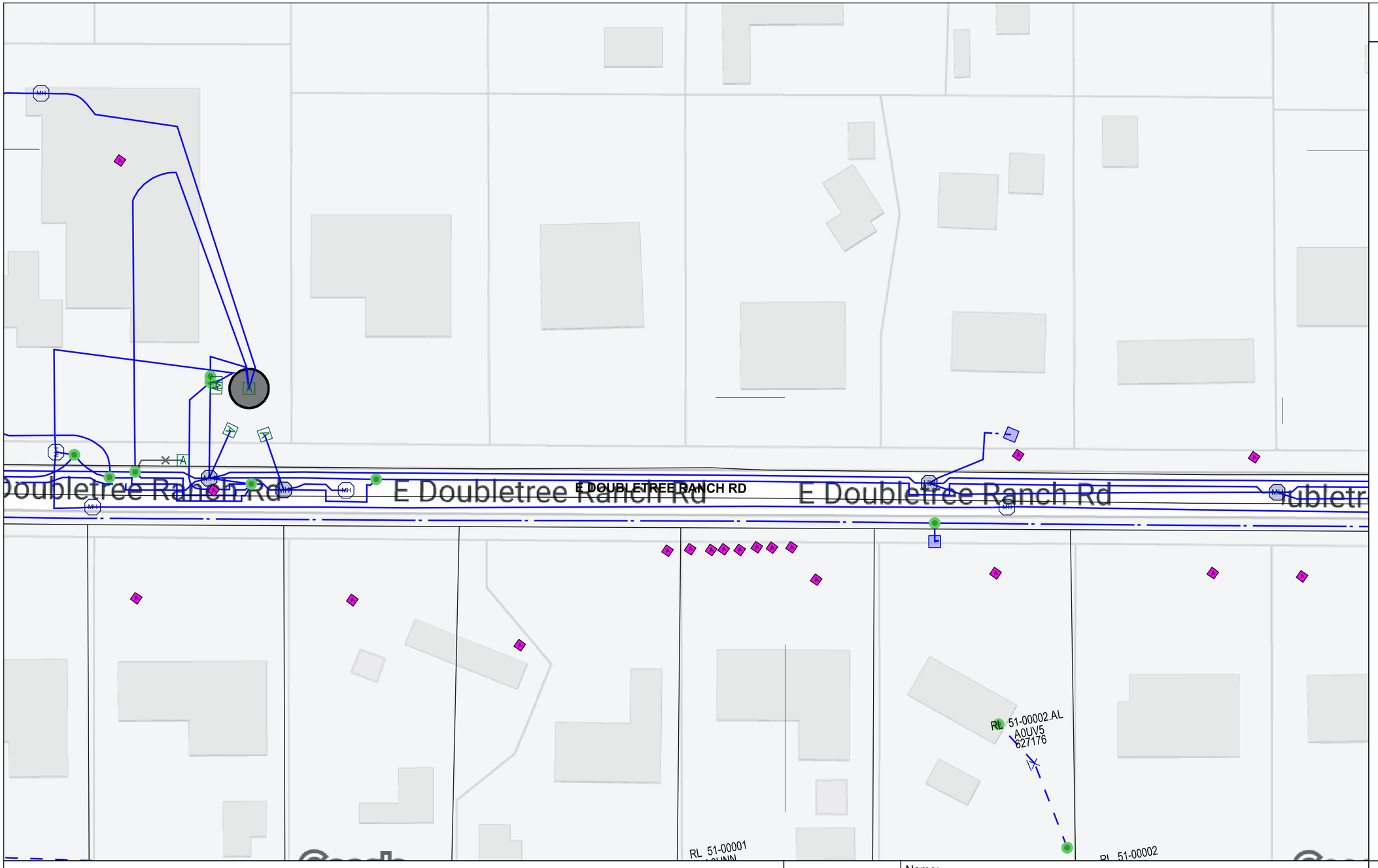
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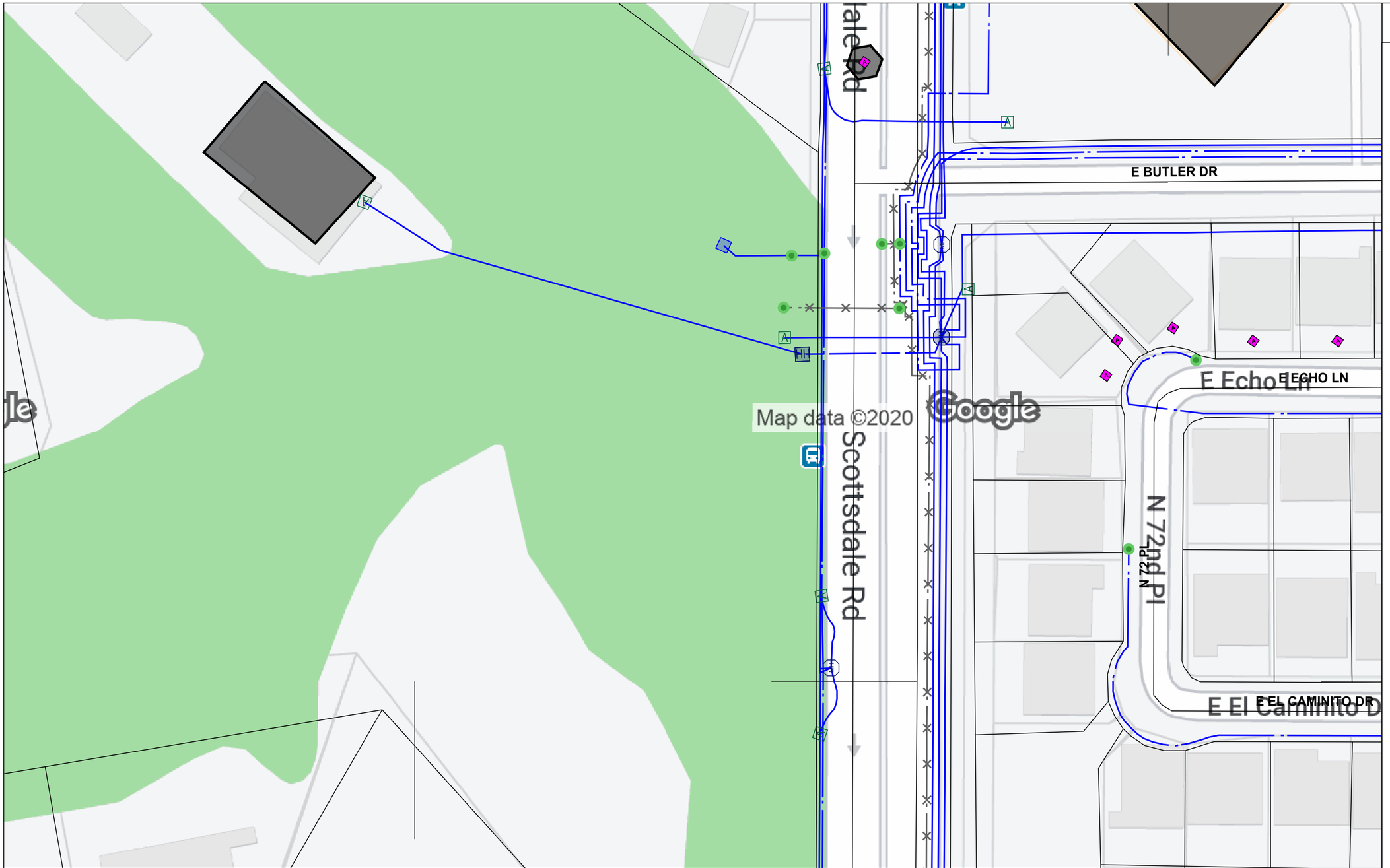
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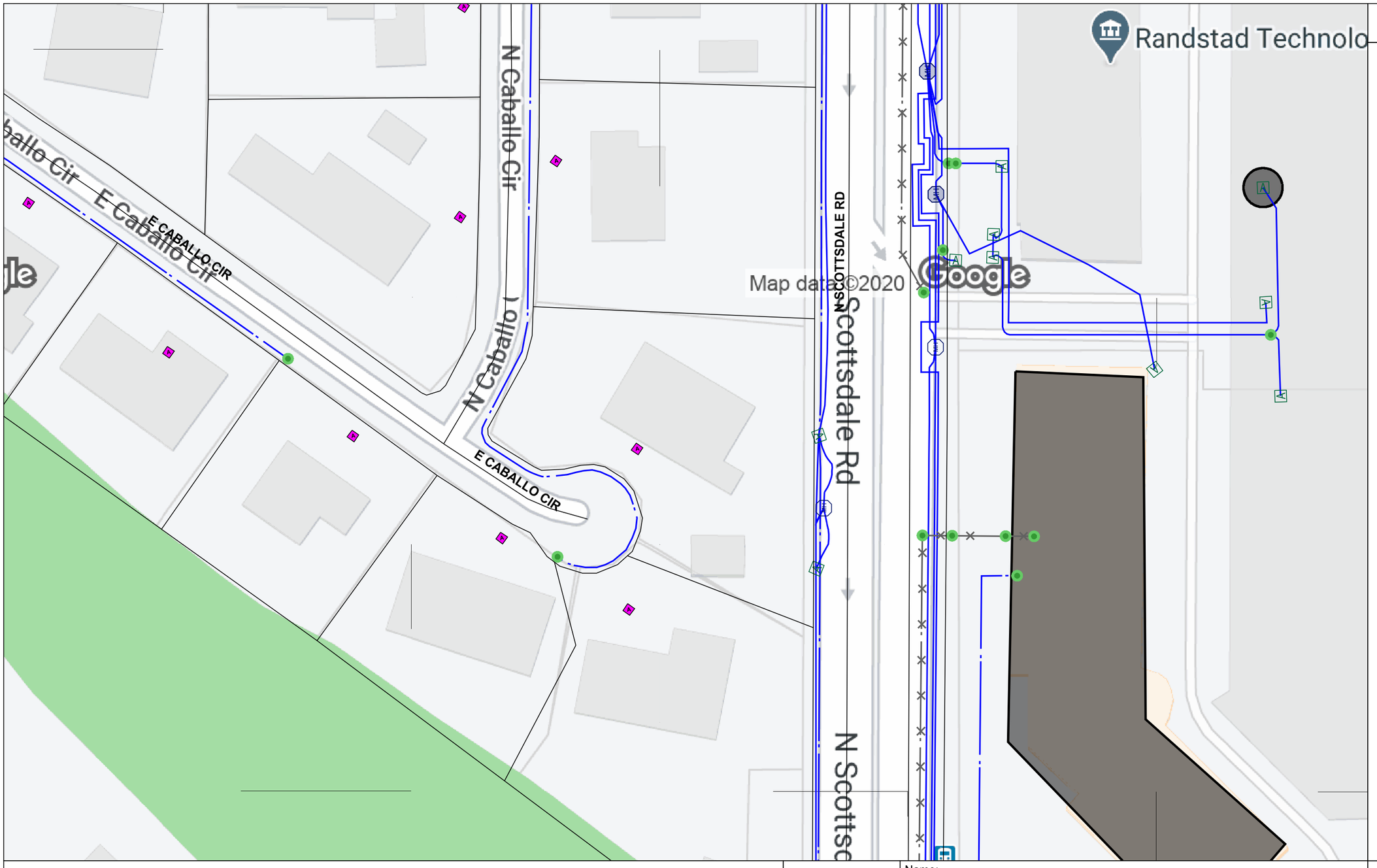
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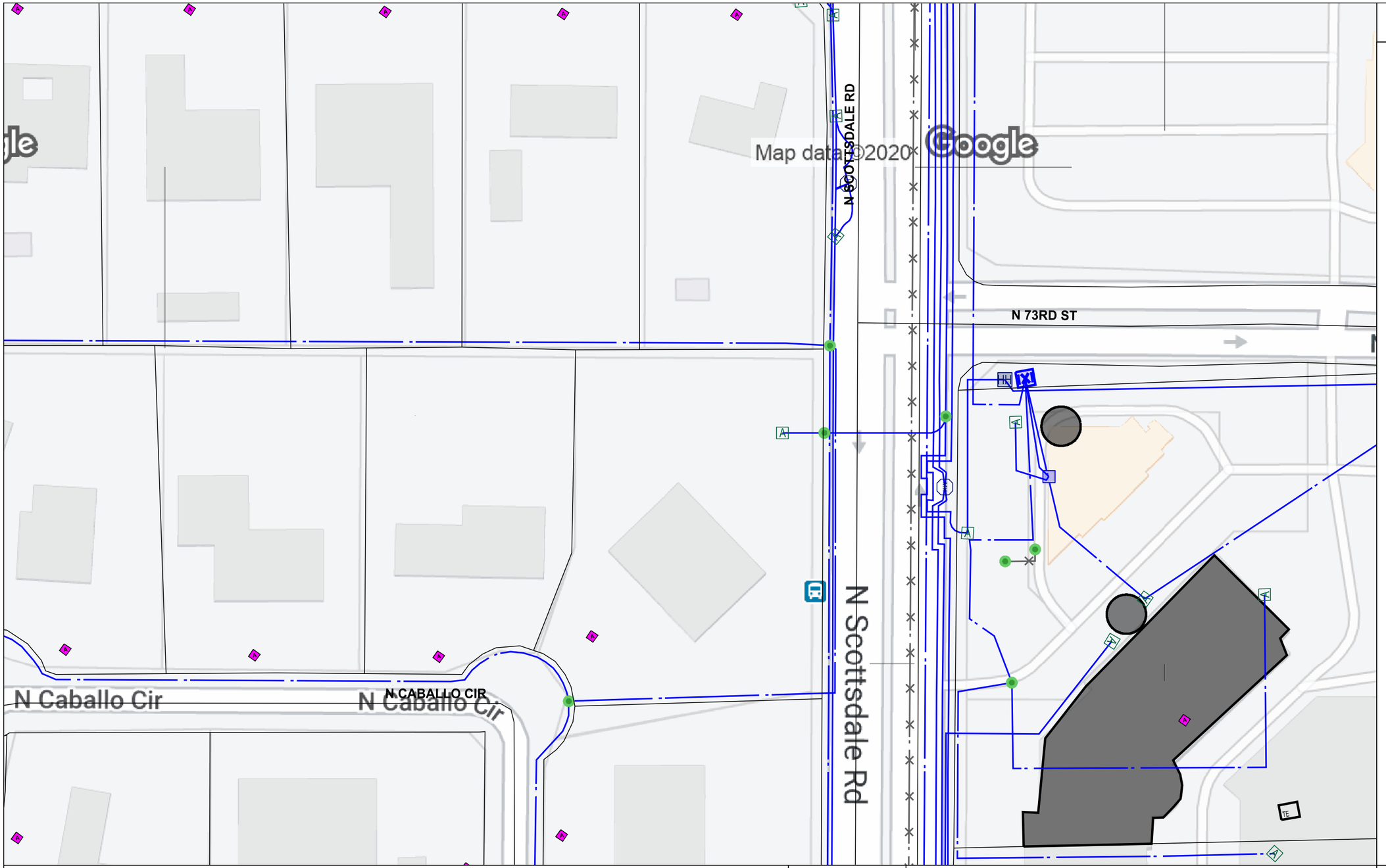
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Community Name:		*Construction Coordinator*	Name: Phone Number:	
Exchange Key:	Remote Switch Exchange Key:	Revision number:		*Sheet 12* *of 15*



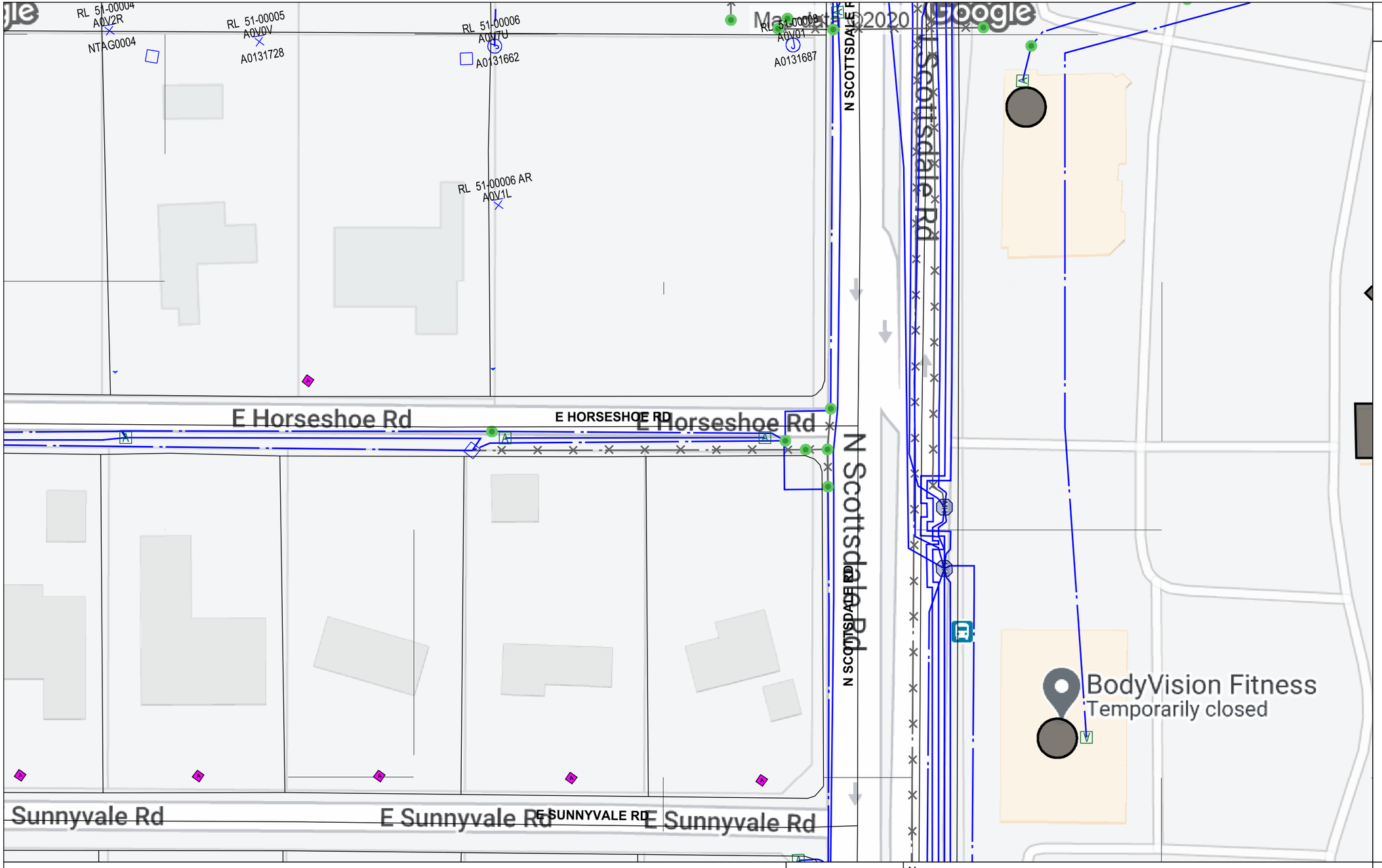
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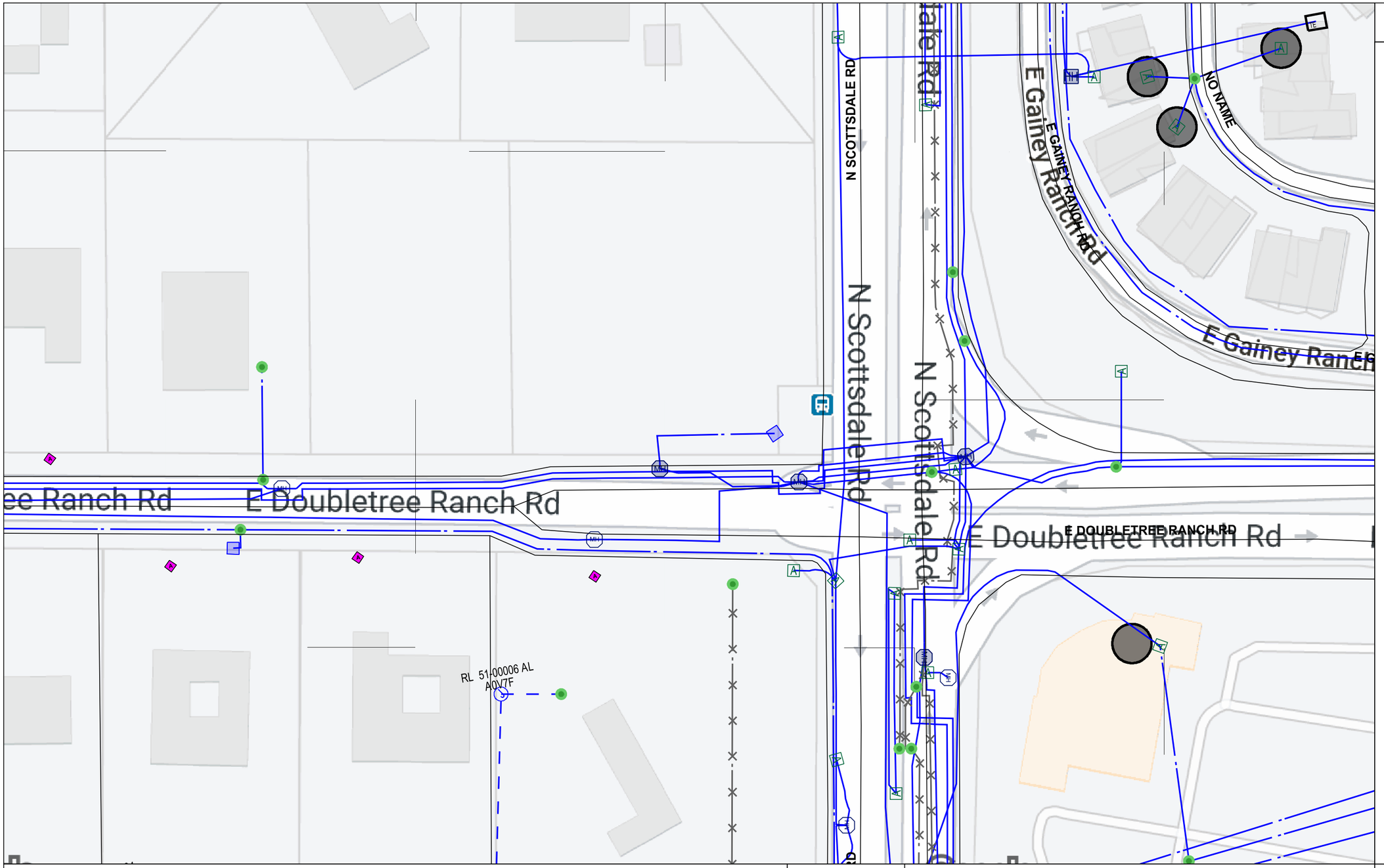
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Community Name:		*Construction Coordinator*	Name: Phone Number:	
Exchange Key:	Remote Switch Exchange Key:	Revision number:		*Sheet 15* *of 15*

FACILITY ROUTE LEGEND
ANY ROUTE MAY CONTAIN COPPER AND/OR FIBER FACILITIES

- AERIAL FACILITIES - EXISTING
- AERIAL FACILITIES - PENDING PLACEMENT
- AERIAL FACILITIES - PENDING REMOVAL

- BURIED FACILITIES - EXISTING
- BURIED FACILITIES - PENDING PLACEMENT
- BURIED FACILITIES - PENDING REMOVAL/ABANDONMENT
- BURIED FACILITIES - ABANDONED IN PLACE

- UNDERGROUND FACILITIES - EXISTING
- UNDERGROUND FACILITIES - PENDING PLACEMENT
- UNDERGROUND FACILITIES - PENDING REMOVAL/ABANDONMENT
- UNDERGROUND FACILITIES - ABANDONED IN PLACE

POINT OBJECT LEGEND
ANY OBJECT MAY CONTAIN COPPER AND/OR FIBER FACILITIES

- SERVING AREA INTERFACE (SAI)
- REMOTE TERMINAL (ELECTRONICS LOCATION) (TE)
- PEDESTAL
- HAND HOLE (HH)
- MAINTENANCE HOLE/VAULT (MH)
- POINT OF INTEREST (PEDESTAL OR SPLICE LOCATION)
- BUILDING ACCESS POINT/CONDUIT BREAK LOCATION (A)
- JOINT USE POLE - POWER COMPANY OWNERSHIP
- JOINT USE POLE - TELCO OWNERSHIP (J)

CALL AT LEAST TWO (2) FULL WORKING DAYS BEFORE YOU BEGIN EXCAVATION.
ARIZONA BLUE STAKE, INC
DIAL 8-1-1 OR 1-800-STAKE-IT (782-5348)
IN MARICOPA COUNTY: 602-263-1100
ALL LOCATIONS ARE APPROXIMATE.
PLEASE CALL ARIZONA BLUESTAKE FOR LOCATION OF UTILITIES PRIOR TO ANY EXCAVATION
PRINTS ARE NOT TO SCALE

CENTURYLINK CONFIDENTIAL AND PROPRIETARY INFORMATION.
DISCLOSED TO RECEIVING AGENCY ONLY. NOT TO BE DISCLOSED TO ANY THIRD PARTY AGENCY WITHOUT EXPRESS WRITTEN AUTHORIZATION FROM CENTURYLINK.

CenturyLink

COX | Communities

1550 W Deer Valley Rd
Phoenix, AZ 85027

February 23, 2024

Nick Prodanov, PE, PMP
LDG
8808 N Central Ave., Suite 288
Phoenix, AZ 85020

Re: 7030 E Horseshoe Rd (2 SF Units)

Dear Mr. Prodanov,

Per your request, this is to advise you that Cox Communications may have facilities to provide broadband cable and other telecommunication services to the County of Maricopa, City of Paradise Valley, AZ as per our franchise agreement.

Since this is a private single-family development, a service agreement may be required and in addition, an installation fee may be required to make services available to the community.

Please contact me at your earliest convenience so that we may discuss this project in more detail. I can be reached at (623) 328-3810. I look forward to working with you and your company on this project.

Sincerely,

Andrea Cabon

Andrea Cabon
Account Executive
Cox Communications
623-328-3810

From: Boyden, Holden
To: Katie
Subject: SCDLAZTH - Return to Requester: 2311355 7030 E Horseshoe Rd - LS
Date: Monday, January 8, 2024 11:59:37 AM
Attachments: image001.jpg
image003.jpg
Utility Map 1.pdf

Date: 01/03/2023

Attn: Katie

Thank you for your project notification. LUMEN has reviewed your utility notice regarding P-515296 AZ | 2311355 - 7030 E Horseshoe Rd - LS ("Project"). In response to your inquiry please find the enclosed drawings indicating the approximate location of the project limits.

- **LUMEN has facilities within your proposed construction area. The plans submitted are under review by our LUMEN Field Engineer(s). Currently, the estimated completion date of review is** [FCD].

X LUMEN has facilities within your proposed construction area. Please find the enclosed drawings indicating the location of the LUMEN facilities. Once you have completed your review, please respond back if LUMEN facilities appear to be in conflict. A LUMEN engineer will be assigned when engineering plans are ready for review.

- **LUMEN does not have facilities within your proposed construction area.**

- **LUMEN has facilities within your proposed construction zone, but it has been determined that no relocation will be necessary. However, due to the proximity of your project to our facilities, a LUMEN representative will be required on-site when construction begins.**

- **The information provided in your initial request is insufficient to determine if the location of your proposed construction will conflict with LUMEN facilities. Please provide additional detailed location maps, drawings (PDF preferred), and description for further conflict review.**

Please contact your State One Call prior to construction.

Any changes or additions to the project plans or parameters should be submitted to relocations@lumen.com. Note: the location(s) of facilities shown on drawings you receive from us, are only approximate. LUMEN hereby disclaims any responsibility for the accuracy of this information. Please contact relocations@lumen.com regarding the above-mentioned project if you should have any questions. Please reference the file number P-515296 AZ with any future communications.

Important Notice - For the States listed below, please add relocations@brightspeed.com to your distribution list for inquiries and updates regarding local facilities.
(AL, AR, GA, IL, IN, KS, LA, MI, MO, MS, NC, NJ, OH, OK, PA, SC, TN, TX, VA, WI)

Thank you for your cooperation!

Holden Boyden *(He/Him)*
Business Analyst
Relocations Department
Holden.Boyden@lumen.com

We have combined!! To better serve everyone, there is now a single email inbox for LUMEN. One team is monitoring both national and local network relocations & road moves. Please add **relocations@lumen.com** to your contacts list for inquiries, updates, and use it for all future notifications.**

From: Katie <Katie@ldgeng.com>
Sent: Wednesday, January 3, 2024 5:34 PM
To: relocations <relocations@centurylink.com>
Subject: 2311355 7030 E Horseshoe Rd - LS

CAUTION: This email originated outside of Lumen Technologies. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I am contacting you regarding the attached project located in Paradise Valley: 2311355 7030 E Horseshoe Rd - LS. We are in the process of subdividing into a 2 lot subdivision.

The Town of Paradise Valley is requesting formal “Will Serve” letters from the Utility Companies servicing the area.

Please review and let me know if this request is achievable and if there is anything else that we need to provide or another contact we need to address too.

Thank you very much for your assistance!

Thank you,
Katie

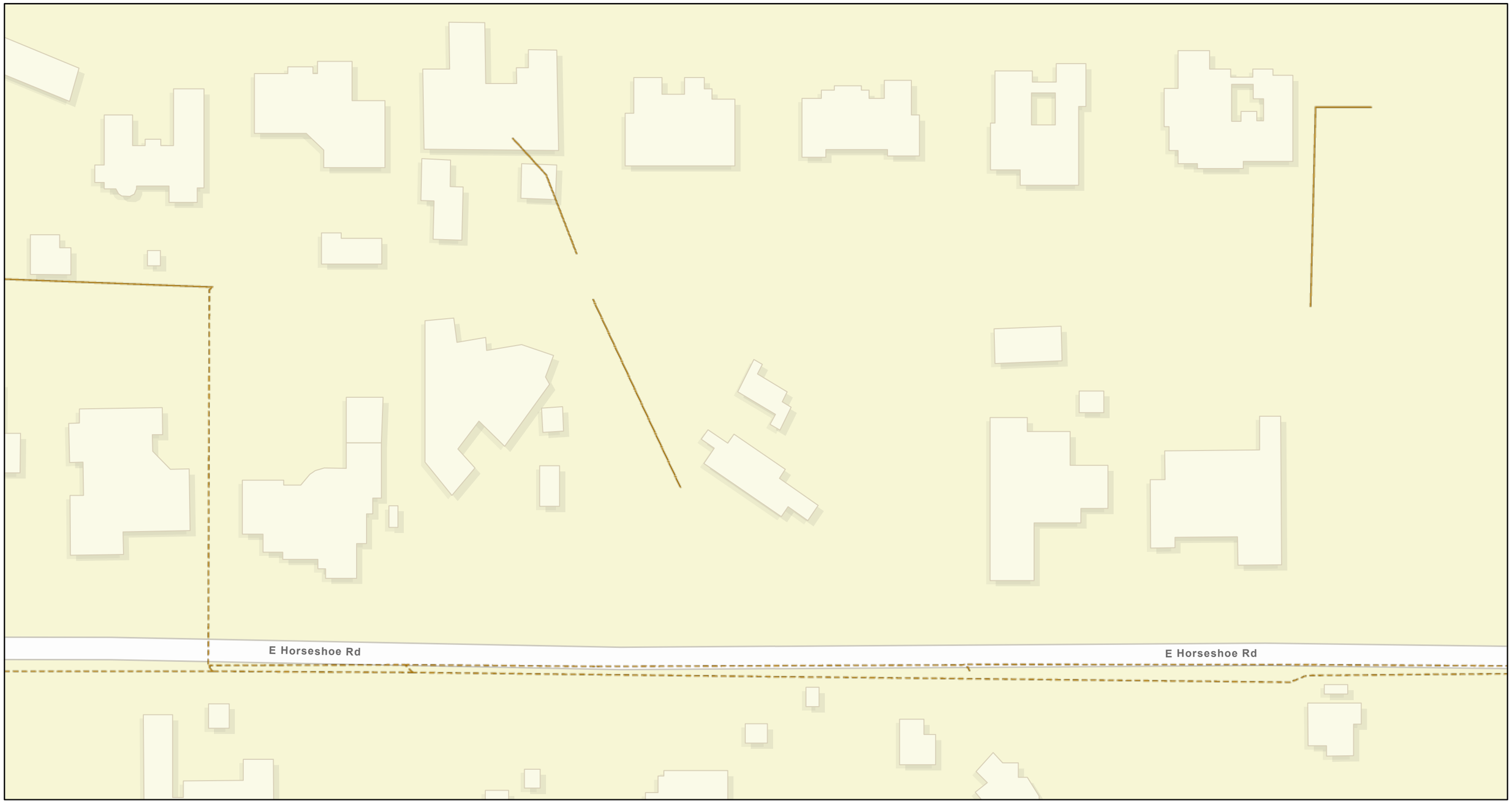
LDG
Civil Engineering | Land Surveying
8808 N Central Ave., Suite 288 | Phoenix, AZ 85020
P 602 889 1984 | **F** 602 445 9482
katie@ldgeng.com

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This communication is the property of Lumen Technologies and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy all copies of the communication and any attachments.

LUMEN Relocate Utility Map



1/8/2024, 12:45:35 PM

Local Copper UG Route

Underground,In Service

Local Copper Aerial Route

Aerial,In Service

1:1,247

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS

© map data Lumen © 1992 – 2023 TomTo

INTERNAL USE ONLY: This map data is for internal LUMEN use only and is NOT to be disseminated outside of LUMEN without authorization from RISK MANAGEMENT. Dissemination of this data outside of LUMEN without authorization will be considered a violation of company policy.

DRAINAGE REPORT

7030 E Horseshoe Road, Paradise Valley, Arizona 85253

LDG PROJECT #2311355

Prepared for:
Eugene A. & Nureen K. Parsons Trust
7030 E Horseshoe Rd.,
Paradise Valley, Arizona 85253

Submitted to:
Town of Paradise Valley
Engineering Department
6401 E Lincoln Dr.
Paradise Valley, Arizona 85253

Prepared by:
Land Development Group, LLC
8808 N Central Ave., Ste 288
Phoenix, Arizona 85020
Contact: Nick Prodanov, PE, PMP
P: 602 889 1984

REGISTERED PROFESSIONAL ENGINEER (CIVIL)
CERTIFICATE NO.
41005
NICKOLA
J.
PRODANOV
Date Signed 12/19/23
ARIZONA, U.S.A.

December 19th, 2023

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3.	FEMA Flood Zone	2
4.	Proposed Drainage Plan	2
5.	Conclusions and Recommendations	3
6.	References	4

APPENDICES

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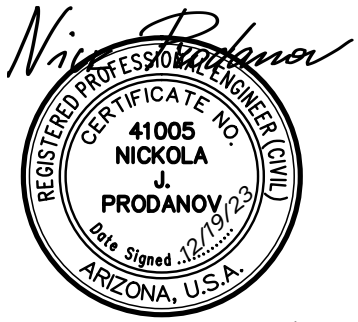
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December 19th, 2023

1. INTRODUCTION

This drainage report and related design have been developed in accordance with the current Maricopa County and Town of Paradise Valley drainage ordinances, standards and policies. It provides engineering analysis and assessment of the current drainage conditions that affect parcel 174-30-023A, located at 7030 E Horseshoe Road, Paradise Valley, AZ 85253, being a portion of the NW ¼, of the NE ¼, of the NE ¼ of Section 34, Township 3 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. Refer to Appendix A-1 – Vicinity Map.

The project site is zoned R-43. The property is currently developed with a single-family residence, and it is approximately 2.318 acres. The site is surrounded by large residential lots from the north, west and east. The south side fronts the right-of-way of Horseshoe Road.

As a part of the project development process, a lot split plat map, subject to the Town of Paradise Valley review and approval is prepared and enclosed herein. The owner is proposing to split the property into two lots. The proposed lot split map defines the new property divider line, location and distances of new building setback lines and public utility easements. Both lots will exceed the minimum required area of 1 acre per Chapter 6 of Town of Paradise Valley Code.

Per the Flood Control District of Maricopa County, the project is located within the Lower Indian Bend Wash Area Drainage Master Study. The study area encompasses approximately 27 square miles and represents the watershed for the lower portion of Indian Bend Wash. It is roughly bounded by Shea Boulevard on the north, Salt River on the south, and the ridgeline through the Papago Buttes, Camelback Mountain and Mummy Mountain on the west. On the eastern side it is bounded by Pima Road/Loop 101 above the Arizona Canal and the ridgeline between Indian Bend Wash and Granite Reef Wash below the Arizona Canal. See Appendix A-2 – Lower Indian Bend Wash ADMS.

We have utilized the FLO-2D model results available on-line for the subject project and performed detailed hydraulic analysis and modeling in accordance with the procedures presented in the Drainage Design Manual of Maricopa County, Volumes 1 & 2. The overall goal of our analysis is to verify and confirm that the future proposed structures associated with this project will not adversely impact adjacent properties and that new construction will be safe from inundation.

The analysis presented herein focuses on evaluating existing and proposed drainage conditions, as well as stormwater runoff resulting from a statistical evaluation of storm events of particular frequency, up to and including 100-year event as required by the Governing Agency. A storm event exceeding the 100-year will probably cause or create the risk of a greater storm impact than is presented and addressed herein. The procedures used in this report are derived from, and performed with, currently accepted engineering methodologies and practices.

2. DESCRIPTION OF EXISTING DRAINAGE CONDITIONS AND CHARACTERISTICS

A field survey and visual reconnaissance inspection were conducted in November 2023 to observe and collect information regarding the existing topographic characteristics, drainage conditions, to

review the location of drainage corridors, to document any local disturbances to the historic flows, and to identify the location and the conditions of the existing conveyance corridors and storm drain systems. Existing drainage openings in walls were located and larger openings were measured to facilitate the hydraulic calculations. A topographic map was developed with a one-foot contour interval for the site and the adjacent street. The elevation contours and survey spot elevations are tied to the GDACS monuments and are based on the Town of Paradise Valley vertical datum (NAVD 88).

The site is currently developed with a single-family residence. The overall terrain is relatively flat sloping southwesterly at an average slope of 0.40%. Based on our field observation and review of the FLO-2D study model, the site is impacted by off-site drainage flows coming from east. The flows enter the site at the middle of the east property line, and it is observed to run in a southwesterly direction. The flows exit the site near the southeast property corner. We have estimated that 39.49 cfs could flow through this conveyance corridor based on the results of the FLO-2D model. There are east and west property lines have drainage openings placed at regular intervals. See Appendix A-3 – FLO-2D Map Exhibits.

3. FEMA FLOOD ZONE CLASSIFICATION

Site is located in FEMA Flood Zone "X" according to Flood Insurance Rate Map (FIRM) #: 04013C, Panel 1760 of 4425, Suffix L, dated October 16th, 2013, as published by FEMA. The FIRM Panel defines Zone "X" as follows: "*Areas determined to be outside the 0.2% annual chance floodplain.*"

See Appendix A-4 for FEMA Flood Insurance Rate Map exhibit.

4. PROPOSED DRAINAGE PLAN

The future project will consist of the construction of two new single-family residences in accordance with the Town of Paradise Valley Storm Water Design Manual.

The finished floor elevation of the new structures shall be set at 1.0' min. above the adjacent high-water elevation and slopes shall be graded away from 10' distance from the building footprint. On-site storm water retention will be required for both lots.

On-site retention shall be provided through surface retention basins and underground storm drain system. Any new swales created to divert offsite flows around the building footprint shall be brought back to the historic drainage outfall points and exit at the same location and magnitude. Drainage easement dedication may be required.

Summary printouts of the drainage calculations are enclosed in Appendix A-6 – Drainage Calculations.

5. CONCLUSIONS AND RECOMMENDATIONS

The Grading and Drainage plan has been designed in conformance with the recommendations and results presented in this report as well as the Town of Paradise Valley, Maricopa County, Arizona State and Federal requirements and standards. Grading around the residence shall provide for positive drainage away from the structures as shown on the Grading and Drainage plan.

Regular inspections and maintenance of the wall openings, inlet and subsurface drainage systems after every major storm must be performed. Any obstructions of flow need to be promptly cleared out in order to keep the performance of the storm drain system functioning as designed. It is the Owner's responsibility to inspect and properly maintain all drainage structures and wash crossings.

Off-site flows shall be allowed to pass through the site and to exit the property in a manner similar to the existing conditions. Grading around the residence shall provide for positive drainage away from the structures as shown on the Grading and Drainage plan.

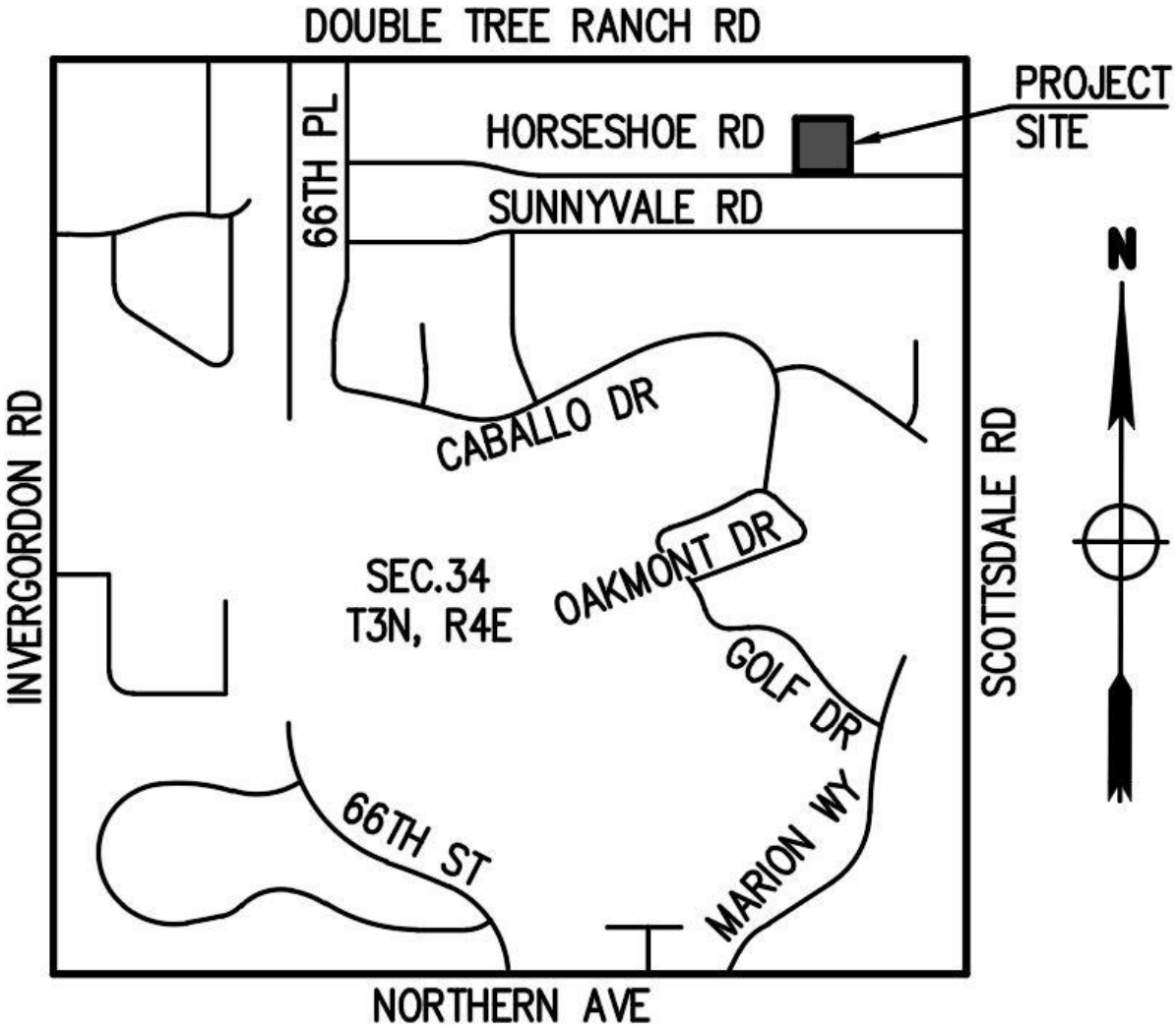
Storm Water Pollution Prevention Plan and AZDEQ Notice of Intent will be required as a part of the building permitting process. All specified BMPs shall be installed on site, inspected and approved by the Town prior to commencing any grading activities.

In conclusion the project has the potential to collect, convey and discharge storm water generated from the 100-year storm event safely and effectively. The proposed improvements do not impact existing drainage conditions of neighboring lots and will not result in significant changes to the existing drainage patterns or magnitudes.

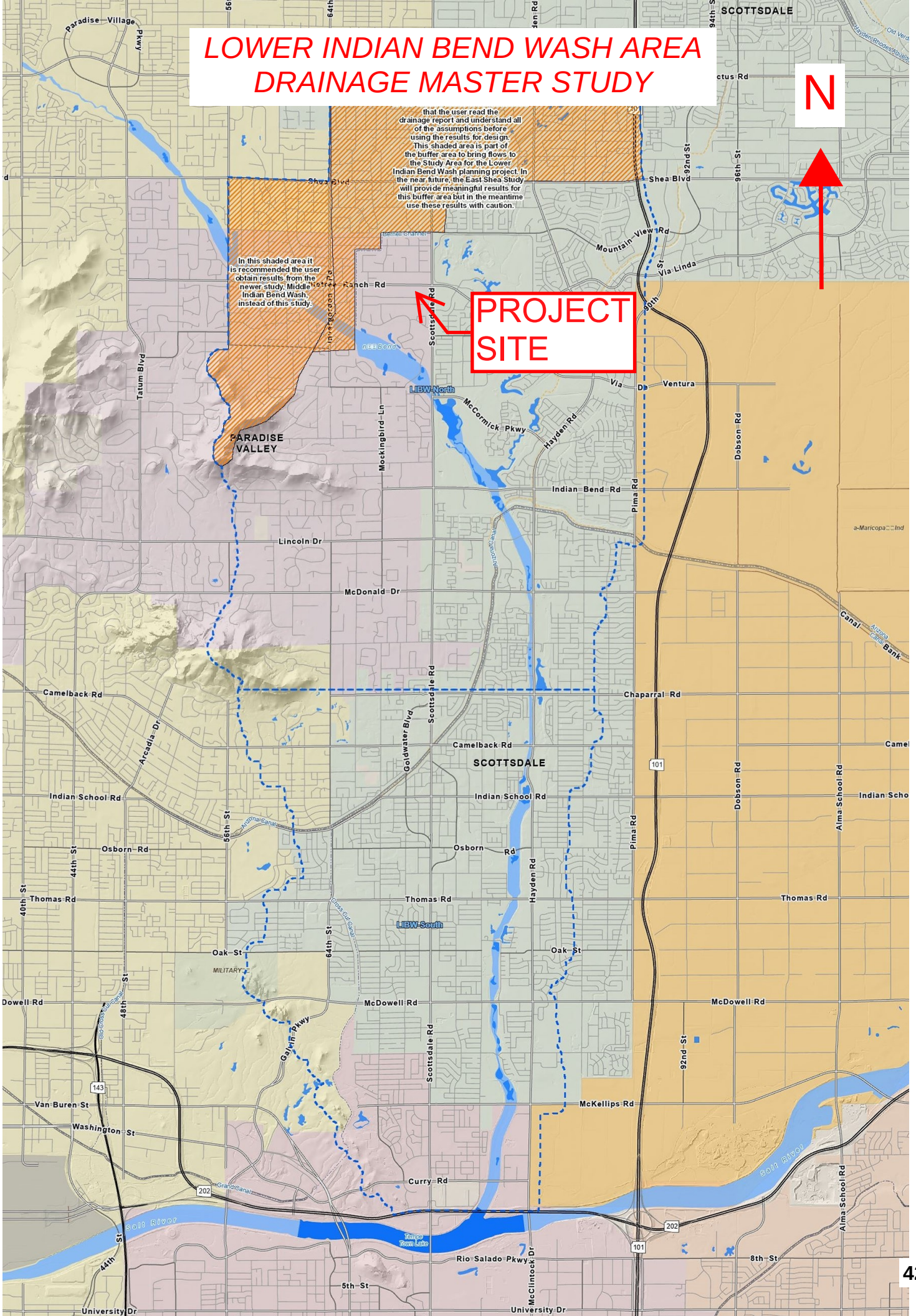
6. REFERENCES

- Drainage Design Manual for Maricopa County, Arizona – Volume I Hydrology, Flood Control District of Maricopa County
- Drainage Design Manual for Maricopa County, Arizona – Volume II Hydraulics, Flood Control District of Maricopa County
- Drainage Policies and Standards Manual for Maricopa County, Arizona, Flood Control District of Maricopa County
- Hydraulic Design of Energy Dissipaters for Culverts and Channels, HEC 14, FHWA
- Lower Indian Bend Wash Area Drainage Master Study

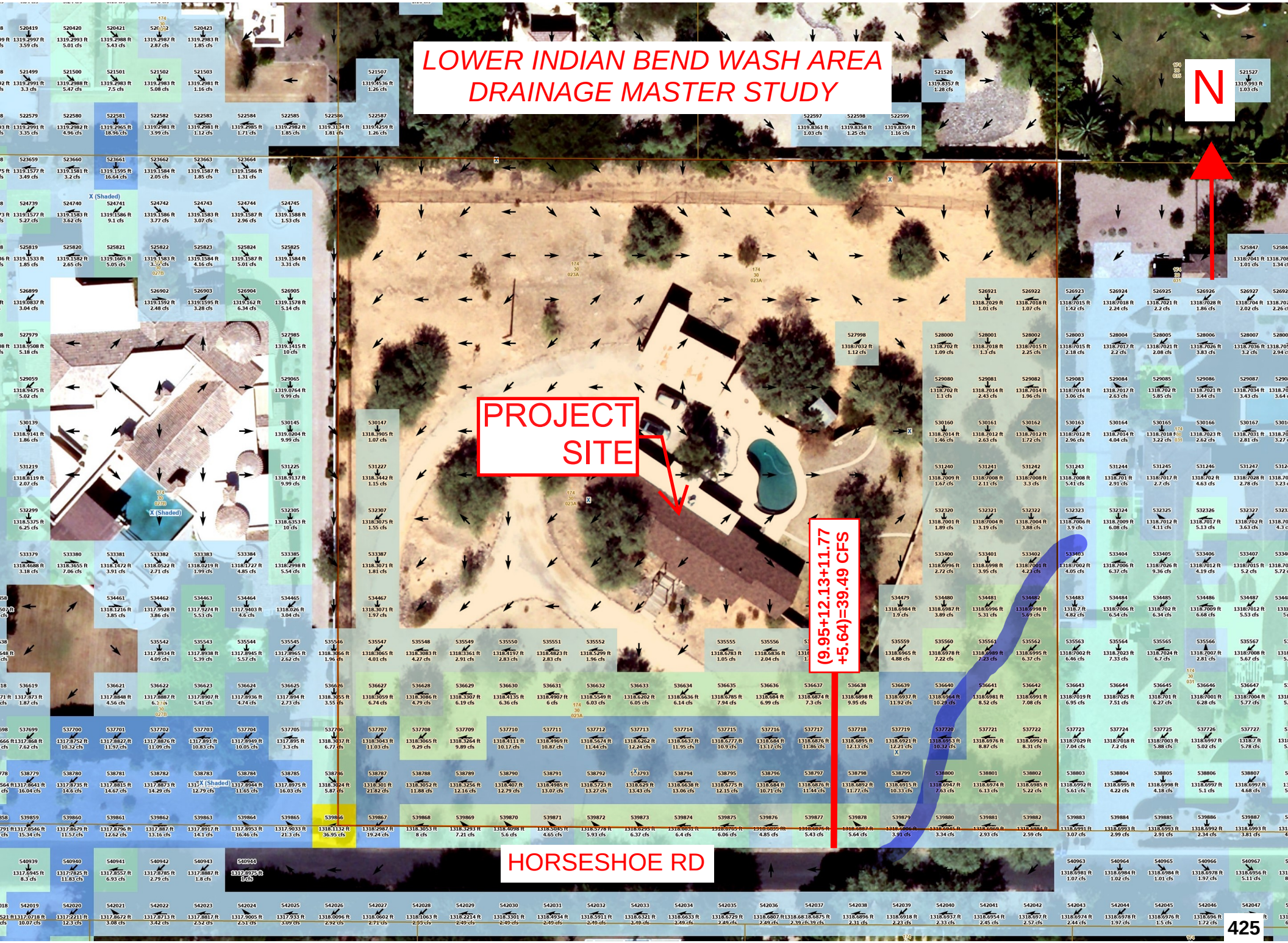
APPENDIX A-1
Vicinity Map



APPENDIX A-2
Lower Indian Bend Wash ADMS


LOWER INDIAN BEND WASH AREA
DRAINAGE MASTER STUDY
N
that the user read the drainage report and understand all of the assumptions before using the results for design. This shaded area is part of the buffer area to bring flows to the Study Area for the Lower Indian Bend Wash planning project. In the near future, the East Shea Study will provide meaningful results for this buffer area but in the meantime use these results with caution.
In this shaded area it is recommended the user obtain results from the newer study, Middle Indian Bend Wash, instead of this study.
PROJECT SITE
SCOTTSDALE
PARADISE VALLEY
Shea Blvd
Mountain View Rd
Via Linda
Via De Ventura
Mescal St
Paradise Village Pkwy
Tatum Blvd
Mockingbird Ln
Scottsdale Rd
Hayden Rd
McCormick Pkwy
Dobson Rd
Pima Rd
Alma School Rd
92nd St
96th St
90th St
Indian Bend Rd
Lincoln Dr
McDonald Dr
Chaparral Rd
Camelback Rd
Arcadia Dr
Goldwater Blvd
Indian School Rd
56th St
Osborn Rd
44th St
40th St
Thomas Rd
64th St
Oak St
MILITARY
48th St
McDowell Rd
Gainey Pkwy
Van Buren St
Washington St
143
Curry Rd
202
101
McKellips Rd
Rio Salado Pkwy
8th St
5th St
University Dr
McClintock Dr
44th St
Tempe Town Lake
Salt River
Grand Canal
Arizona Canal
Cross Cut Canal
Old Cross Cut Canal
LIBW-North
LIBW-South
Bethany Home Rd
Northern Ave
Camelback Rd
Indian School Rd
Thomas Rd
McDowell Rd
Shea Blvd
Scottsdale Rd
Hayden Rd
Pima Rd
Dobson Rd
Alma School Rd
Arizona Canal Bank

APPENDIX A-3
FLO-2D Map Exhibit


LOWER INDIAN BEND WASH AREA
DRAINAGE MASTER STUDY
N
PROJECT
SITE
(9.95+12.13+11.77
+5.64)=39.49 CFS
HORSESHOE RD

APPENDIX A-4
FEMA FIRM Exhibit

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 1760L

FIRM

FLOOD INSURANCE RATE MAP

MARICOPA COUNTY, ARIZONA

AND INCORPORATED AREAS

PANEL 1760 OF 4425

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

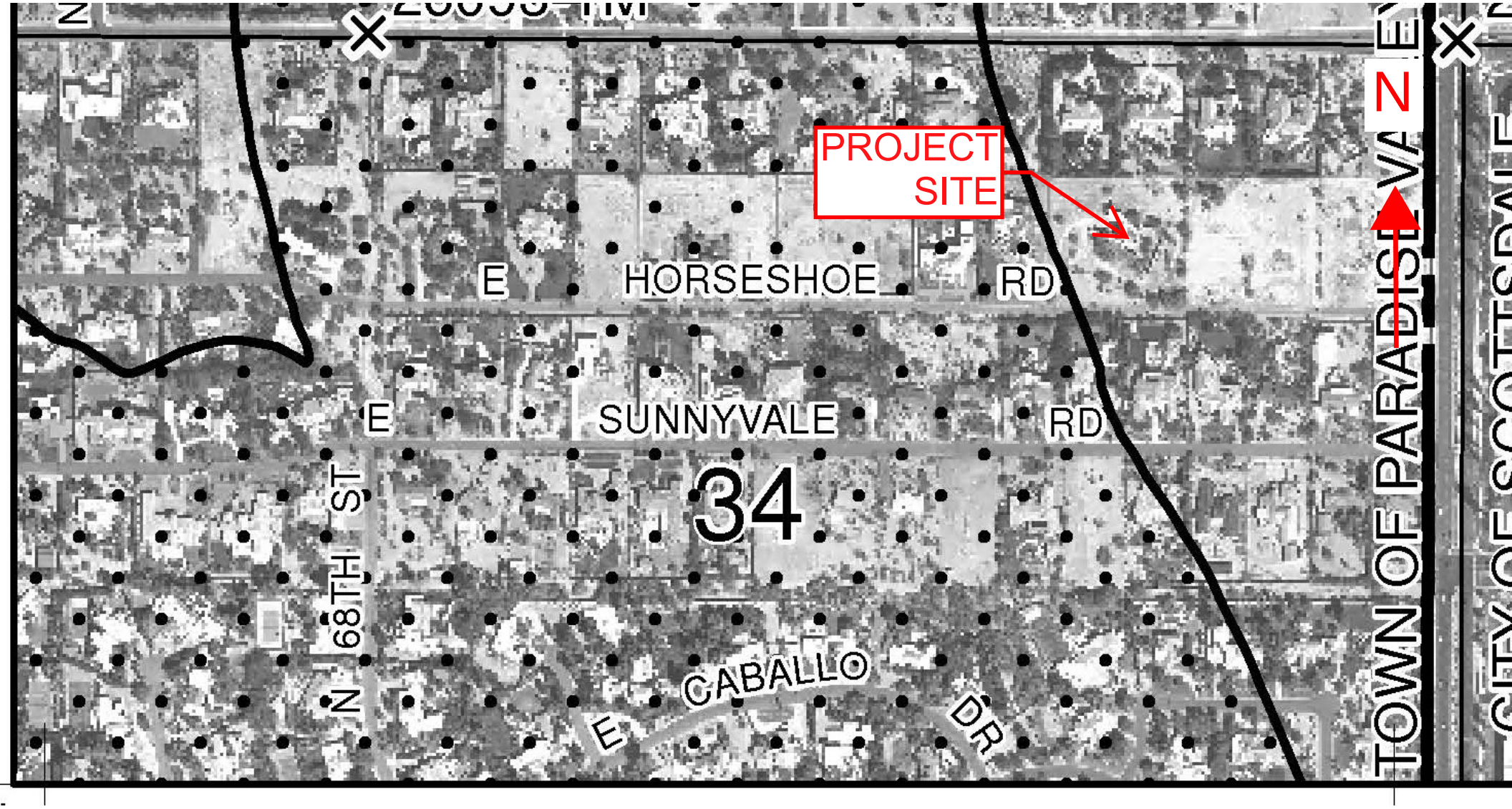
COMMUNITY	NUMBER	PANEL	SUFFIX
MARICOPA COUNTY	040037	1760	L
PARADISE VALLEY, TOWN OF	040049	1760	L
PHOENIX, CITY OF	040051	1760	L
SCOTTSDALE, CITY OF	045012	1760	L

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
04013C1760L

MAP REVISED
OCTOBER 16, 2013

Federal Emergency Management Agency


PROJECT SITE
N
E HORSESHOE RD
E SUNNYVALE RD
34
N 68TH ST
E CABALLO DR
TOWN OF PARADISE VA

APPENDIX A-5
FCDMC Floodplain Viewer

Floodplain and Elevation Certificate Map



Search for Parcel by APN or Owner Name _Query result
Elevation Certificate
Local
Arterial

Highway

Interstate Highway
State\US\Other Highway
Interchange\Ramp
Parcel

Floodplain (Pending FEMA Approval)

Floodway
100-Year Flood Zone

Floodplain (FEMA Effective)

Floodway
100-Year Flood Zone

MARICOPA COUNTY

Flood Control District of Maricopa County
2801 W Durango St
Phoenix, AZ 85009
(602) 506-2419
http://www.fcd.maricopa.gov

Unofficial Document
This document cannot be used for floodplain determinations. Current studies, erosion setbacks and other factors may also affect the floodplain status of the property. The information shown for pending floodplains are the best technical information available at this time to determine the 1% chance flood and are subject to change.

N 1:1,128 1 inch = 37 feet
0 0 0 0 mi

APPENDIX A-6
Drainage Calculations

Hydraulic Analysis Report

Project Data

Project Title: Project - 7030 E Horseshoe Rd

Designer: Nick Prodanov, PE

Project Date: Tuesday, December 12, 2023

Project Units: U.S. Customary Units

Notes: Size of Existing Drainage Opening (2) 9.0'x1.5'

Channel Analysis: Existing Curb Opening

Notes:

Input Parameters

Channel Type: Rectangular

Channel Width 9.00 ft

Longitudinal Slope: 0.0050 ft/ft

Manning's n: 0.0350

Flow 39.4900 cfs

Result Parameters

Depth 1.3994 ft

Area of Flow 12.5945 ft^2

Wetted Perimeter 11.7988 ft

Hydraulic Radius 1.0674 ft

Average Velocity 3.1355 ft/s

Top Width 9.0000 ft

Froude Number: 0.4671

Critical Depth 0.8425 ft

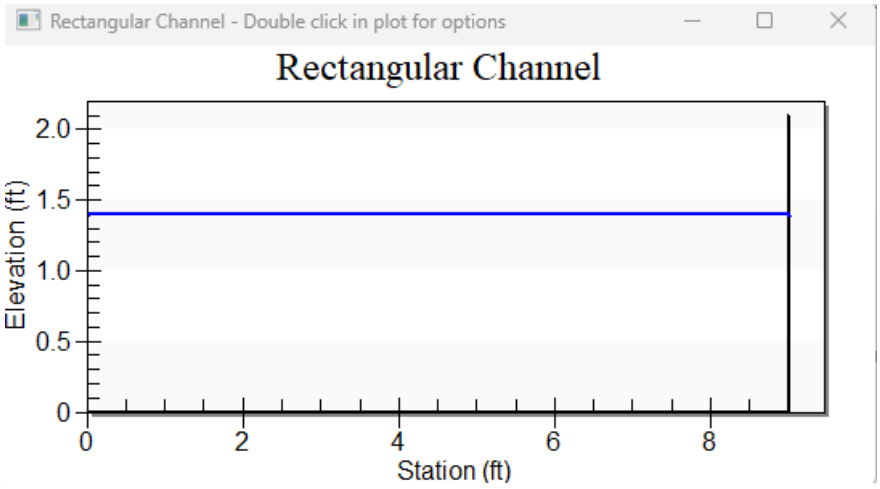
Critical Velocity 5.2084 ft/s

Critical Slope: 0.0238 ft/ft

Critical Top Width 9.00 ft

Calculated Max Shear Stress 0.4366 lb/ft^2

Calculated Avg Shear Stress 0.3330 lb/ft^2



NOAA Atlas 14, Volume 1, Version 5
Location name: Paradise Valley, Arizona, USA*
Latitude: 33.5662°, Longitude: -111.9287°
Elevation: 1320 ft**
* source: ESRI Maps
** source: USGS

POINT PRECIPITATION FREQUENCY ESTIMATES

Sanja Perica, Sarah Dietz, Sarah Heim, Lillian Hiner, Kazungu Maitaria, Deborah Martin, Sandra Pavlovic, Ishani Roy, Carl Trypaluk, Dale Unruh, Fenglin Yan, Michael Yekta, Tan Zhao, Geoffrey Bonnin, Daniel Brewer, Li-Chuan Chen, Tye Parzybok, John Yarchoan

NOAA, National Weather Service, Silver Spring, Maryland

PF_tabular | PF_graphical | Maps_&_aerials

PF tabular

PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches)[1]

Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	**0.186** (0.155-0.227)	**0.242** (0.203-0.297)	**0.328** (0.272-0.401)	**0.394** (0.326-0.480)	**0.484** (0.393-0.586)	**0.552** (0.443-0.665)	**0.624** (0.491-0.749)	**0.695** (0.538-0.833)	**0.791** (0.597-0.950)	**0.864** (0.639-1.04)
10-min	**0.283** (0.235-0.346)	**0.369** (0.309-0.452)	**0.499** (0.414-0.610)	**0.600** (0.496-0.730)	**0.736** (0.598-0.892)	**0.841** (0.674-1.01)	**0.949** (0.747-1.14)	**1.06** (0.818-1.27)	**1.20** (0.908-1.44)	**1.32** (0.972-1.58)
15-min	**0.350** (0.292-0.429)	**0.457** (0.383-0.560)	**0.619** (0.514-0.756)	**0.744** (0.614-0.905)	**0.913** (0.741-1.11)	**1.04** (0.836-1.25)	**1.18** (0.926-1.41)	**1.31** (1.02-1.57)	**1.49** (1.13-1.79)	**1.63** (1.20-1.96)
30-min	**0.472** (0.393-0.578)	**0.616** (0.516-0.755)	**0.834** (0.692-1.02)	**1.00** (0.827-1.22)	**1.23** (0.998-1.49)	**1.40** (1.13-1.69)	**1.58** (1.25-1.90)	**1.76** (1.37-2.12)	**2.01** (1.52-2.41)	**2.20** (1.62-2.64)
60-min	**0.584** (0.486-0.715)	**0.763** (0.638-0.934)	**1.03** (0.856-1.26)	**1.24** (1.02-1.51)	**1.52** (1.24-1.84)	**1.74** (1.39-2.09)	**1.96** (1.54-2.36)	**2.18** (1.69-2.62)	**2.49** (1.88-2.99)	**2.72** (2.01-3.27)
2-hr	**0.683** (0.576-0.816)	**0.883** (0.748-1.06)	**1.18** (0.992-1.40)	**1.40** (1.17-1.67)	**1.72** (1.41-2.03)	**1.95** (1.59-2.30)	**2.19** (1.75-2.58)	**2.44** (1.92-2.87)	**2.77** (2.13-3.26)	**3.03** (2.27-3.58)
3-hr	**0.759** (0.641-0.926)	**0.973** (0.824-1.19)	**1.27** (1.07-1.55)	**1.51** (1.26-1.83)	**1.84** (1.52-2.22)	**2.11** (1.71-2.52)	**2.39** (1.90-2.85)	**2.68** (2.10-3.19)	**3.08** (2.34-3.67)	**3.40** (2.52-4.06)
6-hr	**0.913** (0.786-1.08)	**1.15** (0.994-1.37)	**1.48** (1.26-1.74)	**1.73** (1.47-2.04)	**2.08** (1.74-2.43)	**2.36** (1.94-2.74)	**2.64** (2.14-3.07)	**2.93** (2.34-3.42)	**3.33** (2.58-3.88)	**3.64** (2.76-4.25)
12-hr	**1.01** (0.877-1.19)	**1.28** (1.10-1.50)	**1.61** (1.39-1.89)	**1.88** (1.61-2.19)	**2.24** (1.89-2.60)	**2.51** (2.10-2.91)	**2.79** (2.30-3.23)	**3.08** (2.51-3.56)	**3.46** (2.75-4.03)	**3.76** (2.93-4.40)
24-hr	**1.18** (1.03-1.39)	**1.50** (1.31-1.76)	**1.94** (1.69-2.28)	**2.29** (1.99-2.69)	**2.78** (2.39-3.25)	**3.16** (2.70-3.69)	**3.56** (3.02-4.16)	**3.97** (3.33-4.63)	**4.54** (3.76-5.29)	**4.99** (4.08-5.84)
2-day	**1.28** (1.11-1.49)	**1.63** (1.42-1.90)	**2.14** (1.86-2.48)	**2.54** (2.20-2.95)	**3.10** (2.66-3.60)	**3.55** (3.02-4.11)	**4.02** (3.40-4.66)	**4.50** (3.78-5.23)	**5.19** (4.30-6.03)	**5.73** (4.70-6.68)
3-day	**1.36** (1.19-1.58)	**1.74** (1.52-2.02)	**2.29** (1.99-2.65)	**2.73** (2.37-3.16)	**3.35** (2.89-3.87)	**3.84** (3.29-4.44)	**4.37** (3.72-5.05)	**4.92** (4.15-5.70)	**5.70** (4.75-6.60)	**6.33** (5.21-7.34)
4-day	**1.45** (1.27-1.67)	**1.85** (1.62-2.14)	**2.44** (2.13-2.81)	**2.92** (2.54-3.36)	**3.60** (3.11-4.14)	**4.14** (3.56-4.77)	**4.73** (4.03-5.44)	**5.35** (4.52-6.17)	**6.22** (5.20-7.17)	**6.93** (5.73-8.01)
7-day	**1.63** (1.42-1.89)	**2.08** (1.81-2.42)	**2.76** (2.39-3.19)	**3.30** (2.85-3.82)	**4.07** (3.50-4.70)	**4.68** (4.00-5.41)	**5.34** (4.54-6.17)	**6.04** (5.09-7.00)	**7.03** (5.84-8.14)	**7.83** (6.44-9.08)
10-day	**1.76** (1.53-2.03)	**2.25** (1.96-2.60)	**2.97** (2.58-3.42)	**3.55** (3.07-4.08)	**4.36** (3.76-5.00)	**5.01** (4.29-5.74)	**5.70** (4.85-6.55)	**6.43** (5.43-7.39)	**7.45** (6.22-8.56)	**8.27** (6.83-9.51)
20-day	**2.17** (1.90-2.49)	**2.79** (2.45-3.20)	**3.69** (3.23-4.22)	**4.37** (3.81-4.99)	**5.28** (4.59-6.03)	**5.98** (5.17-6.83)	**6.69** (5.76-7.66)	**7.42** (6.35-8.50)	**8.40** (7.13-9.65)	**9.15** (7.72-10.5)
30-day	**2.54** (2.22-2.91)	**3.27** (2.86-3.74)	**4.31** (3.76-4.93)	**5.10** (4.44-5.82)	**6.16** (5.34-7.04)	**6.98** (6.03-7.96)	**7.82** (6.72-8.91)	**8.67** (7.41-9.86)	**9.81** (8.33-11.2)	**10.7** (9.01-12.2)
45-day	**2.92** (2.57-3.33)	**3.77** (3.31-4.30)	**4.96** (4.36-5.65)	**5.85** (5.12-6.66)	**7.01** (6.12-7.97)	**7.89** (6.86-8.97)	**8.78** (7.59-9.98)	**9.66** (8.33-11.0)	**10.8** (9.26-12.4)	**11.7** (9.95-13.4)
60-day	**3.21** (2.84-3.65)	**4.15** (3.67-4.71)	**5.46** (4.82-6.18)	**6.41** (5.64-7.27)	**7.64** (6.71-8.66)	**8.56** (7.48-9.69)	**9.48** (8.25-10.7)	**10.4** (9.00-11.8)	**11.5** (9.96-13.1)	**12.4** (10.6-14.2)

[1] Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS).

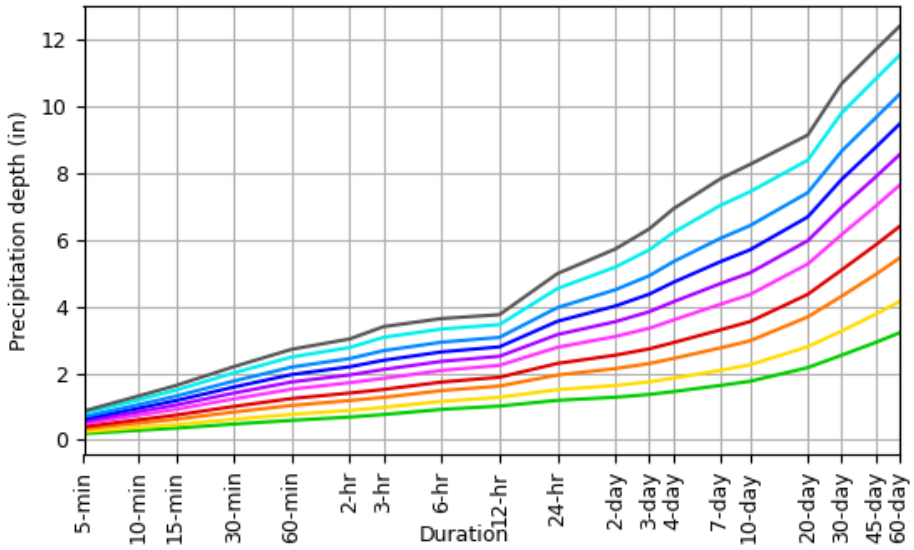
Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values.

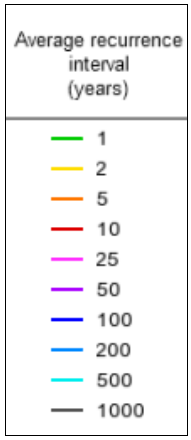
Please refer to NOAA Atlas 14 document for more information.

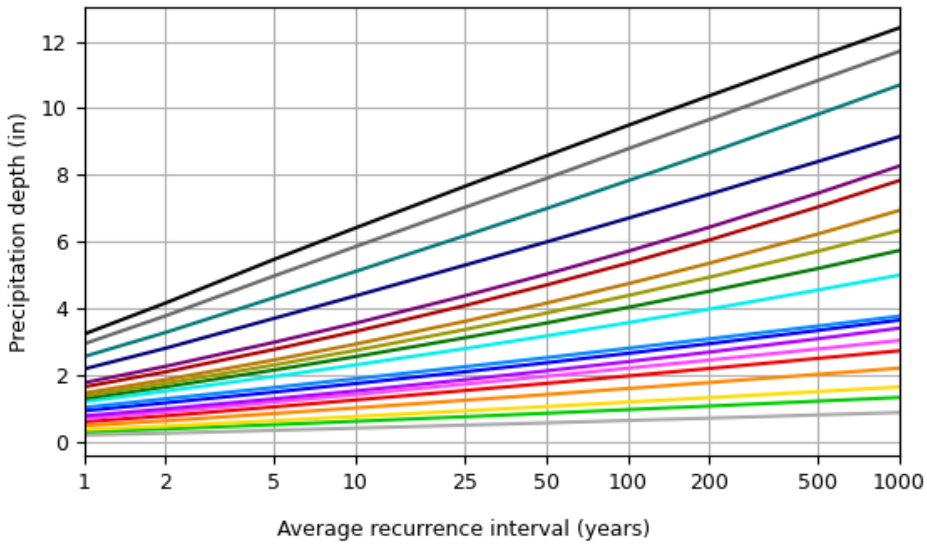
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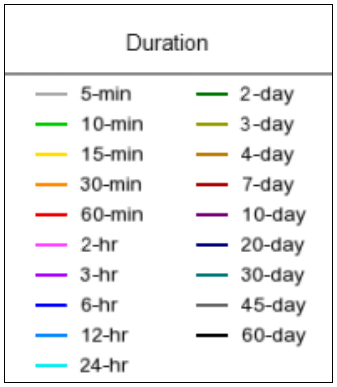
PF graphical

PDS-based depth-duration-frequency (DDF) curves
Latitude: 33.5662°, Longitude: -111.9287°









NOAA Atlas 14, Volume 1, Version 5

Created (GMT): Tue Dec 19 15:21:20 2023

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Maps & aerials

Small scale terrain

NOAA Atlas 14, Volume 1, Version 5
Location name: Paradise Valley, Arizona, USA*
Latitude: 33.5662°, Longitude: -111.9287°
Elevation: 1320 ft**
* source: ESRI Maps
** source: USGS

POINT PRECIPITATION FREQUENCY ESTIMATES

Sanja Perica, Sarah Dietz, Sarah Heim, Lillian Hiner, Kazungu Maitaria, Deborah Martin, Sandra Pavlovic, Ishani Roy, Carl Trypaluk, Dale Unruh, Fenglin Yan, Michael Yekta, Tan Zhao, Geoffrey Bonnin, Daniel Brewer, Li-Chuan Chen, Tye Parzybok, John Yarchoan

NOAA, National Weather Service, Silver Spring, Maryland

PF_tabular | PF_graphical | Maps_&_aerials

PF tabular

PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches/hour)[1]

Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	**2.23** (1.86-2.72)	**2.90** (2.44-3.56)	**3.94** (3.26-4.81)	**4.73** (3.91-5.76)	**5.81** (4.72-7.03)	**6.62** (5.32-7.98)	**7.49** (5.89-8.99)	**8.34** (6.46-10.0)	**9.49** (7.16-11.4)	**10.4** (7.67-12.5)
10-min	**1.70** (1.41-2.08)	**2.21** (1.85-2.71)	**2.99** (2.48-3.66)	**3.60** (2.98-4.38)	**4.42** (3.59-5.35)	**5.05** (4.04-6.07)	**5.69** (4.48-6.83)	**6.34** (4.91-7.61)	**7.22** (5.45-8.67)	**7.90** (5.83-9.49)
15-min	**1.40** (1.17-1.72)	**1.83** (1.53-2.24)	**2.48** (2.06-3.02)	**2.98** (2.46-3.62)	**3.65** (2.96-4.42)	**4.17** (3.34-5.02)	**4.70** (3.70-5.65)	**5.24** (4.06-6.29)	**5.97** (4.50-7.17)	**6.52** (4.82-7.84)
30-min	**0.944** (0.786-1.16)	**1.23** (1.03-1.51)	**1.67** (1.38-2.04)	**2.00** (1.65-2.44)	**2.46** (2.00-2.98)	**2.81** (2.25-3.38)	**3.17** (2.49-3.80)	**3.53** (2.73-4.23)	**4.02** (3.03-4.83)	**4.39** (3.25-5.28)
60-min	**0.584** (0.486-0.715)	**0.763** (0.638-0.934)	**1.03** (0.856-1.26)	**1.24** (1.02-1.51)	**1.52** (1.24-1.84)	**1.74** (1.39-2.09)	**1.96** (1.54-2.36)	**2.18** (1.69-2.62)	**2.49** (1.88-2.99)	**2.72** (2.01-3.27)
2-hr	**0.341** (0.288-0.408)	**0.441** (0.374-0.529)	**0.589** (0.496-0.702)	**0.702** (0.585-0.835)	**0.857** (0.707-1.02)	**0.974** (0.793-1.15)	**1.10** (0.876-1.29)	**1.22** (0.958-1.44)	**1.38** (1.06-1.63)	**1.51** (1.14-1.79)
3-hr	**0.252** (0.213-0.308)	**0.324** (0.274-0.396)	**0.423** (0.357-0.515)	**0.503** (0.419-0.608)	**0.614** (0.505-0.737)	**0.703** (0.570-0.840)	**0.795** (0.633-0.950)	**0.891** (0.698-1.06)	**1.02** (0.777-1.22)	**1.13** (0.838-1.35)
6-hr	**0.152** (0.131-0.180)	**0.192** (0.165-0.228)	**0.246** (0.211-0.290)	**0.289** (0.245-0.339)	**0.347** (0.291-0.406)	**0.393** (0.324-0.458)	**0.440** (0.358-0.512)	**0.489** (0.390-0.570)	**0.555** (0.431-0.647)	**0.607** (0.461-0.709)
12-hr	**0.084** (0.072-0.098)	**0.105** (0.091-0.124)	**0.133** (0.115-0.156)	**0.155** (0.133-0.181)	**0.185** (0.157-0.215)	**0.208** (0.174-0.241)	**0.231** (0.191-0.268)	**0.255** (0.208-0.295)	**0.287** (0.228-0.334)	**0.311** (0.243-0.365)
24-hr	**0.049** (0.043-0.057)	**0.062** (0.054-0.073)	**0.081** (0.070-0.095)	**0.095** (0.082-0.111)	**0.115** (0.099-0.135)	**0.131** (0.112-0.153)	**0.148** (0.125-0.173)	**0.165** (0.138-0.193)	**0.189** (0.156-0.220)	**0.207** (0.170-0.243)
2-day	**0.026** (0.023-0.030)	**0.033** (0.029-0.039)	**0.044** (0.038-0.051)	**0.052** (0.045-0.061)	**0.064** (0.055-0.074)	**0.073** (0.063-0.085)	**0.083** (0.070-0.097)	**0.093** (0.078-0.108)	**0.108** (0.089-0.125)	**0.119** (0.097-0.139)
3-day	**0.018** (0.016-0.021)	**0.024** (0.021-0.028)	**0.031** (0.027-0.036)	**0.037** (0.032-0.043)	**0.046** (0.040-0.053)	**0.053** (0.045-0.061)	**0.060** (0.051-0.070)	**0.068** (0.057-0.079)	**0.079** (0.065-0.091)	**0.087** (0.072-0.102)
4-day	**0.015** (0.013-0.017)	**0.019** (0.016-0.022)	**0.025** (0.022-0.029)	**0.030** (0.026-0.035)	**0.037** (0.032-0.043)	**0.043** (0.037-0.049)	**0.049** (0.042-0.056)	**0.055** (0.047-0.064)	**0.064** (0.054-0.074)	**0.072** (0.059-0.083)
7-day	**0.009** (0.008-0.011)	**0.012** (0.010-0.014)	**0.016** (0.014-0.019)	**0.019** (0.016-0.022)	**0.024** (0.020-0.027)	**0.027** (0.023-0.032)	**0.031** (0.026-0.036)	**0.035** (0.030-0.041)	**0.041** (0.034-0.048)	**0.046** (0.038-0.054)
10-day	**0.007** (0.006-0.008)	**0.009** (0.008-0.010)	**0.012** (0.010-0.014)	**0.014** (0.012-0.017)	**0.018** (0.015-0.020)	**0.020** (0.017-0.023)	**0.023** (0.020-0.027)	**0.026** (0.022-0.030)	**0.031** (0.025-0.035)	**0.034** (0.028-0.039)
20-day	**0.004** (0.003-0.005)	**0.005** (0.005-0.006)	**0.007** (0.006-0.008)	**0.009** (0.007-0.010)	**0.010** (0.009-0.012)	**0.012** (0.010-0.014)	**0.013** (0.012-0.015)	**0.015** (0.013-0.017)	**0.017** (0.014-0.020)	**0.019** (0.016-0.021)
30-day	**0.003** (0.003-0.004)	**0.004** (0.003-0.005)	**0.005** (0.005-0.006)	**0.007** (0.006-0.008)	**0.008** (0.007-0.009)	**0.009** (0.008-0.011)	**0.010** (0.009-0.012)	**0.012** (0.010-0.013)	**0.013** (0.011-0.015)	**0.014** (0.012-0.016)
45-day	**0.002** (0.002-0.003)	**0.003** (0.003-0.003)	**0.004** (0.004-0.005)	**0.005** (0.004-0.006)	**0.006** (0.005-0.007)	**0.007** (0.006-0.008)	**0.008** (0.007-0.009)	**0.008** (0.007-0.010)	**0.010** (0.008-0.011)	**0.010** (0.009-0.012)
60-day	**0.002** (0.001-0.002)	**0.002** (0.002-0.003)	**0.003** (0.003-0.004)	**0.004** (0.003-0.005)	**0.005** (0.004-0.006)	**0.005** (0.005-0.006)	**0.006** (0.005-0.007)	**0.007** (0.006-0.008)	**0.008** (0.006-0.009)	**0.008** (0.007-0.009)

[1] Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS).

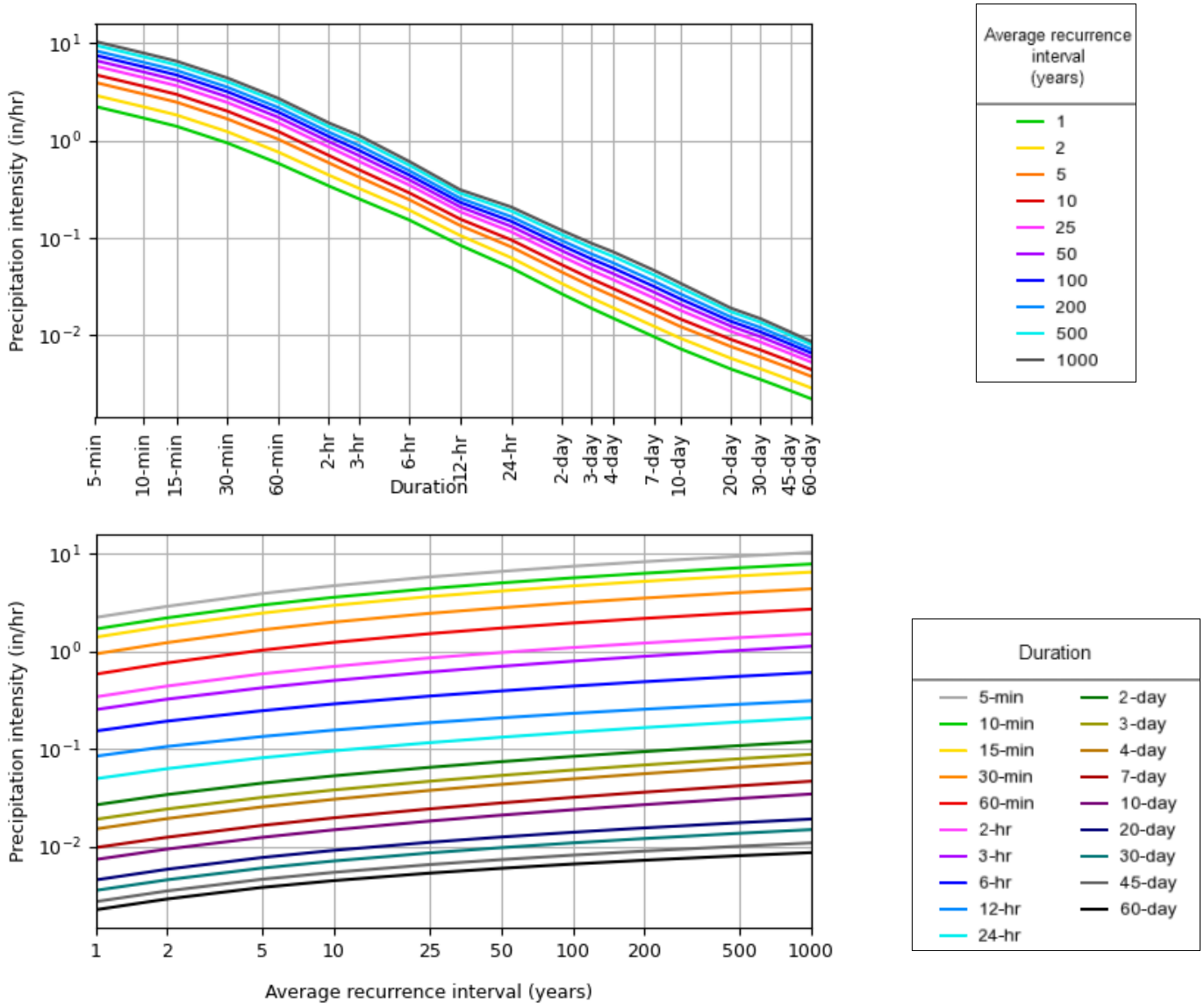
Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values.

Please refer to NOAA Atlas 14 document for more information.

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PF graphical

PDS-based intensity-duration-frequency (IDF) curves
Latitude: 33.5662°, Longitude: -111.9287°



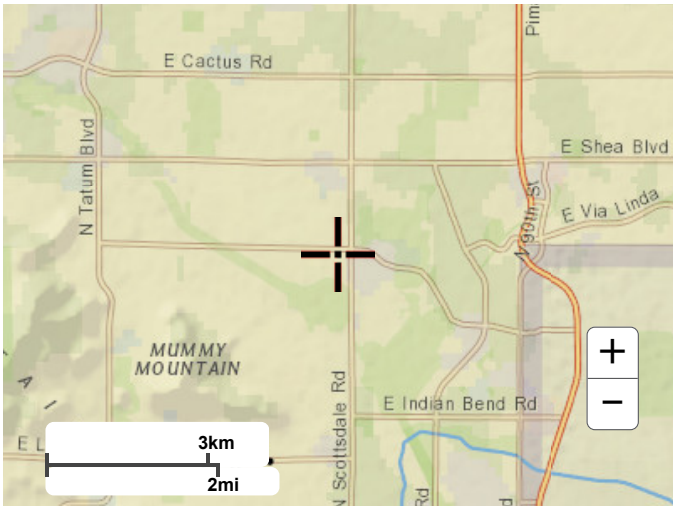
NOAA Atlas 14, Volume 1, Version 5

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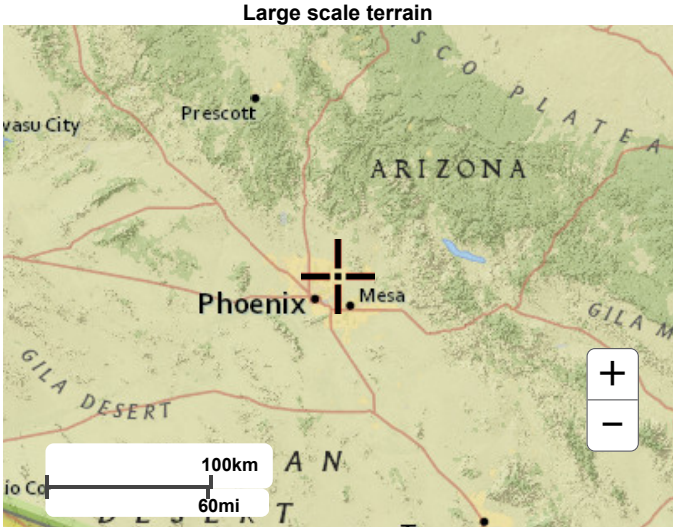
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Maps & aerials

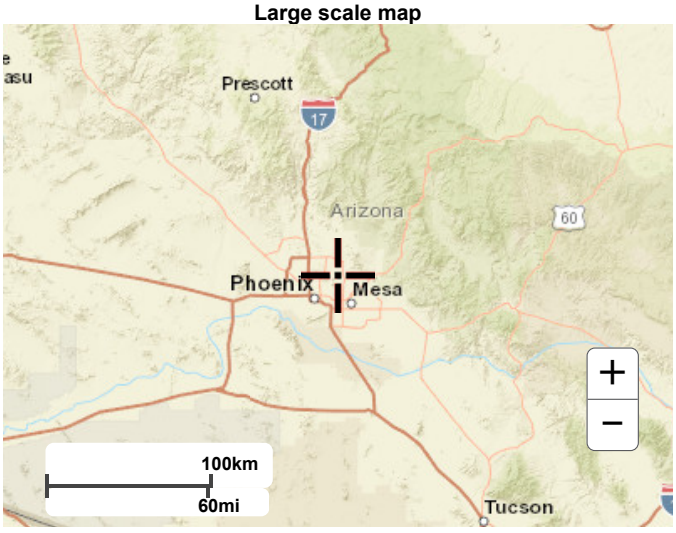
Small scale terrain



Large scale terrain



Large scale map



Large scale aerial

March 8, 2024

Brandon McMahon
Planner
Town of Paradise Valley
6401 E. Lincoln Drive
Paradise Valley, AZ 85253
(480) 348-3574

Dear Resident:

Notice is hereby given that the Town of Paradise Valley Planning Commission will hold a **public meeting at 6:00 p.m., on Tuesday, April 2nd, 2024,** at Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253 for:

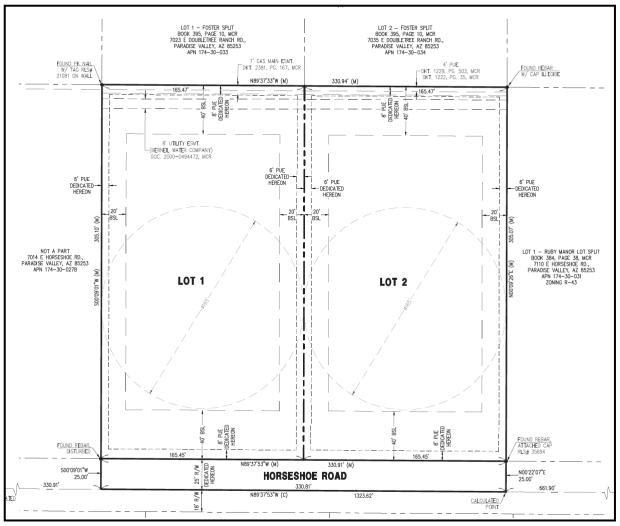
PUBLIC MEETING: Discussion and Possible Action on the Horseshoe Estates Lot Split (LS-24-01) 7300 E Horseshoe Road (APN: 174-30-023A)

The applicant, Nick Prodanov of Land Development Group, is requesting approval of a lot split to divide a 2.32-acre parcel into two lots. Lot 1 is proposed to be 50,481 square feet in size (±1.16 acres) and Lot 2 is 50,479 square feet in size (±1.16 acres). The subject property is located at 7300 E Horseshoe Road. The Planning Commission heard this item in Work Study Session on March 5, 2024.

If you have questions about this application please call the Community Development Department, 6401 E. Lincoln Drive, Paradise Valley, Arizona at (480) 348-3531.

Sincerely,

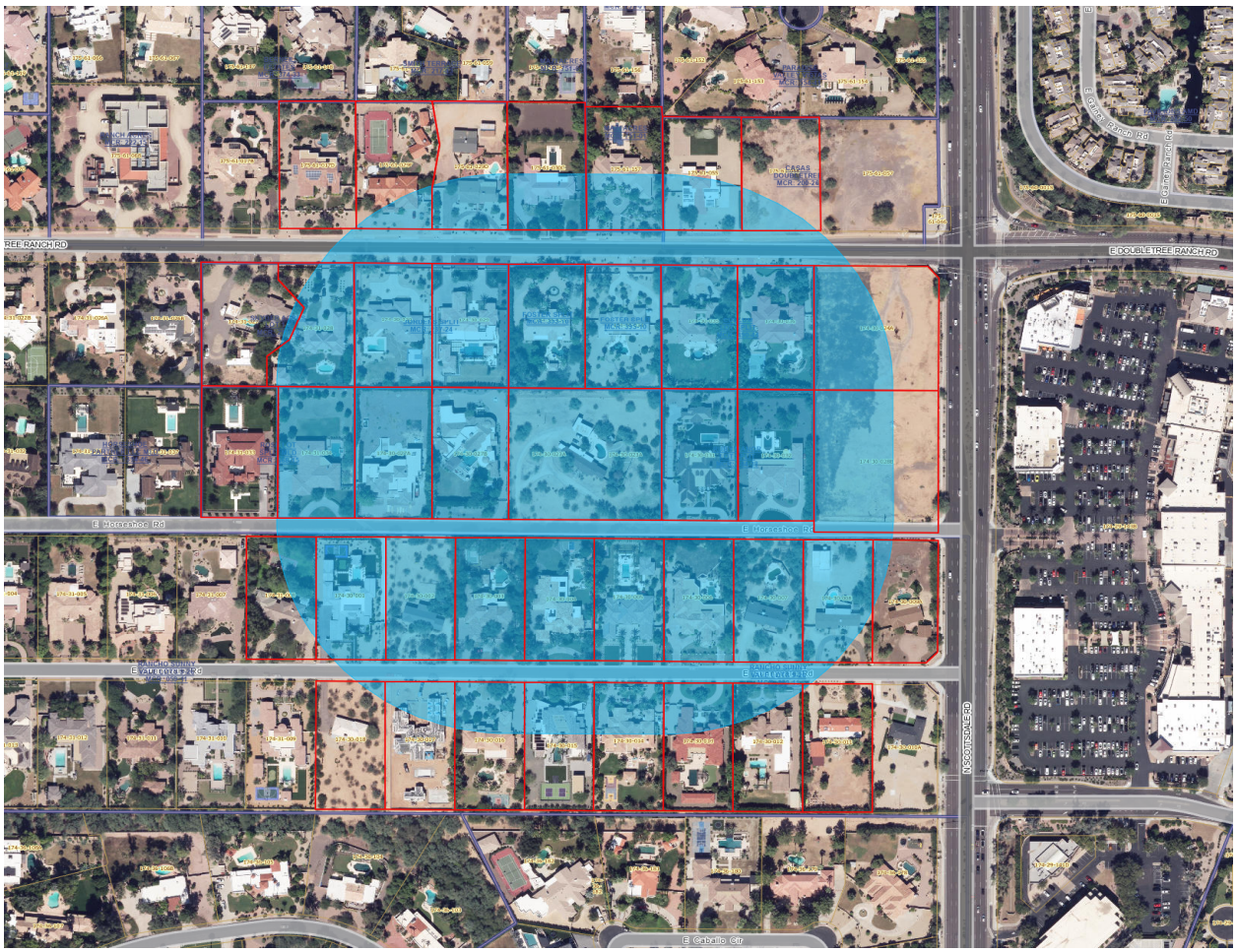
Brandon McMahon
Planner



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

All agendas are subject to change. You can view the agenda, find application material, and provide your input via eComment approximately 4-6 days prior to the meeting date at https://paradisevalleyaz.legistar.com/Calendar.aspx You may also contact the staff liaison, Brandon McMahon, on this application at bmcmahon@paradisevalleyaz.gov or 480-348-3531 at any time before the scheduled meeting date.

Parcel Number	Owner	Property Address	Mailing Address
174-30-001	MITCHEL C WALLACE QUALIFIED PERSONAL RESIDENCE TRUST/TH	6940 E SUNNYVALE RD PARADISE VALLEY 85253	6940 E SUNNYVALE RD PARADISE VALLEY AZ USA 85253
174-30-002	WILLIAM B DANKWORTH AND JOY DANKWORTH TRUST	7002 E SUNNYVALE RD PARADISE VALLEY 85253	7002 E SUNNYVALE PARADISE VALLEY AZ USA 85253
174-30-003	NON-SGA PRIMARY TRUST	7016 E SUNNYVALE RD PARADISE VALLEY 85253	HOUSTON TX USA 77056
174-30-004	CONNELL JAMES W JR/AMY M	7028 E SUNNYVALE RD PARADISE VALLEY 85253	7028 E SUNNYVALE RD PARADISE VALLEY AZ USA 85253
174-30-005	KEG IRREVOCABLE TRUST/LJG IRREVOCABLE TRUST	7040 E SUNNYVALE RD PARADISE VALLEY 85253	7040 E SUNNYVALE RD PARADISE VALLEY AZ USA 85253
174-30-006	PEDENKO ALEXANDER/SVETLANA	7102 E SUNNYVALE RD PARADISE VALLEY 85253	7102 E SUNNYVALE RD PARADISE VALLEY AZ USA 85253
174-30-007	BCI PROPERTIES LLC	7116 E SUNNYVALE RD PARADISE VALLEY 85253	11150 OVERBROOK RD LEAWOOD KS USA 66211
174-30-008	VECCHIO TODD S/DIANA K	7128 E SUNNYVALE RD PARADISE VALLEY 85253	7417 CALIFORNIA AVE SW SEATTLE WA USA 9813
174-30-009A	7140 EAST SUNNYVALE RD LLC	7140 E SUNNYVALE RD PARADISE VALLEY 85253	3225 MCLEOD DR STE 777 LAS VEGAS NV USA 89121
174-30-011	JOHNSON KIMBERLEY D	7127 E SUNNYVALE RD PARADISE VALLEY 85253	7127 E SUNNYVALE RD PARADISE VALLEY AZ USA 85253
174-30-012	FERRI FRANK/NANCY S	7115 E SUNNYVALE RD PARADISE VALLEY 85253	7115 E SUNNYVALE RD PARADISE VALLEY AZ USA 85253
174-30-013	BRENDA S JOHNSON REVOCABLE TRUST	7101 E SUNNYVALE RD PARADISE VALLEY 85253	9500 UNIVERSITY AVE STE 2112 WEST DES MOINES IA USA 5026
174-30-014	GIALAMAS-BULL DEMETRIA LANA	7039 E SUNNYVALE RD PARADISE VALLEY 85253	7039 E SUNNYVALE RD PARADISE VALLEY AZ USA 85253
174-30-015	COLUCCIO JOSEPH J/SHERI M	7027 E SUNNYVALE RD PARADISE VALLEY 85253	19417 EDGECLIFF DR SW NORMANDY PARK WA USA 9816
174-30-016	SAFRIN 2008 REVOCABLE TRUST	7015 E SUNNYVALE RD PARADISE VALLEY 85253	7015 E SUNNYVALE RD PARADISE VALLEY AZ USA 85253
174-30-017	ZEV AND LAUREN HENDELES REVOCABLE TRUST	7001 E SUNNYVALE RD PARADISE VALLEY 85253	7001 E SUNNYVALE RD PARADISE VALLEY AZ USA 85253
174-30-018	SINH VEERA V S CHAUDHRI	6939 E SUNNYVALE RD PARADISE VALLEY 85253	5333 VALLEY TRL RACINE WI USA 53402
174-30-023A	PARSONS EUGENE A/NUREEN K TR	7030 E HORSESHOE RD PARADISE VALLEY 85253	7030 HORSE SHOE RD PARADISE VALLEY AZ USA 85253
174-30-024A	PATIBANDLA SUSHMITHA/CHALLAPALLI SRINIVAS V	7131 E DOUBLETREE RANCH RD PARADISE VALLEY 85253	6423 E ARROYO VERDE DR PARADISE VALLEY AZ USA 85253
174-30-027A	JEWEL BOX HOMES LLC	7000 E HORSESHOE RD PARADISE VALLEY 85253	6941 E BRONCO DR PARADISE VALLEY AZ USA 85253
174-30-027B	LAVOIE E PATRICK/TABATHA A	7014 E HORSESHOE RD PARADISE VALLEY 85253	7014 E HORSESHOE RD PARADISE VALLEY AZ USA 85253
174-30-028B	CHALLAPALLI SRINIVAS V/PATIBANDIA SUSHMITHA	8818 N SCOTTSDALE RD PARADISE VALLEY 85253	6423 E ARROYO VERDE DR PARADISE VALLEY AZ USA 85253
174-30-029	CROMER LLC	7011 E DOUBLETREE RANCH RD PARADISE VALLEY 85253	17039 W LAWRENCE LN WADDELL AZ USA 85355
174-30-030	CABRERA ORLANDO/SUSANA E TR	7007 E DOUBLETREE RANCH RD PARADISE VALLEY 85253	7007 E DOUBLETREE RANCH RD PARADISE VALLEY AZ USA 85253
174-30-031	BERKOWITZ FAMILY TRUST	7110 E HORSESHOE RD PARADISE VALLEY 85253	10046 E SOUTH BND SCOTTSDALE AZ USA 85255
174-30-032	JUSSEAUME ROGER J/BARBARA B	7120 E HORSESHOE RD PARADISE VALLEY 85253	6363 S KYRENE RD TEMPE AZ USA 85283
174-30-033	LEWIS WILLIAM PHILLIP/MANSOUR MAJO	7023 E DOUBLETREE RANCH RD PARADISE VALLEY 85253	7023 E DOUBLETREE RANCH RD PARADISE VALLEY AZ USA 85253
174-30-034	ORENSTEIN DAVID H/MARGARET L TR	7031 E DOUBLETREE RANCH RD PARADISE VALLEY 85253	7031 E DOUBLETREE RANCH RD PARADISE VALLEY AZ USA 85253
174-30-035	AKHAVAN PHILLIP FARZAD	7111 E DOUBLETREE RANCH RD PARADISE VALLEY 85253	7111 E DOUBLETREE RANCH RD PARADISE VALLEY AZ USA 85253
174-30-036	DREW JEFFREY S/CHRISTINE M	7119 E DOUBLETREE RANCH RD PARADISE VALLEY 85253	7119 E DOUBLETREE RANCH RD PARADISE VALLEY AZ USA 85253
174-31-008	TODD AND MICHELLE PARKER TRUST	6928 E SUNNYVALE RD PARADISE VALLEY 85253	6928 E SUNNYVALE RD PARADISE VALLEY AZ USA 85253
174-31-027	ROBINSON WILLIAM A/CARRIE L	6933 E DOUBLETREE RANCH RD PARADISE VALLEY 85253	6933 E DOUBLETREE RANCH RD PARADISE VALLEY AZ USA 85253
174-31-028	DUGAN MARTIN J JR/MCCREARY TIFFANY LYNN	6993 E DOUBLETREE RANCH RD PARADISE VALLEY 85253	6993 E DOUBLETREE RANCH RD PARADISE VALLEY AZ USA 85253
174-31-033	DTJ TRUST	6940 E HORSESHOE RD PARADISE VALLEY 85253	6940 E HORSESHOE RD PARADISE VALLEY AZ USA 85253
174-31-034	CAROL DILLON SURVIVORS TRUST	6972 E HORSESHOE RD PARADISE VALLEY 85253	6972 E HORSEHOE RD PARADISE VALLEY AZ USA 85253
175-61-017D	SWEITZER REVOCABLE TRUST	6970 E DOUBLETREE RANCH RD PARADISE VALLEY 85253	6970 E DOUBLETREE RANCH RD PARADISE VALLEY AZ USA 85253
175-61-029D	J & C FINCH TRUST	7012 E DOUBLETREE RANCH RD PARADISE VALLEY 85253	1349 WHIPPOORWILL WY BOISE ID USA 83709
175-61-029F	DAY JOHN F/LINDA C TR	7000 E DOUBLETREE RANCH RD PARADISE VALLEY 85253	7000 E DOUBLETREE RANCH RD SCOTTSDALE AZ USA 85253
175-61-030C	SAPUTO SALVATORE/SPOERI BARBARA J	7020 E DOUBLETREE RANCH RD PARADISE VALLEY 85253	7020 E DOUBLETREE RANCH RD PARADISE VALLEY AZ USA 85253
175-61-055	DANG TIEM T/TAO LAM DANG REVOCABLE LIVING TRUST	7100 E DOUBLETREE RANCH RD PARADISE VALLEY 85253	7100 E DOUBLETREE RANCH RD PARADISE VALLEY AZ USA 85253
175-61-056	TIEM THI DANG REVOCABLE TRUST	7100 E DOUBLETREE RANCH RD PARADISE VALLEY 85253	7100 E DOUBLETREE RANCH RD PARADISE VALLEY AZ USA 85253
175-61-157	MASSOUR EHSANOLLA / MINOO TR	7050 E DOUBLETREE RANCH RD PARADISE VALLEY 85253	7050 E DOUBLETREE RANCH RD PARADISE VALLEY AZ USA 85283



AFFIDAVIT OF MAILING NOTIFICATION

STATE OF ARIZONA)

) ss:

County of Maricopa)

In accordance with the requirements of the Town of Paradise Valley, the undersigned hereby certifies that the mailing list for the proposed project is a complete list of property owners within 500 feet of the subject property, as obtained from the Maricopa County Assessor's Office on the following date MARCH 8th, 2024, and such notification has been mailed on the following date MARCH 8th, 2024.

Signature

The foregoing instrument was acknowledged by me this 8th day of March, 2024, by Nickola Jordanov Proданov.

Name

EDWARD W GATTI
Notary Public - Arizona
Maricopa County
Commission # 578215
My Comm. Expires Mar 19, 2024

NOTARY PUBLIC

My commission expires:

03/19/2024

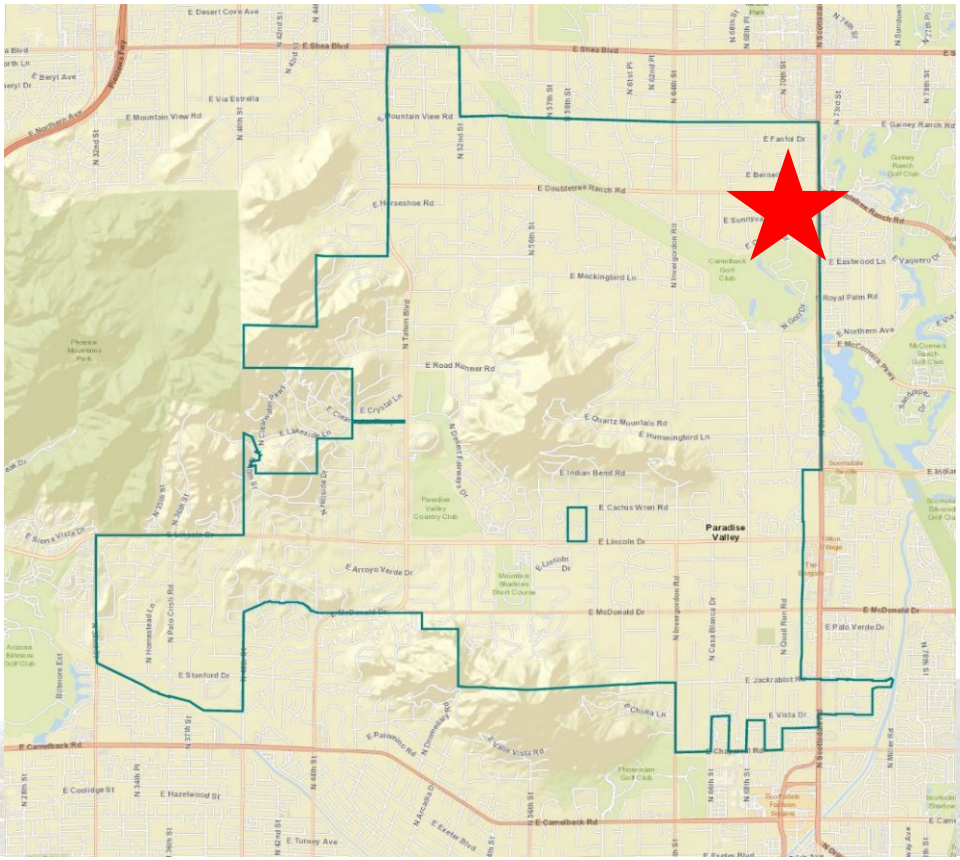
TOWN OF PARADISE VALLEY

Horseshoe Estates
Lot Split at 7030 E Horseshoe Rd
Public Hearing

Planning Commission
April 2, 2024

TODAYS GOAL

- Review request & take action on proposed Lot Split



REQUIREMENTS – PROCESSING REVIEW

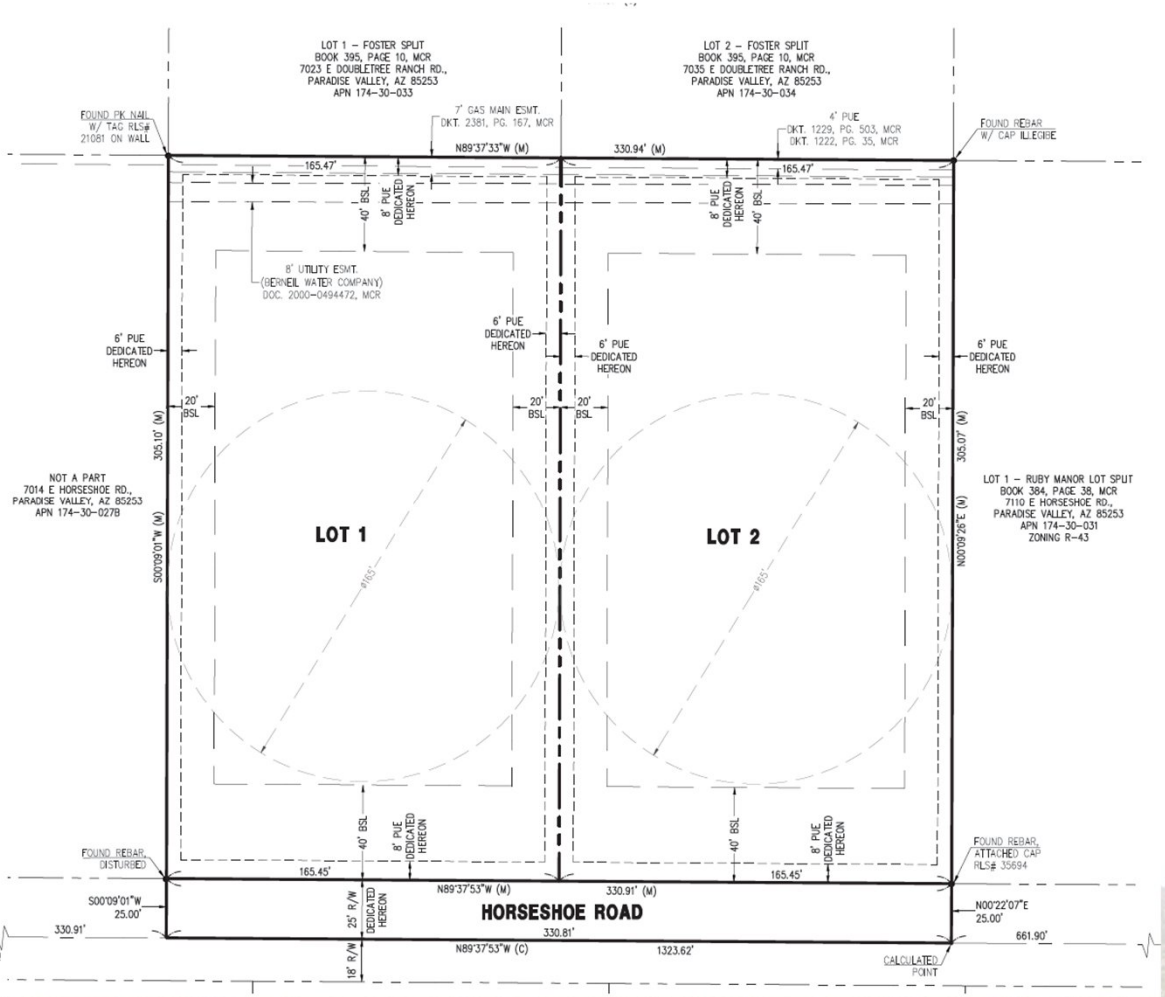
- March 5, 2024 PC Work Study Session
- Completed 500’ mailing notice of action meeting by Town policy (on 3-8-24)
- If lot split is approved by a unanimous vote, then it shall be deemed approved
- If the lot split application is not approved by a unanimous vote, then the lot split application shall be forwarded to the Council for review and final approval

AERIAL PHOTO



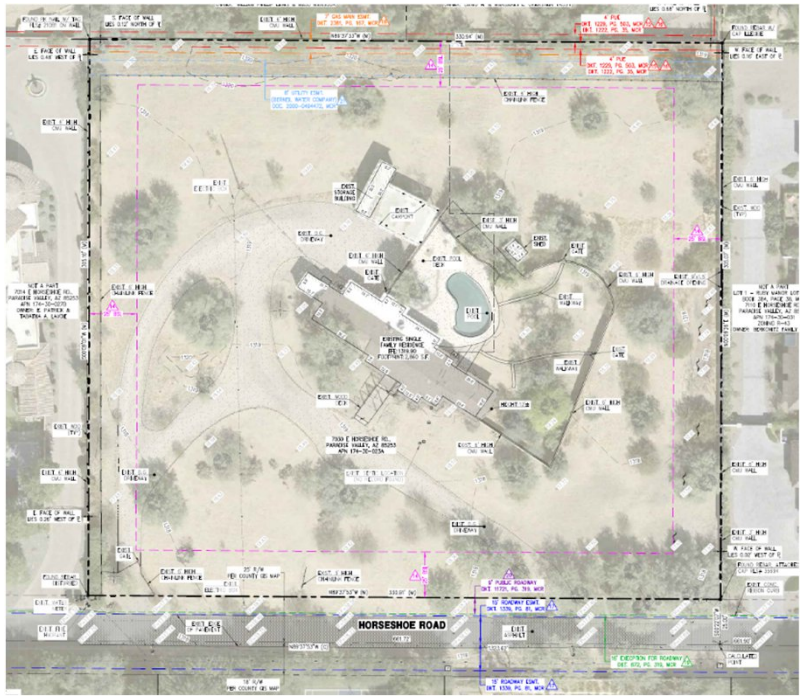
REQUEST

- Create 2 lots - 1.16 acre each



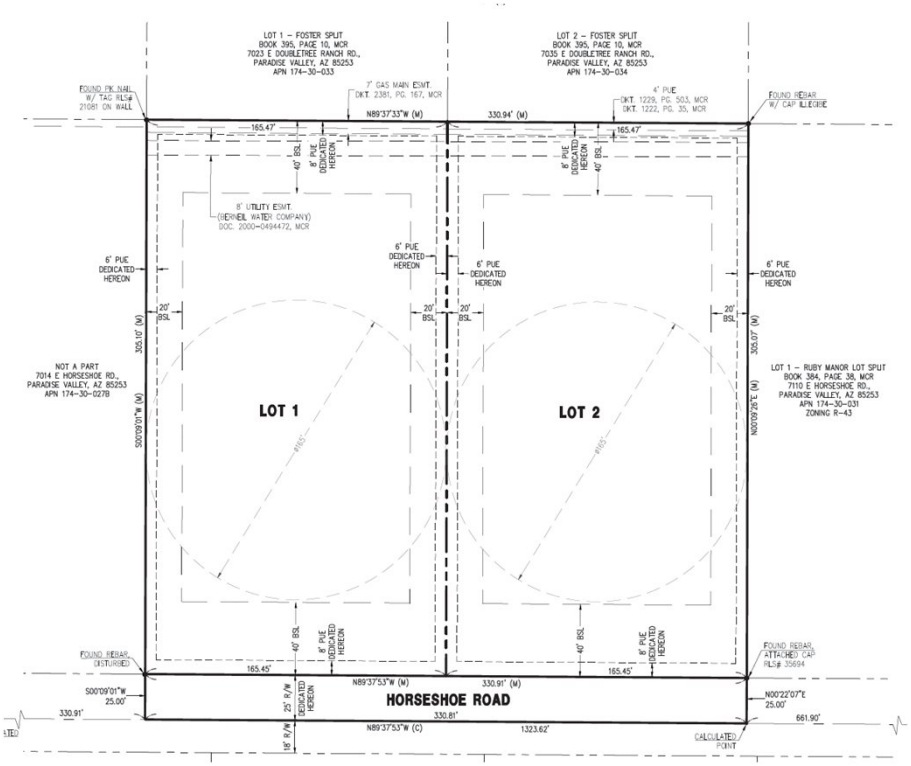
BACKGROUND

- The lot is located at 7030 E Horseshoe Rd
- The property is zoned R-43, minimum 1-acre lots
- Site is 2.32 acres:
  - Proposed Lot 1 & 2 are to be 1.16-acres
- Existing structures on site to be demolished



4 CODE CRITERIA

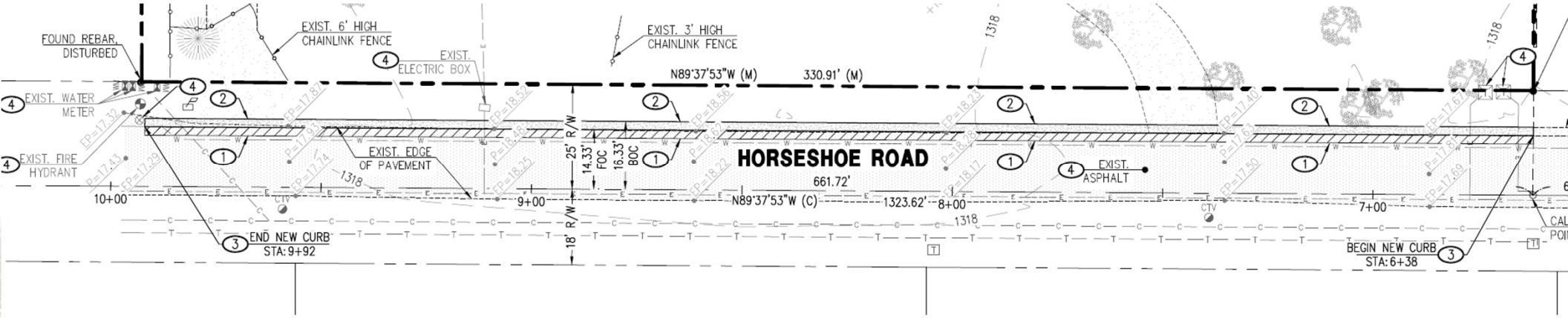
- Meets 165’ lot width
- Each lot is at least 1-net acre
- Lots are regular in shape
- Lots have direct access onto public road



ROADWAY

- Dedication of 25’of right-of way on Horseshoe Rd
- New 2’ ribbon curbing to match north side of Horseshoe Rd





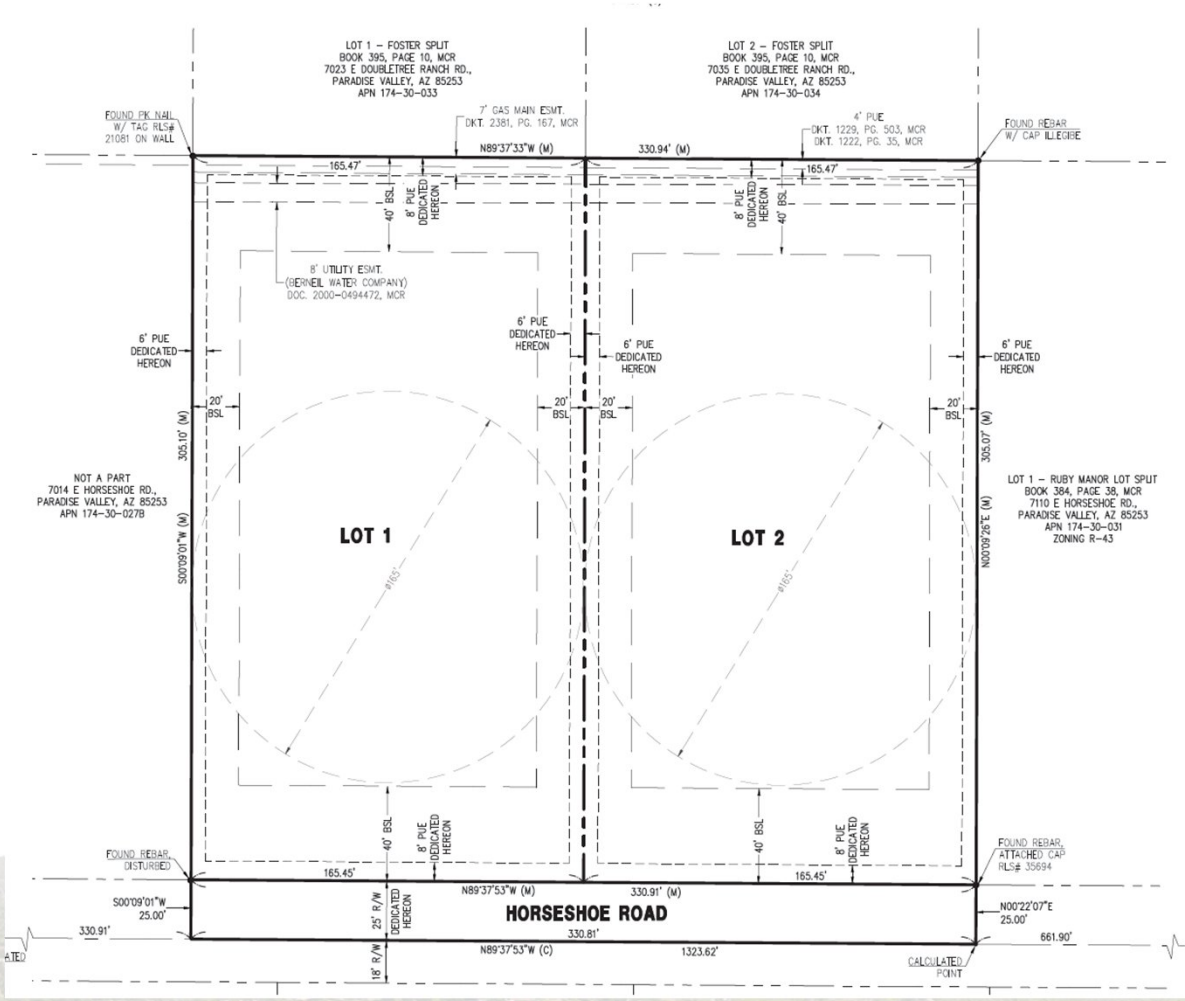
TRAFFIC

- Traffic study not required
- Trip Generation Manual estimates single-family home averages 8.78 to 10.09 vehicle trips per day



UTILITIES/PAVING

- Required 6’ and 8’ utility easements shown
- All typical utilities will be provided
- Septic sewer system



DRAINAGE

- Each lot will be required to meet drainage requirements a part of the building permit process
- Flows run to the south along the east property line and discharge onto Horseshoe Road



FIRE PROTECTION

- Both lots will have access onto public roadway
- Existing fire hydrant at Horseshoe Road right of way, 5’ from the southwest property corner
- Flow rate from the water impact study is compliant with the code requirement of 1,500 gpm (PSI rate is within range and compliant as well)

PUBLIC COMMENT/NEXT STEPS

- Notification mailing sent 3-8-24
- No public comment received
- Planning Commission work study session - March 5, 2024
- Planning Commission Action – April 2, 2024
- If unanimous vote - action ends with Planning Commission

MOTION AND STIPULATIONS

✓ Approval of the Horseshoe Estates Lot Split (LS-24-01), located at 7300 E Horseshoe Road, subdividing an existing 2.32-acre lot into two (2) residential R-43 zoned properties, subject to the following stipulations:

(LS-24-01) Stipulations:

1. The plat and related improvements for "Horseshoe Estates" located at 7300 E Horseshoe Road (the "Property") shall be in substantial compliance with the submitted plans and documents:
   a) The Narrative prepared by Land Development Group dated January 16, 2024.
   b) The "Horseshoe Estates" Lot Split, Sheet 1, prepared by Land Development Group with revised dated January 12, 2024.
   c) The "Paving Plan for Horseshoe Estates", Sheets PV-1, prepared by Land Development Group dated January 12, 2024.
   d) The "Alta/NSPS Land Title Survey", Sheet 1-2, prepared by Land Development Group dated December 15, 2023.
   e) The Drainage Report, prepared by Land Development Group dated December 19, 2023.

MOTION AND STIPULATIONS (CONT'D)

- ✓ Approval of the Horseshoe Estates Lot Split (LS-24-01), located at 7300 E Horseshoe Road, subdividing an existing 2.32-acre lot into two (2) residential R-43 zoned properties, subject to the following stipulations:

(LS-24-01) Stipulations:

2. Prior to the recordation of Horseshoe Estates, the following items must be completed:
   a) The owner(s) of the Property, or successors, shall submit the required improvement plans for Town Engineer approval and provide a cost estimate for civil improvements (e.g., water, paving, storm drainage, landscaping etc.) to determine financial assurance requirements.
   b) Provide the required forms of assurances necessary for the Town to be in a guaranteed position to complete the construction and related public site improvements as referenced in the Horseshoe Estates Paving Plan.
   c) Within 60 days of Council approval of the plat, the applicant shall submit, both in mylar and electronic version (PDF format), the plat map for the Town's permanent record.
   d) The existing structures on the property must be demolished prior to recordation of the approved plat.

MOTION AND STIPULATIONS (CONT'D)

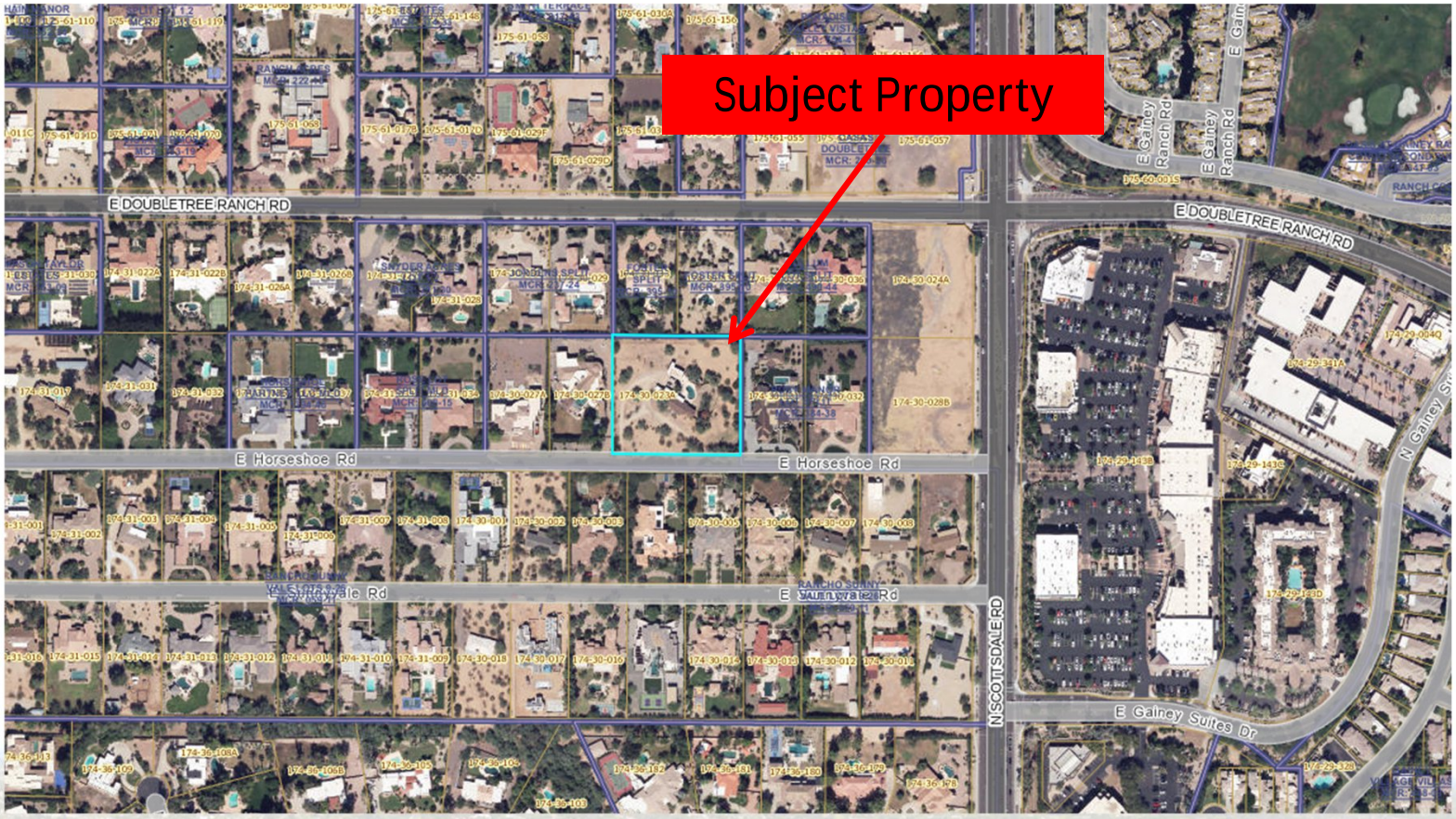
- ✓ Approval of the Horseshoe Estates Lot Split (LS-24-01), located at 7300 E Horseshoe Road, subdividing an existing 2.32-acre lot into two (2) residential R-43 zoned properties, subject to the following stipulations:

(LS-24-01) Stipulations:

3. Prior to the issuance of the first building permit for any home on Lot 1 & Lot 2 of "Horseshoe Estates," the following items must be completed:
   a) The property owner(s) or designee(s) shall complete the roadway improvements on Horseshoe Road.
   c) The owner(s) of the Property, or successors, shall provide the Town, with a Drainage Easement and Maintenance Agreement for any dedicated drainage easements on Lot 1 and/or Lot 2. These forms shall be submitted and approved by the Town and recorded with the Maricopa County Recorder's Office.
   d) The installation of the water infrastructure is complete, including inspection by the Town.

4. Prior to the issuance of a Certificate of Occupancy in "Horseshoe Estates" Lot Split, the following items must be completed:
   a) The property owner(s) or designee(s) shall demonstrate that the fire sprinkler system is in compliance with the National Fire Protection Association standard 13D or the current equivalent code requirement.

QUESTIONS?


Subject Property
E DOUBLETREE RANCH RD
E Horseshoe Rd
N SCOTTSDALE RD
E Gainey Suites Dr
E Gainey Ranch Rd

Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Action Report

File #: 24-075

AGENDA TITLE:
Selection of Chair per Section 2-5-2 of the Town Code

STAFF CONTACT:

TOWN
Of
PARADISE VALLEY

STAFF REPORT

TO: **Chair and Planning Commission**

FROM: **Chad Weaver, Community Development Director**
Paul Michaud, Planning Manager

DATE: **April 2, 2024**

DEPARTMENT: **Community Development – Planning Division**
Paul Michaud, 480-348-3574

AGENDA TITLE: **Selection of Chair per Section 2-5-2 of the Town Code**

RECOMMENDATION:
Motion to recommend [*state name*] to serve as the Planning Commission Chair.

SUMMARY STATEMENT:
Section 2-5-2.A of the Town Code states, "The Planning Commission shall, at its first meeting in April of each year, elect one of its members to serve as its Chairman-designate. The member designated to be Chairman shall be approved or disapproved for the Chairmanship by the Town Council within thirty (30) days of the election by the Commission. If the Chairman-designate is approved for the Chairmanship by the Town Council, he shall become the Chairman immediately upon such approval, and he shall serve as Chairman of the Commission (1) until a successor as Chairman is elected and approved in the following year, or (2) until the Chairmanship shall, for any reason, become vacant. If the Chairman-designate is disapproved for the Chairmanship by the Town Council, the Planning Commission shall, at its next meeting after such Council disapproval, elect another one of its members to serve as its Chairman-designate, and the member so designated shall be approved and become the Chairman or be disapproved pursuant to the procedures described herein. If, for any reason, the position of Chairman becomes vacant, then the Commission, at its next meeting after such position becomes vacant, shall elect a Chairman-designate for the remainder of the term, and the member so designated shall be approved and become the Chairman or be disapproved pursuant to the procedures prescribed herein. No member shall serve as Chairman of the Commission for a period of time in excess of two (2) consecutive terms." Commission Member Liepmann completed one term as Chair.

ATTACHMENT(S):
A. Staff Report