

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



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TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
Thursday, December 17, 2015

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

Mayor Collins called to order the Town Council Meeting for Thursday, December 17, 2015 at 4:00 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins  
Vice Mayor Paul Dembow  
Council Member Jerry Bien-Willner  
Council Member Mary Hamway  
Council Member David Sherf  
Council Member Mark Stanton  
Council Member Maria Syms attended the meeting by telephone conference call

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Police Chief Peter Wingert  
Community Development Director Eva Cutro  
Director of Administration and Government Affairs Dawn Marie Buckland  
Public Works Director / Town Engineer James P. Shano  
Assistant Town Attorney Debbie Robberson  
Attorney Doug Jorden. Jorden Bischoff & Hiser

**2. STUDY SESSION ITEMS**

**15-313      Discussion of Special Use Permit Major Amendment for The Ritz-Carlton Resort, Paradise Valley**

Town Manager Kevin Burke and Community Development Director Eva Cutro summarized the Five Star Development Special Use Permit, site plan, stipulations, and

## 12. ACTION ITEMS

### **15-326 Adoption of Ordinance Number 696; Approval of a Development Agreement with Five Star Development Resort Communities, LLC for the Redevelopment of Real Property in the Vicinity of Lincoln Drive and Mockingbird Lane**

A motion was made by Mayor Collins, seconded by Council Member Stanton, to continue Ordinance 696 to December 21, 2015. The motion carried by the following vote:

Aye: 7 - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, Council Member Stanton, and Council Member Syms

### **15-325 Adoption of Ordinance Number 695 Providing for Full Recovery of Sewer Disconnection Costs**

A motion was made by Council Member Hamway, seconded by Council Member Sherf, to adopt Ordinance Number 695 The motion carried by the following vote:

Aye: 7 - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, Council Member Stanton, and Council Member Syms

### **15-312 Consideration of "Mountain Shadows Resort - Condominium Hotel" Preliminary Condominium Map**

Senior Planner Paul Michaud presented a request by MS Condo Hotel Owner, LLC for approval of a Preliminary Condominium Map application for the Mountain Shadows Resort Condominium Hotel. The map consists of a total of 44 condominiums located on 1.3 acres. He said the Planning Commission reviewed the application and voted 6 to 0 to recommend approval, subject to stipulations.

A motion was made by Council Member Sherf, seconded by Vice Mayor Dembow, to approve the Preliminary Condominium Map for "Mountain Shadows Resort - Condominium Hotel" (PP 15-04), subject to the following stipulations:

1. The Final Map shall be in substantial compliance with the Preliminary Map, "Mountain Shadows Resort - Condominium Hotel," Sheets 1-13, prepared by Coe & Van Loo Consultants, Inc. dated November 3, 2015, and print date of November 23, 2015.
2. Prior to recordation of the Final Map, the applicant shall provide to the Town Attorney a copy of the CC&R's, declaration, bylaws, or other documents for review to insure that all terms required

under the SUP or other recorded agreements are part of these documents, including provision for maintenance of any drainage easements dedicated on the map.

3. The final improvements shall be in substantial compliance with improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Map, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve said final improvement plans prior to the issuance of any building permit for a residential unit in said Final Map.
4. Within 60 days of approval of the Final Map, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.
5. The Final Map and/or declaration shall include any and all necessary easements, including:
  - a. Easements for drainage that are consistent to the overall grading and drainage plans for the entire Special Use Permit (SUP) site west of 56<sup>th</sup> Street, which shall be depicted on the Final Map prior to recordation of said plat,
  - b. Easements for utilities, with said easements to be in the locations and widths as prescribed by the respective utility provider, with correspondence from said utility providers given to the Town prior to Town Council approval of the Final Map, and

Easements for access, parking, refuse collection, and other similar easements.

**The motion carried by the following vote:**

**Aye:** 7 - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, Council Member Stanton, and Council Member Syms

**13. REQUESTS FOR FUTURE AGENDA ITEMS**

**15-291 Consideration of Requests for Future Agenda Items**

There were no discussions or additions to the future agenda list.

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

There were no reports.

**A motion was made by Council Member Hamway, seconded by Vice Mayor Dembow to go into Executive Session at 9:27 p.m. The motion carried by a unanimous vote.**

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TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
Thursday, December 3, 2015

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

Mayor Collins called to order the Town Council Meeting for Thursday, December 3, 2015 at 4:00 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins  
Vice Mayor Paul Dembow  
Council Member Jerry Bien-Willner  
Council Member Mary Hamway  
Council Member David Sherf  
Council Member Mark Stanton arrived at 4:53 p.m.  
Council Member Maria Syms arrived at 4:12 p.m.

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Police Chief Peter Wingert  
Community Development Director Eva Cutro  
Director of Administration and Government Affairs Dawn Marie Buckland  
Public Works Director / Town Engineer James P. Shano  
Senior Planner Paul Michaud

**2. STUDY SESSION ITEMS**

**15-287      Discussion of "Mountain Shadows Resort - Condominium Hotel"  
Preliminary Condominium Map**

Senior Planner Paul Michaud presented a request by MS Condo Hotel Owner, LLC for approval of a Preliminary Condominium Map application for the Mountain Shadows Resort Condominium Hotel. The map consists of a total of 44 condominiums located on

1.3 acres. He said the Planning Commission reviewed the application and voted 6 to 0 to recommend approval, subject to stipulations.

Mr. Burke stated that the item would be scheduled for Council approval on December 17, 2015.

**15-309      Discussion of Ordinance Related to Sewer Disconnection Costs**

Town Attorney Andrew Miller presented draft Ordinance Number 695 amending the Sanitary Sewer Code to permit for the full recovery of costs associated with sewer line disconnection for customers whose accounts are severely delinquent. Responding to questions from the Council, Mr. Miller stated that extraordinary attempts will be made to notify the property owner and the Maricopa County Health Department prior to blocking the sewer.

**15-306      Discussion of Special Use Permit Major Amendment for The Ritz-Carlton Resort, Paradise Valley**

Town Manager Kevin Burke, Town Attorney Miller, and Community Development Director Eva Cutro presented the 66 draft Special Use Permit stipulations for the proposed Ritz-Carlton Resort. The applicant, Five Star Development, was represented by Jason Morris and Benjamin Graff of Withey Morris and Project Manager Richard Frazee. The Town Council tabled certain stipulations for additional discussion at a future meeting.

**3. EXECUTIVE SESSION**

**A motion was made by Council Member Hamway, seconded by Council Member Sherf, to go into executive session at 5:30 p.m. The motion carried by the following vote:**

**Aye: 7 - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, Council Member Stanton, and Council Member Syms**

**15-292      Discussion and consultation with Town Attorney to consider the Town Council's position and instruct the attorney regarding a potential development agreement with Five Star Development as authorized by A.R.S. §38-431.A.4; and discussion or consultation for legal advice with the Town Attorney as authorized by A.R.S. §38-431.A.3.**

**15-293      The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the agenda items listed on the**



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Final Planning Commission

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Tuesday, November 17, 2015

6:00 PM

Council Chambers

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### 1. CALL TO ORDER

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

### 2. ROLL CALL

**Present** 6 - Chairperson Dolf Strom, Commissioner Thomas G. Campbell, Commissioner Scott Moore, Commissioner Jonathan Wainwright, Commissioner Daran Wastchak and Commissioner Jeff Wincel

**Absent** 1 - Commissioner Richard K. Mahrle

### 3. EXECUTIVE SESSION

Chairman called for an executive session to discuss Item 15-280, Cottonwoods Resort.

### 4. STUDY SESSION ITEMS

- A. 15-271** Discussion of "Mountain Shadows Resort - Condominium Hotel"  
Preliminary Condominium Map (PP 15-04)  
SWC Lincoln Drive & 56th Street

Paul Michaud presented the material in the action report.

Chairman Strom asked about the tandem parking spaces and valet service noted in the CivTech parking study report. Mr. Michaud clarified that the condominium hotel will share the same valet service as the hotel. He continued that if a condominium unit is elected by the unit owner to go into the rental program that this owner will be required to use the valet service. Scott Lyon, the applicant, addressed questions regarding how the valet will access the vehicles, noting that the parking area to the condominium hotel will not be gated as any vehicles will be required to pass through the new guard gate on Mountain Shadows Drive.

Chairman Strom asked about the check in procedure for the hotel. Scott Lyons identified the location of three entrances from the public rights-of-way.

Chairman Strom asked if there are new proposed fire hydrants. Mr. Michaud replied that the site is within 400 feet of several fire hydrants

approved with the other plats for Mountain Shadows Resort.

With no other Planning Commissioner comment, Chairman Strom closed the study session on this application.

**No Reportable Action**

**B. 15-280**

Discussion of Minor SUP Amendment Cottonwoods Resort  
7150 E Rose Lane

Eva presented the application in accordance with the packet. She discussed the proposed lighting, sign package, and presidential suite.

*Lighting*

Commissioner Campbell requested that the applicant's next submittal include an arrow showing which fixture is being used on the table.

Chairman Strom asked about the photometric and wants to make sure the development standards are noted to identify compliance. The applicant agreed to provide a photometric showing compliance with the SUP Guidelines and to show which fixture is being used on each data sheet with an arrow for the next submittal.

Lee Story, resident adjoining the resort to the south, asked to speak about lighting. She asked for clarification of the type of lighting around the meeting areas and the parking areas. She was concerned about the illumination of the ground and it looking like a commercial establishment. It was noted that 12-foot tall pole lights are proposed for the parking lot. Chairman Strom explained the lighting performance standards noted in the SUP Guidelines. He continued that the Town wants the lighting to be as dark as possible and still meet safety standards. He noted that this lighting will need to meet the SUP guidelines. He also provided some local sites for her to see examples of similar lighting.

*Signs*

Commissioner Wainwright asked if there will be an address on any of the proposed signs. The applicant noted that they have not determined that at this point, but there will likely be an address on the entrance monument sign. The applicant also clarified that the entrance sign will be channel lit and the others will be externally lit. Chairman Strom requested that the applicant indicate which signs are lit from the ground and how the light is contained.



like. Responding to timing, Ms. Cutro stated she would bring this item back for discussion in January 2016.

**No Reportable Action**

## 5. PUBLIC HEARINGS

None

## 6. ACTION ITEMS

- A. 15-272** Recommendation of "Mountain Shadows Resort - Condominium Hotel"  
Preliminary Condominium Map (PP 15-04)  
SWC Corner Lincoln Drive & 56th Street

Chairman Strom opened the item for public comment. He closed the public comment, being there were no persons requesting to speak on this application.

Commissioner Wastchak asked the applicant if he could explain the tentative timeframe they hope to break ground. Scott Lyon explained the plan is to construct west to east, with the hotel opening in early 2017, noting the condominium hotel opening will likely lag three to four months after the hotel opening.

Chairman Strom inquired about the timing of the perimeter landscaping along Lincoln Drive. Scott Lyon stated it was his goal to keep as many of the oleanders to screen the site, but many have to be removed due to the turn lanes. Also, he remarked he does not recall his landscape and sidewalk schedule. Commissioner Campbell requested that staff check if the perimeter landscape was required to be installed and to enforce it if required. Eva Cutro stated she would get back with the Planning Commission on this matter. Stipulation 24.c of Ordinance 653 requires:

"Upon or prior to substantial completion of the civil improvements and site work as reasonably necessary to commence perimeter walls and landscaping for such phase, including areas immediately adjoining such phase, the perimeter landscape planes) shall be submitted, reviewed and approved by the Town Manager. Installation of perimeter landscaping shall not be required to commence until adjacent site or structure improvements are sufficiently complete such that additional work will not harm the proposed landscape elements perimeter landscaping is landscaping between a public right-of-way and any proposed perimeter wall on the Property, or twenty (20) feet back of such right-of-way, whichever is less."



The Planning Commission deleted the proposed Stipulation 5, as it pertained to submittal of the updated Certificate of Assured Water Supply that was provided to the Town on November 12, 2015.

**A motion was made by Commissioner Wainwright, seconded by Commissioner Wincel, to recommend approval of the application to the Town Council with Stipulations 1 through 4, and Stipulation 6, in the action report. Stipulation 5 was deleted since the applicant provided the updated Certificate of Assured Water Supply. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Mahrle

## 7. CONSENT AGENDA

### A. 15-270 October 19, 2015 Planning Commission Minutes

**A motion was made by Commissioner Moore, seconded by Commissioner Campbell, to approve the Planning Commission minutes of October 19, 2015. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Mahrle

## 8. STAFF REPORTS

Paul Michaud reminded the Commissioners that December 4, 2015 is the Boards Conference by ULI. It was confirmed that four members will attend.

Eva Cuto reminded the Commissioners to RSVP for the upcoming holiday party.

## 9. PUBLIC BODY REPORTS

Chairman Strom reviewed the Planning Commission representation for the upcoming Council meetings.

Commissioner Campbell inquired about the wireless coverage for Verizon. Eva Cuto replied that staff would follow up with him on this matter.

## 10. FUTURE AGENDA ITEMS

Staff reviewed the future agenda items.

## 11. ADJOURNMENT

**A motion was made at 8:15 p.m. by Chairperson Strom, seconded by Commissioner Wastchak, to adjourn. The motion carried by the following vote:**



## Action Summary Planning Commission

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Tuesday, November 17, 2015

6:00 PM

Council Chambers

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### 1. CALL TO ORDER

### 2. ROLL CALL

**Present** 6 - Chairperson Dolf Strom, Commissioner Thomas G. Campbell, Commissioner Scott Moore, Commissioner Jonathan Wainwright, Commissioner Daran Wastchak and Commissioner Jeff Wincel

**Absent** 1 - Commissioner Richard K. Mahrle

### 3. EXECUTIVE SESSION

### 4. STUDY SESSION ITEMS

- A. 15-271** Discussion of "Mountain Shadows Resort - Condominium Hotel"  
Preliminary Condominium Map (PP 15-04)  
Southwest Corner Lincoln Drive and 56th Street (Assessor No. 169-30-102)
- B. 15-280** Work Study Session - Special Use Permit Minor Amendment  
Cottonwoods Resort  
7150 E. Rose Lane
- C. 15-282** Discussion of Visually Significant Corridors

### 5. PUBLIC HEARINGS

### 6. ACTION ITEMS

- A. 15-272** Recommendation of "Mountain Shadows Resort - Condominium Hotel"  
Preliminary Condominium Map (PP 15-04)  
Southwest Corner Lincoln Drive and 56th Street (Assessor No. 169-30-102)

**A motion was made by Commissioner Wainwright, seconded by Commissioner Wincel, to recommend approval of the application to the Town Council with Stipualtions 1 through 4, and Stipualtion 6, in the action report. Stipulation 5 was deleted since the applicant provided the updated Certificate of Assured Water Supply. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Mahrle

## 7. CONSENT AGENDA

### A. 15-270

**A motion was made by Commissioner Moore, seconded by Commissioner Campbell, to approve the Planning Commission minutes of October 19, 2015. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Mahrle

## 8. STAFF REPORTS

## 9. PUBLIC BODY REPORTS

## 10. FUTURE AGENDA ITEMS

## 11. ADJOURNMENT

**A motion was made at 8:15 p.m. by Chairperson Strom, seconded by Commissioner Wastchak, to adjourn. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Mahrle