



Action Summary

Planning Commission

Tuesday, January 19, 2016

6:00 PM

Council Chambers

1. CALL TO ORDER

2. ROLL CALL

- Present** 5 - Chairperson Dolf Strom, Commissioner Thomas G. Campbell, Commissioner Richard K. Mahrle, Commissioner Scott Moore and Commissioner Daran Wastchak
- Absent** 2 - Commissioner Jonathan Wainwright and Commissioner Jeff Wincel

3. EXECUTIVE SESSION

4. STUDY SESSION ITEMS

- A. 16-002** Discussion of "The Villas at Mountain Shadows - Amended - Condominiums"
Preliminary Condominium Plat Map (PP 16-01)
Southwest Corner Lincoln Drive and 56th Street (Assessor No. 169-30-103)
- No Reportable Action**
- B. 16-022** Discussion of a Minor Amendment to the Hermosa Inn Special Use Permit (SUP-15-5)
5532 N. Palo Cristi Road (Assessor No. 170-03-129)
- No Reportable Action**

5. PUBLIC HEARINGS

- A. 16-023** Consideration of a Minor Amendment to the Hermosa Inn Special Use Permit (SUP-15-5) 5532 N. Palo Cristi Road (Assessor No. 170-03-129)
- A motion was made by Commissioner Mahrle, seconded by Commissioner Wastchak, finding that the applictaion request is a Minor Amendment per Section 1102.7 of the Zoning Ordinance. The motion carried by the following vote:**
- Aye:** 5 - Chairperson Strom, Commissioner Campbell, Commissioner Mahrle, Commissioner Moore and Commissioner Wastchak
- Absent:** 2 - Commissioner Wainwright and Commissioner Wincel
- A motion was made by Commissioner Mahrle, seconded by Commissioner Moore, to reconfigure and re-orientate buildings, add fireplaces and fountains, modify and add fence walls, and modify the parking area, subject to the**

following stipulations:

1. All improvements to the property shall be in substantial compliance with the following:
 - a. Project Narrative;
 - b. Sheet 1, Aerial/Vicinity Map/Sheet Index, prepared by Leo J. Miller Architect and dated January 3, 2106;
 - c. Sheet 2, Revised Site and Use Plan, prepared by Leo J. Miller Architect and dated January 3, 2106;
 - d. Sheet 3, Elevation Plan, prepared by Leo J. Miller Architect and dated January 3, 2106; and
 - e. Sheet 4, Parking Lot Lighting Diagram, prepared by Leo J. Miller Architect and dated January 3, 2106.

2. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by the Minor Amendment SUP-15-5.

6. ACTION ITEMS

A. 16-003

Recommendation of “The Villas at Mountain Shadows - Amended - Condominiums”
 Preliminary Condominium Plat Map (PP 16-01)
 Southwest Corner Lincoln Drive and 56th Street (Assessor No. 169-30-103)

A motion was made by Commissioner Moore, seconded by Commissioner Wastchak, to forward a recommendation of approval of the Preliminary Plat Map application, subject to the following stipulations:

1. The Final Plat Map shall be in substantial compliance with the Preliminary Plat Map, “The Villas at Mountain Shadows – Amended - Condominiums,” Sheets 1-5, prepared by Coe & Van Loo Consultants, Inc. dated December 23, 2015.

2. Prior to recordation of the Final Plat 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 plat.

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 Plat 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 Plat 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 56th 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 Plat Map, and

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

7. STUDY SESSION ITEMS (Continued)

A. 16-015 Discussion of Lighting Code

No Reportable Action

8. CONSENT AGENDA

A. 16-012

A motion was made by Commissioner Campbell, seconded by Commissioner Mahrle, to approve the December 1, 2015 minutes. The motion carried by the following vote:

Aye: 5 - Chairperson Strom, Commissioner Campbell, Commissioner Mahrle, Commissioner Moore and Commissioner Wastchak

Absent: 2 - Commissioner Wainwright and Commissioner Wincel

9. STAFF REPORTS

10. PUBLIC BODY REPORTS

11. FUTURE AGENDA ITEMS

12. ADJOURNMENT

A motion was made at 7:15 p.m. by Commissioner Moore, seconded by Commissioner Campbell, to adjourn the meeting The motion carried by the following vote:

Aye: 5 - Chairperson Strom, Commissioner Campbell, Commissioner Mahrle, Commissioner Moore and Commissioner Wastchak

Absent: 2 - Commissioner Wainwright and Commissioner Wincel

TOWN
Of
PARADISE VALLEY



TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, September 24, 2015

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, September 24, 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 Maria Syms

Council Member Mark Stanton was not present

STAFF MEMBERS PRESENT

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

2. STUDY SESSION ITEMS

Update on Police Technology

Chief Peter Wingert and Lieutenant Michael Horn updated the Town Council on police technology improvements. Lt. Horn reminded Council that in 2014 the Department upgraded the CAD/RMS system and in-car RADAR/LIDAR. They implemented Livescan, in-car video, MDCs, mobile LPRs, and field reporting. He stated that in 2015

all assurances necessary to guarantee completion in public ROW; and Town Engineer shall approve final improvement plans prior to issuance of building permit for a residential unit

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

The motion carried by the following vote:

Aye: 6 - Mayor Collins, Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, and Council Member Syms

Absent: 1 - Council Member Stanton

15-176 Consideration of "The Villas at Mountain Shadows" Final Plat (FP 15-01) Southwest corner of Lincoln Drive and 56th Street (Assessor No. 169-30-103)

Mr. Michaud presented the The Villas at Mountain Shadows Final Plat, a 20-lot final plat for resort residential at Mountain Shadows Resort. He stated that on July 21, 2015, the Planning Commission voted 6-1 to recommend approval. He reported that the developer is obtaining an updated certificate of assured water supply. The Commission's recommendation was for approval subject to five stipulations.

A motion was made by Council Member Hamway, seconded by Council Member Sherf, to Approve the Final Plat, "The Villas at Mountain Shadows" (FP-15-01), subject to the following stipulations:

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

Engineer shall approve said final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.

4. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.

5. The Final Plat shall not be recorded until the Town receives the appropriate information for the State of Arizona Department of Water Resources Certificate of Assured Water Supply, with the certificate number and date to be duly noted on the Final Plat.

The motion carried by the following vote:

Aye: 6 - Mayor Collins, Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, and Council Member Syms

Absent: 1 - Council Member Stanton

15-181 Acquisition of an Easement for the Public Safety Communications Antenna and Equipment

Mr. Burke withdrew this item from the agenda.

13. REQUESTS FOR FUTURE AGENDA ITEMS

15-189 Consideration of Requests for Future Agenda Items

Mr. Burke summarized the items on the future agenda list. There were no additions to the schedule.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Mr. Burke announced that the 56th Street dedication and Community Festival would be held on Saturday, September 26 from 7:00 a.m. to 10:00 a.m. He announced that Dr. John Nalbandian from the University of Kansas will meet with the Council on October 22 to follow up on the discussion from the Council retreat on high performing local governments.

Council Member Syms updated the Council on the Advisory Committee on Public Safety. She stated that the committee met on June 25 and August 20. Their focus has been on improving communications and community outreach. The next meeting will be held on October 1. She also announced that she went on a ride along with a police officer and encouraged other Council Members to do the same.

TOWN
Of
PARADISE VALLEY



TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, September 10, 2015

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, September 10, 2015 at 4:00 p.m. in the Town Hall Council Chambers.

COUNCIL MEMBERS PRESENT

Mayor Michael Collins
Council Member Jerry Bien-Willner
Council Member Mary Hamway
Council Member David Sherf
Council Member Mark Stanton
Council Member Maria Syms

Vice Mayor Paul Dembow was not present

STAFF MEMBERS PRESENT

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

2. STUDY SESSION ITEMS

Discussion of Municipal Court Appointment Process

Town Manager Kevin Burke stated that the Mayor and Town Council are responsible for appointing the Town Manager, Town Attorney, Presiding Municipal Court Judge and the Associate Judges. He said the Council appoints and reappoints judges in September of odd numbered years.

Presiding Judge Tyrrell Taber described the history of Paradise Valley's all-volunteer bench. He explained the qualifications, selection, and review process for the judges who serve in the Town's Court.

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

Senior Planner Paul Michaud presented the Preliminary Plat for The Villas at Mountain Shadows II. The plat, located near Lincoln Drive and 56th Street, concerns 8 lots and one tract. The property will be used for resort residential at the Mountain Shadows Resort. He explained that the proposed preliminary plat was in conformance with the approved special use permit. He noted that there is no legislative discretion in the plat approval process. He said the Planning Commission voted 7-1 to recommend approval of the preliminary plat with five stipulations.

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

Mr. Michaud presented the Final Plat for The Villas at Mountain Shadows. He stated that this item concerns a 20-lot final plat for resort residential at the Mountain Shadows Resort. He reported that the final plat is in conformance with the approved Special Use Permit. He said the Planning Commission voted 6-1 to recommend approval of the final plat.

3. EXECUTIVE SESSION

**Council Member Hamway moved to go into Executive Session at 4:56 p.m.
Council Member Bien-Willner seconded the motion which passed 6 – 0.**

Discussion and consultation with the Town Attorney to consider the Town's position and instruct the attorney regarding potential amendments to the Development Agreement with MTS Land LLC and MTS Golf, LLC regarding the Mountain Shadows Resort as authorized by A.R.S. §38-431.A.4 and legal advice regarding Special Use Permits as authorized by A.R.S. §38-431.A.3.

Discussion and consultation with Town Attorney to consider the Town Council's position and instruct the attorney regarding a potential development agreement with Five Star Development and / or an intergovernmental agreement with the City of Scottsdale for annexation / de-annexation of property as authorized by A.R.S. §38-431.A.4; and discussion or consultation for legal advice with the Town Attorney as authorized by A.R.S. §38-431.A.3.



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Final Planning Commission

Tuesday, July 21, 2015

6:00 PM

Council Chambers

1. CALL TO ORDER

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

2. ROLL CALL

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

Staff Present:

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

3. EXECUTIVE SESSION

There was no executive session called.

4. STUDY SESSION ITEMS

- A. 15-118** Discussion of The Villas at Mountain Shadows Final Plat (FP 15-01) Southwest Corner Lincoln Drive and 56th Street
- Paul Michaud gave a presentation covering the points in the action report.

Comments from the Planning Commission included the following:

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

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

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

5. ACTION ITEMS

A. 15-119

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

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

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

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

Nay: 1 - Commissioner Wincel

6. PUBLIC HEARINGS

There were no public hearing items.

TOWN
Of
PARADISE VALLEY



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

1. CALL TO ORDER / ROLL CALL

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

COUNCIL MEMBERS PRESENT

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

ABSENT

Vice Mayor Paul E. Dembow

STAFF MEMBERS PRESENT

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

2. STUDY SESSION ITEMS

a. Discussion of Fiscal Year 2016 Budget

Town Manager Kevin Burke continued the presentation of his recommended budget.

The following departments and programs were discussed: Town Attorney, Municipal Court, Finance & Information Technology, Capital Projects Program and health insurance. (Attached)

b. Discussion of Mountain Shadows Preliminary Plat

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

Motion – Council Member Bien-Willner moved to enter Executive Session at 3:55 p.m. Council Member Hamway seconded the motion. Passed For: 6; Against: 0; Abstain: 0; Absent: 1

c. Advisory Committee on Public Safety Interviews

Staff Contact: Mayor Michael Collins

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

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

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

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

Mayor Collins recessed the meeting at 5:23 pm.

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

Continued Discussion of the FY 2016 Budget

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

- Police APX radios – keep in the budget
- Police tablet charging stations – keep in budget
- Community Development chroma meter – keep in budget
- Security improvements to the Council dais – do not include in budget

that Council Member Syms would chair the committee.

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

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

Council Member Maria Syms, Chair

Victoria Bellomo-Rosacci

Larry Fink

Paul Moore

Jay Ozer

Richard Post

Jennifer Schwarz

Council Member Sherf seconded the motion.

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

b. Approval of Mountain Shadows Preliminary Plat

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

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

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

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

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

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

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

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

1. The Final Plat for The Villas at Mountain Shadows shall be in substantial compliance with the Preliminary Plat, Sheets 1-3, prepared by Coe & Van Loo Consultants, Inc. dated April 28, 2015.

2. The Final Plat for The Villas at Mountain Shadows shall include any and all necessary easements and/or tracts, including:
 - a. Easements and/or tracts for drainage within said plat that are consistent to the overall grading and drainage plans for the entire Special Use Permit (SUP) site, which shall be depicted on the Final Plat prior to recordation of said plat,
 - b. Easements and/or tracts for utilities, with said easements to be in the locations and widths as prescribed by the respective utility provider, with correspondence from said utility providers indicating that the identification of the final locations and widths of such easement(s) are in process given to the Town prior to Planning Commission recommendation of the Final Plat, and
 - c. The utility and driveway easements across Lots 129 and 131 of Mountain Shadow Resort Unit 2 – Amended VI as recorded in Docket 20140826758, M.C.R. that shall be duly recorded prior to Town Council approval of said Final Plat.
3. Prior to recordation of the Final Plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review to insure that all CC&R terms required under the SUP or other recorded agreements are part of the CC&Rs or other documents, including provision for maintenance of any drainage easements dedicated on the plat.
4. The final subdivision improvements shall be in substantial compliance with subdivision improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Plat, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.
5. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.
6. The Map of "Mountain Shadow Resort Unit 2 – Amended VII" shall be approved by the Town and recorded prior to recordation of the Final Plat.

Council Member Mark Stanton seconded the motion.

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

TOWN
Of
PARADISE VALLEY



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

1. CALL TO ORDER

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

2. ROLL CALL

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

COMMISSIONERS PRESENT

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

COMMISSIONERS ABSENT

Richard Mahrle, Commissioner

STAFF PRESENT

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

3. EXECUTIVE SESSION

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

4. WORK STUDY SESSION

A. Discussion of The Villas at Mountain Shadows Preliminary Plat

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

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

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

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

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

5. ACTION ITEMS

A. Consideration of The Villas at Mountain Shadows Preliminary Plat

Recommendation: Forwarded a recommendation of APPROVAL with stipulations.

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

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

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

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

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

Passed

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

B. Consideration of Hillside Building Committee Rotation Schedule.

There was no discussion or public comment made.

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

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