



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Revised Meeting Notice and Agenda Town Council

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Thursday, September 24, 2015

4:00 PM

Council Chambers

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### 1. CALL TO ORDER / ROLL CALL

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

### 2. STUDY SESSION ITEMS

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

**15-179                      Update on Police Technology                      30 Minutes**

Staff Contact:                      **CONTACT:** Peter Wingert, 480-948-7418

**15-193                      Sewer Operating and System Development Fee Funds                      60 Minutes**

Staff Contact:                      **CONTACT:** Dawn Marie Buckland, 480.348.3555

### 3. EXECUTIVE SESSION

**15-185**                      Discussion and consultation with Town Representatives concerning the purchase, sale, or lease of real property in the vicinity of 7000 block of Highlands Drive as authorized by A.R.S. §38-431.03.A.7.

**15-186**                      Discussion and consultation with Town Representatives concerning the purchase of real property in the vicinity of the 7000 block of N Invergordon Rd as authorized by A.R.S. §38-431.03.A.7.

**15-187**                      Discussion and consultation with Town Attorney regarding pending or contemplated litigation related to Szambelan Notice of Claim as authorized by A.R.S. §38-431.03.A.4.

**15-194**                      Discussion and consultation with the Town Attorney to consider the Town's position and instruct the attorney regarding Notice of Claim filed by Storey Family Trust as authorized by A.R.S. §38-431.A.4.

- 15-188**      The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the agenda items listed on the agenda as authorized by A.R.S. §38-431.A.3.

**4. BREAK**

**5. RECONVENE FOR REGULAR MEETING 6:00 PM**

**6. ROLL CALL**

**7. PLEDGE OF ALLEGIANCE\***

**8. PRESENTATIONS\***

- 15-192      Recognition of the Town's Legislative Delegation for their Support of Cities and Towns**

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

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

**9. CALL TO THE PUBLIC**

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

**10. CONSENT AGENDA**

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

- 15-191      Minutes of Town Council Meeting September 10, 2015**

**15-180      Consideration of First Amendment to the Amended and Restated Development Agreement with MTS Land, LLC and other Mountain Shadows Parcel Owners**

**Recommendation:** Approve the first amendment to the amended and restated development agreement with MTS Land, LLC and other Mountain Shadows parcel owners

**Staff Contact:** Kevin Burke, 480-348-3690  
Andrew Miller, 480-348-3691

**15-183      Authorization of Town participation in and administrative support for the Town of Paradise Valley Eleventh Annual Veteran's Appreciation Vintage Car Show to be held on Saturday, November 7, 2015**

**Recommendation:** Authorize Town Participation in and Administrative Support for the Town of Paradise Valley Eleventh Annual Veterans' Appreciation Vintage Car Show.

**Staff Contact:**      **CONTACT:** Diane Wayland, Legal Support Specialist

## **11. PUBLIC HEARINGS**

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

## **12. ACTION ITEMS**

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

**15-177      Approve Appointments to Various Town Committees, Commissions, and Boards**

**Recommendation:** Approve the appointments to committees, commissions, and boards as listed in the Action Report.

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

**15-178      Consideration of "The Villas at Mountain Shadows II" Preliminary Plat (PP 15-02) Southwest Corner Lincoln Drive and 56th Street (Assessor No. 169-30-104/105)**

**Recommendation:** Approve the Preliminary Plat, "The Villas at Mountain Shadows II" (PP-15-02), subject to the stipulations in the Action Report:

**Staff Contact:** Paul Michaud 480.480.3574

**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)**

**Recommendation:** Approve the Final Plat, “The Villas at Mountain Shadows” (FP-15-01), subject to the stipulations in the Action Report.

**Staff Contact:**     Paul Michaud 480.480.3574

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

**Recommendation:** Approve the Easement Purchase Agreement at 6824 East Highland Drive.

**Staff Contact:**     Kevin Burke, 480-348-3690  
                         Andrew Miller, 480-348-3691

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

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

**15-189            Consideration of Requests for Future Agenda Items**

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

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

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

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

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

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

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



## Action Report

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**File #:** 15-179

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### Memo

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

**FROM:** Kevin Burke, Town Manager  
Peter Wingert, Chief of Police

**DATE:** September 16, 2015

**DEPARTMENT:** Police Department

**CONTACT:** Peter Wingert, 480-948-7418

**AGENDA TITLE:**  
Update on Police Technology

**Council Goals**  
Get Police Technology up and running and provide periodic assessment

**SUMMARY STATEMENT:**  
This item will update the Town of Paradise Valley Council on the implementation of police technology since the last update in March 2015. Updates to police technology were a recommendation of the Mayor's Task Force on Public Safety in April 2013. Recommendations from that task force have driven the progress in this area since the filing of the Mayor's Task Force on Public Safety Final Report.

**ATTACHMENT(S):**  
Powerpoint titled "Sept. 24<sup>th</sup> Council Meeting"

# TOWN OF PARADISE VALLEY

## Update on Police Technology



# Refresher

- 2014
  - CAD/RMS upgrades
  - Livescan/IWS mug shots
  - RADAR/LIDAR
  - In-car Video
  - MDC's



# Refresher

- 2014 (cont.)
  - Mobile LPRs
  - NWS Field reporting
- 2015
  - Tablet deployment
  - Smart911
  - Coplogic



# Completed

- Fixed LPRs finished
- Photo enforcement
  - 4 additional systems
- Body Worn Cameras (BWC)
- New World Systems (NWS)
  - 10.2 SP5 installed
  - Launch Command



# Pending

- GIS Mapping
  - Migration scheduled for Sept. 28<sup>th</sup>
- ADOT accident interface
  - PV IT working with NWS on solution
- Decision Support Systems (DSS)
  - Working with NWS on scheduling training date



# Pending

- Brazos
  - “e-ticketing”
    - Brazos/NWS completing interface
    - Superior Court approval
  - “e-accidents”
    - Awaiting completion of ticketing
    - Anticipated completion December, 2015



# Update of Police Technology

Questions?





## Action Report

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**File #:** 15-193

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### Memo

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

**FROM:** Kevin Burke, Town Manager  
Dawn Marie Buckland, Director of Administration & Gov Affairs

**DATE:** September 24, 2015

**DEPARTMENT:** Administration and Government Affairs Department

**CONTACT:** Dawn Marie Buckland, 480.348.3555

**AGENDA TITLE:**  
Sewer Operating and System Development Fee Funds

### Council Goals

**SUMMARY STATEMENT:**  
Staff will review history, current status, and forecast for the sewer operating and system development fee funds and discuss options and strategies for financial sustainability.



## Action Report

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**File #:** 15-192

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

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

**DATE:** September 24, 2015

**DEPARTMENT:** Town Manager

**AGENDA TITLE:**

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

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

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

**RECOMMENDATION:**

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

**SUMMARY STATEMENT:**

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

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

**BUDGETARY IMPACT:**

None

**ATTACHMENT(S):**

Proclamations



Office of the Mayor  
and Council

# Proclamation

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

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

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

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

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

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

## **REPRESENTATIVE ERIC MEYER**

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

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



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

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

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*Michael Collins, Mayor*

*Attest:*

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*Duncan Miller, Town Clerk*

# TOWN Of PARADISE VALLEY

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

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### **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.

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

Discussion and consultation with the Town Attorney to consider the Town's position and instruct the attorney regarding Notice of Claim filed by Storey Family Trust as authorized by A.R.S. §38-431.A.4.

Discussion of Town Attorney Performance Review and employment agreement as authorized by A.R.S. §38-431.03.A.1.

The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the agenda items listed on the agenda as authorized by A.R.S. §38-431.A.3.

#### **4. BREAK**

#### **5. RECONVENE FOR REGULAR MEETING 6:00 PM**

#### **6. ROLL CALL**

Mayor Collins convened the regular meeting at 6:05 p.m.

#### **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

## **7. PLEDGE OF ALLEGIANCE\***

Mayor Collins led the Pledge of Allegiance.

## **8. PRESENTATIONS\***

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

Mayor Collins was joined by Dale Wiebusch, Legislative Associate with the League of Arizona Cities and Towns, to present a Proclamation to Senator Adam Driggs and Representative Kate Brophy McGee for their support of cities and towns in the state legislature. Mayor Collins presented the legislators with his challenge coins.

## **9. CALL TO THE PUBLIC**

There were no public comments.

## **10. CONSENT AGENDA**

Mr. Burke summarized the items on the consent agenda. He withdrew item 15-169 regarding Amendment #1 to the Amended and Restated Development Agreement with Mountain Shadows.

**Minutes of Town Council Meeting June 11, 2015**

**Minutes of Town Council Meeting June 25, 2015**

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

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

**Approval of Special Event Liquor License for Colleen's Dream Foundation**

**Approval of Special Event Liquor License for Gabriel's Angels**

**Approval of Contract Addendum #4 to the Electric Distribution Undergrounding Agreement with Arizona Public Service Company (APS)**

**Authorize the Town Manager to execute an agreement for the provision to the**

**Town of prosecution services with Robert Hubbard, Attorney at Law for a fixed rate of \$3,000.00 per month, plus additional compensation for certain services identified in the agreement, with the total of fixed and additional services to not exceed \$44,000.00 per year.**

**Withdrawn - Consideration of Amendment #1 to the Amended and Restated Development Agreement with Mountain Shadows**

**Motion and vote:**

**Council Member Bien-Willner moved to approve the consent agenda. Council Member Stanton seconded the motion which passed by a vote of 6 – 0.**

## **11. PUBLIC HEARINGS**

There were no public hearings.

## **12. ACTION ITEMS**

**Adoption of Resolution 1339 allowing for the reimbursement of capital expenditures with bond proceeds.**

Director of Administration and Government Affairs Dawn Marie Buckland briefed the Town Council on the legal authority to reimburse capital expenses through the use of bonds. She stated that the proposed reimbursement resolution allows for a single bond sale, minimizing issuance costs and allows the Town to monitor the market and sell the bonds when interest rates and yields are most advantageous to the Town.

**Motion and Vote: Council Member Sherf moved to adopt Resolution Number 1339. The motion was seconded by Council Hamway.**

**Aye: Collins, Bien-Willner, Hamway, Sherf, Stanton**

**Nay: Syms**

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

**Consideration of Requests for Future Agenda Items**

Mr. Burke summarized the future agenda topics list. He noted that the Council would attend a retreat on September 17, 2015 at the Sanctuary Resort.

There were no further additions to the future topics list.

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

Mr. Burke introduced Police Chief Peter Wingert who started during the Council's

summer recess. Chief Wingert stated that his initial goals are improving community outreach and customer service.

## **EXECUTIVE SESSION**

**Council Member Hamway moved to go into executive session at 6:26 p.m. It was seconded by Council Member Bien-Willner and carried by a unanimous vote.**

## **15. ADJOURNMENT**

**Council Member Hamway moved to adjourn. It was seconded by Council Member Stanton, and passed unanimously.**

Mayor Collins adjourned the meeting at 8:35 p.m.

## **TOWN OF PARADISE VALLEY**

SUBMITTED BY:

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Duncan Miller, Town Clerk

**STATE OF ARIZONA                    )**  
  :SS.  
**COUNTY OF MARICOPA            )**

## **CERTIFICATION**

I, Duncan Miller, Town Clerk of the Town of Paradise Valley, Arizona hereby certify that the following is a full, true, and correct copy of the minutes of the regular meeting of the Paradise Valley Town Council held on Thursday, Thursday, September 10, 2015.

I further certify that said municipal corporation is duly organized and existing. The meeting was properly called and held and that a quorum was present.

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Duncan Miller, Town Clerk



## Action Report

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**File #:** 15-180

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

**FROM:** Kevin Burke, Town Manager

**DATE:** September 24, 2015

**DEPARTMENT:** Town Manager

Andrew Miller, 480-348-3691

**AGENDA TITLE:**

**Consideration of First Amendment to the Amended and Restated Development Agreement with MTS Land, LLC and other Mountain Shadows Parcel Owners**

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

- Enhance the community's unique character.

**Strategic Initiative:**

- Diligently preserve the special character of Paradise Valley by enforcing the land use policies identified in the Town's General Plan, Town Code, and SUP agreements.

**RECOMMENDATION:**

Approve the first amendment to the amended and restated development agreement with MTS Land, LLC and other Mountain Shadows parcel owners

**BACKGROUND**

The Amended and Restated Development Agreement (D.A.) between the Town of Paradise Valley and MTS Land, LLC and MTS Golf, LLC contemplates the construction of a Condo-Hotel. This is a Resort Unit connected and integrated into the Resort Hotel consisting of rooms (a.k.a. Hotel Keys) that can be privately owned but then placed into a rental management program and rented out by the Resort Hotel. If you are a guest of the hotel, you could be placed in one of the Condo-Hotel units and not be aware that it was privately owned separate from the Resort Hotel. It would be fully integrated into the Resort Hotel with similar furnishings, fixtures and equipment as the Resort Hotel. Hotel Keys in Paradise Valley pay a bed tax upon the nightly rental. A Condo-Hotel unit placed in the Resort Rental Management Program and rented out would also pay a bed tax.

**POLICY DECISION:**

Upon review of the submitted site plan and operational narrative of the Condo-Hotel, it was identified

that the Development Agreement terms were not sufficiently clear regarding the treatment of a Condo-Hotel Resort Unit that was not placed in the Resort Rental Management Program. Therefore, some risk existed that a privately owned Condo-Hotel Resort Unit owner could, at times, reside in the unit instead of hotel guest; and that such unit would, at those times, not be subject to a bed tax and could possibly escape the in-lieu fee. The in-lieu fee is a fee provided for in the Development Agreement that is paid to the Town when a resort unit is not being rented for short-term periods that would otherwise generate bed taxes. If a resort unit is not paying bed taxes, it should be paying an in lieu fee.

The owners of the Resort Hotel and Condo-Hotel parcels agree that the Development Agreement was intended to subject all of the resort units, including both the resort residential units and the Condo-Hotel units, to the in lieu fee requirement. Consequently, staff and the owner(s) agree that an Amendment to the in lieu provisions of the Development Agreement is in order so as to clear up any lack of clarity in the Development Agreement. By doing such, it will be abundantly clear that any Condo-Hotel unit that is not in the Resort Rental Management Program will still be considered a Hotel Key and be subject to the in-lieu fee. Moreover, the Amendment will make clear that only Hotel Keys can be built in the Condo-Hotel if so designated by the owner.

**AGENDA ITEM RELATES TO COUNCIL GOAL:**

Manage resort industry and development such that it maintains the PV Brand & financial health

**BUDGETARY IMPACT:**

There are no bed tax revenues nor in-lieu fee revenues anticipated in the Fiscal Year 15-16 Budget. However, failure to clarify this issue could result in a loss of in-lieu fee revenues in future years.

**ATTACHMENT(S):**

First Amendment to the Amended and Restated Development Agreement By, Between and Among the Town of Paradise Valley, Arizona; MTS Land LLC MS Condo-Hotel Owner, LLC, and MS Resort Owner, LLC

WHEN RECORDED RETURN TO:

Town of Paradise Valley

Attn: Town Attorney

6401 East Lincoln Drive

Paradise Valley, Arizona 85253

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**FIRST AMENDMENT TO**

**AMENDED AND RESTATED**

**DEVELOPMENT AGREEMENT**

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**BY, BETWEEN, AND AMONG:**

**TOWN OF PARADISE VALLEY, ARIZONA,**

**AN ARIZONA MUNICIPAL CORPORATION;**

**MTS LAND, LLC,**

**A DELAWARE LIMITED LIABILITY COMPANY;**

**MS CONDO-HOTEL OWNER, LLC,**

**A DELAWARE LIMITED LIABILITY COMPANY;**

**AND**

**MS RESORT OWNER, LLC,**

**A DELAWARE LIMITED LIABILITY COMPANY**

=====

\_\_\_\_\_, 2015

=====

**FIRST AMENDMENT TO**  
**AMENDED AND RESTATED DEVELOPMENT AGREEMENT**

THIS FIRST AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT (this “**Amendment**”) is made as of the \_\_\_\_ day of \_\_\_\_\_, 2015, by, between, and among the TOWN OF PARADISE VALLEY, ARIZONA, an Arizona municipal corporation (the “**Town**”); MTS LAND, LLC, a Delaware limited liability company (“**MTS Land**”); MS CONDO-HOTEL OWNER, LLC, a Delaware limited liability company (“**MS Condo-Hotel**”), and MS RESORT OWNER, LLC, a Delaware limited liability company (“**MS Resort**”) (collectively, MTS Land, MS Condo-Hotel, and MS Resort are called the “**Owners**”). The Town and the Owners may be referred to collectively in this Amendment as the “**Parties**.”

**RECITALS**

A. The Owners own certain property subject to an Amended and Restated Development Agreement recorded on April 19, 2013, as Document 2013-0359723 in the Official Records of Maricopa County, Arizona (the “**Development Agreement**”). The Owners collectively own property that constitutes the developable areas of Development Area B under the Development Agreement, as further described in Exhibit A-1 (the “**Area B Parcels**”).

B. The Owners and the Town desire to amend the Development Agreement only as the Development Agreement affects the Area B Parcels in order to clarify the intent of the Parties with respect to the applicability of the In Lieu Payment provisions of the Development Agreement as set forth in Section C(8) of Article 3 of the Development Agreement

C. The Town Council has authorized execution of this Amendment.

**NOW, THEREFORE**, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the Town and the Owners hereby amend the Development Agreement as it applies to the Area B Parcels as follows:

1. The first grammatical paragraph of Section C(8) of Article 3 of the Development Agreement, and Section C(8)(a) of Article 3 of the Development Agreement are deleted in their entirety, and are replaced with the following:

8. In Lieu Payments. As part of the consideration for this Agreement and the 2013 SUP, Owner agrees that the then current Owner of any Resort Estates lot within Development Area E or Resort Residential unit or Hotel Key within Development Area B that is not used for the purpose of renting for transient occupancy under agreements having individual occupancy term(s) of less than thirty (30) days (each such lot or unit constituting an “**Obligated Unit**”) shall make in lieu payments (each such payment being an “**In Lieu Payment**”) to the Town, as set forth in Section (C)(8). In no event shall (i) any portion of the Property used for non-residential use (including but not limited to the Minimum Resort Hotel Improvements, Area C Retail, Golf Course, Clubhouse, Resort Ancillary Facilities and Uses, Minimum Hotel Keys, any common areas and

amenities, and Hotel Keys owned by the Principal Resort Owner), or (ii) any lot or unit used during an entire Payment Year (defined below) exclusively for the purpose of renting for transient occupancy under agreements having individual occupancy term(s) of less than thirty (30) days (a “**Non-Obligated Unit**”), be required to make an In Lieu Payment.

(a) Applicability. All Obligated Units are subject to the requirement to make In Lieu Payments in accordance with this Agreement. If a lot or unit is converted during a Payment Year from being an exclusively Non-Obligated Unit to being fully or partially used as an Obligated Unit, the Owner of such lot or unit shall make a full annual In Lieu Payment for such Payment Year within thirty (30) days following such conversion and shall be entitled on the next Payment Date following commencement of the full or partial use of the lot or unit as a Obligated Unit to a credit against the annual In Lieu Payment then due equal to the amount of any taxes paid to the Town as a result of the use of the lot or unit as a Non-Obligated Unit during the Payment Year in which the conversion occurred. If a lot or unit is converted during a Payment Year from being an exclusively Obligated Unit to being fully or partially used as a Non-Obligated Unit, any taxes paid to the Town as a result of the use of such lot or unit as a Non-Obligated Unit during such Payment Year shall be credited toward payment of the next In Lieu Payment otherwise owing by the Owner of such lot or unit. Any lot or unit contemplated to be used only part time as a Non-Obligated Unit as of commencement of a Payment Year shall pay a full annual In Lieu Payment on the Payment Date and then be entitled to a credit against the next In Lieu Payment owing on such lot or unit, if any, based on taxes paid to the Town as a result of the use of the lot or unit as a Non-Obligated Unit during such Payment Year. In no event shall the Town have any obligation to refund any In Lieu Payments paid for a lot or unit as a result of overpayment of an In Lieu Payment, but any such overpayment will be credited to any future In Lieu Payment due for such lot or unit. Conversion of a lot or unit from an Obligated Unit to a Non-Obligated Unit and/or from a Non-Obligated Unit to an Obligated Unit will not affect the continuing lien of the Town on the lot or unit pursuant to parts (g) and (h) below, and such lien will survive any such conversion. Even though a Hotel Key may be converted from a Non-Obligated Unit to an Obligated Unit (and vice versa), it shall remain a Hotel Key.

2. The first sentence of Section C(8)(i) of Article 3 of the Development Agreement is amended to read as follows:

MTS Land/Golf hereby grants, conveys, assigns and transfers to the Town a security interest in and lien on each Resort Estates lot, Resort Residential unit or Hotel Key created by a recorded final plat or map in Development Area E and Development Area B in order to secure the payment of the In Lieu Payment for each Payment Year; provided however, that the Minimum Hotel Keys along with any additional Hotel Keys, to the extent they are owned by the Owner of a Resort Hotel shall not be subject to such lien.

3. The third sentence of Section C(8)(i) of Article 3 of the Development Agreement is amended to read as follows:

Notwithstanding the foregoing, the Town will execute any further acknowledgement that the Town's security interest and lien does not apply to a Non-Obligated Unit (but only during the time period when such lot or unit is used during an entire Payment Year for the purpose of renting under agreements having individual occupancy term(s) of less than thirty (30) days) as may be reasonably requested from time to time in connection with recordation of plats or maps or by any title insurance company, government official, lender, or purchaser.

4. Section C(8)(i) of Article 3 of the Development Agreement is amended to add a new subsection (n) at the end of Section C(8)(i) to read as follows:

(n) Lot 131 Hotel Key Inspection. Upon completion of each Resort Unit as a Hotel Key (in a manner that meets the requirements for a Hotel Key under the Development Agreement and 2013 SUP) on Lot 131 according to the plat of "Mountain Shadow Resort Unit 2 – Amended VII" ("**Lot 131**"), the owner of such unit shall give notice to the Town requesting that the Town inspect such unit for purposes of determining that the unit is a Hotel Key on the date of inspection. Each owner of a Resort Unit intended to qualify as a Hotel Key shall cooperate with the Town's inspection thereof. The Town shall inspect such unit within ten (10) business days following such request and, if the unit meets the requirements for a Hotel Key under the Development Agreement and 2013 SUP, the Town will issue a written confirmation of that fact to all parties to this Amendment.

5. Section C(3) of Article 3 of the Development Agreement is amended to add a new subsection (h) at the end of Section C(3) to read as follows:

(h) Hotel Key Restriction. MTS Land (or a successor or assign to which MTS Land has assigned its rights under this subsection (h) in writing) may elect to record in the Official Records of Maricopa County, Arizona an executed and acknowledged written notice in substantially the form attached as Exhibit J (a "**Restriction Notice**") designating which, if any, of Lots 129, 131, 132, 133, and 134 of "Mountain Shadow Resort Unit 2 – Amended VII" (each, a "Lot," as such lots may be replatted or remapped from time to time) are restricted such that no Resort Units other than Hotel Keys shall be constructed and operated on such Lot(s). The election for each Lot shall be made prior to the commencement of construction of Resort Residential units on the Lot or shall be of no force or effect as to that Lot. By executing this Amendment, MTS Land, MS Condo-Hotel, and MS Resort agree and acknowledge that such an election made prior to the commencement of construction shall be binding on them and their successors and assigns. All of the 300,000 square feet of Floor Area for Resort Residential development in Area B described in Stipulation 43 of the 2013 SUP shall be allocated only to the Lots that have not been restricted by the election set forth in this subsection (h). Any Lot that has not been restricted by the election set forth

in this subsection (h) may be used for any type of Resort Unit allowed in Area B under the 2013 SUP, subject to all other terms of the 2013 SUP and the Development Agreement. Nothing in this paragraph shall prevent the construction and use of Resort Ancillary Facilities and Uses and other uses permitted under the 2013 SUP on any Lot. At any time, MTS Land (or a successor or assign to which MTS Land has assigned its rights under this subsection (h) in writing) may record in the Official Records of Maricopa County, Arizona an executed and acknowledged written notice in substantially the form attached as Exhibit K (a “**Waiver Notice**”) waiving its rights to make elections to restrict Lots under this subsection (h). Elections pursuant to this subsection (h) made prior to the recordation of such Waiver Notice shall continue in effect but any elections made after the recordation of such Waiver Notice shall be of no force or effect. Within ten (10) days after recording a Restriction Notice or Waiver Notice, MTS Land shall provide a recorded copy of the Restriction Notice or Waiver Notice to the Town and each owner of a Lot subject to the Restriction Notice or Waiver Notice, as applicable.

6. This Amendment shall be effective on the date on which this Amendment has been adopted and approved by the Town Council, executed by duly authorized representatives of the Town and the Owners, and recorded in the Official Records of Maricopa County, Arizona. Within ten (10) days after this Amendment has been approved by the Town and executed by the Town and the Owners, the Town shall cause this Amendment to be recorded in the Official Records of Maricopa County, Arizona. This Amendment does not affect the application of the Development Agreement with regard to any real property other than the Area B Parcels, and the Development Agreement as applied to such other real property shall be interpreted as though this Amendment did not exist.

7. Except as expressly modified by this Amendment, all other terms, provisions and conditions of the Development Agreement are unchanged and remain in full force and effect. All defined terms in this Amendment shall have the same meaning as in the Development Agreement. If there is a conflict between the terms and provisions of this Amendment and the Development Agreement, the terms and provisions of this Amendment shall govern.

**IN WITNESS WHEREOF**, the Town and the Owners have executed this Amendment as of the date first set forth above.

[SIGNATURES ON FOLLOWING PAGES]

MTS LAND, LLC, a Delaware limited liability company

By: COOL MOUNTAIN HOLDINGS, LLC, a Delaware limited liability company, its sole member

By: \_\_\_\_\_  
Robert Flaxman, Authorized Signatory

STATE OF CALIFORNIA    )  
  ) ss.  
COUNTY OF ORANGE    )

On \_\_\_\_\_, 2015, before me, Ann Marie Vera, a notary public, personally appeared Robert Flaxman, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

(Place notary seal above)

MS CONDO-HOTEL OWNER, LLC, a Delaware  
limited liability company

By: \_\_\_\_\_  
Kristopher L. Harman, Vice President

STATE OF ARIZONA        )  
  ) ss.  
COUNTY OF MARICOPA    )

Acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Kristopher L. Harman, who acknowledged himself to be the Vice President of MS Condo-Hotel Owner, LLC, a Delaware limited liability company, for and on behalf of the limited liability company.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Seal/Stamp

MS RESORT OWNER, LLC, a Delaware limited  
liability company

By: \_\_\_\_\_  
Kristopher L. Harman, Vice President

STATE OF ARIZONA        )  
  ) ss.  
COUNTY OF MARICOPA    )

Acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Kristopher L. Harman, who acknowledged himself to be the Vice President of MS Resort Owner, LLC, a Delaware limited liability company, for and on behalf of the limited liability company.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Seal/Stamp

TOWN OF PARADISE VALLEY, ARIZONA, an  
Arizona municipal corporation

By: \_\_\_\_\_  
Its: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Duncan Miller, Town Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Andrew M. Miller, Town Attorney

STATE OF ARIZONA        )  
  ) ss.  
COUNTY OF MARICOPA    )

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by  
\_\_\_\_\_, Town \_\_\_\_\_ of the Town of Paradise Valley,  
Arizona, an Arizona municipal corporation, who acknowledged that he/she signed the foregoing  
instrument on behalf of the Town.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Seal/Stamp

**EXHIBIT A-1**  
**LEGAL DESCRIPTION OF THE AREA B PARCELS**

Lots 129, 131, 132, 133, and 134 of Mountain Shadow Resort Unit 2 – Amended VII, according to Book 1232 of Maps, page 27, records of Maricopa County, Arizona.

**EXHIBIT J**  
**FORM OF RESTRICTION NOTICE**

WHEN RECORDED RETURN TO:

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**RESTRICTION NOTICE**

THIS RESTRICTION NOTICE (this “**Restriction Notice**”) is given as of this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by MTS LAND, LLC, a Delaware limited liability company (“**MTS Land**”), pursuant to Section C(3)(h) of Article 3 of the Amended and Restated Development Agreement recorded on April 19, 2013, as Document 2013-0359723 in the Official Records of Maricopa County, Arizona, as amended by the First Amendment to Amended and Restated Development Agreement recorded on \_\_\_\_\_, 2015, as Document 2015-\_\_\_\_\_ in the Official Records of Maricopa County, Arizona (collectively, the “**Development Agreement**”).

MTS Land hereby elects to restrict the following Lot(s):

Lot(s) \_\_\_\_\_ of Mountain Shadow Resort Unit 2 – Amended VII, according to Book 1232 of Maps, page 27, records of Maricopa County, Arizona (the “**Restricted Lot(s)**”),

such that no Resort Units other than Hotel Keys shall be constructed and operated on the Restricted Lot(s). Nothing in this Restriction Notice shall prevent the construction and use of Resort Ancillary Facilities and Uses and other uses permitted under the 2013 SUP on any Restricted Lot. This Restriction Notice has been executed and recorded to provide notice of the foregoing election to all persons dealing with the Restricted Lot(s). Except for the foregoing election, which is binding on each owner of a Restricted Lot(s) and its successors and assigns, all other terms, provisions and conditions of the Development Agreement are unchanged and remain in full force and effect. Except as otherwise defined herein, all defined terms in this Restriction Notice shall have the same meaning as in the Development Agreement.

[SIGNATURES ON FOLLOWING PAGES]

MTS LAND, LLC, a Delaware limited liability company

By: COOL MOUNTAIN HOLDINGS, LLC, a Delaware limited liability company, its sole member

By: \_\_\_\_\_  
Robert Flaxman, Authorized Signatory

STATE OF CALIFORNIA    )  
  ) ss.  
COUNTY OF ORANGE    )

On \_\_\_\_\_, 2015, before me, Ann Marie Vera, a notary public, personally appeared Robert Flaxman, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

(Place notary seal above)

**EXHIBIT K  
FORM OF WAIVER NOTICE**

WHEN RECORDED RETURN TO:

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**WAIVER NOTICE**

THIS WAIVER NOTICE (this “**Waiver Notice**”) is given as of this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by MTS LAND, LLC, a Delaware limited liability company (“**MTS Land**”), pursuant to Section C(3)(h) of Article 3 of the Amended and Restated Development Agreement recorded on April 19, 2013, as Document 2013-0359723 in the Official Records of Maricopa County, Arizona, as amended by the First Amendment to Amended and Restated Development Agreement recorded on \_\_\_\_\_, 2015, as Document 2015-\_\_\_\_\_ in the Official Records of Maricopa County, Arizona (collectively, the “**Development Agreement**”).

MTS Land hereby waives its rights to make elections to restrict the following Lot(s):

Lot(s) \_\_\_\_\_ of Mountain Shadow Resort Unit 2 – Amended VII, according to Book 1232 of Maps, page 27, records of Maricopa County, Arizona.

All of the 300,000 square feet of Floor Area for Resort Residential development in Area B described in Stipulation 43 of the 2013 SUP shall be allocated only to Lot(s) \_\_\_\_\_ of Mountain Shadow Resort Unit 2 – Amended VII, according to Book 1232 of Maps, page 27, records of Maricopa County, Arizona. This Waiver Notice has been executed and recorded to provide notice of the foregoing waiver to the owners of the Area B Parcels and all other persons dealing with the Area B Parcels; the Area B Parcels are defined in the Development Agreement as Lots 129, 131, 132, 133, and 134 of Mountain Shadow Resort Unit 2 – Amended VII, according to Book 1232 of Maps, page 27, records of Maricopa County, Arizona. Except for the foregoing waiver, all other terms, provisions and conditions of the Development Agreement are unchanged and remain in full force and effect. Except as otherwise defined herein, all defined terms in this Waiver Notice shall have the same meaning as in the Development Agreement.

[SIGNATURES ON FOLLOWING PAGES]

MTS LAND, LLC, a Delaware limited liability company

By: COOL MOUNTAIN HOLDINGS, LLC, a Delaware limited liability company, its sole member

By: \_\_\_\_\_  
Robert Flaxman, Authorized Signatory

STATE OF CALIFORNIA    )  
  ) ss.  
COUNTY OF ORANGE    )

On \_\_\_\_\_, 2015, before me, Ann Marie Vera, a notary public, personally appeared Robert Flaxman, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

(Place notary seal above)



## Action Report

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**File #:** 15-183

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

**FROM:** Kevin Burke, Town Manager  
Andrew M. Miller, Town Attorney  
Diane Wayland, Legal Support Specialist

**DATE:** September 24, 2015

**DEPARTMENT:** Town Attorney

**CONTACT:** Diane Wayland, Legal Support Specialist

**AGENDA TITLE:**

It is recommended that the Town Council authorize Town participation in and administrative support for the Town of Paradise Valley Eleventh Annual Veteran's Appreciation Vintage Car Show to be held on Saturday, November 7, 2015.

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

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

**Strategic Initiative:**

- The Town of Paradise Valley makes every effort to enhance the community's unique character for its residents and people from around the world.

**Council Goals or Other Policies / Statutory Requirements:**

**RECOMMENDATION:**

Authorization of Town Participation in and Administrative Support for the Town of Paradise Valley Eleventh Annual Veterans' Appreciation Vintage Car Show.

**SUMMARY STATEMENT:**

The Paradise Valley Town Council has unanimously approved participation and support of the Veterans' Appreciation Vintage Car Show for the last ten years. Council authorization included the use of the Town Hall Complex facilities. Because of the great success of this event bringing camaraderie among Town residents and fundraising for local charities, the event should be held again. Proceeds from the registration fee of \$50.00 per car will be equally divided between the Military Assistance Mission and Sentinels of Freedom Scholarship Foundation, both of which are local Arizona Veterans' organizations.

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**File #:** 15-183

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Administrative support by employees will primarily be absorbed during their normal 40-hour week, and will not be allowed to interfere with regular duties. On the day of the vintage car show, support will be provided by police command staff that are not eligible for overtime and the Police citizen volunteers, who will escort the participants on the tour route from the municipal complex to the El Chorro Restaurant. Other functions such as parking and traffic control, registration and cleanup will be provided by Town Hall employees, Police Volunteers, and Public Works Department employees.

**BUDGETARY IMPACT:**

Costs for postage, telephone calls, office supplies, copying of documents, utilities and incidentals is estimated at \$2,000. There would also be an in-kind contribution of staff time estimated at \$3,800. The t-shirts and sweat shirts that are in stock will be sold by volunteers during the event, and all proceeds will be donated to the selected local veteran charities.

**ATTACHMENT(S):**

None.



## Legislation Text

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**File #:** 15-177, **Version:** 1

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

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

**DATE:** September 24, 2015

**DEPARTMENT:** Town Manager

**AGENDA TITLE:**

**Approve Appointments to Various Town Committees, Commissions, and Boards**

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

- Provides high quality public services to a community which values limited government
- Enhance the community's unique character.

**Strategic Initiative:**

**Council Goals or Other Policies / Statutory Requirements:**

- Encourage volunteer opportunities
- Town Code §2-5

**RECOMMENDATION:**

Approve the appointments to committees, commissions, and boards as listed in the Action Report.

**SUMMARY STATEMENT:**

**Reappointment Process**

The terms of several members of Town boards, committees, commissions, and all Municipal Court Judges will expire in October. In accordance with Town practice, committee members whose terms expire this year were asked to provide written statements expressing their interest in being reappointed. All currently serving members did so and their names are hereby forwarded to the mayor for reappointment and the Council for confirmation.

Additionally, the Town Council voted in June to separate the Personnel Appeals Board and Public Safety Personnel Retirement Board. This action resulted in creating three new vacant positions. There is a vacancy on the Municipal Property Corporation because a board member moved out of town.

To fill the vacancies, the Town ran notices in the Paradise Valley Independent Newspaper and on the

website seeking residents interesting in volunteering. Eight applications were received by the deadline for the four vacancies. Mayor Collins interviewed the applicants on September 10 and made the appointments listed below.

Regarding judicial appointments, Presiding Judge J. Tyrrell Taber briefed the Town Council at the September 10, 2015 meeting on the selection and review process for municipal court judges. The judges listed below are recommended for reappointment. Their profiles are attached for reference. Following the vote to reappoint the judges, Mayor Collins will administer the oath of office.

Approval of these appointments will provide the Town with the required number of members to fulfill the legal responsibilities of each of the committees, commissions, and boards listed below.

**TERM**

**Paradise Valley Municipal Court**

November 1, 2015 - October 31, 2017

J. Tyrrell Taber, Presiding Judge  
John L. Auran, Associate Presiding Judge  
Steven A. Cohen, Associate Judge  
Jack Cunningham, Associate Judge  
Charlene D. Jackson, Associate Judge  
Stanley J. Marks, Associate Judge  
Jeffrey R. Timbanard, Jr., Associate Judge  
Terry A. Gould, Associate Judge

**Arts Advisory Committee**

October 1, 2015 - September 30, 2018

Elaine "Bunny" Gordon  
Mardelle Mikus

**Board of Adjustment**

October 1, 2015 - September 30, 2018

Richard Chambliss  
Catherine Kauffman

**Hillside Building Committee**

October 1, 2015 - September 30, 2017

Scott Jarson

**Historical Advisory Committee**

October 1, 2015 - September 30, 2018

Catherine Kauffman  
Kathryn Gasser  
Maureen Strom

**Mummy Mountain Preserve Trust**

October 1, 2015 - September 30, 2018

Bernie Barry  
Phil Schneider

**Municipal Property Corporation**

October 1, 2015 - September 30, 2018

Robert Coulter  
Alan Prince

Chris Thompson

**Personnel Appeals Board**

Richard Coulston	(staggered 3-year term) November 1, 2015 - September 30, 2016
Richard Herold, Jr.	November 1, 2015 - September 30, 2017
Deborah Corso	November 1, 2015 - September 30, 2018

**Planning Commission**

Scott Moore	October 1, 2015 - September 30, 2018
Daran Wastchak	

**Public Safety Personnel Retirement Board**

	(Staggered 4-year term)
Richard Fincher	November 1, 2015 - September 2017
Jameson Van Houten	November 1, 2015 - September 2019
John Lomax	November 1, 2015 - September 2019

**BUDGETARY IMPACT:**

There will be no budgetary impact. All committee members volunteer their time to the community.

**ATTACHMENT(S):**

1. Judicial profiles
2. New appointee profiles

**Honorable J. Tyrrell Taber**  
**Presiding Judge**

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Bar Admissions: California, 1977  
Arizona, 1978

Education: Arizona State University, BS, 1973  
California Western School of Law, JD, 1977

Courts: United States District Court, District of Arizona  
United States District Court, District of California, Northern, Central, and Southern Divisions

Judicial  
Experience: Paradise Valley Municipal Court  
Presiding Judge 2009-Present  
Associate Presiding Judge 1995-1999  
Associate Judge 1991-1994, 2000-2008

Professional  
Associations/  
Activities: American Association of Justice  
Arizona Association of Justice  
Arizona Commission on Judicial Conduct  
Arizona Trial Lawyers Association, President  
Association of Trial Lawyers of America  
State Bar of Arizona  
State Bar of California

Certifications: Arizona Supreme Court Civil Traffic Hearing Officer  
Arizona State Supreme Court Limited Jurisdiction Judge  
State Bar of Arizona  
State Bar of California

**Honorable John L. Auran,  
Associate Presiding Judge**

---

Bar Admissions:      Minnesota, 1977  
                                 Arizona, 1978

Education:            University of Minnesota, BBA, 1977  
                                 William Mitchell College of Law, JD, 1981

Courts:                United States District Court, District of Arizona  
                                 United States District Court, District of Minnesota

Judicial  
Experience:           Paradise Valley Municipal Court  
                                 Associate Presiding Judge      2009-Present  
                                 Associate Judge                   1991 –2008

Professional  
Associations/  
Activities:            American Bar Association  
                                 Arizona Bar Association  
                                 Maricopa County Bar Association  
                                 Minnesota Bar Association  
                                 State Bar of Arizona

Certifications:      Arizona Supreme Court Civil Traffic Hearing Officer  
                                 Arizona State Supreme Court Limited Jurisdiction Judge  
                                 State Bar of Arizona  
                                 State Bar of Minnesota

**Honorable Steven A. Cohen,  
Associate Judge**

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Bar Admissions: Arizona, 1978

Education: Arizona State University, JD, 1978

Courts: United States Court of Appeals, 9<sup>th</sup> Circuit  
United States District Court, District of Arizona  
United States Supreme Court

Judicial  
Experience: Paradise Valley Municipal Court  
Associate Judge 2009-Present  
Pro-tem Judge 2001-2008

Professional  
Associations/  
Activities: American Bar Associations  
Arizona Trial Lawyers Association  
Association of Trial Lawyers of America  
Maricopa County Bar Associations  
Phoenix Trial Lawyers Association, President, 1994-1995  
State Bar of Arizona  
Town of Paradise Valley Planning Commission, 1995-2001

Certifications: Arizona Supreme Court Civil Traffic Hearing Officer  
Arizona Supreme Court Limited Jurisdiction Judge  
Injury and Wrongful Death Litigation  
State Bar of Arizona

**Honorable Jack Cunningham**  
**Associate Judge**

---

Bar Admissions: Arizona, 1977

Education: University of Arizona, BA, 1969  
Arizona State University, JD, 1977

Courts: United States Court of Appeals, 9<sup>th</sup> Circuit  
United States District Court, District of Arizona  
United States Supreme Court

Judicial  
Experience: Paradise Valley Municipal Court  
Associate Judge 2008- Present

Professional  
Associations/  
Activities: American Bar Association  
Maricopa County Bar Association  
State Bar of Arizona

Certifications: Arizona Supreme Court Civil Traffic Hearing Officer  
Arizona Supreme Court Limited Jurisdiction Judge  
State Bar of Arizona

**Honorable Charlene Jackson**  
**Associate Judge**

---

Bar Admissions: Arizona, 1994

Education: University of Arizona, BA, 1991  
University of Arizona, JD, 1994

Courts: Arizona Limited Jurisdiction Courts  
Cedarville Rancheria Court of Appeals  
Colorado River Indian Tribe Court of Appeals  
Fort McDowell Yavapai Nation Court  
Fort Mojave Indian Tribe Court of Appeals  
Gila River Indian Community Court  
Tonto Apache Tribal Court  
Washoe Tribe of Nevada and California Tribal Court

Judicial Experience:	Paradise Valley Municipal Court Associate Judge	2009-Present
	Fort McDowell Yavapai Nation Chief Judge	2004-2008
	Associate Judge	2004
	Pro-Tem Judge	2003-2004
	Gila River Indian Community Pro-Tem Judge	2001-2002
	Chandler Municipal Court Pro Tem Judge	2001-2002
	Colorado River Indian Community Court of Appeals Justice	2011 – Present
	Fort Mojave Indian Community Court of Appeals Chief Magistrate	2013 – Present
	Cedarville Rancheria Court of Appeals Justice	2014 – Present
	Tonto Apache Tribe Pro Tem Judge	2014 – Present
	Washoe Tribe of California and Nevada Pro Tem Judge	2014 - Present

**(Continued)**  
**Honorable Charlene Jackson**  
**Associate Judge**

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Professional  
Associations/

Activities: Arizona Magistrates Association  
Indian Law Section  
Maricopa and American Bar Association  
State Bar of Arizona

Faculty: National Tribal Justice Center at the National Judicial College

Certifications: Arizona Supreme Court Civil Traffic Hearing Officer  
Arizona Supreme Court Limited Jurisdiction Judge  
State Bar of Arizona

**Honorable Stanley J. Marks**  
**Associate Judge**

---

Bar Admissions: Arizona, 1966

Education: Cornell University, BA 1961  
New York University, 1966

Courts: United States District Court, District of Arizona

Judicial Experience: Paradise Valley Municipal Court  
Associate Judge 1993-Present

Professional  
Associations/

Activities: Arizona Center for Law in the Public Interest – Past President  
Arizona Supreme Court Alternative Dispute Resolution Committee  
Arizona Supreme Court Judicial Performance Committee  
Association of Trial Lawyers of America  
Maricopa and American Bar Associations  
State Bar of Arizona

Certifications: Arizona Supreme Court Civil Traffic Hearing Officer  
Arizona Supreme Court Limited Jurisdiction Judge  
Injury and Wrongful Death Litigation  
State Bar of Arizona

**Honorable Jeffrey R. Timbanard, Jr.**  
**Associate Judge**

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Bar Admissions: Arizona, 1965

Education: University of Arizona College of Law, JD  
Pepperdine University, Malibu California  
Straus Institute for Dispute Resolution

Courts: All Arizona Courts  
United States District Court – Arizona  
United States District Court of Appeals, 9<sup>th</sup> and 10<sup>th</sup> Circuits

Judicial  
Experience

Maricopa County Superior Court	
Pro-Tem Judge	2005-Present
Paradise Valley Municipal Court	
Associate Judge	2009-Present
Pro Tem Judge	2006-2008

Professional  
Associations/  
Activities:

Arizona Bar Association  
Arizona State Board of Legal Specialization  
Maricopa County Bar Association  
State Bar of Arizona

Certifications:

Arizona Supreme Court Civil Traffic Hearing Officer  
Arizona Supreme Court Limited Jurisdiction Judge  
State Bar of Arizona

**Honorable Terry A. Gould**  
**Associate Judge**

---

Bar Admissions: Missouri, 1981  
Wisconsin 1987  
Arizona, 2010

Education: St. Louis University School of Law (Cum Laude), JD, 1981  
Miami University (Ohio), BS, 1965

Courts: United States Supreme Court  
United States Court of Appeals, 8<sup>th</sup> Circuit  
United States District Court, District of Arizona  
United States District Courts for the Western and Eastern Districts of Missouri

Judicial  
Experience: Paradise Valley Municipal Court  
Associate Judge 2012- Present

Professional  
Associations/  
Activities: American Bar Association  
Arizona Magistrates Association  
State Bar of Arizona  
State Bar of Missouri  
State Bar of Wisconsin (Emeritus)

Legal Teaching: Constitutional Law at Phoenix College, 2003

Other Legal  
Relationships: Awarded Martindale-Hubbell's highest accolade: an AV® rating.  
Listed, over the years, in various editions of Who's Who in American Law, Who's Who in Finance,  
Who's Who in the Midwest and cross- referenced in Who's Who in America.  
Former Chairman of Bar Association of Metropolitan St. Louis ("BAMSL") Task Force for  
development of the first Bar approved real estate contract.  
Former Chairman Business Law Section of BAMSL.  
Former Chairman Real Estate and Development Section of BAMSL.  
St. Louis University Law Journal, 1979-1980

Certifications: Arizona Supreme Court Civil Traffic Hearing Officer  
Arizona Supreme Court Limited Jurisdiction Judge  
State Bar of Arizona

# CHRIS E. THOMPSON

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Dynamic visionary and competitive entrepreneur with a history of business development, innovation, embracing ambiguity, program management, and critical thinking in both start up and Fortune 100 environments. Excels at leveraging analysis and a systematic approach to solve problems, close new sales, surpass performance metrics, and meet deadline/budget expectations. Known as a no nonsense leader with clear values and an inherent ability to drive organizational change.

## CORE COMPETENCIES

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### TENACIOUS MOTIVATION

*[Determined competitiveness and capacity for hard work combined with persuasiveness and directness when faced with resistance or challenge.]*

**CHALLENGE:** To close a minimum of 4 high-impact (Fortune 100) Canadian partnership agreements, under tight time pressure, prior to the launch of the Canadian General Motors "GM" MasterCard. [Electronic Data Systems "EDS" 1993]

**ACTIONS:** Pinpointed prospective targets by designing a marketing plan based upon market share, brand strength, and consumer focus group research. Led the sales drive by cold calling President's, Managing Director's and Chief Marketing Officer's. Presented the partner program after qualifying the prospects, spearheaded the cross-functional contract negotiations team, and propelled the contracts to closure. Hastened the sales cycle and demonstrated customer focus by living in a Toronto hotel for several months in order to easily host/attend meetings and ensure 24/7 availability.

### RESULTS

- ☑ *Negotiated 4 partnerships in less than 4 months (Stentor Bell Canada, AVIS, Delta Hotels, P. Lawson Travel), thereby accomplishing what the U.S. GM team of 6 people achieved in 8 months, and they signed only 3 partnerships. Through challenging negotiations achieved margin improvement up to 90% better than comparable U.S. GM Card agreements.*

### EMBRACING AMBIGUITY & CRITICAL THINKING

*[Solving problems through analytical and systematic methodology while recognizing that there are many paths to a final destination, none of which are perfect.]*

**CHALLENGE:** To take over contract renegotiations with the GM Card's largest U.S. partner "MCI" after 2 senior GM executives failed to settle a major disagreement. [EDS 1994]

**ACTIONS:** Redefined the partner's concerns with our relationship from an expense focus to a new customer acquisition focus. Proposed a new performance based contract that tied MCI's expenses solely to new MCI customers. Partnered with GM's IT group to devise a new MCI customer algorithm and leveraged this to design a highly-targeted direct mail program for MCI.

### RESULTS

- ☑ *Preserved GM's contract relationship with MCI, saving GM Card \$3 million in annual revenue and ensuring GM's expenses remained within acceptable levels. MCI was so pleased with the new agreement they increased their direct marketing budget by 50% which generated an additional \$1 million in annual revenue for GM Card.*

## FUTURE - THINKING & INNOVATION

*[Open, flexible, and responsive to new ideas. Find change exhilarating based on the opportunities it creates.]*

**CHALLENGE:** How to tap a new source of water – water vapor locked in the air. The Earth purifies water through evaporation and then transports it around the globe through weather patterns - is there a way to mimic this process? [Entrepreneur 2005-Present]

**ACTIONS:** Collaborated with atmospheric physicist to dissect rain storm formation process specifically focusing on the adiabatic decompression process. Researching patents indicated that no prior art/patents existed in this space. Competitive analysis showed that prior patents were clustered around compressed vapor cycles and desiccants, neither of which are the preferred processes used by mother nature.

### RESULTS

- ☑ *Issued a US & International patent claiming a broad yet simple process, and amassing enough knowledge of the process to see clearly where trade secrets and future patents can be used to protect the first mover advantage.*

## THINKING BIG AND FOCUSING SMALL

*[Combine a future orientation with systematic planning, preparation, and organization to stay on track, hit deadlines, and fulfill obligations.]*

**CHALLENGE:** To start a company based upon a big idea but requiring extensive R&D and a Proof of Concept "POC" in order to get traction, avoid running out of cash, and maintain strategic and tactical control of the venture. [Entrepreneur 2010-2011]

**ACTIONS:** Percolated the original idea, shaped it into a tangible and commercially marketable concept. Vetted the concept with highly acclaimed independent expert who described the concept as, "...very innovative, I have never seen the problem approached this way before." Filed for patent protection, formed an LLC, and went through 2 complete POC design, build, test phases pursuing the wrong technology path which yielded lack luster results.

Engaged a new engineering firm who suggested a new technology path yielding more promising results. Kept the project moving forward even though the team was spread across 12 time zones.

### RESULTS

- ☑ *Gained knowledge and experience through initial 2 POC phases without spending any working capital or relinquishing any ownership of the LLC. The third POC proved that the concept worked and raised a number of important issues we were unaware of which have been added to our trade secrets in this new field of water from air creation.*

## PLANNING & PROGRAM MANAGEMENT

*[Attention to detail with a strong sense of responsibility, systematic approach.]*

**CHALLENGE:** To execute EDS' new sales methodology across 6 continents and 30+ countries within 12 months. [EDS 1995-1996]

**ACTIONS:** Oversaw teams located on 5 continents to facilitate local implementation. Guided global progress by instituting and leading regular conference calls/email updates. Selected a cross functional multinational team tasked with incorporating the best ideas from each region into a common template which would become the basis for the new computer based sales tracking system. Streamlined new deal approval process by designing and tailoring the formal sales management and approval meeting structure. Led the team that designed the template for how deals would be presented for approval and presented the result to all business line executives while incorporating their input and driving final sign-off.

### RESULTS

- ☑ *Boosted EDS' sales and earnings forecasting ability by enabling access to their 6-continent sales pipeline on one computer system for the first time in the company's history. Increased EDS' global sales effectiveness by strengthening their ability to identify key sales opportunities, better allocate resources, accelerate sales cycles, and close a greater percentage of sales.*

## PROFESSIONAL EXPERIENCE

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### NEWTAP SYSTEMS, LLC

2005-Present

FOUNDER & CEO, PALO ALTO/SIMI VALLEY, CA; DETROIT, MI; SHANGHAI, CHINA; ZURICH, SWITZERLAND

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*Conceptualized, patented, designed, built, and tested a POC that creates "water anywhere, anytime"™. In the process of identifying and quantifying a global water problem that if solved society would greatly value, and then tailoring the POC to address that problem.*

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### CORPORATE SABBATICAL TO PURSUE ENTREPRENEURIAL EFFORTS

1999-2005

*Stepped away from corporate ascent to raise a daughter and to pursue career transition to entrepreneur.*

---

### ELECTRONIC DATA SYSTEMS, INC.

1988-1999

SALES EXECUTIVE, GM EUROPE STRATEGIC BUSINESS UNITY, GERMANY [1997-1998]

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*Partnered with my Boss to Convince EDS leadership to allow us to bid on Marketing Services contracts. Led a small team that developed the plan to penetrate the Marketing Services industry. Convinced GM that EDS was more than just a Technology services provider, that we were a credible Marketing service provider. Led the multinational sales teams responsible for closing 2 marketing services deals and provided sales management/consulting support on 2 additional deals generating over \$2M in annual Revenue.*

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DIRECTOR BUSINESS DEVELOPMENT, GM EUROPE STRATEGIC BUSINESS UNIT, SWITZERLAND [1995-1997]

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*Led European Change Management effort, rolled out new corporate sales methodology throughout Europe encompassing sales training, sales pipeline management, and hiring/assigning sales staff. Based upon the success of the European rollout was asked to Lead the Roll out across Asia, Latin America, Africa & Middle East and coordinate with North American leadership. Designed the structure/format of and led the first Strategic Business Unit sales meetings.*

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DIRECTOR/STRATEGIC PARTNER, GM NORTH AMERICA STRATEGIC BUSINESS UNIT, USA & CANADA [1993-1995]

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*Developed and executed the marketing & sales plans. Identified target companies within desirable industries, executed the sale from cold call to close, led the negotiating teams consisting of senior GM management and legal/operations/marketing staff, and negotiated with the top executives of the partner firms. Took the partner unit in 1993 from \$3 million in revenue to revenue of more than \$10.5 million in 1995. Personally sold 11 partnerships: Kroger Foods, MCI, Marshalls, CVS Drugs, Kay Bee Toys, Linens N' things, Thom McCann, AVIS, Stentor Bell Canada, Delta Hotels, P. Lawson Travel.*

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BUSINESS DEVELOPMENT MANAGER, TRANSPORTATION STRATEGIC BUSINESS UNIT, TEXAS [1990-1992]

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MARKETING COST ANALYST, MILITARY SYSTEMS DIVISION, VIRGINIA [1988-1990]

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## PROFESSIONAL DEVELOPMENT & EDUCATION

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ATTENDED THE 2011 SINGAPORE INTERNATIONAL WATER WEEK , Singapore

STANFORD UNIVERSITY, Palo Alto, CA

ENTREPRENEURSHIP & VENTURE CAPITAL MBA CLASS (AUDITED)

EDS PROFESSIONAL DEVELOPMENT GROUP, Dallas, TX

SALES DEVELOPMENT PROGRAM

UNIVERSITY OF MARYLAND, College Park, MD

BACHELOR OF SCIENCE IN FINANCE

# Snell & Wilmer

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**John F. Lomax, Jr.**

Partner | Phoenix



## **Main Bio**

John Lomax is an AV® peer review rated lawyer who focuses on the defense of labor and employment matters. He represents employers in class and collective actions, and he has an active practice representing employers on wage and hour issues, restrictive covenants and trade secrets, affirmative action plans, employment agreements, reductions-in-force and EEO cases. John has handled arbitrations, bench and jury trials.

John also represents management in matters before the NLRB including union organizing efforts, unfair labor practices cases, and negotiating collective bargaining agreements. He is listed in The Best Lawyers in America®, Chambers & Partners USA Guide and Southwest Super Lawyers magazine.

## **Representative Experience**

### ***Significant Representations***

- Represented employer in EEOC-led pattern-and-practice case involving alleged discrimination on Native American reservations
- Represented employer in nationwide class action under the Fair Credit Reporting Act
- First chair representative for production and crewing company in first contract negotiations with IATSE
- Advised employers in labor negotiations/strike planning in many different industries and involving wide variety of unions including IAM, UMW, IBEW, NABET, UAW, and SEIU
- Represented employer in four-week trial in wage and tort claims and contract claims asserted by an employee/shareholder
- Represented health care provider in a week-long arbitration brought by physician/employee who alleged contract, wage payment, whistleblower and tort claims
- Represented multi-state employer in defense of Fair Labor Standards Act off-the-clock cases
- Member of a National Coordinating Counsel team overseeing litigation of a large number of wage/hour class actions, FLSA collective actions and MDL proceedings on behalf of national employer
- Defended executive in a contentious non-competition lawsuit – litigation included a four-day preliminary injunction over the non-competition clause

## **Education**

- Emory University School of Law (J.D., 1996)
  - American Jurisprudence Awards for Constitutional Law and State and Local Tax
  - Executive Articles Editor, Bankruptcy Developments Journal

- University of North Carolina at Chapel Hill (B.A., with honors, 1991)

## Professional Memberships & Activities

- American Bar Association, Labor and Employment Section

## Representative Presentations & Publications

- "Employers' Initial Obligations Upon the Filing of Election Petitions Under the New NLRB Rules," Co-Author, Snell & Wilmer Legal Alert (April 13, 2015)
- "Withstanding Legal Scrutiny in Employer-Conducted Background Checks," Co-Author, American Bar Association, Section of Litigation, Employment & Labor Relations Newsletter (June 17, 2014)
- "OFCCP rescinds Directive 293 regarding jurisdiction over health care providers and insurers," Co-Author, Lexology.com, ACC Newsletter (August 26, 2012)
- "Labor and Employment Laws Applicable to Organized Delivery Systems," Contributing Author, Health Care Administration, Jones & Bartlett 4th ed. (2004)
- "RICO and Labor Law," Contributing Author, The Developing Labor Law, American Bar Association, 4th ed. (2000)
- "Disparate Impact Discrimination," Author, Labor and Employment Law for South Carolina Lawyers, South Carolina Bar (1999)
- "Protecting the Growing Number of Older Women: The Age Discrimination in Employment Act," Editor, Procedures, 1997 Supp., George Mason University (1998)
- "Privacy in the Workplace," Author, South Carolina Lawyer (January 1997)
- "Information Technology and Workplace Privacy," Author, American Textiles International, 48 (February 1997)
- "Solving Employment Disputes Without Court," Author, American Textiles International, 32 (November 1996)
- "Future Electric Utility Bankruptcies," Author, Bankruptcy Developments Journal, 12 (1996)

## Professional Recognition & Awards

- The Best Lawyers in America®, Labor & Employment Litigation (2008-2016), Employment Law - Management, Labor Law - Management (2012-2016)
  - Phoenix Lawyer of the Year, Labor Law - Management (2016)
- Top 100 Lawyers in Arizona, Labor and Employment Defense, Litigation, Healthcare, AzBusiness Magazine (2015)
- Arizona's Top Lawyers, Employment and Labor Relations, AzBusiness Magazine (2014)
- The Best Lawyers in America®, Business Edition, Labor & Employment Law (2012)
- Chambers USA: America's Leading Lawyers for Business, Labor & Employment (2008-2015)
- Southwest Super Lawyers®, Employment & Labor (2009-2015)
  - Top 50 in Arizona (2011-2014)

## Community Involvement

- Teach for America, Phoenix Regional Advisory Board, Past-Chair (2000-2006)
- Valley of the Sun Human Resources Association, Board of Directors, Past Member
- Paradise Valley United Methodist Church, Board of Trustees, Former Member
- All Saints Episcopal Day School, Board of Directors Chair (2009-present)

## **Other Professional Experience**

- Greenberg Traurig, LLP, Shareholder (1999-2010)
- Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Associate (1996-1999)

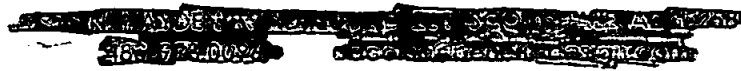
## **Bar Admissions**

- Arizona

## **Court Admissions**

- Supreme Court of Arizona
- United States District Court, District of Arizona
- United States District Court, Northern District of Georgia
- United States District Court, Western District of North Carolina
- United States District Court, District of South Carolina
- United States Court of Appeals, Fourth Circuit
- United States Court of Appeals, Fifth Circuit
- United States Court of Appeals, Ninth Circuit
- Tribal Courts of the Navajo Nation
- United States Supreme Court

# DEBORAH CORSO, CFP®



## PROFESSIONAL EXPERIENCE

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2010 – Present <i>Principal</i>	Wealth Dynamics Associates, LLC www.wealthdynamicsllc.com <i>Registered Financial Advisor</i>	Scottsdale, AZ
1982 – Present <i>President</i>	Benefit Design Associates, Ltd. www.benefitdesignltd.com <i>Corporate Benefit Programs</i>	Scottsdale, AZ
1989 – 1990	Western Security Bank <i>Board of Directors</i>	Phoenix, AZ
1979 – 1982	Mass Mutual Life Insurance Company <i>Representative</i>	Phoenix, AZ

## PROFESSIONAL ASSOCIATIONS

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Financial Planning Association (FPA)  
Financial Therapy Association  
International Foundation of Employee Benefits  
National Association of Insurance and Financial Advisors (NAIFA)  
National Association of Health Underwriters

## EDUCATION

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1975	Wilkes University <i>B.A. Sociology and Psychology</i>	Wilkes-Barre, PA
1988	College of Financial Planning <i>Certified Financial Planner™</i>	Denver, CO
2010	Financial Advisor	
1988 – Present	Annual Professional Continuing Education	

## COMMUNITY ACTIVITIES (past and present)

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Ascension Lutheran Church <ul style="list-style-type: none"><li>Foundation Board of Directors</li></ul>	Scottsdale Leadership <ul style="list-style-type: none"><li>Graduate</li></ul>
Chrysalis Shelter <ul style="list-style-type: none"><li>Mayor's Task Force</li><li>Board of Directors</li></ul>	Scottsdale Prevention Institute <ul style="list-style-type: none"><li>Board of Directors</li></ul>
Junior Golf Association of Arizona <ul style="list-style-type: none"><li>Board of Directors</li></ul>	Valley Leadership <ul style="list-style-type: none"><li>Graduate</li><li>Board of Directors</li></ul>
Maricopa County Risk Management Trust <ul style="list-style-type: none"><li>Trustee</li></ul>	Women's Leadership Through Sports <ul style="list-style-type: none"><li>Board of Directors</li></ul>
Scottsdale Education Foundation <ul style="list-style-type: none"><li>Board of Directors</li></ul>	Women & Philanthropy <ul style="list-style-type: none"><li>Member</li></ul>

## **Richard Coulston**

Employer: Self employed

Occupation: Retired McDonald's Franchisee for 27 years

Number of years as PV resident: 20 years

Professional experience highlights:

McDonald's Corporation Franchisee for 27 years

Xerox Corporation sales executive in San Diego for 15 years

US Naval Supply Corps officer with Vietnam service

Retired from the navy with 20 years active and reserve experience with the grade of Lieutenant Commander

What experience do you think qualifies you to be a committee member?:

I bring my business experience in the corporate world as well as my military experience. Being retired, I look forward to the opportunity of giving back through community service.

Community Activities:

Recently retired and looking to get involved now.

You have a prior application on file when I applied for and interviewed for a position on the public safety committee.

I am looking forward to being selected and serving!



## Action Report

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**File #:** 15-178

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

**FROM:** Kevin Burke, Town Manager  
Eva Cutro, Community Development Director  
Paul Michaud, Senior Planner

**DATE:** September 24, 2015

**DEPARTMENT:** Community Development Department

**AGENDA TITLE:**

**Consideration of "The Villas at Mountain Shadows II" Preliminary Plat (PP 15-02)  
Southwest Corner Lincoln Drive and 56<sup>th</sup> Street (Assessor No. 169-30-104/105)**

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

- Enhance the community's unique character.

**Strategic Initiative:**

- Diligently preserve the special character of Paradise Valley by enforcing the land use policies identified in the Town's General Plan, Town Code, and SUP agreements.

**Council Goals or Other Policies / Statutory Requirements:**

- *General Plan Goal, DA 2.2.1*, "To support limited, targeted and context-appropriate development and redevelopment within Development Areas through orderly and well-planned development that provides for the needs of existing and future residents, and makes efficient use of land and infrastructure."
- *General Plan Goal, CC&H 3.2.1*, "Maintain the Town's primarily owner-occupied low-density residential character while allowing less than one acre per residence housing only on Special Use Permit resort properties."

**RECOMMENDATION:**

Approve the Preliminary Plat, "The Villas at Mountain Shadows II" (PP-15-02), subject to the stipulations in the Action Report:

**STIPULATIONS:**

1. The Final Plat for The Villas at Mountain Shadows II shall be in substantial compliance with the Preliminary Plat, The Villas at Mountain Shadows II, Sheets 1-2, prepared by Coe & Van

Loo Consultants, Inc. dated August 26, 2015.

2. The Final Plat for The Villas at Mountain Shadows II shall include any and all necessary easements and/or tracts, including:
  - a. Easements and/or tracts for drainage within said plat that are consistent to the overall grading and drainage plans for the entire Special Use Permit (SUP) site, which shall be depicted on the Final Plat prior to recordation of said plat, and
  - 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.
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.

**SUMMARY STATEMENT:**

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

The Town Council held a study session regarding this application on September 10, 2015. There was one comment. This was regarding the duration required to sustain the Town standard of 1500 gpm related to fire flow. The Town Fire Marshal confirmed this duration is two hours.

The Planning Commission made a recommendation regarding this application on June 16, 2015. In a vote of 7 to 0, the Planning Commission forwards to the Town Council a recommendation of approval for this Preliminary Plat. As background, MTS Land, L.L.C. submitted two separate preliminary plat applications for the 7.14 acres of land described in the above request. The Planning Commission recommended approval of both preliminary plat applications. Since this recommended approval, the applicant is pursuing a stacked two-story condominium product for the 5.20 acre site. Due to this change, the 5.20-acre condominium application will be brought back to the Planning Commission for a new recommendation before continuing on to the Town Council.

Except for two modifications, the design of these 8 lots on the 1.94 acres is in substantial conformance to the Preliminary Plat recommended for approval by the Planning Commission. The preliminary plat, "The Villas at Mountain Shadows II," that is before the Town Council was amended to include the 5.20 acres as one tract. This amendment is necessary to remove the lot lines created by Lots 133 and 134 of the Final Map Mountain Shadows Resort Unit 2 - Amended VII. The removal of said lines could be processed by staff through a lot line adjustment, but the applicant was agreeable to process this adjustment along with the preliminary/final plat process. The other modification was to make the exit-only access onto 56<sup>th</sup> Street between Lot 28 and Lot 29 as emergency access only. The Planning Commission was updated of these recent changes at their August 18, 2015 meeting.

Besides the typical plat stipulations as shown above, the Planning Commission included a sixth stipulation that the applicant demonstrate through graphics and/or visuals that the exit onto 56<sup>th</sup> Street between Lot 28 and Lot 29 will not conflict with the 56<sup>th</sup> Street improvements (e.g., the exit will not result in a new median cut). This graphic is attached to this report. The above items were reviewed at the Town Council study session and are described under the "Background" attachment of this report.

**BUDGETARY IMPACT:**

None

**ATTACHMENT(S):**

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

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

# TOWN OF PARADISE VALLEY

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



Town Council  
September 24, 2015

# Request

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



# Vicinity Map

Subject Property



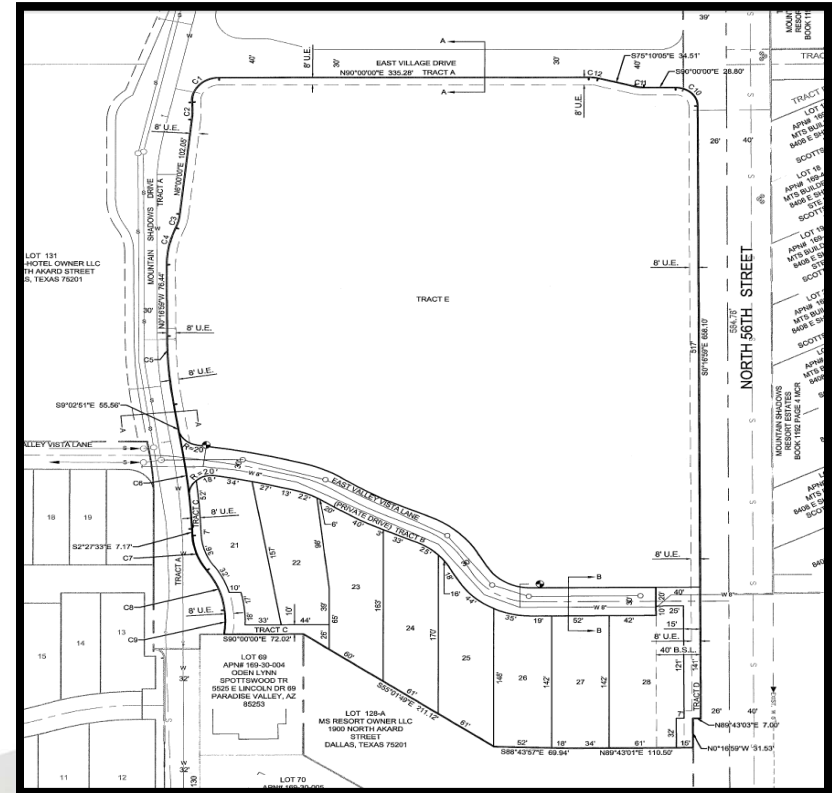
# Requirements – Processing

- Plat held to SUP & DA standards
- Administrative review/approval process
  - All SUP/DA standards met = approvable
  - Typical requirements for ROW, easements, lot size, lot width, setbacks etc. do not apply
  - No legislative discretion as in SUP/Rezoning



# Council Study Session

- September 10, 2015
- Fire flow duration @ 2 hrs



Preliminary Plat



# Commission Pre-Plat Recommendation

- June 16, 2015: Approval (7-0)

- 2 plat applications

- Discussion points

- Alignment with median onto 56<sup>th</sup> St
- Control mechanism for gate onto 56<sup>th</sup> St
- Circulation pattern
- Drainage



- 1,000' radius mailed notice
- 2 MSW residents reviewed plat – no comment



7

# Commission Recommendation (Summary)

Recommendation of approval, subject to 5 stipulations :

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



# Recommendation (Summary)

## 4. Final subdivision improvements

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

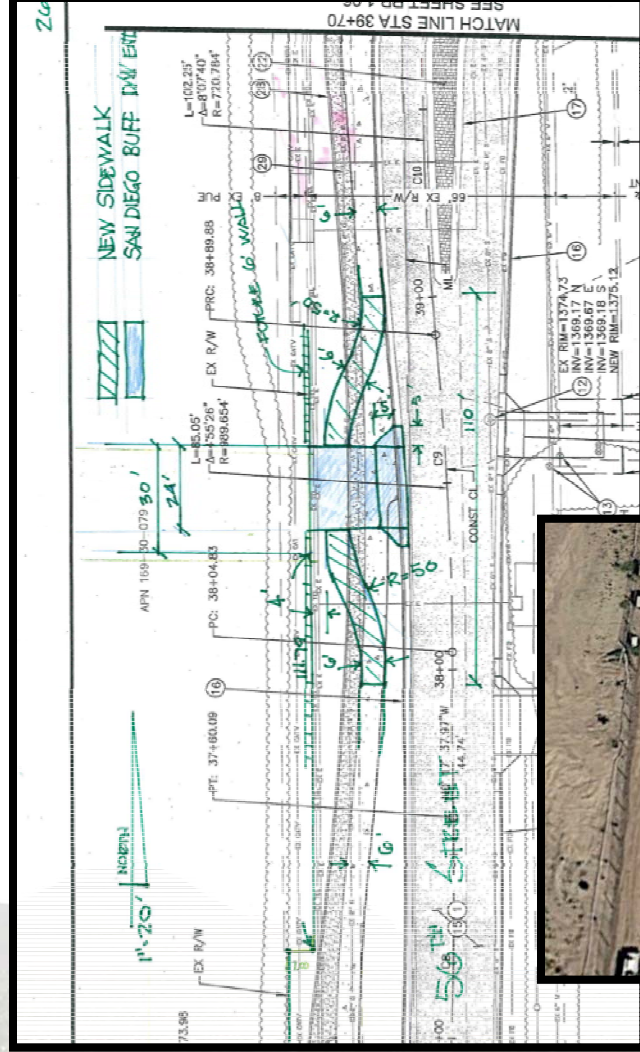
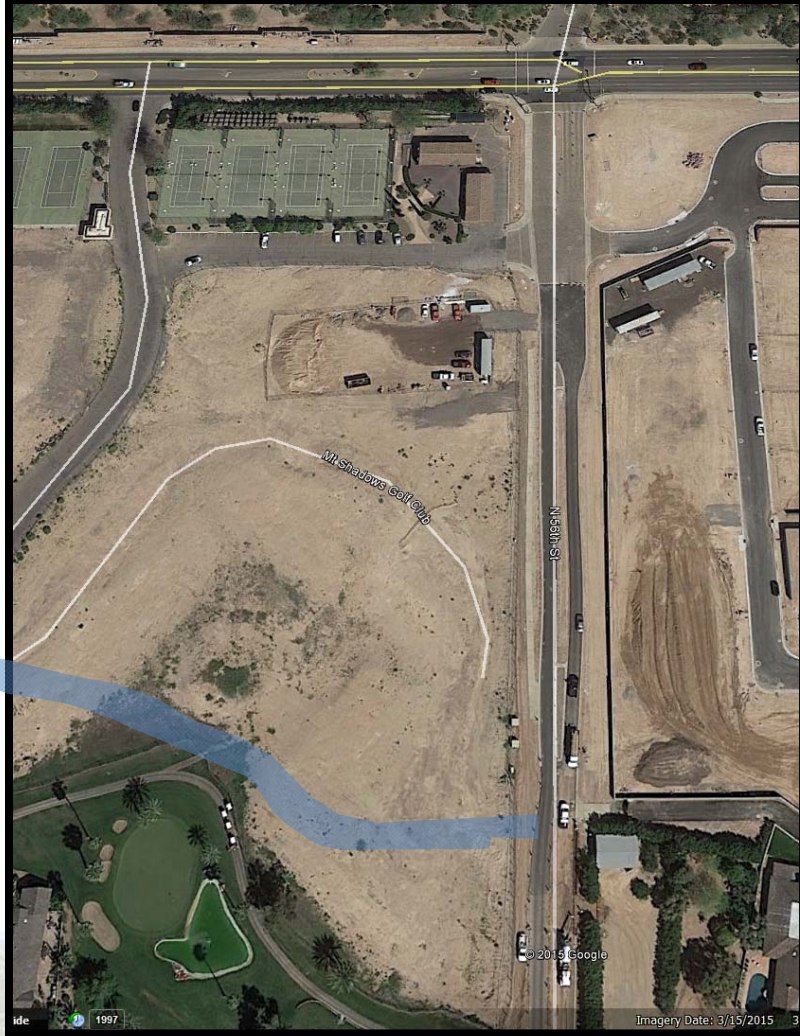
## 5. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars and plans in a pdf format

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





# 56th St Graphic



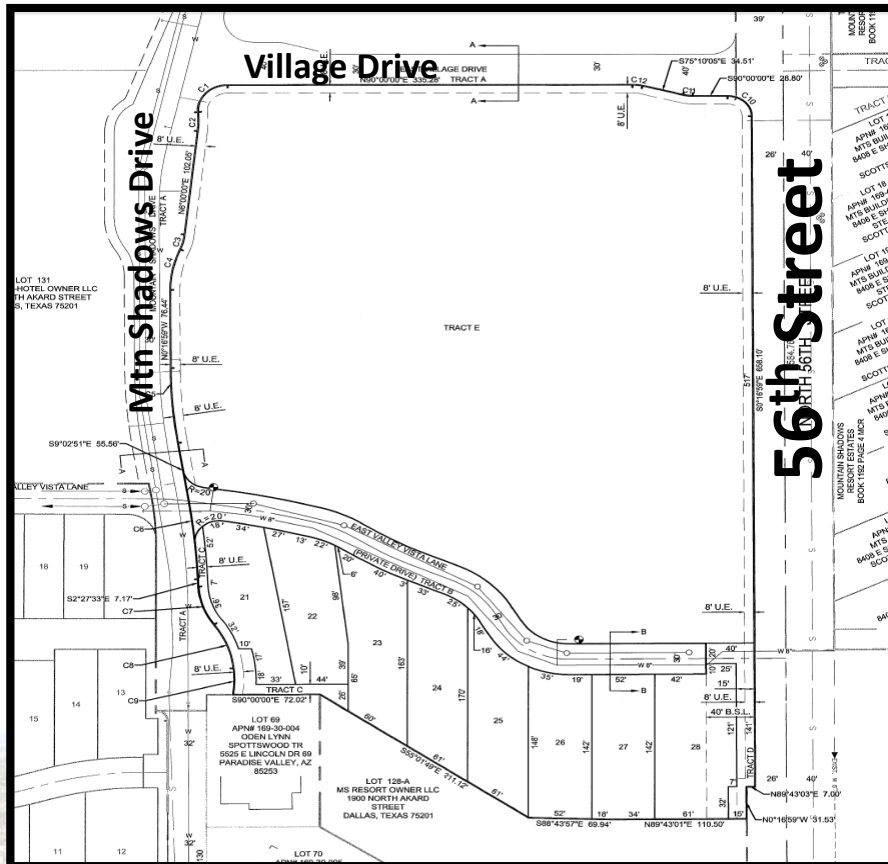
# Next Steps

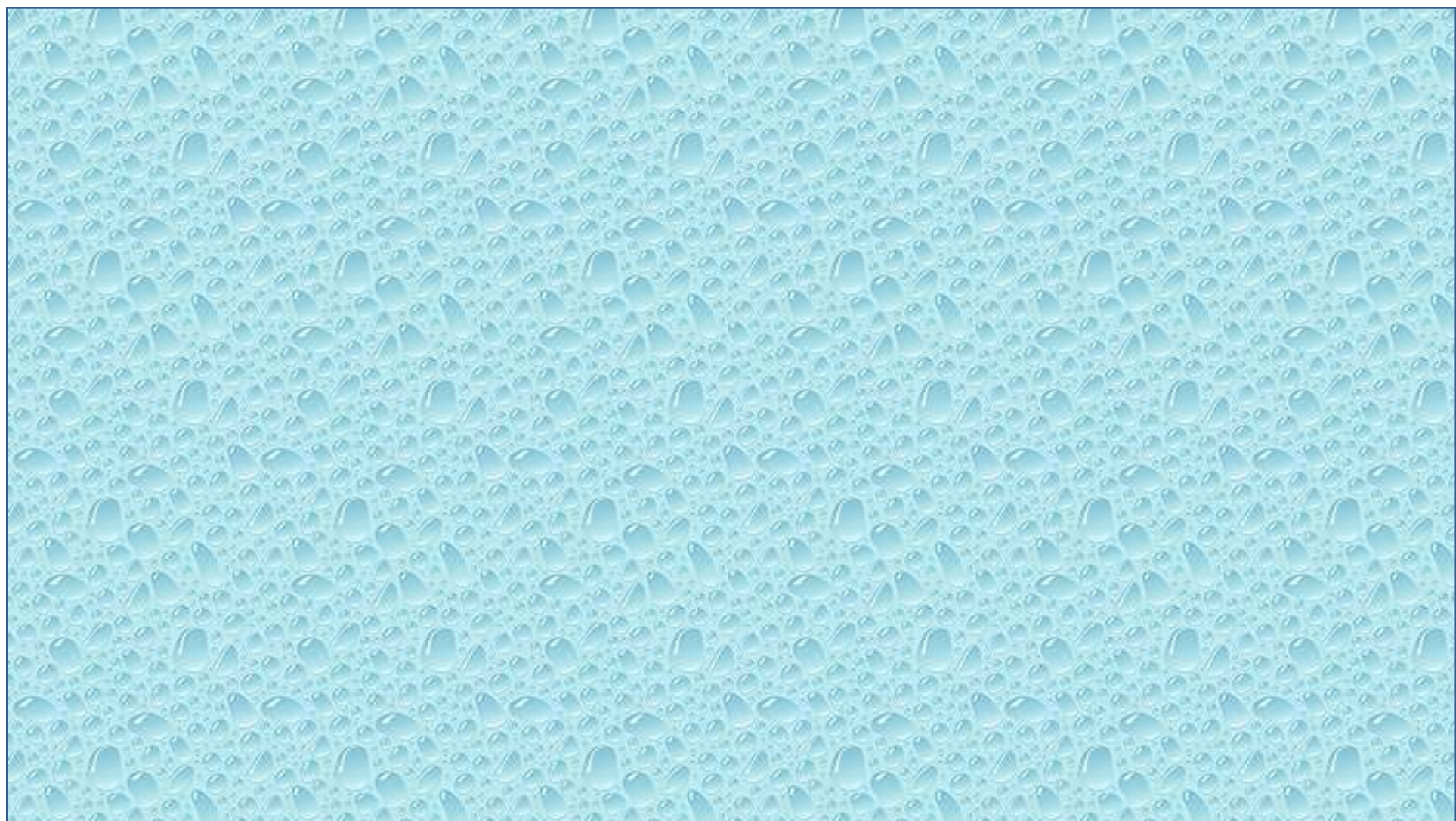
- Applicant file final plat
- Commission/Council review of final plat



# Questions?

## Lincoln Drive





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

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

ZONING:

EXISTING ZONING - SUP - RESORT

UTILITY PROVIDERS

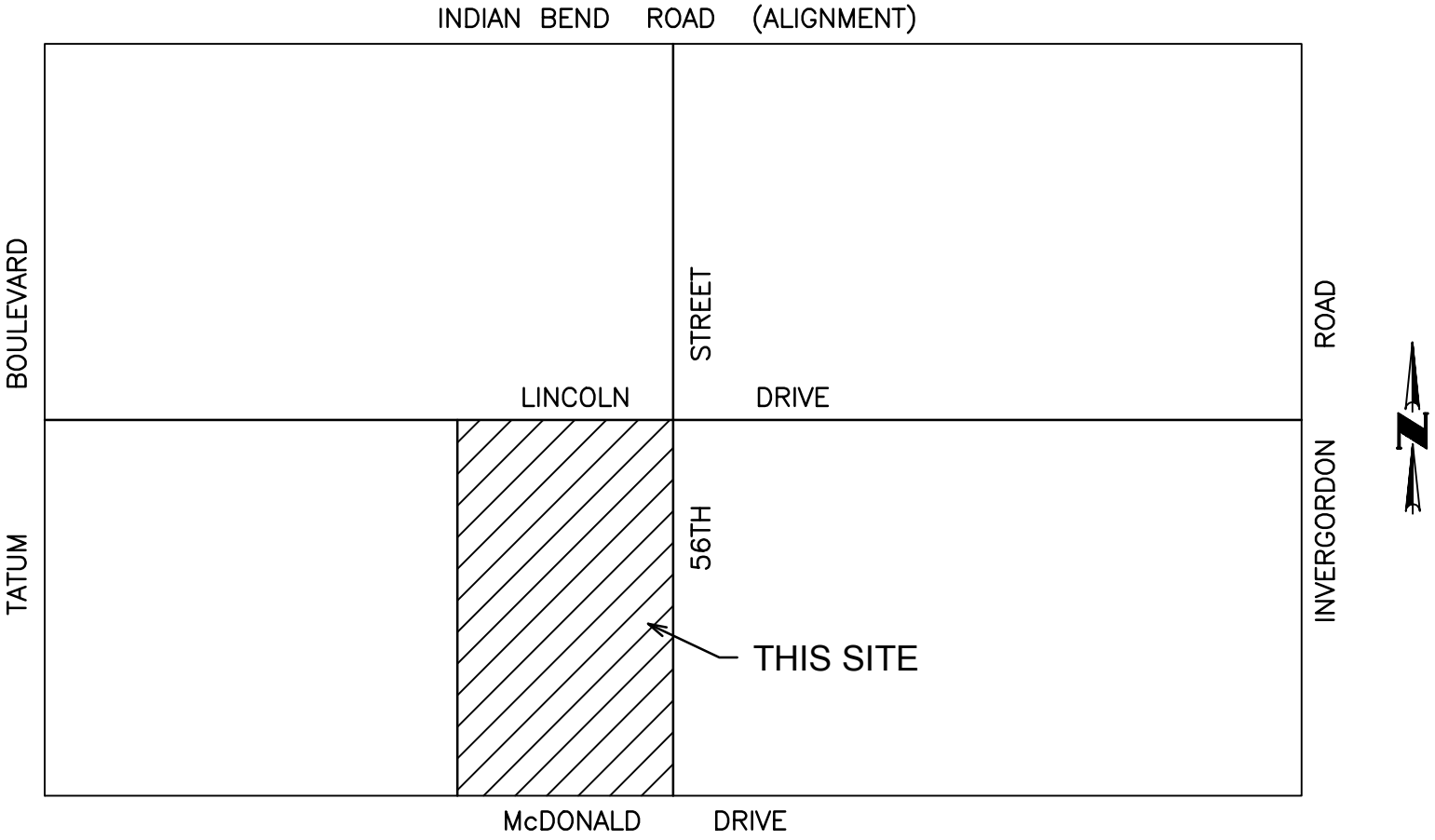
WATER - EPCOR WATER  
SEWER - CITY OF PHOENIX  
ELECTRIC - ARIZONA PUBLIC SERVICE  
TELEPHONE - CENTURYLINK  
GAS - SOUTHWEST GAS  
CABLE TELEVISION - COX COMMUNICATIONS

ENGINEER

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

BASIS OF BEARING

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



VICINITY MAP

(NOT-TO-SCALE)

SHEET INDEX

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

ACKNOWLEDGEMENT

STATE OF ARIZONA )  
COUNTY OF MARICOPA )

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

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

ACKNOWLEDGEMENT

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )

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

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

WITNESS MY HAND AND OFFICIAL SEAL

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

APPROVALS

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

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

PLANNING DIRECTOR

COUNTY RECORDER

DECLARATION - CONTINUED

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

MTS LAND LLC, A DELAWARE LIMITED LIABILITY COMPANY

MS RESORT OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY

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

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

IN WITNESS WHEREOF:

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

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

IN WITNESS WHEREOF:

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

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

IN WITNESS WHEREOF:

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

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

IN WITNESS WHEREOF:

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

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

SURVEYOR'S CERTIFICATION

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

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

GROSS AREA = 55.394 ACRES



DATE	REVISION	NO.

Coe & Van Loo Consultants, Inc.

FINAL MAP  
MOUNTAIN SHADOW RESORT  
UNIT - 2 AMENDED VII

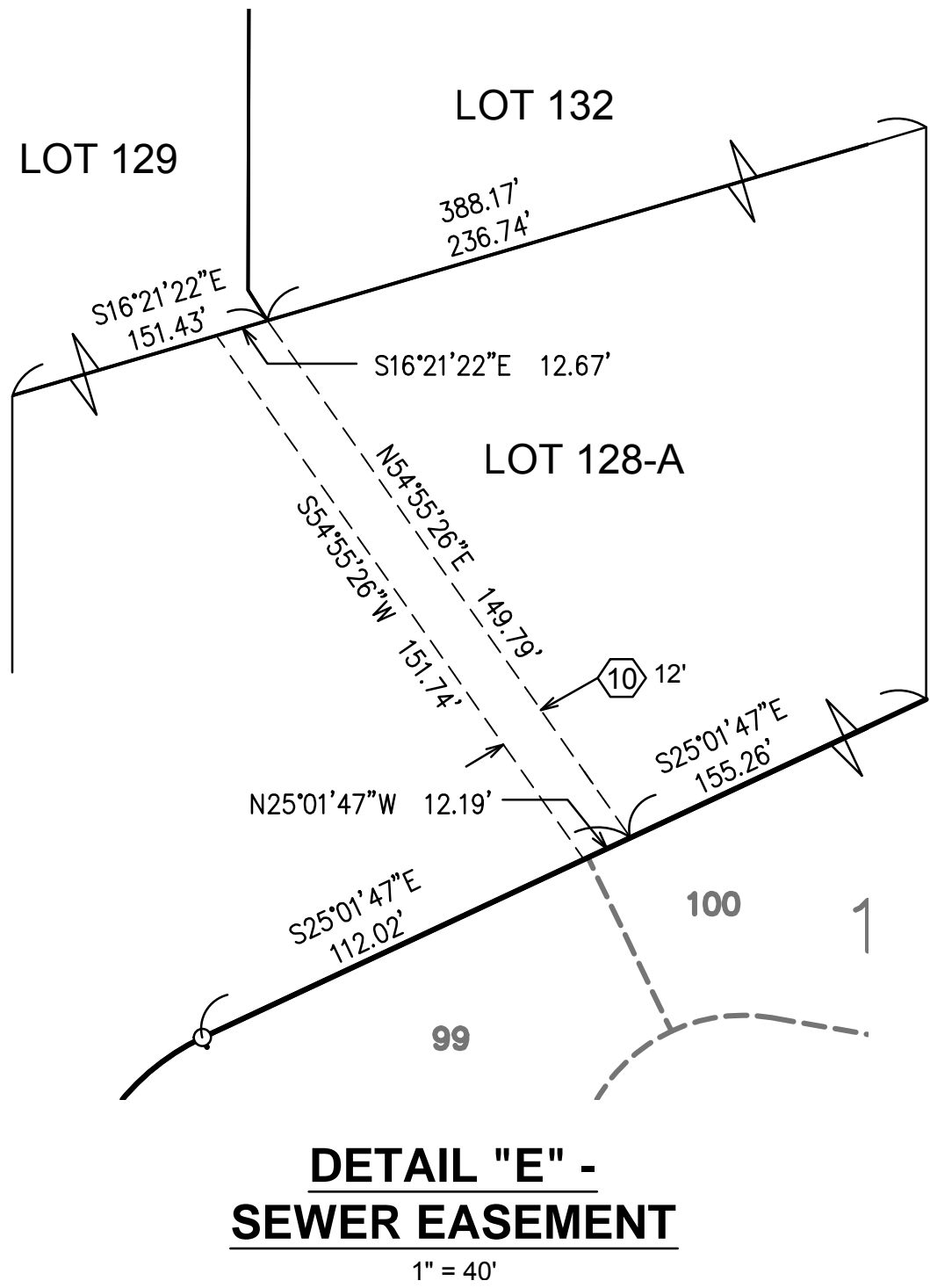
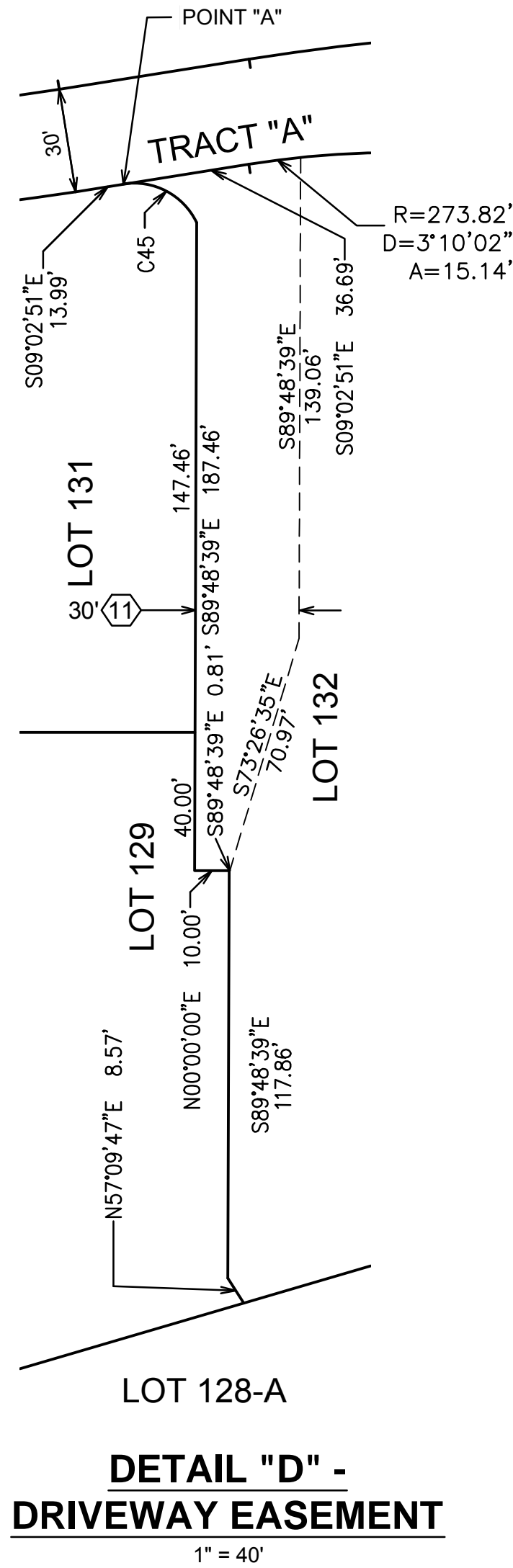
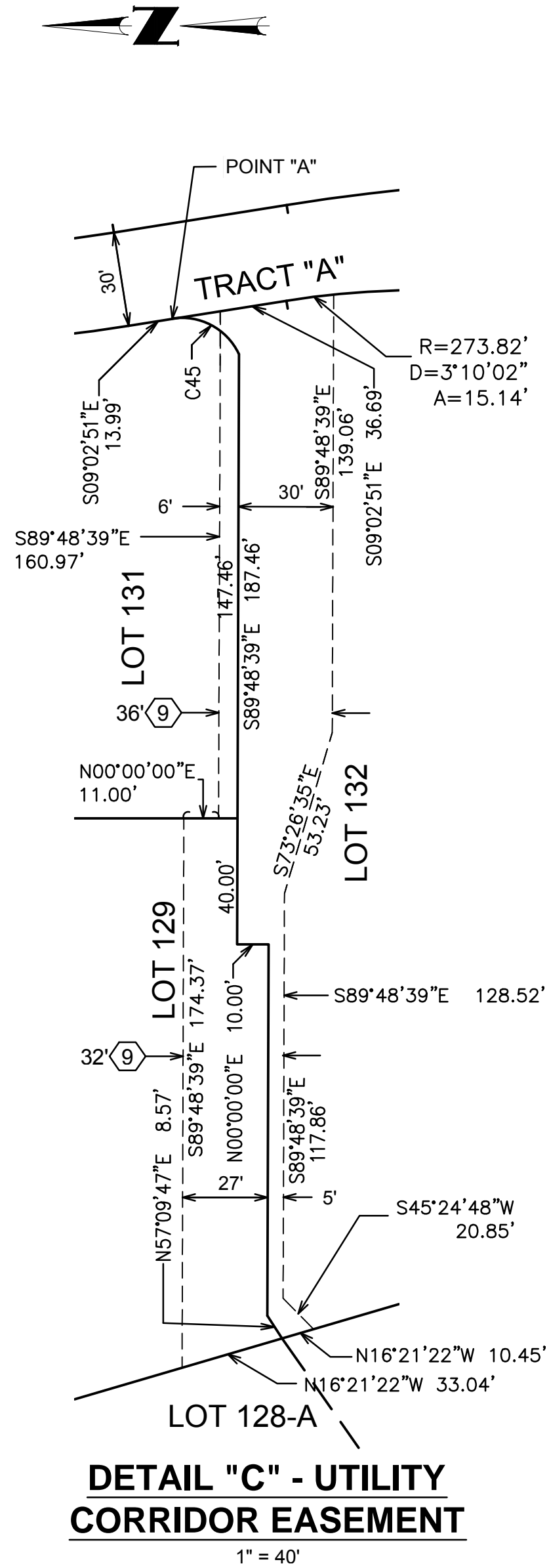
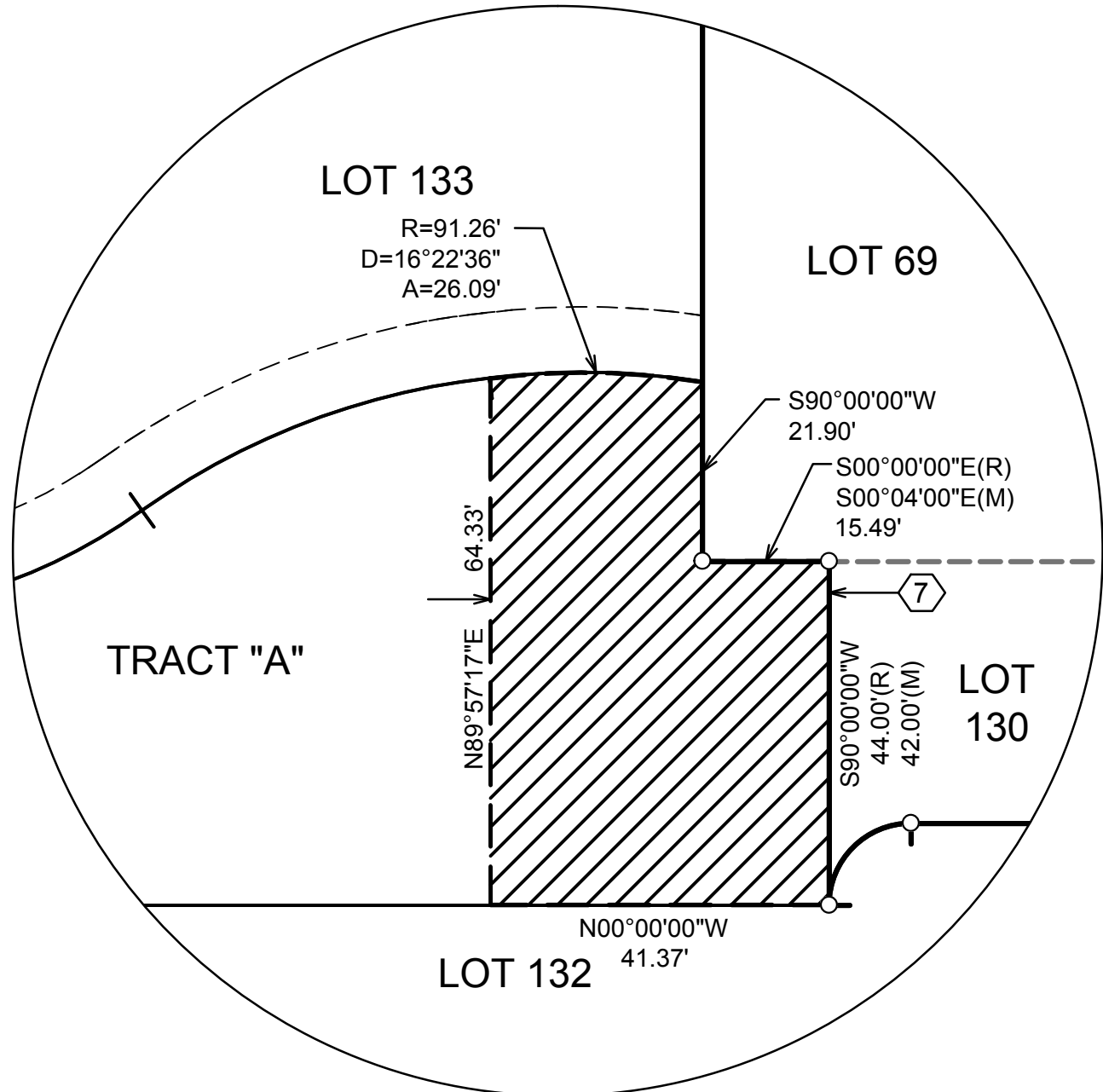
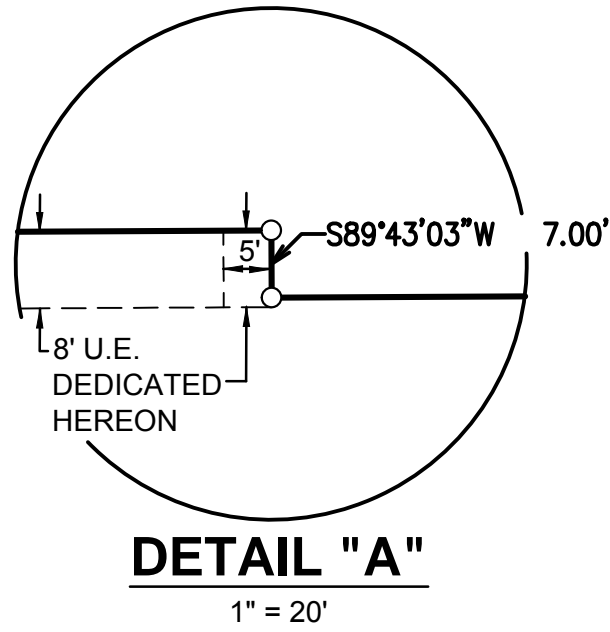


SHEET 1 OF 3
CVL Contact: R. WEED CVL Project #: 01-0245811 CVL File #:



N:\01024581\1\CADD\AMENDED\VIDS\FPLAT.S01.DWG MikeR June 4, 2015 - 2:36 PM

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



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

COUNTY RECORDER

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

NO.	REVISION	DATE

FINAL MAP

MOUNTAIN SHADOW RESORT  
UNIT - 2 AMENDED VII

**PRELIMINARY**

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

Coe & Van Loo Consultants, Inc.



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

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

LOT 6  
APN# 169-27-006  
CAMELBACK MANOR 1  
BOOK 13, PAGE 44, M.C.R.

LOT 6  
APN# 169-27-006  
6245 N CAMELBACK MANOR LLC  
1448 N STATE PKWY NO 307,  
CHICAGO, IL 60610

LOT 5  
APN# 169-27-005  
MANNING MICHAEL DOREEN A  
6301 N CAMELBACK MANOR DR,  
PARADISE VALLEY, AZ 85253

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

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

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

LOT 96  
APN# 169-30-031  
PV NO 96 LLC  
P.O.BOX 556, HARBOR  
SPRINGS, MI  
49740

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

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

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

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

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

LOT 130  
MOUNTAIN SHADOWS DRIVE

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

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

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

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

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

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

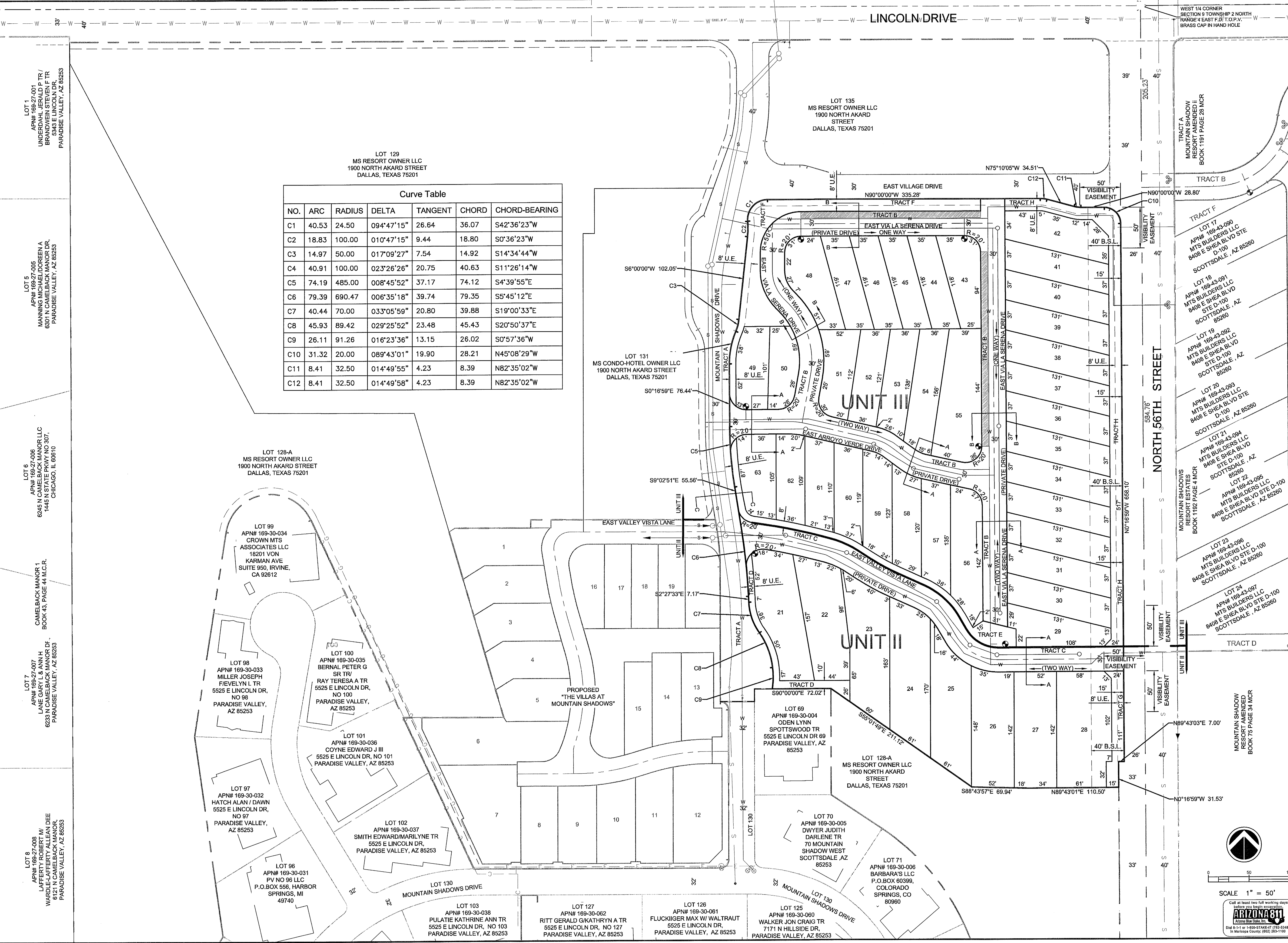
LOT 128-A  
MS RESORT OWNER LLC  
1900 NORTH AKARD  
STREET  
DALLAS, TEXAS 75201

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

LOT 131  
MS CONDO-HOTEL OWNER LLC  
1900 NORTH AKARD STREET  
DALLAS, TEXAS 75201

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

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

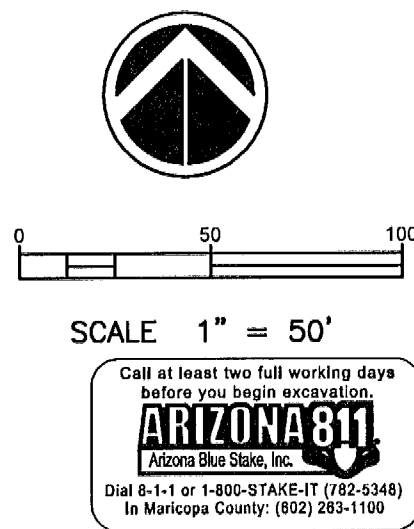
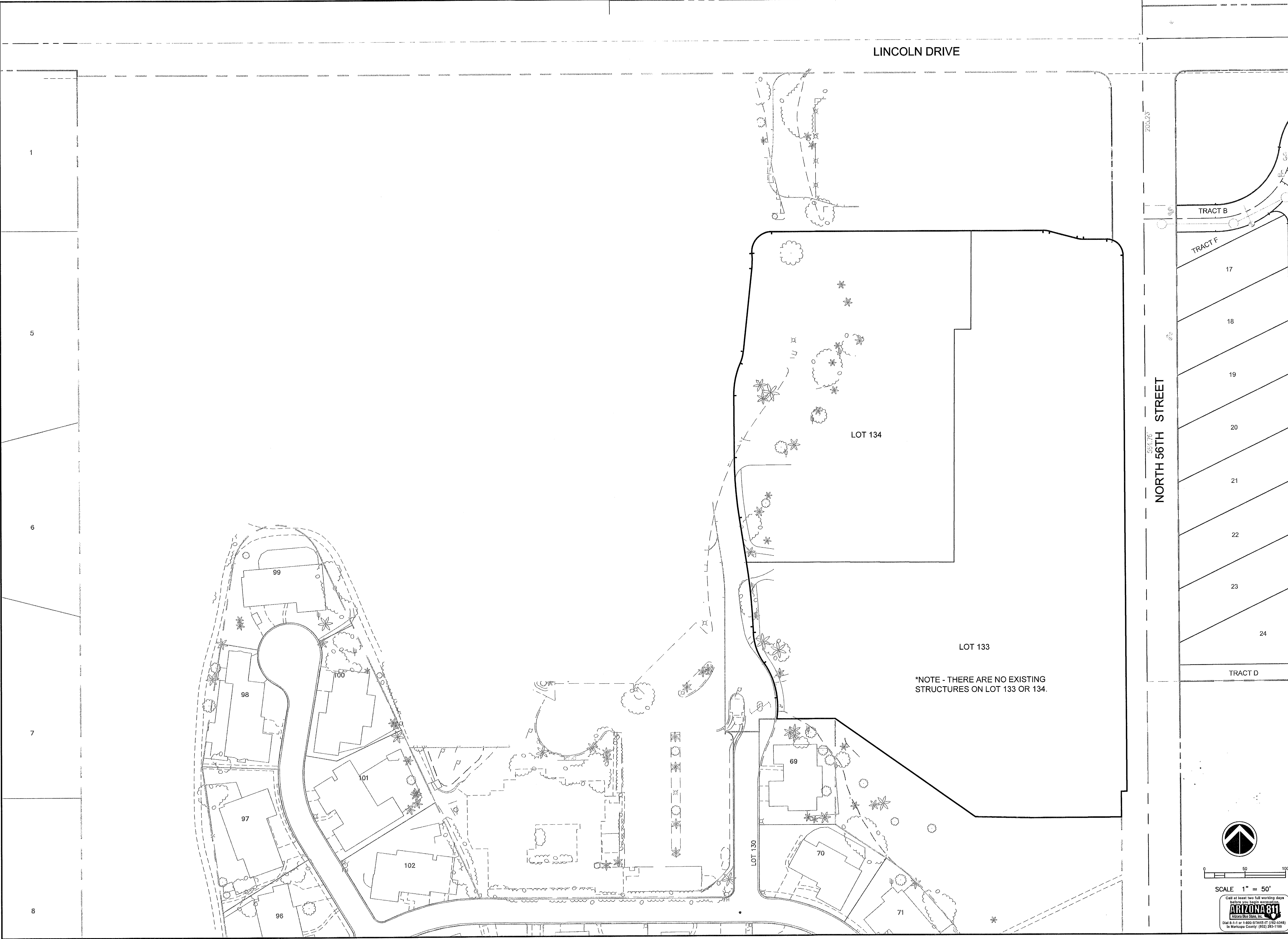


SCALE 1" = 50'



PRELIMINARY PLAT		THE VILLAS AT MOUNTAIN SHADOWS II & III PARADISE VALLEY, ARIZONA	
SHEET NUMBER 2 OF 3		DATE REVISION NO.	
CVL Department: Land		CVL Project #: 01-0245801	
CVL File:		PROJECT NO. XXXXXX	

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



REVISION		DATE
NO.		

PRELIMINARY PLAT

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

Professional Engineer  
FRED EVERETT  
License No. 16337  
State of Arizona

SHEET NUMBER  
**3** OF **3**

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

Printed By: Julie V  
Print Date: August 26, 2015  
Filename: N:\01010245801\CAD\DWG\WEST\residential\2015\PREL\PLAT-01-03.MSI.dwg

## NOTES

1. ALL ELECTRIC, 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, FLOODPLANE ADMINISTRATION.
4. TRACT B IS A PRIVATE DRIVE. TRACT B WILL CONTAIN EASEMENTS FOR PRIVATE SEWER LINES, PUBLIC & PRIVATE WATER LINES, GAS, ELECTRIC, TELEPHONE, CABLE TELEVISION, DRAINAGE, REFUSE COLLECTION, AND EMERGENCY AND SIMILAR SERVICE TYPE VEHICLES.
5. THE DEVELOPMENT OF THE LOTS IN "THE VILLAS AT MOUNTAIN SHADOWS II" IS PURSUANT TO THE DEVELOPMENT AGREEMENT AND SPECIAL USE PERMIT FOR MOUNTAIN SHADOWS AS RECORDED IN DOCKET 2013-0359723 MCR AND DOCKET 2013-0358792 MCR RESPECTIVELY.
6. BUILDING HEIGHTS AND BUILDING SETBACKS ARE PURSUANT TO THE SPECIAL USE PERMIT FOR MOUNTAIN SHADOWS.
7. CO&R'S FOR THESE DEVELOPMENTS ARE AS PER THE MOUNTAIN SHADOWS VII AMENDED MAP AND RESTATED MASTER DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS AS RECORDED IN DOCKET 20150109812 MCR AND THE MOUNTAIN SHADOWS WEST DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS AS RECORDED IN DOCKET 20150109980 MCR AS AMENDED IN DOCKET \_\_\_\_\_ MCR.
8. INDIVIDUAL TRACTS OR LOTS CAN INCLUDE POOLS OR OTHER AMENITIES IN CONFORMANCE WITH APPROVED SPECIAL USE PERMIT.
9. THOSE PORTIONS OF TRACT B AND TRACT D WHICH WILL BE DRIVABLE SURFACES TO BE UTILIZED ONLY BY EMERGENCY VEHICLES SHALL BE CONSTRUCTED WITH MATERIALS TO BE APPROVED BY THE FIRE MARSHAL.
10. THERE ARE NO EXISTING STRUCTURES ON LOT 133 OR LOT 134.

## 100 YEAR ASSURED WATER SUPPLY

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

## DRAINAGE EASEMENT RESTRICTIONS

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

## UTILITY PROVIDERS

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

## SITE DATA

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

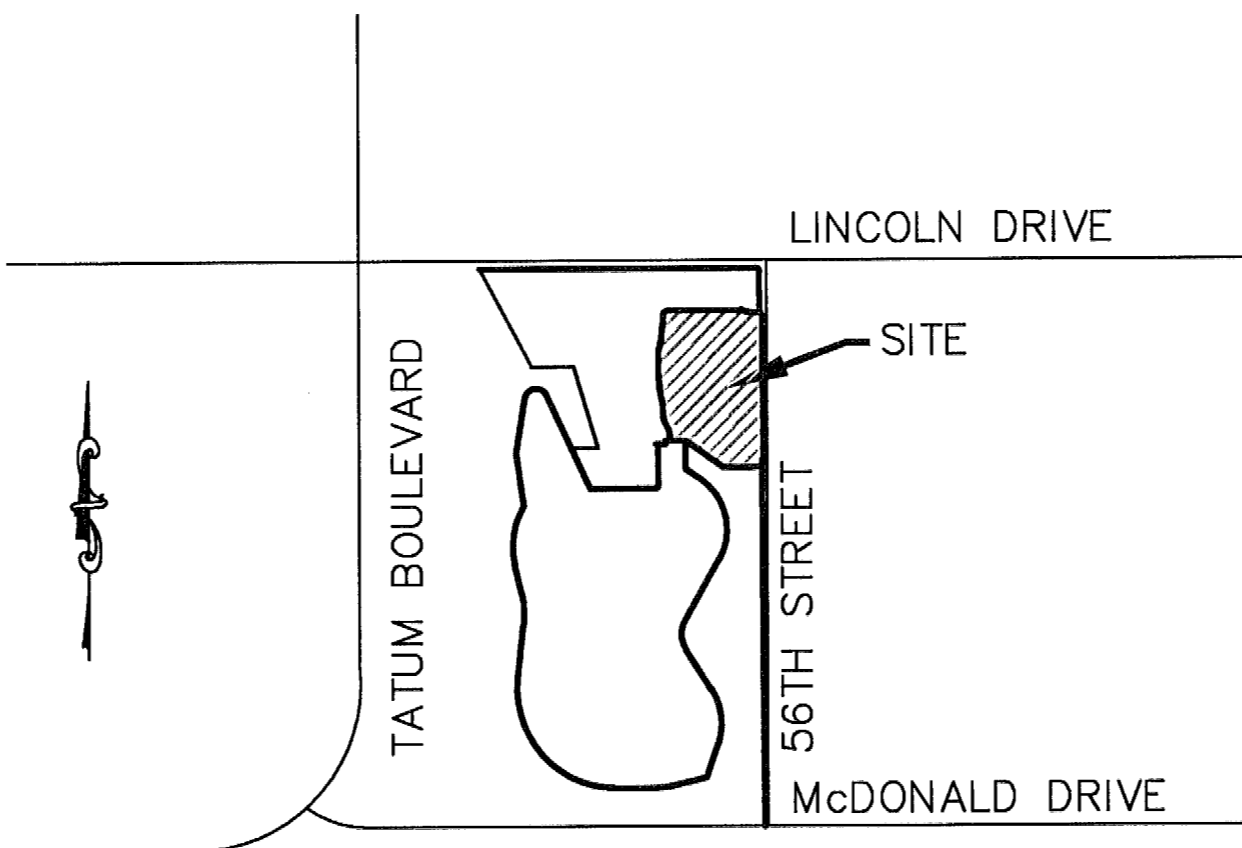
## LEGEND

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

## PRELIMINARY PLAT

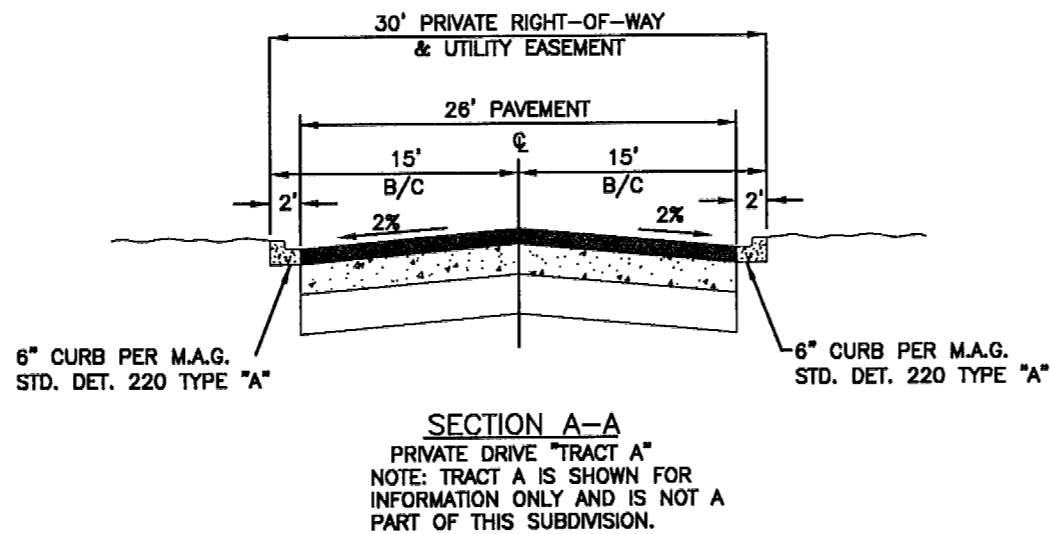
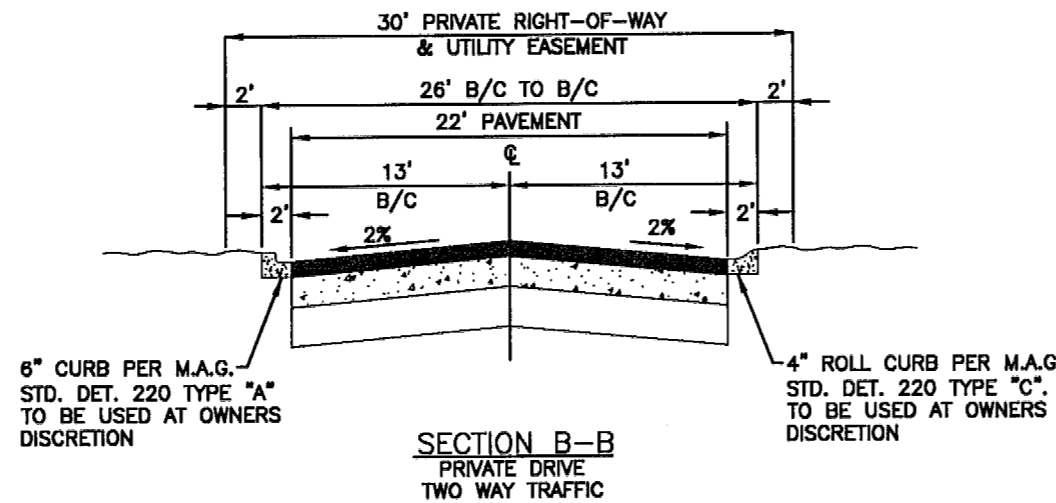
# "THE VILLAS AT MOUNTAIN SHADOWS II"

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



## VICINITY MAP

N.T.S.



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

## TRACT TABLE

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

## LOT AREAS

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

## DEDICATION

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS

KNOW ALL MEN BY THESE PRESENTS:

## MTS LAND LLC, A DELEWARE LIMITED LIABILITY COMPANY

## IN WITNESS WHEREOF:

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

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

## ACKNOWLEDGMENT:

STATE OF CALIFORNIA }  
COUNTY OF ORANGE }

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

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

WITNESS MY HAND AND OFFICIAL SEAL

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

## APPROVALS:

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

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

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

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

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

## CERTIFICATION

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

REGISTERED LAND SURVEYOR



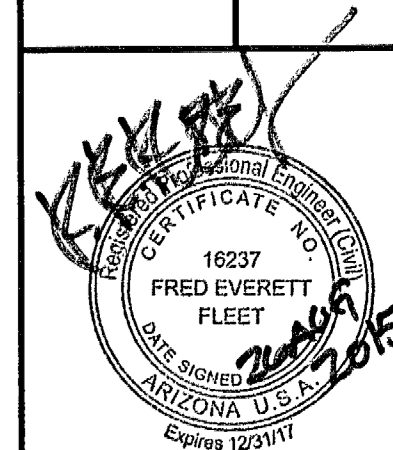
DATE

REVISION

NO.

PRELIMINARY PLAT

THE VILLAS AT MOUNTAIN SHADOWS II  
PARADISE VALLEY, ARIZONA



SHEET NUMBER  
1 OF 3

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



PROJECT NO. XXXXXX

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

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

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

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

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

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

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

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

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

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

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

LOT 96  
APN# 169-30-031  
P.O.BOX 556, HARBOR  
SPRINGS, MI  
49740

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

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

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

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

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

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

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

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

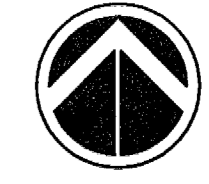
LOT 129  
MS RESORT OWNER LLC  
1900 NORTH AKARD STREET  
DALLAS, TEXAS 75201

LOT 131  
MS CONDO-HOTEL OWNER LLC  
1900 NORTH AKARD STREET  
DALLAS, TEXAS 75201

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

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

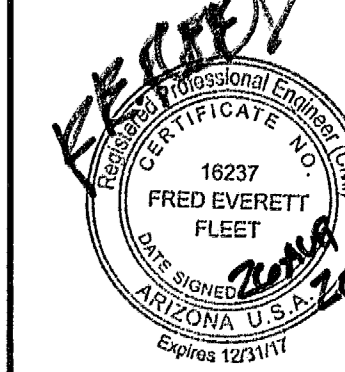
PROPOSED  
"THE VILLAS AT  
MOUNTAIN SHADOWS"



SCALE 1" = 50'



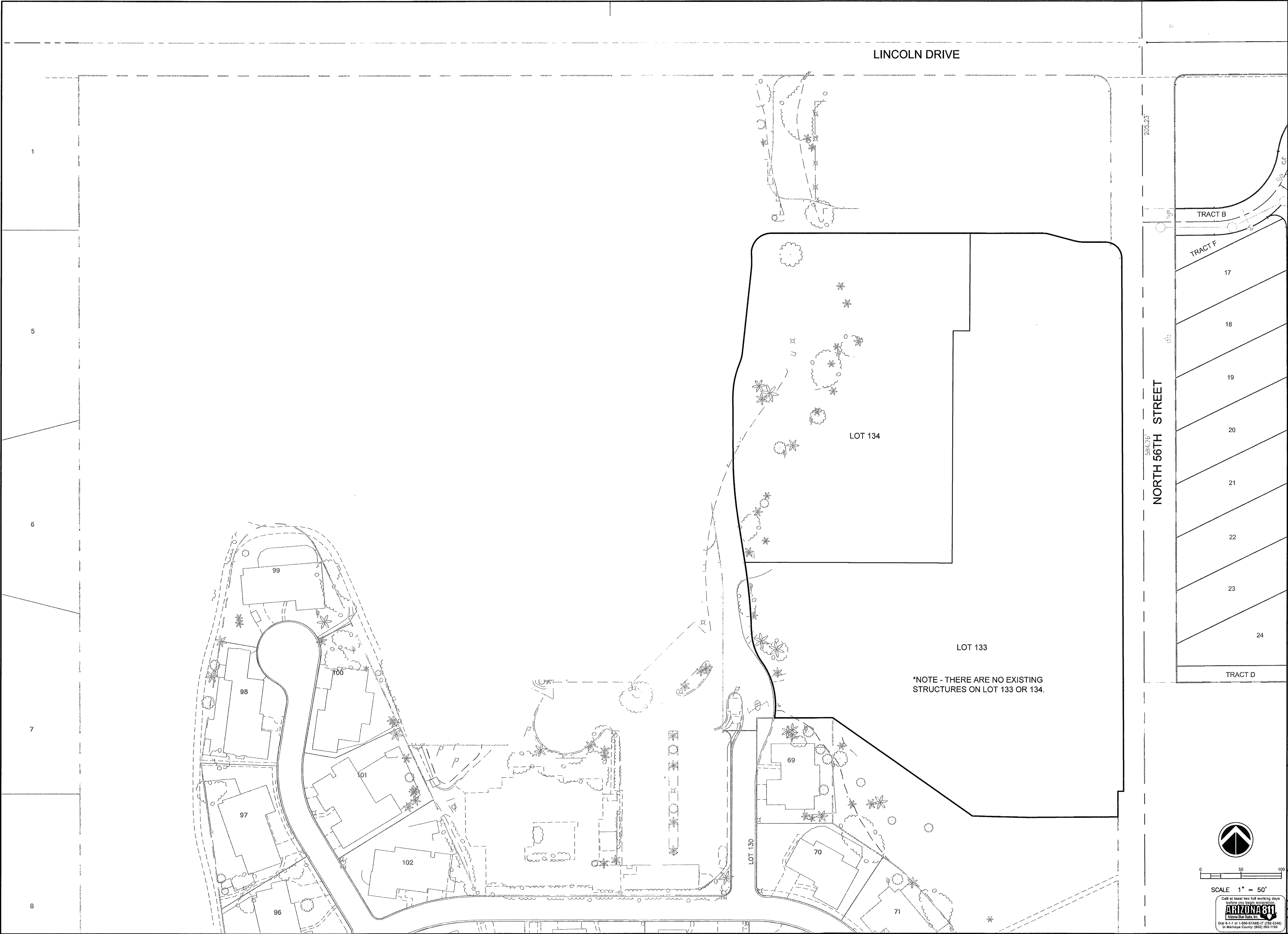
SHEET NUMBER  
2 OF 3  
CVL Department: Land  
CVL Project #: 01-0245801  
CVL File:



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

Coe & Van Loo Consultants, Inc.

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



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

NO.	REVISION	DATE

**PRELIMINARY PLAT**

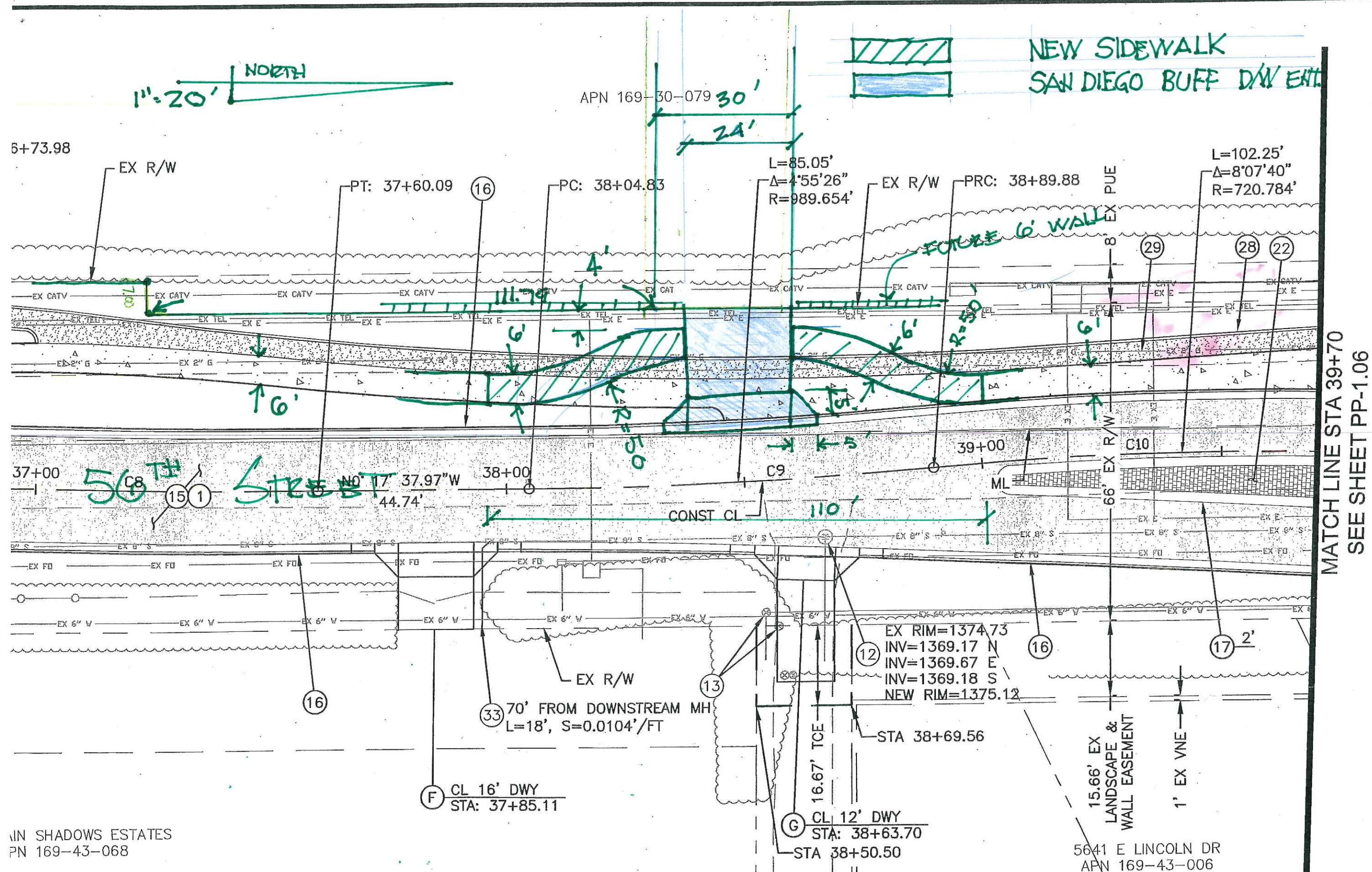
**THE VILLAS AT MOUNTAIN SHADOWS II**  
PARADISE VALLEY, ARIZONA

**3 OF 3**

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

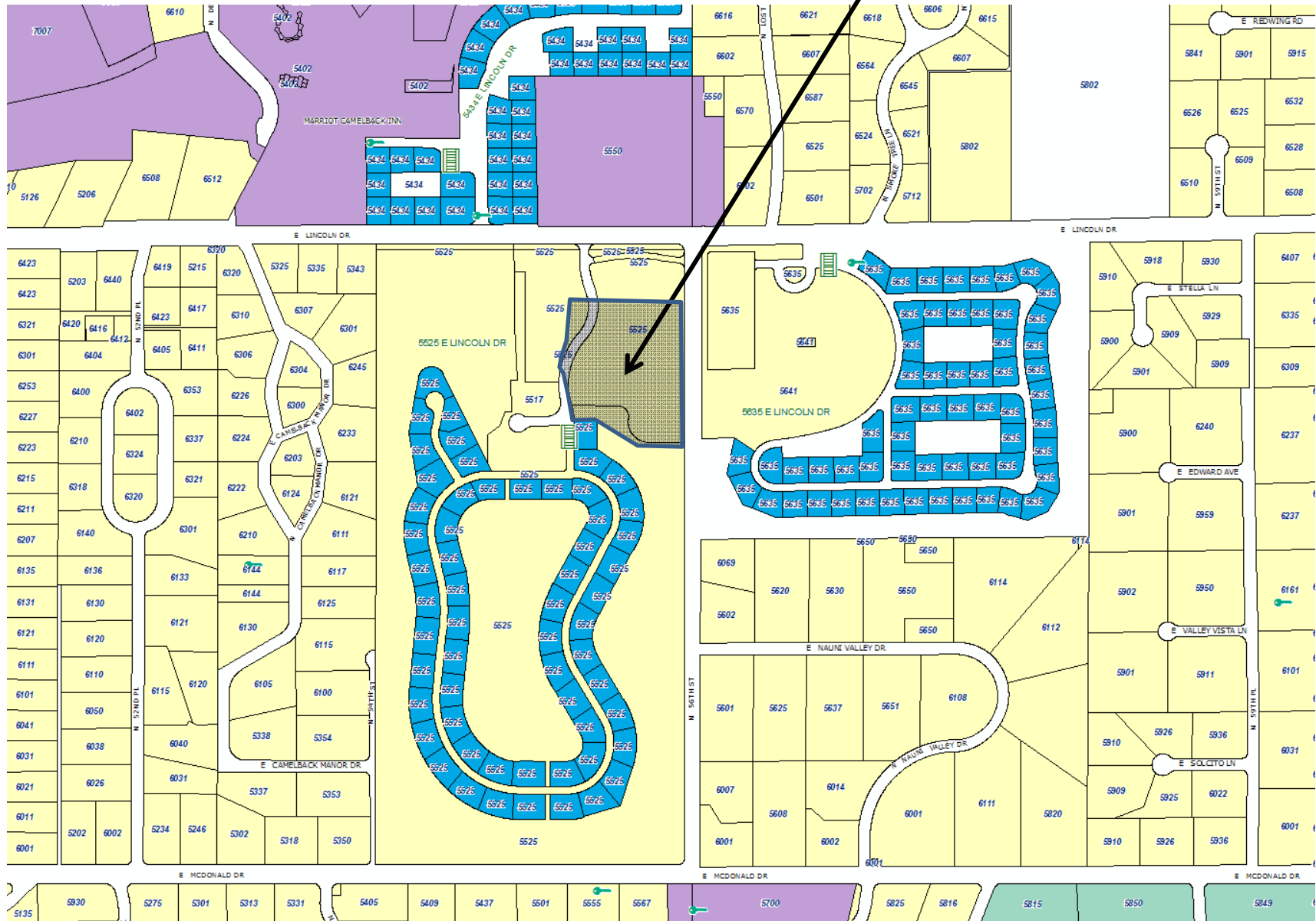
PROJECT NO. XXXXXX

26 AUGUST 15



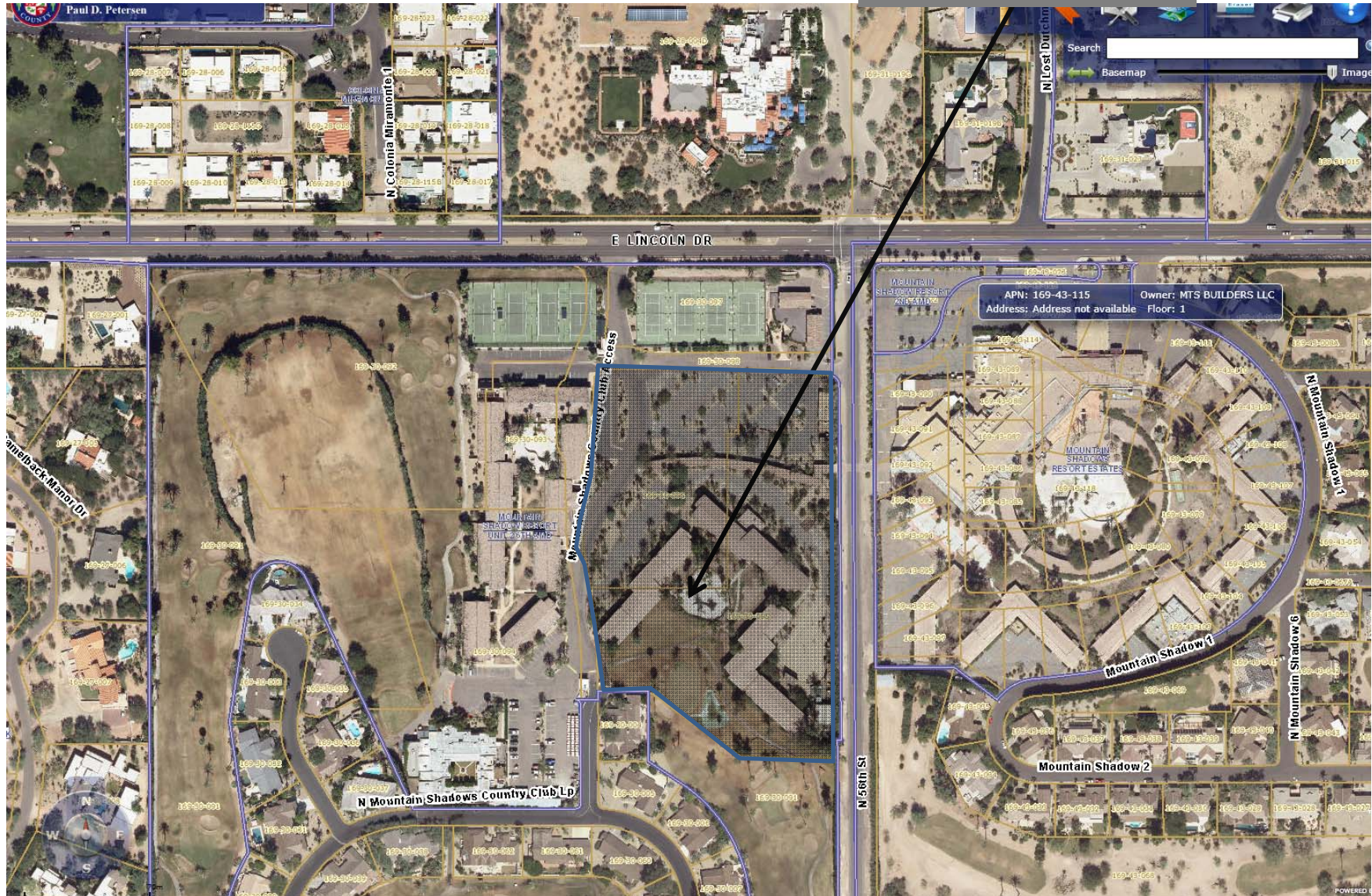
## Vicinity Map

## Subject Property



## Aerial Photo

## Subject Property

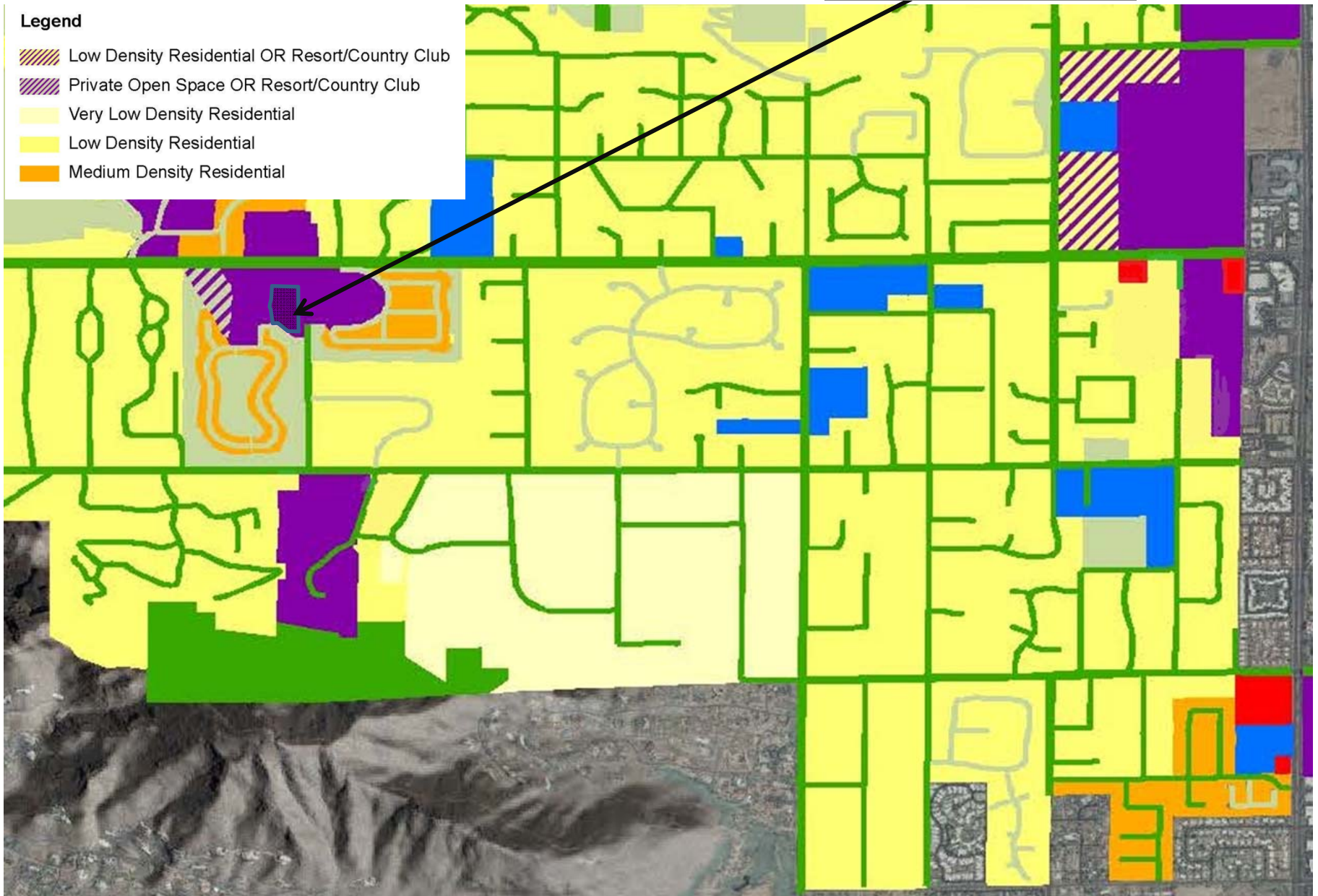


## General Plan

## Subject Property

### Legend

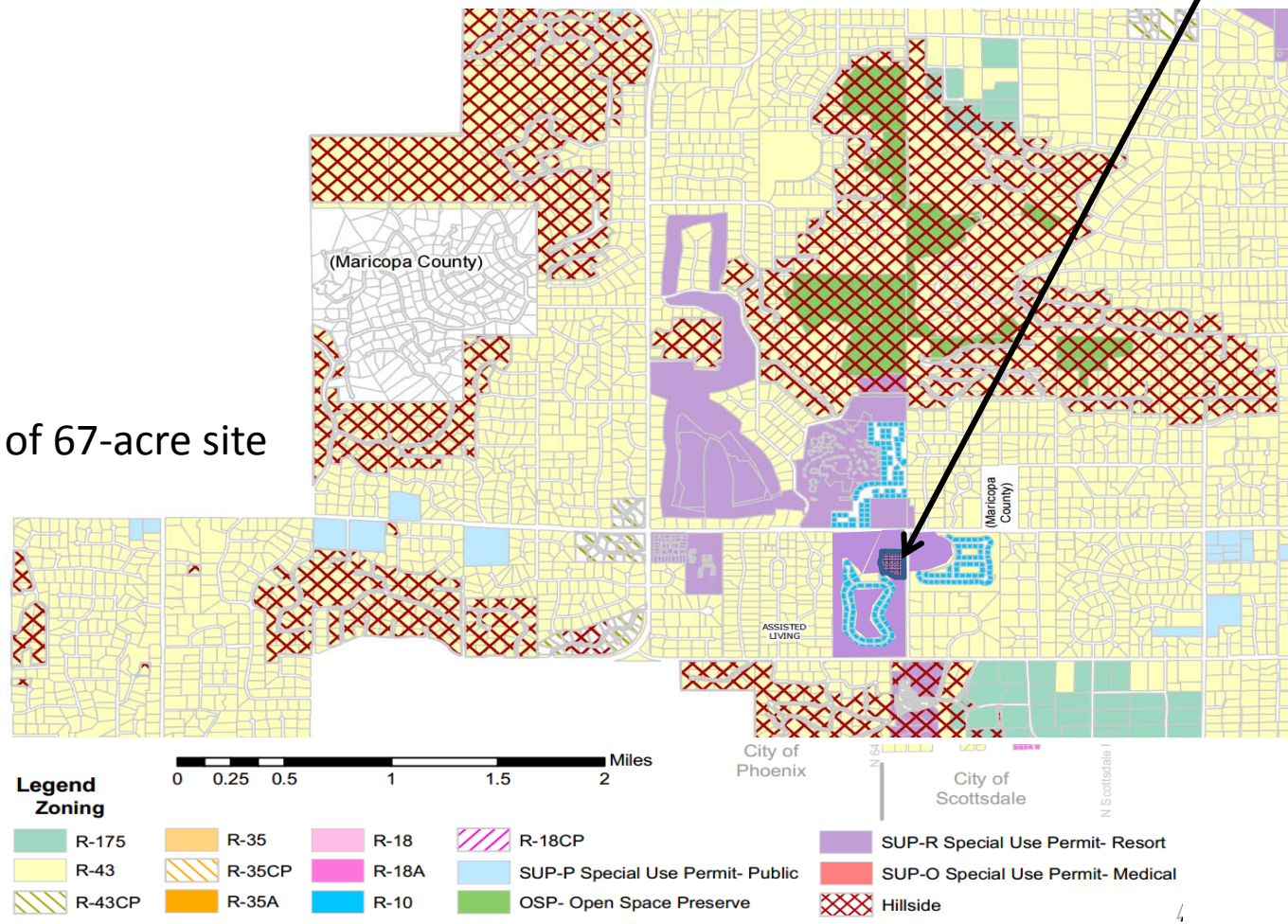
- Low Density Residential OR Resort/Country Club
- Private Open Space OR Resort/Country Club
- Very Low Density Residential
- Low Density Residential
- Medium Density Residential



# Zoning

7.1 acres of 67-acre site

Subject Property



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

PLEASE MARK THE APPROPRIATE BOX FOR APPLICATION.

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

NAME OF SUBDIVISION: The Villas at Mountain Shadows II

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

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

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

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

## APPLICATION FOR PRELIMINARY PLAT

### (REQUIRED)

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

SEE ATTACHED

### PLAN STATISTICS (REQUIRED)

TOTAL AREA

1.94 AC

NUMBER OF LOTS

8

### CONCURRENT APPLICATIONS, IF ANY:

GUARD GATES

YES

☒ NO

PRIVATE ROADS

☒ YES

NO

ROADWAY VACATION

YES

☒ NO

### FOR OFFICE USE ONLY

PRE APPLICATION CONFERENCE WITH STAFF DATE \_\_\_\_\_

APPLICATION SUBMITTED ON \_\_\_\_\_

APPLICATION FEE IN THE AMOUNT OF \$ \_\_\_\_\_ DATE \_\_\_\_\_

RECEIPT NUMBER \_\_\_\_\_ RECEIVED BY \_\_\_\_\_

APPLICATION FILE NUMBER \_\_\_\_\_

## The Villas at Mountain Shadows II Project Narrative

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

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

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

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

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

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

## BACKGROUND REPORT

### **Consideration of “The Villas at Mountain Shadows II” Preliminary Plat (PP 15-02) Southwest Corner Lincoln Drive and 56<sup>th</sup> Street (Assessor No. 169-30-104/105)**

#### Town Council Study Session:

The Town Council held a study session regarding this application on September 10, 2015. There was one comment. This was regarding the duration required to sustain the Town standard of 1500 gpm related to fire flow. The Town Fire Marshal confirmed this duration is two hours.

#### Update and Planning Commission Recommendation:

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

The applicant requests to pursue Town Council approval of the Preliminary Plat for the 8 villa home site lots over the 1.94 acres. Except for two modifications, the design of these 8 lots on the 1.94 acres is in substantial conformance to the Preliminary Plat recommended for approval by the Planning Commission. The preliminary plat, “The Villas at Mountain Shadows II,” that is before the Town Council was amended to include the 5.20 acres as one tract. This amendment is necessary to remove the lot lines created by Lots 133 and 134 of the Final Map Mountain Shadows Resort Unit 2 – Amended VII. The removal of said lines could be processed by staff through a lot line adjustment, but the applicant was agreeable to process this adjustment along with the preliminary/final plat process. The other modification was to make the exit-only access onto 56<sup>th</sup> Street between Lot 28 and Lot 29 as emergency access only. The Planning Commission was updated of these recent changes at their August 18, 2015 meeting.

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

#### History:

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

#### Enforcement:

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

#### General Plan:

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

#### Zoning:

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

- The subject area of this plat is in Area 'B' of the SUP.
- SUP Stipulation III.E.43 allows for subdivision of land by one or more plats and/or maps in various forms such as on individual lots and/or horizontal property regimes (i.e. condominium development).
- Article 3.C.3(d) of the Development Agreement states that plats within the SUP will follow the standards and requirements of Article 6, Subdivisions, of the Town Code, except as modified by the SUP and Development Agreement. The typical requirements for ingress/egress, right-of-way width, roadway pavement width, size/location of public utility easements, minimum lot size, lot configuration and lot shape do not apply.

#### Parking:

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

#### Roadways:

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

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

#### Lot Configuration:

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

#### Building Lines & Setbacks:

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

#### Building Permit/Town Manager Approval:

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

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

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

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

#### Drainage:

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

#### Utilities:

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

#### Fire Protection:

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

#### Noticing & Public Comments

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

#### Next Steps

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

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

LAW OFFICES  
**JORDEN BISCHOFF**  
**& HISER, P.L.C.**

7272 E. INDIAN SCHOOL ROAD, SUITE 360  
SCOTTSDALE, ARIZONA 85251  
TELEPHONE: 480-505-3900  
FACSIMILE: 480-505-3901

**SANDRA M. CORN**

DIRECT LINE: 480-505-3907  
e-mail: [scorn@jordenbischoff.com](mailto:scorn@jordenbischoff.com)

September 10, 2015

**VIA E-MAIL ([pmichaud@paradisevalleyaz.gov](mailto:pmichaud@paradisevalleyaz.gov))  
AND REGULAR MAIL**

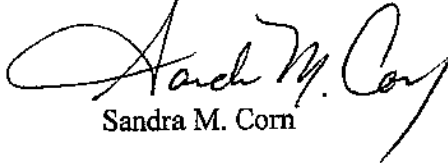
Paul Michaud, Senior Planner  
Town of Paradise Valley  
6401 East Lincoln Drive  
Paradise Valley, AZ 85253

Re: Affidavit of Mailing for Town Council Public Meeting Notice  
The Villas at Mountain Shadows, The Villas at Mountain Shadows II

Dear Paul:

Enclosed are the affidavit of mailing and a copy of the Town Council public meeting notice for the above-referenced properties. Please call if you have any questions.

Sincerely,

  
Sandra M. Corn

Enclosures

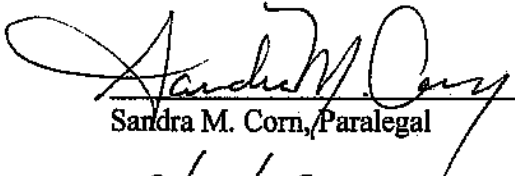
cc (w/encl.): Rick Carpinelli ([rcarpinelli@crowndev.com](mailto:rcarpinelli@crowndev.com))

# AFFIDAVIT

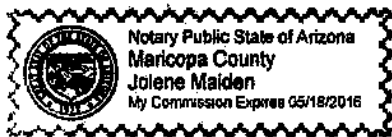
STATE OF ARIZONA       )  
                                      ) ss.  
County of Maricopa       )

RE: Town Council Public Meeting, September 24, 2015 – The Villas at Mountain Shadows, The Villas at Mountain Shadows II

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 1,000 feet of the subject properties, as obtained from the Maricopa County Assessor's Office, and such notification has been mailed on September 10, 2015.

  
\_\_\_\_\_  
Sandra M. Corn, Paralegal  
  
9/10/15  
\_\_\_\_\_  
Date

The foregoing instrument was acknowledged by me this 10<sup>th</sup> day of September, 2015, by Sandra M. Corn.



My commission expires:

5/18/2016  
\_\_\_\_\_

  
\_\_\_\_\_  
NOTARY PUBLIC

Villas at Mountain Shadows and Villas at Mountain Shadows II  
Paradise Valley Town Council Meeting, September 24, 2015- 1,000' Mailing List

OWNER	OWNER 2	ADDR1	ADDR2	CITY	STATE	ZIP
David Katzin Separate Property Trust	or Current Resident	10040 East Happy Valley Road	Suite 280	Scottsdale	AZ	85255
Paul Uhlmann, Jr.	or Current Resident	1011 Greenway Terrace		Kansas City	MO	64113
Luino & Margaret Dell Osso Revocable Trust	or Current Resident	1200 Alki Avenue Southwest	Unit 3	Seattle	WA	98116
Boomerang, LLC	or Current Resident	12515 Willows Road NE	Suite 200	Kirkland	WA	98034
Terry and Linda Mooschekian Trust	or Current Resident	13215 East Penn Street	Suite 510	Whittier	CA	90602
MS West, L.L.C.	or Current Resident	14400 North 76th Place		Scottsdale	AZ	85260
6245 N. Camelback Manor LLC	or Current Resident	1445 North State Parkway	Suite 307	Chicago	IL	60610
Moerkerke Family LLC	or Current Resident	14550 North Frank Lloyd Wright Boulevard	Suite 1000	Scottsdale	AZ	85260
Hong-Kee Ong and Doris Ong	or Current Resident	14629 North 14th Drive		Phoenix	AZ	85023
James Odor and David Birdwell	or Current Resident	15001 Wilson Road		Edmond	OK	73013
Martin F. White and Joy F. White	or Current Resident	156 Park NE		Warren	OH	44481
Woodbine Development Corporation	or Current Resident	1900 North Akard Street	Suite 3000	Dallas	TX	75201
MS Condo Hotel Owner LLC	or Current Resident	1900 North Akard Street		Dallas	TX	75201
MS Resort Owner LLC	or Current Resident	1900 North Akard Street		Dallas	TX	75201
Brian P. Liddy and Mary Liddy	or Current Resident	1919 East Gothic Circle		Green Bay	WI	54313
Iris J. Yellen Trust	or Current Resident	1981 Long Lakes Shores Drive		Bloomfield Hills	MI	48302
Lawrence J. Rosen and Sandra H. Rosen	or Current Resident	220 North Bellefield Avenue		Pittsburgh	PA	15213
5600 E. Lincoln LLC	or Current Resident	2201 East Camelback Road	Suite 650	Phoenix	AZ	85016
Pacific Lincoln 24 LLC	or Current Resident	2201 East Camelback Road	Suite 650	Phoenix	AZ	85016
Mountain Shadows Estates East Homeowners Association, Inc.	or Current Resident	2432 West Peoria Avenue	Suite 1302	Phoenix	AZ	85029
Mountain Shadows West Homeowners Association, Inc.	or Current Resident	2432 West Peoria Avenue	Suite 1302	Phoenix	AZ	85029
Spellman Family Trust	or Current Resident	333 West Berridge Lane		Phoenix	AZ	85013
Randall H. Lortscher and Marcia M. Lortscher	or Current Resident	34 Colonia Miramonte		Scottsdale	AZ	85251
David and Marcia Christofferson Joint Trust	or Current Resident	361 Detroit Street		Denver	CO	80206
Michael J. Hayes and Christina C. Hayes	or Current Resident	380 Mountain Avenue		Ridgewood	NJ	07450
Romulus Properties L.L.C.	or Current Resident	4131 North 36th Street		Phoenix	AZ	85018
Tristan Alexander Rooks	or Current Resident	42 Kenmore Road		Belmont	MA	02478
Robert L. Baum and Christine B. Baum	or Current Resident	4501 East Foothill Drive		Paradise Valley	AZ	85253
Susan C. Whitaker Separate Property Living, Tr	or Current Resident	4730 Griffiths Spring		Flagstaff	AZ	86004
Samuel F. Kitchell, Tr and Kitchell Family Res LLC	or Current Resident	5219 North Casa Blanca Drive		Paradise Valley	AZ	85253
William H. Mallender and Carole M. Mallender	or Current Resident	5239 East Desert Vista Road		Paradise Valley	AZ	85253
Gloria A. Patzer	or Current Resident	5325 East Lincoln Drive		Paradise Valley	AZ	85253
Jerald P. Underdahl and Steven F. Brandwein	or Current Resident	5343 East Lincoln Drive		Paradise Valley	AZ	85253
James L. Kunkel and Judith A. Kunkel	or Current Resident	5434 East Lincoln Drive	Unit 1	Paradise Valley	AZ	85253
Courtney Lynn Meyer	or Current Resident	5434 East Lincoln Drive	Unit 10	Paradise Valley	AZ	85253
David E. Dines and Bette H. Dines	or Current Resident	5434 East Lincoln Drive	Unit 11	Paradise Valley	AZ	85253
PM Irwin Family Living Trust	or Current Resident	5434 East Lincoln Drive	Unit 12	Paradise Valley	AZ	85253
Survivors Trust	or Current Resident	5434 East Lincoln Drive	Unit 14	Paradise Valley	AZ	85253
Kathy Albert Revocable Trust	or Current Resident	5434 East Lincoln Drive	Unit 17	Paradise Valley	AZ	85253
Ann L. Sells Revocable Trust	or Current Resident	5434 East Lincoln Drive	Unit 18	Paradise Valley	AZ	85253
Robert G. O'Malley and Barbara A. O'Malley	or Current Resident	5434 East Lincoln Drive	Unit 19	Paradise Valley	AZ	85253
Michael H. Dershowitz and Iris Dershowitz	or Current Resident	5434 East Lincoln Drive	Unit 2	Paradise Valley	AZ	85253

Villas at Mountain Shadows and Villas at Mountain Shadows II  
Paradise Valley Town Council Meeting, September 24, 2015- 1,000' Mailing List

Ax Beverly Bradley	or Current Resident	5434 East Lincoln Drive	Unit 20	Paradise Valley	AZ	85253
Theodore L. Freda and Gloria S. Freda, Tr	or Current Resident	5434 East Lincoln Drive	Unit 22	Paradise Valley	AZ	85253
Francis L. Foley and Barbara A. Wilson	or Current Resident	5434 East Lincoln Drive	Unit 33	Paradise Valley	AZ	85253
Burke Family Trust	or Current Resident	5434 East Lincoln Drive	Unit 33	Paradise Valley	AZ	85253
Sue C. Bosse Revocable Trust	or Current Resident	5434 East Lincoln Drive	Unit 35	Paradise Valley	AZ	85253
Patterson Revocable Trust	or Current Resident	5434 East Lincoln Drive	Unit 38	Paradise Valley	AZ	85253
Ira M. Schwartz and Reisha Zang	or Current Resident	5434 East Lincoln Drive	Unit 39	Paradise Valley	AZ	85253
Marjorie A. Eckman Revocable Trust	or Current Resident	5434 East Lincoln Drive	Unit 4	Paradise Valley	AZ	85253
Richard L. Johns and Dorothy T. Johns	or Current Resident	5434 East Lincoln Drive	Unit 40	Paradise Valley	AZ	85253
Alexander R. Abbell and Kimberly A. Abbell	or Current Resident	5434 East Lincoln Drive	Unit 5	Paradise Valley	AZ	85253
Barbara A. Vite	or Current Resident	5434 East Lincoln Drive	Unit 9	Paradise Valley	AZ	85253
Sandra Day O'Connor Survivors Trust	or Current Resident	5434 East Lincoln Drive	Unit 23	Paradise Valley	AZ	85253
Peter G. Bernal, Sr. and Teresa A. Ray	or Current Resident	5525 East Lincoln Drive	Unit 100	Paradise Valley	AZ	85253
Edward J. Coyne, II	or Current Resident	5525 East Lincoln Drive	Unit 101	Paradise Valley	AZ	85253
Edward Smith and Marilynne Smith	or Current Resident	5525 East Lincoln Drive	Unit 102	Paradise Valley	AZ	85253
Kathryn Ann Pularie	or Current Resident	5525 East Lincoln Drive	Unit 103	Paradise Valley	AZ	85253
Richard L. Collins and Margaret H. Collins	or Current Resident	5525 East Lincoln Drive	Unit 105	Paradise Valley	AZ	85253
John T. Bunn	or Current Resident	5525 East Lincoln Drive	Unit 106	Paradise Valley	AZ	85253
Brenda Lee Emerick	or Current Resident	5525 East Lincoln Drive	Unit 108	Paradise Valley	AZ	85253
James C. O'Malley Jr. and Madeleine C. O'Malley	or Current Resident	5525 East Lincoln Drive	Unit 110	Paradise Valley	AZ	85254
Milum Living Trust/Etal	or Current Resident	5525 East Lincoln Drive	Unit 117	Paradise Valley	AZ	85253
Barbara M. Trandal	or Current Resident	5525 East Lincoln Drive	Unit 118	Paradise Valley	AZ	85253
Howard E. Kraft	or Current Resident	5525 East Lincoln Drive	Unit 119	Paradise Valley	AZ	85253
Curtis Steinhoff and Paul Rottas	or Current Resident	5525 East Lincoln Drive	Unit 120	Paradise Valley	AZ	85253
William G. Daggett and Jennifer Daggett	or Current Resident	5525 East Lincoln Drive	Unit 121	Paradise Valley	AZ	85253
ELW Arizona Qualified Personal Resid Trust	or Current Resident	5525 East Lincoln Drive	Unit 122	Paradise Valley	AZ	85253
Sandra E. Thomas	or Current Resident	5525 East Lincoln Drive	Unit 123	Paradise Valley	AZ	85253
Max W. Fluckiger and Waltraut Fluckiger	or Current Resident	5525 East Lincoln Drive	Unit 126	Paradise Valley	AZ	85253
Gerald G. Ritt and Kathryn A. Ritt	or Current Resident	5525 East Lincoln Drive	Unit 127	Paradise Valley	AZ	85253
Lynn Spottswood Oden	or Current Resident	5525 East Lincoln Drive	Unit 69	Paradise Valley	AZ	85253
Judith Darlene Dwyer	or Current Resident	5525 East Lincoln Drive	Unit 70	Paradise Valley	AZ	85253
Carole Ferris Kroeger	or Current Resident	5525 East Lincoln Drive	Unit 73	Paradise Valley	AZ	85253
John Alan Balfour	or Current Resident	5525 East Lincoln Drive	Unit 74	Paradise Valley	AZ	85253
Marilyn J. Kruzich	or Current Resident	5525 East Lincoln Drive	Unit 76	Paradise Valley	AZ	85253
Leslie M. McCarver and Charles L. McCarver	or Current Resident	5525 East Lincoln Drive	Unit 77	Paradise Valley	AZ	85253
Melvin L. Decker and Clarice O. Decker	or Current Resident	5525 East Lincoln Drive	Unit 78	Paradise Valley	AZ	85253
Herschell E. Parent, II and Judith Parent	or Current Resident	5525 East Lincoln Drive	Unit 79	Paradise Valley	AZ	85253
Dennis R. Hood and Barbara Barr	or Current Resident	5525 East Lincoln Drive	Unit 90	Paradise Valley	AZ	85253
Carl F. Bussema and Betty J. Bussema	or Current Resident	5525 East Lincoln Drive	Unit 91	Paradise Valley	AZ	85253
Daniel E. Kuchta and Joy M. Mendenhall	or Current Resident	5525 East Lincoln Drive	Unit 92	Paradise Valley	AZ	85253
Roger D. Nelson and Catherine R. Nelson	or Current Resident	5525 East Lincoln Drive	Unit 94	Paradise Valley	AZ	85253
Alan Hatch and Dawn Hatch	or Current Resident	5525 East Lincoln Drive	Unit 97	Paradise Valley	AZ	85253
Joseph F. Miller and Evelyn L. Miller	or Current Resident	5525 East Lincoln Drive	Unit 98	Paradise Valley	AZ	85253

Villas at Mountain Shadows and Villas at Mountain Shadows II  
Paradise Valley Town Council Meeting, September 24, 2015- 1,000' Mailing List

SSCZ Holdings, LLC	or Current Resident	5620 East Nauni Valley Drive	Paradise Valley	AZ	85253
Jason and Jordan Rose Revocable Trust	or Current Resident	5630 East Nauni Valley Drive	Paradise Valley	AZ	85253
Linda Harper Breuer Trust	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Survivors Trust Under The Guenther Family, Tr	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
James H. Binns Jr. and Connie H. Binns	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Charles E. Evans and Jeanne C. Evans	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Peters Family Trust	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Irene Bloom	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Denise Rapp	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Peter R. Fratt and Margaret A. Fratt	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Dwight C. Lincoln and Lynne A. Lincoln	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Stewart J. Martin and Katrina H. Martin	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Ma Baldwin Trust	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Mountain Shadows Estates East HOA Inc	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Steven and Kathryn Pidgeon	or Current Resident	5812 North 33rd Place	Paradise Valley	AZ	85253
John J. Shufeldt and Rene J. Beckman	or Current Resident	6069 North 56th Street	Paradise Valley	AZ	85253
Pierre N. Tariot and Laura J. Jakimovich	or Current Resident	6111 North Camelback Manor Drive	Paradise Valley	AZ	85253
J. David Hann and Leigh A. Hann	or Current Resident	6115 North Camelback Manor Drive	Paradise Valley	AZ	85253
Steven M. Schwab and Laurie A. Schwab	or Current Resident	6117 North Camelback Manor Drive	Paradise Valley	AZ	85253
Robert M. Lafferty and Aileen Dee Wardle-Lafferty	or Current Resident	6121 North Camelback Manor Drive	Paradise Valley	AZ	85253
Waltis Trust	or Current Resident	6124 North Camelback Manor Drive	Paradise Valley	AZ	85253
Joseph G. Abdo and Sara Sylvia Ramirez-Abdo	or Current Resident	6125 North Camelback Manor Drive	Paradise Valley	AZ	85253
Mock Family Trust	or Current Resident	6130 North Camelback Manor Drive	Paradise Valley	AZ	85253
Kathleen Ferris Trust	or Current Resident	6144 North Camelback Manor Drive	Paradise Valley	AZ	85253
Aslanian Family Trust	or Current Resident	6210 North Camelback Manor Drive	Paradise Valley	AZ	85253
J. D. Russell Trust	or Current Resident	6222 North Camelback Manor Drive	Paradise Valley	AZ	85253
Kitty S. Conover Revocable Trust	or Current Resident	6224 North Camelback Manor Drive	Paradise Valley	AZ	85253
Leonard J. Erie, II and Susan M. Erie	or Current Resident	6228 North 61st Place	Paradise Valley	AZ	85253
Richard J. Lehmann and Sally Stack Lehmann	or Current Resident	6228 North 61st Place	Paradise Valley	AZ	85253
Lynch Trust	or Current Resident	6230 East Turquoise Avenue	Paradise Valley	AZ	85253
Gary L. Lane and Ann H. Lane	or Current Resident	6233 North Camelback Manor Drive	Paradise Valley	AZ	85253
Edward A. Beardsley and Mary Jo Beardsley	or Current Resident	6300 North Camelback Manor Drive	Paradise Valley	AZ	85253
Michael Manning and Doreen A. Manning	or Current Resident	6301 North Camelback Manor Drive	Paradise Valley	AZ	85253
Kimberly Alber	or Current Resident	6307 North Camelback Manor Drive	Paradise Valley	AZ	85253
Kevin Hirsch	or Current Resident	6310 North Camelback Manor Drive	Paradise Valley	AZ	85253
Ricardo Grijalva Celaya and Lourdes Celaya	or Current Resident	6501 North Lost Dutchman Drive	Paradise Valley	AZ	85253
WFF Properties LLC	or Current Resident	6502 North Lost Dutchman Drive	Paradise Valley	AZ	85253
M Osama Alnajjar and Kamiliya Lahlou	or Current Resident	6525 North Lost Dutchman Drive	Paradise Valley	AZ	85253
Michael R. Foley and Lisa A. Dado Rev Trust	or Current Resident	6570 North Lost Dutchman Drive	Paradise Valley	AZ	85253
Peter Katz and Melissa Rupoli-Katz, Tr	or Current Resident	6587 North Lost Dutchman Drive	Paradise Valley	AZ	85253
Henry C. Wick, III and Barbara Wick Rev Trust	or Current Resident	6601 East Indian Bend Road	Paradise Valley	AZ	85253
Dewey Living Trust/Delores Dewey	or Current Resident	6602 North Lost Dutchman Drive	Paradise Valley	AZ	85253
Scott McPherson	or Current Resident	6633 East McDonald Drive	Paradise Valley	AZ	85253

Villas at Mountain Shadows and Villas at Mountain Shadows II  
Paradise Valley Town Council Meeting, September 24, 2015- 1,000' Mailing List

Loretta M. McCarthy	or Current Resident	70 East 77th Street	Unit 5C	New York	NY	10021
Albert D. Frederickson and Ruth E. Frederickson	or Current Resident	7002 East San Miguel Avenue		Paradise Valley	AZ	85253
Beaufort Company LLC	or Current Resident	7114 East Stetson Drive	Suite 400	Scottsdale	AZ	85251
Strib VIII Trust	or Current Resident	7114 East Stetson Drive	Suite 400	Scottsdale	AZ	85251
Jon C Walker Trust	or Current Resident	7171 North Hillside Drive		Paradise Valley	AZ	85253
Santor Ventures, LLC	or Current Resident	7600 East Doubletree Ranch Road	Suite 300	Scottsdale	AZ	85258
Linda J. Srene Trust	or Current Resident	8 Biltmore Estates	Unit 319	Phoenix	AZ	85016
MTS Builders, LLC	or Current Resident	8408 East Shea Boulevard	Suite D-100	Scottsdale	AZ	85260
GIG Asset Management, Inc.	or Current Resident	8549 Wilshire Boulevard	Suite 1191	Beverly Hills	CA	90211
Craig Inouye and Frederick M. Lemm	or Current Resident	9313 Wish Avenue		Northridge	CA	91325
William S. Bloomer, III	or Current Resident	P. O. Box 13519		Arlington	TX	76094
Marian F. Cook	or Current Resident	P. O. Box 3322		Carefree	AZ	85377
Colonia Miramonte Owners Assn., Inc.	or Current Resident	P. O. Box 35065		Phoenix	AZ	85069
Wood Train, Ltd.	or Current Resident	P. O. Box 50189		Amarillo	TX	79159
P.V. No. 96, L.L.C.	or Current Resident	P. O. Box 556		Harbor Springs	MI	49740
Marriott Condominium Development Corporation	or Current Resident	P. O. Box 579		Louisville	TN	37777
Barbara's LLC	or Current Resident	P. O. Box 60399		Colorado Springs	CO	80960
Jay C. Stuckey and Mary Sue Stuckey	or Current Resident	P. O. Box 87420		Phoenix	AZ	85080
Ariana Investments LLC	or Current Resident	P. O. Box 478		Terra Haute	IN	47808



Paul Michaud, AICP  
Senior 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 Town Council will hold a **public meeting at 6:00 p.m., on Thursday, September 24, 2015**, at Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253 for the following applications:

**PUBLIC MEETING:** Consideration of the Final Plat application for "The Villas at Mountain Shadows." This is a 20-lot plat on approximately 3.157 acres located near the southwest corner of Lincoln Drive and 56<sup>th</sup> Street. The subject site is Lot 132 of the Final Map Mountain Shadows Resort Unit 2 – Amended VII Plat. The Town Council approved the Preliminary Plat application on May 14, 2015 and the Planning Commission recommended approval of the Final Plat application on July 21, 2015, subject to stipulations. Development will be pursuant to the approved Special Use Permit – Resort zoning on the subject property for resort residential development.

**PUBLIC MEETING:** Consideration of a Preliminary Plat application for the "The Villas at Mountain Shadows II." This plat consists of 8 lots on approximately 1.9 acres and one approximate tract of 5.2 acres located near the southwest corner of Lincoln Drive and 56<sup>th</sup> Street. The subject site is Lots 133 and 134 of the Final Map Mountain Shadows Resort Unit 2 – Amended VII Plat. The Planning Commission recommended approval of the Preliminary Plat on June 16, 2015, subject to stipulations. Development will be pursuant to the approved Special Use Permit – Resort zoning on the subject property for resort residential development.

If you have questions, please call me at the Planning Department at (480) 348-3574.

Sincerely,

Paul Michaud, AICP  
Senior 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.

For further information about any of these matters, please contact the Community Development Department, 6401 E. Lincoln Drive, Paradise Valley, Arizona, 480-348-3692.

All agendas are subject to change. Several items may be on an agenda. You may want to contact the Town or view the agenda online to check the order of the item you are interested in to estimate when it may be heard. You can generally view the agenda approximately 4-6 days prior to the meeting date at [www.ci.paradise-valley.az.us/330/Agendas-and-Meetings](http://www.ci.paradise-valley.az.us/330/Agendas-and-Meetings). When you click on the individual underlined items on the agenda, a list of pdf files will appear on the right side of the screen. The staff action report and attachments will be listed separately for each agenda item.

# **TOWN** *of* **PARADISE VALLEY**



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

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## **1. CALL TO ORDER**

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

## **2. ROLL CALL**

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

### *COMMISSIONERS PRESENT*

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

### *COMMISSIONERS ABSENT*

### *COUNCIL PRESENT*

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

### *STAFF PRESENT*

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

## **3. EXECUTIVE SESSION. None**

## **4. WORK STUDY SESSION**

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

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

Planning Commission discussion included the following:

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

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

**5. PUBLIC HEARING.**

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

**6. ACTION ITEMS**

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

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

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

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

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

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

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

**Passed**

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

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

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

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

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

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

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

**Passed**

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

## **7. WORK STUDY SESSION**

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

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

Paul Michaud presented the topic per the staff action report.

Planning Commission discussion included the following:

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

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

Eva Cutro presented the topic per the staff action report.

Planning Commission discussion included the following:

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

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

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

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

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

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

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

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

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

## **8. CONSENT AGENDA**

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

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

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

## **9. STAFF REPORTS**

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

## **10. COMMISISON REPORTS**

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

## **11. FUTURE AGENDA ITEMS**

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

## **12. ADJOURNMENT**

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

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Eva Cutro, Secretary

## Paul Michaud

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

Hi Paul,

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

FYI,  
Bob



---

June 8, 2015

Re: Mountain Shadows Villas II and III

Dear Planning Commission Members;

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

Sincerely,  
Robert D Lee  
Fire Marshal

# **WATER CORRESPONDENCE**

**Paul Michaud**

---

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

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

Paul:

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

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

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

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



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

O 623.445.2402

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

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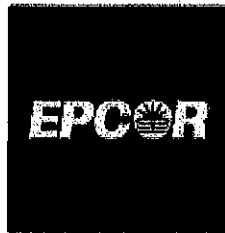
**From:** Paul Michaud [<mailto:pmichaud@paradisevalleyaz.gov>]  
**Sent:** Friday, August 07, 2015 1:40 PM  
**To:** Vig, Joshua  
**Subject:** Villas at Mtn Shadows Plat - Paradise Valley

Josh:

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

Regards,

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



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

July 16, 2015

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

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

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

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

Sincerely,

  
Kimberly Dotray  
Real Property Manager



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

May 8, 2015

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

Dear Mr. Fleet,

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

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

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

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

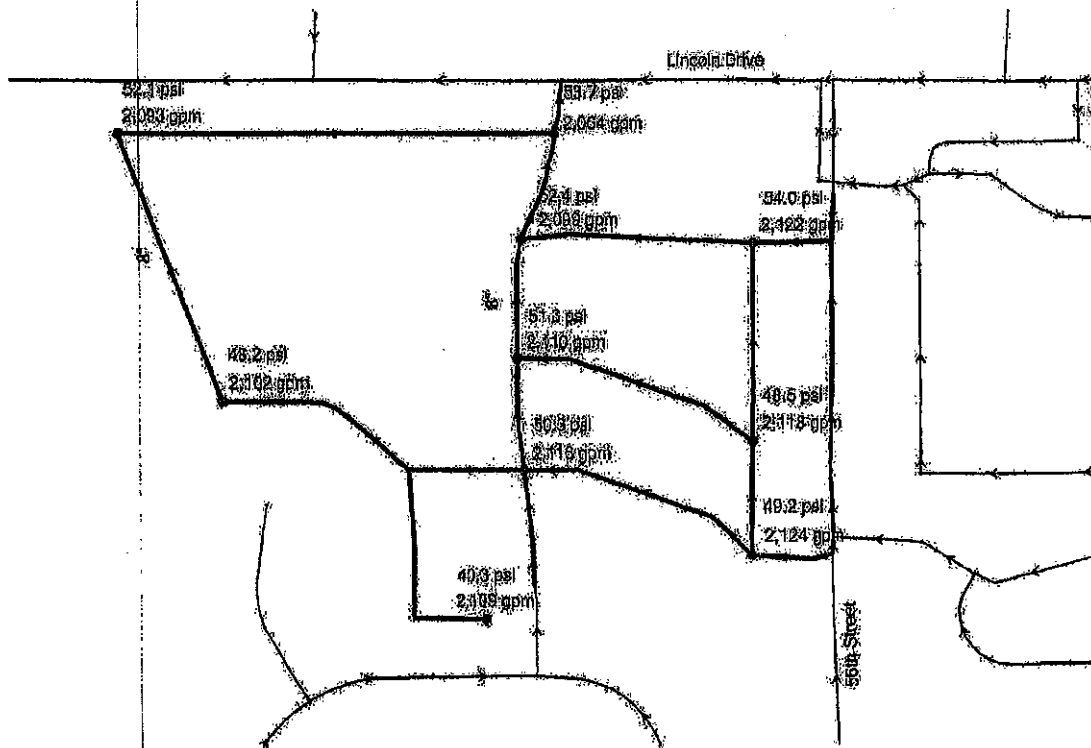
If you have any questions concerning the model or the analysis performed, please feel free to contact me.

Sincerely,

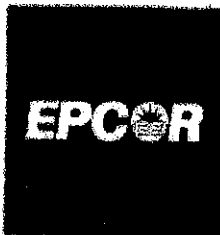
Candace Coleman, PE  
Engineering Project Manager  
EPCOR Water

Attachment: Mountain Shadows West, Fire Flow Availability

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



Prepared by EPCOR Water  
Paradise Valley Working Model



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

January 26, 2015

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

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

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

To whom it may concern;

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

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

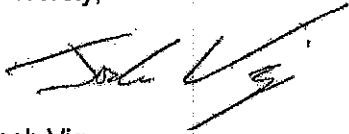
This letter assumes that construction of the main extensions within the Development will begin within one (1) year after the date of this letter.

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

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

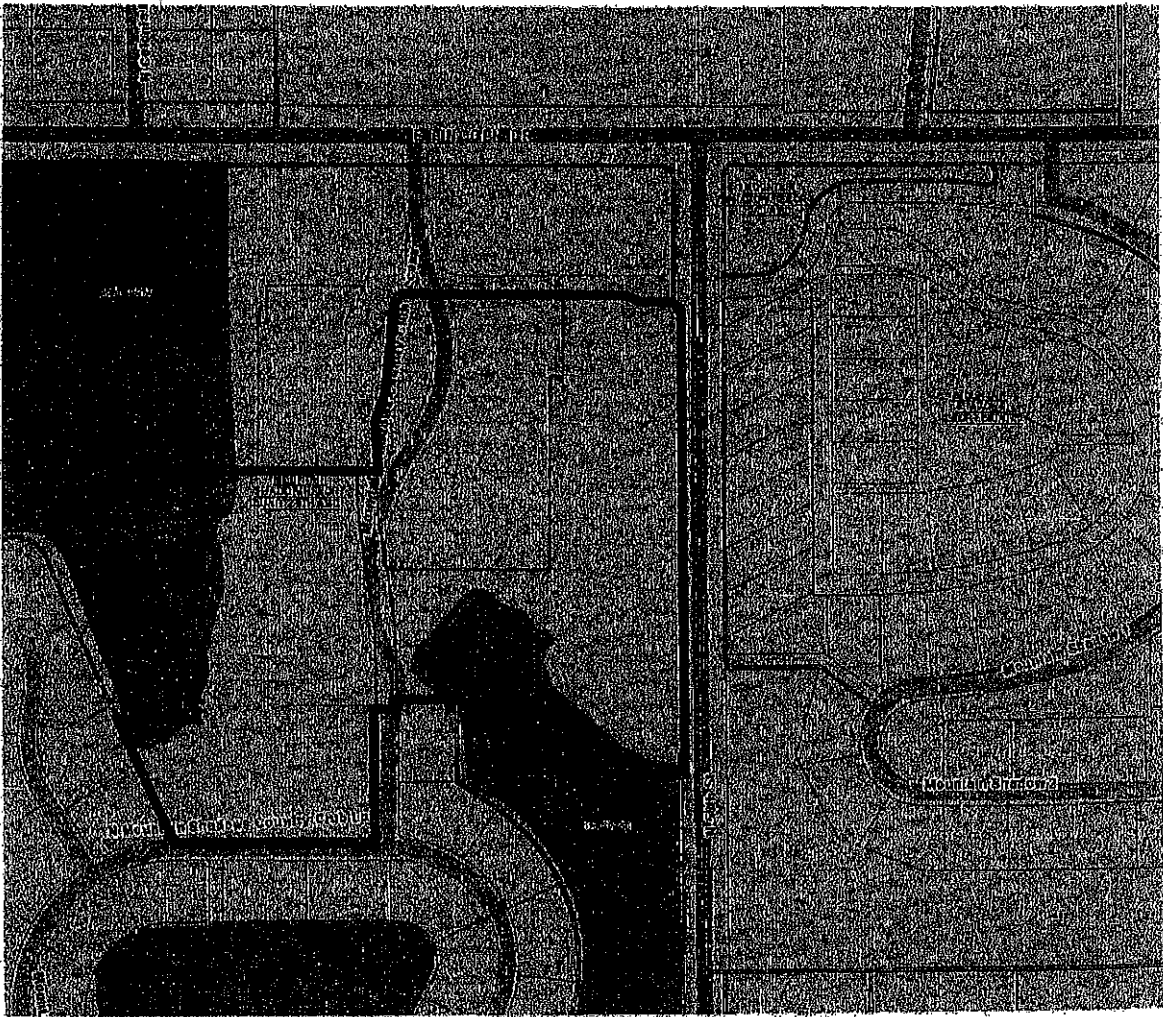
For additional information, please contact me at (623) 445-2495 or at [jvig@epcor.com](mailto:jvig@epcor.com)

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Vig", with a long horizontal stroke extending to the right.

Josh Vig  
Project Manager

# EXHIBIT A





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

January 15, 2015

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

Dear Mr. Fleet,

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

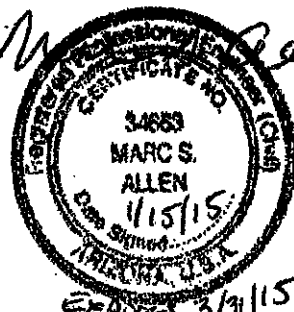
The analysis was performed using the hydraulic model for EPCOR Water's Paradise Valley water district, prepared by EPCOR. This model was last calibrated in 2010 and has been updated as necessary. The model is believed to be an accurate representation of the water system within a reasonable margin of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

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

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

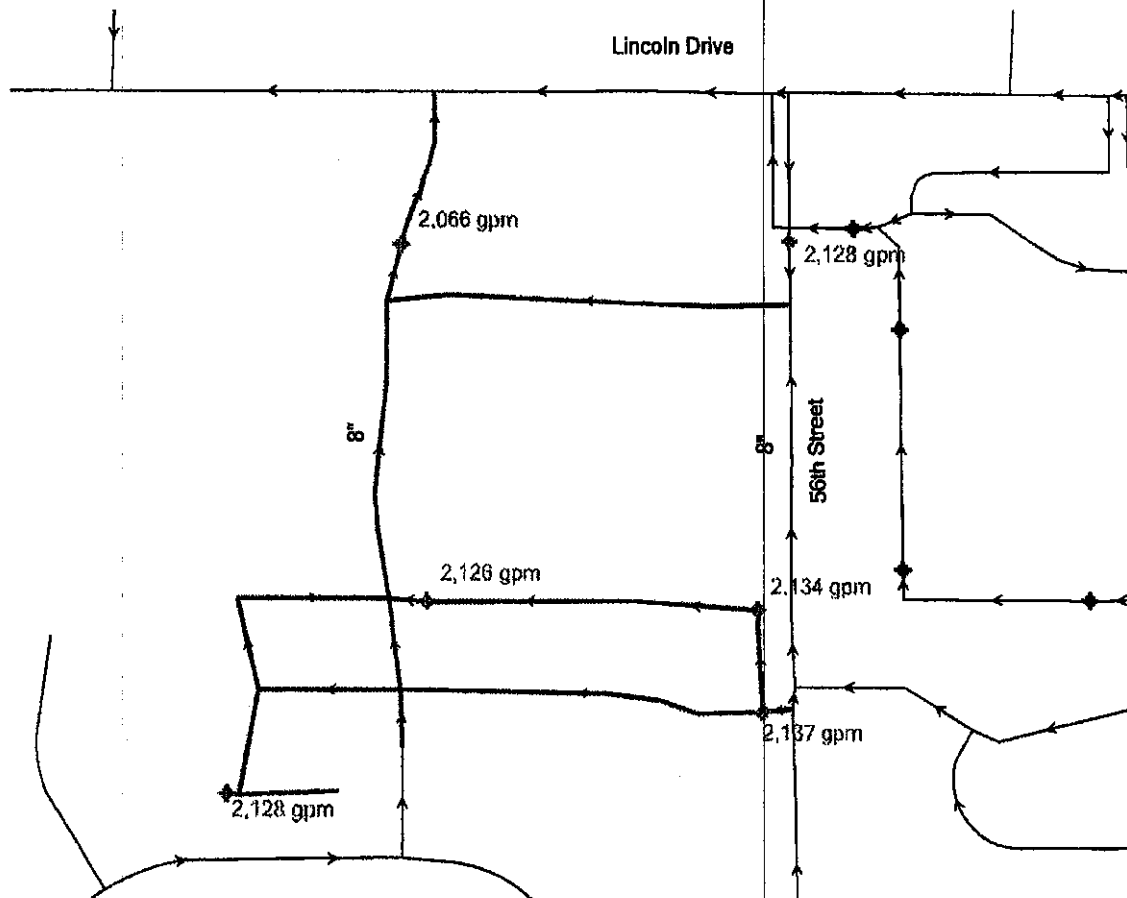
If you have any questions concerning the model or the analysis performed, please feel free to contact me.

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



Attachment: Villas at Mountain Shadows Resort, Fire Flow Availability

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



Prepared by EPCOR Water  
Paradise Valley Working Model

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

This is to certify that

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

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

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

Is issued this Certificate of Assured Water Supply for

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

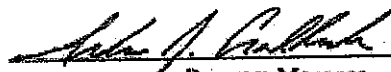
Sufficient water of adequate quality will be continuously available to satisfy the water demand of the referenced subdivision for at least one hundred years. The referenced subdivision consists of 178 lots as described in the preliminary plat on file with the Department, and has an estimated water demand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

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

Certificate Number: 27-700797.0000



**ARIZONA DEPARTMENT OF WATER RESOURCES**

  
Program Manager

8/27/2014  
Date

TYPE A CERTIFICATE

# **SEWER CORRESPONDENCE**



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

June 8, 2015 (*letter revised*)

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

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

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

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

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

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

Sincerely,

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

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

cc: Gary Griffith  
Jesse Flores



## City of Phoenix

WATER SERVICES DEPARTMENT  
DISTRIBUTION & COLLECTION ENGINEERING DIVISION

August 13, 2007

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

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

Dear Mr. Fleet:

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

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

Sincerely,

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

c: Gary Griffith

# **ELECTRIC CORRESPONDENCE**



ARIZONA PUBLIC SERVICE

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

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

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

June 11, 2015

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

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

Sincerely,

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

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



4612 E BELL RD  
PHOENIX, AZ 85032

4-29-15

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

Re: Villas at Mountain Shadows

Dear Mr. Carpinelli,

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

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

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

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

Sincerely,

*Harry O'Neill*

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

# **NATURAL GAS CORRESPONDENCE**



## **SOUTHWEST GAS CORPORATION**

July 16, 2015

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

To Whom It May Concern:

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

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

Respectfully,

*Alis Gause*

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



## **SOUTHWEST GAS CORPORATION**

June 11, 2015

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

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

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

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

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

Sincerely,

Jeff Shelton  
Energy Advisor  
Central Arizona Division

# **CABLE CORRESPONDENCE**



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

June 26, 2015

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

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

Sincerely,

*Zach Killin*

**Zach Killin**

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



1550 W Deer Valley Road  
Phoenix, AZ 85027

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

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

Project: Villas at South Mountain

To Whom It May Concern:

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

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

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

Sincerely,

*Daniel Weryzynski*

Daniel Weryzynski  
Account Executive  
Phone 623-328-6701

# INTERNET CORRESPONDENCE



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

June 11, 2015

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

To Whom It May Concern:

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

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

Sincerely,

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

Michael Pietlukiewicz  
Network Real Estate



**CenturyLink™**

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

April 14, 2015

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

RE: Villas at Mountain Shadows

Mr. Carpinelli,

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

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

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

Sincerely,

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



## Action Report

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**File #:** 15-176

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

**FROM:** Kevin Burke, Town Manager  
Eva Cutro, Community Development Director  
Paul Michaud, Senior Planner

**DATE:** September 24, 2015

**DEPARTMENT:** Community Development Department

**AGENDA TITLE:**

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

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

- Enhance the community's unique character.

**Strategic Initiative:**

- Diligently preserve the special character of Paradise Valley by enforcing the land use policies identified in the Town's General Plan, Town Code, and SUP agreements.

**Council Goals or Other Policies / Statutory Requirements:**

- *General Plan Goal, DA 2.2.1*, "To support limited, targeted and context-appropriate development and redevelopment within Development Areas through orderly and well-planned development that provides for the needs of existing and future residents, and makes efficient use of land and infrastructure."
- *General Plan Goal, CC&H 3.2.1*, "Maintain the Town's primarily owner-occupied low-density residential character while allowing less than one acre per residence housing only on Special Use Permit resort properties."

**RECOMMENDATION:**

Approve the Final Plat, "The Villas at Mountain Shadows" (FP-15-01), subject to the stipulations in the Action Report.

**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.

**SUMMARY STATEMENT:**

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

The Town Council held a study session regarding this application on September 10, 2015. There was one comment. This was regarding the duration required to sustain the Town standard of 1500 gpm related to fire flow. The Town Fire Marshal confirmed this duration is two hours.

The Planning Commission made a recommendation regarding this application on July 21, 2015. In a vote of 6 to 1 with Commissioner Wincel dissenting, the Planning Commission forwards to the Town Council a recommendation of approval for this Final Plat. The Planning Commission had three items they asked be completed prior to your approval. All three have been completed. These are the submittal of the utility correspondence from SW Gas, amendment of the emergency vehicle access note to emphasize "only" emergency vehicles, and clarification from EPCOR regarding fire flow. All three of these items were reviewed at the Town Council study session and described under the "Background" attachment of this report. Stipulation 5 regarding the Certificate of Assured Water Supply has been added. This addresses the circumstance that the current Certificate of Assured Water Supply on file with the Department of Water Resources may need to be updated prior to plat recordation. As such, the referenced August 2014 date on the Certificate of Assured Water Supply may change. The August 2014 Certificate of Assured Water Supply is still valid as it covers water

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**File #:** 15-176

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demand for 178 lots over Lots 131 through 134 of the overall map for the Mountain Shadows Resort. This area covers the proposed Resort Residential in Area B, which includes the 20 villas of the Final Plat for Town Council consideration on September 24, 2015. The total proposed Resort Residential is currently approximately 69 lots, well below the water provision for 178 lots in the Certificate of Assured Water Supply.

**BUDGETARY IMPACT:**

None

**ATTACHMENT(S):**

Presentation  
Vicinity Map/Aerial/General Plan/Zoning  
Application/Narrative  
Background  
Noticing  
Prior Minutes  
Fire Marshal Correspondence  
Utility Correspondence  
Final Map Mtn Shadows Resort Unit 2 - Amended VII  
Approved Preliminary Plat  
Final Plat

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

# TOWN OF PARADISE VALLEY

## The Villas at Mountain Shadows

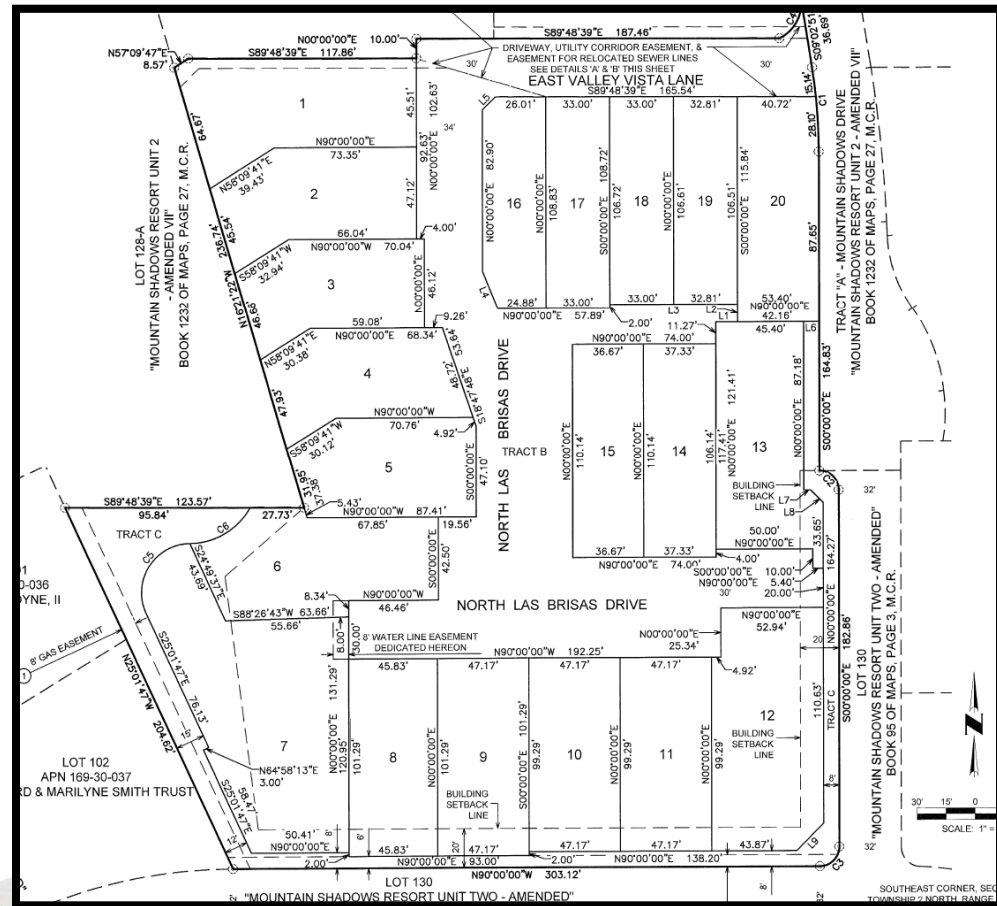
Final Plat (FP 15-01)



Town Council  
September 24, 2015

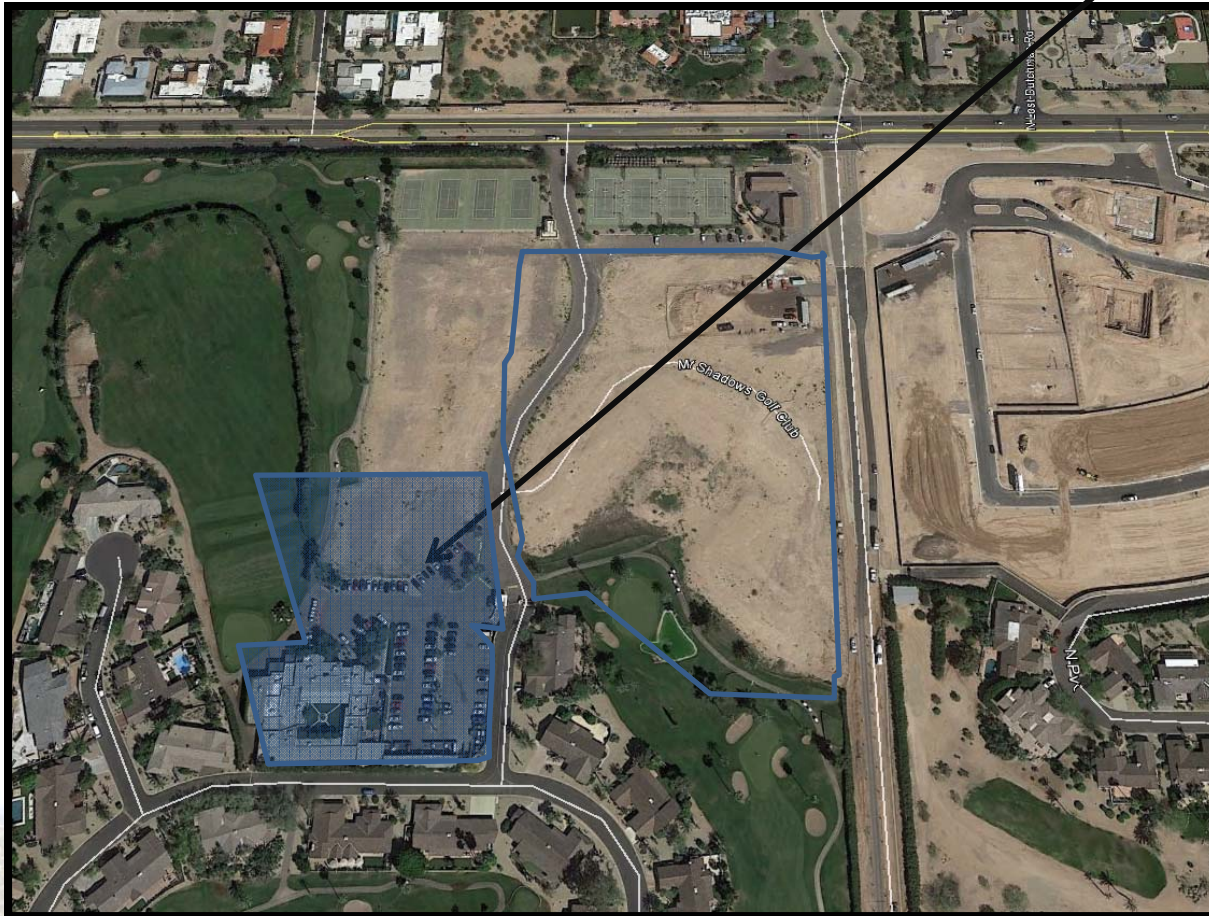
# Request

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



# Vicinity Map

Subject Property



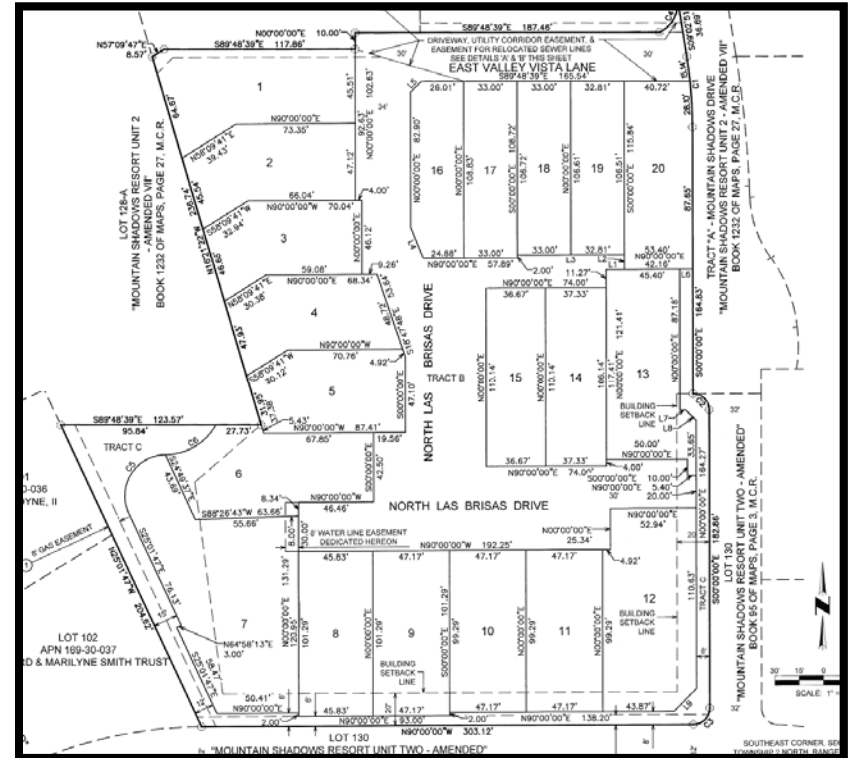
# Requirements – Processing

- Plat held to SUP & DA standards
- Administrative review/approval process
  - All SUP/DA standards met = approvable
  - Typical requirements for ROW, easements, lot size, lot width, setbacks etc. do not apply
  - No legislative discretion as in SUP/Rezoning



# Council Study Session

- September 10, 2015
- Fire flow duration @ 2 hrs
- 5<sup>th</sup> Stipulation
  - Water Certificate
  - Update once get final
  - Valid for 178 lots, plat for 20 lots

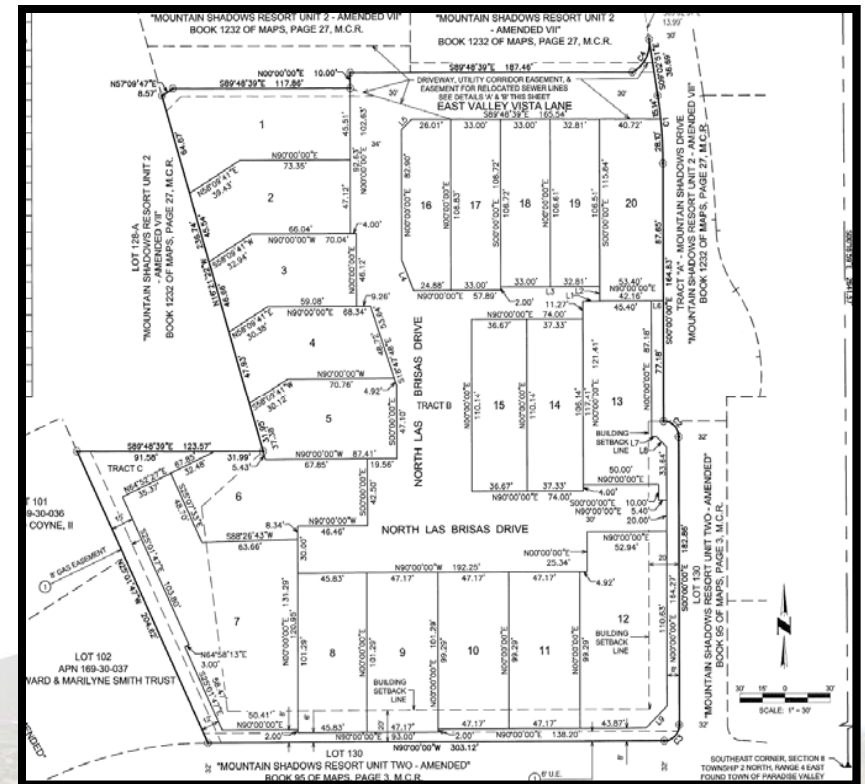


Final Plat



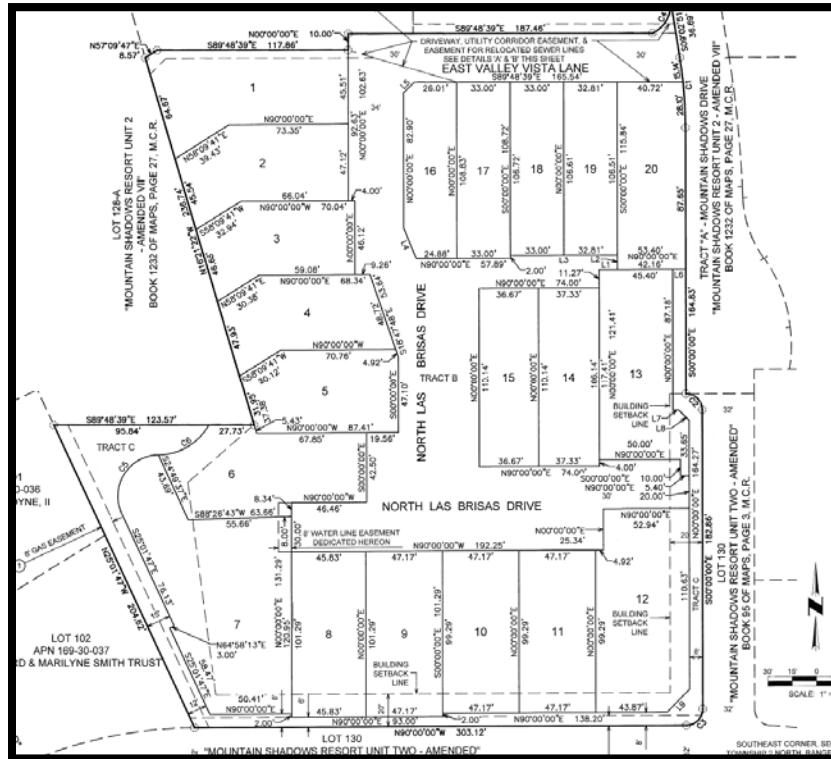
# Commission Final Plat Recommendation

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

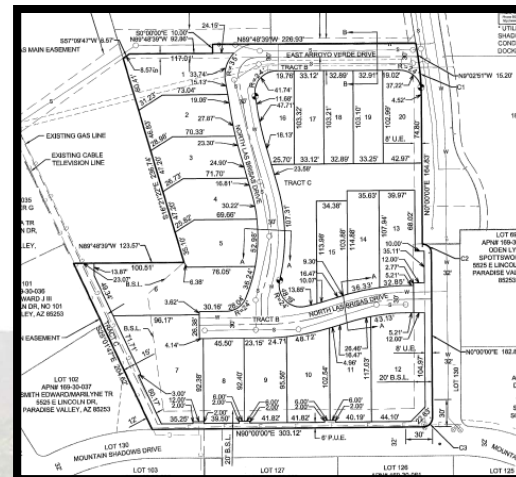


# Refinements

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



Final Plat



# Final Plat Public Comments



- 1,000' radius mailed notice
- 2 MSW residents reviewed plat – no comment



Approximate 1,000' radius

# Commission Recommendation (Summary)

Approval, subject to 5 stipulations:

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



# Commission Recommendation (Summary)

## Stipulations Met:

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

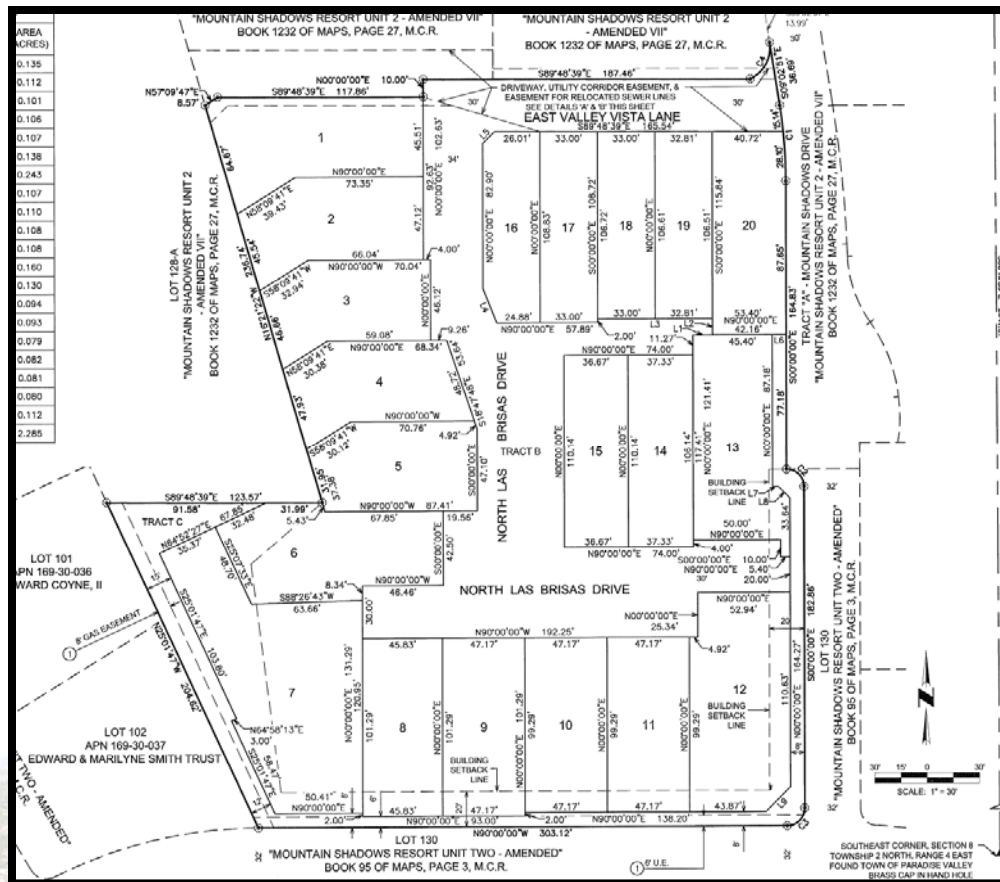


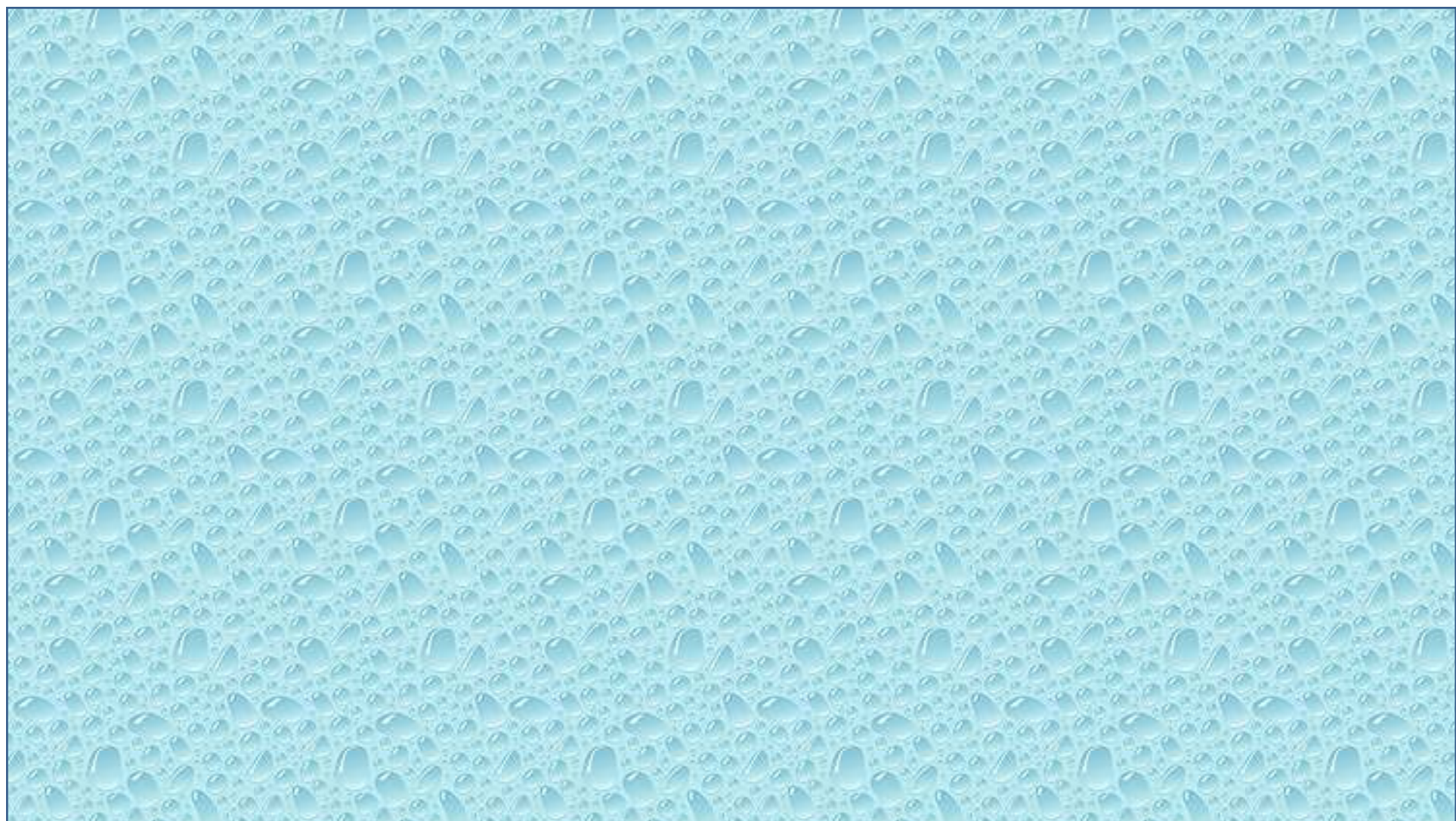
# Next Steps

- If approved, comply with Final Plat stipulations
- Construction permits



# Questions?





NOTES

1. ALL ELECTRIC, 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, FLOODPLANE ADMINISTRATION.
4. TRACT B IS A PRIVATE DRIVE AND WILL CONTAIN EASEMENTS FOR PRIVATE SEWER LINES, PUBLIC & PRIVATE WATER LINES, GAS, ELECTRIC, TELEPHONE, CABLE TELEVISION, DRAINAGE, REFUSE COLLECTION, AND EMERGENCY AND SIMILAR SERVICE TYPE VEHICLES.
5. THIS SUBDIVISION, "THE VILLAS AT MOUNTAIN SHADOWS" IS LOCATED WITHIN THE EPCOR WATER SERVICE AREA AND HAS A 100 YEAR ASSURED WATER SUPPLY. AS PER THE ARIZONA DEPARTMENT OF WATER RESOURCES FILE NO. 27.700797.0000 FOR MOUNTAIN SHADOWS RESORT.
6. THE DEVELOPMENT OF THE LOTS IN "THE VILLAS AT MOUNTAIN SHADOWS" IS PURSUANT TO THE DEVELOPMENT AGREEMENT AND SPECIAL USE PERMIT FOR MOUNTAIN SHADOWS AS RECORDED IN DOCKET 2013-0359723 MCR AND DOCKET 2013-0358792 MCR RESPECTIVELY.
7. BUILDING HEIGHTS ARE PURSUANT TO THE SPECIAL USE PERMIT FOR MOUNTAIN SHADOWS.
8. CC&R'S FOR THIS DEVELOPMENT ARE AS PER THE MOUNTAIN SHADOWS AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS AND THE MOUNTAIN SHADOWS WEST DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS AS RECORDED IN DOCKET 20150109960 MCR.
9. INDIVIDUAL TRACTS OR LOTS CAN INCLUDE POOLS OR OTHER AMENITIES IN CONFORMANCE WITH APPROVED SPECIAL USE PERMIT.
10. THOSE PORTIONS OF TRACT B AND TRACT C WHICH WILL BE DRIVABLE SURFACES TO BE UTILIZED BY EMERGENCY VEHICLES SHALL BE CONSTRUCTED WITH MATERIALS TO BE APPROVED BY THE FIRE MARSHAL.

DRAINAGE EASEMENT RESTRICTIONS

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

UTILITY PROVIDERS

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

SITE DATA

EXISTING ZONING - S.U.P.- RESORT

TOTAL TRACTS - 2

TOTAL LOTS - 20

GROSS SITE AREA - 3.16 AC.

NET SITE AREA - 3.16 AC.

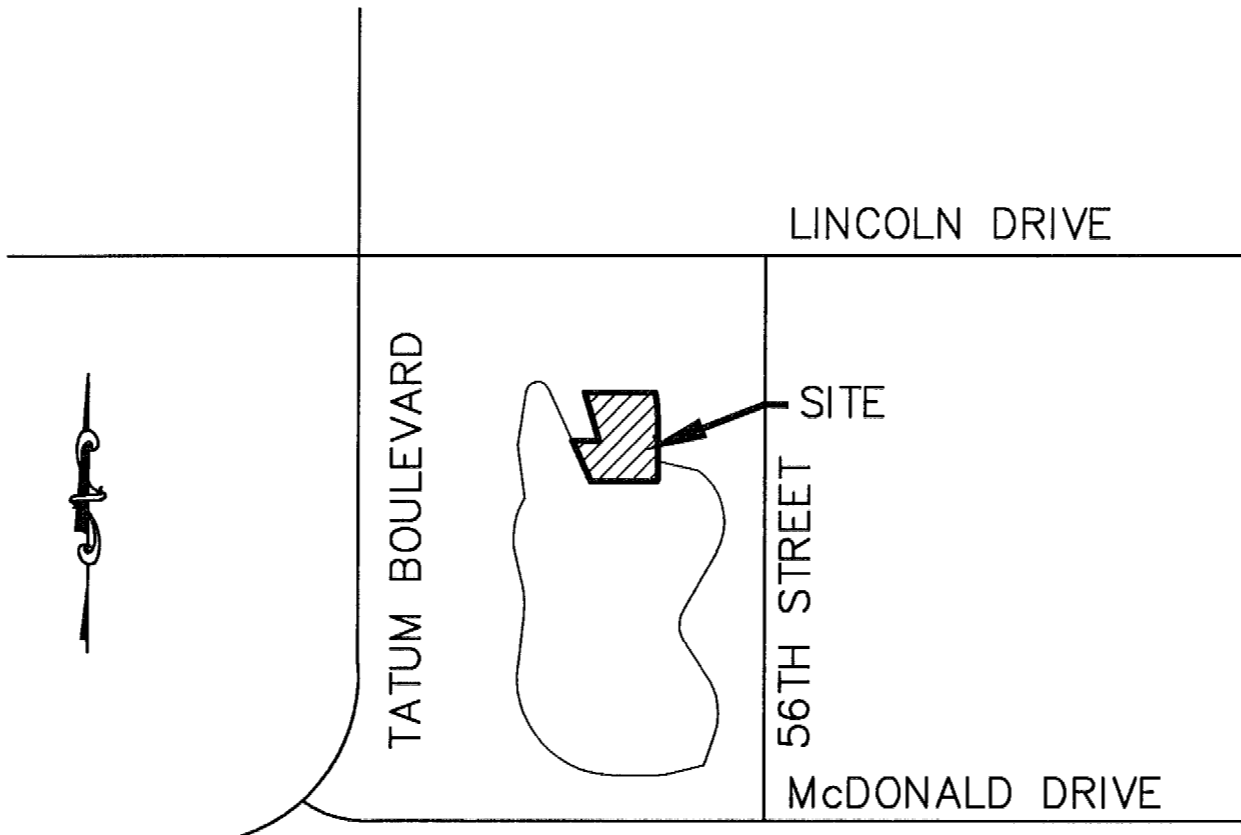
LEGEND

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

PRELIMINARY PLAT

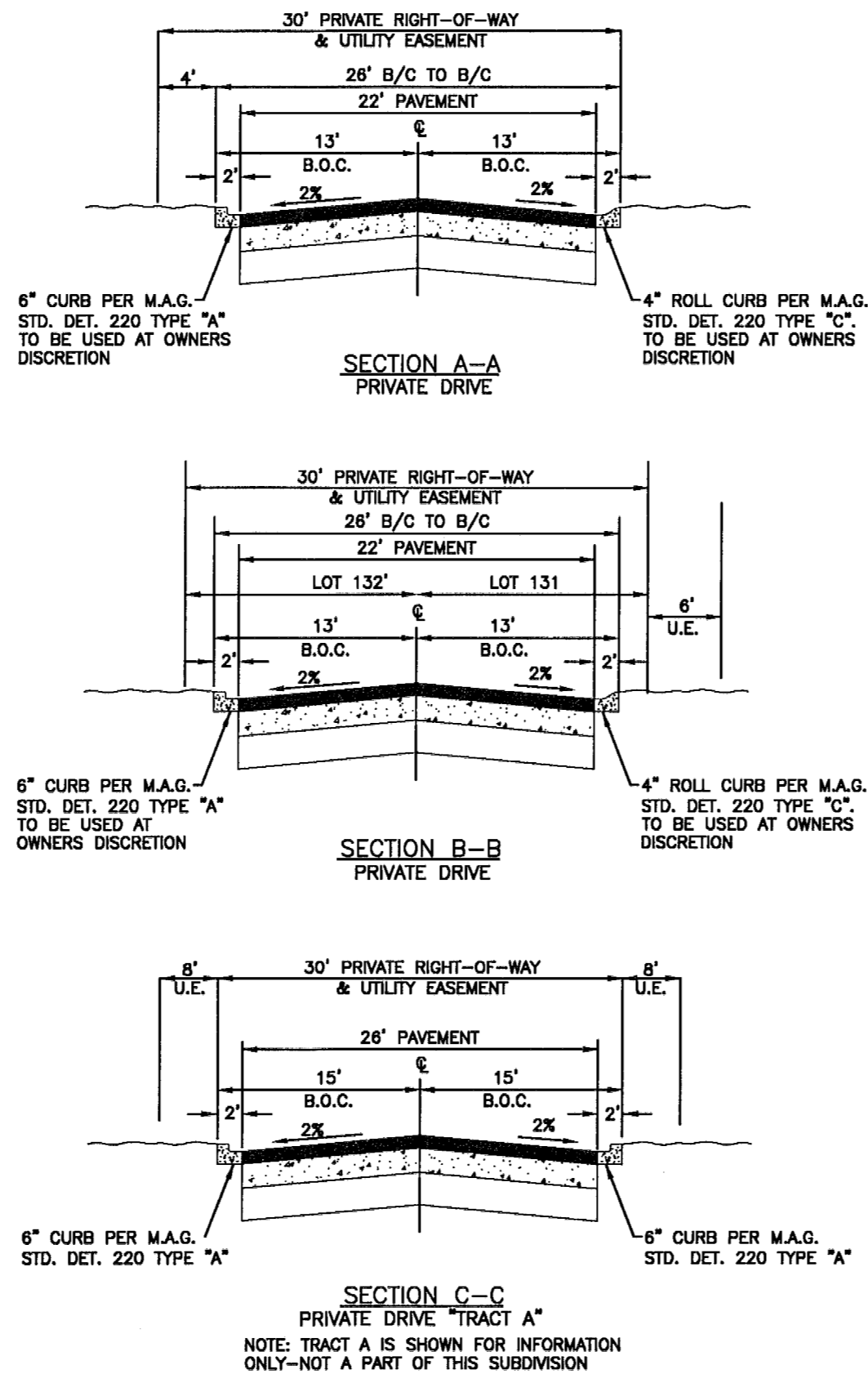
"THE VILLAS AT MOUNTAIN SHADOWS"

A RESUBDIVISION OF LOT 132, OF "MOUNTAIN SHADOW RESORT UNIT 2 - AMENDED VII" AS RECORDED IN BOOK \_\_\_\_ OF MAPS AT PAGE \_\_\_\_ OF THE MARICOPA COUNTY RECORDERS OFFICE, MARICOPA COUNTY, ARIZONA



VICINITY MAP

N.T.S.



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

OWNER

MTS LAND, LLC, A DELAWARE LIMITED LIABILITY COMPANY  
C/O CROWN REALTY & DEVELOPMENT INC.  
18201 VON KARMAN AVENUE, SUITE 950  
IRVINE, CA 92612  
PHONE: 949.476.2200  
CONTACT: ROBERT A. FLAXMAN, CEO

ENGINEER

COE & VAN LOO CONSULTANTS, INC.  
4550 N. 12TH STREET  
PHOENIX, ARIZONA 85014  
PHONE: (602) 264-6831  
FAX: (602) 264-0928  
CONTACT: FRED E. FLEET P.E.  
EMAIL: FEF\_@CVLCI.COM

BENCHMARK

W 1/4 CORNER OF SECTION 9, T.2N., R.4.E.,  
FD BCHH @ INTERSECTION OF 56TH STREET  
AND LINCOLN DRIVE.  
ELEVATION 1363.42 (NAVD 88' DATUM)

TRACT TABLE

TRACTS	SQ.FT	AREA ACRES	DESCRIPTION
A	0	0	NOT A PART OF THIS SUBDIVISION
B	22642	0.52	PRIVATE DRIVE / UTILITY EASEMENTS
C	17488	0.40	OPEN SPACE / LANDSCAPE TRACT/ UTILITY EASEMENTS / GUEST PARKING/CART PATH
TOTAL	40130	0.92	

LOT AREA TABLE

LOTS	SQ.FT.
1	5,322
2	4,652
3	4,558
4	4,465
5	4,461
6	8,973
7	8,759
8	4,283
9	4,512
10	4,736
11	5,127
12	7,086
13	4,601
14	3,954
15	3,746
16	3,781
17	3,420
18	3,393
19	3,409
20	4,299
TOTAL	97,536

DEDICATION

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS

KNOW ALL MEN BY THESE PRESENTS:

THAT MTS LAND, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF "THE VILLAS AT MOUNTAIN SHADOWS" LOT 132, OF "MOUNTAIN SHADOW RESORT UNIT 2-AMENDED VII" AS RECORDED IN BOOK \_\_\_\_ OF MAPS AT PAGE \_\_\_\_ IN THE OFFICE OF THE MARICOPA COUNTY RECORDER ("AMENDED VII") AND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 8 T2N, R4E OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND DIMENSIONS OF THE LOTS AND TRACTS CONSTITUTING SAME AND THAT EACH LOT AND TRACT SHALL BE KNOWN BY THE NUMBER OR LETTER GIVEN EACH RESPECTIVELY ON SAID PLAT. MTS LAND, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HEREBY DEDICATES TO WATER, SEWER, GAS, ELECTRIC, TELEPHONE, AND CABLE TELEVISION UTILITY PROVIDERS AND RESERVES FOR THE "VILLAS AT MOUNTAIN SHADOWS" HOMEOWNERS ASSOCIATION OR ANY SUBASSOCIATION DESIGNATED BY SUCH ASSOCIATION (COLLECTIVELY, THE "ASSOCIATION") AN EASEMENT UPON, OVER, UNDER, AND ACROSS THOSE AREAS SHOWN ON THIS PLAT AS UTILITY EASEMENTS FOR THE INSTALLATION, MAINTENANCE, REPAIR, AND REMOVAL OF UNDERGROUND PUBLIC AND PRIVATE WATER LINES, PRIVATE SEWER LINES, GAS, ELECTRIC, TELEPHONE, AND CABLE TELEVISION UTILITIES STRICTLY AS NECESSARY TO PROVIDE SUCH UTILITY SERVICES AND SOLELY FOR THE PURPOSE OF PROVIDING SUCH UTILITY SERVICES TO OR FROM LOTS 128, 128-A, 129, 131, 132, 133, 134, 135, AND TRACT "A" OF AMENDED VII. MAINTENANCE OF THE AREAS SUBJECT TO UTILITY EASEMENTS SHALL BE THE RESPONSIBILITY OF THE LOT OWNER, TRACT OWNER, OR ASSOCIATION, AS DETERMINED BY THE ASSOCIATION, PROVIDED THAT AFTER ANY INSTALLATION, MAINTENANCE, REPAIR, OR REMOVAL, ANY UTILITY PROVIDER THAT DISTURBS THE SURFACE OR SUBSURFACE OF THE GROUND SHALL BE RESPONSIBLE FOR RESTORING SUCH AREA TO SUBSTANTIALLY THE CONDITION THAT EXISTED PRIOR TO SUCH DISTURBANCE. TRACT B IS DEDICATED AS A PRIVATE DRIVE. AN EASEMENT IS HEREBY DEDICATED TO WATER, SEWER, GAS, ELECTRIC, TELEPHONE, AND CABLE TELEVISION UTILITY PROVIDERS AND RESERVED FOR THE ASSOCIATION UPON, OVER, UNDER, AND ACROSS TRACT B AND TRACT C FOR THE INSTALLATION, MAINTENANCE, REPAIR, AND REMOVAL OF UNDERGROUND PUBLIC AND PRIVATE WATER LINES, PRIVATE SEWER LINES, GAS, ELECTRIC, TELEPHONE, AND CABLE TELEVISION UTILITIES STRICTLY AS NECESSARY TO PROVIDE SUCH UTILITY SERVICES AND SOLELY FOR THE PURPOSE OF PROVIDING SUCH UTILITY SERVICES TO OR FROM LOTS 128, 128-A, 129, 131, 132, 133, 134, 135, AND TRACT "A" OF AMENDED VII. AN EASEMENT FOR DRAINAGE IS HEREBY DEDICATED TO THE TOWN OF PARADISE VALLEY AND TO THE ASSOCIATION, WHICH ASSOCIATION ALSO BENEFITS, IN THE AREAS SHOWN ON THIS PLAT AS DRAINAGE EASEMENTS. AN EASEMENT FOR REFUSE COLLECTION AND EMERGENCY AND SIMILAR SERVICE TYPE VEHICLE ACCESS IS HEREBY DEDICATED OVER TRACT B TO THE TOWN OF PARADISE VALLEY AND OTHER EMERGENCY SERVICE PROVIDERS AND REFUSE COLLECTION PROVIDERS AND TO THE ASSOCIATION, WHICH ASSOCIATION ALSO BENEFITS. TRACT C IS HEREBY DEDICATED FOR THE ADDITIONAL PURPOSES SHOWN IN THE TRACT TABLE. TRACT B AND TRACT C ARE NOT DEDICATED FOR THE USE OF THE GENERAL PUBLIC. TRACT B AND TRACT C SHALL BE OWNED AND MAINTAINED BY THE ASSOCIATION, PROVIDED THAT AFTER ANY INSTALLATION, MAINTENANCE, REPAIR, OR REMOVAL, ANY UTILITY PROVIDER THAT DISTURBS THE SURFACE OR SUBSURFACE OF THE GROUND SHALL BE RESPONSIBLE FOR RESTORING SUCH AREA TO SUBSTANTIALLY THE CONDITION THAT EXISTED PRIOR TO SUCH DISTURBANCE. TO THE EXTENT THAT THE UTILITY EASEMENTS AND PRIVATE DRIVE SHOWN ON THIS PLAT ARE INCONSISTENT WITH THE UTILITY CORRIDOR AND DRIVEWAY EASEMENT DESCRIBED IN THE MOUNTAIN SHADOWS WEST DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED AS DOCUMENT NO. 20150109960 IN THE OFFICE OF THE MARICOPA COUNTY RECORDER (THE "WEST DECLARATION"), THE WEST DECLARATION CONTROLS WITH RESPECT TO ANY SUCH INCONSISTENCY.

MTS LAND LLC, A DELEWARE LIMITED

LIABILITY COMPANY

IN WITNESS WHEREOF:

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

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

ACKNOWLEDGMENT:

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } SS

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

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

WITNESS MY HAND AND OFFICIAL SEAL

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

APPROVALS:

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

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

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

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

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

CERTIFICATION

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

REGISTERED LAND SURVEYOR

Call at least two full working days before you begin excavation.  
ARIZONA  
Fred Everett  
1-800-574-6147 (Toll-Free)  
In Maricopa County: (602) 263-1100

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

DATE  
REVISION  
NO.

Coe & Van Loo Consultants, Inc.

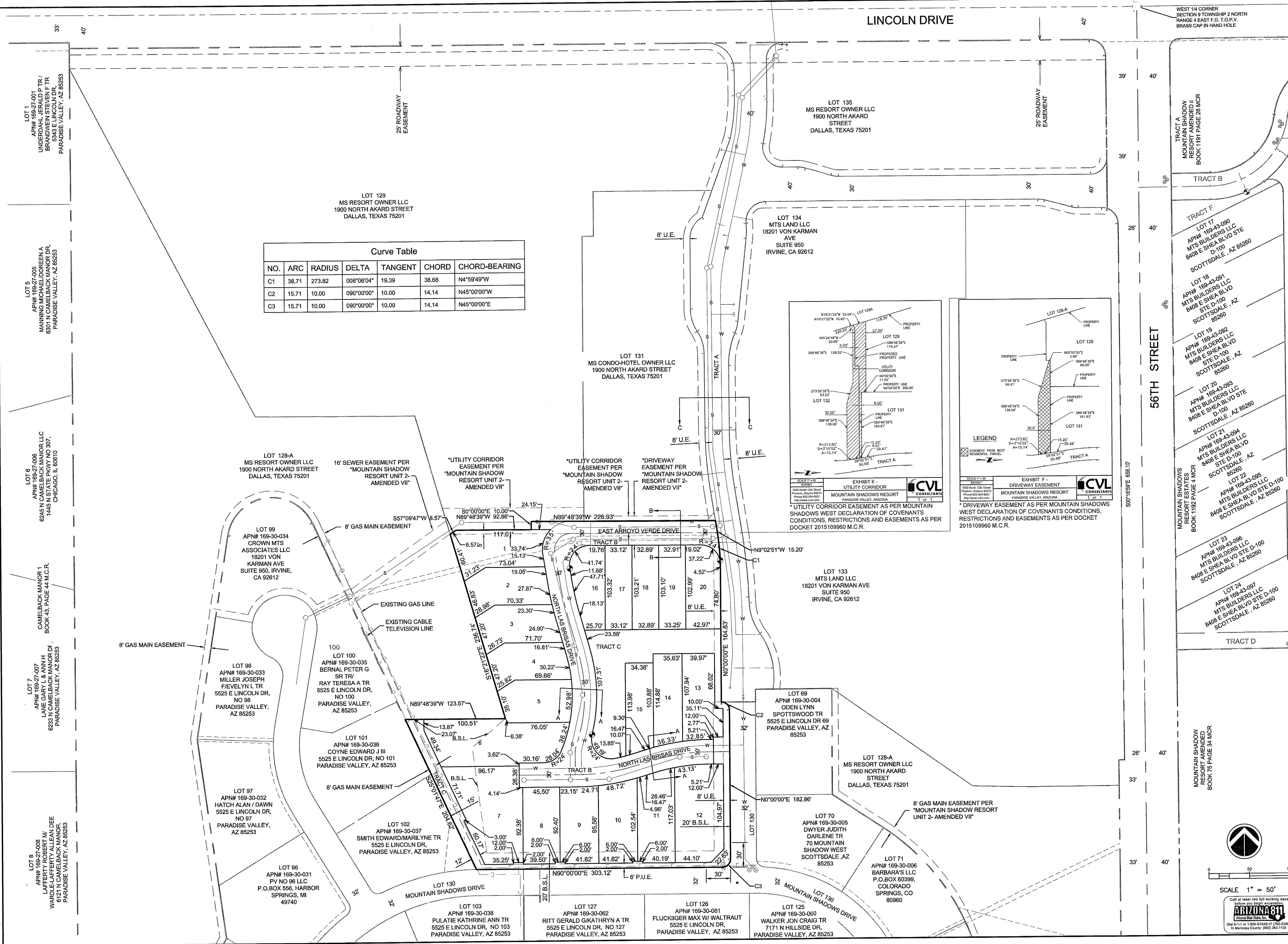
PRELIMINARY PLAT

THE VILLAS AT MOUNTAIN SHADOWS  
PARADISE VALLEY, ARIZONA

10237  
FRED EVERETT  
FLEET  
ARIZONA  
Expire 12/31/17

SHEET NUMBER  
1 OF 3

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



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

DATE

REVISION

NO.

**PRELIMINARY PLAT**

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

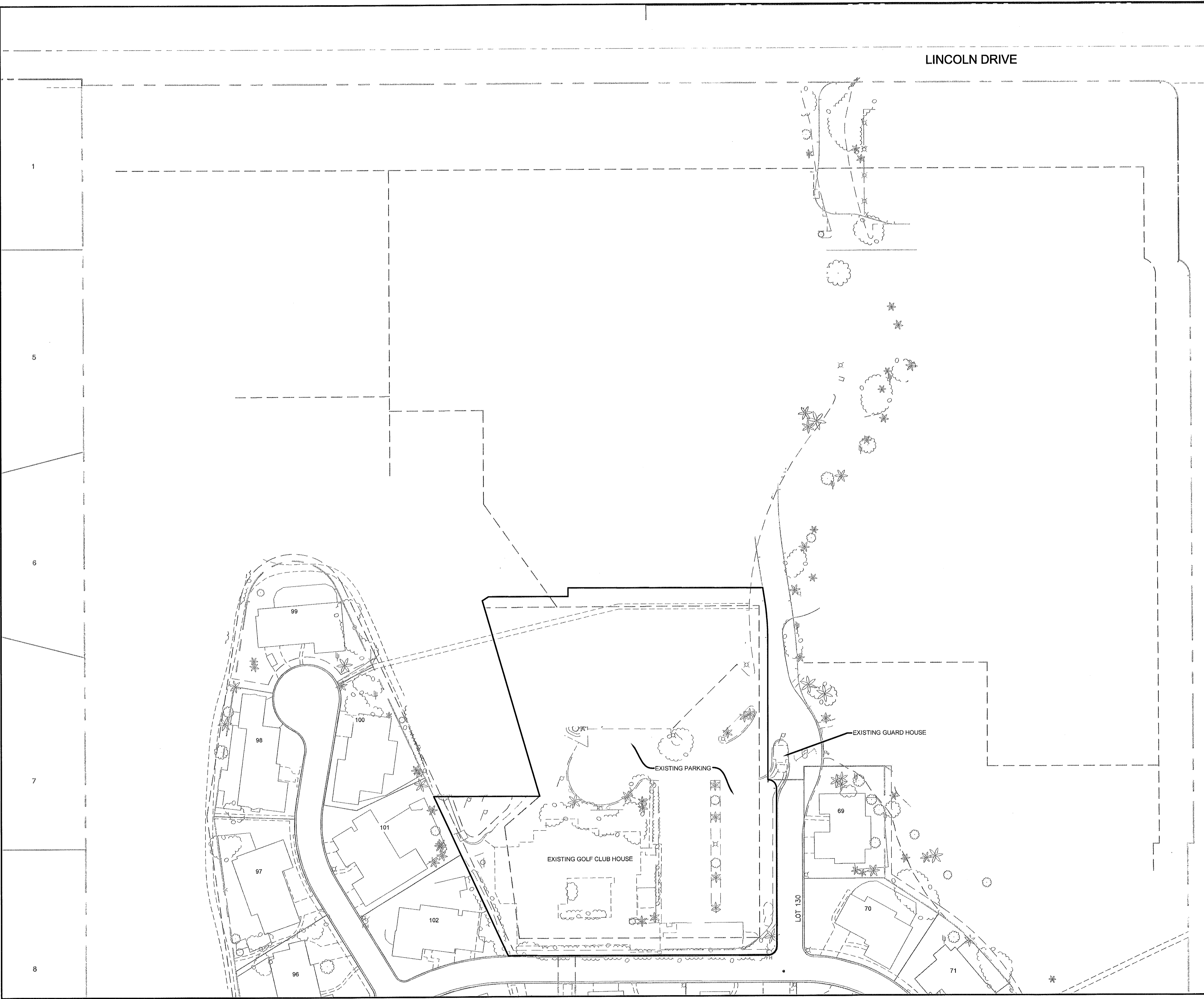
**ARIZONA**  
STATE ENGINEERING  
16237 FRED EVERETT FLEET  
2015  
Exp. 12/31/17

**SHEET NUMBER**  
2 OF 3

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

PROJECT NO. XXXXXXX

Printed By: Alene    Print Date: April 27, 2016    Filename: N:\010245801\CADD\WEST\Residential\1\ Preliminary\PS PRE-PLAT 01-03.dwg



LINCOLN DRIVE

56TH STREET

TRACT B

TRACT F

17

18

19

20

21

22

23

24

TRACT D



SCALE 1" = 50'



NO.	REVISION	DATE

PRELIMINARY PLAT

THE VILLAS AT MOUNTAIN SHADOWS  
PARADISE VALLEY, ARIZONA



SHEET NUMBER  
3 OF 3

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

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

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

FINAL PLAT FOR

# THE VILLAS AT MOUNTAIN SHADOWS

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

### NOTES

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

### DRAINAGE EASEMENT RESTRICTIONS

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

### 100 YEAR ASSURED WATER SUPPLY

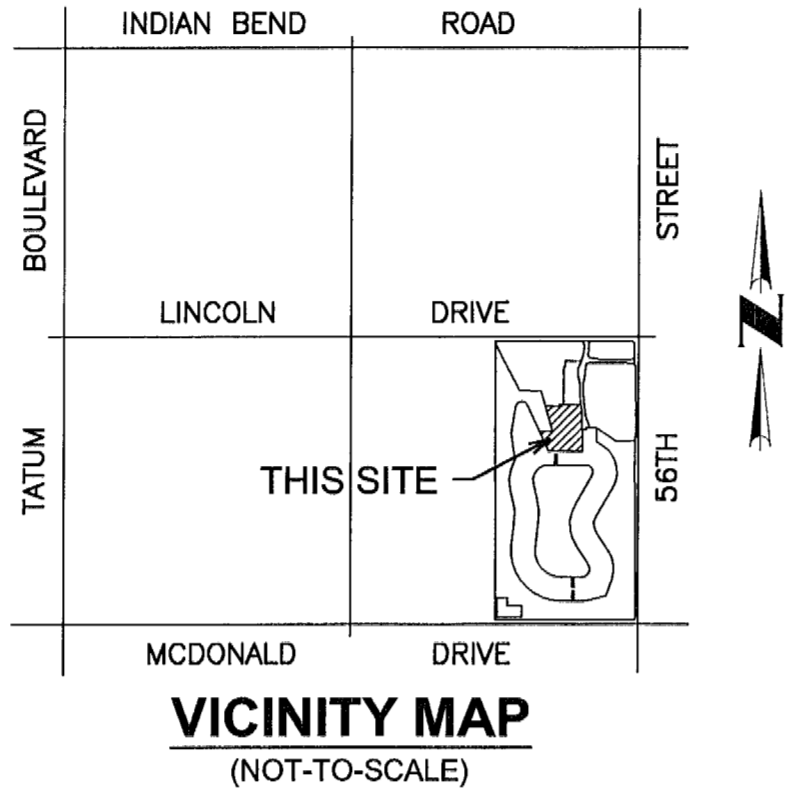
THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF EPCOR WATER ARIZONA INC. - PARADISE VALLEY WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO SECTION 45-576 ARIZONA REVISED STATUTES AS PER ARIZONA DEPARTMENT OF WATER RESOURCES CERTIFICATE NUMBER 27-700797.0000 DATED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

### BASIS OF BEARING

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

### UTILITY PROVIDERS

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



### OWNER

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

### ENGINEER

COE & VAN LOO CONSULTANTS, INC.  
4550 NORTH 12TH STREET  
PHOENIX, ARIZONA 85014  
PHONE: (602) 264-8831  
FAX: (602) 264-0928  
CONTACT: JOSEF PAPPAS, P.E.

### LAND USE TABLE

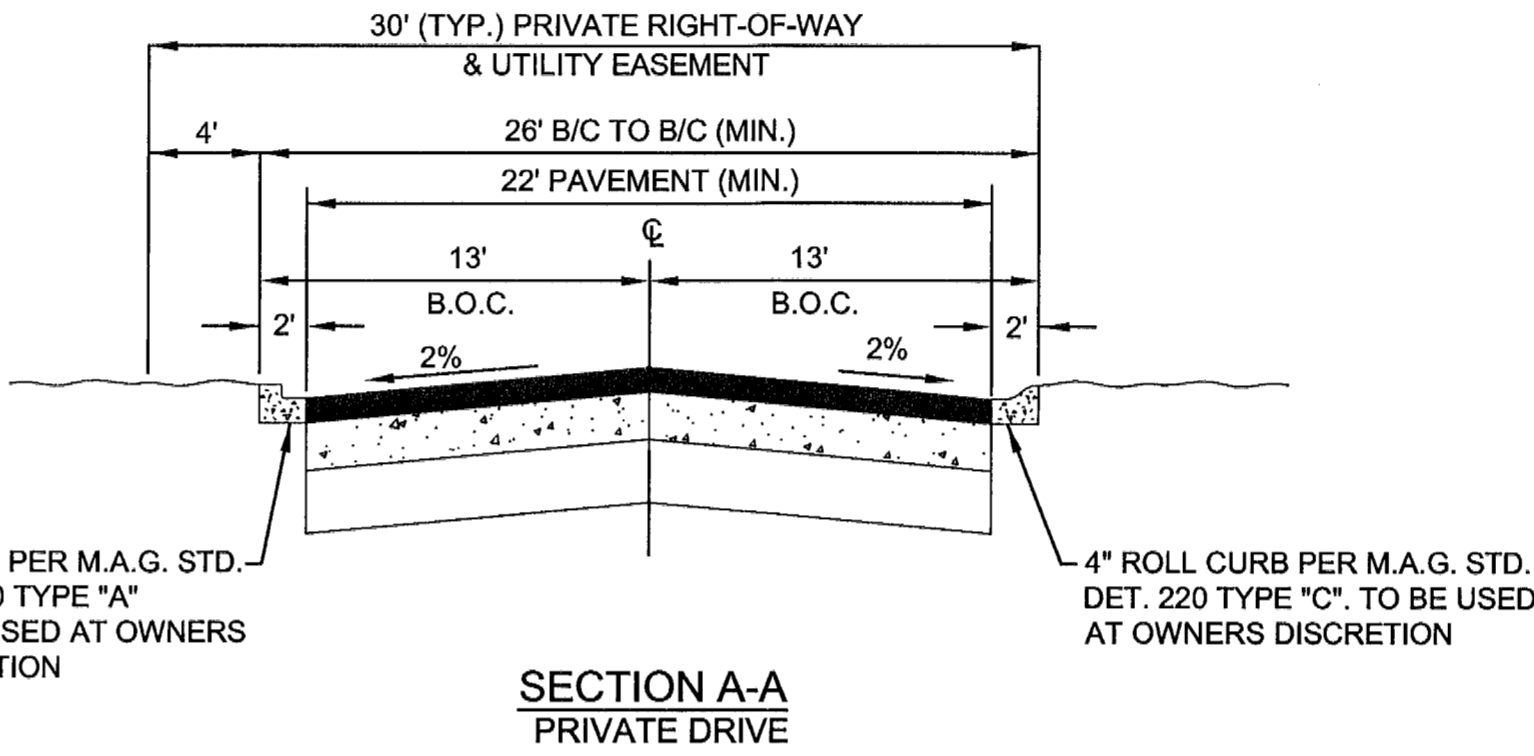
PARCEL	AREA
EXISTING ZONING	SUP-RESORT
YIELD	20 LOTS
GROSS / NET AREA	3.157 AC.

### TRACT TABLE

TRACT	AREA (ACRES)	DESCRIPTION
TRACT 'B'	0.675	PRIVATE DRIVE, DRAINAGE EASEMENT, UTILITY EASEMENTS, OPEN SPACE, LANDSCAPE, GUEST PARKING
TRACT 'C'	0.207	UTILITY EASEMENTS, OPEN SPACE, LANDSCAPE, GOLF CART PATH
TOTAL	0.882	

### EASEMENT SCHEDULE

- ① EASEMENTS SET FORTH IN BOOK 1232 OF MAPS, PAGE 27.



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

### ACKNOWLEDGEMENT

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } SS

ON \_\_\_\_\_ BEFORE ME, ANN M. VERA, A NOTARY PUBLIC,

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

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

WITNESS MY HAND AND OFFICIAL SEAL.

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

### APPROVAL

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

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

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

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

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

### DEDICATION

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS

KNOW ALL MEN BY THESE PRESENTS:

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

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

TRACT B IS DEDICATED AS A PRIVATE DRIVE.

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

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

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

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

IN WITNESS WHEREOF:

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

MTS LAND LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
ROBERT A. FLAXMAN  
ITS: AUTHORIZED SIGNATORY

### CERTIFICATION

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

BY: \_\_\_\_\_  
LARRY E. SULLIVAN  
REGISTRATION NUMBER 22782  
4550 N. 12TH STREET  
PHOENIX, ARIZONA 85014  
(602)-264-8831  
CVLSURVEY@CVLCI.COM

GROSS AREA = 3.157 ACRES

SEE SHEET 2 FOR CURVE, LINE & LOT AREA TABLES

COUNTY RECORDER

DATE

REVISION

NO.

FINAL PLAT

THE VILLAS AT MOUNTAIN SHADOWS  
PARADISE VALLEY, ARIZONA

Coe & Van Loo Consultants, Inc.



1 SHEET OF 2

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

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

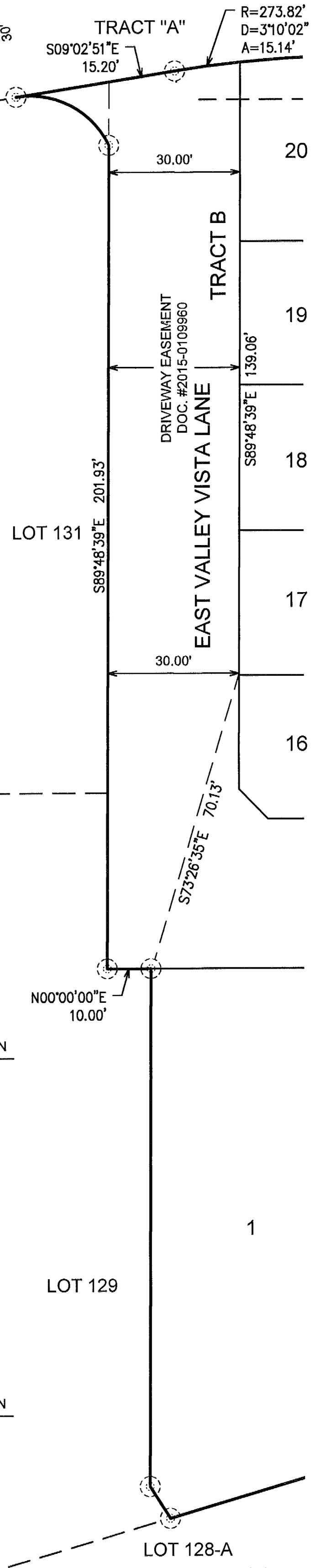
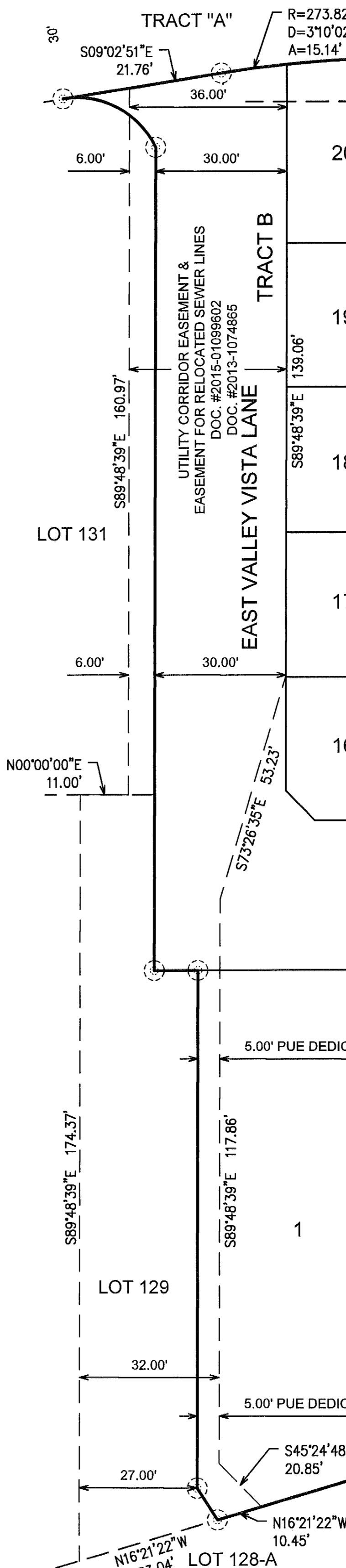
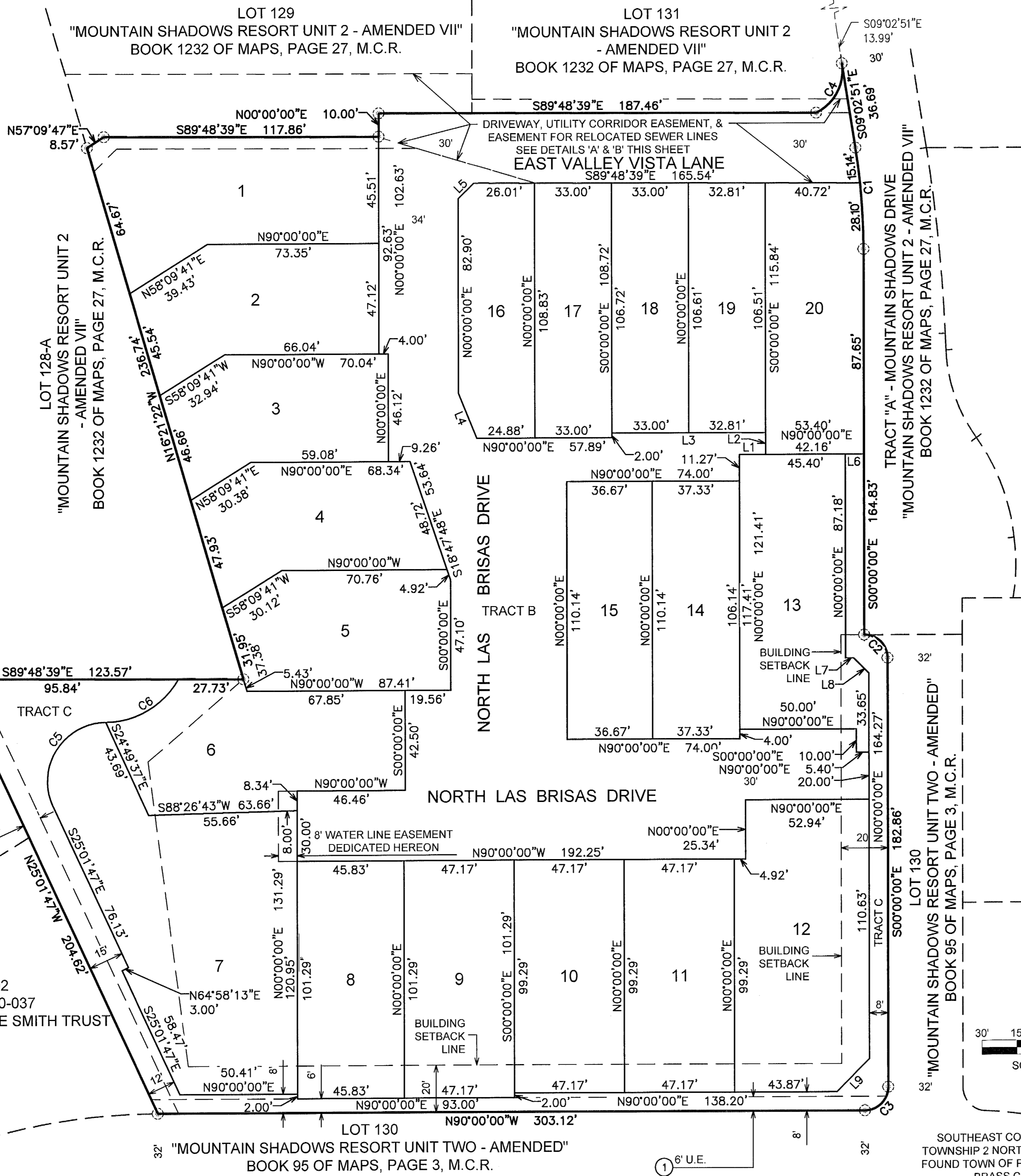
CURVE TABLE						
NO.	ARC	RADIUS	DELTA	TANGENT	CHORD	CHORD-BEARING
C1	43.24	273.82	009°02'51"	21.66	43.19	N04°31'26"W
C2	15.71	10.00	090°00'00"	10.00	14.14	N45°00'00"W
C3	15.71	10.00	090°00'00"	10.00	14.14	N45°00'00"E
C4	25.62	20.00	073°23'42"	14.91	23.90	N27°39'00"E
C5	50.10	25.19	113°56'09"	38.75	42.24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

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

### LEGEND

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

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



COUNTY RECORDER

DATE

REVISION

NO.

FINAL PLAT

THE VILLAS AT MOUNTAIN SHADOWS  
PARADISE VALLEY, ARIZONA

22782  
LARRY E. SULLIVAN  
ARIZONA U.S.A.  
Expire 6-30-2016

2 SHEET OF 2

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

CVL CONSULTANTS

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

Coe & Van Loo Consultants, Inc.

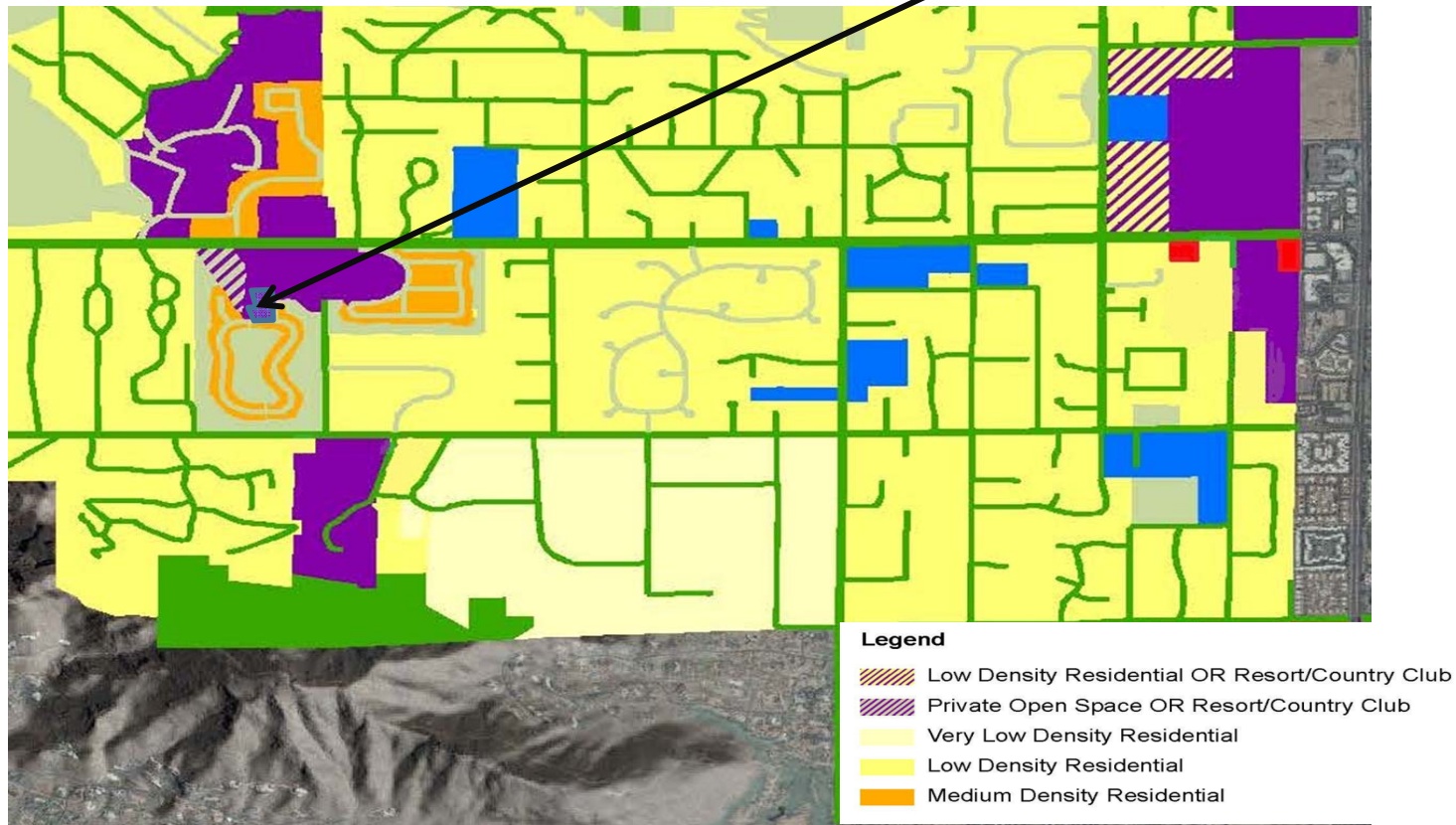
## Vicinity Map/ Aerial Photo

## Subject Property



## General Plan

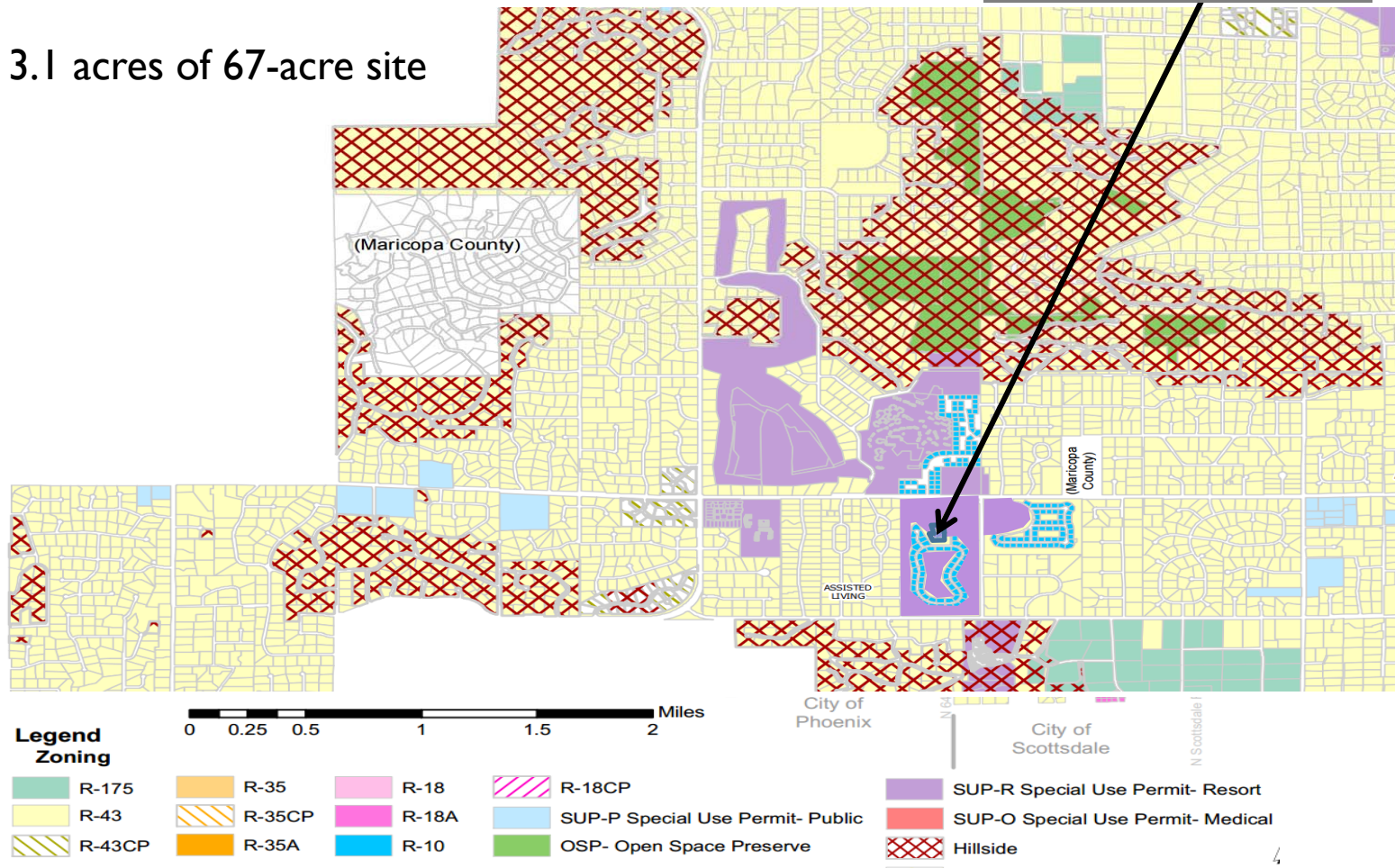
## Subject Property



## Zoning

3.1 acres of 67-acre site

Subject Property



TOWN OF PARADISE VALLEY  
APPLICATION FOR FINAL PLAT

PLEASE MARK THE APPROPRIATE BOX FOR APPLICATION.

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

DATE: 3 June, 2015

NAME OF SUBDIVISION: The Villas at Mountain Shadows

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

OWNER: MTS LAND LLC, ATTN ROBERT FLAXMAN

NAME

18201 VAN KERMAD AVE. Suite 950 649-476-2200  
ADDRESS IRVINE, CALIFORNIA 92612 PHONE #

AUTHORIZED AGENT: FRED E. FLEET, P.E.

% COE & VAN LOO BQA. NAME

4550 N 12th STREET, PHOENIX, AZ 85014  
ADDRESS

602-264-6831

PHONE #

602-264-0928

FAX #

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

**APPLICATION FOR FINAL PLAT**

**(REQUIRED)** PLEASE PROVIDE A NARRATIVE DESCRIPTION OF THE PROPOSAL. YOU MAY USE A SEPARATE 8 ½" BY 11" SHEET IF NECESSARY:

SEE ATTACHED

**(REQUIRED) PLAT STATISTICS**

TOTAL AREA

3.157 ACRES

NUMBER OF LOTS

20

**CONCURRENT APPLICATIONS, IF ANY:**

GUARD GATES

☐ YES

☒ NO

PRIVATE ROADS

☒ YES

☐ NO

ROADWAY VACATION

☐ YES

☒ NO

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

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

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

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

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

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

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

## **BACKGROUND REPORT**

### **Consideration of “The Villas at Mountain Shadows” Final Plat (FP 15-01) Southwest corner of Lincoln Drive and 56<sup>th</sup> Street (Assessor No. 169-30-103)**

#### Town Council Study Session:

The Town Council held a study session regarding this application on September 10, 2015. There was one comment. This was regarding the duration required to sustain the Town standard of 1500 gpm related to fire flow. The Town Fire Marshal confirmed this duration is two hours.

#### Update and Planning Commission Recommendation:

The Planning Commission in a vote of 6 to 1, Commissioner Wincel dissenting, forwards the Town Council a recommendation of approval for this Final Plat. This recommendation includes seven stipulations as described in the Planning Commission minutes dated July 21, 2015. However, three of these stipulations have been met. Stipulation 5 required that the applicant forward to the Town the final SW Gas correspondence regarding utility locations. This correspondence is attached under Utility Correspondence. Stipulation 6 required that the applicant add the word "only" to Note 9 on the plat to read, "Those portions of Tract B and Tract C which will be drivable surfaces to be utilized only by emergency vehicles shall be constructed with materials to be approved by the Fire Marshal." The attached plat includes this correction. Stipulation 7 related to questions by the Planning Commission regarding the correspondence from EPCOR to provide adequate water service for potable and fire flow, specifically that "The applicant shall clarify with EPCOR its statement it does not guarantee the adequacy of its water capacity for fire protection." Attached is correspondence from EPCOR. It states this disclaimer is a result of EPCOR not providing fire protection services and being unable to warrant, guarantee or represent that any water utility services provided will comply with any fire-protection requirements. However, this correspondence goes on to state that EPCOR is confident that the fire flows for the Mountain Shadows SUP development will be between 2,064 gpm to 2,124 gpm, well above the minimum Town standard of 1,500 gpm. For more information, refer to the attachments.

#### Preliminary Plat Approval:

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

#### History:

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

#### Enforcement:

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

#### Comparison to Preliminary Plat:

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

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

#### General Plan:

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

#### Zoning:

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

- The subject area of this plat is in Area 'B' of the SUP.
- SUP Stipulation III.E.43 allows for subdivision of land by one or more plats and/or maps in various forms such as on individual lots and/or horizontal property regimes (i.e. condominium development).
- Article 3.C.3(c) of the Development Agreement states the platting process is not required to follow Article 6-2, Procedure for the Preparation and Filing of Plats, of

the Town Code. The SUP granted a longer time period for submittal of the final plat after approval of the preliminary plat, from one year to two years.

- Article 3.C.3(d) of the Development Agreement states that plats within the SUP will follow the standards and requirements of Article 6, Subdivisions, of the Town Code, except as modified by the SUP and Development Agreement. The typical requirements for ingress/egress, right-of-way width, roadway pavement width, size/location of public utility easements, minimum lot size, lot configuration and lot shape do not apply.

#### Parking:

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

#### Roadways:

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

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

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

#### Lot Configuration:

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

#### Building Lines & Setbacks:

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

#### Building Permit/Town Manager Approval:

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

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

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

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

#### Drainage:

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

#### Utilities:

All new utility lines will be located underground and generally underneath the proposed private roadways. Article 3.C.3(d)iii of the Development Agreement requires that all easements shall be in the locations and widths as prescribed by the utility provider instead of the typical 6-foot and 8-foot easements of Section 6-3-3 of the Town Code. The applicant has received correspondence from all the utility providers that the proposed utility easement locations are acceptable. Sewer correspondence is not necessary, as the sewer lines within the SUP are private. Utility width and location is not

expected to be an issue, as this plat provides utility location within all its tracts. All typical type of utilities will be provided; such as water, electricity, natural gas and sewer.

#### Fire Protection/Emergency Access:

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

#### Noticing & Public Comments

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

#### Next Steps

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

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

LAW OFFICES  
**JORDEN BISCHOFF**  
**& HISER, P.L.C.**

7272 E. INDIAN SCHOOL ROAD, SUITE 360  
SCOTTSDALE, ARIZONA 85251  
TELEPHONE: 480-505-3900  
FACSIMILE: 480-505-3901

**SANDRA M. CORN**

DIRECT LINE: 480-505-3907  
e-mail: [scorn@jordenbischoff.com](mailto:scorn@jordenbischoff.com)

September 10, 2015

**VIA E-MAIL ([pmichaud@paradisevalleyaz.gov](mailto:pmichaud@paradisevalleyaz.gov))  
AND REGULAR MAIL**


Paul Michaud, Senior Planner  
Town of Paradise Valley  
6401 East Lincoln Drive  
Paradise Valley, AZ 85253

Re: Affidavit of Mailing for Town Council Public Meeting Notice  
The Villas at Mountain Shadows, The Villas at Mountain Shadows II

Dear Paul:

Enclosed are the affidavit of mailing and a copy of the Town Council public meeting notice for the above-referenced properties. Please call if you have any questions.

Sincerely,

  
Sandra M. Corn

Enclosures

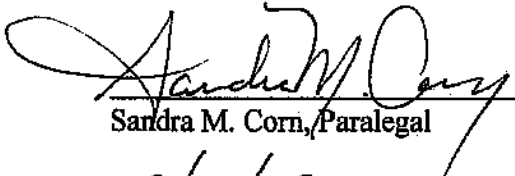
cc (w/encl.): Rick Carpinelli ([rcarpinelli@crowndev.com](mailto:rcarpinelli@crowndev.com))

# AFFIDAVIT

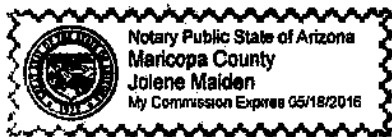
STATE OF ARIZONA       )  
                                      ) ss.  
County of Maricopa       )

RE: Town Council Public Meeting, September 24, 2015 – The Villas at Mountain Shadows, The Villas at Mountain Shadows II

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 1,000 feet of the subject properties, as obtained from the Maricopa County Assessor's Office, and such notification has been mailed on September 10, 2015.

  
\_\_\_\_\_  
Sandra M. Corn, Paralegal  
9/10/15  
\_\_\_\_\_  
Date

The foregoing instrument was acknowledged by me this 10<sup>th</sup> day of September, 2015, by Sandra M. Corn.



My commission expires:

5/18/2016

  
\_\_\_\_\_  
NOTARY PUBLIC

Villas at Mountain Shadows and Villas at Mountain Shadows II  
Paradise Valley Town Council Meeting, September 24, 2015- 1,000' Mailing List

OWNER	OWNER 2	ADDR1	ADDR2	CITY	STATE	ZIP
David Katzin Separate Property Trust	or Current Resident	10040 East Happy Valley Road	Suite 280	Scottsdale	AZ	85255
Paul Uhlmann, Jr.	or Current Resident	1011 Greenway Terrace		Kansas City	MO	64113
Luino & Margaret Dell Osso Revocable Trust	or Current Resident	1200 Alki Avenue Southwest	Unit 3	Seattle	WA	98116
Boomerang, LLC	or Current Resident	12515 Willows Road NE	Suite 200	Kirkland	WA	98034
Terry and Linda Mooschekian Trust	or Current Resident	13215 East Penn Street	Suite 510	Whittier	CA	90602
MS West, L.L.C.	or Current Resident	14400 North 76th Place		Scottsdale	AZ	85260
6245 N. Camelback Manor LLC	or Current Resident	1445 North State Parkway	Suite 307	Chicago	IL	60610
Moerkerke Family LLC	or Current Resident	14550 North Frank Lloyd Wright Boulevard	Suite 1000	Scottsdale	AZ	85260
Hong-Kee Ong and Doris Ong	or Current Resident	14629 North 14th Drive		Phoenix	AZ	85023
James Odor and David Birdwell	or Current Resident	15001 Wilson Road		Edmond	OK	73013
Martin F. White and Joy F. White	or Current Resident	156 Park NE		Warren	OH	44481
Woodbine Development Corporation	or Current Resident	1900 North Akard Street	Suite 3000	Dallas	TX	75201
MS Condo Hotel Owner LLC	or Current Resident	1900 North Akard Street		Dallas	TX	75201
MS Resort Owner LLC	or Current Resident	1900 North Akard Street		Dallas	TX	75201
Brian P. Liddy and Mary Liddy	or Current Resident	1919 East Gothic Circle		Green Bay	WI	54313
Iris J. Yellen Trust	or Current Resident	1981 Long Lakes Shores Drive		Bloomfield Hills	MI	48302
Lawrence J. Rosen and Sandra H. Rosen	or Current Resident	220 North Bellefield Avenue		Pittsburgh	PA	15213
5600 E. Lincoln LLC	or Current Resident	2201 East Camelback Road	Suite 650	Phoenix	AZ	85016
Pacific Lincoln 24 LLC	or Current Resident	2201 East Camelback Road	Suite 650	Phoenix	AZ	85016
Mountain Shadows Estates East Homeowners Association, Inc.	or Current Resident	2432 West Peoria Avenue	Suite 1302	Phoenix	AZ	85029
Mountain Shadows West Homeowners Association, Inc.	or Current Resident	2432 West Peoria Avenue	Suite 1302	Phoenix	AZ	85029
Spellman Family Trust	or Current Resident	333 West Berridge Lane		Phoenix	AZ	85013
Randall H. Lortscher and Marcia M. Lortscher	or Current Resident	34 Colonia Miramonte		Scottsdale	AZ	85251
David and Marcia Christofferson Joint Trust	or Current Resident	361 Detroit Street		Denver	CO	80206
Michael J. Hayes and Christina C. Hayes	or Current Resident	380 Mountain Avenue		Ridgewood	NJ	07450
Romulus Properties L.L.C.	or Current Resident	4131 North 36th Street		Phoenix	AZ	85018
Tristan Alexander Rooks	or Current Resident	42 Kenmore Road		Belmont	MA	02478
Robert L. Baum and Christine B. Baum	or Current Resident	4501 East Foothill Drive		Paradise Valley	AZ	85253
Susan C. Whitaker Separate Property Living, Tr	or Current Resident	4730 Griffiths Spring		Flagstaff	AZ	86004
Samuel F. Kitchell, Tr and Kitchell Family Res LLC	or Current Resident	5219 North Casa Blanca Drive		Paradise Valley	AZ	85253
William H. Mallender and Carole M. Mallender	or Current Resident	5239 East Desert Vista Road		Paradise Valley	AZ	85253
Gloria A. Patzer	or Current Resident	5325 East Lincoln Drive		Paradise Valley	AZ	85253
Jerald P. Underdahl and Steven F. Brandwein	or Current Resident	5343 East Lincoln Drive		Paradise Valley	AZ	85253
James L. Kunkel and Judith A. Kunkel	or Current Resident	5434 East Lincoln Drive	Unit 1	Paradise Valley	AZ	85253
Courtney Lynn Meyer	or Current Resident	5434 East Lincoln Drive	Unit 10	Paradise Valley	AZ	85253
David E. Dines and Bette H. Dines	or Current Resident	5434 East Lincoln Drive	Unit 11	Paradise Valley	AZ	85253
PM Irwin Family Living Trust	or Current Resident	5434 East Lincoln Drive	Unit 12	Paradise Valley	AZ	85253
Survivors Trust	or Current Resident	5434 East Lincoln Drive	Unit 14	Paradise Valley	AZ	85253
Kathy Albert Revocable Trust	or Current Resident	5434 East Lincoln Drive	Unit 17	Paradise Valley	AZ	85253
Ann L. Sells Revocable Trust	or Current Resident	5434 East Lincoln Drive	Unit 18	Paradise Valley	AZ	85253
Robert G. O'Malley and Barbara A. O'Malley	or Current Resident	5434 East Lincoln Drive	Unit 19	Paradise Valley	AZ	85253
Michael H. Dershowitz and Iris Dershowitz	or Current Resident	5434 East Lincoln Drive	Unit 2	Paradise Valley	AZ	85253

Villas at Mountain Shadows and Villas at Mountain Shadows II  
Paradise Valley Town Council Meeting, September 24, 2015- 1,000' Mailing List

Ax Beverly Bradley	or Current Resident	5434 East Lincoln Drive	Unit 20	Paradise Valley	AZ	85253
Theodore L. Freda and Gloria S. Freda, Tr	or Current Resident	5434 East Lincoln Drive	Unit 22	Paradise Valley	AZ	85253
Francis L. Foley and Barbara A. Wilson	or Current Resident	5434 East Lincoln Drive	Unit 33	Paradise Valley	AZ	85253
Burke Family Trust	or Current Resident	5434 East Lincoln Drive	Unit 33	Paradise Valley	AZ	85253
Sue C. Bosse Revocable Trust	or Current Resident	5434 East Lincoln Drive	Unit 35	Paradise Valley	AZ	85253
Patterson Revocable Trust	or Current Resident	5434 East Lincoln Drive	Unit 38	Paradise Valley	AZ	85253
Ira M. Schwartz and Reisha Zang	or Current Resident	5434 East Lincoln Drive	Unit 39	Paradise Valley	AZ	85253
Marjorie A. Eckman Revocable Trust	or Current Resident	5434 East Lincoln Drive	Unit 4	Paradise Valley	AZ	85253
Richard L. Johns and Dorothy T. Johns	or Current Resident	5434 East Lincoln Drive	Unit 40	Paradise Valley	AZ	85253
Alexander R. Abbell and Kimberly A. Abbell	or Current Resident	5434 East Lincoln Drive	Unit 5	Paradise Valley	AZ	85253
Barbara A. Vite	or Current Resident	5434 East Lincoln Drive	Unit 9	Paradise Valley	AZ	85253
Sandra Day O'Connor Survivors Trust	or Current Resident	5434 East Lincoln Drive	Unit 23	Paradise Valley	AZ	85253
Peter G. Bernal, Sr. and Teresa A. Ray	or Current Resident	5525 East Lincoln Drive	Unit 100	Paradise Valley	AZ	85253
Edward J. Coyne, II	or Current Resident	5525 East Lincoln Drive	Unit 101	Paradise Valley	AZ	85253
Edward Smith and Marilynne Smith	or Current Resident	5525 East Lincoln Drive	Unit 102	Paradise Valley	AZ	85253
Kathryn Ann Pularie	or Current Resident	5525 East Lincoln Drive	Unit 103	Paradise Valley	AZ	85253
Richard L. Collins and Margaret H. Collins	or Current Resident	5525 East Lincoln Drive	Unit 105	Paradise Valley	AZ	85253
John T. Bunn	or Current Resident	5525 East Lincoln Drive	Unit 106	Paradise Valley	AZ	85253
Brenda Lee Emerick	or Current Resident	5525 East Lincoln Drive	Unit 108	Paradise Valley	AZ	85253
James C. O'Malley Jr. and Madeleine C. O'Malley	or Current Resident	5525 East Lincoln Drive	Unit 110	Paradise Valley	AZ	85254
Milum Living Trust/Etal	or Current Resident	5525 East Lincoln Drive	Unit 117	Paradise Valley	AZ	85253
Barbara M. Trandal	or Current Resident	5525 East Lincoln Drive	Unit 118	Paradise Valley	AZ	85253
Howard E. Kraft	or Current Resident	5525 East Lincoln Drive	Unit 119	Paradise Valley	AZ	85253
Curtis Steinhoff and Paul Rottas	or Current Resident	5525 East Lincoln Drive	Unit 120	Paradise Valley	AZ	85253
William G. Daggett and Jennifer Daggett	or Current Resident	5525 East Lincoln Drive	Unit 121	Paradise Valley	AZ	85253
ELW Arizona Qualified Personal Resid Trust	or Current Resident	5525 East Lincoln Drive	Unit 122	Paradise Valley	AZ	85253
Sandra E. Thomas	or Current Resident	5525 East Lincoln Drive	Unit 123	Paradise Valley	AZ	85253
Max W. Fluckiger and Waltraut Fluckiger	or Current Resident	5525 East Lincoln Drive	Unit 126	Paradise Valley	AZ	85253
Gerald G. Ritt and Kathryn A. Ritt	or Current Resident	5525 East Lincoln Drive	Unit 127	Paradise Valley	AZ	85253
Lynn Spottswood Oden	or Current Resident	5525 East Lincoln Drive	Unit 69	Paradise Valley	AZ	85253
Judith Darlene Dwyer	or Current Resident	5525 East Lincoln Drive	Unit 70	Paradise Valley	AZ	85253
Carole Ferris Kroeger	or Current Resident	5525 East Lincoln Drive	Unit 73	Paradise Valley	AZ	85253
John Alan Balfour	or Current Resident	5525 East Lincoln Drive	Unit 74	Paradise Valley	AZ	85253
Marilyn J. Kruzich	or Current Resident	5525 East Lincoln Drive	Unit 76	Paradise Valley	AZ	85253
Leslie M. McCarver and Charles L. McCarver	or Current Resident	5525 East Lincoln Drive	Unit 77	Paradise Valley	AZ	85253
Melvin L. Decker and Clarice O. Decker	or Current Resident	5525 East Lincoln Drive	Unit 78	Paradise Valley	AZ	85253
Herschell E. Parent, II and Judith Parent	or Current Resident	5525 East Lincoln Drive	Unit 79	Paradise Valley	AZ	85253
Dennis R. Hood and Barbara Barr	or Current Resident	5525 East Lincoln Drive	Unit 90	Paradise Valley	AZ	85253
Carl F. Bussema and Betty J. Bussema	or Current Resident	5525 East Lincoln Drive	Unit 91	Paradise Valley	AZ	85253
Daniel E. Kuchta and Joy M. Mendenhall	or Current Resident	5525 East Lincoln Drive	Unit 92	Paradise Valley	AZ	85253
Roger D. Nelson and Catherine R. Nelson	or Current Resident	5525 East Lincoln Drive	Unit 94	Paradise Valley	AZ	85253
Alan Hatch and Dawn Hatch	or Current Resident	5525 East Lincoln Drive	Unit 97	Paradise Valley	AZ	85253
Joseph F. Miller and Evelyn L. Miller	or Current Resident	5525 East Lincoln Drive	Unit 98	Paradise Valley	AZ	85253

Villas at Mountain Shadows and Villas at Mountain Shadows II  
Paradise Valley Town Council Meeting, September 24, 2015- 1,000' Mailing List

SSCZ Holdings, LLC	or Current Resident	5620 East Nauni Valley Drive	Paradise Valley	AZ	85253
Jason and Jordan Rose Revocable Trust	or Current Resident	5630 East Nauni Valley Drive	Paradise Valley	AZ	85253
Linda Harper Breuer Trust	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Survivors Trust Under The Guenther Family, Tr	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
James H. Binns Jr. and Connie H. Binns	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Charles E. Evans and Jeanne C. Evans	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Peters Family Trust	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Irene Bloom	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Denise Rapp	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Peter R. Fratt and Margaret A. Fratt	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Dwight C. Lincoln and Lynne A. Lincoln	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Stewart J. Martin and Katrina H. Martin	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Ma Baldwin Trust	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Mountain Shadows Estates East HOA Inc	or Current Resident	5635 East Lincoln Drive	Paradise Valley	AZ	85253
Steven and Kathryn Pidgeon	or Current Resident	5812 North 33rd Place	Paradise Valley	AZ	85253
John J. Shufeldt and Rene J. Beckman	or Current Resident	6069 North 56th Street	Paradise Valley	AZ	85253
Pierre N. Tariot and Laura J. Jakimovich	or Current Resident	6111 North Camelback Manor Drive	Paradise Valley	AZ	85253
J. David Hann and Leigh A. Hann	or Current Resident	6115 North Camelback Manor Drive	Paradise Valley	AZ	85253
Steven M. Schwab and Laurie A. Schwab	or Current Resident	6117 North Camelback Manor Drive	Paradise Valley	AZ	85253
Robert M. Lafferty and Aileen Dee Wardle-Lafferty	or Current Resident	6121 North Camelback Manor Drive	Paradise Valley	AZ	85253
Waltis Trust	or Current Resident	6124 North Camelback Manor Drive	Paradise Valley	AZ	85253
Joseph G. Abdo and Sara Sylvia Ramirez-Abdo	or Current Resident	6125 North Camelback Manor Drive	Paradise Valley	AZ	85253
Mock Family Trust	or Current Resident	6130 North Camelback Manor Drive	Paradise Valley	AZ	85253
Kathleen Ferris Trust	or Current Resident	6144 North Camelback Manor Drive	Paradise Valley	AZ	85253
Aslanian Family Trust	or Current Resident	6210 North Camelback Manor Drive	Paradise Valley	AZ	85253
J. D. Russell Trust	or Current Resident	6222 North Camelback Manor Drive	Paradise Valley	AZ	85253
Kitty S. Conover Revocable Trust	or Current Resident	6224 North Camelback Manor Drive	Paradise Valley	AZ	85253
Leonard J. Erie, II and Susan M. Erie	or Current Resident	6228 North 61st Place	Paradise Valley	AZ	85253
Richard J. Lehmann and Sally Stack Lehmann	or Current Resident	6228 North 61st Place	Paradise Valley	AZ	85253
Lynch Trust	or Current Resident	6230 East Turquoise Avenue	Paradise Valley	AZ	85253
Gary L. Lane and Ann H. Lane	or Current Resident	6233 North Camelback Manor Drive	Paradise Valley	AZ	85253
Edward A. Beardsley and Mary Jo Beardsley	or Current Resident	6300 North Camelback Manor Drive	Paradise Valley	AZ	85253
Michael Manning and Doreen A. Manning	or Current Resident	6301 North Camelback Manor Drive	Paradise Valley	AZ	85253
Kimberly Alber	or Current Resident	6307 North Camelback Manor Drive	Paradise Valley	AZ	85253
Kevin Hirsch	or Current Resident	6310 North Camelback Manor Drive	Paradise Valley	AZ	85253
Ricardo Grijalva Celaya and Lourdes Celaya	or Current Resident	6501 North Lost Dutchman Drive	Paradise Valley	AZ	85253
WFF Properties LLC	or Current Resident	6502 North Lost Dutchman Drive	Paradise Valley	AZ	85253
M Osama Alnajjar and Kamiliya Lahlou	or Current Resident	6525 North Lost Dutchman Drive	Paradise Valley	AZ	85253
Michael R. Foley and Lisa A. Dado Rev Trust	or Current Resident	6570 North Lost Dutchman Drive	Paradise Valley	AZ	85253
Peter Katz and Melissa Rupoli-Katz, Tr	or Current Resident	6587 North Lost Dutchman Drive	Paradise Valley	AZ	85253
Henry C. Wick, III and Barbara Wick Rev Trust	or Current Resident	6601 East Indian Bend Road	Paradise Valley	AZ	85253
Dewey Living Trust/Delores Dewey	or Current Resident	6602 North Lost Dutchman Drive	Paradise Valley	AZ	85253
Scott McPherson	or Current Resident	6633 East McDonald Drive	Paradise Valley	AZ	85253

Villas at Mountain Shadows and Villas at Mountain Shadows II  
Paradise Valley Town Council Meeting, September 24, 2015- 1,000' Mailing List

Loretta M. McCarthy	or Current Resident	70 East 77th Street	Unit 5C	New York	NY	10021
Albert D. Frederickson and Ruth E. Frederickson	or Current Resident	7002 East San Miguel Avenue		Paradise Valley	AZ	85253
Beaufort Company LLC	or Current Resident	7114 East Stetson Drive	Suite 400	Scottsdale	AZ	85251
Strib VIII Trust	or Current Resident	7114 East Stetson Drive	Suite 400	Scottsdale	AZ	85251
Jon C Walker Trust	or Current Resident	7171 North Hillside Drive		Paradise Valley	AZ	85253
Santor Ventures, LLC	or Current Resident	7600 East Doubletree Ranch Road	Suite 300	Scottsdale	AZ	85258
Linda J. Srene Trust	or Current Resident	8 Biltmore Estates	Unit 319	Phoenix	AZ	85016
MTS Builders, LLC	or Current Resident	8408 East Shea Boulevard	Suite D-100	Scottsdale	AZ	85260
GIG Asset Management, Inc.	or Current Resident	8549 Wilshire Boulevard	Suite 1191	Beverly Hills	CA	90211
Craig Inouye and Frederick M. Lemm	or Current Resident	9313 Wish Avenue		Northridge	CA	91325
William S. Bloomer, III	or Current Resident	P. O. Box 13519		Arlington	TX	76094
Marian F. Cook	or Current Resident	P. O. Box 3322		Carefree	AZ	85377
Colonia Miramonte Owners Assn., Inc.	or Current Resident	P. O. Box 35065		Phoenix	AZ	85069
Wood Train, Ltd.	or Current Resident	P. O. Box 50189		Amarillo	TX	79159
P.V. No. 96, L.L.C.	or Current Resident	P. O. Box 556		Harbor Springs	MI	49740
Marriott Condominium Development Corporation	or Current Resident	P. O. Box 579		Louisville	TN	37777
Barbara's LLC	or Current Resident	P. O. Box 60399		Colorado Springs	CO	80960
Jay C. Stuckey and Mary Sue Stuckey	or Current Resident	P. O. Box 87420		Phoenix	AZ	85080
Ariana Investments LLC	or Current Resident	P. O. Box 478		Terra Haute	IN	47808



Paul Michaud, AICP  
Senior 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 Town Council will hold a **public meeting at 6:00 p.m., on Thursday, September 24, 2015**, at Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253 for the following applications:

**PUBLIC MEETING:** Consideration of the Final Plat application for "The Villas at Mountain Shadows." This is a 20-lot plat on approximately 3.157 acres located near the southwest corner of Lincoln Drive and 56<sup>th</sup> Street. The subject site is Lot 132 of the Final Map Mountain Shadows Resort Unit 2 – Amended VII Plat. The Town Council approved the Preliminary Plat application on May 14, 2015 and the Planning Commission recommended approval of the Final Plat application on July 21, 2015, subject to stipulations. Development will be pursuant to the approved Special Use Permit – Resort zoning on the subject property for resort residential development.

**PUBLIC MEETING:** Consideration of a Preliminary Plat application for the "The Villas at Mountain Shadows II." This plat consists of 8 lots on approximately 1.9 acres and one approximate tract of 5.2 acres located near the southwest corner of Lincoln Drive and 56<sup>th</sup> Street. The subject site is Lots 133 and 134 of the Final Map Mountain Shadows Resort Unit 2 – Amended VII Plat. The Planning Commission recommended approval of the Preliminary Plat on June 16, 2015, subject to stipulations. Development will be pursuant to the approved Special Use Permit – Resort zoning on the subject property for resort residential development.

If you have questions, please call me at the Planning Department at (480) 348-3574.

Sincerely,

Paul Michaud, AICP  
Senior 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.

For further information about any of these matters, please contact the Community Development Department, 6401 E. Lincoln Drive, Paradise Valley, Arizona, 480-348-3692.

All agendas are subject to change. Several items may be on an agenda. You may want to contact the Town or view the agenda online to check the order of the item you are interested in to estimate when it may be heard. You can generally view the agenda approximately 4-6 days prior to the meeting date at [www.ci.paradise-valley.az.us/330/Agendas-and-Meetings](http://www.ci.paradise-valley.az.us/330/Agendas-and-Meetings). When you click on the individual underlined items on the agenda, a list of pdf files will appear on the right side of the screen. The staff action report and attachments will be listed separately for each agenda item.



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Final Planning Commission

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Tuesday, July 21, 2015

6:00 PM

Council Chambers

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### 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



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

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

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

**COUNCIL MEMBERS PRESENT**

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

**ABSENT**

Vice Mayor Paul E. Dembow

**STAFF MEMBERS PRESENT**

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

**2. STUDY SESSION ITEMS**

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

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

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

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

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

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

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

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

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

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

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

Mayor Collins recessed the meeting at 5:23 pm.

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

**Continued Discussion of the FY 2016 Budget**

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

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

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

**3. EXECUTIVE SESSION**

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

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

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

**COUNCIL MEMBERS PRESENT**

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

**ABSENT**

Vice Mayor Paul E. Dembow

**STAFF MEMBERS PRESENT**

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

**7. PLEDGE OF ALLEGIANCE\***

Mayor Collins led the Pledge of Allegiance.

**8. PRESENTATIONS\***

There were no presentations.

**9. CALL TO THE PUBLIC**

There were no public speakers.

## 10. CONSENT AGENDA

Mr. Burke summarized the items on the consent agenda.

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

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

a. Minutes of Town Council Meeting April 23, 2015

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

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

## 11. PUBLIC HEARINGS

There were no public hearings.

## 12. ACTION ITEMS

a. Approval of Appointments to the Committee on Public Safety

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

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

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

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

**Council Member Maria Syms, Chair**

**Victoria Bellomo-Rosacci**

**Larry Fink**

**Paul Moore**

**Jay Ozer**

**Richard Post**

**Jennifer Schwarz**

**Council Member Sherf seconded the motion.**

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

b. Approval of Mountain Shadows Preliminary Plat

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

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

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

Shadows.

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

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

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

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

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

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

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

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

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

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

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

Mr. Burke summarized the future agenda item list.

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

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

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

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

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

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

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

### **15. ADJOURN**

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

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

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

## **TOWN OF PARADISE VALLEY**

SUBMITTED BY:

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

# **TOWN** *of* **PARADISE VALLEY**



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

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## **1. CALL TO ORDER**

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

## **2. ROLL CALL**

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

### *COMMISSIONERS PRESENT*

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

### *COMMISSIONERS ABSENT*

Richard Mahrle, Commissioner

### *STAFF PRESENT*

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

## **3. EXECUTIVE SESSION**

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

#### **4. WORK STUDY SESSION**

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

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

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

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

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

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

#### **5. ACTION ITEMS**

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

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

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

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

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

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

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

**Passed**

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

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

There was no discussion or public comment made.

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

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

## Paul Michaud

---

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

Hi Paul,

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

FYI,  
Bob



June 16, 2015

Re: Emergency Assessment Easement

Dear Town Council Members;

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

Sincerely,

Robert D Lee  
Fire Marshal

# **WATER CORRESPONDENCE**

**Paul Michaud**

---

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

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

Paul:

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

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

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

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



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

O 623.445.2402

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

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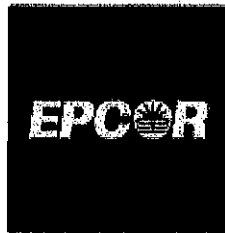
**From:** Paul Michaud [<mailto:pmichaud@paradisevalleyaz.gov>]  
**Sent:** Friday, August 07, 2015 1:40 PM  
**To:** Vig, Joshua  
**Subject:** Villas at Mtn Shadows Plat - Paradise Valley

Josh:

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

Regards,

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



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

July 16, 2015

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

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

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

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

Sincerely,

  
Kimberly Dotray  
Real Property Manager



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

May 8, 2015

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

Dear Mr. Fleet,

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

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

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

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

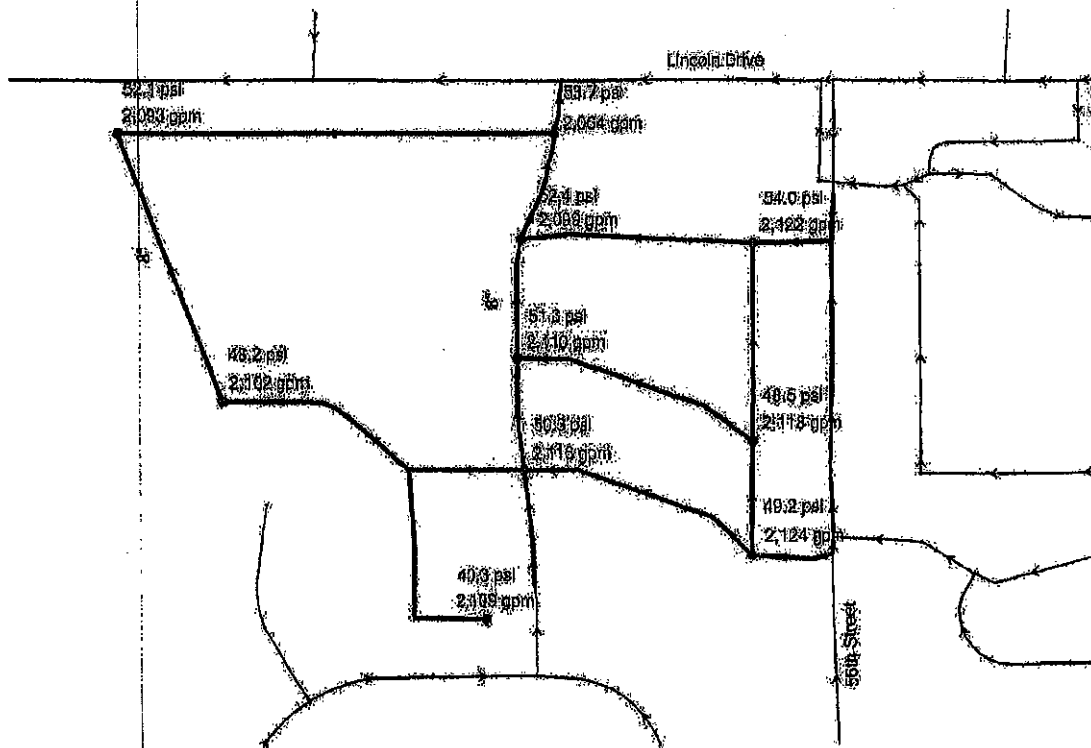
If you have any questions concerning the model or the analysis performed, please feel free to contact me.

Sincerely,

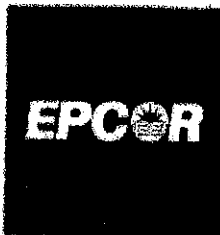
Candace Coleman, PE  
Engineering Project Manager  
EPCOR Water

Attachment: Mountain Shadows West, Fire Flow Availability

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



Prepared by EPCOR Water  
Paradise Valley Working Model



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

January 26, 2015

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

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

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

To whom it may concern;

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

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

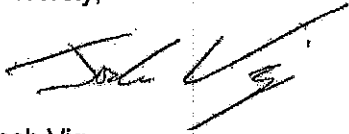
This letter assumes that construction of the main extensions within the Development will begin within one (1) year after the date of this letter.

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

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

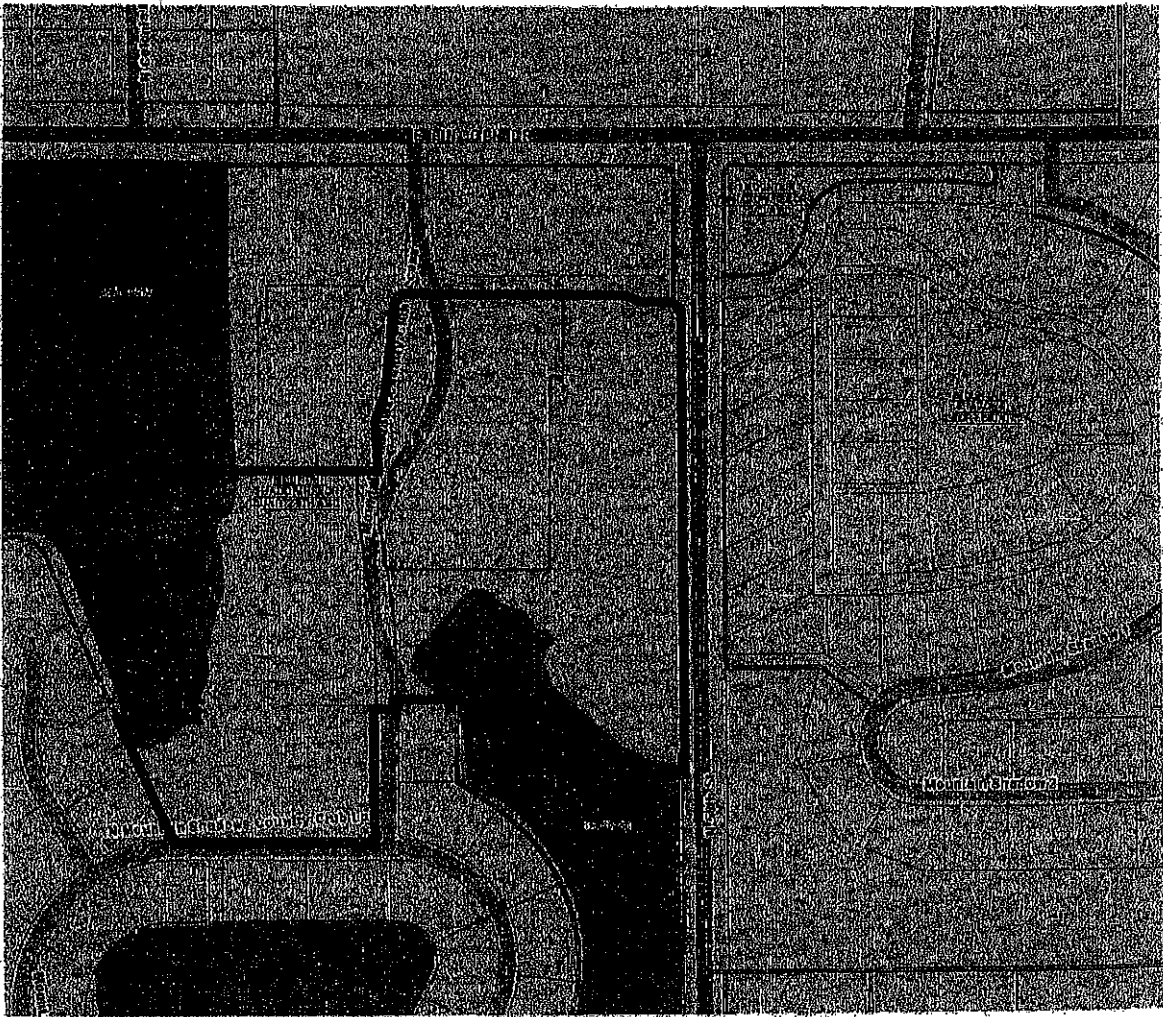
For additional information, please contact me at (623) 445-2495 or at [jvig@epcor.com](mailto:jvig@epcor.com)

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Vig", with a long horizontal stroke extending to the right.

Josh Vig  
Project Manager

# EXHIBIT A





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

January 15, 2015

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

Dear Mr. Fleet,

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

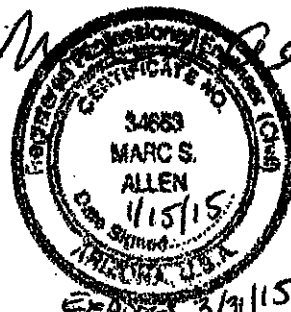
The analysis was performed using the hydraulic model for EPCOR Water's Paradise Valley water district, prepared by EPCOR. This model was last calibrated in 2010 and has been updated as necessary. The model is believed to be an accurate representation of the water system within a reasonable margin of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

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

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

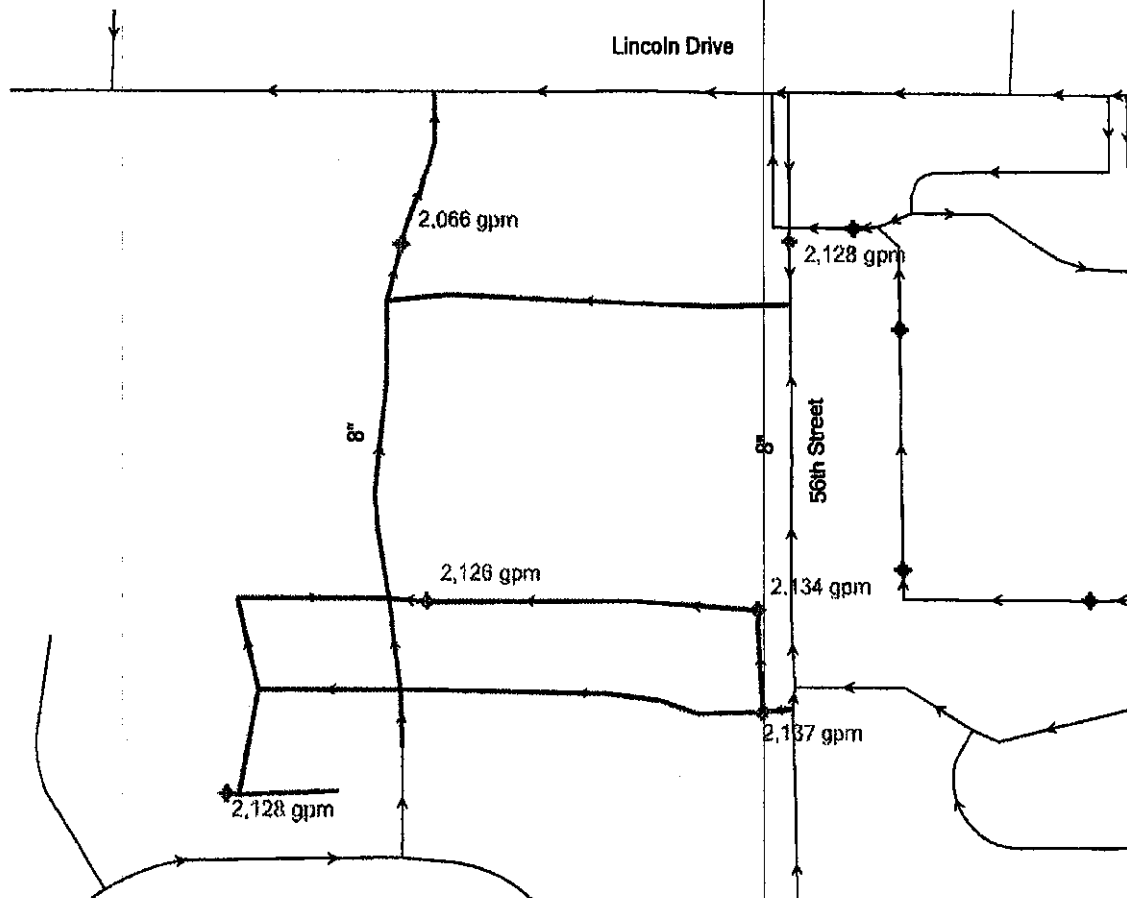
If you have any questions concerning the model or the analysis performed, please feel free to contact me.

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



Attachment: Villas at Mountain Shadows Resort, Fire Flow Availability

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



Prepared by EPCOR Water  
Paradise Valley Working Model

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

This is to certify that

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

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

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

Is issued this Certificate of Assured Water Supply for

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

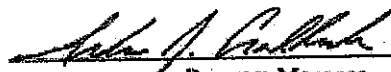
Sufficient water of adequate quality will be continuously available to satisfy the water demand of the referenced subdivision for at least one hundred years. The referenced subdivision consists of 178 lots as described in the preliminary plat on file with the Department, and has an estimated water demand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

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

Certificate Number: 27-700797.0000



**ARIZONA DEPARTMENT OF WATER RESOURCES**

  
Program Manager

8/27/2014  
Date

TYPE A CERTIFICATE

# **SEWER CORRESPONDENCE**



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

June 8, 2015 (*letter revised*)

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

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

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

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

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

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

Sincerely,

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

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

cc: Gary Griffith  
Jesse Flores



## City of Phoenix

WATER SERVICES DEPARTMENT  
DISTRIBUTION & COLLECTION ENGINEERING DIVISION

August 13, 2007

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

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

Dear Mr. Fleet:

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

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

Sincerely,

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

c: Gary Griffith

# **ELECTRIC CORRESPONDENCE**



ARIZONA PUBLIC SERVICE

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

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

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

June 11, 2015

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

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

Sincerely,

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

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



4612 E BELL RD  
PHOENIX, AZ 85032

4-29-15

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

Re: Villas at Mountain Shadows

Dear Mr. Carpinelli,

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

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

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

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

Sincerely,

*Harry O'Neill*

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

# **NATURAL GAS CORRESPONDENCE**



## **SOUTHWEST GAS CORPORATION**

July 16, 2015

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

To Whom It May Concern:

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

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

Respectfully,

*Alis Gause*

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



## **SOUTHWEST GAS CORPORATION**

June 11, 2015

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

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

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

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

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

Sincerely,

Jeff Shelton  
Energy Advisor  
Central Arizona Division

# **CABLE CORRESPONDENCE**



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

June 26, 2015

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

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

Sincerely,

A handwritten signature in cursive script that reads "Zach Killin".

**Zach Killin**

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



1550 W Deer Valley Road  
Phoenix, AZ 85027

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

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

Project: Villas at South Mountain

To Whom It May Concern:

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

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

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

Sincerely,

*Daniel Weryzynski*

Daniel Weryzynski  
Account Executive  
Phone 623-328-6701

# **INTERNET CORRESPONDENCE**



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

June 11, 2015

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

To Whom It May Concern:

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

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

Sincerely,

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

Michael Pietlukiewicz  
Network Real Estate



**CenturyLink™**

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

April 14, 2015

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

RE: Villas at Mountain Shadows

Mr. Carpinelli,

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

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

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

Sincerely,

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

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

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

ZONING:

EXISTING ZONING - SUP - RESORT

UTILITY PROVIDERS

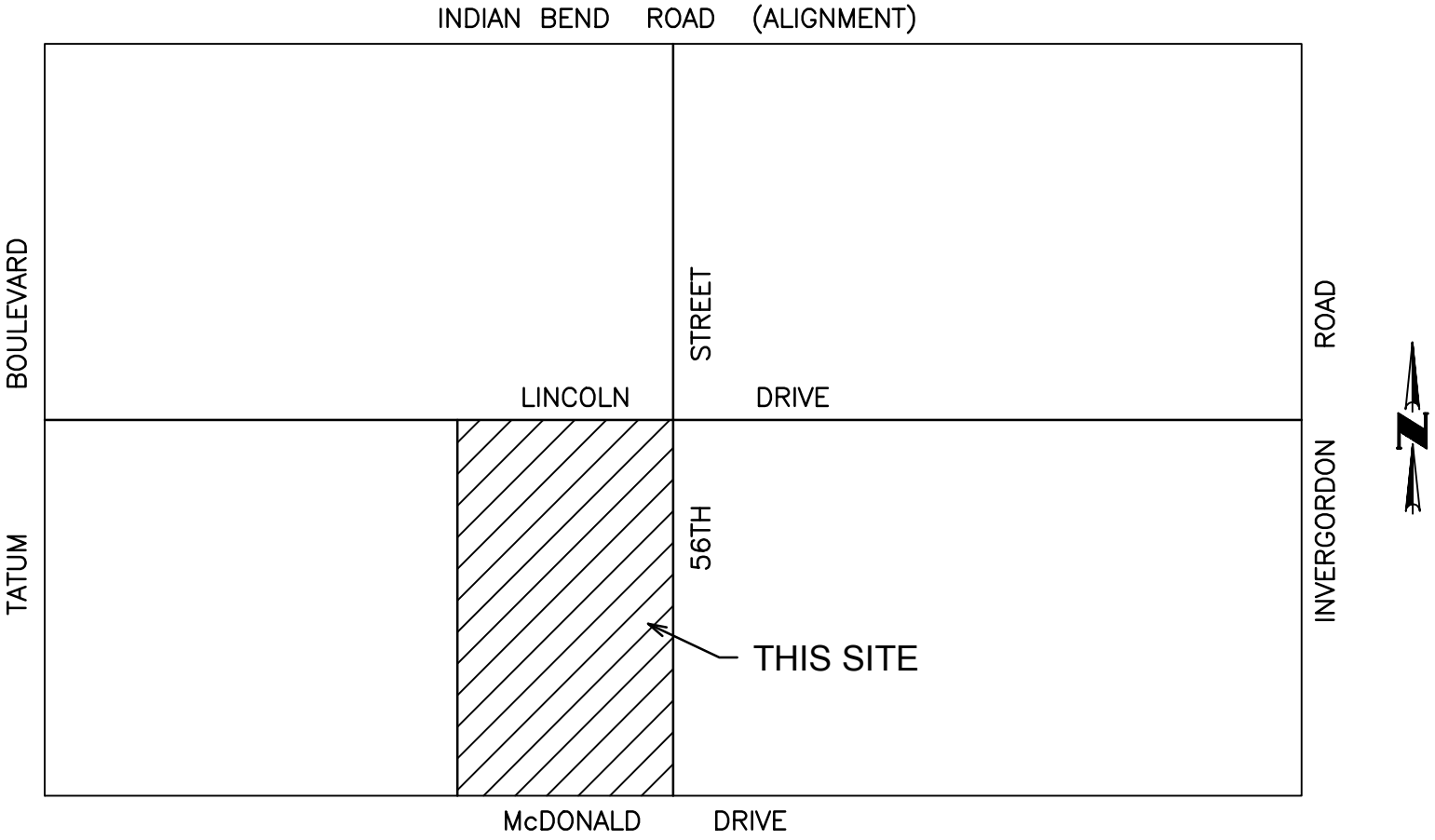
WATER - EPCOR WATER  
SEWER - CITY OF PHOENIX  
ELECTRIC - ARIZONA PUBLIC SERVICE  
TELEPHONE - CENTURYLINK  
GAS - SOUTHWEST GAS  
CABLE TELEVISION - COX COMMUNICATIONS

ENGINEER

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

BASIS OF BEARING

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



VICINITY MAP

(NOT-TO-SCALE)

SHEET INDEX

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

ACKNOWLEDGEMENT

STATE OF ARIZONA )  
COUNTY OF MARICOPA )

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

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

ACKNOWLEDGEMENT

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )

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

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

WITNESS MY HAND AND OFFICIAL SEAL

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

APPROVALS

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

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

PLANNING DIRECTOR

COUNTY RECORDER

DECLARATION - CONTINUED

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

MTS LAND LLC, A DELAWARE LIMITED LIABILITY COMPANY

MS RESORT OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY

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

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

IN WITNESS WHEREOF:

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

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

IN WITNESS WHEREOF:

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

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

IN WITNESS WHEREOF:

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

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

IN WITNESS WHEREOF:

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

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

SURVEYOR'S CERTIFICATION

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

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

GROSS AREA = 55.394 ACRES



DATE	REVISION	NO.

Coe & Van Loo Consultants, Inc.

FINAL MAP

MOUNTAIN SHADOW RESORT  
UNIT - 2 AMENDED VII



SHEET 1 OF 3
CVL Contact: R. WEED CVL Project #: 01-0245811 CVL File #:



FOUND OR SET MONUMENT AT SECTION OR 1/4 CORNER

B.C. BRASS CAP

FD.            FOUND

H.H. HAND HOLE

T.O.P.V. TOWN OF PARADISE VALLEY

M.C.H.D. MARICOPA COUNTY HIGHWAY DEPT.

M.C. MARICOPA COUNTY

G.E.            GAS LINE EASEMENT

U.E.            UTILITY EASEMENT

M.C.R. MARICOPA COUNTY RECORDS



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

**CVL**  
CONSULTANTS

4550 North 12th Street  
Phoenix, Arizona 85018  
602-264-6831  
[www.cvlci.com](http://www.cvlci.com)

DATE \_\_\_\_\_

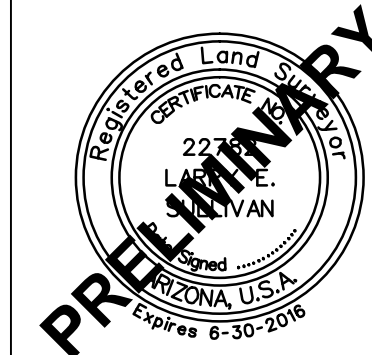
REVISION

No.

# FINAL MAP

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

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



2 SHEET OF 3

CVL Contact: R. WEED

CVL Project #: 01-0245811

CVL File #



## Action Report

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**File #:** 15-181

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

**FROM:** Kevin Burke, Town Manager

**DATE:** September 24, 2015

**DEPARTMENT:** Town Manager

Andrew Miller, 480-348-3691

**AGENDA TITLE:**

**Acquisition of an Easement for the Public Safety Communications Antenna and Equipment**

**Council Goals or Other Policies / Statutory Requirements:**

**Public Safety** - Improve public safety services including prevention, enforcement, communication and community/victim outreach.

**Capital Improvement Program (CIP)** - Develop and advance a Capital Improvement Program

**Technology** - Utilize technology throughout the organization to deliver quality services in an economic and efficient manner

**RECOMMENDATION:**

Approve the Easement Purchase Agreement at 6824 East Highland Drive.

The Town currently operates an independent radio/communication system to dispatch calls (both emergency and non-emergency) to Police vehicles on patrol within the Town. The system has both coverage and resiliency shortcomings due to the antenna's current location. First, there are coverage gaps located along Tatum north of Lincoln and Lincoln west of Tatum. Second, the power source for the antenna is solar and not resilient to all weather conditions. Third, the system is not interconnected with adjacent jurisdictions which is critical for mutual aid and contracted fire service with the City of Phoenix.

The proposed solution has the Town joining the Regional Wireless Cooperative and adding a single antenna to interconnect with their existing system of antennas. The location of this antenna must be on this hill. Previous efforts have proved challenging in acquiring a location on this hill. Moreover, the last, best attempt was priced at over \$7 million and well outside the anticipated budget for the project. This proposal allows the Town to co-locate with a new homeowner to place the antenna and supporting equipment in its associated structure on 6824 E. Highlands Drive.

**SUMMARY STATEMENT:**

The purchase agreement will obtain the easement which represents approximately 28% of the property for a fixed cost of \$250,000. Of that, \$5,000 will serve as earnest money. An additional \$15,000 will pay for the Town's portion of a retaining wall associated with the homeowner's to be constructed driveway which also serves as part of the retaining wall necessary for the equipment structure.

Other conditions of the purchase include the construction of curbing along the easement and Highlands Drive; filing an application with Maricopa County to exempt the easement and its improvements from property tax assessment; and a proposal by the Town Manager in the FY17-2012 CIP for improvements of the Hillside Drive cul-du-sac.

**BUDGETARY IMPACT:**

The Budget impact of this decision is \$265,000 in cash, plus associated costs for the curbing. Soft costs include the time for staff to prepare an application to Maricopa County for tax exempt status of the easement and improvements upon the easement. Other minor costs include recordation costs and/or application fees. All money is budgeted in the FY15-16 CIP Budget under Public Safety Communications Tower.

**ATTACHMENT(S):**

**Easement Purchase Agreement - to be provided**



## Action Report

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**File #:** 15-189

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

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

**DATE:** September 24, 2015

**DEPARTMENT:** Town Manager

**AGENDA TITLE:**  
Consideration of Requests for Future Agenda Items

**Council Goals or Other Policies / Statutory Requirements:**  
Resolution Number 1250: Town Council Rules of Procedure

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

**SUMMARY STATEMENT:**  
Attached is the most recent Town Council Study Session Topic Schedule. Pursuant to the Council's Rules and Procedures as adopted by Resolution Number 1250, any member of the Council may move to have the Town Manager add a new agenda item to a future agenda. Upon concurrence of three or more Members, which may include the Mayor, the item will be added to the list of future agenda items and placed on a meeting agenda within sixty days. Reminder is provided that any discussion on the motion to add a future agenda item shall be limited to the propriety of placing such item on a future agenda and shall not include discussion on the merits of the topic itself.

**BUDGETARY IMPACT:**  
None

**ATTACHMENT(S):**  
Future agenda topics schedule

# TOWN COUNCIL STUDY SESSION TOPIC SCHEDULE

## September 18, 2015

10/08	10/22	11/05	11/19
<b>4 PM STUDY SESSION</b> <ul style="list-style-type: none"> <li>Marquee Signs</li> <li>Unmanned Aircraft Ordinance (Drones)</li> </ul> <b>EXECUTIVE SESSION</b> Rafi-Zadeh Claim  <b>ACTION ITEMS</b> <ul style="list-style-type: none"> <li>Award of Watershed Study RFQs</li> </ul>	<b>4 PM STUDY SESSION</b> <ul style="list-style-type: none"> <li>Ritz-Carlton SUP</li> <li>Legislative Agenda</li> <li>Police Alarm Monitoring Service Continuation</li> </ul> <b>EXECUTIVE SESSION</b>  <b>ACTION ITEMS</b> <ul style="list-style-type: none"> <li>Award of Contract for Sidewalk Replacement</li> </ul>	<b>4 PM STUDY SESSION</b> <ul style="list-style-type: none"> <li>Tree Planting Ceremony</li> <li>Ritz-Carlton SUP</li> </ul> <b>EXECUTIVE SESSION</b>  <b>ACTION ITEMS</b>	<b>4 PM STUDY SESSION</b> <ul style="list-style-type: none"> <li>Ritz-Carlton SUP</li> </ul> <b>EXECUTIVE SESSION</b>  <b>ACTION ITEMS</b>
12/03	12/17	01/14	01/28
<b>4 PM STUDY SESSION</b> <ul style="list-style-type: none"> <li>Ritz-Carlton SUP</li> <li>PD Strategic Plan Update</li> </ul> <b>EXECUTIVE SESSION</b>  <b>ACTION ITEMS</b> <ul style="list-style-type: none"> <li>Award of Contract for Card Reader Door Locks</li> <li>52<sup>nd</sup> St Improvements</li> </ul>			
02/11	02/25	03/10	03/24
			<b>4 PM STUDY SESSION</b> <ul style="list-style-type: none"> <li>Kiva Elementary School Art Acceptance</li> </ul> <b>EXECUTIVE SESSION</b>  <b>ACTION ITEMS</b>

### Items to be scheduled

1. Excess Real Property Disposition
2. Camelback Mountain Shuttle
3. Emergency Planning