



## Legislation Text

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**File #:** 15-222, **Version:** 1

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**TO:** Chair and Planning Commission

**FROM:** Eva Cutro, Community Development Director  
Paul Michaud, Senior Planner

**DATE:** October 20, 2015

**CONTACT:**

Paul Michaud, 480-348-3574

**AGENDA TITLE:**

Discussion of "The Villas at Mountain Shadows II" Final Plat  
SW Corner Lincoln Drive and 56<sup>th</sup> Street (FP 15-02)

**BACKGROUND**

Request:

MTS Land, L.L.C. is requesting approval of a final 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 1.97 acres, along with a separate tract on approximately 5.17 acres. Development will be pursuant to the approved Special Use Permit - Resort zoning on the subject properties for resort residential development.

Proposed Stipulations:

The proposed stipulations can be found with the Planning Commission action report for the public meeting of October 20, 2015. These stipulations are typical final plat stipulations. Stipulation 5, regarding the Certificate of Assured Water Supply, is the same stipulation added with the final plats for "The Villas at Mountain Shadows" approved by the Town Council on September 24, 2015 and "The Villas at Mountain Shadows II" on the Planning Commission's October 20<sup>th</sup> agenda. This stipulation addresses the circumstance that the current Certificate of Assured Water Supply on file with the Department of Water Resources may need to be updated prior to plat recordation. As such, the referenced August 2014 date on the Certificate of Assured Water Supply may change. The August 2014 Certificate of Assured Water Supply is still valid as it covers water demand for 178 lots over Lots 131 through 134 of the overall map for the Mountain Shadows Resort. This area covers the proposed Resort Residential in Area B and resort-branded condominiums on Lot 131. The total proposed lots/units will be approximately 113 units (28 Villas, 40 Resort Residential condominiums, and 45 Resort-branded condominiums). This is well below the water provision of 178 lots in the Certificate of Assured Water Supply.

Town Council Action:

In a 6 to 0 vote, the Town Council approved the Preliminary Plat with the stipulations as noted in the action report dated September 24, 2015. These stipulations are the stipulations that were recommended by the Planning Commission, except for one stipulation that the applicant completed prior to Town Council action. This completed stipulation was to provide a graphic demonstrating that the access onto 56<sup>th</sup> Street will not negatively impact the recently completed 56<sup>th</sup> Street improvements. This graphic is attached to this report.

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 1.97-acre area and "The Villas at Mountain Shadows III" for the 5.17-acre area. The 1.97-acre application included 8 lots to be developed for villa home sites. The 5.17-acre application included 35 lots to be developed for villa home sites. In a 7 to 0 vote, the Planning Commission recommended approval of "The Villas at Mountain Shadows II" on June 16, 2015. Since this recommended approval, the applicant is pursuing a stacked two-story condominium product for the 5.17 acre site. SUP Stipulation III.E.43 allows for horizontal property regimes (i.e. condominium development) in this portion of the SUP.

Plat Conformance:

Except for two modifications, the design of these 8 lots is in substantial conformance to the Preliminary Plat recommended for approval by the Planning Commission and essentially identical to the Preliminary Plat approved by Town Council. As noted to the Planning Commission at the meeting of August 15, 2015, the Preliminary Plat was amended to include the 5.17 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 35 and Tract E as emergency access only. An enhancement from the Council -approved Preliminary Plat to the Final Plat for Planning Commission recommendation includes increasing the land for all 8 lots from 64,052 square feet to 65,921 square feet.

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.

**DISCUSSION/FACTS**

General Plan:

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

Zoning:

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

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

#### Parking:

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

#### Roadways:

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

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

#### Lot Configuration:

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

#### Building Lines & Setbacks:

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

setbacks are required between lots or other portions of this plat.

Building Permit/Town Manager Approval:

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

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

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

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

Drainage:

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

Utilities:

All new utility lines will be located underground and generally underneath the proposed private roadways. Article 3.C.3(d)iii of the Development Agreement requires that all easements shall be in the locations and widths as prescribed by the utility provider instead of the typical 6-foot and 8-foot easements of Section 6-3-3 of the Town Code. The applicant has received correspondence from all the utility providers that the proposed utility easement locations are acceptable. Sewer correspondence is not necessary, as the sewer lines within the SUP are private. Utility width and location is not expected to be an issue, as this plat provides utility location within all its tracts. All typical type of utilities will be provided; such as water, electricity, natural gas and sewer. As there have been no significant changes since approval of the Preliminary Plat, the attached utility correspondence remains unchanged and is copied for reference.

Fire Protection:

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

**NOTICING & PUBLIC COMMENTS**

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 recommended for approval, the Town Council will discuss and take action on the Final Plat within 40 calendar days of the Planning Commission action.

### **ATTACHMENTS**

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

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