



## Legislation Text

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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)