



## Legislation Text

---

**File #:** 15-144, **Version:** 1

---

**TO:** Mayor Collins and Town Council

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

**DATE:** September 10, 2015

**CONTACT:**

Paul Michaud, 480-348-3574

**AGENDA TITLE:**

**Discussion of The Villas at Mountain Shadows Final Plat located at the Southwest Corner Lincoln Drive and 56<sup>th</sup> Street**

**BACKGROUND**

Request:

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.

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.

**DISCUSSION/FACTS**

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.

**ATTACHMENTS**

Presentation

Proposed Stipulations

Vicinity Map/Aerial/General Plan/Zoning

Application/Narrative

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)

C:       - Fred Fleet (Applicant)  
          - Case File: (FP 15-01)