



Legislation Text

File #: 15-228, **Version:** 1

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 Condominiums"
Preliminary Condominium Map
SW Corner Lincoln Drive and 56th Street (PP 15-03)

BACKGROUND

Request:

MTS Land, L.L.C. is requesting approval of a Preliminary Condominium Map application for the "The Villas at Mountain Shadows Condominiums". This map consists of a total of 40 condominiums located on approximately 5.17 acres located near the southwest corner of Lincoln Drive and 56th Street. These condominiums will be in several detached two-story structures on Tract E of the Final Plat, "The Villas at Mountain Shadows II." Development will be pursuant to the approved Special Use Permit - Resort zoning on the subject property 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 preliminary plat/map 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 20th 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.

Planning Commission Recommendation:

In a 6 to 1 vote, Commissioner Wincel dissenting, the Planning Commission recommended approval of the Preliminary Plat for “The Villas at Mountain Shadows III” on June 16, 2015. This approval was for 35 villa home lots similar to the Phase I and II product. Since this recommended approval, the applicant revised their preliminary plat application to a condominium map that will allow for the construction of stacked two-story condominium product. As such, the June 2015 recommendation is no longer applicable.

Map Conformance:

SUP Stipulation III.E.43 allows for horizontal property regimes (i.e. condominium development) in this portion of the SUP. The condominium map is a graphic description that identifies the boundaries of the units; some or all of the exclusive use common areas such as balconies, patios, parking spaces, and other areas that are outside the boundaries of the unit and intended for the use of the property owner of one unit; and common areas such as a pool or outdoor landscaped sections for the use by all unit owners. The exclusive use common areas and common areas may be fully described on the condominium map and/or may be detailed in the declaration document(s) that accompany the final map. Similar to a preliminary plat, a preliminary condominium map does not need to depict all the final dimensions, exclusive use common areas, or common areas. The preliminary map should provide an understanding of the general unit layout and access. To aid this understanding with the Preliminary Map, the applicant has provided a site plan that better defines the unit layout, access, and common elements. The unit boundaries of the Preliminary Map include livable and non-livable areas of the unit, along with some yard area. These components are further described under Discussion/Facts below.

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 condominium map 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/Emergency Access:

The subject property will have access to Lincoln Drive and 56th Street via Tract 'A' through the resort as approved by the SUP. It will have access to East Valley Vista Lane of "The Villas at Mountain Shadows II" plat for a total of two full access points onto Tract 'A', for both vehicular and pedestrian travel. There will be two emergency access points onto Tract 'A' for this condominium development. As one of the streets within the condominium development connects with "The Villas at Mountain Shadows II" plat, there will be one emergency access point onto 56th Street. The Town Fire Marshal is acceptable with the access as noted in his attached correspondence.

The proposed roadways for this condominium map will comply with the roadway detail of the Final Plat for "The Villas at Mountain Shadows II." This detail is in compliance with the SUP and Development Agreement. The roadways will all be private local roadway easements 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 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 map is determined by the perimeter boundary of Tract E of the Final Plat, "The Villas at Mountain Shadows II." The perimeter boundary of the Preliminary Map matches the perimeter boundary of Tract E.

Building Lines & Setbacks:

The buildings illustrated on the site plan with the Preliminary Map meet setbacks. As noted previously, the unit boundaries include ground or air space for outdoor areas. Only the building itself must comply with the 40-foot setback to the 56th Street property line of Article 3.C.3(d)v of the Development Agreement and Sheet 5 of the SUP. No other building setbacks are required for zoning purposes.

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. The Town's Open Space Criteria applies, except along 56th 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 along 56th Street require a 15-foot setback. 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 map and prior to the recordation of said map.

Utilities:

All new utility lines will be located underground and generally underneath the proposed private roadway easements. 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. As done with the plats for the villas and since the condominium map is a change from what the utility providers previously reviewed, the applicant will need to provide the Town 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 utility easements can be placed on the majority of the site. 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 units will have direct access onto a public roadway via the private roadways shown on the site plan. Also, several points of emergency access will be provided. 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 map. 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 Preliminary Map within 40 calendar days of the Planning Commission action. The applicant will submit a Final Map for Planning Commission recommendation and Town Council approval at a later date.

ATTACHMENTS

Vicinity Map/Aerial/General Plan/Zoning
Application/Narrative
Prior Minutes
Fire Marshal Correspondence
Utility Correspondence
Final Map Mtn Shadows Resort Unit 2 - Amended VII
Prior Recommended Preliminary Plat
Proposed Preliminary Condominium Map

Link to full version of the SUP Ordinances and Development Agreements at www.paradisevalleyaz.gov/126/Planning

C: - Fred Fleet (Applicant)
 - Case File: (PP 15-03)