



## Legislation Text

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**File #:** 16-002, **Version:** 1

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**TO:** Chair and Planning Commission

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

**DATE:** January 19, 2016

**CONTACT:**

Paul Michaud, 480-348-3574

**AGENDA TITLE:**

Discussion of "The Villas at Mountain Shadows - Amended - Condominiums"  
Preliminary Condominium Plat Map (PP 16-01)  
Southwest Corner Lincoln Drive and 56<sup>th</sup> Street (Assessor No. 169-30-103)

**BACKGROUND**

Request:

MTS Land, L.L.C. is requesting approval of a preliminary condominium plat map application for the "The Villas at Mountain Shadows - Amended - Condominiums." This map consists of a total of 12 condominiums located on approximately one acre near the southwest corner of Lincoln Drive and 56<sup>th</sup> Street. These condominiums will be in several separate two-story structures, generally in the location of Lots 1-6 and Lots 16-20 of the approved Final Plat, "The Villas at Mountain Shadows." 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 dated January 16, 2016. These stipulations are typical final plat map stipulations. These stipulations relate to substantial compliance, Town review of the CC&Rs that may change as a result of the condo plat map/re-plat, processing of final improvement plans, a deadline to submit copies of the final plat for Town records, and possible easements to be shown on the final plat map.

Plat Background:

In a vote of 6 to 0, the Town Council approved the Final Plat of "The Villas at Mountain Shadows" on September 24, 2015. In a vote of 6 to 1, with Commissioner Wincel dissenting, the Planning Commission recommended approval of said Final Plat on July 21, 2015. Items that arose during the preliminary and/or final plat process included increasing the width of the cart path tract so it varies in width from six feet and eight feet, retaining an existing 30-foot by 30-foot corner vision at the southeast corner of what is now Lot 12, allowing for emergency vehicle access onto Mountain Shadows Drive, and updating the Certificate of Assured Water Supply that was completed prior to the

September 2015 approval. For further information, the prior minutes are attached to this report.

Plat/Map Conformance:

The proposed plat map is in conformance with the Special Use Permit (SUP) for Area 'B' and the Development Agreement for Mountain Shadows Resort. This conformance includes the following:

- 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/maps 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;
- SUP Stipulation III.G.96 requires that roadways within the SUP will all be private local roads, which will remain unchanged with this plat map;
- Article 3.C.3(d)ii of the Development Agreement requires a minimum width of rights-of-way and streets at 30 feet, which will remain unchanged with this plat map;
- SUP Stipulation III.G.96 requires all streets be of an adequate width, generally not less than 26 feet, which will remain unchanged with this plat map;
- The SUP and Development Agreement have no minimum or maximum lot size, lot configuration, or lot shape requirements;
- SUP Stipulation III.E.43 allows for a maximum floor area of 300,000 square feet for all Resort Residential in Area 'B', the proposed amendment will reduce the unit count from 20 units to 19 units and the estimated floor area for all Resort Residential in Area B, which this application is a part of, is in compliance to this stipulation at approximately 290,000 square feet; and
- The other noted items as described under Discussion/Facts of this report.

Condominium Plat Map Background:

The property owner's request to amend the approved plat is to develop the northern portion of the approved plat for similar condominiums to the preliminary condominium plat approved by the Town for the area south of the restaurant pad in Area 'B' of the Mountain Shadows Resort Special Use Permit. This proposed amendment will require three plat applications: a re-plat of the approved Final Plat to establish the tracts for the condominiums, a preliminary condominium plat map that describes the general unit boundaries of the condominium units, and a final condominium plat map that will describe the detailed boundaries of the condominium units. The re-plat application has been filed and will be brought before the Planning Commission prior to review of the final condominium plat map application.

The condominium plat 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 unit boundaries of the preliminary plat map may include livable and non-livable areas of the unit, along with some yard area.

**DISCUSSION/FACTS**

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 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 residential.

Parking:

The proposed plat 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 home.

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 roadway internal to this application is in the same general location as the approved Final Plat. The layout of the roadway tract is designed such that it will provide an organic layout of the access drives, guest parking and landscaped open spaces. The access drive will still meet the required roadway minimums of 30-foot right-of-way width and 26-foot wide pavement.

Building Lines & Setbacks:

The condominiums proposed on this plat map meet setbacks. Article 3.C.3(d)v of the Development Agreement and Sheet 5 of the SUP requires no setbacks in this portion of the property. There will be a 20-foot setback along Mountain Shadow West Drive along Lots 1-6 of the attached re-plat illustration and an open space area in Tract 'D' of this illustration.

Building Permit/Town Manager Approval:

The type and character of building, signage, and landscaping are either approved with the building permit and/or by the Town Manager. As such, these items will not be considered with this plat map request. The maximum allowable height is 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 1-6. A height of 24 feet requires a 60-foot setback from the south perimeter boundary of the said lots.

Drainage:

An overall master hydrology and drainage study for the entire west side of the Mountain Shadows SUP has been reviewed and approved by the Town Engineer.

Utilities:

The proposed development has an approved assured water supply. Pursuant to the issued Certificate of Assured Water Supply, the Arizona Department of Water Resources has determined there is an assured water supply for 280 lots (homes). This portion of the resort is planned for 112 homes, of which the subject application consists of 12 of those 112 homes.

All new utility lines will be located underground and generally underneath the adjoining private streets and within the noted public utility easements within the plat. These are the same general utility locations as the approved Final Plat. Will serve correspondence from the applicable utility providers were provided with the approved Final Plat. As there is no change, the utility correspondences provided with the Final Plat approval are still valid. 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 illustration. Also, emergency access will be provided on Tract "B" and Tract "C" as approved on the Final 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 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**

- 1 Vicinity Map/Aerial/General Plan/Zoning
- 2 Application/Narrative
- 3 Prior Minutes
- 4 Utility Correspondence
- 5 Noticing Material
- 6 Approved Final Plat

7 Re-Plat Illustration

8 Proposed Preliminary Condo Plat Map

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

C:       - Rick Carpinelli (Applicant)  
          - Case File: (PP 16-01)