



## Legislation Text

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**File #:** 20-191, **Version:** 1

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**TO:** Chair and Planning Commission

**FROM:** Jeremy Knapp, Community Development Director  
Paul Michaud, Planning Manager  
George Burton, Senior Planner

**DATE:** May 19, 2020

**DEPARTMENT:** Community Development

**AGENDA TITLE:**

Consideration of a Minor Special Use Permit Amendment  
Mountain Shadows Resort (SUP-20-01). 5445 E. Lincoln Drive.

**REQUEST**

Mountain Shadows Resort is requesting a Minor Special Use Permit (SUP) amendment to add a new left turn lane on Lincoln Drive.

**RECOMMENDATION:**

RECOMMENDATION A:

It is recommended the Planning Commission deem the requested amendment to the Mountain Shadows Special Use Permit a Minor Amendment per the criteria listed in Section 1102.7.B of the Zoning Ordinance.

RECOMMENDATION B:

It is recommended that the Planning Commission approve the Mountain Shadows Minor Special Use Permit Amendment to add a new left turn lane on Lincoln Drive, subject to the following stipulations:

1. All improvements to the turn lane shall be in substantial compliance with the project narrative and plans:
  - a. Narrative, prepared by Mountain Shadows Resort and dated January 29, 2020;
  - b. Mountain Shadows Left Turn, FIG-1, prepared by CivTech, Inc. and dated November 21, 2019;
  - c. Proposed Traffic Flow Plan, Sheet 3, prepared by CivTech, Inc. and dated January 15, 2020; and
  - d. Mountain Shadows Traffic Impact Study, Project No. 17-0765, prepared by CivTech, Inc. and dated November 2019.
2. Signage may be required for safety purposes. Prior to issuance of a permit, the Town Engineer may require the applicant to install street markings, striping, and/or vertical signs

deemed necessary to identify the turn lane and clarify any associated traffic patterns (including, but not limited to, directional signage).

3. Construction of the left turn lane:

- a. Lincoln Drive Medians Project. Mountain Shadows Resort may choose to construct the turn lane as part of the Town's Lincoln Drive Medians project. If this option is chosen, the Town will coordinate with Mountain Shadows Resort regarding the timing of the final design and the construction of the turn lane. Mountain Shadows Resort will be required to pay for all design and construct costs associated with the left turn lane in the right-of-way. A development agreement regarding the reimbursement of the median work is required and shall be executed prior to the issuance of any permits associated with the turn lane.

In the event the Town does not proceed with the Lincoln Drive Medians Project, Mountain Shadows Resort must finalize the design drawings and secure the appropriate contractor and permits for construction on their own.

- b. Independent Construction. Mountain Shadows Resort may construct the turn lane apart from the Town's Lincoln Drive Medians project. If this option is chosen, Mountain Shadows Resort must finalize the design drawings and secure the appropriate contractor and permits for construction on their own.

4. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by the Minor Amendment SUP-20-01; and
5. The property owner and Town shall sign and record a Waiver of Rights and Remedies agreement under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney within 10 calendar days of the approval of this amendment to the Special Use Permit.

## BACKGROUND

In 1992, the Town annexed Mountain Shadows Resort. The site is approximately 68 acres in size with a golf course. On April 18, 2013, a Special Use Permit (SUP) was approved to redevelop the resort and golf course. The Mountain Shadows SUP includes a mix of resort, residential, and golf course uses. The east side of 56<sup>th</sup> Street is residential and the west side contains a resort hotel, resort residential units, resort retail, and golf facilities. On May 16, 2017, a Minor SUP amendment was approved to add accent lighting on the resort building.

The resort has been in operation for approximately three years and has experienced a consistent challenge with guest access into the resort; in which westbound Lincoln Drive traffic has a tendency to pass the resort entrance at Mountain Shadows Drive and then makes a U-turn at the first median break or at Desert Fairways Drive to access the property. As a result, the applicant is requesting a Minor SUP amendment in order to add a new left turn lane on Lincoln Drive for westbound traffic.

### Planning Commission Discussion

The Planning Commission reviewed this application at the March 3, 2020 work study session. No additional information or edits were requested.

### Existing Conditions

There are two entrances on Lincoln Drive and two entrances on 56<sup>th</sup> Street. Currently, on Lincoln Drive, the west entrance is a secondary access point with right-in/right-out movements. The east

entrance on Lincoln Drive is a primary access point with right-in/right-out and left-in/left-out movements. The entrance nearest to Lincoln Drive on 56<sup>th</sup> Street is assessable from and can utilize the traffic signal at 56<sup>th</sup> Street and Lincoln Drive. This access point is and was shown as the primary 56<sup>th</sup> Street access driveway on Sheet 3 of the approved Special Use Permit. The other entrance is a manually locked gate on Valley Vista Lane that is accessible only to residents within the New Home community. This is one of two allowable secondary access driveways on Sheet 3 of the approved Special Use Permit.

### Scope of Request

The proposed left turn lane from Lincoln Drive will add another means of access to the western entrance; which will allow westbound traffic to turn left into the west entrance (with existing right-in/right-out). No additional entrances will be added with this amendment. This proposal just adds a left turn movement into the western entrance. A portion of the existing Lincoln Drive median will be removed to accommodate the new left turn lane. The new turn lane is 230' long, 10' wide with 2' of curb on each side, has a 90' taper and 100' of storage. The traffic impact study identifies that:

- The proposed left turn lane is in compliance with the City of Scottsdale design standards (since the Town does not provide explicit criteria for dedicated left turn lanes), and
- A dedicated westbound left turn lane is a safer option than making a U-turn at an unprotected signalized intersection or at a median break.

### **DISCUSSION/FACTS:**

#### Signage

Staff recommends adding signage to identify the turn lane and clarify that this turn lane is only for westbound traffic. Specifically, staff recommends that:

- An arrow or arrows be painted in the turn lane to identify that the westbound traffic may turn left into the resort, and
- Additional signage may be required to identify that this is not a turn lane for eastbound traffic.

A stipulation was added to identify the potential requirement for such signage.

#### Process

If the Minor SUP amendment for the turn lane is approved, the Town will coordinate the timing of the final design and construction with its Lincoln Drive Medians Project. The Lincoln Drive Medians Project is subject to Town Council approval. However, Mountain Shadows Resort would be required to pay for all design and construct costs associated with the left turn lane in the right-of-way. A development agreement regarding the reimbursement of the median work is required and must be executed prior to the issuance of any permits associated with the turn lane. In the event the Town does not proceed with the Lincoln Drive Medians Project, Mountain Shadows Resort will need to finalize the design drawings and secure the appropriate contractor and permits for construction on their own. A stipulation was added to address this issue.

#### General Plan:

The proposed improvements are consistent with Section 1.3 of the Town's General Plan which encourages the continued revitalization and improvement of the Town's resorts while protecting the adjacent residential neighborhoods.

### Minor Amendment Criteria

Per Section 1102.7 of the Zoning Ordinance, a Minor Amendment to a Special Use Permit shall include any proposal which is not a Managerial Amendment and does not:

1. Change or add any uses; or
2. Increase the floor area of the project by more than 5,000 square feet or constitute an increase of more than 15% upon the existing or, if still under construction, approved floor area square footage of the affected SUP property, whichever is less, with any such increase to be measured cumulatively over a sixty-month period; or
3. Have any material effect on the adjoining property owners that is visible, audible, or otherwise perceptible from adjacent properties that cannot be sufficiently mitigated; or
4. Change the architectural style of the existing Special Use Permit.

### Zoning Ordinance Compliance:

The proposed improvements are consistent with the existing resort use. The new turn lane does not change or add a use, does not increase the floor area of the resort, nor change the architectural style of the SUP. The new turn lane creates an additional and safer means of access to the western resort entrance.

### Public Comment

Public notification was performed in accordance with the public meeting process. Staff did not receive any comments regarding this request.

### Next Steps

The Commission must take two actions on a Minor SUP Amendment request. The first action is to determine if the request constitutes a Minor Amendment. If deemed a Minor Amendment, the Commission must approve the request (with stipulations), deny the request, or continue the application for additional information and/or discussion.

### **ATTACHMENT(S):**

- A - Vicinity Map & Aerial Photo
- B - Application
- C - Narrative & Plans
- D - Original Traffic Flow Plan
- E - Traffic Impact Study
- F - Notification Materials