

**TOWN OF PARADISE VALLEY  
PLANNING COMMISSION ACTION REPORT**

<b>TO:</b>	Chair and Planning Commission
<b>BY:</b>	George Burton, Planner <i>GB</i> Molly Hood, Senior Planner Eva Cutro, Community Development Director <i>EC</i>
<b>SUBJECT:</b>	Special Use Permit Mountain Shadows Resort (SUP-12-5) 5525 E. Lincoln Drive and 5641 E. Lincoln Drive
<b>DATE:</b>	August 14, 2012

**RECOMMENDATION:**

It is recommended that the Planning Commission review the application and take public comment on a Special Use Permit request for the redevelopment of the Mountain Shadows Resort. The request includes, but is not limited to: 1) demolition of the existing resort facilities; 2) construction of resort hotel, resort residential, resort retail, golf facilities, open space and circulation, and golf course area improvements; 3) development standards, 4) landscaping, signage, and ingress/egress improvements; and 5) street and infrastructure improvements.

Once public comment is taken it is recommended the public hearing be continued to September 18, 2012 to allow for further evaluation of the application.

**BACKGROUND**

**History**

In 1992, the Town annexed Mountain Shadows Resort. The site is approximately 68 acres in size with a golf course and driving range comprising 37 acres of the site. The existing, but now closed, hotel portion of the resort occupies the remaining 31 acres. An application for a Special Use Permit was filed on October 31, 2005. That application was revised and reactivated on May 15, 2012. Due to the long period of time between the original application and revised submittal, the applicant has agreed that the revised submittal will go through the town's current SUP review process.

**Request:**

The application for the Mountain Shadows SUP includes a mix of resort, residential, and golf course uses. The east side of 56<sup>th</sup> Street will be residentially subdivided (46 lots maximum). The west side will contain a resort hotel (100 key minimum), resort residential units, resort retail, and golf facilities. The golf course will be modified with the relocation of several holes and the reconfiguration of the practice area. The plans also contain improvements to 56<sup>th</sup> Street.

At the August 7, 2012, work session the applicant presented an alternate concept plan for the west side of 56<sup>th</sup> Street. This plan presented reduced height (two-story maximum) and reduced density. Although not formally submitted as a proposal to the Town, staff encourages discussion and public comment on this concept as well as on the submitted application.

The Mountain Shadows Resort Statement of Direction (SOD), issued by the Town Council on June 28, 2012, states that the Planning Commission may craft stipulations to address the landscaping, mechanical equipment screening and locations, resort operational issues and standards (such as hours of operation, amplified music, etc..) and other land use concerns not otherwise in conflict with the SOD. The Statement of Direction also states that the Planning Commission may establish development standards for items such as Lincoln Drive exceptions, the maintenance facility, common use pools, perimeter walls and fences, and 56<sup>th</sup> Street. A copy of the draft stipulations are enclosed for Commission review.

The applicant is also requesting approval of a preliminary plat for a 46-lot subdivision named 'Mountain Shadows'. The Town is processing the preliminary plat application concurrently with a Special Use Permit application. The preliminary plat encompasses 11.57 acres on the east side of 56<sup>th</sup> Street. As of this date, the preliminary plat is a conceptual plan and only after the SUP is approved may the applicant prepare the official preliminary plat.

Lastly, the Town's consultant will be presenting concepts for the 56th street improvements, which include options such as bike lanes, pedestrian paths, medians, a meandering alignment, hardscaping and landscaping. The Commission will review and provide input on the concept plans.

#### **PLANNING COMMISSION DISCUSSION**

The Planning Commission discussed the proposed application at the June 29, 2012, July 31, 2012 and August 7, 2012 work study sessions. The Commission requested an additional street design concept on 56<sup>th</sup> Street. The Commission also expressed concern about the density on the east side of 56<sup>th</sup> Street. Lastly, the Commission had concerns regarding the tall structure siteplan and the setbacks from the Rights of Way.

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#### **DOCUMENTATION ATTACHED**

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Draft Special Use Permit Stipulations  
June 28, 2012 Mountain Shadows Resort Statement of Direction  
56<sup>th</sup> Street Design Concept

**ORDINANCE NUMBER 653**

**AN ORDINANCE OF THE TOW OF PARADISE VALLEY, ARIZONA, AMENDING THE ZONING ORDINANCE AND AMENDING THE ZONING MAP TO PROVIDE FOR THE ISSUANCE OF A SPECIAL USE PERMIT FOR PROPERTY ZONED SUP DISTRICT (RESORT) AND THE REZONING FROM R43 TO SUP DISTRICT (RESORT) TO ALLOW FOR A RESORT HOTEL WITH INTEGRATED DWELLING UNITS (MOUNTAIN SHADOWS RESORT, PARADISE VALLEY) FOR THE PROPERTY LOCATED AT 5525 EAST LINCOLN DRIVE AND 5641 EAST LINCOLN DRIVE, GENERALLY BORDERED BY LINCOLN DRIVE TO THE NORTH, 56<sup>TH</sup> STREET TO THE EAST AND WEST, AND MCDONAOLD DRIVE TO THE SOUTH, WITH THE PROPOSED SUP DISTRICT (RESORT) TO INCLUDE A RESORT COMMUNITY, INCLUDING: A RESORT HOTEL WITH 100 MINIMUM KEYS, SPA, RESTAURANTS, AND MEETING SPACE; RESORT RESIDENTIAL; 46 DETACHED RESIDENTIAL ESTATE HOMES ON LOTS AVERAGING 7,500 SQUARE FEET; AND SITE IMPROVEMENTS INCLUDING PARKING, LANDSCAPING, AND LIGHTING AND, IMPROVEMENTS TO SITE INFRASTRUCTURE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Paradise Valley Planning Commission held public hearings on MONTH DAY, 2012, in the manner prescribed by law for the purpose of considering a rezoning of the property described in Exhibit A attached hereto ("Property") for the purpose of making a recommendation on a proposed SUP District (Resort) to be known as the Special Use Permit for the Mountain Shadows Resort, Paradise Valley, and recommended approval of the new SUP District (Resort) to the Town Council; and

WHEREAS, the Town Council at its meeting of MONTH DAY, 20\_\_\_\_, held a public hearing as prescribed by law to hear the conditional rezoning of the Property to a new SUP District (Resort) based upon the recommendation made by the Planning Commission as noted above, and to amend the Town Official Zoning Map to reflect the issuance of a new SUP District (Resort) for the entire Property and to take action on this rezoning request.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THAT:**

SECTION 1. Rezoning. A parcel of land, as described in Exhibit A attached hereto, is hereby conditionally rezoned from R-43 to a new SUP District (Resort) designation, with such changes to be made on the Town's Official Zoning Map, such new SUP District (Resort) to allow for use of the Property as a resort and all related uses subject to the stipulations set forth in

Exhibit B, attached hereto, the Special Use Permit for MTS Land, LLC, and MTS Golf, LLC, SUP 12-5, such uses including:

- a. A resort hotel with 100 minimum keys/rooms, spa, restaurants, and meeting space.
- b. Resort residential
- c. 46 detached residential estate homes on lots averaging 7,500 square feet
- d. Site improvements including parking, landscaping, and lighting
- e. Infrastructure and right-of-way improvements including, but not limited to, utilities, hardscape, landscaping, medians, round-a-bouts and re-surfacing of streets.

SECTION 2. The proposed SUP District (Resort) rezoning is in accordance with Article 11 of the Town Zoning Ordinance, specifically:

- a. It is authorized in the town's adopted general plan, as amended;
- b. It will not be detrimental to, interfere with or adversely affect existing uses or character of adjacent properties, persons residing or working in the vicinity, the neighborhood, the public health, safety, peace, comfort and general welfare, or the purpose of the zone in which it is proposed; and
- c. It will be in full conformity to any conditions, requirements or standards prescribed in the permit, in the zoning ordinance and the ordinances of the Town.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Effective Date. This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Paradise Valley, Arizona, this \_\_\_ day of MONTH, 20\_\_.

\_\_\_\_\_  
Scott P. LeMarr, Mayor

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012

APPROVED AS TO FORM:

ATTEST:

**EXHIBIT B  
TO  
ORDINANCE NUMBER 653**

**TOWN OF PARADISE VALLEY  
SPECIAL USE PERMIT FOR MOUNTAIN SHADOWS RESORT  
SUP-12-5**

**I. PROJECT DESCRIPTION**

Pursuant to Article XI of the Zoning Ordinance of the Town of Paradise Valley, Arizona (the "Town"), the Town hereby grants to MTS Land, LLC, a Delaware limited liability company, its affiliates, successors and MTS Golf, LLC, a Delaware limited liability company, its affiliates, successors and assigns (collectively, the "Resort Hotel Owner"), this special use permit (this "Special Use Permit") governing the use of the real property described below (the "Property"). This Special Use Permit shall be effective as of the date of approval by the Town Council (the "Approval Date"). All capitalized terms contained herein are defined pursuant to the definitions stated herein.

The Property is comprised of approximately 68 acres of land bisected by 56<sup>th</sup> Street between Lincoln Drive and McDonald Drive in the Town of Paradise Valley, Arizona, as more particularly described on Exhibit A. Maricopa County first issued use permits for the Property in the late 1950s/early 1960s. In 1992, the Property was annexed into the Town as an operating resort pursuant to an agreement between the Town and MTS Land LLC and MTS Golf LLC, dated \_\_\_\_\_. This Special Use Permit is being granted by the Town to permit the continued use and operation of the Property as a resort subject to and in accordance with the stipulations and other provisions set forth herein.

Subject to the stipulations and other provisions set forth herein (the "Stipulations"), the improvements, facilities and uses authorized to be developed, redeveloped, and used on the Property include the following: Hotel, Clubhouse, and Resort Residential, Resort Estates which may be sold (and thereafter resold) to a third party and used as provided herein; Resort Estates (East Side Homes/Residences); Golf Course; the Resort Ancillary Facilities and Uses; and such other facilities and uses.

## II. DEFINITIONS

"Approved Plans" means those certain plans and other documents listed in Exhibit B to Mountain Shadows Stipulations below.

"Clubhouse" means the building and related structures and uses depicted on the Approved Plans and Narrative as describe in the Stipulations.

"Courtyard Areas" mean any residential courtyard areas as defined in Article XXIV of the Town Zoning Ordinance.

"Developable Area" means the Land Use Areas A, B, C, E, F, and G (as shown on Sheet 2).

"Existing Entitlements" means whatever rights the Resort Hotel Owner had with respect to the use and development of the Property prior to the Approval Date.

"Floor Area Ratio" means the total floor area divided by the total lot area.

"Golf Course" means the 18-hole golf course and practice facility generally depicted on the Approved Plans (Sheet 10).

"Hotel" means the Lodge Building, Club House, Resort Residential and all related structures, appurtenances, facilities, and uses depicted on the Approved Plans, the Narrative and as described in the Stipulations.

"Land Use Plan" means that certain Land Use Plan (Sheet 2) prepared by Oz Architects, Inc.

"Lodge Building" means the primary Hotel building containing among other things guest reception, restaurant, bar, retail, Resort Residential and other Resort Ancillary Facilities and Uses as depicted on the Approved Plans and as described in the Stipulations.

"Lot Area" means the area bounded by the recorded property description of a lot, excluding any dedicated right of way, street or alley, and excluding any private road for which a Special Use Permit has been granted (68.48 acres).

"Maximum floor area" means the floor area ratio shall not be more than 25% and shall be computed using the total lot area of 68.48 acres which includes the golf course. Individual lots within the overall 68.48 acres shall not be limited by the 25% floor area ratio as to that particular lot (i.e. the individual Resort Estate lots are not limited to a maximum floor area ratio of 25%).

"Net Square Footage" means the conditioned and non-conditioned area under roof, per story, but excludes the floor area of any fully subterranean portions of a building.

**“Resort”** means the entire property and all facilities and other improvements existing, developed or redeveloped on the Property in general conformance with the Approved Plans and/or the Stipulations.

**"Resort Ancillary Facilities and Uses"** means all facilities and uses related or incidental to the operation of a resort, including specifically, but without limitation: restaurants, bars and lounges; spas and salons; indoor and outdoor meeting, convention, display, exhibit, wedding and social function facilities; sale of food and alcohol; catering facilities; outdoor cooking facilities; outdoor dining facilities; gourmet food shop (offering prepared and pre-packaged foods, wines, liquors, gifts, fresh fruits and vegetables, groceries, sundries, cosmetics, over the counter pharmaceuticals, housewares, and related kitchen, indoor and/or outdoor dining items); deli, coffee, tea, ice cream, yogurt and similar shops or sales; snack bars; central plant, maintenance shop, engineering facilities, housekeeping facilities, laundry, storage and support facilities; valet and other parking facilities, parking garages and areas; automobile rentals with a maximum of five (5) rental cars allowed to be stored on site; gift and sundries shop; flower sales; art gallery; jewelry shop; fashion, eyewear, footwear and apparel sales; sale of hotel items such as furniture, bedding, art, toiletries, etc is permissible but shall not be sold out of the lobby or sold out of a store; other resort retail; marketing, sale and resale of Resort Residential, Resort Estates and other Resort sales and marketing; travel agency offices; tour and other off-site activity offices; administrative, support and other resort offices; indoor and outdoor entertainment; ramadas; pools; golf, tennis, and other recreational or sport uses and services; amenities, recreational facilities and fitness facilities; and uses now or hereafter located.

**“Resort Estates”** means the 46 lots and residences in areas E (as shown on Sheet 2).

**"Resort Unit"** means a room or group of rooms which can be locked and served by a single key and which is part of a resort complex, as such is defined by the Town Zoning Ordinance. A Resort Unit may be served by one or more bathrooms, and may be with or without cooking facilities. A Resort Unit may, subject to the stipulations and other provisions set out below, be owned by either the Resort Hotel Owner or a third party.

**"Retail Use"** means a dedicated facility open to the general public offering for sale goods and merchandise as in accordance with the definition for "Resort Ancillary Facilities and Uses". Restaurants and the incidental sale of products and services incidental to or in conjunction with restaurant or other typical resort uses shall not be considered Retail Use.

**“Resort Hotel”** means the 100 to 314 Resort Units.

**“Resort Residential”** means the 189 Resort Units.

**“Tall Structures”** mean any third story building or structure in excess of 28 feet in height (Sheet 9.3).

“Total Floor Area” means the area under roof added to the floor area of any second and third story. The total floor area also includes any residential courtyard areas (as defined in Article XXIV of the Town Zoning Ordinance) in Area E (east of 56<sup>th</sup> street); the solid portion(s) of trellises and/or open weave roofs, and all area under roof in accessory buildings such as gazebos, ramadas and other accessory buildings. The total floor area excludes the floor area of any fully subterranean portions of a building, courtyard areas (for any area west of 56<sup>th</sup> Street), and overhangs (for any area west of 56<sup>th</sup> Street) not over useable exterior spaces (as illustrated on Sheet 2.1).

“Total Floor Area for the Resort Estates (Area E)” means area under roof added to the floor area of any second story. The total floor area also includes any courtyard areas (as defined in Article XXIV of the Town Zoning Ordinance); the solid portion(s) of trellises and/or open weave roofs, overhangs, and all area under roof in accessory buildings such as gazebos, ramadas and other accessory buildings. The total floor area excludes the floor area of any fully subterranean portions of a building.

“Town Manager” means the Paradise Valley Town Manager or his designee.

### III. STIPULATIONS

#### A. GENERAL

1. In the event of a conflict between the Mountain Shadows Resort Special Use Permit stipulations and the approved plans, the stipulations shall prevail.
2. As of the Approval Date, this Special Use Permit shall supersede and replace the Existing Entitlements – (Town Attorney to review and redraft if needed).
3. This Special Use Permit shall run with the land and any person having or subsequently acquiring title to any portion of the Property shall be subject to this Special Use Permit, as it applies to the portion of the Property owned thereby and as it may be amended or superseded from time to time. Once an owner (including, without limitation, a third party owner of a Resort Unit or the Resort Hotel Owner) no longer owns a portion of the Property, such prior owner shall not be subject to this Special Use Permit.
4. If the Resort is used in violation of the terms of this Special Use Permit, the Town Council may, after fair notice, a hearing and a reasonable opportunity to correct, terminate this Special Use Permit or, if the Council so determines, after fair notice, a hearing and a reasonable opportunity to correct, the Council may impose a sanction in an amount not to exceed the maximum amount allowed for violations of the Town Zoning Ordinance for each day such violation exists.

5. The use of the Property shall at all times conform to all applicable State laws and Town ordinances, except that if there is a conflict between this Special Use Permit and any Town ordinance or other requirement, this Special Use Permit shall prevail.
6. The redevelopment and construction of the Property shall, subject to the Stipulations, substantially conform with the intent of those certain plans and other documents (collectively, the "Approved Plans") marked and certified by the Paradise Valley Town Clerk which are listed in Exhibit B (attached). Each of the Approved Plans is hereby incorporated into this Special Use Permit and made an integral part hereof. In the event of a conflict between the Approved Plans and these Stipulations, the Stipulations shall prevail.
7. A mylar and electronic version of the Approved Plans and an electronic version of the other Approved Plans shall be submitted to the Town within 60 days after the Town Council's approval of this Special Use Permit.
8. Nothing in this Special Use Permit or otherwise shall require the operation of the Resort under the name "Mountain Shadows," "Mountain Shadows Resort" or any similar or other name. No further consent shall be required to enable the Resort Hotel Owner to transfer all or any portion of the Resort, name or rename the Resort, or select or reselect brands or management companies of the Resort. None of the Resort Units or any part of the Resort shall be operated as a Time-Share Project; as such term is defined by the Town Zoning Ordinance.
9. If any section, subsection, sentence, clause or phrase of this Special Use Permit is for any reason held illegal, invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Special Use Permit.
10. The Town and the Resort Hotel Owner believe and intend that the provisions of this Special Use Permit are valid and enforceable. In the unlikely event that this Special Use Permit is declared by a court of competent jurisdiction to be invalid or unenforceable, the Resort may be used and operated as a legal non-conforming use in accordance with the Stipulations until such time as a special use permit or other applicable zoning for the Resort is issued or reissued by the Town for the Property, it being the intent of the Town that in such event the Town will promptly issue a special use permit or other zoning classifications containing stipulations and other provisions which are identical to, or as near to identical as possible, to those contained in this Special Use Permit.

## **B. DEMOLITION**

11. A construction/demolition schedule and/or phasing timeline shall be submitted to the Town of Paradise Valley for review and approval. The demolition of existing structures shall commence within 90 days of SUP approval and be completed 180 days thereafter. The demolition schedule shall also address the necessary site stabilization to be utilized after demolition and before construction. If construction does not start within 365 days from issuance of the demolition permit, the applicant must landscape the perimeter of the property and all portion(s) of the property adjoining existing residences. The landscape plan(s), which may include the use of existing vegetation and landscaping, shall be reviewed and approved by the Town Manager or his designee.

## **C. DEVELOPMENT**

12. All permanent public utilities within the Resort shall be underground and located within appropriate easements. The Town Manager may, from time to time, require the granting of such easements as deemed reasonably appropriate for utilities benefiting the Resort that are not covered by easements shown on the final plat or set forth in the recorded CC&Rs for the Resort, Resort Hotel, Resort Residential or Resort Estates. Sewage shall be disposed of by connection with the sewer system. All water and sewage facilities shall be constructed in accordance with plans approved by the Town Manager.
13. No construction permit shall be issued for any phase of construction on the Property until appropriate engineering or architectural plans are submitted to the Town and the issuance of such construction permit for that particular activity is approved by the Town Manager. This provision shall not impede continued maintenance, repair or replacements of the Golf Course, including arbor care, irrigation system replacement and other renovation of existing features that are to remain as part of the Golf Course, or are necessary to keep the Golf Course operating prior to initiation of remodeling of the Golf Course as contemplated by the Approved Plans and the Stipulations.
14. Access to the Property during construction shall comply with the following.
  - a. During redevelopment of the Resort, temporary curb cuts may be allowed on 56<sup>th</sup> Street to allow construction access to the Property both east and west of 56<sup>th</sup> Street, such temporary curb cuts and their location shall be approved by the Town Engineer. A maximum of two such curb cuts shall be allowed on each side of 56<sup>th</sup> Street between Lincoln Drive and the southern boundaries of the Property.

- b. Prior to the issuance of a certificate of occupancy, adequate fire, emergency and other vehicle access and adequate fire service shall be provided in the Resort, Resort Hotel, Resort Residential and Resort Estates as determined by the Town Manager.
- c. Temporary construction driveway locations are subject to the review and approval by the Town Manager or his designee.
15. If construction has not commenced on any Resort Estate building by a date that is two (2) years after issuance of the initial building permit for the first element of work (excluding the grading and demolition permits), any such Resort Estate building pad shall be landscaped as reasonably required by the Town Manager.
16. The Resort Hotel Owner's development plans shall satisfy all fire department requirements for each component of work (which may include temporary fire protection facilities) prior to the issuance of any building permit for such work. A pre-demolition meeting must be held with the Town Manager prior to demolition of any structures.
17. The Resort Hotel Owner shall submit a construction schedule prior to the issuance of any building permit to ensure compliance with all Town ordinances and in order to minimize construction nuisances. This construction schedule shall include the following:
- Dust and noise control measures
  - Vehicle /equipment storage/parking
  - Construction days/hours
  - Location of staging area for construction supplies/equipment
  - Location of any construction trailer and sanitary facility
  - Location of on-site construction-materials/debris storage
  - Location of fire lanes during the construction period
18. During construction, a sign shall be posted on the Property indicating the name and phone number of a person the public may contact with construction-related concerns.
19. During construction, the Resort Hotel Owner shall sweep Lincoln Drive, 56<sup>th</sup> Street and McDonald Drive adjacent to the Property to remove construction-related dirt and debris at least once a day, as reasonably required by the Town Manager.
20. Sidewalks along 56<sup>th</sup> Street shall be designed and constructed in accordance with the plans prepared by the Town's Consultant. The precise location and/or required screening of any backflow preventer or other similar equipment to the extent same would be visible from Lincoln Drive or 56<sup>th</sup> Street shall be approved by the Town Manager.

21. The public improvements shall be installed as depicted on the Approved Plans. Bonding of all offsite improvements shall be submitted prior to the issuance of any building permits.
22. The Resort Hotel, Resort Facilities and/or Resort Units shall be constructed prior to or concurrently with the construction of the Resort Residential and/or Resort Estates.
23. The Resort Hotel Owner shall arrange for Construction Phasing on the Property in the following sequence:
  - a. Commence native plant salvage, dust and erosion control measures, job-site mobilization and set-up and the like.
  - b. Upon completion of the salvage, erosion and dust control, job-site mobilization, and set-up, commence horizontal or civil improvements and site work
  - c. Upon substantial completion of the civil improvements and site work, commence perimeter landscaping of the Property, along Lincoln Drive, 56<sup>th</sup> Street and McDonald Drive and adjoining existing residences. The landscape plan(s) shall be reviewed and approved by the Town Manger or his designee.
  - d. Upon substantial completion of the perimeter landscaping the vertical building improvements may commence.

Off-site and right-of-way improvements may be scheduled independently of the foregoing.

24. **Building Heights.** The maximum building heights shall be in accordance with the Approved Plans:
  - a. Open Space Criteria – South Part of Area C:
    - i. The Open Space Criteria shall be measured at the north side of Mountain Shadows West (MTS) Drive;
  - b. Open Space Criteria – West side of 56<sup>th</sup> Street:
    - i. All buildings shall comply with the Open Space Criteria and shall maintain a minimum setback of 40 feet;
  - c. No new two-story element shall be closer than 50 feet to an existing one-story residence existing at the date the SUP is granted (measured between exterior walls) ;
  - d. The maximum height and number of stories shall comply with Sheet 5 and with the following:
    - i. Areas A, B, and C – Maximum 3 story up to 36 feet tall, except for a maximum 2 story up to 28 feet tall (for structures with

- private attached garages); - (Stipulation may Change if Applicant Submits New Two Story Concept)
- ii. Area E – Maximum 2 story up to 24 feet tall; and
- iii. Area F – Maximum 1 story up to 24 feet tall;
- iv. Total third-story and 36 foot height square footage shall not exceed 120,000 square feet; - (Stipulation may Change if Applicant Submits New Two Story Concept)

- e. Height measurements shall be taken from the original natural grade as set forth on Sheet 4. Since the original natural grade has been established by the Town Engineer and applicant's engineer, the Town Council finds that the original natural grade as submitted is acceptable. If finished grade is not restored back to original natural grade, the maximum height shall be measured from the mid-point equidistant from the high point and low point of the Original Natural Grade or un-restored or existing grade, whichever is lower immediately adjacent to such building (in accordance with Note 3 of Sheet 4);
- f. Mechanical equipment and mechanical equipment screens shall be included in the total height of any structure they are attached to;

25. The location (i.e. footprint) of any building or structure, or any portion thereof, shall be in accordance with the Approved Plans. Tall Structures shall be limited to the locations identified on the Sheet 9.3. Any change in the location of the Tall Structure(s) shall be subject to an Amendment to the Special Use Permit.

26. The redevelopment of the Golf Course shall be in accordance with the Approved Plans (Sheet 10). Other than periods of repair, remodel or replacement, if the Golf Course is not utilized as a golf course, it shall be maintained as landscaped open space.

27. The building elevations, architectural elements and features (such as parapets, eaves, hips, gables, etc.), materials, and colors shown on the plans are conceptual in nature. Final building plans may vary from these concepts provided that they are generally consistent with the architectural style reflected in such concepts as determined by the Town Manager.

**28. Floor Area and Floor Area Ratio:**

- a. The maximum floor area ratio shall not be more than 25% and shall be computed using the total lot area of 68.48 acres which includes the golf course. Individual lots within the overall 68.48 acres shall not be limited by the 25% floor area ratio as to that particular lot (i.e. the individual Resort Estate lots are not limited to a maximum floor area ratio of 25%).

- b. The total floor area shall be defined as the area under roof added to the floor area of any second and third story. The total floor area also includes any residential courtyard areas (as defined in Article XXIV of the Town Zoning Ordinance) in Area E (east of 56<sup>th</sup> street); the solid portion(s) of trellises and/or open weave roofs, and all area under roof in accessory buildings such as gazebos, ramadas and other accessory buildings. The total floor area excludes the floor area of any fully subterranean portions of a building, courtyard areas (for any area west of 56<sup>th</sup> Street), and overhangs not over useable exterior spaces (as illustrated on Sheet 2.1). Any proposal beyond that shall require an amendment to the SUP.
- c. Any increase in the amount of floor area above 25% shall constitute an amendment to the Mountain Shadows Special Use Permit in accordance with Article XI of the Town Zoning Ordinance. Any parking structure/parking garage that is more than six feet above ground shall be included in the floor area ratio calculation. Any residential courtyard areas (as defined in Article XXIV of the Town Zoning Ordinance) in Area E (east of 56<sup>th</sup> street) shall be included in the floor area ratio. However, courtyard areas (for any area west of 56<sup>th</sup> Street) shall be excluded from the floor area ratio calculation.
- d. The total floor area for the Resort Estates (Area E) shall be defined as the area under roof added to the floor area of any second story. The total floor area also includes any courtyard areas (as defined in Article XXIV of the Town Zoning Ordinance); the solid portion(s) of trellises and/or open weave roofs, overhangs, and all area under roof in accessory buildings such as gazebos, ramadas and other accessory buildings. The total floor area excludes the floor area of any fully subterranean portions of a building.

29. Minimum setbacks:

a. Lincoln Drive Exception:

- i. A total of 150 lineal feet of building frontage for retail uses located on the west side of 56<sup>th</sup> Street adjoining Lincoln Drive, may be allowed at a minimum setback of 40 feet from the property line;
- ii. The guard house east of 56<sup>th</sup> Street adjoining Lincoln Drive may be allowed at a minimum setback of 25 feet from the property line but it will be sent to the Planning Commission for neighborhood input. The Planning Commission may modify and establish the development standards based upon public input, the need for a mail drop, and guard house design;

30. The Monument signs shall comply with the Town of Paradise Valley Special Use Permit Guidelines;

31. **Maintenance Facility**
  - a. The Town Council accepts the development standards as proposed for the maintenance facility. The Planning Commission will review for neighborhood input and may modify and establish the development standards based upon public input;
32. **Common Use Pools**
  - b. The Town Council accepts the development standards as proposed for the common use pools. The Planning Commission will review for neighborhood input and may modify and establish the development standards based upon public input. Common use pools shall substantially comply with the SUP Guidelines.
33. **Land Use Area D – Accessory Structures**
  - c. Existing structures may be reconstructed in their current locations and heights. The Town Council accepts the general location and height of the clubhouse but will send to the Planning Commission for neighborhood input. Any additional new structures within the 60 foot setback or above 16 feet height shall require an amendment to the Special Use Permit;
34. **West Side Perimeter Walls & Fences**
  - a. The Planning Commission shall review the perimeter fence walls adjoining Lincoln Drive. The Planning Commission shall examine straight and meandering walls, however, the Town Councils accepts that a meandering wall may encroach into the right-of-way easement;
  - b. The Planning Commission and Consultant shall review and establish development standards for any perimeter fence walls along 56<sup>th</sup> Street;
  - c. The perimeter fence walls along McDonald Drive shall comply with the development standards outlined on Sheet 5.1 of the applicant submittal. The fence may have a 0 foot setback with no infringement on the golf course. Fence wall may be located at the property line (and not in the Town's ROW). The fence wall shall not exceed a height of 6 feet and shall comply with the site triangle requirements at 56<sup>th</sup> St and McDonald Dr;
35. **No structures shall be placed in a right-of-way easement except approved monument signs and any other approved structures per this Special Use Permit;**
36. **Minimum key count for the resort:**
  - a. Shall be at least 100 hotel rooms to be located in Area A, Area B, or both (Sheet 2);
  - b. Rental of resort residential units (as shown in Areas "A, B & C") shall be addressed in the Development Agreement;

37. **Golf course and practice range:**
- a. The area of the golf course as shown on Sheet 10 is acceptable;
  - b. Detailed plans regarding the improvements shall be submitted for Town Manager review and approval;
38. **Parking Structure(s)**
- a. Detailed plans regarding any proposed parking structure(s) will be submitted at a later date to be approved by the Town Manager or his designee. If any portion of the proposed parking structure/parking garage is more than six feet above ground, it shall be included in the floor area ratio calculation;
39. **Golf cart storage**
- a. Golf cart storage shall be either underground or in a partially subterranean building that would be completely shielded from view by the wall proposed along Lincoln Drive (as shown on Sheet 5). If necessary, the Planning Commission may develop standards for temporary at-grade golf cart storage to be used to keep the golf course operational while a permanent golf cart storage structure is being constructed.
40. All mechanical equipment shall be screened so that it is not visible from abutting properties and the right-of-way. Mechanical equipment and mechanical equipment screens shall be included in the total height of any structure they are attached to. If applicable, mechanical screening shall provide the necessary noise attenuation for any mechanical equipment. All mechanical equipment, with the use of screens, shall comply with the allowable noise levels as defined in the Town's noise ordinance.
41. **Restrictions Related to Issuance of Resort Estates/East Side Resort Homes (Area E) Certificates of Occupancy.**
- Prior to issuance of a certificate of occupancy for the first East Side homes, all of the following shall occur:
- a. All demolition on the east and west side of 56<sup>th</sup> Street has been completed, grading permits have been issued, and grading has been completed.
  - b. All offsite improvements to Lincoln Drive and 56<sup>th</sup> Street to be done by the Resort Hotel Owner are complete.
  - c. All necessary infrastructure such as storm drains, sewer, fire service, water, and electrical serving such Resort Villa is complete, including such items as access roads.

- d. Evidence of binding loan commitments have been provided to the Town Manager and Town Attorney evidencing that the Resort Hotel Owner has secured adequate construction financing necessary to construct those portions of Resort improvements, including all of the Resort Hotel, Resort Residential, the Lodge Building, and the Clubhouse remaining to be constructed following the issuance of such first certificate of occupancy for the Resort Estate homes. Such financing commitments may be provided by one or more lenders in one or more loans or by a consortium of lenders. In addition, in the event the Resort Hotel Owner elects to construct the Resort (other than the Resort Estates) without construction financing (i.e., using funds available or provided by sources other than a loan), including a combination of borrowed and contributed funds, adequate evidence, such as written certification from funding sources that there are adequate cash funds available, will be provided to the Town Manager and Town Attorney ensuring that the Resort Hotel Owner has funds available to construct the Resort improvements, including the Resort Hotel, Resort Residential, the Lodge Building, and the Clubhouse remaining to be constructed following the issuance of such first certificate of occupancy for the Resort Estates. If the Resort Hotel Owner provides financial statements or a certificate of net worth evidencing either itself or an affiliate or partner, or any combination of the foregoing has a net worth equal or great than \$250 million dollars, then the foregoing stipulation will be satisfied by providing such financial statements or net worth certificate. Any such financial statements so submitted shall be held in confidence by the Town and shall be reviewed solely by the Town Manager and Town Attorney, or such advisor appointed by them who agrees to keep such financial statements confidential.

42. **Special Requirements for the Resort Estates (Area E).**

- a. A maximum of 46 homes may be constructed on the lots illustrated on the preliminary plat/final plat.
- b. Allowed uses – single family residential and uses incidental or accessory thereto (such as barbecues, fences, fireplaces, pools, spas, etc.);
- c. Lot size –A mean average lot size of at least 7500 net square feet. Average lot width of 60 feet (on lots that are not rectangular width shall be measured at the center point);
- d. **Primary Residence/Structure:**
1. **Minimum Setbacks**
    - Front yard – 10 feet

- Side yard – 5 feet (zero lot lines allowed)
- Side yard with frontage – 10 feet
- Rear yard – 20 feet

2. Heights

- 24 feet maximum height
- Maximum number of stories – mix of one and two stories. The two lots at the southwest corner of the site, plus a minimum of three other perimeter lots shall contain one-story homes

3. Minimum floor area of 2,000 square feet;

4. Maximum floor area of \_\_\_\_\_ square feet or %

e. Accessory Structures:

1. Pools, barbecues, fire pits, fireplaces, water features and other accessory structures shall not exceed 6 feet in height and shall be allowed in the setbacks provided they are located behind and completely screened by the allowed walls;
2. Accessory structures over 6 feet but no taller than 15 feet shall comply with the following setbacks – 10 foot front yard, 5 foot side yard (10 foot side yard with frontage); 7 foot rear yard (10 foot rear yard with frontage);

f. Fences and Walls:

1. The Planning Commission shall review and establish the development standards for perimeter fence walls along 56<sup>th</sup> Street;

2. Interior fence walls shall not exceed a height of 6 feet shall maintain a setback of:

- Front yard – 10 feet,
- Side/Rear yards – 0 feet,
- Side/rear yards adjoining a public right-of-way – 10 feet
- Side/rear yards adjoining Lot 68 – 5 feet
- Side/rear yards adjoining all other rights of way – 0 feet

3. Three (3') tall Interior Fence Walls:

- Front yard – 10 feet,
- Side/rear yards – 0 feet,
- Side/rear yards adjoining a public right-of-way – 10 feet
- Side/rear yards adjoining Lot 68 – 5 feet
- Side/rear yards adjoining all other rights of way – 0 feet

4. Fences adjoining Lot 68 shall not exceed a height of 6' and shall maintain a setback of:

- Front yard – 10 feet,
- Side yard – 5 feet,

- Rear yard – 5 feet;
- g. Pool and fountain equipment must be screened. All heaters are to be stackless or low-profile in configuration;
- h. All exterior lighting shall comply with the Town zoning ordinances and the Special Use Permit Guidelines;
- i. All mechanical equipment shall be screened so that it is not visible from abutting properties and the right-of-way. Mechanical equipment and mechanical equipment screens shall be included in the total height of any structure they are attached to. If applicable, mechanical screening shall provide the necessary noise attenuation for any mechanical equipment. All mechanical equipment, with the use of screens, shall comply with the allowable noise levels as defined in the Town's noise ordinance.
- j. Except as otherwise allowed by Federal or State requirements, antenna and satellite dishes are permitted, as follows:
  1. Satellite dishes must not be located above the roof line. Satellite dishes and antennas greater than 24" in diameter are permitted, provided that they are not mounted on the roof and meet all Town Code requirements including full screening of equipment from view.
  2. All wiring shall be contained within a structure or underground conduit.

#### **D. USES**

43. Temporary tents or pavilions may be erected on the Property in accordance with the Town Code Special Event Permit requirements (Chapter 8). No tent shall be higher than 24 feet above finished grade or closer to any exterior property line than the minimum setbacks shown for a 24 foot height building on the Land Use Plan. Placement of tents shall have no material adverse impact on parking or circulation on site. Temporary tents or structures shall not be allowed for more than thirteen (13) consecutive days.
44. The maximum hours of public operation of the following specific uses/facilities shall be as follows:
  - a. Vendor deliveries (other than US Mail, private courier services such as UPS or FedX, or emergencies): 6 am - 7 pm
  - b. Pools, spas and jacuzzis (except pools, spas and jacuzzis located in enclosed private yards including yards such as presidential suites or hotel suites or casitas, which may be used 24 hours/day): 6 am - midnight

- c. Restaurants and other food service facilities: 6 am - 2 am
- d. Restaurants located in Land Use Area F: 6 am - 10 pm
- e. Bars/lounges: 10 am - 3 am
- f. Banquet facilities, receptions, weddings and socials: 6 am - 2 am
- g. Resort retail: 7 am - midnight
- h. Room service: 24 hours/day
- i. Guest reception and guest services: 24 hours/day
- i. Parking facilities: 24 hours/day
- j. Spa & fitness facilities: 24 hours/day, (outside members limited to 5 am - midnight).
- k. Trash pickup: 7 am - 7 pm
- l. Golf Course, maintenance areas and practice area: 5:30 a.m. - until 60 minutes after sunset;
- m. Golf Course mowing shall not begin prior to 5:30 am. All golf course maintenance equipment shall be "Noise Friendly", as follows:
  - 1. 'Noise Friendly' shall be defined as meeting all applicable governmental noise regulations for such equipment at the time of purchase, including provisions of this Special Use Permit.
  - 2. All new motorized equipment shall be the most "Noise Friendly" commercial equipment available for its intended function at the time of purchase.
- n. Outdoor events or functions with music and/or amplified sound shall comply with the allowable noise levels as defined by the Town's noise ordinance.

45. Use of Resort Residential and Resort Estates.

- a. Resort Residential (Land Use Areas A, B, C and F). Each owner of a Resort Unit may occupy it, permit its guest(s) to occupy it, or make it available for rental for transient occupancy uses, residential uses or hospitality uses.
- b. Resort Estates (Land Use Area E). Each owner of a Resort Unit may occupy it, permit its guest(s) to occupy it, or make it available for rental for transient occupancy uses, residential uses or hospitality uses.

46. Recorded Documents – (Town Attorney to review and redraft if needed)

The following stipulations shall be set forth in certain easements and/or covenants, conditions and restrictions (“CC&Rs”) or other recorded instruments, to be recorded on the Resort or such part thereof for which such stipulation is germane. Such recordation shall occur at or prior to recordation of the final plat or final map as the case may be. As a condition to approval of the final plat or final map, such recorded instruments shall be approved by the Town Manager.

a. Easements

1. Vehicular and pedestrian access easements shall be dedicated and maintained as needed and determined by the Town of Paradise Valley.
2. Utility easements shall be dedicated and maintained as needed and determined by the Town of Paradise Valley.
3. Drainage easements shall be dedicated and maintained as needed and determined by the Town of Paradise Valley.
4. West Side (Land Use Areas A, B, C and F). Easement for the Resort Hotel Owner to Maintain and Repair the Resort, Resort Hotel and Resort Residential. An easement to enable the Resort Hotel Owner to fully control the maintenance and repair of the Resort as a whole by giving it a property right to exercise its rights and responsibilities under Section b below.

b. Resort Hotel Owner Maintenance Rights and Responsibilities

1. West Side (Land Use Areas A, B, C and F) - Exterior Yards of the Resort Residential. The Resort Hotel Owner will initially improve and thereafter shall be entitled and responsible to maintain or shall cause the maintenance of the portions of the front, side and rear yards of each Resort Residential yard located outside of privacy walls, to ensure consistency of landscaping and maintenance throughout the Resort.
2. West Side (Land Use Areas A, B, C and F) - Maintenance and Repair of Exteriors of the Resort, Resort Hotel, Resort Residential and Related Improvements. The Resort Hotel Owner shall be entitled and responsible to maintain or shall cause to be maintained the exteriors of the Resort, Resort Hotel, Resort Residential and related improvements, such as the exterior features of garages,

fences, walls and the like, to ensure consistency throughout the Resort.

3. **Town Self-Help Remedy.** A covenant will be recorded on the Resort, Resort Hotel, Resort Residential (which may be set forth in the CC&R's) providing the Town a right to perform exterior maintenance and repair of those properties and related facilities (i.e., access roads and parking lots) to the extent maintenance and repair of each the Resort Hotel and Resort Residential unit if such unit is not reasonably maintained and such deficiency is not cured within a reasonable period of time, following notice and hearing, in addition to any other remedies available at law to the Town. In the event the Town utilizes such remedy, the owners of the affected property will be responsible to repay the Town for its reasonable costs and expenses incurred in performing such work within 30 days after receipt of an invoice and reasonable supporting materials from the Town. If the owner does not pay such amount to the Town within such 30-day period, the Town shall be entitled to file a lien on the owner's Resort Hotel and Resort Residential unit, and enforce such lien as provided by Arizona law.

4. **Rental.** Resort Residential and Resort Estates owners may participate in the Resort Hotel Owner's rental program at their option.

5. **Registration at Front Desk.** Each principal occupant (other than the owner) of a Resort Residential and Resort Estates shall register with the onsite registration to be maintained by the Resort Hotel Owner, and shall be required to update that registration upon the occurrence of any material change in occupancy or status.

6. **Rental by Rental Agents Other than Resort Hotel Owner.** Rentals of Resort Residential and Resort Estates by a rental agent other than the Resort Hotel Owner or its affiliates or agents, are permitted provided, each such agent must be locally based, licensed as required under applicable law, insured, and provide continuous service availability to each owner and/or renter (i.e., available at all times), as confirmed by documents provided to the Resort Hotel Owner. Any operator of the hotel offering a rental program shall be deemed to comply with this stipulation.

47. **Guard House(s) and Guard Gate(s)**

a. The existing guard house/guard gate (the "MS West Guardhouse") immediately west of Lot 69 that currently services Mountain Shadows Estates West will remain. If Mountain Shadows Estates West at some time in the future decides to re-build the MS West

Guardhouse, an amendment to this Special Use Permit shall be required in accordance with Article XI of the Town Zoning Ordinance.

- b. The existing guard house/guard gate (the "MS East Guardhouse") on Lot 68 that currently services Mountain Shadows Estates East will remain. If Mountain Shadows Estates East at some time in the future decides to re-build the MS East Guardhouse or construct a second MS East Guardhouse, an amendment to this Special Use Permit shall be required in accordance with Article XI of the Town Zoning Ordinance.
48. All the improvements, except for the pavement, of Lincoln Drive, 56<sup>th</sup> Street and McDonald Drive shall be maintained by Resort Hotel Owner and/or the individual property owner.
  49. Prior to the issuance of building permits for a particular phase of development (this does not prevent the acquisition of demolition permits), the applicant shall provide to the Town for each phase of development proposed:
    1. The lighting, interior landscaping, circulation, parking, and interior signage plans shall be submitted for Town Manager review and approval in accordance with Article XI of the Town zoning ordinance.
    2. All exterior lighting shall comply with the Special Use Permit Guideline requirements.

#### **E. PARKING & CIRCULATION**

50. Parking and circulation shall be reviewed and approved by the Planning Commission. The minimum parking counts shall be based upon the Special Use Permit Guidelines, the Institute of Transportation Engineers (ITE) or the American Association of State Highway and Transportation Officials (AASHTO) standards. The standard that generates the largest required parking count shall prevail.
51. All contracts between Resort Hotel Owner and any valet company or other parking company shall include an acknowledgment and agreement that such company shall not park any vehicles on public streets in the Town. Buses and other vehicles may be used to shuttle guests or employees to or from parking areas not located on the Resort, and between the Resort and other destinations (e.g., airport, shopping facilities, golf courses, etc.). Any catering agreement between Resort Hotel Owner and any guests booking events at the Resort shall include an acknowledgement and agreement that vehicles may not park on public streets in the Town. There shall be no valet parking on the streets.

52. Unlicensed support vehicles (i.e., golf carts, utility vehicles, etc.) may be used to service the Resort, and to transport and provide persons or service to guests of the Resort and owners of the Resort Units and by owners of the Resort Residential and Resort Estates. The support vehicles shall not park on public streets.
53. All designated fire lanes shall maintain a vertical clearance of 14 feet above finished grade and a horizontal clearance of 20 feet to allow passage of emergency vehicles and must meet all Department of Transportation standards.
54. At any time the parking demand within the Resort reaches capacity, the Resort Hotel Owner shall submit a valet parking plan for review and approval by the Town Manager or his designee.
55. Trash service for the Resort, Resort Hotel and Resort Residential shall be provided either directly by Resort Hotel Owner or through a single third party vendor. Incidental removal of trash, debris and landscape material may be handled by alternative vendors.
56. All streets and drives within the Property are and shall remain private streets. All streets, sidewalks, and paved areas constructed shall remain private; provided, that all new streets constructed shall be of adequate width and design to permit the provision of fire and police protection to the Property.

#### **F. MANAGEMENT**

57. There shall be at least one person at the Resort at all times who has been thoroughly briefed on the provisions of this Special Use Permit and who has the authority to resolve all problems related to compliance with this Special Use Permit. All calls from Town residents to the Town or Resort regarding noise or disturbances shall be referred to and addressed by such person(s). Maintenance of the Resort in general and all common areas specifically, shall be coordinated through a single unified management entity, which may be the Resort Hotel Owner or its designee.
58. At all times the property shall remain under unified management and shall be operated as one, single resort facility.

#### **G. CELLULAR ANTENNAS**

59. Cellular and other wireless transmission antennas are permitted, provided that they comply with this Special Use Permit, all applicable Town ordinances and obtain a Conditional Use Permit. Any cellular antennas shall be designed as integrated architectural features within the structures on the Property and any screening shall be in the same finish and color as the structure on which it is located. There shall be no unscreened

projections of cellular antennas on any building above the roofline. Any lease agreement with a wireless operator will specifically allow entry by the Town and its agent for the purpose of inspection and compliance with Town ordinances and will require compliance with Article XII of the Town Zoning Ordinance or any successor ordinance regarding the conditions and limitations of special use permits.

## **H. LIGHTING**

60. If the Town receives a complaint from an off site owner that the light emitting element (i.e., the bulb) within an exterior light fixture is visible from off the Property, Town Manager may inspect the Property and require the Resort Hotel Owner to redirect such light source if the light emitting element is visible from outside the Property.
61. The exterior lighting shall comply with the Special Use Permit Guidelines and shall be submitted for Town Manager review and approval in accordance with Article XI of the Town zoning ordinance.

## **I. ARCHITECTURAL STANDARDS**

62. The building elevations, architectural elements and features (such as parapets, eaves, hips, gables, etc.) materials, and colors shown on the plans are conceptual in nature. Final building plans may vary from these concepts provided that they are generally consistent with the architectural style reflected in such concepts as determined by the Town Manager.
63. Massing and articulation of Resort Hotel, Resort Units, Resort Residential and Resort Estate structures shall be designed in a manor that is generally consistent with the architectural style reflected in such concepts as determined by the Town Manager and is considerate of views and view corridors. Architectural massing refers to the concept of arranging the volumes of a structure in relation to other structures and the streetscape. Massing may be adjusted to maintain building proportions and surface areas consistent with the style. A balanced effect and style statement is achieved by variations in simple building form and projections. Facades should incorporate architectural features such as pilasters, windows, cornices, porches, corners, offsets, or changes in materials and changes in the vertical plane to break up the mass of the building and add visual interest.

## **J. LANDSCAPE STANDARDS**

64. If construction does not start within 365 days from issuance of the demolition permit, the applicant must landscape the perimeter of the property and all portion(s) of the property adjoining existing residences. The landscape plan(s), which may include the use of existing vegetation

and landscaping, shall be reviewed and approved by the Town Manger or his designee.

65. Landscaping plans shall be submitted for Town Manager or his designee for review and approval in accordance with Article XI of the Town zoning ordinance. Perimeter landscaping adjoining Lincoln Drive, 56<sup>th</sup> Street and McDonald Drive shall be substantially compliant with the Town's Landscape Guidelines.

#### **K. ENTITLEMENTS**

66. Town Attorney to draft stipulation - Planning Commission wants to add stipulation that entitlements are null and void if any parcel is sold off (i.e. sell off east from west).

**DRAFT**

**EXHIBIT A  
TO  
MOUNTAIN SHADOWS STIPULATIONS**

**Legal Description of Property**

The Special Use Permit for the Mountain Shadows Resort is on the land legally described as:

EAST OF 56<sup>TH</sup> STREET - LOT I, LOT 1-A AND LOT 1-B OF "MOUNTAIN SHADOW RESORT AMENDED", BOOK 75 PAGE 34, M.C.R.

WEST OF 56<sup>TH</sup> STREET - LOT 128, LOT 130-A AND LOT 131 OF "MOUNTAIN SHADOW RESORT UNIT TWO-AMENDED", BOOK 95 PAGE 3, M.C.R. AND LOT 132 OF MOUNTAIN SHADOW RESORT UNIT TWO-AMENDED II" BOOK 940 PAGE 7, M.C.R. AND LOT 128-A AND LOT 129 OF "MOUNTAIN SHADOW RESORT UNIT TWO-AMENDED III", BOOK 1110 PAGE 37, M.C.R.

(Assessors Parcel Numbers 169-30-063, 169-30-070, 169-30-071, 169-30-074, 169-30-073, 169-30-067A, 169-30-068A, 169-30-068B, 169-30-067B, 169-30-072, 169-43-004C, 169-43-006, 169-43-067)

**DRAFT**

**EXHIBIT B**  
**TO**  
**MOUNTAIN SHADOWS STIPULATIONS**  
Approved Plans

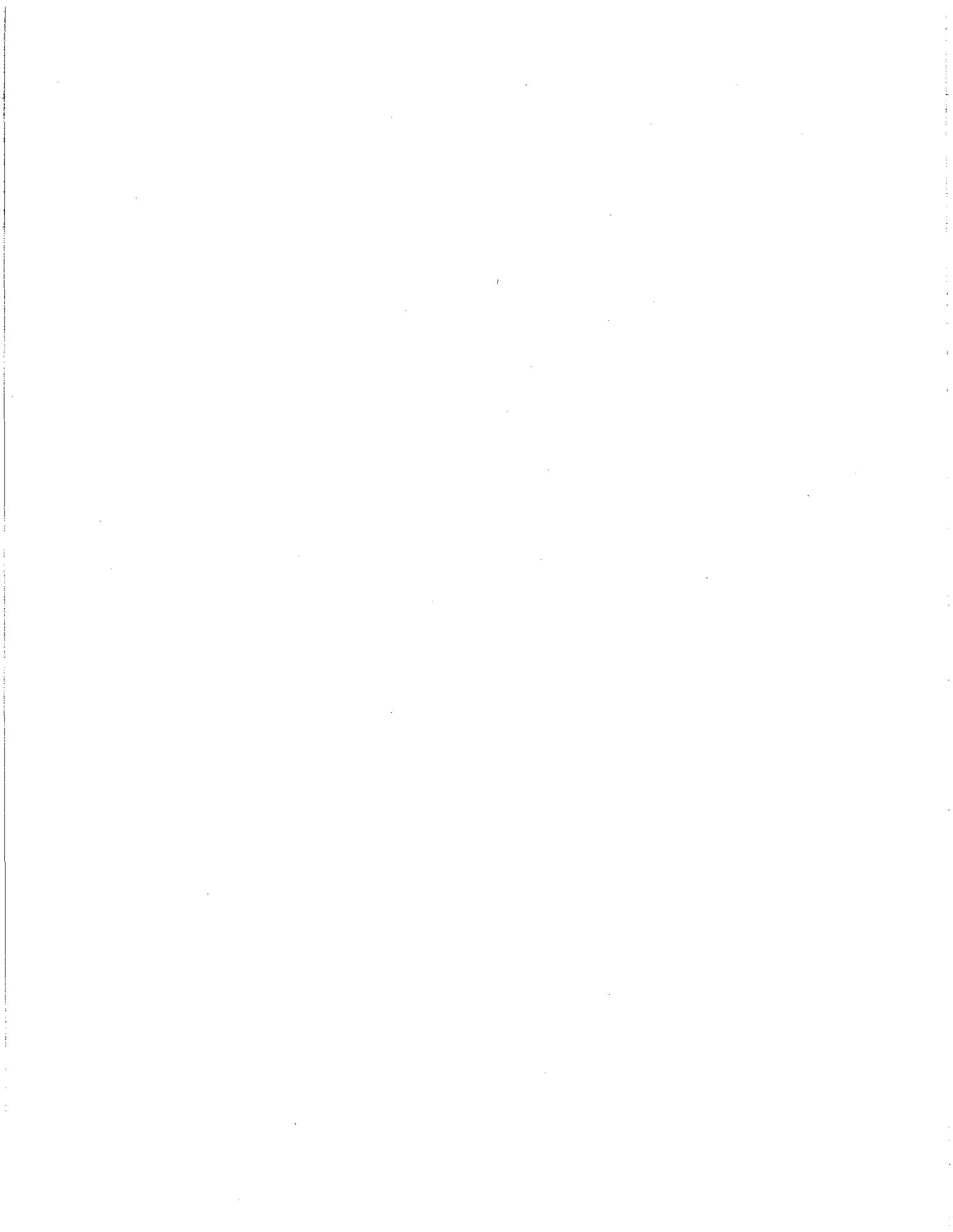
Sheet Number	Title	Date
1	Aerial/Vicinity Map/Table of Contents	July 25, 2012
2	Land Use Plan	June 26, 2012
2.1	Mountain Shadows Resort Program, Land Use Plan Notes & Diagrams	June 26, 2012
4	Original Natural Grade (O.N.G.) Plan	June 26, 2012
5	Development Envelope Plan	July 25, 2012
5.1	Development Envelope Notes	July 25, 2012
7	Mountain Shadows East Plan	June 26, 2012
9.3	Buildings in Excess of 28 FT. in Height	July 25, 2012
9.4	Floor Area Ratio Comparison Chart	July 25, 2012
10	Conceptual golf Course Improvement Plan	June 26, 2012

DRAFT

**Alternative Language for Mountain Shadows Draft Stipulation  
No. 44 m  
(Based upon language from the Camelback Golf Course SUP)**

Golf Course maintenance and mowing limitation and requirements:

- A. The noise limitations and requirements shall apply to all noises generated from the maintenance of the golf course and/or all golf course maintenance facilities.
- B. The noise limitations and related requirements shall not apply to emergency activity. Activities approved under extended operating hours, including special and seasonal functions, shall not exceed 70 dB(A) for sustained noises. However, noise may on occasion rise to a maximum level of 82 dB(A), provided such noise lasts no more than five minutes in duration per occurrence.
- C. The following shall be the maximum allowable noise levels along the property line of the Golf Course Property for noises generated pursuant to this Special Use Permit.
  - i. 56 dB(A) between sunrise and 7:00 a.m.
  - ii. 65 dB(A) between 7:00 a.m. and 9:00 a.m.
  - iii. 70 dB(A) between 9:00 a.m. and 4:00 p.m., except the noise level may rise occasionally to a level not to exceed 82 dB(A).
  - iv. 45 dB(A) between 4:00 p.m. and sunrise, and all legal holidays.
- D. The Applicant shall control the playing of radios such that it is not heard on adjacent residential lots.



**SUP-12-5  
Mountain Shadows Resort**

**-Statement of Direction -  
June 28, 2012**

On May 15, 2012, the applicant reactivated and revised their Special Use Permit application to allow for the development of a resort hotel, resort retail, golf course modifications and resort residential homes.

Section 1102.3 of the Town's Zoning Ordinance states the Town Council must issue a Statement of Direction (SOD) for the Special Use Permit application within 45 days of the first staff presentation. In this case, the Statement of Direction must be issued on or before July 6, 2012.

The Statement of Direction is not a final decision of the Town Council and does not create any vested rights to the approval of a Special Use Permit (SUP). Any applicant for a Special Use Permit shall not rely upon the matters addressed in the Statement of Direction being the same as those that may be part of an approved Special Use Permit.

Therefore, the Town Council issues the following Statement of Direction for SUP-12-5, Mountain Shadows Resort:

1. The General Plan encourages revitalization and improvement of existing resorts within the Town of Paradise Valley;
2. The Mountain Shadows property does not presently have a Special Use Permit. In addition, the Town Council desires to adopt a Special Use Permit which relies on Sheets 2, 2.1, 3, 4, 5, 5.1, 7, and 10 of the applicant's submittal. The Town Council finds that the proposed resort concept specified in the documentation submitted by the applicant is acceptable and does not need further study by the Planning Commission unless specifically requested in this SOD.
3. THE TOWN COUNCIL FINDS THE FOLLOWING CONDITIONS ACCEPTABLE:
  - A. Maximum floor area (and floor area ratio):
    - The floor area ratio shall not be more than 25% and shall be computed using the total lot area of 68.48 acres which includes the golf course;
    - Any increase in the amount of floor area above 25% shall constitute an amendment to the Mountain Shadows Special Use Permit in accordance with Article XI of the Town Zoning Ordinance;

Statement of Direction  
SUP-12-5  
DATE June 28, 2012  
Page 2 of 9

- **Total Floor Area** shall be defined as the area under roof added to the floor area of any second and third story. The total floor area also includes any residential courtyard areas (as defined in Article XXIV of the Town Zoning Ordinance) in Area E (east of 56<sup>th</sup> street); the solid portion(s) of trellises and/or open weave roofs, and all area under roof in accessory buildings such as gazebos, ramadas and other accessory buildings. The total floor area excludes the floor area of any fully subterranean portions of a building, courtyard areas (for any area west of 56<sup>th</sup> Street), and overhangs not over useable exterior spaces (as illustrated on sheet 2.1 of the applicant's packet). Any proposal beyond that shall require an amendment to the SUP;
  - **Covered Parking Structures with Solar Panels:**
    - Any parking structure/parking garage that is more than six feet above ground shall be included in the floor area ratio calculation;
  - **Courtyard Areas:**
    - Any residential courtyard areas (as defined in Article XXIV of the Town Zoning Ordinance) in Area E (east of 56<sup>th</sup> street) shall be included in the floor area ratio. However, courtyard areas (for any area west of 56<sup>th</sup> Street) shall be excluded from the floor area ratio calculation;
  - **Lot Area** shall be defined as the area bounded by the recorded property description of a lot, excluding any dedicated right of way, street or alley, and excluding any private road for which a Special Use Permit has been granted (68.48 acres). Individual lots within the overall 68.48 acres shall not be limited by the 25% floor area ratio as to that particular lot;
  - **Developable Area** shall be defined as areas A, B, C, E, F, and G (as shown on Sheet 2 of applicant's submittal) Area D may be improved in accordance with note 4 on Sheet 5.1;
- B. Maximum building heights (including Open Space Criteria and number of stories) shall conform to the SUP guidelines except as set forth on sheets 5 and 5.1:
- **36' Height and Third Story Elements**
    - The Planning Commission shall review any proposed third story buildings or structures exceeding 28 feet in height ("Tall Structures"). The Commission shall encourage large setbacks from Lincoln Drive at least 120 feet net of the Lincoln Drive roadway easement areas (and 56<sup>th</sup> Street) and the establishment of appropriate view corridors for Tall Structures. Applicant shall prepare a site plan showing the locations of

Tall Structures which shall be presented to the Commission during its review of the SUP application. Any site plan for the Tall Structures that is adopted in conjunction with the SUP shall limit the locations for all Tall Structures on the site. Any change in the location of a Tall Structures after the effective date of the SUP shall be subject to review and approval by the Commission at a duly noticed public meeting; said review and approval by the Planning Commission to be at the complete discretion of the Commission;

- Open Space Criteria – South Part of Area C
  - The Open Space Criteria shall be measured at the north side of Mountain Shadows West (MTS) Drive;
- Open Space Criteria – West side of 56<sup>th</sup> Street
  - All buildings shall comply with the Open Space Criteria and shall maintain a minimum setback of 40 feet;
- No new two-story element shall be closer than 50' to an existing one-story residence existing at the date the SUP is granted (measured between exterior walls) ;
- The maximum height and number of stories shall comply with sheet 5 and with the following:
  - Areas A, B, and C – Maximum 3 story up to 36 feet tall, except for a maximum 2 story up to 28 feet tall (for structures with private attached garages);
  - Area E – Maximum 2 story up to 24 feet tall; and
  - Area F – Maximum 1 story up to 24 feet tall;
  - Total third-story and 36 foot height square footage shall not exceed 120,000 square feet;
- Height measurements shall be taken from the original natural grade as set forth on Sheet 4. Since the original natural grade has been established by the Town Engineer and applicant's engineer, the Town Council finds that the original natural grade as submitted is acceptable. If finished grade is not restored back to original natural grade, the maximum height shall be measured from the mid-point equidistant from the high point and low point of the Original Natural Grade or un-restored or existing grade, whichever is lower immediately adjacent to such building. (see note 3 of Sheet 4);
- Mechanical equipment and mechanical equipment screens shall be included in the total height of any structure they are attached to;

C. Minimum setbacks:

- Lincoln Drive Exception:
  - A total of 150 lineal feet of building frontage for retail uses located on the west side of 56<sup>th</sup> Street adjoining Lincoln Drive, may be allowed at a minimum setback of 40 feet from the property line;
  - The guard house east of 56<sup>th</sup> Street adjoining Lincoln Drive may be allowed at a minimum setback of 25 feet from the property line but it will be sent to the Planning Commission for neighborhood input. The Planning Commission may modify and establish the development standards based upon public input, the need for a mail drop, and guard house design;
- Maintenance Facility
  - The Town Council accepts the development standards for the maintenance facility but will send to the Planning Commission for neighborhood input. The Planning Commission may modify and establish the development standards based upon public input;
- Common Use Pools
  - The Town Council accepts the development standards the common use pools but will send to the Planning Commission for neighborhood input. The Planning Commission may modify and establish the development standards based upon public input;
- Area D – Accessory Structures
  - Existing structures may be reconstructed in their current locations. The Town Council accepts the general location and height of the clubhouse but will send to the Planning Commission for neighborhood input. Any additional new structures within the 60 foot setback or above 16 feet height shall require an amendment to the Special Use Permit;
- West Side Perimeter Walls & Fences
  - The Planning Commission shall review the perimeter fence walls adjoining Lincoln Drive. The Planning Commission shall examine straight and meandering walls, however, the Town Councils accepts that a meandering wall may encroach into the right-of-way easement;

- The Planning Commission and Consultant shall review and establish development standards for any perimeter fence walls along 56<sup>th</sup> Street;
  - The perimeter fence walls along McDonald Drive shall comply with the development standards outlined on Sheet 5.1 of the applicant submittal. The fence may have a 0 foot setback with no infringement on the golf course;
- No structures shall be placed in a right-of-way easement except approved monument signs;
- D. Minimum key count for the resort:
- Shall be at least 100 hotel rooms to be located in Area A, Area B, or both (see Sheet 2);
  - Rental of resort residential units (as shown in Areas "A, B & C") shall be addressed in the Development Agreement;
- E. Golf course and practice range:
- The area of the golf course as shown on Sheet 10 is acceptable;
  - Detailed plans regarding the improvements shall be submitted for Town Manager review and approval;
- F. Parking Structure(s)
- Detailed plans regarding the parking structure(s) will be submitted at a later date to be approved by the Town Manager or his designee. If any portion of the parking structure/parking garage is more than six feet above ground, it shall be included in the floor area ratio calculation;
- G. Golf cart storage
- Golf cart storage shall be either underground or in a partially subterranean building that would be completely shielded from view by the wall proposed along Lincoln Drive (as shown on Sheet 5 of applicant's submittal). If necessary, the Planning Commission may develop standards for temporary at-grade golf cart storage to be used to keep the golf course operational while a permanent golf cart storage structure is being constructed;
- H. Residential on east side - A preliminary plat application and development standards in conformance with Sheet 7 shall be submitted by the applicant, but need not be finalized by the time the Planning Commission makes its recommendation on the SUP or the Town Council adopts the SUP. The plat shall address vehicular gates, guard gates, circulation and lot locations/layout. Development standards for the resort residential Area E shall include, but are not limited to:

- Allowed uses – single family residential and uses incidental or accessory thereto (such as barbecues, fences, fireplaces, pools, spas, etc.);
- Maximum of 46 lots;
- Lot size – A mean average lot size of at least 7500 net square feet. Average lot width of 60' (on lots that are not rectangular width shall be measured at the center point);
- Primary Residence/Structure:
  - Setbacks
    - Front yard - 10',
    - Side yard – 5' (zero lot lines allowed).
    - Side yard with frontage - 10',
    - Rear yard - 20';
  - Heights
    - 24' maximum height;
    - Maximum number of stories – mix of one and two stories. The two lots at the southwest corner of the site, plus a minimum of three other perimeter lots shall contain one-story homes;
  - Residence size - Minimum Floor Area – 2000 square feet square;
- Area E - Accessory Structures:
  - Pools, barbeques, fire pits, fireplaces, water features and other accessory structures shall not exceed 6' in height and shall be allowed in the setbacks provided they are located behind allowed walls
  - Accessory structures over 6' but no taller than 15' shall comply with the following setbacks - 10' front yard, 5' side yard (10' side yard with frontage), 7' rear yard (10' rear yard with frontage);
- Area E/East Side - Fences and Walls:
  - The Planning Commission shall review and establish development standards for perimeter fence walls along 56<sup>th</sup> Street
  - Interior fence walls shall not exceed a height of 6' and shall maintain a setback of:
    - 10' front yard,
    - 0' on side/rear yards,
    - 10' on side/rear yards adjoining a public right-of-way,
    - 5' on side/rear yards adjoining Lot 68,
    - 0' on side/rear yards adjoining all other rights of way;

- Three (3) tall Interior Fence Walls:
  - 10' front yard,
  - 0' on side/rear yards,
  - 10' on side/rear yards adjoining a public right-of-way,
  - 5' on side/rear yards adjoining Lot 68,
  - 0' on side/rear yards adjoining all other rights of way;
- Fences adjoining Lot 68 shall not exceed a height of 6' and shall maintain a setback of:
  - 10' front yard,
  - 5' on side yard,
  - 5' on rear yard;

#### 4. THE PLANNING COMMISSION SHALL REVIEW:

##### A. Rights-of-Way

- The Town will create alternatives for the design and development of 56<sup>th</sup> Street with a private consultant. Planning Commission shall recommend public improvements on 56<sup>th</sup> Street based on these alternatives. Planning Commission shall also study public improvements along Lincoln Drive and McDonald Drive and make recommendations to Council. Public improvements are not limited to the center line of Lincoln Drive, 56<sup>th</sup> Street and McDonald Drive and should include the entire right-of-way;
- All roadway amenities such as sidewalks, medians, round-a-bouts, deceleration lanes, and traffic/pedestrian signals shall be reviewed;
  - 56<sup>th</sup> Street – shall be viewed as an iconic “visually significant corridor” in accordance with the General Plan standards while maintaining current privacy of neighbors and a cross section with a typical landscape treatment shall be reviewed;
  - Lincoln Drive – Dedication of Right-of-Way easements
    - The right-of-way easements shall remain. The Town will not require dedication of these easements via this SUP application request. The applicant shall identify setback from both the property line and edge of right-of-way easement.
  - Cross Section of 56<sup>th</sup> Street
    - The Planning Commission and Consultant shall develop a cross section of 56<sup>th</sup> Street, which includes, but is not limited to, streetscape design and development standards
  - There shall be discussion on the Lincoln Drive streetscape, including possible removal of all or part of the existing oleanders;

- Monument signs – placement and size parameters of monument signs shall be established;

##### B. View Corridors shall be subject to the following:

- Reviewed in conjunction with the private consultant;
- Compliance with the General Plan;
- Compliance with the Open Space Criteria and determine where the open space criteria is measured;
- Perimeter landscaping design/standards;
- The removal of all or parts of the oleanders adjoining Lincoln Drive, 56<sup>th</sup> Street and McDonald Drive; however, privacy of residents must be maintained and proposed berming shall be explored
- Where all or part of oleander hedge is removed, the Planning Commission shall make a recommendation of alternate screening;

##### C. Stipulations

The Planning Commission may craft stipulations to address the landscaping, mechanical equipment screening and locations, resort operational issues and standards (such as hours of operation, amplified music, etc.) and other land use concerns not otherwise in conflict with this SOD;

##### D. Excesses from the SUP Guidelines

Except with respect to those items set forth on Sheets 2, 2.1, 3, 4, 5, 5.1, 7, and 10 and otherwise set forth in this SOD the Planning Commission shall address any improvements/uses that exceed the SUP Guidelines such as additional heights or deviations from setbacks and the applicant must provide a rationale for the deviation from these standards;

##### E. The Planning Commission shall not address any development agreement issues such as financing and phasing of construction;

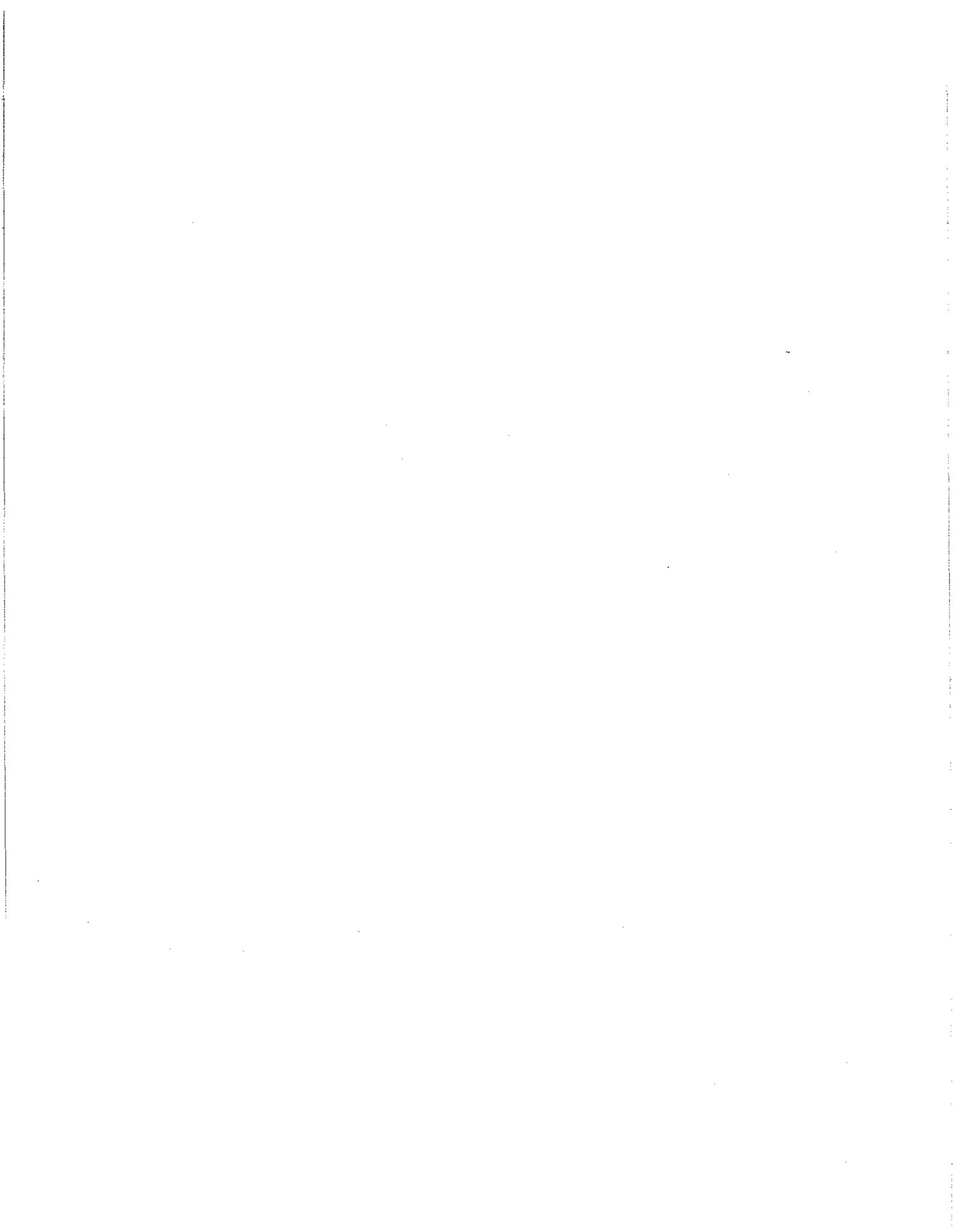
Per Section 2-5-2.D.1 of the Town Code, the Planning Commission shall complete its review and hearing process in 90 days (the 90<sup>th</sup> day being September 25, 2012)

The Planning Commission may request clarification and/or expansion of this Statement of Direction based on additional information that has evolved at any time during the review process (as per Section 1102.3.C.3.c of the Zoning Ordinance)

#### 5. THE TOWN MANAGER SHALL REVIEW

After approval of the Special Use Permit and prior to the issuance of building permits for a particular phase of development (this does not prevent the acquisition of demolition permits), the applicant shall provide to the Town for each phase of development proposed:

- Additional submittals such as lighting, interior landscaping, circulation, parking, and interior signage plans to be approved by the Town Manager or his designee;
- A construction/demolition schedule and/or phasing timeline shall be provided. The demolition of existing structures shall commence within 90 days of SUP approval and be completed 180 days thereafter. The demolition schedule shall also address the necessary site stabilization to be utilized after demolition and before construction. All other phasing will be addressed in the Development Agreement;
- Review and approval of items to be reviewed by the Town Manager are not part of the Planning Commission review.



**Town of Paradise Valley – 56<sup>th</sup> Street Improvements  
(Lincoln Drive to McDonald Drive)  
Visually Significant Corridor – Streetscape Narrative**

The Town of Paradise Valley has an opportunity to develop the 56<sup>th</sup> Street corridor as a unique amenity that draws inspiration from our Sonoran Desert environment, rich cultural history and its unique position in between two landmark mountains. Approximately a half mile in length, the alignment has magnificent immediate views of the north face of Camelback Mountain and the south face of Mummy Mountain. The development, implementation, and care of the pedestrian and vehicular experience are crucial to the character of the corridor, along with safety, security and privacy of the adjacent neighboring uses. These distinctive characteristics will be the strongest elements in creating a sense of place and establish 56<sup>th</sup> Street as a Visually Significant Corridor.

While people are drawn to Arizona for the mild winters, the intense heat of the summer can be overwhelming. With that in mind the design must consider ways to mitigate climate and appreciate our Sonoran Desert setting. Our desert climate dictates that we consider ways to create ample shade, reduce glare and heat absorption, by choosing regionally appropriate materials along with careful placement of amenities and features.

The following goals and guidelines are important to the implementation of the 56<sup>th</sup> Street improvements.

- Build on the diversity of native and desert adaptive plants that thrive in the Sonoran Desert, from rich bajada and ephemeral desert riparian to desert garden
- Incorporate ways to collect, express or move water that reflect the importance, history and preciousness of water, while providing deep watering for plants and trees
- Slow vehicular traffic with physical and physiological design methods, that may include driving surface materials, sense of enclosure, and scale of design elements
- Consider sun exposure and orientation when selecting materials to reduce reflected heat, glare and hot surfaces, while creating shade

With its unique setting the site and landscape for the 56<sup>th</sup> Street can incorporate our sculptural and vivid street tree palette. A tree palette including the flowering Palo Verde or the majestic Ironwoods can be used to bring the adjacent mountain characteristics down into the street experience. While massing of color and texture for the ground cover, shrubs and accents can be a visually dramatic way to transition to neighboring uses. The different wall types can also be emphasized or deemphasized with thoughtful material and texture selection such as desert mortar stone walls or more transparent materials such as welded wire mesh and vine covered screen walls.

The importance of a unique pedestrian experience together with an enjoyable driving experience can be strengthened by the opportunity to express the history and provide an educational story that evokes the spirit of the Sonoran Desert and the history of the Town. These characteristics are important to the success of the improvements coupled with the technical detail of the street cross section and details of the pedestrian nodes and the ultimate dimensions and layout of the street configuration.

56<sup>th</sup> Street shall have the following options and dimensions.

- 33' R.O.W. from the centerline to the east and 40' R.O.W. from the centerline to the west from Lincoln Drive south to the southern limit of Mountain Shadows Property
- 33' R.O.W from the centerline to the east and 33' R.O.W. from the centerline to the west from southern limit of Mountain Shadows Property south to McDonald Drive.
- Sidewalk easement along Golf Course
- 6' to 8' sidewalk curb detached
- 12' wide median
- 6' height fence
- 5' wide bike lane/bike route
- Roundabout south of Lincoln intersection

Alternative B2 includes the following elements:

- Roundabout south of the Lincoln intersection with a landscape median and enhanced roadway pavement
- Sidewalks on both sides of the street to the roundabout
- Straight roadway layout
- Dedicated bike lanes along roadway
- Meandering sidewalk on the west side of the street south of Mountain Shadows roundabout
- Continuous median from Mountain Shadows round about to Nauni Valley Drive roundabout
- Traditional "T" intersection at McDonald

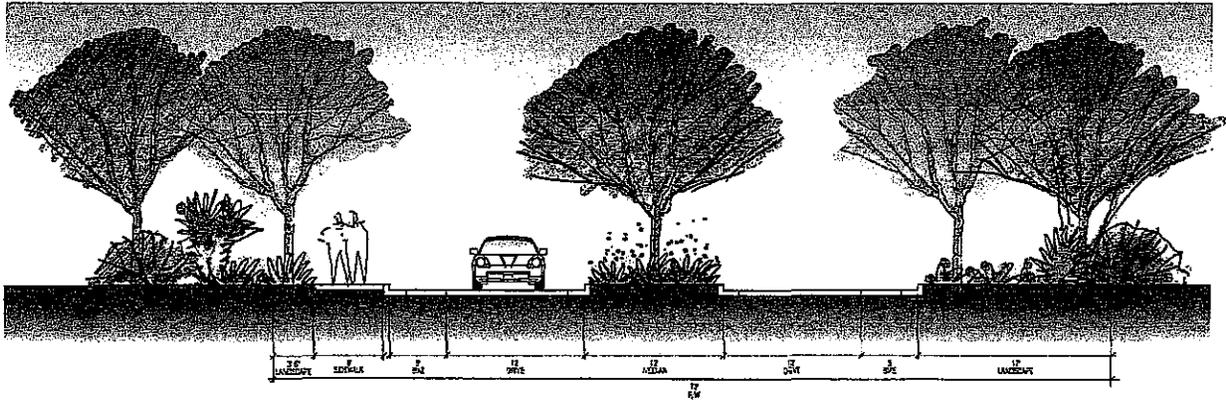
### Alternative C3

- Roundabout south of the Lincoln intersection with a landscape median
- Sidewalks on both sides of the street to the roundabout south of Lincoln
- Meandering roadway layout with 6 curves
- Bike lanes
- Meandering sidewalk on the west side of the street south of Mountain Shadows roundabout
- Roundabout at Nauni Valley Drive
- Roundabout at McDonald Drive

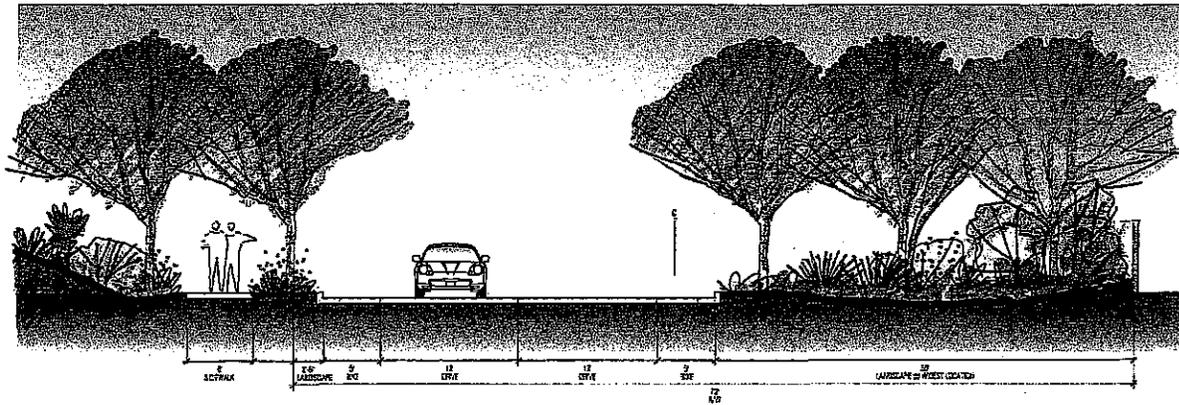
### Alternative D3

- Roundabout south of the Lincoln intersection with a landscape median
- Sidewalks on both sides of the street to the roundabout south of Lincoln
- Meandering roadway layout with 3 curves
- Bike lanes
- Meandering sidewalk on west side of the street south of Mountain Shadows roundabout
- Roundabout at Nauni Valley Drive with adjacent 12' wide medians north and south
- Roundabout at McDonald Drive with adjacent 12' wide median north side of roundabout

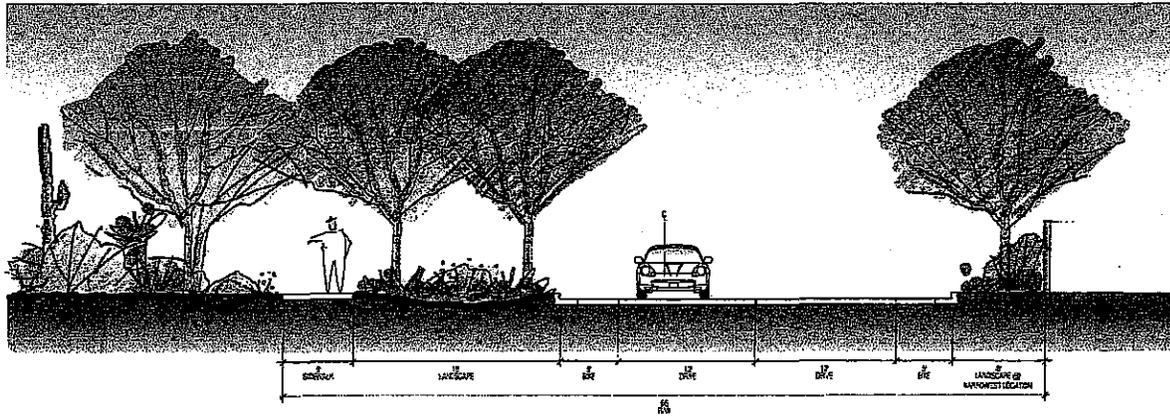
Each pedestrian node is developed to express the unique characteristics of its location and orientation, a series seating areas may include built shade structures, curved cast-in-place seat walls, signage opportunities, bike rack, enhanced paving materials, specimen planting and trash receptacle. These elements are knitted into the berming or grading opportunities that can serve to express water harvesting or act as a backdrop, or open views to adjacent mountains, giving the user a unique experience.



Looking North at Median Location near Lincoln Drive



Looking North Between Nauni Valley Drive and Lincoln Drive



Looking North Between McDonald Drive and Nauni Valley Drive

**DRAFT**

**TOWN OF PARADISE VALLEY  
PLANNING COMMISSION  
APRIL 03, 2012  
MINUTES**

**PRESENT:** Maria Syms, Chairperson  
Jim Baker, Commissioner  
Thomas Campbell, Commissioner  
Richard Mahrle, Commissioner  
Scott McPherson, Commissioner  
Dolf Strom, Commissioner  
Louis Werner, Commissioner

**STAFF:** Eva Cutro, Community Development Director  
Andrew Miller, Town Attorney  
George Burton, Planner  
Bill Mead, Town Engineer

**CALL TO ORDER**

The meeting of the Town of Paradise Valley Planning Commission was called to order by Chair Syms at 6:00 p.m.

**WORK/STUDY DISCUSSION**

**Discussion of a preliminary plat for a 4-lot subdivision named '7M Ranch'. The 4.78-acre property is located at 9205 N. Kober Rd.**

Ms. Cutro provided an overview of the request. The applicant, Cullum Homes, is requesting approval of a preliminary plat for a 4-lot subdivision named "7M Ranch". The proposed lots range in size from 1.00 acre (43,567 sq. ft) to 1.04 acres (45,614 sq. ft.). No proposed subdivision signage, subdivision wall, landscape lighting, private road, or private roadway gate are proposed as part of this request. Lots 1 and 2 will also be responsible for landscape Tracts 1 and 2, respectively, which are both approximately 3,300 sq. ft. and located directly north of the new roadway. The property is located at 9205 N. Kober Rd. The Berneil drainage channel is located directly east of the property.

Ms. Cutro and Mr. Mead responded to questions and comments from the Commissioners regarding this request.

Discussion was held regarding Landscape Tracts 1 and 2. The Commission requested stipulations requiring compliance with the Town's Landscape Guidelines, landscaping in Tracts 1 and 2, and a note on the plat tying Lots 1 and 2 to Tracts 1 and 2 respectively.

Ms. Cutro reported this request is scheduled for Planning Commission action on April 17, 2012.

**Discussion of an application requesting an intermediate amendment to the Special Use Permit for the Sanctuary Resort on Camelback Mountain to allow: 1) the addition of 20 new guest rooms, 2) a multi-purpose pavilion, 3) an addition to the women's spa, 4) a new pool and 5) additional parking spaces. The subject property is located at 5700 E. McDonald Drive.**

Commissioner Baker and Commissioner McPherson advised they are members of the Sanctuary Spa. As a result they would recuse themselves from consideration of this item.

Chair Syms stated that the Town Council issued a Statement of Direction for this SUP that limits the Planning Commission's review to address compatible architecture, landscaping and mechanical equipment.

Mr. Burton provided an overview of the request by Sanctuary on Camelback Mountain to amend their Special Use Permit (SUP) to allow the addition of 20 new guest rooms, a multi-purpose pavilion, and addition to the women's spa, a new pool, and additional parking spaces. The proposed additions will be located at the north end of the property where the existing tennis court support building is currently located.

Commissioner Mahrle expressed his concern regarding the wording in the Action Report that states the proposal is substantially compliant with the Town Code Resort Guidelines. Commissioner Strom stated that he thought what does not comply with the guidelines should be listed so that it becomes a matter of record.

Mark Philp provided information on the height of the structures and setbacks.

Mr. Philp responded to questions and comments from the Commissioners regarding the mechanical equipment.

In response to a question from Commissioner Strom, Mr. Philp provided information regarding how the noise from the mechanical equipment will be mitigated.

Discussion was held regarding modifying Stipulation 4 that mechanical equipment shall be screened with masonry and ventilation levers not to be directed toward the western neighbors.

Chair Syms expressed her concern regarding entitlement and this running with the land. She stated that she would like to see an option to revisit the SUP in 10, 15 or 20 years to see what changes and how it impacts the new neighbors.

Mr. Mead stated this request requires Hillside Committee approval at the time the construction is proposed. He further stated Hillside Committee review is only good for one year.

## **PUBLIC HEARING**

**Consideration of an application requesting an intermediate amendment to the Special Use Permit for the Sanctuary Resort on Camelback Mountain to allow: 1) the addition of 20 new guest rooms, 2) a multi-purpose pavilion, 3) an addition to the women's spa, 4) a new pool and 5) additional parking spaces. The subject property is located at 5700 E. McDonald Drive.**

Chair Syms suggested since there is no one new in the audience, the Planning Commission could dispense with the formal presentation. She provided a brief recap of what was discussed at the work study.

Commissioner Werner moved that the Planning Commission forward to the Town Council approval of Ordinance #645, approving the proposed Sanctuary Resort Intermediate SUP request to add 20 new rooms, a multi-purpose pavilion, an addition to the women's spa, a new pool and additional parking spaces subject to the stipulations contained in the action report and Stipulation 4 shall be amended as follows: The mechanical equipment shall be screened by masonry enclosures and ventilation louvers shall not be directed towards the western neighboring properties. Seconded by Commissioner Mahrle.

The motion passed unanimously by a vote of five (5) to zero (0). Commissioner Baker and Commissioner McPherson were recused.

Commissioner Baker and Commissioner McPherson rejoined the meeting.

## **COMMISSION/ STAFF REPORTS**

Ms. Cutro reported the next Planning Commission meeting is scheduled for April 17, 2012.

Mr. Burton provided an update on the pre-applications that have been submitted.

Commissioner Campbell reported that he met with Duncan Miller to discuss his concerns regarding the recent recusals for the Sanctuary and possible recusals for Mountain Shadows. Mr. Miller provided information on what constitutes a conflict of interest.

## **ADJOURNMENT**

Chair Syms adjourned the meeting at 7:30 PM.

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Eva Cutro, Secretary

**TOWN OF PARADISE VALLEY  
PLANNING COMMISSION  
APRIL 17, 2012  
MINUTES**

**PRESENT:** Maria Syms, Chairperson  
Jim Baker, Commissioner  
Thomas Campbell, Commissioner  
Richard Mahrle, Commissioner  
Scott McPherson, Commissioner  
Dolf Strom, Commissioner  
Louis Werner, Commissioner

**STAFF:** Molly Hood, Senior Planner  
George Burton, Planner  
Bill Mead, Town Engineer

**CALL TO ORDER**

The meeting of the Town of Paradise Valley Planning Commission was called to order by Chair Syms at 6:00 p.m.

**PUBLIC HEARING**

**Consideration of a preliminary plat for a 4-lot subdivision named '7M Ranch'. The 4.78-acre property located at 9205 N. Kober Rd.**

Ms. Hood presented this case as per the project coordination packet. It is recommended the Planning Commission forward to the Town Council approval of the 7M Ranch Preliminary Plat, subdividing approximately 4.78-acres into four residential R-43-zoned lots, subject to the stipulations contained in the action report.

Ms. Hood responded to questions and comments from the Commissioners regarding this request.

Discussion was held regarding irrigation on Tracts 1 and 2. The concern was expressed that there is sufficient water to establish vegetation. Rod Cullum provided information on the proposed landscaping and irrigation. It was suggested modifying stipulation 6 to reflect that concern.

There was no public comment.

Commissioner Campbell moved the Planning Commission forward to the Town Council approval of the 7M Ranch Preliminary Plat, subdividing approximately 4.78-acres into

four residential R-43-zoned lots, subject to the stipulations contained in the action report and with the change to stipulation 6 to read: Landscaping and sufficient water to establish vegetation must be provided in Tracts 1 and 2 prior to the issuance of any building permits. Seconded by Commissioner Strom.

The motion passed unanimously by a vote of seven (7) to zero (0).

## **WORK/STUDY DISCUSSION**

### **Discussion of an application for an intermediate amendment to the Special Use Permit for the Camelback Golf Club to renovate the existing Indian Bend Golf Course. The subject property is located at 7847 N. Mockingbird Rd.**

Mr. Burton provided an overview of this request. The applicant is requesting an intermediate amendment to their Special Use Permit (SUP) to renovate the existing Indian Bend Golf Course. The proposed improvements to the golf course include alternate tee box locations, the restructuring of individual holes, new and reconfigured golf cart paths, new sand traps, new berms and reconfigured water obstacles. The applicant is also proposing to enhance the course's visual interest with berming and vegetation and is proposing to improve the sustainability of the course by reducing water use with native landscaping elements. The proposal is unique in that there is no additional lot coverage, signage, lighting, uses, or any type of expansion of the course.

Mr. Burton explained that the redesign of the course requires extensive earthwork with major grading and earth moving operations. This should improve the effectiveness of the Indian Bend Wash.

Mr. Burton stated the proposed improvements do not change the use of the SUP and are designed to improve the golf course. The proposed improvements will enhance the capacity of the flood control channel, will add new topography to enhance the golfing experience, reconfigure the golf cart paths and tee boxes to maximize safety, and re-vegetate the course to focus the grass areas into zones of plays to create the visual interest.

Mr. Burton reviewed the Statement of Direction.

Commissioner Werner stated that the plan looks like there is a reduction of grass. Mr. Burton stated the goal is to use a native plant palette to reduce water use. Mr. Mead provided information on how the proposed plan will result in water savings.

In response to a question from Chair Syms, a representative for the applicant provided information on the economic impact of this renovation. He explained that the course is old and not getting a lot of business. The renovations will generate more room nights and more golf business and add to the value of the destination. Chair Syms stated that it is

important for everyone to understand the big picture that the golf course can impact so many different aspects of revenue in our Town.

Mr. Burton and Mr. Mead responded to questions and comments from the Commissioners regarding this request.

A representative for the applicant provided information on the meetings they have held with the neighbors. He discussed the steps they have taken to address the neighbors concerns. He reported that they have fashioned the course to meet the needs of the neighbors.

Chair Syms commended the applicant on the tremendous amount of public outreach that has been done on this project.

A representative for the applicant provided information on the removal of trees on the north side of the course.

Nick Wood, counsel representing the applicant, reviewed the proposed landscape plan and plant pallet.

Discussion was held regarding pedestrian circulation.

Mr. Wood provided information on the owner's security concerns regarding allowing people to walk on the golf course.

An in-depth discussion was held regarding the proposed amendment to the Camelback Golf Club SUP. The Planning Commission requested the applicant provide the following:

- A construction schedule
- The "kitchen sink" plant pallet plan
- A separate plan illustrating the pathways
- A legend on each sheet
- An elevation of proposed mechanical screening
- A copy of the neighborhood meeting minutes.

Mr. Wood suggested the Commission hold their next meeting at the golf course and take a tour. The consensus was to hold the May 01, 2012 meeting at the golf course.

#### **STAFF COMMENTS/ COMMISSION REPORTS**

Ms. Hood reported the next Planning Commission meeting is scheduled for May 01, 2012.

Ms. Hood reported the Town Council adopted Ordinance 646 that pertains to committees, commissions and boards. She passed a copy of the ordinance to each of the commissioners. She reviewed the new changes to the ordinance.

Ms. Hood provided a review of upcoming agenda items.

Discussion was held regarding summer meeting schedule.

### **ADJOURNMENT**

Chair Syms adjourned the meeting at 7:30 PM.

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Eva Cutro, Secretary

**DRAFT**

**TOWN OF PARADISE VALLEY  
PLANNING COMMISSION  
CAMELBACK GOLF CLUB  
7847 N MOCKINGBIRD LANE  
MAY 1, 2012  
MINUTES**

**PRESENT:** Maria Syms, Chairperson  
Thomas Campbell, Commissioner  
Richard Mahrle, Commissioner  
Scott McPherson, Commissioner  
Dolf Strom, Commissioner  
Louis Werner, Commissioner

**ABENT:** Jim Baker, Commissioner

**STAFF:** Eva Cutro, Community Development Director  
George Burton, Planner  
Bill Mead, Town Engineer  
Andrew Miller, Town Attorney

(Prior to the start of the meeting the Planning Commission, Town staff and representatives for the applicant toured the golf course.)

**CALL TO ORDER**

The meeting of the Town of Paradise Valley Planning Commission was called to order by Chair Syms at 6:15 p.m.

**WORK/STUDY DISCUSSION**

**Discussion of an application for an intermediate amendment to the Special Use Permit for the Camelback Golf Club to allow renovations to the existing golf course, which include, but are not limited to: modified grading and drainage, contouring, alternate tee box locations, restructuring of individual holes, new and reconfigured golf cart paths, new sand traps, new berms, modified water features, reconfigured water obstacles, and new landscaping and vegetation. The subject property is located at 7847 N. Mockingbird Rd.**

Ms. Cutro provided an overview of the request. The applicant is requesting an intermediate amendment to their Special Use Permit (SUP) to renovate the existing Indian Bend Golf Course. The proposed improvements to the golf course include alternate tee box locations, the restructuring of individual holes, new and reconfigured golf cart paths, new sand traps, new berms and reconfigured water obstacles. The applicant is also proposing to enhance the course's visual interest with berming and

vegetation and is proposing to improve the sustainability of the course by reducing water use with native landscaping elements. The proposal is unique in that there is no additional lot coverage, signage, lighting, uses, or any type of expansion of the course.

Ms. Cutro stated the proposed improvements do not change the use of the SUP and are designed to improve the golf course. The proposed improvements will enhance the capacity of the flood control channel, will add new topography to enhance the golfing experience, reconfigure the golf cart paths and tee boxes to maximize safety, and re-vegetate the course to focus the grass areas into zones of plays, and to create the visual interest.

She reviewed the Statement of Direction.

Nick Wood, Snell and Wilmer, counsel for the applicant stated that he hopes the tour of the golf course was beneficial to the Commission. He stated the resort industry has changed a great deal over the years. Golf amenities are more important than ever before. In the span of 10 years, there has been a decline of over 30 percent in golf rounds and total revenue at the Camelback Golf Course.

He advised to remain competitive in the market, the applicant plans to completely renovate the existing Indian Bend Course.

He provided information on the neighborhood meetings that were held and how they addressed the neighbors' concerns and problems. He reviewed the changes that have been made as a result of neighborhood input.

He reviewed the proposed plant pallet for the project.

In response to a question from Chair Syms, Mr. Wood provided information on the tree removal during excavation.

Mr. Wood reviewed the proposed structures, bridges and the proposed materials.

In response to a question from Commissioner Campbell, Mr. Wood provided information on the interconnectivity for pedestrians and cyclists. He stated that there is always a concern regarding having non-golfers on the course. He further stated the neighbors do not like having strangers looking in their back yards so it is a security issue.

Mr. Wood reviewed the construction schedule.

An in-depth discussion was held regarding the proposed amendment to the Camelback Golf Club SUP. The Planning Commission requested that the applicant provide the following:

- Documentation regarding the pathways.
- A copy of the 404 permit.

- The construction time frame in the narrative and construction schedule must match.
- Identify the wildflower mix.

Chair Syms opened public comment.

Anthony Nicholas stated that he lives near hole 15. The new plan brings the cart path right near his fence. He expressed his concern regarding the number of trees that are planned to be removed. He further stated without the trees there will be more dust.

Peter Aiello stated that he is sad about the removal of the trees because they are irreplaceable. He further stated that he would encourage the golf course design to maximize ground cover.

A Town resident stated that he lives near hole 17. He further stated that he is in favor of the renovations. He reported that the applicant has done an excellent job keeping the homeowners informed and addressing their concerns. He further reported that the renovations will improve the value of the neighborhood.

Chair Syms closed public comment. She encouraged the applicant to continue working with the homeowners.

#### **STAFF COMMENTS/ COMMISSION REPORTS**

Ms. Cutro reported the next Planning Commission meeting is scheduled for May 15, 2012.

#### **ADJOURNMENT**

Chair Syms adjourned the meeting at 7:45 PM.

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Eva Cutro, Secretary

**TOWN OF PARADISE VALLEY  
PLANNING COMMISSION  
MAY 15, 2012  
MINUTES**

**PRESENT:** Maria Syms, Chairperson  
Jim Baker, Commissioner  
Thomas Campbell, Commissioner  
Richard Mahrle, Commissioner  
Scott McPherson, Commissioner  
Dolf Strom, Commissioner  
Louis Werner, Commissioner

**STAFF:** Eva Cutro, Community Development Director  
George Burton, Planner  
Bill Mead, Town Engineer  
Andrew Miller, Town Attorney

## **CALL TO ORDER**

The meeting of the Town of Paradise Valley Planning & Zoning Commission was called to order by Chair Syms at 6:00 p.m.

## **WORK/STUDY DISCUSSION**

**Discussion of an application requesting a minor amendment to the Special Use Permit for St. Barnabus Church to allow for: 1) new and modified exterior lights and 2) the replacement of an existing Ramada with a new Ramada. The subject property is located at 6712 N. Mockingbird Lane.**

Mr. Burton provided an overview of this request. The applicant is requesting a minor amendment to the Special Use Permit to modify the exterior lighting and replace the existing ramada with a new ramada.

Mr. Burton reported the applicant is proposing to replace the exterior parking lot, walkway and ramada lights with new light fixtures. A total of 84 light fixtures will be replaced (which includes 74 parking lot/walkway lights and 10 ramada lights). The new fixtures will improve the campus lighting and provide safer pedestrian circulation. Many of the existing parking lot lights and all of the existing walkway lights are approximately four feet tall. These fixtures will be replaced with new pole mounted lights that will not exceed a maximum height of 12 feet tall.

He further reported the new lights will have a minimum setback of 40 feet from the adjoining property lines, vary in height from 10 feet to 12 feet tall and will have the light emitting elements recessed inside the fixture heads. Per the photometric plan, the light

The western nine lights adjoining Mocking bird Lane shall have shields.

Within thirty days of approved final building inspection, the Town shall inspect the lights to determine if additional light fixtures need shields to mitigate the light.

Seconded by Commissioner Campbell.

Commissioner Mahrle stated that he agrees with requiring the shields on the western nine lights but he does not know a way to tell staff what standard they are supposed to rely on with respect to the lights because it is too subjective. Commissioner Werner stated that he would be happy to help staff make a determination because the goal is when you are driving by not to see all these lights.

The motion passed by a vote of six (6) to one (1) with Commissioner Mahrle dissenting.

#### **WORK/STUDY DISCUSSION**

**Discussion of an application for an intermediate amendment to the Special Use Permit for the Camelback Golf Club to allow renovations to the existing golf course, which include, but are not limited to: modified grading and drainage, contouring, alternate tee box locations, restructuring of individual holes, new and reconfigured golf cart paths, new sand traps, new berms, modified water features, reconfigured water obstacles, and new landscaping and vegetation. The subject property is located at 7847 N. Mockingbird Rd.**

Chair Syms reviewed the meeting procedures.

Ms. Cutro provided an overview of the request. The applicant is requesting an intermediate amendment to their Special Use Permit (SUP) to renovate the existing Indian Bend Golf Course. The proposed improvements to the golf course include alternate tee box locations, the restructuring of individual holes, new and reconfigured golf cart paths, new sand traps, new berms and reconfigured water obstacles. The applicant is also proposing to enhance the course's visual interest with berming and vegetation and is proposed to improve the sustainability of the course by reducing water use with native landscaping elements. The proposal is unique in that there is no additional lot coverage, signage, lighting, uses, or any type of expansion of the course.

Ms. Cutro advised the Planning Commission was issued a Statement of Direction from the Town Council which states the Planning Commission shall focus its review on any visible and/or audible effects the amendment may have on neighbors. In particular, the landscaping palette and the cart path and pedestrian circulation shall be studied. The Planning Commission shall also review any structures proposed, including bridges and walls.

Ms. Cutro reviewed the public outreach that has taken place.

levels vary from 0.0 to 0.1 foot candles at the property line. The lights will also operate on three different schedules, with 23 lights operating from dusk to dawn, 38 lights operating from dusk to midnight and 26 lights operating from dusk to 10:00 p.m.

He explained the existing ramada will be replaced with a new ramada. The ramada is located next to the Hutton Hall building and is setback over 200 feet from the nearest property line. The new ramada is the same size as the old structure (1,600 square feet) and will not increase the amount of floor area. The new ramada is slightly taller in height at 13 feet 6 inches tall (the existing ramada is approximately 12 feet tall). The existing lights will also be replaced with new wall mounted cylinder lights.

Tom Hunt, representing the applicant, provided information on the proposed lighting. He responded to questions and comments from the Commissioners regarding the request.

In response to a question from Chair Syms, Mr. Hall advised that the aging members of the church generated the need for this change because of the concern regarding tripping and falling. He further advised that it is a dangerous situation because they are busy at certain times of the year and there is not enough lighting. The proposed lighting will provide people with a safe passage.

Commissioner Werner expressed his concern regarding how the new fixtures will look off site. He suggested the western nine lights adjoining Mockingbird Lane shall have shields.

Chair Syms stated the Commission has been provided a letter from 5 Star Development in support of the changes.

## **PUBLIC HEARING**

**Consideration of an application requesting a minor amendment to the Special Use Permit for St. Barnabus Church to allow for: 1) new and modified exterior lights and 2) the replacement of an existing Ramada with a new Ramada. The subject property is located at 6712 N. Mockingbird Lane.**

Commissioner Werner moved the Planning Commission deem the requested amendment to the St. Barnabus Church Special Use Permit a Minor Amendment per the criteria listed in Section 1102.7.B of the Zoning Ordinance. Seconded by Commissioner Strom.

The motion passed unanimously by a vote of seven (7) to zero (0).

Commissioner Werner moved the Planning Commission approve a Minor Amendment to the St. Barnabus Church Special Use Permit to allow for new and modified exterior lights, and the replacement of an existing ramada with a new ramada, subject to the stipulations contained in the action report with the added stipulations:

An in-depth discussion was held regarding the proposed amendment to the Camelback Golf Club SUP.

## **PUBLIC HEARING**

**Consideration of an application for an intermediate amendment to the Special Use Permit for the Camelback Golf Club to allow renovations to the existing golf course, which include, but are not limited to: modified grading and drainage, contouring, alternate tee box locations, restructuring of individual holes, new and reconfigured golf cart paths, new sand traps, new berms, modified water features, reconfigured water obstacles, and new landscaping and vegetation. The subject property is located at 7847 N. Mockingbird Rd.**

Nick Wood, Snell and Wilmer, representing the applicant, stated a lot of time was spent reaching out to the neighbors and addressing their concerns. He reviewed the changes made to the golf cart path. He discussed how they have mitigated the impacts of the golf cart path.

He reviewed the proposed plant pallet for the project.

He reviewed the proposed structures, bridges and the proposed materials.

He provided information on the interconnectivity for pedestrians and cyclists. He stated that there is always a concern regarding having non-golfers on the course. He further stated the neighbors do not like having strangers looking in their back yards so it is a security issue.

Mr. Wood reviewed the construction schedule. He reported they anticipate sending letters to the neighbors to inform them of the schedule.

Chair Syms stated that she appreciates all of the community outreach the applicant has done.

Chair Syms opened public comment.

Cindy Beard stated that she would agree that the site needs to be cleaned up. She expressed her concern for the many lies told by the applicant. She also expressed her concerns regarding the proposed plant pallet, the removal of trees and how it will affect the wildlife. She reported that the homeowners have serious concerns regarding allowing free access across to the golf course. She reiterated that there have been many lies and the public has been misled.

Robert Puskar stated he represents Camelback Country Estates Homeowners Association. He further stated there are concerns regarding open access. It is just a bad idea and can cause security problems for the neighbors.

Jeffrey Gosa spoke in favor of this request. He reported that the applicant has been a good neighbor. He further reported that he does not think open access to the paths is a good idea.

Mira Kiester spoke in opposition to this request. She expressed her concern regarding the removal of the trees and the impact it will have on the wildlife in the area. She stated she would encourage them to reconsider this plan and come up with a Plan B.

Guy Labelle expressed his concern with the loss of the trees and would suggest they reevaluate the design. He stated that he would like to see access to paths be restricted and enforced.

Chair Syms advised that the issue of public access would be more appropriate to be discussed before the Town Council.

A resident expressed her concern regarding the removal of trees.

Anthony Nicholas expressed his appreciation to the applicant for working with him regarding his concerns with the cart path along Hole 14. He stated that he is disappointed with the level of design that results in losing so many trees. He also expressed his concern regarding public access onto the course.

Dan Mosher expressed his appreciation for all the work the applicant has done to address the neighbors concerns. He stated that he is not wild about the design and is concerned with losing the lush look.

A resident expressed his concern regarding having public access on the course.

Chair Syms closed public comment.

Mr. Wood expressed his displeasure regarding the comment that they have been dishonest. He provided information on the components that went into the design of the golf course. He reported that the trees are being left along the perimeter. He also provided information regarding the reasons the trees are being removed. He stated that this is not about not liking trees. The Marriott has a close relationship with the Audubon Society. He further stated that the plant experts advise them that the plants will grow.

Discussion was held regarding the applicant providing assurance that the plant pallet will grow and remain healthy. It was suggested that this be stipulated.

In response to a question from Chair Syms, a representative for the applicant provided information regarding how many trees are recommended for removal. He noted a significant percentage of trees are being removed for grading and drainage. He further noted many of the trees are unhealthy.

Commissioner Baker stated the short fall with the expedited process is that the Commission cannot go into detail and come up with solutions for some of the problems.

Commissioner Mahrle stated he would like to see a stipulation added that the plans for the fence/wall along Doubletree Ranch Road must be reviewed as a Minor Amendment to the SUP. He further stated that he would also like to see a stipulation that within two years of completion of construction of the course improvements that the landscape pallet be consistent with what was promised.

Commissioner Strom stated that he felt the applicant has done a good job trying to salvage the trees. He further stated he would like to see the following stipulations added under Stipulation 1:

- c. Construction Schedule dated May 15, 2015
- d. Clean Water Act Section 404 permit letter, from Department of the Army, dated October 20, 2011.
- e. Exhibit illustrating revised cart path at Hole 14.

Commissioner Werner stated that one of our natural resources is trees but water is also one of our natural resources and this plan will result in significant water savings.

Mr. Wood stated that they would be willing to provide a tree inventory to staff prior to this request going to the Town Council.

Commissioner McPherson stated that he felt the screening for the pump station should be capped at 15 feet. He further stated that he felt the applicant did an excellent job reaching out to the community.

Commissioner Campbell stated that the applicant has been a good corporate neighbor. He further stated that a majority of the trees are being removed for grading and drainage.

Chair Syms stated that she felt the applicant has been a good neighbor and she would commend their efforts in working with the neighbors.

Commissioner Strom moved the Planning Commission forward to the Town Council approval of Ordinance #649, approving the proposed Camelback Golf Club Intermediate SUP Amendment request subject to the following stipulations:

1. All improvements to the property shall be in substantial compliance with the following:
  - a. Project Narrative/Statement of Use, prepared by: Snell & Wilmer, dated may 9, 2012.
  - b. Camelback Golf Club – Indian Bend Course booklet, prepared by Hurdzan/Fry Environmental Golf Design, dated May 4, 2012.

- c. Construction Schedule dated May 15, 2012.
  - d. Clean Water Act Section 44 permit letter, from Department of the Army, dated October 20, 2011.
  - e. Exhibit illustrating revised cart path at Hole 14.
2. The proposed gate at the well access point by Hole 2 must be placed on the golf course property; cannot open into the Town ROW; and, is limited to a 6 foot maximum height.
  3. All directional and informational signage shall comply with Special Use Permit Guidelines.
  4. "No Trespassing" signs are limited to three square feet in size and a maximum height of three feet.
  5. The mechanical equipment enclosure wall shall not exceed ten feet in height.
  6. The mechanical equipment enclosure roof shall not exceed fifteen feet in height.
  7. The plans for the fence/wall along Doubletree Ranch Road must be reviewed as a Minor Amendment to the SUP.
  8. At any time within two years from the completion of construction of the course improvements, should the landscaping plants originally installed pursuant to the requirements of this intermediate SUP Amendment experience significant dying or be deemed unhealthy and in need of replacement in any identified area, as solely determined by the Town Manager or his designee (hereinafter the "Plant Repair Area"), said Plant Repair Areas shall be reseeded, replaced, or replanted (including the possibility that new plant plans or an alternate set of natural plantings should be substituted for those originally planted) by Camelback Golf Club such that the Plant Repair Areas will be able to maintain a complete and adequate amount of plant material that is consistent with the approved plans and as described in the Narrative.
  9. At any time within two years from the completion of construction of the course improvements, the Town Manager or his designee shall inventory the trees on the course to make sure the agreed upon minimum number of trees is present. Should the remaining trees be deemed unhealthy and need of replacement in any identified area, said Areas shall be replaced, or replanted (including the possibility that new trees or an alternative set of trees should be substituted for those originally planted) by Camelback Golf Club such that the minimum tree count is met.
  10. Prior to any earthmoving work, the crossing at Invergordon Road and the construction management plan must be reviewed and approved by the Town of Paradise Valley.
  11. The Town of Paradise Valley is included in Maricopa County's PM-10 non-attainment area. The applicant, therefore, shall demonstrate and provide written documentation describing how they will comply with Maricopa County Rule 310 (Fugitive Dust from Dust Generating Operations) and specifically PM-10 requirements prior to any earthmoving work.

Seconded by Commissioner McPherson.

The motion passed by a vote of six (6) to one (1) with Commissioner Baker dissenting.

#### **STAFF COMMENTS/ COMMISSION REPORTS**

Ms. Cutro reported staff received a revised application for Mountain Shadows. She further reported that Town Council will prepare a Statement of Direction for the Commission at their May 24<sup>th</sup> meeting.

Discussion was held regarding the summer meeting schedule.

Ms. Cutro advised future agenda items include conflict of interest and recusal, open meeting laws, and discussion about Planning Commission roles, responsibilities and expectations.

#### **ADJOURNMENT**

Chair Syms adjourned the meeting at 9:20 PM.

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Eva Cutro, Secretary

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Seconded by Commissioner McPherson.

The motion passed by a vote of six (6) to one (1) with Commissioner Baker dissenting.

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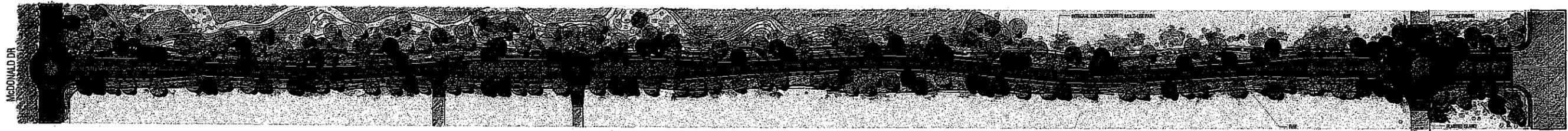
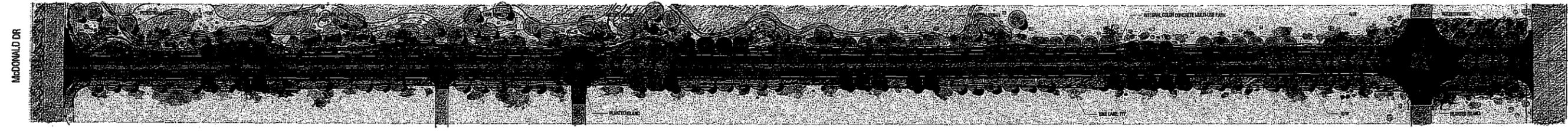
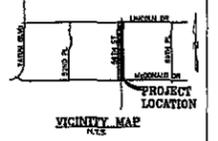
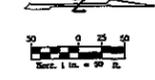
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#### **ADJOURNMENT**

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Eva Cutro, Secretary



PREPARED FOR: TOWN OF PARADISE VALLEY  
 PREPARED BY: CONSULTING TEAM OF WOOD/PATEL, CIVTECH INC.  
 AND TEN EYCK LANDSCAPE ARCHITECTS

TOWN OF PARADISE VALLEY, ARIZONA

**WOOD/PATEL**  
 LANDSCAPE ARCHITECTS  
 2011 W. HAYDEN AVE.  
 PHOENIX, AZ 85027

56TH STREET ENHANCEMENT  
 ALTERNATIVES B2, C3 & D3

DATE: 07/27/2011  
 SHEET: 1 OF 3