Town of Paradise Valley
Action Report

Agenda Item:___
Date: August 29, 2012
Action Item

AGENDA TITLE

Approval of Resolution No. 1261; Final Review and Clarification of the Statement of Direction for the Mountain Shadows Special Use Permit Application.

TO:	Mayor LeMarr and Town Council Members	Agenda Item Relates to Mission/Vision	• Enhances the community's unique character
FROM:	James C. Bacon, Jr., Town Manager Andrew Miller, Town Attorney	Strategic Initiative	• Enforcement of land use policies identified in General Plan, Town Code, and/or SUP's
DEPARTMENT:	Town Attorney	Other Policies or Statutory Requirements	
CONTACT:	Andrew M. Miller Town Attorney		

RECOMMENDATION

It is recommended that the Town Council approve Resolution No. 1261.

SUMMARY STATEMENT

At its regular meeting on June 28, 2012, the Council approved a Statement of Direction (SOD) for the Mountain Shadows Special Use Permit (SUP) Application. The SOD established an acceptable approach to the review of the SUP and directed the Planning Commission to prepare draft stipulations and review the following items:

1. Tall structure plan.
2. 56th Street alignment and improvement plans.
3. Location of the maintenance facility for the golf course.
4. Common use pools.
5. Perimeter walls and fences.
6. Temporary golf lot storage area plan.
7. Preliminary plat for the residential area east of 56th Street (but not requiring the preliminary plat to be finalized).
8. Lincoln Drive streetscape, including removal of oleanders.
9. Monument signs.
10. Alternate screening if oleander hedges are removed anywhere on the perimeter of the property.

The Council has received input from the Planning Commission on their concerns and comments on the SUP application and the terms of the SOD (as specified at the Commission's August 14, 2012 meeting). Subsequently, the Council discussed these concerns at its August 27, 2012 special meeting work session. Based on the Council's direction at the work session, a draft resolution (Res. No. 1261, attached) has been prepared for Council consideration which contains a statement of the Council's final review of the SOD and clarification of

some provisions in the SOD. Additional changes to the draft resolution may also be needed after the Council has its joint work study session with the Commission on August 29, 2012.

The main clarification in the draft resolution is to modify the development envelope plan to have fewer development areas than those initially proposed by the applicant (going from 7 to 5) and to put square footage limits on each of the development areas. The draft resolution also addresses some of the concerns raised by the Commission regarding the resort estates preliminary plat on the east side of 56th Street, the future parking plans review process, and the time allotted for the Commission to complete its review and recommendation for the SUP application. It is respectfully recommended that the Council adopt res. No. 1261.

BUDGETARY IMPACT

None.

ATTACHMENT(S)

Resolution No. 1261

RESOLUTION NUMBER 1261

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, PROVIDING FOR FINAL REVIEW AND CLARIFICATION OF THE STATEMENT OF DIRECTION FOR THE MOUNTAIN SHADOWS SPECIAL USE PERMIT APPLICATION

WHEREAS, it is of the Town Council (Council) of the Town of Paradise Valley (Town) to adopt a special use permit (SUP) for the Mountain Shadows Resort (MS Resort) SUP application that emphasizes flexibility for the owner of said property; and

WHEREAS, the Council intends to approve a SUP for the MS Resort based on the use of concepts rather than relying on a discrete site plan; and

WHEREAS, the Council believed that the adoption of a SUP with flexibility for the owner could best be accomplished through the use of concept development sketches and the implementation of the standards set out in the statement of direction for the MS Resort that was approved by the Council on June 28, 2012 (the "SOD"); and

WHEREAS, the Council now believes that the use of five development envelopes along with a set of appropriate stipulations, as utilized in the original SUP application submitted by the owner of MS Resort and as provided for in the SOD and a new development agreement, is the preferred approach to achieve an approvable SUP; and

WHEREAS, through the SOD, the Paradise Valley Planning Commission (Commission) was asked to review the SUP application; and

WHEREAS, in the SOD the Commission was specifically asked to review the following items:

1. Tall structure plan.

2. 56th Street alignment and improvement plans.

3. Location of the maintenance facility for the golf course.

4. Common use pools.

5. Perimeter walls and fences.

6. Temporary golf cart storage area plan.

7. Preliminary plat for the residential area east of 56th Street (but not requiring the preliminary plat to be finalized).

8. Lincoln Drive streetscape, including removal of oleanders.

9. Monument signs.

10. Alternate screening if oleanders hedges are removed anywhere on the perimeter of the property.

WHEREAS, the Council anticipates that the development envelope plans, the stipulations to be adopted with the ordinance approving the SUP, and a new development agreement that governs certain aspects of the development of the property shall be part of the approval of a SUP for the MS Resort; and

WHEREAS, the Council has received input from the Commission on their concerns and comments on the SUP application and the terms of the SOD (as specified at the Commission's August 14, 2012 meeting); and

WHEREAS, the Council believes that a modified development envelope plan (which is based on the Town's adopted SUP Guidelines for Resort/Mixed Use SUP properties, including the open space criteria specified in Section 3 of the SUP Guidelines) responds to the Commission's feedback and concerns raised by the public regarding the

total density of development for the MS Resort, having the approved density broken out by each development area, the total number of required resort rooms, and the specific setbacks to be adopted along with buffering the perimeter along Lincoln Drive and 56th Street; and

WHEREAS, the Council has also considered the Commission's concerns and comments regarding its preference for: R-10 zoning standards for the resort estates preliminary plat on the east side of 56th street; the desire to have future parking plans submitted to the Commission for approval; and the allotment of additional time for the Commission to complete its SUP review and recommendation; and

WHEREAS, the Council does not find that the SOD should be modified to address the parking or time concerns except to clarify that the final date for Commission review and recommendation should be September 28, 2012; and

WHEREAS, the Council has heard and discussed the Commission's concerns regarding the standards for the resort estates preliminary plat on the east side of 56th Street, but finds that this matter should be addressed by the Council in its review of the SUP application;

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

Section 1. The Council accepts the five development envelope approach, whereby separate but flexible development areas are specified for each type of use of the MS Resort, with said development standards to be based on the Town's adopted SUP Guidelines for setbacks, heights, and Open Space Criteria as specified in Section 3 and Section 4 of the SUP Guidelines, and which requires that page 5 of the SUP application

be modified and page 5.1 of the SUP application be removed, along with the following limits of maximum square footage of developable floor area for each development envelope:

Area "A" - Golf Course – 8,000 sq.ft. (includes maint. facility and restrooms)

Area "B" - Resort Hotel, Residential and Golf Facilities – 400,000 sq.ft., of which at least 120,000 sq. ft. shall be dedicated to the resort component.

Area "C" - Resort Retail – 10,000 sq.ft.

Area "D" - Open Space – No Floor Area allowed (non-developable land)

Area "E" - Resort Estates – To be determined by the Council later

Section 2. The Council reaffirms the Commission's scope of review for the SUP application to be consistent with that in the original SOD, said areas of review to include completion of a set of recommended stipulations/conditions of approval and the following items:

1. Tall structure plan
2. 56th Street alignment and improvement plans
3. Location of the maintenance facility for the golf course
4. Common use pools
5. Perimeter walls and fences
6. Temporary golf cart storage area plan
7. Preliminary plat for the residential area east of 56th Street (but not requiring the preliminary plat to be finalized)
8. Lincoln Drive streetscape, including removal of oleanders
9. Monument signs

10. Alternate screening if oleanders hedges are removed anywhere on the perimeter of the property

Section 3. The Council clarifies its intent that the Commission shall complete its review of the SUP application and make a recommendation to the Council by September 28, 2012.

ADOPTED by the Town Council of the Town of Paradise Valley this 28th day of August, 2012.

ATTEST:

TOWN OF PARADISE VALLEY
a municipal corporation

Duncan Miller, Town Clerk

Scott P. LeMarr, Mayor

APPROVED AS TO FORM:

Andrew M. Miller
Town Attorney