

Mountain Shadows Resort SUP Comparison of Draft Stipulations and Statement of Direction

Statement of Direction	Stipulation	Planning Commission	Staff	Applicant
<p>SOD No. 5.2</p> <p>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.</p>	<p>No. 11</p> <p>No later than ninety (90) days following the Effective Date of the SUP, the applicant shall apply for all permits (including all required submittals of plans and payment of all applicable fees) for the demolition of the existing improvements (except for any existing golf course and clubhouse improvements); said demolition permit application to also include a dust mitigation plan.</p> <p>Within thirty (30) days following the issuance of all necessary permits by the Town, applicant shall commence demolition of the existing improvements ("Demolition Start Date").</p>	<p>Agree with Stipulation</p>	<p>Agree with Stipulation. Should be in the Development Agreement as well.</p>	<p>?</p>

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<p>SOD No. 3.C.2</p> <p>Town Council accepts the development standards for the maintenance facility but will send to the Planning Commission for neighborhood input. PC may modify and establish development standards based upon public input.</p>	<p>No. 31a and 31c</p> <p>Area A – Golf Course Maintenance Facility and Restroom:</p> <p>These structures are limited to a maximum floor area of 8,000 square feet combined.</p> <p>Setbacks shall be a minimum of 40’ adjacent to residential and 20’ adjoining ROW.</p>	<p>Agree with Stipulation</p>	<p>Staff needs further discussion.</p>	<p>Disagree with Stipulation.</p> <p>Applicant proposes: Additional facilities and structures with floor area not to exceed 20,000 square feet.</p> <p>See MTS Land/Golf’s Revised Setbacks and Heights Drawing dated September 14, 2012 for setbacks and Open Space Criteria: Maintenance Building setback of 20’ from east residential property line and 40’ setback from McDonald Drive.</p>

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<p>SOD No. 3B</p> <p>SOD limits heights via Tall Structure plan with maximum of 3 story and 36' tall for structures without private attached garages. Maximum of 2 story and 28' tall for structures with private attached garages.</p>	<p>No. 43</p> <p>Area B- Resort Hotel, Residential and Golf Facilities. The location (i.e. footprint) of any building or structure, or any portion thereof, shall be in accordance with the Approved Development Envelope Plan. Tall Structures shall be limited to the locations identified on the Tall Structure plan (Sheet 9.3); but must also fit within the Approved Development Envelope Plan and meet the Open Space Criteria. Any change in the location of the Tall Structure(s) shall be subject to an Amendment to the Special Use Permit.</p>	<p>Agree with Stipulation</p>	<p>Needs further discussion. Tall Structure plan may not be needed.</p>	<p>Applicant proposal:</p> <p>See MTS Land/Golf's Revised Setbacks and Heights Drawing dated September 14, 2012 for setbacks and Open Space Criteria:</p> <ol style="list-style-type: none"> 1. 100' setback from Lincoln Drive 40' setback from 56th St 60' setback from west property line 20' to 100' setback from south property line 2. Anticipation of 7' roadway abandonment along 56th St 3. Open Space Criteria <p>Exception: Allow 28' height at 60' setback and 20' setback at south end of development area.</p>

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<p>SOD No. 3B</p> <p>SOD limits heights via Tall Structure plan with maximum of 3 story and 36' tall for structures without private attached garages. Maximum of 2 story and 28' tall for structures with private attached garages.</p>	<p>No. 44</p> <p>The principal resort structures, such as the lodge building and those containing guest rooms, guest registration areas and facility administrative offices, shall be limited to a maximum height of 36 feet tall. Resort residential structures shall be limited to a maximum height of 28 feet tall.</p>	<p>Agree with Stipulation</p>	<p>Agree with Stipulation because it further limits third story to resort use only and will be added in the Development Agreement.</p>	<p>Applicant proposal:</p> <p>See MTS Land/Golf's Revised Setbacks and Heights Drawing dated September 14, 2012 for setbacks and Open Space Criteria:</p> <ol style="list-style-type: none"> 1. 100' setback from Lincoln Drive 40' setback from 56th St 60' setback from west property line 20' to 100' setback from south property line 2. Anticipation of 7' roadway abandonment along 56th St 3. Open Space Criteria <p>Exception: Allow 28' height at 60' setback and 20' setback at south end of development area.</p>
<p>Not specifically addressed in SOD.</p>	<p>No. 51</p> <p>Residents living in Mountain Shadows East and West shall have access to resort amenities.</p>	<p>Agree with Stipulation</p>	<p>Private Issue between East/West and Resort Owner.</p>	<p>?</p>

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<p>Per Resolution 1261:</p> <p>This matter should be addressed by the Council in its review of the SUP application.</p>	<p>No. 69 (Part 1)</p> <p>The maximum number of lots shall be determined by the Town Council and illustrated on the preliminary plat/final plat</p>	<p>PC removed this language from the stipulations.</p>	<p>Disagree with language being removed.</p> <p>Staff believes maximum number of lots should be addressed by the TC.</p>	<p>SUP application proposed 46 lots.</p> <p>Applicant now proposes 43 lots.</p>
<p>SOD No. 3H</p> <p>SOD directs PC to review plat.</p>	<p>No. 69 (Part 2)</p> <p>All platted Rights of Way must meet Town standard of 50' width. Pavement must be approximately 30' wide and centered in Right of Way.</p>	<p>Agree with Stipulation</p>	<p>Town Code requires a 50' wide ROW.</p> <p>Since this is an SUP, this development standard can be modified. A 30' ROW may be included in the Development Agreement.</p>	<p>Disagree with Stipulation</p>

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<p>Stipulation disagrees with SOD No. 3H.3: Mean average lot size of at least 7,500 net square feet.</p> <p>Stipulation disagrees with Resolution 1261: This matter should be addressed by the Council in its review of the SUP application.</p>	<p>No. 70</p> <p>Lot size shall be determined by the Town Council and illustrated on the preliminary plat/final plat. The minimum lot size shall be 10,000 square feet, with a minimum width of 100 feet. On lots that are not rectangular, width shall be measured at the center point of the lot.</p>	<p>Agree with Stipulation</p>	<p>Disagree with Stipulation.</p> <p>Staff believes maximum number of lots should be addressed by the TC.</p> <p>The Development Agreement may recommend a minimum lot size of 8,000 square feet. No lot totals will be included. No minimum width will be included.</p>	<p>Disagree Stipulation disagrees with SOD.</p>
<p>SOD No. 3H.4</p> <p>5' side yard setback 20' rear yard setback</p>	<p>No. 72.1 Minimum Setbacks</p> <p>7' side yard setback 25' rear yard setback</p>	<p>Agree with Stipulation</p>	<p>7' side yard setback and a 20' rear yard setback may be included in the Development Agreement</p>	<p>Applicant proposes:</p> <p>7' side yard setbacks 0 lot line allowed so long as combined side yards equal 14' 10' front and street side setback 20' rear yard setback</p>

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<p>SOD No. 3H.4</p> <p>Disagrees with SOD: 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.</p>	<p>No. 72.2 Heights</p> <p>20 feet maximum on perimeter lots; 24 feet maximum height on interior lots.</p> <p>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</p>	<p>Agree with Stipulation</p>	<p>Needs Further Discussion.</p>	<p>Applicant proposes:</p> <p>10 single-story residences (minimum), including two at southwest corner</p> <p>24' height, except that residences on interior lots may have up to 600 sq ft of floor area which has up to 28'</p>
<p>SOD No. 3H.6</p> <p>10' side/rear yard setback adjoining public ROW.</p>	<p>No. 75 Interior Fence</p> <p>15' side/rear yards adjoining a public ROW.</p>	<p>Agree with stipulation due to public input and consultant design of 56th Street.</p>	<p>Agree with Stipulation.</p>	<p>?</p>
<p>SOD No. 3C</p> <p>SOD allows PC to develop Guard House standards.</p>	<p>No. 78</p> <p>Maximum height shall not exceed 16' and maximum control gate height shall not exceed 8 6'.</p>	<p>Agree with Stipulation</p>	<p>Disagree with Stipulation. 8' tall gate is in accordance with SUP Guidelines.</p>	<p>?</p>

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Not addressed in SOD.	<p>No. 94</p> <p>At all times the property shall remain under unified management and shall be operated as one, single resort facility.</p>	Agree with Stipulation	Lots in Area E will be privately owned and would need to be part of the resort rental pool.	?
<p>SOD No. 5</p> <p>SOD states that Town Manager shall review these submittals.</p>	<p>No. 102</p> <p>In the interest of assisting the Town Manager and Staff, and to protect and preserve the vision of the Town as prescribed by the General Plan and SUP Guidelines, an Advisory Board consisting of 3 members of the Planning Commission, as chosen by the Planning Commission, shall be assigned to work with the Town Manager to review and recommend to the Town Council proposals from the applicant relative to:</p> <p>(Continued to Next Page).</p>	Agree with Stipulation	<p>Agree with SOD.</p> <p>Lighting, interior landscaping, parking, interior signage subject to Town Manager Review.</p> <p>Pools and Walls/Fence standards already addressed in Ordinance 653 Stipulations.</p>	?

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<p>SOD No. 5 states that Town Manager shall review these submittals.</p>	<p>No. 102 (Continued)</p> <ul style="list-style-type: none"> a. Parking for all components of the development, b. Vehicular circulation including ingress and egress, c. Noise generation and abatement across the property with a focus on mechanical equipment and special event staging, d. Perimeter landscaping, walls and fences, e. Lighting, f. Pool locations, g. Back of-house activities including delivery access and any exterior storage, h. Perimeter signage i. Architectural character. <p>The reviews shall occur as necessary between SUP approval and Certificate of Occupancy.</p>	<p>Agree with Stipulation</p>	<p>Agree with SOD</p> <p>Lighting, interior landscaping, parking, interior signage subject to Town Manager Review.</p> <p>Pools and Walls/Fence standards already addressed in Ordinance 653 Stipulations.</p>	<p>?</p>

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Not addressed in SOD	<p>No. 103 This SUP anticipates that the entire area subject to this SUP (the Entire SUP Area) shall be developed by one master developer, who may be the applicant or any subsequent applicant who purchases or otherwise acquires the Entire SUP Area, and that said applicant may develop the Entire SUP Area in phases such that individual lot or unit sales may be made by purchasers who acquire title directly from the one master developer, however, sales of a bulk parcel, such as entire Developable Area shall be prohibited. Should the applicant (or any subsequent owner of the Entire SUP Area) sell any bulk parcel, such as entire Developable Area, to a third party who is not the then current owner of the Entire SUP Area,</p> <p>(Continued to Next Page)</p>	Agree with Stipulation	<p>Disagree with stipulation because staff believes it will not be developed by one master developer.</p> <p>Therefore, does not appear to be feasible since lots in Area E will be privately owned and may not be part of the resort rental pool.</p> <p>Difficult to enforce.</p>	?

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Not addressed in SOD	No. 103 (Continued) within 15 years after the approval of this SUP, this SUP may be revoked and the Entire SUP Area shall revert to its former zoning classification, pursuant to the provisions contained in ARS §9-462.01(E) (or any similar statute that may replace ARS §9-462.01(E) in the future).	Agree with Stipulation	Disagree with stipulation because staff believes it will not be developed by one master developer. Therefore, does not appear to be feasible since lots in Area E will be privately owned and may not be part of the resort rental pool. Difficult to enforce.	?