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

Statement of Direction	Stipulation	Planning Commission	Staff	Applicant
SOD No. 5.2 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.	No. 11 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. 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").	Agree with Stipulation	Agree with Stipulation. Should be in the Development Agreement as well.	Agree demolition schedule and phasing should be in Development Agreement. Timelines in Development Agreement may not be the same as in stipulation 11.

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SOD No. 3.C.2 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.	No. 31a and 31c Area A – Golf Course Maintenance Facility and Restroom: These structures are limited to a maximum floor area of 8,000 square feet combined. Setbacks shall be a minimum of 40' adjacent to residential and 20' adjoining ROW.	Agree with Stipulation	Staff needs further discussion.	Disagree with Stipulation. ~~Applicant proposes: Additional facilities and structures with floor area not to exceed 20,000 square feet.~~ Applicant proposes additional clubhouse facilities and structures with floor area not to exceed 12,000 square feet, plus the 8000 square feet for maintenance and restroom facilities. The additional 12,000 may be in Area A or B 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.

Statement of Direction	Stipulation	Commission	Staff	Applicant
SOD No. 3A and 3B Overall FAR of 25% Total third-story and 36 foot height square footage shall not exceed 120,000 square feet	No. 40 and 41 Area B – Resort Hotel, Residential and Golf Facilities. The maximum square footage of development/floor area shall be 400,000 At least 120,000 square feet of the 400,000 total shall be utilized for the resort component (i.e. rooms, lobby, and other support uses).	Agree with Stipulation	May be amended as a result of the Development Agreement discussion.	Disagree with Stipulation. ~~Applicant proposes: 425,000 sq ft of development (floor area) total; provided that up to 25,000, additional sq ft can be added to resort hotel component without reducing resort residential sq ft. If resort hotel component exceeds 115,000 sq ft, resort residential is reduced accordingly.~~ ~~Resort hotel component (hotel, clubhouse, retail associated with hotel, lobby, guestrooms, restaurants, meeting rooms, kitchens, storage, and all other facilities or areas which are related to and support or service same) shall be at least 90,000 sq ft.~~ ~~Up to 40,000 sq ft of resort residential may be 36' three stories.~~ Applicant proposes no more than 300,000 square feet of residential, with up to 40,000 of the 300,000 as third story. Buildings containing third story elements would need to have proximity with and be integrated with the resort hotel. The resort hotel component shall be a least 120,000 sq ft.

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SOD No. 3B 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.	No. 43 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.	Agree with Stipulation	Needs further discussion. Tall Structure plan may not be needed.	~~Applicant proposal:~~ Applicant proposes no Tall Structure plan is needed: See MTS Land/Golf's Revised Setbacks and Heights Drawing dated September 14, 2012 for setbacks and Open Space Criteria: 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 Exception: Allow 28' height at 60' setback and 20' setback at south end of development area.

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SOD No. 3B 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.	No. 44 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.	Agree with Stipulation	Agree with Stipulation because it further limits third story to resort use only and will be added in the Development Agreement.	Applicant proposal: See stipulation #43 ~~See MTS Land/Golf's Revised Setbacks and Heights Drawing dated September 14, 2012 for setbacks and Open Space Criteria:~~ ~~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 Exception: Allow 28' height at 60' setback and 20' setback at south end of development area.~~

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Not specifically addressed in SOD.	No. 51 Residents living in Mountain Shadows East and West shall have access to resort amenities.	Agree with Stipulation	Private Issue between East/West and Resort Owner.	Agree with staff. Private Issue
SOD No. 4C SOD states hours of operation as determined by PC.	No. 59 Land Use Area C: Maximum restaurant(s) and/or retail hours of public operation are limited to 6 am – 10 pm.	Agree with Stipulation	Disagree. Should be consistent with Land Use Area B resort restaurant/retail hours of operation until 2 a.m.	Agree with staff.
Not addressed in SOD	No. 66 This land shall remain in open space and shall not be developed; except for landscaping and hardscaping including, but not limited to: pathways, seat walls, benches, and water features.	Agree with Stipulation	Needs further discussion on heights and setbacks of structures; and if access drive will reduce amount of open space in Area E (Stipulation #66 parts 1&2 have been consolidated)	~~Disagree with Stipulation~~. Applicant proposes: Open space will be landscaped and can include walkways, low walls, art, benches, trellis, sculpture, etc. Area D redesigned and reduced in size so access drive is in Area E.

Statement of Direction	Stipulation	Planning Commission	Staff	Applicant
Per Resolution 1261: This matter should be addressed by the Council in its review of the SUP application.	No. 69 (Part 1) ~~The maximum number of lots shall be determined by the Town Council and illustrated on the preliminary plat/final plat~~	PC removed this language from the stipulations.	Disagree with language being removed. Staff believes maximum number of lots should be addressed by the TC.	SUP application proposed 46 lots. ~~Applicant now proposes 43 lots.~~ Applicant now believes no lot yield shall be determined in SUP. Minimum lot size of 8000 square feet and layout will determine number of lots.
SOD No. 3H SOD directs PC to review plat.	No. 69 (Part 2) All platted Rights of Way must meet Town standard of 50' width. Pavement must be approximately 30' wide and centered in Right of Way.	Agree with Stipulation	Town Code requires a 50' wide ROW. Since this is an SUP, this development standard can be modified. A 30' ROW may be included in the Development Agreement.	~~Disagree with Stipulation~~ Agree with staff Requests a 30' wide ROW

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Stipulation disagrees with SOD No. 3H.3: Mean average lot size of at least 7,500 net square feet. Stipulation disagrees with Resolution 1261: This matter should be addressed by the Council in its review of the SUP application.	No. 70 ~~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.	Agree with Stipulation	Disagree with Stipulation. Staff believes maximum number of lots should be addressed by the TC. 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.	~~Disagree with Stipulation and SOD.~~ Agree with staff
SOD No. 3H.4 5' side yard setback 20' rear yard setback	No. 72.1 Minimum Setbacks 7' side yard setback 25' rear yard setback	Agree with Stipulation	7' side yard setback and a 20' rear yard setback may be included in the Development Agreement	Proposes: 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 40' yard setback along 56th Street

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SOD No. 3H.4 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.	No. 72.2 Heights **20 feet maximum on perimeter lots; 24 feet maximum height on interior lots.** 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~~	Agree with Stipulation	Needs Further Discussion.	Proposes: ~~10 single-story residences (minimum), including two at southwest corner~~ 18' height limit adjacent to Lot 68 and at southwest corner. 24' height, except that residences on interior lots may have up to 600 sq ft of floor area which has up to 28'. Any 28' height must have 140' setback.
SOD No. 3H.6 10' side/rear yard setback adjoining public ROW.	No. 75 Interior Fence 15' side/rear yards adjoining a public ROW.	Agree with stipulation due to public input and consultant design of 56th Street.	Agree with Stipulation.	Proposes 13' setback
SOD No. 3C SOD allows PC to develop Guard House standards.	No. 78 Maximum height shall not exceed 16' and maximum control gate height shall not exceed **8 6'**.	Agree with Stipulation	Disagree with Stipulation. 8' tall gate is in accordance with SUP Guidelines.	Agree with staff. 8' tall gate is requested
Not addressed in SOD.	No. 94 At all times the property shall remain under unified management and shall be operated as one, single resort facility.	Agree with Stipulation	Lots in Area E will be privately owned and, if rented, would need to be part of the resort rental pool.	Does not believe rental of Area E needs to be through resort.

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SOD No. 5 SOD states that Town Manager shall review these submittals.	No. 102 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: 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. The reviews shall occur as necessary between SUP approval and Certificate of Occupancy.	Agree with Stipulation	Agree with SOD. Lighting, interior landscaping, parking, interior signage subject to Town Manager Review. Pools and Walls/Fence standards already addressed in Ordinance 653 Stipulations.	Agree with staff. Town Manager shall review

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Not addressed in SOD	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, 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.	Agree with staff. No master developer for entire site.