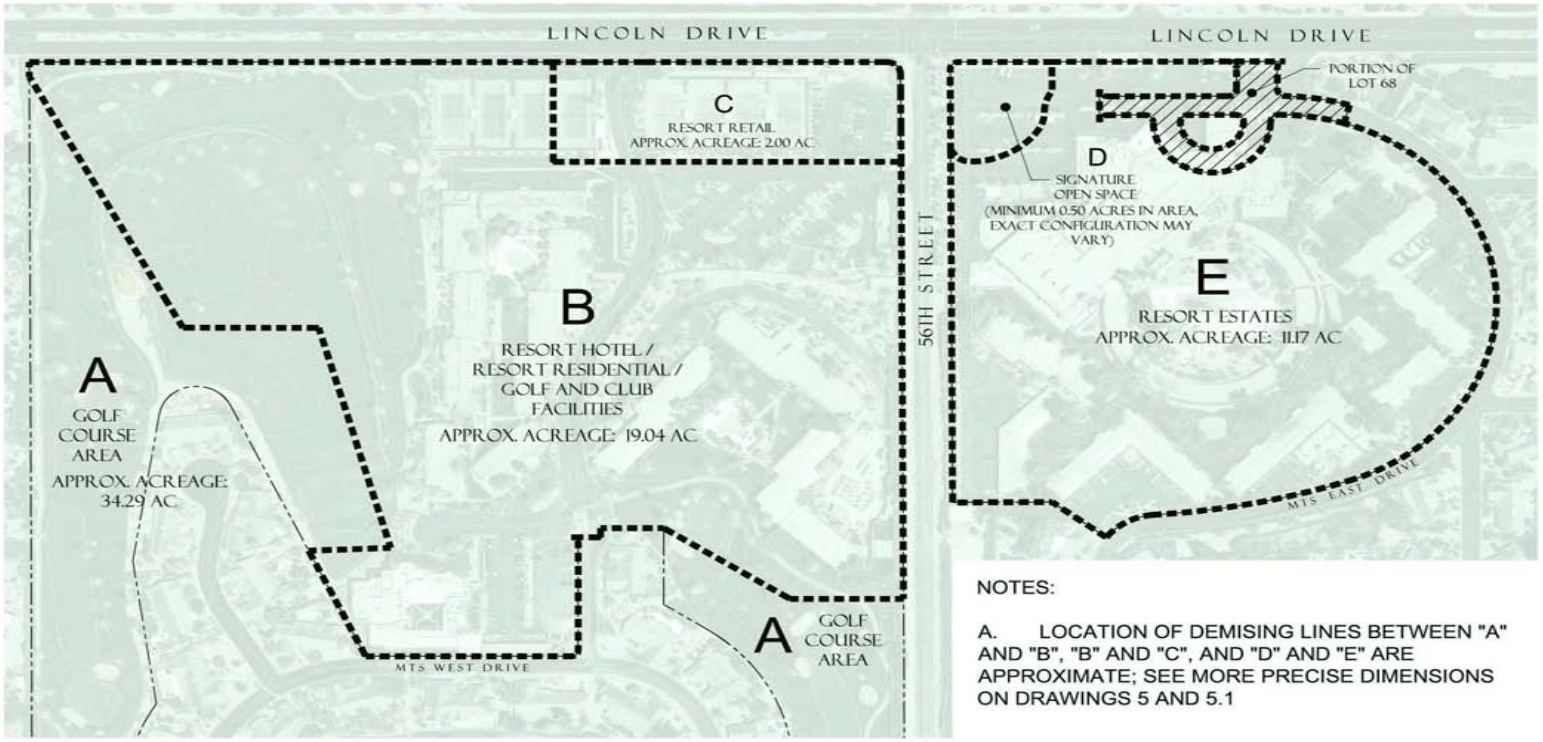
Mountain Shadows Resort

Special Use Permit 12-5 and 12-5a

Town Council Study Session

February 28, 2013



NOTES:

A. LOCATION OF DEMISING LINES BETWEEN "A" AND "B", "B" AND "C", AND "D" AND "E" ARE APPROXIMATE; SEE MORE PRECISE DIMENSIONS ON DRAWINGS 5 AND 5.1

MOUNTAIN SHADOWS

LAND USE PLAN

ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.

FEBRUARY 22, 2013

SPECIAL USE PERMIT

2

Summary of SUP

- Mix of resort, residential, and golf course uses.
- East side - residentially subdivided (10,000 sf and 8000 sf lots).
- West side - resort hotel (100 key minimum), resort residential units, resort retail, and golf facilities.
- Golf course will be modified with the relocation of several holes and the reconfiguration of the practice area.
- 56th St - concept includes improvements such as bike lanes, pedestrian paths, and medians, a meandering alignment, hardscaping and landscaping.
- Lighting, signage, and demolition also addressed
- Lot 68
  - Included in new Ordinance #665

Ordinances 653 & 665

- Ordinance 653
  - 40 Terms Defined
  - 104 Stipulations
  - Development Areas A,B,C,D, & E
- Ordinance 665
  - 32 terms defined
  - 66 stipulations (duplicates of those in Ordinance 653).
  - Area F
  - Ordinance 665 was necessary to draft to address Lot 68 and its unique ownership status.

Topics Resolved from First SUP Draft

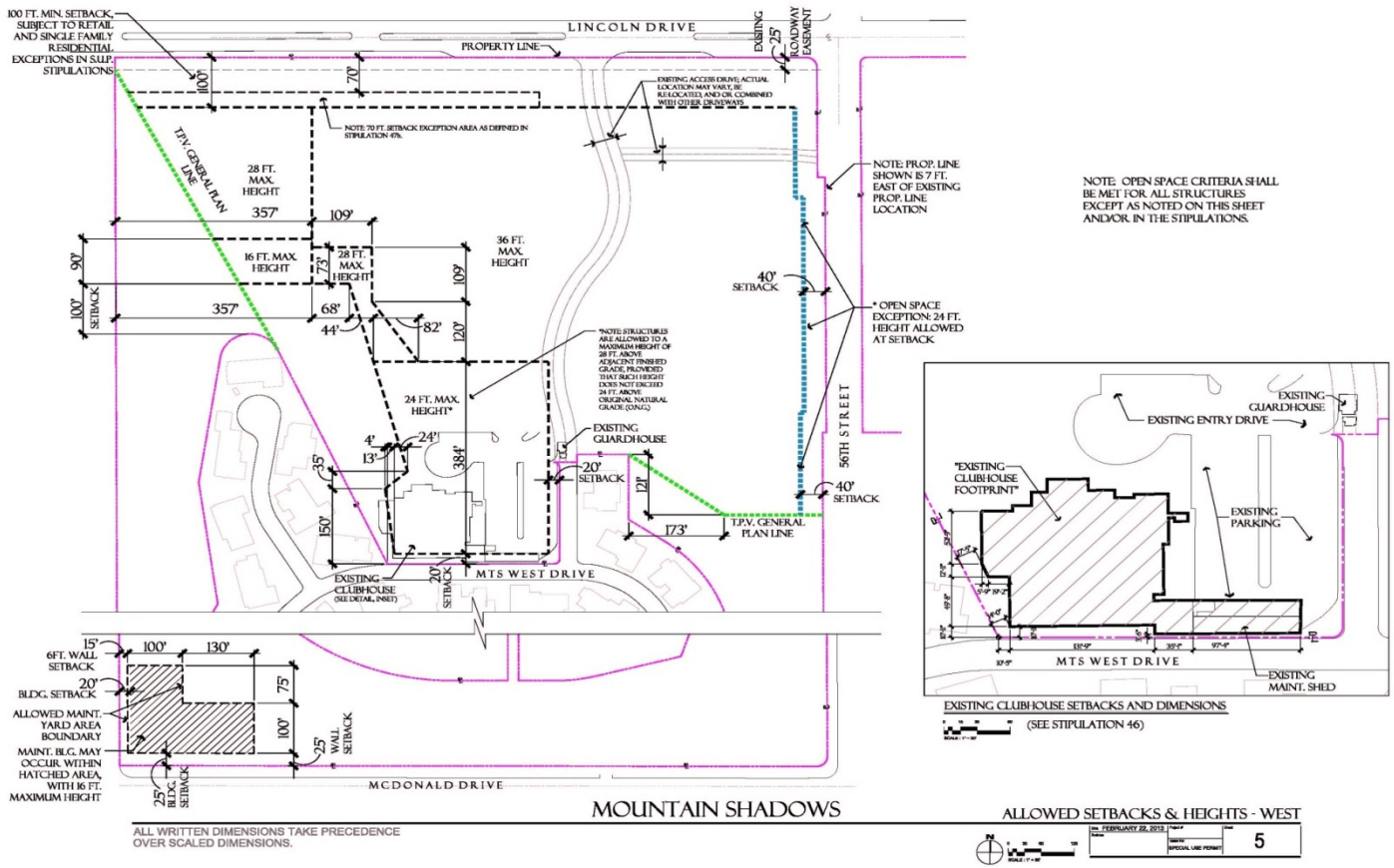
- **Location of signs**- Changes made to allow a sign at the corner of McDonald and 56th St. (stip. 30) –

TYPE	MAX. HEIGHT AND LENGTH OF TOTAL STRUCTURE	AGGREGATE* SQ. FT. OF SIGN COPY PER SIGN	QUANTITY
1	6' high x 20' long	50 square feet	1
2	5' high x 15' long	35 square feet	3
3	3'6" high x 8' long	30 square feet	5

- **West side setbacks from Lincoln** – The applicant is proposing a reduction in setback on Lincoln Drive from 100' to 70' for residential units not to exceed 16' in height. (stip. 47) – The following additional language has been added:

  Resort Residential units are allowed within a seventy (70) foot setback from Lincoln Drive only in the area specified on Sheet 5 of the Approved Plans, provided no portion of such units located between seventy (70) feet and one hundred (100) feet setback from Lincoln Drive shall exceed sixteen (16) feet above Original Natural Grade (as measured pursuant to Stipulation 25-28) and are one story.

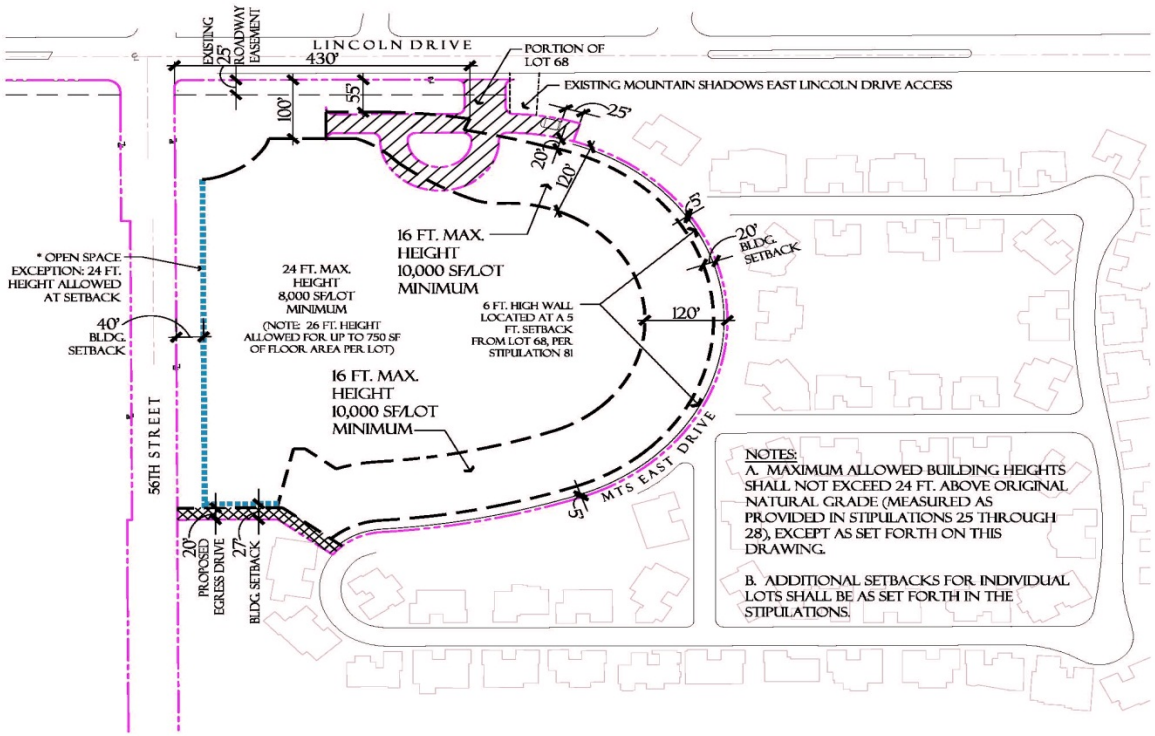
Proposed 70' Setback from Lincoln Drive



Topics Resolved from Last Meeting

- **Lots adjoining Lot 68** – There was discussion about increasing the rear yard setback from 20’ to 25’ (perhaps decreasing the front yard). No consensus was reached.

Stip 75. Rear yard (for lots adjacent to that portion of Lot 68 commonly known as Mountain Shadows East Drive) – minimum of twenty (20) and average of twenty-five (25) feet



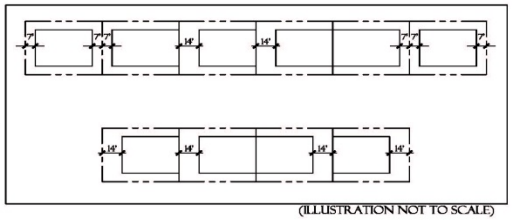
NOTES:

A. MAXIMUM ALLOWED BUILDING HEIGHTS SHALL NOT EXCEED 24 FT. ABOVE ORIGINAL NATURAL GRADE (MEASURED AS PROVIDED IN STIPULATIONS 25 THROUGH 28), EXCEPT AS SET FORTH ON THIS DRAWING.

B. ADDITIONAL SETBACKS FOR INDIVIDUAL LOTS SHALL BE AS SET FORTH IN THE STIPULATIONS.

ALLOWED SIDE YARDS:

THE FOLLOWING DRAWING ILLUSTRATES VARIOUS POSSIBLE CONFIGURATIONS OF SIDE YARD SETBACK FOR EACH RESIDENCE OR PRIMARY STRUCTURES ON A RESORT ESTATE LOT. ANY OR ALL OF THESE CONFIGURATIONS MAY BE USED, EITHER FOR ALL LOTS OR IN COMBINATION OR GROUPS OF LOTS.



(ILLUSTRATION NOT TO SCALE)

MOUNTAIN SHADOWS

ALLOWED SETBACKS & HEIGHTS - EAST

ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.

SCALE: 1" = 50'

Date: FEBRUARY 22, 2013	Project #:	Sheet:
Revision:	Issue For: SPECIAL USE PERMIT	5.1

Development Agreement Topics Resolved During Review of SUP Draft Since 1/18/13

- **Vacation Club Use** – There was discussion of the proposed vacation club use. No consensus was reached.

  "Vacation Club" means the ownership of a group of Resort Units, with such group of units designed and constructed with all furnishings, fixtures, and equipment necessary to operate as single units for transient occupancy by a recognized operator of vacation clubs or an entity controlled and/or managed thereby. A recognized operator of vacation clubs is limited to Hilton Grand Vacations, Hyatt Vacation Club, Marriott Vacation Club International, or such other operator as the Town Manager approves. The foregoing definition is not intended to affect the right of an Owner(s) of a Resort Unit(s) to place such Resort Unit(s) in a Resort Rental Management Program.

Topics Resolved from First SUP Draft (cont.)

- **West side three-story buildings** – The current language in Ordinance 653 limits the use to Hotel Keys and/or Resort Ancillary Facilities and Uses. (stip. 47)
- The following language was added:
  - Only primary Resort Hotel structures and other buildings that contain only Hotel Keys, Vacation Club units, and/or Resort Ancillary Facilities and Uses may be within three (3) story buildings, but in no event may any such building exceed 36 feet in height as measured according to the terms of Stipulations 25-28.

Language Changes Incorporated by Staff to Clarify Other Stipulations

- **Common Use Po**ols – Language was added to clarify that *if common use pools are installed* they must then comply with the requirements in the Ordinance.

Stip. 79 Common areas and amenities may be constructed within Area E and may be modified or changed from time to time, which common areas and amenities may be used jointly by owners of Resort Estates lots, other Owners and guests of the Resort, and/or owners of lots in Mountain Shadows East and Mountain Shadows West. Such common areas and amenities can be constructed on any Resort Estate lot or other common area not within Area E. Common areas and amenities may include pools, spas, cabanas, restrooms, locker rooms, fitness areas and food service areas. The total Floor Area for all such amenity buildings in Area E shall not exceed five thousand (5,000) square feet and the height of all such buildings shall not exceed sixteen (16) feet. The height of perimeter walls surrounding such common areas or amenities shall not exceed eight (8) feet. The minimum setback from Lincoln Drive for all amenity buildings shall be fifty-five (55) feet.

Language Changes Incorporated by Staff to Clarify Other Stipulations (cont.)

- **RVs and Boats** – Language was added to Areas E & F prohibiting overnight storage of RVs and boats.

Stip 69. Overnight storage of recreational vehicles and boats either on individual lots (if outside of a garage) or on private streets shall be prohibited.

- **Golf Course lighting** – Language was modified to allow the existing lighting to remain and/or be replaced with similar new fixtures

Stip. 34h Existing lighting within the Golf Course may remain in current locations, or may be replaced with similar new fixtures.

- **Golf Course hours** – There was confusion over the hours of operation for Golf vs Golf Retail.

Stip. 51 states: Golf Facilities related retail - 5:30 am – midnight

Language Changes Incorporated by Staff to Clarify Other Stipulations (cont.)

- **Area C Retail definition** –There was discussion of prohibiting the sale of medical marijuana.

  "Area C Retail" means one or more full service, sit down restaurants (not a fast food restaurant) and/or a gourmet food shop (such as are operated by Dean & DeLuca or Le Grande Orange) and retail facilities, to the extent located within the reduced set back area within Area C as allowed by Stipulation 61, and which are open to the general public, offering for sale goods and merchandise or certain services as described herein below. Provided restaurants and/or gourmet food shops described above occupy a minimum combined Floor Area of five thousand (5,000) square feet in one or more buildings, a maximum Floor Area of two thousand five hundred (2,500) square feet of other retail facilities described below may also be located in Area C (provided, however, no other such retail facilities may open for business until at least one restaurant or gourmet food shop has initially opened for business). The following other types of retail business may operate in not more than an aggregate of twenty five hundred (2500) square feet of floor area: a café (such as Starbucks or Coffee Bean); full service salon; jewelry store; art gallery; a resort sales and marketing facility selling resort services, Resort Units or the Resort Rental Management Program (including services and sales related thereto). The restaurants or gourmet food shops (which may be separate facilities or one facility) may include some or all of the following facilities and/or uses: the sale of alcohol including beer, wine or liquors (for on or off site consumption); outdoor cooking facilities; outdoor dining facilities; the sale of any combination of cooked, prepared, frozen, fresh or pre-packaged foods, fresh fruits and vegetables, groceries, gift items, sundries, cosmetics, over the counter pharmaceuticals, housewares and related kitchen, indoor and/or outdoor dining items; deli items, coffee, tea, ice cream, frozen yogurt; snacks; fresh or artificial flower sales; art; jewelry; fashion eyewear, footwear and apparel; tobacco products; newspapers, books and periodicals. Area C Retail specifically excludes the sale of medical marijuana and stores commonly referred to as convenience store, gas station, or minimart (such as brands like Circle K, 7 Eleven, AM PM Minimart, Quick Trip or similar brands of retail establishments that sell as the principal part of their business convenience goods, such as prepackaged food items, tobacco, periodicals and other household goods, collectively "convenience store"); provided that a convenience store does not include a restaurant or gourmet food shop described above selling the foregoing. Except as provided above, Area C Retail does not include establishments that are principally engaged in the provision of services (as opposed to restaurant and retail facilities) that are not subject to the Town's transaction privilege tax or the gross receipts derived from retail sales activities.

Language Changes Incorporated by Staff to Clarify Other Stipulations (cont.)

- **Area C converting to Area B-** The maximum floor area of 300,000 square feet shall not be increased if Area C is converted to Area B use.

Stip 57. If no building or other structure within Area C is built and remains within the one hundred (100) foot set back from Lincoln Drive (other than allowed parking structures or parking lots and their related signs, lighting and landscape), then any use allowed in Area B shall be allowed in Area C, including Area C Retail, provided that the three hundred thousand (300,000) square feet limitation on maximum Floor Area of Resort Residential development shall not be increased.

Language Changes Incorporated by Staff to Clarify Other Stipulations (cont.)

- **Lots adjoining Lot 68** –No Resort Estate lots shall front on Lot 68.

Stip 81. No Resort Estate lots shall have a front yard adjoining that portion of Lot 68 commonly known as Mountain Shadows East Drive or have direct access onto that portion of Lot 68 commonly known as Mountain Shadows East Drive.

- **Area D** – Stipulation 66 was amended to allow restrictions on public access to protect community character. (Access to Area D can be restricted to protect the health, safety, and character of the community.)

Stip 61. Public access to Area D may be restricted in any manner to protect health, safety, and the character of the Resort. No roadways or other vehicular access shall be permitted on or across Area D. No parking of vehicles shall be permitted on any portion of Area D.

Next Steps

- Public Hearing 3/28/13 based on recommended staff SUP draft
- Development Agreement Draft completed and reviewed by Town Council
- Formal Consideration of SUP/Stipulations and Development Agreement by Town Council

Questions and Comments

from

Mayor and Councilmembers