



**TOWN COUNCIL MEETING**  
**6401 E. LINCOLN DRIVE**  
**PARADISE VALLEY, ARIZONA 85253**

**SUMMARIZED SPECIAL MEETING MINUTES**

**June 20, 2012**

**CALL TO ORDER**

Mayor LeMarr called to order the Town Council special meeting of the Town of Paradise Valley, Arizona, held at Town Hall 6401 E. Lincoln Drive, on Wednesday, June 20, 2012 at 3:05 PM.

**COUNCIL MEMBERS PRESENT**

Mayor Scott P. LeMarr  
Vice Mayor Michael Collins  
Council Member Paul E. Dembow  
Council Member Pam Kirby  
Council Member Vernon B. Parker  
Councilmember Dan Schweiker  
Council Member Lisa Trueblood

**STAFF MEMBERS PRESENT**

Town Manager James C. Bacon, Jr.  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Community Development Director Eva Cutro  
Planner George Burton  
Public Works Director Jim Shano

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**WORK SESSION**

**Discussion of Mountain Shadows**

Mayor LeMarr led the Pledge of Allegiance

Mayor LeMarr invited public comments.

Becky Bennett read a statement on behalf of Mountain Shadows East and West Resort Committee. She said the Resort Committee still has several concerns about the proposed redevelopment of Mountain Shadows including: the rights of existing mountain shadows residents to access club facilities without charge, ownership of Lot 68, density on the east, changes to the golf course, phasing of the resort construction, and 56<sup>th</sup> St improvements.

Irene Bloom, Mountain Shadows East, expressed concern about the high density.

Roger Nelson, Mountain Shadows West and representing the Men's Club, was concerned about the layout of the golf course and the loss of the practice facilities.

Orme Lewis expressed concern about the high density. He suggested requiring minimum lot sizes of 9,000 square foot lots instead of the 7,000 square foot lots proposed.

Dennis Wurst questioned the developer's motivations and suggested alternate financing options.

Pamela Covella read a statement on behalf of her and her neighbors Peter Bernal, Teresa Ray, Ed Coyne II, and Lynne Smith. They opposed the developer's proposed redevelopment plans, especially the changes to the golf course and driving range and the heights and density.

Mayor LeMarr read a statement from Jay Stucky in which he stated that the Resort Committee is not satisfied with the progress being made. He also noted that emails had been received from Mike and Linda Eisele and Penny Post.

Council questioned the economic viability of a shortened golf course. Forrest Richardson (golf course architect retained by the developer) stated that par 3 courses have become a trend. It is a way to offer courses with shorter playing time. He offered to find financial comparables with other par 3 courses. He said the original golf course was less than 3,000 yards but was modified in the 1980s to achieve to a course distance of over 3,000 yards. This was done to allow for a "transportable handicapped" under USGA rules.

Mayor LeMarr closed the public comment portion of the meeting. He explained that the Council would be discussion the Statement of Direction (SOD) which is scheduled for a vote on June 28, 2012. He said the SOD details what the Town Council will stipulate to, what the Planning Commission will review and recommend, and what the Town Manager's role will be in approving certain submittals. He said the SOD is not a final decision of the Town Council, nor is it a binding commitment from the Town Council to create any vested rights.

Town Manager Jim Bacon stated that an SOD is not a binding document but rather serves as a guide to the Planning Commission and staff for the review of the SUP application. This SOD will establish clear roles for the Town Council, Planning Commission, and Staff.

He said the purpose of this process is to develop land use regulations for the property, not determine how to develop the property and by whom. This zoning would apply to the property regardless of who owns it. Secondly, the SOD tries to take market conditions into account. The zoning approvals contemplated in the SOD are drafted to provide some flexibility so that whoever owns the property can respond to the market and develop the property in a way which is

acceptable to the community. The SOD and ultimately the SUP will provide a framework to tell a developer the parameters under which the resort property can be built.

Mr. Bacon reiterated that the SOD establishes the responsibilities of the Town Council, Planning Commission, and staff. He said the Council would be responsible for the following:

- Maximum floor area and floor area ratio,
- Maximum building heights,
- Minimum perimeter setbacks,
- Minimum resort key count,
- Relocation/modification of golf course holes, tees and driving range,
- Parking structures,
- Golf cart storage, and
- Residential on east side

The Planning Commission would be responsible for the following:

- Rights-of-Way,
- View Corridors,
- Maintenance Facility,
- Stipulations, and
- Excesses/deviations from SUP Guidelines

The Town Manager would be responsible for the following:

- 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), Mountain Shadows Resort 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. All other phasing will be addressed in the Development Agreement.
  - Review and approval of Section are not part of the Planning Commission review;

Mr. Bacon stated that applicant's revised application is unique for two reasons: Mountain Shadows Resort is the only resort property without an SUP and the SUP approval will be based on concepts, not the actual plans.

Mayor LeMarr recessed the meeting at 4:52 p.m.

Mayor LeMarr reconvened the meeting at 5:08 p.m.

The Council discussed the following proposed SOD.

▪ **THE TOWN COUNCIL STIPULATES THE FOLLOWING:**

▪ **Maximum floor area (and floor area ratio):**

A. 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;
- *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 56th 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, commercial courtyard areas (for any area west of 56th Street), and up to 75,000 square feet of overhangs not over useable exterior spaces (as illustrated on sheet 2.1 of Mountain Shadows Resort's packet). Any proposal beyond that shall require an amendment to the SUP;

*There was Council consensus to delete the 75,000 square feet overhang limitation*

*There was Council consensus to remove specific references to the applicant's name*

*There was discussion about including the plan notes from sheet 5.1 in the SOD instead of referring to the sheets themselves in the event that ownership of the property changes.*

- *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);
- *Developable Area* shall be defined as areas A, B, C, E, F, and G (as shown on Sheet 2 of Mountain Shadows Resort's submittal);

*Resort Residential Section E was amended to provide for a maximum of 46 lots*

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:

- Maximum number of stories shall be limited to two stories with a possibility for three stories on principal structures. Principal structures shall be those containing guest units or resort residential units (on the west side of 56th Street), or those containing guest registration areas, facility administrative offices and accessory uses;

- No exposed face in any vertical plane shall exceed a 24 foot height for buildings located in Areas A, Area B (Resort Hotel) and Area C;
- No new two-story element shall be closer than 50' to an existing one-story residence (measured between exterior walls);
- The maximum height and number of stories shall comply with sheet 5 and with the following:
  - Area A – Maximum 3 story and up to 36 feet tall;
  - Area B (Resort Hotel) – Maximum 3 story on lodge and up to 36 feet tall;
  - Area B (Resort Residential) – Maximum 2 story up to 28 feet tall;
  - Area C – Maximum 3 story up to 36 feet tall (for structures with detached parking) and maximum 2 story up to 28 feet tall (for structures with 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 square footage shall not exceed 20% Floor Area Ratio for that structure.
  - 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 Mountain Shadows Resort'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 grade immediately below such building.
  - Mechanical equipment and mechanical equipment screens shall be included in the total height of any structure they are attached to;

*There was Council consensus to limit residential on the east side to 24 ft. Staff and the applicant were directed to draft a new definition of three story massing.*

*Ms. Cutro clarified that the maximum height of the resort building would include the mechanical equipment excluding chimneys and other architectural features.*

**C. Minimum perimeter setbacks:**

- Main structures and accessory structures shall be reviewed based on compliance with the resort guidelines and Article XXIV of the Town Zoning Ordinance, except as otherwise provided for on Sheet 5 and 5.1;
- No structures shall be placed in a right-of-way easement except approved monument signs;

**D. Minimum perimeter setbacks:**

- Minimum key count for the resort:

- Shall be at least 100 hotel rooms;
  - Rental of resort residential units (shown in Area “A & C”) shall be explored;
- E. Relocation of golf course holes and tees and driving range - The Golf Course area designated solely as “private open space” in the General Plan shall remain as private open space. The general design, relocation of holes, and reconfiguration of the practice areas shall be as shown on Sheet 10. Detailed plans regarding the golf course modification and grading will be submitted subsequent to approval of the SUP to be approved by the Town Manager or his designee.

*There was Council consensus that the development agreement will address phasing of the golf course construction. Staff was directed to work with the applicant to revise the language to clarify the future development.*

- 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 is more than six feet above ground, it shall be included in the floor area ratio;
- 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 Mountain Shadows Resort’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 shall be submitted by Mountain Shadows Resort, 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 sizes. 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.);
  - Lot size – Minimum 7000 net square feet (*or, alternatively, an average lot size of 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 - 7’ (14’ in total between two side yards) *Alternative side setbacks Minimum building to building set back as measured at the building foundation shall be as follows:*
        - A. *single story less than 16’ adjacent to singled story less than 16’ = 10’ minimum separation.*

B. *single story less than 16' to two story - 14' minimum separation.*

C. *two story to two story = 20' minimum separation.*

D. *zero lot lines allowed.*

- Side yard with frontage - 10',
- Rear yard - 25'.

*There was Council consensus to agree to the applicant's request for a 5 foot side yard separation.*

*There was Council consensus to agree to the applicant's request for a 25 foot parking lot setback.*

- Primary Residence/Structure
  - Heights
    - 24' maximum height (*Alternatively, buildings located on lots abutting 56th street and the Mountain Shadows East community shall be a maximum height of 24'. Lots located on the interior of the property shall not exceed a maximum height of 28'.*)
    - Maximum number of stories – mix of one and two stories. At least 20% of the perimeter lots shall contain one-story homes. Planning Commission shall designate these lots during the preliminary plat review. Special consideration should be given when adjoining an existing one-story home;
    - Residence size - Minimum Floor Area – 2000 square feet square;
- 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, 7' side yard (10' side yard with frontage), 7' rear yard (10' rear yard with frontage);
- Fences and Walls:
  - Perimeter fences adjoining Lincoln Drive and 56th Street shall comply with Article XXIV, except as noted on Sheets 5 and 5.1;
  - Interior fence walls shall not exceed a height of 6' and shall maintain a setback of: 10' front yard, 0' on side/rear yards, and 10' on side/rear yards adjoining a right-of-way;

*(Alternatively, the Planning Commission can be tasked with the study and review all development standards for the east side. The above standards could be "suggested" rather than stipulated with further reviewed by the Planning Commission.)*

4. THE PLANNING COMMISSION SHALL REVIEW:

A. Rights-of-Way

The Town will create alternatives for the design and development of 56th Street with a private consultant. Planning Commission shall recommend public improvements on 56th 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, 56th 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;
- 56th Street – shall be viewed as an iconic “visually significant corridor” in accordance with the General Plan standards and a cross section with a typical landscape treatment shall be reviewed;
- Lincoln Drive – the Right-of-Way easements shall be dedicated and converted to Right-of-Way. There shall be discussion on the streetscape, which includes the existing oleanders;
- Monument signs – placement and size parameters of monument signs shall be established;

A. View Corridors

- Review in conjunction with the private consultant;
- Compliance with the General Plan;
- Compliance with the Open Space Criteria;
- Perimeter landscaping;
- The removal of all or parts of the oleanders adjoining Lincoln Drive, 56th Street and McDonald Drive;
- Where all or part of oleander hedge is removed, the Planning Commission shall make a recommendation of alternate screening; and
- Fence/walls along the Rights of Way of Lincoln, 56th St., and McDonald Drive that meet Article XXIV shall be issued through the building permit process. Walls that do not meet Article XXIV shall be reviewed by the Commission.

B. Maintenance Facility

The Planning Commission shall develop standards for the maintenance facility, which must be located at the southwest corner of the property; such standards shall include total square footage, size and height of building, and screening from adjacent properties;

D. 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 addressed in this SOD;

E. Excesses from the SUP Guidelines

The Planning Commission shall address any improvements/uses that exceed the SUP Guidelines such as additional heights or deviations from setbacks (except as noted elsewhere in this Statement of Direction), and Mountain Shadows Resort must provide a rationale for the deviation from these standards;

- F. The Planning Commission shall not address any development agreement issues such as financing and phasing of construction;
- Although Section 2-5-2.D.1 of the Town Code allows 90 days for Planning Commission review, the Planning Commission is encouraged to complete its review and hearing process in an expedited manner. The Planning Commission review and recommendation should, if possible, be submitted to the Town Council on or before September 11, 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).

*In addition, there was Council consensus to have the Commission review wall setbacks, pools, and the 56<sup>th</sup> Street design after the Council makes a decision on setbacks.*

**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), Mountain Shadows Resort 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;
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- Review and approval of Section are not part of the Planning Commission review;

The Council debated the need to balance providing specificity in the SOD versus giving the Planning Commission flexibility in their review.

**ADJOURNMENT**

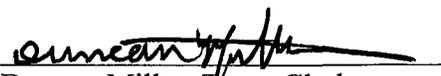
**Motion and vote** – Councilmember Trueblood moved to adjourn. Councilmember Kirby seconded the motion which passed by a vote of 7 - 0.

Mayor LeMarr adjourned the meeting at 8:47 p.m.



Scott P. LeMarr, Mayor

ATTEST:

  
Duncan Miller, Town Clerk