



**JOINT TOWN COUNCIL PLANNING COMMISSION MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
SUMMARIZED MINUTES**

**August 29, 2012**

**CALL TO ORDER**

Mayor LeMarr called to order the Town Council meeting of the Town of Paradise Valley, Arizona, held at Town Hall 6401 E. Lincoln Drive, on Wednesday, August 29, 2012 at 5:00 PM.

**COUNCIL MEMBERS PRESENT**

Mayor Scott P. LeMarr  
Vice Mayor Michael Collins  
Council Member Paul E. Dembow  
Council Member Vernon B. Parker departed the meeting at 5:10 p.m.  
Councilmember Dan Schweiker  
Council Member Lisa Trueblood

Council Member Pam Kirby was not present

**PLANNING COMMISSIONERS PRESENT**

Maria Syms, Chairperson  
Thomas Campbell  
Richard Mahrle  
Scott McPherson  
Dolf Strom  
Louis Werner

Jim Baker was not present

**STAFF MEMBERS PRESENT**

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

---

Mayor LeMarr led the Pledge of Allegiance.

Mayor LeMarr congratulated Councilmember Parker for winning the Republican Primary Election for Arizona 9<sup>th</sup> Congressional District. Mr. Parker announced he will resign from Council to focus his attention on the General Election. He thanked the Mayor, Council, residents for the opportunity to serve the Town of Paradise Valley. Mr. Parker departed the meeting.

### **WORK/STUDY DISCUSSION ITEMS**

#### **Present and Discuss Mountain Shadows Special Use Permit Application using a Five Development Envelope Approach**

Mayor LeMarr thanked the Planning Commission for their review of the Mountain Shadows Special Use Permit (SUP) to this point. He stated that tonight staff would give a presentation on a new development concept that attempts to address some of the concerns raised by the Planning Commission and residents during the Commission's public hearing. Following the presentation on the new development approach, the Council will consider a resolution clarifying the Statement of Direction (SOD).

Town Manager Jim Bacon stated that the Town Council's objective is to approve a SUP for the Mountain Shadows property that gives the owner(s) as much flexibility as possible. Based on feedback received from Commissioners and public during the public hearing regarding density, staff recommended using five development envelopes as a basis for the SUP. The envelopes included:

- (A) Golf Course
- (B) Resort
- (C) Retail Area
- (D) Open Space area
- (E) Residential Area east of 56<sup>th</sup> Street

- Golf Course D.E. (Land Use Area A):
  - Only structures in this envelope are restrooms and maintenance facility
  - Structures not to exceed 8,000 sq ft
  - Structures located along south and west edge of envelope
- Resort Area D.E. (Land Use Area B):
  - Envelope encompasses property west of 56th Street, except golf course and retail envelope.
  - Envelope would comply with Open Space Criteria and Resort Guidelines.
  - Resort Development to include:
    - 100 keys minimum
    - Mix of resort residential permitted
    - Accommodate up to 400,000 square feet of development (floor area) total
    - Of the 400,000 square feet total:
      - 100 key resort component (including clubhouse, lobby, and other support uses) shall be at least 120,000 square feet.
      - Resort may be 36 feet high

- Residential may be 28 feet high.
- Retail Area D.E. (Land Use Area C)
  - Envelope located on west side of 56th Street, abutting 56th Street and Lincoln.
  - Maximum of 10,000 square feet of retail
  - Minimum setback of 40' for 20' tall structure (as per the Open Space Criteria).
  - Additional height must meet the Open Space Criteria.
- East Side Open Space D.E. (Land Use Area D)
  - Envelope contains the acre of land east of 56th Street, bordering Lincoln Drive
  - This land will remain as open space and cannot be developed
- Residential East of 56th Street D.E. (Land Use Area E)
  - SOD addresses this envelope
  - Many expressed concerns about those details, beginning with the number of lots.
  - Planning Commission presently reviewing 46 lot subdivision with lots averaging 7500 square feet.
  - Many suggested that subdivision be treated as R-10 when developing lot standards:
    - Standard would accommodate a maximum of 32 R-10 lots. However, there is no true R-10 zoning allowed in the Town, R-10 subdivisions may only be annexed into the Town. Since they are not created in the Town, the “standards” are not necessarily uniform and the Zoning Ordinance provides various options for determining setbacks on R-10 properties.
- Residential East of 56th Street D.E. (Land Use Area E)
  - SUP could establish 10,000 sq ft lots with:
    - Front yard setbacks of 10'
    - Rear setbacks of 25' and
    - Side setbacks of at least 7'
  - Additional discussion needed about this envelope:
    - Standards may not match what is present at Mountain Shadows East or Mountain Shadows West
  - Lot sizes between 10,000 square feet and 7500 square feet could also be explored.
    - 8000 square foot lots could allow for approximately 43 lots (rough estimate)
    - 8500 square feet could allow for approximately 40 lots (rough estimate)
    - 9000 square foot could allow for approximately 37 lots (rough estimates)
    - Recommended that with these lots sizes:
      - Front yard setback remain at 10'
      - Side yard setbacks be increased to 7'
      - Rear yard setback be between 20' – 25'

He said the Town continues to maintain that the predominant use of the property shall be resort. The residential use must be tied into the resort. The golf course will be considered a resort use.

The approach complies with open space criteria. No building shall penetrate an imaginary plane beginning at 16 feet above the natural grade and 20 feet from exterior property lines, which plane slopes upward at a ratio of one foot vertically for each five feet horizontally measured

perpendicular to the nearest property line. The maximum building heights would be 36 feet for principal structures; 24 feet for accessory structures; and 18 feet for service structures.

The Commission asked for clarification on the goal of connectivity between the resort and the residential component. Vice Mayor Collins responded the goal is to clearly prevent the notion of bifurcating the property and spinning of a portion of the property for residential development. One way to do that is to physically connect the areas with pedestrian walkways and other infrastructure. Another way, which would be addressed in the development agreement, is a requirement that owners of the residential component must buy club memberships to the resort component. The expectation would be that the resort would provide services to the residential portions of the property.

Council stated that it would be helpful if the Commission drafted stipulations regarding design elements to facilitate a unified look for both sides of 56<sup>th</sup> Street.

The Commission questioned if the Council removes Area E from the Commission's responsibility, will the Commission need to act on the preliminary plat. Mr. Bacon responded that the Commission will still review the Preliminary Plat but it will not be necessary to do so until later in the fall. It is not necessary to approve the preliminary plat contemporaneously with the SUP.

The Commission asked how the demolition plan will be handled. Mr. Bacon stated that the demolition plan and screening will be addressed in the development agreement. Additionally, the development agreement will include language on maintenance of the site following demolition.

The Commission suggested one approach to addressing concerns in Area E is for the SOD to provide for minimum lot sizes instead of average lot sizes. Council restated that the goal is to bring the total number of lots down to fewer than 46. There are several ways to accomplish that goal.

The Council and Commission discussed expectations for the Commission's recommendation to Council. The goal is come up with a clear direction based on the feedback from the commission.

### **Present and Discuss Resolution Number 1261**

Vice Mayor Collins stated that the purpose of Resolution Number 1261 is to provide clear direction to the Commission based on feedback from the Commission and residents following the August 14<sup>th</sup> public hearing.

Mr. Bacon summarized Resolution 1261 which includes three action steps:

1. Council accepted the five development envelope approach
  - a. Separate but flexible development areas are specified for each type of use

- b. Development standards to be based on the Town's adopted SUP Guidelines for setbacks, heights, and Open Space Criteria
  - c. Pages 5 of SUP application to be modified and page 5.1 of SUP application to be removed
  - d. Following are limits of maximum square footage of developable floor area:
  - e. Area "A": Golf Course – 8,000 sq. ft. (includes maint. facility and restrooms)
  - f. 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.
  - g. Area "C": Resort Retail – 10,000 sq.ft.
  - h. Area "D": Open Space – No Floor Area allowed (non-developable land)
  - i. Area "E": Resort Estates – To be determined by the Council later
2. Council reaffirmed the commission's scope of review for the SUP application to be consistent with that in the original SOD
- a. Said areas of review to include 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

He further stated that tall structures must have articulation; the roadway treatment should extend down McDonald Drive west of 56th Street on north side of McDonald and adjacent to golf course; there should be a requirement for a landscape buffer along entire perimeter prior to start of construction; and there should be an assurance (a bond) for demolition at the time of issuance of SUP.

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

Mr. Bacon presented the following schedule for review:

- **September 11<sup>th</sup>** (PC: Work Study)
- **September 13<sup>th</sup>** (TC: Staff report at Work Study)
- **September 18<sup>th</sup>** (PC: Work Study & Public Hearing)
- **Week of September 24<sup>th</sup> – 28<sup>th</sup>** (PC: Work Study & Public Hearing)
- **September 27<sup>th</sup>** (TC: Staff report at Work Study)
- **October 1<sup>st</sup>** (TC: Able to begin discussion of SUP terms and conditions)
- **October 4<sup>th</sup>** (TC: Available for Special Meeting)
- **October 11<sup>th</sup>** (TC: Work Study on SUP)
- **October 18<sup>th</sup>** (TC: Available for Special Meeting)
- **October 25<sup>th</sup>** (TC: Able to adopt SUP on Public Hearing)

The Planning Commission responded that crafting stipulations for several of the items in the scope of review will be difficult given that the applicant has not provided specific concept plans. It was discussed that this will likely mean that the Commission will have to design stipulations for the worst case scenario.

It was acknowledged that this approach may result in a final project that is unknown and some residents might not like. Mr. Bacon stated that that this approach is not unlike how SUP amendments are processed for the Camelback Inn and Paradise Valley Country Club. Mr. Bacon stated that Staff will provide the Commission with examples of stipulations from the Camelback Inn SUP for comparative guidance.

Council said their expectation is that the Commission will provide a list of stipulations that allows for a resort that is compatible with the Town and respects the neighboring residents. It was noted that some of those stipulations may be modified to be consistent with the development agreement. The Commission was directed not to draft stipulations that go beyond the scope listed in the SOD.

Council asked for clarification on the proper process to follow if the Commission develops stipulations with which the applicant does not agree. Mr. Bacon responded that the Commission should forward a recommendation to Council with stipulations they believe are appropriate. The applicant will have an opportunity to request modifications to stipulations with which they disagree at the Council hearing.

Mayor LeMarr recessed the meeting at 6:50 p.m.

**TOWN COUNCIL ACTION ITEMS**

**Adoption of Resolution Number 1261; Final Review and Clarification of the Statement of Direction for the Mountain Shadows Special Use Permit Application**

Mayor LeMarr reconvened the meeting at 7:04 p.m.

Mayor LeMarr thanked the Commission for the work to this point. Vice Mayor Collins reiterated that the Council hopes to get a recommendation from the Planning Commission for a SUP with as many stipulations as necessary to give the Commission comfort that the final product will be suitable for the location and will represent the quality product that everyone involved intends to have developed.

The Clerk read Resolution Number 1261 into the record.

***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 and development envelopes 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 development envelopes 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. 56<sup>th</sup> 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 56<sup>th</sup> 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.*

*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 56<sup>th</sup> 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 56<sup>th</sup> 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*

*56<sup>th</sup> Street, but finds that this matter should be addressed by the Council in its review of the SUP application;*

*WHEREAS, the Council addresses the Commission to not finalize their review of the preliminary plat application until after the Commission's recommendation on the SUP has been forwarded to Council and the Council has further addressed the standards for the resort estates. The plat shall address vehicular gates, guard gates, circulation, and lot locations/layouts;*

*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. 56<sup>th</sup> 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 56<sup>th</sup> 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 28<sup>th</sup> day of August, 2012.*

Mayor LeMarr opened the meeting for public comments.

Irene Bloom (Lot 33 Mountain Shadows East) stated she supported the resort redevelopment but was concerned with the proposed tall structures and density. She suggested that open space be provided between tall structures to reduce a monolithic visual impact.

James Steven (Lot 58 Mountain Shadows East) expressed concern about the density on the east side of 56<sup>th</sup> St. He was encouraged that there has been discussion regarding stipulations to reduce the number of residential lots. He encouraged that stipulations be considered to provide for a unified design of the property with appropriate landscaping. Finally, he expressed concern about the demolition plan.

Mr. Bacon stated that the development agreement will provide that demolition occur within 90 days of the SUP approval.

Responding to a question from the Commission, the Council stated that the Commission's recommendation should include a range of stipulations for each development envelope plus the list of 10 additions in the Scope of Review, with the further understanding that stipulations should not be in conflict with the SOD.

**Motion and vote:** Councilmember Schweiker moved to adopt Resolution Number 1261. Councilmember Trueblood seconded the motion which passed by a vote of 5 – 0.

**ADJOURNMENT**

**Motion and vote:** Councilmember Schweiker moved to adjourn. Vice Mayor Collins seconded the motion which passed by a vote of 5 – 0.

Mayor LeMarr adjourned the meeting at 7:30 p.m.

  
\_\_\_\_\_  
Scott P. LeMarr, Mayor

ATTEST:

  
\_\_\_\_\_  
Duncan Miller, Town Clerk