

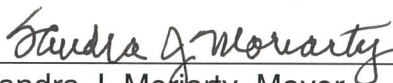
**RESOLUTION NO. 2018-32
MARRIOTT RESIDENCE INN
ZONE CHANGE
PZ 16-00009 (ZC)**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,
ARIZONA, ESTABLISHING AS A PUBLIC RECORD THE TERMS OF PROPOSED
REZONING OF YAVAPAI COUNTY ASSESSOR PARCEL NUMBER 408-11-430B
CONTAINING APPROXIMATELY 8.16 ACRES, INCREASING THE TOTAL NUMBER
OF PERMITTED LODGING UNITS FROM 121 TO 211.**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,
ARIZONA that the provisions set forth and the area to be rezoned and attached hereto
and incorporated herein as Exhibit A entitled "PZ 16-00009 Marriott Residence Inn,
Zoning Map, Legal Description and Conditions of Approval" constitutes a public record to
be adopted by reference pursuant to A.R.S. § 9-802 into Ordinance No. 2018-11.

At least one (1) paper copy and one (1) electronic copy of this public record shall
be kept in the office of the City Clerk for public use and inspection.

APPROVED AND ADOPTED by the Mayor and Council of the City of Sedona,
Arizona, this 13th day of November, 2018.



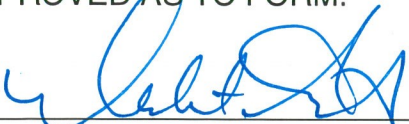
Sandra J. Moriarty, Mayor

ATTEST:



Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

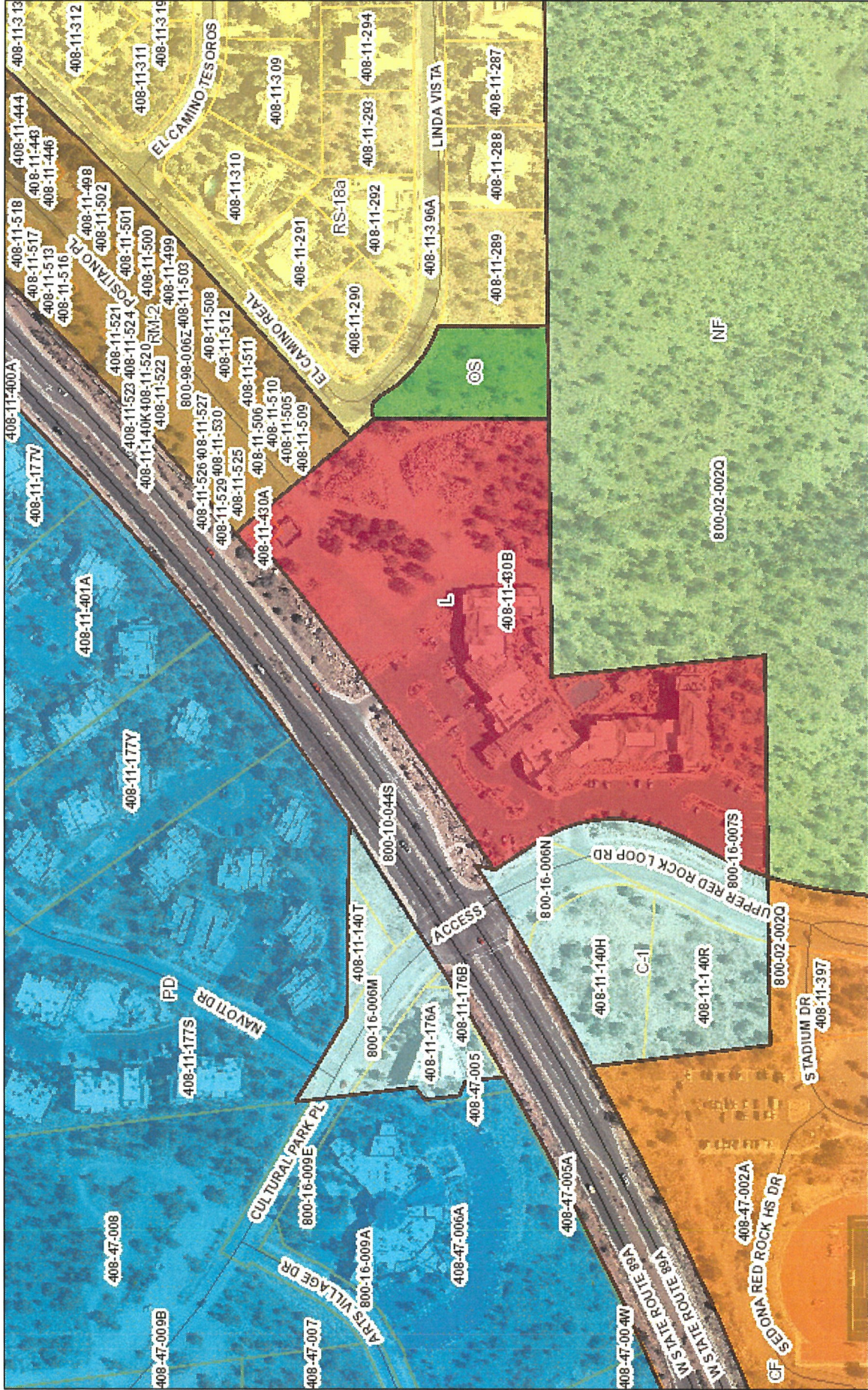


Robert L. Pickels, Jr., City Attorney

EXHIBIT A

**PZ 16-00009 Marriott Residence Inn,
Zoning Map, Legal Description and
Conditions of Approval**

Zoning - 408-11-430B (Marriott); PZ16-00009



November 15, 2018

- OAK CREEK
- COUNTY LINE

1:2,649

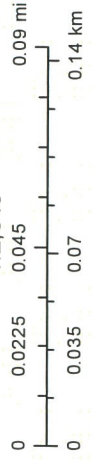


EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF YAVAPAI, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

That part of the North half of the Northeast quarter of the Southwest quarter of the Southwest quarter of Section 15 and a portion of Lots 11 and 13 of said Section 15, Township 17 North, Range 5 East, of the Gila Salt River Base and Meridian, according to the B.L.M. supplemental plat of said Section 15, dated May 4, 1972, said parcel being in Yavapai County, Arizona, described as follows:

COMMENCING at the Southwest corner of said Section 15, as marked by a B.L.M. brass capped pipe and from which the West quarter corner of said Section 15, as marked by a G.L.O. stone with chiseled $\frac{1}{4}$, lies North 06 degrees 52 minutes 10 seconds West, a distance of 2,726.06 feet;

THENCE from said Southwest corner of Section 15, North 06 degrees 52 minutes 10 seconds West, a distance of 681.57 feet to the Southwest corner of said Lot 13, of Section 15;

THENCE along the South line of said Lot 13, North 89 degrees 11 minutes 47 seconds East, a distance of 260.05 feet to the East right of way line of Upper Red Rock Loop Road and the POINT OF BEGINNING;

THENCE Northeasterly along said East right of way line of Upper Red Rock Loop Road according to the alignment described in Book 796 of Official Records, pages 461-464 and the realignment described in Resolution No. 94-12, recorded in Book 2875 of Official Records, pages 462-468 of the Yavapai County Recorder's office, said right of way line being a curve to the right and concave to the Southeast having a radius of 666.20 (rec same) feet, chord bearing North 22 degrees 39 minutes 14 seconds East and a central angle of 07 degrees 26 minutes 28 seconds, an arc distance of 86.52 feet to the end of said curve;

THENCE continuing along said East right of way line, North 26 degrees 22 minutes 28 seconds East, (North 26 degrees 30 minutes East rec), a distance of 82.01 feet to the beginning of a curve;

THENCE Northerly along said East right of way line being a curve to the left and concave to the West having a radius of 225.00 (rec same) feet, chord bearing of North 03 degrees 00 minutes 47 seconds West and central angle of 58 degrees 46 minutes 30 seconds, an arc distance of 230.81 feet to the end of said curve;

THENCE continuing along said right of way line, North 32 degrees 24 minutes 02 seconds West, (N 32 degrees 16 minutes 30 seconds West, Rec.) a distance of 81.97 (Rec. Same) Feet;

THENCE continuing along said East right of way line, North 12 degrees 35 minutes 23 seconds East, (North 12 degrees 42 minutes 55 seconds East rec), a distance of 13.74 feet to the Southeasterly line of the Southeasterly line of "Additional Right of Way" described as Parcel 1 of Pages 14 and 15 of Exhibit "A" of the Amended Final Order of Condemnation recorded in Book 4122 of Official Records, page 262 of the Yavapai County Recorder's Office;

THENCE Northeasterly along said Southeasterly line of "Additional Right of Way" of Arizona State Highway 89-A, being a curve to the left and concave to the Northwest having a radius of 5,817.03 feet, chord bearing North 53 degrees 59 minutes 16 seconds East and central angle of 06 degrees 04 minutes 40 seconds, an arc distance of 617.06 (616.82 rec) feet;

THENCE continuing along said Southeasterly line of "Additional right of way" of Arizona State Highway 89-A, North 39 degrees 03 minutes 04 seconds West, (North 39 degrees 05 minutes 55 seconds West rec), a distance of 9.60 (9.20 rec) feet to the original Southeasterly right of way line of Arizona State Highway 89-A;

THENCE Northeasterly along said original Southeasterly right of way line of Arizona State Highway 89-A being a curve to the left and concave to the Northwest having a radius of 5795.58 feet, chord being of North 50

EXHIBIT A (Continued)

degrees 56 minutes 51 seconds East and central angle of 00 degrees 24 minutes 23 seconds, an arc distance of 41.11 feet;

THENCE departing said Southeasterly right of way line of Arizona State Highway 89-A, South 39 degrees 15 minutes 48 seconds East, a distance of 241.00 feet to the Northwesterly right of way line of El Camino Real of the Foothills South Unit Two Amended subdivision according to the plat thereof recorded in Book 2 of Maps and Plats, pages 73 and 74 of the Yavapai County Recorders Office;

THENCE South 38 degrees 54 minutes 24 seconds East, a distance of 60.00 feet to the West end of a curve return on the Southeasterly right of way line of said El Camino Real;

THENCE Easterly along said right of way curve return being a curve to the right and concave to the South having a radius of 25.00 feet (rec same) feet, chord bearing of South 84 degrees 30 minutes 20 seconds East and central angle of 89 degrees 31 minutes 55 seconds (rec same) an arc distance of 39.07 feet (rec same) feet to a point of tangency on the Southwesterly right of way line of Calle De Belleza of said Foothills South Unit Two Amended subdivision;

THENCE along said Southwesterly right of way line of Calle De Belleza South 39 degrees 44 minutes 23 seconds (South 39 degrees 44 minutes 19 seconds East rec) a distance of 31.72 feet (rec same) feet to a point of curvature:

THENCE Southeasterly along said Southwesterly right of way line, along a tangent curve to the left and concave to the Northeast having a radius of 225.00 (rec same) feet, chord bearing South 54 degrees 34 minutes 38 seconds East and central angle of 29 degrees 40 minutes 09 seconds (29 degrees 34 minutes 59 seconds) an arc distance of 116.53 feet (116.17 rec) feet to the Northwest corner of Lot 108 of said Foothills South Unit Two Amended subdivision;

THENCE departing said Southwesterly right of way line of Calle De Belleza South 00 degrees 39 minutes 09 seconds East (South 00 degrees 44 minutes 31 seconds East rec), a distance of 175.42 (175.55 rec) feet to the Southwest corner of said Lot 108, said corner being on the South line of said North half of the Northeast quarter of the Southwest quarter of the Southwest quarter of Section 15;

THENCE along said South line, South 89 degrees 15 minutes 25 seconds West (South 89 degrees 15 minutes 29 seconds West rec), distance of 557.22 (557.14 rec) feet to the Southwest corner of said North half of the Northeast quarter of the Southwest quarter of the Southwest quarter of Section 15;

THENCE South 05 degrees 35 minutes 03 seconds East, a distance of 338.48 feet to the Southeast corner of said Lot 13 of Section 15;

THENCE along the South line of said Lot 13 of Section 15, South 89 degrees 11 minutes 47 seconds West, a distance of 359.21 feet to the POINT OF BEGINNING;

EXCEPT that part thereof described as follows:

BEGINNING at the Northwesterly corner of Park Place Condominium Amended Final Plat, recorded in Book 60 of Maps and Plats, page 60 at the Yavapai County Recorder's Office, said point also being 66 feet left of centerline station 90+48.94 of State Route 89A as recorded in Arizona Department of Transportation project number South 366-814 Right of way Plats D-13-T-446, sheets 11-13 of 31 dated October 1999;

THENCE along the Southwesterly line of said plat South 39 degrees 13 minutes 41 East, a distance of 15.00 feet to the POINT OF BEGINNING;

THENCE parallel to the Southeasterly right of way line of State Route 89-A through an arc of a curve right with a deflection angle 0 degrees 26 minutes 37, a radius of 5810.58 feet and length of 45.00 feet to a point;

**EXHIBIT A
(Continued)**

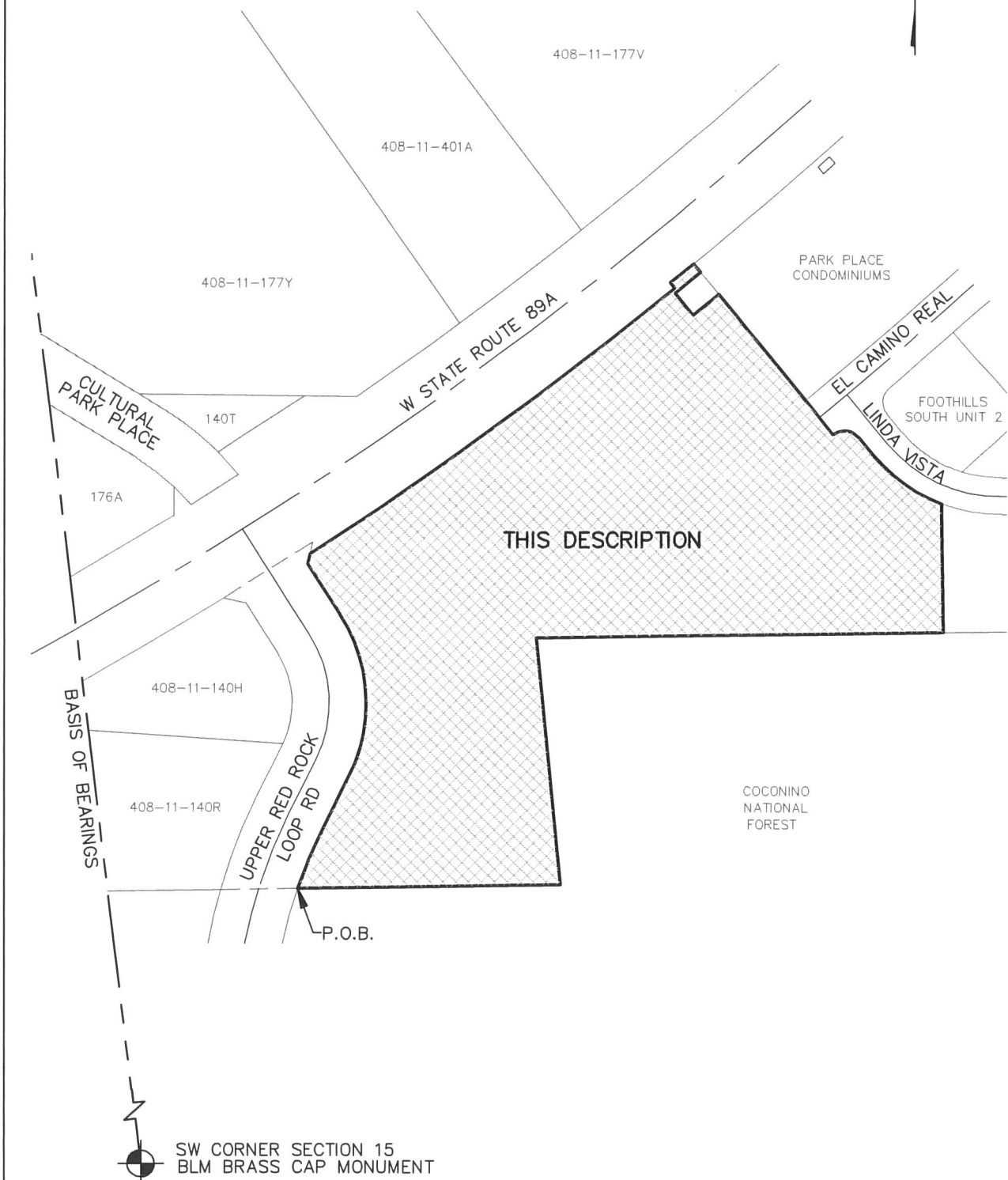
THENCE South 39 degrees 13 minutes 41 seconds East, a distance of 39.05 feet to a point;

THENCE North 50 degrees 46 minutes 19 seconds East, a distance of 45.00 feet to a point on the Southwesterly line of said plat;

THENCE along the Southwesterly line of said plat North 39 degrees 13 minutes 41 seconds West, a distance of 38.95 feet to the POINT OF BEGINNING.

APN: 408-11-430B

MAP TO ACCOMPANY
LEGAL DESCRIPTION



408-11-177V

408-11-401A

408-11-177Y

PARK PLACE
CONDOMINIUMS

CULTURAL
PARK PLACE

140T

W STATE ROUTE 89A

EL CAMINO REAL

FOOTHILLS
SOUTH UNIT 2

LINDA VISTA

176A

THIS DESCRIPTION

408-11-140H

BASIS OF BEARINGS

UPPER RED ROCK
LOOP RD

408-11-140R

COCONINO
NATIONAL
FOREST

P.O.B.



SW CORNER SECTION 15
BLM BRASS CAP MONUMENT



PZ16-00009 (ZC) *As approved by City Council, November 13, 2018.*

1. Development of the subject property shall be in substantial conformance with the applicant's representations of the project, including the site plan, letter of intent, and all other supporting documents submitted, as reviewed, modified, and approved by the Planning and Zoning Commission and City Council.
2. The zoning for this property shall allow for a maximum of 211 lodging units. If the property is split or subdivided, the property owner shall include with the land division application the number of units allocated to each proposed new property.
3. The applicant shall enter into a Development Agreement with the City of Sedona that covers, at a minimum, the following items:
 - a. Contribution of \$625,000 to the City's Affordable Housing Fund, payable at the time of issuance of the first building permit for the project and a contribution of \$199,000 to the City's Affordable Housing Fund, payable at the time of issuance of the first Certificate of Occupancy for the project.
 - b. Provision of an art contribution with a value of \$35,000, subject to compliance with LDC Article 18 (Public Art) and approval by the Community Development Director.
4. The applicant shall record permanent emergency ingress and egress easements for both Park Place and Foothills South Subdivisions and permanent ingress and egress easements for access to the City's wastewater facility adjacent to the site.
5. The zoning for the subject property shall be considered vested when the Development Agreement is approved, executed, and recorded, all other conditions are met, and construction of the project as approved under PZ16-00009 (DEV, CUP) is complete. If the applicant does not complete construction of the approved project, the City may initiate proceedings to revoke the zoning, subject to the provisions of Sedona Land Development Code Section 400.11 and applicable State statutes.
6. Within thirty days of approval of the zone change, the property owner of record of the subject property voluntarily agrees to sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Zoning Change approval.
7. The following changes shall be made to the Development Review Application:
 - a. All buildings shall have a maximum light reflectance value (LRV) of 19%
 - b. In order to increase screening of the parking lot, parking spaces near the entrance shall be replaced with landscaping, while ensuring minimum parking requirements continue to be met.

PZ16-00009 (DEV) *As approved by Planning and Zoning Commission, April 17, 2018*

1. If the City Council does not approve PZ16-00009 (ZC), this development review approval shall become null and void.

2. The project shall be developed in a single phase.
3. The Development Review approval shall be valid for a period of two (2) years from City Council approval of PZ16-00009 (ZC), unless a valid building permit has been issued, the buildings are under construction, and the project is being diligently pursued towards completion.
4. Development of the subject property shall be in substantial conformance with the applicant's representations of the project, including the site plan, landscape plan, grading and drainage plans, letter of intent, and all other supporting documents, as reviewed, modified, and approved by the Planning and Zoning Commission. Proposed changes determined to be substantial by the Director of Community Development shall require reconsideration by the Planning & Zoning Commission at a public meeting.
5. Hours of work, for grading operations, shall be limited to 7 a.m. to 6 p.m., Monday through Friday and 9 a.m. to 5 p.m. on Saturday. No grading work shall occur on Sunday.
6. Storm water quantities and velocities shall not be greater than the historic values at the downstream property line.
7. The exterior wall colors and all roofing materials shall be in compliance with the approved color and materials board. All vents, down spouts, gutters, posts, etc. shall be painted to match the exterior wall or roof color or be in compliance with the color provisions of the Land Development Code.
 - a. All buildings shall have a maximum light reflectance value (LRV) of 19%.
8. In order to increase screening of the parking lot, parking spaces near the entrance shall be replaced with landscaping, while ensuring minimum parking requirement continue to be met.
9. Approval of the monument sign is contingent upon the property owner receiving approval and execution of a lot split creating a separate parcel for each hotel development.
10. Existing trees shall be transplanted to other locations on site.
11. All mechanical and electrical equipment shall be adequately screened, to the satisfaction of the Community Development Director.
12. The applicant shall connect to the City's Wastewater System, construct any required extensions of sewer lines, and pay all applicable fees.
13. Prior to the issuance of grading and building permits, the applicant shall satisfy the following conditions and provide written documentation of such compliance to staff:
 - a. Plans submitted for building permit review shall meet all applicable requirements of the Sedona Land Development Code.
 - b. For projects involving grading of more than 5,000 cubic yards, a haul plan, a dust control plan, a topsoil reutilization plan, a storm water pollution prevention plan, and a traffic control plan shall be required. Each must be acceptable to and approved by the City Engineer. (LDC 806.2.1)
 - c. Provide Final Grading and Drainage Plans. The Site Plan shall meet the requirements of LDC Section 803.
 - d. Provide the Final Drainage Report.
 - e. Applicant shall provide a Storm Water Pollution Prevention Plan. SWPPP measures shall be in place prior to the start of construction (LDC Article 8). Storm water quality measures shall also comply with City of Sedona Code requirements (City Code Chapter 13.5)

- f. Accessible sidewalks and parking areas will need to meet the current US Dept. of Justice ADA requirements.
 - g. Any new accessible parking/signage shall meet the requirements of City LDC Section 912.09.
 - h. The applicant shall show proof of ADOT approval for any work within the ADOT right-of-way.
 - i. The site plan shall show all existing utilities and construction details for sewer construction
 - j. Provide utility construction details on plans.
 - k. The parking layout and driveway slopes shall meet the requirements of the Sedona Land Development Code (LDC).
 - l. Bumpers, wheel stops, stall markings and/or other vehicular control devices shall be provided to the specifications of the City Engineer.
 - m. Provide details for entrance and exit traffic signs at the driveways.
 - n. A City Right-of-Way Permit shall be acquired for any work taking place within City Rights-of-Way. A Traffic Control Plan shall be submitted with the application.
 - o. Applicant shall provide a Neighbor Contact and Response Plan issuance of permit. The plan shall define site signage, which shall include a hotline number.
 - p. The applicant shall submit landscaping plans that comply with all applicable City codes and with the landscaping plans approved by the Planning & Zoning Commission.
 - q. The applicant shall submit outdoor lighting plans that comply with all applicable City codes and with the outdoor lighting plans approved by the Planning & Zoning Commission.
 - r. All requirements of the Sedona Fire District shall be satisfied.
14. Prior to the issuance of a Certificate of Occupancy, staff shall verify that all construction is in substantial accordance with the plans as submitted, reviewed, and approved by the Planning and Zoning Commission, and meets the following conditions:
- a. All on-site improvements shall substantially conform to the plans on which grading and building permits were issued.
 - b. Installation of all proposed landscaping shall be complete and in accordance with the approved landscape plan.
 - c. All outside lighting shall have been installed in accordance with the approved plans. All lighting sources shall be fully shielded so that the direct illumination is confined to the subject property boundaries and so no light is directed above the horizontal plane. Staff shall conduct a night inspection and if deemed necessary, additional shielding will be required.
 - d. All new utility lines shall be provided through underground installation.
 - e. All mechanical equipment and trash receptacles shall be completely screened in accordance with the screening provisions shown on the approved development plans. All electrical panels shall be located so as not to be visible from public rights-of-way.
 - f. All requirements of the Sedona Fire District shall be satisfied.

- g. The applicant shall provide copies of all required testing to the Public Works Department.
 - h. As-built plans shall be provided to the City in digital and hard copy formats acceptable to the City Engineer.
 - i. All areas of cut and fill shall be landscaped or dressed in such a manner as to reduce the potential for erosion.
 - j. The applicant shall provide a letter, sealed by the engineer of record, verifying that the work, as done, is in substantial accordance with the approved plans.
 - k. All construction shall comply with the Storm Water Regulations in Chapter 14 of the City of Sedona City Code. Storm water quantities and velocities shall not be greater than the historic values at the downstream property line.
 - l. All other conditions of approvals and conditions outlined in the Development Agreement have been met.
15. Within thirty days of approval of the Development Review, the property owners of record of the subject properties shall sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Development Review.

PZ16-00009 (CUP) *As approved by Planning and Zoning Commission, April 17, 2018*

- 1. If the City Council does not approve PZ16-00009 (ZC), this conditional use permit approval shall become null and void.
- 2. The use shall be in substantial conformance with the applicant's representations of the project, including the site plan, letter of intent, and all supporting documents, as reviewed, modified, and approved by the Planning and Zoning Commission. Proposed changes in operation or activities to the approved Conditional Use Permit determined to be substantial by the Community Development Director shall require reconsideration by the Planning and Zoning Commission at a public meeting.
- 3. If contacted by City Staff regarding a potential violation in the operation of this use, the applicant shall work with City Staff to address the issue in a timely manner. If a satisfactory solution is not found, City Staff may initiate proceedings to revoke the CUP (LDC 402).
- 4. The use shall be limited to the area shown on the site plan, subject to compliance with all applicable requirements.
- 5. No tree removal is permitted in association with the drainage facilities. All trees must be preserved and protected in place.
- 6. Within thirty days of approval of the Conditional Use Permit, the property owners of record of the subject properties shall sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Conditional Use Permit.