

**ORDINANCE NO. 2022-03  
CHOCOLATREE PARKING AND EMPLOYEE HOUSING  
PZ 21-00016 (ZC)**

**AN ORDINANCE OF THE OF THE CITY OF SEDONA, ARIZONA, REZONING THAT PROPERTY DESCRIBED HEREIN FROM ITS PRESENT DESIGNATION OF RS-6 (SINGLE FAMILY RESIDENTIAL) AND RS-10 (SINGLE FAMILY RESIDENTIAL) TO M3 (MIXED USE ACTIVITY CENTER); DIRECTING THE AMENDMENT OF THE ZONING MAP UPON COMPLETION OF ALL ZONING CONDITIONS SET FORTH HEREIN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.**

**RECITALS:**

WHEREAS, the Planning and Zoning Commission has formally considered the proposed rezoning, following proper notice and a hearing on June 21, 2022, and has recommended approval of the requested rezoning.

WHEREAS, City Council has read and considered the staff reports prepared by the Community Development Department staff and all attachments to those reports, the applicant's application, the narrative provided by the applicant and all statements made by the applicant and its representatives during the presentations to the Planning and Zoning Commission and to City Council, City Council finds that the proposed rezoning meets the findings required by the Sedona Land Development Code (LDC) Section 8.6.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA AS FOLLOWS:

**Section 1. Description and Rezoning**

The subject property consists of Yavapai County Assessor's Parcels 408-07-026D, containing approximately 0.37 acres, and is located south of W State Route 89A between View Drive and Inspirational Drive at 20 View Drive in Sedona, Arizona, a legal description, depiction, and zoning map of which is provided in "Exhibit A" attached hereto and incorporated by this reference. The owner/applicant desires to rezone the property from RS-6 (Single Family Residential) and RS-10 (Single Family Residential) to M3 (Mixed Use Activity Center).

The subject property that is currently zoned RS-6 (Single Family Residential) and RS-10 (Single Family Residential) is hereby rezoned to M3 (Mixed Use Activity Center), based on conformance with the requirements for approval of a zone change and consistency and conformance with the Community Plan and subject to all applicable ordinance requirements and the conditions of approval as set forth in "Exhibit B" and based on the Planning and Zoning Commission findings as outlined in the Staff Report and adopted by the Commission and City Council, including all requirements of LDC Section 8.3.E(5).

**Section 2. Zoning Map**

The zoning map of the City of Sedona is hereby amended to reflect this rezoning, and at least three (3) copies of the map shall be kept in the office of the City Clerk for public use and inspection.

Section 3. Repeal

All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

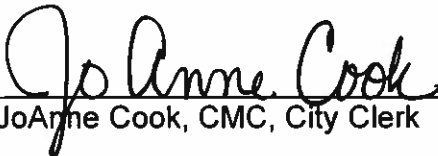
Section 4. Effective Date

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 9<sup>th</sup> day of August, 2022.

  
\_\_\_\_\_  
Sandra J. Moriarty, Mayor

ATTEST:

  
\_\_\_\_\_  
JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kurt W. Christianson, City Attorney

## Exhibit A (Page 1 of 2)

### PZ21-00016 (ZC) Chocolatee Parking and Employee Housing Zoning Map and Legal Description

#### Legal Description: APN 408-07-026D

Zone Change Request: RS-6 (Single Family Residential) and RS-10 (Single Family Residential) to M3 (Mixed Use Activity Center)

The following is a description of a parcel of land being comprised of Lot 1 and a portion of Lot 2, Block E, of the Inspirational View, a Subdivision of a portion of Section 12 and Section 13, Township 17 North, Range 5 East, of the Gila and Salt River Base and Meridian, as shown on the Plat thereof recorder in Book 5, Page 64 [Record Source #1 (R1)] , This description also being a composite description of a portion of that parcel of land described in Book 4599, Page 846 and that parcel of land described in Book 4599, Page 845 records of the Yavapai County Recorders Office; said parcel of land being more particularly described as follows:

BEGINNING at the 1/2" rebar marking the Northwest corner of said Lot 2, also being the Northwest corner of that parcel of land described in Book 4599, Page 846 records of the Yavapai County Recorded;

Thence South 81° 15' 00" East, [Basis of Bearing (R1)] a distance of 96.36 feet, along the North line of said Lot 2, also being the North line of that said parcel of land described in Book 4599, Page 846, to a 3/8" rebar marking the Northeast corner thereof;

Thence South 81° 15' 00" East, a distance of 111.06 feet, along the North line of said Lot 1, to the calculated Northeast corner thereof;

Thence South 00° 24' 00" West, a distance of 80.00 feet, along the East line of said Lot 1, to the calculated Southeast corner thereof;

Thence North 89° 16' 00" West, a distance of 109.82 feet, along the South line of said Lot 1, to the calculated Southwest corner thereof;

Thence North 00° 21' 50" East, a distance of 35.49 feet, along the West line of said 1, also being the East line of said Lot 2, to a plastic cap atop a 1/2" rebar stamped L.S. 26925,

Thence North 84° 48' 05" West, a distance of 95.56 feet, to the West line of said Lot 2, also being the West line of that said parcel of land described in Book 4599, Page 846, and a plastic cap atop a 1/2" rebar stamped L.S. 26925;

Thence North 00° 15' 59" East, a distance of 66.00 feet, along the West line of said Lot 2, also being the West line of that said parcel of land described in said Book 4599, Page 846 to the POINT OF BEGINNING;

Subject parcel of land contains 0.36 acres more or less, as shown on the attached "Exhibit Drawing" being made a portion hereof by this reference; and is subject to all exceptions, easements and or right-of-ways, of the public record that may be pertinent thereto.

Exhibit A (Page 2 of 2)

PZ21-00016 (ZC) Chocolatee Parking and Employee Housing Zoning Map and  
Legal Description

Zoning Map: APN 408-07-026D

Zone Change Request: RS-6 (Single Family Residential) and RS-10 (Single Family  
Residential) to M3 (Mixed Use Activity Center)



## Exhibit B

### PZ21-00016 (ZC) Chocolatree Parking and Employee Housing Conditions of Approval

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 applicant shall record a deed restriction on the property restricting the rentals of the employee housing units to a minimum of 30 days. City Staff shall approve the language of the deed restriction prior to recording.
3. The project is proposed to be developed in two phases:
  - i) Phase 1: Construction of the parking lot on the eastern portion of the property.
  - ii) Phase 2: Conversion of the existing single-family house into multiple employee housing units.Permits for Phase 1 shall be issued within 12 months of City Council approval of the zone change. Permits for Phase 2 shall be issued within 18 months of City Council approval of the zone change. All construction shall be complete within 30 months of City Council approval of the zone change.
4. The zoning for the subject property shall be considered vested when the Deed Restriction is recorded, construction of the parking lot and sidewalks is complete, and the conversion of the house is complete. If the applicant does not meet this condition, the City may initiate proceedings to revoke the zoning, subject to the provisions of Sedona Land Development Code Section 8.6.A(3)g and applicable State statutes.
5. The plans submitted for building permits shall address the following:
  - i) An additional ADA parking space shall be added to the existing main Chocolatree parking lot at 1595 W State Route 89A (APN 408-26-025A).
  - ii) The applicant shall construct a new sidewalk along the property's Inspirational Drive frontage and continue the sidewalk north to tie into the existing sidewalk along W State Route 89A. The new sidewalk shall not displace any trees.
  - iii) Prior to construction of the sidewalk, a right-of-way permit and building permit shall be obtained from the City of Sedona.
  - iv) An encroachment permit from ADOT shall be obtained prior to construction in the ADOT right-of-way.
  - v) Applicant shall follow the City of Sedona Land Development Code in its entirety.
  - vi) Storm water quality measures shall also comply with City of Sedona Code requirements (City Code Chapter 13.5)
  - vii) Accessible sidewalks and parking areas will need to meet the current US Dept. of Justice ADA requirements.
  - viii) Accessible parking/signage shall meet the requirements of the City's Land Development Code and Design Review, Engineering, and Administrative Manual.
  - ix) The applicant shall submit landscaping plans that meet all Land Development Code requirements.
  - x) Prior to the installation of signs, the applicant shall submit a separate sign permit for review and approval. Modifications to proposed signs may be required to ensure compliance with Land Development Code requirements.
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 parking lot shall include a minimum of one (1) electrical vehicle (EV) ready space.