

**CITY OF SEDONA, ARIZONA
COUNCIL AGENDA COMMUNICATION**

Meeting Date: June 23, 1998 Agenda Item: 11 Time to Present: 15 - 20 minutes	Subject: ZC98-3 The Cliffs at Oak Creek Department: Community Development
<u>Action Required:</u> <input type="checkbox"/> Information <input checked="" type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Recommendation	<u>Board/Commission Recommendation:</u> <input checked="" type="checkbox"/> Approval (unanimous) <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded

SYNOPSIS:
 On May 5, 1998 the Planning and Zoning Commission considered the applicant's request for a zone change for the proposed "The Cliffs at Oak Creek" project which is located in Uptown Sedona along both sides of Highway 89a near the intersection of Highway 89a and Art Barn Road. At this meeting the Commission recommended approval of the applicant's request for the zone change of the subject properties subject to conditions of approval.

BACKGROUND:
 The applicant has been pursuing development approval for a large multi-use project on the subject properties since late 1993. A summary of the more significant events that pertain to the development of this project are provided below;

- March 22, 1994** - City Council approved a Community Plan amendment for the properties to the west of Highway 89a from a Multi-family Medium and High Density designation to General Commercial/Lodging and Open Space Preservation/Conservation.
- August 10, 1994** - Applicant presented an overview of the project to a joint meeting of the Sedona City Council, Planning and Zoning Commission, Parks and Recreation Commission, and Arts and Culture Commission.
- May 1995** - Applicant filed a request for zone change of the subject properties to PD (Planned Development).
- July 1995** - Applicant requested a continuance of the zoning application to the Planning and Zoning Commission.
- January 1996** - Applicant reactivated the application and filed a proposed conceptual site plan for Commission review. Commission held conceptual development reviews of the proposed project on March 5, 1996 and April 16, 1996. A site visit was held on June 14, 1996.
- August 20, 1996** - After a number of public meetings the Commission recommended approval of case numbers CPA96-3 and ZC95-7, subject to conditions of approval.
- October 22, 1996** - At the request of the applicant, the City Council continued the applicant's zone change request for 60 days (the La Vista Motel, previously considered a part

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of the development application rescinded their previous authorization to permit development on their property.

- November 26, 1996** - City Council moved to return consideration of the zone change request to the Planning and Zoning Commission under a new and revised site plan that excluded the La Vista Motel property.
- March 1997** - Discussions commence on the concept of drafting a Development Agreement between the City of Sedona and the developers of the "The Cliffs at Oak Creek".
- November, 1997** - After months of negotiation, a Development Agreement is approved by the Sedona City Council for the proposed "The Cliffs at Oak Creek" development.
- December 12, 1997** - Application for conceptual development review for the complete project is filed with the Department of Community Development.
- January 14, 1998** - Application for Development Review for the Commission's March 17, 1998 meeting for Phase 1 not accepted (application substantially incomplete). Development Review consideration for Phase 1 is rescheduled for the Commission's April 7, 1998 public hearing.
- February 3, 1998** - Planning and Zoning Commission held a Conceptual Development Review hearing for the complete project, and considered the then Phase 1 aspect of the development (Creeside Retail Village) in detail. Commission holds at least 5 separate meetings to discuss and review the project.
- April 1998** - Application for Development Review approval for Phase 1 withdrawn and applicant decides to pursue zone change approval only for the complete project.
- May 5, 1998** - Planning and Zoning Commission recommend approval of the zone change request subject to conditions of approval.

The staff report to the Planning and Zoning Commission dated May 5, 1998 is attached.

As noted in detail in this staff report on page 4, the applicant intends to develop a mixed use development that includes the following principal land uses;

- 195 timeshare units, all with double lockout suites**
- 12 multi-family apartments**
- 56,680 sq.ft. retail space**
- 25,087 sq.ft. restaurant space (includes 3,287 sq.ft. micro brewery, but excludes 6,160 sq.ft. outdoor dining areas)**
- 17,777 sq.ft clubhouse**
- Approximately 194 space parking structure**
- 150 seat outdoor amphitheatre**
- Approximately 7 acre publicly accessible park with about 2,000 feet of frontage onto Oak Creek**

Additional details on the development proposal as well as a summary of comments and concerns from applicable review agencies are provided in the attached May 5, 1998 staff report.



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The maximum density and outside parameters for the development of the project (i.e. number of units, square footage of each land use, parking calculations, building heights, etc.) were established in the Development Agreement that was concluded in November, 1997.

At this stage in the project's evolution, the applicant is requesting the following approval;

ZC98-3 Zone change to amend the existing C-1, RM-2 and RS-36 zoning to PD

Development Review approval (from the Planning and Zoning Commission) for Phase 1 of the proposed development (the parking structure and Hillside Retail Village on the west side of Highway 89a) will be requested by the applicant at such time as the approval described above has been secured.

ZC98-3 --- ZONE CHANGE:

- Existing Zoning - RM-2 (Multi-family Residential) - north and west of Highway 89a, i.e. the proposed Hillside Village.
RS-36 (Single-family Residential) - east of Oak Creek, i.e. the proposed Creekside Park.
- Requested Zoning - C-1 (General Commercial) - balance of subject properties.
PD (Planned Development)

Pages 17 through 19 of the attached staff report provide a detailed narrative describing the rationale for and benefits of the zone change request.

Primary comments raised by the Commission at their May 5, 1998 public hearing included:

- General discussion on the staff suggested conditions of approval, specifically regarding the issue of natural versus cultured stone, traffic issues and access to and from Art Barn Road, and other relatively minor language changes to address concerns from the applicant.
- Detailed discussion on whether improvements to Art Barn Road should be included as part of the Phase 1 development, and the issue of left turns out of Art Barn Road.
- Discussion on the applicant's proposal to permit a setback that varies from 10 to 25 feet on the Highway 89a frontage of the Hillside Village and parking structure rather than 20 feet as required in the PD zone.
- Detailed discussion on and general support of the design and layout of the Hillside Village.
- General support for the applicant's intent to modify the Development Agreement to provide another lower level of parking in the parking structure.

Primary issues raised by the public included (2 members of the public spoke):

- A representative for the La Vista Motel discussed their concerns with the access issue into the motel as the northern access driveway is actually located on the Cliffs at Oak Creek property.

- An adjoining property owner to the proposed Hillside Village was concerned with the eventual closure of the northern access to the existing Copiapo retail stores as well as with the applicant's proposal to establish timeshares integrated into the retail stores on the west side of Highway 89a.

The Planning and Zoning Commission (by a unanimous 6-0 vote of the members present) recommended approval of case number ZC98-3.

BUDGET CONSIDERATION:

None.

CITY ATTORNEY APPROVAL: (If required):

CITY MANAGER RECOMMENDATION:

The Cliffs project represents one of the most significant developments in the city's history. The city has an opportunity to comprehensively plan for development on this important property in our uptown area or to allow it to develop under the current zoning. I recommend that the City Council approve this item.

POTENTIAL OPTIONS:

- Approve the zone change request.
- Deny the zone change request.

The following materials are attached to assist the City Council in their review of this zone change request:

1. Staff Report dated May 5, 1998 to the Planning and Zoning Commission.
2. Vicinity plan (8½"x11")
3. Applicant's Letter of Intent
4. Master Site plan (30"x42" and 11"x17")
5. Phasing plan (34"x42" and 11"x17")
6. Phase 1 Architectural Site plan (30"x42" and 11"x17")
7. Phase 2 Architectural Site Plan and Floor plan (30"x42" and 11"x17")
8. Sections of the Phase 1 and Phase 2 buildings (30"x42" and 11"x17")
9. Concept Exterior Building Elevations (24"x36" and 11"x17")
10. Architectural Penetration plan for Phase 2 (30"x42")
11. Color brochure - An Overture to "The Cliffs at Oak Creek"
12. Proposed Design Guidelines document.
13. Conditions of approval as recommended by the Planning and Zoning Commission.

MOTIONS:

I, (City Council person) move to approve Resolution No. 98-__ regarding case number ZC98-3 based on compliance with Land Development Code requirements, general consistency with applicable sections of the Community Plan and compatibility with surrounding land uses and the

character of the surrounding area, subject to all applicable ordinance requirements and the attached conditions of approval.

I, (City Council person), move to deny case number ZC98-3, based on the following findings (specify findings).

W:\CLIFFS.COM
June 17, 1998 (10:09am)



COMMENTS
PRESENTED TO CITY COUNCIL
REGARDING THE CLIFFS-AT-OAK CREEK PROJECT
JUNE 23, 1998

MR. MAYOR, MADAM VICE-CHAIR AND MEMBERS OF THE COUNCIL.

MY NAME IS CRAIG O. THOMPSON. I RESIDE IN THE VILLAGE OF OAK CREEK BUT, AS EXECUTIVE DIRECTOR OF THE SEDONA ARTS CENTER, 15 ART BARN ROAD, I WORK AT SAC WHICH IS LOCATED IN THE EXCITING AND EVOLVING PORTION OF OUR CITY PROUDLY KNOWN AS MAINSTREET, U.S.A. -- OR -- AND ALSO SAID WITH PRIDE...UPTOWN SEDONA.

LONG BEFORE MY WIFE AND I MOVED TO THE VERDE VALLEY...TWENTY-FIVE YEARS AGO, TO BE EXACT, MY FAMILY AND I SPENT SEVERAL YEARS IN NORTHERN ARIZONA. I WAS A STUDENT AT N.A.U., WHERE I SPENT SEVERAL YEARS OBTAINING MY BACHELOR OF SCIENCE AND M.A. DEGREES, AS A RESPONSIBLE CITIZEN WHO REGULARLY PACKED OUR FAMILY AND FRIENDS INTO A QUIET SWIMMING HOLE ON OAK CREEK--AND AS AN INSTRUCTOR AND DIRECTOR OF THE NAVAJO / HAWAII CULTURAL EXCHANGE PROGRAM ON THE RESERVATION -- A PROGRAM RECOGNIZED TWICE IN THE U.S. CONGRESSIONAL RECORD.

NO ONE TOLD US, TWENTY-FIVE YEARS AGO..."WE CAN ENJOY THE BEAUTY OF THIS LAND, BUT YOU CANNOT." NO ONE SAID, "NOW THAT I'VE MOVED HERE, NO ONE ELSE IS ALLOWED TO ENJOY THE LAND THAT GOD GAVE US, BUT ME." RATHER, MY FAMILY FELT WELCOMED INTO THE ARMS OF OUR SACRED EARTH--BOTH ON THE RESERVATION...AND IN THE CANYON--A MIGHTY REMINDER OF THE STRENGTH AND BEAUTY OF A LAND THAT ECLIPSES THE POWER OF ANY GOVERNMENT BODY--

SEDONA'S NOT A TIMBER TOWN. OUR CITY IS NOT A SILICON VALLEY THAT DERIVES ITS FINANCIAL SUPPORT THROUGH MANUFACTURING. SEDONA ISN'T KNOWN AS A CITY THAT FABRICATES PRODUCTS...BUT WE DO SPECIALIZE IN ARTISTIC RESOURCES--ARTISTS AND CRAFTSMEN WHO CREATE AND PRODUCE MARVELOUS REMINDERS OF OUR PAST AND CHALLENGING SYMBOLS OF THE FUTURE. AND WE ARE HONORED BY MILLIONS OF VISITORS, FROM ALL OVER THE WORLD, WHO MARVEL AT AND RESPECT THE WONDER OF THE RED ROCKS--AND WHO APPRECIATE THE MYRIAD OF EXPRESSIONS OF CREATIVITY, IMAGINATION, INGENUITY AND INVENTION THAT OUR OWN ARTISTIC RESIDENTS PROVIDE FOR THEM.

THE MAJORITY OF SEDONA'S ANNUAL REVENUE IS DEPENDENT UPON AND DERIVED THROUGH THE DOCTOR'S AND DENTISTS, THE HOTELS AND MOTELS, THE BARBERS AND GROCERS, THE TIME-SHARE RESORTS, THE ART GALLERIES AND CULTURALLY FACETED BODIES OF OUR REGION THAT MAKE UP FOR SEDONA'S LACK OF A MANUFACTURING BASE. THE

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MAJORITY OF TAXES PAID IN SEDONA COMES FROM THOSE WHO VISIT AND TAKE ADVANTAGE OF ALL OF OUR SERVICES.

OUR CITY IS MADE UP OF PEOPLE WHO SERVE EACH OTHER BECAUSE WE'RE HERE TO SERVE THOSE WHO DESIRE TO SHARE THE BEAUTY OF OUR AREA WITH THEIR FAMILIES AND FRIENDS--AS WE SHARED IT WITH OURS YEARS BEFORE.

AT LEAST TWO TO THREE YEARS BEFORE I BECAME EXECUTIVE DIRECTOR OF SAC, OUR BOARD OF DIRECTORS TOOK A LONG, HARD LOOK AT THE DEVELOPING ISSUE--AND NOW REALITY-- OF THE CLIFFS-AT-OAK CREEK PROJECT. AFTER MUCH STUDY AND, FOLLOWING STRONG DEBATE, A UNANIMOUS VOTE, BY SAC'S BOARD-- IN SUPPORT OF THE CLIFFS--GAVE THE PROJECT ONE OF THE FIRST CREDIBLE AND AUDIBLE SIGNALS IN THIS CITY THAT THE TIME HAD COME FOR A WELL-PLANNED, WELL-THOUGHT-OUT, EXTREMELY THOROUGH MASTER PLANNED-DEVELOPMENT FOR THE UPTOWN AREA.

ABOUT THE SAME TIME, SEVERAL FORWARD THINKING MEMBERS OF THE UPTOWN MERCHANTS ASSOCIATION WHO--NOT TOO MANY YEARS BEFORE HAD FORMED THE BASIS FOR A STRONG AND LIVELY MAINSTREET PROGRAM--BEGAN TO RECOGNIZE THE IMPORTANCE FOR AND A NEED TO SIGNIFICANTLY REVITALIZE THE UPTOWN BUSINESS VICINITY OF SEDONA. THIS AUGUST BODY--OUR CITY COUNCIL--HAS SENT A STRONG SIGNAL OF SUPPORT, FOR SUCH REVITALIZATION, IN THE UPCOMING CITY BUDGET.

MAINSTREET MERCHANTS RECOGNIZED THAT--FOR A TOWN TO BE VIABLE AND ALIVE--IT HAD TO MELD THE SIGNIFICANT ACCOMPLISHMENTS OF THE PAST WITH APPROPRIATE TRANSITIONAL MOVES TOWARD A FUTURE THAT MUST INCLUDE SUITABLE PARKING STRUCTURES TO HANDLE PROJECTED NEEDS OF OUR RESIDENTS AND VISITORS TO THE AREA; A TRANSPORTATION AUTHORITY BEFITTING THE GROWING NEEDS OF OUR ENVIRONMENT; AND AN OVERALL PLAN THAT WOULD RESPONSIBLY DEMONSTRATE THAT IT'S MEMBERS COULD HONORABLY WORK TOGETHER TO FIND SOLUTIONS TO FUTURE CHALLENGES.

I WANTED TO COME BEFORE YOU, THIS EVENING, TO SPEAK OF POSITIVE RELATIONSHIPS...OF PEOPLE WORKING TOGETHER, OF YEARS OF HARD WORK AND DETERMINED COMPROMISE BETWEEN GOVERNMENT BODIES AND DEVELOPERS.

YET, LATELY I'VE HEARD TALK--BEHIND THE SCENES--THAT FRANKLY SCARES THE HELL OUT OF ME. THE RHETORIC HAS THE DRAMA OF DEEPLY-ROOTED SELFISHNESS, AND IT HAS THE SELF-APPOINTED POWER OF DEEPLY-IMBEDDED AVARICE -- THE LIKES OF WHICH I HAVE NEVER SEEN OR HEARD IN OVER THIRTY YEARS OF PUBLIC SERVICE.

HERE WE ARE FOUR YEARS DOWN THE ROAD WITH THIS PROJECT...FOUR YEARS LATER WITH THE BEST PLANNED-DEVELOPMENT AGREEMENT THAT ANY CITY COULD EVER NEGOTIATE...AND PEOPLE ARE STILL SECRETLY TALKING OF DESTROYING WHAT COULD BE THE MOST APPROPRIATE MODEL FOR CONTROLLING ALL FUTURE DEVELOPMENT IN THE REGION.

ALL I CAN SAY IS,--IF INDEED THEY EXIST AND THE RUMORS ARE TRUE-- "WHERE WERE THESE PEOPLE IN THE ENTIRE LAST YEAR...WHEN OPPORTUNITY AFTER OPPORTUNITY WAS PRESENTED TO PUBLICLY STATE OPINIONS "FOR" OR "AGAINST" THE PROJECT.


I CALL ANYONE WHO IS NOW THINKING OF DESTROYING ALL THE THOUSANDS OF HOURS OF WORK OF THIS CITY'S STAFF, THOSE WHO WOULD TEAR APART THE CIVILIZED COMPROMISES MADE FOLLOWING EARLIER WORK SESSIONS AND PUBLIC MEETINGS....THOSE WHO WOULD DISMANTLE ALL THE HOPES AND DREAMS OF AN UPTOWN REGION OF THE CITY THAT NEEDS SERIOUS REVITALIZATION...

ALL OF THOSE PEOPLE WHO HID BEHIND THE CLOAK OF ANONYMITY WHEN OTHERS TOOK THE TIME IN THIS CHAMBER TO SPEAK THEIR MINDS...TO THOSE WHO MIGHT WAIT UNTIL NOW TO DESTROY WHAT YOUR PROFESSIONAL STAFF MEMBERS AND MOST OF THE PRECEDING COUNCIL BEFORE YOU NEARLY UNANIMOUSLY VOTED IN FAVOR OF...TO THOSE PEOPLE WHO SECRETLY PLAN IN HIDDEN ROOMS...I CALL THEM COWARDS.

AND, I CHALLENGE THEM TO COME FORWARD AND WORK TOGETHER TO MAKE THIS CONTRACT WITH THE CITY OF SEDONA A VISION TO BE PROUDLY SHARED WITH THE WORLD. UNDER THE MICROSCOPE OF PUBLIC SCRUTINY, THE GAMES PEOPLE ARE PLAYING COME FORTH IN FULL BLOSSOM TO SHOW THE TRUE COLORS OF THOSE WHO HAVE HIDDEN SECRET AGENDAS.

IN ALL MY YEARS OF INVOLVEMENT IN THE PUBLIC SECTOR...AND THEY NUMBER OVER 30--I 'VE NEVER SEEN SO MUCH CONTENTIOUSNESS AND AVARICE RISE TO THE SURFACE OVER ANY PROJECT AS WELL-PLANNED AS THE CLIFFS.

SHORT OF THE PRESIDENT OF THE UNITED STATES--WHO MAY OR MAY NOT DESERVE THE PUBLIC SCRUTINY HE'S UNDERGONE, I'VE NEVER SEEN CULTS OF PERSONALITIES PUBLICLY VILIFY GOOD, HARD-WORKING PEOPLE, AS I HAVE WITNESSED THIS PAST YEAR...PEOPLE WHOSE GOAL--LIKE ANYONE ELSE IN SEDONA IS TO MAKE A DECENT, HONEST LIVING...BUT WHOSE PRIMARY FOCUS--IN THE CASE OF THE CLIFFS-AT-OAK CREEK--IS TO SUCCESSFULLY BRING ABOUT A WELL-CONCEIVED REVITALIZATION OF A SECTION OF TOWN

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THAT IS DEDICATED TO SERVE OUR RESIDENTS AND VISITORS..IN AS AN APPROPRIATE DESIGN AND FUNCTION AS COULD EVER BE NEGOTIATED BETWEEN RESPONSIBLE PARTIES.

THERE IS A VISION FOR THE CLIFFS PROJECT THAT TRANSCENDS ANYTHING SEDONANS HAVE EVER CONCEIVED OF BEFORE. A SEVEN-ACRE PUBLIC PARK AND BEACH THAT WILL BE HELD AND MANAGED IN TRUST, SO THAT MISTAKES OF THE PAST WILL NOT DENIGRATE THE NEEDS OF FUTURE GENERATIONS USING OAK CREEK.

A SMALL BUT DELIGHTFUL AMPHITHEATER THAT SAC WILL MANAGE IN THE WOODS OF THE PARK--WHERE OUR SCULPTURE WALK CAN HAVE A PERMANENT HOME AND OTHER COMMUNITY EVENTS CAN CREATE A CAMARADERIE AND SENSE OF COMMUNITY THAT HAS LONG BEEN OVERDUE.

PICTURE AN INTEGRATED UPTOWN PROJECT THAT SIGNIFICANTLY CONTRIBUTES TO THE DESPERATELY NEEDED INFRASTRUCTURE OF SEDONA; VISUALIZE UNSEEN PARKING SPACES HIDDEN BY WELL-DESIGNED, PRODUCTIVE BUILDINGS THAT CONTRIBUTE TO THE WELL-BEING OF UPTOWN.

IMAGINE SCULPTORS IN THE PARK MOLDING CONJURED FANTASIES OF LIFE; DANCERS PERFORMING IN A TOWN SQUARE; ARTISTS RENDERING THEIR CANVASES WITH COLORS THAT CELEBRATE LIFE.

ENVISION AN UPTOWN YOU'RE PROUD TO SHARE WITH YOUR OWN RELATIVES AND FRIENDS...WHO WILL CONTINUE TO COME TO SEDONA --I ASSURE YOU-- ON THEIR ANNUAL TREKS...LOOKING FOR NEW AND RELEVANT EXPERIENCES AND MEMORIES TO SHARE WITH THEIR FAMILIES.

I HAPPEN TO KNOW THAT THOSE OF YOU WHO ARE NEW TO THIS COUNCIL HAVE HAD ALL OF THE INFORMATION, TO MAKE AN INTELLIGENT DECISION, FOR SOME TIME NOW. YOU HAVE READ THE PAPERS FOR THE PAST THREE TO FOUR YEARS AND HAVE HAD PLENTY OF TIME TO DISCUSS AMONG YOUR FRIENDS AND FAMILIES, AND DIGEST AND ANALYZE THE PROS AND CONS OF THIS PROJECT BEFORE YOU TOOK ON THIS RESPONSIBILITY.

YOU'RE PRIMED TO MAKE A DECISION THAT, IN MY OPINION, WILL EITHER DEMONSTRATE AN UNDERSTANDING OF THE TRUE NEEDS OF UPTOWN SEDONA OR MAY SHOW A LACK OF CONCERN FOR SOME OF THOSE WHOM YOU REPRESENT.

TO PUT OFF THE CLIFFS-AT-OAK CREEK ANY LONGER, AFTER YEARS OF PUBLIC AND PRIVATE DEBATE AND COMPROMISE, WILL ONLY CONTINUE TO SUPPORT THE LAUGHABLE POSITION OF THOSE WHO--ALSO AFTER MANY YEARS OF PUBLIC AND PRIVATE DEBATE--



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HAVEN'T BEEN ABLE TO COMPROMISE AND MAKE A DECISION ABOUT ONE CRITICAL BRIDGE OR ROAD.

I ASK YOU AS A COLLECTIVE, RESPONSIBLE BODY OF INTELLIGENT PEOPLE, DON'T LET SMALL MINDS CONTROL WHAT YOU KNOW IN YOUR HEART IS THE BEST DEAL THIS CITY EVER GOT FROM RESPONSIBLE DEVELOPERS. DON'T LET CONTENTION RULE THE DAY.

INSTEAD, LET THE CREAM RISE TO THE TOP BY DEMONSTRATING YOU'RE FORWARD-THINKING PLANNERS FOR TOMORROW. LET SENSIBLE MINDS AND A PRAGMATIC SOLUTION PREVAIL.

I ASK YOU TO RESPONSIBLY COUNCIL THOSE WHO WOULD HIDE IN THE SHADOWS TO TOSS OFF THE NEGATIVITY THAT ONLY DRAINS OUR SENSIBILITIES--AND ACT RESPONSIBLY BY WORKING ALONGSIDE THE RESPONSIBLE STAFF AT OAK CREEK, AND THE PROFESSIONAL CITY STAFF HIRED BECAUSE OF THEIR ABILITIES TO DEAL WITH COMPLEX ISSUES SUCH AS THESE.

THE PLANNED-DEVELOPMENT AGREEMENT, THAT THIS CITY HAS WITH THE CLIFFS-AT-OAK CREEK, IS AN HISTORIC AND DRAMATIC MOVE ON THE PART OF SEDONA TO END THE IRRESPONSIBILITIES OF PAST DEVELOPMENTS. HERE IS YOUR OPPORTUNITY TO FIRST-AND-FOREMOST DEMONSTRATE A COHESIVENESS IN YOUR CITY.

BY VOTING FOR THE CLIFFS-AT-OAK CREEK, YOU CAN SET IT ON A NEW PATH THAT WILL NOT ONLY REVITALIZE UPTOWN SEDONA AND AID MAINSTREET MERCHANTS IN THEIR STRUGGLE TO MOVE INTO THE NEXT MILLENNIUM, BUT HELP THE SEDONA ARTS CENTER INCREASE IT'S EFFECTIVENESS IN IT'S EDUCATIONAL MISSION TO PROVIDE EXCITING ARTS EXPERIENCES AND A LIVELIHOOD FOR ARTISANS IN OUR REGION.

TONIGHT, MR. MAYOR AND MEMBERS OF THE COUNCIL, I URGE YOU TO HELP SEDONA PUT ALL CONTENTIOUSNESS ASIDE. APPROVE THE CLIFFS-AT-OAK CREEK REQUEST...RESPONSIBLY DEAL WITH THE ISSUES THAT WILL FOLLOW, ----THROUGH THE PLANNED-DEVELOPMENT AGREEMENT... AND SEND THIS CITY A STRONG SIGNAL THAT THE GAME-PLAYING HAS ENDED AND A NEW VITALITY AND STRENGTH OF PURPOSE HAS TAKEN OVER.

THANK YOU!



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RESOLUTION NO. 98 - ____
(Rezoning Ordinance as Public Record)

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA, ESTABLISHING AS A PUBLIC RECORD THE TERMS OF THAT CERTAIN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, REZONING THAT PROPERTY DESCRIBED HEREIN FROM ITS PRESENT DESIGNATION OF C-1(GENERAL COMMERCIAL), RS-36 (SINGLE-FAMILY RESIDENTIAL), AND RM-2 (MULTI-FAMILY RESIDENTIAL)TO PD (PLANNED DEVELOPMENT FINAL SITE PLAN AMENDMENT); ESTABLISHING CONDITIONS OF SUCH REZONING; DIRECTING THE AMENDMENT OF THE ZONING MAP UPON COMPLETION OF ALL ZONING CONDITIONS SET FORTH HEREIN; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA, that the terms of the following ordinance constitute a public record:

Section 1: Rezoning.

That approximately 22.1 acres of land located in Uptown Sedona along both sides of SR 89A north of the intersection of SR 89A and Art Barn Road, known as Coconino County Tax Assessor's parcel numbers 401-08-002A, 401-08-006, 401-09-001A, 401-09-001B, 401-09-001C, 401-13-059, 401-14-015, 401-14-016, 401-14-017, 401-14-064, 401-14-065, and 401-14-075, shall be and is hereby rezoned from C-1 (General Commercial), RS-36 (Single Family Residential), and RM-2 (Multi-Family Residential) to PD (Planned Development).

Section 2: Zoning Map.

The zoning map shall be amended to reflect this zone change upon completion of all zoning conditions as set forth in Exhibit A attached hereto and made a part hereof by this reference, 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.



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Section 4: Penalties.

Any person found guilty of violating any provision of this ordinance shall be guilty of a Class 1 misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed two thousand five hundred dollars(\$2,500) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as above described.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this ___ day of _____, 1998.

David Alan Everett, Mayor


ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

H:\WPWIN\WPDOCS\RESOLUT\CLIFFS.REZ

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**Conditions of Approval -- The Cliffs at Oak Creek -- ZC98-3
As Revised by the Planning and Zoning Commission, May 5, 1998**


1. Development of the subject property shall be in accordance with the applicant's representations of the project, including the master site plan, specific area site plans, supporting architectural sketches, building elevations and site sections, and as reviewed, modified, and approved by the Planning and Zoning Commission and City Council.
2. In the event that the developer fails to obtain Development Review approval for Phase 1 of the project and building permits for the Phase 1 development within the time frames set forth in Section 2.1 of the Development Agreement, the City may revert the PD zoning designation to its original zoning as of the date of approval of the PD (C-1, RS-36 and RM-2) pursuant to the procedures set forth in Title 9, Chapter 4, Arizona Revised Statutes.
3. Development review approval by the Planning and Zoning Commission shall be required for each development phase of the Cliffs at Oak Creek project prior to the issuance of any grading and building permits for that particular phase.
4. The Design Guidelines submitted by the applicant and dated April 14, 1998 shall become a condition of the zone change approval on the subject properties. The issue of the use of natural stone versus cultured stone shall be addressed at the Development Review stage for Phase 1 of the project. All development phases of the Cliffs at Oak Creek project shall comply with the design guidelines as well as the City's Design Review Manual.
5. With the submittal of a Development Review application for Phase 1, a Revised Traffic Impact Analysis (TIA) shall be submitted that addresses all outstanding issues identified by ADOT and the City Engineering Department. This report should, at a minimum, address the following issues, as well as those further identified in the staff report dated May 5, 1998:
 - A. The revised TIA should correspond to and reflect the current site plan as submitted by the applicant.
 - B. Include discussion of access to and from the newly reconfigured parking structure, the impacts of the trolley stop in the Highway 89a right-of-way, the geometric requirements necessary to provide for safe U-turns at Cliffs Drive, signal phasing requirements, minimum turn lane stacking distance needs, ingress and egress from Art Barn Road (including incorporation of CH2M Hill's recommendations on medians in Uptown Sedona), as well as proposed surface and vertical curve improvements to Art Barn Road, Level of Service impacts to the Uptown area, and all other relevant details.
 - C. Include recommendations to mitigate anticipated project impacts which, when approved, must be incorporated into the site plan.

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The TIA shall be reviewed and approved to the satisfaction of ADOT and the City Engineering Department prior to the Planning and Zoning Commission's consideration of a Development Review application for Phase 1.

6. Prior to the issuance of a certificate of occupancy for Phase 1 of the project, required bus parking shall be provided by the applicant at an alternative Uptown Sedona site or the applicant shall provide a construction bond in an amount determined by the City for the development of an offsite bus/automobile parking facility in the Uptown area in the future.
7. Details on how the shuttle bus system will be established, funded and operated shall be provided as part of the submittal of a Development Review application for Phase 1.
8. All then in effect Fire Code requirements of the Sedona Fire Department shall be satisfied.
9. All then in effect legal requirements of the National Forest Service regarding access and encroachment issues into adjoining National Forest Service lands shall be satisfied at the time of submittal for Development Review for Phase 1.
10. All then in effect Flood regulations as required by the Coconino County Flood Control District shall be satisfied. The Oak Creek floodplain and floodway boundaries shall be located and clearly indicated on all future submittals. All buildings located within the 100 year floodplain shall comply with Coconino County Flood Control District flood damage prevention ordinances, to include elevation of finish floors to minimum 1 foot above the base flood elevation, and other flood proofing techniques as necessary.
11. All regulatory requirements of the Arizona Department of Environmental Quality shall be satisfied.
12. All regulatory requirements of the Arizona Department of Transportation as described in the staff report dated May 5, 1998 shall be satisfied.
13. The traffic signal and intersection improvements at Cliffs Drive and Highway 89a, and the required improvements to Art Barn Road, shall be completed as a part of the first phase of development.
14. All requirements of the City Engineering Department as described in the staff report dated May 5, 1998 shall be satisfied. The issue of whether left turns at the Art Barn Road/Highway 89a intersection should be permitted shall be addressed in the Revised Traffic Impact Analysis.
15. A detailed drainage report that discusses pre- and post-development drainage conditions and provides a plan for acceptable collection and conveyance of storm water runoff at the parking

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structure location shall be submitted for review and approval by the City Engineering Department with the submittal of a Development Review application for Phase 1.

16. More detailed grading plans shall be submitted with the submittal of a Development Review application for Phase 1, that include all proposed contours and finished surface elevations pertaining to the proposed parking structure and Hillside Village as well as the rest of the proposed project, to include retaining wall locations and heights, drainage provisions, parking structure ramp details, and all other relevant information.
17. With the submittal of a Development Review application for Phase 1, a comprehensive Wastewater Report for the project shall be submitted for review and approval by the City Engineering Department. This wastewater report shall be prepared by a registered professional engineer who is licensed to practice in the State of Arizona. The report shall be prepared in accordance with Engineering Bulletin No. 11 by the Arizona Department of Environmental Quality for minimum requirements for design. The report shall address, but not be limited to, those items discussed in a memorandum dated March 4, 1998 from the City Engineering Department.
18. A comprehensive soils and geology report for the Hillside Village development area shall be submitted for review and approval by the City Engineering Department at the time of submittal of a Development Review application for Phase 1. This shall be prepared by a registered professional engineer who is licensed to practice in the State of Arizona.
19. All new utility lines shall be provided through underground installation.
20. All trails and walkways, the parking area, the low water crossing and other amenities to enable public access to Oak Creek from the Creekside Park shall be provided as part of Phase 1 consideration of the project.
21. Legal access to the adjoining orchards property to the south shall be provided along Cliffs Drive and through the Phase 1 temporary parking area.
22. A pedestrian connection (ideally located along Oak Creek) shall be established to the adjoining properties to the south, including the Arroyo Roble Resort if an agreement can be reached between the City staff, the applicant and the owners of the private property in question to establish such a connection.
23. A detailed plan of the Creekside Park, showing proposed trails, sitting areas, restroom locations (if any), playground equipment locations (if any), and other pertinent details shall be submitted as part of the Phase 1 Development Review application.
24. A-B gravel shall be used for the parking area and driveway surfaces in the short term Phase

1 parking area located in the vicinity of the existing residence.

25. As many of the existing trees and large shrubs as possible shall be removed and transported to an on-site nursery prior to the commencement of any construction activity. These trees and shrubs shall be removed and maintained by a professional landscaper/tree removal specialist and shall be transplanted on site.
26. The Retail Village and Hillside Village developments shall be amended to include substantial landscaped areas as discussed in the May 5, 1998 staff report, and shall be submitted with the respective applications for Development Review approval for each phase of the proposed development.
27. A detailed and accurate tree location plan for the Phase 2 temporary parking lot and the parking areas adjacent to the Creekside Park shall be submitted for review and approval with the application for Phase 1 Development Review. Notwithstanding the site plan, the design of the temporary parking lot shall be modified to the satisfaction of the Director of Community Development in order to retain as many of the existing trees as possible.
28. All building and structure heights shall comply with provisions of the Development Agreement and applicable Land Development Code requirements.
29. The existing historic Jordan Well house building shall be relocated to an alternate location on the subject property where it will be more feasible and functional, to the mutual agreement of the Director of Community Development and the applicant.
30. Prior to the City Council's consideration of this zone change request, a revised phasing plan shall be submitted that corrects the inaccuracies identified in the May 5, 1998 staff report.
31. If the application to the Federal Emergency Management Agency (FEMA) to redefine and recalculate the Oak Creek floodway boundary fails, then the Phase 3 area of the project affected by this floodway boundary will have to be redesigned to accommodate the existing FEMA designated floodway boundary.
32. The overall floor area of the project (calculated and expressed in square feet) shall not exceed that permitted in the Development Agreement.
33. The trees proposed in the frontage area landscaping of the Hillside Retail Village on Highway 89a shall be a mix of deciduous and evergreen trees and shall be a minimum of 2 inches D.B.H. and 16 feet in height.



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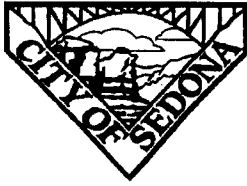
11.11

Additional Suggested Conditions of Approval The Cliffs at Oak Creek - ZC98-3

34. The placement of the overhead lines located on Sunrise Avenue underground as part of the Phase 1 construction is strongly encouraged.
35. Non-discretionary Development Review for Phase 1 (Hillside Village) shall also be considered by the City Council at the next available Council meeting following the Planning and Zoning Commission's consideration of the Development Review request. The City Council may also at their discretion choose to complete a Development Review of other phases or aspects of the Cliffs at Oak Creek project.
36. The rear setback of the Hillside Village and parking structure shall be reduced by no more than 10 feet and the front setback shall be maintained at a minimum of 15 feet along Highway 89a.



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interoffice
M E M O R A N D U M

to: Mayor and City Council
Mike Letcher, City Manager
Marie Brown, City Clerk
Jon Paladini, Assistant City Attorney
Roger Eastman, Associate Planner

from: John O'Brien, Director of Community Development

subject: Cliffs at Oak Creek

date: June 15, 1998

At the June 10, 1998, work session, the City Council requested that staff provide a list of key development agreement items and indicate the degree to which the applicant has satisfied those items with the current rezoning request or incorporated them into the proposed site plan. The following is a discussion of the status of these items:

1. **TRAFFIC** - The development agreement required that the applicant construct all SR 89A improvements, including the installation of a traffic light at Cliffs Drive and associated turn lanes and crosswalks, during the initial phase of construction.

The current rezoning request includes all of these improvements in phase one.

2. **PARKING STRUCTURE** - The development agreement required that the parking structure be constructed in phase two.

The current rezoning request includes construction of the parking structure in phase one. The applicant is requesting that the development agreement be modified to allow an additional story on the structure to accommodate more parking. The extra story will be constructed underground so the previously approved 55 foot height would not be increased.

3. **GENERAL PARKING** - The number of parking spaces required by the development agreement and that proposed with the rezoning request are essentially the same.

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4. **BUS PARKING** - The development agreement required that 20 bus parking spaces be provided off-site within the uptown area.

With the current rezoning request, required off-site bus parking will be provided as each construction phase is developed. The applicant has yet to provide staff with the off-site bus parking properties.

5. **OFF-SITE AUTOMOBILE PARKING** - The development agreement stipulated that the applicant shall provide off-site parking within the uptown area to comply with parking requirements at a ratio of 1.1 spaces for every one off-site space, or a 10% increase.

The current rezoning request still proposes off-site automobile parking for phase three. No off-site parking spaces are required for phases one and two. The applicant has yet to provide staff with the off-site automobile parking properties.

6. **SURFACE PARKING** - The development agreement required that the applicant use their "best efforts to minimize impact on native trees when constructing surface parking."

The rezoning site plan shows no trees being removed due to proposed parking in the Oak Creek park area and only a few trees being removed in the temporary surface parking area below the Retail Village.

7. **PARKING DISTRICT** - The development agreement required that the applicant provide assistance in the formation of an uptown parking district or parking authority.

One of the applicants, Mr. Russ Hanna, has been assisting the City and the Main Street Program in researching ways in which to form an uptown parking district. Mr. Hanna is a member of Main Street's Transportation Committee which is looking into parking district possibilities.

8. **PUBLIC PARK** - The development agreement stipulated that the trailhead and associated parking area must be constructed in phase one.

The site plan associated with the current rezoning request includes these park facilities.

9. **PUBLIC/PRIVATE SEWER AGREEMENT** - The development agreement requires the developer to provide a sewer easement across the subject property.

City staff is currently negotiating with the applicant on this issue. The provision of a sewer easement through the subject property is critical for the completion of future sewer extensions in the uptown area.



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10. **MULTI-FAMILY HOUSING** - The development agreement required the applicant to provide 12 multi-family residential units within the project.

The 12 multi-family units are included with the current rezoning request.

11. **BUILDING HEIGHTS** - The development agreement allowed building heights up to 32 feet measured parallel to grade. Ten percent of the building footprint was allowed to extend to 36 feet in height. All buildings abutting the southeast side of SR 89A were limited to one-story in height.

The current rezoning request is consistent with this development agreement requirement.

12. **HISTORIC SENSITIVITY** - The development agreement required that the applicant use "reasonable efforts to incorporate historic elements on the subject property into the development."

The applicant has worked with the City's Historic Preservation Commission to preserve the Jordan wellhouse located on the property. The applicant's proposal, which is endorsed by the Commission, is to relocate the wellhouse either to the entrance to the park or within the park outside of the floodway. This issue is addressed as a condition of the rezoning approval.

13. **MASTER PLAN** - The master plan approved as part of the development agreement allowed a maximum of 402,880 square feet of building area.

The current rezoning request proposes more building square footage than what was approved by the development agreement. However, a condition of approval (#32), was included in the Planning and Zoning Commission's action which limits the maximum square footage for the project to that approved under the development agreement.

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The Cliffs at Oak Creek

Square Footage Analysis - Existing Zoning v. Proposed PD Development

The **Development Agreement** limits the max. building square footage to **402,880** sq.ft.

The subject properties fall within 3 zoning designations:

RS-36 (Single-family Residential)	± 7 acres	@ 35% theoretical maximum lot coverage - 106,722 sq.ft.*1
RM-2 (Multi-family Residential)	± 2.3 acres	@25% theoretical maximum lot coverage - 25,047 sq.ft @ 0.5 FAR - 50,094 sq.ft
C-1 (General Commercial)	± 12.8 acres	@25% theoretical maximum lot coverage - 139,392 sq.ft @ 0.5 FAR - 278,784 sq.ft

Gross theoretical lot coverage 271,161 sq.ft

Gross theoretical building floor area (FAR) 435,600 sq.ft

Notes:

1. This is a gross theoretical maximum lot coverage square footage. It should be noted that approximately 75% of the RS-36 zoned parcel is located within the floodway of Oak Creek, and thus no development would be permitted in this area. The 7 residential units permitted by zoning could, however, be clustered or grouped into the approximately 2 acre area where the amphitheatre is proposed (Section 602.02-B) subject to the approval of a Conditional Use Permit.



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#37

Proposed Condition regarding Parking Structure:

As part of Phase I of the development, the developer shall construct the parking structure as depicted on the Site Plan. The parking structure shall not exceed six (6) terraced stories 55 feet in height measured from the second (existing highway or ground level) floor of the structure to the highest roof, including the retail and timeshare development. The parking structure shall not be any higher in relation to the grade of SR 89A as the highway grade existed as of the date of the Development Agreement than as it was approved in the Development Agreement on December 12, 1997. The majority of the parking structure shall be constructed below existing grade, and will not be visible from SR 89A. The Development Agreement shall be amended to reflect this condition.

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ORDINANCE NO. 98-____

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, REZONING THAT PROPERTY DESCRIBED HEREIN FROM ITS PRESENT DESIGNATION OF C-1 (GENERAL COMMERCIAL), RS-36 (SINGLE FAMILY RESIDENTIAL), AND RM-2 (MULTI-FAMILY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT); ESTABLISHING CONDITIONS OF SUCH REZONING; DIRECTING THE AMENDMENT OF THE ZONING MAP UPON COMPLETION OF ALL ZONING CONDITIONS SET FORTH HEREIN; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING THAT ALL ORDINANCES OR PARTS OF ORDINANCES OR ANY PART OF THE LAND DEVELOPMENT CODE IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE SHALL BE REPEALED UPON THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. Adoption by Reference

That certain document entitled Resolution 98-____ which establishes as public record the terms of rezoning of that certain parcel of land described therein, three copies of which are on file in the office of the City Clerk and which document was made a public record by such Resolution 98-____ of the City of Sedona, Arizona, is referred to, adopted and made hereof as if fully set out in this Ordinance.

Section 2. Penalties

Any person found guilty of violating any provision of this Ordinance shall be guilty of a class one misdemeanor as punishable under the Enforcement Provisions of the Land Development Code.

Section 3. Repeal

All ordinances or parts of ordinances or any part of the Land Development Code in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section 4. Savings Clause

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

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11.a.1

PASSED AND ADOPTED by the Mayor and City Council of the City of Sedona,
Arizona, this _____ day of _____, 1998.

DAVID ALAN EVERETT, MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney
H:\WPWIN\WPDOS\ORDINANC\CLIFFS.REZ

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