

RESOLUTION NO. 98 - 38
(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All ordinances and parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

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 23 day of June, 1998.



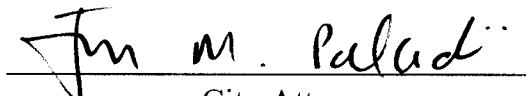
David Alan Everett, Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

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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.

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

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.

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.

Proposed Condition regarding Parking Structure:

37. 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.