

RESOLUTION NO. 2005- 13
(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; AMENDING THE ZONING DESIGNATION FOR THAT PROPERTY DESCRIBED HEREIN FROM PD (PLANNED DEVELOPMENT) TO PD (PLANNED DEVELOPMENT) WITH AN AMENDED SITE PLAN; DIRECTING THE AMENDMENT OF THE ZONING MAP UPON COMPLETION OF ALL ZONING CONDITIONS SET FORTH HEREIN; AND REPEALING ALL ORDINANCES IN CONFLICT HERewith.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the terms set forth in Sections 1 through 3 herein constitute a public record to be incorporated by reference into Ordinance No. 2005-05.

Section 1. Adoption by Reference

The property being rezoned consists of approximately 22 acres bisected by Highway 89A at the northern entrance to the city, being Coconino County Assessor parcels number 401-08-002A; 401-08-006; 401-09-001A/B/C; 401-13-059; and 401-14-015/016/017/064/065/075. These parcels are subject to a proposed development agreement for The Preserve at Oak Creek, on property formerly described as The Cliffs at Oak Creek. The property is hereby changed from its current designation of PD (Planned Development) to PD (Planned Development) with a revised site plan upon completion of all zoning conditions set forth in Exhibit A.

Section 2. Zoning Map

The zoning map shall be amended to reflect this zoning change, 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All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

APPROVED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona this 26th day of April, 2005.


Pud Colquitt, Mayor

Attest:


City Clerk

Approved as to Form:

 4/27/05
City Attorney

FINAL CONDITIONS OF APPROVAL
The Preserve at Oak Creek project -- ZC2004-1 and SUB2004-1
Hillside and Main Lodge Developments -- DEV2004-1
As approved on March 15, 2005, by the Planning and Zoning Commission
As approved on April 26, 2005 by the Sedona City Council

1. Development of the subject property shall be in substantial conformance with the applicant's representations of the project, including the letter of intent, preliminary site plan and supporting architectural plans, landscape plans, grading plans etc., as reviewed, modified, and approved by the Planning and Zoning Commission and City Council.
2. Vesting of the PD (Planned Development) zoning designation shall be contingent upon the applicant obtaining building permits for the first phase of development, i.e. the Hillside and Main Lodge buildings (Spa and buildings A-F). In accordance with Section 401.12A-1 of the City's Land Development Code a valid building permit for the project shall be issued and the first phase of the project shall be under construction within 30 months of the City Council action on the PD amendment following zone change procedures (i.e. by October 23, 2007), or the Commission's and Council's approval will become void. Construction of the remaining phases of the project in the Creekside Development shall only commence following separate development review approval by the Planning and Zoning Commission. The buildings shall be designed to ensure as much as possible the preservation of mature and healthy trees.
3. With the Revised Preliminary Plat submittal (in accordance with section 704.05 of the Land Development Code) the following information shall be provided for review and approval:
 - A. Final designations of private and public space shall be delineated.
 - B. Building sections or a 3-D drawing showing the vertical nature of the condominium regime.
 - C. Location of the easement for the public information sign near Highway 89a.
 - D. Provide a Wastewater Master Plan. This shall include: projected flows and how they impact the capacities of existing infrastructure; details as to how and where the proposed connection to the City Wastewater system would be made; and the impact of rerouting any existing sewer lines.
4. The following information and documents shall be provided to the Director of Community Development and City Engineering Department with the Final Plat submittal:
 - A. Applicant shall provide a comprehensive grading and drainage plan, including a Final Drainage Report, for review and approval by the Engineering Department.
 - B. Applicant shall provide verification of Coconino County Flood Control District approval.
 - C. Utility easements shall be provided on the final plat to the satisfaction of the Director of Community Development, in consultation with the affected utility companies.
 - D. The proposed roadways in the project shall remain as private roads.
 - E. Prior to submittal of final plat, the applicant shall submit street names to the City Engineer for review and approval per Section 7-16-6 of the City Code (if applicable).

- F. Documentation of a recorded easement from Mr. Phil Evans for the area of the driveway that encroaches onto Mr. Evans' property shall be provided to the Director of Community Development.
 - G. The Final Plat shall include a note stating the minimum finish floor elevations for any building pads within the 100-year floodplain, and that the developer/owner will have an Arizona Registered Civil Engineer or Land Surveyor certify the finished-floor elevations of all new structures located within the floodplain.
5. All building and site plans submitted with the application for a building permit shall be in substantial conformance with the plans and other supporting documents such as the letter of intent as reviewed and approved by the Planning and Zoning Commission and City Council. Proposed changes to the approved exterior building materials and colors determined to be substantial by the Director of Community Development shall require reconsideration by the Planning and Zoning Commission at a public meeting.
6. 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. Submit for review and approval by the City Engineer detailed grading, drainage and dust control plans and a comprehensive drainage report that reflects the concerns identified by the City Engineering Department and other reviewing agencies on this project. The revised plans shall also include the following amendments:
 - (i) A detailed site plan showing the location and set up of the crusher/screening plants, other related equipment, proposals for dust and mud control devices, and all haul routes on-site is required.
 - (ii) An excavation phasing plan providing details on haul routes, daily schedule of hauling, and detailed excavation scheduling shall be provided.
 - (iii) Comprehensive details as to how encroachment in the floodway will be prevented during the construction process.
 - (iv) The plans shall delineate water quality measures for drainage from all impervious surfaces, prior to its exiting the site; manufacturer's or engineer's specifications and a maintenance schedule shall be provided with the submittal for a building permit.
 - (v) Elevations for retaining walls (TOW, TOF) and proposed finishes for sloped areas.
 - (vi) The plans shall delineate oil separators for all paved drainage areas, prior to its release into the City's storm sewer system; manufacturer's or engineer's specifications and a long-term maintenance schedule shall be provided.
 - (vii) Provide Base Flood Elevations, and proposed minimum lowest finish floor elevations for buildings within the floodplain; bioswale calculations and details; and sidewalk details.
 - (viii) A drainage facilities maintenance plan and a trail maintenance plan, for both during and after construction.
 - (ix) Curbs shall only be 4" high where parking stalls are 16-feet in length.

- (x) A road condition inventory shall be submitted to the City Engineering Department prior to commencement of construction. This inventory shall at a minimum include detailed still photographs and video of the existing road conditions from the northern entrance to the project site on Highway 89a to the “Y” intersection, and the corner of Highway 89a and Cultural Park Place. As an option a PCI (Pavement Condition Index) prepared by an engineer acceptable to the City may be submitted.
 - (xi) The applicant shall work with staff to define an agreeable number of “ghost parking” spaces in the Creekside Village to be constructed at a future date if there is a need for them.
 - (xii) A soils and geology report shall be submitted for the Hillside Development for review and approval by the City Engineering Department and Building Division. The soils and geology report shall include provisions and recommendations to ensure that the proposed excavation of the Hillside Development close to the west (rear) and north (side) property line will not disturb slope stability.
- B. Applicant shall provide verification of Coconino County Flood Control District approval.
- C. Applicant shall provide a Storm Water Pollution Prevention Plan (SWPPP) for review and approval. SWPP measures shall be in place prior to start of construction. The plan shall be particularly sensitive to the proximity of Oak Creek. SWPP measures shall be in place prior to the start of construction, and remain in place throughout the project. The SWPPP shall include complete details for maintaining the roads in a clean condition, with methods defined that will keep any silt or debris from entering the City storm drain system, i.e. collecting the heavy material by hand first, then screens and filters to collect the rest. **Note:** The following information is provided as a courtesy: A.D.E.Q. recently was given primacy from the Federal Government over the NPDES (National Pollution Elimination Discharge System). The City Engineer was given a clarification from A.D.E.Q. as to their interpretation of the threshold requirements for an AZPDES (formerly referred to as NPDES) Permit. For developments that are an acre or more in size, an AZPDES Permit is required, which includes the development of an SWPPP. Furthermore, while the developer is required to file a Notice of Intent (NOI) for construction of the infrastructure, it should also be noted that any subsequent work within the development that is not within the control of the developer (i.e. individual lot owners developing their lot) also falls within the jurisdiction of ADEQ, and requires that an SWPPP be developed, and that an NOI filed.
- D. Applicant shall provide verification to the City of 401 and 404 permits, as well as the Notice of Intent.
- E. A narrative providing details on how encroachment into the floodway will be prevented during the construction process shall be submitted.
- F. A Dust Control plan shall be submitted for review and approval. The plan shall provide, at a minimum:
- Details for the fencing and screening of the crushing operation

- An explicit statement that work shall be halted any time that the dust control measures are rendered ineffective by existing conditions, as determined by the City Engineer
 - A watering schedule for dust mitigation (or other method, i.e. palliatives)
 - A road-cleaning schedule, including a schedule for gutter and catch basin cleaning
 - All trucks hauling material into or out of the construction site shall be tarped
 - Track-out plan
- G. Applicant shall provide a Traffic Control Plan for review and approval prior to issuance of a building permit
- H. Applicant shall provide a comprehensive Haul Plan for review and approval prior to issuance of a building permit.
- I. A detailed landscape plan shall be submitted for review and shall have received approval from the Director of Community Development. Said plan shall substantially reflect the intent of the preliminary landscape plan as approved by the Planning and Zoning Commission with the following modifications to the satisfaction of the Director of Community Development:
- a. As noted in the February 7th letter from Native Resources International, best efforts shall be taken to preserve the large mesquite tree at the northernmost end of the project and the “memorable mature” oak tree located at the top of the cliff above Oak Creek.
 - b. The area of cut behind the Hillside Village shall be revegetated based on the project engineer’s final decision on how this cut will be supported and finished. All areas disturbed on the open space parcel and behind the buildings shall be revegetated with native grasses, shrubs, cacti and as necessary trees to return them to a natural condition.
 - c. Additional landscape materials, such as vines, shall be planted at the base of the curving retaining wall south of the parking area entrance to the Hillside Village to soften the height and appearance of this wall. If possible a series of terraced retaining walls with landscape planters between them shall be added to reduce the height of the wall, or soil nailed and rock-sculpted wall similar to that used at the Amara Resort shall be provided.
 - d. Additional shrubs (such as manzanita) shall be planted above the tunnels where the hillside appears to come down onto the Hillside terrace between Buildings B-1 and B-2 and Buildings B-2 and C-1.
 - e. The edge of the eave of the buildings shall be added to the landscape plans to ensure there is not conflict between the eave and proposed trees.
 - f. In some locations, shrubs and ground covers are not proposed below large trees, e.g. below the Japanese Black Pine trees located north of Building D and below the three Chaste trees proposed at the project entry. Additional plant materials are required in these locations.
 - g. Sign locations shall be coordinated with the landscape plans to ensure that visibility triangle requirements are satisfied.

- h. While staff is supportive of the project landscape architect's intention of planting four 60"-box trees between the pool area and the edge of the cliff above Oak Creek, staff questions if this is practical given the likely presence of hard rock in this area. If site conditions make it impractical to plant these trees per plan, the landscape architect shall coordinate an alternate species and/or locations with the Director.
 - i. Additional evergreen trees shall be planted in the vicinity of Building E and along the entry drive to provide a year-round green appearance.
 - j. The walkway on the north side of Building E shall be moved either flush to the back of the curb or moved up next to the building so that a wider landscape area can be created with more room for the trees.
 - k. Submittal of plans for the restoration of the disturbed riparian environment in the vicinity of Building F shall be provided with the revised landscape submittal.
 - l. If possible, additional crab apple and/or red delicious apple trees shall be provided in the vicinity of the Main Lodge buildings.
 - m. Additional vines shall be planted on the blank walls on the north and south elevations of the Hillside Village buildings.
 - n. A minimum of 2 additional evergreen trees consistent with the tree palette proposed for the Hillside Village shall be planted in the area between the retaining wall and property line behind Building B-1.
- J. A detailed lighting plan with lighting cut sheets of all exterior lights shall be submitted by the applicant, and reviewed and approved by the Director of Community Development. The lumen calculation table shall also include all exterior sign lights. Parking area lights shall be low-pressure sodium fixtures. A maximum of 1,432,000 lumens for the whole project, (which includes 250,000 lumens for the Hillside Village) is available for all exterior lights in the Preserve at Oak Creek project.
- K. Drawings showing the placement and method of screening or painting of all mechanical equipment and placement and screening of all trash and recycling receptacles shall be submitted and reviewed and approved by the Director of Community Development.
- L. An application for Landmark designation of the Jordan well house through the City's Historic Preservation Commission shall be submitted to the Director of Community Development.
- M. The project general contractor and other applicable contractors shall meet with Building Division and Current Planning Division staff for a pre-construction conference. The project arborist shall also meet with Current Planning Division staff for a pre-construction conference to review tree preservation and salvage issues prior to commencement of construction.
- N. A comprehensive Master Sign Plan shall be submitted and reviewed and approved by the Director of Community Development.
- O. An Initial Art Plan shall be submitted to the Director of Arts and Culture or a cash payment shall be made to the City of Sedona Art in Public Places Fund.

- P. Two copies of the final revised Traffic Impact Analysis shall be submitted to the Director of Community Development.
- Q. The submitted building elevations for the project shall be amended as follows:
- The Hillside Village shall be redesigned in compliance with the sketch elevations presented to the Commission on March 15, 2005 with the addition of the following change.
 - i. As much as possible the third floor of the Hillside Village buildings shall be stepped back to break up the wall planes of the Highway 89a elevations
 - The north elevation of Building D shall be redesigned in compliance with the sketch elevations presented to the Commission on March 15, 2005 with the addition of the following change.
 - i. No metal caps or shrouds shall be placed on the top of the chimney.
 - The large roof above the main entrance to the lobby of the Main Lodge shown on the south and west elevations shall be redesigned to reduce its size as a flatter roof element, or with a break in the roof pitch at about where the roof meets the exterior wall of the building, or as designed by the project architect to address Commission concerns so that it has more interest and presents less of a large mass plane. In addition, the columns supporting the roof shall be moved further out away from the building.
 - The roof of the Main Lodge buildings (i.e. Buildings D and E) shall include a variety of materials and colors similar to those used in the Hillside Village buildings.
- R. Documentation of Best Management Practices (BMP's) shall be provided showing how these have been incorporated into the project with respect to the construction of drainage structures, bio-swales, and trails, both during construction, and after completion of the project.
- S. Material and color samples for the roofs, walls and architectural details proposed on the buildings shall be provided to the Director of Community Development for review and approval.
- T. The applicant shall post a performance or completion bond, letter of credit, or similar construction assurances acceptable to the City Attorney and City Engineer prior to any construction on the subject property as stipulated in the approved Development Agreement. The posted bond or construction assurances shall also be sufficient to cover the costs for the removal of rock from the project site, and maintenance to control dust and/or erosion of the stock piled material. The bond amount shall also include complete restoration of the affected areas after the material is hauled off site. The total bond amount shall be to the satisfaction of the Director of Community Development and the City Engineer.
- U. Right-of-Way Permits from the City shall be acquired for any work taking place within City Rights-of-Way.

- V. Applicant shall provide a Neighbor Contact and Response Plan. The plan shall define site signage to be provided, and location, which shall include a hotline number. An estimated timetable of construction shall also be submitted and made available for public information.
 - W. The tree salvage contractor shall start salvage of the trees on the Hillside to provide sufficient time to ensure that there is as great a possibility of the trees and plants surviving prior to commencement of construction activities.
 - X. The applicant shall a host meeting open to the public to inform them of the pending construction of the Preserve at Oak Creek project. The applicant shall use his best efforts to ensure that as many people as possible are informed of this meeting, by for example, placing notices in the Red Rock News, posting the site, and announcing the meeting on local radio stations.
7. During the excavation, crushing, grading and construction phases of the project, the following conditions shall apply:
- A. Sound panels similar to those employed by Zim Industries for the well drilling operation in Harmony Hills shall be installed as these made a significant difference to the amount of sound emanating from this site. The height of the sound walls shall be determined based on compliance with the City of Sedona Sound Regulations.
 - B. Hours of operation for grading and hauling operations shall be limited to Monday through Thursday, 7 a.m. to 6 p.m.
 - C. The rock crushers and screening equipment shall be screened and operated in such a manner as to reduce noise impacts as much as possible with sound attenuation panels and to control dust.
 - D. Excavating and crushing will need to be halted when conditions render dust control measures ineffective.
 - E. The Project Engineer shall monitor the SWPPP measures at all times, at a minimum on a weekly basis, to verify that measures are properly in place, direct the contractor to make any necessary adjustments, and modify the plan as needed to meet the then current conditions.
 - F. For buildings within the floodplain, Elevation Certificates, in the current FEMA format (O.M.B. No. 3067-0077), shall be required after the formwork or stem walls are in place and prior to placement of the floor(s).
 - G. Temporary fences installed to protect existing vegetation and trees shall be maintained to ensure that trees and native vegetation are not damaged by construction activity. Fences shall be installed outside the drip line of trees and at least 12” outside the outer edge of shrubs and other plants.
 - H. All loads on haul trucks leaving or entering the project site shall be covered to the satisfaction of the City Engineer.
8. 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 City Council and meets the following conditions:

- A. All on-site improvements shall substantially conform with 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 plans. Any changes to the landscape plans shall be reviewed and approved by the project landscape architect and the Director of Community Development.
- 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 within the Preserve at Oak Creek project shall be provided through underground installation.
- E. All trash and recycling receptacles shall be completely screened from surrounding areas by use of a wall, fence or landscaping, or shall be enclosed within a building. All mechanical equipment shall be completely screened from surrounding areas by use of a wall, fence or landscaping, or in the case of roof mounted mechanical equipment, screened and painted to match the adjoining roof surface color.
- F. All requirements of the Sedona Fire District shall have been satisfied.
- G. Prior to painting the buildings, exterior paint samples shall be applied to large wall sections of the buildings for review and approval by the Planning and Zoning Commission and City staff.
- H. Applications for sign permits for all signs proposed in the project shall be submitted for review and approval by the Director of Community Development. Project identification signs shall not be located in the Highway 89a right-of-way and shall meet minimum visibility triangle requirements.
- I. All flat roof sections shall be painted or finished with materials with an LRV of 38% or less
- J. All buildings shall be connected to the City of Sedona wastewater collection system and all applicable capacity and connection fees shall have been paid.
- K. If the Jordan Preserve becomes a publicly accessible area, then the 15-parking spaces near Building E shall be clearly marked for the exclusive use of trail and Jordan Preserve users only.
- L. All requirements of the US Forest Service shall have been satisfied.

- M. Interpretative signage identifying the historic context of the site shall be installed in the locations identified on the submitted plans.
 - N. After excavation of the Hillside development has commenced and a determination has been made by the project engineer on how the cut slope behind these buildings can be retained and finished, construction plans shall be submitted to the Director of Community Development for review and approval. These plans shall include landscape details as necessary.
 - O. A registered land surveyor shall certify all buildings, and elevation certificates shall be required for each building. Copies of elevation certificates shall be provided to the City Engineering Department and Coconino County Flood Control District.
 - P. Copies of all required testing shall be provided to the City Engineering Department. All requirements of the City Engineering Department shall have been satisfied.
 - Q. Upon completion of the project the applicant shall provide As-Builts, along with a letter, sealed by the engineer of record, verifying that the work, as done, is in substantial accordance with the approved civil plans.
 - R. All approved public art as required by Article 18 of the Land Development Code shall be installed in accordance with the approved construction and landscape plans, unless an extension has been granted by the Arts and Culture Commission based on the requirements of Section 1804-F of the Land Development Code.
9. Prior to installation of any soil nailing or concrete sculpting of cut slopes in the Hillside development, the Director of the Department of Community Development shall approve the final color and texture.
 10. Preserve at Oak Creek resort staff shall park in the surplus parking areas provided in the Creekside Development.
 11. Compliance with the Sound Control Ordinance shall be required. If consistent sound control violations are reported to the City, then the Director shall refer the issue back to the Planning and Zoning Commission to impose more restrictive hours of operation for the construction. The hours of operation of rock and earth moving equipment associated with the excavation of the site shall be limited to the hours of 7.00 a.m. to 6.00 p.m. Monday through Thursday.
 12. Sunrise Avenue and Schnebly Road shall not be used for construction access to the project site except on an as-needed occasional basis with prior approval by the City Engineer.
 13. All applicable requirements set forth in the approved Development Agreement and zone change shall have been satisfied prior to the issuance of building or grading permits, and prior to the issuance of a Certificate of Occupancy, as applicable.
 14. A consulting arborist shall be included as part of the project team during construction to oversee the preservation and salvage of existing trees and other natural vegetation on the site.

15. The buildings in the Creekside development shall be located a minimum of 20-feet from the top of the bank of Oak Creek.
16. Prior to issuance of building permits, the footprints of Building F and the other Creekside Village buildings shall be laid out in the field to verify that they have been located to ensure the preservation of as many trees as possible.