

**TOWN OF CAREFREE, ARIZONA
ORDINANCE #2018-06**

**ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE
TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA,
APPROVING APPLICATION 17-13-RZ, A REZONE FROM R1-35
SINGLE-FAMILY RESIDENTIAL (R1-35) TO COMMERCIAL (C)
FOR PROPERTIES DESCRIBED AS MARICOPA COUNTY
ASSESSOR'S PARCEL NUMBERS 211-47-006C, 211-28-009L,
211-28-009N, 211-28-009P, AND 211-28-009K. (CAREFREE
QUARTER REZONE).**

WHEREAS, On October 6, 2017, Empire Residential Communities Fund III, LLC (the "Applicant") filed an application to rezone certain real properties (the "Application"), changing the zoning districts of the properties generally located at the northeast corner of Carefree Highway and Cave Creek Road and more specifically described as Maricopa County Assessor's Parcel Numbers 211-47-006C, 211-28-009L, 211-28-009N, 211-28-009P, and 211-28-009K (the "Property") from R1-35 Single-Family Residential (R1-35) to Commercial (C), and;

WHEREAS, the Town sent notification of the Application in conformance with State Statute and Town regulations including notification to property owners and any homeowners associations within 500 feet of the boundary line of the Property, and;

WHEREAS, The Applicant conducted a Citizen Participation Meeting on August 29, 2018, seeking public input, and;

WHEREAS, The Town of Carefree's Planning and Zoning Commission held a Public Hearing on October 22, 2018 in regards to the Application, and;

WHEREAS, The Town of Carefree's Planning and Zoning Commission, on October 22, 2018, considered the issues and voted 5 to 1 to recommend approval of the Rezone request with conditions to Town Council, and;

WHEREAS, the Town of Carefree Town Council held a public hearing on November 13, 2018 in regards to the Application and has considered the issues relating thereto,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Carefree, Maricopa County, Arizona, as follows:

Section 1. The Application is hereby approved with conditions (Exhibits A and B) and the Zoning Map designation for the Property is hereby changed from R1-35 Single-Family Residential (R1-35) to Commercial (C) attached as Exhibit C.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Carefree, Arizona, this 14th day of November, 2018.

Ayes 7 Noes 0 Abstentions 0 Absent 0

TOWN OF CAREFREE, an
Arizona Municipal Corporation



Les Peterson, Mayor

ATTEST:


Kandace French Contreras, Town Clerk

APPROVED AS TO FORM:

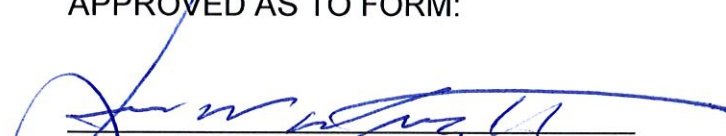

Michael W. Wright, Town Attorney

EXHIBIT A PROPERTY/SITE PLAN Case No. 17-13-RZ

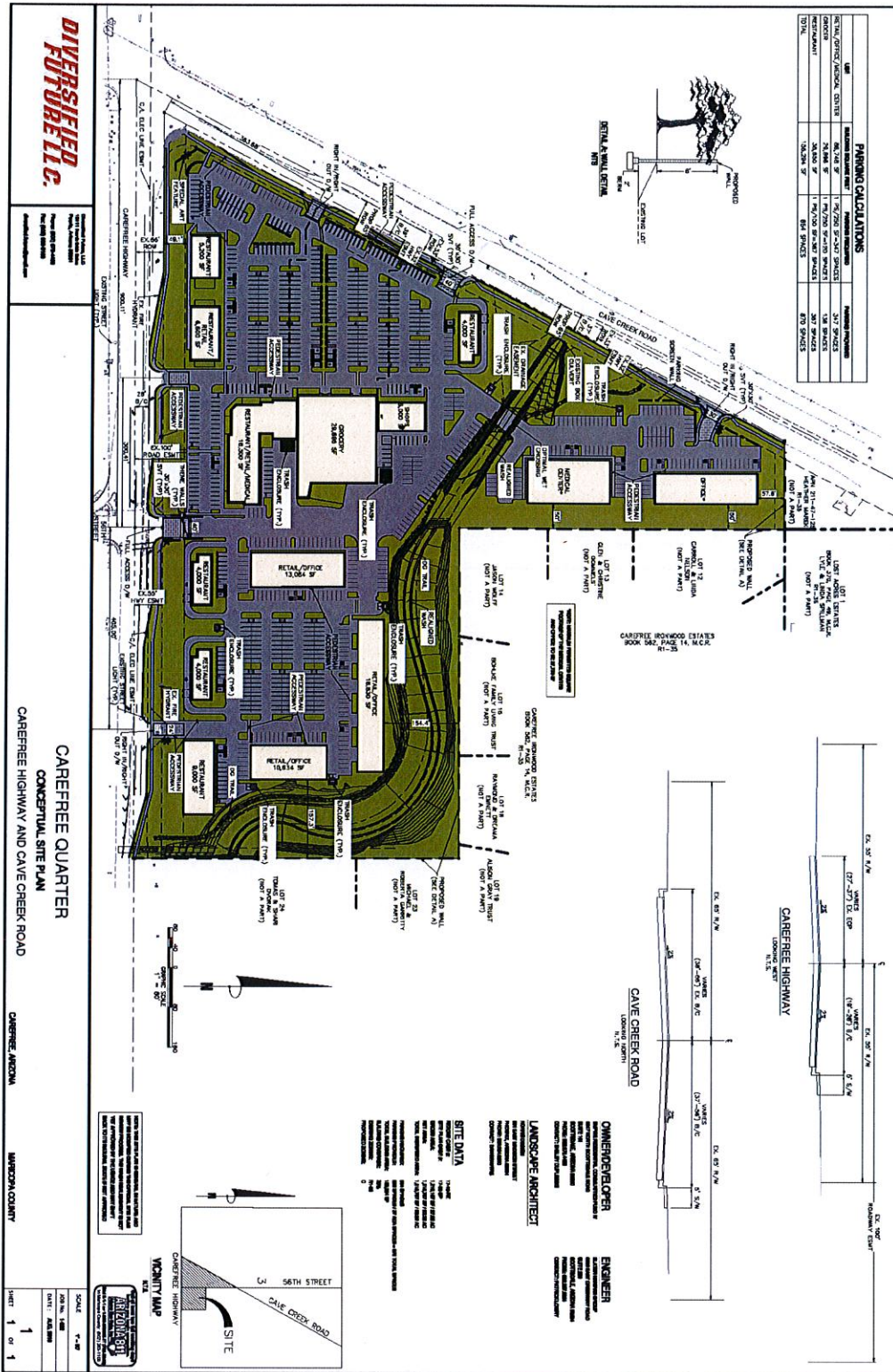


EXHIBIT B
CONDITIONS OF APPROVAL
Case No. 17-13-RZ

1. Subsequent submittal documents shall be consistent with all applicable Carefree zoning standards except as expressly stated herein, and shall substantially conform to the Conceptual Site Plan, Carefree Mixed Use Master Plan, Character Images, Grading and Drainage Plan, Landscape Plan and Signage Plans, and as attached to this report.
2. The architectural design quality of all buildings at the time of Final Site Plan shall meet or exceed the standards as established in the Carefree Mixed Use Master Plan, Character Images unless otherwise stated herein. Architecture shall be four-sided and shall meet and/or exceed the criteria as shown in the 2008 Carefree Commercial Community Design Standards and Guidelines. Store fronts shall utilize a structural design element that acts as a shade component to the adjacent sidewalk where architecturally appropriate.
3. In the event the Town of Carefree elects to provide water services to the site, a Development Agreement shall be executed between the Town of Carefree and the Developer for the provision of water services prior to the issuance of any building permits.
4. The buildings located north of the wash along Cave Creek Road shall be limited to office and/or medical center/uses, and shall be subject to the following development standards:
 - A. The architectural theme and design of the buildings shall contain residential-like architecture, form, and colors/materials consistent with the surrounding residential properties
 - B. The maximum permitted, combined square footage of the buildings shall be 27,750 square feet.
 - C. The minimum setback for buildings and parking areas shall be fifty (50) feet where adjacent to residentially zoned properties measured from the property line.
 - D. Provide two rows of native trees and dense landscaping north of the wash within the 50-foot setback.
 - E. The finished floor elevations shall substantially conform to the elevations established on the Grading and Drainage Plans as attached to this report.
5. The uses allowed under this Rezone shall include all Commercial (C) Zoning District permitted uses with the following conditions related to certain uses:
 - A. The development shall be limited to one grocer;
 - B. Only one service station subject to a Special Use Permit and shall not be located at the immediate corner of Carefree Highway and Cave Creek Road;

- C. A maximum of 5 drive-thru pads subject to Final Site Plan approval shall be permitted. Drive thrus shall not be permitted north of the realigned wash;
 - D. Up to 1 health clinic shall be permitted with a maximum gross floor area not to exceed 6,000 square feet
 - E. A maximum of 1 bank, where such use is the primary use, and shall not be located at the immediate corner of Carefree Highway and Cave Creek Road.
6. The following uses shall be permitted by approval of a Special Use Permit as specified under Section 3.07 of the Carefree Zoning Ordinance:
- A. Veterinary clinic
 - B. Automobile service or repair unless associated with a service station
 - C. Schools
 - D. Warehouse and/or storage facility
 - E. Title, payday, or similar loan institutions
7. The following uses shall not be permitted under any circumstances:
- A. 24-hour emergency care and ambulatory service
 - B. Car wash
 - C. Automobile service station north of the wash
 - D. Medical marijuana
 - E. Places of worship
 - F. Kennel
 - G. Supervisory care facility
 - H. Taxidermist
 - I. Smoke shop
 - J. Tattoo parlor
 - K. Sexually based business
 - L. Pawn shop
8. In order to create an open space buffer to the existing residential to the north and east of the site, efficiently manage stormwater on site, and preserve the natural properties of the wash at its entry and exit points at the site, the approval of this rezoning will permit the realignment of the wash as illustrated on the site plan. Such realignment shall be conditioned upon the following:
- A. Trees and cacti salvaged prior to the grading of the site shall be transplanted in dense patterns on either side of the banks to buffer

residences to the north and east and provide a dense, natural wash appearance;

- B. Erosion protection shall be placed on the banks of the wash to preserve and control stormwater. This protection shall address lateral migration and scour potential and shall establish erosion setbacks. Engineered control measures shall be implemented for the development and for adjacent property within the erosion setbacks;
 - C. No stormwater shall be allowed to encroach from the site onto residential properties to the north and east;
 - D. Once the wash is realigned and revegetated, all landscaping shall be maintained in a natural appearance to provide for the greatest buffer to the residences to the north and east.
 - E. A Drainage Easement shall be dedicated defining the area including the top of the channel bank (minimum 1 ft. freeboard above the 100-yr WSE) with private maintenance responsibility.
 - F. Offsite flows through the 24" culvert under Carefree Highway must be captured in the storm drain system and routed through the site without impacting the onsite stormwater storage basins.
9. All utilities shall be placed underground including the existing overhead 12 KV and communication lines paralleling and crossing Carefree Highway. The existing overhead lines and supporting utility poles shall be removed from the site and new lines buried in association with the infrastructure improvements to the site. All work shall be reviewed and approved by the corresponding jurisdiction for that right-of-way.
10. The owner shall maintain all on-site and adjacent right-of-way landscaping.
11. The development shall provide 100-year 2-hour onsite stormwater storage (including adjacent half-street rights-of-way).
12. Culverts under Cave Creek Road shall be cleaned of sediment and debris as part of this project.
13. The following rights-of-way shall be dedicated prior to final plan approval:
- Cave Creek Road – 65 feet (half-street width)
 - Carefree Highway – 55 feet (half-street width)
 - Additional right-of-way dedications necessary for other roadway improvements including right-turn deceleration lanes, sidewalks, curb and gutter, traffic signals, and other roadway appurtenances.
14. Adjacent roadway improvements along both Cave Creek Road and Carefree Highway shall include sidewalk (5 ft. min.), and curb and gutter (6" vertical curb) for the entire project frontage.

15. All improvements within adjacent jurisdictional rights-of-way (including Scottsdale and Cave Creek along Carefree Highway) shall be reviewed and approved by that jurisdiction.
16. Carefree Highway shall be widened to include a total of 2 westbound lanes of traffic and a center left turn lane for the entire project frontage to the extension of the east property boundary. Three access points into the development along Carefree Highway shall be allowed at appropriate spacing with one being located at the existing 56th Street intersection.
 - a. The access point along Carefree Highway east of 56th Street may allow only the following turning movements: right-in and right-out.
 - b. The access point along Carefree Highway west of 56th Street allow only for the following turning movements: right-in and right-out. This driveway access identified as Driveway F in the September 26, 2018 Traffic Impact Analysis (TIA) is subject to reconsideration following a reanalysis and update to the TIA supporting a safe traffic movement into and out of the commercial center.
17. For both Carefree Highway and Cave Creek Road, all right turns into the development shall be provided right-turn deceleration lanes, minimum of 100 feet in length.
18. For Cave Creek Road, the existing median break at the Lowe's entrance shall be utilized as the only full access driveway into the development. A maximum of 2 additional driveway entrances will be allowed on Cave Creek Road at appropriate spacing.
19. The traffic signal at 56th Street shall be reconfigured to reflect a 4-way intersection. This shall meet the standards and requirements of the primary agency (either Scottsdale or Cave Creek).
20. All major water lines and fire hydrants should be placed in public utility easements or water line easement.
21. A combination 6-foot wall and 2-foot berm shall be located along all north and east property lines at the subject site as labeled and detailed on the Conceptual Site Plan (Exhibit A). The wall shall be extended as far south as possible towards Carefree Highway without interfering with the drainage requirements of the realigned wash.
22. All lighting (building and site) shall comply with Carefree Zoning Ordinance Section 9.12 Exterior Lighting, and parking lot lighting shall not exceed an overall height of 16 feet. All lights, including wall mounted lighting, shall be fully shielded and the light source shall not be visible.

EXHIBIT C
ZONING MAP
 Case No. 17-13-RZ

