

# Yavapai County Development Services

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Addressing – Building Safety – Customer Service & Permitting – Environmental – Planning & Land Use

TO: Big Park Regional Coordinating Council, VOCA, All American Road Committee  
ATTN: Plans Reviewer  
FROM: Leah Genovese - leah.genovese@yavapai.us  
PROJECT: Patel Zoning Map Change  
APN: 405-33-479G  
HA#: H18052  
SIZE OF PARCEL: Approximately 4.65 acres (202,554 sq. ft.)  
ZONING: RCU-2A (Residential; Rural)  
TYPE OF APPLICATION: Zoning Map Change  
MAILED OUT: 4/25/2019

APPLICANT:	Sender Associates
ADDRESS:	464 S. Farmer Ave., Ste. 102 Tempe, AZ 85281
PHONE:	(602) 334-3543
E-MAIL:	jen@senderlaw.com

❖ **Comment due date: 5/25/2019**

Attached for your review and comment is the Amended Letter of Intent for the consideration of a Zoning Map Change from the RCU-2A (Residential; Rural; 2-acre minimum lot sizes) zoning district to the C2-1 (Commercial; General Sales) zoning district. The previous building height and setback waivers have been eliminated from this application. In an effort to maintain transparency, the applicant has chosen to include the intended use of the property in the Amended Letter of Intent. However, this application is only a request for a hard zoning change to the C2-1 zoning district. **Feedback regarding the intended use of the property will not be considered relevant to this request.**

The property is located on the southeastern corner of State Route 179 and Jacks Canyon Road in the Village of Oak Creek.

Please respond electronically by the comment due date. If you are unable to respond electronically, you may choose to comment in the space below, attach a separate sheet, or write on the plan itself and return all comments/notes with this sheet to the Planning Division in the Development Services Department, 10 South 6<sup>th</sup> Street, Cottonwood, AZ 86326, or by fax, (928) 639-8153.

**VILLAGE OF OAK CREEK HOTEL**  
**ENTITLEMENT APPLICATION**  
**REZONING**

**SEC JACKS CANYON ROAD &**  
**STATE ROUTE 179**  
**VILLAGE OF OAK CREEK, ARIZONA**

**PREPARED FOR:**  
**BHAGAVANSHRIJI, LLC**  
CHANDRIKA PATEL  
MANAGER

**APPLICANT:**  
**SENDER ASSOCIATES, CHARTERED**  
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**OCTOBER 30, 2018**  
**REVISED APRIL 9, 2019**



# PATEL PROPERTY REZONING PROJECT NARRATIVE

## I. INTRODUCTION

Bhagavanshriji, LLC (the “Applicant” or “Patel”) respectfully submits the following entitlement request to rezone the property at the southeast corner of Jacks Canyon Road and State Route 179 (the “Site”) in the Village of Oak Creek from RCU-2A to C2-1. The Patels have owned and maintained the vacant ±4.73-acre Site since 1993 and are now in a position to develop the property for business purposes. They propose to rezone the Site from Rural Residential (RCU-2A) to Commercial (C2-1) to accommodate development of an upscale hotel with a boutique extended stay component.

The requested rezoning will allow development of a long-standing vacant Site, completing development of one of the most prominent corners in the Village.



### A. PROPERTY OWNER OVERVIEW

Since moving to Arizona, the Patel family has owned and operated two hotels in the northern Arizona region, building one from the ground up and acquiring another. At each location, they focused on providing a quality and comfortable stay for their guests and creating a rewarding work environment for their employees. The Patel’s also invested in the communities in which their hotels were located, raising their family in the area and finding unique opportunities to engage the community. From donating fireworks for 4<sup>th</sup> of July celebrations, supporting the police departments, and contributing to the school district’s, the Patels act as a steward of the communities they serve and look forward to doing the same for the Village of Oak Creek. Being an accessible owner-operator for their guests, employees, and communities make the Patels an ideal partner in the Village of Oak Creek. Their demonstrated success in the hospitality industry and commitment to creating a beautifully designed project are among the many reasons this proposal will be a success for the Village and Yavapai County.

Like many, when they visited the Village of Oak Creek, the Patels were awestruck by the magnificent red rock formations. Knowing they had found something special; they acquired the Site in 1993 with a vision to share this location’s beauty with others. The Patels took a chance on their dream by purchasing the Site with a vision to build a beautiful hotel that complemented the areas natural beauty of the Site. Since that time, they have maintained the property, paying taxes and keeping the property free of trash and debris. They have also worked with the community to allow free parking on the Site for events when needed.

Over the years, as the Patels ran their existing hotels and raised their family, they held strong to their vision for the Site. They turned down numerous offers to sell the Site to other investors, knowing that the reward of bringing their dream to life from the ground up was worth the wait. After years of hard work and planning, the Patels are now finally realizing the opportunity to bring their dream hotel to

fruition.

## B. REQUEST OVERVIEW – ENTITLEMENTS

The Patels seek to rezone the Site from RCU-2A to C2-1 to accommodate appropriate development of an infill site along a major transportation corridor. The existing RCU-2A zoning is a “holding zoning” district established for the entire county in 1968. The proposed C2-1 zoning is consistent with the surrounding zoning and in conformance with the Comprehensive Plan’s designation of the Site as a Municipal Growth Area.

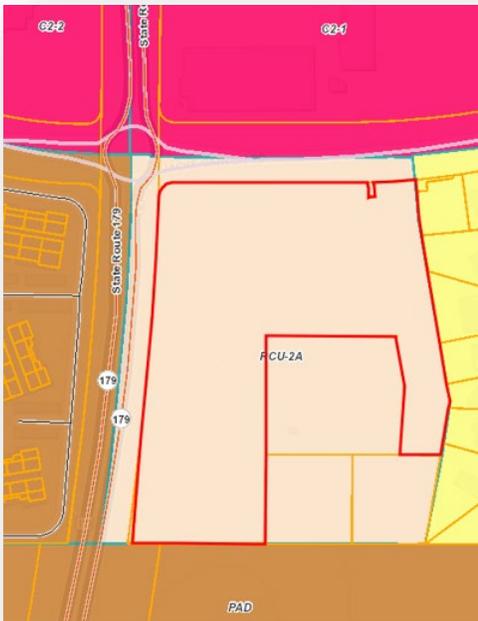
## C. GENERAL PROJECT LOCATION AND SURROUNDINGS

The Site is an irregularly shaped, vacant parcel located at the southeast corner of Jacks Canyon Road and State Route 179. The Site, a portion of Tract B of the Pine Creek Unit Two subdivision, is located among a mix of existing zoning and land uses. The Site wraps around an APS substation to the southeast. South of the APS substation is a vacant parcel of land owned by Big Park Improvement District and previously used for a water treatment facility. West of the Big Park parcel is an undeveloped, land-locked parcel. East of the Site residential lots of the Pine Creek Unit Two subdivision. South of the Site is dedicated open space for the Las Piedras subdivisions (Tract R, Las Piedras Unit Two).



To the west across State Route 179 is the Oak Creek Estados Condominiums. Northwest of the Site is a mix of commercial development including a Chase bank, grocery store, and the Desert Quail Inn among others. North of the Site is the Sedona Vista Village (previously the Oak Creek Factory Outlets), which is undergoing a major facelift and redevelopment, including a 3 level Westin Element hotel. (See Attached Exhibit A, Location Maps.)

The Yavapai County Comprehensive Plan, updated and adopted by the Board of Supervisors in 2012, designates the Site as a Municipal Growth Area (MGA). (See Attached Exhibit B, Comprehensive Plan Map.) The MGA Land Use designation applies to areas that are adjacent to cities and have the necessary facilities and services to support the area. The areas are typically built out but include pockets of vacant land. The pockets of vacant land in MGAs can be developed for residential or non-residential uses, as appropriate based on the surrounding development. The entire Village of Oak Creek has the MGA land use designation.



The Site is zoned RCU-2A with C2-1 zoning to the north, R1-10 zoning to the east, PAD to the south, PUD to the west, and C2-2 to the northwest. RCU-2A zoning remains on only a few parcels within the developed area of the Village of Oak Creek, none of which are located at a major intersection along State Route 179. Properties along 179 north of the Site are predominantly zoned C2 and C1. The requested commercial zoning is consistent with the zoning of other properties along State Route 179 and is appropriate for the Site due to its location at a prominent intersection. (See Attached Exhibit C, Zoning Map.)

Adjacency to Site	Comprehensive Plan Projected Land Use	Zoning	Existing Land Use
Site	Municipal Growth Area	RCU-2A	Vacant
North	Municipal Growth Area	C2-1	Commercial – Retail, Restaurant, Hotel
Northeast	Municipal Growth Area	C2-1	Commercial – Retail, Restaurant, Hotel
East	Municipal Growth Area	R1-10	Single Family Residential
Southeast	Municipal Growth Area	R1-10, PAD	Single-Family Residential, Open Space
South	Municipal Growth Area	PAD	APS Utility / Vacant Big Park Improvement District Property / Vacant / Reserved Open Space
Southwest	Municipal Growth Area	PAD	Commercial – Retail, Restaurant
West	Municipal Growth Area	PUD	Multi-Family Residential
Northwest	Municipal Growth Area	C2-2	Commercial – Retail, Office, Hotel

TABLE 2.1 – PROJECTED LAND USE, ZONING AND EXISTING LAND USE

## D. DEVELOPMENT CONCEPT

Understanding the Site's unique and special location, the Patel's design team – led by DesignCell, a premiere Hilton design partner – created a concept that is responsive to the Site's conditions. The design draws on rich tapestry of local colors and materials to reflect the character of the Village and its relationship with the red rock surroundings. A rich, vegetative palette creates a contextual relationship between the Site and surroundings. Most importantly, the building has been situated on the Site to preserve the spectacular Red Rock views enjoyed as one drives north along State Route 179, protecting the highway's distinguished classification as an All-American Road (the Red Rock Scenic Byway).

The site layout was thoughtfully designed to minimize the building footprint and maximize the setback along State Route 179 for retention of the red rock views. The building is set as far away from State Route 179 as possible while also maintaining a substantial building setback from the residential development to the east. The orientation of the building and porte-cochere create a prominent entry feature facing the round-about at the intersection of State Route 179 and Jacks Canyon Road. The hotel wraps around a central amenity area, creating a serene respite for guests that is screened from the adjacent streets and residential development. Landscaping and screen walls complete the buffering of the amenity area from the adjacent APS substation. (See attached Exhibit D, Site Plan.)



The hotel's design integrates the natural and built environment to create a unique identity for the hotel, drawn from its relationship with the natural environment. To create a genuine experience for this location, the design team pushed the boundaries of the industry standards for traditional hotel design. The hotel's unique shape, articulation, and enhanced materials – including sandstone and fibercement cladding with wood texture - represent upgrades from the standard prototype design. (See attached Exhibit E – Building Elevations and Renderings).

The Site's primary vehicular access will be from State Route 179. An additional entrance on Jacks Canyon Road will provide secondary access for guests and maintain the existing easement access for APS to their substation. Pedestrian access to the Site will also be available via State Route 179 and Jacks Canyon Road. (See attached Exhibit D, Site Plan.)

The proposed hotel will include 134 guest rooms in the primary building and 20 extended stay units in a second building. Amenities will include an outdoor pool and spa, fitness center, dining area, lounge and bar. Lounge areas and terraces offer small gathering spaces for guests.

## II. APPLICATION REQUESTS

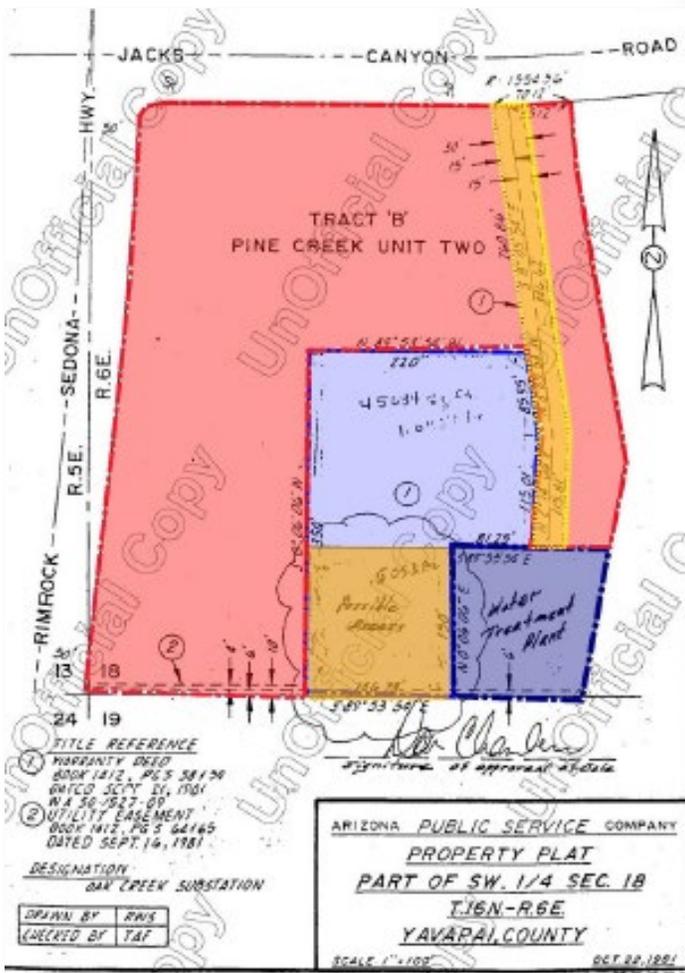
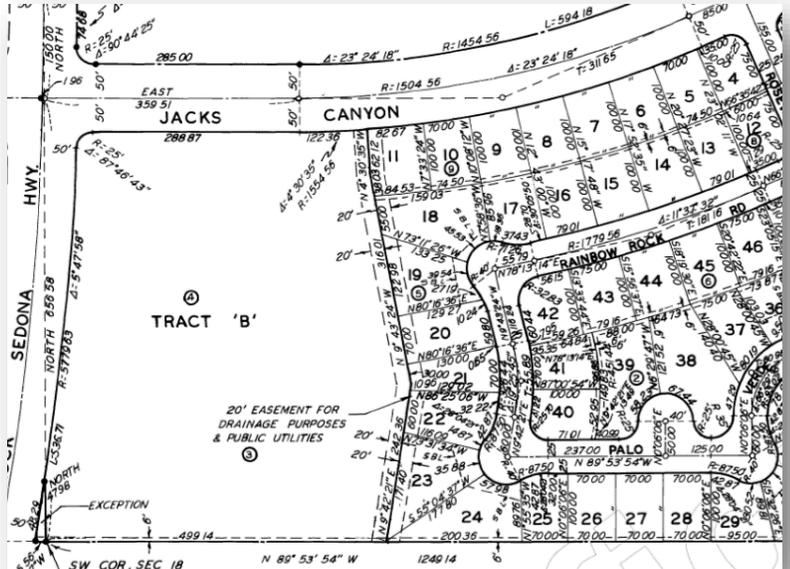
The Patel family respectfully submits the following amended request to rezone the Site from the existing RCU-2A Rural Residential Zoning to C2-1 Commercial. Following modification to the site plan based on community feedback, the previous building height and setback waivers have been eliminated from this request.

# A. REZONE TO C-2

## 1. Site History

### a. Subdivision and Property Transfer History

The Site is the remnant area of Tract B of the Pine Creek Unit Two subdivision. The Pine Creek Unit Two subdivision was approved by the County Board of Supervisors on November 11, 1969. In 1970 the original CC&Rs were recorded, specifying Tract B for business purposes. Since the initial CC&Rs in 1970, Tract B has continued to be designated for “business purposes.” In 2013, the VOCA Board of Directors approved an interpretation clarifying that that a hotel is within the definition of “business purposes” allowed on Tract B. (See attached Exhibit F, Pine Creek Unit Two Documents.)



Over the years, portions of Tract B were taken for public utility and sewage disposal purposes to support development of the Village at large. In 1974, a portion of Tract B was transferred to the Big Park Improvement District for a Sewage Treatment Site. In 1981, a portion of Tract B was transferred to APS for the utility’s substation. APS subsequently transferred the “excess” of their property to a private entity. Each transfer included an access easement over Tract B to the transferred property. (See attached Exhibit G, Tract B Transfer Documents.)

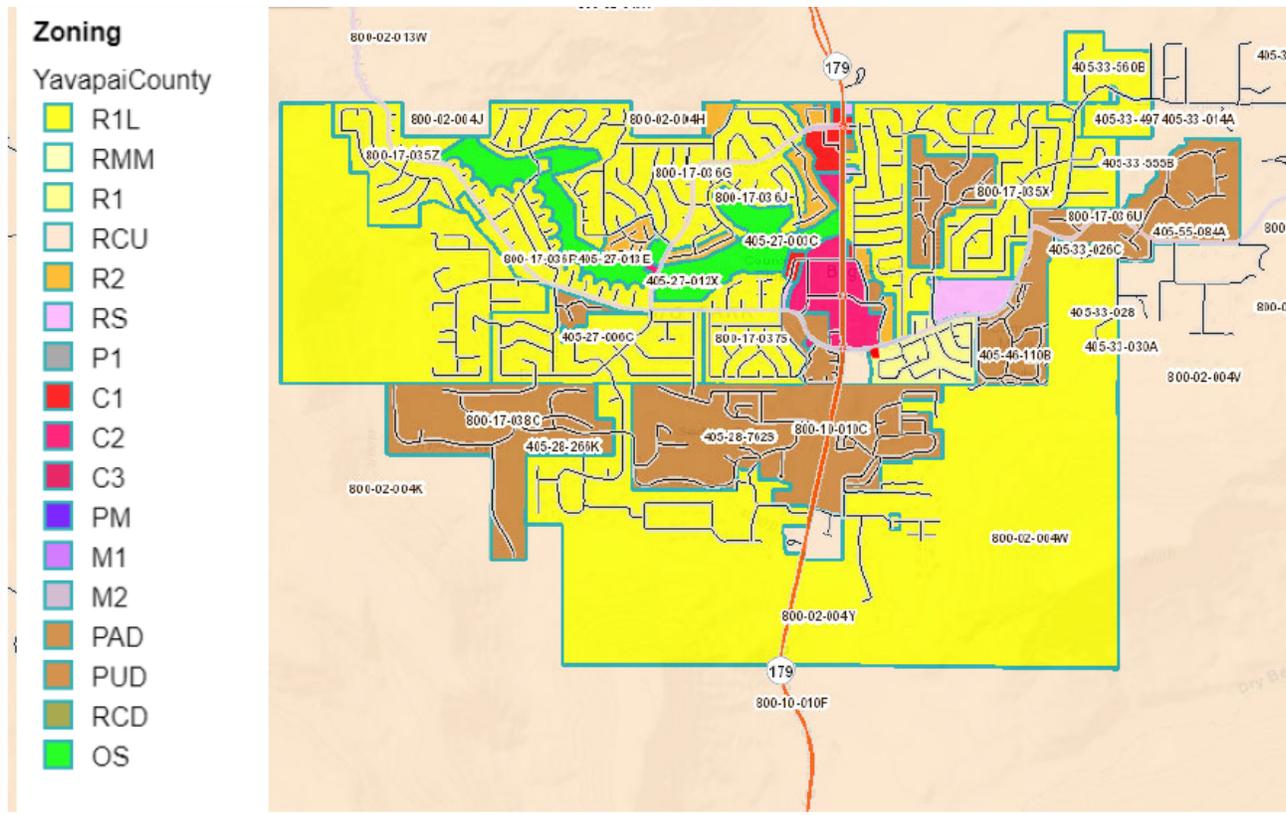
The result of the transfers left Tract B irregularly-shaped and burdened by various easements, conditions that significantly impact future development of the Site.

With portions of Tract B transferred to APS and the Big Park Improvement District, the irregularly-shaped balance of Tract B – the Site – remains available for development as “business purposes” pursuant to the CC&Rs, which was determined to include hotels. Such development is not possible under the existing RCU-2A zoning.

## b. Zoning History

The Site's existing RCU-2A zoning dates back to adoption of the original Yavapai County Planning and Zoning Ordinance in 1968. At the time, the Board of Supervisors placed a "Holding Zoning" of RCU-D18 over the entire area of the County. (See attached Exhibit H, County Planning and Zoning History Memo.) On December 16, 1968, the Board of Supervisors approved the initial Detail Zoning for the Village of Oak Creek Subdivision. (See attached Exhibit I, Board of Supervisor Minutes, December 16, 1968.) This original detail zoning did not include a number of parcels in the Village, including the Site. Those parcels maintained the RCU-D18 Holding Zoning.

On December 20, 1982, the Board of Supervisors approved an amendment to the Zoning Ordinance changing the RCU-D18 district to RCU-2A countywide. (See attached Exhibit J, List of Amendments to Zoning Ordinance and Board of Supervisors Minutes, December 20, 1982). This change established the RCU-2A zoning that exists on the Site today.



As the Village developed around it, the Site remained vacant and retained its RCU Holding Zoning. Today, the Site is one of the few privately-owned properties within the developable area of the Village that retains the original 1968 RCU-2A (formerly RCU-D18) zoning. The majority of property that retains the RCU-2A zoning is part of the Coconino National Forest. (See attached Exhibit C, Zoning Maps.)

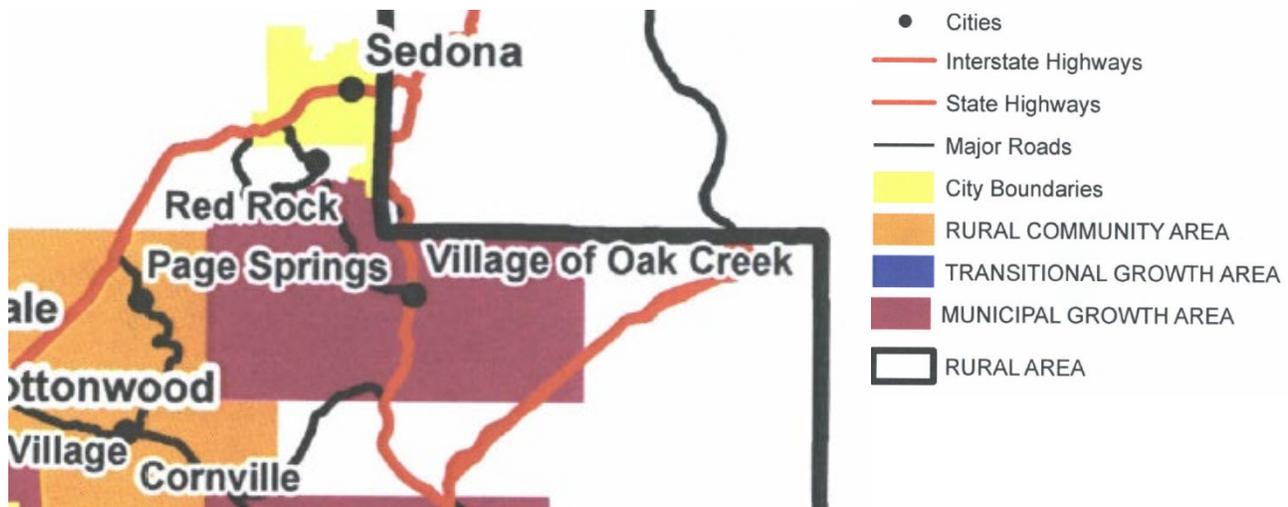
The requested C2-1 zoning is necessary for the proposed hotel development with ancillary alcohol service. The C2-1 district supports the "business purposes" specified for the Site in the CC&Rs; is consistent with and conforms to the Comprehensive Plan Land Use Designation; and matches the commercial zoning along the State Route 179 corridor through the developed area of the Village.

## 2. Yavapai County Rezone Approval Criteria and Issues to Consider

### a. The amendment is consistent with the policies and objectives of the Comprehensive Plan (Cross Reference Arizona Revised Statutes, 11-814.A.)

Pursuant to Arizona’s Zoning Enabling Statutes, the approval of any rezoning request must be consistent with and conform to the adopted Comprehensive Plan. A rezoning conforms with the Comprehensive Plan if it proposes land uses, densities or intensities within the range of identified uses, densities, and intensities of the comprehensive plan. Yavapai County’s Comprehensive Plan was updated in 2012.

The Site is designated as a Municipal Growth Area. Municipal Growth Areas provide regional commercial and other non-residential services. The proposed C2-1 zoning and hotel use is consistent with the Site’s designation as a Municipal Growth Area (MGA) and, as detailed below, meets many of the Goals, Objectives, and Recommendations established in the Comprehensive Plan.



### Land Use Element

The Land Use Element addresses existing and future land uses. This element is intended to help manage growth in the county. The Comprehensive Plan recognizes that Yavapai County has experienced significant changes over the years and “is no longer a completely rural county.” (Yavapai Comprehensive Plan, Page 15.) Unincorporated communities are expanding, and while the predominant land use of private property is residential, the Comprehensive Plan specifies that “general and tourist, commercial, and industrial employment type uses are located or proposed for major intersections along the State Routes.” (YCCP, Page 20.)

The Site is located along such an intersection with existing commercial and employment type uses developed on two of the intersection’s other corners. The 4th corner is developed with medium density, multi-family residential condominiums. Orderly, managed growth would dictate that the Site should develop with a land use that is compatible with the existing surrounding development and in consideration of its location at a major intersection of State Route 179. The proposed C2-1 zoning and uses allowed within the C2 district fall within the “tourist, commercial, and industrial employment type uses” expressly contemplated in the Comprehensive Plan for intersections along State Routes.

Additionally, the Comprehensive Plan states that master planned developments have provided orderly development for Planned Development and Other Land Use. In this case, the Site is within a subdivision that specified the Site for “business purposes.” Development of “business purposes” requires commercial zoning, not the existing rural residential zoning.



- **Goal: Maintain compatible land use formations.**
  - Recommendation: Locate compatible uses along major transportation corridors.

The Site is located at a major intersection along State Route 179, which makes it an appropriate location for general or tourist commercial development. The Site’s suitability for commercial zoning and development is supported by the existing zoning that supports commercial and multi-family development on the other three corners of this intersection and along State Route 179 through the Village.

- **Goal: Sustain the County’s attractive image.**

The Site is located along a portion of State Route 179 that is designated as a scenic, All American Byway. In planning the Site for future development, the applicant’s design team took special care to ensure that the Site, building, and landscape design embraced the standards of the All-American Byway, preserving the view corridors and using landscape to enhance the Site’s perimeter. Additionally, the Site design will block the public view of the unsightly APS substation from State Route 179 and Jacks Canyon Road. The colors and materials were selected to reflect the natural elements surrounding the Site. The architecture features varied massing and articulation to bring movement and life to the built environment. The design was crafted to create a residential scale similar to the multi-family residential to the west.

- **Goal: Maintain a variety of land uses and design standards.**
  - Objective: Foster sustainability by supporting strategically placed commercial projects to attract major employment and shopping uses.

The Site is located at a prominent corner in the Village. Commercial zoning in this location along a major thoroughfare will allow reasonable, commercial development that is compatible with and supportive of the surrounding commercial development in the Village. The investment in the Site will attract business for the nearby commercial properties and support the investment that private property owners have made in the commercial properties along State Route 179.

The requested C2-1 zoning accommodates land uses other than residential for this corner. With the abundance of existing surrounding residential development in the Village, property along the SR 179

corridor should accommodate commercial land uses that will support the Village and contribute to the economy. The requested zoning will support commercial development in an appropriate location, adding to the mix of land use in the Village.

- Objective: Discourage incompatible land uses.
- Objective: Encourage mitigation of impacts that are undesirable but necessary land uses.

The existing RCU-2A, rural residential zoning is not a compatible zoning district for this primarily commercial corner. Rural land uses would not be compatible for a major intersection along State Route 179 in a developed area. The context of the existing development surrounding the Site supports commercial zoning for this location. Additionally, the proximity of the Site to the APS substation make it an undesirable location for residential development.



### **Transportation Element**

One identified purpose of the Transportation Element is to “approach transportation planning in a manner that fosters sustainable development to ensure economic growth.” The Site is located along a major State highway corridor that provides established access to and from the Site. Locating commercial uses along major highway corridors furthers the goal of economic growth by ensuring appropriately placed commercial development.

In connection with development of the Site, the Patels will work closely with ADOT and Yavapai County to ensure that all necessary traffic mitigation measures are taken. As a result of early feedback from ADOT and the community, a deceleration lane was added to the plan along State Route 179 to ensure that access to the Site does not interfere with traffic.

### **Open Space Element**

- **Goal: Preserve the open space character of the county.**
  - Objective: Protect scenic views and mountain vistas by encouraging new development to adapt sensitively to natural areas and by protecting wildlife corridors.

The proposed site plan is designed to protect the iconic scenic red rock views. The buildings have an increased setback from State Route 179 to ensure views are maintained. Additionally, the building placement uses the Site’s terrain to block views of the hotel and preserve the mountain vistas.

**b. Is the Use Compatible With, and Adequately Buffered From, Surrounding Land Uses**

As discussed above, the proposed C2-1 zoning and hotel use are compatible with and properly buffered from surrounding land uses. The design uses landscaping, increased setbacks, and the Site’s natural conditions to provide substantial buffers from surrounding uses.

North and northwest of the Site are commercially zoned properties developed with a variety of commercial uses that are compatible with the proposed hotel. The existing uses include a grocery store, retail, restaurant, existing hotel and a hotel currently under construction along with other commercial uses that continue along the State Route 179 corridor.



Commercial Development North of Site



Commercial Development Northwest of Site

To ensure that the addition of a commercial use to this commercial corner does not overwhelm the streetscape, the hotel design is pushed away from the streets, using parking and landscaping to increase the distance between the proposed building and any existing development.



Conceptual landscape perimeter along Jacks Canyon Road

Furthermore, both State Route 179 and Jacks Canyon Road have a substantial 100-foot wide dedicated Right-of-Way, ensuring that commercial development does not create an imposing wall along either corridor.

West of the Site is a condominium residential development in a PUD zoning district. This multi-family scale development is compatible with the proposed hotel use. It is also significantly buffered as it is on the opposite side of State Route 179 and has its own internal private access drive adding to the distance between the existing development and the proposed hotel.



**Jacks Canyon Rd & SR 179 ROW**

South of the Site is the adjacent APS substation, which will be buffered from the hotel with a combination of screen wall and landscaping. South and southeast of the Site is the dedicated open space for Las Piedras, which buffers the hotel from any surrounding residential due to the natural elevation changes.



**SR 179, Landscape and Private Drive Buffer west of Site**

East of the Site are the residential lots of Pine Creek Unit Two. A variety of natural features serve as buffers exist between the Site and the residential development to the east and southeast. To the east, a wash serves as a buffer between the Site and the homes in the Pine Creek Unit Two subdivision. Dedicated open space south of the Site buffers the proposed hotel development from single-family residential development southeast in the Las Piedras subdivision. Additionally, the various elevation changes on the Site and in the adjacent residential subdivisions buffer the hotel from the residential uses. (See Attached Exhibit K – Topographic Maps and View Corridors.)



**Existing wash between Site and Pine Creek II Residential**

## **B. ELIMINATION OF PREVIOUSLY REQUESTED WAIVERS**

In response to feedback from the community received during the Citizen Participation process, the Patels have redesigned the proposed hotel to eliminate the need for any waivers from the C2-1 development standards, including building height and setbacks. As a result, this amended application requests only the rezoning to C2-1.

## **III. CONCLUSION**

For the reasons identified above, the Patel family respectfully requests approval of the requested rezoning. The proposed C2-1 zoning is consistent with Comprehensive Plan and the surrounding zoning pattern. The proposed use is consistent with the existing surrounding uses and the Site design carefully mitigates any potential impacts on surrounding properties. The requested rezoning would support the reasonable private property rights of the Patels and would not infringe on the personal liberties of other residents. The Site's location at one of the most prominent intersections in the Village makes it suitable for commercial zoning. The Patels look forward to making a significant investment in the Village to develop this unique Site.