

**TOWN OF CAREFREE, ARIZONA**

**ORDINANCE NO. 2002-06**

**AN ORDINANCE OF THE TOWN OF CAREFREE, ARIZONA,  
REZONING CERTAIN REAL PROPERTY DESCRIBED IN  
ZONING APPLICATION Z01-03, CAVE CREEK CAREFREE  
PARTNERS, FROM R1-35 (SINGLE-FAMILY RESIDENTIAL) TO  
GO (GARDEN OFFICE) AND AMENDING THE TOWN OF  
CAREFREE ZONING DISTRICT MAP TO REFLECT THIS  
REZONING.**

WHEREAS, the Common Council of the Town of Carefree, Arizona finds that rezoning certain real property described in EXHIBIT "B" CAREFREE OFFICE PARK LEGAL DESCRIPTION (the "Property") from R1-35 (Single-Family Residential) to GO (Garden Office) will serve and will not adversely affect the public health, safety and general welfare of the Town, and that necessary safeguards for the protection of adjacent property and the permitted uses thereof will be provided if such rezoning is granted:

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE  
TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA AS FOLLOWS:**

Section 1. Pursuant to ARTICLE XX. of the 1996 Amended Planning and Zoning Ordinance of the Town of Carefree, and upon the findings of staff and the recommendation of the Planning and Zoning Commission and the Town Council, the "Property" as described in Exhibit "B" is hereby rezoned from R1-35 to Garden Office.

Section 2. The rezoning shall be and is subject to the "Conditions for Approval" attached hereto as EXHIBIT "A".

Section 3. The Town of Carefree Zoning Map is hereby amended to reflect the issuance of the rezoning granted hereunder.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Carefree, Arizona, the 5<sup>th</sup> day of February 2002.

Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Abstentions \_\_\_\_\_ Absent \_\_\_\_\_

**TOWN OF CAREFREE**

By: \_\_\_\_\_

Edward C. Morgan, Mayor

**ATTEST:**

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Elizabeth L. Wise, Town Clerk

**APPROVED AS TO FORM:**

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Thomas K. Chenal, Town Attorney

**EXHIBIT "A"**  
**CONDITIONS FOR APPROVAL**  
**TOWN OF CAREFREE, ARIZONA**  
**ZONING CASE #Z01-03**  
**CAVE CREEK CAREFREE PARTNERS**  
**REQUEST FOR REZONING**  
**FROM SINGLE FAMILY RESIDENTIAL (R1-35) TO GARDEN OFFICE (GO)**

1. A Development Agreement approved by the Town Council shall be a condition of the approval of the rezoning request. The Town shall record the executed Development Agreement with the Maricopa County Recorder. If the development agreement is not executed and signed by the Town and the applicant 90 days from the Town Council's approval of the rezoning, the Town Council shall initiate public hearings to revert the zoning to R1-35.
2. The Development Agreement shall include Stipulations of Development consistent with the following:
  - a. Upon approval of rezoning case number Z01-03, and prior to receiving a building permit, and prior to any work upon the site, the applicant shall submit and receive approval of a final site plan, narrative report, and working drawings by the Planning and Zoning Commission and Town Council. The final site plan, narrative report, and working drawings to be submitted shall be consistent with the approved concept site plan, elevations and narrative report as contained in the narrative reports date stamp received by the Town on November 9, 2001 and December 31, 2001, copies of which are attached hereto. Upon approval of the final site plan, narrative report, and working drawings by the Planning and Zoning Commission and Town Council, all buildings, structures and other improvements upon the project site shall be constructed, erected, installed, maintained and used in accordance therewith, provided minor amendments to the site plan, which do not include an increase in building square footage, increased building height, increased lot coverage or an increase in access driveways may be approved by the Planning and Zoning Commission. All other amendments to the approved site plan must be reviewed and approved by the Planning and Zoning Commission and Town Council.
  - b. The building area will be limited to a maximum of 97,200 square feet.
  - c. As offered by the applicant, the three northernmost R1-35 lots will be preserved as open space by a conservation easement or equivalent. The Owner and all future owners of the office property shall maintain such open space in a clean and attractive condition with natural desert landscaping. Mature vegetation removed from other portions of the Property during construction may be relocated to the open space to revegetate and restore existing disturbed areas.
  - d. No structure shall exceed a height of twenty (20) feet above natural grade.

- e. All areas shown as undisturbed open space shall be fenced with a six-foot chain link fence to protect them during construction and shall be left totally undisturbed except for the removal of dead plant material and the addition of plants all of which shall be detailed on the final site plan, landscape and hardscape plan.
- f. The corner monument shall be detailed on the final site plan, landscape and hardscape plan.
- g. Lot coverage (area under roof) shall not exceed 82,300 square feet which is 13.83% of the site. Each of the buildings numbered B-4, B-5, and B-6 shall not exceed 7,200 square feet in size or twenty (20) feet in height above natural grade.
- h. The final site plan shall include a survey and legal description for the area of the major wash and a fifteen (15) foot area on each side of the wash shall be left undisturbed. No bridges shall be constructed across the wash and no driveways will be allowed to cross the wash. The area shall be fenced with a six-foot chain link fence to protect it during construction and shall be left totally undisturbed except for the removal of dead plant material and the addition of plants all of which shall be detailed on the final site plan, landscape and hardscape plan.
- i. As offered by the applicant, the final site plan, narrative report, and working drawings shall be submitted to those jurisdictions that have responsibility for the adjoining roadways and all required roadway improvements shall be completed by the applicant.
- j. Agreements for water and sewer service and approval by Maricopa County Department of Environmental Management shall be submitted with the final site plan.
- k. Any storage or display shall be within completely enclosed buildings.
- l. All trash receptacles shall be completely shielded from view (including properties overlooking the site).
- m. All electrical and HVAC equipment shall be ground mounted and completely shielded from view (including properties overlooking the site).
- n. Construction shall commence within seven (7) years of final approval of the zoning change by the Town Council and shall be completed within eighteen (18) months thereafter. If construction is not started within seven (7) years, the Town Council shall initiate public hearings to revert the zoning to R1-35.
- o. Prior to approval of a grading or building permit, a performance bond, valued at 105% of the engineers estimated cost of construction of the following improvements, shall be submitted to the Town and shall be released only upon the completion of adjacent roadway improvements, utility line extensions to the site, and landscape improvements within the street rights-of-way and within the site.
- p. All signs shall comply with Garden Office zoning requirements.
- q. There shall be screen wall with a maximum height of 4-1/2 feet set back 20 feet from the east boundary of the Property to serve as a buffer for the residential zoning to the East.

- s. No C-1, C-2 or C-3 uses shall be allowed. No conditional uses listed in Section 1601(1) of the Town of Carefree Zoning Ordinance shall be sought or granted, except for the uses set forth in subsections (k)(libraries, museums, etc.), and (x)(signs), and then only with the discretionary approval of the Town Council. No conditional uses listed in Section 1101-A(7) of the Town of Carefree Zoning Ordinance shall be sought or granted, except for the uses set forth in subsections (a)(bank without drive-through), (e)(municipal uses), or (f)(libraries and museums), and then only with the discretionary approval of the Town Council.
- t. The parking lot lighting shall be as unobtrusive as possible. Lighting shall be low level (four-foot maximum height) bollard type and light standards of a maximum height of twenty (20) feet, which shall be shielded and directed downward. Lighting shall be permitted only to the extent necessary for safety and security.
- u. Parking areas immediately adjacent to Cave Creek Road and Carefree Highway shall be screened by a low wall or berming using indigenous plants and materials.
- v. All parking lot surfaces and roofs shall be finished in earth tone materials.
- w. No variations shall be permitted from these stipulations.

**EXHIBIT "B"**  
**CAREFREE OFFICE PARK**  
**CAREFREE, ARIZONA**

**LEGAL DESCRIPTION**

A portion of the Southeast quarter of the Southeast quarter of Section 5, Township 5 North, Range 4 East, Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Southeast corner of said Section 5; thence North 00 degrees 03 minutes 37 seconds East along an assumed bearing and along the East line of said Section 5, a distance of 55 feet to the true point of beginning of the herein described parcel;

Thence continuing North 00 degrees 03 minutes 37 seconds East and along the East line of said Section 5, a distance of 1267.72 feet to the Northeast corner of the Southeast quarter of the Southeast quarter of said Section 5;

Thence continuing South 89 degrees 59 minutes 35 seconds West along the North line of the Southeast quarter of the Southeast quarter of said Section 5, a distance of 176.72 feet to a point on the East right-of-way line of Cave Creek Road;

Thence South 27 degrees 27 minutes 57 seconds West along the East right-of-way line of Cave Creek Road 1428.78 feet to a point 55 feet North of the South line of said Section 5, said point lies on the North right-of-way line of Carefree Highway;

Thence North 89 degrees 59 minutes 56 seconds East along a line parallel to and 55 feet North of the South line of said Section 5, and along the North right-of-way line of Carefree Highway, a distance of 834.35 feet to a point on the East line of said Section 5 and the true point of beginning.

Excepting therefrom those portions as condemned for County highway purposes as set forth in final condemnation recorded December 14, 1989, in instrument no. 89-574909.