

## **RESOLUTION NO. 1846**

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, APPROVING AND ADOPTING A FINAL DEVELOPMENT PLAN (FDP13-009) FOR A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 23, TOWNSHIP 15 NORTH, RANGE 1 WEST, GILA & SALT RIVER BASE & MERIDIAN, WITHIN THE VIEWPOINT PLANNED AREA DEVELOPMENT (PAD); PROVIDING FINDINGS OF FACT IN SUPPORT OF SUCH APPROVAL PER TOWN CODE SECTION 13-19-060(K); PROVIDING CONDITIONS FOR SUCH APPROVAL PER TOWN CODE SUBSECTION 13-19-060(L) AND ARTICLE 14-04; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Town of Prescott Valley annexed by Ordinance No. 331 (August 9, 1994) approximately seven hundred ninety-six (796) acres of real property located in Sections 23, 26, and 35, T15N, R1W, G&SRB&M; and

WHEREAS, said property was given a zoning classification of RCU-70 at annexation, being the zoning classification most comparable to the former Yavapai County zoning classification of RCU-2A; and

WHEREAS, the Town entered into a Development Agreement through Resolution No. 616 (February 9, 1995) with the developers of the northerly six hundred thirty-seven (637) acres of said property, which Agreement included (among other things) consideration of rezoning the 637 acres for development; and

WHEREAS, by Ordinance No. 354 (February 9, 1995) the Town Council approved re-zoning of the 637 acres to R1L-10 (PAD) (123.0 acres), R1M-10 (PAD) (383.9 acres), RS-3 (PAD) (42.8 acres), and RS-4 (PAD) (87.2 acres); and

WHEREAS, the Town and the Viewpoint developers subsequently agreed to an amendment of the Development Agreement through Resolution No. 666 (November 30, 1995) which allowed a sewer pump station instead of all gravity-flow sewers in the initial stages of the development, as well as phased improvement of the State Route 89A/Robert Road intersection in accordance with an ADOT approved plan; and

WHEREAS, on December 8, 1997, the Planning and Zoning Commission approved a Preliminary Development Plan for the north half of the Viewpoint development, located on all or part of Sections 23 and 26, T15N, R1W, G&SRB&M; and

WHEREAS, on March 12, 2001, the Planning and Zoning Commission considered a proposed amendment to the Preliminary Development Plan for the north half of the Viewpoint and approved only that portion located west of Robert Road due to

conflicts with road alignments on the east portion (adjacent to the Pronghorn Ranch development); and

WHEREAS, on February 11, 2002, the Planning and Zoning Commission considered a proposed amendment to the Preliminary Development Plan (PDP02-001) for the north half of the Viewpoint that restored the original roadway configurations; however, approved the reconfiguration of an area indicated for both multi-family and single-family housing, for all detached single-family dwelling units, and reduced the total number of dwelling units; and

WHEREAS, on April 13, 2006, the Town Council adopted Resolution No. 1418 approving a Final Development Plan (Final Plat) for Unit XV of Viewpoint North LLC, involving ninety seven (97) lots on approximately twenty nine (29) acres; and

WHEREAS, in July of 2013 VP Prescott Valley LLC submitted a Final Development Plan (FDP 13-009) for two (2) Model Homes and associated off-street parking on Lots 158, 159 and 160 of Viewpoint North Unit 15; and

WHEREAS, the use proposed herein meets the definition of Model Home Complex as set forth in Town Code Article 13-02; and

WHEREAS, the Town Council finds that this Final Development Plan for development 2 Model Homes and associated off-street parking on Lots 158, 159 and 160 of Viewpoint North Unit 15 meets or will meet the requirements of Article 13-19 of the Town Code [particularly the requirements under Town Code §13-19-060(C)(9) upon compliance with certain conditions set forth herein;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION 1. That certain Final Development Plan for development of 2 Model Homes and associated off-street parking on Lots 158, 159 and 160 of Viewpoint North Unit 15, submitted in July of 2013 by VP Prescott Valley LLC, is hereby approved and adopted as conditioned hereinafter.

SECTION 2. That said approval is based upon the following findings and conclusions of the Town Council:

- (A) That that certain Final Development Plan for the proposed Viewpoint Model Homes complex (said Plan being attached hereto and made a part hereof), is consistent with the purpose and intent of the adopted *General Plan 2020* and Zoning Code of the Town in promoting the health, safety, morals and general welfare of the public;
- (B) This development appears to be designed to produce an environment of stable and desirable character and the property adjacent to this proposed

development will not be adversely affected thereby, particularly with regard to property values;

- (C) Every structure has access to public streets; and
- (D) The average density, excluding open areas occupied by streets, is the density required by the underlying zoning district regulations otherwise applicable to the site.

SECTION 3. That, pursuant to Town Code §13-19-060(L), this approval is conditioned upon the following:

- (A) Substantial conformance with all applicable Town Code and adopted building codes.

SECTION 4. Pursuant to Town Code Article 14-04, said approval is further conditioned upon the following:

- (A) Approval of engineering plans, entry into the subdivision agreement with the Town and posting of necessary assurances in accordance with Town Code §§14-04-020, 14-04-050 and 14-04-080.
- (B) In the event the Viewpoint developers choose not to enter into a subdivision agreement and post assurances as set forth in Subsection 4(A) above, then approval of engineering plans, construction and inspection of required improvements, and receipt and administrative approval of As-Built plans for said required improvements prior to recording of the Final Development Plan (Plat).
- (C) Warranty by the Viewpoint developers of all workmanship and materials involved in the required improvements for a period of one (1) calendar year after the date of written administrative approval.

SECTION 5. That the Town Clerk is hereby directed to (a) transcribe a certificate of approval upon this Final Development Plan pursuant to Town Code §14-02-055(F)(2), (b) ensure that all other required certifications are on said Plan, and (c) file the same as an official Plan of the Town in the offices of the Town Clerk and Community Development Department Director only upon compliance with Section 4 above.

SECTION 6. That the Mayor (or in his absence the Vice-Mayor) is hereby authorized to sign any and all agreements and other documents necessary to ensure that the Viewpoint developers comply with financial and other requirements set forth herein.

SECTION 7. That this Resolution shall be effective after its passage and approval according to law.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 8<sup>th</sup> day of August, 2013.

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HARVEY C. SKOOG, Mayor

ATTEST:

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Diane Russell, Town Clerk

APPROVED AS TO FORM:

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Ivan Legler, Town Attorney