

ORDINANCE NO. 781

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP (ZMC13-002) TO CHANGE THE ZONING CLASSIFICATION OF AN APPROXIMATE FIFTEEN AND ONE HALF (15.5) ACRE PARCEL GENERALLY LOCATED FOUR HUNDRED (400) FEET SOUTH OF LONG LOOK DRIVE, BETWEEN VIEWPOINT DRIVE AND CIVIC DRIVE TO R2-PAD (RESIDENTIAL; MULTIPLE DWELLING UNITS - PLANNED AREA DEVELOPMENT); AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Town of Prescott Valley annexed by Ordinance No. 287, dated November 12, 1992, certain real property located in Sections 14 and 23, Range 1 West, Township 14 North, G&SRB&M; and

WHEREAS, Ordinance No. 287 gave the annexed property a zoning classification of RCU-70, being the zoning classification most comparable to the former Yavapai County zoning classification of RCU-2A; and

WHEREAS, at its regular meeting on February 14, 2005, the Prescott Valley Planning and Zoning Commission approved ZMC05-002 and a Preliminary Development Plan for development of the Sungate Villa Senior Community Phase I comprising sixty four (64) senior apartment units on an approximately five (5) acre parcel; and

WHEREAS, at its regular meetings held March 10, 2005 and March 24, 2005, the Town Council considered and approved Ordinance No. 618 with conditions, for the rezoning of an approximately five (5) acre parcel for development of Sungate Villa Senior Community Phase I; and

WHEREAS, A Final Development Plan (FDP 06-005) for Sungate Villa Senior Community Phase I comprising sixty-four (64) senior apartment units on approximately five (5) acres was approved February 9, 2006 by Resolution No.1404; and

WHEREAS, at its regular meeting on January 8, 2007, the Prescott Valley Planning and Zoning Commission approved ZMC06-012 and a Preliminary Development Plan for development of the Sungate Villa Senior Community Phase II comprising fifty-four (54) senior apartment units on approximately four (4) acre parcel; and

WHEREAS, at its regular meetings held February 8, 2007 and February 22, 2007, the Town Council considered and approved Ordinance No. 680 with conditions, for the rezoning of an approximately four (4) acre parcel for development of Sungate Villa Senior Community Phase II; and

WHEREAS, A Final Development Plan (FDP 08-018) for Sungate Villa Senior Community Phase II comprising fifty-four (54) senior apartment units on approximately four (4) acres was approved September 4, 2008 by Resolution No.1606; and

WHEREAS, at its regular meeting on May 11, 2009, the Prescott Valley Planning and Zoning Commission approved ZMC09-003 and a Preliminary Development Plan for development of the View Point Senior Community Phases I & II comprising one hundred and two (102) senior apartment units on an approximately five (5) acre parcel; and

WHEREAS, at its regular meetings held June 11, 2009 and June 25, 2009, the Town Council considered and approved Ordinance No. 733 with conditions, for the rezoning of an approximately five (5) acre parcel for development of the View Point Senior Community Phases I & II; and

WHEREAS, A Final Development Plan (FDP 10-008) for View Point Senior Community Phases I & II and View Point Senior Community Phases I & II comprising one hundred and two (102) senior apartment units on an approximately five (5) acre parcel was approved October 44, 2010 by Resolution No.1717; and

WHEREAS, in September of 2012, Chris Fergis, agent for WESCAP Investments Inc. submitted a Final Development Plan (FDP12-003) in order to approve modifications to View Point Senior Community Phase II for fifty eight (58) units instead of fifty two (52) units, and to approve Sungate Villa Senior Community Phases I and II along with View Point Senior Community Phases I and II as an integrated development project under Article 13-19 with a total two hundred and twenty six (226) senior apartment units on approximately fourteen (14) acres; and

WHEREAS, Final Development Plan (FDP 12-003) modifying View Point Senior Community Phase II for fifty eight (58) and approving Sungate Villa Senior Community Phases I and II along with View Point Senior Community Phases I and II as an integrated development project under Article 13-19 with a total two hundred and twenty six (226) senior apartment units on approximately fourteen (14) acres was approved October 25, 2012 by Resolution No.1815; and

WHEREAS, in September of 2013, Chris Fergis, Agent for Wescap Investments, Inc., applied for the re-zoning (ZMC13-002) to R2-PAD (Residential; Multiple Dwelling Units - Planned Area Development) on approximately fifteen and one half (15.5) acres, generally located four hundred (400) feet south of Long Look Drive, between Viewpoint Drive and Civic Drive; and

WHEREAS, the request included a Preliminary Development Plan (PDP13-002) for development of sixty six (66) additional senior apartments comprising Sungate Villa III Senior Community, along with one hundred and sixty eight (168) developed units and fifty eight approved units for a total of two hundred and ninety two six (292) senior apartment units

comprising the Sungate Villa Senior Community and the View Point Senior Community as an integrated project under Article 13-19; and

WHEREAS, at its regular meeting on October 14, 2013, the Prescott Valley Planning and Zoning Commission approved ZMC13-002 for development of sixty six (66) senior apartments comprising Sungate Villa III Senior Community, along with one hundred and sixty eight (168) developed units and fifty eight approved units for a total of two hundred and ninety two (292) units comprising the Sungate Villa Senior Community and the View Point Senior Community as an integrated project under Article 13-19; and

WHEREAS, at its regular meetings held November 7, 2013 and November 21, 2013, the Town Council considered and approved Ordinance No. 781 with conditions, for the rezoning of approximately fifteen and one half (15.5) acres, generally located four hundred (400) feet south of Long Look Drive, between Viewpoint Drive and Civic Drive; and

WHEREAS, the Mayor and Council find that the procedures required by ARS §§9-462.03 and 9-462.04 (and by Article 13-30 of the Prescott Valley Town Code) have been complied with in connection with this zoning action; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, as follows:

SECTION 1. That the Zoning Map of the Town of Prescott Valley be hereby amended from RS-PAD and R2-PAD to R2-PAD zoning for the following-described real property:

[See Exhibits “A” “B” and C attached hereto and expressly made a part hereof.]

The above-described parcel containing an area of approximately fifteen and one half (15.5) acres, more or less.

SECTION 2. That this amendment be hereby expressly conditioned as follows:

1. Approval by the Town Council of a Final Development Plan in accordance with Town Code Article 13-19 consistent with the Preliminary Development Plan.
2. All development shall be in conformance with all Town Code Requirements, including screening and lighting requirements of Articles 13-26 and 13-26a.
3. Installation of public improvements and dedications as required by the Town Engineer.

In the event of non-compliance with any of the above conditions, the zoning designation or the described property shall revert from R2-PAD back to the original designation of RS-PAD and R2-PAD in accordance with the procedures set forth in ARS §9-462.01(E).

SECTION 3. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 21st day of November, 2013.

HARVEY C. SKOOG, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney