

## **RESOLUTION NO. 1857**

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 (FDP 12-003) IN ORDER TO APPROVE MINOR MODIFICATIONS TO VIEW POINT SENIOR COMMUNITY PHASE II FOR FIFTY EIGHT (58) UNITS TO MEET MARKET DEMANDS FOR THIS HOUSING PRODUCT AND TO APPROVE SUNGATE VILLA SENIOR COMMUNITY PHASES I AND II ALONG WITH VIEW POINT SENIOR COMMUNITY PHASES I AND II AS A UNIFIED DEVELOPMENT PROJECT UNDER ARTICLE 13-19, LOCATED IN THE PRESCOTT VALLEY TOWN CENTER; PROVIDING FINDINGS OF FACT IN SUPPORT OF SUCH APPROVAL PER TOWN CODE SUBSECTION 13-19-060(K); PROVIDING CONDITIONS FOR SUCH APPROVAL PER SUBSECTION 13-19-060(L); 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. 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 4, 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, in November of 2013, Chris Fergis, agent for WESCAP Investments Inc. submitted a Final Development Plan (FDP13-013) for development of sixty-six (66) senior apartments comprising Sungate Villa III Senior Community on APN 103-02-270F along with one hundred and sixty-eight (168) developed units on APNs 103-02-752E, 103-02-752T & 103-02-778J, and fifty-eight (58) approved units on APN 103-02-778H for a total of two hundred and eighty six (292) units on a total of approximately fifteen and one half (15.5) acres that will reflect the Sungate Villa Senior Community and the View Point Senior Community as one integrated project under Article 13-19; and

WHEREAS, the Town Council finds that this Final Development Plan (FDP13-013) for development of sixty-six (66) senior apartments comprising Sungate Villa III Senior Community on APN 103-02-270F along with one hundred and sixty-eight (168) developed units on APNs 103-02-752E, 103-02-752T & 103-02-778J, and fifty-eight (58) approved units on APN 103-02-778H for a total of two hundred and eighty six (292) units on a total of approximately fifteen and one half (15.5) acres that will reflect the Sungate Villa Senior Community and the View Point Senior Community as one integrated project under Article 13-19 meets or will meet the requirements for Planned Area Developments (PAD's) under the Town Code [particularly the requirements under Town Code §§13-19-060(K) (L) and (M), 14-020-050(F), and 14-04-080] 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 that certain Final Development Plan (FDP13-013) for the unified development of Sungate Senior Community Phases I, II and III and View Point

Senior Community Phases I & II (said Plan being attached hereto and made a part hereof), is hereby approved and adopted as conditioned hereinafter.

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

- (A) This development is consistent with the purpose and intent of the adopted *General Plan 2025* and Zoning Code of the Town in promoting the health, safety, morals and general welfare of the public;
- (B) This commercial 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 does have adequate 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) The site shall be developed in substantial conformance with FDP13-033, conditions of Ordinance No. 701, and all applicable Town Code requirements.

SECTION 4. That the Town Clerk is hereby directed to file this Final Development Plan pursuant to Town Code §13-19-060(O) as an official Plan of the Town in the offices of the Town Clerk and Community Development Director.

SECTION 5. 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 developers provide all needed financial and other assurances as to construction of required improvements.

SECTION 6. 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 21<sup>st</sup> day of November, 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