

## **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) ZONING, WITH MODIFIED CONDITIONS; 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 (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 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 rezoning said 5-acre parcel for SunGate Villa Senior Community Phase I; and

WHEREAS, a Final Development Plan (FDP06-005) for said 64 senior apartment units was approved February 9, 2006 by Resolution No.1404; and

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

WHEREAS, at its regular meetings held February 8, 2007 and February 22, 2007, the Council considered and approved Ordinance No. 680 (with conditions) for rezoning said 4-acre parcel for SunGate Villa Senior Community Phase II; and

WHEREAS, a Final Development Plan (FDP08-018) for said 54 senior apartment units was approved September 4, 2008 by Resolution No.1606; and

WHEREAS, at its regular meeting on May 11, 2009, the Commission approved ZMC09-003 (and a Preliminary Development Plan) for development of 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 Council considered and approved Ordinance No. 733 (with conditions) for rezoning said 5-acre parcel for View Point Senior Community Phases I & II; and

WHEREAS, a Final Development Plan (FDP10-008) for said 102 senior apartment units was approved October 14, 2010 by Resolution No.1717; and

WHEREAS, in September 2012, WESCAP Investments Inc. submitted a Final Development Plan (FDP12-003) to modify View Point Senior Community Phase II to fifty eight (58) units and combine SunGate Villa Senior Community Phases I & II with View Point Senior Community Phases I & II into an integrated development project under Town Code Article 13-19 with a total of two hundred and twenty-six (226) senior apartment units on approximately fourteen (14) acres; and

WHEREAS, FDP 12-003 was approved October 25, 2012 by Resolution No.1815; and

WHEREAS, in September of 2013, WESCAP applied for rezoning the integrated development project plus an additional one and one half (1.5) acres (ZMC13-002) to R2-PAD (Residential; Multiple Dwelling Units - Planned Area Development) and adoption of a new Preliminary Development Plan (PDP13-002) to add sixty-six (66) senior apartments as SunGate Villa III Senior Community and make the whole a new integrated project under Article 13-19; and

WHEREAS, at its regular meeting on October 14, 2013, the Commission recommended approval of ZMC13-002 and PDP13-002 for development of the 66 additional senior apartments; and

WHEREAS, at its regular meeting held November 7, 2013, the Council held its public hearing and then voted to read Ordinance No. 781 on two separate occasions prior to possible passage (and then conducted the first reading) but, at its regular meeting on November 21, 2013, the Ordinance was pulled because the Mayor had been informed by staff that the Ordinance inadvertently did not include the same condition included in all prior rezoning ordinances related to the SunGate and View Point apartments (namely remittance to the Town of a two percent (2%) surcharge on monthly rental collections); and

WHEREAS, at its regular meeting held December 5, 2013, the Council held another public hearing on a revised Ordinance No. 781 which included the said condition; and

WHEREAS, at its regular meetings held December 5, 2013 and December 19, 2013, the Council considered and approved Ordinance No. 781 (with conditions) for rezoning said 15.5-acre parcel for the integrated SunGate - View Point Senior Community project; and

WHEREAS, a Final Development Plan (FDP13-013) for said integrated project was approved December 19, 2013 by Resolution No.1857; 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 15.5 acres.

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.
4. Remitting to the Town, on a monthly basis, all monies collected as a result of the integrated SunGate – View Point project (and/or its successors and assigns) applying a "surcharge" against all rents collected from occupation and use of units within any phase of the Apartment Complex, with said surcharge being 2%. Such remittances shall be made no later than the 15th day of the following month to the Town Clerk, and shall begin no later than sixty (60) days after the issuance by the Town of any certificate permitting occupancy of any phase of the Apartment Complex.

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 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 19<sup>th</sup> day of December, 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