

ORDINANCE NO. 783

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP (ZMC13-003) TO CHANGE THE ZONING CLASSIFICATION OF AN APPROXIMATELY ONE (1) ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF OLD BLACK CANYON HWY AND CLOUD CLIFF PASS FROM C1-PAD (COMMERCIAL; NEIGHBORHOOD SALES AND SERVICES - PLANNED AREA DEVELOPMENT) ZONING TO R1L-PAD (RESIDENTIAL; SINGLE-FAMILY LIMITED - PLANNED AREA DEVELOPMENT) ZONING; 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. 324 (dated May 5, 1994) certain described real property located in §§22, 26, 27, 34 and 35, R1W, T14N, G&SRB&M; and

WHEREAS, said real property was given a zoning classification of RCU-70 at annexation, which classification was comparable to its former County zoning classification of RCU-2A; and

WHEREAS, by Resolution No. 545 (dated May 5, 1994), the Town, Lynx Ranch Development L.L.C., and Lynx Creek Ranch Limited Partnership finalized a Development Agreement pursuant to ARS §9-500.05 which included, among other things, an agreement to consider re-zoning of the majority of the annexed property from RCU-70 to R1L-10 PAD and C1 PAD; and

WHEREAS, on April 1, 1994, the owners of said property had applied to re-zone the described property from RCU-70 to R1L-10 PAD and C2 PAD (later clarified to be C1 PAD) zoning for purposes of developing the property in phases primarily for residential uses; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on said application on May 9, 1994, considered protests, and voted to forward the application to the Prescott Valley Mayor and Council with a recommendation of approval, with conditions; and

WHEREAS, on June 23, 1994, after public hearing, the Mayor and Council adopted Ordinance No. 328 approving said re-zoning; and

WHEREAS, in July 1994, the Planning and Zoning Commission approved a Preliminary Development Plan for one hundred ninety-two (192) lots in the northwest corner of the development area; and

WHEREAS, on February 15, 1995, StoneRidge MPC, L.L.C. (successor to Lynx Ranch Development L.L.C.), applied to re-zone two (2) areas south of Old Black Canyon Highway from R1L-10 PAD to C1 PAD and C2 PAD, respectively (in conjunction with a proposed revision to the Development Master Plan and other portions of the original Development Agreement); and

WHEREAS, a public hearing on said application was held by the Planning and Zoning Commission on June 19, 1995, and the Commission voted to recommend approval of the application, with conditions; and

WHEREAS, on July 27, 1995, the Mayor and Council adopted Ordinance No. 368 approving said re-zoning; and

WHEREAS, a Final Plat for Phase 1 of the StoneRidge residential development was subsequently submitted, at which time it was discovered that there were discrepancies between the legal descriptions for the original annexation, the original re-zoning, and the subsequent subdivision plat such that the plat could not be approved without additional areas first being annexed into the Town and additional areas re-zoned; and

WHEREAS, the necessary additional areas were annexed into the Town through Ordinance No. 378 (dated February 8, 1996); and

WHEREAS, the Planning and Zoning Commission held a public hearing on the proposed re-zoning of the needed additional areas from RCU-70 to R1L-10 PAD on September 25, 1995, and recommended approval of the re-zoning subject to the same conditions as had been imposed by Ordinance No. 328; and

WHEREAS, action on said recommendation was delayed until the subsequent annexation was approved and effective; and

WHEREAS, the Mayor and Council approved the re-zoning by Ordinance No. 382 (dated March 28, 1996); and

WHEREAS, a Final Development Plan for the one hundred ninety-two(192) lot subdivision was never formally presented to the Town Council for consideration, and the underlying Preliminary Development Plan lapsed in accordance with Town Code §§13-19-060(I) and 14-02-030(F)(2); and

WHEREAS, on June 2, 1998, SunCor Development Company signed a Letter of Intent to purchase the StoneRidge community real property and related entitlements from StoneRidge MPC, L.L.C., and received permission to represent StoneRidge MPC, L.L.C., and Lynx Creek Ranch Limited Partnership before the Town with regard to development of the StoneRidge Project; and

WHEREAS, SunCor subsequently submitted a new Preliminary Development Plan for the entire project which substantially reduced the ultimate number of units in the Project from approximately five thousand (5,000) to three thousand (3,000) units; and

WHEREAS, said Preliminary Development Plan eventually included areas of attached single-family dwellings and multi-family dwellings, requiring an underlying zoning map amendment to include areas of R1M and R2 zoning; and

WHEREAS, SunCor filed a revised re-zoning application dated July 14, 1998, requesting re-zoning of portions of the R1L-10 PAD zoning districts to R1M PAD and R2 PAD, while retaining remaining portions of the R1L-10 zoning and the C1 zoning; and

WHEREAS, at its regular meeting held August 5, 1999, the Town Council considered and approved Resolution No. 906 adopting 2nd Amendments to the StoneRidge Development Agreement; and

WHEREAS, at its regular meetings held August 26, 1999, the Council considered and approved Ordinance No. 472 approving the proposed re-zoning of portions of the R1L-10 PAD zoning district to R1M PAD and R2 PAD (while retaining portions of the R1L-10 zoning and the C1 zoning), with conditions ; and

WHEREAS, StoneRidge Prescott Valley, L.L.C., submitted an application (ZMC 01-003) for a rezoning in order to apply the PAD Zoning to StoneRidge Drive and Tracts ("DD" and "EE") for the placement of subdivision signs to serve the StoneRidge Subdivision located on contiguous property in §27, 27 & 35, T.14 .N, R.1 W., G&SRB&M that were annexed by Ordinance No. 378; and

WHEREAS, at its regular meetings held June 28, 2000, the Council considered and approved Ordinance No. 506 re-zoning StoneRidge Drive and Tracts “DD” & “EE”; and

WHEREAS, on March 8, 2001, the Mayor and Council adopted Resolution No. 1000 approving a Final Development Plan (Final Plat) for StoneRidge Unit 1 comprising two hundred fifty-two (252) lots on one hundred one (101) acres; and

WHEREAS, the developers subsequently discovered that Unit II could not be developed in the area first identified because of archeological inventories that must be done before development can occur, and therefore submitted a request for an amendment to the Preliminary Development Plan and a Zoning Map Change from R2 PAD, R1M PAD and C1 PAD to R1L-10 PAD to put Unit II on an alternate site; and

WHEREAS, the Planning and Zoning Commission first held a public hearing on September 9, 2002 to consider the application, and expressed concerns about the elimination of the R2 PAD and C1 PAD sites and requested a revision to the Plan in order to re-locate those portions; and

WHEREAS, the Commission again held a public hearing on October 14, 2002 to consider a revised application where the re-zoning would be changed from R2 PAD, R1M PAD and C1 PAD to R1L-10 PAD, from R1M PAD to C1 PAD, and from R1L-10 PAD to R2 PAD, and recommended approval of the same (subject to the same conditions as had been imposed by Ordinance No. 472); and

WHEREAS, at its regular meetings held October 24, 2002 and November 7, 2002, the Town Council considered the revised application and voted to approve the same by passing this Ordinance No. 535; and

WHEREAS, on November 7, 2002, the Town Council adopted Resolution No. 1137 approving a Final Development Plan (Final Plat) for Unit II of the StoneRidge development involving one hundred fifty-six (156) lots on eighty-two (82) acres; and

WHEREAS, on August 14, 2003, the Town Council adopted Resolution No. 1208 approving a Final Development Plan (Final Plat) for Unit IV of the StoneRidge development involving one hundred fifty-three (153) lots on fifty-four (54) acres; and

WHEREAS, on or about March 1, 2004, StoneRidge Prescott Valley, L.L.C., submitted an application (GPA04-001) for a minor general plan amendment in order to relocate various land use designations of “Low Density Residential”, “Medium Density Residential”, “Medium-High Density Residential”, “Public/Quasi-Public”, and “Community Commercial” within the StoneRidge project boundary; and

WHEREAS, on or about March 1, 2004, StoneRidge Prescott Valley, L.L.C., submitted an application (ZMC 04-003) for a rezoning in order to relocate various zoning district designations of R1L-10 PAD, R1M-PAD, R2-PAD, C1-PAD and PL-PAD within the StoneRidge project boundary, together with an associated amended preliminary development plan (PDP04-002) changing the configuration of parcels and uses to be consistent with the proposed *General Plan 2020* land use designations (GPA04-001); and

WHEREAS, the Planning and Zoning Commission held a public hearing on said requests at its regular April 12, 2004 meeting, and recommended approval of GPA04-001 and ZMC04-003; and

WHEREAS, in the course of its recommendation, the Planning and Zoning Commission approved an amendment to the StoneRidge preliminary development plan to correspond the same to the re-zoning; and

WHEREAS, the Town Council held a second public hearing on GPA04-001 at its regular May 13, 2004 meeting and adopted Resolution No. 1274 approving the recommended minor amendment to the *General Plan 2020*; and

WHEREAS, at its regular meetings held May 13, 2004 and May 27, 2004, the Town Council considered the proposed re-zoning (ZMC04-003) and voted to approve the same, with conditions, by adopting this Ordinance No. 593; and

WHEREAS, in October of 2013, Univest-Land Investments L.L.C., requested a Minor Amendment (GPA13-001) to the *Prescott Valley General Plan 2025* from “Community Commercial” to “Low Density Residential” on approximately one (1) acre comprising StoneRidge Unit 4, Tract U, located at the Southwest corner of Old Black Canyon Hwy and Cloud Cliff Pass - APN 103-05-613; and

WHEREAS, in October of 2013, Univest-Land Investments L.L.C. requested a Zoning Map Change (ZMC13-003) from C1-PAD (Commercial; Neighborhood Sales and Services-

Planned Area Development) to R1L-PAD (Residential: Single-Family Limited - Planned Area Development) on approximately one (1) acre comprising StoneRidge Unit 4, Tract U, located at the Southwest corner of Old Black Canyon Hwy and Cloud Cliff Pass - APN 103-05-613; and

WHEREAS, the Planning and Zoning Commission held a public hearing on said requests at its regular November 4, 2013 meeting, and recommended approval of GPA13-001 and ZMC13-003; and

WHEREAS, the Town Council held a second public hearing on GPA13-001 at its regular December 5, 2013 meeting and adopted Resolution No. 1858 approving the recommended minor amendment to the General Plan 2025; and

WHEREAS, at its regular meetings held December 19, 2013 and January 9, 2014 the Town Council considered the proposed re-zoning (ZMC13-003) and voted to approve the same, with conditions, by adopting this Ordinance No. 783; and

WHEREAS, the Mayor and Council find that the requested re-zoning will be beneficial to the community and is in conformity with the Prescott Valley General Plan; and

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

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 C1-PAD (Commercial; Neighborhood Sales and Services-Planned Area Development) to R1L-PAD (Residential: Single-Family Limited - Planned Area Development) on approximately one (1) acre comprising StoneRidge Unit 4, Tract U, located at the Southwest corner of Old Black Canyon Hwy and Cloud Cliff Pass (APN 103-05-613) as shown in Exhibit “A” (attached hereto and expressly made a part hereof).

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

- 1) All development of the subject sites shall comply with the Development Agreement between the Town of Prescott Valley and StoneRidge MPC, L.L.C. (its predecessors, successors, and assigns), as amended from time to time to include (but not be limited to) the duration of Preliminary Development Plan approval in accordance with Town Code §§13-19-060(F) and 14-02-030(F), specific off-site infrastructure improvements, dedication of public rights-of-way, reservation of open space areas, participation in right-of-way improvements, and participation in expansion of utilities.
- 2) All development of the subject sites shall comply with the relevant conditions set forth in Ordinance No. 328, Ordinance No. 472 and Ordinance No. 593 of the Town of Prescott Valley.

In the event of non-compliance with any of the above conditions, the zoning designation for the described re-zoning area shall revert from R1L-PAD zoning to the original C1-PAD zoning, in accordance with 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 9th day of January, 2014.

Harvey Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney

Exhibit "A"

