

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 (FDP13-013) 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 (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) has now been presented for approval of this integrated project; and

WHEREAS, the Town Council finds that this 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 FDP13-013, conditions of Ordinance No. 781, and all applicable Town Code requirements.
- (B) Installation of public improvements and dedications as required by the Town Engineer.

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 19th day of December, 2013.

Harvey C. Skoog
Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney