

## RESOLUTION NO. 1901

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 (FDP14-012) FOR THE REPLATING OF STONERIDGE UNIT 4, TRACT U INTO THREE (3) LOTS (928, 929 & 930) LOCATED WITHIN THE STONERIDGE PLANNED AREA DEVELOPMENT (PAD); 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. 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, being the zoning classification most comparable to its former Yavapai 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 the majority of the annexed property; and

WHEREAS, on June 23, 1994, the Town Council adopted Ordinance No. 328 which re-zoned the annexation 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, 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 said re-zoning was adopted by the Town Council in Ordinance No. 368 dated July 27, 1995; and

WHEREAS, additional areas needed for the access road from State Route 69 were annexed into the Town through Ordinance No. 378 (dated February 8, 1996), and re-zoned through Ordinance No. 382 (dated March 28, 1996); and

WHEREAS, SunCor Development Company (successor to StoneRidge MPC, L.L.C.) filed a revised application on July 14, 1998, requesting re-zoning of portions of the R1L-10 PAD zoning to R1M PAD and R2 PAD, respectively; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on said application at its regular meeting on August 10, 1998, and voted to recommend approval of the re-zoning (with conditions), and voted to approve (with conditions) a new Preliminary Development Plan for the development which reduced the number of proposed lots from approximately five thousand (5,000) to approximately three thousand (3,000); and

WHEREAS, on August 5, 1999, the Town Council adopted Resolution No. 906 approving Second Amendments to the StoneRidge Development Agreement; and

WHEREAS, on August 26, 1999, the Council adopted Ordinance No. 472 approving (with conditions) the proposed re-zoning of areas from R1L-10 PAD to R1M PAD and R2 PAD; and

WHEREAS, on March 8, 2001, the Town Council adopted Resolution No. 1000 approving a Final Development Plan (Final Plat) for Unit I of the StoneRidge development involving two hundred forty-nine (249) lots on two hundred twenty-five (225) acres; and

WHEREAS, the developers subsequently discovered that Unit II could not be developed in the area first identified due to archeological inventories that needed to be completed prior to development occurring, 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 Commission held a public hearing on October 14, 2002 to consider a re-zoning request 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) along with an amended preliminary development plan; 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 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 seventy-two (172) lots on eighty-two (82) acres; and

WHEREAS, on September 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-six (156) 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 (ZMC04-003) 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 also 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, on September 9, 2004, the Town Council adopted Resolution No. 1299 approving a Final Development Plan (Final Plat) for Unit V of the StoneRidge development involving two hundred seventy (270) lots on ninety (90) acres; and

WHEREAS, on March 10, 2005, the Town Council adopted Resolution No. 1333 approving a Final Development Plan (Final Plat) for Unit VI of the StoneRidge development involving 141 lots on approximately 46 acres; and

WHEREAS, on September 15, 2005, the Town Council adopted Resolution No. 1384 amending the Final Development Plan (Final Plat) for Unit VI of the StoneRidge development; and

WHEREAS, on October 27, 2005, the Town Council adopted Resolution No. 1392 approving a Final Development Plan (Final Plat) for Unit VII of the StoneRidge development involving one hundred thirty eight (138) lots on approximately ninety-eight (98) acres; and

WHEREAS, on April 26, 2007, the Town Council adopted Resolution No. 1499 approving a Final Development Plan (Final Plat) for Unit VIII of the StoneRidge development involving one hundred fifty-two (152) lots on approximately eighty-four (84) acres; and

WHEREAS, due to market conditions, Stoneridge Unit VIII was never developed and per Town Code requirements, the Financial Assurances cannot be extinguished unless the project is abandoned; and

WHEREAS, as defined in Section 14-01-020(A)(27)(d), a Reversionary Plat is a map for

the purpose of reverting previously subdivided acreage to unsubdivided acreage; and

WHEREAS, in July of 2009, StoneRidge Prescott Valley, L.L.C., submitted an application for a Reversionary Plat (RP09-001) for reverting Stoneridge Unit VIII to unsubdivided acreage; and

WHEREAS, the Planning and Zoning Commission considered said requests at its regular April 12, 2004 meeting, and approved RP09-001; and

WHEREAS, on September 10, 2009 the Town Council approved RP09-001; 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; 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; 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, ZMC13-003 and PDP13-003; 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, in November of 2013, Univest-Land Investments, L.L.C., submitted an application for a Preliminary Development Plan (PDP13-004) for the Villas at StoneRidge comprising forty-seven (47) lots on approximately nine (9) acres located north of Old Black Canyon Hwy, six hundred (600) feet east of StoneRidge Drive; and

WHEREAS, the Planning and Zoning Commission considered said requests at its regular January 13, 2014 meeting, and approved PDP13-004; and

WHEREAS, in April of 2014, Univest-Land Investments, L.L.C., submitted an application for a Final Development Plan (FDP14-002) for the Villas at StoneRidge comprising forty-seven (47) lots on approximately nine (9) acres located north of Old Black Canyon Hwy, six hundred (600) feet east of StoneRidge Drive; and

WHEREAS, on June 12, 2014, the Town Council adopted Resolution No. 1879 approving a Final Development Plan (Final Plat) for the Villas at StoneRidge comprising forty-seven (47) lots on approximately nine (9) acres located north of Old Black Canyon Hwy, six hundred (600) feet east of StoneRidge Drive; and

WHEREAS, in November of 2014, Univest-Land Investments, L.L.C., submitted an application for a Final Development Plan (FDP14-012) for the re-platting of StoneRidge Unit 4, Tract U into three (3) lots (928, 929 & 930) located at the Southwest corner of Old Black Canyon Hwy and Cloud Cliff Pass; and

WHEREAS, the Town Council finds that this Final Development Plan (Final Plat) for re-platting of StoneRidge Unit 4, Tract "U" into three (3) lots (928, 929 & 930) 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:

1. That certain Final Development Plan (Final Plat) for re-platting of StoneRidge Unit 4, Tract U into three (3) lots (928, 929 & 930) submitted in November of 2014 by Univest-Land Investments, L.L.C., is hereby approved and adopted as conditioned hereinafter.
2. Said approval is based upon the following findings and conclusions of the Mayor and Common Council:
  - (A) This development is consistent with the purpose and intent of the *General Plan 2025* and Zoning Code of the Town in promoting the health, safety, morals and general welfare of the public;
  - (B) This 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 containing residential units in this development does appear to have adequate access to public streets; and
  - (D) The average density, excluding open areas occupied by streets, is the density required by the pre-existing zoning district regulation otherwise applicable to the site.
3. Pursuant to Town Code §13-19-060(L), said approval is conditioned upon the following:

- (A) Strict compliance by the StoneRidge developers, their successors and assigns, with the duties and obligations under that certain Restated Development Agreement, July 1, 2000, between the Town, First American Title Insurance Agency, Inc., as Trustee under Trust No.s 4578 and 4579, and SunCor Development Company.

4. Pursuant to Town Code Article 14-04, said approval is further conditioned upon the following:

- (A) Approval of engineering plans, entry into the subdivision agreement with the Town and posting of necessary assurances in accordance with Town Code §§14-04-020, 14-04-050 and 14-04-080.
- (B) In the event the StoneRidge developers choose not to enter into a subdivision agreement and post assurances as set forth in Subsection 4(A) above, then approval of engineering plans, construction and inspection of required improvements, and receipt and administrative approval of as-built plans for said required improvements prior to recording.
- (C) Warranty by the StoneRidge developers of all workmanship and materials involved in the required improvements for a period of one (1) calendar year after the date of written administrative approval.

5. The Town Clerk is hereby directed to (a) transcribe a certificate of approval upon this Final Development Plan (Final Plat) pursuant to Town Code §14-02-050(F)(2), (b) ensure that all other required certifications are on said Plan (Plat), (c) record the same in the Office of the Yavapai County Recorder, and (d) file the same as an official Plan of the Town in the offices of the Town Clerk and Community Development Director only upon approval by the Town Engineer of the engineering plans and subdivider assurances for the development [See Town Code §§13-19-060(O) and 14-02-050 (F) (3) & (4)].

6. 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 StoneRidge developers provide all needed financial and other assurances as to construction of required improvements.

7. The Town hereby accepts any property interests which may have been conveyed to the Town in relation to this Final Development Plan (Final Plat) by separate deed prior to or contemporaneous with this approval.

8. 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 8<sup>th</sup> day of January 2015.

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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