

## **RESOLUTION NO. 1933**

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 (FDP15-010) FOR A SUBDIVISION INVOLVING NINETY SIX (96) LOTS ON APPROXIMATELY SEVENTY (70) ACRES TO BE KNOWN AS “GRANVILLE UNIT 9” LOCATED WITHIN THE GRANVILLE 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 ARTICLE 14-04; 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. 441 (Jul 9, 1998) some 1,268 acres of real property located in §§3, 10, and 15, 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, in Aug 1998 the owners of said property introduced to the Prescott Valley Planning & Zoning Commission a Development Master Plan for the property, proposing to develop 3,400 units on 1,243 acres; and

WHEREAS, on Mar 8, 1999, the Planning and Zoning Commission held a public hearing on an application to change the zoning district designation from RCU-70 to R1L-10 PAD, R2 PAD and C1 PAD, and to consider a Preliminary Development Plan for the property; and

WHEREAS, at the public hearing, the Commission considered protests, support, and other public comments, including a stipulation by the project developer worked out with adjoining property owners which minimized the impact of the development on adjoining properties, then voted to forward the application to the Town Council with a recommendation of approval, with conditions [impliedly approving the Preliminary Development Plan per Town Code §13-19-060(E) and (F)]; and

WHEREAS, the project developer and property owners finalized negotiations with the Town towards a Development Agreement pursuant to ARS §9-500.05, and an effluent use agreement mandated by the Arizona Department of Water Resources as a condition of providing the project with a certificate of assured water supply; and

WHEREAS, on November 23, 1999, the project developer and its agent met again with property owners residing along Lone Cactus Drive and refined the earlier stipulations which were incorporated into the conditions of approval; and

WHEREAS, by Res No. 931 (Dec 16, 1999), the Town Council adopted a Development Agreement and an effluent use agreement with the project developer and the property owners; and

WHEREAS, on Dec 16, 1999, the Council held a public hearing to consider further public comments regarding the application for re-zoning of the property; and

WHEREAS, at its regular meetings held Dec 16, 1999 and Jan 13, 2000, the Council approved Ord No. 482 adopting the requested rezoning, with conditions; and

WHEREAS, a special referendum election was held in Prescott Valley on May 16, 2000 to determine whether Ord No. 482 would become law, and a majority of those voting voted in favor; and

WHEREAS, on Dec 6, 2002, the Town Council adopted Res No. 1053 approving a Final Development Plan (Final Plat) for Granville Unit I, involving two-hundred, thirty-six (236) lots on approximately seventy-three (73) acres; and

WHEREAS, on Aug 8, 2002, the Council adopted Res No. 1107 approving a Final Development Plan (Final Plat) for Granville Unit IA, involving ninety-one (91) lots on twenty-five (25) acres; and

WHEREAS, on Jul 31, 2003, the Council adopted Res No. 1206 approving a Final Development Plan (Final Plat) for Granville Unit II, involving two hundred fifty (250) lots on ninety-four (94) acres; and

WHEREAS, on Nov 11, 2003, the Council adopted Res No. 1230 approving a Final Development Plan (Final Plat) for Granville Unit IIA, involving one hundred nineteen (119) lots on forty (40) acres; and

WHEREAS, on Dec 2, 2004, the Council adopted Res No. 1306 approving a Final Development Plan (Final Plat ) for Granville Unit III, involving three hundred, thirty-nine (339) lots on ninety-four (94) acres; and

WHEREAS, on Mar 23, 2006, the Council adopted Res No. 1415 approving a Final Development Plan (Final Plat) for Granville Unit V, involving one hundred fifty six (156) lots on approximately thirty (30) acres; and

WHEREAS, on Apr 27, 2006, the Council adopted Res No. 1424 approving a Final Development Plan (Final Plat) for Granville Unit IV, involving one hundred and two (102) lots on approximately thirty three (33) acres; and

WHEREAS, on Jul 13, 2006, the Council adopted Res No. 1449 approving a Final Development Plan (Final Plat) for Granville Unit VI, involving two hundred and six (206) lots on approximately sixty-eight (68) acres; and

WHEREAS, on Jun 7, 2007, the Council adopted Res No. 1512 approving a Final Development Plan (Final Plat) for Granville Unit VII, involving three hundred and forty four (344) lots on approximately one hundred and twenty five (125) acres; and

WHEREAS, because of market conditions the Final Development Plan (Final Plat) for Granville Unit VII was never recorded; and

WHEREAS, in Feb 2005 Calvary Chapel submitted a Reversionary Plat to combine Tracts “Z” and “N” and Lots 327 through 335 in Granville Unit 2 for the purpose of developing a church site, and the Planning and Zoning Commission approved the same at its Mar 14, 2005 meeting and the Town Council approved the same at its Apr 14, 2005 meeting; and

WHEREAS, Calvary Chapel subsequently chose not to develop the site and the Granville developer re-purchased the same for replatting into thirty (30) lots; and

WHEREAS, a Preliminary Development Plan for said parcel of approximately six (6) acres was approved by the Planning and Zoning Commission at its Dec 10, 2012 meeting; and

WHEREAS, on Jan 24, 2013, the Council adopted Res No. 1822 approving a Final Development Plan (Final Plat) for Granville Unit VIII, Phase 1 involving eight (8) lots on approximately one (1) acre; and

WHEREAS, on Aug 8, 2013, the Council adopted Res No. 1848 approving a Final Development Plan (Final Plat) for Granville Unit VIII, Phase 2, involving twenty one (21) lots on approximately five (5) acres; and

WHEREAS, in Nov 2013 a Final Development Plan (Final Plat) was submitted for Granville Unit 7A, involving one hundred sixteen (116) lots on approximately forty three (43) acres; and

WHEREAS, again because of market conditions and development phasing, the Final Development Plan (Final Plat) for Granville Unit 7A was not recorded; and

WHEREAS, on June 12, 2014, the Council adopted Res No. 1880 approving a Final Development Plan (FDP14-003) for the first phase of Granville Unit 7 known as Granville Unit 7A1, 7B1 & 7C1 involving seventy one (71) lots on approximately nineteen (19) acres; and

WHEREAS, on November 20, 2014, the Council adopted Res No. 1895 approving a Final Development Plan (FDP14-010) for Granville Unit 7B2, 7C2 & F” involving eighty (80) lots on approximately twenty eight (28) acres; and

WHEREAS, on May 14, 2015, the Council adopted Res No. 1915 approving a Final Development Plan (FDP15-007) for Granville Unit 7A2 involving ninety three (93) lots on approximately sixty five (65) acres; and

WHEREAS, in August of 2015 a Final Development Plan (Final Plat) was submitted for Granville Unit 9 (FDP15-010) comprising ninety seven (97) lots on approximately seventy (70) acres; and

WHEREAS, the Town Council finds that this Final Development Plan (Final Plat) for Granville Unit 9 (FDP15-010) 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, THAT:

1. That certain Final Development Plan (Final Plat) for Granville Unit 9 (FDP15-010) involving ninety seven (97) lots on approximately seventy (70) acres submitted in August of 2015 by Granville Development Co., Inc., 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 Granville developers, their successors and assigns, with the duties and obligations under that certain Development Agreement dated Dec 16, 1999, between the Town of Prescott Valley and Universal Homes Inc.) (as amended).

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 Granville 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 Granville 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 compliance with Section 4 above.

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 Granville developers comply with financial and other requirements set forth herein.

7. 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 10<sup>th</sup> day of September, 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