

ORDINANCE NO. 822

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP TO CHANGE THE ZONING CLASSIFICATION OF AN APPROXIMATELY NINE AND ONE-HALF (9.5) ACRE PARCEL LOCATED NORTH OF FLORENTINE ROAD, BETWEEN COMMONS CIRCLE AND MAJESTY DRIVE FROM C2-PAD (COMMERCIAL; GENERAL SALES AND SERVICES – PLANNED AREA DEVELOPMENT) TO R2-PAD (RESIDENTIAL; MULTIPLE DWELLING UNITS – 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 subject property was part of the original Incorporation of the Town of Prescott Valley on August 31, 1978; and

WHEREAS, the Subject Property was part of approximately sixty (60) acres approved for C2-PAD zoning in 1981 (with said approval being revised in October, 1981) and is currently zoned C2-PAD per Ordinance No. 66; and

WHEREAS, the Subject nine and one half (9.5) acres is part of a twenty-six (26) acre parcel located north of Florentine Road, between Navajo Drive and Majesty Drive known as Navajo Commons and owned by Slade Investments; and

WHEREAS, in March of 2005 Slade Investments submitted to the Town a Preliminary Development Plan (PDP05-001) for the development of the twenty-six (26) acre commercial/retail subdivision known as Navajo Commons, consistent with its C2-PAD zoning and in accordance with Article 13-19 of the Town Code; and

WHEREAS, PDP05-001 was approved by the Town's Planning & Zoning Commission on April 11, 2005; and

WHEREAS, on December 7, 2006 the Town Council approved a Final Development Plan for Navajo Commons which delineated the roadways, along with necessary public utility easements on the property; and

WHEREAS, on December 7, 2006, Council also approved a Development Agreement which provided for the owner making interim improvements (i.e., the left turn lane into the project) on Florentine Rd. and providing cash payment of \$148,476.30 for "Deferred Improvement" costs when Florentine is widened by the Town at a future date; and

WHEREAS, the first development in Navajo Commons was a 9,100 square foot Dollar General store approved as FDP09-007 by Resolution No. 1683 on December 17, 2009, on an

approximately one (1) acre site located at the northeast corner of the intersection of Navajo and Florentine Roads; and

WHEREAS, the owner now wishes to develop a 198 unit apartment complex on an approximately nine and one-half (9.5) acre parcel located north of Florentine Road, between Commons Circle and Majesty Drive; and

WHEREAS, a General Plan Amendment from “Community Commercial” to “Medium-High Density Residential” and a Zoning Map Change from C2-PAD to R2-PAD are required for the approval of a Final Development Plan; and

WHEREAS, in August of 2016 Slade Investments, applied for: 1) a General Plan Amendment (GPA16-004) from Community Commercial to Medium-High Residential, 2) a Zoning Map Change (ZMC16-006) from C2-PAD (Commercial; General Sales and Services – Planned Area Development) to R2-PAD (Residential; Multiple Dwelling Units – Planned Area Development) and 3) a Preliminary Development Plan (PDP16-004) for development of a complex of three (3) apartment “clusters” with 198 total units (96 1BR & 102 2BR), along with parking and outdoor recreation facilities, located on approximately nine and one-half (9.5) acres located north of Florentine Road, between Commons Circle and Majesty Drive. APN 103-31-279; and

WHEREAS, at its October 10, 2016 meeting, the Planning and Zoning Commission held a public hearing and by separate motion recommended approval of GPA16-004 and ZMC16-006, and approved PDP16-004; and

WHEREAS, at its regular session meeting on October 27, 2016, the Council subsequently held a public hearing on this requested Minor Amendment to the *General Plan 2025* (GPA16-004) and approved it by Resolution No. 1976; and

WHEREAS, the Town Council considered the rezoning request (ZMC16-006) at its regular meetings held November 3, 2016, and November 17, 2016, and determined that such rezoning (as conditioned) will be beneficial to the community and is in conformity with the Prescott Valley *General Plan 2025*; and

WHEREAS, the Town Council finds 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;

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

C2-PAD (Commercial; General Sales and Services – Planned Area Development) to R2-

PAD (Residential; Multiple Dwelling Units – Planned Area Development) zoning for the following real property:

[See “Exhibit A” attached hereto and expressly made a part hereof.]

The above-described parcel containing an area of approximately nine and one-half (9.5) acres, more or less.

SECTION 2. That this amendment is 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 owners and/or operators of any apartment complex developed on the described real property (including any successors and assigns) applying a 2% "surcharge" against gross rents collected from occupation and use of units within any phase of the complex. Such remittance 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 complex.

In the event of non-compliance with any of the above conditions, the zoning designation for the described properties shall revert from R2-PAD back to the original designation of C2-PAD in accordance with the procedures set forth in 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 17th day of November, 2016.

HARVEY C. SKOOG, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney