

ORDINANCE NO. 768

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP (ZMC11-003) BY CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY THREE (3) ACRES LOCATED AT THE NORTHWEST INTERSECTION OF NAVAJO AND LAKESHORE DRIVES FROM R1MH-10 ZONING (RESIDENTIAL; SINGLE-FAMILY MOBILE/MANUFACTURED HOME) AND R2-6 ZONING (RESIDENTIAL; MULTIPLE DWELLING UNITS) TO R2-3 PAD ZONING (RESIDENTIAL; MULTIPLE DWELLING UNITS - PLANNED AREA DEVELOPMENT) WITH CONDITIONS; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the subject property is comprised of portions of Lots 2729, 2730, 2731, 2732 and, a portion of Tract "A" of Prescott Valley Unit 8, platted in 1969 by Prescott Valley Incorporated and zoned R1MH-10 (Residential; Manufactured and Mobile Home) at the time of Town incorporation in 1978; and

WHEREAS, Tract "A" was subsequently split into two (2) parcels with the northerly portion (approximately six (5.7) acres) being sold by Prescott Valley Incorporated to Miner, et., al., and the southerly portion (approximately thirteen (13) acres), being sold to the Town of Prescott Valley; and

WHEREAS, the northerly portion was then conveyed from Miner to Sparks in 1983 and rezoned from R1MH-10 zoning to R2-6 (Residential; Multiple Dwelling Units) by Ordinance No. 108 on July 10, 1985; and

WHEREAS, in 1993 the Town wished to realign and extend Lakeshore Drive through the area and acquired approximately two (2) acres of the northerly portion in September to provide the extension (creating two remaining parcels) through a development agreement approved by Resolution No. 507 (September 23, 1993); and

WHEREAS, the development agreement provided for a cash payment and other considerations in the form of road work, culverts, fill and grading, and drainage work (including a possible FEMA map change), and indicated that the remaining parcel to the north could support thirty-one (31) multiple-family units and the remaining parcel to the south could support eleven (11) multiple-family units (based on the Town Code allowing at that time parcel size calculations for density purposes to be made to the centerline of adjacent roadways); and

WHEREAS, development of the property was never completed and the Town Code provision allowing calculations to the centerline of adjacent roads was eventually eliminated; and

WHEREAS, the remaining two (2) parcels were subsequently sold to Mountain Rose

Properties, L.L.C., in October of 2001 with the intent to follow through with the original development plan in Resolution No.507; and

WHEREAS, in 2004, the Town again needed property to widen Lakeshore Drive at its intersection with Navajo Drive and install drainage features; and

WHEREAS, a Letter of Agreement with Mountain Rose Properties was approved by the Town Council (August 12, 2004) which provided, among other things, that “in as much as it consistent with the Town General Plan the Town will support lot combinations and rezoning on the north parcel to R2-3 PAD”; and

WHEREAS, since lot calculation to the centerline was no longer possible, Mountain Rose Properties acquired portions of adjacent oversized mobile home lots to be combined by a Reversionary Plat and then rezoned to R2-3 PAD (Residential; Multiple Dwelling Units – Planned Area Development); and

WHEREAS, in September of 2004, Mountain Rose Properties requested a Minor General Plan Amendment (GPA03-005) to change the land use designation in the *General Plan 2020* from “Medium Density Residential” to “Medium-High Density Residential” on approximately one (1) acre located on the west side of Navajo Drive north of Lakeshore Drive, and filed a separate application for a zoning map change (ZMC04-014) from R1MH-10 and R2-6 to R2-3 PAD on the three (3) acre site; and

WHEREAS, at its November 8, 2004 meeting, the Planning and Zoning Commission approved GPA 04-005 and the Town Council approved it on December 2, 2004 (Resolution No. 1316); and

WHEREAS, at its December 2004 meeting, the Planning and Zoning Commission also considered the rezoning request on the three (3) acres but, as a result of the concerns related to access and traffic congestion, the item was deferred until further information could be garnered; and

WHEREAS, the project was subsequently put on hold and the Zoning Map Change and Reversionary Plat applications were never acted on and eventually lapsed; and

WHEREAS, in 2009 Mountain Rose Properties submitted a new application for a Reversionary Plat (RP09-002) to combine portions of Lots 2729, 2730, 2731, 2732 and, a portion of Tract “A”, Unit 8 and the Planning and Zoning Commission voted to approve RP09-002 and forward it to Town Council with a recommendation for approval on August 10, 2009; and

WHEREAS, Reversionary Plat (RP09-002) was approved by the Town Council at its September 10, 2009 meeting; and

WHEREAS, in December of 2011 the owners again submitted a new rezoning application (ZMC11-003) from R1MH-10 (Residential; Single-Family Mobile/Manufactured Home) and R2-6 (Residential; Multiple Dwelling Units) to R2-3 PAD (Residential; Multiple

Dwelling Units - Planned Area Development) on the three (3) acres at the northwest intersection of Navajo and Lakeshore Drives ; and

WHEREAS, on February 13, 2012, the Planning and Zoning Commission held a public hearing on said request (ZMC11-003) and recommended approval (subject to conditions), concluding that the request was consistent with the *General Plan 2020*; and

WHEREAS, the Town Council has now considered ZMC11-003 at its regular meetings on March 8, 2012 and March 22, 2012, and has determined that such rezoning (as conditioned) will be beneficial to the community and is in conformity with the Prescott Valley *General Plan 2020*; and

WHEREAS, the Council further 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 R1MH-10 (Residential; Single-Family Mobile/Manufactured Home) and R2-6 (Residential; Multiple Dwelling Units) to R2-3 PAD (Residential; Multiple Dwelling Units - Planned Area Development) on approximately three (3) acres located at the northwest intersection of Navajo and Lakeshore Drives for the following real property:

That parcel shown on Reversionary Plat RP09-002 recorded November 23, 2009 in Book 63 of Maps and Plats, Page 13.

The above-described parcel containing an area of approximately three (3) acres, more or less.

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

1. Development of the site in substantial conformance with the approved Preliminary Development Plan and terms of the Letter of Agreement approved between the Town and Mountain Rose Properties, L.L.C. (attached hereto and made a part thereof).
2. Submission of a Final Development Plan, in accordance with Article 13-19 and Chapter 14 of the Town Code, for any development phase, including approval by the Engineering Department of a drainage and grading plan prior to issuance of Building Permits.
3. Approval of any Final Development Plan being strictly conditioned on all improvements shown on the Navajo Drive Phase 2 plans (Civiltec Engineering, dated 02-2006) being either fully in place or part of a Final Development Plan and fully bonded for.

4. Development in conformance with all other applicable Town Code zoning development requirements.
5. A complete Final Development Plan illustrating building placement, elevations and heights being first reviewed by the Planning and Zoning Commission.

In the event of non-compliance with any of the above conditions, the zoning designation for the described properties shall revert from R2-3 PAD back to the original designation of R1MH-10 and R2-6 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 22nd day of March, 2012.

HARVEY C. SKOOG, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney