

RESOLUTION NO. 1815

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 (FDP 12-003) 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, dated 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, in April of 2009, Chris Fergis, Agent for WESCAP Investments, Inc., applied for the re-zoning (ZMC09-003) of approximately five (5) acres located between Long Look Drive and Civic Circle, approximately six hundred (600) feet west of Civic Drive. from RCU-70 to R2-2 PAD in order to permit the future development of Phases I & II of the Viewpoint Senior Community; and

WHEREAS, at its regular meeting on May 11, 2009, the Prescott Valley Planning and Zoning Commission approved (ZMC09-003) for development of Phases I & II of the Viewpoint Apartments (inasmuch as the requested zoning was in compliance with the Prescott Valley *General Plan 2020*) on approximately five (5) acres located between Long Look Drive and Civic Circle, approximately six hundred (600) feet west of Civic Drive: and

WHEREAS, at its regular meetings held June 11, 2009 and June 25, 2009, the Town Council considered and approved Ordinance No. 733 with conditions, for the rezoning of approximately five (5) acres located between Long Look Drive and Civic Circle, approximately six hundred (600) feet west of Civic Drive; and

WHEREAS, a Preliminary Development Plan (PDP 10-001) comprising two (2), three (3) story buildings with maximum heights of forty-one (41) feet with a total of one

hundred and two (102) units for Phases I & II of the proposed View Point Senior Community was approved by the Planning and Zoning Commission at the March 8, 2010 Meeting; and

WHEREAS, in September of 2010, Chris Fergis, agent for WESCAP Investments Inc. submitted a Final Development Plan (FDP10-008) for development of the View Point Senior Community Phases I & II comprising a total of one hundred and two (102) apartment units on approximately five (5) acres located east of Viewpoint Drive, five hundred (500) feet south of Long Look Drive; and

WHEREAS, in September of 2012, Chris Fergis, agent for WESCAP Investments Inc. submitted a Final Development Plan (FDP12-003) 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; and

WHEREAS, the Town Council finds that this Final Development Plan (FDP12-003) 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 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 (FDP12-003) for the unified development of Sungate Senior Community Phases I and II 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 FDP 12-003 and conditions of Ordinance No. 733.

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 25th day of October, 2012.

Harvey C. Skoog
Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney