

ORDINANCE NO. 886

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP (ZMC20-006) BY CHANGING THE ZONING CLASSIFICATION OF AN APPROXIMATELY TWO (2) ACRE SITE LOCATED SOUTH OF THE SOUTHEAST CORNER OF VIEW POINT DRIVE AND LONG LOOK DRIVE, IN A PORTION OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, FROM R2-2 PAD (RESIDENTIAL; MULTIPLE DWELLING UNITS, PLANNED AREA DEVELOPMENT) TO R2-1 PAD (RESIDENTIAL; MULTIPLE DWELLING UNITS, PLANNED AREA DEVELOPMENT); AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS 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, Gila & Salt River Base and Meridian. 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, by Resolution No. 1815 (dated October 12 2012), 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 was approved by the Town Council; and

WHEREAS, at its regular meeting held on February 8, 2021 the Planning and Zoning commission recommend approval to the Town Council ZMC20-006 a zoning map change from R2-2 PAD to R2-1 PAD subject to stipulations, and

WHEREAS, the Council has now held a public hearing on February 25, 2021, and has then considered this Ordinance on March 11, 2021 and has determined that re-zoning ZMC20-006 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 R2-2 PAD (Residential; Multiple Dwelling Units, Planned Area Development) to R2-1 PAD (Residential; Multiple Dwelling Units, Planned Area Development) as shown in “Exhibit A”, attached hereto and expressly made part hereof

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


1. One half street improvements along Viewpoint II Senior Community’s Viewpoint Drive frontage is required prior to the issuance of the building permit and shall meet Town of Prescott Valley Engineering Requirements
2. The owner shall remit to the Town, on a monthly basis, all monies collected as a result of the proposed senior living/multi-family development, and/or its successors and assigns, applying a “surcharge” against all rents collected from occupation and use of units within any phase of the apartment complex, with said surcharge being two percent (2%). Such remittances 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 apartment complex

In the event of non-compliance with any of the above conditions, the zoning designation for the described property shall revert from R2-1 PAD back to the original designations of R2-2 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.

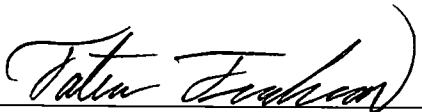
PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 11th day of March, 2021





Kell Palguta, Mayor

ATTEST



Fatima Fernandez, Town Clerk

APPROVED AS TO FORM:



Ivan Legler, Town Attorney

EXHIBT A



VIEW POINT II SENIOR COMMUNITY PROPERTY

ALL THAT PORTION OF THE NORTH HALF OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, TOWN OF PRESCOTT VALLEY, YAVAPAI COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE SOUTHWEST CORNER OF THAT PARCEL DESCRIBED IN BOOK 4112 OF DEEDS, PAGE 869, YAVAPAI COUNTY OFFICIAL RECORDS, SAID POINT BEING MARKED BY A ½" REBAR AND TAG RLS 17564, THENCE ALONG THE EASTERLY BOUNDARY OF THAT CERTAIN PARCEL DESCRIBED IN BOOK 4364, PAGE 705, YAVAPAI COUNTY OFFICIAL RECORDS, S 00°02'43"W , A DISTANCE OF 49 00 FEET, THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL, S 89°59'24"W , A DISTANCE OF 144 40 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH, A DISTANCE OF 302 24 FEET,

THENCE S 60°37'37"W , A DISTANCE OF 249 63 FEET TO A POINT ON THE PROPOSED EASTERLY RIGHT OF WAY OF VIEWPOINT DRIVE;

THENCE ALONG SAID RIGHT OF WAY, N 29°22'23"W , A DISTANCE OF 65 88 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 360 00 FEET AND A CENTRAL ANGLE OF 30°44'07",

THENCE NORTHERLY ALONG THE ARC OF SAID RIGHT OF WAY, A DISTANCE OF 193 11 FEET,

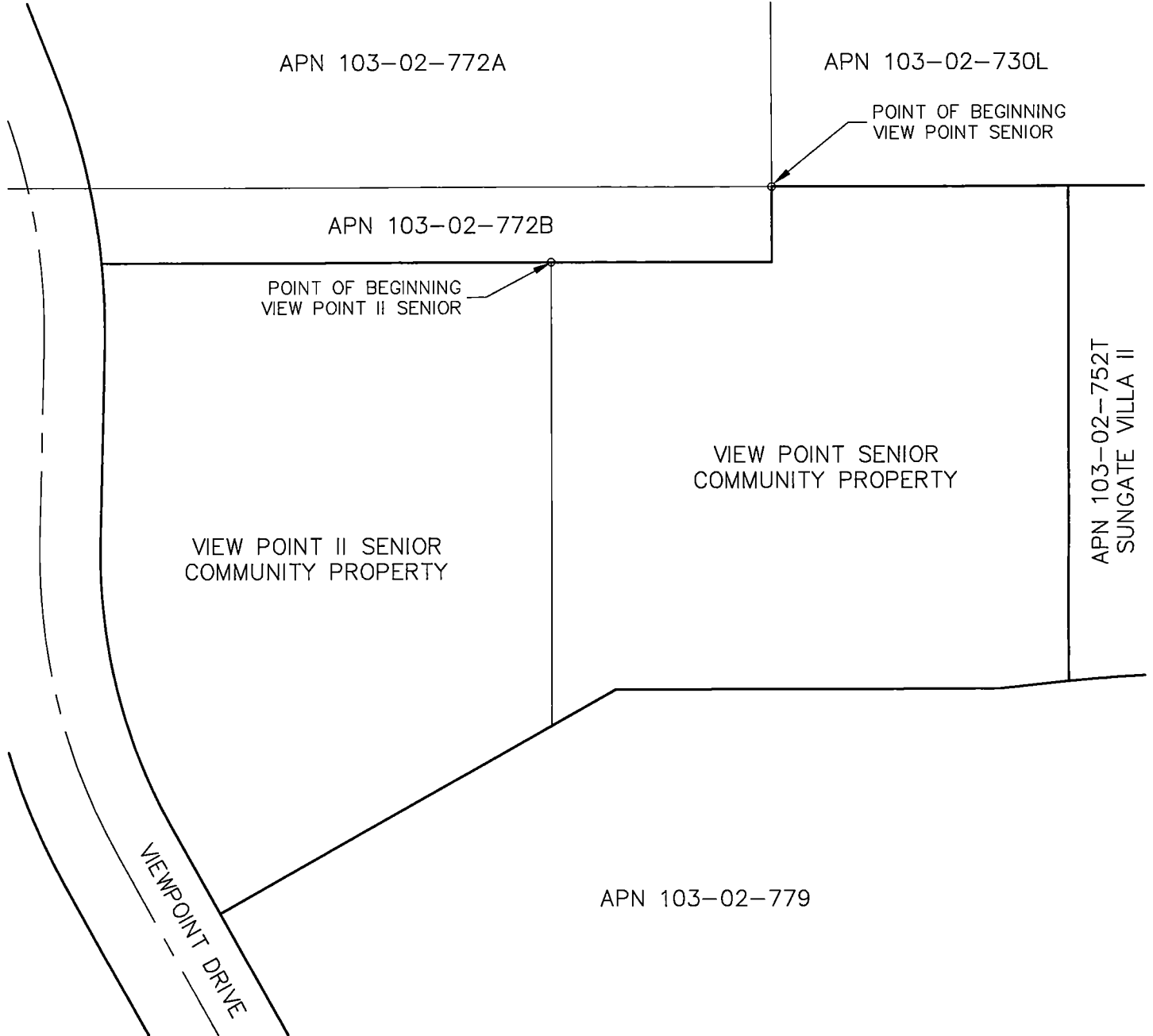
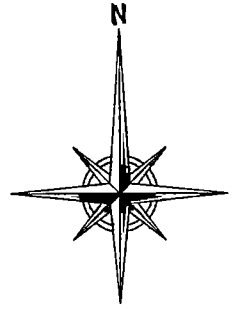
THENCE CONTINUE ALONG SAID RIGHT OF WAY, N 01°21'44"E , A DISTANCE OF 128 52 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 440 00 FEET AND A CENTRAL ANGLE OF 06°59'16",

THENCE NORTHERLY ALONG THE ARC OF SAID RIGHT OF WAY, A DISTANCE OF 53 66 FEET TO THE SOUTHWEST CORNER OF THAT PARCEL DESCRIBED IN BOOK 4474 OF DEEDS, PAGE 797, YAVAPAI COUNTY OFFICIAL RECORDS,

THENCE LEAVING SAID RIGHT OF WAY AND ALONG THE SOUTHERLY LINE OF SAID PARCEL, N 89°59'24"E , A DISTANCE OF 294 97 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 105,845 87 SQUARE FEET OR 2 43 ACRES, MORE OR LESS

PARCEL EXHIBIT OF
 VIEW POINT SENIOR COMMUNITY PROPERTY AND
 VIEW POINT II SENIOR COMMUNITY PROPERTY
 SITUATE IN SECTION 14, TOWNSHIP 14 NORTH, RANGE 1 WEST
 GILA AND SALT RIVER MERIDIAN, YAVAPAI COUNTY, ARIZONA



**GRANITE
 BASIN**
 ENGINEERING, INC

3605 Crossings Drive, Suite B
 Prescott, Arizona 86305
 928 717 0171
 928 717 0181 fax

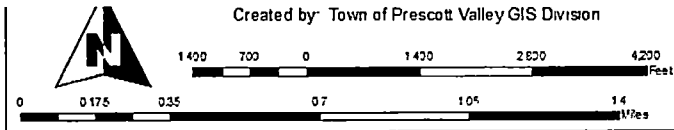
PARCEL EXHIBIT

WESCAP INVESTMENTS 4745 N 7th STREET, SUITE 110 PHOENIX, ARIZONA 85014	GBE JOB # 10004	DRAWN BY BS
	DATE MARCH 2010	SCALE N/A

STREETS

Created by: Town of Prescott Valley GIS Division

1/21/2021

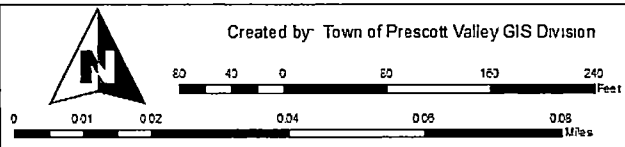


This map is created by the Town of Prescott Valley GIS Division. It is not a warranty of the accuracy of the information shown on this map. The Town of Prescott Valley and its GIS Division are not responsible for any errors or omissions in this map or for any damage or loss resulting from its use. The Town of Prescott Valley and its GIS Division are not responsible for any damage or loss resulting from its use.



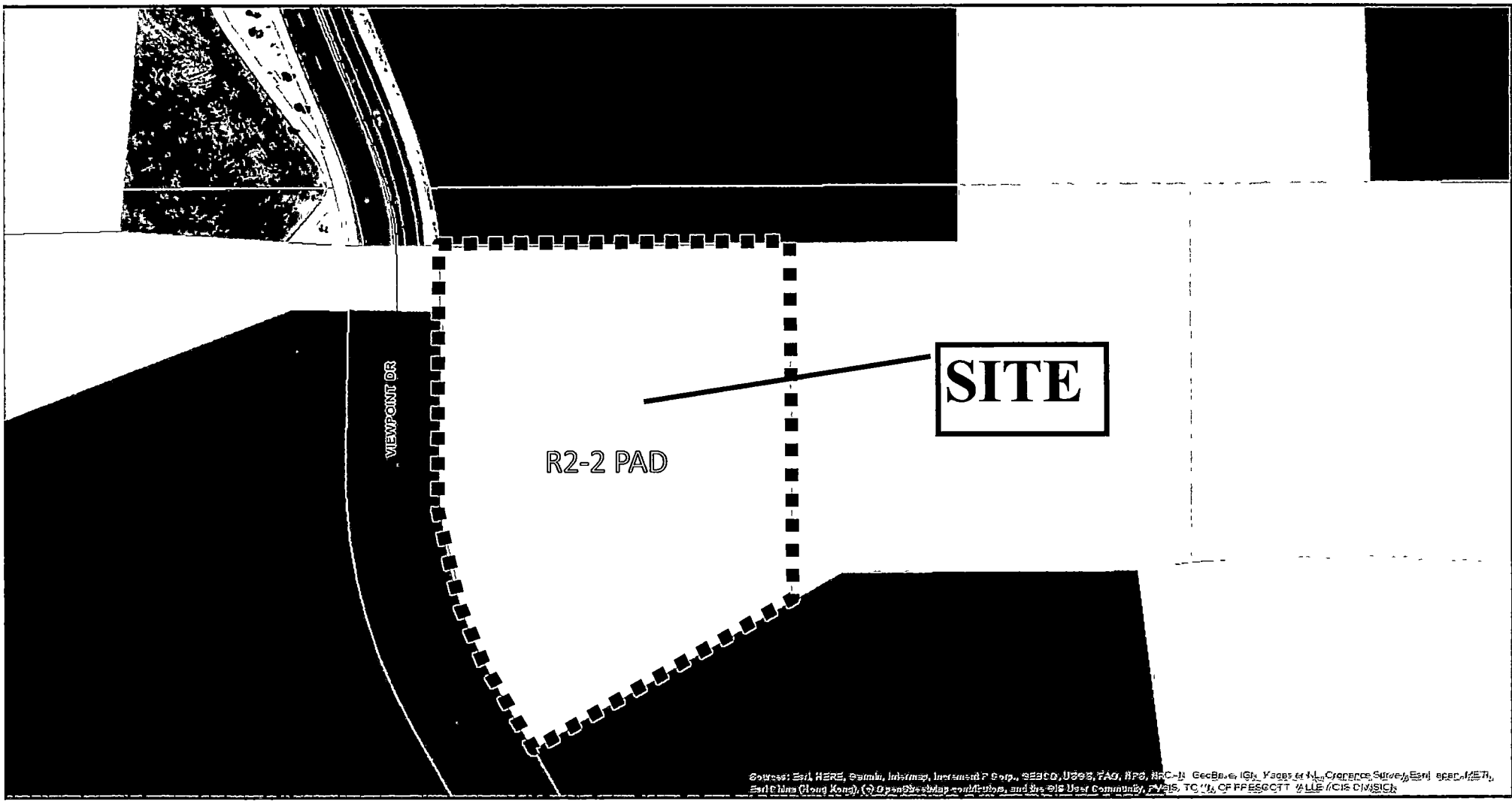
Source: Esri, HERE, DeLorme, Intermap, increment P Corp, GEBCO, USGS, FAO, IPSA, Swire, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swire, OpenStreetMap contributors, and the GIS User Community. TOWN OF PRESCOTT VALLEY GIS DIVISION

—	HIGHWAY	<input checked="" type="checkbox"/>	PV ZONING	<input checked="" type="checkbox"/>	C2	<input checked="" type="checkbox"/>	M2	<input type="checkbox"/>	PM	<input type="checkbox"/>	R1MH	<input checked="" type="checkbox"/>	RS
—	STREETS	<input type="checkbox"/>	AG	<input type="checkbox"/>	C3	<input checked="" type="checkbox"/>	P1	<input type="checkbox"/>	R1L	<input type="checkbox"/>	R2		
<input type="checkbox"/>	PARCELS	<input type="checkbox"/>	C1	<input checked="" type="checkbox"/>	M1	<input type="checkbox"/>	PL	<input type="checkbox"/>	R1M	<input type="checkbox"/>	RCU		



Map Date
1/21/2021

This map is designed to provide information about the Town of Prescott Valley. Every effort has been made to make this map accurate and secure as possible. Please do not rely on this map for legal purposes. The Town of Prescott Valley shall have no liability or responsibility to any person or organization in connection with or arising from the information contained on this map.



Sources: Esri, HERE, DeLorme, Intermap, Incorp., Sweco, USGS, FAO, NPS, NRC, GEBCO, IGN, Sweco, Survey, Esri, and others. All rights reserved. © 2021 Esri. All other marks, text, and graphics are the property of their respective owners. All other marks, text, and graphics are the property of their respective owners.