

**ORDINANCE NO. 863**

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP (ZMC19-003) TO CHANGE THE ZONING CLASSIFICATION OF AN APPROXIMATE FIVE (5) ACRE PPROPERTY LOCATED AT THE SOUTHEAST CORNER OF VIEWPOINT DRIVE AND LONG LOOK DRIVE FROM RCU-70 (RESIDENTIAL; CONDITIONAL USE PERMITS) ZONING TO RS-PAD (RESIDENTIAL AND SERVICES-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 Annexations 97-C and 07-003, approved by Ordinances No. 448 and 692 respectively, on December 3, 1998 and July 12, 2007 respectively, that gave the annexed property a zoning classification of RCU-70, being the zoning classification most comparable to its former Yavapai County zoning classification of RCU-2A; and

WHEREAS, in February of 2019, Link Development, LLC applied for the re-zoning (ZMC19-003) of approximately five (5) acres from RCU-70 (Residential; Conditional Use Permit) to RS-PAD (Residential and Services-Planned Area Development) located at the southeast corner of Viewpoint Drive and Long Look Drive; and

WHEREAS, at its regular meeting on May 13, 2019, the Prescott Valley Planning and Zoning Commission approved ZMC19-003, and PDP19-002 for development of "Prescott Valley Senior Living," providing 25 apartment-style independent living units (with six additional cottages planned for the future), 75 assisted living units with a total of 90 beds, and 22 memory care units with a total of 30 beds, (inasmuch as the requested zoning was in compliance with the Prescott Valley *General Plan 2025*) on approximately five (5) acres located at the southeast corner of Viewpoint Drive and Long Look Drive; and

WHEREAS, the Council held a public hearing on May 23, 2019, and has considered this Ordinance on May 23, 2019 and June 13, 2019, and has determined that re-zoning ZMC19-003 (as conditioned) will be beneficial to the community and is in conformity with the Prescott Valley *General Plan 2025*; and

WHEREAS, the Mayor and Council find 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; and

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 RCU-70 to RS-PAD zoning for the following-described real property:

**[See Exhibit "A" attached hereto and expressly made a part hereof.]**

The above-described parcel containing an area of approximately forty-eight (48) acres, more or less.

SECTION 2. That this amendment be 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 (PDP19-002).
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 in conformance with the Traffic Impact Analysis dated April 2019, including but not limited to road widening, curb, gutter, sidewalk, and restriping.
4. Remitting to the Town, on a monthly basis, all monies collected as a result of the independent living component of Prescott Valley Senior Living, and/or its successors and assigns, applying a "surcharge" against all rents collected from occupation and use of units within any phase of the independent living component, 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 or the described property shall revert from R2 PAD back to the original designation of R1L-70 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 13<sup>th</sup> day of June, 2019.



Kell Palguta, Mayor



ATTEST:



Diane Russell, Town Clerk

APPROVED AS TO FORM:



Ivan Legler, Town Attorney

## EXHIBIT A

### REZONE DESCRIPTION

The Land referred to herein below is situated in the County of Yavapai, State of Arizona, and is described as follows:

That parcel described in the Affidavit of Scrivener's Error recorded at book 4474, Page 797, Yavapai County Official Records, being a portion of the northwest quarter of Section 14, Township 14 North, Range 1 West of the Gila and Salt River Meridian, Yavapai County, Arizona begin more particularly described as follows:

Commencing at the northeast corner of Section 14, being a Town of Prescott Valley Brass Cap RLS 22752 as described at Book 192, of Land Surveys, Page 90, Yavapai County Official Records; thence along the north line of said section South 89°56'41" West, a distance of 2,589.51 feet to the north quarter corner of said Section 14 being a Town of Prescott Valley Brass Cap RLS 22752 as described at Book 192, of Land Surveys, Page 90, Yavapai County Official Records; thence continue South 89°56'41" West, along the north line of the northwest quarter, a distance of 366.33 feet; thence leaving said north line, South 00°03'19" East, a distance of 30.00 feet to a 1/2" rebar marking the northwest corner of that parcel described at Reception #2016-0022106, Yavapai County Official Records and the TRUE POINT OF BEGINNING;

Thence along the west line of that parcel described at Reception #2016-0022106, Yavapai County Official Records, South 00°05'13" East, a distance of 414.29 feet to a 1/2" rebar;

Thence leaving said parcel line, South 00°17'41" West, a distance of 49.21 feet to a 1/2" rebar & cap RLS 33861;

Thence South 89°59'50" West, a distance of 144.42 feet to a 1/2" rebar & cap RLS 33861;

Thence North 89°59'02" West, a distance of 294.69 feet to a 1/2" rebar & cap RLS 33861 being a point on the east right of way of Viewpoint Drive as detailed at Book 188 of Land Surveys, Page 61, Yavapai County Official Records, and the point of curve of a non-tangent curve to the left, of which the radius point lies South 84°19'42" West, a radial distance of 440.00 feet;

Thence Northerly along the arc of said right of way, through a central angle of 06°25'46", a distance of 49.38 feet to a 1/2" rebar & cap RLS 13015 and the point of curve of a non-tangent curve to the left, of which the radius point lies South 77°53'52" West, a radial distance of 440.00 feet;

Thence Northerly along the arc of said right of way, through a central angle of 09°25'44", a distance of 72.41 feet to a 1/2" rebar & cap RLS 33861;

Thence continue along said right of way, North 21°30'08" West, a distance of 100.01 feet to a 1/2" rebar & cap RLS 13015 and the point of curve of a non-tangent curve to the right, of which the radius point lies North 68°31'44" East, a radial distance of 360.00 feet;

Thence Northerly along the arc of said right of way, through a central angle of 21°25'15", a distance of 134.59 feet to a 1/2" rebar & cap RLS 33861;

Thence continue along said right of way, North 00°02'49" West, a distance of 90.43 feet to a 1/2" rebar & cap RLS 13015 and a point of curve to the right having a radius of 30.00 feet, a chord bearing of North 89°56'41" East, a chord distance of 90.43 feet, and a central angle of 89°59'30";

Thence Northeasterly along the arc of said right of way, a distance of 47.12 feet to a 1/2" rebar & cap RLS 33861 and a point on the south right of way of Long Look Drive the south 30-feet of which is as dedicated at Book 2243, Page 899, Yavapai County Official Records;

Thence along said right of way, North 89°56'41" East, a distance of 499.03 feet to the TRUE POINT OF BEGINNING.

Containing 230,564.37 square feet +/- or 5.29 acres, more or less.