

## **ORDINANCE NO. 2024-936**

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP (ZMC23-007) FOR THE AZ SENIOR LIVING COMMUNITY PROJECT LOCATED SOUTHEAST OF SUPERSTITION DRIVE AND SHERIDAN LANE (10000 UNIVERSITY DRIVE) FROM PL PAD (PUBLIC LANDS, PLANNED AREA DEVELOPMENT) 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 real property in Section 8, T15N, R1E, G&SRM was annexed into the Town of Prescott Valley by Ordinance No. 591 (April 15, 2004); and

WHEREAS, at the time of annexation the subject property received a zoning classification of RCU-70 (Residential; Single Family Rural), which classification was comparable to its former County zoning classification; and

WHEREAS, in August 2005, the Town Council approved a re-zone from RCU-70 to PL PAD (Public Lands, Planned Area Development) to provide for construction of the North Central University campus; and

WHEREAS, in December 2023, Platinum Realty Services LLC, an Arizona limited liability company, as agent for 10000 University NCU, LLC, an Arizona limited liability company (developer/owner) applied for a Zoning Map Change (ZMC23-007) from PL PAD to RS PAD (Residential and Services, Planned Area Development) zoning on approximately 49.31 acres located southeast of Superstition Dr. and Sheridan Ln. (APN 402-14-239B) for the “AZ Senior Living Community” project; and

WHEREAS, after considering ZMC23-007 at its public hearing on February 12, 2024, the Prescott Valley Planning and Zoning Commission voted to recommend approval of the same by the Town Council. In the course of said recommendation, the Commission further voted to approve the related Preliminary Development Plan (PDP23-005) pursuant to Town Code 13-19-060(0); and

WHEREAS, the Council has now held its own public hearing on ZMC23-007 and has determined that the same should be approved as being in conformance with the Prescott Valley General Plan 2035 (but with additional conditions as set forth herein); and

WHEREAS, the Council will hereafter consider one or more Final Development Plans for the project in accordance with the Planned Area Development zoning being approved; 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 PL PAD zoning to RS PAD zoning on approximately 49.31 acres described in Exhibit "A" attached hereto and expressly made a part hereof (subject to the conditions set forth herein).

SECTION 2. That this re-zoning action be hereby expressly conditioned as follows:

1. Any development on the subject property shall be subject to approval of a Final Development Plan (FDP) for each phase of construction, which may be approved as a phased FDP. Construction permits shall not be issued prior to applicable FDP approval. Each FDP shall include (but not be limited to) off-site infrastructure improvements required, dedication of public rights-of-way, final roadway profiles (including roadway surface widths and sidewalk/multi-use path (MUP) configurations), reservation of open space areas, remittance of voluntary payments per unit towards Humboldt Unified School District (HUSD) expenses, and participation in necessary improvements to right-of-way access.

2. Any development on the subject property shall be consistent with the circulation patterns and building areas set forth in each FDP, and any uses on the subject property shall be limited to senior living community uses (defined as complying with the Housing for Older Persons Act of 1995 age 55+ or age 62+ community regulations) permitted in the RS PAD zoning district. Density shall be no greater than 5.18 units per acre overall unless otherwise expressly approved by the Town Council in a particular FDP approval. Ancillary uses permitted in the RS PAD zoning district are also permitted, including (but not limited to) medical and wellness facilities, recreational facilities, dining and nutritional facilities, restaurants, personal care services, educational facilities, professional services, spiritual and religious facilities, and community centers.

3. If after adoption of this Ordinance (and prior to issuance of an FDP) a Certificate of Assured Water Supply (CAWS) is required from the Arizona Department of Water Resources (ADWR) under applicable Arizona law for development of the subject property, such a CAWS shall have been obtained prior to approval of the applicable FDP. Otherwise, the necessary water resources shall have been obtained and pledged to the Town in accordance with the Town policy set forth in Town Code 14-02-080 prior to approval of the applicable FDP.

4. Necessary submittals for the initial FDP within the subject property shall be submitted no later than one (1) year after the effective date of this Ordinance.

5. The required Mendecino Drive extension shall be built to Town specifications and standards as a Local Collector north to the intersection of Superstition Drive and Sheridan Lane prior to Phase One. That portion of the Mendecino Drive right-of-way purchased from the Arizona State Land Department (ASLD) shall have cattle fencing installed on both sides. University Drive shall also be built to Town specifications and standards as a Local Collector between Sheridan Lane and the entrance to the development. However, the Town standard typical section may be modified for Mendecino Drive and University Drive to a rural section not including curb and gutter but

including paved shoulder and either a sidewalk or multi-use path (modified as to width and materials in accordance with Town Code 14-04-040(C) and 14-04-060(B)(2)(d) as approved by the Town Engineer). Prior to Phase One, Mendecino Drive shall be improved between Florentine Road and State Route 69 to effectively operate as a through collector street. In accordance with the Final Traffic Impact Analysis (TIA), any improvements required at the intersection of Mendecino Drive and State Route 69 by the Arizona Department of Transportation (ADOT) (including, but not limited to, installation of a traffic signal and/or appropriate left and right turn lanes) shall be constructed as required by the Town Engineer and ADOT (including any timing or phasing). A separate emergency access alignment connecting Mendecino Drive to the site property shall be acquired and constructed to standards as approved by the Town and Central Arizona Fire and Medical Authority (CAFMA). The construction costs borne by the property owner/developer for the offsite improvements required by this paragraph 5 and 6 shall be eligible for reimbursement from buy-in fees charged to later developers by the Town pursuant to an agreement prepared by the Town Manager in accordance with Town Code 14-04-070.

6. A Final Engineering, Drainage and Utility Plan shall be reviewed and approved by the Town Engineer (or designee) as part of the first FDP approval, including a 12" potable water main as part of the extension of Mendecino Drive. Construction of the water main shall be subject to Town reimbursement of one third (1/3) of the total cost of design and construction pursuant to an agreement prepared by the Town Manager in accordance with Town Code 14-04-070.

7. During any phase of construction, construction traffic to and from the development shall only use Mendecino Drive for access.

8. The property owner/developer (and/or its successors and assigns) shall ensure that, on a monthly basis, all monies collected as a result of the proposed senior living community applying a "surcharge" against all rents collected from occupation and use of units within any phase of the development (said surcharge being two percent (2%)) shall be remitted to the Town Finance Department no later than the 15<sup>th</sup> day of the following month. Such remittance shall begin no later than sixty (60) days after issuance by the Town of any Certificate of Occupancy of any phase of the development.

In the event of non-compliance with any of the above conditions, the zoning designation for the described property shall revert from RS PAD back to the original designations of PL 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 28<sup>th</sup> day of March, 2024.

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Kell Palguta, Mayor

ATTEST:

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Fatima Fernandez, Town Clerk

APPROVED AS TO FORM:

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Ivan Legler, Town Attorney

## **EXHIBIT A**

### Legal Description

LEGAL DESCRIPTION FOR APN 402-14-239B

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

THAT PORTION OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 17;

THENCE SOUTH 89 DEGREES 58 MINUTES 06 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 17, A DISTANCE OF 1835.35 FEET;

THENCE SOUTH 31 DEGREES 44 MINUTES 30 SECONDS WEST, A DISTANCE OF 388.90 FEET; THENCE SOUTH 61 DEGREES 32 MINUTES 59 SECONDS EAST, A DISTANCE OF 156.42 FEET; THENCE NORTH 75 DEGREES 37 MINUTES 51 SECONDS EAST, A DISTANCE OF 312.17 FEET; THENCE SOUTH 38 DEGREES 22 MINUTES 13 SECONDS EAST, A DISTANCE OF 131.39 FEET; THENCE SOUTH 19 DEGREES 15 MINUTES 15 SECONDS WEST, A DISTANCE OF 226.28 FEET; THENCE SOUTH 65 DEGREES 06 MINUTES 48 SECONDS WEST, A DISTANCE OF 424.76 FEET; THENCE NORTH 63 DEGREES 18 MINUTES 19 SECONDS WEST, A DISTANCE OF 224.86 FEET; THENCE SOUTH 36 DEGREES 54 MINUTES 23 SECONDS WEST, A DISTANCE OF 284.13 FEET; THENCE SOUTH 75 DEGREES 07 MINUTES 39 SECONDS EAST, A DISTANCE OF 477.07 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 173.85 FEET; THENCE SOUTH 81 DEGREES 54 MINUTES 58 SECONDS WEST, A DISTANCE OF 11.71 FEET; THENCE NORTH 54 DEGREES 41 MINUTES 02 SECONDS WEST, A DISTANCE OF 362.54 FEET; THENCE NORTH 02 DEGREES 37 MINUTES 48 SECONDS WEST, A DISTANCE OF 256.56 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 39 SECONDS WEST, A DISTANCE OF 242.57 FEET; THENCE SOUTH 03 DEGREES 24 MINUTES 30 SECONDS WEST, A DISTANCE OF 409.78 FEET; THENCE SOUTH 87 DEGREES 20 MINUTES 26 SECONDS WEST, A DISTANCE OF 298.88 FEET; THENCE NORTH 56 DEGREES 48 MINUTES 11 SECONDS WEST, A DISTANCE OF 404.16 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 17;

THENCE NORTH 01 DEGREES 53 MINUTES 01 SECONDS EAST, A DISTANCE OF 1065.61 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL GAS, COAL, OIL AND MINERALS RESERVED IN BOOK 195 OF DEEDS, PAGE 54.