



TOWN OF PRESCOTT VALLEY STAFF REPORT

DATE: June 29, 2023

TO: Mayor & Town Council

THROUGH: Gilbert Davidson, Town Manager

FROM: Fernando Gonzalez, Development Services Director

DEPARTMENT: Development Services

AGENDA TYPE: Old Business

SUBJECT: The Villas ZMC23-001 - Consideration & Possible Action (2nd Reading)
[Jessica Barragan, Planner]

STRATEGIC PLAN FOCUS AREA: Prosperous Community means creating an environment where our residents can thrive for a lifetime via job opportunities, a variety of housing options, and a safe and healthy lifestyle with a diversified and growing economy.

SUMMARY/BACKGROUND:

In April 2023, Marcela Mora-Yatco (authorized agent for owner Prescott Valley Holdings, LLC) applied for a Zoning Map Change (ZMC23-001) from R1MH (Residential; Single Family Mobile/Manufactured Homes) and C-2 PAD (Commercial; General Sales and Services-Planned Area Development) zoning to RS PAD (Residential and Services-Planned Area Development) zoning on approximately 33 acres located at the northwest corner of Market Street and Great Western Drive (APNs 103-09-035 and 103-09-083K) for the “Villas at Prescott Valley”. The Villas would comprise approximately 12 units per acre of leased multi-family dwelling units.

The proposed Villas are roughly a quarter mile north from State Route 69 on a site that slopes to the east. In addition to Market Street & Great Western Drive, the future Jasper Parkway would form a boundary. The current R1MH zoning on APN 103-09-035 would allow 1 manufactured home per 10,000 sf of lot area (or approximately 90 units). The C-2 zoning currently associated with APN 103-09-083K would not permit residences. The proposed RS zoning for both parcels would allow 1 unit per 3,000 sf (approximately 12 units per acre or 463 units in total).

This proposal includes Planned Area Development overlay zoning. Preliminary Development Plan (PDP23-001) showed a private gated multi-unit dwelling “condo-like” rental community. It had two gated access points...primary access from the future Jasper Parkway and secondary access from Market Street. Parking and landscaping were to be provided in conformance with the Town Code (and a Landscaping Plan was provided). A central gathering space would include a dog park, clubhouse, and pool area. The site would have landscaped stormwater detention areas and soft pedestrian trails connecting segments of the community for pedestrian use. Because of the site’s slope, a significant amount of grading, cutting, and filling will be needed (requiring retaining walls). The northwestern retaining walls would have a steep grade that might require units to be set back further from the rear surcharge. All interior amenities would be private to residents (except that the trail leading to the town-owned parcel would be available to the general public). All state and Town requirements related to water rights and water infrastructure (including policies related to water conservation) would apply. Half-streets adjacent to the site would be fully constructed (similar to the Terraces at Glassford Hill). A traffic impact analysis was completed and would be updated prior to approval of each Final Development Plan for each phase. The project is estimated to generate 53 trips (AM peak hour), 65 trips (PM peak hour), total 806 daily trips.

An on-line neighborhood meeting was held on March 2, 2023 after all property owners within 1,000 feet were notified and invited by first-class mail. No members of the public attended. However, one e-mail note in support of the application was received from an adjacent property owner.

On May 8, 2023, the Prescott Valley Planning and Zoning Commission held a public hearing on ZMC23-001. After considerable discussion, the P&Z Commission voted to table the matter and continue the hearing to its regular meeting on June 12, 2023. At the continued public hearing on June 12, 2023, there was considerable additional discussion by the Commission. In the end, the Commission voted 5-2 to recommend against Town Council approval of ZMC23-001. In the course of making that recommendation, the Commission also voted not to approve the related PDP23-001 as it had been submitted (pursuant to Town Code 13-19-060(F)).

By letter dated June 13, 2023, a legal representative of the applicant filed an appeal with Town staff per Town Code 13-19-060(F) to ask that the Town Council hold a separate hearing to consider whether the P&Z Commission decision not to approve PDP23-001 was correct. This would be considered at the same time the Town Council held its own public hearing and considered whether to follow the recommendation of the P&Z Commission regarding ZMC23-001. The applicant submitted for Town Council consideration a couple of revised PDP23-001s (including one at the Town Council meeting) that addressed aspects of the density concern. In anticipation of the meeting, staff considered additional (or clarified) conditions beyond those recommended to the P&Z Commission and included them in the draft of proposed Ordinance No. 2023-924 (and listed them in the Staff Report).

The Town Council held its public hearing on ZMC23-001 (and noted in the process the revised PDP23-001 submitted by the applicant). At the end of the public hearing, the Council voted to read Ordinance No. 2023-924 by title only on two separate occasions (for a vote at the June 29, 2023 meeting on whether to approve the

Ordinance and, thereby, approve ZMC23-001 as conditioned). As part of the vote, the conditions listed in the draft ordinance were modified to read 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. 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 configurations), reservation of open space areas, dedication of public trails along the northern and western parcel boundaries, construction of retaining walls, remittance of voluntary payments per unit towards HUSD expenses, and participation in necessary improvements to right-of-way access. The 50 sq. ft. storage areas cannot be placed so as to remove parking area.

2. A parcel combination process involving Yavapai County and/or the Town shall be completed for APN 103-09-035 and APN 103-09-083K prior to approval of any FDP.

3. 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 multi-family uses permitted in the RS PAD zoning district with no greater than twelve (12) units per acre (unless otherwise expressly approved by the Town Council in any FDP approval). Applicable Covenants, Conditions and Restriction (CC&Rs) shall be submitted for each FDP to ensure that parking will be adequate to meet the off-street parking requirement for each use as set forth in the Town Code.

4. In the event a Certificate of Assured Water Supply (CAWS) is at any time after adoption of this Ordinance required from the Arizona Department of Water Resources (ADWR) under applicable Arizona law for development on the subject property, such a CAWS shall have been obtained prior to approval of the applicable FDP. In the event such a CAWS is not required under Arizona law for development on the subject property at any time after adoption of this Ordinance, the necessary water resources shall have been obtained and conveyed to the Town in accordance with Town policy prior to approval of the applicable FDP.

5. A public trail (along the western or northern side of the subject property) shall be installed by the property owner/developer to access APN 103-09-009 owned by the Town for public open space use and enjoyment (subject to Town standards).

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

7. All related segments of the new Jasper Parkway shall be dedicated and installed as a condition of any FDP (installation of infrastructure and roadway improvements by the property owner/developer to occur prior to any final occupancy of the development involved if the same has not been completed prior thereto).

8. All areas within a FDP to be used for vehicle movement, access, and parking within the subject property shall be permanently surfaced with asphalt or concrete prior to any final occupancy.

9. All internal & external access roads shall be of acceptable width as approved by the Central Arizona Fire & Medical Association (CAFMA) and shall include construction of curbs, gutters, pavement, sidewalks, and storm drains as set forth in the Town Code.

10. Primary vehicular access into and out of any development on the subject property shall be limited as to location and type along Jasper Parkway as set forth in each applicable FDP.

11. A Final Engineering, Drainage & Utility Plan shall first be reviewed and approved by the Town Engineer (or designee) as part of the FDP process.

12. Any retaining walls shall be consistent with standard engineering codes and constructed to minimize height (in conjunction with placement of units so they are moved away from the northwest corner to the extent possible) and soften appearance by use of such things as landscaping and recreational features.

13. An updated Traffic Impact Analysis (TIA) shall first be reviewed and approved by the Town Engineer (or designee) in accordance with the Town Code for each FDP.

14. A Final Landscape Plan shall first be reviewed and approved by the Town Development Services Director (or designee) in accordance with the Site Development Standards of the Town Code as part of the FDP process.

15. A Final Photometrics Plan shall first be reviewed and approved by the Town Development Services Director (or designee) in accordance with the outdoor lighting and dark sky provisions of the Town Code as part of the FDP process.

16. All signage regulations in Town Code Article 13-23 shall be complied with in their entirety as part of any development of the subject property.

17. The property owner/developer shall ensure that a voluntary contribution of five hundred dollars (\$500) per unit constructed is made to the Town for direct passing on to the Humboldt Unified School District (HUSD) for the benefit of HUSD at its discretion) prior to issuance of any final Certificate of Occupancy (CofO).

18. The property owner/developer shall ensure that, on a monthly basis, all monies collected as a result of the proposed housing complex (and/or its successors and assigns) 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 Director no later than the 15th day of the following month. Such remittance shall begin no later than sixty (60) days after issuance by the Town of any CofO of any phase of the development.

19. All fees (including applicable development impact fees) shall be timely paid.

Regarding the appeal of the P&Z Commission decision not to approve PDP23-001, the Council again opened a public hearing. Afterwards, a motion was made to approve the revised Preliminary Development Plan PDP23-001 for The Villas submitted to the Council at the meeting, but subject to the following condition: (a) any Final Development Plans approved based on PDP23-001 shall result in no more than 360 units rather than the number shown, and (b) the units shall be reconfigured so that the retaining walls shown to the northwest are reduced in number and/or height. The motion passed unanimously. In making the motion, a Council member emphasized that any Final Development Plans brought to the Council would be required to comply with the conditions of Ordinance No. 2023-924 as well as the conditions of the

Council's approval of PDP23-001.

It is now proposed that Ordinance No. 2023-924 be read by title only and that the Council then consider whether to adopt the Ordinance (and thereby approve ZMC23-001).

RECOMMENDED MOTION:

[the Mayor instructs the Town Clerk to read Ordinance No. 2023-924 by title only, then asks "Shall the Ordinance Pass?"] **VOTE.**

STAFF RECOMMENDATION:

Staff recommends voting to adopt Ordinance No. 2023-924 approving ZMC23-001 as conditioned.

FISCAL ANALYSIS:

The proposal is to include as a condition voluntary contribution by the developer of \$500 per unit constructed to be collected on behalf of HUSD prior to issuance of final CofOs. Another proposed condition is that the Town receive on a monthly basis all monies collected as a result of a "surcharge" against all rents collected from occupation and use of units within any phase of the development (said surcharge being 2%). It is also anticipated that there would be transaction privilege tax collections on any construction of units in the development. Finally, there is anticipated to be indirect benefit from the housing provided.

Council Action at the Meeting:

ATTACHMENTS: Yes