



ORDINANCE 2020-A457

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, FOR A ZONING MAP CHANGE, REVERTING FROM C2 (COMMERCIAL: GENERAL SALES & SERVICES) BACK TO R1L (RESIDENTIAL: SINGLE FAMILY LIMITED), AS REQUESTED BY THE TOWN OF CAMP VERDE COMMUNITY DEVELOPMENT. THE PROPERTY INCLUDES LOTS 1 THROUGH 12 IN WHITE HAWK AT CAMP VERDE, LOCATED AT THE END OF HOMESTEAD PARKWAY, EAST OF STATE ROUTE 260, ON PARCEL NOS. 403-23-107 THROUGH 403-23-118, IN CAMP VERDE, YAVAPAI COUNTY, ARIZONA, AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Town of Camp Verde adopted the Planning and Zoning Ordinance 2011-A374, approved May 25, 2011, and

WHEREAS, Part 6, Section 600.C.1 of the Planning and Zoning Ordinance allows for the amendment, supplementation or change of zoning boundaries by the Town Council of the Zoning Map of Camp Verde under the Planning & Zoning Ordinance, and

WHEREAS, the subject property was originally part of a much larger Planned Area Development (PAD) that was approved in 1999, designated as primarily residential with some services mixed in. In 2014, this portion of the PAD was changed from R1L (Residential: Single Family, Limited) to C2 (Commercial: General Sales & Services), to accommodate a proposed archaeology center and technology business park, and was subsequently divided into two parcels, and

WHEREAS, in March 2019, a Final Plat was approved for White Hawk Business Park, which further divided the parcel into twelve (12) lots for the purpose of developing a technology park, and

WHEREAS, at a public hearing on August 6, 2020, an application for a Zoning Map Change was presented to the Town of Camp Verde Planning & Zoning Commission (Commission) by the Town of Camp Verde Community Development (Community Development) requesting a change from C2 (Commercial: General Sales & Services) to C3 (Commercial: Heavy Commercial), due to infrastructure agreements with the developer and changes in the market conditions. The Commission unanimously recommended denial of this request, and

WHEREAS, due to the substantial dissent to the request for heavy commercial development on the property, the developer requested a reversion of the zoning back to the original R1L designation. Consultation with legal counsel determined this action was feasible and should be processed as a reconsideration of the pending application by Community Development, and

WHEREAS, on September 9, 2020, an amended Final Plat was filed at the Yavapai County Recorder's office to change the name of the subdivision to White Hawk at Camp Verde, and

WHEREAS, at their public hearing on November 5, 2020, the application was presented to the Commission for reconsideration and was given a unanimous recommendation of approval for the reversion, and

WHEREAS, the Mayor and Council find that the requested reversion of zoning will be beneficial to the community and is in conformity with the Camp Verde General Plan, and

WHEREAS, the Mayor and Council find that the procedures required by ARS §9-462.03 and 9-462.04 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 CAMP VERDE AS FOLLOWS:

Section 1.

- A. A request for **Zoning Map Change 20200213** was filed by Community Development, for the reversion of zoning on the subject parcels from C2 (Commercial: General Sales & Service) to R1L (Residential: Single Family, Limited) for the following described real property: White Hawk at Camp Verde, Lots 1 through 12.
- B. The Planning & Zoning Commission reconsidered the request on November 5, 2020, in a public hearing that was advertised and posted according to state law and a forwarded a recommendation of approval for Zoning Map Change 20200213.
- C. The proposed Zoning Map Change Amendment will not constitute a threat to the health, safety, welfare or convenience to the general public, and should be approved.
- D. The Waiver of Diminution of Value Claim has been signed by the property owner (see Exhibit "A").

Section 2.

This ordinance is effective upon the expiration of a thirty 30-day period following the adoption hereof and completion of publication and any posting as required by law.

PASSED AND APPROVED BY A MAJORITY VOTE OF THE TOWN COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA ON THIS 2ND DAY OF DECEMBER, 2020.


Dee Jenkins Mayor

Date: December 7, 2020

Approved as to form:

Attest: 
Cindy Pemberton, Town Clerk



Town Attorney

When Recorded Return To:
Town of Camp Verde
473 S. Main St
Camp Verde, Arizona 86322

**AGREEMENT
TO WAIVE CLAIM FOR DIMINUTION IN VALUE
REGARDING ACTION
PROPOSED BY TOWN OR REQUESTED BY PROPERTY OWNER**

This Agreement to Waive Claim for Diminution in Value Regarding Action Proposed by Town or Requested by Property Owner ("Agreement") made as of this 15th day of June, 2020, by and between the Town of Camp Verde, a municipal corporation of Arizona ("Town") and:

Simonton Ranch 1, LLC, ("Owner(s)"; WITNESSETH:

WHEREAS, on December 4, 2006, the Governor of Arizona signed into law the Private Property Rights Protection Act (Proposition 207) approved by the voters on November 7, 2006; and

WHEREAS, Proposition 207 added a new Article 2.1 to Chapter 8, Title 12 of the Arizona Revised Statutes (comprising §§12-1131 through 12-1138) dealing with eminent domain and regulatory takings; and

WHEREAS, ARS §12-1134 permits an owner of private real property to seek just compensation from the state or a political subdivision thereof that enacts or applies a land use law which (subject to certain exceptions) reduces existing rights to use, divide, sell or possess said property and thereby reduces the fair market value of the property; and

WHEREAS, "land use law" includes any statute, rule, ordinance, resolution, or law enacted by the state or political subdivision that regulates the use or division of land or any interest in land; and

WHEREAS, ARS §12-1134(I) recognizes that the state or political subdivisions may reach agreements with private property owners to waive claims for diminution in value resulting from land use law actions proposed by the state or political subdivision or requested by the property owners; and

WHEREAS, the Town (through its Common Council) has, on the date first-above written, duly considered and approved this Agreement with the Owner(s) to waive any claims said Owner(s) may have for diminution in value that may result, now or in the future, from the land use law action(s) proposed by the Town or requested by the Owner(s) as more fully set forth herein;

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein (and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged), the parties hereto agree as follows:

SECTION ONE. This Agreement applies to that private real property described in Exhibit "A" attached hereto and expressly made a part hereof ("Property") and the recitals set forth above are true and correct and are incorporated herein by reference. Owner has independently determined and believes that the application of the Town's land use laws to the Property will not reduce the fair market value of the Property.

SECTION TWO. The land use law action(s) proposed by the Town or requested by the Owner(s) to which this Agreement applies have been designated as follows by the Town's Community Development Department:

20200213

Town Application Number

and, are based on certain application(s), copies of which ("Applications") are shown as Exhibit "B" attached hereto and expressly made a part hereof ("Action(s)").

SECTION THREE. By signing this Agreement, the Owner(s) expressly agree(s) and acknowledge(s) that the Owner(s) hereby waive(s) any right to claim diminution in value or claim just compensation for diminution in value of the Property under ARS §12-1134, now or in the future, in relation to the Action(s). This includes (but is expressly not limited to) agreement and consent by the Owner(s) to all conditions that may ultimately be imposed as part of the Action(s).

SECTION FOUR. It is expressly understood by the parties that this Agreement does not add to, detract from, or otherwise modify any discretion, right, power, authority, obligation, or duty of the Town under applicable law with respect to any legislative, administrative, or quasi-judicial action(s).

SECTION FIVE. This Agreement (including any exhibits attached hereto and any addendum) constitutes the entire understanding and agreement of the Owner(s) and the Town and shall supersede all prior agreements or understandings between the Owner(s) and Town regarding the Property. This Agreement may not be modified or amended except by written agreement of the Owner(s) and the Town.

SECTION SIX. This Agreement is made and entered into in Yavapai County, Arizona, and will be construed and interpreted under the laws of the State of Arizona.

SECTION SEVEN. The parties agree that this Agreement may be filed in the Official Records of the County Recorder's Office, Yavapai County, Arizona.

SECTION EIGHT. This Agreement runs with the land and is binding upon all present and future owners of the Property.

SECTION NINE. This Agreement is subject to the cancellation provisions of ARS §38-511.

SECTION TEN. The Owner(s) warrant(s) and represent(s) that the Owner(s) is/are the owner(s) of fee title to the Property, and that no other person(s) has/have any ownership interest(s) in the Property. The person(s) who sign(s) on behalf of the Owner(s) personally warrant(s) and guarantee(s) to the Town that he/she/they have the legal authority to bind the Owner(s) to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their authorized representatives the day and year first-above written.

TOWN OF CAMP VERDE, a municipal corporation of Arizona, (Town)



Dee Jenkins, Mayor

ATTEST:


Cindy Pemberton, Town Clerk

APPROVED AS TO FORM:


William Sims, Town Attorney

Dated this 15TH day of JUNE, 20 20

OWNER:

OWNER:

SIMONTON RANCH I, LLC

Print Name

Print Name

Signature G. Scott Simonton Signature
MANAGER

STATE OF ARIZONA)
) ss.
County of MARICOPA)

On this 15TH day of JUNE, 20 20, before me, the undersigned Notary Public,
personally appeared G. Scott Simonton, who acknowledged that this document was
executed for the purposes therein contained.

Notary Public

My Commission Expires: 8-2-22

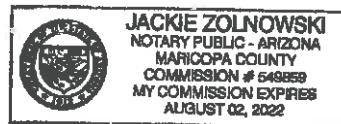


Exhibit "A" Property Description and Map
(Can be included as separate document)

White Hawk at Camp Verde, Lots 1 through 12



Exhibit "B" Town Application
(Copy of completed Town Application)



Land Use Application Form

1. Application is made for:

Zoning Map Change

Conceptual Plan Review

PAD Final Site Plan Review

Street Abandonment

Administrative Review

Development Standards Review (Commercial)

Use Permit

Preliminary Plat

Variance

Minor Land Division

Lot Line Adjustment

Other: _____

Temporary Use Permit

Final Plat

Appeal

Wireless Tower

Zoning Verification

2. Project Name: White Hawk Business Park

3. Contact information: (a list of additional contacts may be attached)

Owner Name: Simonton Ranch LLCApplicant Name: Bobbi WebbAddress: 2639 E Lovebird LnAddress: 473 S. Main St Ste 108City: Gilbert State: AZ Zip: 85297-8190City: Camp Verde State: AZ Zip: 86322

Phone: _____

Phone: 928-554-0054E-mail: scott@simontoncompanies.comE-Mail: bobbi.webb@campverde.az.gov4. Property Description: Parcel Number 403-23-107 through 118 Acres: 5.82Address or Location: White Hawk Business ParkExisting Zoning: C2Existing Use: N/AProposed Zoning: M1Proposed Use: Light Industrial Business Park

5. Purpose: (describe intent of this application in 1-2 sentences)

Provide a light industrial zone in the Town of
Camp Verde on Homestead Pkwy.

Reconsideration requested: Revert zoning back to R1L from C2. (M1)

6. Certification:

I certify that I am the lawful owner of the parcel(s) of land affected by this application and hereby consent to this action. I have also attached a completed Permission to Enter form for consent to access the property regarding this action.

Owner: _____

Date: _____

I certify that the information and attachments I have submitted are true and correct to the best of my knowledge. In filing this application, I am acting with the knowledge and consent of the property owner(s). I understand that all materials and fees required by the Town of Camp Verde must be submitted prior to having this application processed.

Applicant: _____

Date: 6/17/2020