



ORDINANCE 2021 A461

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA, FOR AN APPLICATION SUBMITTED BY HIGH VIEW, LLC, FOR A MAJOR AMENDMENT TO THE ZONING DISTRICTS FOR AN EXISTING C2-PAD (COMMERCIAL: GENERAL SALES AND SERVICE, PLANNED AREA DEVELOPMENT), FOR THE BOULDER CREEK MASTER PLAN. THE REQUEST IS TO INCLUDE C3 (COMMERCIAL: HEAVY COMMERCIAL) AND M1 (INDUSTRIAL: GENERAL) DISTRICTS WITHIN THE MASTER PLAN TO ALLOW FOR A BROADER RANGE OF LAND USES. THE PROPERTY IS LOCATED ON PARCELS 403-15-003T, 403-15-003U, 403-15-003V, 403-15-003W, AND 403-15-003X (FORMERLY 403-15-003S), IN CAMP VERDE, YAVAPAI COUNTY, ARIZONA.

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 Mayor and Council find that the requested re-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. The Town Council hereby finds as follows:

- A. A request for a Major Amendment to an existing C2-PAD was filed by Dugan McDonald, property owner, to include C3 (Commercial: Heavy Commercial) and M1 (Industrial: General) to a Planned Area Development (PAD) with C2 (Commercial: General Sales & Service) zoning to allow a broader range of land uses within the Boulder Creek Master Planned Community.
- B. The new land uses, zoning designations, and land survey are attached as Exhibit "A".
- C. The Planning & Zoning Commission reviewed the request on January 14, 2021, in a public hearing that was advertised and posted according to state law, and recommended approval of the application.

- C. The proposed Major 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 and is attached as Exhibit "B".

Section 2. That this ordinance be hereby expressly conditioned as follows:

1. All future developments within this Planned Area Development will require the approval by the Town Council of a Final Site Plan to be reviewed by the Planning and Zoning Commission, and approved by the Town of Camp Verde Town Council as required by the Town of Camp Verde Planning and Zoning Ordinance and Subdivision Regulations Section 203 L.2 PAD (Planned Area Development), Scope, and Site Plan requirements, Section 400 D.1 Submittals, prior to issuance of any building permits;

Section 3. All ordinances or parts of ordinances adopted by the Town of Camp Verde in conflict with the provisions of this ordinance or any part of the code adopted, are hereby repealed, effective as of the effective date of this ordinance.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

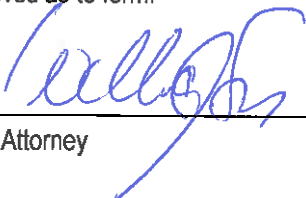
Section 5. This ordinance is effective upon the expiration of a thirty 30-day period following the adoption hereof and completion of publication and any posting as required by law.

PASSED AND APPROVED BY A MAJORITY VOTE OF THE TOWN COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA ON THIS 3RD DAY OF FEBRUARY, 2021.


Dee Jenkins, Mayor

Date: March 17, 2021

Approved as to form:


Town Attorney

Attest: 
Cindy Remberton, Town Clerk

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 17 day of Dec., 2020, by and between the Town of Camp Verde, a municipal corporation of Arizona ("Town") and:

High View L.L.C., ("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

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)

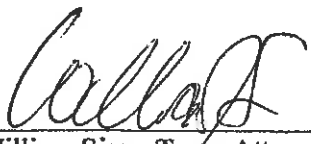


Dee Jenkins, Mayor

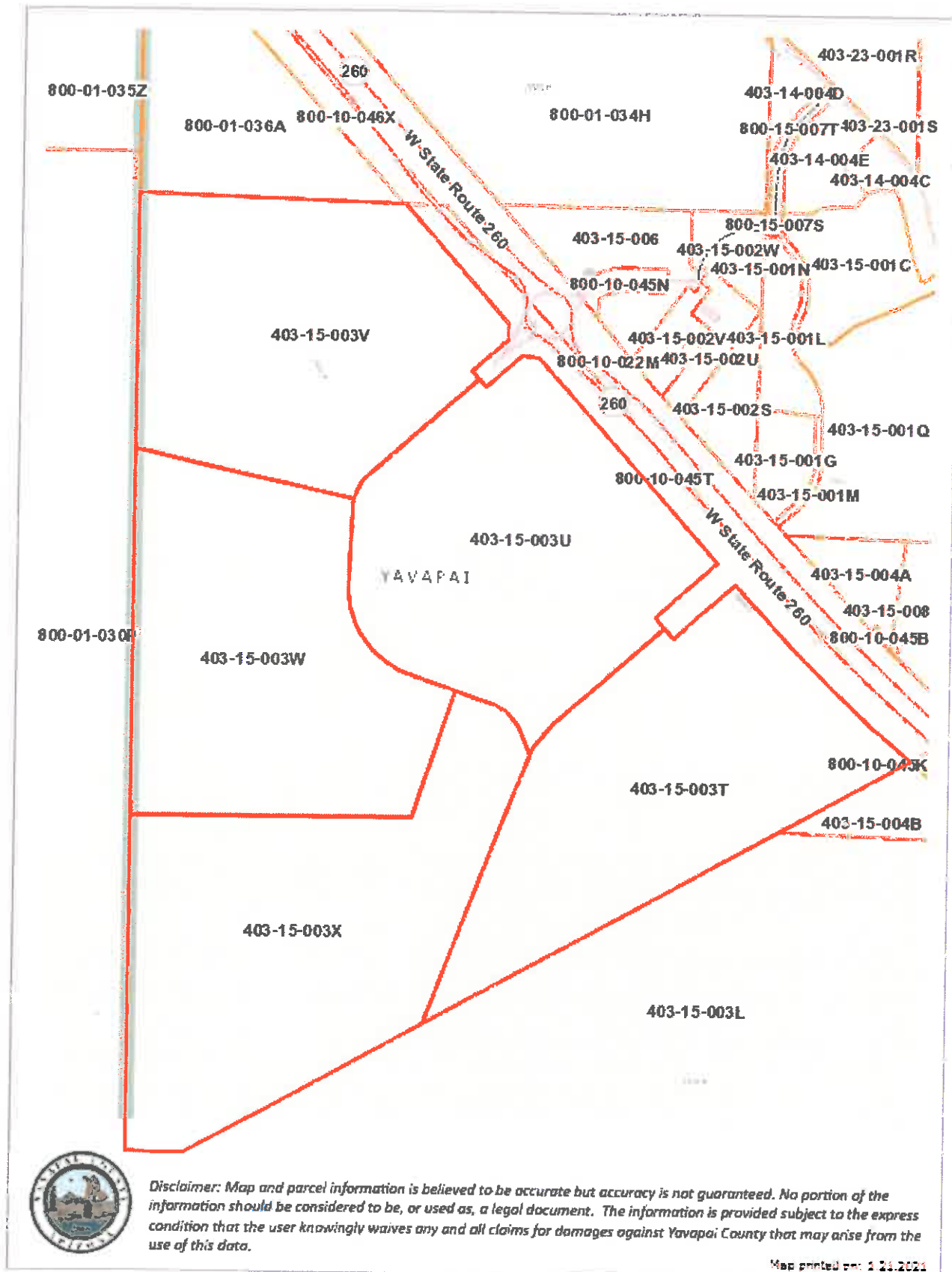
ATTEST:


Cindy Pemberton, Town Clerk

APPROVED AS TO FORM:



William Sims, Town Attorney



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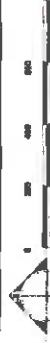
EXHIBIT A:

Master Plan PAD Land Uses

KEY TO SYMBOLS

- COMMERCIAL / RETAIL - 40 ACRES
- LODGING - 8 ACRES
- INDUSTRIAL - 30 ACRES
- MULTI-FAMILY RESIDENTIAL - 35 ACRES
- SINGLE FAMILY RESIDENTIAL - 58 ACRES
- GREEN SPACE - 10 ACRES
- PATHWAY
- WASH / GREEN BELT

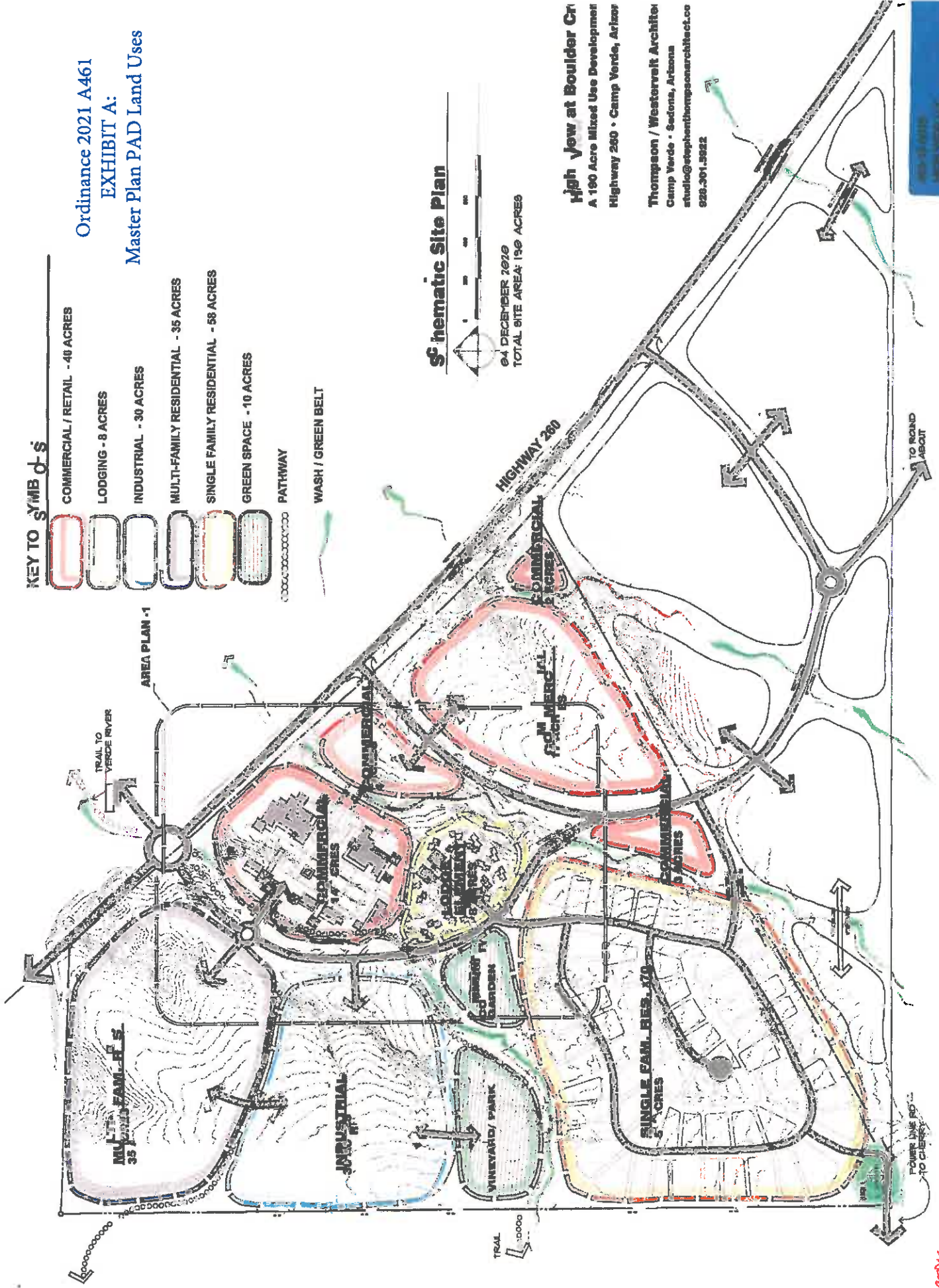
Schematic Site Plan



04 DECEMBER 2019
TOTAL SITE AREA: 196 ACRES

High Jew at Boulder Cr
A 190 Acre Mixed Use Development
Highway 260 • Camp Verde, Arizona

Thompson / Westervelt Architects
Camp Verde • Sedona, Arizona
studio@stephenthompsonarchitects.com
928.301.5922



04 DECEMBER 2019
TOTAL SITE AREA: 196 ACRES

Handwritten note: 1.2x - 1.5x - 1.8x

20200539



Land Use Application Form

1. Application is made for:

Zoning Map Change
Conceptual Plan Review

~~Use Permit~~ **PAD AMD**

Street Abandonment

Appeal

Site Plan Compatibility Review (Commercial)

Other: _____

Use Permit
Preliminary Plat
Variance

Minor Land Division

Verification of Non-Conforming Use

General Plan Amendment

Final Plat

Sign

Wireless Tower

Utility Exemption

2. Project Name: High View At Boulder Creek

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

Owner Name: High View L.L.C.

Applicant Name: Dugan McDonald

Address: P.O. Box 3270

Address: P.O. Box 3270

City: Camp Verde State: AZ Zip: 86322

City: Camp Verde State: AZ Zip: 86322

Phone: 928-301-5964

Phone: 928-301-5964

E-mail: N/A

E-Mail: DBMCDONALD78@GMAIL.COM

4. Property Description:

Address or Location: 3901 W. State Route 260

APN: 403-15-0035

Existing Zoning: C-3

Existing Use: PAD

Proposed Zoning: C-3/M-1/C-2

Proposed Use: PAD

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

Re-zone and amend the PAD for a portion of the 125 acre property in an effort to update and bring the properties potential development more in line with the immediate needs of our community

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.

Owner: Dugan McDonald

Date: Nov 23, 2020 AND

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: Dugan McDonald

Date: Nov. 23, 2020