



ORDINANCE 2019 A446

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA FOR A ZONING MAP CHANGE FROM RS (RESIDENTIAL AND SERVICES) TO RS-PAD (RESIDENTIAL AND SERVICES, PLANNED AREA DEVELOPMENT), TO PROVIDE 4 RV SITES FOR TRANSITIONAL RESIDENT HOUSING. THE 1-ACRE PARCEL IS LOCATED AT 2480 N. ARENA DEL LOMA, PARCEL NO. 403-19-137, 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, On November 1st, 2017, the Town Council approved Ordinance 2017-A427, An ordinance authorizing an amendment to the Town Zoning Map, changing the classification of Parcel No. 403-19-137 from R1-35 (Residential, Single Family 35,000 sq ft Min Lot Size) to RS (Residential and Services) to allow for a maternity home, and

WHEREAS, The applicant, Abide Maternity Home, finds that they have achieved significant success with their program and desires to add an option for their residents to transition to independent living by providing longer housing assistance for graduates, and

WHEREAS, Abide Maternity Home submitted application 20190256, a Zoning Map Change application requesting to rezone the property as a Planned Area Development in order to develop 4 RV pads to add the independent living option to their program, 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 **Zoning Map Change 2019-A446** was filed by Michele Evans, CEO for Abide Maternity Home, to rezone the subject parcel from RS (Residential and Services) to RS-PAD (Residential and Services, Planned Area Development) zoning to provide RV spaces to provide transitional resident housing FOR the following described real property: Parcel No. 403-19-137, approximately one acre, legally described and attached as exhibit "A".
- B. The Planning & Zoning Commission reviewed the request on September 5, 2019 in a public hearing that was advertised and posted according to state law and recommended approval of Zoning Map Change 2019-0256.
- 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 owners and is attached as exhibit "B".

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

1. Approval by the Town Council of a Final Development 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, Site Plan requirements, Section 400 D.1. prior to issuance of any building permits;

In the event of non-compliance with any of the above conditions, the zoning designation for the described properties may revert from RS PAD (Residential and Services, Planned Area Development) back to the original designation of RS (Residential and Services) in accordance with the procedures set forth in ARS §9-462.01(E).

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 25TH DAY OF SEPTEMBER 2019.


Charles German - Mayor

Date: 9-26-2019

Approved as to form:


Bill Sims - Town Attorney

Attest: 
Judith Morgan, 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 10th day of July, 2019, by and between the Town of Camp Verde, a municipal corporation of Arizona ("Town") and:

Abide Maternity Home **ABIDE MATERNITY HOME**, ("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:

20190256

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.

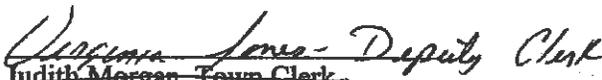
IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their authorized representatives the day and year first-above written.

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



Charles German, Mayor

ATTEST:


~~Judith Morgan, Town Clerk~~
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APPROVED AS TO FORM:


William Sims, Town Attorney

Dated this 10th day of July, 2019

OWNER:

Abide Maternity Home
Print Name

Michele Evans, CEO
Signature

OWNER:

Print Name

Signature

STATE OF ARIZONA)
County of Yavapai) ss.

On this 23rd day of July, 2019, before me, the undersigned Notary Public, personally appeared Michele Evans, who acknowledged that this document was executed for the purposes therein contained.

Valeri D. Bullard
Notary Public

My Commission Expires: 6/9/21

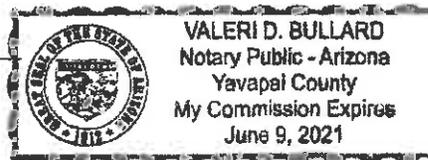


Exhibit "A"

Lot 13, FREEWAY ACRES, according to the plat of record in the office of the Yavapai County Recorder in Book 17 of Maps, page 61.

Exhibit B: Application

Revised 06/05/18

Application #: 20190256



Land Use Application Form

1. Application is made for:

- | | | |
|---|---------------------|----------------------|
| Zoning Map Change | Use Permit | Temporary Use Permit |
| Conceptual Plan Review | Preliminary Plat | Final Plat |
| PAD Final Site Plan Review | Variance | Appeal |
| Street Abandonment | Minor Land Division | Wireless Tower |
| Administrative Review | Lot Line Adjustment | Zoning Verification |
| Development Standards Review (Commercial) | Other: _____ | |

2. Project Name: Abide Next Step

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

Owner Name: <u>Abide Maternity Home</u>	Applicant Name: <u>Michele Evans</u>
Address: <u>PO Box 3758</u>	Address: <u>414 W Azure Place</u>
City: <u>Camp Verde</u> State: <u>AZ</u> Zip: <u>86322</u>	City: <u>Camp Verde</u> State: <u>AZ</u> Zip: <u>86322</u>
Phone: <u>928-202-9402</u>	Phone: <u>928-202-9402</u>
E-mail: <u>Michele@AbideMaternityHome.com</u>	E-Mail: <u>Michele@AbideMaternityHome.com</u>

4. Property Description: Parcel Number 403-19-137 Acres: 1
 Address or Location: 2480 N Arena Del Luna
 Existing Zoning: RS Existing Use: maternity home
 Proposed Zoning: RS w/ PAD Proposed Use: longer housing assistance for graduates

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

We will have 4 RV pads for our clients to use as part of our program, to allow affordable housing for them to transition to independent living.

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: Michele Evans, CEO Date: 7-10-19

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: Michele Evans Date: 7-10-19