

ORDINANCE NO. 99A141

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA APPROVING ZONING MAP CHANGE 98-05, FOR THE PURPOSE OF REZONING TAX PARCELS 403-23-008A, 403-23-010A, 404-19-152C, AND 404-28-001J FROM R1L-35, R1L-70, AND R1L-175 TO PAD. THE PURPOSE OF THE REZONING IS FOR DEVELOPMENT OF A MASTER PLANNED COMMUNITY.

THE TOWN COUNCIL THE TOWN OF CAMP VERDE HEREBY ORDAINS AS FOLLOWS:

I. The Town Council hereby finds as follows:

- A. A request for a Zoning Map Change (98-05) was filed by Mr. Doug Zuber, agent, for Harvard Investments Corp., for parcels 403-23-008A, 403-23-010A, 404-19-152C, AND 404-28-001J. The legal description will be provided by owner at close of escrow that will be attached as Exhibit A.
- B. The project was reviewed by the Planning Commission on April 1, 1999 and by the Town Council on April 28, 1999 in public hearings that were advertised and posted according to state law.
- C. The purpose of the Zoning Map Change is to allow for construction of a Master Planned Community.
- D. The proposed use will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved.

II. The Zoning Map Change (ZMC 98-05) is approved, based upon the PAD Plan for The Homestead dated February 5, 1999 and revised through April 28, 1999 including the drafts of Design Standards and CC& R's, with following findings:

- A. The Zoning Map Change will not injure the public health, safety, or welfare.
- B. The property is located across from existing commercial and residentially zoned properties, therefore the proposed Zoning Map Change is consistent with State Planning Law and the requirements of the Camp Verde Planning and Zoning Ordinance.
- C. This change in zoning is consistent with the Land Use Map of the approved General Plan of the Town of Camp Verde and will be in effect 30 days after Council approval.

- III. The Town Council of the Town of Camp Verde hereby approves a Zoning Map Change 98-05 for the purpose of constructing a Master Planned Community with the following stipulations and amendments to the PAD document:
- A. Revise the PAD Plan so that it provides for a maximum of 800 single-family units and a maximum of 300 apartment units, together with the other land uses already included in the PAD Plan.
 - B. Revise the Development Agreement so that it no longer provides for a horse trail head at or near Parcel K or elsewhere in The Homestead at Camp Verde.
 - C. Include within the CC&R's and/or Design Guidelines for The Homestead at Camp Verde, as appropriate a requirement that builders install fixtures with low water usage.
 - D. Revise the Development Agreement to clarify that the Town may impose future development fees on the developer/builder of The Homestead at Camp Verde, so long as such fees are applied uniformly Citywide.
 - E. Harvard should encourage local builders to bid for work on The Homestead at Camp Verde.
 - F. Revise the CC&R's and/or Design Guidelines for The Homestead at Camp Verde, as appropriate, to require that all fireplaces shall be constructed in compliance with the General Plan.
 - G. Revise the Development Agreement to provide that the local school district can elect to develop the school site with ball fields and recreational facilities (rather than school buildings) at any time within 10 years after approval of the PAD Plan.
 - H. Revise the Development Agreement to provide that Harvard will develop public restrooms at or near Parcel K, but only if the Town elects, within 3 years after the PAD Plan is approved, to pay the cost of maintaining the restrooms from and after the time they are opened.
 - I. Revise the Development Agreement to provide that Harvard will develop the parks in Parcels M and N. If the Town, within 3 years after approval of the PAD Plan, notifies Harvard that it wants the parks in Parcels M and N to be public parks, then Harvard will open the parks to the public and pay the cost of maintaining the parks until 50% of the single-family residences at The Homestead at Camp Verde have been built-out, whereafter the Town shall pay the cost of maintaining the parks in Parcels M and N.

PASSED AND ADOPTED AT A REGULAR SESSION OF THE TOWN COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA ON APRIL 28, 1999.

WITNESS:

Carter Rogers
Carter Rogers, Mayor

Bob Lau
Bob Lau, Community Development Director

APPROVED AS TO FORM:

Ronald Ramsey
Ronald Ramsey, Town Attorney

EXHIBIT "A"

No. 251-000-303401

PARCEL 1:

The North half of the Northeast quarter of Section 36, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona; AND

PARCEL 2:

The Southeast quarter of Section 25, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona; AND

PARCEL 3:

Lots 3 and 4 of Section 30, Lot 1 and the North half of the Northeast quarter of the Northwest quarter of Section 31, Township 14 North, Range 5 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona; AND

PARCEL 4:

That portion of the South one-half of the Northeast quarter and the East one-half of the Northwest quarter of Section 36, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the Northeast corner of said South one-half of the Northeast quarter, said point lies South 1 degrees, 43 minutes, West, a distance of 1322.60 feet from the Northeast corner of said Section 36;

Thence South 89 degrees, 54 minutes, West, a distance of 1373.15 feet along the 1/16 line to a point on a 3.8650 degree curve to the left, and the TRUE POINT OF BEGINNING of this description, having a delta of 23 degrees, 00 minutes, 13 seconds, R = 1482.40 feet, L = 595.18 feet, T = 301.68 feet (Total curve data: Delta = 82 degrees, 24 minutes, 40 seconds, R = 1482.40 feet);

Thence along said curve for 595.18 feet to the P. T. of said curve, station 50+46.55;

Thence South 89 degrees, 11 minutes, West, a distance of 1662.97 feet to Station 43+44.74, the P. T. of a 7.4778 degree curve to the right, having a Delta of 90 degrees, R = 766.20 feet, L = 1203.54 feet, and T = 766.20 feet;

Thence Northwesterly along said 7.4778 degree curve a distance of 1203.54 feet to the P. C. of said curve, Station 32+19.74 and an angle point;

Thence North 00 degrees, 49 minutes, West, 710 feet to the North line of said Section 36;

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Thence East along said section line, 100.0 feet to the East right of way line of Route "A" (See "Finnie Flats Road Right of way, Easement, and Real Property Exchange Agreement," dated November 5, 1984, recorded November 5, 1984 in Book 1674 of Official Records, Page 901, and thereafter amended by Stipulation and Agreement to Amend Finnie Flats Road Right of way Easement and Real Property Exchange Agreement, dated June 17, 1985 recorded June 28, 1985 in Book 1733 of Official Records, Page 493);

Thence South 00 degrees, 49 minutes, East along the East right of way, 710.0 feet to the P. C. of a 8.60 degree curve to the left, Station 32+19.74, and along a portion of said curve for 856.50 feet to a P. O. C. having a Delta = 73 degrees, 39 minutes, 32 seconds, R = 666.20 feet, L = 856.50 feet, and T = 498.95 feet (Total curve data: Delta 90 degrees, R = 666.20 feet), this P. O. C. also being a point on the East line of said East one-half of the Northwest quarter;

Thence North 10.0 feet to the Northwest corner of said South one-half of the Northeast quarter;

Thence North 89 degrees, 54 minutes, East along the North right of way line, 1273.86 feet to the TRUE POINT OF BEGINNING and the end of this description.

Except all gas, oil, metals and mineral rights as reserved in Patent from the State of Arizona recorded May 28, 1970 in Book 602 of Official Records, Page 202.

EXCEPTING from the above described parcels:

The Easterly 50 feet of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 31 and the Easterly 50 feet of the G. L. O., Lot 4 of Section 30, Township 14 North, Range 5 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

ALSO EXCEPTING all that portion lying Northerly of the Southerly Meander line of the Verde River.

AND EXCEPTING therefrom all that portio of G. L. O., Lots 1 and 2 Section 31, Township 14 North, Range 5 East as conveyed in Warranty Deed recorded January 27, 1997 in Book 3347 of Official Records, Page 921.

LEGAL DESCRIPTION (continued)

PARCEL 5:

Meander land adjacent to Lot 4 of Section 30, Township 14 North, Range 5 East of the Gila and Salt River Base & Meridian (to be surveyed).

File No. 5701
(Wabb\Parcels)