

ORDINANCE NO. 16-1163

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF LAKE HAVASU CITY, MOHAVE COUNTY, ARIZONA, AMENDING THE GENERAL DEVELOPMENT PLAN FOR THE 204.88 ACRE PARCEL KNOWN AS HAVASU FOOTHILLS ESTATES PHASE II TO REDUCE THE MIXED USE TOWN CENTER/COMMERCIAL COMPONENT FROM 14.19 ACRES TO 8.8 ACRES, REMOVE THE 100-FOOT RIGHT-OF-WAY DEDICATED FOR THE FOOTHILLS PARKWAY, RELOCATE THE REQUIRED SCHOOL SITE TO PHASE III, CHANGE THE REQUIREMENTS FOR THE DEVELOPMENT OF THE CITY PARK PARCEL, MAKE MINOR ADJUSTMENTS TO THE LOT LAYOUT AND ROADWAY CONFIGURATION, AND CHANGE THE ZONING CLASSIFICATIONS TO INCLUDE THE PROPOSED CHANGES IN LAND USE

RECITALS:

- A. In 1996, the City Council adopted a Specific Plan Amendment to the City's General Plan adding the 1995 Havasu Foothills Specific Plan with conditions, as an area outside the pre-platted portion of the City by Resolution No. 96-1174.
- B. In 2000, the area known as Havasu Foothills Estates consisting of approximately 640 acres was annexed into Lake Havasu City by Ordinance No. 00-584. The parties entered into a Development Agreement dated May 22, 2000.
- C. In 2003, the Specific Plan for Havasu Foothills Estates was amended to include 547 single-family residential units, 150 resort related units, a commercial element, a school site, and open space by Ordinance No. 03-717. Ordinance No. 03-718 rezoned portions of the Havasu Foothills Estates, specifically 573.33 acres to Residential Estates (RE), 8.9 acres to Limited Commercial (C-1), and 57.03 acres remained as Light Agricultural (A-1).
- D. In 2004, the Amended and Restated Development Agreement for Havasu Foothills Estates was approved by Resolution No. 04-1863.
- E. In 2005, Amendment #1 to the Amended and Restated Development Agreement was approved regarding wastewater services.
- F. In 2006, a General Development Plan was adopted for the Havasu Foothills Estates establishing maximum building height for the Town Center, minimum lots size and setbacks for the Arroyo Homesites, and a park.
- G. In 2009, Amendment #2 to the Amended and Restated Development Agreement was approved regarding wastewater services.
- H. By this Ordinance, certain changes to Phase II are made and the school site relocated to Phase III.

IT IS ORDAINED, by the Mayor and City Council of Lake Havasu City, Arizona, as follows:

Section 1: The General Development Plan of Havasu Foothills Estates Phase II is amended, as shown on the attached Exhibit “A” (Havasus Foothills Estates – Phase 2 General Development Plan Revised 8/19/2016), to reduce the mixed use town center/commercial component from 14.19 acres to 8.8 acres, remove the 100-foot right-of-way dedicated for the Foothills Parkway, relocate the required school site to Phase III, change the requirements for the development of the City Park Parcel, make minor adjustments to the lot layout and roadway configuration, and change the corresponding zoning, with the following conditions:

1. The revised Development Plan for Phase II shall be subject to conditions contained in Lake Havasu City Ordinance No. 06-814, except:

- a. Condition 3 is amended follows:

The proposed park shall be improved by the developer in two phases. Phase I will be the development of at least half of the park prior to the issuance of 100 Certificates of Occupancies within Phase II of the development. Phase II will be the development of the remaining portion of the park prior to the issuance of 200 Certificates of Occupancies within Phase II the development. A park improvement plan must be submitted for review and approval by Lake Havasu City prior to the issuance of any permits. The developer is responsible for the cost of the park improvements per the Amended and Restated Development Agreement and its amendments. Developer shall dedicate the park to City upon completion.

2. Any addition/changes to water mains, services, or fire hydrants will be at the developer’s expense.
 3. Any existing electrical facilities within the boundary of Phase II that may be in conflict with a new proposed plat based on the amendment shall be addressed and resolved prior to any future final plat approval.
 4. The Amended and Restated Development Agreement shall be revised to reflect and incorporate these changes.

Section 2: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

Section 3: 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.

PASSED AND ADOPTED by the City Council of Lake Havasu City, Arizona, on September 27, 2016.

APPROVED:

Mark S. Nexsen, Mayor

ATTEST:

Kelly Williams, City Clerk

APPROVED AS TO FORM:

Kelly Garry, City Attorney

REVIEWED BY:

Charlie Cassens, City Manager