



File #: ID 16-0907, Version: 1

## COUNCIL COMMUNICATION

**TO:** Honorable Mayor and Council

**FROM:** Stuart Schmeling, Zoning Administrator, Community Investment Department

**SUBJECT:**

Adopt Ordinance No. 16-1163 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

**FUNDING SOURCE:**

N/A

**PURPOSE:**

To adopt Ordinance No. 16-1163 amending the General Development Plan of 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 corresponding zoning.

**BACKGROUND:**

Havasu Foothills Estates was originally approved by City Council in October of 2003. Conditions of approval are outlined in Ordinance No. 03-717 provided as Attachment #8. Phase II was approved in September of 2006. Conditions of the amendment are outlined in Ordinance No. 06-814, provided as Attachment #9. The property is zoned MU/RE/A-1//C-1/PD Commercial/Planned Development District. The Adopted General Development Plan for Phase II, Attachment #2, includes:

- 14.19 acres town center
  - 15 mixed-use units in the town center
- 15.17 acres zoned A-1
  - school site
- 25 acres of open space

- 178 RE home sites
- 135 single-family lots

The MU Zoning District under the old Development Code allowed single family detached dwellings as originally proposed in the eastern portion of Phase II. However, the recently adopted MU-G District does not allow single-family detached units. The applicant requests that an 8.8 acre portion be changed from MU-G (Mixed Use-General) to C-1 (Limited Commercial) in addition to the 5.6 acres of C-1 from Phase I to encompass all four corners of the Cherry Tree/ Calle del Arroyo intersection for commercial uses as indicated in the Revised General Development Plan provided as Attachment #3. The balance of the town center area, 6.1 acres, will be a continuation of the Villas home sites that were proposed adjacent to the town center. The proposed zoning changes are as indicated on Attachment #4.

### **SITE ANALYSIS:**

The proposed changes to Phase II include the following:

- Removal of the Parkway Corridor
- Town center reduced from 14.19 acres to 8.8 acres of commercial (+5.6 acre commercial Phase I)
- Relocate 8.16 acre school site to Phase III
- Roadway reconfiguration due to elimination of parkway and town center changes
- Community Park physically remains same however, development timing will change

All the proposed changes are outlined in detail in the Letter of Intent, provided as Attachment #6.

Ordinance No. 16-1163 recommended by staff for approval is provided as Attachment #1. It includes several conditions included in the original approval of the planned development (Ordinance No. 03-717) and in the amendment in 2006. (Ordinance No. 06-814) Some of the original conditions required modification as a result of this request.

After receiving approval from the Planning Commission on July 20<sup>th</sup>, there were concerns expressed by property owners in Phase I regarding the proposed extensions of two of the existing cul-de-sacs from Phase I into Phase II. As a result, the developer decided to change the proposed street network for Phase II to address the neighborhoods concern as reflected in the Revised General Development Plan. Staff received an Amended Letter of Intent explaining the concerns raised by the property owners in Phase I, which is provided as Attachment #7. The Planning Commission recommended unanimous approval for this item prior to the street modifications.

On September 7<sup>th</sup>, an email was submitted to the Mayor and City Manager regarding a complaint against the developer for maintenance issues related to Phase I of the development. The complaint primarily deals with drainage issues from the site and the emergency access required as a part of Phase I. Staff is currently reviewing the merits of the complaint to determine the necessary course of action. However, staff has determined that the concerns raised in the email should not negatively impact the review and approvals for Phase II of the Foothills development. On September 10<sup>th</sup> staff received a letter of support for Phase II after the developer made changes to the street configuration suggested by the citizens in Phase I. The letter of support is provided as Attachment #9.

### **COMMUNITY IMPACT:**

N/A

### **FISCAL IMPACT:**

The City will receive property tax revenue.

**ATTACHMENTS:**

Ordinance No. 16-1163  
Adopted General Development Plan  
Revised General Development Plan  
Proposed Zoning Map  
Planning Commission Staff Report 7-20-16  
Letter of Intent  
Amended letter of intent  
Ordinance No. 03-717  
Ordinance No. 06-814  
Letter of support

**SUGGESTED MOTION:**

I move to adopt Ordinance No. 16-1163 approving the major amendment to Planned Development No. 07-00200001 adopting a new General Development Plan for Phase II subject to 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.