

ORDINANCE NO. 773

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, RE-AMENDING THE TOWN ZONING MAP (ZMC 013-001) BY AGAIN CHANGING THE ZONING CLASSIFICATION OF AN APPROXIMATELY SEVEN AND TWO-TENTHS (7.2) ACRE PARCEL, LOCATED ON THE WEST SIDE OF STATE ROUTE 69 THREE HUNDRED (300) FEET NORTH OF THE INTERSECTION WITH STATE ROUTE 169, FROM C2 (COMMERCIAL; GENERAL SALES AND SERVICES) TO C3-PAD (COMMERCIAL; MINOR INDUSTRIAL – PLANNED AREA DEVELOPMENT) ZONING WITH CLARIFIED CONDITIONS; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Town of Prescott Valley annexed by Ordinance No. 585, dated March 25, 2004, a total of two hundred twenty-four (224) acres of real property located in §34, T14N, R1E, and in §§2 and 3, T13N, R1E, G&SRM; and

WHEREAS, the Prescott Valley zoning classifications assigned at annexation were R1L-70 and C2 (which were the most similar to the existing Yavapai County zoning for the subject property of R1L-70 and PAD Commercial); and

WHEREAS, at its November 13, 2006 meeting, the Planning and Zoning Commission recommended approval of a Major General Plan Amendment (GPA06-001) that, among other things, included expansion of the Tier II boundary and the PAD 5II boundary to include all the annexed area along with other State Trust Lands. GPA06-001 was subsequently approved by the Town Council at its December 7, 2006 meeting; and

WHEREAS, in March of 2009, Galpin Ford Inc., submitted a request for a Zoning Map Change (ZMC 09-002) from R1L-70 (Residential; Single-Family Limited) to C2 (Commercial; General Sales and Service) on an approximately two (2) acre parcel [being a portion of the subject seven and two-tenths (7.2) acre parcel] generally located on the east side of State Route 69 approximately three hundred (300) feet north of the intersection with State Route 169; and

WHEREAS, the Council approved Ordinance No. 729 for the two (2) acre parcel on May 28, 2009; and

WHEREAS, in April of 2013, Galpin Ford Inc., submitted a request for a Zoning Map Change (ZMC 13-001) from C2 (Commercial; General Sales and Service) to C3-PAD (Commercial; Minor Industrial – Planned Area Development) on approximately seven and two-tenths (7.2) acres located on the west side of State Route 69, three hundred (300) feet north of the intersection with State Route 169; and

WHEREAS, the Planning and Zoning Commission held a public hearing on said application (ZMC 13-001) at its regular meeting on June 10, 2013; and

WHEREAS, the Commission voted to recommend approval of Zoning Map Change (ZMC 13-001) with certain specified conditions (inasmuch as the requested rezoning is in conformance with the *Prescott Valley General Plan 2025*); and

WHEREAS, the Town Council held a second public hearing and considered the recommendation at its regular meetings on July 11, 2013 and voted to approve said rezoning by approving the first reading of Ordinance No. 773; and

WHEREAS, prior to the second reading of Ordinance No. 773 staff discovered that Ordinance No. 773 as adopted inadvertently did not include all conditions that had been recommended by the Planning and Zoning Commission (and which the Council had agreed to apply); and

WHEREAS, the Council is being asked to again consider the re-zoning request and to consider adopting for the first reading a revised Ordinance which shows all of the conditions of re-zoning as recommended by the Planning and Zoning Commission; and

WHEREAS, the Council has now considered the requested re-zoning at its regular meetings on July 25, 2013 and August 8, 2013 and has determined that such re-zoning will be beneficial to the community and is in conformity with the *General Plan 2025*; and

WHEREAS, the Town Council finds that the procedures required by ARS §§9-462.03 and 9-462.04 (and by Article 13-30 of the Prescott Valley Town Code) have been complied with in connection with this zoning action;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, as follows:

SECTION 1. That the Zoning Map of the Town of Prescott Valley be hereby amended from C2 (Commercial; General Sales and Service) to C3-PAD (Commercial; Minor Industrial – Planned Area Development) on an approximately seven and two-tenths (7.2) acre parcel as described and shown on “Exhibit A” (attached hereto and expressly made a part hereof):

SECTION 2. That this amendment is hereby expressly conditioned as follows:

1. Approval by the Town Council of a Final Development Plan per Article 13-19, consistent with Preliminary Development Plan, PDP 13-001 (Exhibit “B”) and in conformance with all Town Codes prior to issuance of construction permits;
2. Specifically, landscaping and screening shall be indicated on the Final Development Plan and be in conformance with Article 13-26;
3. All access drive lanes and sales areas shall be hard-surfaced;

4. Should residential development occur on the adjacent property to the north that would be visible from the storage site, screening would be required at that time.

5. The only uses permitted on the property are those permitted in C2 districts, Service, Wholesale and Minor Industrial, Equipment storage, rental and sales yards, and Wholesale businesses, storage buildings, warehouses and yards, including rental storage units (excluding animals).

In the event of non-compliance with any of the above conditions, the zoning designation for the described property shall revert from C3-PAD back to the original designation of C2, in accordance with the procedures set forth in ARS §9-462.01(E).

SECTION 3. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 8th day of August, 2013.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney