

ORDINANCE NO. 796

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP (ZMC14-002) BY CHANGING THE ZONING CLASSIFICATION OF AN APPROXIMATELY FIVE AND ONE-HALF (5.5) ACRES LOCATED ON THE WEST AND EAST SIDE OF GRANVILLE FAIRWAY, SOUTH OF SANTA FE LOOP ROAD FROM C1-PAD (COMMERCIAL; NEIGHBORHOOD SALES AND SERVICES - PLANNED AREA DEVELOPMENT) ZONING TO R1L-PAD (RESIDENTIAL; SINGLE-FAMILY LIMITED - PLANNED AREA DEVELOPMENT) ZONING, WITHIN THE GRANVILLE DEVELOPMENT; 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. 441 (dated July 9, 1998) some 1,268 acres of real property located in §§3, 10 and 15, R.1 W., T.14 N., G&SRM; and

WHEREAS, said real property was given a zoning classification of RCU-70 at annexation, which classification was comparable to its former County zoning classification of RCU-2A; and

WHEREAS, in August 1998, the Prescott Valley. Planning and Zoning Commission considered a Master Development Plan for the property in order to assist the owners in preserving the right to use groundwater, in light of a pending declaration of groundwater mining by the Arizona Department of Water Resources (ADWR), said Plan proposing to develop 3,400 units on 1,243 acres; and

WHEREAS, on March 8, 1999, the Planning and Zoning Commission held a Public hearing on an application to re-zone the property to R1L-10 PAD, R2-PAD and C1-PAD, and to consider a Preliminary Development Plan for the property; and

WHEREAS, at the public hearing, the Commission considered protests, support, and other public comments (including a stipulation by the project developer, worked out with adjoining property owners, which minimized the impact of the development on adjoining properties), then voted to forward the application to the Town Council with a recommendation of approval, with conditions [impliedly approving the Preliminary Development Plan per Town Code §13-19-060(E) & (F)]; and

WHEREAS, the project developer and property owners finalized negotiations with the Town towards a Development Agreement pursuant to ARS §9-500.05, as well as an effluent use agreement mandated by ADWR as an additional Condition of providing the project with a certificate of assured water supply; and

WHEREAS, on November 23, 1999, the project developer and its agent met again with property owners residing along Lone Cactus Drive, and refined the earlier stipulations which were then set forth as an Exhibit zoning ordinance; and

WHEREAS, by Resolution No. 931 (dated December 16, 1999), the Town Council adopted the Development Agreement and effluent use agreement; and

WHEREAS, on December 16, 1999, the Council also held a public hearing to consider further public comments regarding the application for re-zoning; and

WHEREAS, at its regular meetings held December 16, 1999 and January 13, 2000, the Council considered Ordinance No. 482 approving said application and voted to adopt the same and approve the requested re-zoning with conditions; and.

WHEREAS, in February of 2014, Universal Homes, requested a Zoning Map Change (zmc14-002) from C1-PAD (Commercial; Neighborhood Sales and Services - Planned Area Development) to R1L-PAD (Residential; Single-Family Limited - Planned Area Development) on approximately five and one-half (5.5) acres located on the west and east side of future Granville Fairway, south of Santa Fe Loop Road; and

WHEREAS, in February of 2014, Universal Homes also requested an amendment to the *General Plan 2025* (GPA014-002), to change the designation from Community Commercial to Low Density Residential on approximately five and one-half (5.5) acres located on the west and east side of Granville Fairway, south of Santa Fe Loop Road; and

WHEREAS, the Planning and Zoning Commission held a public hearing on said applications ZMC14-002 and GPA14-002 and at its regular meeting on August 11, 2014, and voted to forward the applications to the Town Council with a recommendation of approval, with conditions; and

WHEREAS, GPA14-002 was first approved by Resolution No. 1886 at the August 28, 2014 Council meeting; and

WHEREAS, the Town Council has now considered this recommendation at its regular meetings held August 28, 2014 and September 25, 2014, and has determined that such re-zoning (as conditioned) will be beneficial to the community and is in conformity with the *Prescott Valley 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 C1-PAD to R1L-PAD for the following real property:

[See “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 (FDP) as required by Town Code Article 13-19 for each phase of construction, prior to issuance of construction permits, and including engineered drainage and grading plans, and construction of all off-site street improvements as recommended by the Town Engineer.

In the event of non-compliance with any of the above conditions, the zoning designation for the described property shall revert from R1L-PAD to the original designation C1-PAD 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 25th day of September, 2014.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney

EXHIBIT A

LEGAL DESCRIPTION, PARCEL 7F

THAT PORTION OF THE WEST HALF AND THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP MARKING THE NORTHWEST CORNER OF SECTION 10, FROM WHICH A FOUND REBAR MARKING THE NORTHEAST CORNER OF SAID SECTION 10 BEARS N87°53'27"E A DISTANCE OF 5,269.61 FEET;

THENCE S01°22'03"W, ALONG THE WESTERLY LINE OF SAID SECTION 10, A DISTANCE OF 2,554.14 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SANTA FE LOOP ROAD AS SHOWN ON MAP OF DEDICATION FOR "GRANVILLE SOUTHWEST PARCEL" PER BOOK 52 OF MAPS, PAGE 73, RECORDS OF YAVAPAI COUNTY, ARIZONA;

THENCE N61°41'16"E ALONG SAID SOUTHERLY LINE, A DISTANCE OF 909.18 FEET TO THE POINT OF BEGINNING;

THENCE N61°41'16"E CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 287.74 FEET TO THE BEGINNING OF A TANGENT CURVE;

THENCE NORTHEASTERLY 93.75 FEET ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY RIGHT-OF-WAY LINE, BEING CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 3,090.00 FEET, THROUGH A CENTRAL ANGLE OF 1°44'18";

THENCE LEAVING SAID SOUTHERLY LINE S56°13'44"E, A DISTANCE OF 21.70 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, THE RADIUS OF

WHICH BEARS S56°13'44"E, A DISTANCE OF 45.00 FEET;

THENCE SOUTHEASTERLY 85.76 FEET ALONG THE ARC OF SAID CURVE, BEING CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 109°11'27" TO A POINT OF REVERSE CURVATURE;

THENCE SOUTHEASTERLY 49.96 FEET ALONG THE ARC OF SAID CURVE, BEING CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 45.00 FEET, THROUGH A CENTRAL ANGLE OF 63°36'44";

THENCE S11°48'27"E, A DISTANCE OF 275.98 FEET;
THENCE S78°11'33"W, A DISTANCE OF 83.18 FEET;
THENCE N85°52'06"W, A DISTANCE OF 110.89 FEET;
THENCE S86°19'30"W, A DISTANCE OF 73.69 FEET;
THENCE S78°31'06"W, A DISTANCE OF 108.46 FEET;

THENCE S72°52'49"W, A DISTANCE OF 20.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, THE RADIUS OF WHICH BEARS S72°52'49"W, A DISTANCE OF 1,405.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF GRANVILLE FAIRWAY AS SHOWN ON SAID MAP OF DEDICATION FOR "GRANVILLE SOUTHWEST PARCEL";

THENCE NORTHERLY 232.46 FEET ALONG THE ARC OF SAID CURVE AND SAID EASTERLY LINE, BEING CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF 9°28'47";

THENCE CONTINUING ALONG SAID EASTERLY LINE N17°19'48"E, A DISTANCE OF 30.03 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 131,770 SQUARE FEET OR 3.025 ACRES, MORE OR LESS.

LEGAL DESCRIPTION, PARCEL 7G

THAT PORTION OF THE WEST HALF AND THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP MARKING THE NORTHWEST CORNER OF SECTION 10, FROM WHICH A FOUND REBAR MARKING THE NORTHEAST CORNER OF SAID SECTION 10 BEARS N87°53'27"E A DISTANCE OF 5,269.61 FEET;

THENCE S01°22'03"W, ALONG THE WESTERLY LINE OF SAID SECTION 10, A DISTANCE OF 2,554.14 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SANTA FE LOOP ROAD AS SHOWN ON MAP OF DEDICATION FOR "GRANVILLE SOUTHWEST PARCEL" PER BOOK 52 OF MAPS, PAGE 73, RECORDS OF YAVAPAI COUNTY, ARIZONA;

THENCE N61°41'16"E ALONG SAID SOUTHERLY LINE, A DISTANCE OF 395.80 FEET TO THE POINT OF BEGINNING;

THENCE N61°41'16"E CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 401.38 FEET;

THENCE S72°38'11"E CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 29.35 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF GRANVILLE FAIRWAY AS SHOWN ON SAID MAP OF DEDICATION FOR "GRANVILLE SOUTHWEST PARCEL", SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, THE RADIUS OF WHICH BEARS S63°29'24"E, A

DISTANCE OF 1,335.00 FEET;

THENCE SOUTHEASTERLY 309.16 FEET ALONG THE ARC OF SAID CURVE AND SAID WESTERLY LINE, BEING CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 13°16'07";

THENCE LEAVING SAID WESTERLY LINE S32°51'50"W, A DISTANCE OF 29.36 FEET;

THENCE S78°31'06"W, A DISTANCE OF 35.69 FEET TO THE BEGINNING OF A TANGENT CURVE;

THENCE WESTERLY 143.93 FEET ALONG THE ARC OF SAID CURVE, BEING CONCAVE NORTHERLY, HAVING A RADIUS OF 380.00 FEET, THROUGH A CENTRAL ANGLE OF 21°42'06";

THENCE N79°46'48"W, A DISTANCE OF 93.35 FEET TO THE BEGINNING OF ATANGENT CURVE;

THENCE WESTERLY 165.41 FEET ALONG THE ARC OF SAID CURVE, BEING CONCAVE SOUTHERLY, HAVING A RADIUS OF 370.00 FEET, THROUGH A CENTRAL ANGLE OF 25°36'54"

THENCE N15°23'42"W, A DISTANCE OF 137.61 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 106,866 SQUARE FEET OR 2.453 ACRES, MORE OR LESS.

END