

ORDINANCE NO. 804

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP (ZMC15-001) BY CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 58 ACRES LOCATED SOUTH OF THE BIG SKY INDUSTRIAL PARK, APPROXIMATELY ONE MILE EAST OF MENDECINO DRIVE, IN A PORTION OF SECTION 20, TOWNSHIP 14 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, YAVAPAI COUNTY, ARIZONA, FROM RCU-70 (RESIDENTIAL; SINGLE FAMILY RURAL) TO M1-PAD (INDUSTRIAL; GENERAL LIMITED - PLANNED AREA DEVELOPMENT) ZONING; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, in December of 2014, the Town of Prescott Valley was successful in receiving a grant from the Arizona Commerce Authority to facilitate the construction of Enterprise Parkway extending Enterprise Parkway from State Route 69 to Valley Road in the Big Sky Industrial Park which encourages industrial development in the area; and

WHEREAS, grant funding from Arizona Commerce Authority requires that project work must begin within six months of the signing of the Agreement; and

WHEREAS, a portion of the proposed alignment was outside of the Town Limits and in order to facilitate expected development, the Town initiated the annexation of approximately fifty-eight (58) acres surrounding portions of the alignment and being adjacent to the existing Town Limits; and

WHEREAS, a public hearing for annexation of the subject property (ANX14-001) was held by the Town Council on December 18, 2014, and

WHEREAS, on January 22, 2015, the Town of Prescott Valley annexed by Ord No. 802, the approximately 58 acres located south of the Big Sky Industrial Park and approximately one mile east of Mendecino Drive, in a portion of Section 20, Township 14N, Range 1E of the Gila and Salt River Base and Meridian, Yavapai County, Arizona; and

WHEREAS, Ord No. 802 gave the annexed property a zoning classification of RCU-70 (being the Town classifications that was most similar to those Yavapai County classifications which existed on the property at the time of annexation); and

WHEREAS, the portions of the Big Sky Industrial Park adjacent to the subject area are zoned M1-PAD (Industrial; General Limited – Planned Area Development), the only district that allows Sexually-Oriented Businesses [subject to the regulations in Town Code Subsection 13-17-050(B)], and

WHEREAS, the owners of the adjacent Prescott Valley Business Park made a request of the Town to widen Enterprise Parkway and add a left-turn lane to the future connection of Academy Way which will allow access to and from the Business Park, and

WHEREAS, the Prescott Valley Planning and Zoning Commission held public hearings on said re-zoning application (ZMC15-001) at its regular meeting on March 9, 2015, and recommended approval (subject to conditions) to the Town Council; and

WHEREAS, the Council has now held a public hearing on April 9, 2015, and has then considered this Ordinance on April 9, 2015 and April 23, 2015, and has determined that re-zoning ZMC15-001 (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 RCU-70 to M1-PAD zoning for the following-described real property:

Approximately fifty eight (58) acres located south of the Big Sky Industrial Park (as described in Exhibit “A”).

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

1. Uses allowed under Subsection 13-17-020(A)(12), Sexually-Oriented Businesses, are expressly prohibited in the subject area.
2. Required participation by applicants to turn-lane improvements commensurate with the traffic generated by future development as determined by traffic studies and approved 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 M1-PAD back to the original designations of RCU-70 in accordance with the procedures set forth in ARS §9-462.01(E).

SECTION 3. That this Ordinance shall be effective 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 23rd day of April, 2015.

HARVEY C. SKOOG, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney

Exhibit A

DAVA AND ASSOCIATES, INC. PLANNING ENGINEERING SURVEYING
310 EAST UNION STREET, PRESCOTT, AZ. 86303 (928) 778-7587

A portion of Section 20, Township 14 North, Range 1 East of the Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

That portion of Section 20 bound on the west by the east line of the annexation shown on the plat recorded in Book 28 of Maps and Plats, Page 55 and described in Ordinance 235 as recorded in Book 2289 of Official Records, Page 336-342 in the Yavapai County Recorder's Office.

And being bound on the south by the southerly right-of-way line of State Route 69.

And being bound on the north by the southerly line of the annexation shown on the plat recorded in Book 62 Maps and Plats, Page 53 and described in Ordinance 717 as recorded in Book 4630 of Official Records, Page 438 in the Yavapai County Recorder's Office.

And being bound on the east by the following described line:

COMMENCING at the northwesterly corner of Section 20 as perpetuated by the reference monuments shown on the Arizona Land Survey Corner Record recorded in Book 2328 of Official Records, Page 539 in the Yavapai County Recorder's Office;

thence, along the north line of Section 20, South 89°20'09"East, 1,572.30 feet, from which point the northeast corner of Section 20, as identified by a 3" brass cap stamped "LS 6177" as shown on the Arizona Land Survey Monument Record recorded in Book 2182 of Official Records, Page 998 in the Yavapai County Recorder's Office, is South 89°20'09"East, 3,804.22 feet;

thence, departing the north line of Section 20, South 00°39'51" West, 718.35 feet to the northerly right-of-way line of Valley Road as shown on the plat recorded in Book 29 of Maps and Plats, Page 66 in the Yavapai County Recorder's Office and a 1/2" rebar with a cap stamped "LS 17564";

thence, departing the northerly right-of-way line of Valley Road, South 02°55'11" West, 68.64 feet to the southerly right-of-way line of Valley Road and a 2" aluminum cap stamped "TOWN OF PRESCOTT VALLEY LS 35138";

thence, along the west line of Parcel B as shown on the plat of Anx 08-001 as recorded in Book 62 of Maps and Plats, Page 53 and as described in Ordinance 717 as recorded in Book 4630 of Official Records, Page 438, South 02°34'19" West, 679.67 feet to the southwesterly corner of Parcel B and a ½" rebar with an unreadable cap;

thence, along the southerly line of Parcel B, South 54°29'23" East, 16.00 feet;

thence, continuing along the southerly line of Parcel B, North 75°16'45" East, 52.64 feet;

thence, continuing along the southerly line of Parcel B, South 59°23'35" East, 99.86 feet;

thence, continuing along the southerly line of Parcel B, South S51°52'23" East, 50.80 feet;

thence, continuing along the southerly line of Parcel B, South 75°19'11" East, 74.01 feet;

thence, continuing along the southerly line of Parcel B, South 43°11'41" East, 107.72 feet;

thence, continuing along the southerly line of Parcel B, South 69°11'08" East, 169.34 feet;

thence, continuing along the southerly line of Parcel B, South 74°03'21" East, 190.94 feet to the **POINT OF BEGINNING**.

Thence, departing the southerly line of Parcel B, South 02°00'42" West, 1,176.49 feet;

thence, South 49°57'47" East, 123.61 feet;

thence, South 50°06'40" East, 102.63 feet;

thence, South 50°14'28" East, 100.09 feet;

thence, South 50°19'54" East, 33.79 feet;

thence, South 51°07'56" East, 37.44 feet;

thence, South 62°05'30" East, 90.58 feet;

thence, South 62°23'56" East, 154.33 feet;

thence, South 28°56'55" East, 169.31 feet;

thence, South 28°53'23" East, 167.24 feet;

thence, South 28°55'27" East, 93.30 feet;

thence, South 08°39'38" East, 199.14 feet;

thence, South 08°35'30" East, 235.28 feet;

thence, South 24°02'25" West, 213.29 feet to the northerly right-of-way line of State Route 69;

thence, departing the northerly right-of-way line of State Route 69 and continuing South 24°02'25" West, 200.10 feet to the southerly right-of-way line of State Route 69 and to the **POINT OF TERMINATION**. From which point the southwest corner of Section 20, as identified by a 3" brass cap stamped "W J CHEEK PE 2398" is South 74°21'49" West, 2,766.22 feet and the southeast corner of Section 20, as identified by a 3" brass cap stamped "W J CHEEK PE 2398", is South 73°54'46" East, 2,717.30 feet.

This description yields approximately 58 acres.

I certify that, I, Thomas G. Callahan, am a Registered Land Surveyor in the State of Arizona, that this description was prepared under my direction and contains adequate information to allow retracement thereof.



EXHIBIT

A PORTION OF SECTION 20,
T. 14 N., R. 1 E., G. & S. R. M.

