

When Recorded, Return to:
Town of Prescott Valley
7501 E. Civic Circle
Prescott Valley, AZ 86314

ORDINANCE NO. 819

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP TO CHANGE THE ZONING CLASSIFICATION OF AN APPROXIMATELY THREE AND 87 HUNDREDTHS (3.87) ACRE PARCEL LOCATED IN TRACT "C" OF THE GLASSFORD REGIONAL MARKETPLACE BETWEEN E. MARKET STREET AND CROWNPOINTE DRIVE FROM C2-PAD (COMMERCIAL; GENERAL SALES AND SERVICES - PLANNED AREA DEVELOPMENT) ZONING TO RS-PAD (RESIDENTIAL AND SERVICES - PLANNED AREA DEVELOPMENT) ZONING; 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. 244 (November 8, 1990) certain real property located in Section 21, Range 1 West, Township 14 North, Gila & Salt River Meridian, giving the property a zoning classification of RCU-70, being the zoning classification most comparable to its former Yavapai County zoning classification of RCU-2A; and

WHEREAS, by Ordinance No. 465 (June 10, 1999) approximately eighty-two (81.73) acres were re-zoned from RCU-70 to C2-PAD after the Prescott Valley Planning and Zoning Commission approved ad Preliminary Development Plan (PDP) for the acreage on May 10, 1999; and

WHEREAS, Resolution No. 900 (July 8, 1999) approved a Development Agreement with Glassford Partners, L.L.C., owners of the approximately eighty-two (81.73) acres, to develop a regional shopping center; and

WHEREAS, Resolution No. 954 (April 27, 2000) approved a Final Development Plan (FDP) for the "Glassford Regional Market Place", showing revised roadway access and designating the acreage into Tracts "A", "B", and "C"; and

WHEREAS, on March 25, 2016, Charles Arnold, agent for Market Place Partners, applied for re-zoning of a 3.87 acre parcel located in Tract "C" of the Glassford Regional Marketplace between E. Market Street and Crownpointe Drive from C2-PAD to R2-PAD (Residential; Multiple Dwelling Units - Planned Area Development) for purposes of developing a residential apartment complex; and

WHEREAS, the Commission held a public hearing on said application at its regular meeting on August 8, 2016 and voted to forward the same to the Town Council with a recommendation of approval, with conditions (inasmuch as the application complies with the Prescott Valley General Plan); and

WHEREAS, in the course of its recommendation, the Commission impliedly approved the Preliminary Development Plan included as part of the re-zoning application; and

WHEREAS, at its regular meetings held September 8, 2016 and September 22, 2016, the Town Council considered the proposed re-zoning and voted to approve the same, with conditions, by passing this Ordinance No. 819; and

WHEREAS, the Mayor and Council find that the requested re-zoning will be beneficial to the community and is in conformity with the Prescott Valley General Plan; and

WHEREAS, the Mayor and Council find 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; and

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-PAD to RS-PAD zoning for the following-described real property:

[See Exhibit "A" attached hereto and expressly made a part hereof.]

The above described parcel containing an area of 3.87 acres, more or less.

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

1. Approval by the Town Council of a Final Development Plan in accordance with Town Code Article 13-19 consistent with the Preliminary Development Plan.

2. All development shall be in conformance with all Town Code requirements, including screening and lighting requirements of Articles 13-26 and 13-26a.

3. Installation of public improvements and dedications as required by the Town Engineer.

4. Remitting to the Town, on a monthly basis, all monies collected as a result of the owners and/or operators of any apartment complex developed on the described real property (including any successors and assigns) applying a 2% "surcharge" against gross rents collected from occupation and use of units within any phase of the complex. Such remittance shall be

made no later than the 15th day of the following month to the Town Clerk, and shall begin no later than sixty (60) days after the issuance by the Town of any certificate permitting occupancy of any phase of the complex.

In the event of non-compliance with any of the above conditions, the zoning designation on the described property shall revert from R2-PAD back to the original designation of C2-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 22nd day of September, 2016.

HARVEY C. SKOOG, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney

EXHIBIT “A”

Legal Description