

ORDINANCE NO. 739

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP (ZMC09-004) BY CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY SIXTEEN (16) ACRES GENERALLY LOCATED ADJACENT TO THE WEST SIDE OF STATE ROUTE 69, BETWEEN VILLAGE CREEK BLVD. AND BRADSHAW MOUNTAIN ROAD, IN THE DEWEY AREA, FROM R1L-70 ZONING (RESIDENTIAL; SINGLE-FAMILY LIMITED), RCU-70 (RESIDENTIAL; CONDITIONAL USE) TO C3-PAD ZONING (COMMERCIAL; MINOR INDUSTRIAL - PLANNED AREA DEVELOPMENT) WITH CONDITIONS; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Town annexed by Ordinance No. 579 (ANX03-J) dated January 22, 2004 approximately fourteen (14) acres of land located in §§27, 34, T.14 N., R.1 E., G&SRM; and

WHEREAS, the Town annexed by Ordinance No. 737 (ANX09-001) dated September 24, 2009 approximately two (2) acres of land located in §34, T.14 N., R.1 E., G&SRM; and

WHEREAS, in accordance with Arizona Revised Statutes, Ordinance No. 579 gave the annexed property zoning classifications of RCU-70 and R1L-70, Ordinance No.737 gave the annexed property a zoning classification of RCU-70, being the most similar zoning designations to that which existed when under Yavapai County jurisdiction; and

WHEREAS, it was anticipated that portions of the annexed properties would be utilized for commercial uses; however, the existing Land Use Designation on some of these properties is presently "Low Density Residential"; and

WHEREAS, at the July 12, 2004 meeting, the Planning and Zoning Commission considered a request by Gesine Gempe, agent, for a Minor Amendment to the *General Plan 2020* to change the land use designation of approximately twenty-one (21) acres (including this subject property) from "Low Density Residential" to "Regional Commercial" in order provide for anticipated commercial land uses voted to forward the same to the Town Council with a recommendation of approval; and

WHEREAS, at its regular session meeting on August 12, 2004, the Council subsequently held a public hearing on this requested Minor Amendment to the *General Plan 2020* (GPA04-002) and approved it by Resolution No. 1293; and

WHEREAS, at the September 14, 2009 meeting, the Planning and Zoning Commission

held a public hearing and considered a request by the Polland Family Trust, for a Minor Amendment to the *General Plan 2020* (GPA09-002) to change the land use designation of approximately two (2) acres lying in §34, T.14 N., R.1 E., G&SRM from “Low Density Residential” to “Regional Commercial” in order provide for anticipated commercial land uses; and

WHEREAS, at its regular session meeting on November 19, 2009, the Council subsequently held a public hearing on this requested Minor Amendment to the *General Plan 2020* (GPA09-002) and approved it by Resolution No. 1672; and

WHEREAS, in September of 2009 the Polland Family Trust, applied for a Zoning Map Change (ZMC09-004) from RCU-70 (Residential; Conditional Use Permits) and R1L-70 (Residential; Single Family Limited) to C3-PAD (Commercial; Minor Industrial-Planned Area Development.) on approximately sixteen (16) acres generally located adjacent to the west side of State Route 69, between Village Creek Blvd. and Bradshaw Mountain Road, in the Dewey area, comprising APNs 402-14-225G, 402-14-225H, and a portion of 402-14-225C; and

WHEREAS, on September 14, 2009 the Prescott Valley Planning and Zoning Commission held a public hearing on said request (ZMC09-004) and recommended approval (subject to conditions) in that the request was consistent with the *General Plan 2020*; and

WHEREAS, the Town Council considered the rezoning request (ZMC09-004) at its regular meetings held December 3, 2009, and December 17, 2009, and determined that such rezoning (as conditioned) will be beneficial to the community and is in conformity with the Prescott Valley *General Plan 2020*; 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 R1L-70 (Residential; Single Family Limited); RCU-70 (Residential; Conditional Use) to C3-PAD (Commercial; Minor Industrial - Planned Area Development) zoning for the following real property:

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

The above-described parcel containing an area of approximately sixteen (16) acres, more or less.

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

1. Approval by the Town Council of a Final Development Plan as required by Town Code Article 13-19 for each phase of construction, prior to issuance of construction permits.
2. All primary uses will be conducted within an enclosed building or completely screened from any residential uses.
3. The westerly two hundred (200) feet adjacent to the Prescott County Club shall remain in the natural topography and vegetation to serve as a buffer between any commercial developments.
4. Any outdoor storage of material shall only be accessory to an allowed primary use, and no storage shall exceed the height of the required screen wall, and such area shall not be used in conjunction with any noise producing activity.
5. Access related to any development shall be approved by A.D.O.T. prior to Final Development Plan submittal.
6. All uses are subject to all other provisions of the Town code for buffering, screening and commercial development if the site building is expanded or the use changes.
7. The following are prohibited uses:
 - Amusement enterprises (including commercial ballrooms, arenas, gymnasiums, rinks, pools, indoor shooting galleries, bowling alleys, billiard halls, miniature golf courses, recreation centers and commercial driving ranges)
 - Auto-body and paint shops
 - Auto storage garages (including storage of automobiles incident to a towing business and automobile salvage or wrecking)
 - Public auctions
 - Public utility service or storage yards
 - Transportation terminals and transfer facilities within an enclosed building [limited to fifteen thousand (15,000) square feet of floor area]
 - Concrete mixing operations
 - Livestock auctions
 - Livestock yards
 - Mobile homes and manufactured homes, including units used for offices (except that mobile homes and manufactured homes in compliance with Chapter 15 of this Code, used as offices in conjunction with mobile/manufactured home sales facilities, are permitted)
 - Salvage yards and wrecking yards
 - Any other use whose primary purpose or nature is first specified as a Permitted Use in the PM, M1 or M2 Districts
 - Amusement parks, including go-cart and race tracks
 - Cemeteries for human or animal interment
 - Dairy products manufacture

- Drive-in theaters
- Drug manufacturing or processing
- Mobile/manufactured home parks and recreational vehicle parks
- Outdoor runs, pens and cages for boarding or lodging of animals [no less than one hundred (100) feet from any residential district] with special consideration to:
 - Neighborhood reaction to the Use Permit application
 - Type and number of animal guests
- Welding shops
- Tire recapping
- Dispensing of gasoline and similar petroleum products from low-profile exposed storage tanks

In the event of non-compliance with any of the above conditions, the zoning designation for the described properties shall revert from C3-PAD back to the original designation of R1L-70 and RCU-70 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 17th day of December, 2009.

HARVEY C. SKOOG, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney

Exhibit "A" Legal Description

Description of land located in Section 34, Township 14 North, Range 1 East, of the Gila and Salt River Meridian, Yavapai County, Arizona.

That portion of Section 34 as described in Book 3684 of Official Records, Page 431 in the Yavapai County Recorder's Office.

EXCEPTING THEREFROM any portion lying northerly of a line from the most northerly corner of Lot 73, as shown on the plat of Prescott Country Club recorded in Book 13 of Maps and Plats, Page 79 in the Yavapai County Recorder's Office, and being perpendicular to the west line of Section 34 and extending easterly to the southwesterly right-of-way line of State Route 69; **AND EXCEPTING THEREFROM** any portion lying southerly of the following described line.

COMMENCING at the most northerly corner of the parcel described in Book 1057 of Official Records, Pages 740-741 in the Yavapai County Recorder's Office.

Thence, northwesterly along the northeasterly line of the parcel described in Book 3778 of Official Records, Page 731 in the Yavapai County Recorder's Office, 200.00 feet to the **POINT OF BEGINNING**. **Thence**, along a line perpendicular to the westerly right-of-way line of State Route 69 to the westerly right-of-way line of State Route 69 and to the **POINT OF TERMINATION**.

Containing approximately fourteen (14) acres.

TOGETHER WITH – Portion of 402-14-225C

All that portion of the West half of Section 34, Township 14 North, Range 1 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at the Northwest corner of said Section 34;

Thence, South 00°29'25" East, 1808.70 feet to a point on the West line of said Section 34

Thence, North 89°30'35" East, 274.11 feet;

Thence, South 62°28'00" East, 337.58 feet;

Thence, South 35°46'00" East, 236.05 feet;

Thence, South 17°21'30" East, 118.45 feet;

Thence, South 31°36'35" East, 286.74 feet;

Thence, South 22°50'17" East, 79.59 feet to the **POINT OF BEGINNING**;

Thence, North 68°16'44" East, 258.81 feet to a point on the Westerly right-of-way of Arizona state Route 69, being a point on a non-tangent curve, concave Southwesterly, with a radius of 22818.30 feet and a center point bearing South 68°16'44" West,

Thence, Southerly along said curve and right-of-way through a central angle of 01°09'16", a length of 459.80 feet;

Thence, South 20°34'00" East, 84.98 feet along said right-of-way;

Thence, South 69°26'00" West, 25.80 feet;

Thence, North 20°34'00" West, 65.64 feet to the beginning of a tangent curve, concave Southwesterly, with a radius of 22,793.31 feet;

Thence, Northwesterly along said curve through a central angle of 00°04'34", a length of 30.23 feet;

Thence, North 71°00'45" West, 114.91 feet;

Thence, North 59°18'01" West, 82.64 feet;

Thence, North 39°23'11" West, 74.57 feet;

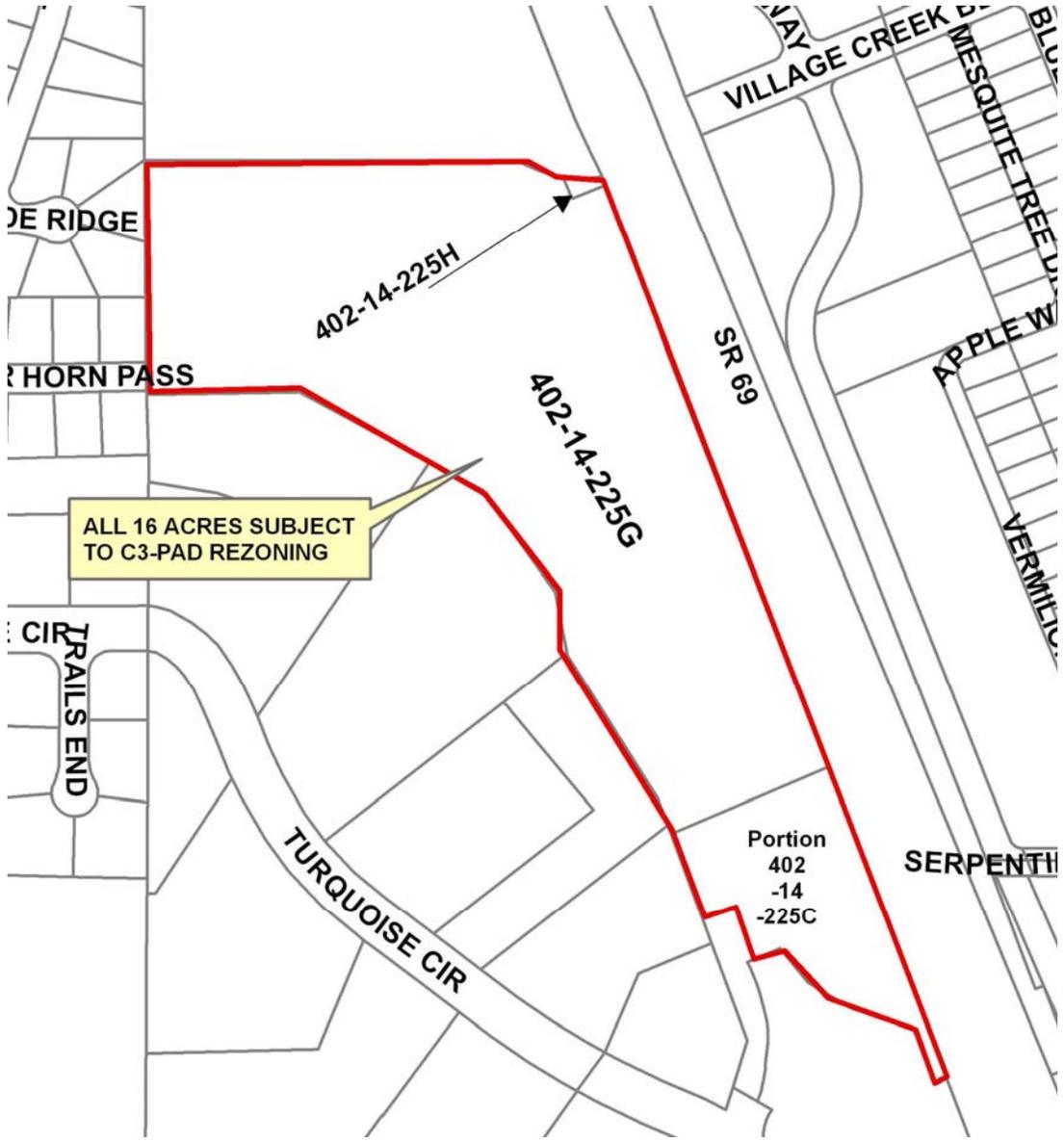
Thence, South 67°09'43" West, 13.82 feet;

Thence, North 22°50'17" West, 88.18 feet;

Thence, South 67°09'43" West, 50.00 feet;

Thence, North 22°50'17" West, 149.98 feet to the **POINT OF BEGINNING**;

Containing 1.9696 acres, more or less.



ALL 16 ACRES SUBJECT
TO C3-PAD REZONING

402-14-225H

402-14-225G

Portion
402-
-14
-225C

DE RIDGE

HORN PASS

TRAILS END

TURQUOISE CIR

SR 69

VILLAGE CREEK

MESQUITE TREE

APPLE W

VERMILION

SERPENTH