

ORDINANCE NO. 741

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP (ZMC09-005) TO CHANGE THE ZONING CLASSIFICATION FROM RCU-70 (RESIDENTIAL; CONDITIONAL USE PERMITS) ZONING TO C2-PAD (COMMERCIAL; GENERAL SALES AND SERVICES - PLANNED AREA DEVELOPMENT) ZONING ON APPROXIMATELY TWENTY FIVE (25) ACRES LOCATED SOUTH OF LONG LOOK DRIVE AND EAST OF GLASSFORD HILL ROAD; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the subject property was part of Annexations 97-C and 07-003; and

WHEREAS, Ordinances No. 448 and 792 respectively, gave the annexed 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, in September of 2009 Withey Morris, PLC, Agent, applied for a Zoning Map (ZMC09-005) from RCU-70 (Residential; Conditional Use Permits) zoning to C2-PAD (Commercial; General Sales and Services - Planned Area Development) zoning on approximately (25) acres located south of Long Look Drive and east of Glassford Hill Road; and

WHEREAS, at the January 14, 2010 Town Council meeting, Resolution No. 1685 was approved for General Plan Amendment (GPA09-003) changing approximately sixteen (16) acres located south of Long Look Drive and eight hundred (800) feet east of Glassford Hill Road, from “Town Center- Residential” to “Town Center-Mixed Use Low Intensity” to support rezoning of the subject property from RCU-70 to C2-PAD; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on said application (ZMC09-005) at a meeting on January 10, 2010, and voted to forward the application to the Town Council with a recommendation of approval, with conditions (inasmuch as the application complies with the Prescott Valley *General Plan 2020*); and

WHEREAS, the Town Council considered the rezoning request (ZMC09-005) at its regular meetings held February 11, 2010, and February 25, 2010, 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 RCU-70 to C2-PAD zoning on the following real property:

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

The above-described parcel containing a total area of approximately twenty-five (25) acres, more or less.

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

1. Development shall generally occur consistent with the circulation patterns as illustrated on the Preliminary Development Plan, including the identified thirty (30) foot landscape/buffer area on the south side of Long Look Drive and the one-story maximum building height of twenty-four (24) feet within two-hundred (200) feet on the south side of Long Look Drive (as set forth in Applicant’s narrative dated September 14, 2009).
2. Approval of a Final Development Plan, in accordance with Article 13-19 of the Town Code, for any phase of development prior to issuance of building permits.
3. Applicant/Owner shall only be responsible for off-site roadway improvements, as follows:

a. Glassford Hill Road

- i. Owner shall construct all site driveways.
- ii. Owner shall dedicate right of way adjacent to the property for a right turn deceleration lane for each site driveway. Owner shall also construct, or fund the cost of, such right turn deceleration lane for each site driveway. If driveways are located within the limits of a pre-existing northbound right turn lane for the Glassford Hill/Long Look intersection (to be constructed by others), the pre-existing right turn lane shall be extended south with this development to create a single continuous right turn lane. The resultant single right turn lane shall serve as both a right turn lane for the site driveway and a right turn lane for the intersection.
- iii. If left turn access is desired at the driveway aligned with Panther Path, the Owner shall construct (or fund the cost of) a southbound left turn lane in the Glassford Hill Road median as necessary to accommodate inbound left turn movements at this driveway.
- iv. Owner shall construct (or fund the cost of) curb, gutter, sidewalk, lighting and landscaping adjacent to the street, concurrent with development of adjacent property.

b. Long Look Drive

- i. Owner shall construct all site driveways.
- ii. All site driveways where left turn access is to be provided shall align with an existing north side cross street unless otherwise approved by the Public Works Director.
- iii. In exchange for the Town's abandonment of existing right-of-way for Long Look Drive, west of Lone Cactus Drive (as described below), Owner shall dedicate a maximum of ten (10) feet of additional right-of-way on the south side of Long Look Drive adjacent to the property if necessary to accommodate widening of Long Look Drive (as recommended in the Prescott Valley Town Center MCP, June 2007).
- iv. Owner shall construct (or fund the cost of) curb, gutter, sidewalk, and landscaping adjacent to the street, concurrent with development of adjacent property.

c. Viewpoint Drive

- i. Owner shall construct all site driveways.
 - ii. Owner shall construct (or fund the cost of) the outside southbound lane within the limits of the specific parcel being developed, at the time of development of that specific parcel or completion by the Town (and/or others) of the three lanes of Viewpoint Drive (presumably one northbound lane, one southbound lane, and a center left turn lane) within the same boundaries, whichever comes LAST.
 - iii. Owner shall construct (or fund the cost of), curb, gutter, sidewalk, lighting and landscaping adjacent to the street, concurrent with development of adjacent property.
4. In the event Final Development Plans for this property propose land use(s) that have an average daily trip generation that exceeds one hundred fifteen percent (115%) of that contemplated in the approved Traffic Impact Statement dated September 22, 2009 (as determined by the Town using the same methodology as was used for the approved Prescott Valley Town Center Parcel 4 Traffic Impact Statement), then the Final Development Plan applicant shall submit an updated Traffic Impact Statement specifying whether or not transportation improvements are warranted to Long Look Drive in addition to those set forth in Stipulation 3.

5. Bars, cocktail lounges and liquor stores shall not be permitted on the Property within two hundred (200) feet of the south side of Long Look Drive, from the centerline of Lone Cactus east to the western boundary of the proposed Town park site.
6. Pedestrian connections through the Property shall be considered during Final Development Plan approval.

In the event of non-compliance with any of the above conditions, the zoning designation for the described property shall revert from C2-PAD back to the original designation of 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 25th day of February, 2010.

HARVEY C. SKOOG, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney

EXHIBIT "A" LEGAL DESCRIPTION

A PORTION THE NORTHWEST QUARTER OF SECTION 14 AND THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 14 NORTH RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, TOWN OF PRESCOTT VALLEY, YAVAPAI COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE COMMON CORNER OF SECTION 10, 11, 14, AND 15, TOWNSHIP 14 NORTH, RANGE 1 WEST, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE ALONG THE NORTH LINE OF SECTION 14, N.89°58'37"E., A DISTANCE OF 940.73 FEET;

THENCE LEAVING SAID NORTH LINE, S.00°01'23"E., A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF LONG LOOK DRIVE AS DESCRIBED IN BOOK 2243, PAGE 899, YAVAPAI COUNTY OFFICIAL RECORDS SAID POINT ALSO BEING THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED IN BOOK 4493, PAGE 677 OF YAVAPAI COUNTY OFFICIAL RECORDS;

THENCE ALONG THE WEST LINE OF SAID PARCEL, S.00°00'35"E., A DISTANCE OF 414.33 FEET;

THENCE CONTINUE ALONG SAID PARCEL, S.45°03'42"E., A DISTANCE OF 378.38 FEET;

THENCE CONTINUE ALONG SAID PARCEL, N.69°22'36"E., A DISTANCE OF 477.46 FEET;

THENCE CONTINUE ALONG SAID PARCEL, S.88°38'16"E., A DISTANCE OF 48.14 FEET TO A POINT ON THE WEST RIGHT OF WAY OF VIEWPOINT DRIVE AS DESCRIBED IN BOOK 4684, PAGE 833, YAVAPAI COUNTY OFFICIAL RECORDS ;

THENCE CONTINUE S.88°38'16"E., A DISTANCE OF 40.00 FEET TO THE CENTERLINE OF SAID RIGHT OF WAY;

THENCE ALONG SAID CENTERLINE, S.01°21'44"W., A DISTANCE OF 128.52 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 30°44'04";

THENCE SOUTHERLY ALONG THE ARC OF SAID CENTERLINE, A DISTANCE OF 214.57 FEET;

THENCE CONTINUE ALONG SAID CENTERLINE, S.29°22'23"E., A DISTANCE OF 52.53 FEET TO A POINT ON THE NORTH LINE OF THE TOWN OF PRESCOTT VALLEY ZONING MODIFICATION CASE ZMC-07007;

SAID POINT ALSO BEING THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.29°28'58"E., A RADIAL DISTANCE OF 1,441.01 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 01°35'26", A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY OF SAID VIEWPOINT DRIVE;

THENCE CONTINUE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°14'11", A DISTANCE OF 207.15 FEET;

THENCE CONTINUE ALONG THE NORTH LINE OF SAID ZONING MODIFICATION CASE, S.89°57'04"W., A DISTANCE OF 691.45 FEET;

THENCE CONTINUE ALONG THE NORTH LINE OF SAID ZONING MODIFICATION CASE, N.27°30'21"W., A DISTANCE OF 484.89 FEET;

THENCE CONTINUE ALONG THE NORTH LINE OF SAID ZONING MODIFICATION CASE , S.89°57'04"W., A DISTANCE OF 639.11 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF

GLASSFORD HILL ROAD AS DETAILED IN BOOK 27 OF MAPS AND PLATS, PAGE 18, YAVAPAI COUNTY OFFICIAL RECORDS;

THENCE ALONG SAID EASTERLY RIGHT OF WAY, N.27°29'13"W., A DISTANCE OF 579.67 FEET TO SOUTHWEST CORNER OF THE LONG LOOK DRIVE RIGHT OF WAY DESCRIBED IN BOOK 3176, PAGE 248, YAVAPAI COUNTY OFFICIAL RECORDS;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL, N.17°25'03"E., A DISTANCE OF 24.04 FEET;

THENCE CONTINUE ALONG SAID SOUTH LINE, N.62°25'03"E., A DISTANCE OF 26.06 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.26°50'36"E., A RADIAL DISTANCE OF 582.84 FEET;

THENCE EASTERLY ALONG THE ARC OF SAID RIGHT OF WAY, THROUGH A CENTRAL ANGLE OF 18°19'54", A DISTANCE OF 186.48 FEET TO A POINT ON THE WEST LINE OF SECTION 14;

THENCE ALONG SAID WEST SECTION LINE, N.01°38'46"E., A DISTANCE OF 30.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 1,077,449.15 SQUARE FEET OR 24.74 ACRES, MORE OR LESS.

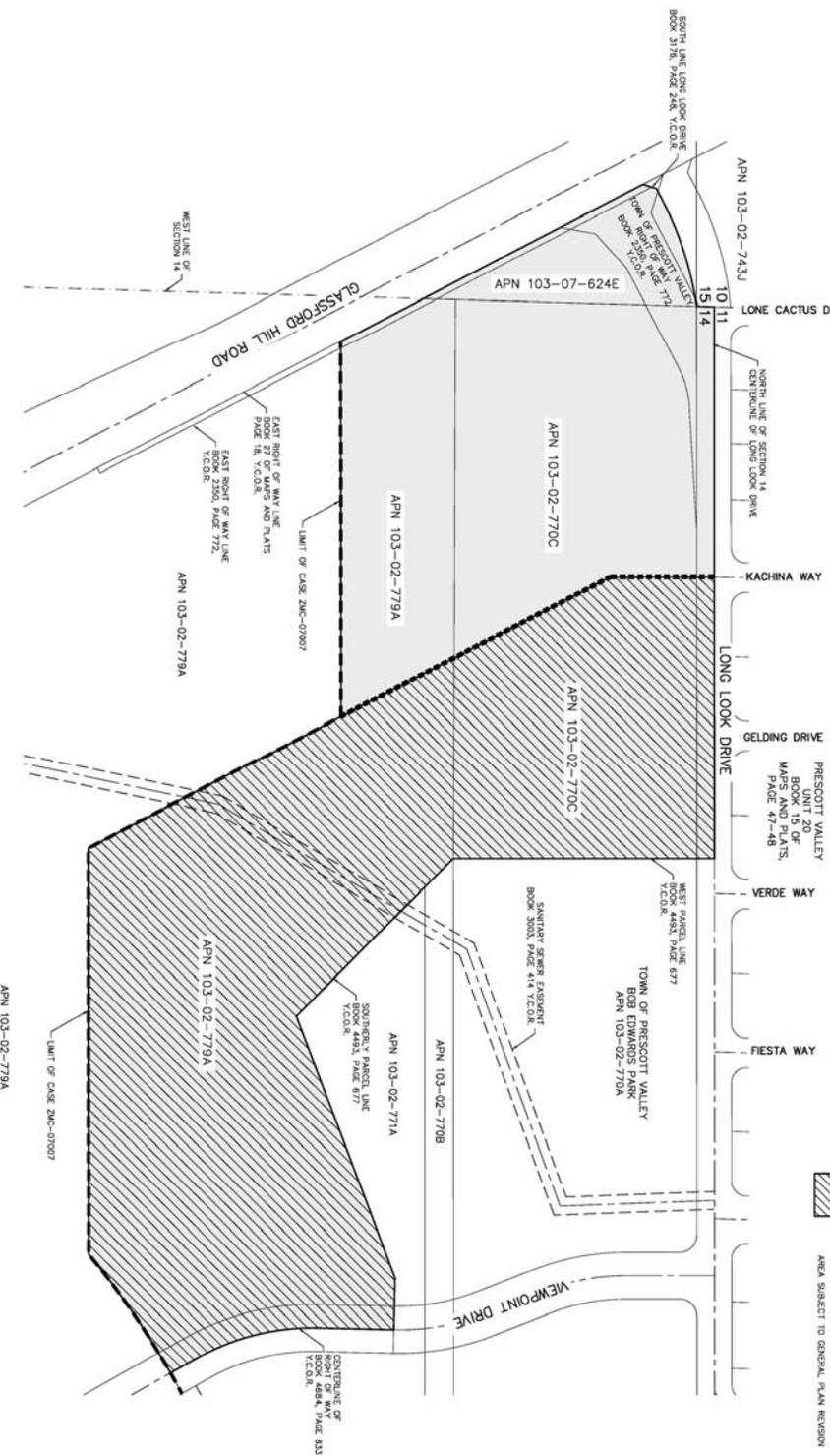
EXHIBIT "B"



ZONING MODIFICATION CASE ZMC-0900

APN 103-07-624E, 103-02-770C & 103-02-779A

LOCATED IN PORTIONS OF THE
NORTHWEST QUARTER OF SECTION 14 AND
THE NORTHEAST QUARTER OF SECTION 15
TOWNSHIP 14 NORTH, RANGE 1 WEST
COUNTY OF YAVAPAI, ARIZONA
PRESOTT VALLEY, ARIZONA



LEGEND

- ZONING BOUNDARY
- PROPERTY BOUNDARY
- EASEMENT LINE
- CENTERLINE
- LIMIT OF ZMC-0707
- LIMIT OF GENERAL PLAN REVISION
- SECTION LINE
- AREA SUBJECT TO GENERAL PLAN REVISION
- AREA TO BE REZONED C2

JOB: 0903-08 DATE: SEPTEMBER 2008 SCALE: AS SHOWN DRAWN: TL DESIGNED: TL CHECKED: DR	PRELIMINARY NOT FOR CONSTRUCTION	FAIN SIGNATURE GROUP 800 MAIN STREET SUITE 103 PRESCOTT VALLEY, ARIZONA 86314 ZONING MAP MODIFICATION APN 103-02-779 AND APN 103-02-779A		REVISIONS	
				# FOR REVIEW ONLY <input type="checkbox"/> FOR REC ONLY <input type="checkbox"/> FOR APPROVAL ONLY <input type="checkbox"/> FOR RECORDING ONLY <input type="checkbox"/> FOR CONSTRUCTION ONLY <input type="checkbox"/> FOR AS-BUILT ONLY	NUM DESCRIPTION DATE BY

SHEET 1 OF 1