

ORDINANCE NO. 742

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP (ZMC09-006) BY CHANGING THE ZONING CLASSIFICATION OF AN APPROXIMATELY TWO (2) ACRE PARCEL, GENERALLY LOCATED ON 5TH STREET APPROXIMATELY FOUR HUNDRED (400) FEET SOUTH OF 6TH STREET, FROM RCU-70 (RESIDENTIAL; CONDITIONAL USE PERMITS) 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. 740, dated January 14, 2010, a total of two (22) acres of real property located in §22, T14N, R1W, G&SRM; and

WHEREAS, the Prescott Valley zoning classifications assigned at annexation were RCU-70 which were the most similar to the existing Yavapai County zoning for the subject property of RCU-2A (Yavapai County); and

WHEREAS, in October of 2009, the Veterans of Foreign Wars, Mingus Mountain Post 10227 submitted a request for a Zoning Map Change from RCU-70 to RS-PAD on approximately two (2) acres located on 5th Street approximately four hundred (400) feet south of 6th Street, being immediately south of the Moose Lodge with the intent to construct a new VFW Lodge; and

WHEREAS, the Planning and Zoning Commission held a public hearing on said application (ZMC09-006) at its regular meeting on December 14, 2009; and

WHEREAS, the Commission voted to recommend approval of the Zoning Map Change (ZMC09-006), inasmuch as the requested rezoning is in conformance with the *Prescott Valley General Plan 2020*; and

WHEREAS, the Town Council has now held a second public hearing and has considered this recommendation at its regular meetings on February 25, 2010 and March 11, 2010, and has determined that such re-zoning will be beneficial to the community and is in conformity with the *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 RS-PAD on approximately two (2) acre parcel as described and shown on “Exhibit A” (attached hereto and expressly made a part hereof):

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

1. Development and use of the property shall be subject to all applicable Town Code requirements.

In the event of non-compliance with any of the above conditions, the zoning designation for the described property shall revert from RS-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 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 11th day of March, 2010.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney

Exhibit "A" Legal Description

A portion of land located in a portion of Section 22, Township 14 North, Range 1 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, being more particularly described as follows:

COMMENCING at a one half inch iron bar with a 2 inch aluminum cap monumenting the Northeast corner of Fain Heritage Park Site as recorded in Book 33 of Maps and Plats, Page 1, records of Yavapai County;

Thence South 69° 03' 28" West (of record South 68° 47' 15" West), 110.94 feet;

Thence South 69° 03' 28" West (of record South 68° 47' 15" West), 452.45 feet;

Thence South 77° 05' 10" West (of record South 76° 50' 45" West), 341.15 feet;

Thence South 12° 54' 50" East (of record South 13° 09' 15" East), 100.00 feet;

Thence South 63° 47' 42" West (of record South 63° 33' 17" West), 323.72 feet;

Thence South 87° 11' 49" West (of record South 86° 13' 40" West), 123.30 feet, also being the **POINT OF BEGINNING**;

Thence South 11° 33' 04" East, 125.00 feet;

Thence South 61° 58' 39" West, 205.28 feet;

Thence South 87° 12' 12" West, 159.81 feet;

Thence North 43° 10' 03" West, 356.23 feet;

Thence South 76° 18' 10" East, 212.56 feet;

Thence North 87° 12' 17" East, 20.42 feet;

Thence North 87° 13' 40" East, 115.28 feet;

Thence North 87° 11' 49" East, 217.71 feet, to the **POINT OF BEGINNING**.

Area contains 87,147 Square feet or 2.00 acres, more or less.