

**TOWN OF PRESCOTT VALLEY  
REQUEST FOR COUNCIL ACTION  
Date: May 13, 2010**

**SUBJECT:** Zoning Map Change (ZMC10-001) – Unit 16

**SUBMITTING DEPARTMENT:** Community Development Department

**PREPARED BY:** Joe Scott AICP, Planner, for Richard Parker Community Development Director

**AGENDA LOCATION:** Comments/Communications , Consent , Work/Study ,  
New Business , Public Hearing , Second Reading

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**ATTACHMENTS:** a) General Plan Map, and b) Ordinance No. 744 (with attachments)

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**SUMMARY/BACKGROUND:** The Town Council is asked to consider a request by Arizornia Development Inc., for a Zoning Map Change (ZMC10-001) from RS (Residential and Services) to C3 (Commercial; Minor Industrial.) on Lot 6535, Prescott Valley Unit 16 (8650 E. Laredo Drive), located on the north side of Laredo Drive between Sherrill Drive and Ranger Road.

In the recent past, there have been a number of similar requests involving Unit 16 lots that are not located in the FEMA floodplain. Lot 6535 was previously located in the FEMA floodplain, in Zone AE (a detailed study area where base flood elevations have been set by FEMA). The lot owner contracted with Claycomb/Rockwell Associates, Civil Engineers, to apply for a Letter of Map Amendment (LOMA), and FEMA provided a Determination Letter (Exhibits “B” and “C”) that the property had been removed from the Special Flood Hazard Area (SFHA) and was now in Flood Zone X on the FEMA Flood Insurance Rate Maps (FIRM). Property elevations were then documented by a survey, and the LOMA was approved by Ray Smith, Prescott Valley Floodplain Administrator, for changing the Town’s Flood Map.

On March 8, 2010, the Planning and Zoning Commission approved a General Plan Amendment (GPA10-001) from Low Density Residential to Regional Commercial, along with this request for a Zoning Map Change (ZMC10-001). The Town Council subsequently approved Resolution No. 1695 approving GPA10-001 at its April 8, 2010 regular meeting. The Circulation Element (CIR-6) of the *General Plan 2020* anticipates a future extension of Santa Fe Loop Road alongside the Agua Fria River bed on the north side of Unit 16. It is also hoped that future channeling of the floodplain will decrease the FEMA floodplain area and increase the areas in Unit 16 available for commercial and industrial use.

The applicant conducted a neighborhood meeting on January 27, 2010 regarding the earlier General Plan Amendment and this Zoning Map Change, after contacting property owners by first class mail within a one thousand (1,000) foot radius of the subject property. Nine (9) persons reportedly attended the meeting. During the meeting, the concept of re-zoning all of Unit 16 to a Heavy Commercial District was discussed, along with the need to remove other properties from the floodplain. One adjacent property owner and a representative used the occasion (and the subsequent public hearings before the Planning and Zoning Commission and the Town Council) to complain about prior Town actions related to use of his property and to reiterate issues he has raised in a prior claim about the Town’s general regulation of the area and development plans for the area. At the Council meeting, a specific issue was raised about fill previously placed on the lot (which contributed to the lot eventually being removed from the floodplain) potentially being contaminated with gasoline additives and thereby violating a subsequent policy adopted by the Council for flood management. To allow the application to go forward was asserted to be a “fraud” by these commentators, although the fill placement had obviously preceded adoption of the

policy. At the Planning and Zoning Commission meeting on March 8, 2010, the Commission voted unanimously to recommend approval and forwarded GPA10-001 and ZMC10-001 to the Town Council for action. The Council then approved GPA 10-001 at its regular meeting on April 8, 2010.

Town staff supports this proposed Zoning Map Change (ZMC10-001) in that it is consistent with the *General Plan 2020* and, past actions and policy of the Planning Commission and Town Council in that the property is the same designation as other similar properties in Unit 16 that are not impacted by the FEMA floodplain. Staff also notes that placement of fill on this property occurred several years ago, before this application was contemplated and before Town policies limiting types of fill for floodplain management purposes were proposed. Staff does not believe allowing the current owner of this property to obtain a LOMA from FEMA based on placement of that fill (and thereby making the requested map and zoning changes possible) is a violation of federal requirements or Town policy.

The Council approved the first reading of Ordinance No. 744 at its meeting on April 22, 2010.

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**OPTIONS ANALYSIS:** The Council may approve this Zoning Map Change (ZMC10-001), direct staff to address additional concerns prior to approval, or decline to approve this Zoning Map Change (ZMC10-001).

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**ACTION OPTION:** [The Mayor asks the Town Clerk to read Ordinance No. 744 by title only for the second reading, then asks “Shall the Ordinance Pass?”] **VOTE.**

[Note: it is understood that approval of the re-zoning ordinance also authorizes to sign the agreement related to Proposition 207.]

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**RECOMMENDATION:** Staff recommends authorizing signature of Ordinance No.744 approving Zoning Map Change ZMC10-001.

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**FISCAL ANALYSIS:** The potential development of this property may eventually provide additional commercial development in and related transaction privilege/use tax revenue for the Town.

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**REVIEWED BY:**

Management Services Director \_\_\_\_\_ Town Clerk \_\_\_\_\_

Town Attorney \_\_\_\_\_

Town Manager \_\_\_\_\_

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**COUNCIL ACTION:**

Approved  Denied  Tabled/Deferred  Assigned to \_\_\_\_\_