

ORDINANCE NO. 766

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 1.75 ACRES LOCATED AT THE SOUTHEAST CORNER OF STATE ROUTE 69 AND BRADSHAW MOUNTAIN ROAD FROM R1L-70 (RESIDENTIAL; SINGLE-FAMILY LIMITED) TO C2 PAD (COMMERCIAL; GENERAL SALES AND SERVICE, PLANNED AREA DEVELOPMENT) ZONING (ZMC11-002); 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 entered into a development agreement by adoption of Resolution No. 1169 on April 10, 2003, for a master-planned community known as Quailwood Meadows; and

WHEREAS, in accordance with that development agreement, the Town Council annexed by Ordinance No. 562 on June 12, 2003, approximately 560 acres lying in Sections 27, 34, and 35 Township, 14 North, Range 1 East, giving it a zoning classification of R1L-70 (Residential; Single-Family Limited); and

WHEREAS, the community as planned included a commercial area between State Route 69 and the residential area to provide services to the community and to adjacent areas of Prescott Valley; and

WHEREAS, said property had previously been given a Land Use Designation of PAD 5-II within Growth and Development Tier II in the *General Plan 2020*; and

WHEREAS, Jeff Kost, agent for Glenwood Development, has filed an application for a Zoning Map Change to commercial use for a parcel located in the area planned for future commercial use (ZMC11-002); and

WHEREAS, in compliance with Town Code §13.-30-012, a neighborhood meeting was held to consider the application after notification of all property owners within 1000 feet by first class mail; and

WHEREAS, in accordance with the Town Code and Arizona Revised Statutes, the Prescott Valley Planning and Zoning Commission held an initial public hearing on the rezoning application at its regular meeting on August 8, 2011; and

WHEREAS, during the course of the public hearing, Kost agreed to meet with concerned homeowners regarding details of the proposed use, and said meeting was subsequently held on August 15, 2011; and

WHEREAS, the Planning and Zoning Commission held an additional public hearing on September 12, 2011, after providing additional statutory notice, to again take public comment; and

WHEREAS, at the end of the public hearing the Commission found that the requested zoning was in conformance with the *General Plan 2020* and voted unanimously to approve the requested Zoning Map Change and forward the same to the Town Council with a recommendation of approval; and

WHEREAS, at the same meeting, the Commission approved a Preliminary Development Plan depicting an eight thousand three hundred square foot commercial building (8,300) as well as the requisite parking, drive aisles, landscaping and other requirements set forth in the Town Code; and

WHEREAS, the Town Council has now held a public hearing on the application at its regular meeting on September 22, 2011; and

WHEREAS, the Council has considered the recommendation of the Planning and Zoning Commission at its regular meetings held September 22, 2011, and October 13, 2011, and has determined that such re-zoning 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, as well as 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 for The Town of Prescott Valley be hereby amended from R1L-70 (Residential; Single Family Limited) zoning to C2 PAD (Commercial; General Sales and Service; Planned Area Development) zoning for the following-described real property:

[See the legal description attached hereto and expressly made a part hereof]

SECTION 2. 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 13th day of October, 2011.

HARVEY C. SKOOG, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney