

ORDINANCE NO. 881

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP (ZMC19-007) BY CHANGING THE ZONING CLASSIFICATION OF PARCELS FROM R1L-70 (RESIDENTIAL; SINGLE FAMILY LIMITED) ZONING TO C2-PAD (COMMERCIAL; GENERAL SALES 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 subject real property located in §3, T13N, R1E, G&SRM was annexed into the Town of Prescott Valley with Ordinance No. 578 in 2004 and Ordinance No. 858 in 2019; and

WHEREAS, at the time of incorporation the property received a zoning classification of R1L-70, which classification was comparable to its former County zoning classification; and

WHEREAS, in July of 2020 Brad Fain, Property Owner, applied for a Zoning Map Change (ZMC19-007) from R1L-70 (Residential; Single Family Limited) to C2-PAD (Commercial; General Sales and Services-Planned Area Development) on approximately 27 acres located at the southeast corner of SR 69 and Fain Road; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on said rezoning request (ZMC19-007) at its regular meeting on December 14, 2020, and recommended approval of the zoning change (subject to conditions) in that the request was consistent with the *General Plan 2025*; and

WHEREAS, the Town Council considered this recommendation at its regular meetings held January 14, 2021, and January 28, 2021, and has determined that such re-zoning (as conditioned) will be beneficial to the community and is in conformity with the Prescott Valley *General Plan 2025*; 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 to C2-PAD on approximately 27 acres, as shown in Exhibit "A".

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

1. Development shall generally occur consistent with the circulation patterns and building areas as illustrated on the Preliminary Development Plan and uses of the property shall be limited to allowed manufactured home park uses permitted in the C2-PAD Zoning District.
2. Approval by the Town Council of a Final Development Plan (FDP) as required by Town Code Article 13-19 for each phase of construction, prior to issuance of construction permits and to include among other things:
 - a. Conformance with all Town Code requirements, including site development standards in Article 13-25 except as modified by the Preliminary Development Plan and screening and lighting requirements of Articles 13-26 and 13-26a.
 - b. Engineered drainage and grading plans.
 - c. The developer shall be responsible for any infrastructure needed to serve the site including widening pavement in Village Way to 24-feet between the development and Village Creek Blvd.
 - d. Any development will have to obtain final approval from the Arizona Department Transportation (ADOT) for construction of a secondary emergency access.
3. Remitting to the Town, on a monthly basis, all monies collected as a result of the proposed manufactured home park, and/or its successors and assigns, applying a “surcharge” against all rents collected from occupation and use of units within any phase of the park, with said surcharge being two percent (2%). Such remittances shall be made no later than the 15th day of the following month to the Town Clerk and shall begin no later than sixty (60) days after the issuance by the Town of any certificate permitting occupancy of any phase of the manufactured home park.

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 R1L-70 in accordance with the procedures set forth in ARS §9-462.01(E).

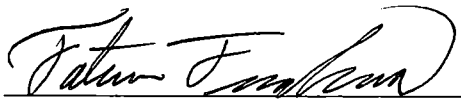
SECTION 3. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 28th day of January, 2021.



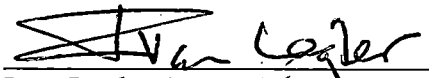
Kell Palguta, Mayor

ATTEST:



Fatima Fernandez, Town Clerk

APPROVED AS TO FORM:



Ivan Legler, Town Attorney

CREEKSIDE VILLAS PARCEL DESCRIPTION

An irregular shaped parcel of land being portions of that property described at Book 3569, Page 457, Yavapai County Official Records, portions of that property described at Book 3814, Page 456, Yavapai County Official Records portions of that property described at Book 4114, Page 251, Yavapai County Official Records, all of Lot 400 of the Villages at Lynx Creek Unit Two as recorded at Book 29 of Maps and Plats, Page 97-100, Yavapai County Official Records, portions of that property described at Reception #2014-0021561, Yavapai County Official Records, portions of that property described at Reception #2014-0033519, Yavapai County Official Records, and includes portions of the southwest quarter of Section 27, and the southeast quarter of Section 28, Township 14 North, Range 1 East, Gila & Salt River Meridian, Yavapai County, Arizona and all being more particularly described as follows:

Commencing at the common corner to Section 27, 28, 33, and 34, Township 14 North, Range 1 East, being a WJ Cheek Brass Cap in concrete dated 1968, Thence along the line common to Section 27 and 28, N.01°42'19"E., a distance of 503.61 feet to a point of intersection of said section line and the northeasterly right of way of State Route 69 marked by a ½" rebar & tag RLS 1756, said point also being on the southwesterly line of that option parcel for a future Frontage Road as detailed at Book 29 of Maps & Plats, Page 97-100, Yavapai County Official Records and said point being the TRUE POINT OF BEGINNING;

Said TRUE POINT OF BEGINNING lying on the northeasterly right of way of State Route 69 and is also the beginning of a curve to the left, of which the radius point lies South 51°52'01" West, a radial distance of 3,195.71 feet;

Thence Northwesterly along the arc of said right of way, through a central angle of 05°08'36", a distance of 286.87 feet;

Thence continue along said right of way, North 41°56'50" West, a distance of 82.74 feet to a 3" ADOT aluminum cap in concrete;

Thence continue along said right of way, North 39°59'32" West, a distance of 252.91 feet;

Thence continue along said right of way, North 51°55'26" East, a distance of 20.00 feet to a 3" ADOT aluminum cap in concrete and to the point of curve of a non-tangent curve to the left, of which the radius point lies South 51°54'52" West, a radial distance of 9,677.30 feet;

Thence Northwesterly along the arc of said right of way, through a central angle of 00°26'49", a distance of 75.51 feet to a 3" ADOT aluminum cap in concrete;

Thence continue along said right of way, South 51°49'35" West, a distance of 10.00 feet;

Thence continue along said right of way, North 41°55'12" West, a distance of 75.48 feet to a 1/2" rebar and tag RLS 17654;

Thence continue along said right of way, North 41°55'24" West, a distance of 306.75 feet to a point of intersection with the north line of the south half of the southwest quarter of Section 28;

Thence continue along said right of way, North 41°55'24" West, a distance of 389.99 feet to a 3" ADOT aluminum cap in concrete at the intersection of said right of way with the southeast right of way of Fain Road as depicted at Book 45 of Maps and Plats, Page 10-20, Yavapai County Official Records;

Thence along said right of way, North 16°50'26" West, a distance of 66.18 feet to an aluminum cap monument at Station 10+85.19, 130.00 Right;

Thence continue along said right of way, North 42°59'36" East, a distance of 148.65 feet to an aluminum cap monument at Station 12+29.99, 130.00 Right;

Thence continue along said right of way, South 48°16'44" East, a distance of 25.92 feet to an aluminum cap monument at Station 12+29.99, 154.61 Right and the point of curve of a non-tangent curve to the left, of which the radius point lies North 48°16'44" West, a radial distance of 1,155.00 feet;

Thence Northeasterly along the arc of said right of way, through a central angle of 07°01'39", a distance of 141.67 feet;

Thence leaving said right of way, South 66°45'22" East, a distance of 872.23 feet to a point on the line common to Section 27 and 28;

Thence continue Southeasterly along said line South 66°45'22" East, a distance of 788.48 feet;

Thence South 24°55'43" West, a distance of 30.06 feet to Golf Course Corner No. 5 of the Quailwood Greens Golf Course as depicted at Book 29 of Maps & Plats, Page 8, Yavapai County Official Records marked by a 2" aluminum cap labeled GC 5;

Thence along the 5-4 line of said golf course, South 06°34'24" West, a distance of 462.82 feet to Golf Course Corner No. 4;

Thence along the 4-3 line of said golf course, South 72°14'01" East, a distance of 370.69 feet to Golf Course Corner No. 3 marked by a 2" aluminum cap labeled GC 3 and the north corner of lot 383 of the Villages at Lynx Creek Unit Two at Book 29 of Maps and Plats, Page 100, Yavapai County Official Records;

Thence along the north line of said plat between Lot 383 and Lot 398, South 83°22'16" West, a distance of 856.90 feet to the northwest corner of said lot 398;

Thence along the north line of Lot 399, South 87°48'26" West, a distance of 21.94 feet to a 1/2" rebar & tag RLS 17564;

Thence along the south line of lot 400 of said Villages at Lynx Creek Unit Two, South 54°07'02" West, a distance of 60.00 feet to a point on the northeasterly right of way of Mountain Brush Drive, a private right of way and to the point of curve of a non-tangent curve to the left, of which the radius point lies South 54°10'48" West, a radial distance of 2,463.74 feet;

Thence Northwesterly along the arc of said right of way, through a central angle of 01°39'40", a distance of 71.43 feet to the point of curve of a non-tangent curve to the right, of which the radius point lies North 52°43'32" East, a radial distance of 20.00 feet;

Thence Northerly along the arc of said right of way, through a central angle of 48°23'11", a distance of 16.89 feet to a point on the easterly right of way of Village Way, a Town of Prescott Valley right of way and to a point of reverse curve to the left having a radius of 150.00 feet and a central angle of 40°13'45";

Thence Northerly along the arc of said right of way, a distance of 105.32 feet;

Thence continue Northwesterly along said curve through a central angle of 29°03'49", a distance of 76.09 feet and the point of northern most limit of said right of way, said point also being on the line common to Section 27 and Section 28;

Thence along said common section line, South 01°42'19" West, a distance of 63.90 feet to the southerly and westerly right of way of Village Way, a Town of Prescott Valley right of way and to the point of curve of a non-tangent curve to the right, of which the radius point lies South 50°31'10" West, a radial distance of 100.00 feet;

Thence Southerly along the arc of said right of way, through a central angle of 53°39'42", a distance of 93.66 feet;

Thence continue Southerly along said curved right of way, through a central angle of 13°22'14", a distance of 23.34 feet to a point of reverse curve to the left having a radius of 150.00 feet and a central angle of 22°25'55";

Thence Southerly along the arc of said right of way, a distance of 58.73 feet to a point on the line common to Section 27 and Section 28;

Thence leaving said right of way, North 01°42'19" East, a distance of 11.81 feet to the TRUE POINT OF BEGINNING.

Containing a gross area of 1,258,826.74 square feet +/- or 28.90 acres, more or less.

Excepting therefrom any portion of the above-described parcel of land that lies within those boundaries of the intended resultant parcel as created from the description in Book 3593 of

Official Records, Page 348 and the description in Book 3814 of Official Records, Page 456, Yavapai County Recorder's Office, Inclusive.

And also excepting, any portion of the land described in Book 4913 of Official Records, Page 521, Yavapai County Recorder's Office.

Said resultant parcel containing a gross area of 1,170,325.93 square feet +/- or 26.87 acres, more or less.

