

ORDINANCE NO. 817

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP (ZMC16-001) BY CHANGING THE ZONING CLASSIFICATION OF AN APPROXIMATELY THIRTY THREE (33) ACRE PARCEL LOCATED ON THE WEST SIDE OF GLASSFORD HILL ROAD THAT EXTENDS FROM THE SOUTH OF SANTA FE LOOP ROAD TO TUSCANY WAY BETWEEN GRANVILLE UNIS 3 AND 5, IN PORTIONS OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, FROM R1L-10 PAD (RESIDENTIAL;SINGLE FAMILY LIMITED, PLANNED AREA DEVELOPMENT) TO PL (PUBLIC LANDS) 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. 441 (dated July 9, 1998) some 1,268 acres of real property located in Sections 10 and 15, R1W, T14N, G&SRB&M; and

WHEREAS, said real property was given a zoning classification of RCU-70 at annexation, which classification was comparable to its former County zoning classification of RCU-2A; and

WHEREAS, in August 1998, the Prescott Valley Planning and Zoning Commission considered a Master Development Plan for the property in order to assist the owners in preserving the right to use groundwater in light of a pending declaration of groundwater mining by the Arizona Department of Water Resources (ADWR), said Plan proposing to develop 3,400 units on: 1,243 acres; and

WHEREAS, on March 8, 1999, the Planning and Zoning Commission held a public hearing on an application to re-zone the property to R1L-10 PAD, R2 PAD and C1 PAD, and to consider a Preliminary Development Plan for the property; and

WHEREAS, at the public hearing, the Commission considered protests, support, and other public comments (including a stipulation by the project developer, worked out with adjoining property owners, which minimized the impact of the development on adjoining properties), then voted to forward the application to the Town Council with a recommendation of approval, with conditions [impliedly approving the Preliminary Development Plan per Town Code §13-19-060(E) & (F)]; and

WHEREAS, the project developer and property owners finalized negotiations with the Town towards a Development Agreement pursuant to ARS §9-500.05, as well as an effluent use agreement mandated by ADWR as an additional condition of providing the project with a certificate of assured water supply; and

WHEREAS, on November 23, 1999, the project developer and its agent met again with property owners residing along Lone Cactus Drive, and refined the earlier stipulations which were then set forth as an Exhibit zoning ordinance; and

WHEREAS, by Resolution No. 931 (dated December 16, 1999), the Town Council adopted the Development Agreement and effluent use agreement; and

WHEREAS, on December 16, 1999, the Council also held a public hearing to consider further public comments regarding the application for re-zoning; and

WHEREAS, at its regular meetings held December 16, 1999 and January 13, 2000, the Council considered Ordinance No. 482 approving said application and voted to adopt the same and approve the requested re-zoning, with conditions; and .

WHEREAS, in September 2002, Glassford Hill Holdings, L.L.C., applied for re-zoning (ZMC02-006) of a three (3) acre parcel on the southeast of Glassford Hill Road and the proposed Santa Fe Loop from C1 PAD to R2 PAD in order to permit development of a new 150 unit apartment complex, and re-zoning from R1L-10 PAD to C1 PAD of a corresponding three (3) acre parcel to replace the commercially zoned property in the Granville project being used for an apartment complex; and

WHEREAS, the Planning and Zoning Commission held a public hearing on said application (ZMC02-006) at its regular meeting on November 4, 2002, 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); and

WHEREAS, in the course of its recommendation, the Planning and Zoning Commission approved an amendment to the Granville Master Plan (Preliminary Development Plan) to correspond the same to the re-zoning; and

WHEREAS, at its regular meetings held January 9, 2003 and January 23, 2003, the Town Council considered the proposed re-zoning and voted to approve the same, with conditions, by adopting Ordinance No. 538; and

WHEREAS, as a condition of the Development Agreement approved by the Town Council on December 16, 1999 by Resolution 931 between the Town and Universal Homes, Inc., the Developer agreed that the Town has a standard requirement of providing 6.8 acres of land per 1,000 residents of open space/public parks; and

WHEREAS, to satisfy a portion of this requirement, the Developer proposes to develop and dedicate to the Town an approximate 33 acre parcel for the purpose of a public park; and

WHEREAS, it has long been the policy of The Town of Prescott Valley to give a zoning classification of Public Lands (PL) for lands set aside for public and quasi-public use and Town policy has been consistent in taking similar actions in the past where intent of the grantor of the land or the acquiring entity has been to dedicate the subject parcel to public use; and

WHEREAS, on February 8, 2016, the Planning Commission requested initiation of a Public Hearing to review Zoning Map Changes necessary to rezone the subject approximately 33 acre parcel from R1L-10 (Residential; Single Family Limited, Planned Area Development) to PL (Public Lands); and

WHEREAS, in compliance with Article 13-30-012 of Town Code, staff from the Community Development Department held an informative Neighborhood Meeting on April 7, 2016, at Town Hall and received no comments from property owners relating to this action; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on said re-zoning application (ZMC16-001) at its regular meeting on May 9, 2016, and recommended approval to the Town Council; and

WHEREAS, the Council has now held a public hearing on May 26, 2016, and has then considered this Ordinance on May 26, 2016 and June 9, 2016, and has determined that re-zoning ZMC16-001 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-10 PAD zoning to PL zoning for the following-described real property:

Approximately 33 acres of land on the west side of Glassford Hill Road, south of Santa Fe Loop Road to Tuscany Way. in a portion of Section 10, Township 14 North, Range 1 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona as shown in Exhibit "A" (being attached hereto and expressly made a part hereof).


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

1. Use of the property shall be in conformance with all other 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 PL back to the original designations of R1L-10 PAD 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.

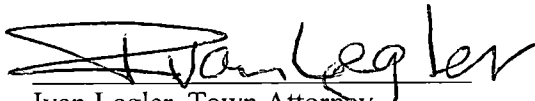
PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 9th day of June, 2016.


HARVEY C. SKOOG, Mayor

ATTEST:


Diane Russell, Town Clerk

APPROVED AS TO FORM:


Ivan Legler, Town Attorney

