

## ORDINANCE NO. 865

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP (ZMC19-002) BY CHANGING THE ZONING CLASSIFICATION OF LOTS 27, 28 PRESCOTT COUNTRY CLUB UNIT-1, LOCATED ON THE NORTHEAST CORNER OF OLD CHISHOLM TRAIL AND ARABIAN LANE, FROM R2-2 (RESIDENTIAL; MULTIPLE DWELLING UNITS) TO RS (RESIDENTIAL AND SERVICES) ZONING; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, on March 14, 2019 the Town of Prescott Valley annexed (ANX19-001) by Ordinance No. 860 Lots 25-29 of Prescott Country Club Unit 1; and

WHEREAS, in accordance with Arizona Revised Statutes, Ord No. 860 gave the annexed property zoning classifications of R2 and RS (being the Town classifications most similar to those Yavapai County classifications which existed on the property at the time of annexation); and

WHEREAS, in April of 2019 TDH Investments LLC, submitted an application requesting a Zoning Map Change from R2-2 (Residential; Multiple Dwelling Units) to RS (Residential and Services) on Lots 27, 28 & 29 Prescott Country Club Unit-1 located on the Northeast corner of Old Chisholm Trail and Arabian Lane, Dewey AZ. APN 402-16-029 and Portion of APN 402-16-026A; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on re-zoning application (ZMC19-002) at its regular meeting May 13, 2019; and

WHEREAS, following a presentation by staff and a call to the public and applicant, Commissioner Musarra moved to table the application to a future meeting to give the developer time to refine the request and the Motion carried unanimously; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on revised re-zoning application (ZMC19-002) at its regular meeting June 10, 2019 that excluded Lot 29 and provided additional information to address issues and concerns raised by Commission and recommended approval of ZMC19-002 (subject to conditions) to the Town Council; and

WHEREAS, the Council held a public hearing on June 27, 2019, and has considered this Ordinance on June 27, 2019 and July 11, 2019, and has determined that re-zoning ZMC19-002 (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 to change the zoning on **Lots 27, 28 Prescott Country Club Unit-1** from R2 to RS zoning as shown in "Exhibit A" attached hereto and expressly made a part hereof.

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

- A. Connections to Town Sanitary Sewer System via the active 8" line that lies within 300' of the building on adjacent property in Town Limits to the north.
- B. Development of hard surfaced parking at 1-space per 10 children plus 1 per employee per Town Code standards and screening and landscaping per the attached Site Plan in accordance with Article 13-26.
- C. Development and uses shall be in conformance with Site Plan all applicable Town Code provisions and specifically a 6' CMU wall for the play area.
- D. Any lighting on the building or site is required to be fully shielded and Dark-Sky compliant per Article 13-26a. No vehicular access from Arabian Lane.
- E. Exclusion of the following uses:
  - 1. Hospitals, clinics, sanitariums and nursing homes for the care of humans.
  - 2. Institutions of an educational, religious, charitable or philanthropic nature.
  - 3. Private clubs, lodges or fraternal organizations operated solely for the benefit of bona fide members (including outdoor recreation or assembly facilities).
  - 4. Mobile/manufactured home parks subject to all regulations applicable to such parks, set forth under Article 13-25.

In the event of non-compliance with any of the above conditions, the zoning designation for the described property shall revert from RS back to the original designations of R2 in accordance with the procedures set forth in ARS §9-462.01(E).

SECTION 3. That this Ordinance shall be effective 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 11<sup>th</sup> day of July, 2019.



A handwritten signature in black ink, appearing to read "Kell Palguta", is written over a horizontal line.

Kell Palguta, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Diane Russell", is written over a horizontal line.

Diane Russell, Town Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Ivan Legler", is written over a horizontal line.

Ivan Legler, Town Attorney

**"Exhibit-A"**

**26**

**TOWN OF PRESCOTT VALLEY**

**OLD CHISHOLM TRL**

**ZMC19-002**

**27**

**28**

**29**

**ARABIAN LN**

