

WHEN RECORDED, RETURN TO:
Edie Chapin, Town Clerk
Town of Star Valley
3675 E. Highway 260
Star Valley, AZ 85541

ORDINANCE NO. O 23-03

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF STAR VALLEY, ARIZONA, AMENDING ORDINANCE 06-02, THE ZONING MAP AND THE ZONING CODE FOR THE TOWN OF STAR VALLEY BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT ARIZONA STATE ROUTE 260, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-58-001E, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT 1, ATTACHED HERETO, FROM TR TD (TRANSITIONAL RESIDENTIAL TRAILER DISTRICT) TO C2 (COMMERCIAL TWO DISTRICT) AND PROVIDING PROP 207 NOTICE TO APPLICANT. (MOGOLLON MEADOWS REZONING)

WHEREAS, the Town of Star Valley from time to time amends its Official Zoning Map and Official Zoning Code for the purpose of accommodating zoning changes; and

WHEREAS, Application RZ 23-001 to amend the Official Zoning Map and Official Zoning Code has been made by Mogollon Meadows LLC ("the Applicants") to the Planning and Zoning Commission and the Town Council; and

WHEREAS, the Planning and Zoning Commission held a public hearing on August 10, 2023, considered the issues, and made recommendations on Application RZ 23-001 to the Town Council; and

WHEREAS, the Town Council held a public hearing on September 5, 2023, in regard to said Application RZ 23-001 and has considered the issues relating thereto.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF STAR VALLEY, ARIZONA, AS FOLLOWS:

Section 1. Ordinance 06-02 of the Town of Star Valley, the Official Zoning Map and the Zoning Code for the Town of Star Valley be and each is hereby amended for certain real property located at Arizona State Route 260 being Gila County Assessor's Parcel Number 302-58-001E, as more particularly described on Exhibit A attached hereto (the "Property") from TR TD (Transitional Residential Trailer District) to C2 (Commercial Two District).

Section 2. That the requested rezoning and the use and density of the Property as proposed by Application RZ 23-001 are hereby made contingent upon those conditions set forth in Section 3 below and are found to be consistent with the General Plan of the Town of Star Valley, as required by A.R.S. § 9-462.01 (F).

Section 3. The foregoing change in zoning shall be and is hereby specifically made contingent upon and conditional upon each of the following:

- A. The development shall be in substantial conformance with the Rezoning Site Plan as submitted, entitled *Star Valley Maverik Convenience Store (AZ0307)*, dated March 20, 2023, Sheets 1 through 12.

- B. The development shall be in substantial conformance with the Rezoning Narrative as submitted, entitled *Narrative for the Proposed Maverik*, dated June 6, 2023, consisting of two pages.
- C. Overnight semi-truck parking will NOT be allowed. Semi-truck parking and idling is limited to no more than thirty (30) minutes. Any violation of this condition will result in revocation of Maverik's Town of Star Valley business license. A thirty (30) day notice to cure letter will be sent to the property owner. If the violation is not cured within thirty (30) days civil litigation will be filed. If the property is found in violation after a hearing the business license shall be revoked.
- D. Maverik signage is limited to a "Monument" style sign not to exceed eight (8) feet in height. The "Monument" sign to be ART 6.0 and ART 3.0 with rock face. Signage must comply with all sign regulations and dark sky regulations pursuant to the Town of Star Valley Code.
- E. There shall be an eight (8) foot high eight (8) by eight (8) by sixteen (16) concrete block wall adjacent to any residential district area. Mr. Martinez will put money equal or exceeding the cost of the wall into an escrow account before closing and build the wall within ninety (90) days of closing.
- F. An eight (8) foot public utility easement shall be dedicated to the Town of Star Valley along the north side of the property along all highway frontage at the time of building permit issuance.
- G. The developer bears all costs to supply water to the project.
- H. Compliance with all Arizona Department of Transportation requirements must be met.
- I. Adequate sanitary facilities shall be designed in accordance with an engineer and Gila County Sanitary District requirements.
- J. All applicable Town development standards shall be met.
- K. The development shall comply with all applicable Town codes and ordinances.
- L. The development shall comply with all current fire codes.
- M. Maverik acknowledges and agrees that the property shall be conveyed subject to a recorded deed restriction that prohibits the use of the property as a truck stop. Truck stop as defined means an establishment engaged in the fueling, servicing, repair, or parking of tractor trucks and trailers or similar heavy commercial vehicles and may also include overnight accommodations, showers or restaurant facilities primarily for the use of truck crews. While semi-trucks are allowed to fuel at the Maverik service station, excessive idling and overnight parking is not allowed.
- N. If any conditions listed in this Section 3 cannot be met or the applicant has not received an approved Building Permit for the Property within three (3) years of the approval date of the zoning change, then the rezoning may revert to the original TR TD designation pending Council action.
- O. A landscaping plan must be reviewed and approved by the Council.

Section 4. In addition to the provisions of Section 5, hereunder, this Ordinance shall not become effective until the Town files with the Gila County Recorder instrument(s) (in a form acceptable to the Town

Attorney), executed by Mogollon Meadows LLC and any other party having any title interest in the Property, that waives any potential claims against the Town under the Arizona Property Rights Protection Act (A.R.S. § 12-1131 et seq., and specifically A.R.S. § 12-1134) resulting from changes in the land use laws that apply to the Property as a result of the Town's adoption of this Ordinance. If such waiver instruments are not executed and provided to the Town for recording within 7 calendar days after the motion approving this Ordinance, this Ordinance shall be void and of no force and effect.

Section 5. Pursuant to A.R.S. § 19-142 and 1-5-8 (D) of the Code of the Town of Star Valley, this Ordinance, if not otherwise void pursuant to Section 4 above, shall not become operative until thirty (30) days after its passage.

Section 6. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF STAR VALLEY, ARIZONA this 17th day of October 2023, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Bobby Davis, Mayor

ATTEST:

APPROVED AS TO FORM:

Edie Chapin, Town Clerk

Timothy W. Grier, Town Attorney

I DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF ORDINANCE NO. O 23-03 ADOPTED BY THE TOWN OF STAR VALLEY ON THE _____ DAY OF _____, 2023, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2023.

Edie Chapin, Town Clerk

EXHIBIT A

A portion of Parcel B as shown on the Amended Record of Survey, Minor Land Division Map recorded in Map No. 3343, Gila County Records, lying within Section 31, Township 11 North, Range 11 East, of the Gila and Salt River Base and Meridian, Gila County, Arizona, more particularly described as follows:

Commencing at the northwest corner of said Parcel B;

Thence along the southerly right-of-way line of Arizona State Route 260, North $74^{\circ}01'31''$ East, a distance of 409.07 feet, to the Point of Beginning;

Thence continuing along said southerly right-of-way line, North $74^{\circ}01'31''$ East, a distance of 387.50 feet;

Thence leaving said southerly right-of-way line, South $15^{\circ}58'29''$ East, a distance of 493.00 feet;

Thence South $74^{\circ}01'31''$ West, a distance of 387.50 feet;

Thence North $15^{\circ}58'29''$ West, a distance of 493.00 feet, to the Point of Beginning.

Containing 191,038 Square Feet or 4.39 Acres more or less.