

**ORDINANCE NO. 12-761**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, TO PROVIDE FOR THE ZONE CHANGE OF ASSESSOR'S PARCEL NUMBER 306-04-047C FROM "CL" COMMERCIAL LIGHT TO "CH" COMMERCIAL HEAVY**

WHEREAS, Keith Bunker, has filed an application with the Town of Chino Valley ("Town") requesting a zone change from CL to CH for the real property described on Exhibit "A" as attached to this Ordinance; and

WHEREAS, the requested zone change was noticed in conformance with the applicable State Statutes and Local Ordinances; and

WHEREAS, on July 23, 2012, a "neighborhood meeting" was held in conformance with the requirement set forth in the Town's Unified Development Ordinance ("UDO"); and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on August 7, 2012, during which testimony was presented by Town staff, the applicant and others; and

WHEREAS, subsequent to the Public Hearing and discussion the Commission elected by a 6-0 vote (Commissioner Florence Sloan absent) to forward the application to the Town Council with a recommendation for approval with certain Findings and Stipulations; and

WHEREAS, at their regular meeting of September 11, 2012, the Town Council confirmed the recommendation of the Commission by electing to adopt this Ordinance and thereby approve the requested zone change with the Findings and Stipulations cited in Section 1 of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:**

Section 1. That the Zoning Map of the Town of Chino Valley, Arizona, is hereby amended to rezone the real property legally described on Exhibit "A" and on the date of the adoption of this Ordinance as Assessor's Parcel Number 306-04-047C located on the east side of Durham Drive and consists of approximately 2-acres, from CL to CH the following Findings and Stipulations:

FINDINGS:

1. That the requested rezone from CL to CH is consistent with and conforms to the land use designation of Commercial and the goals of the "Town of Chino Valley 2003 General Plan".
2. That approval of the recommended rezone will not be adverse to the health, safety, convenience, and general welfare of the residents of the Town of Chino Valley, Arizona.

ZONING STIPULATIONS:

1. That the property owner agrees that the approval of this rezone confers no additional entitlements or rights to the owner or applicant other than those that are vested with the CH zoning district.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's UDO.

ENGINEERING STIPULATIONS: Engineering has no stipulations. Adequate right-of-way exists for Durham Drive.

Section 2. That this Ordinance repeals any prior enactment by the Town of Chino Valley that is inconsistent herewith.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the UDO adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona this 11th day of September, 2012.



Chris Marley, Mayor

ATTEST:



Cecilia Watts, Deputy Town Clerk

APPROVED AS TO FORM:



Musgrove Drutz & Kack, P.C.  
Town Attorney

EXHIBIT "A"

All that portion of Section 3, Township 16 North, Range 2 West of the Gila and Salt River Base and Median, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the East-quarter corner of said Section 3;

Thence North 00 degrees 50 minutes 35 seconds West (basis of bearing), along the East line of said Section 11, a distance of 1638.19 feet to THE TRUE POINT OF BEGINNING;

Thence continuing North 00 degrees 50 minutes 35 seconds West, a distance of 244.38 feet;

Thence North 89 degrees 42 minutes 53 seconds West, a distance of 342.11 feet;

Thence South 05 degrees 55 minutes 20seconds West, a distance of 245.52 feet;

Thence South 89 degrees 42 minutes 53 seconds East, a distance of 371.03 feet to THE POINT OF BEGINNING.

