

RESOLUTION NO. 11-968

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, TO REPEAL RESOLUTION NO. 09-899 AND THEREBY CAUSE THE PROPOSED JC RANCH RETIREMENT COMMUNITY GENERAL PLAN FUTURE LAND USE DESIGNATION APPROVED THROUGH RESOLUTION NO. 09-899 TO REVERT FROM COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL 2 ACRES OR LESS. THE SUBJECT PROPERTY CONSISTS OF APPROXIMATELY 39 ACRES, IS LOCATED GENERALLY AT THE NORTHWEST CORNER OF N. ROAD ONE WEST AND W. ROAD FOUR NORTH, AND CONSISTS OF ASSESSOR'S PARCEL NUMBERS 306-05-030U AND 306-05-030V

WHEREAS, the property owner, La Vacara Trust/Joe Cordovana, Trustee, proposed to develop the JC Ranch Retirement Community on an approximately 170-acre property located on the northwest corner of W. Road 4 North and N. Road 1 West, including the Windmill House events facility which is located at 1460 W. Road 4 North; and

WHEREAS, on June 11, 2009, the Council approved Resolution No. 09-899 for a Minor Amendment to the General Plan Future Land Use Map for approximately 39 acres from Medium Density Residential 2 acres or less to Commercial. This 39 acres to be amended consisted of two areas: one is located on an approximately 23-acre portion of Assessor's Parcel Number 306-05-030V, which is on the north side of West Road 4 North approximately 1,900 feet west of N. Road 1 West, and the second is an approximately 16-acre portion of Assessor's Parcel Number 306-05-030U, located on the northwest corner of W. Road 4 North and N. Road 1 West; and

WHEREAS, Resolution No. 09-899 included a Stipulation stating, "This approval is being done within the context of an approximately 170 plus or minus acre (PAD) with the condition that if the stipulations required for the Final approval of the PAD of the JC Ranch are not fulfilled within two years of the effective date of the Resolution, or July 11, 2011, Council may hold a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development or take action to cause the Future Land Designation of approximately 39 plus or minus acres to revert from Commercial to Medium Density Residential 2 acres or less"; and

WHEREAS, at their regular meeting of November 8, 2011, the Town Council took action to adopt this Resolution to cause the property's General Plan Future Land Use Map designation revert from Commercial to Medium Density Residential 2 acres or less with the Findings cited in Section 1 of this Resolution;

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 General Plan Future Land Use Map of the Town of Chino Valley, Arizona, is hereby amended to cause the proposed JC Ranch Retirement Community Future Land Use approved through Resolution No. 09-899 to revert from Commercial to Medium Density Residential 2 acres or less with the following Findings:

FINDINGS:

1. That after 2 years from the July 11, 2009 effective date of Resolution No. 09-899, or July 11, 2011, the following conditions have not been met:
 - a. The developer did not proceed with the preparation of the Final PAD and attendant Engineering Studies, as authorized by Ordinance No. 09-719.
 - b. The Future Land Use designation was conditioned upon review and approval of a Final PAD, as required by Ordinance No. 09-719, which provide that said Final PAD should be received within two years (July 11, 2011) of the effective date of the Preliminary PAD.
 - c. The developer did not draft CC&R's/Deed Restrictions, which were required to be submitted to the Town and reviewed by the Town Attorney, Town Engineer and Development Services Director who might forward them to the Town Council with comments for its consideration with the Final PAD.
2. That on August 17, 2011, the property owner was notified by certified mail, that a public hearing shall be scheduled for Council to take administrative action to extend, remove or determine compliance with the schedule for development or take action to cause the property to revert to its former future land use designation of Medium Density Residential 2 acres or less.

Section 2. That this Resolution 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 Resolution 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 8th day of November, 2011.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
Town Attorney