

ORDINANCE NO. 11-749

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 306-14-026Q FROM "CL" COMMERCIAL LIGHT TO "CH" COMMERCIAL HEAVY

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

WHEREAS, the requested rezone was noticed in conformance with the applicable State Statutes and Local Ordinance; and

WHEREAS, a "neighborhood meeting" was held in conformance with the requirement set forth in the Unified Development Ordinance; and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on June 21, 2011 during which information 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 Rowitch was 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 August 9, 2011, the Town Council confirmed the recommendation of the Commission by electing to adopt this Ordinance and thereby approve the requested rezone 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 generally described on the date of the adoption of this Ordinance as Assessor's Parcel Number 306-14-026Q, legally described on Exhibit "A" hereto, located at 2803 North State Route 89 and which consisting of approximately one acre, from "CL" Commercial Light to "CH" Commercial Heavy" with the following Findings and conditioned upon the following 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 Property Owner other than those that are vested with the "CH" zoning district.
2. That the Property Owner agrees to comply with the codified procedures set forth in the Town's Unified Development Ordinance.

ENGINEERING STIPULATIONS:

1. That any future development may require drive surface improvements.

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 Unified Development Ordinance 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 9th day of August, 2011.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
Town Attorney

EXHIBIT 'A'
LEGAL DESCRIPTION

All that portion of the Northeast quarter of Section 10, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the Northeast corner of Section 10 marked with a GLO brass monument;

Thence South 00 Degrees, 20 Minutes, 56 Seconds East (basis of bearing), 1328.74 feet along the East line of Section 10:

Thence South 89 Degrees, 51 Minutes, 09 Seconds West, 1354.62 feet to a one half inch rebar on the Easterly right-of-way of U.S. 89;

Thence North 02 Degrees, 35 minutes, 45 Seconds East, 155.21 feet to a one half inch rebar to the TRUE POINT OF BEGINNING;

Thence North 02 Degrees, 35 Minutes, 45 Seconds East, 93.36 feet to a highway right-of-way monument;

Thence Northeasterly 59.50 feet along a curve concave to the East with a radius on 17,088.74 feet to a delta of 00 Degree, 11 Minutes, 58 Seconds to a one half inch rebar;

Thence South 87 Degrees, 12 Minutes, 17 Seconds East, 300.00 feet to a one half inch rebar;

Thence Southwesterly 58.44 feet along a curve concave to the East with a radius on 16,788.74 feet to a delta of 00 Degrees, 11 Minutes, 58 Seconds to a one half inch rebar;

Thence South 02 Degrees, 35 Minutes, 45 Seconds West, 78.98 feet to a one half inch rebar;

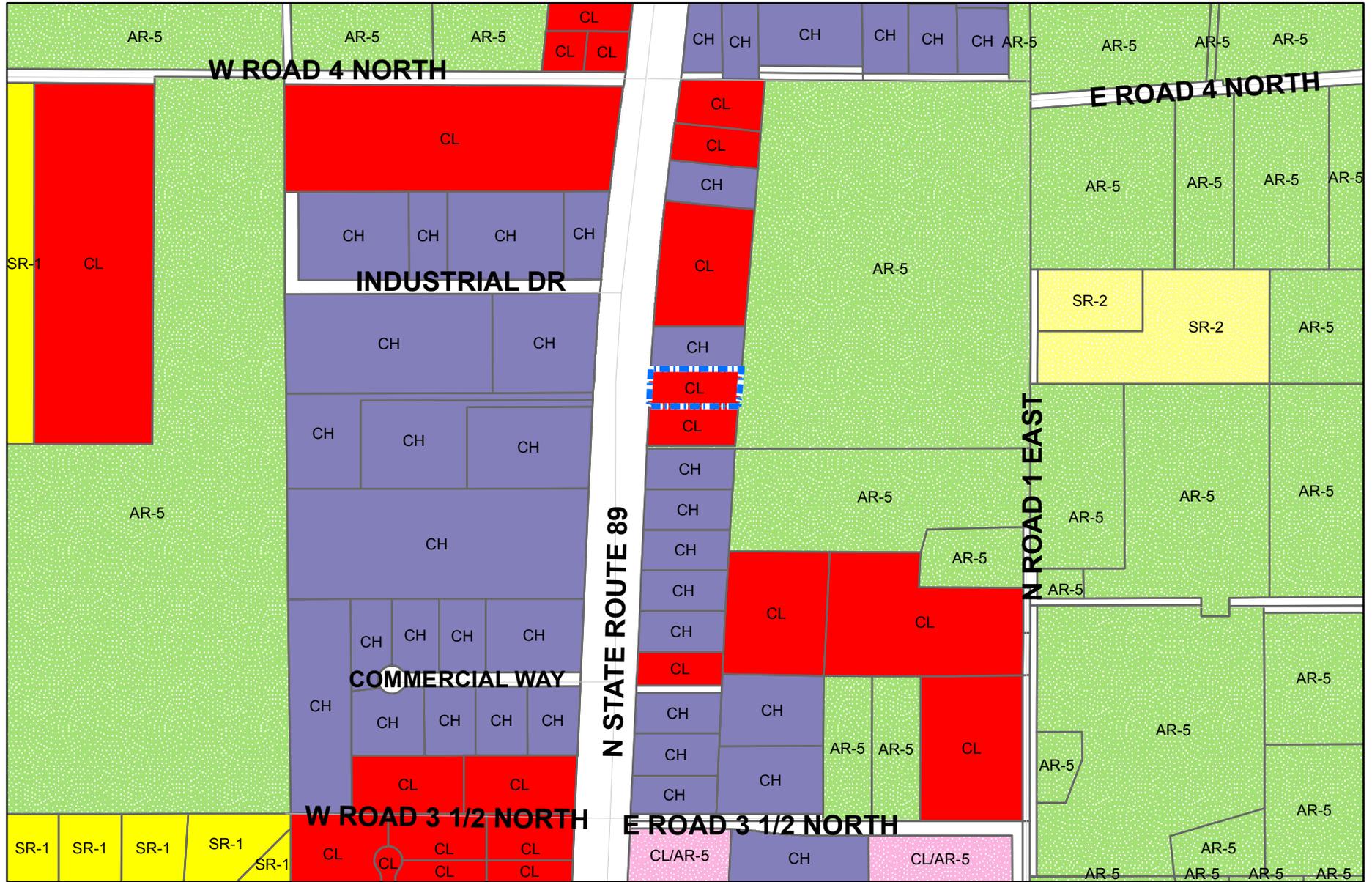
Thence South 89 Degrees, 61 Minutes, 09 Seconds West, 300 feet to the TRUE POINT OF BEGINNING.

EXCEPT all coal, oil, gas and other minerals as reserved from said land.

MENDOZA APN 306-14-026Q

REZONE CL to CH

ZC 11-002



Town Boundary 082308		Zoning		Other	
	306-14-026Q		AR-5		CH
			CL		CH/AR-5
			CL/AR-5		I
			CL/SR-1		PL
			SR-1		SR-0.16
			SR-2		MR-1/MHP-4
			SR-1.6		State
			SR-2.5		MR1/CL
			AR-4		
			AR-36		
			MR1		
			MHP-4		
			I/CH		
			OS		

1 inch = 500 feet



The Town of Chino Valley assumes no responsibility for errors, omissions, and/or inaccuracies in this mapping product.