

**ORDINANCE NO. 11-748**

**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 306-29-054E, FROM "AR-5" AGRICULTURAL RESIDENTIAL 5 ACRE MINIMUM TO "SR-2" SINGLE FAMILY RESIDENTIAL 2 ACRE MINIMUM**

WHEREAS, Donald E. and Marjorie L. Mastin filed an application with the Town of Chino Valley requesting a zone change from "AR-5" Agricultural Residential 5 Acre Minimum to "SR-2" Single Family Residential 2 Acre Minimum for the real property described on Exhibit "A" as attached to this Ordinance ("subject property"); and

WHEREAS, the requested zone change 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 January 18, 2011, during which background was presented by Town staff, the applicant and others; and

WHEREAS, subsequent to the Public Hearing and discussion the Commission elected by a 7-0 vote 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 June 28, 2011, 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 generally described on the date of the adoption of this Ordinance as Assessor's Parcel Number 306-29-054E, located at 765 W. Road 1 South and incorporated herein by reference, from "AR-5" to "SR-2" with the following Findings and Stipulations:

FINDINGS:

1. That the proposed zone change is consistent with and conforms to the land use designation of Medium Density Residential 2 Acres or Less and the goals of the "Town of Chino Valley 2003 General Plan" ("General Plan").
2. That the proposed zone change 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 zone change confers no additional entitlements or rights to the owner or applicant other than those that are vested with the "SR-2" zoning district.
2. That any future residential use of the subject property shall conform to the General Plan.
3. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's Unified Development Ordinance.
4. That prior to any division of the property the owner shall submit a Land Split Application to the Town's Planning Division for review and approval.

ENGINEERING STIPULATIONS:

1. That an additional 25 feet of right-of-way along the property's West Road 1 South frontage from the existing center line of West Road 1 South shall be dedicated to the Town of Chino Valley.

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 28<sup>th</sup> day of June, 2011.

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Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

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Jami C. Lewis, Town Clerk

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Musgrove Drutz & Kack, P.C.  
Town Attorney

## Legal Description

All that portion of land lying in the north half of the southwest quarter of Section 27, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Town of Chino Valley, Yavapai County, Arizona, described as follows:

(Basis of Bearings is North 89°52'13" East as measured from a Town of Chino Valley brass capped monument at the west quarter corner of said Section 27, to a Town of Chino Valley brass capped monument at the east quarter corner of said Section 27)

COMMENCING at a Town of Chino Valley brass capped monument at the west quarter corner of said Section 27;

Thence North 89°52'13" East, along the east – west mid-section line, a distance of 1096.48 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 89°52'13" East, along the east – west mid-section line, a distance of 251.93 feet;

Thence South 00°27'29" West, a distance of 529.52 feet to a capped rebar, RLS number 23383;

Thence South 89°50'59" West, a distance of 383.15 feet to a capped rebar, RLS number 19353;

Thence North 08°04'27" East, a distance of 382.68 feet to a capped rebar, RLS number 37930;

Thence North 25°51'51" East, a distance of 167.86 feet to the TRUE POINT OF BEGINNING.

Containing 177,972.00 square feet or 4.09 acres, more or less.

10/22/10

LE #487-05

LGL EX-Parcel.doc

SCOTT A. LYON, R.L.S.



EXPIRES 6/30/13

# MAP TO ACCOMPANY LEGAL DESCRIPTION

APN# 306-29-054E

SCALE: 1" = 200'

