

ORDINANCE NO. 11-746

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 NUMBERS 306-23-041W, 306-23-041X AND 306-23-041Z FROM "SR-1.6" SINGLE FAMILY RESIDENTIAL 1.6 ACRE MINIMUM TO "AR-4" AGRICULTURAL RESIDENTIAL 4 ACRE MINIMUM

WHEREAS, Martin D. Messenger; representing the property owner, M.D. Builders Inc., filed an application with the Town of Chino Valley requesting a zone change from "SR-1.6" Single Family Residential 1.6 Acre Minimum to "AR-4" Agricultural Residential 4 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 requested zone change repeals Ordinance No. 09-709 which previously rezoned the property from "SR-1" to "SR-1.6" for the purpose of development; and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on April 5, 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 4-0 vote (Commissioners Miner, Sloan, and Owen were 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 May 24, 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 Numbers 306-23-041W, 306-23-041X, and 306-23-041Z, located on the south side of W. Road 1 North approximately 830 feet east of Road 1 West and incorporated herein by reference, from "SR-1.6" to "AR-4" 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 "AR-4" zoning district.
2. That any future residential use of the subject property shall conform to the Town of Chino Valley's 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.

ENGINEERING STIPULATIONS:

1. That those portions of Parcel 1 (APN 306-23-041W) and Parcel 2 (APN 306-23-041X) that are utilized to access Parcel 3 (APN 306-23-041Z) from W. Road 1 North comes with a perpetual offer to dedicate a roadway prior to this Ordinance taking effect.

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 24th day of May, 2011.

Jim Bunker, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
Town Attorney

EXHIBIT A

All that portion of the Northwest quarter of the Southwest quarter of Section 22, Township 16 North, Range 2 West, Gila and Salt River Base Meridian, Yavapai County, described as follows:

Beginning at the West quarter of said Section 22;

Thence North 89 degrees 42 minutes East 787.43 feet to the True Point Of Beginning;

Thence North 89 degrees 42 minutes East 545.54 feet;

Thence South 02 degrees 12 minutes West 864.55 feet;

Thence South 43 degrees 55 minutes West 188.37 feet;

Thence South 60 degrees 06 minutes West 235.00 feet;

Thence South 88 degrees 40 minutes West 165.00 feet;

Thence North 58 degrees 58 minutes West 95.00 feet;

Thence North 12 degrees 19 minutes West 95.00 feet;

Thence North 10 degrees 26 minutes East 270.00 feet;

Thence North 20 degrees 40 minutes West 180.00 feet;

Thence North 01 degrees 32 minutes East 240.00 feet;

Thence North 47 degrees 03 minutes West 25.00 feet;

Thence North 58 degrees 36 minutes East 13.92 feet;

Thence North 20 degrees 24 minutes East 296.37 feet to the True Point of Beginning.

Except Therefrom the following described parcel:

All that portion of the Northwest quarter of Southwest quarter of Section 22, Township 16 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

Beginning at the West quarter of said Section 22;

Thence North 89 degrees 44 minutes 25 seconds East 991.26 feet along the East-West mid section line of Section 22 to the True Point Of Beginning.

Thence North 89 degrees 44 minutes 25 seconds East 341.72 along said mid-section line;

Thence South 02 degrees 14 minutes 25 seconds West 638.57 feet;

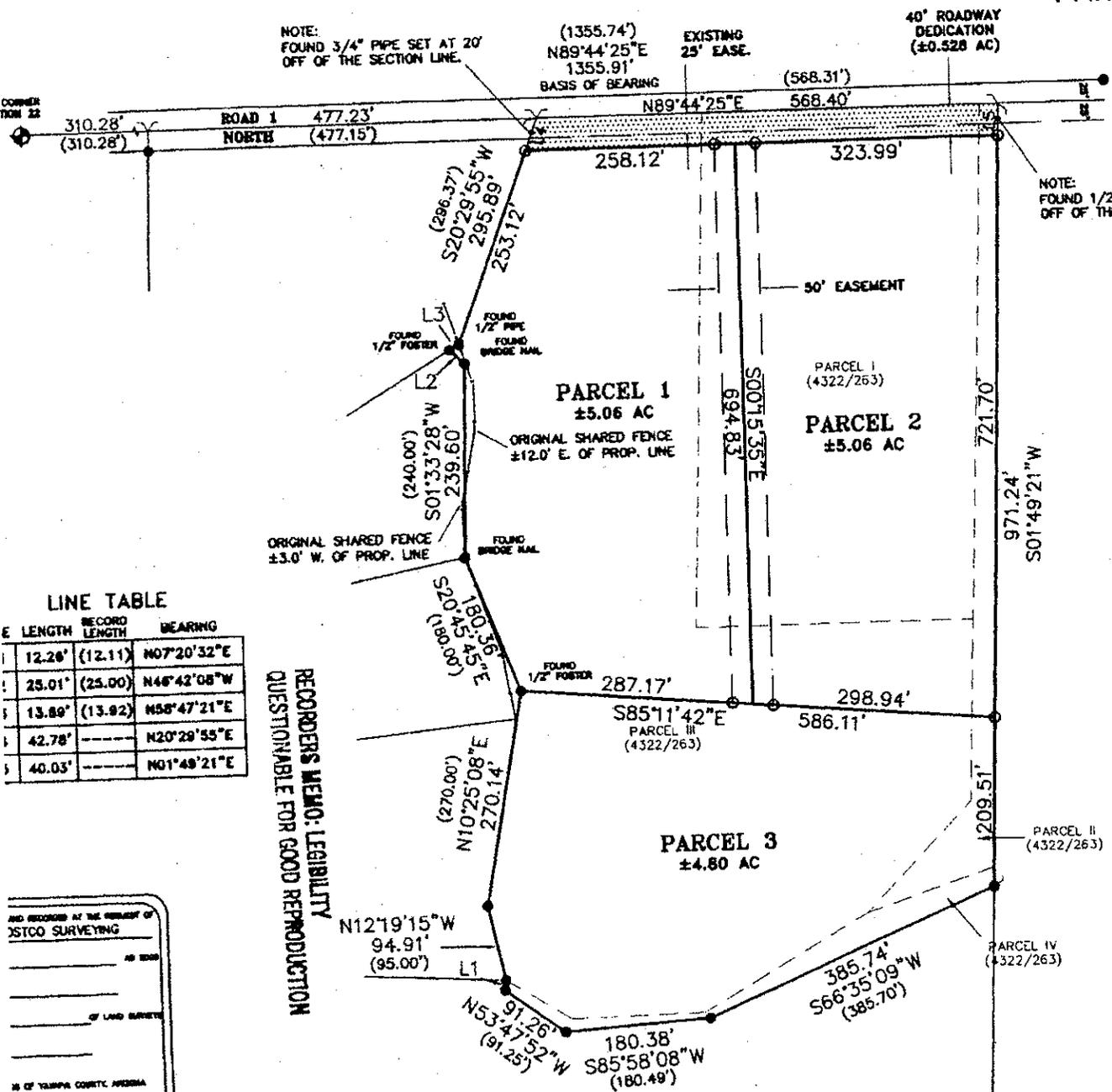
Thence South 89 degrees 44 minutes 25 seconds West 341.72 feet;

Thence North 02 degrees 14 minutes 25 seconds East 638.57 feet to the True Point Of Beginning.

RECORD OF SURVEY

PARCELS 306-23-041V & 045H
CHINO VALLEY

A PORTION OF
SECTION 22, T16N, R2W
YAVAPAI COUNTY, ARIZONA



NOTE:
FOUND 3/4" PIPE SET AT 20'
OFF OF THE SECTION LINE.

40' ROADWAY
DEDICATION
(±0.528 AC)

NOTE:
FOUND 1/2" 19353 SET AT 20'
OFF OF THE SECTION LINE.

LEGEND

- - FOUND 1/2" 16921 OR AS NOTED
- - SET 1/2" REBAR 37930 CAP
- - AFFIXED BRASS TAG 37930
- () - RECORD INFORMATION

NOTE: 1) ALL EASEMENTS OF RECORD MAY
NOT BE SHOWN ON THIS PLAT

LINE TABLE

LENGTH	RECORD LENGTH	BEARING
12.28'	(12.11)	N07°20'32"E
25.01'	(25.00)	N46°42'08"W
13.89'	(13.92)	N58°47'21"E
42.78'		N20°29'55"E
40.03'		N01°49'21"E

RECORDERS MEMO: LEGIBILITY
 QUESTIONABLE FOR GOOD REPRODUCTION



THIS PLAT AND THE SURVEY ON WHICH IT IS
BASED WAS DONE UNDER MY DIRECTION DURING
THE MONTH OF AUGUST 2009, AND POINTS THAT
WERE FOUND OR SET ARE REPRESENTED TO THE
BEST OF MY KNOWLEDGE AND BELIEF.

D. Allen Foster

EXPIRES 9/30/11
FOSTCO SURVEYING INC.
 D. ALLEN FOSTER REG. 37930
 P.O. BOX 4363 CHINO VALLEY, ARIZONA 86325 (928) 636-9164

SURVEYED FOR: MESSENGER

DRAWN BY	DAF	DATE	8-14-09
CHECKED BY	DAF	PRINTED BY	DD-1
SCALE	MO-BLDR	SHEET	1 of 1



B-4689 P-957
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 CDD 4337400

AND RECORDS AT THE REQUEST OF
 DSTCO SURVEYING
 AS BOUND
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 IN OF YAVAPAI COUNTY, ARIZONA
 COUNTY RECORDS
 SURVEY RECORDS