

## ORDINANCE NO. 11-752

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, TO REPEAL ORDINANCE NO. 09-719 AND THEREBY CAUSE THE PROPOSED JC RANCH RETIREMENT COMMUNITY ZONING APPROVED THROUGH ORDINANCE NO. 09-719 TO REVERT FROM PLANNED AREA DEVELOPMENT (PAD) ALONG WITH UNDERLYING ZONING CONSISTING OF "CL" COMMERCIAL LIGHT, "MR-1" MULTIPLE FAMILY RESIDENTIAL 1 ACRE MINIMUM, "SR-1" SINGLE FAMILY RESIDENTIAL 1 ACRE MINIMUM, AND "OS" OPEN SPACE TO "AR-5" AGRICULTURAL RESIDENTIAL 5 ACRE MINIMUM. THE SUBJECT PROPERTY CONSISTS OF APPROXIMATELY 170 ACRES LOCATED GENERALLY AT THE NORTHWEST CORNER OF N. ROAD 1 WEST AND W. ROAD 4 NORTH AND CONSISTS OF THREE (3) ASSESSOR'S PARCEL NUMBERS 306-05-030R, 030U AND 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 Ordinance No. 09-719 for a zone change of approximately 170 acres from "AR-5" Agricultural Residential 5 Acre Minimum to Planned Area Development with underlying zoning districts for the JC Ranch Retirement Community with certain conditions; and

WHEREAS, Ordinance No. 09-719 indicated in "Section 3" that if at the expiration of the later of 2 years from the effective date of the Ordinance or July 11, 2011, the conditions have not been met, the Council, pursuant to Arizona Revised Statutes § 9-462.01 (E), after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing 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 zoning, "AR-5" Agricultural Residential 5 Acre Minimum; and

WHEREAS, at their regular meeting of November 8, 2011, the Town Council took administrative action to adopt this Ordinance to cause the property's zoning to revert to its former zoning, "AR-5" Agricultural Residential 5 Acre Minimum with the Findings 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 cause the proposed JC Ranch Retirement Community zoning approved through Ordinance No. 09-719 to revert from Planned Area Development (PAD) along with underlying zoning consisting of "CL" Commercial Light, "MR-1" Multiple Family Residential 1 Acre Minimum, "SR-1 Single Family Residential 1 Acre Minimum, and "OS" Open Space to "AR"-5 Agricultural Residential 5 Acre Minimum with the following Findings:

**FINDINGS:**

1. That after 2 years from the July 11, 2009 effective date of Ordinance No. 09-719, 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 underlying zoning designation in the PAD Zoning Designation was conditioned upon review and approval of a Final PAD, as required by Ordinance No. 09-719, which provided 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 zoning, "AR-5" Agricultural Residential 5 Acre Minimum.

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 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.

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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