

ORDINANCE NO. 11-754

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR AN APPROXIMATELY 28-ACRE PORTION OF ASSESSOR'S PARCEL NUMBER 306-05-030V TO ALLOW THE CONTINUED OPERATION OF THE WINDMILL HOUSE EVENTS FACILITY AND ITS PRESENT USES IN THE "AR-5" AGRICULTURAL RESIDENTIAL 5 ACRE MINIMUM

WHEREAS, at a public Hearing before the Town Council on November 8, 2011, the Council adopted Ordinance No. 11-752 which caused the zoning for the subject 28-acre portion of APN 306-05-030V to revert from "CL" Commercial Light zoning to "AR-5" Agricultural Residential 5 acre minimum; and

WHEREAS, the property owner, La Vacara Trust/Joe Cordovana, Trustee, has filed an application with the Town of Chino Valley ("Town") requesting a Conditional Use Permit for the real property legally described on Exhibit "A" as attached to this Ordinance; and

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

WHEREAS, a "neighborhood meeting" was held in conformance with the requirement set forth in the Town's Unified Development Ordinance ("UDO"); and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on September 6, 2011, during which testimony was presented by Town staff, the property owner's agent, and members of the general public; and

WHEREAS, subsequent to the Public Hearing and discussion, the Commission elected by a 6-0 vote (Commissioner Sparzynski absent) to forward the application to the Town Council with the recommendation for approval with certain Findings and Conditions; and

WHEREAS, at their regular meeting of November 8, 2011, the Town Council confirmed the recommendation of the Commission by voting to adopt this Ordinance and thereby approve the requested Conditional Use Permit with the Findings and Conditions 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 issuance of a Conditional Use Permit is hereby issued for real property legally described on Exhibit "A" located at 1460 W. Road 4 North with the following Findings and Conditions:

FINDINGS - Required by Section 1.9.3 of the UDO:

1. That the Conditional Use Permit for the existing uses will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare: and
2. That the existing uses are reasonably compatible with uses permitted in the surrounding area.

ZONING CONDITIONS:

1. Applicant agrees that the approval of this Conditional Use confers no entitlements or rights to the owner or applicant other than those that are vested as a Conditional Use in the AR-5 Zoning District.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's Unified Development Ordinance.
3. That a dust mitigation plan shall be established for all special events that demand parking requirements beyond the paved parking areas. Such special events shall not occur without first submitting a dust mitigation plan to the Development Services Department for review and approval prior to the start of said events.
4. That the Conditional Use Permit (CUP) is granted for a period of 15 years. However, in the event of non-compliance with any of the stated conditions in this Ordinance then the Owner of the property and the party then utilizing the property (occupant) shall be subject to sanctions and enforcement under the UDO. In addition, the Zoning Administrator (ZA) shall request a hearing before the Planning Commission in the event there are repeated material violations, a material violation which is not corrected promptly after notice to the Owner, or if the material violation(s) is/are such that they are not able to be promptly cured. In event of referral, the Commission shall hear the matter and may recommend no action be taken or that the CUP be altered, amended or revoked. The Town Council shall thereafter determine whether to take action including whether to alter, amend or revoke the CUP.
5. That the Conditional Use Permit shall limit the subject property to the following land uses:
 - a. Weddings and other private events
 - i. See "Recreational Facilities" definition in the UDO
 - ii. Use of the one existing on-site guest casita/ cottage (no others to be permitted)
 - b. Buffet/open dinners may be served a maximum of two nights per week (in a seven day period)
 - c. Catering services
 - d. Pumpkin festival

- e. Indoor & outdoor sales of nursery stock and a greenhouse for indoor plants
- 6. That events with amplification equipment shall be limited to an indoor use only.
- 7. That there shall be no loud, excessive or unusual noise associated with the uses on the property. Noise shall be considered loud, excessive or unusual if it does not comply with Section 131.02 "Prohibition of Loud or Unusual Noise" in the Town Code.

ENGINEERING CONDITIONS:

The dedication of right-of-way consistent with section 4.23 and 4.28 of the UDO shall occur along the full frontage of Road 4 North.

Section 2. Should the use approved herein not be established as proposed within one (1) year, the Conditional Use Permit approval shall become null and void.

Section 3. This Ordinance repeals any prior enactment by the Town, which is inconsistent herewith.

Section 4. 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.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
Town Attorney

Exhibit "A"

A portion of the Southeast quarter of Section 4, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

BEGINNING at the Southwest corner of said Southeast quarter;

Thence North $0^{\circ} 50' 25''$ West, along the West line of said Southeast quarter, a distance of 1612.97 feet;

Thence South $89^{\circ}05'01''$ East, a distance of 770.78;

Thence South $0^{\circ}50'25''$ East, a distance of 1629.29 feet to a point on the South line of said Section 4;

Thence North $87^{\circ} 52'20''$ West, along said South line, a distance of 771.45 feet to the POINT OF BEGINNING.