

ORDINANCE NO. 11-750

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 306-21-165A FROM "AR-5" AGRICULTURAL/RESIDENTIAL – 5 ACRE MINIMUM TO "SR 2.5" SINGLE FAMILY RESIDENTIAL – 2.5 ACRE MINIMUM

WHEREAS, Donald and Lindsay Roskopf have filed an application with the Town of Chino Valley ("Town") requesting a zone change from "AR-5" to "SR-2.5" 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 August 6, 2011, during which testimony 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 Rowitsch 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 September 13, 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 legally described on Exhibit "A" and generally described on the date of the adoption of this Ordinance as Assessor's Parcel Number 306-21-165A located at the southeast corner of W. Road 2 North and Sycamore Vista Drive and consisting of approximately 4.6 acres, from "AR-5" to "SR-2.5" with the following Findings and Stipulations:

FINDINGS:

1. That the requested rezone from "AR-5" to "SR-2.5" is consistent with and conforms to the land use designation of Medium Density Residential 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 owner or applicant other than those that are vested with the "SR-2.5" 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.

ENGINEERING STIPULATIONS:

1. That the existing non-conforming metal barn, located adjacent to Sycamore Vista and W. Road 2 North, shall be removed from the property before the effective date (October 13, 2011) of the rezoning Ordinance.
2. That the applicant shall provide a perpetual offer to dedicate (POD) of sufficient width to accommodate a fifty (50) foot wide ½ street from the centerline along the property's Road 2 North frontage. This POD shall be offered before the effective date (October 13, 2011) of this rezoning Ordinance.
3. With regard to the property's frontage along Sycamore Vista Drive, the Council waives Arizona Revised Statute Section 9-462.01 and Sections 4.23 and 5.2.6(E) of the Unified Development Ordinance, which allows the Town to require as a condition of rezoning right-of-way dedication and/or a perpetual offer to dedicate.

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 13th day of September, 2011.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
Town Attorney

EXHIBIT "A"

THAT portion of the Northeast Quarter of Section Twenty-One (21), Township Sixteen (16) North, Range Two (2) West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona as described as follows.

The west Half (1/2), of the West Half (1/2), of the North Half (N ½), of the Northwest Quarter (NW ¼), of Northeast Quarter of Section Twenty-One (21), Township Sixteen (16) North, Range Two (2) West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

Excepting the North 25 Feet and the West 25 Feet as dedicated to the Town of Chino Valley for Roadway Purposes.

CONTAINING 4.636 ACRES MORE OR LESS

