

ORDINANCE NO. 17-829

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, APPROVING THE DEVELOPMENT PLAN FOR THE HAWKSNEST PLANNED AREA DEVELOPMENT AND AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF CHINO VALLEY BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY CONSISTING OF APPROXIMATELY 15 ACRES LOCATED APPROXIMATELY 700 FEET WEST OF THE NORTHWEST CORNER OF THE INTERSECTION OF STATE ROUTE 89 AND ROAD 2 NORTH, FROM SR- 0.16 (SINGLE FAMILY RESIDENTIAL – 7,000 SQUARE FOOT MINIMUM LOT AREA) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY ZONING DISTRICT TO MR-1 (MULTIPLE FAMILY RESIDENTIAL – 1 ACRE MINIMUM) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, by adoption of this Ordinance, the Town Council desires to permit flexibility in the design of residential development in conformity with the intent and purpose of the General Plan and the Unified Development Ordinance; and

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission, by a unanimous vote recommends approval of the rezoning;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

1. The Hawksnest@Chino Valley Planned Area Development Plan, defined in Paragraph 3 herein and attached hereto as Exhibit C, is hereby approved.

2. The Official Zoning Map of the Town of Chino Valley is hereby amended by changing the zoning classification of property consisting of approximately 15 acres, described in the legal description, Exhibit A and shown on the Zoning Exhibit (map) in Exhibit B (the "Property"), both of which are attached hereto and incorporated herein by this reference, from SR-0.16 (Single Family Residential – 7,000 Square Foot Minimum Lot Area zoning district with a

Planned Area Development (PAD) Overlay zoning district to MR-1 (Multiple Family Residential – 1 acre minimum) zoning district with a Planned Area Development Overlay (PAD) zoning district.

3. The following definitions shall apply:

- a. "Project" shall mean the "Hawksnest@Chino Valley PAD" containing approximately 15 acres, located approximately 700 feet west of the northwest corner of State Route 89 and Road 2 North.
- b. "Development Plan" shall mean that certain document submitted pursuant to Section 1.9.4.3 of the Unified Development Ordinance, as follows:

Exhibit C: Development Plan Exhibit of the Hawksnest@Chino Valley Planned Area Development, dated February 16, 2017.

4. The Property described in Paragraph 2 of this Section shall be used and developed in accordance with the Development Plan and the Town of Chino Valley Unified Development Ordinance. In addition to conformance with the Development Plan, development of the Property shall be subject to the following conditions:

- a. Dedication to Chino Valley for a future road right-of-way that is adjacent to the eastern boundary of the Property shall be completed prior to the effective date of this ordinance. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification. Dedication of the future road right-of-way shall extend 25 feet from the centerline along the eastern boundary of the Property.
- c. Dedication to Chino Valley for West Road 2 North right-of-way that is adjacent to the Property shall be completed prior to the recordation of final plat or issuance of a building permit, whichever is earlier, or sooner, as required by the Town Engineer. Failure to complete dedication as required by this ordinance may result in reversion of the zoning to the prior zoning classification.
- d. Dedication of West Road 2 North right-of-way adjacent to the Property shall extend 45 feet northward from the common boundary of the Property and Yavapai County Assessor's Parcel No. 800-13-030P for approximately 1015 feet.
- e. Developer shall construct improvements to West Road 2 North as required by this ordinance. Prior to construction, Developer shall provide the Town with a Traffic Impact Analysis completed by a qualified professional for the Town's review and acceptance by the Town Engineer.
- f. Construction of off-site improvements to West Road 2 North right-of-way that is adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property or at the time requested by Chino Valley, whichever is earlier. Improvements shall be constructed to YAG/MAG standard and dedicated to the Town upon approval and acceptance of the Town Engineer.

- g. All electrical and other utility lines serving the Project shall be buried and shall extend across the frontage of the Property.
- h. Developer shall install a sidewalk on the Property, beginning at the adjacent parcel to the east and continuing across the frontage of the entire Property.
- i. All residential units shall be connected to and served by the Town of Chino Valley water and sewer. Service lines for sewer and water shall be installed along the entire frontage of the Property. Any and all recharge credits shall inure to the benefit of the Town of Chino Valley.
- j. Developer shall construct all streets to provide adequate turn radii to accommodate school buses for a minimum of 55 feet outside turn radius.
- k. If both phases of the Project are not completed within ten (10) years of the effective date of this Ordinance, the Town Council may revert the zoning to the prior zoning classification.
- l. Developer shall submit an Alternative Landscape Plan as set forth in UDO Chapter 4.26 Landscaping Subsection 4.26.5 Alternative Landscape Plan showing a landscape requirement reduction of at least 25% in plant material.
- m. Within 60 days of approval of this Ordinance, Developer shall submit to Town staff infrastructure improvement plans in substantial conformance with the Development Plan.
- n. Failure to complete construction and installation of the Improvements as required in this Ordinance may result in reversion of the zoning to the prior zoning classification.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability.

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, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 28th day of February, 2017 by the following vote:

AYES: 7
NAYS: 0

ABSENT: 0
ABSTAINED: 0

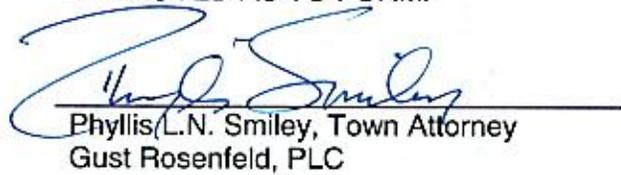
APPROVED this 28th day of February, 2017.


Darryl L. Croft, Mayor

ATTEST:


Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:


Phyllis L.N. Smiley, Town Attorney
Gust Rosenfeld, PLC

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 18-829 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 28TH DAY OF FEBRUARY, 2017 WAS POSTED IN THREE PLACES ON THE 9TH DAY OF MARCH, 2017.


Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

- A. Legal Description
- B. Survey Exhibit (map)
- C. Development Plan
- D. Location Map

EXHIBIT A: LEGAL DESCRIPTION

NEXUS SOUTHWEST, LLC
REGISTERED LAND SURVEYORS



212 S. Marina St. • Prescott, Arizona 86302
Phone 928-778-5101 • Fax 928-778-9321 • email info@nexus-sw.net

PROPERTY DESCRIPTION
Sec. 15 T16N-R2W

All that portion of the East Half of the Southwest Quarter of Section 15, Township 16 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

BEGINNING at the South One-quarter corner of said Section 15;

Thence, South 89°59'14" West, 500.00 feet to a point on the South line of said Section 15;

Thence, North 00°04'32" West, 1300.00 feet;

Thence, North 89°59'14" East, 500.00 feet to a point on the North-South mid-section line;

Thence, South 00°04'32" East, 1300.00 feet to the **POINT OF BEGINNING**;

Containing 14.9219 acres, more or less.



September 21, 2016
16-456

15 acres

EXHIBIT B: RECORD OF SURVEY

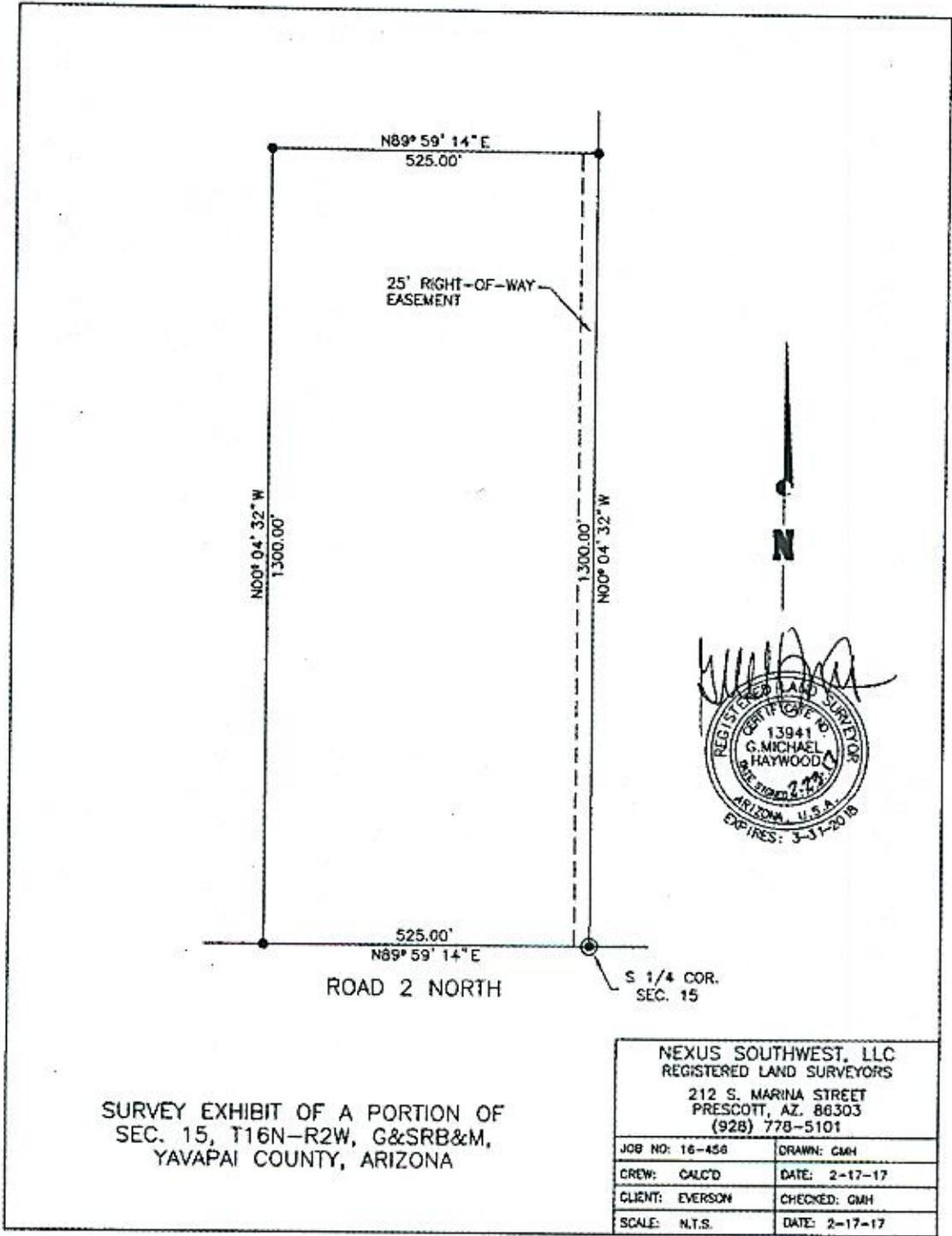
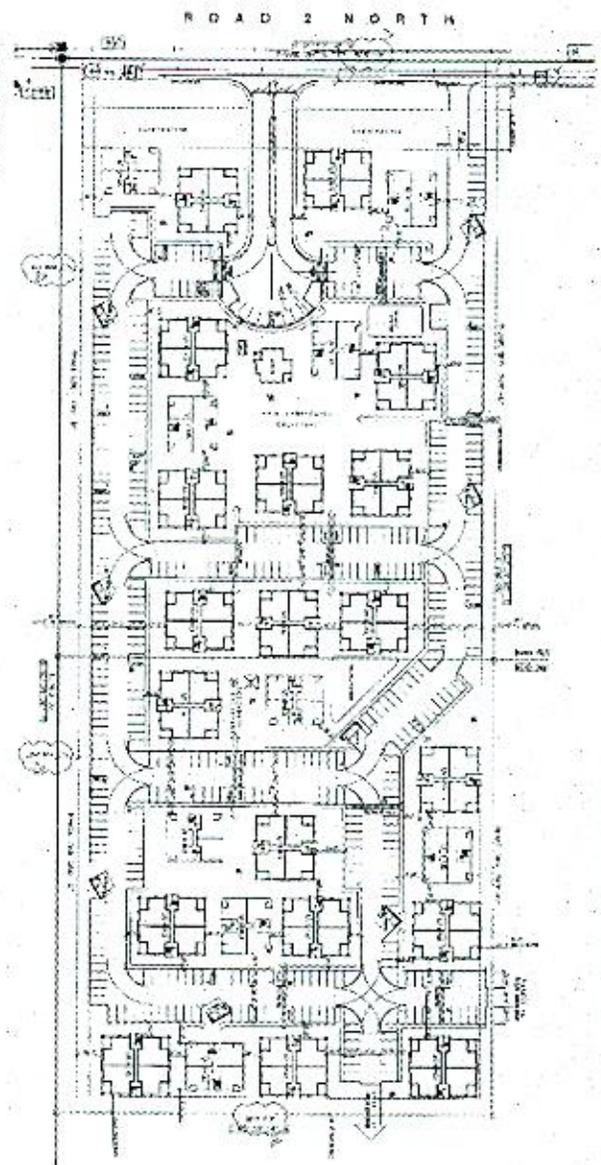


EXHIBIT C: DEVELOPMENT PLAN

<p>PROJECT DATA - Phase IV</p> <p>PROJECT NAME: CHINA VALLEY APARTMENTS - PHASE IV ADDRESS: 10000 N. ROAD 2 NORTH, CHINA VALLEY, AZ OWNER: CHINA VALLEY APARTMENTS, LLC ARCHITECT: ERIC MILLER ARCHITECT, INC. DATE: 10/15/2014</p>	
<p>PROJECT DATA - Phase I, II, III</p> <p>PROJECT NAME: CHINA VALLEY APARTMENTS - PHASES I, II, III ADDRESS: 10000 N. ROAD 2 NORTH, CHINA VALLEY, AZ OWNER: CHINA VALLEY APARTMENTS, LLC ARCHITECT: ERIC MILLER ARCHITECT, INC. DATE: 10/15/2014</p>	
<p>PROJECT DATA - Phase V</p> <p>PROJECT NAME: CHINA VALLEY APARTMENTS - PHASE V ADDRESS: 10000 N. ROAD 2 NORTH, CHINA VALLEY, AZ OWNER: CHINA VALLEY APARTMENTS, LLC ARCHITECT: ERIC MILLER ARCHITECT, INC. DATE: 10/15/2014</p>	

DEVELOPMENT PLAN FOR CHINA VALLEY APARTMENTS



<p>ARIZONA DEPARTMENT OF TRANSPORTATION</p>	<p>CITY OF CHINA VALLEY</p>	<p>China Valley Apartments Town of China Valley Arizona</p>	<p>ERIC MILLER ARCHITECT 10000 N. ROAD 2 NORTH CHINA VALLEY, AZ</p>	
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EXHIBIT D: LOCATION MAP

