

ORDINANCE NO. 17-839

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, APPROVING THE DEVELOPMENT PLAN FOR THE CHINO VALLEY TOWN CENTER 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 25.63 ACRES GENERALLY LOCATED 450 FEET EAST OF STATE ROUTE 89, ADJACENT TO AND NORTH OF ROAD 1 SOUTH, FROM CL (COMMERCIAL LIGHT) ZONING DISTRICT TO CL (COMMERCIAL LIGHT) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY ZONING DISTRICT, 13.58 ACRES OF WHICH WILL BE AN ACTIVE ADULT 55+ PARK MODEL COMMUNITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.**

WHEREAS, by adoption of this Ordinance, the Town Council desires to provide for the orderly development of land consistent with the Unified Development Ordinance of the Town of Chino Valley to permit flexibility in the design of residential, commercial and/or industrial developments in conformity with the intent and purpose of the General Plan and Unified Development Ordinance and to modify underlying zoning district regulations to permit flexibility and innovation in developmental design and provide opportunities for unique or mixed-use development; 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 Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, the Planning and Zoning Commission, by 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 Chino Valley Town Center Planned Area Development Plan, defined in Paragraph 3 herein and attached hereto as Exhibit 3, 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 25.63 acres, described in the legal description, Exhibit 1 and shown on the Zoning Exhibit (map) in Exhibit 2 (the

"Property"), both of which are attached hereto and incorporated herein by this reference, from CL (Commercial Light) zoning district to CL (Commercial Light) zoning district with a Planned Area Development Overlay (PAD) zoning district, in accordance with Exhibit 3 (the "Development Plan"), as defined in Paragraph 3, herein.

3. The following definitions shall apply:

- a. "Project" shall mean the "Chino Valley Town Center PAD" containing approximately 25.63 acres, located approximately 450 feet east of State Route 89, adjacent to and north of Road 1 South.
- b. "Development Plan" shall mean that certain document submitted pursuant to Section 1.9.4.3 of the Unified Development Ordinance, as follows:

Exhibit 3: Development Plan Exhibit of the Chino Valley Town Center Planned Area Development, dated October 24, 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. Developer shall construct off-site improvements to Road 1 South adjacent to the Property, per the proposed phasing as shown on the Development Plan, or at the time requested by Chino Valley, whichever is earlier. If the improvements are constructed per the proposed phasing, no Certificate of Occupancy or final approval of any unit constructed on the Property for that phase will be issued until the improvements required for that phase have been completed. Improvements shall be constructed to YAG/MAG standard and dedicated to the Town upon approval and acceptance of the Town Engineer.
- b. If Chino Valley constructs the improvements required by this ordinance as part of its capital improvements program prior to development of the Property, Developer shall reimburse Chino Valley for its reasonable costs of construction prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property.
- c. Prior to the effective date of this ordinance, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that if Chino Valley constructs the improvements as part of its capital improvements program, Developer will reimburse Chino Valley for the costs of design and construction of off-site improvements required by this ordinance. Failure by Developer to execute a Development Reimbursement and Lien Agreement prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification. If Developer constructs the improvements, Chino Valley shall release Developer from its obligations under the Development Reimbursement Agreement.
- d. At the written request of Chino Valley, Developer shall dedicate all necessary easements for the roadway improvements, including easements

for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Chino Valley's written request may result in the reversion of the zoning of the Property to the prior zoning classification.

- e. Developer shall create a Home Owners' Association (HOA) or Property Owners' Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas and landscaping within the rights-of-way. Maintenance responsibilities for common areas and open space areas shall be specified on the approved site plan or final plat.
- f. Developer shall record easements to be owned by the HOA or POA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
- g. Prior to final plat approval, Developer shall pay for its proportional share of sewer mains benefitting the Property, as required by the Town Engineer.
- h. All residential units shall be connected to and served by the Town of Chino Valley sewer and private water. Developer shall install service lines for sewer and water along the entire frontage of the Property.
  - i. The Project shall be developed in conformance with Chino Valley's zoning requirements for the zoning districts and all development shall comply with the Unified Development Ordinance, except as modified by the Development Plan and as follows:
    - i. The maximum number of dwelling units shall be limited to 200 "Active Adult Park Model" units and 86 "RV Park" units, as indicated on the Development Plan. The number of Assisted Living units and/or resident rooms will be determined at the time of the Site Plan approval.
    - ii. Developer shall provide a 6' high masonry wall on the north, east, and southern boundaries of the project.
    - iii. Phasing and completion of amenities for the project shall be in conformance with the areas indicated on the Development Plan.

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 24<sup>th</sup> day of October, 2017 by the following vote:

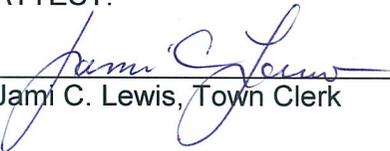
AYES: 6  
NAYS: 0

ABSENT: 1  
ABSTAINED: 0

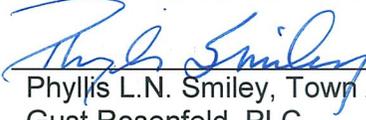
APPROVED this 24<sup>th</sup> day of October, 2017.

  
\_\_\_\_\_  
Darryl L. Croft, Mayor

ATTEST:

  
\_\_\_\_\_  
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

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

The following exhibits are attached hereto and incorporated herein:

- 1. Legal Description
- 2. Zoning Exhibit (map)
- 3. Development Plan

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-839 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 24<sup>th</sup> DAY OF OCTOBER, 2017, WAS POSTED IN THREE PLACES ON THE 26<sup>TH</sup> DAY OF OCTOBER, 2017.

  
\_\_\_\_\_  
Jami C. Lewis, Town Clerk

EXHIBIT 1

LEGAL DESCRIPTION

A portion of that property described in Book 4158 Official Records, Page 286, on file in the office of the Yavapai County Recorder, located in the Northeast quarter of Section 27, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

(Basis of Bearings for this description is South 89°52'13" West, as measured from a found brass capped monument at the East quarter corner of said Section 27, to a found brass capped monument at the West quarter corner of said Section 27)

COMMENCING at a found brass capped monument at the East quarter corner of said Section 27;

THENCE South 89°52'13" West, along the East-West quarter line of said Section 27, a distance of 1212.13 feet to the TRUE POINT OF BEGINNING;

THENCE continuing South 89°52'13" West, along said East-West quarter line, a distance of 273.36 feet;

THENCE North 01°39'52" West, a distance of 902.77 feet;

THENCE North 00°23'01" West, a distance of 419.17 feet;

THENCE North 89°54'31" East, a distance of 1303.61 to a capped rebar, RLS number 19353;

THENCE South 06°20'46" West, a distance of 394.38 feet to a capped rebar, RLS number 19353;

THENCE North 89°55'06" East, a distance of 245.77 feet to a point on the East line of said Northeast quarter;

THENCE South 00°32'19" East, along said East line, a distance of 25.00 feet;

THENCE South 89°58'45" West, a distance of 276.76 feet to a found PK nail and disk in a concrete canal;

~~THENCE South 32°02'18" West, a distance of 82.35 feet to a found PK nail and disk in a concrete canal;~~

THENCE South 39°04'00" West, a distance of 28.58 feet to a found PK nail and disk in a concrete canal;

THENCE South 48°28'17" West, a distance of 508.85 feet to a found PK nail and disk in a concrete canal;

THENCE South 47°59'44" West, a distance of 208.86 feet to a found PK nail and disk in a concrete canal;

THENCE South 44°20'13" West, a distance of 49.85 feet to a found PK nail and disk in a concrete canal;

THENCE South 41°36'14" West, a distance of 109.25 feet to a found PK nail and disk in a concrete canal;

THENCE South 38°41'34" West, a distance of 137.15 feet to a found PK nail and disk in a concrete canal;

THENCE South 46°52'10" West, a distance of 46.80 feet to a found PK nail and disk in a concrete canal;

THENCE South 59°39'37" West, a distance of 40.34 feet to a found PK nail and disk in a concrete canal;

THENCE South 66°15'23" West, a distance of 72.94 feet to a found PK nail and disk in a concrete canal;

THENCE South 00°19'22" West, a distance of 31.03 feet to the TRUE POINT OF BEGINNING.

Containing 1,222,425 square feet or 28.06 acres, more or less.

TOGETHER WITH a 50.00 foot wide ingress, egress and public utility easement over, under and across that property described in Book 4158 Official Records, Page 286, on file in the office of the Yavapai County Recorder, located in the Northeast quarter of Section 27, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. The centerline of said easement is described as follows:

COMMENCING at a found brass capped monument at the East quarter corner of  
said Section 27;

THENCE South 89°52'13" West, along the East-West quarter line of said Section  
27, a distance of 1485.49 feet;

THENCE North 01°39'52" West, a distance of 25.01 feet to the BEGINNING OF  
THE CENTERLINE TO BE DESCRIBED;

THENCE continuing North 01°39'52" West, a distance of 877.76 feet to a point  
hereinafter referred to as "Point A";

THENCE North 00°23'01" West, a distance of 419.17 feet and SAID CENTERLINE  
THERE TERMINATING.

TOGETHER WITH a 50.00 foot wide Ingress, egress and public utility easement  
over, under and across that property described in Book 4158 Official Records,  
Page 286, on file in the office of the Yavapai County Recorder, located in the  
Northeast quarter of Section 27, Township 16 North, Range 2 West of the Gila  
and Salt River Base and Meridian, Yavapai County, Arizona. The centerline of  
said easement is described as follows:

BEGINNING at the aforementioned "Point A";

THENCE South 89°54'07" West, a distance of 449.99 feet and SAID LINE THERE  
TERMINATING.

SUBJECT TO a right of way easement as described in Book 979 Official Records,  
Page 645, on file in the office of the County Recorder, Yavapai County, Arizona.

SUBJECT TO a public roadway and utility  
dedication as described in Book 4158  
Official Records, Page 286, on file in the  
office of the County Recorder, Yavapai  
County, Arizona.

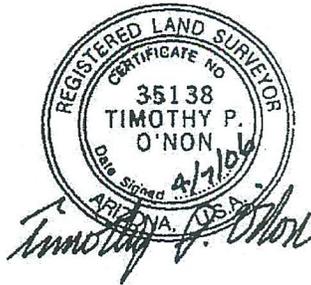
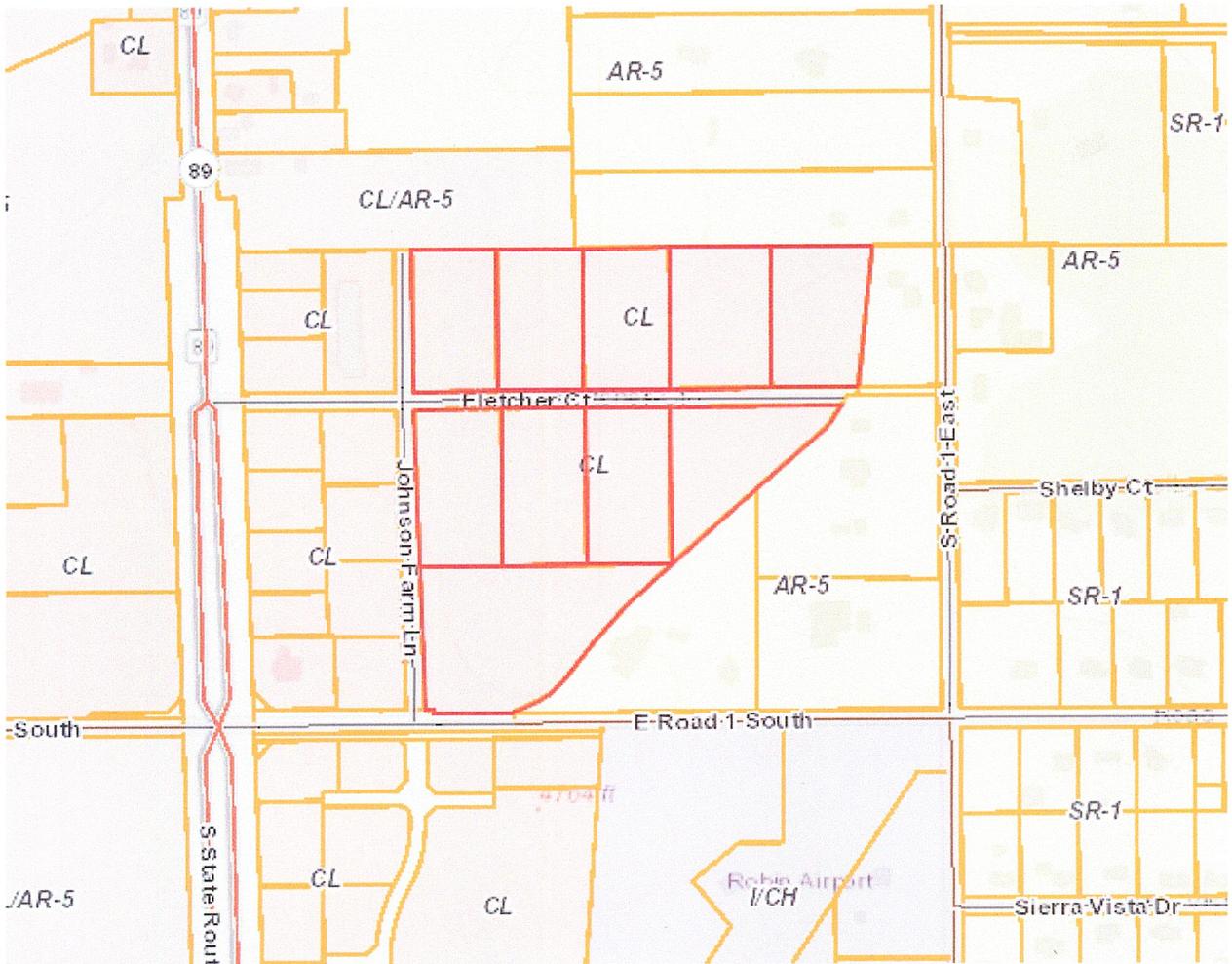


EXHIBIT 2  
ZONING EXHIBIT (MAP)



**EXHIBIT 3**  
**DEVELOPMENT PLAN**

