

ORDINANCE NO. 18-848

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 75 ACRES OF REAL PROPERTY GENERALLY LOCATED .25 MILES WEST OF THE NORTHWEST CORNER OF NORTH ROAD 1 WEST AND WEST ROAD 4 NORTH, AT 1460 WEST ROAD 4 NORTH, INCLUDING (i) APPROXIMATELY 15.9 ACRES FROM CL/MR-PAD (COMMERCIAL LIGHT/ MULTI-FAMILY RESIDENTIAL WITH A PLANNED AREA DEVELOPMENT OVERLAY) ZONING DISTRICT TO SR-1 (SINGLE FAMILY RESIDENTIAL – 1 ACRE MINIMUM) ZONING DISTRICT AND CL (COMMERCIAL LIGHT) ZONING DISTRICT AND (ii) APPROXIMATELY 59 ACRES FROM AR-5 (AGRICULTURAL RESIDENTIAL – 5 ACRE MINIMUM) TO SR-1 (SINGLE FAMILY RESIDENTIAL – 1 ACRE MINIMUM); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Town of Chino Valley Official Zoning Map to change the zoning for: (i) a \pm 15.9 acre parcel of real property from CL/MR-PAD (Commercial Light/ Multi-Family Residential with a Planned Area Development Overlay) to \pm 6.42 acres of SR-1 (Single Family Residential – 1 acre minimum) and \pm 9.49 acres of CL (Commercial Light); and (ii) a \pm 59 acre parcel of real property from AR-5 (Agricultural Residential – 5 acre minimum) to SR-1 (Single Family Residential – 1 acre minimum);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 recommended approval of the rezoning by a 7-0 vote; and

WHEREAS, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance,

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

Section 1. In General.

1.1 The recitals above are hereby incorporated as if fully set forth herein.

1.2 The Official Zoning Map is hereby amended for property consisting of approximately 75 acres, depicted on Exhibit A and described on Exhibit B, both attached hereto and incorporated herein by this reference, as follows: (i) a 15.9 acre parcel of real property from CL/MR-PAD (Commercial Light/Multi-Family Residential with a Planned Area Development

Overlay) to ± 6.42 acres of SR-1 (Single Family Residential – 1 acre minimum) and ± 9.49 acres of CL (Commercial Light); and (ii) a ± 59 acre parcel of real property from AR-5 (Agricultural Residential – 5 acre minimum) to SR-1 (Single Family Residential – 1 acre minimum).

1.3 The Property described in Paragraph 1.2 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance and the following conditions:

- A. Water. The developer shall, not later than submittal of the first preliminary plat, site plan or application for any construction, provide the Town a certificate or letter from the State of Arizona indicating the proposed utility has the legal and physical ability to provide water. A certificate of assured water supply will be required prior to approving the final plat.
- B. Sewer. The developer shall, not later than submittal of the first preliminary plat, site plan or application for any construction, provide the Town a certificate or letter from Yavapai County approving the concept for sewage disposal.
- C. Streets.
 - 1. In conjunction with submittal of any preliminary plat or site plan, developer must submit a Traffic Impact Analysis to determine impacts on nearby streets and to determine the need for any additional improvements, such as right and left turn lanes, bus pull outs, etc.
 - 2. The developer shall dedicate to the Town the following: 50' half-street on West Road 4 North (for an ultimate 100' ROW), and 40' half-street on West Road 4 ½ North (for an ultimate 80' ROW).
 - 3. The developer shall complete street improvements along the frontages of West Road 4 North and West Road 4 ½ North. Improvements must be approved by the Town Engineer and will include, but not necessarily be limited to, pavement widening, curb, gutter, sidewalk, and drainage improvements.
 - 4. The existing driveway configuration must be adjusted to accommodate standard engineering practices and requirements of the Town Code.
 - 5. Developer shall be required to work with the Development Services staff to implement a combination of fencing and landscaping along the western edge of the property to prevent light pollution onto adjacent properties. Driveway locations and landscaping should also consider headlight impacts.
- D. Drainage. In conjunction with submittal of any preliminary plat or site plan, developer must submit a drainage report and plan to address onsite and off-site flows in accordance with Town regulations. Drainage on West Road 4 North and West Road 4 ½ North must also be included in the study.
- E. Grading. Any unusable fill material, buried debris, rubble and trash must be removed prior to final plat

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.

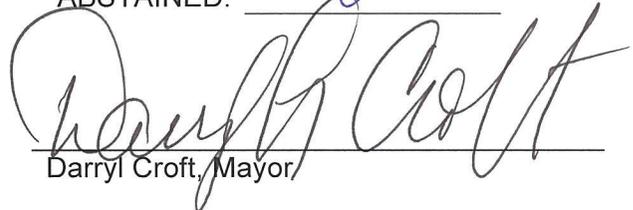
Section 4. Providing for Penalties.

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 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 22nd day of May, 2018 by the following vote:

AYES: 6
NAYS: 0

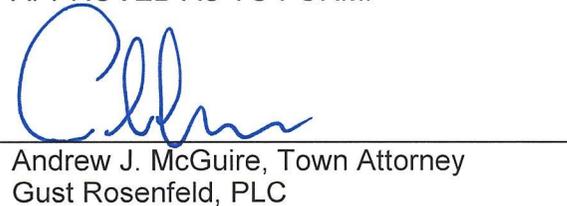
ABSENT: 1
ABSTAINED: 0


Darryl Croft, Mayor

ATTEST:

APPROVED AS TO FORM:


Jami C. Lewis, Town Clerk


Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 18-848 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 22nd DAY OF May 2018, WAS POSTED IN THREE PLACES ON THE 7th DAY OF JUNE, 2018

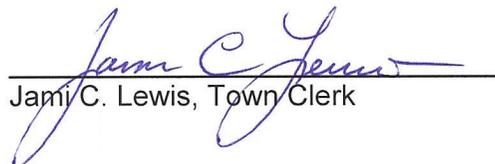
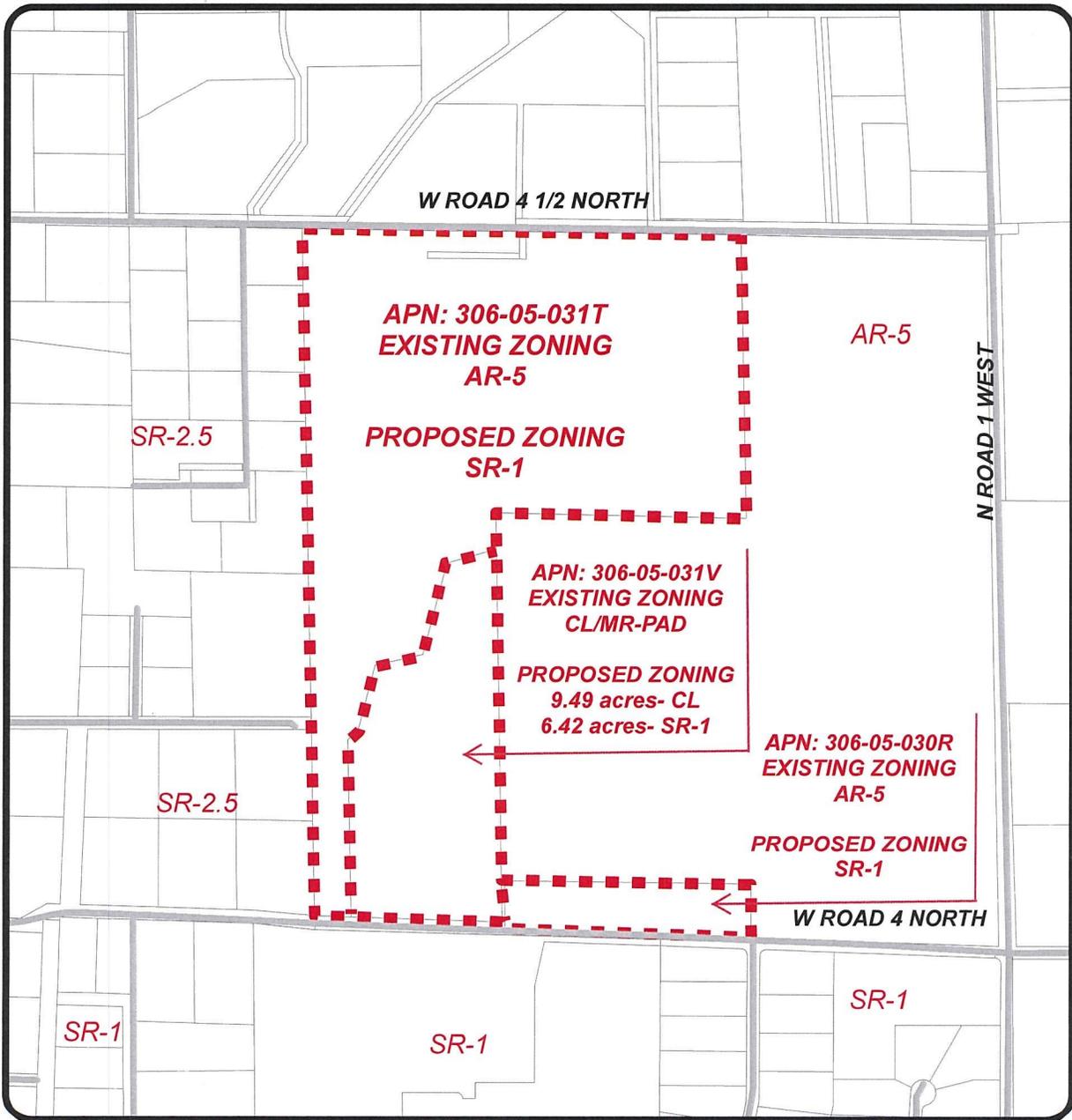

Jami C. Lewis, Town Clerk

EXHIBIT A
TO
ORDINANCE NO. 18-848

[Zoning Exhibit]

See following pages.

Zoning Exhibit A



Z18-000002: JC Estates_Cordovana

■ ■ ■ Subject Property

Applicant: La Vacara Trust

Request: APN: 306-05-031T: Agriculture Residential (AR-5) to Single Family Residential SR-1, APN: 306-05-031V: rezone 15.9 acres from CL/MR-PAD (Commercial Light/Multi-Family Residential with a Planned Area Development overlay) to 6.42 acres of SR-1 and 9.49 acres of CL (Single Family Residential and Commercial Light, respectively). APN: 306-05-030R- Agriculture Residential (AR-5) to Single Family Residential SR-1.

Location: 1429 W Road 4 1/2 North, 1460 W. Road 4 North, 1228 W. Road 4 North Chino Valley, AZ 86323



Not to Scale

EXHIBIT B
TO
ORDINANCE NO. 18-848

[Legal Description]

See following pages.

APN: 306-05-030R

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 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 4;

THENCE NORTH $87^{\circ}39'03''$ WEST AND ALONG THE SOUTH LINE OF SAID SECTION 4, A DISTANCE OF 1002.51 FEET;

THENCE NORTH $0^{\circ}37'08''$ WEST, A DISTANCE OF 25.03 FEET TO THE POINT OF BEGINNING OF THE HERIN DESCRIBED PARCEL,

THENCE NORTH $87^{\circ}39'03''$ WEST ALONG THE NORTH RIGHT OF WAY LINE OF ROAD 4 NORTH AS DESCRIBED IN BOOK 3407, PAGE 77 YAVAPAI COUNTY RECORDER, A DISTANCE OF 969.31 FEET;

THENCE NORTH $0^{\circ}37'08''$ WEST, A DISTANCE OF 189.73 FEET;

THENCE SOUTH $88^{\circ}51'38''$ EAST, A DISTANCE OF 968.47 FEET;

THENCE SOUTH $0^{\circ}37'08''$ EAST, A DISTANCE OF 210.20 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 193,567 SQUARE FEET OR 4.444 ACRES MORE OR LESS.

APN: 306-05-031V SR-1

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 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 4;

THENCE NORTH 0°36'33" WEST AND ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 4, A DISTANCE OF 25.03 FEET;

THENCE SOUTH 87°39'03" EAST, ALONG THE NORTH RIGHT OF WAY LINE OF ROAD 4 NORTH AS DESCRIBED IN BOOK 3407, PAGE 77, YAVAPAI COUNTY, RECORDER A DISTANCE OF 252.77 FEET TO THE POINT OF BEGINNING OF THE HERIN DESCRIBED PARCEL,

THENCE NORTH 38°11'14" WEST, A DISTANCE OF 44.99 FEET,

THENCE NORTH 0°10'23" WEST, A DISTANCE OF 391.18 FEET;

THENCE NORTH 75°03'55" EAST, A DISTANCE OF 123.26 FEET TO A POINT ON A CURVE, CONCAVE NORTHWESTERLY HAVING A RADIUS OF 105.00 FEET AND WHOSE CENTER BEARS NORTH 12°47'59" WEST FROM THE LAST DESCRIBED POINT;

THENCE NORTHEASTLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 70°44'01", AN ARC LENGTH OF 129.63 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH 88°49'25" EAST, A DISTANCE OF 326.38 FEET;

THENCE SOUTH 1°10'34" EAST, A DISTANCE OF 576.59 FEET;

THENCE NORTH 87°39'03" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF ROAD 4 NORTH AS DESCRIBED IN BOOK 3407, PAGE 77, YAVAPAI COUNTY, RECORDER A DISTANCE OF 509.75 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 279,832 SQUARE FEET OR 6.424 ACRES, MORE OR LESS

APN: 306-05-031V CL

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 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 4;

THENCE NORTH $0^{\circ}36'33''$ WEST ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 4, A DISTANCE OF 25.03 FEET;

THENCE SOUTH $87^{\circ}39'03''$ EAST, ALONG THE NORTH RIGHT OF WAY LINE OF ROAD 4 NORTH AS DESCRIBED IN BOOK 3407, PAGE 77, YAVAPAI COUNTY, RECORDER A DISTANCE OF 152.10 FEET TO THE POINT OF BEGINNING OF THE HERIN DESCRIBED PARCEL,

THENCE NORTH $0^{\circ}36'33''$ WEST, A DISTANCE OF 724.23 FEET TO A POINT ON A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 162.19 FEET AND WHOSE CENTER BEARS SOUTH $49^{\circ}40'11''$ EAST FROM THE LAST DESCRIBED POINT;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $19^{\circ}12'50''$, AND ARC LENGTH OF 54.39 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH $15^{\circ}23'45''$ EAST, A DISTANCE OF 269.77 FEET;

THENCE NORTH $0^{\circ}36'33''$ WEST, A DISTANCE OF 314.50 FEET TO A POINT OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 893.68 FEET;

THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $5^{\circ}07'12''$, AN ARC LENGTH OF 79.86 FEET TO A POINT OF NON-TANGENCY;

THENCE SOUTH $88^{\circ}51'38''$ EAST, A DISTANCE OF 271.62 FEET;

THENCE NORTH $1^{\circ}02'58''$ EAST, A DISTANCE OF 175.37 FEET;

THENCE SOUTH $88^{\circ}51'24''$ EAST, A DISTANCE OF 197.51 FEET;

THENCE SOUTH $1^{\circ}10'34''$ EAST, A DISTANCE OF 1028.13 FEET;

THENCE SOUTH $88^{\circ}49'25''$ WEST, A DISTANCE OF 326.38 FEET TO A POINT ON A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 105.00 FEET AND WHOSE CENTER BEARS NORTH $83^{\circ}32'00''$ WEST FROM THE LAST DESCRIBED POINT;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $70^{\circ}44'01''$, AN ARC LENGTH OF 129.63 FEET TO A POINT OF NON-TANGENCY;

THENCE SOUTH $75^{\circ}03'55''$ WEST, A DISTANCE OF 123.26 FEET;

THENCE SOUTH $0^{\circ}10'23''$ EAST, A DISTANCE OF 391.18 FEET;

THENCE SOUTH $38^{\circ}11'14''$ EAST, A DISTANCE OF 44.99 FEET;

THENCE NORTH 87°39'03" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF ROAD 4 NORTH AS DESCRIBED IN BOOK 3407, PAGE 77, YAVAPAI COUNTY, RECORDER A DISTANCE OF 100.67 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 545,102 SQUARE FEET OR 12.514 ACRES, MORE OR LESS.

APN: 306-05-031T

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 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 4;

THENCE NORTH 0°36'33" WEST ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 4, A DISTANCE OF 25.03 FEET; TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE CONTINUING NORTH 0°36'33" WEST ALONG THE SAID NORTH-SOUTH MID-SECTION LINE, A DISTANCE OF 1588.10 FEET;

THENCE SOUTH 88°51'24" EAST, A DISTANCE OF 548.47 FEET;

THENCE SOUTH 1°02'58" WEST, A DISTANCE OF 175.37 FEET;

THENCE NORTH 88°51'24" WEST, A DISTANCE OF 271.62 FEET TO A POINT ON A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 893.68 FEET AND WHOSE CENTER BEARS SOUTH 85°29'22" EAST FROM THE LAST DESCRIBED POINT;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 5°07'12" AN ARC LENGTH OF 79.86 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 0°36'33" EAST, A DISTANCE OF 314.50 FEET;

THENCE SOUTH 15°23'45" WEST, A DISTANCE OF 269.77 FEET TO A POINT ON A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 162.19 FEET AND WHOSE CENTER BEARS SOUTH 30°27'21" EAST FROM THE LAST DESCRIBED POINT;

THESE SOUTHWESTERLY ALONGE THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°12'50", AND ARC LENGTH OF 54.39 FEET TO A POINT OF NON-TANGENCY;

THENCE SOUTH 0°36'33" EAST, A DISTANCE OF 724.23 FEET;

THENCE NORTH 87°39'03" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF ROAD 4 NORTH AS DESCRIBED IN BOOK 3407, PAGE 77, YAVAPAI COUNTY, RECORDER A DISTANCE OF 152.10 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 377,798 SQUARE FEET OR 8.673 ACRES, MORE OR LESS.

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 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 4;

THENCE NORTH $0^{\circ}36'33''$ WEST ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 4, A DISTANCE OF 1613.13 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE CONTINUING NORTH $0^{\circ}36'33''$ WEST ALONG THE SAID NORTH-SOUTH MID-SECTION LINE, A DISTANCE OF 1099.34 FEET;

THENCE SOUTH $88^{\circ}51'06''$ EAST, A DISTANCE OF 1717.27 FEET;

THENCE SOUTH $1^{\circ}18'39''$ EAST, A DISTANCE OF 1099.68 FEET;

THENCE NORTH $88^{\circ}51'24''$ WEST, A DISTANCE OF 1730.74 FEET TO A POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,894,240 SQUARE FEET OR 43.486 ACRES, MORE OR LESS.