

ORDINANCE NO. 2020-887

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE TO THE PLANNED DEVELOPMENT OVERLAY FOR THE BRIGHT STAR DEVELOPMENT FOR APPROXIMATELY 277.42 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE INTERSECTION OF EAST ROAD 2 NORTH AND BRIGHT STAR BOULEVARD, TO MODIFY THE BUILDING SETBACKS FOR CERTAIN LOTS THEREIN.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the "Town Council") desires to amend the Planned Development Overlay for the Bright Star Development for a 277.42 acre parcel, to amend the building setback requirements for certain lots therein as set forth in the staff report presented to the Town Council on September 22, 2020 (the "PAD Amendment"); and

WHEREAS, the Town Council has determined that the PAD Amendment conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, 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; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, 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. The recitals above are hereby incorporated as if fully set forth herein.

Section 2: The PAD Amendment is hereby approved, subject to the following stipulation:

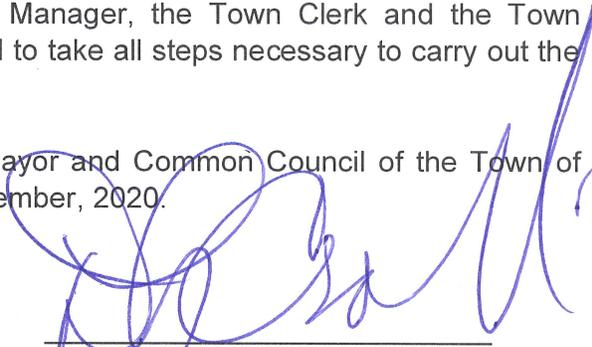
1. Except as specifically set forth in the PAD Amendment, all terms and conditions of the Bright Star Planned Development Overlay shall remain in full force and effect.

Section 3: The Town Manager or her authorized designee is directed, upon the effective date of this Ordinance, to cause the PAD Amendment to be reflected in the official records of the Town related to the zoning of the property.

Section 4: If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

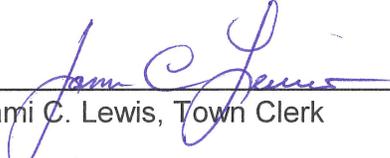
Section 5: The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 22nd day of September, 2020.



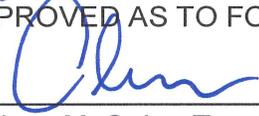
Darryl L. Croft, Mayor

ATTEST:



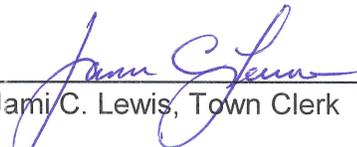
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:



Andrew McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2020-887 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on September 22, 2020, and that quorum was present, and that the vote thereon was 6 ayes and 0 nays and 0 abstentions. 1 Council members were absent or excused.



Jami C. Lewis, Town Clerk

EXHIBIT 1
TO
ORDINANCE 2020-887

[Legal Description]

See following pages.

LEGAL DESCRIPTION

All that portion of land lying within Section 24, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

(The "Basis of Bearings" for this description is South 89° 55' 04" West as measured between a GLO brass cap at the north east corner of said Section 24 and a GLO brass cap at the north quarter corner of said Section 24 as shown on the Final Plat for "Bright Star Unit 1, Phase 3 and Unit 2, Phase 3" recorded in Book 61 of maps and plats, Page 15, Yavapai County Recorder's Office, Yavapai County, Arizona.)

COMMENCING at a GLO brass cap at the north east corner of said Section 24;

Thence South 01° 04' 08" East, along the east line of said Section 24, a distance of 35.01 feet to the TRUE POINT OF BEGINNING;

Thence continuing South 01° 04' 08" East, along said east line, a distance of 2610.81 feet to a found GLO brass cap at the east quarter corner of said Section 24;

Thence North 89° 57' 19" West, along the east-west center section line, a distance of 2667.00 feet to a found 1/2" rebar, RLS 27738, at the center corner of said Section 24;

Thence South 00° 26' 13" East, along the north-south center section line, a distance of 2639.62 feet to a found GLO brass cap at the south quarter corner of said Section 24;

Thence North 89° 46' 47" West, along the south line of said Section 24, a distance of 1704.31 feet to a point on the east right of way line of the abandoned Atchison, Topeka & Santa Fe Railroad as recorded in Book 2800 of Official Records, Page 832 and in Book 3927 of Official Records, Page 137, Yavapai County Recorder's Office, Yavapai County, Arizona;

Thence North 01° 52' 37" West, along said east right of way line, a distance of 2140.07 feet;

Thence along a tangent curve, along said east right of way line, concave to the southeast, having a radius of 2765.39 feet, a central angle of 12° 30' 03", an arc length of 603.35, a chord bearing of North 04° 22' 24" East, and a chord length of 602.15 feet;

Thence North 10° 37' 04" East, along said east right of way line, a distance of 106.42 feet;

Thence South 82° 59' 12" East, a distance of 96.11 feet;

Thence North 60° 50' 35" East, a distance of 100.97 feet;

Thence North 19° 40' 47" West, a distance of 94.73 feet;

Thence North 13° 25' 54" East, a distance of 30.84 feet;

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Thence North 45° 40' 22" West, a distance of 20.00 feet;

Thence North 83° 24' 04" West, a distance of 18.12 feet;

Thence North 29° 10' 21" West, a distance of 35.42 feet;

Thence North 79° 25' 12" West, a distance of 69.87 feet to a point on said east right of way line of the abandoned Atchison, Topeka & Santa Fe Railroad;

Thence North 10° 37' 04" East, along said east right of way line, a distance of 465.39 feet;

Thence South 79° 23' 15" East, a distance of 120.20 feet;

Thence South 72° 43' 45" East, a distance of 50.34 feet;

Thence North 90° 00' 00" East, a distance of 346.79 feet;

Thence South 81° 25' 55" East, a distance of 46.89 feet;

Thence South 65° 42' 56" East, a distance of 255.17 feet;

Thence South 74° 52' 53" East, a distance of 55.00 feet;

Thence South 84° 50' 00" East, a distance of 50.82 feet;

Thence North 84° 49' 14" East, a distance of 59.18 feet;

Thence North 75° 29' 27" East, a distance of 40.03 feet;

Thence North 67° 12' 28" East, a distance of 48.08 feet;

Thence North 58° 10' 00" East, a distance of 48.08 feet;

Thence North 49° 22' 39" East, a distance of 67.49 feet;

Thence North 48° 12' 54" East, a distance of 102.51 feet;

Thence North 39° 35' 16" East, a distance of 50.00 feet;

Thence North 50° 24' 44" West, a distance of 11.57 feet;

Thence North 39° 35' 16" East, a distance of 115.27 feet;

Thence South 50° 24' 44" East, a distance of 165.00 feet;

Thence South 39° 35' 16" West, a distance of 115.27 feet;

Thence South 85° 34' 49" West, a distance of 54.92 feet;

Thence along a non-tangent curve, concave to the northwest, having a radius of 125.00 feet, a central angle of $17^{\circ} 44' 29''$, an arc length of 38.71, a chord bearing of South $04^{\circ} 27' 03''$ West, and a chord length of 38.55 feet;

Thence South $76^{\circ} 40' 43''$ East, a distance of 27.40 feet;

Thence South $41^{\circ} 47' 06''$ East, a distance of 137.11 feet;

Thence along a non-tangent curve, concave to the southeast, having a radius of 635.00 feet, a central angle of $08^{\circ} 55' 44''$, an arc length of 98.96, a chord bearing of North $61^{\circ} 15' 46''$ East, and a chord length of 98.86 feet;

Thence South $20^{\circ} 39' 40''$ East, a distance of 114.62 feet;

Thence North $66^{\circ} 53' 54''$ East, a distance of 40.04 feet;

Thence North $20^{\circ} 39' 40''$ West, a distance of 114.18 feet;

Thence along a non-tangent curve, concave to the southeast, having a radius of 635.00 feet, a central angle of $20^{\circ} 35' 04''$, an arc length of 228.13, a chord bearing of North $79^{\circ} 37' 52''$ East, and a chord length of 226.91 feet;

Thence North $89^{\circ} 55' 24''$ East, a distance of 37.45 feet;

Thence North $00^{\circ} 04' 36''$ West, a distance of 136.49 feet;

Thence North $65^{\circ} 50' 50''$ East, a distance of 56.65 feet;

Thence along a non-tangent curve, concave to the southeast, having a radius of 50.00 feet, a central angle of $124^{\circ} 55' 17''$, an arc length of 109.01, a chord bearing of North $38^{\circ} 18' 28''$ East, and a chord length of 88.67 feet;

Thence North $10^{\circ} 45' 44''$ East, a distance of 36.06 feet;

Thence North $54^{\circ} 57' 59''$ East, a distance of 44.46 feet;

Thence North $89^{\circ} 55' 24''$ East, a distance of 850.00 feet;

Thence North $00^{\circ} 04' 36''$ West, a distance of 20.34 feet;

Thence North $89^{\circ} 54' 47''$ East, a distance of 180.94 feet;

Thence South $70^{\circ} 30' 54''$ East, a distance of 50.00 feet;

Thence along a non-tangent curve, concave to the northwest, having a radius of 246.00 feet, a central angle of $02^{\circ} 00' 31''$, an arc length of 8.62, a chord bearing of South $20^{\circ} 29' 21''$ West, and a chord length of 8.62 feet;

Thence South $68^{\circ} 30' 23''$ East, a distance of 130.00 feet;

Thence along a non-tangent curve, concave to the northwest, having a radius of 376.00 feet, a central angle of $06^{\circ} 29' 17''$, an arc length of 42.58, a chord bearing of North $18^{\circ} 14' 59''$ East, and a chord length of 42.55 feet;

Thence North $15^{\circ} 00' 20''$ East, a distance of 104.98 feet;

Thence South $74^{\circ} 59' 40''$ East, a distance of 160.00 feet;

Thence North $15^{\circ} 00' 20''$ East, a distance of 19.72 feet;

Thence South $74^{\circ} 59' 40''$ East, a distance of 130.00 feet;

Thence North $15^{\circ} 00' 20''$ East, a distance of 133.17 feet;

Thence along a tangent curve, concave to the northwest, having a radius of 364.00 feet, a central angle of $24^{\circ} 46' 06''$, an arc length of 157.35, a chord bearing of North $02^{\circ} 37' 17''$ East, and a chord length of 156.13 feet;

Thence North $66^{\circ} 28' 02''$ East, a distance of 69.68 feet;

Thence along a non-tangent curve, concave to the southeast, having a radius of 25.00 feet, a central angle of $83^{\circ} 43' 07''$, an arc length of 36.53, a chord bearing of North $29^{\circ} 53' 46''$ East, and a chord length of 33.37 feet;

Thence North $18^{\circ} 14' 40''$ West, a distance of 50.00 feet;

Thence along a non-tangent curve, concave to the northwest, having a radius of 25.00 feet, a central angle of $06^{\circ} 47' 44''$, an arc length of 2.97, a chord bearing of South $75^{\circ} 09' 12''$ West, and a chord length of 2.96 feet;

Thence along a non-tangent curve, concave to the southwest, having a radius of 452.00 feet, a central angle of $30^{\circ} 04' 16''$, an arc length of 237.23, a chord bearing of North $36^{\circ} 28' 23''$ West, and a chord length of 234.52 feet;

Thence along a reverse tangent curve, concave to the northeast, having a radius of 40.00 feet, a central angle of $78^{\circ} 59' 08''$, an arc length of 55.14, a chord bearing of North $12^{\circ} 00' 57''$ West, and a chord length of 50.88 feet;

Thence North $27^{\circ} 28' 37''$ East, a distance of 295.36 feet;

Thence along a tangent curve, concave to the southeast, having a radius of 946.00 feet, a central angle of $18^{\circ} 53' 43''$, an arc length of 311.98, a chord bearing of North $36^{\circ} 55' 28''$ East, and a chord length of 310.56 feet;

Thence along a reverse tangent curve, concave to the northwest, having a radius of 479.00 feet, a central angle of $24^{\circ} 32' 37''$, an arc length of 205.19, a chord bearing of North $34^{\circ} 06' 01''$ East, and a chord length of 203.62 feet;

Thence North $21^{\circ} 49' 43''$ East, a distance of 210.62 feet;

Thence North 89° 55' 04" East, a distance of 239.56 feet to the TRUE POINT OF BEGINNING.

Containing 9,567,838.16 square feet or 291.65 acres, more or less.

09/17/20

LE #291-28

291-28 Remainder Rezone.doc

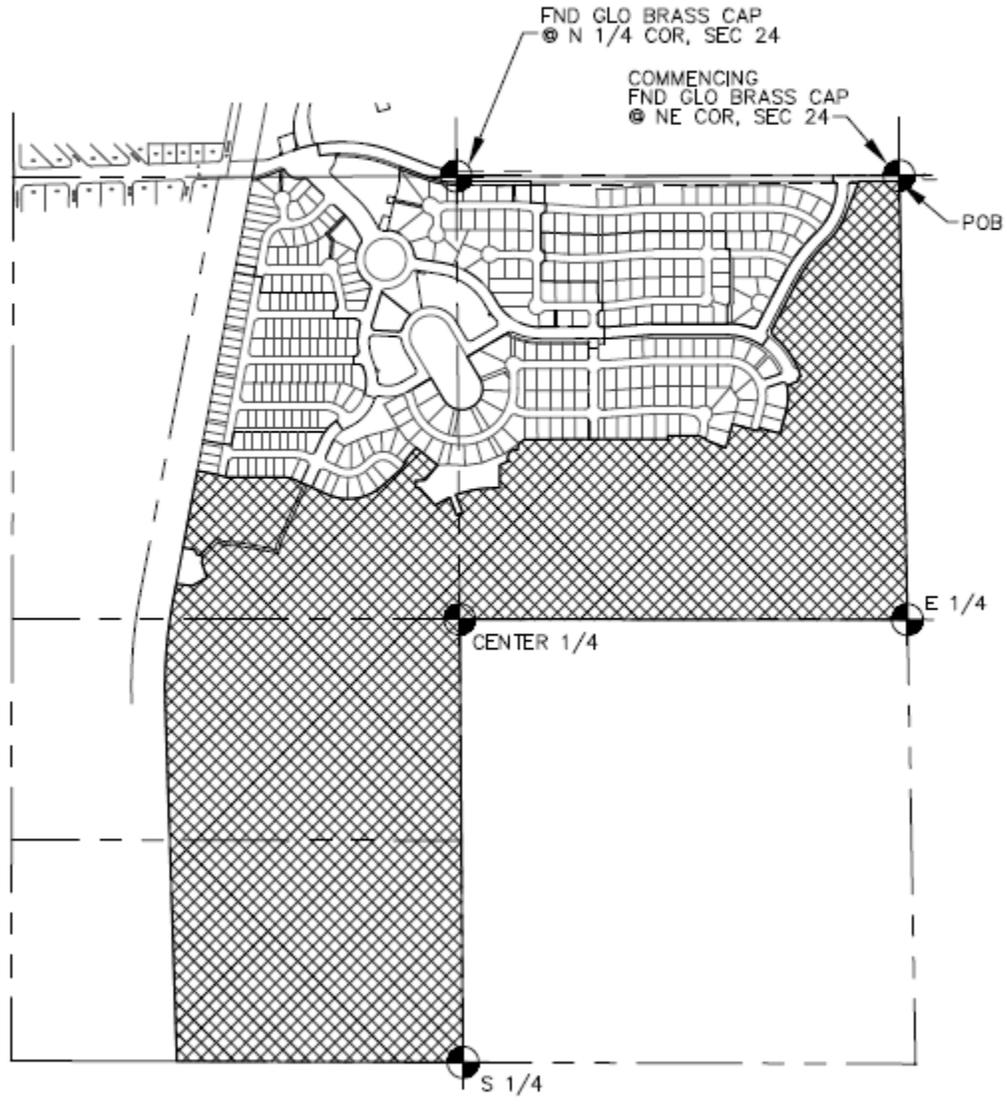
JASON O'BRIEN, R.L.S.



EXPIRES 6/30/22

MAP TO ACCOMPANY
LEGAL DESCRIPTION

SCALE: 1"=1000'



LEGAL DESCRIPTION

All that portion of land lying within Section 24, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

(The "Basis of Bearings" for this description is North 89° 55' 04" East as measured between a GLO brass cap at the north quarter corner of said Section 24 and a GLO brass cap at the northeast corner of said Section 24 as shown on the Final Plat for "Bright Star Unit 1, Phase 3 and Unit 2, Phase 3" recorded in Book 61 of maps and plats, Page 15, Yavapai County Recorder's Office, Yavapai County, Arizona.)

COMMENCING at a GLO brass cap at the north quarter corner of said Section 24;

Thence South 00° 04' 56" East, a distance of 35.00 feet;

Thence North 89° 55' 04" East, a distance of 441.76 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 89° 55' 04" East, a distance of 1957.19 feet;

Thence South 21° 49' 43" West, a distance of 210.62 feet;

Thence along a tangent curve, concave to the northwest, having a radius of 479.00 feet, a central angle of 24° 32' 37", an arc length of 205.19, a chord bearing of South 34° 06' 01" West, and a chord length of 203.62 feet;

Thence along a reverse tangent curve, concave to the southeast, having a radius of 946.00 feet, a central angle of 18° 53' 43", an arc length of 311.98, a chord bearing of South 36° 55' 28" West, and a chord length of 310.56 feet;

Thence South 27° 28' 37" West, a distance of 295.36 feet;

Thence along a tangent curve, concave to the northeast, having a radius of 40.00 feet, a central angle of 78° 59' 08", an arc length of 55.14, a chord bearing of South 12° 00' 57" East, and a chord length of 50.88 feet;

Thence along a reverse tangent curve, concave to the southwest, having a radius of 452.00 feet, a central angle of 30° 04' 16", an arc length of 237.23, a chord bearing of South 36° 28' 23" East, and a chord length of 234.52 feet;

Thence along a non-tangent curve, concave to the northwest, having a radius of 25.00 feet, a central angle of 06° 47' 44", an arc length of 2.97, a chord bearing of North 75° 09' 12" East, and a chord length of 2.96 feet;

Thence South 18° 14' 40" East, a distance of 50.00 feet;

Thence along a non- tangent curve, concave to the southeast, having a radius of 25.00 feet, a central angle of $83^{\circ} 43' 07''$, an arc length of 36.53, a chord bearing of South $29^{\circ} 53' 46''$ West, and a chord length of 33.37 feet;

Thence South $66^{\circ} 28' 02''$ West, a distance of 69.68 feet;

Thence along a non- tangent curve, concave to the northwest, having a radius of 364.00 feet, a central angle of $24^{\circ} 46' 06''$, an arc length of 157.35, a chord bearing of South $02^{\circ} 37' 17''$ West, and a chord length of 156.13 feet;

Thence South $15^{\circ} 00' 20''$ West, a distance of 133.17 feet;

Thence North $74^{\circ} 59' 40''$ West, a distance of 130.00 feet;

Thence South $15^{\circ} 00' 20''$ West, a distance of 19.72 feet;

Thence North $74^{\circ} 59' 40''$ West, a distance of 160.00 feet;

Thence South $15^{\circ} 00' 20''$ West, a distance of 104.98 feet;

Thence along a tangent curve, concave to the northwest, having a radius of 376.00 feet, a central angle of $06^{\circ} 29' 17''$, an arc length of 42.58, a chord bearing of South $18^{\circ} 14' 59''$ West, and a chord length of 42.55 feet;

Thence North $68^{\circ} 30' 23''$ West, a distance of 130.00 feet;

Thence along a non-tangent curve, concave to the northwest, having a radius of 246.00 feet, a central angle of $02^{\circ} 00' 31''$, an arc length of 8.62, a chord bearing of North $20^{\circ} 29' 21''$ East, and a chord length of 8.62 feet;

Thence North $70^{\circ} 30' 54''$ West, a distance of 50.00 feet;

Thence South $89^{\circ} 54' 47''$ West, a distance of 180.94 feet;

Thence South $00^{\circ} 04' 36''$ East, a distance of 20.34 feet;

Thence South $89^{\circ} 55' 24''$ West, a distance of 415.00 feet;

Thence North $00^{\circ} 04' 36''$ West, a distance of 575.10 feet;

Thence along a tangent curve, concave to the southeast, having a radius of 25.00 feet, a central angle of $91^{\circ} 15' 52''$, an arc length of 39.82, a chord bearing of North $45^{\circ} 33' 20''$ East, and a chord length of 35.74 feet;

Thence along a reverse tangent curve, concave to the northeast, having a radius of 368.00 feet, a central angle of $01^{\circ} 15' 52''$, an arc length of 8.12, a chord bearing of South $89^{\circ} 26' 40''$ East, and a chord length of 8.12 feet;

Thence North $00^{\circ} 04' 36''$ West, a distance of 68.00 feet;

Thence along a non- tangent curve, concave to the northwest, having a radius of 300.00 feet, a central angle of $04^{\circ} 26' 03''$, an arc length of 23.22, a chord bearing of North $87^{\circ} 42' 22''$ East, and a chord length of 23.21 feet;

Thence North $85^{\circ} 29' 20''$ East, a distance of 239.66 feet;

Thence along a tangent curve, concave to the southeast, having a radius of 300.00 feet, a central angle of $04^{\circ} 25' 26''$, an arc length of 23.16, a chord bearing of North $87^{\circ} 42' 03''$ East, and a chord length of 23.16 feet;

Thence North $89^{\circ} 54' 47''$ East, a distance of 450.92 feet;

Thence along a tangent curve, concave to the southwest, having a radius of 432.00 feet, a central angle of $00^{\circ} 24' 55''$, an arc length of 3.13, a chord bearing of South $89^{\circ} 52' 46''$ East, and a chord length of 3.13 feet;

Thence North $00^{\circ} 04' 36''$ West, a distance of 105.46 feet;

Thence North $32^{\circ} 27' 18''$ East, a distance of 29.12 feet;

Thence North $00^{\circ} 04' 42''$ West, a distance of 310.00 feet;

Thence South $89^{\circ} 54' 47''$ West, a distance of 20.99 feet;

Thence North $00^{\circ} 04' 36''$ West, a distance of 109.99 feet;

Thence South $89^{\circ} 55' 24''$ West, a distance of 90.00 feet;

Thence South $89^{\circ} 54' 28''$ West, a distance of 50.00 feet;

Thence South $89^{\circ} 54' 47''$ West, a distance of 345.00 feet;

Thence South $85^{\circ} 27' 58''$ West, a distance of 255.77 feet;

Thence South $88^{\circ} 16' 17''$ West, a distance of 25.01 feet;

Thence North $87^{\circ} 23' 03''$ West, a distance of 340.38 feet;

Thence North $00^{\circ} 04' 36''$ West, a distance of 95.28 feet;

Thence along a tangent curve, concave to the southeast, having a radius of 25.00 feet, a central angle of $94^{\circ} 23' 36''$, an arc length of 41.19, a chord bearing of North $47^{\circ} 07' 12''$ East, and a chord length of 36.68 feet;

Thence North $04^{\circ} 19' 00''$ East, a distance of 50.00 feet;

Thence North $85^{\circ} 41' 00''$ West, a distance of 7.90 feet;

Thence North $00^{\circ} 04' 36''$ West, a distance of 113.79 feet;

Thence South $89^{\circ} 55' 04''$ West, a distance of 85.00 feet;

Thence North $00^{\circ} 04' 36''$ West, a distance of 15.00 feet to the TRUE POINT OF BEGINNING.

Containing 1,533,243.47 square feet or 35.20 acres, more or less.

09/17/20

LE #291-28

291-28 Unit 2B Rezone.doc

JASON O'BRIEN, R.L.S.



EXPIRES 6/30/22

MAP TO ACCOMPANY
LEGAL DESCRIPTION

SCALE: 1"=500'

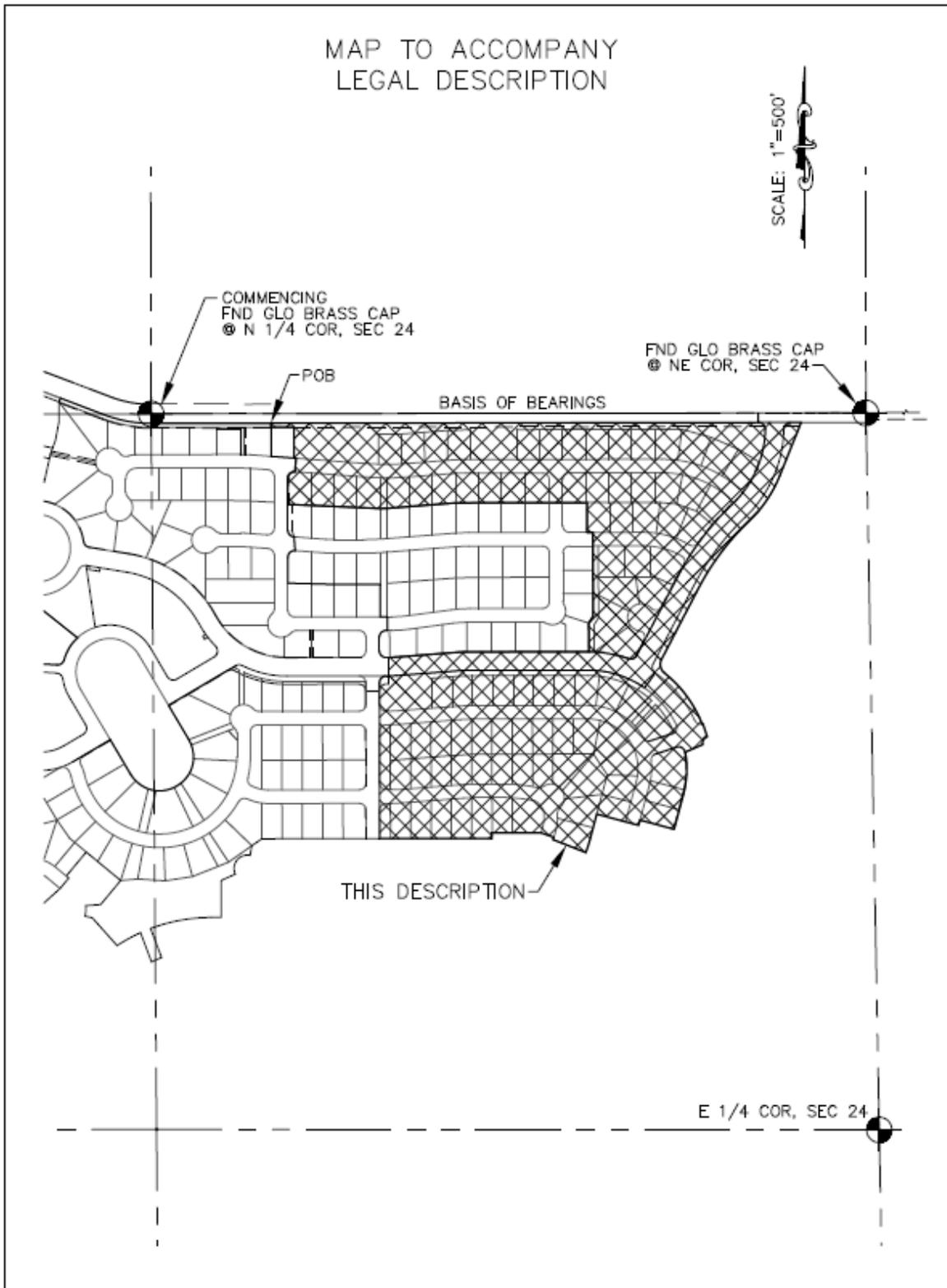


EXHIBIT 2
TO
ORDINANCE 2020-887

[Zoning Exhibit]

See following page.

