

When recorded, return to:

Town Clerk
Town of Chino Valley
202 N. State Route 89
Chino Valley, Arizona 86323

ORDINANCE NO. 2024-938

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 3.32 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 2535 N. STATE ROUTE 89, FROM CH (COMMERCIAL HEAVY) TO CL (COMMERCIAL LIGHT).

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Town of Chino Valley (the “Town”) Official Zoning Map for approximately 3.32 acres of real property (Yavapai County Assessor Parcel Nos. 306-14-020D and 306-14-021H) generally located at 2535 N. State Route 89, as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, both attached hereto and incorporated herein by reference, from CH (Commercial Heavy) to CL (Commercial Light) (the “Zoning Map Amendment”); and

WHEREAS, the Town Council has determined that this Zoning Map Amendment conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan, any overlay zoning district, and the standards and design requirements contained in the Unified Development Ordinance of the Town of Chino Valley (the “UDO”); 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’s Planning and Zoning Commission recommended approval of the Zoning Map Amendment; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, 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 Town Council has considered a housing impact statement in accordance with A.R.S. 9-462.01.

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 Zoning Map Amendment is hereby approved, and the Official Zoning Map is hereby amended for property consisting of approximately 3.32 acres, as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, to rezone the property from CH (Commercial Heavy) to CL (Commercial Light), subject to the requirements of the Chino Valley Town Code, the UDO, and the following stipulations:

1. The property owner shall comply with all conditions listed below and all codes, rules, fees, and regulations applicable to this action.
2. The property owner shall sign and notarize a Waiver of Claims form, which staff will record with the County Recorder against the property.
3. The rezone classification to Commercial Light (CL) is contingent upon the adequate recordation of the parcel combination, per the site plan approved by the Town.

SECTION 3: Pursuant to Ariz. Rev. Stat. § 9-462.01(E), if the property owner does not produce evidence of compliance with Stipulation 3 above within one year of the effective date of this ordinance, the Town Council may take legislative action to revert the zoning of the property to the prior zoning classification, Commercial Heavy (CH).

SECTION 4: The Town Manager is authorized and directed, upon the effective date of this ordinance, to cause the Official Zoning Map to reflect the Zoning Map Amendment as applicable to the property, indicating the zoning is subject to compliance with the stipulations provided herein.

SECTION 5: 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 6: 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.

(SIGNATURES FOLLOW)

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 23rd day of January 2024.

Jack W. Miller, Mayor

ATTEST:



Erin N. Deskins

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify that the above foregoing Ordinance No. 2024-938 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on January 23, 2024, 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.

Erin N. Deskins

Erin N. Deskins, Town Clerk

EXHIBIT 1
TO
ORDINANCE 2024-938

[Legal Descriptions]

See following page.

APN 306-14-020D

ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 10 MARKED WITH A BRIDGE SPIKE;

THENCE SOUTH 89°50'36" WEST, 731.50 FEET ALONG THE MIDSECTION LINE TO A 1/2 INCH REBAR;

THENCE NORTH 00°14'44" EAST (NORTH 00°15'36" EAST, RECORD) 25.00 FEET TO A 1/2 INCH REBAR;

THENCE NORTH 00°14'44" EAST, 238.12 FEET TO A 1/2 INCH REBAR AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 00°14'44" EAST, 241.06 FEET TO A 1/2 INCH REBAR;

THENCE NORTH 89°07'13" WEST, 369.83 FEET TO A 1/2 INCH REBAR;

THENCE SOUTH 02°35'45" WEST, 248.03 FEET TO A 1/2 INCH REBAR;

THENCE NORTH 89°50'36" EAST, 379.99 FEET TO THE TRUE POINT OF BEGINNING.

APN 306-14-021H

ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 10 MARKED WITH A BRIDGE SPIKE;

THENCE SOUTH 89 DEGREES, 50 MINUTES, 36 SECONDS WEST, 1122.29 FEET ALONG THE MIDSECTION LINE TO A ONE HALF INCH REBAR;

THENCE NORTH 02 DEGREES, 35 MINUTES, 45 SECONDS EAST, 298.99 FEET TO A ONE HALF INCH REBAR AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 02 DEGREES, 35 MINUTES, 45 SECONDS EAST, 145.20 FEET;

THENCE SOUTH 89 DEGREES, 51 MINUTES, 09 SECONDS WEST, 300.00 FEET TO THE EASTERLY RIGHT OF WAY OF STATE ROUTE 89;

THENCE SOUTH 02 DEGREES, 35 MINUTES, 45 SECONDS WEST, 145.20 FEET TO A ONE HALF INCH REBAR;

THENCE NORTH 89 DEGREES, 51 MINUTES, 09 SECONDS EAST, 300.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE DEDICATION OF A PUBLIC ROADWAY RECORDED IN BOOK 3689 OF OFFICIAL RECORDS, PAGE 626.

EXHIBIT 2
TO
ORDINANCE 2024-938

[Zoning Map]

