

RESOLUTION NO. 2024-1261

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING CONDITIONAL USE PERMIT 2024-01 FOR A LANDSCAPE CONTRACTOR'S YARD, A SINGLE-FAMILY RESIDENCE, AND GREENHOUSES ON APPROXIMATELY SIX ACRES OF LAND AT 2745 ARIZONA TRAIL, CHINO VALLEY, ARIZONA.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the "Town Council") is responsible for reviewing and approving conditional use permits for land use and development within the Town; and

WHEREAS, the applicant, Cristian Ayala, on behalf of C&M's Landscaping LLC, applied for a conditional use permit to establish and operate a contractor's yard for the applicant's landscaping business, to keep the existing single-family residence and accessory structures, and to construct two commercial greenhouses on approximately six acres of land generally located at 2745 Arizona Trail, Chino Valley, Arizona (Yavapai County Assessor Parcel No. 306-17-001C); and

WHEREAS, the proposed facility is subject to the conditional use permitting process set forth in Section 1.9.3 of the Unified Development Ordinance of the Town of Chino Valley (the "UDO"); and

WHEREAS, the Chino Valley Planning and Zoning Commission (the "Commission") conducted a public hearing to consider the applicant's request, including reviewing the site plan, proposed operational procedures, and findings of fact, and recommended approval of the conditional use permit subject to certain conditions; and

WHEREAS, the Town Council has reviewed the Commission's recommendation.

NOW, THEREFORE, BE IT RESOLVED 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 conditional use permit for a landscape contractor's yard, a single-family residence, and commercial greenhouses at 2745 N Arizona Trail, Chino Valley, Arizona ("CUP-2024-01"), as described in the application submitted, is hereby approved, subject to the requirements of Ariz. Rev. Stat. §§ 28-7201 *et seq.* and the conditions set forth in Section 3 of this Resolution.

SECTION 3. The following conditions apply to CUP-2024-01:

1. **Compliance:** The applicant shall comply with all applicable federal, state, and local laws, regulations, and ordinances, including but not limited to the Chino Valley Zoning Code.
2. **Waiver:** The applicant shall sign a Waiver of Claims form, which the Town will provide and record with the Yavapai County Recorder's Office, prior to the public hearing and final decision on this item by the Town Council.

3. Site Improvements: The applicant shall make the necessary site improvements as indicated in the site plan, including but not limited to landscaping, fencing, lighting, and signage, in accordance with the plans approved by the Town's Development Services Department.
4. Operational Hours: The contractor's yard hours of operation shall be limited to Monday through Friday, 7:00 a.m. to 6:00 p.m., with occasional Saturdays, as proposed by the applicant, in consideration of surrounding residential uses.
5. Security Measures: The applicant shall implement and maintain adequate security measures to ensure the safety and security of the facility, users, and neighbors.
6. Deviations; Noncompliance: The applicant agrees that any deviations from the approved site plan or noncompliance with any of the prescribed conditions of CUP-2024-01 shall be grounds for its revocation.
7. Five-Year Update: The applicant agrees to come before and provide an update to the Planning Commission five years from the date of approval of CUP-2024-01.
8. Sewer; Water: The applicant shall satisfy the requirements of Yavapai County for sewer and the Arizona Department of Water Resources for water.
9. Fire and Medical: The applicant shall satisfy the requirements of the Central Arizona Fire and Medical Authority (CAFMA) for fire protection, access, and maneuvering.
10. Parking: Prior to commencing phase 2, the applicant shall procure review and approval by Town staff of all required parking and loading spaces, maneuvering areas, driveways, and fire lanes, which shall be paved with asphaltic concrete over an A.B. base, concrete, or masonry to a thickness and structure that will support the type and intensity of vehicular traffic generated by the proposed use.
11. Grading; Drainage: Prior to commencing phase 2, the applicant shall procure review and approval by Town staff of grading plans and a drainage report signed and sealed by an Arizona Registered Civil Engineer in accordance with Town Code and all other applicable rules and regulations. The project shall detain to historic rates and discharge at the same location. Off-site flows on-site need to be accommodated.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

(SIGNATURES FOLLOW)

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 11th day of June 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 Resolution No. 2024-1261 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on June 11, 2024, and that quorum was present thereat and that the vote thereon was 7 ayes and 0 nays and 0 abstentions. 0 Council members were absent or excused.

Erin N. Deskins

Erin N. Deskins, Town Clerk