

**ORDINANCE NO. 13-772**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, APPROVING A CHANGE OF ZONING FOR APPROXIMATELY 15 ACRES OF REAL PROPERTY LOCATED AT 851 WEST ROAD 1 NORTH FROM AGRICULTURAL / RESIDENTIAL 4-ACRE MINIMUM (AR-4) ZONING DISTRICT TO SINGLE FAMILY RESIDENTIAL 1-ACRE MINIMUM (SR-1) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.**

WHEREAS, M. D. Builders, Martin Messenger, owner, filed an application with the Town of Chino Valley requesting a Change of Zone for the real property described herein from Agricultural / Residential 4-Acre Minimum (AR-4) zoning district to Single Family Residential 1-Acre Minimum (SR-1) zoning district; and

WHEREAS, the Town Council has determined that this change of zoning conforms with the Town of Chino Valley General Plan, 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, on July 3, 2013, a “neighborhood meeting” was held in conformance with the requirement set forth in the Town’s Unified Development Ordinance (“UDO”); and

WHEREAS, the Planning and Zoning Commission (“Commission”) conducted a Public Hearing on July 16, 2013, during which testimony was presented by Town staff, the property owner’s agent and others; and

WHEREAS, the Commission, by a unanimous vote of those members present (Commissioners Sloan and Owen were absent) 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 zoning classification of real property consisting of approximately 15 acres, located at 851 West Road 1 North and legally described in Exhibit 1 and shown on the Zoning Exhibit (map) in Exhibit 2, both of which are attached hereto and incorporated herein by this reference, also known as Yavapai County Assessor's Parcel Nos. 306-23-041W, -041X and -041Z) (the "Property"), is hereby changed from Agricultural / Residential 4-Acre Minimum (AR-4) zoning district to Single Family Residential 1-Acre Minimum (SR-1) zoning district.

2. The Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance for the Single Family Residential 1-Acre Minimum (SR-1) zoning districts. Development of the Property shall also be subject to the following conditions:

- a. Within 60 days of approval of this Ordinance, Developer shall submit to Town staff improvement plans in compliance with the following UDO requirements:
  - i. Dedication of a 50' wide right-of-way shall be established by deed on the Property perpendicular to West Road 1 North and along the common boundary of Yavapai County Assessor's Parcel Nos. 306-23-041W and 306-23-041X, traversing south and terminating at its intersection with Yavapai County Assessor's Parcel No. 306-23-041Z, as shown on Exhibit 3. Said right-of-way shall extend 25 feet from each side of the north/south common boundary line of Parcel 1 (306-23-041W) and Parcel 2 (306-23-041X) as such parcels are designated and shown on the Record of Survey recorded at the Yavapai County Recorder's Office, Book 4689, Page 957.
  - ii. Proposed access to the property is subject to review and approval by the Town Engineer to address safety issues related to the vertical curve on Road 1 West at the west end of what is currently known as Yavapai County Assessor's Parcel No. 306-23-041W.
  - iii. The Owner shall design and construct the required public road improvements in compliance with Town standards, including provisions for utilities, over the 50-foot wide right-of-way dedicated pursuant to this Ordinance. The terminus of the roadway shall include

a surface area capable of accommodating the turning radius necessary for local fire protection apparatus so that it will not be necessary to exit in reverse, as determined by the Town Engineer; and

- iv. Prior to approval of a land split or building permit, whichever is earlier, Owner shall dedicate and declare a one foot (1') vehicular non access easement adjacent to the West Road 1 North street frontage of the Property; and
  - vi. Prior to issuance of any building permit, a stamped engineered drawing providing the Minimum Finished Floor Elevation shall be submitted to the Town's engineering division for review and approval; and
  - vii. Prior to any future division of the properties the owner(s) shall submit a Land Split Application to the Town's Planning Division for review and approval.
- b. The improvements required above (the "Improvements"), and as approved by Town Staff shall be constructed and installed within 365 days of the effective date of this Ordinance. Failure to complete construction and installation of the Improvements as required in this Ordinance may result in reversion of the zoning to the prior zoning classification.

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 13th day of August, 2013 by the following vote:

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

EXCUSED: \_\_\_\_\_ ABSTAINED: \_\_\_\_\_.

\_\_\_\_\_  
Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Curtis, Goodwin, Sullivan, Udall &  
Schwab, PLC, Town Attorney

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. \_\_\_\_\_ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, WAS POSTED IN THREE PLACES ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

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Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. Zoning Exhibit (map)
3. Right-of-Way Dedication Location Exhibit

LEGAL DESCRIPTION

PARCEL 1

All that portion of Section 22, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the West-quarter corner of said Section 22;

Thence North 89 degrees, 44 minutes, 25 seconds East, along the mid-section line, a distance of 787.51 feet;

Thence South 20 degrees, 29 minutes, 55 seconds West, a distance of 42.78 feet to The POINT OF BEGINNING;

Thence North 89 degrees, 44 minutes, 02 seconds East, a distance of 258.12 feet;

Thence South 00 degrees, 15 minutes, 35 seconds East, a distance of 694.83 feet;

Thence North 85 degrees, 11 minutes, 42 seconds West, a distance of 287.17 feet;

Thence North 20 degrees, 45 minutes, 45 seconds West, a distance of 180.36 feet;

Thence North 01 degrees, 33 minutes, 28 seconds East, a distance of 239.60 feet;

Thence North 46 degrees, 42 minutes, 09 seconds West, a distance of 25.01 feet;

Thence North 58 degrees, 47 minutes, 21 seconds East, a distance of 13.89 feet;

Thence North 20 degrees, 29 minutes, 55 seconds East, a distance of 253.12 feet to the POINT OF BEGINNING;

Containing 5.06 acres, more or less

RESERVING, SUBJECT TO, AND TOGETHER WITH a 50.00 foot easement for ingress-egress and public utilities laying 25.00 feet on each side of, running parallel with, and adjoins the East line of the above described parcel.

RESERVING, SUBJECT TO, AND TOGETHER WITH all easements of record.

PARCEL 2

All that portion of Section 22, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the West-quarter corner of said Section 22;

Thence North 89 degrees, 44 minutes, 25 seconds East, along the mid-section line, a distance of 1355.91 feet;

Thence South 01 degrees, 49 minutes, 21 seconds West, a distance of 40.03 feet to THE POINT OF BEGINNING;

Thence continuing South 01 degrees, 49 minutes, 21 seconds West, a distance of 721.70 feet;

Thence North 85 degrees, 11 minutes, 42 seconds West, a distance of 298.94 feet;

Thence North 00 degrees, 15 minutes, 35 seconds West, a distance of 694.83 feet;

Thence North 89 degrees, 44 minutes, 25 seconds East, a distance of 323.99 feet to THE POINT OF BEGINNING;

Containing 5.06 acres, more or less

RESERVING, SUBJECT TO, AND TOGETHER WITH a 50.00 foot easement for ingress-egress and public utilities laying 25.00 feet on each side of, running parallel with, and adjoins the West line of the above described parcel.

RESERVING, SUBJECT TO, AND TOGETHER WITH all easements of record.

PARCEL 3

All that portion of Section 22, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the West-quarter corner of said Section 22;

Thence North 89 degrees, 44 minutes, 25 seconds East, along the mid-section line, a distance of 1355.91 feet;

Thence South 01 degrees, 49 minutes, 21 seconds West, a distance of 761.73 feet to THE POINT OF BEGINNING;

Thence continuing South 01 degrees, 49 minutes, 21 seconds West, a distance of 209.51 feet;

Thence South 66 degrees, 35 minutes, 09 seconds West, a distance of 385.74 feet;

Thence South 85 degrees, 58 minutes, 08 seconds West, a distance of 180.38 feet;

Thence North 53 degrees, 47 minutes, 52 seconds West, a distance of 91.26 feet;

Thence North 07 degrees, 20 minutes, 32 seconds East, a distance of 12.26 feet;

Thence North 12 degrees, 19 minutes, 15 seconds West, a distance of 94.91 feet;

Thence North 10 degrees, 25 minutes, 08 seconds East, a distance of 270.14 feet;

Thence South 85 degrees, 11 minutes, 42 seconds East, a distance of 287.17 feet to a point hereafter referred to as "point A",

Thence continuing South 85 degrees, 11 minutes, 42 seconds East, a distance of 298.94 feet to THE POINT OF BEGINNING;

Containing 4.80 acres, more or less

RESERVING, SUBJECT TO, AND TOGETHER WITH a 50.00 foot easement for ingress-egress and public utilities laying 25.00 feet on each side of, running parallel with, and adjoins the following described line:

BEGINNING at said "Point A",

Thence North 00 degrees, 15 minutes, 35 seconds West, a distance of 694.83 feet to THE END OF EASEMENT.

RESERVING, SUBJECT TO, AND TOGETHER WITH all easements of record.



#### 40' ROADWAY DEDICATION

All that portion of Section 22, Township 16 North, Range 2 West of Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly describes as follows;

COMMENCING at the West-quarter corner of said Section 22;

Thence North 89 degrees, 44 minutes, 25 seconds East, along the mid-section line, a distance of 787.51 feet to THE POINT OF BEGINNING;

Thence continuing North 89 degrees, 44 minutes, 24 seconds East, along said mid-section line, a distance of 568.40 feet;

Thence South 01 degrees 49 minutes, 21 seconds West, a distance of 40.03 feet;

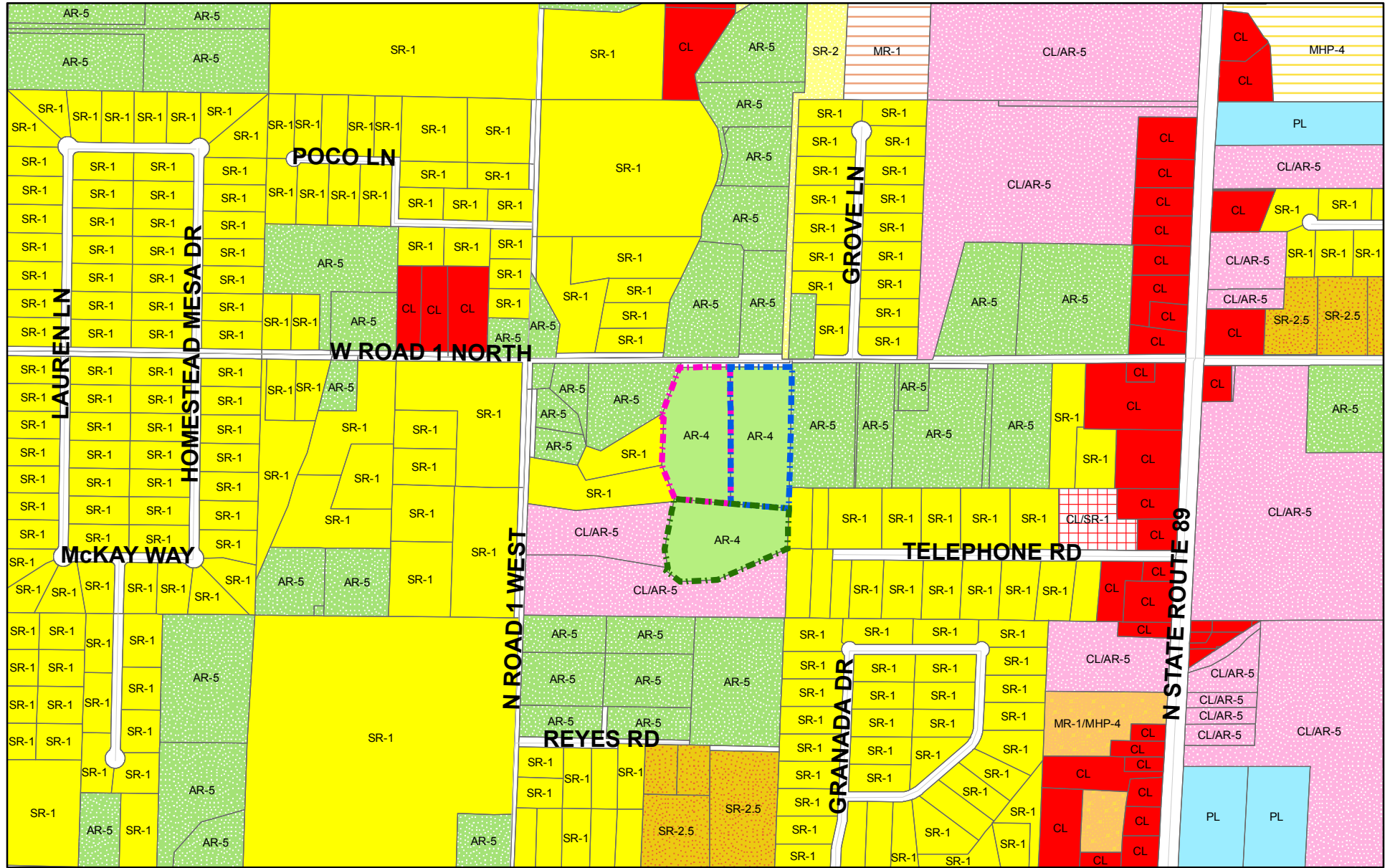
Thence South 89 degrees, 44 minutes, 25 seconds West, a distance of 582.11 feet;

Thence North 20 degrees, 29 minutes, 55 seconds East, a distance of 42.78 feet to THE POINT OF BEGINNING;

Containing 0.528 acres, more or less.

RESERVING, SUBJECT TO, AND TOGETHER WITH all easements of record.

# MD BUILDERS 306-23-041W, 041X, 041Z REZONE AR-4 to SR-1 ZC 13-005



**Town of Chino Valley**

1929 West Palomino Road  
Chino Valley, AZ 86323  
(928) 636-2946 FAX (928) 636-2144

**Legend**

- Town Boundary (82308 Zoning)
- Chino\_Parcel(060313)
- 306-23-041Z
- 306-23-041X
- 306-23-041W
- Streets
- AR-5
- CL
- CL/AR-5
- CL/SR-1
- CH
- CH/AR-5
- I
- PL
- State
- SR-2.5
- SR-1
- SR-2
- SR-0.16
- MR-1/MHP-4
- State
- AR-36
- SR-1.6
- OS
- MR-1
- MR-1/MHP-4
- MHP-4
- YCH

1 inch = 700 feet

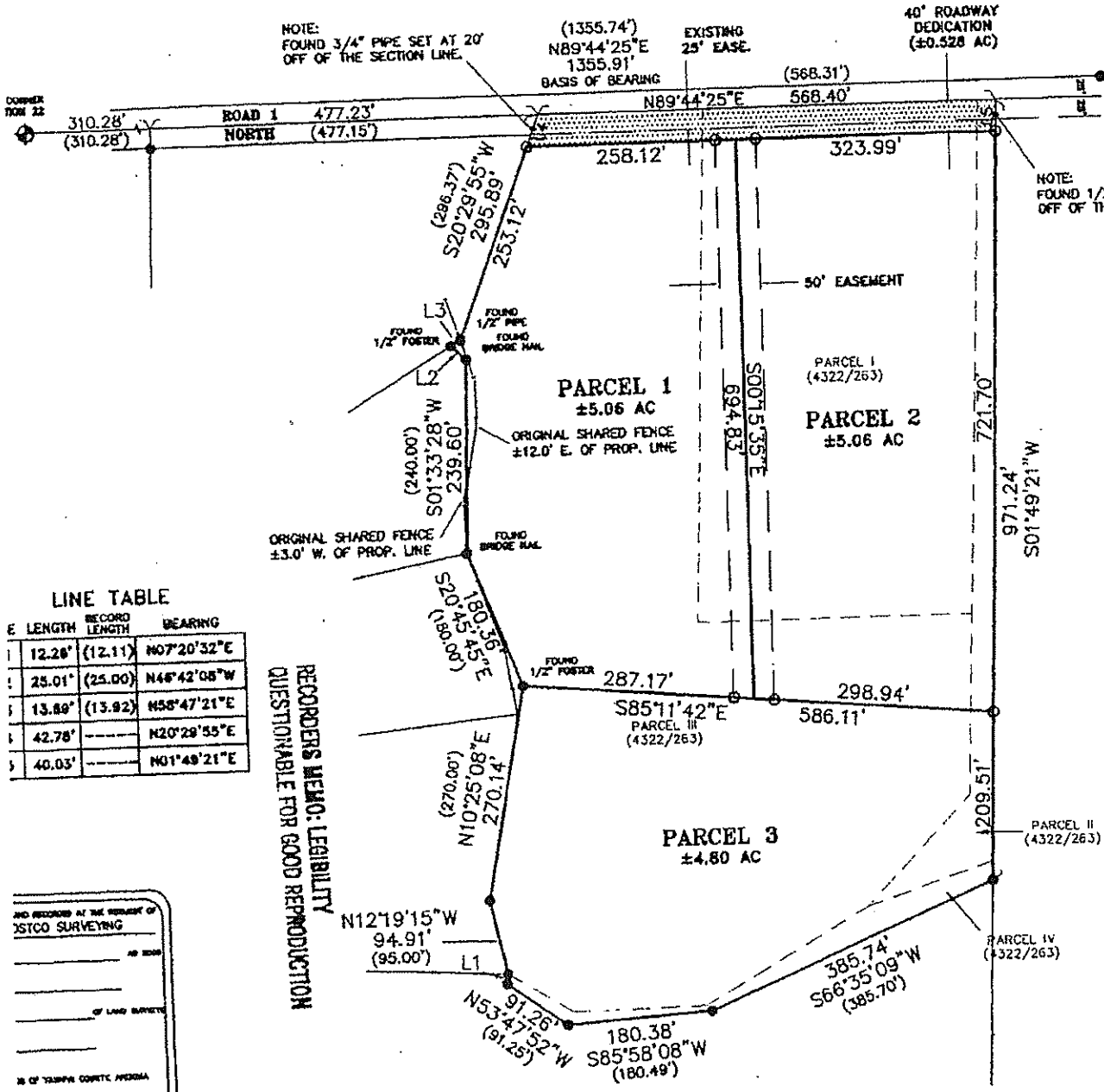


The Town of Chino Valley assumes no responsibility for errors, omissions, and/or inaccuracies in this mapping product.

# RECORD OF SURVEY

PARCELS 306-23-041V & 045H  
CHINO VALLEY

A PORTION OF  
SECTION 22, T16N, R2W  
YAVAPAI COUNTY, ARIZONA



LINE TABLE

E LENGTH	RECORD LENGTH	BEARING
12.28'	(12.11')	N07°20'32"E
25.01'	(25.00')	N48°42'08"W
13.89'	(13.92')	N58°47'21"E
42.78'		N20°29'55"E
40.03'		N01°49'21"E

NO RECORDS AT THE REQUEST OF  
JSTCO SURVEYING

OF LAND SURVEY

IN OF YAVAPAI COUNTY, ARIZONA

CLARY BISHOP

RECORDS ARE: LEGIBILITY  
QUESTIONABLE FOR GOOD REPRODUCTION

- LEGEND
- = FOUND 1/2" 18921 OR AS NOTED
  - = SET 1/2" REBAR 37930 CAP
  - = AFFIXED BRASS TAG 37930
  - ( ) = RECORD INFORMATION
- NOTE: 1) ALL EASEMENTS OF RECORD MAY NOT BE SHOWN ON THIS PLAT

1"=100'  
NTS.

THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WAS DONE UNDER MY DIRECTION DURING THE MONTH OF AUGUST 2009, AND POINTS THAT WERE FOUND OR SET ARE REPRESENTED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

D. Allen Foster

EXPIRES 4/30/11

POSTCO SURVEYING INC.

D. ALLEN FOSTER PLS# 37930

P.O. BOX 4363 CHINO VALLEY, ARIZONA 86323 (928) 636-9154

SURVEYED FOR: MESSENGER

DATE BY	DAF	DATE	6-14-09
CHECKED BY	DAF	PLANNING NO.	00-1
BY NO.	MO-0LDR	SHEET	1 of 1

EXHIBIT "E"

4337400