

ORDINANCE NO. 13-773

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 1 ACRE OF REAL PROPERTY LOCATED AT 694 NORTH STATE ROUTE 89 FROM COMMERCIAL LIGHT (CL) ZONING DISTRICT TO COMMERCIAL HEAVY (CH) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, Resource Holdings II, LP, Timothy J. Coury and Kottke Law Firm filed an application with the Town of Chino Valley requesting a Change of Zone for the real property described herein from Commercial Light (CL) zoning district to Commercial Heavy (CH) 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 June 26, 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; and

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 for real property consisting of approximately 1 acre located at 694 North State Route 89, 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 Assessor's Parcel Number 306-23-021X) is hereby changed from Commercial Light (CL) zoning district to Commercial Heavy (CH) 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 Commercial Heavy (CH) zoning district. 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. UDO §3.16.4.I Commercial Heavy (CH) Development Standards, UDO §4.9.B.4 Outdoor Storage and UDO §6.8 Property Maintenance: Provide 6-foot screened fencing of outdoor storage yard; and
 - ii. UDO §4.22.4 Off-Street parking and Loading: Provide site plan indicating the parking area is of sufficient size and adequate dimension to provide parking required. Owner is encouraged to provide a dust free surface such as decomposed granite over the parking area, as approved by the Town Engineer; and
 - iii. UDO §4.26 Landscaping: Upon expansion, remodeling or renovation of the existing building[s], provide a minimum 20-foot wide landscaping area on all property adjacent to SR89 and a minimum 5 foot wide landscaping area adjacent to side and rear boundaries, as required by the UDO and except for that portion of the Property within the screened storage area.
- 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__.

Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. Zoning Exhibit (map)

LEGAL DESCRIPTION

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

BEGINNING at the center of said Section 22;

Thence South 89 degrees, 33 minutes, 40 seconds West, 623.89 feet along the East-West mid-section line;

Thence North 16 degrees, 05 minutes, 52 seconds East, 615.29 feet;

Thence North 89 degrees, 34 minutes, 12 seconds East, 814.94 feet;

Thence North 02 degrees, 31 minutes, 31 seconds East, 290.40 feet to the TRUE POINT OF BEGINNING;

Thence North 89 degrees, 34 minutes, 12 seconds East, 300.40 feet to the West right of way line of U.S. Highway 89;

Thence North 02 degrees, 31 minutes, 31 seconds East, 145.20 feet along said right of way;

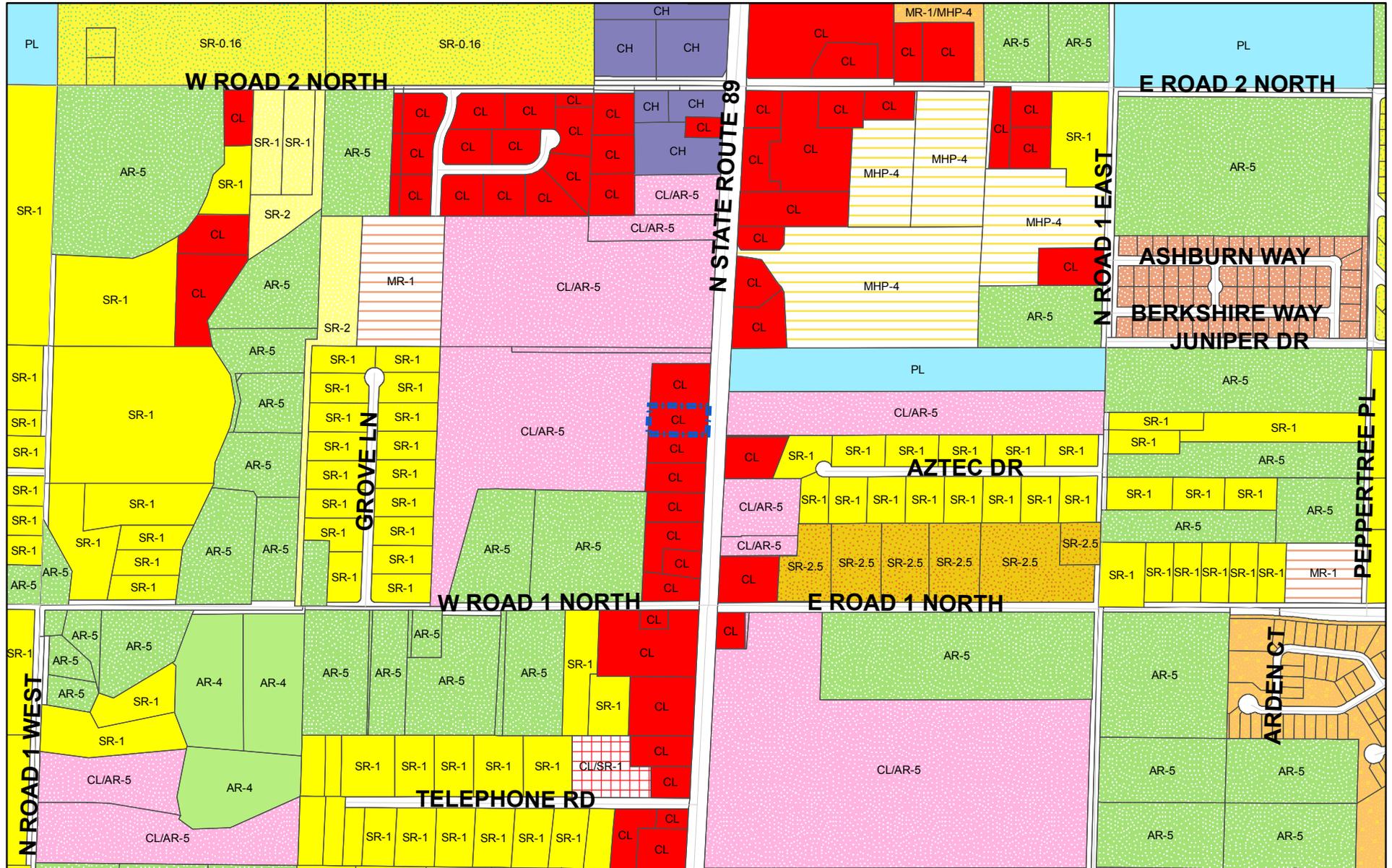
Thence South 89 degrees, 34 minutes, 12 seconds West, 300.40 feet;

Thence South 02 degrees, 31 minutes, 31 seconds West, 145.20 feet to the TRUE POINT OF BEGINNING;

RESOURCE HOLDING II, LP APN 306-23-021X

Rezone From CL to CH

ZC 13-004



Town of
Chino Valley

202 N State Route 89
Chino Valley, AZ 86323
(928) 636-2646 FAX (928) 636-2144

Legend

- Town Boundary (8/23/08)
- Chino Parcels(9/5/2013)
- Streets
- AR-5
 - CL
 - CL/AR-5
 - CL/SR-1
 - CH
 - CH/AR-5
 - I
 - PL
 - SR-1
 - SR-2
 - SR-0.16
 - MR-1/MHP-4
 - State
 - AR-4
 - AR-36
 - SR-1.6
 - OS
 - MR1/CL
 - MR1
 - 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.