

ORDINANCE NO. 13-764

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, TO PROVIDE FOR THE ZONE CHANGE OF ASSESSOR'S PARCEL NUMBER 306-29-002M FROM "AR-5" AGRICULTURE/RESIDENTIAL (5 ACRE MINIMUM) TO "SR-1" SINGLE FAMILY RESIDENTIAL (1 ACRE MINIMUM)

WHEREAS, Ronnie L. Bunker, has filed an application with the Town of Chino Valley ("Town") requesting a zone change from AR-5 to SR-1 for the real property described as 801 E. Center Street; and

WHEREAS, the requested zone change was noticed in conformance with the applicable State Statutes and Local Ordinances; and

WHEREAS, on January 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 January 15, 2013, during which testimony was presented by Town staff, the applicant and others; and

WHEREAS, subsequent to the Public Hearing and discussion the Commission elected by a 6-0 vote (Commissioner Michael Edmonds absent) to forward the application to the Town Council with a recommendation for approval with certain Findings and Stipulations; and

WHEREAS, at their regular meeting of February 12, 2013, the Town Council confirmed the recommendation of the Commission by electing to adopt this Ordinance and thereby approve the requested zone change with the Findings and Stipulations cited in Section 1 of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1. That the Zoning Map of the Town of Chino Valley, Arizona, is hereby amended to rezone the real property legally described as 801 E. Center Street and on the date of the adoption of this Ordinance as Assessor's Parcel Number 306-29-002M located on the south side of Center Street, approximately 950 feet east of SR 89, and consists of approximately 2-acres, from "AR-5" to "SR-1" with the following Findings and Stipulations:

FINDINGS:

1. That the requested rezone from “AR-5” to “SR-1” is consistent with and conforms to the land use designation of Commercial and the goals of the “Town of Chino Valley 2003 General Plan”.
2. That approval of the recommended rezone will not be adverse to the health, safety, convenience, and general welfare of the residents of the Town of Chino Valley, Arizona.

ZONING STIPULATIONS:

1. That the property owner agrees that the approval of this rezone confers no additional entitlements or rights to the owner or applicant other than those that are vested with the “SR-1” zoning district.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley’s UDO.
3. That prior to any division of the property the owner shall submit a Land Split Application to the Town’s Planning Division for review and approval.

ENGINEERING STIPULATIONS:

1. That a connection to the Town of Chino Valley’s Waste Water System shall be provided for the newly created lot by the builder/contractor concurrently with the building permit process.
2. Section 4.23 E of the UDO requires the standard street dedications, and Sec 5.3.2 of the UDO Subdivision Regulations requires a 100 ft right-of-way dedication for principal and minor arterial streets; i.e. fifty (50) foot wide ½ street from centerline of Center Street right-of-way is required along the property’s Center Street frontage, as required by staff; however,
3. Based on the applicant’s request and existing street dedications, staff supports a waiver from the standard dedication of a fifty (50) foot wide ½ street from centerline of right-of-way along the property’s Center Street frontage; staff finds that the existing dedication is in alignment with the adjacent properties on the south side of Center Street. Said waiver of additional dedication shall be considered with the Ordinance for the rezoning by the Town Council; Council herein grants the requested waiver.

Section 2. That this Ordinance repeals any prior enactment by the Town of Chino Valley that is inconsistent herewith.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the UDO adopted herein by reference 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.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 12th day of February, 2013.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, PC
Town Attorney