

ORDINANCE NO. 13-769

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 306-18-009P FROM "AR-5" AGRICULTURAL RESIDENTIAL (5 ACRE MINIMUM) TO "SR-1" SINGLE FAMILY RESIDENTIAL (1 ACRE MINIMUM)

WHEREAS, Donna Jones has filed an application with the Town of Chino Valley ("Town") requesting a zone change from "AR-5" Agricultural Residential (5 Acre Minimum) to "SR-1" Single Family Residential (1 Acre Minimum) for the real property described on Exhibit "A" as attached to this Ordinance; and

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

WHEREAS, on May 1, 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 May 21, 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 4-0 vote (Commissioners Florence Sloan, Michael Edmonds, and Jack Owen were 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 June 11, 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 change the zoning classification of the real property legally described on Exhibit "A" and, on the date of the adoption of this Ordinance, also known as Assessor's Parcel Number 306-18-009P, located at 1159 Red Cinder Road, consisting of approximately 5.74-acres, from "AR-5" Agricultural Residential (5 Acre Minimum) to

“SR-1” Single Family Residential (1 Acre Minimum) subject to the following Findings and Stipulations:

FINDINGS:

1. That the requested change in zoning classification from “AR-5” Agricultural Residential (5 Acre Minimum) to “SR-1” Single Family Residential (1 Acre Minimum) is consistent with and conforms to the Town of Chino Valley 2003 General Plan.
2. That approval of the zone change 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 zone change confers no additional entitlements or rights to the owner or applicant other than those that are vested with the SR-1 zoning district.
2. Dedication of rights-of-way to the Town, as deemed necessary by the Town Engineer shall be completed prior to issuance of any permits that are requisite to the development of the property.

Section 2. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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, then this entire ordinance is invalid and this ordinance shall have no force or effect.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 11th day of June, 2013.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

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

EXHIBIT "A"

All that portion of Government Tract 53, located in Section 11, Township 16 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the Southwest corner of Government Tract 40, point also being an angle point on Government Tract 53, as recorded in Book 46 of Land Surveys, page 15, on file in the Office of the Yavapai County Recorder, Yavapai County, Arizona;

Thence North 00°03'06" West, 763.18 feet along the East line of said Government Tract 53 to the POINT OF BEGINNING'

Thence North 89°52'10" West, 751.53 feet to a point on the South right-of-way of Red Cinder Road;

Thence North 40°15'23" East, 693.67 feet along said South right-of-way;

Thence 89°52'10" East, 302.80 feet along said South right-of-way to a point on said East line;

Thence South 00°03'06" East, 530.40 feet to the POINT OF BEGINNING.

EXCEPT that portion Dedicated for Roadway in instrument recorded in Book 4165 of Official Records, page 111, records of Yavapai County, Arizona.