

ORDINANCE NO. 05-621

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, TO APPROVE A MINOR AMENDMENT TO THE LAND USE ELEMENT OF THE TOWN OF CHINO VALLEY 2003 GENERAL PLAN FROM MEDIUM DENSITY RESIDENTIAL (2 ACRES OR LESS) TO COMMERCIAL FOR APN 306-19-293C.

WHEREAS, Stanley M. and Linda Stazenski have filed an application with the Town of Chino Valley requesting a Minor Amendment to the Land Use Element of the Town of Chino Valley 2003 General Plan from Medium Density Residential (2 Acres or less) to Commercial for APN 306-19-293; and

WHEREAS, the Planning Commission conducted a Public Hearing on September 1, 2005, during which testimony was presented by Town staff, the applicant and members of the general public; and

WHEREAS, the request was noticed in conformance with the applicable State and Local Statutes; and

WHEREAS, subsequent to the Public Hearing and discussion by the Planning and Zoning Commission the Commission elected by a 4-3 vote to forward the application to the Town Council with the recommendation for approval with the Findings and Stipulations cited in Section 1 of this of this Ordinance; and

WHEREAS, the Town Council conducted a Public Hearing and confirmed the recommendation of the Planning and Zoning Commission by voting to approve the requested Minor Amendment to the Land Use Element of the Town of Chino Valley 2003 General Plan with the Findings and Stipulations recommended by the Planning and Zoning Commission; an

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 Town of Chino Valley 2003 General Plan Land Use Element is hereby amended to depict the following on the Future Land Use Map: Assessor's Parcel Numbers 306-19-293C located on E. Perkinsville Road at Del Rio Road, legally described in Exhibit "A" attached hereto and incorporated herein by reference, from Medium Density Residential (2 acres or less) to Commercial with the following stipulations:

STIPULATIONS:

1. That the perimeter wall fencing shall consist of, at minimum, a split face concrete block and wrought iron along the Perkinsville Road frontage that shall be turned to the south along the east and west property lines for a minimum distance of ten (10) feet. That the rest of the perimeter wall may consist of vinyl coated chain link in a color that is compatible with the building color.
2. That landscaping shall be provided around the perimeter of the project and at the entryway in accordance with a landscape plan as approved by Town staff prior to issuance of a building permit.

3. That access to the site shall be limited to the Perkinsville Road frontage.
4. That a site plan shall be approved by Town Staff prior to issuance of any building permits.

Section 2. That this Minor Amendment to the Town of Chino Valley 2003 General Plan is subject to all easements of record on said parcel.

Section 3. This ordinance repeals any prior enactment by the Town of Chino Valley, which is inconsistent herewith.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code 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 27th day of October, 2005.

Karen Fann, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove, Drutz & Kack,
Town Attorney

EXHIBIT "A"

TRACT "A". CHINO MEADOWS, according to the plat of record in the office of the Yavapai County Recorder in Book 9 of Maps, page 65, EXCEPTING therefrom the following described parcel:

BEGINNING at the Northwest Corner of said Tract "A", CHINO MEADOWS;

Thence North 89° 58' East, along the North line of said Tract "A", a distance of 200.00 feet;

Thence South 00° 04' East, parallel to the West line of said Tract "A" a distance of 204.7 feet to a point on the South line of said tract "A";

Thence South 89° 58' West, along the said South line a distance of 200.00 feet to the Southwest Corner of said Tract "A";

Thence North 00° 04' West, along the West line of said Tract "A", a distance of 204.7 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE EAST 209.5 FEET OF TRACT "A" CHINO MEADOWS.

The East 209.5 feet of the following described property:

TRACT "A", CHINO MEADOWS, according to the plat of record in the office of the Yavapai County Recorder in Book 9 of Maps, page 65, EXCEPTING therefrom the following described parcel;

BEGINNING at the Northwest Corner of said Tract "A", CHINO MEADOWS:

Thence North 89° 58' East along the North line of said Tract "A", a distance of 204.7 feet to a point on the South line of said Tract "A";

Thence South 89° 58' West, along the said South line a distance of 200.00 feet to the Southwest Corner of said Tract "A";

Thence North 00° 04' West, along the West line of said Tract "A", a distance of 204.7 feet to the POINT OF BEGINNING.