

ORDINANCE NO. 10-730

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 306-14-008K FROM COMMERCIAL LIGHT / AGRICULTURAL RESIDENTIAL 5 ACRES MINIMUM (CL/AR-5) TO COMMERCIAL HEAVY (CH) TO DEVELOP A "KAMPGROUNDS OF AMERICA, INC." KOA OVERNIGHT RV PARKING AREA

WHEREAS, JT Properties "Jack Tuls Jr.," represented by applicant Charles Arnold, has filed an application with the Town of Chino Valley requesting a zone change from to CL/AR-5 to CH; and

WHEREAS, the requested rezone was noticed in conformance with the applicable State Statutes and Local Ordinance; and

WHEREAS, a "neighborhood meeting" was held in conformance with the requirement set forth in the Unified Development Ordinance; and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on May 6 2010, 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 7-0 vote 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 July 22, 2010 the Town Council confirmed the recommendation of the Commission by electing to adopt this Ordinance and thereby approve the requested rezone 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 Assessor's Parcel Number 306-14-008K from CL/AR-5 to CH to develop a "Kampgrounds of America, Inc." KOA Overnight RV Parking area or a substantially similar commercial campground use, with or without cabins.

FINDINGS:

1. That the requested zone change from CL/AR-5 Commercial Light/Agricultural Residential 5-Acre Minimum to CH Commercial Heavy is consistent with and conforms to the "Town of Chino Valley 2003 General Plan" land use designations.
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. This rezoning to CH-Commercial Heavy is subject to defeasance such that the zoning of the property will revert to its former CL/AR-5 zoning in the event that:
a) more than 10 percent of the property is used for something other than a KOA Campground or other similar "campground", with or without cabins, including more specifically that there shall be no long term residential use on site other than an onsite manager, with long term residential use being defined for this Ordinance as residency on site by any person or persons exceeding 60 days within any given 120 day time period, or b) the property is not developed as a campground of the nature described above within 5 years from the date this ordinance is adopted.
2. That the rezoning on the property, or any portions of not less than 5 contiguous acres, will revert to CL/AR-5 zoning upon written notice to the Town by the owner of the property, of the owners intent not to utilize or to continue to utilize the property, or applicable portion of the property, as a KOA Campground or substantially similar campground use.
3. That the KOA Overnight RV Parking area shall receive site plan review and approval by the Planning and Zoning Commission for the clubhouse, open space, exterior walls, landscaping, rain harvesting, screening and buffering.

ENGINEERING STIPULATIONS:

1. That an additional right of way sufficient enough to establish a 50-foot half street along the property's East 3½ North frontage extending west to State Route 89 shall be dedicated to the Town of Chino Valley for road widening, construction and other municipal infrastructure prior to the effective date of this Ordinance. By way of clarification, the dedication will include sufficient property to allow a safe roadway transition due to the misalignment of the existing roadway and/or roadway right of way.
2. The Developer shall enter into a sewer agreement with the Town which is acceptable in the sole discretion of the Town Council.
3. Installation of an east and west bound lane along the property's East 3½ North frontage extending from State Route 89 to Road 1 East and motor homes and vehicles with camp trailers shall not be allowed to exit the campground entrance to travel east on Road 3 ½ North.
4. Installation of curb and gutter with a 5-foot sidewalk along the property's East Road 3½ North frontage extending west to State Route 89.
5. That an engineered stamped grading and drainage report shall be approved by the Engineering Division for the KOA Overnight RV Parking area before issuance of building permits.
6. All lots will be served by the Town of Chino Valley's water and sewer services and approved by the Town Engineer and the Arizona Department of Environmental Quality before issuance of building permits.
7. That Arizona Department of Transportation approve the Traffic Impact Analysis which will authorize some sort of traffic signalization device at the intersection of State Route 89 and Road 3½ North before issuance of building permits.

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 Unified Development Ordinance 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 22nd day of July, 2010.

Jim Bunker, Mayor

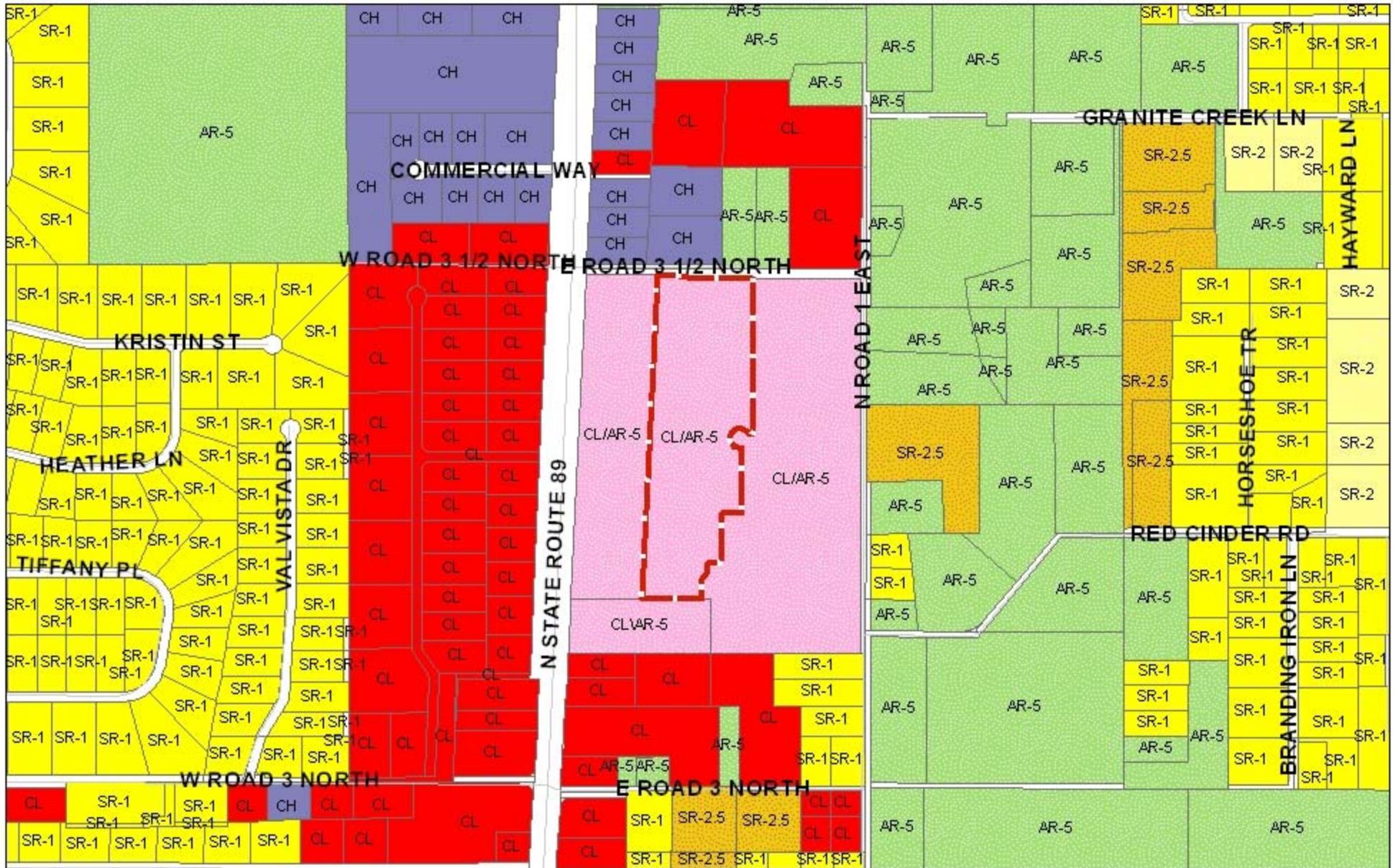
ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
Town Attorney

JT PROPERTIES APN 306-14-008K REZONE CL/AR to CH ZC 10-001



Legend

	Chino, Parcel/2016 Zoning		CL/AR-5		SR-1.5		CH
	SR-1.5		SR-1		SR-2.5		SR-1.5
	CL		SR-2		SR-1.5		SR-1.5
	CL/AR-5		SR-2.5		SR-1.5		SR-1.5
	CL/AR-5		SR-1		SR-1.5		SR-1.5
	CH		SR-2		SR-1.5		SR-1.5

1 inch = 700 feet



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