

ORDINANCE NO. 10-733

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 (APN) 306-04-010J FROM AGRICULTURAL/RESIDENTIAL 5 ACRE MINIMUM (AR-5) TO COMMERCIAL HEAVY (CH)

WHEREAS, Corey and Robin Mendoza have filed an application with the Town of Chino Valley ("Town") requesting a zone change from AR-5 to CH for APN 306-04-010J, located at 864 and 868 E. Road 4 North and consisting of approximately 3 acres; 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 ("UDO"); and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on June 17, 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 6-0 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 June 24, 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 APN 306-04-010J located at 864 and 868 E. Road 4 North consisting of approximately 3 acres, from AR-5 to CH with the following Findings and Stipulations:

FINDINGS:

1. That the requested rezone from "AR-5" Agricultural/ Residential 5 Acre Minimum to "CH" Commercial Heavy 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/applicant 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 CH zoning district.
2. That the property owner/applicant agrees to comply with the codified procedures set forth in the Town's UDO.
3. That any building proposed for commercial use on this property shall conform to the requirements of the Town's currently adopted Building Codes.
4. That the property owner shall provide an alternative landscaping plan to be approved by the Zoning Administrating (ZA) in accordance with Sub-section 4.26.6 of the UDO. Once approved by the ZA, the landscape materials shall be installed prior to the effective date of this Ordinance.

ENGINEERING STIPULATIONS:

1. That prior to the effective date of this Ordinance, a right-of-way of sufficient width to accommodate a fifty (50) foot wide ½ street from the centerline along the property's E. Road 4 North frontage shall be dedicated to the Town of Chino Valley for road widening, construction and other municipal infrastructure.
2. That the drive aisle from the properties' E. Road 4 North frontages extending back to the maintenance building and the office parking shall have a dust free surface such as asphalt, concrete, masonry or chip seal.
3. That the Certificate of Occupancy for the maintenance building is conditioned upon the Town Engineering Division's approval of an engineered stamped grading and drainage report.
4. That the required 20 foot front landscaping shall be placed outside the Town of Chino Valley's right of way on E. Road 4 North.

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 24th day of June, 2010.

Jim Bunker, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
Town Attorney