

ORDINANCE NO. 10-727

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO ALLOW A BED AND BREAKFAST IN AN EXISTING RESIDENCE LOCATED AT 693 W. CENTER STREET AND FURTHER DESCRIBED AS ASSESSOR'S PARCEL NUMBER 306-29-018B

WHEREAS, Dave and Kelly O'Brien have filed an application with the Town of Chino Valley requesting a Conditional Use Permit for Assessor's Parcel Number 306-29-018B; and

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

WHEREAS, on January 11, 2010, 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 January 21, 2010, during which testimony was presented by Town staff; and

WHEREAS, subsequent to the Public Hearing and discussion, the Commission elected by a 4-0 vote to forward the application to the Town Council with the recommendation for approval with certain Findings and Stipulations; and

WHEREAS, at their regular meeting of February 25, 2010, the Town Council confirmed the recommendation of the Commission by electing to adopt this Ordinance and thereby approve the requested Conditional Use Permit 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 issuance of a Conditional Use Permit is hereby issued to Assessor's Parcel Number 306-29-018B located 693 W. Center Street with the following Findings and Stipulations:

FINDINGS - Required by Section 1.9.3 of the UDO:

1. That the Conditional Use Permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; and
2. That the proposed use of a Bed and Breakfast is reasonably compatible with uses permitted in the surrounding area.

ADDITIONAL FINDING:

1. That the Citizen Participation protocols and Notice as prescribed by the Unified Development Ordinance (UDO) have been complied with.

ZONING STIPULATIONS:

1. That the Conditional Use Permit (CUP) is granted for an indefinite period of time; however upon initiation by the Planning Commission, the CUP may be reviewed at any time and after conducting a Public Hearing, the Commission may recommend that the Town Council amend, modify or revoke the Conditional Use Permit.
2. That the Recreational Vehicles parked in the RV parking spaces shall not be used for sleeping quarters nor shall the RV parking spaces have utility hook-ups.

ENGINEERING STIPULATIONS:

1. That a right-of-way dedication of sufficient width to provide twenty-five (25) feet from the center line of Center Street shall be dedicated along the property's Center Street frontage to the Town of Chino Valley for road widening, construction and other municipal infrastructure. Said dedication shall occur within 30 days after the Ordinance approving the Conditional Use Permit goes to Council.
2. That a perpetual offer to dedicate up to twenty-five (25) feet, as determined by the Town, along the property's Center Street frontage shall be recorded, which shall provide that the permanent dedication shall be made when the Town of Chino Valley needs the dedication in order to widen Center Street to 100 feet. If and when the Town accepts dedication of right-of-way that includes the property owner's fence, the Town agrees to move that fence to the new property boundary; and the property owner agrees to be responsible for the material restoration and cost of any plants or trees.
3. That the paving requirements under the UDO are hereby waived and within two years of the approval date of the CUP, all surfaces for vehicular access, parking, loading and unloading areas shall be a minimum of 24 feet in width and have a dust reducing surface such as decomposed granite or gravel.
4. That Engineering Stipulation Number 3 is conditioned upon approval by the Engineering Division of an engineer's stamped grading and drainage report.

Section 2. This Ordinance repeals any prior enactment by the Town of Chino Valley, which 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 11th day of March, 2010.

Jim Bunker, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
Town Attorney