

When recorded, return to:

Town Clerk
Town of Chino Valley
202 N. State Route 89
Chino Valley, Arizona 86323

ORDINANCE NO. 2023-936

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 4.52 ACRES OF REAL PROPERTY LOCATED AT 1555 S. STATE ROUTE 89, FROM COMMERCIAL LIGHT (CL) TO MULTIPLE-FAMILY RESIDENTIAL (MR).

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Town of Chino Valley (the “Town”) Official Zoning Map for approximately 4.52 acres of real property (Yavapai County Assessor Parcel No. 306-33-171N) located at 1555 S. State Route 89, as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, both attached hereto and incorporated herein by reference, from Commercial Light (CL) to Multiple-Family Residential (MR) (the “Zoning Map Amendment”); and

WHEREAS, the Town Council has determined that this Zoning Map Amendment conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan, any overlay zoning district, and the standards and design requirements contained in the Unified Development Ordinance of the Town of Chino Valley (the “UDO”); and

WHEREAS, all required public notice was provided, and all required public meetings and hearings were held, in accordance with applicable state and local laws; and

WHEREAS, the Town’s Planning and Zoning Commission recommended approval of the Zoning Map Amendment; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, the Town Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. The Zoning Map Amendment is hereby approved, and the Official Zoning Map is hereby amended for property consisting of approximately 4.52 acres, as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, to rezone the property from Commercial Light (CL) to Multiple-Family Residential (MR) for its existing apartments, subject to the requirements of the Chino Valley Town Code, the UDO, and the following stipulation:

1. The property owner shall sign and notarize a Waiver of Claims form that the staff will record with the County Recorder against the property.

Section 3. The Town Manager is authorized and directed, upon the effective date of this ordinance, to cause the Official Zoning Map to reflect the Zoning Map Amendment as applicable to the property, indicating the zoning is subject to compliance with the stipulations provided herein.

Section 4. If any provision of this ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provisions, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this ordinance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 26th day of September 2023.



Jack W. Miller, Mayor
Eric Granillo, Vice-Mayor for Mayor Miller

ATTEST:



Erin N. Deskins

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2023-936 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on September 26, 2023, and that quorum was present, and that the vote thereon was 6 ayes and 0 nays and 0 abstentions. 1 Council members were absent or excused.

Erin N. Deskins

Erin N. Deskins, Town Clerk

EXHIBIT 1
TO
ORDINANCE 2023-936

[Legal Description]

PARCEL 1:

All that portion of Tract A, as shown on YAVAPAI MOBILE HOME ESTATES, according to the plat of record in Book 14 of Maps, page 3, records of Yavapai County, Arizona, and that portion of 40.00 foot wide road, as abandoned by Resolution No. 523 recorded in Book 3695 of Official Records, page 557, records of Yavapai County, Arizona, described as follows:

BEGINNING at the Northeast corner of said Tract A, which is common to the Northwest corner of Lot 157 of said Yavapai Mobile Home Estates;

Thence South 02°00'30" East (basis of bearings), 749.49 feet, along the East line of said Tract A, to a ½ inch rebar with a cap stamped "FAMAS" L.S. 27738;

Thence South 89°16'53" West, 244.02 feet, to the East right of way of State Route 89 (as it existed on April 23, 2001), marked by a ½ inch rebar with a cap stamped "FAMAS" L.S. 27738;

Thence North 02°06'30" West, 749.49 feet, along the right of way of said State Route 89 to the Northwest corner of Tract A and the South right of way line of Road 3 South, which is marked by a ½ inch rebar with a tag stamped "FAMAS" L.S. 27738;

Thence North 89°16'53" East, 244.02 feet along the right of way of Road 3 South to the TRUE POINT OF BEGINNING.

PARCEL 2:

That portion of Tract A, as shown on YAVAPAI MOBILE HOME ESTATES, according to the plat of record in Book 14 of Maps, page 3, records of Yavapai County, Arizona, and that portion of 40.00 foot wide road, as abandoned by Resolution No. 523 recorded in Book 3695 of Official Records, page 557, records of Yavapai County, Arizona, described as follows:

COMMENCING at a ½ inch rebar found at the Northeast corner of said Tract A, which is common to the Northwest corner of Lot 157 of said Yavapai Mobile Home Estates;

Thence South 02°06' 30" East a distance of 749.49 feet along the East line of Tract "A" to a ½ inch rebar found with a cap stamped "Famas" L.S. 27738 and the POINT OF BEGINNING;

THENCE continuing South 02° 06' 30" East a distance of 58.00 feet along the East line of said Tract A;

THENCE South 89° 16' 34" West a distance of 243.98 feet to the East right-of-way of State Route 89 (as it existed on April 23, 2001);

THENCE North 02° 06' 30" West a distance of 58.00 feet, along the right-of-way of said State Route 89, to a ½ inch rebar found with a tag stamped "Famas" L.S. 27738;

THENCE North 89° 16' 34" East a distance of 243.98 feet to the POINT OF BEGINNING.

EXHIBIT 2
TO
ORDINANCE 2023-936

[Zoning Map]

