

ORDINANCE 2005 A303

AN ORDINANCE OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE PLANNING AND ZONING ORDINANCE FOR A PARCELS 403-15-002M, 403-15-002N, 403-13-002P AND 403-16-001F CONSISTING OF APPROXIMATELY 76 ACRES FROM RCU-2A TO PAD WITH UNDERLYING ZONING OF C2 . THIS REZONING IS TO ALLOW FOR THE DEVELOPMENT OF CHERRY CREEK VILLAGE COMMERCIAL COMPLEX.

WHEREAS, the Town of Camp Verde adopted the Planning and Zoning Ordinance in Ordinance 87 A23, approved July 9, 1987 and,

WHEREAS, Section 113 of the Planning and Zoning Ordinance allows for the amendment, supplement or change of zoning boundaries or zoning text regulations of the Planning and Zoning Ordinance by the Town Council and,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE:

Section 1:

I The Town Council hereby finds as follows:

- A. A request for **Zoning Map Change 2005-08** was filed by Harve Stanley, Dave Vette, and Jim Binick, agents for owners, Cherry Creek Village Co. Inc. for the purpose of rezoning parcels **403-15-002M, 403-15-002N, 403-13-002P and 403-16-001F** from RCU-2A to PAD with **underlying C2**. The legal descriptions and map are attached as **Exhibit A**.
- B. The Zoning Map Change was reviewed by the Planning Commission on **March 3, 2005** in public hearing that was advertised and posted according to state law and by the Town Council on **March 23, 2005**.
- C. The proposed use will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved.

- II. **Zoning Map Change 2005-08** is approved, based upon the following findings:
- A. The zoning map change will not injure the public health safety, or welfare of the general public.
 - B. The Town's General Plan Land Use Map (1998) shows this parcel as Industrial and the 2004 adopted General Plan shows this property as Mixed Use Com/Ind; therefore the proposed zoning map change is consistent with State Planning Law and the requirements of the Camp Verde Zoning Ordinance.
 - C. All development must submit for design/site plan review.
 - D. The applicant must make application for annexation into Camp Verde Fire District according to Resolution 2002-530 of the Town of Camp Verde.
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Section 2. All ordinances or parts of ordinances adopted by the Town of Camp Verde in conflict with the provisions of this ordinance or any part of the code adopted, are hereby repealed, effective as of the effective date of this ordinance.

Section 3. This ordinance is effective upon completion of publication and any posting as required by law.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance 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 a majority vote of the Town Council in an open meeting by the Town Council, Town of Camp Verde, Arizona, on the 23rd day of March 2005, to be effective when publication and posting, pursuant to ARS 9-813, is completed.

Approved: Mitch Dickinson
Mitch Dickinson, Mayor

Date: Mar. 25, 2005

Attest: Deborah Barber - 3-31-05
Deborah Barber, Town Clerk

Approved as to form:

C. Paul Woodford
Town Attorney

EXHIBIT A
LEGAL DESCRIPTION

PAD

LEGAL DESCRIPTION
FOR
PARCELS 403-15-002P, 403-16-001F
A 49± ACRE PARCEL

A PARCEL OF LAND LOCATED IN SECTIONS 9 AND 10, TOWNSHIP 14 N., RANGE 4 E., G&SRB&M, CAMP VERDE, YAVAPAI COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE 1/4 CORNER COMMON TO SAID SECTIONS 9 AND 10.

THENCE N. 0° 26' 25" E. (BASIS OF BEARINGS), ALONG THE SECTION LINE, A DISTANCE OF 1284.45 FEET.

THENCE N. 32° 18' 10" W., ALONG THE CENTER LINE OF OLD HIGHWAY 279, A DISTANCE OF 58.23 FEET.

THENCE N. 88° 30' 21" W., ALONG THE 1/16TH LINE, A DISTANCE OF 375.96 FEET.

THENCE S. 41° 53' 54" W. A DISTANCE OF 1402.09 FEET.

THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, ALONG THE NORTHERLY R/W LINE OF STATE HIGHWAY 260, SAID CURVE HAVING A CENTRAL ANGLE OF 5° 12' 10", A RADIUS OF 7537.27 FEET, A CHORD BEARING OF S. 55° 55' 58" E., A CHORD DISTANCE OF 684.19 FEET, A CURVE LENGTH OF 684.42 FEET.

THENCE S. 58° 25' 06" E. ALONG SAID R/W A DISTANCE OF 403.71 FEET.

THENCE ALONG A CURVE TO THE RIGHT ALONG SAID R/W LINE HAVING A CENTRAL ANGLE OF 8° 21' 07", A RADIUS OF 7739.44 FEET, A CHORD BEARING OF S. 54° 14' 23" E., A CHORD DISTANCE OF 1127.18 FEET, A CURVE LENGTH 1128.18 FEET.

THENCE, NON TANGENT, N. 40° 32' 29" E., A DISTANCE OF 99.92 FEET.

THENCE N. 38° 34' 07" E. A DISTANCE OF 734.74 FEET.

THENCE N. 32° 23' 14" W. ALONG THE CENTER LINE OF OLD HIGHWAY 279, A DISTANCE OF 333.92 FEET.

THENCE N. 88° 32' 47" W. A DISTANCE OF 836.38 FEET TO THE BEGINNING.

A PARCEL CONTAINING 49.624 ACRES MORE OR LESS.

EXHIBIT "A"
403-15-002M
25 ACRE PARCEL

THAT PORTION OF SECTION 9, TOWNSHIP 14 N., RANGE 4 E., G&SRB&M, CAMP VERDE, YAVAPAI COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR REFERENCE AT THE EAST 1/4 CORNER OF SAID SECTION 9.

THENCE N. $0^{\circ} 26' 25''$ E. (BASIS OF BEARINGS), ALONG THE SECTION LINE, A DISTANCE OF 1284.45 FEET.

THENCE N. $32^{\circ} 18' 10''$ W. ALONG THE CENTER LINE OF OLD HIGHWAY 279 A DISTANCE OF 58.23 FEET.

THENCE N. $88^{\circ} 30' 21''$ W. A DISTANCE OF 375.98 FEET AND THE TRUE POINT OF BEGINNING.

THENCE CONTINUING N. $88^{\circ} 30' 21''$ W. A DISTANCE OF 1693.51 FEET.

THENCE S. $5^{\circ} 17' 25''$ W. A DISTANCE OF 403.50 FEET.

THENCE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF $7^{\circ} 58' 55''$, A RADIUS OF 7537.27 FEET, A CHORD BEARING OF S. $49^{\circ} 10' 02''$ E., A CHORD DISTANCE OF 1049.15 FEET, A CURVE LENGTH OF 1050.00 FEET.

THENCE N. $41^{\circ} 53' 54''$ E. A DISTANCE OF 1402.09 FEET, TO THE TRUE POINT OF BEGINNING

A PARCEL CONTAINING 25.00 ACRES MORE OR LESS.

P.A.D

TULIN PARCEL
403-15-002N
EXHIBIT 'A'

THAT PORTION OF SECTION 9, TOWNSHIP 14 N., RANGE R E., G&SRB&M, CAMP VERDE, YAVAPAI COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR REFERENCE AT THE EAST 1/4 CORNER OF SAID SECTION 9.

THENCE N. 0° 26' 25" E. (BASIS OF BEARINGS), ALONG THE SECTION LINE, A DISTANCE OF 1284.45 FEET.

THENCE N. 32° 18' 10" W., ALONG THE CENTER LINE OF OLD HIGHWAY 279, A DISTANCE OF 58.23 FEET.

THENCE N. 88° 30' 21" W., A DISTANCE OF 2069.49 FEET AND THE TRUE POINT OF BEGINNING.

THENCE CONTINUING N. 88° 30' 21" W. A DISTANCE OF 423.98 FEET.

THENCE S. 41° 47' 22" E. ALONG THE NORTH R/W LINE OF STATE HIGHWAY 260 (200 FEET WIDE) A DISTANCE OF 115.72 FEET.

THENCE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 3° 25' 19", A RADIUS OF 7537.27 FEET, A CHORD BEARING OF S. 43° 27' 57" E., A CHORD DISTANCE OF 449.93 FEET, A CURVE LENGTH OF 450.00 FEET.

THENCE N. 5° 17' 25" E. A DISTANCE OF 403.50 FEET, TO THE TRUE POINT OF BEGINNING.

A PARCEL CONTAINING 2.00 ACRES MORE OR LESS.

SUBJECT TO ALL EASEMENTS, DEDICATIONS, AND RESTRICTIONS OF RECORD, AND TO THOSE COVENANTS, CONDITIONS, AND AGREEMENTS CONTAINED IN THE PROPERTY AGREEMENT OF EVEN DATE HERETO.

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A 25 ACRE PARCEL
EXHIBIT "A"
403-15-002M

Legal description:

THAT PORTION OF SECTION 9, TOWNSHIP 14 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CAMP VERDE, YAVAPAI COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR REFERENCE AT THE EAST QUARTER CORNER OF SAID SECTION 9.

THENCE NORTH 0 DEGREES, 26 MINUTES, 25 SECONDS EAST (BASIS OF BEARINGS), ALONG THE SECTION LINE, A DISTANCE OF 1284.45 FEET.

THENCE NORTH 32 DEGREES, 18 MINUTES, 10 SECONDS WEST, ALONG THE CENTER LINE OF OLD HIGHWAY 279, A DISTANCE OF 58.23 FEET.

THENCE NORTH 88 DEGREES, 30 MINUTES, 21 SECONDS WEST, A DISTANCE OF 375.96 FEET AND THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 88 DEGREES, 30 MINUTES, 21 SECONDS WEST, A DISTANCE OF 2117.50 FEET.

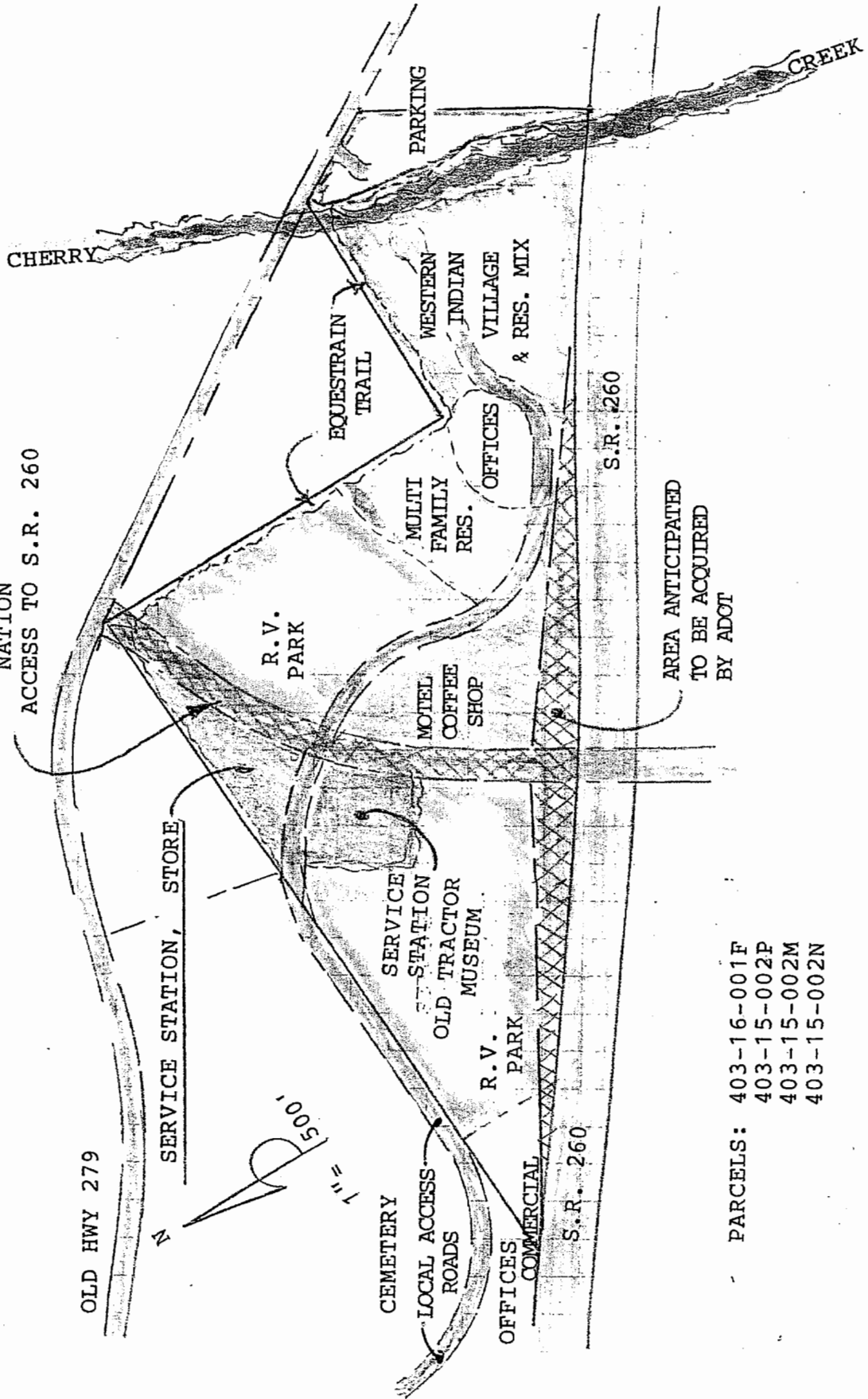
THENCE SOUTH 41 DEGREES, 47 MINUTES, 22 SECONDS EAST ALONG THE NORTH RIGHT OF WAY LINE OF STATE HIGHWAY 260 (200 FEET WIDE) A DISTANCE OF 115.72 FEET.

THENCE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11 DEGREES, 24 MINUTES, 09 SECONDS, A RADIUS OF 7537.27 FEET, A CHORD BEARING OF SOUTH 47 DEGREES 27 MINUTES 24 SECONDS EAST, A CHORD DISTANCE OF 1497.53, A CURVE LENGTH OF 1500.00 FEET.

THENCE NORTH 41 DEGREES, 53 MINUTES, 54 SECONDS EAST, A DISTANCE OF 1402.09 FEET, TO THE TRUE POINT OF BEGINNING.

76 ACRE P A D

YAVAPAI APACHE
NATION
ACCESS TO S.R. 260



AREA ANTICIPATED
TO BE ACQUIRED
BY ADOT

- PARCELS:
- 403-16-001F
 - 403-15-002P
 - 403-15-002M
 - 403-15-002N