



ORDINANCE 2005 A305

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 PARCEL 404-30-029D CONSISTING OF APPROXIMATELY 2.4 ACRES FROM R1L-35 TO R2-2. THIS REZONING IS TO ALLOW FOR THE DEVELOPMENT OF A RESIDENTIAL COMPLEX at 485 S. NICHOLS STREET.

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 2005-05** was filed by Al Dupuy, agent for Keith Turley, owner for the purpose of rezoning parcel **404-30-029D** from **R1L-35 TO R2-2**. The legal description is attached as **Exhibit A**.
- B. The Zoning Map Change was reviewed by the Planning Commission on **April 7, 2005** in public hearing that was advertised and posted according to state law and revisited on April 14, 2005 to clarify the vote, then by the Town Council on **April 27, 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 2005-05** 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 (2005) has been amended from medium density residential to high density residential to accommodate this development by Resolution 2005 628; 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 review by the Community Development Department.
 - D. All development is to be limited to one story in height.
 - E. A 50' Right of Way on Nichols Street be provided.
 - F. Nichols Street to be paved to existing pavement on Fain.
 - G. A walkway on one side of the road to be provided to tie into the Main Street sidewalk.
 - H. The developer to install 8" sewer line and extend the sewer line to the property line for the neighboring property owner.
 - I. All stipulations to be recorded as deed restrictions on the property.

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 27th day of April 2005, to be effective when publication and posting, pursuant to ARS 9-813, is completed.

Approved: *Mitch Dickinson*
Mitch Dickinson, Mayor

Date: *May 3, 2005*

Attest: *Deborah Barber*
Deborah Barber, Town Clerk

Approved as to form:

[Signature]
Town Attorney

EXHIBIT A
LEGAL DESCRIPTION

All that portion of the Southwest quarter, Northwest quarter and the Northwest quarter, Southwest quarter of Section 32, Township 14 North, Range 5 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows;

BEGINNING at a point lying South 89°45'00" East, 726.79 feet from the West quarter corner of said Section 32, and on the midsection line of said Section 32;

Thence North 00°19'00" West, 253.26 feet to an iron pin;

Thence South 16°45'00" East, 55.29 feet to an iron pin;

Thence North 46°40'30" East, 71.41 feet to an iron pin;

Thence South 86°40'30" East, 456.11 feet to an iron pin on the East bank of Woods Ditch;

Thence South 31°34'30" West, 110.24 feet to an iron pin;

Thence South 53°09'00" West, 216.33 feet to an iron pin;

Thence South 33°03'00" West, 113.50 feet to an iron pin;

Thence South 20°49'30" West, 89.94 feet to an iron pin on the East bank of the Woods Ditch;

Thence North 89°52'30" West, 122.69 feet to an iron pin;

Thence North 00°07'30" East, 179.47 feet to an iron pin on the midsection line of said Section 32;

Thence 89°45'00" West, 75.00 feet to the POINT OF BEGINNING.

EXCEPTING the South 10 feet thereof as measured perpendicular to the South line; and

EXCEPTING therefrom any portion lying within the following described tract:

All that portion of the Southwest quarter of the Northwest quarter of Section 32, Township 14 North, Range 5 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

BEGINNING at the Southeast corner of the Camp Verde School property which corner is also an angle point on the West boundary of the R.A. Shupe property and lies South 89°45' East, 801.79 feet from the West quarter corner of said Section 32, and on the midsection line of said Section 32;

Thence North 16°45' West, 212.03 feet along the Westerly boundary of the said R.A. Shupe property to the Southwest corner of the Ed and Dorothy Meckem property;

Thence North 16°45' West, 53.07 feet along the Westerly boundary of the said Ed and Dorothy Meckem property to an iron pin;

Thence South 00°19' East, 253.52 feet to a point on the said midsection line;

Thence South 89°45' East, 75.00 feet to the POINT OF BEGINNING;

Excepting the following described property:

A portion of that certain Parcel of land described in Book 655, Page 548, Yavapai County Records, Yavapai County, Arizona, situated in the Southwest quarter of Section 32, Township 14 North, Range 5 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, and being more particularly described as follows:

COMMENCING at the West quarter of said Section 32;

Thence South 89°44'35" East (of record South 89°45'00" East), a distance of 800.35 feet (of record 801.79 feet) to a point which lies 25.00 feet North and 13.00 feet East of the Northeast corner of Lot One, Block Twelve, Plat of Camp Verde Townsite, as recorded in Book 2 of Maps, Page 62, Yavapai County Records;

Thence South 00°07'30" West (of record South 00°07'30" West), along a line parallel with and 13.00 feet East of the East line of said Block Twelve, a distance of 65.55 feet to the POINT OF BEGINNING;

Thence South 00°07'30" West, continuing along said parallel line, a distance of 104.09 feet;

Thence South 89°51'27" East (of record South 89°52'30" East), a distance of 126.45 feet (of record 126.50 feet);

Thence North 20°42'39" East (of record North 20°49'30" East), a distance of 79.10 feet (of record 79.25 feet);

Thence North 32°56'08" East (of record North 33°03'00" East), a distance of 35.73 feet;

Thence North 89°51'27" West, a distance of 173.62 feet to the POINT OF BEGINNING.

Excepting the following described property:

A portion of that certain Parcel of land described in Book 655, Page 548, Yavapai County Records, Yavapai County, Arizona, situated in the Southwest quarter of Section 32, Township 14 North, Range 5 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, and being more particularly described as follows:

COMMENCING at the West quarter corner of said Section 32;

Thence South 89°44'35" East (of record South 89°45'00" East), a distance of 800.35 feet (of record 801.79 feet) to a point which lies 25.00 feet North and 13.00 feet East of the Northeast corner of Lot One, Block Twelve, Plat of Camp Verde Townsite, as recorded in Book 2 of Maps, Page 62, Yavapai County Records;