



ORDINANCE 2005 A308

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 PORTION OF PARCEL 404-02-023P CONSISTING OF APPROXIMATELY 15 ACRES FROM R1-35 TO C3. THIS REZONING IS TO ALLOW FOR COMMERCIAL DEVELOPMENT. PROJECT LOCATION IS OFF HOWARDS ROAD.

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 2005-13** was filed by Dugan McDonald, agent for Northeast Industries, Inc. owner, for the purpose of rezoning a 15 acre portion of parcel **404-02-023P FROM R1-35 to C3**. The legal description is attached as **Exhibit A**.
- B. The Zoning Map Change was reviewed by the Planning Commission on **May 12, 2005** in public hearing that was advertised and posted according to state law and by the Town Council on **May 25, 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 2005-13** 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 property has been reclassified on the Town's General Plan Land Use Map as Mixed Use by Resolution 2005-644; therefore, the proposed zoning map change is consistent with State Planning Law and the requirements of the Camp Verde Zoning Ordinance.
 - C. Building heights will be limited to 30' within the southern most 8 acres of the property.
 - D. A screening plan to be approved by design review where the residential properties meet the commercial development.

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by the Town of Camp Verde in conflict with the provisions of this ordinance or any part of the code adopted, are hereby repealed, effective as of the effective date of this ordinance.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 25th day of May 2005, to be effective when publication and posting, pursuant to ARS 9-813, is completed.

Approved: *Mitch Polansky*
Mayor

Date: *May 26, 2005*

Attest: *Deborah Barber*
Deborah Barber, Town Clerk

Approved as to form:

P. Paul Woodford
Town Attorney

*publish 6-15 + 6-22
effective 7-8-05*



HERITAGE

Land Survey & Mapping Inc.

EXHIBIT "A"

The following is a description of a parcel of land located within the Northwest Quarter of the Southeast Quarter of Section 5, Township 13 North, Range 5 East, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona; Being a portion of the parcel of land described in Book 4225, Page 487, records of the Yavapai County Recorder [Record Source #1 (R1)], said parcel of land being more particularly described as follows:

Beginning for reference at an iron bolt marking the Northwest corner of the Northwest Quarter of the Southeast Quarter of said Section 5, From which the East quarter corner of said Section 5, Bears South 90° 00' 00" East, at a distance of 2,652.65 feet; Thence South 90° 00' 00" East, a distance of 330.00 feet, along the North line of the Southeast quarter of said section 5, to a plastic cap atop a 1/2" rebar stamped L.S. 26925; Thence South 00° 21' 50" East , a distance of 274.00 feet; to a plastic cap atop a 1/2" rebar stamped L.S. 26925 and the TRUE POINT OF BEGINNING;

Thence South 00° 21' 50" East, a distance of 1,046.72 feet, to a plastic cap atop a 1/2" rebar stamped L.S. 4129;

Thence South 89° 58' 32" East, a distance of 991.59 feet, along the South line of that parcel of land described in said (R1), to an obliterated plastic cap atop a 1/2" rebar marking the Southeast corner thereof;

Thence North 00° 08' 11" West, a distance of 661.13 feet, along the East line of that parcel of land described in said (R1), to a plastic cap atop 1/2" rebar stamped L.S. 26925;

Thence North 90° 00' 00" West, a distance of 225.93 feet, along the South line of that parcel fo land described in Book 3002, Page 11, Records of the Yavapai County Recorder, to a plastic cap atop a 1/2" rebar stamped L.S. 26925;

Thence North 00° 08' 11" West, a distance of 330.00 feet, along the West line of that parcel of land described in said Book 3002, Page 11, to a plastic cap atop a 1/2" rebar stamped L.S. 26925;

Thence South 89° 58' 54" West, a distance of 513.47 feet, along the South line of the parcels of the described in Book 2623, Page 522, and Book 1960, Page 186, Records of the Yavapai County recorder, to a 1/2" rebar;

Thence North 00° 07' 39" East, a distance of 330.16 feet, along the West line of that said parcel of land described in Book 1960, Page 186, to the East-West mid-Section line of said Section 5, and a 1/2" rebar;

Thence South 90° 00' 00" West, a distance of 50.00 feet, along the said Mid-Section line; to a plastic cap atop a 1/2" rebar stamped L.S. 26925;

Thence South 00° 07' 39" West, a distance of 274.00 feet, to a plastic cap atop a 1/2' rebar stamped L.S. 26925;

Thence North 90° 00' 00" West a distance of 206.61 feet, to the TRUE POINT OF BEGINNING;

Subject parcel of land contains 21.533 acres and is subject to all exceptions, easements and conditions, of the public record that may be pertinent to said parcel.

