



ORDINANCE 2014 A396

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 403-22-019H CONSISTING OF APPROXIMATELY 4.13 ACRES FROM C2 (COMMERCIAL: GENERAL SALES & SERVICE) TO A ZONING OF C3 (COMMERCIAL: HEAVY COMMERCIAL). LOCATION OF PROPERTY IS ON PARCEL 404-22-019H ON THE WEST SIDE OF STATE ROUTE 260, NORTH OF I 17 APPROXIMATELY .39 MILES ON PARCEL 403-22-019H.

WHEREAS, The Town of Camp Verde adopted the Planning and Zoning Ordinance in Ordinance 2011-A374, approved June 25, 2011 and,

WHEREAS, Part 6, Section 601 of the Planning and Zoning Ordinance allows for the amendment, supplement or change of zoning boundaries or zoning text regulation 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 20140130** was filed by Mr. Rob Witt, agent for the owner which is I 17 Cottonwood Properties, LLC for the purpose of rezoning parcel 403-22-019H **FROM C2 (Commercial: General Sales & Service) to C3 (Commercial: Heavy Commercial)**. The legal description which is **Exhibit A** and is available in the Town Clerk's office located at 473 S. Main St. suite 102 Camp Verde, AZ 86322.
- B. The Zoning Map Change was reviewed and approved by the Planning Commission on **June 05, 2014** in public hearing that was advertised and posted according to state Law.
- C. A neighborhood Meeting was held by the applicant on **May 14, 2014** as required by ARS 9-462.03B.
- D. The Waiver of Diminution of Value Claim has been signed by the owner which is **Exhibit B** and is available in the Town Clerk's office located at 473 S. Main St. Camp Verde, AZ 86322.

E. The proposed use will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved.

Zoning Map Change 201400130 is approved, based upon the following findings:

- A. The property is classified on the Town's General Plan Land Use Map as commercial and the rezoning hereunder is consistent with the Camp Verde General Plan.
- B. The Zoning Change will promote the public health, safety, and welfare of the general public.

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 the expiration of a thirty (30) day period following the adoption hereof and 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 June 2014.

Approved: 
Charles German - Mayor

Date: 7-8-14

Attest: 
Deborah Barber, Town Clerk

Approved as to form:


Town Attorney



HERITAGE

Land Survey & Mapping Inc.

EXHIBIT "A"

The following is a description of a parcel of land located within the Northwest Quarter of section 25, and the Southwest Quarter of section 24, Township 14 North, Range 4 East, of the Gila and Salt River Base and Meridian, Yavapai County, Said parcel being more particularly described as follows:

Beginning for reference at the found BLM brass cap marking the Northwest corner of said section 25, From which a found 5/8" smooth iron pin marking the West Quarter of said section 25 bears South 01° 56' 49" West, [Basis of Bearing for this description] at a distance of 2,653.86 feet; Thence North 83° 52' 53" East, a distance of 504.33 feet, to the Westerly right-of-way line of HWY 260 and a found ADOT alum. cap set in concrete, marking the TRUE POINT OF BEGINNING;

Thence South 12° 22' 06" East, a distance of 722.86 feet, along the Westerly right-of-way line of said Highway 260, to a found ADOT alum. cap set in concrete.

Thence South 77° 36' 36" West, a distance of 191.89 feet, to the Easterly right-of-way line of North Moonrise Drive, and a found ADOT alum. cap set in concrete; marking the beginning of a curve to the left, concave to the West, From which the radius point of said curve bears South 89° 07' 45" West, at a distance of 602.89 feet;

Thence along said curve to the left, and along the Easterly right-of-way line of North Moonrise Drive, through a central angle of 28° 54' 36", an arc distance of 304.20 feet; to a found ADOT alum cap set in concrete. [said curve also having a Chord Bearing of North 15° 19' 33" West, and a chord distance of 300.99 feet.]

Thence North 29° 46' 33" West, a distance of 182.36 feet, along the Easterly right-of-way line of North Moonrise Drive Road, to a found ADOT alum cap set in conc. marking the beginning of a curve to the right, concave to the east, from which the radius point of said curve bears North 60° 12' 59" East, at a distance of 686.20 feet;

Thence along said curve to the right, and along the Easterly right-of-way line of North Moonrise Drive, through a central angle of $17^{\circ} 25' 57''$, an arc distance of 208.78 feet, to a found ADOT alum cap set in concrete; [said curve also having a chord bearing of North $21^{\circ} 04' 02''$ West, and a chord distance of 207.98 feet] .

Thence North $12^{\circ} 11' 21''$ West, a distance of 22.97 feet, along the Easterly right-of-way line of North Moonrise Drive, to a found ADOT alum. cap set in concrete;

Thence North $32^{\circ} 42' 13''$ East, a distance of 28.32 feet, along the Easterly right-of-way line of North Moonrise Drive, to a found ADOT alum cap set in concrete, marking the South right-of-way line of Wilshire Road;

Thence North $77^{\circ} 40' 32''$ East, a distance of 273.31 feet, along the Southerly right-of-way line of Wilshire Road, to the TRUE POINT OF BEGINNING;

Subject parcel of land contains 3.85 acres more or less, and is subject to all exceptions, easements and other items of the public record that may be pertinent to the subject parcel.



EXHIBIT "B"

CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE

The undersigned is the owner of the parcel of land described in EXHIBIT A hereto that is the subject of the Zoning Map Change 20140130 for parcel 403-22-019H. I have reviewed the conditions of rezoning and by signing this document, the undersigned agrees and consents to all the conditions imposed by the Town of Camp Verde in conjunction with the approval of the Rezoning Application and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the rezoning and conditions.

Dated this 1st day of April, 2014.

OWNER:

I-17/COTTONWOOD PROPERTIES, LLC
An Arizona limited liability company

BY: BLACK CANYON/CAMP VERDE INTERCHANGE
LIMITED PARTNERSHIP,
an Arizona limited partnership
As the Sole Member of I-17/Cottonwood Properties, LLC

BY: M.R.S. INVESTMENT COMPANY, L.L.P.
An Arizona limited liability partnership
As General Partner of Black Canyon/Camp Verde
Interchange Limited Partnership

BY: _____


Jay C. Stuckey, Jr.
Partner

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this 1st day of April, 2014, before me, the undersigned Notary Public, personally appeared Jay C. Stuckey, Jr., who acknowledged that this document was executed for the purposes therein contained.

Betty R. Wagner
Notary Public

My Commission Expires:
March 20, 2015

