

ORDINANCE 2004 A281

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 403-23-006D FROM RCU-2A TO C3 FOR 17.35 ACRES. THIS REZONING IS TO ALLOW FOR THE COMMERCIAL DEVELOPMENT. THE LOCATION OF THE SITE IS BETWEEN COUNTY FACILITIES ACCESS ROAD AND CHERRY ROAD FRONTING HIGHWAY 260.

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 2004-04** was filed by Steve Verfurth, agent for Verde Valley Professional Center Partners, LLC, owners, for the purpose of rezoning parcel **403-23-006D, from RCU-2A to C3**. The legal description is attached as **Exhibit A**.
- B. The Zoning Map Change was reviewed by the Planning Commission on **June 3, 2004** in public hearing that was advertised and posted according to state law and by the Town Council on **June 23, 2004**.
- 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 2004-04** 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 is designated Mixed Use – Low Density in the Town's General Plan Land Use Map; therefore, the proposed zoning map change is consistent with State Planning Law and the requirements of the Camp Verde Zoning Ordinance.

- C. The Town Council hereby approved **Zoning Map Change 2004-04** for the purpose of developing commercial projects with the following stipulation:
1. The property will be developed under the attached 'Exhibit B' guidelines.
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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by the Town of Camp Verde in conflict with the provisions of this ordinance or any part of the code adopted, are hereby repealed, effective as of the effective date of this ordinance.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 June 2004**, to be effective when publication and posting, pursuant to ARS 9-813, is completed.*

Approved: Mitch Dickinson
Mitch Dickinson, Mayor

Date: JUNE 24, 2004

Attest: Deborah Barber
Deborah Barber, Town Clerk

Approved as to form:

Julie Krieh
Julie Krieh, Town Attorney

EXHIBIT A

A part of the North half of Section 15, Township 14 North, Range 4 East, of the Gila and Salt River Base and Meridian, Yavapai County, more fully described as follows:

Parcel A

COMMENCING at the Northwest corner of Section 15, Township 14 North, Range 4 East, (a BLM Brass Cap) from which the North quarter corner of Section 15 lies South 88 degrees 36 minutes 00 seconds East, a distance of 2,643.52 feet;

Thence South 88 degrees 36 minutes 00 seconds East, a distance of 1,828.16 feet to a point on the Southwesterly right-of-way line of Highway 260, said point also being a point of curvature, said curve being concave to the Southwest, with a radius of 7,539.44 feet and a central angle of 05 degrees 03 minutes 43 seconds, a chord bearing of South 31 degrees 10 minutes 49 seconds East, a chord distance of 665.87 feet;

Thence along the arc of said curve, a distance of 666.09 feet, to an ADOT Brass Cap;

Thence South 28 degrees 38 minutes 09 seconds East, a distance of 696.20 feet, to a point on the center line of a 68.00 foot easement for roadway to Yavapai County Complex and the TRUE POINT OF BEGINNING;

Thence continuing South 28 degrees 38 minutes 09 seconds East, along the Westerly right-of-way line of Highway 260, a distance of 1,037.92 feet, to a point on the proposed realignment of Cherry Road, said point being a point of curvature, said curve being concave to the North, with a radius of 1,265.94 feet and a central angle of 17 degrees 01 minutes 13 seconds, a chord bearing of South 69 degrees 38 minutes 55 seconds West, a chord distance 374.67 feet;

Thence along the arc of said curve, a distance of 376.05 feet;

Thence South 78 degrees 22 minutes 59 seconds West, a distance of 587.63 feet, to the Southeast corner of that parcel as recorded on Book 3883, Page 530, Yavapai County Records;

Thence North 04 degrees 52 minutes 59 seconds East, along the East line of said parcel, a distance of 688.40 feet, to the Northeast corner of said parcel, (a ½ inch rebar and cap stamped LS 14184), said point also being the Southeast corner of the County Complex;

Thence North 04 degrees 48 minutes 29 seconds East, along the East line of said parcel, a distance of 334.43 feet, to a point on the center line of a 68 foot easement, as recorded in Book 1904, Page 384, Yavapai Records;

Thence North 79 degrees 32 minutes 02 seconds East, along said center line, a distance of 75.31 feet, to a point of curvature, said curve being concave to the Northwest, with a radius of 936.95 feet, a central angle of 18 degrees 10 minutes 32 seconds, a chord bearing of North 70 degrees 27 minutes 48 seconds East, a chord distance of 295.98 feet;

Thence along the arc of said curve, a distance of 297.22 feet;

Thence North 61 degrees 21 minutes 51 seconds East, a distance of 100.00 feet, to the TRUE POINT OF BEGINNING;

EXCEPTING that Mountain Bell Parcel, as referenced in a legal description by Landmark Engineering and Surveying, Inc., Job #87009 more fully described as follows:

COMMENCING at the Northwest corner of Parcel "A" above;

Thence South 04 degrees 48 minutes 29 seconds West, a distance of 34.64 feet, to the South right-of-way line of that easement as recorded in Book 1904, Page 384, Yavapai County Records;

Thence North 79 degrees 32 minutes 02 seconds East, along said right-of-way line a distance of 84.77 feet, (Record, 84.60 feet), to a point of curvature, said curve being concave to the Northwest, with a radius of 970.95 feet, a central angle of 06 degrees 16 minutes 58 seconds, a chord bearing of North 72 degrees 23 minutes 28 seconds East, a chord distance of 106.42 feet;

Thence along the arc of said curve a distance of 106.47 feet, said point also being the TRUE POINT OF BEGINNING;

Thence South 28 degrees 38 minutes 09 seconds East, a distance of 101.98 feet;

Thence South 74 degrees 58 minutes 04 seconds West, a distance of 105.74 feet;

Thence North 28 degrees 38 minutes 16 seconds West, a distance of 104.70 feet, to the TRUE POINT OF BEGINNING.

Highway 260/Cherry Road
Commercial Center Project

Preliminary
Architectural
Guidelines

Camp Verde Arizona
Preliminary Architectural Guidelines

In addition to all the requirements of the town of Camp Verde zoning ordinances, the Uniform Building Code, and all other applicable building codes, the following restrictions shall apply to lots 1 through 23 of the Verde Valley Business Park.

- ~~Commercial Development~~
- A. Any form of ~~manufacturing~~ proposed on any portion of the property may be subject to review and approval from Verde Valley Professional Center Partners, LLC, and/or any subsequent design review committee that may be appointed by the town of Camp Verde.
 - B. Although steel or metal buildings will be permitted, that part of those buildings facing the street must be of material other than steel or metal, such as wood, masonry or stucco.
 - C. All stored equipment, machinery, supplies, etc. must be screened from the view of the people on the street.
 - D. All landscaping must meet the requirements of the town of Camp Verde. Provisions must be made for the continued maintenance and upkeep of all landscaping, i.e., watering systems, and weed control, etc.
 - E. No noxious or offensive activity shall be carried on, conducted or permitted upon any lot, nor shall anything be done thereon which may or might become an annoyance or nuisance as defined by the City of Camp Verde ordinances to the surrounding area. No part of any lot shall be used or occupied injuriously to affect the use occupation, enjoyment or value of the adjoining or adjacent premises or the surrounding areas where said lot is situated.
 - F. All construction work, new or remodeled, must be completed and ready for whatever use intended on a timely basis, or per permit time guidelines granted by the town of Camp Verde.
 - G. Upon completion of construction, the owner and/or builder must clear the property of building material and debris within thirty (30) days. Owners and/or builders are expected to maintain the appearance of the property until occupancy.
 - H. Any rubbish, trash or garbage shall be removed promptly from the premises and shall not be allowed to accumulate thereon, and shall not be burned. Garbage and trash receptacles must be covered and concealed. Empty garbage containers must be removed from the street as soon as possible after pick-up.
 - I. No structure, planting or other material shall be erected, placed or permitted to remain upon any position of the property, which would obstruct, retard or change the direction of any actual or potential flow of water there over.

- J. No recreational vehicle, motor home or truck, nor any motor vehicle which under repair or not in operating condition shall be placed or permitted to remain on the street or any portion of any lot that is exposed to public view.
- K. Exterior lighting must be shaded and defused so as not to create a nuisance to others.
- L. If there shall be a violation or threatened or attempted violation of any of the foregoing covenants, conditions, stipulations or restrictions, it shall be lawful for any person, persons, or Verde Valley Professional Center Partners, LLC, owning or having an interest in any of the premises to prosecute under proceedings at law or in equity against all persons, violating or attempting to violate or threatening to violate such restrictions, covenants, conditions or stipulations, and either to prevent him or them from so doing, or to recover damages or other doings from such violations.
- M. These restrictions and covenants run with title to the premises and each and every portion thereof, and shall be binding upon all parties and all persons claiming ownership for a period of twenty (20) years. Conveyance of said property or any part thereof may contain the above restrictive conveyance by reference to this document but whether or not such reference is made in such deeds or any thereof, each and all of such restricted conveyance shall be valid and binding upon the respected grantees.
- N. Invalidity of anyone or more of for going conveyance, conditions, restrictions, or stipulations shall in no way affect any other provisions hereof which shall remain in full force and affect.
- O. This declaration, the terms and provisions hereof and amendments thereto with the land, and shall be binding upon, enforceable against, and inure to the benefit of all parties having or requiring any right, title or interest in the lots including, without limitation, the declarant, all owners of the lots, all lessees and the respective successors, assigns, heirs, and personal representatives of all such parties.
- P. In witness thereof, this declaration has been executed to be effective the day and year first above written.

VERDE VALLEY PROFESSIONAL
CENTER PARTNERS, LLC

By: _____
Title: _____