



TOWN COUNCIL AGENDA PACKET

AMENDMENT
May 23, 2011

REGULAR MEETING
May 24, 2011
6:00 p.m.

<u>Item #8</u>	<i>Adds proposed revisions to Ordinance</i>
<u>Item #9</u>	<i>Adds proposed revisions to Ordinance</i>

ITEM 8

MD BUILDERS ORDINANCE 11-746

Modifications to clarify Engineering Stipulation 1 are being recommended by the Town Attorney.

ORDINANCE NO. 11-746**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, TO PROVIDE FOR THE ZONE CHANGE OF ASSESSOR'S PARCEL NUMBERS 306-23-041W, 306-23-041X AND 306-23-041Z FROM "SR-1.6" SINGLE FAMILY RESIDENTIAL 1.6 ACRE MINIMUM TO "AR-4" AGRICULTURAL RESIDENTIAL 4 ACRE MINIMUM**

WHEREAS, Martin D. Messenger; representing the property owner, M.D. Builders Inc., filed an application with the Town of Chino Valley requesting a zone change from "SR-1.6" Single Family Residential 1.6 Acre Minimum to "AR-4" Agricultural Residential 4 Acre Minimum for the real property described on Exhibit "A" as attached to this Ordinance ("subject property"); and

WHEREAS, the requested zone change was noticed in conformance with the applicable State Statutes and Local Ordinance; and

WHEREAS, a "neighborhood meeting" was held in conformance with the requirement set forth in the Unified Development Ordinance; and

WHEREAS, the requested zone change repeals Ordinance No. 09-709 which previously rezoned the property from "SR-1" to "SR-1.6" for the purpose of development; and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on April 5, 2011, during which background was presented by Town staff, the applicant and others; and

WHEREAS, subsequent to the Public Hearing and discussion the Commission elected by a 4-0 vote (Commissioners Miner, Sloan, and Owen were absent) to forward the application to the Town Council with a recommendation for approval with certain Findings and Stipulations; and

WHEREAS, at their regular meeting of May 24, 2011, the Town Council confirmed the recommendation of the Commission by electing to adopt this Ordinance and thereby approve the requested zone change with the Findings and Stipulations cited in Section 1 of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1. That the Zoning Map of the Town of Chino Valley, Arizona, is hereby amended to rezone the real property legally described on Exhibit “A” and generally described on the date of the adoption of this Ordinance as Assessor’s Parcel Numbers 306-23-041W, 306-23-041X, and 306-23-041Z, located on the south side of W. Road 1 North approximately 830 feet east of Road 1 West and incorporated herein by reference, from “SR-1.6” to “AR-4” with the following Findings and Stipulations:

FINDINGS:

1. That the proposed zone change is consistent with and conforms to the land use designation of Medium Density Residential 2 Acres or less and the goals of the “Town of Chino Valley 2003 General Plan” (“General Plan”).
2. That the proposed zone change will not be adverse to the health, safety, convenience, and general welfare of the residents of the Town of Chino Valley, Arizona.

ZONING STIPULATIONS:

1. That the property owner agrees that the approval of this zone change confers no additional entitlements or rights to the owner or applicant other than those that are vested with the “AR-4” zoning district.
2. That any future residential use of the subject property shall conform to the Town of Chino Valley’s General Plan.
3. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley’s Unified Development Ordinance.

ENGINEERING STIPULATIONS:

1. That a-those portions of Parcel 1 (APN 306-23-041W) and Parcel 2 (APN 306-23-041X) that are utilized to access Parcel 3 (APN 306-23-041Z) from W. Road 1 North comes with a perpetual offer to dedicate a roadway prior to this Ordinance taking effect.

Section 2. That this Ordinance repeals any prior enactment by the Town of Chino Valley that is inconsistent herewith.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the Unified Development Ordinance adopted herein by reference 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 the Mayor and Common Council of the Town of Chino Valley, Arizona this 24th day of May, 2011.

Jim Bunker, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
Town Attorney

ITEM 9

SUN EDISON ORDINANCE 11-747

Modifications to Zoning Stipulations 3-5 are being proposed as follows:

Stipulations 3 & 5: The basic redlines have been proposed by SunEdison. Further modifications in **ALLCAPS** and **BOLD TYPE** are proposed by the Town Attorney.

Stipulation 4: This modification clarifies and includes the landscape plan recommended by the Planning and Zoning Commission.

ORDINANCE NO. 11-747**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL
OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI,
ARIZONA, APPROVING THE ISSUANCE OF A
CONDITIONAL USE PERMIT TO CONSTRUCT OPERATE
AND MAINTAIN AN ACTIVE SOLAR ELECTRIC ENERGY
SYSTEM LOCATED ON ASSESSOR'S PARCEL NUMBER
306-34-001**

WHEREAS, the Property Owner/Applicant: James Deep Well Ranch #1, LLC/SunEdison LLC., has filed an application with the Town of Chino Valley requesting a Conditional Use Permit for a period of 30 years to expire on May 24, 2041 for Assessor's Parcel Number 306-34-001; and

WHEREAS, the requested Conditional Use Permit was noticed in conformance with the applicable State Statutes and Local Ordinance; and

WHEREAS, on April 6, 2011, a "neighborhood meeting" was held in conformance with the requirement set forth in the Town of Chino Valley Unified Development Ordinance; and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on April 21, 2011 and continued the hearing until May 3, 2011, during which information was presented by Town staff, the property owner, the applicant and members of the general public; and

WHEREAS, subsequent to the Public Hearing and discussion, the Commission elected by a 7-0 vote to forward the application to the Town Council with the recommendation for approval with certain Findings and Stipulations; and

WHEREAS, at their regular meeting of May 24, 2011, the Town Council confirmed the recommendation of the Commission by electing to adopt this Ordinance and thereby approve the requested Conditional Use Permit with the Findings and Stipulations cited in Section 1 of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1. That the issuance of a Conditional Use Permit is hereby issued for the property located East of South Road 1 East and between East Road 2 South and East Road 4 South and described as Assessor's Parcel Number 306-34-001 (approximately 298 acres) with the following Findings and Stipulations:

FINDINGS - Required by Section 1.9.3 of the UDO:

1. That the Conditional Use Permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; and
2. That the proposed use is reasonably compatible with uses permitted in the surrounding area. The AR-5 Zoning District allows as a Conditional Use Permit in Section 306.F (of the Unified Development Ordinance as adopted by the Town) Public utility buildings, structures, or appurtenances thereto for public service use.

ADDITIONAL FINDING:

1. That the Citizen Participation protocols and Notice as prescribed by the Unified Development Ordinance (UDO) have been complied with.

ZONING CONDITIONS:

1. Applicant agrees that the approval of this Conditional Use confers no entitlements or rights to the owner or applicant other than those that are vested as a Conditional Use in the AR-5 Zoning District.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's Unified Development Ordinance.
3. That the Conditional Use Permit is granted for a period not to exceed 30 years from the date of Town Council approval. Noncompliance with ANY OF the stipulations of approval, as determined by the Development Services Director, will be considered grounds for the Planning Commission, to conduct a Public Hearing whereby the Commission may recommend that the Town Council amend, modify or revoke the Conditional Use Permit. THE COUNCIL MAY THEREAFTER AMEND, MODIFY OR REVOKE IN THE CONDITIONAL USE PERMIT. ~~however upon initiation by the Planning Commission the Permit may be reviewed at any time and after conducting a Public Hearing the Commission may recommend that the Town Council amend, modify or revoke the Conditional Use Permit.~~
4. Landscaping is required to be in conformance with the Town of Chino Valley's Unified Development Ordinance Section 4.26, ~~and the Commission recommends option C as depicted in Exhibit "A."~~
5. Development and operation of the subject property shall be maintained as a photovoltaic solar energy generating facility only and shall be constructed in substantial conformance with the terms and conditions of the Conditional Use Permit, application narrative and preliminary site plan (sheets and conditions of the Conditional Use Permit, application narrative and preliminary site plan sheets 1-4, dated March 1, 2011), WHICH INCLUDES the A NOT TO EXCEED 9-FOOT HEIGHT LIMITATIONS. ~~In the event future modifications or replacement of parts or equipment become necessary for any reason, said modifications shall not materially alter the solar array footprint, orientation, height, reflectivity, landscaping, noise or designated open spaces. Any replacement products shall not exceed the approved height of 9 feet and any panels shall be of the non-reflective nature.~~

ENGINEERING CONDITIONS:

1. Legal access to the property is to be defined.
2. All drive aisles and parking areas are required to have a dust free hard surface, chip

seal is adequate.

3. An engineered stamped grading and drainage report is required.
4. A 50 foot right-of-way dedication on the entire frontage along East Road 4 South is required.
5. Provide a perpetual offer to dedicate East Road 3 South.
6. Define how access over the Santa Cruz Wash will be accomplished.

Section 2. This Ordinance repeals any prior enactment by the Town of Chino Valley, which is inconsistent herewith.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Unified Development Ordinance adopted herein by reference 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 the Mayor and Common Council of the Town of Chino Valley, Arizona this 24th day of May, 2011.

Jim Bunker, Mayor

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APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
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