

# **TOWN OF CHINO VALLEY BOARD OF ADJUSTMENT**

**Meeting Agenda  
Chino Valley South Campus Building  
202 N. State Route 89  
Chino Valley, AZ 86323  
Monday May 21, 2012  
6:00 pm**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF MINUTES**
  - a. N/A
- 5. ELECTION OF OFFICERS**
  - a. Acknowledge Virginia Reid as the chairperson; and
  - b. Elect a vice chair
- 6. PUBLIC HEARING**
  - a. Consideration, discussion, and possible action regarding an appeal of the Zoning Administrator's (ZA) decision relating to the "All-Star Banquet" that occurred at the Windmill House on January 10, 2012. The ZA concluded that the "All-Star Banquet" was not in violation of the Windmill House Conditional Use Permit (Ordinance No. 11-754). The Windmill House is located at 1460 w. Road 4 North.
- 7. PUBLIC COMMENTS:**
  - a. Members of the public may address the Board of Adjustment on items not on the printed agenda. State your name for the record and please observe the time limit of 3 minutes. Be advised that the Board can not/will not respond to your comments at this time.
- 8. ADJOURN**

A COPY OF THE AGENDA BACKGROUND MATERIAL PROVIDED TO THE BOARD OF ADJUSTMENT IS AVAILABLE FOR PUBLIC INSPECTION AT THE MARION LASSA/CHINO VALLEY LIBRARY, 1020 W. PALOMINO ROAD, CHINO VALLEY, ARIZONA.

FURTHER DETAILS MAY BE OBTAINED BY CONTACTING THE DEVELOPMENT SERVICES DEPARTMENT AT 1982 N. VOSS DRIVE, CHINO VALLEY, ARIZONA (928) 636-4427.

THE TOWN ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 72 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN ALSO BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 636-2646 (VOICE), 636-1787 (TDD) OR USE THE AZ STATEWIDE RELAY SERVICE AT 1-800-367-8939 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

DEVELOPMENT SERVICES DEPARTMENT  
1020 WEST PALOMINO ROAD  
PO Box 406  
CHINO VALLEY, AZ 86323



TOWN HALL (928) 636-2646  
DEVELOPMENT SERVICES (928) 636-4427  
FAX (928) 636-2144

BOARD OF ADJUSTMENTS  
STAFF REPORT

TOWN OF CHINO VALLEY, ARIZONA  
MAY 21, 2012

LEGAL AD

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Board of Adjustments at the Chino Valley Council Chambers–South Campus, located at 202 N. State Route 89, Chino Valley, Arizona 86323, at 6:00 p.m., on Monday, May 21, 2012. This hearing will be conducted for consideration, discussion, and possible action regarding an appeal of the Zoning Administrator’s (ZA) decision relating to the “All-Star Banquet” that occurred at the Windmill House on January 10, 2012. The ZA concludes that the “All-Star Banquet” was not in violation of the Windmill House Conditional Use Permit (Ordinance No. 11-754). The Windmill House is located at 1460 W. Road 4 North (Exhibit A).

- A. PUBLIC NOTICE PROCESS: Was done in accordance with A.R.S. 9-462.06, F
1. A notice of the hearing was submitted to the following newspapers: Prescott Courier and Chino Review
  2. A notice of hearing was posted in conspicuous places close to the property affected
- B. SPECIFIC REQUEST OF THE BOARD OF ADJUSTMENTS (B of A): Hear and decide the appeal of a decision made by the Zoning Administrator (ZA).
- The ZA determined that an event that occurred at the Windmill House, the “All-Star Banquet” was not in violation of the Conditional Use Permit (CUP) because the event was a “private” event and not a “public” event. The event occurred at the Windmill House on January 10, 2012. There are two (2) plaintiffs that do not agree with the ZA determination and are appealing the decision to the B of A. The following is a summary of events leading up to the May 21, 2012, B of A public hearing.
- C. SUMMARY AND TIMELINE OF CORRESPONDENCES:
1. November 8, 2011: The Town Council approved Ordinance No. 11-754, approving the issuance of a Conditional Use Permit to allow the Windmill House to continue holding events such as wedding and other private events (Exhibit B).
  2. January 9, 2012: The Town of Chino Valley’s Development Services Department received two complaints regarding an event that was to occur on January 10, 2012 at the Windmill House. The complaints stated that the scheduled event, the “All-Star Banquet”, was in violation of Ordinance No. 11-754 because the event was open to the public and a fee was charged. Ordinance No. 11-754 specifies that events held



DEVELOPMENT SERVICES DEPARTMENT  
1020 WEST PALOMINO ROAD  
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CHINO VALLEY, AZ 86323



TOWN HALL (928) 636-2646  
DEVELOPMENT SERVICES (928) 636-4427  
FAX (928) 636-2144

at the facility shall be "private" events. In addition, the complaints stated that the event was advertised on the internet by the Cliff Castle Casino and the Arizona Sundogs, which is further confirmation that the event was open to the public (Exhibit C).

3. January 10, 2012: Dean Echols, the party utilizing the property, scheduled an event with Central Hockey League, combined with the Arizona Sundogs. The event was to use the Windmill House facility to hold the "All-Star Banquet". This event was for hockey team players, owners, and their families and other interested people who were willing to purchase a ticket to support the organizations.
4. January 31, 2012: The Town of Chino Valley's Zoning Administrator (ZA) wrote response letters to the plaintiffs stating, "The ZA has concluded that the event was not a public event. The primary reason is that the event occurred for a private organization. This organization, the Central Hockey League, combined with the Arizona Sundogs, requested to use the Windmill House facility to hold an All-Star Banquet. This event was for hockey team players, owners, and their families and other interested people who were willing to purchase a ticket to support the organizations. Therefore, the Arizona Sundogs All-Star Banquet that occurred at the Windmill House on January 10, 2012, is not in violation of Ordinance 11-754" (Exhibit D).
5. February 15, 2012: The Development Services Department received two letters appealing the decision made by the ZA regarding the All-Star Banquet (Exhibit E).

D. BOARD OF ADJUSTMENTS OPTIONS: Per A.R.S. 9-462-06, G, 3 - Reverse or affirm, wholly or partly, or modify the order, requirement, or decision of the zoning administrator appealed from, and make such order, requirement, decision, or determination as necessary.

**Attachments:**

- Exhibit "A" Location Map
- Exhibit "B" Ordinance No. 11-754
- Exhibit "C" Complaints filed
- Exhibit "D" Zoning Administrators response to complaints
- Exhibit "E" Appeal letters





# Exhibit B

## ORDINANCE NO. 11-754

### **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 FOR AN APPROXIMATELY 28-ACRE PORTION OF ASSESSOR'S PARCEL NUMBER 306-05-030V TO ALLOW THE CONTINUED OPERATION OF THE WINDMILL HOUSE EVENTS FACILITY AND ITS PRESENT USES IN THE "AR-5" AGRICULTURAL RESIDENTIAL 5 ACRE MINIMUM**

WHEREAS, at a public Hearing before the Town Council on November 8, 2011, the Council adopted Ordinance No. 11-752 which caused the zoning for the subject 28-acre portion of APN 306-05-030V to revert from "CL" Commercial Light zoning to "AR-5" Agricultural Residential 5 acre minimum; and

WHEREAS, the property owner, La Vacara Trust/Joe Cordovana, Trustee, has filed an application with the Town of Chino Valley ("Town") requesting a Conditional Use Permit for the real property legally described on Exhibit "A" as attached to this Ordinance; and

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

WHEREAS, a "neighborhood meeting" was held in conformance with the requirement set forth in the Town's Unified Development Ordinance ("UDO"); and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on September 6, 2011, during which testimony was presented by Town staff, the property owner's agent, and members of the general public; and

WHEREAS, subsequent to the Public Hearing and discussion, the Commission elected by a 6-0 vote (Commissioner Sparzynski absent) to forward the application to the Town Council with the recommendation for approval with certain Findings and Conditions; and

WHEREAS, at their regular meeting of November 8, 2011, the Town Council confirmed the recommendation of the Commission by voting to adopt this Ordinance and thereby approve the requested Conditional Use Permit with the Findings and Conditions 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 real property legally described on Exhibit "A" located at 1460 W. Road 4 North with the following Findings and Conditions:

**FINDINGS - Required by Section 1.9.3 of the UDO:**

1. That the Conditional Use Permit for the existing uses 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 existing uses are reasonably compatible with uses permitted in the surrounding area.

**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 a dust mitigation plan shall be established for all special events that demand parking requirements beyond the paved parking areas. Such special events shall not occur without first submitting a dust mitigation plan to the Development Services Department for review and approval prior to the start of said events.
4. That the Conditional Use Permit (CUP) is granted for a period of 15 years. However, in the event of non-compliance with any of the stated conditions in this Ordinance then the Owner of the property and the party then utilizing the property (occupant) shall be subject to sanctions and enforcement under the UDO. In addition, the Zoning Administrator (ZA) shall request a hearing before the Planning Commission in the event there are repeated material violations, a material violation which is not corrected promptly after notice to the Owner, or if the material violation(s) is/are such that they are not able to be promptly cured. In event of referral, the Commission shall hear the matter and may recommend no action be taken or that the CUP be altered, amended or revoked. The Town Council shall thereafter determine whether to take action including whether to alter, amend or revoke the CUP.
5. That the Conditional Use Permit shall limit the subject property to the following land uses:
  - a. Weddings and other private events
    - i. See "Recreational Facilities" definition in the UDO
    - ii. Use of the one existing on-site guest casita/ cottage (no others to be permitted)
  - b. Buffet/open dinners may be served a maximum of two nights per week (in a seven day period)
  - c. Catering services
  - d. Pumpkin festival

- e. Indoor & outdoor sales of nursery stock and a greenhouse for indoor plants
- 6. That events with amplification equipment shall be limited to an indoor use only.
- 7. That there shall be no loud, excessive or unusual noise associated with the uses on the property. Noise shall be considered loud, excessive or unusual if it does not comply with Section 131.02 "Prohibition of Loud or Unusual Noise" in the Town Code.

**ENGINEERING CONDITIONS:**

The dedication of right-of-way consistent with section 4.23 and 4.28 of the UDO shall occur along the full frontage of Road 4 North.

Section 2. Should the use approved herein not be established as proposed within one (1) year, the Conditional Use Permit approval shall become null and void.

Section 3. This Ordinance repeals any prior enactment by the Town, which is inconsistent herewith.

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 the Mayor and Common Council of the Town of Chino Valley, Arizona this 8th day of November, 2011.

\_\_\_\_\_  
Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jami C. Lewis, Town Clerk

\_\_\_\_\_  
Musgrove Drutz & Kack, P.C.  
Town Attorney

Exhibit C

COMPLAINT # \_\_\_\_\_

Date File Closed \_\_\_\_\_

**TOWN OF CHINO VALLEY  
COMPLAINT FORM**

Received By \_\_\_\_\_

Date \_\_\_\_\_

Complaint By

Name

Ronald Maines

Street Address

1530 W. Road 4 N., Chino Valley, AZ 86323

Mailing Address

P.O. Box 3087, Chino Valley, AZ 86323

Telephone

636-0836

Parcel Number

306-05-022

Signature



Complaint Against

Name

Windmill House

Street Address

1460 W. Road 4 N., Chino Valley, AZ 86323

Mailing Address

P.O. Box 3683, Chino Valley, AZ 86323

Telephone

636-1700

Parcel Number

306-05-030V

Complaint Description

The Windmill House is advertising a special event for the Sun Dogs on January 10, 2012. The ad is clearly advertising to the general public. This is in violation of the Windmill House's CUP which limits them to private events.

I request the Town investigate and take appropriate action in accordance with Ordinance 11-754.

Referred To \_\_\_\_\_

Date \_\_\_\_\_

COMPLAINT # \_\_\_\_\_

Date File Closed \_\_\_\_\_

**TOWN OF CHINO VALLEY  
COMPLAINT FORM**

**RECEIVED**  
JAN 09 2012

Received By \_\_\_\_\_

Date  
BY: \_\_\_\_\_

Complaint By

Name	Michael Edmonds
Street Address	1575 West Road 4 North
Mailing Address	Same
Telephone	508.397.0415
Parcel Number	306-13-004P

Signature *Michael Edmonds*

Complaint Against

Name	Windmill House, Dean Echols
Street Address	1460 West Road 4 North
Mailing Address	P.O. Box 3683 Chino Valley, AZ 86323
Telephone	928.636.1700
Parcel Number	306-05-030V

Complaint Description

Property is being used in a manner not allowed by current Conditional Use Permit.

Facility is restricted to use described in the Conditional Use Permit; which states in part "Private Events" which prohibits allowing events open to the general public for a fee.

The Conditional Use Permit runs with the land, therefore one may not circumvent the conditions by renting to an entity that uses the facility in violation of the restrictions of the Conditional Use Permit

Event scheduled for January 10, 2012 is open to general public for a fee and admission for a fee is being advertised on the internet as well as by the Cliff Castle Casino and the Arizona SunDogs.

Please check to verify that all signs advertising the Windmill House and Windmill Corral are properly permitted and permit fees have been paid

Referred To \_\_\_\_\_

Date \_\_\_\_\_



NHL.com

Team Sites

Affiliate Sites



**CHL ALL-STAR GAME & BANQUET**



January 11, 2012  
 Tim's Toyota Center  
 Prescott Valley, AZ  
 6:35 PM



The Arizona Sundogs are the host for the 2012 CHL All-Star Game! For the fourth straight year, the format will consist of the Sundogs taking on a team of CHL All-Stars. Tickets are on sale now and more information is available by contacting the Sundogs at 928.759.6600.

Full Season Ticket Holders receive a complimentary ticket to the game as part of the Sundogs "VIP Experience".

The host team is 3-1 against the All-Stars since the league adopted this format. This will be the Sundog's first time hosting the event.

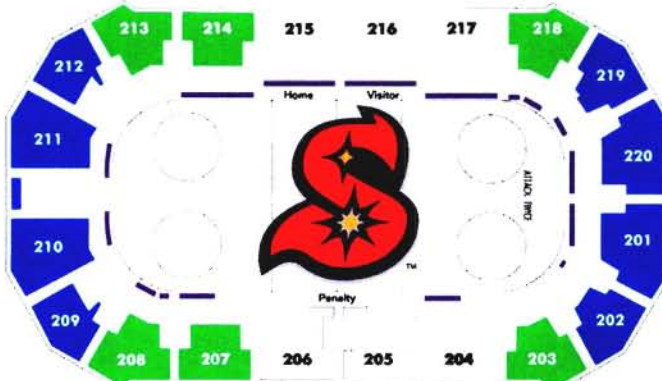
**BANQUET:**

The All-Star Banquet is scheduled for Tuesday, January 10th at The Windmill House. Cocktail reception will begin at 6:00 PM and the event will kick off at 7:00 PM with dinner and entertainment.

Single tickets to the event are \$75 and a table for eight costs \$500.

The Windmill House is located in Chino Valley, AZ at 1460 West Road 4 North. They can be found online at <http://www.windmillhouseaz.com>.

To reserve your tickets and table today, contact the Sundogs at 928.759.6600.



SECTION	ALL-STAR GAME PRICE
GLASS	\$35.00
CLUB	\$30.00
PLATINUM	\$28.00
END	\$19.00





# 2012 CHL

## All-Star Banquet

*The Arizona Sundogs Invite You To  
An Evening of Dinner and Entertainment  
Tuesday January 10th at Windmill House*

*Cocktail Reception begins at 6 PM*

*Dinner Served at 7 PM*

*Single Tickets - \$75*

*Table of Eight - \$500*

*For Tickets and More Information Call  
(928) 759-6600 or Visit [www.ArizonaSundogs.com](http://www.ArizonaSundogs.com)*



**CLIFF CASTLE**  
CASINO-HOTEL  
2011-2012 PRESENTING SPONSOR

*The Arizona Sundogs Invite You To  
An Evening of Dinner and Entertainment  
Tuesday January 10th at Windmill House*

*Cocktail Reception begins at 6 PM  
Dinner Served at 7 PM*

*Single Tickets - \$75  
Table of Eight - \$500*

*For Tickets and More Information Call  
(928) 759-6610 or Visit [www.ArizonaSundogs.com](http://www.ArizonaSundogs.com)*



**You are invited to  
2012 BRIDAL AFFAIRE**  
Sunday, March 4  
10:00 AM - 3:00 PM  
Hassayampa Inn  
122 East Gurley Street, Prescott  
(Corner of Gurley and Marina)  
**Free Admission**

[Main Menu](#)

[Contact us for more info...](#)

corner of 1 West & 4 North

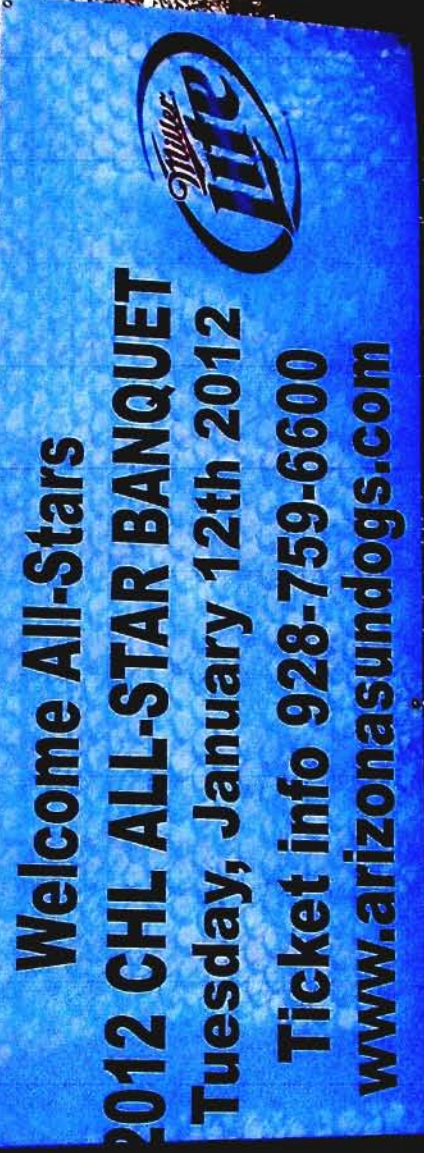
**FRY!**  
Chicken, Pasta  
Dessert  
Friday  
Full Bar

Live  
Music  
Dancing  
Drink  
Specials


**NO  
HITTING**  
Voice DE  
... ..



The Windmill House logo features a stylized windmill with the text 'THE WINDMILL HOUSE' in a banner across it. To the right is the 'ALL-STAR BANQUET' logo, which includes a star and the text 'ALL-STAR BANQUET'.



Welcome All-Stars  
**2012 CHL ALL-STAR BANQUET**  
Tuesday, January 12th 2012  
Ticket info 928-759-6600  
[www.arizonasundogs.com](http://www.arizonasundogs.com)



The Miller logo is a circular emblem with the word 'Miller' in a cursive font inside.

**2012 CHL ALL-STAR GAME**  
**JANUARY 10<sup>TH</sup> - ALL-STAR BANQUET**  
**JANUARY 11<sup>TH</sup>**



VS.



DEVELOPMENT SERVICES DEPARTMENT  
1982 N VOSS DRIVE  
PO BOX 406  
CHINO VALLEY, AZ 86323



TOWN HALL (928) 636-2646  
DEVELOPMENT SERVICES (928) 636-4427  
FAX (928) 636-6937

## **EXHIBIT D**

January 31, 2012

Ronald Maines  
1530 W. Road 4 North  
Chino Valley AZ 86323

Mailing Address:  
P.O. Box 3087  
Chino Valley AZ 86323

RE: The Windmill House Complaint Form

Dear Mr. Maines,

On January 9, 2012, the Town of Chino Valley's Development Services Department received your complaint regarding an event that was to occur on January 10, 2012 at the Windmill House. The complaint stated that the scheduled event, the "All-Star Banquet", is in violation of Ordinance 11-754 because the event was open to the public and a fee was charged. Ordinance 11-754 specifies that events held at the facility shall be "private events". In addition, your complaint stated that the event was advertised on the internet by the Cliff Castle Casino and the Arizona Sundogs, which is further confirmation that the event is open to the public.

After careful review and discussions with the Town's Attorney, the Town of Chino Valley's Development Services Department has concluded that the event was not a public event. The primary reason is that the event occurred for a private organization. This organization, the Central Hockey League, combined with the Arizona Sundogs, requested to use the Windmill House facility to hold an "All-Star Banquet". This event was for hockey team players, owners, and their families and other interested people who were willing to purchase a ticket to support the organizations. Therefore, the Arizona Sundogs All-Star Banquet that occurred at the Windmill House on January 10, 2012, is not in violation of Ordinance 11-754.

Finally, Town staff appreciates your willingness to assure that the activities conducted on the property comply with local Codes and Ordinances and if you need any assistance in the future please call or email.

Thank you,

David Nicolella  
Associate Planner  
Phone: (928) 636-4427  
Fax: (928) 636-6937  
Email: [dnicolella@chinoaz.net](mailto:dnicolella@chinoaz.net)

DEVELOPMENT SERVICES DEPARTMENT  
1982 N VOSS DRIVE  
PO BOX 406  
CHINO VALLEY, AZ 86323



TOWN HALL (928) 636-2646  
DEVELOPMENT SERVICES (928) 636-4427  
FAX (928) 636-6937

January 31, 2012

Michael Edmonds  
1575 W. Road 4 North  
Chino Valley AZ 86323

RE: The Windmill House Complaint Form

Dear Mr. Edmonds,

On January 9, 2012, the Town of Chino Valley's Development Services Department received your complaint regarding an event that was to occur on January 10, 2012 at the Windmill House. The complaint stated that the scheduled event, the "All-Star Banquet", is in violation of Ordinance 11-754 because the event was open to the public and a fee was charged. Ordinance 11-754 specifies that events held at the facility shall be "private events". In addition, your complaint stated that the event was advertised on the internet by the Cliff Castle Casino and the Arizona Sundogs, which is further confirmation that the event is open to the public.

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Finally, Town staff appreciates your willingness to assure that the activities conducted on the property comply with local Codes and Ordinances and if you need any assistance in the future please call or email.

Thank you,

David Nicolella  
Associate Planner  
Phone: (928) 636-4427  
Fax: (928) 636-6937  
email- [dnicolella@chinoaz.net](mailto:dnicolella@chinoaz.net)  
Web site - [www.chinoaz.net](http://www.chinoaz.net)

Exhibit E

February, 15, 2012

RECEIVED  
FEB 15 2012

Chino Valley  
Development Services Department  
1982 N Voss Drive  
Chino Valley, AZ 86323

BY:.....

Attn: David Nicolella  
Associate Planner

Dear Mr. Nicolella,

I wish to appeal your decision on the complaint that I filed against the Windmill House for violation of Ordinance 11-754. I believe the evidence is clear that the Windmill and the Sundogs advertised to the general public thereby stepping outside of the CUP's mandate for weddings and other private events only.

I would like for the Board of Adjustment to convene and review this issue. I have never dealt with the Board of Adjustment and I don't know the required protocol so I'll need your Department's guidance.

Sincerely,



Ronald Maines  
P.O. Box 3087  
Chino Valley, AZ 86323  
928-636-0836  
[ronmar@cableone.net](mailto:ronmar@cableone.net)

Town of Chino Valley  
Development Services  
1982 N. Voss Drive  
Chino Valley, AZ 86323

David Nicolella  
Associate Planner

February 16, 2012

RECEIVED  
FEB 16 2012

BY:.....

Dear Mr. Nicolella:

As a result of your letter of decision dated January 31, 2012 that the Public Event held at the Windmill House on January 10, 2012 was, in your opinion, a private function I am requesting an appeal of that decision to the Board of Adjustment.

The language in the Conditional Use Permit per Ordinance 11-754(attached for reference) expressly states other than the approved use of enumerated activities, only Private Events are allowed.

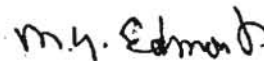
When an event is open to the general public for a fee, advertised on radio, newspapers, internet, sponsored by the Cliff Castle Casino and ticket sales are solicited publically by and through the Arizona Sundogs; this creates a public event for a fee which is in violation of the conditions allowed.

Please advise the proper procedure to have this matter placed before the Board of Adjustment.

My contact information is: Home 928-636-1312, Cell 508.397.0415, Fax 928-636-1344  
Email [medmo@aol.com](mailto:medmo@aol.com)

Thank you for your attention to this matter.

Sincerely,



Michael Y. Edmonds

xc: Mayor Marley  
Town Manager Smith

Hand delivered February 16, 2010

**ORDINANCE NO. 11-754**

**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 FOR AN APPROXIMATELY 28-ACRE PORTION OF ASSESSOR'S PARCEL NUMBER 306-05-030V TO ALLOW THE CONTINUED OPERATION OF THE WINDMILL HOUSE EVENTS FACILITY AND ITS PRESENT USES IN THE "AR-5" AGRICULTURAL RESIDENTIAL 5 ACRE MINIMUM**

WHEREAS, at a public Hearing before the Town Council on November 8, 2011, the Council adopted Ordinance No. 11-752 which caused the zoning for the subject 28-acre portion of APN 306-05-030V to revert from "CL" Commercial Light zoning to "AR-5" Agricultural Residential 5 acre minimum; and

WHEREAS, the property owner, La Vacara Trust/Joe Cordovana, Trustee, has filed an application with the Town of Chino Valley ("Town") requesting a Conditional Use Permit for the real property legally described on Exhibit "A" as attached to this Ordinance; and

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

WHEREAS, a "neighborhood meeting" was held in conformance with the requirement set forth in the Town's Unified Development Ordinance ("UDO"); and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on September 6, 2011, during which testimony was presented by Town staff, the property owner's agent, and members of the general public; and

WHEREAS, subsequent to the Public Hearing and discussion, the Commission elected by a 6-0 vote (Commissioner Sparynski absent) to forward the application to the Town Council with the recommendation for approval with certain Findings and Conditions; and

WHEREAS, at their regular meeting of November 8, 2011, the Town Council confirmed the recommendation of the Commission by voting to adopt this Ordinance and thereby approve the requested Conditional Use Permit with the Findings and Conditions 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 real property legally described on Exhibit "A" located at 1460 W. Road 4 North with the following Findings and Conditions:

**FINDINGS - Required by Section 1.9.3 of the UDO:**

1. That the Conditional Use Permit for the existing uses 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 existing uses are reasonably compatible with uses permitted in the surrounding area.

**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 a dust mitigation plan shall be established for all special events that demand parking requirements beyond the paved parking areas. Such special events shall not occur without first submitting a dust mitigation plan to the Development Services Department for review and approval prior to the start of said events.
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5. That the Conditional Use Permit shall limit the subject property to the following land uses:
  - a. Weddings and other private events
    - i. See "Recreational Facilities" definition in the UDO
    - ii. Use of the one existing on-site guest casita/ cottage (no others to be permitted)
  - b. Buffet/open dinners may be served a maximum of two nights per week (in a seven day period)
  - c. Catering services
  - d. Pumpkin festival

- e. Indoor & outdoor sales of nursery stock and a greenhouse for indoor plants
- 6. That events with amplification equipment shall be limited to an indoor use only.
- 7. That there shall be no loud, excessive or unusual noise associated with the uses on the property. Noise shall be considered loud, excessive or unusual if it does not comply with Section 131.02 "Prohibition of Loud or Unusual Noise" in the Town Code.

**ENGINEERING CONDITIONS:**

The dedication of right-of-way consistent with section 4.23 and 4.28 of the UDO shall occur along the full frontage of Road 4 North.

Section 2. Should the use approved herein not be established as proposed within one (1) year, the Conditional Use Permit approval shall become null and void.

Section 3. This Ordinance repeals any prior enactment by the Town, which is inconsistent herewith.

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 the Mayor and Common Council of the Town of Chino Valley, Arizona this 8th day of November, 2011.

\_\_\_\_\_  
Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jami C. Lewis, Town Clerk

\_\_\_\_\_  
Musgrove Drutz & Kack, P.C.  
Town Attorney