



ORDINANCE 2009-A371

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 PARCELS 403-20-169, 403-20-170 & 403-20-171 CONSISTING OF APPROXIMATELY 2.61 ACRES FROM R1-35 TO A ZONING OF PLANNED UNIT DEVELOPMENT. LOCATION OF PROPERTY IS 2119, 2093 & 2075 MONDALE LANE.

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 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 2009-02** was filed by Mr. Marc W. DuBroy, representative for The Willows, LLC, owners for the purpose of rezoning the parcels 403-20-169, 403-20-170 & 403-20-171 **FROM R1-35 to Planned Unit Development (PUD)**. The legal description is attached as **exhibit A and the Map as Exhibit B**.
- B. The Zoning Map Change was reviewed and approved by the Planning Commission on **August 27, 2009** in public hearing that was advertised and posted according to state Law.
- C. A neighborhood Meeting was held by the applicant on July 14, 2009 as required by ARS 9-462.03B.
- D. The Waiver of Diminution of Value Claim has been signed by the owner and is attached as **Exhibit C**.
- E. Owner is to provide a six-foot high opaque fence surrounding the Recreational Vehicle storage area: the 20' buffer zone that contains existing natural vegetation, and new landscaping to fill sparse areas to equal the density of the existing vegetation as it is on Mondale Lane, as of September 23, 2009; the photo dated 6-26-09 provided by the applicant depicting said existing vegetation and is attached as Exhibit D.

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

Zoning Map Change 2009-02 is approved, based upon the following findings:

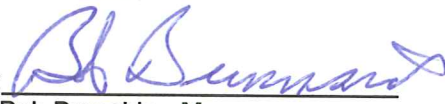
- A. The property is classified on the Town's General Plan Land Use Map as residential and is consistent with State Planning Law and the requirements of the Camp Verde Zoning Ordinance.
- B. The Zoning Change will promote the public health, safety, and welfare of the general public.

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.

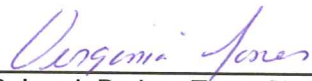
Section 3. This ordinance is effective upon completion of publication and any posting as required by law.

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 September 2009.**

Approved: 
Bob Burnside - Mayor

Date: 10-1-09

Attest: 
~~Deborah Barber, Town Clerk~~
Virginia Jones - Deputy Clerk

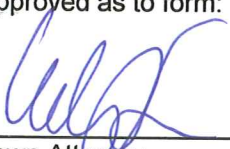
Approved as to form:

Town Attorney

EXHIBIT A
LEGAL DESCRIPTION FOR PROPERTIES BEING REZONED

The following is a description of a parcel of land located within the Southwest Quarter of Section 13, Township 14 North Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the Southwest corner of Section 13, being marked with a BLM brass cap stamped "1973" found in a hand-hole;

Thence North $01^{\circ}52'30''$ East a distance of 690.80 feet;

Thence South $89^{\circ}43'10''$ East a distance of 27.35 feet to a 1/2 inch rebar with aluminum tag stamped "LS 32224" on the East Right of Way of Mondale Lane and the POINT OF BEGINNING;

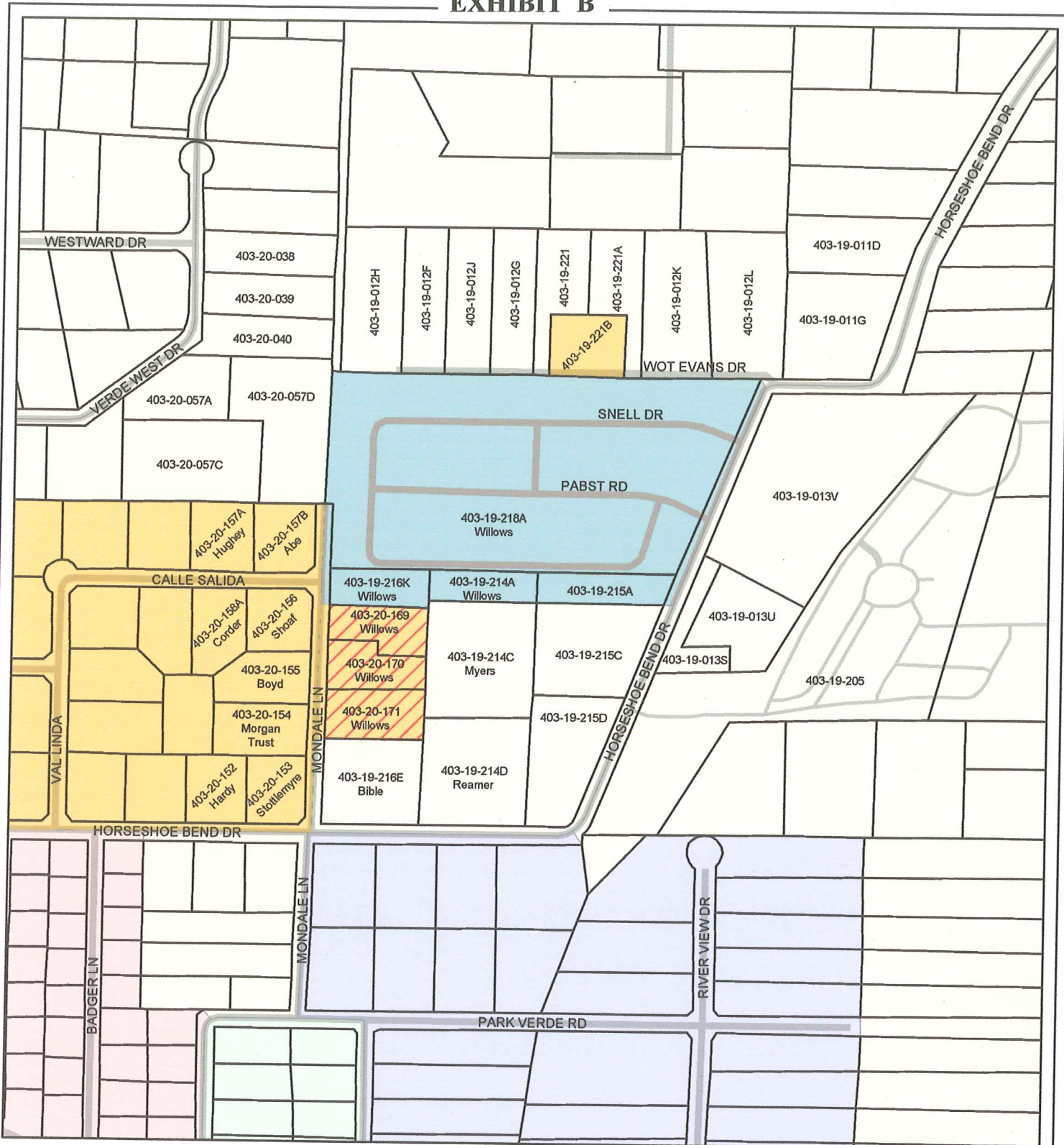
Thence South $89^{\circ}43'10''$ East a distance of 290.01 feet to a 1/2 inch rebar with plastic cap stamped "LS 16116";

Thence South $01^{\circ}52'44''$ West a distance of 389.99 feet to a 5/8 inch rebar with plastic cap stamped "LS 26925";

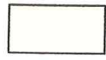





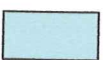
Thence North $89^{\circ}54'25''$ West a distance of 290.39 feet to a 5/8 inch rebar with plastic cap stamped "LS 26925" on the East Right of Way of Mondale Lane;

Thence North $01^{\circ}55'47''$ East along the East Right of Way of Mondale Lane a distance of 390.95 feet to the POINT OF BEGINNING.

EXHIBIT B



LEGEND

 RCU-2A	 R1-35	 SUBJECT PARCELS, CHANGE TO PUD
 R1-10	 R1L-10	
 R1-18	 PUD	

NOTES:

- PARCEL BOUNDARIES ARE APPROXIMATED FROM THE YAVAPAI COUNTY TAX PARCEL DATABASE.

NOT TO SCALE

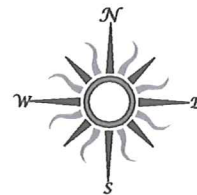


EXHIBIT C

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 2009-02 for parcels 403-20-169, 403-20-170 & 403-20-171. 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 14 day of Sept, 2009

OWNER:

Charles Keith
Print Name
Signature

STATE OF ARIZONA)
) ss.
County of Maricopa

On this 14 day of Sept, 2009, before me, the undersigned Notary Public, personally appeared Charles Keith, who acknowledged that this document was executed for the purposes therein contained.

[Signature]
Notary Public

My Commission Expires: 10/28/12

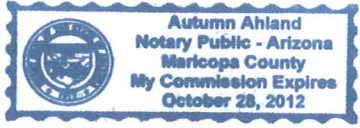


Exhibit D



06/26/2009

EXHIBIT D
ORDINANCE 2009-A371

Exhibit 'D' is available for viewing in the Clerk's Office.
A photo dated 6-26-09 provided by the applicant depicting said existing vegetation.