ORDINANCE NUMBER 586

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE ZONING MAP OF THE CITY OF COTTONWOOD, ARIZONA, FOR A PARCEL OF LAND TOTALING APPROXIMATELY 1.2 ACRES LOCATED ALONG THE SOUTH SIDE OF SR 89A, APPROXIMATELY 200 FEET WEST OF ITS INTERSECTION WITH SOUTH 12TH STREET , APN 406-05-036Q AND 406-05-036R, SO AS TO CHANGE CERTAIN DISTRICT BOUNDARIES AND CLASSIFICATIONS THEREOF FROM THE PRESENT ZONING OF C-1 (LIGHT COMMERCIAL) AND AR-43 (AGRICULTURAL/ RESIDENTIAL) TO C-2 (HEAVY COMMERCIAL).

WHEREAS, the Planning & Zoning Commission held a public hearing on April 16, 2012, concerning the rezoning of property owned by DHB Real Estate LLC, and has recommended approval of this request; and

WHEREAS, the requirements of A.R.S. § 9-462.04 have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That the following described parcels of land (APN 406-05-036Q and 406-05-036R) lying within the City of Cottonwood, Yavapai County, Arizona, shall be and are hereby reclassified from C-1 (Light Commercial) and AR-43 (Agricultural/Residential) to C-2 (Heavy Commercial), subject to the applicant's compliance with the conditions and stipulations set forth below under Section 2.

Legal Description

PARCEL 1: APN 406-05-036Q

THE EAST HALF OF THE WEST HALF AND THE WEST HALF OF THE EAST HALF OF LOT 2, BLOCK "E", VERDE PALISADES SUBDIVISION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF YAVAPAI COUNTY, ARIZONA, RECORDED IN BOOK 6 OF MAPS, PAGE 16.

EXCEPT THE NORTH 25. 00 FEET THEREOF.

EXCEPT THE EAST 50.00 FEET OF THE NORTH 195.00 FEET THEREOF.
EXCEPT THE WEST 127.71 FEET THEREOF.

EXCEPT THE SOUTH 35.00 FEET THEREOF.

EXCEPTING THEREFROM ALL OIL AND MINERALS OF EVERY KIND AS RESERVED BY THE CLEMENCEAU MINING CORPORATION RECORDED IN BOOK 187 OF DEEDS, PAGE 331.

PARCEL 2: APN 406-05-036R

THE SOUTH 35.00 FEET OF THE EAST HALF OF THE WEST HALF OF LOT 2, BLOCK "E", VERDE PALISADES SUBDIVISION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF YAVAPAI COUNTY, ARIZONA, RECORDED IN BOOK 6 OF MAPS, PAGE 16 AND

THE SOUTH 35.00 FEET OF THE WEST HALF OF THE EAST HALF OF LOT 2, BLOCK "E", VERDE PALISADES SUBDIVISION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF YAVAPAI COUNTY, ARIZONA, RECORDED IN BOOK 6 OF MAPS, PAGE 16.

EXCEPTING THERE FROM ALL OIL AND MINERALS OF EVERY KIND AS RESERVED BY THE CLEMENCEAU MINING CORPORATION RECORDED IN BOOK 187 OF DEEDS, PAGE 331.

Section 2: That the Planning and Zoning Commission and City Council have determined the following items necessary as conditions of the zoning approval to protect the public health, safety and general welfare:

1. That the site be developed in conformance with the letter of intent and site proposal dated 3-19-12.

2. That the applicant submit a proposal for traffic calming adjacent to the front entry that is approved by the Community Development Director.

3. That the front and side windows be tinted to prevent street side glare.

4. Any other stipulations that the Council deems necessary, as reflected in the official minutes of the meeting at which this Ordinance was adopted.

Section 3: The zoning map shall be amended to reflect this zone change only upon compliance with all zoning conditions set forth herein.

Section 4: That at least three (3) copies of the zoning map of the City of Cottonwood, Arizona, as hereby amended be kept in the office of the City Clerk for public use and inspection.

Section 5: Severability: That if any section, subsection, sentence, clause, phrase or portion of this ordinance adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, THIS 15TH DAY OF MAY 2012.

Diane Joens, Mayor

ATTEST:

Marianne Jiménez, City Clerk

APPROVED AS TO FORM:

Steve Horton, Esq.
City Attorney

Publish: Verde Independent: May 20 & 27, 2012.