

ORDINANCE NUMBER 614

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 PARCELS OF LAND TOTALING APPROXIMATELY 5.78 ACRES, LOCATED AT 840 SOUTH MAIN STREET (APN 406-04-040,) 842 SOUTH MAIN STREET (APN 406-06-029M,) AND APN 406-06-364G, SO AS TO CHANGE CERTAIN DISTRICT BOUNDARIES AND CLASSIFICATIONS THEREOF FROM THE PRESENT ZONING OF R-3 (MULTIPLE FAMILY RESIDENTIAL,) R-2 (SINGLE FAMILY/MULTIPLE FAMILY RESIDENTIAL,) R-1 (SINGLE FAMILY RESIDENTIAL,) AND C-1 (LIGHT COMMERCIAL,) TO PAD (PLANNED AREA DEVELOPMENT.)

WHEREAS, the Planning & Zoning Commission held a public hearing on May 18, 2015, concerning the rezoning of property owned by Skyline Drive Apartments LLC & Seabourn 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 406-04-040, 406-06-029M, and 406-06-364G, lying within the City of Cottonwood, Yavapai County, Arizona, shall be and are hereby reclassified from R-3 (Multiple Family Residential,) R-2 (Single Family/Multiple Family Residential,) R-1 (Single Family Residential,) and C-1 (Light Commercial,) to PAD (Planned Area Development,) subject to the applicant's compliance with the conditions and stipulations set forth below under Section 2.

Legal Descriptions

APN 406-04-040

PARCEL I:

A parcel of land located in the Northwest quarter of the Southwest quarter of Section 2, Township 15 North, Range 3 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

Ordinance Number 614

Page 2

COMMENCING at the West one quarter of said Section 2; thence South 00 degrees, 02 minutes, 02 seconds West (South 00 degrees, 02 minutes East, record) along the West line of said Northwest quarter, Southwest quarter, a distance of 39.40 feet to the TRUE POINT OF BEGINNING; thence South 89 degrees, 36 minutes, 49 seconds East (South 89 degrees, 30 minutes East, record) a distance of 239.53 feet (240.0 feet, record); thence South 00 degrees, 02 minutes West (South 00 degrees, 02 minutes East, record) a distance of 375.90 feet; thence North 72 degrees, 26 minutes West, a distance of 251.20 feet to a point on the West line of said Northwest quarter, Southwest quarter; thence North 00 degrees, 02 minutes, 02 seconds East, a distance of 301.70 feet to the TRUE POINT OF BEGINNING.

APN 406-06-029M

PARCEL II:

A portion of the East half of Section 3, Township 15 North, Range 3 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the East quarter corner of said Section 3; thence South 00 degrees, 02 minutes, 02 seconds, West, along the East line of said Section 3, a distance of 39.40 feet to the TRUE POINT OF BEGINNING;

Thence continuing South 00 degrees, 02 minutes, 02 seconds, West, a distance of 378.56 feet; thence North 89 degrees, 42 minutes, 54 seconds, West, a distance of 291.82 feet; thence North 00 degrees, 46 minutes, 08 seconds, West, a distance of 378.84 feet; thence South 89 degrees, 40 minutes, 22 seconds, East, a distance of 297.13 feet to the TRUE POINT OF BEGINNING.

APN 406-06-364G

PARCEL III:

A parcel of land located in the East Half of Section 3, Township 15 North, Range 3 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, being more particularly described as follows:

COMMENCING at the East Quarter corner of said Section 3; thence South 00 degrees, 02 minutes, 02 seconds West, a distance of 417.96 feet; thence North 89 degrees, 42 minutes, 54 seconds West, a distance of 291.82 feet to the POINT OF BEGINNING; thence continuing North 89 degrees, 42 minutes, 54 seconds West, a distance of 60.12

feet to a point on a non-tangent curve; thence Northwesterly along said curve concave to the Southwest having a radius of 300.00 feet, an arc length of 160.33 feet, a central angle of 30 degrees, 37 minutes, 14 seconds and a radial bearing of North 89 degrees, 31 minutes, 43 seconds West; thence North 31 degrees, 56 minutes, 00 seconds West, a distance of 203.83 feet to a point of curvature; thence Northwesterly along a curve concave to the Southwest having a radius of 350.00 feet, an arc length of 101.51 feet and a central angle of 16 degrees, 37 minutes, 00 seconds; thence North 00 degrees, 46 minutes, 08 seconds West a distance of 14.49 feet; thence South 89 degrees, 40 minutes, 22 seconds East a distance of 266.48 feet; thence South 00 degrees, 46 minutes, 08 seconds East a distance of 418.25 feet to the POINT OF BEGINNING.

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:

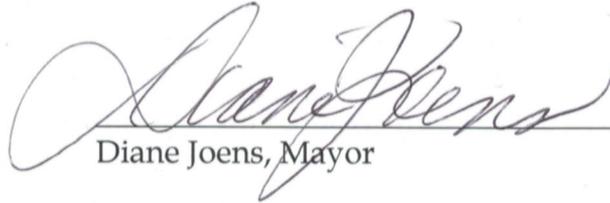
1. All future site plans/maps, construction plans, and design review come back to the Planning & Zoning Commission for approval.
2. That the project be developed and maintained in accordance with the Master Development Plan dated September 2013, with site modifications submitted May 2015 and as may be further modified by the Commission and/or Council.
3. That construction permits to begin developing the site are applied for no later than two years from the effective date of this ordinance. If at the expiration of this period the owner has not applied for construction permits for the use for which it has been approved, it shall revert to its former zoning classification without legislative action.

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 SEPTEMBER 2015.



Diane Joens, Mayor

APPROVED AS TO FORM:



Steve Horton, Esq.
City Attorney

ATTEST:



Marianne Jiménez, City Clerk

Publish: Verde Independent; September 18 & 20, 2015.