

ORDINANCE NUMBER 734

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, APN 406-36-007Q, SO AS TO CHANGE CERTAIN DISTRICT BOUNDARIES AND CLASSIFICATIONS THEREOF FROM THE PRESENT ZONING DESIGNATION OF AR-20 (AGRICULTURAL RESIDENTIAL), TO PAD (PLANNED AREA DEVELOPMENT).

WHEREAS, at a public meeting held on March 27, 2023, the Planning & Zoning Commission unanimously voted in support of a proposal to rezone a parcel of land located at 1875 Mabery Ranch Road (APN 406-36-007Q), from AR-20 to PAD; 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 parcel of land, APN, 406-36-007Q lying within the City of Cottonwood, Yavapai County, Arizona, shall be and is hereby reclassified from: AR-20 (Agricultural Residential), to PAD (Planned Area Development).

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF YAVAPAI, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

A parcel of land located in the West half of the Northwest one quarter of Section 27, Township 16 North of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, being more particularly described as follows:

COMMENCING for reference at the Northwest corner of said Section 27 from which the Southwest corner of said Section bears South 00°43'28" West;

Thence South 00°43'28" West (00°12' of record) along the West line of the said Northwest one quarter, a distance of 1336.41 feet to the Southwest corner of the

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Northwest one quarter of the said Northwest one quarter and the TRUE POINT OF BEGINNING;

Thence North $00^{\circ}43'28''$ ($00^{\circ}12'$ of record) East along said West line, a distance of 6.36 feet to a point, said point being the Southwest corner of parcel described in Book 1925 of Official Records, page 608;

Thence South $80^{\circ}55'10''$ East, a distance of 140.22 feet to a point; thence South $63^{\circ}58'14''$ East, a distance of 122.32 to a point; thence North $83^{\circ}22'43''$ East, a distance of 108.53 feet to a point; thence North $76^{\circ}19'47''$ East, a distance of 199.13 feet to a point;

Thence North $55^{\circ}38'50''$ East, a distance of 26.30 feet to a point; thence North $23^{\circ}43'51''$ West, a distance of 17.09 feet to a point; thence North $79^{\circ}27'06''$ East, a distance of 127.00 feet to a point;

Thence North $70^{\circ}20'18''$ East, a distance of 44.00 feet to a point; thence North $66^{\circ}30'48''$ East, a distance of 19.17 feet to a point; thence South $00^{\circ}04'00''$ West, a distance of 566.91 feet to a point;

Thence South $86^{\circ}31'37''$ West, a distance of 756.10 feet to a point on the aforesaid West line of the Northwest one quarter of Section 27;

Thence North $00^{\circ}43'28''$ East, along said West line, a distance of 546.45 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH an easement for irrigation purposes being 12.00 feet in width and lying 6.00 feet left of and 6.00 feet right of and parallel to the following described centerline located in the West one half of the Northwest one quarter of Section 27, Township 16 North, Range 3 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, being more particularly described as follows:

COMMENCING for reference at the Northwest corner of said Section 27 from which the Southwest corner of said Section bears South $00^{\circ}43'28''$ West;

Thence South $00^{\circ}43'28''$ West, along the West line of the said Northwest one quarter, a distance of 1882.86 feet to a point; thence North $86^{\circ}31'37''$ East, a distance of 756.10 feet to a point;

Thence North $00^{\circ}04'00''$ East, a distance of 541.00 feet to the TRUE POINT OF

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BEGINNING of this easement with the sidelines of this easement extending to the West line of the afore described parcel;

Thence North 71°30'25" East, a distance of 13.28 feet to a point; thence North 69°00'31" East, a distance of 20.56 feet to a point;

Thence North 60°13'30" East, a distance of 24.11 feet to a point; thence North 52°13'17" East, a distance of 25.36 feet to a point; thence North 44°34'29" East, a distance of 217.91 feet to a point;

Thence North 48°28'42" East, a distance of 27.41 feet to a point; thence North 55°00'02" East, a distance of 26.63 feet to a point; thence North 66°32'39" East, a distance of 25.50 feet to a point;

Thence North 72°09'39" East, a distance of 82.38 feet to a point; thence North 68°38'14" East, a distance of 34.32 feet to a point; thence North 66°01'02" East, a distance of 25.33 feet to a point;

Thence North 65°11'00" East, a distance of 63.90 feet to the POINT OF TERMINATION of this easement.

ALSO TOGETHER WITH an easement for ingress and egress purposes being 30.00 feet in width and lying 15.00 feet left of and 15.00 feet right of and parallel to the following described centerline located in the West one half of the Northwest one quarter of Section 27, Township 16 North, Range 3 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona being more particularly described as follows:

COMMENCING for reference at the Northwest corner of said Section 27 from which the Southwest corner of said Section bears South 00°43'28" West;

Thence South 00°43'28" West along line of the said Northwest one quarter, a distance of 1882.86 feet to a point; thence North 86°31'37" East, a distance of 756.10 feet to a point; thence North 00°04'00" East, a distance of 10.01 feet to the TRUE POINT OF BEGINNING of this easement with the sidelines of this easement extending to the West line of the afore described parcel;

Thence North 86°34'11" East, a distance of 224.23 feet to a point;

Thence South 88°03'15" East, a distance of 199.16 feet to the point of curvature of a curve

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concave to the Northwest having a radius of 66.90 feet;

Thence Northeasterly along the arc of said curve, a distance of 108.59 feet through a central angle of 93°00'11" to the point of tangency of said curve;

Thence North 01°03'26" West, a distance of 381.23 feet to the point of curvature of a curve concave to the Southeast having a radius of 56.83 feet;

Thence Northeasterly along the arc of said curve, a distance of 87.41 feet through a central angle of 88°07'21" to the point of tangency of said curve;

Thence North 87°03'55" East, a distance of 48.11 feet to a point on the East line of the Northwest one quarter of the aforesaid Northwest one quarter of Section 27 and the POINT OF TERMINATION of this easement with the sidelines of this easement extending to the said East line of the Northwest one quarter of the Northwest one quarter.

ALSO TOGETHER WITH AN EASEMENT for ingress, egress and public utilities being 50 feet wide, lying 25.00 feet each side of the following described centerline:

COMMENCING at the Southwest corner of that certain parcel of land described in Book 2769 of Official Records, page 14-16, Yavapai County, Arizona, monumented by a found ½ inch diameter rebar with plastic cap stamped "LS 5357" from which the Northwest corner of said Section 27 lies North 00° 43' 28" East, a measured distance of 1882.83 feet, recorded as North 00° 43' 28" East a distance of 1882.86 in Book 2769 of Official Records, page 14-16, Yavapai County, Arizona and used as the basis of bearings, monumented by a found 1940 G.L.O. brass cap;

Thence North 86° 19' 47" East, along the Southerly boundary of that said certain parcel a measured distance of 756.53 feet, recorded as North 86° 21' 40" East, a distance of 756.51 feet in Book 2855 of Official Records, page 332-340, Yavapai County, Arizona to the Southeast corner of that said certain parcel;

Thence North 00° 01' 20" West, along the Easterly boundary of that said certain parcel a measured distance of 25.00 feet to the TRUE POINT OF BEGINNING of this centerline for the easement described herein;

Thence South 89° 55' 24" East, a measured distance of 389.84 feet to a point;

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Thence along a tangent curve to the right having a chord bearing of South $53^{\circ} 56' 53''$ East, a chord distance of 264.35 feet and a radius of 225.00 feet through a central angle of $71^{\circ} 57' 02''$ for a distance of 282.55 feet to a point;

Thence South $17^{\circ} 58' 22''$ East, a measured distance of 346.48 feet to a point;

Thence along a tangent curve to the right having a chord bearing of South $11^{\circ} 42' 35''$ East, a chord distance of 109.09 feet and a radius of 500.00 feet through a central angle of $12^{\circ} 57' 02''$ for a distance of 109.31 feet to a point;

Thence South $05^{\circ} 26' 49''$ East, a measured distance of 127.45 feet to a point;

Thence along a tangent curve to the right having a chord bearing of South $00^{\circ} 06' 20''$ East, a chord distance of 116.36 feet and a radius of 625.00 feet through a central angle of $10^{\circ} 40' 58''$ for a distance of 116.53 feet to a point;

Thence South $05^{\circ} 14' 09''$ West, a measured distance of 160.69 feet to a point;

Thence along a tangent curve to the left having a chord bearing of South $02^{\circ} 46' 27''$ West, a chord distance of 35.65 feet and a radius of 415.0 feet through a central angle of $04^{\circ} 55' 25''$ for a distance of 35.66 feet to a point;

Thence South $00^{\circ} 18' 44''$ West, a measured distance of 127.04 feet to a point;

Thence along a tangent curve to the left having a chord bearing of South $02^{\circ} 09' 54''$ East, a chord distance of 64.83 feet and a radius of 750.00 feet through a central angle of $04^{\circ} 57' 16''$ for a distance of 64.85 feet to a point;

Thence South $04^{\circ} 38' 32''$ East, a measured distance of 130.13 feet to a point;

Thence along a tangent curve to the right having a chord bearing of South $02^{\circ} 06' 55''$ East, a chord distance of 64.37 feet and a radius of 730.00 through a central angle of $05^{\circ} 03' 13''$ for a distance of 64.39 feet to a point;

Thence South $00^{\circ} 24' 42''$ West, a measured distance of 418.22 feet to a point;

Thence along a tangent curve to the left having a chord bearing of South $01^{\circ} 28' 40''$ East, a chord distance of 100.89 feet and a radius of 1530.00 feet through a central angle of $03^{\circ} 46' 44''$ for a distance of 100.91 feet to a point;

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Thence South 03° 22' 02" East, a measured distance of 659.44 feet to a point;

Thence along a tangent curve to the left having a chord bearing of South 11° 52' 56"

East, a chord distance of 109.57 feet a radius of 370.00 feet through a central angle of 17° 01' 49" for a distance of 109.98 feet to a point on the Northerly termination of Tenth Street in the City of Cottonwood as described in Book 2536 of Official Records, page 673, Yavapai County, Arizona, being the termination of the centerline of the subject easement described herein.

The sidelines of this described ingress, egress and public utilities easement are to be lengthened to shortened as required to intersect the Easterly line of that certain parcel at the point of initiation and that said Tenth Street right of way at the termination point of the herein described easement.

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. The development shall be consistent with the Master Development Plan reviewed by the Planning and Zoning Commission, dated March 27, 2023.
2. The development shall be consistent with Code Review comments dated May 3, 2022, September 30, 2022, December 2, 2022, and December 13, 2022, where applicable and not superseded by the Master Development Plan.
3. Building permit applications for at least the first phase of the project shall be submitted to the City no later than 24 months from the date of Zone Change ordinance adoption. If this stipulation is not met, the City may act to revert the site to its previous AR-20 zoning or extend the time by which building permit applications must be submitted.
4. If designs differ significantly from those shown in the Master Development Plan, additional Design Review approval by the Planning and Zoning Commission shall be required.
5. The parking lot shall be surfaced during Phase One of the project, per the surfacing standards set in Section 406.C.2.d of the Zoning Ordinance.
6. The applicant shall provide a parking agreement/lease, with State Parks, to staff prior to the issuance of building permits.

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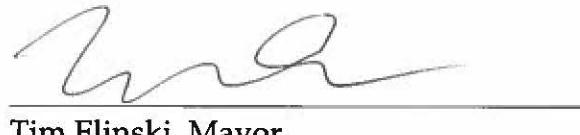
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7. Any amplified sound outdoors shall cease at 10:00 P.M. and any amplified sound inside the event buildings shall cease at midnight.
8. The applicant shall provide evidence of water soil testing to City Staff.
9. This project shall conform with the City of Cottonwood Dark Sky Ordinance.

Section 3: 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 4: 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 2ND DAY OF MAY 2023.



Tim Elinski, Mayor

APPROVED AS TO FORM:

Christina Estes - Werther
Christina Estes-Werther, Esq.
Pierce Coleman, PLLC

ATTEST:

Tami S. Mayes
Tami S. Mayes, Acting City Clerk

