

RESOLUTION NO. 1826

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, APPROVING AND ADOPTING A FINAL DEVELOPMENT PLAN (FDP 13-002) FOR AN APPROXIMATELY TWO (2) ACRE SITE SOUTH OF SIXTH STREET AND NORTH OF FAIN PARK HAVING A ZONING CLASSIFICATION OF RS-PAD (RESIDENTIAL AND SERVICES - PLANNED AREA DEVELOPMENT) TO CONSTRUCT AN APPROXIMATELY THREE THOUSAND (3,000) SQUARE FOOT BUILDING FOR PURPOSES OF HOUSING THE VETERANS OF FOREIGN WARS MINGUS MOUNTAIN POST 10277; PROVIDING FINDINGS OF FACT IN SUPPORT OF SUCH APPROVAL PER TOWN CODE SUBSECTION 13-19-060(K); PROVIDING CONDITIONS FOR APPROVAL PER SUBSECTION 13-19-060(L); AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Town of Prescott Valley annexed by Ordinance No. 740 (January 14, 2010) a total of two (2) acres of real property located in §22, T14N, R1W, G&SRM; and

WHEREAS, the Prescott Valley zoning classifications assigned at annexation were RCU-70 (being the most similar to the existing Yavapai County zoning for the subject property of RCU-2A); and

WHEREAS, in October of 2009, the Veterans of Foreign Wars (Mingus Mountain Post 10227) submitted a request for a Zoning Map Change from RCU-70 (Residential; Conditional Use) to RS-PAD (Residential and Services; Planned Area Development) on the area (located on 5th Street approximately four hundred (400) feet south of 6th Street, immediately north of Fain Park) with the intent to construct a new VFW Lodge; and

WHEREAS, upon the affirmative recommendation of the Planning and Zoning Commission and subsequent approval of the Ordinance 742 on March 11, 2010 by the Town Council, the subject property was rezoned to RS-PAD; and

WHEREAS, on January 10, 2013, a Final Development Plan (FDP 13-002) was submitted for the area to construct a three thousand (3,000) square foot building to house the Veterans of Foreign Wars Mingus Mountain Post 10227; and

WHEREAS, the Town Council finds that FDP 13-002 for the VFW Lodge meets or will meet the requirements for commercial Planned Area Developments (PAD's) under the Town Code [particularly the requirements under Town Code §§13—19-060(K) (L) and (M), 14-020-050(F), and 14-04-080] upon compliance with certain conditions set forth herein;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, as follows:

1. That that certain Final Development Plan (Final Plat) for the proposed Veterans of Foreign Wars Mingus Mountain Post 10227 Lodge submitted on January 10, 2013 by Fred

Nelson, Commander of the Post, (said FDP 13-002 being attached hereto and made a part hereof) is hereby approved and adopted as conditioned hereinafter.

2. That said approval is based upon the following findings and conclusion of the Town Council:

- (A) This commercial development is consistent with the purpose and intent of the adopted General Plan and Zoning Code of the Town in promoting the health, safety, morals and general welfare of the public;
- (B) This commercial development appears to be designed to produce an environment of stable and desirable character and the property adjacent to this proposed development will not be adversely affected thereby, particularly with regard to property values;
- (C) Every structure does have adequate access to public streets; and
- (D) The average density, excluding open areas occupied by streets, is the density required by the underlying zoning district regulations otherwise applicable to the site.

3. That, pursuant to Town Code §§13-19-060(L), this approval is conditioned upon the following:

- (A) All plans shall be in substantial compliance with applicable provisions of the Town Code.

4. That the Town Clerk is hereby directed to (a) transcribe a certificate of approval upon this Final Development Plan (Final Plat) pursuant to Town Code §14-02-050(F) (2), (b) ensure that all other required certifications are on said Plan (Plat), and (c) file the same as an official Plan of the Town in the offices of the Town Clerk and Community Development Director [See Town Code §13-19-060(O)].

5. That the Mayor (or in his absence the Vice-Mayor) is hereby authorized to sign any and all agreements and other documents necessary to ensure that the developers provide all needed financial and other assurances as to construction of required improvements.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 28th day of February, 2013.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney

Exhibit "A" Legal Description

A portion of land located in a portion of Section 22, Township 14 North, Range 1 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, being more particularly described as follows:

COMMENCING at a one half inch iron bar with a 2 inch aluminum cap monumenting the Northeast corner of Fain Heritage Park Site as recorded in Book 33 of Maps and Plats, Page 1, records of Yavapai County;

Thence South 69° 03' 28" West (of record South 68° 47' 15" West), 110.94 feet;

Thence South 69° 03' 28" West (of record South 68° 47' 15" West), 452.45 feet;

Thence South 77° 05' 10" West (of record South 76° 50' 45" West), 341.15 feet;

Thence South 12° 54' 50" East (of record South 13° 09' 15" East), 100.00 feet;

Thence South 63° 47' 42" West (of record South 63° 33' 17" West), 323.72 feet;

Thence South 87° 11' 49" West (of record South 86° 13' 40" West), 123.30 feet, also being the **POINT OF BEGINNING**;

Thence South 11° 33' 04" East, 125.00 feet;

Thence South 61° 58' 39" West, 205.28 feet;

Thence South 87° 12' 12" West, 159.81 feet;

Thence North 43° 10' 03" West, 356.23 feet;

Thence South 76° 18' 10" East, 212.56 feet;

Thence North 87° 12' 17" East, 20.42 feet;

Thence North 87° 13' 40" East, 115.28 feet;

Thence North 87° 11' 49" East, 217.71 feet, to the **POINT OF BEGINNING**.

Area contains 87,147 Square feet or 2.00 acres, more or less.