

RESOLUTION NO. 1829

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 (FDP13-001) FOR PHASED DEVELOPMENT OF TWO (2) ACRES LOCATED WITHIN THE ANTELOPE MEADOWS COMMERCIAL CENTER AND HAVING A ZONING CLASSIFICATION OF M1-PAD (INDUSTRIAL; GENERAL LIMITED - PLANNED AREA DEVELOPMENT), AND PROVIDING FINDINGS OF FACT IN SUPPORT OF SUCH APPROVAL PER TOWN CODE SUBSECTION 13-19-060(K); PROVIDING CONDITIONS FOR SUCH 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 subject property comprises two (2) acres of real property located in Section 2, 13N R1E, G&SRB&M; and was a portion of a larger annexation to the Town of Prescott Valley made effective upon adoption of Ordinance 585 on April 29, 2004; and

WHEREAS, said property had a zoning classification of M1-PAD (Industrial; General Limited Planned Area Development) upon annexation to the Town, and;

WHEREAS, the Town entered into a Development Agreement through Resolution No. 1245 dated January 22, 2004 with the owner of said property for development of the "Antelope Meadows Commercial Center" including (among other things) extension of water and wastewater facilities to the property ; and

WHEREAS, on May 13, 2004, the Town Council adopted Resolution No.1272 approving a Final Development Plan (Plat) for "Antelope Meadows Commercial Center" (FDP04-005), comprising approximately sixty (60) acres, and delineating the roadways for the project along with necessary public utility easements on the property; and

WHEREAS, in October of 2011, a Final Development Plan was submitted by Larry Lemelson for the phased development of the Back Street Market and Bazaar outdoor market venue on two adjoining one (1) acre parcels (Lots 11 & 12) located on Bennett Drive in the Antelope Meadows Commercial Center; and

WHEREAS, upon adoption of Resolution 1772, the Town Council approved Final Development Plan FDP11-004; since approval, all improvements were completed as stipulated in the Final Development Plan; and

WHEREAS, in January of 2013, a Final Development Plan was submitted by Larry Lemelson of Asset Acquisition, L.L.C. for the phased development of the Back Street Mini Warehouses warehouse/storage facility on two (2) adjoining one (1) acre parcels (Lots 11 & 12) located on Bennett Drive in the Antelope Meadows Commercial Center; and

WHEREAS, the Town Council finds that this Final Development Plan (FDP13-001) for the Back Street Mini-Warehouses on two (2) adjoining one (1) acre parcels (Lots 11 & 12) located in the Antelope Meadows Commercial Center 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 certain Final Development Plan for the proposed Back Street Market and Bazaar, submitted in January of 2013 by Larry Lemelson on behalf of Asset Acquisition, L.L.C. (said Plan 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) Strict compliance by the Antelope Meadows Commercial Center developers, their successors and assigns, with the duties and obligations under that certain Development Agreement dated January 22, 2004, between the Town and Antelope Meadows Commercial Center, L.L.C.
- (B) Development of the site in substantial conformance to the attached site plan and all applicable Town Code standards.
- (C) All plans shall comply with all applicable Town Code requirements.

4. That the Town Clerk is hereby directed to (a) transcribe a certificate of approval upon this Final Development Plan 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.

6. That this Resolution shall be effective after its passage and approval according to law.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 11th day of April, 2013.

Harvey Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney