

RESOLUTION NO. 1936

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 15-015) FOR PAD 5, A PORTION OF PARCEL C LOCATED WITHIN THE PRESCOTT VALLEY CROSSROADS COMMERCIAL DEVELOPMENT SITUATED ON THE SOUTH SIDE OF STATE ROUTE 69 (AT THE INTERSECTION WITH SUND OG RANCH ROAD); PROVIDING FINDINGS OF FACTS IN SUPPORT OF SUCH APPROVAL PER TOWN CODE SUBSECTON 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 is a portion of 765 acres annexed into the Town of Prescott Valley through Ordinance No. 244 on November 8, 1990 (ANX 90-D); and

WHEREAS, Ordinance No. 244 gave the annexed property a zoning classification of RCU-70 (being the zoning classification most comparable to its former Yavapai County zoning classification of RCU-2A); and

WHEREAS, approximately 340 acres of the annexed property were subsequently rezoned to R1L-70, R1L-35, R1MH-10, R2-3, C2-3, PM and M1 respectively by Ordinance No. 265 on October 11, 1991; and

WHEREAS, after public hearings on July 13, 1998 and August 10, 1998, the Prescott Valley Planning and Zoning Commission approved a Preliminary Plat for the annexed property; and

WHEREAS, the Town Council adopted a development agreement in relation to 463 acres of the annexed property by Resolution No. 902 (July 8, 1999) which, among other things, authorized development of the property as generally set forth in the Preliminary Plat; and

WHEREAS, the Council subsequently approved a Final Plat for approximately 39 acres of the commercial component of the annexed property (north of SR 69) on March 9, 2000; and

WHEREAS, on July 31, 2003, the Town Council adopted Resolution No. 1204 approving an amendment to the development agreement in order to accommodate the sale of a 3 acre portion of the property for commercial use by extending the time during which the Town would provide temporary, interim domestic water service to the commercial use (until a water line was constructed to Prescott's water system) and extending the term through December 31, 2015; and

WHEREAS, on August 11, 2005, the Council adopted Resolution No. 1375 approving a second amendment to the development agreement to encourage commercial development of an approximately 72 acre area north of SR 69 (which included the area of the earlier Final Plat and was designated as Parcels A and B) and an approximately 51 acre area south of SR 69 (designated at Parcel C), in accordance with a site map adopted as Exhibit G (through, among other things, provision of temporary domestic water service to the entire commercial area and economic incentives related to construction of needed public infrastructure), and extending the term through August 11, 2025); and

WHEREAS, the development agreement anticipated potentially applying the planned area development (PAD) overlay district to the commercial property, the second amendment clarified that the same would not be applied unless requested by the developer; and

WHEREAS, the Town subsequently approved building permits for construction of Home Depot and a nearby spec building on Pad D (Parcel A), and construction of Sam's Club and Cracker Barrel (Parcel C), based upon Exhibit G and subsequent conveyances of needed utility easements; and

WHEREAS, in August of 2007 YK Commercial Realty, L.L.C., applied for a Zoning Map Change to add the PAD overlay district to existing C2 (Commercial; General Sales and Services), PM (Performance Manufacturing) and M1 (Industrial; General Limited) zoning districts on approximately 70 acres located in Parcels A and C; and

WHEREAS, on November 29, 2007, the Town Council adopted Ordinance No. 702 approving ZMC 07-012 which added the PAD overlay district as requested; and

WHEREAS, the Council subsequently adopted Resolution No. 1639 (April 9, 2009) approving FDP 09-002 for development of the remaining approximately 14 acres of Parcel A (including Hobby Lobby, Dollar Tree, and spec buildings on Pad B); and

WHEREAS, the Council later adopted Resolution No. 1656 (July 9, 2009) approving FDP 09-003 for development of the Chase Bank building in Parcel C; and

WHEREAS, the Council then adopted Resolution No. 1773 (December 8, 2011) approving FDP 11-005 for development of a Carl's Jr. operation in Parcel C; and

WHEREAS, the Council adopted Resolution No. 1830 (April 11, 2013) approving FDP 13-005 for development of a Dick's Sporting Goods facility in Parcel C; and

WHEREAS, the Council adopted Resolution No. 1841 (June 27, 2013) approving development of a portion of Parcel C to construct approximately 165,758 square feet of commercial space (and related parking) on approximately 17 acres known as Majors 2, 3, 4, 5, 6, 7, 8 and Shop B (FDP 13-008); and

WHEREAS, the Council adopted Resolution No. 1882 (July 24, 2014) approving development of a portion of Parcel C to construct approximately 15,561 square feet of commercial space (and related parking) on approximately 2 acres known as Shops 2 & 7 (FDP14-004); and

WHEREAS, Robert Schramm of Kitchell Development (on behalf of Kitchell Development and YK Commercial Realty LLC) has now submitted for approval a Final Development Plan for a portion of Parcel C to construct approximately 4500 square feet of commercial space on an approximately 35,600 sq ft pad of Parcel C, area known as Pad 5, for a Chick-fil-A restaurant (FDP 15-015); and

WHEREAS, after consideration, the Town Council finds that FDP 15-015 (a) is in compliance with the Prescott Valley *General Plan 2025* and all applicable Town Codes, (b) meets or will meet the requirements for commercial 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], and (c) shows and retroactively confirms the previously-approved and permitted uses in Parcel C (as described in Exhibit A attached hereto and expressly made a part hereof) upon compliance with certain conditions set forth herein;

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

SECTION 1. That a certain Final Development Plan for a portion of Parcel C to construct approximately 4500 square feet of commercial space on an approximately 35,600 sq ft pad of Parcel C, known as Pad 5, for a Chick-fil-A restaurant (FDP 15-015) (as shown in the Final Development Plan attached hereto as Exhibit A and expressly made a part hereof) is hereby approved and adopted as conditioned hereinafter (said development being consistent with the purpose and intent of the adopted *General Plan 2025* and Zoning Code of the Town in promoting the health, safety, morals, and general welfare of the public).

SECTION 2. That said approval is based upon the following findings and conclusions 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.

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

(A) The site shall be developed in accordance with all Town requirements and in substantial conformance to the attached site plan (being Exhibit A attached hereto and expressly made a part hereof).

(B) Signage is to conform to Crossroads Comprehensive Sign Package (unless otherwise indicated in lease and/or Covenants, Codes, and Restrictions agreement).

SECTION 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(0)]

SECTION 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.

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

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 22th 22nd day of October, 2015.

HARVEY C. SKOOG, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney