

## RESOLUTION NO. 1958

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, APPROVING A FINAL DEVELOPMENT PLAN (FDP 16-003) FOR A COMMERCIAL DEVELOPMENT ZONED C-2 PAD (COMMERCIAL: GENERAL SALES AND SERVICES, PLANNED AREA DEVELOPMENT) ZONING CLASSIFICATION FOUND WITHIN THE TOWN AND COUNTRY SHOPPING CENTER LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER SECTION OF SECTION 14, TOWNSHIP 14N RANGE 1W OF THE GILA AND SALT RIVER MERIDIAN; PROVIDING FINDINGS OF FACTS 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 Town of Prescott Valley annexed by Ordinance No. 47 approximately 38 acres (37.7623) located in Section 14, T14N, R1W, G&SRB&M on December 11, 1980; and

WHEREAS, said property was given a zoning classification of RCU-18 at annexation; and

WHEREAS, by Ordinance No. 143 (September 11, 1986) the Town Council approved re-zoning of that land to C2 Planned Area Development (PAD); and

WHEREAS, on or about February 24, 2016, a Final Development Plan (FDP 16-003) was submitted for an area of approximately four tenths (.4) acres within the Town and Country Shopping Center for a "Rilibertos Mexican Restaurant", by Raj Patel of Dhan Management LLC; and

WHEREAS, after consideration, the Town Council finds that this Final Development Plan (FDP16-003) for "Rilibertos Mexican Restaurant" located on a four tenths (.4) acre portion within the Town and Country Shopping Center, (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], 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 (FDP16-003) providing for the proposed "Rilibertos Mexican Restaurant", submitted on February 24, 2016 by Raj Patel

of Dhan Management LLC, (said plan FDP16-003 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 2025* 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) Development of the site is in substantial conformance to the attached site plan and all applicable Town Code standards.

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.

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 14th day of April, 2016.

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Harvey C. Skoog  
Mayor

ATTEST:

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Diane Russell, Town Clerk

APPROVED AS TO FORM:

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Ivan Legler, Town Attorney