

## RESOLUTION NO. 1964

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 (FDP16-008) FOR CONSTRUCTION OF A 4150 SQ FT BUILDING AND ASSOCIATED PARKING, LOCATED ON A PORTION OF LOT 4 IN THE EASTRIDGE PLAZA PLANNED AREA DEVELOPMENT (PAD) SOUTH OF EASTRIDGE DRIVE BETWEEN NAVAJO DRIVE AND TRUWOOD DRIVE; 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, Eastridge Units I and II are located in §24, R1W, T14N, G&SRB&M, (which was part of the original Townsite incorporated in 1978); and

WHEREAS, at the time of incorporation the property received a zoning classification of RCU-18, being the most comparable to its former Yavapai County zoning classification; and

WHEREAS, Ordinance No. 191, dated November 10, 1988, approved the zoning classification of C2 for the subject property; and

WHEREAS, on January 28, 1999, by Resolution No. 867, the Prescott Valley Town Council requested that the Arizona Department of Transportation abandon a portion of State Route 69 right-of-way along the south side (roughly between the extensions of Navajo Drive and Truwood Drive) in order to facilitate proposed development to the south; and

WHEREAS, by Resolution No. 881, dated April 4, 1999, the Town Council approved a Development Agreement with the property owners to consider a re-zoning request and to create a Community Facilities District (CFD) for public improvements ; and

WHEREAS, said Development Agreement provided that the Developer would submit a subsequent final development plan and CC&Rs; and

WHEREAS, on May 20, 1999, an application (ZMC99-15) was submitted by the owners requesting the re-zoning of approximately forty-nine (49) acres (including this subject property) from RCU-18 and C2-3 to C2-PAD, in accordance with the Development Agreement; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on said application (ZMC99-15) at its regular meeting on October 11, 1999 and voted to forward the application to the Town Council with a recommendation of approval, with conditions; and

WHEREAS, at its regular meetings held November 4, 1999 and November 18, 1999, the Town Council considered the proposed re-zoning and voted to approve the same by passing Ordinance No. 480; and

WHEREAS, a final development plan and CC&Rs were never submitted under the terms of that Development Agreement approved by Resolution No. 881 and a facilities district was not formed at that time; and

WHEREAS, by adoption of Resolution No. 1153, dated January 23, 2003, the Town Council approved a Development Agreement with the Eastridge Investments, L.L.C., and Prescott Valley Joint Venture to establish the Eastridge Community Facilities District ; and

WHEREAS, on February 13, 2003, the Town Council adopted Resolution No. 1156 approving a Final Development Plan for the "Eastridge" project comprising approximately sixteen (16) acres (FDP03-001); and

WHEREAS, on September 4, 2003, the Council adopted Resolution No. 1218 approving an

amended Final Development Plan for the “Eastridge” project adding approximately one and one-third (1.38) acres to the FDP boundary (FDP03-029); and

WHEREAS, on December 11, 2003, the Council adopted Resolution No. 1232 approving an amended Final Development Plan for the “Eastridge Phase II” comprising seven (7) lots on approximately nine (9) acres, located to the south and to the east of the first phase of Eastridge; and

WHEREAS, on April 14, 2005, the Council approved Final Development Plan FDP05-007 for an auto dealership with thirty-four thousand, one hundred and ninety-six (34,196) square feet of showroom, office and warehouse space, within the Eastridge Planned Area Development; and

WHEREAS, on August 11, 2005, the Council approved a Final Development Plan FDP05-016 for the Eastridge Professional Offices consisting of a three thousand seven hundred forty two (3,742) square foot physical therapy facility and a three thousand seven hundred fifty (3,750) square foot medical/professional office; and

WHEREAS, on March 23, 2006, the Council approved a Final Development Plan FDP06-007 for Press On Investments, L.L.C., consisting of a twelve thousand forty six (12,046) square foot professional office building and a thirty foot wide private access road and public utility easement on an approximate one-half (0.63) acre site on Lot 4B; and

WHEREAS, on June 15, 2006, the Council approved a Final Development Plan (FDP06-021) for a five thousand seven hundred and eighty (5,780) square foot physical therapy and professional office building on an approximate one-half (0.6) acre site on Lot C3 within the Eastridge Planned Area Development; and

WHEREAS, on April 26, 2007, the Council approved a Final Development Plan (FDP07-007) for a Comprehensive Sign Package for the Eastridge Plaza within the Planned Area Development; and

WHEREAS, on August 13, 2015, the Council approved a Final Development Plan (FDP15-012) for Canyon Bible Church LLC., providing for a Parking lot and future 3120 sq ft building to be developed in two phases, the first being the parking lot and second is construction of the building. for the Eastridge Plaza within the Planned Area Development; and

WHEREAS, on April 16, 2016, Stephen Rutherford submitted a Final Development Plan (FDP16-008) providing for a 4150 sq. ft. building and associated parking. This Final Development Plan meets or will meet the requirements for commercial Planned Area Developments (C3-PAD) 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, that:

1. That certain Final Development Plan (FDP16-008) providing for a 4150 sq. ft. building and associated parking, submitted on April 16, 2016, by Stephen Rutherford (said Plan being attached hereto and made a part hereof), is hereby approved and adopted as conditioned hereinafter.

2. 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) The site shall be developed in accordance with all Town requirements and in substantial conformance to the attached plan.

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, 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 12<sup>th</sup> day of May, 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