

When Recorded, Return to:  
Town of Prescott Valley  
7501 E. Civic Circle  
Prescott Valley, AZ 86314

**RESOLUTION NO.1683**

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 FDP09-007 FOR A COMMERCIAL DEVELOPMENT OF APPROXIMATELY ONE (.91) ACRE LOCATED WITHIN THE C2 PLANNED AREA DEVELOPMENT (PAD) GENERALLY LOCATED IN NAVAJO COMMONS AND COMPRISES THE SOUTH 220 FEET OF THE WEST 182 FEET OF "PARCEL 1" AS SHOWN ON THE "FINAL DEVELOPMENT PLAN OF NAVAJO COMMONS" AS RECORDED IN BOOK 59 OF MAPS AND PLATS AT PAGE 69 Y.C.R.O. AND LOCATED WITHIN SECTION 13, T. 14 N., R. 1 W., G. & S.R.M., YAVAPAI COUNTY, ARIZONA TO CONSTRUCT A 9,100 SQUARE FOOT RETAIL BUILDING; 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 parcel is part of the original plat of The Town of Prescott Valley and represents approximately one (.91) acre of real property located in Section 14, T13N, R1W, G&SRB&M; and

WHEREAS, said property had a zoning classification of RCU-18 at original platting of the Town, and by Ordinance No. 66 the Town Council approved re-zoning of 47.74 acres to C2 PAD upon its adoption on April 29, 1982;

WHEREAS, on or about March of 2005, the developers submitted for consideration a Preliminary Development Plan (Preliminary Plat) for a commercial development to be known as Navajo Commons, and said Plan was subsequently approved by the Prescott Valley Planning and Zoning Commission on April 11, 2005; and

WHEREAS, on November 13, 2009, a Final Development Plan (Final Plat) was submitted for an area of approximately 1 acre (.91) within the Planned Area Development for a proposed Dollar General retail store , and

WHEREAS, the Town Council finds that this Final Development Plan (Final Plat)

for the Dollar General Retail Store meets or will meet the requirements for commercial Planned Area Developments (PADs) 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 Dollar General retail store submitted on November 13, 2009 by Nate Lechtenberg, Agent for Ensign Development Group (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. Approval of parking is for this specific use by Dollar General. Any subsequent users would be required to resubmit amended FDP's demonstrating reduced parking requirements or a shared parking agreement for additional parking within three hundred feet (300')
- B. Approval of detention and drainage system by the Town as condition of approval of FDP and issuance of building permits as outlined in Development Agreement. Any portion of detention/drainage system that is not on-site will require a joint user agreement, which will run with the land in perpetuity.

- C. Developer will provide a traffic statement that ties this site into the overall Navajo Commons Traffic Impact Analysis. The statement shall address the drop lane on Navajo Drive addressed in the Development Agreement between The Town of Prescott Valley and Slade Investments, L.L.C., dated December 7, 2006 (said agreement attached hereto and made a part hereof)
- D. A recorded easement and shared driveway agreement for that portion of the driveway along the north and east boundary of the parcel;
- E. Compliance with all stipulations and conditions included in the Development Agreement between The Town of Prescott Valley and Slade Investments, L.L.C., dated December 7, 2006 (said agreement attached hereto and made a part hereof)
- F. The site shall be developed in accordance with all Town requirements and in substantial conformance to the attached Site Plan (s)
- G. Proposition 207 Waiver shall be signed and recorded prior to the issuance of Certificate of Occupancy (C of O).

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 17th day of December, 2009.

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Harvey Skoog, Mayor

ATTEST:

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Diane Russell, Town Clerk

APPROVED AS TO FORM:

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Ivan Legler, Town Attorney