

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

RESOLUTION NO.1684

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 FDP09-008 FOR A COMMERCIAL DEVELOPMENT OF APPROXIMATELY 1.25 ACRES, WHICH IS A PORTION OF TRACT "D" OF THE AMENDED MAP OF THE GLASSFORD HILL MARKETPLACE AS DETAILED IN BOOK 171 OF LAND SURVEYS, PAGE 72-74, YAVAPAI COUNTY OFFICIAL RECORDS, SITUATE IN THE NORTHWEST QUARTER OF SECTION 14, T14 N R1 W, G. & S.R.M., YAVAPAI COUNTY, ARIZONA TO CONSTRUCT A 4,217 SQUARE FOOT RETAIL BUILDING, 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, on May 24, 2005, the Prescott Valley Town Council adopted Resolution No. 1351 approving a Development Agreement with the Fain Signature Group, L.L.C., for development of a new commercial center west of Glassford Hill Road and north of Florentine Road; and

WHEREAS, the Town Council subsequently approved Ordinance No. 625 (May 26, 2005) annexing approximately fifty-two (52) acres affected by the Development Agreement (ANX04-G), and changing the Yavapai County zoning classification of RCU-2A to The Town of Prescott Valley zoning classification of RCU- 70 (Residential; Conditional Use) and

WHEREAS, in adopting Ordinance No. 670 on September 28, 2006, changing the zoning classification from RCU-70 (Residential; Conditional Use) to C2-PAD (Commercial; General Sales and Services – Planned Area Development) with conditions; and

WHEREAS, on or about December 7, 2009, an application for Final Development Plan 09-008 was submitted by Jim Childs, agent for Maverik, Inc. and

WHEREAS, the Town Council finds that this Final Development Plan (Final Plat) for the Maverik Retail Store and Gas Station 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 that certain Final Development Plan (Final Plat) for the proposed Maverik Retail Store and Gas Station submitted by Jim Childs representing Maverik Inc., (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. Compliance with all stipulations and conditions included in prior actions taken by Council in relation to this property;
- B. Compliance with the Section 14 Drainage Plan and acceptance of drainage plan by Town Engineer;
- C. The site shall be developed in accordance with all Town requirements and in substantial conformance to the attached Site Plan (s)

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.

Harvey Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney