

RESOLUTION NO. 1718

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, APPROVING A FINAL DEVELOPMENT PLAN (FDP10-007) FOR "OUR PV COMMUNITY GARDEN" ON APPROXIMATELY TWO ACRES WITHIN THAT PLANNED AREA DEVELOPMENT (PAD) LOCATED BETWEEN STATE ROUTE 69, FLORENTINE ROAD, LAKE VALLEY ROAD AND GLASSFORD HILL ROAD; PROVIDING FINDINGS OF FACT IN SUPPORT OF SUCH APPROVAL PURSUANT TO TOWN CODE SUBSECTION 13-19-060(K); PROVIDING CONDITIONS FOR SUCH APPROVAL AS SET FORTH UNDER 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. 287, dated November 12, 1992, certain described real property located in Section 14 and 23, R1W, T14N, G&SRB&M; and

WHEREAS, a portion of the said real property was given a zoning classification of RCU-70 at the time of annexation, being the zoning classification most comparable to its former Yavapai County zoning classification of RCU-2A; and

WHEREAS, on March 9, 1994, Town and Country Properties Limited Partnership (owners of the property) applied to re-zone the same from RCU-70 zoning to C2-PAD zoning for the purpose of developing a regional commercial center, and submitted a Preliminary Development Plan for consideration; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on said application on April 4, 1994 and voted to approve the Preliminary Development Plan and to forward the requested rezoning to the Prescott Valley Mayor and Council with a recommendation of approval; and

WHEREAS, the Mayor and Council considered said rezoning at their regular meetings held April 14, 1994 and April 28, 1994, and approved the same by Ordinance No. 320; and

WHEREAS, On August 28, 2010, Robin Fox, Agent submitted a Final Development Plan (FDP10-007) for "Our PV Community Garden" located on a two (2) acre portion of Parcel No. 103-02-720M at the southwest corner of Lake Valley Road and Florentine Road; and

WHEREAS, the Town Council finds that this Final Development Plan (FDP10-007) for “Our PV Community Garden” located on a two (2) acre portion of Parcel No. 103-02-720M at the southwest corner of Lake Valley Road and Florentine Road meets 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:

SECTION 1. That the Final Development Plan (FDP10-007) submitted in August of 2010 by Robin Fox, Agent, for “Our PV Community Garden” (said Plan and property description attached hereto and made a part hereof), is hereby approved and adopted as conditioned hereinafter.

SECTION 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 2020* 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 substantial conformance to the attached site plan and all applicable Town Code standards.

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, 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)].

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.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 14th day of October, 2010.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney