

RESOLUTION NO. 1731

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 (FDP10-009) FOR A PORTION OF 10 ACRE PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 14 NORTH, RANGE 1 WEST, G&SRM, NORTH OF CIVIC CIRCLE, EAST OF VIEWPOINT DRIVE, SOUTH OF LONG LOOK ROAD, AND WEST OF CIVIC DRIVE; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, The Town of Prescott Valley annexed certain real properties located in §14, R1W, T14N, G&SRM upon adoption of Ordinance 287 on November 12, 1992, and Ordinance 314 on January 6, 1994; and

WHEREAS, Ordinances 287 and 314 gave the annexed properties a zoning classification of RCU-70; and

WHEREAS, Ordinance 697, adopted on September 27, 2007 changed the zoning classification from RCU-70 to C2 PAD (Commercial; General Sales and Service, Planned Area Development); and

WHEREAS, On or about November 15, 2010, DLR Group, acting as agent for Arizona Agribusiness and Equine Center (AAEC) submitted a Final Development Plan for a parcel of approximately 5 acres situated North of Civic Circle, East of Viewpoint Drive, South of Long Look Drive, and West of Civic Drive; and

WHEREAS, the Final Development Plan sets forth the arrangement of an approximately 25,000 square foot Agribusiness and Equine Charter School; and

WHEREAS, the Mayor and Council find that FDP10-009 meets or will meet the requirements for commercial 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; and

WHEREAS, the Town Council finds that the Final Development Plan FDP10-009 is in compliance with the Prescott Valley General Plan 2020 and all applicable Town Codes;

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 (FDP10-009) submitted in November of 2010 by DLR Group on behalf of Arizona Agribusiness and Equine Center encompassing approximately five (5) acres situated North of Civic Circle, East of Viewpoint Drive, South of Long Look Drive, and West of Civic Drive; and

SECTION 2. That said approval is based upon the following findings and conclusions of the Town Council:

- (A) That that certain Final Development Plan for the proposed Arizonan Agribusiness and Equine Center (AAEC) (said Plan being attached hereto and made a part hereof), is hereby approved and adopted as conditioned hereinafter, and this 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 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 has 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 Section 13-19-060 (L), this approval is conditioned upon the following:

- (A) Proposed Marquee signage to be installed and used only as a static sign until such time that the existing sign regulations found in Town Code Chapter 13, Article 23 are amended to permit such use. The sign may not make use of any flashing, scrolling, or moving elements until permitted by town code. Proposed signage is attached as Exhibit C and made a part herewith.
- (B) All drainage and grading is in compliance with the Section 14 drainage and grading plan;
- (C) All offsite improvements shall be made in accordance with the attached Civic Circle Ultimate Buildout section, attached herewith as Exhibit "C" and made a part hereof, prior to the issuance of a Certificate of Occupancy. All improvements illustrated shall be made along the entire frontage of Civic Circle and elsewhere in accordance with Town Code.
- (D) Manure shall be stored at least 20' from all lot lines and in such a manner as to minimize odor and the attraction of insects or other vermin.
- (E) Pursuant to Article 13-19 of Town Code, this FDP approves the use of outdoor animal facilities in conjunction with a future Zoning Map Change.
- (F) The project shall comply with all applicable requirements set forth in Town Code.

SECTION 4. That the Town Clerk is hereby directed to (a) transcribe a certificate of approval upon this Final Development Plan pursuant to Town Code Section 14-02-055 (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 Department Director [See Town Code Section 13-29-060 (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 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.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 16th day of December, 2010.

HARVEY C. SKOOG, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney