

RESOLUTION NO. 1773

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 (FDP11-005) FOR A CARL'S JR. RESTAURANT LOCATED WITHIN THE PRESCOTT VALLEY CROSSROADS COMMERCIAL DEVELOPMENT, ON APPROXIMATELY THREE-QUARTERS (.78) OF AN ACRE OF A PARCEL LOCATED ON THE SOUTH SIDE OF STATE ROUTE 69 (AT THE INTERSECTION WITH SUNDOG RANCH ROAD); PROVIDING FINDINGS OF FACTS 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 property was annexed into the Town as a result of the passage of Ordinance No. 244 in 1990 (ANX 90-D); and

WHEREAS, Ordinance No. 244 gave the annexed property a zoning classification of RCU-70 (being the zoning classification most comparable to its former Yavapai County zoning classification of RCU-2A); and

WHEREAS, the present zoning of PM (Performance Manufacturing) for the portion under consideration with this action was established with the passage of Ordinance No. 265 on October 11, 1991; and

WHEREAS, in August of 2007 YK Commercial Realty, L.L.C., applied for a Zoning Map Change to add the PAD (Planned Area Development) overlay zoning to existing C2 (Commercial; General Sales and Services), PM (Performance Manufacturing) and M1 (Industrial; General Limited) zoning districts on approximately sixty-eight (68) acres located on the north and south sides of State Route 69 (at the intersection with Sundog Ranch Road), including the portion of land under consideration with this action; and

WHEREAS, by Resolution No. 702 dated November 29, 2007, the Town Council approved ZMC 07-012 providing for the addition of the PAD (Planned Area Development) overlay to the existing zoning after considered the rezoning request (ZMC07-012) at its regular meetings held November 8, 2007, and November 22, 2007, and determined that such re-zoning (as conditioned) would be beneficial to the community and in conformity with the Prescott Valley *General Plan 2020*; and

WHEREAS, Jason LeVecke of Frontier Star, LLC, on behalf of Carl's Jr Restaurants, has submitted for approval a Final Development Plan for a parcel of land in the Crossroads shopping center to construct a two thousand nine hundred and forty (2,940) square foot building on an approximately thirty-four thousand two hundred (34,200) square foot lot commonly known as Lot 6A, Parcel C; and

WHEREAS, the Town Council finds that the Final Development Plan FDP11-005 is in compliance with the Prescott Valley *General Plan 2020* and all applicable Town Codes; and

WHEREAS, the Town Council finds that this Final Development Plan (FDP11-005) for the Carl's Jr. restaurant located in the Crossroads shopping center 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 ORDAINED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, as follows:

SECTION 1. That certain Final Development Plan (FDP11-005) providing for the proposed Final Development Plan for approximately three-quarters (.78) acres in the Prescott Valley Crossroads located south of State Route 69, submitted on or about November 1, 2011 by Jason LeVecke, agent for Frontier Star, LLC (said plan 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;

- A) 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;
- B) Every structure has access to public streets;
- C) 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 2. That this amendment be hereby expressly conditioned as follows:

- A) The site shall be developed in accordance with all Town requirements and in substantial conformance to the attached site plan.
- B) Signage is to conform with Crossroads Comprehensive Sign Package.

SECTION 3. 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 8th day of December, 2011.

HARVEY C. SKOOG, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney