

RESOLUTION NO. 2024-2382

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 (FDP24-008) FOR A BRAKES PLUS FACILITY ON AN APPROXIMATE ONE AND ONE-HALF (1.49) ACRE PARCEL LOCATED WITHIN THE EXISTING FRY'S RETAIL CENTER; 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 or about March 26, 2024, Ashley Bernatski, Agent for Four Seasons Investment Company, LLC, submitted a Final Development Plan for development of a Brakes Plus facility on an approximate one and one-half (1.49) acre parcel; and

WHEREAS, the Town Council finds that this Final Development Plan (FDP24-008) meets or will meet the requirements for C2-PAD zoning district under the Town Code [particularly the requirements under Town Code §§13-14-020, 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, that:

1. That certain Final Development Plan (FDP24-008) for the proposed Brakes Plus facility, submitted on or about March 26, 2024, by Four Seasons Investment Company, LLC (said Plan being attached hereto and made a part hereof), is hereby approved and adopted as conditioned hereinafter.

2. 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 2035* 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 regarding property values;

(C) Every structure has 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) The site shall be developed in substantial conformance to the attached site plan and all applicable Town Code standards.

(B) The site shall be landscaped in accordance with the provisions of Article 13-26 and a detailed landscape plan shall be submitted for review and approval prior to issuance of a building permit.

(C) All trash enclosures will be fully shielded from view, freestanding lighting will not exceed 20-feet in height from ground level, and all lighting will be fully shielded and conform with Article 13-26a.

(D) Off-site improvement fees will be collected per Town requirements or off-site improvements will be installed per Town standards, as approved by the Town Engineer.

(E) Prior to issuance of development permits a grading and drainage plan shall be approved by the Engineering Department and include all required off-site improvements designed to Town Standards.

4. That the Town Clerk is hereby directed to (a) transcribe a certificate of approval upon this Final Development Plan 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 Development Services Director [See Town Code §13-19-060(O)].

5. That the Mayor (or in his absence the Vice-Mayor) is hereby authorized to sign 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 the Town Manager (or designee) is hereby authorized to take such other administrative actions as may be necessary to fulfill the purposes of this approval.

7. 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 8th day of August 2024.

KELL PALGUTA, Mayor

ATTEST:

FATIMA FERNANDEZ, Town Clerk

APPROVED AS TO FORM:

IVAN LEGLER, Town Attorney