



NOTICE OF WORKSHOP AND REGULAR MEETING FOUNTAIN HILLS TOWN COUNCIL

Mayor Ginny Dickey

Vice Mayor Art Tolis

Councilmember Dennis Brown

Councilmember Sherry Leckrone

Councilmember Alan Magazine

Councilmember Mike Scharnow

Councilmember David Spelich

TIME: 4:00 P.M. – TOWN ATTORNEY'S "ANNUAL OPEN MEETING LAW AND CONFLICT OF INTEREST WORKSHOP" TO BE HELD IN THE FOUNTAIN HILLS COUNCIL CHAMBERS

5:30 P.M. – REGULAR MEETING

WHEN: TUESDAY, FEBRUARY 19, 2019

**WHERE: FOUNTAIN HILLS COUNCIL CHAMBERS
16705 E. AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, AZ**

Councilmembers of the Town of Fountain Hills will attend either in person or by telephone conference call; a quorum of the Town's various Commission, Committee or Board members may be in attendance at the Workshop and/or Council meeting.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Town Council are audio and/or video recorded and, as a result, proceedings in which children are present may be subject to such recording. Parents, in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

REQUEST TO COMMENT

The public is welcome to participate in Council meetings.

TO SPEAK TO AN AGENDA ITEM, please complete a ***Request to Comment*** card, located in the back of the Council Chambers, and hand it to the Town Clerk prior to discussion of that item, if possible. Include the **agenda item** on which you wish to comment. Speakers will be allowed three contiguous minutes to address the Council. Verbal comments should be directed through the Presiding Officer and not to individual Councilmembers.

TO COMMENT ON AN AGENDA ITEM IN WRITING ONLY, please complete a ***Request to Comment*** card, indicating it is a written comment, and check the box on whether you are FOR or AGAINST an agenda item, and hand it to the Town Clerk prior to discussion, if possible.

REGULAR MEETING

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE** – Mayor Ginny Dickey
2. **INVOCATION** – John Nichols, Harvest Bible Chapel
3. **ROLL CALL** – Mayor Ginny Dickey
4. **MAYOR'S REPORT**
 - A. RECOGNITION of outgoing Board/Commission members.
 - B. REPORT ON creation of an ad hoc committee to plan the 30th Anniversary of the Incorporation of the Town and the 50th Anniversary of the Founding of Fountain Hills.
5. **SPECIAL PUBLIC APPEARANCES/PRESENTATIONS**
 - A. Monthly Report by Captain Larry Kratzer of the Maricopa County Sheriff's Office.
6. **CALL TO THE PUBLIC**

Pursuant to A.R.S. 38-431.01(H), public comment is permitted (not required) on matters NOT listed on the agenda. Any such comment (i) must be within the jurisdiction of the Council and (ii) is subject to reasonable time, place, and manner restrictions. The Council will not discuss or take legal action on matters raised during "Call to the Public" unless the matters are properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual councilmembers may (i) respond to criticism, (ii) ask staff to review a matter, or (iii) ask that the matter be placed on a future Council agenda.

7. **CONSENT AGENDA ITEMS**

All items listed on the Consent Agenda are considered to be routine, non-controversial matters and will be enacted by one motion and one roll call vote of the Council. All motions and subsequent approvals of consent items will include all recommended staff stipulations unless otherwise stated. There will be no separate discussion of these items unless a councilmember or member of the public so requests. If a councilmember or member of the public wishes to discuss an item on the Consent Agenda, he/she may request so prior to the motion to accept the Consent Agenda or with notification to the Town Manager or Mayor prior to the date of the meeting for which the item was scheduled. The items will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- A. APPROVAL OF the minutes of the Regular Meeting of February 5, 2019, and the Special Meeting of February 7, 2019.
- B. CONSIDERATION OF Resolution 2019-08, abandonment of the 10' Public Utility and Drainage Easement at the rear and westerly side of Plat 204, Block 11, Lot 25 (16921 E. Windchime Drive), as recorded in Book 142, Page 10, records of Maricopa County, Arizona. (EA 2019-02)
- C. CONSIDERATION OF Resolution 2019-07, abandonment of the 10' Public Utility and Drainage Easement at the rear of Plat 212, Block 11, Lot 5 (16217 E. Keymar Drive), as recorded in Book 141, Page 17, records of Maricopa County, Arizona, with stipulation. (EA 2019-01)
- D. CONSIDERATION OF approving a Special Event Liquor License application submitted by Stan Feffer representing Grand Canyon Title Agency located at 3900 E. Camelback Road, Suite 250, Phoenix, Arizona who will be holding a grand opening event for their business located at 16845 E. Avenue of the Fountains, Building D, Suite 110, Fountain Hills, Arizona on March 7, 2019 from 5:00 PM to 7:00 PM.
- E. CONSIDERATION OF approving an application for a Temporary Extension of Premises/Patio Permit submitted by Andy Weiner representing Bone Haus Brewing Company located at 14825 E. Shea Blvd., Suite 101, Fountain Hills, Arizona to hold a lobster boil on March 3, 2019.

- F. CONSIDERATION OF approving a Special Event Liquor License Application submitted by Carol Caroll representing the Fountain Hills Sister Cities Corporation located at 16957 E. Kiwanis Drive, Fountain Hills, AZ for the purpose of a fundraiser to be held on March 9, 2019, from 5:30 PM to 9:00 PM.
- G. CONSIDERATION OF approving a Special Event Liquor License Application submitted by Samuel Coffee representing the Fountain Hills VFW who will be serving beer in conjunction with the Irish Fountain Fest in Fountain Park, on March 16, 2019 from 11:00 AM to 5:00 PM.

8. REGULAR AGENDA

- A. CONSIDERATION of appointing five (5) citizens to serve on the Community Services Advisory Commission for a two-year term beginning on January 1, 2019, and ending on December 31, 2020.
- B. CONSIDERATION OF appointing seven (7) citizens to serve on the McDowell Mountain Preservation Commission for a combination of terms including two-year terms beginning on January 1, 2019, and ending on December 31, 2020, and three-year terms beginning on January 1, 2019, and ending on December 31, 2021.
- C. CONSIDERATION OF appointing one (1) citizen to fill a vacancy on the Municipal Property Corporation for a term beginning on February 19, 2019, and ending on September 28, 2020.
- D. ORDINANCE 19-01 (Case #Z2018-09)
 - i. PUBLIC HEARING to receive comments on Ordinance 19-01, a text amendment to the Fountain Hills Zoning Ordinance, Chapter 12.02.A, to allow residential dwelling units as a Use Subject to Special Use Permits within the "C-0 – Commercial Office" zoning district.
 - ii. Consideration of Ordinance 19-01.
- E. SPECIAL USE PERMIT (Case #SU2018-03)
 - i. PUBLIC HEARING to receive comments on a proposed Special Use Permit pursuant to Fountain Hills Zoning Ordinance, Chapter 12.02.A. to allow a single family residential dwelling at 16857 E. Saguaro Blvd. (AKA APN#176-10-207), located in the "C-O – Commercial Office" zoning district.
 - ii. Consideration of proposed Special Use Permit.
- F. ORDINANCE 19-02 (Case #2018-11)
 - i. PUBLIC HEARING to receive comments on Ordinance 19-02 pursuant to Stipulation #2 of the Town Council approval on June 19, 2018, in reference to reverting the zoning designation of 0.36 acres located at 11639 N. Saguaro Blvd. (AKA APN#176-08-448) from C-3 – General Commercial zoning district to C-1 – Neighborhood Commercial and Professional zoning district.
 - ii. Consideration of Ordinance 19-02.

- G. DISCUSSION AND POSSIBLE DIRECTION to staff to amend McDowell Mountain Preservation Commission by-laws to allow for one additional commission seat and the designation of Emeritus status for one or more members.
- H. DISCUSSION WITH POSSIBLE DIRECTION relating to any item included in the League of Arizona Cities and Towns' weekly Legislative Bulletin(s) or relating to any action proposed or pending before the State Legislature.

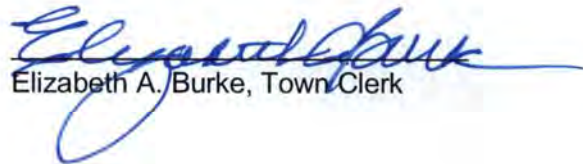
9. COUNCIL DISCUSSION/DIRECTION to the TOWN MANAGER

Item(s) listed below are related only to the propriety of (i) placing such item (s) on a future agenda for action or (ii) directing staff to conduct further research and report back to the Council:

- 10. SUMMARY OF COUNCIL REQUESTS and REPORT ON RECENT ACTIVITIES** by the Mayor, individual Councilmembers, and the Town Manager.
- 11. ADJOURNMENT.**

AGENDA POSTED:

2-14-19
Date


Elizabeth A. Burke, Town Clerk

The Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call 480-816-5100 (voice) or 1-800-367-8939 (TDD) 48 hours prior to the meeting to request a reasonable accommodation to participate in the meeting or to obtain agenda information in large print format. Supporting documentation and staff reports furnished the Council with this agenda are available for review in the Clerk's Office.



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 2/19/2019

Meeting Type: Regular

Agenda Type: Consent

Submitting Department: Administration

Staff Contact Information: Elizabeth A. Burke, Town Clerk, 480-816-5115; eburke@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF approving the Town Council Meeting Minutes from the Regular Meeting of February 5, 2019, and the Special Meeting of February 7, 2019.

Applicant: NA

Applicant Contact Information: NA

Owner: N/A

Owner Contact Information: NA

Property Location: NA

Related Ordinance, Policy or Guiding Principle: A.R.S. §38-431.01

Staff Summary (background): The intent of approving previous meeting minutes is to ensure an accurate account of the discussion and action that took place at that meeting for archival purposes. Approved minutes are placed on the Town's website and maintained as permanent records in compliance with state law.

Risk Analysis (options or alternatives with implications): NA

Fiscal Impact (initial and ongoing costs; budget status): NA

Budget Reference (page number): NA

Funding Source: NA

If Multiple Funds utilized, list here:

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s): NA

Staff Recommendation(s): Approve

List Attachment(s): Minutes of the Regular Meeting of February 5, 2019, and the Special Meeting of February 7, 2019.

SUGGESTED MOTION (for Council use): MOVE to approve the consent agenda as listed.

Prepared by:

Approved:


Elizabeth A. Burke, Town Clerk 2/11/2019


Grady E. Miller, Town Manager 2/11/2019

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR MEETING OF THE
FOUNTAIN HILLS TOWN COUNCIL
FEBRUARY 5, 2019**

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE – Mayor Ginny Dickey

Mayor Dickey called the Regular Meeting of February 5, 2019, to order at 5:30 p.m.

2. INVOCATION – Pastor David Taylor, First Baptist Church of Fountain Hills

Pastor Taylor gave the invocation.

3. ROLL CALL – Mayor Ginny Dickey

COUNCILMEMBERS PRESENT: Mayor Ginny Dickey; Vice Mayor Art Tolis; Councilmembers Mike Scharnow, Dennis Brown, Alan Magazine, Sherry Leckrone and David Spelich.

COUNCILMEMBERS ABSENT: None.

STAFF PRESENT: Town Manager Grady Miller, Town Attorney Aaron D. Arnson, and Town Clerk Elizabeth A. Burke.

4. MAYOR'S REPORT

- A. PROCLAMATION declaring February 2019 as *Go Red for Women Month* in the Town of Fountain Hills.

Mayor Dickey read the proclamation and presented it to Dr. Alissia Zenhausern, NMD, with Wellness of Scottsdale who thanked the Council for participating in the movement.

5. SPECIAL PUBLIC APPEARANCES/PRESENTATIONS

- A. PRESENTATION by Strategic Planning Advisory Commission.

Town Manager Grady Miller introduced Dana Saar, Chairman of the Strategic Plan Advisory Commission, who said that they recently went through a reprioritization of the 2017 Strategic Plan. He then reviewed each of the items listed in yellow on the first handout, which addressed:

- 4.1c Increase revenues
- 4.1b Identify those additional revenue options
- 2.1a Develop and implement an investment plan
- 4.1a Adequately fund all identified reserve funds
- 3.1a Work with State Land Trust to increase residential density
- 1.2c Rezone un-platted land for greater density and affordable family homes

Chairman Saar said that he wanted to clarify that “affordable” did not mean “subsidized.”

Chairman Saar then reviewed the list of items in blue which addressed:

- 1.4a Explore higher education opportunities in Fountain Hills
- 3.2c Include family branding in marketing plan
- 3.2b Expand use of social media and on-line messaging
- 1.1a Develop a community brand/vision/marketing plan
- 5.3a utilize effective volunteer skills and talents
- 5.1a Include local school strengths in marketing plan
- 2.2a Develop and adopt a comprehensive environmental plan
- 1.2a Rezone undeveloped commercial property to residential where feasible

Chairman Saar was asked if the commission had any recommendations for the Council to consider in the way of revenue enhancements. He said that going back 40 years, a lot of the needs were handled by growth, but those days are over and it is up to the citizens to take on those expenses. Councilmembers thanked the commission members for what they do.

Chairman Saar said that there is some property owned by the Town and some owned by the school district that may be available for development in the future. He said that the Town property is very expensive to develop. The school district parcels are not currently zoned to allow for denser development, but that may be something to consider in the future to provide for more family-friendly housing. He said that research shows that families spend more money than retirees.

Chairman Saar said that many of the tasks noted have been accomplished, and it was a credit to staff for getting them done. He said that part of their charge includes a total redo every five years. Mr. Miller said that the commission did discuss that, but their goal currently is to do an annual refresh and update. He said that this will be discussed further at the Council Retreat on Thursday, with a review of the proposed reprioritization.

Mr. Miller said that he and Chairman Saar wanted the Council to keep in mind that the visioning process will be similar to the past with a community survey to allow an opportunity for residents to weight in. He said that the community members will be invited to join in on group exercises and identify their top priorities. Those will get filtered to the Strategic Plan Advisory Commission and they will use that to create the next plan update.

Discussion was held on the need for the school district to be successful in order for the Town to be successful. They also discussed the need to continue with efforts in the way of tourism and bringing people to the area. It was noted that there are short-term, mid-term and long-term strategies in the Plan.

Bob Shelstrom, Fountain Hills, said that he had the opportunity to look over the documents and one thing missing was the need for responsible spending (referring to the way-finding signs). He said that some are talking about increasing density, but many of the residents like the idea that they are not overcrowded. He suggested that they receive data from the schools on

attendance to be considered. It was clarified that the way-finding signs had been designed but they did not complete the project, as directed by the Town Council.

Council noted that there are unfunded projects, especially with infrastructure, that add up to mills of dollars, and they have reduced staff time and again.

B. PRESENTATION on status update regarding Golden Eagle Park.

Mr. Miller said that back on October 2, 2018, they had a thunder storm in Town and Golden Eagle Park sustained a great deal of damage. Staff had come before Council and asked for the ability to do emergency procurement for repairs. He said that staff was there tonight to give the Council and public an update on progress.

Rachael Goodwin, Community Services Director, came forward and showed a number of photographs that depicted the damage as well as improvements that have since been made.

Currently completed:

- More than 200 tons of dirt and debris removed from fields 2, 3, and 4
- The majority of fences around fields 2 and 3 and 4 have been removed and replaced
- Irrigation sprinkler heads were removed, repaired, and replaced for field leveling
- Valves and valve boxes were excavated and repaired as needed
- Backstops on all three fields have been reinforced and repaired
- Foul line and homerun fences were repaired and replaced as needed
- All three fields had existing turf and infield mix removed and field surfaces were restored to proper depth
- Fields were laser leveled and reengineered to better distribute water and improve drainage
- 200,000 sq ft of over-seeded sod was installed on fields 2, 3, and 4
- Rain throughout January slowed this process by several weeks
- 450 tons of infield and warning track mix installed over all three fields
- Trees removed between ball fields
- Tree removal was necessary for concrete longevity
- Mowers and machinery were all repaired and are back in operation

Still to come:

- Bases, pitching rubbers, and home plates replacement on all three fields.
- Removal and replacement of damaged/lifted concrete
- Currently budgeted in FY19 CIP due to liability hazards
- Shade structure installation over bleachers
- Due to tree loss, there is limited shade or sun protection
- Final clean up in and around walking areas, dugouts, etc.

Four funds, one project total:

- CIP: \$50,000
- Facility Replacement Fund: \$140,400
- Operating Fund: \$50,750
- Restoration Fund: \$405,000

TOTAL PROJECT BUDGET:

\$646,150

She then reviewed the financial aspects of the project, attached hereto and made a part hereof as Exhibit A. She said that they have seen some savings over anticipated costs, mostly from staff performing some of the work themselves. Additionally, Mr. Miller said that the motorized equipment that was damaged was able to be repaired, so they did not have to replace that equipment. She said that they are not done yet, there are still other improvements to be made. They are expecting just over \$480,000 for the park portion of the overall project.

Ms. Goodwin said that they were hoping to be able to start using the fields the third weekend in February, but due to the significant rain this past weekend, they hope to be in by the first part of March.

Council thanked staff for the amount of work they have completed, under a lot of pressure, and for saving money where they could. Mr. Miller said that staff also wanted to thank the Council for trusting them with the emergency procurement measures.

Staff was asked what precautions were being made to keep from having this type of damage to occur in the future. Mr. Miller said that Public Works Director Justin Weldy would come forward and review what has been done, and what future plans are to address those concerns.

Mr. Weldy showed some photographs that depicted improvements that have been made to date. He said that staff will be asking the Mayor and Council to consider sediment drop basins in the future. He said that they are large holes opened below the grade with a steep slope. These absorb the energy and debris coming in and slow the water down. They will minimize the amount of water that goes over the banks and keep them from entering on the turf.

Short-term stormwater improvements were undertaken concurrently with the Golden Eagle repairs and restoration efforts:

- Removed sediment in front of Golden Eagle Dam and from washes that convey water to the park
- Modify trash racks at the Golden Eagle Dam to improve stormwater flow through the dam
- Removed debris and vegetation from wash that feeds into Golden Eagle Park
- Install a rip-rap reinforced berm between the middle and upper wash at Golden Eagle Park

Mr. Weldy said that while Mr. Snipes and his staff was working, Public Works enlisted two local contractors. First was Vincon Trucking who provided necessary equipment and labor to remove the materials out of the drainage channels and surrounding parkway. Second was Verde Valley Nursery who provided all of the staff and equipment to remove the vegetation so they could get in.

He said that they estimated \$100,000 for this work and while they still have some work to be done, staff believes it will be adequate for the work.

He said that they have already installed the first sediment drop basin as a test to determine how big and at what locations they will place the future ones. He said that on the dam face itself, they had 16-18 feet of material removed, while closer to the walking path it was around 2-3 feet. It averaged about 10 feet in depth of organic material and silt.

He then reviewed the projects currently underway:

Currently Underway:

- Staff has initiated a stormwater system engineering study to help minimize future storm debris from flowing into Golden Eagle Park
- JE Fuller was the identified vendor and a contract review is in progress
- Study to be complete by June 2019 with final recommendations to be brought to Council for review

Next Steps:

- With Council approval, staff will implement study recommendations that may include erosion control, channelizing washes, construction of sediment drop basins for washes, and other long-term solutions
- Identify funding sources including partnering with Maricopa County Flood Control District, CIP phasing, and possible referral to voters

He said that JE Fuller was selected because they had recently completed the delineation study for Cloudburst and Ashbrook washes so they have already collected and compiled all of that data. That will reduce the amount of time and money to complete further studies. He said that they are hoping to bring a contract to Council in March for approval to actually initiate the study. Their hope is to have sealed plans to implement changes in the next fiscal year. He said that they have included placeholders in the CIP for those projects.

Mr. Weldy said, with regard to the vegetation in the washes, to keep it removed until they get the report back from JE Fuller. That will include measures necessary for the floodway walls and as part of that plan they will be asking for a proposal as to long-term landscaping on the slopes and shoulders. Mr. Miller said that they believe that over time it will look just as attractive, but will be more functional.

Mr. Weldy said that the entire area is referred to as an impoundment area; it is designed to hold water from doing property damage downstream. The Flood Control District would not provide any funding or partner in changes to the area,

but they have worked with Town staff on the dam and downstream on the two crossings, providing funding for the new bridges.

6. CALL TO THE PUBLIC

Pursuant to A.R.S. 38-431.01(H), public comment is permitted (not required) on matters NOT listed on the agenda. Any such comment (i) must be within the jurisdiction of the Council and (ii) is subject to reasonable time, place, and manner restrictions. The Council will not discuss or take legal action on matters raised during "Call to the Public" unless the matters are properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual councilmembers may (i) respond to criticism, (ii) ask staff to review a matter, or (iii) ask that the matter be placed on a future Council agenda.

Maureen Earp and Catherine Loria, both Fountain Hills residents, voiced concern with pedestrian safety in Town.

7. CONSENT AGENDA ITEMS

All items listed on the Consent Agenda are considered to be routine, non-controversial matters and will be enacted by one motion and one roll call vote of the Council. All motions and subsequent approvals of consent items will include all recommended staff stipulations unless otherwise stated. There will be no separate discussion of these items unless a councilmember or member of the public so requests. If a councilmember or member of the public wishes to discuss an item on the Consent Agenda, he/she may request so prior to the motion to accept the Consent Agenda or with notification to the Town Manager or Mayor prior to the date of the meeting for which the item was scheduled. The items will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- A. APPROVAL OF the minutes of the Regular Meeting of January 15, 2019.
- B. CONSIDERATION OF a budget transfer from the Economic Development Fund to the Tourism Fund in the amount of \$10,000.

Councilmember Magazine **MOVED** to approve Consent Agenda Items 7-A and 7-B; **SECONDED** by Councilmember Leckrone; passed unanimously.

8. REGULAR AGENDA

- A. CONSIDERATION of appointing four (4) citizens to serve on the Strategic Planning Advisory Commission for a term ending on November 5, 2020; and one (1) citizen to fill the vacancy for a term ending on June 30, 2019.

Councilmember Brown **MOVED** to appoint Gerard Bisceglia, John Craft, Cynthia Magazine, and Peter Bordow to the Strategic Planning Advisory Commission for a term ending November 5, 2020; and Gerry Friedel to fill the vacancy for a term ending on June 30, 2019; **SECONDED** by Councilmember Leckrone; passed 6-1 with Councilmember Magazine abstaining.

- B. DISCUSSION with possible direction relating to any item included in the League of Arizona Cities and Towns' weekly Legislative Bulletin(s) or relating to any action proposed or pending before the State Legislature.

Mayor Dickey referred to the Legislative Bulletin and notes provided by the League. She said that the Town does not have an Intergovernmental Liaison so it

would be great if Councilmembers would participate in the weekly meetings provided by the League. She thanked Councilmember Scharnow for writing to the State Legislators about not deflecting the HURF funds. She noted that short-term rentals are also on the current list. She asked that Council review the items and bring back anything on which they would like the Council to take action.

9. COUNCIL DISCUSSION/DIRECTION to the TOWN MANAGER

Item(s) listed below are related only to the propriety of (i) placing such item (s) on a future agenda for action or (ii) directing staff to conduct further research and report back to the Council:

None

10. SUMMARY OF COUNCIL REQUESTS and REPORT ON RECENT ACTIVITIES by the Mayor, individual Councilmembers, and the Town Manager.

Councilmember Magazine said that he went to the Community Center last week for the Community Center Takeover and he thanked staff, stating that he hoped they could do it again.

Councilmember Scharnow reported that he attended a Valley Metro Board of Directors meeting on January 17, 2019. The two biggest items discussed were 1) looking for a market research firm for the next five years to do surveys on ridership and 2) they executed a 30-year lease agreement with a solar company to build new shade structures at the Mesa facility. He said that at the end of the 30 years Valley Metro can buy the system. He said that currently it takes 30 minutes of the buses running to cool them down enough for riders to use them.

He also reminded everyone of the approval of the lottery grant application at the last Council meeting. He said that it will provide the Town with \$65,000 to be used for transportation-related projects. They will be performing a transit study update, free of charge, which will be happening in the next few months. Once it is complete the Council can analyze the results and determine if there is a project for which they would like to use those grant funds. Altogether the Town has around \$225,000 available for transit.

Mayor Dickey reported that she was glad to see that they are continuing the Golden Eagle Foundation mentoring program.

She said that she attended the Greater Phoenix Economic Council (GPEC) quarterly meeting as well as the Maricopa Association of Governments (MAG) regional Mayors meeting. They were going through the close out projects and Fountain Hills was able to receive \$320,000 for the Fountain Hills Blvd. Shoulder Paving project through that funding.

Vice Mayor Tolis reported that he attended the East Valley Partnership meeting with the Governor, and it was a good networking opportunity that highlighted positive things happening in the State. He said that Maricopa County and Scottsdale were the #1 growth areas in the country. There are 200+ people moving into Maricopa County every day.

Mayor Dickey reminded everyone that the Council would be holding their Retreat on Thursday at the Community Center from 9 a.m. to 3 p.m. and she invited the public to attend. She noted that there is not an opportunity for public comment, but they are welcome to attend to hear what is being discussed.

She reported that on February 26, 2019, at 7:30 p.m. she will be at the Community Center along with Vice Mayor Tolis and Councilmember Scharnow for Town Talk, to hear from the community members.

Councilmember Leckrone reported that she attended the Stand Up Speak Up conference for which the Mayor had read a proclamation last month. She said that there were over 5,000 people attending, including 3,500 students. She said that it was held at the Grand Canyon University auditorium and they had local officials, students, teachers, school resource officers, etc. teaching students to speak up when they see signs of danger with other children. She said that it has saved lives. She said that she served as a facilitator and it was a privilege to attend.

11. ADJOURNMENT.

Councilmember Brown **MOVED** to adjourn; **SECONDED** by Councilmember Leckrone; passed unanimously. The Regular Meeting of the Fountain Hills Town Council held February 5, 2019, adjourned at 6:52 p.m.

TOWN OF FOUNTAIN HILLS

Ginny Dickey, Mayor

ATTEST AND PREPARED BY:

Elizabeth A. Burke, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Session held by the Town Council of Fountain Hills in the Town Hall Council Chambers on the 5th day of February, 2019. I further certify that the meeting was duly called and that a quorum was present.

DATED this 19th day of February, 2019.

Elizabeth A. Burke, Town Clerk

NOTE: For further details on the discussion of a particular agenda item, please visit <http://www.fh.az.gov/agendacenter> to view a video of the entire Council Meeting.

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE SPECIAL MEETING OF THE
FOUNTAIN HILLS TOWN COUNCIL
FEBRUARY 7, 2019**

1. CALL TO ORDER – Mayor Ginny Dickey

Mayor Dickey called the Special Meeting of February 7, 2019, to order at 8:32 a.m.

2. ROLL CALL – Mayor Ginny Dickey

COUNCILMEMBERS PRESENT: Mayor Ginny Dickey; Vice Mayor Art Tolis; Councilmembers Mike Scharnow, Dennis Brown, Alan Magazine, Sherry Leckrone and David Spelich.

COUNCILMEMBERS ABSENT: None.

STAFF PRESENT: Town Manager Grady Miller, Town Attorney Aaron D. Arnson, and Town Clerk Elizabeth A. Burke.

3. VOTE TO GO INTO EXECUTIVE SESSION

Councilmember Brown **MOVED** to recess into Executive Session; **SECONDED** by Councilmember Magazine; passed unanimously. The Fountain Hills Town Council recessed into Executive Session at 8:32 a.m.

4. EXECUTIVE SESSION:

- A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to A.R.S. 38-431.03(A)(3).
 - i. Legal advice regarding recent litigation developments in Case #CV2018-054598

5. ADJOURNMENT

The Fountain Hills Town Council reconvened into Open Session at 9:02 a.m., at which time the Special Meeting of February 7, 2019, adjourned.

TOWN OF FOUNTAIN HILLS

Ginny Dickey, Mayor

ATTEST AND PREPARED BY:

Elizabeth A. Burke, Town Clerk



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 2/19/2019

Meeting Type: Regular Session

Agenda Type: Consent

Submitting Department: Development Services

Staff Contact Information: Randy Harrel; Town Engineer; rharrel@fh.az.gov ; 480-816-5112

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF Resolution 2019-08, abandonment of the 10' Public Utility and Drainage Easement at the rear and westerly side of Plat 204, Block 11, Lot 25 (16921 E. Windchime Drive), as recorded in Book 142, Page 10, records of Maricopa County, Arizona, with stipulation. (EA 2019-02)

Applicant: Julie Bowen

Applicant Contact Information: 16921 E. Windchime Drive; Fountain Hills, AZ 85268; Tele. 614-561-3215; E-mail: fosterbowe@aol.com

Owner: Same

Owner Contact Information: Same

Property Location: Same

Related Ordinance, Policy or Guiding Principle: N/A

Staff Summary (background): This item on the Town Council's agenda is a proposal to abandon the pre-incorporation 10' Public Utility and Drainage Easement at the rear and westerly side of Plat 205, Block 11, Lot 25.

All of the public utilities have approved of abandonment of this easement. A 10'x10' Public Utility Easement should be granted by the applicant at the northeasterly (front) corner of the lot, for existing and potential future utility boxes on and adjacent to the lot there.

In their correspondence with the utility companies, the applicant indicated the purpose of this abandonment is that ".... of putting in a wrought iron fence."

Staff has reviewed the site to determine any on-site drainage issues in addition to the Town's general interest in the easement. There is no need for the Town to retain the drainage easement proposed to be abandoned, with the understanding that the owners of Lot 25 are required to pass the developed flows generated by the upstream lots across their property.

Risk Analysis (options or alternatives with implications): N/A

Fiscal Impact (initial and ongoing costs; budget status): N/A

Budget Reference (page number): N/A

Funding Source: NA

If Multiple Funds utilized, list here: N/A

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s): N/A

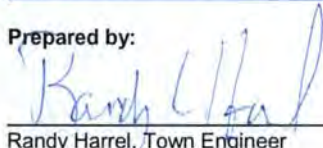
Staff Recommendation(s): Staff recommends approval of Resolution 2019-08, abandonment of the 10' Public Utility and Drainage Easement at the rear and westerly side of Plat 204, Block 11, Lot 25, with the following stipulation:

* Grant a 10' x10' Public Utility Easement at the northeasterly (front) corner of the lot, for existing and potential future utility boxes there.

List Attachment(s): Vicinity Map; Aerial Photo Map; Resolution 2019-08

SUGGESTED MOTION (for Council use): Move to approve Resolution 2019-08, abandonment of the 10' Public Utility and Drainage Easement at the rear and westerly side of Plat 204, Block 11, Lot 25, with stipulation.

Prepared by:



Randy Harrel, Town Engineer

2/5/2019

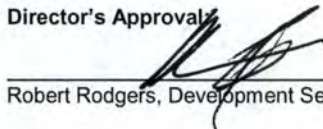
Approved:



Grady E. Miller, Town Manager

2/5/2019

Director's Approval:



Robert Rodgers, Development Services Director

2/5/2019

SALT RIVER PIMA MARICOPA INDIAN COMMUNITY

RESOLUTION 2019-08

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ABANDONING WHATEVER RIGHT, TITLE, OR INTEREST IT HAS IN THE 10' PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED AT THE REAR AND WESTERLY SIDE PROPERTY LINES OF PLAT 204, BLOCK 11, LOT 25, FOUNTAIN HILLS, ARIZONA, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 142 OF MAPS, PAGE 10

RECITALS:

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the "Town Council"), as the governing body of real property located in the Town of Fountain Hills (the "Town"), may require the dedication of public streets, sewer, water, drainage, and other utility easements or rights-of-way within any proposed subdivision; and

WHEREAS, the Town Council has the authority to accept or reject offers of dedication of private property by easement, deed, subdivision, plat or other lawful means; and

WHEREAS, all present utility companies have received notification of the proposed abandonment.

ENACTMENTS:

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, as follows:

SECTION 1. That the certain public utility and drainage easement, located at the rear and westerly side property lines of Plat 204, Block 11, Lot 25, (16921 E. Windchime Drive .) Fountain Hills, as recorded the Office of the County Recorder of Maricopa County, Arizona, Book 142 of Maps, Page 10, are hereby declared to be abandoned by the Town. Certain lots within this subdivision are subject to lot-to-lot drainage runoff. The property owner is required to pass the developed flows generated by the upstream lots across their property.

SECTION 2. That this Resolution is one of abandonment and disclaimer by the Town solely for the purpose of removing any potential cloud on the title to said property and that the Town in no way attempts to affect the rights of any private party to oppose the abandonment or assert any right resulting there from or existing previous to any action by the Town.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, this 19th day of February, 2019.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:

Ginny Dickey, Mayor

Elizabeth A. Burke, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Grady E. Miller, Town Manager

Aaron D. Arnson, Town Attorney



DEVELOPMENT SERVICES

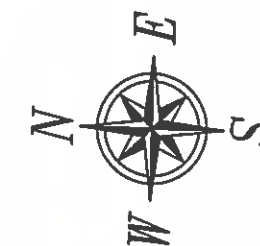
2017 AERIAL

PLAT 204
BLOCK 11, LOT 25
16921 E WINDCHIME DR

ZONING: R1-8

LOTLINE ———
RIGHT OF WAY ———
CENTERLINE - - - - -
EASEMENT - - - - -
ABAND. EASEMENT - - - - -

SUBJECT HOUSE ●



0 10' 20'
SCALE: 1" = 20'

- AERIAL PHOTO FLIGHT: 11/17
- TOPOGRAPHICAL MAP: 9/91
- FEMA FLOOD DELINIATION: 10/13

THIS TOPO/AERIAL MAPPING IS
SUITABLE FOR GENERAL PLANNING
PURPOSES, BUT SHOULD NOT BE
USED FOR DESIGN.





TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 2/19/2019

Meeting Type: Regular Session

Agenda Type: Consent

Submitting Department: Development Services

Staff Contact Information: Randy Harrel; Town Engineer; rharrel@fh.az.gov ; 480-816-5112

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF Resolution 2019-07, abandonment of the 10' Public Utility and Drainage Easement at the rear of Plat 212, Block 11, Lot 5 (16217 E. Keymar Drive), as recorded in Book 141, Page 17, records of Maricopa County, Arizona, with stipulation. (EA 2019-01)

Applicant: Rebecca Stasi

Applicant Contact Information: 16217 E. Keymar Drive; Fountain Hills, AZ 85268; Tele. 480-277-9738; E-mail: M396@MSN.com

Owner: Same

Owner Contact Information: Same

Property Location: Same

Related Ordinance, Policy or Guiding Principle: N/A

Staff Summary (background): This item on the Town Council's agenda is a proposal to abandon the pre-incorporation 10' Public Utility and Drainage Easement at the rear of Plat 212, Block 11, Lot 5.

All of the public utilities have approved of abandonment of this easement. A 10' x10' Public Utility Easement should be granted by the applicant at the westerly front corner of the lot, for existing and potential future utility boxes on and adjacent to the lot there.

In their correspondence with the utility companies, the applicant indicated the purpose of this abandonment is that "We are contemplating some re-landscaping at the rear of our property that may include a wall of some kind, plantings, etc."

Note: The adjacent 10' PUE/DE, located at the rear of Plat 212, Block 11, Lot 17 (16162 E. Palisades Blvd.) was recently abandoned by the Town Council. (EA 2018-19, which had been applied for by Timothy Good, abandoned by the Town Council on 11-20-18 (Res. 2018-61), and recorded at MCR 2018-0867679 on 11-26-18). Construction of a short, segmental block retaining wall and an iron railing had also been approved at that lot edge. (BP18-356)

Staff has reviewed the site to determine any on-site drainage issues in addition to the Town's general interest in the easement. There is no need for the Town to retain the drainage easement proposed to be abandoned, with the understanding that the owners of Lot 5 are required to pass the developed flows generated by the upstream lots across their property.

Risk Analysis (options or alternatives with implications): N/A

Fiscal Impact (initial and ongoing costs; budget status): N/A

Budget Reference (page number): N/A

Funding Source: NA

If Multiple Funds utilized, list here: N/A

Budgeted; if No, attach Budget Adjustment Form: NA

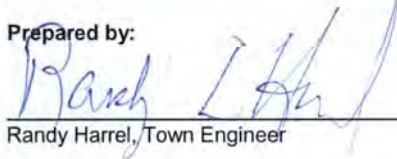
Recommendation(s) by Board(s) or Commission(s): N/A

Staff Recommendation(s): Staff recommends approval of Resolution 2019-07, abandonment of the 10' Public Utility and Drainage Easement at the rear of Plat 212, Block 11, Lot 5, with the following stipulation:
* Grant a 10'x10' public Utility Easement at the westerly front corner of the lot.

List Attachment(s): Vicinity Map; Aerial Photo Map; Resolution 2019- 01

SUGGESTED MOTION (for Council use): Move to approve Resolution 2019-07, abandonment of the 10' Public Utility and Drainage Easement at the rear of Plat 212, Block 11, Lot 5, with stipulation.

Prepared by:


Randy Harrel, Town Engineer

2/5/2019

Approved:


Grady E. Miller, Town Manager

2/5/2019

Director's Approval:


Robert Rodgers, Development Services Director

2/5/2019



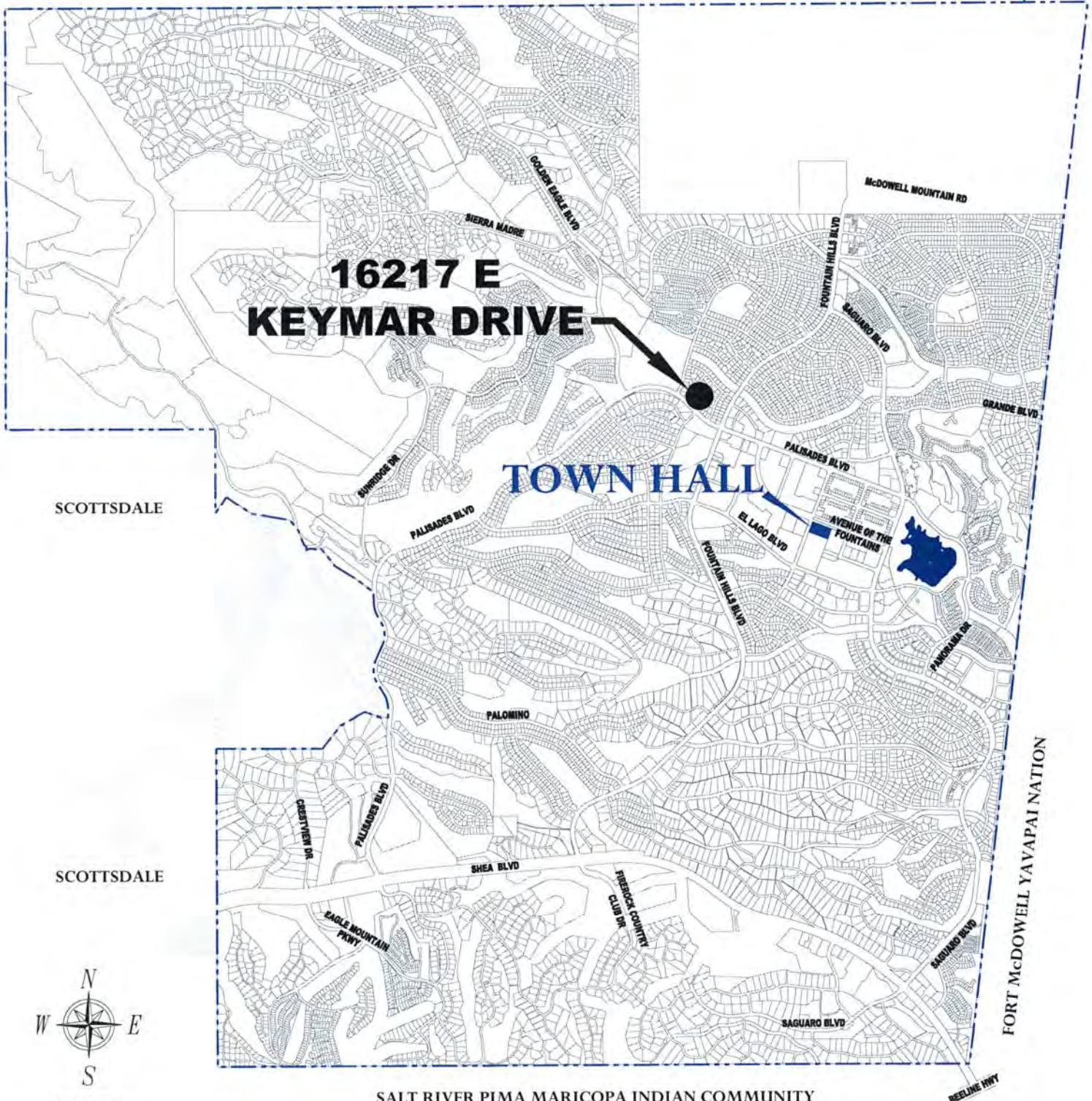
TOWN OF FOUNTAIN HILLS

DEVELOPMENT SERVICES DEPARTMENT

VICINITY MAP

TOWN BOUNDARY

McDOWELL MOUNTAIN PARK



NORTH

SCALE: 1" = 3500'

SALT RIVER PIMA MARICOPA INDIAN COMMUNITY

RESOLUTION 2019-07

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ABANDONING WHATEVER RIGHT, TITLE, OR INTEREST IT HAS IN THE 10' PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED AT THE REAR PROPERTY LINE OF PLAT 212, BLOCK 11, LOT 5, FOUNTAIN HILLS, ARIZONA, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 141 OF MAPS, PAGE 17

RECITALS:

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the "Town Council"), as the governing body of real property located in the Town of Fountain Hills (the "Town"), may require the dedication of public streets, sewer, water, drainage, and other utility easements or rights-of-way within any proposed subdivision; and

WHEREAS, the Town Council has the authority to accept or reject offers of dedication of private property by easement, deed, subdivision, plat or other lawful means; and

WHEREAS, all present utility companies have received notification of the proposed abandonment.

ENACTMENTS:

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, as follows:

SECTION 1. That the certain public utility and drainage easement, located at the rear property line of Plat 212, Block 11, Lot 5, (16217 East Keymar Drive) Fountain Hills, as recorded the Office of the County Recorder of Maricopa County, Arizona, Book 141 of Maps, Page 17, are hereby declared to be abandoned by the Town. Certain lots within this subdivision are subject to lot-to-lot drainage runoff. The property owner is required to pass the developed flows generated by the upstream lots across their property.

SECTION 2. That this Resolution is one of abandonment and disclaimer by the Town solely for the purpose of removing any potential cloud on the title to said property and that the Town in no way attempts to affect the rights of any private party to oppose the abandonment or assert any right resulting there from or existing previous to any action by the Town.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, this 19th day of February, 2019.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:

Ginny Dickey, Mayor

Elizabeth A. Burke, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Grady E. Miller, Town Manager

Aaron D. Arnson, Town Attorney



DEVELOPMENT SERVICES

2017 AERIAL

PLAT 212
BLOCK 11, LOT 5
16217 E KEYMAR DR

ZONING: R1-10

LOTLINE ———
RIGHT OF WAY ———
CENTERLINE - - - - -
EASEMENT - - - - -
ABAND. EASEMENT - - - - -

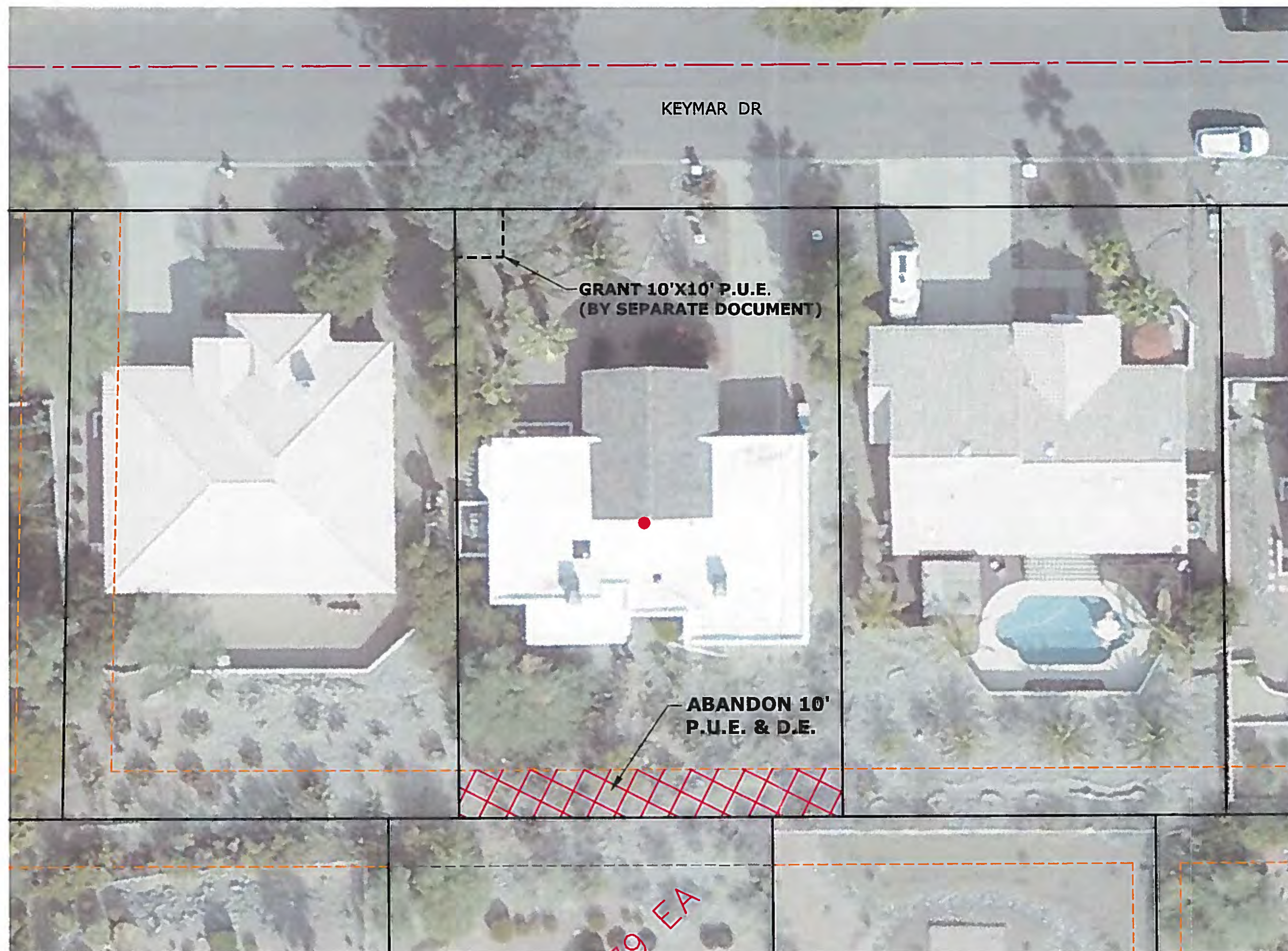
SUBJECT HOUSE ●



0 10' 20'
SCALE: 1" = 20'

- AERIAL PHOTO FLIGHT: 11/17
- TOPOGRAPHICAL MAP: 9/91
- FEMA FLOOD DELINIATION: 10/13

THIS TOPO/AERIAL MAPPING IS
SUITABLE FOR GENERAL PLANNING
PURPOSES, BUT SHOULD NOT BE
USED FOR DESIGN.





TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 2/19/2019

Meeting Type: Regular Session

Agenda Type: Consent

Submitting Department: Community Services

Staff Contact Information: Corey Povar, Recreation Manager, 480-816-5170, cpovar@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF approving a SPECIAL EVENT LIQUOR LICENSE APPLICATION submitted by Stan Feffer representing Grand Canyon Title Agency located at 3900 E. Camelback Road, Ste 250, Phoenix AZ 85018 who will be holding a grand opening event for their business located at 16845 E. Avenue of the Fountains, Building D, Ste 110 on March 7, 2019. The event will be held from 5:00 PM to 7:00 PM.

Applicant: Stan Feffer

Applicant Contact Information: (602) 421-9505, 3900 E. Camelback Road, Ste 250, Phoenix AZ 85018

Owner: Same

Owner Contact Information: Same

Property Location: 16845 E. Avenue of the Fountains, Building D, Ste 110, Fountain Hills, AZ 85268

Related Ordinance, Policy or Guiding Principle: A.R.S. §4-203.02; 4-244; 4-261 and R19-1-228, R19-1-235, and R19-1-309

Staff Summary (background): The purpose of this item is to obtain Council's approval regarding the special event liquor license application submitted by Stan Feffer representing Grand Canyon Title Agency for submission to the Arizona Department of Liquor. This special event liquor license is being obtained for the purpose of holding a grand opening event at their new site located at 16845 E. Avenue of the Fountains, Building D, Ste 110, Fountain Hills, AZ 85268. The special event liquor license application was reviewed by staff for compliance with Town ordinances and staff unanimously recommends approval of this special event liquor license application as submitted.

Risk Analysis (options or alternatives with implications): N/A

Fiscal Impact (initial and ongoing costs; budget status): N/A

Budget Reference (page number): N/A

Funding Source: NA

If Multiple Funds utilized, list here:

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s): N/A

Staff Recommendation(s): Approve

List Attachment(s): Applications

SUGGESTED MOTION (for Council use): Move to approve the Special Event Liquor License

Prepared by:



Corey Povar, Recreation Manager

1/28/2019

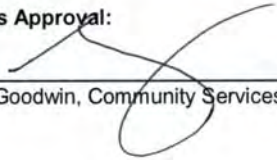
Approved:



Grady E. Miller, Town Manager

1/28/2019

Director's Approval:



Rachael Goodwin, Community Services Director

1/28/2019



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

FOR DLLC USE ONLY

Received Date:

Job #:

CSR:

License #:

APPLICATION FOR SPECIAL EVENT LICENSE

Fees: \$25.00 per day for 1-10 days (consecutive) Cash Checks or Money Orders Only
A service fee of \$25.00 will be charged for all dishonored checks (A.R.S § 44-6852)

IMPORTANT INFORMATION: This document must be fully completed or it will be returned.

The Department of Liquor Licenses and Control must receive this application ten (10) business days prior to the event.

SECTION 1 Applicant must be a member of a qualifying nonprofit organization, political party, or Government entity and authorized by an Officer, Director, or Chairperson of the Organization.

1. Applicant: FEFFER, Stan A. (pres. and) [Redacted]
Last First Middle Date of Birth
2. Applicant's mailing address: 3900 E. Camelback Rd #250 Phoenix, AZ 85018
Street City State Zip
3. Applicant's home/cell phone: (602) 421-9505 Applicant's business phone: (602) 468-7707
4. Applicant's email address: stfeffer@gcta.com

SECTION 2 Name of Organization, Candidate or Political Party/Gov.: GRAND CANYON TITLE AGENCY

Name of Licensed Contractor (if any): _____

SECTION 3 Non-Profit/IRS Tax Exempt Number: _____

SECTION 4 Event Location: _____

Event Address: 16845 E. AVENUE OF THE FOUNTAINS Bldg D STE 110

SECTION 5 Dates and Hours of Event. Days must be consecutive but may not exceed 10 consecutive days.
See A.R.S. § 4-244(15) and (17) for legal hours of service.

PLEASE FILL OUT A SEPARATE APPLICATION FOR EACH "NON-CONSECUTIVE" DAY

	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	<u>7 MARCH 19</u>	<u>THURSDAY</u>	<u>500PM</u>	<u>7:00PM</u>
DAY 2:	_____	_____	_____	_____
DAY 3:	_____	_____	_____	_____
DAY 4:	_____	_____	_____	_____
DAY 5:	_____	_____	_____	_____
DAY 6:	_____	_____	_____	_____
DAY 7:	_____	_____	_____	_____
DAY 8:	_____	_____	_____	_____
DAY 9:	_____	_____	_____	_____
DAY 10:	_____	_____	_____	_____

SECTION 6 What type of security and control measures will you take to prevent violations of liquor laws at this event?
(List type and number of police/security personnel and type of fencing or control barriers, if applicable.)

_____ Number of Police _____ Number of Security Personnel ☐ Fencing ☒ Barriers

Explanation: According to diagram attached.

SECTION 7 Will this event be held on a currently licensed premise and within the already approved premises? ☐ Yes ☒ No
(If yes, Local Governing Body Signature not required)

_____ Name of Business _____ License Number _____ Phone (Include Area Code) _____

SECTION 8 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation and check one of the following boxes.

- ☐ Place license in non-use
☐ Dispense and serve all spirituous liquors under retailer's license
☒ Dispense and serve all spirituous liquors under special event → beer & wine only
☐ Split premise between special event and retail location

(IF USING RETAIL LICENSE, PLEASE SUBMIT A LETTER OF AGREEMENT FROM THE AGENT/OWNER OF THE LICENSED PREMISES TO SUSPEND OR RUN CONCURRENT WITH THE PERMANENT LICENSE DURING THE EVENT. IF THE SPECIAL EVENT IS ONLY USING A PORTION OF THE PREMISES, AGENT/OWNER WILL NEED TO SUSPEND THAT PORTION OF THE PREMISES.)

SECTION 9 What is the purpose of this event?

- ☒ On-site consumption ☐ Off-site (auction/wine/distilled spirits pull) ☐ Both

SECTION 10

1. Has the applicant been convicted of a felony, or had a liquor license revoked within the last five (5) years?

☐ Yes ☒ No (If yes, attach explanation.)

2. How many special event days have been issued to this organization during the calendar year? 0
(The number cannot exceed 10 days per year.)

3. Is the organization using the services of a licensed contractor or other person to manage the sale or service of alcohol?

☐ Yes ☒ No (If yes, must be a licensed contractor or licensee of series 6, 7, 11, or 12)

4. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.

Name N/A Percentage: X

Address - no sales -

Name _____ Percentage: _____

Address _____
Street City State Zip

Please read A.R.S. § 4-203.02 Special event license; rules and R19-1-205 Requirements for a Special Event License.

Note: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.

NO ALCOHOLIC BEVERAGES SHALL LEAVE A SPECIAL EVENT UNLESS THEY ARE IN AUCTION WINE OR DISTILLED SPIRITS PULL SEALED CONTAINERS OR THE SPECIAL EVENT LICENSE IS STACKED WITH WINE /CRAFT DISTILLERY FESTIVAL LICENSE.

SECTION 11 License premises diagram. The licensed premises for your special event is the area in which you are authorized to sell, dispense or serve alcoholic beverages under the provisions of your license. Please attach a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades, or other control measures and security position.

ATTACH DIAGRAM

If the special event will be held at a location without a permanent liquor license or if the event will be on any portion of a location that is not covered by the existing liquor license, this application must be approved by the local government before submission to the Department of Liquor Licenses and Control. Please contact the local governing board for additional application requirements and submission deadlines. Additional licensing fees may also be required before approval may be granted. For more information, please contact your local jurisdiction.

NOTARY

I, (Print Full Name) Stan A. Feffer, hereby declare that I am the APPLICANT, I have read this document and verify the contents and all statements are true, correct and complete to the best of my knowledge.

X (Signature)

Applicant Signature

State of

ARIZONA

County of

MARICOPA

the foregoing instrument was acknowledged before me this

28th
Day

of

January
Month

2019
Year

My commission expires on:

June 6, 2021



H. VELARDE
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
June 6, 2021

[Signature]
Signature of NOTARY PUBLIC

LOCAL GOVERNING BOARD

Date Received: _____

I, _____ recommend ☐ APPROVAL ☐ DISAPPROVAL
(Government Official) (Title)

On behalf of _____, _____, _____, _____
(City, Town, County) Signature Date Phone

DLIC USE ONLY

☐ APPROVAL ☐ DISAPPROVAL BY: _____ DATE: ____/____/____

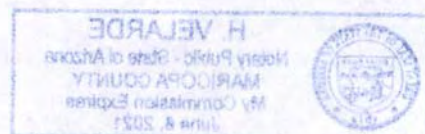
A.R.S. § 41-1030. Invalidity of rules not made according to this chapter; prohibited agency action; prohibited acts by state employees; enforcement; notice

B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

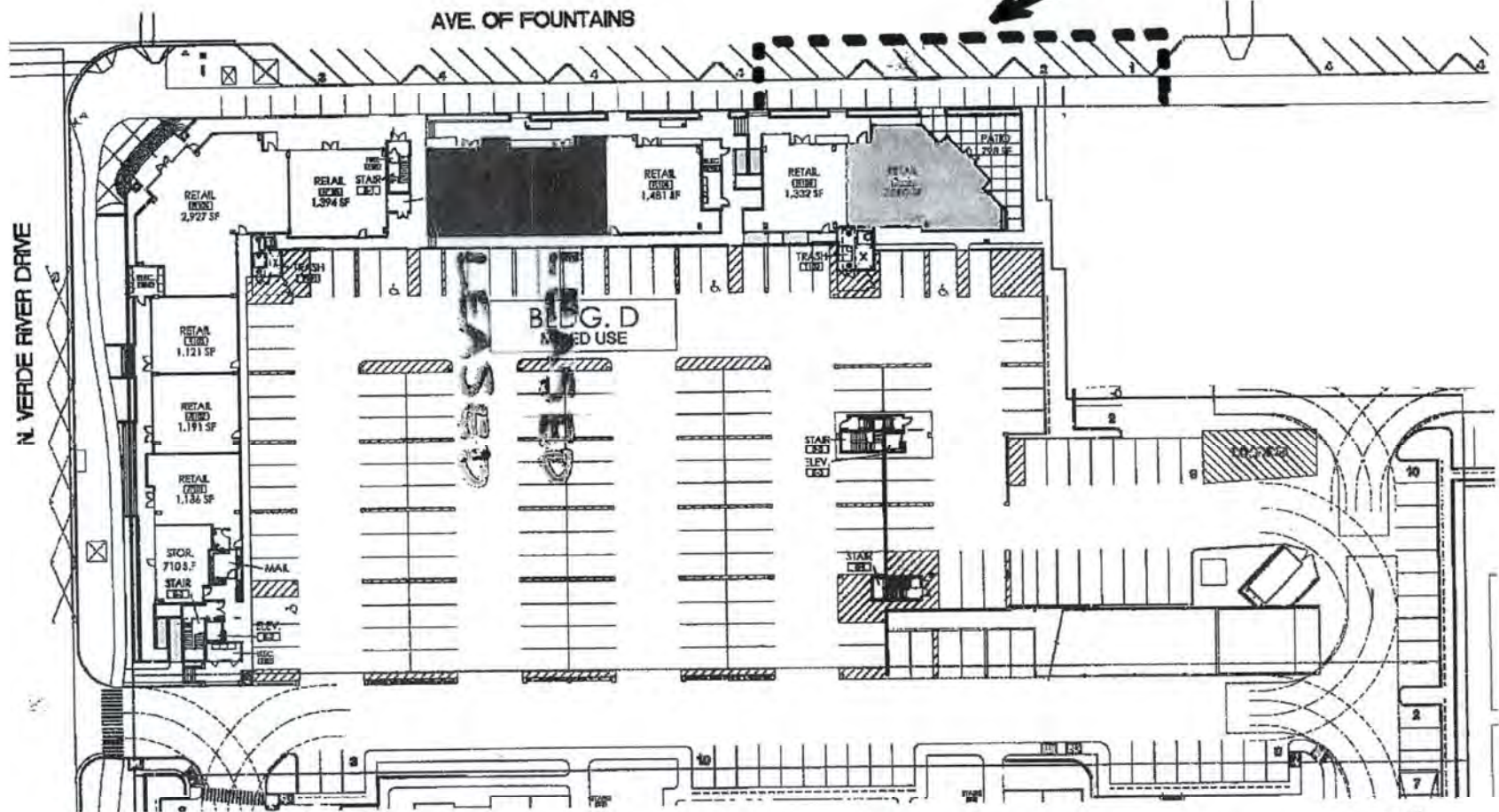
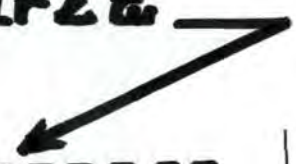
D. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF MAY BE AWARDED AGAINST THE STATE. THE COURT MAY AWARD REASONABLE ATTORNEY FEES, DAMAGES AND ALL FEES ASSOCIATED WITH THE LICENSE APPLICATION TO A PARTY THAT PREVAILS IN AN ACTION AGAINST THE STATE FOR A VIOLATION OF THIS SECTION.

E. A STATE EMPLOYEE MAY NOT INTENTIONALLY OR KNOWINGLY VIOLATE THIS SECTION. A VIOLATION OF THIS SECTION IS CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO THE AGENCY'S ADOPTED PERSONNEL POLICY.

F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.0



Cocktail Area



LEGEND
 [Symbol] FINANCIAL ADVISOR
 [Symbol] EATERY (HOT DOGS & ICE CREAM)

ARCHITECTURAL SITE PLAN
 PARK PLACE PHASE I - BUILDING D
 FOUNTAIN HILLS, ARIZONA

north

 SCALE: 1" = 40'-0"



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 2/19/2019

Meeting Type: Regular Session

Agenda Type: Consent

Submitting Department: Community Services

Staff Contact Information: Corey Povar, Recreation Manager, 480-816-5170, cpovar@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF approving an APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT submitted by Andy Weiner representing Bone Haus Brewing Company located at 14825 E. Shea Blvd., Suite 101 Fountain Hills, AZ 85268 who will be holding a lobster boil on March 3, 2019.

Applicant: Andy Weiner

Applicant Contact Information: (480) 2929541, 14825 E. Shea Blvd., Suite 101 Fountain Hills, AZ 85268

Owner: Same

Owner Contact Information: Same

Property Location: 14825 E. Shea Blvd., Suite 101 Fountain Hills, AZ 85268

Related Ordinance, Policy or Guiding Principle: A.R.S. §4-203.02; 4-244; 4-261 and R19-1-228, R19-1-235, and R19-1-309

Staff Summary (background): The purpose of this item is to obtain Council's approval regarding an application for extension of premises/patio permit submitted by Andy Weiner representing Bone Haus Brewing Company for submission to the Arizona Department of Liquor. This permit is being obtained for the purpose of holding a lobster boil event at their site located at 14825 E. Shea Blvd., Suite 101 Fountain Hills, AZ 85268. The application was reviewed by staff for compliance with Town ordinances and staff unanimously recommends approval of this special event liquor license application as submitted.

Risk Analysis (options or alternatives with implications): N/A

Fiscal Impact (initial and ongoing costs; budget status): N/A

Budget Reference (page number): N/A

Funding Source: NA

If Multiple Funds utilized, list here:

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s): N/A

Staff Recommendation(s): Approve

List Attachment(s): Applications

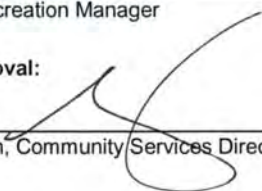
SUGGESTED MOTION (for Council use): Move to approve the Special Event Liquor License

Prepared by:


Corey Povar, Recreation Manager

1/29/2019

Director's Approval:


Rachael Goodwin, Community Services Director

1/29/2019

Approved:


Grady E. Miller, Town Manager

1/29/2019



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

DLLC USE ONLY

CSR:

Log #:

APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT

OBTAIN APPROVAL FROM LOCAL GOVERNING BOARD BEFORE SUBMITTING TO THE DEPARTMENT OF LIQUOR

Notice: Allow 30-45 days to process permanent change of premises

☐ Permanent change of area of service. A non-refundable \$50. Fee will apply. Specific purpose for change:

☒ Temporary change (No Fee) for date(s) of: 3/3/19 through 3/3/19 list specific purpose for change:

1. Licensee's Name: Weiner Andy License #: 03073109
Last First Middle
2. Mailing address: 14825 E Shea Blvd Suite 101 Fountain Hills AZ 85268
Street City State Zip Code
3. Business Name: Skullerwink LLC DBA Bone Haus Brewing
4. Business Address: 14825 E Shea Blvd Suite 101 Fountain Hills AZ 85268
Street City State Zip Code
5. Email Address: Andy@BoneHausBrewing.Com
6. Business Phone Number: 480 292 9541 Contact Phone Number: 480 980 3579
7. Is extension of premises/patio complete?
☐ N/A ☐ Yes ☒ No If no, what is your estimated completion date? 3/2/19
8. Do you understand Arizona Liquor Laws and Regulations?
☒ Yes ☐ No
9. Does this extension bring your premises within 300 feet of a church or school?
☐ Yes ☒ No
10. Have you received approved Liquor Law Training?
☒ Yes ☐ No
11. What security precautions will be taken to prevent liquor violations in the extended area? _____

12. **IMPORTANT:** Attach the revised floor plan, clearly depicting your licensed premises along with the new extended area outlined in black marker or ink, if the extended area is not outlined and marked "extension" we cannot accept the application.

☐ Barrier Exemption: an exception to the requirement of barriers surrounding a patio/outdoor serving area may be requested. Barrier exemptions are granted based on public safety, pedestrian traffic, and other factors unique to a licensed premises. List specific reasons for exemption:

☐ Approval ☐ Disapproval by DLLC: _____ Date: ____/____/____

Notary

I, (Signature) _____, hereby declare that I am a **CONTROLLING PERSON/ AGENT** filing this notification. I have read this document and the contents and all statements are true, correct and complete.

State of Arizona)

County of _____)

On this 29 Day of January, 2019 before me personally appeared Andy Weiner
Day Month Year (Print Name of Document Signer)

Whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and acknowledged that he or she signed the above/attached document.

(Affix Seal Above)



Paula Woodward
Signature of NOTARY PUBLIC

GOVERNING BOARD

After completion, and **BEFORE submitting to the Department of Liquor**, please take this application to your local Board of Supervisors, City Council or Designate for their recommendation. This recommendation is not binding on the Department of Liquor.

☐ Approval ☐ Disapproval

Authorized Signature

Title

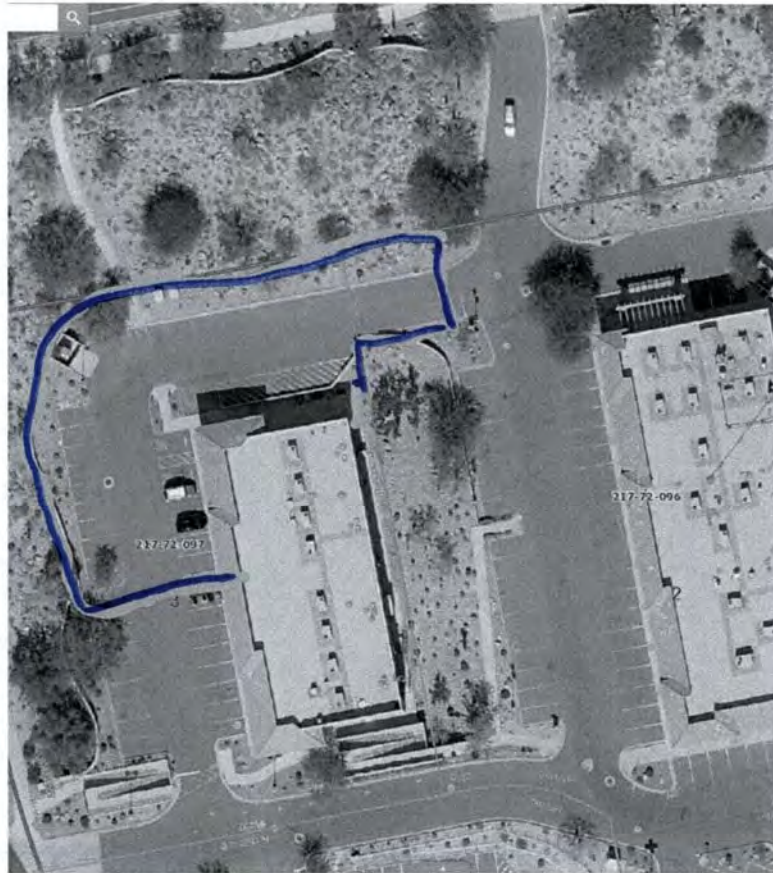
Agency

Date

DLLC USE ONLY

Investigation Recommendation: ☐ Approval ☐ Disapproval by: _____ Date: ____/____/____

Director Signature required for Disapprovals: _____ Date: ____/____/____





TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 2/19/2019

Meeting Type: Regular Session

Agenda Type: Consent

Submitting Department: Community Services

Staff Contact Information: Corey Povar, Recreation Manager, 480-816-5170, cpovar@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF approving a SPECIAL EVENT LIQUOR LICENSE APPLICATION submitted by Carol Caroll representing the Fountain Hills Sister Cities located at 16957 E. Kiwanis Drive, Fountain Hills, AZ for the purpose of a fundraiser to be held on March 9, 2019 from 5:30 PM to 9:00 PM.

Applicant: Carol Caroll

Applicant Contact Information: 602-620-0799

Owner: Same

Owner Contact Information: Same

Property Location: 16957 E. Kiwanis Drive, Fountain Hills, AZ 85268

Related Ordinance, Policy or Guiding Principle: A.R.S. §4-203.02; 4-244; 4-261 and R19-1-228, R19-1-235, and R19-1-309

Staff Summary (background): The purpose of this item is to obtain Council's approval regarding the special event liquor license application submitted by Carol Caroll representing Fountain Hills Sister Cities for submission to the Arizona Department of Liquor. The special event liquor license application was reviewed by staff for compliance with Town ordinances and staff unanimously recommends approval of this special event liquor license application as submitted.

Risk Analysis (options or alternatives with implications): N/A

Fiscal Impact (initial and ongoing costs; budget status): N/A

Budget Reference (page number): N/A

Funding Source: NA

If Multiple Funds utilized, list here:

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s): N/A

Staff Recommendation(s): Approve

List Attachment(s): Applications

SUGGESTED MOTION (for Council use): Move to approve the Special Event Liquor License

Approved:



Grady E. Miller, Town Manager

2/4/2019

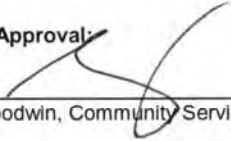
Prepared by:



Corey Povar, Recreation Manager

2/4/2019

Director's Approval:



Rachael Goodwin, Community Services Director

2/4/2019



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

FOR DLIC USE ONLY

Received Date:
Job #:
CSR:
License #:

APPLICATION FOR SPECIAL EVENT LICENSE

Fees: \$25.00 per day for 1-10 days (consecutive) Cash Checks or Money Orders Only
A service fee of \$25.00 will be charged for all dishonored checks (A.R.S § 44-6852)

IMPORTANT INFORMATION: This document must be fully completed or it will be returned.
The Department of Liquor Licenses and Control must receive this application ten (10) business days prior to the event.

SECTION 1 Applicant must be a member of a qualifying nonprofit organization, political party, or Government entity and authorized by an Officer, Director, or Chairperson of the Organization.

1. Applicant: Carol Carol J [REDACTED]
Last First Middle Date of Birth
2. Applicant's mailing address: [REDACTED] F. Jericho Dr. Fountain Hills, AZ 85248
Street City State Zip
3. Applicant's home/cell phone: (602) 620-0799 Applicant's business phone: ()
4. Applicant's email address: Caroljcarroll@icloud.com

SECTION 2 Name of Organization, Candidate or Political Party/Gov.: F. H. Sister Cities

Name of Licensed Contractor (if any): _____

SECTION 3 Non-Profit/IRS Tax Exempt Number: 36-4607067

SECTION 4 Event Location: Kiwanis Building

Event Address: 16957 E. Kiwanis Dr. Fountain Hills, AZ
85248

SECTION 5 Dates and Hours of Event. Days must be consecutive but may not exceed 10 consecutive days.
See A.R.S. § 4-244(15) and (17) for legal hours of service.

PLEASE FILL OUT A SEPARATE APPLICATION FOR EACH "NON-CONSECUTIVE" DAY

	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	<u>3/9/19</u>	<u>Saturday</u>	<u>5:30p</u>	<u>9:00p</u>
DAY 2:	_____	_____	_____	_____
DAY 3:	_____	_____	_____	_____
DAY 4:	_____	_____	_____	_____
DAY 5:	_____	_____	_____	_____
DAY 6:	_____	_____	_____	_____
DAY 7:	_____	_____	_____	_____
DAY 8:	_____	_____	_____	_____
DAY 9:	_____	_____	_____	_____
DAY 10:	_____	_____	_____	_____

SECTION 6 What type of security and control measures will you take to prevent violations of liquor laws at this event?
(List type and number of police/security personnel and type of fencing or control barriers, if applicable.)

Number of Police 2 Number of Security Personnel ☐ Fencing ☐ Barriers

Explanation: Two members of the Sister Cities Board of Directors will serve as security & check ID's.

SECTION 7 Will this event be held on a currently licensed premise and within the already approved premises? ☐ Yes ☐ No
(If yes, Local Governing Body Signature not required)

Name of Business License Number Phone (Include Area Code)

SECTION 8 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation and check one of the following boxes.

- ☐ Place license in non-use
☐ Dispense and serve all spirituous liquors under retailer's license
☒ Dispense and serve all spirituous liquors under special event
☐ Split premise between special event and retail location

(IF USING RETAIL LICENSE, PLEASE SUBMIT A LETTER OF AGREEMENT FROM THE AGENT/OWNER OF THE LICENSED PREMISES TO SUSPEND OR RUN CONCURRENT WITH THE PERMANENT LICENSE DURING THE EVENT. IF THE SPECIAL EVENT IS ONLY USING A PORTION OF THE PREMISES, AGENT/OWNER WILL NEED TO SUSPEND THAT PORTION OF THE PREMISES.)

SECTION 9 What is the purpose of this event?

☒ On-site consumption ☐ Off-site (auction/wine/distilled spirits pull) ☐ Both

SECTION 10

- Has the applicant been convicted of a felony, or had a liquor license revoked within the last five (5) years?
☐ Yes ☒ No (If yes, attach explanation.)
- How many special event days have been issued to this organization during the calendar year? _____
(The number cannot exceed 10 days per year.)
- Is the organization using the services of a licensed contractor or other person to manage the sale or service of alcohol?
☐ Yes ☒ No (If yes, must be a licensed contractor or licensee of series 6, 7, 11, or 12)
- List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.

Name F.H. Sister Cities Percentage: 100%

Address [REDACTED] E. Palmrose Dr. Fountain Hills, AZ 85268

Name _____ Percentage: _____

Address _____
Street City State Zip

Please read A.R.S. § 4-203.02 Special event license; rules and R19-1-205 Requirements for a Special Event License.

Note: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.

NO ALCOHOLIC BEVERAGES SHALL LEAVE A SPECIAL EVENT UNLESS THEY ARE IN AUCTION WINE OR DISTILLED SPIRITS PULL SEALED CONTAINERS OR THE SPECIAL EVENT LICENSE IS STACKED WITH WINE /CRAFT DISTILLERY FESTIVAL LICENSE.

SECTION 11 License premises diagram. The licensed premises for your special event is the area in which you are authorized to sell, dispense or serve alcoholic beverages under the provisions of your license. Please attach a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades, or other control measures and security position.

See Attached

ATTACH DIAGRAM

If the special event will be held at a location without a permanent liquor license or if the event will be on any portion of a location that is not covered by the existing liquor license, this application must be approved by the local government before submission to the Department of Liquor Licenses and Control. Please contact the local governing board for additional application requirements and submission deadlines. Additional licensing fees may also be required before approval may be granted. For more information, please contact your local jurisdiction.

NOTARY

I, (Print Full Name) Carol J Carroll, hereby declare that I am the APPLICANT, I have read this document and verify the contents and all statements are true, correct and complete to the best of my knowledge.

X (Signature) Carol J Carroll
Applicant Signature

State of Arizona County of Maricopa
the foregoing instrument was acknowledged before me this

4 - of February 2019
Day Month Year

My commission expires on: June 30, 2019



RHONDA M. BRENNEMAN
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires June 30, 2019

Rhonda M. Brenneman
Signature of NOTARY PUBLIC

LOCAL GOVERNING BOARD

Date Received: _____			
I, _____ (Government Official)	_____ (Title)	recommend	☐ APPROVAL ☐ DISAPPROVAL
On behalf of _____ (City, Town, County)	_____ Signature	_____ Date	_____ Phone

DLLC USE ONLY

☐ APPROVAL ☐ DISAPPROVAL	BY: _____	DATE: ____/____/____
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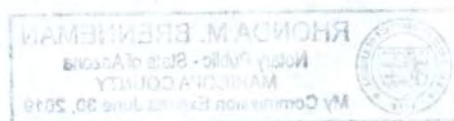
A.R.S. § 41-1030. Invalidity of rules not made according to this chapter; prohibited agency action; prohibited acts by state employees; enforcement; notice

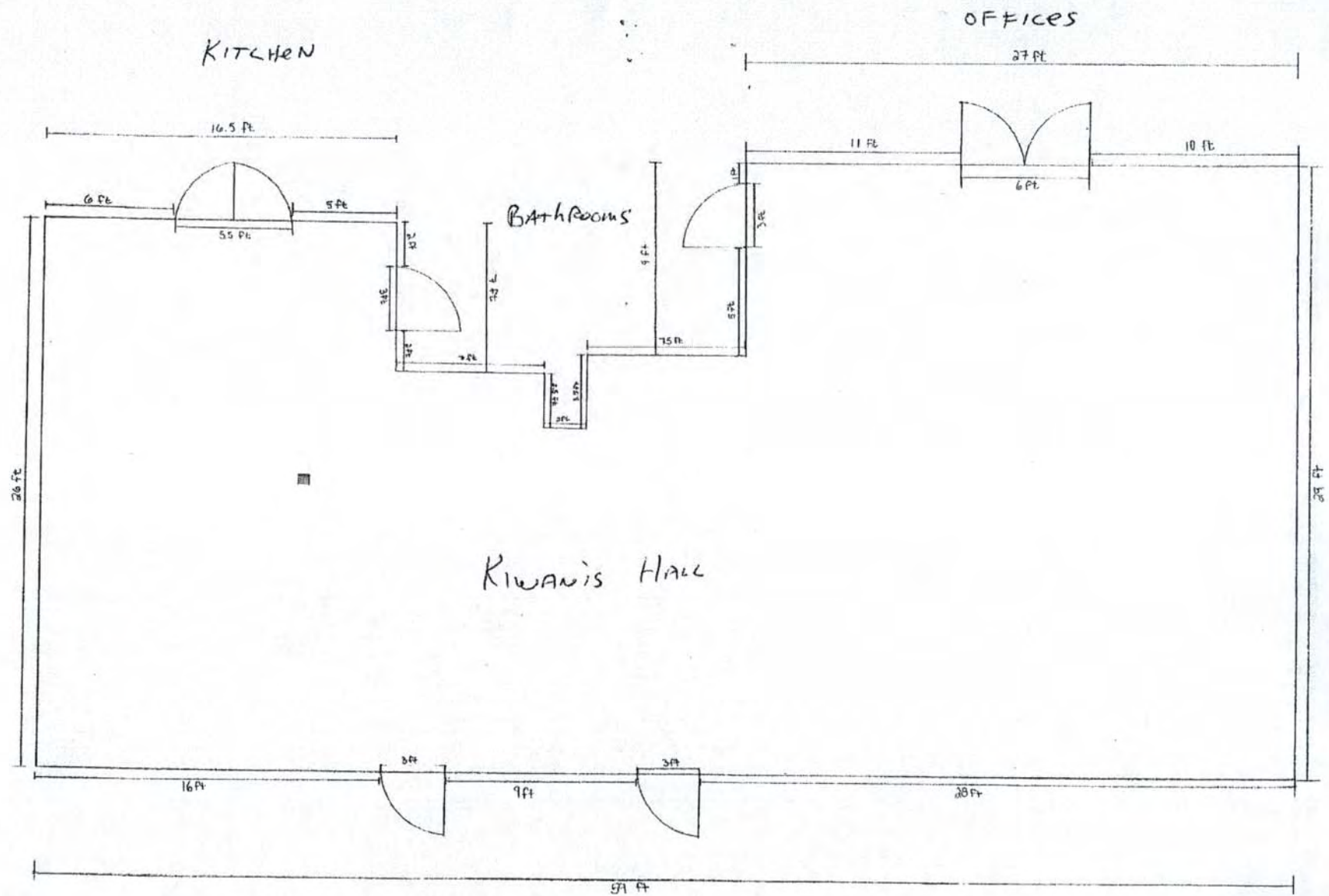
B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

D. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF MAY BE AWARDED AGAINST THE STATE. THE COURT MAY AWARD REASONABLE ATTORNEY FEES, DAMAGES AND ALL FEES ASSOCIATED WITH THE LICENSE APPLICATION TO A PARTY THAT PREVAILS IN AN ACTION AGAINST THE STATE FOR A VIOLATION OF THIS SECTION.

E. A STATE EMPLOYEE MAY NOT INTENTIONALLY OR KNOWINGLY VIOLATE THIS SECTION. A VIOLATION OF THIS SECTION IS CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO THE AGENCY'S ADOPTED PERSONNEL POLICY.

F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.0







TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 2/19/2019

Meeting Type: Regular Session

Agenda Type: Consent

Submitting Department: Community Services

Staff Contact Information: Corey Povar, Recreation Manager, 480-816-5170, cpovar@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF approving a SPECIAL EVENT LIQUOR LICENSE APPLICATION submitted by Samuel Coffee representing the Fountain Hills Veterans Memorial, Inc. who in conjunction with the Irish Fountain Fest in Fountain Park, on March 16, 2019 from 11:00 AM to 5:00 PM.

Applicant: Sam Coffee

Applicant Contact Information: (480) 216-8238, 17105 E. La Montana Drive, Fountain Hills, AZ 85268

Owner: Same

Owner Contact Information: Same

Property Location: 9624 North Monterey Drive #1, Fountain Hills, AZ 85268

Related Ordinance, Policy or Guiding Principle: A.R.S. §4-203.02; 4-244; 4-261 and R19-1-228, R19-1-235, and R19-1-309

Staff Summary (background): The purpose of this item is to obtain Council's approval regarding the special event liquor license application submitted by Samuel Coffee representing the Fountain Hills Veterans Memorial, Inc. for submission to the Arizona Department of Liquor. This special event liquor license is being obtained for the purpose of serving beer within the Irish Fountain Fest. The special event liquor license application was reviewed by staff for compliance with Town ordinances and staff unanimously recommends approval of this special event liquor license application as submitted.

Risk Analysis (options or alternatives with implications): N/A

Fiscal Impact (initial and ongoing costs; budget status): N/A

Budget Reference (page number): N/A

Funding Source: NA

If Multiple Funds utilized, list here:

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s): N/A

Staff Recommendation(s): Approve

List Attachment(s): Applications

SUGGESTED MOTION (for Council use): Move to approve the Special Event Liquor License

Prepared by:


Corey Povar, Recreation Manager

2/11/2019

Director's Approval:


Rachael Goodwin, Community Services Director

2/11/2019

Approved:


Grady E. Miller, Town Manager

2/11/2019



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

FOR DLLC USE ONLY

Received Date:

Job #:

CSR:

License #:

APPLICATION FOR SPECIAL EVENT LICENSE

Fees: \$25.00 per day for 1-10 days (consecutive) Cash Checks or Money Orders Only
A service fee of \$25.00 will be charged for all dishonored checks (A.R.S § 44-6852)

IMPORTANT INFORMATION: This document must be fully completed or it will be returned.
The Department of Liquor Licenses and Control must receive this application ten (10) business days prior to the event.

SECTION 1 Applicant must be a member of a qualifying nonprofit organization, political party, or Government entity and authorized by an Officer, Director, or Chairperson of the Organization.

1. Applicant: Coffee Samuel D [REDACTED]
Last First Middle Date of Birth
2. Applicant's mailing address: 17105 E La Montana Dr. #207 Fountain Hills AZ 85268
Street City State Zip
3. Applicant's home/cell phone: (480) 216-8238 Applicant's business phone: (480) 216-8238
4. Applicant's email address: sdcoffee@cox.net

SECTION 2 Name of Organization, Candidate or Political Party/Gov.: Fountain Hills Veterans Memorial, Inc.

Name of Licensed Contractor (if any): _____

SECTION 3 Non-Profit/IRS Tax Exempt Number: 20-0036527

SECTION 4 Event Location: Fountain Park

Event Address: 12925 N Saguaro Blvd. Fountain Hills AZ 85268

SECTION 5 Dates and Hours of Event. Days must be consecutive but may not exceed 10 consecutive days.
See A.R.S. § 4-244(15) and (17) for legal hours of service.

PLEASE FILL OUT A SEPARATE APPLICATION FOR EACH "NON-CONSECUTIVE" DAY

	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	<u>03/16/2019</u>	<u>Saturday</u>	<u>11 am</u>	<u>5pm</u>
DAY 2:	_____	_____	_____	_____
DAY 3:	_____	_____	_____	_____
DAY 4:	_____	_____	_____	_____
DAY 5:	_____	_____	_____	_____
DAY 6:	_____	_____	_____	_____
DAY 7:	_____	_____	_____	_____
DAY 8:	_____	_____	_____	_____
DAY 9:	_____	_____	_____	_____
DAY 10:	_____	_____	_____	_____

SECTION 6 What type of security and control measures will you take to prevent violations of liquor laws at this event?
(List type and number of police/security personnel and type of fencing or control barriers, if applicable.)

_____ Number of Police _____ Number of Security Personnel ☐ Fencing ☒ Barriers

Explanation: The area will be cordoned off with rope. There will be monitors stationed
spaced in intervals around the perimeter to ensure that alcohol does not leave the area.
Tickets will be sold for beer and wrist bands applied after an ID check is performed.
No alcohol will served to anyone or consumed without a wristband.

SECTION 7 Will this event be held on a currently licensed premise and within the already approved premises? ☐ Yes ☒ No
(If yes, Local Governing Body Signature not required)

_____ Name of Business

_____ License Number

_____ Phone (Include Area Code)

SECTION 8 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation and check one of the following boxes.

- ☐ Place license in non-use
☐ Dispense and serve all spirituous liquors under retailer's license
☒ Dispense and serve all spirituous liquors under special event
☐ Split premise between special event and retail location

(IF USING RETAIL LICENSE, PLEASE SUBMIT A LETTER OF AGREEMENT FROM THE AGENT/OWNER OF THE LICENSED PREMISES TO SUSPEND OR RUN CONCURRENT WITH THE PERMANENT LICENSE DURING THE EVENT. IF THE SPECIAL EVENT IS ONLY USING A PORTION OF THE PREMISES, AGENT/OWNER WILL NEED TO SUSPEND THAT PORTION OF THE PREMISES.)

SECTION 9 What is the purpose of this event?

- ☒ On-site consumption ☐ Off-site (auction/wine/distilled spirits pull) ☐ Both

SECTION 10

1. Has the applicant been convicted of a felony, or had a liquor license revoked within the last five (5) years?

☐ Yes ☒ No (If yes, attach explanation.)

2. How many special event days have been issued to this organization during the calendar year? 0
(The number cannot exceed 10 days per year.)

3. Is the organization using the services of a licensed contractor or other person to manage the sale or service of alcohol?

☐ Yes ☒ No (If yes, must be a licensed contractor or licensee of series 6, 7, 11, or 12)

4. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.

Name Fountain Hills Veterans Memorial, Inc Percentage: 30

Address 17105 E La Montana Dr #207, Fountain Hills, AZ 85268

Name Town of Fountain Hills Percentage: 70

Address 16705 E Ave of the Fountains Fountain Hills AZ 85268
Street City State Zip

Please read A.R.S. § 4-203.02 Special event license; rules and R19-1-205 Requirements for a Special Event License.

Note: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.

NO ALCOHOLIC BEVERAGES SHALL LEAVE A SPECIAL EVENT UNLESS THEY ARE IN AUCTION WINE OR DISTILLED SPIRITS PULL SEALED CONTAINERS OR THE SPECIAL EVENT LICENSE IS STACKED WITH WINE /CRAFT DISTILLERY FESTIVAL LICENSE.

SECTION 11 License premises diagram. The licensed premises for your special event is the area in which you are authorized to sell, dispense or serve alcoholic beverages under the provisions of your license. Please attach a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades, or other control measures and security position.

ATTACH DIAGRAM

If the special event will be held at a location without a permanent liquor license or if the event will be on any portion of a location that is not covered by the existing liquor license, this application must be approved by the local government before submission to the Department of Liquor Licenses and Control. Please contact the local governing board for additional application requirements and submission deadlines. Additional licensing fees may also be required before approval may be granted. For more information, please contact your local jurisdiction.

I, (Print Full Name) Samuel D Coffee, hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Applicant Signature: _____

LOCAL GOVERNING BOARD

Date Received: _____

I, _____ recommend ☐ APPROVAL ☐ DISAPPROVAL
(Government Official) (Title)

On behalf of _____, _____, _____, _____
(City, Town, County, State) Signature Date Phone

DLLC USE ONLY

☐ APPROVAL ☐ DISAPPROVAL BY: _____ DATE: ____/____/____

A.R.S. § 41-1030. Invalidity of rules not made according to this chapter; prohibited agency action; prohibited acts by state employees; enforcement; notice

B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

D. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF MAY BE AWARDED AGAINST THE STATE. THE COURT MAY AWARD REASONABLE ATTORNEY FEES, DAMAGES AND ALL FEES ASSOCIATED WITH THE LICENSE APPLICATION TO A PARTY THAT PREVAILS IN AN ACTION AGAINST THE STATE FOR A VIOLATION OF THIS SECTION.

E. A STATE EMPLOYEE MAY NOT INTENTIONALLY OR KNOWINGLY VIOLATE THIS SECTION. A VIOLATION OF THIS SECTION IS CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO THE AGENCY'S ADOPTED PERSONNEL POLICY.

F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 2/19/2019

Meeting Type: Regular Session

Agenda Type: Regular

Submitting Department: Community Services

Staff Contact Information: Rachael Goodwin, 816-5135, rgoodwin@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF APPOINTING five (5) citizens to serve on the Community Services Advisory Commission for a two-year term beginning on January 1, 2019 and ending on December 31, 2020.

Applicant:

Applicant Contact Information:

Owner:

Owner Contact Information:

Property Location:

Related Ordinance, Policy or Guiding Principle: Town Council Rules of Procedure 2014-9, Resolution 2014-28 CSAC By-laws

Staff Summary (background): The terms of five (5) Commissioners expire on December 31, 2020.

Risk Analysis (options or alternatives with implications):

Fiscal Impact (initial and ongoing costs; budget status):

Budget Reference (page number):

Funding Source: NA

If Multiple Funds utilized, list here:

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s):

Staff Recommendation(s):

List Attachment(s):

SUGGESTED MOTION (for Council use): Move to APPOINT _____, _____, _____, _____, AND _____, to serve on the Community Services Advisory Commission for a two-year term beginning on January 1, 2019 and ending on December 31, 2020.

Prepared by:

Angela Padgett-Espiritu, Executive Assistant

1/31/2019

Director's Approval:

Rachael Goodwin, Community Services Director

1/31/19
Date

Approved:

Grady E. Miller, Town Manager

Date



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 2/19/2019

Meeting Type: Regular Session

Agenda Type: Regular

Submitting Department: Community Services

Staff Contact Information: Rachael Goodwin, 816-5135, rgoodwin@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF APPOINTING seven (7) citizens to serve on the McDowell Mountain Preservation Commission for a combination of terms including two-year terms beginning on January 1, 2019 and ending on December 31, 2020 and three-year terms beginning on January 1, 2019 and ending on December 31, 2021.

Applicant:

Applicant Contact Information:

Owner:

Owner Contact Information:

Property Location:

Related Ordinance, Policy or Guiding Principle: Town Council Rules of Procedure 2006-52, Resolution 2017-41 MMPC By-laws

Staff Summary (background): The terms of seven (7) Commissioners expired on December 31, 2018. Interviews were conducted and the Council subcommittee recommends appointing seven (7) citizens to serve on the McDowell Mountain Preservation Commission for a combination of terms including two-year terms beginning on January 1, 2019 and ending on December 31, 2020 and three-year terms beginning on January 1, 2019 and ending on December 31, 2021.

Risk Analysis (options or alternatives with implications):

Fiscal Impact (initial and ongoing costs; budget status):

Budget Reference (page number):

Funding Source: NA

If Multiple Funds utilized, list here:

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s):

Staff Recommendation(s):

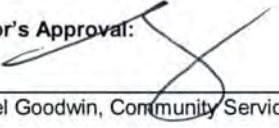
List Attachment(s):

SUGGESTED MOTION (for Council use): Move to APPOINT _____, _____, _____, _____, _____, _____, _____ AND _____, to serve on the McDowell Mountain Preservation Commission for a combination of terms including two-year terms beginning on January 1, 2019 and ending on December 31, 2020 and three-year terms beginning on January 1, 2019 and ending on December 31, 2021.

Prepared by:

Angela Padgett-Espiritu, Executive Assistant 1/31/2019

Director's Approval:


Rachael Goodwin, Community Services Director 2/14/2019

Approved:


Grady E. Miller, Town Manager 2/14/2019



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 2/19/2019

Meeting Type: Regular Session

Agenda Type: Regular

Submitting Department: Administration

Staff Contact Information: Grady E. Miller

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF appointing one (1) citizen to fill a vacancy on the Municipal Property Corporation for a term beginning on February 19, 2019 and ending on September 28, 2020.

Applicant:

Applicant Contact Information:

Owner:

Owner Contact Information:

Property Location:

Related Ordinance, Policy or Guiding Principle: Town Council Rules of Procedure 2014-9 and Resolution 1998-32.

Staff Summary (background): A vacancy was created when Director Walt Dunne resigned.

Risk Analysis (options or alternatives with implications):

Fiscal Impact (initial and ongoing costs; budget status):

Budget Reference (page number):

Funding Source: NA

If Multiple Funds utilized, list here:

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s):

Staff Recommendation(s):

List Attachment(s):

SUGGESTED MOTION (for Council use): Move to appoint _____ to fill a vacancy on the Municipal Property Corporation for a term beginning on February 19, 2019 and ending on September 28, 2020.

Prepared by:



Nancy Walter, Executive Assistant 2/6/2019

Approved:

Grady E. Miller, Town Manager 2/11/2019

Director's Approval:

NA Date



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 2/19/2019

Meeting Type: Regular Session

Agenda Type: Regular

Submitting Department: Development Services

Staff Contact Information: Marissa Moore, Senior Planner, mmoore@fh.az.gov

REQUEST TO COUNCIL (Agenda Language):

PUBLIC HEARING to receive comments on ORDINANCE 19-01, a TEXT AMENDMENT to the Fountain Hills Zoning Ordinance, Chapter 12.02.A, to allow residential dwelling units as a Use Subject to Special Use Permits within the "C-O – Commercial Office" zoning district.

Case #Z18-09

CONSIDERATION of PUBLIC HEARING to receive comments on ORDINANCE 19-01, a TEXT AMENDMENT to the Fountain Hills Zoning Ordinance, Chapter 12.02.A, to allow residential dwelling units as a Use Subject to Special Use Permits within the "C-O – Commercial Office" zoning district.

Case #Z18-09

PUBLIC HEARING pursuant to Zoning Ordinance Section 12.02.A. to receive comments on a proposed SPECIAL USE PERMIT to allow a single family residential dwelling at 16857 E Saguaro Blvd., located in the "C-O –Commercial Office" zoning district.

Case #SU18-03

CONSIDERATION of a proposed SPECIAL USE PERMIT to allow a single family residential dwelling at 16857 E Saguaro Blvd., located in the "C-O –Commercial Office" zoning district.

Case #SU18-03

Click or tap here to enter text. **Applicant:** Applicant: Abdul A Slatewala (for Architecture All & Associates)

Applicant Contact Information: 1211 W Canary Way

Owner: Town of Fountain Hills

Owner Contact Information: Development Services Department

Property Location: Town-Wide

Related Ordinance, Policy or Guiding Principle:

Fountain Hills Zoning Ordinance Chapter 2, Section 2.01

Fountain Hills Zoning Ordinance Chapter 12, Section 12.02.A

Staff Summary (background):

The subject property is located at the southwest corner of E Saguaro Boulevard and E Firebrick Drive. The property has an existing commercial building and is in the C-O Commercial Office Zoning District.

In the summer of 2018, staff was notified that someone was residing in the building on the subject property. Building Safety staff contacted the property owner to address this issue, since residential uses are not allowed in the C-O zoning district and the building may not meet Building and Fire Code regulations.

The applicant wishes to operate a business on the first floor of an existing building and use the second floor as a single-family dwelling. The applicant and the property owner met with staff to explore how to approach this issue to make this use (residential) a legal use for the property.

Per Chapter 12, Section 12.01, the intent of the C-O zoning district is, " ...to provide for well-designed and attractive business and professional office facilities on sites in appropriate locations. This zoning district would constitute a transition between other commercial land uses and residential neighborhoods. Principal uses in this zoning district include professional, semi-professional, and business office uses."

There are no residential uses listed as "Permitted", or as "Uses Subject to Special Use Permit" in the C-O zoning district.

One avenue was to request to rezone the property to another zoning designation, specifically to C-C – Common Commercial or C-1 – Neighborhood Commercial. However, rezoning would allow all of the permitted and Special Use Permit uses for the C-C or C-1 zoning districts. Rezoning the property to C-C or C-1 would allow uses such as amusement arcades, banks, food stores, and other uses that could have greater traffic impacts and noise than the existing C-O district's uses.

The other option could be to add single-and multi-family residential dwellings as a use permitted by a Special Use Permit in the C-O district. That would still limit the permitted uses, yet provide an option to make a residential use conforming. If the Town Council wishes to allow residential uses in the C-O zoning district, staff recommends that this would be the more appropriate option.

Before you is the request from the applicant, per staff's recommendation, to add "single and multi-family residential dwellings" as a use subject to Special Use Permit in the C-O – Commercial Office zoning district. Concurrently is the application for a Special Use Permit to allow said single-family dwelling unit at the subject property, should this subject zoning text amendment be approved. Included in the application package is a narrative from the applicant as well as photos and a site plan of existing conditions (see attachments).

The applicant understands that in order for the Special Use Permit to be reviewed and approved, the zoning text amendment must first be approved. The applicant also understands that there is a 30-day appeal period required of a zoning text amendment per Arizona Revised Statutes. If a zoning text amendment is approved, the 30-day delay would be a condition placed on any approval of a Special Use Permit and the issuance of a building permit. The applicant is aware there are some modifications that are required to bring the existing structure into conformity with the building code.

The Land Use designation in the *Fountain Hills General Plan 2010* is "Office" with "Future Shea / Saguaro Area Specific Plan" overlay (see Exhibit B). To determine the number of residential units allowed per acre (DU/AC), Town policy is to use the standard is to use Zoning Chapter 18, Section 18.03.C.5 as the general guide for mixed uses in commercial district. The standard is maximum of 14 DU/AC. For this property (15,152 square feet), that would equal a maximum of 5 dwelling units. Because the applicant is only requesting one (1) dwelling unit at this time, approving the zoning text amendment would not create a non-conformity for the number of units proposed for this site, nor create a conflict for a request for a Special Use Permit. The property contains adequate parking for both land uses.

Adjacent zoning designations to this zoning district are as follows (see Exhibit A):

Northeast: N Firebrick Drive ROW and C-O – Commercial Office
Northwest: E Saguaro Boulevard and C-2 PUD (Four Please Plaza)
South: R-3 – Multi-family Residential Zoning District
Southeast: N Firebrick Drive and R-5 – Multifamily Residential

At the February 7, 2018 Planning and Zoning Commission meeting, a number of issues related to these requests were discussed. One neighboring property owner voiced concern about a residential dwelling having people coming and going, as opposed to being there permanently. The property owner explained that the dwelling would be used by himself and his company partners when in town to do work with a client. It would also provide a place for clients to rest while their prosthetic was being created, instead of having them wait in a waiting room or exam room. There were questions about this use being continued even if the property wasn't used as a dwelling for a period of time. To clarify the conversation: the use goes with the property and once the use exists, the Special Use Permit doesn't expire. This is true even if the use is discontinued for a period of time, or if the property is sold. It is not conditioned upon the current property owner using the building as a dwelling.

Concurrency

All utilities and services provided in or by the Town of Fountain Hills are servicing or can service this site, to include but not limited to: Fire Rescue, Police, schools, water, electric, sewer, telecommunications, and stormwater management. Staff found the proposed zoning text amendment is generally consistent with the *Fountain Hills General Plan 2010*.

Risk Analysis (options or alternatives with implications):

Approval of the zoning text amendment would allow all the uses currently permitted in the C-O Commercial Office zoning district to remain, and single and multi-family residential dwellings would be added as a use subject to a Special Use Permit in the C-O district. Not approving this zoning text amendment would continue the prohibition of residential uses in the C-O zoning district.

Approval of the Special Use Permit would allow a single family residential dwelling on the second floor of the existing building. Not approving this Special Use Permit would prevent the property owner from having a residential use on the subject property. [Click or tap here to enter text.](#)

Fiscal Impact (initial and ongoing costs; budget status): NA

Budget Reference (page number): NA

Funding Source: NA

If Multiple Funds utilized, list here: NA

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s):

At the February 7, 2019 Planning and Zoning Commission meeting, the Commission voted 6-0 to forward a recommendation to Town Council to APPROVE ORDINANCE 19-01, a TEXT AMENDMENT to the Fountain Hills Zoning Ordinance, Chapter 12.02.A, to allow residential dwelling units as a Use Subject to Special Use Permits within the "C-O – Commercial Office" zoning district (Case #Z18-09).

At that meeting, the Commission also voted 6-0 to forward a recommendation to Town Council to APPROVE a SPECIAL USE PERMIT to allow a single family residential dwelling at 16857 E Saguaro Blvd., located in the "C-O –Commercial Office" zoning district (Case #SU18-03).

Staff Recommendation(s):

Staff recommends that the Town Council approve Ordinance #19-01 and Special Use Permit #SU18-03 as presented.

List Attachment(s):

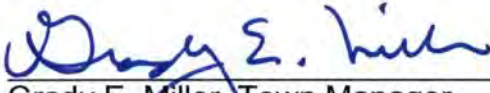
Application
Location Map
Current Zoning Map
Fountain Hills General Plan 2010 Land Use Map
Applicant's Narrative
Photos of existing conditions
Site plan of existing conditions
Draft February 7, 2019 Planning and Zoning Commission meeting minutes
Ordinance #19-01

SUGGESTED MOTION (for Council use)

Move to APPROVE ORDINANCE 19-01, a TEXT AMENDMENT to the Fountain Hills Zoning Ordinance, Chapter 12.02.A, to allow residential dwelling units as a Use Subject to Special Use Permits within the "C-O – Commercial Office" zoning district (Case #Z18-09).

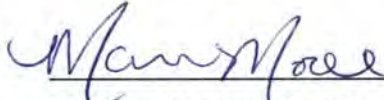
Move to APPROVE a SPECIAL USE PERMIT to allow a single family residential dwelling at 16857 E Saguaro Blvd., located in the "C-O –Commercial Office" zoning district (Case #SU18-03).

Approved:



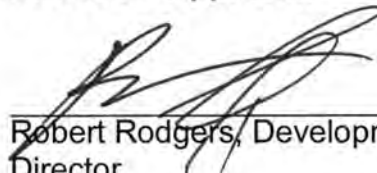
Grady E. Miller, Town Manager
2/12/2019

Prepared by:



Marissa Moore, Sr. Planner 2/11/2019

Director's Approval:



Robert Rodgers, Development Services
Director
2/11/2019



DO Not write in this space - official use only

Filing Date 12/3/18
 Accepted By Paula Woodward
 Fee Accepted \$2070 - CWA 5520
 Case Manager Marissa Moore

The Town of Fountain Hills

PLANNING & ZONING DEPARTMENT - APPLICATION

☐	Abandonment (Plat or Condominium)	☐	Appeal of Administrator's Interpretation
☐	Area Specific Plan & Amendments	☐	Concept Plan
☐	Condominium Plat	☐	Cut/Fill Waiver
☐	Development Agreement	☐	HPE Change or Abandonment
☐	General Plan Amendment	☒	Ordinance (Text Amendment)
☐	Planned Unit Development	☐	Preliminary / Final Plat
☐	Replat (Lot joins, lot splits, lot line adjustments)	☐	Special Use Permit & Amendments
☐	Rezoning (Map)	☐	Temporary Use Permit (Median Fee, if applicable)
☐	Site Plan Review (vehicles sales)	☐	Other
☐	Variance		

PROJECT NAME / NATURE OF PROJECT: int center of educ. for the advancement of silicone prosthetics. amend c-o zoning text to include addition of single & multi-family residential dwelling as a use subject to special use permits (similar as standard with c-1, c-c, c-2 & c-3)

LEGAL DESCRIPTION: Plat Name Fountain Hills AZ FP 412A TRS C.E Block STR 26.3N.6E MCR# 168-26 Lot 11
PROPERTY ADDRESS: 16857 E Saguaro Blvd - Fountain Hills, AZ 85268
PARCEL SIZE (Acres) 15,152.00 SF (0.347 acres) **ASSESSOR PARCEL NUMBER** 176-10-207
NUMBER OF UNITS PROPOSED **TRACTS**
EXISTING ZONING C-0 **PROPOSED ZONING** C-0 (w/ Text Amendment)

Applicant

☐ Mrs. Abdul A Slatewala (For Architecture All & Associates) Day Phone 602-620-1169
☒ Mr.
☐ Ms. Address: 1211 W Canary Way City: Chandler State: AZ Zip: 85286
 Email: iluba000@gmail.com

Owner

☐ Mrs. John D McFall (For 440 Investments LLC) Day Phone 928-242-1308
☒ Mr.
☐ Ms. Address: PO Box 1339 City: Lakeside State: AZ Zip: 85929

If application is being submitted by someone other than the owner of the property under consideration, the section below must be completed.

SIGNATURE OF OWNER John D McFall **DATE** 11/29/2018

I HEREBY AUTHORIZE Abdul A Slatewala TO FILE THIS APPLICATION.

Subscribed and sworn before me this 29th day of NOVEMBER, 2018

Notary Public



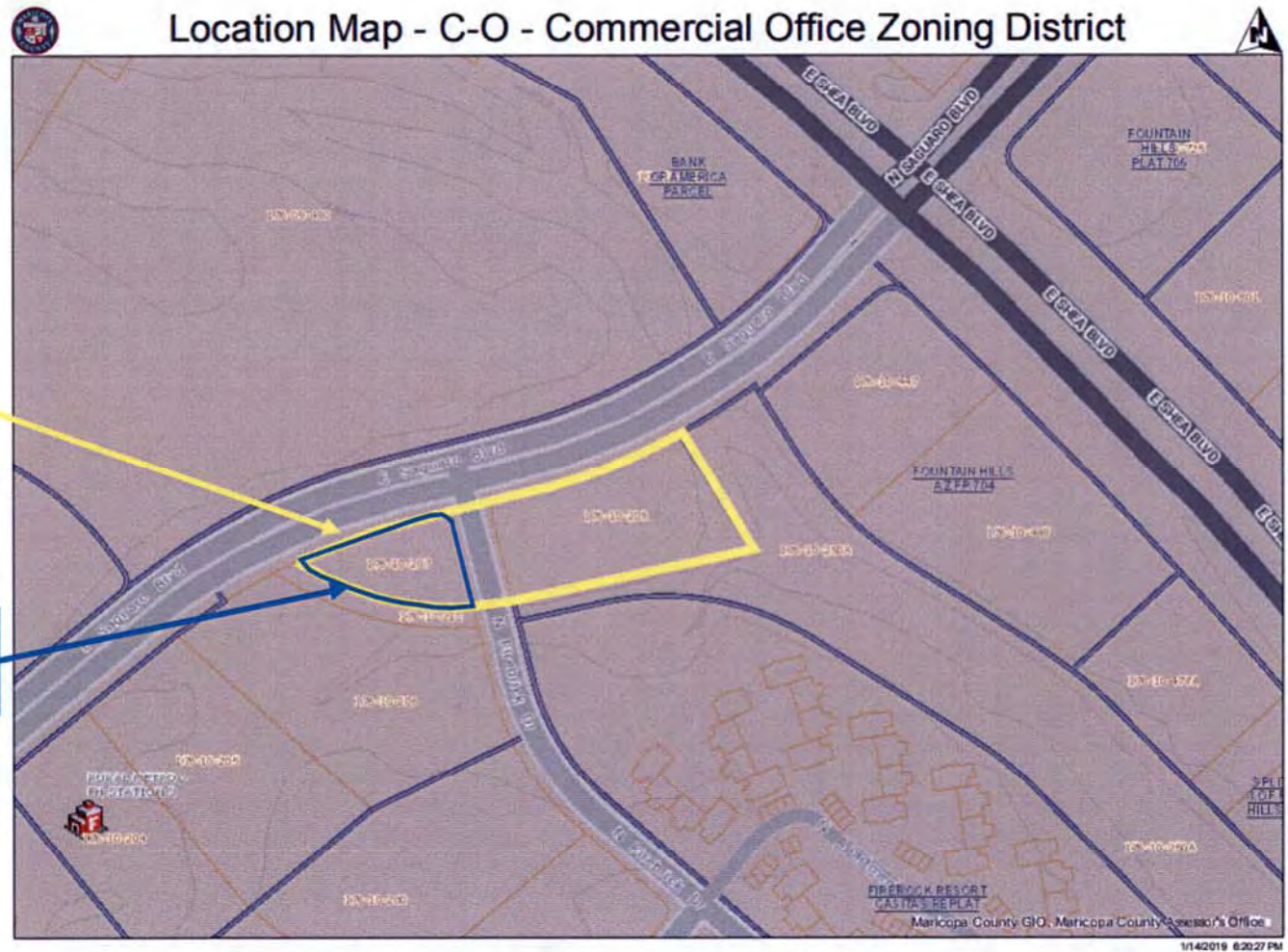
My Commission Expires 12-9-20
 Notary Public - Arizona
 Navajo County
 My Comm. Expires Dec 9, 2020

MUNIS 9344
 APPLICATION # 22018-09

Location Map - C-O - Commercial Office Zoning District

Subject
Zoning
District

Subject Property –
16857 E Saguaro Blvd



Subject and Adjacent Zoning District Designations

Subject
Zoning
District



Subject and Adjacent Land Use Designations

Subject
Land Use



Land Use Plan

- SF/VL - Single Family/Very Low
(.025-1 DU/AC)
- SF/L - Single Family/Low
(1-2 DU/AC)
- SF/M - Single Family/Medium
(2-4,5 DU/AC)
- MF/M - Multi-Family/Medium
(4-10 DU/AC)
- MF/H - Multi-Family/High
(10-12 DU/AC)
- C/R - General Commercial/Retail
- O - Office**
- L - Lodging
- MU - Mixed Use
- I - Industrial
- G - Government
- U - Utility
- S - Schools
- P - Park
- OS - Open Space
- GC - Golf Course
- Fountain Hills Boundary
- Jurisdictional Boundaries
- ROW
- State Highway
- Town Center Area Specific Plan
- Future Fountain Hills Blvd. Area Specific Plan
- Future Shea / Saguaro Area Specific Plan**

Project Narrative

Zoning Amendment & Special Use Permit

International Center of Education for the Advancement of Silicone Prosthetics
16857 E Saguaro Blvd - Fountain Hills, Arizona 85268

1. This site plan is for C-0 Zoned Parcel 176-10-207; which is an existing developed property with existing building.
2. The purpose for this Zoning Amendment is to add single and multi-family residential dwellings as a Use subject to Special Use Permits to the C-0 Zoning (similar as standard with C-1, C-C, C-2 & C-3 Zoning Districts)
3. The existing structure/business is operated by the International Center of Education for the Advancement of Silicone Prosthetics; at which prosthetic education workshops, training and silicone prosthetics are molded and manufactured for individual patients. This Center is world renowned and highly respected in this extremely specialized field. Having this type of exclusive business in Fountain Hills is beneficial to the Town, the Neighboring Community and future growth.
4. There are no hazardous materials stored or used in this process.
5. The building has an existing "livable & residential area" on the second floor. This area is an ancillary use to the business itself for Doctors, Prosthetic Designers & Patients who may need to rest while silicone prosthetics are being sized, molded, and developed. Many of these people travel around the World to visit this facility and the "livable area" is essential and imperative for their use.
6. The livable 2nd floor area was existing when property was purchased by the current owner. At the time; the Current Owner was unaware that the previous transformation from "office space" to "livable space" was completed without Zoning or Building Approval. This information was recently discovered - and thus this application for Zoning Amendment submittal and Special Use Permit is being prepared.
7. All Utilities, Streets, Sidewalks, Structures, Parking, Landscape, etc are existing and do not change with this application.
8. Modifications to the Fire Sprinkler System and/or Interior Partition Walls may be effected with Building & Fire Department for egress with mix use occupancy. This will be addressed accordingly with Building Permits after Zoning Amendment to C-0 is approved for single & multi-family use and Special Use Permit is obtained accordingly.



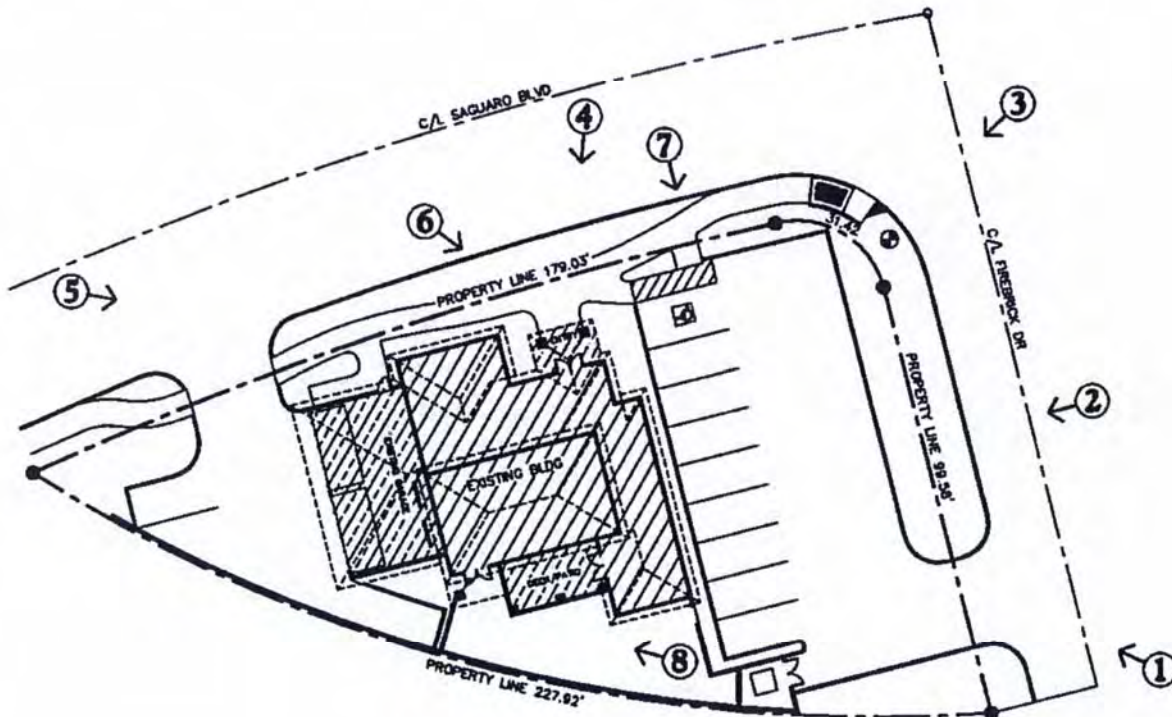
architecture all & associates

1211 w. canary way. chandler, arizona. 85286
c: 602.620.1169 e: iluba000@gmail.com



Photos of Existing Site

Zoning Amendment & Special Use Permit



SITE PLAN

International Center of Education for the Advancement of Silicone Prosthetics
16857 E Saguaro Blvd - Fountain Hills, Arizona 85268



architecture all & associates

1211 west canary way - chandler, arizona 85286
cell: 602.620.1169 email: iluba000@gmail.com



SU2018-03
M#9345
16857 E Saguaro Blvd
International Center
for the Advancement of Silicone Prosthetics
12/3/2018
1st Submittal



IMAGE #1 at South-East Corner Looking at Existing Driveway



IMAGE #2 at East Side Looking at Existing Structure & Landscaping





IMAGE #3 at North-East Corner (Intersection of Saguaro & Firebrick)

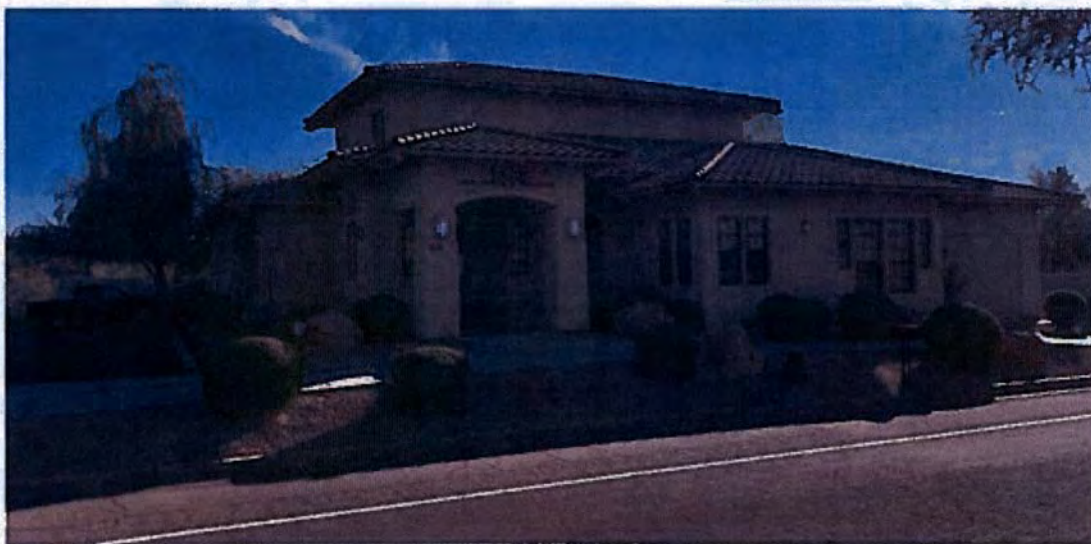


IMAGE #4 at North Side Looking at Existing Structure & Landscaping





IMAGE #5 at North-West Corner Looking at Existing Driveway



IMAGE #6 at North Side Looking at Existing Entry



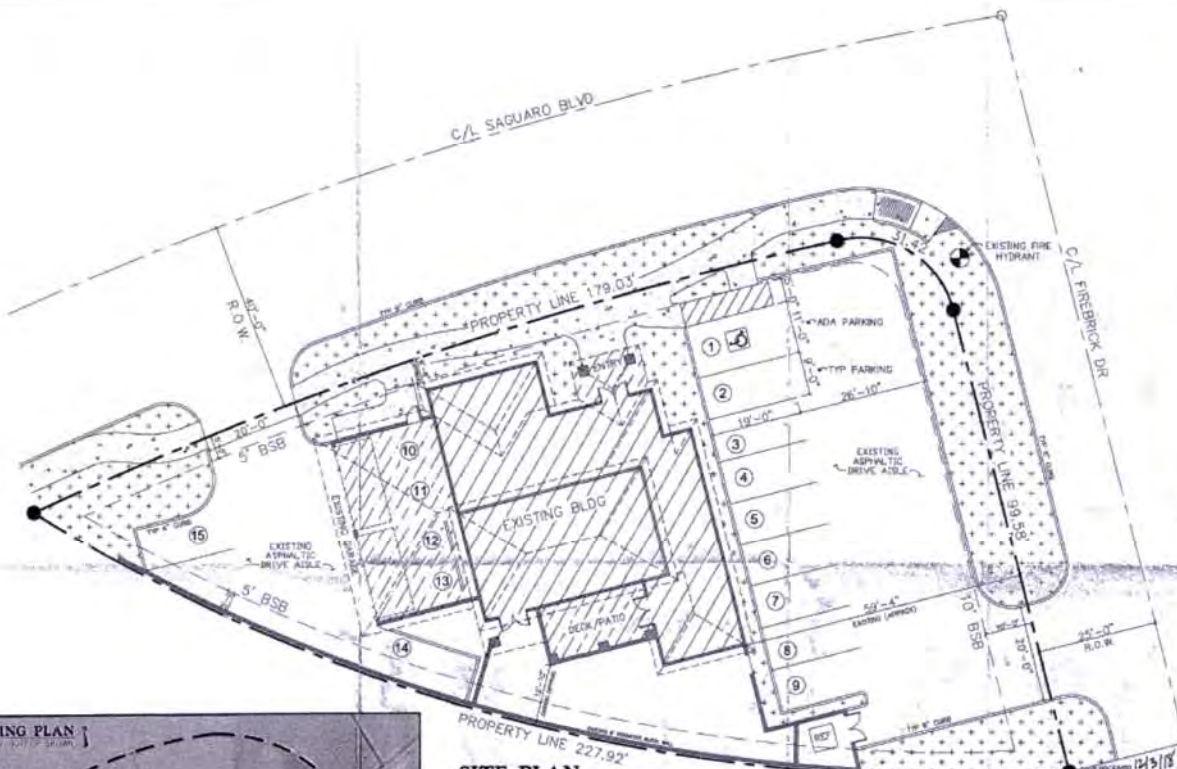
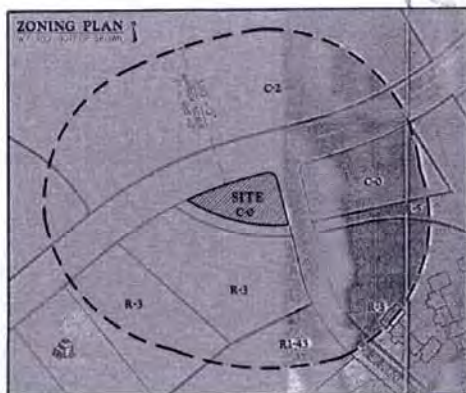


IMAGE #7 at North Side Looking at Existing Parking Area

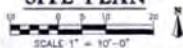


IMAGE #8 at South-East End Looking at Rear of Existing Building & Landscaping

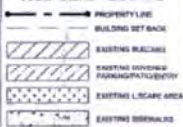




SITE PLAN



SITE PLAN LEGEND



PROJECT SCOPE & NARRATIVE

1. THIS SITE PLAN IS FOR C-2 ZONED PARCEL 176-10-287, WHICH IS AN EXISTING DEVELOPED PROPERTY WITH EXISTING BUILDING. THE PURPOSE FOR THIS ZONING AMENDMENT IS TO ADD SINGLE AND MULTIFAMILY RESIDENTIAL DWELLINGS AS A USE ALLOWED TO SPECIAL USE PERMITS TO THE EXISTING SINGLE-FAMILY AS ZONED WITH C-2, C-3, C-4 & C-5 ZONING DISTRICTS.
2. THE EXISTING STRUCTURE/BUILDING IS OPERATED BY THE INTERNATIONAL CENTER OF EDUCATION FOR THE ADVANCEMENT OF SLOVENE PROSTHETICS, AT WHICH PROSTHETIC EDUCATION WORKSHOPS, TRAINING AND SLOVENE PROSTHETICS ARE MOLDED AND MANUFACTURED FOR INDIVIDUAL PATIENTS. THIS CENTER IS REGULARLY MONITORED AND HIGHLY RESPECTED IN THIS EXTREMELY SPECIALIZED FIELD. HAVING THIS TYPE OF EDUCATION BUSINESS IN FOUNTAIN HILLS IS BENEFICIAL TO THE TOWN, THE NEIGHBORING COMMUNITY AND FUTURE GROWTH.
3. THERE ARE NO HAZARDOUS MATERIALS STORED OR USED IN THIS PROCESS.
4. THE BUILDING HAS AN EXISTING FLAME & RESISTANT AREA ON THE SECOND FLOOR. THIS AREA IS AN ACCIDENTAL USE TO THE BUSINESS ITSELF FOR EDUCATION, PROSTHETIC DESIGNING & PATIENTS WHO MAY NEED TO TEST WHILE SLOVENE PROSTHETICS ARE BEING DESIGNED, MOLDED AND DEVELOPED. MANY OF THESE PEOPLE TRAVEL AROUND THE WORLD TO VISIT THIS FACILITY AND THE TRAVEL AREA IS ESSENTIAL AND IMPERATIVE FOR THEIR USE.
5. THE UNABLE 2ND FLOOR AREA WAS EXISTING WHEN PROPERTY WAS PURCHASED BY THE CURRENT OWNER. AT THE TIME THE CURRENT OWNER WAS UNAWARE THAT THE PREVIOUS TRANSFORMATION FROM "OFFICE SPACE" TO "TUMBLE SPACE" WAS COMPLETED WITHOUT ZONING OR BUILDING APPROVAL. THIS INFORMATION WAS RECENTLY DISCOVERED - AND THIS HAS APPLICATION FOR ZONING AMENDMENT SUBMITTAL AND SPECIAL USE PERMIT BEING PREPARED.
6. ALL UTILITIES, STREETS, HIGHWAYS, STRUCTURES, PARKING/LANDSCAPE, ETC. ARE EXISTING AND DO NOT CHANGE WITH THIS APPLICATION.
7. MODIFICATIONS TO THE PRESENT BUILDING SYSTEM AND/OR INTERIOR PARTITION WALLS MAY BE EFFECTED WITH BUILDING & FIRE DEPARTMENT FOR GROSS WITH MIX USE OCCUPANCY. THIS WILL BE ADDRESSED ACCORDINGLY WITH BUILDING PERMITS AFTER ZONING AMENDMENT TO C-2 IS APPROVED FOR SINGLE & MULTIFAMILY USE AND SPECIAL USE PERMIT IS OBTAINED ACCORDINGLY.

PROJECT DATA

GENERAL
 PROJECT ADDRESS: 1887 E SAGUARO BLVD
 FOUNTAIN HILLS, AZ 85268
 OWNER: JOHN D. MULLALL
 IN CARE OF: JOHN D. MULLALL
 SUB: 485.351.8581
 M/F: 925.342.1155
 PO BOX 1335
 LAKE HESBIE AZ 85021

GENERAL
 ZONING: C-2
 PROPERTY USE: COSMETIC LAB (PROSTHETICS)
 OCCUPANCY: B - BUSINESS
 CONSTRUCTION TYPE: TYPE VB

AREA CALCULATION

NOTE: ALL EXISTING AREA CALCULATION ARE APPROXIMATE DERIVED FROM COUNTY RECORDS & AERIAL MAP. TO BE USED FOR REFERENCE ONLY.

EXISTING
 MAIN FLOOR OFFICE/BUS USE: 2,516.00 ± S.F.
 2ND FLOOR ANCILLARY USE (LIVING): 902.00 ± S.F.
 GARAGE: 771.00 ± S.F.
 COVERED ENTRY & PATIO DECK: 348.00 ± S.F.
TOTAL AREA: 4,537.00 ± S.F.
TOTAL UNDER ROOF: 3,634.00 ± S.F.
 (4,537.00 ± S.F.)

ALLOWABLE MAX LOT COVERAGE (0.20330 SF) = 36.00%
 ACTUAL LOT COVERAGE (3,634 / 10,130) = 35.88 %

NUMBER OF STORIES: TWO STORY
 BUILDING HEIGHT: EXISTING - 30'-0"

FIRE SPRINKLER: YES (EXISTING)
 FIRE LOSS P.T. COVERAGE: 100% (EXISTING) (See note 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)

PARKING CALCULATION

REQUIRED: 1 PARKING SPOT PER 250 S.F.
 3,634 / 250 = 14.536 SPACES REQUIRED
 PROVIDED: 15 SPACES (INCLUDED 1 ADA)

LEGAL DESCRIPTION

SECTION FOUR (4) RANGE 20 34 00
 PARCEL: 176-10-287
 TOWNSHIP: FOUNTAIN HILLS AZ PP 412A TR3 CLE
 LOT: 1

ADA NOTES

NOTE: SITE IS EXISTING AND ALL ACCESSIBLE ROUTES AND RAMP TO MEET THE FOLLOWING REQUIREMENTS:
 1. ACCESSIBLE ROUTE: 100% (EXISTING) (See note 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)

VICINITY MAP



AERIAL MAP



AMENDMENT TO THE ZONING
 INTERNATIONAL CENTER OF EDUCATION
 1887 E SAGUARO BLVD - FOUNTAIN HILLS, AZ 85268

ARCHITECTURE ALL & ASSOCIATES, INC.
 1211 WEST CANARY WAY - CHANDLER, ARIZONA 85226
 PHONE: 602-400-1160
 EMAIL: lisa@allandassociates.com

DESIGNED BY: JOHN D. MULLALL
 CHECKED BY: JOHN D. MULLALL
 DATE: 12/5/18

1 1



DRAFT
TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR SESSION OF THE
PLANNING & ZONING COMMISSION
February 7, 2019

Chairman Dempster opened the meeting at 6:00 p.m.

ROLL CALL:

The following Commissioners were present: Chairman Susan Dempster, Vice-Chairman Eric Hansen, Commissioners N'Marie Crumbie, Mathew Boik, Christopher Jones, and Scott Schlossberg. Commissioner Peter Gray was absent. Also in attendance were Marissa Moore, Senior Planner and Paula Woodward, Executive Assistant and Recorder of the minutes.

Chairman Dempster requested participation in the Pledge of Allegiance and a moment of silent reflection.

CALL TO THE PUBLIC

No one from the public wished to speak.

AGENDA ITEM # 1 - CONSIDERATION OF APPROVING THE PLANNING AND ZONING COMMISSION MEETING MINUTES DATED December 6, 2018.

Vice-Chairman Hansen **MOVED** to **APPROVE** the meeting minutes dated Thursday, December 6, 2018 as written. Commissioner Boik **SECONDED** and the **MOTION CARRIED UNANIMOUSLY 6/0.**

AGENDA ITEM # 2 PUBLIC HEARING TO RECEIVE COMMENTS ON ORDINANCE 19-01, A TEXT AMENDMENT TO THE FOUNTAIN HILLS ZONING ORDINANCE, CHAPTER 12.02.A, TO ALLOW RESIDENTIAL DWELLING UNITS AS A USE SUBJECT TO SPECIAL USE PERMITS WITHIN THE "C-O – COMMERCIAL OFFICE" ZONING DISTRICT. CASE #Z2018-09

AGENDA ITEM # 4 PUBLIC HEARING TO RECEIVE COMMENTS ON A PROPOSED SPECIAL USE PERMIT PURSUANT TO ZONING ORDINANCE SECTION 12.02.A. TO ALLOW A SINGLE FAMILY RESIDENTIAL DWELLING AT 16857 E SAGUARO BLVD. (AKA APN#176-10-207), LOCATED IN THE "C-O –COMMERCIAL OFFICE" ZONING DISTRICT. CASE #SU2018-03

Chairman Dempster opened both public hearings at 6:04 p.m.

Marissa Moore, Senior Planner reviewed the information in the staff report on amending The Town Zoning Ordinance to allow residential dwelling units as a Use Subject to Special Use Permits within the "C-O – Commercial Office" zoning district and to receive comments on a proposed Special Use Permit to allow a single family residential dwelling at 16857 E Saguaro Blvd., located in the "C-O – Commercial Office" zoning district. Ms. Moore provided a PowerPoint presentation (available on-line or in the office of the Development Services Department). Ms. Moore explained that in the Summer of 2018, Town staff was notified that the building located 16857 E. Saguaro Blvd. was occupied as a residential use which is not allowed in the C-O zoning district and the building did not meet the Building and Fire Code regulations. After a discussion with the property owner, it was discovered the property owner desired to operate a business on the building's first floor and use the second floor as a single-family dwelling. The applicant and the property owner met with staff to discuss how to make the residential use legal for the property.

Ms. Moore read from the Zoning Ordinance, Chapter 12 that was part of the agenda packet. Ms. Moore said there are no residential uses listed as permitted or as Uses Subject to Special Use Permit in the C-O zoning district.

DRAFT

Ms. Moore said the requested Special Use Permit for this property does not require additional parking, landscaping or improvements. The building would need some upgrades to meet the International Building Codes. The size of the property would allow for five dwelling units. The applicant is requesting only one unit.

Ms. Moore reviewed the legal stipulations that are required for approval, but they are not required to be part of the Planning and Zoning Commissions recommendation.

Commissioner Jones asked if there is an expiration for a Special Use Permit.

Ms. Moore replied, there is no expiration date. Once the permit is granted, it remains with the property indefinitely.

Vice-Chairman Hansen asked if the recommendation covers single family and multi-family use.

Ms. Moore said the zoning text amendment would allow for either single family or multi-family.

Vice-Chairman Hansen commented that since there are only two parcels in town that are zoned "C-O" perhaps this is a good time to rezone during the general plan update.

Ms. Moore replied, the general plan specifically addresses underlying land uses not the zoning. The zoning is to support the land uses.

Commissioner Boik asked if the tenants would be permanent or temporary, and if any hazardous materials would be used.

The property owner, John McFall, stated the main use is for himself and two other prosthetists to reside at the property while they are working and consulting with patients. Mr. McFall and the others do not plan to live at the property 100% of the time. There may be times they stay up to a week while working with clients at the property. Mr. McFall said this is not a permanent residence for him or the others. After meeting with patients, they would return to their main residences. Although they are creating and using different types of material, none of the materials is hazardous.

Commissioner Crumbie asked Mr. McFall if the property would be vacant for six months or more.

Mr. McFall said it would not be vacant even close to six months. There are patients now waiting to be seen.

Chairman Dempster asked if the rules changed should the property rent out.

Ms. Moore said regardless of the applicant staying or selling the property, the use remains the same. The permit stays with the property regardless of how many times it changes hands.

Chairman Dempster asked for speaker cards and Recorder Paula Woodward answered there is one speaker card from Mr. Rick Worden.

Rick Worden, a Fountain Hills resident, expressed concern regarding the use of the property. His concern is that the dual use would generate a great deal of foot and car traffic. Mr. Worden said he would like to see the adjacent property where the Maricopa County Sheriff's trailer is located, the fire station and this property rezoned to single-family residential or duplex housing. He said the people staying at the property really are not permanent residence.

Mr. McFall said there would not be many people coming and going. It would be himself, two other employees and one to two patients. The patients do not stay overnight. It is a place to work and rest in

DRAFT

between. It is a very involved process. It takes time to fit individuals with new prosthetics such as a limb, ear or part of their head.

Mr. Abdul Slatewala, Architecture All & Associates, said the idea is to have an area the patients feel comfortable relaxing while waiting for their artificial arm, leg, etc., to create more of a home feel instead of a medical office.

In response to Mr. Worden, Ms. Moore said that the MCSO trailer (which was used for the Posse) is no longer in use. Ms. Moore said the area Mr. Worden referred is R-3.

Ms. Moore explained if the first floor use changed, for example, to cabinet making, the building permit process would alert us to ensure the use was in compliance.

Commissioner Crumbie asked if multi use is C-1.

Ms. Moore responded that mixed use and multi-use are two types of adjacent uses. Mixed uses support each other - you live and work in the same area. Multi use is for example, a gift shop, medical office and a gas station. They are multi uses but they are not intrical to each other. It is not necessarily related to the zoning district.

Commissioner Crumbie asked for clarification whether the multi or mixed-use fall under the C-1 zoning.

Ms. Moore explained that it could be both because there are multiple uses listed in the C-1 zoning and permitted with a special use permit.

Commissioner Crumbie stated that the C-1 would have a greater traffic impact more than what is considered this evening.

Chairman Dempster closed the public hearing at 6:34 p.m.

AGENDA ITEM #3 – CONSIDERATION OF ORDINANCE 19-01, A TEXT AMENDMENT TO THE FOUNTAIN HILLS ZONING ORDINANCE, CHAPTER 12.02.A, TO ALLOW RESIDENTIAL DWELLING UNITS AS A USE SUBJECT TO SPECIAL USE PERMITS WITHIN THE “C-O – COMMERCIAL OFFICE” ZONING DISTRICT. CASE #Z2018-09

AGENDA ITEM # 5 - CONSIDERATION OF A PROPOSED SPECIAL USE PERMIT PURSUANT TO ZONING ORDINANCE SECTION 12.02.A. TO ALLOW A SINGLE FAMILY RESIDENTIAL DWELLING AT 16857 E SAGUARO BLVD. (AKA APN#176-10-207), LOCATED IN THE “C-O –COMMERCIAL OFFICE” ZONING DISTRICT. CASE #SU2018-03

Vice-Chairman Hansen **MOVED** to forward a recommendation to the Town Council to APPROVE ORDINANCE 19-01, a text amendment to The Town of Fountain Hills Zoning Ordinance, Chapter 12.02A, to allow residential dwelling units as a Use Subject to Special Permits within the “C-O – Commercial Office” zoning district (Case #Z18-09) Commissioner Jones **SECONDED** and the **MOTION CARRIED UNANIMOUSLY 6/0.**

Moved to forward a recommendation to Town Council to APPROVE a Special Use Permit to allow a single family residential dwelling at 16857 E. Saguaro Blvd., located in the “C-O – Commercial Office” zoning district (Case#SU18-03).

A roll call vote was taken with the following results:

Commissioner Boik

Aye

DRAFT

Commissioner Crumbie	Aye
Commissioner Jones	Aye
Commissioner Schlossberg	Aye
Vice-Chairman Hansen	Aye
Chairman Dempster	Aye

AGENDA ITEM # 6 – COMMISSION DISCUSSION/REQUESTS FOR RESEARCH TO STAFF.

None

AGENDA ITEM # 7 – SUMMARY OF COMMISSION REQUEST FROM DEVELOPMENT SERVICES DIRECTOR.

None

AGENDA ITEM # 8 – REPORT FROM SENIOR PLANNER.

Ms. Moore reminded the commission there is a mandatory open law and conflict meeting on February 19, 2019, before the Town Council Meeting from 4:00 p.m. to 5: 30 p.m., Town Council Chambers.

The General Plan Update process has begun. The planning staff is the support for the project and the Planning and Zoning Commission is the guiding body, and it is imperative that the commissioners participate. It is important there is attendance at the meetings and the documents sent out for comments are reviewed. The next set of comments for the Background and Conditions are due February 9th.

AGENDA ITEM # 9 - ADJOURNMENT.

Chairman Dempster adjourned the meeting at 6:38 p.m.

FOUNTAIN HILLS PLANNING & ZONING COMMISSION

BY:

Chairman Susan Dempster

ATTEST:

Paula Woodward, Executive Assistant

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the meeting of the Fountain Hills Planning and Zoning Commission held on the 7th day of February 2019 in the Town Council Chambers, 16705 E. Avenue of the Fountains, Fountain Hills, AZ 85268. I further certify that the meeting was duly called and that a quorum was present.

Paula Woodward, Executive Assistant

ORDINANCE 19-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING SECTION 12.02.A. OF THE FOUNTAIN HILLS ZONING ORDINANCE TO ALLOW SINGLE AND MULTIFAMILY RESIDENTIAL DWELLINGS IN THE "C-O – COMMERCIAL OFFICE" ZONING DISTRICT, SUBJECT TO SPECIAL USE PERMIT

RECITALS:

WHEREAS, the Town of Fountain Hills (the "Town") adopted Ordinance No. 93-22 on November 18, 1993, which adopted the Zoning Ordinance for the Town of Fountain Hills (the "Zoning Ordinance"); and

WHEREAS, the Mayor and Council of the Town (the "Town Council") has determined it is in the best interests of the Town to amend the Zoning Ordinance to amend requirements for Special Use Permits in the C-O – Commercial Office Zoning District; and

WHEREAS, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings were advertised in the January 9, 2019 and January 16, 2019 editions of the *Times of Fountain Hills*; and

WHEREAS, public hearings were held by the Fountain Hills Planning & Zoning Commission on January 24, 2019 and by the Town Council on February 19, 2019.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Fountain Hills Zoning Ordinance Chapter 12 (Commercial Zoning Districts), Section 12.02.A is hereby amended by adding a new Section 12.02.A.8 to read as follows:

8. Single and multi-family residential dwellings, subject to Special Use Permit.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, this 19th day of February, 2019.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:

Ginny Dickey, Mayor

Elizabeth A. Burke, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Grady E. Miller, Town Manager

Aaron D. Arnson, Town Attorney



16857 E Saguaro Blvd

Z18-09 / Ordinance 19-01

SU18-03

www.fh.az.gov



Location and Background



www.fh.az.gov



Location and Background



www.fh.az.gov



Location and Background



www.fh.az.gov



Street View



www.th.az.gov



Street View



www.th.az.gov



Background

In the 1980's, this part of Town was predominantly C-O and Industrial. As we know, these parcels are now predominantly residential. As of September 1991, these two properties were developed as commercial office space. When parcels in this part of town were rezoned, these two weren't because of their existing development as non-residential.



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Background

- Summer 2018, staff notified by a local realtor that the building was being used as a residence
- The Town Chief Building Official visited the site and informed the occupant they could no longer reside there
- Property owner contacted staff to meet to discuss option to bring site into compliance.

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Current Ordinance:

CO – Common Office Zoning District:

"The principal purpose of this zoning district is to provide for well-designed and attractive business and professional office facilities on sites in appropriate locations. This zoning district would constitute a transition between other commercial land uses and residential neighborhoods. Principal uses in this zoning district include professional, semi-professional, and business office uses."

Residential Uses are not mentioned, either outright or as a use permitted by a Special Use Permit.

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Options to bring residential use into compliance:

1. Rezone these two parcels to C1 – Neighborhood Commercial
 - a. Some uses may not be compatible with neighborhood
 - b. Amusement arcades, gift shops, dry cleaners, food stores – uses that could generate more traffic and noise the uses in the CO district
2. Add "single and multi-family residential dwellings" as a use permitted by a Special Use Permit

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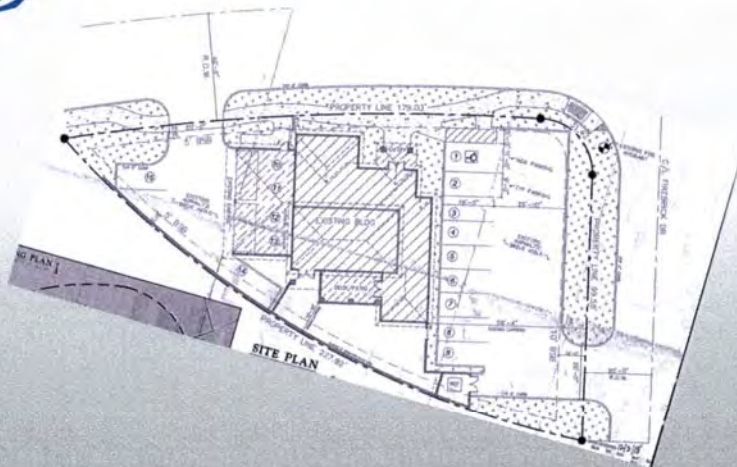
Request:

1. Applicant is request a zoning text amendment to add "single and multi-family residential dwellings" as a use permitted by a Special Use Permit in the CO – Common Commercial Office zoning district
2. If this request is approved, the applicant is then subsequently asking for the Special Use Permit.

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Existing Conditions



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Considerations:

1. Site does not need additional parking, landscaping, or other improvements.
2. Building would, however, need improvements to meet International Building Code requirements.
3. The density for this property would allow for 5 dwelling units.
 - a. Applicant is requesting one (1)
 - b. Any changes to the number of units would have to go through the Special Use Permit public hearing process.

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Legal Stipulations of Approval:

1. Arizona Revised Statutes require a 30-day appeal period for zoning text amendments
2. Approval of a Special Use Permit would not take effect until after this 30-day period
3. A building permit application and approval, building improvements, and a Certificate of Occupancy are all required before the building can be used as a residential dwelling.
4. A Building Permit must be applied for within 6 months of the approval of a Special Use Permit.
5. Approval of a Special Use Permit runs with the property, not the owner – it does not expire.

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Planning and Zoning Commission Recommendations:

At the February 7, 2019 Planning and Zoning Commission meeting, the Commission voted 6-0 to forward a recommendation to Town Council to APPROVE ORDINANCE 19-01, a TEXT AMENDMENT to the Fountain Hills Zoning Ordinance, Chapter 12.02.A, to allow residential dwelling units as a Use Subject to Special Use Permits within the "C-O – Commercial Office" zoning district (Case #Z18-09).

At that meeting, the Commission also voted 6-0 to forward a recommendation to Town Council to APPROVE a SPECIAL USE PERMIT to allow a single family residential dwelling at 16857 E Saguaro Blvd., located in the "C-O –Commercial Office" zoning district (Case #SU18-03).

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Staff Recommendation:

Staff recommends the Planning and Zoning Commission forward a recommendation to Town Council to APPROVE ORDINANCE 19-01, a TEXT AMENDMENT to the Fountain Hills Zoning Ordinance, Chapter 12.02.A, to allow residential dwelling units as a Use Subject to Special Use Permits within the "C-O – Commercial Office" zoning district (Case #Z18-09).

Staff is also recommending the Planning and Zoning Commission forward a recommendation to Town Council to APPROVE a SPECIAL USE PERMIT to allow a single family residential dwelling at 16857 E Saguaro Blvd., located in the "C-O – Commercial Office" zoning district (Case #SU18-03).

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TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 2/19/2019

Meeting Type: Regular Session

Agenda Type: Regular

Submitting Department: Development Services

Staff Contact Information: Marissa Moore, Senior Planner, mmoore@fh.az.gov

REQUEST TO COUNCIL (Agenda Language):

PUBLIC HEARING of a proposed ORDINANCE 19-02 pursuant to Stipulation #2 of the Town Council approval on June 19, 2018 in reference to reverting the zoning designation of 0.36 acres located at 11639 N. Saguaro Blvd. (AKA APN#176-08-448) from C-3 – General Commercial zoning district to C-1 – Neighborhood Commercial and Professional zoning district.

Case #Z2018-11

CONSIDERATION of a proposed ORDINANCE 19-02 pursuant to Stipulation #2 of the Town Council approval on June 19, 2018 in reference to reverting the zoning designation of 0.36 acres located at 11639 N. Saguaro Blvd. (AKA APN#176-08-448) from C-3 – General Commercial zoning district to C-1 – Neighborhood Commercial and Professional zoning district.

Case #Z2018-11

Applicant: Town of Fountain Hills

Applicant Contact Information: Marissa Moore, Senior Planner, Development Services

Owner: Roger C and Ida Kueshler

Owner Contact Information: 15734 E Thistle Dr., Fountain Hills

Property Location: 11639 N Saguaro Blvd

Related Ordinance, Policy or Guiding Principle:

Fountain Hills Zoning Ordinance Chapter 2, Section 2.01

Staff Summary (background):

The subject property is generally located at the southeast corner of N Saguaro Boulevard and Desert Vista.

At the June 19, 2018 regular Town Council meeting, Town Council voted 5-2 to approve the rezoning of the subject property from C-1 - Neighborhood Commercial to C-3 General Commercial with a number of stipulations to develop the property as an auto sales, service, and detailing business. Stipulation #2 states, "If a building permit is not requested within 6 months of the approval of the rezoning, the property will revert back to the current C-1 – Neighborhood Commercial and Professional zoning designation."

This stipulation was not met, and staff has been led to understand that the applicant no longer intends to develop the lot as originally planned. Arizona Revised Statutes § 9-462.01(E) permits a municipal legislative body to take legislative action to cause such property to revert to its former zoning classification in the event zoning conditions have not been satisfied. In essence, reversion of the zoning designation does not occur by default: Town Council must take this second action to revert the zoning designation.

The applicant was notified that this stipulation was not met via certified mail. The applicant did not respond. Public notices were advertised and the property was posted for this public hearing.

Attached are the original staff report, the May 24, 2018 Planning and Zoning meeting minutes, and the June 19, 2018 Town Council meeting minutes for review. Below are the stipulations that were included in the Council approval of the rezoning of the property from C-1 to C-3:

1. This property can only be used for automotive sales, servicing, and detailing, and must be constructed in substantial conformance with the proposed site plan.
2. If a building permit is not requested within 6 months of the approval of the rezoning, the property will revert back to the current C-1 – Neighborhood Commercial and Professional zoning designation.
3. Dedicate a 10-foot public utilities easement along the front and street side property lines;
4. Install an extensive landscape buffer measuring a minimum of 10-feet in width along the front and street side property lines;
5. Install a meandering sidewalk along N Saguaro Blvd and Desert Vista right-of-way.
6. Landscaping within the landscape easement must include trees measuring a minimum of 3-inches in caliper and placed 20-feet on center
7. Provide “No Parking” signs along Desert Vista right-of-way adjacent to this property.
8. Install “Parking for Park Patrons Only” signs at the five parking stalls across the alley closest to the subject property.

Council has the option to maintain these stipulations, alter them, or remove them completely in your motion related to reversion of the zoning designation. Council also has the option to decide not to revert the property zoning and to strike the stipulation # 2 only if you wish.

Risk Analysis (options or alternatives with implications):

Approval of the reversion of the property back to C-1 – Neighborhood Commercial and Professional zoning designation would allow permitted uses in the C-1 zoning district, which have a lower intensity but fewer listed uses than those in the C-3 General Commercial zoning district.

Not approving the reversion of the zoning for this property would maintain the C-3 – General Commercial Zoning Designation.

[Click or tap here to enter text.](#)

Fiscal Impact (initial and ongoing costs; budget status): NA

Budget Reference (page number): NA

Funding Source: NA

If Multiple Funds utilized, list here: NA

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s):

N/A

Click or tap here to enter text.

Staff Recommendation(s):

In order to comply with Council's wishes in the original approval, staff recommends that the Town Council approve Ordinance #19-02, reverting the zoning designation of 0.36 acres located at 11639 N. Saguaro Blvd. (AKA APN#176-08-448) from C-3 – General Commercial zoning district to C-1 – Neighborhood Commercial and Professional zoning district (Case #Z2018-11).

List Attachment(s):

June 19, 2018 Town Council staff report (21 pages)

Approved Ordinance No. 18-07 (6 pages)

May 24, 2018 Planning and Zoning Commission meeting minutes (3 pages)

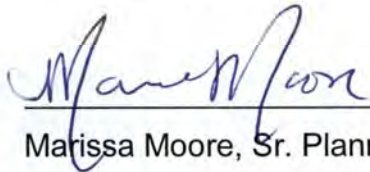
Jun 19, 2018 Town Council meeting minutes (4 pages)

Ordinance 19-02

SUGGESTED MOTION (for Council use)

Move to APPROVE ORDINANCE 19-02 reverting the zoning designation of 0.36 acres located at 11639 N. Saguaro Blvd. (AKA APN#176-08-448) from C-3 – General Commercial zoning district to C-1 – Neighborhood Commercial and Professional zoning district (Case #Z2018-11).

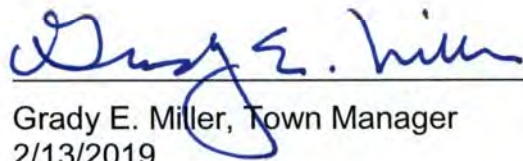
Prepared by:



Marissa Moore, Sr. Planner

2/12/2019

Approved:



Grady E. Miller, Town Manager

2/13/2019

Director's Approval:



Robert Rodgers, Development Services

Director

2/12/2019

June 19, 2018 Town Council Staff Report



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 6/19/2018

Meeting Type: Regular Session

Agenda Type: Regular

Submitting Department: Development Services

Staff Contact Information: Marissa Moore, AICP, 480-816-5139, mmoore@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): PUBLIC HEARING to receive comments on ORDINANCE 18-07, an amendment to the Town of Fountain Hills Zoning Ordinance and Zoning Map to change the zoning on 0.36 acres located at 11639 N. Saguaro Blvd. (AKA APN#176-08-448) from C-1 – Neighborhood Commercial and Professional Zoning District to C-3 – General Commercial Zoning District to allow the construction of an auto sales, service, and detail business. (Case# Z2018-02)

CONSIDERATION of ORDINANCE 18-07, an amendment to the Town of Fountain Hills Zoning Ordinance and Zoning Map to change the zoning on 0.36 acres located at 11639 N. Saguaro Blvd. (AKA APN#176-08-448) from C-1 – Neighborhood Commercial and Professional Zoning District to C-3 – General Commercial Zoning District to allow the construction of an auto sales, service business. (Case# Z2018-02)

Applicant: Rex Foley

Applicant Contact Information: 17020 E Kiwanis Dr, Fountain Hills, AZ 85268; rex98221@aol.com; (702) 281-5081

Owner: Kuechler Family Revocable Trust
c/o Roger C. and Ida Kuechler

Owner Contact Information: 11639 N Saguaro Blvd., Fountain Hills, AZ 85268

Property Location: 9700 N Saguaro Blvd

Related Ordinance, Policy or Guiding Principle:

Ordinance #18-07	Amendment to the Official Zoning Map
Zoning Ordinance	Section 2.01 – Amendments or Zone Changes
Zoning Ordinance	Chapter 6 – Sign Regulations
Zoning Ordinance	Section 7.03 – Design and Location of Parking Spaces.
Zoning Ordinance	Chapter 12 – Commercial Zoning Districts
Zoning Ordinance	Chapter 19 – Architectural Review Guidelines
Subdivision Ordinance	Article 3 – Subdivision Design Principles and Standards
Subdivision Ordinance	Article 4 – Public Improvement Requirements
Subdivision Ordinance	Article 5 – Grading Standards
Subdivision Ordinance	Article 6 – Landscaping Standards
General Plan 2010	Chapter 3 - Land Use Map – (Figure 11)

General Plan 2010 Chapter Three Land Use Element
 General Plan 2010 Chapter Four Growth Areas Element
 General Plan 2010 Chapter Seven Circulation Element
 Fountain Hills Strategic Plan - 2017

Staff Summary (background):

Request from: C-1 – Neighborhood Commercial and Professional Zoning District
 Request to: C-3 – General Commercial Zoning District
 Proposed Use: Auto sales, service, and detailing

The applicant is requesting to rezone the subject property (11639 N Saguaro Blvd, APN# 176-08-448) from C-1 – Neighborhood Commercial and Professional to C-3 – General Commercial to allow a one-story approximately 3,800-square-foot auto sales, service, and detail business and a proposed 500 square foot future expansion, totaling approximately 4300 square feet of building lot coverage to be constructed as a permitted use. The applicant states they own an existing auto sales business in town and want to expand to be able to increase their inventory by displaying 50-60 vehicles at the subject property. They also want to provide auto service and detailing services for inventory at both the existing and the proposed locations. The applicant is requesting access to the property from both Desert Vista and the alley. This project, at full build-out, would require 5 parking spaces. Their conceptual site plan shows 5 spaces provided.

Surrounding Land Uses / Zoning		
	Land Use	Zoning
On-site	Vacant	C-1 Neighborhood Commercial and Professional
North	Vacant / Town Park	C-1 Neighborhood Commercial and Professional
South	N Saguaro Blvd ROW / Multi-Family Residences	R-3 - Multi-Family Residential
East	N Desert Vista ROW / Auto services	C-1 Neighborhood Commercial and Professional & C-2 Intermediate Commercial Zoning District
West	Vacant	C-1 - Neighborhood Commercial and Professional

Zoning:

The C-1 – Neighborhood Commercial and Professional zoning district is established to:

"...provide a location for modest, well-designed commercial enterprises to serve a surrounding residential neighborhood, as well as to provide for services to the community, which is not detrimental to the integrity of the surrounding residential neighborhood, and to provide for the appropriate location of professional offices throughout the community. The intent of this district is to integrate limited commercial activity and professional offices with residential land uses in a climate favorable to both. Particular attention is to be paid to the interface between commercial or professional uses and the residential uses within the same neighborhood."

The C-3 – General Commercial Zoning District is established to:

"...provide for commercial uses concerned with wholesale or distribution activities in locations where there is adequate access to major streets or highways. Principal uses permitted in this Zoning District include retail and wholesale commerce and commercial entertainment."

Below is a table showing additional comparisons in zoning regulations:

Surrounding Land Uses / Zoning		
	Land Use	Zoning
On-site	Vacant	C-1 Neighborhood Commercial and Professional
North	Vacant / Town Park	C-1 Neighborhood Commercial and Professional
South	N Saguaro Blvd ROW / Multi-Family Residences	R-3 - Multi-Family Residential
East	N Desert Vista ROW / Auto services	C-1 Neighborhood Commercial and Professional & C-2 Intermediate Commercial Zoning District
West	Vacant	C-1 - Neighborhood Commercial and Professional

- a. OR HEIGHT OF THE BUILDING, WHICHEVER IS GREATER.
- b. WHEN ADJACENT TO A RESIDENTIAL DISTRICT, REGARDLESS OF WHETHER SEPARATED BY A STREET OR ALLEY, THERE SHALL BE A FRONT YARD EQUAL TO THE FRONT YARD REQUIRED IN THE ADJOINING RESIDENTIAL ZONING DISTRICT OR THE BUILDING HEIGHT, WHICHEVER IS GREATER (NOT TO EXCEED 25 FEET).
- c. WHEN ADJACENT TO A RESIDENTIAL DISTRICT THERE IS TO BE A 10-FOOT SETBACK OR A DISTANCE EQUAL TO THE HEIGHT OF THE COMMERCIAL BUILDING, WHICHEVER IS GREATER. WHEN A CORNER LOT IS ADJACENT TO A RESIDENTIAL DISTRICT, REGARDLESS OF WHETHER SEPARATED BY A STREET OR ALLEY, THERE SHALL BE A 10-FOOT SETBACK OR HEIGHT OF BUILDING, WHICHEVER IS GREATER.
- d. WHEN ADJACENT TO A RESIDENTIAL DISTRICT, REGARDLESS OF WHETHER SEPARATED BY A STREET OR ALLEY, THERE IS TO BE A 25-FOOT SETBACK OR HEIGHT OF THE BUILDING, WHICHEVER IS GREATER. IF THERE IS TO BE OTHER THEN A ZERO REAR YARD SETBACK THE MINIMUM SETBACK IS 10 FEET.

The principal difference between these zoning districts is the intensity of the uses. "Intensity" is the increased floor-to-area ratio, and in this case is met with smaller setbacks and an increase in building height. Lower intensity uses are typically offices, restaurants, banks, and other retail businesses that support that local neighborhood. Uses in zoning districts with higher intensities typically are related to uses that involve more chemicals, noises, traffic volumes, and pollutants than what you would see in neighborhood commercial development. In staff's research, of the 30 parks within the valley approximating the size and use of Desert Vista Neighborhood Park, uses were typically residential, and public and quasi-public uses (e.g., churches and schools). Some parks had restaurants nearby. Only two of the 30 had more intense uses: a public auction building and marijuana dispensary in Apache Junction and a natural gas facility, Salvation Army and Transportation Offices in Mesa.

General Plan:

The current General Plan was adopted in 2010. While this is now 8 years old, it is still a legal document used as the rationale behind growth and development within the Town. Each municipality in the State of Arizona is mandated to have this document. The Town is required to update this document every 10 years. The General Plan is adopted via referendum by the Town's citizens.

Staff analyzed the project for consistency with the definitions, visions, goals and objectives outlined in the Fountain Hills General Plan 2010, which is the long-range plan for growth and development for the Town. This analysis is included as an Attachment to this staff report.

This proposal is both consistent and inconsistent with a number of Goals and Objectives spelled out in the General Plan 2010. The greatest inconsistency is with "Goal Five: Protect and preserve existing neighborhoods from incompatible adjacent land uses." Staff's analysis of the character of the neighborhood is that of the park – Desert Vista Neighborhood Park. Because of the size of the park and how the park is used (a dog park, skate park, and active sports facility), safety issues are a concern, which may outweigh commercial

development. Careful consideration should be given to increasing the intensity of the uses in the immediate vicinity of this 12 acre multi-use park.

Policy and Current Trends:

While the General Plan is an over-riding growth and development legal document, over time the Town leadership may adopt policies that address new information and trends that may develop during the 10-year period between the adoption of revised General Plans. To this end, it has been Town policy, as outlined in the General Plan 2010, to promote commercial development, which is a predominant funding source for the local government. However, commercial vacancy (including both buildings and lots) is ubiquitous in town. There have been multiple discussions regarding "down-zoning" commercial properties to residential. In fact, the Fountain Hills Strategic Plan – 2017's Objective #2 states "Increase population and residential densities to sustain existing and future commercial businesses in town" with three tasks to meet this objective:

- Rezone undeveloped commercial property to residential where feasible;
- Adopt a text amendment that allows residential uses on commercially zoned properties;
- Rezone unplatted land for greater density and affordable family homes

Rezoning this property to a more intense commercial use, especially adjacent to a neighborhood park, would be a step in the opposite direction of the Strategic Plan – 2017's objective.

While this proposed land use (commercial) is consistent with the land use ascribed to it in the General Plan (commercial/retail), it may create safety concerns with its proximity to Desert Vista Neighborhood Park.

Rezoning a property allows other uses within that zoning district to be developed on a lot, unless restrictions and stipulations are included as part of the rezoning process. In the C-3 zoning district, "New and used automobiles, boats, golf carts, all-terrain vehicles, motorcycles, travel trailers, recreational vehicle sales and rental including outside display area, provided all sales and repair activities are conducted within a building and subject to Site Plan approval pursuant to section 2.04 of this zoning ordinance" are allowed without a Special Use Permit. This property does not meet the minimum lot size to create a Planned Area Development (PAD) with zoning restrictions. Staff is suggesting a number of stipulations to be placed on this property if the Town Council approves the request for rezoning from C-1 to C-3 zoning district designation. They are provided in the Staff Recommendation below.

In addition to the stipulations listed below, it came to staff's attention during the 24 May 2018 Planning and Zoning Commission meeting that the applicant intends to utilize the adjacent alley to ingress and egress the service bays. Per Zoning Ordinance Chapter 7, Section 7.02.F. a minimum of 6-feet between the garage and the alley must be provided. This would be addressed during Site Plan review, but should be noted at this time as it affects the layout of the property.

Concurrency

All utilities and services provided in or by the Town of Fountain Hills are or can service this site, to include but not limited to: Fire Rescue, Police, schools, water, electric, sewer, telecommunications, and stormwater management.

Risk Analysis (options or alternatives with implications): Approval of the rezoning of this property from the current C-1 – Neighborhood Commercial and Professional zoning district designation to C-3 – General Commercial zoning district designation would allow all uses allowed in the C-3 zoning district to be constructed on this property. Stipulations for development of this property can be placed to direct development to a specific use with required easements and development details to regulate how the property is developed. Doing so would prevent any business besides an automotive sales, service, and detail business from developing this property, which could prevent any future development of a different use without first obtaining another approval.

Disapproval will require the property retain its current zoning and that the applicants redesign the project in order to address the reasons for denial, or abandon the project.

Fiscal Impact (initial and ongoing costs; budget status): n/a

Budget Reference (page number): n/a

Funding Source: NA

If Multiple Funds utilized, list here:

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s): At the May 24, 2018 Planning and Zoning Commission meeting, the Commission voted 4-3 to forward a recommendation to APPROVE ORDINANCE 18-07 amending the Town of Fountain Hills Official Zoning District Map for approximately 0.36 acres located at the northwest corner of N Saguaro Boulevard and Desert Vista right-of-way from C-1 – Neighborhood Commercial and Professional to C-3 – General Commercial (Case # Z2018-02), with the following stipulations:

1. This property can only be used for automotive sales, servicing, and detailing, and must be constructed in substantial conformance with the proposed site plan.
2. If a building permit is not requested within 6 months of the approval of the rezoning, the property will revert back to the current C-1 – Neighborhood Commercial and Professional zoning designation.
3. Dedicate a 10-foot public utilities easement along the front and street side property lines;
4. Install an extensive landscape buffer measuring a minimum of 10-feet in width along the front and street side property lines;
5. Install a meandering sidewalk along N Saguaro Blvd and Desert Vista right-of-way.
6. Landscaping within the landscape easement must include trees measuring a minimum of 3-inches in caliper and placed 20-feet on center
7. Provide "No Parking" signs along Desert Vista right-of-way adjacent to this property.
8. Install "Parking for Park Patrons Only" signs at the five parking stalls across the alley closest to the subject property.

Staff Recommendation(s): Due to this proposal's inconsistencies with the *General Plan 2010*, and because of public safety concerns with increasing the intensity of the land use, which for this proposed development includes an increase in exposure to chemicals, air pollutants, noise, and traffic, adjacent to the Town's Desert Vista Neighborhood Park, staff recommends denial of this rezoning request.

If the Town Council votes to approval of the request, staff recommends the stipulations recommended by the Planning and Zoning Commission be placed on development of this property.

List Attachment(s):

Application

Location Map

2010 General Plan Land Use Map

Current Zoning Map

General Plan 2010 – Consistency Analysis (5 pages)

Project Narrative and Concept Plan of Development (4 pgs)

Review letter from Fountain Hills Sanitary District dated March 16, 2018

Ordinance 18-07 – Draft Ordinance C-1 to C-3 Foley Motors

DRAFT May 25, 2018 Planning and Zoning Commission meeting minutes

SUGGESTED MOTION (for Council use): Motion to DENY ORDINANCE 18-07 amending the Town of Fountain Hills Official Zoning District Map for approximately 0.36 acres located at the northwest corner of N Saguaro Boulevard and Desert Vista right-of-way from C-1 – Neighborhood Commercial and Professional to C-3 – General Commercial (Case # Z2018-02)

OR

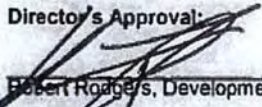
Motion to APPROVE ORDINANCE 18-07 amending the Town of Fountain Hills Official Zoning District Map for approximately 0.36 acres located at the northwest corner of N Saguaro Boulevard and Desert Vista right-of-way from C-1 – Neighborhood Commercial and Professional to C-3 – General Commercial (Case # Z2018-02), subject to the stipulations in the staff report.

Prepared by:


Marissa Moore, Sr. Planner

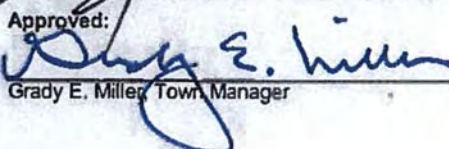
6/7/2018

Director's Approval:


Robert Rogers, Development Services Director

6/7/2018

Approved:


Grady E. Miller, Town Manager

6/7/2018



DO Not write in this space —official use only

Filing Date 3/12/18

Accepted By P. WOODWARD

Fee Accepted \$2100.00 12378

Case Manager MAVISA HARRIS

The Town of Fountain Hills

03-12-18P12:27 RCVD

PLANNING & ZONING DEPARTMENT - APPLICATION

☐	Abandonment (Plat or Condominium)	☐	Appeal of Administrator's Interpretation
☐	Area Specific Plan & Amendments	☐	Concept Plan
☐	Condominium Plat	☐	Cut/Fill Waiver
☐	Development Agreement	☐	HPE Change or Abandonment
☐	General Plan Amendment	☐	Ordinance (Text Amendment)
☐	Planned Unit Development	☐	Preliminary / Final Plat
☐	Replat (Lot joins, lot splits, lot line adjustments)	☐	Special Use Permit & Amendments
☒	Rezoning (Map)	☐	Temporary Use Permit (Median Fee, If applicable)
☐	Site Plan Review (vehicles sales)	☐	Other
☐	Variance		

PROJECT NAME / NATURE OF PROJECT:

LEGAL DESCRIPTION: Plat Name FOUNTAIN HILLS AZ. 3rd Block Lot 8
PROPERTY ADDRESS: 11639 N. SAGUARD BLVD, FOUNTAIN HILLS, AZ. 85268
PARCEL SIZE (Acres) 0.36 ASSESSOR PARCEL NUMBER 176-08-448
NUMBER OF UNITS PROPOSED 1 TRACTS 0
EXISTING ZONING C-1 PROPOSED ZONING C-3

Applicant

☐ Mrs. REX FOLEY CIO 29993 Day Phone 702-281-5081
☒ Mr. FOUNTAIN
☐ Ms. Address: [REDACTED] E. KIWAHI DR City: HILLS State: AZ Zip: 85268
Email: REX9821@AOL.COM

Owner

☐ Mrs. ROGER C. & IDA KUECHLER Day Phone 480-209-9881
☒ Mr. FOUNTAIN
☐ Ms. Address: [REDACTED] E. THISTLE DR City: HILLS State: AZ Zip: 85268

If application is being submitted by someone other than the owner of the property under consideration, the section below must be completed.

SIGNATURE OF OWNER Roger C. Kuechler Ida Kuechler DATE 12.19.17.

I HEREBY AUTHORIZE REX FOLEY TO FILE THIS APPLICATION.

Subscribed and sworn before me this 19 day of Dec 2017

Notary Public

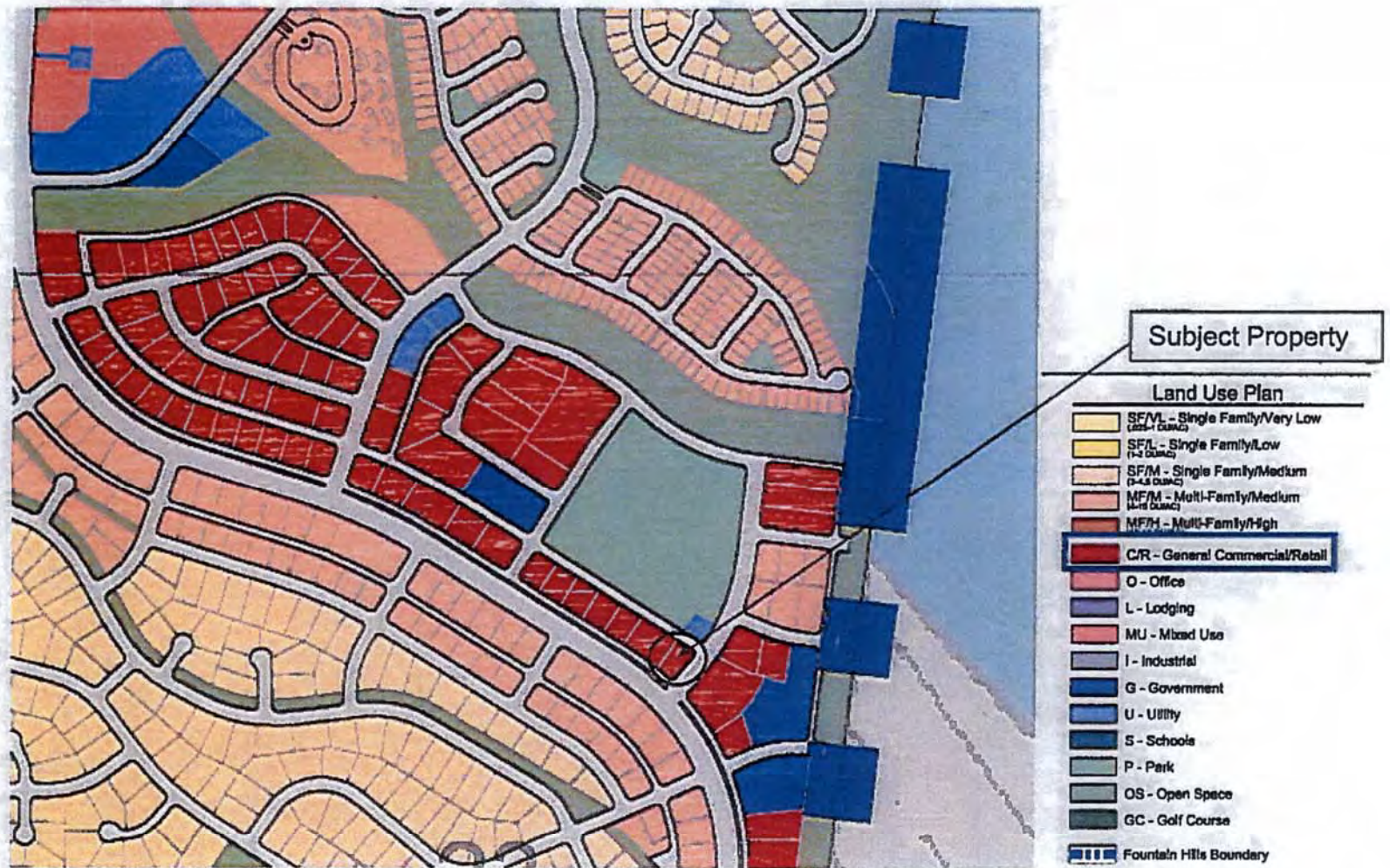


My Commission Expires 9/29/2020
BECKY L. GARR
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
September 29, 2020

MUNIS 8531
APPLICATION # 22018-02



Land Use Map



[illegible]

**Subject Property
- C-1 Zoning**

General Plan 2010 –Consistency Analysis for rezoning 11639 N Saguaro Blvd from C-1 – Neighborhood Commercial and Professional to C-3 – General Commercial with the *Plan's* Goals and Objectives (only applicable goals and objectives are provided, as many are not applicable to this specific project). Staff responses are in *italics*.

Chapter Three Land Use Element

The land use, which underlies the zoning district, for this project is C/R – General Commercial/Retail. This land use category is defined as, "areas providing for the sale of convenience goods (food, drugs, and sundries) and personal services that meet the daily needs of a multi-neighborhood trade area".

Staff: This proposed land use is consistent with the underlying land use designation of Commercial/Retail.

Goal Five: Protect and preserve existing neighborhoods from incompatible adjacent land uses.

Staff: Adjacent to the subject property to the north is Desert Vista Neighborhood Park. This park is used as a dog park, skate park, and sports facility. Staff did a Google Earth search for parks near Fountain Hills of approximately the same size facility as Desert Vista Neighborhood Park. Of the 30 parks staff inspected, five had commercial uses adjacent to parks. The primary commercial use is restaurants. One of the parks had a marijuana dispensary (in Apache Junction), and one had a natural gas facility, transportation offices, and a Salvation Army adjacent to the park (Mesa). None had intense commercial uses, e.g., auto sales and servicing. Typically, parks are located in neighborhoods with residential uses and alongside schools and/or churches. The reasoning is for the safety of the users - typically children, and their activities, typically active (not passive), such as sports and in this case skateboarding and a dog play area. Commercial uses with high-traffic activity are not considered a safe adjacent use. Additionally, uses that involve chemicals, such as grease, solvents, cleaning fluids, etc. are not considered safe substances to have adjacent to park uses.

Desert Vista Neighborhood Park has a veterinary clinic, and a dog daycare and spa to the south, auto parts supplier, and storage facilities to the west. To the east across Desert Vista right-of-way is an automotive repair shop (which previously served as a gas station), multi-family residences (Desert Vista Place Condos), and a parcel rezoned in 2016 to C-3 (that request was made for the construction of a new Prevco facility). Aside from the small multi-family residential development – Desert Vista Place Condos- to the east, and the animal care facilities to the south, none of these uses are typical near a neighborhood park.

The character of the neighborhoods, aside from the park and the multi-family residential development, is predominantly automotive servicing and storage. However, the juxtaposition of a heavily-used park for multiple activities adjacent to intense commercial, and even what is generally considered "light industrial", uses brings safety concerns to the forefront.

Making a determination of what the "existing neighborhood" character is and whether this is a compatible use needs careful consideration. It is staff's belief that while the existing adjacent uses are not typical, increasing the occurrence of these intense uses increases safety issues (attractive nuisances) for park users. In all development, safety should take precedence over

other issues. It is staff's opinion that this use is not consistent with Goal Five of Chapter Three of the General Plan 2010.

- **Objective 5.1** The Town should encourage development of infill areas with close proximity to shopping facilities, recreation, community services and existing infrastructure.

Staff: While the Town is supportive of infill development, the type of development and how that fits in with the neighborhood, adjacent uses, and growth and development policies needs to be considered, when determining if this request for rezoning for this use falls in line with the Town's policies regarding infill development.

- **Buffering Techniques**

In cases where less than desirable land use compatibility situations exist, one or more of the following buffering techniques should be required:

- Areas consisting of extensive landscaped open space;
- Arterial and collector streets with extensive landscaping;
- Heavily landscaped underground utility corridor easements;
- Screen walls, landscaping, earthen berms; and
- Preservation of natural topographic features.

Staff: In the C-3 – General Commercial Zoning District, the setbacks for this property as outlined in the Zoning Ordinance Section 12.13 would be:

ZONING INFORMATION

	YARD SETBACKS				HEIGHT	LOT COVERAGE
	FRONT	STREET SIDE	SIDE	REAR		
C-1	25 b	10 c	0 c	0 d	25	60%
C-3	10 a,b	0 b,c	0 b,c	0 d	40	60%

a. OR HEIGHT OF THE BUILDING, WHICHEVER IS GREATER.

b. WHEN ADJACENT TO A RESIDENTIAL DISTRICT, REGARDLESS OF WHETHER SEPARATED BY A STREET OR ALLEY, THERE SHALL BE A FRONT YARD EQUAL TO THE FRONT YARD REQUIRED IN THE ADJOINING RESIDENTIAL ZONING DISTRICT OR THE BUILDING HEIGHT, WHICHEVER IS GREATER (NOT TO EXCEED 25 FEET).

c. WHEN ADJACENT TO A RESIDENTIAL DISTRICT THERE IS TO BE A 10-FOOT SETBACK OR A DISTANCE EQUAL TO THE HEIGHT OF THE COMMERCIAL BUILDING, WHICHEVER IS GREATER. WHEN A CORNER LOT IS ADJACENT TO A RESIDENTIAL DISTRICT, REGARDLESS OF WHETHER SEPARATED BY A STREET OR ALLEY, THERE SHALL BE A 10-FOOT SETBACK OR HEIGHT OF BUILDING, WHICHEVER IS GREATER.

d. WHEN ADJACENT TO A RESIDENTIAL DISTRICT, REGARDLESS OF WHETHER SEPARATED BY A STREET OR ALLEY, THERE IS TO BE A 25-FOOT SETBACK OR HEIGHT OF THE BUILDING, WHICHEVER IS GREATER. IF THERE IS TO BE OTHER THEN A ZERO REAR YARD SETBACK THE MINIMUM SETBACK IS 10 FEET.

Because the rear yard setback is 0 feet, if allowed to develop, this use would not be required to have a landscape buffer along the rear property line. The existing zoning designation – C-1 – Neighborhood Commercial and Professional –has a 0-foot rear yard setback as well.

Chapter Four Growth Areas Element

Vision: A Town that is vibrant, successful and attractive, where businesses are complementary, where a wide range of housing types is available, and where open space is preserved.

Goal One: Provide a community that is competitive and attractive to business

- **Objective 1.1** The Town should continue to examine creative methods to attract complementary retail and office business users that have mid to small space requirements and locate them within the existing retail corridors on both Saguaro Boulevard and Fountain Hills Boulevard.

Staff: The proposed project is located in a designated retail corridor along N Saguaro Blvd. Automotive sales is "retail", but automotive service and detail are not retail or office and is the reason for this request. Additionally, this use is not complimentary to Desert Vista Neighborhood Park. It is complimentary to the automotive storage, service, and retail parts uses in the vicinity. This proposal is partially consistent and partially inconsistent with Objective 1.1.

- **Objective 1.3** The Town should focus promotional efforts on attracting small to medium sized businesses and offices that are appropriate to the future Town Center and corridor areas, and include accommodations for the proposed expansion of regional and local transit systems.

Staff: The proposed project is a small to medium sized business. It is consistent with this part of Objective 1.3. There is no real opportunity to expand transit access. In this regard, it is inconsistent with Objective 1.3, but staff believes the size and location of this parcel would not trigger use of a transit system.

- **Objective 1.4** The Town should look favorably on any new, revitalization or redevelopment projects that emphasize the Town's unique character and scale. All projects should incorporate pedestrian pathways, bicycle accommodations.

Staff: This project is designed to be an auto sales, service, and detail business immediately adjacent to a Town-owned and operated neighborhood park. This type of business does not compliment the residential character of the Town in general, nor is it complimentary to uses that are typically adjacent to parks. It is in character with some of the other businesses in this vicinity, but increasing potential safety issues near a park is not recommended by staff. There is no sidewalk along N Saguaro Blvd or Desert Vista adjacent to this property. There is sidewalk around Desert Vista Neighborhood Park. There is also sidewalk along the frontage of the dog spa and daycare and the veterinary clinic to the west of this property. Staff recommends requiring a meandering sidewalk be installed as part of this development along N Saguaro Blvd and Desert Vista right-of-way.

Goal Two: Provide increased opportunities for small businesses.

Staff: This proposed development would be considered a "small business" and is consistent with Goal Two.

Goal Five: Promote developments that will continue to provide small town character and quality of life.

Staff: The project is a small auto sales, service, and detail business, which is consistent with small town character. The project is consistent with Goal Five.

- **Objective 5.1 The Town should encourage locally owned and operated businesses.**

Staff: The applicants own another business in Fountain Hills, but it is not apparent if the owners are residents of Fountain Hills.

- **Objective 5.2 The Town should encourage the development and extension of pedestrian pathways and bicycle trails in a manner that will link businesses, schools, shops and recreational activity centers.**

Staff: This project would provide a sidewalk along Saguaro Blvd and Desert Vista right-of-way as part of required site improvements. This provides a pedestrian walkway that currently does not exist and provides a connection to the sidewalks to the west along N Saguaro Blvd and to the north around Desert Vista Neighborhood Park.

Chapter Seven Circulation Element

Goal Two: Provide aesthetically pleasing circulation systems.

- **Objective 2.1 The Town should continue to enforce roadway right-of-way (R.O.W) standards and landscape design standards that emphasize safe, beautiful streetscapes using xeriscape plants that provide shade, color and safe pedestrian and bicycle pathways.**

Staff: Installation of meandering sidewalks along N Saguaro Blvd frontage road and Desert Vista right-of-way, consistent with the existing sidewalk to the west, should be a requirement for development of this property. Landscape buffers along N Saguaro Blvd frontage road and Desert Vista right-of-way should also be provided. These development components would be consistent with Objective 2.1.

Goal Three: Provide for and encourage the use of non-vehicular modes of circulation.

- **Objective 3.1 The Town should ensure that new developments include provisions for pedestrian and/or bike paths where appropriate, and that those pathways are a component of development plans.**
- **Objective 3.5 The Town should establish and encourage multi-use pathways that connect all school sites, activity centers, trails or recreational sites and provide cross-transportation nodes that are safe, comfortable and attractive.**

- **Objective 3.6** The Town should encourage the expansion of the pedestrian sidewalk system when indicated by gaps in the system, pedestrian safety issues, extreme slope or unacceptable levels of vehicular traffic.
- **Objective 3.7** The Town should promote pedestrian linkages from residential parcels to schools, parks, churches, shops, and employment centers.

Staff: Installation of meandering sidewalks along N Saguaro Blvd frontage road and Desert Vista right-of-way, consistent with the existing sidewalk to the west, should be a requirement for development of this property. These development components would be consistent with Objectives 3.1, 3.5, 3.6, and 3.7.

Fountain Hills Motorsports is small family business run by the father and son team of Rex and Ryan Foley, with over 40 years of retail automobile and RV sales experience. We have been business owners in Fountain Hills for 3 years now and we are looking to grow with the town. As part of the process to opening a second location in Fountain Hills, we are looking to rezone this property to allow us to conduct business at this location. At our current location we are limited by space, so we are unable to hire our own service and detail employees for our vehicles. We hope that acquiring this new location we will be able to not only expand our inventory but build a small service and detail center for our own inventory, with the possibility of expanding further in the future to service other outside vehicles in the Fountain Hills area. At our current location we have about 50 to 60 vehicles. We hope at the second location to have an additional 50 or 60 units, while still allowing us to have a service and detail center that will take care of the inventory at both stores. As small business owners in Fountain Hills we look forward to having the opportunity to rezone this property allowing us to grow with the city for many years.

Narration Report for Rezone

Fountain Hills Arizona Final Plat 302 Block 1 Lot 8, 11639 N. Saguaro Blvd.

Fountain Hills Arizona, Final Plat 302 Block 1 Lot 8 is a vacant lot at 11639 N. Saguaro Blvd. located at the northwest corner of the intersection of Saguaro Blvd. and Desert Vista. Current zoning is C-1, proposed zoning is C-3 for auto sales use.

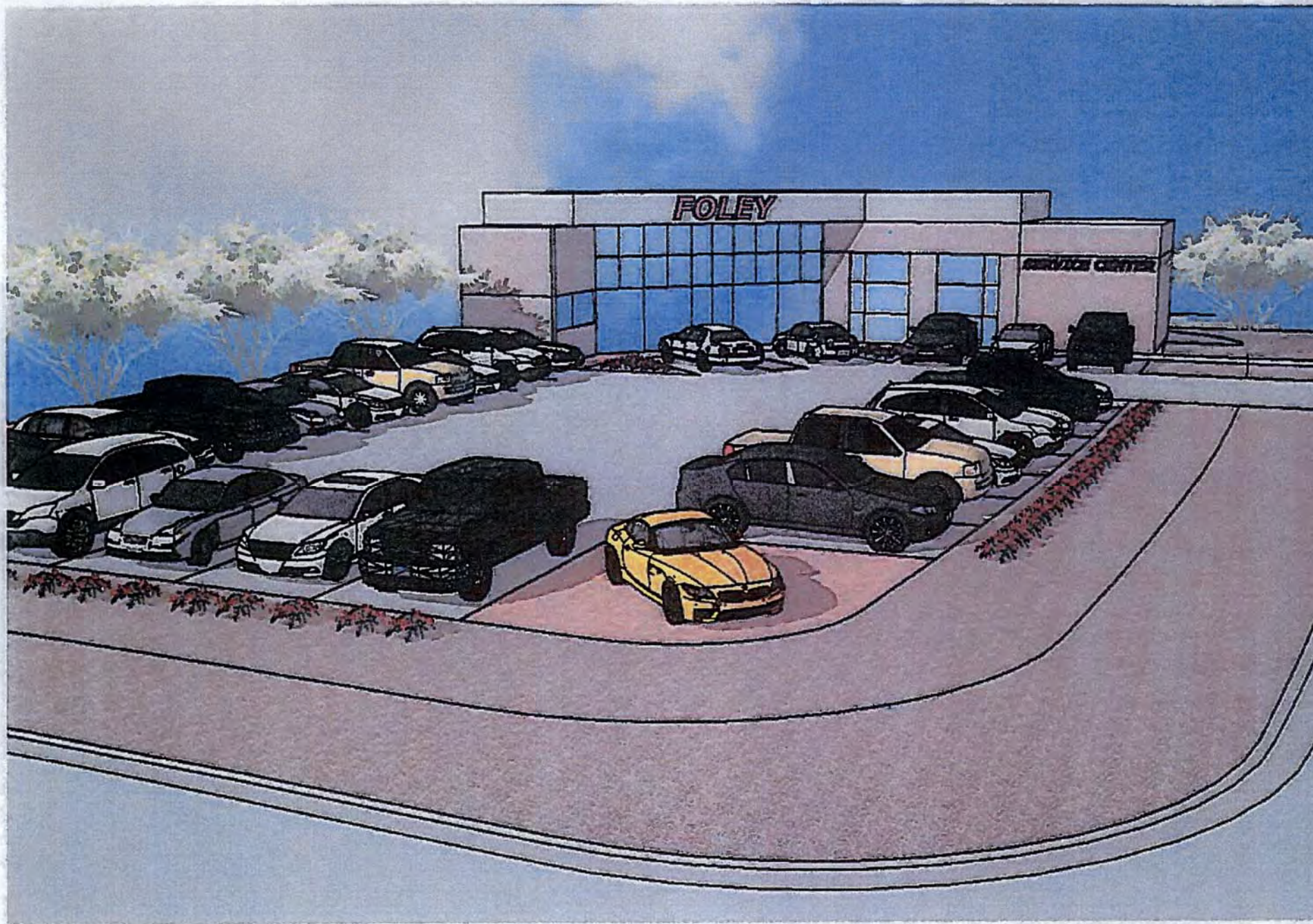
To the west of Lot 8 are two vacant lots with a dog kennel at the third lot, to the north is an ally and a dog park and sport field, to the east is an auto repair facility with C-2 zoning and across Saguaro Blvd. to the south is multifamily residential.

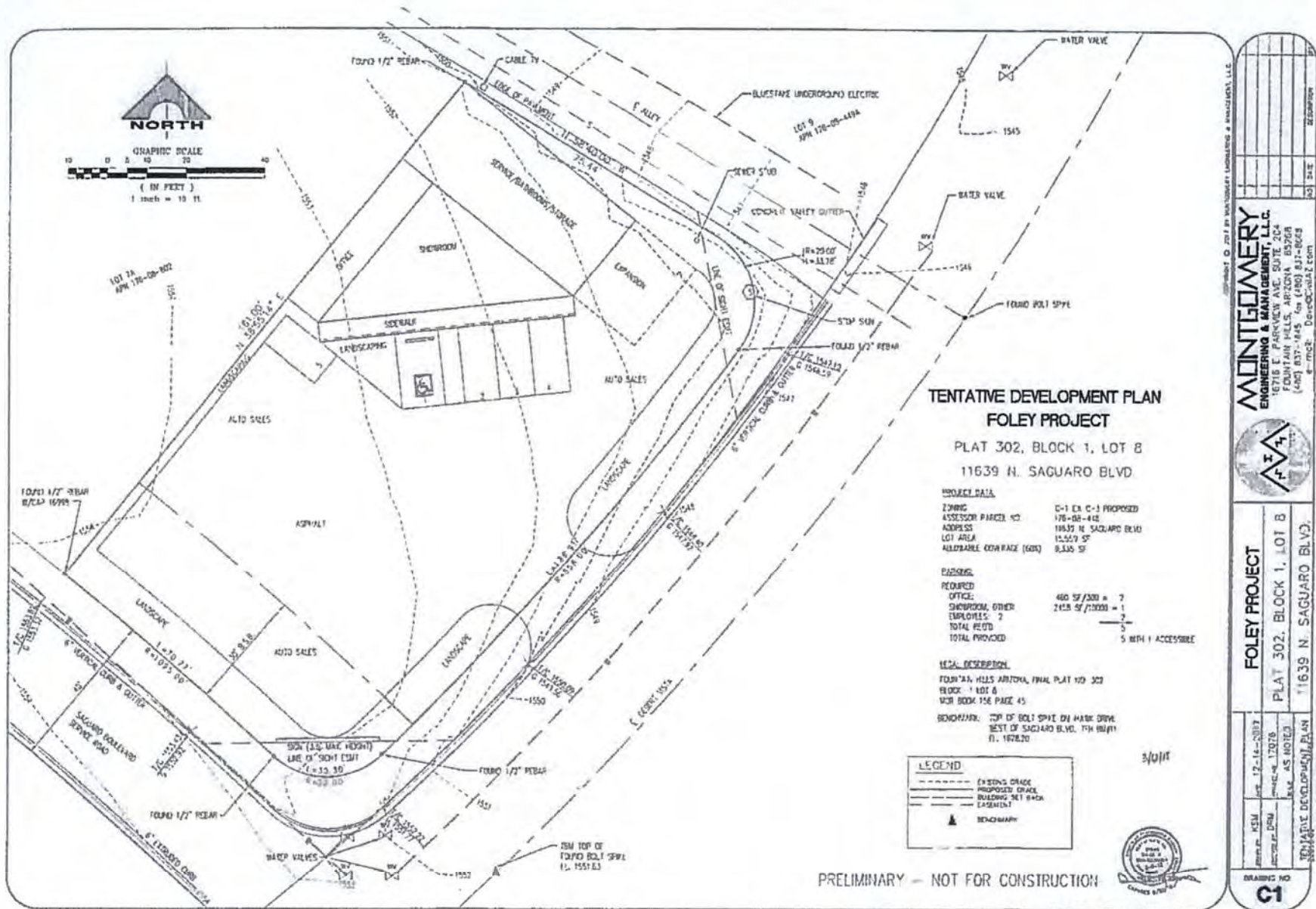
Sewer is available at the ally to the north. Water is available along the Saguaro Blvd. frontage road. Access is proposed off Desert Vista and the north ally. No new streets are needed.

A sales and auto service building with a paved lot for auto sales is proposed.



FOLEY MOTORS :: FOUNTAIN HILLS, ARIZONA
DOHRMANN ARCHITECTS INC. :: FOUNTAIN HILLS, ARIZONA





**MONTGOMERY
ENGINEERING & MANAGEMENT, LLC**
16716 E. PARKVIEW AVE. SUITE 204
FOUNTAIN HILLS, ARIZONA 85268
(480) 837-1845 fax (480) 837-8069
e-mail: Dave@cm-e.com

FOLEY PROJECT

PLAT 302, BLOCK 1, LOT 8

11639 N. SAGUARO BLVD.

DATE: 12-14-2013
PROJECT NO. 17076
FILE NO. AS NOTED
TENTATIVE DEVELOPMENT PLAN

DRAWING NO.
C1



FOUNTAIN HILLS SANITARY DISTRICT

16941 E. PEPPERWOOD CIRCLE
FOUNTAIN HILLS, AZ 85268-2901
TELEPHONE: 480-837-9444 FAX: 480-837-0819
www.az-fhisd.gov



DATE: March 16, 2018

MEMO TO: Marissa Moore
Town of Fountain Hills

FROM: Chris Kiriluk

RE: Tenant Development Plan
11639 N. Saguaro Boulevard
Plat 302, Block 1, Lot 8
Case No. Z2018-02
First Submittal

I have reviewed the above referenced submittal for conformance with District requirements and have no comments.

/cdk

cc: Kirsten DeBie

Bill Cunningham

Approved Ordinance No. 18-07

ORDINANCE NO. 18-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE OFFICIAL ZONING DISTRICTS MAPS OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, BY AMENDING THE ZONING DESIGNATION OF 0.36 ACRES LOCATED AT 11639 N. SAGUARO BLVD. (AKA APN#176-08-448) FROM C-1 – NEIGHBORHOOD COMMERCIAL AND PROFESSIONAL ZONING DISTRICT TO C-3 – GENERAL COMMERCIAL ZONING DISTRICT TO ALLOW THE CONSTRUCTION OF AN AUTO SALE, SERVICE, AND DETAIL BUSINESS.

WHEREAS, the Town of Fountain Hills (the “Town”) adopted Ordinance No. 93-22, on November 18, 1993, adopting the Zoning Ordinance for the Town of Fountain Hills (the “Zoning Ordinance”); and

WHEREAS, Chapter 2, Procedures, Section 2.01, Amendments or Zone Changes, of the Zoning Ordinance establishes the authority and procedures for amending the zoning district boundaries; and

WHEREAS, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings were advertised in the May 9, 2018 and May 16, 2018 editions of the *Times of Fountain Hills*; and

WHEREAS, public hearings were held by the Fountain Hills Planning & Zoning Commission on May 24, 2018, and by the Mayor and Council of the Town of Fountain Hills on June 19, 2018.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. That the “Official Zoning District Maps,” codified in Chapter 3 of the Zoning Ordinance, are hereby amended to change the Zoning District designation of 0.36 acres of land located at 11639 N. Saguaro Blvd., as more particularly described on Exhibit A and depicted on Exhibit B, both attached hereto and incorporated herein by reference, from “C-1 – Neighborhood Commercial and Professional Zoning District” to “C-3 – General Commercial Zoning District” to allow the construction of an auto sales, service, and detail business.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills,
Arizona, June 19, 2018.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



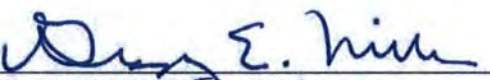
Linda M. Kavanagh, Mayor



Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Grady E. Miller, Town Manager



Mitesh V. Patel, Interim Town Attorney
Dickinson Wright PLLC

EXHIBIT A
TO
ORDINANCE NO. 18-07

[Legal Description of the Property]

See following pages.

EXHIBIT "A"

LOT 8, BLOCK 1, OF FOUNTAIN HILLS, ARIZONA, FINAL PLAT NO. 302, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 156 OF MAPS, PAGE 45;

EXCEPT ALL MINERALS AS RESERVED UNTO THE UNITED STATES OF AMERICA IN PATENT OF SAID LAND RECORDED FEBRUARY 28, 1956 IN DOCKET 1839, PAGE 426, RECORDS OF MARICOPA COUNTY, ARIZONA;

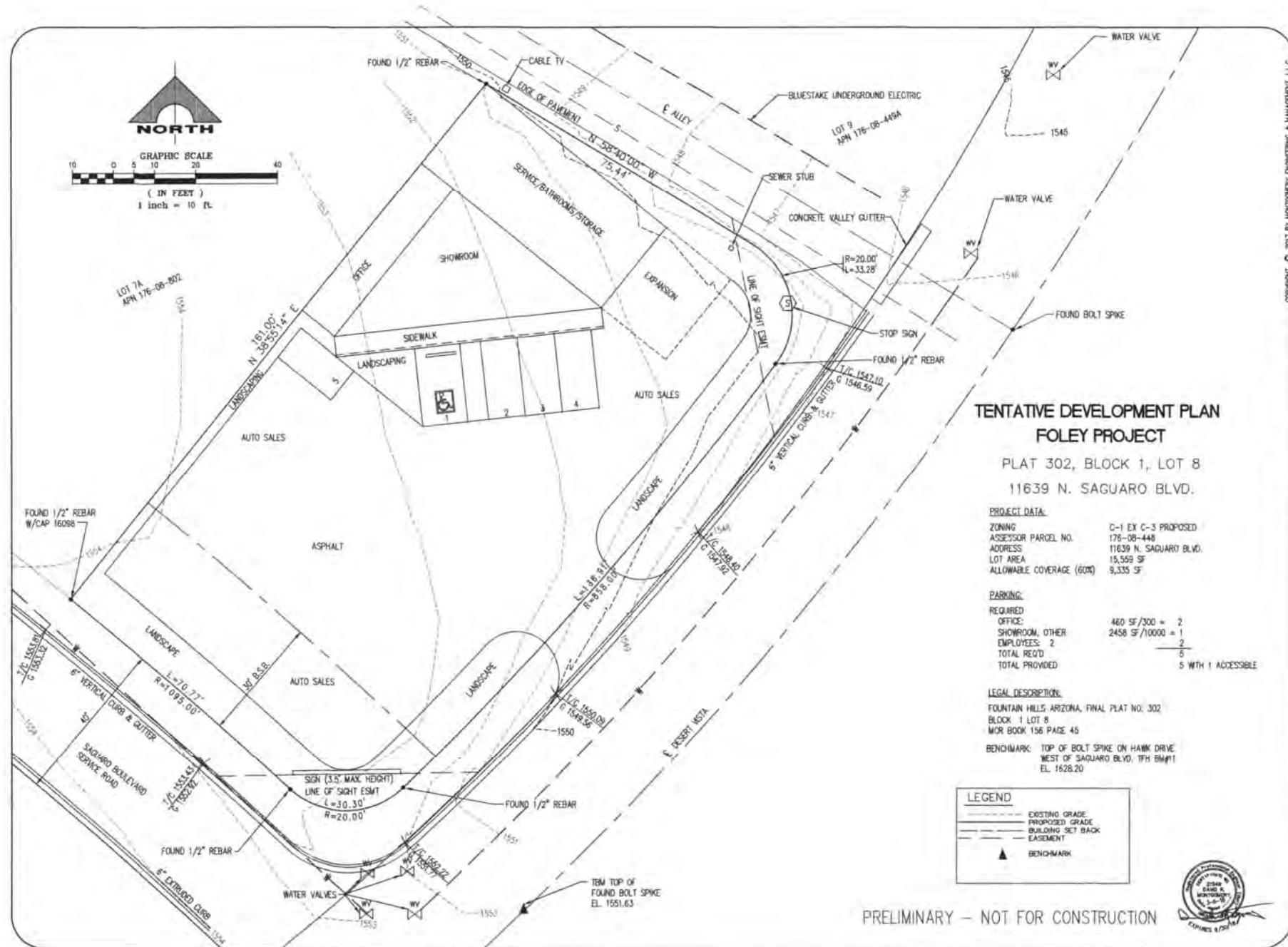
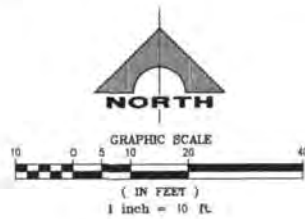
EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, MINERALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE;

EXCEPT ALL UNDERGROUND WATER, IN, UNDER OR FLOWING THROUGH SAID LAND AND WATER RIGHTS APPURTENANT THERETO.

**EXHIBIT B
TO
ORDINANCE NO. 18-07**

[Map of the Property]

See following pages.



TENTATIVE DEVELOPMENT PLAN FOLEY PROJECT

PLAT 302, BLOCK 1, LOT 8
11639 N. SAGUARO BLVD.

PROJECT DATA:

ZONING	C-1 EX C-3 PROPOSED
ASSESSOR PARCEL NO.	176-08-448
ADDRESS	11639 N. SAGUARO BLVD.
LOT AREA	15,559 SF
ALLOWABLE COVERAGE (60%)	9,335 SF

PARKING:

REQUIRED	
OFFICE	460 SF/300 = 2
SHOWROOM, OTHER	2458 SF/10000 = 1
EMPLOYEES	2
TOTAL REQ'D	3
TOTAL PROVIDED	5 WITH 1 ACCESSIBLE

LEGAL DESCRIPTION:

FOUNTAIN HILLS ARIZONA, FINAL PLAT NO. 302
BLOCK 1 LOT 8
MCR BOOK 156 PAGE 45

BENCHMARK: TOP OF BOLT SPIKE ON HAWK DRIVE
WEST OF SAGUARO BLVD. TFM BM#11
EL. 1628.20

LEGEND

--- EXISTING GRADE
--- PROPOSED GRADE
--- BUILDING SET BACK
--- EASEMENT
▲ BENCHMARK

PRELIMINARY - NOT FOR CONSTRUCTION



May 24, 2018 Planning and Zoning Commission meeting minutes

height of fifty four feet at 16845 East Avenue of the Fountains as depicted in the site plan submitted with this request, with stipulations that all three wireless facilities are screened on all four sides. Commissioner Boik **SECONDED** and the **MOTION CARRIED UNANIMOUSLY 7/0.**

A roll call vote was taken with the following results:

Commissioner Boik	Aye
Commissioner Crumie	Aye
Commissioner Hansen	Aye
Commissioner Jones	Aye
Commissioner Schlossberg	Aye
Vice-Chairman Dempster	Aye
Chairman Dabrowski	Aye

AGENDA ITEM # 6 - PUBLIC HEARING TO RECEIVE COMMENTS ON ORDINANCE 18-07, AN AMENDMENT TO THE TOWN OF FOUNTAIN HILLS ZONING ORDINANCE AND ZONING MAP TO CHANGE THE ZONING ON 0.36 ACRES LOCATED AT 11639 N. SAGUARO BLVD. (AKA APN#176-08-448) FROM C-1 – NEIGHBORHOOD COMMERCIAL AND PROFESSIONAL ZONING DISTRICT TO C-3 – GENERAL COMMERCIAL ZONING DISTRICT TO ALLOW THE CONSTRUCTION OF AN AUTO SALES, SERVICE, AND DETAIL BUSINESS. (CASE# Z2018-02)

Chairman Dabrowski opened the public hearing at 8:36 p.m.

Ms. Moore presented a staff report and a PowerPoint presentation (Copy on file in the Development Services Department) on the details of an application submitted by Rex Foley to rezone 11639 N. Saguaro Blvd. from C-1 – Neighborhood Commercial and Professional to C-3 – General Commercial to allow a one-story 3,800 square foot auto sales, service and detail business and a proposed 500 square foot future expansion totaling 4300 square feet of building lot coverage to be constructed as a permitted use. The applicant owns an existing auto sales business in town and wants to expand to be able to increase their inventory by displaying fifty to sixty vehicles at the subject property. They would also provide auto service and detailing services for inventory at both the existing location and proposed locations. They would like to access the property from both Desert Vista Right of Way and the alley. The full build-out would require five parking spaces which their rendering displays. Ms. Moore provided details on the difference between the two zoning districts, the current and proposed, intensity of uses. Intensity is the increased floor to area ratio and in this case is met with smaller setbacks and an increased in building height. Lower intensity uses are offices, restaurants, banks, and other retail businesses that support the local neighborhood commercial development. In researching of thirty parks within the valley the same size as Desert Vista Neighborhood Park, uses were typically residential and public uses such as churches and schools. Only two of the thirty had more intense use.

Ms. Moore pointed out the General Plan which was adopted in 2010, states that the Foley Motor proposal is inconsistent with the General Plan's "Goal Five: Protect and reserve existing neighborhoods from incompatible adjacent land uses." Staff's analysis of the neighborhood is that of a park – Desert Vista Neighborhood Park. The park use and safety issues are concerns which may outweigh the commercial development. In conclusion Ms. Moore stated staff recommends denial of this rezoning request due to the proposal's inconsistencies with the General Plan 2010, and because of safety concerns with increasing the intensity of the land use, which for this proposed development includes an increase in exposure to chemicals, air pollutants, noise, and traffic, adjacent to the Town's Desert Vista neighborhood Park. Ms. Moore stated if the commission votes to recommend approval, staff recommends stipulations be placed on the development of the property as outlined in the staff report.

Ms. Dabrowski asked if the applicant was present for questions. The applicant, Rex Foley was not present but on his behalf Dave Montgomery, Montgomery Engineering answered the Commissions questions.

Mr. Montgomery said that everything Mr. Foley is asking for is within the zoning requirements except for the motorcar sales. Mr. Foley owns a similar car sales lot on Saguaro Blvd. It has been observed that there is very little high traffic volume that would affect the park and surrounding area. There are a lot of parked car for sale but not much movement of vehicles. The hours of operation would be day time hours, most likely closing at 6:00 p.m. so there would be no impact after that time and very little during business hours.

Chairman Dabrowski asked if there were any requests to speak and the Recorder Paula Woodward answered there were none.

Chairman Dabrowski closed the public hearing at 8:45 p.m.

AGENDA ITEM # 7 - CONSIDERATION OF ORDINANCE 18-07, AN AMENDMENT TO THE TOWN OF FOUNTAIN HILLS ZONING ORDINANCE AND ZONING MAP TO CHANGE THE ZONING ON 0.36 ACRES LOCATED AT 11639 N. SAGUARO BLVD. (AKA APN#176-08-448) FROM C-1 – NEIGHBORHOOD COMMERCIAL AND PROFESSIONAL ZONING DISTRICT TO C-3 –GENERAL COMMERCIAL ZONING DISTRICT TO ALLOW THE CONSTRUCTION OF AN AUTO SALES, SERVICE BUSINESS. (CASE# Z2018-02)

Vice-Chairman Dempster asked how many parking spaces were requested and how many employees are expected.

Ms. Moore replied there are five parking spaces and they comply with the zoning ordinance.

Mr. Montgomery stated two to five employees.

Vice-Chairman Dempster asked if a buffer could be made between the property area that faces the park.

Ms. Moore said a review of buffers were considered but the applicant would most likely want egress/ingress to that area. There would not be a line of site issue based on the measurements estimated. The service bays would back into the alley.

Discussion took place amongst the commission regarding if service of vehicles were the same as sales and if the zoning would allow both.

In response to Commissioner Dabrowski, Ms. Moore said that there is a C-3 zoning district to accommodate more intense uses such as noise, traffic, fluids and chemicals possibly from doing detailing and service. If this was just C-3 zoning and didn't need the rezoning we would not be concerned about the noise as long as there was compliance with the noise ordinance.

Mr. Montgomery said that the service would be similar to oil changes and minor items such as repair. It would not include body work or painting.

Commissioners Jones and Chairman Dabrowski questioned what was covered under the C-3 verses the C-1 and what are the restrictions.

Mr. Boik pointed out the narrative states, "with the possibility of expanding further in the future to service other outside vehicles in the Fountain Hills area."

Ms. Moore referenced the Zoning Ordinance Chapter 12, Section 12.02.D. which includes repair.

Chairman Dabrowski **MOVED** to forward a recommendation to the Town Council to approve Ordinance 18-07 declaring as a public record that certain documents filed with the Town Clerk and entitled the "Ordinance

No. 18-07, Case # Z2018-02. And to move to forward a recommendation to Town Council to Approve Ordinance 18-07 amending the Town of Fountain Hills Official Zoning District Map for apporximently 0.36 acres located at the northwest corner of N. Saguaro Blvd and Desert Vista right-of-way from C-1 Neighborhood commercial and Professional to C-3 General Commercial (Case # Z2018-02), with the following Stipulations:

1. This property can only be used for automotive sales, servicing, and detailing, and must be constructed in substantial conformance with the proposed site plan.
2. If a building permit is not requested within 6 months of the approval of the rezoning, the property will revert back to the current C-1 - Neighborhood Commercial and Professional zoning designation.
3. Dedicate a 10-foot public utilities easement along the front and street side property lines;
4. Install an extensive landscape buffer measuring a minimum of 10-feet in width along the front and street side property lines;
5. Install a meandering sidewalk along N Saguaro Blvd and Desert Vista right-of-way.
6. Landscaping within the landscape easement must include trees measuring a minimum of 3-inches in caliper and placed 20-feet on center
7. Provide "No Parking" signs along Desert Vista right-of-way adjacent to this property.
8. Install "Parking for Park Patrons Only" signs at the five parking stalls across the alley closest to the subject property.

Commissioner Boik **SECONDED** and the **MOTION CARRIED 4/3.**

A roll call vote was taken with the following results:

Commissioner Boik	Aye
Commissioner Crumie	Aye
Commissioner Hansen	Nay
Commissioner Jones	Nay
Commissioner Schlossberg	Aye
Vice-Chairman Dempster	Aye
Chairman Dabrowski	Nay

AGENDA ITEM # 8 - SUMMARY OF COMMISSION REQUESTS FROM DEVELOPMENT SERVICES DIRECTOR.

None

AGENDA ITEM # 9 - REPORT FROM SENIOR PLANNER.

None

AGENDA ITEM # 10 - ADJOURNMENT.

Chairman Dabrowski adjourned the meeting at 7:11 p.m.

June 19, 2018 Town Council meeting minutes

had more than one antenna and could supply more than one carrier. Vice Mayor Brown asked if Fountain Hills needed a micro cell and Mr. Snodgrass replied that the company would not place a cell facility where no money was made. Mr. Snodgrass also explained that small cell systems were regulated by State Legislation.

Councilmember DePorter asked if there was room for other carriers on their equipment and Mr. Snodgrass replied no because the system was not built large enough for more than one and the other carriers would need their separate areas with screening and a 10-foot separation to avoid interference. Councilmember DePorter mentioned that the height was contentious but connectivity was key.

Councilmember Magazine asked if the Park Place Development did not exist, was there another location in Town to place an antenna and Mr. Snodgrass replied Town Hall would have been looked at, but not the best location and stressed this location was optimal. Councilmember Magazine asked if in 10-years the Town developed the State Trust Land, would the equipment service the additional area and Mr. Snodgrass replied there would probably be a request for another micro cell location or antennas, but who knew in 10-years.

Mayor Kavanagh stated she understood what Mr. Snodgrass was talking about and mentioned the Town was attempting to attract young families requesting service along with the Town's several fairs where vendors attempt to find Wi-Fi use. Mayor Kavanagh pointed out some of the blind spots in Town and was excited that service to the "Fountain Park" area would be found and used by a lot of people.

Mayor Kavanagh asked if there were any speaker cards and Town Clerk Bender stated one had been received.

Phillip Blackerby, a Fountain Hills resident and representing the Fountain Hills Design Center located on the Avenue of the Fountains, began by thanking Ms. Bender for all her help on several different matters over the years. Mr. Blackerby mentioned he had been in support of the Park Place Development and described how and when the cell phone service declined inside their store. Mr. Blackerby expressed he was a happy Verizon customer and supported better coverage and service in the near future and encouraged Council to approve this request.

Mayor Kavanagh closed the Public Hearing at 7:16 p.m.

AGENDA ITEM #5 - CONSIDERATION OF A PROPOSED SPECIAL USE PERMIT TO ALLOW VERIZON WIRELESS TO INSTALL A CELLULAR ANTENNA WITH ASSOCIATED ROOF-MOUNTED EQUIPMENT TO BE TWO FEET AND FOUR INCHES ABOVE THE MAXIMUM ALLOWED HEIGHT OF FIFTY-FOUR FEET AT 16845 E. AVENUE OF THE FOUNTAINS. (PARK PLACE) (CASE # SU2018-01)

Mayor Kavanagh asked for further Council discussion and if not requested a motion.

Councilmember Magazine **MOVED** to approve the Special Use Permit to allow Verizon Wireless to install three cellular antennas with associated roof-mounted equipment to be located within 300 feet of a residentially zoned and platted property and one of these antennas, located on the northeast corner of the roof to be 3-feet, 11-inches above the maximum allowed height of 54 feet at 16845 E. Avenue of the Fountains and Vice Mayor Brown **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (6-0).

Mayor Kavanagh thanked Mr. Snodgrass.

AGENDA ITEM #6 - PUBLIC HEARING TO RECEIVE COMMENTS ON ORDINANCE 18-07, AN AMENDMENT TO THE TOWN OF FOUNTAIN HILLS ZONING ORDINANCE AND ZONING MAP TO CHANGE THE ZONING ON 0.36 ACRES LOCATED AT 11639 N. SAGUARO BOULEVARD (AKA APN#176-08-448) FROM C-1 - NEIGHBORHOOD COMMERCIAL AND PROFESSIONAL ZONING DISTRICT TO C-3 - GENERAL COMMERCIAL ZONING DISTRICT TO ALLOW THE CONSTRUCTION OF AN AUTO SALES, SERVICE, AND DETAIL BUSINESS. (CASE# Z2018-02)

Mayor Kavanagh announced for items #6 and #7 there would be one staff report.

Mayor Kavanagh opened the Public Hearing at 7:16 p.m.

Marissa Moore, Senior Planner reviewed the information in the staff report on this rezoning request and provided a PowerPoint presentation (available on-line or in the office of the Town Clerk).

Ms. Moore stated this was a request to rezone a property located at the corner of Saguaro Boulevard and Desert Vista Drive right-of-way to construct a car sales lot and a 4,300 square foot building space for auto sales, servicing and auto detailing for the inventory on this parcel as well as inventory on their existing business. Ms. Moore stated the applicant's existing business was located at the corner of North Saguaro Boulevard and East Colony Drive.

Ms. Moore stated she had wanted to answer a question brought up at the Planning and Zoning (P&Z) Commission meeting and explained after researching the County Assessor's website found the existing parcel was approximately 18,000 square feet and the subject parcel was approximately 15,500 square feet and found to be slightly smaller than the existing business. Ms. Moore added that the reason for the request was because auto sales service and detailing was not allowed in a C-1 zoning district, but was allowed in a C-3 zoning district.

Ms. Moore presented slides of the highlighted property, along with a graphic of the adjacent zoning district uses. She acknowledged the current storage facilities' located in the area along with some residential and condominium units to the north and a wash to the northeast.

Mayor Kavanagh asked what the closed filling station was currently used for and Ms. Moore replied auto service.

Ms. Moore provided a conceptual site plan, a slide of comparison of zoning specifications graph and noted an error on her part that provided Council in their packets with a different graph and as she had wanted to present the current slide information to point out the differences in the C-1 versus C-3 zoning district. Ms. Moore also presented two conceptual renderings.

Mayor Kavanagh asked if the park was located behind the proposed building and Ms. Moore replied it was and an alley was located between the proposed property building and the park.

Ms. Moore presented a slide with a list of staff's findings and reasons for their recommendation to deny the request. Ms. Moore stated after a review of the Town's General Plan there was a safety factor discussed and the opinion that safety overrides any business development caused by more intense land use in the proximity to the Town Park that could create safety issues. Mayor Kavanagh wanted to know the safety concerns and would servicing be performed outside the building and Ms. Moore replied it was mentioned at the P&Z Commission meeting that the business planned to access the service area from the back alley creating traffic along with the bay area opened, which also opened up to the park. Ms. Moore commented that the Town Engineer stated that a set-back of at least six-feet from the property line would be required to allow line-of-site for exiting cars, backing out of the building. Mayor Kavanagh asked if rear site plans had been submitted and Ms. Moore replied there were no rear renderings submitted.

Councilmember Magazine commented he counted many auto related facilities beginning at the mortuary down on Saguaro Boulevard and expressed in his opinion there were too many of the same kind and it would not look good and did not improve Fountain Hills.

Councilmember DePorter believed the auto dealers in Fountain Hills were doing well, but also agreed with staff that no renderings were provided to review the possible hazard created with kids attending sports activities at the park and moving around the area. Councilmember DePorter requested more information on safety and traffic in the alley, which also served as parking for the park.

Vice Mayor Brown pointed out he understood the concerns, but pointed out if a shopping center were built on this property, there would be traffic 10 to 12 hours per day and with a car dealership maybe 5 to 6 cars a day and would not create a busy corner. Vice Mayor Brown noted the current unkept condition of the area as being unattractive and believed disapproval of this project and the offer to make the corner new and fresh would be a disservice to Fountain Hills. Vice Mayor Brown asked if the business was going to move totally from their existing lot or keep both opened and Ms. Moore replied the understood intent was to keep both opened.

Ms. Moore continued her report and pointed out staff's concerns for rezoning properties as outlined in the Strategic Plan included the knowledge of the owner of the property to rezone to down-zone from an intense land use to a residential land use and rezone unplatted land. This land was platted for greater density and affordable family homes. Ms. Moore also mentioned she had researched 30 same size parks located in local municipalities and found only two that permitted commercial businesses adjacent to a park and 28 that only had residential connected to parks.

Ms. Moore stated that the P&Z Commission had recommended approval with eight stipulations as listed in the staff report and presented in a slide and staff had recommended denial due to inconsistencies. Mayor Kavanagh requested Ms. Moore present the eight stipulations.

Councilmember Tolis questioned the stipulation that dedicated a 10-foot public utility easement along the front and street side property lines and asked if the easement was included in the concept plan. Councilmember Tolis pointed out the stipulation would not allow as much property use and supported it to be allowed. Ms. Moore replied there was a set-back already in place dedicated on Saguaro Boulevard for parking and access road along with a required sidewalk installed and a requirement in a C-3 zoning district. Mayor Kavanagh asked if the developer agreed to the stipulations during the P&Z meeting and Ms. Moore replied the developer was not present at the meeting except for Dave Montgomery, Project Engineer, who did answer questions but not in an official capacity and did not comment on the easement issue. Ms. Moore pointed out that all commercial parking lots do have a 10-foot set-back from property line.

Vice Mayor Brown asked for the developer to come forward to answer Council questions.

Rex Foley, a Fountain Hills resident, asked about the 10-foot set-back that limited the number of cars available on the lot and expressed the need for more asphalt to accommodate inventory.

Councilmember Magazine stated Mr. Foley must not be concerned with competition in the same area and Mr. Foley replied the other dealers and his shop were not the same and did not do what they did.

Vice Mayor Brown listed concerns that included building design, alley access, the business near an active park and asked Mr. Foley if he would consider an adjustment of the egress involving the way of entering and existing the building and property and would also include the bay doors not opening onto the alley while driving in and backing out where children play at the park and adjusting the building location. Ms. Moore reiterated the 10-foot set-back required on the building and parking lot in the C-3 zoning. Bob Rodgers, Director of Development Services, responded there would be a 10-foot parking lot set-back from curb and the 10-foot easement would include the sidewalk and landscaped areas.

Vice Mayor Brown inquired about conversations during the P&Z Commission meeting regarding this project and Ms. Moore replied there were few questions and nothing more than presented this evening.

Councilmember Tolis stated Council should support businesses and it appeared Mr. Foley was attempting to be a good neighbor and requested Council move this project forward. Councilmember Tolis and Mayor Kavanagh spoke of the possible revenue generated by these types of businesses.

Mr. Foley asserted that his business needed approved parking on Desert Vista for customers in the area now posted as "No Parking" and Ms. Moore replied one of the reasons for the restricted parking was due to line-of-sight issues and was posted for safety reasons.

Mayor Kavanagh mentioned there was angle parking along the park area and Ms. Moore replied those parking spaces were on park property and not part of the street parking as determined by the Town Engineer.

Vice Mayor Brown discussed with Mr. Foley the three lots he purchased leaving a lot open next to Pal's Inn and Mr. Foley replied he was purchasing the end lot for a total of three lots. Mr. Foley also pointed out that his business closed at 6:00 p.m. for those attending park sports events at night.

Mayor Kavanagh asked for further Council questions and none were initiated.

Mayor Kavanagh asked if there were any speaker cards and Ms. Bender replied none had been received.

Councilmember Tolis commented on previous action 14-years ago where there was talk of re-designing the turn-in in front of the Saguaro Boulevard businesses and questioned if that could be researched again to help accommodate the parking and access for this business and Ms. Moore replied this idea had been discussed with the Town Engineer, Randy Harrel, and due to safety issues staff determined not to pursue. Councilmember Tolis asked what would be the process and since Mr. Harrel was not available, Justin Weldy, Public Works Director explained that all property owners' adjacent to the service road on Saguaro Boulevard must agree to take over, maintain and pay for the improvements fronting their property and 14-years ago and since, there was not a consensus during discussions from the property owners' to abandon the entire area that would also provide additional parking in and out on Saguaro Boulevard.

Mayor Kavanagh asked if the Town owned the road and Mr. Weldy replied "yes", but the property owners' would be responsible to pay for improvements and then would acquire a piece of property. Mayor Kavanagh asked if the Town could keep the property and use it as parking and Mr. Miller replied he understood it would be similar to an "Improvement District" set-up with the Town abandoning the roadway in that area and noted the Town could not gift the property and it would be necessary for the property owners' to agree to maintain their portion of the property and he believed during discussion with Bob Rodgers, Director of Development Services, it would be hard to get the property owners' approval and stressed this was an all or nothing project and Mayor Kavanagh agreed.

Mr. Patel commented if the Town chose to abandon the property and by State Statute if some of the property owners' did not join in, there would not be continuity, but added staff could research how access and parking could be provided and attempt to work out any issues. Mayor Kavanagh requested the Town Engineer review the options and Mr. Miller added staff would then come back to Council with their findings.

Councilmember Tolis requested Council move forward with a vote on the request and Mr. Foley added his business brought a lot of people to Fountain Hills from outside the Town.

Mayor Kavanagh closed the Public Hearing at 7:55 p.m.

AGENDA ITEM #7 - CONSIDERATION OF ORDINANCE 18-07, AN AMENDMENT TO THE TOWN OF FOUNTAIN HILLS ZONING ORDINANCE AND ZONING MAP TO CHANGE THE ZONING ON 0.36 ACRES LOCATED AT 11639 N. SAGUARO BOULEVARD (AKA APN#176-08-448) FROM C-1 - NEIGHBORHOOD COMMERCIAL AND PROFESSIONAL ZONING DISTRICT TO C-3 - GENERAL COMMERCIAL ZONING DISTRICT TO ALLOW THE CONSTRUCTION OF AN AUTO SALES, SERVICE BUSINESS. (CASE# Z2018-02)

Mayor Kavanagh asked for further questions or comments from Council and if not, requested a motion.

Vice Mayor Brown **MOVED** to approve Ordinance 18-07 amending the Town of Fountain Hills Official Zoning District map for approximately 0.36 acres located at the northwest corner of N. Saguaro Boulevard and Desert Vista right-of-way from C-1-Neighborhood Commercial and Professional to C-3-General Commercial (Case #Z2018-02), subject to the stipulations with a change in stipulation #6 from trees to desert landscaping and Councilmember Tolis **SECONDED** the motion.

Mayor Kavanagh requested a roll call vote.

Councilmember Leger	Nay
Vice Mayor Brown	Aye
Councilmember DePorter	Aye
Councilmember Tolis	Aye
Councilmember Magazine	Nay
Mayor Kavanagh	Aye

The motion **CARRIED** (4-2)

ORDINANCE NO. 19-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE OFFICIAL ZONING DISTRICTS MAPS OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, BY REVERTING THE ZONING DESIGNATION OF 0.36 ACRES LOCATED AT 11639 N. SAGUARO BLVD. (AKA APN#176-08-448) FROM C-3 – GENERAL COMMERCIAL ZONING DISTRICT TO C-1 – NEIGHBORHOOD COMMERCIAL AND PROFESSIONAL ZONING DISTRICT

RECITALS:

WHEREAS, the Town of Fountain Hills (the "Town") adopted Ordinance No. 93-22, on November 18, 1993, adopting the Zoning Ordinance for the Town of Fountain Hills (the "Zoning Ordinance"); and

WHEREAS, Chapter 2, Procedures, Section 2.01, Amendments or Zone Changes, of the Zoning Ordinance establishes the authority and procedures for amending the zoning district boundaries; and

WHEREAS, following public hearings held on May 24, 2018 and June 19, 2018 by, respectively, the Fountain Hills Planning & Zoning Commission the Mayor and Council of the Town of Fountain Hills, the Mayor and Council approved Ordinance 18-07, amending the Zoning Ordinance and Zoning Map to change the zoning designation of 0.36 acres of land located at 11639 N. Saguaro Blvd., from C-1 – Neighborhood Commercial and Professional Zoning District to C-3 – General Commercial Zoning District, to allow the construction of an auto sales, service, and detail business; and

WHEREAS, such approval was subject to, among other conditions, the condition that the zoning designation would revert to the C-1 – Neighborhood Commercial and Professional Zoning District designation were a building permit not requested within six months of such approval; and

WHEREAS, no building permit was requested within the time allotted; and

WHEREAS, ARIZ. REV. STAT. § 9-462.01(E) permits a municipal legislative body to take legislative action to cause such property to revert to its former zoning classification in the event zoning conditions have not been satisfied; and

WHEREAS, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings were advertised in the January 30, 2019 and February 6, 2019 editions of the *Times of Fountain Hills*; and

WHEREAS, a public hearing was held by the Town Council on February 19, 2019.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. That the "Official Zoning District Maps," codified in Chapter 3 of the Zoning Ordinance, are hereby amended to revert the Zoning District designation of 0.36 acres of land located at 11639 N Saguaro Blvd, as more particularly described on Exhibit A and depicted on Exhibit B, both attached hereto and incorporated herein by reference, from "C-3 – General Commercial Zoning District" to "C-1 – Neighborhood Commercial and Professional Zoning District".

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, this 19th day of February, 2019.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:

Ginny Dickey, Mayor

Elizabeth A. Burke, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Grady E. Miller, Town Manager

Aaron D. Arnson, Town Attorney

EXHIBIT A
TO
ORDINANCE NO. 19-02

[Legal Description of the Property]

See following pages.

EXHIBIT "A"

LOT 8, BLOCK 1, OF FOUNTAIN HILLS, ARIZONA, FINAL PLAT NO. 302, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 156 OF MAPS, PAGE 45;

EXCEPT ALL MINERALS AS RESERVED UNTO THE UNITED STATES OF AMERICA IN PATENT OF SAID LAND RECORDED FEBRUARY 28, 1956 IN DOCKET 1839, PAGE 426, RECORDS OF MARICOPA COUNTY, ARIZONA;

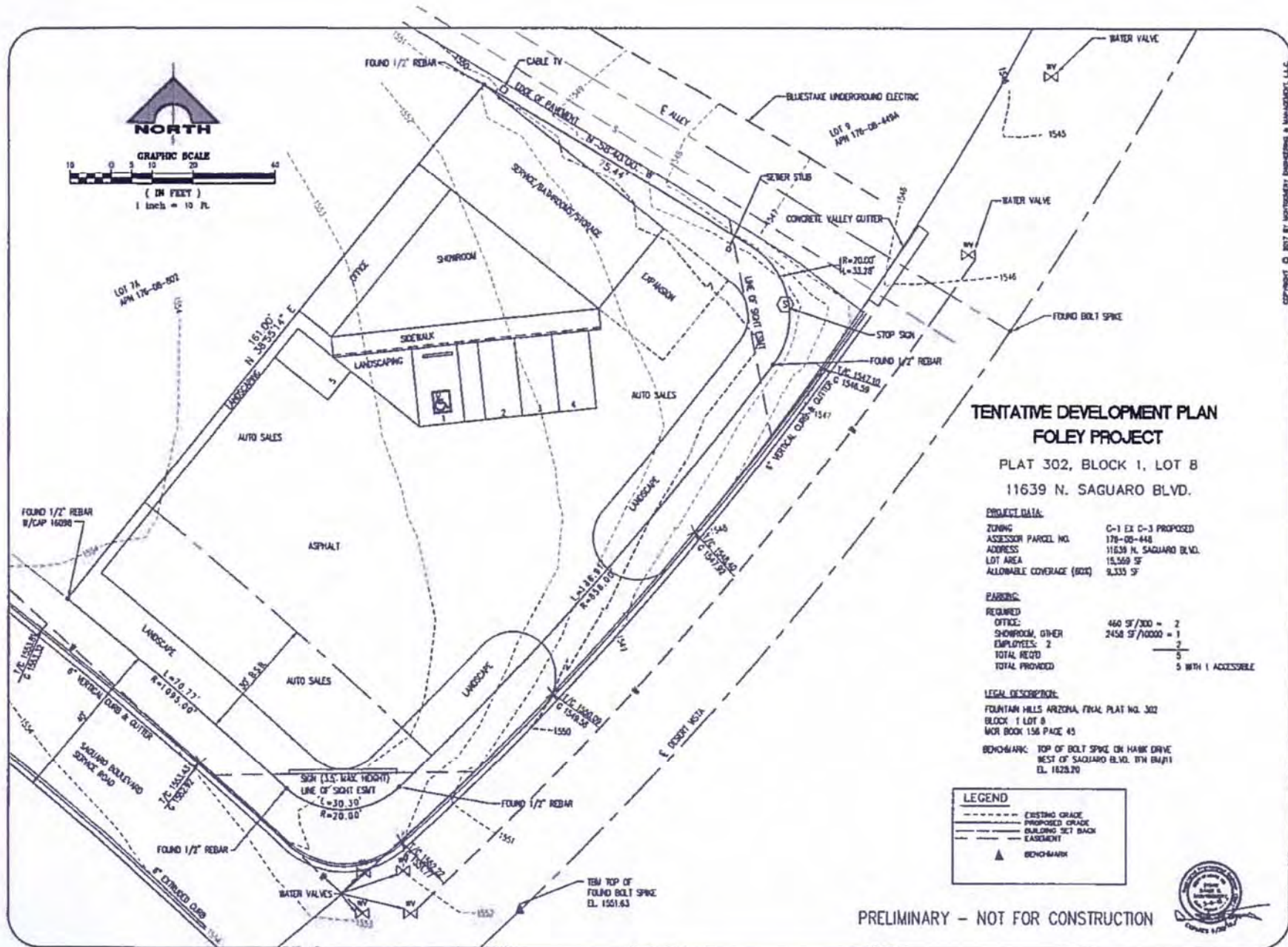
EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, MINERALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE;

EXCEPT ALL UNDERGROUND WATER, IN, UNDER OR FLOWING THROUGH SAID LAND AND WATER RIGHTS APPURTENANT THERETO.

EXHIBIT B
TO
ORDINANCE NO. 19-02

[Map of the Property]

See following pages.



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MONTGOMERY ENGINEERING & MANAGEMENT, L.L.C.
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FOUNTAIN HILLS, ARIZONA 85268
(480) 837-1843 fax (480) 837-8668
e-mail: Dave@EMAZ.com

FOLEY PROJECT

PLAT 302, BLOCK 1, LOT 8
11639 N. SAGUARO BLVD.

DATE: 12-14-2017
DRAWN BY: DRU
CHECKED BY: AS NOTED
TENTATIVE DEVELOPMENT PLAN

DRAWING NO.: **C1**



Town of Fountain Hills Staff Presentation

Z2018-11

Reversion of Zoning at 11639 N Saguaro Blvd

C-3 – General Commercial to

C-1 – Neighborhood Commercial and Professional

www.fh.az.gov



Background

- June 19, 2018 Town Council approved 4-2 to rezone the subject property from C-1 – Neighborhood Commercial and Professional zoning designation to C-3 – General Commercial.
- Stipulations specific to the applicant's request to construct an auto sale, service, and detail business on the property.
- Stipulation 2: a building permit application must be submitted within 6 months of approval. This stipulation was not met.
- ARS permits the municipal governing body to take action for reversions of zoning designations.

www.fh.az.gov



Location Map - 11639 N Saguaro Blvd



www.fhaz.gov



Recommendation

Staff recommends that the Town Council APPROVE Ordinance #19-02, reverting the zoning designation of 0.36 acres located at 11639 N. Saguaro Blvd. (AKA APN#176-08-448) from C-3 – General Commercial zoning district to C-1 – Neighborhood Commercial and Professional zoning district (Case #Z2018-11).

www.fhaz.gov



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 2/19/2019

Meeting Type: Regular Session

Agenda Type: Regular

Submitting Department: Community Services

Staff Contact Information: Rachael Goodwin, 480-816-5135, rgoodwin@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): DISCUSSION WITH POSSIBLE DIRECTION TO STAFF to emend McDowell Mountain Preservation Commission bylaws to allow for one additional commission seat and the designation of Emeritus status for one or more members.

Applicant:

Applicant Contact Information:

Owner:

Owner Contact Information:

Property Location:

Related Ordinance, Policy or Guiding Principle: Town Council Rules of Procedure 2006-52, Resolution 2017-41 MMPC By-laws

Staff Summary (background): Emeritus status is a designation often bestowed on tenured members of committees, commissions, or staff members that have offered significant contribution to the development and promotion of their field. An amendment to the McDowell Mountain Preservation Commission bylaws would allow for this status to be granted at Council discretion.

Additionally, there has been interest in adding a new applicant to the commission. The addition of an eighth seat would allow for this additional commissioner. The intention is for the commission to return to seven seats through a natural attrition process, such as when an appointed commissioner resigns or other vacancy is created.

Risk Analysis (options or alternatives with implications):

Fiscal Impact (initial and ongoing costs; budget status):

Budget Reference (page number):

Funding Source: NA

If Multiple Funds utilized, list here:

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s):

Staff Recommendation(s):

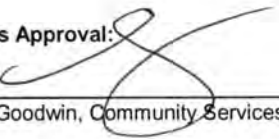
List Attachment(s):

SUGGESTED MOTION (for Council use): Direct Staff to bring back updated and amended McDowell Mountain Preservation Commission bylaws that incorporate the changes as described.

Prepared by:

Angela Padgett-Espiritu, Executive Assistant 2/14/2019

Director's Approval:


Rachael Goodwin, Community Services Director 2/14/2019

Approved:


Grady E. Miller, Town Manager 2/14/2019

TOWN OF FOUNTAIN HILLS

TOWN COUNCIL
AGENDA ACTION FORM

Meeting Date: 2/11/2019

Meeting Type: Regular

Agenda Type: Regular

Submitting Department: Administration

Staff Contact Information: Elizabeth A. Burke, Town Clerk, 480-816-5115; eburke@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): DISCUSSION with possible direction relating to any item included in the League of Arizona Cities and Towns' weekly Legislative Bulletin(s) or relating to any action proposed or pending before the State Legislature.

Applicant: NA

Applicant Contact Information: NA

Owner: N/A

Owner Contact Information: NA

Property Location: NA

Related Ordinance, Policy or Guiding Principle: A.R.S. §38-431.01

Staff Summary (background): This agenda item will appear on the Regular Meeting agendas through the end of this year's Legislative session. It is intended to provide an opportunity for Council to discuss any proposed or pending legislation before the State Legislature, and possibly take action in response thereto.

Risk Analysis (options or alternatives with implications): NA**Fiscal Impact** (initial and ongoing costs; budget status): NA**Budget Reference** (page number): NA**Funding Source**: NA**If Multiple Funds utilized, list here:****Budgeted; if No, attach Budget Adjustment Form**: NA**Recommendation(s) by Board(s) or Commission(s)**: NA**Staff Recommendation(s)**: Approve**List Attachment(s)**: Legislative Bulletin Issue 5 – February 8, 2019; Notes from Legislative Call of 02/11/19

SUGGESTED MOTION (for Council use): Council may give direction to the Town Manager to express a position to the Legislature or other body with respect to any item on the League update.

Prepared by:

Approved:


Elizabeth A. Burke, Town Clerk 1/31/2019


Grady E. Miller, Town Manager 1/31/2019

From: Tom Savage <tsavage@azleague.org>
Sent: Friday, February 8, 2019 3:58 PM
To: Tom Savage
Subject: League of Arizona Cities and Towns: Legislative Bulletin Issue 5 - February 8, 2019



Issue 5 – February 8, 2019

Legislative Overview

Today marks the 26th day of session and we are approaching some key legislative deadlines. Monday will be the last day for House members to introduce legislation; the Senate's deadline has already lapsed. We are likely to see many more House bills introduced between now and the deadline. The last week for hearing bills in their chamber of origin is around the corner, which is why the next two weeks will be very busy for League staff as committee chairmen will be issuing agendas containing multiple bills to be heard before the deadline, some of critical interest to cities and towns. Issues we are monitoring very closely for next week include League resolutions, distracted driving bills, and digital goods, among others. Please keep in contact with your elected representatives and inform them of our positions on these issues.

Distracted Driving Legislation

The Senate Transportation and Public Safety Committee is expected to hear in the next few weeks SB1165 prohibition; texting while driving, sponsored by Senator Kate Brophy McGee (R-Phoenix). Over the past few weeks there have been stakeholder meetings to fine-tune the provisions of the bill and address issues that have been raised by lawmakers. As a result, an amendment has been drafted and is expected to be offered in committee.

The amendment will rewrite the bill to closely mirror the hands-free law that was passed in Georgia last year. The amendment will prohibit

drivers from holding or supporting with any part of their body a cell-phone or electronic device to write, send, or read any text-based communications unless the driver uses voice-to-text features. It also prohibits talking on a wireless device unless the driver is using an earpiece, headphone device or a device worn on a wrist. Exemptions in the underlying bill remain the same, such as using a cellphone to call 9-1-1, among others. The amendment will add a prohibition on using wireless devices to watch or record videos while driving and the vehicle is in motion, except for devices that continuously record, such as dash cameras.

Beginning January 1, 2020, violations of the law will be civil penalties, subject to fines ranging between \$75 and \$149 for a first offense and between \$150 and \$250 for second or subsequent offenses. Violations causing serious injury or death, is a class 1 misdemeanor. After the effective date of the legislation and before January 1, 2020, law enforcement is limited to issuing warnings to allow for drivers to become aware of the new state law.

Scheduled next week in the House Transportation Committee is HB2069 text messaging while driving; prohibition, sponsored by Representative John Kavanagh (R-Fountain Hills). The bill makes it a civil traffic violation to use a wireless communication device to manually write or send a written message while driving on a highway. Violations are subject to a penalty of \$100 for a first violation, \$300 for a second or subsequent violation, \$500 for causing accident and \$10,000 if accident results in a death.

HB2201 – partisan offices; cities; towns

This bill sponsored by Representative Frank Carroll (R-Sun City West) would require ballots for local elections to include the party designation of all candidates. Additionally, it would require all cities and towns to hold both a primary and general election even if candidates are running in uncontested races or receive more than 50% of the vote. This would add unnecessary costs to our elections. The only city that conducts partisan elections is Tucson.

For the most part, municipal issues are nonpartisan. Injecting partisanship into governing at the local level would only increase the rancor that is, unfortunately, too much a part of our political system. Cities and towns have 100 years of successful experience with non-partisan elections and candidates are already free to put their political affiliation on any campaign materials.

Unfortunately, this bill passed out of the House Elections Committee this week on a party line vote 4-3. The next step is the bill will move through Rules and Caucus before heading to the floor for a full House vote.

SB1186 - municipalities; pension fund; transfer

As a result of a League Resolution at the 2018 Annual Conference, SB1186 sponsored by Senator Frank Pratt (R-Casa Grande), allows cities or towns with an existing part-time/volunteer firefighter retirement accounts to pay down unfunded liabilities in the PSPRS fund. Within part-time/volunteer firefighter retirement accounts an employee must reach five years of service to be vested and receive any matching employer contributions when they leave service. Many firefighters leave service before vesting, most often to take a full-time position either in that city or elsewhere. Upon departure, the employer contributions for employees that did not vest remain in the account, creating a pool of excess funds without a beneficiary to pay. The League is asking that cities and towns be permitted to utilize those excess funds to pay down their PSPRS unfunded liabilities.

This bill passed out of the Senate Finance Committee this week 9-0-1 and will proceed to Rules and Caucus in the coming weeks.

The League will continue to monitor these measures and provide updates in the Bulletin on their progress through the legislative process.

Legislative Bill Monitoring

All bills being actively monitored by the League [can be found here](#).

Legislative Bulletin is published by the League of Arizona Cities and Towns.
Forward your comments or suggestions to league@azleague.org

Monday, February 11, 2019 – 10:00 A.M.

I. SB1460: TPT digital goods and services, HB2633: digital goods and services; TPT

SB1460, sponsored by Sen. Michelle Ugenti-Rita would exempt “software as a service” from state and local TPT. This is the fastest growing segment of the pre-written software industry and hard-copy versions of the same software is subject to taxation. Enactment of this bill would cause a substantial revenue hit to the state, cities and Prop. 301, and its impact would grow in the future. The League will testify in opposition to this bill in Senate Finance on Wednesday at 2:00 p.m. and encourages you to reach out to committee members to oppose it as well.

Two other bills, HB 2633 and SB1515 would clarify that software is taxable regardless of the delivery method. The League supports these bills.

II. HB2043: municipal judges; terms; retention elections

Introduced by Rep. John Kavanagh, this bill would implement a retention election system for municipal judges. It is already difficult to recruit municipal judges and keeping them would likely be more difficult if this bill passes. There is no performance review system for municipal judges as there is for Superior Court judges and the bill would add more length to the judicial ballot. This proposal is a product of a Goldwater Institute report that claimed municipal courts acted as a fund-raising arm of cities and towns and compared Arizona’s municipal court system to that of Ferguson, Missouri. Last year, a similar bill did not get a hearing, but this one will be heard in House Judiciary committee on Wednesday at 9:00 a.m. The League is opposed to this bill and we encourage those of you who have representatives on the House Judiciary Committee to vote against the bill.

III. SB1147: municipal economic development; sale; lease

Sponsored by Sen. Vince Leach, this bill outlines requirements for a city or town to sell or lease municipal land or buildings for economic development activities. It requires an appraisal report or market analysis be available to the public on the governing body's website for four consecutive weeks before executing any sale or lease for economic development activities. This bill would negatively impact cities and towns as property could be sold for a low appraisal value and it causes additional state-imposed delays. SB1147 will be heard today Senate Government at 2:05 p.m. The League opposes this bill.

SB1165: prohibition; texting while driving

This bill, sponsored by Sen. Kate Brophy McGee, imposes a statewide ban on driving while holding a telephonic device and talking or texting if your car is in motion. It would preempt the ordinances currently passed by 13 cities and towns and establish a statewide standard. The League Executive Committee has voted unanimously to support this bill in order to provide clarity and uniformity on a matter of public safety.