



POST ACTION AGENDA

REGULAR MEETING NOTICE

OF THE

PLANNING AND ZONING COMMISSION

Commission Members:

Chairman Mike Archambault, Vice-Chairman Eugene Mikolajczyk

Commissioners: Stan Connick, Howie Jones, Jeremy Strohan, Susan Dempster and Roger Owers

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Fountain Hills Planning and Zoning Commission and to the general public that the Fountain Hills Planning and Zoning Commission will hold a regular meeting, which is open to the general public, on **April 14, 2016, at 6:30 p.m.** in the Town Hall Council Chambers at 16705 E. Avenue of the Fountains, Fountain Hills, Arizona.

Commissioners of the Town of Fountain Hills will attend either in person or by telephone conference call; a quorum of the Town's Councilmembers or various Commissions or Boards may be in attendance at the Commission meeting.

TIME: 6:30 P.M. – REGULAR SESSION
WHEN: THURSDAY, April 14, 2016
WHERE: TOWN HALL COUNCIL CHAMBERS
16705 EAST AVENUE OF THE FOUNTAINS

PROCEDURE FOR ADDRESSING THE PLANNING & ZONING COMMISSION

Anyone wishing to speak before the Commission must fill out a speaker's card and submit it to the Commission Recorder prior to the Commission's discussion of that Agenda item. Speaker Cards are located in the Council Chamber Lobby and near the Recorder's position on the dais.

Speakers will be called in the order in which the speaker cards were received either by the Recorder or the Chairman. At that time, speakers should stand and approach the podium. Speakers are asked to state their name prior to commenting and to direct their comments to the Presiding Officer and not to individual Commission Members. Speakers' statements should not be repetitive. *In order to conduct an orderly business meeting, the Presiding Officer shall keep control of the meeting and shall require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests or other conduct that disrupts or interferes with the orderly conduct of the business of the meeting. Personal attacks on Commissioners, Town Council members, Town staff or members of the public are not allowed. Please be respectful when making your comments. If a speaker chooses not to speak when called, the speaker will be deemed to have waived his or her opportunity to speak on the matter. Speakers may not (i) reserve a portion of their time for a later time or (ii) transfer any portion of their time to another speaker.*

If there is a Public Hearing, please submit the speaker card to speak to that issue prior to the beginning of the Public Hearing and the Consideration of said issue.

Individual speakers will be allowed **three** contiguous minutes to address the Commission. Time limits may be waived by (i) *discretion of the Chairman upon request by the speaker not less than 24 hours prior to a Meeting*, (ii) *consensus of the Commission at Meeting* or (iii) *the Chairman either prior to or during a Meeting*. **If you do not comply with these rules, you will be asked to leave.**

* CALL TO ORDER AND PLEDGE OF ALLEGIANCE – Chairman Mike Archambault **6:30 PM**

* MOMENT OF REFLECTION – Chairman Mike Archambault

* ROLL CALL – Chairman Mike Archambault

CALL TO THE PUBLIC

Pursuant to A.R.S. §38-431-01(G), public comment is permitted (not required) on matters not listed on the agenda. Any such comment (i) must be within the jurisdiction of the Commission and (ii) is subject to reasonable time, place, and manner restrictions. The Commission 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 Commission members may (i) respond to criticism, (ii) ask staff to review a matter or (iii) ask that the matter be placed on a future Commission agenda.

AGENDA ITEM(S)

(1) **CONSIDERATION of APPROVING** the Planning and Zoning Commission Meeting Minutes from March 10, 2016. **APPROVED**

(2) **CONSIDERATION of a REPORT** by a Volunteer Study Group regarding Downtown Outdoor Entertainment ordinances and regulations, with possible direction to staff. **AGREED TO MOVE FORWARD**

(3) **COMMISSION DISCUSSION/REQUEST FOR RESEARCH** to staff.
Items listed below are related only to the propriety of (i) placing such items on a future agenda for action or (ii) directing staff to conduct further research and report back to the Commission. **NONE**

(4) **SUMMARY OF COMMISSION REQUESTS** from Senior Planner. **NONE**

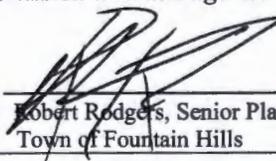
(5) **REPORT** from Senior Planner and Zoning Administrator, Planning and Zoning Division of Development Services. **NONE**

(6) **ADJOURNMENT 6:57 PM**

Supporting documentation and staff reports furnished to the Commission with this agenda are available for review in the Planning & Zoning Division of the Development Services Department.

DATED this 11th day of April 2016

By:


Robert Rodgers, Senior Planner & Zoning Administrator
Town of Fountain Hills

The Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call 837-2003 (voice) or 1-800-867-8939 (TDD) 48 hours prior to the meeting to request reasonable accommodations to participate in this meeting. **A majority of the Council Members may be in attendance. No official action will be taken.**

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 Planning and Zoning Commission 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.



REGULAR MEETING NOTICE
OF THE
PLANNING AND ZONING COMMISSION

Commission Members:

Chairman Mike Archambault, Vice-Chairman Eugene Mikolajczyk

Commissioners: Stan Connick, Howie Jones, Jeremy Strohan, Susan Dempster and Roger Owers

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* **CALL TO ORDER AND PLEDGE OF ALLEGIANCE – Chairman Mike Archambault**

* **MOMENT OF REFLECTION – Chairman Mike Archambault**

* **ROLL CALL – Chairman Mike Archambault**

CALL TO THE PUBLIC

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AGENDA ITEM(S)

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(2) **CONSIDERATION of a REPORT** by a Volunteer Study Group regarding Downtown Outdoor Entertainment ordinances and regulations, with possible direction to staff.

(3) **COMMISSION DISCUSSION/REQUEST FOR RESEARCH** to staff.
Items listed below are related only to the propriety of (i) placing such items on a future agenda for action or (ii) directing staff to conduct further research and report back to the Commission.

(4) **SUMMARY OF COMMISSION REQUESTS** from Senior Planner.

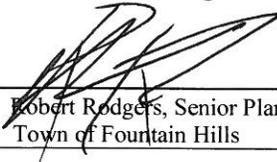
(5) **REPORT** from Senior Planner and Zoning Administrator, Planning and Zoning Division of Development Services.

(6) **ADJOURNMENT**

Supporting documentation and staff reports furnished to the Commission with this agenda are available for review in the Planning & Zoning Division of the Development Services Department.

DATED this 11th day of April 2016

By: _____

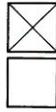

Robert Rodgers, Senior Planner & Zoning Administrator
Town of Fountain Hills

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TOWN OF FOUNTAIN HILLS



**Planning and Zoning
Board of Adjustment**

AGENDA ACTION FORM

Meeting Date: April 14, 2016

Meeting Type: Regular

Agenda Type: Regular

Submitting Division: Development Services

Staff Contact Information: N/A

REQUEST TO PLANNING & ZONING COMMISSION: Consideration of approving the Planning & Zoning Commission Regular Meeting Minutes from March 10, 2016.

Applicant: N/A

Applicant Contact Information: N/A

Property Location: N/A

Related Ordinance, Policy or Guiding Principle: Policy or Guiding Principle: A.R.S. §38-431.01
Staff Summary (background): Approval of the Planning & Zoning Commission Regular Meeting Minutes from March 10, 2016.

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

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

Recommendation(s): Approval

Staff Recommendation(s): Approval

SUGGESTED MOTION: Move to Approve the Planning & Zoning Regular Meeting Minutes dated March 10, 2016, as presented.

Attachment(s): N/A

Submitted by:

Paula Woodward 04/07/2016
Paula Woodward, Executive Assistant Date

Approved by:

[Signature] 04/07/2016
Robert Rodgers, Senior Planner, Zoning Administrator Date

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR SESSION OF THE
PLANNING & ZONING COMMISSION
March 10, 2016**

Chairman Michael Archambault opened the meeting at 6:30 p.m.

DRAFT

ROLL CALL:

The following Commissioners were present: Chairman Michael Archambault, Vice-Chairman Eugene Mikolajczyk. Commissioners: Jeremy Strohan, Howie Jones, Susan Dempster and Roger Owners. Also in attendance were Paul Mood, Development Services Director and Paula Woodward, Executive Assistant and Recorder of the minutes. Commission Connick was absent.

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

CALL TO THE PUBLIC

No one wished to speak.

AGENDA ITEM #1 - CONSIDERATION OF APPROVING THE PLANNING AND ZONING COMMISSION MEETING MINUTES DATED February 11, 2016.

Vice-Chairman Eugene Mikolajczyk **MOVED** to **APPROVE** the meeting minutes dated Thursday, February 11, 2016 as written. Commissioner Howie Jones **SECONDED** and the **MOTION CARRIED UNANIMOUSLY.**

AGENDA ITEMS #2 - CONTINUED PUBLIC HEARING TO RECEIVE COMMENTS ON A PROPOSED SPECIAL USE PERMIT TO ALLOW TRUCK RENTALS BY DESERT DAWG AUTO REPAIR AT 9521 TECHNOLOGY DRIVE, LOCATED IN THE "IND-2 IUPD" ZONING DISTRICT. (CASE# SU2016-15)

Chairman Archambault opened the Public Hearing at 6:32 p.m.

Paul Mood, Development Services Director gave a PowerPoint presentation & stated the application is for a Special Use Permit to allow Desert Dawg Auto to rent U-Haul Trucks in the Ind-2 IUPD zoning district. The property is located at 9521 Technology Drive, Unit C-3, in the "Firerock Commerce Park, industrial Condominiums, directly behind the Target Plaza. Mr. Mood referred to aerial photos showing the location and a walled in area at the rear which is the designated outdoor storage area for all three condominium units in this building. This is the area that staff has noted in the recommended stipulations for the U-Haul truck inventory storage and/or display. Mr. Mood said the parking spaces in the foreground are common spaces for the Commerce Park and are required to be available for employee and customer parking and are not to be used as outdoor display areas. Mr. Mood said staff has discussed the proposal with the applicants and they originally indicated their agreement with the two stipulations outlined in the staff report. Staff has recommended approval subject to the two stipulations outlined in the staff report but since then it has become evident additional stipulations may be needed. Mr. Mood referred to photos taken this week by Chairman Archambault. They appear to show the current situation on this site. The rental trucks are still overflowing into the customer parking areas. If so, the current situation does not comply with staff's recommended conditions of the Special Use Permit.

Mr. Mood said Chairman Archambault can elaborate on the photos and the applicant is present to answer any questions.

Chairman Archambault commented the photos were taken this morning and noticed the amount of vehicles shown in the photo are less than in the past. He said this afternoon he observed cars parked in the dirt area. Chair Archambault asked Mr. Mood if it was okay for parking on dirt.

Mr. Mood responded that parking is not allowed on dirt unless there is a dust palliative or "DG."

Chairman Archambault asked for any Call to the Public.

Wayne Warrington, resident and a business owner in Fountain Hills came forward and spoke in favor of Desert Dawg's application for a Special use Permit to allow Desert Dawg Auto to rent U-Haul trucks. Mr. Warrington stated he has known the business owner for several years and their business operations. He pointed out in the overhead presentation photo the closed parking area. Mr. Warrington stated he personally witnessed numerous customers throughout the year utilizing Desert Dawg indicating they are a valuable business to the Fountain Hills community.

Chairman Archambault commented on the upper left overhead presentation photo showing Desert Dawg in compliance within the gated area.

Chairman Archambault commented the public hearing was still open and **closed the Public Hearing at 6:39 p.m.**

AGENDA ITEM #3 - CONSIDERATION OF A PROPOSED SPECIAL USE PERMIT TO TRUCK RENTALS BY DESERT DAWG AUTO REPAIR AT 9521 TECHNOLOGY DRIVE, LOCATED IN THE "IND-2 IUPD" ZONING DISTRICT. (CASE #SU2016-15)

In response to Commissioner Jones, Mr. Warrington stated he heard from customers that this is a great company. Desert Dawg made a move to an industrial park that remained vacant and struggling. They are making this location work and by having the special use permit they could meet the needs of the community.

Commissioner Jones asked if this was the fourth U-Haul facility in Fountain Hills.

Mr. Warrington said there is one behind Desert Dawg which is a U Haul storage but they could not keep up with the rental demand. Desert Dawg would be able to offer the rentals the U Haul storage could not. Desert Dawg has been named a dealer for U Haul and is busy since taking on the truck & trailer rentals.

Commissioner Dempster asked the business owner about his landlord, the building and tenant improvements.

Mr. Kurdzialek presented a letter from his landlord. The letter stated if at all possible please park the trailers on the recess part of the building. The photos shown today display trucks parked behind the curbed area and the trailers parked on the recess area. The landlord does not want cars or trucks parked in the recess area because the slots are not long enough to accommodate. The trailers fit the slot size. Mr. Kurdzialek said, The U Hauls are not visible from Technology Drive. The graphics on the windows are the only advertising for U-Haul. Mr. Kurdzialek said, the public won't even know we provide U-Haul because they are out of site at the back of the building. Mr. Kurdzialek stated he is allocated 3 trucks and 4 trailers for inventory. The other U Haul rentals in town on Saguaro have vans & 10 foot trucks. The U - Haul behind Desert Dawg rents cube vans. Mr. Kurdzialek stated he is proposing that Desert Dawg be allowed to park the trailers in the recess area and the trucks in the enclosed area in the back.

Vice-Chairman Mikolajczyk asked how long is Desert Dawg's agreement with U-Haul and if Desert Dawg vacates the premises does the arrangement from U-Haul go with Desert Dawg.

Mr. Kurdzialek said there is no specific timeframe or contract. He stated he is licensed to rent out the U-Hauls. U-Haul knows what inventory Desert Dawg has on hand and handles all the paperwork. They book the rentals through their traffic. The landlord is very happy with the trailers parked in the recess area because it prevents customer cars from parking there and sticking out.

Chairman Archambault stated the special use permit requires Desert Dawg to put all the trucks and trailers behind the wall area.

Mr. Kurdzialek stated he was not aware of that until code enforcement came to his business and he is now aware of the stipulations. Mr. Kurdzialek stated he was applying for the SUP to sell trucks and didn't realize it included restrictions about where the trucks or trailers were parked.

Chairman Archambault stated, although the landlord has requested the trailers to park on the side recess area they cannot because of the zoning. In response to the landlord owning the property, the common area is owned by the association. The association is made up of more than one owner.

In response to Commissioner Dempster, Chairman Archambault said the U-Hauls on Saguaro Blvd. are zoned C-3 which allows truck rentals without a Special Use Permit. Desert Dawg is in an I-2 zoned area which requires a SUP for trucks. SUP is not required for trailers. Stipulations state all rentals are required to have the trucks in the back and behind gated area.

Mr. Kurdzialek stated he will abide by the stipulations but stated if the rentals cannot be seen business may suffer.

Commissioner Owers asked Mr. Kurdzialek if he uses the vacant dirt lot adjacent to his business. Mr. Kurdzialek said, sometimes it's used to turn around vehicles because the gate in the back is closed. Delivery trucks have to back out into the vacant lot to turn around and exit.

In response to Vice-Chairman Mikolajczyk Mr. Mood stated Bob Rodgers advised him that the parking areas or drive isles cannot be used for outdoor display. Ultimately the Planning and Zoning Commission will be making the recommendation to council. For this zoning area, rental vehicles are required to be behind a gate.

Vice Chairman Mikolajczyk **MOVED** to forward a recommendation to the Town Council to approve the Special Use Permit to Truck Rentals by Desert Dawg Auto Repair at 9521 Technology Drive, located in the "IND-2 IUPD" zoning district as submitted, and add an amendment to allow the applicant to have a trailer display in the cut out area until the vacant suite is occupied. Commissioner Jones **SECONDED**.

Commissioner Owers requested to add an amendment that the SUP is for Desert Dawg only and it would not be transferable should the applicant move location.

Chairman Archambault stated there are two (2) staff stipulations and two (2) amendments. He said if there was no further discussion or questions among the commission a vote would be taken. A voice vote was taken on the amendments and the **MOTION CARRIED UNANIMOUSLY (6-0)**.

Chairman Archambault asked for a voice vote on the main motion which is to forward a recommendation to the Town Council to approve the Special Use Permit to Truck Rentals by Desert Dawg Auto Repair at 9521 Technology Drive, located in the "IND-2 IUPD" zoning district as submitted. The **MOTION CARRIED UNANIMOUSLY (6-0)**.

AGENDA ITEM #4 - COMMISSION DISCUSSION/REQUEST FOR RESEARCH TO STAFF.
Items listed below are related only to the propriety of (i) placing items on a future agenda for action or (ii) directing staff to conduct further research and report back to the Commission.

None

AGENDA ITEM #5 - SUMMARY OF COMMISSION REQUESTS FROM SENIOR PLANNER.

None

AGENDA ITEM #6 - REPORT FROM SENIOR PLANNER AND ZONING ADMINISTRATOR, PLANNING AND ZONING DIVISION OF DEVELOPMENT SERVICES.

None

AGENDA ITEM #7 - ADJOURNMENT.

Commissioner Jones **MOVED** to adjourn the meeting at 7:09 p.m. and Commissioner Owers **SECONDED** and the **MOTION CARRIED UNANIMOUSLY.**

FOUNTAIN HILLS PLANNING & ZONING COMMISSION

BY:

Chairman Mike Archambault

ATTEST:

Paula Woodward, Executive Assistant

CERTIFICATION

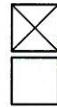
I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the meeting of the Fountain Hills Planning and Zoning Commission held on the 10th day of March 2016, in the Town Council Chambers, 16705 E. Avenue of the Fountains, Fountain Hills, AZ 85268. I further certify that the meeting was duly called and that a quorum was present.

Dated this 14th day of March 2016

Paula Woodward, Executive Assistant



TOWN OF FOUNTAIN HILLS



**Planning and Zoning
Board of Adjustment**

AGENDA ACTION FORM

Meeting Date: April 14, 2016

Agenda Type: Regular

Meeting Type: Regular

Submitting Department: Development Services

Staff Contact Information: Bob Rodgers, Senior Planner, 480-816-5138, rrodgers@fh.az.gov

REQUEST TO PLANNING & ZONING COMMISSION:

CONSIDERATION of a REPORT by a Volunteer Study Group regarding Downtown Outdoor Entertainment ordinances and regulations, with possible direction to staff.

Applicant: NA

Applicant Contact Information: NA

Property Location: Downtown Fountain Hills

Related Ordinance, Policy or Guiding Principle:

Fountain Hills General Plan - Downtown Area Specific Plan
Zoning Ordinance Section 2.01 – Amendments or Zone Changes
Zoning Ordinance Chapter 12 – Commercial Zoning Districts
Zoning Ordinance Chapter 18 – Town Center Commercial Zoning District

Staff Summary (background):

The volunteer study group that has been reviewing the downtown zoning regulations in relation to the possibility of allowing for more outdoor entertainment and similar activities has completed their research and will be presenting their recommendations to the Planning & Zoning Commission.

Risk Analysis (options or alternatives with implications): NA

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

Staff Recommendation(s): NA

SUGGESTED MOTION:

Move to accept the study group's report and recommendations, and to direct staff to initiate amendments to the zoning ordinance and zoning map in order to provide for expanded outdoor entertainment opportunities as recommended in the report.

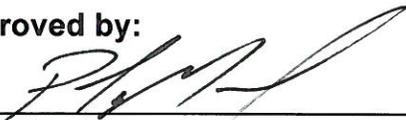
Attachment(s):

Study Group Report
Partial Zoning Map
Downtown Area Specific Plan
Noise Ordinance

Submitted by:


Robert Rodgers 4/7/2016
Senior Planner & Zoning Administrator Date

Approved by:


Paul Mood, Development Services Director 4/7/2016
Date

Outdoor Entertainment Discussion

Background:

Currently in Fountain Hills the only Businesses that are zoned for and permitted to have Outdoor Audible Entertainment are located in a very small section of the down town area called the TCCD, Town Center Commercial District. (Map attached)

Chapter 18

TOWN CENTER COMMERCIAL ZONING DISTRICT

Section 18.03 Permitted Uses

23. Outdoor seating areas for restaurants, delicatessens, cafes or bars with or without alcoholic beverage service, subject to the regulations of this Chapter 18 and provided that any outdoor patio with alcoholic beverage service must be enclosed as required by Arizona Revised Statutes § 4-207.01, as amended, except for the time during which a current and applicable barrier exemption, as granted by the Arizona Department of Liquor Licenses and Control, is in place for the outdoor patio.

The Town adopted the Downtown Area Specific Plan (AKA the Swaback Plan) in December of 2009 with the aim of developing flexible and pro-active framework in which the Town can create opportunities for events and recommend ordinance amendments. The Plan outlines a number of scenarios and creates a "Downtown Vision". The Vision provides for an invigorated business climate. Throughout the Plan the goal seems to be a downtown MUST VISIT magnet for visitors – a vibrant, attractive town center. (6 pages of Plan are provided; full Plan is available)

The Goals of the **Avenue District** and the **Business District**, the core of the downtown:

- Comfortable atmosphere for strolling, sight-seeing and shopping
- Restaurants that attracts the attention of visitors and guests
- Outdoor sidewalk cafes and dining are highly encouraged
- Promote entrepreneurship through a variety of commerce
- Traditional retail and services
- Must Visit – Magnet for visitors

Chapter 12 COMMERCIAL ZONING DISTRICTS

Section 12.02 Permitted Uses

C. Additional Uses Permitted in C-2 and C-3 Zoning Districts are as follows:

18. Restaurants and cafes, including outdoor patios with or without cocktail lounges, provided that there is no entertainment or music audible off-site and provided that any outdoor patio with alcoholic beverage service must be enclosed as required by Arizona Revised Statutes § 4-207.01, as amended, except for the time during which a current and applicable barrier exemption, as granted by the Arizona Department of Liquor Licenses and Control, is in place for the outdoor patio.

Options:

To create an overlay to allow more businesses in Fountain Hills to have Outdoor Audible Entertainment in the downtown area. Currently the commercial businesses located in these areas are not allowed to have any outdoor audible entertainment. Mirror the TCCD's guidelines that allow the businesses to have Outdoor Audible Entertainment.

Be respectful of surrounding residential areas.

The change would enhance some properties zoned C-2 and C-3.

An overlay vs. a change to zoning.

(Note: Sofrita's Restaurant has received a Permanent Encroachment Permit for outdoor tables and entertainment.)

Recommendations:

Create an overlay for Plat 208, plus vacant lot, corner commercial lot between Post Office and Sheridan Plaza, to allow Outdoor Audible Entertainment as identified in the TCCD area. No boundaries border residential areas

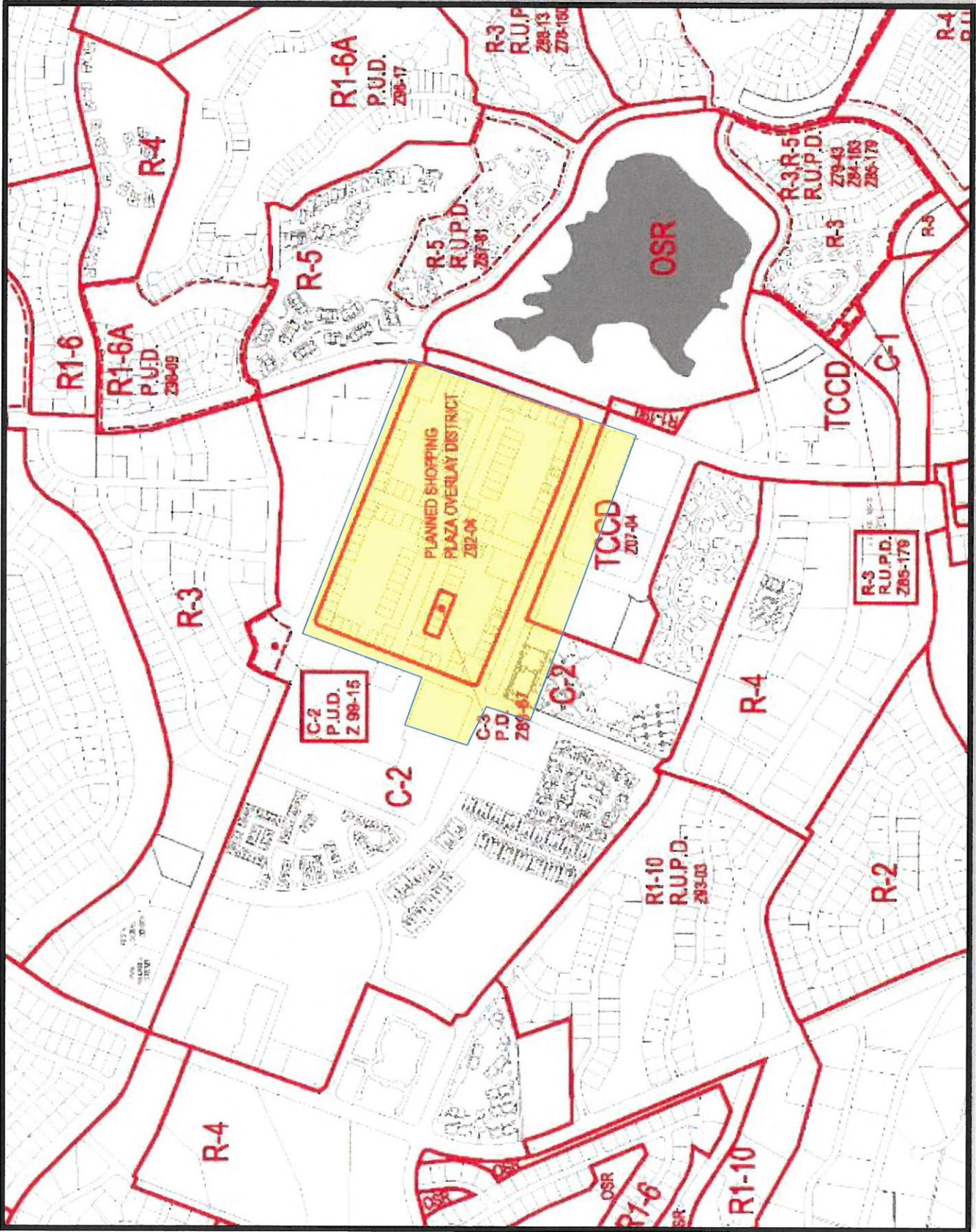
Attachments:

Map identifying zoning in Downtown area, specifically TCCD, C-2 and C-3 zones

Downtown Area Specific Plan

Letter of support from Chamber President

Noise ordinance



Zoning Ordinance

Section 5.19 Performance Standards

Any permitted or special use must conform to the following performance standards. In conjunction with the plan review, the developer-applicant shall provide to the Zoning Administrator information, which is sufficient to show that the proposed use and the manner of its conduct will meet the following performance standards:

- A. Noise:** At no point on the property line shall the sound pressure level of any individual operation exceed the decibel levels in the designated octave bands shown on the following page, (excluding operation of motor vehicles or other transportation facilities).

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of not more than plus or minus two (2) decibels.

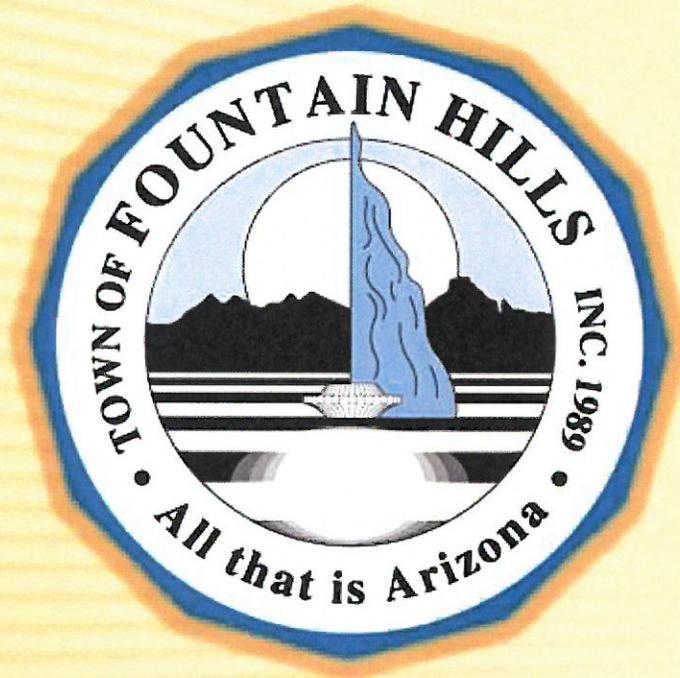
**Octave band levels in decibels
Cycles per second**

**Maximum sound pressure
level in decibels
0.0002 dynes per cm²**

	<u>Sunrise to 11:00 PM</u>	<u>11:00 PM to Sunrise</u>
0 to 75	79	72
75 to 150	78	67
150 to 300	73	59
300 to 600	67	52
600 to 1200	61	46
1200 to 2400	55	40
2400 to 4800	50	34
Above 4800	46	32

Special events or occurrences that will exceed the above noise levels may be permitted by a special use permit only.

Fountain Hills



Downtown Area Specific Plan

The Town of Fountain Hills

Downtown Area Specific Plan

Adopted
December 17, 2009

This Downtown Area Specific Plan is a direct descendant of the Downtown Vision Plan prepared by Swaback Partners in cooperation with the Fountain Hills Chamber of Commerce and the Town of Fountain Hills.

WELCOME



SWABACK PARTNERS p.l.l.c.
Architecture • Planning • Interior Design



The Town of Fountain Hills

Downtown Area Specific Plan

RESOLUTION NO. 2009-40

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, APPROVING THE DOWNTOWN FOUNTAIN HILLS AREA SPECIFIC PLAN.

WHEREAS, on September 17, 2009, the Mayor and Council of the Town of Fountain Hills (the "Town Council") approved the Downtown Fountain Hills Vision Plan (the "Downtown Vision Plan"); and

WHEREAS, the Town Council desires to adopt the Downtown Vision Plan as an Area Specific Plan as provided in ARIZ. REV. STAT. § 9-461.09, as amended, to be known as the "Downtown Fountain Hills Area Specific Plan" (the "Area Specific Plan"); and

WHEREAS, the proposed Area Specific Plan provides for appropriate land uses for the downtown area; and

WHEREAS, the proposed Area Specific Plan satisfactorily addresses the issues of traffic circulation, adequacy of public utilities, transition to existing development, economic development, the preservation of open space and all of the elements of the Town's adopted General Plan; and

WHEREAS, notice of the public hearings on the proposed Area Specific Plan before the Planning and Zoning Commission (the "Commission") was provided in the Fountain Hills Times on November 4, 2009 and November 11, 2009; and

WHEREAS, notice of the public hearings on the proposed Area Specific Plan before the Town Council was provided in the Fountain Hills Times on November 18, 2009; and

WHEREAS, public hearings on the Area Specific Plan were held by the Commission on November 30, 2009 and December 10, 2009, and by the Town Council on December 17, 2009.

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

SECTION 1. The Area Specific Plan contained in file ASP2009-01, including narrative text that clarifies and supports modifications in land use and changes to the area shown on the Land Use Map, as described in Exhibits A and B, attached hereto and incorporated herein by reference, is hereby adopted.

SECTION 2. If any provision of this Resolution is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Resolution.

Analysis

SWOT Analysis

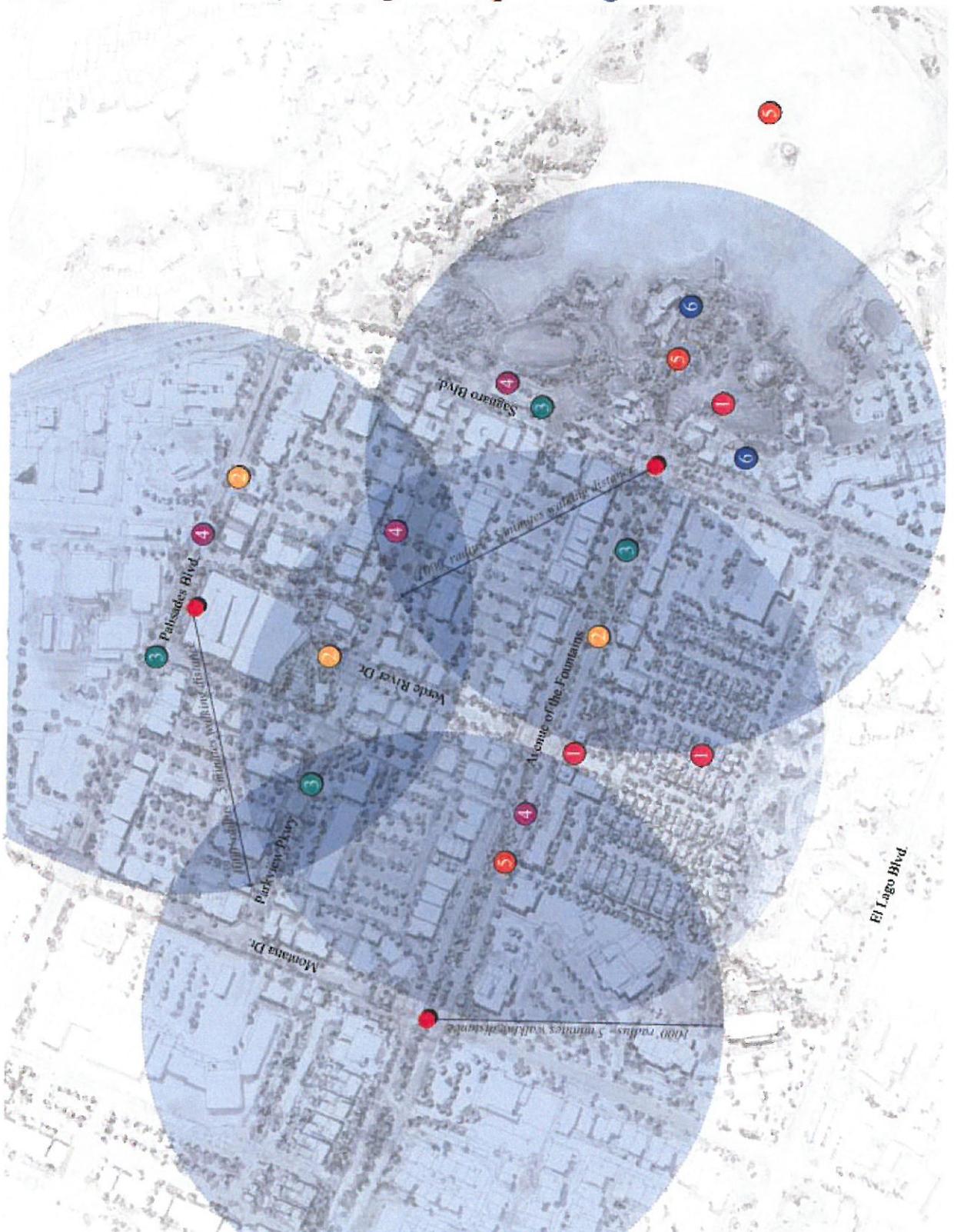
Strengths

- Scenic beauty
- Icon of “The Fountain”
- Outdoor recreational offerings
- Small town appeal
- Native American & southwest cultures
- Superb golf opportunities

Weaknesses

- Community dispersion
- Lacking desired depth of retail and restaurants
- Perception of being “Far Away”
- Difficult pedestrian access
- Town Center has unclear ultimate orientation
- Lack of current image/brand

Walking Distance



Key Ingredients

1

Compact Development

- How can we right-size downtown
- Connection to civic center

2

Integrated Mixed-Use

- How can we find the right mix of uses
- No more auto uses
- Bring visitors in

3

Green Streets

- Widen sidewalks
- More landscaping
- Outdoor activities
- Boulevards
- Places to sit
- Appropriate trees

4

Friendly sidewalks

- Meandering sidewalks
- Shorter blocks
- Mistery/Shade
- Inviting side areas
- Places to seat
- More artwork

5

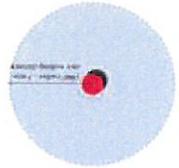
Brand Identity

- Subtle place-making
- More fountainry
- Subtle views of water
- More art work
- Insaninm Repliants
- Don't pretend

6

Destination Program

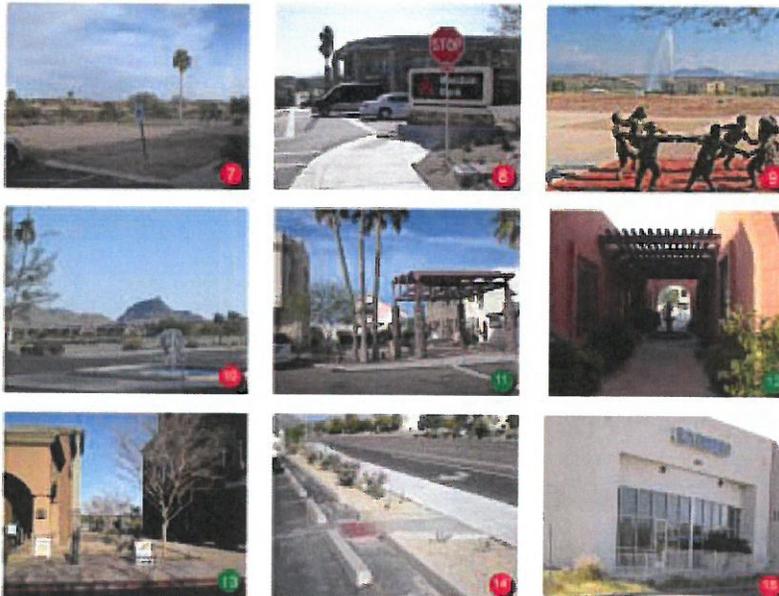
- Strategic Implementation
- Funding
- Public/Private phasing



SITE ANALYSIS . Pedestrian Analysis Plan



- Opportunities
- Good Pedestrian Corridor
- Challenged Pedestrian Corridor
- Non-existing Pedestrian Corridor



Nine Districts

Districts

-  Business District
-  The Avenue District
-  South End District
-  Residential District
-  West Side District
-  Civic District
-  Service District
-  Lakeside District
-  Park District
-  Key Signage Nodes



The Downtown Fountain Hills Vision Plan / Area Specific Plan is the product of months of research, staff reviews, Town Council reviews, focus groups, and public forums. The resulting vision plan that is now being proposed takes a comprehensive look at the entire downtown area and outlines a number of possible scenarios for both it's current and long-range development, vitality, and sustainability.

The Downtown Vision Plan /Area Specific Plan has been designed with the aim of developing a flexible and pro-active framework in which the Town can work on its own, or with future developers to create comprehensive design concepts that provide district themes, opportunities for events, environmental sensitivity, safe pedestrian and vehicular circulation, and recommended ordinance amendments.

Nine districts are fully outlined in the Area Specific Plan and described briefly below:

The Business District - This will be the center of downtown commerce that promotes entrepreneurship through a variety of commerce related opportunities and business related uses.

The Avenue District - The core of the downtown with a comfortable atmosphere for strolling, sight-seeing and shopping. This district will evolve into a premier shopping destination for residents and a must-visit magnet for visitors.

The South End District - Envisioned as a mixed-use downtown residential neighborhood that is complimented with small neighbor-hood-oriented commercial, second story offices, and specialty shops. This district will contain a "village square" that will provide the downtown with a prominent park.

The Residential District - This district is currently developed as condominiums and is a vital component in providing an infusion of people into the downtown area and enhancing the vitality and quality of the downtown experience.

The West Side District - A true mixed-use district where residential infill as well as retail, offices, and services will be encouraged. This is also a possible location for a future large entertainment anchor.

The Civic District - The current home of the Town Hall, Community Center, Library, and Museum. This district will be enhanced with future additional artwork and possibly infill development such as a community pool or similar uses that will enhance the quality of life for the town residents and visitors.

The Service District - This is an existing commercial area and the current location of Fountain Hills Plaza (aka Basha's Plaza). Community oriented businesses in this area will be maintained as an important component of the downtown and the community as a whole.

The Lakeside District - Provides a dynamic transformation of a portion of the existing Fountain Park. This district will become a unique, amenity-oriented open space environment with a prominent performance venue and the possibility of some specialty retail shops, café's, and other appropriately sized businesses.

The Park District - The majority of Fountain Park will remain as it is. Potential improvements include more trees, decorative park lighting, seating areas, signage, and park furnishings. The park will remain as a primarily passive recreational area.

Each district will have its own unique character and yet each district will also blend harmoniously with the other downtown districts to create the "Downtown Vision" . The Downtown Vision gives the Fountain Hills downtown it's unique character and appeal while providing for an invigorated business climate as well as an increased quality of life for the town residents and visitors.

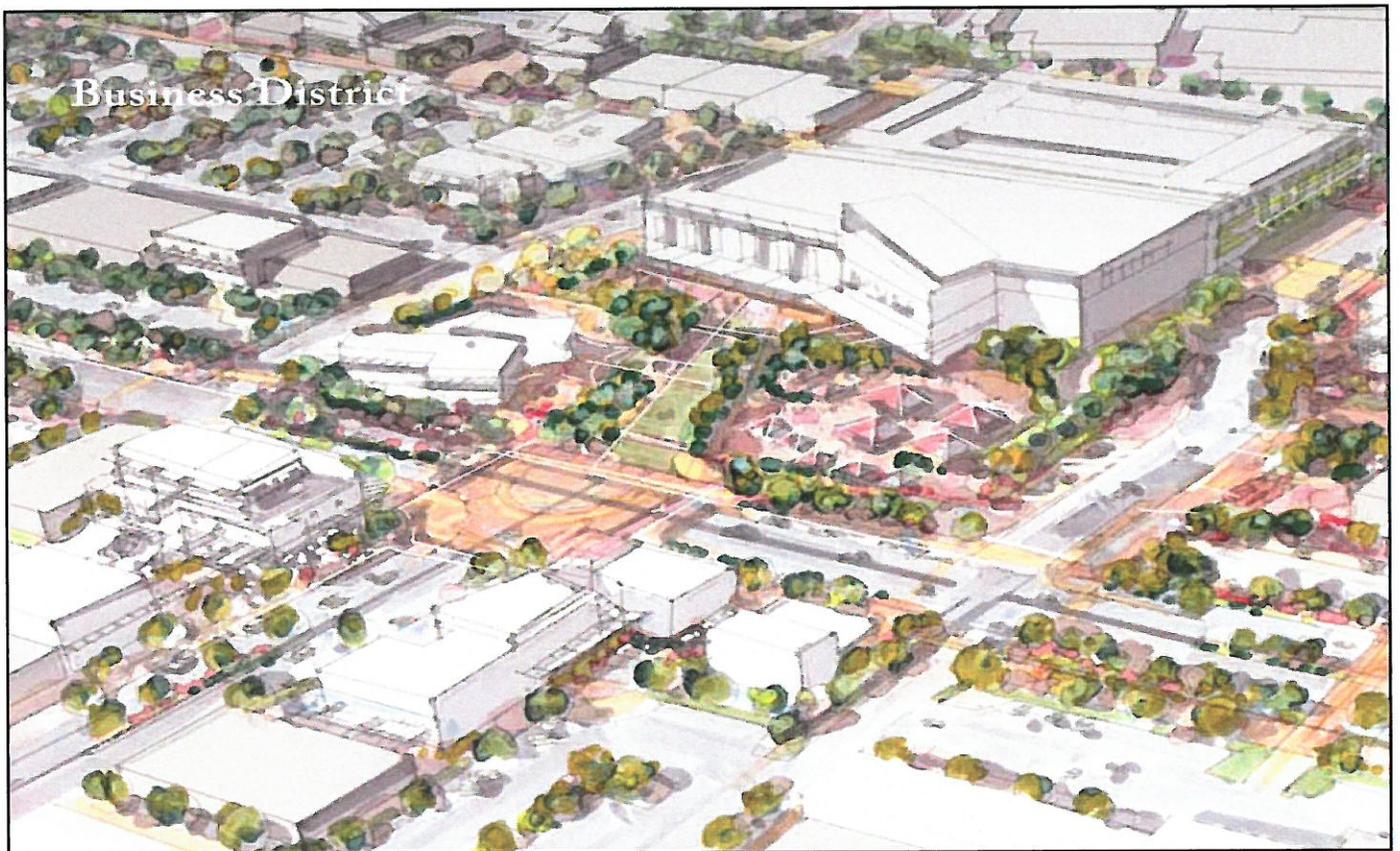


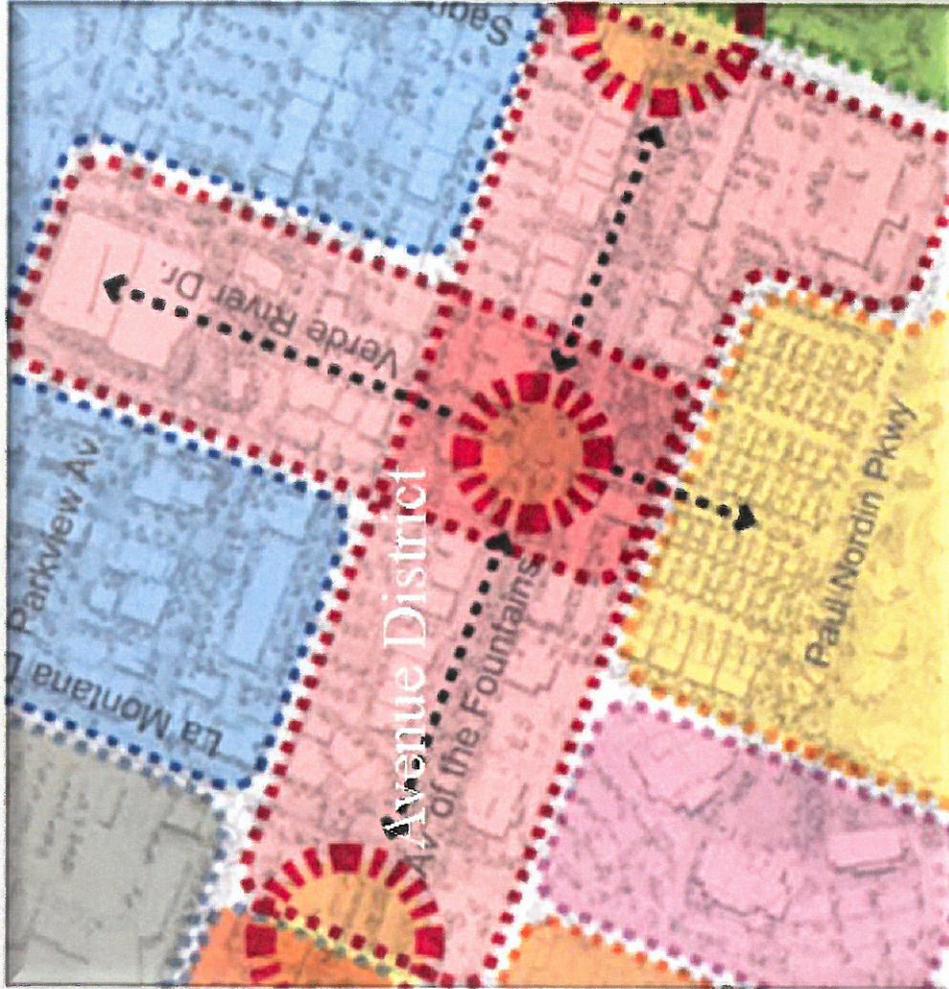
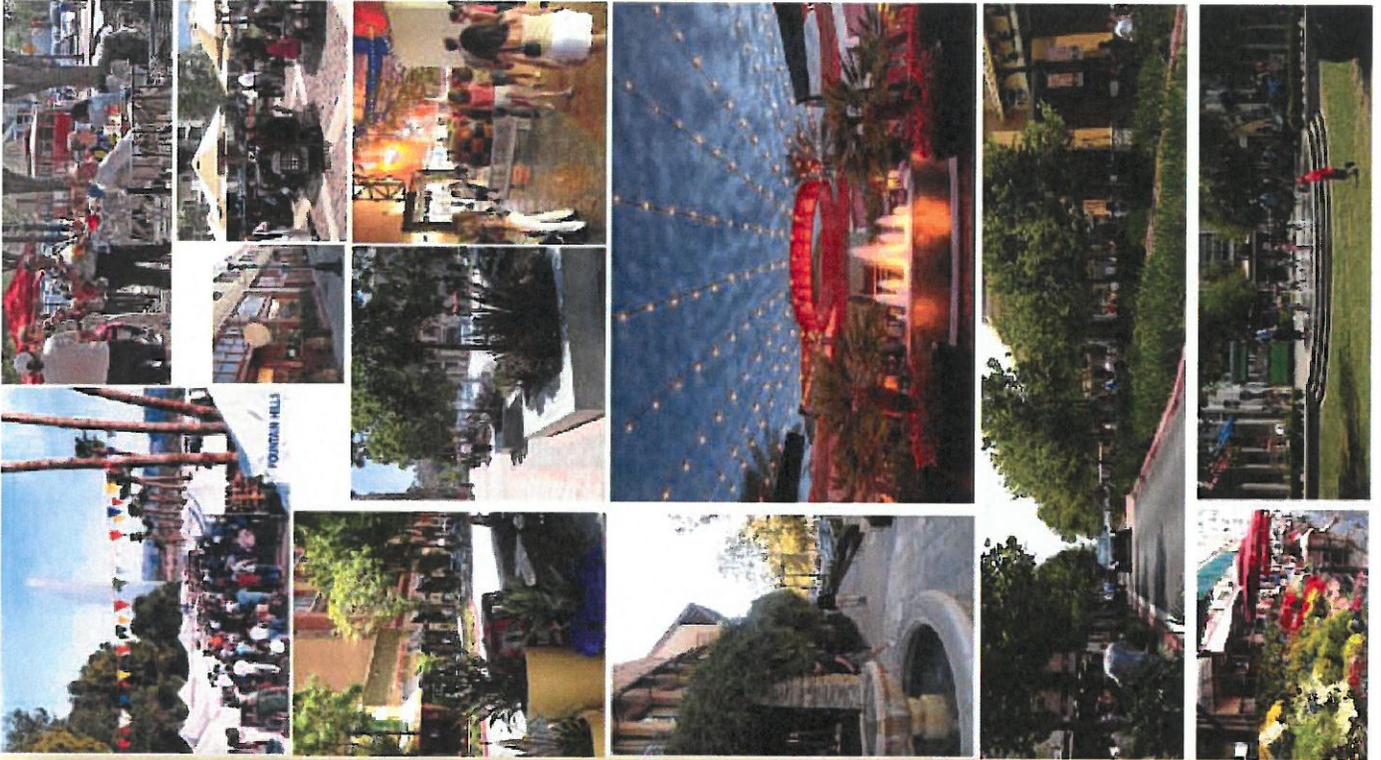
- Center of Downtown Commerce
- Promotes Entrepreneurship
- A Variety of Commerce Opportunities & Business Uses

Business District: The Business District is envisioned as the center of commerce for Fountain Hills. The Business District is a place to promote entrepreneurship through a variety of commerce related opportunities. Business oriented uses may range in size, shape and character from small-scale office suites to stand-alone office buildings. Service oriented commercial uses may also be a major component of the Business District that can complement the overall downtown. The Business District is also suitable for more traditional retail and service uses that may not as appropriate in other districts.

While generous shaded store front sidewalks will not be a mandate in this district; safe, attractive and functional pedestrian connections should be put in place in order to connect the Business District with all other parts of the downtown. It will be critical to provide clear and easily accessible areas for both on-street parking and off-street parking lots. Special attention should be given to the treatment of parking areas including attractive landscape buffers and covered parking where appropriate. Future consideration should also be given to the incorporation of a central parking structure that may serve the Business District as well as other areas of downtown.

Creative opportunities for redevelopment of existing parcels should be considered with future mixed-use environments that may include live-work scenarios. Short-term initiatives should be considered for improving the visual character of vacant lots with landscape treatments.





- Core of the Downtown
- Comfortable Atmosphere
- Shopping Destination
- "MUST VISIT" Magnet for Visitors

The Avenue District: The Avenue District is envisioned as the core of the downtown with a wonderful and comfortable atmosphere for strolling, sight-seeing and shopping. This corridor is designed to evolve into Fountain Hills' premier shopping destination for residents and a "must-see" magnet for visitors. A variety of unique eating experiences that reinforce the one-of-a-kind nature of Fountain Hills is intended to compliment the range of specialty shops and boutique stores. These restaurants will be of a quality that not only caters to local residents but also attracts the attention of visitors and guests. The Avenue District is designed to accommodate a degree of other uses including second story office space, condominiums and small-scale businesses along with limited neighborhood services. If designed appropriately, a small percentage of brownstone style housing could be integrated into The Avenue District. Traffic calming measures such as crosswalks, additional on-street parking, and narrower travel lanes are planned to provide easy and safe access to all areas of the downtown for both vehicles and pedestrians.

Special attention should be given to creating sidewalks with an abundance of shade. Sidewalk design should allow for generous space for seating as well as storefront "presentations". Outdoor sidewalk cafés and dining will be highly encouraged.

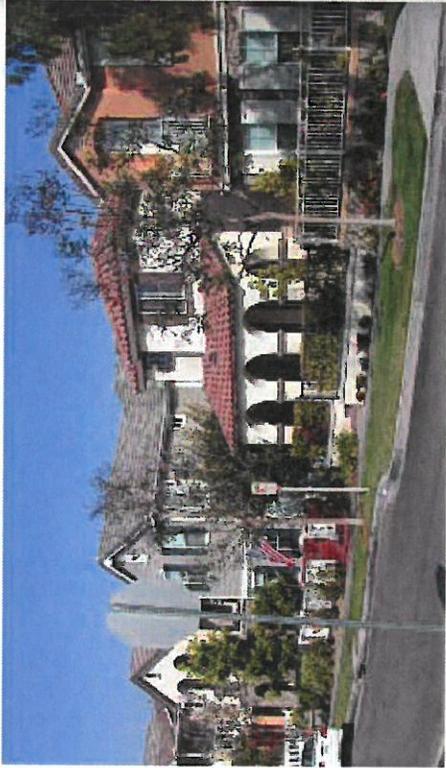
On-street parking needs to be convenient and balanced with a real focus being placed on pedestrian activity. Access to parking lots should be efficient for patrons. Pedestrian portals to "interior" parking lots will be enhanced with appropriate architecture and design treatments that are both attractive and safe.

Special attention should also be given to the architectural massing and specific treatment along all intersections. Appropriately designed street scenes at intersections will bring building mass and uses closer to the street corners. Placing parking behind the building frontages will also help.

The Avenue District character and quality should be expanded to include both sides of Verde River Drive northeast of The Avenue of the Fountains. This linkage and treatment may be anchored by a specialty entertainment and retail component if future economic conditions warrant greater density and intensity in the area. This entertainment component may take the form of a traditional multi-screen movie theatre, a specialty small-scale movie house, a performance venue, or some other theatre use. These uses would likely require that a parking structure be thoughtfully integrated into the overall design.

The central green mall will be enhanced with a better integration of updated fountain features and amenities (Art Walk) as well as specialty small-scale retail uses that may take the form of enclosed kiosks. Such features, along with improved sidewalk crossing environments will result in a seamless transition from one side of the Avenue of the Fountains to the other. This connectivity from The Avenue District to The Lakeside District is a most important consideration.

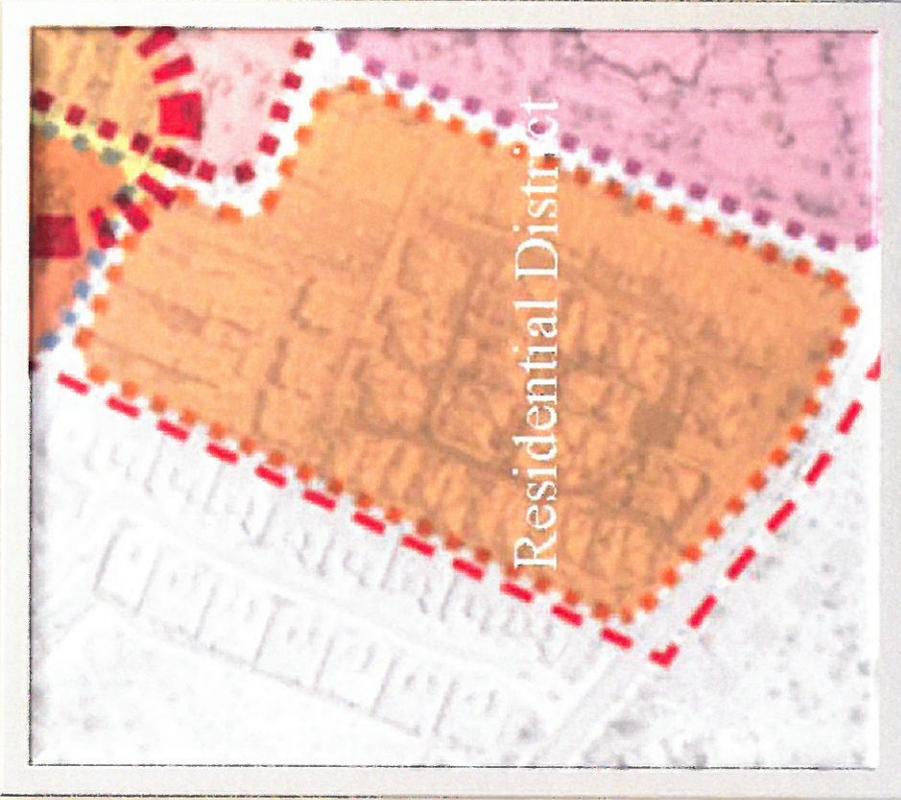
- Small Neighborhood Oriented Businesses
- Mixed-Use Residential
- 2nd Story Offices
- Specialty Shops
- A "Village Square" Park



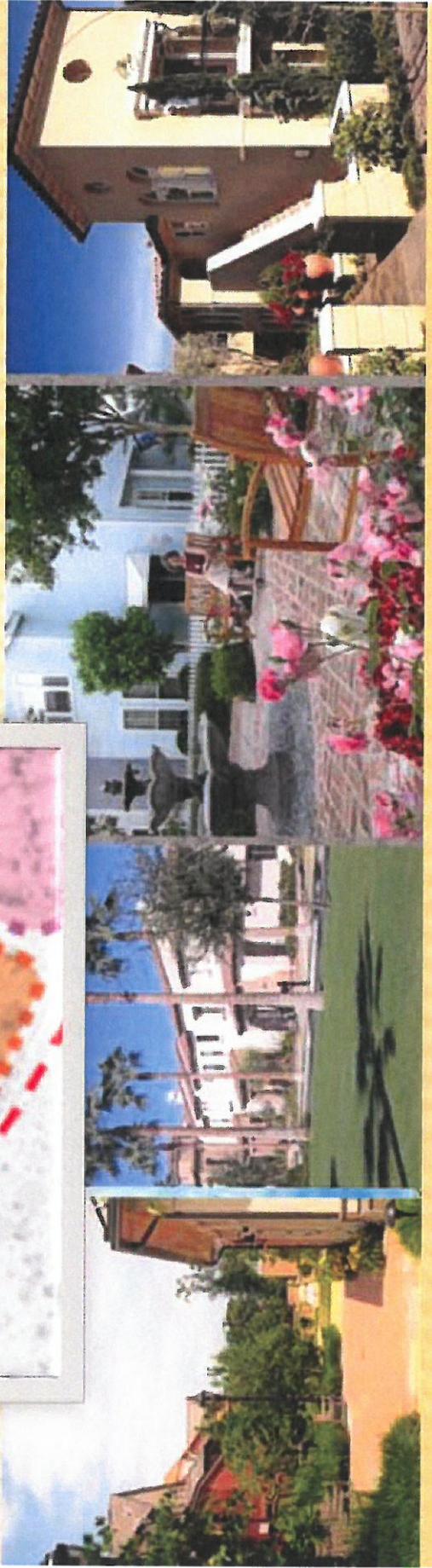
South End District: The South End District is envisioned as a mixed-use downtown neighborhood with a predominance of residential living opportunities. These residential uses should be complimented by small-scale neighborhood oriented commercial, second story offices, and other specialty shops and businesses. The Area Specific Plan calls for The South End District to be anchored by an iconic village square that will provide a civic presence for the downtown and a prominent park for neighboring residents.

Residential development is intended to incorporate an active street front with parking and garages strategically located to the rear of lots with access from alleys. The range of residential products may include single-family detached homes, townhomes, brownstones, row homes, condominiums and apartments. The fabric of the neighborhood should be complimented with small streets, comfortable sidewalks, generous street trees for shade, on-street parking, and pocket parks that provide strategic open space for adjacent development.



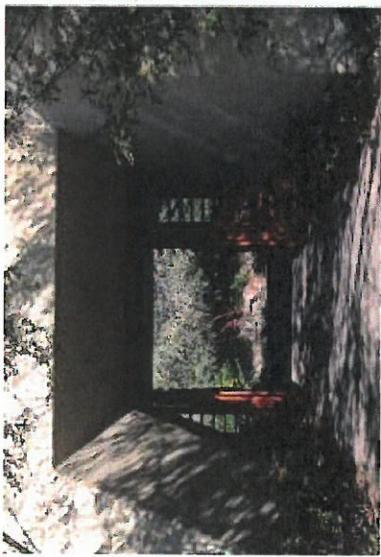
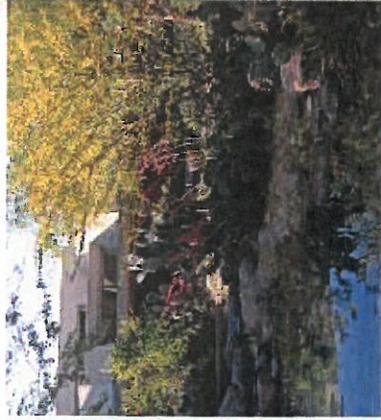
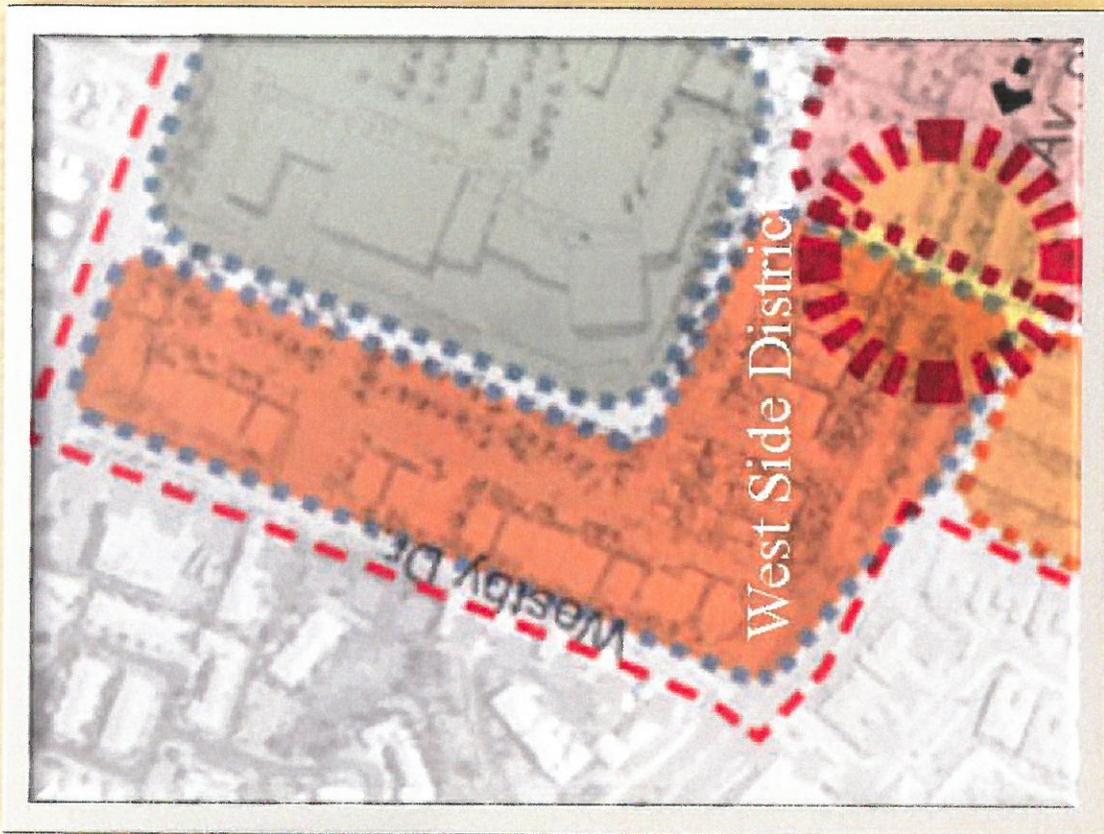


- Condominium Developments
- Provides a Resident Population for the Downtown Area



Residential District - The Residential District is on the west side of La Montana Dr. This district is currently fully developed with multi-family dwellings. The Residential District provides a population base for the downtown area.



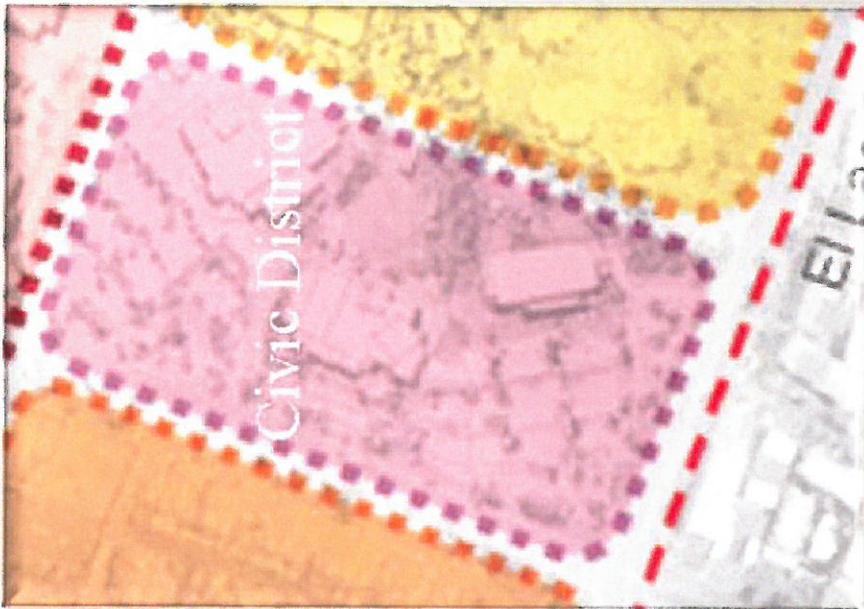
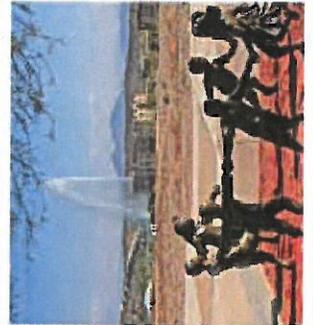


- A True Mixed-Use District
- Possible Location for a Future Large Entertainment Anchor

West Side District: The currently vacant West Side District is envisioned as a true mixed-use environment that compliments the range of activities throughout the downtown. Residential infill as well as retail, business and service uses will be encouraged. Because of its location at the western “end” of the Avenue of the Fountains, a future possible consideration may be for an entertainment anchor.

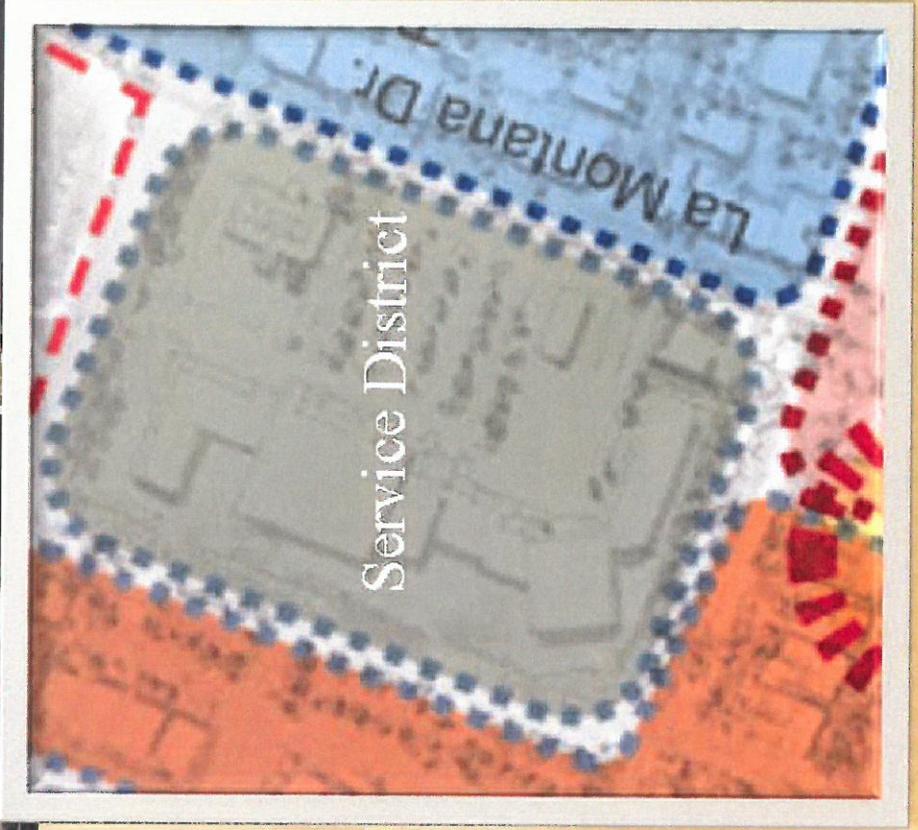


- Current Home of Town Hall, Community Center, Library & Museum
- Possible Future Location of other Community Resources such as a Pool



Civic / Cultural District: The existing character and quality of the Civic / Cultural District should be enhanced with future infill development that expands overall quality of life opportunities for the residents of Fountain Hills. In addition, any opportunity to expand access and acclaim to the Art Circle and public art collection in and around the district is highly encouraged. The strategy for an art walk could be creatively connected with The Avenue District and the variety of planned design themes.

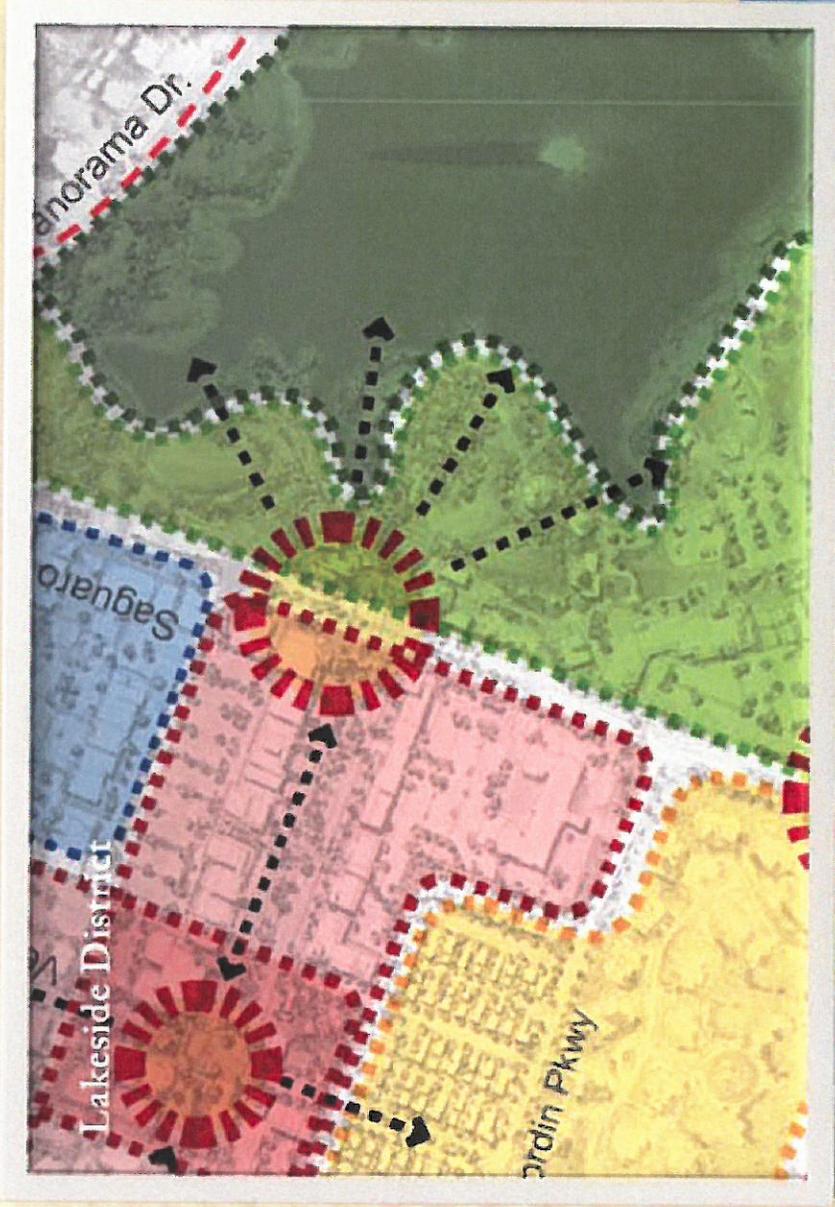




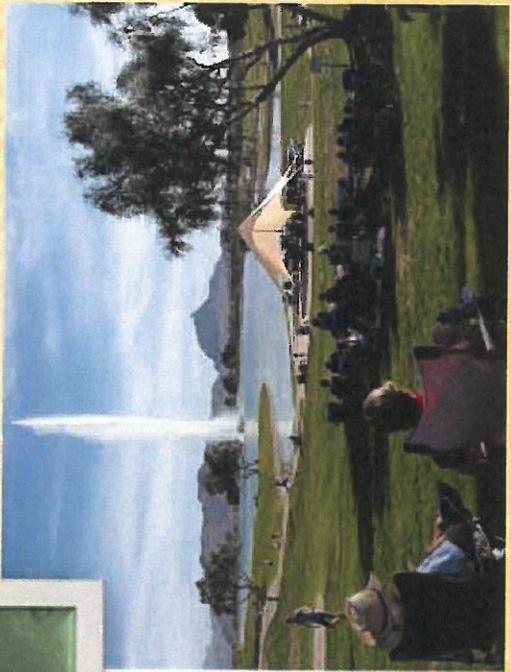
- Existing Commercial Plaza (Bashas)
- Community Oriented Businesses
- Important Component of the Downtown and Community as a Whole

Service District: The existing community/neighborhood-oriented service businesses found in the existing shopping center should be maintained as an important component serving downtown and the community. Better opportunities will be considered for providing safe and attractive pedestrian connectivity to the market. Special consideration needs to be given to appropriate buffering and access related to any future development opportunities at the adjacent West Side District.





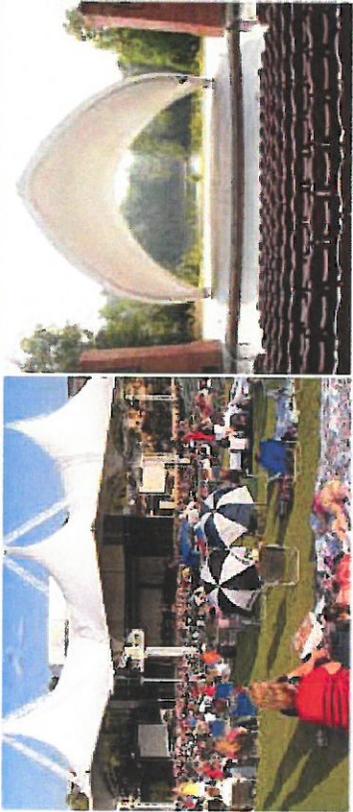
- Dynamic Transformation
- Amenity Oriented
- Public Open Space
- Performance Venue
- Small Specialty Shops, Retail & Cafés



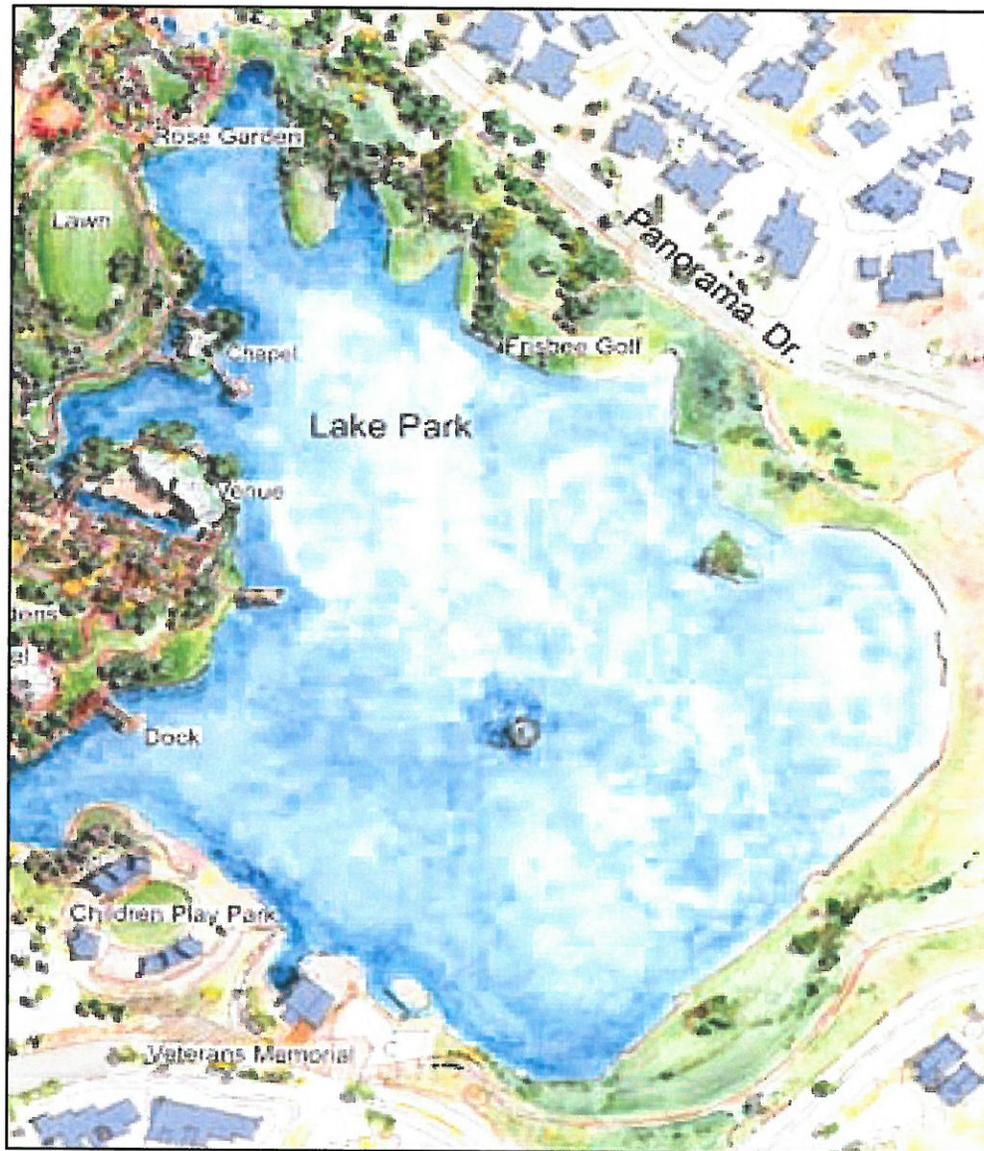


The Lakeside District: The Lakeside District provides a dynamic vision for the transformation of a small portion of Fountain Park into a unique amenity-oriented open space environment with a prominent performance venue and a range of potential uses including specialty retail shops, lakeside cafes and other appropriately sized businesses. Parking will be thoughtfully integrated into the design of this district. The “garden terrace” amphitheatre and “great lawn” envisioned for the venue will provide a beautiful setting that works well for both large and small groups. The vision also suggests a possible location for a future welcome center to greet visitors. The potential center’s strategic location, close to the intersection of Saguaro Boulevard and The Avenue of the Fountains, will allow for easy accessibility to downtown maps and other information about Fountain Hills. The organization of The Lakeside District provides a framework for creating a key connection from The Avenue of the Fountains to Fountain Park. Proposed improvements along Saguaro Boulevard should consider on-street parking, improved and expanded sidewalks, and a limited amount of street-front development to re-enforce the pedestrian connectivity throughout the downtown.

The Lakeside District is conceived to offer an abundance of shade so that the area can be utilized year round. Building orientation, design, covered patios, shade structures and trees should all be carefully incorporated to provide comfort from the desert sun. The proposed “1,000 Tree Program” for downtown should be incorporated into both The Lakeside District and The Park District. Other special features to consider in the future may include an “Art Park” component for sculpture, a waterside dock for small boating access, and other unique activities.



- Majority to Remain as Passive Recreation
- More Amenities such as Trees, Lighting, Seating, Signage, & Other Furnishings



Park District: The majority of Fountain Park is anticipated to remain in its current form including the range of passive uses that already exist. In addition, more shade structures and tree planting (1,000 Tree Program) should be incorporated to provide relief from the harsh summer desert exposure. Additional future improvements to consider are; site lighting, signage, seating areas, park furnishings and the treatment of the lake.

Legend



1,000 Tree Program



Short Term Landscape Treatment



1 The Avenue Corridor
Avenue of the Forests & Verde River Dr

- Wide sidewalks
- Enhanced signage and lighting
- Mature vegetation
- Street trees
- Landmarks
- Street furniture
- High-quality street art



2 The Park Lake Corridor
Saguaro Boulevard

- Open views to the Lake
- Traffic calming
- Improved landscaping
- Improved lighting
- Improved signage
- Improved street art



3 The Business Corridor
Palmside Blvd, Parkside Pkwy & Mountain Dr

- Access to public parking
- Access to public transit
- Access to street furniture
- Access to street art
- Access to street lighting
- Access to street signage
- Access to street landscaping



4 The Residential Corridor
Verde River Dr & Paul Norton Pkwy

- Improved signage
- Improved landscaping
- Improved lighting
- Improved street art
- Improved street furniture
- Improved street lighting
- Improved street signage
- Improved street landscaping



Street Improvements

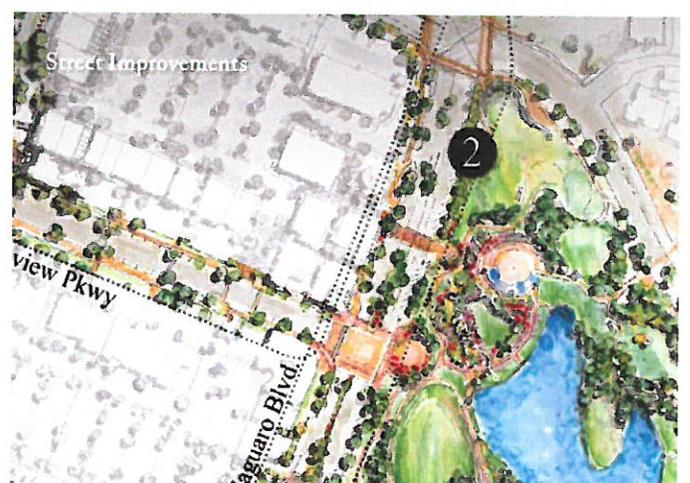
Round-A-Bouts:

consider future opportunities to incorporate round-A-Bouts at less pedestrian intensive intersections



Street Improvements

3. The Business Corridor



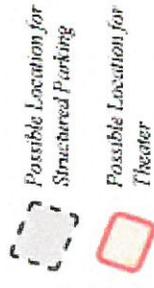
While the **Vision Framework Plan** provides a snapshot in time of a single preferred scenario for development, it is important that flexibility remains within the context of any future initiatives. No one has a crystal ball with all the answers to future economic factors, conditions and directions; the Town needs to be able to react to possible alternatives in the vision direction that may impact the physical organization of downtown without negatively impacting the desired outcome. Two specific examples of areas that need to be carefully considered in the future relative to flexibility are the potential for a downtown theatre and a downtown parking structure.

Theatre

The **Vision plan** suggests one potential location for a theatre for the downtown. This suggestion would work very well with the overall design and planning direction for downtown. There are however certainly other options and opportunities for the exact location of the theatre. The **Flexibility Diagram** identifies several other potential locations for the theatre in downtown. Any of these defined locations could have a positive impact on the downtown development.

Structured Parking

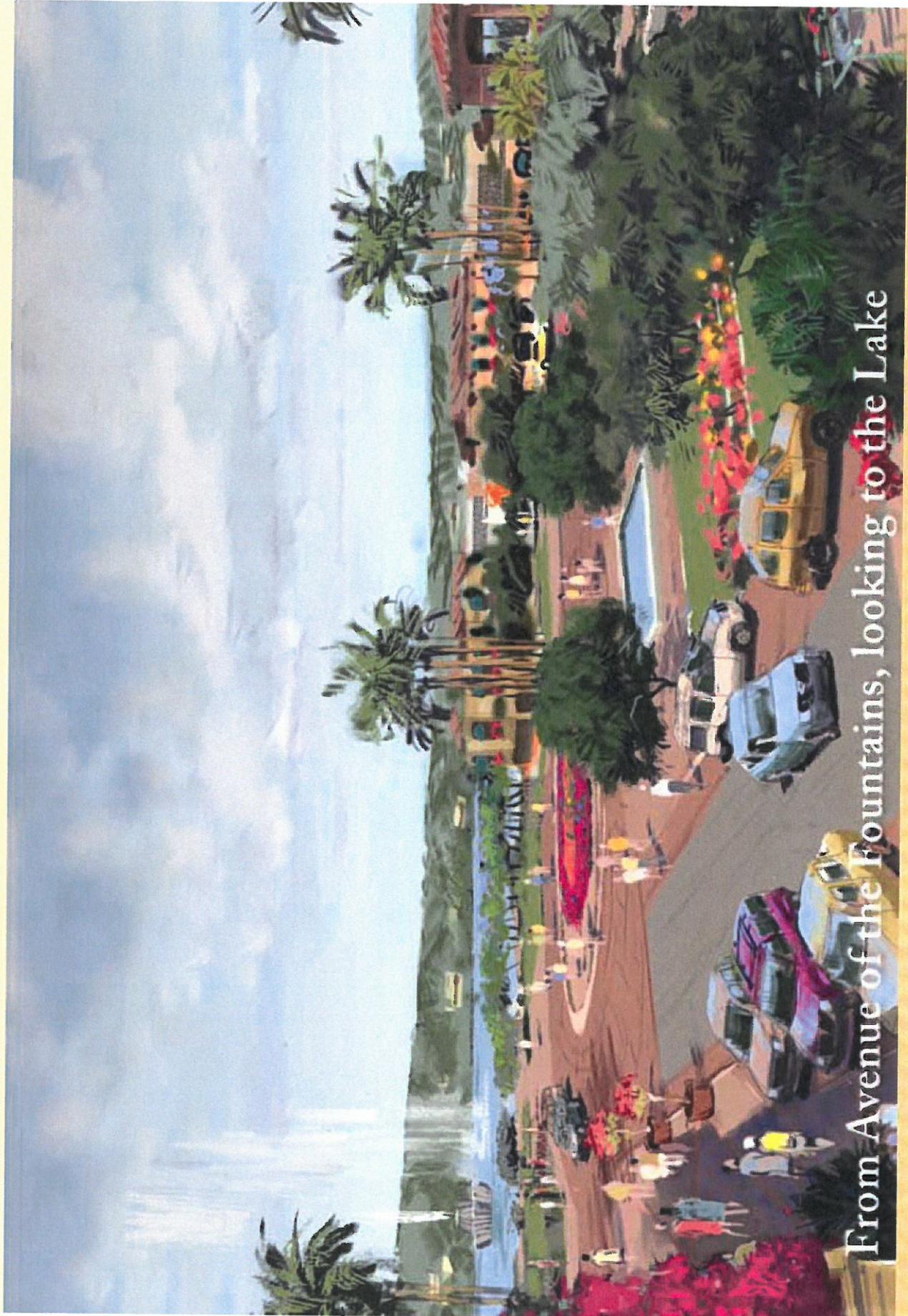
Based on future development in downtown, a parking structure would most likely be necessary at some point in the future. The **vision plan** identifies a proposed parking structure adjacent to the planned future complex. While this recommendation makes a great deal of sense, there are other potential locations for a parking structure as identified on the **Flexibility Diagram**. In most cases, a parking structure would most likely be associated with the theatre, but organized to allow use for all of downtown. The key for any preferred eventual location for a parking structure is to maximize its accessibility for all who use downtown.



Summary

The Downtown Vision Plan has been designed with the aim of developing a flexible and pro-active framework in which the town can work on its own, or with developers to create a vibrant, safe, and successful downtown. Each district outlined in this vision plan will have its own unique character while still blending with the other districts in the downtown area to provide many benefits including:

- Allows the Town to take a more precise approach to targeting specific development types and identifying specific locations for the developments.
- A Guide for developers who have done similar projects and Outlines the desires of the Town and its residents.
- Assists in developing a specific outreach package to engage developers and businesses and encourage them to have a Fountain Hills presence.
- Creates an invigorated atmosphere that attracts both local and out of town customers to the area and helps our local businesses succeed.
- Enhances the quality of life for the town residents as well as attracting new visitors.



From Avenue of the Fountains, looking to the Lake



Lakeside District



Downtown Vision Plan

