

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR SESSION OF THE
PLANNING & ZONING COMMISSION
April 14, 2016**

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

ROLL CALL:

The following Commissioners were present: Chairman Michael Archambault. Vice-Chairman Eugene Mikolajczyk. Commissioners: Stan Connick, Jeremy Strohan, Howie Jones, Susan Dempster and Roger Owers. Also in attendance were Paul Mood, Development Services Director, Bob Rodgers, Senior Planner and Zoning Administrator and Paula Woodward, Executive Assistant and Recorder of the minutes.

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 March 10, 2016.

Vice-Chairman Mikolajczyk **MOVED** to **APPROVE** the meeting minutes dated Thursday, March 10, 2016 as written. Commissioner Jones **SECONDED** and the **MOTION CARRIED UNANIMOUSLY.**

AGENDA ITEMS #2 - CONSIDERATION OF A REPORT BY A VOLUNTEER STUDY GROUP REGARDING DOWNTOWN OUTDOOR ENTERTAINMENT ORDINANCES AND REGULATIONS, WITH POSSIBLE DIRECTION TO STAFF.

Chairman Archambault stated several meetings ago he asked an AD-HOC committee to research expanding the outdoor entertainment area to the north side of the Avenue of the Fountains. He asked the committee members, Commissioner Dempster and Commissioner Mikolajczyk, to report their findings.

Vice-Chairman Mikolajczyk referenced the agenda packet and explained the background on the TCCD, (Town Center Commercial District). The TCCD is a small area downtown that allows for bars & restaurants to have outdoor entertainment with few restrictions. There is another area zoned C-2 that states restaurants and bars can have entertainment such as music but cannot have it audible off site. They are allowed indoor music/entertainment only. The C- 2 area is quite large and the committee reviewed a portion of the C-2 area near the TCCD to somehow make an exemption to allow outdoor entertainment. Mr. Rodgers reminded the Commission about the 2009 Downtown Area Specific (Swaback) Plan which included a larger area of downtown and the Avenue of the Fountains. The Downtown Area Specific Plan envisioned a larger area of downtown to allow entertainment and provide businesses opportunity to draw more people. Sofrita's which is in the C-2 area, obtained a permanent permit for outdoor audible entertainment. They are an example of what the overlay would do for all businesses in this area.

Commissioner Dempster stated the point was to be proactive in helping the businesses in the area. The goals of the Downtown Area Specific Plan are; to create a shopping & restaurant area that attracts visitors and residents, promote business entrepreneurship and be a must visit area – magnets for visitors. Commissioner Dempster stated the committee is suggesting an overlay to allow businesses in Fountain Hills to have outdoor audible entertainment in the downtown area. An overlay would enhance some properties zoned C-2 & C- 3 without changes to the underlying zoning.

Vice-Chairman Mikoajczyk referred to page 12 of the staff report as an example showing the TCCD area and the proposed area of C-2 they are suggesting the rules for outdoor entertainment. The outdoor entertainment would be the same for the C-2 area highlighted in yellow, as they are for the TCCD. This would also apply to the bowling alley which is in the C-3 zoning.

Chairman Archambault asked Mr. Rodgers if the overlay applied to the entire highlighted area in the map.

Mr. Rodgers stated it would apply to those areas which are highlighted. He then referred to the map saying the overlay is bordered by these streets: Palisades to Saguaro, Saguaro to both sides of the Avenue of the Fountains, to La Montana and also to the eastern end portion of the Basha's vacant lot.

Commissioner Jones asked about the other C-2 zones not included in the overlay and areas adjacent to the overlay area.

Vice-Chairman Mikolajczyk responded by saying areas were excluded so very few pieces of property across the street from the overlay would abut any residential areas. The strip mall where Goodwill once was has residential behind it. The conclusion was to be sensitive to the residential area and that's why the overlay was not extended. The C- 2 area runs up into the Safeway shopping center at Fountain Hills Blvd. which is across from residential therefore excluding it from the overlay as well.

In response to Commissioner Jones Vice-Chairman Mikolajczyk said the Emerson Gallery would not be included in the overlay.

Commissioner Jones asked if excluded businesses wishing to host an outdoor event would be eligible for a onetime event permit.

Mr. Rodgers replied they would be eligible for a onetime temporary event permit.

In response to Vice-Chairman Mikolajczyk, Commissioner Dempster stated the overlay would help promote the downtown businesses making it more appealing to the businesses, residents and visitors. Commissioner Dempster said that the Chamber of Commerce thought this was a great idea and supports the overlay.

Chairman Archambault said the overlay district would support the Downtown Area Specific Plan which was voted on by voters in 2009, in creating a vibrant downtown. It was kept to this area and moves into the TCCD. There are some vacant land areas included as well. Chairman Archambault asked why the overlay was included in an area that already allows for outdoor entertainment.

Commissioner Dempster stated they were included because the timeframe allowing the outdoor audible entertainment changes with the overlay.

Commissioners Jones stated we should not delay this and move it forward to Town Council.

Chairman Archambault explained the next process would be for the commission to agree on staff continuing to initiate a zoning amendment and bring that back to the Commission for a public hearing. Commissioner Owers asked if any businesses asked for the overlay.

Chairman Archambault answered no and it was his idea to be pro-active to allow for businesses in the area to host outdoor entertainment.

Discussion took place amongst the Commissioners regarding the vacant corner lot that is part of the Basha's shopping center.

Mr. Rodgers stated the property is currently under agreement. Part of the proposal includes a commercial presence on that corner which would create an anchor on this end of the Avenue Plaza.

Chairman Archambault asked for a roll call vote. All seven commissioners agreed to accept the study group's report and recommendations, and to direct staff to draft amendments to the zoning ordinance and zoning map in order to provide for expanded outdoor entertainment opportunities as recommended in the staff report.

AGENDA ITEM #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.

Mr. Rodgers stated he heard a request for a zoning amendment.

AGENDA ITEM #4 - SUMMARY OF COMMISSION REQUESTS FROM SENIOR PLANNER.

None

AGENDA ITEM #5 - REPORT FROM SENIOR PLANNER AND ZONING ADMINISTRATOR, PLANNING AND ZONING DIVISION OF DEVELOPMENT SERVICES.

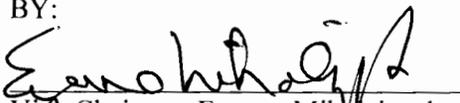
Mr. Rodgers stated the Basha's corner vacant lot project discussed earlier is one big project that might be in phases. It may be age restricted apartments with some assisted living and memory care. The ends would be commercial.

AGENDA ITEM #6 - ADJOURNMENT.

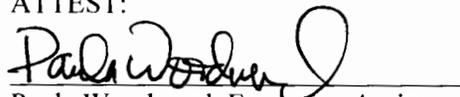
Vice-Chairman Mikolajczyk **MOVED** to adjourn the meeting at 6:56 p.m. and Commissioner Jones **SECONDED** and the **MOTION CARRIED UNANIMOUSLY.**

FOUNTAIN HILLS PLANNING & ZONING COMMISSION

BY:


Vice-Chairman Eugene Mikolajczyk

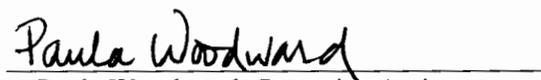
ATTEST:


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 14th day of April 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 19th of April 2016


Paula Woodward, Executive Assistant