

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR SESSION OF THE
PLANNING & ZONING COMMISSION
May 26, 2016**

Vice-Chairman Eugene Mikolajczyk opened the meeting at 6:30 p.m.

ROLL CALL:

The following Commissioners were present: Vice-Chairman Eugene Mikolajczyk. Commissioners: Jeremy Strohan, Howie Jones, Stan Connick, Susan Dempster and Roger Owners. Also in attendance were Robert Rodgers, Interim Development Services Director, Andrew McGuire, Town Attorney and Paula Woodward, Executive Assistant and Recorder of the minutes. Chairman Michael Archambault was excused.

Vice-Chairman Mikolajczyk 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 April 14, 2016.

Commissioner Connick **MOVED** to **APPROVE** the meeting minutes dated Thursday, February 11, 2016 as written. Commissioner Howie Jones **SECONDED** and the **MOTION CARRIED UNANIMOUSLY** (6/0).

AGENDA ITEMS #2 - PUBLIC HEARING TO RECEIVE COMMENTS ON RESOLUTION #2016-12, A MINOR GENERAL PLAN AMENDMENT RELATED TO THE PROPOSED "PARK PLACE" MIXED-USE DEVELOPMENT PROPOSAL TO BE LOCATED AT 16725 & 16845 E. AVENUE OF THE FOUNTAINS. IF APPROVED, THE AMENDMENT WOULD INCREASE THE MAXIMUM RESIDENTIAL DENSITY IN A MIXED-USE PROJECT IN THE DOWNTOWN AREA FROM 28 DWELLING UNITS PER ACRE TO 50 DWELLING UNITS PER ACRE. (CASE # GPA2016-01)

Vice-Chairman Mikolajczyk opened the Public Hearing at 6:34 p.m.

Bob Rodgers, Interim Development Services Director, gave a PowerPoint presentation about the Park Place application submitted by Bart Shea of N. Shea Group LLC, for a Minor General Plan Amendment to amend the downtown residential density limit from 28 dwelling units per acre to 50 dwelling units per acre in order to accommodate the proposed Park Place development project. Mr. Rodgers stated if approved, the Park Place development proposal will occupy two privately-owned lots, (9.3 acres) and three town-owned properties (3± acres). Totaling a bit over 12 acres. Mr. Rodgers referred to the Phase Plan on slide three saying that this is the General Outline of the Park Place project proposal. Park Place is to be mixed-use (Commercial & MF Residential) project. Building's B & F are proposed to be 3 stories tall, with a maximum height of 40'±. Building's C, D & E are proposed to be 4 stories tall, with a maximum height of 58'. The project will be built in phases. Mr. Rodgers referred to the slide with color highlights; the pink is Phase I, buildings C & D with 230 dwelling's and 35,000 square feet of commercial space, the yellow highlights Phase II, buildings E & F, 72 dwellings and 8,000 square feet of commercial space, the blue is Phase III, building B with 102 apartment units. Included in each phase will be a variety of streetscape improvements along the avenue, a public art walk behind the Community Center, additional parking lots, and a small pocket park. On Slide 4, Mr. Rodgers showed the most recent artist's rendering of what the building facades along the avenue will look like. Mr. Rodgers told the

Commission, to remember this is for informational purposes only and it is to help the commission put the request into context. The Commission will be reviewing the Concept Plans for each phase at a later date. The request before you this evening is a Minor General Plan Amendment to the Downtown Area Specific Plan (Swaback Plan).

Mr. Rodgers went on to say why it is a minor amendment. The General Plan outlines that an increase in residential density that affects less than 80 acres is a Minor amendment. This minor amendment will not affect all of the downtown, it will affect only the Avenue District and the South End District as it relates to the Park Place development proposal specifically. The General Plan's Residential density is currently capped at 28 units per acre in the Downtown Area. The proposed amendment would increase the density cap to 50 dwelling units per acre in these two areas. The remaining seven downtown districts will remain at the current 28 units per acre. The Commission is being asked to provide a recommendation to the Town Council regarding the proposed Minor General Plan amendment. Any recommendation you provide should also contain the rationale used in forming those recommendations.

Mr. Rodgers concluded his presentation and stated that the applicant indicated he has a presentation of his own.

Bart Shea of N. Shea Group LLC addressed the Commission regarding the Park Place General Plan Amendment. Mr. Shea introduced himself as the developer for the Park Place Project, (3 phases) and the MorningStar Project. Mr. Shea provided a packet (attached) to the Commission that he said displayed how much thought process went into the Park Place project and how the unit count was determined along with how it makes the project a success. Mr. Shea stated he has been in negotiations with Council and staff on the Park Place development agreement for 12 months to define the terms of what should happen within the project so everyone gets what they want out of the program. Mr. Shea referred to the packet letter from the Swaback Partners. He said they went to Swaback Partners to find out what their intentions were for the General Plan. He said these particular buildings in Phase I are exactly what Swaback wanted to have; high density residential with commercial retail below, good street front, large sidewalks covered by the buildings above. He said they are putting heads in beds to make the retail work. Mr. Shea read out loud the last line of the first paragraph, "Your project is certainly in-line with the intent of the Master Plan and subsequent Specific Area Plan. The residential and retail uses, in the forms you have described, will help to bring more vibrancy along the Avenue and to the downtown area." Mr. Shea pointed out how they identified uses within the Swaback Partners Plan and showed those areas highlighted in the packet he provided. Mr. Shea said there will not be a lot of office area, more in-line retail, prospecting smaller mom and pop shops, not too many restaurants and no bar services are planned at this time. There will not be a lot of credit tenants but in line Fountain Hills users to fill out the spaces on it. The criteria is to make sure we end up with sustainable retail on the Avenue and in order to do that we need enough heads and beds to make it last all year long. 80% will be full rental product with 12 month leases hopefully with young professionals & some young families. The first phase is around 25% three bedroom product. Mr. Shea said the on street parking is already on the Avenue and back behind the residential product that stretches almost to the Morningstar will be a parking lot above for residences. Mr. Shea said they received a letter of endorsement from the Fountain Hills Chamber of Commerce which is in your packet. The last couple pages of the handout is the quick guide to the town's strategic Plan 2010 which shows the guidelines this product meets to promote economic growth. The Strategic Plan identifies the whole downtown area as the biggest piece of property in Fountain Hills that needs to be revitalized. In conclusion, Mr. Shea referred to the Avenue as a "Mayberry" look going down the Avenue although the proposed project may be taller than some people desire, but this is how we have to do it to make it work. Mr. Shea thanked the Commission.

CALL TO PUBLIC

Mr. Garrett Wilson, Fountain Hills resident, did not speak, but was in opposition to the Case # GPA2016-01.

Mr. Brad Wilkins, Fountain Hills resident, did not speak, but was in opposition to the Case # GPA2016-01.

Ms. Angel Wilson, Fountain Hills resident, did not speak, but was in opposition to the Case # GPA2016-01.

Ms. Pam Trompeter Aguilu, Fountain Hills resident, is opposed to the requested change in zoning as it applies to density per acre. She is concerned this project will change a precedence that will be used again when a developer wants to be in our community. She is opposed to the architectural enhancements as they don't fit into the town aesthetics and the changes will not enhance the ambience that attracts visitors.

Mr. Bob Wilson, Fountain Hills resident, is opposed to the Case # GPA2016-01. Mr. Wilson read from a prepared letter (attached).

Mr. Blicher, Fountain Hills resident, is opposed to the Case # GPA2016-01. Mr. Blicher is concerned with the height of the buildings looking west to east. He said the view of hundreds of homes laying to the west will be affected. Also, placing a four story building so close to the key structure that attracts people to our town would be compromising. Mr. Blicher suggested a study to find out how many homes would be affected by this project. Most homes are constructed so they can view the fountain area.

Mr. Lee Miller, Fountain Hills resident, is opposed to the Case # GPA2016-01. Mr. Miller read from a prepared letter (attached).

Mr. Walter Maiwald, Fountain Hills resident, is opposed to the Case # GPA2016-01. Mr. Maiwald's concern is the height and the architectural appearance of this project. He stated the proposed structure could block views which is a concern since people pay premiums for the view. The architecture of this four story building does not complement the existing structures or the style of the Avenue of the Fountains. Mr. Maiwald expressed concern that the fire department would not be prepared to handle emergency situations for such a structure and questioned whether there would be adequate parking to handle the amount required for the increased density. Mr. Maiwald asked the project be reviewed for modification.

Ms. Nancy O'Neal is concerned that the vendors and sellers during the Great Fair would be affected. She said by taking the parking away it would affect attendance to the fair and the fair is a very important event for the town.

Mr. Jerry Kirkendoll, Fountain Hills resident, is opposed to the height of the building project. His concern is the architecture is not unique to the area and why would people want to come here when they can see the same thing in Phoenix or Scottsdale. The development is a great idea but the height (four stories) does not fit into the Avenue of the Fountains.

Ms. Vreny Middleton, Fountain Hills resident, is opposed to the height of this project. Ms. Middleton stated she and her friends are opposing the height of the project and the architecture does not fit into Fountain Hills, looks more like a dorm in Tempe. She said she is concerned the large parking lot will create a lot of heat, light pollution and there will be too much traffic on the Avenue of the Fountains.

Mr. Jay Schlum, Fountain Hills resident, is in favor of this project. Mr. Schlum said he had the opportunity to work with the Swaback Partners on the strategic plan when he was Mayor. Working with Swaback brought to attention that the downtown area is huge for a town our size and that's how the TCCD came to be, (mixed use). Mr. Schlum said this is what most downtowns need and want.

Vice-Chairman Mikolajczyk closed the Public Hearing at 7:12 p.m.

AGENDA ITEM #3 - CONSIDERATION OF RESOLUTION #2016-12, A MINOR GENERAL PLAN AMENDMENT RELATED TO THE PROPOSED "PARK PLACE" MIXED-USE DEVELOPMENT PROPOSAL TO BE LOCATED AT 16725 & 16845 E. AVENUE OF THE FOUNTAINS. IF APPROVED, THE AMENDMENT WOULD INCREASE THE MAXIMUM RESIDENTIAL DENSITY IN A MIXED-USE PROJECT IN THE DOWNTOWN AREA FROM 28 DWELLING UNITS PER ACRE TO 50 DWELLING UNITS PER ACRE. (CASE # GPA2016-01)

Andrew McGuire, Town Attorney, brought to the commission's attention the resolution in the packet has been modified to match what Mr. Rodgers presented this evening. Mr. McGuire said this is not a variance procedure, the General Plan amendment is all that is to be considered tonight.

Vice-Chairman Mikolajczyk asked if the Commission has to consider the height since it is needed to reach density.

Mr. Rodgers clarified that density and height are related. The question is if you agree with the density the height would be required to reach that.

Mr. McGuire explained the timeframe of the General Plan, Development Agreement and Concept Plan for presentation to Town Council and the Planning & Zoning Commission.

Commissioner Jones asked how many acres are within in the south end district and the avenue district and how many acres are undeveloped.

Mr. Rodgers replied the total amount of acres is between 25 and 30 acres. The South End district includes the condominiums behind and the vacant land which is around nine acres.

Commissioner Jones asked Mr. Shea if he had a visual scale drawing of how the project would look in relation to Town Hall.

Mr. Shea described that the end of the building closet to town hall would be about 3 ½ feet below Town Hall. Across from Verde River Drive about 10 ft below. As the building spreads down toward Saguaro Blvd. all the height changes are where the retail steps down.

Commissioner Jones asked how many parking spaces for the 404 units.

Mr. Shea said there are over 1,000 spaces with some street parking on Verde River and Paul Nordin Pwky. This includes property from the city we are improving. The retention pond near the Sheriff's lot will become a parking area.

Commissioner Jones asked how many parking spaces would be shared.

Mr. Shea replied fifty of 690 spaces in Phase I that are on town property which is the retention pond area.

Vice-Chairman Mikolajczyk asked if Mr. Shea included some of the public parking along the Avenue in the 1,000 spaces.

Mr. Shea replied yes they include the south side of the Avenue in regards to the retail.

Vice-Chairman Mikolajczyk asked, if town property is included in the parking and is the town granting a permant easement when in Phase III.

Mr. Shea replied it is included.

Mr. McGuire said the Development Agreement will be discussed at the Town Council on their June 16th meeting. It includes three town parcels that are permanent easement areas which will serve Phase III of the project.

Commissioner Owers asked if there was a traffic study.

Mr. Shea confirmed a traffic study was completed. He stated that the only mitigation provided is additional striping. This included pedestrian traffic.

Commissioner Owers asked if there was a public safety study.

Mr. Shea said since Dave Ott, Fire Chief, is on site he uses the current building for training. A public safety study has not been done for law enforcement.

Commissioner Connick stated he has concerns about the impact of the high density which was not part of the original Swaback Plan.

Vice-Chairman Mikolajczyk asked if a traffic study was provided.

Mr. Shea replied a third party performed the traffic study and a parking study is under way.

Commissioner Dempster asked if the Swaback Plan was intended for 2 story buildings.

Mr. Rodgers replied they were for mixed uses in all nine districts. The main theme was for commercial/retail on the bottom facing the Avenue and the second story could be offices or residential.

Mr. Rodgers stated the parking study is part of the Concept Plan submittal which will be reviewed by the Commission in the future.

Commissioner Jones asked Bob Rodgers to point out on the overhead PowerPoint clarification of parking.

Commissioner Dempster asked about parking lights in the parking lots.

Mr. Shea said they are following guidelines of the lighting ordinance.

In response to Commissioner Dempster garbage and loading zones are not counted against the parking.

Vice-Chairman Mikolajczyk **MOVED** to forward a recommendation that the Town Council Approve Resolution #2016-12. A Minor General Plan Amendment to increase the maximum residential density in a mixed-use project in the downtown area from 28 dwelling units per acre to 50 dwelling units per acre Commissioner Owers **SECONDED** and the **MOTION FAILED** (3/3).

Vice-Chairman Mikolajczyk	Aye
Commissioner Connick	No
Commissioner Jones	No
Commissioner Strohan	Aye
Commissioner Dempster	No
Commissioner Owers	Aye

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.

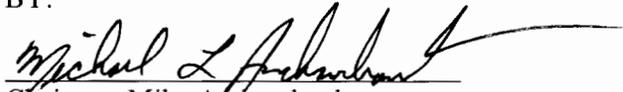
None

AGENDA ITEM #7 - ADJOURNMENT.

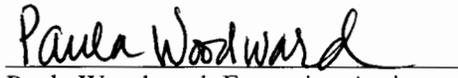
Vice-Chairman Mikolajczyk **MOVED** to adjourn the meeting at 7:40 p.m. and Commissioner Owers **SECONDED** and the **MOTION CARRIED UNANIMOUSLY.**

FOUNTAIN HILLS PLANNING & ZONING COMMISSION

BY:


Chairman Mike Archambault

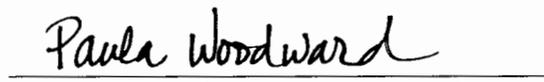
ATTEST:


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 26th day of May 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 6th day of June 2016


Paula Woodward, Executive Assistant

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