

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR SESSION OF THE
PLANNING & ZONING COMMISSION
July 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, Susan Dempster and Howie Jones by telephone. Roger Owers was excused. Also in attendance were, Bob Rodgers, Interim Development Services Director 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 May 26, 2016.

Vice-Chairman Mikolajczyk **MOVED** to **APPROVE** the meeting minutes dated Thursday, May 26, 2016 as written. Commissioner Connick **SECONDED** and the **MOTION CARRIED UNANIMOUSLY.** (6/0)

AGENDA ITEM #2 – PUBLIC HEARING TO RECEIVE COMMENTS ON ORDINANCE #16-07, A PROPOSED AMENDMENT TO TOWN OF FOUNTAIN HILLS ZONING MAP. IF ADOPTED, THE AMENDMENT WOULD REZONE APPROXIMATELY 2.07 ACRES AT 11843 N. DESERT VISTA DRIVE, FROM THE C-1 ZONING DISTRICT TO THE C-3 ZONING DISTRICT. IF APPROVED, THE REZONING WILL ALLOW THE CONSTRUCTION OF AN AUTOMOBILE AND RV STORAGE FACILITY. (CASE #Z2016-06)

Chairman Archambault opened the public hearing at 6:32 p.m.

Bob Rodgers, Interim Development Services Director, gave a PowerPoint presentation about the application submitted by Garry D Hays, PC, on behalf of a potential buyer, Tory Hive, for a rezoning of the property at 11843, N. Desert Vista Drive from C-1 to C-3 for the purpose of constructing and operating the Desert Vista Storage Center, a motor vehicle storage facility. Mr. Rodgers said the application is also for a Concept Plan approval of the proposed storage facility. Mr. Rodgers referred to an aerial photo showing the site location in relation to the surrounding properties and uses. These properties are: Desert Vista Park to the West, The Yavapai Nation to the East, Colony Wash is to the North and, Desert Vista Place Condominiums to the South. Mr. Rodgers showed a portion of the zoning map showing that the property is zoned C-1 Commercial and the properties on the West side of the park are C-3 Commercial, properties to the South are C-2 Commercial and the properties to the North are R-4, which is a pre-incorporation, Multi-Family zone. Storage facilities are not permitted in the C-1 zoning district. They ARE permitted in the C-3 district. This is the reason for the rezoning request. Mr. Rodgers went on to show a “blow-up” of the site with existing conditions. Mr. Rodgers said the site is a little over 2 acres in size, mostly vacant except for the one building which has, in the past, been a doctor’s office, and it was church. For the last 20 years it has been basically unused and now it’s a bit run down. There are reports that it is becoming an attractive nuisance to kids. The structures behind the property adjacent to the Reservation are for a Sanitary Sewer Lift station. While Mr. Rodgers showed a slide of the

Concept Plan, he said the proposal is to create an enclosed vehicle storage facility with 86 individual storage units in 5 single-story buildings. The storage buildings will be approximately 16' high and each unit will have a bay door. The existing building will remain as the rental office and maintenance building for the facility. Access will be provided off Desert Vista Drive and off Saxon Drive via Gated driveway entries. Two existing driveways off Desert Vista Drive will be closed and the area will be landscaped. The right of way will be made to match the opposite side of the road. Mr. Rodgers described the architectural renderings featured in his slide presentation, showing the interior areas, views from the streets and alley.

Mr. Rodgers concluded by stating staff recommends that the Commission forward a recommendation to Town Council to approve the rezoning from C-1 to C-3 and to recommend approval of the Concept Plan. Both recommendations are subject to the stipulations outlined in the staff report.

Chairman Archambault asked Mr. Rodgers to review the staff stipulations.

Mr. Rodgers summarized the staff stipulations which are listed in the agenda packet as follows:

Staff recommends that the Planning & Zoning Commission forward a recommendation to the Town Council to APPROVE the proposed ZONING MAP AMENDMENT subject to the stipulations outlined below:

1. The applicants shall submit Concept Plans that are in substantial conformance with the proposal outlined in this report showing any and all notes and revisions required by this decision to the Community Development Director for review and approval prior to making application for a Building Permit. A copy of said plans shall be submitted with any and all building permit applications for this project.
2. Appeals: Under Arizona law there is a 30 period in which a zoning approval may be appealed. No site work or construction activities may be undertaken during this period.

Staff recommends that the Planning & Zoning Commission APPROVE the proposed CONCEPT PLAN subject to the stipulations outlined below:

1. Approval of the Concept Plan is subject to the above-noted stipulations recommended for the Zoning Map Amendment approval.
2. Approval of the Concept Plan is contingent upon Town Council approval of the Zoning Map Amendment. Concept Plan approval shall not take effect unless the Town Council approves the Zoning Map Amendment.
3. The applicant shall provide a landscaping and lighting plan prior to the issuance of any building permit and no occupancy permit shall be issued prior to the completion of all site improvements as depicted and approved. Landscaping plans shall include irrigation details.
4. The applicant shall submit Site Improvement Plans. All utilities and drainage features must be installed and functional as shown on the improvement plans and approved by the Town Engineer prior to the issuance of any building permit.
5. No occupancy permit shall be issued prior to the completion of all site improvements as depicted and approved. Said improvements must be approved by both the Town Engineer and the Planning Administrator.

6. All off-site drainage or other utility improvements required as conditions of this approval shall return any off-site disturbed areas to a condition similar to, or better than their pre-existing state prior to the issuance of a certificate of occupancy. This shall include, but is not limited to re-grading, re-vegetating, and re-constructing moved or damaged structures or similar improvements.
7. All off-site improvements required as conditions of any approval regarding this project shall be either constructed, or fully bonded with a performance guarantee in a form and amount satisfactory to the Town Engineer prior to the issuance of an occupancy permit.
8. Prior to the issuance of a Certificate of Occupancy, the applicants shall comply with the requirements of the Fountain Hills Sanitary District.
9. Prior to the issuance of a Certificate of Occupancy, the applicants shall comply with the requirements of the Fountain Hills Fire Department.
10. Prior to the issuance of a Certificate of Occupancy, the applicants shall comply with the requirements of the Fountain Hills Town Engineer
11. Subject to the applicants fulfilling the Public Art requirement pursuant to Section 19.05.I of the Fountain Hills Zoning Ordinance prior to the issuance of the first Certificate of Occupancy.

Chairman Archambault asked if the applicant wanted to make a presentation.

The applicant, Gary Hayes, spoke on behalf of his client who is a Canadian with a residence here and also in Prince George, British Columbia. Mr. Hayes went on to say that his client has experience with establishing specialized vehicle storage centers. The proposed storage facility is specifically for high end vehicles in a climate controlled environment. The location of these storage facilities are not everywhere but determined by the demographics of the community. There would be no more than one employee on site. Mr. Hayes brought up that residents would be happy with this development since the number of vehicle trips are significantly less than trips associated with a typical storage center or retail/commercial business. Mr. Hayes said he agreed with everything Mr. Rodgers presented earlier. Mr. Hayes concluded he is available for any questions as is the architect Mark Dorhmann.

Mary Ann Jacobs, Morningside HOA President, stated there is a concern with the amount of lighting that would affect the residents closest to the storage facility. A previous project proposed at the same sight by Prevco introduced a 40' building with lighting all around which was a concern for Morningside. What are the business and lighting hours?

Chairman Archambault closed the public hearing at 6:45 p.m.

AGENDA ITEMS #3 – CONSIDERATION OF ORDINANCE #16-07, A PROPOSED AMENDMENT TO TOWN OF FOUNTAIN HILLS ZONING MAP. IF ADOPTED, THE AMENDMENT WOULD REZONE APPROXIMATELY 2.07 ACRES AT 11843 N. DESERT VISTA DRIVE, FROM THE C-1 ZONING DISTRICT TO THE C-3 ZONING DISTRICT. IF APPROVED, THE REZONING WILL ALLOW THE CONSTRUCTION OF AN AUTOMOBILE AND RV STORAGE FACILITY. (CASE #Z 2016-06)

Chairman Archambault asked the applicant to address Ms. Jacob's concerns.

Mr. Hayes explained they will work with staff to ensure they understand the concerns and adhere to town and state regulations regarding the lighting. He also stated this is a much better project as the building is 16 feet in height compared to the pervious project proposed by Prevco of a 40 feet in building height.

Vice-Chairman Mikolajczyk expressed concern regarding the small exit only location on Desert Vista Drive.

Mr. Hayes said they can change the Desert Vista Drive location into a larger entry and exit along with any stipulations.

Commissioner Dempster asked where the RV storage would be located and how the trip count is determined.

Mr. Hayes said the RV storage would be interior if the RV height could be accommodated. There are no exterior storage spaces. The trip count is determined by the amount of units and how frequently a renter would visit. Since these units are primarily used for long term storage, renters would come and go very infrequently.

Commissioner Dempster asked about the demand for this kind of facility and the lights displayed around the building rendering.

Mr. Hayes said the owner has done a large amount of research and is a part of a car aficionado community. There is a demand for facilities to accommodate the discerning car aficionado. Mr. Hayes committed to working with staff regarding the lighting to make sure they have the least impact on the residents.

In response to Vice-Chairman Mikolajczyk Mr. Hayes said most facilities like this are 24 hour access. As the project moves forward Mr. Hayes emphasized they would work with staff on the best method of the 24 hour access.

Commissioner Connick commented he is in favor of this project. He assumed on the rendering the detail around the building is scuppers and green louvers, not lighting. Mr. Connick stated as far as the Morningside community this would be the most minimum impact one could imagine. Having high end car storage is not an issue with the public. Should anyone trespass they would be found out since there would be security cameras.

Vice-Chairman Mikolajczyk **MOVED** to forward a recommendation to Town Council to Approve Ordinance #16-07, the proposed rezoning of property at 11843 N. Desert Vista Drive from C-1 to C-3 as presented and subject to the stipulations outlined in the staff report. Commissioner Connick **SECONDED** and the **MOTION CARRIED UNANIMOUSLY.** (6/0)

AGENDA ITEMS #4 –CONSIDERATION OF THE DESERT VISTA STORAGE CENTER CONCEPT PLAN TO ALLOW THE DEVELOPMENT OF A VEHICLE STORAGE FACILITY AT 11843 N. DESERT VISTA DRIVE. (CASE #CP 2016-03)

Chairman Archambault asked for any further discussion regarding the Concept Plan.

Mr. Rodgers asked the applicant to confirm there will not be any vehicle repair on the property.

Mr. Hayes confirmed no vehicle repair on site.

Vice-Chairman Mikolajczyk **MOVED** to **APPROVE** the Concept Plan for the Desert Vista Storage Center as presented and subject to the stipulations outlined in the staff report. Commissioner Connick **SECONDED** and the **MOTION CARRIED UNANIMOUSLY.** (6/0)

AGENDA ITEMS #5 – CONSIDERATION OF A CONCEPT PLAN FOR THE AMERICANA DEVELOPMENT & BUILDING CO., LLC TO ALLOW THE DEVELOPMENT OF A 12.24 ACRE COMMERCIAL PROPERTY ON THE NORTH-EAST CORNER OF AVENUE OF THE FOUNTAINS AND WESTBY DRIVE AT 16575 E. PALISADES BLVD. (Case #CP2016-01)

Mr. Rodgers gave a PowerPoint presentation about the Application submitted by Americana Development for “Copper Ridge” a commercial/residential/recreational mixed-use development on 12.24 acres, located at 16575 E. Palisades Blvd. Mr. Rodgers showed an aerial photo of the property which is a bit over 12 acres, with legal frontage on Palisades and frontage on La Montana, Avenue of the Fountains and Westby Drive. The main access points will be off Westby Drive and La Montana. The Commercial building facing Palisades may also have an access point from the existing parking lot in Bashas Plaza.

There is a large drainage area that extends from under Westby Drive, through the property, under the Bashas, plaza and then sheet flows across the plaza parking toward La Montana. Mr. Rodgers said the property is zoned C-2 commercial and the proposal includes 132 age restricted apartments for independent living, 60 assisted living units, and 52 memory care units. The proposal also includes approximately 42,000 sq ft of commercial space in two buildings, a community clubhouse, a park, and a large Public Art feature on the corner of Avenue of the Fountains and La Montana. The parking is provided in four on-site parking lots and some additional on-street spaces along La Montana Drive. Additional on-street parking may be included along Westby Drive. The applicants have asked that the on-street parking allowance, as well as any potential shortfall in spaces be addressed in the development agreement currently under negotiation with the Town Council. Mr. Rodgers included the landscape plan in his presentation to help visualize how the proposed site design lays out the building footprints, the parking areas and the park. Mr. Rodgers displayed the site plan with the phasing lines overlaid. He said there are four proposed phases: The Independent Living Building, the clubhouse, the park and the main parking lots between La Montana and Westby are Phase 1. Phase II is the Assisted Living and Memory Care Building. Phase IIIA is the commercial building on the corner of the Avenue of the Fountains and La Montana. Phase IIIB is the Commercial Building on the Westby and Palisades corner. All the phases also include all the site work, sidewalks, and landscaping associated with that phase of development. This project is also proposed to be re-platted according to the phases outlined in this plan for financing reasons. Mr. Rodgers commented on the architectural renderings of the Independent Living building which is to be four stories tall with a maximum building height of 54 feet. However the height is mitigated by the cutting down into the existing grade so as to sink the ground floor into the ground and lower the “measured” building height down closer to 40’ which is the maximum height allowed in the C-2 zoning district. This has been requested as part of the development agreement. Mr. Rodgers said that a portion of the building may still remain above the 40’ height limit. The applicants have asked that this also be addressed in the development agreement if necessary. Mr. Rodgers concluded with saying the staff recommends that the Commission approve the Concept Plan, subject to the stipulations outlined in the staff report, and with the understanding that certain items will be addressed in a development agreement which is to be approved by the Town Council. The applicants are present and would like to make a presentation.

Mr. Dan Carter, Americana Development, addressed the commission related to the Americana “Copper Ridge” Senior Living. Mr. Carter said one of the elements of the design is a landscape plan that is respectful of the area. The goal is to have a proper balance of lush landscape to create a home environment for the residents of the building and the community surrounding. There is a large park area in the center for activities and for people to walk their animals. The entire project is planned in phases to allow for proper planning for the future especially commercial side. They stated they strive for a high quality architectural design and to make sure there are enough public and private spaces. They are working with Mr. Rodgers to address some height conflicts. In response to Chairman Archambault, Mr. Carter said, “There is some level of screening of roof-mounted equipment (mostly architectural) but it will not be finalized until the decision of individual air condition unit or a chiller for the building.”

Diana Cougar, a Fountain Hills resident, stated the project looks beautiful and it would be a nice improvement to the vacant lot. Ms. Cougar asked why are recent town projects all four stories and that she is glad she does not live in the Thunder Ridge Condominiums because they will be dwarfed. Commissioner Connick asked about the park use and expressed concern about the contour heights.

Mr. Carter said the park is for residents only, such as walking dogs, exercise course and a few putting greens. The contour heights are a result of what existed prior which was a large gully.

Chairman Archambault asked if the developer ever considered parking spaces on Westby Drive.

Mr. Carter replied they are working with staff regarding the parking and will have more definite answers as the development agreement is finalized.

Chairman Archambault complimented the developer on the architectural features shown in the renderings.

Commissioner Dempster also complimented the project renderings and asked if the medical and commercial offices would be open to the public.

Mr. Carter said they are working on what is the best use for the town.

Vice-Chairman Mikolajczyk asked if the building height would be 40 feet above current grade which is above street level.

Mr. Carter confirmed the building height would be 40 feet above the existing grade by cutting down into the existing grade so as to bring the bottom floor into the ground.

Vice-Chairman Mikolajczyk asked for clarification on what the developer's definition of senior living.

Mr. Carter answered, age 62 and older.

Commissioner Strohan questioned the grading plan off of Westby Drive. What will the walls look like?

Mr. Carter replied step walls will probably be used. The finish will compliment the rest of the site's architecture.

Commissioner Jones asked when would phase I begin and end.

Mr Carter stated the project would begin Spring 2017 and Phase I would take 16-18 months to complete.

In response to Chairman Archambault, Mr. Carter stated that the public art piece would be part of the building architecture and there is a larger piece which is a screening wall that will have a water feature.

Vice-Chairman Mikolajczyk **MOVED** to **APPROVE** the **CONCEPT PLAN** for the Americana Development & Building Co. LLC mixed-use project on 12.24 acres at 16575 E. Palisades Blvd, as presented and subject to the stipulations outlined in the staff report, including the approval by Town Council of any additional terms and conditions outlined in the Development Agreement. Commissioner Jones **SECONDED** and the **MOTION CARRIED UNANIMOUSLY.** (6/0)

AGENDA ITEM #6 - 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.

Vice-Chairman Mikolajczyk asked Mr. Rodgers the status of the Downtown Entertainment Overlay Ordinance.

Mr. Rodgers replied the commission will be reviewing the ordinance and the noise ordinance in two weeks. The town attorney will be available at the Commission meeting to guide the Commission through his recommendations on the process of approving the ordinances.

AGENDA ITEM #7 - SUMMARY OF COMMISSION REQUESTS FROM SENIOR PLANNER.

None

AGENDA ITEM #8 - REPORT FROM SENIOR PLANNER AND ZONING ADMINISTRATOR, PLANNING AND ZONING DIVISION OF DEVELOPMENT SERVICES.

None

AGENDA ITEM #9 - ADJOURNMENT.

The commission adjourned at 7:23 p.m.

FOUNTAIN HILLS PLANNING & ZONING COMMISSION

BY:


Chairman Mike Archambault

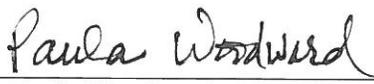
ATTEST:


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 14th day of July 14, 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 19 of July 2016


Paula Woodward, Executive Assistant