

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR SESSION OF THE
PLANNING & ZONING COMMISSION
August 11, 2016**

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

ROLL CALL:

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

Chairman 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 July 28, 2016.

Vice-Chairman Mikolajczyk **MOVED** to **APPROVE** the meeting minutes dated Thursday, July 28, 2016 as written. Commissioner Howie Jones **SECONDED** and the **MOTION CARRIED UNANIMOUSLY (5/0)**.

AGENDA ITEM #2 - PUBLIC HEARING TO RECEIVE COMMENTS ON A PROPOSED SPECIAL USE PERMIT BY FEARLESS KITTY CAT RESCUE TO ALLOW INDOOR KENNELS AT 16832 E. AVENUE OF THE FOUNTAINS, LOCATED IN THE "C-2" ZONING DISTRICT. Case #SU 2016-03

Chairman Archambault turned the meeting over to Commissioner Connick.

Commissioner Connick opened the public hearing at 6:32 p.m.

Bob Rodgers addressed the Commission regarding a Special Use Permit Application submitted by Fearless Kitty Rescue, a non-profit, no-kill, cat rescue and kennel facility currently located at 16913 E. Enterprise Drive. That is in the C-3 (Heavy Commercial /Light Industrial) Zoning District. Mr. Rodgers said they have the option to purchase a vacant building located at 16832 East Avenue of the Fountains where they wish to re-locate the rescue facility. The building fronts on the Avenue of the Fountains, directly abuts Gridley's store and is across a small courtyard area from Sofrita's restaurant. This is in the C-2 (Mid-Density Commercial) Zoning District. The C-2 district regulations are contained in Chapter 12 of the Zoning Ordinance. Pursuant to Section 12.03.D in order for a kennel to operate in the C-2 zoning district, a Special Use Permit must be approved by the Town Council. Tonight's hearing is to request that the Planning & Zoning Commission consider forwarding a favorable recommendation to the Town Council to approve this request.

Section 2.02D of the Zoning Ordinance outlines the key criteria that should be considered by the Commission during your deliberations.

They are:

1. Any Special Conditions that influence the location
2. Whether any new buildings or other improvements are proposed
3. Traffic

4. Any negative influences on adjoining properties
5. No detriments to the public health, safety, peace, or comfort to the properties in the immediate area or to the general welfare of the town at large

Mr. Rodgers stated, that if the Commission determines that those factors are satisfactorily addressed, the Commission should forward a recommendation to approve the Special Use Permit. If it's determined that the factors are not all satisfactorily met, the Commission may recommend that the Council attach additional stipulations to their approval. OR, you may recommend denial. If recommending denial, the Commission should note the specific reasons for the recommendation in order that Council can fully evaluate the recommendation.

Staff recommends that the Commission forward a recommendation to Town Council to approve the Special Use Permit to allow Fearless Kitty Rescue to locate at 16832 E. Avenue of the Fountains, subject to the stipulations outlined in the staff report.

Kristen Skivington, a volunteer with Fearless Kitty Rescue, addressed the commission. She said Fearless Kitty Rescue is a free roaming, no kill facility. The cats are not in cages. There are large rooms, couches, kitty furniture, food and water. Cages are only used temporarily to introduce new additions to the facility or for kitty timeout. Kittens are separated from adult cats and all have the ability to play and be just cats. The Fearless Kitty Rescue has been in the current location for four years and expanded three times. The new space will allow for Fearless Kitty Rescue to be internally designed for a rescue. This would include, a non-emergency medical area, public spaces to view adoptable cats, and an educational /resource center. There are over 100 volunteers and this space would provide an area for training staff. There are 2 shifts, (morning and afternoon/early evening) running 7 days a week. Services with Republic Services are for pick up two days a week. All litter would be triple bagged and placed in industrial contractor bags before going into the disposal. Ms. Skivington concluded with thanking the Commission and that she is available for any further questions.

Kate Koch, a two and half year volunteer with Fearless Kitty Rescue, addressed the Commission relative to a grant received from Republic Services last summer. She explained the grant was for the Trap-Neuter-Return (TNR) for Feral Cats Program. Feral Cats are wild cats that are not domestic and every town has them. Ms. Koch reviewed some of the rescue's accomplishments. In the last eighteen months ninety-nine cats were taken into the Fearless Kitty Rescue; sixty-six strays, thirteen trap and release, twenty-two owner surrender, and eleven from owners deceased (3 from MCSO calls), forty-seven calls for lost and found cats and nine dead cats picked up off the streets. Ms. Koch concluded with offering informational flyers about the TNR program.

Amberleigh Dabrowski, a Fountain Hills resident, asked the following questions regarding the Fearless Kitty Rescue; how frequently would volunteers work at the facility and the amount of foot traffic expected. She also asked about noise control measures.

Commissioner Connick asked if there were any more public speakers and there being none, he closed the public hearing at 6:34 p.m.

AGENDA ITEMS #3 - CONSIDERATION OF A PROPOSED SPECIAL USE PERMIT BY FEARLESS KITTY CAT RESCUE TO ALLOW INDOOR KENNELS AT 16832 E. AVENUE OF THE FOUNTAINS, LOCATED IN THE "C-2" ZONING DISTRICT. Case #SU 2016-03

Chairman Archambault asked for hours of operation and answers to the questions from the last speaker.

Ms. Skivington said the hours of operation are 7:30 a.m. to 6:30 p.m. These are not the public hours but people come and go throughout the day. Public hours are not every day. The new location's proposed hours are: Thursday, Friday, Saturday and Sunday, 10:00 a.m. till 12:00 p.m.

and then 3:00 p.m. till 5:00 p.m. The facility is not open full time to the public. Adoption arrangements are made by appointment with the adoption coordinator.

Chairman Archambault asked how are the cats contained.

Ms. Skivington replied there are many rooms which are designated cat rooms with doors. They are not allowed to free roam the building. There is a public area of the building near the entrance that is contained and allows people to see the cats available for adoption. There are a lot of windows on the interior and exterior for viewing of the cats in each of the rooms.

In response to other questions Ms. Skivington said noise is not an issue with the current location and they do not anticipate one in the new location. The cats are left unattended overnight and there is no way for anyone to come into the building. Cats are very independent and do not mind being left alone. The web camera posted on the website shows what the kittens are doing when no one is around. They are often playing, running and sometimes sleeping.

Commissioner Jones thanked the rescue for the community support Fearless Kitty Rescue provides to Fountain Hills. He asked what is the percentage of local and national funding.

Ms. Skivington said local is 70 % and national is 30 %. National funds are growing because of participation in more grant writing and having national recognition. Two large donations of cat food were received this last year which provided \$60,000 value of cat food. Since it was not all needed, Fearless Kitty networked with other rescues to share the food. The promotion of Fearless Kitty Rescue on Jackson Galaxy's Foundation and other sites are providing more grants. Fearless Kitty Rescue was recently recognized at a national conference.

In response to Commissioner Jones, Ms. Skivington said the feral cats are brought in and get spayed or neutered and receive rabies vaccination. They are returned to the location they were taken from.

Ms. Koch said the majority of feral cats are near El Pueblo and the Indian reservation area. The farthest one out is near Safeway.

In response to questions, Ms. Koch said all the volunteers will park in the back and the windows do not open so noise should not be an issue. Security cameras will be in place.

Commissioner Connick asked about other community rescues.

Ms. Skivington said there are rescues in other communities. The difference is Fearless Kitty has a dedicated staff and location. Sometimes people use their house and take in cats. There are official ones like the county and the humane society. Fearless Kitty is unique because it is in a small community and can serve the town well.

Commissioner Owers asked if the TNR programs spay, neuter and rabies shots are performed on site.

Ms. Koch said the Arizona Animal Rescue League provides a low cost spay and neuter program which Fearless Kitty Rescue resources. After surgery the cats are returned to the facility for monitoring and then released where they were trapped. They are given rabies shots only. The procedures are not done at the rescue facility.

Ms. Skivington said the cats available for adoption are spayed and neutered, vaccinated and micro chipped at El Dorado Veterinarian Hospital in Fountain Hills.

Commissioner Owers **MOVED** to **FORWARD A RECOMMENDATION** to Town Council to approve the proposed SPECIAL USE PERMIT to allow Fearless Kitty Cat Rescue to operate an indoor kennel at 16832 E. Avenue of the Fountains, located in the "C-2" zoning district, subject to the stipulations recommended by staff as outlined in the staff report. Vice-Chairman Mikolajczyk **SECONDED** and the **MOTION CARRIED UNANIMOUSLY**. (5/0)

AGENDA ITEMS #4 - 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

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.

There are four open commissioner positions with five applicants. Interviews will take place next week.

AGENDA ITEM #7 - ADJOURNMENT.

Commissioner Jones **MOVED** to adjourn the meeting at 7:05 p.m. and Vice-Chairman Mikolajczyk **SECONDED** and the **MOTION CARRIED UNANIMOUSLY**. (5/0)

FOUNTAIN HILLS PLANNING & ZONING COMMISSION

BY:


Chairman Mike Archambault
Vice-Chairman 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 11th day of August 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 17th day of August 2016


Paula Woodward, Executive Assistant