

RESOLUTION NO. 2015-31

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING, IN ACCORDANCE WITH THE TOWN OF FOUNTAIN HILLS GENERAL PLAN 2010, THE DOWNTOWN AREA SPECIFIC PLAN TO ALLOW FOR ASSISTED LIVING FACILITIES IN THE SOUTH END DISTRICT AS SHOWN IN CASE NO. GPA2015-03.

WHEREAS, the Town of Fountain Hills General Plan 2010 (the “General Plan”) was adopted by the Mayor and Council of the Town of Fountain Hills (the “Town Council”) on January 7, 2010, and ratified by the qualified electors of the Town of Fountain Hills (the “Town”) on May 18, 2010; and

WHEREAS, in accordance with the General Plan, the Town Council adopted 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 “Downtown Specific Plan”) on December 17, 2009; and

WHEREAS, the Downtown Specific Plan divided the downtown area into nine “districts,” each with a different intended character; and

WHEREAS, the Downtown Specific Plan does not allow for assisted living facilities within the “South End District” as currently described; and

WHEREAS, the Town Council desires to amend the text of the Downtown Specific Plan to allow for assisted living facilities in the South End District in order to accommodate a proposed development within the area (the “Specific Plan Amendment”); and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.09 and the General Plan, the Town has consulted with, advised and provided the opportunity for public comment on the Specific Plan Amendment; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.09 and the General Plan, the Town Planning and Zoning Commission (i) held a public hearing on the proposed Specific Plan Amendment on June 11, 2015, and (ii) provided notice of such hearing by publication in the *Fountain Hills Times* on May 27, 2015, and June 3, 2015; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.09 and the General Plan, the Town Council (i) held a public hearing on the proposed Specific Plan Amendment on June 18, 2015 and (ii) provided notice of such hearing by publication in the *Fountain Hills Times* on May 27, 2015, and June 3, 2015; and

WHEREAS, the Town Council finds and determines that (i) proper notice of the proposed Specific Plan Amendment has been given in a manner required by ARIZ. REV. STAT. § 9-461.09 *et seq.* and (ii) each of the required publications have been made.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Downtown Specific Plan is hereby amended to change the narrative text for the South End District (p. 13) as follows:

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, AND ASSISTED LIVING FACILITIES. The fabric of the neighborhood should be complimented with small streets, comfortable sidewalks, and generous street trees for shade, on-street parking, and pocket parks that provide strategic open space for adjacent development.

SECTION 3. 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 provision and such holding shall not affect the validity of the remaining portions of this Resolution.

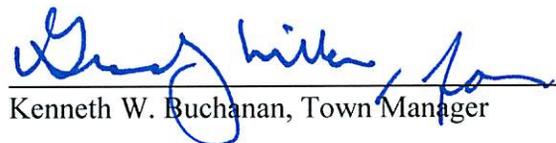
SECTION 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, June 18, 2015.

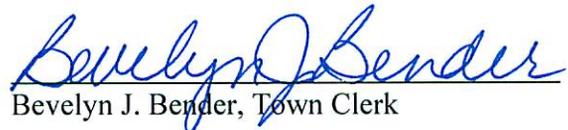
FOR THE TOWN OF FOUNTAIN HILLS:


Linda M. Kavanagh, Mayor

REVIEWED BY:


Kenneth W. Buchanan, Town Manager

ATTESTED TO:


Bevelyn J. Bender, Town Clerk

APPROVED AS TO FORM:


Andrew J. McGuire, Town Attorney