

**ORDINANCE 17-09**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS OFFICIAL ZONING DISTRICT MAP FOR APPROXIMATELY 16.5 ACRES LOCATED AT 13225 NORTH EAGLE RIDGE DRIVE IN FOUNTAIN HILLS, ARIZONA, AS SHOWN IN CASE NO. Z2017-02, BY MODIFYING THE PREVIOUSLY-ADOPTED PLANNED AREA DEVELOPMENT (COPPERWYND PAD).

**WHEREAS**, the Mayor and Council of the Town of Fountain Hills (the “Town Council”) approved Ordinance 17-04 on March 16, 2017, approving rezoning of the property located at 13225 North Eagle Ridge Drive (the “Property”) to “Copperwynd PAD” (as defined in Ordinance 17-04). Ordinance 17-04 was recorded in the Maricopa County Recorder’s Office at Document No. 2017-0203702; and

**WHEREAS**, the Property owner has requested an amendment to the Copperwynd PAD to modify certain terms and conditions relating to the height and phasing of the hotel buildings described therein; and

**WHEREAS**, the Town Council desires to amend the Town of Fountain Hills Official Zoning District Map (the “Zoning Map”) pursuant to ARIZ. REV. STAT. § 9-462.04, to approve the Amended and Restated Copperwynd PAD (dated August 25, 2017) for the Property (the “Zoning Map Amendment”); and

**WHEREAS**, the Zoning Map Amendment proposed by this Ordinance is consistent with the Fountain Hills General Plan 2010, as amended; and

**WHEREAS**, all due and proper notices of public hearings on the Zoning Map Amendment to be held before the Town of Fountain Hills Planning and Zoning Commission (the “Commission”) and the Town Council were given in the time, form, substance and manner provided by ARIZ. REV. STAT. § 9-462.04; and

**WHEREAS**, the Commission held a public hearing on August 24, 2017, on the Zoning Map Amendment, after which the Commission recommended approval; and

**WHEREAS**, the Town Council held an additional public hearing regarding the Zoning Map Amendment on September 5, 2017; and

**WHEREAS**, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** 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 Amended and Restated Copperwynd PAD (dated August 25, 2017) relating to the approximately 16.5 acre parcel of real property generally located at 13225 North Eagle Ridge Drive, Fountain Hills, Arizona, as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby approved, subject to (i) the Town's adopted codes, requirements, standards and regulations for property zoned L-3 (Lodging Zoning District), except as specifically modified by the Amended and Restated Copperwynd PAD document dated August 25, 2017, as included in Case No. Z2017-02 and (ii) the following stipulation:

1. No site work or construction activities may be undertaken until after this Ordinance becomes effective according to Arizona law.

SECTION 3. If any provision of this Ordinance 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 provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

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 Ordinance.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Fountain Hills, Arizona, September 5, 2017.

**FOR THE TOWN OF FOUNTAIN HILLS:**

**ATTESTED TO:**

  
\_\_\_\_\_  
Linda M. Kavanagh, Mayor

  
\_\_\_\_\_  
Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Grady E. Miller, Town Manager

  
\_\_\_\_\_  
Andrew J. McGuire, Town Attorney

EXHIBIT A  
TO  
ORDINANCE 17-09

[Legal Description and Map of the Property]

See following page.

# **DESCRIPTION**

## **PARCEL NO. 1**

**LOT 1 AND TRACT "A", COPPERWYND – FOUNTAIN HILLS, ACCORDING TO BOOK 460 OF MAPS, PAGE 8, RECORDS OF MARICOPA COUNTY, ARIZONA.**

**EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION; TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE AS RESERVED BY DEED RECORDED IN DOCUMENT NO. 85-347787,**

## **PARCEL NO. 2**

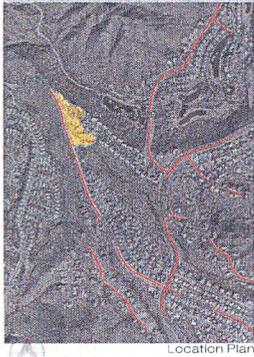
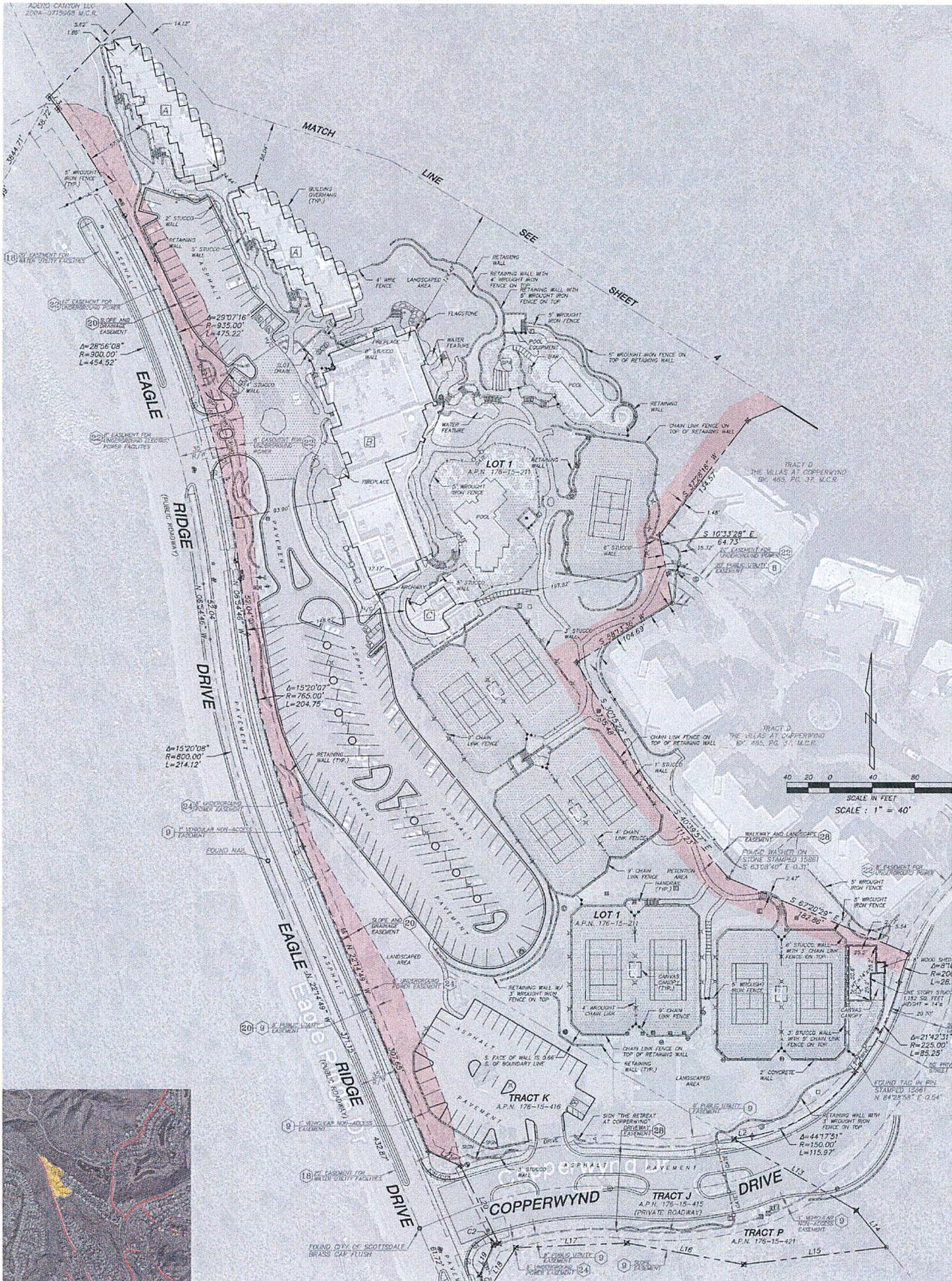
**TRACTS J, K AND P, CORDILLERA AT COPPERWYND, ACCORDING TO BOOK 483 OF MAPS, PAGE 8, RECORDS OF MARICOPA COUNTY, ARIZONA, AND THEREAFTER AFFIDAVITS OF CORRECTION RECORDED IN DOCUMENT NO. 98-1112195, DOCUMENT NO. 2001-0906959 AND DOCUMENT NO, 2002-0695742.**

**EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION; TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE AS RESERVED BY DEED RECORDED IN DOCUMENT NO. 85-347787.**

## **PARCEL NO. 3**

**TRACT I, CORDILLERA AT COPPERWYND, ACCORDING TO BOOK 483 OF MAPS, PAGE 8, RECORDS OF MARICOPA COUNTY, ARIZONA, AND THEREAFTER AFFIDAVITS OF CORRECTION RECORDED IN DOCUMENT NO. 98-1112195, DOCUMENT NO. 2001-0906959 AND DOCUMENT NO. 2002-0695742.**

**EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION; TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE AS RESERVED BY DEED RECORDED IN DOCUMENT NO. 85-347787.**



Location Plan