

RESOLUTION NO. 2018-31

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF FOUNTAIN HILLS, MARICOPA COUNTY, ARIZONA, EXTENDING THE HEMINGWAY PLANNED AREA DEVELOPMENT ZONING DESIGNATION FOR APPROXIMATELY 5.74 ACRES GENERALLY LOCATED AT THE NORTHWEST CORNER OF SAGUARO BOULEVARD AND TREVINO DRIVE.

WHEREAS, the Mayor and Town Council of the Town of Fountain Hills (the "Town") adopted Ordinance 15-05 by which the Town amended the Town of Fountain Hills Official Zoning District Map pursuant to ARIZ. REV. STAT. § 9-462.04 and changed the zoning description for that certain 5.74 acre parcel of real property described therein from C-1 (neighborhood commercial) to Hemingway PAD; and

WHEREAS, the Town granted a special use permit to the property owner for purposes of developing the real property in accordance with Ordinance 15-05; and

WHEREAS, Section 3 of Ordinance 15-05 conditioned the approval of the zoning change on the commencement of the development occurring within three years of the effective date of Ordinance 15-05; and

WHEREAS, Section 3 of Ordinance 15-05 authorized the Town to extend the time condition contained therein, provided that the Town (i) hold a public hearing prior to granting such an extension, and (ii) give the property owner and authorized representative 15 days' prior notice of the public hearing via certified mail; and

WHEREAS, the Town has provided notice to the property owner and authorized representative, and held a public hearing, the Town desires to extend the time condition for one year as authorized by Ordinance 15-05.

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

SECTION 1. The time condition in the Hemingway PAD adopted by Ordinance 15-05 is hereby extended for one year. In all other respects, Ordinance 15-05 is affirmed.

SECTION 2. The special use permit associated with the Hemingway PAD is hereby extended for one year.

SECTION 3. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to cause the execution of the easement and 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, Maricopa County, Arizona, this 5th day of June, 2018.

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

Mitesh V. Patel, Interim Town Attorney
Dickinson Wright, PLLC