

**ORDINANCE NO. 18-07**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE OFFICIAL ZONING DISTRICTS MAPS OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, BY AMENDING THE ZONING DESIGNATION OF 0.36 ACRES LOCATED AT 11639 N. SAGUARO BLVD. (AKA APN#176-08-448) FROM C-1 – NEIGHBORHOOD COMMERCIAL AND PROFESSIONAL ZONING DISTRICT TO C-3 – GENERAL COMMERCIAL ZONING DISTRICT TO ALLOW THE CONSTRUCTION OF AN AUTO SALE, SERVICE, AND DETAIL BUSINESS.

**WHEREAS**, the Town of Fountain Hills (the “Town”) adopted Ordinance No. 93-22, on November 18, 1993, adopting the Zoning Ordinance for the Town of Fountain Hills (the “Zoning Ordinance”); and

**WHEREAS**, Chapter 2, Procedures, Section 2.01, Amendments or Zone Changes, of the Zoning Ordinance establishes the authority and procedures for amending the zoning district boundaries; and

**WHEREAS**, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings were advertised in the May 9, 2018 and May 16, 2018 editions of the *Times of Fountain Hills*; and

**WHEREAS**, public hearings were held by the Fountain Hills Planning & Zoning Commission on May 24, 2018, and by the Mayor and Council of the Town of Fountain Hills on June 19, 2018.

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

**SECTION 1.** That the “Official Zoning District Maps,” codified in Chapter 3 of the Zoning Ordinance, are hereby amended to change the Zoning District designation of 0.36 acres of land located at 11639 N. Saguaro Blvd., as more particularly described on Exhibit A and depicted on Exhibit B, both attached hereto and incorporated herein by reference, from “C-1 – Neighborhood Commercial and Professional Zoning District” to “C-3 – General Commercial Zoning District” to allow the construction of an auto sales, service, and detail business.

**SECTION 2.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Fountain Hills, Arizona, June 19, 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

EXHIBIT A  
TO  
ORDINANCE NO. 18-07

[Legal Description of the Property]

See following pages.

**EXHIBIT "A"**

**LOT 8, BLOCK 1, OF FOUNTAIN HILLS, ARIZONA, FINAL PLAT NO. 302, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 156 OF MAPS, PAGE 45;**

**EXCEPT ALL MINERALS AS RESERVED UNTO THE UNITED STATES OF AMERICA IN PATENT OF SAID LAND RECORDED FEBRUARY 28, 1956 IN DOCKET 1839, PAGE 426, RECORDS OF MARICOPA COUNTY, ARIZONA;**

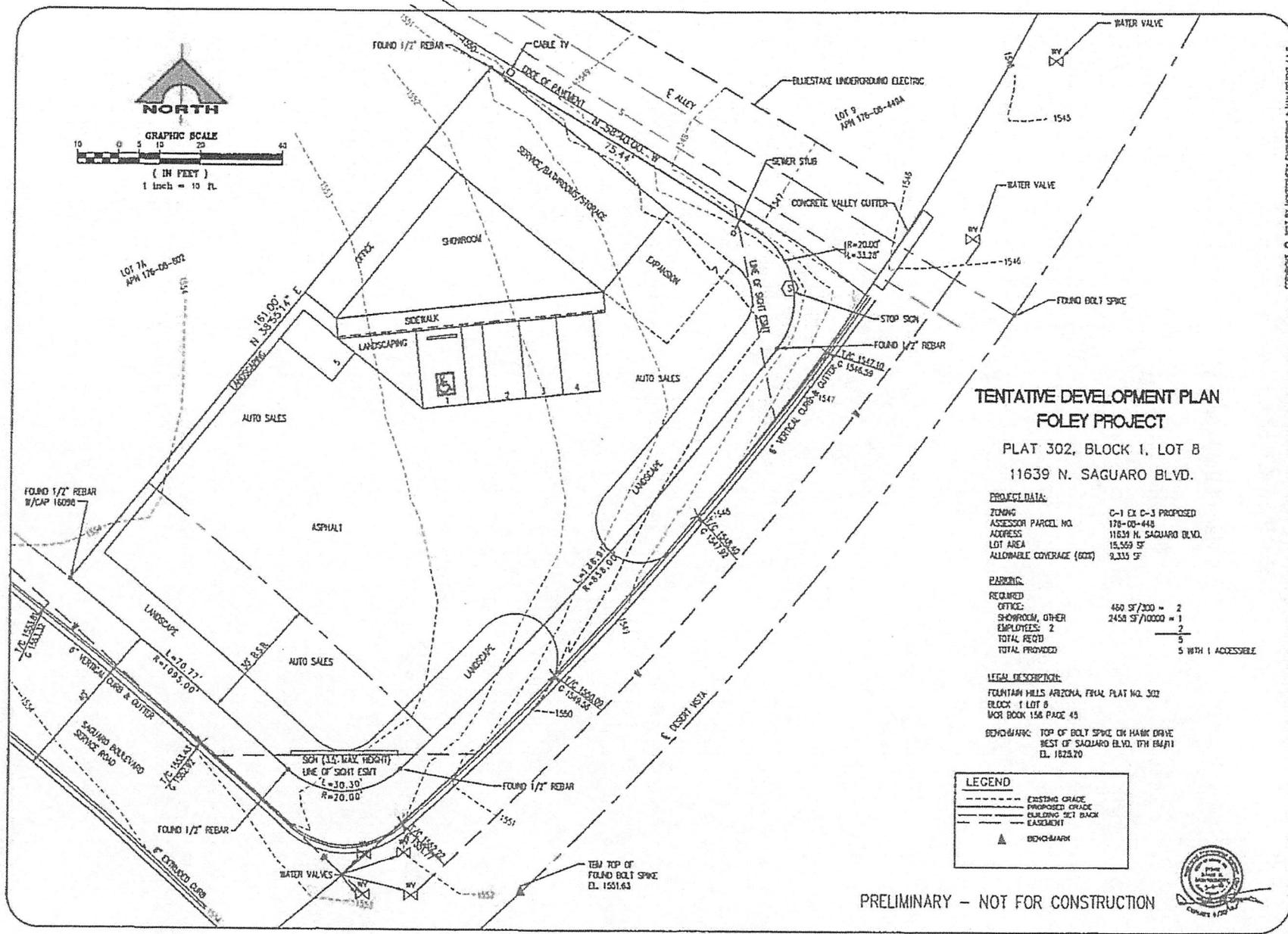
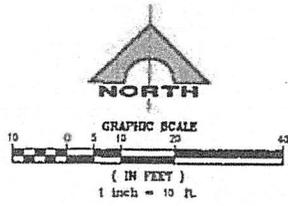
**EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, MINERALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE;**

**EXCEPT ALL UNDERGROUND WATER, IN, UNDER OR FLOWING THROUGH SAID LAND AND WATER RIGHTS APPURTENANT THERETO.**

EXHIBIT B  
TO  
ORDINANCE NO. 18-07

[Map of the Property]

See following pages.



**TENTATIVE DEVELOPMENT PLAN**  
**FOLEY PROJECT**  
 PLAT 302, BLOCK 1, LOT 8  
 11639 N. SAGUARO BLVD.

**PROJECT DATA:**

ZONING:	C-1 EX C-3 PROPOSED
ASSESSOR PARCEL NO.:	176-08-448
ADDRESS:	11639 N. SAGUARO BLVD.
LOT AREA:	15,559 SF
ALLOWABLE COVERAGE (60%):	9,335 SF

**PARKING:**

REQUIRED:	
OFFICE:	460 SF/300 = 2
SHOWROOM, OTHER:	2458 SF/10000 = 1
EMPLOYEES:	2
TOTAL REQ'D:	3
TOTAL PROVIDED:	5 WITH 1 ACCESSIBLE

**LEGAL DESCRIPTION:**  
 FOUNTAIN HILLS, ARIZONA, FINAL PLAT NO. 302  
 BLOCK 1, LOT 8  
 MCR BOOK 156 PAGE 45

**BENCHMARK:** TOP OF BOLT SPIKE ON HANK DRIVE  
 WEST OF SAGUARO BLVD. 17H EM/J1  
 EL. 1828.70

**LEGEND**

---	EXISTING GRADE
- - - -	PROPOSED GRADE
---	BUILDING SET BACK
---	EASEMENT
▲	BENCHMARK

PRELIMINARY - NOT FOR CONSTRUCTION



CONSULTOR: MONTGOMERY ENGINEERING & MANAGEMENT, L.L.C.  
**MONTGOMERY ENGINEERING & MANAGEMENT, L.L.C.**  
 16716 E. PARKVIEW AVE., SUITE 204  
 FOUNTAIN HILLS, ARIZONA 85268  
 (480) 837-1843 fax (480) 837-8668  
 e-mail: Dove@EMAZ.com

	<b>FOLEY PROJECT</b> PLAT 302, BLOCK 1, LOT 8 11639 N. SAGUARO BLVD.	DATE: _____ BY: _____
SHEET NO. 17-14-2017 PROJECT NO. 17076 DRAWN BY: DRJ CHECKED BY: DRJ	TENTATIVE DEVELOPMENT PLAN	DRAWING NO.: <b>CI</b>