

ORDINANCE NO. 19-04

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE OFFICIAL ZONING DISTRICT MAPS OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, BY REVERTING THE ZONING DESIGNATION OF APPROXIMATELY 5.74 ACRES GENERALLY LOCATED AT THE NORTHWEST CORNER OF NORTH SAGUARO BOULEVARD AND EAST TREVINO DRIVE (AKA APN#176-10-811) FROM HEMINGWAY PLANNED AREA DEVELOPMENT ZONING DISTRICT TO C-1 – NEIGHBORHOOD COMMERCIAL AND PROFESSIONAL ZONING DISTRICT

RECITALS:

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, following a public hearing held on May 21, 2015, Ordinance #15-05 was approved to rezone approximately 5.74 acres generally located at the northwest corner of N Saguaro Boulevard and E Trevino Drive (aka APN#176-10-811) from C-1 – Neighborhood and Professional Commercial to Hemingway Planned Area Development Zoning District; and

WHEREAS, Ordinance #15-05 sets forth conditions of approval of the project, including a requirement that the development of the project must commence within three years of the date on which the Hemingway PAD was approved; and

WHEREAS, Ordinance #15-05 includes provisions for up to four one-year extensions of the above-stated time condition; and

WHEREAS, following a public hearing held on June 26, 2018, the Mayor and Council of the Town of Fountain Hills approved Resolution No. 2018-31, granting a one-year extension to the Hemingway Planned Area Development Zoning District designation in accordance with Ordinance #15-05; and

WHEREAS, the one-year extension will expire on May 21, 2019; and

WHEREAS, Ordinance #15-05 includes provisions for the Mayor and Council to revert the Hemingway Planned Area Development Zoning District designation back to C-1 –

Neighborhood Commercial and Professional zoning designation by taking legislative action; and

WHEREAS, the property owner has requested the zoning be reverted to C-1 – Neighborhood Commercial and Professional Zoning District designation prior to the expiration of Resolution No. 2018-31; and

WHEREAS, ARIZ. REV. STAT. § 9-462.01(E) permits a municipal legislative body to take legislative action to cause such property to revert to its former zoning classification; and

WHEREAS, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings were advertised in the May 20, 2019 edition of the *Arizona Republic* and the May 22, 2019 edition of the *Fountain Hills Times*; and

WHEREAS, a public hearing was held by the Town Council on June 4, 2019.

ENACTMENTS:

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 revert the Zoning District designation of 5.74 acres of land located at 9700 N Saguaro Blvd, as more particularly described on Exhibit A and depicted on Exhibit B, both attached hereto and incorporated herein by reference, from “Hemingway Planned Area Development Zoning District” to “C-1 – Neighborhood Commercial and Professional Zoning District”.

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.

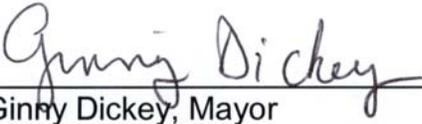
SECTION 3. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

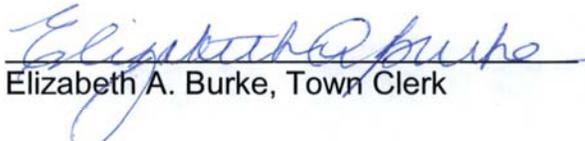
PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, this 4th day of June, 2019.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



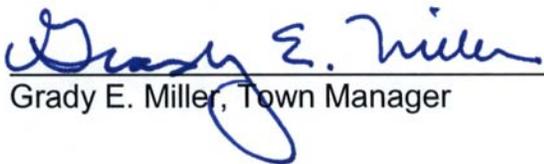
Ginny Dickey, Mayor



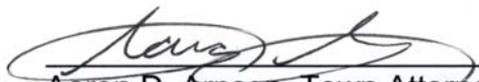
Elizabeth A. Burke, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Grady E. Miller, Town Manager



Aaron D. Arnson, Town Attorney

EXHIBIT A
TO
ORDINANCE NO. 19-04

[Legal Description of the Property]

See following pages.

LEGAL DESCRIPTION

That portion of the South half of the Northwest quarter and the North half of the Southwest quarter of Section 26, Township 3 North, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the monument line intersection of Shea Boulevard and Saguaro Boulevard from which the West quarter corner of said Section 26 bears North 58 degrees 04 minutes 18 seconds West, a distance of 1388.31 feet and also from which a Maricopa County Highway Department Brass Cap Monument for P.O.C. 243-83.30, 22 feet RT. Bears North 50 degrees 10 minutes 58 seconds West, a distance of 724.56 feet;

Thence North 42 degrees 50 minutes 00 seconds East along the centerline of Saguaro Boulevard, a distance of 775.00 feet;

Thence North 47 degrees 10 minutes 00 seconds West, a distance of 55.00 feet to the Northwesterly right-of-way line and the POINT OF BEGINNING, said point also being the Southeast corner of lot 6, Block 4, FOUNTAIN HILLS FINAL PLAT NO 403-B;

Thence South 42 degrees 50 minutes 00 seconds West along said right-of-way line, a distance of 330.45 feet to the beginning of a tangent curve being concave Northerly and having a radius of 20.00 feet;

Thence departing from said right-of-way and along the arc of said curve through a central angle of 87 degrees 25 minutes 23 seconds and an arc length of 30.52 feet to a point of reverse curvature, said point being on the Northeasterly right-of-way of a road being 50.00 feet in width and being more commonly known as Trevino Drive, said point also being at the beginning of a curve being concave Southerly and having a radius of 425.00 feet and a radial line passing through said point bears North 40 degrees 15 minutes 23 seconds East;

Thence along said right-of-way and along the arc of said curve through a central angle of 44 degrees 49 minutes 23 seconds and an arc length of 332.48 feet;

Thence South 85 degrees 26 minutes 00 seconds West, a distance of 111.13 feet to the beginning of a tangent curve being concave Northerly and having a radius of 175.00 feet;

Thence along the arc of said curve through a central angle of 42 degrees 51 minutes 31 seconds, and an arc length of 130.90 feet to a point of reverse curvature, a radial line passing through last said curve bears South 38 degrees 17 minutes 31 seconds West, said reverse curve being concave Southerly and having a radius of 7047.49 feet;

Thence along the arc of said curve through a central angle of 00 degrees 58 minutes 12 seconds and an arc length of 119.30 feet to a point of reverse curvature, a radial line passing through said point bears North 37 degrees 19 minutes 19 seconds East, said reverse curve being concave Easterly and having a radius of 20.00 feet;

Thence along the arc of said curve through a central angle of 89 degrees 35 minutes 41 seconds and an arc length of 31.27 feet to a point on the Easterly right-of-way line of Burkemo Drive, said point also being on the Easterly line of said FOUNTAIN HILLS FINAL PLAT NO. 403-B, North 36 degrees 55 minutes 00 seconds East, a distance of 69.89 feet from the Southeasterly comer of said FOUNTAIN HILLS FINAL PLAT NO. 403-B;

Thence North 36 degrees 55 minutes 00 seconds East, a distance of 260.77 feet to the beginning of a tangent curve being concave Westerly and having a radius of 230.00 feet;

Thence along the arc of said curve through a central angle of 15 degrees 21 minutes 52 seconds and an arc length of 61.68 feet to a point of cusp with a curve concave to the Northeast and having a radius of 20.00 feet a radial line passing through said point bears North 68 degrees 26 minutes 52 seconds West;

Thence Southeasterly along the arc of said curve through a central angle of 81 degrees 57 minutes 08 seconds and an arc length of 28.61 feet to a point on the Southerly line of said FOUNTAIN HILLS FINAL PLAT NO. 403-B;

Thence continuing along said line South 60 degrees 24 minutes 00 seconds East, a distance of 12.75 feet to the beginning of a tangent curve being concave Northeasterly and having a radius of 185.00 feet;

Thence along the arc of said curve through a central angle of 28 degrees 20 minutes 00 seconds and an arc length of 91.48 feet;

Thence South 88 degrees 44 minutes 00 seconds East, a distance of 99.71 feet to the beginning of a tangent curve being concave Southerly and having a radius of 715.00 feet;

Thence along the arc of said curve through a central angle of 41 degrees 34 minutes 00 seconds and an arc length of 518.72 feet to a point of reverse curvature, said curve being concave Northerly and having a radius of 20.00 feet, a radial line passing through said point bears South 42 degrees 50 minutes 00 seconds West;

Thence along the arc of said curve through a central angle of 90 degrees 00 minutes 00 seconds and an arc length of 31.42 feet to the POINT OF BEGINNING.

EXHIBIT B
TO
ORDINANCE NO. 19-04

[Map of the Property]

See following page.

MCR 20110399571

