

TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR MEETING
OF THE FOUNTAIN HILLS PLANNING & ZONING COMMISSION
NOVEMBER 10, 2025

A Regular Meeting of the Fountain Hills Planning & Zoning Commission was convened at 16705 E. Avenue of the Fountains in open and public session at 6:00 p.m.

Members Present: Chairperson Dan Kovacevic; Vice Chairperson Clayton Corey; Commissioner Mathew Corrigan; Commissioner Peter Gray; Commissioner Scott Schlossberg; and Commissioner Phil Sveum

Members Absent: Commissioner Nick Proctor

Staff Present: Development Services Director John Wesley, Senior Planner Farhad Tavassoli, and Executive Assistant Paula Woodward.



**TOWN OF FOUNTAIN HILLS
SUMMARY MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
NOVEMBER 10, 2025**

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Chairperson Kovacevic called the Regular Meeting of the Fountain Hills Planning and Zoning Commission held on November 10 2025, to order at 6:00 p.m. and led the Commission and audience in the Pledge of Allegiance and Moment of Silence

2. ROLL CALL

Commissioners Present: Chairperson Dan Kovacevic; Vice Chairperson Clayton Corey; Commissioner Mathew Corrigan; Commissioner Peter Gray; Commissioner Scott Schlossberg; Commissioner Phil Sveum

Staff Present: Development Services Director John Wesley, Senior Planner Farhad Tavassoli, and Executive Assistant Paula Woodward

Commissioners Absent: Commissioner Nick Proctor

3. CALL TO THE PUBLIC

No one from the public spoke.

4. STATEMENT OF PARTICIPATION

5. CONSENT AGENDA

- a. CONSIDERATION AND POSSIBLE ACTION:** approving the regular meeting minutes of the Planning and Zoning October 13, 2025.

MOVED BY Commissioner Corrigan to approve the regular meeting minutes of the Planning and Zoning Commission October 13, 2025. **SECONDED BY** Commissioner Corey. Vote: 6/0 Unanimously

6. REGULAR AGENDA

- a. PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION:** Relating to a request for approval of a Special Use Permit for property at 13212 N. Saguaro Blvd. (southwest corner of Saguaro and Palisades Blvds) to reduce the required number of parking spaces by up to nine spaces.

MOVED BY Vice Chairperson Corey to recommend the Town Council to approve a Special Use Permit for property at 13212 N. Saguaro Blvd. (southwest corner of Saguaro and Palisades Blvd) to reduce the required number of parking spaces by up to nine spaces and stipulations. **SECONDED BY** Commissioner Sveum Vote: 5/1

Commissioner Corrigan	Aye
Commissioner Gray	Nay
Commissioner Schlossberg	Aye
Commissioner Sveum	Aye

Vice Chair Corey	Aye
Chair Kovacevic	Aye

- b. PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION:** Relating to Ordinance 25-12 rezoning the area bounded by La Montana Dr., Saguaro Boulevard, and Avenue of the Fountains to adopt the Downtown Overlay District and to remove the existing Entertainment and Planned Shopping Plaza Overlay Districts to the area bounded by La Montana Drive, Palisades Boulevard, Saguaro Boulevard, and Avenue of the Fountains.

The following residents addressed the Commission:

Beverly Strusa
Dana Hanley

MOVED BY Vice Chairperson Corey to recommend the Town Council to approve rezoning the area bounded by La Montana Dr., Saguaro Boulevard, and Avenue of the Fountains to adopt the Downtown Overlay District and to remove the existing Entertainment and Planned Shopping Plaza Overlay Districts to the area bounded by La Montana Drive, Palisades Boulevard, Saguaro Boulevard, and Avenue of the Fountains.

SECONDED BY Commissioner Gray. Vote: 5/1

Commissioner Corrigan	Aye
Commissioner Gray	Aye
Commissioner Schlossberg	Aye
Commissioner Sveum	Nay
Vice Chair Corey	Aye
Chair Kovacevic	Aye

- c. PUBLIC HEARING, CONSIDERATION AND POSSIBLE ACTION:** Special Use Permit to allow 11 residential units on 11 non-contiguous parcels in a commercial subdivision (Plat 106) generally located north of El Pueblo Blvd. between Fountain Hills Blvd. and Ivory Dr. in the C-C (Community Commercial) zoning district.

The following residents addressed the Commission:

Barry McBride

MOVED BY Commissioner Sveum to recommend the Town Council deny the Special Use Permit to allow 11 residential units on 11 non-contiguous parcels in a commercial subdivision (Plat 106) generally located north of El Pueblo Blvd. between Fountain Hills Blvd. and Ivory Dr. in the C-C (Community Commercial) zoning district. **SECONDED BY** Commissioner Gray. Vote: 6/0 Unanimously

Commissioner Corrigan	Aye
Commissioner Gray	Aye
Commissioner Schlossberg	Aye
Commissioner Sveum	Aye
Vice Chair Corey	Aye
Chair Kovacevic	Aye

- d. DISCUSSION:** Review and discussion of regulations and court decisions regarding small cell wireless facilities in the Town's rights-of-way.

No Action Taken

7. COMMISSION DISCUSSION/REQUEST FOR RESEARCH TO STAFF

No Action Taken

8. SUMMARY OF COMMISSION REQUESTS FROM DEVELOPMENT SERVICES DIRECTOR

9. REPORT FROM DEVELOPMENT SERVICES DIRECTOR

10. ADJOURNMENT

MOVED BY Commissioner Corrigan to adjourn the Meeting of the November 10, 2025, Planning and Zoning Commission Meeting, **SECONDED BY** Vice Chairperson Corey.
Vote: 6/0 Unanimously

Chairperson Kovacevic adjourned the meeting of the Fountain Hills Planning and Zoning Commission at 7:35 p.m.

Post-Production File

Town of Fountain Hills
Planning and Zoning Commission Meeting Minutes
November 10, 2025

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be a totally verbatim record of the proceedings.

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KOVACEVIC: Okay. I'd like to call to order the November 10th regular meeting of the Planning and Zoning Commission, and all rise and say the Pledge of Allegiance.

ALL: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

KOVACEVIC: Thank you. Paula, you can please take the roll?

WOODWARD: Chairman Kovacevic?

KOVACEVIC: Here.

WOODWARD: Vice Chair Corey?

COREY: Here.

WOODWARD: Commissioner Sveum?

SVEUM: Present.

WOODWARD: Commissioner Schlossberg?

SCHLOSSBERG: Here.

WOODWARD: Commissioner Gray?

GRAY: Present.

WOODWARD: Commissioner Corrigan?

CORRIGAN: Here.

WOODWARD: Commissioner Proctor is not here.

KOVACEVIC: Okay. We have the statement of participation. Anyone wishing to address the commission regarding items listed on the agenda or under call to the public should fill out a request to comment card, located in the back of the counsel chambers, and hand it to the clerk prior to consideration of that agenda item. Once the agenda item is started, late requests to speak cannot be accepted.

When your name is called, please approach the podium, speak into the microphone, and state your name and if you are a resident for the public record. Please limit your comments to three minutes. It's the policy of the Commission not to comment on items brought forth under call -- call to the public. However, staff can be directed to report back to the Commission at a later date or to schedule items raised for a future commission agenda. It is also requested that applause be kept to a minimum to avoid

disruption of the meeting, to maintain decorum, and to provide for an equal and uninterrupted presentation. And do we have any speaker cards for call to the public?

WOODWARD: No, Chair.

KOVACEVIC: Okay. The -- I'm looking for a motion to approve the meeting minutes of October 13th.

SVEUM: So moved.

COREY: Second.

KOVACEVIC: Okay. All in favor?

ALL: Aye.

KOVACEVIC: 6-0. The regular agenda public hearing with consideration and possible action relating to a request for approval of a special use permit for property at 13212 North Saguaro -- Saguaro Boulevard, the southwest corner of Saguaro and Palisades Boulevards, to reduce the required numbers of parking spaces by up to nine spaces. Director Wesley?

WESLEY: Chair, Commissioners, good to see you all here this evening. I'll run through a quick presentation. The applicant is here to answer questions, too. I believe we can go from there.

So just a little background: we are dealing with a lot here in Plat 208, particularly the corner lot at Saguaro and Palisades. In the zoning district overlay that's there, any of the lots of 10,800 square feet or greater are required to provide their own parking, but there is a provision that allows for a reduction of that required parking by up to fifty percent through approval of the special use permit. And as stated, they're [sic] asked for removal of some of the spaces along the south side of the building -- that's up to nine spaces along that south side -- in order to put in a drive-through lane. It's a three-tenant building currently, it has forty-one spaces, and forty-one spaces are required. So therefore removing any of those does require this consideration. There are existing drive-through lanes on the east and west sides of the building. The proposal that you have before you does show the spaces here along the south side of the building that would be removed and then reconfigured with an extended drive-through lane. As you

can see in the -- in the larger area, that drive-through lane goes up to the existing window. They're wanting more stacking capability and to put in a new order box to the south of the building in this location in order to help with that drive-through access. The zoning ordinance sets forth the criteria for the Commission to consider in reviewing and making a recommendation on a special use permit. The first one of those is to consider whether or not the approval would be detrimental to the public health, safety, peace, welfare, or comfort of the neighborhood. And so again, in this case, the Code requires forty-one spaces and forty-one are provided. With the existing uses that are in the building, the parking lot generally has space available. I don't think I've ever seen it anywhere near full. And so the change shouldn't impact it too much. Dairy Queen projects a need for about sixteen spaces in the parking lot. So again, that -- appears there would be plenty.

As we look at the larger area, I did a calculation using the eastern end of the Plat 208 area and counted the number of existing parking spaces available, the number of the square footage of the building -- buildings available, and the vacant ones, and projected what they might be with normal development. And with that, I counted 216 existing spaces and build out of these properties -- again, excluding the two larger lots -- would need around 142 spaces. So again, there appear to be extra spaces within the area to take the loss of spaces in this particular parking lot.

Second question is, will approval be detrimental to the current commercial improvements within this area? So stacking of seven vehicles behind the drive up window, that's one of the considerations and concerns, maybe, here. We'll talk about this a little bit more when we get back to the site plan itself. But is that really sufficient to keep the traffic moving and not block some of the traffic movements in that -- that area? The applicant has stated they can come out and monitor that. They'll have some signage and could put out some cones and so forth to help direct that traffic. And then a concern with any overflow parking that may happen, and where that -- that would take place. If -- if the center does get full, will it impact any of the adjacent properties? So looking at that, again, in this slide, you can see that when you stack those -- those

cars, if you get another car that's -- that's in this location, you start to block the parking spaces. You're blocking the drive aisles that comes in. It can create a challenge for access into these parking spaces along the south side of the driveway. And the concern expressed by the -- the property owner to the south that's working on opening a restaurant in that location is, if there is overflow parking needed, these are the most likely spaces for them to use, and those would or could impact her business. And so the desire is to see that any overflow parking would go further to the west. And looking at the drawings that were submitted a little closer today, I did note that when I measured the distance on the drive aisle here, it measures here at twenty-two feet, but when I actually measured on the aerial, it's thirty feet. So there is a little bit more room in here than the way it looks on this particular drawing for that traffic to circulate, but that -- it still could create a bottleneck in this location.

So looking again at the whole access into this lot and to access the drive-up window, and I think people will probably learn that this route coming off of Palisades will be one of the easy ones to get them lined up. You know, someone coming in here is going to have a little bit of a challenge. This is a drive-up window for this business, so somebody there accessing that, then they would be held up. This is, kind of, narrow and would create a little bit of a problem. Some folks coming off of Saguaro could, again, try to do this. Hopefully -- and I believe they're going to try to sign it, so that would encourage them to do this maneuver to get into that drive-up lane if it's full. But one other thing to note is there has been a Dairy Queen in this location previously. The drive-up window is there, the drive up lane was there. Their alternative could have been to just put the Dairy Queen in and just use the existing bay as it was there, and have room for four cars, and create many of those same problems even closer to the driveway here at Saguaro. So this is an improvement, to extend this drive-up lane to provide greater access into the building.

The third comment brought up or question in the Code is, will this be injurious to the general welfare of the town? And the staff was not able to identify anything we thought was, generally, a problem to the town, with consideration and approval of this request.

So there was an issue raised in the staff report. Fountain Hills Sanitary District has a concern because there's an existing grease interceptor in the -- what will become the drive up lane. Currently, it's a landscaped island. And they were concerned about being able to access that when needed, if it would interfere with the drive up lane access. Since the report went out, the applicant has agreed to provide a new location for that. And here, kind of, right between where all the different access movements might take place. So they could block that off and not really interfere with traffic flow. So the site plan will be modified to show that.

And so with that, staff does recommend approval of this request with a couple of conditions. One is requiring that any employees of the businesses not park in those parking spaces immediately south, as shown in that previous slide. Be a little bit of a challenge to enforce, but it's something we could do if it was included. And then also, that would include the revised site plan, moving the grease interceptor. You may recall at your last meeting, there was discussion about some changes in design guidelines. One of the items included in that -- that ordinance change and discussed a little bit here by the commission is, there is a statement in Section 19.03 of the Zoning Ordinance about stacking. It includes the number of eleven parking spaces. We have as we were taking that forward to the town counsel, looked at what was brought up here at the P and Z Commission about that number. Farhad did some extra study about what other communities have in their codes. And as we're taking that to the counsel, we're recommending that they change that number from eleven down to six for this type of facility. So this would meet that requirement. Also, in reviewing this, maybe didn't state it clearly in the -- in the staff report, but as design guidelines currently -- while they do have some -- some shallow statements in there, they are guidelines currently. So it's not as clear how applicable the number eleven is in the Code today. But again, we are proposing that be changed. Any questions that you have for me at this time?

KOVACEVIC: Commissioner Gray?

GRAY: Thank you, Chair. John, just -- we're not traffic engineers, obviously, but it seems like -- it seems like this could be one of those, you know, kind of, good ideas short-term

that has adjacent stakeholder impacts down the road that are, kind of, unforeseen. Did -- did we look at just reversing the flow of that-- of that drive-through lane? So you, you know, you would feed it off of the -- the front elevation there and then just allow those cars to egress off the Saguaro curb cut. You'd have that -- that ride only out. The reason I suggest that is you've now self-contained, you know, any queuing, you know, on the -- on the east end of the building where this -- where this tenant's occupied, you've kind of ensured that there's not a obstruction to the dry cleaners drive up, drop off workflow they've got there. And I think that those nine spaces to the, I guess it would be, south of the building behind the building, I think if you take those out as service spaces, as delivery spaces, you know, as as everything back of house, I think there's going to be some unintended consequence of that. So I'd be in favor of, you know, of this whole general concept, but probably with the caveat that that -- that that drive-through workflow would be reversed and fed front to back.

WESLEY: So Chair and Commissioner Gray, I know that's not anything that we have considered. I understand what you're addressing. I think that would be something to talk to the applicant about, to see how possible that would be from their -- their end.

KOVACEVIC: Commissioner Corrigan?

CORRIGAN: Just one -- one question and then one comment to, maybe, help the idea of reverse flow. I actually drove through it, and you know, it works. Do you know, John, when it was a Dairy Queen before, what was the traffic concern? Did it ever get out of -- I mean, I know that might have been a long time ago. Population has changed. We're now 23, what, 439, or something like that. And maybe we were, what, half that number at the time? Or so -- I know the traffic is probably, you know, changed over time. But was it a problem in the past? Off of Saguaro?

WESLEY: Chair and Commissioner Corrigan, I have no information on if there are any issues with that before.

CORRIGAN: And then the other thing is, yeah, I concur with Peter. However, I did try to drive it in reverse. And the challenge there is, your ordering side makes the passenger the person who's going to order if you reverse the flow. And secondly, there's a -- if you

notice on here, there's a real tight curve from that outcropping of the curbing next parallel to the parking. So it is tough to try to make that turn, and then it just doesn't work, you know, logistically. But I agree with Chairman -- sorry, Commissioner Gray, that this might be a concern, having to rely on the pylons -- cones as some sort of crowd control or spacing or whatever you might call it. And so that is a potential concern. If it worked before, it'll work again. But I'm just those are some concerns I have too.

KOVACEVIC: Okay. Just a couple questions. The agenda packet refers to a letter from the HOA and I -- that's Plat 208?

WESLEY: Yes.

KOVACEVIC: And what's the letter say?

WESLEY: Is it not included in there? They were in favor. They had no issues with the allocation of the parking. They can't assign specific spaces to go to this facility, but they have no -- no problem --

KOVACEVIC: Okay.

WESLEY: -- with it.

KOVACEVIC: All right. And if something happened that Dairy Queen didn't open and we approved the reduction, does the parking requirement go back to Code?

WESLEY: So yes, Chair, it runs -- if nothing happens within the time frames allocated here in the Code, then it would expire.

KOVACEVIC: Okay. That's all for now.

LEONARD: My name is Jack Leonard, Leonard Architects in Phoenix. We were the architects working with Dairy Queen on this. We had actually looked at trying to be able to bring it from the other side, but like you said, is -- the -- the side, the passenger side first, the driver's side, it, sort of, dictates the way the traffic has to flow.

Previously, it was a Dairy Queen in about 2003, and it had stacking for about three cars from the -- the ordering window to where you picked up the food, and then maybe one car behind that. It was very short. It seemed to work for them perfectly fine. What we're looking at doing is -- you know, and you also had mentioned that that curve radius is pretty tight getting around the corner. Since that original plan, we sent John a revised

plan where I think we originally had, like, a nine foot radius for that turn. We increased that to a fourteen foot minimum radius on the inside for that turn to make it a little bit wider, and we, sort of, flared it out. And so what we're going to end up with almost half again as many cars being able to stack now on the property.

The owner has agreed that they would monitor this thing and that if there is any traffic building up, they will get out there and put out cones and monitor it to make sure that that doesn't happen. And they can also take -- and, you know, one of the things too is the entry to the suite is to the north side from there. So anyone that's going into Dairy Queen will be coming in from the north. It's just the people that are using the drive up will be on the south side of the building. The owner also can take and have their employees park in the shared lot to the -- slightly to the west of this property so that they're not taking up any of the spaces as well.

So we think we're in a good position to address all these things. We had two public meetings. We met with the HOA, 208, met with their concerns. We met with the owner of the octagon building and her concerns about the traffic, maybe, blocking -- or people taking theirs. And she felt very comfortable that we had plans in place to address that. And then the only other issue that came up was the grease interceptor, and we're going to relocate that so it's not in their path. So hopefully we've addressed all the city and the neighbor -- town and neighbor concerns for this property. So if you have any other questions for me, I could address those or the owner as well.

KOVACEVIC: Commissioner Sveum?

SVEUM: Is this Dairy Queen able to take mobile orders so that perhaps there could be mobile order pickup in the front rather than going through the drive-through?

VERMA: Yes. There will be a spot for mobile order pickup in the front.

SVEUM: Well, that might reduce the number of people going through the drive-through.

VERMA: We are pushing more mobile because with all the with all the hassles that we face with labor, mobile ordering makes our life much easier.

SVEUM: Yeah.

VERMA: Oh. I'm sorry. My name is Amit Verma, and I'm from Phoenix. I don't know if I was --

KOVACEVIC: Hi. Nice to meet you. What store format is this going to be? Is it going to be a grill -- grill and chill?

VERMA: It's going to be a grill and chill.

KOVACEVIC: Okay. How many tables? How many seats?

VERMA: It will have twenty-eight seats and the patio.

KOVACEVIC: Okay.

VERMA: Excluding the patio.

KOVACEVIC: Okay.

VERMA: I may be wrong on the number, but I --

KOVACEVIC: Is there going to be signage out on Palisades direct -- where traffic will recognize it and -- and make the turn? And where is that signage going to be?

VERMA: It will be, again, on Palisades. It will not be there where -- not that entry where it is. Can I -- oh, can I just show it here? Okay. Okay. It won't be over here. Sorry. That's just -- it won't be over here.

KOVACEVIC: Okay.

VERMA: It would be over here.

KOVACEVIC: Okay. So -- so they'll be making the turn into the main --

VERMA: -- entrance and come back, because of the fact that if they start coming in here for the drive-through, there is no way to get into the drive-through, because this lane is being used by the --

KOVACEVIC: Right.

VERMA: -- by the dry cleaner.

KOVACEVIC: So it'll be -- it will be well-designated --

VERMA: Yes.

KOVACEVIC: -- that that's the turn for Dairy Queen.

VERMA: And over here also on Saguaro, we will not put it here because then if we put it here, of course, they will try to come around here and take a U-turn. So it will be

further down here.

KOVACEVIC: Okay. Great. That's -- that's all I have. Can you show us -- show where the patio is on the --

VERMA: Oh, sure. It's right here. It's a very small patio right here. It's already built in.

WESLEY: It's existing.

VERMA: It's existing. Yeah.

KOVACEVIC: Okay. Thank you very much.

VERMA: Thank you very much -- thank you for your time.

KOVACEVIC: Oh, Commissioner Corrigan, I'm sorry, might have another question.

CORRIGAN: So is that the -- when I drove by and drove through, is that the one table with the four chairs? Is that -- okay.

VERMA: Yes.

CORRIGAN: All right. Thank you. Thank you, Chair.

KOVACEVIC: Okay. Thank you.

Okay. Commissioners, any thoughts? Any -- any comment cards from the public?

WOODWARD: No, Chair.

KOVACEVIC: No comments? Anybody want to make a motion?

WESLEY: (Indiscernible) for the treats?

GRAY: Yeah, Chair, I'll just make one. Just for the record, I'm not going to support taking out those parking spaces tonight. I just -- I -- I like the -- I like the idea of the Dairy Queen being there. I think there's a way to make it work. I just think it's potentially detrimental to the -- the parcel to the to the south that ends in 062. And I think that Plat 208 in general just makes a -- a circulation nightmare of trying to -- to navigate to that. So I want to see the business go in, I just don't -- I'm just not going to vote in favor of taking out those parking spots.

KOVACEVIC: Anybody else?

CORRIGAN: What's -- is there a -- is there a way to resolve that? Again, I just wanted to maybe address Commissioner's concern.

WESLEY: Chair, Commissioners, an applicant can come back up if they feel like they

need to. When they first brought this in, they were planning to -- I think they were still planning to take out the spaces, but not put the drive aisle quite so close to the building. But then that started blocking even more the traffic coming in. And so, told them they really do have to move them out of this lane so they're not blocking the incoming traffic. And so I guess that's the alternative. They -- they leave the parking spaces there, and then they just stack behind it. And I think that's a worse problem.

GRAY: I just, you know, part of this is -- we see this from time to time. You know, the exhibit leads me to not like it. It leads me to not like it because there's a car who's had to encroach in the parking spots to the south in order to make the radius there, and --

WESLEY: As the Chair -- or commissioner, if I may, I've always viewed that as showing that a car can still access these parking spaces, is what that car is doing. It's not somebody trying to get in there. So maybe I'm wrong in interpreting. That's what I've always looked at that as.

GRAY: I think that car could be going either direction.

WESLEY: Could be.

GRAY: And then I also -- you know, I also just kind of look at the, you know, the back of the back of house, the service side of -- of the restaurant and the service side of the adjacent tenants there. You're going to stack people who are pulling up to get their cheeseburger and Butterfinger frosty -- or not frosty. It's not frosty there. What is it?

WOODWARD: Blizzard.

GRAY: Butterfinger Blizzard. And somebody's hauling out the trash. I just -- I just don't like it. Well, I'm just saying I don't like it. You can vote for it, I'm not.

KOVACEVIC: Commissioner Corey?

COREY: Thank you. Yeah. So just to go on to the record, I don't see any problem with removing the parking spaces. I mean, we're looking at a map here of, like, they're all parking spaces. I think there's -- there's plenty of parking here. And I think that makes sense to, kind of, redirect the traffic there. And we're also looking at seven cars. I mean, maybe that's a time of the day when high school just got out of class and everybody's lining up, but I can't see that happening all the time. So I'm sure for the

most -- for the most part, it's just going to be a few cars lined up. But I think it makes sense. You know, there's plenty of parking all around there for everybody else, so just, I don't have a problem with that. I think it's a good plan.

KOVACEVIC: Commissioner Corrigan?

CORRIGAN: Just two observations. Is it really necessary, John, to forfeit all the parking? Could there be a compromise where -- and I understand, you know, Commissioner Gray's concern, because I recognize the traffic from the owner is saying it'll come in from Palisades and there'll be a natural flow -- pardon me -- throughout the back of the building all the way through. And I would think that most of the traffic flow would probably not follow that pattern since the signage is coming from Palisades and not from Saguaro. I don't know that to be true, and we'll see what happens when the restaurant opens. Is there a way -- my question is, back to the question, is there a way to mitigate that with maybe leaving four parking spaces and taking out the balance?

WESLEY: Chair and Commissioner Corrigan, certainly. Every time you add a space back in here along the south side, you're moving this access aisle over, and so you're reducing one or two of these spaces within the stacking area. Those cars are still likely to be there from time to time, and now they're blocking somebody's parking space. And that's what we're trying to avoid in the Code. So I'm not sure you really add anything to that if this basic pattern is going to stay the same, and we've heard from the applicant why it needs to flow this way.

KOVACEVIC: So -- so the parking -- go ahead, sir.

UNIDENTIFIED SPEAKER: We went back and forth on the number of spaces quite a few times. Dairy Queen likes the idea of a minimum of five stacking spaces from the auto window to where you pick up your order so that they have time to cook the food and have everything ready in that -- in that amount of time. And then we wanted to be able to make sure that behind that car, we had enough room for a couple cars to be stacking so they weren't taking up the drive aisle. So this was sort of a compromise between Dairy Queen standards and the town standards to be able to -- the biggest thing we went back and forth on was being able to make sure that we didn't have any cars that

were going to be blocking the traffic lane, and that was our big issue, was keeping the drive lane free for the people to the south -- but just people going back and forth and trying to get around the site. So we were -- again, it was a compromise to be able to look for a space that were going to work for everybody and keep them out of the drive lane.

One other thing that John had mentioned was that the actual drive aisle there is -- it is thirty feet, and I think is it twenty-four or twenty-five ish are standard.

WESLEY: Twenty-six.

Twenty-six, okay. So you know, we're a little bit wider. So some of those cars that will be overhanging, we're still not going to be blocking the drive lane. But Dairy Queen was comfortable with the number of spaces of seven, five from the window to the order pickup and then two behind as a -- as a good compromise to be able to keep the drive lane free. And that was the biggest issue for us and for the town. So any other questions for me?

KOVACEVIC: Anybody else? I -- it is a rare occasion when Commissioner Gray and I don't agree. But I -- it would be -- it would take, the way I'm looking at it, about eleven cars to get back to block the drive at the west end of the building. It was important -- I thought the most important consideration was the signage out on Palisades being on that main drive and not on the drive -- not on the curb cut right in front of the center. I think that that, you know, bringing the traffic through the parking lot is will alleviate some of the problems for the adjacent centers. And I don't think they -- this property is part of Plat 208. There is a lot of Plat 208 parking, and so I'm -- I'm inclined to support it. Anybody else? Can we have a motion?

CORRIGAN: All right. I will --

KOVACEVIC: Commissioner Corrigan?

CORRIGAN: I'll make a motion to recommend approval of the SUP 25 to allow reduction of nine parking spaces, subject to the conditions that they've listed, which was resolving the issue of locating the grease interceptor and requiring the employees to park off-site.

COREY: Second.

KOVACEVIC: Any further discussion? Paula, may we have a roll call vote?

WOODWARD: Commissioner Corrigan?

CORRIGAN: Aye.

WOODWARD: Commissioner Gray?

GRAY: Nay

WOODWARD: Commissioner Schlosberg?

SCHLOSSBERG: Aye.

WOODWARD: Commissioner Sveum?

SVEUM: Aye.

WOODWARD: Vice Chair Corey?

COREY: Aye.

WOODWARD: Chairman Kovacevic?

KOVACEVIC: Aye.

WOODWARD: 5-1.

KOVACEVIC: Okay. We can move on to public hearing relating to ordinance 25-12, rezoning the area bounded by La Montana, Saguaro, and Avenue of the Fountains to adopt the downtown overlay district and to remove the existing entertainment and planned shopping center overlay districts to the area bounded by La Montana Drive, Palisades Boulevard, Saguaro Boulevard, and Avenue of the Fountains.

WESLEY: Chairman, I think that was my whole report right there. Just a little bit more background, particularly for the public. So as you know from your work on it, we have a new downtown overlay that you all spent some time looking at through the spring of last year. Council approved that new overlay district at their meeting on September the 2nd. So we're now going through the process of actually doing the rezoning to apply that new overlay to -- to the area.

To prepare for this meeting, we did institute the citizen participation process as well as provide public notice. We mailed notice to all property owners within the area, including 300 feet around, posted the area, published the notice in the paper. We did receive a number of calls, particularly from some of the residents north of la Montana

and west of Saguaro. So adjacent to -- to in the overlay is the Innovation District. And then a couple of property owners within the area did call and ask some questions about -- about the zoning district.

So here is the existing zoning. You see most of the area zoned Zone C2. We have one little spot of C3PD within this area. And currently, the area between Palisades Avenue and Fountains, La Montana, Saguaro has the two overlays, entertainment and planned shopping plaza overlays with this rezoning. If approved, we -- the two overlays would go away, replaced with the new overlay. All the base zoning underneath would stay the same.

And this is a quick reminder, or for those who aren't aware of the overlay, just to quickly touch on what it includes: it covers this area, divides the overall area into three subdistricts. And I want to make it clear, those -- we start looking at these, we're not debating the contents of the overlay. That's been approved by Council. That's in place. The only action this evening is consideration of doing the rezoning. But just so everybody is aware again of what is within that overlay district, some of the key points of it: within the Avenue Subdistrict, C1 through C2 zoning uses does limit activity within fifty feet of the street to retail, entertainment type activities. Everything else is pretty much the same. Does allow the residential use up to thirty-five units per acre, but no residential on the ground floor. In the business district, kind of, in the middle of it, again, allows all the commercial uses -- and does allow 350 units per acre. That's good. It should be thirty-five. Got to fix that for the next presentation -- by right on the upper floors and requires the SUP on ground floors. And then in the Innovation District, again, allows the commercial uses, allows -- the change here is some of the employment type uses, the laboratories, manufacturing assembly of nonhazardous and nontoxic materials, light assembly, storage, and like all the other C2 zonings, would allow residential through an SUP.

And so that is my presentation for you this evening. Staff does recommend approval of the change in the overlay districts. Any questions for me at this time?

KOVACEVIC: Commissioner Sveum?

SVEUM: John, what are the other limitations on the uses on first floor besides no residential? I mean, are we back to this service business versus retail or --

WESLEY: So Chair and Commissioner, yes. If I understand your question here in the Avenue district, when counsel considered and approved the overlay, they did go back to the more restrictive version --

SVEUM: Right.

WESLEY: -- of the ordinance.

SVEUM: Okay. But I'm talking about the business district and the --

WESLEY: The business district? Those didn't change. And so as it is today and in the -- in the overlay, in the business district area, you can have ground floor and upper floor residential. Ground floor today requires a special use permit. That would still be true. But the upper floors, by right, up to thirty-five units per acre, versus the eight today.

SVEUM: But if it was -- if it was a service business, an insurance company, that's fine. That's the first floor.

WESLEY: That's. Yes, that's where we want them, is in this District.

SVEUM: Right. Um-hum. Okay. Thanks.

KOVACEVIC: Okay. Are there any comment cards from the public?

WOODWARD: Yes, Chair. There's two. The first speaker is Beverly Strusa(ph.) to the podium, and after her will be Dana Hanley.

STRUSA: Good evening. I'm Beverly Strusa, and we live in La Casa Cafetal. So we're right across the street from -- from this change. But I think we're concerned about the Innovative District [sic].

WOODWARD: Excuse me. Can you speak into the mic, please? Thank you.

STRUSA: Sorry. The Innovative District. What companies are interested in moving in there, and what are they planning on doing? Do we know?

KOVACEVIC: I don't -- I don't know the answer to that.

STRUSA: It just seems like to want to change it, there has to be some idea as to why you want to change it. For -- for who, you know? Because now it's -- I believe it's zoned for C2, and it's changing from -- to a C2D? So light manufacturing is going to be going

into that area, correct?

KOVACEVIC: We don't know. Not necessarily. It's -- it's allowed to, if a light manufacturer decided that's where they wanted to be, they would now be allowed to do that.

STRUSA: Okay.

KOVACEVIC: But -- but it doesn't necessarily -- that doesn't necessarily mean that's what's going to happen.

STRUSA: But there will be no biohazards, anything like that, correct?

KOVACEVIC: That would be prohibited. Right? And John, you can -- yeah.

Nonhazardous, nontoxic materials.

STRUSA: Okay. What other parts of Fountain Hills are classified as C2D?

KOVACEVIC: Are there any other, John?

WESLEY: So Chair, this would be the only location, certainly at this time. That doesn't mean it couldn't happen in the future. But this is the target for that type of use.

SVEUM: John? Sorry.

KOVACEVIC: Commissioner Sveum?

SVEUM: John, can you let her know, or let the people that are here know, whether or not there's any potential users that are looking to redevelop part of it? Because it's built out.

WESLEY: Chair, Commissioners, there are no active users in the pipeline that I'm aware of at this time. There have been a few in the past that, kind of, what got us thinking about this. Some bioscience users that were looking at some of the existing buildings in this area, and we weren't able to accommodate them, but they seem like they were really good fits.

STRUSA: Could you let us know who those users would be that would be interested?

KOVACEVIC: I'm sorry?

UNIDENTIFIED SPEAKER: (Indiscernible)

KOVACEVIC: Yeah, I can't hear you.

STRUSA: Um-hum.

KOVACEVIC: Okay. All right. Yeah. If you could finish your --

STRUSA: Okay. I think that was it. Yeah, I think that's it.

KOVACEVIC: Okay. Yeah. Okay. Yeah. Well, let's have our next speaker.

HANLEY: Hi, I'm Dana Hanley. I'm a resident of Fountain Hills. Again, Casa Cafetal. I've -- I've got several concerns. And you're saying that you don't know who's going to be in there, what sort of companies -- that you have none at the time. But I'm thinking about the scale and the -- the visual impact of this from. And I'm being selfish from our own property. Right now we have a beautiful view of Red Mountain. And if we've got a three-story building going in there, which I realize the -- the original zoning was -- could allow for a three story, but I just feel like it's just kind of, you know, you've got three sides of this area that are residential. So I feel like it's really impacting that. I'm concerned about noise, emissions, lighting. If there's manufacturing, they can generate -- I mean, they could be around the clock. So I'm concerned about that, which means, you know, traffic, parking, trucks coming in and out. I'm again, I'm concerned about the proximity to our residential area, with all of that could be going on in that. So it's currently, like I said, surrounded by three sides of residential. And then it could increase industrial activity, which again, it's just a traffic and a noise issue for me. You know, we have an existing industrial area south of Shea. So I'm feeling like, why do we want to have this now right in town? It just -- to me, it doesn't make sense. And again, maybe I'm being selfish because it's right in front of us, but I just feel like it doesn't fit into the character of that particular area.

Now, I realize we do have Humana. We've got Dutch Bros. So there there are some retail over there. There's the old Mayo building, which I saw. There was a lot of activity going on there, like, maybe six months ago. And then it suddenly just kind of came to a halt. There's piles of gravel that they look like they were going to be, maybe, spreading around and redoing the irrigation. But then I've seen nothing else happen. So I was wondering if that was one of the buildings that was, maybe, going to be redone or refitted for some other type of company to come in, but I'm just -- I just feel like maybe -- and this is probably not the place to do this, but to maybe amend the zoning --

the base zoning to something that's more community commercial as opposed to some kind of innovative business district right across the street from, you know, the residents. So I mean, I'm not opposed to, you know, responsible, thoughtful growth. I just feel like I want a development that's going to be aligned with our existing community, and I just feel like we're opening ourselves up to some potential headaches. And that's it.

KOVACEVIC: Well, thank -- thank you. Any other speaker cards, Paula?

WOODWARD: No, Chair.

WESLEY: So Chair, Commissioners, a couple of things to comment back. And I do appreciate those neighbors. They're coming from the area immediately across La Montana and certainly could be impacted by some activities that could -- could happen over here. Unfortunately, this is the best area that I have, and it's covered up with some things. But as was commented on, the base zoning doesn't change that. Base zoning currently allows forty foot of height, and so that won't change. And so there could be three-story office buildings built there today. The lights are controlled by our outdoor light control ordinance, regardless of what the zoning is. The lots that are here are indeed mostly built on. There's an area here, possibly, but I think it may take care of some drainage. There's one vacant piece over here, but we do have a vacant building along Palisades. And we've had some issues filling the other building here at the corner of Palisades and Saguaro. And some of the uses that have looked at that building, I can't get any more specific because they've dealt mostly through economic development, and so I just don't have the details. But bioscience-type of businesses that we think would be good additions to the town, but didn't fit within a C2 zoning district, that's what has prompted this request to make these changes. And so while I can't say that this change wouldn't result in or couldn't result in some changes, somebody deciding they really do want to come in and tear down a good building that's here and build something back bigger, they could do that under the current code. Is it more likely under the change because there's more uses available? Maybe. But still, in this economy, not very likely. And so the types of uses that are being added or have been added to the overlay, we feel are pretty low in intensity. Given the small size lots, you're not going to have large

buildings. This isn't a place that's going to drive a lot of truck-type traffic of any size. So staff is comfortable with the overlay district, as it's been approved by the Town Council and applying it in this area.

KOVACEVIC: Commissioner Corey?

COREY: Yes. Thank you for clarifying that, John. And I think Beverly and Dana are concerned with, like, the industrial part of it. Could there be, you know, trucks coming in and moving around stuff. And that is still -- we try to get that to happen in the industrial area. So this is more just about, like, the types of businesses that would occupy those buildings versus changing it to be trucks loading in and out and whatnot, so. And John clarified the lighting would follow our lighting ordinance. So if anything changed out there, they would still have to maintain low lighting with shields so it wouldn't block, you know, and shine into your buildings. And of course, there's noise ordinances, too. So I totally understand where they're coming from.

KOVACEVIC: Yeah.

COREY: Yeah.

KOVACEVIC: Anybody else? Anybody want to make a motion? Yes, Commissioner.

COREY: All right. Well, I would move to recommend adoption of the ordinance 25-12.

KOVACEVIC: I'm looking for a second.

GRAY: I'll second.

KOVACEVIC: Okay. Can we have a roll call?

WOODWARD: Commissioner Corrigan?

CORRIGAN: Aye.

WOODWARD: Commissioner Gray?

GRAY: Aye.

WOODWARD: Commissioner Schlossberg?

SCHLOSSBERG: Aye.

WOODWARD: Commissioner Sveum?

SVEUM: No.

WOODWARD: Vice Chair Corey?

COREY: Aye.

WOODWARD: Chairman Kovacevic?

KOVACEVIC: Aye.

WOODWARD: 5-1.

KOVACEVIC: The next item on the agenda, special use permit to allow eleven residential units on eleven noncontiguous parcels in a commercial subdivision, Plat 106, generally located north of El Pueblo Boulevard, between Fountain Hills Boulevard and Ivory Drive in the C-C community commercial zoning district. Farhad?

TAVASSOLI: Thank you, Mr. Chairman, members of the Commission. This is -- what I'm about to show you is the third iteration from the applicant for the SUP request. You might recall it originally came before you -- most of you, I don't think everybody here was on the body -- but about a year ago, followed by a revision in August, and the applicant has had a series of conversations and even a community meeting, actually hosted here, at the town hall. And based on those discussions, has developed their second revision, third iteration. And I think the commission's pretty intimately familiar with the site. Unless there's any clarification that I -- needs to be made, I'll just go straight to the site plan. So I also have the original site plan that came before you, also available if you want to do some comparison.

But if -- if you recall, the applicant had requested eleven residential units, but nine of those were going to be, kind of, the cottage concept. Two of them were going to be located here as part of a mixed-use type of development. What the applicant has done is, in lieu of having two of the cottages here, this whole building, the applicant is proposing mixed-use building, consisting of commercial on the first floor and residential on the second floor. So this building alone would have four residential units on the second floor. The balance of it -- the applicant has -- has maintained the same -- well, the applicant actually owns the -- these the seven parcels here and has made them into attached dwelling units to -- kind of in the same spirit as a -- as a townhome type of -- type of development. What was originally presented as a -- let me see if I can maximize this a little bit for my own benefit as well. What was originally proposed as a dog park,

the applicant will be providing some additional parking right here. And the applicant now is also contemplating -- although the applicant doesn't have any control over these properties -- across the way from this alley, the applicant is proposing basically a mirror of what is here to the south. Again, the applicant has no control. There is some ongoing negotiations going on to obtain these properties, which may come back before you as another special use permit request, but for now, the applicant is requesting approval of the properties in which he -- he owns. The applicant also intends to include the church, located here, if I scroll up, as part of the mixed-use plan as well. Now, again, the applicant is still currently in negotiation. So the applicant has requested to come before you to discuss this topic or discuss this proposal a little further, and perhaps, I guess, update you on some ongoing negotiations -- ongoing negotiations going on to obtain or acquire these parcels to create a more organic plan for Plat 106. That is where I will conclude unless the Commission has any more questions. The applicant is here as well to answer questions as well.

KOVACEVIC: Commissioners? Okay. We'll hear from the applicant.

TAVASSOLI: Okay. Let me see if I can -- well, you can, Wilson, you can flip -- flip through these accordingly like that. I was going to maximize the screen.

EJIM: Thank you. My name is Wilson Ejim, I'm the applicant. Of course, I've been before you before, and I appreciate your time. Let me discuss the last time we met in August. Some of issues were brought up, and what I've done was try to work with the community to address those issues. We met over at the city, John was able to organize a meeting between (indiscernible) and the POA resident. At that time, we discussed some issues about replanting the whole area. There wasn't a consensus for that. So with that idea out of the table, another thing I tried to do was, I think it was Commissioner Gray that said, can we do a holistic thinking? So we could see how all these pieces come together. So I took the liberty to come up with a perspective like John mentioned. The property, this one are not mine. There are six, seven, eight, and nine. But in an attempt to, kind of, bring a picture of what my vision was, so I included them. And I'm not asking for approval for this because they're not mine. These are the

ones that is mine.

Now, what I also did was to collapse the individual single family and made them one big building, which was another issue that we've come up with. So that way, the ground floor is commercial and the second level is residential. So when you go to this portion, they're also like townhomes, which is what has been approved there. John Gurczak has townhomes going on right now and also in mixed use. Then in between these two townhomes, you have the church, which is also an issue, that wondering how is it going to tie in with the church. I have been in negotiations since then with the pastor, and we've been able to negotiate a price. So John Zurczak [sic] with MCO realtor, the commercial realtor putting the contracts together, and he's also been able to enter into negotiation with lodge six and seven, which is this front section. So these are ongoing as we speak.

Now, what I'm requesting is approval for what is mine as at now, which is this building, this lodge here, and over here, and that. So if the -- the church, we've agreed on a price, okay? If everything works out on this, I will come back with another SUP. So to seek approval, then we'll be able to get a picture, what we see, that totally come together. So my request is -- which the staff brought up also. He said, do I want to access station and continue negotiations? The problem there is, if I do that, the scope has greatly changed. I have to start all over again and it will also drag the whole process. So what I'm asking is if we could approve what I have now, I would do a second SUP for those ones that I'm negotiating with the people as we speak. Because if -- if you don't approve what I have or if I extend -- ask for extension, then I'm going to end up including these guys and start all over again. I've already about 10,000 on this, on city fees and time and everything, you know. So I spent about two years here -- not complaining. I'm just saying. Right now, what I proposed to you is in line with what has been approved that is right now going on, the townhomes going on right there by John Gurczak. That's also a condo. If the church -- we have agreed on the price. Once we close, what I'm going to propose is a condo like what John Gurczak has opposite the lot, okay? And then this one over here will be similar to a mixed-use, just like this. So if

everything is completed as it is, this section will be mixed-use and this back row will be residential, which then create a hub. Because what Mr. Gurczak has now is residential unit. So all of them will face like a courtyard, okay? So they will complement each other. While this one facing Fountain Hills will be commercial use, residential on top, which also will be in line with what he has on Pueblo Street [sic], which is a condo with commercial, ground floor, and residential above it.

So that is what I'm proposing. I'm asking two options: approve what I have so at least I can keep going while I work with the rest and do a second SUP, or then grant extension so I can continue to negotiate. Please understand, there are many people involved in this. It's not a really easy-go thing because there are so many people that owns it. So I'm combing the ground. I'm working very hard. It has not -- and Dzintars has been working with me on this. He will let you know that it has not been an easy thing, getting -- sometimes you get a cold call. No one even listens. Finally, you finally get hold of somebody, track them down. They're not all in town. So it's been quite a challenge. But what I'm envisioning, in overall, is what I just presented. Okay? So what is not mine, I'm not asking for approval. Only the ones that -- that is mine. But if everything will work out, we have the mixtures in front the residential unit on the other side of the alley, which will create a courtyard. Like with what John is doing on the other side.

KOVACEVIC: Any questions for the applicant? Any questions for Farhad? Oh, Commissioner Sveum?

SVEUM: Could you provide some orientation where El Pueblo -- or show me where the streets are according --

EJIM: Okay. Okay. Fountain Hills -- these guys are facing -- facing Fountain Hills. These are the parking lot over there.

SVEUM: Up and to the left?

EJIM: Yeah. So this is Pueblo over here.

SVEUM: Okay.

EJIM: Okay. So back here will be the parking lot -- I'm sorry?

SVEUM: That's the existing parking lot, or is that a new parking lot?

EJIM: No, existing parking lot.

SVEUM: Existing parking lot.

EJIM: Let me see the other -- let me show you more, please. Okay. I'm sorry. That will help. Okay. So this is the same view looking at it from the, I believe, the east. So there's -- okay. Let me see. Look right there. All right. So this is the church right now -- so if you're looking right from the upper east side, so you're looking at the church, so this is the pharmacy store right now. This is just placeholders. And that will be townhomes -- townhomes. John Gurczak is on this side. But Fountain Hills is over here, Pueblo is down there. So this is the parking lot in front by Fountain Hills. And these are the mixed-use building over here. Now --

SVEUM: So I -- I --

EJIM: Okay.

SVEUM: I guess I missed that, that the parking -- you're going to have some shared parking? Are your tenants or owners going to park in the --

EJIM: No, no, actually, the way I designed mine, I provided parking. If you look on this site plan --

SVEUM: Yeah.

EJIM: -- most of the the residential units have two one-car garage and a car -- a carport. But then along the alley, the first lot are converted into parking. So I provided over twelve extra parking spaces. Now, but there is a shared parking by the community. But I tried to not encroach into that. I provided parking spaces for my guests and the -- the ones that I have. So if you look on the commercial -- if you look from the parking lot on the -- the area that the church is and you look down, what you have here is townhomes. And then over here is the commercial in front. And the first thing -- so we're looking towards Fountain Hills. This is from Fountain Hills. If you look down the alley, you will see the commercial on both sides, and then the parking lot back there. So if you're looking from Fountain Hills, that's where you will see, the two commercial mixed-use. In between them is the paved area. People can walk through. If it's a coffee shop, they

can come down, sit and have a coffee, and interact. So that has a more commercial feel. Then on the other side of the alley would be the townhomes. Okay.

KOVACEVIC: Commissioner Schlossberg?

EJIM: If I -- let me go to the -- maybe this will help. So actually, what will -- if you look on the site plan, so this is our commercial area, the parking lot is on this side. So there's an alley right now. The convenience store, a liquor store, is right here. The pharmacy store is there. And there's an alley that creates like a buffer between the commercial area and the proposed residential on the other side.

SCHLOSSBERG: Okay. So I still -- I've had a problem with this since the first time you presented it, but the -- the units that abut to the drive-through brew, as I call it, the Adobe Liquors [sic], you talk about stacking at the Dairy Queen. I mean, that's going to be a big problem. I don't know if you've been there on a Friday evening, but you're going to have residences and you're going to have cars, basically, sitting in front of their residence waiting to get through the drive-through. I just think the placement of those units is -- is not the right place for that. Just based on that.

EJIM: Which units -- are you talking these units? Because what happened here, your pocket is over here, this -- these units, they have an access to their garage and their carport. Each unit has its own parking. They're not shared parking, okay? They have their own parking garage and a carport. So they're not in any way even utilizing the shared parking. So once they drive into this area, they have a car garage and a carport in front of them. So they're not using the shared one. And by code, I'm required to parking for them, and I provided those. Now on this other side there's an alley, thirty foot alley. Now these lots in the alley are converted into parking. So all this area are additional parking that I provided. Okay? So that one has to do what -- what the existing parking and it does not encroach on access to anything.

SCHLOSSBERG: Okay. I beg to differ, but I'm just -- based on what -- I'm looking at two different aerials here, and I'm just telling you, when there is a line at the Adobe Liquors, it will be blocking the parking at several of those units.

EJIM: I don't know -- where would I -- this is a liquor store.

SCHLOSSBERG: Correct.

EJIM: This alley is existing. So right now, it's a -- it's a road. There's no one blocking it. So once you drive through this road, my parking is -- is not by the park -- is not by the convenience store. And the further you go, I mean, I don't see where it blocks any person. Because the alley is a road that's public road. And you drive through there and you just park. Everything I'm doing is behind the liquor store.

SCHLOSSBERG: Okay. Well, we'll beg to differ on that, but it -- it will block some of your parking at some of those units when there's high traffic there, for sure.

KOVACEVIC: Okay. Any other comments, Commissioners? Commissioner Sveum?

SVEUM: What -- what -- the mixed-use, you've got commercial on the first floor. What's your -- what's your vision for this commercial? You've got your broker that's here. What -- well, what if this doesn't -- what if these commercial spaces don't lease up?

EJIM: If they don't lease out?

SVEUM: If they don't?

EJIM: Well, you know, I presented that before. If you recall, that was my argument because there's not -- every -- every business has to have a market. And the market was not there. That was the essence of my initial presentation, where I tried to bring the foot traffic. You have to create the market. So I created more residential and have the only two front ones as commercial. But again, the issue was it seems to be that there was no -- people don't like the idea. And I remember some of the Commissioners saying, at least this portion should be commercial. Then they can deal with residential over here because everything around over here is residential. But this should be commercial. So what we did then was create more commercial space, you know? But right now, if -- assuming I am able to get these units. There are about three owners right here, I'm only talking one person right now. But that gives you about eight commercial leasing space. And I told the community, if they're empty, it doesn't serve you well and it doesn't serve me well, you know? But if that's what it's going to take to move forward, I'm willing to take the risk. If I'm a business owner, it will be a problem

for me, to be frank with you, you know. But the good news is, at least if I start with this four units, I'm envisioning, okay, something like a wellness, because there's a pharmacy there. Maybe a realtor, an accountant, you know? So mostly professionals that want to, maybe, rent the building and live on top, or maybe at some coffee shop. I know that this vacant lot, the owner is thinking about doing a restaurant ground floor and residence on top. So a coffee shop, a pizza store. It has to be a small business owner, you know, or a professional. So I'm envisioning small retail establishment or professional offices.

KOVACEVIC: Commissioner Gray?

GRAY: Mr. Ejim, first, thank you for taking a more macro view on -- on the -- the Plats, first time we've seen anybody even make an attempt at that, so I do appreciate that. But just for my clarity, the -- the parcels that you've shown improvements on that you don't possess, are those parcels under your control today in some sort of option scenario, or is this just theoretical at this point?

EJIM: These ones right here, they're not mine. But these two we are right now in negotiation with the owner. The -- the church is not mine, but we have come to a price. So we're writing up a contract, and Dzintars is doing that for us. Well, you know, going through such a -- a deal takes some time. And the pastor, Mr. Warembourg, asked me for extension last October. You know, when I came here, I asked for this extension because he was in Europe. So he got back in October, and we continue our negotiation. So he's a busy man, and he would prefer that we have extension and continue to put all the details together. I understand that, but I don't control the city, so I have to show up, you know, let you know, this is what we're doing. But I'm saying, while I'm working with these people, if we could approve my first application, because my understanding is, with this city is, you find out these new ones, I will have to start all over again. You know, there'll be additional fees. I said, well, why not let me do two SUP? You know, so that will get this approved. Then Dzintars wants to work out those details. I can submit again. So to answer your question is these ones here, lots six, eight, and nine, they're not mine, and the church have not purchased it yet. At least we have no agreement on

that. These other ones, no agreement. These two lots here, I have not been able to talk talked to the owners. Okay? So --

KOVACEVIC: Paula, do we have any speaker cards?

WOODWARD: We do. One speaker, Barry McBride.

KOVACEVIC: Thank you. We -- I'm sure you'll be back up before it's over.

MCBRIDE: Chair, Commissioners, my name is Barry McBride. It's an honor to be in front of you. I have just a couple of things to point out, if I may. I represent Tract 106. I know you know that, I've been here before. We'll say how much I respect Dr. Ejim. And Dzintars is a good friend. I've purchased a couple of buildings from him. He's a fine gentleman in our community.

I have a couple of things. First of all, on those properties that Dr. Ejim did point out that he does not own, that are to the north of those that he showed -- could we see the colored slides, please? That would be really helpful. That's fine right there. So the -- the buildings that you see next to the green park area there, those buildings actually butt up against my backyard, which is a wall. So that green area with the trees is actually my backyard. And so it's really not -- not to scale. And I just thought that we should have good perspective on that for your consideration.

Secondly, what I would like to ask is for clarification. The clarification, Dr. Ejim, is the intent to lease or to sell the cottages, because if the properties are sold, I believe you own, maybe, thirteen properties. And if those properties are sold, then we would need to create some kind of a homeowners' association because as I -- as represented before, the POA depends on the revenue from those properties to be able to maintain the property as it needs to be done. So my clarification would be, if they are to be sold, who would be responsible for putting together -- putting together a homeowners' association so that revenues would be appropriate, that we could keep the property in good order? And so those are -- those are my questions. I submit my time. Thank you.

KOVACEVIC: Okay. Commissioners, any further that -- Mr. Ejim, I have a question for you, because we -- when you were in front of us last time, we asked you to come up with a more cohesive plan for the property, and I think you've made improvements.

The other thing we asked you was, who is going to do the common area maintenance, and about a homeowners' association, and how is that going to work with the POA and Plat 106? Can you answer that?

EJIM: Yes. I spoke to a realtor attorney. I presented this scenario. And his question was simple. He said, well, what happened is, right. He said, how are you paying the dues now? I said, I'm paying them per lot. He said, then they just continue to access it per lot. So those thirteen lots are individual lots. And right now all my dues and all the taxes are per -- per lot. So while there are townhouses in one building, they actually represented the actual individual, you know, you know, the one building. But they are townhomes. So if someone will buy it, the taxes or the dues for that lot will continue to pay it, okay? So that is what -- and that was what the attorney said. He said, that's not an issue, collecting their money, because the way you design them, they're still individual. If they are record today as sales, they're going to be recorded per those parcel and the lot. The taxes will come per parcel. And the same way, the dues will be assessed by each unit.

So if we try to create the, what do you call it, CCAR -- the homeowner association, it could be more complex because right now they don't have any problem paying. I pay all the dues, but I'm paying -- I'm paying them a lot. So I'm taxed and also assessed per lot. So when these things are sold, they should be paid per lot. Now some areas that the mixed-use, you know, that is rental. So I will be responsible. So whatever is sold will pay their own bill and their own taxes. But what I rented is still under my name.

So that's one option that I discussed with the attorney. The other option is rent everything out. But there's no need. He doesn't think that's a good idea because the individual lot as it is right now, and the dues are assessed per lot. So whatever -- let's just say somebody buys lot twenty-three. Okay. The dues come by lot, and the taxes are by lot. And whoever owns it pays it. So and that was what the real estate attorney told me, you know, that he doesn't see any issue with collecting that money.

KOVACEVIC: So what you're -- you're -- so what you're saying is that the town homeowner would pay the POA their -- the dues and the POA would maintain the

common areas around the townhomes?

EJIM: That's exactly right. So because right now they're maintaining it through the dues. So if you pay your dues, you know, they'll continue to maintain it. So the funds are there.

KOVACEVIC: But the POA just spoke and said that there would need to be an HOA.

EJIM: Well, I think there was an HOA when I was going to sell it -- everything, okay? So when we met last time, they said we have to have it. So when I met with them, with Rob (ph.), I said, okay, we need to discuss how is this going to happen? He proposed two things. He said, well, I don't know. You could talk to an attorney, come up with an idea, because I've done it before, but it's a different situation. Where we create our own, I've done that before at Apache Junction. But he said, or you could rent everything like John Guczak did. He's renting everything, so he controls that. But when I approached my real estate attorney, he was saying that it's a different situation. When we did, the one we did last time, it was one property, okay? So everything -- and they have those townhomes within it. But he said this one, you have individual lots, the individual lots, okay? So that way each lot then is access and paid because the question was how am I paying it now, I'm paying them per lot. So the same way the collecting from me now that the same way they collected from whoever buys it. But there are some going to be rental, okay, that I will pay because I own it. But if this situation comes where I sold the lot, the lot will collect their own dues. I mean, they will collect the dues from the owner.

KOVACEVIC: Thank you.

EJIM: And of course, I also presented that to the city. John, I spoke to him about -- John, John also didn't have any issue with that. He didn't see any problem collecting their money, you know.

KOVACEVIC: Okay. Thank you. All right. Any discussion? Commissioners?
Commissioner Gray?

GRAY: Yeah. I mean, same -- same as last time. I mean, the -- there's one, you know, there's some sketch up imagery of -- of what something more master plan looks like

here. But we're so far away from doing anything on this plat that changes its underlying use to -- to -- to this form and function. You know, if Dr. Ejim comes in and says, hey, I've got options on, you know, all nine of these additional parcels and has total control of that. And if the -- if the -- if the -- if the POA stands up and says, yep, we're -- we're willing to change our underlying governance so that we're more aligned with, you know, medium density residential and -- and we can handle that? Well, then -- then there's a conversation to be had here, but not now. This is just going to be a terrible mistake if we push this forward.

KOVACEVIC: Commissioners, anything else? Commissioner Corrigan?

CORRIGAN: First of all, Dr. Ejim, I would like to commend you on coming back to us with the mixed-use project -- project and a vision for what you propose. My concerns, they might be shared concerns, I have two major ones: the POA, HOA, again, not ironed out yet, and the building that you don't own. So we have two -- I have two major concerns about this. It's just not a conclusive project yet. There's a lot of proposals, and it's a very nice look, and you have come back to us with mixed-use. However, it's not a complete project yet, and I would be hesitant tonight to go ahead and approve a vision rather than a solid project. Those are my thoughts. Thank you, Chairman.

KOVACEVIC: Anybody else? Anybody want to make a motion? Commissioner Sveum?

SVEUM: I'll move to deny a special use permit to allow eleven residential units on eleven noncontiguous parcels in a commercial subdivision, Plat 106, generally located to the north of El Pueblo Boulevard, between Fountain Hills Boulevard and Ivory Drive in the CC community commercial zoning district.

KOVACEVIC: I'm looking for a second.

GRAY: Second.

KOVACEVIC: Commissioner Gray, second. All in favor of the motion to deny?

ALL: Aye.

KOVACEVIC: All opposed? 6-0.

Okay. Next agenda item, review and discussion of regulations and court decisions regarding small cell wireless facilities in the town's right of way.

WESLEY: So Chairman, Commissioners, I don't really have much of a presentation for you this evening. I did include in your packet a memo from the town attorney. As you are aware, we have a new town attorney who is trying to get up to speed on a number of things across the town, and she hasn't had as much time as we would like to dedicate to this particular project.

She did have time to look through the Ninth Circuit Court opinions. That's one of the things that had come up at previous meetings, was that there have been some things, rulings by the Court, that would impact what we could do as a town. The comments made it sound like we could take a lot broader approach to our regulations. So the Town Attorney's look through those and provided a memo that gives her background and understanding of those court decisions. My reading of the memo would make it sound like the the changes through the the Ninth Circuit really don't move the needle much. Our state statutes are still going to be the primary regulator of what we can do, as well as the overall FCC guidelines. So with that, I'll see if anybody wants to make any comments or has any further questions with what we've been able to give you thus far. Maybe before I do that, I will say that -- that she is looking at the terms and conditions, and that's where we thought we might be able to have the most opportunity for impacting what we do with regard to the small sale in the right of way portion of this project. But again, it's been a big project to tackle. I don't know if she'll have that by next month or not, but I know that she is working on it. So any comments, questions, or discussion we want to have with regard to this this evening?

KOVACEVIC: Commissioners, anything? I mean, the only thing -- I read everything, but I didn't have time to digest it. It just, you know, we got the packages late, and so I just -- I normally would like to do some analysis and -- and compare to other towns' ordinances and things. I just didn't get that far. So I don't have anything for you tonight.

Commissioner Corrigan?

CORRIGAN: I just had a couple of quick ones, and it's -- it's a thick package and there's a lot of legalese. But on page 193, there's a reference to aesthetics. And it looks like it said the Council should be confident of local government authority to impose aesthetic

regulations. Is that something that we bring to the carrier as a concern? Is it -- is it us appealing the aesthetic environment? I wasn't quite sure what significance that had. Maybe you know.

WESLEY: Chair, Commissioner Corrigan, probably page 193 in your overall packet. So I'm not sure which page that is here, in terms of the memo that we're looking at. If you could reference --

CORRIGAN: I'm sorry. Section 1-13, and it's under drafting notice. And -- and I think the -- it's section right behind Section 1-12, of course, between -- it's 1-13, placement and design standards.

WESLEY: So again, with what I have to look at, that's hard for me to figure out exactly where that is in here. But what I will come back and comment on is, what I got from reading through here is that the Federal Communications Commission and some of their rulings and orders had -- had tried to lessen the amount of regulations, local regulations, we could have in terms of aesthetics, but that's one area where the Ninth Circuit did push back and say no, cities and towns can have aesthetic standards more than what the Ninth Circuit was -- or more than what the FCC was -- was trying to allow. We do have for the town of Fountain Hills, for small sale in the right of way, a comprehensive design guidelines for what those can look like. So those are already in place, and hopefully, consistent with -- with where we are today. Or, you know, maybe there's a bit more we can do there, but that is something we'll definitely look at because that has been part of the -- the discussion.

CORRIGAN: Okay. Thank you. And just one more, if you would, to be helpful. Under, it looks like, 1-28, and this is under abandonment of facilities. And so as part of that, it talks about managing or administrating. And then it goes into several criteria, A through -- looks like A through G. And one of those is utility coordination. Is that something that's -- from this package, is that our obligation, to coordinate the utilities? And I'm referencing underground here. So in other words, if -- if -- can we designate -- or maybe I'm getting too much into the weeds here, but can we designate on our -- our behalf that those broadband facilities go underground under that utilities clause or

whatever you might want to call that under C?

WESLEY: Chair, Commissioner, yes, that's a detail that I'm not prepared to discuss this evening. We can maybe talk afterward. I can understand better --

CORRIGAN: Okay.

WESLEY: -- what your comment is.

KOVACEVIC: So we're not taking any action on this tonight?

CORRIGAN: No.

KOVACEVIC: And so we can move on to the next agenda item. Or do you have more, Commissioner Corrigan?

CORRIGAN: No, (indiscernible) thank you.

KOVACEVIC: Okay. So item number seven, Commission discussion. Request for research to staff. Commissioner Gray?

GRAY: John, I just had one. Just going back to the -- to two agenda items ago. It's been a while, but I think we talked about, you know, was there any is there any ability for town staff or the town proper to participate, encourage, guide the Plats', kind of, re-imagination, if you will? Dr. Ejim came forward tonight with the first, you know, first thing we've seen that's a little more macro to the plat, but yet the plat, kind of, sits challenged. So I was just curious, was there any -- is there any -- has there been any thought to the town, -- or does the town even have an ability to influence in that space versus letting that that plat, kind of, sit the way it is?

WESLEY: Chair and Commissioner Gray, we don't have too much, really. We did organize a meeting, as was mentioned earlier, of as many of the property owners we could to come in and discuss, you know, how the I'd like to see that evolve over time. And we encourage them to work together to describe some of the things that the Commission had been looking for and would like to see in that area. But at this point, no, we really don't have too much of a way to really force anything to happen.

KOVACEVIC: Anybody else? I -- I would like to see the -- the stacking for the cars at the drive-throughs cleaned up in the Code. Just let's -- let's get that to a more realistic number sooner. Now that we're talking about Dairy Queen, if we could do that sooner.

WESLEY: Yes, and Chair, actually, the text amendment that you looked at last month, based on your discussion here and some further research by Mr. Tavassoli, we have changed the numbers in there for counsel consideration to bring it to six instead of eleven.

KOVACEVIC: Great. Thank you. Anybody else? Okay. Item number eight, summary of Commission requests from developers -- from development services director.

WESLEY: So I didn't really hear any specific requests for us to look into something else. So I'll jump into the next agenda item of sorts, and have two things. One, I just want to take a moment for commissioners and any public that might be watching, because we get comments and questions from time to time about how to find information about upcoming meetings and packets, and where to find information from previous agendas. And so when you're on the town website, as it's been redone, so just fountainhillsaz.gov, it's a simple scroll down to agendas and videos. It will bring you to -- current agendas will be right in front of you. Anything back to August 5th will be a scroll up, and you can just get all the information on anything that's -- that's coming up very quickly right there. And I should probably look down here instead of up there. Let's see here. Or you can also, if you go your government, down to agendas and minutes, you can get the same thing here as far as the the current ones. You can go to an archive page where you can see the items before August the 5th. So if you were to go down to town boards and commissions, and planning zoning commission, and you can get agenda packets, you can get minutes going back to earlier meetings. And you can also, from here, click on the YouTube if you want to actually see it and not just read about it. It'll take you to the YouTube video so you can watch them. I find that helpful sometimes. You really get a little bit more nuance by watching it and listening to it than just reading it. And so it's available there. So anytime you're needing that -- that background on what's happened before, or if a packet comes out and you didn't get it for whatever reason, or you're not at home and you're someplace else, you just go online and you can get those packets and read that information. So again, I just want to make sure that was clear to -- to the Commissioners and more so to the public that

might be watching in ways that they can get that information.

But other than that, your next meeting will be on the second Monday of December, which is the 8th, 10th, 8th. 8th? Yes, the 8th of December. At this point, I only know of one item for that agenda; we may or may not be able to have something more to talk about on the -- the wireless communication issue. But right now, it looks like a pretty -- pretty light agenda. But we do have that one item that we will be bringing to you.

KOVACEVIC: And I will be remote. So your last meeting, you can share it.

Commissioner Gray? Oh, okay. Commissioner Gray, will you be here to --

[LAUGHTER]

WESLEY: I have a question. Yeah. John, are you able to get notified of upcoming meetings, aren't you? Can't you just -- can't you subscribe to be notified that there's meetings coming up, like counsel meetings or planning commission meetings or other community meetings? Maybe you should explain that to the people as well, that -- oh, you don't know about that?

[LAUGHTER]

WESLEY: Might have Paula explain that.

WOODWARD: If you go to the website, there's an area that you can sign up for notifications, and you can pick council and commissions. And then what we do on our end is when we publish the agenda, there's a button that we let -- notify you, and then you get the email, and it tells you that the agenda is ready.

COREY: And I believe you can also subscribe to the RSS feed of the calendar. So it appears in your calendar.

WOODWARD: Correct, yes.

WESLEY: Good thing you got here tonight, John. Your assignment will be to -- to take a look at that particular part of the website and report back next meeting. Okay.

KOVACEVIC: Motion to adjourn.

GRAY: So moved.

COREY: Second.

KOVACEVIC: All in favor?

ALL: Aye.

Having no further business, Chair Kovacevic adjourned the Regular Meeting of the Planning and Zoning Commission held on November 10, 2025, at 7:35 p.m.

TOWN OF FOUNTAIN HILLS

Dan Kovacevic, Chairperson

ATTEST AND PREPARED BY:

Paula Woodward, Executive Assistant

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting held by the Planning & Zoning Commission of Fountain Hills in the Town Hall Council Chambers on the 10 of November 2025. I further certify that the meeting was duly called and that a quorum was present.

DATED this 8 Day of December 2025.

Paula Woodward, Executive Assistant

