



**NOTICE OF MEETING
REGULAR MEETING
PLANNING AND ZONING COMMISSION**

Chairperson Dan Kovacevic	
Vice Chairperson Clayton Corey	Commissioner Nick Porter
Commissioner Mathew Corrigan	Commissioner Scott Schlossberg
Commissioner Peter Gray	Commissioner Phil Sveum

**TIME: 6:00 PM - REGULAR MEETING
DOORS OPEN 15 MINUTES PRIOR TO THE START OF THE MEETING.**

WHEN: MONDAY, AUGUST 11, 2025

**WHERE: FOUNTAIN HILLS COUNCIL CHAMBERS
16705 E. AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, AZ**

REQUEST TO COMMENT

The public is welcome to participate in Commission meetings.

TO SPEAK TO A CONSENT OR REGULAR AGENDA ITEM, complete a Request to Comment card and hand it to the Clerk prior to discussion of that item. Include the agenda item NUMBER on which you wish to comment. A separate submission is required for each agenda item. Request to Comment cards will not be accepted once the Commission deliberations begin. Submit a Request to Comment card prior to a public hearing agenda item.

TO COMMENT ON A CONSENT OR REGULAR AGENDA ITEM IN WRITING ONLY, complete a Request to Comment card, indicating that it is a written comment, check the box on whether you are FOR or AGAINST a consent or regular agenda item, and hand it to the Clerk prior to discussion on that item. A separate submission is required for each agenda item.

TO SPEAK TO CALL TO THE PUBLIC, complete a Request to Comment card and hand it to the Clerk. Speakers will be allowed three contiguous minutes to address the Commission. Verbal comments should be directed through the Presiding Officer and not to individual Commissionmembers.

TO COMMENT IN WRITING ONLINE, Visit <https://www.fountainhillsaz.gov/publiccomment> and submit a Request to Comment card by 3:00 PM on the day of the meeting. These comments are shared with the Commission.

This Request to Comment card, and any information you write on it, is a public record subject to public disclosure.

1. CALL TO ORDER

2. ROLL CALL

3. CALL TO THE PUBLIC

Pursuant to A.R.S. §38-431.01(H), public comment is permitted (not required) on matters NOT listed on the agenda. Any such comment (i) must be within the jurisdiction of the Council, and (ii) is subject to reasonable time, place, and manner restrictions. The Council will not discuss or take legal action on matters raised during Call to the Public unless the matters are properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual councilmembers may (i) respond to criticism, (ii) ask staff to review a matter, or (iii) ask that the matter be placed on a future Council agenda.

4. STATEMENT OF PARTICIPATION

The Statement of Participation may be read or disseminated another way at each Regular Council meeting, and will consist of the following: Anyone wishing to address the Council 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 Council Chambers and hand it to the Town Clerk prior to consideration of that agenda item. Once the agenda item has 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 is the policy of the Mayor and Council to not comment on items brought forth under "Call to the Public." However, staff can be directed to report back to the Council at a future date or to schedule items raised for a future Council agenda. It is also requested that applause be kept to a minimum to avoid disruption of the meeting, to maintain decorum, and provide for an equal and uninterrupted presentation.

5. REGULAR AGENDA

- a. **CONSIDERATION AND POSSIBLE ACTION:** approving the regular meeting minutes of the Planning and Zoning Commission June 9, 2025.
- b. **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.
- c. **PUBLIC HEARING, CONSIDERATION AND POSSIBLE ACTION:** Ordinance 25-08 amending Zoning Ordinance Chapter 6, Section 6.08 regarding regulations for various types of signs.

6. NEXT MEETING DATE

7. ADJOURNMENT

Dated this 5 day of August, 2025.



Paula Woodward, Executive Assistant

The Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call (480) 816-5100 (voice) or (800) 367-8939 (TDD) 48-hours prior to the meeting to request reasonable accommodation to participate in the meeting or to obtain agenda information in large print format. Supporting documentation and staff reports furnished to the Council with this agenda are available for review in the Clerk's Office.



TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 8/11/2025
Meeting Type: Planning and Zoning Commission Regular Meeting
Submitting Department: Development Services / Planning
Prepared by: Paula Woodward, Executive Assistant
Staff Contact Information: Phone: 480-816-5122
 Email: pwoodward@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

CONSIDERATION AND POSSIBLE ACTION: approving the regular meeting minutes of the Planning and Zoning Commission June 9, 2025.

Staff Summary (background)

The intent of approving meeting minutes is to ensure an accurate account of the discussion and action that took place at the meeting for archival purposes. Approved minutes are placed on the Town's website and maintained as permanent records in compliance with state law.

Related Ordinance, Policy or Guiding Principle

Risk Analysis

Recommendation(s) by Board(s) or Commission(s)

Staff Recommendation(s)

Staff recommends approving the meeting minutes of the regular meeting of the Planning and Zoning Commission June 9, 2025.

Suggested Motion

MOVE TO APPROVE the regular meeting minutes of the Planning and Zoning Commission June 9, 2025.

FISCAL IMPACT

Fiscal Impact:

Budget Reference:

Funding Source:

ATTACHMENTS

- | |
|--|
| 1. 250609 PZC MM Summary and Verbatim Transcript |
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TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR MEETING
OF THE FOUNTAIN HILLS PLANNING & ZONING COMMISSION
JUNE 9, 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 (arrived at 6:14 p.m.); Commissioner Dan Kovacevic; Commissioner Scott Schlossberg and Commissioner Phil Sveum

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
JUNE 9, 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 June 9, 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 (arrived at 6:14 p.m.); Commission Nick Proctor; Commissioner Scott Schlossberg and Commissioner Phil Sveum

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

3. CALL TO THE PUBLIC

No one from the public spoke.

4. CONSIDERATION AND POSSIBLE ACTION: approving the regular meeting minutes of the Planning and Zoning Commission April 21, 2025 and May 12, 2025.

MOVED BY Vice Chair Corey to approve the regular meeting minutes of the Planning and Zoning Commission April 21, 2025 and May 12, 2025. **SECONDED BY** Commissioner Corrigan. Vote: 6/0 Unanimously

5. CONSIDERATION AND POSSIBLE ACTION: Ordinance 25-02 amending the Fountain Hills Zoning Ordinance to add Chapter 27, Downtown Overlay District.

The following resident addressed the Commission:

Dori Whittrig
Roger Isaacs

MOVED BY Commissioner Sveum to recommend the Town Council approve the Ordinance 25-02 amending the Fountain Hills Zoning Ordinance to add Chapter 27, Downtown Overlay District as drafted with increasing the residential density up to fifty units per acre, remove ground floor use restrictions, modification of the Avenue boundary, and adjust "build to" language to recognize easements and building setbacks. **SECONDED BY** Vice Chair Corey. Vote: 6/0 Unanimously

6. REVIEW AND DISCUSS: Ordinances and requirements associated with regulating small cell wireless facilities in the public right-of-way.

The following resident addressed the Commission:

Lori Troller

Discussion only

7. COMMISSION DISCUSSION/REQUEST FOR RESEARCH to staff.

Chair Kovacevic requested a retail stie analysis report for the downtown area.

8. SUMMARY OF COMMISSION REQUESTS from Development Services Director.

9. REPORT from Development Services Director.

Mr. Wesley said he did not see a reason for a July meeting since there are no pending applications. Next scheduled meeting is August.

10. ADJOURNMENT

Chairperson Kovacevic adjourned the Regular meeting of the Fountain Hills Planning and Zoning Commission held on June 9, 2025, at 7:23 p.m.

Post-Production File

**Town of Fountain Hills
Planning and Zoning Commission Meeting Minutes
June 9, 2025**

Transcription Provided By:
eScribers, LLC

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Transcription is provided in order to facilitate communication accessibility and may not be a totally verbatim record of the proceedings.

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KOVACEVIC: This is the Planning and Zoning Commission meeting, June 9th, 2025. It's called to order. Let's all stand for 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: All right. Paula, can we take the roll, please?

WOODWARD: Chairman Kovacevic?

KOVACEVIC: Here.

WOODWARD: Vice Chair Corey?

COREY: Here.

WOODWARD: Commissioner Sveum?

SVEUM: Here.

WOODWARD: Commissioner Schlossberg?

SCHLOSSBERG: Here.

WOODWARD: Commissioner Corey?

UNIDENTIFIED SPEAKER: He's already --

WOODWARD: Oh, I beg your --

COREY: Here.

WOODWARD: -- pardon.

COREY: Still here.

WOODWARD: Excuse me. Commissioner Corrigan?

CORRIGAN: Here.

WOODWARD: Commissioner Proctor?

PROCTOR: Here.

WOODWARD: Commissioner Gray is absent.

KOVACEVIC: Okay. Call to public. Do we have any speaker cards?

WOODWARD: No, Chair.

KOVACEVIC: Okay. Item number 4, consideration and possible action, approving the regular meeting minutes of the Planning and Zoning Commission April 21st and May 12th, 2025. Can I get a motion to approve?

COREY: Motion to approve the minutes.

CORRIGAN: Second.

KOVACEVIC: Okay. All in favor?

ALL: Aye.

KOVACEVIC: Opposed?

WOODWARD: 6-0.

KOVACEVIC: -- 6-0. Okay. Item number 5, consideration and possible action in Ordinance 25-02 amending the Fountain Hills Zoning Ordinance to add Chapter 27, Downtown Overlay District.

Director Wesley

WESLEY: Commissioners, good evening. Let me get this running here. There we go. Good to see you this evening. We've been discussing this Downtown Overlay for a few meetings now and keep hearing some additional ideas and thoughts and comments. So we'll take a try at it again tonight, and hopefully, we can get a recommendation onto Town Council. So again, just a couple of background slides in case anybody hasn't been following this before. Council approved a downtown strategy last September after a period of steadied work by the staff, getting input from the public, and some of the main points that were looked for through that downtown strategy is to have a more active and vibrant Avenue, more employment opportunities in the area, more mixed use, and to find ways to better use and maintain some of the vacant properties until they can be developed.

So there's several things that are being worked on by staff to help implement that strategy. One of which is to update our zoning in the area. Currently, most of the downtown area is zoned C-2. We have one small spot that's C-3 P.D. Downtown currently has two overlay districts, Entertainment, and a Planned Shopping Plaza Overlay. The two overlays -- the Entertainment Overlay primarily provides for some outdoor entertainment type of activities, allows some noise and things to occur outside, and then the Planned Shopping Plaza Overlay, its primary objective is to allow the development of the small lots, and then use the common parking field. So having those

two overlays that do similar but different things in the same area provides a little bit of a challenge. We work with people trying to develop in the area and point them to two different overlays, so one of our objectives here is just to combine those two overlays. So in the future, as people are trying to look at what they can do and can't do at the property, it's easier to understand by having just the one overlay.

Otherwise -- excuse me -- we have noted that the existing Entertainment Overlay that's been in place since 2016 really hasn't led to any entertainment activities happening on the Avenue. Sofrita's is the only outdoor type of restaurant on the north side of the Avenue, and it was there prior to this ordinance going into place.

Other goals within the proposed ordinance, then, is to increase the by-right residential uses so we can get that more mixed-use atmosphere, more people living downtown to work and shop in the downtown area, increase that vibrancy and activity, and then again, to increase the employment opportunities.

So we have proposed a new Downtown Overlay Ordinance and divided that into three districts because the needs of the area are slightly different as we move across it, so we'll talk about each of those again this evening. First, the Avenue District, that maintains the uses permitted by right and the C-1, C-C, and C-2 zoning districts. But there's a modification to that that's been proposed in the draft ordinance that we've been talking about, and that is within 50 feet of the street fronts for ground floor uses, that there be some limitations placed there. There's still a wide list of uses that are available, as shown on the screen. We've provided to the commissioners and the public, previously, a more extensive list of what those uses would be. One of the things we keep kind of hearing some pushback on, oh, so you're only going to allow restaurants on the ground floor? Well, no. It's more than restaurants. It's more than bars. It's a lot of retail and active other uses that can happen on the ground floors through this ordinance. It's primarily the office uses that we're trying to reduce over time. And again, just to remind everyone, if this ordinance were approved and adopted as proposed, all the existing uses can stay where they are, and they can still be there many years in the future. It's when places become vacant and new leases are being filled,

somebody else is moving in, that's when the changes would happen, when the new code would apply. So nobody has to leave or move out if this gets approved.

Also, then, in the Avenue District, in terms of special use permits, that would be available to allow -- excuse me. Different thought here. One of the questions or comments that's come up as we have talked about or continue to talk about the idea of the SUP for the ground floor uses is that right now, in order to get an SUP, it's a process that has a application fee, I believe, of \$2,000 or something in that range, and that it requires a certain amount of notice and citizen participation. Well, maybe for this type of consideration of a SUP, those requirements are a little bit more than are necessary. You may recall, for those who have been on the commission for a while, a year or so ago, we created a front-yard patio SUP option. And with that, you only pay -- it's either 10 or 20 percent of the application fee, and you only notice the budding property owners instead of what you would with a larger SUP. So that's an option here too, if the commission would want to consider that, in order to make the SUP maybe not quite such a challenge.

The Avenue District continues to allow the Entertainment Overlay as currently provided with one change, and that is that instead of having to go to the town council to get the encroachment permit, that we would have that approved by the town engineer. So it simplifies that process for that particular area.

It also proposes to increase the allowable residential density by right from eight units per acre up to 30 units per acre, and as I outlined in the staff report, staff could easily support 45 units per acre. That would be similar to what Park Place is and what you approved in other SUPs already in the area. The SUPs that will allow the residential density -- or the SUP could again be used to allow residential density even more than the 45 or wherever you end up on second floors. But in the Avenue District, it does not allow residential by right or through SUP on the first floor because again, we're trying to create those active uses on the first floor.

There was also some discussion previously about the boundary. And we've talked about several options, and those other options are still on the table if the commission would

want to modify these district options. But one of the things we've had some significant discussion about is this corner over here of Avenue and La Montana, and the former Washington Federal building and the way that particular property has developed over the years, being subdivided into three lots, built with some pretty large buildings and not much parking, the options for what can happen on that property is a little bit more limited than some of the other areas along the Avenue. So staff is now suggesting that we could easily amend that and is recommending that we take that corner out of the Avenue District and make it part of the Business District, but again, that's subject to your direction here at the end.

So then the Business District -- and I'll go ahead and show that modified boundary here. Again, this district continues to allow the same uses, C-O through C-2. It keeps the Entertainment Overlay District as it is, with one exception, and that is it removes a by-right allowance for adding the right-of-way. When you think about and look at the Business District and the sidewalks that are available, those are narrow sidewalks out by the street versus what we have along the Avenue, and so having that by right doesn't make as much sense there. In the future, as things change, it could still happen because encroachment permits can be requested at any place, but it's not as directly allowed for in the code. But otherwise, you can still have the outdoor activities in the parking lots or in the private properties that are allowed through the Entertainment District today. And then also, the same thing with regard to residential use. We propose an increase from eight to at least 30, or maybe the 45. Here, you could get SUPs for ground floor and upper floors for residential.

The Innovation District, they're in north of Palisades. While there's been no changes in this particular piece, as we've talked about it over the last couple of months, the main goal here is to increase some of the employment activities that can occur with some light manufacturing, lab space, those types of things. Currently, with the C-2 zoning that's in the area, residential uses are allowed through a special use permit. So we have included that in the overlay. We have done anything to the overlay to exclude that. There's been some discussion by commissioners that maybe we do want to exclude

residential uses in this particular district, and so again, we could've been the (indiscernible) to do that as directed by the commission.

The overlay district also provides some opportunity for temporary uses of the vacant lots, tries to make it a little bit easier through some guidelines that I provided previously to the commissioners, developed by the zoning administrator and town engineer, to let people come in and do some fairly minimal improvements on a lot and use it on a temporary basis until the market justifies more significant development. We hope that would clean them up a little bit more. Again, we can generate more activity in the area. Another area that we've had some discussion about has been the common parking area and its allowances. At this point, the drafted ordinance proposes no changes to what's in the code and what's been there for several years. As this ordinance was developed many years ago, it allowed for all the lots of 10,800 square feet or smaller to not have to provide any on-site parking, that the large lots in Plat 208 would provide all the parking, as well as the on-street parking, but there are five larger corner lots ranging from a little over 30,000 to a little over 40,000 square feet. Those are required to provide all their own parking. Initially, when we updated this ordinance a few years ago, we did make an allowance that they could request through an SUP to get a 50-percent parking reduction and let the Plat 208 parking lot provide the rest of that parking. There's been some suggestion that we ought to remove the parking requirement for all those lots and just make that equal for everybody, and just let the Plat 208 cover all of it.

Here's just a couple examples of -- we've had some time to look at that a little closer. Using the Chase Bank as an example, that lot has a little over 40,000 square feet of buildable area. If you had a -- if they weren't required to provide any of their own parking, and they can build a two-story commercial building on that lot, they would be required or need 290 parking spaces. That's about half of what's available in that block that's been used up by that building. Or if they did say a three-story mixed-use building with ground floor residential and two stories of -- or ground floor commercial and two stories of residential, they would need about 190 parking spaces. So again, that's about a third of what's available in that block. If we take all the five larger lots, add them

together, build one-story commercial buildings, they would need over 1,300 parking spaces. There's only around 2,500 available altogether in this area, including on-street parking. So staff sees some trouble with just totally eliminating the parking unless you're also doing something to keep the uses that could happen in line. We think that the ordinance was probably best left where it is at in this regard.

Setbacks. We continue to allow the same setbacks, as stated in the ordinance, zero setbacks on most of the properties. We did include, in the draft ordinance, a recommendation for a build-to line. We're trying to create that urban street wall kind of scenario, and that helps with the pedestrian interest and viability along street. It was noted in the previous meeting that there are a few places where maybe that doesn't work, and I'm showing you one here along Parkview where there's actually a 20-foot front setback on the plat. And so if we keep this build-to line, it probably needs to be -- language needs to be modified just a little bit to include an exception if there are any easements or setback requirements that conflict with that.

So with that, staff again is recommending approval of the ordinance that has been submitted to you with some direction on a couple of these topics as presented, what is the maximum density we really think is appropriate for the downtown area, revised boundary, possibly, on the Avenue District, directions if you want to simplify the SUP process for somebody who wanted to use the Avenue for use that would not be permitted by right, and then also adjusting the build-to language to recognize easements or building setbacks that would push a building back.

With that, I'll take any questions you have at this time.

KOVACEVIC: Any questions?

Commissioner Sveum?

SVEUM: John, can you put up --

WESLEY: Pull it closer.

SVEUM: Can you put up the Business District map again?

What was the comment regarding sidewalk use on Parkview and Verde River?

In the existing Entertainment Overlay District, it allows use of the public right-of-way for

outdoor events, activities, and have the noise and whatever that goes on. The suggestion is that because we really don't have the same types of sidewalks on Verde River and Parkview that we do along the Avenue for those types of events to occur in the public right-of-way, that we're moving that as an easy use. You could still potentially do it but coming in and requesting the encroachment permit, but it doesn't make as much sense just to make a stated use.

SVEUM: Well, since those two streets are being redeveloped, would it not be part of it to consider widening the sidewalks there to allow for use of that public space?

WESLEY: Chair, Commissioner, to get to that level, we would need sidewalks at least 15-foot wide. And I can't remember for sure. Eight feet, ten feet?

I can't remember what we've looked at, but what's being proposed at this point isn't wide enough. And plus, they're detached so much from the businesses, most places, because you got the business, a parking lot, and then the sidewalk. I think if you've got to go outside, you're probably going to go in the parking lots instead of out to the sidewalk along Parkview.

SVEUM: Well, there'd be parking behind the establishment, right?

WESLEY: I'm not sure that I --

SVEUM: I'm not understanding what you said about the --

WESLEY: So we --

SVEUM: -- access to those --

WESLEY: So --

SVEUM: -- sidewalks.

WESLEY: Okay, Commissioner. So along Parkview --

SVEUM: Yeah.

WESLEY: -- your business is back here, and then you've got a parking lot, and then we're talking about sidewalks out here. So you're less likely to go all the way out --

SVEUM: Yeah.

WESLEY: -- to the sidewalk. If you're going to do something outside, you're probably going to be doing it in the parking lot.

SVEUM: My apologies. I guess I was more referring to Verde River.

WESLEY: Okay. That is a little bit different. By the time you get down this far from the Avenue, the sidewalks and the slopes there aren't going to be that wide.

SVEUM: Go ahead.

KOVACEVIC: Commissioner Corey?

COREY: Thank you, Chair.

I think, in that example, a visual can really help. It's hard to picture what we're looking at without actually seeing something. But just to reiterate what my colleague said, and I said this a couple times before, on Verde, we should make sure that we're prioritizing that as kind of the gateway to the Business District, so making sure that those sidewalks are wide enough for people to see that as an entrance and not just a small sidewalk along the parking lot. So my point is we can get creative with the ways that the cars park along that street, and I would say we don't need to consume all of that with parking spaces. We can make some of that more sidewalk, better walkability because we really want to make sure we connect people from the Entertainment District to the Business District, and that's the way to do that.

And then I have a question, John. You were talking about setbacks earlier. Can you go back to that slide for a minute and just clarify for me the setbacks? Are we saying that we are looking for consistency with the setback of the buildings that would be in that area, the setback of the actual structure of the building? And the reason I ask that is let's say that a café or something wanted to open up in the Business District. Would they be able to have a setback that's further back so that they could have seating and a place for, like, chairs and tables to be, or is that very consistent where that building line is going to be? Does that make sense, the way I'm asking that?

WESLEY: Yes, it does.

COREY: Okay.

WESLEY: All right. Chair, Commissioner, so the way the ordinance is being proposed, 70 percent of the building wall would need to be within five feet of their front property line. And so they would have a little bit of space on their property, potentially, for any

outdoor seating, but they would also then look at using the sidewalk that's in front of the business, between there and the parking lot, to expand out into the way this is currently drafted. So there's some options there. Maybe it needs to be more of a -- less of a build-to line, maybe it should only apply to the Avenue District and not the entire area, but we are looking for that opportunity to create that consistency here because that --

COREY: Uh-huh.

WESLEY: -- leads to walkability and interest and so forth in an urban-type area.

COREY: So a follow-up question, then. With that build-to line, does that mean that the actual full face of the building needs to be to that point, or could they build a patio that is to that line so that maybe more of the seating can be kind of incorporated into the structure?

WESLEY: So Vice Chair --

COREY: Again, a picture would be able to tell 1,000 words here.

WESLEY: Right. Sorry, I don't have one.

COREY: That's okay.

WESLEY: But as drafted, it's 70 percent of the frontage, so you have 30 percent that can be setback however far. So that --

COREY: Okay.

WESLEY: -- leaves you some room where there can be some room left for some outdoor activity, outdoor seating. If you think of some older main street-type settings, a lot of times, you'd have some display space, and then it angles back for more display space --

COREY: Yes.

WESLEY: -- before you get to the door. And so it allows for at least some of that type of activity to occur --

COREY: Okay.

WESLEY: -- so you can create --

COREY: So if it was --

WESLEY: -- some of that frontage.

COREY: -- 100 feet, 70 feet would have to be build-to, and 30 feet, they would have some flexibility?

WESLEY: Correct.

COREY: It's kind of limiting. I don't know if that's enough space for -- it just kind of seems kind of restrictive there if it's a small space, you know? Thank you.

KOVACEVIC: Commissioner Proctor?

PROCTOR: Nice work on this, John. You obviously incorporated some aspects of a form-based code in here, piecemealed it in. I'd like to, if you've had sight of the Chamber of Commerce's concerns, I'd really enjoy hearing your perspective on their concerns with restrictive rezoning.

WESLEY: Chair, Commissioner, I certainly understand the concern. Any time you start limiting uses of property, you can make it more challenging into the future about what can happen there, and you have the potential that a building sits vacant because they can't find the specific uses that are allowed. At the same time, however, again, as you look back at the list of what is allowed, it's still a very wide range of things that are allowed by right, and we've left the door open for the things that aren't the preference because you can still apply for the special use permit to get the full range of uses. So if the market really doesn't support the retail-type activity, and offices are really the only that are viable, then they can apply for that. And then it can be granted, and they're still occupying their building.

PROCTOR: Okay. One other question. Would you agree with my off-the-cuff assessment that the Chamber's incentives and creative strategies that they articulated in their memo today are not mutually-exclusive of the ordinance in which we're proposing, the rezoning?

WESLEY: Chair, Commissioner, absolutely.

PROCTOR: Okay.

KOVACEVIC: All right. Commissioner Corrigan?

CORRIGAN: Just to amplify this question, in regard to the new plan, the overlay, Avenue of the Fountains would have a larger sidewalk, is that correct, in the new overlay

beyond the existing sidewalk area; is that correct?

WESLEY: Chair, Commissioner, the overlay itself does nothing to widen the sidewalk. That was a separate Public Works project to widen the sidewalk that, at least at this point, has been pushed back in time in favor of improving Verde River and Parkview.

CORRIGAN: Okay. Because I did notice that the Mexican restaurant on Avenue of the Fountains, the existing remaining sidewalk is pretty narrow. I think --

WESLEY: Yes, it is.

CORRIGAN: -- it's about five or six feet --

WESLEY: Four.

CORRIGAN: -- where they have pushed back the patio --

WESLEY: Uh-huh.

CORRIGAN: -- concept. And to Commissioner Corey's question, just to amplify that a little bit, if we do the same thing with patio in that area and extend that district, do we risk the same thing where we narrow the sidewalk where the patio is popped out or pushed out, and how do we overcome that concern?

WESLEY: Chair, Commissioner Corrigan, so if we were to get any additional request for use of the public right-of-way, those encroachment permits, we would, staff anyway, be looking at making sure we maintain any inaccessible sidewalk in those areas. So I'm not sure if -- town engineer would have to answer that for sure, five or six feet. And hopefully, we wouldn't end up with the same type of situation that we did with the existing restaurant.

CORRIGAN: Okay. Thank you.

KOVACEVIC: Commissioner Schlossberg?

SCHLOSSBERG: Yes. John, just so I'm clear, so I'm going to use myself as an example again with the restriction on the Avenue. So assuming there's a vacancy that I want to occupy that's on the ground floor, and assuming this overlay passes and I'm going to have to apply for a special use permit, and it's going to come to Planning and Zoning first, which I show my abstain from, and then assuming it goes on to Council. So each particular unit is going to end up at Town Council to be voted on --

WESLEY: Chair --

SCHLOSSBERG: -- assuming it makes it through Planning and Zoning?

WESLEY: So Chair, Commissioner, yes. If this ordinance were to pass as written, for any of the spaces that are within 50 feet of the Avenue right-of-way, if they become vacant and wanted to fill with an office use or one of the ones that's not on the list, yes, they would have to apply for the special use permit or come through P and Z, and go on to Council for final action.

SCHLOSSBERG: Okay. Thank you.

KOVACEVIC: Commissioner Sveum?

SVEUM: Thanks.

John, you and I have talked about all of this, and in meetings as well, I've expressed my concern about having an exclusive retail, entertainment use on first floor. And I still feel pretty strongly about that as far as having that restriction. I think there's a rippling effect to property owners that can impact underwriting for financing, it can make it more difficult for them to fill their space in times of recession or pandemic that I don't think, at this point in time, the Avenue is -- I think I'm more of a market-driven individual that feels that if there's the market for a restaurant to go in a specific place that currently holds as service industry, that a landlord will seriously consider that when a lease expires. I understand the SUP process, but I also don't trust the political process of gaining that approval. No offense intended by president or future councils.

But I think that there's a tremendous risk that property owners are taking. There's risk, then, that every one of the small business owners are taking being on the Avenue or being anywhere. Life savings -- that's their whole life, and I think providing or suggesting any type of restriction to use of first floor is wrong. At some point in time, organically, if the Avenue becomes to the point where there's more demand for a restaurant and more entertainment and other types of these types of uses, then the property owner will be very interested in having a tenant such as a restaurant or some other sales-tax-generating business. I just don't think, at this point in time, that it's right. I think part of this is cart before the horse. The Avenue should be redesigned to

the point where it's part of the program for -- and in addition to the two streets that are being redeveloped, that taking this time to redesign the Avenue, what it could take into account, all the many comments that the Chamber and the merchants have put forward. And then at that point in time, too, if it wants -- if you feel like there's a significant offering that the Avenue is providing the property owners, then it'll be easily digested by property owners at that time because there will be a demand for other uses, but I just don't believe in putting that kind of restriction on the use of first-floor space. And I think I've been consistent with all that. I just haven't seen anything to change my mind about it. So I hope that we can eliminate that part of it because I think we -- you know, you plan for the worst and hope for the best. And I think with -- the economic conditions can change, and it can put a property owner in a pretty difficult position by having restrictions on their space. So that's my opinion, and I have to follow that. I've looked at it and we've talked so much about it, and I haven't changed my opinion.

WESLEY: Okay.

KOVACEVIC: Thank you.

I just have one quick question. And we'd go on to speaker cards, and then we would come back and have further discussion after --

WESLEY: Are you going to read --

KOVACEVIC: I was going to do that after the speaker cards.

WESLEY: Okay.

KOVACEVIC: But my question would be, Park Place, it was zoned for 50 units an acre, right, and then they built it to 45?

WESLEY: Yes.

KOVACEVIC: Is that the case?

WESLEY: I believe that's correct. I think I had it in the report.

KOVACEVIC: Okay. So we wouldn't be breaking new ground if we went ahead and said residential in this area could be 50 units an acre?

WESLEY: That's correct.

KOVACEVIC: Okay. Thank you.

Paula, are there --

Well, Commissioners, any other questions for John?

Paula, are there any speaker cards?

WOODWARD: There are, Chair. There are two speaker cards. The first speaker is Dori Wittrig, and the second speaker is Roger Isaacs.

WITTRIG: Roger is better at this. He was supposed to go before me. My name is Dori Wittrig. I own RE/MAX, some properties out here and another business or two, and I own two buildings on the Avenue of the Fountains. My square footage totals about 11,000 to 12,000 square feet. I bought them as office buildings, retail buildings. You know, I get what's trying to happen here, but let me just say a few moments -- a few things. So I'm what you would call a small-business person and a small-building owner, I guess, but my businesses have had a really big impact on our community over the years. I didn't purchase restaurant buildings. I purchased two buildings that were built without any thought of the electrical requirements, the plumbing, the specialty requirements that a restaurant requires to turn those buildings into restaurant buildings. And to do so -- I've already done some renovations in my buildings, and I can tell you that that is not an investment that can be made in those old buildings that makes sense for anybody. And I bought my buildings at a period of time when, you know, the prices were lower. So what are you trying to do to us? What is the town try to do us [sic]? In the spirit of going along with your plan -- with the plan -- not your plan, but the plan, I've created a space along the Avenue of the Fountains called ColabR8 for small businesses and retailers and services. I will tell you that in our small town, small businesses really struggle to get these businesses up and running, and their fail rate is disheartening. I think you already know that. You think you can create an area that rivals downtown Scottsdale or some other dining mecca. But at most, we will have 32,000 residents in this community, and the statistics for that population have a limit to the number of diners, drinkers, and merrymakers that will be in our downtown on any given night. So now, you're trying to force a small-building owner like me to spend

money on buildings that will be very difficult to lease and may not even lease up with what I'm going to have to lease it up with those investments. The dream of a restaurant culture is manifested when you have the people living here to make it worthwhile, to your point of the organic growth. Those restaurants will see guests when we have people downtown, and you have taken many leaps forward recently to allow for more bodies in the downtown. Let that happen. Put this off a little while. It's not necessary, and it's very harmful to business owners and building owners, like myself. Thank you.

WOODWARD: Roger Isaacs?

ISAACS: I've been here so many times now, I won't even introduce myself. I just wanted to take a minute and first say that, in going through this process, I think that John and his staff has done a good job trying to respond to specific adjustments that could be made. One of the adjustments made last time puts me in kind of an awkward situation because they said, okay, well, your property is different. The things you've been saying is true. Let's pull it out of the Avenue District. So I could stay seated and not say anything, but I feel obligated to say, hey, I was not here for myself. I can do a lot of different things with my lot. I'm trying to point out some of the detailed problems I have with what I consider to be the prime focus of this from my point of view, and that's, for some reason, the weaponization of planning the Zoning Overlay.

I haven't seen this in other communities. In fact, I wanted to share with you that when I talked about this with one of the other owners on our property who owns property in downtown Scottsdale and downtown Fountain Hills, he said, I don't understand why Fountain Hills Planning and Zoning is taking this approach. Downtown Scottsdale does some stuff similar to this, but they did it exactly in the opposite. What they did was they told the developers and entrepreneurs that wanted to put in bars and restaurants that if you want to get a liquor license in Scottsdale, we want you to be in this area of town. By doing that, they caused people that were looking to fill vacant areas to realize, this is the easy route. So they took exactly the opposite approach. Instead of saying, you can't have these businesses in downtown Scottsdale, they said, we'd like downtown Scottsdale to be an entertainment area. That's where we think we want law

enforcement to be on Friday and Saturday nights. So if you want a liquor license, this is where you need to be. And he's got property there, he's got property here, and he's asking me, why are we doing this backwards? And I said, I don't know. In fact, if you walk the streets out here right now, I'd say, why is there a new restaurant going in down at Fountainside underneath residential owners that have got lawyers to try to fight it? Why is there -- I just saw for the first time, there's another restaurant going in on the south side Avenue. And so I believe that's what going to happen is you're not actually going to incite change with this. People aren't going to come in and put bars and restaurants on the north side in office buildings without adequate parking. So I guess it's kind of like that.

In one of the movies I -- kind of formative for me, where they conclude, it just doesn't matter. And I'm going to tell you that I'd like to see a vote on this. But I'd hope that if you vote on this, you do give John the full SUP experience, and if you vote it down, then he can come back in a year and try to repropose that. Because one of the things, like, I've learned through this process is that there is a lot of pain with this process. There's a lot of delays. To get an SUP is not, well, they can ask for an SUP. An SUP costs thousands of dollars. So I think there's some goodness here, and I would encourage you to consider voting. And also, I'd consider you guys looking at changing how the SUP works.

KOVACEVIC: Any other speakers?

WOODWARD: No, Chair.

KOVACEVIC: Okay. Commissioners, I'd like to read Commissioner Gray's comments on the Downtown Overlay into the record. This is from Peter Gray.

Commissioners, as the commission deliberates on Ordinance 25-0-2 [sic] this evening on the proposed Downtown Overlay, I want to begin by addressing a key point raised by Chamber of Commerce in their letter received June 9th, '25. While I don't often find myself in alignment with the Chamber, in this case, I am in full agreement with a few of the recommendations. Public-private partnerships, joint grant applications, and structured incentive programs should and must be part of our strategy. If we are

serious about revitalizing our downtown, these tools must be deployed on a grand and coordinated scale.

I also understand the reservations and burden this may place on existing businesses, and I think we need to accept that burden. To a degree, some of the reservations expressed by the Chamber will be realized. While I respect the Chamber's obligation to advocate for its members, we must also recognize that as with signage, zoning, and every other area of regulation, we cannot be all things to all stakeholders all the time and be advocates for change and improvement.

Let's also be honest about the composition of the Avenue today. The current construct of the Avenue is a patchwork quilt of low-rent service entities as infill, the cumulative result of decades without a cohesive framework or vision. This overlay is our opportunity to change that, to replace randomness with intention, and stagnation with momentum, our responsibilities to the long-term vision and vitality of Fountain Hills. Towns like ours are not without options to mitigate burdens to stakeholders. We can and should pursue grant programs and partner with developers through incentive-based agreements that align with the overlay's vision. These partnerships can unlock funding, reduce risk, and accelerate reinvestment.

A key part of that momentum is residential density. I would like to see the allowable density increase to 50 units an acre, aligning with what is already permitted on the south side of the street. This level of density is essential to achieving the critical mass needed to support walkability, retail, and a vibrant street life. It doesn't make much sense to me to allow it on one side of the street but not the other.

We must also address the corner lots with clarity. These parcels are pivotal. If we do not act decisively, they will never be redeveloped. I don't yet appreciate the influence or veto power of Plat 208. However, I strongly advocate for the total removal of self-parking requirements on these lots except for essential back-of-house services.

Requiring on-site parking on these constrained parcels is a nonstarter. It is incompatible with the form, scale, and economic feasibility of the kind of development we want to see. Instead, we must enable a full decanting of parking demand into shared resources

like Plat 208 and adjacent street parking. This is how we unlock these sites. This is how we move the first chess pieces.

So that's Commissioner's Gray [sic] take on it. I'd like to hear from the other commissioners that we've heard from.

Okay. Commissioner Corey?

COREY: All right. I'll start. Thank you, Chair.

And thank you to our speakers tonight and to the Chamber's letter earlier that provided some insight.

And I think there's kind of three themes that I see here, and the first one is, I would say, tenant diversity. I tend to agree that -- you know, like Dori was saying, she bought a property and was expecting to be able to provide a certain service, and I think we are going to be doing an injustice to our business owners, our commercial property owners if we are too restrictive on what those businesses are. And I think there is also risk, if we limit it, to having more, like, long-term vacancy. We've seen vacancy over the years, and if we are restricting what can go in there, how could that impact more vacancy? I think that's definitely a risk. And then like we heard tonight, you know, some of those buildings were designed specifically for a specific service, like maybe they're office space, and they can't easily be converted into something that fits within that. And I know we have a lot of variety in the Entertainment District that we're seeing, but not all the businesses are going to fit in that kind of square hole. They were not designed for retail or entertainment, I'll say. So I think that's another risk there. So that's the first one, is the tenant diversity.

I think, like my colleague here said, it will happen organically, and I think that if we proceed to the next step, which is residential density, which we heard from the other colleagues here, then it will happen organically. We are already working on building out downtown. We have the next building going in that Bart Shea is putting up. I completely agree with increasing the residential density to match the other side of the street, and I think when we bring more people in, that will organically help the businesses, you know, create a thriving downtown for our businesses. And I think we

heard this tonight, they're going to want to go where the traffic is, so you know, let them go where they want to go. They're going to pick the right place, the right spot for their business. So residential density, I would agree with increasing to 45 units per acre. And then the last kind of comment here I have is around parking. And I think -- I saw this in your presentation tonight, is I think we should relax the parking concerns for now because we know that we always have an abundance of parking unless it's one of those key, signature events that bring a lot of people down here. That's the only time that I ever see that our parking lots are full. And when that happens, cars park on the street, and it's not an issue. But we seem to always be bringing up where people are going to park, and if we put a business here, where are they going to park, and are we going to have enough spaces? And I get it, but I don't know that that should be a concern right now because we have plenty of parking. I completely agree with the recommendation to allow the corner lots to just use Plat 208, use the parking. Like I've said many times in the past, when a visitor comes into town, they don't know where the designated parking is for each of the individual businesses they're going to go to. They just find an empty spot, and they park there. So I think we should just make that a lot more flexible for them. Don't restrict the parking, allow common parking, which we know is generally underused, and let the corner lots use that parking.

And I guess the last point is, you know, the SUP -- I know in the past, I spoke to -- I would be willing to say, yes, let's use an SUP for the Entertainment District to be able to provide a different type of service.

And to the gentleman's point in the back, he mentioned the cost of the SUP, and I just wanted to clarify. We had discussed that the cost could be, like, ten percent of the original fee. That was one of the ideas.

But I think after the discussion we've had tonight, and what we've heard from the Chamber and different folks, is I think that's just going to be a hurdle that we don't want to introduce right now. It's going to complicate things, and I think we should just let the businesses go where they want to go, trust that they're going to make the best judgment for their particular business, bring in the people, and let it happen organically.

So those are my thoughts. Thank you.

KOVACEVIC: Commissioner Corrigan?

CORRIGAN: From what I've heard, the concerned business owners in this particular area have a good point, have a valid point. I did read the Chamber of Commerce letter and did, today, receive Peter Gray's letter and digested that, read it, and he has some very valid points. But I think the idea here would be to let free enterprise designate where growth happens. I think the idea of trying to force a certain type of development in an area that just simply doesn't allow that economically is probably not such a -- it's a little too soon to try to step in and develop something that doesn't have an otherwise designated development area. And free enterprise, again, is the best -- in my opinion, is always the best way to go because the economy, free enterprise will determine where developments happen. When those things happen, we can encourage those things and step in then, beginning with Planning and Zoning and with the help of our great staff, to redevelop those areas that have that focus or attention. And in particular, I see this with the Discovery Center, the Dark Sky Discovery Center, that's going to make something happen. When it does, I think we can act quickly to do that. And that's just kind of, in short, a summary of my thoughts on it. Thank you.

KOVACEVIC: All right. My thoughts on the matter. First, residential density, I think it should -- I think if the south side of the Avenue is zoned for 50 units an acre, then the north side should be zoned for 50 units an acre.

I'm okay with the Innovation District. I don't have any comments there. I don't have any comments on the Business District. I don't have any comments on temporary uses. But parking, I do have a question for you, John. The corner lots, do they currently have a 50-percent grace using the Plat 208 parking?

WESLEY: Yes, Chairman. When we updated the ordinance a few years ago, we put that 50-percent reduction in the code. Nobody's used it yet --

KOVACEVIC: Yeah.

WESLEY: -- but that is in there.

KOVACEVIC: Okay. So I would want to keep that -- at least keep that, if not, waive -- but

it does seem like it would be a burden to waive it completely when you've got -- if Chase would use 290 parking spaces in order to fully build out the project.

WESLEY: Yes. Again, these are just hypothetical examples. If they were to clear that and start over where they really build two stories that fully cover the lot, maybe --

KOVACEVIC: Yeah.

WESLEY: -- it's not likely, but it could happen if the code would allow it, and then you're using a path of the parking spaces in that block for the one business or that one property.

KOVACEVIC: Yeah. So you know, I wouldn't -- I'm not concerned about parking. Like, I would agree with Vice Chair Corey at this point.

And the build-to lines are good. The issue I have and the issue that's in the back -- that's forefront in everybody's mind is demand, and as a commission, we would be remiss in making a recommendation for this zoning if there weren't any demand. And I think it's folly to make a recommendation without a retail site assessment to know what the demand would be for retail on the Avenue and for the uses that we're saying have to go on the north side of the Avenue. So somehow or another, I'd be okay recommending everything except the Avenue Overlay until there was a retail site assessment obtained and digested.

WESLEY: Chair, if you don't mind, maybe I could say that a slightly different way, is that you would be ready to recommend approval of the ordinance except for the restriction of the uses on the Avenue regarding the first floor. So the things shown here on the screen, if we took that piece out, then you'd be okay with it?

KOVACEVIC: So with that, I'd like to have the commissioners --

SVEUM: (Indiscernible) moment?

KOVACEVIC: Yeah.

SVEUM: I think we're going to be revisiting this again. I mean, if this successful and retail is in demand and things move as everybody hopes, parking is going to be an issue. We're going to have to be looking at parking again at some point in time because I think if there's more and more restaurant uses, then it demands more parking that's closer to

the front door. There's, you know, appraisals that'll have to be done for financing that may be jeopardized because there's not easy access for their particular brand-new restaurant they want to put in. So I think we're going to be -- we're going to have to be looking at parking as to maybe the change or the evolution of the Entertainment District continues on, and hopefully, we'll have to discuss it. That'd be a good thing because there's so much demand. But we're going to be seeing this -- I think we're going to be seeing this again.

So can I make a motion?

KOVACEVIC: So yeah. We want to make a motion. I just want to make sure that we do this right the first time. Let's, you know, not have a quick second on the motion until we fully understand it.

So John, can you summarize, again, what you just said about the ordinance?

WESLEY: Chair, I'll do my piece.

And Commissioner, you can see if this gets close enough to what --

SVEUM: Sure.

WESLEY: -- you were going to do in your motion.

So recommend approval of the ordinance as drafted with increasing the residential density up to 50 units per acre, removing the restriction for ground floor uses in the Avenue. We're advising the boundary of the Avenue so that it cuts off here and doesn't include this corner. We don't need to worry about the modified SUP process. Adjusted build-to language to recognize easements and building setbacks. And the one thing that I'm not covering here would be if you're making any change to the parking.

KOVACEVIC: Okay. Do, Commissioners, we got all that?

Phil, you want to make the motion?

SVEUM: I'll move approval with the changes that John just explained. Is that okay?

KOVACEVIC: Is that okay?

WESLEY: It's fine by me.

KOVACEVIC: Paula, do you --

WESLEY: Again, that doesn't --

KOVACEVIC: -- have all the changes?

WOODWARD: Oh, of course.

KOVACEVIC: Okay.

WESLEY: So Chair, again, that doesn't include any changing to the parking at this point.

COREY: Correct, no change.

WESLEY: So --

KOVACEVIC: Okay. Yeah. That means that they got 50-percent grace on their parking to use Plat 208, but they don't have unlimited grace. Okay.

COREY: I will second my colleague's motion, but I just want to clarify. The third topic was the setbacks. Can you clarify what that modification was with the setbacks?

WESLEY: So we would modify the language to recognize a place or two where there will some building setbacks and maybe some easements that's going to push a building back more than that five feet, and so it would adjust the language to recognize it.

COREY: Language. Okay.

WESLEY: Yeah.

COREY: So yes, I second that motion. Thank you.

KOVACEVIC: Are we ready to vote?

Can we have a roll call vote, please?

WOODWARD: Commissioner Proctor?

PROCTOR: Aye.

WOODWARD: Commissioner Corrigan?

CORRIGAN: Aye.

WOODWARD: Commissioner Schlossberg?

SCHLOSSBERG: Aye.

WOODWARD: Commissioner Sveum?

SVEUM: Aye.

WOODWARD: Vice Chair Corey?

COREY: Aye.

WOODWARD: Chair Kovacevic?

KOVACEVIC: Aye.

WOODWARD: 6-0.

KOVACEVIC: Okay. We move on -- I can't find my agenda here. Okay. Agenda item 6, review and discuss ordinances and requirements associated with regulating small cell wireless facilities in the public right-of-way.

WESLEY: Okay. So Chair and Commissioners, so as you know, over the last few meetings, we've been working through the process of the instructions given by Town Council that this commission review the different ordinances and regulations dealing with wireless telecommunications and antennas. You have, over the last few meetings, reviewed the regulations in Chapter 17 of the Zoning Ordinance, which address everything on private property, and -- well, really everything but small cell wireless in the right-of-way. And so that's where we're at now in the process, going through and understanding what we have and looking at what modifications you might want to make. So I provided a report to you that provides some description of the different items that are out there for your consideration as you review this part of the project. And so the first thing is Arizona Revised Statutes. 9-591 through 600 provide the framework that towns and cities must operate in in order to address small cell wireless facilities in the right-of-way. After the state adopted those rules back in 2017 or 2018, whenever that was, the town was obligated to put in place its rules consistent with the state statute. That's when we adopted Town Code Article 16-2 for small cell in the right-of-way, as well as a number of supporting and implementing documents: the lease agreement that would be signed with the town, the standard terms and conditions, and then some zoning standards and guidelines. So again, you know, the staff report steps through some of those documents. Again, they're quite lengthy, and so I tried to pick out those things that I thought might be of most value for you to pay attention to. And I've summarized that even further here for the presentation this evening. Again, we were just starting a discussion so staff can see where the commission wants to go and how we're going to proceed with this part of the topic. So again, definitions, there is a specific definition in the state statute for what a small

wireless facility is, and then it tells that authority, basically local jurisdiction, shall establish and make available rate fees and terms for small cell wireless in the right-of-way. There's limited zoning review, and authorities shall approve an application unless it doesn't comply with some stated standards. And then also in state statutes, a jurisdiction can and cannot do, there's a list of some of those things. So shall process and take action within 150 days of completing an application, shall not base decision on customer demand, for service or quality of service, and may adopt reasonable appearance or concealment standards. So that gets into our design guidelines piece that we have.

In terms of the town regulations, again, we have what's in 16-2 of the Town Code, but that's pretty nuts and bolts of the process and the required documents doesn't really get into any detail. The real detail of how we are regulating small cell in the right-of-way in Fountain Hills are contained in the terms and conditions, and it's a rather lengthy document. Town Council has sent all this to you. But as I look through it, at what's in there, to me, it seems like the places for the commission to focus their review and discussion and possible modifications are in the sections listed here. I think that's where we'll find the meat of things that relate back to what this commission does and what the community's maybe been concerned about in terms of addressing this community's needs.

And then the zoning guidelines, that sets the standards for what these can and can't look like as they're placed in the right-of-way, and most of what's in there is based on them going on existing light poles and an example of one being in a Saguaro cactus, I believe, is the only other design that's in there. So maybe there are other options by now that could be looked at in terms of design guidelines. That's certainly something we'll want to get commission direction on.

Also included, the Campanelli Ordinance. We reviewed that heavily with regard to other portions of the wireless communication ordinance. In terms of that draft ordinance, it really did very little with regard to small cell in the right-of-way. It said if you're going to go collocate on existing pole, then apply for a building permit. That was

the only thing you had to do. And then beyond that, there was nothing specific about small cell in the right-of-way. And I believe that is the end of my review of what I've given to you for your review and discussion. Again, this evening, we just wanted to start this discussion and see how you would like to handle moving forward in understanding what's there and what may be needed as we revise these ordinances.

KOVACEVIC: Do we have any questions for John right now before we go to speaker cards?

Commissioner Corrigan?

CORRIGAN: Corrigan, thank you.

KOVACEVIC: Commissioner Corrigan.

[LAUGHTER]

CORRIGAN: Thank you.

KOVACEVIC: Yes.

CORRIGAN: Thank you, Chair Kovacevic.

[LAUGHTER]

CORRIGAN: Just a clarification, John, on small cell, could you give a description of that and how FCC regulations cover that versus -- now, am I getting this confused? This is in Chapter 16, versus Chapter 17 where FCC requires certain strong requirements, versus Chapter 16, which does not; is that right?

WESLEY: Chair, Commissioner Corrigan, let me pull this up here. I got to wake this back up, and now I'm not getting my code right. And go into this to answer the first part of the question, I believe. So the definition for small cell in state statute, and I think you'll find it a number of places, talks about certain things in terms of the size of the antenna, the cubic feet that it covers, as well as, then, the ground equipment, a few other things like that. Anything that fits within that is small cell. So then when it comes, though, into the FCC and I think maybe going to some of the RF emissions and what those can or can't be, there's not anything in the state statute that addresses that. So as far as I would understand it, if they're still subject to those same emission limits of any other wireless facility as regulated by the FCC.

CORRIGAN: So just to clarify, additionally, on that same topic, the 50-foot -- is it 40 feet or 50 feet -- foot, pardon me -- 40 foot or 50 foot that's the state limit? That's not an FCC limit. That's obviously a state limit; is that correct?

WESLEY: So Commissioner, yes, that's a state limit.

CORRIGAN: Okay.

WESLEY: And there is a 40-foot and a 50-foot. And I'd have to go back and read them. One has to do with whether it's a new tower or a collocation and what's within certain distances of it. And I would have to read it again to say exactly what it is, but those are the two limits that are out there.

CORRIGAN: From what I'm reading or understanding, it's 40-foot, but you have an allowance of ten feet additional; is that right? You could go to 50, I mean, according to what I see. I'm not sure.

WESLEY: Chair, Commissioner, again, I believe there are some conditions where that is the case, but again, it's very -- I'm going to say convoluted, but I have to read it every time to remember exactly how it applies where.

CORRIGAN: Okay. And in reference to that, so page 47 would be really Chapter 16 in the Campanelli part of the -- I'll call it a presentation or the documentation? And I'm referring to 16-2.

WESLEY: Okay. Chapter 16-2 of the Town Code?

CORRIGAN: Yeah. So in other words, on page 47, there's a reference to 16-2. That may be different than -- that's different, I think, because that's damage, right, that's the -- in the Campanelli thing, it's a damage issue, coverage for damage or indemnification for damage?

WESLEY: Okay. So --

CORRIGAN: Totally different issue.

WESLEY: -- I don't have mine opened up here the way you do to look at the page numbers and see exactly what you're on. But if we're talking about 16-2, then we're talking about the Town Code --

CORRIGAN: Town Code.

WESLEY: -- Article 16-2, but if you're in 17-2, that would be something out of the Campanelli Ordinance.

CORRIGAN: Okay. Good. Thanks for the clarification on that.

WESLEY: Okay.

KOVACEVIC: Anybody else?

Paula, do we have any speaker cards?

WOODWARD: Yes, Chair. We have one speaker, Lori Troller.

TROLLER: Good evening, all. Lori Troller.

Just to help you out a little bit, Matt, the 50-foot limit is a -- it is a Fountain Hills number. And I believe John has a ten-percent allowance on anything, so if we have an ordinance that gives a number, you've got another ten-percent give. I don't quite understand that. I know that. I've heard this before. So anything that's 50-foot could go 55 feet with whatever allowance --

You can explain that better than I can, so --

Anyway, I'm going to try and go over some terms that might help clarify a lot of stuff.

The whole reason we're here -- and the federal government wrote a Telecommunications Act, 1996, as it relates to the construction of the infrastructure for telecoms to build cell towers, and all of this is so everybody can make a 911 phone call. It's not so your kids can stream super fast, and it's not so you don't complain that you're not getting your movies.

And Corey, I know you want fast service, but it's not going to be at the detriment of my front yard and a tower because my neighbors want this service, that you really don't have the federal right to put a tower in somebody else's yard to get. We do have to put towers up for cell service.

So what we're talking about right now is -- what you have to ask yourself is, what is the service being provided on the tower that's being built? So if it's going to be the broadband stuff, put it underground. It goes underground. It's underground in Anthem; it's underground in Davis, California; it's underground in Tennessee; it's underground in a lot of places. We put it underground. That's our standard in the town. It's either that

or a whole bunch of towers. Service wise, it's better service. It's uninterrupted. So we get a storm, we still have service. You put a cloud or dust in front of -- in between two broadband towers -- because that signal is much lighter in strength, so it's easier disturbed. So anything, any dust that goes in between towers, if you put it underground, you're not going to have that; floods out, you're not going to have a problem. It's better service; it's actually faster service. There's actually grants to build it underground. Somehow, people aren't looking at those, but there are grants, and our town has the ability to get those grants too.

So let's see what else. The ordinance, as Campanelli wrote it and as John kept the structure for, there's really four types. What you're looking at, is it collocated, or is it not collocated? So collocated means Verizon builds a tower, and AT&T wants to put their antennas on it. That's collocation. That's all that is. So the ordinance, as we have it right now, is separated into four types: Are they collocated, are they not collocated -- am I okay to continue?

Okay. And then the other question -- so now if they're collocated and not -- hey, I can do that -- or not collocated; are they new or are they -- I'm sorry -- are they SWF -- and I'll explain that in a second -- or are they not SWF? So what is SWF -- that's the question you asked -- a small wireless facility. So you got to go all the way back to what a personal wireless facility is, and that is simply a location with antennas on it for the purpose of telecommunications. That's all that is. Then an SW, that's what a personal wireless facility is. So what's a small wireless facility? A small wireless facility is a personal wireless facility that has the limits that John was talking about, whether it's the height or three cubic feet or 28 cubic feet or the whole thing and all this stuff. It can't be on tribal land.

And exposure rate, you were asking, here it is. I bring this document every time, this beautiful document. Here's the FCC compliances. If those antennas are not operating in these guidelines, tower should be shut off. We don't check this stuff. Nobody checks it. Nobody checks to see if the cumulative emissions from a tower are meeting this. Nobody checks it. But here's the standards, and we will write it to these standards.

Campanelli has written it to these standards. This is called Bulletin 65. That's the reference for that. So there are standards that they have to operate in, and the federal law says they have to operate in that too.

So the only thing that I wanted to note that I noticed on John's version of 17 -- I want to jump back to 17 for a second -- we had a lot of side notes that there were a lot of things were taken out. I don't know if they were going to be put back in for 16, but he removed the issues around environmental impacts, historical sites, force majeure, which means if, all of a sudden, we have a massive storm that comes in, but we have an application that's due, and we can't gather to talk about it and give it due process, it automatically approves. It doesn't give you the -- it doesn't even give the town a chance, so that's force majeure. That was removed, our protection from that. Eleventh-hour submissions, it's another tactic telecoms take. They'll give a submission for an application like right at the last minute of a time frame, and we have to process it. We don't have the time to process it, so it just automatically gets approved. That was removed. So there's a whole list of things. If you look at John's 17 that he had prepared for this meeting, a lot of the things that you said weren't in there -- I'm not sure if you're going to resurrect those for 16 or what that was, but I'm concerned about all the little notes on the side. I'll let you guys look at that. There's a whole bunch more that were removed.

The other thing was the state statutes that John provided. My concern here, again, and I keep saying this, is the Ninth Circuit of Appeals, which would overrule any of these, is not included. So again, when he says these are the rules we have to live by, there's other rules that supersede these that we don't see because a lot of these -- I'm not going to say a lot -- some of these have been modified by the Ninth Circuit of Appeals. So I'd hate to write a law that's restricting us with our abilities to protect ourselves, and we don't have to because the Ninth Circuit overwrote them; we didn't even look it up. So again, that's another Campanelli reason to bounce this all off of Campanelli again because he would know that stuff.

Oh, I'll end with a timing thing.

For these meetings, John, I don't know how much time in advance you put on the public display, all this information for us to consume and digest. If it's only two or three days and you have a month worth of work, I know I can't read it and consume it, and I know this stuff.

I don't know how you guys have the ability to read something that was published, maybe, four days ago, and it's that thick, consume it and know the questions to ask. You guys are laughing so I know.

Can we get -- can we either write a resolution or come to an agreement that, John, you can publish your materials for these meetings at least fourteen days in advance of us being able to consume it?

Honestly, we can't keep up. We can't ask and give due process because we're not given enough time to do it. I certainly don't. If I didn't have a different job, I could, but -- that's the only thing, is I just hope you guys give yourselves a little breathing room, if you can modify your process a little bit, give you guys a little more time to look over these documents. And that's it. Thanks, guys.

KOVACEVIC: All right. Thanks.

Okay. Commissioners, discussion?

All right. I'll start. I know we have a -- it seemed like there were a lot of definitions that were missing. That's probably not, you know, part of what we're here for tonight. We were going to get started on 16, and I think the definitions fit in 16 and 17. But there were a number of definitions that were missing.

And another thing, it was interesting that the speaker mentioned Bulletin 65 because I had picked that out of the (indiscernible) ordinance, and I think that if that's the document that has the standards, we shouldn't make reference for it.

Use restrictions, the personal wireless facilities in the right-of-way, they're allowed by state law, I guess, so we don't even have anything to say there. And if they're not in the right-of-way; they're part of 17. And as far the indemnity goes, I mean, I'd like to see the hold harmless if we can, if it makes sense in the small cell, as we have in 17 with the towers. I'd like to incorporate the distances from the doors that are in Sedona and any

of the restrictions that were in Paradise Valley too. Can we require annual testing on -- I didn't see annual testing on the small -- no.

WESLEY: Chair, I don't recall seeing that in there currently either, and I don't know why we couldn't.

KOVACEVIC: Okay. And then just in general, an attorney has to review these terms and conditions. That's a legal document. I'm not an attorney. You know, I can't review it as a legal document and provide a legal review, so I strongly suggest that Council takes this back to an attorney. Those are my comments.

Commissioner Corrigan?

CORRIGAN: Some of things I made note of from Ms. Troller on May 12th, I'll just kind of reiterate those and see, you know, if that's been included. And one of them was the historical factor. I don't know that we -- have we seen that in here yet? If we have a historical -- if there is some significance to not mounting small cell around that area of the park, the Fountain, which is the original 1972 development area, I don't know that we need that, but that's a question.

And then I think, again, as the Chair pointed out, Mr. Kovacevic, the hold harmless insurance risk factor, that's very important. So if it's not there, we should have that. The annual testing, I agree with. That's important. It should be done, regardless. And then the evidence of need concerns me. This was brought up by Ms. Troller back on May 12th. Now, when there's a gap, a professed gap, from the provider, whatever provider it is, I think that probably, as in Chapter 17, Chapter 16 more so, they should be able to -- that provider should be able to give testimonial documentation other than, you know, what's called the drive-by method and actually, the need for additional towers if that's there.

And then the underground factor, which Ms. Troller brought up again today, that's very important. I think it should all go underground, fiber optic cable. And I have written -- I don't know, but I have written some, you know, scientific documents in regard to this, and they say that the strength of the signal, durability of the signal, and connectivity and so on is much superior with that type of cable underground. I call it cable. It's not a

cable. Fiber optic. Fiber optic, underground with small towers rather than tower to tower. So just again, what she brought up today.

The other issue was, just agreeing with the Chair, that we need an attorney to review this because there's so much involved, and we don't want to be in a position where we put the town at risk by not having adequate legal protection. Those are my thoughts.

KOVACEVIC: I want to jump back on the -- I left the underground out, but I do think that we should require broadband underground if that's at all possible. That would definitely be part of my recommendation.

WESLEY: So Chair, if I may jump in on a couple of those things? And maybe I'll start right there. Certainly, you know, you can make some suggestions, recommendations to Council. It wouldn't be directly part of anything that we're doing here because the charge is to review and recommend changes to our wireless ordinances and requirements. So there are a number of things. If you look in the terms and conditions, item number 14 in the terms and conditions, it's indemnity and it talks about hold harmless a little bit in there. So maybe one thing I'm hearing at this point, in terms of how to tackle this particular part of the project, is maybe the first thing is going to be to have legal review of where we're at, in terms of the terms, and then as we do that, come back to the commission with some of the things you've talked about and what we find through that legal review and then pick it up at that point to talk about modifications that are being recommended or suggested for the commission rather than trying to plow forward in some way absent legal review through the commission. Is that --

KOVACEVIC: All right. I like that.

WESLEY: So we can sort of look at that. Coming back to a couple of comments from Commissioner Corrigan and from Ms. Troller. So I did hear the discussion last month with the commission. I recognized there were some things that the commission wanted to include in from Mr. Campanelli's report that when I listened to the minutes, I didn't quite pick up on. I've gone through all that, added all those things into that chapter, I've added in all the definitions that were missed, and so forth. So hopefully, when you see

that come back, you'll see that we've addressed those things. I will point out, we're sort of willing, and in my mind, basically everything is on the table for at least review and discussion as we get attorneys involved and understand these things on a little bit deeper level.

But I will point out what's on the screen there in terms of as compared to our other wireless ordinance and the ability to do some of those drive-by tests, and they have to prove a need. State statute says, shall not base decision on customer demand for service, so I'm not sure how that plays into our ability to do the same thing with a small cell. We'll have to see how all this plays out. And as Ms. Troller said, maybe there's been some Ninth Circuit rulings that will override some of these things in the state statute, and we'll have to explore those and see if that's the case.

KOVACEVIC: Any other comments?

We can move on.

WESLEY: Okay.

KOVACEVIC: Commission discussion, request for research to staff. Anybody?

It's just the retail site assessment.

Item 8, summary of commission requests?

WESLEY: So every time we get here, I don't know if we should ever just redo this agenda because we pretty much skip 8 and always go to 9. But in terms of coming up, at this point, we have nothing that's come in for a July application. About the only thing we would have discussed would be continue discuss of the small cell wireless. Based on the discussion this evening, it sounds like that's going to hold until we get a chance to do some more legal review on the small cell before that's going to come back. So we're not seeing any reason for a July meeting, so you can mark that off your calendars. We do have several applications in for your consideration at your August meeting, so be prepared to be back for the second Monday in August ready to review some applications.

July is off. You're off for July. Take a vacation, but be here in August.

KOVACEVIC: Okay. Motion to adjourn?

CORRIGAN: So moved.

COREY: Second.

KOVACEVIC: Okay. All in favor? Aye, let's hear ayes.

ALL: Aye.

KOVACEVIC: All right. Opposed?

Nobody's opposed. All right. We're adjourned.

Having no further business, Chairperson Kovacevic adjourned the Regular Meeting of the Planning and Zoning Commission held on June 9, 2025, at 7:23 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 9 day of June 2025. I further certify that the meeting was duly called and that a quorum was present.

DATED this 9 Day of June 2025.

Paula Woodward, Executive Assistant





TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 8/11/2025
Meeting Type: Planning and Zoning Commission Regular Meeting
Submitting Department: Development Services / Planning
Prepared by: Farhad Tavassoli, Senior Planner
Staff Contact Information: Phone: 480-816-5139
Email: ftavassoli@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

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.

Staff Summary (background)

On January 13, 2025, the Planning and Zoning Commission reviewed the applicant’s original proposal, which included two special use permit (SUP) requests for residential development within the commercial subdivision known as Plat 106. The first request sought approval for four multi-family buildings, each containing three units, across four contiguous parcels. The second request proposed the construction of ten single-family homes within the same subdivision. Because the two projects were separated by an alley within the subdivision, they were treated as distinct proposals and assigned separate case numbers.

Following the public hearing, the Commission unanimously recommended denial of both requests, citing insufficient consideration of the design’s overall impact. Rather than advancing the proposals to the Town Council, the applicant requested that the Council return the cases to the Planning and Zoning Commission for review of a substantially revised plan. At their meeting on June 17, the Council approved the request to allow the Planning and Zoning Commission to consider a modified proposal.

The applicant is now proposing a mixed-use residential development within the Community Commercial (C-C) district known as Plat 106—a commercial subdivision located north of El Pueblo Boulevard, between Fountain Hills Boulevard (F.H.B.) and Ivory Road. Of the 11 proposed residential units, nine will be single-family "cottages" constructed across four rows of adjoining parcels on both sides of the north-south alley that bisects the subdivision.

Each cottage is designed as a two-story home featuring four bedrooms, 2.5 bathrooms, a living room, kitchen, dining area, and a rear patio. The units will be approximately 1,325 square feet in size and include a 407-square-foot tandem two-car garage. The buildings will have a maximum height of 25 feet. To accommodate three of the units and a shared open space, the 5,558-square-foot lot to the north will need to be re-platted into four lots, each with a minimum area of 1,125 square feet.

The mixed-use component of the development will consist of a two-story building. The ground floor will include two commercial spaces, each approximately 1,250 square feet, suitable for uses permitted under the C-C zoning—such as offices, retail shops, or dining establishments. The second floor will house two attached residential units, also around 1,250 square feet each. The building’s main entrance will face Fountain Hills Boulevard and the adjacent parking lot.

General Plan

The General Plan includes the following Goals and Policies:

Neighborhoods Element

GOAL 2: Support a housing strategy that encourages a broad range of quality housing types to address current and future housing needs and to support long-term economic vitality.

POLICIES

1. Encourage a broad range of housing types affordable to all income ranges and age groups in a manner compatible with adjacent development.
2. Encourage a range of housing types and residential densities and maintain consistency with the existing character of infill areas in conformance with criteria provided in Table 1: Character Areas Plan.
5. Direct higher-density residential and mixed-used development to the Town Center and redevelopment areas such as Shea Corridor as opportunities arise.

Character Areas Element

GOAL 1: Encourage future development, redevelopment and infill in a manner that will maintain and protect existing neighborhoods, the Town’s economic health, community well-being, and natural environment.

POLICIES

1. Achieve and maintain a diverse and sustainable land use mix consistent with our small-town character that supports thriving neighborhoods, environment and economy by attracting and retaining revenue-generating uses that:
 - a. Enhance the Town’s economic vitality; and
 - b. Increase the Town’s revenue base to maintain quality infrastructure, services and amenities.

GOAL: 2: Development, redevelopment and infill support Fountain Hills' small-town identity and the distinct character of each area while fostering long-term viability.

POLICIES

3. Support a mix of residential, employment, and commercial uses at densities and intensities and in the development form that reflect the small-Town character of Fountain Hills.
5. Strongly encourage a wide range of housing types, densities and prices to support the current and projected populations (particularly families and working professionals) and to ensure the future stock of affordable housing for all income ranges.
6. Require that development, redevelopment, and infill conform with Exhibit 2, Character Areas Plan map, and Table 1.

Section III of the General Plan includes information on the Character Areas in the Town. This small commercial area at El Pueblo and Fountain Hills Boulevards was included as part of the surrounding Neighborhood character type. More specifically, this area is considered a

Mixed Neighborhood with smaller lots and a mix of non-residential uses. This existing commercial area is intended to remain a low intensity area with any further development or redevelopment consistent with the surrounding neighborhood. Allowing the proposed residential use within this commercial area would be consistent with the intent of the Plan for this area.

Analysis

Staff believes the applicant's modified proposal represents a significant improvement over the previous submittals. The revised plan includes added features such as usable open space, trash enclosures, and additional parking. Plat 106 presents notable challenges for both residential and commercial development, which likely contributes to the site's limited development to date. While issues remain—particularly regarding tight circulation and design constraints caused by the configuration of private parcels and shared spaces like alleys and parking areas—the applicant has made a constructive effort to work within these limitations and maximize the site's potential.

The common parking area was included in the final plat and fulfills the required parking for fully built-out conditions in Plat 106. Although this site is zoned C-C, covered parking for two cars would have been required if the site were zoned for the single-family residential. The applicant is proposing a tandem garage for each unit, but staff is concerned that the length of the tandem garages might be too short, considering that the required dimensions for a parking stall are 9' x 19', and the garages appear to be shorter than 38 feet. It should be noted that the applicant's initial proposal included only one carport for each unit, and responded to staff's comment to include covered parking for at least two vehicles. Upon finding that this might present some physical design constraints, especially after factoring in adequate clearance requirements between the garage door and the adjacent alleys, staff offers Commission an option to waive the requirement for two-car parking along with any recommendation for approval.

Good Neighbor Statement

Given the nature of the use, the applicant has provided a good neighbor statement.

Citizen Participation

The applicant submitted a Citizen Participation Plan as part of the original 2024 application. The plan included mailing notification letters to all property owners within a 300-foot radius and hosting two community meetings on October 11 and October 15, 2024. The letter outlined the proposed project, provided contact information for questions, and offered to meet with residents individually if desired.

A Citizen Participation Report was submitted on October 17, 2024. Three property owners from Plat 106 attended the meetings. They asked clarifying questions, and the applicant provided additional information. Some concerns were raised about potential impacts on accessibility to Plat 106 and the possibility of residents using adjacent property for parking. However, the report notes that after the discussion, all attendees expressed support for the project.

Although no opposition was recorded during the initial outreach, at least three residents voiced concerns about the original proposal during the Planning & Zoning Commission

meeting on January 13, 2025. Following the Commission’s recommendation for denial, the applicant revised the proposal and presented the updated version at a subsequent meeting with the Plat 106 board. The outcomes of that meeting are included in this report.

On June 17, 2025, staff received a letter of opposition from John Gurczak, a property owner within Plat 106 who is currently developing two projects in the subdivision. In his letter, Mr. Gurczak raised concerns regarding the proposal’s impact on accessibility and its compatibility with the surrounding area. His letter is provided as an attachment.

Site Plan Review

If the Special Use Permit is approved by the Town Council, the applicant's next step will be to submit a final site plan for staff review and approval. This must be completed within six months to meet the requirement for submittal of the building permit plans within six months of approval of the SUP. Through the detailed site plan review staff will continue to review and resolve technical issues with the site plan and ensure the site plan complies with any conditions of approval.

Related Ordinance, Policy or Guiding Principle

Fountain Hills General Plan 2020

Zoning Ordinance Section 2.02 - Special Use Permits

Zoning Ordinance Section 12.03 - Uses Subject to Special Use Permits in Commercial Zoning Districts

Risk Analysis

N/A

Recommendation(s) by Board(s) or Commission(s)

As mentioned earlier in the report, the Planning and Zoning Commission reviewed the applicant’s original proposal on January 13, 2025, which included two special use permit (SUP) requests for residential development within the commercial subdivision known as Plat 106. The first request sought approval for four multifamily buildings, each containing three units, across four contiguous parcels. The second request proposed the construction of ten single-family homes within the same subdivision. Because the two projects were separated by an alley within the subdivision, they were treated as distinct proposals and assigned separate case numbers.

Following the public hearing, the Commission unanimously recommended denial of both requests, citing insufficient consideration of the design’s overall impact. Rather than advancing the proposals to the Town Council, the applicant requested that the Council return the cases to the Planning and Zoning Commission for review of a substantially revised plan.

Staff Recommendation(s)

Staff supports the proposed use as a valuable infill opportunity within Plat 106, which remains significantly underutilized. While challenges persist for residential development in this area—particularly related to accessibility and constrained development envelopes—staff finds that the applicant’s revised proposal represents a substantial improvement over the version presented to the Commission in January 2025. As such, staff recommends approval of the special use permit request.

Suggested Motion

MOVE to approve 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.

Staff is available to provide suggestions for language to include in the motion.

FISCAL IMPACT

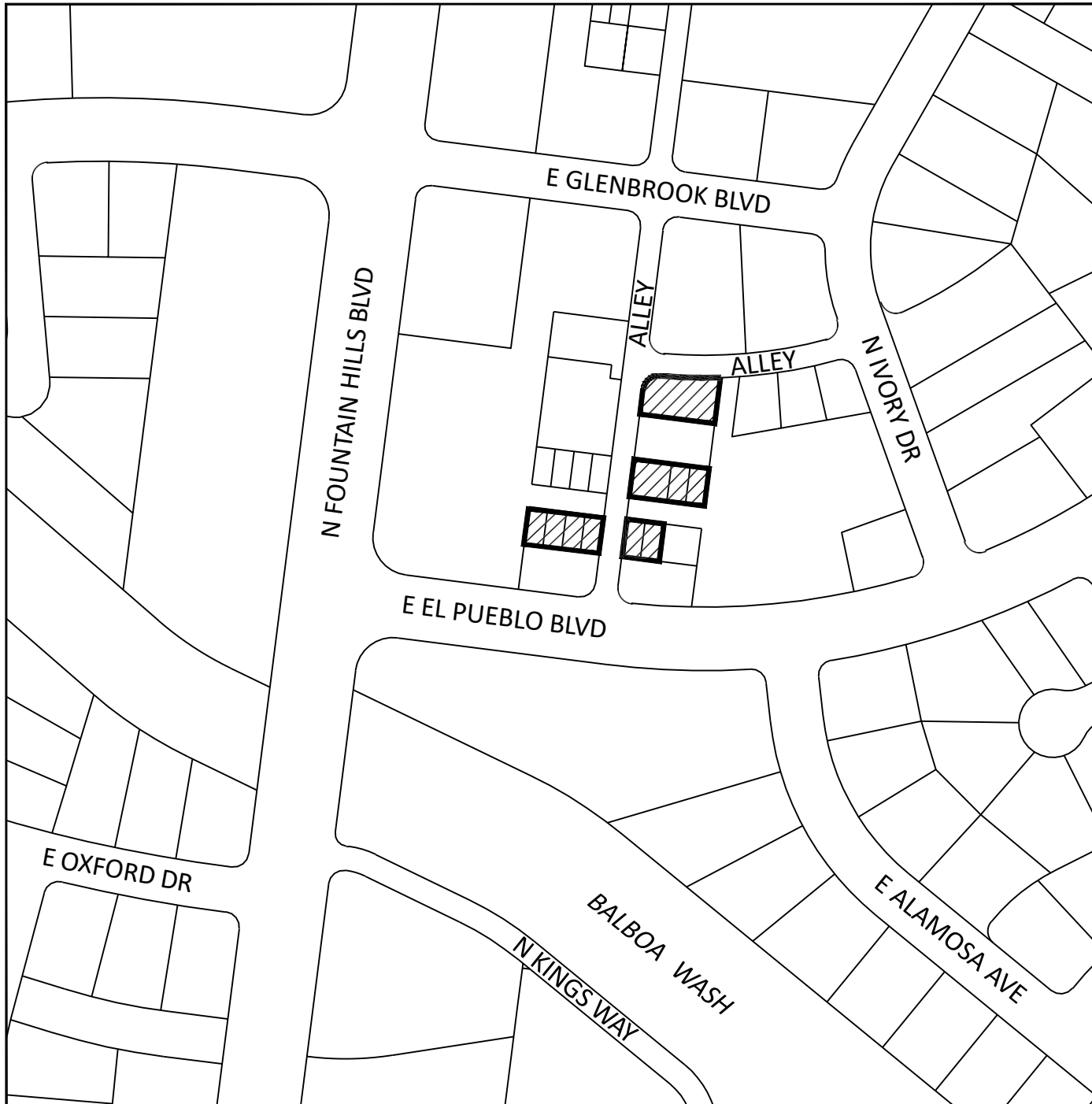
Fiscal Impact:

Budget Reference:

Funding Source:

ATTACHMENTS

- | |
|--|
| <ol style="list-style-type: none">1. Case Maps 24-003-004 Combined2. Revised Narrative, Citizen Participation Plan, and Final Report3. Good_Neighbor_statement4. Master plan (rev)5. Plan Details Part-16. Plan Details Part -27. Plan Details Part -38. Letter of Opposition |
|--|



CASE: SUP24-000003; SUP24-000004

SITE / ADDRESS:

15012-15014-15016-15020-15022 &
15026 N. IVORY DR; 15037-15039-15041-15043
N FOUNTAIN HILLS BLVD

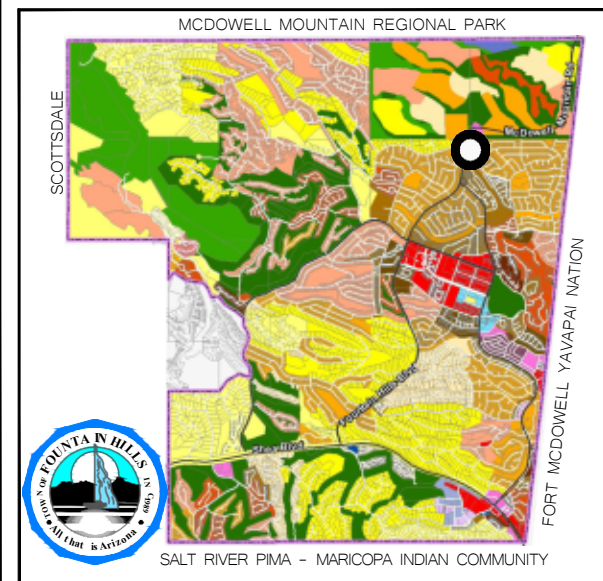
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176-04-708A, 176-04-709A, 176-04-711A, 176-
04-699A, 176-04-698A, 176-04-697A, 176-04-
696A

REQUEST:

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.



Site Location





Citizen Participation Plan and Final Report

El Pueblo @ Fountain Hills
15043 N. Fountain Hill Blvd

May 09, 2025,

Overview: This report is a revision to the former El Pueblo @ Fountain Hills project based on the comments raised by the P/Z board on the January board meeting. After the meeting, many considerations have been given to the issues raised. I have met with community members who attended the P/Z meeting and listened to their concerns as well as discussing potential solutions. I also had phone and in person meetings with the Tract106 POA board members. The revised plan is based on the findings, ideas, and solutions discussed at these meetings to address the challenges of the project. The proposed project envisions an opportunity to provide accessible, affordable housing, and live/workspace for young and active adults, such as healthcare workers, teachers, artists, and small business owners. The project includes 8 two-story single-family dwellings with a mixed used building. The homes are 4 bedrooms each with 2.5 bathrooms, living room, kitchen and dining space with a back patio; approximately 1325 sqft to 1525 sqft with 220 sqft garage and a tandem – covered parking. The offices are about 1150 sqft spaces.

Site Context: The project is situated in underutilized and undeveloped vacant plots that sit between actively used properties. The individual property is about 1,125 sqft in C-C zoning district designated for neighborhood commercial with 25 feet maximum building height, allowing for 100% lot coverage. The entire project will be in separate lots: 10, 11, 12, 13, 18, 19, 22, 23, 20a, & 25. We are requesting a special use permit based on the zoning district to house the proposed uses.

Imagery & Design: The project is carefully designed to blend in with the surrounding community with a combination of flat roofs and tiled roofs that match the surrounding structures, earth tone color choices, and a combination of stucco, metal and smart siding exteriors, and design features that are aesthetically pleasing. Most of the design features are borrowed from neighboring buildings.

Resolutions:

1. Five additional parking spaces were provided along the existing Alley to mitigate parking constraints
2. A solid waste collection area was provided close to the residence and existing business.
3. A dog park was provided and an open area for potential outdoor activities.
4. The existing Alley will have 50 feet unobstructed view to avoid potential accidents.
5. The Mixed-Used building will face the Fountain Hill blvd for better business exposure

Besides the in-person meeting with residents, several zoom meetings were held with the City Staffs: John Wesley and Farhad Tavassoli to discuss the findings, examine the citizens' concerns, and solutions before recommendations to the P/Z board for further review.

2601 E. Thomas Road
Suite 135
Phoenix, AZ 85016
623 742 8704
designgrouparch.com



Good Neighbor Statement

The proposed project will seek to maintain good relationships with neighbors by encouraging residents to avoid any gathering or partying after 10 pm at night. Moreover, littering around the property, leaving trash, or hanging clothing on the balconies will be prohibited. Residents will be required to maintain some level of decorum, abiding by the CC&R of plat 106 development. These conditions and restrictions will be included as part of an agreement to purchase or reside in the property.

REGISTRANT SEAL:

PROJECT:

**PUEBLO'S
COTTAGES**

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

■

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

DATE ISSUED: 5-9-2025
 REVIEWED BY: WILSON
 DRAWN BY: WILSON
 DESIGNED BY: WILSON
 SCALE: 1/16"=1'-0"
 DG PROJECT NO: 2404

**DESIGN
GROUP**

PROJECT MANAGEMENT

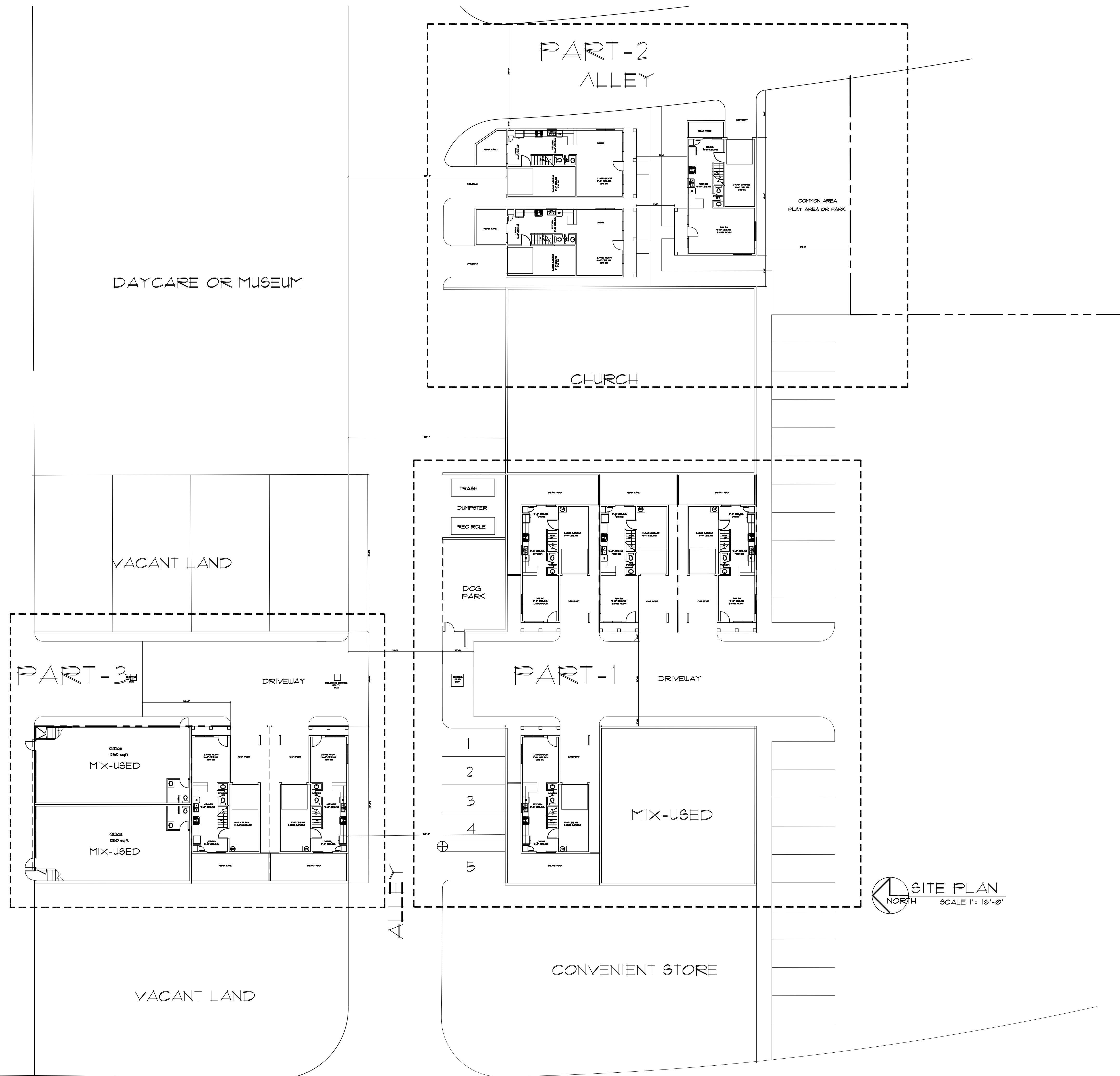
14561 W. FORT AU PRINCE
 LANE,
 SURPRISE, AZ, 85379
 TEL: (623) 742-8104
 wilson@designgrouparch.com
 www.designgrouparch.com

SHEET TITLE:

MASTER PLAN

SHEET NO.

A1.0



REGISTRANT SEAL:

PROJECT:

**PUEBLO'S
COTTAGES**

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

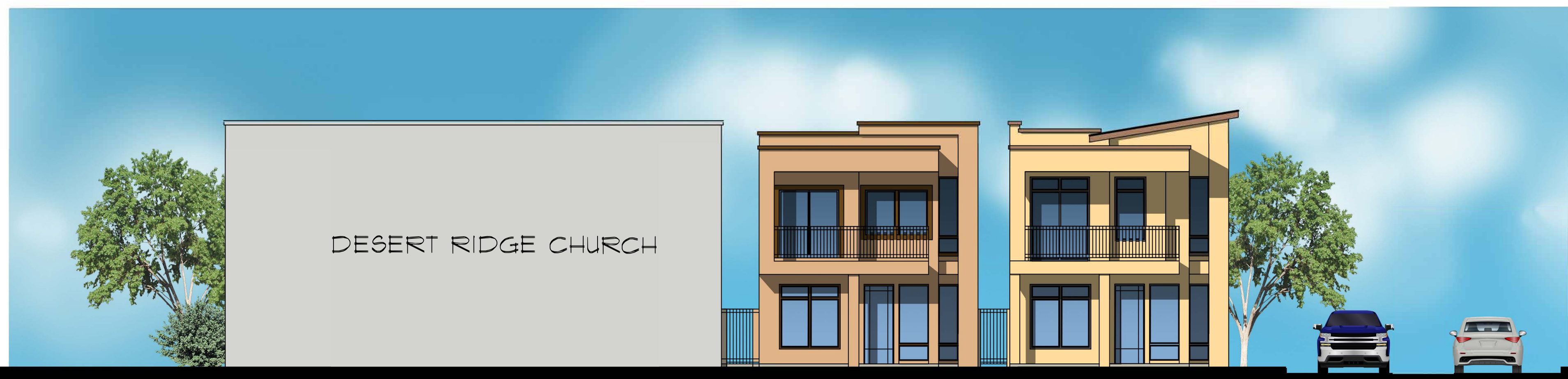
PROJECT TYPE:

=

CONTRACTOR:



WEST ELEV - Part 1



SOUTH ELEV - Part 2



NORTH ELEV - Part 3



EAST ELEV-PART-3

REVISION

NO.	DESCRIPTION	DATE
1.		

DATE ISSUED: 4-21-2025
 REVIEWED BY: WILSON
 DRAWN BY:
 DESIGNED BY:
 SCALE: 1/8"=1'-0"
 DG PROJECT NO.: 2404

**DESIGN
GROUP**
PROJECT MANAGEMENT

14561 W. FORT AU PRINCE
 LANE,
 SURPRISE, AZ, 85379
 TEL: (623) 742-8104
 wilson@designgrouparch.com
 www.designgrouparch.com

SHEET TITLE:
ELEVATIONS

SHEET NO.
A4.0

REGISTRANT SEAL:

PROJECT:

**PUEBLO'S
COTTAGES**

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

■

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

DATE ISSUED: 5-9-2025
REVIEWED BY: WILSON
DRAWN BY: WILSON
DESIGNED BY:
SCALE: 1/8"=1'-0"
DG PROJECT NO.: 2404

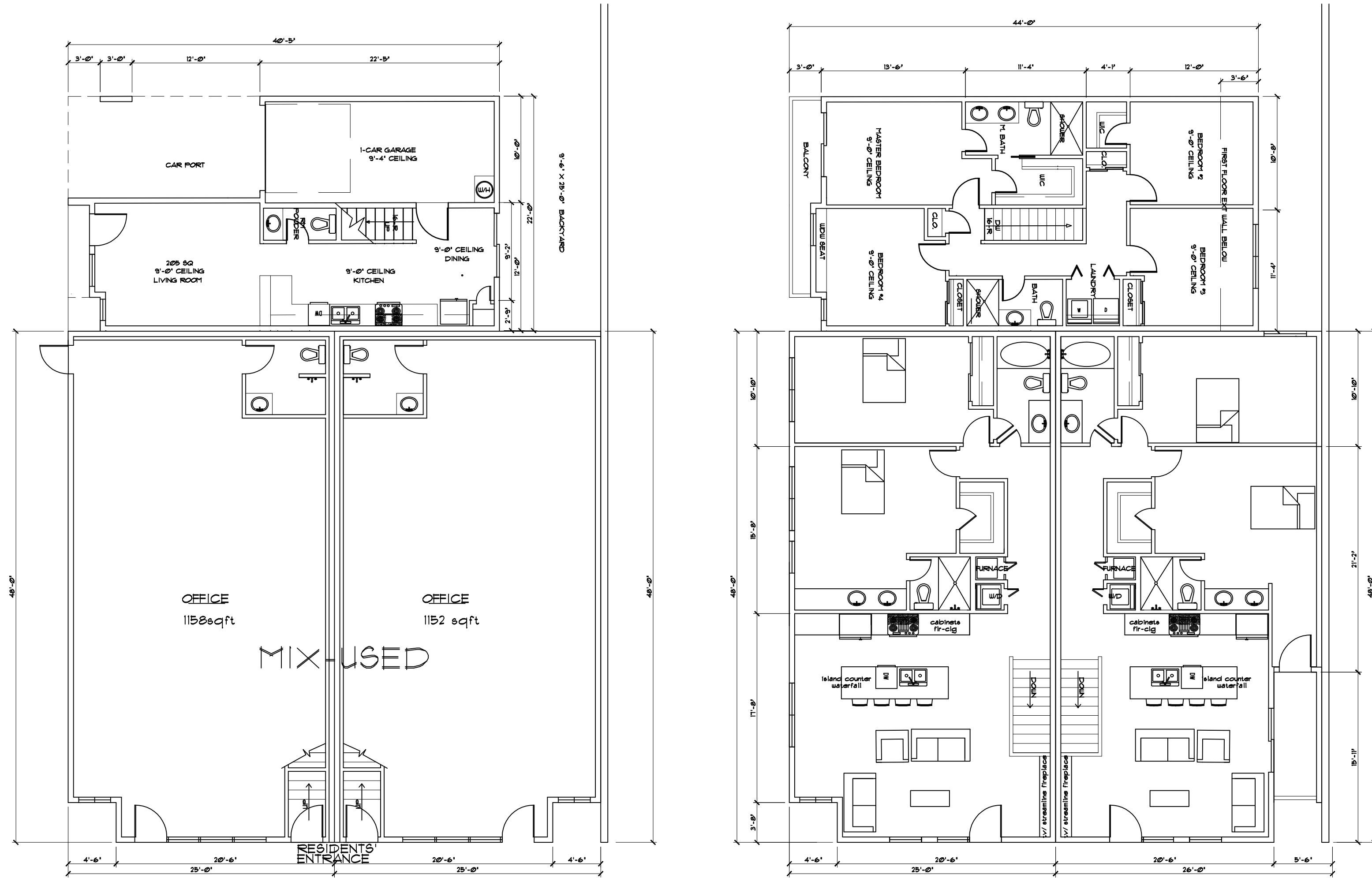
**DESIGN
GROUP**
PROJECT MANAGEMENT

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SHEET TITLE:

STREET VIEW
ELEVATIONS
SHEET NO.

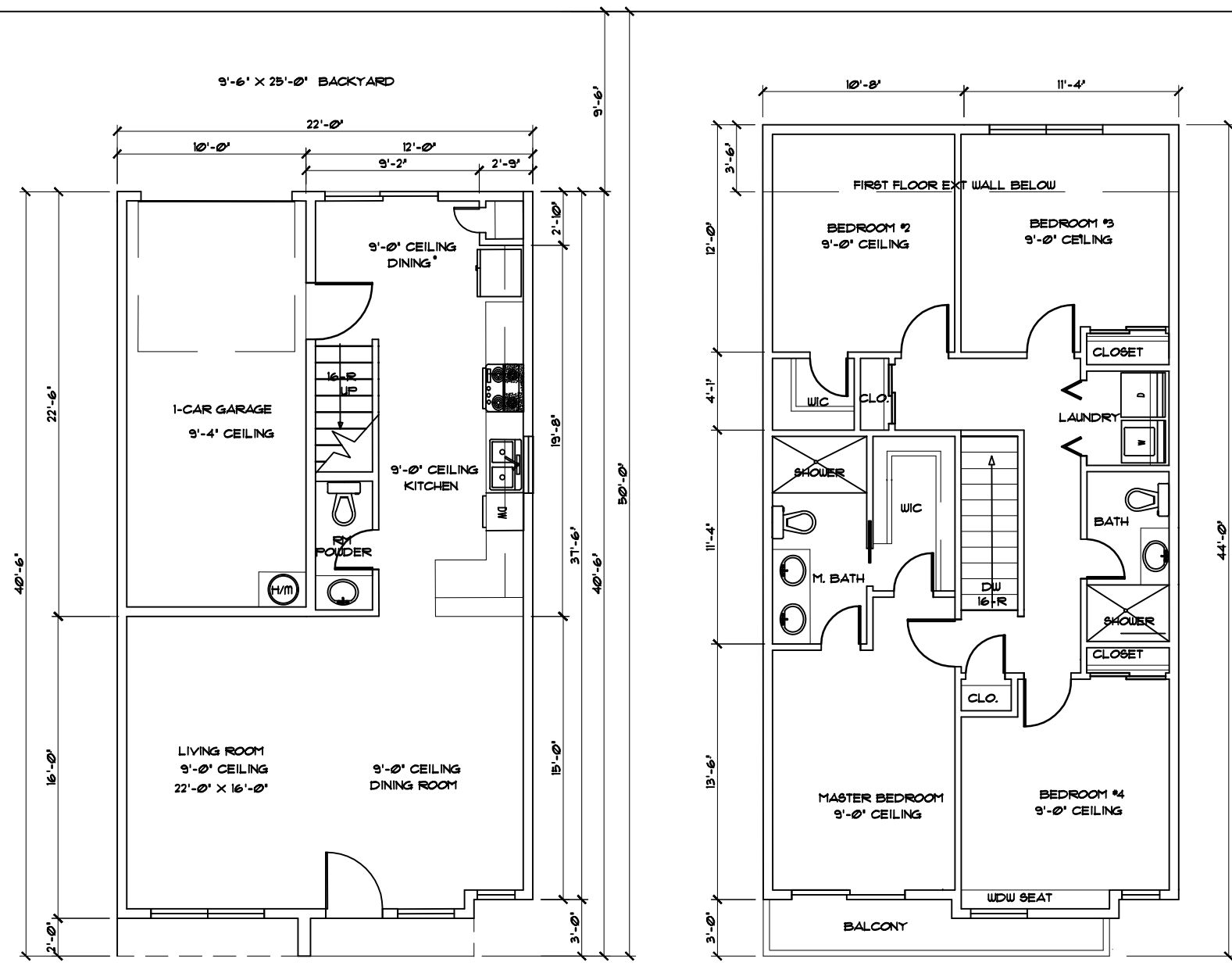
A11



FIRST FLOOR PLAN - PART 3
SCALE 1/4" = 1'-0"

2ND FLOOR PLAN PART 3
SCALE 1/8" = 1'-0"
1st FLR OFFICE = 1158 sqft
2nd FLR RESID = 1220 sqft
TOTAL = 2378 sqft
1st FLR OFFICE = 1152 sqft
2nd FLR RESID = 1171 sqft
TOTAL = 2323 sqft
BALCONY = 51 sqft

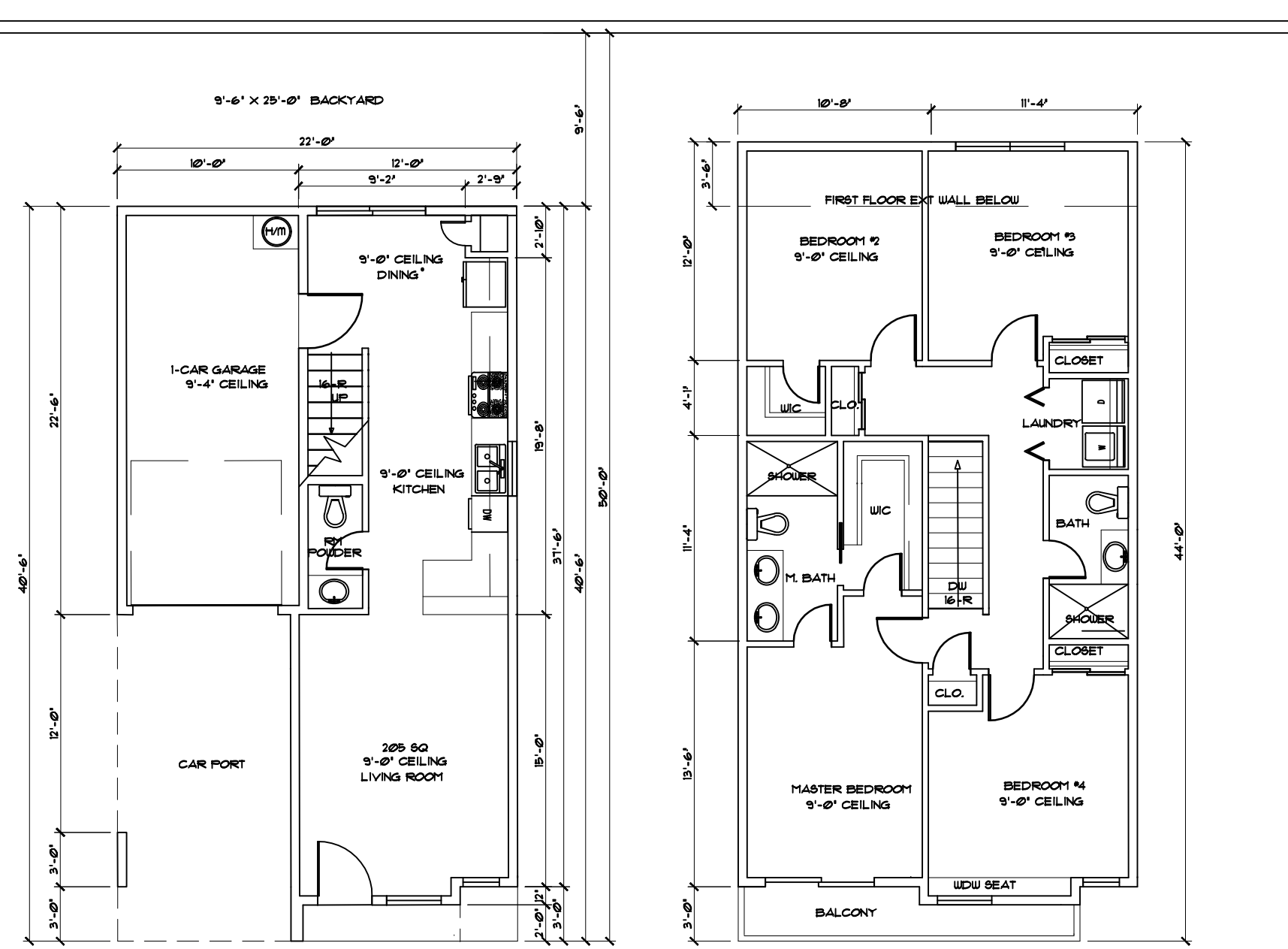
PLAN-D -MODEL



1ST FLOOR PLAN
SCALE 1/8" = 1'-0"
1st FLR = 625 sqft
2nd FLR = 913 sqft
TOTAL = 1538 sqft

2ND FLOOR PLAN
SCALE 1/8" = 1'-0"
1st FLR = 625 sqft
2nd FLR = 913 sqft
TOTAL = 1538 sqft

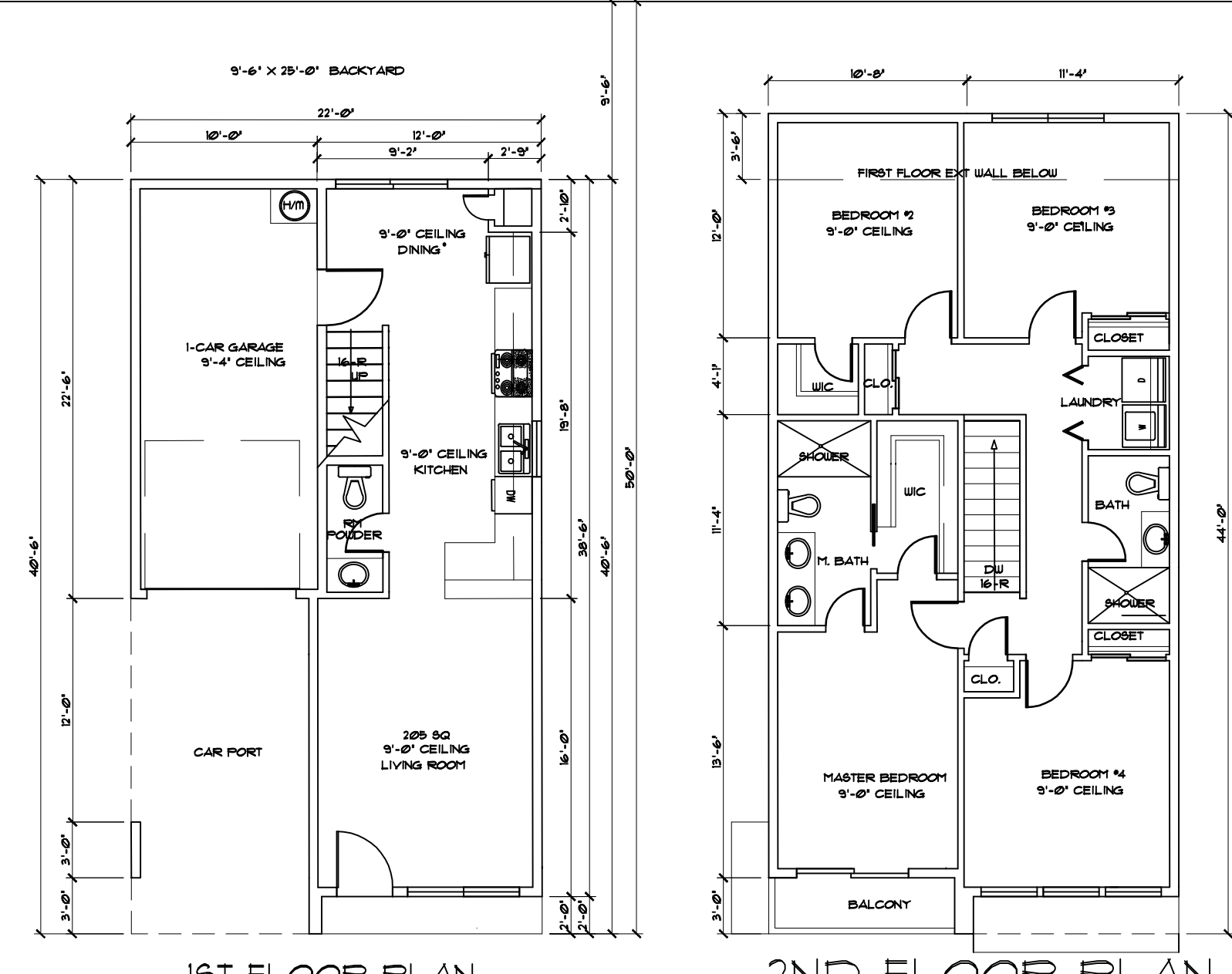
PLAN-C -MODEL



1ST FLOOR PLAN
SCALE 1/8" = 1'-0"
1st FLR = 468 sqft
2nd FLR = 913 sqft
TOTAL = 1381 sqft

2ND FLOOR PLAN
SCALE 1/8" = 1'-0"
1st FLR = 468 sqft
2nd FLR = 913 sqft
TOTAL = 1381 sqft

PLAN-A -MODEL



1ST FLOOR PLAN
SCALE 1/8" = 1'-0"
1st FLR = 468 sqft
2nd FLR = 913 sqft
TOTAL = 1381 sqft

2ND FLOOR PLAN
SCALE 1/8" = 1'-0"
1st FLR = 468 sqft
2nd FLR = 913 sqft
TOTAL = 1381 sqft

PLAN-B -MODEL

REGISTRANT SEAL:

PROJECT:

**PUEBLO'S
COTTAGES**

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

=

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

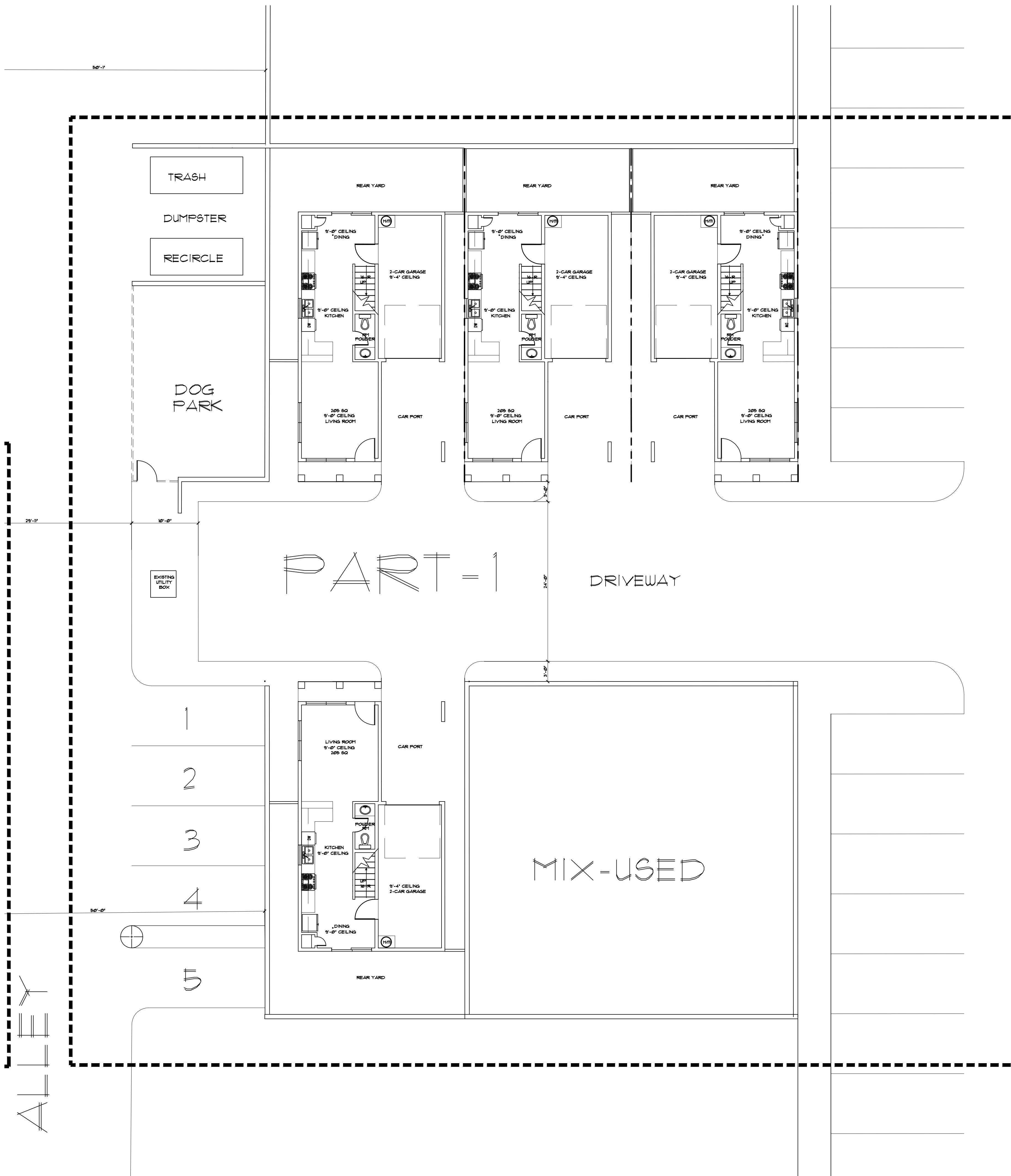
DATE ISSUED: 5-9-2025
REVIEWED BY: WILSON
DRAWN BY: WILSON
DESIGNED BY: WILSON
SCALE: 1/8"=1'-0"
DG PROJECT NO: 2404

**DESIGN
GROUP**
4 PROJECT MANAGEMENT

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www.designgrouparch.com

SHEET TITLE:
SITE PLAN
pt -1
SHEET NO.

A2.0





WEST ELEV PART-1



EAST ELEV-PART-1



REGISTRANT SEAL:

PROJECT:

PUEBLO'S
COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

=

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

DATE ISSUED: 5-9-2025
 REVIEWED BY: WILSON
 DRAWN BY: WILSON
 DESIGNED BY: WILSON
 SCALE: 1/8"=1'-0"
 DG PROJECT NO.: 2404

**DESIGN
GROUP**

PROJECT MANAGEMENT

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 wilson@designgrouparch.com
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SHEET TITLE:
 COLOR
 ELEVATIONS

SHEET NO.
A2.0.1

© DESIGN GROUP + P11

REGISTRANT SEAL:

PROJECT:

**PUEBLO'S
COTTAGES**

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

=

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

DATE ISSUED: 5-9-2025
 REVIEWED BY: WILSON
 DRAWN BY: WILSON
 DESIGNED BY: WILSON
 SCALE: 1/4"=1'-0"
 DG PROJECT NO.: 2404

**DESIGN
GROUP**

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 wilson@designgrouparch.com
 www.designgrouparch.com

SHEET TITLE:

ELEVATIONS

SHEET NO.

A2.0



WEST ELEV PART-1

SCALE 1/4" = 1'-0"



EAST ELEV-PART-1

REGISTRANT SEAL:

PROJECT:

**PUEBLO'S
COTTAGES**

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

■

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

DATE ISSUED: 5-9-2025
 REVIEWED BY: WILSON
 DRAWN BY: WILSON
 DESIGNED BY: WILSON
 SCALE: 1/8"=1'-0"
 DG PROJECT NO: 2404

**DESIGN
GROUP**

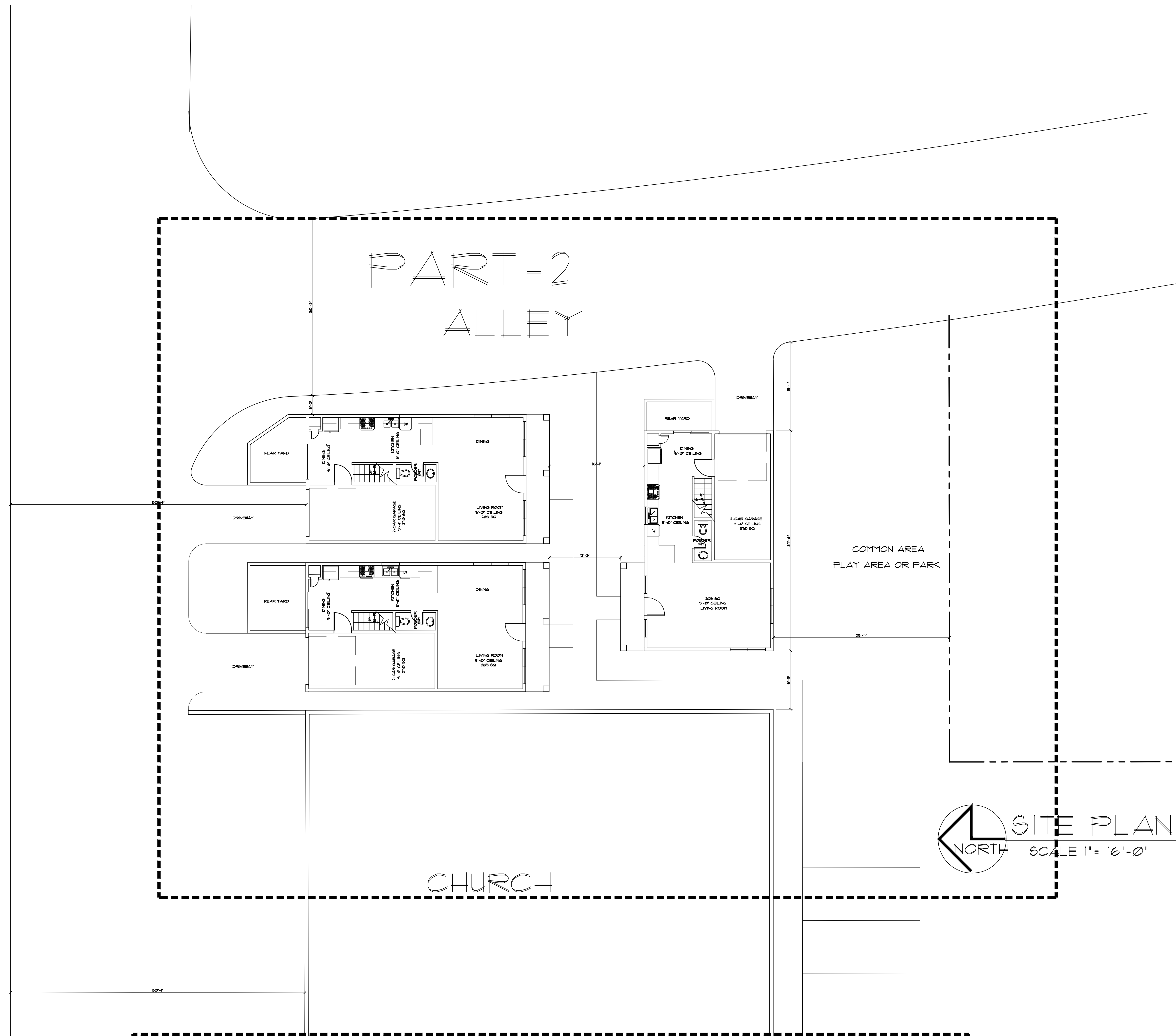
PROJECT MANAGEMENT

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 LANE,
 SURPRISE, AZ, 85379
 TEL: (623) 742-8104
 wilson@designgrouparch.com
 www.designgrouparch.com

SHEET TITLE:
 SITE PLAN
 pt -2
 SHEET NO.

A2.1.0

MUSEUM



SITE PLAN
 NORTH
 SCALE 1" = 16'-0"



REGISTRANT SEAL:

PROJECT:

PUEBLO'S COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

=

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

DATE ISSUED: 5-9-2025
 REVIEWED BY: WILSON
 DRAWN BY: WILSON
 DESIGNED BY: WILSON
 SCALE: 1/4"=1'-0"
 DG PROJECT NO: 2404

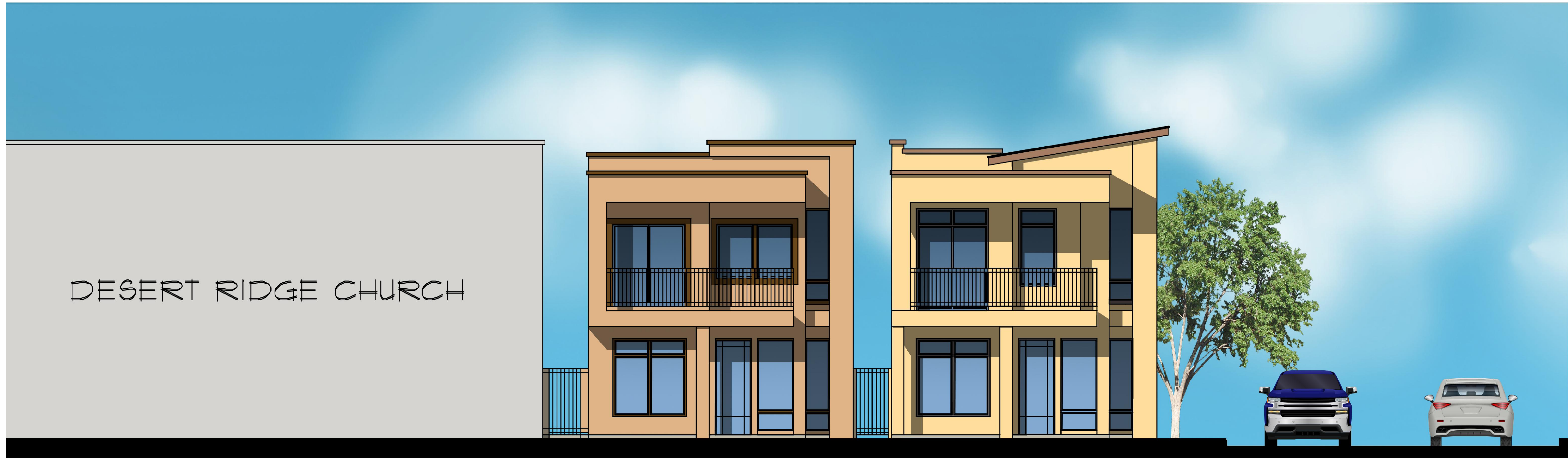
DESIGN GROUP

PROJECT MANAGEMENT

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 SURPRISE, AZ 85379
 TEL: (623) 742-8704
 wilson@designgrouparch.com
 www.designgrouparch.com

SHEET TITLE:
 COLOR ELEVATION
 PART-2
 SHEET NO.
A2.1.2

© DESIGN GROUP ARCH



DESERT RIDGE CHURCH



REGISTRANT SEAL:

PROJECT:

PUEBLO'S COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

=

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

DATE ISSUED: 5-9-2025
 REVIEWED BY: WILSON
 DRAWN BY: WILSON
 DESIGNED BY: WILSON
 SCALE: 1/4"=1'-0"
 DG PROJECT NO.: 2404

DESIGN GROUP

PROJECT MANAGEMENT

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 TEL: (623) 742-8104
 wilson@designgrouparch.com
 www.designgrouparch.com

SHEET TITLE:
 ELEVATIONS
 PART-2
 SHEET NO.

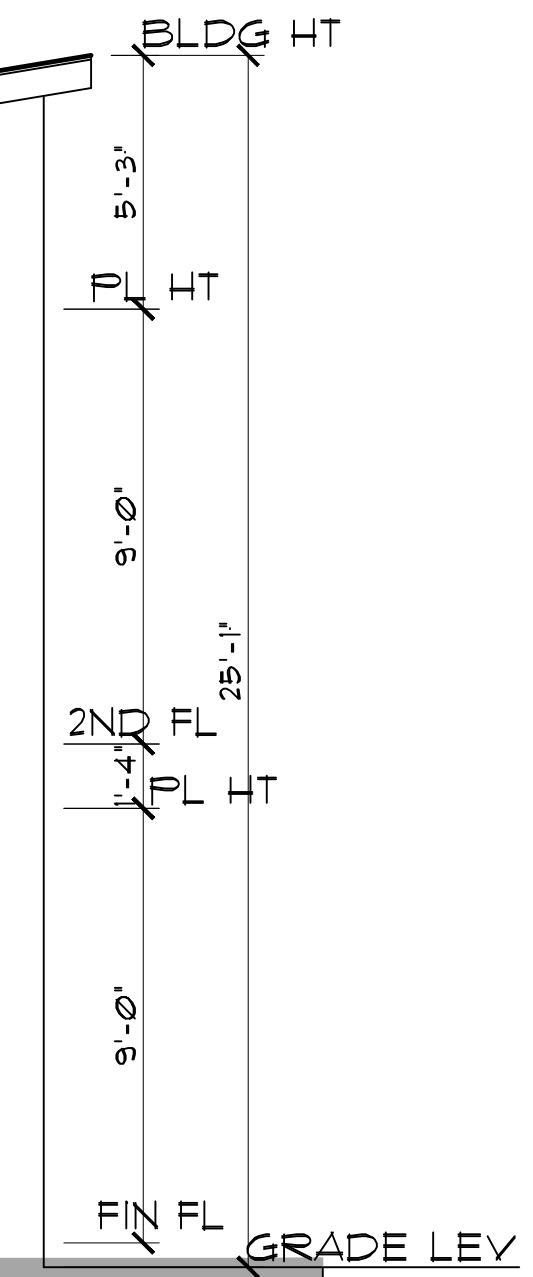
A2.12

© DESIGN GROUP + PVI

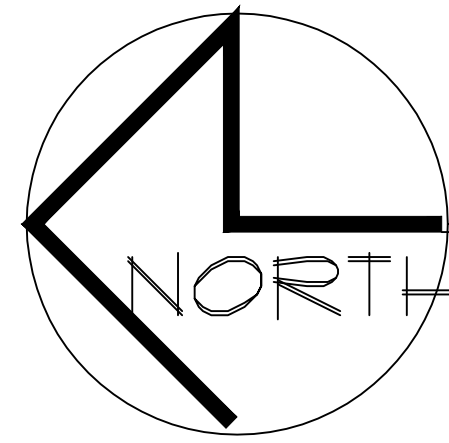
DESERT RIDGE CHURCH

SOUTH ELEV-PART-2

SCALE 1/4" = 1'-0"



VACANT LAND



SITE PLAN

SCALE 1" = 16'-0"



REGISTRANT SEAL:

PROJECT:

PUEBLO'S COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

■

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		

DATE ISSUED: 5-9-2025
 REVIEWED BY: WILSON
 DRAWN BY:
 DESIGNED BY:
 SCALE: 3/16"=1'-0"
 DG PROJECT NO.: 2404

DESIGN GROUP
 & PROJECT MANAGEMENT

14561 W. FORT AU PRINCE LANE,
 SURPRISE, AZ, 85379
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 wilson@designgrouparch.com
 www.designgrouparch.com

SHEET TITLE: SITE PLAN

pt-3
SHEET NO.

A2.2.0

© DESIGN GROUP & PM

PART = 3

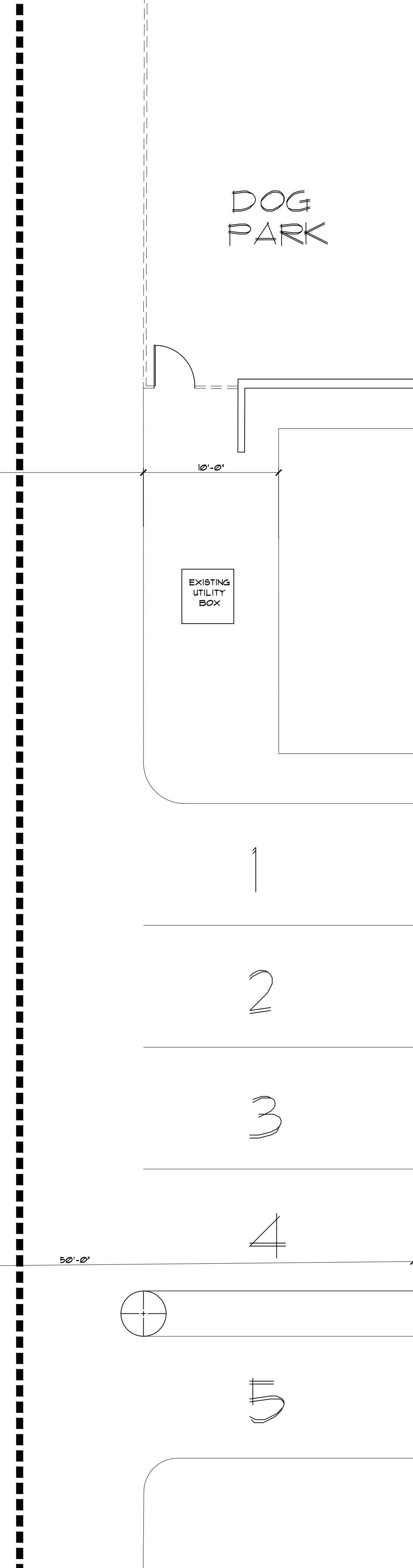
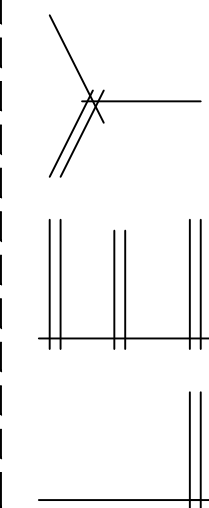
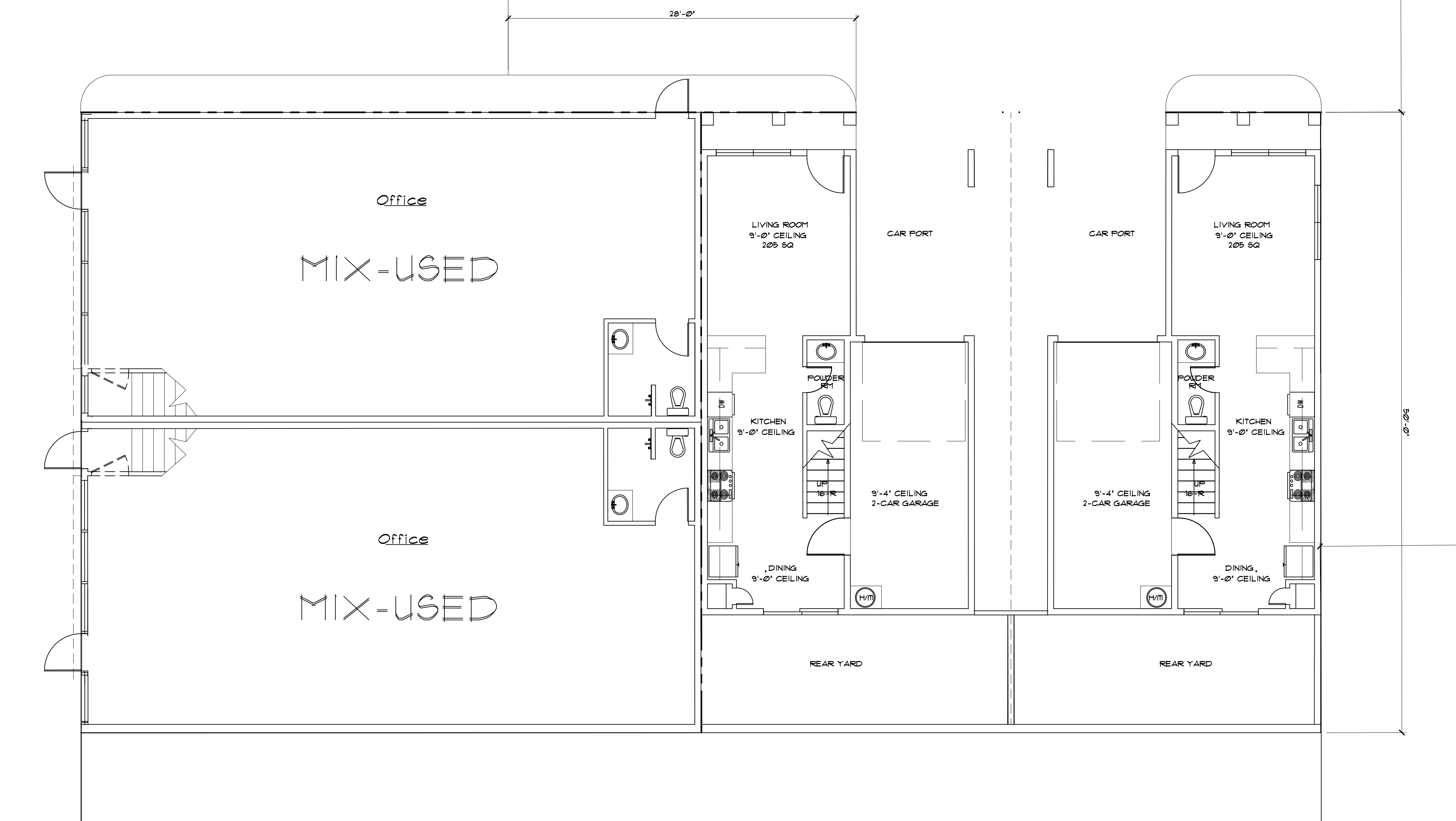
EXISTING UTILITY BOX

DRIVEWAY

RELOCATE EXISTING UTILITY BOX

EXISTING UTILITY BOX

DOG PARK





NORTH ELEV-PART-3



EAST ELEV-PART-3



REGISTRANT SEAL:

PROJECT:

PUEBLO'S
COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

=

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

DATE ISSUED: 5-9-2025
 REVIEWED BY: WILSON
 DRAWN BY: WILSON
 DESIGNED BY: WILSON
 SCALE: 3/16"=1'-0"
 DG PROJECT NO: 2404

**DESIGN
GROUP**

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 wilson@designgrouparch.com
 www.designgrouparch.com

COLOR ELEV SHEET TITLE:

pt-3 SHEET NO.

A2.2.1

REGISTRANT SEAL:

PROJECT:

**PUEBLO'S
COTTAGES**

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

■

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

DATE ISSUED: 5-9-2025
 REVIEWED BY: WILSON
 DRAWN BY: WILSON
 DESIGNED BY: WILSON
 SCALE: 1/4"=1'-0"
 DG PROJECT NO.: 2404

**DESIGN
GROUP**

PROJECT MANAGEMENT

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 wilson@designgrouparch.com
 www.designgrouparch.com

SHEET TITLE:
ELEVATIONS

pt-3
SHEET NO.

A2.2.2



NORTH ELEV-PART-3

SCALE 1/4" = 1'-0"



EAST ELEV-PART-3

SCALE 1/4" = 1'-0"



GURCZAK LUXURY DEVELOPMENT

Gurczak Luxury Development LLC
P.O. Box 20256
Fountain Hills, AZ 85268

June 17th, 2025

Fountain Hills Town Councilmembers

RE: Special Use Permit for 15037, 15039, 15041 & 15043 E. Fountain Hills Blvd., 15012, 15014, 15016, 15020, 15022 & 15026 E. Ivory Dr.

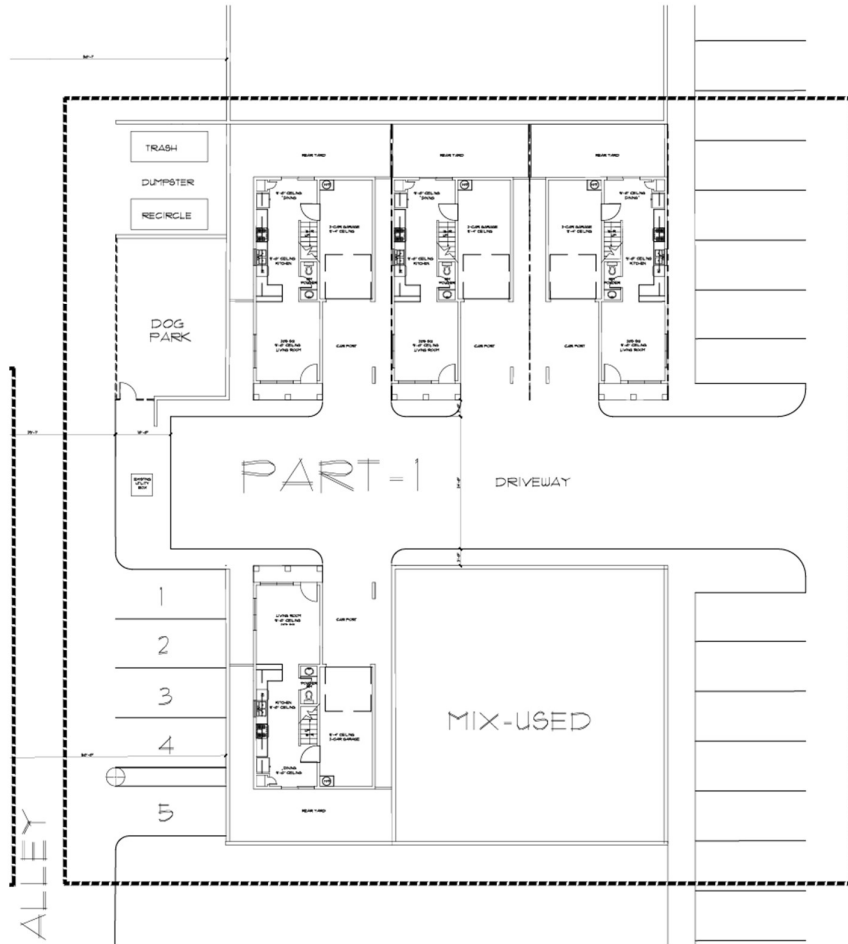
Town Councilmembers & P & Z Commissioners,

I am writing to voice my opposition to the above listed SUP request in Tract 106. I have two previously approved SUP requests in this plaza, one on the corner of El Pueblo/Ivory for a mixed-use building that is currently under construction & another for 7 townhouses, which will be breaking ground shortly, just north of that corner.

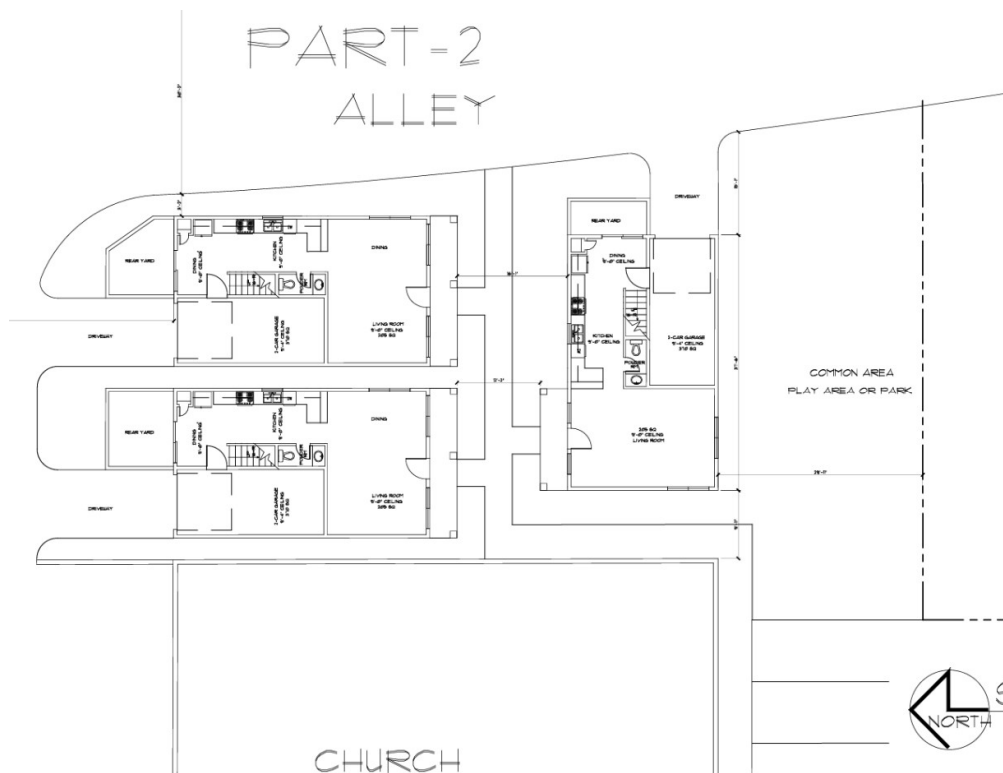
The project presented by the applicant is completely inconsistent with how the rest of this plaza should be developed/redeveloped. The applicant is essentially proposing small “cottages” in between existing commercial buildings & the project as whole does not blend in or work well with the existing surrounding buildings. While the applicant may try to compare the “cottages” to the 7 townhouses we have approved near there, the projects are not comparable & the lots in which he is proposing to do the “cottages” on are not lots that should have that type of housing whether it be townhouses or “cottages.” My townhouse rental project has access through an outside alley & serves as a good buffer between the existing duplex neighborhood & the rest of this commercial plaza. The proposed “cottages” are simply scattered across multiple random lots & the applicant intends to sell them individually, which I don’t see how that would work in this plaza.



The 4 consecutive 1,250 sq. ft. lots in the diagram above should be combined with the larger parcel next to it & be developed as one building, not as some spaced apart “cottages” with a neighboring office space. The proposed “driveway” was not & is not intended to be used as a driveway but a walking path & there are utility boxes/transformers located there. The residential units also show a small rear yard but if something is built in the neighboring parcel off El Pueblo these yards would only be 5 – 10 ft at most & could look at a 25’ high wall.



The 4 proposed “cottages” in the above section of the plaza also are inconsistent with how they those parcels should be developed & the location of “cottages” on these lots does not make sense. Once again, the small rear yards would directly face existing commercial buildings which the church & liquor store building have walls of about 12’ high already & the existing mixed use building wall height is about 25’. Also, the proposed driveway was never intended to be used as a driveway for vehicles.



The 3 proposed “cottages” on the above parcel is also inconsistent with surrounding buildings. This parcel should also be developed as one consistent building, not as these separate “cottages.” The “play area/park” is also not intended for that use & is in a utility easement. There will be a new transformer in the “play area” to supply power for my townhouse project next door.

The overall project does not make sense for this area & there are so many issues like driveway access & rear yards directly facing large block walls that simply cannot be resolved. As Commissioner Phil Sevum stated in his criticism of the plan & with which I completely agree, “With all due respect, this is so disjointed and not well thought out,” he said. “It is very poorly planned and designed. It should never have been brought forward.”

Upon the completion of just the mixed-use building on the corner of Ivory/El Pueblo, I will have invested more into this plaza than all other existing owners combined & do not want to see this inconsistent scattered project be built when there are several better ways to develop these parcels in a consistent manner that would blend in with the existing buildings. The updated plan is not much different than the original plan & all the same issues persist. This project should be denied & not even sent back to P & Z.

Sincerely,

John A. Gurczak

John A. Gurczak – President – Gurczak Luxury Development LLC



TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 8/11/2025
Meeting Type: Planning and Zoning Commission Regular Meeting
Submitting Department: Development Services
Prepared by: John Wesley, Development Services Director
Staff Contact Information: Phone: 480-816-5138
Email: jwesley@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

PUBLIC HEARING, CONSIDERATION AND POSSIBLE ACTION: Ordinance 25-08 amending Zoning Ordinance Chapter 6, Section 6.08 regarding regulations for various types of signs.

Staff Summary (background)

The Town's sign ordinance has undergone periodic updates over the years to address legal issues and evolving needs and preferences for local signage. A significant revision was completed in November 2021 to align the regulations with the 2015 U.S. Supreme Court ruling requiring sign codes to remain content neutral. The most recent update was approved by the Town Council in October 2023.

During the January 21, 2025, Town Council meeting, staff was once again tasked with reviewing and revising the Town's sign regulations. However, the Council did not provide specific guidance on the issues to address or the goals to achieve. Additional direction was offered at the February 18, 2025, Council meeting. At that Council meeting, a few of the Council members described potential amendments for consideration by the Planning and Zoning Commission.

At the May 12, 2025, Planning and Zoning Commission meeting, staff presented the Commission with comments from the Town Council with regard to issues various Council members wanted to consider. At that time, staff was also seeking direction from the Commissioners and the public with regard to any changes that should be drafted by staff for further consideration and recommendation. There was no input from the public at that meeting.

The Commission discussed the sign ordinance and the suggested areas of possible amendment received from the Town Council. The Commissioners generally did not support the suggested changes and did not identify any additional portions of the sign ordinance that should be considered for possible modification. Minutes from the previous discussion are attached to this report.

In order to bring this item back to the Town Council for their consideration, an ordinance has been drafted for public review and comment and Commission recommendation. Attached is an ordinance which addresses the issues and concerns raised by some members of the Town Council. Also included is one change being recommended by staff.

Review of Council Proposed Amendments

1. A-frame signs.
 - a. Size (Sec. 6.08 A. 1. c.). Members of the Town Council suggested the maximum size should be increased from 6 to 8 sq. ft.; that change is shown in the ordinance. There was also some discussion, but no direct suggestion, that the combined size should reflect a change in the allowance for one sign. Given standard A-frame sizes, staff adjusted the maximum aggregate area to 11 sq. ft.
 - b. Number (Sec. 6.08 A. 1. d.). There was discussion at the Council meeting regarding several options for increasing the number of A-frame signs allowed per business. Based on the discussion, staff is showing a standard allowance for 2 signs regardless of the number of public access points.
2. Requiring temporary signs placed in the right-of-way to be brought in each day.
 1. A-frame signs are allowed in the right-of-way with several listed conditions (Sec. 6.08 A. 1. e. iii. 2.). One of the conditions is they are to be moved out of the right-of-way between sundown and sunrise. This is viewed as a safety measure to remove a possible obstruction when it is dark. This amendment removes that requirement. The ordinance currently allows A-frames to remain in the right-of-way in the downtown pedestrian area without being taken in daily.
 2. Yard signs and A-frame signs used as residential directional signs for garage sales, open houses, and other similar activities are also required to be moved out of the right-of-way between sunset and sunrise (Sec. 6.08 C. 2.). The amendment also removes this requirement, thus allowing these signs to remain out over night.
3. Length of time for a banner permit (Sec. 6.08 A. 4. f. iii. 1.). The current ordinance allows banner permits to be approved for up to 30 days at a time with a maximum number of days per year set at 150. 30 days is consistent with previous code requirements. The suggestion from the Council was that this should be increased to 90 days to cover banners put up for various seasons.
4. Create an allowance for “railing” signs (Sec. 6.08 A. 8. c., d., and e.). A Council member pointed out the situation of a business that did not have good visibility and wanted to place a sign on the fence railing outside the business. Staff has accommodated that suggestion by modifying the language for freestanding wall/fence signs. This category would be expanded by:
 1. Distinguishing signs for subdivisions or larger developments from signs for individual developments or businesses.
 2. Allowing a permanent sign (meaning it must be made of substantial material such as wood, metal, or rigid plastic) up to 12 sq. ft. in size.
 3. Allowing the sign to either be simply hung from the fence or permanently attached to the fence at a location immediately adjacent to the business. This was a bit challenging to define.
5. There was a desire from some Council members to allow additional yard signs on residential property as part of the political sign allowances during an election (Sec. 6.08 A. 17. d. i.). To address this, the ordinance amends the number of yard signs allowed on private, residential property during an election to increase from 2 to 4. Note, this does not impact signs allowed by the State in the right-of-way during

elections.

Additional Amendment

Staff has recently received a request for a wall sign for a twelve-unit apartment building. As currently written, Sec. 6.08 A. 5. b. regulates the zoning/uses that allow wall signs and Sec. 6.08 A. 10 .b. does the same for monument signs. In both sections there is a requirement that a multifamily complex must contain more than 20 dwellings in order to have either a wall sign or a monument sign. There have been several smaller complexes approved lately that would likely benefit from having an identifying sign. Staff is proposing that these sections of the ordinance be modified to allow EITHER a wall sign OR a monument sign for complexes between 8 and 20 units. Larger development could continue to have both types of signs, if desired. Multi-family developments with seven or fewer units would still not be allowed any wall or monument signage.

Related Ordinance, Policy or Guiding Principle

Zoning Ordinance Chapter 6, Sign Regulations

Risk Analysis

N/A

Recommendation(s) by Board(s) or Commission(s)

N/A

Staff Recommendation(s)

Regarding the portions of the text amendment brought forward by Council members, staff has drafted amendments to the existing language to accomplish the amendments suggested by some council members. These amendments are policy questions for the Commission to consider based on the needs of the Town's businesses and residents. Staff has not seen any significant issues in the community to warrant these changes and has a safety concern for allowing temporary signs to remain in the right-of-way overnight.

Regarding the staff-initiated change for signage for multifamily developments, staff believes that this change will help smaller developments provide needed signage to assist citizens and visitors in locating the various complexes. Staff recommends approval of these changes.

Suggested Motion

Staff will help craft a motion to approve, approve with modifications, or deny the proposed ordinance.

FISCAL IMPACT

Fiscal Impact:

Budget Reference:

Funding Source:

ATTACHMENTS

- | | |
|----|--|
| 1. | Ordinance 25-08 |
| 2. | 250512 SUMMARY MINUTES & VERBATIM TRANSCRIPT |

ORDINANCE NO. 25-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE FOUNTAIN HILLS ZONING ORDINANCE CHAPTER 6, SIGN REGULATIONS

ENACTMENTS:

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

SECTION 1. That Chapter 6, Sign Regulations, Section 6.08 A. 1. c. and d. be amended as follows:

c. Size/Height.

- i. Maximum sign area for any sign is ~~six~~ **EIGHT** square feet.
- ii. When multiple signs are used, the maximum aggregate area is ~~nine~~ **ELEVEN** square feet.
- iii. Maximum sign height is three feet.

d. Number.

- i. In single-family and multifamily districts, as allowed by subsection C of this section.
- ii. ~~One per business per public entry in commercial or industrial districts with a~~ maximum of two per business.

SECTION 2. That Chapter 6, Sign Regulations, Section 6.08 A. 1. e. iii. 2. be amended as follows:

2. Signs placed in the public right-of-way must adhere to the following requirements:

- ~~A-~~ **(a)** Shall not be located on the paved portion of any public street or in any median;
- ~~B-~~ **(b)** Shall not be located within a designated parking or loading area;
- ~~C-~~ **(c)** Shall not be located in a manner that poses a traffic vision hazard;
- ~~D-~~ **(d)** Shall not be located on a public sidewalk except in the Town Center pedestrian area when there is at least four feet of clear passage around at least one side;
- ~~E-~~ **(e)** Shall be at least two feet from any curb or edge of pavement; and
- ~~F-~~ Shall be removed between the hours of official sunset and official sunrise, except in the Town Center pedestrian area.

SECTION 3. That Chapter 6, Sign Regulations, Section 6.08 A. 4. f. iii. 1. be amended as follows:

1. A maximum of ~~thirty~~ **NINETY (90)** days at a time for a total maximum of one hundred fifty (150) days per calendar year. Additional days may be approved through approval of a temporary use permit.

SECTION 4. That Chapter 6, Sign Regulations, Section 6.08 A. 5. b. ii. be amended as follows:

b. Zoning/Use

- ii. Apartment complexes containing more than ~~twenty~~ **SEVEN (27)** units in multifamily or commercial zoning districts **(COMPLEXES WITH EIGHT (8) TO TWENTY (20) UNITS ARE ALLOWED ONLY ONE WALL OR ONE MONUMENT SIGN);**

SECTION 5. That Chapter 6, Sign Regulations, Section 6.08 A. 8. c., d., and e. be amended as follows:

c. Size/Height.

- i. **FOR DEVELOPMENT ENTRY SIGNS, THE M**maximum sign area is twenty-four (24) square feet. Maximum sign height is six feet.
- ii. **FOR COMMERCIAL OR INDUSTRIAL USES, PERMANENT SIGNS UP TO TWELVE (12) SQUARE FEET IN SIZE.**

d. Number.

- i. **FOR SUBDIVISIONS,** ~~One~~ per development entry.
- ii. **FOR INDIVIDUAL BUSINESSES, ONE PER OCCUPANCY.**

e. Location.

- i. Part of or attached to a perimeter wall surrounding a development.
- ii. **PART OF OR ATTACHED TO A LANDSCAPE MEDIAN WALL.**
- iii. **HUNG TEMPORARILY ON OR PERMANENTLY TO FENCES OR WALLS IMMEDIATELY ADJACENT TO THE BUSINESS LOCATION.**

SECTION 6. That Chapter 6, Sign Regulations, Section 6.08 A. 10. b. iii. be amended as follows:

b. Zoning/Use

- iii. Apartment or condominium complex containing more than ~~twenty~~ **SEVEN (27)** dwellings in multifamily zoning districts **(COMPLEXES WITH EIGHT (8) TO TWENTY (20) DWELLINGS ARE ALLOWED ONLY ONE WALL OR ONE MONUMENT SIGN);**

SECTION 7. That Chapter 6, Sign Regulations, Section 6.08 A. 17. d. i. be amended as follows:

d. Number.

i. In single-family districts or uses, two signs per property. **PROVIDED, HOWEVER, DURING THE TIME BEGINNING 71 DAYS BEFORE A LOCAL, STATE OR FEDERAL PRIMARY ELECTION OR ANY LOCAL ELECTION OR BALLOT MEASURE, UP TO FOUR SIGNS ARE ALLOWED PER PROPERTY. ADDITIONAL SIGNS MUST BE REMOVED IMMEDIATELY FOLLOWING THE DATE OF THE ELECTION.**

SECTION 8. That Chapter 6, Sign Regulations, Section 6.08 C. 2. be amended as follows:

2. Signs shall not be located within the public right-of-way associated with Shea Boulevard at any time, but may be located within the public right-of-way of any other street ~~between the hours of official sunrise and official sunset~~. When located in the right-of-way, shall be placed at least two feet from the curb or edge of pavement.

PASSED AND ADOPTED by the Mayor and Council of the Fountain Hills, Maricopa County, Arizona, this 2nd day of September, 2025.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:

Mayor

Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Town Manager

Town Attorney

TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR MEETING
OF THE FOUNTAIN HILLS PLANNING & ZONING COMMISSION
May 12, 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 (arrived at 6:14 PM); Commissioner Scott Schlossberg and Commissioner Phil Sveum

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
May 12, 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 May 12, 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 (arrived at 6:14 p.m.); Commission Nick Proctor; Commissioner Scott Schlossberg and Commissioner Phil Sveum

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

3. CALL TO THE PUBLIC

The following resident addressed the Commission:

Betsy LeVoie

4. CONSIDERATION AND DIRECTION: Provide staff with direction on updating the Town's Sign Regulations contained in Chapter 6 of the Zoning Ordinance.

The followings resident addressed the Commission:

Lori Troller

Discussion only

5. REVIEW AND PROVIDE COMMENTS ON: Initial draft revisions to Zoning Ordinance Chapter 17, Wireless Telecommunications Towers and Antennas.

The following residents addressed the Commission:

Lori Troller

Discussion only

6. COMMISSION DISCUSSION/REQUEST FOR RESEARCH to staff.

7. SUMMARY OF COMMISSION REQUESTS from Development Services Director.

8. REPORT from Development Services Director.

9. ADJOURNMENT

Chairperson Kovacevic adjourned the Regular meeting of the Fountain Hills Planning and Zoning Commission held on May 12, 2025, at 7:43 p.m.

Post-Production File

**Town of Fountain Hills
Planning and Zoning Commission Meeting Minutes
May 12, 2025**

Transcription Provided By:
eScribers, LLC

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Transcription is provided in order to facilitate communication accessibility and may not be a totally verbatim record of the proceedings.

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KOVACEVIC: All right. Let's call to order the Planning & Zoning Commission meeting of May 12th, 2025. Everybody rise for 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: Okay. Thank you. So Paula, can we take the roll?

WOODWARD: Chairman KOVACEVIC?

KOVACEVIC: Here.

WOODWARD: Vice Chair Corey?

COREY: Here.

WOODWARD: Commissioner Sveum?

SVEUM: Here.

WOODWARD: Commissioner Schlossberg?

SCHLOSSBERG: Here.

WOODWARD: Commissioner Gray? Commissioner Corrigan?

CORRIGAN: Here.

WOODWARD: Commissioner Proctor?

PROCTOR: Here.

KOVACEVIC: Okay. We have a Call to the Public.

Paula, do we have any speaker cards?

WOODWARD: We do, Chair. One speaker, Betsy LaVoie.

LAVOIE: Good evening, Chair, Vice Chair, Commissioners, staff. Betsy LaVoie with the Chamber of Commerce. I am speaking to an agenda item that was on your last agenda, so I know you cannot reply or speak to it, but I just wanted to provide the information.

On April 8th, we had sent out a letter from the TAMA, The Avenue Merchants Association, to the Planning & Zoning commissioners as well as SPAC and different staff members, and we understand that it was not received by all, so I wanted to provide it for you today as well as a new letter of support from the Board of Directors of the Fountain Hills Chamber of Commerce, and it's the initiatives that The Avenue Merchants

Association spent countless hours to put together and had 37 wet signatures of businesses who participated in that.

So I do believe it brings with it a lot of weight of what the business community would like to see happen, so it's just for your reference as you're looking at all the downtown strategies in the new plan. Thank you.

KOVACEVIC: Are there any other speaker cards?

WOODWARD: No, Chair.

KOVACEVIC: Okay. Okay. Let's move on to agenda item 4, Consideration and Direction on updating the Town's Sign Regulations contained in Chapter 6 of the Zoning Ordinance.

TAVASSOLI: All right. Thank you. And good evening, Mr. Chairman, members of the Commission. I'm here to discuss with you this evening some potential amendments that were discussed at the January meeting - Town Council meeting regarding Chapter 6 of the Zoning Ordinance, which addresses sign regulations. And again, we're not -- we -- John and I are not looking for any recommendations for approval. This is for discussion purposes and, you know, us trying to figure out how to move forward given these deal points that were discussed in January.

So a little bit of background. As some of you have been involved back in November 2021, there were some significant amendments made to the sign ordinance that reflected the Reed v. Town of Gilbert decision regarding content neutrality. That was followed by some more revisions, not as big in scale. But back in October '23, there were some proposed revisions that came before Council that were subsequently approved.

And then in January, as I said earlier, Council directed staff to review and revise the sign ordinance, but before revising -- going through any particular legislative revisions to the sign ordinance, we're coming before you. And on February 18th, after staff, I guess, was -- didn't receive a whole lot of direction, we came before the Council again and got some more specific direction on how they would like to see the Zoning Ordinance or the -- Chapter 6, in particular, revised to address current needs.

So I'm going to talk about five different kinds of signs that were discussed at the January Council meeting, and I'll begin with A-frame signs. And so currently, Chapter 6 allows one sign for each business -- each commercial business, two if there are two public entrances to that -- to that business. A maximum of six square feet is allowed for one sign, but in the situation where you are allowed to put up two, the maximum is nine square feet cumulative for both signs. And they are to only be displayed only between sunrise and sunset.

At the Council discussion on January -- I believe it was January 25th, if I'm not mistaken, a councilmember proposed the idea of allowing businesses up to four A-frame signs without any restrictions on display times and increase the square footage limit to eight square feet. Now, I'm not sure if that was in reference to the six square feet allowed for one sign or a cumulative nine square feet for two signs, but that was an idea thrown out by one of the councilmembers.

And Mr. Chairman, we discussed this before the meeting, whether or not we'd like to discuss each of these signs as I go along before going on to banner signs and the other subsequent sign types.

KOVACEVIC: Yeah. Does anybody have any comments on A-frame signs? We're going to review each sign type as we go rather than do it all at once.

Commissioner Corrigan?

CORRIGAN: So my thought was --

COREY: The right button.

KOVACEVIC: There you go.

CORRIGAN: Thanks, Clayton.

WOODWARD: No. No.

COREY: No.

CORRIGAN: Am I -- yeah? (Indiscernible).

COREY: It should light up red when you hit it.

KOVACEVIC: The button --

PROCTOR: Turn the blue one on.

KOVACEVIC: The button --

WOODWARD: There you go.

PROCTOR: Technology.

CORRIGAN: Yeah, you would think. Count to two.

My thought was I like the idea of increasing the sign size and the number. I thought that was -- I was there during the Council meeting. I thought Councilmember Earle made a pretty formulative discussion in regard to a need for keeping merchants up to, you know, four signs, and, I think, it was eight square feet is what she proposed. I think it's a reasonable expectation. We have more and more businesses, that is, downtown businesses, you know, coming and going, mostly going, and I think this would help with some retention there by exposing what they do, more about their business in a nutshell.

KOVACEVIC: Thank you. Commissioner Schlossberg?

SCHLOSSBERG: Yeah. The number of signs, I'm okay with that. The leaving them up all night, I -- so that -- I'm totally against that. I don't think that -- I mean, it doesn't take much effort to erect them and then take them down in the evening. So I think that's my thoughts on that.

KOVACEVIC: Commissioner Corey?

COREY: Thank you. I agree with Scott's comments. I think that it's not too much effort to take them down. And I feel that if we don't ask them to take them down, then there could be too many left up over time, and it will just start to get cluttered. I mean, overall, my concern with the number of signs is the clutter, but I think we almost need to -- I mean, we want to help the businesses and let them have signs up that will help attract customers to their business, but I am concerned when there's -- let's just say there's, you know, business after business after business, and they're allowed to put four signs up.

When there are too many signs, you might not see any of the signs. So I am concerned if we have too many, it might defeat the purpose, but I also hope that we can, you know, kind of just give the business the benefit of the doubt. They should know how many signs - they should know what's going to attract a customer to coming into their

store.

But around the time frames, I think there's no reason for them to be kept up all night, and I think, if they have that requirement of taking them in and putting them back out, they might not want to put all four -- you know, four signs up every time. So that's my comment.

KOVACEVIC: Okay. Thank you. Commissioner Sveum?

SVEUM: Well, I'm all in favor of business people promoting their business and their product, but can you imagine -- on both sides, once the last parcel is developed by the Sheas, there could be 80 to 100 signs along -- on each side of the Avenue. I think it's over-the-top clutter. And if that's -- I think if that's what a business wants to do, I agree. I think the message gets lost, and it will not look very attractive. But if that's the wishes of the Council and the businesses, I guess that's up to them.

KOVACEVIC: Commissioner Proctor?

PROCTOR: I believe the current ordinance is very reasonable as long as it complies with Reed v. Gilbert, which it does. My question is, has there been any complaints from merchants that the current ordinance is unreasonable and affecting their bottom line?

TAVASSOLI: Mr. Chairman, Commissioner Proctor, although I haven't personally received any complaints, I believe there have been some complaints coming into different members of Town staff, particularly the business community downtown.

PROCTOR: Is it -- is it targeted at any aspect? The number? The location?

TAVASSOLI: You know what? I'm -- Mr. Chairman, Commissioner, I'm not sure. I haven't documented the complaints, but I --

PROCTOR: Well, my point is if we haven't had a groundswell of complaints from merchants that this ordinance is unreasonable to them, you know, I'm scratching my head why we're bothering changing what appears to be pretty damn good. That's all I have.

KOVACEVIC: Commissioner Corey?

COREY: Thank you. Before we move on to a different -- oh, there's a bug up here -- to a different sign, which one was proposed to use an SUP for -- as an option? Was that

A-frame? Yeah. Okay. So SUP for signs. So to --

PROCTOR: Nick.

COREY: - Nick's comment here, I agree with that. I think we could potentially use the SUP as a better alternative if there is a problem or if a business finds that two isn't enough for them because I'm also not sure where this came from. You know, we've revisited the sign ordinance many times, and if, like, one or two businesses comes and says, hey, can you change this, then I feel like we all get -- you know, huddle back together and try to make big changes, but in this case, if it was one or two businesses that said, we would like to have more based on our unique circumstances, then maybe an SUP would be a better alternative. So thank you.

KOVACEVIC: Thank you. And I want to echo that sentiment. We just did this sign ordinance about 18 months ago -- 18 to 20 months ago, and it was not -- it went to Council. It wasn't -- they approved something that we had that -- they really didn't change it all that much. There may have been some minor changes. But I just -- my biggest concern is we increase the number of A-frame signs, and if every business in the village put up four A-frame signs, it would look like a flea market, and we just don't want that.

So I'm inclined not to increase the number of signs to four, and, you know, I'll certainly -- I'm all ears to the commissioners if they want to talk about a number -- another number, but I would not be supportive of four A-frame signs.

And Commissioner Gray, we're talking about A-frame signs. We just started the sign ordinance discussion, and we're going sign type by sign type. So if you have any thoughts on A-frame signs, now's the time.

GRAY: I think my thoughts pretty much echo what you had just overlaid. Sorry, Commissioner Corey, I didn't quite get to hear yours. But I think the signage - the macro view on signage for me is we're trying to be everything to everyone every time, and it's just not -- it's just not appropriate for an ordinance to - you know, to be so open-ended that way. So, I agree. One A-frame is probably more than enough. I really don't think we should entertain the suggestion of four, no restrictions, et cetera. I just - I just think

that's inappropriate for a municipality like ours.

KOVACEVIC: All right. Do you -- does that give you the feedback you're looking for?

TAVASSOLI: Yeah, absolutely.

KOVACEVIC: Okay. Then we can move on to the next one.

TAVASSOLI: Okay. And so the next one was a discussion about banner signs. So currently, any business can apply for a banner permit. That permit will be valid for 30 days. There is an option to reapply up to four times, so it would be a total of 150 days that the applicant can keep the sign up, although they would have to reapply and pay a \$50 fee each time for the renewal. It's allowed for new businesses for up to one year, new businesses, and a temporary use permit -- there is a mechanism for that to allow additional time through a temporary use permit.

And at the Council discussion, the idea was to extend the 90-day -- extend to 90 days the maximum for the initial permit instead of the 30 days, and an option to extend -- and this was from a different councilmember, but an option to extend for a total of 364 days total. So essentially, allowing it up to 90 days and then throwing out the option to keep it up for just less than a year altogether.

Any discussion on that?

KOVACEVIC: Commissioner Corrigan?

CORRIGAN: Yeah. Chair, I think the 90 days, as I recall, was based on an assumption that there might be supply chain interruptions for signs and that type of thing, and extending it from 30 to 90, I don't think, is too unreasonable. There might be some compromise in there. Someone else may suggest 60. But I think 30 is a little too short for a banner sign. So, I think we should give the businesses some leeway to offer a reasonable compromise between -- somewhere between 30 and 90, my thoughts.

KOVACEVIC: Commissioner Proctor?

PROCTOR: Again, I think, as written, our ordinance on this is spot on. And what's nice about the current ordinance, it allows a temporary use permit for additional time. So if a business wants additional time, they can apply for it, and we don't need to put more time in the ordinance.

KOVACEVIC: Commissioner Gray?

GRAY: Just going back to, you know, how we arrived at the language the first time around, I think a lot of it was really derived from, you know, UV degradation of banner materials, temporary banners in particular. And the reason that we wanted the reapply to occur was that also allowed for some standard of care and upkeep with those, so it gave us almost an automatic -- not an automatic inspection, but an automatic opportunity to say, yes, you may -- you may reup, but we're going to require that that media be replaced because those things are -- you know, they're notorious for, you know, wind tear and UV degradation. And so I agree with the Commissioner. I think the way we had it written was probably more than generous. I think it should probably be left alone.

KOVACEVIC: Commissioners?

COREY: Agreed.

KOVACEVIC: Okay. My -- the only other comment I have, jumping ahead to railing signs, I think railing signs are basically banner signs. Would there be a --

TAVASSOLI: Mr. Chairman, I believe the idea behind railing signs, I think it would -- the idea was to put it up and keep it up on a permanent basis. Yeah.

KOVACEVIC: Okay. Let's move on, then, to yard signs.

TAVASSOLI: Yes, yard signs. Quite simply, the current Zoning Ordinance allows two yard signs per residential property. At Council discussion, the idea was discussed to allow a four-sign maximum during election season and a two-sign maximum at all other times. That was the extent of that discussion.

KOVACEVIC: Commissioner Gray?

GRAY: What's our obligation to -- other than election signs, what's our obligation to allow for wire-frame residential property yard signs? None, right? Just if we allow it, we have to allow unrestricted content on it?

TAVASSOLI: Correct.

GRAY: I personally don't like the idea of being able to advertise in single-family districts or multi-family districts on wireframes year-round. The political season is the political

season. You know, we're not going to get around that. If we were going to propose a modification here, I would propose something to the effect of elimination of the wire frame yard signs except for political season. I just don't see the -- I don't see what -- what's the added value to the Town of Fountain Hills and to the residents, the homeowners of Fountain Hills seeing roof by A, B, C, yard by X, Y, Z. I don't see the value to that.

KOVACEVIC: But if you did that, would you, then, be restricting for sale signs?

GRAY: No, because I think we have those carved out separately as a post --

TAVASSOLI: Post and board sign.

GRAY: Post and board, yeah.

KOVACEVIC: Okay. Commissioner Sveum?

SVEUM: Well, there are other signs, though, that are wire. I've seen them for the high school kids that might be on a team. You know, might be a garage sale you want to put up a wire sign, temporary. So I guess I'm not bothered by those. I think even a business that is putting a new roof on someone's home, I don't know that it's offensive. Probably not the best looking, but at least there are not four of them. There's only one or two. So I think it's -- you know, going back to what it was currently is fine.

KOVACEVIC: Commissioner Corey?

COREY: Thank you, Chair. I would have to agree with Commissioner Sveum's comment. And I can think there's also other types of signs. Some people have signs kind of hanging on a little bar that has, like, a quote or a comment or something, and I don't know if that would be -- we would be restricting those, but a lot of people like to hang those things up as well.

And to his comments around, you know, you're getting a new roof or a paint job or something, they like to advertise, with your neighbors, who's doing that work. I think that's okay. Again, on this one, I think the current ordinance with two per property, you know, it gives homeowners flexibility to have something out there, but I think four would definitely be making, you know, a back road look like Shea in a way, and then I don't know that everybody would want that, so --

KOVACEVIC: Commissioner Corrigan?

CORRIGAN: Yeah, I certainly think that the four-sign maximum during election season is appropriate, being that we had so many candidates running the last council election and maybe as many this time. But the other thing is that there's always signs that -- there's a freedom of speech concept, I think, that is an undertone there, whether it's, you know, please respectfully clean up after your dog or whatever it might be or, you know, just, yeah, support the Falcons, whatever -- I don't know. Whatever it might be. Or you know, anything, really. That's just kind of freedom of expression. I don't think two signs is too much, you know, the normal of the year other than election time, which it would be four. Four is reasonable.

KOVACEVIC: Commissioner Gray, you got something else?

GRAY: Yeah. Just -- so I'll rephrase it a little bit. I guess what I was looking for is the way we have it written, you can put out your roofing by A, B, C, 365 days a year. It can stay out indefinitely now. I think that we should consider putting a -- whatever it needs to be, a 30, 45, 60-day limit on -- or tie it to an active permit or something for those types of services. Just put some limiter on it to where, you know, it's just not an artificial billboard opportunity because, I think, to Commissioner Corrigan's free speech, you know, that that's how we got into this the first time around was, you know, talking about, you know, unrestricted language, you know, and once you say you can have a sign, you can say anything you want whenever you want on that sign. So you know, I think some restrictor is maybe appropriate if we want to modify something.

KOVACEVIC: So is this helpful to what you're looking for? I mean, we're not necessarily reaching a recommendation or a consensus, but we're giving you ideas.

TAVASSOLI: Yeah, Chairman.

KOVACEVIC: Is this helpful? Is this what you're looking for?

TAVASSOLI: Yeah. I mean, you know, following this meeting, we're going to go back and review the verbatim transcript, and kind of -- staff will deliberate and figure out what's the best course of action moving forward. If there's a desire -- if we gather that there's a desire to come before you again with a text amendment proposal, we'll do that prior

to going before Town Council and propose a formal text amendment at one of our upcoming Commission meetings. But yeah, we'll go back and review what's said here at the dais and deliberate and see how to come before you next time regarding this topic.

KOVACEVIC: Okay. I think that's it for yard signs. We can move on to railings.

TAVASSOLI: Yes, railing signs, as you mentioned, Mr. Chairman. There's no provisions currently regarding railing signs. Now, I should mention that photo that you see here, that is not -- that's photoshopped, actually. That was actually -- I received that during an inquiry a few months ago from a business owner proposing to put up a railing sign, and consequently, this person was told that there were no provisions in the Zoning Ordinance that would allow that, but at the Council discussion, there was -- apparently, there was some comments received regarding a desire for rail signs by a number of businesses to increase visibility, and so it was, basically, suggested to include a provision to allow rail signs, either on a permanent or temporary basis.

KOVACEVIC: Commissioner Sveum?

SVEUM: Is there a way to look at this as advertising the business versus advertising Bud Light or certain products, or -- this is -- this could be a can of worms, I think.

TAVASSOLI: Yeah, content neutrality.

SVEUM: What's that?

TAVASSOLI: There's that provision of content neutrality, so I don't know whether or not that -- you know, certainly for a permanent sign, yeah, like you said, it might raise some challenges and some questions, but --

KOVACEVIC: Commissioner Corey?

COREY: I think this is a great example, though, that you shared with us. What would be their option for advertising their business, given that they're kind of tucked inside the plaza there?

TAVASSOLI: Their option -- well, they would have been allowed a banner sign for up to one year after opening. I'm trying to remember -- yeah, other than that, the A-frame signs

COREY: So there are businesses like this that are going to have that challenge of -- I

mean, I know Social Thrift is kind of tucked away on the side, and unless they have some way of facing a sign towards customers, that's going to be a challenge. They could put a sticker on the door. They can't really put a sign above because that's, like, you know, residential upstairs there. So in that type of an example, that might be the best place for them to put a sign. I'm sure it's not going to be consistent with the look of the rest of the commercial property, but I think there are going to be instances where that's the only choice that they have.

SVEUM: But on the parking lot side, on the front side, they've got signage above the stores.

COREY: They do. That's true.

SVEUM: That's just more professional than this.

COREY: So if I could just add to that, then -- thank you. So there's no sign above. Is that the area that the businesses in the front would typically have their sign?

TAVASSOLI: Mr. Chairman, Commissioner Corey, so I believe this was sent before the business actually opened, long before the business actually opened. So again, this was just a illustrative example of what the (indiscernible).

COREY: What I'm saying is you see above the doors, above the archway --

TAVASSOLI: Oh.

COREY: -- that area that's right on top --

TAVASSOLI: Sure.

COREY: -- is that designated for that business to put a sign?

TAVASSOLI: Oh, yes, yes. Yes.

COREY: So if that's the case, why don't they choose to put a sign there?

UNIDENTIFIED SPEAKER: (Indiscernible).

COREY: Okay.

UNIDENTIFIED SPEAKER: Very expensive.

KOVACEVIC: Commissioner Gray?

GRAY: Just two thoughts. I think the path that Commissioner Corey just took there is exactly why the more we open this up, the more we try to be all things to all people.

And I don't know Social Thrift or any of these other businesses necessarily, but they make a --

SCHLOSSBERG: (Indiscernible).

GRAY: Well, that's true, right?

But I'll also say the other side of that is they make a conscious decision at the rent rate that -- the market that prevails for that suite, and that's kind of what comes with it. At one point, we talked about, you know, trying to promote the businesses that are way back on -- I forget. What is it? Like, Technology Drive and then kind of the -- you know, you could put a sign, you know, half a mile away from your business, way back there, and I always thought, well, but you made a choice to put your business way back there.

If you want street frontage, you're going to have to pay five bucks more a square foot for that. You know, Scott, you made a choice where you put your agency. I'm sure that that's, you know, at least in part, part of that decision. And so I just think -- I think we have to keep that lens to it.

And then I just want to say, on these rail signs, I think we should drop it, and the reason is we're too close to encroaching on building signage and, you know, all of the -- you know, the square footage restrictions and the aesthetic restrictions that we have to kind of keep our building facades -- not decluttered but not cluttered. I'm not sure what the right words are there. And I just think this is -- you know, this is dangerously close to that. So I think that's kind of airing to Commissioner Sveum's thought as well. Thanks.

KOVACEVIC: Commissioner Corrigan?

CORRIGAN: Other thoughts on this. I think that where they have a second-story building, and there is railing, we should really give them the option of doing that. And when I say that, I'm saying that you have an option of either a sign above the business or on the railing, maybe not both.

And I think you could -- maybe not the content. You could make it business identification. That's not unreasonable. All you're saying is that -- you're identifying the business, number one. Number two, give them the option of a building mount attached

to the building or railing. And we can certainly, based on the square footage, limit the sign size based on the appropriate square footage. So I think those are, again, reasonable options.

KOVACEVIC: Commissioner Sveum?

SVEUM: Building owners that have this much money invested in their property should be insisting on consistent signage because if you look, again, on the front of this building facing the parking lot, all of the -- all of the signs are above the doors. They're on that -- maybe you could point to that on the -- above the curvature. That's where the signs are on the front of that building. And they should be insisting on it be continuous around the corner as well. Otherwise, you have such a hodgepodge. I mean, aesthetically, it's not very pleasing. My opinion. But they should -- they should insist on consistent signage. And if they can't afford it, perhaps they can't afford that space, to Peter's point.

KOVACEVIC: And I'd like to piggyback onto that. Most centers do have standardized sign criteria, and I'd be surprised if the shopping center owner would particularly allow or want to allow signage on the railings because it isn't aesthetically pleasing at all, and again, it's just a -- you know, a clutter and a -- I think it devalues the experience.

Commissioner Corey?

COREY: I understand, and I agree, to a certain extent, on your thoughts, Commissioners, and Chair. The exception might be an alcove where a business has a back-set, and you see this in a lot of properties, two-story properties in particular, here in Fountain Hills where you don't have a front-facing to parking, for example, but you're back in an alcove. So that would be the option, mounted on the -- above the, you know, entrance of the building or property or on the railing if you're in an alcove situation. I don't know how you can restrict that. I think maybe an either/or option, one or the other. I don't think -- again, I don't think it's unreasonable if you're back in an alcove, and we have them here in town, to offer that option of a rail sign.

KOVACEVIC: Commissioner Sveum?

SVEUM: I think just -- it goes back to the building owner and how they want to maintain

their property. And the image that the Town has is beautification and vistas, and that should be maintained, but again, it's not something that maybe the building owner does enforce, even if it's in their architectural restrictions for their tenants, but -- I mean, I'm probably making a bigger deal out of this than should be, but I just think it's important to do these properly so that aesthetically, it is -- it provides the general theme of the community.

KOVACEVIC: Okay?

TAVASSOLI: Okay?

KOVACEVIC: All right. Let's --

TAVASSOLI: All right.

KOVACEVIC: -- move on.

TAVASSOLI: Okay. On to the next slide. So any one of these -- any one of these sign types that I've discussed thus far. One of the councilmembers said that we might throw out the option of allowing folks to apply for a special use permit if they wanted an extra few square feet of A-frame signage or a number -- quantity of signage, so on, and that could be applied to any sign type, so --

KOVACEVIC: Commissioner Corey?

COREY: Thank you for bringing that up. Yes, and I wrote that down in three different places here as we were talking about this because I could see an SUP being particularly useful with A-frame, banner, and railing. And I think one of the things I like to consider is, like, we -- I think we should give the benefit -- give the businesses the benefit of the doubt. They want to have a nice-looking sign. They want to have the image that is going to show off their products or services the best way to their customer, so I think they're going to, you know, have a nice banner sign or do it the right way because they don't, also, want to be seen as that business that just has a tarp thrown over the railing with somebody that painted on their sign, you know? They want to show an image.

So I think I would like to try to give them the benefit of the doubt and, I think, sticking to the provisions that we already have, but being flexible enough to offer them these SUPs

if they're in a unique situation and they need to make a change. I think if we just give it a blanket for everybody, it could be a little too chaotic and a little too -- I think we've all said cluttery at times today, but I think that there's definitely use cases for, like Mr. Corrigan said, you know, when the railing sign is maybe the best bet on that -- you know, in that location or if they're positioned in a unique spot where they need to host an additional A-frame to attract their customers.

And hopefully, that's not something that would be too burdensome on you guys if they came to you and requested these kind of things. I don't know what the volume is like today on this, and would that be, you know, a problem. I can't imagine it would be. I don't think there's going to be too many people that are going to be jumping at the bit the next day after we approve this and getting changes, you know?

TAVASSOLI: Right. Well, I don't see that to be the case for railing signs, but potentially A-frame signs. And this is just my personal take on it. But yeah, it could mean a few more items on Commission's agenda if --

KOVACEVIC: Okay. Commissioner Gray?

TAVASSOLI: Sorry.

GRAY: Yeah. So I don't mean to be the contrarian to Commissioner Corey tonight, but I feel like I am here. I don't think we should have special use permits for this level of signage in this town. This is -- this is the second tier of signage after you've dealt with monuments after you've dealt with building-level signs and all of those standards. That's where a special use permit is legitimately deployed as a tool here. We did it for Target, I think, with mixed -- probably a mixed bag of support on that one, but that's the most recent example.

If we take our SUP process and start applying it to throw-away, temporary-level branding, wayfinding, announcement signage, we've lost the plot, in my opinion. And I do not think that this tool should be applied to this level of signage. It has to be a permanent installation for a special use permit to be in play.

KOVACEVIC: Commissioner Proctor?

PROCTOR: Yeah, I generally like special use permits. I think it would allow some

flexibility. But I agree with Commissioner Gray on this. This will open the Pandora's box to the clutter from which the commissioners have spoken. Once you get a special use permit for one, it's going to expand and more and more and more. We did it for this guy, got to do it for that. For this instance, I agree with Commissioner Gray. I'm not in favor of opening that Pandora's box.

And plus, my -- just a question. Who would authorize an SUP? Would that be staff? Would that be Planning & Zoning or the Council?

TAVASSOLI: Mr. Chairman, it would come before the Planning & Zoning Commission for a recommendation --

PROCTOR: Bring it back here.

TAVASSOLI: -- before it goes to Town Council.

PROCTOR: Yeah. No, I'm not in favor of opening this can of worms.

KOVACEVIC: Okay. Do -- oh, Commissioner Corey?

COREY: Sorry. Just hit it right before you talked.

Have there been a lot of complaints on businesses or -- not complying with our current sign ordinance? And I say that because if we don't bother with the SUP -- and you're right. If they all come to us, we might not want to deal with that, but if we -- if we kind of just give them the benefit of the doubt and trust that they are doing the right thing for their business, which maybe they have been right now, have they been -- have there been complaints that they have too many signs or that they have a banner and they shouldn't or something?

TAVASSOLI: Mr. Chairman, Commissioner Corey, usually -- and I -- and I may be wrong, and ultimately, the Code Enforcement division might know better, but I don't think -- I don't think there is a pattern of businesses complaining of one another's signage. There are, of course, occasions where Code Enforcement officers would be patrolling, and they might see one too many signs, some -- you know, some egregious examples out there, perhaps, or one -- a sign placed in the right-of-way. But I don't know if John has any experience with hearing about complaints from other businesses, but yeah, in my five years here, I don't know of any complaints.

COREY: Okay. So then, in closing, perhaps this came back to us because there were just a couple of businesses, maybe, that said, you know, we would like to make a change, and then here we are again. So if that's the case, then, you know, be more inclined with keeping it the way that it is and finding out who those businesses were that wanted a change and see if there's some way that we can help them.

KOVACEVIC: So, I hope this is helpful. I don't know that we gave you any decisive direction.

TAVASSOLI: Well, certainly, there's a lot of --

KOVACEVIC: But -

TAVASSOLI: -- lot of opinions --

KOVACEVIC: Yeah. Yeah.

TAVASSOLI: -- various opinions on it, so -- and again, you know, the next step may be to, you know, continue the discussion. I'm not sure, but we'll have to deliberate and see what's the best course of action.

KOVACEVIC: Okay.

TAVASSOLI: Maybe the next step would be -- would just be a text amendment, you know, to some extent, whether it's -- I don't think it'll be too comprehensive from what I'm gathering, but --

KOVACEVIC: Okay.

TAVASSOLI: Yeah. All right. And then finally -- and this wasn't discussed at the Council meeting. Staff kind of found this as an opportunity to discuss a -- discuss an inquiry that we came across from a local business owner. And I'll go ahead and name names. In this case, it was Spooner Physical Therapy where the desire was -- and by the way, for those of you not familiar, this is just north of us off of La Montana, just north of Palisades. The desire was, from this business owner, to put two signs -- well, other than the sign facing the parking lot, which is allowed because, after all, this is street frontage, the other desire was to put two signs on either side of the business here so that it would be visible for traffic going both directions on La Montana.

As the current Zoning Ordinance reads, two wall signs are allowed, but they would have

to be -- unless they're corner buildings, in which case -- in this case, it's not, two signs would have -- the two signs would have to face the street frontages. So in this case, there are two street frontages. And it would also allow for one freestanding sign along the street frontage and one projecting sign.

Now, we thought it might be a good idea to offer some options. We, staff. You know, perhaps to allow, in this case, some signs -- some additional wall signs in lieu of freestanding signs or projection signs. So just -- and this example might be too case-specific because, I think, the way the streets are configured here, it's kind of an anomaly here in town, but just throwing that out there.

KOVACEVIC: Commissioner Schlossberg?

SCHLOSSBERG: Yeah. Well, I -- personal opinion on wall signs, I am vehemently against -- I think they are very unattractive. There's a few on the Avenue of the Fountains that, I think, degrade the entire Avenue of the Fountains, and I think -- as you're looking up the Avenue. So the wall signs, as far as I'm concerned, I am -- I'm not for those.

TAVASSOLI: Mr. Chairman, if I may ask for clarification? Are you referring to the -- like, when I'm referring to wall signs, I mean on the building wall. Is that -- okay. Got you. Got it. Okay. Thanks.

KOVACEVIC: Any other -- I think I missed Commissioner Sveum and Commissioner Proctor on the last -- they had further comment.

PROCTOR: Go ahead.

KOVACEVIC: Commissioner Proctor?

SVEUM: Oh, my question wasn't on these specific signs, but --

KOVACEVIC: Can you speak into the mic, though, please?

SVEUM: Oh, I'm sorry.

I wanted to ask about -- some of my real estate friends are interested in open house signage, and the -- and I realize there's some -- obviously, some public right-of-way that needs to be not part of -- or that they're off limits, so to speak, right, where they're removed? But I think that it -- sometimes it's not real clear on where they can place

them and staying within the guidelines.

And it seems -- I'm not sure. I mean, they're up for maybe three or four hours on one day a week. It doesn't seem to be an exorbitant amount of time. But has there been any discussion about that with maybe -- I'm not saying loosely in the guidelines, but looking at these things and realistically figuring out what might be a better way to do this. I mean, Scottsdale obviously allows them along Shea as soon as you -- you know, for open houses. They're small tent signs, obviously. Something that might be a little bit more friendly and being able to place them, again, for very temporary purposes, that it does help the citizens that are trying to sell their home.

TAVASSOLI: Mr. Chairman, Commissioner Sveum, you're talking particularly about open house signs (indiscernible)?

SVEUM: Exactly. The small tent signs that are put --

TAVASSOLI: Yeah.

SVEUM: -- on medians or on the corner.

TAVASSOLI: Yeah. Well, yeah, I'm not exactly sure what the provisions are for that. I think there's some allowance to have them at, like --

SVEUM: That -

TAVASSOLI: -- off-site at street corners, but --

SVEUM: Yeah.

TAVASSOLI: But yeah, we can review that.

KOVACEVIC: Commissioner Gray?

GRAY: I think it's somewhere between five and seven is what we bumped that number up to, so you can -- you can -- you can have a pretty significant number of way-finding signs to an open house for that -- for that temporary duration. That was a big -- I think, probably just before you came on the Commission, actually, it was a big deliberation point. Commissioner Dempster was still here for that.

COREY: That's how long we've been doing this.

GRAY: Yeah.

KOVACEVIC: Yeah.

GRAY: How many times we've done it.

COREY: Right.

SVEUM: Well, it was 2023, right?

KOVACEVIC: Yeah.

COREY: Since COVID stopped, we've been doing this.

SVEUM: Geez. I think it's -- and they're just obviously at certain areas that -- is there a specific area along Shea that signs are not allowed at all?

TAVASSOLI: Yeah, I believe there's no signs on the --

WESLEY: Chair, Commissioners, in terms of Shea Boulevard, we allow A-frame signs in the commercial areas along -- within the right-of-way, but we don't allow any yard signs anywhere along Shea.

SVEUM: Okay. This would be, for instance, at Balera, the condo, and the entry there where I know a specific instance where a couple of the real estate open house signs were removed, and they were placed very close to the Balera identification sign. So I assume that the agents didn't know exactly where the property line was.

WESLEY: Property line was. Probably.

SVEUM: And it's hard for people that have -- might have some interest in looking at them to be able to find the property if there's no directional signs.

KOVACEVIC: Commissioner Proctor?

PROCTOR: Yeah, just a couple comments on the wall signs. I believe the current ordinance to wall signs allowed, one freestanding, one projecting, is more than enough. I agree with Commissioner Schlossberg. We don't need to be tacking up more wall signs.

On a separate but related -- just on the matter of process, it appears to me, as the new guy, that there is very little appetite from the Commission to tinker with this existing ordinance. Would it be advantageous for us to give a clear signal to the pass to Council that we recommend no changes and make a motion to do that? Or just buck it back to you, and you bring it back to us, and we can continue the ping-pong match. I'm just looking at a matter of expedience. Put this thing to rest, and you can communicate that

to Council. Just a matter of process. I'm not sure how we do it here.

TAVASSOLI: Yeah. Mr. Chairman, Commissioners, I think that all those options, I think, should be made available, yeah.

PROCTOR: Well, Mr. Chair, if there's no objection, I'll make a motion that we recommend that the -- that there be no changes to the current sign ordinance.

KOVACEVIC: Well, before we do that, do we have a -- we have a speaker card, Paula?

WOODWARD: We do, Chair. We have a one-speaker card. Lori Troller.

TROLLER: So, I was looking -- trying to find it on my phone. Railings are a safety thing, right? And there's got to be OSHA standards. And I wouldn't think you're allowed to hang anything off a safety thing. That's probably OSHA-related.

I will share an experience that always brings tears to my eyes. When my guys were little, we were in a situation like this, and my son, who was two, three at the time, stumbled. And in that situation, he was on the other side of the rail. He thought he had a good stop to put his hand up. His hand went between the rails. He thought he was going to stop, and he didn't, and then his face met the rail.

So before things -- like, I don't know how well that's a fixture or anything like that. I'm just saying it's a safety issue. I'm sure OSHA's got some things about this. I just -- don't lose sight of the OSHA stuff on railings. That's my only comment. Thanks.

KOVACEVIC: Thank you. That'll close comments. So you wanted to make a motion to --

PROCTOR: I'll make the motion that we recommend that no changes be made to the existing sign ordinance.

KOVACEVIC: Okay. I'm looking for a second.

COREY: Could we -- yeah. Oh, we - second. I wrote no change, no change, no change as we were going through this. However, I do want to make sure that if businesses have a legitimate concern or challenge with the current ordinance and they need to -- and we need to find a way to make something tweak or work for them, I don't want to just close the door on them. I want to let them come in and talk with us about their situation and see if there's something that we can do. And I don't know how we want to word that in the --

KOVACEVIC: Okay.

WESLEY: Chair, if you don't mind, Commissioners, weren't anticipating this direction this evening, and so we're maybe at a little bit of a loss. Certainly, wasn't an advertised public hearing. The report says we weren't anticipating any motions tonight. There could be some that were thinking, okay, this is the first kind of opportunity to talk about it, but they expected to come at a future meeting. So we might not really have given everybody a full chance, kind of Vice Chair's comment, to really speak or give their input.

So my suggestion is go ahead and let us continue to work it from our end, see what other inputs we might have, and schedule it for one more meeting that is really advertised as a time that action will be taken, and we can go from there, I think, maybe a little bit better. Appreciate, Commissioner, your desire to eliminate work that we maybe don't need to do or whatever, but I think, procedurally, that maybe is going to be a better way. And we'll talk again at the end of the meeting whether that's going to be a July or an August meeting. Oh, my time's up.

COREY: Time's up.

TAVASSOLI: Sit down, John.

KOVACEVIC: I was trying to stop it, but it wouldn't stop.

PROCTOR: Mr. Chair, if I may, I will withdraw that motion given Mr. Wesley's comment.

KOVACEVIC: We had a motion, and then we had a second. Can we do that?

UNIDENTIFIED SPEAKER: (Indiscernible).

KOVACEVIC: Okay. He withdrew it.

COREY: I withdraw my second to that.

KOVACEVIC: Okay.

TAVASSOLI: Okay? Well, that concludes my presentation. I'm not sure if there's any additional discussion. No? Okay. All right.

KOVACEVIC: Okay. Agenda item 5, Review and Provide Comments on initial draft revisions to Zoning Ordinance Chapter 17, Wireless Communications, Towers, and Antennas.

Director Wesley?

WESLEY: Commissioners, I'm back. Had a busy month. So appreciate the discussion we've had at the last couple of meetings with regard to the wireless communication ordinance, Chapter 17 of the Zoning Ordinance. It's just the start, however. I have taken the comments received, went back and relistened to the meetings and tried to pull out from those the changes that I understood the Commissioners were looking for, both based on your previous discussion and what came from Mr. Campanelli's draft ordinance. I don't know that I got them all. Maybe I got some I shouldn't have gotten. But I've put them in an ordinance for some discussion this evening and feedback.

This is, again, early in the process. The idea is that this evening, we'll breeze through it, hopefully, fairly quickly, and you can say yeah, yeah, yeah, or no, hearing this, this, or we thought we -- you know, this is a little bit differently than what I had. We'll take those notes. Then the idea is we're going to set this part aside for now, and then starting next month, we'll go to the small cell and the right-of-way piece and begin that discussion and see what changes, if any, are looked at there, and then we'll come back after we know that piece and see how they're working together if they should be combined or not, and then how we continue to refine from there.

So this is far from being a finished piece, but it's the first attempt to get feedback on how I did and hearing what you had to say before. So that is -- again, I just got the ordinance as we sent it to you to go through, and again, hopefully, fairly quickly. We'll stop as much as we need to, and you can let me know if you're seeing things here as you've reviewed it that I might have missed or not gotten quite correct.

Chair, anything else before I get started on where we're at?

KOVACEVIC: Yeah. Who is going to review the ordinance once we come up with a recommendation?

WESLEY: Chair, once we have a final ordinance, obviously, a Town attorney will be charged with reviewing it. They do all ordinances. If it's anybody beyond that, that'll be up to the Town Council to bring any outside services on to provide review beyond that.

KOVACEVIC: Commissioner Corrigan?

CORRIGAN: On that topic, Chair Kovacevic, I -- maybe we should, as a commission, once we've done all the work -- thank you, John, for what you've done to date. Once we've done all the work on Chapter 17 and Chapter 16 and we're closer to kind of a target date, I'd like to make a suggestion that we recommend -- send a recommendation, rather, to Town Council that they consider rehiring an attorney who specializes in cellular and broadband communication. Whether it's a Campanelli or a McCulloch, whoever that attorney might be, bring them in so that we're certain that what we have as a completed document for an ordinance really falls within the legal standards of what we should be looking at.

So just a thought on that because you brought it up, and I think it's an important point, and I think maybe we should make that suggestion -- not recommendation, maybe, but suggestion to Town Council that they bring that attorney back in. That's it.

KOVACEVIC: All right. Thank you.

WESLEY: Okay?

KOVACEVIC: Yeah.

WESLEY: So again, as we go through here, I mentioned in a memo to you all the changes are through the strike-through, which were done with the red, but to help understand, maybe, where the different changes came from, if they're highlighted in the yellow, as these are, these were changes that came based on Commission discussion and direction.

And so we talked about these before, just a little bit stronger words here in some of these introductory statements. And if you need me to stop anyplace, just let me know. Otherwise, going through here, all this stays the same. Anything that's here that has a blue highlight, just something I noticed as I was going that I thought a little change was needed for some consistency here and some language, so just a couple things in blue that were just from me.

KOVACEVIC: Commissioner Corrigan?

CORRIGAN: Yeah, Chair. I just have a question, John, if you would. My copy is a little

hard to read. It appears that everything is deleted on my end from the document that I have. So wireless facility on number 4 remains; is that correct?

WESLEY: Yes. Yes.

CORRIGAN: Okay.

WESLEY: I substituted the word cell tower for wireless facility.

CORRIGAN: Yeah, I just have -- on my copy, it's difficult reading it.

WESLEY: Okay.

CORRIGAN: Maybe it's easier, you know, on the computer, but here, it's completely blacked out, so --

WESLEY: Okay. And then, we get down to the definition section. So, Mr. Campanelli had a lot more definitions than what we have in our current ordinance, so again, I just pulled all those over. And I'll comment here, a few places in his wording, I would make changes that I could see were pretty obvious, such as adding in here Chapter 17 or -- again, there'll be a few things that I didn't necessarily track or point out at this point, but I felt free to make some of those little changes.

Otherwise, I did, as much as possible, just bring in exactly his language. I pointed out in the staff report that we need to come back and look at some things, such as we currently have a definition of antenna. His had a different definition of antenna. So I put them both in here for now until we look at it and decide maybe there's a third definition that we really want.

But we'll also use this as a point -- a time to point out that in Mr. Campanelli's ordinance, his was really focused on personal wireless service, that portion of the total wireless communication type of activities that can go in, whereas our Chapter 17 has been and still is that broader use. And so there'll be some places where you may want to come back -- for instance, if we use this definition of antenna, we may want to change personal wireless services to something broader. Again, I didn't make any of those changes now. It'll be something we can discuss in the future. But I just wanted to point those out as we go forward and continue reviewing the ordinance and looking at the pieces.

This definition of camouflage, this was something that's in the current ordinance, but I recognized, when we went back through it this time, that it's a definition stuck down in a regulation, and definitions ought to be in definitions, so I'm proposing that we bring it up here. Again, a couple other places in here where there's some repeats. For instance, FAA is in both places. A height. We have two definitions of a height. So again, we'll have to look at those. And down here, tower, I believe, is the last one where we had a definition, and the other one has a definition, so we're looking, at some point, to decide which one is more appropriate.

Any comments, questions on any of the definitions? Anything missing there?

Then we get into --

KOVACEVIC: Let's hold on.

WESLEY: Okay.

KOVACEVIC: We've got some comments.

WESLEY: Okay.

KOVACEVIC: Commissioner Proctor?

PROCTOR: I'm -- good work on this. I did read it at home. It's good for insomnia. But excellent work. I did catch a phrase --

COREY: That wasn't a compliment.

PROCTOR: That was a compliment.

I did catch a phrase -- a sports phrase, shot clock. Is that appropriate? Is that a -- generally put that in ordinances, a shot clock, or just --

WESLEY: Yes.

PROCTOR: Is it --

WESLEY: In this case, it is, Commissioner. It is used in the industry, and you'll see it further down in the ordinance where we talk about the time frames --

PROCTOR: Okay.

WESLEY: -- that we have to operate under.

PROCTOR: Okay.

KOVACEVIC: Commissioner Corrigan?

CORRIGAN: You answered my question.

KOVACEVIC: Okay.

WESLEY: All right. We get into 17.03, which are the basic requirements associated with making an application. So here, one of the things that the Commissioners talked about last time is wanting to get the equipment underground, in a vault, and so I looked at ways to do that. And we'll see several places in here where I've made that attempt to say that that's the standard, but if, for whatever reason, the Council then doesn't approve it that way, here are standards associated with it being above grade.

KOVACEVIC: Commissioner Gray?

GRAY: John, I'd echo what the other commissioners had said. I think this is -- I think this is pretty well tailored. I love the enhancements around effective prohibition that are further up several pages here. The question I have is just, you know, over time, ability to maintain this. There's a lot of specific federal and state code references in this thing. Are we going to be able to keep up with that, or do we need to find a simpler way to tie back so that it stands the test of time a little better? Otherwise, I'm afraid we're going to be in this thing regularly.

WESLEY: Chair, Commissioner, that's one of the things in the back of my mind as we go forward looking at the code and how specific it does get. And I can't remember, with some of these things and how clearly, they're written, that it's this version or the latest, so then we don't have to come back and change it. That would be some of the type of language that we would look for that would help keep us from having to amend our code to stay consistent.

So going on down, lighting. Again, there is the comment from the Commissioners about making sure it was dark sky compliant, so that was added. Then, back to the underground, trying to cover that piece.

KOVACEVIC: John?

WESLEY: Yes?

KOVACEVIC: Yeah, we --

GRAY: Just there on 11 -- I think this was the section. I just would like to be a little

stronger there in requiring baffling, and I think this is a spot where -- I know we don't want to get into noise meters for reactive complaints, but I think -- up front, I think demonstrating a design meets a certain dB at a certain distance is probably appropriate for that section rather than being a little open-ended.

WESLEY: Okay. We can look at that.

Then added in the requirement for the parking. What I heard from the Commission last time was 120 percent instead of 100 percent setback. This phrase gets moved a little bit later in the code about the separation distance. And again, what I heard you were looking for as the standard is you've got to be 500 feet away from residential. With Council approval, you can even go down to 300, but never less than 300, that you got to have your justification for why it's going to be anything less than 500 and sell the Council on that. Then on these separation distances, what I gathered from the discussion last time was, yes, you may want to increase them, but you wanted to wait until after we had the small cell discussion, so I left these alone for now.

KOVACEVIC: Okay. Commissioner Gray?

GRAY: I just -- 100 percent, I think that we need to put a big asterisk on this table so that we don't inadvertently put ourselves into a small cell scenario.

WESLEY: Okay. Little bit more about the underground vault and how I work that in here. And the application type. So, the main change down here is that previously, we were allowing some new towers to be approved administratively if it met certain criteria, but based on the Commission discussion, it sounded like you want all new towers to go through a review process, so that's removed, and so they're all covered down here under Public Review.

KOVACEVIC: Commissioner Corrigan?

CORRIGAN: John, going back to -- I guess it's page 22, the Section 17.04, Application Types.

WESLEY: Yes.

CORRIGAN: Can you explain to me -- it says administrative. Now, maybe you can explain the process a little more in detail. When an applicant comes in and makes a request, is

that always kind of an administrative application without review by P&Z and Council, or is that just the first step?

WESLEY: So Chair, Commissioner Corrigan, the applicant would look at what -- at the ordinance and what the criteria are, and they should be able, from this, to determine whether it would be an administrative review or a public review. But regardless, it would come into us, and we would look at it based on the criteria, and if they got it wrong, then we would correct it. But if it is something that meets the criteria here for administrative review, basically it's a minor modification to an existing tower, then we would handle that as staff. It wouldn't come to the Commission or Council.

CORRIGAN: Yeah, the reason for my question is there's so much to this, you know. And gosh, I think this is 55 pages long, and I'm just wondering if something might possibly get by that should be maybe in more public review by either Planning & Zoning and/or Council.

WESLEY: Chair Commissioner, certainly, mistakes can happen. I can't say that they never would. But we have pretty clear criteria to use to make that determination.

CORRIGAN: Okay. But as it's written right now, it's pretty much administrative only.

WESLEY: For modifications to existing towers. Any new tower is automatically --

CORRIGAN: Yeah.

WESLEY: -- going to go through a review process --

CORRIGAN: Okay.

WESLEY: -- and any changes that exceed these limits would come through P&Z and Council.

CORRIGAN: Okay. Thank you.

WESLEY: So then, again, we get down here. So then that actual submittal, review, and processing, this is a section -- I kind of wonder if it shouldn't be broken out and down to maybe a couple of sections. It's gotten pretty lengthy and detailed. But we'll -- we can see that as we go forward. And so again, in terms of the requirements that come in with an application, added to those things in Mr. Campanelli's ordinance that the Commission pointed out would be a benefit.

You know, there are -- there are some things that I wonder about in here as I read it, if they really belong in an ordinance or if they belong in a supporting document, but they're in here as they came from him, and so we got them in here now. And also, this reference here to the 66-page report that's in Appendix 1, we never got that appendix originally that I'm aware of, and trying to do some looking to see if I can find a 66-page report. I find reports, but none of them at 66 pages yet. So that's something we'll have to keep following up on.

KOVACEVIC: All right. We have a question from Commissioner Corrigan.

CORRIGAN: John, I noticed in -- on page 27, about midway through, it says the Town is additionally aware that the -- in August 2020 and so on, driven by concern of propagation maps created by the FCC and so on and so forth. What they're looking for is a -- kind of a drive test review, and there's been a lot of discussion, both in public comments and, I think, past P&Z meetings and in Council, about a possible other substitute for that; that is, a dropped call log as opposed to -- I would call it a vendor or provider review in the referenced procedure there where they're talking about, you know, they're self-monitored. And those are my words. But I'm thinking I'm hearing a -- I have heard a lot of discussion about a dropped call log rather than the monitoring by what I call drive-by, lack of a better word. That's it.

WESLEY: Yes, Chair and Commissioner Corrigan, understand that. Top of page 30 is the dropped call log option, too, that we can use.

Any other comments on any of these items?

So here again, this whole section on shot clocks and tolling, about how long we have to review an application. This is also originally from Campanelli, so it would have just been included originally.

GRAY: I just thought I saw -- I didn't read it the first time through. Okay. It's struck. I was looking at the shot clock. Administrative applications which do not involve new towers. Okay.

WESLEY: Let's see. What are -- what else do we got here? So we get down to the review, and again, here's where we added a lot from Mr. Campanelli on the review

criteria that would -- to be used by staff, P&Z, and the Town Council. Maybe I'll use this as an opportunity to mention this again, too, as we come back to this. There are these shot clocks and time frames and something we'll have to look closely at if we're going through staff, P&Z, and Council. I think we can get it done in the time frames, but it's going to be a little bit of a challenge sometimes because I also believe they need to have their building permit within the time frame that's listed. So again, that might be a challenge. When Mr. Campanelli wrote it, he seemed to write it going straight to Council and not coming through P&Z.

KOVACEVIC: Are there -- are there state requirements for the time frames?

WESLEY: No. They're federal.

KOVACEVIC: Federal requirements for the time frames?

WESLEY: I believe so.

KOVACEVIC: But we're within those?

WESLEY: Yes. Yeah, that's what -- that's what we're using.

KOVACEVIC: That's what you're using?

WESLEY: Yes.

KOVACEVIC: But it'll be a challenge to meet the federal --

WESLEY: I'm just a little bit concerned, just the process --

KOVACEVIC: Yeah.

WESLEY: -- of advertising and coming through this many bodies. Just might make it challenging.

KOVACEVIC: Special meetings.

WESLEY: Maybe.

KOVACEVIC: Yeah.

WESLEY: Yeah. And if everything meets the typical, it'll be fine. It's -- but again, the whole shot clock thing gives us some opportunities to extend the shot clock so we can work with all that.

Anyway, so now we're in the section on different determinations used to make the decisions, and so the factual determination is just based on the actual application zoning

requirements.

KOVACEVIC: We have -- Commissioner Corrigan?

CORRIGAN: The - on page 38, John, toward the bottom, I'm assuming that -- it's the second to the last paragraph. And I'm assuming that's a Campanelli statement --

WESLEY: Yes.

CORRIGAN: -- about scintilla of evidence?

WESLEY: Um-hum.

CORRIGAN: Okay.

WESLEY: Yeah.

CORRIGAN: That wasn't -- I mean, those -- everything in red is from Campanelli?

WESLEY: Yes.

CORRIGAN: Okay. Thank you.

WESLEY: So again, going through based on our zoning requirements and their compliance with those and then based on TCA requirements. Maybe, again, another question that we'd want to ask to see where the Commission is. Mr. Campanelli's ordinance was pretty strong on sending written notice, First Class mail, to applicants. That's not something we do for any other type of application. If we think there's a need to do that here, there's some wording changes. I left all that out based on our current procedures.

KOVACEVIC: Commissioner Corrigan?

CORRIGAN: Is there a -- and I guess this is what we don't know, I'm assuming. I don't know what the legal ramifications are for written versus electronic communication. And I know when warrants and things like that are done by the sheriff's department or, in the future, by a constable or, you know, whatever it might be, a lot of those, the court requires written documents, and they have to be hand-served, especially where there's an appearance for a call, and you have to be -- you know, you're demanded by the court to appear, that kind of thing.

And I don't know -- I don't know if any of us know what -- the legal ramifications of sending electronic versus written. I don't know whether we should do both, just -- but

maybe, again, not to beat a dead horse, but bringing the Campanelli -- or some attorney back in at some point and saying, hey, this is what we think we have, please review it and see if we've missed something along the way. Those are my thoughts.

KOVACEVIC: Thank you.

WESLEY: Okay. Any other --

KOVACEVIC: Commissioner Corey?

WESLEY: Yeah.

COREY: I was just going to ask, what was the -- what's the alternate way of communicating it? If they're not sending it via snail mail, what's the typical process?

WESLEY: It's all through emails.

COREY: It's all through emails. Okay.

WESLEY: And, yeah, through documentation on their case file.

COREY: And they're recommending that we also do mail, typical post mail?

WESLEY: So as this ordinance came from Mr. Campanelli, it was all based on basically paper copies and using regular mail. There's -- I guess there wasn't a knowledge of our electronic system that we use.

COREY: Okay. It seems a little archaic to me to do it that way. I'd say stick with email, if we can. Just my comments.

WESLEY: There's a piece cut out here because as we added the new stuff in, it was duplication, and we ended up using a larger section elsewhere. Added in an environmental impacts piece. And then we get down to the final pieces here on maintenance. Added in the annual testing that the Commission discussed. And then, again, some other pieces based on the Commission discussion. That gets us to the -- oh, so no. Okay. And then retention of consultants was another one from Mr. Campanelli that we hadn't included the first time, and it was added here on the end.

KOVACEVIC: Commissioner Corrigan?

CORRIGAN: John, on page 49, second paragraph, annual testing.

WESLEY: Yes.

CORRIGAN: Does it say in here somewhere that that's at the -- at the cost of the

provider, or --

WESLEY: Yeah, that's the intent of the language. The owner or operator shall provide.

CORRIGAN: At his own -- or at their own -- at their own cost, or --

WESLEY: I mean, that wording, I guess, could be strengthened a little bit to make sure that's clear, but that's the way that I read it.

CORRIGAN: Yeah, I -- because I just don't -- I'm looking for clarification, but I don't see it here where, I mean, the provider -- service provider should probably -- they should bear the cost of that annual testing. I don't -- anyway --

KOVACEVIC: Commissioner Gray?

GRAY: So to Commissioner Corrigan's point, they all do it, but they all do it in-house, and I think what you might want to consider is requiring that to be independent third party provided -- well, independent third party. The second you say that independent third party is contracted by the provider, however, you've lost the value of the independent third party.

So I think -- I think the max value -- I think it's a very important paragraph in here, and I think that the max value of that to the Town is that that report is done independently and it's done accurately, and I think if there's a cost to be incurred for that, and there will be, but it'll be nominal, I think we should be okay as a municipality absorbing that. Otherwise, it's just a rubber stamp report.

WESLEY: Chair, Commissioner Gray, I understood, but I will also remind you that we do have this other random testing that the Town can request at any time through a third party, so if we had any reason to suspect or be concerned that their annual report was not fully complete, we can do this random report, test.

GRAY: But I would say, even with that one, the second that's contracted by the provider --

WESLEY: So, the Town may retain --

GRAY: Town may retain. Okay. Thank you.

WESLEY: Let's see. I guess maybe I'll pause here real quick. I don't remember where I pulled this specific language from. I just kept, you know, dollar amounts and such that

were in wherever I pulled it from. We may have other amounts that we'd want to -- want to use or expand upon.

KOVACEVIC: Yeah, I have -- I can -- I was looking at Ithaca's insurance requirements. They require an umbrella policy of not less than 5,000,000. They require not just general liability but pollution liability insurance with the same GL limits and deductible not to exceed 25,000; and they require the town officers and employees to be included as additional insureds; and they require the insurance carrier provide 30 days advance written notice of cancellation.

WESLEY: Okay. I'm sure we can go look at that just along that line. Okay. So -- and that gets us back to attention to consultants, and I think that is the last piece.

So again, my attempt was going back and listening to what I was hearing the Commission was interested in, and, hopefully, I captured those things. Appreciate the comments that were made and questions. If there's anything that you feel like I missed or didn't get quite right, let me know now, or you could follow up in an email, and we can keep track of that for when we come back to it.

KOVACEVIC: Anybody? I have a list.

WESLEY: Okay.

KOVACEVIC: On page 3 on the Campanelli ordinance, there was a paragraph that stated, to achieve the objectives stated herein, the Town seeks to employ the, quote, "general authority," unquote, preserved -- that seemed to me like that was there for legal purposes, and we don't have it in ours in this one. But it was on -- it was on page 3 of the Campanelli -

WESLEY: Right.

KOVACEVIC: -- document.

WESLEY: Right.

KOVACEVIC: And I think we should find room for it.

WESLEY: That would probably go -- okay. Got it. Yeah. Very good. Here.

KOVACEVIC: We touched last time on 17.16, historical sites, and we don't have any historical sites, but we're talking about, I guess, the fountain becoming a historical site.

Do we need to preemptively include that?

WESLEY: Chair, we sure could, but what I thought I heard with the meeting last week was the decision that, no, we didn't need to. That's why --

KOVACEVIC: Oh.

WESLEY: -- I didn't include any of it, but if I was wrong, I'd be glad to go back and edit it.

KOVACEVIC: And does anybody -- I mean, we have the language in the -- if we're going to have an historical site, we might as well put it in, I'm thinking. Does anybody else?

CORRIGAN: I would agree with that, Chair.

KOVACEVIC: To the contrary?

CORRIGAN: Just in agreement with that.

KOVACEVIC: Okay. Campanelli, Section 17.18, eleventh-hour submissions. The -- I don't think you protected yourself there against the --

WESLEY: Where's that?

KOVACEVIC: -- eleventh-hour submissions.

WESLEY: That was an oversight.

KOVACEVIC: Okay.

WESLEY: That's not (indiscernible).

KOVACEVIC: Yeah, you want to put that in, I think.

17.19, prohibition against illegally excessive emissions in RF radiation testing. That language wasn't there. I think it's partially covered elsewhere. But I think you should revisit --

WESLEY: Okay. Sure.

KOVACEVIC: -- and get that language in there.

In our -- in your rewrite, 17.05(a)(10), we require an estimate for the cost of removing the facility, but we don't have, in 17.06 (e) or (f), where we're requiring a bond to pay for the cost of the removal. I didn't see that anywhere in there.

WESLEY: Yeah.

KOVACEVIC: Okay? Just a housekeeping thing. Where there's a definition, if it appears in the body of the document, isn't it supposed to be capitalized? So like, notice of

incompleteness as a defined term, I think it should be capitalized within the document. And you know, there's a number of things like that where the -- where a defined term is not capitalized. So just to clean that up was my comment.

New developments over -- of a certain size, X acres, I'm guessing that probably belongs in a subdivision ordinance, but how do we get it there when we know, in the course of rewriting this, that we want a new development to have a tower -- I mean, a 50-acre, 100-acre development to have a tower location? I think that's --

WESLEY: Yes. Chair --

KOVACEVIC: That's my comment.

WESLEY: Right. Yes, we'll need to keep track of that one at some point as we're nearing the end of this. I think it is most appropriate in the subdivision ordinance, so that could maybe be in the Zoning Ordinance, that we would look at where that would go and include that as part of the amendments we'd take forward to Council.

KOVACEVIC: Okay. And I'll ask the Commissioners, do you want to require balloon tests -- balloon tests where they, for a week, fly a balloon at the height of the tower so that people have an idea what -- how high this thing's going to be?

SVEUM: Chair, I'd like to see it only because I think the visual impact of that height via a balloon would have a more pressing or affirming visual imprint. If it was a balloon that you would know everywhere where that's visible, what have you, it's a good way to do it, so I'd approve that.

KOVACEVIC: So, we can -- I think we can include the balloon test language in Campanelli.

And last thing, we require an inventory of existing sites in 17.05(a)(3). Campanelli had a concept of an alternative site analysis. I don't think they're exactly the same thing, and I -- so I think that we may want to have an alternative site analysis, too.

WESLEY: Okay.

KOVACEVIC: And that's my comments.

WESLEY: Okay. Thank you.

KOVACEVIC: So, we're not looking for a motion or anything tonight?

WESLEY: No. No. Just that input, and we'll take it from there as far as what we come back with.

KOVACEVIC: Okay. Oh, do we have any speaker cards?

WOODWARD: We do, Chair. We have one speaker card. Lori Troller.

TROLLER: Thank you. Lori Troller, resident. I'm just going to keep adding like Dan was. Can I have some extra time to address the shot clock question? Yeah, there -- that is shot clocks. For you sports fans, this is not a shock -- it's not that kind of shot clock. What the shot clocks do is define when the application is submitted to the Town, a timer starts, and there are several timers, and they call each grouping of every timer a shot clock.

So there's, like, four major shot clocks. So we receive an application. We got to get it back to them in the first shot clock. Second shot clock is once they're approved, then the designs have to be worked on or whatever. There's all -- there's, like, four classifications of work that needs to happen, and they all have to happen so that the tower goes up in 180 days, done. And it doesn't allow the telecom to drag their feet. It doesn't allow the Town to drag their feet. So it just -- when an application goes in, the tower's up in 180 days, and that's what those shot clocks define. That's the definition of shot clocks for anybody else.

I have a whole bunch of changes. I know John was speaking about definitions. I actually had 53 additional terms I would add to this, and they're all used in the document.

Noise. I just want to point out on the noise thing, some of these towers can require generators, so if the power goes out -- I mean, that's really not an issue here in Fountain Hills, but just don't lose sight of the fact that some of these can have generators going. So you live next to one of these things, and these generators power up, there's your noise. So it's a -- it's a noise factor folks aren't thinking -- folks are thinking, you know, the towers are running, they're quiet. Just think of, you know, in those strange situations where there might be additional information.

Okay. I would include the verbiage for historical site. It never hurts to put it in there if we don't have it yet. And that is coming. So they are talking about the fountain and

making that a historical site, so I highly suggest you include that. All you have to say is that historical sites are considered. That's not much of a line.

So additions to -- like, I always speak about Copec and Ithaca. These are some of the things I would add. And I'll highlight the ones that Dan's already mentioned. I would add an entire section that is monitoring and evaluation. There's an enormous section on that. Copec. It's written beautifully. Cut and paste, lift it in.

Insurance. Copec has excellent insurance. For those of you that don't understand, the game that telecoms play is -- so let's say it's AT&T. AT&T comes in, and they want to build a tower. No problem. We're going to hold them to have insurance. The only insurance that can be bought in the industry is that by the Telcom company itself. The Town can't buy it. Residents can't buy it. So the only people who can actually buy it is the telecoms.

So what they do is they create LLCs. So they'll say, here's an LL -- AT&T LLC 1 through 1,000. LLC 1, 2, 3, 4. So then when we ask for insurance, we get insurance through company AT&T 59 LLC. Then, that LLC, all it does is carry insurance. That's its only purpose. There's no employees, nothing like that. Then, when we make a claim, they bankrupt that LLC, close it out, and they never pay the claim. They will never pay a claim. It is a shell game. They play it all the time. And we can't get insurance as a town, and residents, you can't get a rider on your house because you have a tower in your yard, so that damage is all yours. They're scot-free.

So when I say Copec has got excellent -- and Dan mentioned this -- excellent verbiage, check out Copec's because you can't -- they'll -- they get around that. That's not going to happen with -- if you take Copec's. The shot clocks. Copec also gets really particular when they identify the persons on the application. There is another shell game that they play with that, the verbiage and Copec on that is really good. They just do a shell game. I'm not going to get into that anymore.

The visual impact, the verbiage for that is in Copec. There's also verbiage that -- oh, and I don't know which one this is from, Copec or Ithaca. I can get back to you on that. But there is FAA legal and technical compliance. They should -- we should require they

provide that written out; otherwise, they don't have to. If we don't require it, then they don't have to prove that they are FAA compliant, so let's get that one in there. And like I said, I'm not sure which that one is.

The NEPA review, both Ithaca and Copec have verbiage in there. That's not at all in Mr. Campanelli's. Copec has excellent and extensive stuff on the NEPA review, what would cause that. I've got, like, eight more. Okay. Allowable minimum coverage. That's also in -- that's referring to insurance, so you can tack that on there. Evidence of need. So AT&T comes in, says, I got to put up five towers. And Peter had mentioned this in a previous meeting. Copec has excellent verbiage on how to prove you have a need. Again, the need is can everyone make a 911 call. You can't lose sight of that in both these. Gaming is not a need. And you're going to address that on the 16, not the 17.

The definition of a significant gap. I talked about this before. That's in Ithaca. They have great verbiage for that. Cost of the removal of the tower. Dan mentioned that. That's also Ithaca. They have got great verbiage. Monitoring evaluation of -- and compliance, Copec. So now, these things are up. What do they do once they're up? What are we holding them to? What are the standards? Copec is great on that. Then there's, in the design standards, the separation. We're going to talk about that real shortly. That's the other item you have. Copec is good on that. And they also have great information on fall zones.

And then I just wanted to explain, real quickly, there's -- in this -- the way Campanelli has this divided out, he has it divided out into four types. There's either co-location or new towers. So they're either -- they either qualify as a small wireless facility, or they don't. So it's a co-located small wireless facility or a new small wireless facility, or it's a co-location of something that doesn't meet small wireless facility and something that's new that doesn't follow small wireless facility.

The other thing I wanted to mention is John included a map. And I think this is -- the next discussion point is about setbacks. And he had the map. It was the second attachment on the agenda item. This only shows the red dots for cell towers.

Unfortunately, my eyeglasses, when I drive through Fountain Hills, don't filter out all the other towers, and I can only see cell towers. I wish it did. You got to understand the strength we have, both state and federally, is aesthetics and public safety. You -- we have a very wide allowance there.

So when we're talking about when you drive through Fountain Hills -- and these are only the cell towers. I understand he's making the point, but I still think it's really important that when these maps come out, that they indicate where all the antennas are because that's public safety. Even the SRP. The SRP towers, that's a whole nother subject.

Those are very concerning for different reasons I won't get into. But whenever we're talking about, you know, setbacks and stuff like that, I would have liked to have seen this exact map with these -- the cell towers in red but still the markings where everything else is because overall, aesthetically, that's what we're looking at.

Thank you for the extra time. Oh, my gosh, thank you.

KOVACEVIC: Thank you, Lori. Okay. Anything else for cell towers?

All right. We'll wrap that up and move on to Commission Discussion/Request for Research to Staff.

Summary of Commission Requests from Development Services Director.

WESLEY: My summary is you didn't have any. Okay.

KOVACEVIC: Do you have a report for us?

WESLEY: So looking ahead again to the summer, the next couple of months. So next month -- you continued your discussion of the downtown overlay to next month, so we'll have that, and I'll also prepare a stark discussion with regard to the small cell wireless in the right-of-way, so we can kick that off. And I don't believe -- we didn't have any other public applications, correct? Right.

And at this point, I don't believe we have anything for July as far as a public application, and so we could -- and again, we don't have to decide this for sure until next month -- look at taking July off and then plan on coming back in August picking up with the wireless ordinance, discussing signs again. And I think we may have Mr. Ejim's application back for you at that point up on Pueblo and Fountain Hills Boulevard.

Special use permits for some residential. Yeah.

So again, we don't have to decide for sure tonight, but that's kind of the plan that I'm looking at a little bit to you as the Commission. Do you want to have that break, or do you want to, once we get started with small cells, keep right on going through July? And we can decide that for sure next month. But any questions for me on what we're looking at for a schedule the next couple of months?

GRAY: I'm -

KOVACEVIC: Commissioner -

GRAY: I'm out in July, so --

KOVACEVIC: Okay.

GRAY: -- I'm in full support of that.

KOVACEVIC: Okay.

WESLEY: We're done.

KOVACEVIC: That's it? Motion to adjourn.

GRAY: Second. Aye.

KOVACEVIC: All in favor, say aye.

ALL: Aye.

KOVACEVIC: Opposed? Unanimous. We're adjourned.

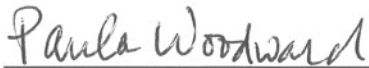
Having no further business, Chairperson Kovacevic adjourned the Regular Meeting of the Planning and Zoning Commission held on May 12, 2025, at 7:43 p.m.

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 12 day of May 2025. I further certify that the meeting was duly called and that a quorum was present.

DATED this 9 Day of June 2025.



Paula Woodward, Executive Assistant

