NOTICE OF REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION

Chair Dan Kovacevic	
Vice Chair Peter Gray	**Commissioner Mathew Corrigan**
Commissioner Nick Proctor	**Commissioner Scott Schlossberg**
Commissioner Phil Sveum	**Commissioner Charles McDermott**

TIME: **6:00 PM - REGULAR MEETING**
DOORS OPEN 15 MINUTES PRIOR TO THE START OF THE MEETING
WHEN: **MONDAY, MARCH 9, 2026**
WHERE: **FOUNTAIN HILLS COUNCIL CHAMBERS**
16705 E. AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, ARIZONA

PARTICIPATION IN PUBLIC MEETINGS

Request to Comment Cards
To speak or submit written comments, a **Request to Comment** card is required. **Cards must be completed and submitted to the Clerk before the meeting begins. Late or incomplete cards will not be accepted.** A separate card is required for each agenda item.

Agenda Items (Consent or Regular)
Request to Comment cards must include the **agenda item number**, whether the speaker is **FOR** or **AGAINST** the item, and whether the individual wishes to speak or submit written comments.

Online Request to Comment cards may be submitted for regular agenda items only to either provide written comments or request to speak at the meeting. **Online submissions must be received by 12:00 PM the day before the meeting** at: https://www.fountainhillsaz.gov/publiccomment. Online comments are shared with the commission.

Call to the Public requests are accepted in person only. Request to Comment cards must be submitted prior to the meeting commencing. **Online submissions are not accepted for Call to the Public**.

Speaking Rules
Speakers may speak only when recognized by the Presiding Officer and are limited to **three (3) minutes**. All comments must be directed through the Presiding Officer, not to individual commission members or staff.

Request to Comment cards and submitted information are public records subject to public disclosure.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. INVOCATION

3. ROLL CALL

4. STATEMENT OF PARTICIPATION

Anyone wishing to address the Commission regarding items listed on the agenda or during Call to the Public must completely fill out a Request to Comment card located in the back of the Council Chambers and hand it to the Clerk prior to the start of the meeting. Once the meeting 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. Comments may not exceed three minutes. It is the policy of the Commission not to comment on items brought forth under "Call to the Public." However, staff can be directed to report back to the Commission at a future date or to schedule items raised for a future Commission agenda. To avoid disruption of the meeting, to maintain decorum, and provide for an equal and uninterrupted presentation, applause is not permitted, except during Proclamations, Awards, and Recognitions. All meeting participants must maintain proper decorum as specified in Section 6 of the Council Rules of Procedure.

5. SUMMARY OF CURRENT EVENTS BY DIRECTOR

6. CONSENT AGENDA

All items listed are considered to be routine, non-controversial matters and will be enacted by one motion and vote of the Commission. All motions and subsequent approvals of consent items will include all recommended staff stipulations unless otherwise stated. There will be no separate discussion of these items unless a Commission Member or member of the public so requests. If a Commission Member or member of the public wishes to discuss an item on the Consent Agenda, he/she may request so prior to the motion to accept the Consent Agenda or with notification to the Director or Chairperson prior to the date of the meeting for which the item was scheduled. The item will be removed from the Consent Agenda and considered as the first item on the Regular Agenda. The remaining items on the Consent Agenda will be enacted by one motion and vote of the Commission.

7. REGULAR AGENDA

a. **CONSIDERATION AND POSSIBLE ACTION:** Approving the regular meeting minutes of the Planning and Zoning Commission February 9, 2026.

b. **PUBLIC HEARING, CONSIDERATION AND POSSIBLE ACTION:** REZONE of approximately 20 acres located approximately 600-feet south of the southeast corner of Golden Eagle Blvd. and Nyack Drive (APN 176-21-181) from R1-35 (35,000 sq. ft. lot size minimum) to R1-10A (10,000 sq. ft. lot size minimum) to allow development of 29 single-family residential lots.

c. **PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION:** Relating to Ordinance 26-02 amending Zoning Ordinance Chapter 27, Downtown Overlay, Sec. 27.02 A. related to permitted density for residential development.

d. **PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION:** Relating Ordinance 26-06 amending Zoning Ordinance Chapters 1, Introduction, 2, Procedures, and 19, Architectural Review Standards, to provide for murals on the side of buildings.

8. CALL TO THE PUBLIC

Pursuant to A.R.S. §38-431.01, or as prescribed by state law.

9. COMMISSION DISCUSSION/DIRECTION TO THE DIRECTOR

10. FUTURE AGENDA ITEMS

11. ADJOURNMENT

Dated this 3 day of March, 2026.

Paula Woodward

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 AZRelay 7-1-1 the Thursday prior to the meeting to request reasonable accommodation.

TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 3/9/2026
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 February 9, 2026.

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

N/A

Risk Analysis

N/A

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

N/A

Staff Recommendation(s)

Staff recommends approval of the minutes of the Regular Meeting held on February 9, 2026.

Suggested Motion

Move to APPROVE the Minutes of the Regular Meeting held on February 9, 2026.

FISCAL IMPACT

Fiscal Impact:
Budget Reference:
Funding Source:

ATTACHMENTS

1. 2026_0209_PZC MM

TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR MEETING
OF THE FOUNTAIN HILLS PLANNNING & ZONING COMMISSION
FEBRUARY 9, 2026

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 Chair Peter Gray; Commissioner Mathew Corrigan; Commissioner 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

TOWN OF FOUNTAIN HILLS
SUMMARY MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
FEBRUARY 9, 2026

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 February 9, 2026 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 Chair Peter Gray; Commissioner Mathew Corrigan; Commissioner Nick Proctor; Commissioner Scott Schlossberg; Commissioner Phil Sveum

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

3. STATEMENT OF PARTICIPATION

4. CONSENT AGENDA

a. CONSIDERATION AND POSSIBLE ACTION: approving the regular meeting minutes of the Planning and Zoning January 12, 2026.

MOVED BY Commissioner Proctor to approve the regular meeting minutes of the Planning and Zoning Commission January 12, 2026 with stipulations that the transcript be corrected. **SECONDED BY** Commissioner Sveum. Vote: 5/1

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

5. REGULAR AGENDA

a. PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION: Relating to approval of a Special Use Permit to allow light assembly and storage in the C-3 Zoning District for property located at 16939 E. Colony Dr, Suite 4.

MOVED BY Commissioner Sveum to recommend the Town Council approve the Special Use Permit to allow light assembly and storage in the C-3 Zoning District for property located at 16939 E Colony Dr, Suite 4. **SECONDED BY** Commissioner Corrigan. Vote: 6/0

Commissioner Sveum	Aye
Commissioner Schlossberg	Aye
Commissioner Proctor	Aye

Commissioner Corrigan	Aye
Vice Chair Gray	Aye
Chair Kovacevic	Aye

b. DISCUSSION AND POSSIBLE DIRECTION: Regarding the draft revisions to Sec.1.13 and Chapters 5, Open Space, and 6, Single-Residence, Zoning Districts of the Zoning Ordinance.

Discussion only.

6. COMMISSION DISCUSSION/REQUEST FOR RESEARCH TO STAFF

No Action Taken

7. SUMMARY OF COMMISSION REQUESTS FROM DEVELOPMENT SERVICES DIRECTOR

No Action Taken

8. REPORT FROM DEVELOPMENT SERVICES DIRECTOR

No Action Taken

9. ADJOURNMENT

Chairperson Kovacevic adjourned the meeting of the Fountain Hills Planning and Zoning Commission at 6:30 p.m.

Post-Production File

Town of Fountain Hills

Planning and Zoning Commission Meeting

February 9, 2026

Transcription Provided By:

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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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CHAIRMAN KOVACEVIC: I call to order of the meeting. The regular Planning and Zoning Commission meeting February 9th, 2026. We'll start with 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.

CHAIRMAN KOVACEVIC: Thank you. Paula, can we have the roll call, please?

WOODWARD: Commissioner Sveum.

SVEUM: Here.

WOODWARD: Commissioner Schlossberg.

SCHLOSSBERG: Here.

WOODWARD: Commissioner Proctor.

PROCTOR: Here.

WOODWARD: Vice Chair Gray.

GRAY: Here.

WOODWARD: Commissioner Corrigan.

CORRIGAN: Here.

WOODWARD: Chair Kovacevic.

CHAIRMAN KOVACEVIC: Here. The statement of participation is listed up on the board. Everybody can read that. Let's go to the consent agenda. Consideration of possible action, approving the regular meeting minutes of the Planning and Zoning Commission January 12th, 2026. Looking for a motion. But like I said, I think there were -- I couldn't tell you who said what, but I think there were a number of things in the transcript that were attributed to the wrong person, so I'd like to suggest that we do a -- get that a cleaned up, if we could.

WOODWARD: Absolutely, Chair.

CHAIRMAN KOVACEVIC: Okay. Thank you. Looking for a motion to approve the minutes.

GRAY: So are you asking for a continuance, then?

WOODWARD: You can do an approval with the stipulation, I guess, of having --

CHAIRMAN KOVACEVIC: Yeah. Looking for a motion to approve the minutes with the

stipulation that Paula is going to clean up the -- who was attributed to the comments.

SVEUM: So moved.

CORRIGAN: Second.

CHAIRMAN KOVACEVIC: Okay. We get a roll call vote, please.

WOODWARD: Commissioner Sveum.

SVEUM: Aye.

WOODWARD: Commissioner Schlossberg.

SCHLOSSBERG: Aye.

WOODWARD: Commissioner Proctor.

PROCTOR: Aye.

WOODWARD: Commissioner Corrigan.

CORRIGAN: Aye.

WOODWARD: Vice Chair Gray.

GRAY: Nay.

CHAIRMAN KOVACEVIC: Aye.

WOODWARD: Okay. 5-6-0 -- 6-1. Sorry.

CHAIRMAN KOVACEVIC: 6-1. 5-1.

WOODWARD: 5-1.

CHAIRMAN KOVACEVIC: Okay. Moving on to the regular agenda. Public hearing with consideration and possible action relating to approval of special use permit to allow light assembly and storage in the C-3 Zoning District for property located at 16939 East Colony Drive, Suite 4.

WESLEY: Chair, Commissioners. Good evening. Go through this fairly quickly. So this request is over on Colony Drive, which is located south of the Fountain Park area in that commercial, almost light industrial area. The Zoning Ordinance sets forth uses for different zoning districts. This property is zoned C-3 and in Section 12.06 lists permitted -- uses permitted by Special Use Permit in the C-3 district, and one of those is light assembly. Uses as an accessory use if it meets the criteria as stated on -- in the code. So in this case, again with this suite within this address, a light assembly of

windows business got started back last fall in that building. When they applied for their business license, we identified it as a use that requires a special use permit. And so they have filed that special use permit before you this evening.

So the site plan that they have provided that shows how they divide up their business, shows that it does comply with less than 50 percent of the business area being used for the assembly process, and they have no hazardous materials. They simply get in the frames, they get in the glass, and they assemble the windows per the customer's order. They did provide some pictures of what their assembly area looks like inside, so it looks like a fairly clean operation. They contacted the various businesses around them as required for the citizen participation, and received no issues or concerns from any of the surrounding businesses. Again, they have been operating there since sometime last fall, and so there's certainly been time if there are going to be any negative impacts for us to have heard about it, we have not heard anything. Section 2.02 (f)(1)(d) sets forth a review criteria. I didn't list them all here as we have previously, but it's basically are there any detrimental impacts on the neighborhood or on the community from the operation. Staff has not identified any detrimental impacts. Therefore, staff supports a recommendation for approval of the SUP. The applicant is here if you have any questions about this business.

CHAIRMAN KOVACEVIC: Okay. Commissioners? Commissioner Corrigan.

CORRIGAN: John. Do they have normal operating hours? Is it 8 to 5 or?

WESLEY: I'll let the applicant respond to that.

CORRIGAN: Yeah. Question was for the applicant. Are these normal operating hours normal? By that, I mean, let's say, 8 to 5.

SILVANITA: Hello. My name is Adrian Silvanita (phonetic). I am one of the owners of the Assembly of Wind. I'm sorry. I have -- I'm not used to it. So the operating hours are -- basically, we get there around 10 -- 9, 10 o'clock and we leave about 4, 5. We don't have, like, posted hours, but that we make our own schedule. So that's usually we get there around 9 or 10, and depending -- there are days when we're not even there because we're busy installing windows. So I would say per week, maybe three or four

days, we are there around that time frame and some of the staff -- and when we're really busy, when we have like a large project, we're all hands on that project and we're all installing in some days. We're not even there per se.

CORRIGAN: Okay. Thank you.

SILVANITA: You're welcome.

CHAIRMAN KOVACEVIC: Commissioner Sveum.

SEAVUM: Oh, I want to move approval.

CORRIGAN: Second that.

CHAIRMAN KOVACEVIC: Okay. We have a motion and second.

Any public speaker cards?

WOODWARD: No, Chair.

CHAIRMAN KOVACEVIC: Okay. I just want to remind the Commissioners we had -- this is a C-3 zoning area. There are like plumbing and sewer companies in here that are banging around their pipes at two and three in the morning, and that's permitted in this. It's the most intense zoning use that we have. So I just want to make sure that I made that point before we cast the votes. We had a roll call vote, please.

WOODWARD: Commissioner Sveum.

SVEUM: Aye.

WOODWARD: Commissioner Schlossberg.

SCHLOSSBERG: Aye.

WOODWARD: Commissioner Proctor.

PROCTOR: Aye.

WOODWARD: Commissioner Corrigan.

CORRIGAN: Aye.

WOODWARD: Vice Chair Gray.

GRAY: Aye.

WOODWARD: Chair Kovacevic.

CHAIRMAN KOVACEVIC: Aye.

WOODWARD: 6-0.

CHAIRMAN KOVACEVIC: Okay. Okay. Moving on to Item B, discussion and possible direction regarding the draft revisions to Section 1.13 and Chapters 5, open space and six single residence zoning districts of the zoning ordinance.

WESLEY: Okay. Commissioners, I know you've been excited. Looking forward to this discussion this evening. I began introducing it last month that I've been working on an update of the Zoning Ordinance to do a few things: reorganize the chapters, create the use categories and use tables, and provide some better organization for some of the development standards and requirements. The format that's in the code today is a little bit challenging to use. It's not really up to date with some of the standards in the industry. So trying to get that organization more up to date. Not really proposing significant changes to the content or substance of the ordinance, although there will be a few things that we'll point out as we go along the way that we will want to change just to correct some things but don't want to -- I'm afraid if we really got into all the substantive issues, we wouldn't get the organization done. It can be too much to handle at once.

So my plan is, as we have lighter agendas like this, to bring forth a few chapters to help you become familiar with what those changes are, and then over the course of a few months, the year, whatever. Hope we can get through all the chapters and kind of this a little bit more informal way. And so that when I bring back the full document, you'll be familiar with it and we won't have to hopefully spend a whole lot of time on it then. So this evening, do you want to talk just briefly about Section 1.13, and Chapter Chapter 5 and Chapter 6 as they will be organized. I had this last time and again, just to keep you oriented, on the left are the chapters of the Zoning Ordinance as they exist today. On the right as proposed new structure. So in particular, it's taking those ones in blue that are the different zoning districts that have kind of gotten scattered in the code and grouped them together. And then the ones in green that are the different development standards requirements, get them grouped together. It'll just help the whole code function a little bit better as people try to use it.

So one of the changes is in Chapter 1 of the Zoning Ordinance, which is the introductory

chapter provides some of the very basic things about the Zoning Ordinance and how it works and functions. Section 1.12 are the definitions that we use. And so adding to the end, a new section of the use categories. The use categories are divided into these different categories as listed here from open space to the accessory. And within each one, there are a variety of different use definitions with types of uses that fit with those. Just as an example, at this time of a couple of those, so within the Quasi-Public area, you see the community cultural activities. That's a broad category that includes a variety of things such as community centers, libraries and museums all fit within that, or clubs and lodges is another one that covers a number of things that are similar in nature or under the office category. You can see the business and professional and the types of things that fit there versus the detox center, outpatient or the medical type uses that are then grouped together.

So I don't really -- we could bring this whole chapter in front of you and go through each one of these one by one. I don't think we need to do that at this point that I think take too much time. So my plan is some of these will just be brought up as we need to bring them up. Otherwise, you have them. You have the full list of these. You can be reading through them. If you have any questions about any of them, you can let me know. But that's what it does is instead of, as we showed last time, the list of individual uses in a zoning district, you know, single-family duplex, you know, this, that, or the other grouping into these categories. Within the use tables themselves, you'll see some different designations. P means that the use is permitted. SUP requires a special use permit. If it's got the dashes, means that use is not allowed in that zoning district. TUP requires a temporary use permit. And an X something refers to a footnote in the table. So kind of that background of use categories. Any thoughts questions comments you have about that piece before we move into the other chapters?

CHAIRMAN KOVACEVIC: Commissioner Sveum.

SVEUM: John, in looking at some of these community type residencies, inpatient substance abuse, et cetera, how do you classify them when it's overnight, stay here for a week, or are these kind of like short-term rentals that can be under that kind of

category?

WESLEY: Chair, Commissioner, it's probably a little bit much to go into -- into in detail right now since I don't have the things to pull up here. But as far as the community residencies themselves go, that was a topic that was worked on by the Commission and the council a couple of years ago, and those are residential facilities that mostly fall into two categories. One are family residents, and those are typically going to be for seniors or other people with disabilities that come together in a basically a group home situation. And the other the more the short-term or transitory ones. And the most often example of that is the sober living home where people are coming through while they're going through treatment. They're there for a matter of a few months at the most, and then they're gone on their treatment program. And so those are different than a short-term rental, which is something that the State has allowed, basically a hotel room or a house serving pretty much as a hotel type setting. And then that's different from the different levels of detox-type facilities and drug treatment facilities. And there are four or five categories of those in the Zoning Ordinance. I don't remember now for sure, and one or two of them have lodging. So if they have people really staying there for their treatment stay, which again, is most likely going to be a matter of a few weeks to a couple of months, then they're in one category versus all the others that are more of an outpatient.

SVEUM: Assuming it's a nonprofit that is operating them, are they paying the town anything as like a short-term rental tax?

WESLEY: No, not like that.

SVEUM: Are they exempt from all of that?

WESLEY: So that's probably a question I couldn't really answer without some further research. They would certainly have their business license. Most of them are businesses operating in a commercial setting. The only one that's really not that is the transitory community residence.

Okay. Anything else on the use categories as we get started?

Okay. So what is Chapter 9 in the Zoning Ordinance, open space, B, Chapter 5 in the

new ordinance. And again, you can kind of see that example. On the left is the list of -- partial list of the uses in the different districts as they exist today, and then the right is the full list for all the different districts in one simple table. And so if you read across there, you can see that the uses that are there today are covered in the new. But instead of as you see, maybe on B.1, golf course, but has some exceptions with the golf course or down in B.6, utility services, but has some exceptions rather than breaking up the table itself with that information. It's either in a footnote or under the zoning requirements column. It gives you the reference to go find that same kind of information about how that use plays out in that zoning district.

So you can see the ones that have the dashes aren't allowed, the SUP's or the P's or some things, like the trailhead under the OSP. In some situations you can do it by right and some situations requires a special use permit. So you look in the 503(a) and that describes those conditions about when you need it and when you don't. As far as the rest of the chapter goes, the things that were in the current ordinance with regard to the trailhead utility services, event and reception centers and master-planned villages are located in Section 503 of the new ordinance. Didn't change the wording in any of them just at this point, just transferred the same requirements over. If you look in the current code for the open space districts, you'll see there, there's not a use table there. They are just listed out in more of a paragraph form. Again, a little bit harder to follow. All the other chapters use this table format. So for the new ordinance of -- put them into the same type of table format that we see in the other districts. Questions? Commissioner Gray, you look like you're just wanting to ask one real bad.

GRAY: I'm just trying to wrap my head around the open space district, so. Golf courses, at least in one instance. And town has underlying zoning, which is not an open space zone. They have actual residential underlying. Does this get treated almost as an -- could this get treated almost as an overlay to that underlying, or would that be opening up a hole -- to get to an open space zoning, would that require a rezone of those parcels?

WESLEY: Yes.

GRAY: Okay.

WESLEY: So maybe we'll move on to the single-family zoning districts. We can always go back. But here, we do see in the use table for those that golf course is a permitted use in all the single-family zoning districts. It has the one footnote that we'll get to, I believe, in a minute. I think I included them. But again, you'll see that they have the different use categories on the left and what's permitted down the middle, and the other zoning requirements down the right side. And these are all the same things that are permitted today in these districts with one exception we'll talk about here at the end. Yes.

CHAIRMAN KOVACEVIC: Commissioner Corrigan.

CORRIGAN: John, I just had a question that was more current, and that's the Toll Brothers development, which is under discussion, and as I understand it, that's R1-35A. Could you kind of go into detail about the differentiation, which is not I don't think is shown here.

WESLEY: Okay. Sure. I can -- we can use that as an example as we get maybe to the bottom of it.

CORRIGAN: Great.

WESLEY: The real difference there is going to be down in the standards at the end, because you'll see here as you go down, we just start here at the top. All the single-family zoning districts as far as uses are the same with this one exception for corrals. Otherwise, they all have the same uses allowed.

CORRIGAN: So what is unique about the A differentiation versus the R1-35?

WESLEY: We'll go back to those others here in just a minute.

CORRIGAN: Okay.

WESLEY: So here, we have the area of bulk standards. And so here, we have the 10A versus the 10. And you'll see that everything's the same except for the rear setback and the percent lot coverage. And that particular property today is zoned R1-35. And so you can see again, there's fairly significant differences here in terms of lot width and some setbacks, but that's what the A does. There's also 8A's and 6A's, and each of those

increase the amount of lot coverage and reduce the rear setbacks compared to the non A.

CORRIGAN: Okay.

WESLEY: But otherwise, it's --

CORRIGAN: Great. Thank you.

WESLEY: -- a district.

CHAIRMAN KOVACEVIC: Commissioner Sveum.

SVEUM: John, are you familiar with smart code?

WESLEY: Yes.

SVEUM: With lots are certainly much narrower, and alleyways and so on. Is there any -- I assume that that would not fall under any of the current residential zoning classifications?

WESLEY: That's correct. We don't have that here. As we have particularly talked about, you know, some of the changes to the town center, it's been in the back of my mind. And you know, some of the things that I've learned from that are sort of in the new overlay trying to achieve some of those things. That's really where I think that code has its biggest use is in creating commercial areas.

SVEUM: Well, actually -- my familiarity with it is mainly in residential. And it does allow narrower lots, some less expensive ways to build some more affordable housing, smaller homes, but not compromising architectural uses, and so on. But I don't -- especially if there's something else that comes along here into the town that might be a larger opportunity, it would be maybe something to consider at least in a portion of it.

WESLEY: Sure. And that would -- I would think if we did have that larger development, we would probably look at the opportunity for doing a PAD, a planned area development, and then we really can tailor those zoning standards to something that --

SVEUM: Basically, treated --

WESLEY: -- we're trying to accomplish there.

SVEUM: -- treating a zoning that type of thing.

WESLEY: Correct. Um-hum. That'd be a good place to do that. Otherwise, throughout

the town today, most of us -- most of the town's developed.

SVEUM: Yeah.

WESLEY: And so there's really not opportunity.

SVEUM: I was mainly thinking about what could come along.

WESLEY: Right. Sure. So back -- that's another questions at the moment. Back to the use table within the residential districts. Of course, the main purpose of the residential districts is the single-family detached. These are other things that can happen and do happen occasionally within the residential districts, particularly having the churches or called here places of worship. And so we do see the various footnotes at the end that cover all the things in the current ordinance. And to the side are the standards that go with them. The current code has a section 10.02 C, which is prohibited uses. And so that's been copied now into 6.03. That was added a couple of years ago. You may recall, as we were dealing with some challenges of people making some creative uses of single-family homes that weren't exactly what we intended. And so this is there to help stop some of those things. So again, as we looked at in the last chapter, those different items, when you look through the current list of uses in Chapter 10 of the Zoning Ordinance, where are they in the new ordinance. Are there in 6.04, in various sections or forms with just a few minor things. In the current ordinance, it just talks about daycare, and it's not maybe clear if it means child or adult. It could be either, although it's probably mostly done as child in the past, but in the new code, in the use categories, we've labeled it as child or adult daycare type facilities. And then also one use that's currently listed in Chapter 10.03 B, the zoning ordinance is bed and breakfast. Given what's happened with the State and short-term rentals, that seems to really cover the same thing as a bed and breakfast, so I've omitted that from the code. I could be convinced to put it back in if we think there's a need, but at this point, it's not in there.

CHAIRMAN KOVACEVIC: Okay. Commissioner Gray.

GRAY: I just have two thoughts. One on the bed and breakfast. I always thought that within the definition of bed and breakfast, there's a commercial cooking component that that gets flagged. You know, if you're cooking for -- if you're cooking for resale and

it's part of -- part of the business model, I think that's why bed and breakfast has been called out in the past. That's just one thought. The other is if we're going to introduce adult daycare, this would be really careful on the definition that that corresponds to that. So that doesn't become a back door for other uses that we've previously managed.

WESLEY: Understood. Let's see. So the bed and breakfast. I'm just going to look at the bed and breakfast piece real quick. So the bed and breakfast allowed us a temporary use permit. As long as no more than two bedrooms per residence, no more than two persons per room, and off-street parking is provided. Those only standards associated with that in the current code. And yeah, I'll look back at how I classified, but you can look at it too in what we've given you on Section 1.13, and that use category and what it is. I think it's pretty clear and pretty limited that it is, which would most typically think of that again, probably primarily seniors or other disabled adults who just need to get out of the house to -- for care during the day. And then we've hit this a minute ago. But again, this is just the same table of standards for setbacks and lot coverages with the footnotes from the current code. So again, not proposing any significant changes, just reorganization of the items. The biggest change being creating the use categories to simplify the table. Any questions comments on any of this at this point?

CHAIRMAN KOVACEVIC: I just want to second Peter's comments on the adult daycare.

WESLEY: Okay.

CHAIRMAN KOVACEVIC: I think we've got to take a good look at that and make sure that that -- we get that right.

WESLEY: Okay.

CHAIRMAN KOVACEVIC: Okay. Anybody else? Okay. Let's move on to Commission discussion requests for research to staff. Anybody know? Summary of Commission requests from Development Services Director?

WESLEY: Didn't hear any other than the comments with regard to what we're looking at with the zoning code, and be sure and look at those as we go forward. And then moving on then to 8, give you a heads up for the March meeting. I think it'll be a little bit more

intense than this one's been. You may recall that at your last meeting in January, we were considering revisions to the downtown overlay, and that was continued to your March meeting, so we'll be back to further discuss that text amendment. At this point, we're also expecting to be on that agenda. The request for the rezoning by Toll Brothers for the property off of Aspen, the school property that they're looking at purchasing. And then there's a good chance we will also have at least one, maybe two other Zoning Ordinance text amendments. One having to do with murals and one having to do with community residences. So again, be ready. That'll be a little bit more lengthy meeting. We will talk about the Zoning Ordinance. I'm sure you're disappointed with that meeting. Questions for me?

CHAIRMAN KOVACEVIC: Commissioner Schlossberg.

SCHLOSSBERG: On Aspen. How soon in advance are we going to have that info? Even if it's, like, very preliminary, I mean, is it just going to come with a regular packet like it normally does?

WESLEY: As far as I know right now, that's when it would be, but I can understand your concern that maybe it would be good if we can get that to you any sooner, we will.

SCHLOSSBERG: Okay. Thank you.

CHAIRMAN KOVACEVIC: Do you have a report?

WESLEY: That's it.

CHAIRMAN KOVACEVIC: Motion to adjourn?

CORRIGAN: Motion to adjourn.

CHAIRMAN KOVACEVIC: Looking for a second.

PROCTOR: Second.

CHAIRMAN KOVACEVIC: Okay. All in favor?

ALL: Aye.

CHAIRMAN KOVACEVIC: Opposed? Hearing none. We're adjourned.

Having no further business, Chair Kovacevic adjourned the Regular Meeting of the Planning and Zoning Commission held on February 9, 2026, at 6:30 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 of February 2026. I further certify that the meeting was duly called and that a quorum was present.

DATED this 9 Day of March 2026.

_____
Paula Woodward, Executive Assistant

TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date:	3/9/2026
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: REZONE of approximately 20 acres located approximately 600-feet south of the southeast corner of Golden Eagle Blvd. and Nyack Drive (APN 176-21-181) from R1-35 (35,000 sq. ft. lot size minimum) to R1-10A (10,000 sq. ft. lot size minimum) to allow development of 29 single-family residential lots.

Staff Summary (background)

Background

The applicant, Toll Brothers, Inc., requests approval to rezone approximately 19.35 acres from R1-35 (Single-Family Residential) to R1-10A (Single-Family Residential) to allow development of a single-story, for-sale residential subdivision. The rezoning would permit lot sizes and development standards consistent with the adjacent R1-10 subdivisions while preserving a significant natural wash located on the western portion of the property.

In 2024, the Fountain Hills Unified School District (FHUSD) initiated a public process to evaluate and dispose of two underutilized properties, including the subject parcel. Voters approved the sale in November 2024. FHUSD subsequently selected Toll Brothers as the preferred buyer and entered escrow following required public notice and statutory review. Sale proceeds will be used to support FHUSD's educational mission.

The property has remained vacant and previously served as a potential school site. The applicant notes that a school use would generate significantly more daily traffic than the proposed residential development. A traffic trip comparison prepared for the applicant indicates approximately 310 fewer daily vehicle trips with the proposed single-family subdivision than with a charter elementary school.

Existing Conditions

The property is vacant and bordered by established single-family neighborhoods. A large natural wash, approximately 9 acres and nearly half of the site's total area, traverses the western portion of the parcel. The wash functions as a drainage corridor and wildlife habitat. The applicant proposes to preserve the wash in its natural condition and dedicate an easement to protect its alignment. No homes will be constructed within the wash area.

Existing Zoning

The site is zoned R1-35 (Single-Family Residential). The applicant states that the

existing zoning does not reflect the prevailing lot sizes in the area and does not allow a feasible or context-appropriate subdivision design given the natural wash and irregular buildable area.

Proposed Zoning and Development Plan

The applicant proposes to rezone the property to R1-10A to establish a residential subdivision that reflects the lot sizes and development patterns of the surrounding R1-10 neighborhoods while accommodating the site's unique physical constraints. The R1-10A district provides the necessary flexibility to design lots around the substantial natural wash that traverses nearly half of the property and is planned to be preserved as open space. Under the proposed plan, all homes would be limited to a single story, despite the district permitting two-story construction, in order to protect existing views and maintain compatibility with nearby residences. It is important to note that the only substantive distinction between the R1-10A and R1-10 zoning designations is maximum lot coverage, with R1-10A allowing 40 percent coverage compared to the 30 percent permitted in R1-10, a difference that enables a more efficient and context-appropriate design for this constrained site.

Typical lots would measure approximately 80 feet by 130 feet, with building envelopes of about 60 feet by 80 feet. The project includes the following R1-10A development standards, which the plan meets:

- Front setback: 20 feet
- Side setback: 7 feet
- Street side setback: 20 feet
- Rear setback: 20 feet
- Maximum lot coverage: 40%
- Minimum lot width: 80 feet

Approximately 9 acres remain undisturbed, significantly reducing the developable land area. The resulting density is well below the maximum 4.35 du/ac allowed in the R1-10A district and comparable to the surrounding neighborhoods.

General Plan Conformance:

The property is located within the Neighborhoods Character Area, which supports a range of single-family lot sizes and infill development. Staff finds the request consistent with the following General Plan goals and policies, as supported by the applicant's narrative:

Economic Development Element

- Supports FHUSD through reuse of underutilized school district property.
- Facilitates high-quality residential infill attractive to families and working professionals.

Thriving Neighborhoods Element

- Maintains compatibility with adjacent R1-10 neighborhoods through 1-story homes and appropriate setbacks.
- Enhances neighborhood character and protects established views and privacy.
- Provides safe, quality housing and connectivity to nearby services.

Character Areas & Great Places

- Utilizes an infill site with existing infrastructure.

• Preserves natural washes as buffers and integrates the wash into site design as an amenity.

Natural Resources / Open Space
• Protects the natural wash as permanent open space, consistent with Town policy.

Citizen Participation

The applicant's Citizen Participation Plan describes how Toll Brothers notified and engaged surrounding property owners, homeowners' associations, and other interested parties regarding the proposed rezoning from R1-35 to R1-10A. Affected property owners within 300 feet, as well as agencies identified by Maricopa County, were sent mailed notice of a neighborhood meeting on January 20, 2026, during which the applicant presented the project and answered questions. Furthermore, the property was posted with a public notice sign on February 20. Both the neighborhood meeting and sign postings were done well prior to the minimum of 15 days required by the Town.
The Citizen Participation Report describes the applicant's outreach efforts for the proposed rezoning of the Aspen Drive property, including mailed notices to property owners within and slightly beyond the required 300-foot radius, distribution of materials to interested parties, and posting of two on-site signs as required by Town regulations. A neighborhood meeting was held on January 20, 2026, using an open-house format followed by a group Q&A session at residents' request, with approximately 65 attendees participating. Throughout the process, the applicant and its representatives engaged in follow-up conversations with nearby residents (both before and after the meeting) to address questions related to density, subdivision design, traffic, drainage, wildlife, and view impacts, as well as to clarify commitments such as single-story homes and preservation of the on-site wash. Several residents expressed concerns about the proposed development, while others voiced support for aspects such as the project's single-story design, wash preservation, and consistency with surrounding lot sizes. The report concludes that the applicant exceeded the Town's participation requirements by providing additional outreach, follow-up meetings, and ongoing communication with both neighbors and Town staff.

Analysis

The proposed rezoning preserves the single-family residential use already permitted on the property while introducing lot sizes and architectural standards compatible with the surrounding neighborhood. The development approach reflects sensitivity to the site's natural features by preserving the existing wash and designing the subdivision in a manner that respects environmental and topographical constraints. These preservation efforts necessarily concentrate the dwelling units on the eastern portion of the site **while keeping the proposed gross density at approximately 1.45 du/acre.**~~, and the overall density calculation of 4.35 du/acre includes the substantial open-space area retained in the wash corridor. Even with this limitation, the~~
The preservation of the wash, combined with the applicant's commitment to single-story homes, helps protect existing views and ensures a visually harmonious transition to adjacent residences. The project also offers needed housing options and generates fewer potential traffic impacts compared to the school district's prior consideration of a new school on the site. Additionally, the redevelopment of former school district property supports broader community objectives by enabling reinvestment in local educational facilities, benefiting both the surrounding neighborhood and the Town as a whole.

Related Ordinance, Policy or Guiding Principle

Zoning Ordinance Section 2.01, Amendments or Zone Change
Zoning Ordinance Section 2.08, Citizen Participation
Zoning Ordinance Chapter 10 (Single Family Residential Zoning Districts)
General Plan 2020, Thriving Neighborhoods and Character Areas

Risk Analysis

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

N/A

Staff Recommendation(s)

Staff recommends APPROVAL of Case RZ25-000002, a request to rezone approximately 19.35 acres from R1-35 to R1-10A, subject to the following stipulations:

1. A note shall be included on the Final Plat limiting homes to one story.
2. A note shall be included on the Final Plat that would establish a non-developable area for (at minimum) the area defined by the regulatory floodplain and erosion setback limits.

Suggested Motion

Move to APPROVE the REZONE of approximately 20 acres located approximately 600-feet south of the southeast corner of Golden Eagle Blvd. and Nyack Drive (APN 176-21-181) from R1-35 (35,000 sq. ft. lot size minimum) to R1-10A (10,000 sq. ft. lot size minimum) to allow development of 29 single-family residential Lott, subject to the following conditions:

1. A note shall be included on the Final Plat limiting homes to one story.
2. A note shall be included on the Final Plat that would establish a non-developable area for (at minimum) the area defined by the regulatory floodplain and erosion setback limits.

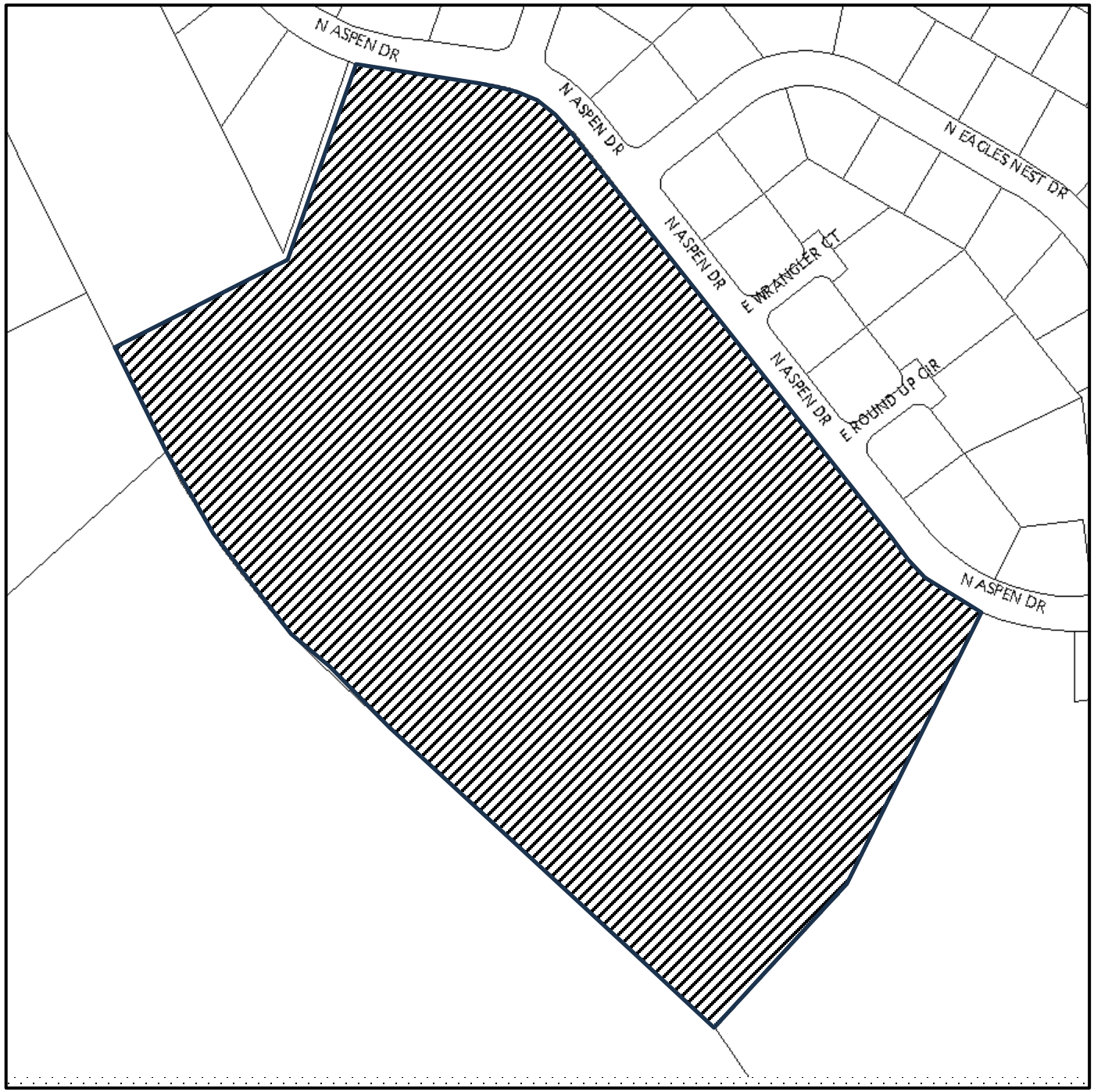
FISCAL IMPACT

Fiscal Impact:
Budget Reference:
Funding Source:

ATTACHMENTS

1. Vicinity_Map__RZ-000002_R1-35 to R1-10A
2. Toll Brothers RZ25-000002 Rezoning Narrative 2nd Submittal 2.9.26
3. Site Plan (1106) Aspen illustrative plan-r (1)
4. Toll Brothers Aspen Citizen Participation Plan with Exhibits FINAL 11.25.25
5. RZ25-000002 Citizen Participation Report FINAL Combined

Vicinity Map: RZ25-000002



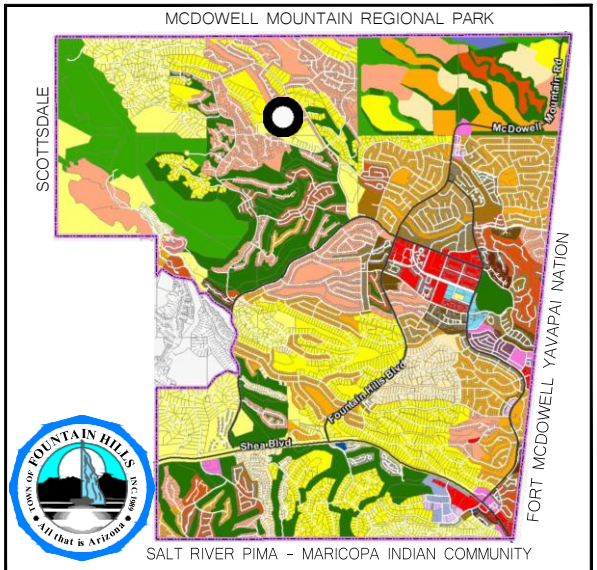
Case Details

CASE: RZ25-000002

SITE / ADDRESS:
APN: 176-21-181
LOCATED APPROXIMATELY 600-FEET SOUTH OF THE SOUTHEAST CORNER OF GOLDEN EAGLE BLVD. AND NYACK DRIVE

REQUEST:
REZONE OF APPROXIMATELY 20 ACRES (FROM R1-35 (35,000 SQ. FT. LOT SIZE MINIMUM) TO R1-10A (10,000 SQ. FT. LOT SIZE MINIMUM) TO ALLOW DEVELOPMENT OF 29 SINGLE-FAMILY RESIDENTIAL LOTS.

Site Location





Toll Brothers
AMERICA'S LUXURY HOME BUILDER®

REZONING NARRATIVE

15680 NORTH ASPEN DRIVE

1st Submittal- November 24th, 2025
2nd Submittal- February 9th, 2026

FOUNTAIN HILLS

I. INTRODUCTION

Gammage & Burnham, P.L.C. is pleased to represent Toll Brothers, Inc., the potential developer of approximately 19.35 net acres located approximately 600-feet south of the southwest corner of Golden Eagle Boulevard and Nyack Drive (i.e., 15680 North Aspen Drive; APN: 176-21-181) (the "Property"). The Property is vacant and outlined in yellow below.



Toll Brothers, Inc., a Fortune 500 Company, is the nation's leading builder of luxury homes. The Company was founded 58 years ago in 1967 and became a public company in 1986. Its common stock is listed on the New York Stock Exchange under the symbol "TOL." The Company serves first-time, move-up, empty-nester, active-adult, and second-home buyers, as well as urban and suburban renters. Toll Brothers builds in over 60 markets in 24 states: Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New York, North Carolina, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, and Washington, as well as in the District of Columbia. The Company operates its own architectural, engineering, mortgage, title, land development, smart home technology, and landscape subsidiaries. The Company also develops master-planned and golf course communities as well as operates its own lumber distribution, house component assembly, and manufacturing operations.

Toll Brothers has been one of Fortune magazine's World's Most Admired Companies™ for 10+ years in a row, and in 2024 the Company's Chairman and CEO Douglas C. Yearley, Jr. was named one of 25 Top CEOs by Barron's magazine. Toll Brothers has also been named Builder of the Year by Builder magazine and is the first two-time recipient of Builder of the Year from Professional Builder magazine.

Their Arizona division has earned national recognition, including the 2025 Master Plan Community of the Year award (Sereno Canyon). The proposed subdivision will reflect this legacy, offering thoughtfully designed, single-story homes that will be harmonious to the surrounding neighborhood and the desert landscape. This new community will not only uphold Toll Brothers' tradition of excellence but also contribute meaningfully to the Town's vision for sustainable, context-sensitive growth.

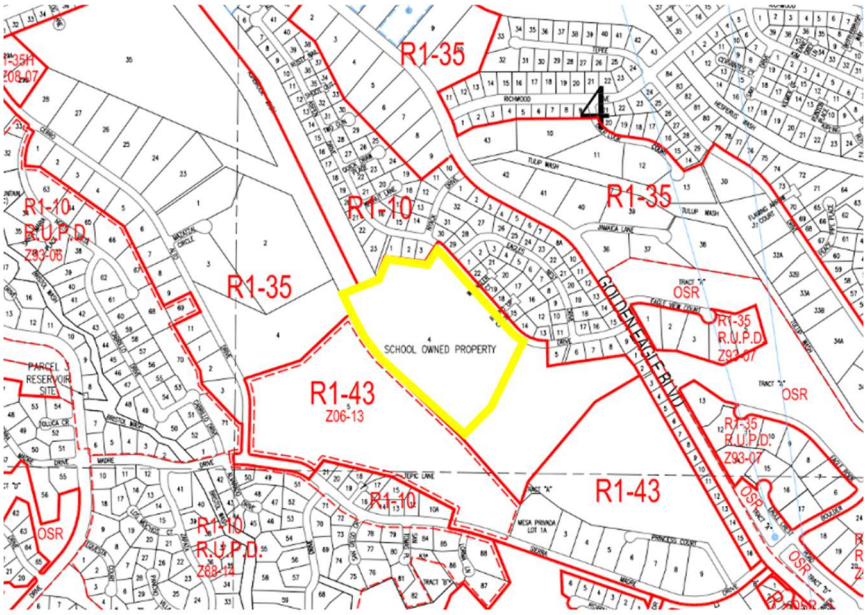
II. Purpose of Request

In 2024, Fountain Hills Unified School District ("FHUSD") initiated a public process to evaluate the future of two (2) underutilized, vacant properties. As part of this effort, the school district sought voter approval to sell both parcels, including the subject Property. The measure appeared on the November 2024 ballot and passed decisively, with 69% of voters supporting the sale.

Following this community endorsement, Toll Brothers approached FHUSD with interest in acquiring both parcels. On May 7, 2025, the FHUSD Governing Board convened in executive session and unanimously selected Toll Brothers as the preferred buyer, a decision that reflects the builder's outstanding reputation for delivering high-quality, context-sensitive residential communities within the Town of Fountain Hills and throughout the Valley.

FHUSD entered escrow with Toll Brothers after completing public notice, school district staff analysis, and alignment with Arizona Revised Statutes governing the disposition of school district property. The sale enables FHUSD to reinvest proceeds back into its educational mission while supporting compatible residential development for the Town of Fountain Hills. Toll Brothers plans to develop the Property into a luxury, for-sale residential subdivision, creating a thoughtfully designed, single-story community that aligns with the surrounding neighborhood and the Town's long-term planning goals. It is worth noting that if an elementary school or charter school was built then the existing neighborhood would experience greater traffic, queueing, parking, lighting, etc., which is typical for schools. However, based on a traffic trip analysis by Toll Brothers, the proposed single-family detached development is projected to generate 310 fewer trips daily compared to a comparable charter elementary school.

The purpose of this request is to rezone from R1-35 (Single-Family Residential to R1-10A (Single-Family Residential). Toll Brothers plans to develop single-story homes within the subdivision. Rezoning to R1-10A will allow for a residential subdivision that seamlessly transitions with the existing homes and street network adjacent to the Property.



III. Existing Conditions

The Property is currently vacant, bordered by established residential subdivisions and anchored by a large wash that spans over 9-acres, nearly half of the Property's total area. This wash serves as both a functional drainage corridor and a wildlife habitat. Toll Brothers recognizes the importance of this wash not only for local wildlife and stormwater management, but also for the community's enjoyment of the desert landscape and open space character.

In keeping with their commitment to environmentally sensitive development, Toll Brothers will not construct any homes within the wash. Instead, the wash will be preserved in its natural alignment as Toll Brothers intends to preserve this natural feature via an easement and maintain the wash alignment, as much as possible, for the Town of Fountain Hills.



This approach ensures that the subdivision design respects the site's natural constraints while contributing to the Town's broader goals of open space preservation, wildlife connectivity, and neighborhood compatibility.

IV. EXISTING ZONING

As stated, the Property is currently zoned R1-35 (Single-Family Residential).

The proposed rezoning from R1-35 to R1-10A does not introduce a new land use; rather, it seeks to match the existing lot sizes and development standards within the area to allow a more efficient design that is sensitive to both the environment and existing residences. The proposed rezoning will continue the single-family residential character already permitted on the Property, ensuring compatibility with existing homes to the east while thoughtfully integrating the natural wash and topography into the overall site layout.

V. PROPOSED ZONING



The requested rezoning from R1-35 to R1-10A is driven by both compatibility and practicality. Immediately adjacent to the Property is an existing R1-10 subdivision, and the proposed zoning will ensure a seamless transition and consistent neighborhood character. Toll Brothers proposes to develop the property with typical lot dimensions of approximately 80 feet x 130 feet, accommodating a building envelope of 60 feet x 80 feet. Toll Brothers is also proposing to limit the development to all 1-story homes as opposed to 2-story currently allowed.

By limiting the community to 1-story homes, Toll Brothers is preserving the character of the area and protecting surrounding views. However, single-story construction typically requires slightly greater lot coverage to achieve a livable and efficient floor plan as well as storage space and covered patios customarily sought-after by homeowners. The R1-10A district provides the necessary flexibility to meet these design and livability objectives without compromising compatibility or visual quality.

Further supporting the appropriateness of the R1-10A zoning is the fact that approximately 9-acres of the Property, nearly half the Property, will remain undeveloped as an open-space, wash corridor. This substantial corridor preserves the existing wash, provides a natural buffer to surrounding neighborhoods, yet significantly reduces the developable area of the Property. The R1-10A district provides a 20-foot rear yard setback compared to 25 feet in R1-10 and permits 40 percent maximum lot coverage compared to 30 percent in R1-10. The irregular shape of the buildable area and practical lot constraints necessitate the flexibility of the R1-10A regarding lot layout and setbacks. This is particularly true along the wash and internal cul-de-sac areas.

The proposed density is also well below 4.35 du/ac allowed in both R1-10 and R1-10A zoning districts. When viewing the surrounding R1-10 and R1-10A zoned neighborhoods in the area the proposed density is well within the range/compatible with those existing neighborhoods.

Collectively, these factors demonstrate that the R1-10A zoning designation is the most logical and contextually sensitive approach for this uniquely shaped Property. It balances environmental preservation, neighborhood compatibility, and the practical realities of residential lotting/site design - resulting in a community that reflects the high standards and quality design associated with Toll Brothers and the Town of Fountain Hills.

Below are the R1-10A development standards and our adherence to those standards.

PROPOSED R1-10A DEVELOPMENT STANDARDS

STANDARD	REQUIRED	PROVIDED
Min. Yard Setbacks		
Front	20’	20’
Side	7’	7’
Street Side	20’	20’
Rear	20’	20’
Max. Lot Coverage	40%	40%
Min. Lot Width Standard Lot	80’	80’

VI. CONSISTENCY WITH THE GENERAL PLAN

The Town of Fountain Hills General Plan designates the Property within the Neighborhoods Character Area, which supports residential development in a variety of lot sizes and configurations. The proposed R1-10A (i.e. minimum lot size 10,000 square feet) zoning is fully consistent with this designation.

This section highlights the General Plan elements most applicable to the proposed rezoning and provides brief summaries demonstrating consistency.

A. Economic Development Element

Goal 3: *Attract families and younger working professionals to Fountain Hills.*

Policy 1: *Utilize planning and zoning tools and land use strategies to attract families and working professionals to Fountain Hills by:*

a. Supporting residential development in the Adero Canyon and Eagles Nest areas, infill residential development in residential character areas throughout the Town, and in areas supporting urban densities or mixed use such as the Town Center and Shea Corridor character areas;

Response: The proposed rezoning directly supports this goal by facilitating infill residential development within an existing Neighborhood Character Area. The Property is one of the few remaining undeveloped parcels within the Town's existing limits and represents an opportunity to attract families through high-quality, single-story homes.

Goal 5: *Support strong public/private partnerships to strengthen the community, ensure long-term viability, and improve the Town's quality of life.*

Policy 1: *Continue to partner with the Fountain Hills Unified School District (FHUSD) to promote the education system by:*

c. Assisting FHUSD in exploring the sale/lease of underutilized properties.

Response: This proposal implements this specific policy. The Property was one of FHUSD's underutilized school sites, and its sale to Toll Brothers allows the District to reinvest proceeds back into educational facilities. The proposed residential community directly fulfills this General Plan objective by enabling that partnership.

B. Thriving Neighborhoods Element

Goal 1: *Continue to develop and maintain thriving neighborhoods.*

Policy 1: *Continue to support safe, tranquil, quality residential development that is properly maintained and provides vehicular, pedestrian and bicycle connectivity to parks, schools, and other neighborhood amenities and services and trail connectivity to quality open space.*

Policy 2*: Protect existing neighborhoods from incompatible development that does not support the character of that area.*

Policy 5*: Encourage development and redevelopment of housing and associated amenities within neighborhoods to attract families with children and young professionals.*

Response: The project continues the single-family residential pattern already permitted on the Property and consistent with surrounding R1-10 neighborhoods. The 1-story home design, internal street layout, and pedestrian connectivity all contribute to a safe, family-oriented neighborhood consistent with the Town's goals.

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.*

Policy 1: *Encourage a broad range of housing types affordable to all income ranges and age groups in a manner compatible with adjacent development.*

Policy 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.*

Policy 3: *Encourage home ownership and rental opportunities for families with children and working professionals by requiring the amenities and services valued by these groups.*

Policy 4: *Support quality residential development that meets Town housing needs, promotes the vitality of established neighborhoods, and enhances the quality of life of Fountain Hills.*

Response: The proposed development preserves the single-family character of the surrounding neighborhood, broadening the Town's housing options without changing its identity. The design supports long-term vitality and provides high-quality homeownership opportunities in a desirable, established area.

Goal 3: *Maintain the quality of existing neighborhoods.*

Policy 1: *Protect established single-family residential neighborhoods from the transition, intensification, and encroachment of uses that detract and/or change the character of the residential neighborhood.*

Response: The proposed rezoning maintains single-family residential use and introduces compatible lot sizes and architectural quality consistent with neighboring homes, ensuring seamless integration and protection of existing neighborhood character.

C. Character Areas & Great Places Elements

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.*

Policy 6: *Continue to prioritize development of infill areas in proximity to shopping, recreation, community services and existing infrastructure*
Policy 10: *Continue to preserve open space and natural washes as buffers between and within zoning districts*
Policy 11: *Continue to integrate natural areas into site design as an amenity.*

Response: The Property represents an ideal infill site with immediate access to established roads, utilities, and services. The design preserves the existing wash as a natural buffer and visual/wildlife corridor, meeting the General Plan's guidance for environmentally responsive development.

D. Natural Resources / Open Space Element

Goal 2: *Provide and maintain an open space network throughout the community.*

Policy 1: *Continue to protect the existing natural washes within the platted portions of the community as permanent natural desert open spaces*

Response: The proposed plan preserves the western wash in its natural state aligning directly with these open space objectives.

The proposed rezoning from R1-35 to R1-10A directly advances the Town of Fountain Hills' General Plan by maintaining the Property's existing single-family residential use with a context-sensitive design. It implements the Town's stated goal of supporting the Fountain Hills Unified School District through the redevelopment of underutilized school property, allowing the school district to reinvest in its educational

mission. The project promotes thoughtful infill development that is compatible with surrounding neighborhoods, reinforcing the established residential character and ensuring a seamless transition in scale and design. By preserving the adjacent wash as permanent open space, the subdivision also aligns with the Town's environmental priorities and open space preservation goals. The proposed 1-story home design further protects view corridors and complements the surrounding built environment. The project also supports the Town's housing and economic goals by introducing high-quality, for-sale homes that meet market demand while enhancing neighborhood vitality. Ultimately, the proposed rezoning reflects a balanced approach to growth as it honors the Town's planning vision while preserving natural features and enhancing neighborhood character.

VII. CONCLUSION

The proposed rezoning from R1-35 to R1-10A will allow Toll Brothers to transform a long-vacant school Property into a thoughtfully designed residential community that reflects both the Town's planning vision and the builder's legacy of excellence. The subdivision layout respects the site's natural constraints, preserves over 9-acres of open space within the existing wash, and introduces single-story homes that complement the surrounding neighborhood in scale, character, and architectural quality.

This request represents a strategic infill opportunity that advances multiple General Plan goals including the provision of quality housing, environmental stewardship, and the continued support of thriving neighborhoods. It enables Fountain Hills Unified School District to reinvest in its educational mission and allows Toll Brothers to provide a high-quality housing product that meets market demand and enhances neighborhood vitality. Toll Brothers' proven track record with the Town of Fountain Hills, including the nearby Adero Canyon community, underscores their ability to deliver a lasting, context-sensitive development that contributes meaningfully to the Town's long-term growth and livability.

Overall, the proposed rezoning reflects a balanced and forward-looking land use strategy, one that transforms an underutilized property into a vibrant residential neighborhood, strengthens the Town's housing portfolio, and reinforces its commitment to sustainable, community-oriented development.



R1-10A LOT DATA

SINGLE-FAMILY RESIDENTIAL: 4,140 SF +/-
TOTAL HOMES: 29 HOMES
GROSS DENSITY: 1.50 HOME / ACRE
MIN. LOT SIZE: 80' X 130' (10,400 SF)

R1-10A REQUIREMENTS

MINIMUM YARD SETBACKS	REQUIRED	PROVIDED
FRONT	20'	20'
SIDE	7'	7'
STREETSIDE	20'	20'
REAR	20'	20'

MAXIMUM LOT COVERAGE	REQUIRED	PROVIDED
	40%	40%

PROPERTY BOUNDARY

FEMA ZONE AE

GROSS ACRES: 19.26 AC

NET ACRES: 8.733 AC

*** 1 Foot Interval Contour**

0 50 100 150

SCALE: 1'=50'

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Toll Brothers

DEVELOPEMNT PLAN
N ASPEN DR & E WRANGLER CT

SWABACK Architects + Planners

11.06.2025

ZONE CHANGE

TOLL BROTHERS ASPEN AND WRANGLER
CITIZEN PARTICIPATION PLAN



Generally located South of the Southwest Corner of
Golden Eagle Boulevard and Nyack Drive

Request: Rezone from R1-35 to R1-10A

Case No. _____

Original Submittal: November 25, 2025

Gammage & Burnham PLC / Ashley Z. Marsh & Dennis Newcombe
amarsh@gblaw.com & dnewcombe@gblaw.com

I. PROJECT DESCRIPTION

PROJECT NAME: Aspen and Wrangler

PROJECT REQUESTS:

1. Rezone from R1-35 (Single-Family Residential, minimum lot size 35,000 square feet) to R1-10A (Single-Family Residential, minimum lot size 10,000 square feet).

GENERAL LOCATION: Approximately 600-feet south of the southwest corner of Golden Eagle Boulevard and Nyack Drive

Toll Brothers ("Applicant") seeks the Town's permission to rezone the "Property" to allow for a single-story, single-family residential development. The Applicant will conduct citizen participation in the following manner and in accordance with the requirements enumerated in Section 2.08 of the Town's Zoning Ordinance.

II. PARTIES AFFECTED BY APPLICATION

The following parties may be affected by the Application ("Affected Parties"):

1. Real property owners within 300 feet of the Property (See Exhibit A for Map and List)
2. Homeowners' associations within 300 feet of the Property (if any)
3. Other potentially affected citizens or interested parties as provided by Maricopa County Planning Department (See Exhibit B for List)

III. NOTIFICATION AND INFORMATION PROCEDURES

Neighborhood Meeting

We plan to host a neighborhood meeting virtually or in-person. A notice of the neighborhood meeting will be mailed within fifteen (15) calendar days of the meeting. The letter will provide a description of the Property, a general explanation of the proposal, contact information, and meeting details for interested parties to join. During the meeting, we will discuss the proposed application and allow any participants to ask questions regarding the proposed development. A summary of the meeting will be provided along with a list of attendees and questions that were posed.

Notice of Public Hearings

The Applicant is proposing to post the Property with one sign, and will be done so at least 15 days prior to the Planning & Zoning Commission meeting. The sign will remain in place

for the entire application period. The signs will include a brief description of the Property, a general explanation of the Application, contact information for the Applicant's legal representative, and contact information for the County Planner assigned to the case. The Applicant will submit photographs of the sign, a map illustrating the posting location, and an affidavit of posting.

IV. RESPONSE PROCEDURES

The Applicant's legal representative will respond to and document all substantive inquiries regarding the Application in the Citizen Participation Report.

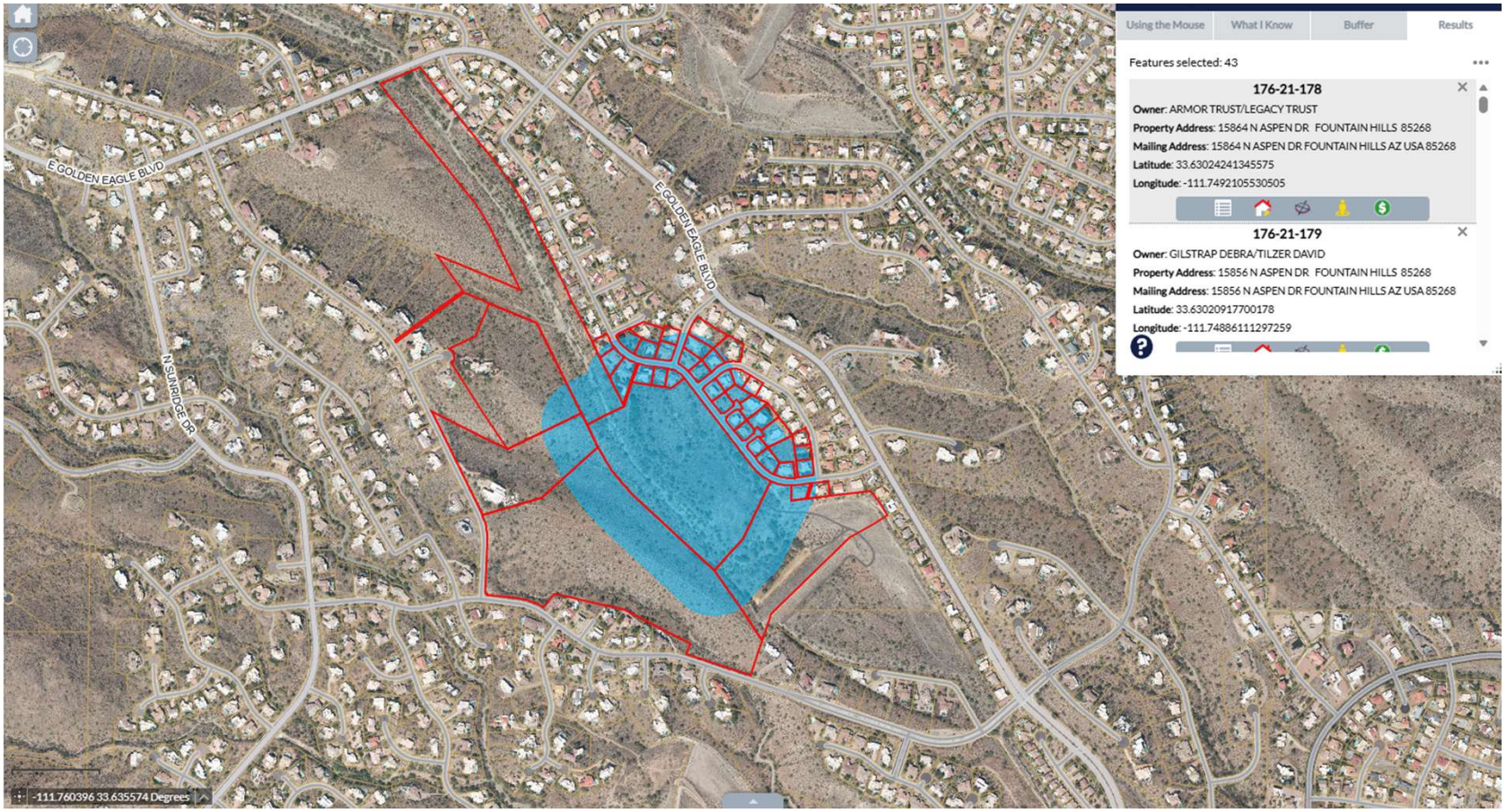
V. SCHEDULE FOR COMPLETION

Submit Formal Application	Nov. 2025
Mail Notice of Application	Dec. 2025
Neighborhood Meeting	Jan. 2026
Complete Site Posting	Feb. 2026 (Min. 15 days prior to P&Z Hearing)
Submit Citizen Participation Results Report	Mar. 2026
Planning and Zoning Commission	Mar. 2026
Town Council	Apr. 2026

VI. STATUS PROCEDURES

Upon completion of the Citizen Review Process, a Citizen Participation Report will be submitted to the Maricopa County documenting correspondence, phone calls, meetings, etc. with the Affected Parties or other interested citizens.

300’ Property Owner Buffer



Parcel Number	Owner	Property Address	Mailing Address	MAIL_ADDR1	MAIL_CITY	STATE	ZIP
176-21-178	ARMOR TRUST/LEGACY TRUST	15864 N ASPEN DR FOUNTAIN HILLS 85268	15864 N ASPEN DR FOUNTAIN HILLS AZ USA 85268	15864 N ASPEN DR	FOUNTAIN HILLS	AZ	85268
176-21-179	GILSTRAP DEBRA/TILZER DAVID	15856 N ASPEN DR FOUNTAIN HILLS 85268	15856 N ASPEN DR FOUNTAIN HILLS AZ USA 85268	15856 N ASPEN DR	FOUNTAIN HILLS	AZ	85268
176-21-180	DAMORE RAE	15844 N ASPEN DR FOUNTAIN HILLS 85268	15844 N ASPEN DR FOUNTAIN HILLS AZ USA 85268	15844 N ASPEN DR	FOUNTAIN HILLS	AZ	85268
176-21-181	FOUNTAIN HILLS SCHOOL	15680 N ASPEN DR FOUNTAIN HILLS	PO BOX 18049 FOUNTAIN HILLS AZ USA 85268	PO BOX 18049	FOUNTAIN HILLS	AZ	85268
176-21-182	THOMAS-AGEE FAMILY TRUST	15644 N ASPEN DR FOUNTAIN HILLS 85268	15644 N ASPEN DR FOUNTAIN HILLS AZ USA 85268	15644 N ASPEN DR	FOUNTAIN HILLS	AZ	85268
176-21-183	CHRISTOPHER JOHN RACANA TRUST	15632 N ASPEN DR FOUNTAIN HILLS 85268	861 CAMINITO ESTRELLA CHULA VISTA CA USA 91910	861 CAMINITO ESTRELLA	CHULA VISTA	CA	91910
176-21-209	FOUNTAIN HILLS TOWN OF		16705 E AVENUE OF THE FOUNTAINS FOUNTAIN HILLS AZ USA 85268-3815	16705 E AVENUE OF THE FOUNTAINS	FOUNTAIN HILLS	AZ	85268-3815
176-21-210	FOUNTAIN HILLS TOWN OF		16705 E AVENUE OF THE FOUNTAINS FOUNTAIN HILLS AZ USA 85268-3815	16705 E AVENUE OF THE FOUNTAINS	FOUNTAIN HILLS	AZ	85268-3815
176-21-485	PAULSEN RANDY D JR	15147 E MAZATZAL CIR FOUNTAIN HILLS 85268	15147 E MAZATZAL CIR FOUNTAIN HILLS AZ USA 85268	15147 E MAZATZAL CIR	FOUNTAIN HILLS	AZ	85268

176-21-487	RYTAN MANAGEMENT INC	15633 N CERRO ALTO DR FOUNTAIN HILLS	15633 CERRO ALTO DR FOUNTAIN HILLS AZ USA 85268	15633 CERRO ALTO DR	FOUNTAIN HILLS	AZ	85268
176-21-488	CONLAN LAND DEVELOPMENT	15431 N CERRO ALTO DR	138 THE LN HINSDALE IL USA 60521	138 THE LN	HINSDALE	IL	60521
176-22-480	YARPEZESHKAN ASPEN DR VENTURES LLC	16004 N ASPEN DR FOUNTAIN HILLS 85268	8 RIVERSIDE DR CORNWALL ON HUDSON NY USA 12520	8 RIVERSIDE DR	CORNWALL ON HUDSON	NY	12520
176-22-481	SUSAN HIXSON FAMILY TRUST	15872 N ASPEN DR FOUNTAIN HILLS 85268	15872 N ASPEN DR FOUNTAIN HILLS AZ USA 85268	15872 N ASPEN DR	FOUNTAIN HILLS	AZ	85268
176-22-482	THOMAS W KECK REVOCABLE	15868 N ASPEN DR FOUNTAIN HILLS 85268	6938 ASHLAND RD AGENCY IA USA 52530	6938 ASHLAND RD	AGENCY	IA	52530
176-22-495	TRAMONTE IRREVOCABLE	15860 N NYACK DR FOUNTAIN HILLS	27 OAK RUN STONY BROOK NY USA 11790	27 OAK RUN	STONY BROOK	NY	11790
176-22-496	TUCKER CHRISTOPHER JOHN/BARBARA	15853 N ASPEN DR FOUNTAIN HILLS 85268	15853 N ASPEN DR FOUNTAIN HILLS AZ USA 85268	15853 N ASPEN DR	FOUNTAIN HILLS	AZ	85268
176-22-497	HUSKE DORIAN	15859 N ASPEN DR FOUNTAIN HILLS 85268	5618 W GUNNISON CHICAGO IL USA 60630	5618 W GUNNISON	CHICAGO	IL	60630
176-22-498	BONNETT JAMES F/LINDA J/POLLY R	15305 E WALNUT LN FOUNTAIN HILLS 85268	15305 E WALNUT LN FOUNTAIN HILLS AZ USA 85268	15305 E WALNUT LN	FOUNTAIN HILLS	AZ	85268
176-22-499	KORONA ALBERT M/PATRICIA A	15317 E WALNUT LN FOUNTAIN HILLS 85268	15317 E WALNUT LN FOUNTAIN HILLS AZ USA 85268	15317 E WALNUT LN	FOUNTAIN HILLS	AZ	85268
176-22-551	SMITH ROBERT F/WEEGMAN MARY L	15827 N EAGLE NEST DR FOUNTAIN HILLS	10622 COUNTY RD 77 SW NISSWA MN USA 56468	10622 COUNTY RD 77 SW	NISSWA	MN	56468

		15831 N EAGLE	15831 N EAGLE NEST DR				
	COFFEL JASON	NEST DR	FOUNTAIN HILLS AZ USA	15831 N EAGLE	FOUNTAIN		
176-22-552	A/KIMBERLY S	FOUNTAIN HILLS	85268	NEST DR	HILLS	AZ	85268
	ALTON E	15835 N EAGLE	15835 N EAGLE NEST DR				
	BOSTWICK	NEST DR	FOUNTAIN HILLS AZ USA	15835 N EAGLE	FOUNTAIN		
176-22-553	REVOCABLE	FOUNTAIN HILLS	85268	NEST DR	HILLS	AZ	85268
	PRESTENBACK	15843 N ASPEN DR	15843 N ASPEN DR				
	KAYLA	FOUNTAIN HILLS	FOUNTAIN HILLS AZ USA	15843 N ASPEN	FOUNTAIN		
176-22-554	MARIE/CHATAG	85268	85268	DR	HILLS	AZ	85268
	GRAHLMANN	15859 N NYACK DR	PO BOX 10002 PRESCOTT				
176-22-555	GREGORY/ASHL	FOUNTAIN HILLS	AZ USA 86304	PO BOX 10002	PRESCOTT	AZ	86304
	MAHADEEN	16013 N NYACK DR	20 OAK LN VERONA NJ USA				
176-22-556	FAMILY 2025	FOUNTAIN HILLS	07044	20 OAK LN	VERONA	NJ	7044
	VERGETIS	15836 N EAGLE	15836 N EAGLE NEST DR				
	CHARLES	NEST DR	FOUNTAIN HILLS AZ USA	15836 N EAGLE	FOUNTAIN		
176-22-557	L/SANDRA L	FOUNTAIN HILLS	85268	NEST DR	HILLS	AZ	85268
	LINCOLN BRETT	15830 N EAGLE	15830 N EAGLE NEST DR				
	W/BECKER ANN	NEST DR	FOUNTAIN HILLS AZ USA	15830 N EAGLE	FOUNTAIN		
176-22-558	C	FOUNTAIN HILLS	85268	NEST DR	HILLS	AZ	85268
	WILSON	15824 N EAGLE	15824 N EAGLE NEST DR				
	MATTHEW	NEST DR	FOUNTAIN HILLS AZ USA	15824 N EAGLE	FOUNTAIN		
176-22-559	L/SUSAN W	FOUNTAIN HILLS	85268	NEST DR	HILLS	AZ	85268
	RUBINO	15820 N EAGLE	15820 N EAGLE NEST DR				
	LAWRENCE	NEST DR	FOUNTAIN HILLS AZ USA	15820 N EAGLE	FOUNTAIN		
176-22-560	C/LOIS M	FOUNTAIN HILLS	85268	NEST DR	HILLS	AZ	85268
	GARY K AND	15656 N EAGLE	15656 N EAGLE NEST DR				
	CHRISTINE I	NEST DR	FOUNTAIN HILLS AZ USA	15656 N EAGLE	FOUNTAIN		
176-22-565	OLIVER LIVING	FOUNTAIN HILLS	85268	NEST DR	HILLS	AZ	85268
		15648 N EAGLE	15648 N EAGLE NEST DR				
	COMBS FAMILY	NEST DR	FOUNTAIN HILLS AZ USA	15648 N EAGLE	FOUNTAIN		
176-22-566	TRUST	FOUNTAIN HILLS	85268	NEST DR	HILLS	AZ	85268

176-22-567	HOTTENSTEIN PAUL A/SHERRY E	15640 N EAGLE NEST DR FOUNTAIN HILLS	15640 N EAGLE NEST DR FOUNTAIN HILLS AZ USA 85268	15640 N EAGLE NEST DR	FOUNTAIN HILLS	AZ	85268
176-22-568	COMBS FAMILY TRUST	15645 N ASPEN DR FOUNTAIN HILLS 85268	15648 N EAGLES NEST DR FOUNTAIN HILLS AZ USA 85268	15648 N EAGLES NEST DR	FOUNTAIN HILLS	AZ	85268
176-22-569	BACKSTROM JAY/KAREN	15649 N ASPEN DR FOUNTAIN HILLS 85268	15649 N ASPEN DR FOUNTAIN HILLS AZ USA 85268	15649 N ASPEN DR	FOUNTAIN HILLS	AZ	85268
176-22-570	COOK PAMELA D/DAVID E	15659 N ASPEN DR FOUNTAIN HILLS 85268	15659 N ASPEN DR FOUNTAIN HILLS AZ USA 85268	15659 N ASPEN DR	FOUNTAIN HILLS	AZ	85268
176-22-571	IMMENGA REVOCABLE LIVING TRUST	15405 E ROUND UP CIR FOUNTAIN HILLS 85268	15405 E ROUND UP CIR FOUNTAIN HILLS AZ USA 85268	15405 E ROUND UP CIR	FOUNTAIN HILLS	AZ	85268
176-22-572	BARLETT STEPHEN	15413 E ROUND UP CIR FOUNTAIN HILLS 85268	15413 E ROUND UP CIR FOUNTAIN HILLS AZ USA 85268	15413 E ROUND UP CIR	FOUNTAIN HILLS	AZ	85268
176-22-573	SUSAN MORRIS REVOCABLE TRUST OF 2011	15412 E ROUND UP CIR FOUNTAIN HILLS 85268	15412 E ROUND UP CIR FOUNTAIN HILLS AZ USA 85268	15412 E ROUND UP CIR	FOUNTAIN HILLS	AZ	85268
176-22-574	LORVICK VICKY L/GARY	15404 E ROUND UP CIR FOUNTAIN HILLS 85268	15404 E ROUND UP CIR FOUNTAIN HILLS AZ USA 85268	15404 E ROUND UP CIR	FOUNTAIN HILLS	AZ	85268
176-22-575	CANZONERI PETER D/GRAZIELLA	15403 E WRANGLER CT FOUNTAIN HILLS	15403 E WRANGLER CT FOUNTAN HILLS AZ USA 85268	15403 E WRANGLER CT	FOUNTAN HILLS	AZ	85268
176-22-576	MURCHISON LIVING TRUST	15411 E WRANGLER CT FOUNTAIN HILLS	15411 E WRANGLER CT FOUNTAIN HILLS AZ USA 85268	15411 E WRANGLER CT	FOUNTAIN HILLS	AZ	85268
176-22-577	BECKER-LINCOLN REVOCABLE	15410 E WRANGLER CT FOUNTAIN HILLS	15830 N EAGLE NEST DR FOUNTAIN HILLS AZ USA 85268	15830 N EAGLE NEST DR	FOUNTAIN HILLS	AZ	85268

	MCCARTY	15402 E	15402 E WRANGLER CT				
	PATRICK	WRANGLER CT	FOUNTAIN HILLS AZ USA	15402 E	FOUNTAIN		
176-22-578	MICHAEL/BREN	FOUNTAIN HILLS	85268	WRANGLER CT	HILLS	AZ	85268

JUST OUTSIDE OF 300'

	WASSERSTROM	15814 N EAGLE	4022 N LAWLER CHICAGO
176-22-561	SAM A/FABIELLI	NEST DR FOUNTAIN	IL USA 60641
		15810 N EAGLE	15810 N EAGLE NEST DR
176-22-562	MNS TRUST	NEST DR FOUNTAIN	FOUNTAIN HILLS 85268
	LYNETTE M	15806 N EAGLE	15806 N EAGLE NEST DR
176-22-563	PIACENZA	NEST DR FOUNTAIN	FOUNTAIN HILLS 85268
	CAMPBELL	15802 N EAGLE	PO BOX 35 DILLON CO USA
176-22-564	PHILIP	NEST DR FOUNTAIN	80435

Name	Address	City	Contact	Email	Phone	State	Suite	ZIP
Fort McDowell Yavapai Nation			Erika McCalvin	emccalvin@fmyn.org		AZ		
Fort McDowell Yavapai Nation	PO Box 17779	Fountain Hills	Alfonso Rodriguez	omoreno@fmyn.org		AZ		85269
Assignments for County Planning and Future Growth		Fountain Hills,	Captain Larry Kratzer	l_kratzer@mcso.maricopa.gov	602-526-4241			
City of Scottsdale	7447 E Indian School Rd Ste 20	Scottsdale	Erin Perreault	eperreault@scottsdaleaz.gov		AZ		85251
City of Scottsdale	7447 E Indian School Rd Ste 20	Scottsdale	Adam Yaron	ayaron@scottsdaleaz.gov		AZ		85251
AZGFD Region 6			Bobby Lamoureux	rlamoureux@azgfd.gov	(480)-324-3547			
District 2			Greg Harmon	GregHarmon@msn.com				
District 2			Elizabeth Bradley	azcakes@mac.com				
District 2			Jack Farmer	jack@santolinafarm.com				
Maricopa County Parks and Recreation	41835 N Castle Hot Springs Rd	Morristown		maricopacountyparks@maricopa.gov		AZ		85342
Maricopa Association of Governments	302 N. 1st Avenue	Phoenix	Kurt Cotner	kcotner@azmag.gov		AZ	300	85003
Maricopa Association of Governments	302 N. 1st Avenue	Phoenix	P Burnett	pburnett@azmag.gov		AZ	300	85003
Arizona State Land Department			Karen Dada	pe@azland.gov				
MCSO	550 W Jackson St	Phoenix	Paul Chagolla	p_chagolla@mcso.maricopa.gov	602-876-4479	AZ		85003
Arizona Fish & Game Department	9140 E. 28th St.			pep@azgfd.gov	623.236.7222			

Air Quality Business Assistance		AQBusinessAssistance@maricopa.gov	602-506-5102
Arizona Public Service	Steven Kadatz	Steven.Kadatz@aps.com	

Requested per Pre-App

Eagles Nest HOA	www.eaglesnestliving.com	(602) 437-4777
Neighborhood Property Owners' Association		(480) 837-5317

CITIZEN PARTICIPATION REPORT

TOLL BROTHERS

REZONING CASE NO. RZ25-000002



Vicinity Map

Generally located south of the southwest corner of Golden Eagle Blvd. and Nyack Dr.

Gammage & Burnham, PLC / Ashley Z. Marsh and Dennis Newcombe

amarsh@gblaw.com & dnewcombe@gblaw.com

Submitted: February 26, 2026

1. Project Description

The purpose of this Citizen Participation Report is to summarize how citizen participation was conducted for Toll Brothers regarding their rezoning application (RZ25-000002) on approximately 20 acres of land located 600-feet south of the southwest corner of Golden Eagle Boulevard and Nyack Drive (i.e., 15680 North Aspen Drive; APN 176-21-181) (the "Property"). Gammage & Burnham, P.L.C. filed with the Town of Fountain Hills Planning and Zoning Division the request to rezone the Property from R1-35 (Single-Family Residential) to R1-10A (Single-Family Residential) to allow for a 29-lot single-family subdivision.

The Property became available for purchase following a Special Election held in November 2024. The ballot measure asked residents whether the Fountain Hills Unified School District (FHUSD) should be permitted to sell the land, with proceeds to be reinvested into the District. The measure was approved with approximately 69% voter support. Following voter approval, FHUSD unanimously selected Toll Brothers as the prospective builder and developer of the site.

2. Notified Parties

The following parties were initially notified about the application:

1. Per Town requirements, all property owners located within 300 feet of the Property.

2. Four (4) additional property owners outside 300 feet of the Property where include for consistency.

3. Homeowners Associations within 300 feet of the Property.

4. Other citizens or interested parties as provided by Town Planning Staff were included.

5. Planning Staff.

The notification letter, aerial map, site plan, map illustrating the notification area, and mailing list are attached to this plan as **Exhibit A**.

3. Notification and Information Procedures

January 5, 2026, within thirty (30) days of filing the rezoning request and deemed administratively complete by the Fountain Hills Planning and Zoning Division, Gammage &

Burnham, P.L.C. mailed a notice of the application filed and of a neighborhood meeting via first class mail as noted in Section 2 above. The letter provided a general description of the rezoning request, a general explanation of the proposal, the neighborhood meeting details, the name and contact information for the Gammage & Burnham, P.L.C.'s representative, and included an aerial map and site plan. A neighborhood meeting was desired to meet with adjacent neighbors to answer any questions they may have in advance of formal public hearings.

February 9, 2026- Fountain Hill's Planning & Zoning Division submitted a legal ad in the Fountain Hills Times Independent for February 18th and February 25th. The ad gave notice of the March 9th Planning and Zoning Commission and April 21st Town Council meetings.

February 19, 2026- Town of Fountain Hills Planning and Zoning Division Staff completed the notification letter advising of the case going to Planning and Zoning Commission on March 9, 2026 and Town Council on April 21, 2026. In addition to the Section 2 above, the Town of Fountain Hills Planning and Zoning Division letter was sent to all attendees who provided their mailing address at the January 20, 2026 neighborhood meeting.

February 20, 2026, the Property was posted with two signs (only 1 required) visible from the nearest public right-of-way locations. The posting included a brief description of the rezoning area, a general explanation of the proposal, and the name and contact information for Gammage & Burnham, P.L.C.'s representative. Photographs of the signs, a map illustrating posting sites, and an affidavit of the postings was sent to the Town of Fountain Hills Planning and Zoning Division Staff within 15-days of the March 9th Planning and Zoning Commission hearing. The affidavit sign posting is attached as **Exhibit B.**

4. Neighborhood Meeting Overview/Summary

As stated, a neighborhood meeting was held on January 20, 2026, at the Fountain Hills Unified School District Learning Center. Representatives from the School Board, Gammage & Burnham, Toll Brothers and its engineering consultants were in attendance. The development team prepared several poster-sized exhibits to illustrate the proposal and encouraged review, mingling, and direct dialogue with the development team.

The open house format was selected to provide flexibility for residents to attend at their convenience and to allow for more individualized conversations. This format gave neighbors the opportunity to ask questions specific to them and/or to share thoughtful feedback directly with members of the development team.

During the meeting it was requested and agreed to by the development team that a more formal question & answer format be offered to the residents. Thus, a hybrid meeting option was provided where residents could ask questions with the development team representatives answering them to the group. Residents that wanted direct interaction with the exhibits and the development team representatives were allowed to continue .

The meeting went from 6:00 to 7:30 PM, the development team remained until approximately 8:00 PM to ensure all questions were asked and/or addressed, if possible, or contact information provided for future discussions. Approximately 65 residents attended. The sign-in sheet is included as **Exhibit C**.



5. Correspondence and Phone Calls

January 9, 2026 – Ms. Ann Becker submitted correspondence to Gammage & Burnham, P.L.C. regarding the neighborhood notification letter and the proposed rezoning/development. Gammage & Burnham, P.L.C. responded via email, which led to a subsequent virtual meeting on February 19, 2026, (see below) and discussions continue to today.

January 19, 2026 – Mr. Paul Hottenstein contacted Gammage & Burnham, P.L.C. by phone regarding the project. The call consisted of general questions and discussion about the proposal.

February 10, 2026 – Ms. Tammy Bell spoke with Gammage & Burnham, P.L.C. regarding the development plan both at the neighborhood meeting and after. The discussion/correspondence included general inquiries related to the development plan and surrounding properties. A follow-up discussion was held to respond to her questions.

February 19, 2026 – Representatives from Toll Brothers and Gammage & Burnham, P.L.C. met virtually with Ms. Ann Becker, Mr. David Tilzer, and Ms. Debra Gilstrap to discuss the proposed development and respond to questions. The meeting provided an opportunity for additional clarification and dialogue.

In addition, the Gammage & Burnham, P.L.C. has been in regular communication with the immediately abutting neighbors throughout the process, including emails with Mr. Rae

D'Amore regarding updates and development related questions. Gammage & Burnham, P.L.C. has maintained communication with Town of Fountain Hills Planning and Zoning Division Staff from the initial submittal through the public hearing notice process in accordance with the Town's Citizen Participation Guidelines.

6. Summary of Concerns, Issues, and Problems

In addition to the meetings with nearby neighbors, the neighborhood meeting provided the opportunity to meet with residents and listen to their thoughts on the project.

Below is a brief overview of the concerns and support received:

Residents expressed concerns regarding the following:

- The proposed density under R1-10A zoning compared to the existing R1-35 zoning
- Subdivision design
- Traffic volumes, vehicle speeds, roadway curves, and site access points
- The perception of "tract-style" housing
- Potential loss of views, particularly for properties directly adjacent to the site
- Loss of open space and neighborhood connectivity
- Drainage patterns and potential flooding impacts
- Potential effects on wildlife movement and environmental resources
- Utility infrastructure and service connections
- Notification letter notice radius area too small (300-feet)

Comments in support:

Several attendees also expressed support, including:

- Appreciation of the proposal of single-story homes to help preserve views.
- Preservation of the open space (wash area)
- Proposed lot sizes matching those along Aspen Drive

- The residential density and lot sizes are consistent with surrounding neighborhood
- Subdivision design and lot sizes exceeding the 10,000 square-foot minimum
- The reputation of Toll Brothers and the quality of the proposed housing product.
- New ‘for sale’ housing
- The sale of school land and the benefit the sale would have for the school district
- The applicant’s willingness to listen to and consider neighborhood feedback.

7. Next Steps

After the neighborhood meeting, representatives from Toll Brothers and Gammage & Burnham, P.L.C. met with nearby residents virtually and/or in person to have continued conversations regarding the development. Topics included open space redesign, density, wash preservation, retaining wall functionality, landscape/mature tree salvage, and traffic mitigation devices.

Below are answers to the concerns raised:

- Confirmation that the intention is for single-story homes, not two-story homes, to protect views for existing neighbors
- Confirmation that the wash will remain undisturbed and can be done via easement or dedication of the land to Fountain Hills
- Promise to review if certain mature landscaping can maintain on site to act as visual buffer for adjacent neighbors to the north of the site
- Promise to meet with Engineering Department to discuss potential traffic safety measures for Aspen Drive
- Discuss coordination with Town on adjacent Town-owned property
- Confirmation that preliminary Environmental Site Assessment studies have been completed.
- Confirmation that grading and drainage and hydrology studies will be conducted according to Town requirements

- Confirmation that lighting standards will follow Town requirements in respect of the Fountain Hills Dark Sky Association

8. Conclusion

The Gammage and Burnham, P.L.C. has gone to extensive lengths to not only meet but exceed the requirements for the Citizen Participation Process.

- Notification letters met Town requirements and sent in the appropriate timeframe
- Notification letters were also sent to residents outside the minimum distance requirements
- A neighborhood meeting was provided even though not required. The format of the meeting was updated to allow both an open house format and Q+A.
- Gammage and Burnham, P.L.C. and the team has proactively met with residents after the neighborhood meeting to discuss the project and possible solutions
- Gammage and Burnham, P.L.C. has been in phone and email communications with Planning staff providing summaries regarding outreach efforts
- Exceeded Town requirements for posting of signs on property and completed affidavit of posting prior to public hearings

Collectively, these efforts reflect a proactive and comprehensive approach to citizen participation that goes beyond what is required by the Town's Zoning Ordinance. The applicant has made meaningful efforts to ensure neighbors were informed, heard, and given opportunities for continued dialogue.

EXHIBIT A

Notification Letter
Aerial Map
Site Plan
Property Owner Map
Mailing List

GAMMAGE & BURNHAM, PLC
ATTORNEYS AT LAW
40 NORTH CENTRAL AVENUE
20TH FLOOR
PHOENIX, ARIZONA 85004

TELEPHONE (602) 256-0566
FACSIMILE (602) 256-4475

WRITER'S DIRECT LINE
(602) 256-4443

January 5, 2026

NOTICE OF APPLICATION

Dear Property Owner, Association, or Interested Party:

The purpose of this letter is to inform you that on behalf of our client, Toll Brothers, Inc. ("Toll Brothers"), we have recently filed an application (RZ25-000002) to rezone an approximately 19 gross acre site located at 15680 North Aspen Drive (APN: 176-21-181) (the "Property"). (See attached "Property Aerial Map"). The rezoning request is to rezone from R1-35 (i.e., originally proposed school site) to R1-10A (residential zoning designation) for a proposed luxury single-family residential subdivision by Toll Brothers.

As you may know, the Property is currently owned by Fountain Hills Unified School District ("FHUSD"). In 2024, FHUSD initiated a public process to evaluate the future of two underutilized, vacant properties and sought voter approval to sell them. The measure was approved by voters in November 2024. Following this approval, the FHUSD Governing Board unanimously selected Toll Brothers as the preferred homebuilder, reflecting Toll Brother's strong track record of high-quality residential development in Fountain Hills and throughout the Valley.

Toll Brothers proposes to develop approximately 8 acres of the Property as a 29-lot luxury, for-sale, single-story residential subdivision compatible with the surrounding neighborhood and consistent with the Town's long-term planning goals. Notably, approximately 9 acres of the Property is encumbered by a wash that will remain undisturbed; meaning no homes will be constructed in the wash.

The proposed rezoning allows for an award-winning home builder the ability to transform a long-vacant property once planned for a school into a thoughtfully designed luxury community. (See attached "Conceptual Site Plan"). Please accept this letter as an invitation to attend a Neighborhood Open House Meeting, where members of the development team will be available to discuss the rezoning proposal. The details of the Open House are as follows:

NEIGHBORHOOD OPEN HOUSE MEETING
January 20, 2026, 6:00 PM – 7:00 PM
Fountain Hills Unified School District's Learning Center
16000 East Palisades Boulevard, Fountain Hills

Should you have any questions regarding Toll Brothers' proposal, please do not hesitate to contact me. You may reach me at (602) 256-4443 or amarsh@gblaw.com.

Sincerely,

Ashley Z. Marsh, Esq.
Gammage & Burnham, PLC

Enclosures: Property Aerial Map; Conceptual Site Plan

Aerial Map





R1-10A LOT DATA

SINGLE-FAMILY RESIDENTIAL: 4,140 SF +/-
TOTAL HOMES: 29 HOMES
GROSS DENSITY: 1.50 HOME / ACRE
MIN. LOT SIZE: 80' X 130' (10,400 SF)

R1-10A REQUIREMENTS

MINIMUM YARD SETBACKS	REQUIRED	PROVIDED
FRONT	20'	20'
SIDE	7'	7'
STREETSIDE	20'	20'
REAR	20'	20'

MAXIMUM LOT COVERAGE	REQUIRED	PROVIDED
	40%	40%

PROPERTY BOUNDARY

FEMA ZONE AE

GROSS ACRES: 19.26 AC

NET ACRES: 8.733 AC

*** 1 Foot Interval Contour**

0 50 100 150

SCALE: 1'=50'

© 2025 Microsoft Corporation © 2025 Maxar ©CNES (2

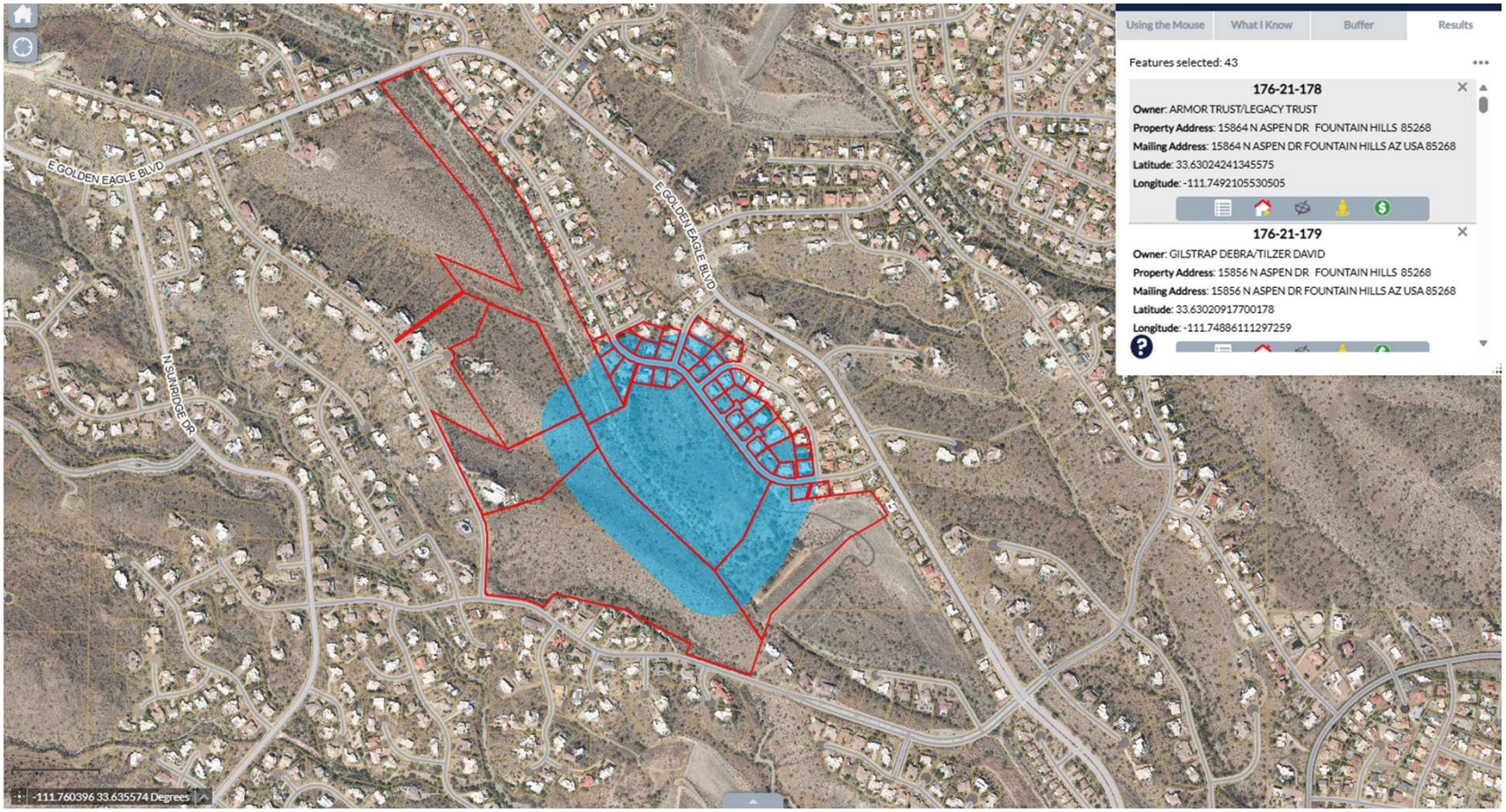
Toll Brothers

DEVELOPEMNT PLAN
N ASPEN DR & E WRANGLER CT

SWABACK Architects + Planners

11.06.2025

300’ Property Owner Buffer



Parcel Number	Owner	Property Address	Mailing Address	MAIL_ADDR1	MAIL_CITY	STATE	ZIP
176-21-178	ARMOR TRUST/LEGACY TRUST	15864 N ASPEN DR FOUNTAIN HILLS 85268	15864 N ASPEN DR FOUNTAIN HILLS AZ USA 85268	15864 N ASPEN DR	FOUNTAIN HILLS	AZ	85268
176-21-179	GILSTRAP DEBRA/TILZER DAVID	15856 N ASPEN DR FOUNTAIN HILLS 85268	15856 N ASPEN DR FOUNTAIN HILLS AZ USA 85268	15856 N ASPEN DR	FOUNTAIN HILLS	AZ	85268
176-21-180	DAMORE RAE	15844 N ASPEN DR FOUNTAIN HILLS 85268	15844 N ASPEN DR FOUNTAIN HILLS AZ USA 85268	15844 N ASPEN DR	FOUNTAIN HILLS	AZ	85268
176-21-181	FOUNTAIN HILLS SCHOOL	15680 N ASPEN DR FOUNTAIN HILLS	PO BOX 18049 FOUNTAIN HILLS AZ USA 85268	PO BOX 18049	FOUNTAIN HILLS	AZ	85268
176-21-182	THOMAS-AGEE FAMILY TRUST	15644 N ASPEN DR FOUNTAIN HILLS 85268	15644 N ASPEN DR FOUNTAIN HILLS AZ USA 85268	15644 N ASPEN DR	FOUNTAIN HILLS	AZ	85268
176-21-183	CHRISTOPHER JOHN RACANA TRUST	15632 N ASPEN DR FOUNTAIN HILLS 85268	861 CAMINITO ESTRELLA CHULA VISTA CA USA 91910	861 CAMINITO ESTRELLA	CHULA VISTA	CA	91910
176-21-209	FOUNTAIN HILLS TOWN OF		16705 E AVENUE OF THE FOUNTAINS FOUNTAIN HILLS AZ USA 85268-3815	16705 E AVENUE OF THE FOUNTAINS	FOUNTAIN HILLS	AZ	85268-3815
176-21-210	FOUNTAIN HILLS TOWN OF		16705 E AVENUE OF THE FOUNTAINS FOUNTAIN HILLS AZ USA 85268-3815	16705 E AVENUE OF THE FOUNTAINS	FOUNTAIN HILLS	AZ	85268-3815
176-21-485	PAULSEN RANDY D JR	15147 E MAZATZAL CIR FOUNTAIN HILLS 85268	15147 E MAZATZAL CIR FOUNTAIN HILLS AZ USA 85268	15147 E MAZATZAL CIR	FOUNTAIN HILLS	AZ	85268

176-21-487	RYTAN MANAGEMENT INC	15633 N CERRO ALTO DR FOUNTAIN HILLS	15633 CERRO ALTO DR FOUNTAIN HILLS AZ USA 85268	15633 CERRO ALTO DR	FOUNTAIN HILLS	AZ	85268
176-21-488	CONLAN LAND DEVELOPMENT	15431 N CERRO ALTO DR	138 THE LN HINSDALE IL USA 60521	138 THE LN	HINSDALE	IL	60521
176-22-480	YARPEZESHKAN ASPEN DR VENTURES LLC	16004 N ASPEN DR FOUNTAIN HILLS 85268	8 RIVERSIDE DR CORNWALL ON HUDSON NY USA 12520	8 RIVERSIDE DR	CORNWALL ON HUDSON	NY	12520
176-22-481	SUSAN HIXSON FAMILY TRUST	15872 N ASPEN DR FOUNTAIN HILLS 85268	15872 N ASPEN DR FOUNTAIN HILLS AZ USA 85268	15872 N ASPEN DR	FOUNTAIN HILLS	AZ	85268
176-22-482	THOMAS W KECK REVOCABLE	15868 N ASPEN DR FOUNTAIN HILLS 85268	6938 ASHLAND RD AGENCY IA USA 52530	6938 ASHLAND RD	AGENCY	IA	52530
176-22-495	TRAMONTE IRREVOCABLE	15860 N NYACK DR FOUNTAIN HILLS	27 OAK RUN STONY BROOK NY USA 11790	27 OAK RUN	STONY BROOK	NY	11790
176-22-496	TUCKER CHRISTOPHER JOHN/BARBARA	15853 N ASPEN DR FOUNTAIN HILLS 85268	15853 N ASPEN DR FOUNTAIN HILLS AZ USA 85268	15853 N ASPEN DR	FOUNTAIN HILLS	AZ	85268
176-22-497	HUSKE DORIAN	15859 N ASPEN DR FOUNTAIN HILLS 85268	5618 W GUNNISON CHICAGO IL USA 60630	5618 W GUNNISON	CHICAGO	IL	60630
176-22-498	BONNETT JAMES F/LINDA J/POLLY R	15305 E WALNUT LN FOUNTAIN HILLS 85268	15305 E WALNUT LN FOUNTAIN HILLS AZ USA 85268	15305 E WALNUT LN	FOUNTAIN HILLS	AZ	85268
176-22-499	KORONA ALBERT M/PATRICIA A	15317 E WALNUT LN FOUNTAIN HILLS 85268	15317 E WALNUT LN FOUNTAIN HILLS AZ USA 85268	15317 E WALNUT LN	FOUNTAIN HILLS	AZ	85268
176-22-551	SMITH ROBERT F/WEEGMAN MARY L	15827 N EAGLE NEST DR FOUNTAIN HILLS	10622 COUNTY RD 77 SW NISSWA MN USA 56468	10622 COUNTY RD 77 SW	NISSWA	MN	56468

		15831 N EAGLE	15831 N EAGLE NEST DR				
	COFFEL JASON	NEST DR	FOUNTAIN HILLS AZ USA	15831 N EAGLE	FOUNTAIN		
176-22-552	A/KIMBERLY S	FOUNTAIN HILLS	85268	NEST DR	HILLS	AZ	85268
	ALTON E	15835 N EAGLE	15835 N EAGLE NEST DR				
	BOSTWICK	NEST DR	FOUNTAIN HILLS AZ USA	15835 N EAGLE	FOUNTAIN		
176-22-553	REVOCABLE	FOUNTAIN HILLS	85268	NEST DR	HILLS	AZ	85268
	PRESTENBACK	15843 N ASPEN DR	15843 N ASPEN DR				
	KAYLA	FOUNTAIN HILLS	FOUNTAIN HILLS AZ USA	15843 N ASPEN	FOUNTAIN		
176-22-554	MARIE/CHATAG	85268	85268	DR	HILLS	AZ	85268
	GRAHLMANN	15859 N NYACK DR	PO BOX 10002 PRESCOTT				
176-22-555	GREGORY/ASHL	FOUNTAIN HILLS	AZ USA 86304	PO BOX 10002	PRESCOTT	AZ	86304
	MAHADEEN	16013 N NYACK DR	20 OAK LN VERONA NJ USA				
176-22-556	FAMILY 2025	FOUNTAIN HILLS	07044	20 OAK LN	VERONA	NJ	7044
	VERGETIS	15836 N EAGLE	15836 N EAGLE NEST DR				
	CHARLES	NEST DR	FOUNTAIN HILLS AZ USA	15836 N EAGLE	FOUNTAIN		
176-22-557	L/SANDRA L	FOUNTAIN HILLS	85268	NEST DR	HILLS	AZ	85268
	LINCOLN BRETT	15830 N EAGLE	15830 N EAGLE NEST DR				
	W/BECKER ANN	NEST DR	FOUNTAIN HILLS AZ USA	15830 N EAGLE	FOUNTAIN		
176-22-558	C	FOUNTAIN HILLS	85268	NEST DR	HILLS	AZ	85268
	WILSON	15824 N EAGLE	15824 N EAGLE NEST DR				
	MATTHEW	NEST DR	FOUNTAIN HILLS AZ USA	15824 N EAGLE	FOUNTAIN		
176-22-559	L/SUSAN W	FOUNTAIN HILLS	85268	NEST DR	HILLS	AZ	85268
	RUBINO	15820 N EAGLE	15820 N EAGLE NEST DR				
	LAWRENCE	NEST DR	FOUNTAIN HILLS AZ USA	15820 N EAGLE	FOUNTAIN		
176-22-560	C/LOIS M	FOUNTAIN HILLS	85268	NEST DR	HILLS	AZ	85268
	GARY K AND	15656 N EAGLE	15656 N EAGLE NEST DR				
	CHRISTINE I	NEST DR	FOUNTAIN HILLS AZ USA	15656 N EAGLE	FOUNTAIN		
176-22-565	OLIVER LIVING	FOUNTAIN HILLS	85268	NEST DR	HILLS	AZ	85268
		15648 N EAGLE	15648 N EAGLE NEST DR				
	COMBS FAMILY	NEST DR	FOUNTAIN HILLS AZ USA	15648 N EAGLE	FOUNTAIN		
176-22-566	TRUST	FOUNTAIN HILLS	85268	NEST DR	HILLS	AZ	85268

176-22-567	HOTTENSTEIN PAUL A/SHERRY E	15640 N EAGLE NEST DR FOUNTAIN HILLS	15640 N EAGLE NEST DR FOUNTAIN HILLS AZ USA 85268	15640 N EAGLE NEST DR	FOUNTAIN HILLS	AZ	85268
176-22-568	COMBS FAMILY TRUST	15645 N ASPEN DR FOUNTAIN HILLS 85268	15648 N EAGLES NEST DR FOUNTAIN HILLS AZ USA 85268	15648 N EAGLES NEST DR	FOUNTAIN HILLS	AZ	85268
176-22-569	BACKSTROM JAY/KAREN	15649 N ASPEN DR FOUNTAIN HILLS 85268	15649 N ASPEN DR FOUNTAIN HILLS AZ USA 85268	15649 N ASPEN DR	FOUNTAIN HILLS	AZ	85268
176-22-570	COOK PAMELA D/DAVID E	15659 N ASPEN DR FOUNTAIN HILLS 85268	15659 N ASPEN DR FOUNTAIN HILLS AZ USA 85268	15659 N ASPEN DR	FOUNTAIN HILLS	AZ	85268
176-22-571	IMMENGA REVOCABLE LIVING TRUST	15405 E ROUND UP CIR FOUNTAIN HILLS 85268	15405 E ROUND UP CIR FOUNTAIN HILLS AZ USA 85268	15405 E ROUND UP CIR	FOUNTAIN HILLS	AZ	85268
176-22-572	BARLETT STEPHEN	15413 E ROUND UP CIR FOUNTAIN HILLS 85268	15413 E ROUND UP CIR FOUNTAIN HILLS AZ USA 85268	15413 E ROUND UP CIR	FOUNTAIN HILLS	AZ	85268
176-22-573	SUSAN MORRIS REVOCABLE TRUST OF 2011	15412 E ROUND UP CIR FOUNTAIN HILLS 85268	15412 E ROUND UP CIR FOUNTAIN HILLS AZ USA 85268	15412 E ROUND UP CIR	FOUNTAIN HILLS	AZ	85268
176-22-574	LORVICK VICKY L/GARY	15404 E ROUND UP CIR FOUNTAIN HILLS 85268	15404 E ROUND UP CIR FOUNTAIN HILLS AZ USA 85268	15404 E ROUND UP CIR	FOUNTAIN HILLS	AZ	85268
176-22-575	CANZONERI PETER D/GRAZIELLA	15403 E WRANGLER CT FOUNTAIN HILLS	15403 E WRANGLER CT FOUNTAN HILLS AZ USA 85268	15403 E WRANGLER CT	FOUNTAN HILLS	AZ	85268
176-22-576	MURCHISON LIVING TRUST	15411 E WRANGLER CT FOUNTAIN HILLS	15411 E WRANGLER CT FOUNTAIN HILLS AZ USA 85268	15411 E WRANGLER CT	FOUNTAIN HILLS	AZ	85268
176-22-577	BECKER-LINCOLN REVOCABLE	15410 E WRANGLER CT FOUNTAIN HILLS	15830 N EAGLE NEST DR FOUNTAIN HILLS AZ USA 85268	15830 N EAGLE NEST DR	FOUNTAIN HILLS	AZ	85268

	MCCARTY	15402 E	15402 E WRANGLER CT				
	PATRICK	WRANGLER CT	FOUNTAIN HILLS AZ USA	15402 E	FOUNTAIN		
176-22-578	MICHAEL/BREN	FOUNTAIN HILLS	85268	WRANGLER CT	HILLS	AZ	85268

JUST OUTSIDE OF 300'

	WASSERSTROM	15814 N EAGLE	4022 N LAWLER CHICAGO
176-22-561	SAM A/FABIELLI	NEST DR FOUNTAIN	IL USA 60641
		15810 N EAGLE	15810 N EAGLE NEST DR
176-22-562	MNS TRUST	NEST DR FOUNTAIN	FOUNTAIN HILLS 85268
	LYNETTE M	15806 N EAGLE	15806 N EAGLE NEST DR
176-22-563	PIACENZA	NEST DR FOUNTAIN	FOUNTAIN HILLS 85268
	CAMPBELL	15802 N EAGLE	PO BOX 35 DILLON CO USA
176-22-564	PHILIP	NEST DR FOUNTAIN	80435

Name	Address	City	Contact	Email	Phone	State	Suite	ZIP
Fort McDowell Yavapai Nation			Erika McCalvin	emccalvin@fmyn.org		AZ		
Fort McDowell Yavapai Nation	PO Box 17779	Fountain Hills	Alfonso Rodriguez	omoreno@fmyn.org		AZ		85269
Assignments for County Planning and Future Growth		Fountain Hills,	Captain Larry Kratzer	l_kratzer@mcso.maricopa.gov	602-526-4241			
City of Scottsdale	7447 E Indian School Rd Ste 20	Scottsdale	Erin Perreault	eperreault@scottsdaleaz.gov		AZ		85251
City of Scottsdale	7447 E Indian School Rd Ste 20	Scottsdale	Adam Yaron	ayaron@scottsdaleaz.gov		AZ		85251
AZGFD Region 6			Bobby Lamoureux	rlamoureux@azgfd.gov	(480)-324-3547			
District 2			Greg Harmon	GregHarmon@msn.com				
District 2			Elizabeth Bradley	azcakes@mac.com				
District 2			Jack Farmer	jack@santolinafarm.com				
Maricopa County Parks and Recreation	41835 N Castle Hot Springs Rd	Morristown		maricopacountyparks@maricopa.gov		AZ		85342
Maricopa Association of Governments	302 N. 1st Avenue	Phoenix	Kurt Cotner	kcotner@azmag.gov		AZ	300	85003
Maricopa Association of Governments	302 N. 1st Avenue	Phoenix	P Burnett	pburnett@azmag.gov		AZ	300	85003
Arizona State Land Department			Karen Dada	pe@azland.gov				
MCSO	550 W Jackson St	Phoenix	Paul Chagolla	p_chagolla@mcso.maricopa.gov	602-876-4479	AZ		85003
Arizona Fish & Game Department	9140 E. 28th St.			pep@azgfd.gov	623.236.7222			

Air Quality Business Assistance		AQBusinessAssistance@maricopa.gov	602-506-5102
Arizona Public Service	Steven Kadatz	Steven.Kadatz@aps.com	

Requested per Pre-App

Eagles Nest HOA	www.eaglesnestliving.com	(602) 437-4777
Neighborhood Property Owners' Association		(480) 837-5317

Notification for 15680 N. Aspen Dr. / RZ25-000002

Reply | Reply All | Forward

Brian C. Vaccaro
To
Cc Brian C. Vaccaro
Bcc emccalvin@fmyn.org; l_kratzer@mcso.maricopa.gov; rlamoureux@azgfd.gov; GregHarmon@msn.com; azcakes@mac.com; jack@santolinafarm.com; pe@azland.gov; pep@azgfd.gov; AQBusinessAssistance@maricopa.gov; Steven.Kadatz@aps.com; mgant2000@msn.com

Mon 1/5/2026 10:17 AM

TB Aspen Notification Letter Final 12.31.25.pdf
5 MB

Good morning,

Our client, Toll Brothers, Inc., recently filed an application to rezone approximately 19 acres from R1-35 to R1-10A for a luxury single-family residential subdivision located at 15680 N. Aspen Drive. You have been listed as an Interested Party in the Maricopa County database, however there was no mailing address to send the notification letter. Please see the letter attached.

If you have any questions regarding the request, please don't hesitate to contact me.

Thank you!

Brian C. Vaccaro
Land Use Planner
602.256.4417 Direct | bvaccaro@gblaw.com
www.gblaw.com | Profile

GAMMAGE & BURNHAM
40 North Central Ave., 20th Floor | Phoenix, AZ 85004
This message and any of the attached documents contain information from the law firm of Gammage & Burnham, P.L.C. that may be confidential or privileged. If you are not the intended recipient, you may not read, copy, distribute, or use this information, and no privilege has been waived by your inadvertent receipt. If you have received this transmission in error, please notify the sender by reply e-mail and then delete this message.

Exhibit B
Sign Posting Notification

Notarized Affidavit of Posting

Application No.: **RZ25-000002**

Applicant Name: **Gammage & Burnham**

Location: **15680 N Aspen Dr**

I confirm that the site has been posted as required not less than fifteen calendar days prior to the Fountain Hills Planning and Zoning Commission meeting for the case noted above. A picture or pictures of the site posting(s) are included with this affidavit.

Applicant/Representative Signature

February 20, 2026
Date

This instrument was acknowledged before me on this **20** day of **February**, 20**26**, by **Meghan Liggett**. In witness whereof, I hereunto set my hand and official seal.

MARYBETH CONRAD
Notary Public - Arizona
Maricopa County
Commission # 673441
My Comm. Expires Oct 25, 2028

Notary Public

My commission expires: 10-25-28


ZONING
NOTICE OF HEARING
A PUBLIC HEARING HAS BEEN SCHEDULED TO RECEIVE PUBLIC INPUT ON THE FOLLOWING PROJECT:
Case#: RZ25-000002
Requst: REZONE of approximately 20 acres located approximately 600-feet south of the southeast corner of Golden Eagle Blvd. and Nyack Drive (APN 176-21-181) from R1-35 (35,000 sq. ft. lot size minimum) to R1-10A (10,000 sq. ft. lot size minimum) to allow development of 29 single-family residential lots*.
Existing Zoning: R1-35
Proposed Use: R1-10A
*NOTE: There is an administrative review/approval of a preliminary plat case (Case No.: PRP25-000001) for 29 single-family residential lots associated with this rezoning case.
P&Z COMMISSION: Monday, Mach 9, 2026, at 6:00 PM
TOWN COUNCIL: Tuesday, April 21, 2026, at 5:30 PM
PLACE: Town Council Chambers located at 16705 East Avenue of the Fountain,Fountain Hills, AZ 85268
APPLICANT: Gammage & Burnham, P.L.C., Ashley Z. Marsh, APPLICANT PHONE: 602-256-4443
TOWN OF FOUNTAIN HILLS PHONE: 480-816-5122
POSTING DATE: 2/20/26 TOWN OF FOUNTAIN HILLS
February 20, 2026 at 9:38 AM
+33.628840, -111.747017
15632–15678 N Aspen Dr
Fountain Hills AZ 85268
Maps


ZONING
NOTICE OF HEARING
A PUBLIC HEARING HAS BEEN SCHEDULED TO RECEIVE PUBLIC INPUT ON THE FOLLOWING PROJECT:
Case#: RZ25-000002
Requst: REZONE of approximately 20 acres located approximately 600-feet south of the southeast corner of Golden Eagle Blvd. and Nyack Drive (APN 176-21-181) from R1-35 (35,000 sq. ft. lot size minimum) to R1-10A (10,000 sq. ft. lot size minimum) to allow development of 29 single-family residential lots*.
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APPLICANT: Gammage & Burnham, P.L.C., Ashley Z. Marsh, APPLICANT PHONE: 602-256-4443
TOWN OF FOUNTAIN HILLS PHONE: 480-816-5122
POSTING DATE: 2/20/26 TOWN OF FOUNTAIN HILLS
February 20, 2026 at 9:26 AM
+33 629988 -111 748077
15844 N Aspen Dr
Fountain Hills AZ 85268
Maps

Exhibit C
Neighborhood Sign-in Sheet

Toll Brothers- 15680 North Aspen Drive

TOWN OF FOUNTAIN HILLS REZONE (RZ25-000002)
NEIGHBORHOOD MEETING

Fountain Hills Unified School District's Learning Center
16000 East Palisades Blvd.
Fountain Hills, AZ 85268
January 20, 2026, 6:00pm

Name	Address (Please Include City & Zip)	Company (if applicable)	Email
TRAmonte	15860 N. NYACK DR. FH		
EATON	16012 N. NYACK DR		cosette.eaton@gmail.com
Barbara Tucker	15853 N Aspen Dr		iambabs24@gmail.com
Gilstrap Tilzer	15856 N Aspen DR		boatngirl1@yahoo.com
S. Hixson	15872 N. Aspen Dr.		AZHixson@gmail.com
SCHWARZ	15625 E GOLDEN EAGLE BLVD		YSCHWARZ614@gmail.com
S. MORIS	15412 E ROUND UP		SUSANMORRISFFH@GMAIL.COM
ALBERT IMMENGA	15405 Round up Circle		
VICKY & GARY HOLLAND	15404 Round Up Circle		vholland76@gmail.com
TERI HILLS	15649 N. EAGLES NEST DR.		thi19797701@gmail.com
Val Reichler	15823 N. Eagles Nest Dr.		vreichler17@gmail.com

Toll Brothers- 15680 North Aspen Drive

TOWN OF FOUNTAIN HILLS REZONE (RZ25-000002)
NEIGHBORHOOD MEETING

Fountain Hills Unified School District's Learning Center
16000 East Palisades Blvd.
Fountain Hills, AZ 85268
January 20, 2026, 6:00pm

Name	Address (Please Include City & Zip)	Company (if applicable)	Email
Jeffrey Hoellman	16412 Aspen		JimHoellman@yahoo.com
Mike Monhof	15819 N. Eagles Nest Dr		mmonhof@icloud.com
Nicole Murchison	15411 E. Wrangler ct, Fountain Hills 85268		nicolemurch7@gmail.com
Polly Bonnett	15305 E. Walnut Lane, Ftn Hills		ljbonnett@icloud.com
Linda Bonnett	"	—	"
Carmen & Rae D'Amore	15844 N Aspen Dr Fountain Hills AZ 85268		~~Carmen~~ Carmen@damoreagency.com
Tamara & Ron Waldo	16011 N. Aspen Dr, 85268 WALDO76RB@Gmail		~~diamondtk2~~ diamondtk2@AOL.com
Walter & Catherine Gilbert	16417 N. Aspen Dr. Fountain Hills, 85268		wgilbert59@gmail.com
Betty & Larry Schmit	16255 N Aspen Dr Fountain Hills AZ 85268		larslair@cox.net
Mitch Friend	15617 N. Aspen Dr 85268		
Dori Friend	15617 N. Aspen Dr. 85268		[redacted]

Toll Brothers- 15680 North Aspen Drive

TOWN OF FOUNTAIN HILLS REZONE (RZ25-000002)
NEIGHBORHOOD MEETING

Fountain Hills Unified School District's Learning Center
16000 East Palisades Blvd.
Fountain Hills, AZ 85268
January 20, 2026, 6:00pm

Name	Address (Please Include City & Zip)	Company (if applicable)	Email
Laura + Scott Reiser	16420 No. Aspen DR.		LK.Reiser@yahoo.com
Tammy + Wayne Bell	15864 N. Aspen DR.		tammy.jbell7@gmail.com
Angel + Garnett Wilson	15614 N Aspen		Agwilson714@yahoo.com
Jayne Phillips & Marty Halfman	15811 N. Eagle Nest Dr.		mhalfman32@gmail.com
Jamie + Daniel Abrams	15641 N Eagles Nest		jmaabrams@cox.net
Ann Becker + Brett Lincoln	15830 N. Eagles Nest Dr.		ann.beckerlol@gmail.com
PATTY/PATRICK MURPHY	16010 N. ASPEN		murphypatty003@gmail.com
JUDY CARLSON	16412 N. ASPEN		JUDYCARLSON24@yahoo.com
TODD MURCHISON	15411 E. WRANGLE RT. FOUNTAIN HILLS, AZ 85268		~~toddm@~~ toddm92@gmail.com
RICHARD & DARCI PALMER	15815 N EAGLES NEST DRIVE	DARCI622@Hotmail.com	

P.O. Box 17918. Fountain Hills 85269
Mailing Address

darci 622 @ aol.com

Toll Brothers- 15680 North Aspen Drive

TOWN OF FOUNTAIN HILLS REZONE (RZ25-000002)
NEIGHBORHOOD MEETING

Fountain Hills Unified School District's Learning Center
16000 East Palisades Blvd.
Fountain Hills, AZ 85268
January 20, 2026, 6:00pm

Name	Address (Please Include City & Zip)	Company (if applicable)	Email
Kimberly Coffel	15831 N Eagles Nest Dr. Fountain Hills, AZ		coffel19@gmail.com
Jean Serrano	15213 E. Shoot Out Plaza FHAZ		jeanserrano61@gmail.com
Robert Baranoff Veronica Kuzara	15641 E. Golden Eagle Blvd PO Box 18574 Fountain Hills 85269	—	rbaranoff79@comcast.net
Rodney Eaton	16012 N NYACK DR FOUNTAIN HILLS		rodneyeaton2@gmail.com
Reid Jones	15315 Quick Draw PL F/Hills 85268		rjonesx7@gmail
Christian Hayes	16004 N Aspen Dr, Ftn Hills 85268		chrishayes1272@icloud.com
Chuck & Sandy Vergetis	15832 N. Eagles Nest Dr	FH	sandraV320@hotmail.com
Jim Hubick	16042 N. ASPEN DR FH.		
Kris Erickson	15316 E Quick Draw Pl	FH	
Adrienne Larsen	15318 E Walnut Ln.	Fh.	adriennelarsen24@gmail.com

NAME, ADDRESS, COMPANY (IF APPLICABLE), EMAIL

1. WILL WALKER, 4900 N 44TH ST., N/A,
WSWALKER28@GMAIL.COM
2. Karen & Jay Backstrom 15649 N. Aspen Dr.
Karenbackstrom@gmail.com Ftn Hills, AZ 85268
3 Tamara & Ron Waldo WALDO76RD@gmail
16011 N. Aspen Dr 85268
4. Rory and Laura Dilweg 16248 N. Aspen Dr. 85268
rdilweg@hey.com; lauradilweg@gmail.com
5 Phil Campbell 15802 N. Eagle Nest Dr.
philtheskier@yahoo.com

6 Pamela Cook
15659 N. Aspen Dr. cogirl16@gmail.com

7 Barb Tucker 15853 N Aspen Dr FH 85268

PATRICK
BRENDA MCCARTY bms0404@gmail.com
15402 E WRANGLER

Elizabeth Oakley ejopropertres@gmail.com
16238 N Aspen Dr.
F.H. AZ 85628

Polly bonnett42@gmail.com

TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date:	3/9/2026
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, with CONSIDERATION AND POSSIBLE ACTION: Relating to Ordinance 26-02 amending Zoning Ordinance Chapter 27, Downtown Overlay, Sec. 27.02 A. related to permitted density for residential development.

Staff Summary (background)

At their September 2, 2025, Town Council meeting, the Council approved adding Chapter 27, Downtown Overlay, to the Zoning Ordinance. As part of their consideration to apply this zoning designation to the downtown area at their meeting on December 18, concerns were raised about the residential density being allowed by the overlay district. Based on those concerns, the Council asked the Planning and Zoning Commission to review this issue and make a recommendation on changes to the ordinance to address this concern.

The Commission held a public hearing to consider possible changes to this overlay district at their regular meeting on January 12, 2026. During that meeting comments and questions were raised with regard to the existing development pattern in the downtown area and concerns about the existing language as it would apply to major redevelopment in the downtown.

Each of the four blocks in Plat 208 is about 11 acres. In total, as platted, there were 139 lots on these four blocks. In the years since it was platted, some lots have been combined, some have been split, and condominium plats have added numerous units and owners on some lots. Given the current configuration and ownership pattern, there are over 100 individual owners of properties within this area.

Plat 208 is governed by a property owners' association that was established when the area was platted and began development. This association controls all the common areas within the plat. Each lot owner has a voice in what happens within this area. It takes approval by at least 66% of the owners to make any changes to the common property.

Following the Commission discussion in January, staff reached out to the Chair of the Plat 208 Board to discuss the issues raised and what the likelihood is of seeing any substantive changes in the current platting and common area ownership and uses. The feeling is that modifications of the type being discussed by the Commission were so challenging it was not worth the time that would be spent studying and considering them.

The issue given to the Commission by the Council for consideration is what should the by-right density be in the Downtown Overlay? The notice for the public hearing was just on that

question.

Concern was expressed at the previous meeting that the area would become overrun with apartments at the density currently approved, resulting in not achieving the desired commercial development. The ordinance does not allow first floor residential in the Avenue District at all and allows it on the first floor in the business district only through approval of a Special Use Permit. Therefore, the Town can ensure the balance is maintained between commercial and residential uses.

It is well known in real estate that "retail follows rooftops." Population and population density is needed to attract business. While there are some exceptions, they are rare and driven by unique situations. In order to achieve the desired level of active commercial use in downtown, there needs to be a population base to support the businesses.

There was also concern that if a block could be totally redeveloped to the allowed density it would be too much for the area. Based on the previous staff analysis, it would be good to add 400-550 additional dwelling units within the downtown area. At least 300 of these should be in Plat 208. The possible number of units that could be added to the area by density allowance are shown in this table.

Dwelling Units/Acre	Number of Units Based on Total Building Lot Area	Number of Units Based on Vacant Lot Area
15	294	88
25	468	149
35	662	208
45	920	267

It is unlikely many of the properties with existing development will be redeveloped to add residential units, but some will. It is also unlikely all the existing vacant lots will be developed with residential uses.

It was noted at the January meeting that the figures above are based only on the actual lot area for development. All the parking and other amenity areas that are typically part of a development and factored into a density calculation are not included. Using the number of possible units from the table above for the total lot area (residential development on every existing platted lot at the maximum density allowed), the density per acre drops to 6.7, 10.6, 15, and 20.9, respectively, for an entire 11-acre block.

Given the ownership of the common area by the Plat 208 Association and the challenge it would be for that area to become privately owned for development, it is extremely unlikely the Town would ever experience someone building out an entire block based on the allowed density. However, to resolve any concerns about this possibility, the ordinance has been amended to set a cap on the maximum density that can be developed across an entire block at 15 units per acre.

Related Ordinance, Policy or Guiding Principle

Zoning Ordinance Chapter 27

Risk Analysis

N/A

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

N/A

Staff Recommendation(s)

The public hearing for this text amendment was held on January 12, 2026. Per the Zoning Ordinance, the Commission must make a recommendation to the Town Council within 90 days unless a continuance has been requested by the applicant. The desire is to move this issue forward so the rezoning of the property can take place and the Town can begin to benefit from the change in regulations. If the Commission does not act by April 12 (the day before your April meeting) this item will be forwarded to the Council without a Commission recommendation.

Staff is open to adjustments to the densities stated in the ordinance but, given the built nature of the property and the control of first floor uses through the Special Use Permit process, recommends approval of the ordinance as presented.

Suggested Motion

MOVE TO recommend adoption of Ordinance 26-02.

FISCAL IMPACT

Fiscal Impact:
Budget Reference:
Funding Source:

ATTACHMENTS

1. Draft Ordinance 26-02

ORDINANCE NO. 26-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE FOUNTAIN HILLS ZONING ORDINANCE CHAPTER 27, DOWNTOWN OVERLAY DISTRICT TO AMEND THE ALLOWED DENSITY IN THE AVENUE AND BUSINESS DISTRICTS

ENACTMENTS:

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

SECTION 1. That Chapter 27, Downtown Overlay District, Sections 27.02 A and B of the Fountain Hills Zoning Ordinance is amended as provided in Exhibit A attached hereto.

PASSED AND ADOPTED by the Mayor and Council of the Fountain Hills, Maricopa County, Arizona, this 21th day of April, 2026.

FOR THE TOWN OF FOUNTAIN HILLS:

_____
Gerry M. Friedel, Mayor

ATTESTED TO:

_____
Bevelyn Bender, Town Clerk

REVIEWED BY:

_____
Rachael Goodwin, Town Manager

APPROVED AS TO FORM:

_____
Jennifer J. Wright, Town Attorney

Ordinance No. 26-02

Exhibit A

Section 27.02 Permitted Uses

Uses permitted in the Downtown Overlay District shall be:

A. *The Avenue District.*

1. Permitted uses:

...

d. Multifamily residential up to thirty-five (35) units per acre above the ground floor per lot, provided the average density for a total block does not exceed 15 units per acre.

2. Uses permitted by special use permit shall be residential above the ground floor at a density more than thirty-five (35) units per acre per lot, provided the average density for a total block does not exceed 15 units per acre.

B. *The Business District.*

1. Those uses permitted in Zoning Ordinance Sections 12.02(A), (B), and (C).

...

b. Multifamily residential up to thirty-five (35) units per acre above the ground floor per lot, provided the average density for a total block does not exceed 15 units per acre.

2. Uses permitted by special use permit shall be residential uses on the ground floor or at a density more than thirty-five (35) units per acre per lot, provided the average density for a total block does not exceed 15 units per acre.

...

TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date:	3/9/2026
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, with CONSIDERATION AND POSSIBLE ACTION: Relating Ordinance 26-06 amending Zoning Ordinance Chapters 1, Introduction, 2, Procedures, and 19, Architectural Review Standards, to provide for murals on the side of buildings.

Staff Summary (background)

At the December 16, 2025 Town Council meeting, staff presented an item for Council direction regarding the establishment of a Placemaking Strategy for installation of murals on the exterior of buildings in the town. The Community Economic Development Strategy and the Downtown Strategy both contain implementation strategies for placemaking. The utility box murals have drawn a lot of attention to this idea and staff has received interest from several businesses and property owners regarding painting murals on buildings.

Over the last several years, multiple business owners have expressed interest in murals and have approached the Town with various proposals, including:

- Donating a wall for a Town-installed mural;
- Donating a wall and splitting the mural installation costs 50/50; and,
- Fully funding a private mural installation (100% paid by the business or property owner).

In response to this, the Council directed staff to further explore what steps need to be taken to implement this portion of the strategy to ensure that murals painted on buildings will enhance the image and character of the town. Staff has identified two basic steps that will be pursued to accomplish this goal: 1) establish a policy on murals for Town participation, and 2) amend the zoning ordinance to provide for and place basic standards on the installation and maintenance of murals.

Under current zoning provisions, the Town does not regulate installation of murals or have the means to review repainting a building unless specific paint colors were approved during site plan review. Further, the adopted Architectural Review Standards limit the number of colors that can go on a building. After reviewing the zoning ordinance, it has been determined that changes should be made to three sections of the ordinance: Definitions, Site Plan Amendments, and Architectural Review Standards in order to regulate installation of murals.

<u>Proposed Ordinance Provisions</u>

The first item needed is a definition of mural. After reviewing language in other ordinances, staff is proposing the following definition be added to Sec. 1.12:

> Mural: A non-commercial message picture, scene, or diagram displayed on the exterior of a building through application of paint, canvas, tile, panels or similar materials, generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic.

Section 2.04 of the Zoning Ordinance establishes the requirement for site plan review and approval. As part of the site plan review process, the applicant is to provide a color pallet for how the building will be painted as well as a color elevation. It is through this means that the Town has the opportunity to review the exterior treatment of a building and respond to those design choices. There is nothing in the ordinance today that would prohibit a person from choosing to paint a mural on their building.

Section 2.04 F establishes the criteria for site plan modifications. There is nothing in the current list of modifications that addresses changes to paint colors or other similar changes to the exterior of the building. In order to provide oversight of changes to existing buildings, staff is proposing that an additional provision be added as follows:

> F. Changes to paint colors, materials, themes, or exterior treatment of the facade.

There has been some concern with this change to Town policies and ordinance to provide for and encourage murals. Concerns range from having too many of them that the Town begins to look cluttered to the content of what might be included in a mural. There are free speech questions that can be raised. The following is being proposed as an addition to Chapter 19 to allow murals in a controlled manner:

> H. *Murals*. Murals as defined in Sec. 1.12 are permitted. A mural may use more than the five colors as stated in Sec. 19.06 B.
>
> 1. Murals must:
>
> a. Fit with and complement the architecture and other design elements of the building;
>
> b. Fit the context of the area; and,
>
> c. Met the criteria established in the Town's "Call to Artists" process.
>
> 2. Murals cannot:
>
> a. Cover doors and windows;
>
> b. Use metallic paint, reflectors, rotating lights, or lights pointing toward the street;
>
> c. Contain new electrical or lighting components;
>
> d. Contain profane, gory, or violent material;
>
> e. Contain words;
>
> f. Contain people or images of people;
>
> g. Extend beyond the surface of the building wall or have materials that fasten to the wall;
>
> h. Contain sign copy or logos. A mural shall be considered a wall sign or commercial message and subject to the requirements of Chapter 6, Sign Regulations, if it contains words, logos, trademarks or graphic representations of any person, product or service for the purpose of advertising or identifying a business; or,
>
> i. Be installed on a designated historic property.
>
> 3. Murals must be maintained in good condition and repainted as needed to repair damage and avoid becoming faded.

Related Ordinance, Policy or Guiding Principle

Zoning Ordinance Chapters 1, 2, and 19

Risk Analysis

N/A

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

N/A

Staff Recommendation(s)

Following publication of the notice for this agenda item, staff identified one additional provision that needs to be amended that was not included in the notice. The additional change is in Sec. 2.04 A. to establish the requirement for site plan review for existing developments that do not have an approved site plan. In order to add this to the proposed ordinance, a new notice is required. Therefore, the Commission cannot act on this item. New notice will be published for the April Commission meeting.

Suggested Motion

Because new notice will be published, no action is needed.

FISCAL IMPACT

Fiscal Impact:
Budget Reference:
Funding Source:

ATTACHMENTS

None