

TOWN OF FOUNTAIN HILLS  
MINUTES OF THE REGULAR MEETING  
OF THE FOUNTAIN HILLS PLANNING & ZONING COMMISSION  
MARCH 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; Commissioner Mathew Corrigan; Commissioner Charlie McDermott; Commissioner Nick Proctor; Commissioner Phil Sveum and Commissioner Scott Schlossberg

Members Absent: Vice Chairperson Peter Gray

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



Post-Production File

**Town of Fountain Hills  
Planning and Zoning Commission Meeting Minutes  
March 9, 2026**

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CHAIR KOVACEVIC: I'd like to call to order the notice of regular meeting of the Planning and Zoning Commission for today, Monday, March 9th, 2026.

Please stand and say the Pledge of Allegiance, and a moment of silence.

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.

CHAIR KOVACEVIC: Okay, thank you.

Paula, please take the roll.

WOODWARD: Chair Kovacevic.

CHAIR KOVACEVIC: Present.

WOODWARD: Vice Chair Gray.

Commissioner Proctor.

PROCTOR: Present.

WOODWARD: Commissioner Sveum.

SVEUM: Present.

WOODWARD: Commissioner Schlossberg.

SCHLOSSBERG: Here.

WOODWARD: Commissioner Corrigan.

CORRIGAN: Here.

WOODWARD: Commissioner McDermott.

MCDERMOTT: Here.

CHAIR KOVACEVIC: Okay. I'd like to read the 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 is started, late requests to speak cannot be accepted. When your name is called, please approach the podium, speak into the microphone, state your name and if you're 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 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 six of the council Rules of Procedure.

We're -- this is our first meeting, subject to the same rules as council. We're limited to 30 minutes per agenda item, of public comment. Three minutes each, and we will have a hard stop at three minutes. So please speak fast, and we'll get more people in, and please don't repeat points that have already been made and we'll get more people in. And we'd like to get as many speakers in as we possibly can.

Okay, summary of current events by Director -- Director Wesley.

WESLEY: So Commissioners, good to see you this evening and have such a full house tonight. We don't get that very often. It's good to have the public turn out given the other items on your agenda this evening, I don't have any updates to take your time with tonight.

CHAIR KOVACEVIC: Thank you. We don't have a consent agenda. So we can move on to the regular agenda.

Consideration and possible action. Approving the regular meeting minutes of the Planning and Zoning Commission from February 9th, 2026.

Can I get a motion to approve?

SVEUM: So moved.

CHAIR KOVACEVIC: Can I get a second?

PROCTOR: Second

CHAIR KOVACEVIC: All in favor?

ALL: Aye.

CHAIR KOVACEVIC: Opposed?

Six-zero.

Item B, public hearing consideration and possible action.

Rezone of approximately 20 acres located approximately 600 feet south of the southeast corner of Golden Eagle Boulevard and Nyack Drive, to allow development of 29 single family residential lots.

Farhad?

FARHAD: Thank you, Mr. Chairman, members of the commission, and the public.

Wanted to amend slightly your recitation about the rezone request. The request is from R1-35 to R1-10a, to allow what the applicant is now proposing as a 25 lot -- single family lot development at the former school site on Aspen Drive, the location for which you've described.

So to begin, I'll talk a little bit more about the project location and the details of the request. It's approximately a 20-acre site, and to be more precise, about 19.35 acres located at the location you just described off of Aspen and Nyack in the, I guess you could say, the northern half of the town, the closest major street being Golden Eagle Boulevard to the east.

The request is again, rezoned from R1-35, which allows a minimum of one dwelling unit per 35,000 square feet to R1-10a, which allows one unit per 10,000 square feet, and the purpose is to develop a single story residential subdivision for 25 lots.

A little bit of background. The property is currently owned by the Fountain Hills Unified School District, was previously considered for use as a school. I believe it's been planned that way since the 70s. The district initiated a public disposal process a couple years ago, in 2024, and the sale was approved by voters in November of 2024. And currently, Toll Brothers is under escrow with the school district, and is coming before you with this rezone proposal.

A little bit about a about the site context and conditions. I showed this aerial on the upper right hand corner earlier. It is about a 20 acre property. It is bifurcated by the, by a natural wash on the western portion. The regulatory floodplain and the erosion setback zone pretty much constitute the wash corridor there, which is approximately nine acres altogether. The wash serves as a drainage and wildlife habitat. And I want to say on the onset, there's no construction proposed in the wash.

I did provide a zoning map here on the lower right hand corner highlighting the site. It's zoomed out a little bit more compared to the aerial photograph, but you can see to the north and east is an existing neighborhood zoned R1-10. And the difference between the R1-10 and the R1-10a is lot coverage. Lot coverage allowed under the R1-10a is a little bit more. It's at 40 percent lot coverage area under roof.

And to the east across -- or rather to the west across the wash, that allows for lower density development. Although it's well across the wash here. So this area here where I got my cursor running R1-35 approximately right here, and then R143 to the south of there. So the proposed rezoning again, R1-10a to allow for compatibility and flexibility.

Flexibility with regards to the type of product being offered in relation to the lot sizes and compatibility with the adjacent neighborhoods to the east and to the north.

The applicant is proposing single-story homes, although the zoning designation R1-10a would allow two-story homes and more on that a little bit.

Typical lot size would be 80 by 130, or approximately 10,400 square feet. Some of the setbacks to keep in mind. Front, minimum setback of 20 feet, seven feet on each side and a rear setback of 20 feet. And that's the setback measured from the property line to the exterior wall of any home. And again, homes are limited to one story with a maximum lot coverage of 40 percent.

This was the applicant -- what I have before you is the applicant's original proposal, which came in with the original request and is included in the staff report. Since then, actually since Thursday, with following discussions with residents within the neighborhood, the applicant is now proposing to eliminate the -- four of the 29 lots to the north, and followed by providing a new plan, seen here.

By eliminating those lots, the applicant is proposing open space to the north. A centralized smaller open space feature here, in this tract over here where I got my cursor running. And as I mentioned, the areas that you see outside the rendered area, within the property lines, of course, the applicant is proposing to maintain that as open space. At the very least, the areas shaded in blue, which is the regulatory FEMA floodplain, and the erosion setback zone, which you don't see here, but it is just behind

these proposed lots to the west of the site -- or I should say the west of the developed area.

Open space and density. So the density under the R1-10a would allow 4.35 dwelling units per acre for the whole site in gross. What the applicant is proposing, the density is proposed at 1.29 dwelling units per acre, gross. And by that, I mean it includes the whole area within the boundary. If you want to just take a look at the developable area here on the east side of the property, it's about 3.13 dwelling units per acre.

So that's about at least ten acres of permanent open space. The applicant might have a more precise number, but that includes, again the natural wash, the northern edge of the site, as well as the centralized tract. And by the way, there's two points of vehicular access leading into this site.

As far as general plan conformance, it seems the -- through our analysis, that that the proposal supports reuse of under -- is consistent with the general plan support of reuse of underutilized school district property. It's compatible with the adjacent R1-10 neighborhoods to the east and to the north, and it protects views and neighborhood character by limiting, as the applicant is proposing, to the development of single story homes while preserving natural resources, particularly along the wash.

I've provided a citizen participation summary here, briefly. Notices were mailed out beyond the 300-foot minimum from the site boundaries. There was a neighborhood meeting on January 20th, which is what those notices were announcing, in which there were at least 65 attendees. There was additional outreach and follow up by the applicant with the public. Some of the key topics discussed were density, drainage, wildlife, views, and traffic.

The community feedback at the meeting was mixed. There was quite a bit of opposition with a few expressions of support for the single-story product, as well as the fact that the applicant was proposing to preserve the wash. There was some correspondence received very recently, March 5th, that's last Thursday. We did receive a petition of opposition, in which 123 opposed the rezone. It is noted with some of the -- very few of the names in the petition expressed opposition to the Toll Brothers proposal, but open

to the idea of rezoning the property. It's about as much detail I have at this point, but we also received six letters of support on that date as well. And if there are any more, I'm sure the applicant will inform.

As far as our analysis, staff believes the rezoning maintains the single family use that's consistent with the area, the design response to the natural wash constraints. The single story restriction protects neighbors views with fewer traffic impacts than the potential school that was originally proposed, and supports a broad -- the project would support a broader educational reinvestment through the sale of the District owned site. So in your staff reports, I did include a couple of proposed stipulations for approval, one being that the final plat, which would come, well, after the preliminary plat, granted the rezone is approved, the final plat -- we will require that there be a note limiting homes to one story, and also another note establishing a nondevelopable area for the floodplain and erosion setback area that I pointed out earlier, which is approximately nine acres of the site.

We are -- after discussing additional stipulations with the applicant, the applicant did agree, since this morning, to include a stipulation that would limit the total number of lots to 25, as depicted in the latest and greatest lot layout, which I presented earlier, it's not included in your packets, but if need -- if you need me to pull it up, I will. But certainly if there are other stipulations for approval that we -- may need to be considered, that can also be discussed at this at this function.

So our suggested motion, staff suggested motion is to move to approve the rezoning request from R-135 to R-110a, subject to the three conditions that were listed earlier. With that, I'll conclude my presentation. I've uploaded the applicant's presentation as well, to follow.

CHAIR KOVACEVIC: Well, if it's all right with the commissioners, let's hear the applicant first before we ask questions, okay?

Pull it up for you. There you go. You know what? I'll just pull up the PowerPoint. Yeah, yeah, yeah, I think, more full screen. Okay. Speak into the microphone.

MARSH: Thank you, Chair, members of the Planning Commission. Ashley Marsh, for

your records. 40 North Central with Gamage and Burnham.

Thank you very much for an opportunity to address your planning commission tonight on behalf of Toll Brothers. I will try to keep my remarks brief, as we have a full house, but greatly appreciate your time, and attention, and consideration of Toll's proposal. So as I mentioned, my name is Ashley Marsh. I am a zoning and land use attorney at Gamage and Burnham. With me this evening, is Dennis Newcombe. He's senior land use planner, and Brian Vaccaro, also of our office. And I have the pleasure of introducing Bob Flaherty. He is the division president of Toll Brothers and Mark Maloney, land director of Toll.

We also have our engineering team here, Ryan Rabb and Fani Colley Gotla, and I apologize Fani, I always butcher your last name, but they were the civil engineers who put together the development plan. So any technical questions, I will refer to greater minds than myself and have Fani and Ryan address those for you. Really appreciate the thorough and robust presentation from Farhad. So I'll try to be brief in my remarks as he's covered a lot of ground.

But I want to start off by thanking you, the Commission, for your time this evening, and for indulging me in a few minutes. And before I get started with any of the substantive details, I do want to thank members of the community who've come out and who have come out tonight to voice their opinions about our proposal, given us a lot to consider, and we're happy to come back with a revised proposal tonight from where we originally submitted.

So thank you to members of the community as well. I just didn't want to get rocking and rolling and forget to acknowledge their important part in this process.

So as Farhad mentioned, we are in the northwest part of Fountain Hills here. We're about a 19acre site. And this piece of property was originally platted in the 1970s, 1972, 1973 as a 19-acre elementary school site. So the vision for this property since the 70s has always been a school site, and this is just the plat showing that that is the demarcation for it.

With that, the site inherited some larger zoning, R1-35, which would accommodate

35,000 square foot lots, and also accommodates schools. So think your public school, which it was intended for, charter school, and also a church. But completely surrounding it and all the developable areas is our 110 zoning. And so when you look at the zoning map, you say, wow, that is R1-35. But it's always intended to be a school owned property, so it never really got a zoning designation to match for a residential development.

It's a holdover, for lack of a better description, from the 70s.

As I mentioned, the R1-10 zoning is really what's developed around this site. And if you take a closer look at what's transpired since the planning of the 70s, you see quite a bit of residential development in the R1-10 area, but you don't see development in the R1-35 and the R143 around us. And that is because of topographical concerns where those larger land use designations are. But really all the developable area is R1-10.

And I say that and want to show you this slide here, which we've marked up. That really shows some of the topography considerations when you look at where this 19 acre site is, which is outlined in the yellow.

So where you see the R1-10 designations, again, that's where development has occurred. Those are those existing residences. Those are single-family residential homes. And then you really get quite a few of the wash corridors. You get terrain, you get dams, and you actually get a town owned parcel on our south side. So I just bring this up to show that the developable condition is really in those R1-10 areas. Much of those other zoning districts are undevelopable land.

And this is just a shot showing straight on of what this site looks like. As you can see, it's relatively flat on the entryway and then does have that wash corridor and the crest up back, which is some hillside condition of that property.

Farhad mentioned this in his remarks, and I'm sure you're familiar with it, so I won't belabor this point, but this particular piece of property was subject to a 2024 special election in November, 2024. There were two properties that the school district put up for properties that were underutilized, right? They weren't being fulfilled to their greatest potential here. And these properties went to a ballot initiative in November of

2024.

The proceeds from this sale, if consummated, will go into reinvesting buildings, transportation, and really support some much needed aid to the school for the health of the District. This was overwhelmingly approved by the residents of Fountain Hills. 69 percent voted yes, and Toll Brothers was unanimously chosen as the buyer in May of 2025.

So when Toll looked at this site, just to give you a little bit of background, I really give them all the credit because they really wanted to fit something that would fit the existing fabric of this community, right? It's 20 acres, surrounded predominantly by R1-10 homes. It was envisioned as a school site, and they really did quite a bit of legwork to say, we enjoy Fountain Hills.

We like building in Fountain Hills. What could we build on this vacant, underutilized school site that matches the existing zoning, that matches the existing fabric, and a product that we can successfully bring to this area?

When they looked at it, and Farhad mentioned it in his presentation, it was really important to them to keep these in the same size and scale. And so they looked at all the R1-10 around it and said, we have something that matches, which would be an R1-10a.

But we don't feel it's appropriate to do two stories. We don't feel it's appropriate to build in the wash corridor. We understand that's important for purposes of not only drainage, but there's a wildlife consideration. We think the expectation of the neighborhood is that this wash corridor would be preserved. And so that's where this 29 unit plan really came into fruition, because it allows Toll Brothers to build a single story product. So one story where two would be allowed. It allows Toll Brothers to preserve that wash corridor, which in and of itself is approximately ten acres. So quite a significant amount of land to preserve as open space, and really fits with what is existing there, which is R1-10 lots.

And the only significant distinction between that R1-10 and R1-10a, which we're proposing, is lot coverage. And you saw that in your staff report, and you saw that in

Mr. Tavassoli remarks. That lot coverage goes from 30 to 40 percent. And that's what allows the single story to happen, because instead of building vertically, you're building now horizontally. And that 40 percent coverage isn't envisioned for every home. You are zoning to a maximum, so no home could be more than 40 percent coverage, but it's really meant to accommodate that buyer or two that might want the garage extension, that might want the extended patio. Not each of these homes will have 40 percent maxed out lot coverage, but it does allow for that profile to remain single-story for each nine of those 29 lots.

What the other thing that we wanted to look at, and again, I give Toll credit for this, is they didn't want to overwhelm the site. So that was a low density number at about 1.5 dwelling units per acre. And they wanted to retain similar circulation patterns in the area. So you see the horse shape on this site for the circulation, same as the neighbors to the north.

So we really tried to mirror the circulation. Make sure that these were all single story homes. Stay out of that wash corridor. Again, not just for drainage considerations, because it was important to tool, not to build in there, to follow those back property lines to the neighbors to the north, and to really, again, propose something that we felt was very much similar in size and scale to the existing homes.

Farhad stole my thunder a little bit with the X's, but we did go ahead and have continued engagement with the neighbors. And what we heard was, we're concerned about density, we're concerned about wildlife, we're concerned about drainage, we're concerned about open space. And so in looking at the site plan with a little bit of those considerations in mind, Toll has heard from those neighbors, has heard the feedback and has elected to eliminate 14 percent of their site plan.

So removing four lots from that northwest corner to create another open space area to address some of those concerns about drainage, to create something meaningful where you've got now 1.3 additional acres of open space. So we're at over 11 acres of open space between these improvements in the wash corridor, and really be responsive to some of that feedback.

With this revision, we are still able to do the single-story lots, we are still able to remain that similar circulation, and we're still able to stay out of that wash corridor. So the revised plan, as mentioned, includes 25 lots at approximately 1.3 dwelling units per acre, which is really a low density project. This is more than half of the site open space. We're only at 19 acres. We've got over 11 now as preserved open space. And in doing so you know, we have eliminated a home off of Aspen. We've created another natural open space corridor and have taken some of that community feedback and implemented it on a site that Toll knows that they can deliver,

With this, we hope to provide certainty to the neighbors. We've got some stipulation language that we propose this morning, that stipulation three that would follow the case, that would allow for those 25 homes to be built, and a stipulation that follows the site plan. So the revised 25 units instead of the 29 we originally submitted with.

Just as a conceptual rendering, this one's a little outdated. This one showed the 29 homes, but as you can see, this really does fit into the existing homes and that same kind of footprint. The R1-10 homes are a 10,000 square foot lot, as are these. And this is just a perspective to show that wash corridor maintain, those crest views maintain, and this vacant, flat, underutilized school district lot being developed.

Just for a couple examples of homes, we are very excited to offer a product, again, that single-story. There'll be four different models, each of them with about four different facades, some a little bit more traditional craftsmen, some with a little bit more modern architecture. And then within this, potential homeowners will be able to choose from a menu of colors and choices. So just on these 25 lots, I think I've reiterated four times, four we're 16 and we haven't even gotten to the color palette yet so there'll be some great variation from home to home.

Big points that we've heard from the community. Again, we've been out there talking to folks and trying to make sure we understood the concerns. And probably the number one concern we heard from was traffic, and how these 25 lots will go ahead and create some additional traffic considerations. Absolutely. With any type of development, you'll get more traffic there, but it is far less than the envisioned school site. And again,

I showed you that plat map from 1972. This road was planned to be a school. That's what the original dedication was for, for lack of a better description.

That column that I've highlighted shows the a.m. peak and the p.m. peak hours. Those are when you really experience traffic volumes, when you're sitting in traffic at the end of the day or in the morning. As you can see in these boxes, it's quite a bit different. Hundreds of trips reduced in the morning if you were to move forward with a charter school or with an elementary school, and we have on this bottom column here, single family detached, 15 dwelling units per acre, excuse me, 15 dwelling units. That would be the number allowed by Wright under the R-135.

And so I would love to draw your attention just to that bottom row with the difference. And this is at 29 units. You'll see that we are our -- excuse me -- our traffic engineer has calculated that those a.m. peaks are only nine more trips than if this site were to be developed, as by Wright, with 15 homes and only 14 more trips in the afternoon. So really, really low traffic differentiation between what was there by Wright from homes, and pretty significant traffic differentiation if this were to be developed as a school, either elementary school or charter school. And this doesn't account for busses back and forth what not. And this is just trips.

I went ahead and did some napkin math, and I'm an attorney and not a math magician here, but just as a reduction of 14 percent across the board here, those trips get even less when you take those homes out. So six trips and ten trips are what would be anticipated in those peak hours, than if this site were to develop by Wright. So we understand there's a lot of traffic concerns, and we've taken a look at what those volumes look like. Again, based on the charter school and elementary school developed by Wright. We think that this is a much improved traffic condition than if it were to build as a school.

Another thing we've heard is folks like to use Aspen to walk and to meet their neighbors. And we appreciate that. That is wonderful that folks are using Aspen and walking their dog in the morning. One thing that we've noticed is that there's no sidewalks out in front of the frontage. And with development of this site, we will be

installing a sidewalk along Aspen Drive, as part of our frontage. And we've also approached the town on extending the sidewalk so that this entire strip of undeveloped property -- and hopefully my cursor showing up. This is a town owned parcel here, and we've approached the town about extending the sidewalk so that this entire stretch of frontage along Aspen will have a sidewalk to get people off the road when they're walking or participating in any type of recreational activity.

The little thumbnail sketch is just a cross-section of what that might look like, but it's really exciting for Toll to be able to get pedestrians off the road and doing some street. And I apologize, this exhibit hasn't been updated on the northwest corner. It shows that lot one, but that is a vacant lot.

The other big point of feedback we've heard a lot of concern about is grading and drainage. Toll currently has a preliminary plat pending with the town. And as part of that preliminary plat, that's where you do a lot of those fine-tuned engineering details. You don't necessarily submit a grading and drainage plan with a straight rezoning request, but we've got our engineers here for any specific questions. Hewitt-Zollars is a phenomenal engineering firm, civil firm. They've already submitted a grading and drainage plan to the town as part of the preliminary plat. And I just show these documents to show that we we've done a review of grading and drainage that engineered document is planning with town.

And this is a sketch, if you will, kind of showing some of the current existing drainage conditions in red, with how our proposal will improve, actually, the current existing drainage, grading and drainage on this site. For a very elementary explanation, we understand that water comes and over overtops Aspen, for lack of a better description, and any improvements that we make will improve that drainage condition because the flows will come from that north site, be able to be mitigated and managed, and get them out to the wash.

So if you'll indulge me just for a second, you'll see we've got a note that the existing drainage channel is currently filled with silts. At the north part, a drainage track will be regraded to remove any low points and convey water to the wash. So red current, blue

improved. And there's currently a low area that's ponding water based on a recent Topo study. This open space will be regraded to remove these low points and again convey water to the wash.

We understand that, again, that stormwater is topping over the existing ribbon curb into the property. A curbs proposed along Aspen Drive in front of the parcel to increase street capacity. And then there is another existing low point. There'll be a storm drain to convey water. And this is all going to help current conditions get that water into the wash.

We've also gotten some feedback that our lot sizes are not compatible with the existing neighborhood. I'll just briefly explain. This slide is kind of self-explanatory, but the R1-10 and R1-10a zoning districts require both 10,000 square foot lots, so we feel that we are compatible with the existing lot sizes in the neighborhood.

You will see that there are a couple existing lots that are larger. Those are on sloped conditions. So just point that out because where our particular piece of property sits, I showed you it's relatively flat. Those are consistent with other lot sizes up and down Aspen. But there are a couple larger lots. And those are taking into consideration slope and what's actually buildable up there.

So in summary, we are very excited to request this rezoning proposal for the vacant school-owned property from R-135 to R1-10a to accommodate those 25 single family lots. This is a development of vacant land. It will school homes -- again, development of vacant land will bring additional housing stock to Fountain Hills. More opportunities for home ownership increases your tax base. We are almost identical to the adjacent R-110 zoning that increase in lot coverage, which we've shared quite a few times now, is just to accommodate those single story homes.

This creates certainty for the development of this parcel. Again, this was a ballot measure. This piece of property will be sold. It will be developed. And by doing this process, there is a limitation on density. There's preservation of open space. There's a commitment to single story.

So there's a lot of great features that come with this rezoning request. And that will

carry with -- through the development of this site. We do have staff support. I know there's a lot of folks here, and I will kind of relinquish my stage here, for lack of a better description. I'm happy to answer any questions. And Chair, I would appreciate an opportunity to address your commission again, after we've heard from some folks.

CHAIR KOVACEVIC: Okay. Thank you, Ashley.

Commissioners, any questions for staff or for Petitioner?

PROCTOR: I -- either -- anybody can answer the question, but the estimated price point for these homes?

MARSH: Thank you, through the Chair. We are anticipating the base price to be one to \$1.2 million for these homes.

SCHLOSSBERG: Okay. And then gated or non-gated?

MARSH: Not gated.

SCHLOSSBERG: Not gated okay. Thank you.

MARSH: Thank you.

CORRIGAN: Just two quick questions, and maybe this is for Ashley too. But from what I understand from your presentation, you're presenting two storm drains on Aspen, is that right, to come out to the wash?

MARSH: Through the Chair, if you don't mind, if I have a Ryan Rabb answer this two storm drains question. He's the one who engineered it. I want to make sure you get the right information.

RABB: Chair, Planning Commissioners. My name is Ryan Rabb, 5050 North 40th Street, Phoenix, with Huitt Zollars. It's really one storm drain system. The slide is now up there. I don't know if I can use the pointer also. So the low point currently on Aspen is at approximately this location, and we would be building curb and sidewalk along the entire street. It drains to the southeast, and it would be collected in the storm drain system that would come down and dump out into the wash.

CORRIGAN: Thank you. And the second question I had, maybe for you, maybe not. From what I see now, there are no contiguous lots with prior property. In other words, what I'm saying is that it appears that the that the four lots that have been taken out

were adjacent or contiguous to other existing properties. So that's no longer the case, is that right?

MARSH: Through the Chair, that's absolutely accurate. There are no contiguous lots on our revised site plan. And I'll just pull that up for your review, but absolutely correct.

SVEUM: Thank you.

MCDERMOTT: Thank you, Chair. I have a question for Ashley.

Ashley, could you talk to us a little bit about the remaining nine acres of the property?

What happens to that property?

MARSH: Through the Chair, thank you for that question, Commissioner McDermott. So we are not proposing any type of building on those nine acres. And I believe you're talking the Ashbrook wash corridor. We are working with the town on whether they would like them dedicated, a conservation easement, if they would like drainage and grading easement. We have the pre plot in. It does not show any construction there. It shows future dedication, and we're happy to work with the town on if it would like to be conveyed or if they would like us to keep it and maintain it. But there's no building in that area.

MCDERMOTT: Okay. Okay. Second question I have and perhaps this is for Ryan, but could you talk to us a little bit about the street parking? Because it looks like the proposed road is -- it looks like it's the same width as Aspen, but can you tell us a little bit more about that?

MARSH: Through the Chair, these are proposed to be public roads, so we are happy to work with the town on Aspen drive our own roads. Toll restricts parking on those roads. So we're not anticipating there to be cars in -- excuse me -- up and down these roads overnight. If someone comes for a football game, whatnot. And we're happy to work with the town along Aspen Drive. It is their road.

MCDERMOTT: Okay. And then last question on the on the parcels themselves, are they -- would they be driveways for two cars or four cars or what. What what's the size you envision for that?

MARSH: Through the Chair. They are envisioned to accommodate at least two vehicles

on site. And again, if someone neglected additional parking, they have the garages available to them. But at least two cars for sure.

MCDERMOTT: Okay, okay. Thank you.

CHAIR KOVACEVIC: Okay. I have a couple of questions. Will there be an HOA?

MARSH: I'm just going to stay up here till you excuse me, Chair. Yes, there will be an HOA that is created and maintains the open space areas and enforces their CCR's.

CHAIR KOVACEVIC: Okay. And we spoke about striping on Aspen, and I now understand Public Works will not allow striping on Aspen because it's not on any of the other residential roads in town. Is that --

MARSH: Through the Chair.

CHAIR KOVACEVIC: -- am I correct in that?

MARSH: Thank you for that. We have proposed striping from basically Nyack up to Golden Eagle to create a bike lane and two lanes of traffic. We shared an exhibit with Public Works. We have not gotten confirmation that that would be accepted yet. We'd be happy to do it, but the feedback is that Public Works is not too excited about that plan.

CHAIR KOVACEVIC: Yeah. And I thought I had heard about sidewalk extension. Can we visit that for a second? . That shows it going across the -- what would it be? The entrance to the wash? Is it possible to get that extended up to Golden Eagle? I thought I'd heard that.

MARSH: Thank you for that question, Chair. We have proposed extending it across this vacant piece of property where the town owns this property. To extend it up to Golden Eagle would be to put it through these neighboring properties, which are privately owned. Would require changing driveways, and we really wouldn't want to encroach on these neighbors. There's also some significant topographical constraints that we need to think about on doing so. This street slopes upward. So we are happy to make the extension across that town owned property to get people around this curve, and that's what this line shows. But we really wouldn't want someone's driveway rearranged to extend that sidewalk up to Golden Eagle.

CHAIR KOVACEVIC: And the last item that I recall from meeting was there were some existing ponding situations on -- was it on Aspen Drive? And what is the proposal to remediate that?

MARSH: Thank you, Chair. So I just bring up this exhibit again, and I'm happy to have Ryan come and address any other concerns. But essentially there is some ponding in this area where their open space cursor is. There's low ponding water, and the open space will be regraded to remove these points and convey it into the wash. So there's some here. There's also a little bit, and Ryan, if you want to come in and correct me here, we understand there's a little bit of a low point on the street. And the curb will help get these flows back into the wash.

CHAIR KOVACEVIC: Okay.

SVEUM: My question is, with respect to the wash, I know you mentioned that you may not be dedicating or providing an easement for the for the town. If this were to move forward, I would hope that you have more discussions with the town about having them maintain it. So there's continuity and there's not, well, they should have maintained this part or that part or whatever it might be, because they do get overgrown, and they do provide -- or we do end up with water issues. So I hope that that you and the town can have some discussions about that, and -- rather than depending on the HOA, because if the HOA doesn't have the money to do it for whatever reason, who's going to who they fall back on, right? So that hopefully that can be pursued as well.

MARSH: Through the Chair. We would be happy to dedicate it to the town.

CHAIR KOVACEVIC: Anybody else?

Okay. Thank you very much.

Paula, do we have any comment cards?

WOODWARD: We do. We do, Chair. We have eight speaker cards for the project, we have seven speaker cards against the project and seven nonspeaking cards against the project, and nine online for against the project.

So the speaker cards with that said, we're going to be calling speakers in increments of three. So be ready to go because the session is only 30 minutes total for public

comment. So the first speaker I have is Tammy Bell, and then it will be Jean Serrano and then Richard Rutkowski.

BELL: Good evening, Chair, members of the Planning and Zoning Commission. My name is Tammy Bell. I have been a resident in Fountain Hills for 21 years and have been living on Aspen for 17 of those.

So I want to thank you for your time and thoughtful consideration of this proposed development on Aspen Drive. These decisions, I know, are not simple, and I do appreciate the responsibility you carry to hear our concerns and also consider the long term needs of our town. As a resident, I am directly affected by this proposal, so I have explored the project in great detail. I have consulted with the town's engineering team on my own, I have listened to the neighbors, and I have engaged directly with the developer to explore my concerns and solutions.

I've been very impressed with Toll Brothers. I want to say, their representatives, they have genuine interest to listen to us. They have met with the residents in an open forum, as well as in our individual homes, and have addressed concerns wherever possible. This level of personal engagement has been greatly appreciated. I cannot imagine what the developer could have done more to reasonably hear, understand, and address the concerns of the surrounding residents.

What Toll Brothers is proposing tonight provides me great certainty. A high quality builder with established reputation, single-level homes, cooperation with the town on traffic, drainage, pedestrian safety and preserved areas, limiting lot coverage to no more than 40 percent, and all with demonstrating willingness to work with our neighbors. By contrast, maintaining the current zoning could allow uses with far greater traffic and impact in my neighborhood.

Realistic alternatives could include a -- 17 two story homes with absolutely no neighborhood input. A private or charter school with large drop off and pick up activity. I don't know if you guys have ever been near bases on Shea, but I do not want that on my street. A church with large parking areas or 25, single level homes with drainage enhancements, public safety and traffic considerations, and designated preserved areas.

If you were to give me all these realistic options, my choice is clearly the proposal you have in front of you today.

While these homes may not target young families, they do serve long term health of Fountain Hills. This proposal aligns with the general plan supporting orderly and predictable growth, sustains a town's tax base and financial stability, supports local businesses and services, maintains and protects our property values, provides neighbors certainty through thoughtful design and consideration of our neighborhood, and supports our largest employer in town, the Fountain Hills Unified School District, allowing it to progress.

For all of these reasons, I am in favor of the rezoning request, and I respectfully urge you to consider approving it tonight, as well. Thank you for your time.

SERRANO: Good evening. My name is Jean Serrano and I live at 15213 East Shootout Plaza. I want to focus specifically on Toll Brothers assertion that this development will attract families and young working professionals to Fountain Hills, consistent with goal three of the general plan. The numbers simply do not support that claim.

The average home price in Fountain Hills is already approximately 700,000. The average household income is roughly 140,000. At that level income, even purchasing an average home in town is financially challenging. Toll brothers is proposing home starting at 1.2 million and above.

Homes at this price point are not designed for teachers, nurses, first responders, young professionals, or young families. They are designed for buyers with established wealth, such as retirees, second home owners, and individuals with mature financial portfolios. There is nothing wrong with serving that market segment, but it is misleading to suggest that 25 luxury homes will diversify our age demographics, improve housing affordability, or attract working families to Fountain Hills.

All five of my daughters have moved out of Fountain Hills to find housing for their young families, as they can't afford it here. This proposal does not address affordable housing need. It does not create sustainable or attainable housing. It does not support the workforce that keeps this community functioning. It simply increases density at the top

end of the market.

Goal three of the general plan is about sustaining and strengthening our community. Toll brothers proposal does not advance that goal. The Planning and Zoning Commission should not allow a marketing narrative to substitute for the economic realities of our town. Multimillion dollar homes will not attract families and young working professionals to Fountain Hills. Thank you.

RUTKOWSKI: Good evening Mr. Chairman and Commissioners. My name is Richard Rutkowski. As of this summer, I'll be a 25 year resident of Fountain Hills. I'm also president of the Fountain Hills School Board. Although tonight I am speaking for myself and not as a representative of the board as a whole. I do support the proposed rezoning of the Aspen property, and here are some of my reasons.

As we heard in November 2024, the Fountain Hills voters expressed their will 69 percent to 31 percent. The District is listening to and acting upon the will of the voters. The sale will be of significant financial benefit to the district, schools, the students, and parents by generating funds to keep our school buildings and safe and proper condition, and to address needed roof replacement and HVAC systems awaiting attention.

The sale will financially benefit taxpayers by repurposing vacant property, which is not and will not be needed for school a school building. This will help us preserve other funds for teacher salaries and classroom use.

We heard that the rezoning plan preserves the wash and significant open space along the entire parcel of land. The proposed rezoning, as we heard, also matches the density of the existing homes on Aspen and the adjacent streets. We heard about single-story homes to preserve views. As we also heard, the current zoning would allow two story homes on the property. The designs of the new homes are likely to have a positive effect and increase the property values of the existing homes in the neighborhood.

So for all these reasons and others, I urge you to vote to approve the proposal. Thank you.

WOODWARD: Next group of speakers will be in order of Liza Morich, Dale Tilzer, and Matt Wilson.

MORICH: Good evening, Chair, Commissioners. Liza Morich, two-year resident here. The only -- I oppose this, and the reason being, when I first moved over here to Scottsdale, when I moved to Scottsdale from Chicago 2019, I saw Adero being built and it was beautiful. And the homes are very pretty. It's still being built, and it's just homes upon homes upon homes. And when I found out that that style of home was coming to Fountain Hills, I was actually just really, just not happy about it at all.

I think that we have an amazing, beautiful town here in Fountain Hills, and the style of these Toll Brothers homes is just not something that we need over here on this side of our community. Thank you.

TILZER: Good evening, I'm Dave Tilzer. My address is 15856 North Aspen Drive, and I've been a resident one year. This month we moved to Fountain Hills because it was really quiet and nice. Originally from Seattle area. No traffic. A lot -- a lot of things really good about it. We found out shortly after we bought our home that the school was selling the property.

There's a couple comments that have been made in the last few weeks that I want to clarify. I keep hearing about, originally, it's going to be a school. We've even been told as residents, if you don't accept this, they might put a school there. We know there's not going to be a school there. The reason why we know it is because we can't fill the school buildings that we have today. So we just want to make sure that we're factual in our statements, and we would appreciate that as residents.

The other thing is, we're going to have someone, if he comes up, if he has the ability to come up to talk about traffic. It's not about the flow of the traffic. It's not about the density or the -- or how much traffic. It's about the design of Aspen Drive. We have two blind corners up on the map, up on that, coming right out of the new homes. That is already dangerous to the residents. The residents have contacted the town on several occasions, asked for help. They've had no response.

The other thing is, there is one driveway from one of our residents that faces the road. It's that far right road going out. The house across the street is their house. In fact, she's here. Yeah. The driveway faces the road -- the road coming out. So it's really

dangerous for them to try to get their car out of the driveway and move down the road. And we've mentioned these things.

But what I the other thing I want to talk about is lot coverage. We hear lot coverage is similar. I just want to be clear on the facts. I'm glad Ashley brought up the map to show that it isn't all 30 percent in Aspen Drive neighborhood. There are some lot -- there is some coverage of lots and lot smaller than 30 percent or 40 percent.

But the last thing I really want to talk about is how much I'm for Toll Brothers. I'm for Toll Brothers because they actually came to our house. They spent an hour and a half and we've had a couple conversations. We had a Zoom meeting with them. They came to our house and talked to us because they put in the letter, if you have any questions, come talk to us or we'll come see you. And they did that. They spent an hour and a half and they listen to our concerns. They negotiated us for that hour and a half. We said, hey, density is an issue. That's when they agreed to -- well, it took them a day or two to think about it, but that's when they removed the four homes, which went right back to some of the neighbors houses --

CHAIR KOVACEVIC: Okay. Time's up.

TILZER: Last, last, last point. I just want to say I appreciate Toll Brothers. I support Toll Brothers as a developer, and I support their plan, because who knows what we're going to get otherwise.

CHAIR KOVACEVIC: Okay. Thank you.

WILSON: Commissioners, thank you for holding the hearing tonight. My name is Matt Wilson. I live on 15824 North Eagles Nest Drive. I'm within that 300 foot range that you've seen on the map over here. I've talked to a lot of neighbors about this program, about what's going on, to get a feel for how everybody feels in the community about this. I can tell you a few things.

First of all, nobody wants a school built there. Nobody's expecting a school built there. Maybe I'm a relic from the 70s as well, but nobody's expecting that to happen. And nobody is also under the impression that this land should not be developed. Everybody understands that this land was going to be sold, and it was going to be developed.

I think when you go back to the actual study that was done by the school board, where they came back and they did a study on the land saying, what is the feasibility of sale? What's it valued at? What could we reasonably put on there in its current zoning? They came back and said, this is about 12 to 14 homes. And that was a study done by Nathan and Associates back in 2024, for the sale. That is what people went to the polls with. When they had this ballot right here, and they went to the polls. They were expecting 12 to 14 homes down the street. And you know, they could live with that. That's not a big deal there.

But now what's happening is we're moving the goalposts in the middle. We're adjusting things so that we're accommodating the developer instead of saying, no, this is what we felt it was designed for. This is what it's zoned for. This is pretty much what the community went to the polls to vote for. And now we're asking that to be changed over here.

I don't think anybody is under the impression that this shouldn't be developed. What I'm saying is that we need to take a look at exactly this, because the density that's being proposed between 10 and 10a doesn't sound like a big deal, but that lot coverage on there is going to make it a lot closer together for the homes. And personally, when I moved out here, and I've been here 13 years, I didn't like the homes that were close together. I'd like to have a little bit of space between my neighbors.

That seven foot buffer between homes, I don't even think that's as far as between you and Mr. Kovacevic. I don't think that's even that far here. And that's exactly what we're proposing. So I know there's a lot of other topics on the plan tonight that they're speaking about the traffic, which that is a dangerous curve. I've walked it many times. I've driven it. I'm shocked that there's not been an accident there before. Mark my words, if you don't do anything on that one, sooner or later, someday somebody is going to get hurt if nothing's going to happen.

But my proposal on this is why do we have to go back to R10 -- R1-10a for the density on this one? Why is R1-18 not an option in here? Could we not find a program that develops it at that level, as well? Would that not find a middle ground between what a

developer's needs are and between what the community could accept?

That's my point. I'll yield my time. Thank you.

WOODWARD: Next speakers will be Bert Wolff, Robert Baranoff, and excuse me, Carmina DuAmour.

WOLFF: Good evening, I'm Bert Wolf. I'm a resident. There is no need for the opponents of this proposal to bash another area in town to advance their parochial agenda. The total development in Adero Canyon contains multiple examples of nationally award winning architecture. There is a consistency and a rhythm to the architecture that other areas in town do not necessarily possess. Does it appeal to everyone? Nothing does. Yet the fact remains that hundreds of these homes have been bought in this beautiful area of our town and home buyers preferences are revealed by the purchasing choices when they are affordable to them.

Now let's turn to the proposal that issue. I support the proposed rezoning. Beyond preserving some 12 acres as open space, total seeks to build single family homes on lots of at least 10,000 square feet, which is by definition, low density housing. There are already many homes on 10,000 square foot lots in the immediate vicinity of this parcel. 10,000 square foot lots are therefore compatible with the character of the neighborhood as it currently exists.

We have many examples within a quarter mile or less of the proposed development. According to the County Assessor's Office, Here are nearly two dozen homes with lots between just 10,000 and 10,099 square feet, except for 15844 North Aspen, which abuts this parcel and is 9878 square feet. So there's 15,844 and 16011, 018, 042, 050, 058 and 16220 on North Aspen. There's 15,633, 656, 802, 814, 815, 819, 820 and 824 on North Eagle Nest. There's 15,404 and 405 on East Roundup and 15,208 and 214 on East Shootout. There's also 15,860 on North Nyack, 15,205 on East Rusty Nail and 15,403 on East Wrangler.

Further, R10a lot coverage at 40 percent is just ten percent more than our ten lot coverage at 30 percent. The minimum yield, excuse me, the minimum yard setbacks are the same for the front and the side and differ by only five yards in the rear. Proposed

rezoning at R10a need not be identical in every respect, but rather merely compatible with the surrounding neighborhood, and plainly, here it is.

Moreover, Toll builds beautiful homes. The proposed homes are expected to be new and modern with very attractive designs. This proposal is an asset to the neighborhood, will likely increase the property values there, and is good for the town. For a variety of reasons that others have expressed, the proposal serves the public interest.

Mindful of this Commission's time limits, I will stop there. Thank you all so much.

BARANOFF: Good evening. My name is Robert Baranoff. I live on Golden Eagle Boulevard. On the card I had to fill out, I was asked if I was for or against the agenda item. Let me be clear. I am neither for nor against the project. It's -- excuse me -- against the project itself, at this point. I am against the Planning and Zoning Commission passing or recommending the project at this time, because I feel that it would be premature.

There are a number of outstanding issues that I believe, in the name of due diligence, need to be resolved before one can make that determination. As others have -- number one, as others have mentioned in more detail, I believe an independent traffic study needs to be done. I know -- number two, I know that Toll Brothers, to their credit, has addressed certain water runoff issues in their proposal, but I don't believe it is good practice to rely on a party that has such a vested interest in the outcome. Therefore, I think the town needs to hire an independent hydrologist to study the impact of their development plans on drainage, runoff, flooding, et cetera.

Number three. Likewise, we need a study analyzing the potential impact of the project on wildlife. We all know that the wash is home to and used as a traffic route by coyotes, javelinas, bobcats, rabbits, and even the occasional gila monster, which, by the way, became the first venomous animal in North America to receive legal protection in 1952. We need a study on how these animals will be impacted.

Number four. There's an outstanding legal question as to whether or not the property in question is subject to rules and oversight of the Neighborhood Property Owners Association, or NPOA. Toll Brothers says that it is not. But the NPOA insists that it is. To

support its case, Toll Brothers points to a 1973 amendment to the Declaration of Reservations. This amendment, however, doesn't say that the deletion nor the unrestricted use of lot four, block two from the recorded plat is in perpetuity, only until there is a determination as to how the lots will be developed. Well, that time is now. So the legal question is, is this property once again subject to NPOA restrictions? Has it been subject to them all along, as asserted by the NPOA itself, or at least since 1974, when the Declarant decided to give the land to the school system. Or Is Toll Brothers, correct, that they are not bound by the NPOA? Under any circumstances, until we know the answer, I think it's premature to proceed.

Number five, the information you received prior to tonight's meeting, of course, was for 29 houses. Now we're talking about 25 houses, and we obviously need some assurance that it's the 25 home plan that would be under consideration, not the 29 home plan. In closing, let me say that I and other neighbors appreciate Toll Brothers' willingness to respond to neighborhood concerns. But there's more to be done, more independent impact studies and legal questions that need to be resolved before this project is ready to move forward.

Thank you for your time.

DUAMOUR: Good evening, Mr. Chairman, Board. My name is Carmen DuAmour, with my wife, Ray DuAmour. We reside at 15844 North Aspen Drive. And if you look at that plan, we are the most affected on that entire project. We have met with the Toll Brothers, their attorneys, their representatives, and I have to say that they were extremely amicable.

They personally came to our homes and met with us. They addressed our concerns and for that, they were able to remove four of those homes, two of which were going to be behind us, one on the side of our house and one directly behind us. So for that, I say, thank you very much for your compassion and your dedication.

What I do want to say, though, is that I noticed in the paperwork for tonight, the agenda, you're already recommending approving this. I ask you, each and every one of you, to not rubber stamp this project until you get the facts straight. You've heard an

awful lot of things going on. Most aren't true. A lot is true. But you, as representatives of this community have the responsibility to hear our voice, not the -- not the Commissioner's voice. You need to hear us.

Having said that, we've talked about traffic and the traffic safety. Two Fridays ago we had Friedel Friday on the internet standing there with, I don't know, some supervisors, superintendents of the school, saying we've been here for 20 minutes now at 10 a.m. on a Friday and four cars have gone by. Holy cow, that -- what kind of traffic could that be? Are you kidding? Seriously? Please do your due diligence. That is not a traffic study. In closing, I want to say that my wife and I are in favor -- if this goes through and moves forward, we are in favor of Toll Brothers being the builder of choice.

Thank you for your time.

WOODWARD: The next set of speakers are Larry Schmidt, Pamela Cook, and Susan Titus. Larry Schmidt, are you here? No? Larry Schmidt. Okay. Pamela Cook, are you here?

COOK: Chair, Commissioners. Good evening. My name is Pamela Cook. I live at 15659 North Aspen Drive. If you look at the map, you can see my driveway is directly across from the southern entrance to the proposed development. I'm here to request that Toll Brothers conduct a traffic impact analysis for this development. Section 2307 of the Zoning Ordinance requires this analysis for rezoning application of this magnitude. This requirement exists for a reason. Aspen drive already presents real measurable hazards that are blind curves and steep grades. Sight distance is limited in multiple locations.

Toll brothers proposes to add more than 60 additional daily vehicle trips. This represents a meaningful increase in collision and pedestrian risks, and emergency response delays. I am particularly concerned about the southern entrance to the proposed development. This spot comes up quickly. It's deceptive for drivers coming down a hill from Golden Eagle Boulevard at a legal 35 miles an hour or faster, who hit a blind corner just before this entrance.

I've learned to check my rear view mirror before the blind corner, to make sure there is

no one coming down the hill too closely behind me. Someone who might rear end me as I slow down and make the 90 degree right turn into my driveway. Backing out of my driveway is a high speed event. Many travelers driving both -- many drivers traveling both ways into the corner are going too fast and are blindly carried into the middle of the road.

Downhill northbound drivers coming to the blind corner are often forced into the oncoming traffic lane by my neighbors landscapers truck as they come around the corner. Besides making pedestrians leap into my yard on a regular basis, they often encounter my landscapers truck and trailer or delivery vans stopped in front of the house.

It's easy to envision the perfect storm with 60 additional car trips being made of one vehicle parked in front of my house, another vehicle, or vehicles at a full stop waiting to turn left into the southern entrance, as a car coming down the hill at 35 miles around the corner arrives on the scene with nowhere to go. Like the pedestrians when I come down around the corner.

We are also concerned about the impact on first responders. Narrow travel lanes and roadside parking already limit the maneuverability. With the 25 new homes and limited on-site parking overflow parking onto Aspen Drive -- it's not speculative. It is inevitable. We've all seen people don't use their garages. Constricted access for fire and medical responders is a public safety issue, not a neighborhood preference.

The overflow parking on Aspen is also an issue as there is heavy pedestrian usage, including many young children on bikes who do not know the rules of the road. And watching them go up around the blind corner gives me a heart attack. I do appreciate the Toll Brothers has offered to put in a sidewalk. Without the required sidewalk -- without required study. There is no real objective basis for the Commission to conclude that this project will maintain acceptable levels of service, preserve emergency access, or protect the public safety. Rezoning without the mandated traffic study would mean approving density first and evaluating the consequences later. That's backwards.

I sincerely request that Toll Brothers comply with Section 2307 and provide the traffic

impacts the law requires. Thank you.

WOODWARD: Were you, Pam Cook? Susan Titus. Okay. The next person is going to be --

TITUS: Good evening. Susan Titus, 15633 North Eagle's Nest Drive. I'm representing myself and my husband. We own the property. We bought the property in 2001, so -- and when we bought the property on the corner of Eagle's Nest and Aspen, we knew that the school owned the property or deeded the property. So there's been no secrets about that.

The zoning had been in place for quite some time, as far as the number of lots. I have called three mayors in the -- in the years that we have owned the property, to ask for traffic counts on Aspen. Aspen is a real issue as far as safety. We are right on the corner of that area. We are right by a blind curve, and we take our lives in our hands every time we drive in that area.

The improvement cannot be done by grading, or doing sidewalks, or anything else. It's the traffic count that counts. I have also called mayors -- the past mayors here about having speed bumps. They tell us you cannot have a speed bump in our area on Aspen and all that, because it's just too dangerous. We could not get to the cul de sacs and the people that need the help, if they have to do -- travel down Aspen with a speed bump. So we have had no issues, as far as talking to mayors and having any help at all in a traffic issue. That's not even counting the intersection of Aspen and Golden Eagle -- anyway, it's just amazing how that you have not really requested speed counts and car counts. It's just it's so wrong that somebody stands there at 10 in the morning and thinks -- it's a working neighborhood. We bought it as a working neighborhood. And it is still that. It is a community, a small community of working and very giving people. Thank you.

WOODWARD: Chair, we have 24 seconds left.

CHAIR KOVACEVIC: Do we have any more speaker cards?

WOODWARD: We do. Do you want to continue?

CHAIR KOVACEVIC: One more? Well, by the time they get up here, it'll be --

WOODWARD: Cathrine -- it looks like Capotto -- I can't read this.

CAPOZZI: I can do it in eight seconds. Good evening. My name is Catherine Capozzi. I live at 15329 East Walnut Lane, Fountain Hills. I'm an Arizona native and resident of Fountain Hills for ten years.

My -- maybe I can't do it in eight seconds. I want to talk about the wildlife. Currently, there's no proper assessments that's been done. In addition, there are lots of coyotes, javelinas, which would be a big issue. In addition, my daughters ride their bikes all the time. So they make no mistake about the issues with the traffic. It is incredibly risky. I am very concerned about the numbers of houses that would go up. So I really ask that you consider that. Also, there are federally endangered species that also need to be in check and looked at in terms of the wash and the impact there. So that's all I'll say. Thank you.

CHAIR KOVACEVIC: Okay. This will close the public hearing.

And Commissioners, any further comments?

MCDERMOTT: I think, Ashley, could you address anything related to the wildlife hazards? I was just curious. Did you check the IPAC database and -- to see if there's any threatened, endangered species in the area?

MARSH: Through the Chair. Thank you for that question. So we did do an initial impact environmental assessment with our due diligence. That's very typical to do. We are preserving 11 acres of open space for wildlife. So we do hear those concerns and we'd be hard pressed not to acknowledge those, but there's 11 acres of open space available that is direct result of wildlife considerations as well.

MCDERMOTT: Any protected habitat or anything?

MARSH: Through the Chair. I do not believe we found any protected habitat.

MCDERMOTT: Okay.

CORRIGAN: Ashley, I think you presented earlier to us and the audience, the public, a traffic study. That traffic study was done by a traffic engineer or -- okay. So this study, I think there's a footnote on the bottom, average rates were calculated by dividing total trips generated using regression equation by the number of dwelling units. So I'm

assuming that's a scientific study?

MARSH: Through the Chair, correct. So CivTech commissioned this study. I just extrapolated the chart for you so you could read it, but a traffic engineer went ahead and did these counts for us. They're -- the notations on the side in the blue are my napkin math with the reduction in density. But the slide before this is all generated by CivTech Don Carter. She is one of the most well respected traffic engineers in the State.

CORRIGAN: Oh thank you, Chair.

CHAIR KOVACEVIC: Commissioner Proctor.

PROCTOR: Yeah. Am I on? There I am. Thank you, Commissioner Corrigan. You stole one of my questions, but I do have a second.

Councilor, thank you for your presentation. One of the comments was made about the NPOA. Are there any legal issues between Toll and NPOA, and the development of a new HOA?

MARSH: Through the Chair. Thank you for bringing that up. And I have a slide here. I'm not sure it will let me get to it. Let me see. We are not subject to the NPOA. I appreciate that question. And I've got an excerpt of our amendment to the declaration from the 1970s, again. There is a mapping error on the NPOAs website we have provided this document to the NPOA that we are not part of the NPOA.

PROCTOR: And did they respond?

MARSH: We've had some back and forth correspondence with the NPOA. We believe that we are not part of the NPOA. We've had the title and we've had title attorney review that that is not my wheelhouse. I stick with colors on maps, but we've provided them all the documentation that they've requested and had a couple back and forths with them. We haven't heard anything back from them.

PROCTOR: Thank you.

MARSH: Thank you. And through the Chair, I'm happy to provide additional points as you see fit or answer questions. I've got some rebuttal slides as well.

CHAIR KOVACEVIC: Yeah. Does it make sense to us to have an amendment to the traffic study done to see -- to propose mitigation of the blind curves that feed your

development?

MARSH: Chair, thank you for that question. So we are not required to do a traffic study, and I bring this to your attention. These are requirements for PAD. We've heard reference for we're required to do a traffic study required to do a traffic study. That is when you were seeking these type of documents for what's called a plan area development. That is, create your own zoning district, for lack of a better description. This site was always envisioned to be a school site when it was platted. I've showed the traffic volumes. It's for additional consideration of much larger traffic volumes when this site was designed.

That said, we are happy to continue to work with the town on additional mitigation measures, and we have proposed one striping proposal, for lack of a better description. We're happy to continue to work with the town to that effect. If you don't mind, Chair, I've actually drafted a stipulation that would require us to keep working with Public Works on striping and signage along the frontage of Aspen Drive, extending east to Golden Eagle. We do feel that sidewalk extension is going to get pedestrians off that blind curve, so to speak.

So we feel like that's a step in the right direction. And we're happy to keep working with Public Works on that. And I'm happy to pass around a stipulation for this Commission's consideration that would require us to keep working with Public Works.

CHAIR KOVACEVIC: But I -- where we've heard over and over again tonight about the unsafe conditions regarding the blind curves. How -- and you've been so receptive and I appreciate that, to the neighborhood's concerns, but I haven't heard that one addressed. And that just seems like it's not a difficult fix.

MARSH: Chair, thank you very much for that feedback. We agree. And we've proposed a sign striping plan to the town that has not been received. We've studied the geometry of that. The geometry fits the town's requirements for the road. It's the town's road. We are happy to work with additional striping. We're happy to work with additional signage of that. We're happy to address ongoing existing concerns.

Again, I've got a stipulation that we will continue to work with Public Works. We've

already put forth one proposal. We are extending a sidewalk, so we're definitely doing what we can, working with those existing conditions. And again, I'm happy to address this. This road was designed for much bigger volumes for a school site. It's in the general plan designated as school site. It is in the plat as a school site. The town has designed this road to accommodate a school site. We're at much lower volumes than that, and we're happy to continue working on any siting or striping that the town will allow us to do. But at the end of the day, it's their road.

CHAIR KOVACEVIC: And -- I understand. So John -- and I think John just exited. John, How do we get how do we get Public Works to acknowledge this is a problem, that the neighbors feel this is a problem that we need to address?

WESLEY: Chair, Commissioners, I was just pondering how to respond to that potential question. I'm not sure I've gotten quite there yet, but a little bit of discussion I have had with the engineering staff, they are aware of it. The proposal that was put in for the striping. It was not one that they were willing to move forward with, as far as I understand, at this point. But I'm sure they'll be willing to work with the applicant as we go through the planning processes to see what solutions can work at this particular location. A stipulation -- excuse me -- a stipulation on the zoning that they proceed with that prior to getting to Town Council, I think is a viable solution. And by the time we get to town council, hopefully we can have those alternatives ready for the Council to consider.

CHAIR KOVACEVIC: Okay. Thank you.

PROCTOR: Yeah. Just a just a quick question. That blind curve existed well before Toll Brothers came along. It's always been a problem. My question is, will the development -- the proposed development by Toll exacerbate that blind curve make it worse?

MARSH: Through the Chair, thank you for that question. No, we've studied the geometry. We do not believe that that condition is exacerbated. We are working with existing conditions. I put the volumes up here again. Again, this street has been designed, has been planned as a future school site to accommodate a lot bigger

volumes, we are going to have minimal impact to this curve.

We understand. We appreciate the community's concern. We are offering a stipulation to continue to work with Public Works on that. But to your point, Commissioner, this is an existing geometry we're working within as well. And this is a much less intense than any use than -- any other site plans. Thank you.

CHAIR KOVACEVIC: So I have one more question. So what's what stipulations are on the table, including the Public Works stipulation?

MARSH: Thank you, Chair. So we are prepared to make sure we get this resolved, right? That's the end of the day, we want to get this resolved. So we have a stipulation prepared that we shall work with Public Works on striping and signage along the frontage of Aspen Drive, extending east towards Golden Eagle. So from our frontage out to the main road.

And then I also have another stipulation here regarding that sidewalk extension that we had shown. And I'm happy to distribute copies to your Commission, through Ms. Woodward, if appropriate, with two stipulations to require that sidewalk extension and to continue working with Public Works on signing and striping for the remaining piece of that road.

CHAIR KOVACEVIC: And we have -- but we have three other stipulations.

MARSH: Correct. So a total of --

CHAIR KOVACEVIC: So 25 lots in accordance with the site plan, single-story and the set aside of the nondevelopable area.

MARSH: Correct.

CHAIR KOVACEVIC: So that that's five stipulations.

I'm sorry. Yeah -- I'm sorry. The public portion of the hearing is closed.

So there are five stipulations.

CHAIR KOVACEVIC: Director Wesley.

WESLEY: Chair, I would suggest that the one regarding Public Works be stated a little bit more broadly than just signage and striping. There may be other solutions that might be envisioned, besides those two. And I would -- also I'm not sure exactly of the wording. I

haven't read what Ashley has, but that resolutions be prepared to present to the Town Council.

So if for whatever reason, we don't feel like we get there by the date of the hearing, then that hearing would need to be continued. At that point, we do have solutions.

CHAIR KOVACEVIC: I still I want to get the -- I want to get the stipulations right. So maybe we should see the stipulation you prepared. Do you have a copy for all the all the Commissioners?

MARSH: And Chair, we're happy to revise that to traffic mitigation to incorporate a broader swoop, as Mr. Wesley said. I can hand it to you if you want.

CHAIR KOVACEVIC: And while she's handing it out, Commissioner Sveum.

SVEUM: I regardless of what happens with this -- regardless of what happens with this, the area needs to -- traffic needs to be addressed.

There's Council members, there's the Mayor, people are here. I think that that Public Works needs to address this, because it is obviously a problem. There's got to be a solution to it. This is increasing traffic by such a small amount, but if there's a problem, it should be addressed. And Toll Brothers is willing to work on whatever they can. But I think it is a -- it's a -- it's a town issue that you have every right to ask about this. It's an aside to this project, frankly. But it is a -- it is obviously a problem that needs to be addressed. So I'd encourage you to, if you can't get -- look, if you can't get action from Public Works, then go to a different level. Maybe you can get someone's ear to address your problem.

CHAIR KOVACEVIC: Anybody else? Okay. Then we're ready for a motion. I -- again, there are five stipulations. In addition to the R1-10a and I would like to make sure traffic mitigation is added to the Public Works stipulation. So it's the Public Works Department on striping, signage, and traffic mitigation along the frontage of Aspen Drive, extending east to Golden Eagle Boulevard.

And do we do we need to go over the five stipulations again?

PROCTOR: Chair, I think to be clear, we should, just to -- I mean, we have it written down. If I could try a review.

One is a note, shall be included on the final plat, limiting homes to one story.

Second, a note shall be included on the final plat that would establish a nondevelopable area for the area defined by the regulatory floodplain and erosion setback limits.

And the two stipulations that Toll has given us. For striping, Toll Brothers shall work with Public Works department on striping and or signage and traffic mitigation along the frontage of Aspen Drive, extending east to Golden Eagle Boulevard. And secondly, Toll Brothers shall work with the Public Works Department regarding extending the sidewalk along the frontage of Aspen Drive East, approximately 136ft on the town-owned property. I'm missing any others?

CHAIR KOVACEVIC: 25 lots.

PROCTOR: 25 lots. Yes.

CHAIR KOVACEVIC: So those --

PROCTOR: It would not be 29, would be 25.

CHAIR KOVACEVIC: Correct. 25 lots. So those are the five stipulations. Okay.

PROCTOR: Well Chair, if you will, I'll make a motion. I'll try to get through this. I move that the Commission approve the rezone of approximately 20 acres, located approximately 600 feet south of the southeast corner of Golden Eagle Boulevard and Nyack Drive from our R1-35 to our 110. A to allow development of 25 single family residential lots subject to the conditions I previously said. Can I get away with that?

CHAIR KOVACEVIC: Does that work for you, Paula?

WOODWARD: Yes. That's fine.

CHAIR KOVACEVIC: Okay.

WOODWARD: I do have a question though. Is the traffic mitigation part of this added to the five?

CHAIR KOVACEVIC: Yes, yes, it's part of the --

SVEUM: Stipulations.

CHAIR KOVACEVIC: -- of the stipulation on striping, signage, and traffic mitigation along the frontage. I'm looking for a second.

MCDERMOTT: I'll second the motion.

CHAIR KOVACEVIC: Okay. Can we have a roll call vote, please. Oh. Oh, do you want. -- Okay.

SVEUM: Thank you, Chair. I guess there was someone that mentioned that we had already made up our mind, that these recommendations were -- that did not come from this body. It comes from staff. I'm not throwing them under the bus. I'm just telling you that we are a commission that is working with the planning department and them providing us opportunities that people bring forward to them. And we make decisions based on facts that are provided to us. And that's where -- that's where it came from. So there's no conclusions before, that were made. Obviously, we've had a lot of material to read that's provided some great, great information for us as well to review. We also don't make decisions based on price. If Toll Brothers wanted to come in here and build condos for \$350,000 on, on R1-10, we would probably address it the same way. You wouldn't be happy about that. My experience is brand new neighborhoods that are contingent are adjacent to existing neighborhoods, tend to help prices go up, because they can build for what your home is worth. It's going to be higher in price. The traffic again, the traffic counts, there'll be -- there'll be addressed. But I mainly wanted to I just wanted to say that these conclusions that we draw are made from information that's provided to us, testimony that's given from you, the applicant. It's not predetermined. So I -- this is great having all of the information, all the input. But I think we've made a -- we're making a decision based on everything that I've just said. So I think that's worth it.

CHAIR KOVACEVIC: Thank you. Commissioner Schlossberg, did you have something to say?

SCHLOSSBERG: No.

CHAIR KOVACEVIC: Roll call, vote, please.

WOODWARD: Okay. Roll call vote. Commissioner Proctor.

PROCTOR: Aye.

WOODWARD: Commissioner Sveum.

SVEUM: Aye.

WOODWARD: Commissioner Schlossberg.

SCHLOSSBERG: Aye.

WOODWARD: Commissioner Corrigan.

CORRIGAN: Aye.

WOODWARD: Commissioner McDermott.

MCDERMOTT: Aye.

WOODWARD: Chair Kovacevic.

CHAIR KOVACEVIC: Aye.

WOODWARD: Six-zero.

CHAIR KOVACEVIC: Moving on to regular agenda. You want to take a break? Okay.

John, we're going to take five. Okay.

WESLEY: Take five.

[CROSS TALK]

CHAIR KOVACEVIC: Okay. All right. Okay. Item C, public hearing with consideration and possible action relating to ordinance 26-02, amending the Zoning Ordinance. Chapter 27 Downtown Overlay Section 27.02A, related to permitted density for residential development.

WESLEY: Chair, thank you very much. That's probably half the report right there in that title.

So just very quickly, because we've talked about this before, you've already had a long evening. But as we have developed the new downtown overlay ordinance a few months ago, taking that to Town Council, as they were considering the actual rezoning, they -- a question came up about the allowed density in the overlay, currently set at 35 units per acre. So this was on your January 12th meeting as a public hearing. There's some discussion that night about some other related concerns with the downtown and how it's designed and working, as well as the density question itself. And it was continued to tonight's meeting for further review and discussion.

Since then, I've had discussions with the Chair and member of the Plateau 8 Board and committee, and gotten some of their input on what's possible and not possible in this

area. And basically, any redevelopment of the parking lots is virtually impossible. It's jointly owned by all the owners, and the decision making required to do anything differently in those parking areas will make that, again, virtually impossible to make any changes there. And we do need to move forward with making a recommendation with regard to the density.

You've had the public hearing, started back at your January meeting. You've got 90 days to move forward. That will be prior to your next meeting.

So there are constraints. There were some concerns about how much density could actually happen, how much residential could really happen. Maybe that will overpower the commercial uses that we desire to see. But again, the avenue district itself will not allow does not allow any residential on the ground floor. It'll always have to remain nonresidential uses in that area. In the business district, you can have ground floor residential only through approval of a special use permit.

So again, the commission, the council have control over how much of that area would ever become residential on a ground floor. So you have the ability there to maintain the commercial and other nonresidential uses that are desired in the district. And the innovation district on the north end doesn't have any residential by right. It's all through special use permit, and has no -- the minimum densities that we're trying to get in the rest of the area.

So maximum height of 40 feet. So again, you're not going to get tall buildings with lots of residential. Again, the common open space areas provide the parking -- won't be developed.

So we looked at this last time as we were trying to come to the numbers. If we use Verde River and Avenue of the Fountains is a center point, and join the circle for the typical kind of walk area, the kind of that downtown mixed-use area we're trying to create. Studies say we should have someplace between 12 to 15,000 per square mile. Again, that's a much larger area.

So we bring that down to this area, we're looking at someplace between 750 and 900 dwelling units within this area. There's currently about 350. So adding 4- to 500 more

dwelling units overall throughout this area.

The main discussion point here has been with regard to the overlay with the plateau eight, which are these four blocks centered on Verde River and Parkview. Each of these blocks is right around 11 acres in size. A lot of it is taken up in the parking. There are about 21 acres of platted lots within here. Of that, about half are still vacant at 11.5 acres of vacant land that can be built upon.

So the densities, if we'd like to see someplace around 300 dwelling units within plateau eight over time. So looking at the options here at 15 units per acre. If all of the buildable area were built with residential at 15 units per acre, you could get close to that. But when you look at just the number of vacant lots, you're at 88 units and just filling in the vacant lot. So going out from there at 25 and 35 and 45 units per acre, just giving you kind of that range to look at for discussion purposes from last meeting. You can see what, what the totals might be.

So at 45 units per acre and all the vacant lots being built on with residential at that density, we're still a little bit below what we'd kind of like to see in the area. It's -- most of the developed lots are not likely to redevelop. Some will. Well, we've seen that already with coming back the Belvedere across the street. And I'll mention that again here in a minute. Developed building came back and added commercial or added residential. And another one further down on the avenue.

So it will happen. It has happened, but we won't see all of the existing lots redeveloped with residential. And not all the vacant lots will develop with residential. We've been talking to some owners of some lots that are looking at development that do not include residential, but a couple other we've been talking to recently are looking at that combination.

So again, we'll see a mix. Continue to see a mix of uses throughout the area. One of the points that was made at the last meeting is when you look at a typical multifamily development, you'll see the density is also spread over the parking and the open space, and so forth. That goes and makes up that total development.

Here, we've been focusing on just the buildable lots themselves, at the densities. When

we translate that into an entire block, that includes then all the all the common parking, which would be more typical how we would calculate density. That 15 units per acre becomes 6.7 units per acre, and 25 becomes 10.6, and the and the 35 becomes 15, and the 45 becomes 20.9. So comparatively, that's still, even at the 45, that is less than what the R4 and R5 densities allow when done in a more typical development fashion.

Again, some examples across the street here on Avenue of the Fountains you recently looked at and approved the Bondi project, six units on 12,000 square feet, so 21 units per acre. Prior to that, you had looked at, but it didn't proceed on to council, a similar plan but had was double that at 12 units, so 43 units per acre. Belvedere suites across the street 38 units. Small project down the street next to Sofritas has four units on the 2500 square feet, so 69 units per acre. The development agreement for Park Place is at 45 units per acre.

So with that, looking at what the needs are for the downtown area, how it translates into the gross density across a full block. Staff believes that the 35 units per acre that has previously been approved is a good density for the downtown as that, by right, because when you start putting hurdles, you got to come through, get the special use permit, use great challenges to the market and keeping it moving forward. And so we want to try to encourage these things to happen.

So we're recommending keeping the 35 but amending the language to set a maximum overall of a block at 15 units per acre, just on the outside chance that somehow somebody does acquire all the lots and acquires all the parking area. We're not going to get something more than what we really bargained for intended for the area.

We do have John GURZCAK from -- use your name -- from the Plateau 8 board here this evening, available to talk and answer questions you may have about plateau eight and how they've looked at this and their comments. Any questions for me at this time?

CHAIR KOVACEVIC: I do, I have a question. What's the basis for the 35-unit recommendation as opposed to 45 or --

WESLEY: Chair, looking at these numbers, I can see where you came before the 45. And staff would not oppose that. But knowing that the council sent it here with the idea it

was going to be reduced, didn't know that I wanted to propose it going up. But certainly if the Commission, as you stated that and believe that's what should happen, we'd be glad to take that back to the council.

CHAIR KOVACEVIC: Councilor Sveum.

SVEUM: John, you say it's virtually impossible to get all of the owners or the -- what's the percentage, again, for approving a change or modification to the parking?

WESLEY: Two thirds, 66 percent.

SVEUM: Two thirds.

WESLEY: I believe that's correct.

GURZCAK: Yeah, and for something like this, it might require even more.

WESLEY: Would you like to come up?

GURZCAK: Yeah.

WESLEY: John can answer as a member of the board. He can answer that better.

GURZCAK: Yeah. So the minimum would be 66 percent. But for some kind of major change like that I would anticipate it probably might even be including everyone. And there's over 100 owners and 130 something different lots in that. So there's really very, very unlikely chance that that could ever happen with all this.

SVEUM: What determines whether you need two thirds or ten percent?

GURZCAK: I'm not sure that would be. That would be a question for the attorney, for the for the tract, but the minimum would be two thirds, as far as I know.

SVEUM: Have you ever seen what could be done with those parking lots? I mean, has there been any kind of a presentation made to the board about what could be done with those parking lots to enhance them and still not impact or decrease the number of parking stalls?

GURZCAK: I mean, right now we are working on trying to do covered parking. It's in the beginning stages of that. Besides that, we haven't pursued any other --

SVEUM: What do you mean, covered parking? Like a ramp or what?

GURZCAK: No. Well, no. We're working on getting covered. Parking in the middle sections of the blocks.

SVEUM: Okay.

GURZCAK: It's a proposal right now.

SVEUM: So there's never been a redevelopment idea put in front of the board on --

GURZCAK: No, no, no, there's just there's too many owners, and you're restricted to where you're to where your current lot lines are, and that's and that's it. And every owner has a has a share of the -- of the parking, you know, a 1/132 or whatever the total number is.

SVEUM: Okay. Thanks.

GURZCAK: I'd like to answer any other questions.

CORRIGAN: You would? Sorry. Follow up question. And I'm not trying to be coy or evasive or anything like that. You said, I think. Did you say there's 137 owners?

GURZCAK: I think there's 100 owners, but I think there's 130 something parcels.

CORRIGAN: Okay. And again, I'm not trying to be difficult. How do you get consensus from all of that group? I mean, do you get --

GURZCAK: A lot of that stuff -- I mean, a lot of the stuff the board just handles. But to do any kind of major change like that or redevelopment, that would, that would require a huge -- a huge vote.

CORRIGAN: Okay. Thank you.

CHAIR KOVACEVIC: Anybody else? Thank you.

SVEUM: Yeah. I have a question for John.

John, is the restriction on first floor in the on the Ave still -- it's still not formalized or approved yet, as far as restricting the use?

WESLEY: Chair, Commissioner. Yes. The ordinance has been approved. And is there ready to be applied, but the actual rezoning of the property to apply it has been put on hold, pending the outcome of this process here to possibly adjust the density allowance.

SVEUM: So a vacant service -- that was a service company, is gone. As of right now, the property owner could lease it to whoever they wanted.

WESLEY: Correct.

SVEUM: But when this goes into effect, it'll have to be an entity that pays sales tax

basically?

WESLEY: Right. Active retail, commercial entertainment type activity. Yes.

SVEUM: And that's that was a change from what we decided as a body. And the council decided that not even an SUP was a possibility. Correct?

WESLEY: Correct.

SVEUM: Right. I continue to have a problem with that, a significant problem. Property owners will experience a devaluation of their property if their -- if their space on first floor becomes vacant and they can't lease it, because nobody can afford to put a restaurant in it. And I think that -- I think that SUP, I'm -- maybe somebody way in the back can hear me say, I hope that comes back to reverse it.

And it doesn't -- it doesn't just treat the property owner poorly, but it also -- the lender has a collateral issue because the property is not going to be worth as much if it's vacant, and they are restricted to what type of tenant they can put in there. So I really hope this comes back to us, or comes back to the Council and has there's some more discussion about the downside of doing that.

It's all great, if you can fill it all with restaurants and drinking establishments and sales tax paying entities, but the likelihood of that, for many reasons, is unlikely. So I think there's needs to be some more discussion. I hope there will be at some point in time before this is all finalized.

And frankly, I'm going to vote against this, whatever density we come up with, because -- just kind of out of protest, I don't -- I don't believe we should be proceeding with this until there is some, some change or some more discussion about that major problem. I probably am talking off -- I shouldn't be because it's not on the agenda. Is that why? Okay. That's my point.

CHAIR KOVACEVIC: Anybody else? And I do want to piggyback -- I just want to piggyback on to that and that I've said all along there should be a market study for the downtown area, that I don't know that there's enough business to support a downtown area of strictly retail and restaurant entertainment. And there should -- I recommended that to begin with, and I do believe there should be some sort of market study that tells

us how much of the space -- how much space should be dedicated, can be dedicated and can reasonably be expected to be successful in those businesses.

But that having been said, if Council wants a density will give them a density. So that's the question on the table.

Gentlemen -- oh, do we have speaker cards on this, Paula?

WOODWARD: We do, Chair. We have two speaker cards. The first speaker is Crystal Cavanaugh, and the second speaker will be Larry Meyers.

CAVANAUGH: Hello, Crystal Cavanaugh, Fountain Hills resident. In the staff report, it said retail follows rooftops, as well, it also said population and population density is needed to attract business.

The staff report indicated bringing 300 more apartments to the downtown plat 208 area alone, and that would be in addition to whatever ends up being built at the Park Place Corner. Downtown apartments could easily attract part-time residents, which isn't great for our sales tax. And how are we so sure that one major developer wouldn't buy them up in a block?

Your approval of that density would exclude any possibility of the unique type of entertainment and restaurant districts such as Old Town Gilbert or Cave Creek have, both of which are marketed as destinations that are actually fun.

There is so much traffic on Shea that we are currently widening the roads. Eventually, 316 more apartments will sit in the target lot. How many more apartments do we need to support business? And I'm fully aware of the retail component that's required downtown on the first floors. But Fountain Hills shops do not stay open late, and don't bring in the type of sales tax as does entertainment and restaurant bars. And with the residential up above, this limits the types of business you attract on the first floor.

Changing the remainder of plat 208 to bring more apartments doesn't fit the vision of many who choose to live in Fountain Hills.

Like I said at the council, rooftop restaurants and bars and scenic Fountain Hills should be a goal. A district, unique Western themes like Buffalo Bills and Colo or Cave Creek, for example, a nice steakhouse with craft cocktails downtown would be popular, if done

right.

I mean, we have a dark Sky Discovery Center coming, bringing visitors. Seek out businesses that complement that with telescopes on rooftops or alien entrees and cocktails. Be creative. Make Fountain Hills a destination stop. We can't just keep doing it piecemeal.

But that can't happen if you allow this open land to become all apartments. We are already surrounded by apartments in the downtown area. Are they supporting the existing businesses? When I'm out spending money in Fountain Hills, which I am frequently, I primarily meet homeowners for the most part, so I'm not buying that this type of growth is helping.

Limited, smaller apartment builds, like the one approved next to Zab Thai are generally not a problem. But enough is enough. Stop changing the makeup of Fountain Hills with all these apartments. Think outside the box and become a destination location that actually does bring vibrancy and sales tax. Thanks.

MEYERS: Larry Meyers, resident, 44 years.

Chair, Commissioners, I second what Crystal said because essentially the downtown is the last spot in Fountain Hills to actually accomplish something, and to rezone it so that we can have a bunch of apartments, more apartments, will take away the last spot. We struggle with -- we struggle because we've rezoned ourselves out of any chance for a corporate headquarters. We can rezone ourselves out of any chance for any type of fun zone. My term, the fun zone. You can't stick apartments over top of anything that's fun because it makes noise, and the people that live up there would have a complaint. I would, if I -- if I did, and I wanted to go to bed at 9.

So this business where we take a bunch of apartments, but we allow something on the first floor and then I'm with I'm with Commissioner Sveum. I don't know that you can tell a landowner what the heck they can do with their land, in terms of what kind of tenant they can put in there. What you can do is allow the zoning so that it encourages the type of activity that Crystal Cavanaugh spoke about, and then actually have a staff, and a commission, and a council that supports that vision and not only supports the

vision, but goes out and does something about it.

Because if you don't have a goal and actually work towards it as a unit, a cohesive unit where everybody has the same vision, you will never get there. Which is why plat 208 remains what it is, because there's never been that. And there isn't that now, and just a mere discussion of having a density like that and thinking, oh, we'll get some apartments. Sorry, Mr. Garzak [sic].

Apartments are not going to solve any of the things that this town longs for, especially sales tax revenue. Those people aren't here all year long. I'm here all year long. I know who lives in those apartments. I don't care whether they're 92 percent filled, because there are only 92 percent filled 40 percent of the year.

So I say the density isn't the issue tonight. It's get a vision. And Peter Gray said it. We keep dipping our toe, but we never really accomplish anything because we don't have a cohesive vision.

So I would encourage everybody, keep the density low, figure it out. Don't try and tell landowners what they can and can't do with their with their downstairs. It won't work. Thank you.

CHAIR KOVACEVIC: Any more public speakers?

WOODWARD: No, Chair. That was it.

CHAIR KOVACEVIC: Okay. We'll close the public hearing. Any comments?

MCDERMOTT: So what would the density be then, if it -- what is it written as right now? If it if the motion is to change it to 35 or 45, what is it today?

WESLEY: Chair, Commissioner McDermott. Today it's 35 units per acre.

MCDERMOTT: Oh, today is 35.

WESLEY: Yes.

MCDERMOTT: Okay.

WESLEY: But the Town Council, based on some comments made at the public hearing requested that it be reconsidered by the PNC commission to potentially lower it down to something less, maybe around 15.

MCDERMOTT: Okay. Okay.

CHAIR KOVACEVIC: But the one thing that -- when we say 35, it's 35 for the buildable lot --

WESLEY: Not the block.

CHAIR KOVACEVIC: -- which, when you factor in all of the parking, if you were to maximize, if you were to have 30 -- say it was 35 and you did that around the block, it winds up being 15 --

WESLEY: Right.

CHAIR KOVACEVIC: -- when you include the common area.

WESLEY: Yep.

CHAIR KOVACEVIC: Okay.

MCDERMOTT: New guy question. Sorry.

CHAIR KOVACEVIC: Okay. Anybody else?

CORRIGAN: Thank you, Chair. I raised it before I think maybe back in January. But this idea about using a winner or a leader or a successful town as a model is, I think, a pretty good idea. If somebody is doing something in Cave Creek that is bringing revenue, sales tax, into town, maybe we ought to study that community. If it's Gilbert, if it's wherever. And I don't know if that that is to be borne by Planning and Zoning or economic development or the council. But I think it would be a good a good idea. As Crystal Cavanaugh said, as Larry Meyers said, to have a vision, to have a goal. And maybe it isn't based on, you know, apartments. Maybe it's based on another factor that might bring revenue, that's our goal, downtown. That's my thought on it.

SVEUM: So thanks. So as I've been contemplating my opinion and my philosophy, I've been talking with nonprofit development opportunities either through ASU or ULI. ULI reminded me that there was, back in 2010, a community -- Larry Meyers, you were probably on the involved in all of this. It came up with ten recommendations from the Fountain Hills, AZ tap. Not the tap house, but the tap and it's I don't know where it's lost somewhere. This is probably one of -- probably maybe there's several of these that have gone on over the years.

But I think there needs to be some design work and collaborative effort with the People

living here, live downtown, don't live downtown, to have some input and be dedicated to look into this carefully. And if it -- if it is something that's of interest to the town, then to be involved in making sure that it gets done, because a lot of these things do collect dust.

Let's face it. Market studies, I think it's important, but I've seen plenty of those over the years kind of sit on the shelf and really don't get executed. And that's the important part. We lose -- we lose that execution.

So whatever happens with this density issue, fine, but I think there's a -- I'm still going to try to reach out and find an outlet of some interest of those that might help with some design capabilities that -- for the town to consider. And if there's not support for it, there won't be support.

I wouldn't give -- I wouldn't give up on plat 208, I just wouldn't give up on it. I mean, that's it's such a vital part of the, the community in downtown. There's got to be something that at some point in time that will click with at least two thirds of the owners, maybe not, but I think it's important enough to continue to look into, again, whether this density issue goes through tonight. If it's that important, maybe you ought to try to vote on it, I guess.

CHAIR KOVACEVIC: Well, I think that's our mission tonight, is it not? I mean, it's strictly to consider the density to send back to Council, correct?

WESLEY: Yes, chair. That's the direction that Council has asked for your input on.

CHAIR KOVACEVIC: Yeah. So we're not reconsidering the overlay, reconsidering any of the language, we're strictly considering density.

WESLEY: Correct.

CHAIR KOVACEVIC: And staff's recommendation is 35 units an acre for the -- for the lots and but in a -- yeah, 15 units an acre for an entire block.

WESLEY: Correct.

CHAIR KOVACEVIC: Okay. So Commissioners, anybody want to make a motion, make a recommendation to anybody? Any debate on what the number should be?

PROCTOR: Are you looking at my direction for some? Yeah. I will make a motion before

I make a motion. I share Phil's and -- concerns -- the speakers. What's frustrating to me is there's so much potential, but we don't have a roadmap on how to get there. Now, I'll fall back on, you know, a pet thing that I love, a performing arts center. We need something like Ms. Cavanaugh said, we have the Discovery Center that's going to bring all kinds of people in. School groups. We need another hook to bring people in. Once you have those hooks, you're going to have requirements for housing, and then we can approach it that way.

But we need another hook, like the Discovery Center Performing arts center, maybe one -- STEM research educational center that goes alongside of the Discovery Center, where we have nothing but STEM education. Could be another hook where we bring people in. But just nibbling around the edges, like, I feel like we're doing tonight is kind of frustrating.

But with that said I'll move that. We recommend adoption of ordinance 2602.

CHAIR KOVACEVIC: Okay. We have a motion. Do we have a second?

MCDERMOTT: I'll second it.

CHAIR KOVACEVIC: Any further discussion?

Paula, can we have a roll call?

WOODWARD: Commissioner Proctor?

PROCTOR: Yes.

WOODWARD: Commissioner Sveum.

SVEUM: No.

WOODWARD: Commissioner Schlossberg.

SCHLOSSBERG: No.

WOODWARD: Commissioner Corrigan.

CORRIGAN: Permission to explain my vote, Chair.

CHAIR KOVACEVIC: Go ahead.

CORRIGAN: First of all, I don't think basing our downtown development on the number of lots -- per square footage, per capita use of apartments. I don't think that's the way to judge it. And I think we ought to reconsider this. I'm not going to say table the

motion, because it's too late for that. We have a we have a motion. We have a second. And I'm just forced to say no, I'm just going to vote no.

WOODWARD: Commissioner McDermott.

MCDERMOTT: No. No.

WOODWARD: Didn't you make a recommendation for approval?

MCDERMOTT: For the second? Yeah. So I have to go to the second, right? Right?

WOODWARD: Yeah. You can still vote no.

MCDERMOTT: Yeah, I vote no.

WOODWARD: Okay.

MCDERMOTT: Because the second -- or the second is --

WOODWARD: Sure.

WOODWARD: Chair Kovacevic.

CHAIR KOVACEVIC: Aye.

WOODWARD: Okay. We have two-four.

CHAIR KOVACEVIC: Okay. Thank you.

Director, if it's okay with you, I'd like to continue the remaining item on the agenda. So we can move to call to the public.

WESLEY: Okay.

CHAIR KOVACEVIC: Do we have any speaker cards for call to the public?

WOODWARD: No, Chair.

CHAIR KOVACEVIC: Commission discussion, direction to the director. Anybody have anything for John?

SCHLOSSBERG: I do.

Hey, John. We touched on this back in the -- I don't want to talk about signage ever again, but I kind of have to in this particular situation. But we talked about signage and enforcement of the signage, and I actually made the comment, we were talking about how many one and a half staff people there are to enforce it. And I said, well, I beg to differ because I don't think it's being enforced. And it really -- I know it's not being enforced. And I'm speaking from my office building, which is kind of maybe an outlier,

but we have signage which I know has not been approved through the town, that's up on the building, causing my building to look -- I mean, honestly, looks like the ghetto. And I've got some pictures that I can show you. So I'm just asking personally if we can get one of the code enforcement guys to slip by and say, either take it down or get it permitted. That's my request. Thanks.

CHAIR KOVACEVIC: Anything else for John?

Okay. Future agenda items.

WESLEY: So from the staff side, we'll have the discussion of the mural ordinance at your next meeting. Anticipating also that we would have a text amendment dealing with community residences on your next agenda. Are you aware of any others?

Oh, okay. Yes. We have an SOP also that we would expect to be on your next agenda. So we do have another busy meeting for you next month, it looks like.

CHAIR KOVACEVIC: I'll take a motion to adjourn.

PROCTOR: So moved.

SVEUM: Second.

CHAIR KOVACEVIC: All in favor?

ALL: Aye.

CHAIR KOVACEVIC: Six-zero.

Having no further business, Chair Kovacevic adjourned the Regular Meeting of the Planning and Zoning Commission held on March 9, 2026, at 8:32 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 9th of March 2026. I further certify that the meeting was duly called and that a quorum was present.

DATED this 13th Day of April 2026.



Paula Woodward, Executive Assistant

