



NOTICE OF REGULAR MEETING OF THE TOWN COUNCIL

Mayor Gerry M. Friedel

Vice Mayor Gayle Earle

Councilmember Brenda J. Kalivianakis

Councilmember Hannah Larrabee

Councilmember Peggy McMahon

Councilmember Allen Skillicorn

Councilmember Rick Watts

TIME: 5:30 PM - REGULAR MEETING
DOORS OPEN 15 MINUTES PRIOR TO THE START OF THE MEETING
WHEN: TUESDAY, APRIL 21, 2026
WHERE: FOUNTAIN HILLS COUNCIL CHAMBERS
16705 E. AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, ARIZONA

Councilmembers of the Town of Fountain Hills will attend either in person or by telephone conference call; a quorum of the Town's various Commission, Committee or Board members may be in attendance at the Council meeting.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

PARTICIPATION IN PUBLIC MEETINGS

Request to Comment Cards

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

Agenda Items (Consent or Regular)

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

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

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

Speaking Rules

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

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

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Town Council, and to the general public, that at this meeting, the Town Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the Town's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. INVOCATION

- a. Provided by: Vicky Derksen

3. ROLL CALL

4. STATEMENT OF PARTICIPATION

Anyone wishing to address the Council 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 Town Clerk prior to the start of the meeting. Once the meeting has started, late requests to speak cannot be accepted. When your name is called, please approach the podium, speak into the microphone, and state your name and if you are a resident for the public record. Comments may not exceed three minutes. It is the policy of the Mayor and Council not to comment on items brought forth under "Call to the Public." However, staff can be directed to report back to the Council at a future date or to schedule items raised for a future Council agenda. To avoid disruption of the meeting, to maintain decorum, and provide for an equal and uninterrupted presentation, applause is not permitted, except during Proclamations, Awards, and Recognitions. All meeting participants must maintain proper decorum as specified in Section 6 of the Council Rules of Procedure.

5. SUMMARY OF CURRENT EVENTS BY TOWN MANAGER

6. PRESENTATIONS

- a. **PRESENTATION:** Community Services Capital Improvement Plan Update FY26
- b. **PRESENTATION:** Public Works Capital Improvement Projects Update FY26
- c. **PRESENTATION:** Public Works Update

7. PROCLAMATIONS, AWARDS, AND RECOGNITIONS

- a. **RECOGNITION:** Mayor's Business Spotlight: Saddle Bronc Grill
- b. **RECOGNITION:** Mayor's Veteran of the Month - YN3 Sanford "Sandy" Borken, USN (Ret)

8. CONSENT AGENDA

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

- a. **CONSIDERATION AND POSSIBLE ACTION:** Approving Resolution 2026-13, renewing the Intergovernmental Agreement with Maricopa County Superior Court to coordinate Jury Services for Fountain Hills Municipal Court.
- b. **CONSIDERATION AND POSSIBLE ACTION:** Approving a request from Turf Paradise to operate Off-track Parimutuel Wagering (Off-Track Betting) at Parkview Tap House, located at 16828 E Parkview Ave, Fountain Hills, AZ 85268

9. REGULAR AGENDA

- a. **CONSIDERATION AND POSSIBLE ACTION:** Approval of Council Subcommittee B's recommendation to appoint two (2) members to the Planning & Zoning Commission for full three-year terms (May 1, 2026 – April 30, 2029).
- b. **CONSIDERATION AND POSSIBLE ACTION:** Approval of Council Subcommittee A's recommendation to reappoint a member to the Community Services Advisory Commission for full three-year terms (May 1, 2026 – April 30, 2029).
- c. **CONSIDERATION AND POSSIBLE ACTION:** Approval of Council Subcommittee A's recommendation to appoint three (3) members to the Strategic Planning Advisory Commission for full three-year terms (May 1, 2026 – April 30, 2029).
- d. **PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION:** Regarding the REZONE of approximately 20 acres located approximately 600-feet south of the southeast corner of Golden Eagle Blvd. and Nyack Drive (APN 176-21-181) from R1-35 (35,000 sq. ft. lot size minimum) to R1-10A (10,000 sq. ft. lot size minimum) to allow development of 25 single-family residential lots.
- e. **PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION:** Relating to Ordinance 26-02, amending Zoning Ordinance Chapter 27, Downtown Overlay, Section 27.02 A. regarding permitted density for residential development.
- f. **PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION:** Relating to Ordinance 26-08, rezoning the area bounded by La Montana Dr., Saguaro Boulevard, and Avenue of the Fountains, to adopt the Downtown Overlay District and to remove the existing Entertainment and Planned Shopping Plaza Overlay Districts to the area bounded by La Montana Drive, Palisades Boulevard, Saguaro Boulevard, and Avenue of the Fountains.
- g. **CONSIDERATION AND POSSIBLE ACTION:** Related to any item included in the Arizona Cities and Town's Weekly Legislative Bulletin or relating to any action proposed or pending before the State Legislature.

10. CALL TO THE PUBLIC

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

11. COUNCIL DISCUSSION/DIRECTION TO THE TOWN MANAGER

Members of the Council may (1) request the Town Manager follow-up on matters raised at that meeting; (2) request one two-minute response to directed criticism raised any portion of the meeting; (3) a consensus of the Council may request the Town Manager to research a matter and report back to the Council.

12. FUTURE AGENDA ITEMS

13. ADJOURNMENT

Dated this 16th day of April, 2026.



Bevelyn J. Bender, Town Clerk

The Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call (480) 816-5100 (voice) or AZRelay 7-1-1 the Thursday prior to the meeting to request reasonable accommodation.

FY26 Capital Projects Update

Presented by

Kevin Snipes, Community Services Director



**FOUNTAIN
HILLS**

Golden Eagle Park Playground Replacement

Complete, Carry Over from Last Year



Budgeted	\$150,000
Expended	\$152,555
Over Budget	\$ -2,555



Avenue Linear Park Improvements (Multi-Year 2 of 3)

Complete

Budgeted	\$200,000
Expended	\$193,305
Remaining Budget	\$ 6,695



COMMUNITY CENTER LIGHTING AND FANS



BEFORE



AFTER



AFTER



COMMUNITY CENTER DIVIDER WALLS, BLINDS, LIGHTING AND FANS

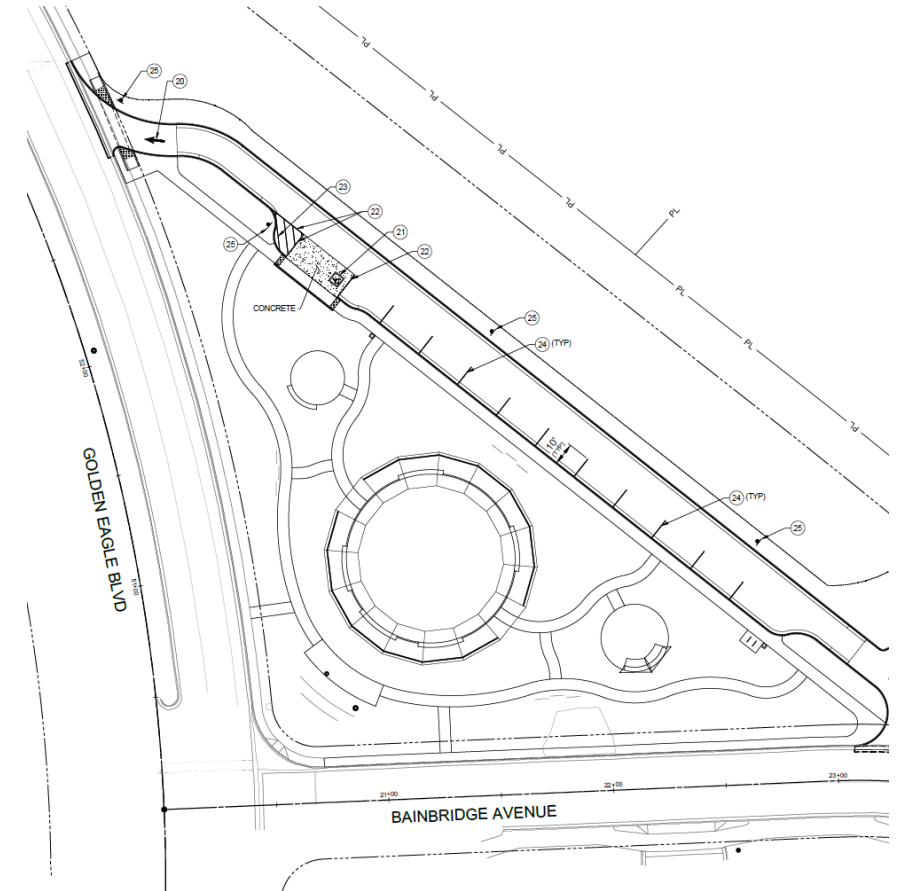
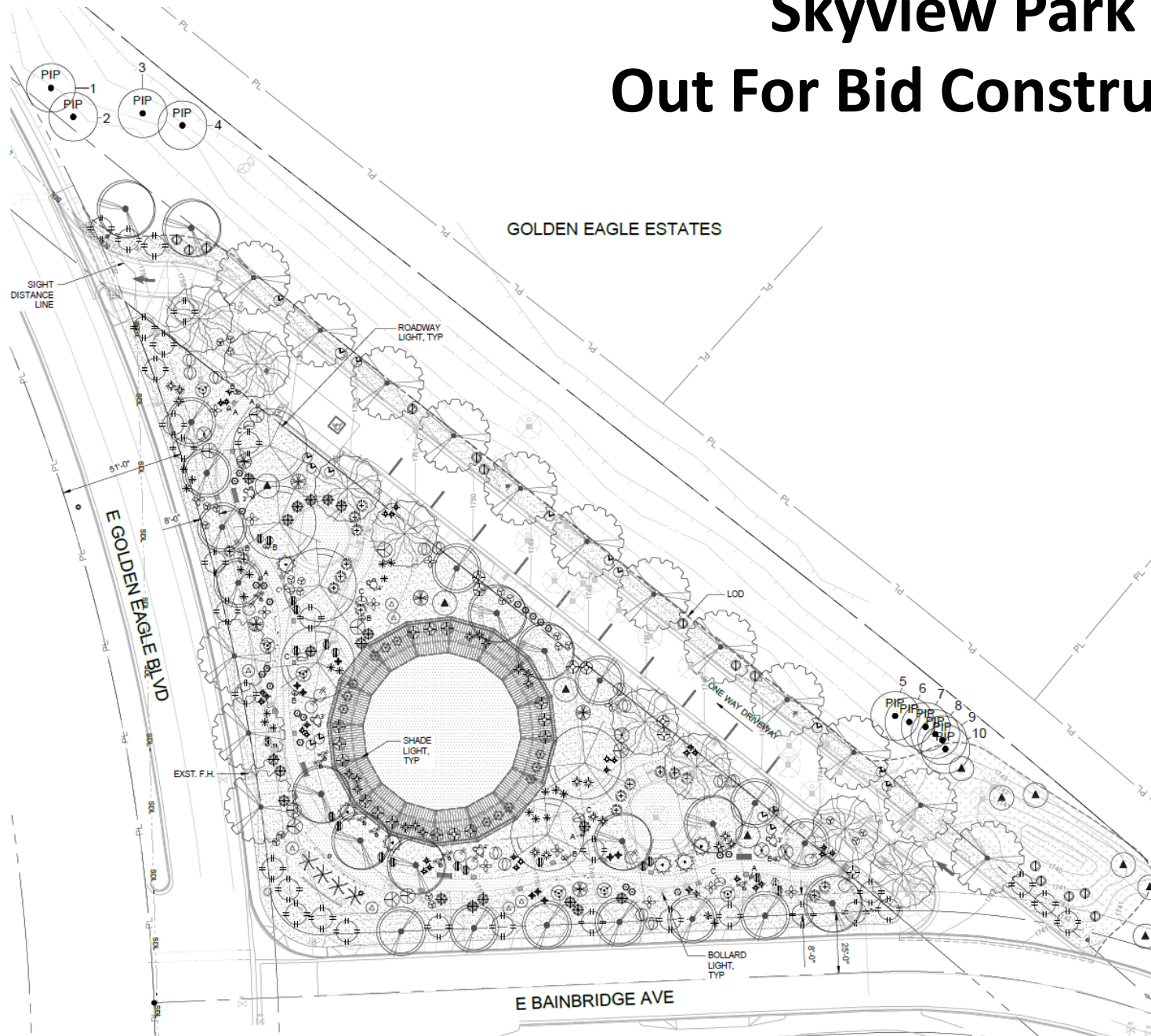


Budgeted	\$550,000
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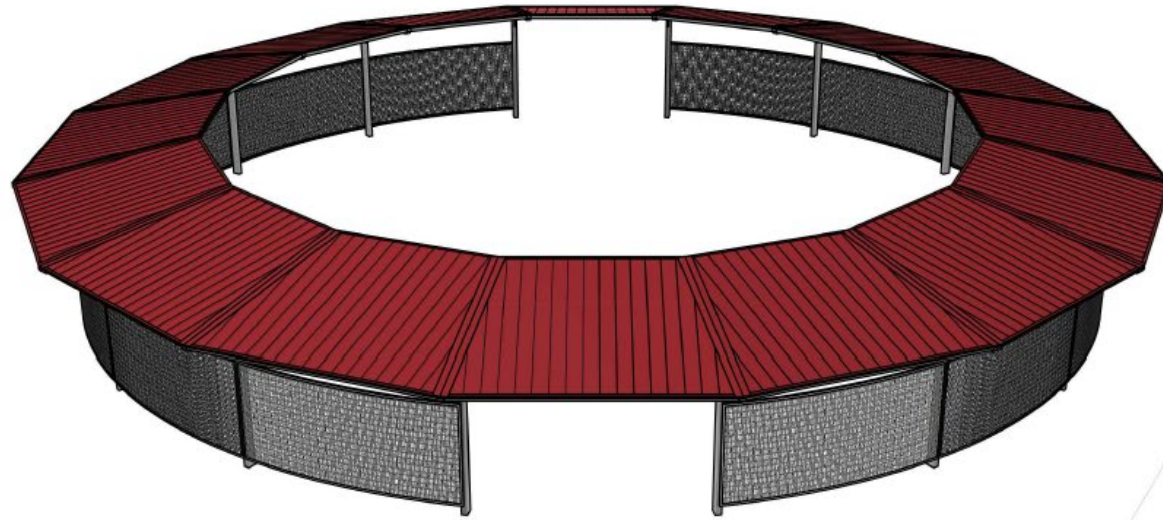
Ceiling Fans	\$49,100
Motorized Roller Blinds	\$46,500
Light Fixtures in the Lobby	\$115,203
Divider Walls in the Ballrooms	\$332,873

Expended	\$543,676
Under Budget	\$6,324

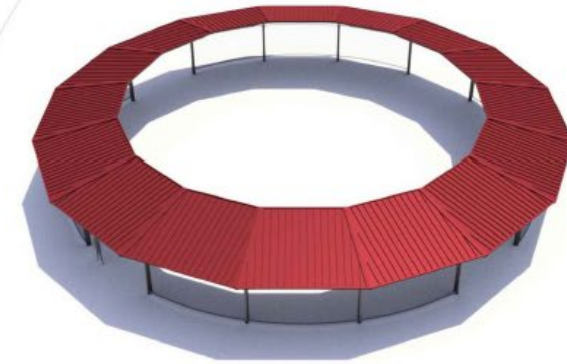
Skyview Park Out For Bid Construction



Skyview Park



STRUCTURE REPRESENTATION
NOT FOR CONSTRUCTION



RENDER NOT TO SCALE
NOT FOR CONSTRUCTION



Development Fees

Budgeted \$700,000

Expended For Design \$36,348



Centennial Pavilion Shade Lighting

- Budgeted \$50,000
 - Encumbered \$40,213
- Budget Remaining \$ 9,787



Fountain Park Ramada Replacement Out for Bid



**FOUNTAIN
HILLS**



Fountain Park Splash Pad Shade Lighting- Met with vendor design In Process

Budgeted \$50,000 Expended \$0

Desert Vista Dog Park Improvements- Work to begin end of May-June

Budgeted \$50,000 Expended \$0

Desert Vista Pumphouse and Four Peaks Electrical Room Design-

Met with contractor and working on design/build to save 100,000 design

Budgeted \$50,000 Each Expended \$0



**FOUNTAIN
HILLS**

Questions



**FOUNTAIN
HILLS**



FY26 Public Works Capital Projects Update

Presented by

Justin T. Weldy, Public Works Director

Town Council Meeting
April 21, 2026



**FOUNTAIN
HILLS**

Public Works FY 2026 Capital Projects



S6058 – Shea Boulevard Widening

South Side Between Palisades Blvd & FHBLVD

State Funding (Prop 400)



UNDER CONSTRUCTION

FY26 Budget	\$3,525,000
Expended	\$170,371.35
Available	\$3,354,628.65

Development Fee Eligible

MAG Grant	\$2,100,000
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S7003 – Palomino Boulevard Full Depth Pavement Reconstruction



Budgeted - \$5,400,000.00

Construction bid - \$3,176,633.92

Expended - \$ 1,304,057.59

Budget Available - \$4,095,942.41



Pedestrian Marked Crosswalks/Sidewalk Infill – Town-Wide

Crosswalk Locations Completed in FY26:

- El Lago Mid-Block Crossing (between Saguaro & La Montana)
- Golden Eagle Blvd & Brittlebush Dr
- La Montana Dr & Cambria Dr
- La Montana & Hamilton Dr



S7002 - Crosswalks

Budgeted: \$152,900.00

Expended: \$140,803.77

Encumbered: \$12,096.23

(Saguaro & Monterey)

Budget Available: \$0



Sidewalk Infill Completed in FY26:

- La Montana between Hamilton Dr and Saguaro Blvd
- Sidewalk on Hamilton Dr

S6061 - Sidewalks

Budgeted: \$325,000.00

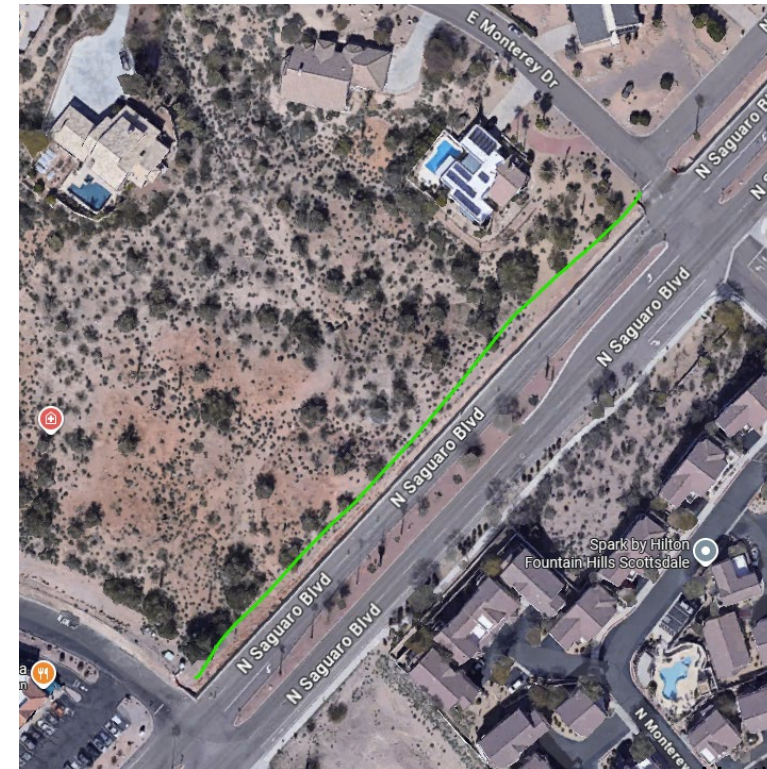
Expended: \$237,261.66

Encumbered: \$54,230.72

(Saguaro & Monterey)

Budget Available:

\$33,507.62



FOUNTAIN

S6068 – Town wide Guardrail replacement



Budgeted: \$50,000

Expended: \$14,261

**Encumbered: \$29,140
(for Palisades Blvd)**

Budget Available: \$6,599

Guardrail Locations Completed in FY26:

- McDowell Mountain Road – Milepost 2



S6059 - Wayfinding Signs

V12 Vehicular Directional Secondary Signs



Note: Sign placement shown is for presentation purposes only. NTS. Site survey required prior to any production.

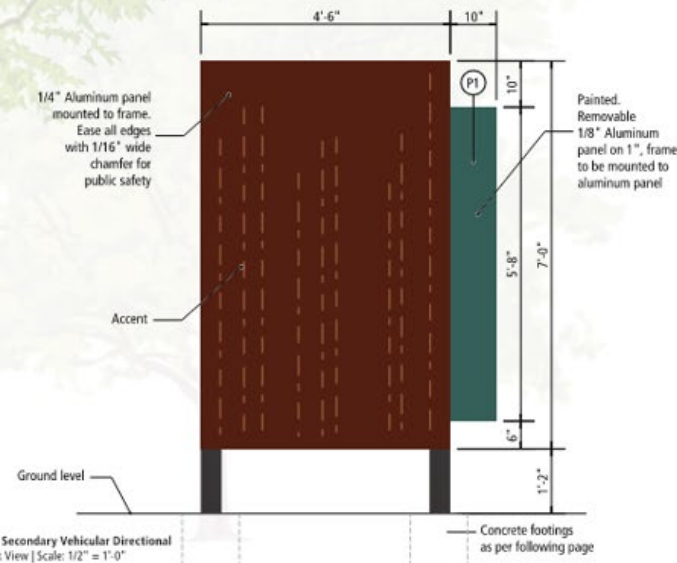
Budgeted: \$88,194
Expended: 54,704.31
Encumbered: \$33,263.50

Budget Available: \$226.19

Manufacture and Install SIXTEEN (16)
Single Faced Non-Illuminated
Secondary, Post 'n Panel Directional Signs



V12 Secondary Vehicular Directional
Elevation | Scale: 1/2" = 1'-0"



V12 Secondary Vehicular Directional
Back View | Scale: 1/2" = 1'-0"

Installation Nearly Complete



D6057 - Golden Eagle Impoundment Area - Phase 2 (Golden Eagle Dam Improvements Only)



Design almost complete – Coord. with ADEQ

Construction anticipated for FY27
75% Grant Funded from Flood Control
District of Maricopa County for Construction

Budgeted (FY26): \$300,000.00

Expended: \$291,2333.55

FY26 Budget Available: \$8,766.45



D6060 – Stormwater Infrastructure Rehabilitation

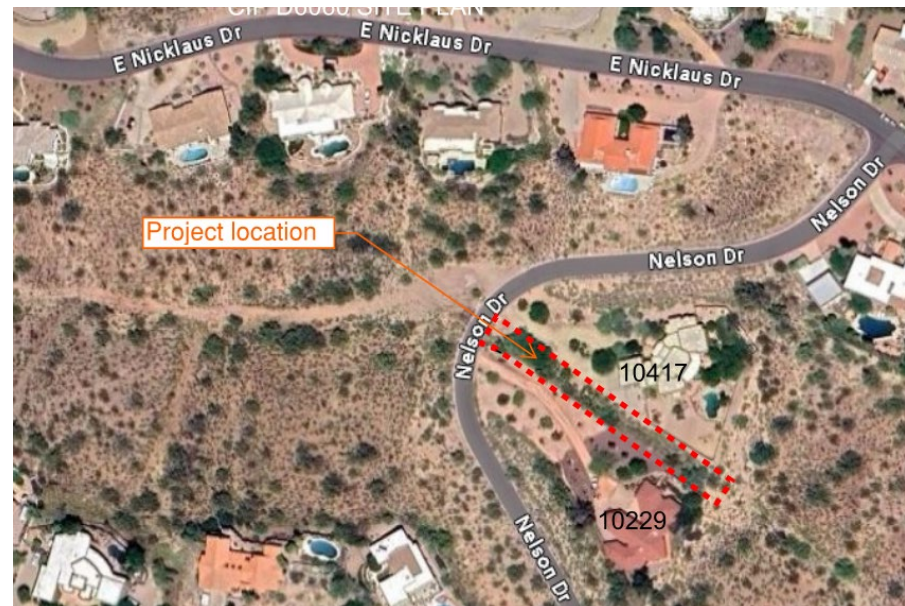


Projects Completed in FY26 – Wendover Court Spillway

Currently Underway – Nelson Drainage Channel

Budgeted: \$150,360.00

Expended: \$150,354.59



**FOUNTAIN
HILLS**

E-8506 - Downtown Streetscape Improvements – Phase I (Verde River Dr and Parkview Ave)

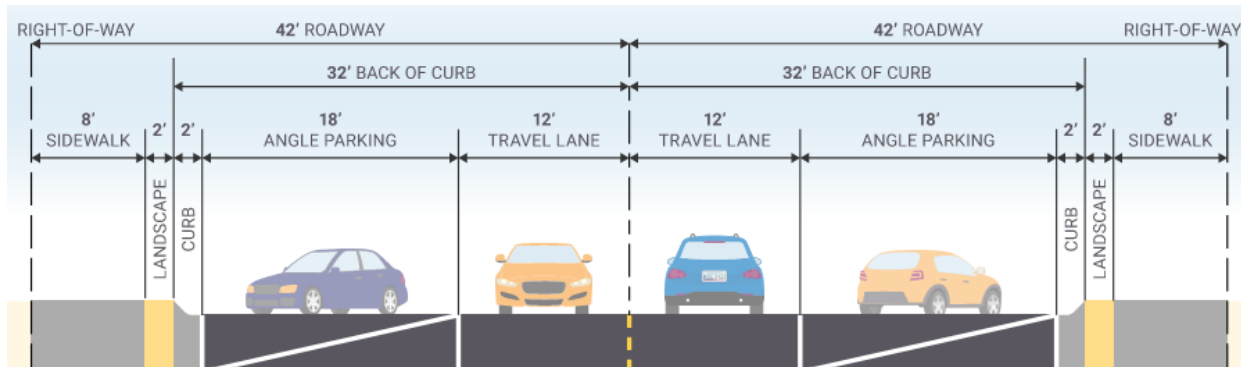
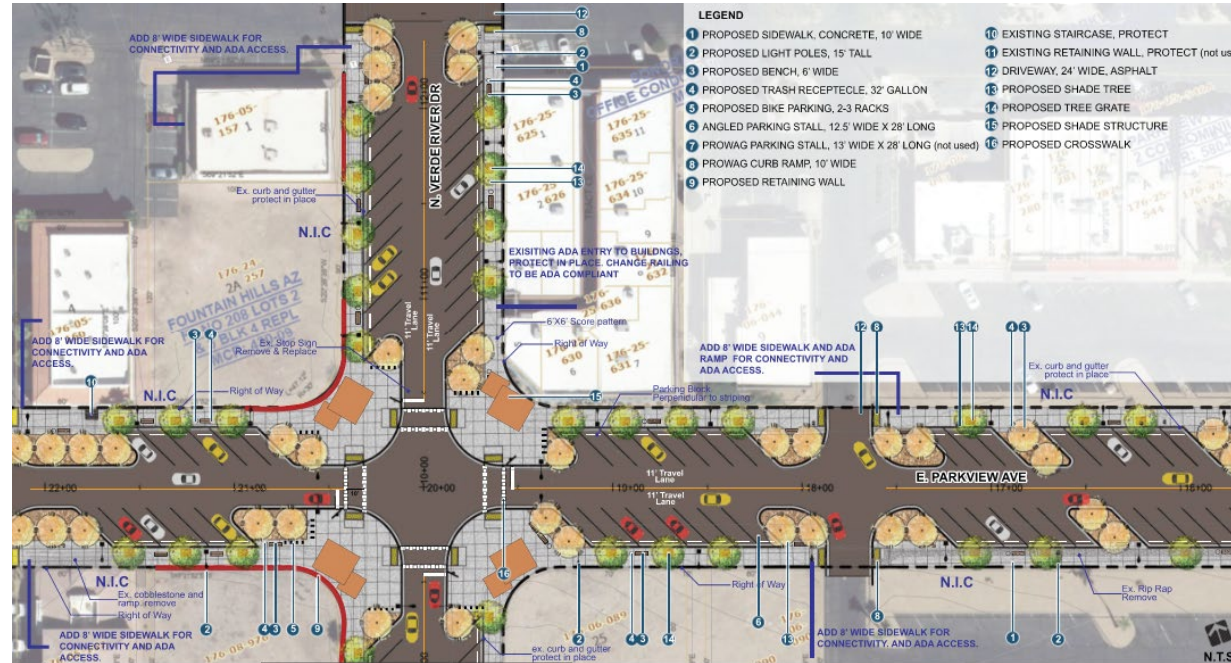


MAG Design Assistance Grant
Work Completed in September 2025
(15% Plan and Project Assessment Report)

Public Meeting Held – April 9, 2026
Design of Verde River & Parkview Underway –
30% Completion by June

Budgeted: \$515,000
Expended: \$88,529.29
Encumbered: \$407,908.40

Budget Available: \$18,562.31



Questions



**FOUNTAIN
HILLS**



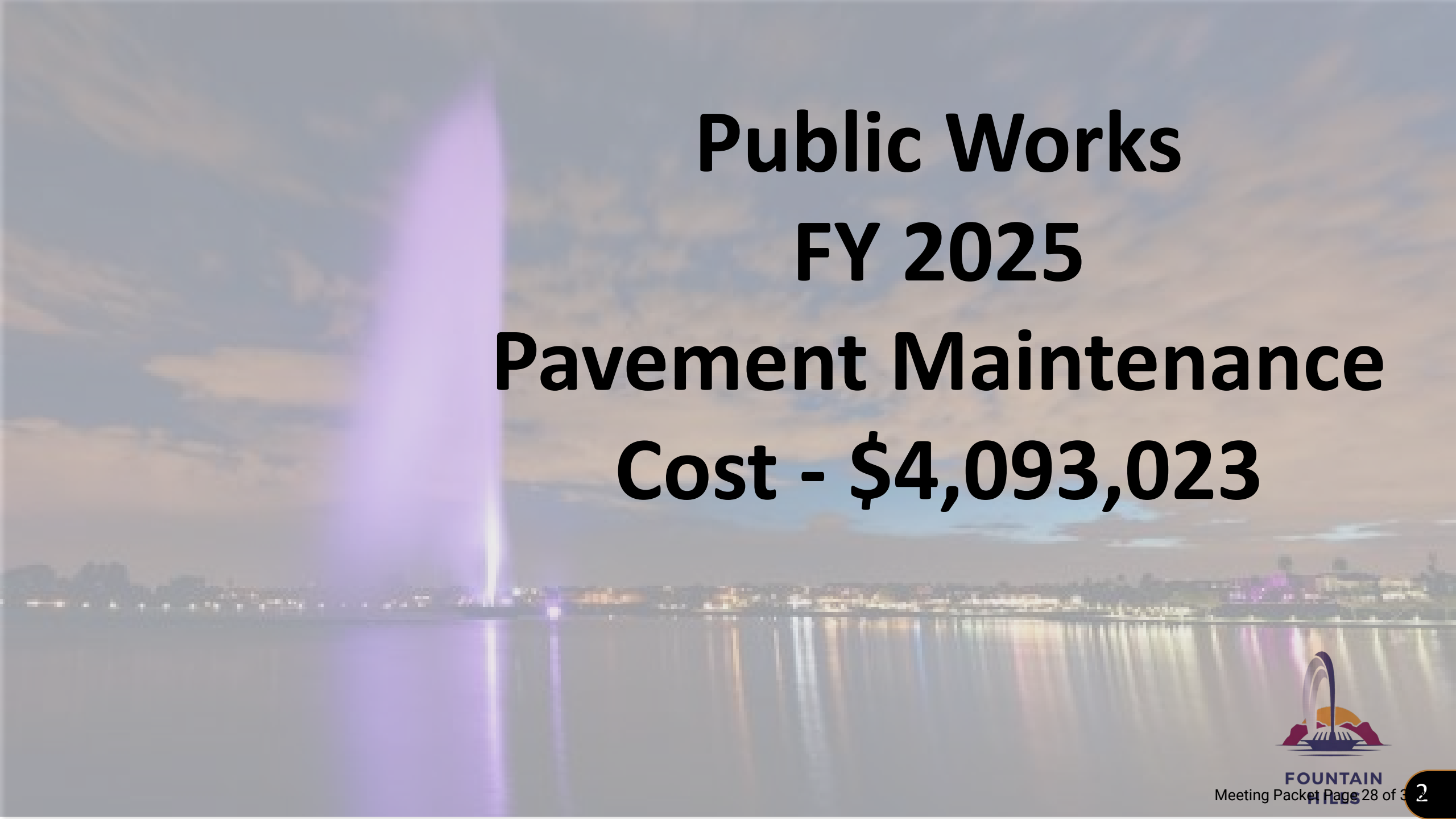
FY26 Public Works Update

Presented by
Justin T. Weldy, Public Works Director

Town Council Meeting
April 21, 2026



**FOUNTAIN
HILLS**



Public Works FY 2025 Pavement Maintenance Cost - \$4,093,023



Pavement Maintenance



FY26 Mill & Pave

In FY26, the Town will be spending \$3,919,830 on asphalt milling and paving of streets

Completed: 0.35 Lane Miles

Cardinal Ct

Bumblebee/Scorpion

Underway/to be completed: 8.92 Lane Miles

Richwood, Indian Wells, Kim Dr, Rand Dr, Nicklaus Dr, Thistle, Kingstree, Eagle & Niblick, Mangrum, Twin Deer Run & Several Alleys



Pavement Maintenance



FY26 Crackseal & PMRE

83,580 lb of Crackseal/PMRE treatment was applied at various locations throughout Town

Expended - \$173,192.65

Street Department



After hours calls for service



Staff responded to
138.5 hours of
emergency call outs



Pothole Repair

- Street Department Staff and contractors placed 24 tons of cold patch asphalt, repairing hundreds of potholes Townwide.
- Hot patch pothole repair was performed by a contract crew at:
 - Fountain Hills Blvd – Palisades Blvd to Glenbrook Blvd
 - Palisades Blvd – Saguaro Blvd to La Montana Dr



Saguaro Blvd Tree Planting

- 45 new trees were planted on Saguaro Blvd between Kingstree Blvd and Panorama Blvd



Non-Ferrous & Ferrous Metals Collection & Recycling

- Non-ferrous - These metals include aluminum, copper, nickel, lead, tin, and zinc
- Ferrous metals - Most common ferrous metals are steel, alloy steel, cast iron, and wrought iron

The Street Department collects and sells on average 2,500 lbs a month

The funds (\$500.00) is deposited into the Streets Fund for sign replacement



Facilities Division



F4045 – Replacement of Chiller #3



Chiller installed: December, 2025

FY26 Budget: \$251,377.50

Expended: \$240,225.00

Encumbered: \$7,975

Budget Available: \$3,177.50



Facilities Updates

Recently Completed Projects:

- Charge Point- Credit Card Terminal replaced
- Insulated Chilled Water Pump #5
- Garage doors Range Extender at FS1 completed
- FS1 & FS2 garage doors annual maintenance completed
- FS1 Roof top HVAC replacement completed
- Installed new motor and controller at Community Center front door
- Fire alarm & sprinkler annuals completed



Shredding Event is scheduled for April 18th



**FOUNTAIN
HILLS**

Environmental Programs

- Household Hazardous Waste Collection Event – Saturday, Nov 8, 2025



Free Residential Household Hazardous Waste Collection

16100 E. Palisades Blvd., Fountain Hills, AZ 85268
8 a.m. – 12 p.m. | November 8, 2025

Visit the no-charge household hazardous waste (HHW) event for residents of Fountain Hills. **Please bring proper identification for proof of residency.**

✓ ACCEPTABLE ITEMS

- Aerosol cans
- Automotive fluids - motor oil, transmission fluid, antifreeze, brake fluid, windshield washer fluid
- Auto and light truck tires off the rim (residents are responsible for placement of tires into the roll-off dumpster)
- Batteries - lithium, NiCad, NiMH, lead-acid, alkaline
- Cooking oil
- Light bulbs - including compact fluorescent bulbs (CFLs), fluorescent tubes, LED bulbs and incandescent bulbs
- Fertilizer
- Gasoline, kerosene and diesel
- Hobby and photographic chemicals
- Household cleaners
- Mercury
- Outdated medication - does not include controlled substances
- Paint products - latex, oil-based, alkyd and bases, paint thinners (Limit 20 gal) No commercial use paint/ or contractors
- Pesticides, herbicides and weed killer
- Pool chemicals
- Road flares
- Water sealers
- Any other household product labeled CAUTION, WARNING, DANGER, POISON, TOXIC, FLAMMABLE, COMBUSTIBLE or CORROSIVE

✗ UNACCEPTABLE ITEMS

- Ammunition, explosives and fireworks
- Appliances
- Commercial tires
- Commercial waste
- Documents for shredding
- Electronics
- Furniture
- Industrial waste
- Sharps or biomedical waste - blood, needles and bodily fluids
- Radioactive waste
- Research and university waste



Sustainability in Action

©2025 Republic Services, Inc.

Collected:

97 lb Lithium Ion Batteries

3,778 lb batteries

267 lb Bulbs

800 lb oil

14,250 lb paint

900 lb flammable aerosols

1,225 lb pesticides

825 lb of gasoline

1,500 lb various chemicals

92 lb propane



Environmental Programs

Electronic Recycling Collection Event – Scheduled for Saturday, April 11, 2025



Last year, collected:
10,620 pounds (5tons) of
electronics on 19 pallets.



Questions



**FOUNTAIN
HILLS**





TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 4/21/2026
Meeting Type: Town Council Regular Meeting
Submitting Department: Municipal Court
Prepared by: Joanna Elliott, Court Administrator
Staff Contact Information: Phone: 480-816-5121
Email: jelliott@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

CONSIDERATION AND POSSIBLE ACTION: Approving Resolution 2026-13, renewing the Intergovernmental Agreement with Maricopa County Superior Court to coordinate Jury Services for Fountain Hills Municipal Court.

Staff Summary (background)

The IGA between Fountain Hills Municipal Court and Maricopa County Superior Court has been in place for many years to facilitate consistent and lawfully appropriate jury services.

The Jury office provides services such as jury summoning, jury coordination in the event of postponement or an excusat, and maintaining the jurors' information. Though Jury Trials are uncommon in Fountain Hills, the contract ensures the proper services are provided. The annual cost is \$300.00 and if a Jury Trial does happen, the cost to summons Jurors' is placed on the defendant.

Related Ordinance, Policy or Guiding Principle

Please see attached Resolution 2024-21 for background information on IGA.

Risk Analysis

N/A

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

N/A

Staff Recommendation(s)

Staff recommends approval of the IGA with Maricopa County Superior Court.

Suggested Motion

MOVE TO APPROVE Resolution 2026-13

FISCAL IMPACT

Fiscal Impact: N/A

Budget Reference: N/A

Funding Source: N/A

ATTACHMENTS

- | | |
|----|----------------------------------|
| 1. | Town of Fountain Hills Renewal_2 |
| 2. | Resolution 2026-13 final |
| 3. | Res 2024-21 |

**AMENDMENT
TO INTERGOVERNMENTAL AGREEMENT
FOR JURY SERVICES**

On or about June 12, 2024, the Town of Fountain Hills, Town of Fountain Hills Municipal Court, and the Superior Court of Arizona in Maricopa County entered into an intergovernmental agreement for Jury Services (“IGA”). The initial term of the agreement is through June 30, 2026.

The Town of Fountain Hills Municipal Court and the Superior Court of Arizona in Maricopa County agreed to amend paragraph 6 of the IGA as follows, with the additional term in capital letters:

If the Town of Fountain Hills Municipal Court requires any virtual private network (VPN) services (also known as RAS accounts), the Town of Fountain Hills Municipal Court shall be charged a set up charge of \$50.00 per user, and a monthly charge of \$8.00 per user. The fee for services rendered by Superior Court to the Town of Fountain Hills Municipal Court shall be payable on or after July 1st, within 30 days of receipt of billing, for services rendered during the previous 12-month period. Each party will establish and maintain its own budget according to its established rules and procedures.

This Amendment renews the Jury Services IGA for the Town of Fountain Hills Municipal Court for an additional two-year term, from July 1, 2026, through June 30, 2028, with the terms and conditions of the IGA entered on or about June 12, 2024.

Also in accordance with Paragraph 4 of the IGA, the Superior Court may increase the cost per summons at the time of renewal to reflect an increase in actual costs. Effective July 1, 2027, the cost per summons will be \$4.35. All other costs shall remain the same.

All other provisions of the IGA shall remain in their entirety.

In witness whereof, the parties hereto have executed this Amendment on the date written below:

Honorable Pamela S. Gates
Presiding Judge
Superior Court of Arizona
in Maricopa County

Date

Presiding Judge
Fountain Hills Municipal Court

Date

IN ACCORDANCE WITH A.R.S §11-592, THIS CONTRACT HAS BEEN REVIEWED BY THE UNDERSIGNED WHO HAVE DETERMINED THAT THIS CONTRACT IS IN APPROPRIATE FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO EACH RESPECTIVE PUBLIC BODY.

ARIZONA ATTORNEY GENERAL'S OFFICE

TOWN ATTORNEY

Assistant Attorney General

Town Attorney

Date

Date

ATTEST

Town Clerk, Fountain Hills

Date

RESOLUTION NO. 2026-13

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, MARICOPA COUNTY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA ON BEHALF OF THE SUPERIOR COURT OF ARIZONA, IN AND FOR THE COUNTY OF MARICOPA (“SUPERIOR COURT”)

WHEREAS, *the Town desires to coordinate with the Superior Court to coordinate certain jury services for the Town of Fountain Hills Municipal Court; and*

WHEREAS, *the Town and Municipal Court have historically entered into this relationship; and*

WHEREAS, *the County of Maricopa, through its Superior Court, has the recourse and ability to provide such services.*

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

SECTION 1. *That the Town, through its Mayor and Council, hereby approves the Intergovernmental Agreement (“the Agreement”), in substantially the form attached hereto as Exhibit A.*

SECTION 2. *Pursuant to the terms of the Agreement, the Town hereby authorizes the expenditure of \$300 per year, and a cumulative total of not more than \$500. And XX/100 (\$500).*

SECTION 3. **July 1, 2026**

This resolution shall become effective thirty (30) days after its passage and adoption by the Town Council of the Town of Fountain Hills, Arizona, and its approval by the Mayor and attestation by the Town Clerk.

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

FOR THE TOWN OF FOUNTAIN HILLS: ATTESTED TO:

Mayor

Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Town Manager

Town Attorney

CERTIFICATION [INSERT WHEN NECESSARY]

I, Bev Bender the duly appointed Clerk of the Town of Fountain Hills, Arizona, do hereby certify that the above and foregoing Resolution No. _____ was duly passed by the Mayor and the Council of the Town of Fountain Hills, Arizona, at a [INSERT TYPE OF MEETING] held on [INSERT DATE OF MEETING], and the roll call of the vote thereon was _____ Ayes, _____ Nays, and that the Mayor and _____ Councilmembers were present thereat.

Bev Bender, Town Clerk
Town of Fountain Hills

**EXHIBIT A
TO
RESOLUTION NO. 2026-13**

**AMENDMENT
TO INTERGOVERNMENTAL AGREEMENT FOR
JURY SERVICES**

On or about June 12, 2024, the Town of Fountain Hills, Town of Fountain Hills Municipal Court, and the Superior Court of Arizona in Maricopa County entered into an intergovernmental agreement for Jury Services ("IGA"). approved by the Town Council as Resolution 2024-21

The Town of Fountain Hills Municipal Court and the Superior Court of Arizona in Maricopa County agreed to amend paragraph 6 of the IGA to replace in totality subsection B, item (iii) as follows:

iii. If the Town of Fountain Hills Municipal Court requires any virtual private network (VPN) services (also known as RAS accounts), the Town of Fountain Hills Municipal Court shall be charged a set up charge of \$50.00 per user, and a monthly charge of \$8.00 per user. The fee for services rendered by Superior Court to the Town of Fountain Hills Municipal Court shall be payable on or after July 1st, within 30 days of receipt of billing, for services rendered during the previous 12-month period. Each party will establish and maintain its own budget according to its established rules and procedures.

This Amendment renews the Jury Services IGA for the Town of Fountain Hills Municipal Court for an additional two-year term, from July 1, 2026, through June 30, 2028, with the terms and conditions of the IGA entered on or about June 12, 2024.

In accordance with Paragraph 4 of the IGA, the Superior Court may increase the cost per summons at the time of renewal to reflect an increase in actual costs. Effective July 1, 2027, the cost per summons will be \$4.35. All other costs shall remain the same. As such, paragraph 6, subsection B, item (i) is amended as follows:

- i. A fee of \$4.35 for each summons printed and mailed by the Superior Court on behalf of the Municipal Court.

All other provisions of the IGA shall remain in their entirety.

In witness whereof, the parties hereto have executed this Amendment on the date written below:

Honorable Pamela S.
Gates Presiding Judge

Superior Court of Arizona
in Maricopa County

Date

Presiding Judge

Town of Fountain Hills Court

Date

RESOLUTION NO. 2026-13

IN ACCORDANCE WITH A.R.S §11-592, THIS CONTRACT HAS BEEN REVIEWED BY THE UNDERSIGNED WHO HAVE DETERMINED THAT THIS CONTRACT IS IN APPROPRIATE FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO EACH RESPECTIVE PUBLIC BODY.

ARIZONA ATTORNEY GENERAL'S OFFICE

TOWN ATTORNEY

Assistant Attorney General

Town Attorney

Date

Date

ATTEST

Town Clerk, Fountain Hills Town Clerk

Date

RESOLUTION NO. 2024-21

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF FOUNTAIN HILLS, MARICOPA COUNTY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA ON BEHALF OF THE SUPERIOR COURT OF ARIZONA, IN AND FOR THE COUNTY OF MARICOPA ("SUPERIOR COURT"),

WHEREAS, the Town desires to coordinate with the Superior Court to coordinate certain jury services for the Town of Fountain Hills municipal court; and

WHEREAS, the Town and municipal court have historically entered into this relationship; and

WHEREAS, the County of Maricopa, through its Superior Court, has the recourse and ability to provide such services.

BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. That the Town, through its Mayor and Council, hereby approves the Intergovernmental Agreement (the "Agreement"), in substantially the form attached hereto as Exhibit A.

SECTION 2. Pursuant to the terms of the Agreement, the Town hereby authorizes the expenditure of \$300 per year, and a cumulative total of not more than \$500 and XX/100 (\$500).

SECTION 3. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Resolution.

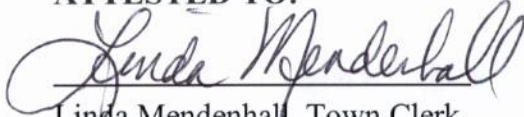
[Signatures on following page]

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Maricopa County, Arizona, this ____ day of ___, 2024.

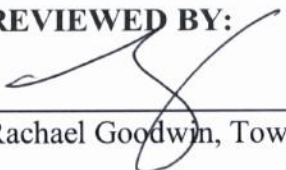
FOR THE TOWN OF FOUNTAIN HILLS:


Ginny Dickey, Mayor

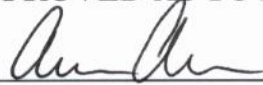
ATTESTED TO:


Linda Mendenhall, Town Clerk

REVIEWED BY:


Rachael Goodwin, Town Manager

APPROVED AS TO FORM:


Aaron D. Arnson, Town Attorney

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY
and
THE TOWN OF FOUNTAIN HILLS, ARIZONA

This Intergovernmental Agreement (“IGA” or “Agreement”), is entered into between the State of Arizona on behalf of the Superior Court of Arizona, in and for the County of Maricopa (“Superior Court”), and the Town of Fountain Hills, Arizona, a municipal corporation, on behalf of its municipal court (“Municipal Court”), for jury services. The Superior Court and the Municipal Court are sometimes collectively referred to, herein, as “parties” and sometimes individually as “party.”

1. RECITALS

WHEREAS, the Superior Court has historically offered certain jury services to certain municipal courts in Maricopa County; and

WHEREAS, Municipal Court desires to use the jury services offered by the Superior Court;

THEREFORE, in consideration of the mutual agreement expressed herein, the parties agree as follows:

2. PURPOSE

The purpose of this IGA is to provide jury services as specified herein.

3. AUTHORITY

The Superior Court has the duty and authority to summon jurors. A.R.S. § 21-301 *et seq.* The Municipal Court has the duty and authority to summon jurors. A.R.S. §§ 21-301 *et. seq.*, 22-401 *et. seq.* The parties are authorized to enter into this IGA pursuant to A.R.S. § 11-952(J).

4. TERM AND RENEWAL; TERMINATION

- A. This IGA shall be effective July 1, 2024, and shall expire June 30, 2026. The parties may renew this IGA in writing for four additional two-year terms, to expire no later than June 30, 2034. If the Municipal Court wishes to renew this IGA, it must notify the Superior Court at least ninety (90) days in advance of its expiration. If Town Council approval is required and has been obtained to enter into this IGA, renewal may be executed by the Municipal Presiding Judge or the Town Manager. The Municipal Court understands and

agrees that the Superior Court may increase the cost per summons or cost per compact disc ("CD") at the time of renewal to reflect an increase in actual costs.

- B. Either party may terminate this IGA for any reason upon thirty (30) days' written notice. Either party may terminate this IGA immediately if the other party materially breaches the IGA. Either party may terminate this IGA due to non-availability of funds, as stated in paragraph 17. Upon termination, all property used in performance of this IGA shall be returned to the party owning the property or entitled to possession.
- C. This IGA supersedes all prior agreements between the parties for jury services. Any amendments to this IGA must be in writing and signed by both parties.

5. DUTIES OF SUPERIOR COURT

- A. If the Municipal Court in paragraph 6, below, elects to have the Superior Court print and mail summons, the Superior Court shall do the following on behalf of the Municipal Court:
 - i. The Superior Court will print and mail a summons to potential jurors on behalf of the Municipal Court. The potential jurors will be selected to receive a summons from a master jury list in accordance with state law. *See* A.R.S. § 21-301 *et seq.* In addition to printing and mailing the summonses, the Superior Court will field phone calls about postponements, excuses, and disqualifications.
 - ii. The Superior Court shall include the phone number provided by the Municipal Court on all summonses for potential jurors issued a summons to call and listen to a recording and/or to inquire about whether they must report at the date and time specified in the summons. The Superior Court is not responsible for maintaining or staffing this phone line or recording.
 - iii. The Superior Court shall process the payment of jury fees and mileage reimbursements.
 - iv. The Superior Court is not responsible for setting up the Remote Access Services ("RAS") account or providing maintenance or services related to the RAS account. The RAS accounts and related maintenance or services are provided through the Office of Enterprise Technology ("OET").
- B. If the Municipal Court in paragraph 6, below, elects to have the Superior Court provide a CD with the names and addresses of potential jurors to whom the Municipal Court may issue its own summonses, the Superior Court shall provide a CD within ten (10) business days with one-hundred (100) such names. If the Municipal Court elects to have the Superior Court provide a CD, the CD is the only product or service provided by the Superior Court, and the Superior Court will not: print and mail the summonses; field phone calls about postponements, excuses, disqualifications; or process payment of jury fees and mileage reimbursements.

- C. The Superior Court shall submit bills to the Municipal Court on a quarterly basis, except the Superior Court may bill for the CDs and RAS accounts at the time they are provided.

6. DUTIES OF MUNICIPAL COURT

- A. On or before the start of the term of this IGA and any renewal terms, the Municipal Court shall elect in writing to the Superior Court Jury Office whether the Municipal Court wants the Superior Court to print and mail summonses, wants a RAS account, and/or wants a CD with the names and addresses of potential jurors to whom the Municipal Court may print and issue its own summonses. The Municipal Court may make its election by checking one of the options below, or it may otherwise make this election in writing to the Superior Court Jury Office.

____ Print and Mail Summons ____ CD with Juror Names **3-** Number of RAS accounts

- B. The Municipal Court agrees to pay the following fees, depending on the elections made by the Municipal Court:

- i. A fee of \$2.90 for each summons printed and mailed by the Superior Court on behalf of the Municipal Court.
- ii. The Municipal Court shall reimburse the Superior Court for the daily attendance fees and mileage reimbursements the Superior Court pays to jurors on behalf of the Municipal Court.
- iii. A \$50.00 activation fee and an \$8.00 monthly subscriber fee for each RAS account. Each person who enters data or has access through a RAS account must have his/her own account. The Municipal Court must notify the Superior Court and OET when the Municipal Court changes RAS account users. If the Superior Court incurs additional fees or costs from OET related to RAS accounts for the Municipal Court, the Municipal Court shall reimburse the Superior Court for such reasonable and justifiable fees or costs.
- iv. A fee of \$25.00 for each 100 potential jurors listed on the CD.
- v. A fee of \$150.00 if the Municipal Court fails to timely enter juror data, as set forth below.

- C. If the Municipal Court elects to have the Superior Court print and mail summons on its behalf, the Municipal Court is responsible for the following:

- i. By July 1 of each year, the Municipal Court shall provide the Superior Court with information on the number of jurors to be summoned and on which days they shall be summoned. The Municipal Court shall notify the Superior Court at least seven (7) weeks in advance of any changes in the number of summonses needed and the dates for which summonses shall be sent. Each year, by the first Friday in

November, the Municipal Court shall provide the Superior Court with blackout dates for the next year. Blackout dates are days on which the Municipal Court knows at the beginning of the year it will not need jurors to appear for service during that year.

- ii. The Municipal Court shall operate a phone line for jurors to call to inquire whether they must report on the date and time specified on their summons. The Municipal Court shall provide the Superior Court with the phone number and any changes to the phone number so the Superior Court can include it on the summons. The Municipal Court is solely responsible for the costs, maintenance and staffing associated with this phone line.
- iii. Within three (3) business days of the first day a juror reports for jury service in the Municipal Court, the Municipal Court shall provide the Superior Court with information regarding individuals who have reported for jury service in response to a summons sent by the Superior Court pursuant to this IGA as follows:
 - a. The Municipal Court may use the Superior Court's form. The Municipal Court shall type the information requested in the form in order to ensure accurate information is processed by the Maricopa County Superior Court; or
 - b. If the Municipal Court has elected to have RAS account card access and paid the associated fees for such access, the Municipal Court may enter the data into the program the Superior Court uses for juror management (currently, Clearview Jury). The Superior Court may provide general direction regarding how to enter the data in Clearview Jury (or any other program the Superior Court later decides to use for juror management). However, the Municipal Court is responsible for all technical support of its computer system and training of its employees.
 - c. If the Municipal Court fails to enter the data within the three (3) business days described, the Superior Court will charge the Municipal Court a fee of \$150.00 for each day for which juror information is not entered to cover additional costs for re-running billing data, analyzing billing data, and re-entry into billing spreadsheets.
- D. If the Municipal Court elects to have the Superior Court provide a CD of names and addresses, the Municipal Court is responsible for all of its own jury services, including but not limited to printing and mailing the summonses, fielding phone calls relating to jury service, and processing payment of jury fees and mileage reimbursements.
- E. The Municipal Court is responsible for enforcement of any juror summonses issued on behalf of its court, including contempt notices, hearings, proceedings, procedures, and/or other enforcement measures. The Superior Court is not obligated by this IGA to conduct any contempt or enforcement proceedings on behalf of the Municipal Court.

- F. The Municipal Court is not authorized and shall not permanently excuse any jurors. The Municipal Court shall refer any jurors seeking to be permanently excused to the Superior Court, regardless of whether the Superior Court printed and mailed the summons or the Municipal Court printed and mailed the summons.
- G. The identity of jurors or potential jurors is sensitive, confidential, and protected by statute and court rule. The Municipal Court agrees to restrict access to information provided under this agreement to individuals who are authorized to access such information for the completion of their official duties.
- H. The Municipal Court shall comply with the Minimum Accounting Standards and Generally Accepted Accounting Principles related to financial transactions involving jurors.
- I. The Municipal Court shall remit payment to the Superior Court within thirty (30) calendar days of receiving a bill from the Superior Court.

7. INDEMNIFICATION

Each party (as "Indemnitor") agrees to indemnify, defend, and hold harmless the other party (as "Indemnatee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorneys' fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnatee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

In addition, each party shall cause its contractor(s) and subcontractor(s), if any, to indemnify, defend, save and hold harmless the other party, any jurisdiction or agency of that other party, and that other party's respective directors, officers, officials, agents, and employees (hereinafter referred to as "Indemnatee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation—hereinafter, referred to as "Claims") for bodily injury, personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the contractor(s) and/or subcontractor(s), or any of the directors, officers, agents, or employees of contractor(s) and/or subcontractor(s) for any work arising out of this Agreement. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such contractor(s) and/or subcontractor(s) to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnatee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnatee, be indemnified by such contractor(s) and/or subcontractor(s) from and against any and all claims. It is agreed that such contractor(s) and/or subcontractor(s) will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable.

8. INSURANCE

Both parties are insured as governmental entities and therefore no insurance certificates are required by either party pursuant to this IGA. If the Municipal Court uses a contractor(s) to perform services in relation to this Agreement, the below insurance requirements shall apply, and shall apply to any subcontractor(s) of contractor(s).

Insurance Requirements for Any Contractors Used by Municipal Court:

The insurance requirements, herein, are minimum requirements and in no way limit the indemnity covenants contained, herein. The State of Arizona in no way warrants that the minimum limits below are sufficient to protect the Contractor from liabilities that might arise out of the performance of the work under this IGA by the Contractor, its agents, representatives, employees or subcontractors, and Contractor is free to purchase additional insurance.

A. MINIMUM SCOPE AND LIMITS OF INSURANCE: Contractor shall provide coverage with limits of liability not less than those stated below.

1. Commercial General Liability – Occurrence Form

Policy shall include bodily injury, property damage, personal and advertising injury and broad form contractual liability.

- General Aggregate \$2,000,000
- Products – Completed Operations Aggregate \$1,000,000
- Personal and Advertising Injury \$1,000,000
- Blanket Contractual Liability – Written and Oral \$1,000,000
- Damage to Rented Premises \$ 50,000
- Each Occurrence \$1,000,000

- a. The policy shall be endorsed to include the following additional insured language: **“The State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees shall be named as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Contractor.”** Such additional insured shall be covered to the full limits of liability purchased by the Contractor, even if those limits of liability are in excess of those required by this Contract.
- b. Policy shall contain a waiver of subrogation endorsement in favor of the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.

2. Business Automobile Liability

Bodily Injury and Property Damage for any owned, hired, and/or non-owned vehicles used by Contractor in the performance of this IGA.

- Combined Single Limit (CSL) \$1,000,000

- a. The policy shall be endorsed to include the following additional insured language: **“The State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees shall be named as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Contractor, involving automobiles owned, leased, hired or borrowed by the Contractor.”** Such additional insured shall be covered to the full limits of liability purchased by the Contractor, even if those limits of liability are in excess of those required by this Contract.
- b. Policy shall contain a waiver of subrogation endorsement in favor of the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.
- c. Policy shall contain a severability of interest provision.

3. Workers' Compensation and Employers' Liability

- Workers' Compensation Statutory
- Employers' Liability

Each Accident	\$ 500,000
Disease – Each Employee	\$ 500,000
Disease – Policy Limit	\$ 1,000,000
- a. Policy shall contain a waiver of subrogation endorsement in favor of the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.
- b. This requirement shall not apply to: Separately, EACH contractor or subcontractor exempt under A.R.S. § 23-901 *et. seq.*, AND when such contractor or subcontractor executes the appropriate waiver (Sole Proprietor/Independent Contractor) form.

B. ADDITIONAL INSURANCE REQUIREMENTS: The policies are to contain, or be endorsed to contain, the following provisions:

1. The Contractor's policies shall stipulate that the insurance afforded the Contractor shall be primary insurance and that any insurance carried by the Department, its agents, officials, employees or the State of Arizona shall be excess and not contributory insurance, as provided by A.R.S § 41-621 (E).
2. The Contractor's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability. Coverage provided by the Contractor shall not be limited to the liability assumed under the indemnification provisions of its contract with the other governmental entity(ies) party to this IGA.

C. NOTICE OF CANCELLATION: With the exception of ten (10) day notice of

cancellation for non-payment of premium, any changes material to compliance with this IGA in relation to the insurance policies above shall require thirty (30) days written notice to the State of Arizona. Such notice shall be sent directly to the Department and shall be sent by certified mail, return receipt requested.

- D. ACCEPTABILITY OF INSURERS: Contractor's insurance shall be placed with companies duly licensed in the State of Arizona or hold approved non-admitted status on the Arizona Department of Insurance List of Qualified Unauthorized Insurers. Insurers shall have an "A.M. Best" rating of not less than A- VII or duly authorized to transact Workers' Compensation insurance in the State of Arizona. The State of Arizona in no way warrants that the above-required minimum insurer rating is sufficient to protect the Contractor from potential insurer insolvency.
- E. VERIFICATION OF COVERAGE: Contractor shall furnish the State of Arizona with certificates of insurance (ACORD form or equivalent approved by the State of Arizona) as required by this Contract. The certificates for each insurance policy are to be signed by an authorized representative.

All certificates and endorsements are to be received and approved by the State of Arizona before work commences. Each insurance policy required by this IGA must be in effect at or prior to Contractor's commencement of work under this IGA and remain in effect for the duration of Contractor's work under this IGA. Failure to maintain the insurance policies as required by this IGA, or to provide evidence of renewal, is a material breach of contract.

All certificates required by this IGA shall be sent directly to the Department. The State of Arizona project/contract number and project description are to be noted on each certificate of insurance. The State of Arizona reserves the right to require complete, certified copies of all insurance policies required by this IGA at any time.

- F. SUBCONTRACTORS: Contractor's certificate(s) shall include all subcontractors as insureds under its policies or Contractor shall furnish to the State of Arizona separate certificates for each subcontractor. All coverages for subcontractors shall be subject to the minimum requirements identified above.
- G. APPROVAL: Any modification or variation from the *insurance requirements* in this IGA must have prior approval from the State of Arizona Department of Administration, Risk Management Division, whose decision shall be final. Such action will not require a formal contract amendment, but may be made by administrative action.
- H. EXCEPTIONS: In the event the Contractor or sub-contractor(s) is/are a public entity, then the insurance requirements shall not apply. Such public entity shall provide a Certificate of Self-Insurance. If the Contractor or sub-contractor(s) is/are a State of Arizona agency, board, commission, or university then none of the above shall apply.

9. AUDIT OF RECORDS

Pursuant to A.R.S. §§ 35-214 and 35-215, both parties shall retain all data, books and other records (“records”) relating to this Agreement for a period of five years after completion of the Agreement. All records of a party shall be subject to reasonable inspection and audit by the other party at reasonable times. Upon request, either party shall produce the original of any, or all such records.

10. CANCELLATION FOR CONFLICT OF INTEREST

The requirements of A.R.S. § 38-511 apply to this Agreement. Either party may cancel this Agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of either party is, at any time while this Agreement or any extension is in effect, an employee or agent of the other party, or a consultant to any other party with respect to the subject matter of this Agreement.

11. NON-DISCRIMINATION

Both parties shall comply with Executive Orders 2009-09 and 2023-01, which mandate that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable state and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. Both parties shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin or disability. The parties shall comply with Executive Order 2023-09 prohibiting race-based hair discrimination.

12. COMPLIANCE REQUIREMENTS UNDER A.R.S. § 41-4401—IMMIGRATION LAWS AND E-VERIFY REQUIREMENT

A. Both parties warrant compliance with all federal immigration laws and regulations relating to employees and warrant compliance with A.R.S. § 23-214, Subsection A, which reads: “After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program.”

B. A breach of the warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the IGA and the other party may be subject to penalties up to and including termination of the Agreement.

C. Both parties retain the legal right to audit the documentation of any employee working in relation to this IGA to ensure that the other party, or any contractor or subcontractor are in compliance with the warranty under paragraph 12(A).

13. APPLICABLE LAW

This Agreement shall be construed in accordance the laws of the State of Arizona.

14. LEGAL OBLIGATIONS

This IGA does not relieve either party of any obligation or responsibility imposed upon it by law.

15. ARBITRATION

The parties agree to resolve all disputes arising out of or relating to this Agreement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. § 12-1518, except as may be required by other applicable statutes.

16. WAIVER AND MODIFICATION

None of the provisions of the Agreement may be waived, changed or altered except in writing signed by both parties.

17. AVAILABILITY OF FUNDS

Every payment obligation of the parties under this Agreement is conditioned upon the availability of funds allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the parties or any other agency of the State of Arizona at the end of the period for which funds are available. No legal liability on the part of the parties or any other agency of the State of Arizona for any payment may arise under this Agreement as long as funds are made available for performance of this Agreement. If the necessary funds are not made available, then that party shall provide written notice to the other party and may cancel this Agreement without further obligation. No liability shall accrue to either of the parties or any other agency of the State of Arizona in the event this provision is exercised, and neither the parties, nor any other agency of the State of Arizona shall be obligated or liable for any future payments or for any damages as a result of termination of this Agreement under this paragraph, including payments or damages for purchases or subcontracts entered into in anticipation of funding.

18. NOTICES

All notices, claims, request, and demands under this IGA are to be in writing and served in person or via certified (return receipt requested) United States mail, postage prepaid, addressed as follows:

If to the Superior Court:	Superior Court in Maricopa County Jury Administrator 175 W. Madison St. Phoenix, AZ. 85003-2243 Attn: Jury Manager
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If to Municipal Court:	Fountain Hills Municipal Court Attn: Court Administrator 16705 E Ave of the Fountains Fountain Hills, Arizona 85268
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or at such other address as shall be indicated in writing by each party, through an amendment to this IGA. Service by certified mail will be deemed to occur on the postmark date borne by the return receipt.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

SIGNATURES FOLLOW

In witness whereof, the parties, hereto, have executed this IGA on the date written below:

Honorable Joseph Welty DATE
Presiding Judge
Superior Court of Arizona
in Maricopa County

Honorable Robert Melton DATE
Chief Presiding Judge
Fountain Hills Municipal Court

ATTEST:

Fountain Hills Town Clerk DATE

**IN ACCORDANCE WITH A.R.S. § 11-952 THIS CONTRACT HAS BEEN REVIEWED
BY THE UNDERSIGNED WHO HAVE DETERMINED THAT THIS CONTRACT IS IN
APPROPRIATE FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED
TO EACH RESPECTIVE PUBLIC BODY.**

ARIZONA ATTORNEY GENERAL'S OFFICE JULIE M. KRIEGH, CITY ATTORNEY

By: _____
Assistant Attorney General DATE

By: _____
Assistant Chief Counsel DATE



TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 4/21/2026
Meeting Type: Town Council Regular Meeting
Submitting Department: Administration / Finance
Prepared by: Paul Soldinger, Chief Financial Officer
Staff Contact Information: Phone: 480-816-5160
Email: psoldinger@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

CONSIDERATION AND POSSIBLE ACTION: Approving a request from Turf Paradise to operate Off-track Parimutuel Wagering (Off-Track Betting) at Parkview Tap House, located at 16828 E Parkview Ave, Fountain Hills, AZ 85268

Staff Summary (background)

On March 27, 2026, the Town received a request from Skyfall 7, LLC dba Turf Paradise, to operate Off-track Parimutuel Wagering (otherwise known as Off-track betting) at Parkview Tap House, located at 16828 E. Parkview Ave in the Town of Fountain Hills. Turf Paradise provided a copy of its Teletrack Wagering Permit approved by the State of Arizona that is valid through May 31, 2028, and requested that the Town approve for Parkview Tap House to be able to offer Off-track betting at its business location through the same time period valid through May 31, 2028.

Town staff requested feedback on this request from nearby Tribal Nations/Communities and received response letters from the Fort McDowell Yavapai Nation and the Salt River Pima-Maricopa Indian Community. These response letters are included in the agenda packet for the Council's consideration.

The purpose of this agenda item is to obtain the Town Council's approval regarding the request for an Off-track Parimutuel Wagering License for Parkview Tap House, submitted by David Johnson, Agent for the business and Vice President of Turf Paradise. Arizona Revised Statutes require approval from a city or town before the Arizona Department of Gaming will approve an Off-track betting location, and therefore, the Council's approval will be forwarded to the Department. Staff reviewed the business and did not identify substantial compliance issues with Town Code requirements.

Related Ordinance, Policy or Guiding Principle

ARS §5-111(A)

Risk Analysis

N/A

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

N/A

Staff Recommendation(s)

N/A

Suggested Motion

MOVE TO approve Skyfall 7, LLC dba Turf Paradise, to operate Off-track Parimutuel Wagering (otherwise known as Off-track betting) at Parkview Tap House, located at 16828 E. Parkview Ave in the Town of Fountain Hills through May 31, 2028, and direct staff send appropriate notification to the Arizona Department of Gaming of the Council's approval.

FISCAL IMPACT

Fiscal Impact: N/A

Budget Reference: N/A

Funding Source: N/A

ATTACHMENTS

- | |
|--|
| <ol style="list-style-type: none">1. Parkview Tap House - 2026 Town Request2. OTB CONTRACT Parkview Taphouse - Skyfall 73. FMYN Response Comments to The Town of Fountain Hills 4.20264. SRPMIC gaming_fountainhills_otb_srpmic_harvier_ltr_04062026 signed |
|--|



March 27, 2026

Town of Fountain Hills
Town Clerk
16705 E. Avenue of the Fountains
Fountain Hills, AZ 85268

Attn: Bev Bender,

Skyfall 7, LLC dba Turf Paradise is hereby requesting an Off-track Parimutuel Wagering license for Parkview Taphouse, located at 16828 E. Parkview Ave. # B & C, Fountain Hills, AZ. 85268. Skyfall 7, LLC dba Turf Paradise's Teletrack Wagering Permit, approved by the Arizona Department of Gaming/Racing Division on December 15, 2025, is valid through May 31, 2028. Therefore, we ask that the term of the license for Parkview Taphouse be valid until that date. A copy of the Teletrack Wagering Permit is attached.

Applicant: David Johnson, Agent
Parkview Taphouse
16828 E. Parkview Ave. # B & C
Fountain Hills, AZ. 85268

Thank you for your attention to this matter. If you have any questions or concerns, please contact me at (602) 375-6431.

David Johnson
Vice President



Turf Paradise

C: Jackie Johnson, Director of
Arizona Department of Gaming
Heidi McNeil Staudenmaier

TELETRACK WAGERING PERMIT

STATE OF ARIZONA TO:

SKYFALL 7, L.L.C. DBA TURF PARADISE, ("Permittee")

FY2026, FY2027, FY2028

TOM LUDT, GENERAL MANAGER

By virtue of the authority vested in the Arizona Racing Commission ("Commission") pursuant to Arizona Revised Statutes ("A.R.S.") Title 5, Chapter 1, the Commission has issued a Teletrack Wagering Permit to Skyfall 7, L.L.C. (Skyfall) to conduct teletrack wagering concurrently with its operations. The Permittee shall conduct the teletrack wagering in accordance with Arizona Administrative Code Title 19, Article 4, Teletracking ("Rules of the Commission"), as currently in effect or as may be adopted or amended in the future, and only pursuant to the Commission-approved Plan of Operations. Any change to the Plan of Operations shall require prior written approval from the Arizona Department of Gaming Racing Division Director ("Division"). This permit shall remain in effect for the FY2026, FY2027, and FY2028 racing seasons, as outlined in the three-year commercial racing permit application submitted by the Permittee and approved by the Commission on December 15, 2025.

Teletracking is to be conducted under the following terms and conditions:

1. In all aspects, teletracking shall be conducted in accordance with the laws of the State of Arizona and the rules of the Commission as they now exist or hereafter may be amended or adopted and any directive or policy issued by the Commission or the Racing Division Director.
2. A separate application and Plan of Operations must be submitted for each facility in accordance with the laws of the State of Arizona and the rules of the Commission.
3. Number of races to be conducted daily as part of the Permittee's program, including races approved by the Commission and out-of-state simulcasts approved by the Division.
4. The Permittee or additional facility operator shall maintain order and prevent bookmaking and other forms of illegal gambling from occurring on the premises. A Permittee shall not knowingly permit a person excluded from the track, either by the Permittee's own action or by order of the Division or Commission, to patronize the pari-mutuel system of wagering through an additional wagering facility. The Division shall give the Permittee a reasonable period of time, after direct notice, to remedy an alleged violation.
5. The mutuel department shall be under the supervision of the State Mutuel Supervisor, auditor, investigator, or other official designated by the Racing Division Director.
6. It shall be the responsibility of the Permittee to provide the Division with copies of the insurance carried on the additional wagering facilities.
7. The insurance, deposit, and performance bond associated with the commercial racing permit issued to the Permittee are part of this permit.
8. The Permittee must provide a system capable of ensuring that money wagered on a particular race is included in the pari-mutuel pool of the racetrack conducting the race.
9. The Permittee must provide a system capable of ensuring those pari-mutuel machines at each additional facility lock upon the ringing of the off-bell or upon the closing of wagering for any reason.

Approved: Thursday, December 18, 2025

WITNESS THE ARIZONA RACING COMMISSION effective as of the 18th day of December, 2025.

BY ORDER OF THE COMMISSION
ARIZONA DEPARTMENT OF
GAMING, RACING DIVISION

A handwritten signature in black ink, appearing to be 'SN', written over a horizontal line.

Shannon Nelson, Racing Division
Director

ACCEPTANCE

The foregoing permit is accepted as written by Permittee and Permittee further agrees to abide by the terms and condition contained herein.

SKYFALL 7, L.L.C.

A handwritten signature in black ink, appearing to be 'TL', written over a horizontal line.

Tom Ludt, General Manager

**TURF PARADISE
TELETRACK
WAGERING FACILITY
AGREEMENT**

Date: March 4, 2026

Parties:

1. Skyfall 7, LLC. dba Turf Paradise, an Arizona Limited Liability Company, hereinafter referred to as "Track".
2. MMDCNG LLC dba The Parkview Taphouse, hereinafter referred to as "Lessor".

Terms:

- A. Date of Commencement, April 12, 2026
- B. Date of Termination, May 31, 2028

Premises: A portion of the facility known as The Parkview Taphouse, located at 16828 E. Parkview Ave. # B & C, Fountain Hills, AZ. 85268 as more fully described in Exhibit A attached hereto.

This Agreement is made by and between Skyfall 7, LLC. dba Turf Paradise, an Arizona Limited Liability Company (hereinafter sometimes referred to as "Track") and Lessor, as more fully described on the first page of this Agreement.

WHEREAS, Arizona Revised Statutes 5-111 (A) permit the operation of additional wagering facilities (hereinafter sometimes referred as "Teletrack Wagering Facilities") for wagering on the races composing the racing program of Track; and Track and Lessor desire to establish an additional wagering facility pursuant to the provisions of A.R.S. 5-111 (A) and to memorialize their various rights, duties and obligations by this Agreement; and

WHEREAS, Lessor is the owner of or leases from the owner that certain premises described on the first page of this Agreement (hereinafter sometimes referred to as "the Premises" of which the additional wagering facility is a part; and

WHEREAS, Track is the holder of a permit to conduct a horse racing meeting at Turf Paradise Race Track in the State of Arizona and desires its program to be transmitted to the additional wagering facility for teletrack wagering pursuant to the provisions of A.R.S. 5-111 (A) as more fully set forth in Exhibit A attached hereto; and

WHEREAS, Track desires to lease that certain portion of the premises as more fully described in Exhibit "A" attached hereto and hereinafter referred to as the "Facility" on a non-exclusive basis for the purpose of conducting teletrack wagering.

NOW THEREFORE, it is agreed as follows:

1. **Term and Premises**

(a) **Term**. The term of this Agreement shall be for the period commencing as set forth on the first page of this Agreement or as soon thereafter as is practicable after receiving necessary approvals, permits and licenses pursuant to Section 3(a) and 11(d) of this Agreement, through the termination date and for such additional periods as the parties may from time to time agree in writing.

(b) **Premises**. Lessor, for and in consideration of the mutual covenants and agreements of the parties, hereby leases, on a non-exclusive basis, to Track and Track hereby leases from Lessor those portions of the facility referred to herein as the Additional Wagering Facility more fully described in Exhibit "A" attached hereto. The leased portion of the Premises is limited to the areas specifically designated and described as the leased area, which area shall also be known as the "Facility." The parties acknowledge that the Facility is occupied by Track on a non-exclusive basis and Lessor reserves to itself all other rights of use, occupation and entry of the Facility and the parties agree that all other rights except the right of non-exclusive occupancy and use as provided herein are reserved to Lessor.

2. **Duties and Responsibilities of Lessor.**

(a) **Additional Wagering Facility.** Lessor shall maintain the Premises of which the leased facility is a part, in a manner suitable for the operation of an additional wagering facility and shall open the facility to the public for purposes of teletrack wagering each day that a racing program conducted by Track is transmitted to the facility unless otherwise agreed to by Track and Lessor.

(b) **General Obligations of Lessor.** Lessor shall furnish or maintain or cause to be furnished or maintained, at the teletrack wagering facility, at no expense to Track:

(1) Reasonable physical protection at all times of the teletrack wagering system components installed or present on the Premises of Lessor which are owned by Track or leased by Track from third parties from loss, harm, damage or destruction by any cause whatsoever including, but not limited to, theft, removal, trespass, damage, interference by other person, vandalism or water damage. Such protection shall be afforded on a reasonable best efforts basis and shall, among other things, provide such protection from elements and fire extinguishing methods as are reasonably required to protect the same. Lessor further waives any claim or right of ownership, possession or lien against all components, equipment, trade fixtures, materials or supplies owned by Track or placed or installed by Track in or upon the premises or facility. Lessor further agrees that all such components, equipment, trade fixtures, materials and supplies shall

remain the property of Track, free of any claim of any kind whatsoever, regardless whether the same are fixed or attached thereto.

(2) Necessary electrical power, telephone cabling, outlets and voltage regulation for the proper, normal and emergency operation of the teletrack wagering system equipment, including without limitation a dedicated circuit to the pari-mutuel wagering terminals for teletrack operations.

(3) Secure space for the storage and care of printer ribbons, ticket materials and other supplies of Track reasonably necessary for the conduct of teletrack wagering operations as well as secure areas for the storage of spare or additional pari-mutuel wagering machines.

(4) Lessor shall permit the officers, directors, employees, agents and authorized representatives of Track access to the teletrack wagering system located at the Premises at all reasonable times for the proper supervision, maintenance, repair or operation of the system and to permit removal by Track or its designated agents or contractor's of the removable parts of the system when not required or necessary for teletrack wagering.

(5) Pay all taxes, fees, impositions or assessments levied or imposed by any governmental agency whether state or local by reason of the Lease, occupation, use or operation of the teletrack wagering facility and the conduct of business therein including without limitation all ad valorem real or personal property taxes, special taxes, sales, gross

receipts, use or transaction privilege taxes, city, county and state permit or license fees or other excise taxes or fees.

(c) **Gates and Admissions.** Lessor shall be responsible for and shall control the admission of the public to the teletrack wagering facility. The cost of labor, materials and supplies associated with maintaining the facility in a clean and orderly manner shall be the sole responsibility of Lessor. Lessor further agrees not to charge admission to the Teletrack Wagering Facility. Lessor shall be responsible for compliance with and enforcement of laws and regulations of the State of Arizona or any local governmental entity and shall, at all time, maintain safe, orderly Premises and shall be responsible for control of any interfering activities on or about the Premises.

(d) **Parking.** Lessor shall provide for parking space reasonably necessary to accommodate the anticipated patrons at the teletrack wagering facility. The cost of labor, materials and supplies associated with construction, maintenance and operation of parking facilities shall be the sole responsibility of Lessor. Lessor further agrees not to charge for parking at the teletrack wagering facility.

(e) **Food and Beverage.** Lessor shall maintain and establish appropriate food and beverage service at the teletrack wagering facility. The costs of labor, materials and supplies associated with construction, maintenance and operation of food and beverage service shall be the sole responsibility of Lessor. Lessor shall be solely responsible for compliance with all requirements imposed on the facility in connection with any required beverage or liquor licenses or permits.

(f) **Amenities and Facilities.** Lessor shall be responsible for providing and maintaining a first-class, clean, safe and habitable teletrack wagering facility suitable for public attendance and adequate facilities for patrons to permit handicapping and appropriate seating areas sufficient to accommodate all patrons. Appropriate facilities for handicapped patron access shall also be provided. The facility shall not be used for any other purposes during the time teletrack wagering is being conducted. Lessor shall provide suitable furnishings and fixtures approved by Track for the tellers' stations or positions located in the Premises. Lessor shall be entitled to all revenues from food and beverage services and all other commercial enterprises conducted by Lessor. The cost of labor, materials and supplies associated with construction, maintenance and operation of the facility shall be the sole responsibility of Lessor.

(g) **Security.** Lessor shall provide adequate security for the protection of the public and all employees, including such uniformed or plainclothes security personnel as shall be reasonably necessary and as required by the Arizona Department of Racing to protect the public and teletrack wagering facility from unlawful and improper acts or conduct. The cost of labor, materials and supplies associated with security of the teletrack wagering facility shall be the sole responsibility of Lessor.

(h) **Utilities.** Lessor shall provide such air conditioning, electrical service, water, heat, telephone service and light as are reasonably necessary to maintain a proper first-class teletrack wagering facility for the comfort of the patrons and for the operation of the facility. The cost of such utility services shall be the sole responsibility of Lessor.

(i) **Maintenance**. Lessor shall be responsible for all repairs, maintenance and janitorial services necessary for the facility and all equipment therein, except the pari-mutuel and other equipment installed by Track. In the event Lessor shall fail or refuse to provide such repairs, maintenance and janitorial services in a first-class manner, Track shall be permitted to perform such repairs, maintenance and janitorial services at the expense of Lessor.

(j) **Price Lists**. Lessor shall furnish Track prior to the commencement of the Racing meeting, a price list setting forth the amounts to be charged to the public for food and beverage services and all other vended items.

3. **Duties and Responsibilities of Track**.

(a) **Permits and Licenses**. Track shall apply for and secure at its sole cost and expense all necessary approvals, licenses or permits required by the State of Arizona or any other governmental entity to conduct and operate a teletrack wagering operation under Arizona law and shall maintain such approvals, licenses or permits in good standing at all times during the term of this Agreement, provided however, that Lessor shall be responsible and shall pay for all taxes, fees, impositions or assessments by all such governmental entities as provided in Paragraph 2(b)(5) of this Agreement.

(b) **Receiving and Display Equipment**. The cost of all labor, materials, supplies and services associated with the transmission reception or display of the audio-video

signal to Lessor shall be the sole responsibility of Track. Track shall have the absolute right to remove any or all equipment, materials, supplies, fixtures owned by or installed in the teletrack wagering facility by Track during the term of this Agreement and/or for a reasonable period of time after the termination of this Agreement for any reason.

(c) **Pari-mutuel Operations.** Track shall employ and supervise such qualified pari-mutuel operations management and personnel together with such equipment as is reasonably necessary for the proper operation and management of the Teletrack wagering system given the reasonably anticipated attendance and pari-mutuel wagering handle at the Premises. The cost of all materials and supplies associated with the maintenance and operation of the pari-mutuel wagering equipment at the Premises shall be the sole responsibility of Track. The cost of labor to operate pari-mutuel equipment (mutuel clerks) at the Premises shall be the sole responsibility of the Track. Track reserves the right to designate a managing agent, to supervise, operate and manage the pari-mutuel operations at the Teletrack wagering facility on behalf of track. Track shall notify lessor, in writing, of the designation of such managing agent. Track shall be responsible and pay for all pari-mutuel taxes levied or assessed by the state of Arizona on pari-mutuel wagering conducted at the facility.

4. **Programs.** For the purposes of this Agreement, Track shall have the exclusive right to distribute and sell all forms, tip sheets or other written materials for handicapping and the racing programs relating in any way to the teletrack wagering program.

5. **No Commission Fee.** Lessor shall not be entitled to receive any commission fee or payment from Track from or related to the wagers accepted and received at Facility on races which are telecast to the Facility by Track.

6. **Insurance.**

(a) **Track.** Track shall, on request, provide certificates of insurance for, and will maintain, at its expense, insurance coverage with companies having an A.M. Best rating of A, XIII or better as follows:

(1) All risks of physical damage coverage on its operations and facilities subject to normal exclusions;

(2) Workers' Compensation on Track's employees providing statutory benefits and an employer's liability limit of \$100,000; and

(3) Comprehensive general liability coverage of not less than \$1,000,000 combined single limit, which shall include extensions of coverage for products, complete operations, personal injury and specified contract coverage.

(4) Track shall also maintain an excess line of comprehensive general liability coverage in such amounts that Track may deem appropriate.

(5) In each and all such policies, save and except the Workers' Compensation policy, Lessor shall be an additional insured.

(b) **Lessor**. Lessor shall, on request, provide certificates of insurance for, and will maintain, at their expense, insurance coverage with insurance companies having an A.M. Best rating of A, XIII or better as follows, or if governmental entities, said entities may, after giving notice to Track, self-insure some or all of the following coverage's or be covered by an insurance pool, where the risk is born by insurance companies acceptable to Track:

(1) All risks of physical damage coverage on the facility, including the leased Premises, subject to normal exclusions;

(2) Workers' Compensation on Lessor's employees providing statutory benefits and an employer's liability limit of \$100,000; and

(3) Comprehensive general liability coverage of not less than \$1,000,000 combined single limit, which shall include extensions of coverage for products, complete operations, personal injury and blanket contract covering the entire facility.

(4) Liquor liability coverage of not less than \$1 million combined single limit.

(5) Lessor shall also maintain an excess line of comprehensive general liability coverage in such amounts that Lessor and Track may deem appropriate.

(6) In each and all such policies, save and except the Workers' Compensation policy, Track shall be an additional insured.

7. **Interruption or Interference with Signal.** Track shall not be liable to Lessor, its agents or employees or third persons claiming through Lessor for any losses occasioned by interruption or loss of the audio-video or pari-mutuel signal or transmission, for whatever duration, except that Track shall save and hold Lessor harmless from and against any claims of patrons or third parties relative to wagers made or claimed to be made and accepted through the pari-mutuel system. Any recovery of commission losses from the contractor or services supplier of Track, incurred as a result of interruption or loss of the audio-video or pari-mutuel signal or transmission, shall be for the sole benefit of Track.

8. **No Competing Teletrack Wagering.** The parties agree that because of the costs incurred by Track in establishing teletrack wagering and implementing this Agreement and the various factors affecting the patrons of pari-mutuel wagering involving horse racing that it shall be a material breach of this Agreement justifying the termination of this Agreement forthwith or the suspension of the audio-video signal to Lessor by Track for all or part of the remaining term of this Agreement in the sole discretion of Track in the event Lessor accepts an audio-video signal for pari-mutuel wagering purposes of any racing program which is not transmitted to Lessor by Track during the time period that Track transmits its signal to Lessor.

9. **Right to Lease.** Lessor represents and warrants that Lessor has the requisite power, authority and right to lease the facility to Track as provided for in this Agreement. In the event that Lessor is not the owner of the Premises of which the facility is a part and is the lessee under a valid lease of the premises, then Lessor shall secure and deliver to

Track a consent and approval to sublease the facility as provided in this Agreement duly executed by an authorized agent or officer or the owner of the premises, as the case may be, in a manner and form acceptable to Track and Track's legal counsel, as a condition precedent to Track's obligation under this Agreement.

10. **Termination**. The parties agree that Track and Lessor shall at all times have the right to terminate this Agreement, upon fifteen (15) days written notice to the other party, provided that in the event of the condemnation or destruction of all or any part of the facility which renders the facility unsuitable or unusable in Track's sole opinion, or in the event Lessor shall fail to comply with any or all of the laws, rules or lawful orders of the Arizona Department of Racing and the Arizona Racing Commission or the State of Arizona or other governmental entity, then Track may, in Track's sole discretion, terminate this Agreement immediately upon written notice to Lessor and Track shall not be responsible for any costs, expenses or damages incurred by Lessor by reason of any such termination under this Paragraph. Lessor acknowledges and agrees that in the event of the sale or transfer of any interest in the business or of any license or permit required to operate the business located in the premises in which the teletrack wagering facility is located or any change in management or control are a violation of the rules of the Arizona Department of Racing and that all such transfers must be subject of a pre clearance of such transfer by the Department prior to the completion such transfer or of the completion or execution of any agreement providing for such transfer or sale.

11. **Miscellaneous Provisions.**

(a) **Prohibition of Pari-mutuel Wagering.** If at any time during the term of this Agreement pari-mutuel wagering on racing or teletrack wagering or the operation of the teletrack wagering facility contemplated by this Agreement is made, declared, or held to be illegal or prohibited by statute or decision of a court of last resort, which decision has become final, or by any competent public authority whose decision is final and not appealable, or in the event the teletrack race permit issued by the Arizona Department of Racing is canceled, revoked, not renewed or otherwise terminated for any reason, this Agreement shall thereupon be deemed terminated and the parties hereto shall be released from any and all further liability or obligation hereunder, provided however that such termination shall not relieve Track or Lessor from any obligation or liability that accrued under the terms of this Agreement prior to the date of such termination.

(b) **Third Party Liability.** This agreement is not intended to benefit any third party and no person or entity other than Track and Lessor shall have any right of action arising under any of the terms and provisions of this agreement.

(1) **Track Liability.** Track shall assume responsibility for the defense of, and will indemnify and hold harmless Lessor, its directors, officers, shareholders, employees, representatives and agents from and against any losses, claims, damages, costs, suits, penalties, demands or liabilities, except claims of Lessor's employees for personal injuries arising in the scope of their employment, including reasonable legal counsel fees, occasioned by or arising out of, in whole or in part, any willful or negligent act or omission of Track or any of its officers, directors, contractors, subcontractors, agents,

servants or employees, provided that prompt written notice of such claim or suit is given to Track by Lessor, and provided Track is given full control over all negotiations and litigation in connection therewith, including selection of counsel. Track shall not be responsible for settlements made or costs or expenses incurred without its prior written consent.

(2) **Lessor Liability**. Lessor will assume the responsibility for the defense of, and shall indemnify and hold harmless Track, its directors, officers, shareholders, employees, representatives and agents from and against any losses, claims, damages, costs, suits, penalties, demands or liabilities, except claims of Track's employees for personal injuries arising in the scope of their employment, including reasonable legal counsel fees, occasioned by or arising out of, in whole or in part, by any willful or negligent act or omission of Lessor or any of its officers, directors, contractors, subcontractors, agents, servants or employees, and for any and all expenses for injury to or death of any person or loss of or damage to property in or about the Premises or in or about the facility of which the premises is a part that arises out of or in connection with the use or occupancy of the facility, provided that prompt written notice of any such claim or suit shall be given to Lessor by Track and Lessor shall be given full control over all negotiations and litigation in connection therewith including selection of counsel; and Lessor further agrees to indemnify and hold Track harmless from and against all claims, liabilities, losses, damages, fines, penalties or clean-up costs incurred in connection with either the removal or containment of any hazardous or toxic substance in or about the Premises or in or about the facility of which the premises is a part that arises out of or in connection with the use or occupancy of the facility, provided that prompt written notice of such claim or suit shall be given to Lessor by Track, and Lessor shall be given full control over all

negotiations and litigation in connection therewith, including selection of counsel. Track shall not be responsible for settlements made or costs or expenses incurred without its prior written consent.

(c) **Independent Contractor**. Track and Lessor each agree that they are not joint ventures or partners and that their status as to one another is, for the purpose of this Agreement, independent contractors and that neither they nor any of their contractors, subcontractors, agents or employees shall, at any time, constitute agents or employees of the other. Neither Track nor Lessor are granted any rights or authority to assume or create any obligation or liability, express or implied, on behalf of each other or to bind each other in any manner or thing whatsoever.

(d) **Approval**. The parties agree that their obligations under this Agreement are subject to the approval of the Arizona Department of Racing and Arizona Racing Commission and that in the event the Arizona Department of Racing or the Arizona Racing Commission fails or refuses to approve this Agreement or to authorize Track to conduct teletrack wagering at the teletrack wagering facility contemplated in this Agreement, then this Agreement shall be terminated and neither party shall be entitled to compensation for losses or damages arising out of or as a result of such termination.

(e) **Compliance with Law**. The parties agree that they will comply with any and all applicable laws, rules and regulations of the United States of America, the State of Arizona, the Rules of the Arizona Department of Racing and the Arizona Racing Commission, all agencies of the State of Arizona, including, without limitation, all

applicable anti-discrimination, affirmative action, and conflict of interest provisions. During the term hereof, both Track and Lessor shall at all times be in good standing with the Arizona Department of Racing and the Arizona Racing Commission.

(f) **Governing Law**. The laws of the State of Arizona and the applicable rules promulgated thereunder by the Arizona Department of Racing and Arizona Racing Commission shall govern as to the interpretation, validity and affect of this Agreement. No principle of conflict of laws shall make the substantive law of any other state or jurisdiction applicable hereto. In the event of any further amendments to the Arizona Revised Statutes as they relate to Horse Racing or Pari-mutuel Wagering, or the Rules promulgated by the Arizona Department of Racing or the Arizona Racing Commission after the date hereof, the parties hereto agree to negotiate in good faith any necessary or advisable modifications to this Agreement.

(g) **Attorneys' Fees**. In the event suit is brought to enforce or interpret any part of this Agreement, the prevailing party shall be entitled to recover as an element of its cost of the suit and not as damages, reasonable attorneys' fees to be fixed by the Court.

(h) **Notices**. All notices required by provisions of this Agreement shall be in writing and sent, postage prepaid, by registered or certified mail, return receipt requested, personal delivery or via telefax.

In the case of Track to:

Turf Paradise
ATTN: Dave Johnson
Assistant General Manager
1501 W. Bell Road
Phoenix, Arizona 85023

With copies to:

Heidi McNeil Staudenmaier
Snell & Wilmer
One East Washington Street, Ste 2700
Phoenix, AZ. 85004

In the case of Lessor to:

Milton Gabaldon
MMDCNG LLC dba The Parkview Taphouse
16828 E Parkview Ave. # B & C
Fountain Hills, AZ 85268

With copies to:

- (I) **Entire Agreement.** This Agreement shall be deemed to include and incorporate the entire Agreement between the parties and may be amended, modified or superseded only by an instrument in writing signed by duly authorized officers of both parties.

(j) **Counterparts**. This Agreement may be executed by any number of counterparts, each of which may be deemed an original and all of which shall constitute a single document.

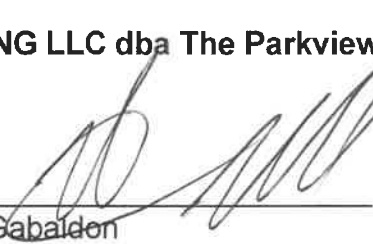
(k) **Titles and Captions**. Section titles, captions and numbers are provided for each section or subsection only as a matter of reference and in no way define, limit, extend or describe the scope of this Agreement or the intent of any provision herein.

12. **Authority**. The persons executing this Agreement on behalf of Track, by their respective signatures hereon, certify and represent that they are the duly authorized and acting corporate officers of Track and that they are authorized and empowered by the Board of Directors of Track to execute this Agreement on behalf of said corporation, and that this Agreement has been duly approved and they are authorized to obligate and to take such other and further action as may be necessary or appropriate to effectuate and carry out this Agreement. The persons executing this Agreement on behalf of Lessor, in the event that Lessor is a sole proprietorship or is a partnership, by their respective signatures certify and represent that they are duly authorized to execute this Agreement on behalf of Lessor and, in the event that Lessor is a corporation, that they are the duly authorized and acting corporate officers of Lessor and that they are authorized and empowered by the Board of Directors, or Managing or General Partner, if a partnership or Limited Liability Company, of Lessor to execute this Agreement on behalf of said corporation,

and that this Agreement has been duly approved and they are authorized to obligate the corporation and to take such other and further action as may be necessary or appropriate to effectuate and carry out this Agreement.

WHEREFORE, the parties hereto have set their hand the date first above written.

MMDCNG LLC dba The Parkview Taphouse


Milton Gabaldon


Title

Skyfall 7, LLC. dba TURF PARADISE


David W. Johnson
Vice President/Assistant General Manager



Fort McDowell Yavapai Nation

Office of the General Manager

P.O. Box 17779, Fountain Hills, AZ 85269

Phone (480) 789-7252

April 7, 2026

VIA ELECTRONIC MAIL

Rachael Goodwin
Town Manager
Town of Fountain Hills
16705 E. Avenue of the Fountains
Fountain Hills, AZ 85268
rgoodwin@fountainhillsaz.gov

Re: Comments Regarding Turf Paradise Request for Off-Track Pari-Mutuel Wagering at Parkview Tap House Bar & Grill

Dear Ms. Goodwin:

The Fort McDowell Yavapai Nation ("Nation") acknowledges receipt of the Town of Fountain Hills' notice dated March 30, 2026, regarding a request from Turf Paradise seeking approval to offer off-track, pari-mutuel wagering as a permitted use at Parkview Tap House Bar & Grill.

The Nation supports legal gaming that fully complies with the laws of the State of Arizona, including the Tribal-State Gaming Compacts between the various tribes and the State of Arizona. As you are aware, the Nation is a party to the 2021 Amended and Restated Gaming Compact (the "Compact"), which expressly authorizes and regulates off-track pari-mutuel wagering, including through the operational standards set forth in Appendix E to the Compact.

The Nation respectfully offers that any approval of off-track pari-mutuel wagering within the Town should be conditioned upon the activity being conducted in a manner consistent with all applicable state laws, the Compact, and any relevant regulatory requirements set forth by the Arizona Department of Gaming or the Arizona Racing Commission.

The Nation appreciates the opportunity to comment and thanks the Town for its recognition of our government-to-government relationship. Please do not hesitate to contact me if you require further information.

Sincerely,

Calvin Pilcher, Jr.
General Manager

cc: Fort McDowell Yavapai Nation Tribal Council



SALT RIVER
PIMA-MARICOPA INDIAN COMMUNITY

10,005 E. OSBORN RD./SCOTTSDALE, AZ 85256
PHONE (480) 362-7400

April 6, 2026

Via Electronic Mail

Town of Fountain Hills
Attn: Rachael Goodwin, Town Manager
16705 E. Avenue of the Fountains
Fountain Hills, AZ 85268
rgoodwin@fountainhillsaz.gov

Dear Ms. Goodwin:

The Salt River Pima-Maricopa Indian Community (the "Community") is in receipt of your letter dated March 30, 2026, regarding a request received by the Town of Fountain Hills for approval of off-track pari-mutuel wagering by Skyfall 7, dba Turf Paradise, at Parkview Tap House Bar & Grill.

The Community appreciates your consideration and intent to maintain government-to-government communication on matters that may impact the Community. Upon review, the Community does not currently foresee any concerns that would garner an objection by the Community of the request by Skyfall 7.

The Community remains committed to ongoing dialogue and coordination with the Town of Fountain Hills. Should you have any further questions or concerns, please feel free to contact Mr. Gary Bohnee, Office of Congressional and Legislative Affairs at (480)-241-3952, Gary.Bohnee@SRPMIC-NSN.GOV.

We appreciate your coordination in this matter.

Sincerely,

Martin Harvier
President



TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 4/21/2026
Meeting Type: Town Council Regular Meeting
Submitting Department: Development Services / Planning
Prepared by: Paula Woodward, Executive Assistant
Staff Contact Information: Phone: 480-816-5122
Email: pwoodward@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

CONSIDERATION AND POSSIBLE ACTION: Approval of Council Subcommittee B's recommendation to appoint two (2) members to the Planning & Zoning Commission for full three-year terms (May 1, 2026 – April 30, 2029).

Staff Summary (background)

The purpose of the Council Subcommittee (B) is to review applications, interview applicants (in Executive Session) and provide a recommendation to the Mayor for possible appointment to fill vacancies based upon the applicants' skills, experience, and background as required under Section 9.4. of the Council Rules of Procedure.

Pursuant to Council Rules of Procedure, Section 9.2(A), a call for applications was issued in March 2026 to fill two vacancies on the Planning and Zoning Commission.

The Town received six applications; however, only three applicants were available for interviews. In addition, two incumbent Commissioners—Nick Proctor and Scott Schlossberg — submitted requests for reappointment as their current terms are set to expire at the end of April 2026.

In accordance with Council Rules of Procedure, Sections 9.2(F) and (G), Subcommittee B conducted an interview with the available applicants and interviewed the two incumbents that requested reappointment.

At its meeting on March 31, 2026, Subcommittee B completed its review and provided recommendations to the Mayor.

Related Ordinance, Policy or Guiding Principle

Chapter 2A of the Town Code

Council Rules of Procedure, Section 9.2 (A through G), Section 9.3 and Section 9.4

Risk Analysis

N/A

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

Recommendations to the Mayor have been made by the Council Subcommittee B.

Staff Recommendation(s)

Staff recommends approval of the appointment of _____ and _____ to the Planning and Zoning Commission for full three-year terms commencing May 1, 2026, and expiring April 30, 2029, consistent with the recommendation of Council Subcommittee B.

Suggested Motion

I, Mayor Friedel, MOVE, approve the appointment of _____, and _____ to the Planning and Zoning Commission, each to serve a full three-year term commencing May 1, 2026, and expiring April 30, 2029.

FISCAL IMPACT

Fiscal Impact: N/A

Budget Reference: N/A

Funding Source: N/A

ATTACHMENTS

None



TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 4/21/2026
Meeting Type: Town Council Regular Meeting
Submitting Department: Community Services
Prepared by: Stormy Mazeikis, Administrative Assistant
Staff Contact Information: Phone: 480-816-5148
Email: smazeikis@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

CONSIDERATION AND POSSIBLE ACTION: Approval of Council Subcommittee A's recommendation to reappoint a member to the Community Services Advisory Commission for full three-year terms (May 1, 2026 – April 30, 2029).

Staff Summary (background)

The purpose of Council Subcommittee (A) is to review applications, interview applicants (in Executive Session) and provide a recommendation to the Mayor for possible appointment to fill vacancies based upon the applicants' skills, experience, and background as required under Section 9.4. of the Council Rules of Procedure.

Pursuant to Council Rules of Procedure, Section 9.2(A), a call for applications was issued in March 2026 to fill two vacancies on the Community Services Advisory Commission.

Incumbent Commissioner Craig Ruldophy submitted a request for reappointment as the current term is set to expire at the end of April 2026.

In accordance with Council Rules of Procedure, Sections 9.2(F) and (G), Subcommittee A conducted an interview with the available applicants and reviewed the reappointment requests submitted by the incumbent.

At its meeting on March 24, 2026, Subcommittee A completed its review for appointments to the Community Services Advisory Commission for full three-year terms, commencing May 1, 2026, and ending April 30, 2029:

Related Ordinance, Policy or Guiding Principle

Chapter 2A of the Town Code

Council Rules of Procedure, Section 9.2 (A through G), Section 9.3 and Section 9.4

Risk Analysis

N/A

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

Recommendations to the Mayor have been made by the Council Subcommittee.

Staff Recommendation(s)

Staff recommends approval of the reappointment of _____ to the Community Services Advisory Commission, to serve a full three-year term commencing May 1, 2026, and expiring April 30, 2029, consistent with the recommendation of Council Subcommittee A.

Suggested Motion

I, Mayor Friedel, MOVE, approve the reappointment of _____, to the Community Services Advisory Commission, to serve a full three-year term commencing May 1, 2026, and expiring April 30, 2029.

FISCAL IMPACT

Fiscal Impact: N/A

Budget Reference: N/A

Funding Source: N/A

ATTACHMENTS

None



TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 4/21/2026
Meeting Type: Town Council Regular Meeting
Submitting Department: Administration
Prepared by: Angela Espiritu, Executive Assistant/Deputy Town Clerk
Staff Contact Information: Phone: 480-816-5107
Email: aespiritu@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

CONSIDERATION AND POSSIBLE ACTION: Approval of Council Subcommittee A's recommendation to appoint three (3) members to the Strategic Planning Advisory Commission for full three-year terms (May 1, 2026 – April 30, 2029).

Staff Summary (background)

The purpose of Council Subcommittee (A) is to review applications, interview applicants (in Executive Session) and provide a recommendation to the Mayor for possible appointment to fill vacancies based upon the applicants' skills, experience, and background as required under Section 9.4. of the Council Rules of Procedure.

Pursuant to Council Rules of Procedure, Section 9.2(A), a call for applications was issued in March 2026 to fill three vacancies on the Strategic Planning Advisory Commission.

The Town received two applications from Gregory Dupuis and Kevin Konczai; however, only one applicant was available for interview.

In addition, three incumbent Commissioners—Geoff Yazzetta, Joseph Reyes, and Polly Bonnett—submitted requests for reappointment as their current terms are set to expire at the end of April 2026.

In accordance with Council Rules of Procedure, Sections 9.2(F) and (G), Subcommittee A conducted an interview with the available applicant and reviewed the reappointment requests submitted by the incumbents.

At its meeting on March 24, 2026, Subcommittee A completed its review for appointments to the Strategic Planning Advisory Commission for full three-year terms, commencing May 1, 2026, and ending April 30, 2029:

Related Ordinance, Policy or Guiding Principle

Chapter 2A of the Town Code

Council Rules of Procedure, Section 9.2 (A through G), Section 9.3 and Section 9.4

Risk Analysis

N/A

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

Recommendations to the Mayor have been made by the Council Subcommittee.

Staff Recommendation(s)

Staff recommends approval of the appointment of _____, _____, and _____ to the Strategic Planning Advisory Commission, each to serve a full three-year term commencing May 1, 2026, and expiring April 30, 2029, consistent with the recommendation of Council Subcommittee A.

Suggested Motion

I, Mayor Friedel, **MOVE** to approve the appointment of _____, _____, and _____ to the Strategic Planning Advisory Commission, each to serve a full three-year term commencing May 1, 2026, and expiring April 30, 2029.

FISCAL IMPACT

Fiscal Impact: N/A

Budget Reference: N/A

Funding Source: N/A

ATTACHMENTS

None



TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 4/21/2026
Meeting Type: Town Council Regular Meeting
Submitting Department: Development Services / Planning
Prepared by: Farhad Tavassoli, Senior Planner
Staff Contact Information: Phone: 480-816-5139
Email: ftavassoli@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION: Regarding the REZONE of approximately 20 acres located approximately 600-feet south of the southeast corner of Golden Eagle Blvd. and Nyack Drive (APN 176-21-181) from R1-35 (35,000 sq. ft. lot size minimum) to R1-10A (10,000 sq. ft. lot size minimum) to allow development of 25 single-family residential lots.

Staff Summary (background)

Background

The applicant, Toll Brothers, Inc., requests approval to rezone approximately 19.35 acres from R1-35 (Single-Family Residential) to R1-10A (Single-Family Residential) to allow development of a single-story, for-sale residential subdivision totaling 25 lots. The rezoning would permit lot sizes and development standards consistent with the adjacent R1-10 subdivisions while preserving a significant natural wash located on the western portion of the property.

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

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

Existing Conditions

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

Existing Zoning

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

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

Proposed Zoning and Development Plan

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

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

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

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

The applicant initially submitted a proposal for 29 lots. Following multiple meetings with adjacent property owners, the applicant revised the plan to reduce the total number of lots to 25. The four removed lots were located in the northeast portion of the site, which is now designated as a 1.25 acre open space tract. This modification was formally presented at the Planning and Zoning Commission meeting on March 9, 2026. The attached applicant narrative reflects the original 29-lot proposal, and a separate attachment has been provided to depict the revised 25-lot plan.

General Plan Conformance:

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

Economic Development Element

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

Thriving Neighborhoods Element

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

Character Areas & Great Places

- Utilizes an infill site with existing infrastructure.
- Preserves natural washes as buffers and integrates the wash into site design as an amenity.

Natural Resources / Open Space

- Protects the natural wash as permanent open space, consistent with Town policy.

Citizen Participation

The applicant's Citizen Participation Plan describes how Toll Brothers notified and engaged surrounding property owners, homeowners' associations, and other interested parties regarding the proposed rezoning from R1-35 to R1-10A. Affected property owners within 300 feet, as well as agencies identified by Maricopa County, were sent mailed notice of a neighborhood meeting on January 20, 2026, during which the applicant presented the project and answered questions. Furthermore, the property was posted with a public notice sign on February 20. Both the neighborhood meeting and sign postings were done well prior to the minimum of 15 days required by the Town.

The Citizen Participation Report describes the applicant's outreach efforts for the proposed rezoning of the Aspen Drive property, including mailed notices to property owners within and slightly beyond the required 300-foot radius, distribution of materials to interested parties, and posting of two on-site signs as required by Town regulations. A neighborhood meeting was held on January 20, 2026, using an open-house format followed by a group Q&A session at residents' request, with approximately 65 attendees participating. Throughout the process, the applicant and its representatives engaged in follow-up conversations with nearby residents (both before and after the meeting) to address questions related to density, subdivision design, traffic, drainage, wildlife, and view impacts, as well as to clarify commitments such as single-story homes and preservation of the on-site wash. Several residents expressed concerns about the proposed development, while others voiced support for aspects such as the project's single-story design, wash preservation, and consistency with surrounding lot sizes. The report concludes that the applicant exceeded the Town's participation requirements by providing additional outreach, follow-up meetings, and ongoing communication with both neighbors and Town staff.

In the week leading up to the meeting, a resident submitted a petition containing 123 signatures protesting against the rezone request. Three additional respondents opposed the Toll Brothers proposal but indicated they were open to a rezoning. The Town also received six letters of support. At the Commission meeting, eight individuals submitted speaker cards in support of the rezone request, and seven submitted cards in opposition, although not all who completed speaker cards ultimately spoke.

Under Section 2.01(F) of the Fountain Hills Zoning Ordinance, a rezoning request may require a super majority vote by the Town Council if certain protest conditions are met. When written protests are filed by the owners of 20 percent or more of the property (in number of lots and area) within the defined zoning area, which includes the subject site and all properties within 150 feet of its boundaries, the rezoning cannot be approved by a simple majority.

Instead, the ordinance requires an affirmative vote of at least three fourths of all members of the Town Council for the rezoning to take effect. To be valid, written protests must be signed by the property owners. Based on a review of the petition and the locations of the property owners who signed it, the minimum threshold for requiring a super majority vote has not been met by the protests filed to date. Therefore, only a simple majority vote will be required for approval of the rezoning request.

Analysis

The proposed rezoning preserves the single-family residential use already permitted on the property while introducing lot sizes and architectural standards compatible with the surrounding neighborhood. The development approach reflects sensitivity to the site's natural features by preserving the existing wash and designing the subdivision in a manner that respects environmental and topographical constraints. These preservation efforts necessarily concentrate the dwelling units on the eastern portion of the site while keeping the proposed gross density at approximately 1.29 du/acre. The preservation of the wash, combined with the applicant's commitment to single-story homes, helps protect existing views and ensures a visually harmonious transition to adjacent residences. The project also offers needed housing options and generates fewer potential traffic impacts compared to the school district's prior consideration of a new school on the site. Additionally, the redevelopment of former school district property supports broader community objectives by enabling reinvestment in local educational facilities, benefiting both the surrounding neighborhood and the Town as a whole.

Related Ordinance, Policy or Guiding Principle

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

Risk Analysis

N/A

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

At its regular meeting on March 9, 2026, the Planning and Zoning Commission recommended approval of the rezoning request, subject to the four stipulations listed under the suggested motion. The Commission also advised the applicant to coordinate with the Public Works Department to evaluate potential traffic and pedestrian safety improvements along Aspen Drive. Following further review and discussion, Public Works staff determined that installing a sidewalk along Aspen Drive would be the most appropriate and feasible measure. A copy of the email is attached.

Staff Recommendation(s)

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

1. A note shall be included on the Final Plat limiting homes to one story.
2. A note shall be included on the Final Plat that would establish a non-developable area for (at minimum) the area defined by the regulatory floodplain and erosion setback limits.
3. The total number of residential lots shall be 25 lots as depicted on the development plan dated March 4, 2026.
4. A sidewalk shall be constructed along the east side of Aspen Drive, spanning

the full length of the subject property's frontage.

Suggested Motion

Move to APPROVE the REZONE of approximately 20 acres located approximately 600-feet south of the southeast corner of Golden Eagle Blvd. and Nyack Drive (APN 176-21-181) from R1-35 (35,000 sq. ft. lot size minimum) to R1-10A (10,000 sq. ft. lot size minimum) to allow development of 25 single-family residential lots, subject to the following conditions:

1. A note shall be included on the Final Plat limiting homes to one story.
2. A note shall be included on the Final Plat that would establish a non-developable area for (at minimum) the area defined by the regulatory floodplain and erosion setback limits.
3. The total number of residential lots shall be 25 lots as depicted on the development plan dated March 4, 2026.
4. A sidewalk shall be constructed along the east side of Aspen Drive, spanning the full length of the subject property's frontage.

FISCAL IMPACT

Fiscal Impact: N/A

Budget Reference: N/A

Funding Source: N/A

ATTACHMENTS

- | |
|--|
| <ol style="list-style-type: none">1. ORD 26-072. Vicinity Map3. Applicant Narrative (Original 29-lot proposal)4. Illustrative Plan (Original 29-lot proposal)5. Illustrative Plan (Revised 25-lot proposal)6. Citizen Participation Plan7. Citizen Participation Report8. Email From Town Engineer to Applicant Regarding Aspen Dr.9. Letters of Support (6)10. 2nd Packet - REZONE25-00000211. 1st Packet - REZONE25-000002 |
|--|

ORDINANCE NO. 26-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS OFFICIAL ZONING DISTRICT MAP FOR APPROXIMATELY 19.35 ACRES LOCATED APPROXIMATELY 600-FEET SOUTH OF THE SOUTHEAST CORNER OF GOLDEN EAGLE BLVD. AND NYACK DRIVE AS SHOWN IN CASE NO. RZ25-000002 FROM R1-35 (35,000 SQ. FT. LOT SIZE MINIMUM) TO R1-10A (10,000 SQ. FT. LOT SIZE MINIMUM) TO ALLOW DEVELOPMENT OF 25 SINGLE-FAMILY RESIDENTIAL LOTS.

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the “Town Council”) desires to amend the Town of Fountain Hills Official Zoning District Map (the “Zoning Map”) pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for a 19.35-acre parcel of real property from R1-35 to R1-10A (the “Zoning District Map Amendment”; and,

WHEREAS, the Zoning District Map Amendment proposed by this ordinance is consistent with the Fountain Hills General Plan 2020 as amended; and

WHEREAS, all due and proper notices of public hearings on the Zoning District Map Amendment held before the Town of Fountain Hills Planning and Zoning Commission (the “Commission”) and the Town Council were given in the time, form, substance and manner provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission held a public hearing on March 9, 2026 on the Zoning District Map Amendment; and

WHEREAS, the Town Council held an additional public hearing regarding the Zoning District Map Amendment on April 21, 2026.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The 19.35-acre parcel of real property generally located approximately 600-feet south of the southeast corner of Golden Eagle Blvd. and Nyack Drive from R1-35 to R1-10A as shown in Case No. RZ-25-000002 from R1-35 (35,000 sq. ft. lot size minimum) to R1-10A (10,000 sq. ft. lot size minimum), subject to the following conditions:

- a. A note shall be included on the Final Plat limiting homes to one story.
- b. A note shall be included on the Final Plat that would establish a non-developable area for (at minimum) the area defined by the regulatory floodplain and erosion setback limits.
- c. The total number of residential lots shall be 25 lots as depicted on the development plan dated March 4, 2026.
- d. A sidewalk shall be constructed along the east side of Aspen Drive, spanning the full length of the subject property’s frontage.

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, April 21, 2026.

FOR THE TOWN OF FOUNTAIN HILLS: ATTESTED TO:

Gerry M. Friedel, Mayor

Bevelyn Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Rachael Goodwin, Town Manager

Jennifer Wright, Town Attorney

EXHIBIT A
TO
ORDINANCE No. 26-07
[Legal Description and Map]
See following pages.

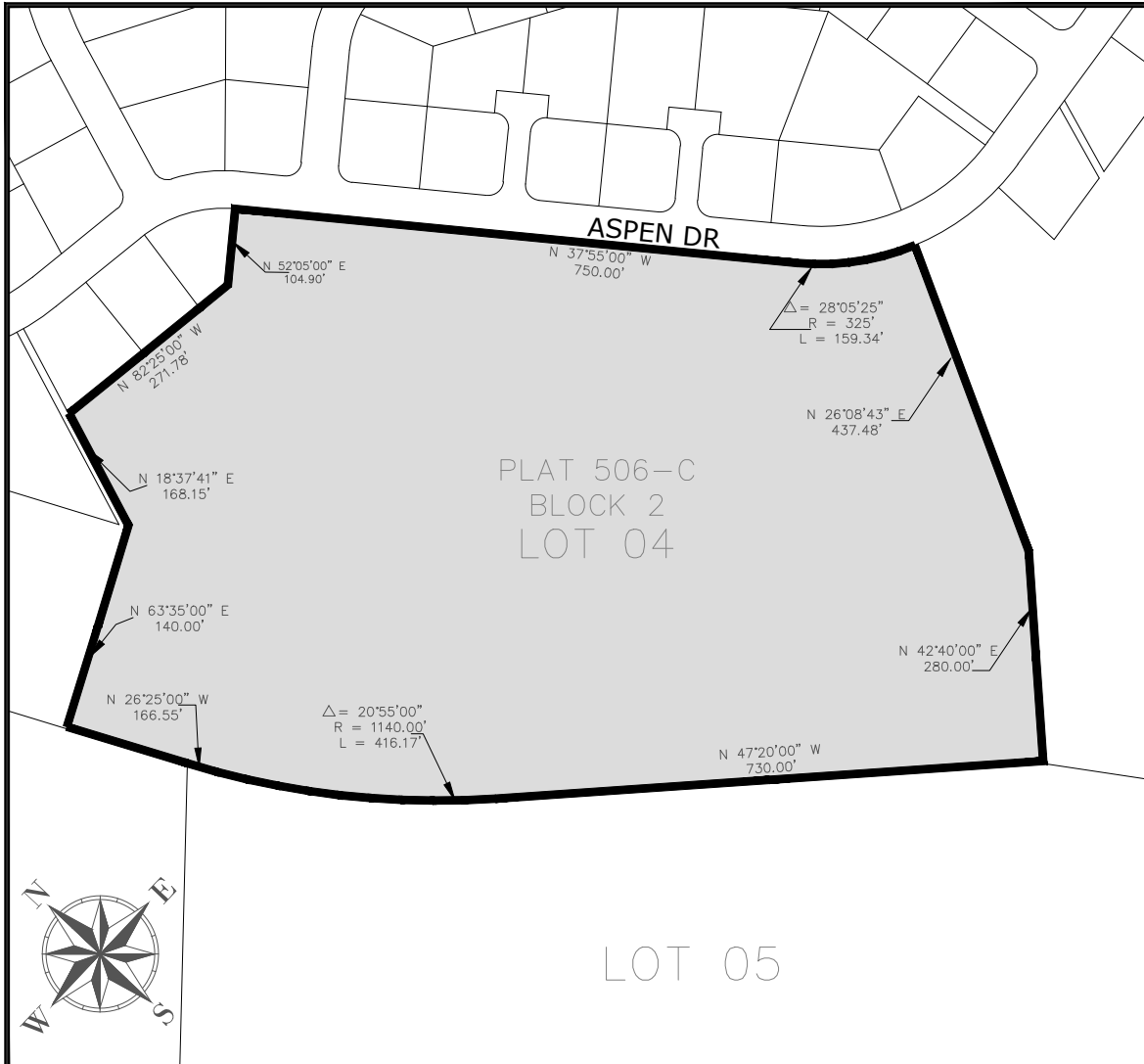
LEGAL DESCRIPTION

LOT 4, BLOCK 2, FOUNTAIN HILLS, ARIZONA, FINAL PLAT NO. 506-C,
ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY
RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 159 OF MAPS, PAGE 31.

CONTAINING 842,886 SQ.FT. OR 19.35 ACRES MORE OR LESS.



EXHIBIT B
OFFICIAL SUPPLEMENTARY ZONING MAP
AMENDING THE TOWN OF FOUNTAIN HILLS ZONING MAP



CASE: RZ25-000002

ACREAGE: 19.35

REQUEST: REZONE FROM R1-35 (MIN. 35,000 SQ. FT. LOTS) ZONING DISTRICT TO R1-10A (MIN. 10,000 SQ. FT. LOTS) ZONING DISTRICT .

ORDINANCE: ORD 26-07

Please be advised that the attached zoning amendments were approved by the Fountain Hills Town Council on April 21st, 2026, by Ordinance #. 26-07.

If you have any questions regarding these amendments, please contact the Town of Fountain Hills Development Services Department at 480-816-5122.

MAYOR ATTEST: TOWN CLERK DATE: _____



Toll Brothers
AMERICA'S LUXURY HOME BUILDER®

REZONING NARRATIVE
15680 NORTH ASPEN DRIVE

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



I. INTRODUCTION

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



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

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

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

II. PURPOSE OF REQUEST

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

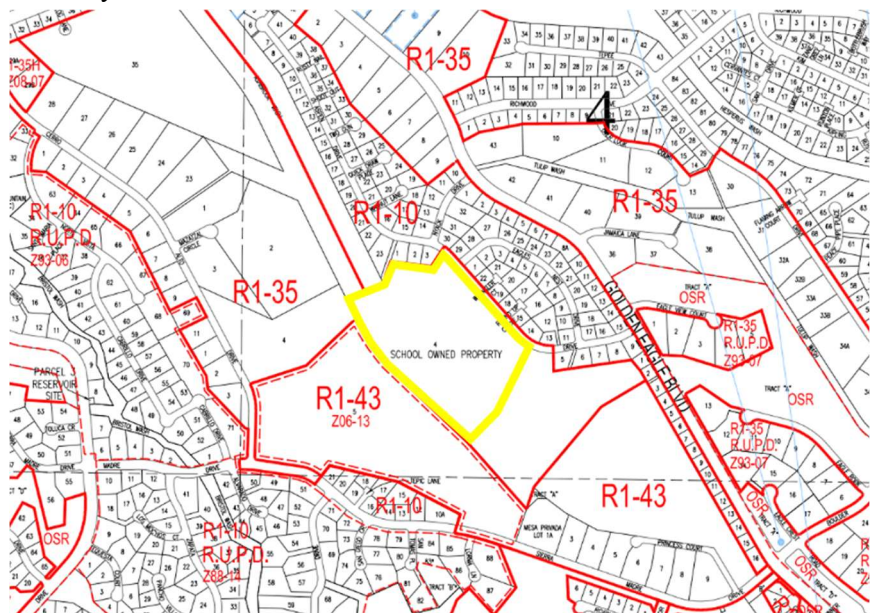
Following this community endorsement, Toll Brothers approached FHUSD with interest in acquiring both parcels. On May 7, 2025, the FHUSD Governing Board convened in executive session and unanimously selected Toll Brothers as the preferred buyer, a decision that reflects the builder’s outstanding reputation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

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

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

III. EXISTING CONDITIONS

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



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

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



IV. EXISTING ZONING

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

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

V. PROPOSED ZONING

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



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

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

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

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

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

PROPOSED R1-10A DEVELOPMENT STANDARDS

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

VI. CONSISTENCY WITH THE GENERAL PLAN

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

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

A. Economic Development Element

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

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

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

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

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

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

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

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

B. Thriving Neighborhoods Element

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

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

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

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

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

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

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

Policy 2: *Encourage a range of housing types and residential densities and maintain consistency with the existing character of infill areas in conformance with criteria provided in Table 1: Character Areas Plan.*

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

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

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

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

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

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

C. Character Areas & Great Places Elements

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

Policy 6: *Continue to prioritize development of infill areas in proximity to shopping, recreation, community services and existing infrastructure*

Policy 10: *Continue to preserve open space and natural washes as buffers between and within zoning districts*

Policy 11: *Continue to integrate natural areas into site design as an amenity.*

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

D. Natural Resources / Open Space Element

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

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

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

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

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

VII. CONCLUSION

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

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

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



R1-10A LOT DATA

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

R1-10A REQUIREMENTS

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

MAXIMUM LOT COVERAGE	REQUIRED	PROVIDED
	40%	40%

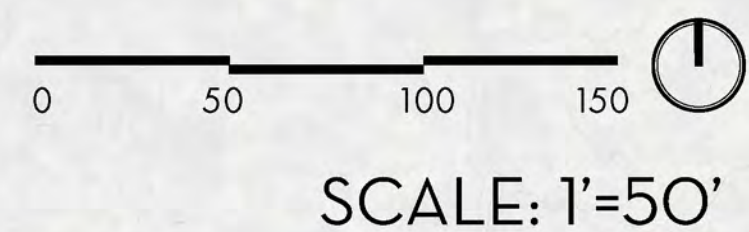
— PROPERTY BOUNDARY

■ FEMA ZONE AE

GROSS ACRES: 19.26 AC

NET ACRES: 8.733 AC

SCALE 1"=50'
* 1 Foot Interval Contour





R1-10A LOT DATA
SINGLE-FAMILY RESIDENTIAL
TOTAL HOMES: 25 HOMES
MIN. LOT SIZE: 10,400 SF

R1-10A REQUIREMENTS

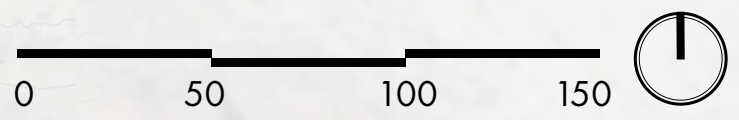
MINIMUM YARD SETBACKS	REQUIRED	PROVIDED
FRONT	20'	20'
SIDE	7'	10'
STREETSIDE	20'	20'
REAR	20'	20'

MAXIMUM LOT COVERAGE	REQUIRED	PROVIDED
	40%	40%

— PROPERTY BOUNDARY

■ FEMA ZONE AE

* 1 Foot Interval Contour



SCALE: 1"=50'

ZONE CHANGE

TOLL BROTHERS ASPEN AND WRANGLER CITIZEN PARTICIPATION PLAN



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

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

Case No. _____

Original Submittal: November 25, 2025

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

I. PROJECT DESCRIPTION

PROJECT NAME: Aspen and Wrangler

PROJECT REQUESTS:

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

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

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

II. PARTIES AFFECTED BY APPLICATION

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

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

III. NOTIFICATION AND INFORMATION PROCEDURES

Neighborhood Meeting

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

Notice of Public Hearings

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

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

IV. RESPONSE PROCEDURES

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

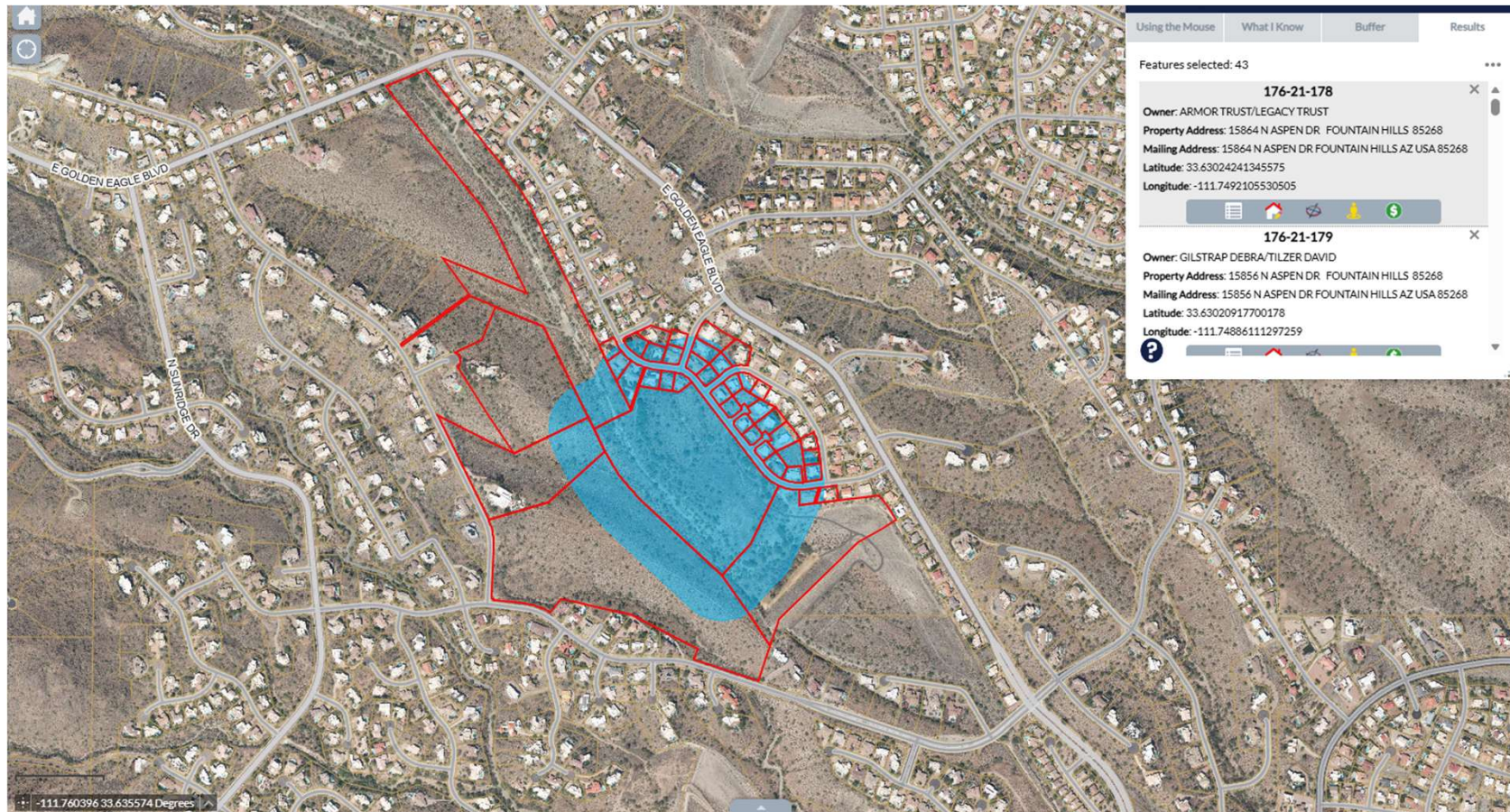
V. SCHEDULE FOR COMPLETION

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

VI. STATUS PROCEDURES

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

300' Property Owner Buffer



300' Property Owner List

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

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

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

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

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

JUST OUTSIDE OF 300'

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

Interested Parties List

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

Air Quality Business Assistance

AQBusinessAssistance@
maricopa.gov

602-506-5102

Arizona Public Service

Steven
Kadatz

Steven.Kadatz@aps.com

Requested per Pre-App

Eagles Nest HOA
Neighborhood Property
Owners' Association

[www.eaglesnestliving.co
m](http://www.eaglesnestliving.com)

(602) 437-4777

(480) 837-5317

CITIZEN PARTICIPATION REPORT

TOLL BROTHERS

REZONING CASE NO. RZ25-000002



Vicinity Map

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

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

amarsh@gblaw.com & dnewcombe@gblaw.com

Submitted: February 26, 2026

1. Project Description

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

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

2. Notified Parties

The following parties were initially notified about the application:

1. Per Town requirements, all property owners located within 300 feet of the Property.
2. Four (4) additional property owners outside 300 feet of the Property where include for consistency.
3. Homeowners Associations within 300 feet of the Property.
4. Other citizens or interested parties as provided by Town Planning Staff were included.
5. Planning Staff.

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

3. Notification and Information Procedures

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

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

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

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

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

4. Neighborhood Meeting Overview/Summary

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

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

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

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



5. Correspondence and Phone Calls

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

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

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

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

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

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

6. Summary of Concerns, Issues, and Problems

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

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

Residents expressed concerns regarding the following:

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

Comments in support:

Several attendees also expressed support, including:

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

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

7. Next Steps

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

Below are answers to the concerns raised:

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

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

8. Conclusion

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

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

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

EXHIBIT A

**Notification Letter
Aerial Map
Site Plan
Property Owner Map
Mailing List**

GAMMAGE & BURNHAM, PLC

ATTORNEYS AT LAW

40 NORTH CENTRAL AVENUE

20TH FLOOR

PHOENIX, ARIZONA 85004

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

WRITER'S DIRECT LINE
(602) 256-4443

January 5, 2026

NOTICE OF APPLICATION

Dear Property Owner, Association, or Interested Party:

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

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

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

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

NEIGHBORHOOD OPEN HOUSE MEETING

January 20, 2026, 6:00 PM – 7:00 PM

Fountain Hills Unified School District's Learning Center
16000 East Palisades Boulevard, Fountain Hills

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

Sincerely,



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

Enclosures: Property Aerial Map; Conceptual Site Plan

Aerial Map





R1-10A LOT DATA		
SINGLE-FAMILY RESIDENTIAL: 4,140 SF +/-		
TOTAL HOMES: 29 HOMES		
GROSS DENSITY: 1.50 HOME / ACRE		
MIN. LOT SIZE: 80' X 130' (10,400 SF)		
R1-10A REQUIREMENTS		
MINIMUM YARD SETBACKS	REQUIRED	PROVIDED
FRONT	20'	20'
SIDE	7'	7'
STREETSIDE	20'	20'
REAR	20'	20'
MAXIMUM LOT COVERAGE	REQUIRED	PROVIDED
	40%	40%

— PROPERTY BOUNDARY

■ FEMA ZONE AE

GROSS ACRES: 19.26 AC

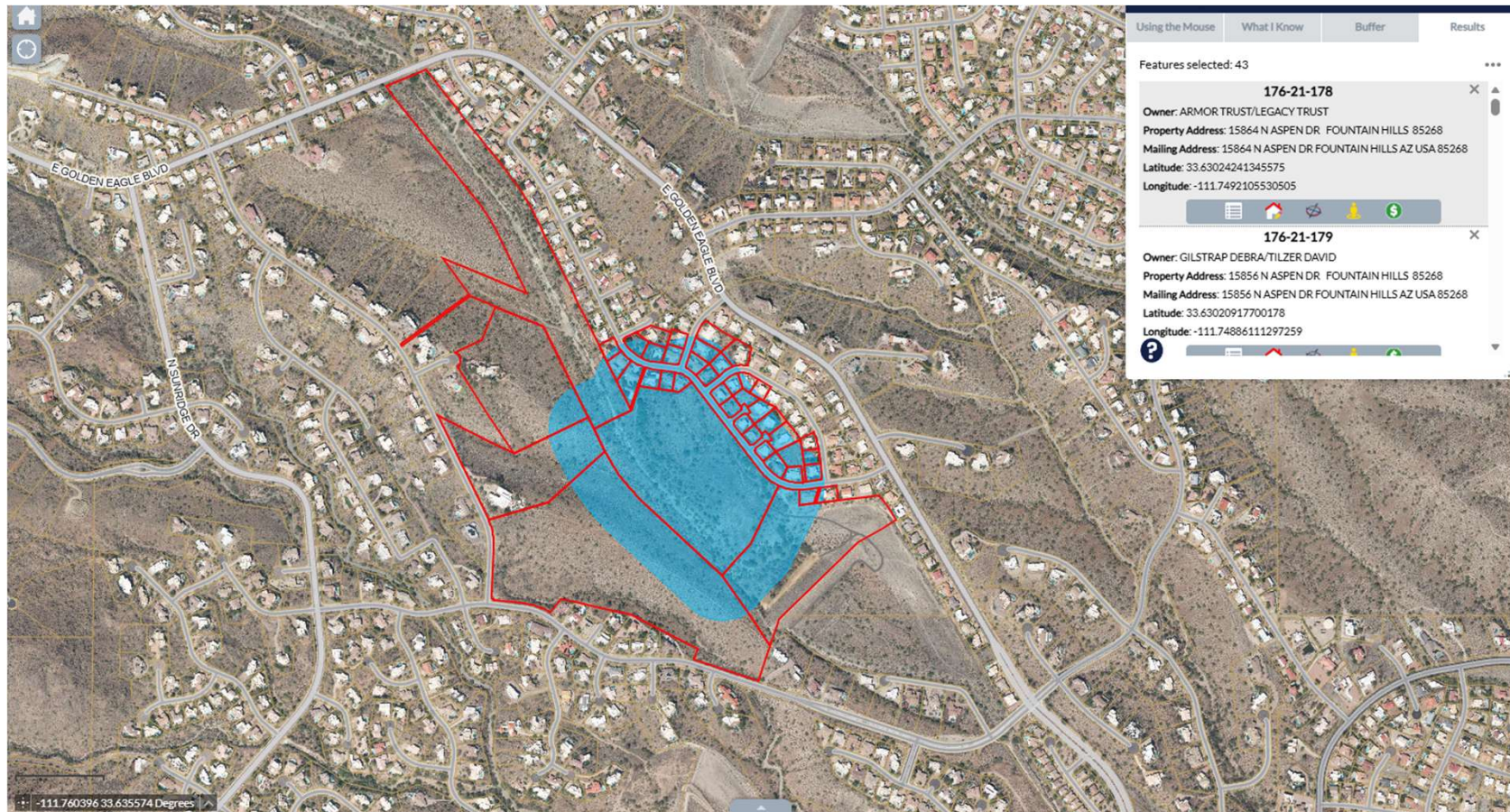
NET ACRES: 8.733 AC

SCALE 1"=50'

* 1 Foot Interval Contour

0 50 100 150

300' Property Owner Buffer



300' Property Owner List

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

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

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

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

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

JUST OUTSIDE OF 300'

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

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

Air Quality Business Assistance

AQBusinessAssistance@
maricopa.gov

602-506-5102

Arizona Public Service

Steven
Kadatz

Steven.Kadatz@aps.com

Requested per Pre-App

Eagles Nest HOA
Neighborhood Property
Owners' Association

[www.eaglesnestliving.co
m](http://www.eaglesnestliving.com)

(602) 437-4777

(480) 837-5317

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



Brian C. Vaccaro

To

Cc ● Brian C. Vaccaro

Bcc ○ emccalvin@fmyn.org; ○ l_kratzer@mcso.maricopa.gov; ○ rlamoureux@azgfd.gov; ○ GregHarmon@msn.com; ○ azcakes@mac.com;
○ jack@santolinafarm.com; ○ pe@azland.gov; ○ pep@azgfd.gov; ○ AQBBusinessAssistance@maricopa.gov; ○ Steven.Kadatz@aps.com;
○ mgant2000@msn.com



TB Aspen Notification Letter Final 12.31.25.pdf
5 MB



Reply



Reply All



Forward



Mon 1/5/2026 10:17 AM

Good morning,

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

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

Thank you!

Brian C. Vaccaro

Land Use Planner

602.256.4417 Direct | bvaccaro@qblaw.com

www.qblaw.com | [Profile](#)

GAMMAGE & BURNHAM

40 North Central Ave., 20th Floor | Phoenix, AZ 85004

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

Exhibit B

Sign Posting Notification

Notarized Affidavit of Posting

Application No.: RZ25-000002

Applicant Name: Gammage & Burnham

Location: 15680 N Aspen Dr

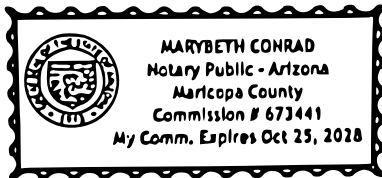
I confirm that the site has been posted as required not less than fifteen calendar days prior to the Fountain Hills Planning and Zoning Commission meeting for the case noted above. A picture or pictures of the site posting(s) are included with this affidavit.

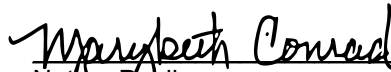

Applicant/Representative Signature

February 20, 2026
Date

This instrument was acknowledged before me on this 20 day of February, 2026, by

Meghan Liggett. In witness whereof, I hereunto set my hand and official seal.




Notary Public

My commission expires: 10-25-28

ZONING

NOTICE OF HEARING

A PUBLIC HEARING HAS BEEN SCHEDULED TO RECEIVE
PUBLIC INPUT ON THE FOLLOWING PROJECT:

Case#: RZ25-000002

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

Existing Zoning: R1-35

Proposed Use: R1-10A

***NOTE:** There is an administrative review/approval of a preliminary plat case (Case No.: PRP25-000001) for 29 single-family residential lots associated with this rezoning case.



P&Z COMMISSION: Monday, March 9, 2026,
at 6:00 PM

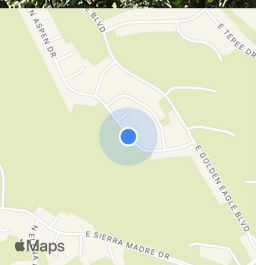
TOWN COUNCIL: Tuesday, April 21, 2026,
at 5:30 PM

PLACE: Town Council Chambers located at
16705 East Avenue of the Fountain, Fountain Hills, AZ 85268

APPLICANT: Gammage & Burnham, P.L.C., Ashley Z. Marsh, **APPLICANT PHONE:** 602-256-4443

TOWN OF FOUNTAIN HILLS PHONE: 480-816-5122

POSTING DATE: 2/20/26 **TOWN OF FOUNTAIN HILLS**



February 20, 2026 at 9:38 AM

+33.628840, -111.747017

15632-15678 N Aspen Dr

Fountain Hills AZ 85268

ZONING

NOTICE OF HEARING

A PUBLIC HEARING HAS BEEN SCHEDULED TO RECEIVE
PUBLIC INPUT ON THE FOLLOWING PROJECT:

Case#: RZ25-000002

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

Existing Zoning: R1-35

Proposed Use: R1-10A

***NOTE:** There is an administrative review/approval of a preliminary plat case (Case No.: PRP25-000001) for 29 single-family residential lots associated with this rezoning case.



P&Z COMMISSION: Monday, March 9, 2026,
at 6:00 PM

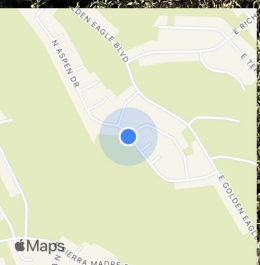
TOWN COUNCIL: Tuesday, April 21, 2026,
at 5:30 PM

PLACE: Town Council Chambers located at
16705 East Avenue of the Fountain, Fountain Hills, AZ 85268

APPLICANT: Gammage & Burnham, P.L.C., Ashley Z. Marsh, **APPLICANT PHONE:** 602-256-4443

TOWN OF FOUNTAIN HILLS PHONE: 480-816-5122

POSTING DATE: 2/20/26 **TOWN OF FOUNTAIN HILLS**



February 20, 2026 at 9:26 AM

+33 629988-111 748077

15844 N Aspen Dr

Fountain Hills AZ 85268

Exhibit C

Neighborhood Sign-in Sheet

Toll Brothers- 15680 North Aspen Drive
TOWN OF FOUNTAIN HILLS REZONE (RZ25-000002)
NEIGHBORHOOD MEETING

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

Name	Address (Please Include City & Zip)	Company (if applicable)	Email
TRAMONTE	15860 N. MYACK DR. FH		cosette.eaton@gmail.com
EATON	16012 N. MYACK DR		iambabys24@gmail.com
Barbara Tucker	15853 N Aspen Dr		bababab24@gmail.com
Gilstrap Titzer	15856 N Aspen Dr		baabab24@gmail.com
S. Hixson	15872 N. Aspen Dr.		AZ HIXSON@gmail.com
Schwartz	15685 E Golden Eagle Blvd		yschwartz614@gmail.com
S. Morris	15412 E Round Up		SUSANMORRISFH@gmail.com
ALBEAT JIMMENA	15405 Round up Circle		vholland76@gmail.com
VICKY D (ARY HOLLAND)	15404 Round Up Circle		vholland76@gmail.com
TERI HILLS	15649 N. EAGLES NEST DR,		th1979@gmail.com

Yael Reicher 15823 N. Eagles Nest Dr.

Yreicher17@gmail.com

Toll Brothers- 15680 North Aspen Drive
TOWN OF FOUNTAIN HILLS REZONE (RZ25-000002)
NEIGHBORHOOD MEETING

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

Name	Address (Please include City & Zip)	Company (if applicable)	Email
Tamara's Hallman	16411 Aspen		Tamara Hallman & Yana Co.
Mike Nonhof	15819 N. Eagles Nest Dr		nonhof@icloud.com
Nicole Murchison	15411 E. Wrangler Ct, Fountain Hills	85268	nicolamurchison@gmail.com
Polly Bonnett	15305 E. Walnut Lane, Ftn Hills		libonnett@icloud.com
Linda Bonnett	" "		" "
Carmen & For D'Amore	15844 N. Aspen Dr Fountain Hills AZ	85268	Carmen D'Amore carmendamoreagency.com
Tamara & Russ WARD	16011 N. AS PEN DE, 85268 16410 74 RD E C MAIL		Tamara Ward dianmard@azpoli.com
Walter & Catherine Gilbert	16417 N. Aspen Dr. Fountain Hills, 85268		wgilbert59@gmail.com
Beth & Larry Schmit	16255 N. Aspen Dr Fountain Hills AZ 85268		larsclair@cox.net
Mitch Friend	15617 N. Aspen Dr 85268		
Doni Friend	15617 N. Aspen Dr. 85268		

Toll Brothers- 15680 North Aspen Drive
TOWN OF FOUNTAIN HILLS REZONE (RZ25-000002)
NEIGHBORHOOD MEETING

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

Name	Address (Please include City & Zip)	Company (if applicable)	Email
Laurel Scott Reiser	16420 N. Aspen Dr.		lk_reiser@yahoo.com
Tammy & Mary Bell	15804 N. Aspen Dr.		tammy.jbell7@gmail.com
Angel + Garrett Wilson	15614 N Aspen		Aguilerson714@yahoo.com
Savvy Phillips & Marty Halpin	15811 N. Eagle Nest Dr.		mhalfma37@gmail.com
Jamie & Daniel Alvarus	15641 N Eagles Nest		jmaclorans@cox.net
Ann Becker + Brett Lincoln	15030 N. Eagles Nest Dr.		ann.becker61@gmail.com
Amy/Barrie Murphy	16010 N. ASPEN		murphyamy003@gmail.com
Judy Carson	16412 N. ASPE		JudyCarson24@yahoo.com
Tony Machisar	15411 E. Wrentham Rd. Tomball, TX 77375		tachisar@yahoo.com tomball92@gmail.com
Alvin Palmer	15815 N. Eagles Nest	Dani 633 @hotmail.com	palmer@yahoo.com

T.O. Box 17918, Fountain Hills 85269
 Meeting Address
 clare1622@hotmail.com

Toll Brothers- 15680 North Aspen Drive
TOWN OF FOUNTAIN HILLS REZONE (RZ25-000002)
NEIGHBORHOOD MEETING

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

Name	Address (Please include City & Zip)	Company (if applicable)	Email
Kimberly Goffel	15831 N Eagles Nest Dr. Fountain Hills, AZ		coffell19@gmail.com
Jean Serrano	15213 E. Skat Out Plaza F H A Z		jean.serrano61@gmail.com
Robert Barano & Veronica Kuzara	15641 E. Golden Eagle Blvd PO Box 18574 Fountain Hills 85269		rbarano679@gmail.com comcast.net
Rodney Eaton	16012 N MYACK DR FOUNTAIN HILLS		rodneyeaton2@gmail.com
Reid Jones	15315 Quicke Drive PL F/Hills 85268		reidjones7@gmail.com
Christina Hones	16004 N Aspen Dr, Ph. Hills 85268		clivishones1272@gmail.com
Chuck & Sandy Vergelias	15832 N. Eagles Nest Dr	FH	sandra.v380@hotmail.com
Tina Hunsick	16042 N. Aspen Dr F.H.		
Kris Erickson	15316 E Quicke Dr P1	FH	
Adrienne Larson	15318 E Walnut Ln.	FH	adrienne.larson24@gmail.com

NAME , ADDRESS , COMPANY (IF APPLICABLE) , EMAIL

1. Will Walker, 4900 N 44TH ST., N/A,
WSWALKER28@GMAIL.COM
2. Karen & Jay Backstrom 15649 N. Aspen Dr.
Karenbackstrom@gmail.com Ftr Hills, AZ 85268
3. Tammara & Ron WALD ^{WALD76RD@gmail}
14011 N. ASPEN DR 85268
4. Romy and Laura Dilweg 16248 N. Aspen Dr. 85268
rdilweg@hey.com; lauradilweg@gmail.com
5. Phil Campbell 15802 N. Eagle Nest Dr.
philtheskier@yahoo.com
6. Pamela Cook
15659 N. Aspen Dr. cogirl16@gmail.com
7. Barb Tucker 15853 N Aspen Dr FH 85268

~~PATRICK~~
BRENDAN CARTY bms0404@gmail.com
15402 E WRANGLER

Elizabeth Oakley
16238 N Aspen Dr.
T.H. 42 85628

ejoproperties@
gmail.com

Polly.bonnet42@
gmail.com

Re: Aspen and Wrangler Request for Meeting

From David Janover <djanover@fountainhillsaz.gov>

Date Wed 4/1/2026 3:07 PM

To Mark Maloney <mmaloney@tollbrothers.com>

Cc Rachael Goodwin <rgoodwin@fountainhillsaz.gov>; David Trimble <dtrimble@fountainhillsaz.gov>; Justin Weldy <jweldy@fountainhillsaz.gov>; John Wesley <jwesley@fountainhillsaz.gov>; Farhad Tavassoli <ftavassoli@fountainhillsaz.gov>; Andy Whisler <awhisler@fountainhillsaz.gov>; chipp@tollbrothers.com <cchipps@tollbrothers.com>

 1 attachment (2 MB)

E- STRIPING ASPEN.pdf;

Good afternoon Mark,

Thank you for your email and for sharing the conceptual striping exhibit.

The Town has reviewed the proposed improvements. While there is currently no existing sidewalk network along Aspen Drive, we would be supportive of the proposed sidewalk installation as shown in your exhibit. Although it would not connect to other sidewalks at this time, it would still provide a dedicated area for pedestrians to walk outside of the roadway, which is a benefit.

However, the Town would not support the proposed double yellow centerline or white striping on Aspen Drive. Aspen Drive is classified as a local roadway, and it is the Town's standard practice not to install centerline or lane striping on local streets. Consistent with the Manual on Uniform Traffic Control Devices, engineering judgment should be used when considering centerline markings on roadways where vehicles may encroach due to limited width or the presence of parked vehicles. On local streets such as Aspen Drive, where drivers often need to share space and occasionally encroach into opposing travel paths, the installation of striping can create a false sense of available width and reduce the expectation that drivers yield to one another, which may introduce operational conflicts rather than improve safety. This same concern applies to white striping, which further defines travel lanes in a way that is not consistent with the shared-use nature of local streets.

Additionally, striping—whether centerline or edge line—can visually widen the roadway and create a more arterial appearance, which may encourage higher vehicle speeds, contrary to the intended low-speed environment of a local street.

We appreciate your efforts to address resident concerns and your coordination with the Town on this project.

Warmest Regards,

Dave



David A. Janover, PE, F.NSPE, CFM

Town Engineer

Town of Fountain Hills

p: (480) 816-5112 f: (480) 837-3145

Hours: Monday - Thursday 7:00am - 6:00pm

a: 16705 E. Ave. of the Fountains, Fountain Hills, AZ 85268

w: www.fountainhillsaz.gov

e: djanover@fountainhillsaz.gov

Follow us on:



Disclaimer: All messages created in this system are the property of the Town of Fountain Hills, Arizona and should be considered a public record subject to disclosure under the Arizona Public Records Law (ARS 39-121). Town employees, town public officials, and those who generate email to them, should have no expectation of privacy related to the use of this technology.

From: Mark Maloney <mmaloney@tollbrothers.com>

Sent: Thursday, March 26, 2026 3:22 PM

To: Justin Weldy <jweldy@fountainhillsaz.gov>; David Janover <djanover@fountainhillsaz.gov>

Cc: Rachael Goodwin <rgoodwin@fountainhillsaz.gov>; Colin Phipps <cphipps@tollbrothers.com>; Farhad Tavassoli <ftavassoli@fountainhillsaz.gov>

Subject: Aspen and Wrangler Request for Meeting

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Some people who received this message don't often get email from mmaloney@tollbrothers.com. [Learn why this is important](#)

This email is a follow up to a prior request for a meeting to discuss traffic related to our Aspen and Wrangler project. At the last Planning and Zoning hearing this project was approved 6-0. The biggest concern of residents opposed to the project, is Traffic. When meeting with residents, we floated a couple ideas to mitigate their concerns. One was to add sidewalk along Aspen Drive along the frontage of our property and adjacent to the city owned land just east of this property. Another was to add stripping on Aspen. See attached exhibit. As an engineer myself, I understand it may not be appropriate to stripe a local road, but we need to get the Town's response to this suggestion. If that solution will not work, we need to investigate other alternatives to make the traffic situation better.

Toll Brothers would like to request a meeting to discuss alternatives mitigation to the traffic situation in the area of this project. Could you please provide me a couple of times you may be available. We would like to get this worked out as soon as possible as we have a Mayor and Council hearing for this project on April 21st.

Please respond, as we have committed to have discussion with the town regarding resident concerns.

Sincerely,

Mark Maloney

Director, Land Entitlement LD

Toll Brothers

8767 E. Via de Ventura Suite 390, Scottsdale, AZ 85258

Cell: (480) 202-4695



Toll Brothers®

#1 HOME BUILDER

**FORTUNE WORLD'S MOST
ADMIRABLE COMPANIES**

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Dear Town of Fountain Hills Officials:

As a resident of Fountain Hills, I am writing to support Toll Brother's proposed single-family rezoning at 15680 N. Aspen Drive (RZ25-000002).

The Town approved the sale of this land so the Fountain Hills Unified School District could receive funding to support our schools. Allowing this project to move forward helps honor that decision and supports our local teachers and students.

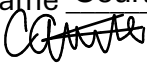
I've seen the homes in Adero that Toll Brothers have built, and they are well done and I know many of us would love to live in them one day. I've seen the site plan and I believe their project fits with the surrounding homes and the character of the area.

I also appreciate that the wash will remain untouched, protecting open space and wildlife.

For these reasons, I respectfully ask you to approve the rezoning request.

Thank you for your consideration.

Printed Name Courtney Argenti

Signature 

Address 16559 e fayette drive, fountain hills, AZ, 85268

Date 12/15/2026

Dear Town of Fountain Hills Officials:

As a resident of Fountain Hills, I am writing to support Toll Brother's proposed single-family rezoning at 15680 N. Aspen Drive (RZ25-000002).

The Town approved the sale of this land so the Fountain Hills Unified School District could receive funding to support our schools. Allowing this project to move forward helps honor that decision and supports our local teachers and students.

I've seen the homes in Adero that Toll Brothers have built, and they are well done and I know many of us would love to live in them one day. I've seen the site plan and I believe their project fits with the surrounding homes and the character of the area.

I also appreciate that the wash will remain untouched, protecting open space and wildlife.

For these reasons, I respectfully ask you to approve the rezoning request.

Thank you for your consideration.

Printed Name Daniel Reto
Signature [Handwritten Signature]
Address 17257 Corende Ave #2
Date 2/22/26

James Baldridge
14826 N. Caliente Dr.
Fountain Hills, AZ 85268

February 23, 2026

Planning and Zoning Commission
Town of Fountain Hills
16705 E. Avenue of the Fountains
Fountain Hills, AZ 85268

Dear Chairpersons and Commissioners:

I am James Baldridge, a resident of Fountain Hills since August 2019.

I am writing to express my strong support for the requested zoning change to allow Toll Brothers to develop the property currently owned by the Fountain Hills Unified School District (FHUSD) with single-family homes.

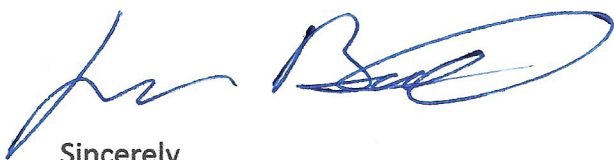
I believe the Commission should approve this request for the following reasons.

First, the property and surrounding area are well suited for single-family residential development. As proposed, this change would have significantly less impact on the neighboring community than the uses permitted under the current zoning, which has been in place for nearly 50 years. The existing zoning allows for development options, such as a school, that would generate far more traffic and disruption. For example, a school would bring twice-daily bus traffic plus numerous personal vehicles for student drop-off and pickup, affecting residents much more than additional single-family homes.

Second, properly funded schools are essential to a thriving community. In the last two elections, voters, including myself, rejected property tax increases to fund FHUSD improvements. I voted no because I believed the district had an obligation to convert unneeded assets into capital before seeking additional taxes from residents. Now that FHUSD is taking exactly that step by selling this surplus property, it is only consistent and reasonable to support their efforts. This development will provide meaningful funding for our schools while imposing only minimal additional impact on surrounding neighborhoods, benefiting the broader community as a whole.

Given the long-standing expectation that this property would eventually be developed, the thoughtful and reasonable plan proposed by Toll Brothers, and the substantial public benefit of increased school funding, I strongly recommend approval of the zoning change.

Thank you for your time and consideration. I appreciate your service to our town.



Sincerely,
James Baldridge

Dear Town of Fountain Hills Officials:

As a resident of Fountain Hills, I am writing to support Toll Brother's proposed single-family rezoning at 15680 N. Aspen Drive (RZ25-000002).

The Town approved the sale of this land so the Fountain Hills Unified School District could receive funding to support our schools. Allowing this project to move forward helps honor that decision and supports our local teachers and students.

I've seen the homes in Adero that Toll Brothers have built, and they are well done and I know many of us would love to live in them one day. I've seen the site plan and I believe their project fits with the surrounding homes and the character of the area.

I also appreciate that the wash will remain untouched, protecting open space and wildlife.

For these reasons, I respectfully ask you to approve the rezoning request.

Thank you for your consideration.

Printed Name

JAMES VACCARO

Signature

[Handwritten Signature]

Address

13611 N. BOYITA DR. FOUNTAIN HILLS AZ
85268

Date

3/5/26.

Dear Town of Fountain Hills Officials:

As a resident of Fountain Hills, I am writing to support Toll Brother's proposed single-family rezoning at 15680 N. Aspen Drive (RZ25-000002).

The Town approved the sale of this land so the Fountain Hills Unified School District could receive funding to support our schools. Allowing this project to move forward helps honor that decision and supports our local teachers and students.

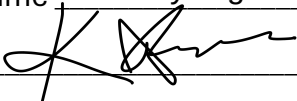
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I also appreciate that the wash will remain untouched, protecting open space and wildlife.

For these reasons, I respectfully ask you to approve the rezoning request.

Thank you for your consideration.

Printed Name Kimberly Argenti

Signature 

Address 16559 E Fayette Drive, Fountain Hills, AZ 85268

Date February 14, 2026

Dear Town of Fountain Hills Officials:

As a resident of Fountain Hills, I am writing to support Toll Brother's proposed single-family rezoning at 15680 N. Aspen Drive (RZ25-000002).

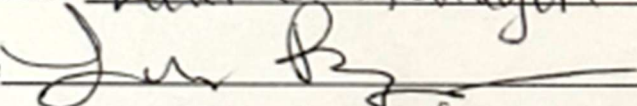
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I also appreciate that the wash will remain untouched, protecting open space and wildlife.

For these reasons, I respectfully ask you to approve the rezoning request.

Thank you for your consideration.

Printed Name Laurie Branagan
Signature 
Address 17257 Grande Ave #2
Date 2/22/26

	Last Name	First Name	Number	Address	City	State	Zip	Phone	Notes
1	Becker	Ann C	15410	Wrangler Ct	Fountain Hills	Arizona	85268	602-320-4517	ON 1ST LIST ON 1st LIST
2	Becker	Ann C	15830	N Eagles Nest Dr	Fountain Hills	Arizona	85268	602-320-4517	
3	Bostwick	Alton	15835	N Eagle Nest Dr	Fountain Hills	Arizona	85268	480-215-6126	
4	Cagala	Robert M	15473	E Golden Eagle Blvd	Fountain Hills	Arizona	85268	602-312-7475	
5	Cagle	David	16230	N Aspen Dr	Fountain Hills	Arizona	85268	928-242-9871	
6	Capozzi	Catherine M	15329	E Walnut Ln	Fountain Hills	Arizona	85268	928-750-2278	
7	Cappelli	Eliane	15579	E Golden Eagle Blvd	Fountain Hills	Arizona	85268	831-920-8255	
8	Chatagnier	Eric	15843	N Aspen Dr	Fountain Hills	Arizona	85268	985-212-4259	
9	Cochran	Gregory R	16020	N Nyack Dr	Fountain Hills	Arizona	85268	541-521-1438	
10	Cochran	Tami C	16020	N Nyack Dr	Fountain Hills	Arizona	85268	541-521-1438	
11	Cook	Pamela	15659	N Aspen Dr	Fountain Hills	Arizona	85268	203-907-8252	
12	Davis	Susan H	16624	N Aspen Dr	Fountain Hills	Arizona	85268	832-517-3606	
13	Dilweg	Rory	16248	N Aspen Dr	Fountain Hills	Arizona	85268	310-386-7071	
14	Erickson	Kris	15316	Quick Draw Pl	Fountain Hills	Arizona	85268	480-646-7994	
15	Erickson	Sylvia	15316	Quick Draw Pl	Fountain Hills	Arizona	85268	480-646-7994	
16	Evans	Julie	13421	N Cliff Top Dr	Fountain Hills	Arizona	85268	804-441-1068	
17	Fredrickson	Susan	14407	N El Pueblo Blvd	Fountain Hills	Arizona	85268	480-200-7552	
18	Gilbert	Catherine	16417	N Aspen Dr	Fountain Hills	Arizona	85268	480-540-9025	
19	Gilbertstadt	Terryl	15403	E Golden Eagle Blvd	Fountain Hills	Arizona	85268	612-723-8412	
20	Haughey	Claire	16425	N Aspen Dr	Fountain Hills	Arizona	85268	480-375-1860	
21	Hills	Teri K	15649	N Eagle Nest Dr	Fountain Hills	Arizona	85268	480-529-1621	
22	Hixson	Susan L	15872	N Aspen Dr	Fountain Hills	Arizona	85268	602-463-9567	
23	Holland	Gary	15404	E Round Up Cir	Fountain Hills	Arizona	85268	406-595-5700	
24	Immenga	Dianne	15405	E Round Up Cir	Fountain Hills	Arizona	85268	480-836-1235	
25	Jones	Reid	15315	E Quick Draw Pl	Fountain Hills	Arizona	85268	480-703-9554	
26	Kangas	Robert Atri	16256	N Aspen Dr	Fountain Hills	Arizona	85268	602-538-3939	
27	Kelleher	Anna Lisa	16026	N Aspen Dr	Fountain Hills	Arizona	85268	480-255-9879	
28	Kerulis	Larry	15656	N Eagle Nest Dr	Fountain Hills	Arizona	85268	847-308-1309	
29	Korona	Patricia	15317	E Walnut Ln	Fountain Hills	Arizona	85268	480-586-5603	ON 1ST LIST
30	Larsen	Adrienne	15318	E Walnut Ln	Fountain Hills	Arizona	85268	480-907-4104	
31	Maglio	Graziella	15403	E Wrangler Ct	Fountain Hills	Arizona	85268	480-547-0531	

	Last Name	First Name	Number	Address	City	State	Zip	Phone	Notes
32	Mahadeen	Elaine	16013	N Nyack Dr	Fountain Hills	Arizona	85268	201-214-8098	
33	Maisel	Susan	15431	E Golden Eagle Blvd	Fountain Hills	Arizona	85268	317-654-0712	
34	May	Larry	14327	Harmony Lane	Fountain Hills	Arizona	85268	303-941-9388	
35	McKsymick	Julie	15583	E Golden Eagle Blvd	Fountain Hills	Arizona	85268	314-265-7071	
36	Murphy	Patricia	16010	N Aspen Dr	Fountain Hills	Arizona	85268	414-719-5761	
37	Oakley	Elizabeth J	16238	N Aspen Dr	Fountain Hills	Arizona	85268	216-618-0790	
38	Piacenza	Lynn	15806	N Eagle Nest Dr	Fountain Hills	Arizona	85268	224-766-9464	
39	Prestenback	Kayla	15843	N Aspen Dr	Fountain Hills	Arizona	85268	985-212-4259	ON 1ST LIST
40	Radavich	Lori	15730	E Ocotillo Dr	Fountain Hills	Arizona	85268	480-837-9600	
41	Ripps	Geoffrey	15361	E Golden Eagle Blvd	Fountain Hills	Arizona	85268	516-732-9788	
42	Ripps	Margurette	15361	E Golden Eagle Blvd	Fountain Hills	Arizona	85268	516-732-9788	
43	Rubino	Lois	15820	N Eagle Nest Dr	Fountain Hills	Arizona	85268	480-229-7530	
44	Rubino	Larry	15820	N Eagle Nest Dr	Fountain Hills	Arizona	85268	480-229-7530	
45	Scherer	Craig	15208	E Shoot Out Plz	Fountain Hills	Arizona	85268	NONE	
46	Schmit	Laurence	16255	N Aspen Dr	Fountain Hills	Arizona	85268	480-826-8593	
47	Schmit	Elizabeth	16255	N Aspen Dr	Fountain Hills	Arizona	85268	480-826-8593	
48	Serrano	Jean T	15213	E Shoot Out Plz	Fountain Hills	Arizona	85268	480-510-6134	
49	Smith	Myra	15810	N Eagle Nest Dr	Fountain Hills	Arizona	85268	480-881-6198	
50	Titus	Robert L	15623	N Eagle Nest Dr	Fountain Hills	Arizona	85268	608-332-1265	
51	Tramonte	MaryLee	15860	N Nyack Dr	Fountain Hills	Arizona	85268	NONE	
52	Tucker	Barbara	15853	N Aspen Dr	Fountain Hills	Arizona	85268	208-440-9009	
53	Valencia	Danielle	16404	N Aspen Dr	Fountain Hills	Arizona	85268	480-363-3743	
54	Vergetis	Sandra	15836	N Eagles Nest Dr	Fountain Hills	Arizona	85268	602-647-9131	
55	Wilson	Garrett	15614	N Aspen Dr	Fountain Hills	Arizona	85268	602-349-5124	
56	Wilson	Angel	15614	N Aspen Dr	Fountain Hills	Arizona	85268	602-349-5124	

TH TOWN CLERKS OFFICE
MAR 5 '26 PM12:38

Written Protest Regarding Toll Brothers Rezoning Application RZ25-000002

MARCH 5
~~February~~ ____, 2026

To: Town of Fountain Hills Town Clerk, Beverly Bender

Town of Fountain Hills Town Council Members

Mayor Gerry Friedel
Vice mayor Allen Skillicorn
Councilwoman Gayle Earle
Councilwoman Brenda Kalivianakis
Councilwoman Hannah Larrabee
Councilwoman Peggy McMahon
Councilman Rick Watts

Town of Fountain Hills Planning & Zoning Commission Members

Chairperson Dan Kovacevic
Vice Chairperson Peter Gray
Commissioner Nick Proctor
Commissioner Phil Sveum
Commissioner Scott Schlossberg
Commissioner Mathew Corrigan

Subject: Written Protest Regarding Toll Brothers' Application (RZ25-000002) to Rezone North Aspen Property (APN: 176-21-181)

Introduction

As a resident and property owner in the Aspen Drive neighborhood of Fountain Hills, I am writing to formally oppose Toll Brothers Inc.'s application (RZ26-000002) to rezone the 19-acre parcel located at 15680 North Aspen Drive in Fountain Hills, Arizona. I submit this written protest in accordance with Fountain Hills Zoning Ordinance Section 2.01.F. If at least twenty percent (20%) of the property owners within 150 feet of the subject property file written protests, then approval of this rezoning request requires a super-majority vote of the Town Council.

The property is currently zoned R1-35 for residential development, allowing for six to eight homes per five acres – thus authorizing approximately 10 to 13 homes to be built on the subject eight-acre parcel. Toll Brothers seeks to reduce lot sizes by 71% in order to construct 29 homes on these eight acres.

As discussed below, Toll Brothers' application presents substantial defects and well-founded concerns, including among other things:

- Threats to public health and safety;
- Excessive density and resulting traffic impacts;
- Increased flood risk and adverse stormwater effects;
- Harm to native wildlife and established wildlife corridors;
- Degradation of neighborhood character and visual aesthetics;
- Inconsistency with the Town's General Plan;
- Interference with Fountain Hills' Dark Sky protections; and
- Inadequate citizen engagement.

To date, Toll Brothers has made only superficial and cosmetic efforts to evaluate the significant impacts associated with this proposal. The few studies it has filed are materially deficient and do not provide the rigorous, data-driven analysis necessary to meaningfully assess the significant risks this proposal presents to public safety, stormwater and floodplain integrity, traffic circulation, wildlife corridors, neighborhood character, and compliance with the Town's General Plan and Dark Sky aesthetics.

At a minimum, Toll Brothers should be required to conduct comprehensive evaluations of these impacts and disclose the results transparently to affected residents before any rezoning is considered. The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' incomplete, conclusory, and insufficient analyses.

For these reasons, I respectfully request that the Planning & Zoning Commission recommend denial of, and that the Town Council deny, Application RZ26-000002, leaving the Property zoned as it currently is: R1-35, residential parcels of no less than 35,000 square feet.

Discussion

A. Public Health and Safety Concerns

The Application presents serious and foreseeable threats to public health and safety. The proposed increase in vehicle traffic — estimated at 60+ additional trips per day — would materially increase hazards along Aspen Drive, a local residential street not designed to accommodate such increased volume.

Aspen Drive and its surrounding approaches already present significant safety concerns. Existing blind curves and steep grades create limited sight distances and reaction time for drivers (see attached photographs). The blind curve at the intersection of Golden Eagle Boulevard and Aspen Drive poses particular danger to vehicles both entering and exiting Aspen. In addition, the steep grade on Golden Eagle north of Aspen restricts visibility of downhill traffic, compounding collision risk. Nyack Drive similarly features steep inclines and blind turns. Injecting substantial additional traffic into this already-constrained network will predictably exacerbate these existing hazards.

Emergency access presents an equally serious concern. Aspen Drive is not a through street but a narrow, local residential roadway. Routine service vehicles — including landscaping and pool maintenance trucks — already constrict the available travel width through on-street parking. The proposed development provides limited parking, making overflow parking onto Aspen Drive highly likely. Increased congestion and roadside parking would materially impair ingress and egress for emergency responders, including fire apparatus and paramedics. Any delay in response time during a medical emergency, wildfire event, or other crisis could have life-threatening consequences.

Section 23.07 of the Fountain Hills Zoning Ordinance requires an applicant seeking rezoning to submit a Traffic Impact Analysis, including projected traffic volumes on streets within and adjacent to the site; identification of off-site improvements necessary to maintain level of service C or better; and any proposed phasing of traffic improvements correlated with project build-out. The purpose of this required study is clear: rezoning applicants must provide objective, data-driven analyses demonstrating that the project will not compromise traffic safety or roadway performance.

Toll Brothers has submitted no Traffic Impact Analysis and no substantive, data-supported evaluation of the public safety risks described above. In the absence of the analysis expressly required by Section 23.07, the Town lacks the evidentiary basis necessary to conclude that this proposal will not materially endanger residents.

B. Density Concerns

Pursuant to A.R.S. § 9-461.05, zoning ordinances and any amendments thereto must be consistent with the municipality's adopted General Plan. The Town of Fountain Hills' General Plan emphasizes preservation of low-density, single-family residential development and protection of established neighborhood character.

The proposed rezoning would permit 29 homes on approximately eight acres, compared to the current allowance of approximately 10 to 13 homes under R1-35 zoning. This

represents a substantial increase in both density and land-use intensity. Such an increase is not incremental — it is transformative.

Objective, measurable site characteristics underscore the inconsistency. Existing homes along Aspen Drive may be characterized approximately as follows:

- Average lot size: 13,555 square feet
- Average home size: 2,444 square feet
- Average building-to-lot coverage ratio: 18%

This means that, on average, approximately 82% of each lot remains open space. That open area preserves visual openness, maintains separation between structures, protects the desert landscape, and reduces impervious surface impacts affecting drainage and runoff.

By contrast, Toll Brothers proposes:

- Typical lot size: approximately 10,000–10,400 square feet
- Proposed livable home size: approximately 3,300 square feet
- Estimated building-to-lot coverage ratio: approximately 33%

This nearly doubles the structural intensity relative to the existing neighborhood pattern. The resulting massive, impervious surface coverage and reduced lot openness are fundamentally incompatible with the as-built character of the Aspen Drive neighborhood.

The Town's 2010 General Plan specifically describes the Aspen Drive property as being surrounded by "single-family very low density, single-family low density, and single-family medium-density developments." Notably absent is any reference to high-density development in this area — because none exists.

Toll Brothers has failed entirely to explain how and why its proposed project is consistent with the Town's General Plan and neighborhood density and aesthetics.

C. Flood Control Concerns

Ashbrook Wash is a principal drainage corridor within Fountain Hills and conveys storm water runoff during precipitation events. During significant rain events, Ashbrook Wash predictably overtops its banks and carries substantial volumes of runoff through the surrounding area (see attached photos).

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Chapter 14 of the Fountain Hills Town Code (Flood Damage Prevention) governs development in flood hazard areas such as Ashbrook Wash. That Chapter requires that any land-disturbing activity adjacent to a mapped floodplain comply with applicable floodplain management standards and engineering requirements. In practical terms, development near a wash must demonstrate that it will not increase base flood elevations, that structures are designed to withstand flood hazards, and that stormwater conveyance and drainage modifications are supported by professionally prepared, sealed engineering plans. The burden is on the applicant to demonstrate that flood risk will not be exacerbated.

To date, residents have received no hydrologic analysis, drainage study, grading plan, or engineered flood mitigation proposal from Toll Brothers explaining how the development will protect adjacent properties or preserve the functional integrity of Ashbrook Wash.

At the project Open House, a Toll Brothers civil engineer reportedly offered informal assurances that the project would be designed to withstand a 100-year flood event. Such anecdotal assurances are insufficient. The Aspen Drive area has experienced 500-year flood events in recent history, including within the last five years. Designing solely to the minimum 100-year standard, without accounting for documented extreme events and evolving climatic conditions, fails to reflect the realities of storm intensity in this region. Increased impervious surface area and higher lot coverage further heighten the risk of concentrated runoff and downstream impacts.

In addition, Section 23.07 of the Fountain Hills Zoning Ordinance requires applicants seeking rezoning to submit “master water, sewer and drainage plans,” including documentation of existing and proposed grades, drainage systems, alterations to natural flow patterns, and compliance with stormwater runoff requirements. Toll Brothers has not provided the required master drainage documentation, nor has it demonstrated how its proposal will prevent increased flood risk or degradation of Ashbrook Wash.

Absent comprehensive hydrologic modeling, engineered drainage analyses, and engagement with the neighbors regarding their flood propensity knowledge and concerns, the Town cannot reasonably conclude that the proposed development satisfies its floodplain protection obligations.

D. Wildlife Impacts

Section 9 of the federal Endangered Species Act prohibits Toll Brothers from engaging in any activity that results in a “taking” of threatened or endangered species. Toll Brothers thus is required to meaningfully assess the presence or potential presence of any federally listed species – and it has failed to do so.

In 2025, Toll Brothers contracted for the completion of a Phase I Environmental Site Assessment (ESA) for the full 19-acre parcel. The sole purpose of this ESA was to “identify the presence...of any hazardous substances or petroleum products” on the property. Given the absence of historic industry in the neighborhood, the ESA naturally found no signs of obvious contamination. Importantly, the ESA did *not* evaluate endangered species, biological resources, cultural or historic resources, floodplain, drainage and hydrogeology, soil stability, land use compatibility or other issues typically associated with a full assessment of the potential environmental impacts of a development project.

In November 2025, Toll Brothers commissioned a firm to conduct an “Environmentally Sensitive Areas Study” to determine potential impacts to threatened and endangered species and their critical habitat. The study and its conclusions were based upon a “screening analysis” and a “habitat analysis” – both web-based screening tools – to identify potentially impacted species and habitat. Toll Brothers’ wildlife representatives visited the site *once*, on November 26, 2025, and its work scope essentially was limited to counting “significant” trees and saguaros; their work scope did not include looking for the presence of threatened/endangered species or critical habitat.

Moreover, the November study in fact identified *three federally listed threatened and endangered birds* potentially existing in the area, including:

- Cactus Ferruginous Pygmy-owl (*Glaucidium brasilianum cactorum*)
- California Least Tern (*Sternula antillarum browni*)
- Yellow-billed Cuckoo (*Coccyzus americanus*)

Although these species are specifically identified in federal databases as potentially existing within the project area, and although Toll Brothers’ wildlife agents never visited the site for the purpose of assessing the potential presence of these species, the study concluded that no threatened/endangered species have the “potential” to occur in the project area.

Toll Brothers’ assessment of potential impacts to wildlife is a wholly inadequate “preliminary screening memo” that falls far short of the comprehensive biological assessment required for a development project of this magnitude. Its single visit to the

property in late fall was inadequate timing for detecting milkweed (the Monarch host), annual plants, nesting birds, reptile activity and pollinator activity. The report lacks protocol -level surveys; contains conclusory “no effect” determinations unsupported by actual field data; and omits critical cumulative impacts analyses.

Toll Brothers should be required to conduct a comprehensive, scientifically rigorous analysis of potential impacts to wildlife and habitat before any rezoning is considered. At a minimum, that analysis should include: visual inspections of the parcel over an extended period of time; a seasonal and breeding-season survey; a formal evaluation of the neighborhood wildlife corridors and habitat connectivity, including its ecological nexus to the McDowell Mountain Preserve; assessment of riparian edge habitat values and potential degradation; and protocol-level species surveys sufficient to evaluate cumulative impacts, habitat fragmentation, and the potential presence of threatened or endangered species and their critical habitat.

Ashbrook Wash and the Aspen Drive neighborhood are natural wildlife corridors due to the open spaces and intermittent access to water. A number of neighbors operate wildlife cams and regularly observe a variety of species, including bobcats, coyotes, rabbits, javalinas and the occasional mountain lion. Building 29 homes in this area, and building a berm along Ashbrook Wash, will completely destroy this natural wildlife corridor.

E. Inconsistency with Neighborhood Aesthetics and General Plan

The Aspen Drive neighborhood generally is comprised of older, custom-built homes on large lots. Toll Brothers proposes a development in which its cookie-cutter homes (with only four floorplan options) are 14 feet apart. The Toll Brothers’ proposal is completely incompatible with the Aspen Drive neighborhood aesthetics.

Chapter 3 of the 2010 General Plan for Fountain Hills (updated but not significantly revised in 2020) provides land use objectives for the Town. Goal Five is to “Protect and preserve existing neighborhoods from incompatible adjacent land uses.” The sub-goals clarify that the Town “should continue to preserve open space and natural washes as buffers between and within zoning districts.”

Chapter 6 of the 2010 General Plan for Fountain Hills, entitled “Open Space Element,” expressly references the importance of maintaining open spaces within the Town, and directs the Town to create policies and strategies “designed to promote a regional system of integrated open space...” The General Plan’s first goal for Open Spaces is to “provide and maintain an open space network throughout the community.” More

specifically, “The Town should continue to protect the existing natural washes within... the community as permanent natural desert open spaces.” This protection is not limited to the wash itself but includes the natural desert open spaces that comprise the full drainage area adjacent to the wash.

The 2020 update to the Fountain Hills General Plan reemphasized the importance of natural spaces: “The Town values the natural environment as an essential component of a thriving community.” Cramming 29 houses on the edge of a significant wash directly conflicts with the General Plan’s mandate to preserve and protect open spaces.

Finally, Toll Brothers’ November 24, 2025 Rezoning Narrative claims that the proposed project would advance the General Plan’s goal of “attracting families and younger working professionals to Fountain Hills.” The suggestion that building 29 luxury homes, each priced at \$1.2 million and above, would meaningfully attract young families to town strains credibility. Young families already struggle to afford the town’s average home prices, let alone the multi-million-dollar residences proposed here. It is disingenuous for Toll Brothers to suggest that this development would attract young families to Fountain Hills.

F. Dark Skies Impacts

Fountain Hills is a certified Dark Skies city. The neighbors in the Aspen Drive area particularly appreciate the dark skies nature of our neighborhood, as there are no sidewalks, no streetlights, and no intensified lighting generated by aggregated, dense housing.

Toll Brothers has stated that it intends to build the project in accordance with Dark Skies regulations – meaning it will install Dark Sky-certified fixtures. But Dark Sky certification is a community-wide standard, not a fixture-by-fixture standard. A high-density project necessarily increases the aggregate number of (compliant) light sources.

The Town of Fountain Hills has an obligation to protect its Dark Sky certification status not just on a fixture-by-fixture basis, but on a community basis. The cumulative effect of 29 new homes will inevitably increase ambient light pollution, diminishing the unique dark sky environment valued by residents and interfering with neighbors’ rights to enjoy the unadulterated dark skies of our town and neighborhood.

G. Inadequate Citizen Participation Plan and Neighborhood Engagement, Lack of Transparency

Finally, Toll Brothers has failed to meaningfully engage neighbors in its planning, has been less than transparent, and its Citizen Participation Plan is entirely inadequate.

The Fountain Hills Zoning Ordinance requires Toll Brothers to “provide effective and *early* public participation into the proposed [zoning change],” and to include a description of how to obtain information or updates, and other information relevant the project. Significantly, Section 2.08 of the Zoning Ordinance requires the developer to provide neighboring property owners “enough information to create a ***reasonably accurate portrayal of the nature and scale*** of the proposed application.” The key is accuracy and transparency.

In this case, Toll Brothers did not provide “effective and early” opportunity for public participation. Toll Brothers’ attorneys sent impacted neighbors a letter on January 5 notifying them of an Open House on January 20 — a mere 15 days later — to share information concerning the Application. 15 days’ prior notice to impacted property owners is wholly insufficient notice. This time of year, in particular, many neighbors already had travel plans and were unable to attend the meeting.

Furthermore, the notice Toll Brothers’ attorneys sent to property owners was misleading at best and did not accurately represent the Application and re-zoning request. Months earlier, in its Sept. 26, 2025 Pre-Application Narrative, Toll Brothers accurately characterized the project as follows:

“Re-zoning from R1-35 (Single Family Residential, minimum lot size 35,000 square feet) to R1-10A (Single Family Residential, minimum lot size 10,000 square feet).”

This description is clear, transparent and accurate.

However, in its January 5 notice to neighboring homeowners, the project characterization was *substantially altered*, as follows:

“Re-zoning from R1-35 (i.e., ***originally proposed school site***) to R1-10A (residential zoning designation).”

This mischaracterization appears designed to give neighbors the impression that the choice is between building homes or building a school on the Property—implying that homes are preferable. But the true alternatives are to either maintain the current zoning designation of 35,000 square foot lots, or to *reduce lot sizes by 71%*. Toll Brothers is

required by law to be transparent about the fact that it proposes to materially reduce the allowable lot sizes, and it failed to do so in its notice to neighbors.

Toll Brothers also lacks transparency in regards to its future intentions for the remaining 11.35 acres. At the Open House, Toll Brothers and its representatives assured homeowners that it plans to develop only eight acres of the full 19.35 acre parcel. If Toll Brothers indeed has no intentions – now or *in the future* – to develop the remaining 11.35 acres, then the Application for rezoning should be revised and limited to those eight acres. If the full 19.35 acres is rezoned to R1-10A as requested, and using Toll Brothers' density math, an additional approximately 40 homes could be built on those 11.35 acres, adjacent to the 29 new homes already proposed. 69 new homes along a quarter mile stretch of a quiet, residential road bordering a wash in Fountain Hills is utterly unsustainable.

Finally, Toll Brothers' "Citizen Participation Plan" is wholly inadequate and must be revised to comply with the Town of Fountain Hills' "Citizen Participation Guidelines" (available here: <https://www.fountainhillsaz.gov/DocumentCenter/View/7363/Citizen-Participation-Guidelines>).

These Guidelines establish the minimum requirements that every rezoning applicant must follow to satisfy Section 2.08 of the Fountain Hills Zoning Ordinance. The Guidelines are explicit:

"The purpose of the Citizen Participation Process is to encourage conversation between the developer and surrounding neighbors to help ensure the proposed development will add to the quality of the neighborhood."

Developers are obligated to "*engage the surrounding neighbors in a meaningful way, record their comments, question and concerns, and report them along with your responses.*" The Guidelines require developers to ensure that neighbors have an adequate opportunity to learn about the proposed development, and to work with neighbors to resolve potential concerns at an early stage.

Most importantly, the Guidelines require the developer to "[f]acilitate communication between the [developer], interested citizens and property owners, and Town staff, *throughout the application review process.*"

This language clearly contemplates regular, open, transparent, and meaningful dialogue between the developer and the neighbors. Toll Brothers has conducted *one* Open House, at which it failed to make a presentation to the neighbors about the project, and which was cut short because time ran out, even though neighbors had additional concerns. Toll Brothers has not offered to host a follow up Open House to hear and address remaining concerns.

The Town's Guidelines span eight (8) detailed pages outlining expectations for outreach methods, timing, transparency, documentation, and responsiveness. Neighborhood engagement plainly matters to the Town of Fountain Hills. In stark contrast, Toll Brothers' Citizen Participation Plan is *one and a half (1.5) pages long*, excluding photographs and lists of names and addresses.

This disparity is not incidental. It reflects a plan that lacks the commitment, structure, detail, and meaningful neighborhood engagement contemplated by the Town's requirements.

Unfortunately, Toll Brothers hasn't even met the requirements of its cursory Citizen Participation Plan. For example, the Plan states that, at the Open House, "we will *discuss the proposed application and allow any participants to ask questions.*" This plainly contemplates a presentation with a Q&A. But Toll Brothers did no such thing. Only when neighbors demanded it did Toll Brothers finally stand up in front of the assembled neighbors and address questions.

In short, Toll Brothers is reaching to satisfy its minimum obligations to check its citizen engagement box. But meaningful citizen participation is not a procedural formality or a box to check. It is a substantive requirement designed to ensure that neighbors are informed early, heard genuinely, and responded to thoughtfully.

Toll Brothers should be required to revise its Citizen Participation Plan to comply with the Town's Guidelines, and to implement a neighborhood engagement process that meaningfully and regularly involves the neighbors— as the Zoning Ordinance and the Guidance require.

Conclusion

The Town of Fountain Hills has previously encountered substantial neighborhood opposition to high-density development proposals in this area. During review of the Adero Canyon project, neighboring residents raised serious concerns regarding traffic

congestion, access and safety issues, neighborhood character, and potential impacts on surrounding property values. Those concerns were treated as material during Planning & Zoning and Council deliberations and were widely reported in local coverage of the proceedings.

The Adero Canyon experience demonstrates that large-scale residential developments within established Fountain Hills neighborhoods are not impact-neutral. Such projects predictably and materially impact and degrade traffic, infrastructure capacity, emergency access, drainage conditions, neighborhood character, and surrounding property values. These impacts are not speculative, minimal, or sufficiently addressed through Toll Brothers' generalized assurances and boilerplate studies. Meaningful analyses — not conclusory representations — are required before such a substantial rezoning can be responsibly considered.

The Town should require Toll Brothers to provide rigorous, objective, data-driven analyses addressing public health and safety, traffic impacts, first responder access, drainage and floodplain impacts, wildlife impacts, Dark Skies impacts, and neighborhood and General Plan compatibility.

I am not opposed to development of the Property in accordance with its existing R1-35 zoning designation. However, I strongly oppose any proposal that is incompatible with the established character of the neighborhood, is inconsistent with the General Plan, and creates the substantial and foreseeable risks outlined above. Toll Brothers' proposal materially fails under each of these independent and sufficient bases for denial. I respectfully request that you deny Application RZ25-000002.

Respectfully,

Signature: See Attached

Printed Name: _____

Date: _____

Address: _____

Phone Number: _____

August 19, 2022 - 50' FROM N. ASPEN DR



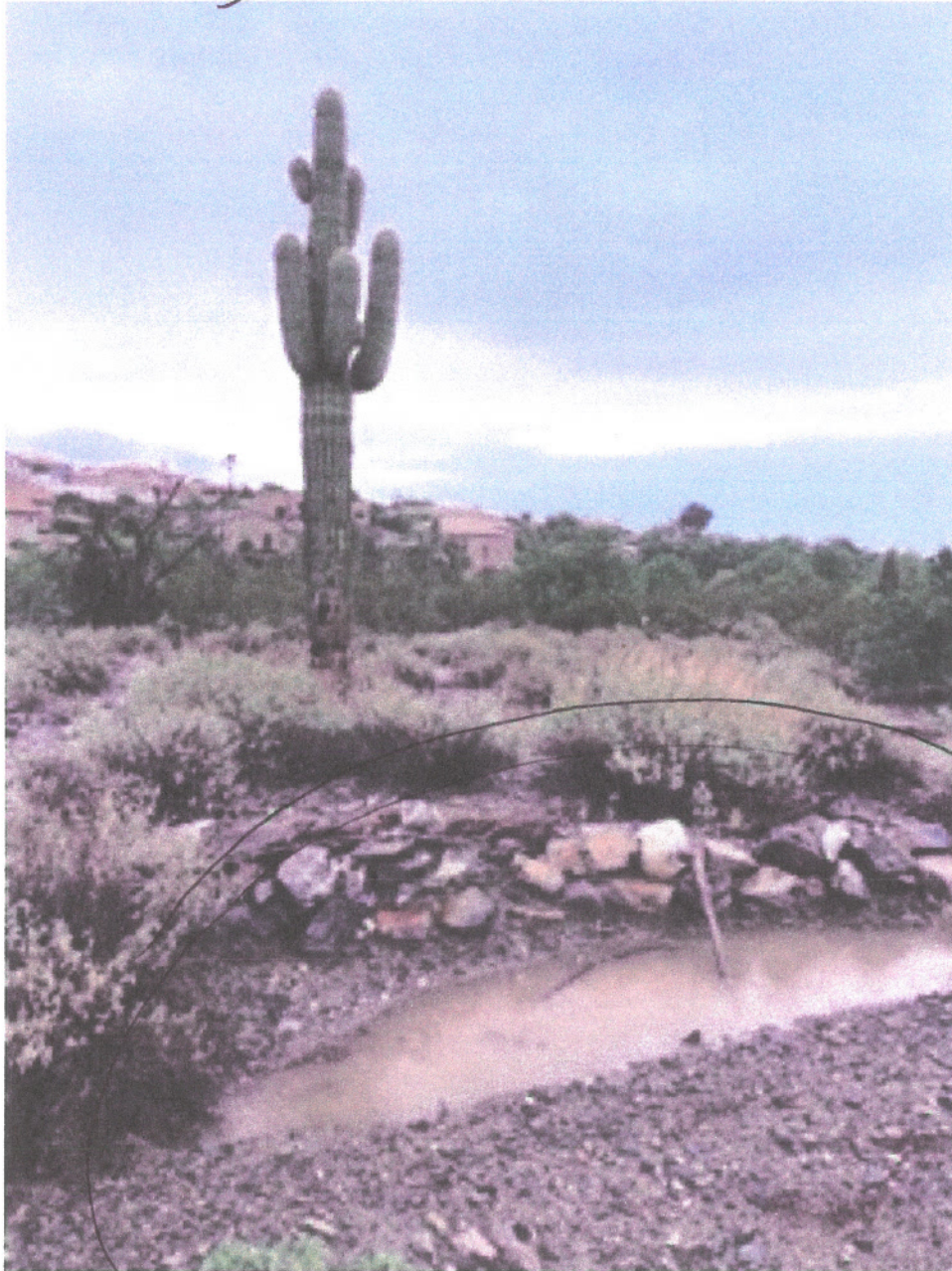
August 19, 2022
50' off N. ASPEN
DRIVE



August 19, 2022
50' OFF N. ASPEN DR



August 19, 2022



Area of Flooding

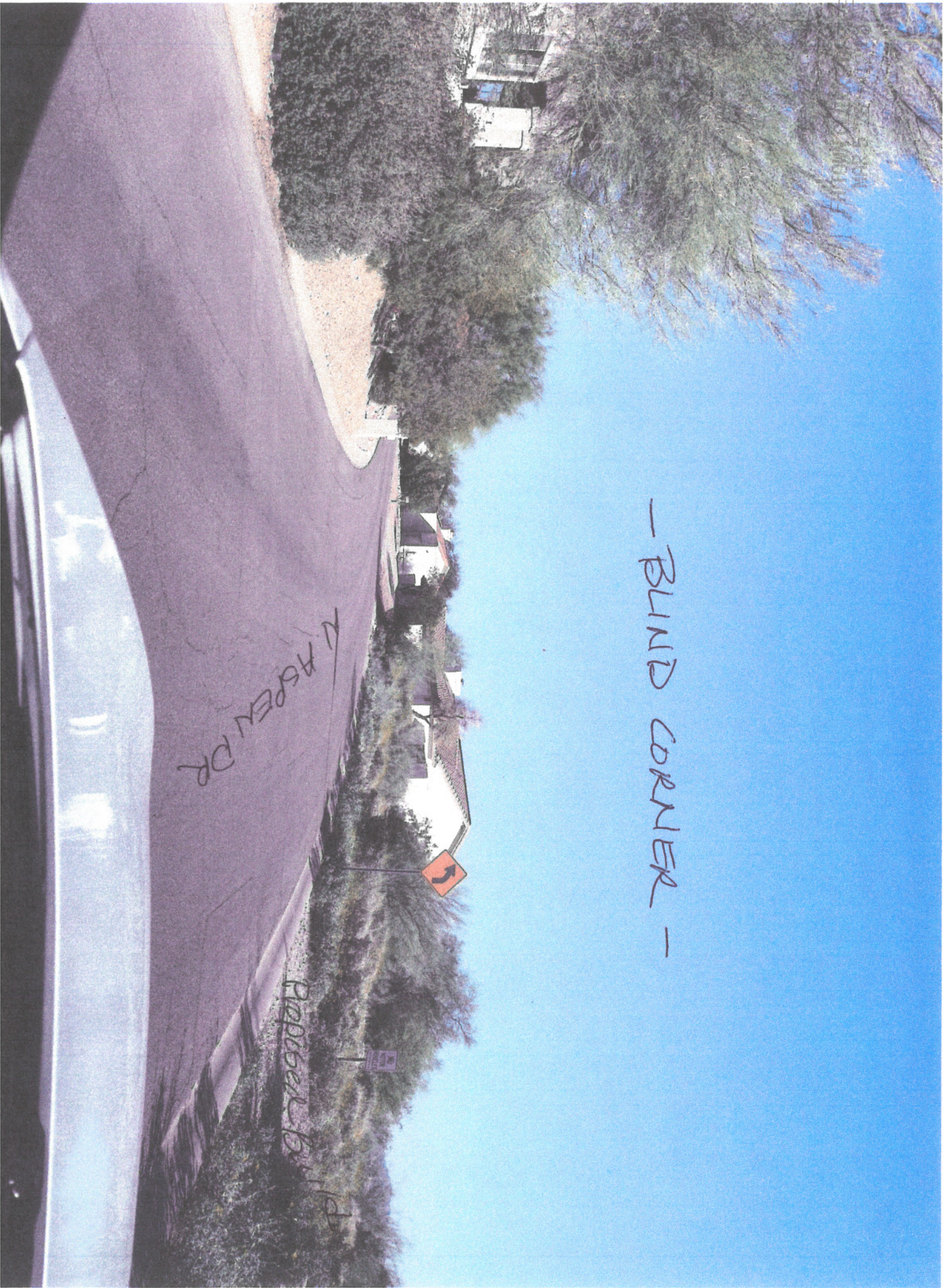
Area of Flooding
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Proximity to homes on Aspen Dr

Pg 2

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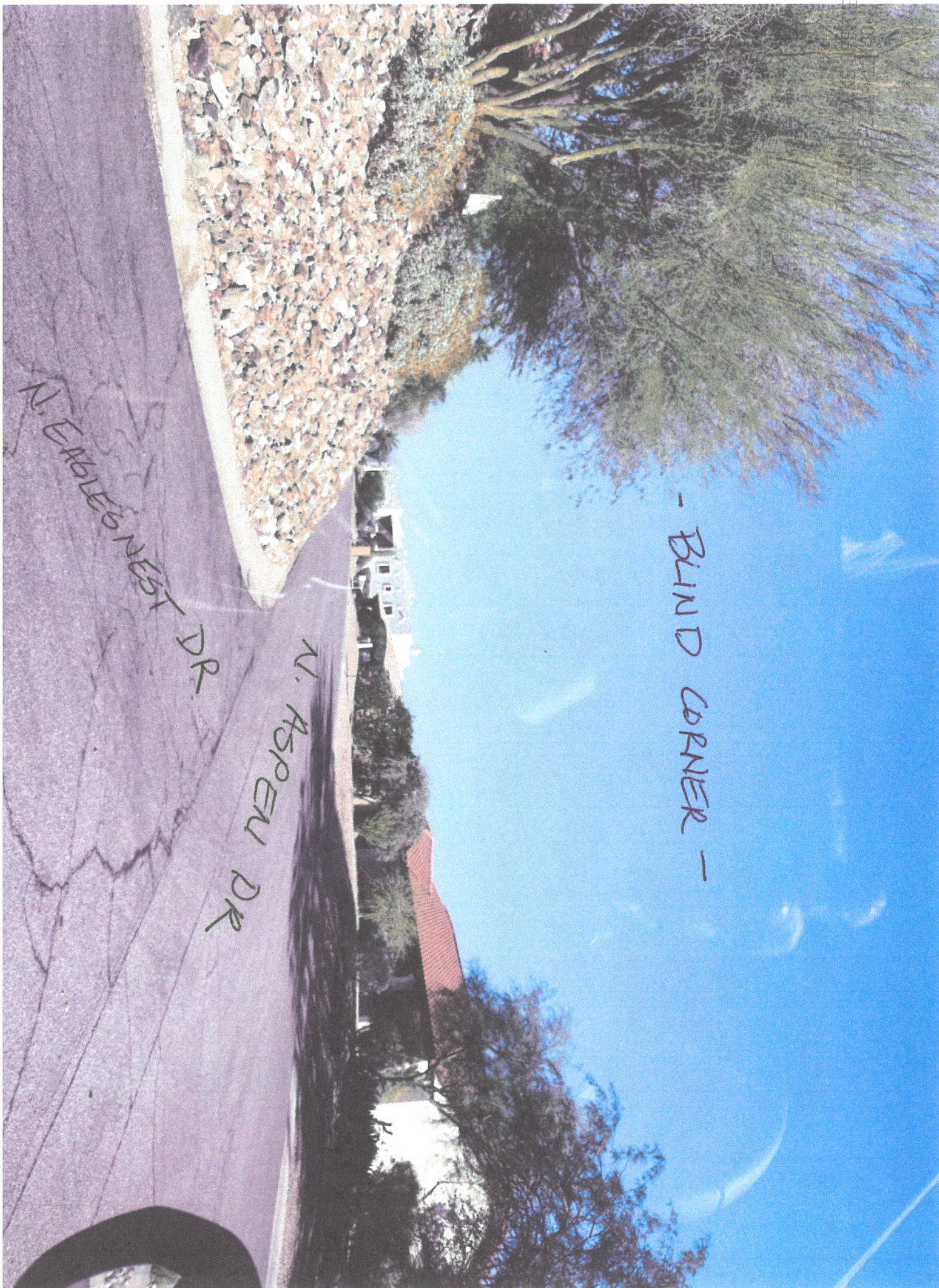
Revised build



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N. CABLE NEIGH DR



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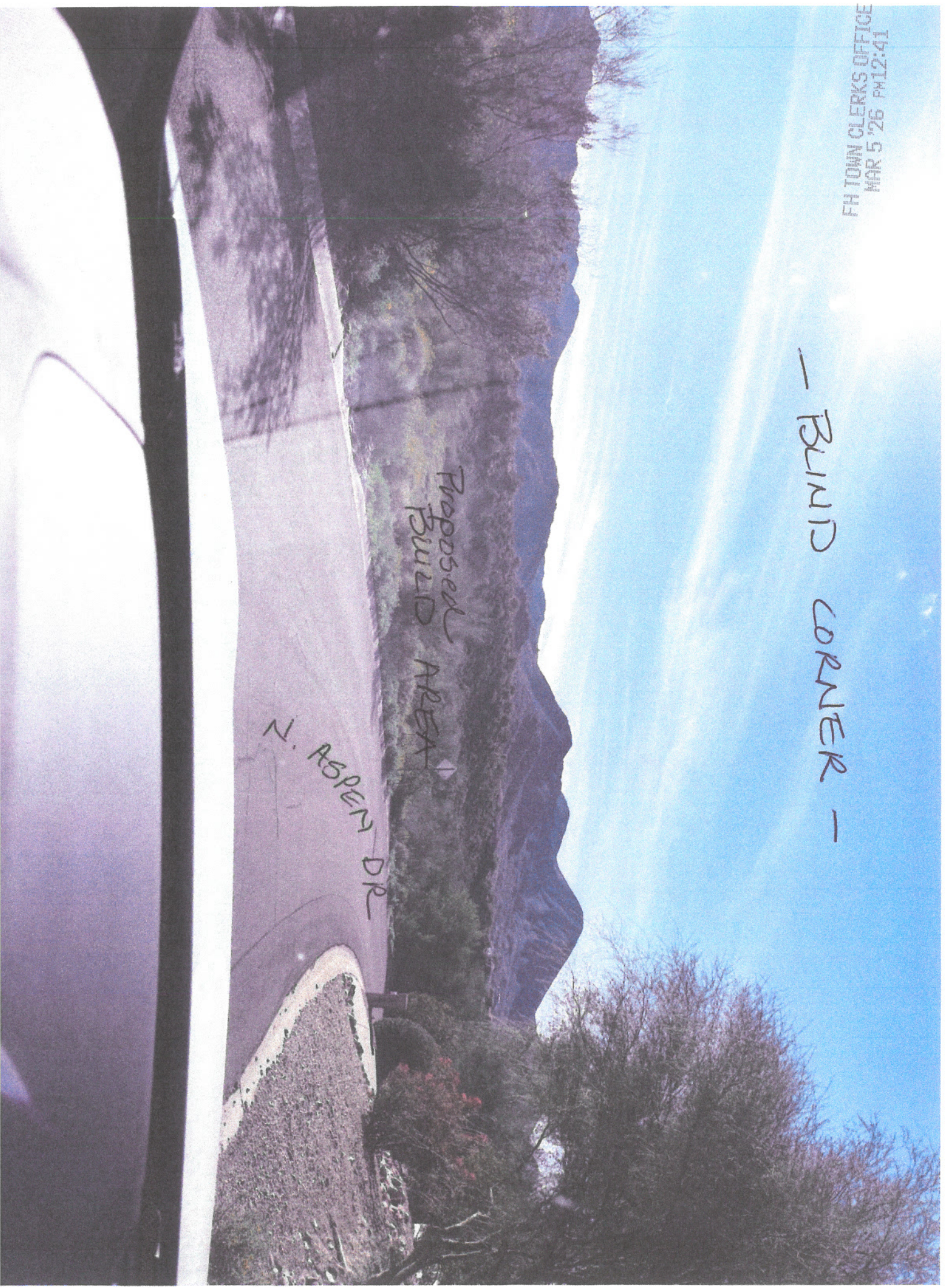
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N ASPEN DR

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Proposed
BLIND AREA

N. ASPEN DR



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The Adero Canyon experience demonstrates that large-scale residential developments within established Fountain Hills neighborhoods are not impact-neutral. Such projects predictably and materially impact and degrade traffic, infrastructure capacity, emergency access, drainage conditions, neighborhood character, and surrounding property values. These impacts are not speculative, minimal, or sufficiently addressed through Toll Brothers' generalized assurances and boilerplate studies. Meaningful analyses — not conclusory representations — are required before such a substantial rezoning can be responsibly considered.

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Respectfully,

Signature: Susan Fredrick

Printed Name: Susan Fredricks

Date: 2-28-2026

Address: 14407 N. El Pueblo Blvd
Fountain Hills, AZ 85268

Phone Number: 480-200-7552

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Respectfully,

Signature: Lori Radavich

Printed Name: LORI RADAVICH

Date: 2-26-26

Address: 15730 E Ocotillo Dr
Ftn. Hills AZ 85268

Phone Number: 480-837-9600

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Respectfully,

Signature:

Julie Evans

Printed Name:

Julie Evans

Date:

02/27/2026

Address:

13421 N. Cliff Top Dr.

Fountain Hills, AZ 85268

Phone Number:

804-441-1068

Conclusion

The Town of Fountain Hills has previously encountered substantial neighborhood opposition to high-density development proposals in this area. During review of the Adero Canyon project, neighboring residents raised serious concerns regarding traffic congestion, access and safety issues, neighborhood character, and potential impacts on surrounding property values. Those concerns were treated as material during Planning & Zoning and Council deliberations and were widely reported in local coverage of the proceedings.

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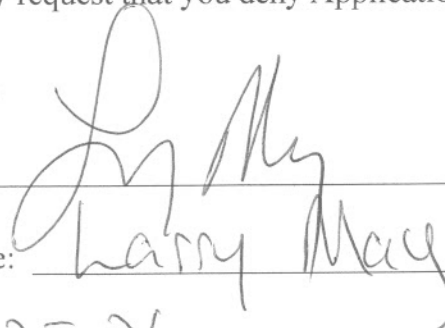
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Respectfully,

Signature: _____

Printed Name: _____

Date: _____


 Larry May

Address: 14327 E. Harmony Lane
Fountain Hills, AZ 85268

Phone Number: 303-941-9388

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Respectfully,

Signature: _____



Printed Name: _____

Rory D'Ilves

Date: _____

February 26, 2026

Address: _____

16248 N. Aspen Dr.

Fountain Hills, AZ 85268

Phone Number: _____

310.386.7071

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Respectfully,

Signature: _____

Printed Name: _____

Date: _____

Address: _____

Phone Number: _____

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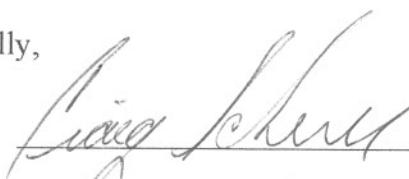
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Respectfully,

Signature:



Printed Name:

Craig Scherer

Date:

2/24/26

Address:

15208 E Shoot Out Plz
Fountain Hills AZ

Phone Number:

FOUNTAIN HILLS TOWN CLERK'S OFFICE
MAR 5 2026 PM 12:42

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Respectfully,

Signature: Lynn Piacenza

Printed Name: LYNN PIACENZA

Date: 2/24/26

Address: 15806 N. Eagles Nest Dr.
Fountain Hills, Az; 85268

Phone Number: 224-766-9464

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Respectfully,

Signature: _____

Printed Name: _____

Date: _____

Address: _____

Phone Number: _____

[Handwritten Signature]
 SUSAN H DAVIS
 2/25/2026
 16624 N. ASPEN DR
 FOUNTAIN HILLS AZ 85268
 832/517-3606

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FOUNTAIN HILLS CLERKS OFFICE
MAR 5 '26 PM 12:42

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Respectfully,

Signature: _____

Printed Name: _____

Date: _____

Address: _____

Phone Number: _____

FH TOWN CLERKS OFFICE
MAR 5 '26 PM 2:43

Conclusion

The Town of Fountain Hills has previously encountered substantial neighborhood opposition to high-density development proposals in this area. During review of the Adero Canyon project, neighboring residents raised serious concerns regarding traffic congestion, access and safety issues, neighborhood character, and potential impacts on surrounding property values. Those concerns were treated as material during Planning & Zoning and Council deliberations and were widely reported in local coverage of the proceedings.

The Adero Canyon experience demonstrates that large-scale residential developments within established Fountain Hills neighborhoods are not impact-neutral. Such projects predictably and materially impact and degrade traffic, infrastructure capacity, emergency access, drainage conditions, neighborhood character, and surrounding property values. These impacts are not speculative, minimal, or sufficiently addressed through Toll Brothers' generalized assurances and boilerplate studies. Meaningful analyses — not conclusory representations — are required before such a substantial rezoning can be responsibly considered.

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Respectfully,

Signature:  'Grace'

Printed Name: Graziella Maglio (Formerly Graziella Canzoneri)

Date: 2/24/26

Address: 15403 E Wrangler Ct
Fountain Hills, AZ 85268

Phone Number: 480-547-0531

FH TOWN CLERKS OFFICE
MAR 5 '26 PM12:43

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Respectfully,

Signature: _____



Printed Name: Alton Bostwick

Date: February 24, 2026

Address: 15835 N Eagles Nest Drive

Fountain Hills, AZ 85268

Phone Number: (480) 215-6126

This language clearly contemplates regular, open, transparent, and meaningful dialogue between the developer and the neighbors. Toll Brothers has conducted *one* Open House, at which it failed to make a presentation to the neighbors about the project, and which was cut short because time ran out, even though neighbors had additional concerns. Toll Brothers has not offered to host a follow up Open House to hear and address remaining concerns.

The Town's Guidelines span eight (8) detailed pages outlining expectations for outreach methods, timing, transparency, documentation, and responsiveness. Neighborhood engagement plainly matters to the Town of Fountain Hills. In stark contrast, Toll Brothers' Citizen Participation Plan is *one and a half (1.5) pages long*, excluding photographs and lists of names and addresses.

This disparity is not incidental. It reflects a plan that lacks the commitment, structure, detail, and meaningful neighborhood engagement contemplated by the Town's requirements.

Unfortunately, Toll Brothers hasn't even met the requirements of its cursory Citizen Participation Plan. For example, the Plan states that, at the Open House, "we will *discuss the proposed application and allow any participants to ask questions.*" This plainly contemplates a presentation with a Q&A. But Toll Brothers did no such thing. Only when neighbors demanded it did Toll Brothers finally stand up in front of the assembled neighbors and address questions.

In short, Toll Brothers is reaching to satisfy its minimum obligations to check its citizen engagement box. But meaningful citizen participation is not a procedural formality or a box to check. It is a substantive requirement designed to ensure that neighbors are informed early, heard genuinely, and responded to thoughtfully.

Toll Brothers should be required to revise its Citizen Participation Plan to comply with the Town's Guidelines, and to implement a neighborhood engagement process that meaningfully and regularly involves the neighbors— as the Zoning Ordinance and the Guidance require.

Conclusion

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Respectfully,

Signature: Terryl S. Silberstadt

Printed Name: Terryl S. Silberstadt

Date: Feb. 22, 2026

Address: 15403 E. Golden Eagle Blvd.
Fountain Hills, AZ 85268

Phone Number: 612-723-8412

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Respectfully,

Signature: Elaine Mahadeen

Printed Name: ELAINE MAHADEEN

Date: 2/21/26

Address: 16013 N. NYACK DR.

Phone Number: 201-214-8098

congestion, access and safety issues, neighborhood character, and potential impacts on surrounding property values. Those concerns were treated as material during Planning & Zoning and Council deliberations and were widely reported in local coverage of the proceedings.

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Respectfully,

Signature: Kris Erickson Sylvia I. Erickson

Printed Name: Kris Erickson Sylvia I. Erickson

Date: 2/21/2026

Address: 15316 Quik Draw Pl

Fountain Hills, AZ 85765

Phone Number: (480) 646-7794

congestion, access and safety issues, neighborhood character, and potential impacts on surrounding property values. Those concerns were treated as material during Planning & Zoning and Council deliberations and were widely reported in local coverage of the proceedings.

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Respectfully,

Signature: Kayla Prestenback Eric Chat

Printed Name: Kayla Prestenback / ERIC Chatagnier

Date: 2/17/26

Address: 15843 N. Aspen Dr.

Fountain Hills, AZ 85268

Phone Number: 985-212-4259

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Garrett Wilson + Angel Wi

Printed Name: GARRETT Wilson Angel Wilson

Date: February 15, 2026

Address: 15614 North Aspen Drive

Fountain Hills, AZ 85168

Phone Number: 602-349-5124

Supplicat

congestion, access and safety issues, neighborhood character, and potential impacts on surrounding property values. Those concerns were treated as material during Planning & Zoning and Council deliberations and were widely reported in local coverage of the proceedings.

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Respectfully,

Signature: Garrett Wilson + Angel Wilson

Printed Name: GARRETT WILSON Angel Wilson

Date: February 15, 2026

Address: 15614 North Aspen Drive

Fountain Hills, AZ 85268

Phone Number: 602-349-5124

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PLANNING CLERKS OFFICE
MAR 5 '26 PM 12:44

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Respectfully,

Signature:

Ann Lisa Kelleher

Printed Name:

Ann Lisa Kelleher

Date:

Feb 21/2026

Address:

*10026 N Aspen Dr
Fountain Hill AZ*

Phone Number:

480-255-9879

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Respectfully,

Signature: LM Rubino / Larry Rubino

Printed Name: Lois Rubino / Larry Rubino

Date: 2/19/2026

Address: 15820 N. Eagles Nest Dr
Fountain Hills, AZ 85768

Phone Number: 480-229-7530

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Respectfully,

Signature: 

Printed Name: ROBERT L. TITUS

Date: FEB 21 2024

Address: 15633 N EAGLES NEST DR
FOUNTAIN HILLS, AZ 85268

Phone Number: 608-332-1265

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Respectfully,

Signature: Teri K. Hills

Printed Name: TERI K. HILLS

Date: 2/20/26

Address: 15649 N. EAGLES NEST DR.

FOUNTAIN HILLS, AZ

Phone Number: 480-529-1621

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Respectfully,

Signature: Patricia Korona

Printed Name: PATRICIA KORONA

Date: _____

Address: 15317 E WALNUT LN

FOUNTAIN HILLS, AZ 85268

Phone Number: 480-586-5603

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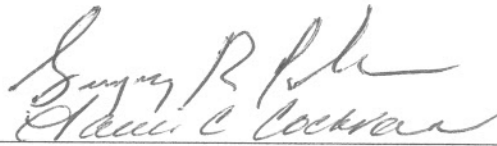
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Respectfully,

Signature:


GREGORY R. COCHRAN

Printed Name:

TAMI C COCHRAN

Date:

2/18/2026

Address:

16020 N. NYACK DR

FOUNTAIN HILLS AZ 85268

Phone Number:

GREG - 541 521 1438

5:27 PM 02 APR 2026
TOWN CLERK'S OFFICE

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Respectfully,

Signature:



Printed Name: ELIANE CAPPELLI

Date: February 17th, 2026

Address: 15579 E. Golden Eagle Blvd
FOUNTAIN HILLS AZ 85268

Phone Number: 831-920-8255

TOWN CLERKS OFFICE
MAR 5 '26 PM 12:45

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Respectfully,

Signature: Catherine Gilbert

Printed Name: Catherine Gilbert

Date: 2-18-2026

Address: 16417 N Aspen Dr.
Fountain Hills AZ 85268

Phone Number: 480 540 9025

FOUNTAIN HILLS TOWN CLERKS OFFICE
MAR 5 '26 PM 2:45

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Respectfully,

Signature: Claire Miller Haughey

Printed Name: Claire Miller Haughey

Date: 2-16-26

Address: 16425 N. Aspen Drive
Fountain Hills, AZ 85268

Phone Number: 480-375-1860

FOUNTAIN HILLS TOWN CLERKS OFFICE
MAR 5 '26 PM 12:45

congestion, access and safety issues, neighborhood character, and potential impacts on surrounding property values. Those concerns were treated as material during Planning & Zoning and Council deliberations and were widely reported in local coverage of the proceedings.

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Respectfully,

Signature:



Printed Name:

Myra Smith

Date:

2/17/26

Address:

15810 N. Eagles Nest Dr
FH, 85268

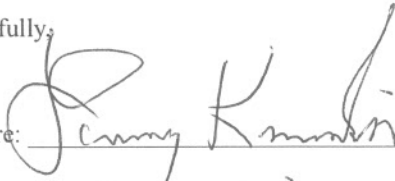
Phone Number:

480-881-6198

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Respectfully,

Signature:



Printed Name:

LARRY KERKULIS

Date:

2-15-26

Address:

15656 N. EAGLES NEST Dr.

FOUNTAIN HILLS, AZ 85268

Phone Number:

847-308-1309

congestion, access and safety issues, neighborhood character, and potential impacts on surrounding property values. Those concerns were treated as material during Planning & Zoning and Council deliberations and were widely reported in local coverage of the proceedings.

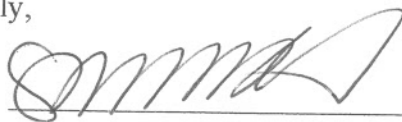
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Respectfully,

Signature:



Printed Name:

SUSAN MAISEL MD

Date:

2/16/2026

Address:

15431 E. GOLDEN EAGLE BLVD
FOUNTAIN HILLS, AZ 85268

Phone Number:

317-654-0712

12
smaiselmd@gmail.com

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Brett Lincoln
Brett Lincoln
2/16/26

Respectfully,

Signature: Ann C. Becker Becker-Lincoln
Printed Name: Ann C. Becker Revocable Trust
Date: Feb. 16, 2026
Address: 15410 E. Wrangler Court
Fountain Hills, AZ 85268
Phone Number: 602-320-4517

we own
two
lots -
we get
two
votes)

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we also
in a lot
in Wrangler
signed
separately
or that
ot

Respectfully,

Signature: Ann C. Becker Brett Lincoln

Printed Name: Ann Becker Brett Lincoln
2/16/26

Date: Feb. 16, 2026

Address: 15830 N. Eagles Nest Dr.
Fountain Hills, AZ 85268

Phone Number: 602-320-4517

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Respectfully,

Signature:

Robert Atri Kangas

Printed Name:

Robert Atri Kangas

Date:

02-16-2026

Address:

16256 N. Aspen Dr
Fountain Hills, AZ 85268

Phone Number:

602-538-3939

TOWN CLERKS OFFICE
MAR 5 '26 PM 2:46

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Respectfully,

Signature: D. Valencia

Printed Name: Danielle Valencia

Date: 2/15/2026

Address: 16404 N. Aspen Dr.

Fountain Hills, AZ 85208

Phone Number: 480-303-3743

congestion, access and safety issues, neighborhood character, and potential impacts on surrounding property values. Those concerns were treated as material during Planning & Zoning and Council deliberations and were widely reported in local coverage of the proceedings.

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Respectfully,

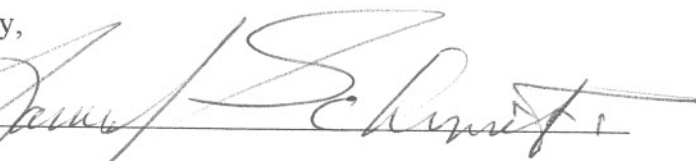
Signature:

Printed Name:

Date:

Address:

Phone Number:



LAURENCE J SCHMIT

2/15/26

16255 N ASPEN Dr

Fountain Hills Az 85268

480-836 8593

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Respectfully,

Signature: Elizabeth E Schmit

Printed Name: ELIZABETH E Schmit

Date: 2/15/26

Address: 16255 N Aspen Dr
Fountain Hills, Az 85268

Phone Number: 480 836-8593

congestion, access and safety issues, neighborhood character, and potential impacts on surrounding property values. Those concerns were treated as material during Planning & Zoning and Council deliberations and were widely reported in local coverage of the proceedings.

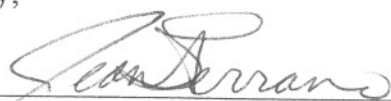
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Respectfully,

Signature:



Printed Name:

Jean T Serrano

Date:

2-15-26

Address:

15213 E. Shoot Out Plaza

Fountain Hills AZ 85268

Phone Number:

(480) 510-6134

congestion, access and safety issues, neighborhood character, and potential impacts on surrounding property values. Those concerns were treated as material during Planning & Zoning and Council deliberations and were widely reported in local coverage of the proceedings.

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Respectfully,

Signature:

Adrienne Larsen

Printed Name:

Adrienne Larsen

Date:

2-15-2026

Address:

15318 E. Walnut Ln.

Fountain Hills, AZ 85268

Phone Number:

480-907-4104

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Respectfully,

Signature: Robert M. Cagala

Printed Name: Robert M. Cagala

Date: 2-15-2026

Address: 15473 Golden Eagle
Fountain Hills, AZ 85268

Phone Number: 602-312-7475

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Respectfully,

Signature: Julie McKsymick

Printed Name: Julie McKsymick

Date: 2-15-2026

Address: 15583 E. Golden Eagle Blvd.
Fountain Hills, AZ 85268

Phone Number: 314-265-7071

FH TOWN CLERKS OFFICE
MAR 5 '26 PM 12:47

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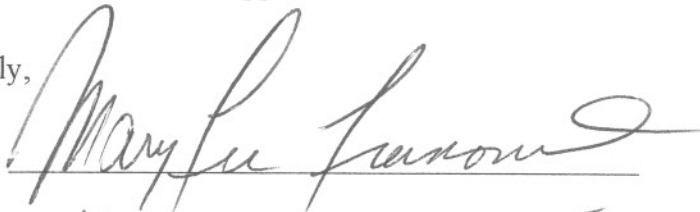
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Respectfully,

Signature:



Printed Name:

MARY LEE TRAMONTE

Date:

2/15/26

Address:

15860 N. NYACK DR.

FOUNTAIN HILLS, AZ 85268

Phone Number:

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Respectfully,

Signature:



Printed Name:

Pamela Cook

Date:

2/15/26

Address:

15659 N. Aspen Rd,
Fountain Hills, AZ

Phone Number:

203-907-8252

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Respectfully,

Signature: David Cagle

Printed Name: David Cagle

Date: 2/15/2026

Address: 16230 N. Aspen Drive
Fountain Hills, AZ 85268

Phone Number: 928-242-9871

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Respectfully,

Signature: _____

Printed Name: _____

Date: _____

Address: _____

Phone Number: _____

Patrick Murphy
PATRICK MURPHY

2/15/26

16010 N- ASPEN BL
Fountain Hills AZ

414-719-5761

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Respectfully,

Signature: Susan L. Hixson

Printed Name: Susan L. Hixson

Date: 2/15/25

Address: 15872 N. Aspen Dr.
Fountain Hills, AZ 85266

Phone Number: (602) 463-9567

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Respectfully,

Signature:

Elizabeth J. Oakley

Printed Name:

Elizabeth J. Oakley

Date:

2/15/2026

Address:

16238 N. Aspen Dr.

Fountain Hills, AZ

Phone Number:

216-618-0790

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Respectfully,

Signature: Gary Holland

Printed Name: Gary Holland

Date: 2/15/2026

Address: 15404 E Round Up Cir
Fountain Hills AZ 85268

Phone Number: 406-595-5700

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I am not opposed to development of the Property in accordance with its existing R1-35 zoning designation. However, I strongly oppose any proposal that is incompatible with the established character of the neighborhood, is inconsistent with the General Plan, and creates the substantial and foreseeable risks outlined above. Toll Brothers' proposal materially fails under each of these independent and sufficient bases for denial. I respectfully request that you deny Application RZ26-000002.

Respectfully,

Signature: Dianne R. Immenga

Printed Name: DIANNE IMMENGA

Date: 2-15-22

Address: 15405 Round Up Circle
FH AZ 85268

Phone Number: 480-836-1235

congestion, access and safety issues, neighborhood character, and potential impacts on surrounding property values. Those concerns were treated as material during Planning & Zoning and Council deliberations and were widely reported in local coverage of the proceedings.

The Adero Canyon experience demonstrates that large-scale residential developments within established Fountain Hills neighborhoods are not impact-neutral. Such projects predictably and materially impact and degrade traffic, infrastructure capacity, emergency access, drainage conditions, neighborhood character, and surrounding property values. These impacts are not speculative, minimal, or sufficiently addressed through Toll Brothers' generalized assurances and boilerplate studies. Meaningful analyses — not conclusory representations — are required before such a substantial rezoning can be responsibly considered.

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Respectfully,

Signature: Barbara Tucker

Printed Name: Barbara Tucker

Date: 2/15/2026

Address: 15853 N. Aspen Dr
Fountain Hills, AZ 85268

Phone Number: 208-446-9009

congestion, access and safety issues, neighborhood character, and potential impacts on surrounding property values. Those concerns were treated as material during Planning & Zoning and Council deliberations and were widely reported in local coverage of the proceedings.

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Respectfully,

Signature: _____



Printed Name: _____

Catherine M. Capozzi

Date: _____

Feb. 15, 2026

Address: _____

15329 E Walnut Ln

Fountain Hills, AZ 85268

Phone Number: _____

928-750-2278

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Respectfully,

Signature: Sandra Vergetis

Printed Name: Sandra Vergetis

Date: 2/15/26

Address: 15836 N. Eagles Nest Dr
F H

Phone Number: 602-647-9131

SandraV320@hotmail.com 12

	Last Name	First Name	Number	Address	City	State	Zip	Phone	Notes
1	Abrams	David	15641	N Eagles Nest Dr	Fountain Hills	Arizona	85268	480-652-5177	
2	Abrams	Jamie	15641	N Eagles Nest Dr	Fountain Hills	Arizona	85268	480-843-1393	
3	Agee	Judith	15644	N Aspen Dr	Fountain Hills	Arizona	85268	480-363-6285	
4	Aritz	Frank	15323	E Quick Draw Pl	Fountain Hills	Arizona	85268	480-837-4529	
5	Baranoff	Robert	15641	E Golden Eagle Blvd	Fountain Hills	Arizona	85268	860-729-4501	
6	Becker	Anne	15830	N Eagles Nest Dr	Fountain Hills	Arizona	85268	602-320-4517	
7	Becker	Anne	15410	E Wrangler Ct	Fountain Hills	Arizona	85268	602-320-4517	
8	Booth	Jann	16428	N Aspen Dr	Fountain Hills	Arizona	85268	480-652-0827	
9	Cagala	Therese	15473	E Golden Eagle Blvd	Fountain Hills	Arizona	85268	480-221-0808	
10	Cagle	Cheryl	16230	N Aspen Dr	Fountain Hills	Arizona	85268	928-368-3946	
11	Campbell	Philip	15802	N Eagles Nest Dr	Fountain Hills	Arizona	85268	303-916-0544	
12	Canzoneri	Peter	15403	E Wrangler Ct	Fountain Hills	Arizona	85268	847-514-6033	
13	Casciani-Eaton	Cosette	16012	N Nyack Dr	Fountain Hills	Arizona	85268	575-312-9512	
14	Cherwayko	Jeanette	15633	Cerro Alto	Fountain Hills	Arizona	85268	403-650-7204	
15	Combs	Roger	15648	N Eagles Nest Dr	Fountain Hills	Arizona	85268	602-577-3087	
16	Couch	Ron	15312	E Two Gun Cir	Fountain Hills	Arizona	85268	NONE	
17	Dahl	Helen	16220	N Aspen Dr	Fountain Hills	Arizona	85268	602-549-4270	
18	Eaton	Rodney	16012	N Nyack Dr	Fountain Hills	Arizona	85268	575-312-2766	
19	Fabielli	Bobbie	15814	N Eagles Nest Dr	Fountain Hills	Arizona	85268	773-592-8986	
20	Farah	Diane	16035	N Aspen Dr	Fountain Hills	Arizona	85268	317-258-0463	
21	Fredrickson	Todd	14407	N El Pueblo Blvd	Fountain Hills	Arizona	85268	NONE	
22	Gilberstadt	David	15403	E Golden Eagle Blvd	Fountain Hills	Arizona	85268	480-634-8486	
23	Gilbert	Walter	16417	N Aspen Dr	Fountain Hills	Arizona	85268	480-250-6966	
24	Gorenca	Veton	16820	E La Montana #116	Fountain Hills	Arizona	85268	480-365-9289	
25	Grauds	Dzintars	16034	N Aspen Dr	Fountain Hills	Arizona	85268	602-430-1176	
26	Halfman	Martin J	15811	N Eagles Nest Dr	Fountain Hills	Arizona	85268	480-993-8266	
27	Hubick	James	16042	N Aspen Dr	Fountain Hills	Arizona	85268	480-284-1943	
28	Immenga	Albert	15405	E Round Up Cir	Fountain Hills	Arizona	85268	480-836-1235	
29	Kelleher	William	16026	N Aspen Dr	Fountain Hills	Arizona	85268	480-837-8806	
30	Korona	Patricia	15317	E Walnut Ln	Fountain Hills	Arizona	85268	480586-5603	
31	Kuzara	Veronica	15641	E Golden Eagle Blvd	Fountain Hills	Arizona	85268	860-874-3625	

	Last Name	First Name	Number	Address	City	State	Zip	Phone	Notes
32	Larson	Stewart	15318	Walnut Ln	Fountain Hills	Arizona	85268	480-861-2530	
33	Lorvick	Vicky	15404	E Round Up Cir	Fountain Hills	Arizona	85268	406-570-7747	
34	Lynch	Barbara	16050	N Aspen Dr	Fountain Hills	Arizona	85268	262-613-8931	
35	Mahadeen	Ramsey	16013	N Nyack Dr	Fountain Hills	Arizona	85268	973-204-2641	
36	Mahdavi	Omid	15304	E Two Gun Cir	Fountain Hills	Arizona	85268	520-471-2084	
37	McCarty	Patrick	15402	E Wrangler Ct	Fountain Hills	Arizona	85268	507-358-5376	
38	Mcksymick	Mark	15583	E Golden Eagle Blvd	Fountain Hills	Arizona	85268	480-226-4429	
39	McNeal	Deborah	15312	E Two Gun Cir	Fountain Hills	Arizona	85268	360-707-8073	
40	Miller	Paul	16212	N Aspen Dr	Fountain Hills	Arizona	85268	480-837-2698	
41	Miller	Darlene	16212	N Aspen Dr	Fountain Hills	Arizona	85268	480-837-2698	
42	Morris	Susan	15412	E Round Up Cir	Fountain Hills	Arizona	85268	480-227-5134	
43	Murchison	Todd	15411	E Wrangler Ct	Fountain Hills	Arizona	85268	480-768-3044	
44	Murchison	Nicole	15411	E Wrangler Ct	Fountain Hills	Arizona	85268	480-768-3044	
45	Murphy	Patricia G	16010	N Aspen Dr	Fountain Hills	Arizona	85268	262-225-5743	
46	Nonhof	Susan	15819	N Eagles Nest Dr	Fountain Hills	Arizona	85268	480-773-0481	
47	Nonhof	Michael	15819	N Eagles Nest Dr	Fountain Hills	Arizona	85268	623-696-8304	
48	Paulsen	Randy	15147	E Mazatzal Cir	Fountain Hills	Arizona	85268	NONE	
49	Pierson	Roy	15207	E Shoot Out Plaza	Fountain Hills	Arizona	85268	215-921-1019	
50	Polk	Florence	15531	E Golden Eagle Blvd	Fountain Hills	Arizona	85268	480-586-7566	
51	Prestenback	Kayla	15843	N Aspen Dr	Fountain Hills	Arizona	85268	985-212-4259	
52	Purdum	Denice	16028	N Nyack Dr	Fountain Hills	Arizona	85268	314-369-5658	
53	Reiser	Laura	16420	N Aspen Dr	Fountain Hills	Arizona	85268	630-926-5248	
54	Reiser	Scott	16420	N Aspen Dr	Fountain Hills	Arizona	85268	630-299-9470	
55	Scoville	Diane	15315	E Quick Draw Pl	Fountain Hills	Arizona	85268	480-720-1857	
56	Smith	Jefferey	16206	N Aspen Dr	Fountain Hills	Arizona	85268	480-250-2018	
57	Smith	Robert	15827	N Eagles Nest Dr	Fountain Hills	Arizona	85268	218-330-0997	
58	Taube	Kathleen	16034	N Aspen Dr	Fountain Hills	Arizona	85268	480-837-3605	
59	Titus	Susan	15633	N Eagles Nest Dr	Fountain Hills	Arizona	85268	608-332-1265	
60	Tramonte	Peter	15860	N Nyack Dr	Fountain Hills	Arizona	85268	631-459-3789	
61	Van Wyk	Nmadelyn	15261	Golden Eagle Blvd	Fountain Hills	Arizona	85268	480-740-7304	
62	Verity	Melissa	16411	E Segundo Dr	Fountain Hills	Arizona	85268	602-881-0038	

	Last Name	First Name	Number	Address	City	State	Zip	Phone	Notes
63	Versetis	Charles	15836	N Eagles Nest Dr	Fountain Hills	Arizona	85268	602-359-2806	
64	Visnifir	Doug	15330	E Walnut Lane	Fountain Hills	Arizona	85268	602-796-2860	
65	Walters	Rachael	15606	N Aspen Dr	Fountain Hills	Arizona	85268	805-245-4473	
66	Wasserstrom	Sam	15814	N Eagles Nest Dr	Fountain Hills	Arizona	85268	773-592-8969	
67	Weegman	Mary Lou	15827	N Eagles Nest Dr	Fountain Hills	Arizona	85268	NONE	
68	White	Nancy	15573	E Golden Eagle Blvd	Fountain Hills	Arizona	85268	480-330-1922	
69	Wicklund	Anne	15453	E Golden Eagle Blvd	Fountain Hills	Arizona	85268	602-620-4948	
70	Wilson	Susan	15824	N Eagles Nest Dr	Fountain Hills	Arizona	85268	623-687-0366	
71	Wilson	Matt	15824	N Eagles Nest Dr	Fountain Hills	Arizona	85268	623-687-6389	

I received the Toll Brothers Development Plan in the mail for N. Apsen Dr. & E. Wrangler Ct. showing 29 homes that are planned to be built very close to my property. It looks like the edge of my property is 126 Ft from the proposed development.

Please accept my formal Protest Letter in opposition to rezoning.

I have many concerns, but my main concerns are losing property value, changing the beauty of Fountain Hills desert landscape, the possible risks of flood/drainage, and the effect on the natural wildlife.

I love seeing Deer in my own backyard and rezoning to put in 29 homes is going to affect Fountain Hills in a negative way. I love the small town feel of Fountain Hills.

I can't wait to vote in the next election for representatives that share my passion for Fountain Hills.

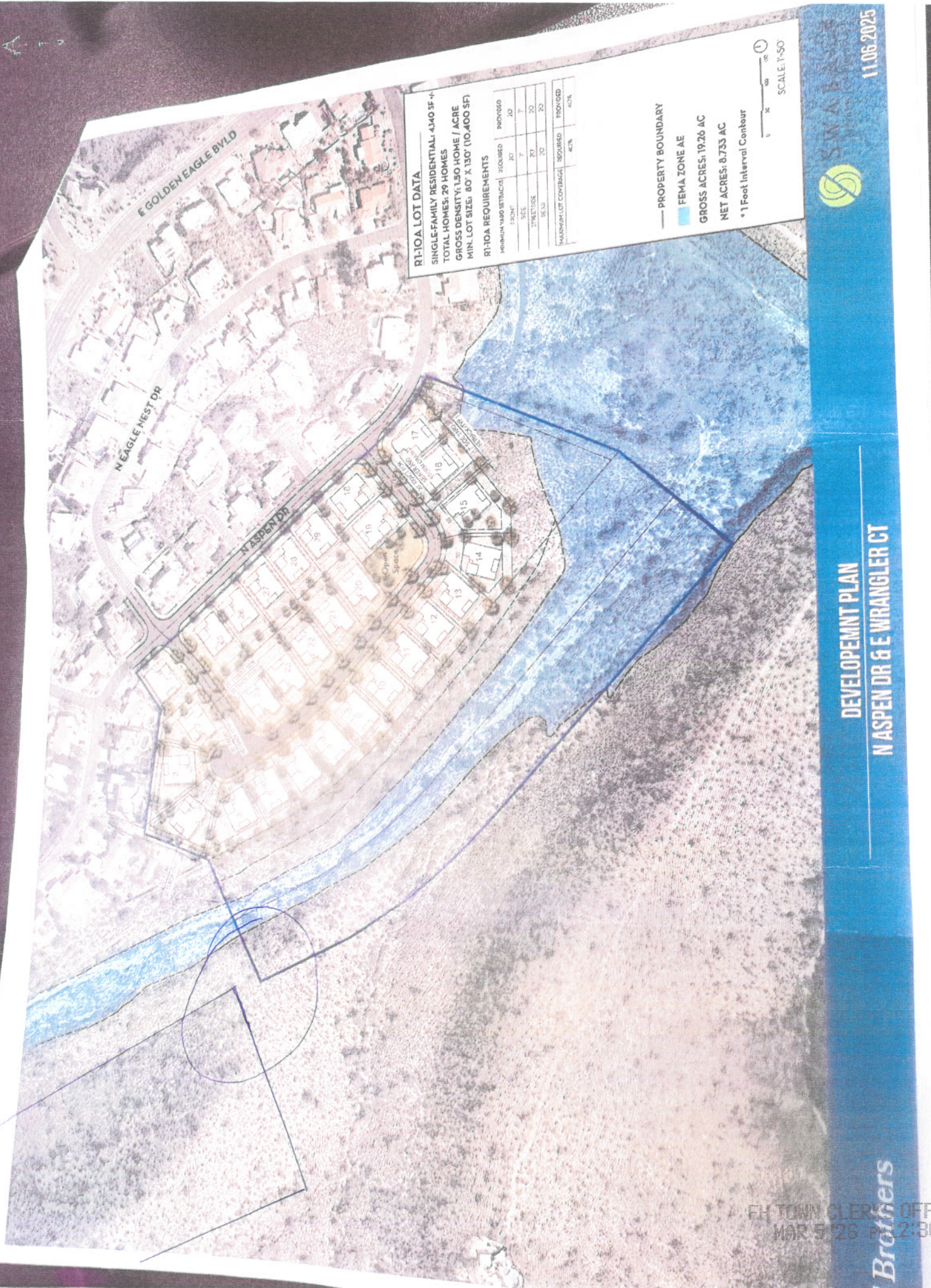
Your neighbor.

Randy Paulsen

15147 E. Mazatzal Cir.

 2-16-2026





R1-10A LOT DATA

SINGLE-FAMILY RESIDENTIAL: 43,40 SF +/-
 TOTAL HOMES: 29 HOMES
 GROSS DENSITY: 150 HOME / ACRE
 MIN. LOT SIZE: 80' X 130' (10,400 SF)

R1-10A REQUIREMENTS

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

MINIMUM LOT COVERAGE	REQUIRED	PROVIDED
45%	45%	45%

— PROPERTY BOUNDARY
 FEMA ZONE AE
 GROSS ACRES: 19.26 AC
 NET ACRES: 8.733 AC
 * 1 Foot Interval Contour

0 50 100
 SCALE: 1"=50'

SWAB
 11.06.2025

DEVELOPEMNT PLAN
N ASPEN DR & E WRANGLER CT

FH TOWN CLERK'S OFFICE
 MAR 5 '26 PM 2:36

Brainers

Written Protest Regarding Toll Brothers Rezoning Application RZ25-000002

FOUNTAIN HILLS TOWN CLERKS OFFICE
MAR 5 '26 PM 12:36

February 16, 2026

To: Town of Fountain Hills Town Clerk, Beverly Bender

Town of Fountain Hills Mayor and Council Members

Mayor Gerry Friedel
Vice mayor Allen Skillicorn
Councilwoman Gayle Earle
Councilwoman Brenda Kalivianakis
Councilwoman Hannah Larrabee
Councilwoman Peggy McMahon
Councilman Rick Watts

Town of Fountain Hills Planning & Zoning Commission Members

Chairperson Dan Kovacevic
Vice Chairperson Peter Gray
Commissioner Nick Proctor
Commissioner Phil Sveum
Commissioner Scott Schlossberg
Commissioner Mathew Corrigan

Subject: **Written Protest Regarding Toll Brothers' Application (RZ25-000002) to Rezone North Aspen Property (APN: 176-21-181)**

Legal Dispute Regarding NPOA Jurisdiction Over North Aspen Property

I write to formally oppose Toll Brothers Inc.'s application (RZ25^{ACB}-000002) to rezone the 19-acre parcel located at 15680 North Aspen Drive in Fountain Hills, Arizona.

My husband Brett Lincoln and I live at 15830 N. Eagles Nest Drive in Fountain Hills. We also own the lot at 15410 E. Wrangler Court in Fountain Hills. Both of our properties are directly adjacent to the North Aspen Property referenced above and would be impacted by Toll Brothers' proposed development.

The full 19 acre parcel along Aspen Drive lies squarely within the legal jurisdiction of the Neighborhood Property Owners' Association of Fountain Hills or "NPOA."

NPOA is a private, nonprofit property owners association in Fountain Hills that was established to *maintain architectural control* in specified portions of Fountain Hills – including the Aspen Drive parcel.

NPOA administers and enforces a Declaration of Reservations containing terms and conditions that are private, binding covenants that run with the land. These restrictions are recorded in the deed, and any buyer of the land – including Toll Brothers – **must** accept the land subject to these conditions.

The NPOA Declaration of Reservations states that lots zoned R-35 and R-10 (including the Aspen Drive property) **cannot be subdivided without prior approval** from the NPOA Committee of Architecture. In other words, Toll Brothers needs NPOA's prior authorization in order to subdivide the lot or construct anything on the property.

Toll Brothers doesn't seem to think so. At the Open House, Toll Brothers stated that it would not be part of the NPOA. It failed to explain how it can exempt itself from NPOA jurisdiction.

In short: The jurisdiction of the NPOA over Toll Brothers' proposed development is at issue. NPOA asserts jurisdiction (and their records plainly confirm jurisdiction), but Toll Brothers claims it is outside NPOA's jurisdiction even though these restrictions legally run with the land.

This is a significant legal issue that must be resolved before rezoning can be considered.

Signature: Ann C. Becker

Printed Name: Ann BECKER

Date: Feb. 16, 2026

Address: 15830 N. Eagles Nest AND 15400 E. Wrangler Ct.
Fountain Hills, AZ 85268

Phone Number: 602-320-4517

“This proposed development will result in a 22 cubic feet per second ***increase in peak flow*** during a 100-year storm event compared to existing conditions.”

This is not speculative. It is Toll Brothers’ own admission.

A 22 cubic feet per second increase in 100-year peak discharge is significant in this context. In natural, unconfined alluvial channels such as Ashbrook Wash, hydraulic response is non-linear — meaning relatively modest increases in discharge can produce disproportionately larger increases in water surface elevation, velocity, and lateral floodplain expansion.

Standard engineering references recognize that floodplain boundaries and base flood elevations are highly sensitive to changes in peak flow and channel conveyance characteristics (see V.T. Chow, D.R. Maidment & L.W. Mays, *Applied Hydrology*, McGraw-Hill; U.S. Army Corps of Engineers, *HEC-RAS Hydraulic Reference Manual*; FEMA, *Floodplain Management Requirements: A Study Guide and Desk Reference*). This sensitivity is precisely why many jurisdictions require zero net increase in 100-year peak discharge for new development.

Toll Brothers provides no downstream hydraulic modeling to demonstrate that its projected increased in flow is harmless. The Town cannot responsibly approve a rezoning based on a study that admits increased peak flow while offering no evidence that the increase will not harm adjacent properties or public infrastructure.

2. Toll Brothers Seeks to Shift Flood Risk to the Public

Rather than mitigating the increased runoff, Toll Brothers proposes to discharge the additional flow directly into Ashbrook Wash – effectively transferring the hydrologic burden to the public drainage system and downstream residents.

This approach is unacceptable given:

- The parcel’s immediate adjacency to Zone AE
- The outdated 2013 FEMA panel (see below)
- Post-Atlas 14 rainfall intensity increases (see below)
- The August 2022 and other recent extreme storm events
- The absence of any downstream capacity or dam impact analysis

Allowing increased discharge here would lower the Town’s flood protection standard and create a dangerous precedent for future development.

Before any zoning change is considered, the Town must require:

- Zero net increase in 100-year peak discharge at the wash
- A downstream hydraulic analysis, including impacts to Dam #6
- Verification that channel capacity and freeboard remain intact
- Independent peer review of all hydrologic and hydraulic modeling

Without these protections, the project simply shifts risk from Toll Brothers to the public.

3. Toll Brothers Relies on Outdated Flood Modeling

The effective FEMA panel date is 2013. Since that time:

- NOAA Atlas 14 rainfall estimates have materially increased projected storm intensities for Arizona.
- The region has experienced several extreme, 100+ year flood storm events.
- Sedimentation, channel migration, and upstream development have altered watershed conditions.

There is no evidence that Toll Brothers' "Preliminary Drainage Analysis" incorporates updated rainfall frequency curves, post-2022 storm observations, or current watershed conditions. Reliance on a 2013 map does not constitute a contemporary flood risk evaluation.

4. Toll Brothers Ignores the Parcel's Immediate Proximity to Zone AE

The parcel sits directly adjacent to the Zone AE boundary. In desert systems, floodwaters routinely expand laterally during extreme events. Small increases in discharge or reductions in channel capacity can cause significant outward spread. Properties just outside AE boundaries are often the first to experience overbank flow when channel capacity is exceeded.

Indeed, neighbors have personally experienced this lateral spread of water during extreme storm events (see attached photos).

Any increase in discharge or reduction in channel capacity can push floodwaters outward—directly toward existing homes.

5. Toll Brothers Has Conducted No Dam Impact or Downstream Risk Assessment

To date, Toll Brothers has presented no analysis evaluating:

- Whether increased runoff will affect downstream capacity of Ashbrook Wash
- Whether additional peak flows could impact the Fountain Hills dam system and Dam #6 in particular
- Whether retention design would fully mitigate cumulative watershed impacts
- Whether channel erosion or migration risk increases downstream

Any project that increases discharge into a defined wash system must include a rigorous downstream hydraulic analysis. Toll Brothers has presented no such comprehensive evaluation to the public.

6. Cumulative and Public Safety Implications

Flood risk is not confined to the subject parcel. Increased flow volumes affect:

- Downstream property owners
- Roadway crossings
- Emergency access routes
- Public infrastructure
- Erosion stability of wash banks

The Town has an obligation to assess cumulative watershed impacts, not merely lot-by-lot compliance. After recently expending public funds to strengthen downstream infrastructure along Ashbrook Wash, the Town should not authorize upstream development that increases peak discharge without a comprehensive analysis confirming that those public investments will not be undermined.

Conclusion.

Toll Brothers admits that this development will increase 100-year stormwater discharge into Ashbrook Wash. At the same time, Toll Brothers characterizes the increase as negligible and urges the Town to proceed with rezoning.

The burden, however, is not on neighboring residents to prove harm. The burden rests with the applicant to demonstrate — through competent, current, and

TOWN CLERK'S OFFICE
MAR 5 '26 PM 12:37

downstream-inclusive analysis — that the increased discharge will not adversely affect adjacent properties, public infrastructure, or the Ashbrook Wash system.

At a minimum, Toll Brothers should be required to provide:

- Updated hydrologic and hydraulic modeling using current rainfall data
- A comprehensive downstream impact analysis, including potential effects on Dam #6 and related infrastructure
- Verification that post-development conditions will not increase water surface elevations, reduce freeboard, or expand flood extents
- Transparent, independently peer-reviewed flood risk documentation

Absent this information, rezoning would be premature and inconsistent with the Town’s obligation to protect public safety and downstream property owners.

We respectfully urge the P&ZC and the Town Council to deny this rezoning request unless and until a comprehensive, updated flood risk assessment demonstrates no increased risk to neighboring properties, downstream infrastructure, or the broader community.

Sincerely,

Signature	Printed Name	Address	Phone Number	Date
<i>Ann Becker</i>	<i>Ann Becker</i>	<i>15830 N. Eagles Nest Dr.</i>	<i>602-320-4517</i>	<i>2-17-26</i>

TOWN CLERKS OFFICE
 APR 5 '25 PM12:37

Written Protest Regarding Toll Brothers Rezoning Application RZ25-000002

~~February~~ ^{MARCH 5}, 2026

To: Town of Fountain Hills Clerk, Beverly Bender
Town of Fountain Hills Mayor and Council Members
Town of Fountain Hills Planning & Zoning Commission Members

**Subject: Written Protest Regarding Toll Brothers' Application (RZ25-000002) to
Rezone North Aspen Property (APN: 176-21-181)**

As a resident and property owner in the Aspen Drive neighborhood of Fountain Hills, I am writing to formally oppose Toll Brothers Inc.'s application (RZ26-000002) to rezone the 19-acre parcel located at 15680 North Aspen Drive in Fountain Hills, Arizona.

The property is currently zoned R1-35 for residential development, allowing for six to eight homes per five acres – thus authorizing approximately 10 to 13 homes to be built on the subject eight-acre parcel. Toll Brothers seeks to reduce lot sizes by 71% in order to construct 29 homes on these eight acres, a material and incompatible increase in density.

Toll Brothers' application presents substantial defects and well-founded concerns, including among other things:

- Threats to public health and safety;
- Excessive density and resulting traffic impacts;
- Increased flood risk and adverse stormwater effects;
- Harm to native wildlife and established wildlife corridors;
- Degradation of neighborhood character and aesthetics;
- Inconsistency with the Town's General Plan;
- Interference with Fountain Hills' Dark Sky protections; and
- Inadequate citizen engagement.

To date, Toll Brothers has made only superficial and cosmetic efforts to evaluate the significant impacts associated with this proposal. The few studies it has filed are materially deficient and do not provide the rigorous, data-driven analysis necessary to meaningfully assess the significant risks this proposal presents.

At a minimum, the Town should require Toll Brothers to conduct rigorous studies and provide objective, data-driven analyses regarding traffic impacts, first responder impacts, drainage and floodplain impacts, wildlife impacts, Dark Skies impacts, and neighborhood and General Plan compatibility. The Town also should

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ25-000002.

Respectfully,

Signature: See Attached

Printed Name: _____

Date: _____

Address: _____

Phone Number: _____

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ25-000002.

Respectfully,

Signature: Susan Wilson

Printed Name: Susan Wilson

Date: 2/26/26

Address: 15824 N. Eagles Nest Dr
Fountain Hills 85268

Phone Number: 623-687-0366

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ25-000002.

Respectfully,

Signature: Matt Wilson

Printed Name: Matt Wilson

Date: 3/3/26

Address: 15824 N. Eagles Nest Dr
Fountain Hills, AZ 85268

Phone Number: 623-687-6389

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ25-000002.

Respectfully,

Signature: TODD FREDRICKSON

Printed Name: TODD FREDRICKSON

Date: 2-28-2026

Address: 14407 N EI PUEBLO BLVD

FOUNTAIN HILLS, AZ 85268

Phone Number: 480-200-7552

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: _____

Frank A. Aritz

Printed Name: _____

Frank A Aritz

Date: _____

2/21/26

Address: _____

15323 E Quail Draw PL

Flagstaff AZ 85268

Phone Number: _____

480 837 4529

TOWN CLERKS OFFICE
MAR 5 '26 PM 12:49

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: _____

Printed Name: _____

Date: _____

Address: _____

Phone Number: _____

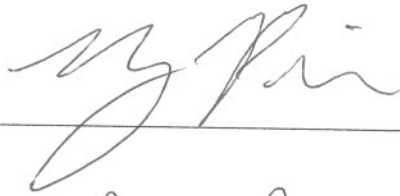
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The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: _____



Printed Name: _____

Roy Pierson

Date: _____

2/21/26

Address: _____

15207 E Shoot Out Plaza

Fountain Hills, AZ 85268

Phone Number: _____

215-921-1019

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: D Sciville

Printed Name: Diane Sciville

Date: 2-25-26

Address: 415315 E Quick Draw Pl

Fountain Hills, AZ

Phone Number: 480-720-1857

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Robert M. Baranoff

Printed Name: ROBERT M. BARANOFF

Date: 2/24/2026

Address: 15641 E. Golden Eagle Blvd.
PO Box 18574
Fountain Hills, AZ 85268

Phone Number: 860-729-4501

Written Protest Regarding Toll Brothers Rezoning Application RZ25-000002

February 24, 2026

To: Town of Fountain Hills Clerk, Beverly Bender
Town of Fountain Hills Mayor and Council Members
Town of Fountain Hills Planning & Zoning Commission Members

**Subject: Written Protest Regarding Toll Brothers' Application (RZ25-000002) to
Rezone North Aspen Property (APN: 176-21-181)**

As a resident and property owner near the Aspen Drive neighborhood of Fountain Hills, I am writing to formally oppose Toll Brothers Inc.'s application (RZ26-000002) to rezone the 19-acre parcel located at 15680 North Aspen Drive in Fountain Hills, Arizona.

The property is currently zoned R1-35 for residential development, allowing for six to eight homes per five acres – thus authorizing approximately 10 to 13 homes to be built on the subject eight-acre parcel. Toll Brothers seeks to reduce lot sizes *by 71%* in order to construct 29 homes on these eight acres, a material and incompatible increase in density.

Toll Brothers' application presents substantial defects and well-founded concerns, including among other things:

- Threats to public health and safety;
- Excessive density and resulting traffic impacts;
- Increased flood risk and adverse stormwater effects;
- Harm to native wildlife and established wildlife corridors;
- Degradation of neighborhood character and aesthetics;
- Inconsistency with the Town's General Plan;
- Interference with Fountain Hills' Dark Sky protections; and
- Inadequate citizen engagement.

To date, Toll Brothers has made only superficial and cosmetic efforts to evaluate the significant impacts associated with this proposal. The few studies it has filed are materially deficient and do not provide the rigorous, data-driven analysis necessary to meaningfully assess the significant risks this proposal presents.

At a minimum, the Town should require Toll Brothers to conduct rigorous studies and provide objective, data-driven analyses regarding traffic impacts, first responder impacts, drainage and floodplain impacts, wildlife impacts, Dark Skies impacts, and neighborhood and General Plan compatibility. The Town also should

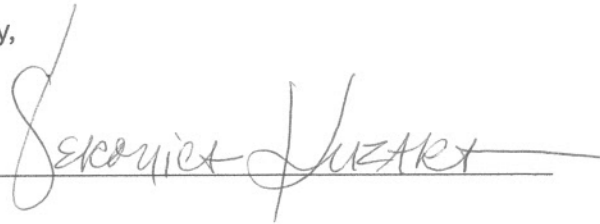
require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature:



Printed Name:

VERONICA KUZARA

Date:

Feb - 24 - 2026

Address:

15641 E. Golden Eagle Blvd
P.O. Box 18574
Fountain Hills, AZ 85268

Phone Number:

860-874-3625

FH TOWN CLERKS OFFICE
MAR 5 '26 PM 2:50

Written Protest Regarding Toll Brothers Rezoning Application RZ25-000002

February 24, 2026

To: Town of Fountain Hills Clerk, Beverly Bender
Town of Fountain Hills Mayor and Council Members
Town of Fountain Hills Planning & Zoning Commission Members

**Subject: Written Protest Regarding Toll Brothers' Application (RZ25-000002) to
Rezone North Aspen Property (APN: 176-21-181)**

As a resident and property owner near the Aspen Drive neighborhood of Fountain Hills, I am writing to formally oppose Toll Brothers Inc.'s application (RZ26-000002) to rezone the 19-acre parcel located at 15680 North Aspen Drive in Fountain Hills, Arizona.

The property is currently zoned R1-35 for residential development, allowing for six to eight homes per five acres – thus authorizing approximately 10 to 13 homes to be built on the subject eight-acre parcel. Toll Brothers seeks to reduce lot sizes *by* 71% in order to construct 29 homes on these eight acres, a material and incompatible increase in density.

Toll Brothers' application presents substantial defects and well-founded concerns, including among other things:

- Threats to public health and safety;
- Excessive density and resulting traffic impacts;
- Increased flood risk and adverse stormwater effects;
- Harm to native wildlife and established wildlife corridors;
- Degradation of neighborhood character and aesthetics;
- Inconsistency with the Town's General Plan;
- Interference with Fountain Hills' Dark Sky protections; and
- Inadequate citizen engagement.

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At a minimum, the Town should require Toll Brothers to conduct rigorous studies and provide objective, data-driven analyses regarding traffic impacts, first responder impacts, drainage and floodplain impacts, wildlife impacts, Dark Skies impacts, and neighborhood and General Plan compatibility. The Town also should

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: David Silberstadt

Printed Name: David Silberstadt

Date: 2/22/26

Address: 15403 E. Golden Eagle Blvd
Fountain Hills, AZ

Phone Number: 480-634-8486

TOWN CLERKS OFFICE
MAR 5 '26 PM 12:51

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: _____

Printed Name: _____

Date: _____

Address: _____

Phone Number: _____

I am a 16 year resident of Fountain Hills.
We have lived in our home on Aspen Drive
for 13 years. We agree with additional
homes being built on this land at the
current zoning approved amount. We do not
agree with changing the zoning to allow 29 homes.

FH TOWN CLERKS OFFICE
MAR 5 '26 PM 12:51

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ25-000002.

Respectfully,

Signature: Susan Nonhof

Printed Name: Susan Nonhof

Date: 2-19-26

Address: 15819 N Eagles Nest Dr

Fountain Hills AZ 85268

Phone Number: 480-773-0481

FT TOWN CLERKS OFFICE
MAR 5 '26 PM 12:51

FT TOWN CLERKS OFFICE
MAR 5 '26 PM 2:51

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ25-000002.

Respectfully,

Signature: Michael P. Nonhof

Printed Name: Michael P. Nonhof

Date: 2-18-26

Address: 15819 N. Eagles Nest Dr
Fountain Hills, AZ 85268

Phone Number: (623) 696-8304

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Melissa Verity

Printed Name: Melissa Verity

Date: 2/18/26

Address: 16411 E Segundo Dr

Fountain Hills AZ 85268

Phone Number: 602-881-0038

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: 

Printed Name: Veton Gorenca

Date: 2-18-26

Address: 16820 E La Martena

#116, 85268, Founton Hills

Phone Number: (480) 365-9289

TOWN CLERKS OFFICE
MAR 5 '26 PM 12:51

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Kayla Prestenback

Printed Name: Kayla Prestenback

Date: 2/17/26

Address: 15843 N. Aspen Dr.

Fountain Hills, AZ 85268

Phone Number: 985-212-4259

TOWN CLERKS OFFICE
MAR 5 '26 PM 2:51

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: William F. Keller

Printed Name: William F Keller

Date: Feb 21 2026

Address: 16026 N ASPEN DR
Fountain Hills

Phone Number: 480-837-8806

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ25-000002.

Respectfully,

Signature: Ramsey Mahadeen

Printed Name: RAMSEY MAHADEEN

Date: 2/21/26

Address: 16013 N. NYACK DRIVE

FOUNTAIN HILLS 85268

Phone Number: 973-204-2641

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature:



Printed Name:

Deborah McNeal - Ron Couch

Date:

2-15-26

Address:

15312 E Two Gun CR

Fountain Hills

Phone Number:

360-707-8073

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature:

D. Todd Murchison

Nicole Murchison

Printed Name:

D. TODD MURCHISON

Nicole Murchison

Date:

2/16/2026

Address:

15411 E WRANGLER CT.

FOUNTAIN HILLS, AZ 85268

Phone Number:

408-768-3044

FH TOWN CLERKS OFFICE
MAR 5 '26 PM12:52

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Martin J. Halfman

Printed Name: MARTIN J. HALFMAN

Date: 2/19/26

Address: 15811 N. EAGLES NEST DR.
FOUNTAIN HILLS, AZ.

Phone Number: 480 - 993-8266

FH TOWN CLERKS OFFICE
MAR 5 '26 PM 12:52

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Patricia Korona

Printed Name: PATRICIA KORONA

Date: _____

Address: 15317 E WALNUT LN (additional lot)

FOUNTAIN HILLS, AZ 85268

Phone Number: 480-586-5603

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Madelyn Van Wyk

Printed Name: Madelyn Van Wyk

Date: 2/16/26

Address: 15261 E Golden Eagle Blvd

Fountain Hills, AZ 85268

Phone Number: 480-740-7304

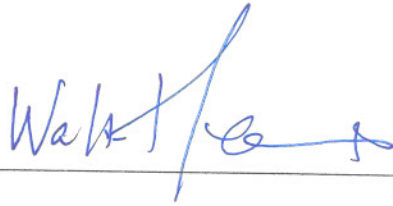
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The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: _____



Printed Name: _____

Walter Gilbert

Date: _____

2 / 18 / 2025

Address: _____

16417 N. Aspen Dr.

Fountain Hills, AZ 85268

Phone Number: _____

480.250.6964

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Judith A. Agee

Printed Name: JUDITH A. AGEE

Date: 2-18-26

Address: 15644 N. ASPEN DR.

FOUNTAIN HILLS, AZ 85268

Phone Number: 480-363-6285

PH TOWN CLERKS OFFICE
MAR 5 '26 PM 12:52

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ25-000002.

Respectfully,

Signature: Susan Morris

Printed Name: SUSAN MORRIS

Date: 2/17/26

Address: 15412 E Round Up Circle
Mountain View AZ 85268

Phone Number: 480 227 5134

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature:

Patrick M. McCarty

I am not opposed to development of the Property in accordance with its existing R1-35 zoning designation. However I strongly oppose any proposal that is incompatible with the established character of the neighborhood.

Printed Name:

Patrick M. McCarty

Date:

2-17-2026

Address:

15402 E. Wrangler Ct.

Fountain Hills, AZ 85268

Phone Number:

507-358-5376

FH TOWN CLERKS OFFICE
MAR 5 '26 PM 12:52

FT TOWN CLERKS OFFICE
APR 5 '26 PM12:53

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ25-000002.

Respectfully,

Signature: Susan L Titus

Printed Name: Susan L. Titus

Date: 2/16/2026

Address: 15633 N Eagles Nest Dr.

Found in Hills, AZ

Phone Number: 608-332-1265

engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ25-000002.

Respectfully,

Signature: Nikali Eaton

Printed Name: Cosette A. Casciani-Eaton

Date: 2/15/26

Address: 16012 N. NYACK
Fountain Hills, AZ 85268

Phone Number: 575-312-9512

FH TOWN CLERKS OFFICE
MAR 5 '26 PM 12:53

engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ25-000002.

Respectfully,

Signature: R D E

Printed Name: RODNEY D. EATON

Date: 2/17/2026

Address: 16012 N. NYACK DR.

FOUNTAIN HILLS, AZ 85268

Phone Number: 575-312-2766

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ25-000002.

Respectfully,

Signature: Philip Campbell

Printed Name: Philip Campbell

Date: 2/17/26

Address: 15802 Eagles Nest Dr.
Fountain Hills AZ

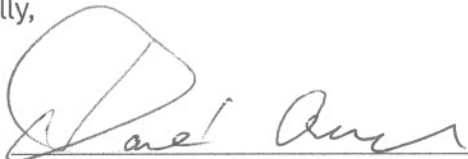
Phone Number: (303) 916-0544

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ25-000002.

Respectfully,

Signature: 

Printed Name: Daniel Abrams

Date: 2/16/2025

Address: 15641 N. Eagles Nest Dr
Fountain Hills 85268

Phone Number: 480-652-5177

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ25-000002.

Respectfully,

Signature: Jamie M Abrams

Printed Name: Jamie M Abrams

Date: Feb 16, 2026

Address: 15641 N Cagles Rest Dr
Fountain Hills AZ 85268

Phone Number: 480-843-1393

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ25-000002.

Respectfully,

Signature: Roger D. Combs

Printed Name: ROGER COMBS

Date: 16 FEB 2025

Address: 15648 N. EAGLES-
NEST DR. 85268

Phone Number: 602-577-3087

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Diane M. Farah

Printed Name: Diane M. Farah

Date: 2-15-2026

Address: 16035 N. Aspen Dr.

Fountain Hills, AZ 85268

Phone Number: 317-258-0463

FH TOWN CLERKS OFFICE
MAR 5 '26 PM 12:53

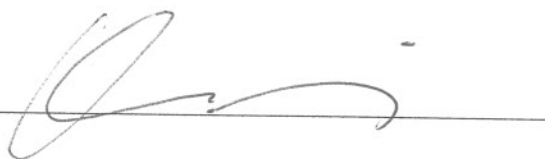
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The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: _____



Printed Name: _____

Omid Mahdavi

Date: _____

2/15/26

Address: _____

15304 E Two Gun Circle

Fountain Hills AZ 85286

Phone Number: _____

(520) 471-2084

omid.mahdavi@gmail.com

FH TOWN CLERKS OFFICE
MAR 5 '26 PM 12:54

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: James Huber

Printed Name: JAMES HUBER

Date: 2/15/2028

Address: 16042 N. ASPEN DR

F.H.

Phone Number: 480 284 1943

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Jeffrey L Smith

Printed Name: JEFFREY L SMITH

Date: 2-15-2026

Address: 16206 N. ASPEN DR

Phone Number: 480-250-2018

FH TOWN CLERKS OFFICE
MAR 5 '26 PM12:54

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: 

Printed Name: LAURA REISER

Date: 2-15-26

Address: 16420 N ASPEN DR

Phone Number: 630-926-5248

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Scott Reiser

Printed Name: SCOTT REISER

Date: 2/15/26

Address: 16420 N. Aspen Dr.

Phone Number: 630-299-9470

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature:

Printed Name:

Date:

Address:

Phone Number:

4806520827
jannandmark@gmail.com

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: _____



Printed Name: _____

Stuart Larsen

Date: _____

2/15/26

Address: _____

15318 Walnut Ln.

Ftn. Hills, AZ 85268

Phone Number: _____

480-861-2530

TOWN CLERK'S OFFICE
MAR 5 '26 PM 12:54

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Mark McKsynick

Printed Name: MARK MCKSYNICK

Date: 2-15-26

Address: 15583 E Golden Eagle Blvd

FOUNTAIN HILLS, AZ

Phone Number: 480-226-4429

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Florence Polk

Printed Name: Florence Polk

Date: 2-16-2024

Address: 15531 E. Golden Eagle Blvd

Phone Number: 480-586-7566

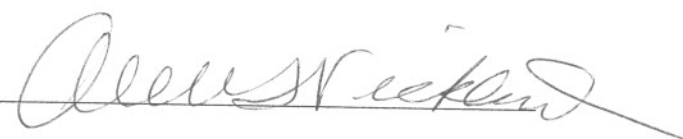
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The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: 

Printed Name: ANNE WICKLUND

Date: 2/15/26

Address: 15453 E Golden Eagle
Frontier A2

Phone Number: ~~855~~ 602-620-4948

WICKLUND ANNE @ GMAIL . COM

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: M. Therese Cagala

Printed Name: M. Therese Cagala

Date: 2-15-2026

Address: 15473 Golden Eagle
Fountain Hills, AZ 85268

Phone Number: 480-221-0808

TERRICAGALA@COX.NET

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TOWN CLERK'S OFFICE

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such *substantial consequences* — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Nancy White

Printed Name: Nancy White

Date: 2/16/26

Address: 15573 E Golden Eagle Blvd
FH

Phone Number: 480 330-1922

Nancy J White @ hotmail.com

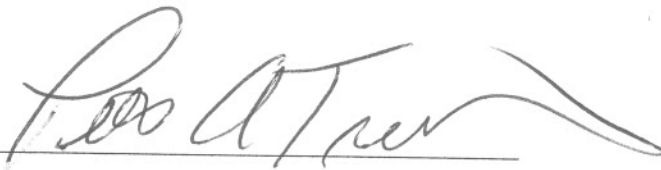
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The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature:



Printed Name:

PETER A. TREMONTE

Date:

2/15/2026

Address:

15860 N. NYACK DRIVE

FOUNTAIN HILLS, AZ 85268

Phone Number:

631-459-3789

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TOWN CLERKS OFFICE
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require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Denice Purdum

Printed Name: DENICE PURDUM

Date: 2/15/2026

Address: 16028 N NYACK DR

FOUNTAIN HILLS ~~92168~~ 85268

Phone Number: 314-369-5658

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Helen Dahl

Printed Name: HELEN DAHL

Date: 2-15-26

Address: ~~450~~ 16220 N. Aspen Drive

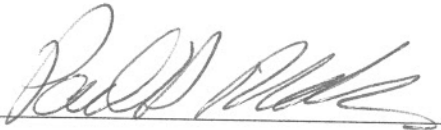
Phone Number: 602-549-4270

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The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: 

Printed Name: PAUL MILLER

Date: 2/15/26

Address: 16212 N. ASPEN DR

FOUNTAIN HILLS AZ 85268

Phone Number: 480-837-2498

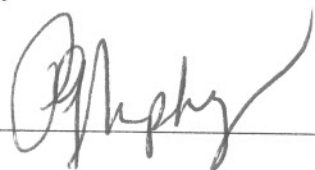
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The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature:



Printed Name:

PATRICIA G MURPHY

Date:

2/15/26

Address:

16010 N. ASPEN DR

Fountain Hills AZ

Phone Number:

262-225-5743

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: H. Darlene Miller

Printed Name: H. Darlene Miller

Date: February 15, 2026

Address: 16212 N. Aspen Dr.

Phone Number: 480-837-2698

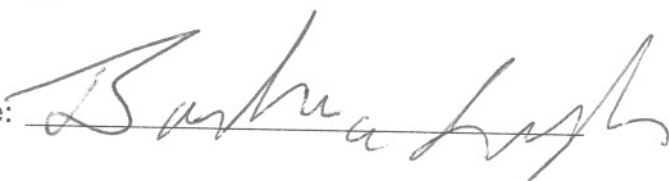
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The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature:



Printed Name:

BARBARA LYNCH

Date:

2/15/2026 16050

Address:

15020 N. ASPEN DR

FOUNTAIN HILLS, AZ

Phone Number:

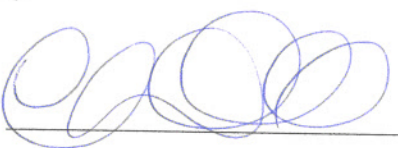
262-613-8931

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: _____

Printed Name: Cheryl Cagle

Date: 2-15-26

Address: 16230 N. Aspen Dr.
Fountain Hills, AZ 85268

Phone Number: (928) 368-3946

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Vicky Lowick aka Vicky Holland

Printed Name: VICKY LORVICK

Date: 2/15/2025

Address: 15404 E. Round Up Cir
Fountain Hills AZ

Phone Number: 406-570-7747

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: Charles Versetis

Printed Name: Charles Versetis

Date: 2/15/26

Address: 15836 N EASLES NEST DR

FOUNTAIN HILLS AZ 85268

Phone Number: 602 359-2806 CELL
CVersetis@yahoo.com

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: J. Cherwayko

Printed Name: Jeannette Cherwayko

Date: Feb. 15, 2026

Address: 15633 Cerro Alto

Fountain Hills, AZ

Phone Number: 403 650-7204

nette04@icloud.com

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature: 

Printed Name: ALBERT IMMENGA

Date: 2-15-26

Address: 15405 Round up Circle
FH AZ 85268

Phone Number: 480-836-1235

require Toll Brothers to submit a revised Citizen Engagement Plan that meets the Town's requirements – one Open House falls far short of “meaningful” engagement with neighbors and does not satisfy the Town's requirement for ongoing dialogue between the developer and the neighbors.

The Town should not permit an application of this magnitude — and with such substantial consequences — to proceed on Toll Brothers' conclusory and insufficient analyses and inadequate neighborhood involvement.

Please deny Application RZ26-000002.

Respectfully,

Signature:



Printed Name:

PETER CANZONERI^o

Date:

2/15/2026

Address:

15403 E WRANGLER

CT FLI

Phone Number:

847-514-6033

February 28, 2026

To: Town of Fountain Hills Town Clerk
Town of Fountain Hills Town
Council Members
Town of Fountain Hills Planning
& Zoning Commission Members

Subject: Written Protest Regarding
Toll Brothers' Application (RZ 25-000002)
to Rezone North Aspen Property
(APN: 176-21-181)

As residents and property owners in the
Aspen Drive neighborhood of Fountain Hills,
we are writing to formally oppose Toll
Brothers' Inc. Application (RZ ^{HWS}25-000002)
to rezone the 19-acre parcel located at
15680 North Aspen Drive, in Fountain Hills, Arizona.
We respectfully request that the Planning
& Zoning Commission recommend denial of,
and that the Town Council deny
Application RZ ^{HWS}25-000002, leaving the property
zoned as it currently is R1-35, residential parcels
of no less than 35,000 square feet.
over

should be Application RZ 25-000002
HWS, 2/28/2026

Sincerely,

Mary Lou Weegman

Mary Lou Weegman

Robert Smith

February 28, 2026

Address:

15827 No Eagles Nest Drive

Fountain Hills, AZ 85268

Phone Number 218-330-0997



TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 4/21/2026
Meeting Type: Town Council Regular Meeting
Submitting Department: Development Services
Prepared by: John Wesley, Development Services Director
Staff Contact Information: Phone: 480-816-5138
Email: jwesley@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

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

Staff Summary (background)

At the September 4, 2024, Town Council meeting, the Council adopted Resolution 2024-28 Approving the Downtown Strategy. This strategy was developed as part of the Council-directed staff effort to implement the 2023 Community Economic Development Strategy and was the culmination of a year's worth of public input. Staff held six focus group meetings with residents and businesses, conducted four electronic surveys and a public open house. Based on the feedback received, the Downtown Strategy focuses on four focus areas:

- Land Use
- Infrastructure
- Economic Vitality
- Public Spaces/Placemaking

Following Council adoption of the Downtown Strategy, staff began actively taking steps to implement the strategy approved by the Council. Design work has commenced on the infrastructure and construction will begin later this year. Placemaking elements such as the utility box murals have expanded and attracted positive comments. Staff are working with a number of property owners and developers considering projects in the downtown.

One of the approved implementation steps was to review the existing zoning for the downtown area and recommend modifications to achieve the goals and recommendations contained in the strategy. Based on this review, staff drafted, the Planning and Zoning Commission reviewed and recommended, and Council adopted Ordinance 25-02, Downtown Overlay District.

This new overlay district was approved to replace the two existing overlay districts in the downtown area and put the tools in place to achieve the desired mix of uses for the downtown area. To achieve the goals of the Council's adopted Strategy, the new downtown overlay district includes:

- Provisions that direct active retail and entertainment uses to The Avenue;
- Maintains the primary non-residential focus of this commercial area;

- Removes a roadblock to development by reducing the requirement for Special Use Permits for low-density residential development;
- Expands the uses allowed in the Innovation District to encourage employment uses; and,
- Provides for temporary uses of vacant properties.

Following adoption of the new overlay district, staff initiated the process of rezoning the downtown area to remove the existing overlays and apply the new overlay district. This rezoning action was recommended for approval by the Planning and Zoning Commission at their regular meeting on November 10, 2025. The Town Council held a public hearing on December 18, 2025, for the rezoning. At that meeting, a few residents expressed concern about the provision overlay district that allows up to 35 dwelling units per acre by right on the upper floors of buildings in the Avenue and Business Districts. Based on those concerns, the Council requested that the Planning and Zoning Commission review the ordinance and consider possibly lowering this density.

Over the years, staff have had multiple discussions with downtown property owners and individuals interested in developing in the downtown area. Most of those discussions have involved the desire for mixed-use buildings to make the projects financially viable. The property owners and developers staff have talked to believe there is not a strong market for additional commercial uses and activity in the downtown area. To make projects work, it is necessary to add a residential, mixed-use component. Because of the uncertainty and cost associated with processing a Special Use Permit, many property owners have not proceeded with development projects.

A goal of the new overlay is to remove an unnecessary hurdle to development by raising the level of residential density allowed by right. With the Town's development regulations, it is important to make the desired development the easy option. By raising the density, any density up to the minimum level becomes easy. If it stays at 8 or is raised to just 15 units per acre, every development will need a Special Use Permit. Once the SUP is required, the developer may as well ask for 40 or 50 units per acre.

The discussion by the Planning Commissioners highlighted the point that the density contained in the ordinance is just for the platted lots. Most multi-residential developments will include open space and parking as part of the density calculation. Based on this realization, allowing a density of up to 45 units per acre would result in an overall density for an entire block around 20 units per acre if every lot were developed at the maximum allowed.

Based on the previous staff analysis, it would be good to add 400-550 additional dwelling units within the downtown area. At least 300 of these should be in Plat 208. The possible number of units that could be added to the area by density allowance are shown in this table.

Dwelling Units/Acre	# Units All Lots	# Units Vacant Lots	Density for Entire Block
15	294	88	6.7
25	468	149	10.4
35	662	208	15
45	920	267	20.9

When averaged over the entire block, as is typical for calculating residential density, the 35

units per acre for a lot, equals out to the 15 units per acre for the entire block. Some members of Council suggested 15 units per acre as an appropriate density before sending this back to the Planning and Zoning Commission. Several projects have been approved in the downtown area with densities in excess of 45 units per acre.

The Planning and Zoning Commission reviewed Ordinance 26-02 at a public hearing on January 12, 2026, and followed up with additional discussion at their meeting on March 9, 2026. The Commission members were unable to focus their discussion strictly on the question of density and ended up not recommending approval of the ordinance as drafted and recommended by staff. A couple of citizens spoke to the Commission and expressed the following concerns:

- Sales tax dollars will be minimized because most of the renters will be seasonal. At this point, we do not know if the multifamily units will be apartments or condominiums. Based on a recent review of residents in larger complexes in the downtown area, over 90% of the residents are year-round residents.
- Having the residential units will thwart the establishment of the downtown "fun zone." The main concern is that residents will not want to live above active restaurant and entertainment uses. Given that the primary "fun zone" area will be along the Avenue and that area is already built, it is unlikely there will be second story residential in this area. Further, anyone moving into a dwelling above an active commercial use will do so knowing those conditions.
- We need goals for the downtown area. There is a vision and a goal established in the Downtown Strategy that Council approved and staff is working to implement. The established vision includes increasing the resident population in the downtown area to increase the general vibrancy of the area, providing places for people who want to live and work downtown, and increasing the customer base for businesses.

Pros and Cons of a Special Use Permit (SUP)

- SUP's are used to allow consideration of uses that might not always be appropriate in a given zoning district.
- SUP's give the public and council the opportunity to review a specific situation and place conditions on approval.
- SUP's slow down the development process.
- SUP's can discourage development due to the time, cost, and uncertainty associated with the review and approval.
- SUP's can and should be used in a manner that will encourage and facilitate the desired development.

Summary of this Issue

- The ONLY ISSUE before the Council is what density of residential development is allowed by right within the overlay.
- The ordinance DOES NOT allow first floor residential in the Avenue District.
- The ordinance REQUIRES an SUP for first floor residential in the Business District.
- Plat 208 ownership will NOT allow development of the common property.
- The Council approved strategies for the improvement of downtown includes increasing residential development in the area.

- Any development with a residential component with a density above that set by right will REQUIRE Council approval. It is important that this density be set at a level that will encourage development.
- Calculations show around 300 dwelling units should be added in Plat 208.
- A density of 45 units per acre would be consistent with other development in the downtown, set a level that encourages development, and meets the target for residential development in the downtown.

Related Ordinance, Policy or Guiding Principle

N/A

Risk Analysis

N/A

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

The Planning and Zoning Commission discussed this change to the Overlay District at two meetings. During the first meeting, the Commission Chairperson brought in calculations demonstrating the density should be set at 45 units per acre for the platted lots, but there should be a limit on the density for a block as a whole, just in case conditions changed, and the existing parking area could also be developed. There was additional discussion regarding related matters of the overall design of Plat 208. The Commission continued their discussion to their March meeting.

At the March meeting, staff presented a revised ordinance that kept 35 units per acre for the buildable lots, but added a limitation on the maximum density allowed on a total block.

Following discussion, a motion was made to recommend approval of the proposed ordinance revision. That motion failed on a 2-4 vote.

The effect of the Commission action is to leave the current ordinance allowing 35 units per acre in place.

Staff Recommendation(s)

Staff recommends maintaining a base allowance for a downtown residential density that will encourage continued investment and development in downtown. At a minimum, the 35 units per acre in the adopted ordinance should be maintained. Staff supports increasing the allowed density to at least 45 units per acre with the provision that the overall density of a block cannot exceed 20 units per acre.

Suggested Motion

MOVE TO:

DENY Ordinance 26-02, which will leave the current ordinance allowing 35 units per acre unchanged.

or

ADOPT Ordinance 26-02 with the density Council determines is appropriate for Plat 208.

FISCAL IMPACT

Fiscal Impact: N/A

Budget Reference: N/A

Funding Source: N/A

ATTACHMENTS

1. Draft Ordinance 26-02

ORDINANCE NO. 26-02

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

ENACTMENTS:

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

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

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

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:

Gerry M. Friedel, Mayor

Bevelyn Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Rachael Goodwin, Town Manager

Jennifer J. Wright, Town Attorney

Ordinance No. 26-02

Exhibit A

Section 27.02 Permitted Uses

Uses permitted in the Downtown Overlay District shall be:

A. *The Avenue District.*

1. Permitted uses:

...

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

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

B. *The Business District.*

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

...

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

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

...



TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 4/21/2026
Meeting Type: Town Council Regular Meeting
Submitting Department: Development Services
Prepared by: John Wesley, Development Services Director
Staff Contact Information: Phone: 480-816-5138
Email: jwesley@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION: Relating to Ordinance 26-08, rezoning the area bounded by La Montana Dr., Saguaro Boulevard, and Avenue of the Fountains, to adopt the Downtown Overlay District and to remove the existing Entertainment and Planned Shopping Plaza Overlay Districts to the area bounded by La Montana Drive, Palisades Boulevard, Saguaro Boulevard, and Avenue of the Fountains.

Staff Summary (background)

On September 2, 2025, the Town Council approved the new Downtown Overlay District. Following the approval of this new zoning overlay, staff began the process of rezoning the area to apply the new zoning district to the designated area. This proposed rezoning will remove the two existing overlays in the area bounded by La Montana, Palisades, Saguaro, and Avenue of the Fountains and apply the new Downtown Overlay as approved by Council to the area bounded by La Montana, Saguaro, and Avenue of the Fountains.

Staff have processed this rezoning in the same manner as any other rezoning application. The steps have included:

- Creating a Citizen Participation Plan. The Plan involved sending a letter to all property owners within the overlay area them of the rezoning process. Information was also posted on the Town's website, including a link to the new ordinance.

As a result of the Citizen Participation notice sent to all property owners, staff received an email asking questions about some specifics of the new ordinance and restricting residential use of the ground floor in the Avenue District. There were no comments or questions about the actual rezoning, removing the existing overlays and replacing them with the new overlay.

- Providing notice of the public hearing. Notices were mailed to all property owners in the area and within 300' of the area and signs were posted throughout the area on October 21, 2025. A notice has also been published in the newspaper on October 22 and 29, 2025. Each of these notices describe the action being proposed and provides the dates and times for the rezoning hearings that will be held by the Planning and Zoning Commission and the Town Council.

As a result of the public notice which was sent, staff have received several emails and phone calls requesting additional information. These came primarily from residents north of La Montana. Staff have responded to the calls and emails and explained the change. Most of the residents' concerns have been satisfied. Some are concerned the increased employment use opportunity might spur new buildings in the area south of La Montana and those new buildings would be built at the maximum allowed height of 40 feet and block their views. It should be understood, the 40' building height is in the base C-2 zoning district which applies today and is not changed with the overlay. One property owner within the area raised a concern about the new overlay establishing a built-to line.

The new overlay district was drafted and approved based on the goals of the new Downtown Strategic Plan to bring increased residential density, additional employment opportunities, and entertainment activities to the downtown area. The issue before the Commission at this time is not about any of the provisions contained within the new overlay district. The issue is whether or not to remove the existing overlays and replace them with the newly adopted overlay district. The new district implements the goals for the area by increasing the allowed residential density by right from 8 units per acre, adds employment options for the area north of Palisades, and facilitating active uses along the Avenue over time.

The Town Council held a public hearing to consider this rezoning action on December 16, 2025. At that meeting, several residents expressed concerns with the residential density provided in the overlay. Following discussion, the Council voted to return the overlay district ordinance to the Planning and Zoning Commission for consideration of amending the allowed density. A separate item is on the Council agenda to consider and approve any amendments to the overlay district. Adopting this rezoning will adopt the overlay district as amended by the Council.

Related Ordinance, Policy or Guiding Principle

General Plan, Downtown Character Area
General Plan, Economic Development Element, Goal 1, Policies 1 and 2
Community Economic Development Strategy
Resolution 2024-28, Downtown Strategy

Risk Analysis

N/A

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

The Planning and Zoning Commission held a public hearing and received comments on this application at their regular meeting on November 10, 2025. Two citizens spoke and expressed concerns regarding potential impacts of employment development and activities on their residences north of La Montana. Commissioners reviewed other ordinance provisions on light and noise that will help mitigate any possible negative impacts.

Following the hearing and discussion, the Commission voted 5-1 to recommend approval of the rezoning.

Staff Recommendation(s)

Staff recommends adoption of Ordinance 26-08.

Suggested Motion

MOVE TO approve Ordinance 26-08.

FISCAL IMPACT

Fiscal Impact: N/A

Budget Reference: N/A

Funding Source: N/A

ATTACHMENTS

- | |
|---|
| <ol style="list-style-type: none">1. Ord 26-08 Rezoning2. Citizen Participation Plan3. Citizen Participation Report |
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ORDINANCE NO. 26-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE OFFICIAL ZONING DISTRICT MAPS OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, BY CHANGING THE ZONING DESIGNATION FOR 50.7 ACRES OF A 72.3-ACRE PROPERTY SOUTH OF PALISADES TO REMOVE THE ENTERTAINMENT AND PLANNED SHOPPING PLAZA OVERLAY DISTRICTS AND REZONING THE ENTIRE AREA BOUNDED BY LA MONTANA DRIVE, SAGUARO BOULEVARD, AND AVENUE OF THE FOUNTAINS TO ADOPT THE DOWNTOWN OVERLAY DISTRICT, KEEPING THE UNDERLYING BASE ZONES AS THEY EXIST

ENACTMENTS

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

SECTION 1. The approximately 50.7 acres depicted on Exhibit A, attached hereto and incorporated herein by reference, is rezoned to remove the Entertainment and Planned Shopping Plaza Overlay Districts.

SECTION 2. The approximately 72.3 acres depicted on Exhibit B, attached hereto and incorporated herein by reference, is rezoned to add the Downtown Overlay District to the existing base zoning districts.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

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

FOR THE TOWN OF FOUNTAIN HILLS: ATTESTED TO:

Gerry Friedel, Mayor

Bevelyn Bender, Town Clerk

REVIEWED BY:

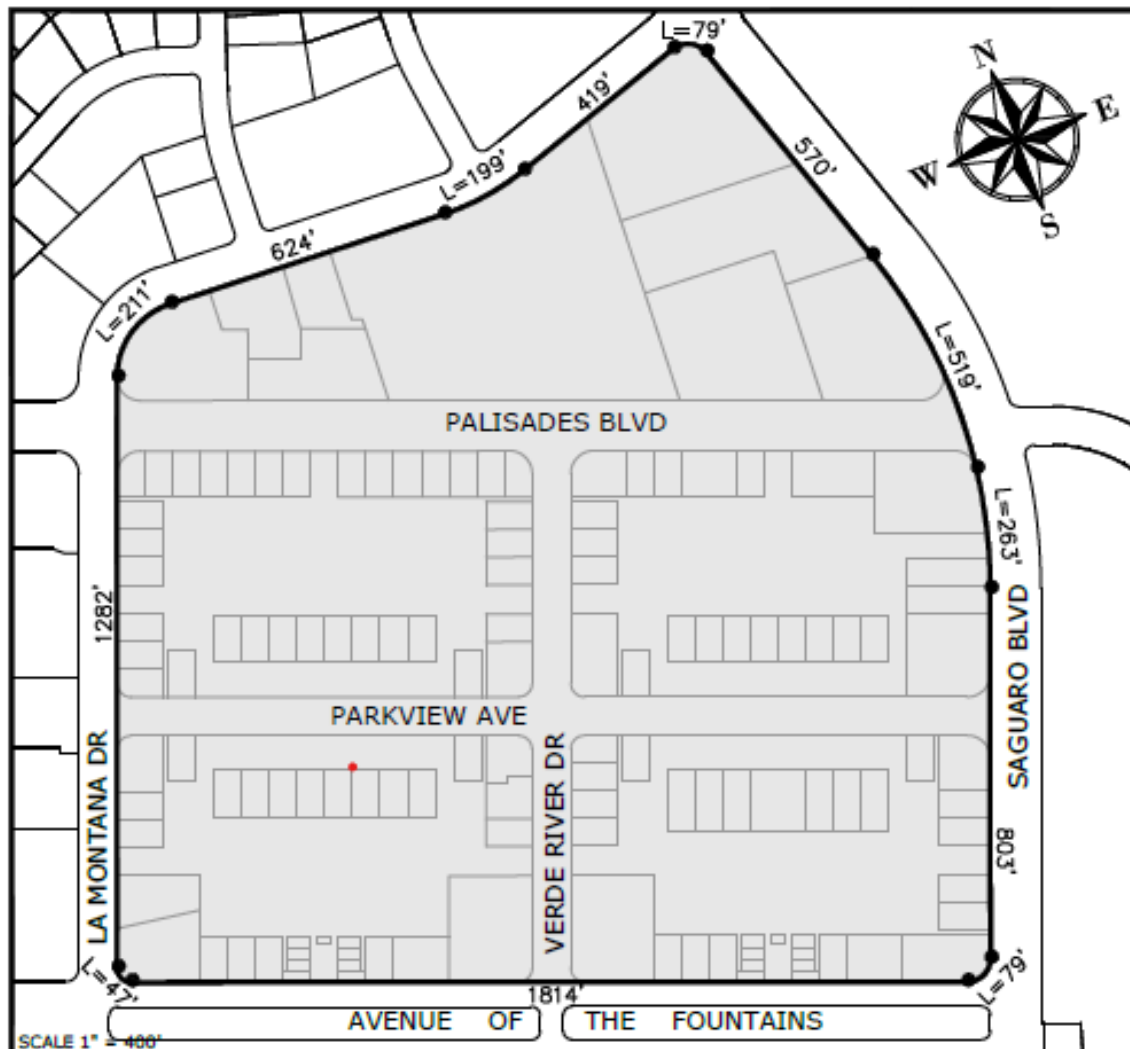
APPROVED AS TO FORM:

Rachael Goodwin, Town Manager

Jennifer J. Wright, Town Attorney



EXHIBIT B
OFFICIAL SUPPLEMENTARY ZONING MAP
AMENDING THE TOWN OF FOUNTAIN HILLS ZONING MAP



CASE: RZ25-000001

ACREAGE: 72.3

REQUEST: THE APPROXIMATELY 72.3 ACRES DEPICTED HEREON, EXHIBIT B, IS REZONED TO ADD THE DOWNTOWN OVERLAY DISTRICT TO THE EXISTING BASE ZONING DISTRICTS.

ORDINANCE: ORD 26-08

Please be advised that the attached zoning amendments were approved by the Fountain Hills Town Council on April 21st, 2026, by Ordinance #. 26-08.
If you have any questions regarding these amendments, please contact the Town of Fountain Hills Development Services Department at 480-816-5122.

MAYOR

ATTEST:

TOWN CLERK

DATE:

Citizen Participation Plan

Rezoning downtown to apply the Downtown Overlay Ordinance

Purpose: The purpose of this Citizen Participation Plan is to inform citizens, property owners, business owners, and property owner associations of the rezoning application to apply the newly created Downtown Overlay to the defined downtown area. The rezoning will remove the existing two overlay districts from the Plat 208 area. This plan has been prepared to define the process which will be used to inform the impacted property owners and businesses of the intended rezoning and provide them with a means to provide input to the proposed zoning change.

Applicant:

Town of Fountain Hills

Location:

The area bounded by Avenue of the Fountains, La Montana, and Saguaro.

Action Plan: In order to provide effective citizen participation in conjunction with this rezoning process, the following actions will be taken:

1. A contact list of property owners, business owners, and property owner associations within the area and property owners within 300' of the boundary of the rezoning area will be created.
2. All persons on the contact list will be sent a letter describing the proposed rezoning and provided a link to the new Downtown Overlay District. The letter will describe the process for Planning and Zoning Commission and Town Council consideration and adoption of the new overlay district. The letter will also inform the recipients of the options to provide feedback on the proposed rezoning.
3. The Town's website will be updated with a page describing the rezoning and the new overlay and provide interested individuals with information on how to provide feedback on the proposal.

Schedule:

Letters mailed: NLT 9/18

Public hearings: Planning and Zoning Commission November 10; Town Council December 16

Citizen Participation Report

Notification

As required by the Plan, the letters were mailed to the property owners on September 19. The letter provided property owners with information about the rezoning request and the staff email address and phone number to ask questions or provide comments.

Results

One property owner emailed with a comment about the zoning. The comments were about a couple of the details of the ordinance, the restriction on services uses along the Avenue the on ground floor residential uses. There was no comment specifically on the removal of the existing overlay to be replaced with the new overlay.

No other comments were received.



ITEM 9.g.

TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 4/21/2026
Meeting Type: Town Council Regular Meeting
Submitting Department: Administration / Town Clerk
Prepared by:
Staff Contact Information: Phone:
Email:

Request to Town Council Regular Meeting (Agenda Language)

CONSIDERATION AND POSSIBLE ACTION: Related to any item included in the Arizona Cities and Town's Weekly Legislative Bulletin or relating to any action proposed or pending before the State Legislature.

Staff Summary (background)

Related Ordinance, Policy or Guiding Principle

Risk Analysis

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

Staff Recommendation(s)

Suggested Motion

FISCAL IMPACT

Fiscal Impact:

Budget Reference:

Funding Source:

ATTACHMENTS

None