NOTICE OF MEETING
REGULAR MEETING
PLANNING AND ZONING COMMISSION

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

TIME: **6:00 PM - REGULAR MEETING**
DOORS OPEN 15 MINUTES PRIOR TO THE START OF THE MEETING.
WHEN: **MONDAY, OCTOBER 13, 2025**
WHERE: **FOUNTAIN HILLS COUNCIL CHAMBERS**
16705 E. AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, ARIZONA

REQUEST TO COMMENT

The public is welcome to participate in Commission meetings.

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

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

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

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

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

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. STATEMENT OF PARTICIPATION

Anyone wishing to address the Commission regarding items listed on the agenda or under "Call to the Public" should fill out a Request to Comment card located in the back of the Council Chambers and hand it to the clerk prior to consideration of that agenda item. Once the agenda item has started, late requests to speak cannot be accepted. When your name is called, please approach the podium, speak into the microphone, and state your name and if you are a resident for the public record. Please limit your comments to three minutes. It is the policy of the Commission to not comment on items brought forth under "Call to the Public." However, staff can be directed to report back to the Commission at a future date or to schedule items raised for a future Commission agenda. It is also requested that applause be kept to a minimum to avoid disruption of the meeting, to maintain decorum, and provide for an equal and uninterrupted presentation.

4. CALL TO THE PUBLIC

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

5. CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine, noncontroversial matters and will be enacted by one motion 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 items will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

a. **CONSIDERATION AND POSSIBLE ACTION:** Approving the regular meeting minutes of the Planning and Zoning Commission August 11, 2025.

6. REGULAR AGENDA

a. **PUBLIC HEARING, WITH CONSIDERATION AND POSSIBLE ACTION:** Ordinance 25-09, amending Zoning Ordinance Chapter 1 (Introduction), and Chapter 19 (Architectural Design Guidelines), authorizing administrative personnel to review and approve design review plans based on objective standards.

b. **PUBLIC HEARING, WITH CONSIDERATION AND POSSIBLE ACTION:** Request for a Special Use Permit to allow up to six (6) residential units on a 12,000 square-foot property generally located 200 feet west of the of the northwest corner of Avenue of the Fountains and Verde River Drive (16740 E. Avenue of the Fountains; APN#176-27-008) in the C-2 (Intermediate Commercial) zoning district.

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

7. COMMISSION DISCUSSION/REQUEST FOR RESEARCH TO STAFF

8. SUMMARY OF COMMISSION REQUESTS FROM DEVELOPMENT SERVICES DIRECTOR

9. REPORT FROM DEVELOPMENT SERVICES DIRECTOR

10. ADJOURNMENT

Dated this 2 day of October, 2025.

Paula Woodward

Paula Woodward, Executive Assistant

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

TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date:	10/13/2025
Meeting Type:	Planning and Zoning Commission Regular Meeting
Submitting Department:	Development Services / Planning
Prepared by:	Paula Woodward, Executive Assistant
Staff Contact Information:	Phone: 480-816-5122 Email: pwoodward@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

CONSIDERATION AND POSSIBLE ACTION: Approving the regular meeting minutes of the Planning and Zoning Commission August 11, 2025.

Staff Summary (background)

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

Related Ordinance, Policy or Guiding Principle

Risk Analysis

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

Staff Recommendation(s)

Staff recommends approving the meeting minutes of the regular meeting of the Planning and Zoning Commission August 11, 2025.

Suggested Motion

MOVE TO APPROVE the regular meeting minutes of the Planning and Zoning Commission August 11, 2025.

FISCAL IMPACT

Fiscal Impact:

Budget Reference:

Funding Source:

ATTACHMENTS

1. PZC August 11,.2025 Meeting Minutes and Verbatim Transcript

TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR MEETING
OF THE FOUNTAIN HILLS PLANNNING & ZONING COMMISSION
AUGUST 11, 2025

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

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

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

TOWN OF FOUNTAIN HILLS
SUMMARY MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
AUGUST 11, 2025

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

Chairperson Kovacevic called the Regular Meeting of the Fountain Hills Planning and Zoning Commission held on August 11, 2025, to order at 6:00 p.m. and led the Commission and audience in the Pledge of Allegiance and Moment of Silence

2. ROLL CALL

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

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

3. CALL TO THE PUBLIC

No one from the public spoke.

4. STATEMENT OF PARTICIPATION

5. REGULAR AGENDA

a. **CONSIDERATION AND POSSIBLE ACTION:** approving the regular meeting minutes of the Planning and Zoning Commission June 12, 2025.

MOVED BY Commissioner Proctor to approve the regular meeting minutes of the Planning and Zoning Commission June 12, 2025 **SECONDED BY** Commissioner Corrigan Vote: 7/0 Unanimously

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

The following residents addressed the Commission:
Eric Jackson
Crystal Cavanaugh
Rod Warrenburg
Lori Troller
Barry McBride

MOVED BY Vice Chairperson Corey to continue agenda item # 5b to the Planning and Zoning Commission meeting, October 13, 2025. **SECONDED BY** Commissioner Gray Vote: 5/2

Commissioner Proctor	Nay
Commissioner Corrigan	Aye

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

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

MOVED BY Commissioner Gray to recommend the Town Council approve, with stipulations, Ordinance 25-08 amending Zoning Ordinance Chapter 6, Section 6.08 regarding regulations for various types of signs. **SECONDED BY** Vice Chairperson Corey Vote: 6/1

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

6. NEXT MEETING DATE

The Planning and Zoning Commission will not meet in September due to a lack of activity. The October 13, 2025 meeting will include a Special Use Permit and a text amendment for the Zoning Ordinance, Chapter 19, Administrative Design Review.

7. ADJOURNMENT

Chairperson Kovacevic adjourned the meeting of the Fountain Hills Planning and Zoning Commission at 8:18 p.m.

MOVED BY Commissioner Corrigan to ADJOURN the Meeting of the August 11, 2025, Planning and Zoning Commission Meeting, **SECONDED BY** Vice Chairperson Corey. Vote: 7/0 Unanimously

Post-Production File

Town of Fountain Hills

Planning and Zoning Commission Meeting Minutes

August 11, 2025

Transcription Provided By:

eScribers, LLC

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

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KOVACEVIC: I would like to call to order the regular meeting of the planning and zoning commission, Monday August 11th, 2025. We call all rise to the pledge allegiance.
ALL: I pledge allegiance to the flag of the United States of America and to the Republic for which it stands. One nation under God, indivisible, with liberty and justice for all.
KOVACEVIC: Thank you. Okay. John, we have a guest with us tonight. If you'd like to introduce her. And --
WESLEY: Yes, just briefly. I tell her she's got about an hour of presentation she can make here when I'm done. Okay. We have an intern working with us this summer. Bella Garman. She's a local Fountain Hills native who's currently going to school at the University of Oregon. Go Ducks and here during her summer break and had the opportunity to bring her in. She's helping us with several different projects while she's here. She doesn't start back until September, so we got her for a couple more weeks to work on some things for us, but we appreciate having her.
KOVACEVIC: Welcome Bella. Okay. Paula, would you like to take the role, please?
WOODWARD: Chairman Kovacevic?
KOVACEVIC: Here.
WOODWARD: Vice chair, Corey?
COREY: Here.
WOODWARD: Commissioner Sveum?
SVEUM: Here.
WOODWARD: Commissioner Schlossberg?
SCHLOSSBERG: Here.
WOODWARD: Commissioner Gray?
GRAY: Here.
WOODWARD: Commissioner Corrigan?
CORRIGAN: Here.
WOODWARD: Commissioner Proctor?
PROCTOR: Here.
KOVACEVIC: Agenda item number 3. The call to the public. Do we have any speaker

cards?

WOODWARD: No, chairman.

KOVACEVIC: Would you like to read the statement of participation?

WOODWARD: I think we just have that posted and everybody can read it on their own.

KOVACEVIC: Okay. Then let's move on to the regular agenda. Consideration and possible action. Approving the regular meeting minutes of the Planning and Zoning Commission June 9th, 2025. Do I have a motion?

PROCTOR: I'll move to approve.

CORRIGAN: Second.

KOVACEVIC: Okay. All in favor?

ALL: Aye.

KOVACEVIC: Opposed?

WOODWARD: 7-0.

KOVACEVIC: Agenda item 5B. Public hearing consideration and possible action. Special use permit to allow 11 residential units on 11 noncontiguous parcels in a commercial subdivision. Plat 106, generally located north of El Pueblo Boulevard between Fountain Hills Boulevard and Ivory Drive in the C-C community commercial zoning district. Farhad?

TAVASSOLI: Great. Thank you, Mr. Chairman. Members of the commission, hope you're all having a nice summer. Staying cool. The subject property for this site should be familiar to most of you. I think we've only had one new commissioner since then, But just to begin with, some background this the subject property here for this special use permit case for 11 residential units is at the corner of El Pueblo Boulevard and North Fountain Hills Boulevard. The entire site is zoned community commercial. So neighborhood related commercial uses. It is -- it was platted in 1974. And it's, as you all very well know, it has seen minimal development since then. There were three recent SUP approvals. And some of it is cut out from the aerial image here, but there is a mixed use residential, commercial or office type of development at the corner of Ivory and El Pueblo Boulevard that is currently under construction. There were also some

townhomes or townhome-like developments approved for the area here, just north of the common parking area.

Now, the applicant for this case, the subject for this SUP case originally came before you, as most of you well know, back in January and presented a single-family residential and multifamily use concept under two different special use permit cases. Because the character for each proposal was pretty -- they were pretty unique in their own right. And so this today is being presented before you as one special-use permit case, although we're retaining just for administrative purposes the two case numbers. Now that special-use permit case back in January was unanimously denied. The applicant has requested to come back before you with a significantly new proposal. Might even say radically new. But the -- in order to do that before coming to you, the applicant went before the plan, or rather, the town council to request that it be reverted back to the Planning and Zoning Commission for consideration of a new and significantly modified proposal.

You've seen this slide before. I've already talked about the slow pace of development for Plat 106. I've also discussed the project currently under construction here by Mr. Berzouik (ph.). Now this new request is coming before you as a special use permit request to allow 11 new residential units on 11 noncontiguous parcels. Although you could say there are three groups of -- three or four groups of contiguous parcels, but altogether it's spread out throughout Plat 106. So 11 noncontiguous parcels in a commercial subdivision, Plat 106, generally located at the corner that I just mentioned.

Now, one thing I want to note here is you may have found the plans that were included in your packets a little hard to read, especially after zooming in. I have opened up or bookmarked a PDF copy of the conceptual plan that the applicant is proposing, in case you want to me to zoom in for any particular details. But as I mentioned, here's the master plan that the applicant has for his role in plat 1 -- for Plat 106 11 residential units altogether.

Nine of those units will retain the original idea of a cottage-style type of residence. Single family. They will be proposed for the parcels here, east of the alley. One unit is

being proposed here to the -- closer to El Pueblo, followed by three units here and another three units to the north, and as well as two additional cottages west of the alley. If you recall, this area here was the -- was proposed for the multifamily residence in which in each of the parcels there would what was proposed was two units on the first floor and one unit on the second floor. Now, two of the 11 units is -- will be designated for a new mixed use component that the applicant has introduced in this latest proposal. And that is on the far west side of the development where the applicant is proposing. And again as I navigate here, I'm talking about this area here where it's labeled mixed use, two separate parcels or excuse me, two separate two-story buildings attached where the applicant is proposing a mixed use concept where there would be a commercial on the first floor.

If you look here, the applicant is proposing commercial on the first floor. And immediately to the north, you'll see one of the cottages that shares a wall. It's the only one that shares a wall with the mixed-use development here. And on the second floor will be the residential component. Each half of this building the footprint is 1250 square feet on the first floor, commercial. Commercial that would be consistent with the community commercial development, things that are community commercial zone things such as offices, retail, eating establishments -- is albeit a rather small eating establishment, but it will be consistent with community, commercial. And on the second floor there would be two residential components, complete with kitchen and bathroom facilities.

The balance of it as I said earlier, the applicant is proposing a cottage style developments; some conceptual elevations representative of what they may look like are provided here. They will feature a one-car garage. And in front of that, the applicant is proposing a carport. So it'd be kind of a tandem arrangement. And again, I can quickly switch over to the PDF, which features a more detailed view of the conceptual plan. This here is the -- I beg your pardon. Hold on just one second. It says north elevation, but this is actually facing west towards Fountain Hills Boulevard. And the -- even before that, the common parking area. This is more or less what the mixed-

use component of the development would look like.

The one thing I should note here, in contrast to the previous proposal, the applicant has provided some open-space features or common areas if you will, including a common area here, immediately to or in the far northern part of the scope of this project. There's a parcel here. It's approximately 5500 square feet, and there will be three units here, immediately to the over here to the west. Two of those units will be facing the alleyway. Another will be facing the narrower alleyway to the north. But whereas in the previous proposal, the applicant had four -- at least four residential units side by side, facing north, the applicant has included an open space common area here on the east side of this 5500 square foot lot.

Down here in the middle portion, three units. And by the way, these cottages are two stories. The -- what he's proposing is two stories, about 1300 square feet a little over, also a dog park and trash enclosure for both refuse and recyclables. And another cottage here by the pharmacy here. And in the previous proposal, the applicant did not include this parking feature here along the alleyway that has since been added. So in reviewing this, we of course, we refer to the general plan and identify what the character area is for this area in and around Plat 106. And it is within the neighborhood element of the general plan, which typically offers a broad range of housing types. And it's closer to higher -- typically closer to higher density areas as well, particularly for the more high-density types of developments. But as you all well know, the area around Plat 106 is primarily single family residential.

The character -- as far as the character area, this area can be characterized as a mixed neighborhood, consisting of smaller lots with a mix of residential and nonresidential units, and the general plan encourages infill development in such areas to foster long term viability. So again, what criteria should the Commission refer to in reviewing a special use permit case? In this case, a residential and a commercial area? It shouldn't be detrimental to the public health, safety, peace, comfort, and welfare of persons and not detrimental or injurious to improvements already in the area. The applicant started a citizen participation process about a year ago with the initial proposal. Since January

when we presented the original proposal before you, the applicant has met with the property owners association at least once at one of the following board meetings after the January commission meeting and has offered a new proposal and which included a dialog with some of the folks who were in opposition to the project.

It has been stated that the Plat 106 association is supportive of this project. And we have not received any opposition since, with exception to Mr. Gerzek (ph.) who I mentioned earlier has developed or has entitlements for those residential projects closer to Ivory there. Citizen participation report has been provided. And as I mentioned, the letter of opposition that has also been provided and details some of the talking points by Mr. Gerzek. So our staff recommendation is as follows; we believe that the use is consistent with the character type and believe it's a good infill opportunity. We also believe the modifications are a significant improvement to the previous proposal. I don't want to ignore some of the challenges that still exist within Plat 106. But we believe the applicant, you know, maintaining the original thought of introducing residential within Plat 106, within a commercial area, has carefully reviewed some of the challenges with -- particularly with regard to accessibility and, you know, issues such as maneuvering. And we believe it's a good infill opportunity and therefore we're recommending approval based on this latest iteration.

One thing I want to keep to -- to emphasize is that there are some details that will still need to be worked out should the Commission and then ultimately the Council approve this project and that will be addressed at the site plan stage, and John and I will be -- commit quite a bit of time in making sure those details are addressed and make sure that there's adequate accessibility and clearance and so on.

So possible Commission motions. Approve the SUP as requested by the applicant. Approve with some modifications or conditions. You may decide to deny the SUP request altogether or continue the case to a future P and Z meeting to allow minor modifications based on what the Commission will discuss this evening and some of the feedback you might offer.

And with that, I'll conclude my presentation. Mr. Wilson, the applicant, is here as well

to entertain any additional questions. Thank you.

KOVACEVIC: Does anybody have questions for Farhad, or would you like to go right to the petitioner's presentation? And?

SVEUM: My question is, Farhad, what are the details that you and John will be looking at specifically besides access?

TAVASSOLI: Well, accessibility, making sure that the driveway widths, you know, are adequate. We will be looking at the elevations a little bit more closely to make sure that there's architectural treatment. That would be esthetically agreeable based on the design guidelines for Chapter 19. And of course, the applicant would need to make sure that they're agreeable to the Plat 106 Committee. But also looking a little bit more closely at some of the amenities that were being proposed with the common area. Make sure -- making sure that it has highest potential of being used. And as well as the dog park that is being contemplated.

SVEUM: Okay. What about materials normally?

TAVASSOLI: Well, normally we would be looking at --

SVEUM: Materials and --

TAVASSOLI: Right, paint colors you know, materials you know, whether or not be a veneer or --

KOVACEVIC: Commissioner Corrigan?

CORRIGAN: Thank you, Chair. Farhard, three concerns seem to be raised here from the staff. And one of them, I think you pointed out, was the alleyway and the concerns about parking. That was I think that was number one in the analysis. And then number two was the tandem garages appear to be too short, considering that the required dimensions for a parking stall are nine by nineteen, and the garages appear to be shorter than that, 38 feet total. And then I think the third concern that you raised as a staff might present some physical design constraints. And then I think you highlighted the fact that the garage door adjacent to the alleys might be a concern.

TAVASSOLI: Right. Let me -- amend a little bit my description of the orientation of the garages in the carports. If I can manipulate this to my liking here. So I've zoomed in

here to part one. What you see on the master plan, this is the row of cottages over here by the dog park. The -- at the north south alley is right here. And I've measured the dimensions here. And if you take a look at the garage, just measuring between the garage door and the interior wall, it's almost 22 feet. And then what the applicant proposed here is more of a garage-carport kind of combination. And altogether this comes out to about well, actually, maybe even over 40 feet. If you were to add these two together. And if you look at a typical parking stall, they're each about well, not about, but their minimum required length is 20 feet. And he has left about three feet here. Between -- what looks like here, he's indicated a curb here. It's about three feet. And so typically, if this were a garage, like a tandem garage in its entirety, not a garage-carport combination, but a tandem garage where the door were situated here, right by the driveway, there would need to be a six-foot clearance between the garage door and the driveway. That's mainly to address visibility concerns. When one is backing up they want one should be able to look at the driveway and make sure there's no oncoming traffic.

But in this case, with a carport, there is more visibility. You're not obstructed by a wall to your right in this case backing out, so there is adequate visibility and he's reduced it to at least conceptually here, and this represented here three feet. Now this driveway is labeled 24 feet. Typically a driveway would need to be -- for two-way traffic, would need to be at least 26 feet. Now again, the paragraph in there about the waiver request was referring to the clearance requirement for a two-car garage tandem arrangement. And also the zoning ordinance typically requires two covered parking spaces for each home, for each single family residential home. In the beginning in the infancy of this project, the applicant was only proposing one car garage, a one-car garage. And so a little bit of that paragraph is kind of residue left over from the original proposal. But yeah, there are some details based on what I just explained, that need to be worked out with regards to the width. And we expect to get that.

CORRIGAN: Does that present an egress issue in that regard, or is it just clearance -- visual clearance. Is that right?

TAVASSOLI: Right.

CORRIGAN: In regard to the garage door and then the carport. Let's say this is the garage with the garage door. Is it tandem? By tandem, do you mean that the carport -- then this is the parked car in the garage?

TAVASSOLI: Yeah.

CORRIGAN: And then it's a tandem situation with the car coming in in the carport behind that?

TAVASSOLI: Correct.

CORRIGAN: So does that present a fire or egress issue?

TAVASSOLI: I'm not sure if I can address that, but that'd be something ideally for a building safety official or one of the firefighters. I don't believe there's anyone here, but you know, that's a building code issue, fire code issue that we would need to address if that comes up. But in my experience, I don't think that would be an issue only because there are examples of tandem garages not only throughout town here, but in other jurisdictions as well. So --

CORRIGAN: And then in regard to the other thing about the shared space, as I understand it, from reading the letters and the response from the community ,who actually owns that parcel that's designated as you referred to 5500 square feet? Is that the play area or is that just a -- yeah?

TAVASSOLI: This area here, I believe that is part of a common area. Let me go back to the aerial photograph here. Go back to my PowerPoint. All right. Yeah. So this area here is common area. It's contiguous with the parking lot right here.

CORRIGAN: Okay. So then, Farhad, that's a shared space by everyone or just for this community?

TAVASSOLI: Oh, I believe that the applicant contemplated that being a shared space for the - all Plat 106.

CORRIGAN: Okay.

TAVASSOLI: Yeah. All right. Yeah.

CORRIGAN: Thank you.

KOVACEVIC: I have a couple questions. Is there a minimum garage size by in the code?

TAVASSOLI: Yeah, the zoning code doesn't define a minimum garage size. But in other jurisdictions I believe I've seen 20 by 18 at least in Goodyear, but -- and that would be measured between the interior walls. But the zoning ordinance, our zoning ordinance, doesn't address minimum garage sizes.

KOVACEVIC: If memory serves me correct, we had Mr. Gerzek we may -- we stipulated that he put in 20-foot driveways. And I don't -- I think we -- it's only fair to do the same thing here, that the driveways should be 20 feet. The mixed use -- is -- does petitioner have right to park in that west lot, or is that part of Plat 106?

TAVASSOLI: That is Plat 106. That is a common parking area for Plat 106.

KOVACEVIC: So yeah. So that, yeah, that parking lot where the cursor just was?

TAVASSOLI: Yeah.

KOVACEVIC: So okay. So it's conceivable that somebody could park conveniently and use first floor space. Okay.

TAVASSOLI: Right.

KOVACEVIC: So it looked like there was first floor commercial, second floor residential. So is that four units?

TAVASSOLI: Four units, two of which are residential?

KOVACEVIC: Well, the two I understand the two. There's two units to the east that are residential. Will there be residential units above the commercial?

TAVASSOLI: We're talking about this right here, where my cursor is, right?

KOVACEVIC: Yeah.

TAVASSOLI: Yeah.

KOVACEVIC: So that's --

TAVASSOLI: Yeah. Two units side by side. Commercial on the first floor. Residential on the second floor.

KOVACEVIC: So that's four units, isn't it?

TAVASSOLI: Well yeah, maybe the -- Wilson can explain whether or not they're connected by a common stairway or not, but the idea is kind of like a live- work kind of

setup.

KOVACEVIC: Okay.

TAVASSOLI: Yeah. But I'll defer that to Wilson.

KOVACEVIC: Okay. The drive -- part one drive. Is there an easement there, or is that just common area? I know there's looks to be an electrical box somewhere in that area right here?

TAVASSOLI: So this here is not an easement. This is a -- also a commonly owned area where this driveway is being proposed.

KOVACEVIC: And is that electrical? Is that the electrical box?

TAVASSOLI: This is an existing electrical box right here.

KOVACEVIC: So that would be why you can't have your ingress and egress from the alley? You have to use the parking lot?

TAVASSOLI: Oh, I see, unless it's moved.

KOVACEVIC: Or unless you move the box?

TAVASSOLI: Yeah.

KOVACEVIC: Yeah. That's -- I think that's all I have for now, Commissioners. Anything else for Farhad? Commissioner Sveum?

SVEUM: Do you and John have any concerns about the other vacant land that's adjacent to that? The impact is going to be on those parcels. And I mean, what's going to be the reaction of people living in those apartments? And the parcel along El Pueblo is some commercial business wants to come in and build something that may not be as attractive.

TAVASSOLI: Are you eyeing this one here?

SVEUM: Yeah.

TAVASSOLI: Well, certainly need to -- certainly needs to be consistent. I mean, that's what we'd be looking for. If there were to be any proposal coming in, we'd need to make sure that there's not an adverse relationship between the two uses. And because they're, you know, because it's adjacent to a vacant parcel, there would need to be separation requirements with regards to, you know, fire rating and things like that. But

yeah.

SVEUM: Mainly from a use standpoint, this is the problem I had with it last time when this came before us. Is that it's just I think it's up to the applicant to accumulate property and create a development that is more cohesive. And I understand that there's been changes made here, but I just -- that element is still missing and I'm just having a real problem getting beyond that, that I'm not sure it's going to be the most attractive or positive element to that neighborhood over time.

TAVASSOLI: Yeah. So this is what the applicant is envisioning for that mixed-use piece. And that parcel you're talking about would be right here. So yeah.

SVEUM: Right. I guess I'm also now concerned about having a dog park and who's going to maintain it. Is there an HOA who's going to pay the fees to clean up that park, as well as the other open space? They dedicating that to the town? I doubt it. I didn't see any of that in there. So you know, again, just loose ends on -- in my mind that or I'm having a hard time, kind of grasping why we're recommending approval. Maybe the applicant can answer the questions about the HOA and or who's going to maintain the property. But I think it's a legit -- I mean, having a dog park right there, right next to a unit may not be the most attractive thing as well. So these are questions maybe he's going to have to answer.

KOVACEVIC: Can we hear from the applicant? Does he have a presentation?

TAVASSOLI: I'm not sure if he has a presentation, but I'll, like I said, I have his site plan here if he would like to -- let me know if you want me to show.

EJIM: You can put up the site plan.

TAVASSOLI: The site plan, the master?

EJIM: Yeah, the master.

TAVASSOLI: Okay. Let's let me close this here. I just added the measurements here I showed you earlier, and then you can zoom in and out.

EJIM: Okay. Thank you. My name is Wilson. I'm with Design Group. So I'm the applicant for the development. As regards to your question about the common area, I had since our last meeting, I had several meetings with everyone that came and listened

to that concern. And I've also several meetings with the POA concerning these areas. And we worked out something that fairly everyone is comfortable with. The common area on the upper right so that I can -- I have no -- is controlled by the community. Okay. And I think that's this area right here. We talked about acquiring it, but if you take 100 percent vote from the whole residence for them to allow it to go, so that is impossible. So they will maintain that, but it is open for their discretion. So what I did over there was create these three units over here in a way that they have open areas to interact and do things.

And also if you notice on each individual unit, I create a little ten by ten or ten by twenty-five backyard. So that way they have a little play area. Then the last time I came in January, the alley was so narrow, visibility was the issue. So what I did, was took the extra lots, gave it up. So open it up so they have 50 feet open area to resolve the visibility issue when somebody is going through that area. So now when we come on this side on the west side, there are actually four lots. I took two lots and reoriented it so that the businesses can face Fountain Hills, because it'll be hard to have a business when no one even know you. A business session. So I could rearrange or rent this building. So when you put up your sign, people can see it. So the ground floor is commercial. More like office, barber shop. You know, accountant office. Then above would be the units, you know, residential units. So that's two lots to looking at there. Then behind those are individual lots. Okay.

So everything we've done so far was in collaboration to the community and individuals that came, we sat and they're happy with it. The reality is we have other approval for John for the condo units and also for the townhomes. There's no reason we're competing with them as I'm creating a different product. And it's interesting to me because when I found those lots, I have two boys. One is an ICU nurse at Mayo Clinic right here, and another one was also working with the OR at Honors [sic], and they would drive all the way from Surprise 1.5 hour to come to work and falling asleep on the way. You know, things are expensive for young people. So when I started looking and I found this, I said, well, that'll be a great place to bring in young couples. So my market

target is young couples.

So that way, instead of driving and of course, 5 o'clock you have the same problem from Mercer (ph.) people trying to get here to work. But if there's something for them they can afford, they could stay here in the community and work, and it will solve a lot of problems. So that was what, two or three years ago, I picked it up and began to find a way to work. The initial proposal was trying to bring some elderly to make it a commercial and create some market like barbershop and therapy, occupational therapy for a business to survive. It's a tough place for business to survive. Either you create the business, or you have to find something that will enhance the community. So when that idea didn't fly, so I have to find again moving more into residential, but something also that will bring in young families to the community and support the community. And that is the market operation.

And without competing with what is already approved. The last meeting I was in that was complaint that there was so much appointments and already going on, but I'm not in that market. I'm looking at some young families, college graduates, young married couples working here at the hospitals or doing business that can move in here and go to work without having to travel. And I want to have to get to work. So that is the inspiration. Now, this is not a new concept; in Las Vegas, I own a property just like that, and I showed it to the staff during our meeting. So they're small, they're cozy, they're nice with a little backyard, you know, easy maintenance for a young person that is working. Wife is working. So there is a lot of thought process. And within the constraints we have, I did what I could, you know, to create what we see here, you know. So every one of them I've met with them several times, listen to them and say, okay, how can we make it work? Okay.

KOVACEVIC: Commissioner Schlossberg.

SCHLOSSBERG: A couple questions. So the last time it was the last time. I mean, it was the second to the last time, but this was proposed to us I think it was in January as home for the aged. And now you're telling me that it's not home for the aged? It's home for the young professional?

EJIM: If you notice, I have two proposals. There's home for the aged. They have the same cottages. So we have two ESP (ph.) applications. So what I did was the home from home for aged. That is where, through mixtures. But there has always been the other one. So the last one I came in January I have two proposals.

SCHLOSSBERG: So you tell me the mixed use is 55-plus and the rest of it.

EJIM: Yeah that was -- that was -- the 55-plus was what we're working towards. And then my intention was if we have that approved was to bring in businesses that would support it. If you recall my presentation, I said that I will recreate some business because that area, either you bring in the business, you have the business, you have to have a market to survive. If there's no market, there's no way business can survive. So either we create the environment that bring in the people that will support the business, or we have to find something that could enhance the neighborhood. This will bring in the values, support the neighborhood by bringing young families. Okay. So that was why I took the other SP out and I'm only focusing on one.

SCHLOSSBERG: So there is no more age restricted?

EJIM: Okay. No, sir.

SCHLOSSBERG: And these are condos that you're selling as a one-time deal.

EJIM: There are no condos. There are just single family units. According to cottages, if you're the individual lots. The individual lots. So. But John Cusack has condos that's already been approved and townhomes that have already been approved. Okay. So what I'm bringing is a different product, okay. So people have varieties and have choice okay.

SCHLOSSBERG: But these are for sale? These are for sale. And then there is going to be an HOA that's going to oversee these units?

EJIM: Oh, yes. We'll talk about that with the HOA. What they promise, whatever I do I have to manage, okay. I accept that what it is -- I provided a dog park as a way to because there's none there. So I'll maintain that; that's not a big issue for me. So the trash enclosure that I presented so that we don't have to be, you know, dealing with what they have right now is more accessible for the residents. And that way once they

get it, okay, then we work out of the fee to pay for that. That's not a problem. Okay. So but each individual particularly takes care of their own lot because there's individual homes. The only thing that will be rental will be the mixtures. And there's only two units that will be above it. If somebody decided I want to buy the thing, then they own the whole thing outright. So but I'm not surprised that we have some couples that say, hey, I want to live there and work downstairs. You know, I'm a business owner and I love that, you know, I have my office downstairs. And when I was in Washington state, that's what I did. My office was downstairs, and I lived upstairs.

KOVACEVIC: Commissioner Sveum.

SVEUM: I'm sorry, are these for rent or are they for sale? The cottages.

EJIM: They're for sale, sir.

SVEUM: So you're going to sell four bedroom, two and a half bath cottages?

EJIM: Yes, sir.

SVEUM: To young couples or young professionals?

EJIM: Professionals.

SVEUM: So you're assuming they've got a family? I assume that's because they've got four bedrooms, right?

EJIM: That's exactly what? A three bedroom with a den. That's basically what it is. You know, three bedroom with a den.

SVEUM: What's the price going to be?

EJIM: I don't know, the market forces will determine that because there's so much. Yeah. What happened? I'm still going through the process. By the time I finish, there's going to be market forces. But my whole intent is to get something affordable. And the way we're going and I'll be able to achieve that.

KOVACEVIC: Commissioner Proctor?

PROCTOR: Thank you. First, let me thank you for your interest in developing in Fountain Hills. I really appreciate your desire to develop here. And I'm particularly encouraged about you wanting to target younger folks to bring them into Fountain Hills. We need to lower our average age a bit here in Fountain Hills, so thank you for that. I

do, however, have some concerns. Going off of Mr. Gerzek's dissent here I am a little concerned with the fragmentation of the development. It seems that it's kind of placed all over with no consistency. And certainly the -- although I haven't been over to that area lately, what appears to be some architectural inconsistencies with the existing kind of portfolio of architectural designs -- that your development is swaying from that a bit, that there's no kind of within the same architectural family. That concerns me. Your term of cottage raised an eyebrow with me as well. Now, cottage certainly means something different here in the United States than it does, say, in South Asia or Europe. So the first thing I thought about cottage was I was thinking these would be seasonal rentals that you'd be bringing in. Now you can say they're for sale, but someone -- another person could use it as a seasonal rental. And we'll have transient people coming in and out of there. If that's the design that you're targeting. Is this -- could you I know you can't say --

EJIM: Thank you for that clarification.

PROCTOR: Let me add one more thing before you answer. And I know you can't pin a price down because the market will dictate that. And construction costs always seem to go up. But could you throw this into the broad rubric of affordable housing?

EJIM: Yes, sir. Let me answer the first one. Again, thank you for clarification. That is the word cottage that does not in any way reflect when I use that word. I wasn't thinking about rental and thank you. I'll change that. So that would be saying the same thing. So that is where the one word means two different things. But they are not for rental. They're not rental for rent. Now as far as the price, the way I'm managing the project, I'm controlling it. My whole target from the time I came in January to provide a low and affordable housing, that is what my goal is. Now the market, what I mean market forces, is that I have so much volatility in the market, you know, so every business exists to make profit, but you cannot do something where you just lose out. That was what I meant to be honest with you.

The interest rate, the material cost, all of that comes in. But when I mean affordable, I'm looking at below what the market rate is. So that way a young person or a couple or

whoever wants it can get into it. Okay. So that was what my vision is and that was what I've been pushing. Even when I did it, when I tried the elderly home, if you notice, my plan again was to find something affordable. That is the market I'm interested in and that is where I'm going, you know? So with respect to Mr. John Gerzek, the architecture is consistent material color is going to be consistent with the neighborhood. What -- where we differ is on product line. Okay. These are not townhomes. They are not condos. That's what he was doing. But when it comes to architecture and the style and all that, it will not be anything different. In fact, I discussed that with the staff. We look at different design options. And I said, what do you think will be more appealing? And they help us to guide what I'm -- the one we chose.

I come up with different schemes and you know, I say, I have this, that, and what do you think? So they help us and together we come up with something we think will work and fit the neighborhood very well. Thank you, sir.

KOVACEVIC: Commissioner Corrigan?

CORRIGAN: Thank you, Chair. Mr. Wilson, going back to Dick's reference to the John Gerzek letter, he mentioned some other things that I thought were interesting. And that was the utility box, number one, in what I think, what he referred to the common area. That's one. The second thing is what is the distance between the church and your proposed structure? What's the -- would that be defined as a zero lot line? What is the distance between those two? I couldn't see that on the -- on your plan view.

EJIM: Okay. Thank you. What you see here, when my initial proposal and initial meeting with the community, the board, they said for them to work or to see how we could work this out, that I should work hard to purchase the lot to a 20A so that I didn't own these two over here. Someone owned it. So I wanted to negotiation, you know, because if you could get that lot, then we allow you to do what you can do here with this access, with this common area. So I went in and we negotiated something and I was able to buy those lots, the two lots. But I used one now for the dog park, you know. So there's some community can get something back then. I only use one for the, for the homes. So but by so doing that allowed me to use the community area as access, okay,

to get into those garages because parking was a problem.

They don't have enough parking. And they say you have to provide your own parking. So if I'm going to provide those garage and the carport, I have to have a way to get into it. So that was why we end up using this space. But there's an existing utility box there. So what we could do is work around it without having to move it or disrupt what is there already. So the way it's designed, the utility box stays, but we have access to get into the garages. So those parking lots that they have right now is not overburdened. Does that make sense?

CORRIGAN: Getting back to my question, what is the distance between the proposed structure and the church?

EJIM: Oh yes, thank you. Now the distance. I have ten feet buffer. Okay. All of them are zero lot line. So I can get as close to the -- I can get -- I can share a common wall with the church based on the zoning. I can have a common wall with the church, a firewall. But what I did, my buildings were ten feet away from the church building.

CORRIGAN: I'm sorry. So it's ten feet?

EJIM: Ten feet.

CORRIGAN: Okay. And then on the -- not the plan view, but the elevation, I didn't see -- are there windows up against that wall that faces the church? I'm trying to visualize this now.

EJIM: Okay.

CORRIGAN: I did not see that on the elevation view. So as I'm looking out and I'm a resident, I just bought this property.

EJIM: Oh, sure.

CORRIGAN: I'm looking out on the church. Are there windows that I look out of? What do I see when I look out? Are there number one are the windows and what am I seeing when I look out?

EJIM: Yeah okay. On the on the ground floor you will have the wall and you have that ten feet play area. I mean ten by 25 feet. Again I have the same thing right now in my house in Vegas and it's not a problem. But on the second floor, the window we have is

for egress. You know, in case of fire. But now looking on the roof. Okay. So in case of fire, you can get out. So it does not encroach into any person privacy.

CORRIGAN: And the proposed height of your structure is 25 feet and the church is 25 feet.

EJIM: No. The roof line, the building height is 25 feet. So the window on the second level, then you're looking at about maybe about 14 feet off the ground, you know, to the bottom of the seal of the window.

CORRIGAN: Okay. So you've got an egress access for fire.

EJIM: Yes.

CORRIGAN: And then you're up. The distance between those two structures is ten feet. So I'm assuming that that's probably not adequate. Or maybe it is adequate for fire and rescue to access that.?

EJIM: Well, the fire truck, they have to have 150 feet. They have to have -- that boom truck go to 150 feet. So they have access to any fire emergency, they can get to it. The alley is here, the parking lot is there. But what happened is when the 150 feet away from that truck, you have to provide fire sprinkler. But these units, okay, they already fire sprinkler because there's zero lot lines. So they already have -- we already addressed the fire sprinkler system. But as far as their truck able to reach in case of fire, yes, they can get to it easily.

CORRIGAN: Thank you.

EJIM: Yeah.

KOVACEVIC: Commissioner Corey?

COREY: Yes. Thank you. All right. Thank you. I was going to call you Mr. Wilson, but it is Wilson Ejim kind of have a name like Clayton Corey. Well, I would tell you what my colleague said, I also agree. Thank you for coming to the community and trying to build a sense of community in that area. We appreciate it. And having a variety of housing options I think is very important. I moved here ten years ago and moved into a small condo at the time, and that was affordable to me. So that allowed me to, you know, make my way into the community. And now I live in a beautiful home, and I was happy

that I had that opportunity to start in a condo. And I also see that you have similar successful communities in other locations. So that's also good to know. And I appreciate the time that you spent with the Planning and Zoning department to make some modifications that were important to us.

Adding the mixed use, the open space, the dog park, added parking -- because that always comes up at our meetings -- and went out and met with Plat 106 folks as well. And have put a waste -- a solid waste container in the area too, those were all things that were important to us. I think with the -- I love the dog park and the community areas. I think that with 11 units you might have to have some sort of a governance, some sort of HOA so that, you know, the community can have some sort of a, you know, teamwork in making sure that they're maintained and they're helpful to the community. So that might be something you have to look at. And I know that I've heard tonight, maybe from a couple of my colleagues, the consistency of the look and feel of the community is important to them.

And I know that's probably challenging because you've purchased, is it 11 lots? Eleven? Yeah. So I see that there are still a bunch available, but I imagine that's difficult to purchase 11 and try to purchase more so that you can maintain this consistency. I hope that in the future, maybe as new developments come in or new developers come in, they can try to match what we're doing here. But I think that's probably very difficult for Mr. Ejim to continue to purchase other lots and keep building that out. So thank you for looking at this area and I appreciate it.

EJIM: Appreciate it. Thank you sir.

KOVACEVIC: I have a couple questions for you. What's the separation between the buildings, the -- that you're building, the homes? Yeah, the zero lot lines. They're four feet between them?

EJIM: Yes. What it is why I arranged them. If you notice, in some areas you're going to have about eight feet from the lot lines. I'm going four feet. So eight feet building to building. Does that make sense? So if you look at --

KOVACEVIC: So there's four feet to the lot line eight feet to the --

EJIM: The -- that's right. So to open it up. Yeah. Now also the reason I use the carport also was to make sure it kind of open up visually. You know, when you look at the carport opening, so that the garages are set towards the back, you know.

KOVACEVIC: And why would you not attach them and be able to provide more living space?

EJIM: Well, these ones are actually the one I had that I lived in that I loved. You know, there are about 1200. And these units are about thirteen to 1500 square feet. So they're decent size. If you look at it, it looks small. But really in reality if your space is all laid out right, open space the distance from the distance. So these ones are about between fifteen to I mean 1300 to about 1500 square feet units.

KOVACEVIC: Okay. And there are power lines running right down the middle or right down the east side of the alley. Are you going to do anything with those? Is it part of your -- are you doing any site work? Are you going to bury those lines?

EJIM: No. On which side you're talking about? On the part?

KOVACEVIC: If you were to -- if you were to -- the alley that runs north south between El Pueblo and Glenbrook, there's power lines that run right down the east side of that alley, overhead.

EJIM: Okay. There is -- if you're talking about the alley, right?

KOVACEVIC: Yes.

EJIM: We have the -- there's a power line right there. Yeah. So that power line doesn't bother me. But like I told you, there's a power pole there which I can move. But what we did was we used that area for parking space. But one of the idea was one will bring in the trash enclosure more towards the front. I said, we have to deal with the power pole, which is going to be hard to move. So but if we move it to where close to the church, where there's one now, the car can -- the truck can come in. Drive, pick up and continue and exit the other direction. So the power line stays there. So those are really hard to move.

KOVACEVIC: Okay. Okay. I don't I don't have any other questions. Anybody else? So we ask for speaker cards.

WOODWARD: Yes, Chair. The first speaker is Eric Jackson (ph.).

JACKSON: Hello. Hello. Eric Jackson, resident of Fountain Hills since 1985 and the owner of that vacant lot down there that we were discussing that might have concerns of what goes there. So I guess those were my -- I mean, I'm actually kind of excited for the development and bringing life to what I'm coining as Uptown Fountain Hills. So stick with me on that one. We'll see if it goes. But my plan there wouldn't need an SUP, and I'm kind of still probably a handful of years out of developing it. But I just don't want. I want to make sure that it doesn't impact me. So many things are getting moved to residential in this plat now that then my lot that's been owned flips to oh, now this is a residential heavy lot. And now I'm in the hot seat of trying to get approved for what my plans been for, and my family's plans been for years. So that's been one.

And then kind of just, I guess we can talk more like the planning and setback, zoning and things when the time comes of where openings will be for my lot and what those things will need to be for my opening going into, I mean, I'm thinking kind of mixed use as well. Sorry, I'm not supposed to talk. I'm just talking there. But I know where the questions are kind of going anyway. But so that, the dog park, I think that's a plus. I think we should really avoid synthetic grass if we can do that. That was the comment on Next Door that got deleted that doesn't like the next. The synthetic grass we're putting into town already.

That's what else did I? Oh, for your mixed use, I would recommend there's an FHA loan. That if you keep your commercial at forty-nine percent and your residential at fifty-one percent. So make it a tiny bit smaller at the top. Your potential buyers will be able to get an FHA approved loan. So I would do that. What else did I have in here as far as, like, the architecture? I mean, we're dealing with Adobe liquor (ph.) architecture in this whole plot. So I mean, we need to chill on that, I think a little bit. I think that might have been all the things, but it's more of just my lot there and how that's going to align on, I guess, what my commercial accessibility is going to be on that lot. I mean, it's going to be a fast casual type restaurant, was the plan. And then four parking spots coming off the alley side for like a three unit above is kind of the plan of my space.

Rooftop use though. I don't -- nobody does do that. Beautiful views. Nobody wants that. But that's all the time I have for me. So. All right. Thank you.

KOVACEVIC: Thank you.

WOODWARD: Next speaker, Crystal Cavanaugh (ph.).

CAVANAUGH: Well, I wasn't necessarily going to speak. I don't have a lot of specific things to say. I did meet with Dr. EJIM a few months ago, because he's always concerned how some of us oppose certain things. And we did have concerns when it was the home for the aged and things of that nature. Concierge, grocery shopping and cleaning. It sounded like it could have led us down a rabbit hole we didn't want to go down. He assured us that he was dedicated to these single family homes, and I think that's why they're not joined together, so that they can be single family homes. I think the concept isn't horrible, but I still have questions. I didn't necessarily say that I was for it, but I said that I wasn't going to oppose him, let's put it like that. If it had all worked out and obviously all the codes are met and the parking, et cetera.

But one of my big concerns is, are we even able to require things like an HOA? Because I'm a little worried sometimes about unrelated adults living in these units or these single family homes, for example. I know that in my HOA, and I think it might even be the town code, no more than four unrelated adults may live together. And so I just didn't know if we were going to put any type of meat in that. And if we could, because you can't, you can do two per bedroom. And things of that nature makes me worry a little bit. And I just think it'd be some protection for the neighborhood if we could do some type of limitation.

And obviously the open space thing was a concern too, because without an HOA, people are going to have their dogs, you know, they don't pick up after their dogs and it could be a problem. And so I just wondered if it's single family homes, how they're going to do that without an HOA. It's not like it's a condo association. So I do think there's still questions about this that I think have to be investigated a little bit further. Thanks.

WOODWARD: Next speaker is Rod Warrenburg (ph.).

WARRENBURG: You did awesome, by the way. It was just chicken scratch and you

pulled it out. My name is Rod Warrenburg. I am the president of the tract 106 POA, and we have been working really closely with EJIM to try to pull this off. But I'm hearing things that I'm not sure are being conveyed clearly, and I think it's important that they are conveyed clearly. This section in here, which is listed as a driveway; this is it is tract 106 property. And at the end of that is the a relatively large power box, in my opinion, somewhat bigger than this. As you cross the street, you have another equivalent power box. And again, this would all be tract 106 property, right, right through here. These are designed to be able to provide sidewalks for this area. We did meet with EJIM. And we told him that that we certainly will work with him along these lines. Also, I want to point out up here on this top, this -- I'm concerned the way this is labeled as open space, this is going to be a pathway. It isn't going to be open space. It will be a pathway to connect to parking lots. I don't know if this -- yeah, this goes up further north. Once Gerzek puts in the balance of his stuff, we will need to connect the parking lot over here to the other side. And that will be the pathway to do that. So I just don't want there to be an impression that somehow this is going to be grass and flowers and trees. It's going to be a sidewalk, is what it will end up being. And as this section just the church is built right to the sidewalk and then there is a tiny bit of open space with some trees here. That sidewalk continues down the front of the church and ends abruptly right here. It will eventually be continued out the rest of the way. That is part of the plan.

My concern with the talk of HOA is that we are a property owners association, and the Property Owners association is not going to abdicate this property. We allow him to use it as per the layouts, but to create a HOA inside a POA, I think just creates an incredible mess. And so I think if we want to go down those roads, we would have to consider -- we just have to consider other options. I just want to be sure it's clear to everybody what, what the POA is looking at. And the lady that owns the liquor store here, she wanted to be sure everybody understood. It's a liquor store. It's not a convenience store. So I just throw that out too. Thank you.

KOVACEVIC: Can you hang on a second, sir, please?

WARRENBURG: Sure.

KOVACEVIC: So will the homeowners of this -- of Mr. EJIM's project, should it go forward, will they pay dues to the POA?

KOVACEVIC: Well, this is part of what would have to be sorted out. I can't understand -- all of Gerzek's properties, those properties he will continue owning and he will continue to pay the POA dues because he's going to rent those. Hearing that these are something that are going to be sold outright, I personally wouldn't buy a house that didn't have some sort of something around it, and I would be a little concerned about buying in a property owner's association, which is really going to be geared toward business, not toward, you know, making sure somebody's cleaned up the dog's mess and stuff like that. Right.

The POA isn't geared toward residential. It never was. We don't have the manpower, the overhead to do that. And the more residential that appears here, we're doing our best to make it work with all these property owners. But these are presenting some very unique challenges. And I'm not sure how to answer those questions. I don't know exactly what would happen in that point.

KOVACEVIC: Okay. Thank you. Any other questions for Plat 106?

WOODWARD: Last speaker is Lori Troller (ph.).

TROLLER: Hello, everyone. What's being passed out, you'll see that I took that off of Google Earth. And it's the intersection of Glenbrook and Fountain Hills Boulevard, and you can kind of see the property. I didn't realize exactly where the -- my little blue box at the bottom isn't exactly lined up with what he drew there, but it's a proximity. So number one I tell you, these locations are going to have the best cell service -- is going to be outstanding because all of those little lines, those are all towers. And those are only the ones I know of. I don't there's a question mark on the left-hand side of the page. There's a church there. They can have antennas on the church. I don't know if they do, but if you kind of got to wrap your head around this because, you know, we're we keep talking about the wireless ordinance. So if we're going to say you can't put a tower within 250 feet of residences, why would we allow a house to be built within that

radius? So that's kind of the premise. This is an idea. I don't quite know where it's going yet.

But I just if -- if that were my son and he said, mom, come back to Fountain Hills and I'll say, not in that spot, hon. You are totally irradiated there. So from that standpoint, I did rough measurements. So the closest line you can see there is 400 and some feet. It's actually going to be closer now. So I just -- there's -- I don't know what we can do about this. I just want it in your consideration. And because I'm going to bring it back up again once I, wrap my head around it a little bit more. But there's over thirty-eight antennas there. It's not just four poles. It's thirty-eight antennas, all radiating twenty-four seven. So it's in a bad spot. It's like buying land right next to the polluting factory. It's not good.

If anything, I would do a NEPA review. I'd have the town come in and bring in a professional meter reader there and let them read it for over five days, and you'll see what's going on there. It's not good. So okay. So changing speeds, they're no longer about cell. So I don't know what the effect on the homes there, this -- the value of these are -- it's definitely going to degrade. I mean the homes around there are pretty big; they have some good properties. So I'm kind of surprised the homeowners aren't here. And Phil, to your point, you know what, if in my neighborhood, we put a patch of grass at the bottom of the street and it's either you're mowing it or I'm mowing it, not at 120, you're not going to find me doing it. So the whole grass thing, I think it's great. It's a wonderful idea. All these are wonderful ideas. But I don't know that they actually fit. So and we actually have one of the best dog parks in the valley.

I would like to call these things what they really are. Cottages are really cute. I don't -- Is it a fire hazard? Are these things so close that I don't know how this works out with fire? I didn't hear anybody say anything about that. And regarding the commercial space, we've had an issue with the lot right adjacent to this. We had them promise that -- I don't know if we got an affidavit that that commercial spot that he's putting in is not rehab, because it's in the proximity of the school. So I would like to make sure that goes in on this. And I have other stuff. But buzzer went off. Thank you.

KOVACEVIC: Okay. We have further questions for Farhad or the applicant? Commissioner Corey?

TAVASSOLI: For Farhad.

COREY: Just to address some of the things that we heard. And my first question is, earlier you mentioned it went to Town Council and they kicked it back to us. Did that include any feedback or just for us to revisit it?

TAVASSOLI: Mr. Chairman, Commissioner Corey. No, it was actually quite brief.

COREY: Okay.

TAVASSOLI: And I made a few introductory remarks, but almost immediately a decision was made to revert it back.

COREY: Okay. Thank you. We had a gentleman that spoke. I can't remember his name. Maybe it was Mr. Jackson when he talked about Uptown. I like that, and I just wanted to ask. So he has a property there he mentioned, and he wants to make sure that putting residential here wouldn't negatively impact his business. Sounds like he's okay with some sort of a residential project here. Just wants to make sure in the future that's not going to impact him. So just to clarify, his land is, whatever the use is by right, would not change. He can still develop how he wants to in the future without making any changes. If it's by right. Right?

TAVASSOLI: That's correct.

COREY: Okay.

TAVASSOLI: It will remain community commercial.

COREY: Okay. I'm sure we knew. I just wanted to clarify that. And then so HOA was mentioned a few times tonight, and then, like, I think Crystal and somebody else mentioned the NPOA or the POA already exists, but we think that an HOA would be a good idea. So do we have any history there, any like, examples where we've had to do this in the past? Are there any other developments where there is an overarching HOA and then another one that fits within it?

TAVASSOLI: Where the town was involved in?

COREY: Yeah.

TAVASSOLI: Well, typically the I mean, to the extent that, you know, the town has any sort of stake or any kind of increased liability by an HOA not being formed then we certainly would, would like, for example, like landscaping if, you know, landscape areas. Yeah. It needs to be made clear on the CC&Rs for example, that the town has no responsibility in maintaining it.

COREY: Okay.

TAVASSOLI: And so for example, when a subdivision comes forth, we want to make sure that's abundantly clear. But beyond that we typically don't get involved in requiring formation of an HOA or --

COREY: Okay. So it sounds like it's more of a, something that the POA and the developer would have to work out. It's a detail that would probably have to be worked out somehow. And then the last thing I wrote down here was the open space. Somebody had mentioned open space would include a sidewalk. So it looks like eventually along the church there, the sidewalk that is existing would eventually continue all the way up to the part 2 alley, if I was hearing that correctly?

TAVASSOLI: I believe Mr. Warrenburg was talking about this common area where the --

COREY: Yep. So okay, so we heard from the applicant that it was going to be the common area. And then we heard that it was going to be almost like a pathway, I think ,with a sidewalk. So just wanted to bring that back up. How would that impact the common area? What are the plans for the common area if it does become a pathway? But also, I think if the pathway is just a sidewalk with a component of landscaping and trees, then it would serve the community well. So. Okay. Thank you. Farhad.

KOVACEVIC: Commissioner Gray.

GRAY: Thank you, Chair. A couple thoughts, a couple different angles here. First, Mr. EJIM, I also applaud your product and your presentation and your pivot off of the original. I think the product itself is probably fine. My reservation isn't the product. My reservation is Plat 106, and I think we have to look at this, you know, for what it is, and we have to look at it in the more macro picture. So it these are parcels that were purchased at a different time five, six, seven years ago chasing a different business

model. That didn't work out. And so here we are at the pivot. And so this is us saying we're going to let you out of that scenario. And we're going to let you pivot to residential. Okay. That's fine. The general plan allows for that.

My problem with all of this is 106, we've carved into it not once, not twice, maybe three times, three or four times now and done these conversions. But yet 106 continues to exist in its underlying condition. And so if we do this, those four or five parcels that are directly, I guess it would be planned north cardinal direction east of what I think we're calling lot 3. Right. The ones that are just south of the daycare or museum designator there to the left, Farhad. Just south of that.

TAVASSOLI: There you go.

GRAY: Yeah. Those parcels, just as my example here are all but cut off from their underlying zoning in use case right there, they now back to a driveway, essentially. They're completely encircled by residences and the daycare. And we just disenfranchised those landholders. And I don't think that that's okay in this scenario. I know they're not here to object, but I don't think they need to be here to object to this. I think that when we set up the general plan and we said, oh, let's do infill and let's do these commercial conversions to residential, that's great. That was well intended, but it meant to be infill. Here with this particular scenario in 106, we're basically saying, hey, we got this whole huge chunk of property, and I said this at the last meeting, that should really be master planned, and we're just making Swiss cheese out of the thing. And for that reason, I'm not in support of this tonight and I, I say that again. I'll repeat my opening there. I think the product is fine. I have no objection to the product. I have an objection to the placement of it in 106, and I think the town needs to find a way to exert a heavier hand in what happens with 106 here, because we can't keep doing this.

This is making a mess out of a marquee corner that eventually will be, you know, front and center if someone ever does pick up that state trust land. And I just I just cannot support this for that reason. Thank you.

KOVACEVIC: Commissioner Sveum.

SVEUM: I feel very much along the same lines as Commissioner Gray. I think that the

fragment --again, the fragmentation of this is I think it's just poor planning. With the POA with block 206 or 106 that underlying alleyways that have to be maintained or has to be reserved, I assume, for future maintenance and work and everything else, it will be done on there. There has to be some sort of a mechanism to collect money from homeowners to maintain the dog park, maintain their other driveways, to maintain their if they've got some lawn, who's going to take care of all of that? I think there's just a lot a lot of miscellaneous issues that maybe are not part of planning, besides the fragmentation of this property. That really bothers me. There just needs to be more thought put into this. How it's all going to work out now, with the introduction of the lot along El Pueblo of wanting to put a restaurant and units above. Yeah. There's a right to be able to develop it in that way. But is that is that going to be a problem with established residential owners just to the north?

So I just -- I just wish that it would be a way of looking at -- of accumulating these properties, figuring out something that is more centralized, that works together, that that will make sense not just today, but a long time from now. And I don't see this happening the way this is laid out and the way it's -- the way it's planned. There's just a lot of -- a lot of issues, not the least of which things that we've been finding out tonight that I certainly wasn't aware of being on here only for a year. So I would -- I think we need to either postpone it or just turn it down and you come back with maybe a better plan -- more people and more landowners involved and try to consolidate this and do that -- do it the right way. It's not being done the right way.

WESLEY: Chair, if it's okay, Mr. EJIM would like to make a comment or two at some point if you want to give him that opportunity.

KOVACEVIC: Sure. Right. Now's a good time. Okay. Commissioner Corrigan, let's hear Commissioner Corrigan first.

CORRIGAN: Thank you, Chair. First of all, Mr. EJIM, my apologies for slaughtering your name, Mr. Wilson EJIM. And it's a very attractive project. It really is, I have to say, esthetically, very pleasing. And you've done yeoman's work on this. However, I do agree that commercial space in our town is precious, and we seem to be -- well, we

seem to be spot zoning that away over a period of time. My concern is that, number one, and then the noncontiguous plotting of this particular lots; that's of concern. And so given that and then the conflict between and the unknowns about the POA Property Owners Association and the proposed HOA, which is still kind of up in the air. Those are my big concerns, and I just don't see that as a favorable vote. I would have to vote no.

KOVACEVIC: Come on up.

EJIM: Thank you again. When you look at the reality of what we're doing here, Those lots are not together, they are in different spots. Understand the challenges of spot designations. But in this case, if you look at on the east of that, that's John Gerzek. Residential development. It wasn't as if I'm introducing something that's not already happening there. So I'm not out of line. So and the small lots owned by individuals. If you want something big, you have to get every one of them willing to sell. The four lots you've talked about, sir, on the North. I have contacted all of them for the last two years. Okay. You can't force any person. So if you have been working on this now with the City for over three years, and I have been back to pick up those that are willing to cooperate with me, but they're not altogether.

Those are the individual lots. So what I want to do is we're going to look at the reality, what we're dealing with and make the best out of it. I do believe that once they see it's been sitting there for so long. In fact, the first time I talked to that was the City planner before John Wesley became the planner, that was supposed to say, well, do whatever you can. We want to develop it. That was as far back, I've been working with this thing. Okay. But the question is, I've talked and I talked, I talked. You can't force me to say we're not willing to sell. So my challenge then is what -- how can I best improve it to add value? And I do believe it will add value. So the residential development is already taking place.

Now what I did in Apache Junction, similar situation. What we did it was a condo. We created a condo agreement. Condo, single family homes. And they say, well, I'm not -- I don't own the property. But it says, if you're going to put these condos there, then because there was an overlay on it by mistake by the City. So the developer reached

out to us; we got it removed. She put in some condos there, but those condos, we did a condo agreement for those units so that we doesn't create a burden. The same situation when you create a situation like this, you control what happened. You already told me you have to be responsible for what happened. I said, no problem. We created an HOA and basically to make sure the fees are paid to the POA. And the area that are provided for those guys are, take care of it; that's the dog park. That's the only thing I don't have to. But I wanted to create something that gives back to the community. And when I use the word common area, that was where the that was designated. And that's what the POA call it. It's a common area for the whole community. I don't own them. I don't take any responsibility for that. So that's when you see common area, doesn't mean that it's from my own paper. It's just the way it is in that community. So those -- if it doesn't happen, what's next? That's the question. It's still going to be individuals sitting there. No one's going to. How are you going to do something with those small lots when they're owned by different people not willing to sell? So I hope it doesn't. But you sit there for another five years, I mean, fifty years. Does it add value to the community, to the City, to any person?

No. But today we could convert it where it has value. I have talked to those owners. They're not willing to sell. The ones that willing to sell are borrowed. The two are the pressure we -- before we support what you do, you need to find a way to get to a give you those lines. So then you can have a way to access the garages. And after much negotiation and months and years, they were able to sell but at a higher price. But to make this work. So now I provided parking so they don't have to be a burden to the existing parking. So that is resolved. Now about the extra place so that we can work with the POA. So I bend backwards to make this work. But if it doesn't, what are you going to do; that they're not together. You can't combine them. You can't put them big. They're the individual lots. So they just sit there.

So I say to you, sir, look at the reality when I say part one. That's this one right here. That's the pharmacy store is a multi-use. Someone is living above it. Over on this side is the one, the condo. A commercial ground floor. Someone is living above it. And over

here is townhomes, no residential. So what I'm doing then is creating an environment that is more enhanced, solving the problem that anyone going to run into that try to develop that, okay, solving that problem, purchasing and giving, bending backwards to make it work. So if we want to develop it, it's going to take someone that's going to do what we did, except somebody's going to come and borrow all these guys out, clean that out and do something big.

But what are the chances of that happening? So that's what we're up against. So if we face the reality I think what we're providing here, you know, maybe our best way to get that developed. But I'm willing to create like I've done before an HOA for this community to make sure that we abide by the POA, make sure that fees and dues are paid and the maintenance is minimal. Okay. I don't own the driveway, or the driveway is just -- they're not that much space. Okay. The alley. I don't own it. The City owns it. The common area which is over here. The POA owns it. So we're talking about maintenance is very minimal that I have to worry about. Okay. So the trash enclosure which is over here is will make sure that everything is paid the same thing John Gerzek is doing here. He's taking care of the trash enclosure. He's paying it himself. And I'm sure he has the same has a condo agreement for his people. So these are not -- it's already happening there.

KOVACEVIC: Okay. John, what is the commission's responsibility in the understanding the agreement between the petitioner and the POA?

WESLEY: Chair, that's a good question. I'm glad you're giving that some thought, and we can look at it I think a couple of ways. On the surface level, all you're really being asked tonight is, is this amount of residential and this configuration appropriate in this area, given the general plan designation and a lot of details that go with that, that aren't necessarily what you're being asked to consider. It's yes or no, residential works here in this configuration. But I do believe, with that being said, that, that there are some important issues related to that, that have become a little bit clearer to me, too, as you've talked about it this evening. So I'm glad you've raised that. It's not just the dog park, it's the extra parking that's being added along the east side of that alley, as well as

the dumpster location. Those are on individual lots at this point, Mr. EJIM is saying he's going to own and maintain. And is that really the best way for that to go forward? Should it be an HOA? Because someday, you know, Mr. EJIM is not going to be the owner of those lands and who inherits them at that point? And how is that handled and does impact the ongoing viability of this residential area? So I think it's within your review to make sure you have at least some semblance of a good answer to those questions. The other details in terms of how this works with larger POA, that may be a little bit more of a private issue that would come up and that we would have to make sure are addressed as we review site plans, and before we would issue any building permits, that there's clear agreements and approvals from the POA because he is using their land to provide the driveway and if they haven't signed off on it, then we can't issue the permit. So again, I think there's a little bit of a mixed bag there, but it is good that you're looking at it at least in some basic level, to have a confidence before you would approve anything.

KOVACEVIC: And we're being asked to make a recommendation on a special use permit tonight; is the special use permit plan specific?

WESLEY: Yes.

KOVACEVIC: It is specific to this plan. So we if we say we allow residential the configuration and the -- doesn't change, can't change?

WESLEY: Well so Chair, Commissioners. So yes they'll have still have to go through their site plan review. And so when they do that we will refine it. But it wouldn't substantially change, no.

KOVACEVIC: And like for instance by part three. That were the lot lines were running north and south, and now he's got to the west. He's got the lot line running east to west. Does he have to replat?

WESLEY: Correct. He'll have to replat to do that as part of the process.

KOVACEVIC: And up at part two, he'll have to replat.

WESLEY: Yes. Right now that's one lot. So yes, he would have to plat that if he's going to sell them. Otherwise they're just three units on that property. Yes.

KOVACEVIC: And do we look at that again or we're -- this is -- this is our look. We don't get to see the plat again?

WESLEY: You would not see it again. The plat would all be done administratively. And the site plans done administratively.

KOVACEVIC: Okay. Commissioner Gray?

GRAY: John, I have two questions for you. Same question, I think, from back in January. But I again think 106 is in need of some -- what's the right word?

WESLEY: Master planning.

GRAY: Master planning? I was going to use other adjectives. What's the town's ability to influence that?

WESLEY: Chair, Commissioner Gray, it's limited. When Mr. Gerzek brought up some of his first proposals, we had a meeting with Mr. Warrenburg and a couple other representatives of that development and suggested that maybe that would be beneficial if some master planning could be done of this total site because it is a complicated spot with the way the different lots that are left fit into the overall picture. At that point, they weren't sure that they could get the various owners together enough to come up with some type of master planning. There have been some changes. Now we have maybe consolidated more of the lots into fewer owners, so it may be more possible now to pursue that idea. We're certainly willing as a town to approach them again and see if there's some possibility.

GRAY: Yeah, I just think there's a disjointedness here. I wouldn't object to part 1 and part 2. I object to part 3. But there's just tremendous amounts of parking and pavement within this 106 that it's no longer necessary. And so what are we doing here? Would it be unprecedented to send it back with that sort of directional guidance, back to staff to foster that conversation again?

WESLEY: So Chair, Commissioner, I believe one of Mr. Tavassoli's (ph.) options for your consideration tonight was a continuance for further discussions with staff and the applicant. And so I don't think that would be unheard of. Probably would go to at least an October meeting, I think, to give us enough time to really look into things. But that's

certainly an option for the Commission.

KOVACEVIC: And so but then we would need to provide you with direction as to what it was, I mean, with, you know, where to take this?

WESLEY: That would sure be helpful. And you know, if the idea is get with the Plat 106 and explore with them the idea of some type of master planning. And I see Barry would like to make a comment too. If it's not too late, Chair, I'm not sure we ever officially closed the public hearing, yeah, it'd be helpful if there is some direction from the commission what we're trying to accomplish.

KOVACEVIC: Okay. So commissioners, when we do get to the place where we're going to make a motion, let's give staff some direction as to where we want to go. And yeah, let's take the public. Let's take the speaker.

WOODWARD: Barry McBride (ph.).

MCBRIDE: Chair, Commissioners, I appreciate the privilege of visiting with you. I just wanted to mention, I do serve on the board of tract 106 and wanted to assure you that as a board, we take the property's management very seriously. If you look up and down Fountain Hills Boulevard, that parking lot and the parking along Glenbrook, I personally take care of that on behalf of the neighborhood. I pay out of my pocket personally for the care for the parking lot. The trees on that side. I usually spend about 5000 a year just out of pocket, personally, in addition to my dues. I feel that's a contribution to the community. We always really want to make sure that we operate tract 106 as it was intended, which is a commercial facility. The parking would be sufficient if we had people with business intent to buy those properties.

And Dr. EJIM is a fine gentleman. We've enjoyed visiting with him, but it is a commercial development, and if those smaller properties were developed commercially, then that's why we have the property, the parking as it as it is there. So it's obviously up to you. I know Dr. EJIM has put so much work into trying to make something feasible, but it is a commercial POA. But I wanted to assure you we take very seriously tract 106 and its presence in the community. Just wanted to make that statement so you know we're serious about that. Thank you so much.

KOVACEVIC: Thank you.

GRAY: Let's ask a question.

KOVACEVIC: Commissioner Gray, go ahead.

GRAY: Barry, if in this scenario, let's play this out for a second. If the scenario is that we recommend approval, Council follows suit and you convert these X number of parcels to residential. At that point, you're well over parked for commercial use of what's left and could be developed or could be redeveloped. What do you do then?

MCBRIDE: Well, that's a challenge. Certainly, because when these would go residential and then the four lots that are just to the south of the museum, which is my property -- those businesses, if businesses were to purchase those, we're really not sure how that would fit. So it's hard to say. And then another topic that was brought up, and that would be the property owners that would buy these units to put up an HOA instead of a POA, we don't think that that would work. That would be unprecedented. We don't know how that would work. But as it relates to the common area, as it relates to the parking and the other common areas that are involved there would need to be maintenance to that. And so ultimately, somewhere down the road, there would need to be some kind of a process to where the owners would also be billed maybe to the square footage of their lots as it is currently so that the HOA could continue -- the POA, pardon me, could continue to maintain the property appropriately to the town. Did I answer the question, sir?

GRAY: I think so. I think you said we're cutting off the underlying.

MCBRIDE: Exactly.

GRAY: Okay. Thank you.

KOVACEVIC: Okay. So Commissioners, we're going to need a motion. We should discuss what motion? We've got to discuss where we're going from here. I'll start. I don't think we're -- I don't think I'm ready to make a recommendation without understanding how these units are going to fit into the POA. And I think I've heard the other commissioners say we'd like to see some sort of master plan for the undeveloped parts of this area before we make a recommendation. And then the other thing is, if we

do go to approve the plan, I would like to see 20-foot driveways in the carport. But. What next?

GRAY: I see two paths. I see three paths. Path one is we just reject it and say the underlying condition, the underlying by right, entitlement here should prevail. We've converted enough of this 106 to residential. We've met the intent of the general plan within this district. I think we'd be well within our right and certainly our jurisdiction to do that. Option two is. Chicken or the egg? Either, I agree with you. My version if I had a stake in it, but I don't, would be to replat or to master plan the whole parcel. I think that's what any developer would do. If that's the chicken, then the egg is, you've got to approve this to then force the rest of it to go through a master plan. And if we go down that path, then I think you have to limit this to part 1 and part 2 and abandon the part 3 piece, because part 3 is where you really start to infringe on the other parcels.

Part 1 and part 2, I could make the argument those are just infills. You can still work around it. You can still master plan around it. You can deal with your parking calcs, you can deal with the hardscape. You know, maybe there's some opportunity to be had. You know, in the grander scheme of things, part 3, once you've done that, those four parcels there are done. That's over with those. That becomes native vegetation retention at best.

SVEUM: The vacant land parcels you're talking about.

GRAY: Yeah. The ones planned south of the daycare there.

KOVACEVIC: Commissioner Corey?

COREY All right. Thank you. Chair. I also support bringing this back in October or whatever that meeting is. Just a few notes that I mentioned here. Is it perfect? It might not be perfect, but does it add value, as I heard tonight? And I think, yes, it does, over what we have there today. And that area has been underutilized for a long time. So it's I'm optimistic about this infill and what that could do for that part of the community. I think the residential configuration is appropriate. We're trying to make it work. We heard the concerns about owners not willing to sell, and that creates a challenge. And I mean, how long would it take to, you know, try to convince them to sell so we can have

one cohesive property? That could be another ten years or whatnot. And the last thing I'll mention is this is mixed use. I love mixed use. I encourage mixed use. I think sometimes we think that, oh, it's the commercial is too close to the residential. People aren't going to like it.

But I think people do like it more and more when they can leave their home and go and walk to something. It creates the sense of community, walkability. I really like seeing those things -- commercial and residential, closer together. It makes our lives not so car dependent where you have to get in and drive to downtown. Maybe you could stay uptown and get some things done. So I do think that there's some things that we need to look at and tweak, and the HOA within the POA is certainly one of them. I wouldn't want to reject this, because I think it's great for the community, and I hope that we can find a way to make it work.

TAVASSOLI: Thanks.

KOVACEVIC: Anybody else? Can we get a motion? Does anybody want to make a motion?

TAVASSOLI: All right. Then.

COREY: I'll do that.

GRAY: Before you do that, because I know what you're going to say here. John -- are we -- we can make this motion, but. Are all the stakeholders going to participate in that? I mean, to me, we're making a motion in the wind here.

WESLEY: Chair. Commissioner Gray, that's exactly right. We don't know. We'll have to go out and try and see what kind of response we get from talking to Dr. EJIM and the other property owners to see if we can get a core together, that that feels like they can represent the group and see what master plan options are. And we may come back in a couple of months and say, sorry, we couldn't do it, or we got so far and we need some more time or whatever, but won't hurt to try. Okay.

KOVACEVIC: Yeah. And I'd at least like to accomplish knowing what the homeowners or how the homeowners are going to work and fit within the POA.

COREY: Well, that being said. Oh, yeah.

KOVACEVIC: Sorry, Commissioner Sveum.

SVEUM: I'm not in favor of this, obviously, as you've heard. If you want to give them an opportunity to try to work out these issues between now and the next meeting or in October, fine. But there's a lot -- there's a lot to do. And we've heard a lot of discussion tonight. People need to be addressed. These property owners need to be addressed. And I do take exception when someone says they're only trying to solve a problem. This is an opportunity you're going after. It's not for you to solve a problem. So you've got -- you do have an opportunity here, but you need to -- you need to do a lot more to provide the answers that we've been looking for and to not only for today, but as I said before, long term, because the people that are living out in that area are going to be impacted by what happens on this corner. It's got to be done right. So I will go along with a moving it to the next meeting or something to revisit this. But otherwise the way it is right now if comes back I'm totally against it.

KOVACEVIC: Understood. I think we're looking for a motion to continue this to the October -- do we have a date? We need a date certain or correct?

WOODWARD: It would be October 13th.

KOVACEVIC: Okay. October 13th meeting.

COREY: All right. Thank you. And I would like to make a motion to continue this to the October 13th meeting so that staff has an opportunity to look into some of the things that we brought up, including HOA within a POA, and there are other things that we're going to include in there.

KOVACEVIC: Yeah. The relationship between the homeowners and the POA and master plan of the undeveloped portions of plat 206.

COREY: Yeah. And the master plan within the plat 206.

GRAY: I think just can we just say 206 holistically.

KOVACEVIC: Or it's 106 yeah.

COREY: Did you get all that, John? Or should I restate it? Okay. Thank you. So postponing with the discussion internally around how it will relate to plat 106?

KOVACEVIC: Yeah. Okay. We have a motion. I'm looking for a second.

GRAY: Second.

KOVACEVIC: We have a second. Can we have a roll call vote, please.?

WOODWARD: Commissioner Proctor?

PROCTOR: No.

WOODWARD: Commissioner Corrigan?

CORRIGAN: Aye.

WOODWARD: Commissioner Gray?

GRAY: Aye.

WOODWARD: Commissioner Schlossberg?

SCHLOSSBERG: Nay.

WOODWARD: I'm sorry?

SCHLOSSBERG: Nay.

WOODWARD: Commissioner Sveum?

SVEUM: Aye.

WOODWARD: Vice Chair, Corey?

COREY: Aye.

WOODWARD: Chairman Kovacevic?

KOVACEVIC: Aye.

WOODWARD: Five - two.

KOVACEVIC: Okay. On to 5C, Ordinance 2508 Amending Zoning Ordinance. Chapter 6, section 6.08 regarding regulations for various types of signs.

WESLEY: Chair, Commissioners, one of our favorite topics to discuss again. So you'll recall hopefully that back in May we had a discussion with you. But for a quick recap, last time we did a comprehensive review and update to the Code was back in 2021, with some minor modifications in 2023. In January of this year, Town Council directed staff to review and make some revisions to the sign ordinance. They were not specific direction at that time, but we went back to them at their February meeting and they provided some guidance on some potential amendments that we should consider. Staff met with the Commission in May, reviewed the items that had been mentioned by the

Town Council, and gave the commission and public opportunity to provide us with any other input or suggestions for possible amendments at that time. We included in your packet the discussion from the May meeting, so you could see some of that discussion that you had at that time about the ideas that had come up from Town Council.
We received no other items for consideration. And so except for one item that staff has identified since your May meeting, the items here were the items that some of the Town council members wanted to take a look at based on the request from town Council that we look at possible amendments to bring back to them, even though there wasn't a lot of support at the last P and Commission meeting. We felt it important that we go ahead and take those ideas that had been mentioned by council, put them into an ordinance so they'd have that ability to officially look at those and decide what, if anything, they would want to change. So that's what you have before you here this evening. I guess so these are the five items that we're going to talk about.
So A frames, a couple of modifications talked about there. One was to increase the maximum size allowed for an individual A frame from six square feet to eight square feet. Right now for developments that have two signs, the maximum combined size is nine square feet. So this would up that to 11 square feet for - if you have two signs together. Right now you're allowed a second sign if you have a second public entrance. If you just have one public entry, you can only have one A-frame sign. This would make it two A-frame signs for anyone, any business. Currently, if you are in the town center area, in the pedestrian area, you can leave an A-frame sign out after dark all night in the sidewalk area here, but that's the only place you can leave an A-frame sign in the right of way. The proposal is that we remove that restriction and allow then the A-frame signs to remain where they're allowed to remain in the right of way overnight.
And so the thought is that we'd go ahead and take any comments, questions you'd have on each of these as we discuss them, rather than try to remember any comments you have and come back to them. So I'll stop here.
GRAY: Yeah, I just don't support leaving them out overnight. It allows laziness. It allows dilapidation. It allows them to blow in the evening, in the evening winds. It's just a

good -- it's a good kind of self-policing mechanism that was in. So I would be in favor of removing that. Forcing the take down.

KOVACEVIC: I looked at sign ordinances for eight municipalities surrounding the area -- Phoenix, Mesa, Gilbert, Chandler, Carefree, Cave Creek, Scottsdale, and Paradise Valley. Not a single one of them allows a frame signs to remain or right of way overnight. They are only allowed to be out during normal operating business hours. So I strongly recommend that they that that provision be stricken.

WESLEY: Or that it remain as it is, that it remain as it is in the Code.

KOVACEVIC: Correct. That they're not allowed to remain in the right of way overnight.

WESLEY: Anything else on this? The changes in sizes and numbers, those are okay or?

KOVACEVIC: Just for the Commission's consideration. The other -- either A-frame signs are prohibited or one per business in all of the other municipalities except Gilbert, which allows for it. So we're not in new ground, allowing to.

WESLEY: Not hearing anything.

GRAY: I mean, single issue vote here. I thought it was when we had it basically at one per elevation, one per door. Whatever you wanted to say, that made all kinds of sense because that dealt with a corner business, you know, it gave you presence on two street fronts. Now you're just going to get stacked signs with this. But I'm kind of -- I'm kind of over it at this point. So let's just move on.

WESLEY: Okay. Okay. So again, when we get to we get to the point of emotion. It sounds like emotion would include deleting the piece. That allows the signs overnight in the right of way, but otherwise agreeing with those changes.

KOVACEVIC: Correct.

WESLEY: Okay. Banner signs. Request here is to increase the minimum permit length from 30 days to 90 days.

COREY: That's for -- excuse me -- that's for new businesses?

WESLEY: That's for anytime anybody wants to do a banner sign. We do have the separate provision in the Code for new businesses based on a new business license, prior to getting any permanent signage ,that they can have a banner sign for up to a

year with certain requirements to change it out periodically. But that's a separate provision.

COREY: Okay. So the new business is the one year, right? This is at any other time.

WESLEY: Right.

COREY: And how can it be renewed?

WESLEY: Yes. Up to 150 days a year. So you can get one renewal this way. Under the 30 day, you can get five renewals in a year. This would just let you get one other renewal if you use the full 90 days.

COREY: Okay. So in addition to the new business for 365 days a year, they can also every other year get 150 days?

WESLEY: Every year they can get 150 days.

COREY: Every year. Yeah, that's a lot.

KOVACEVIC: Okay. Commissioner Corrigan.

CORRIGAN: I'm in favor. I think the 90-day rule is adequate. I supported it last time, last meeting, and haven't changed.

GRAY: I think what's the value proposition here? What are you going to put on the sign that needs to be on the sign for 90 days? Flash sale, a two for one?

WESLEY: Commissioner Gray, I think what we hear is particularly like during fall football season, you've got banners that are promoting the season. That type of thing is where they usually have the ones that are for a longer period than 30 days.

GRAY: But Supreme Court says we can't regulate that. So --

WESLEY: Right, right. So it would just be a blanket 90 day, whatever.

GRAY: It might say happy birthday Clayton for 90 days.

WESLEY: You sure could.

KOVACEVIC: We would be -- have the longest period allowed relative to our neighbors. Phoenix is 30 days, Scottsdale is 35 days. Mesa is 30 days and then a 30-day gap before the next before you can do it again. Carefree is ten days with the permit. Cave Creek just needs a public approval or the plan. Town approval. PV needs an SUP for 60 days a year, seven days, then a 14-day gap. Gilbert, you need a permit, 120 days max. So

that's another one that Gilbert is a little more lenient on. And then Chandler requires a permit, and generally it's a 60-day permit.

GRAY: I think if the idea is disrepair and keeping the media, you know, not fading, not tattering. Okay, 90 days is fine. But I think if you look, would you read off -- Carefree, Cave Creek was three and a half days or something?

KOVACEVIC: Ten days? Yeah. Carefree, ten days.

GRAY: I mean, that's designed to say. Like it's not the juice isn't worth the squeeze is what that's designed to do. I like that.

SCHLOSSBERG: So John, back to enforcement. What? We have one and a half staff you said that handles enforcement of these signage. Is that what it is?

WESLEY: Two and a --

SCHLOSSBERG: Half. Two and a half. Okay. As a business owner and with my eyes on everything all day long, I mean, it's absurd. So I mean, that said, I mean, we're having this discussion, but I'm just telling you the enforcement is not there. I mean, not even remotely there. So for whatever that's worth, I'm just throwing it out there because, I mean, I could list off ten examples right now of just what we've touched on already that have been in violation. And they sit there every day. And so that's kind of my comment on all this. It's kind of a frivolous exercise we're doing here.

WESLEY: Chair, if I may, with regard to banner signs, certainly there are signs that get put up that we don't see or maybe don't see for a while. But when we do, we do contact them about getting the permit. And with our electronic system, we're able to put the days in that they're allowed with a reminder that pops up when the time is up and we inform that they need to come down. So there are a lot of other signs that are around. We do try to enforce them as, as strictly as we can, but is a challenge with only two and a half.

KOVACEVIC: Commissioner Gray.

GRAY: I'm really sorry, but the example that you got up on the slide is the perfect example to deliberate in a town riddled with vacant commercial. That's what we're going to see. We're going to see banners go up for lease, for rent. It's not going to be

happy birthday, Clayton, unfortunately. So it could be I mean, I'm willing to chip in if we want to do that, but. Yeah, I whatever.

KOVACEVIC: So what do we want to do -- anything? Because you're not going to enforce it. Yeah.

WESLEY: Moving on, leaving that as it is.?

KOVACEVIC: Commissioner Proctor has his light on.

PROCTOR: Well, call me stubborn, but I believe the existing ordinance is fine as written, common sensical. However, there is a need, I think, to interject the flexibility of a special use permit for select businesses to expand either the banner signs or an additional A frame. That way, I think, at least from a governance perspective, we can control that a bit more. But I think the existing ordinance is fine and I would like to leave it as is.

WESLEY: Chair, Commissioner, I will add to that the current ordinance does allow for a temporary-use permit, which is administrative for somebody that really can make a case for more than 150 days out of the calendar year. So that's already in the code.

GRAY: Commissioner Proctor hasn't done any golf nut applications yet. Just for the record.

WESLEY: Building wall monument signs. This is the one that staff added to the mix. Recently dealt with a smaller apartment complex that wanted to do a wall sign I think is the one they wanted to do, and we looked at the Code and if you're 20 units or more, you can have both a wall sign and a monument sign, but under that you can't have either one. And that didn't make a lot of sense to us. It seemed like you ought to have a smaller complex, ought to have at least one sign, one or the other, but maybe not both. So that's what we've proposed is for those of eight to 20 units. And eight was a little bit arbitrary. If you think it should be a little lower, a little higher, we could work with that a little bit too. But complexes between that size could have one or the other is what we're proposing.

KOVACEVIC: And there's 20 units came from Scottsdale. That's their restriction. None of the other seven have any minimum restriction on the monument sign.

COREY: I don't see any issue with that. I think that's fine.

WESLEY: Okay. Freestanding wall signs. This is another one that came from Council discussion. And the illustration on the picture is the issue that the Council is trying to address. Particular over here off of at Plaza fountain side or the Waterford development and want to be able to put up a sign on the railing. And so we looked at how we might incorporate that into the code. And so what you have in the mix is some adjustments to our fence wall sign regulations to allow this type of signage to occur. The sign itself would need to be made of permanent material, but could be. So it's either permanently attached to the railing or could be put on and taken off on a daily basis.

KOVACEVIC: Commissioner Sveum?

SVEUM: I think any of those signs should follow the theme or the sign type that's on the building rather than be, let's say, unless this is something different. If you're talking about your old pizza on that complex there, those signs should be the same placement as the other merchants, not something hanging on a rail. Okay.

GRAY: Concur. Uniformity. You get chances of this getting away from us here. I don't know how many of these applications we have, but that and then also, I don't know if we do inspections on sign installations necessarily, but would that be the intent here, is that it's a permanent installation? And so you know, we're checking structural ability of a handrail 200 pound lateral load handrail can take a in this case two or three 12 square foot signs mounted with coat hangers? I don't know right. It's probably not -- I think we probably need to cut this one.

KOVACEVIC: Commissioner Corrigan?

WESLEY: I think the intention is pretty specific in that permanent is permanent. You would make it safe. And if there's some sort of a code involved that we can draw from other cities, towns, whatever, I think permanent might be permanent. And the issue I made last time, and I may have heard another commissioner make the same comment, and that is where you have an alcove situation and it doesn't allow a face type or building-mounted type application. I think that would be appropriate for an alcove.

Number one, I agree that the signage should be uniform, so you don't have inconsistent sizes and shapes and whatnot. And then thirdly, it came up, I think, for our last meeting, that this is something that should only be determined by the property owner, which is the case anyway. I would say that that's always the case.

The requirements from the property owner are those requirements. He owns the building or property. I don't think that changes anything. So I'm in favor of it where it works, but only in a permanent and consistent situation. That's it.

KOVACEVIC: I just see it as a hazard and an accident waiting to happen. So I would rather have the railing sign stricken. There's a sign, even in this picture, there's a sign band across the top. And they for the second floor spaces, there's signage area provided and in an alcove situation there's generally a signage area, directory provided. So I would want this -- my recommendation for this would be to strike it, the railing signs.

UNIDENTIFIED SPEAKER: I agree.

WESLEY: So I guess again whoever makes the motion will decide which that was. But it sounds to me like it's the majority of striking it.

COREY: Yes. And that's all my also my feeling too. And I'm thinking would this be a good use case of an A frame? So customers are walking along the sidewalk. They can't see the sign because maybe it's too high up. A frame could be down by the sidewalk and right. It's a great alternative. So --

WESLEY: Okay. Moving on. Election signs. So currently well, I guess first of all, we'll say that that when we're talking here, we're just talking the signs that a person can put on their property in their yard. We're not talking about all the things allowed by state statute. And so the proposal here is that we adjust during the election period, which is 71days prior to election, that in your single family lot, you can go from two yard signs to four during that period. Again, not touching anything about the state. What allowances, those are still there, but all you want in the right of way it increases the yard signs two to four during this period. Doesn't control the message on the yard sign. So they can all say, happy birthday, Clayton.

KOVACEVIC: Any comments here, Commissioner Corey?

COREY: Just a thought on it, Chair. Last election for Town Council, we had eight candidates. And so I suppose it might line up that you prefer four of one over four of the other. And if that's the case, you don't have any opportunity to support other candidates. You know, whether it be Senate or Congress or what have you. So I'm actually in favor of more than four, but I may be alone on that, so --

KOVACEVIC: Only three Council people can get elected. So if you have a fourth sign for whomever. Okay. So the only -- I'm not clear. I'm not sure we have direction on the banner signs. Are we good with 90 days, or do we want to go with 30 days and renew for 30?

WESLEY: There's always the compromise of 60 days too.

KOVACEVIC: Yeah, or.

GRAY: Cut it back to 30. I'm with Commissioner Proctor; I think made that statement.

PROCTOR: Yeah I would agree, like okay. Okay.

KOVACEVIC: Okay. So we're looking for a motion to recommend the ordinance without. Are we looking for -- are we looking for a motion here?

WESLEY: Yes we are. We need to get this on the Town Council. And so if we go to -- wonder if this is going to help, we go to the ordinance itself.

UNIDENTIFIED SPEAKER: Is that the last line?

KOVACEVIC: All right. Do we? I guess we should ask for speaker cards. Do we have any speaker cards?

WOODWARD: No, Chairman.

KOVACEVIC: Okay.

GRAY: Bella?

KOVACEVIC: Okay. So we're looking for a motion that to approve the ordinance striking A-frames in the right of way during nonbusiness hours. Limiting banner signs the 30 days and striking the railing signs. And did I leave anything out?

WESLEY: Chair, just to be clear too, there was one other related provision that is the same as the banner signs or the A-frame signs, but it was for the residential direction

signs, which are the ones used for garage sales and those kinds of things. I'm sure you're wanting to also not let them stay up overnight.

KOVACEVIC: Correct.

WESLEY: Okay. So another section of the code. Just want to make sure that was covered in the motion, because that's both the yard signs and A frames.

KOVACEVIC: the garage sale signs and the like, estate sales or -- do not stay out overnight as well.

WESLEY: I think that's fair.

GRAY: So moved.

KOVACEVIC: I have a motion. Do we have a second?

COREY: Second.

PROCTOR: Can we have some discussion?

KOVACEVIC: Yes.

PROCTOR: What are we approving? What are we -- what's the motion? What are we approving? What is being included? What changes are being made to the existing --?

WESLEY: Chair, if you'd like me to go back through it.

KOVACEVIC: Yes.

WESLEY: Again, so I'm looking at the attached ordinance itself and the provisions in there. And so in section 1, we'll keep in the eight square feet of size for an A-frame sign, 11 square feet for the total. We will also be allowing the two signs per business. So that change will stay in the next paragraph. We'll be putting that back to say that the signs have to come in at night. We're going to in section 3 -- we're going to not change that. We'll leave that at the 30 days for the banner signs. We'll be striking section 4, which was the one which allowed no, we'll keep section 4, because that's the one that allows the signs for the apartment complexes. We'll strike section 5 because that's the one that allowed the railing signs. And then we will -- we'll keep what, section 6 in the current code that also deals with the signs for the apartment complex. And then we will keep Section 7, because that's the one that allows the two yard signs during election period. We will strike Section 8 because that -- to keep the signs coming in after dark

for the yard sales. Thank you.

KOVACEVIC: Any other discussion? Okay. Can we have the roll call vote, please?

WOODWARD: Commissioner Proctor?

PROCTOR: Aye.

WOODWARD: Commissioner Corrigan?

CORRIGAN: Nay.

WOODWARD: Commissioner Gray?

GRAY: Aye.

WOODWARD: Commissioner Schlossberg?

SCHLOSSBERG: Aye.

WOODWARD: Commissioner Sveum?

SVEUM: Aye.

WOODWARD: Vice Chair Corey?

COREY: Aye.

WOODWARD: Chairman Kovacevic?

KOVACEVIC: Aye .

WOODWARD: Six - one.

KOVACEVIC: Okay. Okay. Agenda item 6. Next meeting date.

WESLEY: I guess I'm back again. So again, I forget exactly what the agenda says, but what we usually talk about here is what's coming up. And so I was just checking with TAVASSOLI. And at the moment, we're not remembering anything that we have. Paula, you can correct us if we're wrong for the September meeting.

WOODWARD: September 8th meeting.

WESLEY: I don't remember. Yeah. Anything we have coming up that we'll need to have a September meeting for at this point; we'll double check that and let you know. But right now it looks like we have no applications or things, and process will be ready for September. However, prepare for a potentially long meeting in October. We do have a couple of text amendments that we'll be working on that will be need to be on your agenda in October. We may have another SUP for your September meeting, and we're

working with the new town's attorney in terms of review of where we're at on the wireless ordinance and may or may not have something on that for you for October. We'll have to see.

KOVACEVIC: Okay. Can I get a motion to adjourn?

CORRIGAN: So moved.

KOVACEVIC: Can I get a second?

COREY: Second.

KOVACEVIC: All right. All in favor.

ALL: Aye.

KOVACEVIC: We're adjourned.

Having no further business, Chairperson Kovacevic adjourned the Regular Meeting of the Planning and Zoning Commission held on August 11, 2025, at 8:18 p.m.

TOWN OF FOUNTAIN HILLS

_____
Dan Kovacevic, Chairperson

ATTEST AND PREPARED BY:

_____
Paula Woodward, Executive Assistant

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting held by the Planning & Zoning Commission of Fountain Hills in the Town Hall Council Chambers on the 11 of August 2025. I further certify that the meeting was duly called and that a quorum was present.

DATED this 13 Day of October 2025.

_____
Paula Woodward, Executive Assistant

TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date:	10/13/2025
Meeting Type:	Planning and Zoning Commission Regular Meeting
Submitting Department:	Development Services / Planning
Prepared by:	Farhad Tavassoli, Senior Planner
Staff Contact Information:	Phone: 480-816-5139 Email: ftavassoli@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

PUBLIC HEARING, WITH CONSIDERATION AND POSSIBLE ACTION: Ordinance 25-09, amending Zoning Ordinance Chapter 1 (Introduction), and Chapter 19 (Architectural Design Guidelines), authorizing administrative personnel to review and approve design review plans based on objective standards.

Staff Summary (background)

Background and Introduction

In July 2025, the Arizona Legislature adopted HB2447, which requires cities and towns to authorize administrative personnel to review and approve design review plans based on objective standards, without a public hearing. This legislation, effective December 31, 2025, is part of a broader effort to streamline development review processes and reduce discretionary barriers to housing and commercial development. The Town Council needs to take action to approve these changes at their November 16 meeting for the ordinance to be in effect prior to the deadline established in the legislation.

While HB2447 includes several provisions—such as allowing administrative approval of site plans, land divisions, and expedited permitting for qualified applicants—this zoning ordinance text amendment is specifically focused on aligning the Town's architectural design review process with the requirement for objective design standards. Other provisions of HB2447 do not require review and recommendation by the Planning and Zoning Commission.

The current Architectural Review Guidelines in Chapter 19 rely heavily on subjective language (e.g., "appropriate," "encouraged," "attractive"), which does not meet the legal definition of objectivity under HB2447. In accordance with guidance from the Arizona League of Cities and Towns, this amendment replaces subjective terms with clear, measurable, and verifiable standards that can be applied consistently by administrative staff without the need for public hearings or discretionary interpretation.

Summary of Revisions to Section 1.12 – Definitions

To support the implementation of objective design standards as required by HB2447, Section 1.12 of the Zoning Ordinance has been amended to include definitions for the terms "Site Plan" and "Design Review Plan." While the term "design review plans" is used in HB2447, it was not previously defined in the Town's ordinance. The amendment clarifies

that “design review plan” is synonymous with “site plan,” which is the term historically used in the Town’s development review process.

The new definitions ensure consistency with state law and provide clarity for applicants, staff, and decision-makers. The definition of Site Plan has been expanded to reflect its role in demonstrating compliance with zoning, development, and objective design standards. The definition of Design Review Plan cross-references Site Plan to reinforce their interchangeable use.

Summary of Revisions to Chapter title, Sections 19.01 and 19.02
Chapter 19 was retitled from Architectural Design Guidelines to Architectural Design Standards to reflect the shift from discretionary guidance to enforceable, objective criteria.

Sections 19.01 and 19.02 were revised to clarify the intent and applicability of the architectural design standards and to eliminate vague or discretionary language. The updated Purpose and Intent section now emphasizes the use of objective, measurable criteria to ensure consistent design outcomes while allowing flexibility within a clearly defined framework. References to subjective preferences and generalities were removed in favor of enforceable expectations tied to the regional context.

The Applicability section was restructured to clearly define which projects are subject to the standards, including new development, redevelopment, and exterior modifications. It also outlines how applicability is determined based on project scope and provides administrative guidance for interpreting partial compliance in constrained situations.

Summary of Revisions to Section 19.03 – Site Planning
Section 19.03 was revised to eliminate subjective language and establish clear, measurable standards for site planning. The updated section provides objective criteria to guide applicants and ensure consistent review outcomes. Key changes include:

Integration with Adjacent Development: Replaced vague phrases like “to the extent possible” with a requirement for pedestrian and vehicular connections where infrastructure allows. Drive-through stacking and contextual renderings are now explicitly required.

Pedestrian-Oriented Design: Defined minimum walkway widths, buffer dimensions, and coverage requirements for pedestrian routes. Required material differentiation at crossings and clarified expectations for building orientation and frontage activation.

Parking and Circulation: Established specific setbacks, landscape island spacing, and traffic calming measures. Clarified reciprocal access requirements and discouraged direct access from major drives.

Site Design Variety: Added quantifiable thresholds for building orientation, façade offsets, and roofline variation. Clarified applicability to large-scale or multi-building projects and discouraged mass grading.

Service and Utility Screening: Required physical separation and screening of service areas using defined materials and dimensions.

Visual Screening and Outdoor Sales: Standardized requirements for trash enclosures, shopping cart storage, and outdoor sales areas, including location restrictions and material compatibility.

Summary of Revisions to Section 19.04 – Architecture
Section 19.04 was revised to establish objective architectural design standards that promote quality, compatibility, and contextual responsiveness. Key updates include:

Façade Articulation: Required a minimum of three measurable design elements (e.g., wall plane changes, roofline variation, material diversity) on all publicly visible façades.

Color and Texture: Introduced Light Reflectance Value (LRV) ranges for primary colors and limited the use of bright accent colors to no more than 10% of any façade.

Energy Efficiency: Required projects to incorporate at least two defined strategies (e.g., shading devices, high-SRI roofing, orientation) to reduce heat gain and improve comfort.

Transparency and Security: Mandated vision panels in employee doors and prohibited exterior security grilles, promoting safety through design.

Accessibility: Established minimum sidewalk widths and surface standards consistent with ADA requirements.

Utility Screening: Required full screening of roof- and ground-mounted equipment using architectural or landscape solutions.

Corporate Design: Prohibited unmodified prototype designs and required branding to be integrated into the architectural context.

Infill Compatibility: Required new development to match adjacent buildings in height, massing, and rhythm, with specific articulation for buildings over 60 feet wide.

Summary of Revisions to Section 19.05 – Landscaping & Signage
Section 19.05 was revised to provide clear, enforceable standards for landscaping, signage, and site amenities. Key changes include:

Street Landscaping: Defined minimum tree and shrub quantities per linear foot of frontage and required landscaped medians at entries.

Pedestrian Amenities: Required shaded seating areas, trash receptacles, and seasonal plantings for developments over a certain size.

Water Conservation: Mandated that 75% of plant materials be drought-tolerant and prohibited turf except in designated recreational areas.

Parking Lot Landscaping: Required one canopy tree per 10 spaces and screening of vehicle-intensive uses with walls and vegetation.

Wall Design: Required screening walls to match the building in color and texture.

Stormwater Detention: Required vegetative cover and naturalistic contours in retention basins.

Signage Integration: Established size limits, material compatibility, and encouraged a comprehensive signage plan for multi-tenant developments.

Lighting: Required full cutoff fixtures and a maximum illumination level of 0.5 foot-candles at property lines, with a photometric plan.

Public Art: Reinforced compliance with the Town's "Percent for Public Art" requirement prior to occupancy.

Summary of Revisions to Section 19.06 – Materials and Colors
Section 19.06 was revised to ensure the use of durable, regionally appropriate materials and to eliminate subjective preferences. Key updates include:

Approved Materials: Listed specific acceptable materials and required durability and desert-appropriate performance.

Material and Color Submittals: Limited the number of materials and colors and required a physical materials board.

Natural Materials: Encouraged use of regionally inspired materials and limited wood to trim applications.

Reflectivity and Glare: Prohibited reflective glass and shiny finishes; required recessed glazing to reduce glare.

Prohibited Materials: Clearly listed unacceptable materials such as unfinished CMU, mirrored glass, and corrugated metal.

Hardscape Materials: Encouraged use of pavers and textured concrete; required maintenance agreements for specialty paving in public areas.

Color Sensitivity: Required desert-toned palettes and multiple colors for large or multi-building projects.

Summary of Revisions to Section 19.07 – Administration
Section 19.07 was revised to clarify roles, responsibilities, and appeal procedures. Key changes include:

Design Review Process: Aligned architectural review with the site plan review process and clarified review authority.

Zoning Administrator Role: Defined responsibilities for interpreting standards, reviewing

submittals, and approving minor modifications.

Appeals: Added a new provision allowing appeals of Zoning Administrator decisions to the Planning and Zoning Commission. Retained the ability to appeal Commission decisions to the Town Council, with clear timelines and documentation requirements.

Conclusion

The proposed amendments to Chapter 19 and Section 1.12 of the Zoning Ordinance are intended to bring the Town's design review process into compliance with HB2447 by replacing subjective architectural guidelines with objective, measurable standards. These changes will enable administrative staff to review and approve design review plans—also referred to as site plans—without a public hearing, as required by state law. In addition to improving legal compliance, the amendments promote greater consistency, predictability, and transparency in the development review process while preserving the Town's commitment to high-quality, context-sensitive design.

Related Ordinance, Policy or Guiding Principle

Zoning Ordinance, Chapter 1 (Introduction), Section 1.12 (Definitions)
Zoning Ordinance, Chapter 19 (Architectural Design Guidelines)

Risk Analysis

N/A

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

N/A

Staff Recommendation(s)

Staff recommends approval of the proposed zoning ordinance text amendments to Chapter 19 and Section 1.12 as drafted.

Suggested Motion

Move to adopt Ordinance 25-09.

FISCAL IMPACT

Fiscal Impact:
Budget Reference:
Funding Source:

ATTACHMENTS

1. HB2447 as signed by Governor
2. Chapter 1, Section 1.12-Proposed New Definitions
3. Proposed Amendments to Fountain Hills Zoning Ordinance Chapter 19

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

CHAPTER 31

HOUSE BILL 2447

AN ACT

AMENDING SECTION 9-500.49, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL ADMINISTRATIVE REVIEWS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 9-500.49, Arizona Revised Statutes, is amended to read:

9-500.49. Administrative review and approval; self-certification program; expedited approval; definitions

A. Notwithstanding any other law, the legislative body of a city or town ~~may~~ SHALL by ordinance do the following:

1. Authorize administrative personnel to review and approve site plans, development plans, land divisions, lot line adjustments, lot ties, preliminary plats, final plats and plat amendments without a public hearing.

2. Authorize administrative personnel to review and approve design review plans based on objective standards without a public hearing.

~~3. Adopt a self-certification program allowing registered architects and professional engineers to certify and be responsible for compliance with all applicable ordinances and construction standards for projects that the ordinance identifies as being qualified for self-certification.~~

~~4.~~ 3. Allow at-risk submittals for certain on-site preliminary grading and drainage work or infrastructure.

~~5.~~ 4. Allow applicants with a history of compliance with building codes and regulations to be eligible for expedited permit review.

B. NOTWITHSTANDING ANY OTHER LAW, THE LEGISLATIVE BODY OF A CITY OR TOWN MAY BY ORDINANCE ADOPT A SELF-CERTIFICATION PROGRAM ALLOWING REGISTERED ARCHITECTS AND PROFESSIONAL ENGINEERS TO CERTIFY AND BE RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE ORDINANCES AND CONSTRUCTION STANDARDS FOR PROJECTS THAT THE ORDINANCE IDENTIFIES AS BEING QUALIFIED FOR SELF-CERTIFICATION.

~~B.~~ C. Applications for a license pursuant to this section are subject to chapter 7, article 4 of this title.

~~C.~~ D. For the purposes of this section: ~~,~~

1. "LICENSE" HAS THE SAME MEANING PRESCRIBED IN SECTION 9-831.

2. "Objective" means not influenced by personal interpretation, taste or feelings of a municipal employee and verifiable by reference to an adopted benchmark, standard or criterion available and knowable by the applicant or proponent.

Sec. 2. Effective date

This act is effective from and after December 31, 2025.

APPROVED BY THE GOVERNOR MARCH 31, 2025.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2025.

Section 1.12 Definitions

Site Plan: A detailed, scaled drawing and supporting documentation that illustrates the proposed development or redevelopment of a parcel of land, ensuring compliance with applicable zoning regulations and design standards. Also known as Design Review Plan.

Design Review Plan: see definition for Site Plan

Chapter 19
Architectural Review ~~Guidelines~~Standards

Section 19.01 Purposes and Intent

The Town of Fountain Hills has a desire to continually upgrade commercial, industrial and multifamily projects and has identified a number of characteristics to achieve the objective. The ~~guidelines~~ standards in this document are to advise developers, property owners and users on the criteria that will be used in reviewing commercial development plan applications.

The ~~guidelines~~ design standards set forth herein are ~~purposefully general in nature and avoid dictating specific design treatment although the preference is to encourage projects that support styles associated with the southwest environment~~ intended to provide consistent design expectations while allowing flexibility in design expression. ~~The belief is that creativity and design expertise lies more appropriately with the private sector and that the proper role of the Town is to ensure uniform and fair application of these design guidelines.~~ While specific design treatments are not mandated, projects are expected to incorporate architectural styles, materials, and colors that are compatible with the regional southwest desert environment, as defined in Section 19.06. All proposals must demonstrate compliance with the measurable criteria outlined in this chapter.

These ~~guidelines~~ standards apply to all ~~are applicable for~~ commercial, industrial and multifamily ~~projects~~developments. ~~Because of the extreme variance in~~ Due to the variation in project size, ~~the size and nature of such projects, it is not possible to develop a list that can be used for every site.~~ ~~N~~not every standard will be applicable to every project.~~Therefore, not all of these guidelines will apply to every application~~ Applicability shall be determined based on the scope and context of the development. Some ~~guidelines~~ standards describe situations that will only occur in large projects and will clearly not be applicable to small projects on small parcels. Other ~~guidelines~~ standards will only be used for specific types of commercial uses or at specific locations. However, most of these ~~guidelines~~ standards can still be achieved, regardless of project size, type or location.

Section 19.02 Applicability

A. All proposed retail, service, commercial, wholesale, transportation, industrial or multifamily developments, re-developments or expansions, that are subject to site plan review, pursuant to the provisions of Chapter 2 shall be subject to Design Review and approval by the same person or entity responsible for approving the Site Plan prior to the issuance of any Special Use Permit or Building Permit in connection with such development, re-development or expansion. Likewise, prior to the issuance of a Certificate of Occupancy, all conditions of said Design Review and approval must be met.

B. The Design Review requirements established by this Chapter shall not apply to any development that, prior to the effective date of this chapter, has been authorized by the Town by the issuance of an approved building permit. However, any extension or amendment to said permit prior to the completion of construction shall require Design Review approval as above.

C. Where an existing building or site that is being added to or externally remodeled does not currently meet these design ~~guidelines~~ standards, the project shall conform to these ~~guidelines~~ standards to the extent practical given the nature and extent of the alteration as determined by the Zoning Administrator.

Section 19.03 Site Planning

A. ~~Integrate with surrounding area~~Integration with Adjacent Development: ~~To the extent possible and where~~Projects shall, when practical, provide direct pedestrian and vehicular connections to adjacent commercial or mixed-use developments where existing or planned infrastructure allows ~~land use and street patterns allow, integrate project with adjacent areas to provide easy pedestrian and vehicular access~~. ~~New developments will be reviewed with respect to their response to the physical characteristics of the site and the contextual influences of the~~Site plans must demonstrate compatibility with surrounding land uses, topography and street ~~surrounding area land uses, topography and~~ street patterns. Drive-through ~~uses~~ facilities shall be located to ~~minimize~~ avoid pedestrian conflicts ~~zones with pedestrian routes~~ and ~~overall vehicular circulation and adequate stacking for the intended use shall be~~ must provided ~~(~~a minimum stacking capacity of 11 vehicles per lane from the pick-up window~~)~~. ~~Where practical, provide pedestrian and vehicular connections to/from existing commercial~~

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~~uses.~~ Applicants shall submit a minimum of four full-color renderings ~~photographic~~ or computer-generated~~, full-color~~ illustrations showing the proposed development ~~(in at least four different views)~~ and landscaping in context with adjacent buildings and site features~~as it would appear if constructed as proposed. The proposed development and landscaping, as well as the immediately surrounding buildings and landscaping, must be shown~~.

B. ~~Create a p~~Pedestrian-~~oriented~~ Oriented Eenvironment: ~~Create a pedestrian-oriented environment within projects with usable outdoor areas.~~ Projects shall include pedestrian walkways that are a minimum of 5 feet in width and ~~Provide safe walkways~~ separated from ~~vehicles~~ vehicular traffic by a landscape buffer at least 3 feet wide or a physical barrier. ~~and protected from weather through the use of c~~Covered walkways, arcades or ~~other methods~~ similar structures~~that may serve the same purpose~~ shall be provided along at least 75% of the building frontages that face parking areas or pedestrian routes. ~~Minimize the use of driveways and parking aisles for walk routes.~~ Where pedestrian paths ~~cross~~ intersect vehicular ~~routes~~ drive aisles, ~~provide~~ a change in paving material~~s~~, textures or colors ~~to emphasize the conflict points~~is required to clearly delineate the crossing. ~~Create continuous~~ Building placement shall minimize gaps between structures to promote pedestrian activity ~~in an uninterrupted sequence by minimizing gaps between buildings~~. Building E~~e~~ntries ~~that face onto~~ must be oriented toward pedestrian areas and may include outdoor dining ~~opportunities~~ and storefront windows to activate the space~~that attract pedestrian activity are encouraged~~.

C. ~~Provide reasonable p~~Parking and ~~vehicular~~ Vehicular c~~C~~irculation: ~~Provide p~~Parking areas shall be located no closer than 10 feet from primary building entrances. ~~that creates reasonable walking distances to buildings, but not directly abut buildings. Preference will be given to layouts where parking areas are divided from one another by landscaping~~Parking lots must be divided into bays of no more than 10 spaces, separated by landscape islands at least 6-feet wide. ~~Where possible, vary the direction of p~~Parking aisles shall be oriented to minimize ~~or angle them to the street. To reduce impeding overall traffic flow, parking spaces shall not~~ direct~~ly~~ access to major entry drives~~,~~ unless no ~~other drive serves the property~~ alternative exists. On ~~large lots~~ sites larger than 2 acres, traffic calming ~~devices~~features such as raised crosswalks or speed tables shall be incorporated for pedestrian safety ~~are encouraged to enhance safety~~. Parking structures and large surface parking areas shall be located behind ~~lots and future parking structures shall be located to the rear of~~ buildings when~~ever reasonable~~feasible. ~~Adjacent parking lots shall be designed so that vehicles can travel from one~~

~~private lot to the other (reciprocal access) without having to enter the street.~~ Reciprocal access between adjacent private lots is required unless physically impractical.

D. ~~Avoid monotony~~Site Design Variety: Projects with either more than one building or with a single building over 20,000 SF in size shall ~~create different angles of buildings to the street to avoid monotony in site design unless other architectural treatments can achieve the desired result. Avoid leveling large areas, as natural contouring is preferred.~~incorporate at least two of the following design strategies to avoid visual monotony and enhance site interest:

1. Orient buildings at different angles relative to the street or internal drive aisles, with a minimum 15-degree variation between structures.
2. Provide horizontal building offsets of at least 10 feet between major building masses.
3. Use rooflines with a minimum height difference of 3 feet between adjacent building sections.
4. Include a central plaza, courtyard, or pedestrian gathering space that is at least 5% of the total site area.
5. Use distinct material or color palettes on different building masses to break up scale.

Grading shall preserve natural topography where feasible. Mass grading that eliminates natural landforms is discouraged unless necessary for drainage or structural stability.

E. ~~Separate uses: Physical separation of loading/delivery/service uses from other uses is suggested. Loading and storage facilities shall be located at the rear or side of buildings and screened from public view. Design solutions should minimize visual impacts of uses and provide an attractive appearance. Loading areas should not detract from the aesthetic quality of the surroundings, even in parking areas or at the rear of buildings.~~ Loading, delivery, and service areas shall be physically separated from customer and pedestrian areas. These functions must be located at the side or rear of buildings and screened from public view using a 6-foot masonry wall or dense landscaping. Screening must fully obscure the use from adjacent streets, parking areas, and pedestrian paths.

F. ~~Create attractive~~ Visual Screening ~~a~~and Appearance: ~~Create attractive appearance by emphasizing the views of landscaping and buildings and by minimizing the view of parking areas and vehicles. Locate delivery areas and support services (trash receptacles and ground-~~

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~~mounted equipment) in screened and less visible places. Provide long-term storage of shopping carts either within the tenant space or adjacent to it, behind decorative screening walls exceeding the height of the carts. Provide parking lot shopping cart corrals using durable, decorative materials that compliment the building design; avoid using striped parking spaces for corrals. Open space areas shall be clustered into larger, more meaningful areas rather than equally distributing them into smaller individual areas of lesser significance.~~Service areas, including trash enclosures, ground-mounted equipment, and delivery zones shall be screened using materials that match or complement the primary building. Shopping cart storage must be located within the tenant space or behind a decorative wall at least 6 inches taller than the carts. Parking lot cart corrals must be constructed of durable, decorative materials consistent with the building design. Open space shall be consolidated into larger, functional areas rather than dispersed into small, isolated pockets.

G. ~~Identify o~~Outdoor ~~s~~Sales ~~a~~Areas: Permanent outdoor sales areas ~~along sidewalks, in parking areas and landscaped zones are discouraged. However, when the activity such as~~ including walk-up ATM's, propane ~~sales~~ cages, vending machines, outdoor dining and seasonal ~~sales~~ displays ~~are essential to the business, the locations shall~~ must be clearly identified ~~as part of~~ on the site plan. These areas shall not obstruct pedestrian walkways, encroach into required landscape setbacks, or be located in drive aisles or fire lanes.

Section 19.04 Architecture

A. ~~Create~~ Façade Articulation and ~~v~~Visual ~~i~~Interest: ~~Create visual interest through distinctive structures, articulation of wall planes, variation of roof forms and other similar methods such as angling buildings. Building elevations and materials should have design characteristics that are contextually appropriate (massing, rhythm, scale, height, roof form, etc.). Building mass should be broken into smaller elements to reduce the apparent bulk of large structures, consistent with the proportions of the architectural style and surrounding uses. Where contrasting design elements are proposed, the applicant must demonstrate how the design is equal or superior to surrounding uses. All sides of buildings that are visible to adjoining uses shall be treated.~~ All building façades visible from public streets or adjacent properties shall include a minimum of three of the following design elements:

1. Wall plane projections or recesses of at least 2 feet in depth every 30 linear feet.

2. Roofline variations of at least 3 feet in height.

3. Use of at least three distinct materials, colors, or textures.

4. Architectural features such as awnings, arcades, columns, or canopies.

Building massing shall be broken into smaller components to reduce visual bulk and maintain compatibility with surrounding development. Contrasting design elements must demonstrate equal or superior quality and contextual fit through submitted architectural renderings. All visible building sides must incorporate consistent architectural detailing.

B. ~~Provide different elements~~Color and Material Variation: ~~All buildings should contain color change that is recognizable, but not strongly contrasting, with texture and material changes at appropriate intervals, either horizontally or vertically. Predominant façade colors should possess low reflectivity characteristics. The use of bright color schemes must be justified and may not be appropriate in many contexts. It is desirable that the spacing of elements in facades be varied rather than repetitive, with a high priority placed on the three (3) dimensional interplay of light and shadow. A minimum of three colors and/or textures must be incorporated in designs.~~ Building façades shall incorporate a minimum of three colors and/or textures. Color transitions must be clearly distinguishable but not excessively contrasting. Primary façade colors must have a Light Reflectance Value (LRV) between 20 and 60. Bright or saturated colors may be used only as accents and shall not exceed 10% of any single façade. Repetitive spacing of façade elements shall be avoided; instead, varied spacing and depth shall be used to create visual interest through light and shadow.

C. ~~Enhance e~~Energy ~~conservation~~ Eefficiency and shading: ~~Where feasible, use architectural features to enhance energy conservation. Orient and design new structures and additions for minimum solar gain, reflectivity and glare. Shelter entries, walkways and windows and use architectural shading devices and landscaping to minimize cooling losses. Mitigate urban heat island effects. Provide ample shade for pedestrians and employee areas.~~ Buildings shall incorporate at least two of the following energy-efficient design strategies:

1. Shading devices (e.g., overhangs, canopies) over a minimum of 50% of windows.

2. Orientation and fenestration designed to minimize solar heat gain.

3. Use of roofing materials with a Solar Reflectance Index (SRI) of 78 or higher.

4. Shaded pedestrian and employee areas covering at least 50% of the total outdoor seating or gathering space.

Misting systems and canopies ~~may be considered~~ are permitted when consistent with the ~~design character of the building~~ the building's architectural style. Awnings ~~shall respond to~~ must align with the scale, proportion and rhythm of windows and doors.

D. ~~Provide open design~~Transparency and Security: Building designs ~~should support~~ shall promote pedestrian activity and provide natural surveillance ~~of spaces~~ by ~~from key locations inside and next to buildings with the appropriate placement of~~ window~~s,~~ and entrances ~~and lighting that face public areas~~. Employee service doors ~~shall be equipped with a security device or~~ must include a vision panel or security device to allow ~~viewing~~ visibility of the area surrounding the ~~service door~~ surrounding areadoor. ~~Permanent, f~~Fixed exterior security ~~grates~~ grilles ~~or grilles in front of windows are discouraged~~ are prohibited. If security grilles are ~~deemed~~ necessary, they ~~shall~~ must be ~~placed~~installed inside the building~~,~~ and behind ~~the~~ display window~~s display area~~.

E. ~~Provide a~~Accessibility: ~~Buildings should be accessible for every person, consistent with the Americans with Disability Act and its implementing standards and guidelines. Additional consideration should be given to including extra sidewalk widths, physical cues and limited audio distractions for the visually impaired. Minimize surface texture and elevation changes for persons using wheelchairs.~~ All buildings and pedestrian routes must comply with the Americans with Disabilities Act (ADA) and applicable accessibility standards. Sidewalks shall be a minimum of 5 feet wide and shall not include abrupt elevation changes exceeding 0.25 inches. Additional design features such as tactile paving, visual cues, and reduced auditory distractions are encouraged for accessibility.

F. ~~Conceal~~ Screening of ~~u~~Utilities~~,~~ and ~~e~~Equipment ~~and services~~: All roof-mounted mechanical equipment ~~shall~~ must be ~~concealed~~ fully screened on all sides by parapets or architectural elements ~~that are an integral part of~~integrated into the building design that extend to at least the height of the mechanical equipment. Ground-mounted equipment ~~shall~~ must be screened ~~using~~by masonry walls or ~~other similar materials~~dense landscaping. ~~Equipment that cannot be concealed due to unique functional requirements shall be made visually subordinate with architectural features that blend with the design of the main building.~~ Electrical service panels ~~shall~~ must be recessed ~~into the building elevation~~ and screened with landscaping, walls or

architectural doors. Vacuum tubes ~~shall~~ must be internalized or placed underground. Roof drains ~~elements shall~~must be concealed within the building or integrated ~~an~~ into architectural features.

G. ~~Avoid standardized c~~Corporate Branding and ~~d~~Design ~~themes~~Consistency: ~~Any literal transplant of architectural styles not indigenous or compatible to the southwest environment is strongly discouraged. To the extent possible, corporate branding should be incorporated into designs compatible with the surrounding area.~~ Corporate architectural themes must be adapted to reflect the regional southwest context. Standardized or prototypical designs that do not incorporate local materials, colors, or forms are prohibited. Branding elements must be integrated into the overall architectural design and must not dominate the building's appearance.

H. ~~Provide compatible i~~Infill ~~structures~~and Contextual Compatibility: New infill development and~~/or~~ renovations ~~to existing structures~~ must be compatible with ~~existing surrounding~~ adjacent buildings in terms of massing, scale, height (±10% of adjacent structures), façade rhythm and articulation, placement and proportion of doors and windows, color and material palette, and roof form and slope ~~shapes and use of materials without duplicating outdated architectural styles. When a new or infill building is proposed that is much wider than the characteristic facades of adjacent buildings, the facade shall be broken down into series of appropriately proportioned "structural bays" or components. Typical solutions are segmented bay series of columns or masonry piers that frame windows, doors and bulkhead components. Long blank or unarticulated wall facades that face the street are strongly discouraged.~~ Buildings wider than 60 feet must be divided into structural bays no wider than 30 feet using columns, piers, or similar vertical elements. Blank walls facing public streets are prohibited.

Section 19.05 Landscaping & Signage

A. ~~Provide~~ Street ~~l~~Landscaping ~~features~~: ~~Along streets, provide substantial landscaping features with special planting and hardscape treatment to enhance the appearance from the street. Emphasize entry drives with landscaped medians, sculptures or other similar treatments that maintains site visibility for vehicular traffic. Provide special accent planting around freestanding signs. Abide by the landscaping requirements in the Town's Zoning and Subdivision Ordinances, wherein the minimum quantity and types of plantings are outlined.~~ All projects shall provide landscaping along street frontages that includes:

1. A minimum of one 24-inch box tree and five 5-gallon shrubs per 25 linear feet of frontage.

2. Landscaped medians at primary entry drives, with a minimum width of 6 feet and a minimum length of 20 feet.

3. Accent planting around freestanding signs using drought-tolerant species.

All landscaping must comply with the minimum plant quantities and species requirements outlined in the Town's Zoning and Subdivision Ordinances.

B. ~~Encourage p~~Pedestrian ~~use~~Amenities: ~~Provide outdoor seating areas with summer shade, trash receptacles and other features to encourage pedestrian use. Orient outdoor seating areas for winter sun and include seasonal plantings. Incorporate a mix of structures such as colonnades, canopies or trellis structures in combination with desert varieties of canopy shade trees.~~ Projects shall include outdoor seating areas with the following features:

1. Summer shade provided by structures (e.g., canopies, trellises) or canopy trees.

2. Trash receptacles located within 25 feet of seating areas.

3. Seasonal plantings in planters or adjacent landscape beds.

4. Orientation of seating areas to receive winter sun exposure

C. ~~Provide for w~~Water ~~c~~Conservation: ~~Select plant materials that are suited for our desert environment; xeriscape should be considered for planting areas. Drought-tolerant trees, shrubs and groundcovers shall be used as required in this Ordinance. Use a combination of plants for yearlong color and interest. Retain natural vegetation and incorporate it into the project whenever practical. Any proposed water features should be located in pedestrian areas.~~ All landscaped areas must use plant species appropriate for the Sonoran Desert climate. At least 75% of plant materials shall be drought-tolerant. Turf is prohibited except in designated recreational areas. Natural vegetation shall be preserved and integrated into the site design

where feasible. Water features, if proposed, must be located in pedestrian areas and shall use recirculating systems.

D. ~~Integrate visual relief~~Parking Lot Landscaping and Screening: ~~In large parking areas, provide canopy trees for shade and visual relief. Provide significant plantings adjacent to buildings to accent building features. Use landscape treatments to enhance the screening of outdoor storage and mechanical equipment areas. Screen the paved areas of vehicle-intense uses, such as service stations and convenience stores, from streets and major public use areas with a three (3) foot high wall (with accompanying vegetation) or a dense vegetative buffer.~~ In parking areas with more than 20 spaces:

1. Provide one canopy tree per 10 parking spaces.
2. Trees must be located within landscape islands or medians.
3. Provide significant plantings adjacent to buildings to soften building mass and highlight entrances.
4. Screen vehicle-intensive uses (e.g., gas stations, convenience stores) from public streets and major pedestrian areas using a 3-foot-high masonry wall with accompanying vegetation or a dense vegetative buffer.

E. ~~Provide textured~~Screening ~~w~~Walls: All masonry walls ~~intended~~ used for screening ~~functions~~ purposes shall ~~have an~~ include integral color and architectural texture, and a finish that is compatible with the primary building's materials and color palette. ~~color and finish compatible with the primary building.~~

F. ~~Provide storm water~~ Stormwater ~~d~~Detention Areas: ~~Design retention areas to meet technical requirements, as approved by the Town Engineer, while still providing attractive landscaped areas with a natural appearance.~~

1. Meet all technical requirements as approved by the Town Engineer.
2. Be landscaped with native or drought-tolerant vegetation to achieve a natural appearance.

~~1.~~3. Include a minimum of 50% vegetative ground cover.

G. ~~. Integrate s~~Signage Integration: ~~Locate freestanding signs on low planter walls or design monument signs to incorporate distinctive elements of the architectural style or theme of the development. Façade sign materials shall be compatible with the design of the face of the façade where they are placed. Signs shall not interfere with an already established pattern of sign locations in relation to where other adjacent buildings have placed their signs. Directional signs shall be harmonious with the area. Provide building signage that is proportional to the scale of the tenant façade and consistent with the overall architecture. Sign colors should compliment the colors used on the structures and the project as a whole; contrast is an important influence on the legibility of signs. Provide signage plans showing the proposed locations and materials of all signs. Master signage plans are encouraged for multi-tenant developments. All signage shall comply with the provisions of Chapter 6 of this Zoning Ordinance.~~ Freestanding signs must be:

1. Mounted on low planter walls or monument bases that incorporate materials and colors consistent with the primary building.
2. Located to maintain clear sight visibility for vehicles.

Wall signs must:

1. Be proportional to the tenant façade, not exceeding 1.5 square feet of sign area per linear foot of tenant frontage.
2. Use materials compatible with the building façade.
3. Be placed in alignment with established sign patterns on adjacent buildings.

Directional and wayfinding signs must be consistent in style and color with the overall development. A signage plan showing all proposed sign types, locations, and materials is required. ~~Master s~~Signage plans as provided for in Section 6.06 of the Zoning Ordinance are encouraged for multi-tenant developments. All signage must comply with Chapter 6 of the Zoning Ordinance.

H. ~~Provide appropriate l~~Lighting: ~~Lighting should enhance the architecture of a project, comply with Chapter 8 of this Ordinance, be functional and not be offensive to its viewers or to adjacent properties. Lighting practices, including indirect lighting to minimize light pollution,~~

~~glare and light trespass are strongly encouraged. Provide a complete site lighting plan including security lighting; include information on all specific light fixtures as well as locations and illumination levels in accordance with the provisions of this Zoning Ordinance.~~ All exterior lighting must:

1. Comply with the standards in Chapter 8 of the Zoning Ordinance.
2. Use full cutoff fixtures to minimize glare, light trespass, and skyglow.
3. Not exceed 0.5 foot-candles at property lines.

A complete lighting plan must be submitted, including fixture types, locations, mounting heights, and illumination levels.

I. Public Aa~~r~~t ~~r~~Requirement: All development proposals subject to design review under this chapter shall be required to comply with the "Percent for Public Art Requirement for Development," as set forth in the Town of Fountain Hills Public Art Master Plan, adopted March 3, 2020, and as may be thereafter amended, prior to the issuance of a certificate of occupancy. ~~(20-09, Amended, 06/16/2020)~~

Section 19.06 Materials and Colors

A. Use high-quality, durable materials: ~~Predominate~~ Primary exterior building materials ~~should include, but are not limited to:~~ shall be high-quality and durable. Acceptable materials include:

1. Stucco (integral color or painted)
2. Brick (fired clay)
3. Stone (natural or manufactured)
4. Textured concrete masonry units (CMU)

5. Architectural metal panels

6. Clear or lightly tinted glass (non-reflective)

7. Clay or concrete tile roofing

8. Textured tilt-up concrete panels

~~stucco, brick, stone, textured masonry, styled concrete masonry units, textured tilt-up panels, architectural metal, clear and tinted glass, clay tile roofs and other building and roof materials of similar quality and durability.~~ All materials must be suitable for exterior use in the Sonoran Desert climate and must be installed per manufacturer specifications.

B. ~~Provide palette of proposed m~~Materials and ~~c~~Colors Submittal : ~~With the development application provide a palette of proposed materials and colors. Select materials that are durable and appropriate for their intended use. Choose colors that relate well to one another and the surroundings. Restraint should be used in the number of different building materials selected.~~ All development applications must include a materials and color board showing:

- No more than five primary materials
- No more than five colors
- Samples of each material and color proposed

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Materials must be durable, weather-resistant, and appropriate for the building's function. Color selections must demonstrate compatibility with each other and with surrounding development.

C. Use ~~n~~Natural and Regional ~~m~~Materials: ~~Use natural materials appropriate to the southwest desert setting. Wood should not be used as an exterior finish, except as a trim component. The use of authentic adobe bricks or stucco in projects with a southwestern theme is encouraged.~~ Projects shall incorporate materials that reflect the regional desert environment. Wood may only be used as a trim or accent material and shall not be used as a primary exterior finish. The

use of authentic adobe, stucco, or similar materials is encouraged for projects with a southwestern architectural theme.

D. ~~Avoid highly reflective materials~~Reflectivity and Glare Control: ~~Avoid h~~Highly reflective materials and glare-inducing ~~colors~~ finishes are prohibited. ~~As a general principle, coarse and highly textured materials that create shadow patterns are preferred. To reduce glare, windows and large areas of glass should be recessed in deep shadow. In order to reduce mirror effects, glass must be nonreflective and not heavily tinted.~~ Acceptable materials must have a matte or low-sheen finish. Glass must be non-reflective and not heavily tinted. Large glass areas must be recessed a minimum of 4 inches to create shadow and reduce glare.

E. ~~Discouraged~~ Prohibited ~~e~~Exterior ~~f~~Finishes:

1. Colored plastics and fiberglass~~.~~
2. Exposed~~,~~ unfinished foundation walls~~.~~
3. Un~~-~~plastered exposed standard concrete masonry units~~.~~
4. Glass curtain walls~~;~~ or highly reflective glass~~.~~
5. Shiny acrylic and fluorescent paint finishes~~.~~
6. Dark colors (LRV below 20), except ~~where appropriately utilized on~~ for trim~~.~~
7. Wood as a primary exterior finish~~, except as a trim material.~~
8. Pre-fabricated steel panels~~.~~
9. Corrugated metal~~.~~
10. Asphalt shingles~~.~~

F. Encouraged ~~s~~Surface ~~m~~Materials for Hardscape:

1. Interlocking Concrete ~~p~~Pavers.
2. Stamped~~,~~ ~~and/or~~ colored ~~and~~ or textured concrete.
3. Matte finishe~~d~~s surfaces.

~~Any proposal that indicates specialty surface materials other than concrete or asphalt to be located within a public right-of-way or located on public property must contain an agreement, executed by the property owner, that such areas will be (a) privately maintained, (b) insured, including indemnity to the Town, in an amount and a form acceptable to the Town Attorney and (c) replaced when necessary.~~ If specialty paving materials are proposed within public rights-of-way or on public property, the applicant must provide a maintenance agreement that includes:

1. Private maintenance responsibility;
2. Insurance and indemnification of the Town; and,
3. Replacement obligations as needed.

G. ~~Select e~~Environmentally ~~s~~Sensitive ~~c~~Colors Selection: ~~The primary colors should be sensitive to the colors found in the area's natural environment. The appropriateness of any given color shall depend on a number of factors including adjacent buildings. Bright or intense colors are discouraged, unless used on appropriate architectural styles and reserved for more refined detailing and transient features; colors must be harmonious with colors found on adjacent buildings. Appropriate varying colors can be used to articulate and reduce the apparent scale of building masses. Projects shall not be painted with a single color when such project contains (1) more than one building, (2) any multi-story building(s) and (3) any single building in excess of 20,000 SF in size.~~ Primary building colors shall be selected from a palette that reflects the natural desert environment, including earth tones such as tan, brown, rust, sage, and sandstone. Bright or intense colors may be used only as accents and shall not exceed 10% of any façade. Projects ~~with~~shall not be painted with a single color when the project contains:

1. More than one building,
2. Any multi-story building(s), or
3. Any single building over 20,000 square feet must use a minimum of three distinct colors to articulate and reduce the apparent scale of the building mass.

Section 19.07 Administration

A. Design Review Process: All development subject to this chapter shall undergo architectural and site design review as part of the site plan review process outlined in Chapter 2. ~~The Planning and Zoning Commission and Town Council shall review projects for compliance with the objective standards set forth in this chapter.~~ ~~When design review of a Site Plan is required to be completed by the Planning & Zoning Commission and the Town Council, each shall hold its design review hearings during the Site Plan review process conducted pursuant to Section 2.04 of this Zoning Ordinance. All design review hearings and decisions shall be completed in conjunction with the Site Plan review, unless specifically requested otherwise by an applicant.~~

B. ~~Interpretation & Enforcement~~Role of the Zoning Administrator: The Zoning Administrator is ~~charged with the responsibility of interpretation and enforcement of this Chapter. Interpretation of this Chapter includes, but is not limited to, clarification of intention and the delegation of processing proced~~ Interpreting the provisions of this chapter. Interpretation of this Chapter includes:

1. Determining the applicability of specific standards based on project type, size, and context.
2. Reviewing submittals for completeness and consistency with the adopted guidelines.
3. Approving minor modifications that do not materially alter the intent or measurable outcomes of the standards.

~~ures and requirements. responsible for:~~

C. Appeals: ~~Any applicant may appeal a decision of the Planning & Zoning Commission to approve, conditionally approve or deny an application for Design Review under this Chapter to the Town Council. Said appeal shall be filed within 30 days of the date the decision was rendered by the Planning and Zoning Commission.~~Decisions made by the Zoning Administrator regarding architectural design may be appealed to the Planning and Zoning Commission. Appeals of decisions made by the Planning and Zoning Commission ~~regarding architectural design~~ may be appealed to the Town Council. Appeals must be filed in writing within 30 calendar days of the ~~Commission's~~ date the decision was rendered and must clearly state the basis for the appeal, including specific standards in question.

TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date:	10/13/2025
Meeting Type:	Planning and Zoning Commission Regular Meeting
Submitting Department:	Development Services / Planning
Prepared by:	Farhad Tavassoli, Senior Planner
Staff Contact Information:	Phone: 480-816-5139 Email: ftavassoli@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

PUBLIC HEARING, WITH CONSIDERATION AND POSSIBLE ACTION: Request for a Special Use Permit to allow up to six (6) residential units on a 12,000 square-foot property generally located 200 feet west of the of the northwest corner of Avenue of the Fountains and Verde River Drive (16740 E. Avenue of the Fountains; APN#176-27-008) in the C-2 (Intermediate Commercial) zoning district.

Staff Summary (background)

This request is for development on a 12,000 sq. ft. lot on the Avenue of the Fountains, west of Verde River Drive. The area was originally plated in 1971 as Plat 208. In 2001 the owner of this property replatted two existing 6,000 sq. ft. lots into one larger lot. The property is zoned C-2 (Intermediate Commercial) and is also within the Planned Shopping Plaza and Entertainment Overlay Districts.

The applicant requests a Special Use Permit to construct a three-story, mixed-use building consisting of approximately 2,850 square feet of ground-floor commercial space and six (6) luxury residential units above. Each residential unit will include a private, two-car garage accessed from the rear of the property via the internal Tract 208 circulation network. These garages are designed to reduce demand on shared and public parking while providing secure, enclosed parking for residents. The site is located within the Town Center area, approximately 200 feet west of the northwest corner of Avenue of the Fountains and Verde River Drive.

This property is currently vacant. The lot has a platted 5' front yard setback and a 10' rear yard setback. There are five existing parking spaces in Plat 208 that will need to be removed to provide access to the proposed garages. An existing landscape area will also need to be removed as well as some existing utility boxes relocated to provide access to the garages.

The site has remained vacant since its replat in 2001. A previous proposal for 12 residential units was withdrawn in 2024. The current proposal reflects a reduced residential density and incorporates ground-floor commercial to better align with the Town's vision for the Avenue of the Fountains.

General Plan

- Our Commitment, page 13: Maintain the delicate balance of land uses that make the

Town a desirable place to live, work, enjoy and visit.

- Our Commitment, page 13: Support existing businesses and continue to attract businesses that stimulate the Town's economy.
- Our Vision, page 14: Residents enjoy a walkable community that is conducive to civic involvement and activities.
- Our Vision, page 14: A variety of housing options are available in safe, quiet, pleasant, and enjoyable neighborhoods.
- Thriving Neighborhoods Goals and Policies, page 23
    - 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 4. Encourage quality urban, compact, walkable mixed-use development that complements surrounding uses in the Town Center and in other areas that may become available for urban development.
        - Policy 6. Support quality residential development that meets Town housing needs, promotes the vitality of established neighborhoods, and enhances the quality of life of Fountain Hills.
    - Goal 4: Attract quality residential development that supports the healthy and active lifestyle valued by the community.
        - Policy 1: Ensure that new neighborhoods:
            - a. Sensitively and aesthetically integrate residential development to the social, built and natural environments by supporting neighborhood connectivity to Fountain Hills' Great Places.
    - Character Area Goals and Polices, page 38
        - 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 4. Direct commerce and employment to the character areas that sustain them in conformance with the Character Areas Plan map and Table 1.
    - Goal 2: Development, redevelopment and infill support Fountain Hill's small-town identity and the distinct character of each area while fostering long-term viability.
        - Policy 3. Support a mix of residential, employment, and commercial uses at densities and intensities and in the development form that reflect the small-Town character of Fountain Hills.
        - Policy 5. Strongly encourage a wide range of housing types, densities and prices to support the current and projected populations (particularly families and working professionals) and to ensure the

future stock of affordable housing for all income ranges.

This is in the Town Center character area. The General Plan statement for this area is: "Continue to develop a highly integrated mix of uses to provide a vibrant town center. Encourage development with an urban form with buildings brought to the street forming a continuous street wall. Encourage active ground floor uses with a high degree of transparency and office and residential above."

The 2009 Specific Area Plan for the Avenue District includes the statement: "The Avenue District is designed to accommodate a degree of other uses including second story office space, condominiums and small-scale businesses along with limited neighborhood services."

Zoning Ordinance Requirements

The property at 16740 E. Avenue of the Fountains is zoned C-2 (Intermediate Commercial) and is located within both the Entertainment Overlay District and the Planned Shopping Plaza Overlay District. While the C-2 zoning district allows a variety of commercial uses by right, residential uses above the ground floor are permitted through the Special Use Permit process when located within the Entertainment Overlay if the density is more than 8 dwelling units per acre. The proposed development includes six (6) residential units above approximately 2,850 square feet of ground-floor commercial space, consistent with the intent of the zoning and overlay districts to promote a vibrant, mixed-use downtown.

Per the Fountain Hills Zoning Ordinance:

- Group commercial buildings require 1 parking space per 275 square feet of floor area.
- Multi-family dwellings require 2.25 spaces per unit

Based on these standards, the proposed mixed-use development would require approximately 48 parking spaces. In contrast, a fully commercial three-story building of similar size would require approximately 109 spaces. The existing Tract 208 shared parking lot provides sufficient parking to meet the requirements for this development, as it was originally designed to accommodate build-out of the subdivision.

The applicant proposes to remove five (5) existing shared parking spaces to accommodate six (6) private garages, each serving one residential unit. These garages are designed as two-car garages, approximately 36 feet deep, with access from the rear of the building. The driveway width behind the garages will be maintained at 26 feet for two-way traffic. This configuration meets the ordinance requirement for one covered space per unit, and the remaining parking demand can be accommodated within the shared lot.

Solid waste enclosures are required to be located within 250 walking feet of the main entrance. The proposed enclosure meets this requirement due to the rear access doors for each unit. However, the enclosure is part of the shared Tract 208 facilities and may not have sufficient capacity for the additional residential and commercial waste. Prior to issuance of a building permit, the applicant must provide written confirmation from the Tract 208 Property Owners Association that adequate solid waste service will be provided, or propose

an alternative solution.

A site plan will be required prior to issuance of a building permit. Conceptual plans submitted with the SUP application show a building height of 39 feet 9 inches to the parapet, with an elevator overrun reaching 44 feet. Section 5.07 of the Zoning Ordinance allows exceptions for vertical projections such as elevator shafts. A rooftop balcony is also proposed and may be allowed as an architectural feature subject to staff review during the site plan process.

Special Use Permit Requirements
Section 2.02 of the zoning ordinance establishes the process and criteria for consideration of a SUP. The applicant has chosen to provide a conceptual site plan with the SUP. If the SUP is approved, the applicant will need to submit and receive staff approval of a complete site plan prior to submitting for a building permit.

Requests for consideration of a SUP are to include a project narrative describing the proposed use and reasons for it, a site plan, a Good Neighbor Statement, and a citizen participation plan and report. These items as prepared by the applicant are attached.

Section 2.02 F. 1. d. of the zoning ordinance states:

> d. In order to recommend approval of any use permit, the findings of the Commission must be that the establishment, maintenance, or operation of the use or building applied for will not be detrimental to the public health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, nor shall it be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Town.

Analysis
This area was zoned and platted for commercial uses prior to incorporation of the Town. It is still the desire of the Town to have this be a successful commercial center. In consideration of this request for the SUP, the questions become:

1. Will the proposed residential use be detrimental to the public health, safety, peace, or comfort of the neighborhood?
2. Will allowing residential use of this property be detrimental or injurious to the current commercial property improvements?
3. Is the residential use being designed and established in a manner that creates a desirable living environment in a manner compatible with the adjacent development and supportive of the general welfare of the Town?

Impact on public health, safety, peace, or comfort of the neighborhood: Filling in this vacant lot with a mixed-use building is unlikely to have a detrimental impact on the public health, safety, peace or comfort of the surrounding neighborhood.

Impact on the adjacent commercial property improvements: Residential uses are a part of a mixed-use, urban environment. Additional residents living in the areas will provide additional customers for the businesses and may provide nearby housing for people wanting to work in the areas. Moreover, filling in the vacant lot with a commercial building will add

to the quality of the streetscape.

Creating a desirable living environment that supports the general welfare of the town. For those looking for an urban setting, these units will provide a desirable living environment. There is parking available for the residents and shops, community facilities, parks, and activities in close proximity. Compared to the other existing units in the downtown area, these units will reach a different market with their size and garages thus providing additional variety and options for those wanting to live in the downtown.

Citizen Participation

The applicant hosted an Open House meeting on Wednesday, September 24, at the Fountain Hills Community Center. A total of five community members attended and participated in an informal presentation of the project. While no formal written comments were submitted, the applicant responded to questions from attendees and has remained in ongoing dialogue with them following the meeting. The Citizen Participation Plan and Report is attached for review.

Related Ordinance, Policy or Guiding Principle

Zoning Ordinance Chapter 2, Procedures
Zoning Ordinance Chapter 12, Commercial Zoning Districts
Zoning Ordinance Chapter 25, Entertainment Overlay District
Zoning Ordinance Chapter 26, Planned Shopping Plaza Overlay District

Risk Analysis

N/A

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

N/A

Staff Recommendation(s)

Staff supports a recommendation of approval subject to:

- Approval of a site plan consistent with the conceptual site and that complies with code requirements.
- A letter from Plat 208 addressing the provision of a solid waste enclosure prior to issuance of a building permit.

Suggested Motion

MOVE to recommend approval of the Special Use Permit for up to 6 dwelling units, all residential units to be on the second and third floors, with the stipulations listed in the staff recommendation.

FISCAL IMPACT

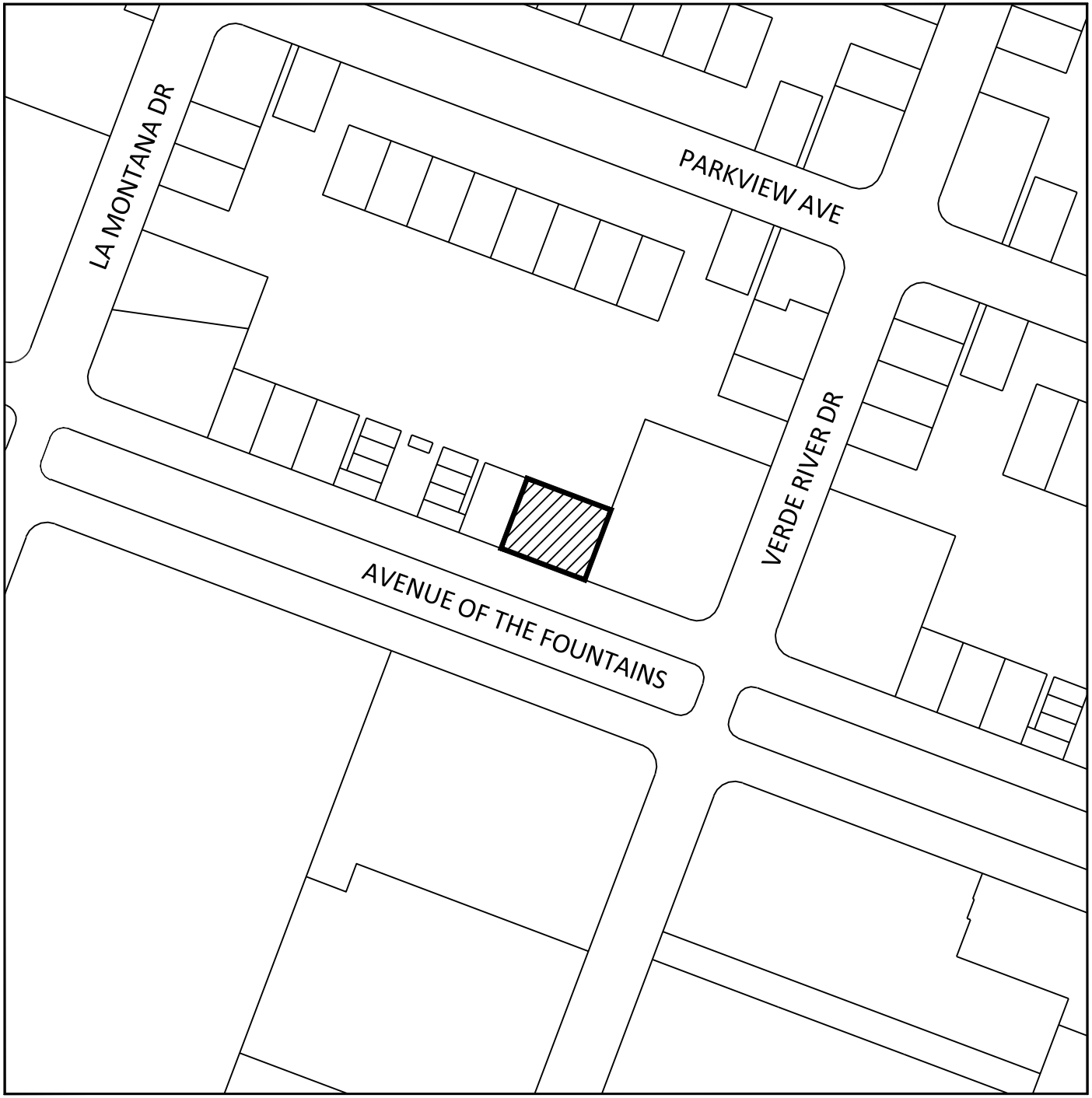
Fiscal Impact:
Budget Reference:
Funding Source:

ATTACHMENTS

1. Vicinity Map
2. Preliminary Site Plan
3. Applicant Narrative

4. Citizen Participation Plan and Report
5. Good Neighbor Statement

Vicinity Map: SUP25-000001



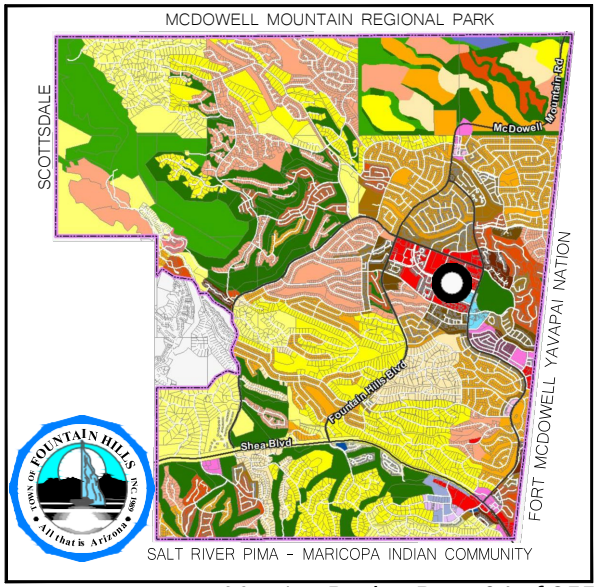
Case Details

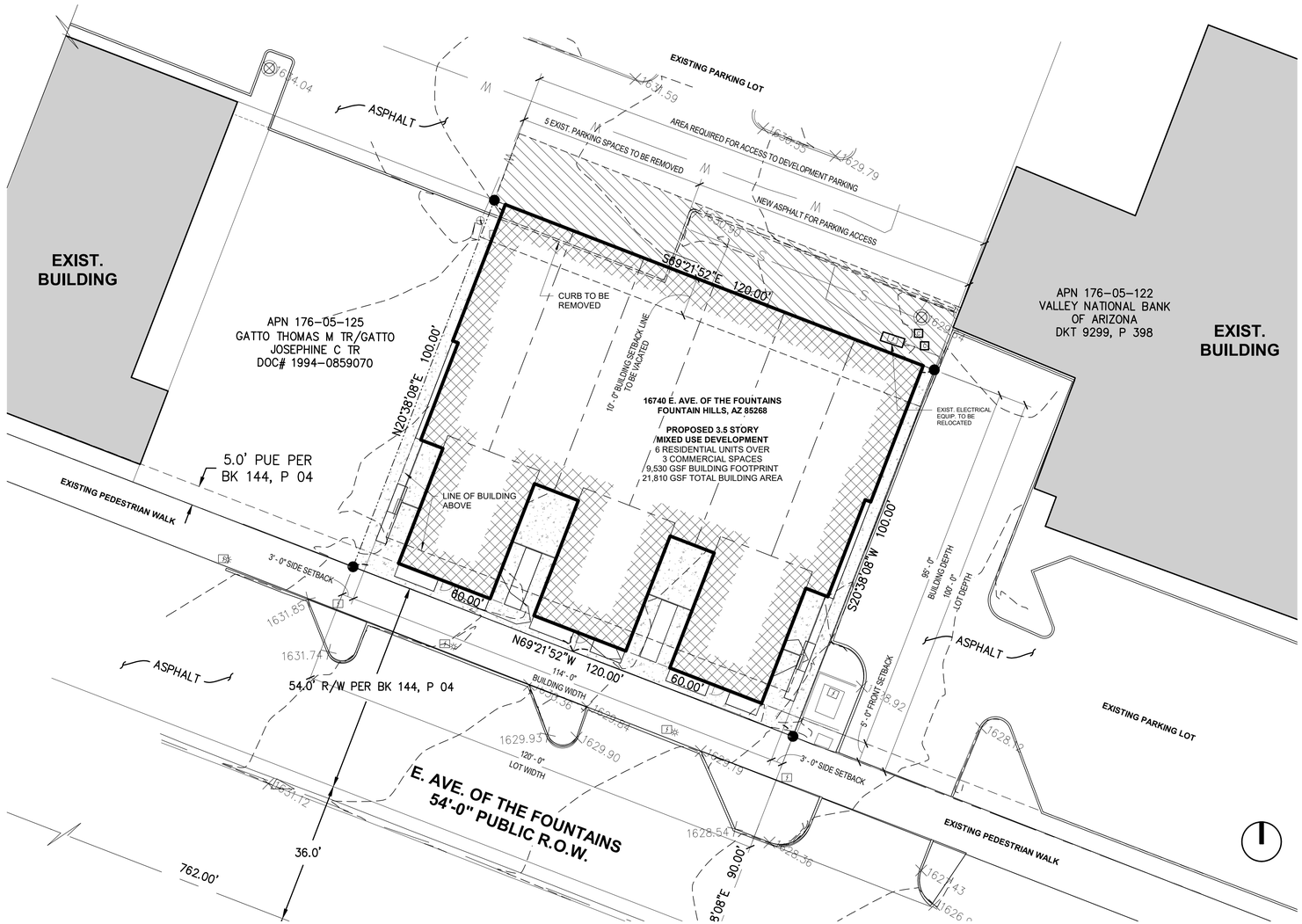
CASE: SUP25-000001

SITE / ADDRESS:
16740 E AVENUE OF THE FOUNTAINS
APN 176-27-008

REQUEST:
A SPECIAL USE PERMIT TO ALLOW UP TO 6 DWELLING UNITS IN A MIXED USE BUILDING, IN THE C-2, INTERMEDIATE COMMERCIAL ZONING DISTRICT, WITHIN THE ENTERTAINMENT AND THE PLANNED SHOPPING PLAZA OVERLAY DISTRICTS.

Site Location





1 ARCHITECTURAL SITE PLAN

SCALE: 1/16" = 1'-0"

SITE INFORMATION

SITE WIDTH: 120'-0"

SITE DEPTH: 100'-0"

SITE AREA: 12,000 GSF

BUILDING INFORMATION:

BUILDING FOOTPRINT: 9,530 GSF

TOTAL RESIDENTIAL AREA: 18,960 GSF

TOTAL COMMERCIAL AREA: 2,850 GSF

TOTAL BUILDING AREA: 21,810 GSF

LOT COVERAGE(%)
9,530 GSF/12,000 GSF= 79%

21,810 SF (TOTAL BUILDING AREA) / 12,000 (LOT AREA)

PROPOSED FAR: 1.8

PARKING INFORMATION:

EXISTING PARKING SPACES TO BE REMOVED: APPROX. 5 SPACES

PARKING SPACES PROVIDED IN DEVELOPMENT: 12 SPACES
(2 GARAGE SPACES PER RESIDENTIAL UNIT)

SETBACKS:

FRONT YARD: 5'-0"

REAR YARD: 0'-0"

SIDE YARD: 6'-0" (3'-0" EACH SIDE)

SIDE YARD PROVIDED: 6'-0" COMBINED (3'-0" + 3'-0")

PROPOSED BUILDING HEIGHT: 44'-0" (AT TOP OF ELEVATOR PENTHOUSES)
39'-9" (AT TOP OF PERIMETER PARAPET)

ARCHITECT:
4545 architecture
2761 E. JEFFERSON
SUITE 302
DETROIT, MI 48207
P. 313.450.4545
TIM.FLINTOFF@4545ARCHITECTURE.COM

CONSULTANT:

Project :
FOUNTAIN HILLS RESIDENTIAL DEVELOPMENT
AVE. OF THE FOUNTAINS
FOUNTAIN HILLS
AZ 85268

Issued for :
SPR 09/212/2025

REGISTERED ARCHITECT
CERTIFICATE NO.
84553
TIMOTHY R. FLINTOFF, AIA
STATE OF
ARIZONA, U.S.A.

Drawn by :
JRM
Checked by :
JRM

Sheet Title :
ARCHITECTURAL SITE PLAN

Project No. :
2025012

Sheet No. :
SP1.0

DO NOT SCALE DRAWINGS | ©2021 Timothy Flintoff Architect, PLLC

BINDER STRIP LOCATION

East Avenue of the Fountains

A Mixed-use Development

Fountain Hills, Arizona

Special Use Permit

A request for a Special Use Permit to allow the development of a mixed-use project on a 12,000 square-foot site, zoned Intermediate Commercial (C-2) & located within the Entertainment and Planned Shopping Plaza Overlay Districts in the Town Center area of Fountain Hills, Arizona.



Project Narrative

Final Submittal: September 19th, 2025
Case: SUP25-000001
Location: 16740 E. Avenue of the Fountains

Prepared by:

ROSE LAW GROUP pc
RICH ▪ CARTER ▪ FISHER
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Tom Galvin, Attorney
Sam Demoss, Land Use Attorney
Attn: Nate Tonnemacher
Senior Planner & Project Manager
O: (480) 240-5642 | M: (805) 345-8074
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Submitted on behalf of Applicant:

BONDY
construction & design

Lukas Bondy, CEO
Attn: 2820 Harrison St, LLC

Submitted to:

Town of Fountain Hills
Development Services Department
16705 E Avenue of Fountains | Fountain Hills, AZ

Planning Division

John Wesley
Development Services Director
Attn: Farhad Tavassoli, AICP
Senior Planner

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Attachment 6: *Citizen Participation Report*

INTRODUCTION

Rose Law Group pc. ("Representative") respectfully submits this narrative report on behalf of Bondy Construction and Design (herein "Applicant" or "Developer"), providing all relevant information to support the request for a Special Use Permit ("SUP") to develop a 12,000 square foot (approx. 0.28 acre) Site on the northwest corner of Avenue of the Fountains and Verde Drive in downtown Fountain Hills (the "Site" or "Property").

The Applicant is pleased to introduce the "East Avenue of the Fountains" mixed-use development (the "Project"), a high-quality infill project providing community-oriented retail or similar commercial uses and a high-quality residential product within the downtown core of Fountain Hills. The project is designed to complement the unique character of the Avenue of the Fountains, transforming an undeveloped, underutilized parcel into a vibrant, walkable, and distinctive addition to Town Center. East Avenue of the Fountains will attract long-term retail businesses or similar commercial tenants at the ground floor and provide high-quality luxury townhomes above, creating a cohesive mix of uses that supports local businesses and contributes to downtown vitality throughout the day and evening.

Ownership and Site Control

The East Avenue of the Fountains mixed-use project is being developed by 2820 Harrison St, LLC a subsidiary of Bondy Construction & Design. As a family-owned development and construction company based in Fountain Hills, the Developer's goals for this project are to strengthen the Town Center's sense of community, expand opportunities for neighborhood-serving businesses, and introduce a high-quality residential product to the downtown area.

Bondy Construction & Design owns the property at 16740 E. Avenue of the Fountains (APN 176-27-008) and will retain control through entitlements, site planning and permitting, construction, and initial operations. Upon approval of this SUP, the Developer will oversee the sale of the for-sale townhome units and the leasing and management of the ground-floor commercial suites to ensure a high-quality tenant mix and long-term property stewardship. (See: **Attachment 1:** *Good Neighbor Statement*).

About the Developer

The Applicant, Bondy Construction & Design, led by CEO Lukas Bondy ("Bondy"), has extensive experience delivering high-quality residential, mixed-use, and infill developments that transform vacant or underutilized sites into well-designed and enduring community destinations. Bondy and his family were drawn to Fountain Hills for its unique setting, strong sense of place, architectural character, and the community's vision for the Avenue of the Fountains corridor. Mr. Bondy and his wife are local business owners and permanent residents dedicated to investing in their community, supporting local businesses, and generating employment throughout Fountain Hills.

With this project, Mr. Bondy, his family, and company leverage their proven track record as good neighbors, respected business owners, and experienced developers. As their first development in Fountain Hills, they are investing significant financial resources and design expertise to deliver a project that enhances the Avenue of the Fountains corridor, advances the Town's vision for the downtown core, and establishes a lasting legacy in Fountain Hills.

History and Background

The Site was originally platted as part of Tract 208 in 1971, prior to the area's annexation into Fountain Hills. In 2001, the then owner combined two platted lots to create the current 12,000 square foot parcel. Since that time, the Site has remained vacant while much of the surrounding area has developed.

More recently, the Site has emerged as a unique infill opportunity. An initial concept proposed a 12-unit townhome development with no commercial space. Following coordination with Town staff and conversations with nearby businesses, the concept was revised to a mixed-use proposal with six townhomes and added ground-floor commercial that better aligns with the Town's long-term planning vision for the area.

In November 2024, the prior owner withdrew the application and subsequently sold the property to the Applicant. This SUP submittal carries forward the mixed-use proposal, accommodates the added commercial component, and further improves the architecture, site design, and overall project quality based on feedback from community members, Town staff, and local stakeholders.

I. PURPOSE OF REQUEST

The purpose of this request is to secure approval of a Special Use Permit (SUP) to allow the construction of a three-story, mixed-use building consisting of ground-floor retail or associated commercial uses and six luxury townhomes on the Site located at the northwest corner of Avenue of the Fountains and Verde Drive.

While the Site is zoned to accommodate a variety of commercial and residential uses, the combination of these uses within a single building requires SUP approval. This Application therefore provides the Town with an opportunity to review the Project's design, its relationship to surrounding development, and its consistency with the vision for the Avenue of the Fountains corridor.

Approval of this request will allow the Applicant to move forward with a high-quality, desert modern-style development that transforms a long-vacant parcel into an active and vibrant part of the downtown core. As discussed and justified in this narrative report, the proposed mix of uses, building design, and modified development standards align with the future planned and orderly development of the Site and the surrounding area.

Importantly, the establishment of the proposed uses will advance the goals and land use objectives set forth in the Fountain Hills General Plan and is consistent with the intent of the Town Center character area by encouraging walkability, supporting local businesses, and introducing a distinctive residential product in the heart of downtown.

Furthermore, as summarized in this narrative, granting this SUP request meets all necessary findings for approval and demonstrates compliance with the standards and criteria outlined in Section §2.02F.1.d of the Fountain Hills Zoning Ordinance (herein "FHZO").

II. EXISTING SITE CONDITIONS & CONTEXT

a. General Location

The Site is within the downtown core of Fountain Hills, known as the Town Center, on the north side of the Avenue of the Fountains corridor. It is located at the northwest corner of Avenue of the Fountains and Verde River Drive, one block west of N. Saguaro Boulevard, and is within a short walk of Fountain Park, the Community Center, and other civic and commercial destinations in Town Center.

The Site is within a larger planned commercial area called the "Avenue of the Fountains District", which has C-2 (Intermediate Commercial) underlying zoning with Planned Shopping Plaza and Entertainment District zoning overlays. The Property is also part of the Tract 208 Property Owners Association (the "Association"), which provides shared parking, common open space, uniform architectural and development standards, and internal access drives serving adjacent uses within the Association boundaries. These internal drives provide direct ingress and egress to E. Parkview Avenue to the north, Verde River Drive to the east, and N. La Montana Drive to the west.

b. Existing Site Conditions

The Site is a 12,000 square foot commercial parcel that remains vacant and unimproved. The lot that composes the Site is generally level with a compacted pad and sparse ground cover; no buildings, walls, or permanent structures are present.

Perimeter improvements include curb and gutter placement on all sides and an enhanced streetscape along the south frontage with sidewalk, street trees, pedestrian lighting, and on-street angled parking. Shared surface parking and internal access drives adjoin the north and east edges, with a small landscape island and several utility cabinets near the southeast and northeast portions of the parcel. Access to public utilities such as electric, sewer and water lines are available at the parcel front and rear. Subsurface testing indicates dense to very dense gravel with sand to depths of roughly 5 to 9 feet, no groundwater observance during borings, and geotechnical features consistent with IBC Site Class C classification. Final grading, utility relocations, drainage, and access details will be addressed through site plan and final plans engineering review (See **Attachment 2:** *Site Geotechnical Report*).

i) Existing Zoning & Overlays

Base Zoning: C-2 (Intermediate Commercial)

The C-2 base zoning district's intent is to "provide for the sale of commodities and the performance of services" serving an area broader than the immediate neighborhood. Ground-floor retail, commercial, office or personal service land uses, all of which are options for this Project, are all compatible with the district's intent. Through this Special Use Permit, the Town will find that the combined mixed-use building, the site access, and parking configuration conforms to Chapter 12 and the findings in FHZO Sec. §2.02 related to special uses in C-2 zoning districts.

Planned Shopping Plaza Overlay District

The Site is found within the Planned Shopping Plaza Overlay District, established to ensure that multi-tenant commercial areas function as coordinated plazas rather than stand-alone sites. The overlay, codified as Chapter 26 of the FHZO through Ordinance 20-14 adopted additional area provisions,

development standards, and other land use regulations provide for the orderly development of platted, unified commercial centers. The Planned Shopping Development Overlay guides and regulates development within the planned area. This overlay focuses on internal circulation, shared parking, landscaping, and signage requirements to promote coordinated development and operations of multi-parcel centers, like those in Tract 208. This overlay applies only to those additional area provisions or development standards that are set forth in Chapter 26 of FHZO, all other standards of the Intermediate Commercial C-2 base zoning district continue to be in effect for the development of this Project, unless otherwise stated in Chapter 26. As discussed further in Section III.b.iii of this narrative report, the Project is consistent and in conformance with the intent, purpose and standards set forth in Chapter 26 of the FHZO through the review and approval of this Special Use Permit request.

Entertainment Overlay District

The Property is within the Entertainment Overlay District, established by Ordinance 16-04 to support an active and vibrant downtown core, encouraging entertainment-related commercial activity within the Town Center character area. In 2017, the Town implemented FHZO Sec. §25.03 to allow single- or multifamily residential dwellings on the second story or above within the overlay, subject to all applicable building code requirements, underlying district's land-use regulations, development standards such as height and lot-coverage limits, and the residential density provisions set forth in FHZO Sec. §25.03. As discussed extensively in Section III.b.iii this Site is consistent and in conformance with the intent, purpose and standards set forth in Chapter 25 of the FHZO through the review and approval of this Special Use Permit request. Furthermore, pursuant to these guidelines, upper-story residential above street-level commercial on this Site may be approved through the Special Use Permit process.

ii) General Plan Designation

The Town of Fountain Hills General Plan 2020 (the "General Plan") designates the Site as the Mixed-Use land use category within the Town Center Area Specific Plan *(General Plan - Land Use Plan Map).* Additionally, the General Plan's Growth Areas Plan designates this area as a Multi-Use Growth Area *(Growth Areas Plan Map).* The Downtown Vision Plan places the Site within the Avenue of the Fountains District *(Downtown Vision- Districts Map).* No amendment to the General Plan or applicable area plans is requested with this application. Conformance with these documents is further described in Section III.b of this narrative report.

c. Site Context

The immediate area consists primarily of neighborhood-serving retail and shopping, together with commercial uses such as general offices, medical offices, and personal services. Town parks, common open spaces, and civic or recreational destinations and uses are within a short walk, supporting day to evening activities within Town Center. Shared off-street parking lots and internal access drives serve nearby commercial centers and nearby property owners associations, supporting the area's circulation patterns and reflecting a generally well-planned downtown area. Overall, the area around the Site suggests a pedestrian-oriented development pattern with street-scaled frontages with active retail and

commercial storefronts, medium-density residential and mixed-use buildings placed along the Avenue of the Fountains, with nearby streets and neighborhoods. (See **Figure 1:** *Site Zoning Map*)

i) Surrounding Uses

South: The Site fronts Avenue of the Fountains, which includes sidewalks, shade, streetscape improvements, and on-street parking. Across the Avenue, the frontage contains restaurant and specialty-retail suites, with nearby mixed-use residential providing additional foot traffic.

West: The lot immediately west is a vacant commercial parcel within the same commercial subdivision, reserved for future retail or mixed-use development.

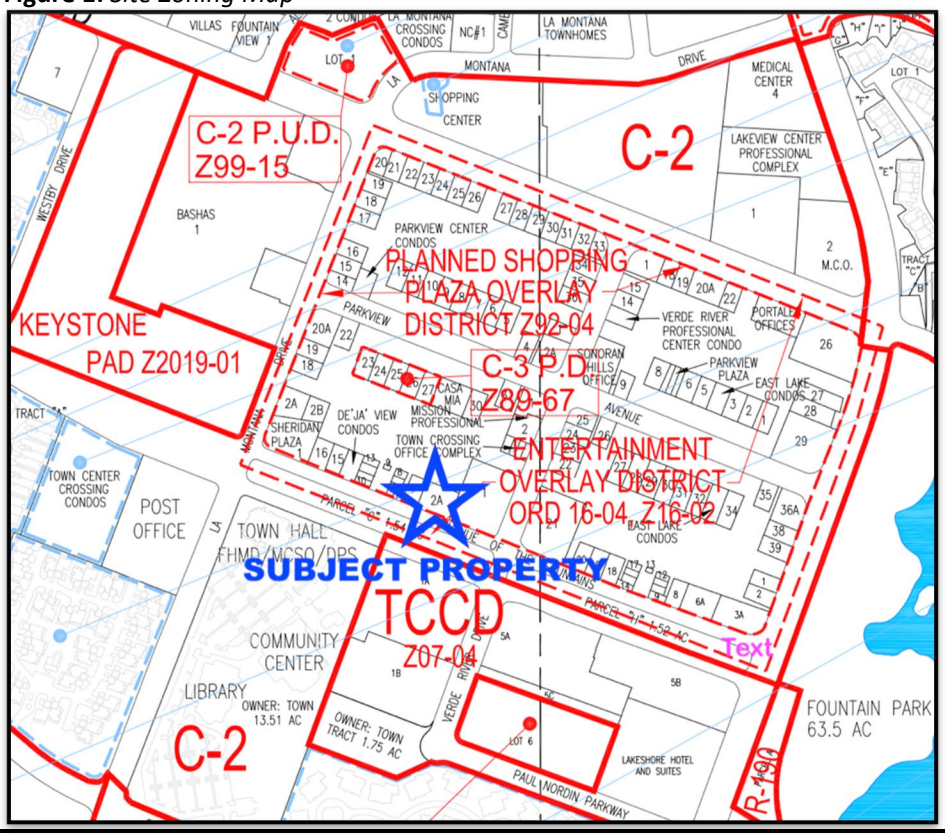
North: A shared surface parking lot serves the multi-tenant commercial buildings to the north. These buildings accommodate a mix of neighborhood retail, small professional offices, health and wellness services, and other personal services along Parkview Avenue.

East: The property to the east contains a bank branch and associated drive-through facilities, with internal drives connecting to Verde River Drive. Additional small-scale commercial and service uses continue east toward Saguaro Boulevard.

Near Context *(within a short walk):* The Town Center includes restaurants and cafés, boutique retail, personal services, small professional offices, automotive services, and civic and nonprofit uses. Mixed-use and multifamily communities are located nearby, and Fountain Park lies to the east, providing a major public open space and community destination.

ii) Surrounding Zoning

Figure 1: *Site Zoning Map*



South *(southern side of Avenue of the Fountains):* Parcels fronting the south side of the Avenue are zoned TCCD (Town Center Commercial District; Case Z07-04). The Planned Shopping Plaza Overlay (Z92-04) and the Entertainment Overlay (Ord. 16-04 / Case Z16-02) do not extend south of the Avenue at this location.

West *(adjacent):* The parcels immediately west is C-2 and lies within the same two downtown overlays applied to the subject block. A small cluster of islanded C-3 *(General Commercial)* P.D.- *(Planned Development)* zoned parcels are located just north and west of the subject site.

North *(across the internal drive/ shared parking & Parkview Drive):* Properties to the north are C-2 and remain within the Planned Shopping Plaza and Entertainment Overlays districts within this block.

East *(east side of Verde River Drive):* Properties immediately east of the site are zoned C-2 and within the same overlay areas.

Near Context *(within 1–2 blocks):* To the *northeast* of the site is C-2 P.U.D. (Case Z99-15) zoning. To the *west-southwest,* the Keystone PAD (Case Z2019-01) appears as a Planned Area Development without an underlying base district. Both planned areas operate under their adopted, site-specific standards.

III. PROJECT DESCRIPTION

a. Project Summary

The Avenue of the Fountains mixed-use development is a three-story, desert-modern project that combines 2,850 gross square feet (GSF) of ground-floor community- oriented retail or similar commercial space within three (3) suites and approximately 18,960 GSF of multi-family residential space within six (6) luxury townhomes located above.

The Project's commercial storefronts use transparent glazing and clearly marked entries, with patio areas oriented toward the Avenue to encourage pedestrian activity. The residential component provides a high-quality housing option with convenient access to shopping, dining, civic uses, and recreation in the Town Center area.

The project incorporates shaded walkways, articulated storefronts, durable materials, and targeted streetscape enhancements that reinforce the Avenue's sense of place and improve the pedestrian experience. These elements align with the Town's direction for downtown, which emphasizes active first floors, comfortable shade, and design that supports year-round street life.

b. Project Compatibility

As discussed in the following subsections, the Project has been thoughtfully designed to complement surrounding land uses and adjacent properties by incorporating architectural techniques consistent with the character of the greater Town Center area. The design aligns with the applicable base zoning development standards, overlay district provisions, and general requirements, while also advancing the objectives, goals, and vision set forth in the General Plan's Land Use Element and Specific Area Plan.

i) Tract 208 Association

Pursuant to FHZO Sec. §2.02.B.2.c, this subsection identifies conditions and restrictions of record that affect permitted uses on the Site and this Special Use request and summarizes the Applicant's mitigation and compliance measures. The Bondy Construction & Design will comply with all applicable CC&Rs of the Association, recorded plat notes and easements, and Town development standards.

The Site is within the Tract 208 Property Owners Association (herein: "Association" or "POA"), established by the original Plat 208 developer to ensure coordinated maintenance, shared infrastructure, and a consistent architectural character across the plat. The Association's Architectural Review Committee (herein "Committee" or "ARC") reviews exterior materials and colors, building height, setbacks, lighting, signage, and any modifications to common parking, landscaping, and shared utilities. The Applicant will submit final architecture and site improvements to the Committee and obtain POA approvals before construction.

The Applicant has notified the Association of this Special Use Permit request. If the SUP is approved, the Applicant will coordinate construction staging and shared access with the POA to limit disruption. Creation of the garage access will require removal of five existing striped parking spaces, removal of a landscape area, and relocation of certain utility boxes. In consultation with the POA, the Applicant will replace each removed space at a minimum two-for-one ratio within the project limits, maintain required accessible parking, and document stall counts, dimensions, and circulation paths to Town and POA standards.

The recorded plat establishes a five-foot (5-ft) front yard setback for utilities and a ten-foot (10-ft) rear building setback on this property. Town staff have indicated that a variance is not the appropriate mechanism to authorize construction within a recorded building setback or easement. If any portion of the proposed garages encroaches into the recorded ten-foot rear area, the Applicant will pursue the appropriate Town process to amend Plat 208 or otherwise remove or modify the recorded restriction. Existing SRP and sanitary sewer utilities within or adjacent to that area may limit the feasibility of removal. If removal or modification is not approved, the design will be revised to remain outside these recorded constraints (See **Attachment 3:** *Recorded Plat 208*).

Town staff have verified a minimum twenty-six-foot (26-ft) two-way drive-aisle width behind the building. Replacing the buffer and landscape area with garage access introduces circulation considerations at the corner. If the submittal does not maintain the required two-way width, the Town may require adjustments to existing drive-lane islands north of the building to restore compliant width. The Applicant will coordinate any required island, striping, or landscaping modifications with the Association and will fund those improvements.

The Association requires trash receptacles to be stored within enclosures. The Project will provide a new or shared enclosure that matches the materials and appearance used elsewhere in Tract 208 and meets Town standards for screening and service access. Final location of trash enclosures will be coordinated with the Association to minimize operational conflicts.

The Tract 208 Association's CC&Rs include building height limitations that may be more restrictive than what the Town could approve through this SUP. If the proposed height exceeds CC&R limits, the

Applicant will seek Board approval or a waiver as required. If the POA does not approve an exception, the building height will be adjusted to conform to the CC&Rs. The design will incorporate roofline articulation, parapet step-downs, and similar techniques to reduce perceived mass when viewed from adjacent parcels and parking areas.

Mitigation and Compliance measures:

1. *Obtain ARC and Association approvals for exterior architecture, site work in common areas, and any height exceptions.*
2. *Maintain a compliant two-way drive-aisle width. Where modifications are required, coordinate with the Association and fund the improvements.*
3. *Replace removed parking at or above a two-for-one ratio and maintain accessible parking.*
4. *Pursue modifications and amend Plat 208 to alleviate any encroachment into the platted ten-foot (10-ft) rear setback or other related easements. If not approved, revise the Project scope and design to remain outside recorded easements or platted setbacks.*
5. *Coordinate utility relocations with providers and restore disturbed landscaping to ARC standard and receive formal approval by the POA for such improvements.*
6. *Construct a fully compliant trash enclosure that meets both Town zoning ord. standards, building code and POA requirements.*

ii) Relationship with Surrounding Properties and Land Uses

The proposed mixed-use Project fits the existing and long-established commercial character within the immediate surrounding area. Adjacent uses appropriately complement and can benefit from residential and commercial uses integrated into a single infill building. The mixed-use approach concentrates activity in the Town Center by pairing ground-floor commercial with upper-floor residences.

Active storefronts draw customers during the day, while residents provide a steady evening and weekend presence that sustains nearby businesses and keeps the area active. The continual presences of the residences also heighten security and safety through the concept of “eyes on the street,” meaning routine, informal observation by nearby residents that helps deter nuisances and makes public spaces feel more comfortable.

Building frontage and site features are planned to complement surrounding properties and reinforce corridor character. Storefront transparency, clear entries, patios oriented to the Avenue, and shaded walkways strengthen the pedestrian environment. Massing and corner treatments bring activity to intersections, and parking is placed behind the primary frontage. Private garages reduce demand on public street parking while adding a reliable customer base for nearby businesses. The commercial suite sizes are well suited to the neighborhood-serving retail and office uses anticipated in the Avenue District.

Overall, the Project is compatible with the long-established commercial pattern, consistent with the Avenue’s pedestrian-oriented character, and introduces a modest share of attached for-sale housing contemplated by the Vision Plan. This relationship supports the Town’s goals for a lively, connected core and complements adjacent properties along and near the Avenue.

iii) Conformance with Planning Overlay District Requirements

Planned Shopping Plaza Overlay District

FHZO Chapter 26 directs multi-tenant centers to function as coordinated plazas with clear internal circulation, shared parking, pedestrian-oriented frontages, and cohesive architecture, lighting, and signage. As shown on the *Preliminary Site Plan* (see: ***Exhibit 1***) and *Preliminary Development Plans* (see: ***Exhibits 2-1, 2-2 & 2-3***), the Project conforms by orienting three street-facing commercial/retail storefronts to the Avenue of the Fountains.

The Project design proposal also relies on internal drives; by maintaining an existing a 26-foot two-way drive aisle and replacing five parking stalls located in the rear of the lot. The Project proposal also does not require any on-street public parking for any uses and locates all residential parking in private garages adjacent to additional shared parking at the rear of the site.

Refuse containers, utility and other service equipment are consolidated and screened. Elevations present articulated forms with a consistent material palette, and lighting and signage will be submitted with the site plan in accordance with Chapter 26. Together, these design elements demonstrate conformance with the Planned Shopping Plaza Overlay District's purpose, intent, general provisions, and development standards.

Entertainment Overlay District

FHZO Chapter 25 was adopted to support an active downtown by regulating entertainment-oriented commercial activity and, where appropriate, allowing upper-story residential above street-level commercial in Town Center. The overlay applies in addition to the underlying C-2 district and requires compliance with building codes as well as the base district's height and lot-coverage limits.

Chapter 25 of the FHZO also sets forth the residential density standard for upper-story dwellings. Through this Special Use Permit, the Applicant requests Council approval of six (6) upper-story townhomes on this ±0.28-acre site integrated into a single building with the ground-floor commercial suites adjacent to the street frontage. This replaces the former owner's twelve (12) residential unit concept (later reduce to eight (8) units) with a scaled down mixed-use design, which better aligns with the overlay district's purpose for a lively, walkable Town Center.

All other applicable development standards will be met through approval of this SUP request. Lot coverage will conform to the underlying C-2 limits, and the request for an increase to the maximum height permitted by the C-2 standards is compatible with the area and is justified as summarized in Section V of this narrative.

Furthermore, any entertainment or restaurant uses associated with the commercial suites or residential component of this Project will comply with FHZO Chapter 25 provisions. All in all, the proposed design demonstrates conformance with the Entertainment Overlay's intent and requirements and is entirely compatible with the anticipated future uses envisioned within this district.

iv) Conformance with the General Plan

The project is located within the Town Center character area, which the Town's General Plan describes as a *"…vibrant, walkable and bikeable mixed-use district that includes infill opportunities for residential, retail, business, entertainment, and services, with potential reconfiguration of underutilized surface parking to support that vision." (General Plan 2020).* These objectives and policy direction specifically supports mixed-use buildings with active street-level uses and homes nearby.

The proposed mixed-use building central to this request is consistent with these goals and vision. Ground-floor commercial suites with transparent storefronts and patio areas contribute to the Avenue's pedestrian-oriented character. The six (6) for-sale townhomes located above introduce a limited share of attached housing that the Vision Plan contemplates for the corridor. Private garages and on-site parking reduce demand for public street parking while adding a reliable customer base for nearby businesses. Building placement and detailing emphasize shaded walkways, clear entries, and corner activation, with parking located behind the primary frontage in line with Avenue District guidance.

As prescribed by the General Plan, the Avenue of the Fountains Mixed-Use will *"create opportunities for small offices or office complexes to benefit from proximity to a government center,"* creating three new commercial units for small offices to locate in the downtown area with the benefit of customers trafficking the area as well as being close to government buildings and postal services.

"The Town Center should incorporate residential, office, [and] retail," and the Avenue of the Fountains Mixed-Use has the potential to incorporate all three. Id. At page 52.

Objectives of the General Plan Land Use Element Vision

- **Objective 1.1:** ***"The Town should evaluate its existing retail trade capture/leakage in an effort to provide ample, sustainable commercially zoned land for its retail uses"***

  The Project will revive a long-time vacant parcel of land, bringing sustainable development by providing floor-level commercial with top-level residential to increase the consumer walking traffic downtown while maintaining a pedestrian-oriented downtown.

- **Objective 2.1:** ***"The Town should continue to employ a policy to encourage the overall development of existing commercially zoned lands and the renovation of underutilized commercial building"***

  This Project will utilize existing C-2 zoning that has been zoned for commercial for over 50 years, putting a long-underutilized commercial parcel to productive use.

- **Objective 3.3:** ***"The Town should pay particular attention to attract small and medium sized businesses as participants in mixed-use projects and uses to promote day and evening activities. Residential uses within the mixed-use area should be high density, and projects that can accommodate commercial or office uses at the street level, with residential on upper floors, are encouraged"***

This parcel will attract small businesses and provide them a potential location right in the heart of downtown. This mixed-use development will be ideal for those smaller businesses that may not have an ability to develop their own sites to have an ideal live-work-play location in the community.

The Project provides residential density without the congestion- having its own internal parking for the residents and making it easy to walk to local retail.

- **Objective 5.1: "*The Town should encourage development of infill areas with close proximity to shopping facilities, recreation, community services and existing infrastructure*"**

  The Project both furthers the goals of the downtown area while maintaining the single-family residential character of surrounding neighborhoods by remaining in the pre-determined commercial districts.

- **Objective 6.3: *"The Town should maintain linkages in the form of pedestrian paths, visual corridors and interconnections with public art"***

  The Project is highly compatible with existing pedestrian paths, providing commercial and housing right across the street from existing pedestrian paths, making it safer for pedestrians to cross and shop.

Objectives of the General Plan Growth Areas Vision

- **Objective 2.2: "*The Town should encourage mixed-use developments, particularly in the Town Center*"**

  The Project will be an ideal mixed-use development in the Town Center, providing high architectural quality and encouragement of new business that will compound upon existing business.

- **Objective 3.2: *"The Town should encourage mixed-use housing in the Town Center"***

  The Project will provide additional for-sale, luxury housing units in the Town Center, while retaining the retail growth needs of the area through bottom-floor commercial.

- **Objective 5.1: *"The Town should encourage locally owned and operated businesses"***

  Through the small-scale units provided in the Project, there will be an increase in opportunity for local, small-scale businesses to have a location amongst retailers and restaurants. Additionally, the development itself will be locally owned and operated by Bondy Construction and Design.

IV. PROJECT DEVELOPMENT

The following section presents the applicable design, land use and development standards, to which the development and construction of the East Avenue of the Fountains mixed use Project shall adhere. Development of the Project will be per the Town of Fountain Hills Zoning Ordinance (FHZO) or other in-force Town Codes, unless otherwise modified through this Special Use Permit (SUP) request.

Additional standards, stipulations or conditions of approvals to this request may apply and may modify any section contained herein. Where a particular provision of the Fountain Hills Zoning Ordinance conflicts with the provisions of this SUP, the SUP will take precedence as so justified.

a. Special Land Uses

In accordance with FHZO Sec.§2.02.A, establishing the intent of the Special Use Permit process and pursuant to Sec. §12.03.F, rendering additional land uses subject to discretionary review and approval, the following Special Uses and structures are considered permitted within the C-2 (Intermediate Commercial) underlying Zoning District & all zoning overlays applying to the Property:

- "Single and multifamily residential dwellings" pursuant to Sec. §12.03.F;
- All uses, contained in a single building, rendered as "Permitted by Right" in Sec. §12.02 as otherwise so modified herein.

b. Site Development Standards

Based on the existing characteristics of the Site, the proposal's compatibility with the surrounding area, the intent of FHZO Sec. §12.03.F as outlined above, and the consistency of the proposed land uses with the goals and objectives of the Town of Fountain Hills General Plan – Land Use Element, the following development standards, as outlined in **Table 1** are proposed for the Project site:

Table 1: *Site Development Standards*

Avenue of the Fountains Mixed-Use Development Standards				
Development Standard	**SUP**	**Entertainment Overlay District**	**Planned Shopping Center Overlay District**	**C-2 Zoning District**
Density	**21.8 du/acre	*8 du/acre	*N/A*	*N/A*
Height	(1)40 feet	*Same as underlying zoning district*	*Same as underlying zoning district*	*40 feet
Max Lot Coverage	79%	*Same as underlying zoning district*	*100%	60%
Minimum Lot Size	12,000 sf	*Same as underlying zoning district*	*N/A*	*6,000 sf
Minimum Lot Width	120ft	*Same as underlying zoning district*	*N/A*	*60 feet
Front Yard Setback	(2)5ft	*Same as underlying zoning district*	*10 feet	10 feet
Side Yard Setback	3ft *(each side)*	*Same as underlying zoning district*	*None Required*	*0 feet
Rear Yard Setback	(2)0 feet	*Same as underlying zoning district*	*None Required*	*0 feet

** Denotes a provision or development standards in-force, governing the development of the Site*

*** Represents a modified development standard pursuant to the FHZO Special Use Permit review and approval process*

(1) The elevator overrun at a height of 44ft exceeds the maximum height of the underlying is fully screened and designed as a rooftop appurtenance, consistent with standards for vertical projections exceeding base zoning height;

(2) The replat of Plat 208 establishes a front yard setback of 5ft and rear yard setback of 10ft; the platted rear yard setback will be abandoned through an administrative plat amendment process.

c. Preliminary Development Plan

i) Architectural Design Concept

The architectural design of the Project proposes a clear vertical separation of uses, with three (3) ground-floor commercial suites positioned along Avenue of the Fountains and six (6) townhomes located above, forming a classic mixed-use building with a scalable, pedestrian-oriented frontage. The commercial suites feature aluminum-and-glass storefronts with transparent glazing and clearly marked entries, while the upper façade expresses a regular bay rhythm through balconies and roof decks. The material palette includes stone veneer, EIFS with scored reveals, and fiber-cement lap siding in a warm "Rich Espresso" tone, creating recognizable color transitions without harsh contrast and introducing texture at appropriate horizontal and vertical intervals.

As previously described, the proposal reinforces a pedestrian-focused environment. Storefronts and commercial suites offer direct access to the public sidewalk, while all vehicular access is routed through the internal drive network at the rear of the Site. A two-way drive aisle maintains a 26-foot width, ensuring safe and efficient circulation while preserving a people-focused street frontage. Residential parking is provided via private two-car garages, reducing pressure on shared customer parking. The Project will be fully ADA-compliant and includes at-grade commercial entries to support accessible routes from the public walk.

As an infill development, the building's mass, scale, and height are compatible with the surrounding Town Center context. The primary parapet rises to approximately 39 feet 9 inches, in compliance with development standards for the C-2 zoning district. A centralized elevator penthouse slightly exceeds this limit, reaching 44 feet, but is integrated into the overall massing and roofline (See **Exhibit 2-2:** *Elevations*). The façade is composed of consistent vertical and horizontal elements that align doors, windows, and balconies to create a balanced rhythm appropriate to the Avenue. Flat parapets, modest projections, and contemporary detailing avoid duplication of outdated architectural styles while maintaining compatibility with adjacent commercial and urban forms. The overall building size and intensity are compact and appropriate for an infill site within the Town Center (See **Exhibit 2-1:** *Perspectives*).

Service and utility features are located and screened to minimize visual impacts and maintain a clean, coherent frontage. Rooftop activity areas are set below the parapet line, and decorative screen walls extend above the usable areas to limit visibility of furnishings and occupants from the street. Ground-mounted equipment near the access point is slated for relocation during final engineering and refuse and service areas will be consolidated into screened enclosures positioned away from public view, consistent with Plaza Overlay and FHZO standards.

The building totals approximately 21,810 gross square feet, consisting of 2,850 square feet of commercial space—divided into three (3) ground-floor suites of approximately 950 square feet each—and 18,960 square feet of residential space (See **Exhibit 2-3:** *Composite Floor Plans*). Each of the six (6) townhome units averages approximately 3,160 square feet. The design yields a floor area ratio of approximately 1.8 and maximum lot coverage of approximately 79 percent, both of which are typical for compact, mixed-use developments within the walkable Town Center district .

Overall, the Project provides visual interest through material and texture variation, maintains a calm and coordinated color palette, clearly separates residential and commercial uses, and supports a walkable block face with active ground-floor frontage and rear-loaded access. These design characteristics promote a safe, vibrant public environment that demonstrates thoughtful infill development techniques that focuses on compatibility with surrounding buildings and uses. (See **Exhibit 1:** *Preliminary Site Plan* & See **Exhibits 2-1, 2-2 & 2-3:** *Preliminary Development Plans*)

ii) Site Access, Parking and Circulation

The Project is designed to integrate seamlessly into the Town Center's existing circulation network, with vehicular access for all residential uses routed exclusively through the Tract 208 Block 3 shared parking area located at the rear of the site. The proposed mixed-use building fronts Avenue of the Fountains with ground-floor commercial suites and upper-story residential townhomes, while private garages serving the six units are accessed via a new internal drive extending from the shared lot to the property's northern (rear) lot line. This new internal access drive will require removal of approximately five (5) existing shared parking stalls; however, twelve (12) new private garage spaces, two per residential unit, will be introduced, resulting in a net increase in overall parking supply.

The Site is a member of the Tract 208 Association and holds full rights to utilize the adjacent shared parking area. Based on observed conditions, this lot remains overparked relative to usage by existing tenants in the POA, and the site itself has long remained vacant. As such, commercial demand from this parcel has already been contemplated and factored into the original parking ratios determined by the Association. (See **Figure 2:** *Birds-Eye Aerial,* below):

Figure 2: *Birds-Eye Aerial*



The proposed Project introduces new residential uses that will not draw from or displace existing shared parking, thereby producing minimal impact on parking availability. Customer trips generated by the proposed commercial uses will be accommodated via the shared lot or available on-street parking along the Avenue. Importantly, no through-access or new curb cuts are proposed along the frontage, preserving the pedestrian-oriented environment and minimizing vehicular disruption along Avenue of the Fountains. (See **Figure 2:** *Birds-Eye Aerial*).

Traffic generation is expected to remain modest and primarily attributable to the neighborhood-serving commercial component of the Project. Residential trips will circulate entirely through the internal Tract 208 network, accessing Verde River Drive, Parkview Avenue, and La Montana Drive. These patterns internalize traffic within the block and are not anticipated to impose adverse impacts on adjacent properties or street segments. A full traffic study will be provided at the Site Plan Review phase to confirm assumptions and demonstrate consistency with applicable Town requirements.

(See **Exhibit 1:** *Preliminary Site Plan* and **Exhibit 2:** *Preliminary Development Plan*).

iii) Landscaping and Open Space

The Project will comply with the landscaping standards outlined in the Fountain Hills Zoning Ordinance for C-2 zoning districts subject to Special Use Permit approval (see FHZO Sec. §12.05.L.5). Landscaping will feature a desert character and will be concentrated along the pedestrian-facing frontage to enhance the streetscape experience and complement the architectural design of the Project.

Table 2: *Landscaping Standards consistent with FHZO Sec. §12.05.L.5*

Landscaping Standards for C-2 *(SUP Uses)*
"a. Any part of a site not used for buildings, parking, driveways, storage yard, sidewalks, etc. shall be landscaped and maintained in accordance with an approved landscape plan.
b. Landscaped areas shall include an approved mixture of drought tolerant or other plant materials, and organic and nonorganic ground cover materials. Landscaping shall consist of one plant for each 20 square feet of landscape area, at least twenty-five (25) percent of the plants shall be 15 gallon or greater plants and the remaining plants must be at least five gallon plants, the approval of the above mixture of landscape materials shall be by the Community Development Department staff with appeal to the Planning and Zoning Commission.
c. An automatic irrigation system shall be provided and maintained to all landscaped areas requiring water.
d. All landscaped areas adjacent to vehicular parking and access areas shall be protected by six (6) inch vertical concrete curbing in order to control storm water flows and minimize damage by vehicular traffic."

As the Site is not adjacent to a residential zoning district, it is not subject to the Town's Open Space requirements for C-2 developments, an intentional provision that encourages a denser, walkable downtown shopping environment.

iv) Screening and Signage

In commercial districts, signage has a maximum size of 50 square feet per sign and a maximum height of 12 feet. (FHZO Chapter 26: Table 6.08.B). Final signage for the commercial units on the ground-floor will be applied for upon leasing to a commercial tenant.

Table 3: *Signage Standards consistent with FHZO Sec. §19.05.G*

Signage Standards
" G. Integrate signage: Locate freestanding signs on low planter walls or design monument signs to incorporate distinctive elements of the architectural style or theme of the development. *Façade sign materials shall be compatible with the design of the face of the façade where they are placed. Signs shall not interfere with an already established pattern of sign locations in relation to where other adjacent buildings have placed their signs.* *Directional signs shall be harmonious with the area. Provide building signage that is proportional to the scale of the tenant façade and consistent with the overall architecture.* *Sign colors should complement the colors used on the structures and the project as a whole; contrast is an important influence on the legibility of signs. Provide signage plans showing the proposed locations and materials of all signs."*

Table 4: *Screening Standards*

Screening Standards
➢ *"Building and landscape material sales, provided all incidental equipment and supplies are kept within a completely enclosed building or within an area enclosed on all sides by a solid masonry, concrete or earthen product wall not less than eight (8) feet in height, shall be required. Further, any access gates shall be constructed of view-obscuring materials to provide effective site screening. Approval of the alternative screening methods not listed above shall be by the Council. No goods, materials or objects may be visible above the wall." Section 12.05(L)(3).* ➢ *"Create attractive appearance: Create attractive appearance by emphasizing the views of landscaping and buildings and by minimizing the view of parking areas and vehicles. Locate delivery areas and support services (trash receptacles and ground-mounted equipment) in screened and less visible places. " Section 19.03(F).* ➢ *"Conceal utilities, equipment and services: All roof-mounted mechanical equipment shall be concealed on all sides by elements that are an integral part of the building design. Ground-mounted equipment shall be screened using masonry walls or other similar materials.* ➢ *Equipment that cannot be concealed due to unique functional requirements shall be made visually subordinate with architectural features that blend with the design of the main building. Electrical service panels shall be recessed into the building elevation and screened with landscaping, walls or doors.*

v) Utilities and Services

Table 5: *Utilities & Services*

Utility/Service	Provider
Water	*Epcor*
Sewer	*Fountain Hills Sanitation District*
Electrical	*SRP*
Sheriff	*Maricopa County Sherrif's Office - District 7*
Fire	*Town of Fountain Hills Fire Department*

Water and Sewer

The Project will connect to existing water and sewer infrastructure already available along both the Avenue of the Fountains frontage and the rear property boundary, as shown on **Attachment 4:** *Site Boundary and Topographic Survey.* Domestic water service will be provided by EPCOR Water, the area's public water utility. EPCOR is expected to accommodate potable water needs and fire suppression demands through existing mains and meter locations. Fountain Hills Sanitary District will serve the Project's wastewater needs, with sewer connections readily available near both the front and rear of the property.

Stormwater runoff will be managed per applicable Town of Fountain Hills engineering standards and will utilize existing drainage facilities within the public right-of-way or internal site drainage design to ensure compliance with Town requirements. Specific utility connection points, flow calculations, and drainage strategies will be submitted for formal review during the Site Plan phase.

Fire and Safety

The Site will be served by the Town's Fire Department. All applicable fire protection standards—including the International Fire Code (IFC) and local requirements for alarms, sprinklers, site access, and key systems—will be fully met. Adequate emergency access is provided from both Avenue of the Fountains and the rear via the Tract 208 shared circulation drives. Law enforcement services will be provided by the Maricopa County Sheriff's Office (District 7), as the Town does not maintain its own police department.

vi) Noise and Traffic

Traffic

The Project is not expected to generate substantial noise or traffic impacts. All residential parking is provided on-site within private, enclosed garages accessed via the rear of the property through the Tract 208 shared parking area. No new curb cuts or driveways are proposed along Avenue of the Fountains, and all vehicular circulation is internalized, resulting in minimal visible traffic activity along the pedestrian-oriented frontage. The Project's central Town Center location also encourages walkability and reduces vehicle reliance for both residents and patrons, further limiting traffic generation.

Noise

While future commercial tenants could include entertainment-oriented businesses, the site lies within the Entertainment Overlay District, where such uses are already anticipated and deemed compatible. Deliveries and service access will occur at the rear of the building, through the internal Tract 208 parking area, away from the Avenue frontage and pedestrian walkways.

Mechanical equipment will be fully screened in accordance with Town Code, ensuring that building operations remain visually and acoustically unobtrusive. The scale of the project, combined with modern building design, enclosed service areas, and on-site management via a Homeowners Association for the townhome units, ensures a well-maintained and orderly environment. Noise is expected to remain consistent with typical mixed-use downtown activity and will not impact any nearby residential neighborhoods, as the Project is surrounded entirely by existing commercial development.

V. JUSTIFICATION OF REQUEST

a. Special Use Approval Criteria

In accordance with the intent of FHZO Chapter 2, and as a justification for recommending approval of this Special Use Permit, the following findings are included as responses to the criteria set forth in FHZO Sec. §2.02.F.1.d:

1. ***"…the establishment, maintenance, or operation of the use or building applied for will not be detrimental to the public health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use…"***

Response:

This Project proposes a mixed-use development with ground-floor commercial spaces and upper-floor residential units, designed to enhance, not hinder, the public health, safety, peace, comfort, and general welfare of those living or working in the immediate downtown area. By combining small-scale neighborhood commercial or service-oriented businesses at street level with residences above, the Project promotes walkability, reduces reliance on vehicular traffic, and promotes a vibrant, accessible community setting. The residential component of this Project ensures a consistent on-site presence, which supports neighborhood safety through natural surveillance and contributes to a sense of place and stability in the Town Center.

The building's design solutions are intentionally aligned with the surrounding development pattern, using compatible structural massing, materials, facades and rooflines while incorporating modern architectural elements and vertically separating commercial and residential uses. These design features, along with screened service areas, garage access placed at the rear of the site, and pedestrian-scale frontages, minimize visual impacts and reinforce the corridor's aesthetic quality. As detailed in the compatibility analysis of this narrative report, the project respects the existing mix of commercial uses and adds visual interest, appropriate scale, and architectural character to a currently vacant lot. Moreover, the development will be maintained by both the Tract 208 Association and the Applicant, who intends to retain ownership and management

responsibilities. Together, these factors ensure the uses occupying the Site will be appropriately operated and maintained without disrupting the peace, comfort, or quality of life in the neighborhood.

2. ***"…nor shall it be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Town."***

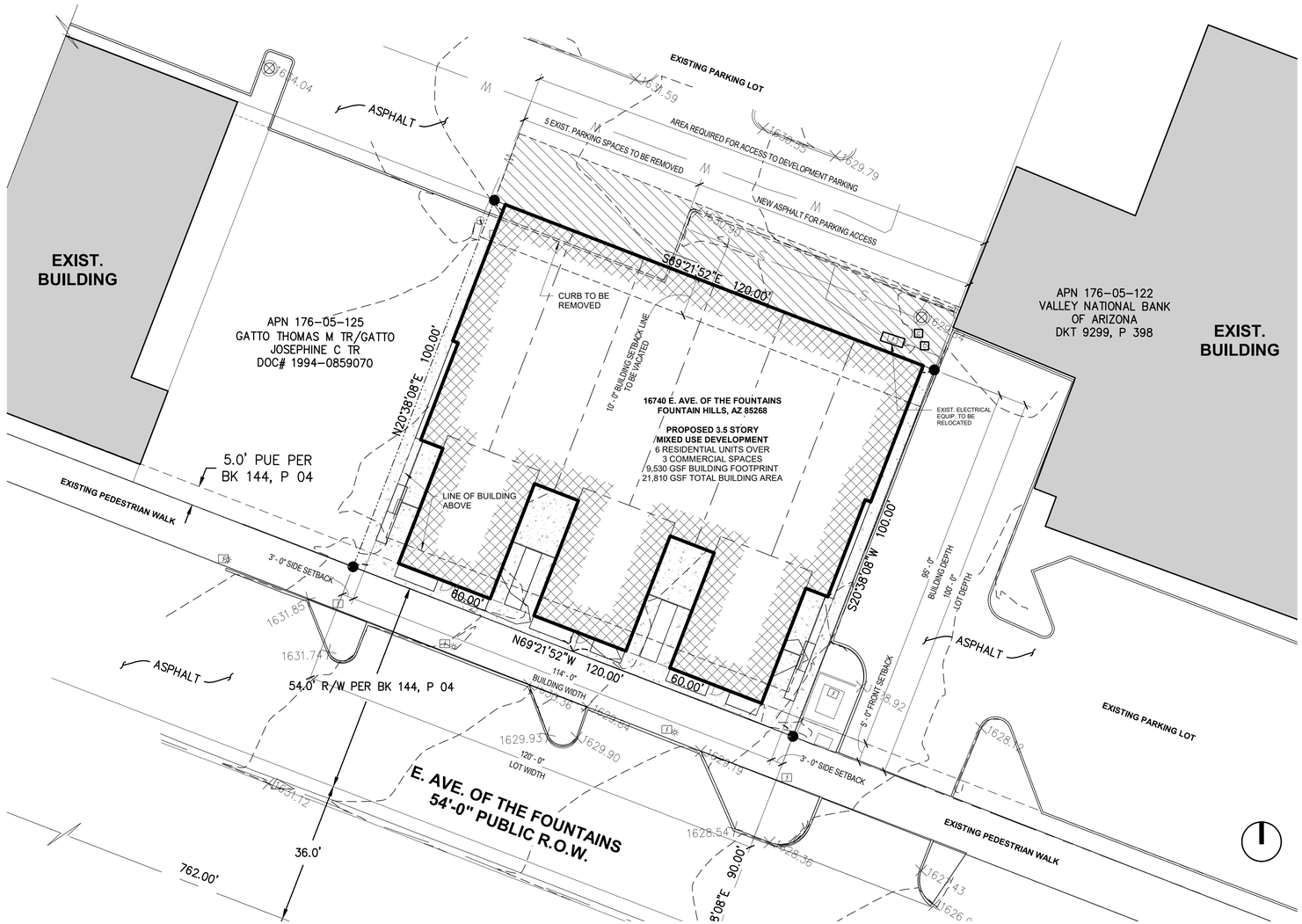
Response:

The Project will not be detrimental to surrounding properties or improvements, but rather will strengthen and enhance the vibrancy of the Town Center Area by converting a long-vacant parcel into an active, mixed-use development that complements existing buildings and advances the Town's long-range vision. Ground-floor commercial suites will draw foot traffic, support local businesses, and create additional opportunities for downtown retail and service activity. The residential townhomes introduce a modest share of for-sale housing, directly supporting existing storefronts and encouraging reinvestment in the area through consistent population and presence.

The design meets all applicable development standards and responds directly to the architectural rhythm, massing, and placement of neighboring buildings. No incompatible uses are proposed. The Project has been well received by nearby business owners, who have expressed support for the added energy and activity it will bring. Rather than posing injury to the neighborhood or general welfare, the Project represents a natural continuation of the Town Center's evolving, mixed-use character and serves as a catalytic opportunity for additional growth, vibrancy, and pedestrian engagement along the Avenue of the Fountains.

Exhibit 1:

Preliminary Site Plan



1 **ARCHITECTURAL SITE PLAN**
SCALE: 1/16" = 1'-0"

SITE INFORMATION

SITE WIDTH: 120'-0"

SITE DEPTH: 100'-0"

SITE AREA: 12,000 GSF

BUILDING INFORMATION:

BUILDING FOOTPRINT: 9,530 GSF

TOTAL RESIDENTIAL AREA: 18,960 GSF

TOTAL COMMERCIAL AREA: 2,850 GSF

TOTAL BUILDING AREA: 21,810 GSF

LOT COVERAGE(%)
9,530 GSF/12,000 GSF= 79%

21,810 SF (TOTAL BUILDING AREA) / 12,000 (LOT AREA)

PROPOSED FAR: 1.8

PARKING INFORMATION:

EXISTING PARKING SPACES TO BE REMOVED: APPROX. 5 SPACES

PARKING SPACES PROVIDED IN DEVELOPMENT: 12 SPACES
(2 GARAGE SPACES PER RESIDENTIAL UNIT)

SETBACKS:

FRONT YARD: 5'-0"

REAR YARD: 0'-0"

SIDE YARD: 6'-0" (3'-0" EACH SIDE)

SIDE YARD PROVIDED: 6'-0" COMBINED (3'-0" + 3'-0")

PROPOSED BUILDING HEIGHT: 44'-0" (AT TOP OF ELEVATOR PENTHOUSES)
39'-9" (AT TOP OF PERIMETER PARAPET)

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CONSULTANT:

Project :
FOUNTAIN HILLS RESIDENTIAL DEVELOPMENT
AVE. OF THE FOUNTAINS
FOUNTAIN HILLS
AZ 85268

Issued for :
SPR 09/212/2025

REGISTERED ARCHITECT
CERTIFICATE NO.
84553
TIMOTHY R. FLINTOFF, JR.
STATE OF ARIZONA, U.S.A.

Drawn by :
JRM
Checked by :
JRM

Sheet Title :
ARCHITECTURAL SITE PLAN

Project No. :
2025012

Sheet No. :
SP1.0

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FINGER STRIP LOCATION

Exhibit 2-1:
Architectural Perspective Rendering



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AZ 85268

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Checked by :
JRM

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EXTERIOR RENDERINGS

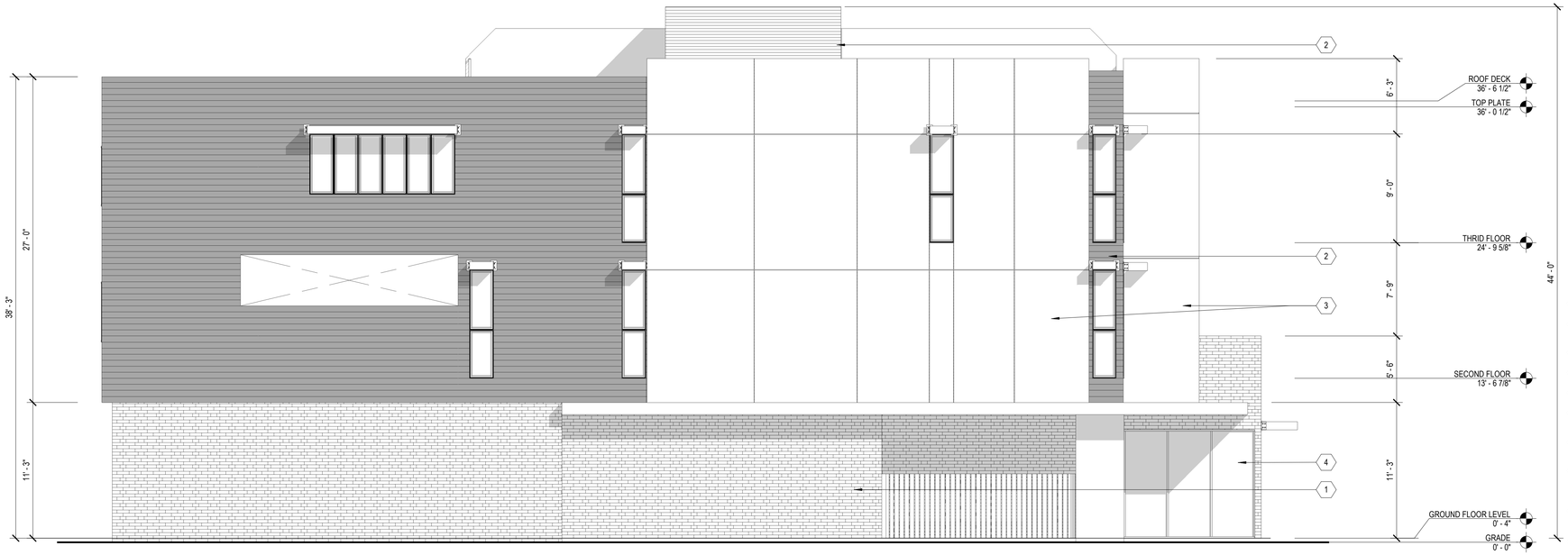
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2020041

Sheet No. :
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BINDER STRIP LOCATION

Exhibit 2-2:
Exterior Building Elevations



2 SIDE ELEVATION

SCALE: 3/16" = 1'-0"

DISTANCE FROM PROPERTY LINE:	3'-0"
TOTAL AREA OF WALL:	3,267 SQFT
AREA OF OPENINGS:	240 SQFT
PERCENTAGE OF OPENINGS:	7.3%
MAX PERCENTAGE ALLOWED:	15%



1 FRONT ELEVATION

SCALE: 3/16" = 1'-0"

GENERAL ELEVATION/SECTION NOTES:

1. THIS DRAWING IS DIAGRAMMATIC AND SHOULD BE USED TO DETERMINE THE DESIGN INTENT. THE CONTRACTOR IS RESPONSIBLE FOR THE COMPLETE SET OF WORK AS INDICATED AND SHALL FIELD VERIFY ALL WORK, COORDINATE ALL DRAWINGS / NEW WORK AND SHALL NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES IN THE DOCUMENTS BEFORE PROCEEDING. FAILURE TO DO SO WILL RESULT IN THE CONTRACTOR TAKING FULL RESPONSIBILITY AND LIABILITY FOR SAID DISCREPANCIES.
2. ALL DIMENSIONS ARE SHOWN FROM FINISH FACE TO FINISH FACE OF PARTITION UNLESS OTHERWISE NOTED.
3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL LOCAL, STATE, COUNTY CODE REGULATIONS, O.S.H.A., AND THE AMERICAN WITH DISABILITIES ACT (ADA). REFER TO THE CODE PLAN FOR MORE INFORMATION.
4. ALL FOUNDATIONS TO EXTEND 42" MIN. BELOW GRADE
5. ALL FOUNDATIONS ADJACENT TO EXIST. FND'S TO MATCH BOTTOM ON FOOTING ELEVATION.
6. UNDER NO CIRCUMSTANCES EXCAVATE BELOW BOTTOM OF EXIST. FND'S TO A MIN. INFLUENCE ZONE DELINEATED BY 1 VERTICAL, 2 HORIZONTAL LINE

ELEVATION KEY NOTES:

(TYPILCAL THIS SHEET ONLY)

1. STONE VENEER
2. JAMES HARDIE LAP SIDING WITH 3" COLOR-MATCHED TRIM AT EDGES AND CORNERS. COLOR: RICH ESPRESSO
3. EIFS CLADDING SYSTEM WITH DECORATIVE REVEALS
4. ALUM AND GLASS COMMERCIAL STOREFRONT SYSTEM
5. PREFINISHED METAL LOUVERED SUNSHADE DEVICE
6. SLIDING/STACKING PATIO DOOR SYSTEM. BASIS OF DESIGN: ANDERSEN MULTIGLIDE DOOR
7. ALUM AND GLASS RESIDENTIAL STOREFRONT WINDOW SYSTEM. BASIS OF DESIGN: ANDERSEN WINDOW WALL
8. RESIDENTIAL RAILING SYSTEM. OPTIONS:
   GLASS PANELS WITH ALUMINUM CAP. BASIS OF DESIGN: VIEW RAIL BASE RAIL.
   CABLE RAIL. BASIS OF DESIGN: VIEW RAIL SIGNATURE CABLE RAILING.
9. PERFINISHED ALUM RESIDENTIAL FENCE AND GATE SYSTEM. BASIS OF DESIGN: ULTRA-RAIL STYLE CP3
10. RESIDENTIAL ENTRY DOOR

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CONSULTANT:

Project :

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FOUNTAIN HILLS
AZ 85268

Issued for :

CONCEPT 07/24/2025

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Checked by :
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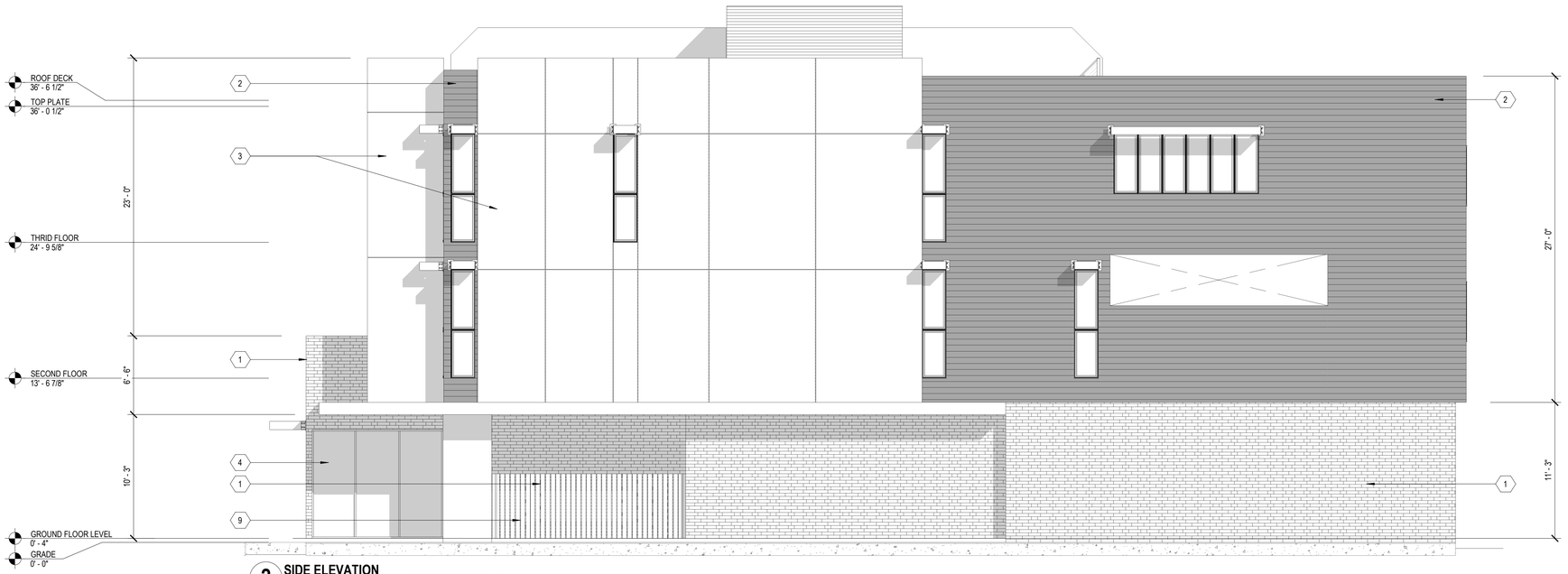
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EXTERIOR ELEVATIONS

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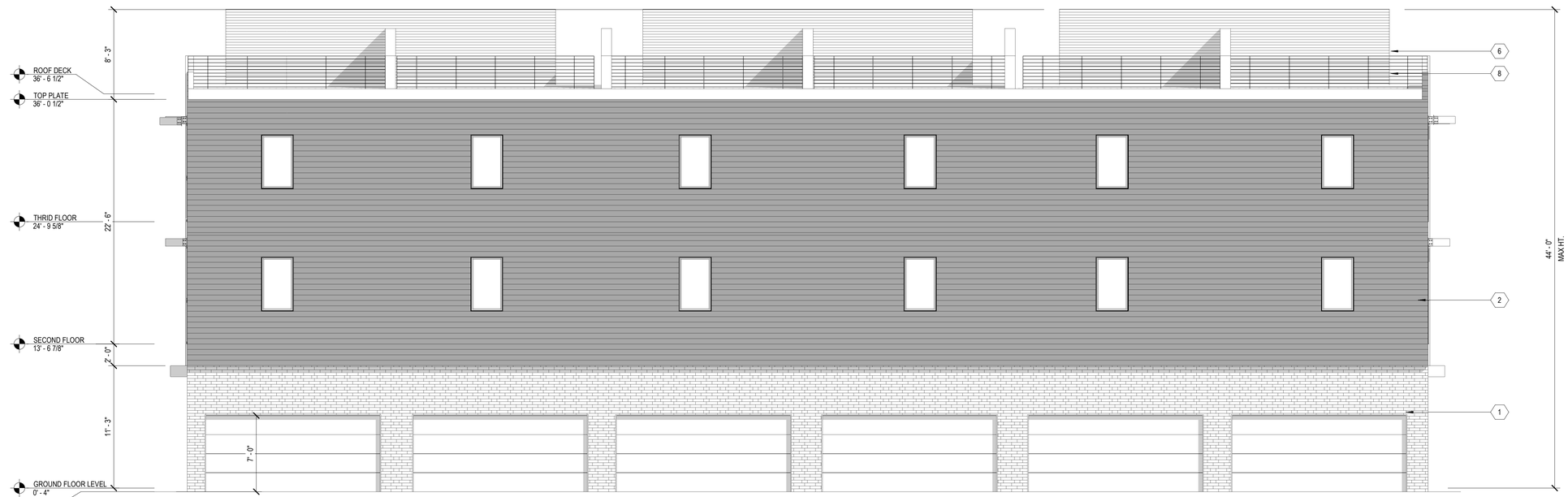
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RAINDER STRIP LOCATION



2 SIDE ELEVATION
SCALE: 3/16" = 1'-0"

DISTANCE FROM PROPERTY LINE:	3'-0"
TOTAL AREA OF WALL:	3,267 SQFT
AREA OF OPENINGS:	240 SQFT
PERCENTAGE OF OPENINGS:	7.3%
MAX PERCENTAGE ALLOWED:	15%



1 REAR ELEVATION
SCALE: 3/16" = 1'-0"

GENERAL ELEVATION/SECTION NOTES:

1. THIS DRAWING IS DIAGRAMMATIC AND SHOULD BE USED TO DETERMINE THE DESIGN INTENT. THE CONTRACTOR IS RESPONSIBLE FOR THE COMPLETE SET OF WORK AS INDICATED AND SHALL FIELD VERIFY ALL WORK, COORDINATE ALL DRAWINGS / NEW WORK AND SHALL NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES IN THE DOCUMENTS BEFORE PROCEEDING. FAILURE TO DO SO WILL RESULT IN THE CONTRACTOR TAKING FULL RESPONSIBILITY AND LIABILITY FOR SAID DISCREPANCIES.
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6. UNDER NO CIRCUMSTANCES EXCAVATE BELOW BOTTOM OF EXIST. FND'S TO A MIN. INFLUENCE ZONE DELINEATED BY 1 VERTICAL, 2 HORIZONTAL LINE

ELEVATION KEY NOTES:

(TYPILCAL THIS SHEET ONLY)

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2. JAMES HARDIE LAP SIDING WITH 3" COLOR-MATCHED TRIM AT EDGES AND CORNERS. COLOR: RICH ESPRESSO
3. EIFS CLADDING SYSTEM WITH DECORATIVE REVEALS
4. ALUM AND GLASS COMMERCIAL STOREFRONT SYSTEM
5. PREFINISHED METAL LOUVERED SUNSHADE DEVICE
6. SLIDING/STACKING PATIO DOOR SYSTEM. BASIS OF DESIGN: ANDERSEN MULTIGLIDE DOOR
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8. RESIDENTIAL RAILING SYSTEM. OPTIONS: GLASS PANELS WITH ALUMINUM CAP. BASIS OF DESIGN: VIEW RAIL BASE RAIL. CABLE RAIL. BASIS OF DESIGN: VIEW RAIL SIGNATURE CABLE RAILING.
9. PERFINISHED ALUM RESIDENTIAL FENCE AND GATE SYSTEM. BASIS OF DESIGN: ULTRA-RAIL STYLE CP3
10. RESIDENTIAL ENTRY DOOR

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Project :
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AZ 85268

Issued for :
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EXTERIOR ELEVATIONS

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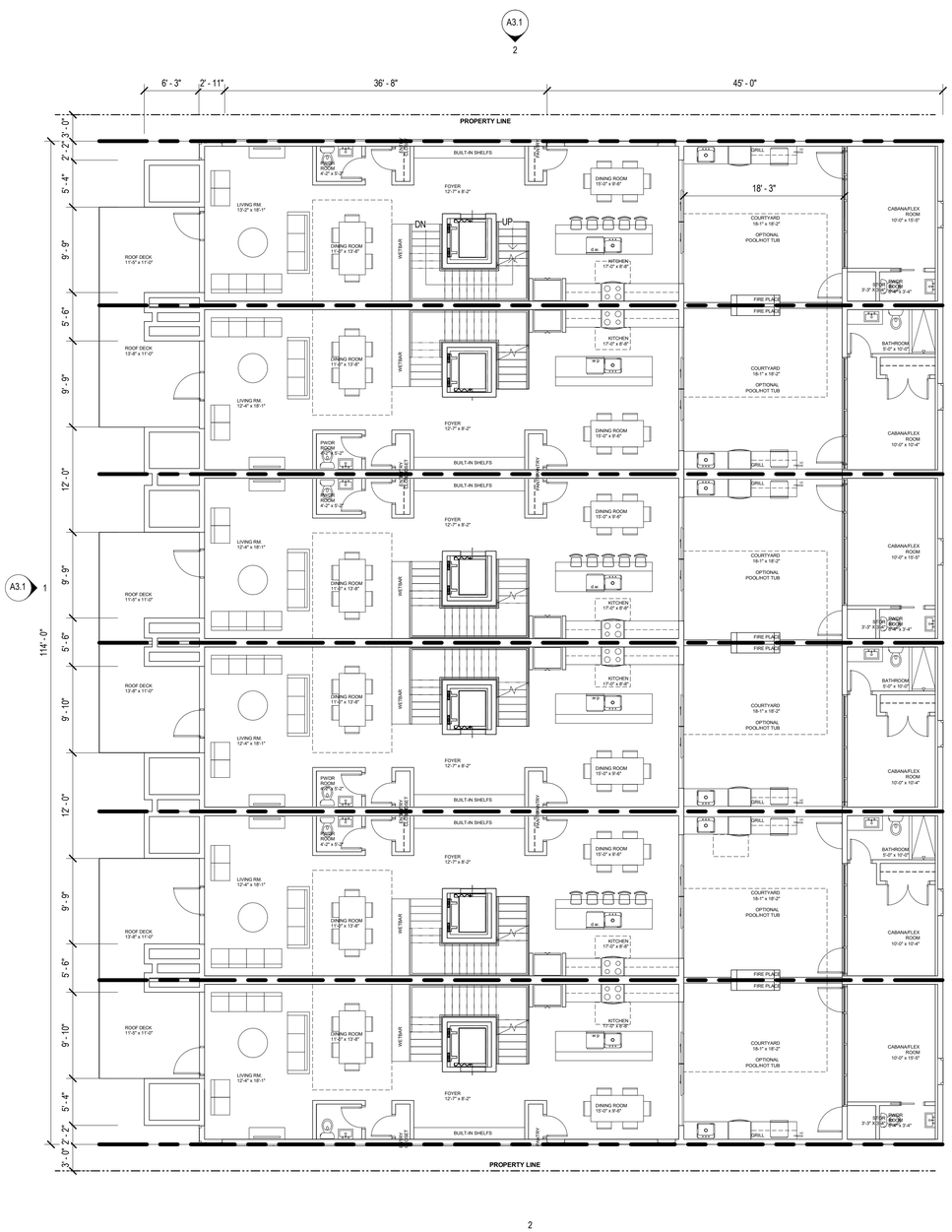
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BINDER STRIP LOCATION

Exhibit 2-3:
Composite Floor Plans

GENERAL PLAN NOTES:

1. THIS DRAWING IS DIAGRAMMATIC AND SHOULD BE USED TO DETERMINE THE DESIGN INTENT. THE CONTRACTOR IS RESPONSIBLE FOR THE COMPLETE SET OF WORK AS INDICATED AND SHALL FIELD VERIFY ALL WORK, COORDINATE ALL DRAWINGS / NEW WORK AND SHALL NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES IN THE DOCUMENTS BEFORE PROCEEDING. FAILURE TO DO SO WILL RESULT IN THE CONTRACTOR TAKING FULL RESPONSIBILITY AND LIABILITY FOR SAID DISCREPANCIES.
2. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD. ANY DIMENSIONAL VARIANCES CAUSED BY ACTUAL WALL CONSTRUCTION OR LAYOUT MODIFICATIONS IN THE FIELD ARE RESPONSIBILITY OF CONTRACTOR.
3. WALL THICKNESS' ARE NOMINAL NOT ACTUAL DIMENSIONS. SEE FLOOR PLAN KEYNOTES FOR AWLL CONSTRUCTION.
4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL LOCAL, STATE, COUNTY CODE REGULATIONS, O.S.H.A., AND THE AMERICAN WITH DISABILITIES ACT (ADA). REFER TO THE CODE PLAN FOR MORE INFORMATION.
5. DO NOT BACKFILL WALLS UNTIL FLOOR DECKS ARE INSTALLED
6. ALL POSTS CONTINUOUS TO FOUNDATION
7. SHEAR WALLS TO BE PERSCRIPTIVE PER MBC 2015





2 **SECOND FLOOR**
SCALE: 1/8" = 1'-0"

1 **GROUND FLOOR / SITE PLAN**
SCALE: 1/8" = 1'-0"

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CONSULTANT:

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FOUNTAIN HILLS
AZ 85268

Issued for :
CONCEPT 07/24/2025

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Checked by :
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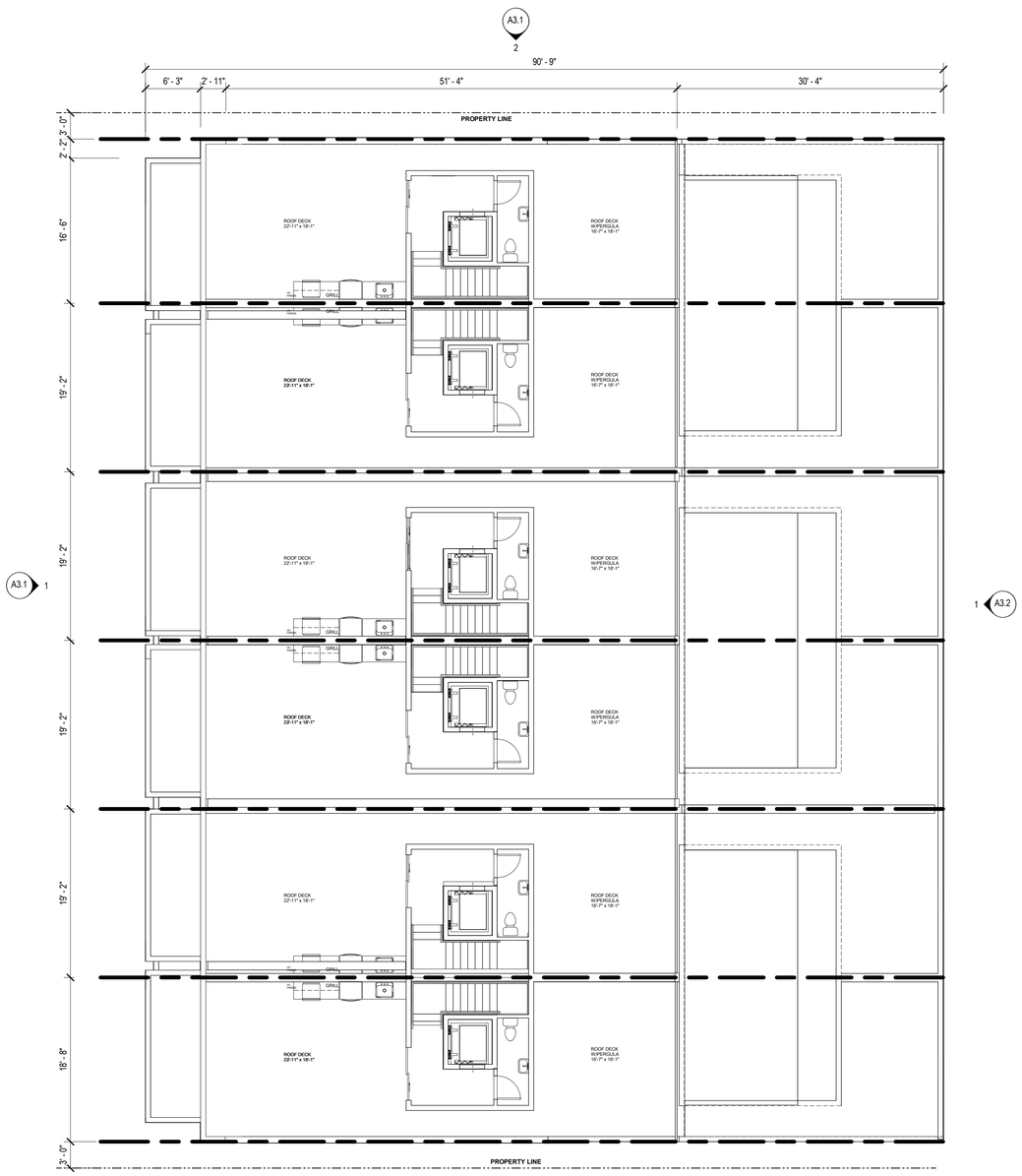
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COMPOSITE FLOOR PLANS

Project No. :
2020041

Sheet No. :
A1.0

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BINDER STRIP LOCATION



2
A3.2

2 ROOF DECK
SCALE: 1/8" = 1'-0"



2 2
A3.2

1 THRID FLOOR
SCALE: 1/8" = 1'-0"

GENERAL PLAN NOTES:

1. THIS DRAWING IS DIAGRAMMATIC AND SHOULD BE USED TO DETERMINE THE DESIGN INTENT. THE CONTRACTOR IS RESPONSIBLE FOR THE COMPLETE SET OF WORK AS INDICATED AND SHALL FIELD VERIFY ALL WORK, COORDINATE ALL DRAWINGS / NEW WORK AND SHALL NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES IN THE DOCUMENTS BEFORE PROCEEDING. FAILURE TO DO SO WILL RESULT IN THE CONTRACTOR TAKING FULL RESPONSIBILITY AND LIABILITY FOR SAID DISCREPANCIES.
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CONSULTANT:

Project :
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AVE. OF THE FOUNTAINS
FOUNTAIN HILLS
AZ 85268

Issued for :
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Sheet Title :
COMPOSITE FLOOR PLANS

Project No. :
2020041

Sheet No. :
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BINDER STRIP LOCATION

Attachment 1:

Good Neighbor Statement

ROSE LAW GROUPpc
RICH ▪ CARTER ▪ FISHER

THOMAS F. GALVIN, JR.
7144 E. Stetson Drive, Suite 300
Scottsdale, Arizona 85251
Phone 480.240.5651 Fax 480.505.3925
TGalvin@RoseLawGroup.com
www.RoseLawGroup.com

Good Neighbor Statement
East Avenue of the Fountains Mixed-Use Project
16740 E. Avenue of the Fountains, Fountain Hills, AZ 85268

Below you will find the Good Neighbor Statement for SUP25-000001, in conformance with the requirements of Fountain Hills Zoning Ordinance Section 2.02.4(a-f). In combination with the narrative submitted for SUP25-000001, this details the plans of Bondy Design and Construction, the Applicant, for ongoing collaborative management for the health and safety of owners and visitors to the Avenue of the Fountains district.

a. Property Owner Contact Information:

2820 Harrison St, LLC
16740 E. Avenue of the Fountains, Fountain Hills, AZ 85268
Phone: 734-775-0715
Email: 4727trumbull@gmail.com

b. Business Contact Information:

Bondy Construction & Design
15945 E. Ocotillo Drive, Fountain Hills, AZ 85268
Phone: 734-775-0715
Email: bondysconstruction@gmail.com
Primary Contact: Luke Bondy

c. Emergency Contact Information:

Emergency contact information, including a 24-hour phone number, will be clearly posted in a visible location at the front of the property to ensure neighbors and emergency personnel can reach onsite management promptly. This contact will also be shared with Town of Fountain Hills Neighborhood Services for quick mediation of any code-related issues if they shall occur. There is also potential for the use of a resident portal for those residents and tenants located on-site. The Developer is a local, dedicated community member who is readily available for discussion and quick resolution of any issues on the Project's site if they shall occur.

d. Mitigation of Potential Negative Impacts:

To minimize potential impacts such as noise, traffic, and parking congestion, this Project has been thoughtfully designed with onsite parking for residents and patrons, clearly designated delivery zones, and high-quality construction materials to reduce sound transmission. Operating hours for commercial spaces will adhere to city ordinances, and outdoor lighting will be designed to prevent light spilling into neighboring properties. Property management will be handled via Bondy Construction and Design's operating team for issues within the applicable lot. Issues in the common area will be resolved through coordination of the Bondy Construction and Design's operation team and the Tract 208 Association property management contractor.

e. Conflict Resolution Process:

Community concerns may be addressed directly to the property management team via phone or email. The Applicant is committed to acknowledging and addressing all concerns within 48 hours. When appropriate, the Applicant will facilitate meetings or discussions with concerned parties to find fair and timely resolutions. Conflicts within the Tract 208 Association will be managed via the Association's conflict resolution processes if need be. The conflict resolution process will be carefully detailed in the leases of residential and commercial tenants of the Project as well. This will include standards of contact and maintenance as well as the right of quiet enjoyment that must be agreed to by all residents and tenants.

f. Integration into the Neighborhood:

2820 Harrison St, LLC is committed to being a positive addition to the neighborhood. The Applicant plans to engage with local residents and neighborhood associations, host informational events about the Project, and support nearby businesses. The Applicant's goal is to build a development that enhances the community and fosters long-term neighborhood relationships. Bondy Construction and Design has done significant upfront outreach to surrounding neighbors, gaining their input and sharing his contact information in case of the event of a neighborhood issue. Significant engagement with the Tract 208 Association Board of Directors and Architectural Review Committee will be conducted and approved by the Association to ensure a speedy, low-disturbance construction and operation process for the Project. Bondy Construction and Design will be a team player, eager to work with surrounding commercial properties and the Town of Fountain Hills to maintain safety and enjoyment for the business owners, tenants, and customers of the thriving downtown area.

Attachment 2:

Site Geotechnical Report

GEOTILL Inc.

Geotechnical Engineering • Subsurface Exploration • Construction Testing and Material Engineering

GEOTECHNICAL ENGINEERING INVESTIGATION
Proposed Mixed Use Condos
16740 E. Ave of the Fountain
Fountain Hills, AZ 85268
GEOTILL Project No. 112453501

Prepared For:

Ms. Elizabeth Matej Horchem

Attn: Ms. Elizabeth Matej Horchem

September 9, 2024

GEOTILL
ENGINEERING, INC.
7732 Loma Court
Fishers, IN 46038
Ph. 317-449-0033 Fax 317- 285-0609 (info@geotill.com)

Geotechnical, Environmental and Construction Materials Testing Professionals

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ENGINEERING, INC.

Phone 317.449.0033
Fax 317.285.0609
www.geotill.com

Geotechnical Engineering • Subsurface Exploration • Construction Testing and Material Engineering

September 9, 2024

Ms. Elizabeth Matej Horchem

Attention: Ms. Elizabeth Matej Horchem

Re: Geotechnical Engineering Investigation
Proposed Mixed Use Condos
16740 E. Ave of the Fountain
Fountain Hills, AZ 85268
GEOTILL Project No. 112453501

Gentlemen:

Submitted herewith is the report of our geotechnical engineering investigation for the referenced project. This study was authorized in accordance with GEOTILL Proposal PE- 06111124 dated June 27, 2024.

This report contains the results of our field and laboratory-testing program, an engineering interpretation of this data with respect to the available project characteristics and recommendations to aid design and construction of foundations and other earth-connected phases of this project. We wish to remind you that we will store the samples for 30 days after which time they will be discarded unless you request otherwise.

We appreciate the opportunity to be of service to you on this project. If we can be of any further assistance, or if you have any questions regarding this report, please do not hesitate to contact either of the undersigned.

Sincerely,

GEOTILL INC.



Masih Ebadi
Geotechnical Engineer

Malek Smadi, Ph.D., P.E.
Principal Engineer
(317) 449-0033 Ext. 101

Copies: Elizabeth Matej Horchem, Attn: Ms. Elizabeth Matej Horchem

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GEOTECHNICAL ENGINEERING INVESTIGATION

Proposed Mixed Use Condos
16740 E. Ave of the Fountain
Fountain Hills, AZ 85268
GEOTILL Project No. 112453501

1.0 PURPOSE AND SCOPE

The purpose of this study was to determine the general subsurface conditions at the project site by drilling five soil test borings and to evaluate this data with respect to foundation concept and design for the proposed Mixed-Use Condos. Also included is an evaluation of the site with respect to potential construction problems and recommendations dealing with earthwork and quality control during construction.

2.0 PROJECT CHARACTERISTICS

Ms. Elizabeth Matej Horchem is planning the construction of a new mixed-use condos located at 16740 E. Ave of the Fountain. Fountain Hills, AZ 85268. The location of the proposed construction site is shown on Figure 1 in the Appendix. The ground surface at the site is characterized as relatively flat and is currently gravel covered. It is appears that the site has been developed before and it has some fill.

The proposed construction will consist of mixed-use condos with a total building area of 32,124 square feet, including 8,946 square feet for the ground floor, 11,009 square feet for the second floor, 11,009 square feet for the third floor, and 1,160 square feet for the view deck area. Access drives will be constructed around the proposed structure. The general layout of the project is shown on Figure 2 in the Appendix. It is our understanding that the proposed finish floor elevation for the first floor is planned to be slightly above the existing grade. Therefore, it is assumed that up to about 2 ft. of fill will be required in some locations to establish the finish grade elevation for the building.

Details regarding structural loads are not available at this time; however, for the purpose of this study it has been assumed that the maximum column, wall, and floor loads will not exceed about 100 kips/column, 3 kips/lin.ft and 300 lbs./sq.ft, respectively. No unusual loading conditions or settlement restrictions have been specified.

3.0 GENERAL SUBSURFACE CONDITIONS

3.1 Subsurface Soil Conditions

The general subsurface conditions were investigated by proposing to drill five (5) soil test borings (B-1 through B-5) to a depth of 20.0 ft within the area of the proposed building as shown in the Boring Plan (Figure 2 in the Appendix). All soil test borings met early auger refusal; (B-1) at a depth of 9 ft, (B-2) at a depth of 5.3 ft, (B-3) at a depth of 8.5 ft, (B-4) at a depth of 5 ft, and (B-5) at a depth of 8 ft. (B-3 & B-4) were offset approximately 15-20 feet to the northeast due to lack of access because of landscaping. The subsurface conditions disclosed by the field investigation are summarized in the following paragraphs. Detailed descriptions of the subsurface conditions encountered in each test boring are presented on the test boring logs in the Appendix. The letters in parentheses following the soil descriptions are the soil classifications in general accordance with the Unified Soil Classification System. It should be noted that the stratification lines shown on the soil boring logs represent approximate transitions between material types. In-situ stratum changes could occur gradually or at slightly different depths.

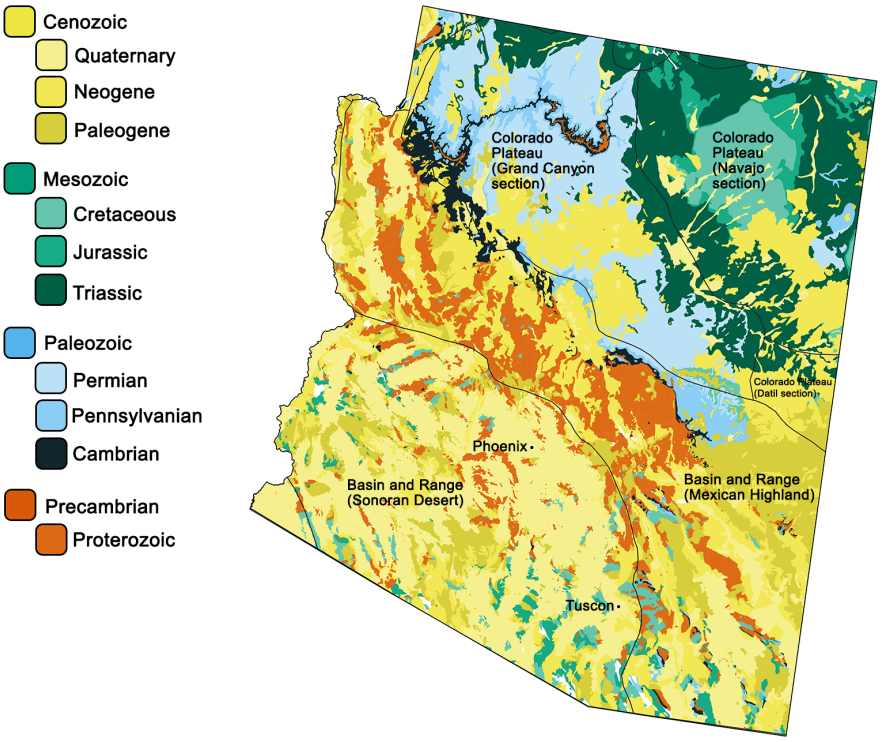
All soil test borings had no topsoil. All soil test borings were a majority of dense to very dense Gravel (GP) from depths of 0.0 to auger refusal at a range of 5.0 to 9.0 ft. All soil test borings had varying amounts of sand and silt throughout. There were no areas of concern. The consistency of the cohesive soils and the density of the cohesionless soils were estimated based upon the results of the standard penetration test (ASTM D-1586).

3.2 Groundwater

Ground water observations are made during the drilling operations by noting the depth of water on the drilling tools and in the open boreholes following withdrawal of the drilling augers. No free ground water was noted in soil test borings on tooling during drilling activities or upon completion. It should be noted that short-term ground water readings in the test borings are not usually a reliable indication of the actual ground water level and that fluctuations in the level of the ground water should be expected due to variations in rainfall and other factors.

3.3 Regional Geology

Fountain Hills, a town in Maricopa County, Arizona, is geologically characterized by the ancient Precambrian granite of the McDowell Mountains, volcanic rocks such as basalt and rhyolite, and sedimentary layers from the Mesozoic and Cenozoic eras. The region, part of the Sonoran Desert, showcases a landscape shaped by tectonic uplift, volcanic activity, and erosion, with fault lines contributing to its diverse topography. This geological diversity impacts local water resources, soil types, and poses natural hazards like earthquakes and erosion, playing a crucial role in the town's natural history and environmental management.



Geologic Maps of Arizona

3.4 Site Seismic Class

Based on geologic mapping, the results of the test borings, it is our opinion that the subsurface conditions at this site meet the criteria for Site Class C based on Section 1613.3.2 of the International Building Code (Chapter 20 of ASCE 7-16 "Minimum Design Loads for Buildings and Other Structures"). The basic seismic parameters are summarized in the following table:

Basic Parameters

Name	Value	Description
S_S	0.233	MCE_R ground motion (period=0.2s)
S_1	0.075	MCE_R ground motion (period=1.0s)
S_{MS}	0.302	Site-modified spectral acceleration value
S_{M1}	0.113	Site-modified spectral acceleration value
S_{DS}	0.202	Numeric seismic design value at 0.2s SA
S_{D1}	0.075	Numeric seismic design value at 1.0s SA

4.0 SUMMARY OF FINDINGS AND RECOMMENDATIONS

The following findings and recommendations have been developed on the basis of the previously described project characteristics (Section 2.0) and subsurface conditions (Section 3.0). If there is any change in these project criteria, including project location on the site, a review should be made by this office.

4.1 Footings

Our findings show that the proposed building can be supported on shallow spread footings provided that any unsuitable materials or any uncontrolled fill material or any soft soils are identified and removed at the proposed footing locations. Footings that bear on firm natural soil (or on well-compacted engineered fill that is placed over firm natural soil) can be designed for a net allowable soil pressure of 3,500 lbs/sq.ft for both column (square type) and wall (strip type) footings. It is important that the soil at the base of each footing excavation be carefully inspected as described in Section 5.3 to ensure that pockets of soft natural soils are identified and removed from beneath the footings and that the footings will bear on suitable materials.

In using net pressure, the weight of the footing and backfill over the footing, including the weight of the floor slab, need not be considered; hence, only loads applied at or above the finished floor need to be used for dimensioning the footings. Wall footings should be at least 2 ft. wide and column footings should be at least 3 ft. wide for bearing capacity considerations.

All exterior footings and footings in unheated areas should be located at a depth of at least 2 ft. below the final exterior grade for frost protection and bearing capacity consideration. Interior footings can be located at nominal depths below the finished floor provided the topsoil and other undesirable materials are removed at the footing locations.

Provided that the footings are designed as prescribed herein and inspected as outlined in Section 5.3, it is estimated that the total and differential foundation settlements should not exceed about 1 in. and 1/2 in., respectively. Careful field control will contribute substantially to minimizing the settlements.

Lateral forces on a shallow spread footing can be resisted by the passive lateral earth pressure against the side of the footing and by friction between the subgrade soil and the base of the footing. An allowable passive pressure of 500 lbs./sq.ft can be used for that portion of the footing that is below a depth of 2.5 ft. below the final exterior grade (no portion of the footing above this depth should be used for lateral resistance). An allowable coefficient of friction (between the base of the footing and the underlying soil) of 0.3 can be used in conjunction with the minimum downward load on the base of the footing.

Uplift forces on the footings can be resisted by the weight of the footings and the soil material that is placed over the footings. It is recommended that the soil weight be limited to that immediately above and within the perimeter of the footings (unless a much higher factor of safety is used). A total soil unit weight of 110 lbs./cu. ft. can be used for

the backfill material above the footings, provided it is compacted as recommended in Section 5.2. It is also recommended that a factor of safety of at least 1.3 be used for calculating uplift resistance from the footings (provided only the weight of the footing, and the soil immediately above it, is used to resist uplift forces).

4.2 Basement and Below-Grade Walls

The magnitude of the lateral earth pressure against basement walls and retaining walls is dependent on the method of backfill placement, the type of backfill soil, drainage provisions and whether or not the wall is permitted to yield during and/or after placement of the backfill. When a wall is held rigidly against horizontal movement (such as a basement wall that is braced by the floors, structural framing and the other walls), the lateral earth pressure against the wall is greater than the "active" lateral earth pressure that is typically used in the design of free-standing retaining walls. Therefore, basement walls must be designed for higher, "at-rest" lateral earth pressures (using an at-rest lateral earth pressure coefficient, Ko), while free-standing retaining walls can be designed for active lateral earth pressures (using an active lateral earth pressure coefficient, Ka). A design illustration to aid in computing lateral earth pressures against basement walls and retaining walls is included as Figure 4 in the Appendix.

It is recommended that only well-graded, free-draining granular material be used for backfill behind the basement walls within a zone defined by a plane extending upward and outward on a 1 to 1 slope from the base of the wall. Provided that well-graded granular soils are used for backfill behind the basement walls, a total soil unit weight of 125 lbs/cu. ft and a coefficient of lateral earth pressure at-rest (Ko) of 0.45 can be used to calculate the lateral earth pressure against the basement walls using Figure 4 in the Appendix. If the on-site cohesive soils are used for backfill within any portion of the backfill zone described above, a coefficient of lateral earth pressure at-rest (Ko) of 0.6 should be used for calculating the lateral earth pressure.

The pressure diagram and method of computation illustrated in Figure 4 in the Appendix presumes that there will be hydrostatic pressure due to water build-up against the walls. Therefore, although ground water was noted to be below the proposed basement level in the test borings at the time of this study, it is recommended that the basement walls be water-proofed and that a perforated pipe be placed along the base of the walls to drain any surface water or ground water that might enter the backfill during periods when higher ground water levels are experienced. Furthermore, a 6 in. thick (minimum) layer of free-draining aggregate (e.g. coarse aggregate) should be placed beneath the basement floor and perforated drain pipes set in trenches (below the drainage layer) and filled with free-draining aggregate should be installed beneath the basement to assure drainage of water from beneath the floor. The pipes should be spaced no more than about 50 ft apart. It is also recommended that a non-woven geotextile filter fabric be placed between the free-draining aggregate and the natural soils to prevent clogging of the drainage layer. All of the drain pipes should drain to a sump pit from which water can be pumped. While the amount of water to be pumped should not be great, it is possible that continuous pumping will be necessary at times, particularly during rainy weather periods.

Figure 4 in the Appendix can also be used to calculate the active lateral earth pressure against free-standing retaining walls. In this case, an active lateral earth pressure coefficient (Ka) of 0.33 and a total soil unit weight of 125 lbs/cu.ft. can be used provided that well-graded granular backfill material is used behind these walls. A coefficient of friction between the base of the retaining wall footings and the foundation soils of 0.30 can be used to resist lateral forces. A factor of safety of 1.5 should be used relative to lateral resistance of the retaining wall footings.

It seems unlikely that the ground water level will approach the basement level at any time during the life of the structure. It is, however, recommended that the basement walls be moisture-proofed to prevent any surface water infiltration in the backfill soils from seeping into the basement.

It has also been assumed herein that the static weight per axle of equipment utilized for the compaction of the backfill materials will not exceed 2 tons per axle for non-vibratory equipment and 1 ton per axle for vibratory equipment. All heavy equipment, including compaction equipment heavier than recommended above, should not be allowed closer to the wall (horizontal distance) than the vertical distance from the backfill surface to the bottom of the wall. If it is desired to use heavier compaction equipment adjacent to the below grade wall, it is recommended that this office be contacted to determine the resulting earth pressures.

4.3 Floor Slabs

Floor slabs can be supported on firm existing soils or on compacted structural fill. The slab subgrade should be prepared and inspected as described in Section 5.1 of this report.

It is recommended that all floor slabs be "floating," that is, fully ground supported and not structurally connected to walls or foundations. This is to minimize the possibility of cracking and displacement of the floor slabs because of differential movements between the slab and the foundation. Although the movements are estimated to be within the tolerable limits for structural safety, such movements could be detrimental to the slabs if they were rigidly connected to the foundations.

It is furthermore recommended that the floor slab be supported on a 6-in. layer of relatively clean granular material such as sand and gravel or crushed stone. This is to help distribute concentrated loads and equalize moisture conditions beneath the slab. Provided that a minimum of 6 in. of granular material is placed below the slab, a modulus of subgrade reaction (k30) of 125 lbs./cu.in. can be used for design of the floor slabs.

4.4 Pavement

Based on the results of classification tests and our experience with similar soils, a California Bearing Ratio (CBR) value of 3 has been estimated for use in pavement design for the silty clay subgrade soils encountered at this site. The subgrade soils should be prepared and inspected as described in Sections 5.1 and 5.2 of this report.

Details regarding site grading in pavement areas are not available at this time; however, depending upon grading requirements and seasonal conditions, it is likely that the pavement subgrade in some areas will be wet, soft, or yielding at the time of construction. If at the time of construction, the subgrade is found to be excessively wet, soft, or yielding, it is recommended that the subgrade soils be stabilized by disking, aerating and recompacting. However, if it is not possible to improve the subgrade soils in this manner because of weather conditions, scheduling, or other conditions (which is often the case), it is recommended that the subgrade soils be stabilized / modified either by using hydrated lime, by using a geogrid with additional crushed stone placed over the subgrade, or by removal and replacement of the unstable soils. The best method for stabilizing the pavement subgrade should be determined in the field at the time of construction based upon the actual field conditions in conjunction with the specific soil type encountered at the locations requiring stabilization, the size of the areas requiring stabilization and the construction schedule.

The pavement subgrade surface should be uniformly sloped to facilitate drainage through the granular base and to avoid any ponding of water beneath the pavement. The storm water catch basins in pavement areas should be designed to allow water to drain from the aggregate base into the catch basins. At a minimum, subsurface trench drains should be included that extend out at least 20 ft. from the catch basins.

The following report sections outline recommendations for asphalt and concrete pavements for automobile parking areas and truck zones. It is important to note that the recommendations for the automobile parking areas are based on the assumption that these

areas will not be subject to any heavy truck traffic. Therefore, in areas where truck traffic cannot be controlled (i.e., driveways), it is suggested that the thicker pavement section be utilized.

4.4.1 Asphalt Pavement

Based on a CBR value of 3, a design period of 20 years, normal traffic for this type of facility and the conditions encountered at the site, the following asphalt pavement sections are recommended:

Automobile Parking Areas	3 in. of asphaltic concrete over 6 in. of granular base.
Driveway Areas and Truck Zones	4.5 in. of asphaltic concrete over 10 in. of granular base.

The base should be a well-graded crushed stone with a maximum of 10 percent (by weight) finer than the No. 200 sieve.

4.4.2 Concrete Pavement

Concrete pavement thicknesses were determined from methods developed by the Portland Cement Association (PCA), the American Association of State Highway and Transportation Officials (AASHTO), and the American Concrete Institute (ACI). These methods assume that the subgrade is firm, well-compacted, and non-pumping and that all joints are properly designed, located, and sealed to minimize moisture inflow to the subgrade. It is also important to ensure that proper concrete curing practices will be employed and that traffic will not be allowed until the concrete has had sufficient time to cure.

For design calculation purposes, the compressive strength of the concrete was assumed to be 4,000 lbs./sq.in. (or a modulus of rupture of about 625 lbs./sq.in.). The modulus of subgrade reaction (k_{30}) was estimated to be 125 lbs./cu.in.

Based on the above information, the following concrete pavement sections were determined:

Automobile Parking Areas	5 in. of concrete over a well-compacted, non-pumping subgrade.
Driveway Areas and Truck Zones	8 in. of concrete over a well-compacted, non-pumping subgrade.

The performance of the concrete paving section is highly dependent on controlling the pumping of the subgrade soils. Although no wet surface soils were noted at the time of this study, it is important that surface drainage be controlled to prevent water from ponding in pavement areas.

4.5 Site Grading

Adequate drainage should be provided at the site to minimize any increase in moisture content of the foundation soils. The exterior grade should be sloped away from the structure to prevent ponding of water.

5.0 GENERAL CONSTRUCTION PROCEDURES AND RECOMMENDATIONS

Since this investigation identified actual subsurface conditions only at the test boring locations, it was necessary for our geotechnical engineers to extrapolate these conditions in order to characterize the entire project site. Even under the best of circumstances, the conditions encountered during construction can be expected to vary somewhat from the test boring results and may, in the extreme case, differ to the extent that modifications to the foundation recommendations become necessary. Therefore, we recommend that GEOTILL be retained as the geotechnical consultant through the earth-related phases of this project to

correlate actual soil conditions with test boring data, identify variations, conduct additional tests that may be needed, and recommend solutions to earth-related problems that may develop.

5.1 Site Preparation

All areas that will support floor slabs and pavements should be properly prepared. After rough grade has been established in cut areas and prior to placement of fill in all fill areas, the exposed subgrade should be carefully inspected by the geotechnical engineer or a qualified soils technician by probing and testing as needed. Any topsoil or other organic material still in place, frozen, wet, soft soil and other undesirable materials or soft fill material should be removed. All loose sandy soils should be compacted. The exposed subgrade should furthermore be inspected by proof-rolling with suitable equipment to check for pockets of soft material hidden beneath a thin crust of better soil. Any unsuitable materials thus exposed should be removed and replaced with well-compacted, engineered fill as outlined in Section 5.2.

Care should be exercised during the grading operations at the site. Due to the nature of the near surface soils, the traffic of construction equipment may create pumping and general deterioration of the shallower soils, especially if excess surface water is present. The grading, therefore, should be done during a dry season, if at all possible.

5.2 Fill Compaction

All engineered fill beneath floor slabs, footings and pavements should be compacted to a dry density of at least 98 percent of the standard Proctor maximum dry density (ASTM D-698). The compaction should be accomplished by placing the fill in about 8 in. (or less) loose lifts and mechanically compacting each lift to at least the specified minimum dry density. Field density tests should be performed on each lift as necessary to ensure that adequate moisture conditioning and compaction is being achieved.

Compaction of any fill by flooding is not considered acceptable. This method will generally not achieve the desired compaction and the large quantities of water will tend to soften the foundation soils.

All-natural soils encountered in the test borings made at this site are considered suitable as general fill material. The need for some aeration or modification of any clayey soils should be expected before they can be placed and compacted to the specified density.

5.3 Foundation Excavations

The soil at the base of each footing excavation should be inspected by a geotechnical engineer or a qualified soils technician to ensure that all loose, soft or otherwise undesirable material is removed at footing locations and that the footing will bear on satisfactory material. At the time of such inspection, it will be necessary to make hand auger borings or use a hand penetration device in the base of the footing excavation to ensure that the soils below the base are satisfactory for support of the footing. The soils should be probed to a minimum depth of 3 ft. below the bottom-of-footing elevation.

Where undercutting is required to remove unsuitable materials and it is inconvenient to lower the footing, the proposed footing elevation may be re-established by backfilling after all undesirable materials have been removed. The undercut excavation beneath each footing should extend to suitable bearing soils. The dimensions of the excavation base should be determined by imaginary planes extending outward and downward on a 2 (vertical) to 1 (horizontal) slope from the base perimeter of the footing (see Figure 3 in the Appendix). The entire excavation should then be refilled with engineered fill. The engineered fill should be limited to well-graded sand and gravel or crushed stone compacted to the minimum dry density recommended in Section 5.2; or flowable fill or lean concrete may be used. Special care should be exercised to remove any sloughed, loose, or soft materials near the base of the excavation slopes. In addition, special care should be taken to "tie-in" the compacted fill with the excavation slopes with benches as

necessary. This is to ensure that no pockets of loose or soft materials will be left in place along the excavation slopes below the foundation bearing level.

Soils exposed in the bases of all satisfactory foundation excavations should be protected against any detrimental change in condition such as from disturbance, rain and freezing. Surface run-off water should be drained away from the excavation and not allowed to pond. If possible, all footing concrete should be placed the same day the excavation is made. If this is not practical, the footing excavations should be adequately protected.

5.4 Construction Dewatering

Based upon the ground water data obtained during drilling operations, it appears that dewatering is not required for the excavations during construction. In cases where cohesive soils are encountered in the base of excavations, it is expected that such dewatering can probably be handled by conventional dewatering methods such as pumping from sumps. However, more extensive dewatering will be required where silty or sandy soils are encountered in the base of the excavation. The best dewatering system for each case must be determined at the time of construction based upon actual field conditions.

5.5 Construction Monitoring

We recommend that a geotechnical engineer or designee be retained to continuously evaluate and test the subgrade and footing excavations before forming and placing steel or concrete. If the soils upon which the footings are to be constructed become soft or disturbed, or if unsuitable materials are encountered, these materials should be removed and replaced with acceptable structural fill or as directed by the engineer.

Concrete strength and consistency tests should also be carried out, in accordance with the project specifications.

6.0 FIELD INVESTIGATION

Five soil test borings were drilled at the locations shown on the Boring Plan (Figure 2 in the Appendix). The borings were supposed to be extended to a depth of 20 ft. However, due to auger refusal the borings were extended to a depth range of 5 to 9 ft below the existing site grade. Split-spoon samples were obtained by the standard penetration test procedures (ASTM D-1586) at 2.5 ft intervals to a depth of 10 ft below the existing ground and at 5.0 ft intervals elsewhere.

Logs of the borings showing visual descriptions of all soil strata encountered using the Unified Soil Classification System are included in the Appendix. Ground water observations, sampling information, and other pertinent field data and observations are also included. In addition, a sheet defining the terms and symbols used on the log and explaining the standard penetration test procedure is provided immediately following the boring log.

7.0 LABORATORY INVESTIGATION

The disturbed samples were inspected and classified in accordance with the Unified Soil Classification System and the boring log was edited as necessary. To aid in classifying the soils and to determine general soil characteristics and natural moisture tests were performed on selected samples. The results of these tests are included on the boring logs.

8.0 LIMITATIONS OF STUDY

An inherent limitation of any geotechnical engineering study is that conclusions must be drawn on the basis of data collected at a limited number of discrete locations. The recommendations provided in this report were developed from the information obtained from the test boring which depicts the subsurface conditions only at the specific boring location and at the particular time designated on the log. Soil conditions at other locations may differ from conditions occurring at this boring location. The nature and

extent of variations may not become evident until the course of construction. If variations then appear evident, it will be necessary to re-evaluate the recommendations of this report after performing on-site observations during the excavation period and noting the characteristics of any variation.

Our professional services have been performed, our findings obtained and our recommendations prepared in accordance with generally accepted geotechnical engineering principles and practices. This warranty is in lieu of all other warranties either expressed or implied. This company is not responsible for the independent conclusions, opinions, or recommendations made by others based on the field exploration and laboratory test data presented in this report. The scope of our geotechnical engineering services does not include any environmental assessment or investigation for the presence or absence of hazardous or toxic materials in the soil, ground water, or surface water within or beyond the site studied.

APPENDIX

Figure 1 - Vicinity Map (a-b)

Figure 2 - Boring Plan (a-c)

Figure 3 - Design Illustration - Footings in Undercut Areas

Figure 4 - Lateral Earth Pressure Against Non-Yielding Below-Grade Wall Assuming Undrained Backfill with Hydrostatic Pressure

Test Boring Logs

"Field Classification System for Soil Exploration"

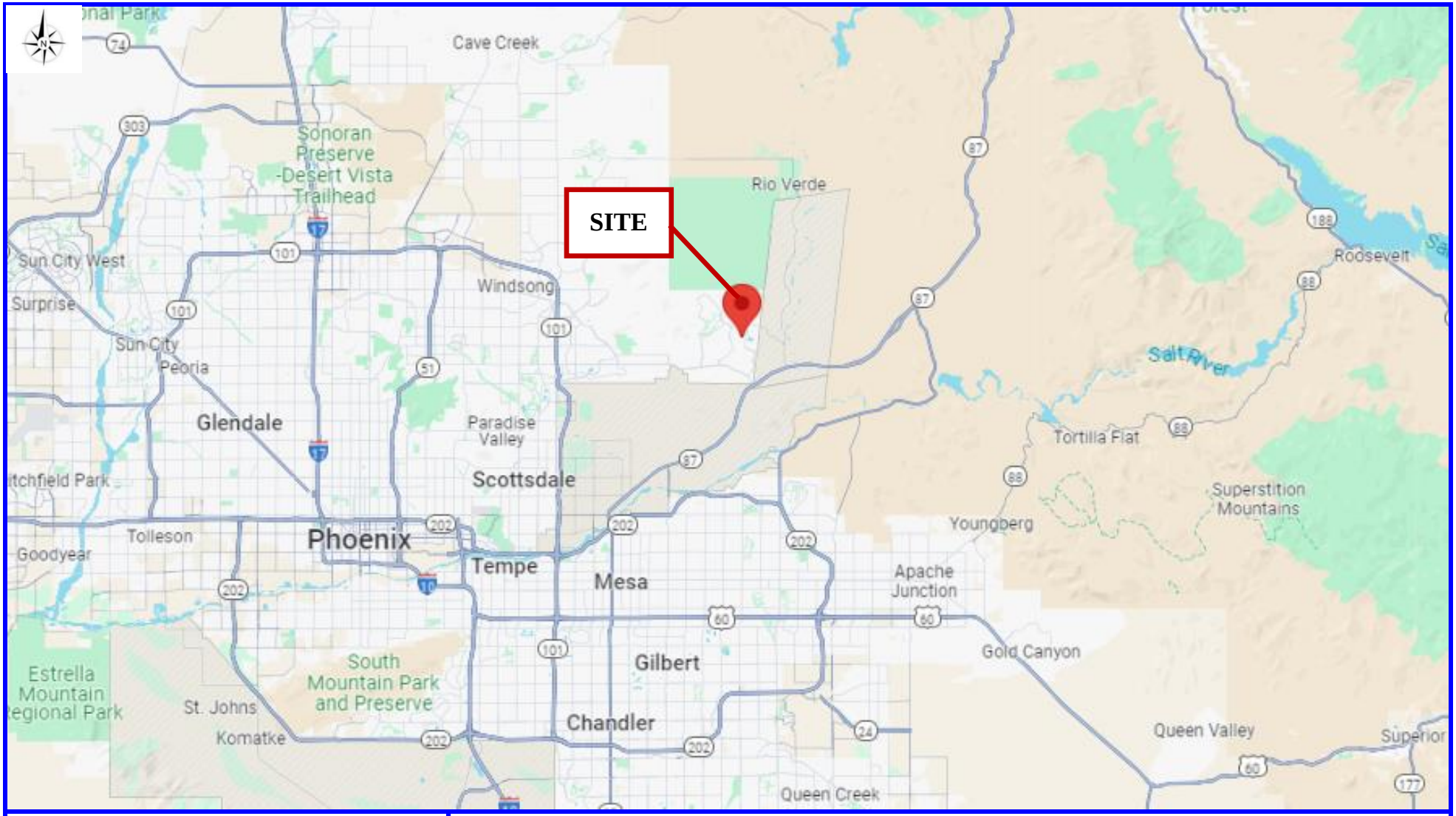


FIGURE NO. 1 a – VICINITY MAP

GEOTILL ENGINEERING, INC.

Project: **Proposed Mixed use Condos**
16740 E. Ave of the Fountain
Fountain Hills, AZ 85268

Scale: **NTS**

GEOTILL PROJECT # 112453501	DATE: September 9, 2024	CLIENT: Elizabeth Matej Horchem

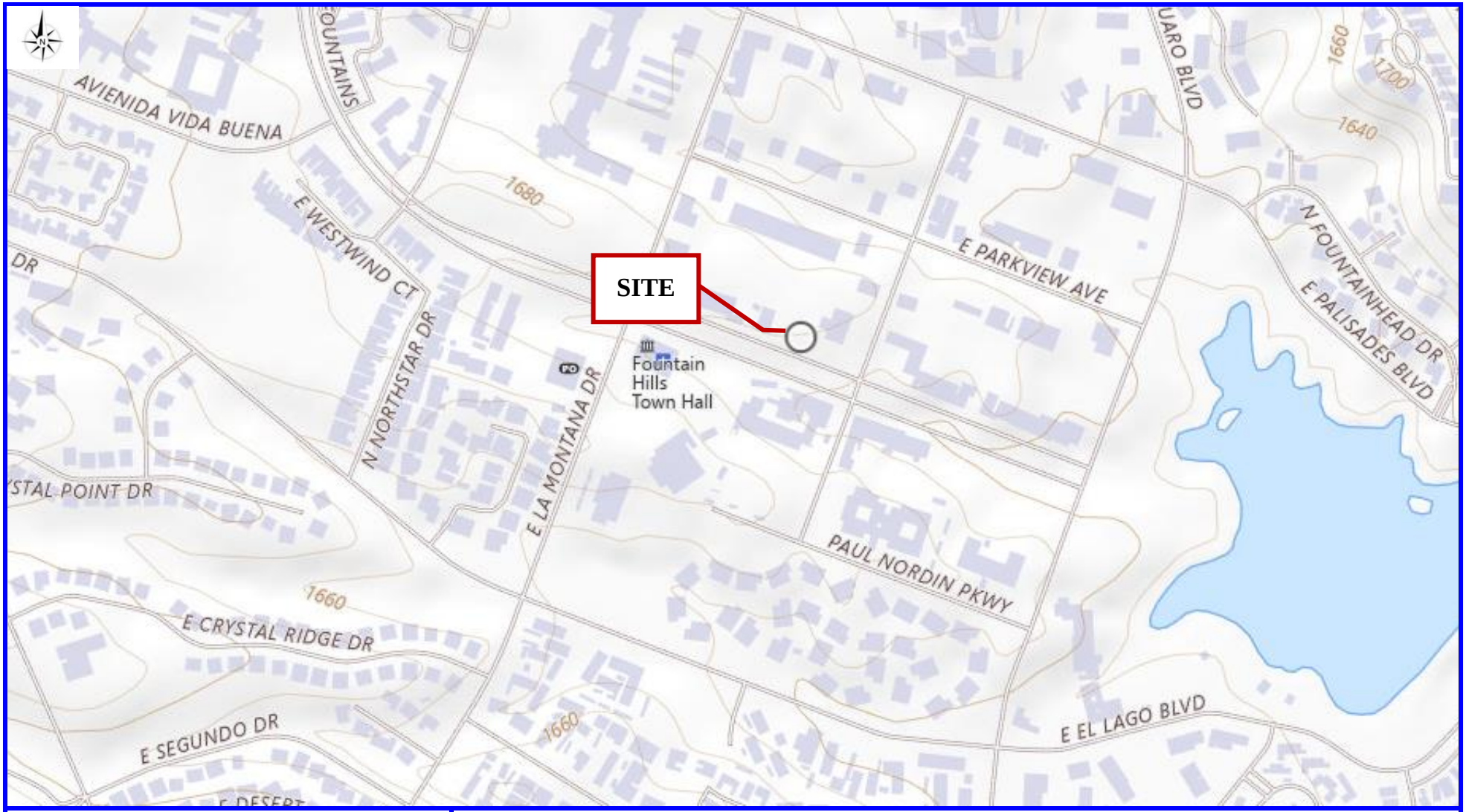


FIGURE NO. 1 b – VICINITY MAP

Project: **Proposed Mixed use Condos**
16740 E. Ave of the Fountain
Fountain Hills, AZ 85268

Scale: **NTS**

GEOTILL ENGINEERING, INC.

GEOTILL PROJECT # 112453501	DATE: September 9, 2024	CLIENT: Elizabeth Matej Horchem

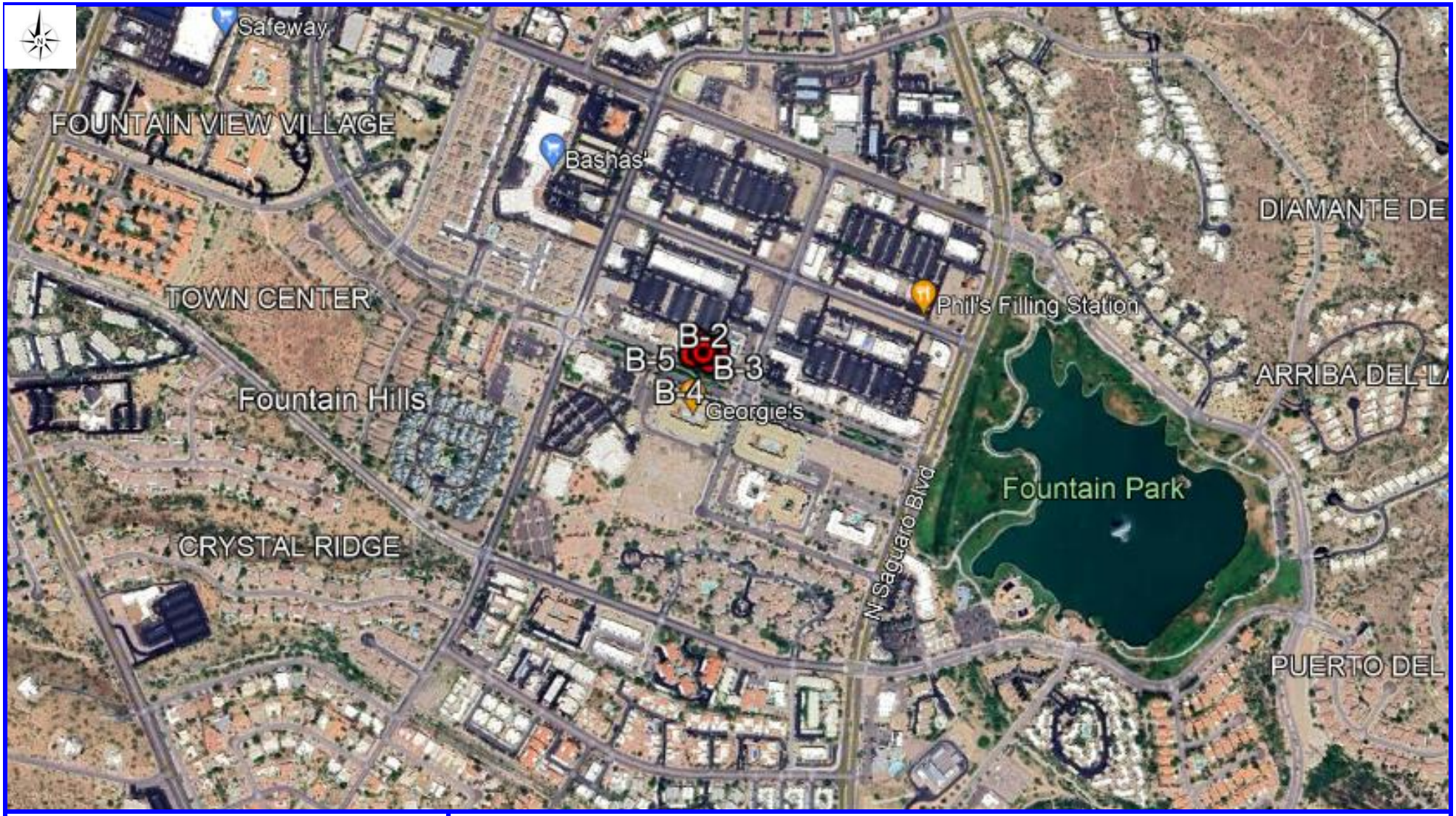


FIGURE NO. 2 a – VICINITY MAP

Project: **Proposed Mixed use Condos**
16740 E. Ave of the Fountain
Fountain Hills, AZ 85268

Scale: **NTS**

GEOTILL ENGINEERING, INC.

GEOTILL PROJECT # 112453501	DATE: September 9, 2024	CLIENT: Elizabeth Matej Horchem



FIGURE NO. 2 b – BORING MAP

GEOTILL ENGINEERING, INC.

Project: Proposed Mixed use Condos
16740 E. Ave of the Fountain
Fountain Hills, AZ 85268

Scale: NTS

GEOTILL PROJECT # 112453501	DATE: September 9, 2024	CLIENT: Elizabeth Matej Horchem



GEOTILL
ENGINEERING, INC.

FIGURE NO. 2 c – BORING MAP

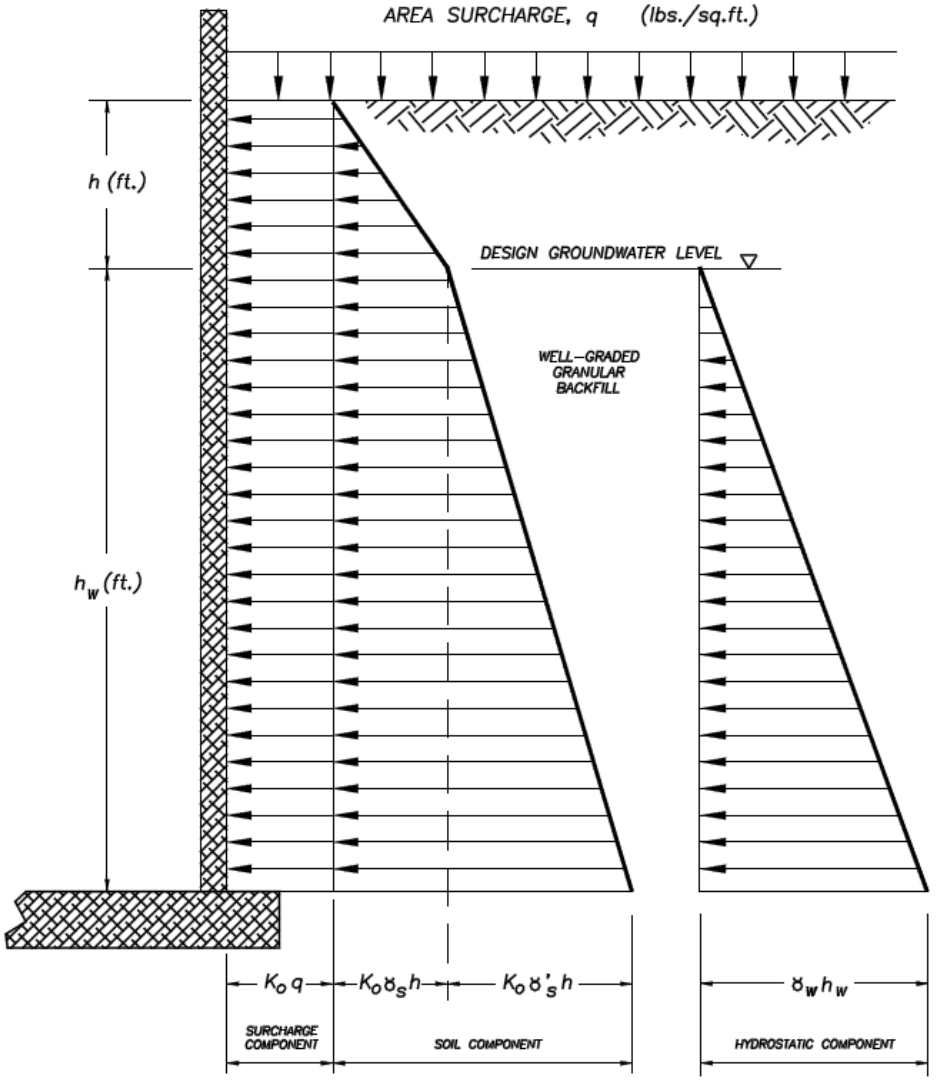
Project: **Proposed Mixed use Condos**
16740 E. Ave of the Fountain
Fountain Hills, AZ 85268

Scale: **NTS**

GEOTILL PROJECT # 112453501

DATE: **September 9, 2024**

CLIENT: **Elizabeth Matej Horchem**



GEOTILL ENGINEERING, INC.

FIGURE NO. 4 – Lateral Earth Pressure Against Below-Grade Wall Assuming Undrained Backfill with Hydrostatic Pressure

Project: Proposed Mixed use Condos
16740 E. Ave of the Fountain
Fountain Hills, AZ 85268

Scale: NTS

GEOTILL PROJECT # 112453501	DATE: September 9, 2024	CLIENT: Elizabeth Matej Horchem

GEOTILL ENGINEERING, INC.

7732 Loma Ct
Fishers, IN 46038
317 449 0033
Fax 317 285 0609

TEST BORING LOG

CLIENT **Ms. Elizabeth Matej Horchem**
PROJECT NAME **Proposed Mixed Use Condos**
PROJECT LOCATION **16740 E. AVe of the Fountain**
Fountain Hills AZ 85268

BORING # **B-1**
JOB # **112453501**
Latitude, Longitude 33.605087, -111.719325

DRILLING and SAMPLING INFORMATION

Date Started	7/29/24	Hammer Wt.	140 lbs.
Date Completed	7/29/24	Hammer Drop	30 in.
Drill Foreman		Spoon Sampler OD	2 in.
Inspector	M. Smadi	Rock Core Dia.	-- in.
Boring Method	HSA	Shelby Tube OD	-- in.

TEST DATA

SOIL CLASSIFICATION SURFACE ELEVATION 1622	Stratum Depth, ft	Depth Scale, ft	Sample No.	Sample Type	Sampler Graphics Recovery Graphics	Groundwater	Standard Penetration Test, Blows per 6 in. Increments	Moisture Content, %	Pocket Penetrometer PP-tsf	Remarks
Medium brown, slightly moist, very dense, sub-round to sub angular fine to coarse poorly- graded Gravel (GP), with sand and a little silt			1	SS			15-50/4"			
	4.5									
Medium brown, slightly moist, dense, Sand and sub-round to sub angular fine to coarse poorly- graded Gravel (GP), with a little silt		5	2	SS			9-18-18			
	7.0									
Medium brown, slightly moist, very dense, sub-round to sub angular fine to coarse poorly- graded Gravel (GP), with sand and a little silt			3	SS			50/1"			
	9.0									
Auger Refusal 9.0 ft										

Sample Type
SS - Driven Split Spoon
ST - Pressed Shelby Tube
CA - Continuous Flight Auger
RC - Rock Core
CU - Cuttings
CT - Continuous Tube

Depth to Groundwater

Noted on Drilling Tools	Dry	ft.
At Completion	Dry	ft.
After _____ hours	_____	ft.
Cave Depth	_____	ft.

Boring Method
HSA - Hollow Stem Augers
CFA - Continuous Flight Augers
CA - Casing Advancer
MD - Mud Drilling
HA - Hand Auger

GEOTILL ENGINEERING, INC.

7732 Loma Ct
Fishers, IN 46038
317 449 0033
Fax 317 285 0609

TEST BORING LOG

CLIENT **Ms. Elizabeth Matej Horchem**
PROJECT NAME **Proposed Mixed Use Condos**
PROJECT LOCATION **16740 E. AVe of the Fountain**
Fountain Hills AZ 85268

BORING # **B-2**
JOB # **112453501**
Latitude, Longitude 33.604979, -111.718988

DRILLING and SAMPLING INFORMATION

Date Started	7/29/24	Hammer Wt.	140 lbs.
Date Completed	7/29/24	Hammer Drop	30 in.
Drill Foreman		Spoon Sampler OD	2 in.
Inspector	M. Smadi	Rock Core Dia.	-- in.
Boring Method	HSA	Shelby Tube OD	-- in.

TEST DATA

SOIL CLASSIFICATION SURFACE ELEVATION 1622	Stratum Depth, ft	Depth Scale, ft	Sample No.	Sample Type	Sampler Graphics Recovery Graphics	Groundwater	Standard Penetration Test, Blows per 6 in. Increments	Moisture Content, %	Pocket Penetrometer PP-tsf	Remarks
Medium brown, slightly moist, medium dense to very dense, sub-round to sub angular fine to coarse poorly-graded Gravel (GP), with sand and a trace of silt			1	SS			9-17-13			
		5								
	5.3		2	SS			>50			
Auger Refusal 5.3 ft										

Sample Type
SS - Driven Split Spoon
ST - Pressed Shelby Tube
CA - Continuous Flight Auger
RC - Rock Core
CU - Cuttings
CT - Continuous Tube

Depth to Groundwater

Noted on Drilling Tools		Dry	ft.
At Completion		Dry	ft.
After	hours		ft.
Cave Depth			ft.

Boring Method
HSA - Hollow Stem Augers
CFA - Continuous Flight Augers
CA - Casing Advancer
MD - Mud Drilling
HA - Hand Auger

GEOTILL ENGINEERING, INC.

7732 Loma Ct
Fishers, IN 46038
317 449 0033
Fax 317 285 0609

TEST BORING LOG

CLIENT **Ms. Elizabeth Matej Horchem**
PROJECT NAME **Proposed Mixed Use Condos**
PROJECT LOCATION **16740 E. AVe of the Fountain**
Fountain Hills AZ 85268

BORING # **B-3**
JOB # **112453501**
Latitude, Longitude 33.604805, -111.719088

DRILLING and SAMPLING INFORMATION

Date Started	7/29/24	Hammer Wt.	140 lbs.
Date Completed	7/29/24	Hammer Drop	30 in.
Drill Foreman		Spoon Sampler OD	2 in.
Inspector	M. Smadi	Rock Core Dia.	-- in.
Boring Method	HSA	Shelby Tube OD	-- in.

TEST DATA

SOIL CLASSIFICATION SURFACE ELEVATION 1622	Stratum Depth, ft	Depth Scale, ft	Sample No.	Sample Type	Sampler Graphics Recovery Graphics	Groundwater	Standard Penetration Test, Blows per 6 in. Increments	Moisture Content, %	Pocket Penetrometer PP-tsf	Remarks
Medium brown, slightly moist, very dense, sub-round to sub angular fine to coarse poorly- graded Gravel (GP), with sand and a little silt			1	SS			33-38-40			
	4.5	5								
Medium brown, slightly moist, very dense, Sand and sub-round to sub angular fine to coarse poorly- graded Gravel (GP), with a trace of silt			2	SS			50/5"			
	7.0									
Medium brown, slightly moist, very dense, sub-round to sub angular fine to coarse poorly- graded Gravel (GP), with sand and a little silt			3	SS			37-50/3"			
	8.5									
Auger Refusal 8.5 ft										

Sample Type
SS - Driven Split Spoon
ST - Pressed Shelby Tube
CA - Continuous Flight Auger
RC - Rock Core
CU - Cuttings
CT - Continuous Tube

Depth to Groundwater

Noted on Drilling Tools	Dry	ft.
At Completion	Dry	ft.
After _____ hours		ft.
Cave Depth		ft.

Boring Method
HSA - Hollow Stem Augers
CFA - Continuous Flight Augers
CA - Casing Advancer
MD - Mud Drilling
HA - Hand Auger

GEOTILL ENGINEERING, INC.

7732 Loma Ct
Fishers, IN 46038
317 449 0033
Fax 317 285 0609

TEST BORING LOG

CLIENT **Ms. Elizabeth Matej Horchem**
PROJECT NAME **Proposed Mixed Use Condos**
PROJECT LOCATION **16740 E. AVe of the Fountain**
Fountain Hills AZ 85268

BORING # **B-4**
JOB # **112453501**
Latitude, Longitude 33.604891, -111.7194

DRILLING and SAMPLING INFORMATION

Date Started	7/29/24	Hammer Wt.	140 lbs.
Date Completed	7/29/24	Hammer Drop	30 in.
Drill Foreman		Spoon Sampler OD	2 in.
Inspector	M. Smadi	Rock Core Dia.	-- in.
Boring Method	HSA	Shelby Tube OD	-- in.

TEST DATA

SOIL CLASSIFICATION SURFACE ELEVATION 1622	Stratum Depth, ft	Depth Scale, ft	Sample No.	Sample Type	Sampler Graphics / Recovery Graphics	Groundwater	Standard Penetration Test, Blows per 6 in. Increments	Moisture Content, %	Pocket Penetrometer PP-tsf	Remarks
Medium brown, slightly moist, very dense, sub-round to angular fine to coarse poorly- graded Gravel (GP), with sand, a trace of silt, and cobbles			1	SS			40-50/5"			
	5.0	5								
Auger Refusal 5.0 ft										

Sample Type
SS - Driven Split Spoon
ST - Pressed Shelby Tube
CA - Continuous Flight Auger
RC - Rock Core
CU - Cuttings
CT - Continuous Tube

Depth to Groundwater

Noted on Drilling Tools		Dry	ft.
At Completion		Dry	ft.
After	____ hours	____	ft.
Cave Depth		____	ft.

Boring Method
HSA - Hollow Stem Augers
CFA - Continuous Flight Augers
CA - Casing Advancer
MD - Mud Drilling
HA - Hand Auger

GEOTILL ENGINEERING, INC.

7732 Loma Ct
Fishers, IN 46038
317 449 0033
Fax 317 285 0609

TEST BORING LOG

CLIENT **Ms. Elizabeth Matej Horchem**
PROJECT NAME **Proposed Mixed Use Condos**
PROJECT LOCATION **16740 E. AVe of the Fountain**
Fountain Hills AZ 85268

BORING # **B-5**
JOB # **112453501**
Latitude, Longitude 33.604926, -111.719208

DRILLING and SAMPLING INFORMATION

Date Started	7/29/24	Hammer Wt.	140 lbs.
Date Completed	7/29/24	Hammer Drop	30 in.
Drill Foreman		Spoon Sampler OD	2 in.
Inspector	M. Smadi	Rock Core Dia.	-- in.
Boring Method	HSA	Shelby Tube OD	-- in.

TEST DATA

SOIL CLASSIFICATION SURFACE ELEVATION 1622	Stratum Depth, ft	Depth Scale, ft	Sample No.	Sample Type	Sampler Graphics Recovery Graphics	Groundwater	Standard Penetration Test, Blows per 6 in. Increments	Moisture Content, %	Pocket Penetrometer PP-tsf	Remarks
Medium brown, slightly moist, very dense, sub-round to sub angular fine to coarse poorly- graded Gravel (GP), with sand			1	SS			8-34-34			
	4.5	5								
Medium brown, slightly moist, very dense, Sand and sub-round to sub angular fine to coarse poorly- graded Gravel (GP)			2	SS			32-50/5"			
	7.0									
Medium brown, slightly moist, very dense, sub-round to sub angular fine to coarse poorly- graded Gravel (GP), with sand and a little silt			3	SS			50/2"			
	8.0									
Auger Refusal 8 ft										

Sample Type
SS - Driven Split Spoon
ST - Pressed Shelby Tube
CA - Continuous Flight Auger
RC - Rock Core
CU - Cuttings
CT - Continuous Tube

Depth to Groundwater

Noted on Drilling Tools		Dry	ft.
At Completion		Dry	ft.
After	hours		ft.
Cave Depth			ft.

Boring Method
HSA - Hollow Stem Augers
CFA - Continuous Flight Augers
CA - Casing Advancer
MD - Mud Drilling
HA - Hand Auger

FIELD CLASSIFICATION SYSTEM FOR SOIL EXPLORATION

NON-COHESIVE SOILS
(Silt, Sand, Gravel and Combinations)

Density

Very Loose	-	5 blows/ft or less
Loose	-	6 to 10 blows/ft
Medium Dense	-	11 to 30 blows/ft
Dense	-	31 to 50 blows/ft
Very Dense	-	51 blows/ft or more

Relative Proportions

Descriptive Term	Percent
Trace	1 - 10
Little	11 - 20
Some	21 - 35
And	36 - 50

Particle Size Identification

Boulders	-	8 inch diameter or more	
Cobbles	-	3 to 8 inch diameter	
Gravel	-	Coarse	- 1 to 3 inch
		Medium	- ½ to 1 inch
		Fine	- ¼ to ½ inch
Sand	-	Coarse	2.00mm to ¼ inch (dia. of pencil lead)
		Medium	0.42 to 2.00mm (dia. of broom straw)
		Fine	0.074 to 0.42mm (dia. of human hair)
Silt			0.074 to 0.002mm (cannot see particles)

COHESIVE SOILS
(Clay, Silt and Combinations)

Consistency

Very Soft	-	3 blows/ft or less
Soft	-	4 to 5 blows/ft
Medium Stiff	-	6 to 10 blows/ft
Stiff	-	11 to 15 blows/ft
Very Stiff	-	16 to 30 blows/ft
Hard	-	31 blows/ft or more

Plasticity

Degree of Plasticity	Plasticity Index
None to slight	0 - 4
Slight	5 - 7
Medium	8 - 22
High to Very High	over 22

Standard Penetration Test — Driving a 2.0" O.D. 1-3/8" I.D. sampler a distance of 1.0 foot into undisturbed soil with a 140 pound hammer free falling a distance of 30 inches. It is customary for GEOTILL to drive the spoon 6 inches to seat into undisturbed soil, then perform the test. The number of hammer blows for seating the spoon and making the test are recorded for each 6 inches of penetration on the drill log (Example — 6-8-9). The standard penetration test result can be obtained by adding the last two figures (i.e., 8 + 9 = 17 blows/ft). (ASTM D-1586-99).

Strata Changes — In the column "Soil Descriptions" on the drill log the horizontal lines represent strata changes. A solid line (_____) represents an actually observed change. A dashed line (_ _ _ _ _ _) represents an estimated change.

Ground Water observations were made at the times indicated. Porosity of soil strata, weather conditions, site topography, etc., may cause changes in the water levels indicated on the logs.

Attachment 3:

Recorded Replat 208

When recorded mail to:
Town of Fountain Hills
PO BOX 17958
Fountain Hills, Az.
85269

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
2002-0194988 02/26/02 15:29
1 OF 6
PALUMBOR

CAPTION HEADING: _____

DO NOT REMOVE

This is part of the official document.

/jb

Town of FOUNTAIN HILLS
Engineering Department

February 12, 2002

Helen Katchen, President
Fountain Square, L.L.C.
P.O. Box 18874
Fountain Hills, AZ 85269

Arizona Blue Stake
Chaparral City Water Company
Cox Communication
Fountain Hills Fire Department
Fountain Hills Sanitary District
Fountain Hills Unified School District
MCO Properties
Maricopa County Assessor
Maricopa County Sheriff's Office
Phoenix Fire Operations – Jean Maiocco
Qwest Communications
Rural Metro Fire Department
SRP – Abandonment Coordinator
SRP – Graphic Rec. Ref.
Scottsdale Healthcare Familycare
Southwest Gas
Tel-Data Communications
U.S. Post Office – Town of Fountain Hills
U.S. Postmaster

RE: **NOTIFICATION OF RESUBDIVISION – Replat of Lot 2A, Block 3, Plat 208**

MCR 2001-1157834, Recorded 12-07-2001, Book 579, Page 41

Resubdivision of Plat 208, Block 3, Lots 2 and 3

Enclosed is a site plan for the above referenced location with the address noted thereon. The address for this property is as follows:

ADDRESS: 16740 E. AVENUE OF THE FOUNTAINS

Should you have any further questions, please do not hesitate to contact me at (480) 816-5126.

Sincerely,

Ken Valverde
Engineering Technician/CAD Operator

Enclosure

cc: Joan Blankenship Jesse Drake

16836 East Palisades Boulevard, Building C – P.O. Box 17958 – Fountain Hills, Arizona 85269 – (480) 837-2003 – FAX: (480) 837-1404

Non-Order Search
Doc: MP:2002 00194988

Requested By: jansanders, Printed: 12/17/2024 8:01 AM

FINAL PLAT OF LOT 2A, BLOCK 3, PLAT 208
FOUNTAIN HILLS, ARIZONA
BEING A REPLAT JOINING LOTS 2 AND 3, BLOCK 3, PLAT 208
AS RECORDED IN BOOK 144 OF MAPS PAGE 4, RECORDS OF
MARICOPA COUNTY, ARIZONA BEING A PORTION OF SECTION
15, T3N, R6E, OF THE G AND SRB AND M, MARICOPA COUNTY, ARIZONA
DEDICATION
ACKNOWLEDGMENT
TOWN APPROVAL
APPROVALS
LOCATION MAP
SITE
PLAT OF LOT 2A
PLAT 208, BLOCK 3, LOT 2A
FOUNTAIN HILLS, ARIZONA
PARKING IN COMMON
PARCEL "D"
LOT 2A
15' BUILDING SETBACK LINE
5' BUILDING SETBACK LINE
(ONE STORY ONLY)
120.00'
100.00'
S 69°21'52" E
N 20°38'08" E
S 20°38'08" W
N 69°21'52" W
(16740 E.)
AVENUE OF THE FOUNTAINS
NOTES
BASIS OF BEARINGS
OWNER
CERTIFICATION
ASSURED WATER SUPPLY
SURVEYOR
579-41

Attachment 4:

Site Boundary & Topographic Survey

BOUNDARY & TOPOGRAPHIC SURVEY

OF A PORTION OF THE EAST HALF OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 6 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

LEGAL DESCRIPTION

PER DOCUMENT NUMBER 2011-1071329:

LOT 2A; FINAL PLAT OF LOT 2A, BLOCK 3, PLAT 208, FOUNTAIN HILLS, ARIZONA ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 579 OF MAPS, PAGE 41.

BASIS OF BEARING

BASIS OF BEARING IS NORTH 69°21'52" WEST (ASSUMED) ALONG THE CENTERLINE OF EAST AVENUE OF THE FOUNTAINS, AS SHOWN IN BOOK 144, P 04, RECORDS OF MARICOPA COUNTY, ARIZONA.

SUPPORTING DOCUMENTS

R1) DOC NO. 2011-1071329, MCR
R2) BK 144, P 04, MCR
R3) BK 579, P 41, MCR
R4) BK 751, P 36, MCR
R5) BK 1278, P 33, MCR

OWNER

POLK ENTERPRISE LLC
16740 E AVE OF THE FOUNTAINS
FOUNTAIN HILLS, AZ
85268

BENCHMARK

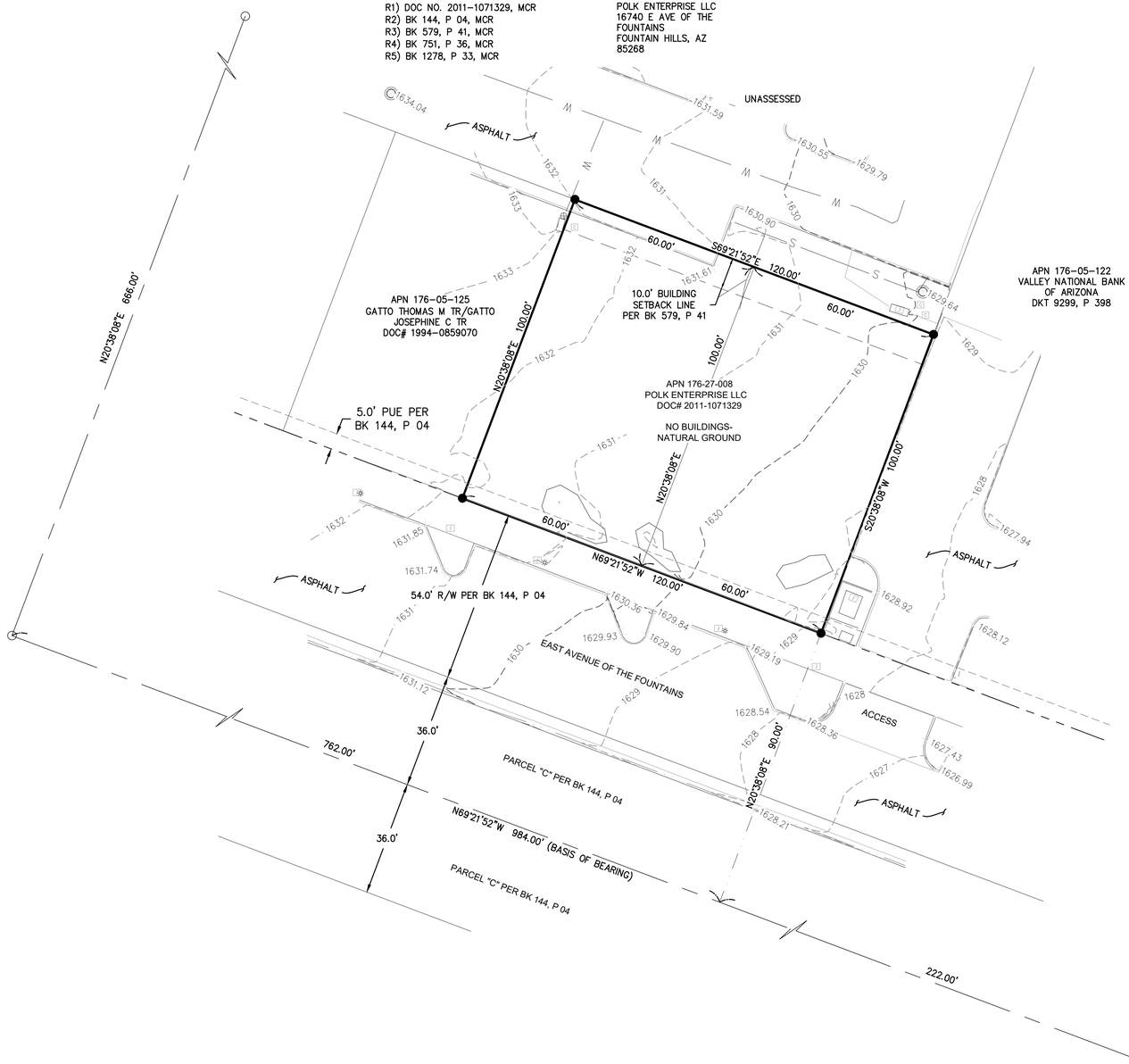
PER THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION SURVEY WEB PAGE, THE BENCHMARK FOR THIS SURVEY IS A BRASS CAP FLUSH WITH A POINT ID 13750, POINT NAME 73206-1, PROJECT NUMBER TR145, LATITUDE 33° 36' 41.30077" N, LONGITUDE 111° 43'05.08608" W. ELEVATION=1,048.52' (NAVD88 DATUM).

AREA

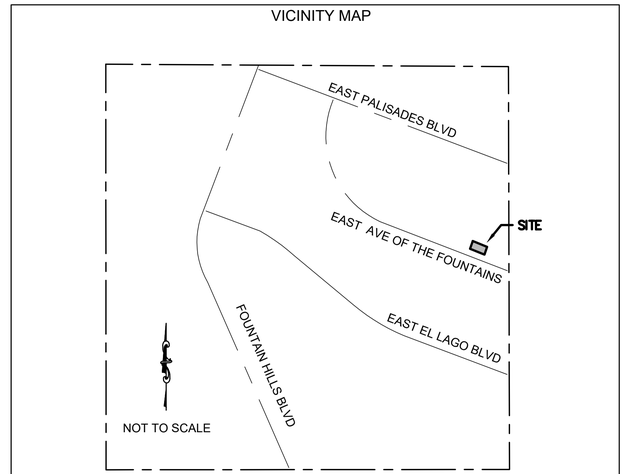
AREA=12,000.000 SQUARE FEET, OR 0.275482 ACRES, MORE OR LESS.

SURVEYOR'S NOTE

1. DIMENSIONS SHOWN HEREON ARE MEASURED DIMENSIONS.
2. THE SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT.







LEGEND

	SUBJECT PARCEL LINE
	MATHEMATICAL TIE LINE
	EASEMENT LINE
	CENTERLINE
	RIGHT-OF-WAY LINE
S	BLUE-STAKE SEWER LINE
UGE	BLUE-STAKE ELECTRIC LINE
W	BLUE-STAKE WATER LINE
○	CALULATED POINT-NOTHING FOUND OR SET
●	SURVEY MONUMENT W/ ID# 47290 TO BE SET
◉	FOUND BOUNDARY SURVEY MONUMENT AS NOTED
E	ELECTRIC UTILITY
C	CABLE UTILITY
◎	UTILITY MANHOLE
⊕	WATER METER
☼	LIGHTPOLE
MCR	MARICOPA COUNTY RECORDS
DOC NO	DOCUMENT NUMBER
APN	ASSESSOR PARCEL NUMBER
EX	EXISTING
BDG	BUILDING
R/W	RIGHT-OF-WAY
TYP	TYPICAL
BK & P	BOOK AND PAGE
PUE	PUBLIC UTILITY EASEMENT

SURVEYOR'S CERTIFICATION

I, ABEL BECERRA, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS MAP OR PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION IN THE MONTH OF SEPTEMBER, 2024; THAT THE MONUMENTS SHOWN ACTUALLY EXIST AND THAT THEIR POSITIONS ARE SUFFICIENT FOR THE SURVEY TO BE RETRACED.



ABEL &
ASSOCIATES, LLC
PO BOX 226
LAVEEN, AZ 85339
602.501.6957
ABELB@ABEL-LAND.COM

SHEET #	SHEET NUMBER
1_OF_1	DRAWN BY: AB
	SURVEYED BY: RA
A & A JOB #	
24089-1	

C:\Users\abel-\abel-land.com\Projects - Projects\2024\24089-1 16740 E Ave Fountain Hills\Civil 3D\16740 E Ave of the Fountains.dwg Oct 14, 2024 2:50pm abel-

Attachment 5:

Title Commitment & Report

ALTA COMMITMENT FOR TITLE INSURANCE

issued by:

Fidelity National Title®
Insurance Company

Commitment Number:

GC31001045
Amendment #1

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, FIDELITY NATIONAL TITLE INSURANCE COMPANY, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Fidelity National Title Insurance Company

By:

Michael J. Nolan, President

Countersigned By:

Vince Beemiller
Authorized Officer or Agent

Attest:

Marjorie Nemzura, Secretary

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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AMERICAN LAND TITLE ASSOCIATION

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Title Officer: Leslie Robertson Grand Canyon Title Agency, Inc. 16845 E Avenue of the Fountains #D-110 Fountain Hills, AZ 85268	Escrow Officer: Kerri Coveney Kerri.Coveney@gcta.com Grand Canyon Title Agency, Inc. 16845 E Avenue of the Fountains #D-110 Fountain Hills, AZ 85268 Main Phone: 480-337-9940 Main Fax: 928-433-7240

Order Number: GC31001045
Loan Number:
Property Address: 16740 E Ave of the Fountains, Fountain Hills, AZ 85268

SCHEDULE A

1. Commitment Date: January 16, 2025 at 07:30 AM
2. Policy to be issued:

   (a) ALTA Standard Owner's Policy 2021
   Proposed Insured: Lukas Bondy and Brooklyn Bondy, husband and wife
   Proposed Amount of Insurance: $550,000.00
   The estate or interest to be insured: Fee Simple

   (b) ALTA Standard Loan Policy 2021
   Proposed Insured: Lender with contractual obligations under a loan agreement with the Proposed Insured owner identified at this Item 2
   Proposed Amount of Insurance: $530,000.00
   The estate or interest to be insured: Fee Simple

3. The estate or interest in the Land at the Commitment Date is:

   Fee Simple

4. The Title is, at the Commitment Date, vested in:

   Polk Enterprise, L.L.C., an Arizona limited liability company

5. The Land is described as follows:

   SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

END OF SCHEDULE A

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EXHIBIT "A"

Legal Description

For APN/Parcel ID(s): 176-27-008

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:

Lot 2A, FINAL PLAT OF LOT 2A, BLOCK 3, PLAT 208 FOUNTAIN HILLS, ARIZONA, according to Book 579 of Maps, page 41, records of Maricopa County, Arizona.

EXCEPT all minerals as reserved unto the United States of America in Patent recorded February 28, 1956 in Docket 1839, page 426, records of Maricopa County, Arizona.

EXCEPT all oil, gases and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizers of every name and description together with all uranium, thorium, or any other material which is or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value.

EXCEPT all underground water, in, under or flowing through said land and water rights appurtenant thereto.

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SCHEDULE B, PART I - Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

2. Pay the agreed amount for the estate or interest to be insured.

3. Pay the premiums, fees, and charges for the Policy to the Company.

4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

5. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

6. Compliance with Company policies relating to absentee owners, if applicable.

7. Furnish satisfactory evidence to the Company that all regular and special assessments levied by Fountain Hills Sanitary District which are now due and payable are paid.

8. Furnish evidence that all assessments which are due the owners' association and/or master association, if any, have been paid in full and are current.

   Note: No contact information can be found of record for the Tract 208 Property Owners Association pursuant to ARS 33-1807(J).

9. Note: Documentation furnished to the Company authorizes the following party to sign on behalf of the below named entity:

Entity:	Polk Enterprise, L.L.C., an Arizona limited liability company
Authorized Party:	Robert J. Matej and The E M-H Trust dated April 28, 2020, members
Restrictions:	**Need to review an executed copy of the operating agreement and any amendments**
Expires:	Close of escrow

   If anyone other than the above authorized party will be executing on behalf of the above entity, additional documentation will be required.

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SCHEDULE B, PART I - Requirements
(continued)

10. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance by the corporation named below:

Name of Corporation: R.J. Matej Development Corp., a/k/a R.J. Matej Development Corp., an Arizona corporation

a) A Copy of the corporation By-laws and Articles of Incorporation

b) An original or certified copy of a resolution authorizing the transaction contemplated herein

c) If the Articles and/or By-laws require approval by a 'parent' organization, a copy of the Articles and By-laws of the parent

d) A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.
NOTE: Necessary to confirm uninsured deed recorded in Recording No. 20111071329

11. Intentionally deleted. (PAR-No open DT-approved)

12. Furnish for recordation a corrective deed as set forth below, for the reason stated:

Type of deed:	Warranty
Recording Date:	December 29, 2011
Recording No.:	20111071329
Grantor(s):	RJ Matej Development Corp., a/k/a R.J. Matej Development Corp., an Arizona corporation
Grantee(s):	Polk Enterprise, L.L.C., an Arizona limited liability company
Reason:	to correct the legal description

Note: The above document must be signed in the presence of an authorized Company employee; an authorized employee of the insured lender; or by using Bancserv or other approved third-party service. If the above requirements cannot be met, please call the Company at the number provided in this report.

Note: This cannot be a "to come" item.

13. Furnish for recordation a deed as set forth below:

Type of deed:	Warranty
Grantor(s):	Polk Enterprise, L.L.C., an Arizona limited liability company
Grantee(s):	Lukas Bondy and Brooklyn Bondy, husband and wife

Note: ARS 11:1133 may require the completion and filing of an Affidavit of Value.

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SCHEDULE B, PART I - Requirements
(continued)

14. Furnish for recordation a deed of trust, securing an indebtedness,

Executed by: Lukas Bondy and Brooklyn Bondy, husband and wife
Beneficiary: Lender with contractual obligations under a loan agreement with the Proposed Insured owner identified above
Amount: $530,000.00

15. Furnish for review a complete true copy of the executed Trust Agreement of The E M-H Trust dated April 28, 2020, member of Polk Enterprise, L.L.C., where Elizabeth Matej-Horchem is/are named as trustee(s), together with any amendments or restatements thereof.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

Tax Note:

Year:	2024
Tax Parcel No:	176-27-008
Total Tax:	$1,580.66
First Installment Amount:	$PAID
Second Installment Amount:	$PAID

Note: Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of a Company agent, an authorized employee of the insured lender, or by using Bancserv or other Company-approved third-party service. If the above requirement cannot be met, please call the Company at the number provided in this report.

END OF SCHEDULE B, PART I

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SCHEDULE B, PART II - Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

A. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.

1. Any rights, liens, claims or equities, if any, in favor of Fountain Hills Sanitary District.

2. The right of entry to prospect for, mine and remove the minerals excepted from the description of said Land in Schedule A and the effect of Public Law 87754, 87th Congress, 76 Stat. 750 recorded in Docket 6286, page 61.

3. Easements, covenants, conditions and restrictions as set forth on the plat recorded in Book 144 of Maps, Page 4 and htereafter Affidavit of Corrections recorded in Docket 9768, page 659 and in Docket 10676, page 710.

4. Matters contained in that certain document

   Entitled: Request, Consent and Covenants Running With Land
   Recording Date: July 13, 1971
   Recording No: Docket 8814, page 545

   Reference is hereby made to said document for full particulars.

5. Matters contained in that certain document

   Entitled: Request, Consent and Covenants Running With Land
   Recording Date: March 15, 1971
   Recording No: Docket 8578, page 707

   Reference is hereby made to said document for full particulars.

6. Cable Television easement and service agreement created by

   Document Entitled: Non-Exclusive Easement
   Recording Date: February 1, 1972
   Recording No: Docket 9213, page 469

   Reference is hereby made to said document for full particulars.

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SCHEDULE B, PART II - Exceptions
(continued)

7. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording No: Docket 9768, page 662
Re-Recording No: Docket 9791, page 172
Re-Recording No: Docket 10004, page 307
and thereafter Amendment
Recording No: 83 056127
and thereafter Amendment
Recording No: 91-0615676
and thereafter Second Amendment
Recording No: 92-0747470
and thereafter Third Amendment
Recording No: 92-0747471

and incorporating by reference therein Restrictions recorded in Docket 8821, page 72

8. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording No: 96-0484054

9. Matters contained in that certain document

Entitled: Notice of Resubdivision
Dated: February 12, 2002
Executed by: Town of Fountain Hills Engineering Department
Recording Date: February 26, 2002
Recording No: 2002-0194988

Reference is hereby made to said document for full particulars.

10. Easements, covenants, conditions and restrictions as set forth on the plat recorded in Book 579 of Maps, Page 41.

11. Resolution 2008-07 in favor of the Town of Fountain Hills, Arizona

For: declaring property taxes exclusively to public safety, fire and emergency medical services
Recording Date: February 15, 2008
Recording No: 2008-0137075

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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SCHEDULE B, PART II - Exceptions
(continued)

12. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the year 2025.

END OF SCHEDULE B, PART II

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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COMMITMENT CONDITIONS

1. DEFINITIONS

a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.

b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.

c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.

d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.

e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.

f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.

g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.

h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.

i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.

j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

a. the Notice;

b. the Commitment to Issue Policy;

c. the Commitment Conditions;

d. Schedule A;

e. Schedule B, Part I-Requirements;

f. Schedule B, Part II-Exceptions; and

g. a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:

i. comply with the Schedule B, Part I-Requirements;

ii. eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or

iii. acquire the Title or create the Mortgage covered by this Commitment.

b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.

c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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(continued)

e. The Company is not liable for the content of the Transaction Identification Data, if any.

f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.

g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM

a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.

b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.

c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.

d. The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.

e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.

f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. CLAIMS PROCEDURES

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

10. CLASS ACTION

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

11. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is Two Million And No/100 Dollars ($2,000,000.00) or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at http://www.alta.org/arbitration.

END OF CONDITIONS

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WIRE SAFE™ | Inquire before you wire!

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
http://www.fbi.gov

Internet Crime Complaint Center:
http://www.ic3.gov

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FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE

Effective January 1, 2025

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (*e.g.*, name, address, phone number, email address);
- demographic information (*e.g.*, date of birth, gender, marital status);
- identity information (*e.g.,* Social Security Number, driver's license, passport, or other government ID number);
- financial account information (*e.g.,* loan or bank account information);
- biometric data (e.g., fingerprints, retina or iris scans, voiceprints, or other unique biological characteristics; and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for these main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To prevent and detect fraud;
- To maintain the security of our systems, tools, accounts, and applications;
- To verify and authenticate identities and credentials;
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.
- To provide reviews and testimonials about our services, with your consent.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to affiliated or nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to affiliated or nonaffiliated third parties with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

State-Specific Consumer Privacy Information:

For additional information about your state-specific consumer privacy rights, to make a consumer privacy request, or to appeal a previous privacy request, please follow the link Privacy Request, or email privacy@fnf.com or call (888) 714-2710.

Certain state privacy laws require that FNF disclose the categories of third parties to which FNF may disclose the Personal Information and Browsing Information listed above. Those categories are:

- FNF affiliates and subsidiaries;
- Non-affiliated third parties, with your consent;
- Business in connection with the sale or other disposition of all or part of the FNF business and/or assets;

- Service providers;
- Law endorsement or authorities in connection with an investigation, or in response to a subpoena or court order.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (fnf.com/california-privacy) or call (888) 413-1748.

For Nevada Residents: We are providing this notice pursuant to state law. You may be placed on our internal Do Not Call List by calling FNF Privacy at (888) 714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. For further information concerning Nevada's telephone solicitation law, you may contact: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: aginquiries@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes. For additional information about your Oregon consumer privacy rights, or to make a consumer privacy request, or appeal a previous privacy request, please email privacy@fnf.com or call (888) 714-2710

FNF is the controller of the following businesses registered with the Secretary of State in Oregon:
Chicago Title Company of Oregon, Fidelity National Title Company of Oregon, Lawyers Title of Oregon, LoanCare, Ticor, Title Company of Oregon, Western Title & Escrow Company, Chicago Title Company, Chicago Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, Liberty Title & Escrow, Novare National Settlement Service, Ticor Title Company of California, Exos Valuations, Fidelity & Guaranty Life, Insurance Agency, Fidelity National Home Warranty Company, Fidelity National Management Services, Fidelity Residential Solutions, FNF Insurance Services, FNTG National Record Centers, IPEX, Mission Servicing Residential, National Residential Nominee Services, National Safe Harbor Exchanges, National Title Insurance of New York, NationalLink Valuations, NexAce Corp., ServiceLink Auction, ServiceLink Management Company, ServiceLink Services, ServiceLink Title Company of Oregon, ServiceLink Valuation Solutions, Western Title & Escrow Company

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is

necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

Accessing and Correcting Information; Contact Us

If you have questions or would like to correct your Personal Information, visit FNF's Privacy Request website or contact us by phone at (888) 714-2710, by email at privacy@fnf.com, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

ATTACHMENT ONE

ALTA OWNER'S POLICY OF TITLE INSURANCE (07-01-2021)

EXCLUSIONS FROM COVERAGE

The following matters are excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
   i. the occupancy, use, or enjoyment of the Land;
   ii. the character, dimensions, or location of any improvement on the Land;
   iii. the subdivision of land; or
   iv. environmental remediation or protection.
   b. any governmental forfeiture, police, regulatory, or national security power.
   c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.

   Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
   a. created, suffered, assumed, or agreed to by the Insured Claimant;
   b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   c. resulting in no loss or damage to the Insured Claimant;
   d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
   e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
   a. fraudulent conveyance or fraudulent transfer;
   b. voidable transfer under the Uniform Voidable Transactions Act; or
   c. preferential transfer:
      i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
      ii. for any other reason not stated in Covered Risk 9.b.
5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
6. Any lien on the Title for real estate taxes or assessments, imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records;
   (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims;
   (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof;
   (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

ATTACHMENT ONE
(CONTINUED)

ALTA OWNER'S POLICY (06-17-2006)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
   (a) a fraudulent conveyance or fraudulent transfer; or
   (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records;
   (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims;
   (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof;
   (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

ATTACHMENT ONE
(CONTINUED)

ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (07-01-2021)

EXCLUSIONS FROM COVERAGE

The following matters are excluded from the coverage of this policy, and We will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
   i. the occupancy, use, or enjoyment of the Land;
   ii. the character, dimensions, or location of any improvement on the Land;
   iii. the subdivision of land; or
   iv. environmental remediation or protection.
   b. any governmental forfeiture, police, regulatory, or national security power.
   c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.

   Exclusion 1 does not modify or limit the coverage provided under Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23, or 27.
2. Any power to take the Land by condemnation. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 17.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
   a. created, suffered, assumed, or agreed to by You;
   b. not Known to Us, not recorded in the Public Records at the Date of Policy, but Known to You and not disclosed in writing to Us by You prior to the date You became an Insured under this policy;
   c. resulting in no loss or damage to You;
   d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 5, 8.f., 25, 26, 27, 28, or 32); or
   e. resulting in loss or damage that would not have been sustained if You paid consideration sufficient to qualify You as a bona fide purchaser of the Title at the Date of Policy.
4. Lack of a right:
   a. to any land outside the area specifically described and referred to in Item 3 of Schedule A; and
   b. in any street, road, avenue, alley, lane, right-of-way, body of water, or waterway that abut the Land.

   Exclusion 4 does not modify or limit the coverage provided under Covered Risk 11 or 21.
5. The failure of Your existing structures, or any portion of Your existing structures, to have been constructed before, on, or after the Date of Policy in accordance with applicable building codes. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 14 or 15.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transfer of the Title to You is a:
   a. fraudulent conveyance or fraudulent transfer;
   b. voidable transfer under the Uniform Voidable Transactions Act; or
   c. preferential transfer:
      i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
      ii. for any other reason not stated in Covered Risk 30.
7. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
8. Negligence by a person or an entity exercising a right to extract or develop oil, gas, minerals, groundwater, or any other subsurface substance.
9. Any lien on Your Title for real estate taxes or assessments, imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 9 does not modify or limit the coverage provided under Covered Risk 8.a or 27.
10. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

ATTACHMENT ONE
(CONTINUED)

ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (07-01-2021)
(continued)

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

For Covered Risk 16, 18, 19 and 21, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 16:	1.00% of Amount of Insurance shown in Schedule A or $2,500.00 (whichever is less)	$10,000.00
Covered Risk 18:	1.00% of Amount of Insurance shown in Schedule A or $5,000.00 (whichever is less)	$25,000.00
Covered Risk 19:	1.00% of Amount of Insurance shown in Schedule A or $5,000.00 (whichever is less)	$25,000.00
Covered Risk 21:	1.00% of Amount of Insurance shown in Schedule A or $2,500.00 (whichever is less)	$5,000.00

COVERED RISKS 16, 18, 19 AND 21

16. Because of a violation existing at the Date of Policy of a State or Municipal subdivision law or State or Municipal subdivision regulation affecting the Land:
    a. You are unable to obtain a building permit from a Municipal authority;
    b. You are ordered by a State or Municipal authority to remove or remedy the violation; or
    c. someone else refuses to perform a contract to purchase the Land, lease the Land, or make a mortgage loan on the Land, based on that violation.

    The Amount of Insurance for Covered Risk 16 is subject to Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.
18. You are ordered by a State or Municipal authority to remove or remedy any portion of Your existing structures - other than boundary walls or fences - because any portion of Your existing structures was built without obtaining a building permit from the proper Municipal authority. The Amount of Insurance for Covered Risk 18 is subject to Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.
19. You are ordered by a State or Municipal authority to remove or remedy any portion of Your existing structures, because they violate an existing State or Municipal zoning law or State or Municipal zoning regulation. The Amount of Insurance for Covered Risk 19 is subject to Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.
21. You are forced to remove any portion of Your existing structures because they encroach onto Your neighbor's land. If the encroaching structures are boundary walls or fences, the Amount of Insurance for Covered Risk 21 is subject to Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

ATTACHMENT ONE
(CONTINUED)

ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (12-02-2013)

EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
   a. building;
   b. zoning;
   c. land use;
   d. improvements on the Land;
   e. land division; and
   f. environmental protection.

   This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
   a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
   b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
   c. that result in no loss to You; or
   d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right:
   a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
   b. in streets, alleys, or waterways that touch the Land.

   This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.
8. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake or subsidence.
9. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

LIMITATIONS ON COVERED RISKS

	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 16:	1.00% of Policy Amount Shown in Schedule A or $2,500.00 (whichever is less)	$10,000.00
Covered Risk 18:	1.00% of Policy Amount Shown in Schedule A or $5,000.00 (whichever is less)	$25,000.00
Covered Risk 19:	1.00% of Policy Amount Shown in Schedule A or $5,000.00 (whichever is less)	$25,000.00
Covered Risk 21:	1.00% of Policy Amount Shown in Schedule A or $2,500.00 (whichever is less)	$5,000.00

COVERED RISKS 16, 18, 19 AND 21

16. Because of an existing violation of a subdivision law or regulation affecting the Land:
    a. You are unable to obtain a building permit;
    b. You are ordered by a State or Municipal authority to remove or remedy the violation; or
    c. someone else has a legal right to, and does, refuse to perform a contract to purchase the Land, lease it or make a Mortgage loan on it.

    The amount of Your insurance for this Covered Risk is subject to Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.
18. You are forced to remove or remedy Your existing structures, or any part of them - other than boundary walls or fences - because any portion was built without obtaining a building permit from the proper government office. The amount of Your insurance for this Covered Risk is subject to Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.
19. You are forced to remove or remedy Your existing structures, or any part of them, because they violate an existing zoning law or zoning regulation. If You are required to remedy any portion of Your existing structures, the amount of Your insurance for this Covered Risk is subject to Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.
21. You are forced to remove Your existing structures because they encroach onto Your neighbor's land. If the encroaching structures are boundary walls or fences, the amount of Your insurance for this Covered Risk is subject to Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

ATTACHMENT ONE
(CONTINUED)

Former ALTA RESIDENTIAL TITLE INSURANCE POLICY (06-01-1987)

EXCLUSIONS

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
   - land use
   - improvements on the land
   - land division
   - environmental protection

   This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date.

   This exclusion does not limit the zoning coverage described in Item 12 and 13 of Covered Title Risks.
2. The right to take the land by condemning it, unless:
   - a notice of exercising the right appears in the public records on the Policy Date
   - the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking
3. Title Risks:
   - that are created, allowed, or agreed to by you
   - that are known to you, but not to us, on the Policy Date - unless they appeared in the public records
   - that result in no loss to you
   - that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks
4. Failure to pay value for your title.
5. Lack of a right:
   - to any land outside the area specifically described and referred to in Item 3 of Schedule A, or
   - in streets, alleys, or waterways that touch your land

   This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

ATTACHMENT ONE
(CONTINUED)

ALTA U.S. POLICY (12-03-2012)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

   (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.

3. Defects, liens, encumbrances, adverse claims or other matters:

   (a) created, suffered, assumed or agreed to by the insured claimant;

   (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under the policy;

   (c) resulting in no loss or damage to the insured claimant; or

   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under insuring provision 6).

4. This policy does not insure against the invalidity or insufficiency of any condemnation proceeding instituted by the United States of America, except to the extent set forth in insuring provision 5.

5. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the title as shown in Schedule A is:

   (a) a fraudulent conveyance or fraudulent transfer; or

   (b) a preferential transfer for any reason not stated in insuring provision 6.

ATTACHMENT ONE
(CONTINUED)

ALTA LOAN POLICY OF TITLE INSURANCE (07-01-2021)

EXCLUSIONS FROM COVERAGE

The following matters are excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
   i. the occupancy, use, or enjoyment of the Land;
   ii. the character, dimensions, or location of any improvement on the Land;
   iii. the subdivision of land; or
   iv. environmental remediation or protection.
   b. any governmental forfeiture, police, regulatory, or national security power.
   c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.

   Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
   a. created, suffered, assumed, or agreed to by the Insured Claimant;
   b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   c. resulting in no loss or damage to the Insured Claimant;
   d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
   e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser or encumbrancer had been given for the Insured Mortgage at the Date of Policy.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business law.
5. Invalidity or unenforceability of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury law or Consumer Protection Law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction creating the lien of the Insured Mortgage is a:
   a. fraudulent conveyance or fraudulent transfer;
   b. voidable transfer under the Uniform Voidable Transactions Act; or
   c. preferential transfer:
      i. to the extent the Insured Mortgage is not a transfer made as a contemporaneous exchange for new value; or
      ii. for any other reason not stated in Covered Risk 13.b.
7. Any claim of a PACA-PSA Trust. Exclusion 7 does not modify or limit the coverage provided under Covered Risk 8.
8. Any lien on the Title for real estate taxes or assessments, imposed by a governmental authority and created or attaching between the Date of Policy and the date of recording of the Insured Mortgage in the Public Records. Exclusion 8 does not modify or limit the coverage provided under Covered Risk 2.b. or 11.b.
9. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records;
   (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims;
   (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof;
   (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

ATTACHMENT ONE
(CONTINUED)

ALTA LOAN POLICY (06-17-2006)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records;
   (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims;
   (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof;
   (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

Attachment 6:

Citizen Participation Report

Citizen Review Report

Continuing Community Outreach Plan

East Avenue of the Fountains

A Mixed-Use Project

Special Use Permit (SUP)

Case Number: 25-000761

Report Updated: September 19th, 2025

Submitted to:

Town of Fountain Hills, Arizona

Planning Division

Farhad Tavassoli, AICP
Senior Planner

Prepared by:

ROSE LAW GROUP pc
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Sam DeMoss, Land Use Attorney
Attn: Nate Tonnemacher
Senior Planner & Project Manager
Direct: 480-240-5642 |M: 805-345-8074
ntonnemacher@roselawgroup.com

On behalf of the Applicants:

2820 Harrison St, LLC

A subsidiary of:

BONDY
construction & design

Citizen Review Plan

***NOTE:* This report will be continually updated and resubmitted for review as efforts commence.**

The following document outlines the Citizen Review Plan and notification efforts for the East Avenue of the Fountains Mixed-Use Project. The Project application is requesting a Special Use Permit to allow the development of a mixed-use project on a 12,000 square-foot site, zoned Intermediate Commercial (C-2) & located within the Entertainment and Planned Shopping Plaza Overlay Districts in the Town Center area of Fountain Hills, Arizona.

Notification Area Map

The 300-foot area map within which all property owners have been notified of the Project application submittal is attached hereto as **Exhibit A.**

Contacted Parties

A complete mailing list of a property owners, neighborhood or Property Owners Associations, and other stakeholder who have been contacted through the ongoing community outreach efforts is attached hereto as **Exhibit B**. Property ownership is determined based on current records obtained from the Maricopa County Assessor's website.

Contact Dates and Methods

Notification letters were mailed via First Class U.S. Mail to all property owners within 300ft of the Project boundary on September 8th, 2025. The letter will contain all required and pertinent information regarding the application along with an invitation to join the Development Team for an Open House meeting in the Town of Fountain Hills.

A copy of the notification letter, attachments, and the Affidavit of Notification are attached hereto as **Exhibit C** as evidence that the letters were mailed as required.

Site Posting

Signs will be posted on the property with project details and contact information a minimum of 10 days before the first Public Meeting The public hearing dates and times will be added to the signs as required by Town of Fountain Hills.

Open House Community Meeting

As previously mentioned, the Development Team has scheduled an Open House Community Meeting, which will be held in-person on Wednesday, September 24, 2025, from 5:30pm – 6:30pm in the Navajo Room at the Fountain Hills Community Center located at 130001 N. La Montana Dr, Fountain Hills, AZ 85268.

The public has been invited to come and learn more about the proposed requests and provide any comments or recommendations for improvements. Notification letters were mailed out 15 days prior to the meeting to all property owners within 300-feet of the project site per Fountain Hills Zoning Ordinance requirements.

A complete summary of the meeting will be prepared and submitted to Town of Fountain Hills Planning Department at the conclusion of the meeting and at least 10 days prior to any public hearings. A copy of the sign-in sheets with the attendees' contacts information, as well as any comment cards provided by the attendees will be attached with an updated Citizen Review Plan.

Ongoing Communication with Neighbors

The Applicant Team will continue to work to ensure all issues and concerns brought to their attention by neighbors are addressed. The required sign-in sheets at the Open House Community Meeting will have a checkbox for neighbors to choose if they want to receive updates on the project following the meeting. If meeting attendees request updates about the project and would like to be notified of any significant changes or amendments to the development after the meeting, the Applicant Team will send individual emails to those attendees with updates throughout the process.

Copies of any public comments and feedback, and all email correspondence with neighbors will be submitted with the updated Citizen Review Plan a minimum of 10 days before the Planning and Zoning Commission Hearing.

Applicants Approach to Community Outreach

Bondy Construction and Design (herein "developer" or "applicant") is committed to a comprehensive and ongoing community engagement strategy designed to encourage open communication and meaningful collaboration with the residents. This strategy ensures that community members have continual opportunities to participate actively, ask questions, and share any concerns throughout the life of the Avenue of the Fountains Mixed-Use project.

The developer upholds the highest ethical development practices and standards, which prioritizes responsible stewardship in all communities where they operate.

Their approach is grounded in several core principles:

- **Honesty and Transparency:** We maintain clear and open communication about all aspects of the project, providing timely and accurate information to community members and stakeholders.
- **Stakeholder Engagement:** We actively seek and value input from all stakeholders to improve project outcomes and address any potential impacts thoughtfully.
- **Community Presence:** Rather than relying solely on group meetings, Bondy Construction and Design emphasizes ongoing, personalized engagement through one-on-one conversations with landowners, neighbors, and community representatives. These individual meetings allow for deeper dialogue and tailored responses to specific questions or concerns. When necessary, particularly for technical or design-related inquiries, these discussions may be escalated to virtual or in-person meetings with the developer, their representative and relevant experts to ensure comprehensive understanding and resolution.
- **Fair and Equitable Treatment:** We are dedicated to treating all landowners, Property Owners Associations, and stakeholders with fairness, respect, and equity throughout the development process.

Continuing Community Outreach Plan

Continuing public outreach for these Projects will involve the following community engagement activities:

- Follow-up communications with individuals who attended the neighborhood meeting to summarize feedback, clarify concerns, and offer opportunities for additional dialogue. These follow-ups may take the form of phone calls, personalized letters, or virtual meetings as appropriate.
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- Solicitation of community support letters in advance of key project milestones, as appropriate, while allowing adequate time for community feedback to be integrated.
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This continued community outreach plan is designed to facilitate transparent, responsive, and collaborative communication with the Fountain Hills community and other stakeholders throughout the project lifecycle. It emphasizes individualized outreach and ongoing responsiveness to community input, supporting Bondy Construction and Design's commitment to being a responsible and engaged partner.

This Citizen Review Report is intended to be fluid, meaning updates or adjustments to the community outreach strategy, approach or timeline may be adjusted from time to time and an updated report will be provided to the Town of Fountain Hills for review.

Exhibit A

Notification Area Map


MARICOPA COUNTY
ASSESSOR'S OFFICE
Home
FAQ
Contact Us
Help
Version 3.5
Address or Intersection
E Parkview Ave
E AVE OF THE FOUNTAINS
N LA MONTANA DR
N Verde River Dr
N Northstar Dr
N SAGUARO BLVD
E Paul Nordin Pkwy
N PANORAMA
Search By
Using the Mouse
What I Know
Buffer
Results
Step 1: Select what to search:
Parcels
Step 2: Select how to search:
Clear
Step 3 (optional): Select advanced options:
Enable multi-part selections
Buffer Graphic
300
Feet
Clear Buffer
-111.725637 33.600817 Degrees

Exhibit B

Mailing List

FOUNTAIN HILLS TOWN HALL
16705 E AVENUE OF THE FOUNTAINS
FOUNTAIN HILLS AZ 85268-3815

VALLEY NATIONAL BANK OF ARIZONA
PO BOX 1919
WICHITA FALLS TX 76307

GATTO THOMAS M TR/GATTO JOSEPHINE C TR
10644 FAIRFIELD
WESTCHESTER IL 60154

ORO VALLEY LLC
1810 N RIDGE WIND CT
ORO VALLEY AZ 85737

GL SOLO 401K TRUST
2829 S GRAND BLVD STE 303
SPOKANE WA 99203

PHOENIX LAND CORP
16716 E AVENUE OF THE
FOUNTAIN HILLS AZ 85268

GRIZ VENTURES LLC
550 FRONT ST APT 1903
SAN DIEGO CA 92101

R M YOUNG PROPERTIES LLC
15204 N ZAPATA DR
FOUNTAIN HILLS AZ 85268

JACKSON HAROLD LEE/MARLENE
17103 E CYPRESS POINT CT
FOUNTAIN HILLS AZ 85268

POLK ENTERPRISE LLC
14725 N MARIPOSA CT
FOUNTAIN HILLS AZ 85268

OUTDOORSMANS RESALE INC
15736 E TEPEE DR
FOUNTAIN HILLS AZ 85268

BART INVESTMENTS LLC
16426 E SAGUARO BLVD
FOUNTAIN HILLS AZ 85268

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7620 W MCRAE WY
GLENDALE AZ 85308

PAISLEY DAKOTA
14205 N AGUILAR DR
FOUNTAIN HILLS AZ 85268

SCOTT T HARRISON TRUST
14025 BELMONT TRL
ROSEMOUNT MN 55068

KHAN SHAMEEN
5344 E THOMAS RD
PHOENIX AZ 85018

KASH LIVING TRUST
4123 E DARROW ST
PHOENIX AZ 85042

ASLAM IKRAAM/SHAGUFTA
339 BICYCLE PATH
SELDON NY 11784

DOMNIK AUTOMOTIVE LLC
14699 E PARADISE DR
FOUNTAIN HILLS AZ 85268

REID MACHINERY SYSTEMS L L C
PO BOX 1491
CAVE CREEK AZ 85327-1491

DAWLCO DEVELOPMENT INC
PO BOX 18572
FOUNTAIN HILLS AZ 852698572

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FOUNTAIN HILLS AZ 85268

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CIUMMO ERMANNO
27286 N 109TH WAY SCOTTSDALE AZ
USA 85262

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11738

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MESA AZ USA 85212

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PHOENIX AZ USA 85085

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13207 N LA MONTANA DR
FOUNTAIN HILLS AZ USA 85268

FHAZ LLC
10202 N 109TH WAY
SCOTTSDALE AZ USA 85259

16600 AVE LLC
13601 N MANZANITA LN
FOUNTAIN HILLS AZ USA 85268

TRACT 208 ASSOCIATION - AAM, LLC
– POA C/O SCOTT BRENDEMUHL,
COMMUNITY MANAGER
1600 W. BROADWAY RD. STE 200
TEMPE, AZ 85282

TRACT 208 ASSOCIATION BOARD
C/O: ZACH BROOKS, PRESIDENT
7601 N. 11TH ST.
PHOENIX, AZ 85020

Exhibit C

Affidavit of Notification

Affidavit of Notification

Application: SUP25-000761

Applicant Name: Bondy Construction & Design, Corp

Location: 16740 E. Avenue of the Fountains

I confirm that notice as required for the case noted above has been mailed or delivered to the attached list of property owners and neighborhood associations at the addresses noted.

Applicant/Representative Signature — **Date** 9/8/2025

This instrument was acknowledged before me on this 8th **day of** September

20 25**, by** Kayla Amado**. In witness whereof**

I hereunto set my hand and official seal.

Notary Public State of Arizona
Maricopa County
Rebekah Pineda
My Commission Expires 10/19/2025
Commission Number 616245

Notary Public

My commission expires 10/19/2025

ROSE LAW GROUP pc
RICH ▪ CARTER ▪ FISHER

NATE TONNEMACHER
7144 E. Stetson Drive, Suite 300
Scottsdale, AZ 85251
Phone 480.240.5642 Fax 480.505.3925
NTonnemacher@RoseLawGroup.com
www.RoseLawGroup.com

September 8, 2025

Dear Property Owner, Stakeholder or Neighborhood Association Representative:

The purpose of this letter is to inform you that Rose Law Group pc, on behalf of Bondy Construction & Design, Corp. (the "Applicant") has recently filed a Special Use Permit ("SUP") application request with the Town of Fountain Hills (Project # SUP25-000761) for the property located at 16740 E. Avenue of the Fountains in Fountain Hills, AZ (the "Property").

The Property is currently zoned C-2 *(Intermediate Commercial)* and located within the Fountain Hills "Entertainment Overlay" and "Planned Shopping Plaza Overlay" Districts. The Applicant is seeking this Special Use Permit to develop a desert modern-style, mixed-use project consisting of three (3) ground-level retail/commercial spaces with six (6) luxury residential townhome units above. Each residential unit will feature an attached two-car garage and private outdoor living areas, including a common rooftop balcony. The Special Use Permit request is necessary to allow for the combination of these uses and the proposed building design.

The proposed development integrates residential and commercial uses within a uniquely designed mixed-use building that reflects the architectural character of the downtown core. The design promotes walkability, supports sustainable neighborhood development, and contributes to a vibrant community while maintaining consistency with the surrounding environment and aesthetics. The project aligns with the Town of Fountain Hills' long-range planning goals and will further enhance the vitality of the Avenue of the Fountains corridor.

We would like to invite you to an Open House meeting to learn more about the project. Our team will be available to provide additional details and answer any questions about the project. No formal presentation so please stop by at your convenience.

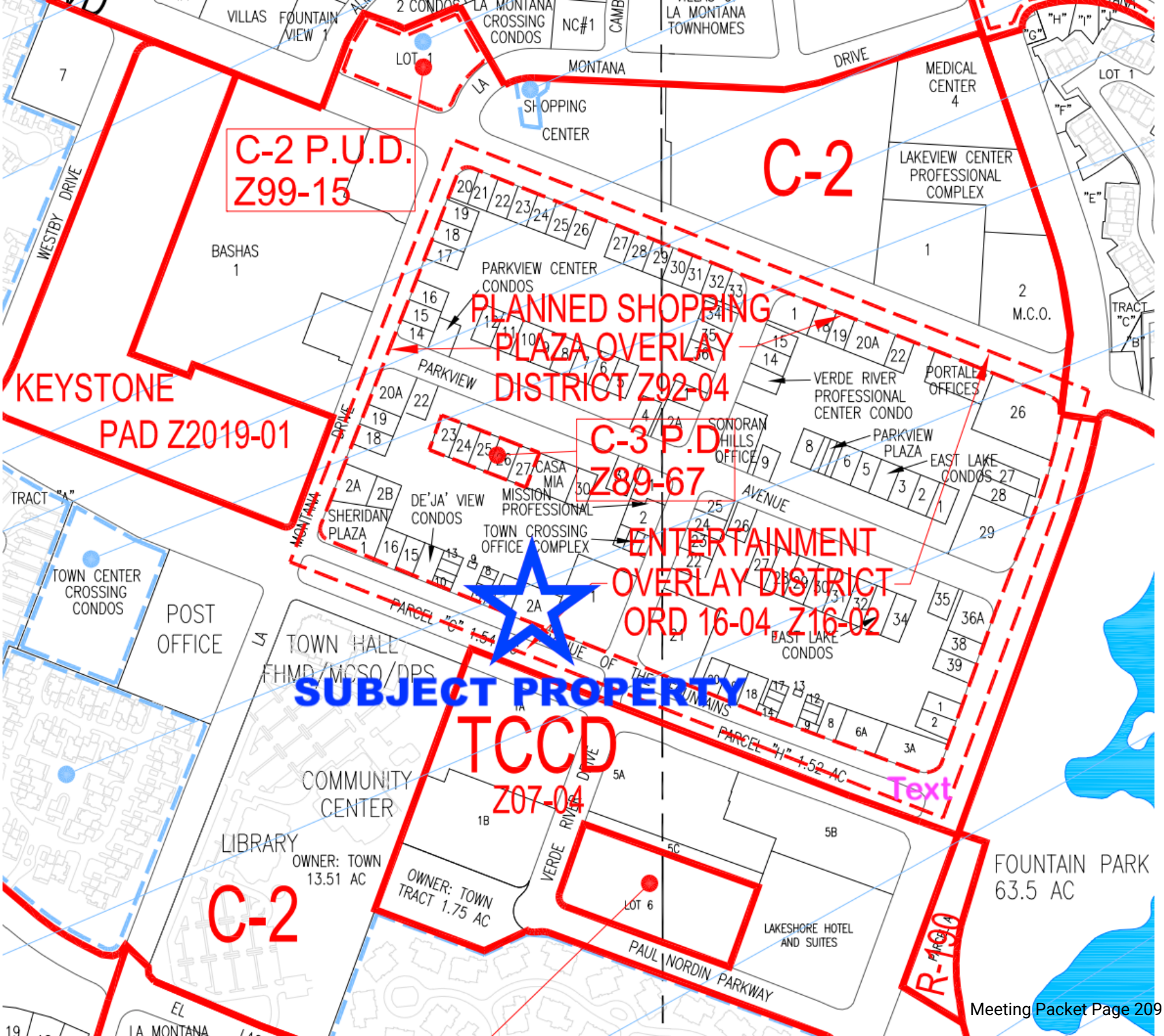
Open House Meeting
Wednesday, September 24, 2025
Anytime between 5:30PM to 6:30PM
In the Navajo Room
at Fountain Hills Community Center
13001 N La Montana Dr, Fountain Hills, AZ 85268

If you are unable to attend the open house meeting, I would be happy to answer any questions or hear any concerns that you may have regarding this proposal. You may reach me directly at 480-240-5642 or NTonnemacher@RoseLawGroup.com.

Sincerely,

Nate Tonnemacher
Senior Planner & Project Manager
Rose Law Group pc.

ATTACHMENT:
SUP – Propoerty Location Map


C-2 P.U.D.
Z99-15
KEYSTONE
PAD Z2019-01
PLANNED SHOPPING
PLAZA OVERLAY
DISTRICT Z92-04
C-3 P.D.
Z89-67
ENTERTAINMENT
OVERLAY DISTRICT
ORD 16-04 Z16-02
SUBJECT PROPERTY
TCCD
Z07-04
C-2
C-2
Text
WESTBY DRIVE
MONTANA DRIVE
LA MONTANA DRIVE
PARKVIEW DRIVE
AVENUE OF THE FOUNTAINS
PAUL NORDIN PARKWAY
VERDE RIVER DRIVE
BASHAS
1
SHOPPING CENTER
LOT 1
LOT 6
VILLAS FOUNTAIN VIEW 1
LA MONTANA CROSSING CONDOS
NC#1
LA MONTANA TOWNHOMES
MEDICAL CENTER 4
LAKEVIEW CENTER PROFESSIONAL COMPLEX
2 M.C.O.
TRACT "C"
PARKVIEW CENTER CONDOS
VERDE RIVER PROFESSIONAL CENTER CONDO
PORTALE OFFICES
SONORAN HILLS OFFICE
PARKVIEW PLAZA
EAST LAKE CONDOS
CASA MIA
MISSION PROFESSIONAL
DE'JA' VIEW CONDOS
SHERIDAN PLAZA 1
TOWN CROSSING OFFICE COMPLEX
TRACT "A"
TOWN CENTER CROSSING CONDOS
POST OFFICE
TOWN HALL
FHMD/MCSO/DPS
COMMUNITY CENTER
LIBRARY
OWNER: TOWN
13.51 AC
OWNER: TOWN
TRACT 1.75 AC
LAKESHORE HOTEL AND SUITES
FOUNTAIN PARK
63.5 AC
PARCEL "G" 1.54 AC
PARCEL "H" 1.52 AC
R-1990

Citizen Review Report

Continuing Community Outreach Plan

East Avenue of the Fountains

A Mixed-Use Project

Special Use Permit (SUP)

Case Number: 25-000001

Report Updated: September 29th, 2025

Submitted to:

Town of Fountain Hills, Arizona

Planning Division

Farhad Tavassoli, AICP
Senior Planner

Prepared by:

ROSE LAW GROUP pc
RICH ▪ CARTER ▪ FISHER
7144 East Stetson Dr. | Ste 300 | Scottsdale, AZ

Sam DeMoss, Land Use Attorney

Attn: Nate Tonnemacher
Senior Planner & Project Manager
Direct: 480-240-5642 |M: 805-345-8074
ntonnemacher@roselawgroup.com

On behalf of the Applicants:

2820 Harrison St, LLC

A subsidiary of:

BONDY
construction & design

Citizen Review Plan

***NOTE:* This report will be continually updated and resubmitted for review as efforts commence.**

The following document outlines the Citizen Review Plan and notification efforts for the East Avenue of the Fountains Mixed-Use Project. The Project application is requesting a Special Use Permit to allow the development of a mixed-use project on a 12,000 square-foot site, zoned Intermediate Commercial (C-2) & located within the Entertainment and Planned Shopping Plaza Overlay Districts in the Town Center area of Fountain Hills, Arizona.

Notification Area Map

The 300-foot area map within which all property owners have been notified of the Project application submittal is attached hereto as **Exhibit A.**

Contacted Parties

A complete mailing list of property owners, neighborhood or Property Owners Associations, and other stakeholders who have been contacted through the ongoing community outreach efforts is attached hereto as **Exhibit B**. Property ownership is determined based on current records obtained from the Maricopa County Assessor's website.

Contact Dates and Methods

Notification letters were mailed via First Class U.S. Mail to all property owners within 300ft of the Project boundary on September 8th, 2025. The letter will contain all required and pertinent information regarding the application along with an invitation to join the Development Team for an Open House meeting in the Town of Fountain Hills.

A copy of the notification letter, attachments, and the Affidavit of Notification are attached hereto as **Exhibit C** as evidence that the letters were mailed as required.

Site Posting

On September 26, 2025, one (1) Notice of Hearing sign was posted on the property with project details, contact information, and public hearing dates and times as required by the Town of Fountain Hills.

The Affidavit of Sign Posting with a photo of the sign are attached hereto as **Exhibit D** as evidence that the sign was posted on the property as required.

Open House Community Meeting

The Development Team held an in-person Open House Community Meeting on Wednesday, September 24, 2025, from 5:30 p.m. to 6:30 p.m. in the Navajo Room at the Fountain Hills Community Center, located at 13001 N. La Montana Drive. As previously mentioned, notification letters were mailed on September 8, 2025, to all property owners and HOAs within 300 feet of the project site, meeting the minimum 15-day notice requirement in accordance with the Fountain Hills Zoning Ordinance.

The public was invited to learn more about the proposed requests and to provide comments or suggestions regarding the project's scope, design, or other aspects of the proposal. The Applicant and their representatives were present and available for the entire duration of the meeting.

The Navajo Room was accessible to the public via the main entrance of the Community Center. A Fountain Hills Community Center staff member was stationed at the front desk at the entrance lobby throughout the duration of the meeting and directed attendees to the Navajo Room, which is located in the northwest corner of the building down a hallway.

Directional signage was placed at several key locations, including the building entrances, hallways, and parking areas, to help attendees locate the meeting space. The room was well-lit and clearly marked. A comment and sign-in table was set up at the entrance, staffed by a member of the Applicant's team who welcomed attendees and asked all visitors to sign in.

Three (3) representatives from Rose Law Group, PC attended the meeting on behalf of the Applicant, including a Land Use Attorney, a Land Use Planner, and the Project Coordinator. They remained present for the full meeting and guided attendees through the various project exhibits and materials on display.

A total of five (5) members of the public attended the open house and were guided through an informal presentation of the project seven (7) meeting exhibits on display, which included information related to the Project's preliminary design & architectural concepts, preliminary site plan & elevations. Other display boards described the project consistency with the neighborhood and Town general Plan & area vision plans, site zoning and existing conditions, development standards, parking, offsite access & circulation design. No Town staff or other outside agencies were present.

While no formal written comments were submitted, attendees engaged in informal discussions focused primarily on updates to the proposal and design since the previous submittal. Questions were raised regarding the project's consistency with the proposed Downtown Overlay, the Tract 208 design review process, and the architectural updates to the mixed-use buildings. Additional comments and questions related to site access, circulation routes, parking supply, and the types of proposed commercial uses were also discussed.

A copy of the sign-in sheet and photographs from the meeting are attached hereto as **Exhibit E**.

Ongoing Communication with Neighbors

The Applicant Team will continue to work to ensure all issues and concerns brought to their attention by neighbors are addressed. For the open house meeting attendees that requested to receive project updates, the Applicant Team will send email updates throughout the application process.

Copies of any public comments and feedback, and all email correspondence with neighbors will be included in an updated Citizen Review Plan that will be submitted to staff prior to the first public hearing.

Applicants Approach to Community Outreach

Bondy Construction and Design (herein "developer" or "applicant") is committed to a comprehensive and ongoing community engagement strategy designed to encourage open communication and meaningful collaboration with the residents. This strategy ensures that community members have continual opportunities to participate actively, ask questions, and share any concerns throughout the life of the Avenue of the Fountains Mixed-Use project.

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C/O: ZACH BROOKS, PRESIDENT
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PHOENIX, AZ 85020

Exhibit C

Affidavit of Notification

Affidavit of Notification

Application: SUP25-000761

Applicant Name: Bondy Construction & Design, Corp

Location: 16740 E. Avenue of the Fountains

I confirm that notice as required for the case noted above has been mailed or delivered to the attached list of property owners and neighborhood associations at the addresses noted.

Applicant/Representative Signature — **Date** 9/8/2025

This instrument was acknowledged before me on this 8th **day of** September

20 25**, by** Kayla Amado**. In witness whereof**

I hereunto set my hand and official seal.

Notary Public State of Arizona
Maricopa County
Rebekah Pineda
My Commission Expires 10/19/2025
Commission Number 616245

Notary Public

My commission expires 10/19/2025

ROSE LAW GROUP pc
RICH ▪ CARTER ▪ FISHER

NATE TONNEMACHER
7144 E. Stetson Drive, Suite 300
Scottsdale, AZ 85251
Phone 480.240.5642 Fax 480.505.3925
NTonnemacher@RoseLawGroup.com
www.RoseLawGroup.com

September 8, 2025

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The Property is currently zoned C-2 *(Intermediate Commercial)* and located within the Fountain Hills "Entertainment Overlay" and "Planned Shopping Plaza Overlay" Districts. The Applicant is seeking this Special Use Permit to develop a desert modern-style, mixed-use project consisting of three (3) ground-level retail/commercial spaces with six (6) luxury residential townhome units above. Each residential unit will feature an attached two-car garage and private outdoor living areas, including a common rooftop balcony. The Special Use Permit request is necessary to allow for the combination of these uses and the proposed building design.

The proposed development integrates residential and commercial uses within a uniquely designed mixed-use building that reflects the architectural character of the downtown core. The design promotes walkability, supports sustainable neighborhood development, and contributes to a vibrant community while maintaining consistency with the surrounding environment and aesthetics. The project aligns with the Town of Fountain Hills' long-range planning goals and will further enhance the vitality of the Avenue of the Fountains corridor.

We would like to invite you to an Open House meeting to learn more about the project. Our team will be available to provide additional details and answer any questions about the project. No formal presentation so please stop by at your convenience.

Open House Meeting
Wednesday, September 24, 2025
Anytime between 5:30PM to 6:30PM
In the Navajo Room
at Fountain Hills Community Center
13001 N La Montana Dr, Fountain Hills, AZ 85268

If you are unable to attend the open house meeting, I would be happy to answer any questions or hear any concerns that you may have regarding this proposal. You may reach me directly at 480-240-5642 or NTonnemacher@RoseLawGroup.com.

Sincerely,

Nate Tonnemacher
Senior Planner & Project Manager
Rose Law Group pc.

ATTACHMENT:
SUP – Propoerty Location Map

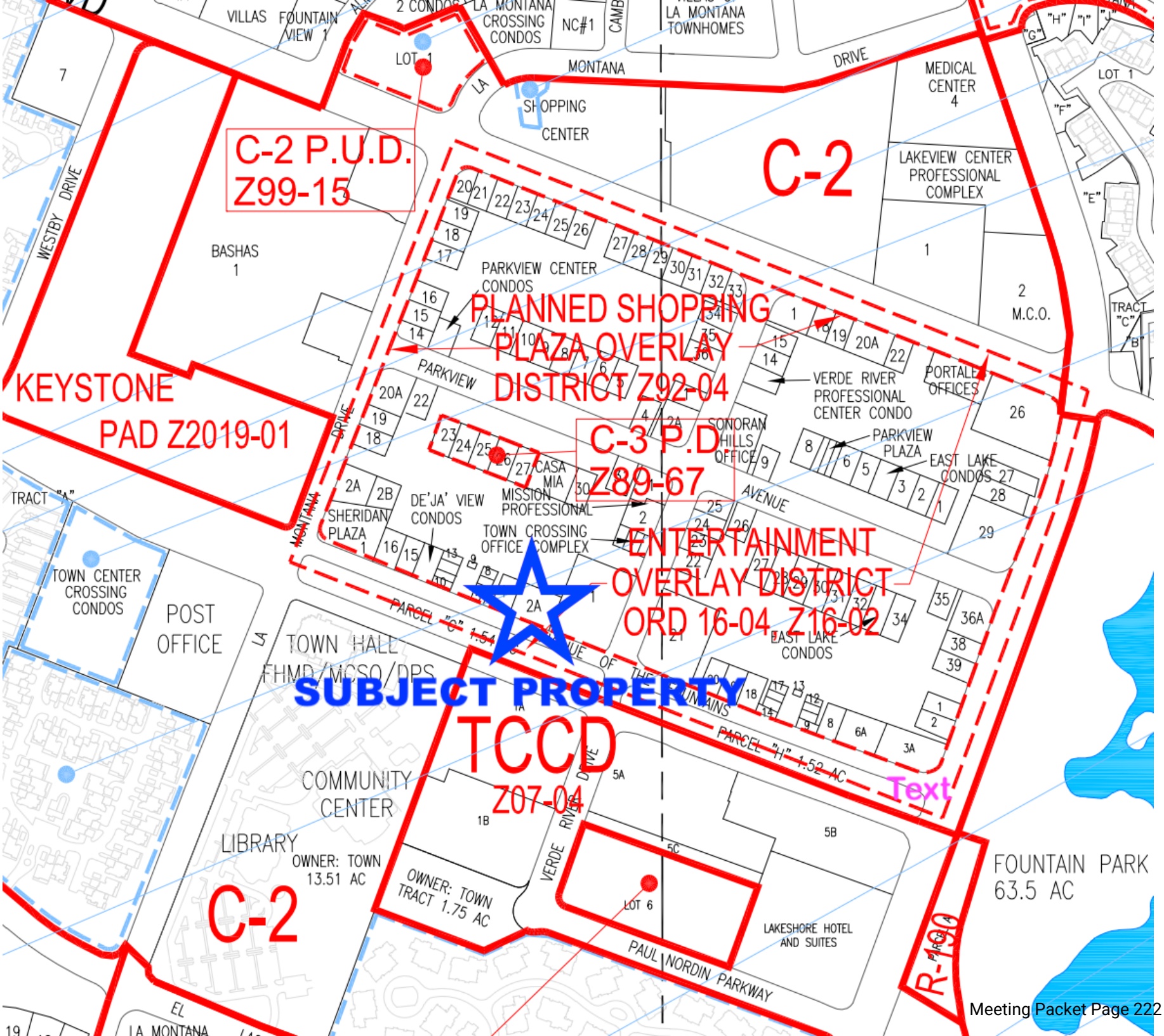

C-2 P.U.D.
Z99-15
KEYSTONE
PAD Z2019-01
PLANNED SHOPPING
PLAZA OVERLAY
DISTRICT Z92-04
C-3 P.D.
Z89-67
ENTERTAINMENT
OVERLAY DISTRICT
ORD 16-04 Z16-02
TCCD
Z07-04
SUBJECT PROPERTY
C-2
C-2
R-1-90
Text
WESTBY DRIVE
MONTANA DRIVE
LA MONTANA DRIVE
PARKVIEW DRIVE
AVENUE OF THE MOUNTAINS
PAUL NORDIN PARKWAY
VERDE RIVER DRIVE
BASHAS
1
SHOPPING CENTER
LOT 1
LOT 6
MEDICAL CENTER 4
LAKEVIEW CENTER PROFESSIONAL COMPLEX
VERDE RIVER PROFESSIONAL CENTER CONDO
PORTALE OFFICES
PARKVIEW PLAZA
EAST LAKE CONDOS
SONORAN HILLS OFFICE
CASA MIA
MISSION PROFESSIONAL
TOWN CROSSING OFFICE COMPLEX
DE'JA' VIEW CONDOS
SHERIDAN PLAZA 1
PARKVIEW CENTER CONDOS
LA MONTANA CROSSING CONDOS
LA MONTANA TOWNHOMES
VILLAS FOUNTAIN VIEW 1
NC#1
2 M.C.O.
TRACT "A"
TRACT "C"
TOWN CENTER CROSSING CONDOS
POST OFFICE
TOWN HALL
FHMD/MCSO/DPS
COMMUNITY CENTER
LIBRARY
OWNER: TOWN
13.51 AC
OWNER: TOWN
TRACT 1.75 AC
LAKESHORE HOTEL AND SUITES
FOUNTAIN PARK
63.5 AC
PARCEL "G" 1.54 AC
PARCEL "H" 1.52 AC

Exhibit D

Affidavit of Sign Posting

AFFIDAVIT OF SIGN POSTING

The undersigned Applicant has complied with the Town of Fountian Hill's posting requirements for Case # SUP2025-000001,
located at **16740 E. Avenue of the Fountains**, on September 26, 2025.

See attached photo exhibit.

For applicant:

_Rose Law Group_____

_Dynamite Signs, Inc.
Sign Company Name

_____
Sign Company Representative

Subscribed and sworn to be on __September 29, 2025___

IN WITNESS WHEREOF, I Hereto set my hand and official seal.

_____
Notary Public

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

My Commission expires:_10-25-28_____

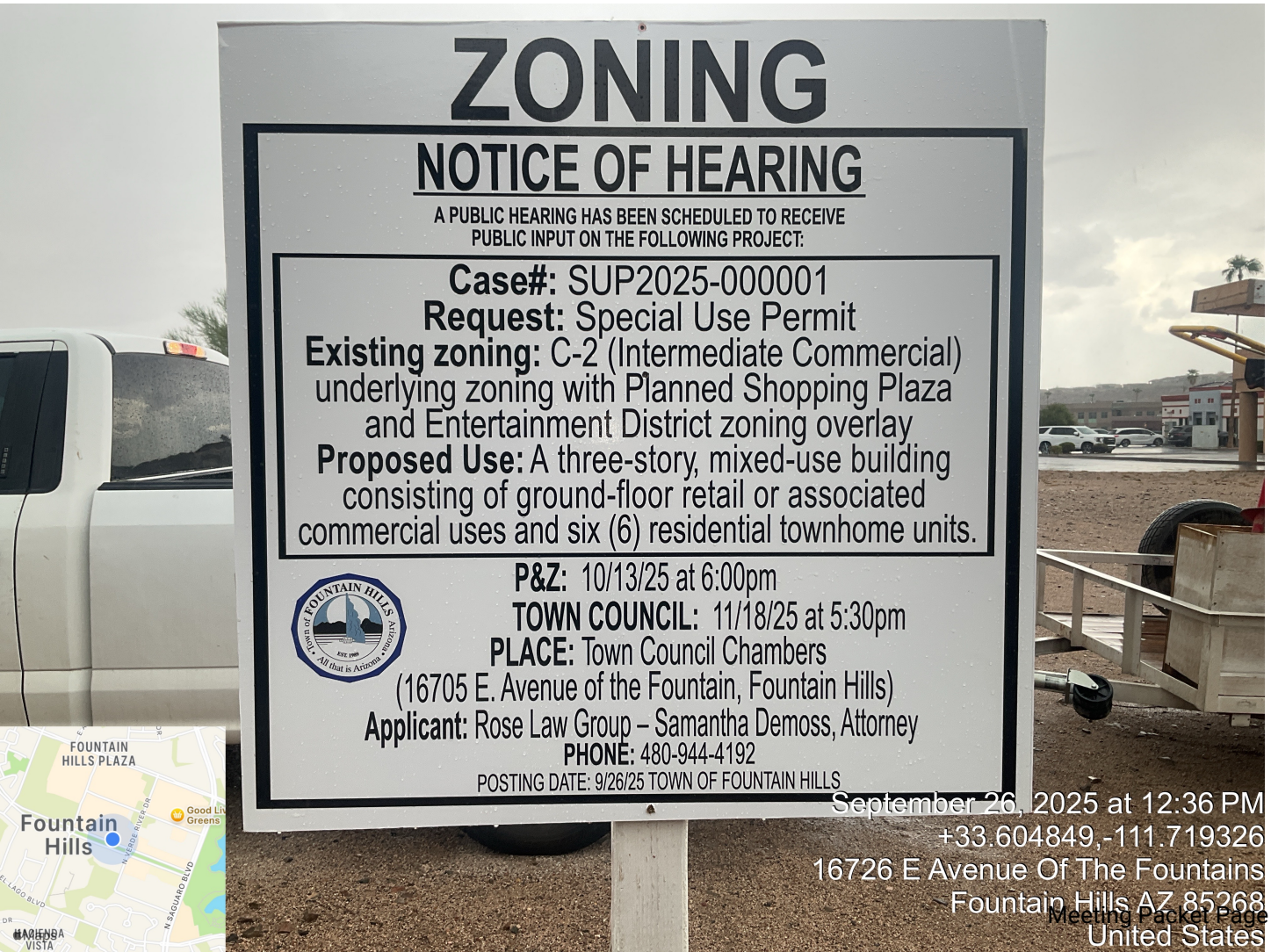

ZONING
NOTICE OF HEARING
A PUBLIC HEARING HAS BEEN SCHEDULED TO RECEIVE
PUBLIC INPUT ON THE FOLLOWING PROJECT:
Case#: SUP2025-000001
Request: Special Use Permit
Existing zoning: C-2 (Intermediate Commercial) underlying zoning with Planned Shopping Plaza and Entertainment District zoning overlay
Proposed Use: A three-story, mixed-use building consisting of ground-floor retail or associated commercial uses and six (6) residential townhome units.
P&Z: 10/13/25 at 6:00pm
TOWN COUNCIL: 11/18/25 at 5:30pm
PLACE: Town Council Chambers
(16705 E. Avenue of the Fountain, Fountain Hills)
Applicant: Rose Law Group – Samantha Demoss, Attorney
PHONE: 480-944-4192
POSTING DATE: 9/26/25 TOWN OF FOUNTAIN HILLS
FOUNTAIN HILLS PLAZA
Fountain Hills
September 26, 2025 at 12:36 PM
+33.604849,-111.719326
16726 E Avenue Of The Fountains
Fountain Hills AZ 85268
United States

Exhibit E

Open House Meeting Sign-in Sheet and Photos

Bondy Construction – East Avenue of the Fountains | Open House Meeting Sign-in Sheet

Fountain Hills Community Center ***Wednesday, September 24, 2025 from 5:30 – 6:30PM*** ***# SUP25-000001***

Name	Address	Email	Phone	Y/N to receive project updates
Roger & Suzanne Isaacs	13601 N Manzanita FH	SIsaacs@adsoftinc.com	480 620-8723	
Elizabeth Matej-Horchem	14725 N. Mariposa Ct Fountain Hills, AZ	ematejhorchem@msn.com	480-518-2752	
Dr Jodie				

EAST AVENUE OF THE FOUNTAINS

OPEN HOUSE COMMUNITY MEETING PHOTOS











ROSE LAW GROUPpc
RICH ▪ CARTER ▪ FISHER

THOMAS F. GALVIN, JR.
7144 E. Stetson Drive, Suite 300
Scottsdale, Arizona 85251
Phone 480.240.5651 Fax 480.505.3925
TGalvin@RoseLawGroup.com
www.RoseLawGroup.com

Good Neighbor Statement
East Avenue of the Fountains Mixed-Use Project
16740 E. Avenue of the Fountains, Fountain Hills, AZ 85268

Below you will find the Good Neighbor Statement for SUP25-000001, in conformance with the requirements of Fountain Hills Zoning Ordinance Section 2.02.4(a-f). In combination with the narrative submitted for SUP25-000001, this details the plans of Bondy Design and Construction, the Applicant, for ongoing collaborative management for the health and safety of owners and visitors to the Avenue of the Fountains district.

a. Property Owner Contact Information:

2820 Harrison St, LLC
16740 E. Avenue of the Fountains, Fountain Hills, AZ 85268
Phone: 734-775-0715
Email: 4727trumbull@gmail.com

b. Business Contact Information:

Bondy Construction & Design
15945 E. Ocotillo Drive, Fountain Hills, AZ 85268
Phone: 734-775-0715
Email: bondysconstruction@gmail.com
Primary Contact: Luke Bondy

c. Emergency Contact Information:

Emergency contact information, including a 24-hour phone number, will be clearly posted in a visible location at the front of the property to ensure neighbors and emergency personnel can reach onsite management promptly. This contact will also be shared with Town of Fountain Hills Neighborhood Services for quick mediation of any code-related issues if they shall occur. There is also potential for the use of a resident portal for those residents and tenants located on-site. The Developer is a local, dedicated community member who is readily available for discussion and quick resolution of any issues on the Project's site if they shall occur.

d. Mitigation of Potential Negative Impacts:

To minimize potential impacts such as noise, traffic, and parking congestion, this Project has been thoughtfully designed with onsite parking for residents and patrons, clearly designated delivery zones, and high-quality construction materials to reduce sound transmission. Operating hours for commercial spaces will adhere to city ordinances, and outdoor lighting will be designed to prevent light spilling into neighboring properties. Property management will be handled via Bondy Construction and Design's operating team for issues within the applicable lot. Issues in the common area will be resolved through coordination of the Bondy Construction and Design's operation team and the Tract 208 Association property management contractor.

e. Conflict Resolution Process:

Community concerns may be addressed directly to the property management team via phone or email. The Applicant is committed to acknowledging and addressing all concerns within 48 hours. When appropriate, the Applicant will facilitate meetings or discussions with concerned parties to find fair and timely resolutions. Conflicts within the Tract 208 Association will be managed via the Association's conflict resolution processes if need be. The conflict resolution process will be carefully detailed in the leases of residential and commercial tenants of the Project as well. This will include standards of contact and maintenance as well as the right of quiet enjoyment that must be agreed to by all residents and tenants.

f. Integration into the Neighborhood:

2820 Harrison St, LLC is committed to being a positive addition to the neighborhood. The Applicant plans to engage with local residents and neighborhood associations, host informational events about the Project, and support nearby businesses. The Applicant's goal is to build a development that enhances the community and fosters long-term neighborhood relationships. Bondy Construction and Design has done significant upfront outreach to surrounding neighbors, gaining their input and sharing his contact information in case of the event of a neighborhood issue. Significant engagement with the Tract 208 Association Board of Directors and Architectural Review Committee will be conducted and approved by the Association to ensure a speedy, low-disturbance construction and operation process for the Project. Bondy Construction and Design will be a team player, eager to work with surrounding commercial properties and the Town of Fountain Hills to maintain safety and enjoyment for the business owners, tenants, and customers of the thriving downtown area.

TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date:	10/13/2025
Meeting Type:	Planning and Zoning Commission Regular Meeting
Submitting Department:	Development Services / Planning
Prepared by:	Farhad Tavassoli, Senior Planner
Staff Contact Information:	Phone: 480-816-5139 Email: ftavassoli@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

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

Staff Summary (background)

On August 11, 2025, the Planning and Zoning Commission reviewed the applicant's revised proposal to allow 11 residential units within the Community Commercial (C-C) zoning district in Plat 106. Following a public hearing, the Commission voted to continue the case to the October 13 meeting, providing the applicant additional time to collaborate more closely with neighboring landowners in Plat 106 and develop a more cohesive and context-sensitive plan.

Since then, the Development Services Department hosted a community meeting at Town Hall, bringing together the applicant and local landowners to explore potential design solutions. While the meeting did not result in a consensus, several promising ideas emerged from the discussion.

To allow for continued dialogue and refinement of the proposal, the applicant has requested that the case be continued to the November 10 Commission meeting. This extension will provide further opportunity to work toward a more comprehensive and unified development plan for Plat 106.

A copy of the staff report from August 11 is attached. The Commission may also review the minutes from August 11, which are included in the consent agenda for the October 13 meeting.

Related Ordinance, Policy or Guiding Principle

Fountain Hills General Plan 2020
Zoning Ordinance Section 2.02 - Special Use Permits Zoning Ordinance
Section 12.03 - Uses Subject to Special Use Permits in Commercial Zoning Districts

Risk Analysis

N/A

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

On August 11, 2025, the Planning and Zoning Commission approved a continuance to the Planning and Zoning Commission meeting on October 13, 2025.

Staff Recommendation(s)

Staff recommends this Special Use Permit request be continued to the November 10, 2025, Planning and Zoning Commission meeting.

Suggested Motion

Move to continue the Special Use Permit request to the November 10, 2025, Planning and Zoning Commission meeting.

FISCAL IMPACT

Fiscal Impact:

Budget Reference:

Funding Source:

ATTACHMENTS

1. Letter of Opposition
2. Plan Details Part -3
3. Plan Details Part -2
4. Plan Details Part-1
5. Master plan (rev)
6. Good_Neighbor_statement
7. Revised Narrative, Citizen Participation Plan, and Final Report
8. Case Maps 24-003-004 Combined (1)
9. Staff Report

GURCZAK LUXURY DEVELOPMENT

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

June 17th, 2025

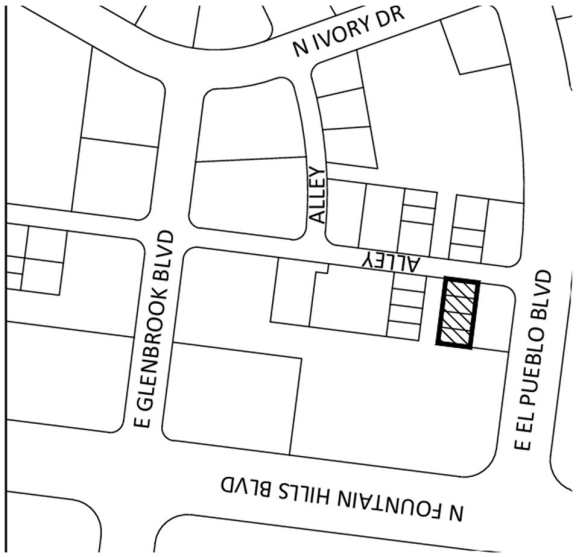
Fountain Hills Town Councilmembers

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

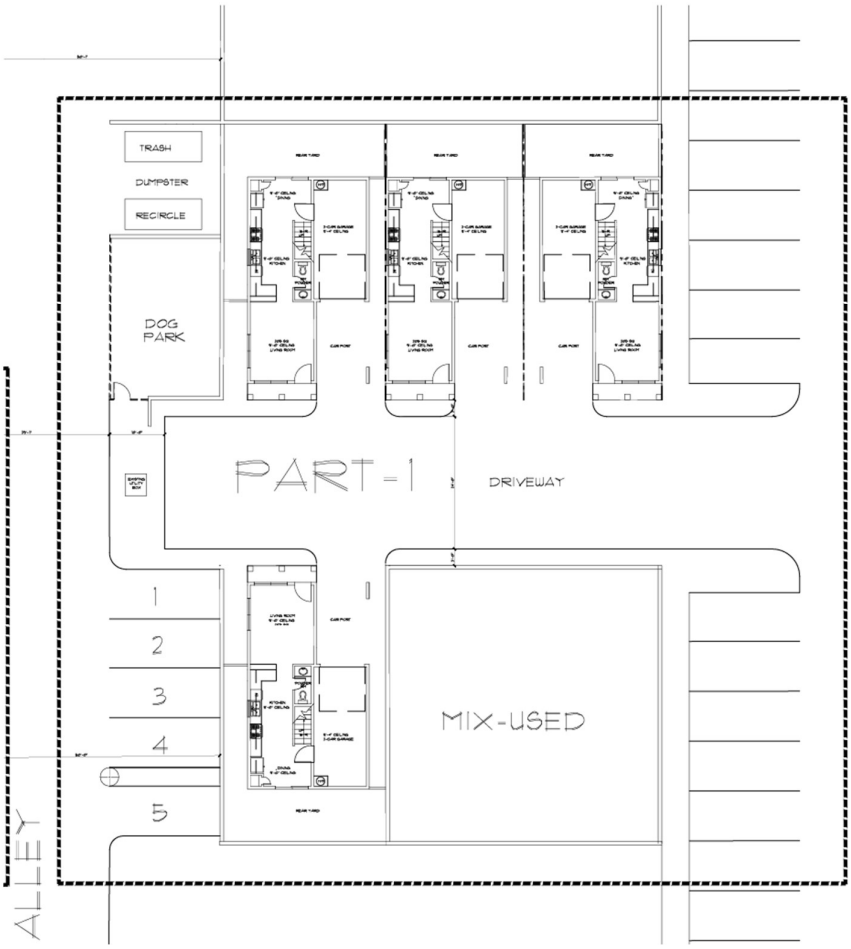
Town Councilmembers & P & Z Commissioners,

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

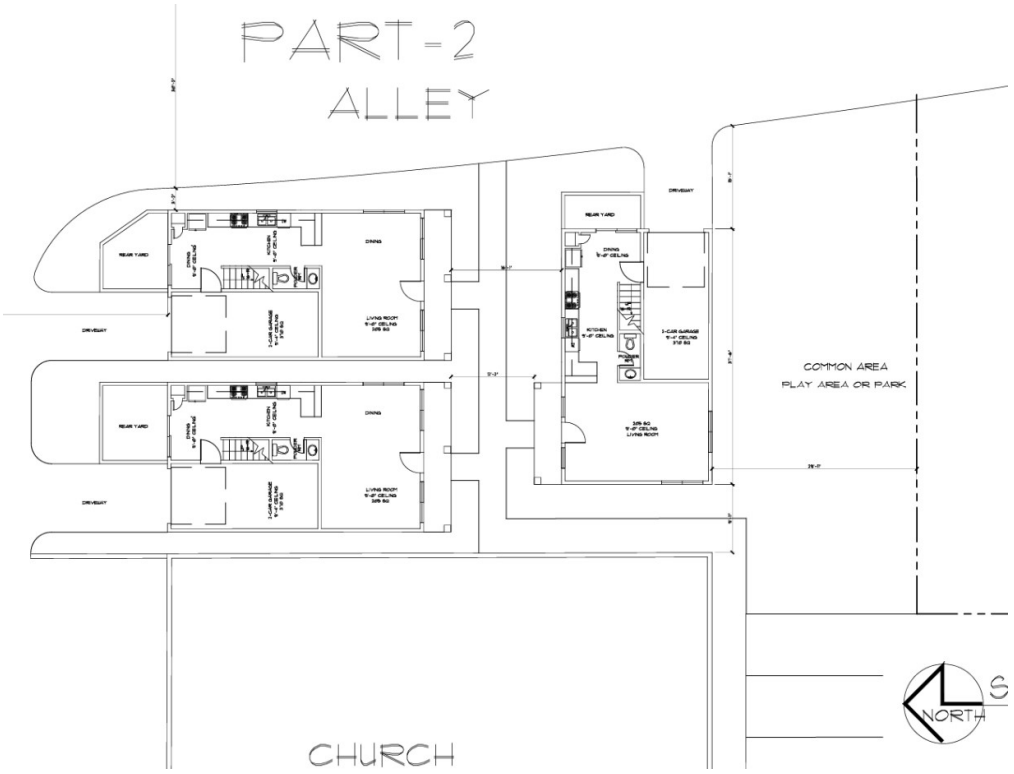
The project presented by the applicant is completely inconsistent with how the rest of this plaza should be developed/redeveloped. The applicant is essentially proposing small "cottages" in between existing commercial buildings & the project as whole does not blend in or work well with the existing surrounding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



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



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



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

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

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

Sincerely,

John A. Gurczak

John A. Gurczak – President – Gurczak Luxury Development LLC

VACANT LAND

NORTH

SITE PLAN

SCALE 1" = 16'-0"

PART - 3

EXISTING UTILITY BOX

DRIVEWAY

RELOCATE EXISTING UTILITY BOX

28'-0"

50'-2"

50'-0"

29'-11"

10'-0"

50'-0"

Office

MIX-USED

Office

MIX-USED

LIVING ROOM
9'-0" CEILING
205 SQ

CAR PORT

CAR PORT

LIVING ROOM
9'-0" CEILING
205 SQ

POWDER RM

KITCHEN
9'-0" CEILING

UP
16'-R

9'-4" CEILING
2-CAR GARAGE

9'-4" CEILING
2-CAR GARAGE

POWDER RM

KITCHEN
9'-0" CEILING

UP
16'-R

DINING
9'-0" CEILING

DINING
9'-0" CEILING

H/W

H/W

REAR YARD

REAR YARD

DOG PARK

EXISTING UTILITY BOX

1

2

3

4

5

DESIGN GROUP

REGISTRANT SEAL:

PROJECT:

PUEBLO'S COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

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

DESIGN GROUP & PROJECT MANAGEMENT

14561 W. FORT AU PRINCE LANE,
SURPRISE, AZ. 85379
TEL. (623) 742-8704
wilson@designgrouparch.com
www.designgrouparch.com

SHEET TITLE:
SITE PLAN pt-3

SHEET NO.
A2.2.0

© DESIGN GROUP & PM



NORTH ELEV-PART-3



EAST ELEV-PART-3

DESIGN GROUP

REGISTRANT SEAL:
-

PROJECT:

PUEBLO'S COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:
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CONTRACTOR:

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1		

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DG PROJECT NO.:	2404

DESIGN GROUP & PROJECT MANAGEMENT
14561 W. FORT AU PRINCE LANE,
SURPRISE, AZ. 85379
TEL: (623) 742-8704
wilson@designgrouparch.com
www.designgrouparch.com

SHEET TITLE:
COLOR ELEV pt-3

SHEET NO.
A2.2.1

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NORTH ELEV-PART-3

SCALE 1/4"= 1'-0"



EAST ELEV-PART-3

SCALE 1/4"= 1'-0"

DESIGN GROUP

REGISTRANT SEAL:
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PROJECT:

PUEBLO'S COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

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CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

DATE ISSUED:	5-9-2025
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DESIGNED BY:	=
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DG PROJECT NO.:	2404

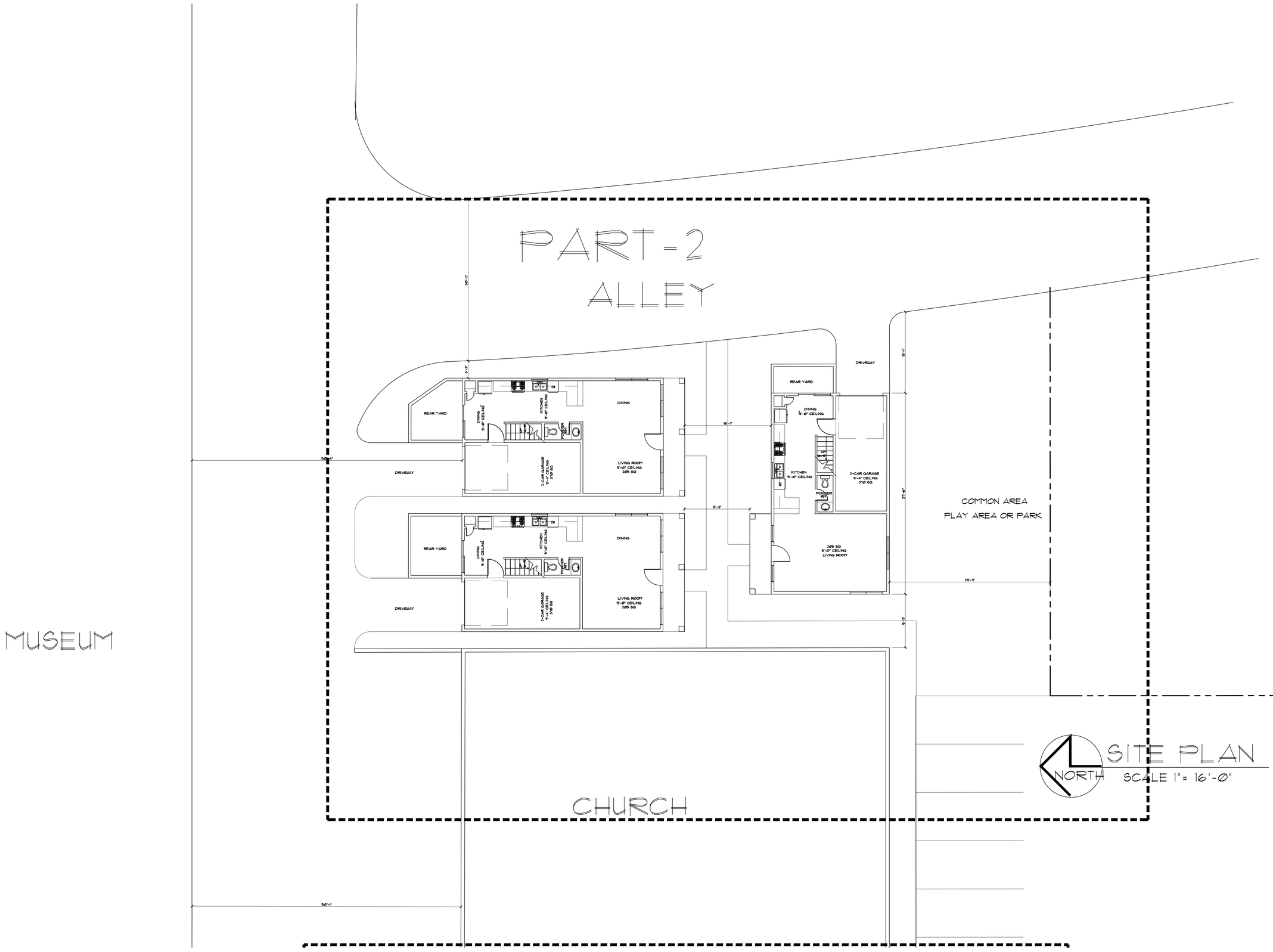
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SHEET TITLE:
ELEVATIONS pt-3

SHEET NO.
A2.2.2

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NORTH

SITE PLAN

SCALE 1" = 16'-0"

DESIGN ejm GROUP

REGISTRANT SEAL:
-

PROJECT:

PUEBLO'S COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

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CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

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

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wilson@designgrouparch.com
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SHEET TITLE:
SITE PLAN
pt -2

SHEET NO.
A2.1.0

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DESIGN GROUP

REGISTRANT SEAL:
-

PROJECT:

PUEBLO'S COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

=

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

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

DESIGN GROUP & PROJECT MANAGEMENT

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TEL: (623) 742-8704
wilson@designgrouparch.com
www.designgrouparch.com

SHEET TITLE:
COLOR ELEVATION PART-2

SHEET NO.
A2.1.2

© DESIGN GROUP + PM



SOUTH ELEV-PART-2

SCALE 1/4"= 1'-0"

DESIGN
ejm
GROUP

REGISTRANT SEAL:
-

PROJECT:

PUEBLO'S
COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

=

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

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

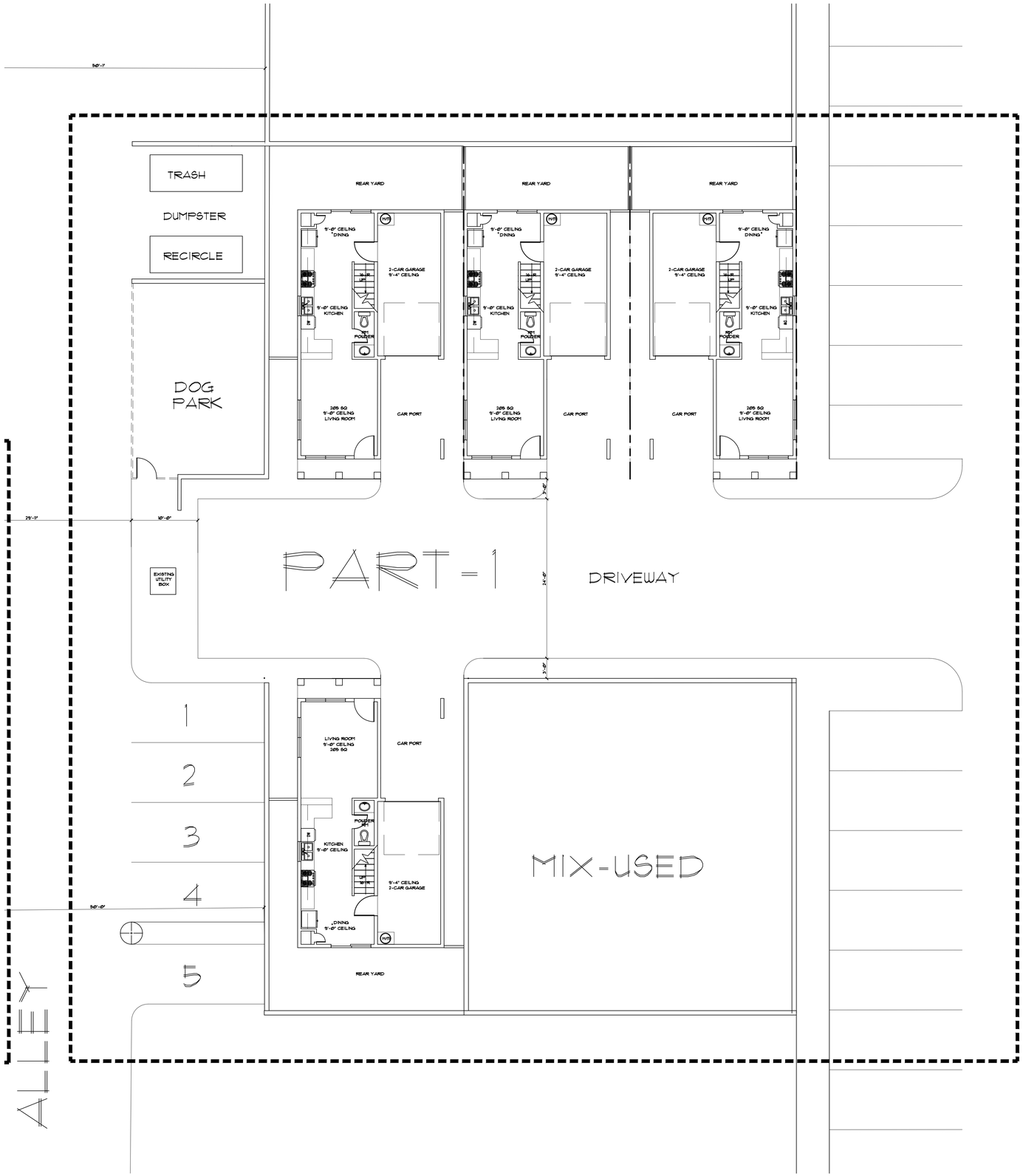
DESIGN
GROUP
& PROJECT MANAGEMENT

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

SHEET TITLE:
ELEVATIONS
PART-2

SHEET NO.
A2.1.2

© DESIGN GROUP & PM



NORTH

SITE PLAN

SCALE 1" = 16'-0"

DESIGN ejm GROUP

REGISTRANT SEAL:
-

PROJECT:

PUEBLO'S COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:
=

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

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

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14561 W. FORT AU PRINCE LANE,
SURPRISE, AZ. 85379
TEL: (623) 742-8704
wilson@designgrouparch.com
www.designgrouparch.com

SHEET TITLE:
SITE PLAN pt -1

SHEET NO.
A2.0

© DESIGN GROUP & PM



WEST ELEV PART-1



EAST ELEV-PART-1

DESIGN ejm GROUP

REGISTRANT SEAL:
-

PROJECT:

PUEBLO'S COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

=

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

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wilson@designgrouparch.com
www.designgrouparch.com

SHEET TITLE:
COLOR ELEVATIONS

SHEET NO.
A2.0.1

© DESIGN GROUP & PM



WEST ELEV PART-1

SCALE 1/4"= 1'-0"



EAST ELEV-PART-1

DESIGN ejm GROUP

REGISTRANT SEAL:
-

PROJECT:

PUEBLO'S COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

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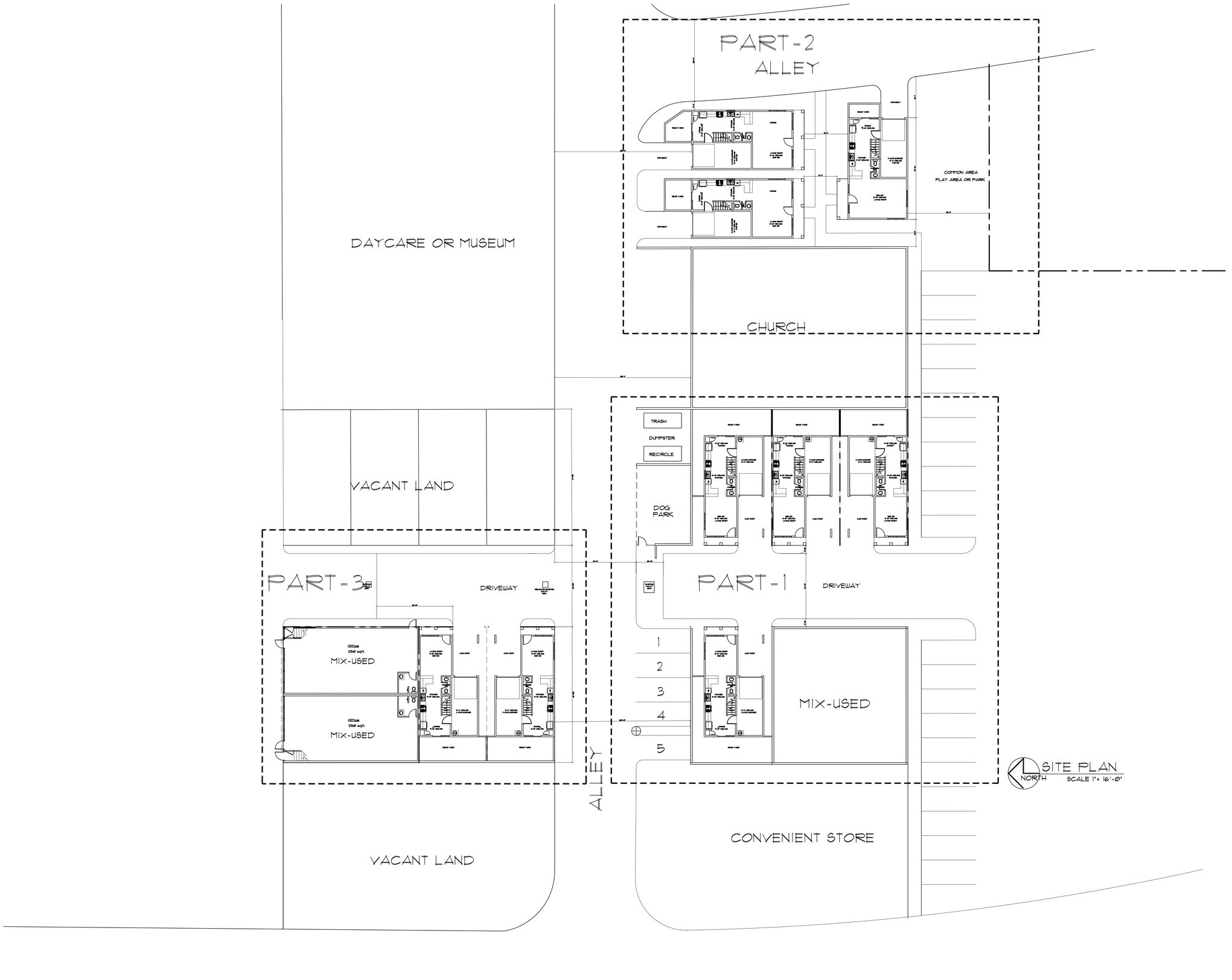
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ELEVATIONS

SHEET NO.

A2.0

© DESIGN GROUP & PM



DESIGN GROUP

REGISTRANT SEAL:
-

PROJECT:

PUEBLO'S COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

=

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

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

DESIGN GROUP & PROJECT MANAGEMENT

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SHEET TITLE:

MASTER PLAN

SHEET NO.

A1.0

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WEST ELEV - Part 1



SOUTH ELEV - Part 2



NORTH ELEV - Part 3



EAST ELEV-PART-3

DESIGN ejm GROUP

REGISTRANT SEAL:

PROJECT:

PUEBLO'S COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

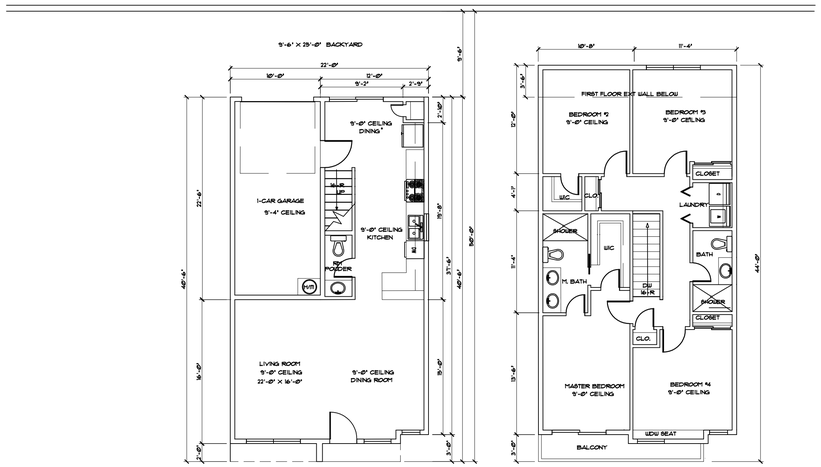
DATE ISSUED: 4-21-2025
REVIEWED BY:
DRAWN BY: WILSON
DESIGNED BY:
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DG PROJECT NO.: 2404

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SHEET TITLE:
ELEVATIONS

SHEET NO.
A4.0

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1ST FLOOR PLAN

1st FLR = 625 sq
2nd FLR= 913 sq
TOTAL = 1538 sq

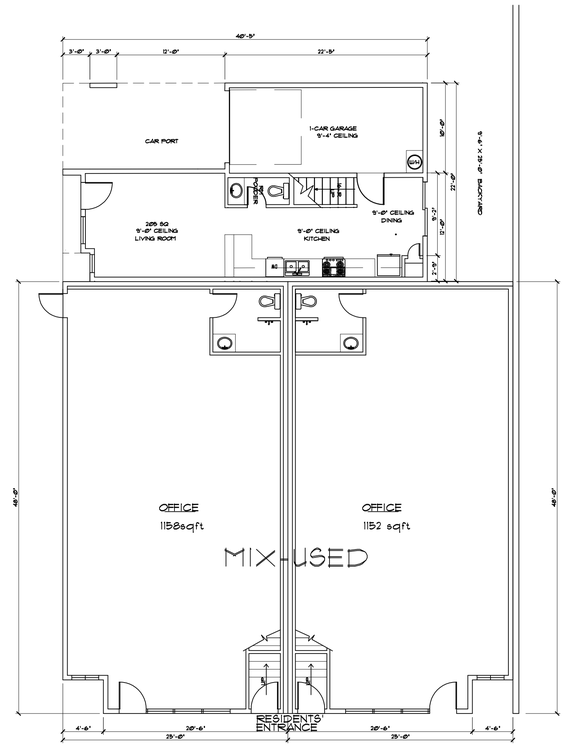
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2ND FLOOR PLAN

1st FLR = 468 sq
2nd FLR= 913 sq
TOTAL = 1381 sq

SCALE 1/8"= 1'-0"

PLAN-C -MODEL



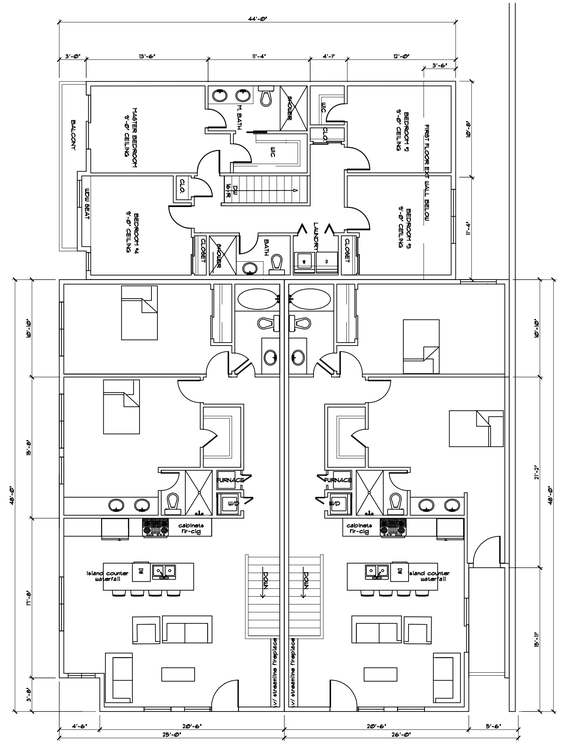
1st FLR OFFICE = 1158 sq
2nd FLR RESID = 1220 sq
TOTAL = 2378 sq

1st FLR OFFICE = 1152 sq
2nd FLR RESID = 1057 sq
TOTAL = 2209 sq
BALCONY = 57 sq

SCALE 1/8"= 1'-0"

FIRST FLOOR PLAN - PART 3

SCALE 1/4"= 1'-0"



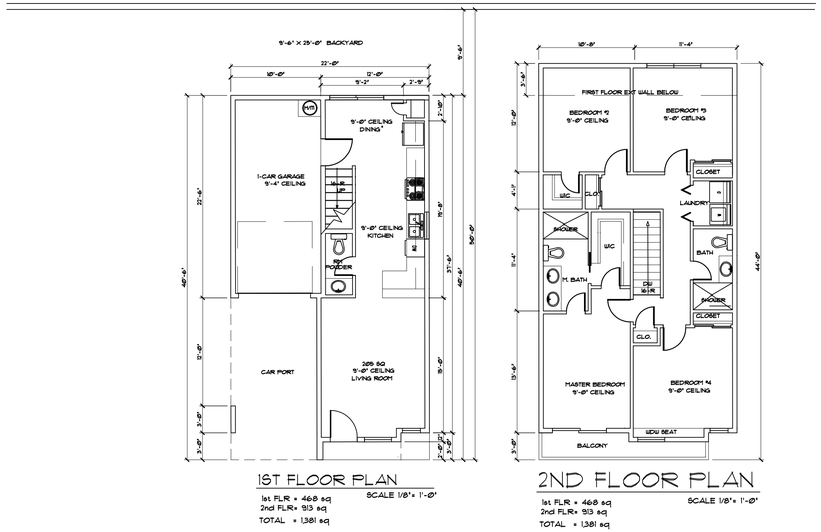
1st FLR OFFICE = 1158 sq
2nd FLR RESID = 1220 sq
TOTAL = 2378 sq

1st FLR OFFICE = 1152 sq
2nd FLR RESID = 1057 sq
TOTAL = 2209 sq
BALCONY = 57 sq

SCALE 1/8"= 1'-0"

2ND FLOOR PLAN PART 3

PLAN-D -MODEL



1ST FLOOR PLAN

1st FLR = 468 sq
2nd FLR= 913 sq
TOTAL = 1381 sq

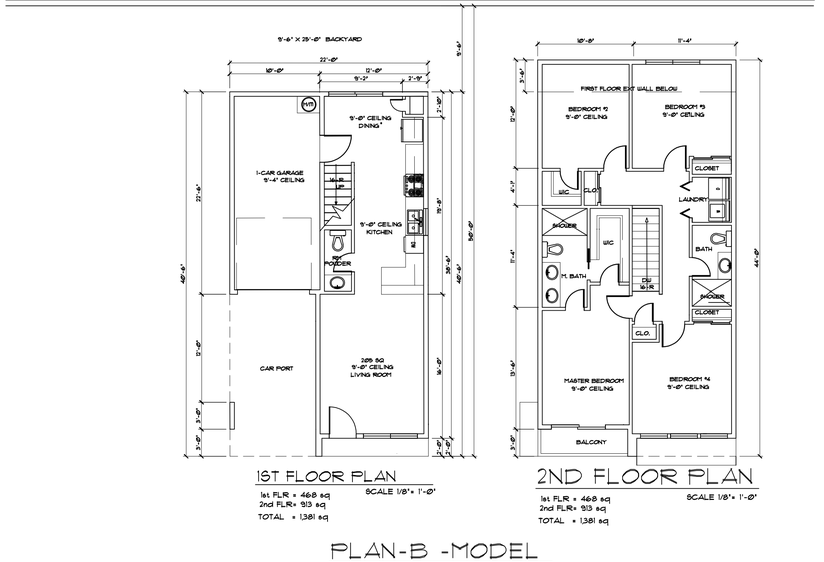
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2ND FLOOR PLAN

1st FLR = 468 sq
2nd FLR= 913 sq
TOTAL = 1381 sq

SCALE 1/8"= 1'-0"

PLAN-A -MODEL



1ST FLOOR PLAN

1st FLR = 468 sq
2nd FLR= 913 sq
TOTAL = 1381 sq

SCALE 1/8"= 1'-0"

2ND FLOOR PLAN

1st FLR = 468 sq
2nd FLR= 913 sq
TOTAL = 1381 sq

SCALE 1/8"= 1'-0"

PLAN-B -MODEL

DESIGN GROUP

REGISTRANT SEAL:
-

PROJECT:

PUEBLO'S COTTAGES

15014 N. IVORY DR

FOUNTAIN HILLS AZ 85268

PROJECT TYPE:
=

CONTRACTOR:

REVISION

NO.	DESCRIPTION	DATE
1		

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

DESIGN GROUP & PROJECT MANAGEMENT

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SHEET TITLE:

STREET VIEW ELEVATIONS

SHEET NO.

A1.1

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Good Neighbor Statement

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

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Citizen Participation Plan and Final Report

El Pueblo @ Foutain Hills
15043 N. Fountain Hill Blvd

May 09, 2025,

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

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

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

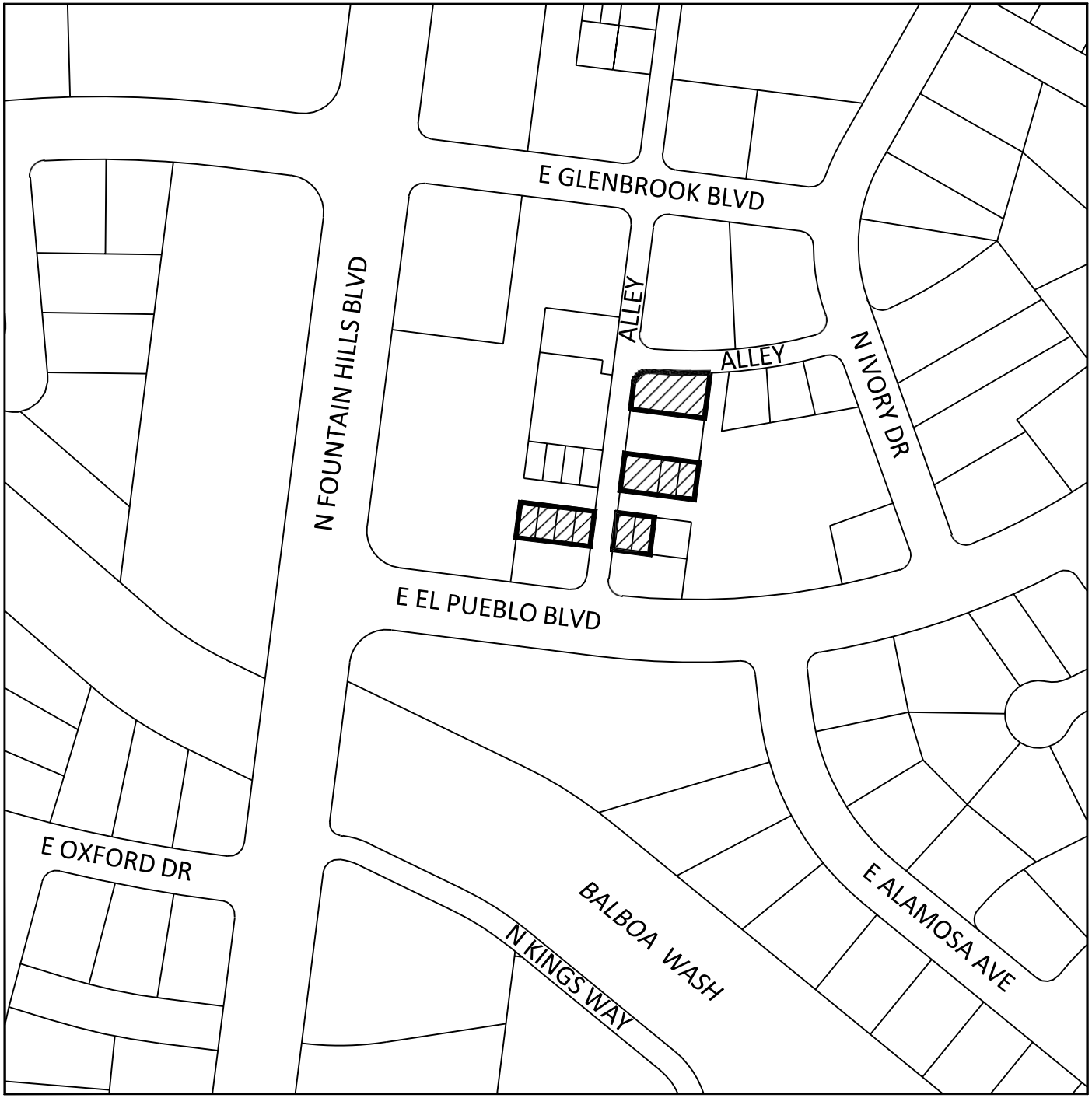
Resolutions:

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

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

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Vicinity Map: SUP25-000003; 000004



Case Details

CASE: SUP24-000003; SUP24-000004

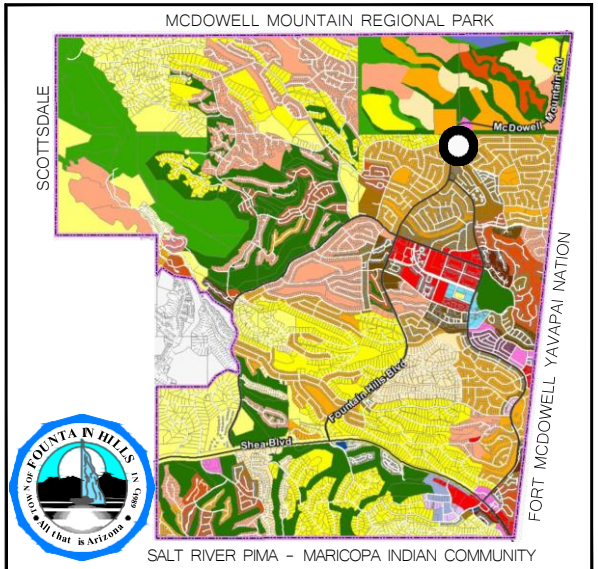
SITE / ADDRESS:
15012-15014-15016-15020-15022 &
15026 N. IVORY DR; 15037-15039-15041-15043
N FOUNTAIN HILLS BLVD

APNs: 176-04-704A, 176-04-705A, 176-04-806, 176-04-708A, 176-04-709A, 176-04-711A, 176-04-699A, 176-04-698A, 176-04-697A, 176-04-696A

REQUEST:

SPECIAL USE PERMIT to allow 11 residential units on 11 non-contiguous parcels in a commercial subdivision (Plat 106) generally located north of El Pueblo Blvd. between Fountain Hills Blvd. and Ivory Dr. in the C-C (Community Commercial) zoning district.

Site Location



TOWN OF FOUNTAIN HILLS

STAFF REPORT

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

Request to Town Council Regular Meeting (Agenda Language)

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

Staff Summary (background)

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

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

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

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

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

General Plan

The General Plan includes the following Goals and Policies:

Neighborhoods Element

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

POLICIES

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

Character Areas Element

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

POLICIES

1. Achieve and maintain a diverse and sustainable land use mix consistent with our small-town character that supports thriving neighborhoods, environment and economy by attracting and retaining revenue-generating uses that:

a. Enhance the Town's economic vitality; and

b. Increase the Town's revenue base to maintain quality infrastructure, services and amenities.

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

POLICIES

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

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

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

Analysis

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

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

Good Neighbor Statement

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

Citizen Participation

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

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

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

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

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

Site Plan Review

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

Related Ordinance, Policy or Guiding Principle

Fountain Hills General Plan 2020
Zoning Ordinance Section 2.02 - Special Use Permits
Zoning Ordinance Section 12.03 - Uses Subject to Special Use Permits in Commercial Zoning Districts

Risk Analysis

N/A

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

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

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

Staff Recommendation(s)

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

Suggested Motion

MOVE to approve Special Use Permit to allow 11 residential units on 11 non-contiguous

parcels in a commercial subdivision (Plat 106) generally located north of El Pueblo Blvd. between Fountain Hills Blvd. and Ivory Dr. in the C-C (Community Commercial) zoning district.

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

FISCAL IMPACT

Fiscal Impact:
Budget Reference:
Funding Source:

ATTACHMENTS

1. Case Maps 24-003-004 Combined
2. Revised Narrative, Citizen Participation Plan, and Final Report
3. Good_Neighbor_statement
4. Master plan (rev)
5. Plan Details Part-1
6. Plan Details Part -2
7. Plan Details Part -3
8. Letter of Opposition