

TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR MEETING
OF THE FOUNTAIN HILLS PLANNING & 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**

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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. Farhad, 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 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 71 days 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:

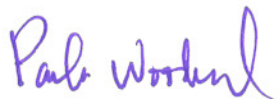


Paula Woodward, Executive Assistant

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

