



CITY OF SURPRISE
Planning & Zoning Commission Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Thursday, January 24, 2019 @ 6:00 PM
COUNCIL CHAMBERS

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Current Events and Reports
- E. Staff Reports
- F. Planning and Zoning Commission Agenda:

CALL TO THE PUBLIC:

INSTRUCTIONS: In order to address the Board\Commission, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the Secretary before the meeting begins.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address the Board\Commission only on issues within the jurisdiction of the Board\Commission which are not an item on the agenda. At the conclusion of the open call, the Board\Commission may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

CONSENT AGENDA:

- | | | | |
|----|----------|---|--------------------------|
| 1. | Internal | Consideration and action to review and approve or disapprove the January 10, 2019 Planning and Zoning Commission Minutes. | Community
Development |
|----|----------|---|--------------------------|

REGULAR AGENDA ITEM - PUBLIC HEARING:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|--|--------------------------|
| 2. | Citywide | Presentation and discussion regarding the Land Development Ordinances code update. | None |
| | | | Community
Development |
| 3. | Internal | Open Meeting Law and Conflicts of Interest Presentation | None |
| | | | Community
Development |

- G. Other Business and Future Agenda Items
- H. Executive Session

For information purposes: Upon a public majority vote of a quorum of the Commission, the Commission may hold an executive session, which will not be open to the public, but for only the following purposes

- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2)); or
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3)).

Confidentiality Requirements: Pursuant to A.R.S. §38-431.03(C)(D), any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney or by agreement of the Commission, or as otherwise ordered by a court of competent jurisdiction.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

I. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: January 17, 2019 at 2:30 PM

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE
Planning & Zoning Commission Meeting

Council Meeting Date: January 24, 2019 Contact Person:
Submitting Department: Community Development District: Internal
Staff Recommendations:

Consent: Yes Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action to review and approve or disapprove the January 10, 2019 Planning and Zoning Commission Minutes.

Motion:

I move to approve the January 10, 2019 Planning and Zoning Commission Minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 1-10-19 PZ MIN-DRAFT
-

**CITY OF SURPRISE
PLANNING AND ZONING COMMISSION**

MEETING MINUTES

January 10, 2019 / 6:00 PM

**COUNCIL CHAMBERS
16000 North Civic Center Plaza
Surprise, AZ 85374**

CALL TO ORDER.

Chair Matthew Keating called the Planning and Zoning Commission Meeting to order at 6:00 p.m. at Surprise City Hall, 16000 North Civic Center Plaza, Surprise, Arizona 85374, on January 10, 2019.

A. ROLL CALL

In attendance were Chair Matthew Keating, Vice Chair Dennis Bash, Commissioners Mitchell Rosenbaum, Ken Chapman, Gisele Norberg and Scott Krous.

STAFF PRESENT:

Community Development Director Eric Fitzer, Chief Deputy City Attorney Ellen Van Riper, Planner Hobart Wingard, Current Planning Supervisor Robert Kuhfuss, and Planning and Zoning Commission Secretary Lorraine Nevarez.

COUNCIL MEMBERS PRESENT:

None.

B. PLEDGE OF ALLEGIANCE

C. CURRENT EVENTS REPORT

None.

D. STAFF REPORT

None.

CALL TO THE PUBLIC:

Chair Keating opened the call to the public to discuss any items not listed on the agenda.

Hearing no comments, Chair Keating closed the call to the public.

CONSENT AGENDA:

Item 1 – Internal – Consideration and action approving the December 20, 2018 Planning and Zoning Commission Minutes.

Commissioner Smith made a motion to approve the December 20, 2018 Planning and Zoning Commission Minutes as presented. Vice Chair Rosenbaum seconded the motion. Motion passes with 6 votes in favor and 1 abstention (Commissioner Norberg).

Item 2 – Internal – Consideration and action approving the December 20, 2018 Planning and Zoning Commission Executive Minutes.

Vice Chair Bash made a motion to approve the December 20, 2018 Planning and Zoning Commission Executive Minutes as presented. Commissioner Rosenbaum seconded the motion. Motion passes with 6 votes in favor and 1 abstention (Commissioner Norberg).

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING:

Item 3 – District 6 – Consideration and action pertaining to adoption of Ordinance #2019-01 rezoning 8.98 acres of property located in Sub-Parcel six (6) of the Surprise Pointe Planned Area Development (“PAD”) at the southwestern corner of Waddell and Dysart Roads from PAde-I1 to the PAD; Ordinance #2019-01.

Hobart Wingard, planner, presented item 3 to the Commission.

There was no discussion regarding this item.

Vice Chair Bash made a motion to recommend approval of Ordinance #2019-01 to City Council. Commissioner Rosenbaum seconded the motion. Motion passes 7 votes in favor.

Item 4 – District 3 – Consideration and action pertaining to adoption of an Ordinance #2019-03 rezoning 200.3 acres of property located in the Sycamore Farms Planned Area Development (“PAD”) at the southeastern corner of Cotton Lane and Cactus Road from Sycamore Farms, PAD-RL-5, PAD-RM9, PAD-CC and Park to Sycamore Farms PAD-BP; Ordinance #2019-03.

Hobart Wingard, planner, presented item 4 to the Commission.

The commission discussed the following:

- Park
- Freeway signage

Commissioner Chapman made a motion to recommend approval of Ordinance 2019-03 to City Council. Commissioner Smith seconded the motion. Motion passes 7 votes in favor.

Item 5 – District 3 – Consideration and action pertaining to adoption of Ordinance #2019-04 rezoning 200.3 acres of property located in the Sycamore Farms Planned Area Development (“PAD”) at the Southeastern corner of Cotton Lane and Cactus Road from Sycamore Farms PAD-RL-5, PAD-RM9, PAD-CC, and Park to Sycamore Farms PAD-RL-5, PAD-RM9, and PAD-CC; Ordinance #2019-04.

Hobart Wingard, planner, presented item 5 to the Commission.

There was no discussion regarding this item.

Commissioner Smith made a motion to recommend approval of Ordinance 2019-04 to City Council. Commissioner Rosenbaum seconded the motion. Motion passes 7 in favor.

OTHER BUSINESS:

Item 7 – INTERNAL - Discussion pertaining to future agenda items.

Commissioner Norberg asked for an update regarding the no left hand turn sign for Sierra Montana Crossings at the southwest corner of Greenway and Cotton Lane.

Director Fitzer shared that he will have the transportation staff come and update the Commission.

ADJOURNMENT:

Hearing no further business, Chair Keating adjourned the Planning and Zoning Commission meeting at 6:17 p.m.

Eric Fitzer
Community Development Director

Matthew Keating
Planning and Zoning Commission Chair

The foregoing instrument is a full, true and correct copy of the original document on file in the office of the City Clerk, City of Surprise, Arizona.

ATTEST BY: _____
Lorraine Nevarez, Commission Secretary

DATE: _____



CITY OF SURPRISE
Planning & Zoning Commission Meeting

Council Meeting Date: January 24, 2019 Contact Person:
Submitting Department: Community Development District: Citywide
Staff Recommendations: None

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Presentation and discussion regarding the Land Development Ordinances code update.

Motion:

N/A

Background:

Staff is researching changes to the Land Development Ordinances that will implement the General Plan 2035.

Objective Analysis:

Policy Compliant:

Financial Impact:

There is no direct financial impact. Any financial impact will be determined during the budget process.

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Code Update Presentation 1-24-2019
-



Presentation: Updating the Development Code

Planning and Zoning Commission
January 24, 2018

Today's Discussion

Examine proposed regulation changes

- Age Specific Overlay (ASO) Zoning District
- Transfer of Development Rights (TDR)
- Open Space Zoning Districts (OS-1 and OS-2)
- Traditional Neighborhood Development (TND) Zoning District
- Use Specific Standards
- Transit Oriented Development (TOD)
- Remove Planned Unit Development (PUD) Overlay District
- Amending Residential Zoning Districts
- Planning and Engineering Design Standards (PEDS)
- Outdoor Lighting Standards
- Updates to the Land Division chapters
- Updates to the Parking Standards

Code Update

Changes to the overall code must follow 3 principles:

1. Easy to Read

- Clear and transparent for individuals, property owners, and developers

2. Easy to Administer

- Straightforward interpretation for staff when reviewing projects

3. Easy to Enforce

- Well-defined regulations for enforcement officers/inspectors to evaluate

Age Specific Overlay (ASO) Zoning District

A.R.S. §9-462.01(A)(11) and the Housing for Older Persons Act (HOPA)

- Allows City's to establish age-specific community zoning districts.
- Proposing a new Age Specific Overlay (ASO) zoning district
- For existing (if so desired) and future developments
- **Question #1:** Should the city consider establishing a “separation” (spacing) requirement between two like ASO zones (i.e. 2-3 miles)?
 - a. Separation regulations have been upheld in courts for other zoning related uses.
- **Question #2:** Should the city establish an acreage requirement for this ASO zoning district and should this size limitation be a minimum acreage size to seek ASO zoning or a maximum acreage size to limit the overall size of such zoning?

Transfer of Development Rights (TDR)

A.R.S. §9-462.01(A)(12) - may establish transfer of development rights

- Involves a “sending property” and a “receiving property”; all property owners must approve
- Proposed TDR language, limits use to protecting environmentally sensitive features, cultural resources, and regional drainage facilities/washes
- “Sending property” becomes a conservation easement or rezoned OS zoning, retained by the property owner or transferred to a conservancy organization

Question #1: Are there any circumstances under which you would exclude this option?

Question #2: Should TDR allow off-site receiving parcels as well as to on-site receiving parcels to “sell” ones development rights?

Question #3: Should the City extend the use of this TDR tool to a development that has no environmental or cultural lands or regional drainage facilities, example to protect Luke Aux one form development encroachment?

Open Space Zoning Districts

Open Space Conservation (OS-1) district and an Open Space Recreation (OS-2) district

- OS-1 will conserve natural areas; limited passive recreational uses
- OS-2 for active recreational facilities; assurance that land remains open space
- Changing OS zoning would require a rezoning

Question #1: Should the city adopt two distinct OS zoning districts?

Question #2: Should the City require property owners/developers to zone open space in their development plans?

Traditional Neighborhood Development (TND)

A new “ready-made” hard zone for master planned neighborhoods (modern version of the old PAD zoning)

- The TND zoning would utilize the same city defined development standards for all TNDs
- Provide the flexibility of location and product type as market demands change and without the additional zoning process requirements as currently required.
- Uses “zoning bank” with density, uses, and percentages defined at zoning approval
- Not specifically fixed to individual parcel size or location within the master plan until the parcel subdivision plat is processed.

Question #1: Is the Commission comfortable with the concept of this new predetermined zoning district that staff would like to promote as tool for complete master planned communities (not just residential subdivisions)?

Conditional Use Permit (CUP)

The current (CUP) is decided by the P&Z Commission. A CUP adds extra reviews for many uses that only need Site Plan approval.

- Drive-through facilities have certain standards for stacking and orientation that may be reviewed during a Site Plan.
- Reduced number of land uses that require a CUP. Uses without a CUP will be review against the Use Specific Standards during the typical Site Plan Review Process.
- CUP requests will be heard by the P&Z Commission and forward a recommendation to City Council for the final decisions.
- Applicant must show the use is compatible with the neighboring uses and enhances the community as a whole.

Question #1: Is the Commission comfortable elevating the CUP approval to City Council with a recommendation from the P&Z Commission?

Updated Land Use Matrix

The current SUDC has series of individual uses that can be consolidated viewed as a more unified term.

- Little difference between a pool supply store, a traditional department store, and big box retailers as they all provide goods for sale;
 - primary differences can be the size and scale, auto dependence and traffic generation, and the allowance of outdoor display/storage
- Businesses currently not addressed: Staff is proposing an updated Land Use Matrix and new Use Specific Standards
- Council policy/direction needed:
 - transitionally homeless vs chronically homeless shelters/homes; domestic violence shelters/homes; teen pregnancy and runaway shelters/homes; and, meal centers

Question #1: When staff addresses these social service uses in the LDO update what use specific standards, if any, should be considered (physical size of facilities, indoor vs. outdoor uses, number of clients served, hours of operation, etc.)?

Use Specific Standards

The current SUDC has over 40 uses that have some “use specific standard”; it may no longer be necessary or appropriate to require additional standards

- SUDC currently requires additional spacing standards for “tattoo an/or body piercing establishments” as well as for “pawnshops”
 - No longer carry the negative stigma of a disreputable industry and view in the same category as other “personal service establishments” such as nail salons, barber shops, and beauty salons.
- “Pawnshops” have become unique or quirky shopping venues similar to antique shops and other “retail establishment”

Question #1: Should the City allow for “tattoo & body piercing establishments” in the same zoning districts as other “personal services establishments”?

Question #2: Should the City have additional standards “tattoo & body piercing establishments”?

- Keep the buffer of 1,000 feet from any church, school, residence or another tattoo and/or body piercing establishment?
- Keep the restriction that they shall not be located along an arterial roadway
- Add a restriction to the allowed business hours to ensure it acts as a typical “personal services establishment”?
- Add buffer requirement between tattoo and/or body piercing establishments and any “bars”

Transit Oriented Development (TOD)

Staff is presently exploring both development and design standards for TOD development to thrive; TOD “nodes” and “corridors” as unique entities.

- The location for the TOD corridors will be as determined by the adopted Surprise Transit Plan; with the TOD node locations located in the Transportation Element of the General Plan.
- Node vs corridor (and specific zoning districts) will be part of this TOD General Plan.
- PEDS will list the design standards associated with both TOD nodes and corridors. This is a form-based for the specific design, rather than creating a separate TOD overlay zone

Question #1: Is the Commission comfortable with the concept and approach suggested by staff?

Elimination of PUD Overlay Zoning District

The PUD Overlay Zoning District amends development standards for any given project. Creates an entitlement on a property that is unique and contains standards different from the rest of the city.

- Limited scrutiny related to the inconsistent standards in the SUDC. Also to be a proactive partner in the development community, Surprise takes note when developers state the deviations are needed to meet market demands.
- Many individualized uses and standards create projects that are difficult for staff to administer.
- Proposing to eliminate future requests of the PUD overlay with the LDO update

Question #1: Is the Commission comfortable with eliminating this tool to deviate from development standards?

Amending Existing Residential Zoning Districts

Land uses and standards can be consolidated into 4 zoning districts that simplify the entitlement language; range of lot size and setback standards

- “RR” and “RE” are being combined into a single district to be known as “Rural Residential” (RR).
- All “RL” zoning = “R-1” single-family zoning district known as “Residential Low Density”.
- All “RM” zoning = “R-2” permits for single-, two-, and three-family subdivisions; ranging from small lot subdivisions, clustered housing designs, and housing variety known as “Residential Low Density”.
- The updated “High Density” residential, R-3 will continue to accommodate the multifamily
- Assume or request only the minimum density; may achieve max density by providing community benefits outlined in the LDO

Planning and Engineering Design Standards (PEDS)

LDO will be eliminating multiple individual design standard books; baseline design standards and expectations for the varied land uses

- Chapter 1: Standard Requirements for All Land Uses
- Chapter 2: Neighborhood Land Uses
- Chapter 3: Commerce, Office, and Mixed Use Land Uses
- Chapter 4: Business Park and Industrial Land Uses
- Chapter 5: Environmentally Sensitive Land Standards
- Chapter 6: Transit Oriented Development Standards (still to be developed)

Outdoor Lighting Standards

Proposing “dark sky” standards and has introduced the concept of different “lighting zones” with specific lighting standards per zone

- Lighting Zone 2 (LZ2): Neighborhood areas that are developed at the suburban and urban level. LZ2 levels are medium to high ambient brightness due to the higher levels of night time activity.
- Lighting Zone 1 (LZ1): Areas within this lighting zone includes the neighborhood area that is developed at the rural residential level and areas with limited nighttime activity. LZ1 levels are low ambient brightness for safety focused at activity centers and travel corridors.
- Lighting Zone 0 (LZ0): Areas within this lighting zone includes those lands within a Scenic Lands Development area other lands determined to have environmentally sensitive features or to be located in environmental buffer areas. In these areas, the preservation of an intrinsically dark is considered of paramount value and special review will be required for any permanent lighting in this zone.

Other Code Updates

Staff is presently working on the update to these standards

- Land Division: Staff is working to finalize the update to the Land Division (subdivision) section for procedures that were being used by the city but were not codified. The updated LDO will clarify these and provided them in an easy to read format for the development community's use.
- Parking Standards: Staff is proposing to move in the same direction as the national trends - which are to reduce the minimum standards or eliminate parking standards all together. Following this trend and utilizing the design standards within the new PEDS will help create more pleasing and viable public space and less “seas of parking” within the city.



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE
Planning & Zoning Commission Meeting

Council Meeting Date: January 24, 2019 Contact Person:
Submitting Department: Community Development District: Internal
Staff Recommendations: None

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Open Meeting Law and Conflicts of Interest Presentation

Motion:

Discussion only.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 19.01.15 EVR Open Meeting Law
-



OPEN MEETING LAW AND CONFLICTS OF INTEREST

LEGAL DEPARTMENT, JANUARY 15, 2019

OPEN MEETING LAW

. . . opening the window on how government works in Arizona



A.R.S §38-431.01(A)

Arizona law states:

All meetings of any public body must be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies must occur during a public meeting.

PURPOSE OF THE OPEN MEETING LAW

TRANSPARENCY

To ensure that the public has an opportunity to observe what the government is doing, and how it is being done.

STATE POLICY A.R.S. §38.431.09

- Meetings of public bodies must be conducted openly.
- Notices and agendas provided for meetings with information reasonably necessary to inform the public of matters to be discussed or decided.
- Construe OML in favor of “open and public meetings.”
- Discuss or take action ONLY on items that are on the agenda.

WHAT IS A MEETING?

Meeting: the gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action.

A.R.S. § 38-431(4).

“... in person or through technological devices”

WHETHER

- All together in one room, OR
- One or more of the people participating by phone, OR
- One or more participating by computer, video chat, or phone
- Over time rather than all at once.

...it is all considered a meeting

Another way to define meeting...

1. Phone calls.
2. Emails-be careful responding to emails. Using “Reply All” and Forwarding emails may lead to OML trouble.
3. Serial meeting-less than a quorum present. Later the same discussion is had with other members.
4. Social events-when in doubt, post as possible quorum.
5. Social media-be careful “liking” comments, emerging area of law.

Are social events meetings?

- A.G. recommends that the event be posted if a quorum will be present.
- Identify time, date, location, and purpose.
- State that no legal action will be taken – *and then don't talk about city business!*
- It does not matter what label is placed on a gathering; it may be called a "work" or "study" session, or the discussion may occur at a social function.

Ariz. Att'y Gen. Op. I79-4 (¶7.5.1).

ALTERNATIVE COMMUNICATIONS

- Letters
- Blogs
- Media (e.g. newspaper, radio)
- Social Media (e.g. Facebook, Twitter)

(Cannot use alternative methods of communication to circumvent Open Meeting Laws.)

COMMUNICATION WITH STAFF

- Council/Board may communicate with staff.
- Staff may provide the Council/Board with reports or other information outside a public meeting.
- Staff may not be used to side step the open meeting law.

SPECIAL KIND OF MEETING:

EXECUTIVE SESSION

- Clerk is responsible for noticing the public of all meetings, including executive sessions.
- Majority of Commission must vote to convene into executive session.
- Primarily legal advice.
- Must close executive session by vote when return to regular session

SPECIAL KIND OF MEETING

EXECUTIVE SESSION, cont.

- Discussion ONLY.
- Must keep minutes of e-session.
- Minutes are confidential except in limited circumstances.

PENALTIES FOR VIOLATING THE OPEN MEETING LAW

ARS § 38-431.07

- Civil Penalty up to \$500
- Removal from Office for Intentional Violations
- Plus court costs and attorney fees
- City cannot represent you or pay for a lawyer to represent you.



Conflict of interest

Arizona statutory law requires public officers (or employee) who have a conflict of interest to do two things...

- 1) Disclose the interest
- 2) Refrain from **any** participation in the matter.

A.R.S. §§ 38-501 to 511.

WHAT IS A CONFLICT OF INTEREST?

- A PUBLIC OFFICER OR EMPLOYEE
- WHO HAS (OR HIS RELATIVE HAS)
- A SUBSTANTIAL INTEREST

SUBSTANTIAL INTEREST?

- A NON-SPECULATIVE
- PECUNIARY (financial)
- PROPRIETARY (business)
- EITHER DIRECT OR INDIRECT

RELATIVES

- Your spouse
- Your children
- Your grandchildren
- Your parents
- Your grandparents
- Your siblings by full or half-blood & their spouses
- Your spouse's parent, brother, sister or child

WHAT ALL APPOINTED OFFICIALS NEED TO KNOW.

- Conflicts can happen-just don't try to influence the decision or vote. Always disclose the interest.
- When in doubt --- ASK!!
- What to do at the meeting when you have a conflict? – Refrain from participation.

GIFTS



Can you accept them? Can you give them?

GIFTS - Accepting

- Public officers are prohibited from using or attempting to use their position to secure any benefit or anything of value.
 - A.R.S. § 38-504(c)
- Public officers are prohibited from agreeing to receive or receiving compensation other than as provided by law for services they render.
 - A.R.S. § 38-505(A)

Exceptions

- *De minimis* gifts, i.e.:
 - 1) Unsolicited advertising or promotional material such as pens, scratch pads, calendars, etc... (basically trinkets).
 - 2) Other items of nominal value (e.g. box of candy or fruitcake) that are merely tokens of appreciation and not related to any particular transaction.

Ask yourself

- How would you feel if the Arizona Republic ran a story about you receiving the gift?
- “Headline Test” now “YouTube Test”
- Would a citizen question whether the gift is intended to buy influence?

- If you have any reservation or question about the propriety of a gift or gratuity, the best practice is always to:

DECLINE



QUESTIONS OR COMMENTS?

Thank You