

**CITY OF SURPRISE
PLANNING AND ZONING COMMISSION**

MEETING MINUTES

September 17, 2020 / 6:00 PM

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

CALL TO ORDER.

Vice 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 September 17, 2020.

A. ROLL CALL

In attendance was Vice-Chair Matthew Keating, Commissioner Scott Krous, Commissioner Ken Chapman, Commissioner Kevin Sartor, Commissioner Dennis Smith and Commissioner Mitchell Rosenbaum.

Chair Dennis Bash had an excused absence.

STAFF PRESENT:

Ellen VanRiper, Chief Deputy City Attorney; Chris Boyd, Community Development Director; Lloyd Abrams, Assistant Community Development Director; Robert Kuhfuss, Current Planning Supervisor; Hobart Wingard, Current Planner; Shirley Phan, Current Planner; Joshua Mike, Long Range Planner; Robert Parks, Solid Waste Manager; Tracy Mills, Tech Services Manager; Greg Welch, Police Sergeant; Brenden Espie, Assistant Fire Chief; Michael Boule, Assistant Director Utility Operations and Ashley Labhart, Planning and Zoning Secretary.

COUNCIL MEMBERS PRESENT:

None.

B. PLEDGE OF ALLEGIANCE

C. CURRENT EVENTS REPORT

Mr. Boyd introduced Kevin Sartor as the newly appointed Commissioner for the Planning and Zoning Commission.

D. STAFF REPORT

None.

CALL TO THE PUBLIC:

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

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

CONSENT AGENDA:

Item 1 – Internal – Consideration and action pertaining to approval or disapproval of the September 3, 2020 Planning and Zoning Commission Minutes.

Vice Chair Keating made a motion to approve the September 3, 2020, Planning and Zoning Commission Minutes as presented.

Commissioner Krous seconded the motion. Commissioner Sartor and Commissioner Smith abstained. Motion passes with 4 votes in favor.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING:

ITEM: 2 – District 1 - Consideration and action regarding the approval or disapproval of the rezone of 39.75 acres from Residential Ranch (RR) to Residential Medium Density with a Planned Unit Development Overlay (RM-9 PUD) amending development standards and limiting residential density to 5.53 dwelling units per acre for Ellen Ranch, Case FS20-090.

Robert Kuhfuss, Current Planning Supervisor, presented item 2 to the Commission.

Vice Chair Keating opened the public hearing.

Hearing no comments, Vice Chair Keating closed the public hearing.

The Commission discussed the following:

- Zoning and lot size
- Plot plan
- Pool upkeep and cost responsibility
- Emergency vehicle access
- Required facilities per building code
- Open space
- Trail access

Commissioner Smith made a motion to recommend approval of the Ellen Ranch rezone subject to stipulations “a” through “c”.

Commissioner Rosenbaum seconded the motion. Motion passes with 6 votes in favor.

ITEM: 3 – Citywide - Consideration and action pertaining to approval or denial of a Zoning Text Amendment to allow for Municipal Towers and update code language for Sections 122- 112., 122-112.1, 122-112.2, 122-112.3, 122-112.4, 122-112.5, and 122-112.6 of the Surprise Municipal Code; FS20-114

Hobart Wingard, Current Planner, presented item 3 to the Commission.

City of Surprise staff members Tracy Mills, Tech Services Manager; Greg Welch, Police Sergeant; Brenden Espie, Assistant Fire Chief and Michael Boule, Assistant Director of Utility Operations were present to address any questions or comments posed by the Commissioners.

Vice Chair Keating opened the public hearing.

Hearing no comments, Vice Chair Keating closed the public hearing.

The Commission discussed the following:

- Citizen outreach
- Tower height variance
- Tower locations

Commissioner Chapman made a motion to recommend approval to the Mayor and City Council a Zoning Text Amendment to allow for Municipal Towers and update code language for Sections 122-112., 122-112.1, 122-112.2, 122-112.3, 122-112.4, 122-112.5, and 122-112.6 of the Surprise Municipal Code.

Commissioner Krous seconded the motion. Motion passes with 6 votes in favor.

ITEM: 4 – District 6 - Consideration and action regarding the approval or disapproval of a Major Planned Area Development (PAD) Amendment for Marley Park Phase 4 & 5 Parcel 2 for modifying the development standards, generally located at the northeast corner of Bullard and Sweetwater; FS20- 313

Commissioner Krous recused himself and did not participate in or vote upon this agenda item.

Vice Chair Keating conveyed he had consulted with City's legal staff prior to the meeting to determine whether or not it would be appropriate to recuse himself from Item 4 and Item 5 because of personal residential proximity to the project. Legal staff advised Vice Chair Keating need not recuse himself from Item 4 and Item 5 because the project area is not visible from Vice Chair Keating's residence.

Shirley Phan, Current Planner, presented item 4 to the Commission.

Vice Chair Keating opened the public hearing.

Hearing no comments, Vice Chair Keating closed the public hearing.

Commissioner Rosenbaum made a motion to recommend approval of the proposed Major Planned Area Development (PAD) Amendment for Marley Park Phase 4 & 5 Parcel 2 for modifying the development standards, subject to stipulations 'a' and 'b'.

Vice Chair Keating seconded the motion. Motion passes with 5 votes in favor.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING:

ITEM: 5 – District 6 - Consideration and action regarding the approval or disapproval of a Preliminary Plat for Marley Park Phase 4 & 5 Parcel 2 generally located at the northeast corner of Bullard Avenue and Sweetwater Avenue; FS20-313

Commissioner Krous recused himself and did not participate in or vote upon this agenda item.

Shirley Phan, Current Planner, presented item 5 to the Commission.

City of Surprise staff member Robert Parks, Solid Waste Manager, was present to address questions posed by the Commissioners as it pertained to Solid Waste.

Jorge Villasenor, Planner for EPS Group, was present and provided the opportunity by Vice Chair Keating to answer questions from the Commissioners and provide feedback as it pertained to the project.

The Commission discussed the following:

- Proposed home product
- Front facing garages
- Driveway setbacks
- Single story vs. two story homes

- Parking concerns and violations
- Safety hazards
- ADA violations
- Solid waste concerns as it pertains to trash collection
- HOA enforcement responsibility
- Added strain on Police and Code Enforcement to enforce parking violations
- Street width
- Garage setback requirements
- Decision responsibility of the Planning and Zoning Commission

Commissioner Smith made a motion to recommend approval to the City Council the proposed Preliminary Plat for Marley Park Phase 4 & 5 Parcel 2 generally located at the northeast corner of Bullard Avenue and Sweetwater Avenue, subject to stipulations “a” through “c”.

Commissioner Chapman seconded the motion. Vice Chair Keating, Commissioner Sartor and Commissioner Rosenbaum voted against. Commissioner Smith and Commissioner Chapman voted in favor. Motion fails with 3 votes against.

ITEM: 6 – Citywide - Presentation and discussion regarding residential development standards and narrow lot subdivisions as part of the development code update. (FS18-296)

Joshua Mike, Long Range Planner, presented item 6 to the Commission.

City of Surprise staff member Robert Parks, Solid Waste Manager, was present to address questions posed by the Commissioners as it pertained to Solid Waste.

Jackson Moll, Vice President of Municipal Affairs for Home Builders Association of Central Arizona and Registered Lobbyist with the State of Arizona, Arizona Corporation Commission, and Cities of Glendale, Peoria, Phoenix, Surprise, and Tempe, was present and granted the opportunity by Vice Chair Keating to provide input and feedback from a stakeholder perspective regarding the topic.

Carolyn Oberholtzer, Partner at Bergin, Frakes, Smalley and Oberholtzer, PLLC was on the phone line and granted the opportunity by Vice Chair Keating to provide input and feedback from a stakeholder perspective regarding the topic.

The Commission discussed the following:

- Current standard setbacks
- Accessibility and equipment limitations
- Re-sale comparisons
- Adjusting for growth
- Cost and price points
- Importance of flexibility
- Waiver options pertaining to project proposals
- Stability and congruence
- Diversity in setbacks
- Landscape requirements
- Solid Waste process and potential impacts
- Street design

ITEM: 7 – Internal - Presentation and discussion pertaining to property development and potential tax revenue comparisons.

Chris Boyd, Community Development Director, presented item 7 to the Commission.

The Commission discussed the following:

- Variance in Commercial property scenarios
- Impact of zone changes
- Long range planning
- Future valuation

OTHER BUSINESS:

Item G – Other Business and Future Agenda Items.

None.

ADJOURNMENT:

Hearing no further business, Vice Chair Keating made a motion to adjourn. Commissioner Smith seconded the motion.

Meeting adjourned at 8:07 P.M.

Matthew Keating
Planning and Zoning Commission Vice 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: _____
Ashley Labhart, Commission Secretary

DATE: _____