CITY OF SURPRISE

PLANNING AND ZONING COMMISSION

12425 West Bell Road, Suite D-100

Surprise, Arizona 85374

May 20, 2008

REGULAR MEETING MINUTES

CALL TO ORDER

Chair Jan Blair called the Planning and Zoning Commission Meeting to order at 6 p.m. at the Surprise City Hall, 12425 West Bell Road, Suite D100, Surprise, Arizona 85374, on Tuesday, May 20, 2008.

ROLL CALL

In attendance with Chair Blair were Vice Chair Somers, and Commissioners Matthew Bieniek, Ken Chapman, John Hallin, Robert Rein and Fred Watts.

PLEDGE OF ALLEGIANCE

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT REPORT:

Acting Community Development Director Kathy Rice explained that the handout of Ordinance 08-14; Section 125-34 is the procedure for Conditional Use Permit. There will be a Conditional Use Permit at the next Planning and Zoning meeting. The ordinance has been changed to more adequately reflect what happens in Arizona law. The Commission has the ability to put conditions on the property that may be appropriate for that conditional use. This is a little different than what has been done in the past.

In addition, two applicants were interviewed last week for the Community Development Director position. A job offer is being made to one of them. The name of the applicant will be released once the background check is completed and the offer has been accepted.

CONSENT AGENDA

All items listed with an asterisk (*) are considered to be routine by the Planning and Zoning Commission and were approved by one motion. There was no separate discussion of these items during this meeting.

Vice Chair Somers made a motion to approve the **Consent Agenda with items 3 and 7 removed.** Commissioner Watts seconded the motion. The motion passed with a vote of 7 ayes.

- **Item 2*: Planning and Zoning Commission Minutes for May 6, 2008.**

  Planning and Zoning Commission Workshop Minutes for May 6, 2008.

  Cancellation of July 1, 2008 Planning and Zoning Commission Meeting.

- **Item 4*: SP07-349 – Consideration and Action – Surprise Village Marketplace Phase 2, stipulations ‘a’ through ‘h.’**

- **Item 5*: SP08-040 – Consideration and Action – Jack in the Box at Marley Park, stipulations ‘a’ and ‘b.’**

- **Item 6*: SP08-062 – Consideration and Action – Crescent Crown Distributing, stipulations 'a' through 'c.'**

- **Item 8*: RS07-035 – Consideration and Action – Monfort/Ruthrauff Rural Subdivision, stipulations 'a' through 'c.'**

AGENDA ITEMS REMOVED FROM CONSENT

- **Item 3*: SP07-262- Consideration and Action – Discount Tire**

In response to Commissioner Chapman, **Mr. Margetts, representing the applicant,** stated the sound study measured ambient levels at Bell Road with existing traffic noise and a typical Discount Tire store. The noise existing at Bell Road is at a higher decibel level than what the Discount Tire will contribute. The noise level decreased as it got to the property line measuring at the normal levels. The sound study test was completed with door bays open.

In response to Commissioner Chapman, **Mr. Margetts, representing the applicant,** responded that the store front is adjacent to Bell Road. The ADA stalls are located closest to the store front.

In response to Commissioner Rein, Planner Ferrell stated that there are two common drives, one to the east and one to the south. The work will be completed by the master developer, Westfield Commons, prior to construction.

Vice Chair Somers made a motion to **approve SP07-262, Discount Tire,** and adopt staff's findings, subject to stipulations 'a' through 'e.' Commissioner Bieniek seconded the motion. The motion passed with a vote of 7 ayes.

- **Item 7*: SPA08-022 – Consideration and Action – Greenway Retail/Office Center**

In response to Commissioner Chapman, Traffic Engineer Tracy Eberlein stated that they have one ¾ northern access point with a right in, left in and a right out. The southern access is right in, right out. Greenway Road will have a full access with no median on Greenway.

In response to Commissioner Chapman, **applicant Kurt Frimodig**, stated that the anticipated access for the Daycare yard is from the public right of way in front of the building. Any secondary access required by the Fire Marshal will be emergency access only. It is secured property; with no intention of allowing anyone access to the yard without first going through the front doors. A means of egress will be to the south of the play yard.

In response to Commissioner Chapman, applicant Mr. Frimodig stated that he was not sure how the operation of the daycare will run, but typically there is parking available for people to park and physically drop kids off. There is also a loading zone to the south of the play yard where people can pick up and drop off their children curbside.

In response to Commissioner Chapman, applicant Mr. Frimodig**,** stated that he believes the state requirements are to have water fountains outside in the play yard so children do not have to go into building to get a drink.

Commissioner Hallin made a motion to **approve SPA08-022, Greenway Retail/Office Center,** and adopt staff's findings, subject to stipulations 'a' through 'd'. Commissioner Bieniek seconded the motion. The motion passed with a vote of 7 ayes.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING

- **Item 9: CUP08-023 – Consideration and Action – Greenway and Reems Daycare**

Planner Adam Copeland presented the project to the Commission. Staff recommended approval of **CUP08-023, Greenway and Reems Daycare**, subject to stipulations 'a' through 'd.'

Chair Blair opened the meeting for public comment. Hearing no comments from the public, Chair Blair closed the public hearing.

Commissioner Watts made a motion to **approve CUP08-023, Greenway and Reems Daycare,** and adopt staff's findings, subject to stipulations 'a' through 'd.' Commissioner Bieniek seconded the motion. The motion passed with a vote of 7 ayes.

- **Item 10: CUP07-443 – Consideration and Action – Culver's of Surprise.**

Planner Lance Ferrell presented the project to the Commission. Staff recommended approval of **CUP07-443, Culver's of Surprise**, subject to stipulations 'a' through 'e.'

Commissioner Hallin stated that he would like to address the issue of drive-up windows. He has lived in other cities that did not allow as many drive-up windows for two reasons; air quality and fuel economy. Ms. Rice stated there may be some opportunity to review the conditional uses with the new ordinance that was distributed.

In response to Chair Blair, Planner Ferrell stated that the parking spaces were standard 9 by 18 feet.

In response to Chair Blair, Planner Ferrell stated that parking does meet required parking for the amount of seating; one parking space per every 250 square feet of public floor area.

In response to Chair Blair, **Zach Schafer, representing the applicant,** stated that the hours of operation are generally 10 A.M. to 10 P.M., however as a franchise they like to offer extended hours on weekends. The restaurant would be open from 10 A.M. to 10 P.M and the drive-thru would be open until 12 A.M, on weekends only.

In response to Vice Chair Somers, Planner Ferrell stated the Conditional Use Permit takes the place of a Site Plan because there are conditions placed on the project. There will not be another Site Plan approval.

In response to Commissioner Rein, Planner Ferrell stated that ADA ramps were moved closer to door and bike racks were added.

Chair Blair opened the meeting for public comment. Hearing no comments from the public, Chair Blair closed the public hearing.

Commissioner Bieniek made a motion to **approve CUP07-443, Culver's of Surprise,** and adopt staff's findings, subject to stipulations 'a' through 'e.' Commissioner Somers seconded the motion. The motion passed with a vote of 7 ayes.

OPEN CALL TO PUBLIC

Chair Blair called to the public to discuss any issues not noted on the agenda. Hearing no comments from the public, Chair Blair closed the call to the public.

CURRENT EVENTS REPORT: Chair Blair commented that the memorial for Mayor Shafer was very nice and wanted to thank the city and commend staff for a job well done.

Commissioner Hallin commented that he would like to see the commission go to reduced prints as they are easier to review and full size plans use a lot paper. Ms. Rice commented that staff will look at that request and respond to the commission at the next meeting.

Chair Blair had a question as to why the ordinance was not received prior to this meeting. Ms. Rice apologized and stated that she was not aware that the commission had not received the information and that is why she requested that it be brought forward at this meeting.

CONSIDERATION AND ACTION TO HOLD AN EXECUTIVE SESSION

Pursuant to A.R.S. § 38-431.03(A)(3), the Planning and Zoning Commission may go into executive session with the City Attorney for legal advice on any item listed on the agenda.

No request was made to call for an executive session.

ADJOURNMENT

Hearing no further business, Chair Blair adjourned the regular Planning and Zoning Commission meeting, Tuesday, May 20, 2008, at 6:24 p.m.

STAFF PRESENT:

Assistant City Attorney Jim Gruber, Fire Marshal Doug Helbig, Assistant Fire Chief Clint Mills, Senior Planner Janice See, Senior Planner Dennis Dorch, Planner Lance Ferrell, Planner Bart Wingard, Planner Adam Copeland, Planner Vamshee Kovuru, Permit Technician Jamie Sullivan, Planning and Development Services Manager Berrin Nejad, Acting Community Development Director Kathy S. Rice, Planning and Zoning Commission Secretary Carol Dager and Debbie Perry.

COUNCIL MEMBERS PRESENT: None

____

Kathy S. Rice, Acting Director

Community Development Department

____

Jan Blair, Chair

Planning and Zoning Commission