

**CITY OF SURPRISE
PLANNING AND ZONING COMMISSION**

MEETING MINUTES

February 5, 2015 / 6:00 PM

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

CALL TO ORDER.

Chair Steve Somers called the Planning and Zoning Commission Meeting to order at 6 p.m. at Surprise City Hall, 16000 North Civic Center Plaza, Surprise, Arizona 85374, on Thursday, February 5, 2015.

A. ROLL CALL

In attendance were Chair Somers, Vice Chair Ken Chapman and Commissioners Peter Pervi, Dennis Smith, Matthew Bieniek, Jerry Hoyler and Mathew Keating.

STAFF PRESENT:

Community Development Director Eric Fitzer, Deputy City Attorney Donna Bronski, Assistant Director Chris Boyd, Long Range Planning Manager Lloyd Abrams, Planner Hobart Wingard, Planner Jackie Keller, Neighborhood Services Supervisor Christina Ramirez, Community Program Coordinator Alicia Rubio and Planning and Zoning Commission Secretary Heather Donaldson.

COUNCIL MEMBERS PRESENT:

None

B. PLEDGE OF ALLEGIANCE

C. CURRENT EVENTS REPORT

D. STAFF REPORT

None

CALL TO THE PUBLIC:

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

- E. 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.

CONSENT AGENDA:

No Items

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING:

Item 1 – INTERNAL - Consideration and action on the January 22, 2015 Planning and Zoning Commission minutes.

Commissioner Pervi made a motion to approve the **Planning and Zoning Commission Minutes for January 22, 2014**. Commissioner Bieniek seconded the motion. The motion passed with 7 yes votes.

Item 2 – CITYWIDE – Discussion regarding bi-monthly meetings.

Eric Fitzer, Director, advised the Commission that with the present work load we will be having two meetings each month when necessary. The Commission agreed to attend bi-monthly meetings.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING:

Item 3 – INTERNAL - Presentation and discussion from the Community Development Block Grant Public Service applicants.

Christina Ramirez, Neighborhood Services Supervisor, gave an overview of the program, the applicants and the requirements to qualify.

Public Service Application presentations were given by the following:

- Kenneth McKinley & Rick Fresia – Tumbleweed (Document distributed to Commission attached hereto)
- Joanne Thomsen – Benevilla
- Julie Turko – AASK (Document distributed to Commission attached hereto)
- Darrel Christenson – ABIL
- Muriel Gutierrez – City of Surprise (Document distributed to Commission attached hereto)
- Melissa Holdaway – Arizona Charter Academy (Document distributed to Commission attached hereto)
- Mark Holleran – CASS (Document distributed to Commission attached hereto)
- John Yantis – St. Mary's Food Bank

Chair Somers opened the Call to the Public. Hearing no comments, Chair Somers closed the call to the public.

Item 4 – CITYWIDE - Consideration and action on a proposed Zoning Text Amendment pertaining to Assisted Living Facilities.

Robert Kuhfuss, Planner II, presented the proposed Zoning Text Amendment pertaining to Assisted Living Facilities to the Commission.

The Commission had some discussion regarding:

- 300sf livable space per resident
- Clarification on the grandfathering clause
- HOA/CC&R's exclusions (zoning regulations)
- Assisted Living Facilities notification requirements
- Business licenses for multiple assisted living facilities belonging to individual owner (zoning clearance)
- Extenuating circumstances with the death of an assisted living facility operator (distinction between business operations and land use)

Chair Somers opened the Call to the Public:

William Burnette believes the City is trying to supersede state ordinances. Would like to know what the criteria are of the Fire Department for Assisted Living Facilities fire bells.

Nunzio Howard believes progress has been made but would like to see 120 day rule language eliminated. He thanked the Commission for removing the language of 12. He said adding more state agencies will just muddy the waters.

Alexandra Yovatt had a few items for clarification:

- The purpose for the division of homes and centers and ramifications of that division
- Notice of changed dates for public hearings
- Will facilities affected by revision to legal and non-conforming policy be provided with a letter or will it only take place through the amendment
- HOA action to prohibit assisted living facilities
- 3 new permitted uses for assisted living homes – definitions

Randolph Lumm wanted to advise the Commission that an appraiser of a home will not consider the number of assisted living facilities in the area when determining an appraisal of the property. He is concerned that there is no control over the rules of an HOA.

Chair Somers closed the call to the public.

Vice-Chair Chapman commented that he would like to revise the language of the amendment to exclude the 120 day rule.

Both Commissioner Keating and Vice Chair Chapman commented that in the past they have lived in very close proximity to an assisted living facility and they were very good neighbors.

Commissioner Pervi made a motion to remove the 120 day rule from Exhibit A, Section F so that it reads in its entirety, "In the event that the Arizona Department of Health Services, or any other state agency with such authority, revokes or terminates a person's license to operate an assisted living home, then the person operating the assisted living home shall immediately inform the city of such revocation or termination of their license." Vice Chair Chapman seconded the motion. The motion passed with 7 yes votes.

Commissioner Pervi made a motion to recommend approval to the City Council of the proposed Text Amendment and to adopt the proposed language as presented in exhibits A through D as listed in the staff report, including the amendment in the previous motion as read by the Commission, except as that: Section 122-99(c) shall read “An assisted living home shall maintain 300 square feet of overall living space for each resident.”: Section 122-178 shall include the following definition for “Living Space”: “Living Space. Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing and sanitation.” All sections shall be re-sequenced as necessary. Vice Chair Chapman seconded the motion. The motion passed with 7 yes votes.

OTHER BUSINESS:

Item 5 – INTERNAL - Discussion for future agenda items.

None

ADJOURNMENT:

Hearing no further business, Chair Somers adjourned the Planning and Zoning Commission meeting at 8:14 p.m.

Eric Fitzer
Community Development Director

Steve Somers, Chair
Planning and Zoning Commission

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: _____
Heather Donaldson, Commission Secretary

DATE: _____