

**CITY OF SURPRISE
PLANNING AND ZONING COMMISSION**

MEETING MINUTES

June 1, 2017 / 6:00 PM

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

CALL TO ORDER.

Chair Ken Chapman 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 June 1, 2017.

A. ROLL CALL

In attendance were Chair Ken Chapman, Commissioners Dennis Bash, Dennis Smith, Mitchell Rosenbaum, Gisele Norberg and Eric Cultum. Vice Chair Matthew Keating was absent.

STAFF PRESENT:

Community Development Director Eric Fitzer, PS Legal Advisor Harold Brady, Planner Hobart Wingard, Planner Sergio Angulo and Planning and Zoning Commission Secretary Lorraine Nevarez.

NOTE: Chair Chapman was seated in Vice Chair Keating chair because of technical difficulties with his monitor.

COUNCIL MEMBERS PRESENT:

None.

B. PLEDGE OF ALLEGIANCE

C. CURRENT EVENTS REPORT

D. STAFF REPORT

Moved to end of the meeting.

CALL TO THE PUBLIC:

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

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

CONSENT AGENDA:

No items.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING:

Item 1 – Internal – Consideration and action pertaining to approval of the May 18, 2017 Planning and Zoning Commission minutes.

Commissioner Smith made a motion to approve the May 18, 2017 Planning and Zoning Commission minutes. Commissioner Rosenbaum seconded the motion. The motion passes with 6 votes in favor.

Item 2 – DISTRICT 3 – Consideration and action on a Site Plan Amendment for Radiant Church at Mountain Vista Ranch PAD generally located on the northwest corner of Reems Road and Paradise Lane.

Hobart Wingard, planner, presented item 2 to the Commission.

The Commission discussed item 2:

- Earth Tones – PAD
- Community outreach/resident comments

Commissioner Cultum made a motion to approve a Site Plan Amendment for Radiant Church at Mountain Vista Ranch PAD generally located on the northwest corner of Reems Road and Paradise Lane. Commissioner Bash seconded the motion. Motion passes 6 votes in favor.

Item 3 – DISTRICT 4 – Consideration and action on a Conditional Use Permit for Health for Life Medical Marijuana Dispensary located on the northeast corner of Litchfield Road and Soledad Street.

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

The Commission discussed item 3:

- Support of medical dispensaries helping people
- Location of facility near movie theater, bowling alley etc.
- Intent of separation in code regarding playgrounds, schools, etc.
- Signage
- Security of facility
- Safety of youth near the facility
- Welfare of the City of Surprise residents
- Buffering distances
- Taxes
- General Plan
- White Paper On Marijuana Dispensaries
- Hours of operation
- Possibility of recreational dispensaries

Chair Chapman opened the call to the public for item 3.

Larry Chapman, resident, shared his concerns of the location for this type of facility. This is an area where families and youth participate in recreational activities such as bowling, going to the movie theaters and dining. He would like the Commission to consider other businesses that may want to move in to that area and would possibly be prevented. Mr. Chapman shared his research on other medical marijuana facilities and their effects on the community.

John Paul Carter, resident, shared his concerns of the proposed location and effects of this type of facility especially where children and families come for recreation. He would like more information on the statistical crime analysis presented by Health for Life. Mr. Carter would like the Commission to consider the additional costs associated with this type of facility. He noted research has shown an increase in cost regarding the justice, education, safety and health system. Mr. Carter wanted to explain the safety issue is about not being able to monitor the access the purchaser has to the children leaving the facility.

Mel McDonald, attorney, explained the security of the facility. He shared that the tax revenue is in the hundreds of thousands. Mr. McDonald noted this is medicine not drugs and patients should not have to drive far for their medicine.

Reverend Cheryl Hawkins, noted her support for medical marijuana. Her concern was the location.

Bill Thompson, resident, shared his concerns regarding the location of the proposed facility.

Hearing no further comments, Chair Chapman closed the call to the public.

Commissioner Bash made a motion to deny a Conditional Use Permit for Health for Life Medical Marijuana Dispensary located on the northeast corner of Litchfield Road and Soledad Street because of its location. Commissioner Rosenbaum seconded the motion. Motion passes 4 votes in favor and 2 against (Commissioner Norberg and Commissioner Smith).

Item 4 – DISTRICT 3 – Consideration and Action on a Major PAD Amendment to the Cotton Gin Planned Area Development (PAD) to allow multifamily residential as a permitted land use on the 10.8 acres (approx.) parcel located on the northeast corner of Waddell Road and Reems Road.

Sergio Angulo, planner, presented item 4 and 5 to the Commission simultaneously.

The Commission discussed item 4 and 5:

- Ingress and Egress
- Traffic
- Commercial property vs. Residential property in this area
- Comments from the residents
- Income of average residents in Surprise
- Cost to live in the rentals

Chair Chapman opened the call to the public for item 4 and 5.

Reverend Cheryl Hawkins, resident, does not like the idea of apartment type facilities in their community. She noted there are different mindsets of persons that own vs. rent.

Lisa Terror, resident, attended both citizen outreach meetings with the developer. Ms. Terror and her husband visited another location and were amazed at the property. It is well kept and it appears very topnotch.

Julie Helms, resident, noted in the beginning she was against this development. She attended the outreach meetings and felt the developer listened to the concerns of the residents. She had read reviews of this type of property and hopes it stays high-end in the years to come. Ms. Helms still has concerns regarding traffic on Ludlow.

Joe Carle, resident, stated his concern about long term effects of rentals. These rentals are overpriced for millennials. He noted the negative effects out way the good. Mr. Carle cannot support a project where the developer is making money. He also has concerns about the traffic on Ludlow.

Bill Thompson, resident, noted the developer made all the requested changes the residents had at the outreach meetings. At the second meeting where the developer showed the changes, Mr. Thompson stated he did not like it, he really likes it. He mentioned there are rental homes throughout his community and didn't see a difference. He does not have a problem with this type of development.

Pete Seleajkt, resident, voiced his concerns about no traffic study being done. He stated it is not safe with kids playing at the park, people walking and biking. He noted traffic is nonstop.

Doc Sullivan, resident, states the property has been zoned as commercial for the last 20 years and the property owner has done nothing. His concern is the traffic on Ludlow is going to be a nightmare.

Bobby Moe, stated that regardless of what is built in that location there will be traffic.

Commissioner Smith made a motion for denial to the Mayor and City Council on the Major PAD Amendment to the Cotton Gin Planned Area Development (PAD) to allow multifamily residential as a permitted land use on the 10.8 acres(approx.) parcel located on the northeast corner of Waddell Road and Reems Road because of resident concerns, traffic concerns, and viability of the project. Commissioner Rosenbaum seconded the motion. Motion fails 2 votes in favor and 4 against (Commissioner Bash, Commissioner Cultum, Commissioner Norberg and Commissioner Rosenbaum).

Chair Chapman called for a second motion.

Commissioner Rosenbaum made a motion for approval to the Mayor and City Council on the Major PAD Amendment to the Cotton Gin Planned Area Development (PAD) to allow multifamily residential as a permitted land use on the 10.8 acres(approx.) parcel located on the northeast corner of Waddell Road and Reems Road. Commissioner Norberg seconded the motion. Motion passes 4 votes in favor and 2 against (Commissioner Smith and Chair Chapman).

Item 5 – DISTRICT 3 – Consideration and action on the Site Plan to allow for the Avilla rental housing unit development located on the northeast corner of Waddell Road and Reems Road.

Sergio Angulo, planner, presented item 5 to the Commission simultaneously with item 4.

The Commission discussed item 5 with item 4:

Public comments were heard simultaneously with item 4.

Commissioner Bash made a motion to approve a Site Plan for the Avilla rental housing unit development located on the northeast corner of Waddell Road and Reems Road subject to stipulations 'A' through 'F' as listed in the staff report. Commissioner Rosenbaum seconded the motion. Motion passes 4 votes in favor and 2 against (Commissioner Smith and Chair Chapman).

OTHER BUSINESS:

Item 6 – INTERNAL - Discussion pertaining to future agenda items.

Commissioner Norberg asked about the Notice of Hearings posted around the City. She suggested that a website be included on the sign. It would be easier for drivers to see the information and inquire about it on their own time. Commissioner Norberg also asked when do the signs get removed.

Mr. Fitzer explained that signs are left if the Commission has not heard the project. Sometimes projects require multiple reviews from staff. Staff can include a website to the template provided for the Notice of Hearing signs.

Mr. Fitzer, noted that in July there will be an item brought to the Commission regarding selection of a Chair and Vice chair for the Commission per Surprise City Code – Section 2-295.

ADJOURNMENT:

Hearing no further business, Chair Chapman adjourned the Planning and Zoning Commission meeting at 9:16 p.m.

Eric Fitzer
Community Development Director

Ken Chapman
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: _____