



CITY OF SURPRISE
Planning and Zoning Commission
16000 N. Civic Center Plaza
Surprise, AZ 85374
Thursday, July 16, 2026 @ 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:

CONSENT AGENDA:

Approval of the consent agenda may be by one motion and a passing vote by the Planning and Zoning Commission. There will be no separate discussion on these items unless a Commissioner requests such. The requested item for discussion will be removed from the consent agenda and considered in its normal sequence on the agenda.

- | | | | |
|----|----------|---|-----------------------|
| 1. | Internal | Consideration and action to approve or disapprove the July 2, 2026, Planning and Zoning Commission Regular Meeting Minutes. | Community Development |
|----|----------|---|-----------------------|

REGULAR AGENDA ITEM - PUBLIC HEARING:

- | | | | |
|----|------------|--|--|
| 2. | District 1 | Consideration and action regarding a Conditional Use Permit (CUP) with Site Plan for a Zaxby's restaurant with drive-through facility on a site generally located on the southeast corner of 163rd Avenue and Pinnacle Peak Road. Case #FS25-0733. | Leslie Carnie
Community Development |
|----|------------|--|--|

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- G. Call To The Public

INSTRUCTIONS:

In order to address the Commission, you will need to fill out a Public Comment Form available at the entrance, and turn it in to the Secretary before the meeting begins.

You may also fill out the [Public Comment Form online](#). If submitting the online form, it must be received at least one hour before the meeting start time.

In accordance with A.R.S. 38-431.01(I) - During this time members of the public may address the "Commission" only on issues within the jurisdiction of the "Commission". At the conclusion of the open call, "Commissioners" may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda.

Commissioners may not discuss or respond to matters raised during the call to the public that are not specifically identified on the agenda.

Each speaker shall be limited to three (3) minutes per item. If several speakers desire to speak regarding a single topic, the Chair may limit the number of speakers or the time given to each group. A maximum time of 30 minutes will be given per topic. However, an equal amount of time will be given to each side of an issue.

- H. Other Business and Future Agenda Items
 - I. Executive Session
- Pursuant to A.R.S. § 38-431.03

A. On a public majority vote of the members constituting a quorum, a public body may hold an executive session but only for the following purposes:

2. Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.

3. Discussion or consultation for legal advice with the attorney or attorneys of the public body.

4. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.

7. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

J. Adjournment

KRISTI PASSARELLI, CITY CLERK

POSTED: July 10th, 2026 @ 9:00 AM

Council chamber doors will be open at least 30 minutes prior to the start of the meeting.

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



CITY OF SURPRISE
Planning and Zoning Commission

Council Meeting Date: July 16, 2026 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 approve or disapprove the July 2, 2026, Planning and Zoning Commission Regular Meeting Minutes.

Motion:

I move to approve the July 2, 2026, Planning and Zoning Commission Regular Meeting Minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 07-02-2026 MINS
-

**CITY OF SURPRISE
PLANNING AND ZONING COMMISSION**

MEETING MINUTES

July 2, 2026 / 6:00 PM

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

CALL TO ORDER.

Chair 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 July 2, 2026.

- A. ROLL CALL
- B. In attendance were Commissioner Kevin Perry, Chair Ken Chapman, Vice Chair Anthony Spata, Commissioner Lisa Everett, and Commissioner Dennis Bash. Commissioner Jay Leonard and Commissioner Jared Holland had an excused absence.

STAFF PRESENT:

Jeffrey Murray, City Attorney; Lloyd Abrams, Assistant City Manager and Director of Community Development; Tiffany Copp, Assistant Director of Community Development; Trever Fleetham, Interim Assistant Director of Community Development; Leslie Carnie, Planner II; Sara Camarillo, Administrative Specialist, Sr.

COUNCIL MEMBERS PRESENT:

- None

C. PLEDGE OF ALLEGIANCE

D. CURRENT EVENTS REPORT

- None

E. STAFF REPORT

- None

CONSENT AGENDA:

Item 1 - Consideration and action to approve or disapprove the June 18, 2026, Planning and Zoning Commission Meeting Minutes.

Commissioner Bash made a motion to approve the June 18, 2026, Planning and Zoning Commission Regular Meeting Minutes. Commissioner Perry seconded the motion. Motion passed with 4 votes in favor. Chair Chapman abstained. Commissioner Jay Leonard and Commissioner Jared Holland had an excused absence.

REGULAR AGENDA ITEM – PUBLIC HEARING:

Item 2 - Consideration and action pertaining to a rezone of approximately 3.11 acres from Rural Residential (RR) to Community Commercial (C-2) for property generally located at the southeast corner of 163rd Avenue and Happy Valley Road. Case FS25-0001.

Leslie Carnie, Planner II, presented item 2 to the Commission.

Chair Chapman opened the public hearing.

- None

Hearing no further requests, Chair Chapman closed the public hearing.

The Commission discussed the following:

- Assessment of gas station locations
- Planning considerations for horse trailers
- Community Support/need for service station

Matt Stevenson, property owner, explained that service station was not dedicated for long trailers and that they offer a different product than traditional gas stations.

Commissioner Perry moved to recommend approval of the rezone of approximately 3.11 acres generally located at 163rd Avenue and Happy Valley Road, Case FS25-0001, subject to stipulations ‘a’ and ‘b’ as outlined in the Staff Report. Commissioner Bash seconded the motion. Motion passed with 5 votes in favor. Commissioner Jay Leonard and Commissioner Jared Holland had an excused absence.

CALL TO THE PUBLIC:

- None

OTHER BUSINESS AND FUTURE AGENDA ITEMS:

- None

ADJOURNMENT:

Hearing no further business, Chair Chapman called for a motion to adjourn. Commissioner Perry made a motion to adjourn. Vice Chair Spata seconded the motion. All voted in favor.

Meeting adjourned at 6:12 pm.

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: _____
Sara Camarillo, Secretary

DATE: _____



CITY OF SURPRISE
Planning and Zoning Commission

Council Meeting Date: July 16, 2026 Contact Person: Leslie Carnie
Submitting Department: Community Development District: District 1
Staff Recommendations:

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

Consideration and action regarding a Conditional Use Permit (CUP) with Site Plan for a Zaxby's restaurant with drive-through facility on a site generally located on the southeast corner of 163rd Avenue and Pinnacle Peak Road. Case #FS25-0733.

Motion:

I move to approve the Conditional Use Permit with Site Plan for a Zaxby's restaurant with drive-through facility, Case# FS25-0733, subject to stipulations 'a' through 'e' as outlined in the Staff Report.
I move to deny the Conditional Use Permit with Site Plan for a Zaxby's restaurant with drive-through facility, Case# FS25-0733, because [insert reason].

Background:

The subject request involves a Conditional Use Permit with Site Plan for a new 2,112 square foot Zaxby's restaurant with drive-through facility. Pat Tillman Road transitions to Pinnacle Peak Road east of 163rd Avenue. The vacant 0.83-acre (approx.) parcel is generally located on the southeast corner of 163rd Avenue and Pinnacle Peak Road.

Objective Analysis:

Policy Compliant:

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide City services.

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 0-FS25-0733 Zaxby's 163rd & Pat Tillmann - Staff Report

2. 01 FS25-0733 Zaxby's 163rd & Pat Tillman - Vicinity Map
 3. 02 FS25-0733 Zaxby's 163rd & Pat Tillman - Zoning Map
 4. 03 FS25-0733 Zaxby's 163rd & Pat Tillman - Site Plan
 5. 04 FS25-0733 Zaxby's 163rd & Pat Tillman - Landscape Plan
 6. 05 FS25-0733 Zaxby's 163rd & Pat Tillman - Elevations
 7. 06 FS25-0733 Zaxby's 163rd & Pat Tillman - Public Participation Report
 8. 07 FS25-0733 Zaxby's 163rd & Pat Tillman - Affidavit of Posting
 9. FS25-0733 Zaxby's 163rd & Pat Tillman - Presentation
-

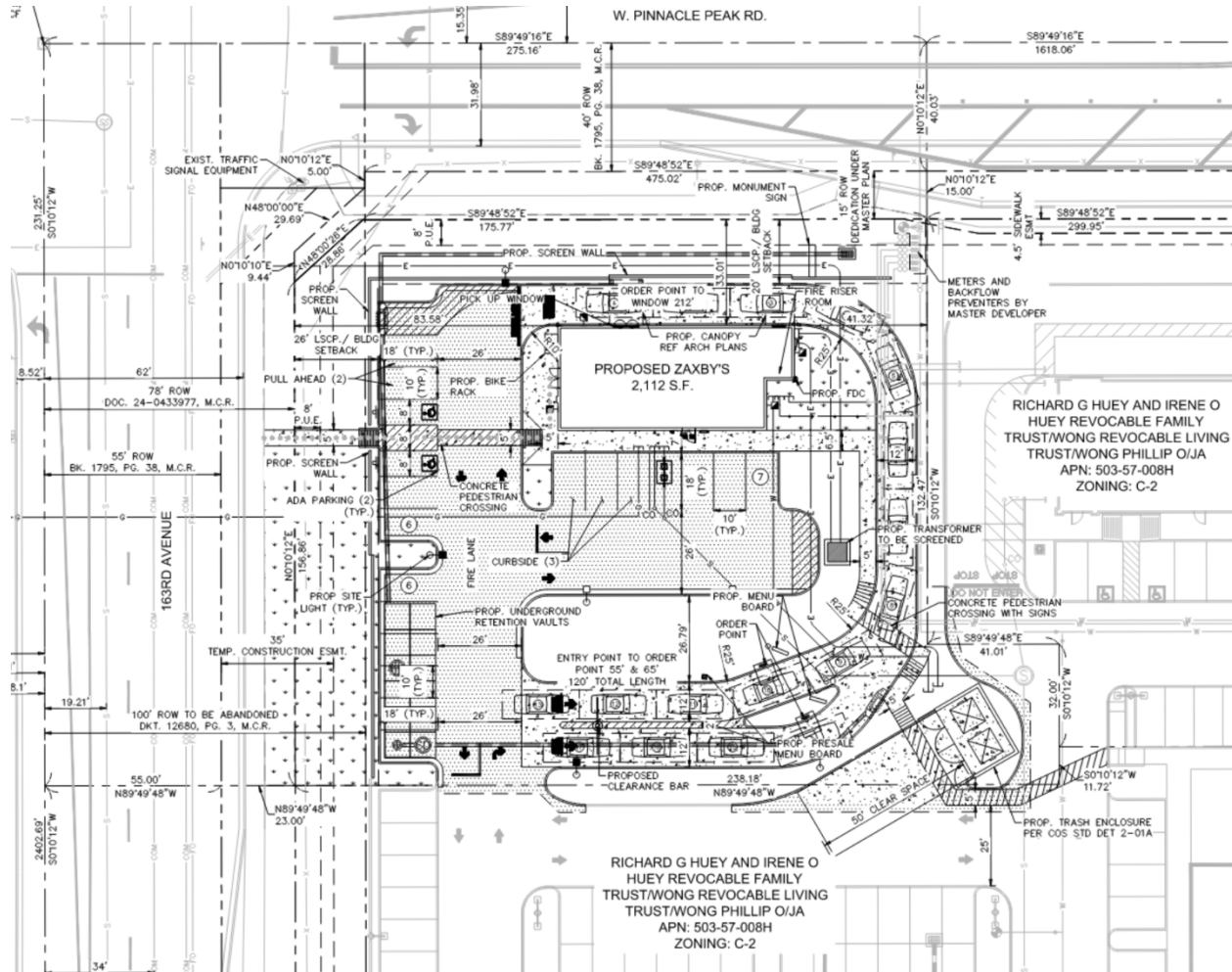
Conditional Use Permit

Report to the Planning and Zoning Commission

Case:	FS25-0733
Project Name:	Zaxby's
Council District:	1 – Acacia
Meeting Date:	July 16, 2026
Planner:	Leslie Carnie, Planner II
Owner:	Evergreen Devco, Inc.
Applicant:	Jeremy Weber of Evergreen Devco, Inc.
Request:	Conditional Use Permit with Site Plan
Site Location:	Generally located on the southeast corner of 163 rd Avenue and Pinnacle Peak Road
Site Size:	0.83 gross acres (approx.)
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2040
Support/Opposition:	None known
Staff Recommendation:	If the Commission approves the Conditional Use Permit with Site Plan, case FS-25-0733 , Staff recommends the Commission approve subject to stipulations 'a' through 'e.'

PROJECT DESCRIPTION:

The subject request involves a Conditional Use Permit with Site Plan for a new 2,112 square foot Zaxby's restaurant with a drive-through facility. Pat Tillman Road transitions to Pinnacle Peak Road east of 163rd Avenue. The vacant 0.83-acre (approx.) parcel is generally located on the southeast corner of 163rd Avenue and Pinnacle Peak Road.



Proposed Site Plan

Drive-through queuing and parking:

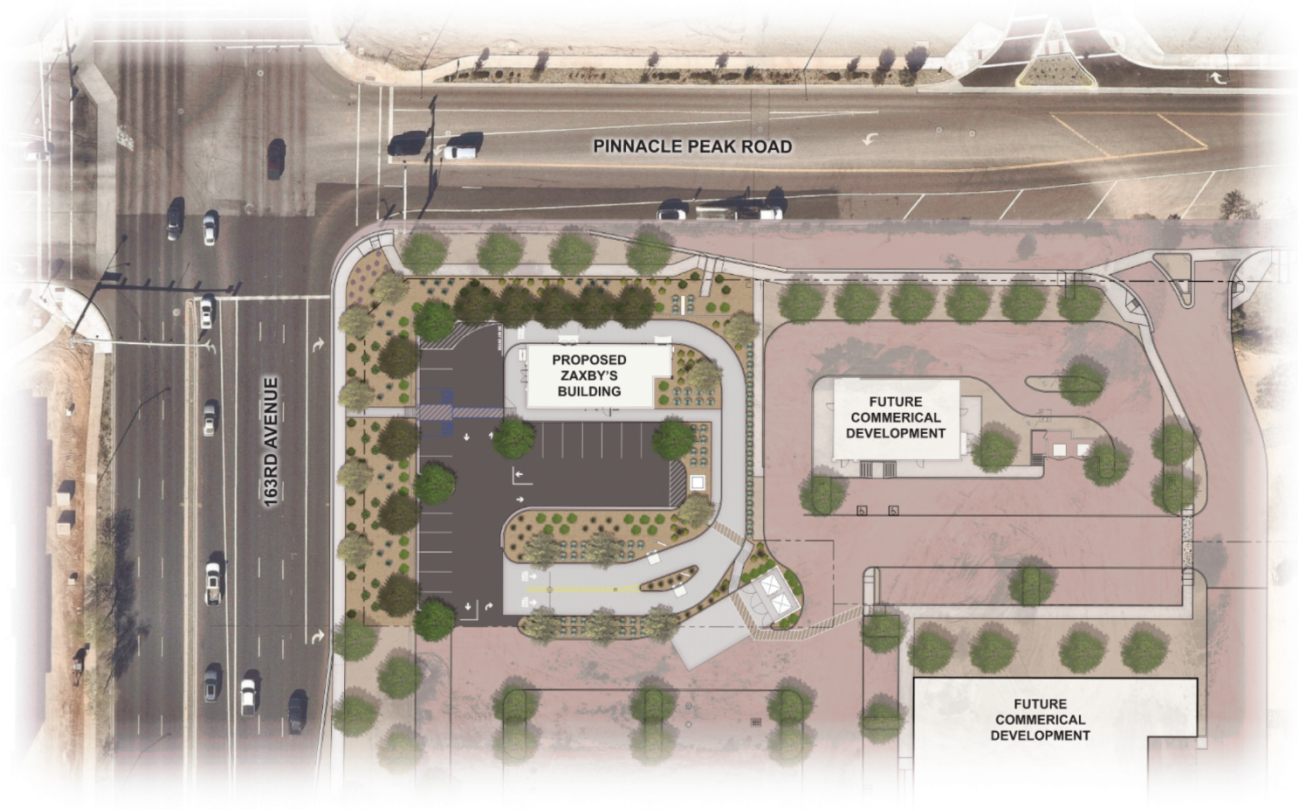
The drive-through facility will provide double drive-through lanes with a queuing capacity for seventeen (17) cars. Pedestrian crossing signs are provided at the pedestrian crossing that traverses the drive-through and the main drive aisle. This development requires fifteen (15) parking spaces, and nineteen (19) have been provided. The drive-through facility meets all applicable use-specific standards pursuant to Section 106-10.17 of the Land Development Ordinance (“LDO”). Conformance is discussed further in the “Evaluation Criteria” section of this report.

Access:

Full access to the subject site is taken from internal drive aisles that are being constructed by the master developer. Access to the commerce center via Pinnacle Peak Road is taken from one (1) three-quarter access driveway. The developer is constructing Planada Lane to provide access from 163rd Avenue to the southerly border of the property.

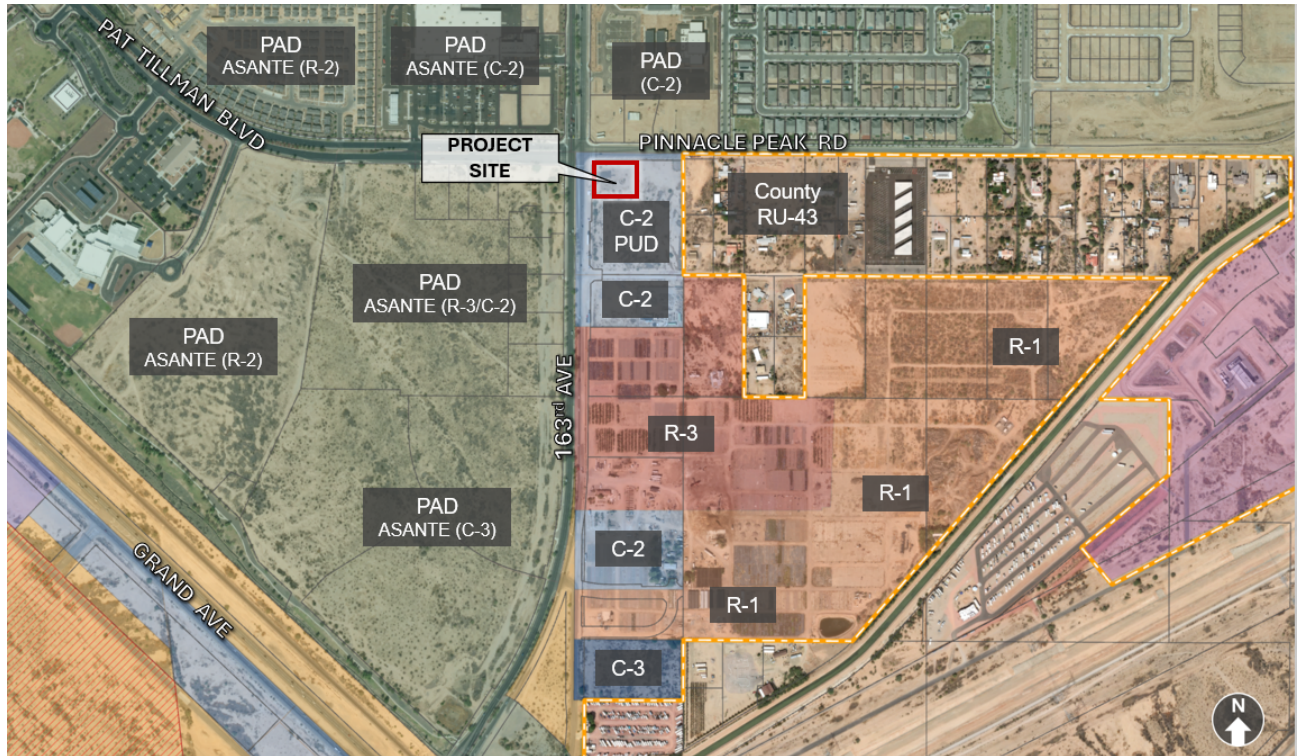
Landscaping:

The proposed Landscape Plan utilizes a drought tolerant, low water use plant palette and is in conformance with the onsite landscape requirements set forth in the LDO. The landscaping has been designed to complement the approved ROW landscaping for the overall commerce center and provide enhanced screening of the pick-up window oriented along Pinnacle Peak Road.



Proposed Landscape Plan

EXISTING ZONING:



PAD – Asante C-2	PAD C-2	C-2 PUD
PAD – Asante C-2	C-2 PUD	County RU-43
PAD – Asante C-2	C-2	R-3

BACKGROUND:

November 17, 2024: The subject property was annexed into the City of Surprise under Ordinance #2024-41.

December 17, 2024: A Rezone of the property from Rural Residential (RR) to Community Commercial (C-2) was approved by City Council under case FS24-1326. Ordinance #2024-40.

August 07, 2025: The Applicant met with Staff to discuss the subject proposal during a regularly scheduled Concept Review Meeting under case CR25-0624.

September 30, 2025: A Master Site Plan for the overall commercial development on the subject property was approved administratively under case FS25-0219.

January 12, 2026: A ROW Landscape Plan and Civil Improvements Plan for the overall commercial development was approved administratively under case FS25-0831.

February 25, 2026: The Applicant held a neighborhood outreach meeting at Asante Preparatory Academy. A summary of this meeting is included in the Citizen Participation Report attached to this Staff Report

April 23, 2026: A Final Plat subdividing the subject property was approved administratively under case FS25-0710.

CITIZEN PARTICIPATION MEETING:

The Applicant held a Neighborhood Meeting for the subject project at the Asante Preparatory Academy on February 25, 2026. There were five (5) members of the public present. The Applicant addressed concerns regarding access and traffic and fielded questions regarding the restaurant's background and operations. Attendees were also seeking information on what uses are proposed for the adjacent parcels within the commerce center. The outreach meeting, along with the subject Planning and Zoning Commission hearing, were advertised in accordance with State and local requirements. The Public Participation Report is included as an attachment to this Staff Report.

ANALYSIS AND DISCUSSION:

Evaluative Criteria: The granting of a conditional use permit ("CUP") requires compliance with the regulations and evaluative criteria as specified in the applicable code, in this case the LDO. LDO Sec. 102-6.3.D provides general criteria for CUP approvals, and Sec. 106-10.17 of the LDO sets forth the use specific standards for drive-through window facilities. The requirements are as follows:

Section 102-6.3.D. – Conditional Use Permit

1. Location and character of the *use* shall not burden or conflict with the established *uses* of the surrounding area. Commercial uses in residential zoning districts must have direct access or access through another commercial property to an arterial right-of-way;
2. The proposed *use* shall not impair the integrity or character of the community nor shall it be detrimental to the public health, safety, or general welfare of the City;
3. The proposed *use* shall conform to the goals and policies of the *General Plan*;
4. The proposed *use* shall conform to the goals and policies of any specific district or plans for the area;
5. The proposed *use* shall conform to any applicable use specific standards outlined in **Article X, Chapter 106** of this ordinance;
6. The proposed *use* shall conform to the development standards of the *zoning district* and shall take into account the following factors:

- a. Site and *building* design;
 - b. Sensitivity to existing natural features;
 - c. Volume or character of traffic;
 - d. Circulation patterns;
 - e. Connectivity;
 - f. Parking and loading;
 - g. *Screening* and *buffering* of uses;
 - h. Landscaping;
 - i. Exterior lighting;
 - j. *Signage*;
 - k. Stormwater *retention* and drainage;
 - l. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;
 - m. A demonstrated need for such *use*.
7. The proposed *use* shall have adequate *ingress and egress* to property and proposed *structures*, pedestrian and vehicular circulation with particular reference to emergency service *access*;
 8. Adequate utilities, *access* roads, drainage sanitation; and/or
 9. Necessary facilities will be provided and the *use* will not contribute toward an overburdening of municipal services.

Commentary: The CUP with Site Plan Design Review and Final Civil Review applications associated with the proposed drive-through facility were reviewed concurrently to ensure the development is in conformance with the development standards set forth in LDO Sec. 102-6.3.D.

Section 106-10.17 – Drive-through Facility

- A. Drive-through facilities shall be located a minimum of twenty-five feet (25') from a public right-of-way and a minimum of seventy-five feet (75') from a residential district. The entry to each drive-through shall be separated by a minimum of three hundred feet (300') and should be separated by a drive aisle to avoid stacking conflicts.

Commentary: The drive-through facility is approximately thirty (33') from the public right-of-way, and the proposed drive-through entrance is not adjacent to another drive-through facility.

- B. Drive-through aisles shall be clearly identified with striping, landscaping, and signage and shall be designed to:
 1. Contain aisles that are a minimum eleven feet (11') wide. Any curved sections shall be a minimum of twelve feet (12') wide with a minimum radius of twenty-five feet (25') on curved section.

2. Minimize the conflict between pedestrians, parking, and the building entrance. Pedestrian walkways should not intersect the drive-through aisles, but where they do; they shall have a minimum of fifteen feet (15') clear visibility and be emphasized with enhanced paving. Appropriate pedestrian crossing signs shall be visible from both the vehicle drive-aisle and the pedestrian walkway; and
3. Be integrated with the on-site circulation of the larger development.

Commentary: The proposed drive aisles and curved sections meet the minimum requirements as the proposed drive aisle is twelve feet (12') with a minimum radius of twenty-five feet (25'). Marked pedestrian crossings and pedestrian crossing signs will be located where the pedestrian walkway traverses the drive-through.

- C. *Drive-through* exits shall not be directly onto a public *right-of-way* and shall be separated by fifteen (15) feet from a parallel, main *ingress/egress drive aisle* to avoid conflicts with other vehicular traffic.

Commentary: The drive-through exits onto a public drive aisle and is over one hundred feet (100') from the any parallel ingress/egress drive aisles.

- D. Each drive-through lane shall have the following minimum distances;

1. Forty feet (40') between the entry point and the ordering facility (i.e., restaurant menu board, teller machine, or ordering window);
2. One hundred feet (100') between pick-up/service window and ordering facility or entry point if no ordering facility is present.

Commentary: The proposed drive-through ordering facility is fifty-five feet (55') from the point of entry, and the distance between the ordering facility and the pick-window is approximately two hundred and twelve feet (212').

- E. Drive-through speakers shall not be audible from the right-of-way or adjacent residential uses. Additional landscaping, sound attenuation walls, or other mitigation measures may be required to reduce the sound level.

Commentary: The drive-through speakers are orientated away from the right-of-way, and there are no residential uses adjacent to the site.

- F. Drive-through facilities shall orient pick-up/teller windows away from adjacent residential uses or from facing arterial or collector street.

Commentary: The pick-up window has been oriented away from the main thoroughfare, Pat Tillman Boulevard. The constraints of the corner lot made it impossible to also orientate the pick-up window away from Pinnacle Peak and meet circulation requirements. In order to meet the intent of Code and keep the window oriented along Pinnacle Peak Road, additional architectural features and enhanced landscaping were added to the north side of the building.

- G. Drive-through lanes shall be screened from the right-of-way and adjacent uses through the incorporation of a landscaped berm with continuous, dense landscaping at least four feet (4') in height to effectively screen the headlights of the vehicles in line. In cases when a berm may not be feasible because of space constraints, a screen fence/wall may be used in connection with landscaping.

Commentary: A four foot (4') screen wall located along the parcel's 163rd Avenue and Pinnacle Peak Road frontages screen the drive-through lane from the right-of-way.

- H. Drive-through lanes shall incorporate either an attached canopy over the drive-through window or teller area of the facility or plant shade trees within the landscape screening areas at the window location. The canopy shall not exceed fourteen feet (14') in height, measured from the ground to underside of the canopy. If canopy support pillars are used, they shall be finished with the same body and accent materials as the primary building. All lighting fixtures in the canopy area shall be fully recessed.

Commentary: The canopy and support pillars are finished with the same materials as the primary building. The canopy is ten feet two inches (10'-2") in height with no additional lighting.

- I. The architecture of drive-through uses shall reflect the architecture of the principal building.

Commentary: The drive-through canopy structure is cohesive with the architecture of the principal building.

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2040: The project location is within the Commercial and Office Character Area of the General Plan 2040 in a proposed commerce center located on the southeast corner of 163rd Avenue and Pinnacle Peak Road. The Commercial and Office Character Area supports commercial developments at the intersections of arterials and roadways.

The proposed development adheres to the General Plan Development Guidelines common to all Community Commercial Types.

REVIEWING AGENCIES:

In addition to the standard City reviewing agencies, Luke Air Force Base and the Maricopa Water District were included in the routing of this request. None of the reviewing agencies indicated any concerns over the request.

SUMMARY:

The proposed CUP with Site Plan meets the requirements of the Surprise General Plan 2040, Surprise Municipal Code, and all applicable zoning codes.

- The proposed CUP with Site Plan is consistent with the applicable City of Surprise regulations.

- The reviewing agencies have indicated no objections to the request.

RECOMMENDATION:

Based on the findings noted above, if the Commission wishes to approve the subject Conditional Use Permit with Site Plan, Case FS25-0733, staff recommends the Commission approve subject to stipulations 'a' through 'e' as outlined below:

- a. Development and use of the site shall be consistent with the Site Plan entitled "Zaxby's Tillman Site Plan," prepared by Kimley Horn and received by the City June 05, 2026.
- b. Landscaping of the site shall be consistent with the Landscape Plan entitled "Landscape Improvement Plans for Zaxby's Tillman," prepared by Kimley Horn and received by the City June 05, 2026.
- c. Building Architecture shall be consistent with the Elevations entitled "Exterior Elevations," prepared by Core States and received by the City April 24, 2026.
- d. The applicant shall obtain a building permit for the subject facility within one (1) year of the Planning and Zoning Commission's approval of this Conditional Use Permit. If the Applicant does not obtain said building permit within the specified time, this Conditional Use Permit shall be deemed null and void.
- e. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.

However, should the Commission wish to deny the request, the Commission should make its own findings and base its decision on those alternative findings.

Recommended motions:

I move to approve the CUP with Site Plan for a Zaxby's restaurant with drive-through facility, Case FS25-0733, subject to stipulations 'a' through 'e' as outlined in the Staff Report.

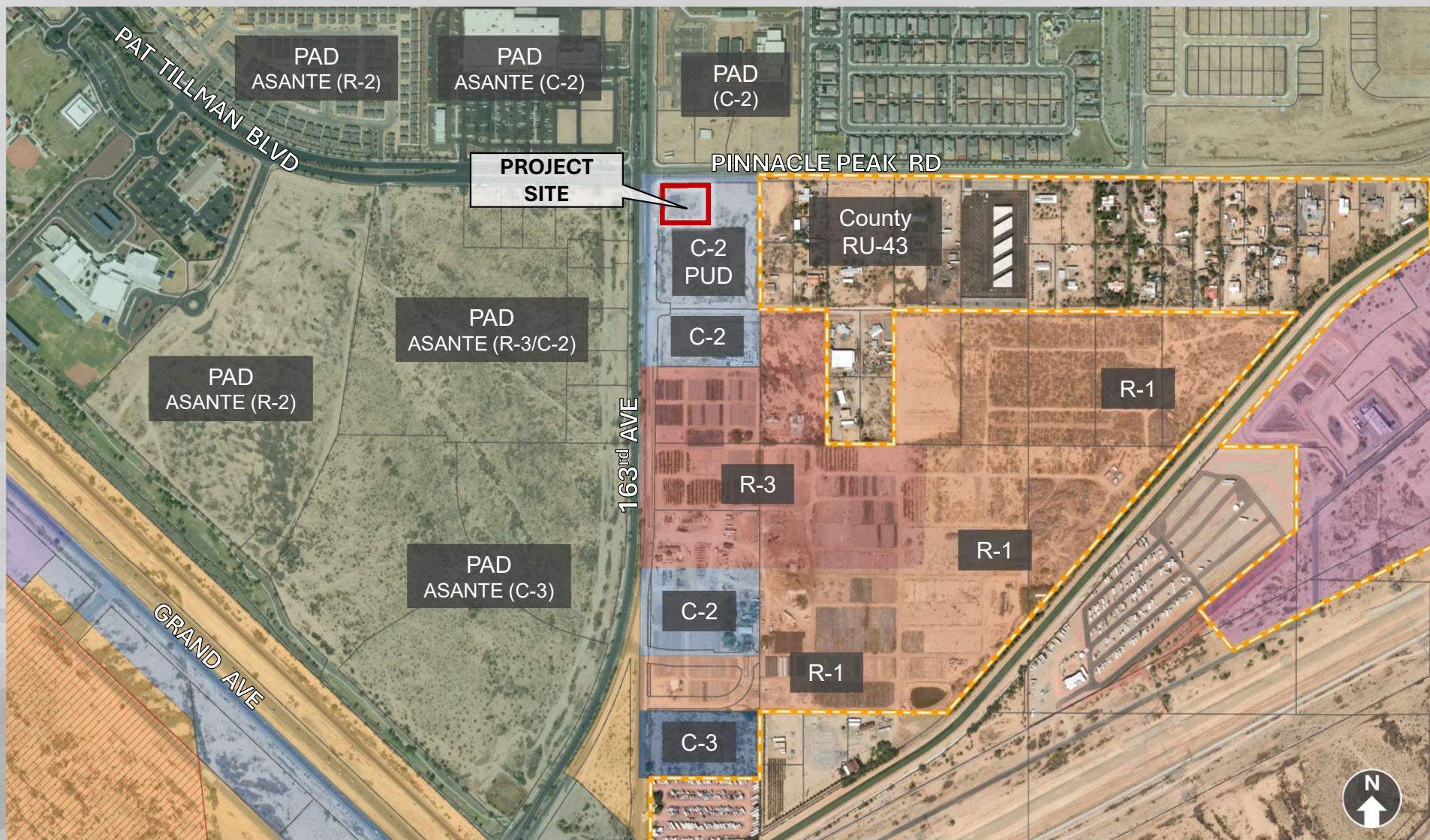
I move to deny the CUP with Site Plan for a Zaxby's restaurant with drive-through facility, Case FS25-0733, because *[insert reason]*.

Attachments:

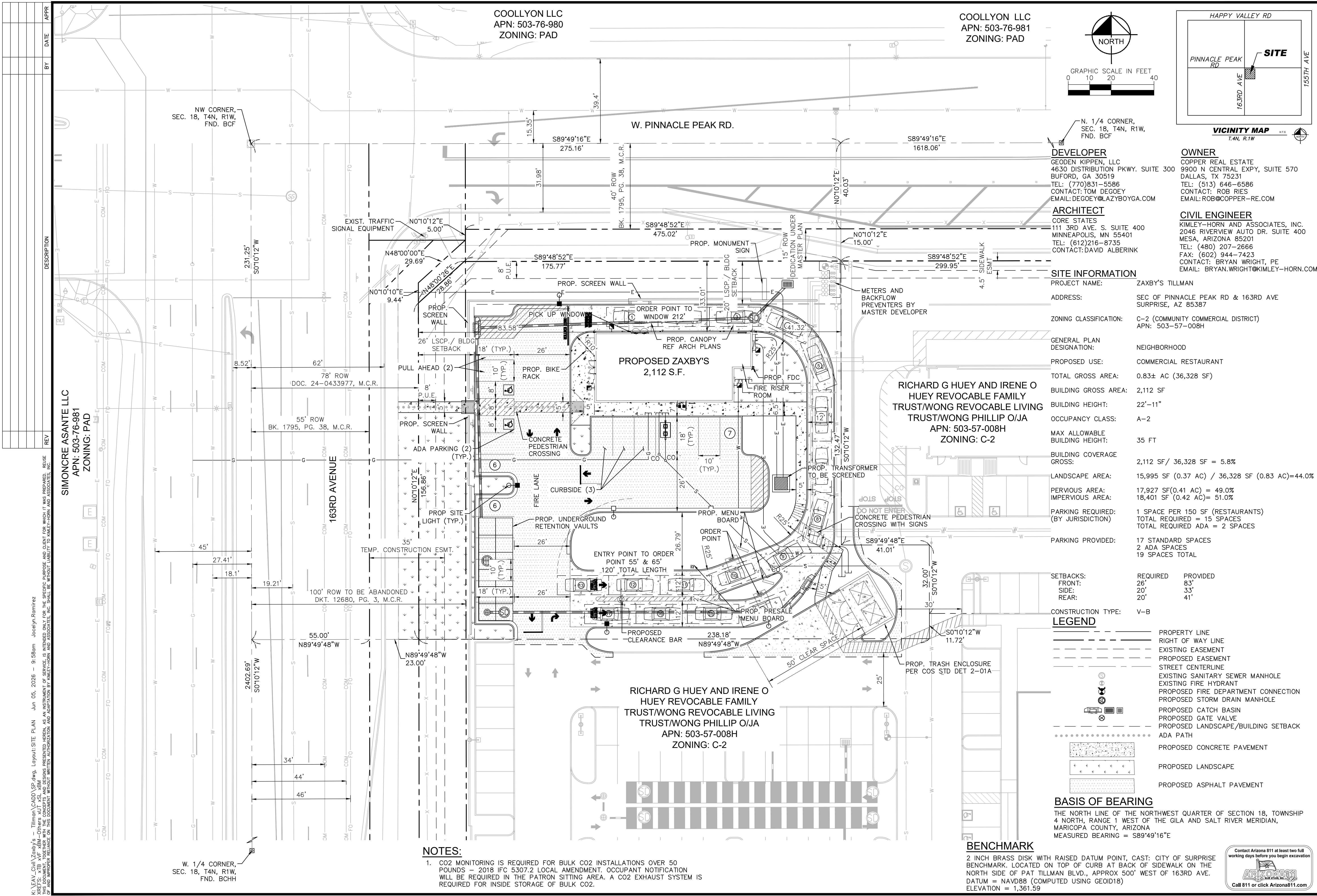
- 01 Vicinity Map
- 02 Zoning Map
- 03 Site Plan
- 04 Landscape Plan
- 05 Elevations
- 06 Citizen Participation Report
- 07 Affidavit of Site Posting
- PPT



VICINITY MAP



ZONING MAP



K:\EAV-Civil\Zaxby's - Tillman\CADD\SP.dwg, Layout: SITE PLAN Jun 05, 2026 - 9:58am Jocelyn Ramirez

Other than the design professional's seal and signature, no other text or graphics shall be used on this document without written authorization and adaptation by KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

SIMONCRE ASANTE LLC
APN: 503-76-981
ZONING: PAD

DESCRIPTION

REV

DATE

APPR

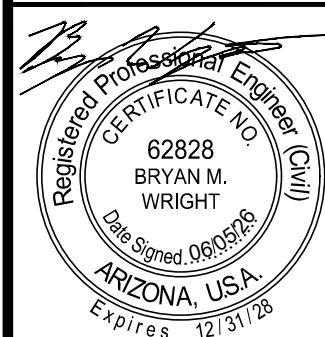
Kimley»Horn

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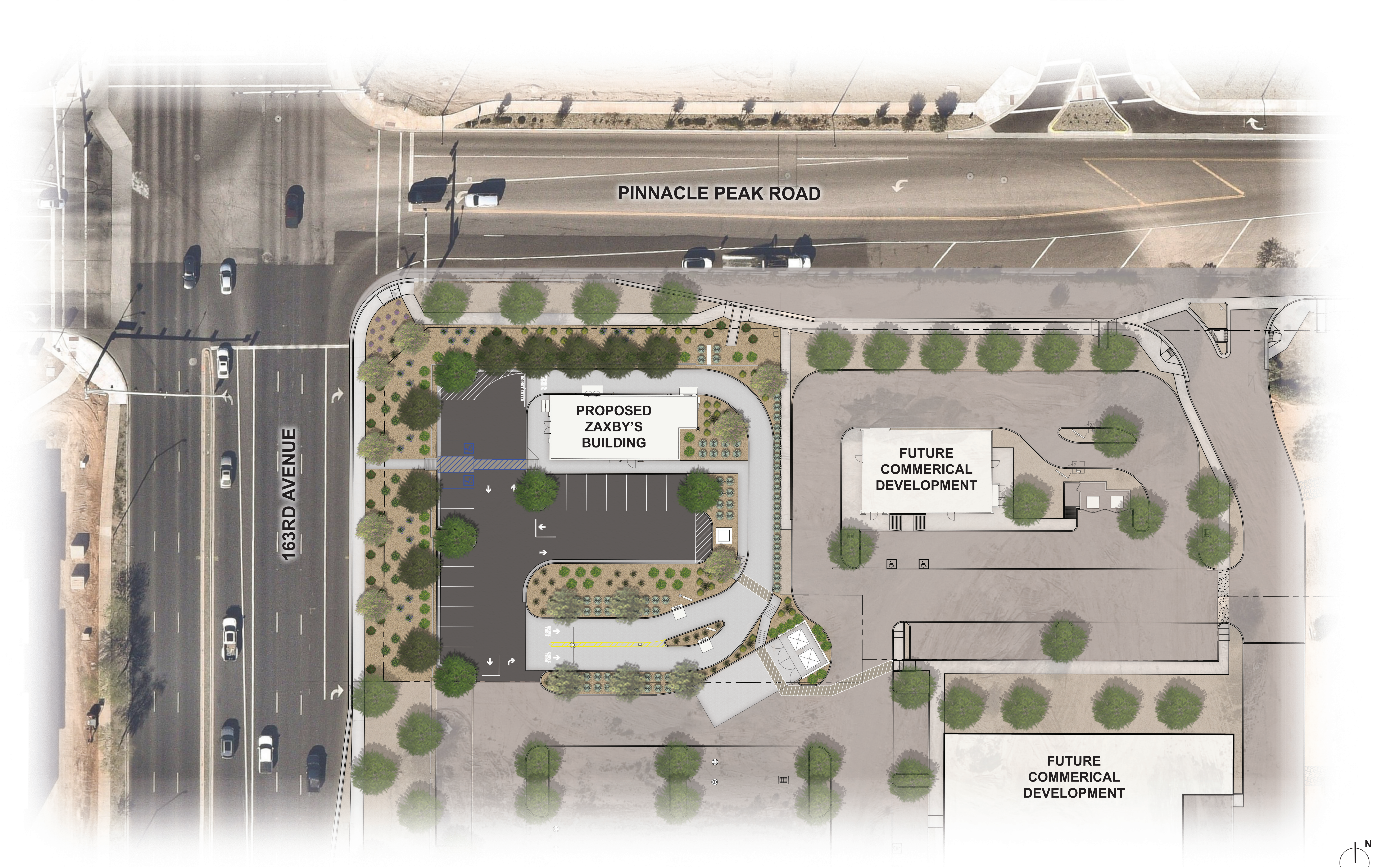
2046 Riverview Auto Drive, Suite 400
Mesa, Arizona 85201 (480)207-2666

ZAXBY'S - TILLMAN
SITE PLAN
SURPRISE, AZ

PROJECT No.
292164002
SCALE (H): 1"=20'
SCALE (V): NA
DRAWN BY: RJN
DESIGN BY: RJN
CHECK BY: BMW
DATE: 06/05/2026



SP: dwg
SP
04 OF 21 SHEETS
FS25-0733





DD-02

CASE NUMBER: FS25-0733
163RD & PAT TILLMAN SEC -
LOT A - ZAXBYS



ALL PROPOSED SIGNAGE IS FOR REFERENCE ONLY. ALL SIGNAGE IS TO BE APPROVED UNDER A SEPARATE PERMIT AND TO ENSURE CONFORMANCE TO CHAPTER 109 OF THE LDO

CASE NUMBER: FS25-0733
163RD & PAT TILLMAN SEC -
LOT A - ZAXBYS

Participation Report – FS25-0733
163rd & Pat Tillman SEC – Lot A Zaxby's – DR, CUP & SP

Techniques Used to Involve the Public

Applicant held a neighborhood meeting from 6:00-7:00pm on February 25, 2026, at the Asante Preparatory Academy (23251 N 166th Dr, Surprise, AZ 85387). As required, two signs advertising the meeting were posted at the project site at least 15 days prior to the meeting.

Mailings and media advertisements were handled by City planning staff.

Neighborhood Meeting Summary

A total of five neighbors attended the neighborhood meeting (see attached sign-in sheet). The meeting was also attended by Trever Fleetham and Leslie Carnie (City planning staff) and Jeremy Weber, Rob Ries, Bryan Wright, Travis DeGoey, and Thomas DeGoey (applicant team).

Neighbors who attended the meeting did not raise any concerns, issues, or problems regarding the proposed Zaxby's restaurant and drive through. As such, there are no concerns, issues, or problems to address based on this meeting.

Instead, neighbors asked several questions about the following:

- The proposed uses coming to the overall retail development.
- The history of Zaxby's restaurants.
- The experience of restaurant owners/operators.
- Access to the property and overall retail development.
- Amount of proposed parking and availability of outdoor seating.
- The multifamily development project in process to the south.
- Traffic on Pinnacle Peak.
- The restaurant's proposed hours of operation and menu.

Zaxby's Pinnacle Peak
Neighborhood Meeting
 Date: Wednesday, February 25th, 2026

Trans
 Thomas
 Rob
 Teaching
 Bryan
 Leglie
 Thuan

Name	Email	Comment
Carrie Whisen		
Isabella Musial		
Mike Truyen		
Steve French		
Robert Whisen		

AFFIDAVIT OF POSTING

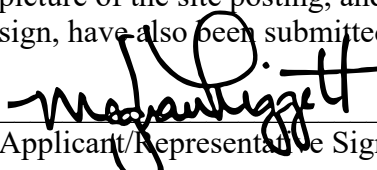
Application No: FS25-0733
Applicant Name: Kimley-Horn
Location: SEC Pinnacle Peak Rd & 163rd Ave
Date Site Posted: 06/01/26

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior to** the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

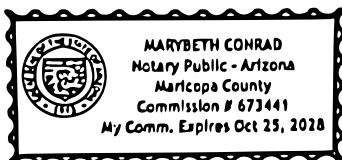
Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the *responsibility of the applicant* to erect and to maintain the sign on the subject property and to maintain the hearing information on the sign until final disposition of the case.

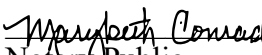
It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

 June 1, 2026
Applicant/Representative Signature Date

This instrument was acknowledged before me on 06/01/26, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.




Notary Public
10-25-28
My commission expires

Return completed and notarized **affidavit** and all relevant **photos** to the Planning and Zoning Department at least fifteen (15) days **prior to** the scheduled meeting(s).

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: February 25, 2026

Time: 6:00-7:00 P.M.

Location: Asante Preparatory Academy
(Media Center)
23251 N 166th Dr.
Surprise, AZ 85387

Surprise Case Number: FS25-0733

Request for approval of a conditional use permit to allow for a drive through facility as an accessory to the proposed restaurant use.

Planning & Zoning

Date: July 16, 2026

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

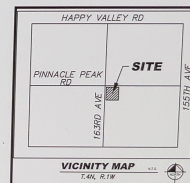
Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

For more information, call:
623-222-3011

www.Surpriseaz.gov



Jun 1, 2026 at 9:13:26 AM
+33.696600,-112.408335

16155-16179 W Pinnacle Peak Rd
Surprise AZ 85387

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: February 25, 2026

Time: 6:00-7:00 P.M.

Location: Asante Preparatory Academy
(Media Center)
23251 N 166th Dr,
Surprise, AZ 85387

Planning & Zoning

Date: July 16, 2026

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

Time: 6:00 P.M.

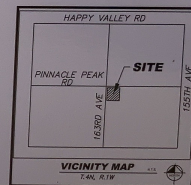
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16000 N. Civic Center Plaza
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City Council

Date: TBD

Time: 6:00 P.M.

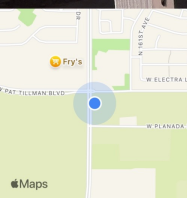
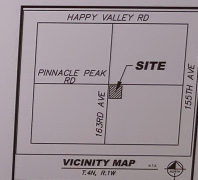
Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

Surprise Case Number: FS25-0733

Request for approval of a conditional use permit to allow for a drive through facility as an accessory to the proposed restaurant use.

For more information, call:
623-222-3011

www.Surpriseaz.gov



Jun 1, 2026 at 9:11:01 AM

+33.696119 -112.409000

163rd Ave

Surprise AZ 85387

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: February 25, 2026
Time: 6:00-7:00 P.M.
Location: Asante Preparatory Academy
(Media Center)
23251 N 166th Dr,
Surprise, AZ 85387

Planning & Zoning

Date: July 16, 2026
Time: 6:00 P.M.
Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

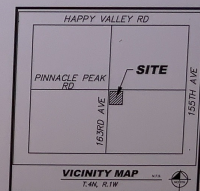
Date: TBD
Time: 6:00 P.M.
Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

Surprise Case Number: FS25-0733

Request for approval of a conditional use permit to allow for a drive through facility as an accessory to the proposed restaurant use.

For more information, call:
623-222-3011

www.Surpriseaz.gov



Jun 1, 2026 at 9:10:50 AM

+33.696100,-112.409029

163rd Ave

Surprise AZ 85387

FS25-0733

Zaxby's

CONDITIONAL USE PERMIT

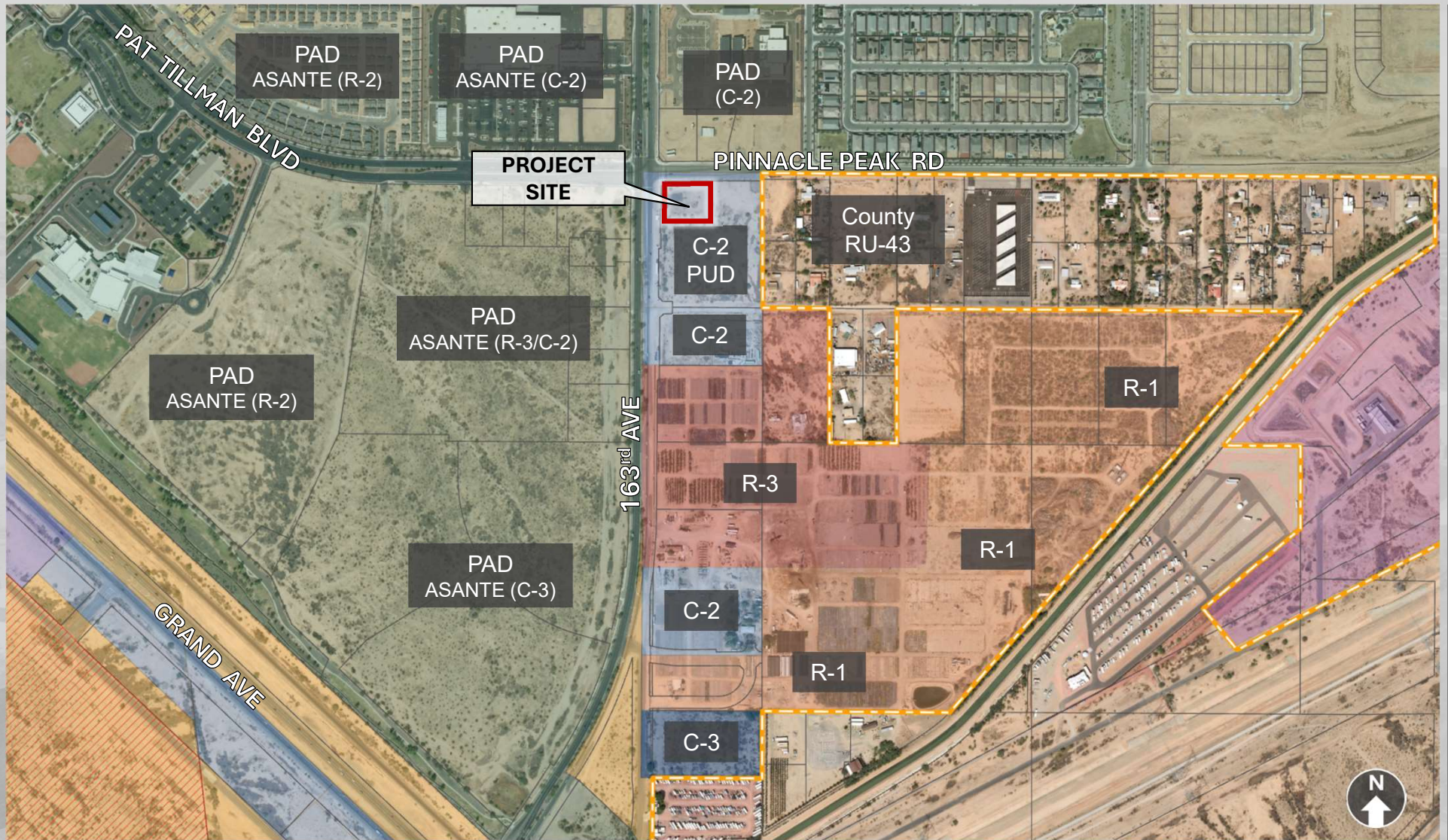
Planning & Zoning Commission

July 16, 2026

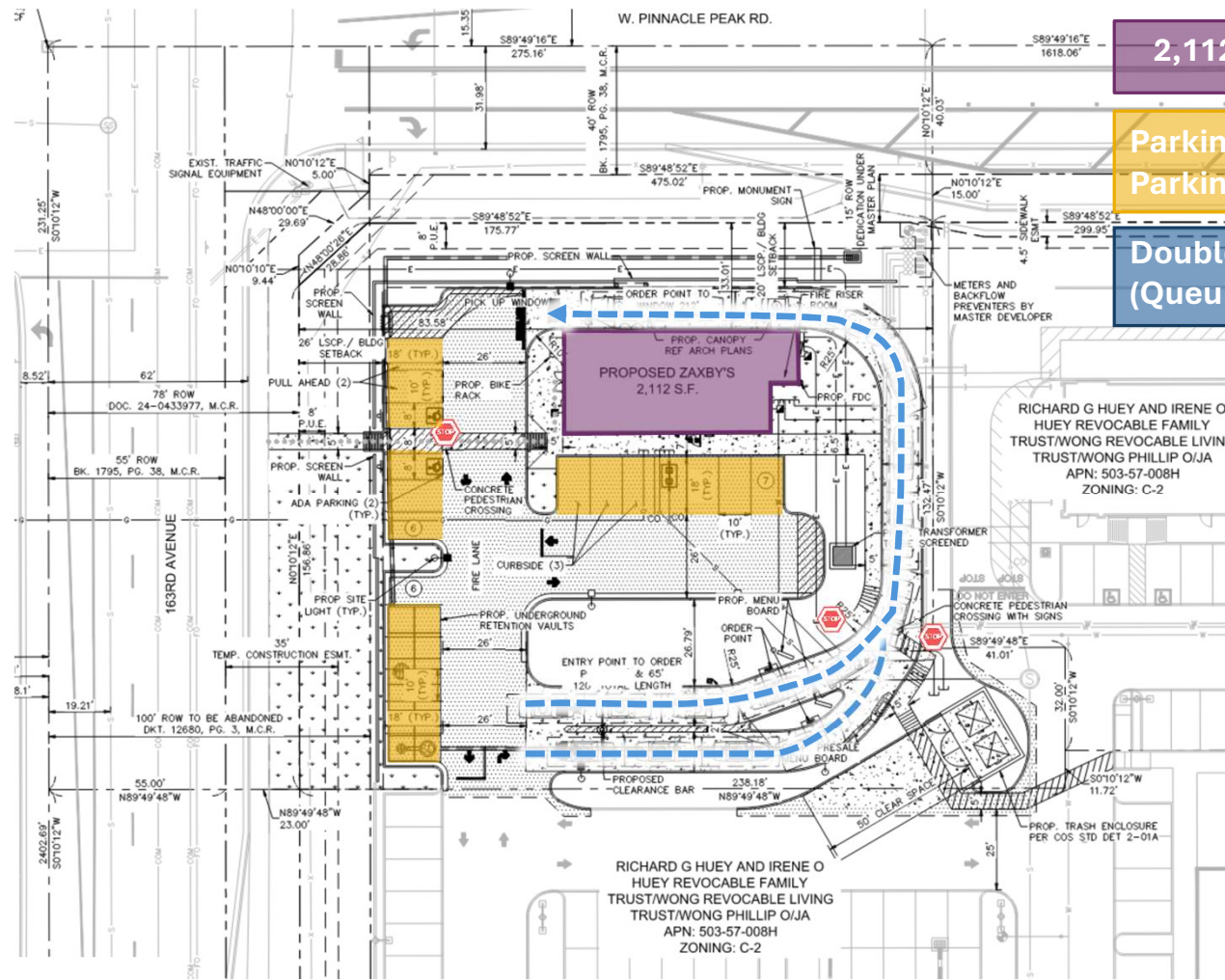




VICINITY MAP

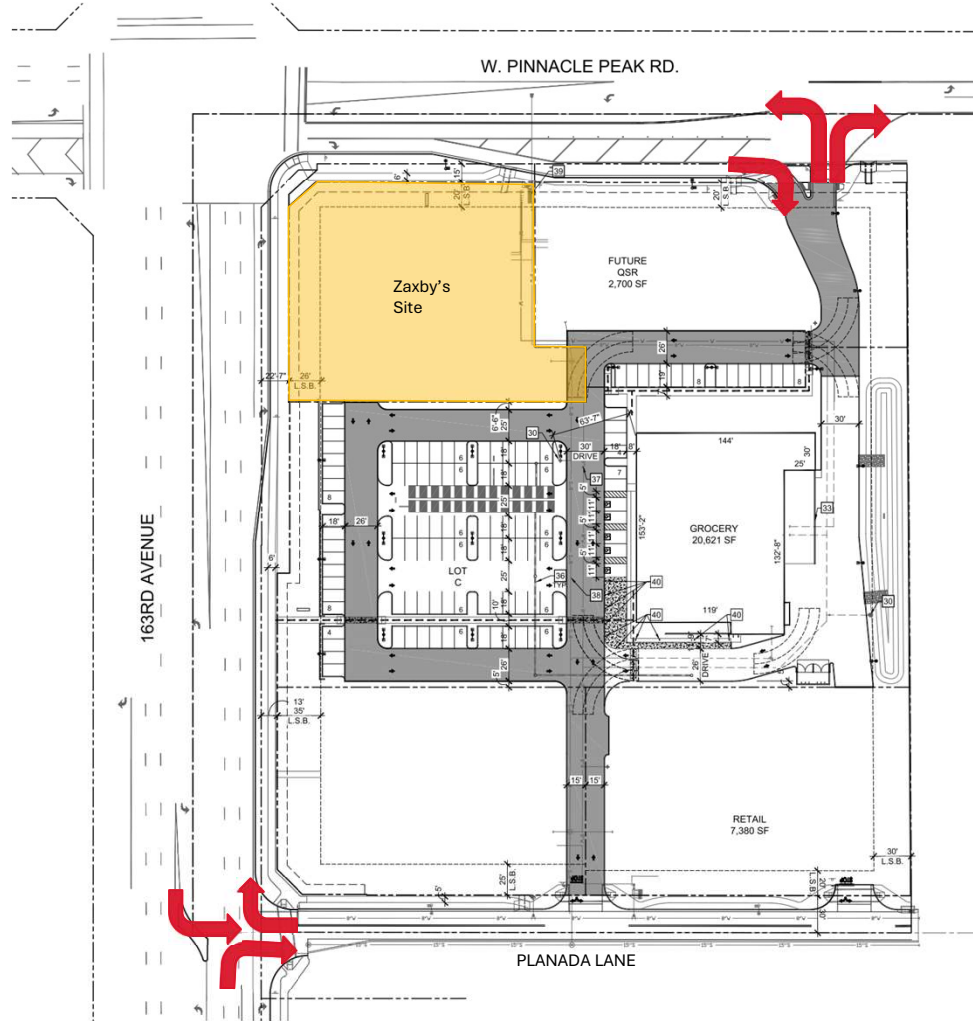


ZONING MAP

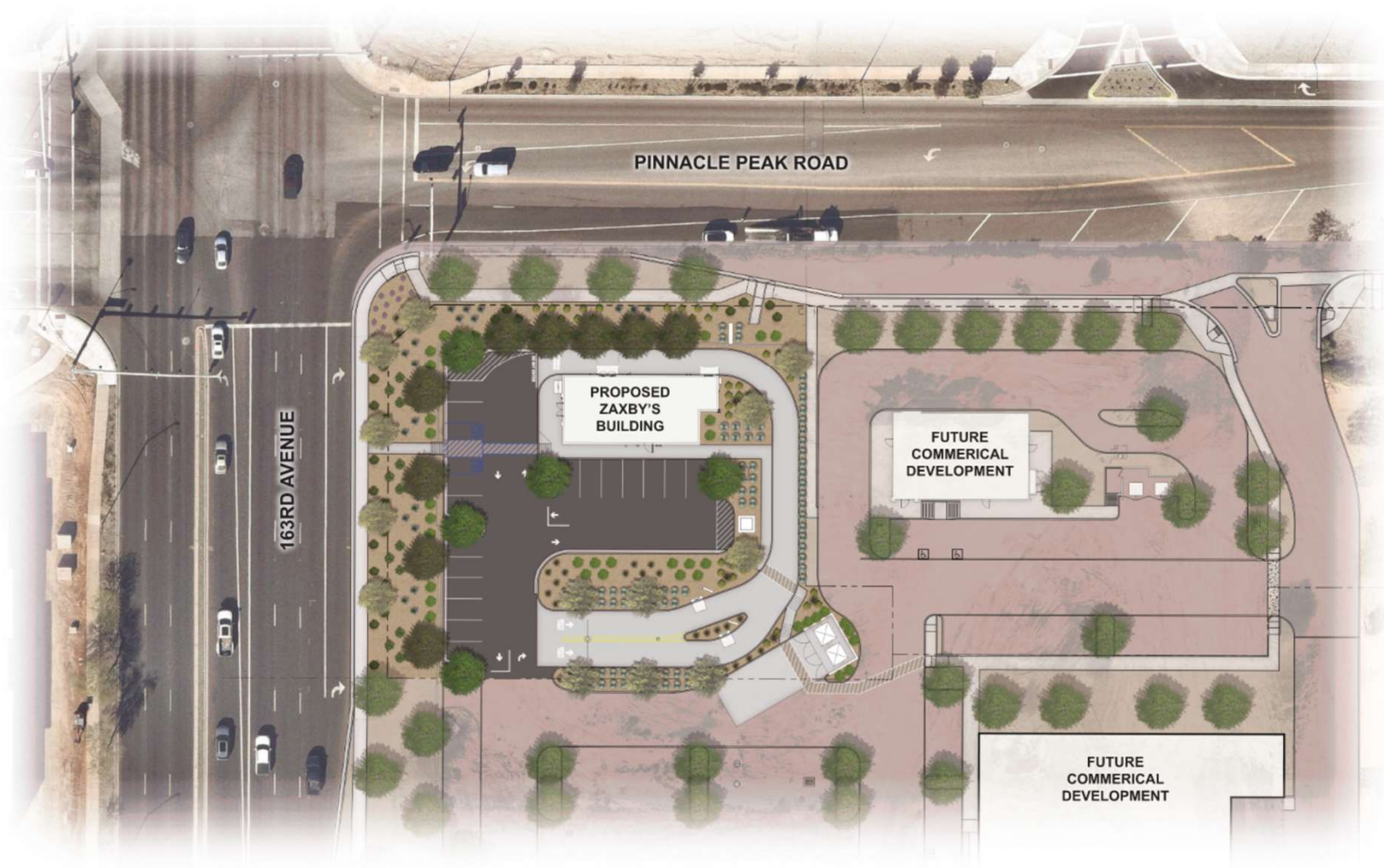


SITE PLAN





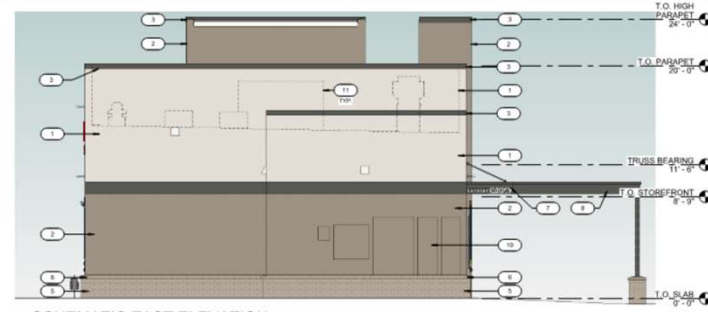
MASTER SITE PLAN



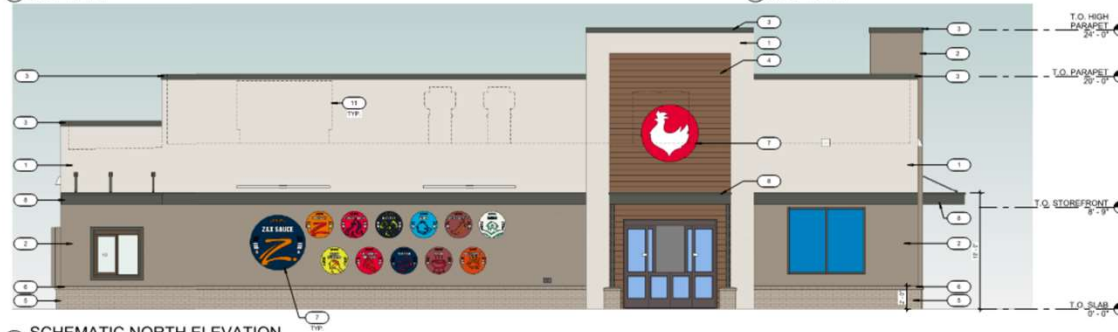
LANDSCAPE PLAN



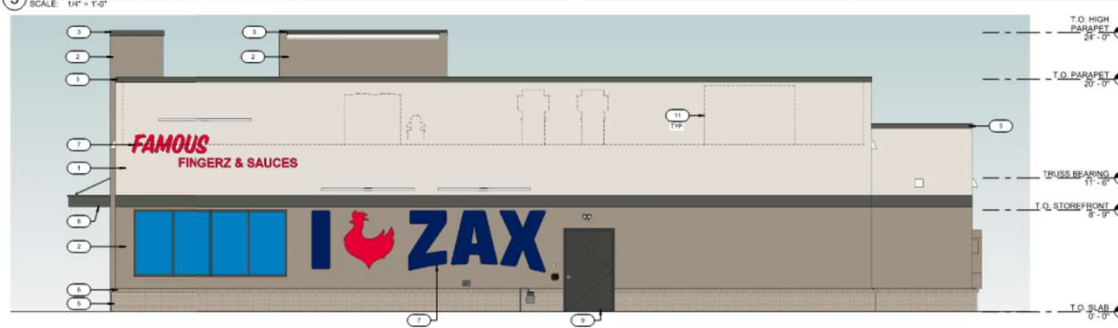
① SCHEMATIC WEST ELEVATION
SCALE: 1/4" = 1'-0"



② SCHEMATIC EAST ELEVATION
SCALE: 1/4" = 1'-0"



③ SCHEMATIC NORTH ELEVATION
SCALE: 1/4" = 1'-0"



④ SCHEMATIC SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

WALL COLOR (EIFS)



BRICK



WOOD



KEYNOTES

1. EIFS - PAINT SWITCH "OLDER WHITE"
2. EIFS - PAINT SWITCH "NEUTRAL GRAY"
3. METAL PARAPET CAP - WHITE SHALE
4. METAL PARAPET CAP - WHITE SHALE
5. BRICK - ROSEBUD, GREYWOOD MODULAR
6. BRICK - ROSEBUD, GREYWOOD MODULAR
7. SIGNAGE TO BE APPROVED UNDER A SEPARATE BUILDING PERMIT
8. METAL, ANTIWING WHITE SHALE
9. INSULATED YELLOW METAL EXTERIOR
10. DOOR MATS - BRUSH
11. ALL SET CABINET AND RELATED EQUIPMENT ARE TO MATCH THE FINISH THAT IT IS BEING DIRECTLY MOUNTED TO.
12. ALL RTUS ARE TO BE FULLY SCREENED BY FRONT WINDOWS

METAL TRIM



ALL PROPOSED SIGNAGE IS FOR REFERENCE ONLY. ALL SIGNAGE IS TO BE APPROVED UNDER A SEPARATE PERMIT. AND TO ENSURE CONFORMANCE TO CHAPTER 109 OF THE LDC

CASE NUMBER: P22-073
YARD & PAT. TELLMAN REC - LOT A - ZAXBYS

EVALUATION CRITERIA

LDO Section 106–10.17

- ✓ 25' from public ROW (101.24') 75' from Residential (>200')
- ✓ 11' aisles; 12' w/ 25' radius on curved sections
- ✓ No exit directly to public ROW
- ✓ 40-feet between entry point to ordering facility (55')/100-feet pick-up service (212')
- ✓ 300-foot separation from another drive-through (> 300')
- ✓ Pick-up window is orientated away from *adjacent* residential uses and from facing the arterial street.
- ✓ Drive-through lanes shall be screened from ROW
- ✓ Canopy design consistent with building and does not exceed 14 feet in height (8'9")

OUTREACH

Neighborhood Meeting

- February 25, 2026
- Asante Preparatory Academy
- 5 Attendees
 - Restaurant Background & Operations
 - Access & Traffic
 - Proposed Adjacent Uses

RECOMMENDATION

Should the Commission wish to **approve** the subject Conditional Use Permit with Site Plan, **Case FS25-0733**, **staff recommends the Commission approve subject to stipulations 'a' through 'e'.**

Questions or Comments?

THANK YOU



STIPULATIONS

- a) Development and use of the site shall be consistent with the Site Plan entitled Zaxby's Tillman Site Plan, prepared by Kimley Horn, and received by the City, June 05, 2026.
- b) Landscaping of the site shall be consistent with the Landscape Plan entitled Landscape Improvement Plans for Zaxby's Tillman, prepared by Kimley Horn, received by the City, June 05, 2026.
- c) Building Architecture shall be consistent with the Elevations entitled Exterior Elevations, prepared by Core States, and received by the City, April 24, 2026.
- d) The applicant shall obtain a building permit for the subject facility within one (1) year of the Planning and Zoning Commission approval of this Conditional Use Permit. If the applicant does not obtain said building permit within the specified time, this Conditional Use Permit shall be deemed null and void.
- e) Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.