



City of Surprise
Planning and Zoning Commission
AGENDA

Tuesday, December 2, 2008 - 6 P.M.

Surprise City Hall

12425 West Bell Road, Suite D100, Surprise, AZ

CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance
- C. Approval of items on the **Consent** Agenda – all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the Planning and Zoning Commission. There will be no separate discussion on these items unless a Commissioner requests; in which event, the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

ITEM NO.	ITEM DESCRIPTION	STAFF RECOMMENDATION
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CURRENT EVENTS REPORT

1	COMMUNITY DEVELOPMENT DEPARTMENT REPORT	JEFF MIHELICH
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CONSENT AGENDA:

2*	APPROVE PLANNING/ZONING COMMISSION MINUTES FOR NOVEMBER 18, 2008.	APPROVAL SECRETARY: DEBBIE PERRY
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REGULAR AGENDA ITEM REQUIRING A PUBLIC HEARING:

3	RZ08-109 – CONSIDERATION AND ACTION – REZONE FOR GRAND AVENUE AND HAPPY VALLEY ROAD: REVIEW A REZONE APPROVAL FOR BOTH SIDES OF HAPPY VALLEY ROAD, WEST OF GRAND AVENUE CONSISTING OF TWO PARCELS ON 7.3 NET ACRES.	RECOMMEND APPROVAL PLANNER: BART WINGARD
4	CUP08-108 – CONSIDERATION AND ACTION – QUIKTRIP #410: REVIEW A CONDITIONAL USE PERMIT APPROVAL FOR CONSTRUCTION OF A QUIKTRIP THAT WILL INCLUDE A RETAIL CONVENIENCE GROCERY STORE AND GAS STATION LOCATED ON THE NORTHWEST CORNER OF GRAND AVENUE AND MOUNTAIN VIEW BOULEVARD. REQUEST IS SUBJECT TO STIPULATIONS A THROUGH D.	APPROVAL PLANNER: ADAM COPELAND
5	CUP08-191 – CONSIDERATION AND ACTION – TUTOR TIME (MARLEY PARK PROMENADE): REVIEW A CONDITIONAL USE PERMIT APPROVAL FOR AN 18,252-SQUARE-FOOT CHILDCARE FACILITY ON A 2.6 NET ACRE PARCEL LOCATED ON THE NORTHEAST CORNER OF CACTUS AND REEMS ROADS. REQUEST IS SUBJECT TO STIPULATIONS A AND B.	APPROVAL PLANNER: DENNIS DORCH

Surprise Planning & Zoning Commission

Jan Blair, Chair - Steve Somers, Vice Chair

Matthew Bieniek, Ken Chapman, John Hallin, Robert Rein, Fred Watts

OPEN CALL TO PUBLIC:

CALL TO THE PUBLIC

Note: During this time, members of the public may address the Commission on any item not on the agenda. 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. No discussion or action shall take place on any item raised.

CURRENT EVENTS REPORT

CHAIRPERSON AND COMMISSIONERS

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.

ADJOURNMENT:

POSTED: November 25, 2008 TIME: 9 a.m.

Jeffrey J. Mihelich, Director
Community Development

REQUEST TO SPEAK: Comments pertaining to the Planning and Zoning Commission business are welcome. If you wish to address the Planning and Zoning Commission, please complete a Public Comment Form and present it to the secretary before the call to order for this meeting.

SPECIAL NOTE: Individuals needing reasonable accommodations, such as large print materials and oral/ ASL interpreters, should contact the Disability Advocate at **623.222.3821** (Voice) or **623.222.3802** (TTY/VP) at least three (3) business days prior to the event so arrangements can be made.

Surprise Planning & Zoning Commission

Jan Blair, Chair - Steve Somers, Vice Chair
Matthew Bieniek, Ken Chapman, John Hallin, Robert Rein, Fred Watts



City of Surprise
Planning and Zoning Commission
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CURRENT EVENTS REPORT

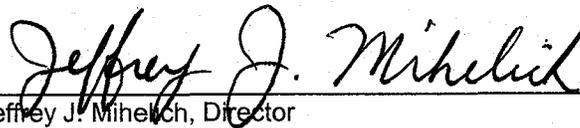
CHAIRPERSON AND COMMISSIONERS

CONSIDERATION AND ACTION TO HOLD AN EXECUTIVE SESSION:

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ADJOURNMENT:

POSTED: November 25, 2008 TIME: 9 a.m.



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Community Development

REQUEST TO SPEAK: Comments pertaining to the Planning and Zoning Commission business are welcome. If you wish to address the Planning and Zoning Commission, please complete a Public Comment Form and present it to the secretary before the call to order for this meeting.

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Surprise Planning & Zoning Commission

Jan Blair, Chair - Steve Somers, Vice Chair

Matthew Bieniek, Ken Chapman, John Hallin, Robert Rein, Fred Watts

CITY OF SURPRISE

**PLANNING AND ZONING COMMISSION
12425 West Bell Road, Suite D-100
Surprise, Arizona 85374**

November 18, 2008

REGULAR MEETING MINUTES

CALL TO ORDER

Vice Chair Steve Somers 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, November 18, 2008.

ROLL CALL

In attendance with Vice Chair Somers were Commissioners Ken Chapman, John Hallin, Rob Rein and Fred Watts. (Chair Blair and Commissioner Bieniek were absent).

PLEDGE OF ALLEGIANCE

COMMUNITY DEVELOPMENT DEPARTMENT REPORT

Community Development Director Jeff Mihelich stated that there are two open house meetings scheduled for December. The first meeting is in regards to proposed changes to the village boundaries. This will be a public input session and will be held on Monday, December 1, 2008 at Rio Salado Community College from 3 to 7 p.m. The second meeting is a beautification project, for landscaping, lighting, and bridge enhancements to Loop 303 and will take place on Tuesday, December 9, 2008 at Rio Salado Community College from 6:30 to 8:30 p.m.

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.

Commissioner Chapman made a motion to approve the **Consent Agenda**. Commissioner Rein seconded the motion. The motion passed with a vote of 5 ayes (Blair, Bieniek absent).

- **Item 2*: Planning and Zoning Commission Minutes for November 18, 2008.**

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING

- **Item 3: CUP08-129 – Consideration and Action – Wendy's**

Planner Adam Copeland presented the project to the Commission. Staff recommended approval of **CUP08-129, Wendy's**, subject to stipulations 'a' and 'b.'

In response to Commissioner Hallin, Planner Copeland stated that the residential lots across the street from Cactus are more than 400 feet from the project.

In response to Commissioner Watts, Planner Copeland stated that there will be landscaping, a three-foot screen wall, and an existing building that will help buffer noise and light from the surrounding residential areas.

In response to Commissioner Rein, Planner Copeland stated that the right-of-way on Cactus Road is 110 feet from curb to curb with an additional 20-foot landscape buffer on the south side of Cactus Road. On the north side of Cactus Road there is a 50-foot landscape buffer.

In response to Commissioner Chapman, Planner Copeland stated that the site plan allows for stacking of five cars from the speaker and six cars to the window.

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

Commissioner Rein made a motion to **approve CUP08-129, Wendy's**, and adopt staff's findings, subject to stipulations 'a' and 'b.' Commissioner Watts seconded the motion. The motion passed with a vote of 5 ayes (Blair, Bieniek absent).

- **Item 4: PADA08-126 – Consideration and Action – Sierra Montana Crossing Sign Program**

Planner Adam Copeland presented the project to the Commission. Staff recommended approval of **PADA08-126, Sierra Montana Crossing Sign Program**, subject to stipulations 'a' and 'b.'

Charlie Gibson, Bootz and Dukes Sign Company, stated that he has concerns about staff's request to reduce the number of signs for the project. This site contains a 75-foot landscape easement and a building set back of 100 feet. This makes it difficult for smaller tenants to have viability within the shopping center and visibility from the street. Without the sign representation, it may result in many vacant buildings.

In response to Commissioner Chapman, Mr. Gibson stated that the original site plan contains a total of six monument signs; four along Cotton Lane and two along Greenway Road. Planner Copeland stated that if the commission approves the project tonight, with the recommended stipulations, this project would have three monument signs on Cotton Lane and one monument sign on Greenway Road.

In response to Commissioner Hallin, Director Mihelich stated that if the commission feels that there are still too many signs on the site, then a motion can be made to further reduce the number along the arterials. Each retailer can still have wall signage on the front of their store. Commissioner Hallin stated that small businesses don't stay in business because of the signs; a powerful anchor store is what helps them to survive.

In response to Commissioner Watts, Planner Copeland stated that the basic criteria for determining the number of signs on a site and where they are located is determined by many factors; including site design, scale of the project, square footage, spacing, height, neighboring areas, and if the project has a second phase.

In response to Commissioner Rein, Planner Copeland stated that a little over 30 tenants will occupy the site.

In response to Commissioner Rein, Mr. Gibson stated that each monument sign contains four smaller panels, which would allow for 24 smaller tenant signs. Planner Copeland stated that with staff's recommendation to remove two monument signs, the smaller panels would be reduced to a total of 16.

In response to Commissioner Rein, Planner Copeland stated that stipulation 'a' states that the square footage of the signage would be measured with a surrounding box around the sign as opposed to each individual letter being measured.

In response to Commissioner Rein, Planner Copeland stated that the frontage along this project is 1200 feet.

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

Commissioner Chapman made a motion to **approve PADA08-126, Sierra Montana Crossing Sign Program**, and adopt staff's findings, subject to stipulations 'a' and 'b.' Commissioner Watts seconded the motion. The motion passed with a vote of 4 ayes and 1 nay (Rein). (Blair, Bieniek absent).

Commissioner Rein stated that aesthetically this is a mistake with the three signs on Cotton Lane. Feels the anchor tenants will bring the traffic into the center and this is too many signs.

OPEN CALL TO PUBLIC

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

CURRENT EVENTS REPORT:

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.

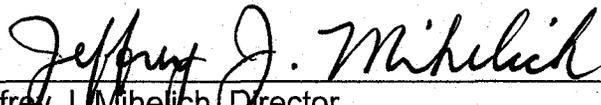
ADJOURNMENT

Hearing no further business, Vice Chair Somers adjourned the regular Planning and Zoning Commission meeting, Tuesday, November 18, 2008, at 6:48 p.m.

STAFF PRESENT:

Community Development Director Jeff Mihelich, Assistant City Attorney Misty Leslie, Planning and Development Services Manager Berrin Nejad, Fire Marshal Doug Helbig, Senior Planner Dennis Dorch, Senior Planner Janice See, Planner Adam Copeland, and Planning and Zoning Commission Secretary Debbie Perry.

COUNCIL MEMBERS PRESENT: None



Jeffrey J. Mihelich, Director
Community Development Department

Steve Somers, Vice Chair
Planning and Zoning Commission

**CITY OF SURPRISE
COMMUNITY DEVELOPMENT DEPARTMENT**

RZ08-109

Rezone

for:

Grand Avenue and Happy Valley Road Properties

Planning and Zoning Commission

Hearing Date: **December 2, 2008**

STAFF:

Hobart Wingard, 623.222.3156

LOCATION:

Both sides of Happy Valley Road, west of Grand Avenue.

**DESCRIPTION OF
THE REQUEST:**

Approval of a Rezone.

SUMMARY ANALYSIS:

The applicant is requesting a rezone approval to market the subject residential parcels for commercial uses.

SUGGESTED MOTION:

I move to recommend approval to the Mayor and City Council RZ08-109, a rezone for both sides of Happy Valley Road, west of Grand Avenue.

City of Surprise
Planning and Zoning Division

EXECUTIVE SUMMARY

RZ08-109
Grand Avenue and Happy Valley Road

APPLICANT:	Janette Baranski 116 East Voltaire Avenue Phoenix, AZ 85022 Phone: 602.748.9248 Fax: 602.896.8988 janette63@q.com
OWNER:	William Roman, Trustee Southwest Power Consultants, Inc. 4935 East Rancho Del Oro Drive Cave Creek, AZ 85331-5932 Phone: 480.488.4843 hmax@earthlink.net
HEARING DATE:	December 2, 2008
STAFF:	Hobart Wingard
LOCATION:	Generally, on both sides of Happy Valley Road, west of Grand Avenue.
DESCRIPTION of the REQUEST:	Approval of a Rezone
STAFF RECOMMENDATION:	Approval
SUMMARY ANALYSIS:	The applicant is requesting Rezone approval for two parcels on 7.3 net acres, generally located on both sides of Happy Valley Road, southwest of Grand Avenue. The properties are currently zoned C-2 (Community commercial) and R1-43 (Single-family residential), and the request is to convert the residentially zoned parcels to C-2 (Community commercial).

HISTORY

1. On November 8, 2007, the City of Surprise approved an annexation request for the area that includes the subject parcels, Ordinance 07-52.
2. On May 2, 2008, Janette Baranski, the applicant, applied for a rezone to convert the currently zoned C-2 (Community commercial) and R1-43 (Single-family residential) parcels, to C-2 (Community commercial).

STAFF ANALYSIS

The proposed rezone involves land located southwest of Grand Avenue, along both sides of Happy Valley Road that consists of two parcels on 7.3 net acres. The properties are currently zoned C-2 (Community commercial) and R1-43 (Single-family residential), and the request is to convert the residentially zoned parcels to C-2 (Community commercial).

The 2 parcels have been divided into 5 tracts as a result of past rights-of-way acquisition for Happy Valley and Citrus Roads. The acquisition effectively split the parcels while retaining the original two assessor parcel numbers. The parcels are split as such:

Parcel	Tracts	Total Acres	Current C-2 Acres	Current R1-43 Acres	Total C-2 Acres
1	3	1.8	0.7	1.1	1.8
2	2	5.5	0.0	5.5	5.5
Total	5	7.3	0.7	6.6	7.3

The surrounding zoning and land uses are as listed below:

Adjacent parcels	Zoning	Use
Northeast	ROW	Grand Avenue
East	C-2 / R1-43	Commercial
South	R1-43	Residential
West	C-2 / R1-43	Vacant
North	C-2 / R1-43	Vacant

The applicant plans to market these residential parcels for commercial use. The C-2 designation allows many commercial uses such as retail, office, and service uses.

Prior to development of these parcels, a site plan or conditional use permit must be submitted through the city.

Community Outreach Meeting:

A community outreach meeting was held at 7:00pm on July 14, 2008 at the Sunset View Baptist Church. There were no attendees at the meeting.

Departmental Review: All departments are recommending approval of the site subject to all stipulations and findings.

The Traffic Division had no concerns regarding the rezone.

The Fire Department had no concerns regarding the rezone.

The Planning Division had no concerns regarding the rezone.

The Building Safety Division had no concerns regarding the rezone.

The Water Services Department had no concerns regarding the rezone.

The Engineering Department had no concerns regarding the rezone.

FINDINGS

1. Staff finds that the proposed rezone is consistent with the Surprise General Plan 2020 medium-density residential land use category that allows supporting land uses such as neighborhood shops and services.
2. Staff finds that the proposed rezone complies with Section 125-30 of the Surprise Municipal Code, which allows the change of zoning of parcels of land within the municipality.

RECEIVED

OCT 30 2008

COMMUNITY
DEVELOPMENT

Case Number RZ08-109

Attention Lance Ferrell - Planner
City of Surprise
Planning Dept.
Planning and Zoning Division
12425 West Bell Rd, Suite D-100
Surprise, AZ 85374

RE: Request for rezone from R1-43 to C-2 located at Grand Ave and Happy Valley Rd.

I am requesting to rezone parcel numbers 503-73-155 & 156 which is approximately 7.30 acres in size, from R1-43 to C-2. Approximately 12% of the property is currently zoned C-2 with the remaining being R1-43. The current land use is Medium Density Residential that includes supporting land uses such as shops and services. We would like to rezone the entire parcel to C-2 in an effort to make our parcel a more marketable use. This will not only coincide with the cities desires for this area, but also make it more appealing to developers interested in purchasing the entire area.

These parcels currently have Electric, telephone, water, and septic systems available.

Our goal is not to develop these parcels ourselves, but to sell this land to a developer. We are trying to do the initial leg work needed to make it desirable for resale and also to do the necessary steps for rezoning as it falls within the City of Surprises plans for this area.

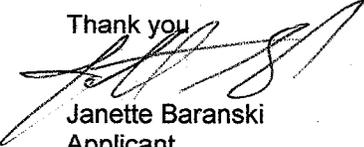
We have continued to work with interested developers relating the cities desires for this area in an effort to make it easier for both the city and the developer before selling.

Our desire is to work with the staff to make this something that the city desires for this area and to bring a commercial market to all the housing that is going into this area.

We look forward to working with the city staff in an effort to complete the rezone and annexation of the above parcels into the City of Surprise.

Please contact me if you need further information.

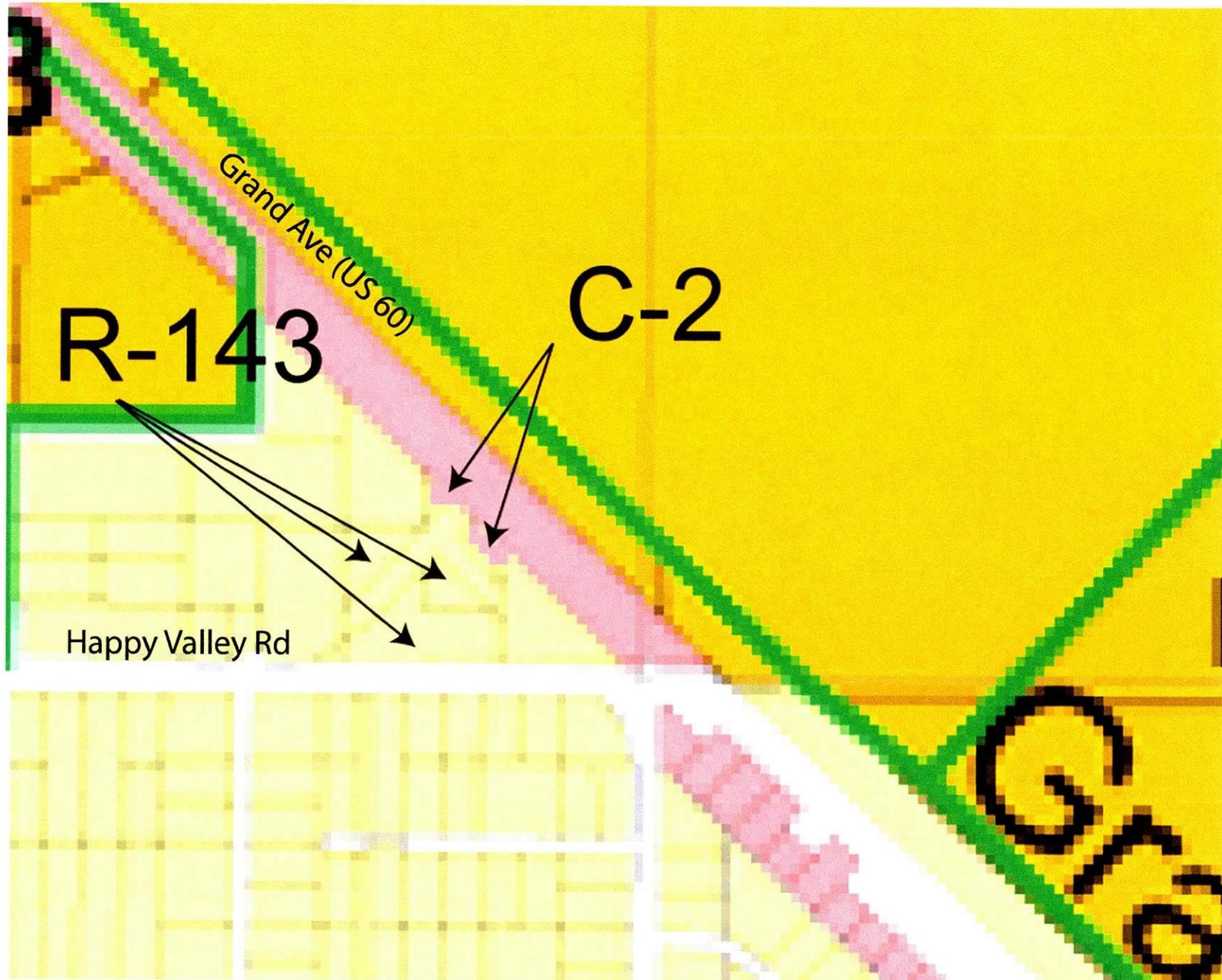
Thank you



Janette Baranski
Applicant
Cell 602 748-9248
Home 602 788-8260
Fax 602 896-8988

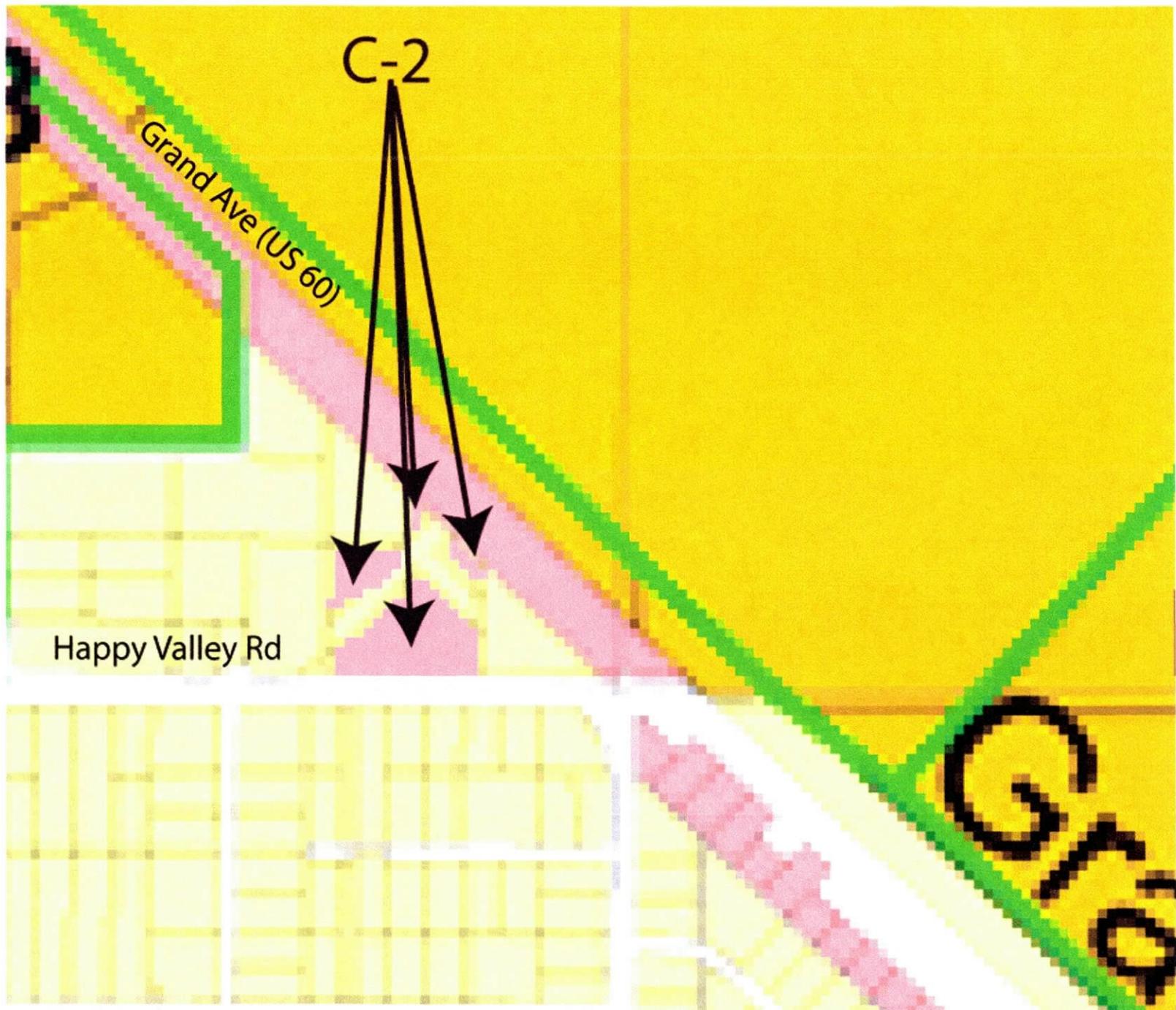
Case # RZ08-109

Current Zone

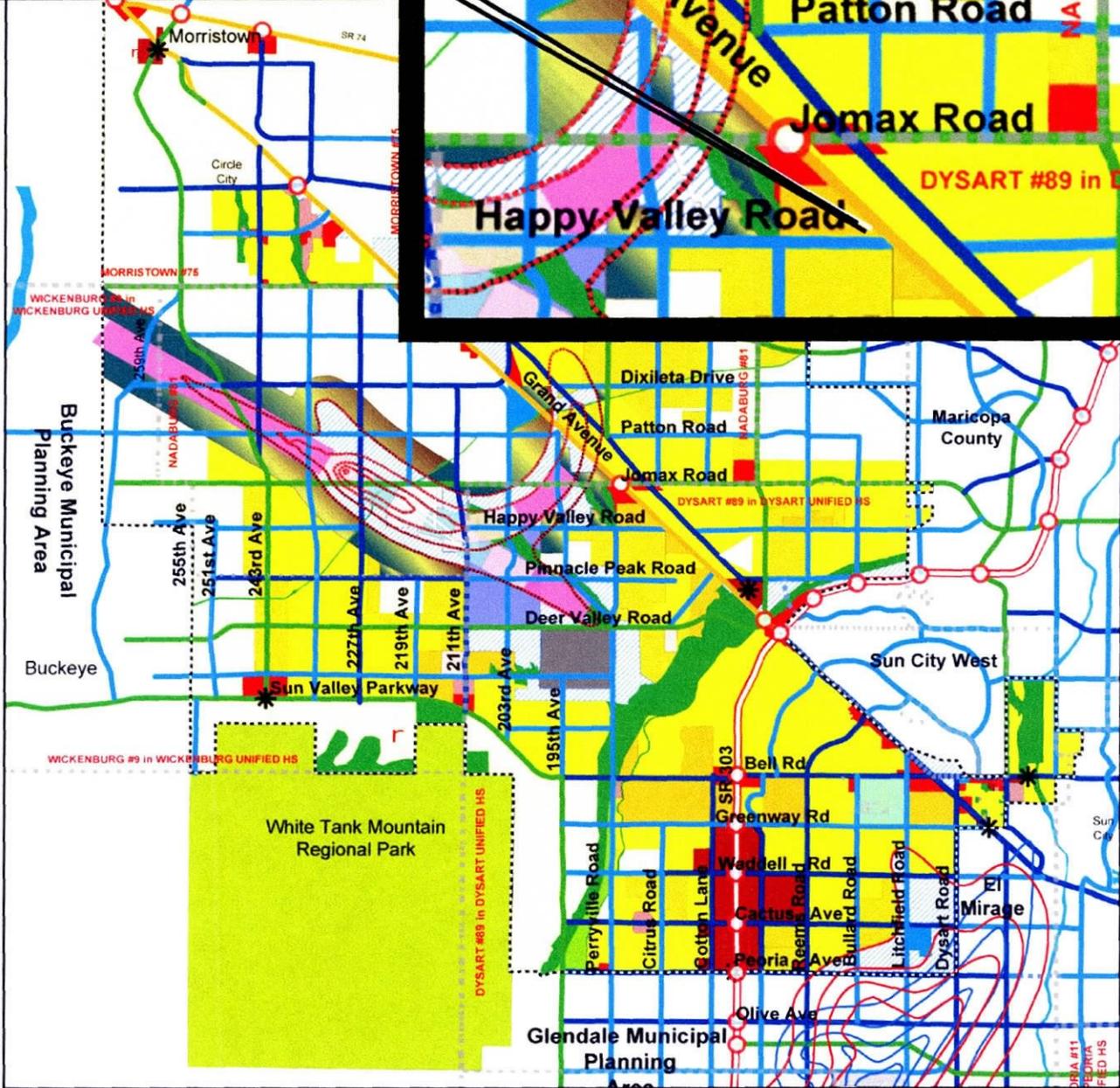
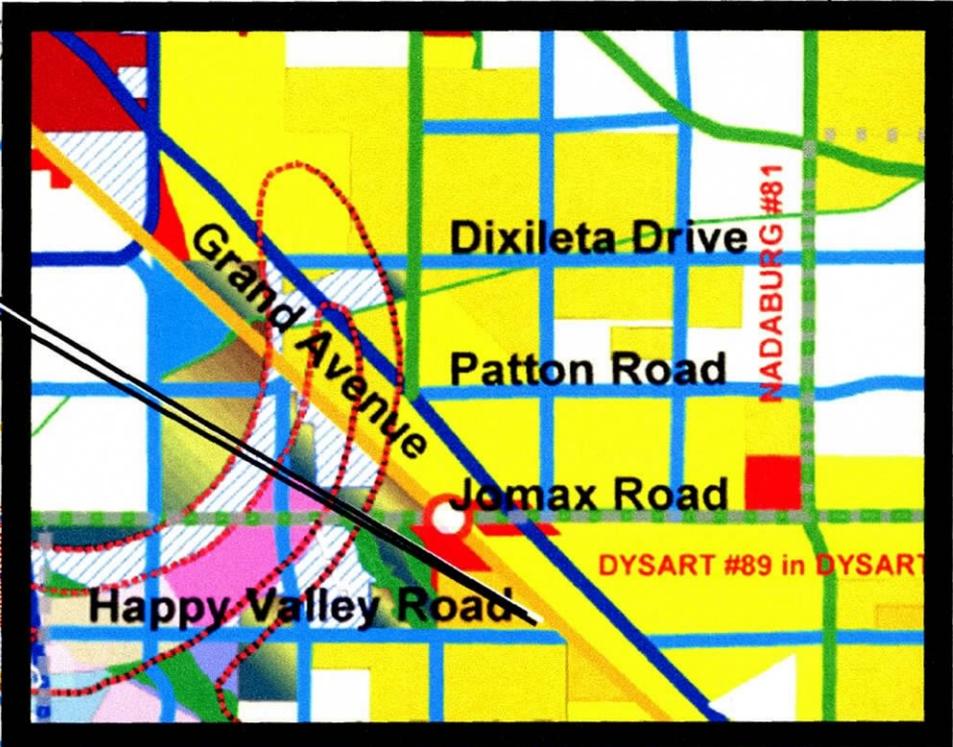


Case # RZ08-109

Proposed Zone



SUBJECT PARCEL



Land Use Classification

- Airport Preservation (0-2 DuS/Ac)
- Rural Residential (0-1 DuS/Ac)
- Suburban Residential (1-3 DuS/Ac)
- Low Density Residential (3-5 DuS/Ac)
- Medium Density Residential (5-8 DuS/Ac)
- Medium/High Density Residential (8-15 DuS/Ac)
- High Density Residential (15-21 DuS/Ac)
- Surprise Center
- Original Townsite
- Commercial
- Employment
- Mixed Use Gateway
- Agriculture
- Landfill
- Military
- Open Space
- Public Facilities
- Proving Grounds
- Mixed Use Gateway
- Resort Development

* Note: Commercial under 25 acres can be approved in other land use classifications per criteria in the General Plan

Roadway Classification

- Freeway
- Expressway
- Parkway
- Major Arterial
- Minor Arterial
- Interchange
- 1988 MAG Noise Contours
- 1995 Luke A.F.B. Noise Contours (1997 Revised)
- Aux 1 F-16 Noise Contours
- City General Planning Area
- Maricopa County Boundary
- School District Boundaries
- APZ I
- APZ II
- CLEAR ZONE

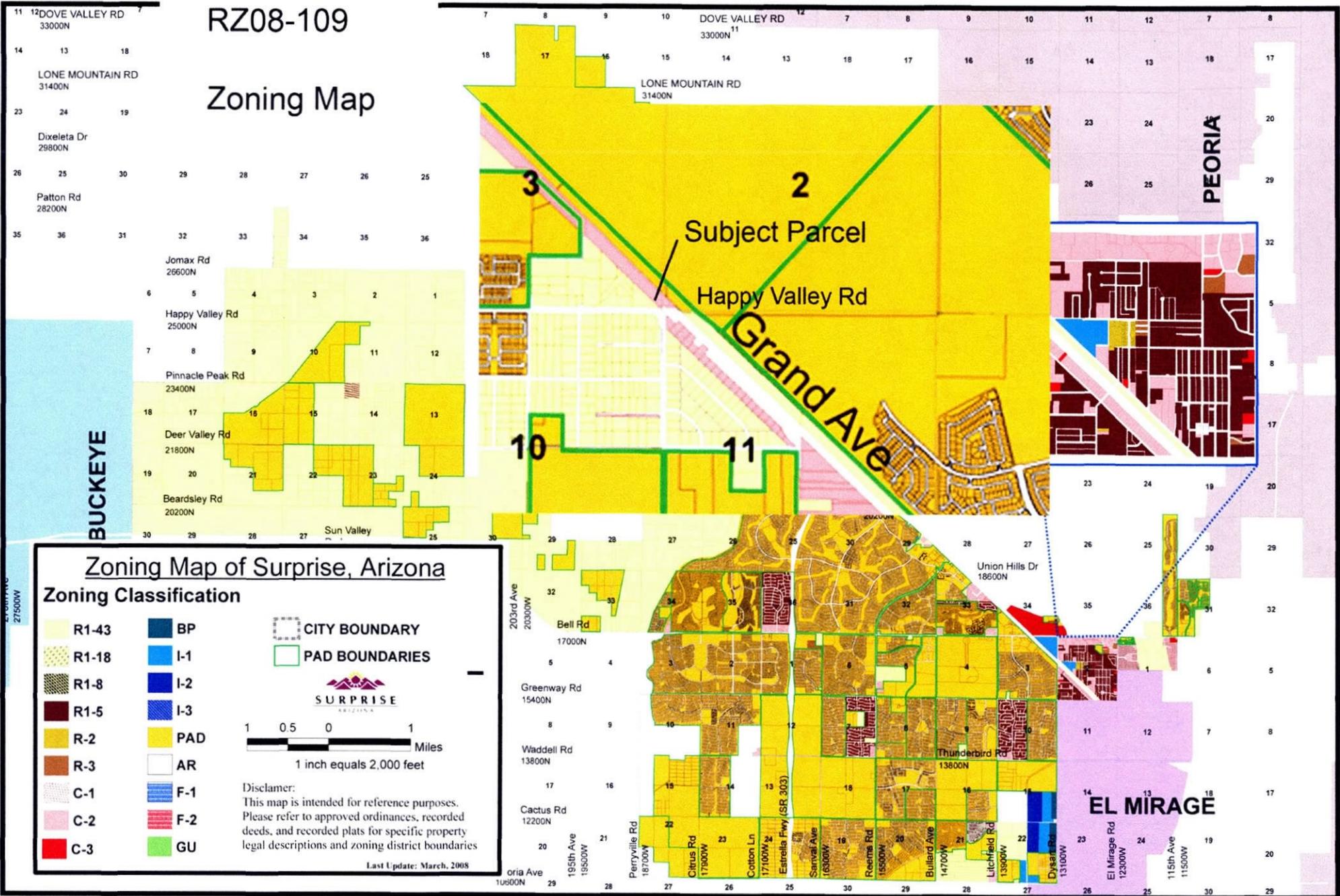


Surprise General Plan 2020:
Imagine the Possibilities
City of Surprise, AZ



RZ08-109

Zoning Map

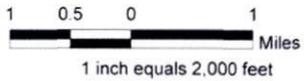


Zoning Map of Surprise, Arizona

Zoning Classification

	R1-43		BP
	R1-18		I-1
	R1-8		I-2
	R1-5		I-3
	R-2		PAD
	R-3		AR
	C-1		F-1
	C-2		F-2
	C-3		GU

CITY BOUNDARY
 PAD BOUNDARIES

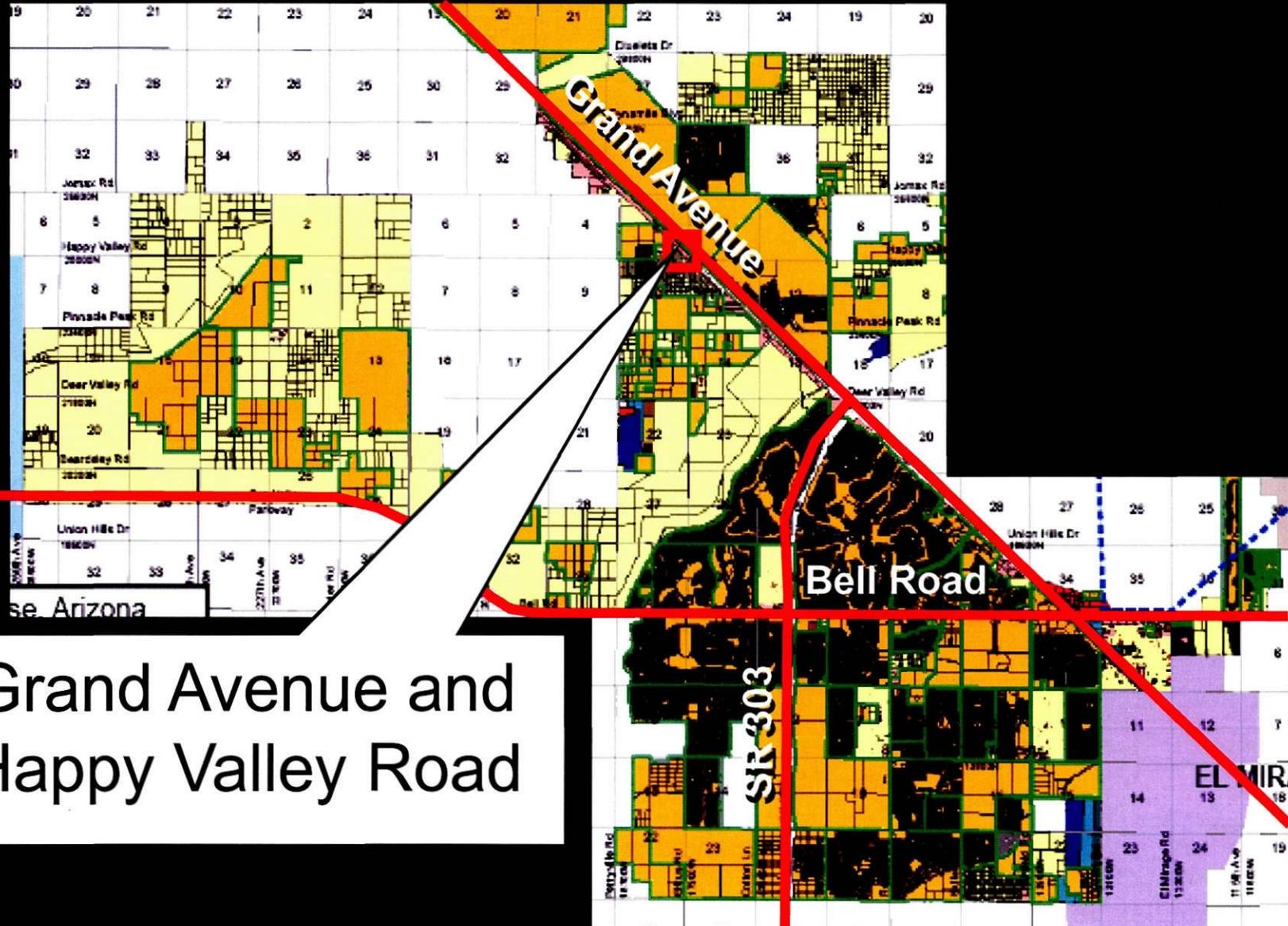


Disclaimer:
 This map is intended for reference purposes.
 Please refer to approved ordinances, recorded
 deeds, and recorded plats for specific property
 legal descriptions and zoning district boundaries

Last Update: March, 2008

Location Map

Grand Avenue and Happy Valley Road



Grand Avenue and Happy Valley Road



Contextual Map

Grand Avenue and Happy Valley Road



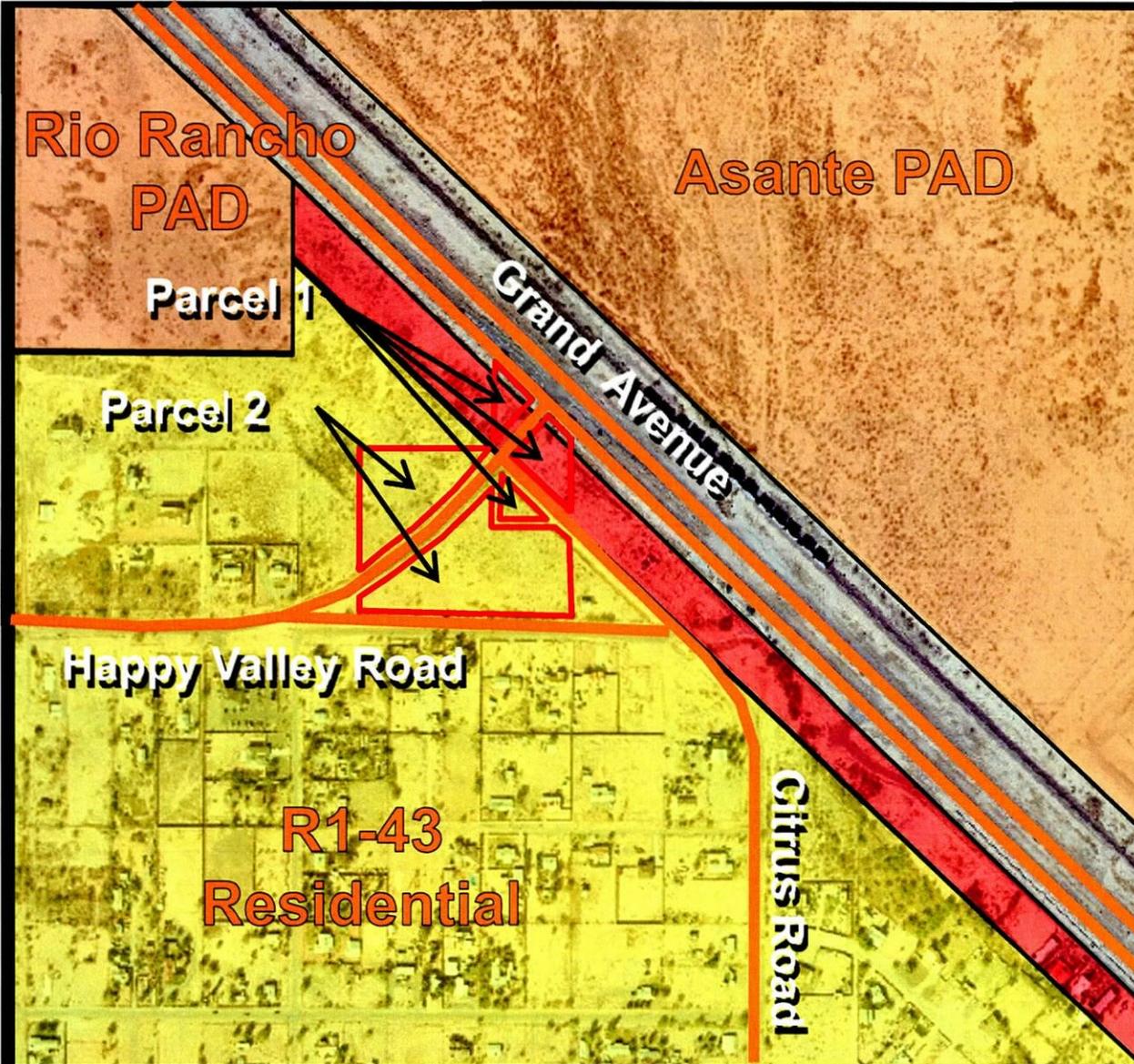
PROJECTS:

1. Asante
2. Residential
3. Rio Rancho



Existing Zoning

Grand Avenue and Happy Valley Road



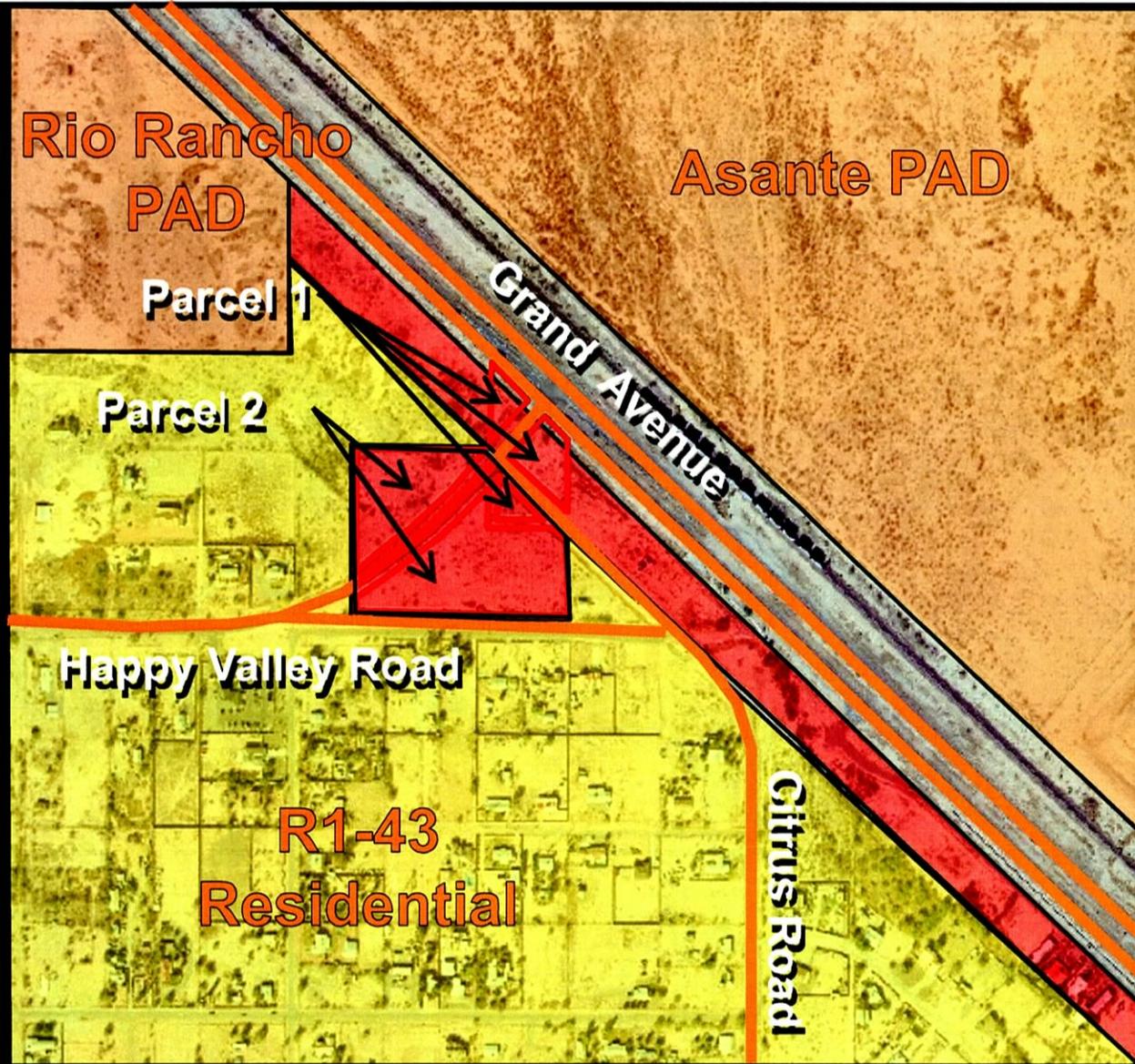
PROJECTS:

1. Asante
2. Residential
3. Rio Rancho



Proposed Zoning

Grand Avenue and Happy Valley Road



PROJECTS:

1. Asante
2. Residential
3. Rio Rancho





Arizona Department of Transportation
Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Sam Elters
State Engineer

Victor M. Mendez
Director

June 3, 2008

Ms. Carol Dager
City of Surprise Planning Department
12425 West Bell Road Suite D100
Surprise, Arizona 85374

RE: Grand Avenue & Happy Valley / PA08-109/ W of Grand Ave and No. & So. of Happy Valley

Dear Ms. Dager:

Thank you for your notification regarding the Rezoning Application on the above referenced subject. After a complete review, we have concurred that at this time the proposed project could have impact to our highway facilities in this area due to the proximity to US 60.

Access to ADOT R/W whether it is for construction or any other purpose is by permit only, to do so please contact Dave Zimbro, at ADOT District Permits Section at (602) 712-7522, and for access or encroachment information. Or you can download one at: www.azdot.gov/highways/districts/Phx_maintenance/permits.asp. If you or the developers have any questions, please contact Pete Eno, R/W Project Coordinator at (602) 712-7348.

ADOT does reserve the right to review and comment any further development plans, changes and or additions for this site, as to any impact they may have on the State Highway System.

Should you have any questions, you may contact me at 602-712-8876, or in writing at 205 S. 17th Avenue, Right of Way Project Management Section, MD. 612E, Phoenix, Arizona 85007. Thanking you in advance for your cooperation.

Sincerely,

Annette Close
Administrative Assistant III
Right of Way Project Management
aclose@azdot.gov

cc: Pete Eno, R/W Project Coordinator



**CITY OF SURPRISE
COMMUNITY DEVELOPMENT DEPARTMENT**

CUP08-108

Conditional Use Permit

for:

QuikTrip #410

Planning and Zoning Commission

Hearing Date: **December 2, 2008**

STAFF:	Adam Copeland, Planner 623.222.3137
LOCATION:	Generally on the northwest corner of Grand Avenue and Mountain View Boulevard.
DESCRIPTION OF THE REQUEST:	Approval of a conditional use permit.
SUMMARY ANALYSIS:	The applicant is requesting a conditional use permit approval for a retail convenience grocery store and gas station (QuikTrip #410).

SUGGESTED MOTION:	I move to approve CUP08-108, a conditional use permit for QuikTrip #410, and to adopt staff's findings and stipulations 'a' through 'd.'
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City of Surprise
Planning and Zoning Division

EXECUTIVE SUMMARY

CUP08-108
QuikTrip #410

APPLICANT:	Jarod Mendez 1116 E. Broadway Road Tempe, Arizona 85285 P: 480-446-6337 F: 918-615-7030
OWNER:	Freddy Garmo Surprise America LLC 124 W. Main Street #200 El Cajon, AZ 92020 P: 619-441-2500 F: 619-631-6444
HEARING DATE:	December 02, 2008
STAFF:	Adam Copeland
LOCATION:	Generally on the northwest corner of Grand Avenue and Mountain View Boulevard.
DESCRIPTION of the REQUEST:	Approval of a conditional use permit.
STAFF RECOMMENDATION:	Approval.
SUMMARY ANALYSIS:	The applicant is requesting a conditional use permit approval for a retail convenience grocery store and gas station (QuikTrip #410).

HISTORY

The subject site was part of a Final Plat Amendment for the Grand Avenue Professional Plaza approved by the City Council on September 11, 2003.

STAFF ANALYSIS

Proposal:

The applicant is requesting approval to permit the construction of a QuikTrip on 1.56 acres that will include a retail convenience grocery store and gas station, which will include ten (10) pumps. The subject site is generally located on the northwest corner of Grand Avenue and Mountain View Boulevard. The retail convenience grocery store is proposed to be approximately 5,100 square feet.

A service station/gas station use requires a conditional use permit approval prior to commencement of construction due to the potential environmental impacts, light pollution, noise, and design aesthetics. The subject gas station is set back substantially from any residential area by more than 700 feet. Impacts on lighting were found to be negligible and all light poles on site will be less than 16 feet in height.

The subject project requires 19 parking spaces, and is providing 31 spaces plus two (2) accessible spaces. Parking is located on the southeast and southwest portions of the property.

Architecture:

The architecture of the QuikTrip building follows a corporate identity, which consists of simple building forms and minimal detailing. Unique to this building is the incorporation of similar roof styles and colors that are consistent with the adjacent Ancona Professional Plaza.

The building and canopy are primarily comprised of a material that resembles stucco and split-face block. Scored stucco in a grid pattern, is repeatedly used at the front entrance and at the base of the building pilasters. Split-face block is used as a contrasting material and is recessed along all four sides. The roof of both the building and canopy are comprised of a parapet roof set at variable heights, capped with a simple stucco cornice. Glazing exists in the form of a storefront system and is limited to the north elevation.

Urban Design:

Urban Design qualities of this site include proper building orientation and identifying with the neighborhood context. The building's main entrance faces Grand Avenue and maintains a proper set back that is consistent with the adjacent sites. Identifying with neighborhood context is manifested through utilizing the existing color palette and streamlined roof cornice of Ancona Professional Plaza.

Circulation:

Immediate pedestrian and vehicular access to the site will be from Grand Avenue to the northeast and Mountain View Boulevard to the southeast. In addition, as the parcel develops adjacent to the subject site, internal vehicular access will be available.

Landscape:

The landscape design for this project utilizes a combination of drought-resistant plant material. The landscape design will enhance the aesthetics along Grand Avenue and Mountain View Boulevard. Approximately 24% of the site is landscaped and includes landscape buffers on all sides of the project.

Departmental Review:

The Traffic Division had comments on turning movements and recommended internal vehicular access to stub out to the adjacent parcel. The applicant revised the plan to address all of the comments. NOTE: The traffic division will coordinate with ADOT at the time of civil plan application to determine if any off-site improvements are necessary.

The Fire Department had comments on fire department connections, hydrant locations, and proper legend labels. The applicant revised the plan to address the comments.

The Planning Division had comments on the architecture, landscaping, access, and pedestrian circulation. The applicant revised the site plan to address the comments.

Additional comments were related to inconsistencies in the existing lot size and the dimensions of the site plan. The applicant will be required to process a final plat amendment to match up with the site plan (stipulation b).

The Building Safety Division had comments on sidewalks widths and construction type. The applicant revised the plan to address the comments.

The Water Services Department had standard comments.

The Engineering Department had minor technical comments on the drainage report, which was revised to address the comments.

FINDINGS

The City of Surprise Municipal Code requires a conditional use permit for gas stations/service stations due to the potential negative impacts on surrounding properties. The Planning and Zoning Commission may grant the application by motion, imposing such conditions and safeguards as it deems necessary, or it may deny the application.

1. Staff finds that the proposed conditional use permit for QuikTrip #410 does comply with the intent of C-2 (community commercial) zoning designation as described in Chapter 125 of the Surprise Municipal Code.
 - **The Surprise Municipal Code Chapter 125 requires a conditional use permit application approval prior to construction of a service station/gas station.**
2. Staff finds that the proposed use is consistent with the policies, objectives, and land use map of the Surprise General Plan and is consistent with the purpose of the zoning district in which the site is located.

- **The approved General Plan 2020 designates this area with a commercial land use classification. The proposed use is not in conflict with this land use classification.**
3. Staff finds that the proposed use will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the proposed use, or have an adverse effect on the property, adjacent properties, the surrounding neighborhood, or the city when consideration is given to the character and size of the use and hours of operation.
 - **The subject gas station is setback substantially from any residential dwellings by more than 700 feet. Impacts on noise, odor, and lighting are found to be negligible.**
 4. Staff finds that the proposed site is adequate in size and shape to accommodate the intended use and requirements are met for the C-2 zoning district, including but not limited to: setbacks, walls, landscaping, and buffer yards.
 - **Staff found that all setbacks, landscaping requirements, walls, and buffers comply with the Surprise Municipal Code C-2 (community commercial) zoning classification. The subject site can sufficiently accommodate the proposed use.**
 5. Staff finds that the proposed site has adequate access to public streets and highways to carry the type and quantity of traffic which may be generated by the subject use, and that on-site circulation is adequate to permit driveways, parking, and loading requirements in a manner which is safe and efficient.
 - **There is existing access from Grand Avenue to the northeast and Mountain View Boulevard to the southeast. The Traffic Division has reviewed the Traffic Impact Analysis and is recommending approval of all ingress/egress points shown on the site plan. The adjacent streets are designed to accommodate the traffic generated from the commercial site. The traffic division will work more closely with ADOT at the time of civil permit application.**
 6. Staff finds that adequate conditions or stipulations have been incorporated into the approval of the conditional use permit to ensure that any anticipated detrimental effects can be mitigated.
 - **Stipulations have been added to this report. Staff is recommending the project for approval, subject to all the stipulations.**
 7. Review of conditional use permits shall include, but not limited to, examination of the following factors, where applicable.
 - a. Ingress and egress to property and proposed structures, pedestrian and vehicular circulation with particular reference to fire protection.

- The subject site is accessed from Grand Avenue to the northeast and Mountain View Boulevard to the southeast. In addition, pedestrian connections are placed appropriately throughout the site.
- b. Off-street parking and loading.
 - It was reviewed and determined that the project has sufficient parking to sustain the proposed use.
- c. Impact on public services, including schools, recreation, and utilities.
 - Impacts on public services, schools, recreation, and utilities were found to be negligible.
- d. Screening and buffering of uses.
 - The site has adequate buffering and screening to minimize the impacts to surrounding uses. Planned commercial buildings, parking, and landscaping will provide an adequate buffer between this site and any residential community. The subject site is approximately 700 feet setback from residential to the south.
- e. Signage
 - Signage design and placement will be reviewed at the time of building permit submittal.
- f. Exterior lighting with reference to adjacent properties.
 - Lighting was reviewed by staff and was found to have no adverse impacts.
- g. Storm water retention and landscaping.
 - The Engineering Department reviewed the retention and drainage on the site and found it to be in compliance with the Surprise Municipal Code. The landscaping proposed meets the city's standards for species, quantity, placement, and size.
- h. Site and building design.
 - It is of staff's opinion that the project is designed appropriately and is consistent with the design guidelines.
- i. Drainage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination.
 - The Engineering Department reviewed the retention and drainage on the site and found it to be in compliance with the Surprise Municipal Code. Environmental impacts were reviewed and shall be checked at the time of Certificate of Occupancy in reference to dust control.
- j. Volume or character of traffic.
 - A Traffic Impact Analysis was reviewed and approved by staff. It was found that the existing streets and proposed access will not negatively impact vehicle circulation. The surrounding streets are designed to handle the capacity generated from the proposed use.

- k. A demonstrated need for such use.
- **The nearest existing gas station is located approximately one mile northwest.**

Granting of a conditional use permit:

No conditional use permit shall be given for a use that is not listed in Chapter 125 as a conditional use or is not deemed by the commission as equivalent to a listed conditional use in the particular district in which it is proposed to be located. The Planning and Zoning Commission may place any conditions which are deemed necessary to mitigate potential impacts and ensure compatibility of the use with surrounding development and the city as a whole, and which are required to preserve the public health, safety, and general welfare. These conditions may include but are not limited to:

1. Requirements for setbacks, open space, buffers, fences or walls, and landscaping to mitigate conflicts from visual, noise, lighting, and similar impacts associated with the use.
 - a. **Setbacks, open space, buffers, fences/walls, and landscaping have been reviewed and found to comply with C-2 zoning.**
2. Dedication of street or other public rights-of-way and control in location of access points and on-site circulation to mitigate traffic impacts from increased volumes or nature of traffic activity associated with the use.
 - a. **No further rights-of-way are requested at this time.**
3. Regulations pertaining to hours of operation, methods of operation, and phasing of the development of the site to mitigate impacts to surrounding properties and neighborhoods.
 - a. **This use will have a 24-hour operation. However, there are no residential neighborhoods within the immediate vicinity that would be impacted by a 24-hour operation of this use. The subject site is approximately 700 feet setback from residential.**

The Planning and Zoning Commission may grant the application by motion, imposing such conditions and safeguards as it deems necessary, or it may deny the application. If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval exist.

STIPULATIONS

REQUIRED ACTIONS: The applicant and/or owner shall comply with the following stipulations to Case CUP08-108, QuikTrip #410.

- a. All parcel numbers shall be active prior to submittal of any building permit and shall stay active throughout the construction process until a Letter of Compliance and/or Certificate of Occupancy is issued. Any subdivision or lot split shall be reviewed and approved by the City of Surprise prior to recordation with Maricopa County.
- b. A final plat amendment shall be submitted to the city and approved by City Council and parcel numbers assigned and active prior to submittal of building permits. A cross-access agreement from adjacent parcels shall be included on the final plat amendment.
- c. The applicant shall install pavers in the median located adjacent to the property's frontage within the city rights-of-way on Mountain View Boulevard.
- d. Further review and approval from ADOT may be required at the time of civil plan application.

QuikTrip #410



SITE

Mountain View Blvd.

GRAND AVENUE

Ancora Offices





**Arizona Department of Transportation
Intermodal Transportation Division**

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Sam Elters
State Engineer

Victor M. Mendez
Director

May 28, 2008

Ms. Carol Dager
City of Surprise Planning Department
12425 West Bell Road, Suite D-100
Surprise, Arizona 85374

RE: **Quiktrip #410** / CUP08-108 / Grand Avenue and Mountain View Blvd.

Dear Ms. Dager:

Thank you for your notification regarding the Use Permit on the above-referenced subject. After a complete review, we have concurred that the proposed Plan could have an impact on our highway facilities in this area due to the proximity to Grand Avenue.

Access to ADOT R/W whether it is for construction or any other purpose is by permit only, to do so please contact Dave Zimbardo, at ADOT District Permits Section at (602) 712-7522, and for access or encroachment information. Or you can download one at: www.azdot.gov/highways/districts/Phx_maintenance/permits.asp. If you or the developers have any questions, please contact Pete Eno, R/W Project Coordinator at (602) 712-7348.

ADOT does reserve the right to review and comment any further development plans, changes and or additions for this site, as to any impact they may have on the State Highway System.

Should you have any questions, you may contact me at 602-712-8876, or in writing at 205 S. 17th Avenue, Right of Way Project Management Section, MD 612E, Phoenix, Arizona 85007. Thanking you in advance for your cooperation.

Sincerely,

Annette Close
Administrative Assistant III
Right of Way Project Management
aclose@azdot.gov





DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

14 May 2008

Mr. James R. Mitchell
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon Street
Luke AFB AZ 85309-1629

Ms. Carol Dager
City of Surprise Planning Department
12425 West Bell Road
Surprise AZ 85374

Re: Case #CUP08-108 Quik Trip #410

Dear Ms. Dager

Thank you for the opportunity to provide comments on the Conditional Use Permit Application for the Quik Trip #410 facility. Quik Trip will be located on 1.56 gross acres at the west corner of Grand Avenue and Mountain View Boulevard. Plans call for the construction of a 5,104 square foot convenience store with a 9,879 square foot fueling canopy. The site is approximately 2 1/2 miles outside the 1988 JLUS 65 Ldn, "high noise or accident potential zone," as defined by .R.S. § 28-8461 and is within the "territory in the vicinity of a military airport," also defined by A.R.S. § 28-8461.

As described, this Quik Trip facility will not negatively impact the flying operations at Luke AFB. Since this site is located within the "territory in the vicinity of a military airport," it will be subjected to noise from approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform the tenant about Luke AFB operations. We also recommend a review of the Luke AFB web site at <http://www.luke.af.mil>, Community Interests and Community Initiatives links, for further information.

If there are any questions, please contact my Community Planner, Mr. Bob Dubsky, at (623) 856-6195.

Sincerely

A handwritten signature in black ink, appearing to read "James R. Mitchell", written over a horizontal line.

JAMES R. MITCHELL

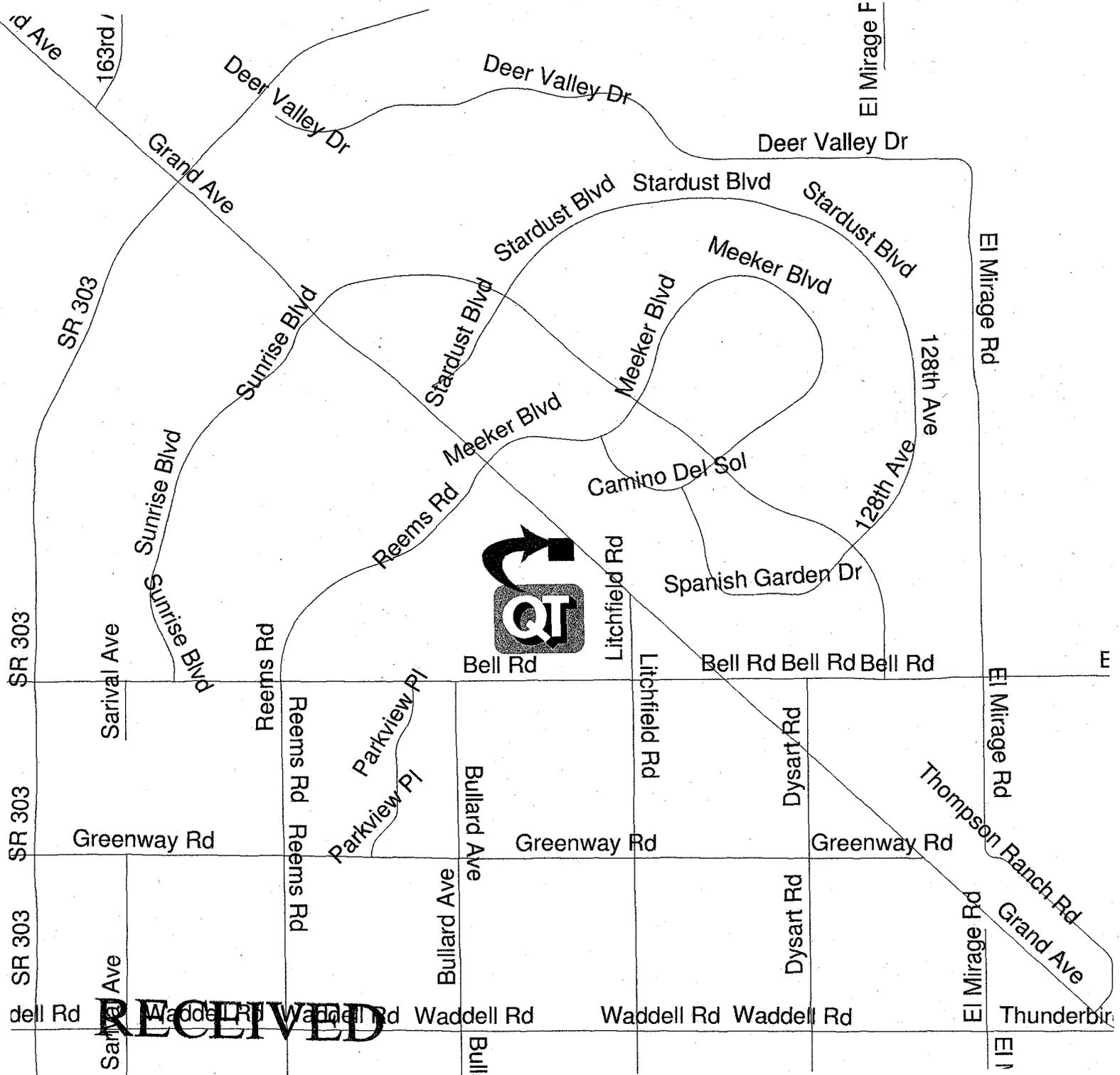
cc:

Colonel Henry M. Reed III, Vice Commander, 56th Fighter Wing

QuikTrip 410

Grand Ave. & Mountain View Blvd

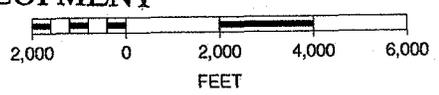
VICINITY MAP



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COMMUNITY DEVELOPMENT
SCALE 1 : 48,877



TECHNICAL ADVISORY COMMITTEE PROJECT NARRATIVE

Proposed QuikTrip #410 West Corner of Grand Avenue & Mt. View Blvd. Surprise, Arizona

1. Project Description

QuikTrip Corporation is under contract to purchase approximately 1.56 ± acres of vacant property along Grand Avenue, west of Mt. View Blvd. in Surprise, Arizona. QuikTrip proposes to develop a convenience grocery store with gasoline on the property. The development of this site will generally be consistent with the design and architecture of other QuikTrip facilities throughout the Phoenix Valley, but will be modified as appropriate for this location.

2. Location

The property is located west of the corner of Grand Ave. and Mt. View Blvd. in Surprise, Arizona. The property consists of a portion of the parcel having current Maricopa County Assessor's parcel number 503-98-918, and all of parcel number 503-98-919.

3. Site Use

The properties are currently zoned C-2, for the city of Surprise. The entire property is currently vacant. Our use is an allowed use for this zoning with approval of a Conditional Use Permit.

The proposed QuikTrip development will include construction of a new 5100 +/- square foot retail convenience grocery store oriented towards Grand Ave. with 10 gasoline dispensing pumps and a canopy in front of the store. The parking lot will consist entirely of concrete pavement, and the entire development will be extensively landscaped.

4. Uses Adjacent to the Site

All property surrounding the site that is located on the South side of Grand Ave. is zoned C-2. The properties across the railroad tracks and Grand Ave are County property, currently zoned RU-43.

The property surrounding the site on both sides to the West is parcel number 503-98-918, and is currently vacant. The property across Grand Ave. is the railroad tracks and then residential. To the East, there is a newly constructed office complex.

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5. Occupancy

Currently the property is vacant. The proposed QuikTrip facility will be operated 24 hours a day, 7 days a week.

6. Phasing

There will be no phasing associated with the construction of this project. All improvements will be completed during the current construction timeframe, including the proposed cross access drive locations to the adjacent properties.

7. Summary

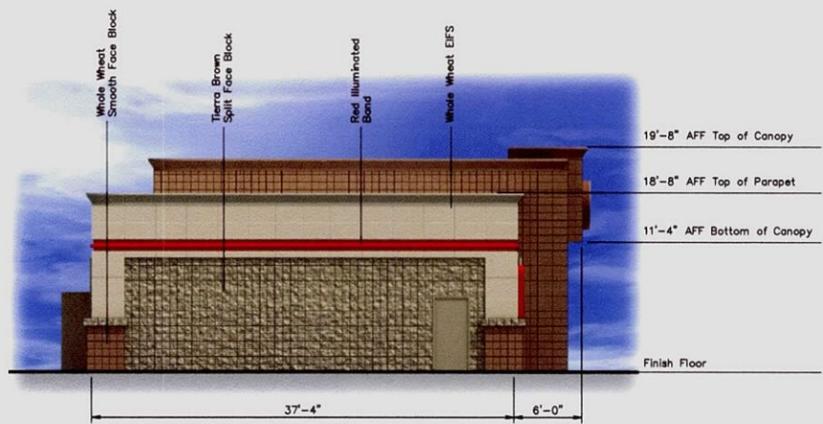
QuikTrip believes the proposed development will bring a new and aesthetically pleasing facility to the vacant property along a major thoroughfare in a developing area of Surprise, and provide much needed fueling to the surrounding area in Surprise.

Our project team will consist of the following:

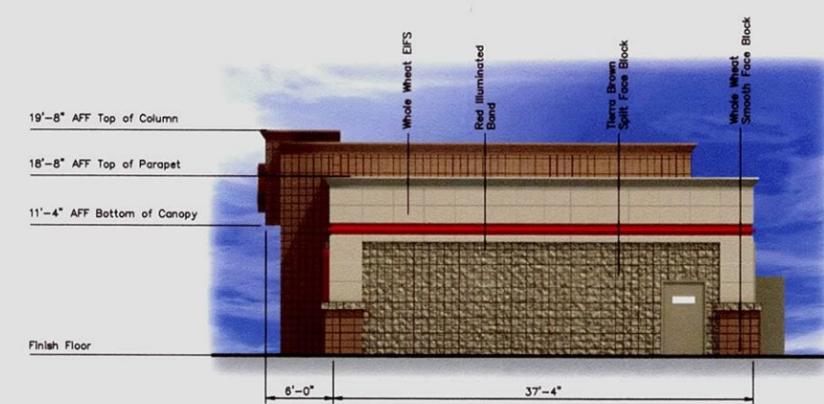
<u>Developer</u> QuikTrip Corporation Attn: Chris Kyro, Real Estate Project Manager 1116 E. Broadway Road Tempe, AZ 85282 (480) 446-6322 (918) 615-7401 – fax	<u>Architect</u> KDR/JMS Architects Attn: Kim Filuk 4001 N. 3 rd St., Suite 130 Phoenix, AZ 85012 (602) 234-1868 (602) 234-1413
<u>Civil Engineer</u> Norman Engineering Attn: Ken Zell 7330 N. 16th Street Suite A200 Phoenix, AZ 85020 (602) 371-0397 (602) 861-3473 – fax	<u>Landscape Architect</u> Waibel & Associates Attn: Janet Waibel 1013 E. Buena Vista Drive Tempe, AZ 85282 (480) 893-3849 (480) 893-3846 – fax



Front Elevation



Left Elevation



Right Elevation



Rear Elevation

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QuikTrip.
4705 South 129th East Ave.
Tulsa, OK 74134-7008
P.O. Box 3475
Tulsa, OK 74101-3475
(918) 615-7700

Building Elevations

QuikTrip Store No. :410

Mt. View Blvd. & Grand Ave.

Surprise, AZ

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Presentation Exhibit 5000 Phoenix QuikTrip Store	
STORE NO.: 410	SHEET 1 OF 1
SCALE: NTS	
DRAWN BY: JRH	
ISSUE DATE: 08/15/08	
SERIAL NUMBER: 0410BEL00-04	



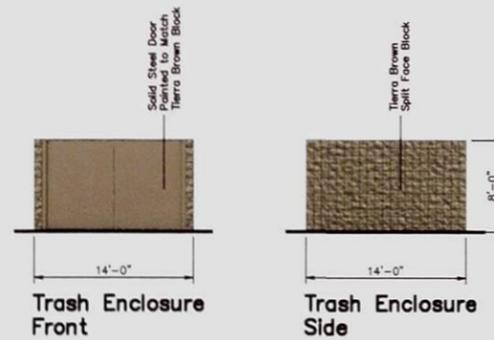
Front Elevation



Left Elevation



Right Elevation



Trash Enclosure Front

Trash Enclosure Side

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QuikTrip
 4705 South 129th East Ave.
 Tulsa, OK 74134-7008
 P.O. Box 3475
 Tulsa, OK 74101-3475
 (918) 615-7700

Gas Canopy Elevations

QuikTrip Store No. :410

Mt. View Blvd. & Grand Ave.

Surprise, AZ

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Presentation Exhibit Phoenix DS10 Gas Canopy	
STORE NO.: 410	SHEET
SCALE: NTS	1
DRAWN BY: JRH	OF
ISSUE DATE: 08/20/08	
SERIAL NUMBER: 0410GEL00-04	



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OCT 27 2008

COMMUNITY DEVELOPMENT



QuikTrip.
 4705 South 129th East Ave.
 Tulsa, OK 74134-7008
 P.O. Box 3475
 Tulsa, OK 74101-3475
 (918) 615-7700

Site

QuikTrip Store No. :410

West Grand Ave & Mountain View Blvd. Surprise, AZ

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Presentation Exhibit 5000 QuikTrip Store	
STORE NO.: 410	SHEET 1 OF 1
SCALE: 1/16" = 1'-0"	
DRAWN BY: JCK	
ISSUE DATE: 10/27/08	
SERIAL NUMBER: 0410SLP00-01	

**CITY OF SURPRISE
COMMUNITY DEVELOPMENT DEPARTMENT**

CUP08-191

Conditional Use Permit

for:

Tutor Time (Marley Park Promenade)

Planning and Zoning Commission
Hearing Date: **December 2, 2008**

STAFF:	Dennis Dorch, 623.222.3134
LOCATION:	Generally on the NEC of Cactus Road and Reems Road.
DESCRIPTION OF THE REQUEST:	Approval of a Conditional Use Permit to allow the operation of a child care facility.
SUMMARY ANALYSIS:	The applicant is requesting a Conditional Use Permit approval for an 18,252-square-foot child care facility on a 2.6 net acre parcel.

SUGGESTED MOTION:	I move to approve CUP08-191, a Conditional Use Permit for Tutor Time Child Care facility and operation, and to adopt staff's findings and stipulations 'a' through 'c.'
--------------------------	--

**City of Surprise
Planning and Zoning Division**

EXECUTIVE SUMMARY

**CUP08-191
Tutor Time (Marley Park Promenade)**

APPLICANT/OWNER:	Chris Vickers VDG Creems LLC 3131 E. Camelback Rd. #330 Phoenix, AZ 85016 P: 602-954-1444 F: 602-954-1454 cvickers@venturedg.com
HEARING DATE:	December 2, 2008
STAFF:	Dennis Dorch
LOCATION:	Generally on the NEC of Cactus Road and Reems Road
DESCRIPTION of the REQUEST:	Approval of a Conditional Use Permit
STAFF RECOMMENDATION:	Approval.
SUMMARY ANALYSIS:	The applicant is requesting a Conditional Use Permit approval for an 18,252-square-foot child care facility on a 2.6 net acre parcel.

HISTORY

1. The city approved the Marley Park PAD in its original form in October of 2000 and added 160 acres through an amendment to the PAD in 2002, with Ordinance 02-37. The subject site was not part of the 2002 amendment.
2. The Planning Commission approved a master site plan for the Marley Park Promenade shopping center on March 23, 2008. The approval specifically exempted the subject child care site, since it was acknowledged that a subsequent Conditional Use Permit would be necessary.

STAFF ANALYSIS**Proposal:**

The applicant is requesting approval of a child care facility to be located near the northeast corner of Cactus Road and Reems Road. The parcel is 2.6 net acres, and will accommodate an 18,252-square-foot day care facility, as well as a 23,515-square-foot play yard.

The facility can accommodate up to 340 children and 34 teachers, as regulated in the State of Arizona child care facility licensing standards. The hours of operation are 6 a.m. to 6 p.m. Monday through Friday.

The site plan provides 79 on-site parking stalls. The City of Surprise Municipal Code requires one space per 200 feet of floor area, or 91 spaces, yielding a deficit of 12 spaces. However, the zoning code does allow this number to be reduced based on a parking analysis by a qualified traffic engineer, which has been presented. The applicants have also submitted a "shared parking" agreement that will allow additional parking in the adjacent commercial properties if necessary.

The City of Surprise Municipal Code requires a Conditional Use Permit for child care facilities in C-2 zones in order to evaluate potential safety and compatibility issues. The conditional use process also allows the Planning and Zoning Commission to impose additional conditions/stipulations that may be necessary to ensure the safe operation of such a facility. Thus, the Planning and Zoning Commission may grant the application by motion, imposing such conditions and safeguards as it deems necessary, or it may deny the application.

The previously approved master site plan did indicate the reservation of the subject parcel as the location for a child care facility, and even provided elevations for the building. However, the application as currently submitted shows the building in a slightly different location than previously presented – the building has been shifted 10 feet to the east to provide for a more efficient play yard lay-out.

Architecture:

The architectural theme of the Tutor Time Day Care combines Spanish Colonial, Craftsman, and Contemporary architecture. The overall character of the building complements the existing building vernacular of Marley Park by incorporating typical Spanish Colonial and Craftsman details which include varying roof forms, window types and building massing.

Building materials consist primarily of a material that resembles stucco, accented with cultured and El-Dorado stone. Typically, the cultured stone elements have been applied to the base of the building columns and pilasters. While the El-Dorado stone is used as an accent material along the more private areas of the building and at some transitional areas along building corners, facades and rear elevations. Trellises have been used as an accent feature and as a shading device. The placement of the trellises along the building's transitional areas provides some visual relief to the east and west elevations. In addition, wood stained columns and exposed rafters introduce a rustic quality reminiscent of both architectural styles. Roofing materials consist of Spanish clay tile set in turret, hip and gable forms. The remaining roof profile utilizes, a parapet capped with a thick, heavily detailed cornice.

Urban Design:

Unique to the Tutor Time Day Care is the consistent approach to establishing neighborhood character. This site plan continues the abundant use of streetscape elements such as planters, street furniture, decorative lighting and enhanced landscaping. The site's project boundary maintains a transparent look through the use of view fencing and brick columns. This technique accompanied by the building's character, enhances the view corridor along Reems Road.

Circulation:

Vehicular access to the site will be from Reems Road to the west and Cactus Road to the south.

Landscape:

The landscape design for this project will utilize drought resistant plant material and conforms to the adopted City of Surprise Design Guidelines. The Marley Park Planned Area Development utilizes enhanced corner monuments on all major corners.

Departmental Review:

The Traffic Division had no comments, since earlier concerns were addressed as part of the Marley Park Promenade Master Site Plan.

The Fire Department provided standard comments.

The Planning Division had minor concerns with landscaping, but these issues have been subsequently resolved.

The Building Safety Division had standard comments.

The Water Services Department had standard comments.

The Engineering Department approved the site plan as submitted.

FINDINGS

1. Staff finds that the proposed Conditional Use Permit for a Tutor Time child care facility does comply with the intent of the approved Waddell Property-Marley Park Planned Area Development case PAD00-091.
 - **Child care uses are allowed with a CUP as stipulated in the Marley Park PAD. Staff finds this is consistent with the approved Marley Park Planned Area Development.**
2. Staff finds that the proposed use is consistent with the policies, objectives, and land use map of the Surprise General Plan and is consistent with the purpose of the zoning district in which the site is located.
 - **The Marley Park Planned Area Development was approved with a designated commercial land use on the subject corner. The General Plan 2020 land use map illustrates a low-density**

residential land use classification, which allows for commercial and residential uses.

3. Staff finds that the proposed use will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the proposed use, or have an adverse effect on the property, adjacent properties, the surrounding neighborhood, or the city when consideration is given to the character and size of the use and hours of operation.
 - **The subject child care facility is setback substantially from any adjacent residential dwellings. Impacts on noise, smell, and lighting are found to be negligible.**
4. Staff finds that the proposed site is adequate in size and shape to accommodate the intended use and requirements are met for the PAD zoning district, including but not limited to: setbacks, walls, landscaping, and buffer yards.
 - **Staff found that all setbacks, landscaping requirements, walls, and buffers comply with the approved Marley Park Planned Area Development. The buildings fit appropriately within the parcel.**
5. Staff finds that the proposed site has adequate access to public streets and highways to carry the type and quantity of traffic which may be generated by the subject use, and that on-site circulation is adequate to permit driveways, parking, and loading requirements in a manner which is safe and efficient.
 - **There is existing access from Cactus Road to the south and Reems Road to the west. The Traffic Division has reviewed the Traffic Impact Analysis and is recommending approval of all ingress/egress points shown on the site plan. The adjacent arterials are designed to contain the traffic generated from the commercial site.**
6. Staff finds that the adequate conditions or stipulations have been incorporated into the approval of the conditional use permit to insure that any anticipated detrimental effects can be mitigated.
 - **Stipulations have been added to this report. Staff is recommending the project for approval, subject to all the stipulations.**
7. Review of conditional use permits shall include, but not limited to, examination of the following factors, where applicable.
 - a. Ingress and egress to property and proposed structures, pedestrian and vehicular circulation with particular reference to fire protection.
 - **The subject project has two points of immediate access from Reems Road and Cactus Road. Additional internal access can be utilized through the rest of the Marley Park Promenade master site. Additional pedestrian connections were added to allow better internal pedestrian connectivity. Pedestrians can also**

- access the site from the adjacent sidewalks along Reems Road and Cactus Road.
- b. Off-street parking and loading.
 - **It was reviewed and found the project has enough parking to sustain the proposed use.**
 - c. Impact on public services, including schools, recreation, and utilities.
 - **The site is substantially setback from any residential dwelling. Impacts on noise, smell, and lighting were reviewed and found to be of minimal impact.**
 - d. Screening and buffering of uses.
 - **The site has adequate buffering and screening to minimize impacts to surrounding uses. Other commercial buildings, parking, and landscaping separate this site from the adjacent residential community.**
 - e. Signage
 - **Signage design and placement will be formally reviewed and approved at the time of building permit.**
 - f. Exterior lighting with reference to adjacent properties.
 - **Lighting was reviewed by staff. It was found that all foot-candles will be at zero along any adjacent residential or commercial property lines.**
 - g. Storm-water retention and landscaping.
 - **The Engineering Department reviewed the retention and drainage on the site and found it to be in compliance with the Surprise Municipal Code. The landscaping proposed meets the city's standards regarding species, quantity, placement, and size.**
 - h. Site and building design.
 - **It is of staff's opinion that the project is designed appropriately and is consistent with the Marley Park Planned Area Development and Planning and Design Guidelines.**
 - i. Drainage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination.
 - **The Engineering Department reviewed the retention and drainage on the site and found it to be in compliance with the Surprise Municipal Code. Environmental impacts were reviewed and shall be checked at the time of Certificate of Occupancy in reference to dust control.**
 - j. Volume or character of traffic.
 - **A Traffic Impact Analysis was reviewed and approved by staff. It was found that the existing streets and proposed access will not negatively impact circulation. The surrounding streets are designed to handle the capacity generated from the proposed use.**
 - k. A demonstrated need for such use.
 - **There are no child care facilities currently existing in Surprise along Cactus Road.**

Granting of a conditional use permit:

No conditional use permit shall be given for a use that is not listed in Chapter 125 as a conditional use or is not deemed by the commission as equivalent to a listed conditional use in the particular district in which it is proposed to be located. The Planning and Zoning Commission may place any conditions which are deemed necessary to mitigate potential impacts and insure compatibility of the use with surrounding development and the city as a whole, and which are required to preserve the public health, safety, and general welfare. These conditions may include but are not limited to:

1. Requirements for setbacks, open space, buffers, fences or walls, and landscaping to mitigate conflicts from visual, noise, lighting, and similar impacts associated with the use.
 - a. **Setbacks, open space, buffers, fences/walls, and landscaping have all been reviewed and found to comply with the approved Marley Park Planned Area Development.**
2. Dedication of street or other public rights-of-way, and control in location of access points and on-site circulation to mitigate traffic impacts from increased volumes or nature of traffic activity associated with the use.
 - a. **Existing rights-of-way are adjacent and north of the subject parcel. No further rights-of-way are requested at this time.**
3. Regulations pertaining to hours of operation, methods of operation, and phasing of the development of the site to mitigate impacts to surrounding properties and neighborhoods.
 - a. **The facility will operate from 6:00 am to 6:00 pm.**

The Commission may grant the application by motion, imposing such conditions and safeguards as it deems necessary, or it may deny the application. If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval exist.

STIPULATIONS

REQUIRED ACTIONS: The applicant and/or owner shall comply with the following stipulations to Case CUP08-191, Tutor Time Child Care Facility.

- a. All parcel numbers shall be active prior to submittal of any building permit and shall stay active throughout the construction process until a Letter of Compliance and/or Certificate of Occupancy is issued. Any subdivision or lot split shall be reviewed and approved by the City of Surprise prior to recordation with Maricopa County.
- b. Hours of operation will be from 6 a.m. to 6 p.m.
- c. The number of children permitted at the facility shall be regulated by standards established by the State of Arizona.



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

16 October 2008

Mr. James R. Mitchell
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon Street
Luke AFB AZ 85309-1629

Ms. Carol Dager
City of Surprise Planning Department
12425 West Bell Road
Surprise AZ 85374

Re: Case #CUP08-191 Tutor Time, Marley Park Promenade

Dear Ms. Dager

Thank you for the opportunity to provide comments on the Conditional Use Permit Application for Tutor Time at the Marley Park Promenade Shopping Center. The Center is located on 15 gross acres at the northeast corner of Cactus and Reems Roads within the Marley Park PAD. Plans call for the construction of a day care center on 2.6 acres with an 18,252 square foot facility and 23,515 square foot play yard. The site is located approximately 1 mile outside the 1988 JLUS 65 Ldn, "high noise or accident potential zone," as defined by A.R.S. § 28-8461 and is located within the "territory in the vicinity of a military airport," also defined by A.R.S. § 28-8461.

As described, this Tutor Time Day Care Center will not negatively impact the flying operations at Luke AFB. Since the Center is located within the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform potential tenants about Luke AFB operations. We also recommend a review of the Luke AFB web site at <http://www.luke.af.mil>, Community Interests and Community Initiatives links, for further information.

If there are any questions, please contact my Community Planner, Mr. Bob Dubsky, at (623) 856-6195.

Sincerely

A handwritten signature in black ink, appearing to read "James R. Mitchell", written over a horizontal line.

JAMES R. MITCHELL

cc:
Colonel Henry M. Reed III, Vice Commander, 56th Fighter Wing



Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Floyd Roehrich Jr.
State Engineer

October 22, 2008

Ms. Carol Dager
City of Surprise Planning Department
12425 West Bell Road, Suite D-100
Surprise, Arizona 85374

RE: Tutor Time / Cup 08-191/ NEC of Reems & Cactus Rd.

Dear Ms. Dager:

Thank you for your notification regarding the Conditional Use Permit on the above referenced subject. After a complete review, we have concurred that at this time the proposed project will not have an impact to our highway facilities in this area.

ADOT does reserve the right to review and comment any further development plans, changes and or additions for this site, as to any impact they may have on the State Highway System.

Should you have any questions, you may contact me at 602-712-8876, or in writing at 205 S. 17th Avenue, Right of Way Project Management Section, MD 612E, Phoenix, Arizona 85007. Thanking you in advance for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Annette Close".

Annette Close
Administrative Assistant III
Right of Way Project Management
aclose@azdot.gov

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Project Narrative
Tutor Time Day Care
Revision to Narrative Submitted 9/10/2008
Conditional Use Permit – Use Only

OCT 29 2008

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Description of Request

A conditional use permit to allow the operation of a children's day care facility, Tutor Time, on the northern most pad in the **Marley Park Promenade** approved project (SP 07-407).

Moreover, since the approval of SP 07-407, the location of the day care facility has been shifted 10' East to accommodate a more efficient play yard lay out. This shift has caused no major changes, only minor changes to the site improvements (e.g., grading). We are also asking for a revision to SP 07-407 through the CUP process. An updated site plan and drainage plan are attached to this request.

The 2.6 net acre pad will house the 18, 252 square foot day care facility with a 23,515 square foot play yard. The hours of operation are Monday – Friday 6 AM to 6 PM. The day care is intended to provide a high-quality, essential, and desirable use to the community. Please feel free to watch the short five-minute introduction regarding the facility on the attached CD-ROM.

Project Location

Tutor Time is proposed to be part of the overall retail development formally known as **Marley Park Promenade**, which is located at the NEC of Cactus Rd. and Reems Rd. Tutor Time will be located at the northern most pad that is adjacent to Larkspur Rd. More specifically, it is APN # 501-40-974 (F.K.A 501-39-021-C).

Marley Park Promenade is a retail development proposed for the Commercial Use portion of the Marley Park Planned Area Development (the "PAD") in the City of Surprise (the "City"). The 15 acre retail development is located on the NEC of Cactus and Reems. The Marley Park Promenade project is intended to be a high quality retail community shopping center that, in addition to the proposed 18,252 square foot day care, includes a 43,600 square foot health club, 25,616 square feet of retail shops, a 4,574 square foot bank, a 4,000 square foot fast food restaurant, and a 6,610 square foot gas station/convenience store/car wash.

Historical Data

The City approved the PAD in its original form in 2000 and added the 160 acres that contain **Marley Park Promenade** through an amendment to the PAD in 2002, with Ordinance 02-37 (the "PAD Amendment"). The City and Marley Park, LLC (formerly known as DMB Waddell, LLC) entered a Pre-Annexation and Development Agreement regarding approximately 800 acres of the Property in 2000 (the "Development Agreement"); the parties

entered a second amendment to the Development Agreement in 2002 (the "Second Amendment"). The Second Amendment addressed the PAD Amendment and applied the terms of the Development Agreement to an additional 160 acres, which include **Marley Park Promenade**.

Under the PAD, the Development Agreement and the Second Amendment, **Marley Park Promenade** is to be developed in conformance with the Employment/Mixed Use development standards and use restrictions contained in the PAD. To the extent the PAD is silent regarding development standards for the Employment/Mixed Use area, the Zoning Ordinance in place as of the Effective Date of the Development Agreement (November 2, 2000) is to control.

Moreover, historical soil sampling in the vicinity of the property in areas that were to be residentially developed as part of the **Marley Park PAD** found elevated concentrations of the pesticide toxaphene. Soils containing toxaphene concentrations exceeding the applicable Arizona Department of Environmental Quality (ADEQ) residential soil remediation level (SRL) were investigated, defined, excavated and removed from the residential areas. ADEQ subsequently issued a No Further Action (NFA) letter for toxaphene in the residential area. The soils on the commercial area located northeast of Reems Road and Cactus Road were never tested and ADEQ required a Declaration of Environmental Use restriction (DEUR) placed on the area. The day care property is located within one of the parcels included in the DEUR.

Since February of 2008, VDG Creems LLC (the "developer") with the assistance of Liesch Southwest Inc (the "environmental consultant"), has been diligently working with ADEQ to remove the DEUR through ADEQ's Voluntary Remediation Program (VRP). On March 27, 2008 ADEQ issued an acceptance letter stating that the developer's work plan was approved. Shortly thereafter, Liesch began soil tests to identify the areas that were deemed to be contaminated above the day care level. The area of contamination was fully defined by the third week of August and the developer is at the point of remediation. Remediation, which simply is a matter of removing the contaminated soil and bringing in clean fill, will be performed during the month of October under Dust Control Permit E082559. Following remediation, a report will be completed and submitted to the VRP in pursuit of a NFA letter and a removal of the DEUR from the proposed day care property through the ADEQ VRP.

Operational Aspect of Use

The **Marley Park Promenade** site plan has vehicular and pedestrian connections to Cactus and Reems Roads, which are major and minor arterial roadways, respectively. The site plan also proposes access to Larkspur Drive, a residential connector on the north end of the Property; as well as a pedestrian connection through the wall feature located on the eastern boundary of the Property.

As suggested in the PAD text, the **Marley Park Promenade** site plan shows development at a human scale to encourage pedestrian and bicycle use of the facilities. The design and quality of the development will integrate with the fabric of the Marley Park community and

reflect the building colors and materials and the landscape palette used throughout the development.

Infrastructure

Circulation – **Marley Park Promenade** has direct access to two major arterial streets – Cactus and Reems Roads; both of which are fully improved arterial streets being maintained by the City of Surprise. **Marley Park Promenade** also has direct access to Larkspur Drive, a minor residential road along the northern boundary of the Property, which will allow local traffic to access the Property without entering the Property from Cactus or Reems Roads.

Water and Sewer – The City is the water and sewer provider for **Marley Park Promenade**.

Dry Utilities – The electrical provider for **Marley Park Promenade** is Arizona Public Service. The telephone provider for **Marley Park Promenade** is Qwest. The cable provider for **Marley Park Promenade** is Cox Communication.

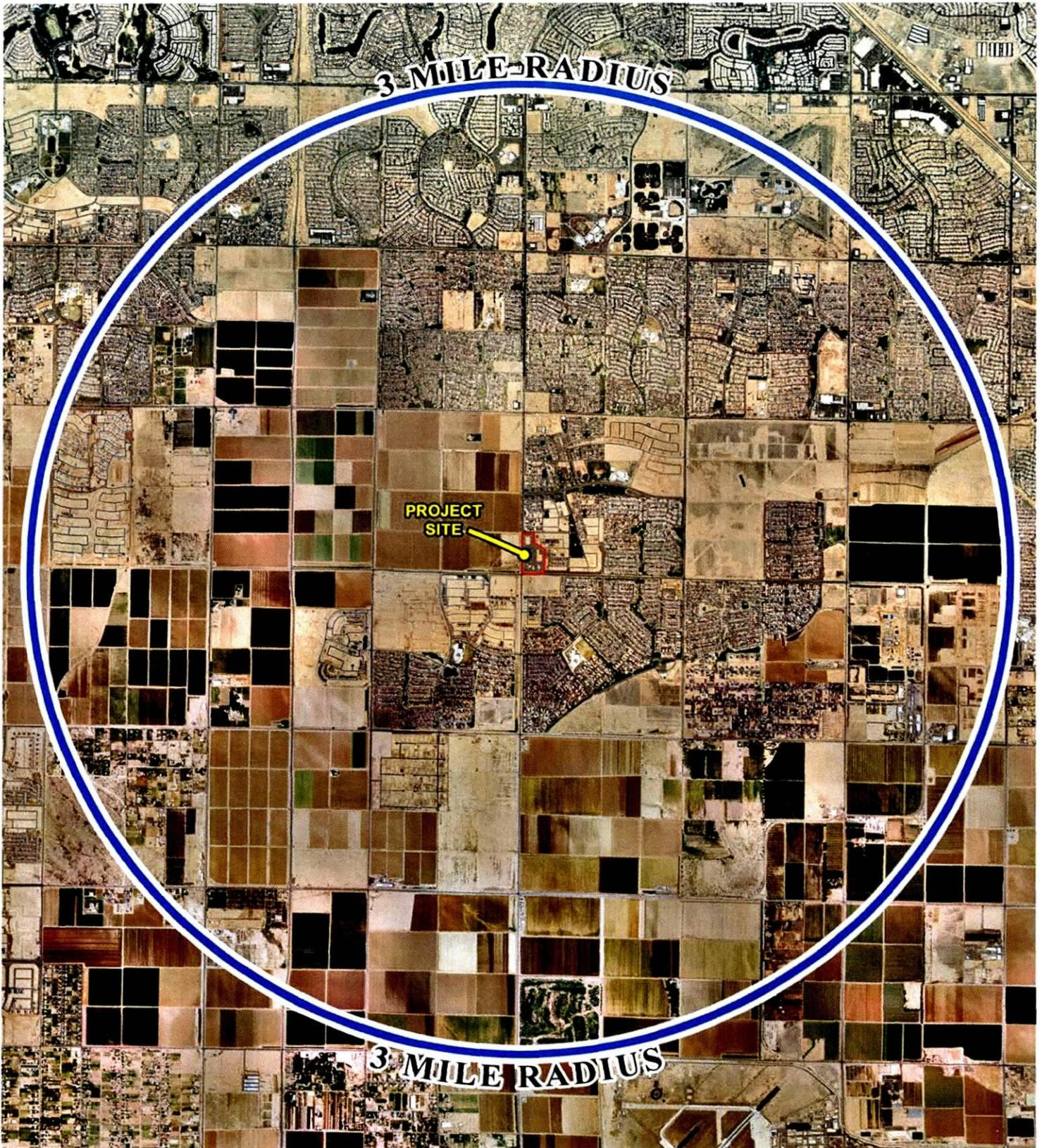
Landscape Water – **Marley Park Promenade** will use non-potable water for its landscape irrigation. The project will connect to the City's public line in Cactus Road, which traverses the site and connects to the line in Larkspur Drive.

Phasing

The day care facility will be developed in one phase.

Other Pertinent Information

VDG Creems, LLC is the owner/developer of **Marley Park Promenade**. Additionally, VDG Creems LLC is the owner/developer of the Tutor Time day care facility. The developer is working closely with DMB to ensure that the project complements the remainder of the PAD in design and quality. **Marley Park Promenade** will also comply with the Marley Park Commercial Design Guidelines.



Marley Park
P · R · O · M · E · N · A · D · E

N.E.C. REEMS ROAD AND CACTUS ROAD
PROPOSED SHOPPING CENTER
SURPRISE, AZ

07070 04 29 08

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TREES

- | | NAME |
|---|--|
|  | <i>Cercidium "hybrid"</i>
Desert Museum |
|  | <i>Acacia farnesiana</i>
Sweet Acacia |
|  | <i>Pistachia chinensis</i>
Chinese Pistache |
|  | <i>Lysiloma microphyllum var. thomberi</i>
Fern of the Desert |
|  | <i>Parkinsonia praecox</i>
Palo Brea |
|  | <i>Phoenix dactylifera</i>
Date Palm |

SHRUBS/ ACCENTS

- | | |
|---|--|
|  | <i>Leucophyllum langmaniae</i> 'Rio Bravo'
Rio Bravo Sage |
|  | <i>Leucophyllum frutescens</i> 'Green Cloud'
'Green Cloud' Sage |
|  | <i>Cassia Phytolodena</i>
Desert Cassia |
|  | <i>Calliandra Californica</i>
Baja Fairy Duster |
|  | <i>Nerium Oleander</i>
'Petite Pink' Oleander |
|  | <i>Hesperaloe Parviflora</i>
Red Yucca |
|  | <i>Agave Desmettiana</i>
Agave |
|  | <i>Caesalpinia Mexicana</i>
Mexican Bird of Paradise |
|  | <i>Eremophylla 'valentine'</i>
'Valentine' Bush |
|  | <i>Ruellia Brittoniana</i>
Ruellia |
|  | <i>Bougainvillea 'Barbara Karst'</i>
Barber Karst Bougainvillea
espaier to wall/screen |
|  | <i>Muhlenbergia rigens</i>
Deer Grass |

GROUNDCOVERS

- | | |
|---|--|
|  | <i>Lantana Montevicensis</i>
Gold Mound / Purple Trailing Lantana |
|  | <i>Ruellia Brittoniana "Katie"</i>
Little Katie Ruellia |
|  | <i>Convolvulus Cneorum</i>
Bush Morning Glory |
|  | Decomposed Granite - 3/4" Screened Madison
Gold 2" min thickness in all non turf areas. |
|  | Granite rip rap 'Madison gold' 3" to 6". |



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MARLEY PARK PROMENADE
N.E.C. REEMS ROAD AND CACTUS ROAD
PROPOSED SHOPPING CENTER
SURPRISE, AZ

SCALE
MGA

DATE
NTS

DATE
10-28-08

SCALE

RENDERING

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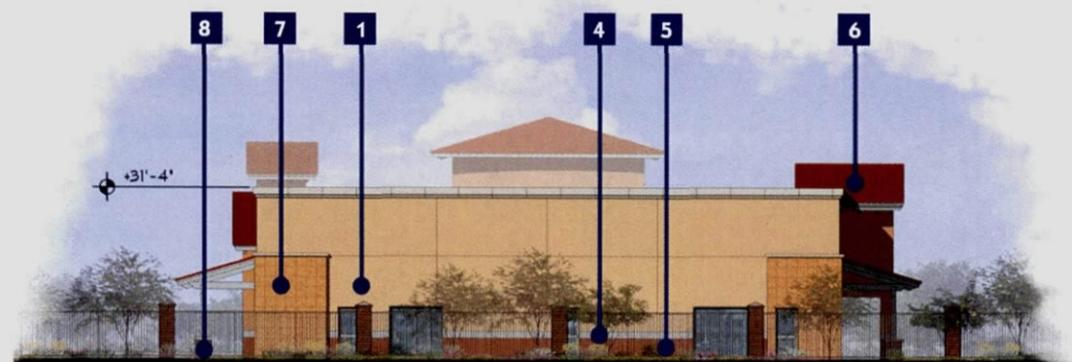
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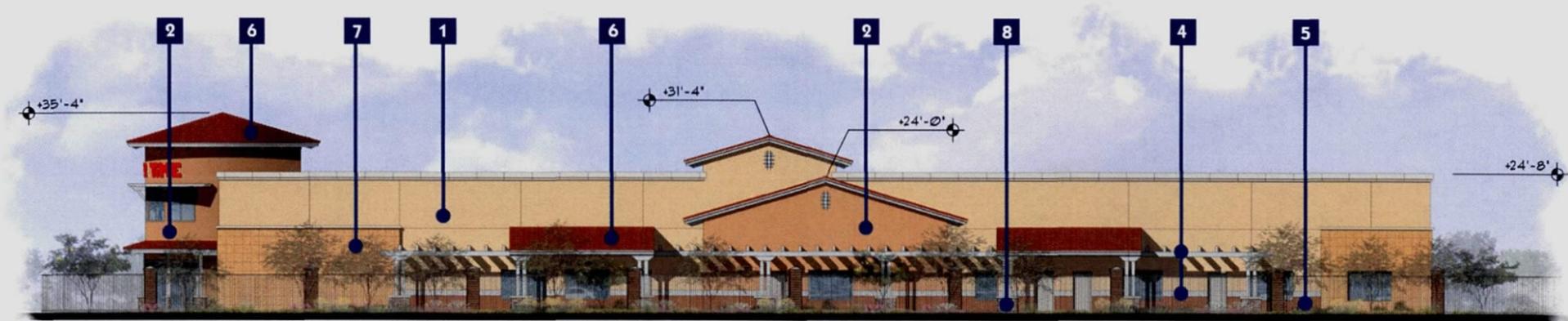
EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION

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