



City of Surprise
Planning and Zoning Commission
AGENDA
Tuesday, October 7, 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 SEPTEMBER 16, 2008. APPROVE PLANNING/ZONING COMMISSION WORKSHOP MINUTES FOR SEPTEMBER 8, 2008.	APPROVE SECRETARY: DEBBIE PERRY
3*	SP08-118 – CONSIDERATION AND ACTION – PHOENIX FUEL: REVIEW A SITE PLAN FOR PHOENIX FUEL LOCATED ON THE NORTHEAST CORNER OF MILGARD WAY AND DESERT COVE DRIVE WITHIN THE SKYWAY BUSINESS PARK. REQUEST IS SUBJECT TO STIPULATIONS A AND B.	APPROVE PLANNER: ADAM COPELAND

REGULAR AGENDA ITEM REQUIRING A PUBLIC HEARING:

4	PAD08-130 – CONSIDERATION AND ACTION – HAPPY TRAILS: REVIEW A PLANNED AREA DEVELOPMENT FOR HAPPY TRAILS LOCATED ON BELL ROAD AND 175 TH AVENUE. REQUEST IS SUBJECT TO STIPULATIONS A THROUGH C.	APPROVE PLANNER: DENNIS DORCH
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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: SEPTEMBER 30, 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

CURRENT EVENTS REPORT

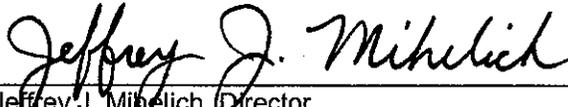
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Surprise Planning & Zoning Commission

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

September 16, 2008

REGULAR MEETING MINUTES

CALL TO ORDER

Chair Jan Blair called the Planning and Zoning Commission Meeting to order at 6 p.m. at the Surprise City Hall, 12425 West Bell Road, Suite D100, Surprise, Arizona 85374, on Tuesday, September 16, 2008.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

COMMUNITY DEVELOPMENT DEPARTMENT REPORT

Director Jeff Mihelich stated the white paper distributed this evening was by request of the Commission and City Council that a study be completed regarding self storage facilities and the current market in the city. *The white paper was completed by staff and reviews if demand is being met in the city and the history on how the Commission and City Council has handled those requests in the past.*

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 Watts made a motion to approve the **Consent Agenda**. Commissioner Hallin seconded the motion. The motion passed with a vote of 7 ayes.

- **Item 2***: **Planning and Zoning Commission Minutes for August 5, 2008.**
Planning and Zoning Commission Workshop Minutes for August 5, 2008.
- **Item 3***: **SP08-003 – Consideration and Action – La Entrada Apartments at Asante, stipulations ‘a’ through ‘e.’**
- **Item 4***: **SP08-102 – Consideration and Action – Midfirst Bank at Marley Park Square, stipulations ‘a’ through ‘c.’**

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING

- **Item 5: CUP08-011 – Consideration and Action – Circle K at Westfield Commons**
Planner Lance Ferrell presented the project to the Commission. Staff recommended approval of **CUP08-011, Circle K at Westfield Commons**, subject to stipulation 'a.'

In response to Commissioner Hallin, Planner Ferrell stated that there was not a specific meeting held with the Sun City Grand HOA; however, a resident was present at the outreach meeting.

David Cisiewski, representing the applicant, stated that the residents of the surrounding area had been notified for the outreach meeting. The executive director of Sun City Grand Community Association was present at the outreach meeting and wanted to know the effect on the homes to the north, across Bell Road. With landscaping and light shielding, the resident was satisfied that this would have no impact on those homes.

In response to Commissioner Hallin, Mr. Cisiewski stated that the facility is a 24-hour convenience store and restricting the store hours would put it at a competitive disadvantage.

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

Commissioner Somers made a motion to approve **CUP08-011, Circle K at Westfield Commons**, and adopt staff's findings, subject to stipulation 'a.' Commissioner Bieniek seconded the motion. The motion passed with a vote of 6 ayes and 1 nay (Hallin).

Commissioner Hallin stated that he could not support the project due to the residential area located north, across Bell Road and his concerns that it would have a negative impact on that community.

- **Item 6: CUP08-067 – Consideration and Action – Fry's Fuel Station (The Marketplace at Prasada)**

Planner Adam Copeland presented the project to the commission. Staff recommended approval of **CUP08-067, Fry's Fuel Station (The Marketplace at Prasada)**, subject to stipulation 'a.'

In response to Chair Blair, Planner Copeland stated that the closest residential property was located approximately 300 feet from the project site.

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

Commissioner Chapman made a motion to approve **CUP08-067, Fry's Fuel Station (The Marketplace at Prasada)**, and adopt staff's findings, subject to stipulation 'a.' Commissioner Bieniek seconded the motion. The motion passed with a vote of 7 ayes.

- **Item 7: CUP08-088 – Consideration and Action – Surprise Farms Gateway Pad C**

Planner Bart Wingard presented the project to the commission. Staff recommended approval of **CUP08-088, Surprise Farms Gateway Pad C**, subject to stipulations 'a' and 'b.'

In response to Commissioner Chapman, Planner Wingard stated that the vehicular stacking at the drive-through was 150 feet, which is about 10 cars; however, the call box will have an additional 70-foot stacking distance.

In response to Commissioner Rein, Planner Wingard stated that the applicant has been in contact with ADOT and the required permits have been obtained.

In response to Chair Blair, **Justin Gubler, representing the applicant**, stated that a letter of intent is on file with Dunkin Donuts as the tenant of this property.

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

Commissioner Rein made a motion to approve **CUP08-088, Surprise Farms Gateway Pad C**, and adopt staff's findings, subject to stipulations 'a' and 'b.' Commissioner Somers seconded the motion. The motion passed with a vote of 7 ayes.

- **Item 8: PAD07-369 – Consideration and Action – Cielo Crossing**

Planner Lance Ferrell presented the project to the commission. Staff recommended approval of **PAD07-369, Cielo Crossing**, subject to stipulations 'a' through 'r.'

Jeff Blilie, Beus Gilbert PLLC, representing the applicant, stated that staff has vision of this being uptown Surprise area and encouraged a mixed-use, urban type development.

Mr. Blilie stated that he would like to clarify stipulation 'l' with regard to median construction and landscaping. If it is a half street improvement, on the perimeter of the property, then the obligation would be to construct the median only and the second project to come in would landscape the median. Within the development, the obligation is to construct the median and put in the landscaping.

In response to Chair Blair, Mr. Blilie stated that the project is outside of the Luke Air Force Base noise contours.

In response to Commissioner Hallin, Mr. Blilie stated that this is a zoning case and that plats and site plans will come before the Commission for review and approval. There were two outreach meetings held, one which was with the Northwest Citizens Group which included approximately 14 residents from Wittmann, Morristown, and Circle City.

In response to Commissioner Watts, Mr. Blilie stated that the zero lot lines are intended for the village core, to create a downtown or urban core. Planner Ferrell stated that there will be allowances and setbacks for sidewalks.

In response to Commissioner Somers, Planner Ferrell stated that the proposed parking does meet parking regulations for the city.

Commissioner Somers also expressed concern regarding some of the permitted uses within the PAD. The applicant agreed to the addition of a stipulation to change those uses to conditionally approved.

Commissioner Somers made a motion to add stipulation 's', to read proposed uses of meat packing and smoking, cement and paving material mixing plant, and package liquor, including drive-through will be conditionally approved rather than principally permitted. Commissioner Chapman seconded the motion. The motion passed with a vote of 7 ayes.

In response to Commissioner Rein, Mr. Blilie stated that the annexation is being presented to Council in conjunction with the PAD. He then went on to say that the US60 stakeholders group has been consulted on this project, BNSF will not allow any future "at grade" crossings; a fly-over interchange is proposed at Grand Avenue to enter the development.

In response to Commissioner Chapman, Mr. Blilie stated that the school district in the area has displayed some interest in a pre-school, as opposed to an additional elementary school.

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

Commissioner Somers made a motion to **approve PAD07-369, Cielo Crossing**, and adopt staff's findings, subject to stipulations 'a' through 's,' as amended. Commissioner Chapman seconded the motion. The motion passed with a vote of 7 ayes.

- **Item 9: LPD08-024 – Consideration and Action – Parks and Trails Master Plan**

Planner Bart Wingard presented the project to the commission. Staff recommended approval of **LPD08-024, Parks and Trails Master Plan**.

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

Commissioner Bieniek made a motion to **approve LPD08-024, Parks and Trails Master Plan**, and adopt staff's findings. Commissioner Chapman seconded the motion. The motion passed with a vote of 7 ayes.

- **Item 10: TA08-168 – Consideration and Action – Text Amendment to Chapter 113-Signs**

Senior Planner Dennis Dorch presented the project to the commission. Staff recommended approval of **TA08-168, Text Amendment to Chapter 113-Signs**.

In response to Commissioner Somers, Senior Planner Dorch stated that variances to signage along a freeway would have to come to the Commission for approval. Staff is directing comprehensive sign packages to be submitted at the same time as PADs.

There was some discussion regarding sign walkers and the possibility of regulating the location or zoning district, size of the sign, hours of operation, spinning, and throwing of signs.

In response to Commissioner Hallin, Director Mihelich stated that current signage that falls outside of these regulations would have a legal non-conforming use status, as long as the signage is not modified. If the signage needs to be replaced, then they would need to come into conformance with the sign code.

In response to Chair Blair, Senior Planner Dorch stated that site postings advertising public hearings are to be removed from the site by the builder after the meetings are held.

In response to Chair Blair, Director Mihelich stated that the Code Enforcement Division within the Community Development Department will regulate the new restrictions and they will be notified of the new sign code, once approved. In addition, he stated code enforcement staff will be out more on the weekends.

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

Commissioner Somers made a motion to **approve TA08-168, Text Amendment to Chapter 113-Signs**, and adopt staff's findings. Commissioner Rein seconded the motion. The motion passed with a vote of 7 ayes.

OPEN CALL TO PUBLIC

Director Mihelich stated that City Council will be having a workshop on the sign code and if there are any modifications made, it will be brought back and reviewed with the Commission.

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

CURRENT EVENTS REPORT:

CONSIDERATION AND ACTION TO HOLD AN EXECUTIVE SESSION

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

No request was made to call for an executive session.

ADJOURNMENT

Hearing no further business, Chair Blair adjourned the regular Planning and Zoning Commission meeting, Tuesday, September 16, 2008, at 7:22 p.m.

STAFF PRESENT:

Community Development Director Jeff Mihelich, Assistant City Attorney Jim Gruber, Planning and Development Services Manager Berrin Nejad, Fire Marshal Doug Helbig, Senior Planner Dennis Dorch, Planner Bart Wingard, Planner Adam Copeland, Planner Lance Ferrell, and Planning and Zoning Commission Secretary Debbie Perry.

COUNCIL MEMBERS PRESENT: None

Berrin Nejad for

Jeffrey J. Mihelich, Director
Community Development Department

Jan Blair, Chair
Planning and Zoning Commission

CITY OF SURPRISE

PLANNING AND ZONING COMMISSION WORKSHOP

12425 West Bell Road, Suite D-100
Surprise, Arizona 85374

September 8, 2008

MINUTES

Call to Order:

Acting Chair Fred Watts called the Planning and Zoning Commission workshop meeting to order at 5:02 p.m. in the Surprise City Hall, 12425 West Bell Road, Suite D100, Surprise, Arizona 85374, on Tuesday, September 8, 2008.

In attendance with Acting Chair Watts were Commissioners Ken Chapman, John Hallin, and Robert Rein. Chair Jan Blair, Vice Chair Steve Somers, and Commissioner Matthew Bieniek were absent.

PRESENTATIONS:

ROLES, DUTIES, AND ACTIONS OF COMMISSIONERS

Community Development Director Jeff Mihelich explained that the first part of the meeting would include the following topics:

- Role of Planning and Zoning Commission
- Zoning Hearing
- Ethics/Professionalism
- Open Meeting Law

He began his presentation with the following discussion points:

- Develop and maintain the general plan and any specific plans.
- Recommend to City Council ways to act on the adopted plans.
- Review development review cases (rezoning, subdivisions, and PADs) and provide City Council with recommendations.
- Review zoning requests and use permits for land use compatibility.
- Review capital improvement programs.
- Seek and evaluate public input, advise public on alternatives, and make difficult decisions.

Key items discussed regarding case hearings:

- Site Visits
 - As Time Permits
 - Ex Parte Contact
- Communication
 - Secretary/Planning & Zoning Staff

Next, Director Mihelich covered the following items relating to reviewing and making a decision on each project:

Public Hearing Tools

- Project Description
- Department Review Comments
- Staff Report
- Applicant's Presentation
- Public Comments
- Deliberations
- Case Review
 - Outreach Meetings
 - Staff Report
 - ✓ Previous Rulings (if any)
 - ✓ History of Property/Case
 - ✓ Staff Findings
 - ✓ Attachments
 - ✓ Staff Recommendations

- Objectively Represent and Balance
 - Applicant's Desire
 - Zoning Ordinance
 - Design Guidelines
 - General Plan Policies
 - Planning & Zoning Commission Expectations
 - City Council Expectations

- Dissecting the Data
 - Information should be based on substance of the project.
 - Information supported in general plan, community plans, or municipal code.
 - Is the public concern genuine, speculative, or is it emotional?
 - Are applicant's points supported in the project description or project conditions?
 - Defensible Facts and Findings: The fact trail should be in the public record.

- Options
 - Articulate the reasons why a project should be turned down.
 - Suggest ways to modify the project and suggest a continuance.
 - Direct staff to work with applicant to find a way to make the project fit Surprise's vision, plans, policies, or regulations.
 - Initiate general plan or zoning changes.
 - Amend policies or regulations for future requests.
 - Add stipulations with rational nexus.

Lastly, Director Mihelich talked about the following:

- Ethics/Professionalism
 - Appearance.
 - Personal and Ethical Behavior – during meeting and out in community.
 - Get familiarized with cases.
 - Judgment of cases.
 - Dignity and respect.

OPEN MEETING LAW

James Gruber, Assistant City Attorney, provided a refresher of the open meeting law, covering the following topics:

- Arizona Law
 - Applies to advisory boards and subcommittees.
 - Purpose of the open meeting law.
 - Methods of communication (phone call; email; letters; using staff to transmit information).
 - Communication with staff (provide factual information; cannot use staff to sidestep the open meeting laws; staff and board are forbidden from polling votes).
- Agenda
 - Board cannot discuss any item that is not on the agenda.
 - Agenda items must contain information to inform public of the matters to be discussed or decided.

Commissioners, attorney, and director engaged in discussion about how to avoid talking about items not on an agenda. Specifically, Director Mihelich explained that when a zoning issue is before the commission, only the land use category should be considered when making a decision. Most projects go through various stages that have been presented separately for approval: annexation, zoning, site plan, and conditional uses.

Mr. Gruber finished with talking about the effect of violating the open meeting law:

- Any action taken in violation of any provision of the open meeting law is void unless subsequently ratified.
- An action can be ratified within 30 days of discovery of the violation at a properly noticed open meeting, with special notice requirements pertaining to the item.

TEXT AMENDMENT TO CHAPTER 113 - SIGNS

Planner Dennis Dorch presented a brief overview of the changes to the sign code.

First, he pointed out the concerns with the existing sign ordinance:

- Lack of a comprehensive sign program.
- Lack of freeway sign regulations.
- Temporary signs/political signs.
- Need for revised definitions.
- Last sign code update: 1997.

Planner Dorch next talked about how they tackled the revision process:

- Creation of a sign ordinance committee with staff and design/signage professionals.
- Committee met every other week for past three months.
- Committee discussed and revised code as needed.

He provided a summary of the sign committee's draft document, which included the following:

- Definitions
- Administration
- Location, design, and construction details
- Zoning district restrictions
- Temporary signs
- Flags and flagpole
- Freeway signage
- Comprehensive sign programs

He mentioned the important highlights of the document:

- Sign size restrictions.
- Prohibited signs (attention flags, streamers, spinners, inflatable signs, balloons, pole-mounted banners, home occupation signs).
- Temporary signs (window signs may be 25% of store front and do not require a permit).
- Political signs (displayed no earlier than 90 days prior to election; removed seven days after election).
- Freeway signs (maximum height of 75 feet; maximum area of 200 square feet; 880 linear feet spacing).

There was some discussion regarding distance between freeway signs, the number of tenants allowed on a monument sign, and the issues surrounding the signage for the major commercial developments along SR303.

Planner Dorch also briefed the commissioners on the comprehensive sign program:

- Complimentary to the architectural character of the existing site.
- 50% increase allowed above standard, both in numbers and square footage.
- Off-premise signage allowed within master sites.

Commissioner Rein questioned the readability of signs, specifically in an area where there are numerous retirees. Director Mihelich indicated that staff would review options, such as the size of the letters based on the distance of signs from the roadway.

Commissioner Rein suggested using diagrams in some of the sections of the sign ordinance to better explain the requirements.

Director Mihelich explained that staff is currently working on streamlining the development review process so that commissioners will see the full picture at one time. When new projects are submitted, applicants can request for additional signage; however, the desire is to work within the sign code. Applicants who do request something beyond the sign code requirements will require commission approval.

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.

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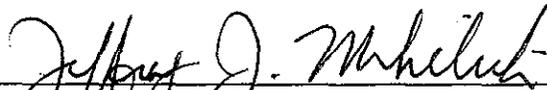
ADJOURNMENT:

Hearing no further business, the Planning and Zoning Commission workshop meeting was adjourned on Monday, September 8, 2008, at 6:30 p.m.

STAFF PRESENT:

Assistant City Attorney Jim Gruber, Senior Planner Dennis Dorch, Assistant Planner Lisa Padron, Planning and Development Services Manager Berrin Nejad, Senior Planner Janice See, Planner Bart Wingard, Community Development Director Jeff Mihelich, and Planning and Zoning Commission Secretary Carol Dager.

COUNCIL MEMBERS PRESENT: Mayor L. E. Truitt



Jeffrey J. Mihelich, Director
Community Development Department

**CITY OF SURPRISE
COMMUNITY DEVELOPMENT DEPARTMENT**

SP08-118

Site Plan

for:

Phoenix Fuel

Planning and Zoning Commission
Hearing Date: **October 07, 2008**

STAFF:

Adam Copeland, Planner 623.222.3137

LOCATION:

Generally on the northeast corner of Milgard Way and Desert Cove Drive within the Skyway Business Park Planned Area Development.

**DESCRIPTION OF
THE REQUEST:**

Approval of a site plan.

SUMMARY ANALYSIS:

The applicant is requesting a site plan approval for a commercial fueling facility on approximately 1 gross acre.

SUGGESTED MOTION:

I move to approve SP08-118, a site plan for Phoenix Fuel, and to adopt findings and stipulations 'a' and 'b.'

City of Surprise
Planning and Zoning Division

EXECUTIVE SUMMARY

SP08-118
Phoenix Fuel

APPLICANT:	Daniel Brock Brock, Craig and Thacker Arch 145 E. University Drive Mesa, AZ 85201 P: 480-969-3081
OWNER:	Terry Roberts-Phoenix Fuel 11320 E. Germann Chandler, AZ 85249 P: 480-855-4002
HEARING DATE:	October 07, 2008
STAFF:	Adam Copeland
LOCATION:	Generally on the northeast corner of Milgard Way and Desert Cove Drive within the Skyway Business Park Planned Area Development.
DESCRIPTION of the REQUEST:	Approval of a site plan.
STAFF RECOMMENDATION:	Approval
SUMMARY ANALYSIS:	The applicant is requesting a site plan approval for a commercial fueling facility on approximately 1 gross acre.

HISTORY

1. The subject property is within the Skyway Business Park PAD (Planned Area Development). The City Council approved the Skyway Business Park PAD in its original form on July 28, 2005. The PAD allows for a mix of industrial and business park uses.
2. On September 14, 2006, the City Council approved SkyCom Commerce Center commercial subdivision, case CS06-197.

3. On May 27, 2008, the applicant formally submitted the Phoenix Fuel site plan to the city.

STAFF ANALYSIS

Proposal:

The applicant is requesting approval of a commercial fueling facility for commercial and industrial users on lot 4 as designated in the SkyCom Business Park commercial subdivision within the Skyway Business Park Planned Area Development. The subject lot is approximately one gross acre. This use will not be available for use by the general public.

Circulation:

Skyway Business Park in totality was designed to accommodate a higher level of industrial traffic. Primary local access to the site will be from Milgard Way to the west and Desert Cove Drive to the south. Primary arterial access to the site will be from Dysart Road to the east and Peoria Avenue to the south. Based on the Traffic Impact Analysis the existing roadway network will accommodate this use.

Landscape:

The landscape design is consistent with the overall landscape theme of Skyway Business Park. The placement, quantities, and sizing of the vegetation meet the City of Surprise Municipal Code and the Skyway Business Park Planned Area Development.

Departmental Review:

All departments have recommended approval of the project subject to all stipulations.

The Traffic Division had no comments.

The Fire Department provided standard comments.

The Planning Division had concerns regarding the landscaping on site. The applicant added landscaped areas to the site plan to address all comments.

The Building Safety Division provided standard comments.

The Water Services Department provided standard comments.

The Engineering Department provided technical comments on the drainage report. All comments were addressed.

FINDINGS

1. Staff finds that the proposed site plan complies with Section 125-33 Procedures for Site Plan Approval of the Surprise Municipal Code.
2. Staff finds that the proposed site plan complies with the approved Skyway Business Park Planned Area Development.

STIPULATIONS

REQUIRED ACTIONS. The applicant and/or owner shall comply with the following stipulations to Case SP08-118, Phoenix Fuel.

- 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. All mechanical equipment visible from the street shall be painted an earth tone.

Phoenix Fuel
Vicinity Map

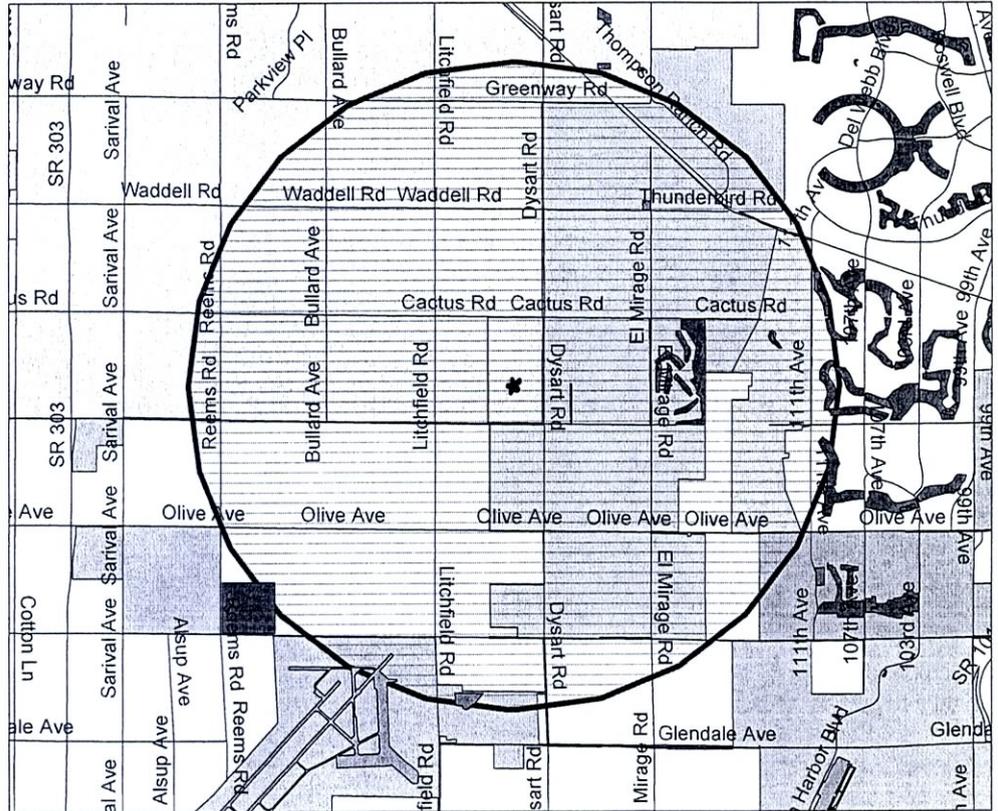


County Parcels

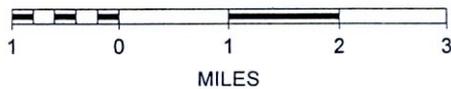
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SEP 19 2008

COMMUNITY DEVELOPMENT



SCALE 1 : 112,015



VICINITY MAP



SP08-118

NARRATIVE

PHOENIX FUEL
at
SKYCOM BUSINESS PARK
Lot No. 4

Location:

North of the northwest corner of Milgard Way and Desert Cove Road in the SkyCom Business Park, Lot No. 4, in Surprise, Arizona.

Historical Data:

The site has been planned, zoned and subdivided into a subdivision suitable for various industrial uses. Phoenix Fuel has purchased lot No. 4 under the conditions and terms of the existint zoning and CC&R's.

Operational Aspect of Use:

Phoenix Fuel operates card lock commercial fueling facilities for commercial and industrial users with fleets of trucks, busses, construction equipment, or other vehicles. This facility is not available for use by the general public. Because of the type of customer base and vehicles using the facility, being located within an industrial business park it is an ideal location for the Phoenix Fuel operation.

Phasing:

There will be no phasing for this project.

Other Pertinent Information:

This fueling facility, unlike normal automotive fueling stations, does not require (1) canopies over the fuel islands or other buildings, (2) permanent employees, (3) large signage (a small monument sign is usually sufficient), and (4) locations on major arterial streets.

Because a large number of tractor trailer trucks using this facility, adequate maneuvering space with large ingress and egress points needs to be provided. Also, the 24-hour, 7 days a week operation will require adequate site lighting.

RECEIVED

SEP 19 2008
COMMUNITY
DEVELOPMENT

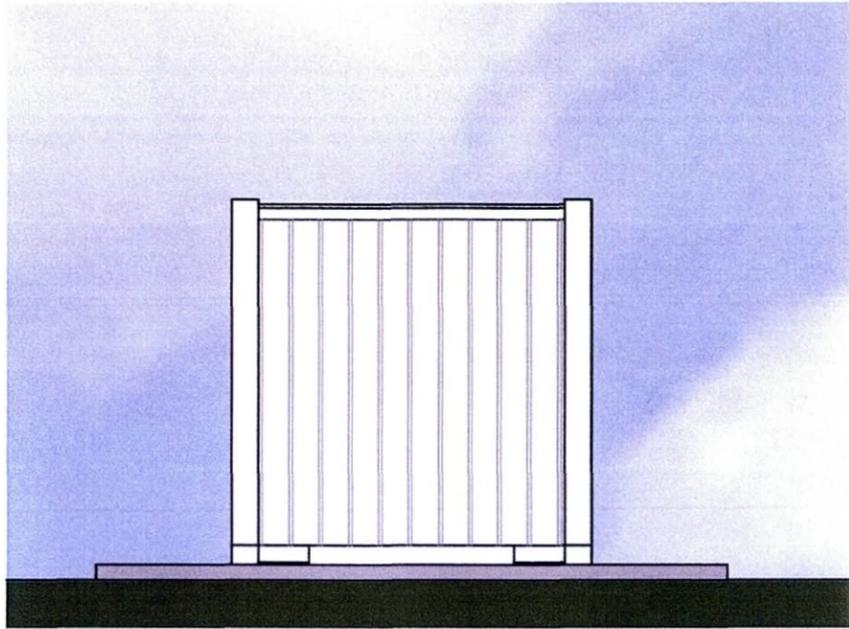


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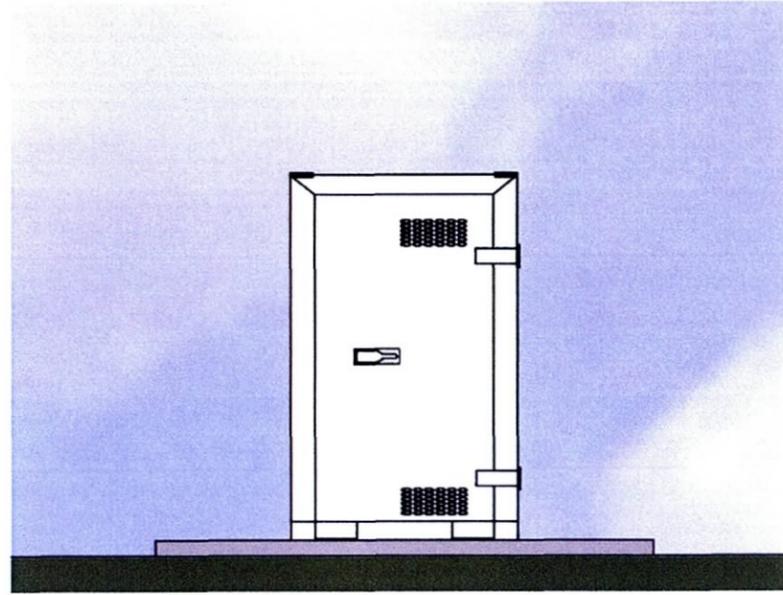


brock, craig and thacker architects, ltd.

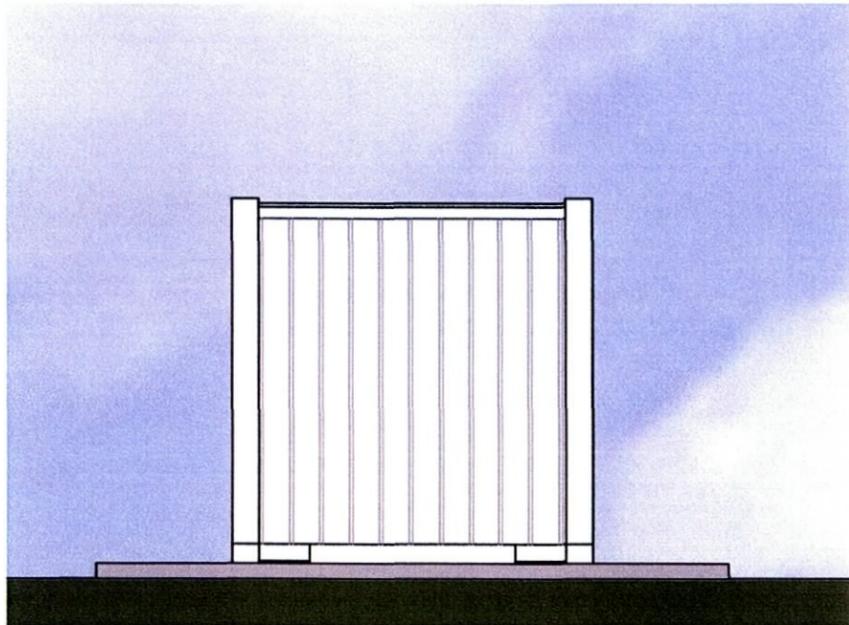
daniel w. brock III, aia • james e. craig, jr., aia • boyd h. thacker, aia
145 e. university dr., suite 3, mesa, arizona 85201 • (480) 969-3081 • fax: (480) 969-8283 • e-mail: bct145@qwest.net



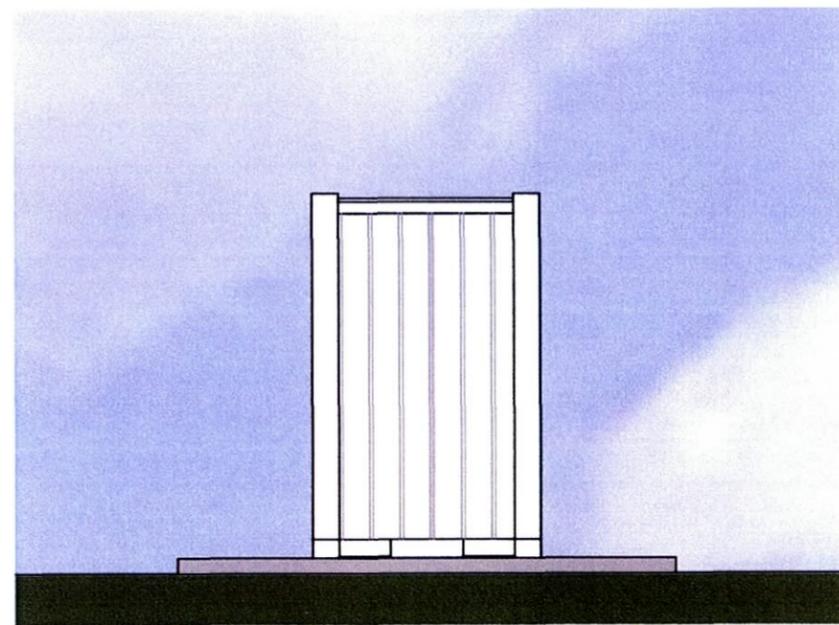
ELEVATION 'A'



ELEVATION 'B'



ELEVATION 'C'



ELEVATION 'D'

SIDING COLOR:
DUNN EDWARDS
WHITE (DEW380)

RECEIVED

SEP 19 2008
COMMUNITY
DEVELOPMENT



Daniel Wesley Brock III

EXPIRES 3-31-2011



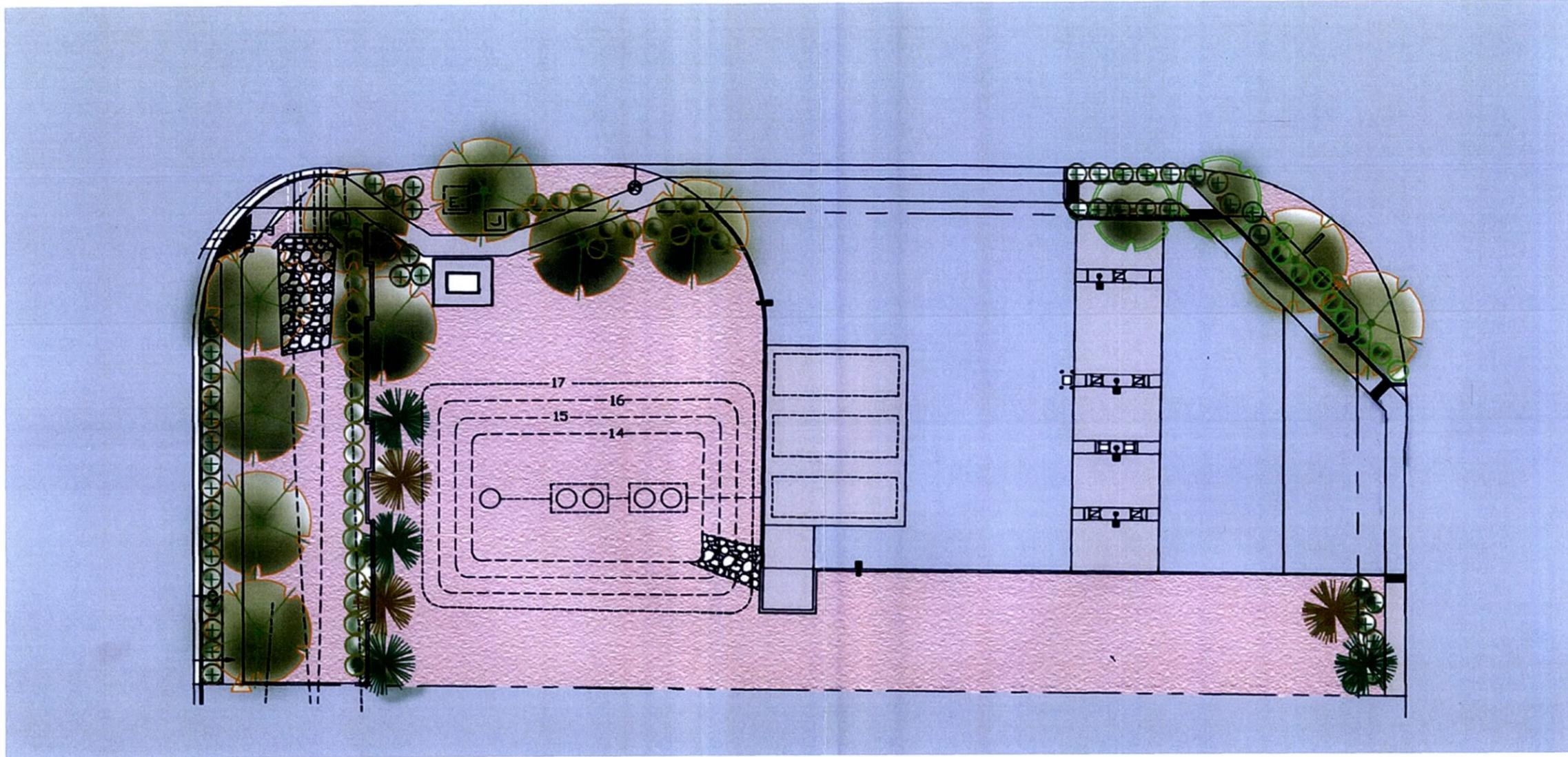
brock, craig and thacker architects, ltd.
daniel w. brock III, daniel h. thacker, III
145 east university drive, suite 3 mesa, arizona 85201 480-968-3081
fax 480-968-8283 e-mail: BCT145@bct145.com

PHOENIX
AZ
NO. 0739

PHOENIX FUEL
SKYCOME BUSINESS PARK LOT4
MILGARD WAY & DESERT COVE RD.

EXTERIOR ELEVATIONS

A3



SITE LANDSCAPE PLAN

RECEIVED
 SEP 19 2008
 COMMUNITY
 DEVELOPMENT

REGISTERED ARCHITECT
 CERTIFICATE NO.
 9441
 DANIEL WESLEY
 BROCK III
 Date Signed *Sept. 19.08*
 ARIZONA, U.S.A.
Daniel Wesley Brock III
 EXPIRES 3-31-2011



brock, craig and thacker architects, ltd.
 daniel w. brock III, aia
 james s. craig, Jr., aia
 boyd h. thacker, aia
 145 east university drive, suite 3 mesa, arizona 85201 480-969-3081
 fax: 480-969-8233 e-mail: BCT16@qnet.net

1998
 job no. 0736

PHOENIX FUEL
 SKYCOME BUSINESS PARK LOT4
 MILGARD WAY & DESERT COVE RD.

SITE LANDSCAPE PLAN

LI

**CITY OF SURPRISE
COMMUNITY DEVELOPMENT DEPARTMENT**

PAD08-130

Planned Area Development

for:

Happy Trails

Planning and Zoning Commission
Hearing Date: **October 7, 2008**

STAFF:	Dennis Dorch, Senior Planner 623.222.3134
LOCATION:	On the northwest corner of Cotton Lane and Bell Road.
DESCRIPTION OF THE REQUEST:	Approval of a Planned Area Development.
SUMMARY ANALYSIS:	The applicant is requesting a Planned Area Development approval.

SUGGESTED MOTION:	I move to recommend approval to the Mayor and City Council PAD08-130, a Planned Area Development for Happy Trails, and to adopt staff's findings and stipulations 'a' through 'c.'
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**City of Surprise
Planning and Zoning Division**

EXECUTIVE SUMMARY

**PAD08-130
Happy Trails**

APPLICANT:	City of Surprise Community Development 12425 W. Bell Road, Suite D100 Surprise, AZ 85374
OWNER:	Happy Trails Homeowners Association Surprise AZ 85374
HEARING DATE:	October 7, 2008
STAFF:	Dennis Dorch
LOCATION:	On the northwest corner of Bell Road and Cotton Lane.
DESCRIPTION of the REQUEST:	Approval of a Planned Area Development
STAFF RECOMMENDATION:	Approval
SUMMARY ANALYSIS:	The applicant is requesting a Planned Area Development approval for Happy Trails Adult RV Resort, containing 2,001 residential lots on a 396-acre project site.

HISTORY

The original development document for Happy Trails was adopted through Maricopa County in 1984. After the annexation of this property in 1987, the county records were transferred to the City of Surprise. In this transfer process, it is believed that the original PAD document has been lost. The purpose of this new PAD document is to replace the original PAD document.

STAFF ANALYSIS**Proposal:**

The proposal is to adopt the attached PAD document to provide development guidelines for the Happy Trails Adult RV Resort.

Description of Project:

The intent of this PAD document is to replace the document previously adopted in 1984 by Maricopa County. Happy Trails is a recreational/residential resort that permits diverse housing styles in a planned community development. These housing styles include park models, recreational vehicles and manufactured homes, and approved additions thereto.

The project contains approximately 396 acres and is bounded by Cotton Lane to the east, Bell Road to the south, Ghost Riders Avenue (Union Hills alignment) to the north, and the Arizona Traditions project to the west.

Land Uses:

The site contains 2,001 residential lots, a separately owned 18-hole golf course, commercial offices, and community recreational facilities. These facilities include, but are not limited to, a town center, golf course pro shop, neighborhood facilities for laundry and showers, an RV storage lot, and wood-working shop.

The residential component has been divided into ten sections. Different sections are designated to accommodate different types of residential units. The Design Review Guidelines for Happy Trails have grouped the ten sections into five classification units: Recreational Vehicles, Vacation Villas, Country Club, Resort 8, and the Ranch (Class "A" Motor Homes only). For ease of analysis, this PAD document maintains this same classification.

Circulation:**Vehicular:**

Primary access to the site is from Bell Road to the south. There is a secondary access from Cotton Lane to the east.

Community Outreach:

Community outreach has included extensive coordination of the attached document with the Homeowners Association. The document has been reviewed and approved by the Homeowners Association Board.

Departmental Review:

All departments have recommended approval of the project subject to all stipulations.

The Traffic Division had no comments.

The Fire Department had no comments.

The Planning Division had no comments.

The Building Safety Division had no comments.

The Water Services Department had no comments.

The Engineering Department had no comments.

FINDINGS

1. Staff finds that the proposed planned area development complies with Section 125-35 (c) (2) procedure for planned area development (PAD) of the Surprise Municipal Code, which lists considerations of review.
2. Staff finds that the proposed planned area development complies with Section 125-194 planned area development zone (PAD) of the Surprise Municipal Code, which allows an alternative to conventional zoning and development approaches and processes per the City of Surprise Municipal Code.
3. Staff finds that the proposed development is consistent with the Surprise General Plan 2020 Medium Density land use classification.

STIPULATIONS

REQUIRED ACTIONS. The applicant and/or owner shall comply with the following stipulations of Case PAD08-130, Happy Trails.

- a. All public notice signs shall be removed from the site immediately following a final decision by the City Council as applicable. A signed Affidavit of Sign Removal shall be included within the Stipulation Response Package.
- b. 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.
- c. These stipulations are a part of the PAD and will apply to any subsequent land owner.



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

21 July 2008

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

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

Re: Case #PAD08-130 Happy Trails

Dear Ms. Dager

Thank you for the opportunity to provide comments on the Planned Area Development Application for Happy Trails. The 396 acre community is located at 17200 West Bell Road. The application is to modify the existing PAD zoning affecting the 2,001 residences, to bring the community into more current standards of development. The site is located approximately 4 miles outside the 1988 JLUS 65 Ldn, "high noise or accident potential zone," as defined by A.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, the zoning modifications will not negatively impact the flying operations at Luke AFB. Since the 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 for any additional construction. In addition, a strong notification program on the part of the applicant would be essential to inform residents about Luke AFB operations. We would 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 "J. 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.
Acting State Engineer

August 18, 2008

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

RE: Happy Trails / PAD08-130 / NWC Bell & Cotton Ln.

Dear Ms. Dager:

Thank you for your notification regarding the PAD 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





Happy Trails Adult RV Resort
PAD





Happy Trails Adult RV Resort Planned Area Development (PAD)

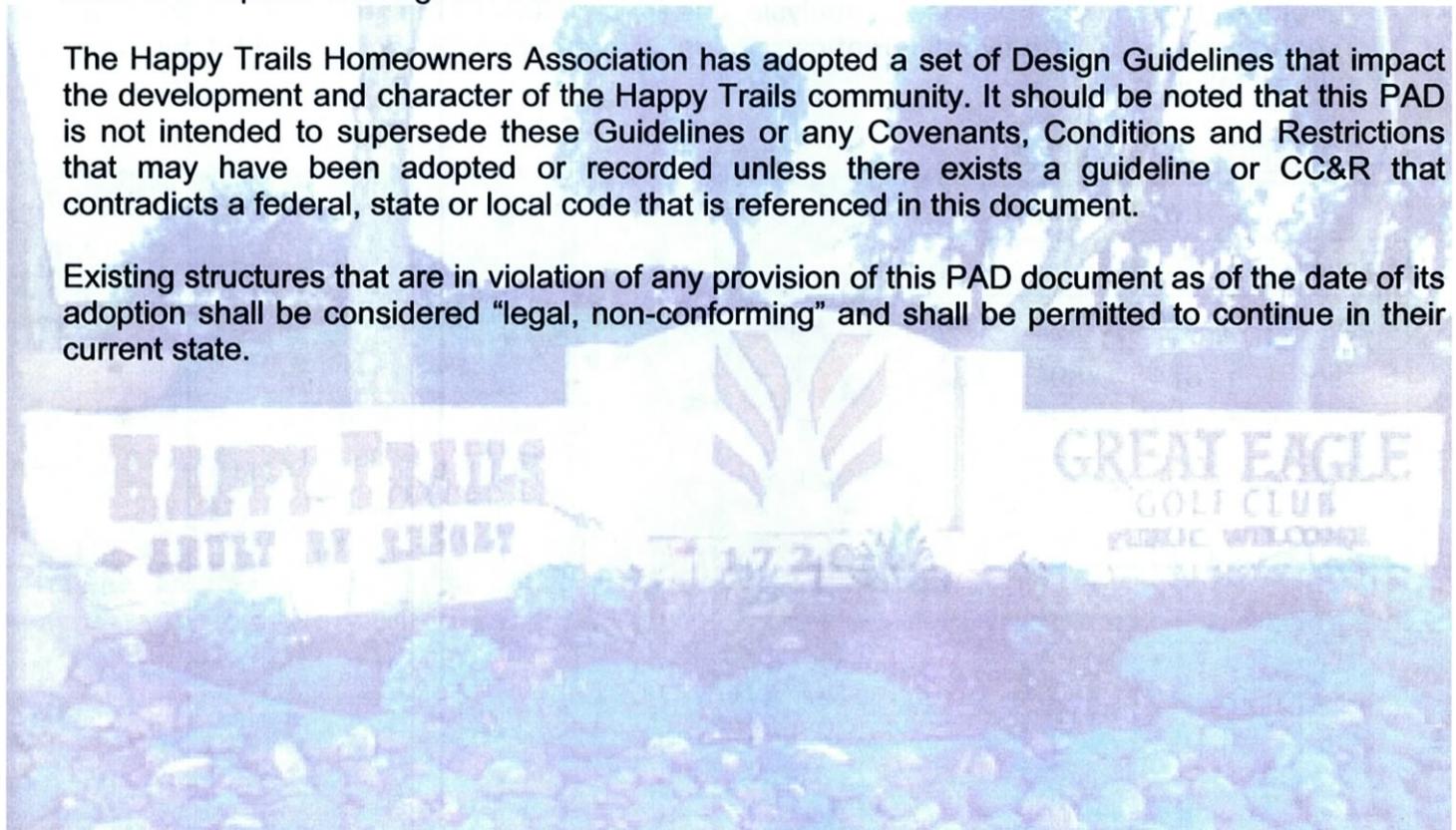
Purpose

The Planned Area Development Zone (PAD) is defined in the Municipal Code "as an alternative to conventional zoning and development approaches and processes". Further, the PAD zone should also establish procedures and regulations "in order that the public health, safety and general welfare be furthered in an era of increasing urbanization; to encourage innovations in residential, commercial and industrial development so that greater opportunities for better housing, recreation, shopping and employment, conveniently located, may extend to all citizens and residents of Surprise; to reflect changes in the technology of land development; to encourage a more creative approach in the utilization of land in order to accomplish a more efficient, aesthetic and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property, and to provide a compatible and stable environment in harmony with that of the surrounding area". The designation and adoption of a PAD document offers an opportunity to develop unique development standards upon which future development within the PAD boundaries can be evaluated.

The original PAD for Happy Trails was adopted through Maricopa County in 1984. After the annexation of this property in 1987, the County records were transferred to the City of Surprise. In this transfer process, the PAD document has been lost. The purpose of this new PAD document is to replace the original PAD.

The Happy Trails Homeowners Association has adopted a set of Design Guidelines that impact the development and character of the Happy Trails community. It should be noted that this PAD is not intended to supersede these Guidelines or any Covenants, Conditions and Restrictions that may have been adopted or recorded unless there exists a guideline or CC&R that contradicts a federal, state or local code that is referenced in this document.

Existing structures that are in violation of any provision of this PAD document as of the date of its adoption shall be considered "legal, non-conforming" and shall be permitted to continue in their current state.





Description of Project

The intent of this Happy Trails PAD document is to replace the Happy Trails PAD document, previously adopted in 1984 by Maricopa County. Happy Trails is a recreational resort that permits diverse housing styles in a planned community development. These housing styles include park models, recreational vehicles and manufactured homes, and approved additions thereto.

The project contains approximately 396 acres and is bounded by Cotton Lane to the east, Bell Road to the south, Ghost Riders Avenue (Union Hills alignment) to the north and the Arizona Traditions project to the west. (Please see attached vicinity map)

The site contains 2,001 residential lots, a separately owned 18 hole golf course, commercial offices and community recreational facilities. These facilities include, but are not limited to, a town center, golf course pro shop, neighborhood facilities for laundry and showers, an RV storage lot and wood working shop.

The residential component has been divided into ten sections (see Development Regulations below). Different sections are designated to accommodate different types of residential units. The Design Review Guidelines for Happy Trails have grouped the 10 sections into five classification units: Recreational Vehicles, Vacation Villas, Country Club, Resort 8, and the Ranch (Class "A" Motor Homes only). For ease of analysis, this PAD document maintains this same classification nomenclature. These five different categories, with appropriate section and lot numbers, are shown as follows:

RECREATIONAL VEHICLES

	Lot Numbers
Section 1	1 – 315
Section 3	316 – 673
Section 4	874 - 1289
Section 5	674 – 873
Section 6	1291 – 1539
Section 9	1030 - 1173





These sections allow park models and Recreational Vehicles (RVs), consistent with the definitions in Section III of this document.

VACATION VILLAS

	Lot Numbers
Section 2.	2106-2234

All homes will be Manufactured homes and will be installed in accordance with the Villa plat recorded April 18, 1989. The structure shall be single story, similar in shape, exterior material and color scheme similar to existing Villas. A replacement dwelling may be a site built structure, consistent with the rules of the Homeowners Association and the International Building Codes, as adopted by the City of Surprise.

COUNTRY CLUB

	Lot Numbers
Section 7	1540 - 1752

Only new Manufactured homes shall be developed on any lot in the Section 7. The label containing the manufacturer's certificate of compliance with the HUD and Federal Manufactured Home Construction and Safety Standards (including the red tag) must be attached to the home.

RESORT 8

	Lot Numbers
Section 8	2250 - 2273

Only new Manufactured homes shall be developed on any lot in the Section 8. The label containing the manufacturer's certificate of compliance with the HUD and Federal Manufactured Home Construction and Safety Standards (including the red tag) must be attached to the home.

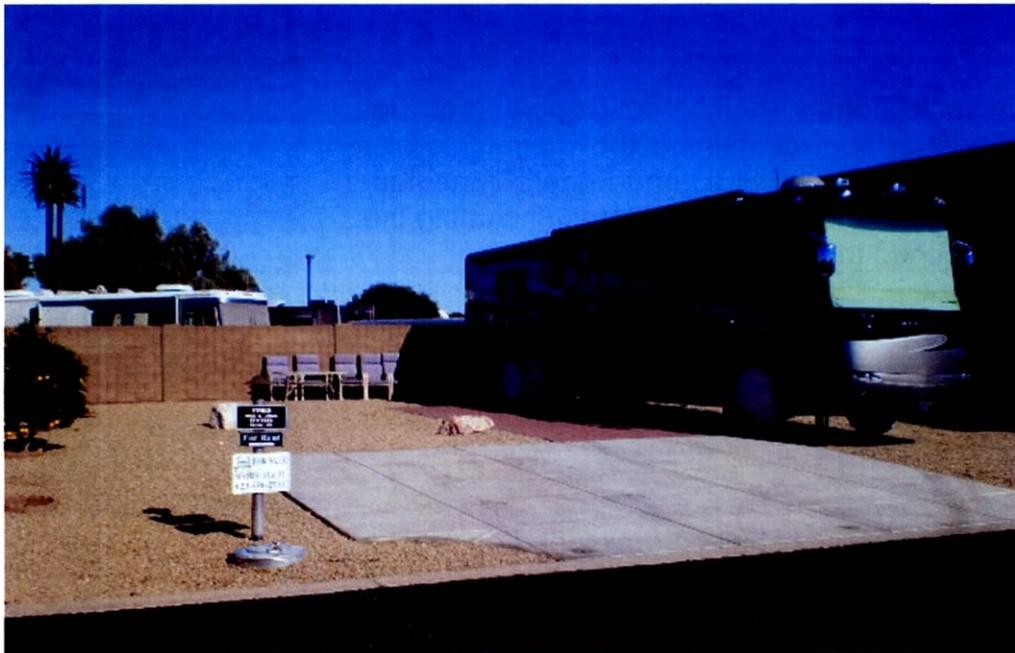




THE RANCH – Class “A” MOTOR HOMES ONLY

	Lot Numbers
Section 10	1753 - 1807

Section 10 shall be occupied exclusively by Class “A” Motor Coach and other improvements ancillary to such Class “A” Motor Coaches, including without limitation, concrete, sheds, awnings, habitable spaces and other improvements, subject to conformance with adopted Association design guidelines, CC& Rs, and the International Building Code.







III. Definitions

Accessory structure – A structure not greater than 3000 sf, nor over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling and which is located on the same lot.

Awning – An self-supporting engineered structure designed for weather-resistiveness and to resist specified design loads.

Factory –built building – A residential or non-residential building including a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an offsite location to be assembled onsite, except that it does not include a manufactured home, recreational vehicle, or mobile home.

Fire-resistance – The property of materials or their assemblies that prevents or retards the passage of excessive heat, hot gasses, or flames under conditions of use.

Habitable space – A space in a building used for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces

Manufactured home – A structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974 (HUD standards).

Park Model “Built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty square feet and not more than 400 hundred square feet when set up, except that it does not include fifth wheel trailers.”

Park Model (hybrid) – A combination of a modular living unit component, transported to the site, and a conventional, site-built component, to produce contiguous spaces, with separate structural systems and utility connections. Such hybrids may incorporate incidental connections only, to facilitate removal/replacement of the modular component. The modular component (park model) is to be constructed only by manufacturers participating in the RPTIA/ANSI - A119.5 quality assurance program.



Patio cover – A one story structure not exceeding 12 feet in height, detached from or attached to dwelling units, and used only for recreational, outdoor living purposes, and not as carports, garages, storage rooms, or habitable rooms. Enclosure walls shall be permitted to be of any configuration, provided the open or glazed area of the longer wall and one additional wall is equal to at least 65% of the area below a minimum of 6'-8", measured from the floor. Openings shall be permitted to be enclosed with insect screening, transparent plastic, or glass.

Recreational Vehicle - Means a vehicle type unit which is:

A portable camping trailer mounted on wheels and constructed with collapsible sidewalls which fold for towing by another vehicle and unfold for camping.

A motor home designed to provide temporary living quarters for recreation, camping or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the complete unit.

Park Trailer – SEE ABOVE

A travel trailer mounted on wheels, designed to provide temporary living quarters for recreation, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and has a trailer area of less than three hundred twenty square feet. This subdivision includes fifth wheel trailers. If a unit requires a size or weight permit, it shall be manufactured to the standards for a park trailer in ANSI - A 119.5.

A portable truck camper constructed to provide temporary living quarters for recreation, travel or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck."

Vacation Villa – A marketing term, referring to a parcel with individual lots arranged in quads, improved with ground-set Manufactured homes.

IV. History of Project

The Happy Trails Community was originally a joint venture project of Thousand Trails and Western Savings and Loan. Thousand Trails is self-described as "the largest private system of RV camping and outdoor preserves in America". With Happy Trails, Thousand Trails departed from their usual model of membership campgrounds and instead developed a resort with ownership lots.

The project, with accompanying PAD document, was originally submitted to Maricopa County in 1984 and subsequently approved. The resort opened in 1985 with the first sale of lots. Many of the streets are named after characters from the Roy Rogers/Dale Evans television show. Indeed, there was a marketing connection between the developers and Mr. Rogers.



Although originally approved by the County, the project site was annexed into the City of Surprise in 1987.

Western Savings and Loan went into default in 1988/89 and the project was taken over by RTC. The resort was subsequently purchased by the Jaaz Corporation in 1991 who owned it until 1995. The project is now owned by Happy Trails Acquisition Limited Partnership who sold the last lots in 2005.

- V. Development Regulations**—Development regulations are instituted to protect the health, safety and welfare of the residential community. Each Section in Happy Trails is provided with a specific set of development regulations, specifying building type, setbacks, heights, and other criteria. These specific sets of provisions are intended to preserve the unique character of each Section, and to provide for consistency in standards over time.

Height Limitations - The maximum allowable height of any structure (awning, storage structure, habitable space, etc.) is 14 feet 6 inches and will be measured from the concrete finished floor. The only exception to this limit is that seventeen foot (17') Habitable Structures are allowed in sections 1,3,4,5,6,9, & 10. A highway ready Recreational Vehicle such as a motor home, a 5th wheel trailer, or a travel trailer must occupy the RV space in conjunction with a structure greater than fourteen feet six inches (14'6") in height. No Park are Models allowed with these structures.

Building Setback Limitations – The building setback standards vary, depending on Section. The setbacks are as follows:

Sections 1,3,4,5,6, & 9

Front yard – 10 feet from curb.
Side yard - 3 feet. (8 feet for corner lots).
Rear yard - 5 feet.

Section 2 - All homes will be installed in accordance with the Villa plat recorded April 18, 1989.

Sections 7 & 8 - For manufactured homes with an orientation **perpendicular** to the street:

Front yard - 8 feet from curb.
Side yard - 8 feet between units.
Rear yard - 5 feet.

For manufactured homes with an orientation **parallel** to the street:

Front yard – 10 feet.
Side yard - 5 feet.
Rear yard - 7 feet.



Section 10 -

Front yard – 10 feet from curb.
Side yard - 5 feet. (8 feet for corner lots).
Rear yard - 5 feet.

Utility Providers

Water—Arizona American Water Company
Sewer city of Surprise
Electricity—APS
Gas—Southwest Gas Company