

**Town of Superior
Planning and Zoning Commission Minutes
Thursday, August 20, 2015 - 6:00 P.M.**

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Superior Planning and Zoning Commission and to the public that the Superior Planning and Zoning Commission held a Regular Meeting open to the public as set forth above.

A. CALL TO ORDER

Chairman Matt Mashaw called meeting to order at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by all Commission members.

C. INVOCATION

Commissioner Bruce Armitage led everyone in the Invocation.

D. ROLL CALL

Chairperson	Matt Mashaw
Vice-Chairperson	Joy Eveland
Commissioner	Bruce Armitage
Commissioner	Sandra Doyle
Commissioner	Sherry Figdore
Commissioner	Gina Lopez

Absent

Commissioner	James Bordenave
--------------	-----------------

E. STAFF PRESENT

Administrator	Lawrence Tomasello
Town Clerk	Rachelle Sanchez

F. CONSENT AGENDA

Approval of July 16, 2015, Regular Meeting Minutes.

Motion to approve the July 16, 2015 regular meeting minutes with corrections was made by Commissioner Armitage seconded by Vice Chair Eveland; motion carries.

G. NEW BUSINESS:

- 1. Public Hearing on Resolution 15-04; A Resolution of the Planning and Zoning Commission of the Town of Superior recommending that the Town Council amend the Town's Official Zoning Map by approving Zone Change No. 2015-04**

Chairman Mashaw read Resolution 15-04; a Resolution of the Planning and Zoning Commission of the Town of Superior recommending that the Town Council amend the Town's Official Zoning Map by approving Zone Change No. 2015-04.

Public Hearing opened at 6:13 p.m.

Mr. Tomasello stated this was a request to rezone seven properties from the R1-6 Zone

District to the C-1 Zone District. The General Plan for this area is Mixed Use Land Use which allows residential or commercial uses. Staff is recommending approval of the zone change. Commissioner Lopez stated that the area should be rezoned for Commercial and Residential for that whole area. Mr. Tomasello stated that the Darryl Delbridge (Willdan Engineering) stated that the General Plan for those parcels is Mixed Use. There was some discussion on the General Plan and, in response Mr. Tomasello stated there is no problem with the General Plan. What we are dealing with here is the rezoning issue. The rezoning is from the R1-6 to the CF-1 zone district which is consistent with the Mixed Use Land Classification of the General Plan. Therefore, it meets state law requirements for consistency. Pamela Rabago stated that staff is saying that they can't find the Resolution, so it's not valid. Her question is how can you rezone it if you're saying the amendment is not valid and the General Plan wasn't changed? Ms. Rabago suggested going back and finding all the documents in 2007 and 2009 and put it back in place, then you can do the rezoning. Mr. Tomasello stated the information from Willdan, where all the maps are done, is that the Land Use Map shows that the area we are talking about as being Mixed Use. The seven parcels that are being changed are consistent with the General Plan.

There was talk that the area was set up to be C-1 in the first place. Mr. Tomasello stated that since nobody could find the record of it ever being rezoned to the C-1 zone district, we are now taking official action for such a rezoning. He further stated that if the Commission approves Resolution 15-04, it will be forwarded to the Council for their determination on September 10, 2015. Pam Rabago stated that the reason they went through the process in 2007 was to do an amendment to the General Plan so the area could be rezoned. Mr. Tomasello stated that the amendment to the General Plan was approved by the Council. Maria Salcido Jollie stated that it has taken the Town a long time to get to this stage.

Chairman Mashaw closed the Public Hearing at 6:34 p.m.

2. **Discussion and Approval of Resolution 15-04; A Resolution of the Planning and Zoning Commission of the Town of Superior recommending that the Town Council amend the Town's Official Zoning Map by approving Zone Change No 2015-04.**

Chairman Mashaw read Resolution 15-04; a Resolution of the Planning and Zoning Commission of the Town of Superior recommending that the Town Council amend the Town's Official Zoning Map by approving Zone change No. 2015-04. Motion to approve Resolution 15-04 was made by Commissioner Eveland. Seconded by Commissioner Doyle, motion carries.

3. **Public Hearing on Resolution of the Planning and Zoning Commission of the Town of Superior recommending that the Town Council Amend Ordinance 14-124 (Zoning Ordinance) of the Town Code by Approving Zone Change No. 2015-05**

Chairman Mashaw stated that this Public Hearing is regarding a Resolution of the Planning and Zoning Commission of the Town of Superior recommending that the Town Council Amend Ordinance 14-124 (Zoning Ordinance) of the Town Code by Approving Zone Change No. 2015-05. Chairman Mashaw opened the Public Hearing at 6:32 p.m.

Mr. Tomasello stated that these are changes to the zoning text, and that there are two recommendations. The first deals with projections of buildings into required yards, specifically the front yards. The existing Code, Section 13.6 has two issues; first it permits projection 3 ft. into the front yard for things like chimneys, bay windows, balconies, and stairways. Section 13.6.D.1 permits projections up to 5 ft. with a conditional use permit. This was discussed briefly in the last meeting. The reason for permitting the encroachment of an additional 2 feet is because he couldn't come up with any conditions, in a conditional use permit, that would justify that action. For that reason, he is recommending eliminating the conditional use procedure and simply allowing a 5 foot projection into a front yard provided it would be no closer than 5 feet to the front property line. There are no recommended changes to the side or rear yard requirements.

The second issue is a request to permit a second dwelling unit in all single family residential zone districts, subject to an approved conditional use permit. Mr. Tomasello read the recommended 5 conditions of approval. Mr. Tomasello then recommended that the Commission approve Resolution No. 2015-05. Pam Rabago had some suggestions on the Resolution.

Chairman Mashaw closed the Public Hearing at 6:34 p.m.

4. Discussion and Approval of Resolution of the Planning and Zoning Commission of the Town of Superior recommending that the Town Council Amend Ordinance 14-124 (Zoning Ordinance) of the Town Code by Approving Zone Change No. 2015-05

Commissioner Armitage had questions on Condition No. 4, the height definition. He wanted clarification on the term. Mr. Tomasello stated he would revise that condition to state that it would be taken from the average ground elevation of the site. The other concern was on Condition No. 10 which restricted the size of the second unit to not more than 50 percent of the size of the main residence. Following discussion, it was determined that the restriction

on the second unit was to be no larger than 50 percent of the size of the main residence only if the main residence was 800 square feet or larger. Commissioner Armitage motioned to approve Resolution 15-05 as amended, Commissioner Eveland seconded, motion carries.

5. Discussion an action Conditional use Permit No. 2015-01; to consider approval of an application to construct a bar/restaurant/apartment complex at 295 W. Main St. in Superior.

Mr. Tomasello stated that there was a request to put in a bar, restaurant and apartment in a proposed building in the Town Center Zone District. He explained that the site plan shows a rear yard setback of 15 feet, however the Ordinance was changed from 25 feet to 20 feet. He stated that this particular parcel has a nonconforming building that is set back 15 feet from the rear property line. Staff is suggesting that the nonconforming structure can remain. The remainder of the building, the proposed new construction, has to be set back 20 feet from the rear property line. The reason for the 20 feet was to maximize parking to the rear of a building. The Town's Ordinance has the following requirements for parking: (1) for a restaurant, one space per 50 square feet for 42 spaces; (2) the bar is 1 space per 75 square

feet for 20 spaces; (3) outside dining (patio use) is 1 space per four fixed seats for 12 spaces; and (4) apartments are 2 spaces per 2 bedrooms for 2 spaces. This results in a total of 85 parking spaces.

The dimensions for standard parking is 9 feet by 18 feet; for a compact space it's 8 feet by 15 feet; and for disabled parking it's 16 feet by 20 feet (11 feet by 20 feet for the vehicle and 5 feet by 20 feet for the access aisle between spaces). With the allowable reductions in the Code, we can (1) reduce the required parking spaces by 30 percent; (2) credit off-site parking spaces in front of the property; (3) allow vehicles to backup into a street or alley where it's safe to do that; (4) allow up to 50% of the spaces to be compact; and (5) request approval by the Council to further modify the parking to less than required if everything is being done to meet the parking code.

Mr. Tomasello stated that by enforcing the rear yard 20 foot setback, perpendicular parking providing 9 parking spaces in the rear and 8 spaces in the front, the project can provide 17 on-site parking spaces. It seems that with every possible means to provide required parking, even with the modification recently adopted into the Code, the parking requirements can't be met. However, if the conditions of the conditional use permit are met, a case could be made that the applicant is making every effort possible to meet the parking requirements of the Code. For that reason, staff would request that the Commission recommend to the Council a waiver for the remainder of parking places required and approve Conditional Use Permit 2015-01, subject to the conditions of approval.

The counter argument was made that this is ridiculous because the Town doesn't need parking. Today that may be true, but it is Mr. Tomasello's understanding that the Town is looking for growth to occur. If this is the case, and there are no large scale parking lots near the Downtown area, then parking is an issue. Mr. Tomasello went on to go over the 5 conditions of approval and the 6 findings for approval of the parking modifications. He also mentioned the 3 findings for approval of the conditional use permit. He further stated that staff is recommending, with the conditions of the approval and subject to the findings that Conditional Use Permit 2015-01 be approved. He advised the Commission that if the conditions are not met, there is no approval. He further stated that time for the permit starts from the time Council approves it and that it's valid for one year. Mr. Chavez can always ask for an extension if he needs to. There was discussion on this item from Mr. Chavez and the Commission.

Commissioner Lopez motioned to approve Conditional Use Permit No. 2015-01 second by Vice Chair Eveland. The vote was as follows:

Chairman Mashaw – Yay
Vice Chair Eveland – Yay
Commissioner – Lopez – Yay
Commissioner – Doyle – Nay
Commissioner – Armitage – Yay
Commissioner – Figdore – Yay

Motion carries.

6. **The Design Review Committee (Planning and Zoning Commission) reviewed Design Review 2015-01 to consider approval of the architectural elements of the proposed Circle K store.**

After review of the architectural elements that were proposed for the Circle K store, Chairman Armitage motioned to approve the Design Review 2015-01, second by Committee member Lopez; motion carries

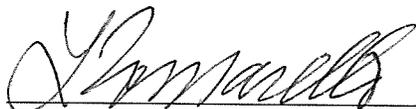
7. **WORK SESSION – Discussion on Article VII – Commercial Zone Districts (C1-1 and C-2) and Article VIII – Town Center Zone District.**

After some discussion Mr. Tomasello stated that he would rewrite and put into resolution form for a public hearing to consider possible amendments to the TC, C-1, and C-2 Zone District before the Commission on September 10, 2015.

H. CALL TO THE PUBLIC - NONE

I. ADJOURNMENT

Motion to adjourn the meeting was made by Vice Chairman Eveland and seconded by Commissioner Armitage, motion carried. Meeting was adjourned at 8:34 p.m.



Administrator, Lawrence Tomasello



Chairman Matt Mashaw



Town Clerk, Rachelle Sanchez