

TOWN OF SUPERIOR
Planning And Zoning Committee
MEETING
Thursday, November 2, 2023 6:00 P.M.
Superior Town Hall
199 N. Lobb Avenue, Superior, AZ 85173

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 Meeting open to the public set forth above. The Council Chambers will be open to the public 30 minutes prior to the start of the Planning and Zoning Meeting and seating will be available at the public meetings for "reasonably anticipated attendance."

This Meeting was live-streamed on the Town's youtube channel:

<https://www.youtube.com/channel/UCd2f5D2dfTkaazjwNyhAXRA>.

MINUTES

A: CALL TO ORDER

Todd Pryor, acting as proxy, called the meeting to order at 6:00 PM.

B: PLEDGE OF ALLEGIANCE

Mr. Pryor led everyone in the Pledge of Allegiance.

C. INVOCATION

Commissioner Mary Ann Bell gave the Invocation.

D: ROLL CALL

PRESENT:

Chairperson	Matt Mashaw telephonically
Commissioner	Mary Ann Bell
Commissioner	Robert Bell
Commissioner	Lant Jed
Commissioner	Lance Lindsay

ABSENT:

Co-Chairperson	Joy Eveland
Commissioner	Hank Gutierrez

STAFF PRESENT:

Todd Pryor – Town Manager
Ruby Cervantes – Town Clerk
Lana Clark – Engineer Teck
Dallas Lane – Fire Marshall

PUBLIC PRESENT:

James Gardner – Telephonically Wildan
Bruce and Barbara Armitage

Tiffany Rowell
Sue Anderson
Brian Hatch
Maria Salcido

Chris Casillas
Miracle Martinez
Pam Rabago

E. CONSENT AGENDA- THIS ITEM MOVED TO AFTER ITEM 1 UNDER NEW BUSINESS.

1. Approval of Minutes of Planning and Zoning Meeting on October 5, 2022.

Motion to approve the Minutes of October 5, 2022 made by Commissioner Robert Bell, second by Commissioner Lance Lindsay, Motion Carries.

AYES: 5 Commissioners: Matt Mashaw (telephonically), Mary Ann Bell, Robert Bell, Jed Lant, Lance Lindsay

NOES - 0

ABSTINATIONS - 0

ABSENT - 2 Commissioners: Joy Eveland, Hank Gutierrez

F. NEW BUSINESS:

1. **Oath of Office for the 7 Planning and Zoning Commissioners appointed by the Town Council on September 14, 2023.**

Mr. Pryor started with a couple of admomissions

1. All business of the Planning and Zoning Commission shall be done in the public. You should not be making side conversation while your at the table. Always address the mike and the permanent record.
2. Any group of 4 commissioners who meet on the street are a quorum. You shouldn't be speaking about Planning and Zoning Commission business in the Public. Save that for the Commission. If you have any questions, feel free to reach out to one of the staff. Anything that you do may be permanent record. So if you discuss anything on your facebook page or an email, will be discoverable records. Will need to retain those. Advised not to do that.

Members of the board were randomly selected because during Covid we didn't replace commissioners. We went with a new slate this time. We have 2 year terms and 4 year terms and they were selected by a draw out of a hat by the council. The 4-year terms are Joy Eveland, Hank Gutierrez, Lance Lindsay and Matt Mashaw. The next are 2-year terms and you will have to be reappointed in 2 years.

The Town Council appointed the 7 Commissioners at the September 14, 2023 Council Meeting. There was a motion to draw for 2 and 4 year

terms. Town Clerk Ruby Cervantes gave the Oath of Office to 4 newly appointed Commissioners: Mary Ann Bell, Robert Bell, Jed Lant- 2 year terms. Commissioner Lance Lindsay- 4 year term. The other 3 Commissioners will take their oaths in January when they are present at the meeting: Joy Eveland, Matt Mashaw and Hank Gutierrez – 4 year terms.

Back to Consent Agenda.

2. Public Hearing/Discussion/Possible Approval of Resolution No. 2023-01, A **RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF SUPERIOR, ARIZONA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT ORDINANCE 2023-180, THEREBY APPROVING A REZONE FROM THE URBAN RESIDENTIAL (R1-5) ZONE TO THE URBAN RESIDENTIAL PROJECT OVERLAY ZONE DISTRICT ON ASSESSOR'S PARCEL NUMBER(S) 106-12-041 AND 106-12-040A**

Mr. Pryor opened the Public Hearing at 6:07 PM.

Pam Rabago – She handed out maps. Look at #1. Taking 5 feet from lot 3 and adding it to lot 2 to make it wider. And #2 which is actually the same map, shows you on the southern part, lot 4 we are breaking off 50 feet to make a separate lot which meets all the Planning and Zoning requirements.

Commissioner Robert Bell and Ms. Rabago discussed the sizes of the lots.

Mr. Pryor – This one, because we couldn't get a quorum, has been long delayed. This was reviewed and approved by staff many months ago.

Mr. Pryor closed the Public Hearing at 6:12 PM.

Motion to approve Resolution No. 2023-01 made by Commissioner Jed Lant, second by Commissioner Mary Ann Bell, Motion Carries.

AYES – 5 Commissioners: Mashaw (Telephonically), Mary Ann Bell, Robert Bell, Jed Lant, Lance Lindsay

NOES – 0

ABSTINATION – 0

ABSENT – 2 Commissioners: Hank Gutierrez, Joy Eveland

ITEM 3 MOVED TO AFTER ITEM 4.

3. Public Hearing/Discussion/Possible Approval of Resolution No. 2023-02, A **RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF**

THE TOWN OF SUPERIOR, ARIZONA RECOMMENDING THAT THE TOWN COUNCIL ADOPT ORDINANCE 2023-182, THEREBY APPROVING A REZONE FROM URBAN RESIDENTIAL (R1-5) ZONE TO URBAN RESIDENTIAL PROJECT OVERLAY ZONE DISTRICT ON ASSESSOR'S PARCEL NUMBER 105-04-0800.

Mr. Pryor opened the Public Hearing at 6:13 PM. Pulled up map. Another PA. not developable within the current zoning code, so we adopted the new code section that allows them to be subdivided at a smaller than normal lot size. Its two houses up on Terrace Dr. They were dilapidated for years and have been fixed up. Developer would like permission to split them. Previously approved as a variance, but because the actual survey final information didn't meet the ground conditions they have asked for a new PA to allow them to fix this. The Council has approved this previously as a variance.

Sue Anderson - Its on Terrace Drive. There are 2 small houses on one lot. its not practical to split the lot because there is a concrete pad in between the 2 house. Underneath that its on a hill side. No practical way to split the lot. Wants to keep one house and sell one.

Pam Rabago- I do support it since these 2 houses that have been there for 70 plus years. And they were perfectly fine the way they're divided. And I think it should be approved the way they stand.

Todd closed the Public Hearing at 6:16 PM.

Commissioner Mary Ann Bell did drive by there and had a concern about the slope stability that was mentioned in the back of the house. So that has all been Surveyed?

Sue Anderson - Yes

Mr. Pryor - Showed document that is a recorded survey. Have been Stable for a significant period of time. There was a new main, the disturbance you may be talking about. The town installed a new sewer main back there. Back when the sewer was installed back in 1976, they ran a tap up from Heiner and the neighbor tapped into a tap. We put a whole new main in and ran all new taps into a main. So you'll see the disturbance back there.

Motion to approve Resolution No. 2023-02 made by Commissioner Lance Lindsay, second by Commissioner Jed Lant, Motion Carries.

AYES - 5 Commissioners: Mashaw (Telephonically), Mary Ann Bell, Robert Bell, Jed Lant, Lance Lindsay

NOES - 0

ABSTINATION - 0

ABSENT - Commissioners: Hank Gutierrez, Joy Eveland

4. Discussion/Possible Approval of Resolution No. 2023-03, **RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF SUPERIOR RECOMMENDING THAT THE TOWN**

COUNCIL APPROVE THE DESIGN PLANS FOR THE NEW DEVELOPMENT SITE.

Mr Pryor stated this is the new Tiny Home Subdivision on Old Phoenix Road and Main Street.

Maria Salcido – Handed out print outs. Brian Hatch is my client and he purchased this property which is right next to Arnold's 5 years ago. At that time we really didn't know what we were going to do with it. there was a 5 year delay. Explained layout and homes. They are rentals, not for sale. Survey and soil samples have been done. Everything ready to move forward. First time in 80 years a neighborhood has been built.

Commissioner Matt Mashaw – asked if there will be an HOA.

Ms. Salcido stated no. they are rentals. Drainage and sewer has been approved. Its in the main packet.

Commissioner Mary Ann Bell – Has the water been looked at.

Ms Salcido stated yes. Its rentals. Only if selling homes would they need different water certificates.

Mr. Todd Pryor – its very difficult to get those certificates now. They have changed the rules. This sort of development is our best hope for getting developed because you cant do a subdivision right now. Its not possible in the Town of Superior or anywhere in Phoenix area unless you have water certificate. This build to rent is what you will see in a lot of proposals coming to us. The underlying land has already been approved. There was a PA about 4 years ago. Council already approved a site plan. The Fire Marshall is here. Did approve the hydrants and access turn arounds.

Motion to approve Resolution No. 2023-03 made by Commissioner Jed Lant, second by Commissioner Robert Bell, Motion Carries.

AYES – 5 Commissioners: Mashaw (Telephonically), Mary Ann Bell, Robert Bell, Jed Lant, Lance Lindsay

NOES – 0

ABSTINATION – 0

ABSENT – Commissioners: Hank Gutierrez, Joy Eveland

GO BACK TO ITEM 3 TO APPROVE.

G. CALL TO THE PUBLIC

Bruce Armitage -- Congratulations to you all as you are appointed to Commissioners. It will get much easier. I was also on the Planning and Zoning Committee.

Chris Casillas -- Congratulation on your appointment. The Town of Superior has a rich history. We did this rich history as a necessity. As times get tough and economic hardships, self sufficiency becomes more necessary. For some it's a value choice they make to be in a life with values. For others it's because everything is getting so much more expensive. When we think about what we can do as the Town of Superior and the Copper Corridor is to see the potential for us to be leaders in this movement of self sufficiency. For our community member to be happy, healthy and wealthy and self sufficiency is one way for that to happen. Its possible we could start with some low hanging fruit of things that could change. Just looking at the Town Code, it looks like we are not totally with the times. Sometimes its because we copied and pasted some of our Town Code. Other times its because there have been so many pressing issues. We just have to have something in the books. An example of this low hanging fruit would be chickens and rabbits are not allowed to be raised per the town code. Scottsdale, Chandler, Gilbert, Mesa, Phoenix, they all allow that. I would hope that we could do the same. Im not here to do anything more than share that concern. Also, a concern for another citizen who could not be here. Tammy Gorsich. She asked me to read message about rabbits and chickens. Something on agenda for this to take place. Wants to know how code changes. This item is not on the Agenda. Mr. Pryor will address this with Mr. Casillas.

Dallas Lane -- Congratulation to the Commissioners.

H. ADJOURNMENT

Motion to adjourn the meeting of the Planning and Zoning Commission made by Commissioner Robert Bell, second by Commissioner Lance Lindsay, motion carries. Meeting adjourns at 6:37 PM.


AYES -- 5 Commissioners: Mashaw (Telephonically), Mary Ann Bell, Robert Bell, Jed Lant, Lance Lindsay

NOES -- 0

ABSTINATION -- 0

ABSENT -- Commissioners: Hank Gutierrez, Joy Eveland

ATTEST:



Matt Mashaw, P & Z Chairperson



Ruby Cervantes, Town Clerk