

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR SESSION OF THE
PLANNING & ZONING COMMISSION
March 10, 2016**

Chairman Michael Archambault opened the meeting at 6:30 p.m.

ROLL CALL:

The following Commissioners were present: Chairman Michael Archambault. Vice-Chairman Eugene Mikolajczyk. Commissioners: Jeremy Strohan, Howie Jones, Susan Dempster and Roger Owners. Also in attendance were Paul Mood, Development Services Director and Paula Woodward, Executive Assistant and Recorder of the minutes. Commission Connick was absent.

Chairman Michael Archambault requested participation in the Pledge of Allegiance and a moment of silent reflection.

CALL TO THE PUBLIC

No one wished to speak.

AGENDA ITEM #1 - CONSIDERATION OF APPROVING THE PLANNING AND ZONING COMMISSION MEETING MINUTES DATED February 11, 2016.

Vice-Chairman Eugene Mikolajczyk **MOVED** to **APPROVE** the meeting minutes dated Thursday, February 11, 2016 as written. Commissioner Howie Jones **SECONDED** and the **MOTION CARRIED UNANIMOUSLY.**

AGENDA ITEMS #2 - CONTINUED PUBLIC HEARING TO RECEIVE COMMENTS ON A PROPOSED SPECIAL USE PERMIT TO ALLOW TRUCK RENTALS BY DESERT DAWG AUTO REPAIR AT 9521 TECHNOLOGY DRIVE, LOCATED IN THE "IND-2 IUPD" ZONING DISTRICT. (CASE# SU2016-15)

Chairman Archambault opened the Public Hearing at 6:32 p.m.

Paul Mood, Development Services Director gave a PowerPoint presentation & stated the application is for a Special Use Permit to allow Desert Dawg Auto to rent U-Haul Trucks in the Ind-2 IUPD zoning district. The property is located at 9521 Technology Drive, Unit C-3, in the "Firerock Commerce Park, industrial Condominiums, directly behind the Target Plaza. Mr. Mood referred to aerial photos showing the location and a walled in area at the rear which is the designated outdoor storage area for all three condominium units in this building. This is the area that staff has noted in the recommended stipulations for the U-Haul truck inventory storage and/or display. Mr. Mood said the parking spaces in the foreground are common spaces for the Commerce Park and are required to be available for employee and customer parking and are not to be used as outdoor display areas. Mr. Mood said staff has discussed the proposal with the applicants and they originally indicated their agreement with the two stipulations outlined in the staff report. Staff has recommended approval subject to the two stipulations outlined in the staff report but since then it has become evident additional stipulations may be needed. Mr. Mood referred to photos taken this week by Chairman Archambault. They appear to show the current situation on this site. The rental trucks are still overflowing into the customer parking areas. If so, the current situation does not comply with staff's recommended conditions of the Special Use Permit.

Mr. Mood said Chairman Archambault can elaborate on the photos and the applicant is present to answer any questions.

Chairman Archambault commented the photos were taken this morning and noticed the amount of vehicles shown in the photo are less than in the past. He said this afternoon he observed cars parked in the dirt area. Chair Archambault asked Mr. Mood if it was okay for parking on dirt.

Mr. Mood responded that parking is not allowed on dirt unless there is a dust palliative or "DG."

Chairman Archambault asked for any Call to the Public.

Wayne Warrington, resident and a business owner in Fountain Hills came forward and spoke in favor of Desert Dawg's application for a Special use Permit to allow Desert Dawg Auto to rent U-Haul trucks. Mr. Warrington stated he has known the business owner for several years and their business operations. He pointed out in the overhead presentation photo the closed parking area. Mr. Warrington stated he personally witnessed numerous customers throughout the year utilizing Desert Dawg indicating they are a valuable business to the Fountain Hills community.

Chairman Archambault commented on the upper left overhead presentation photo showing Desert Dawg in compliance within the gated area.

Chairman Archambault commented the public hearing was still open and **closed the Public Hearing at 6:39 p.m.**

AGENDA ITEM #3 - CONSIDERATION OF A PROPOSED SPECIAL USE PERMIT TO TRUCK RENTALS BY DESERT DAWG AUTO REPAIR AT 9521 TECHNOLOGY DRIVE, LOCATED IN THE "IND-2 IUPD" ZONING DISTRICT. (CASE #SU2016-15)

In response to Commissioner Jones, Mr. Warrington stated he heard from customers that this is a great company. Desert Dawg made a move to an industrial park that remained vacant and struggling. They are making this location work and by having the special use permit they could meet the needs of the community.

Commissioner Jones asked if this was the fourth U-Haul facility in Fountain Hills.

Mr. Warrington said there is one behind Desert Dawg which is a U Haul storage but they could not keep up with the rental demand. Desert Dawg would be able to offer the rentals the U Haul storage could not. Desert Dawg has been named a dealer for U Haul and is busy since taking on the truck & trailer rentals.

Commissioner Dempster asked the business owner about his landlord, the building and tenant improvements.

Mr. Kurdzialek presented a letter from his landlord. The letter stated if at all possible please park the trailers on the recess part of the building. The photos shown today display trucks parked behind the curbed area and the trailers parked on the recess area. The landlord does not want cars or trucks parked in the recess area because the slots are not long enough to accommodate. The trailers fit the slot size. Mr. Kurdzialek said, The U Hauls are not visible from Technology Drive. The graphics on the windows are the only advertising for U-Haul. Mr. Kurdzialek said, the public won't even know we provide U-Haul because they are out of site at the back of the building. Mr. Kurdzialek stated he is allocated 3 trucks and 4 trailers for inventory. The other U Haul rentals in town on Saguaro have vans & 10 foot trucks. The U – Haul behind Desert Dawg rents cube vans. Mr. Kurdzialek stated he is proposing that Desert Dawg be allowed to park the trailers in the recess area and the trucks in the enclosed area in the back.

Vice-Chairman Mikolajczyk asked how long is Desert Dawg's agreement with U-Haul and if Desert Dawg vacates the premises does the arrangement from U-Haul go with Desert Dawg.

Mr. Kurdzialek said there is no specific timeframe or contract. He stated he is licensed to rent out the U-Hauls. U-Haul knows what inventory Desert Dawg has on hand and handles all the paperwork. They book the rentals through their traffic. The landlord is very happy with the trailers parked in the recess area because it prevents customer cars from parking there and sticking out.

Chairman Archambault stated the special use permit requires Desert Dawg to put all the trucks and trailers behind the wall area.

Mr. Kurdzialek stated he was not aware of that until code enforcement came to his business and he is now aware of the stipulations. Mr. Kurdzialek stated he was applying for the SUP to sell trucks and didn't realize it included restrictions about where the trucks or trailers were parked.

Chairman Archambault stated, although the landlord has requested the trailers to park on the side recess area they cannot because of the zoning. In response to the landlord owning the property, the common area is owned by the association. The association is made up of more than one owner.

In response to Commissioner Dempster, Chairman Archambault said the U-Hauls on Saguaro Blvd. are zoned C-3 which allows truck rentals without a Special Use Permit. Desert Dawg is in an I-2 zoned area which requires a SUP for trucks. SUP is not required for trailers. Stipulations state all rentals are required to have the trucks in the back and behind gated area.

Mr. Kurdzialek stated he will abide by the stipulations but stated if the rentals cannot be seen business may suffer.

Commissioner Owers asked Mr. Kurdzialek if he uses the vacant dirt lot adjacent to his business. Mr. Kurdzialek said, sometimes it's used to turn around vehicles because the gate in the back is closed. Delivery trucks have to back out into the vacant lot to turn around and exit.

In response to Vice-Chairman Mikolajczyk Mr. Mood stated Bob Rodgers advised him that the parking areas or drive isles cannot be used for outdoor display. Ultimately the Planning and Zoning Commission will be making the recommendation to council. For this zoning area, rental vehicles are required to be behind a gate.

Vice Chairman Mikolajczyk **MOVED** to forward a recommendation to the Town Council to approve the Special Use Permit to Truck Rentals by Desert Dawg Auto Repair at 9521 Technology Drive, located in the "IND-2 IUPD" zoning district as submitted, and add an amendment to allow the applicant to have a trailer display in the cut out area until the vacant suite is occupied. Commissioner Jones **SECONDED**.

Commissioner Owers requested to add an amendment that the SUP is for Desert Dawg only and it would not be transferable should the applicant move location.

Chairman Archambault stated there are two (2) staff stipulations and two (2) amendments. He said if there was no further discussion or questions among the commission a vote would be taken. A voice vote was taken on the amendments and the **MOTION CARRIED UNANIMOUSLY (6-0)**.

Chairman Archambault asked for a voice vote on the main motion which is to forward a recommendation to the Town Council to approve the Special Use Permit to Truck Rentals by Desert Dawg Auto Repair at 9521 Technology Drive, located in the "IND-2 IUPD" zoning district as submitted. The **MOTION CARRIED UNANIMOUSLY (6-0)**.

AGENDA ITEM #4 - COMMISSION DISCUSSION/REQUEST FOR RESEARCH TO STAFF.

Items listed below are related only to the propriety of (i) placing items on a future agenda for action or (ii) directing staff to conduct further research and report back to the Commission.

None

AGENDA ITEM #5 - SUMMARY OF COMMISSION REQUESTS FROM SENIOR PLANNER.

None

AGENDA ITEM #6 - REPORT FROM SENIOR PLANNER AND ZONING ADMINISTRATOR, PLANNING AND ZONING DIVISION OF DEVELOPMENT SERVICES.

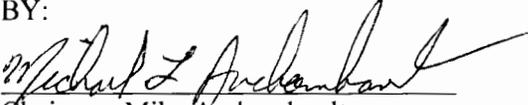
None

AGENDA ITEM #7 - ADJOURNMENT.

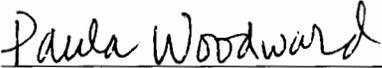
Commissioner Jones **MOVED** to adjourn the meeting at 7:09 p.m. and Commissioner Owers **SECONDED** and the **MOTION CARRIED UNANIMOUSLY.**

FOUNTAIN HILLS PLANNING & ZONING COMMISSION

BY:


Chairman Mike Archambault

ATTEST:


Paula Woodward, Executive Assistant

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the meeting of the Fountain Hills Planning and Zoning Commission held on the 10th day of March 2016, in the Town Council Chambers, 16705 E. Avenue of the Fountains, Fountain Hills, AZ 85268. I further certify that the meeting was duly called and that a quorum was present.

Dated this 14th day of March 2016


Paula Woodward, Executive Assistant