MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, May 4, 2011 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Cason called the meeting to order at 5:30 p.m.

2. Pledge of Allegiance led by Commissioner Pridemore.

3. The following Commissioners answered Roll Call:

   Chairman Michael Cason
   Vice Chairman Leigh Rivers
   Commissioner Michael Flanders
   Commissioner Stephen Veitch
   Commissioner Matthew Pridemore
   Commissioner Andrew Baron

   Absent and Excused:

   Commissioner Katy Cunningham

   Also present:

   Mr. Kevin Mayo, Planning Manager
   Ms. Jodie Novak, Senior City Planner
   Mr. Erik Swanson, City Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
   MOVED BY COMMISSIONER FLANDERS, seconded by **VICE CHAIRMAN RIVERS** to approve the minutes of the April 20, 2011 Planning Commission Hearing. The motion passed 5-0 with one abstention. Commissioner Veitch was not present at the April 20 meeting. (Commissioner Cunningham was absent for this meeting).

5. ANNUAL PLANNING COMMISSION BUSINESS MEETING
   Election of Officers:
   A. Chairman
   B. Vice Chairman

   VICE CHAIRMAN RIVERS nominated Michael Cason for Chairman, seconded by **COMMISSIONER FLANDERS.** Michael Cason was voted in unanimously 6-0. (Commissioner Cunningham was absent.)

CHAIRMAN CASON nominated Leigh Rivers for Vice Chairman, seconded by **COMMISSIONER FLANDERS**. Leigh Rivers was voted in unanimously 6-0. (Commissioner Cunningham was absent.)

6. ACTION AGENDA ITEMS

CHAIRMAN CASON informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. Item D was pulled for action.

A. LUP11-0003 SANDBAR MEXICAN GRILL

Approved.

Request Use Permit approval to sell liquor as permitted under a Series 6 Bar License for on-premise consumption only indoors and on an outdoor patio at an existing restaurant/bar. The property is located at 7200 West Ray Road.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new liquor Use Permit re-application and approval.
2. The liquor Use Permit is granted for a Series 6 license only, and any change of licenses shall require re-application and new liquor Use Permit approval.
3. The liquor Use Permit is non-transferable to other restaurant locations.
4. The site shall be maintained in a clean and orderly manner.
5. The patio shall be maintained in a clean and orderly manner.
6. "To Go" packaged liquor sales are not permitted.

B. ZUP10-0032 SAN MARCOS GOLF RESORT

Approved to continue to the May 18, 2011 Planning Commission Hearing.

Request Use Permit approval to continue a golf cart storage and maintenance yard use on San Marcos Golf Course property near the southwest corner of Chandler Boulevard and Dakota Street, approximately ¼ mile west of Arizona Avenue. **(REQUEST CONTINUANCE TO THE MAY 18, 2011 PLANNING COMMISSION HEARING.)**

C. ZUP10-0050 CHANDLER VALLEY HOPE

Approved.

Request Use Permit approval for two parking lots in a Multi-family (MF-1) zoned district in conjunction with a rehabilitation facility. The subject site is located at 501 N. Washington Street; northeast corner of Washington and Oakland Streets.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
3. The site shall be maintained in a clean and orderly manner.

E. PPT10-0006 CONTINUUM AT PRICE CORRIDOR

Approved.

Request Preliminary Plat approval to create six separate parcels on an approximate 152 acre site located south of the southeast corner of Price and Germann roads.

1. Approval by the City Engineer and Director of Transportation and Development with regard to the details of all submittals required by code or condition.

MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER PRIDEMORE** to approve the Consent Agenda as read into the record by Staff. The Consent Agenda passed unanimously 6-0 (Commissioner Cunningham was absent).

ACTION:

D. ZUP10-0054 CORNERSTONE CHRISTIAN FELLOWSHIP

Approved to continue to the July 6, 2011 Planning Commission Hearing.

Request Use Permit approval for the continued use of a temporary unpaved parking lot. The parking lot area is approximately 8.5 acres. The subject site is located east of the southeast corner of Alma School and Willis Roads.

MR. ERIK SWANSON, CITY PLANNER, stated this request is a Use Permit Extension approval for the use of a temporary unpaved parking lot. The subject site is located at the southeast corner of Alma School and Willis roads. The actual parking lot area is east of that southeast corner and occupies roughly an 8-1/2 acre site. The church was initially approved in 2000 and started creating their Master Plan. The church further expanded in 2004. As church growth happened, they realized they needed parking. In 2008, they submitted for a Use Permit to temporarily park on an unimproved surface. That was improved in 2009 for 2 years. The request is to extend that initial Use Permit for an additional 2 years. The request has gone through 2 neighborhood meetings. There were approximately 4 neighbors at the first neighborhood meeting expressing concerns with dust, maintenance on the parking lot, weeds on the south side of the property, track out and some concerns with traffic generated from ingress and egress onto that parking

lot out on to Maplewood Street. A second neighborhood meeting was held at the church and no neighbors attended. He has heard from a couple of neighbors initially after the first neighborhood meeting. Since the second neighborhood meeting, he had not heard from any neighbors, however, he did receive 3 voice mails today from neighbors that were all opposed. He didn't know if any of them are attending tonight, but there general concerns were that they felt that the church is operated with the unpaved parking lot for long enough and that they should go ahead and pave it. As a follow up to some of the concerns, the Maricopa County department of air quality was notified and has visited the site on 4 occasions. He spoke directly with the site inspector and they let him know that there were no violations issued as they could not find any violations. Some of the times they went out there, church service was not going on. Other times it was during a Sunday morning to where they could see the traffic and the kick up. They did state that there could be some maintenance with the ingress/egress portion of Maplewood Street. It was simply a matter of yes, it would be nice if you came over here and swept or laid down additional millings. As Kevin Mayo mentioned during the Study Session, in early April they did lay down an additional 300 tons of asphalt on the south side of that parking lot as that was the one that seemed to be in most need of those asphalt millings. He said he would be happy to answer any questions. They are recommending approval.

CHAIRMAN CASON asked if the County measured one particular lot or the whole site in general. Mr. Swanson said the County would measure the whole site and if any dust picked up and passed through their opacity meter, then it would pick it up. He understood that they didn't walk the whole site but they went to select locations – specifically those that they had received calls about so they wanted to see specifically what the issue was. His understanding is that they went specifically to Maplewood Street, which is on the south side of the church property just north of the residential homes. **CHAIRMAN CASON** said he will presume only because they don't know for sure that it wasn't a windy day. Mr. Swanson said the primary concern that he has heard from the resident is that during Sunday services or when services happen in general that the amount of traffic on the parking lot is what kicks up the dust and not necessarily a windy day. With that being said, one of the times that the inspector did go out there was the day following one of our storms. He thinks it was in either April or March. They were there the following day and so there was dust and it could have been easily generated from the storm so it was unclear as to where the actual dust came from. That was actually relayed by the property owner to the inspector that they didn't know where the dust came from and they said they didn't see the dust coming from the church but didn't exactly know where it came from. **CHAIRMAN CASON** asked how many other properties around there are sitting there idle that have dirt on them and things like that. Mr. Swanson replied he could show them an aerial and show them the size. Generally speaking, they are looking just shy of a 40 acre site, just north of the church which is north of Willis southeast to the church site. There is also a vacant parcel that is slated for residential homes. He can try and measure that. He doesn't know what that size is off the top of his head but he believes it is somewhere in the vicinity of 20 acres or so. They have 40 to the north, 20 to the southeast that are both sitting vacant, that is dirt. **CHAIRMAN CASON** said so if those properties were improved then they would have

isolation of what was happening on the church and not any other type of mitigating circumstances that might otherwise create dust that could be suggested that the church is causing. Mr. Swanson said it would certainly be helpful if those 2 pieces were developed but in addition to those 2 completely vacant sites to the east of the church and southeast, this is kind of their County Island, albeit some of it is in the city, but they are the more rural properties. Naturally, they have dirt on them and they are larger vacant fields. Some of them have homes, some of them are a couple of acres and so there is still the potential for dust being kicked up but it would certainly be on a much smaller scale if the property to the north was developed and the property to the southeast was developed. **CHAIRMAN CASON** asked if he knew if there were any horse facilities on any of those properties? Mr. Swanson said not directly; not horse facilities in the sense of riding stalls. There is one closer to Germann Road, which is roughly ¼ - ½ mile from here. He doesn't necessarily think that would generate enough dust to be the one to be the problem child per say. All of the homes to the southeast and east that are in that County Island have the potential to have horse uses on them. **CHAIRMAN CASON** asked if those were dirt streets that access those properties? Mr. Swanson said Tumbleweed Lane is the one that is southeast that runs north/south. It is an improved service in the sense that you can drive on it more along the lines of gravel, etc. The one that seems to be the worst is Maplewood Street which is on the south side of the church; it separates the church from the residential. The property to the southeast which is currently the vacant lot is slated for residential development. They have been in talks with them to get that going. They would be the responsible party to improve Maplewood Street. **CHAIRMAN CASON** asked if there was any traffic on that street? Mr. Swanson replied there is traffic although it is tough to tell where exactly it goes. Ironically, on the way to the 2nd neighborhood meeting he took Vine Street which is the north/south that connects Willis to Maplewood. It is dirt and then Maplewood on that eastern portion is dirt and the vehicle in front of him actually pulled into the neighborhood subdivision on the south side of Maplewood, so yes people do use it. Church attendees have the potential to use it. His understanding is that the church is trying to direct traffic out on Alma School to get them to go that way. Can they legally prevent anybody from going down Maplewood Street, no, but they are trying to be good neighbors and request that they go out Alma School. **CHAIRMAN CASON** asked so the church is not fenced along Maplewood? Mr. Swanson replied it is not fenced. On the south side of the church property just north of Maplewood there is a canal ditch that is also a source of issue as it often gets overgrown with weeds. That is actually a separate property owner which they have tried to contact on a couple of occasions to send them notification that they do need to maintain it. Ultimately, those letters have come back undeliverable, but no, it is not fenced off. **CHAIRMAN CASON** asked if that driveway that shows going onto Maplewood Street is that required to meet any type of fire codes? Mr. Swanson said as a point of ingress/egress they would look at it from a 24 foot wide standpoint. Fire's requirement is 20 feet at the minimum, so it would naturally meet their standard of the proper width. **CHAIRMAN CASON** asked is it necessary there? In other words, do they have other driveways that would serve the purpose for the fire dept. in being able to protect the church against fire or is this a required ingress/egress by the fire dept.? Mr. Swanson said that was a good question. He didn't think any of those access points on Maplewood are absolutely required by fire as

there is an access point (he showed where on the map). The fire dept. could potentially get in there and also on Willis Road. He doesn't think it is an issue having those points of access from a fire fighting standpoint. He thinks it certainly helps fire but he doesn't know if it absolutely necessary. **CHAIRMAN CASON** asked if the one that is at the southeast corner of the property paved all the way up to that section? Mr. Swanson replied this is paved. **CHAIRMAN CASON** said so when the County inspectors came out they didn't find any track out on either of these 2 exits from the improved lot? Mr. Swanson replied they did not find enough track out to warrant a citation. They found some track out to the extent of saying it would be nice if they would put down some additional millings. It is not required. It would be nice if you swept. It is not required and they didn't see anything to cite them for but as a good neighbor it would be nice to have. **CHAIRMAN CASON** asked him to talk about a plan in place where they limit or try to restrict parking in these sections as much as they can or how does that work? Mr. Swanson said as a result of the 1st neighborhood meeting and some of those concerns being expressed, what the church relayed to him is they have tried to redirect traffic to fill up another lot first for those that come in off of Maple and then fill up this lot; then fill up the northern portion of the unpaved parking lot and then fill up the southern portion. They also have A-frame signs trying to direct traffic in that manner. **CHAIRMAN CASON** asked how do they control that? Mr. Swanson said they have both Staff on hand that helps as well as off-duty sheriffs that come and direct traffic. **CHAIRMAN CASON** asked if they have any statistics as to the heat effect of solid asphalt versus when millings are thrown in? Are they similar? Mr. Swanson replied that he didn't have any numbers that are readily available or even if they have any data of that. He would imagine that they are comparable to the extent that they both hold in heat in a minute but he thinks the millings are going to be less so because they aren't compacted flatly and they aren't as thick and they have the ability for a little bit more air movement because of their shape. They aren't flat in the sense that they are rolled out but more like a milling. He would imagine they don't produce the same effect as an asphalt parking lot but probably close.

ED BULL, BURCH & CRACCHIOLO, 702 E. OSBORN RD., PHOENIX, is there on behalf of Cornerstone Christian Fellowship. He said they appreciated Staff's recommendation for approval. They do accept the Staff recommended stipulations that are in their Staff report. As was discussed in considerable length in their Study Session and touched on again this evening, the church is in a situation where the church hopes to in the future be able to expand its existing buildings and expanding some into this area that is being parked on as a part of this currently unpaved parking lot. That complication complicated with the cost of paving a parking lot of this size in this economy together with some other complications associated with off-sites and so on, has put the church in a position where it has done its level best to continue being a good neighbor and doing the kinds of things Staff encouraged and the County encouraged to make sure the parking lot is well maintained, well managed and is handled in a dust free manner on the Sundays when it is used. As this extension is in front of them, it is an extension that of course in a different day that the church wishes they would be here under construction with new buildings, but they are not and that is not unique to this church and unique to any other

entity in the economy that they are in. Having said that when the decision was made to file the Use Permit application, which is effectively an extension of the Use Permit that is there. The church stepped back and looked at what it had been doing, visited with Staff. They had their initial neighborhood meeting as was indicated and some concerns were voiced.

As was discussed, the church stepped up its game and as they look at the aerial with the yellow outlining the asphalt millings or the unpaved parking lot area, the church has added a substantial amount of millings to the parking lot in the areas where Staff encouraged. The church has also increased the amount of water that is being applied on Sunday mornings not only in the parking lot - Maplewood is a public right-of-way and is certainly not a church street, Vine which runs north and south down here is a private drive of some sort and neither of them are paved in these areas even though the church is discouraging traffic to and from those parts of Maplewood and Vine. At the same time the church is sprinkling lots on Sundays it is also sprinkling those streets one of which is public and one of which is a private drive. In addition to that they have photographs of water trucks, people associated with the church being in the parking lot, being in the street adjacent to the parking lot directing traffic to and from Alma School doing the various things that Erik was talking about a few minutes ago and Kevin was talking about during Study Session. That is trying to break some old habits and encourage people to park in the paved lot first, secondly in the yellow area which is north of this tram route and then finally, when necessary in the blue area. It is something that is a combination of signage, breaking old habits and parking lot attendants encouraging people as to where they park. In addition to those kinds of things, the church is also in discussions with Staff. It is a little scary when you have heard the County has been out to inspect but it is a good time when you hear that they not only were inspected, (they were inspected 4 times) they passed every time. Be that as it may, with the tracking out situation that Erik mentioned which is not really tracking out in the sense of it being a County violation, it is his understanding that the little bit that showed up on the paved street and some of them might have been through County violations before on construction sites where the County does get pretty picky about tracking out, the fact that they weren't tracking out in any kind of a violation sense is a good thing. Even though it was not a violation, Dave Hutcherson who was there with him from the church and is in charge of their facilities, also issued brooms to every parking lot attendant at each of the drives on Maplewood to make sure that if anything did come out on anyone's tire that someone was there to sweep it back out on the street right of way.

In addition to doing what they felt was appropriate and Staff felt was appropriate and doing those things on site and also sprinkling the unpaved streets, the church also stepped up because of some complaints with some weeds that occur from time to time along the north edge of Maplewood even though it was recognized in the 1st neighborhood meeting that those weeds weren't on church property. The church stepped up again and took care of it with cutting and spraying. He doesn't think there has been any kind of a weed problem that he has heard of since and that is on a neighbor's property not on their property.

Also, there was some concern with cut through traffic which they learned about for the first time in the 1st neighborhood meeting on non-Sundays of people being able to drive from Maplewood to Willis or vice versus across this asphalt millings lot. No more in that Dave and his crew are very diligent about making sure when the lot is emptied out on Sundays that ropes are put across each of these openings to keep cut through traffic out of there and he has heard from Dave and others that there is not traffic cutting through there. That lot is closed except on Sundays.

Collectively, while he appreciates that there are neighbors here and he is anxious to hear what their concerns are and what else they can do to address them, from his perspective the church was trying to do what made sense, they heard issues at the 1st neighborhood meeting, some surprised them with those issues but they stepped it up. They had a 2nd neighborhood meeting to go over photos and other kinds of things in detail. He doesn't know why no neighbors came to the 2nd neighborhood meeting. They didn't. They had hoped no news was good news. Maybe is wasn't but be that as it may, the church continued to step things up with Staff and the County to make sure that wherever the dust is coming from it is not coming off of this lot. They can identify horse properties or others in the area if they want, but certainly part of what was being discussed is the fact that there are other vacant properties in this area that don't have asphalt millings and that don't get sprinkled and aren't maintained the way the church lot is. He is not pointing a finger at anyone, all he is trying to do is emphasize as Staff did that the church has done a real yeoman's effort in stepping up through the millings, the watering, the management and the other steps and practices to make sure that this parking lot is compatible with the County dust control requirements and compatible with the requests Staff had made of them as well.

He said if they had additional questions of them now, they will try to answer them otherwise, he asked to reserve the time to respond to neighbor comments.

CHAIRMAN CASON said the subdivision they have here that is striped out and doesn't look like it has any homes in it, has that been approved and are the streets cut in or done now? Is this a recent picture? Mr. Bull replied that the aerial photograph is showing lot lines in that subdivision because that subdivision is platted. The last time he drove by was within the last 2 or 3 weeks and there was no construction activity putting in streets on this lot. There is some indication that some people may drive across it from time to time but there are no streets constructed and no vertical construction that he is aware of underway in that subdivision. **CHAIRMAN CASON** said so that piece of property is a bare piece of property with weeds on it. Mr. Bull replied he doesn't remember weeds being on it, he remembers it being bare dirt. He thinks it had been disturbed previously maybe through some rough grading activities. He doesn't recall any streets being cut in there at all. **CHAIRMAN CASON** asked him to share with them their chronology of the steps that they have taken so they can understand when the plans of managing their lot started and when they added more milling and completed it and how that relates to their meetings with the neighbors. Mr. Bull said the 1st neighborhood meeting was on Feb. 8

and there were 4 neighbors at that meeting that signed in. There were 2 that had real concerns with the church. There were 2 that were complimentary of the churches efforts with respect to managing the parking lot. It was in that meeting that a variety of things were discussed but the primary issue being discussed in that meeting was weeds. With respect to that issue and even though those weeds weren't on the church's property, the church said they would get back at it and try to deal with those weeds. They made Staff aware and he can't promise them when Staff tried to put the owner of that strip on notice with those weeds, but the bottom line within 18 days the church was back out weed whacking and doing those kinds of things. With respect to adding millings to the parking lot, millings were added to the northern portion of the parking lot just shortly prior to that 1st neighborhood meeting. In subsequent discussions with Staff after Erik had been out to the site for the 2nd neighborhood meeting and maybe some other site inspections as well, Erik encouraged that they add some millings along the southern portion because what happens with this tram route, millings will get kind of ground down or pushed into the ground. Bottom line, Erik suggested that millings be added in this area as well just north of Maplewood. That was done approximately 4 weeks ago.

With respect to the signs and stuff that Erik talked about, those signs were put into play for preparation shortly after that 1st neighborhood meeting. He thinks they were actually in place the 1st or 2nd Sunday after the 1st neighborhood meeting and it was for multiple purposes. One again, it was to encourage people to come to and from Alma School and then also one of the concerns they heard during the neighborhood meeting is that sometimes there would be situations because of traffic on Maplewood, somebody wanting to come to or from the Eden Estates back entrance that is there onto Maplewood. One of the things that Dave instructed his people to do when they are manning these is to keep an eye on that and if someone needs to come in or out, create a break in traffic similar to what a signal would do and that was done right away. After those kinds of things were in place, they then noticed up the 2nd neighborhood meeting on March 9. Many of these things had been done prior to that 2nd neighborhood meeting. Erik attended and he and Dave attended. No neighbors were able to make it that evening. Since that 2nd neighborhood meeting, the church has continued to do a lot of watering, to polish its skills with respect to directing traffic and changing habits so that people come and park in the paved parking lot and those types of things. It has been continuous and on-going. As soon as they heard of issues in the 1st neighborhood meeting, Dave and his crew jumped on it.

CHAIRMAN CASON said the one thing he missed was when the first milling went down on the north and the east lot. In the area closer to Willis Road those millings would have gone in prior to the 1st neighborhood meeting. They went in because Dave knew that area up there had become thin. He dealt with it even before the 1st neighborhood meeting. **CHAIRMAN CASON** said so he has that in January they did the first milling, February 8 they had their first neighborhood meeting and as a result of that within the following week, they pulled weeds because that was expressed mostly in the meeting. Mr. Bull said in the neighborhood meeting, the 3 primary issues that were addressed were weed control in which Dave could jump on immediately. The second had to do with the

dust control which took a number of different steps to put into play one of which he could request immediately which was ordering the signs that he and Dave talked about after the 1st neighborhood meeting. He ordered them right away. It took a few days for the signs to get painted. Beefing up the sprinkling on not only the parking lot but prior to that 1st neighborhood meeting they had not sprinkled the unpaved portion of the public street Maplewood or this private drive, Vine. They went back and forth as to whether that was something the church could or should do. Candidly, they just decided to do it. At the same time the parking lot was being sprinkled. In addition, to immediately discourage people leaving any parking lot here from going east on Maplewood. Those things were put into motion immediately. **CHAIRMAN CASON** said so then they did the 2nd meeting where they had no attendees. Mr. Bull said that was correct. **CHAIRMAN CASON** said after that they did the 2nd milling. Mr. Bull said that was also correct. **CHAIRMAN CASON** asked when did they start managing the lot? Mr. Bull said that was about the time of the 2nd neighborhood meeting because they immediately started with the weed control and additional water and the signs and he and Erik continued to talk about what else they could do. He doesn't remember exactly which order they were discussed in, but along the course of the way, Erik either directly or the County through Erik suggested the additional millings here and they also talked about if there was a way that they could prioritize the parking on the paving, parking on the north and then spilling over into the south only when needed. He immediately talked with Dave about that and he thought it was a good idea. He had to meet with his parking lot team so to speak and get that idea in place and begin what he refers to earlier is breaking peoples habits as to where they would normally come to. That re-prioritization began to occur around early March. The last thing they did was add brooms and that would have been roughly after Erik had indicated that it wasn't required but it would be a good idea. He thinks Dave had them ordered before he got off the phone. **CHAIRMAN CASON** said so basically there second milling was really the only thing that happened after the second meeting. All of the other ideas (weeds, watering, signs, and managing) all happened before the second meeting. Yes, with the possible exception of the managing of the lot. He can't remember for sure if the beginning changing the habits of managing whether people park on paved or otherwise started immediately before or immediately after that second neighborhood meeting. It was right around that time frame.

COMMISSIONER PRIDEMORE asked Staff ho the 2nd neighborhood meeting notification was done. Mr. Swanson said through their typical requirement of 15 days. Same notification list, same registered neighborhood organization list. It was more or less the same process as the first one. **COMMISSIONER PRIDEMORE** asked Mr. Bull in looking at the graphic, on a typical Sunday after the first lot fills up, how much of the 2nd lot and into the 3rd would actually fill up? Mr. Bull asked Dave Hutcherson to come up.

DAVID HUTCHERSON, 22914 S. POWER ROAD, GILBERT, stated in the 9:00 service they fill the asphalt paved surfaces first. It will be around 506 cars. Then they moved to the north lot. He believes that is 370 cars in the north unpaved. **COMMISSIONER PRIDEMORE** said his question is more do they fill up every one of those? How much of the lot in their yellow area would fill up? Mr. Hutcherson said 9:00

paved surface, the 10:30 service goes to the north unpaved. The paved surface empties out mostly. The next service, the 3rd service at 11:55 some will infill on the paved surface. If the north unpaved isn't emptied out, then they go to the south unpaved. It is kind of 'moved around' but they try to utilize the others away from the Eden Estates first. **COMMISSIONER PRIDEMORE** said in ideal conditions for the 2nd service when the first lot is completely filled and they have already started filling in the second, do they completely fill the second? Assuming again this is ideal conditions and they don't let anybody into that third lot until the second one is full, do they fill that second lot typically? Mr. Hutcherson said that depends on who is there speaking. With Mother's Day coming up, yes. **COMMISSIONER PRIDEMORE** said so realistically every Sunday they do need some of that third lot? Mr. Hutcherson replied yes.

COMMISSIONER BARON asked Mr. Bull how big the land area is for those second and third lots? Mr. Bull said it is about 8-1/2 acres approximately.

CHAIRMAN CASON called up speakers from the speaker cards.

CHRIS OLYEJAR, 1645 S. BEVERLY CT., stated he and his wife live next door to the church and they are former members of the church. They actually do care about the church a lot. He said he had a few points that he wanted to make them aware. Number one, Maplewood Road is actually a 2-lane road and then it goes down to where barely 2 cars can pass. The gate to their neighborhood is right there (he showed where on the map). It passes through some of this where barely 2 cars can pass through. They have a lot of issues to get in and out of there on Sundays. That is number one. Number two, the dirt lot is unsightly. They live in a gated neighborhood and most of them paid over a million dollars for their home and pay a lot of taxes. It is unsightly and they don't like to look at it. They are tired of looking at it. Number three, the dust issue is very real. They do water the lots and that is a pretty recent addition. Most of the dust that he experiences is actually between Monday and Saturday. Any time the wind blows his whole back yard is covered in dust and makes it almost unusable. The staggering of the lots and how they use it and how they fill it, he can't say that has been his experience because one service will travel down Willis and all the rest of the traffic will travel down Maplewood and go right through this lot to get to their parking spaces. They all travel right by their gate and right through Lot B to get to their parking spaces. The flow of the traffic whether or not they use the lot, the flow of the traffic takes it through there and his experience is that lot is completely full on Sunday for at least the first 2 services. Number three, they definitely sympathize with their financial concerns but they also realize that if they are allowed to use this dirt lot for an additional 3 years, there won't be incentive for them to pave and it won't get done. They know they have a recent billboard up so money is not as tight as they might like them to believe. The last point is most of these improvements were very recent – right before the application for a renewal. Did they use to water it, no. Was milling done before, no. A lot of these things seem to be late and fairly little at least in their opinion. The last one is he and his wife went door to door Monday night to get a sense and they didn't have time to hit everybody; they hit 10 houses and got 10 signatures on a petition. There are 34 homes in the neighborhood and his guess is he could get 34

signatures if they went to every house. He said not everybody is in attendance because most of them are professionals working.

VICE CHAIRMAN RIVERS asked Erik to put a map of the neighborhood on the table. Mr. Swanson said he didn't have a map that is large enough to be clear. He asked Mr. Bull if he could put his map on the table. Mr. Swanson said there property is the one that if you come out of where on the south side where the improved drive and where the temporary drive is, it almost dead ends into their area. **VICE CHAIRMAN RIVERS** said if the church indeed does not have enough money to pave this lot, do they have any suggestions as to how they might raise the money or what are the alternatives he would like to see done. Mr. Olyejar said they do have a paved lot. They can stagger services and use the paved lot that they have. That is the contract they signed when they agreed to build the building that they wouldn't use dirt to park people. So they can fulfill their commitment and use the paved lots that they have.

CHAIRMAN CASON said then what he is saying is that at some time in the past they agreed to only use the paved lot. Mr. Olyejar said right, they got an exception of use for the dirt lot. **CHAIRMAN CASON** asked at what time did they ever say they would never use the dirt lot? Mr. Olyejar replied that was ever said but any business that builds needs to have a parking lot that is approved by the City and the City requires a paved lot. His business has to be paved. He can't park in dirt in his practice.

KAREN OLYEJAR, 1645 S. BEVERLY CT., did not wish to speak but she is opposed to the item as well.

JANET CARVER, 1665 S. BEVERLY CT., did not wish to speak but she is opposed to the item.

COMMISSIONER PRIDEMORE asked if the last card was opposed to the item? **CHAIRMAN CASON** said she was opposed to it.

CHRIS PLATT, 740 W. MAPLEWOOD, said he lives directly behind the church and he is opposed to it. He agrees with a lot of things that the previous speaker said. He thinks there needs to be some improvements there. He said he had some pictures. The first picture showed it is 72 feet from his back door. That is what he looks at. He pointed out where his home is. His dust concerns are minimal – it's there but there is no way not to put 1300 cars on 8 acres of gravel and not have dust. He thinks the church has done a commendable job and tried but there are concerns. Also, the noise that it creates and also the visual affects it has on them. Saturdays he usually has things to do. His one day he really relaxes is Sunday and he has to deal with this. He thinks they have been pretty good neighbors. One of the other chamber members asked a question of the previous speaker. He thinks a fence at least around the south side would be nice and also a buffer for the noise would suffice for him. **CHAIRMAN CASON** said so his objections are what? Mr. Platt said sights and sounds and dust. **CHAIRMAN CASON** asked so he too receives dust off of this property? Mr. Platt said yes.

VICE CHAIRMAN RIVERS asked if he would mind putting his photographs back up. He asked if that was the view from his yard? Mr. Platt said that is the view from his back door. **VICE CHAIRMAN RIVERS** asked what the other view was? Mr. Platt said that was a view from his driveway.

CHAIRMAN CASON said so this would be looking at what they are describing as lot 2? Mr. Platt said yes. The next picture was lot 3. **CHAIRMAN CASON** asked if he could he describe the angle in which he looks at that so they can get a perspective of what they are seeing? Mr. Platt said one of the photos was from his back door. **CHAIRMAN CASON** asked what was the corrugated building? Mr. Platt replied that is a building that the church owns. **CHAIRMAN CASON** asked him to show where that is. Mr. Platt did that. **CHAIRMAN CASON** said there they are looking northwest. Mr. Platt said he had one other concern. As far as the financials of the church, he believes if they are not in contract, they are trying to purchase this property here (he showed where).

NORA PLATT, 740 W. MAPLEWOOD, stated there are a couple of things she would like to add. They also attended Cornerstone and didn't wish anything bad for them. She feels they have been pretty good neighbors about things. She could start way back to when they started parking on the lot before they had permission when she wrote letters to them and the Mayor and to the church and nothing happened until she put a sign between her palm trees. That is how long things have been going on with Cornerstone. On Halloween they have a festival and one of the lots was entirely full (she showed on the map) all afternoon and evening. They weren't neighborly enough to come over and tell them they were doing this. They brought lights in. She didn't think they had permission from anyone to do that. They are really good at saying the right thing and doing the right thing when they are out here or when there is a meeting. They didn't go to the second meeting because when they met with them at the first meeting Mr. Bull who is very nice and Dave their main thing was the fence. Finish the fence so that they are not looking at cars or fence the property because it ruins their quiet enjoyment of their property. It is not attractive, it is loud on Sundays when they are home. He assured them that Dave would call them and get that taken care of. That wasn't even mentioned when he was talking. That was one of the concerns that she and her husband brought up. She wishes them well but she doesn't believe them anymore. She is kind of fed up. They do the right thing and say the right thing when they want something. When no one is looking, they are parking in the other lots. Two or three Sundays ago they didn't run their truck until after the first service. Maybe it was broken – things happen. That is her opinion. They have been down a long road with these guys. The property her husband pointed to it is her understanding from speaking with the people there that they are going to close on that property in October. She doesn't know if that is true, it could be hearsay. That is what they were told. If they can afford to buy that 5 or 7 acres behind them, you think they would be able to at least fence the property or pave the property.

VICE CHAIRMAN RIVERS stated that what she said right at the end sparked a question from him. If she had her choice, would they have a fence or a paved parking

lot? Ms. Platt said she never really thought of that. For her personally because they saw the pictures from her back door, she wants a fence for sure. That is over the dust for her but that is probably not fair to the other people that have other concerns. Their fence where their horses are, she measured it this morning and from when she walks out to where they barbeque, from their barbeque to that fence is 23 feet. There are cars parked there. The first time they started parking there they thought it was just Easter. Then one day her husband went out to turn off their sprinklers and there were all these people standing there staring at them 23 feet away. That is really close and they park right up to that fence. She thinks they have been pretty fair and nice and understanding. She wishes them well she just feels like they have pushed it with them. **VICE CHAIRMAN RIVERS** asked so she would prefer a fence? Ms. Platt replied yes.

CHAIRMAN CASON said she stated she has been working with the church for a long time. Can she give them an idea when first started, when she first called the City? Ms. Platt said she probably has it in her e-mail. It was a long time ago. It was before they had permission to use the parking lot the first time because when she did it they said they were in the process. They really didn't get into the process until she thinks there were other complaints. They were the only ones that complained when they first started using it. If she remembers correctly, she waited to see if it was just the Easter thing but they just kept using it. That is when she wrote a letter to the Mayor and copied everybody she could find on line. **CHAIRMAN CASON** asked how long was it before the first approval to use the parking lot? Ms. Platt replied she didn't know. She said she knows they didn't have approval because when the City called me the very next day they said they believe it. They were going to check into it and call her back and they believed it was in the process of being approved but they had already been using it for quite a while. **CHAIRMAN CASON** asked if she would guess it was a year or less? Ms. Platt replied maybe 3 months.

KRISTINA GRAKO, 1641 S. EMERSON, thanked the Commission for having her. She showed where she lives on the map. Her biggest concern is that she has the biggest lot in Eden Estates, the biggest backyard. Her backyard is beyond a dust pit. It has on a daily basis a good ½ inch of dust. She has 3 kids and they cannot play out there without changing your clothes. They bought a power washer. They power wash their backyard twice a week. You do not sit on your back patio furniture. You do not lay out on your sun furniture. She has a huge slide for the kids. On a daily basis they are changing their clothes twice a day. She started talking to some of her neighbors about where all the dust was coming from. She started putting two and two together. She didn't want to say anything because she has been a member of Cornerstone for over 6 years and absolutely loves the church. She doesn't care about what is going on, the financial this and that, she just wants the dust taken care of. She bought in that community and that lot strictly so she could have an entertaining lot. She has one section for the dog run, one section for the kids and one section for them. You can't go outside. All 3 of her kids are on allergy medication. She wants to do whatever she has to do but it is just disgusting that she has to lay towels on her back patio furniture or wipe down everything before her kids play. She likes to sit out every morning at 6:00 a.m. and have her coffee before her family gets

out. She can't even sit outside without laying sheets and stuff on her back patio. Getting into the financials, you can't tell her Cornerstone doesn't have money. She is a business owner and she has looked into those billboards that are on the 202 and she knows exactly how much they cost. They have just recently put their second billboard up. She just went to Harkins Theatre this last weekend. They have an advertisement at the beginning of the movie theatre. She has checked into that and she knows how much that costs. It is big bucks. She couldn't afford 10% of that in her business. Anyway, she wants to work with them. She doesn't want to throw stones. She has been through this and she knows what it is like for people to throw stones and that is not what she is looking at. Nothing has changed even in the last month with the laying of the aggregate and watering it down. She has gone to the 8:30 a.m. service and has gone to all 4 services and she can tell them one thing that really bothered her. She went to church this last Sunday and there is nobody out there with a broom. That was absolutely ridiculous when she just heard that. She went to the last 11:30 a.m. service and there is absolutely not one percent of truth that they mandate that you have to park in the front paved parking lot first and then go to the back. That has never been true. She has been there over 6 years. They pull out of their back parking lot – they go right to it. Nobody says this one is full like when you go to a rock concert where it says parking lot is full and you have to go to the overflow parking lot. There are no signs that say overflow parking lot. Yes, there are police officers. They are not off duty. They are police officers that say goes this way. You can go wherever you want. It is a free for all. She normally goes to the 11:55 a.m. church service. It is completely packed. Sometimes she goes to the 10:30 a.m. It is packed all the way to the back – 100% full. She would have been better off walking from her house going to the church. When they say sometimes it is full, no. 90% of the time it is full all the way to the back of the lots. She just wants it paved. She understands these guys living right behind them and getting a fence upgrade but she just wants to live in a backyard that she doesn't have to have her kids writing letters in the dust on their back patio. One of her neighbors that couldn't come tonight. She can't sell her house. It is a dirt pit. The back couple of houses it's all from that Cornerstone parking lot because the back neighborhoods that aren't even paved yet that they are saying is going to be a subdivision that starts after their whole neighborhood. That dust doesn't even collect. It is all from Cornerstone. She hates that she even has to be there but something needs to be done. **CHAIRMAN CASON** asked if the dust she has to wipe off of her furniture black? Ms. Grako said no it is heavy, heavy thick dirt. You can't wipe it off. You can't even squirt it down with a hose, you have to power wash it. There is so much. **CHAIRMAN CASON** said the reason he was asking the question is that when she mentioned about the patio furniture getting so dirty is his mother actually lives in an apartment on the north side of the freeway and she can't go out on her patio because she ends up tracking stuff back into her house. She doesn't go out there because she would have to sweep it a couple of times a day. The reason for that is the freeway amazingly. She didn't have that problem when the freeway wasn't built. It is black and it's this black stuff that sticks to everything. They believe it is because of the rubberized asphalt on the freeway coming up into the atmosphere. That is why he asked what color it was.

PAUL GRAKO, 1641 S. ERMERSON, did not wish to speak but is opposed to this item.

L. DAMORE, 1640 S. JAY PLACE, did not wish to speak but is opposed to this item.
CHAIRMAN CASON asked if there was anybody else in the audience that would like to speak on this matter. There were none. He called Mr. Bull back up to the podium.

ED BULL, BURCH & CRACCHIOLO, said Dave has been with the church 2 years. He can tell you with detail what he as the church's facility manager type person has done for the past 2 years. He cannot and Dave cannot tell you what occurred prior to 2 years ago. He does know that a little over 2 years ago, the church got their first Use Permit which they are asking to extend now. He can tell them with respect to the amount of watering that occurred on the parking lot in the amount of asphalt millings that are in the parking lot going back about 2 years ago when Dave first started in the church, he was watering the parking lot to the tune of approximately 10,000 gallons a week. Now he is watering the parking lot and the 2 streets they talked about to the tune of about 40,000 gallons a week. He has dramatically increased not only the amount of water that goes on the parking lot but also dealing with off-site streets. With respect to the amount of millings, they have already talked about that and 300 yards of millings added and another 100 yards being added up to the north on Dave's watch. With respect to whether or not they have people encouraging people to go into this lot, then this lot, then this lot (he showed on the plan). He said he has an 'x' here and an 'x' there that is intended to direct people down to Maplewood to this person who encourages people to go into this paved lot. The church put a person in the public right of way to encourage them to go in there. If somebody refused to turn in and goes on down, they can encourage and try to change habits and Dave is actively trying to do that. They have a sign here encouraging people. He has photos of them. When they leave to go back out onto Alma School, they have a person staged there which is across the street. As he mentioned earlier, create a break in traffic if it needs to occur for people to come and go. In the context of the church, stepping up what it has been doing there is no question that when the issues came to the church's attention at the first neighborhood meeting from that night forward, the church stepped up what it was doing with watering, with signs, with personnel, with additional millings and with the other kinds of things that they have talked about.

He cannot tell them where the dust in someone's backyard is coming from. He can tell them as Erik indicated that the County said it is not coming from the church. He can tell them that there are vacant properties to the north and to the southeast and dirt roads in the area. He also knows in addition to the activities that we have talked about with the church watering down the parking lot, Dave's church crew waters down the parking lot after the last service so that as it dries out there is a crust on that parking lot which is a technique that the City and others encourage to do. They seal the parking lot off so nobody can be driving through it during the week. That too is 2-month ago kind of sealing off thing that came to their attention. The church has addressed and continues to address the issues that they can deal with and is doing so in a very proactive manner.

With respect to Mr. and Mrs. Platt who talked with them about their property, which is a horse property. They came to the neighborhood meeting and they are absolutely correct and part of what they talked about was a desire for some fencing which Dave was to follow up with them on. Dave did some pricing kinds of things and we've been caught up in doing this and doing that. Dave will talk with them again. He is unclear as to whether they want some fencing along here or along there north property line or what the best solution is. He understands what they are asking and it is a matter of where does the money get spent and there needs to be some follow-up that will occur there and it will occur. It is a situation where he supposes people think what is the church spending its money on, does it make sense to go through some form of advertising to encourage people to come back to church maybe it is a waste of money, maybe it's a good thing to do to encourage to join up and come back to church. He supposes you can debate that back and forth all day long just like any city or any other business may debate its budget. Recognize again the complications they are dealing with here which is certainly the money to pave the parking lot but as Erik and Kevin earlier talked about, complications of wanting to build some additional buildings in here, off sites as well as the parking lot. It is an incredibly expensive construction cost to pave a parking lot part of which would get torn out. They have proactively worked with the asphalt millings. He thinks if the dust were coming off of the parking lot maybe that dust would be black that they have heard about as opposed to brown coming off vacant properties or unpaved streets. He doesn't know. What he does know though is the County says they are not violating the County's very strict dust requirements. The City's own inspections indicate that. A guy who has been with the church for a couple years and who is very conscientious about his job, has worked very hard through the millings and the signage and the watering to make sure wherever the dust is in the neighborhood that it is not coming off of this church parking lot. Staff agrees with that, the County agrees with that and he doesn't know what beyond that they could go as far as governmental reviews and approvals in that regard. This is an extension of a situation for a church that is part of community activity. There is history on the property. Dave and his crew are working hard to make it a better situation for everybody. Is it something that Dave's job is done, no. He knows it is not done. He is doing it weekly, he is monitoring it and he is keeping the parking lot sealed off between services and he will continue to do so. They believe the circumstances are such that irrespective of whether or not this parking lot will be paved, there still going to be some dust in the area because of the freeway, because of dirt streets, because of vacant lots and it is a situation where they have done everything that City Staff or what the County could recommend be done to make sure that whatever the dust problem is, it is not stemming from this parking lot.

They believe the extension is justified. They agree with Staff's recommendation and their stipulations and they know part of the reason it is a 2-year stipulation as Erik or Kevin indicated, is that Staff and the church remain diligent in monitoring this situation which he is convinced Dave will continue to do. Mr. Bull said with that if they have other questions or other issues you want them to touch on, he will be happy to do so but they request Commission's recommendation in accordance with Staff's recommendation for approval.

VICE CHAIRMAN RIVERS said he is curious to know why it seems to be an all or nothing situation with paving this parking lot. Could the church not pave part of the parking lot? The part that is closest to the neighbors? He is sure that wouldn't cost the full amount to do. Mr. Bull replied that he can assure them that before this Use Permit Extension application was ever filed, there were a variety of alternatives that were explored by the church and what makes sense in the context of future development plans on to the east and complications associated be it grading and drainage, ownership of the strip along the north side of Maplewood, off-site improvement related costs associates with it and so on. The bottom line answer is 'he would love to be able to yes, sure they can do that' but no they can't do that because there are a number of other costs and complications and the building fund account and Dave can probably elaborate more than he, has essentially been drained and this is a very difficult time for any church including Cornerstone to replenish that building fund. It is a combination of money, complications and a variety of other things, but paving the southern portion of the parking is not something that he can stand there and say will work for the church. **VICE CHAIRMAN RIVERS** said he was just wondering if some money couldn't change hands between the building fund and the advertising fund to maybe make the church more usable for the customers that it already has instead of trying to find new customers and he realizes any answer he would give would be speculation. Mr. Bull said he doesn't know and he couldn't find out tonight. He doesn't know if there is a public service component to church advertising on billboard or in a theatre. He doesn't know what the costs associated with that area but he can assure them in meetings that he has been not only with Dave but others at the church who are associates with church finances, the church is not just throwing money against the wall for the sake of throwing it against the wall. They have various missions and so on that they are attempting to achieve. Mr. Bull said it would have been very easy for them in response to questions he asked similar to theirs to say sure they will do this or sure they will do that. The money isn't there and the complications are extreme so what they are doing is dealing with it in manners that control the situation and eliminate the dust in the eyes of the County and City Staff. **VICE CHAIRMAN RIVERS** said but does he think they have enough money to build this fence on the eastern border? Mr. Bull said it is something that Dave is going to have to go back and talk to more people about it and talk again with the Platt's. They had a very good conversation with them at the first neighborhood meeting. Dave needs to be visiting the field of what kind of fence do they want and where because it is a visual barrier that he believes is being requested and he doesn't think anyone wants a chain link with slats in it but maybe it's one of the plastic rail type fences as opposed to CMU and so on and so forth. It was a very nice discussion and there needs to be follow up done on that. **VICE CHAIRMAN RIVERS** said this discussion was with the Platt's at the February 8 meeting? Mr. Bull replied that at the February 8 meeting the Platt's indicated that with their property they are really at the end of the trolley or the tram turnaround and as he recalls, there was some uncertainty as to whether or not some fencing should be added or perhaps along their north property line. He doesn't think people knew for sure where it should go. He knows that Dave got some pricing and looked at some alternatives and so one and that needs to be taken to the next level. **VICE CHAIRMAN**

RIVERS said but there has been no discussion since February 8 with these folks? Mr. Bull replied no.

COMMISSIONER PRIDEMORE asked Mr. Bull if the church has ever considered staggering the service times to allow only the paved lots to be used? **COMMISSIONER PRIDEMORE** said he understands that they stagger them right now but that is leading to obviously these back unpaved lots having to be used, so has the church ever considered staggering the service times even more than what they are staggered now so that only the front paved parking lot is used? Mr. Bull took a minute to talk to Dave Hutcherson. Mr. Bull said he didn't have anybody in the room tonight that is authorized to change the church schedule. He can try to explain again how it works. The first service is at 9:00 a.m to 10:00 a.m. – roughly an hour. Then ½ hour later the second service is at 10:30 a.m. until approximately 11:30 a.m. and then about ½ hour later at 11:55 a.m. is when the third service starts. Whether any additional gap can be put in there or not, he doesn't know. What he is used to is people that like to go church on Sunday morning. He thinks these are fairly typical times for church services. He would anticipate that this lot fills for the 9:00 a.m. service as people are coming for the 10:30 a.m. If they get there early enough, there are still people in this lot so they would need to come over here. He would imagine some of these people are gone so some people for the 10:30 a.m. are parking on the paved lot as well but some can't. By the time they get to the 11:55 a.m. this lot is substantially emptied out so Commissioner he doesn't have the authority to spread anything any wider than it is. He thinks there is logic to what they are doing and maybe there is something more that they could do to encourage people to fill this lot before they go to that lot because they are learning some of these things along the way – but they are trying. **COMMISSIONER PRIDEMORE** said he understands that he doesn't have the power to make a change such as that but does he know if that conversation has ever taken place within the church? Mr. Bull said Dave doesn't know and he doesn't know. He has asked in the past when the services are but he hasn't asked anyone to consider making those spreads. They are hearing about this issue tonight so they are trying to answer his question but he also knows he is not answering his question the way he would like him too. **COMMISSIONER PRIDEMORE** said he is not familiar with the Master Plan for the church. In the future obviously, additional buildings would be constructed on what is now the unpaved parking lot. What he is leading to is once those additional buildings are constructed, where are they going to park? Mr. Bull said if they go back a few years in time when the church was doing conceptual master planning in the area, the conceptual master planning was occurring on the property that the church owns today which is what is outlined in black. There were also discussions and negotiations and contracts underway for the possibility of buying additional property in this area further to the east. He recognizes that if they had buildings they also need to have parking which means additional land. For economic and other complications, that ground to a halt. The acquisition of the additional land for that Master Plan ground to a halt. If there still being discussions, it is his understanding yes but no additional property has been acquired before additional buildings could be built. If parking had to replaced, there would have to be additional land acquired. **COMMISSIONER PRIDEMORE** said his concern is that when additional buildings are constructed, where is that parking going to go and are

they going to be pushing out this problem into new pieces of dirt that either the church is acquiring or has acquired or will acquire in the future. **COMMISSIONER PRIDEMORE** said he doesn't need to get in to the church's financials, but would he say there is a significant amount of money being spent on watering? Mr. Hutcherson came up to the podium and stated their water bill is $130 a month, truck rental $650 a month and they are keeping it wet for less than $12,000 a year. **COMMISSIONER PRIDEMORE** said and that's even with the increased in watering? Mr. Hutcherson said that is 40,000 gallons a Sunday.

COMMISSIONER BARON said he understands the circumstances and financials and everything and can certainly relate to the economy. He is really curious in that it sounds like the parking lot question is it's either paved or it's not and he thinks from his experience that there are opportunities to pave not necessarily a full 4 inch asphalt cross section on a 6" AB sub base that is compacted with conduits and curb and gutter and all of that. His question really is has anybody looked at what it is going to cost to pave this? He would be curious to know. Two, do they know whether they can get away with what he calls Maricopa edge which is just a 2" asphalt that can be rolled and certainly could last for 2 years provided it is only being used on Sundays, which it sounds like that is the case. He understands that there are opportunities for expansion. If they are doing a smaller lift, it is much easier to remove. It certainly could be chipped at that point and used in another parking lot area. He is certain that his concerns were potential drainage issues, which look like their retention area is directly behind the current building which he can understand as well. Surface drainage that may be generated from paving an area which would obviously increase that retention area but maybe there is a give and take there potentially. If they did a small cross-section, they are talking about something that is a little bit easier to remove as well. He is throwing it out there as an idea. He is really curious about an 8-1/2 acre area with a 2" lift, he doesn't see any significant dollars there. Mr. Baron said the estimate Dave received previously for purposes of paving this parking lot included grading and drainage, utilities, street frontages as well because the City's normal requirements would be that they would need to pave the half streets adjacent to it and all that kind of stuff. The pricing was a couple years ago so they could debate whether pricing was more than versus now with some costs being down now but oil costs being up and oil being a big component in asphalt. The bottom line is the cost that was provided as a component of expansion costs that the church was looking at was approximately 3 million dollars. Huge money. It is a cost that if 90% of it were value engineered out, it is still huge money for a church in this economy. I have never been in discussions with Staff about the possibility of a 2" lift and not going through the usual issues with respect to utilities and drainage and those types of things. What they engaged in instead was this request to extend. They had hoped for 3 years, Staff stipulated to 2 and they said fine. Extend this situation hoping the economy stabilizes, hoping that people do stay involved with the church or come back to the church or rejoin the church so that this could be done and done right. The money that is being spent is being spent to control dust and so on but is not being spent on putting down improvements that they all know will be temporary and may or may not create an additional heat island affect and that can generate other issues or challenges with a film of dust on paved parking lot

blowing here and elsewhere. They are trying to focus on where to best spend the money which again he knows doesn't answer his question of what would it cost to put down 2" lift because he doesn't have any idea. **COMMISSIONER BARON** said it was interesting what he said with what the stipulations were from Staff in terms of having to bring it up to code which he didn't understand meant paving half street sections and everything else. Now he understands the 3 million dollar number. He would look at Erik and say have there been considerations or an alternate temporary type of pavement. Mr. Swanson said they hadn't had that conversation and they certainly can but some of those larger issues than do come in to play as to the retention, water runoff, etc. etc. He thinks they can certainly look at it. He doesn't know if it is something that they have the time to do between Commission and Council or if they continue it out. They are certainly open to have that conversation. He doesn't know where it is going to go but they can have it.

KEVIN MAYO, PLANNING MANAGER, stated when it comes to looking at doing temporary things like a 2" overlay over this area, it still would require full engineering for this just to ensure the runoff is sufficient out there. It doesn't matter whether it is 2 or 4 inches it still has the same runoff provisions. When it comes to dust, they are not an authority and they do not have the technology to measure it. They really rely on neighborhood input but the real measuring entity is going to be Maricopa County and it isn't something that they take lightly. There are millions and millions of dollars that are at stake for the State of Arizona when it comes to our air quality and the County has been cracking down on everything so whenever they do get called out, they take it extremely seriously and it isn't that they come out and say they don't really a problem. It is taken seriously and they have to rely on them to tell them is this a violation of Maricopa County or Quality Control. On the 4 instances that they came out and at least 2 of them were during services, they weren't able to find a violation. That is not to say that this does not create dust or that the adjacent properties aren't creating dust. Their tool they have that they have to rely on did not find a violation from it. Working with the church on this Use Permit, they were really struggling to find if 'their tool said it isn't necessary' then are they just throwing money away trying to fix a problem that the people who are in charge of enforcing that problem, say that there isn't. Mr. Mayo said he just wanted to throw that back out there.

COMMISSIONER VEITCH said his question was primarily for Staff although Mr. Bull might be able to help out as well. Following up on Commissioner Pridemore's question which he thought was very interesting, he has spent about 2-1/2 decades on church boards dealing with scheduling issues and money issues and all the rest of it and he can tell them even for a small church, 90 minutes between services isn't enough. Two hours is more the norm and he thinks for a place this size it might even need to be longer. He was coming at it from a slightly different perspective and trying to figure it out for himself why this church appears to be so under parked in terms of its permanent parking spaces. If he did his math right, there are 506 paved spaces. Is he in a position to walk them through how this property grades out in terms of code with respect to required off street parking.

MR. MAYO said when they look at parking for a church, churches per code are parked one space for every 4 seats and they rely solely on that number. When code was written, churches were not what they are today in terms of all the other activities that occur on church. Additionally, when code was written it really wasn't accounting for back to back services. It really was every church had one service on Sunday, you went to it and then they went home. They are starting to find that churches of this size, even though there is ½ hour separation, back to back services have that cross parking and with the people that are waiting to leave and people that are arriving, they are starting to find overload issues; but from a code standpoint they don't have anything to hang their hat on and say you guys are in violation of the code. He is not sure how many seats are in there. If it is 1400, then they have more than enough parking per code. Practicality wise, obviously it's not. When they do start parking onto additional areas like they are doing now, they either have to pave it or seek authority through Commission and ultimately Council for approval to park on something that isn't approved. Mr. Bull said the number that was mentioned from the back is very close. Dave believes there are 1382 seats – whether it's 1382 or 1400 they are in the ballpark. Simply the math on the 1382 would be 345 code required spaces. There are over 500 on the paved lot. They know demand is higher than that and that is why the Use Permit was approved a couple years ago and that is why they believe it is justified for an extension today under the terms that they are talking about.

COMMISSIONER VEITCH stated he does believe it is worth some consideration to try to figure out how those 506 paved spaces can do a better job of serving the demand. Part of that answer might be in the service schedule and other practices in terms of the use of the property through the morning and day on Sunday.

CHAIRMAN CASON said the plan to pave is after the church has decided to create a building fund to do so. Mr. Bull said the church has a building fund. The building fund has been depleted. Church is hopeful of restoring the building fund. The building fund they hope would be used not only to provide additional paved parking but do so in conjunction with building and additional building or buildings. They also recognize that in the interim they need to maintain the parking lot so it is not the source of dust in the area. It is not to create a new fund, they have a fund. It is just that there aren't funds in the fund to use. **CHAIRMAN CASON** said the intent of getting the variance was to give them time to pave the parking lot. He may be wrong with that and he apologizes if that presumption is wrong. They know that in the last 2 years the economy has been in a state that may have them raid that particular fund like so many other funds are being raided every place else to take care of other issues besides the paving. He said they can presume than if that is the case and as he said before until the economy picks up, they wouldn't be able to pave that lot. He thinks he's stating what Mr. Bull had already stated. Mr. Bull was not involved in the original Use Permit a couple of years ago and Dave wasn't either. He had not previously read anything and had not previously heard anything about the purpose of the original Use Permit. It was simply to provide an opportunity to then go out and fully pave the parking. I thought it was done in the context of the church having time to develop its then very conceptual master plan and proceed with its master plan, which would include the paved parking lot. He wasn't

personally involved so he can't tell him he is wrong, he can only tell him that he had not heard before that the sole purpose of the 2 years was to buy a little time and then go out and pave the parking lot and nothing else. He knows when he was first asked to take a look at this and when they first met Staff, they explored different possibilities and alternatives and what's real and what's not real in this economy and ultimately what was decided the best thing to do was file the application. Through the neighborhood processes upped the ante on additional water and other kinds of things that they talked about. **CHAIRMAN CASON** asked if he would be willing to stipulate to add a fence on the west property line of the Platt property? And he means a cinder block wall by that stipulation because that is what is halfway there – a cinder block wall. Mr. Swanson said he doesn't know if this poses a problem for them and he would probably have to direct it to the City Attorney but in a sense it almost becomes an issue between 2 private parties and they are now the enforcing agency and he doesn't know that is something they can get into. **CHAIRMAN CASON** said they had the same issue when the lady spoke when they were approving the hearing about the tower occurring there. They could negotiate with one another but they couldn't stipulate that. He may be right. He doesn't know. He asked the Asst. City Attorney,

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, stated if they are talking about adding an additional condition to the granting of the Use Permit, it is possible. If they are saying the applicant has to work out some private deal with the adjacent property owner that is not a very enforceable type of condition. Either they impose the condition or they don't. He is reluctant to impose that type of condition however unless the applicant is willing to stipulate to it. He doesn't think it is going to be an issue of not being able to do it if they want to.

COMMISSIONER VEITCH said as he recalls when they were debating the Use Permit for the monopalm, the notion of a fence did come up but it had to do more with the parking lot than it did with the monopalm. They had a problem with establishing any sort of nexus between the applicant and that fake palm tree. He thinks that problem doesn't exist so much when they were talking about screening the parking lot.

KEVIN MAYO, PLANNING MANAGER, stated when it comes to ultimate development requirements, this is a non-residential land use and their code requires that non-residential use is when they abut residential land uses provide a land use buffer and that includes a 6-foot block wall, a 10-foot landscape strip, trees and those types of things for buffering requirements. When it comes to this property because they have fully improved it and they are asking to use it in a manner that would be used as fully improved but they are just asking to delay those improvements. He thinks they are probably o.k. placing a stip. on here for that wall seeing as it is used as a mitigation measure for their requested use of that property just as Commissioner Veitch explained. That was a tough stretch with the monopalm but it is very germane to this discussion tonight.

MR. BULL, BURCH & CRACCHIOLO, said the reason he wanted to talk with Mr. and Mrs. Platt was to refresh his memory some from a couple of months ago. He showed the Platt's property. There is a vinyl fence along the Platt's western property line running North from Maplewood up to the north property. There is an existing vinyl fence because he believes the Platt's desire is something that is a visual barrier. That is what it amounts to. There is an existing vinyl fence along the Platt's western property line. The discussion that we had a couple months ago and needs to be turned up a notch now is to either extend that vinyl fence north for some number of feet that the Platt's and Dave need to work out or the possibility of extending it for a few feet in an east/west direction on the Platt's property across the Platt's north property line. What they are really trying to do is provide a visual barrier between their home and this parking lot; in particular between their home and the tram turn around. Adding some fencing going north would do that or adding some fencing going east would do that and he would encourage that what happens is that Dave and the Platt's meet in the field and simply run it a few feet this way or run it a few feet that way. **CHAIRMAN CASON** said if he is hearing him correctly there is a solid non-view through fence between their north property line and their south property line on Maplewood; for that expanse of their fence they cannot see the parking lot. Mr. Bull replied that is his understanding that if they were standing in their yard looking directly west, they would not see the parking lot. It is when they are standing in their house or yard looking to the northwest that they see the parking lot. **CHAIRMAN CASON** said he doesn't know that he would ask him to stipulate that. Certainly if he wanted to talk to them about it and try to help them out he could, but the fence is not on their property line. It would be the Platt's responsibility if they wanted to not see it that they put a fence on theirs. He doesn't know if he would have him put a fence on theirs especially if they are purchasing the property beside it because he is assuming that at that time that they would fence the Platt's property off from their new property or something like that which would be for another time. What about offsetting the parking in this lot so they didn't have to put up a fence but perhaps pull the cars back. He asked Mr. Bull to show his parking drawing. Perhaps possibly not have it so that people back out up against the property line where they can only head in and there is a buffer in so that they aren't looking at cars all the time. Since this parking really isn't scientifically laid out, he is sure they could give up about 14 parking spots in order to give them a buffer and not force people to drive around the property line. In other words, put in cars head in and leave a space. Mr. Bull asked if he was talking about this row of parking (he pointed it out on the parking drawing). **CHAIRMAN CASON** replied yes. Mr. Bull said so not allowing people to park within this area which he supposed was within 40 feet or so of the east property line**.** **CHAIRMAN CASON** said basically he would add 2 parking spots on the north side of that and close off the parking so that when the tram turned around that would be it. Mr. Bull said what Dave proposed and authorized him to say and add as a stipulation is that there would be no parking allowed within 50 feet of this entire east property line. He said the Chairman's focus was on the row north of the tram turn around but be that as it may so he can keep it simple on everybody's perspective, no parking would be allowed (he showed where on the drawing map). He can't tell them what he cross-hatched to scale but in that area to a width of 50 feet. **CHAIRMAN CASON** said what he is concerned about is in Lot B; by not having

50 feet means they are not moving cars through that area so that there would be no parking that would have to back into that 50 feet area. Mr. Bull said what he is saying is no parking and no maneuvering is what it amounts to. **CHAIRMAN CASON** replied yes. The south fence is fully fenced so he doesn't know that is necessary down there.

CHAIRMAN CASON closed the floor and for further discussion on the dais.

CHAIRMAN CASON said he is more concerned that they aren't making a priority of this. He thinks the church in their original application PAD and their parking that they have an obligation to make that parking work. If they knew or they suspected that the parking wasn't going to work, then they should have asked for more parking and should have put down more paving as there original part of their application. He can appreciate that the church wants to expand services and those types of things but he knows if they build a new building that will come with parking requirements, and that they will have to pave more unless the new building falls under the square footage of the parking they already have. Staff will know at that point that they don't have enough parking as it is right now. Where he is leading to is to understand that over the course of an extension if it is so given, is that they have time to make a decision as to what they are going to do about their parking – not that you just continue to use the parking lot until sometime in the future where the economy is built up and they choose to spend money on an improvement that really doesn't improve your property and that is parking. It is more of a requirement than an improvement. On the other hand, maybe 2 years isn't enough time to put together some type of building fund to do their parking. Perhaps it is enough time to be able to obtain a loan or something like that in order finance their parking over a longer period of time so that their 3 million dollars or whatever it would take is not a hit right today. He would also like to add that another alternative would be to understand what parking they have and how to manage it with the times of their services as previously mentioned. He thinks that having said those 3 possible options, he would like to see if this extension is done that after the 2 years they would have already put in place a plan. A plan that says that they are either going to pave or they have paved or they have changed their hours so that nobody has to use that lot any more. He knows that at this juncture they can't just say do that because that is part of the stipulation or any of those other things. He does think that they need to give them some time for that. The church has a responsibility to solve this problem and just continuing to use lots and throwing stuff over the top of it, is not a solution. He doesn't know that paving is necessarily the solution that it needs to be. He is a big advocate for less paving and his ideal thing would just be to utilize the parking they do have in a fashion to where other parking doesn't have to be used. He would hope that if it gets approved, then he knows they can't stipulate that a decision is made by then but of course they will still be there and hopefully remember better than he did last time. He doesn't want to open up the floor to hear from him whether they would agree or not because it is more or less just his feeling that they have taken responsibility and they have found a solution to the problem so that they don't even have to come back in 2 years. He is hoping that is what he can get to.

VICE CHAIRMAN RIVERS stated he agrees with everything that was just said. He is also concerned that if the church is actively pursuing a property that is north of where the Platt's live, that they are looking to further expand their unpaved parking lot and that is his concern. He doesn't know if that is true – he is just concerned that is what they are doing so that when they put their new buildings into the existing parking lots that they will have somewhere else to park their cars. Will that be paved or will it not, he doesn't know. It is just a concern to him and they have discussed more than once about how they don't know where dust comes from and there is too much open land here to decide which part of it the dust is coming from. He has heard neighbors talking about traffic noise, car noise and lack of privacy in their own yard because they can see crowds of people from the church 20 feet away from them while they are trying to enjoy their land. He thinks a fence is very important and some kind of noise abatement that could be built into the fence that would help as well. If it takes 2 years to get these things taken care of, than that is fine. He is also torn because he thinks that despite the parking code in Chandler there just aren't enough parking spaces paved on this property.

CHAIRMAN CASON had a question for Staff. He said they have heard the amount of seats in the church and they know how much parking is in the paved lot. How much more square footage could they build on this property of building and not have to expand their lot? Mr. Swanson said that was a good question but he didn't know if it is enough of a building expansion to be beneficial to the church. In essence they have 500 some odd spaces right now to code. They only need 400 some odd but he doesn't know if that is enough square footage to even warrant them to want to build. He said the short answer is that he doesn't know. He doesn't think it is anything that is large enough that would be beneficial to the church. **CHAIRMAN CASON** said presuming that they would be building classrooms or something like that it would get parked at a different rate than the church does. **KEVIN MAYO, PLANNING MANAGER,** stated that unless they were expanding their service area and going from 1400 seats and increasing that number that triggers per code a required increase in the amount of parking provided. If they have classroom space, open meeting space and multi-use space that isn't used during traditional services, it does not require additional parking. That may be an archaic approach to parking a church because again the parking code was written at a time when the concept of these larger churches that are more of a lifestyle church than just simply a Sunday morning church, the code didn't contemplate those types of churches. Their entire parking code is actually on their radar to be updated. Church will probably be one of those things but as it sits today, if they added anything other than increasing the service area, it would not require additional parking. **CHAIRMAN CASON** asked how many churches have to use extra parking in the City of Chandler? He can't think of another one that has come through. We have probably 4 or 5 mega churches in Chandler. Mr. Mayo said there is one as you head further south on Alma School that as there congregation has grown they have added more asphalt but their Master Plans were a little further developed at the time they came in for zoning. In the end if they end up purchasing this property north of that plat it is not zoned for a church currently. They would have to come in and zone it and then tie it back in through a new PDP and tie it to this piece. They would have to bring in what that new Master Plan is going to look like.

They can't just purchase it and start using it. The other larger churches, and he thought there was one on Arizona Ave. that is a fairly healthy sized church, he didn't think any of them are using overflow parking. He can't think of any off the top of his head - at least ones that aren't using the Use Permit for it. **CHAIRMAN CASON** said it would be safe to say that this church using temporary parking may be an anomaly with churches of its kind. Mr. Mayo said that is probably accurate. Then to the applicant that shows even more effort that they should be taking to try close that anomaly and make themselves more in-line with churches that have similar amount of parishioners and members and programs and those types of things.

COMMISSIONER PRIDEMORE said he wanted to comment on the other pieces of open dirt that they have been talking about and considering. The reality is that those pieces of property have owners as well and those owners are responsible for dust control. Even in our climate creating that crust is really what is important and as long as there is no vehicular traffic on those pieces, they don't kick up dust. Initially, when you see the aerial and you are wondering how you can tell where this dust is coming from, in his opinion the fact that there is no traffic on those other pieces that even with the amount of rainfall that they have had this year, there is a crust that has been formed there and it is not generating any dust. That is his opinion. He is not convinced that the church has looked at other parking management solutions.

MOVED BY COMMISSIONER PRIDEMORE, seconded by **VICE CHAIRMAN RIVERS** to recommend denial of ZUP10-0054 CORNERSTONE CHRISTIAN FELLOWSHIP.

COMMISSIONER VEITCH asked if there were any thoughts that would potentially warrant a continuance to see whether the church can come back to them with a modified application. It might involve some more screening and using less of the unimproved parking lot through better management of parking uses, etc.

CHAIRMAN CASON said he would have to agree that certainly the applicant coming back with a plan would certainly be a lot more palatable than just saying carte blanch go forth for another 2 years. It would be nice to understand that they have had an opportunity during the continuance to come up with an actual plan on how they are going to solve the problem and they need 2 years to do it. Something like that they might be a little more comfortable approving it considering the fact of the financing part of it that if you needed a parking lot that bad you can certainly finance it. Unless the motion maker and the second are willing to modify their motion then they have to put a vote on it. Then he would have to make a motion for the amendment and a second on that.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, asked isn't what Commissioner Veitch proposing is a continuance? **CHAIRMAN CASON** said yes he is proposing a continuance but they would have to vote on the denial first. Mr. Brockman said yes unless the original motion is withdrawn.

COMMISSIONER PRIDEMORE said he is not withdrawing his motion. A vote was taken and the vote was 3 in favor and 3 against. The motion failed.

COMMISSIONER VEITCH said maybe they need a little discussion as to what might make sense in terms of a continuance or whether or not that has to be a new application if they modify their request.

KEVIN MAYO said they can go ahead in this public hearing process as long as it is continued and held through that process. He would urge that if they are looking at a continuance and because there are so many parties involved with decisions, they really should be looking at a two month continuance so that they can go back and figure out what they think can work and maybe develop a plan. It is probably best to have one last neighborhood meeting so that the neighbors can at least be presented with what that plan is going to be prior coming to the next hearing and maybe be a partner in that discussion. If that is the case, he would suggest a continuance to the July 6 Planning Commission hearing.

MOVED BY COMMISSIONER VEITCH, seconded by **COMMISSIONER FLANDERS** to continue ZUP10-0054 CORNERSTONE CHRISTIAN FELLOWSHIP to the July 6, 2011 Planning Commission Hearing. The item passed 6-0 (Commissioner Cunningham was absent).

7. DIRECTOR'S REPORT

Mr. Mayo said he had nothing to report.

COMMISSIONER FLANDERS stated that this would be his last meeting with the Planning Commission. When he first came on Planning Commission it was Hank Pluster, Jeff Kurt, Bob Weworski and now Kevin Mayo. He told Kevin that he has filled those shoes superbly. For all of the meetings that he has attended over this period of time with Kevin, Erik, Jodie, Bill and all of the other planners, they have taught him something new every meeting. He thinks he has only missed 2 or 3 meetings over 11 years. It has been quite an education. He thanked the clerks Joyce and Kim for everything and for keeping everything organized when he was on Planning Commission and when he was Chairman. He thanked Glenn Brockman, the Asst. City Attorney for keeping him and the Commission on the straight and narrow. To the current Planning Commission he said this is probably one of the better Commission's he has seen in a long time and he remembers when he first came on - Mike Perry, Tom Padilla, Jeanette Polvani, Diane Ortiz Parsons and Rick Heumann were an exceptional group of people. This is an exceptional group of people here. He said he would like to challenge the design professionals to push the limit and think out of the box for quality materials and design and he also challenges the rest of the Planning Commission. He thanked them for everything.

CHAIRMAN CASON thanked him and said it was amazing how he can remember all of those names. He said it has been tremendous working with him and thanked him for the leadership he has shown and the effort he has provided in helping them all to do a better job. They will certainly miss him.

COMMISSIONER PRIDEMORE said in the 10 years that he has known him he honestly can't imagine a Planning and Zoning Commission without him being there. He has done a commendable job and he is sorry to see that come to an end.

VICE CHAIRMAN RIVERS said from the time that he started coming to talk to the Planning and Zoning Commission as a neighborhood activist in Chandler, he was seated on the dais and he was always attentive in listening to what they had to say. Sometimes they didn't agree but that is the way life is. He thanked him for being there and his expertise.

8. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN CASON announced that the next regular meeting is May 18, 2011 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting was adjourned at 7:52 p.m.

_____
Michael Cason, Chairman

_____
Jeffrey A. Kurtz, Secretary