

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, June 1, 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 Baron.
3. The following Commissioners answered Roll Call:

Chairman Michael Cason
Vice Chairman Leigh Rivers
Commissioner Matthew Pridemore
Commissioner Andrew Baron
Commissioner Katy Cunningham

Absent and Excused:

Commissioner Stephen Veitch
Commissioner Bill Donaldson

Also present:

Ms. Jodie Novak, Senior City Planner
Mr. Bill Dermody, 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 PRIDEMORE, seconded by **COMMISSIONER CUNNINGHAM** to approve the minutes of the May 18, 2011 Planning Commission Hearing. The motion passed 4-0 with one abstention. (Commissioner Baron abstained as he did not attend that meeting). Commissioners Veitch and Donaldson were absent.
5. 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. There were no items pulled for action.

A. APL11-0002/DVR11-0008/PPT11-0001 SOUTHSHORE AREA PLAN
AMENDMENT / FULTON RANCH II

Approved.

Request an Area Plan amendment from a mixed-use project of Office, Commercial Retail/Restaurant, Hotel, and Multi-Family Residential to Single-Family Residential, and Rezoning from Planned Area Development (PAD) zoning for a mixed-use project of Office, Commercial Retail/Restaurant, Hotel, and Multi-Family Residential with a mid-rise overlay to PAD for Single-Family Residential along with Preliminary Development Plan (PDP) and Preliminary Plat approval for the single-family residential development. The property is approximately 43 acres located approximately one-half mile south of the southeast corner of Ocotillo Road and Arizona Avenue.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Fulton Ranch II – Reserve at Fulton Ranch", kept on file in the City of Chandler Planning Services Division, in File No. APL11-0002/DVR11-0008, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
8. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
9. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180

- days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
10. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
 11. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
 12. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
 13. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the FULTON RANCH II – RESERVE AT FULTON RANCH development shall use treated effluent to maintain open space, common areas, and landscape tracts.

14. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.

15. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.
16. All homes built on corner lots within the residential subdivision shall be single-story or a combination of one- and two-story with the one-story portion on the street side.
17. The same elevation shall not be built side-by-side or directly across the street from one another.
18. The tot lot shall be a minimum of 20 total play stations.

Planning Staff recommends approval of the Preliminary Plat subject to the following condition:

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

B. DVR11-0011 ARIZONA AVE & WARNER RD

Approved.

Request rezoning from Community Commercial District (C-2) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval in order to increase the number of monument sign panels for an existing development at the northeast corner of Arizona Avenue and Warner Road.

1. Development shall be in substantial conformance with the application materials (narrative, site plan, and sign representations), except as modified by condition herein.
2. The monument signs' sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.

C. LUP11-0005 GENGHIS GRILL

Approved.

Request approval of a Use Permit to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors and within outdoor patio areas at a new restaurant within the Chandler Pavilions development. The property is located south of the southwest corner of Ray Road and 54th Street.

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 12 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.

D. LUP11-0006 CYPRUS GRILL

Approved.

Request Use Permit approval to sell liquor as permitted under a Series 12 (Restaurant) liquor license for on-premise consumption only within an existing restaurant and outdoor patio. The subject site is located at 1065 W. Queen Creek Road, Ste. 2, within the Falls at Ocotillo development.

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. The Use Permit is non-transferable to other restaurant locations.
3. 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.
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. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
7. The applicant shall work with Staff for the final design and detail of an outdoor patio.

E. LUP11-0008 TARGET STORE (PASEO LINDO)

Approved.

Request approval of a Use Permit to sell liquor as permitted under a Series 10 Beer and Wine Store License for a new retail store within the Paseo Lindo development. The property is located at the northeast corner of Arizona Avenue and Ocotillo 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 10 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 store locations.
4. The site shall be maintained in a clean and orderly manner.

F. ZUP10-0047 MONAMI ASSISTED LIVING

Approved to withdraw for the purpose of re-advertising.

Request Use Permit approval to operate an assisted living home for up to six residents within a single-family residential home located at 2120 W. Shannon Street. **(REQUEST WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING.)**

G. ZUP10-0049 ICEV PARKING LOT

Approved.

Request Use Permit approval to allow for a temporary parking lot on an approximate 1.8 acre site. The subject site is located north of the northeast corner of Alma School Road and Erie Street.

1. The Use Permit shall remain in effect for two (2) years from the effective date of City Council approval. Continuation of the use of such parking lot beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. The temporary parking lot shall be surfaced with gravel or other suitable material and type of dust palliative in accordance with current Maricopa County regulations. The parking lot shall be maintained at all times in a dust-free and weed-free manner.
3. The expansion or modification beyond the approved site plan shall void the Use Permit and require new Use Permit application and approval.

VICE CHAIRMAN RIVERS stated he was going on record that he will be voting 'No' on Item A because he has a fundamental disagreement with the land use required for Item A. He has no problem with the housing product that was presented or anything like that he just fundamentally disagrees on the land use for that project.

CHAIRMAN CASON said he historically has always voted 'No' against all items that have been proposed for land use change for any land between the railroad tracks and Arizona Avenue. The reason is because that is acreage that produces tax revenue and when they convert it to homes it doesn't generate tax revenue. The irony of this particular application is that this area of land has kind of already been chewed up. There really isn't anything left to do with it except what is happening now. While he is not opposed to the product or the intent of it, he still has to stand by his land use issue and hope that the City Council holds near and dear the remaining land along Arizona Avenue that rests between the railroad tracks and Arizona Avenue and to the east of the railroad tracks. Railroads are like freeways. If you use up the land for something else, you are not going to be able to use the railroad for anything. Railroads even though they have been around for many, many year still generate commerce. One of the Commissioners pointed out earlier this evening in the Study Session they couldn't do anything there but build homes because there are homes already there. It wouldn't support any further business. It wouldn't support any railroad spurs or any type of industry that needs that kind of use but if they continue to chew up this land up and down Arizona Avenue and especially along the only railroad spur that they have left that isn't all chewed up in the City of Chandler, then they are going to need to protect that land. They are not going to be able to just say it's a bad economy and they have bought the property and they need to turn it over and those types of things. They need to understand that that property is necessary for them 20, 30 years down the road and they need to protect it. He is hoping that while they have seen that their inability as leaders to be able to protect this piece of land has led to the point now where a great portion of this land is used up for residential on both sides of the railroad track, they preserve what they do have left for that time in the future when they need to generate more taxable revenue, which houses just don't do. He will be

voting 'No' on Item A. Once again, he completely supports the builder and the product and realizes the value to the community that they bring in general. For him it is just simply a land use issue that he objects to.

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 5-0 with the exceptions as noted. (Commissioners Veitch and Donaldson were absent).

6. DIRECTOR'S REPORT

Ms. Novak said there was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN CASON announced that the next regular meeting June 15, 2011 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:50 p.m.

Michael Cason, Chairman

Jeffrey A. Kurtz, Secretary