

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, July 20, 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 Vice Chairman Rivers.
3. The following Commissioners answered Roll Call:

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

Absent and Excused:

Commissioner Katy Cunningham

Also present:

Mr. Kevin Mayo, Planning Manager
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 VEITCH** to approve the minutes of the July 6, 2011 Planning Commission Hearing. The motion passed 5-0 with 1 abstention (Vice Chairman Rivers was absent at that meeting.) Commissioner Cunningham was absent at this meeting.
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. Items E and F were pulled for action.

A. DVR11-0010/PPT11-0002 AUTUMN PARK

Approved.

Request Rezoning from Planned Area Development (PAD) to PAD amended, along with Preliminary Development Plan approval for a 99 lot, single-family residential subdivision located at the southwest corner of 116th Street and Riggs Road.

1. Development shall be in substantial conformance with Attachment No. 7, Development Booklet, entitled "AUTUMN PARK", kept on file in the City of Chandler Transportation & Development Services Department, Planning Division, in File No. DVR11-0010 AUTUMN PARK, and serves to complement and supplement the Council approved development booklet kept on file in case DVR07-0032 GALILEO PIAZZA, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3995 in case DVR07-0032 GALILEO PIAZZA, except as modified by condition herein.
3. 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.
4. A ten-foot side setback shall be provided on the west property boundary of lots 61 and 62.
5. All homes built on corner lots shall be single-story.
- 6. For lots adjacent to an arterial street, 2-story homes are limited to every third lot with no more than two 2-story homes built side by side.**
- 7. Condition no. 11 of Ordinance No. 3995 requiring custom homes shall be deleted.**

Staff recommends approval of the Preliminary Plat subject to the following conditions.

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

B. DVR11-0015 VILLAS AT OCOTILLO

Approved.

Request to amend the Planned Area Development (PAD) zoning to eliminate a zoning condition requiring copper supply plumbing for undeveloped lots within a residential single-family subdivision. The subdivision is located east of the southeast corner of Dobson Road and Ocotillo Road.

Planning Staff, upon finding consistency with the General Plan, recommends approval to eliminate the zoning condition, Condition No. 14, requiring copper plumbing for lines under water pressure.

C. ZUP10-0032 SAN MARCOS GOLF RESORT

Approved.

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.

1. Expansion or modification beyond the approved exhibits (Site Plan, Narrative, and Fence Exhibits) shall void the Use Permit and require new Use Permit application and approval.
2. Use Permit approval does not constitute Final Development Plan approval. The site must conform to all applicable City regulations.
3. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
5. Storage shall be contained within the confines of the existing chain link fence. Non-compliance with this condition shall void Use Permit approval.
6. Building permits shall be obtained for any structure or assembled object used to shelter material from the elements that is placed upon the property.
7. There shall be no maintenance-related deliveries between the hours of 10:00 p.m. and 6:00 a.m.
8. **In order for the Use Permit to be valid the fence improvements shall be completed within six months of Council approval.**
9. **In addition to the proposed green slats the proposed new fence shall have the chain links and other metal elements visible from Dakota Street also of green color.**

D. ZUP10-0037 UNITED METHODIST CHURCH WIRELESS FACILITY

Approved to continue to the September 7, 2011 Planning Commission Hearing.

Request Use Permit approval to install a wireless communication facility on the campus of United Methodist Church at 450 E. Chandler Heights Road, the northeast corner of Chandler Heights Road and the Union Pacific Railroad. **(REQUEST CONTINUANCE TO THE SEPTEMBER 7, 2011 PLANNING COMMISSION HEARING).**

G. ZUP11-0005 BEAR CREEK WIRELESS FACILITY

Approved.

Request Use Permit approval to install a wireless communication facility on the Bear Creek Golf Course property at 500 E. Riggs Road, east of the Union Pacific Railroad between Riggs and Chandler Heights Roads.

1. Development shall be in substantial conformance with approved exhibits except as modified by condition herein. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The height to top of antennas shall not exceed 58’.

3. The facility's antennas shall be covered in pine needle "socks" that serve to better camouflage the antennas.
4. Besides the modifications in Conditions No. 2 and 3 (above), the monopine design shall reflect the elevations in "Exhibit A" rather than the submitted elevations.

H. ZUP11-0009 EVA'S MI AMORE

Approved to continue to the August 17, 2011 Planning Commission Hearing.

Request Use Permit approval to operate a wedding planning and bridal service office in a converted residence at 598 W. Chandler Blvd. (REQUEST CONTINUANCE TO THE AUGUST 17, 2011 PLANNING COMMISSION HEARING.)

I. ZUP11-0011 LEADING EDGE AUTO FINISHES

Approved.

Request Use Permit approval to operate an auto body repair business in the Planned Industrial (I-1) Zoning District. The subject property is located at 7021 W. Oakland Street, north and west of Chandler Boulevard and 56th Street.

1. Expansion or modification beyond the approved exhibits and representations shall void the Use Permit and require new Use Permit application and approval.
2. The subject business will abide by all building, fire, and other applicable city regulations including those that pertain to auto repair as a condition of occupancy.
3. The site shall be maintained in a clean and orderly manner.
4. All vehicle storage shall occur inside the gated area.
5. All vehicle work shall occur inside the building.
6. The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

J. MOTION TO CANCEL THE AUGUST 3, 2011 PLANNING COMMISSION HEARING.

Approved.

MOVED BY COMMISSIONER VEITCH, seconded by **COMMISSIONER DONALDSON** to approve the Consent Agenda with additional stipulations as read into the record by Staff. The Consent Agenda passed unanimously 6-0 (Commissioner Cunningham was absent).

VICE CHAIRMAN RIVERS stated he had two comments. First, he said he was voting no on Item B. Concerning Item G he wanted to say thank you to the folks at AT&T Mobility. This monopine was first to be located near a church and much farther north. It was on the north side of the major arterial. It was much closer to homes. They had folks from those homes here talking to them about that. The concerns were brought to AT&T and through a great effort on their part they moved this cell tower from the church property to the north to the golf course

property much, much farther south which is a win, win, win for everybody. It is a win for AT&T Mobility. It's a win for the neighbors from the original site and it is a win for the City of Chandler. Again, he thanked them for all their extra efforts.

COMMISSIONER BARON said on Item A - AUTUMN PARK he recommends removal of the stabilized BG Granite Trail based on conversations they had after Study Session with the current applicant.

CHAIRMAN CASON said they have that for the record that they can share that with City Council.

ACTION:

E. ZUP10-0054 CORNERSTONE CHRISTIAN FELLOWSHIP

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.

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.

MR. ERIK SWANSON, CITY PLANNER said the subject site is located at the southeast corner of Alma School and Willis roads and more specifically just east of that is the parking lot. It is about an 8 and ½ acre site. He said he was going to give a real brief presentation as they are pretty familiar with the history of it and this is more or less kind of an update on what has transpired between the last Commission meeting and this one. The item initially went to the May 4 Planning Commission meeting. It was continued at that meeting to the July 6 meeting to allow the applicant additional time to work on some mitigation efforts, then also to hold a third neighborhood meeting. The request was also then continued from the July 6 meeting due to some scheduling and ultimately is here at this meeting. A third neighborhood meeting was held on June 14. Three neighbors attended. They all happen to be from the same family. The primary concerns expressed were not so much dust related but rather appearance related and there were some concerns expressed about the way that traffic is handled and maneuvered around on the site through the cables and flags but ultimately no concerns as he can recall were expressed from dust. Maplewood now has a layer of milled asphalt which seems to help with that dust. Since the continuance the applicant did send out another notification notifying the neighbors that it was being continued to this meeting rather than July 6. He heard from one resident with just kind of an expressed concern as to why it was being continued but other than that he has not heard any

concerns from dust, has not heard from the County Dust Control department and with that they are recommending approval.

CHAIRMAN CASON asked if there were any questions for Staff. There were none. He asked the applicant to come up.

ED BULL, 702 E. OSBORN RD., PHOENIX, said he was there with several members of Cornerstone Church that are in varying capacities and varying roles with the church. He showed where they were seated. They continue to appreciate Staff's recommendation for approval and they continue to appreciate the opportunity to work with those neighbors who elected to come to neighborhood meetings - either the first one; none came to the second or those who came to the third. He said he wanted to touch on some of the things that Cornerstone has been doing talking with them in the context of what has been happening over the course of the last couple of years and the last few months referring to that segment as being a short term plan; then recognizing part of what Commission really encouraged Cornerstone to do when they were there at the first hearing with where are they going in the future with this. In addition to what he would refer to as the short term plan which is the plan attached to the Staff Report, he referenced the interim plan which is the interim parking plan which would be on their left (he showed on their design boards). The long term campus plan is on their right. In that context of this short term plan, as they know the area that is outlined is the area that they focused on for purposes of this Use Permit. They talked some when they were here the first time and he said he could talk more this evening if they would like about how over the course of where the church was a little over 2 years ago versus people currently running the parking lot and so on.

They raised the bar considerably over the last couple of years and considerably again over the course of the last few months. For example, there have been 300 tons of asphalt millings added to this parking area. They also went from a few thousand gallons of water on a Sunday to typically 40,000 gallons of water being applied to the parking lot and now also to Maplewood and Vine on a Sunday. They have also, per discussions at neighborhood meetings and when they were here the first time, added considerable temporary signage on Maplewood and personnel at the Maplewood/Alma School intersection, uniformed officers, and then church volunteers with respect to traffic control providing a traffic break in and out of Eden Estates if someone is coming or going from Eden. Also, an additional parking lot personnel as well moving people around and making sure they are going to the right place. They also in addition to that as they may recall were asked at the first neighborhood meeting to maintain some weeds - weeds that aren't on their property that were discussed in the Staff report. The Church has done that and they haven't heard of a weed issue in a long time. They were also asked to barricade the lots so that no one could get onto it or cut through it during off Sunday times of the week. That has been done and except on one occasion when Staff snuck in to see if they could raise dust on the parking lot, he doesn't believe anyone has been on that parking lot except when they are supposed to be on Sundays.

In addition to that, as was mentioned in the Staff Report, and as he believes Erik mentioned a few minutes ago, the City also stepped in and in addition to on-going work they have been doing with Planning Staff, Engineering and the Streets Dept. came out and applied asphalt millings to

Maplewood east of this site going over to Vine. They have also done some additional things on the site that they were asked to do at the last neighborhood meeting with respect to aesthetics. One of the things that either the actual neighbor or mother-in-law of the neighbor who was at the meeting made reference to was the ropes that were dividing the drive aisles on the parking lot were kind of shoddy looking and so on. They have been replaced. She asked if they could look at the possibility of replacing the little flags that are on those ropes. He says flags in quotes because they are really the little pink plastic strips that you may use to mark a trail if you are hiking or deer hunting. They have been replaced but whether or not it is the ultimate solution with respect to how to divide those aisles remains to be seen. It was something the church could do and do quickly.

They are also exploring some other kinds of things in that regard. He can go into more and more detail if they want as to what the church has done or is willing to do. Having said that he knows that from comments from Commission when they were here before, they were very interested in what not only is the short term plan but where are they interested in going. Ultimately with respect to build-out of the campus and if there is some kind of interim plan, what is that and when is it? So that is what the two plans in front indicate. In respect to the interim plan, which is the plan on their left, the shaded gray area identifies an area that the church intends to have paved within the next couple of years – have paved by the summer of 2013. This area to the west is already paved. That area that is paved has 506 spaces which they may recall is more parking than the code requires but is less parking than the demand. Those 506 spaces plus these shaded gray spaces which total 536 equates to 1042 paved spaces that they intend to have in place by the summer of 2013. If they switch from this interim plan to this ultimate campus plan, the east edge of the interim plan is over in here (he showed where); to go to the ultimate build-out plan, additional land use to be acquired and planning and engineering rezoning done all the way over to Vine. Having said that they will see buildings here and here (he showed where on the design boards). Those may move around a little bit as final plans are presented but these buildings are represented by these same buildings that are in this location.

The idea is to provide another 536 paved parking spaces but not put parking where buildings would ultimately be built where they would simply just leave them to tear out the parking. They also looked at other interim possibilities none of which as a practical matter and costing matter were working. It was spending money on stuff that would just be ripped out. Under this scenario they will see that they believe that they are addressing several issues that they were asked to address when they were here before. One is providing the interim parking plan, still carving out where future buildings would go. In Staff's report they indicated they would still need some kind of a Use Permit for this unpaved parking area until the campus is built-out. Staff is correct. They know they will have to visit with them about that when the time is right. This requires full engineering; it calls for landscaping to be in the various islands and other places where they are supposed to be. It calls for permanent asphalt and it calls also for a couple other things that address some concerns that they heard when they were here before. One is they heard from a neighbor to the east that they had some concerns with the trolley route. They asked them to deal with that by putting in a vinyl fence that parallels their north property line and that has been done. That is completed. A little corner fence was put down in this area as well per their request. In addition to that, this trolley route runs from here which is the current western

terminus to here (he showed where on his design boards) which is the proposed eastern terminus which keeps that trolley route way back from anywhere near the existing residences. They also may see if you compare this interim plan to the plan that is on their screen. There are two rows of parking that are being removed from the north edge of Maplewood so it pulls that parking back significantly off of Maplewood. In addition to that, this provides the church an opportunity to continue to front load parking into this western parking lot, then move into the paved parking area and they are showing a proposed barricade here and a proposed barricade here (he showed on design boards) so this unpaved area could be barricaded and made available only under spill over kinds of situations which may occur on Easter Palm Sunday or those kinds of special event circumstances. With that kind of interim plan in mind, it would provide well over a thousand paved parking spaces which is currently probably about triple of what the code requirement is for the church. They appreciate there is a difference between code versus actual demand as to the church which enjoys popularity. It's a church that also like lots of other churches and businesses have current challenges with making things happen and paying for them. This interim plan is a plan the church intends to have in place by the summer of 2013.

In order to get from here to there and they won't need to buy any more land to do this, they will need to process a PAD Amendment and PDP Amendment in engineering preps. and construction and so on and so forth. They have had discussions with Planning Staff about it and we have had conversations preliminarily with the City Engineer about it and while there is obviously still work to be done, at least those preliminary conversations have been encouraging. With respect to the ultimate campus plan which is on your right as he has indicated, this plan is something they described at the third neighborhood meeting as being like the 5 to 10 or even 15 year build-out plan. This plan as he has indicated requires acquisition of land from this point to the east. It obviously requires a PAD Amendment, PDP and full engineering permits, plans, raising lots of money and so on and so forth. It does build-out the campus all the way over to Vine with obviously paved parking and landscaped parking lots and the tram route.

In addition to working on these plans and cost estimates associated with the interim plan which he can go into some detail with them on if he wants, they also really tried to listen to what they safely understood Commission was saying when they were there the first time. Also, listening to what the neighbors say at one of the three neighborhood meetings or when they talked with them out back after the meeting when they were here before, working with Staff, working with Engineering Staff, and lots of issues they had heard about previously, weeds and traffic, he couldn't tell them that they have disappeared. All he knows is that at the third neighborhood meeting they specifically asked the neighbor in attendance at that meeting (lives in the northern most grove lots in Eden States) whether or not there was any longer a traffic concern along Maplewood. That neighbor who lives there indicated 'no' there wasn't. The church has been doing a really good job with controlling traffic. He can tell them he personally saw that in the context of he made a sneak appearance at church one Sunday morning. He didn't tell anybody. He came at a point in time in the morning that he felt would be most likely the congested time. He was there as the lot was filling up. He stayed for services. He was there as the lot was emptying out. He got directed to places that he felt he was supposed to be directed to and he was told not to go other places in the context of don't drive east on Maplewood and that type of thing. He personally was very pleased with what he was seeing operationally. He can personally tell

them that, at least the day he was there, he witnessed the same thing that the church had told him about – apparently the same thing that Staff and the County and dust control people were seeing and that the lot is watered down. He did not see anybody raising any dust. He certainly didn't raise any dust. It was a situation where there were people directing them where they were supposed to go and not go in a very controlled kind of fashion. In addition to that they specifically discussed at the neighborhood meeting whether or not at least in that neighbors mind, dust was a concern because they know they heard different things about dust when they were here at the first hearing. They know that Staff hadn't observed that when they were out on the site. They know that the County went out for 4 inspections and found no violations. They also know they had some conversation about other vacant land in the area. They have pictures of a bunch of that vacant land. He said he could bring up pictures if they wanted to see them. They can show them photographs of land right across the street to the north. Through no fault of that landowner they have had swimming pool companies or somebody dumping dirt on that site and it is just there piled up and they can see how it may blow around. They have photographs of hay trucks being driven across a site to the southeast of them that is vacant. If they want to see those, they have various examples like that in the area but he doesn't have any photographs of dust coming off of this parking lot and he thinks that is for good reason. In addition to the asphalt millings that were on there before the church has added over 300 cubic yards of asphalt millings, they apply about 40,000 gallons of water each Sunday. They keep it roped off; it stabilizes that surface. It is something that if dust is an issue, it is not anything that he has seen or that Staff has seen not withstanding Staff's honoring them to see if they could raise dust on the site and nothing the County has seen. He is not going to say there is not dust in the valley here in the desert. He gets that. It is a situation where he does not believe any kind of dust, at least in a volative kind of manner that is coming off of that lot. Either on Sundays when it is being used or by all indications between the week after it has been cordoned off and that lot is stabilized. Again, they have all kinds of photographs here if they want them or he can deal with them in response to questions if they would like. They tried to do their homework with what is around them and what they have done to raise the bar and intend to continue doing to raise the bar.

In addition to weeds no longer being an issue that they are aware of at least from the neighbor who was at the third neighborhood meeting. Traffic on Maplewood is not an issue. The situation with dust at least to that neighbor was not an issue. That neighbor did ask that they try to do something with the ropes and flags in the parking lot which has been done in the sense of replacing the ropes. He is not saying that they can't continue to look and see what else if anything can do to improve some aesthetics but the real issue he thinks is focusing on the interim place getting the additional parking that is paved which is pricey to do. It is a tough nut to crack in this economy. Some of you know the church has been exploring different ways to do that, passing the plate again, looking at different financing alternatives. He does not know how creative the church can be in that regard. He can assure them that he has been convinced and remain convinced that nobody wants the parking lot to be paved more than the folks who attend church and who operate Cornerstone. What they want and what they can deliver is two different things as of this moment. The church does have good competence that they can deliver that interim plan within the next couple years. He knows that they have on this case as much as any case that he has ever worked in Chandler, done their level best to have multiple neighborhood meetings. He can't make neighbors come to neighborhood meetings. He can only send them

letters and repeated letters inviting them and have exhibits there and talk with them openly and honestly and do their best to answer their questions. He doesn't know if there are any neighbors here tonight or not. His hope is that they have mitigated to the neighbors' concerns enough that they are not here this evening or if they are, they have been satisfied but he guesses they will see once they open it up to public comment. Having said that he has every confidence that Cornerstone has done everything they could imagine that they could do and can afford to do to raise the bar over the last couple years and certainly within the last few months. They have listened to them, Staff, neighbors and others. They have cooperated with the County and they have made a lot of changes and spent considerable money and have employed a lot of volunteers or used a lot of volunteers to help manage this situation in a very practical and compatible manner. They hope it is something that passes muster with the Commission. They certainly appreciate Staff's recommendation for approval. They are fine with Staff's stipulations in the report. If they had questions, they will do their best to answer them. He said if he can't, maybe somebody from the Church who is here can but they will certainly want to come away from here with Commission's recommendation for approval.

CHAIRMAN CASON asked if there were any questions for the applicant.

VICE CHAIRMAN RIVERS asked having to do with his timeline for their paved parking lot and on the first item he put on the table, does the church own the 2 houses in the upper right hand corner? Mr. Bull replied yes.

COMMISSIONER PRIDEMORE thanked him for bringing the future exhibits. He said that does help them kind of look at where things are hopefully heading and obviously that would be a very positive thing if all that could be built in the near future. Also, congratulations for all of the things that have been done since their last meeting. With that being said he asked if the church considered changing the service times to reduce the need for all or at least a portion of the parking lot east of the church. Mr. Bull replied yes they did. He said they tried to listen closely to what everything that any Commissioner or any neighbor said when they were here at any prior meetings. The services as they may recall are at 9, 10:30, 11:55 a.m. and 5:00 p.m. That issue really arose mostly in the context of could they spread those services further apart. The church looked at that and looked at it from a variety of perspectives. One of the challenges that the church has is they have is about 1000 volunteers, not all working in this parking lot obviously. About 1000 volunteers working with Sunday school classes and all the kinds of things that go on in a church and sometimes they can get volunteers to cover two services but the further you spread them apart, the more challenging and logistically difficult that can be. They also know that one of the other issues that they got into in the context of the third neighborhood meeting is whether or not it was bothersome to neighbors that they started up the water truck to water down the parking lot and particularly to water down Maplewood. One of the things that Staff confirmed for us is that although City of Chandler allows construction activity between 5:00 a.m. in the morning and 10:00 p.m. at night during a weekday and on Saturday and Sunday's it is 7:00 a.m. in the morning until 7:00 p.m. at night. He could argue that driving a water truck to water down a parking lot is not a construction activity but it is a construction related vehicle. So bottom line, they are being pushed in the other direction in that they know and do typically start up the water truck at 7:00 a.m. on Sunday morning completely within code. The church has

slipped some in the past and started it before 7:00 a.m. It won't again now that they know that 7:00 a.m. is the starting time. If everything else wasn't even an issue including the desire of when parishioners want to come to worship and so on and people said sure let's back it up to 8:30 a.m., they would be out there before the city code says we are supposed to be out there watering down Maplewood and Vine and the parking lot and so on. It is a question they took very seriously and he sometimes grills his clients harder than their Commission does about well if the answer is no, why is it no and why can't they do this. They had those discussions repeatedly and for a variety of reasons the church very much believes that the services they have are the right times. They will continue through as they may recall this little exhibit from last time of forcing people to fill the paved lot for the first service. Then as the second service is coming, the access then comes in off of Willis to fill the second lot north of the tram route. At the third neighborhood meeting they had some discussion about there are cars in here sometimes from the first service on. He didn't know if any of them had been to the campus on a Sunday morning or not but there are. Some of them are Sunday school teachers and others who park there come in once and park or otherwise volunteer at the church. They are really trying to do a series of things to fill this and then coming into this Maplewood lot only as a last resort, which is a long winded way of coming around to yes, they seriously considered his question of moving those worship times around. That is something they need to respectfully say 'no thank you' to and talk instead of the number of things they are doing to mitigate the concerns that arise out of that.

CHAIRMAN CASON said he was glad that Mr. Bull brought up the exhibit that he brought by the last time they met. On the short term plan, the 2-year plan that he shows both on the handout and on the easel, the parking rows are different than they are on the 2-year plan. Are they going to remain in this fashion now or in the fashion on the previous paper they had up here that was color coded or are they going to on an interim basis be changed to the 2-year plan while it is in their temporary Use Permit status? Mr. Bull said this plan is what was attached to your Staff Report. It shows east/west spaces, north of the tram route and shows 45 degree angle spaces north of Maplewood. This interim plan shows all north/south spaces at built-out of the interim plan. He knows that today under the short term plan these are still 45 degree angle spaces in this area. Up further to the north he thinks they have done some additional refinements and adjustments as to how that actually parks which he may or may not have with him. There has been some adjusting that occurs up here. To answer your question of are we going to make all of these north/south spaces right now, the answer is no. **CHAIRMAN CASON** said so the design on the 2-year plan is basically the design that will be put on the asphalt when the asphalt is put down – the permanent asphalt as shown in their 2-year plan. Mr. Bull said yes whether they call this the 2-year plan or interim plan that is correct. These little things are landscape islands that would be just like they put in a shopping center parking lot or otherwise which obviously then controls the circulation routes and the direction of traffic. This shows landscaping islands, diamonds and other kinds of things so this configuration is intended to be a permanent parking lot configuration, which is a practical matter in this area on this permanent build-out plan. **CHAIRMAN CASON** asked so having said that when the asphalt is put in place and those permits have been granted and all of the other things that you have to do to put down that asphalt in a permanent fashion, will the rest of the parking as demonstrated on the 2-year plan be in that fashion as demonstrated on that parking lot expansion interim parking conceptual site plan? Mr. Bull said to the best of his knowledge today the answer is yes. The reason he says that is that

again all of the gray is intended to be paved. The interim spaces have now switched to north/south and part of the reason that they are shown as north/south in this kind of configuration as opposed to being a 45 degree angle is to provide this as what he would refer to as a spill over lot to be filled from either the east or filled from the west. Whereas today under this short term plan, for example this row fills from the east. The gentleman who consults some with ADOT who helps layout the parking lot configuration and who volunteers for the church, he could probably better than he explain the benefits of angled versus 90 degree parking in a spill over lot. **CHAIRMAN CASON** said he thinks that is fine but he is curious about once the paving is in and those parking spaces have been configured as they show in this conceptual site plan, then the area south of the existing retention basin that is south of the tram route will be all the space in that area that they will need for overflow parking. Mr. Bull replied that there is overflow parking in here and a little bit up here north of the tram route (he showed on plan). As they can park more efficiently on the paving, for a variety of reasons the church decided to pull 2 rows of parking back from Maplewood. **CHAIRMAN CASON** asked in the summer of 2013 will that be when they are submitting their permits or will that be when the parking lot is complete. Mr. Bull replied they hope that is when the parking lot is completed. They know if they make it through the Commission and Council, they presume they will be coming out with a 2-year Use Permit and they know they will be back here in 2 years explaining where they have been and what they have done. The goal is to have that parking lot paved within 2 years of Council approval of this Use Permit extension.

MR. SWANSON, CITY PLANNER, added that when the church does come back to their more permanent parking lot that will require one, rezoning, because some of the land out there is AG-1. It also will require a PDP so Commission will have a chance to look at the layout and all that design. In addition to that if there is the potential for those temporary parking lots, those will also need to get their own separate Use Permits. More than likely they will be looking at a Use Permit but then also rezoning and PDP at that same time.

VICE CHAIRMAN RIVERS asked if they intended to have this finished 2 years from now? He is not sure about the time frame. When would they then need to come to the Commission or whomever to get permits to start working on the parking lot? Does that have to be done within a year from now? Mr. Bull said he would anticipate that they could cram it in toward the end of the 2 years, more if need be. He would anticipate they will be back in front of Commission and Council on the PAD/PDP and that will be PAD/PDP on this area (he showed where) within the next year and then from there the engineers would turn in their plans for a couple of reviews on a parking lot like this. They know it needs full engineering and so on and then be in a position to pull permits. They are estimating it would take approximately 90 days to construct – not that it takes that long to pave the parking lot but they have to do some undergrounding with respect to waterlines and electrical lines for parking lot landscaping and lighting. He would expect they would be in here within a year or so. **VICE CHAIRMAN RIVERS** said so for the interim plan there is no land acquisition needed, only for Phase III. Mr. Bull replied that was correct. The church owns all of the land shown on the interim plan.

COMMISSIONER PRIDEMORE asked Mr. Bull if he could go back to that colored diagram and point out the Platt's residence – their property? Mr. Bull did. **COMMISSIONER**

PRIDEMORE said he thought he saw the property lines and he just wanted to verify that. Mr. Bull said they may or may not need to do some additional wall related things around the Platt property. That is another issue for another day.

CHAIRMAN CASON said the last time they met there was some discussion about pulling the cars away from the Platt property line and re-aligning them so that they didn't nose into their fence so that they had to look at the cars. He noticed on their interim parking plan, they have naturally taken care of that because they have moved a driving aisle up against that property and of course the cars are north and south which of course in this discussion they understands as to how that parking is going to be aligned once the asphalt is in place. Have they done anything with the temporary parking in the meantime to move that parking away from the property line? Mr. Bull said at the risk of Erik or Kevin shooting him, attached to their Staff Report they will see how the interim lot comes around here like this today. As he indicated, there have been some changes that occurred and how the configuration occurs in this area north of the tram lot. This is very close to the way that the parking lot is laid out and parked today and part of what they will see is that there are 2 things going on with respect to the Platt's that go to their issue. One is what they really wanted was a fence that paralleled their north property line – all along their north property line which has been installed because it was a visual issue he believes more than anything else that they were concerned with. Secondly, they will see there is some separation – there is a drive aisle that is occurring around here that separates the parking from this east property line but again, he believes more importantly today was the installation of the fence.

COMMISSIONER VEITCH said the area shown on the drawing in our packet and marked as Lot A is not shown as being configured the same as the last sheet Mr. Bull showed them, the work assignment sheet. He thinks the work assignment sheet is the accurate one.

CHAIRMAN CASON said the work assignment is the one they are going to say is how the parking lot is now. Mr. Bull said in the context of how it was being parked at the time that they filed the application and gave Staff a site plan. The site plan that is attached to Staff's Report is what was included in that application package. As a part of the evolution, reconfiguration in this area occurred where they will see these spaces are angled and other kinds of things like that are occurring. At the risk of Erik or Kevin shooting him, this isn't officially in the city's file he doesn't think. If they want it to be, they are happy to make it a part of the City's official file. **CHAIRMAN CASON** asked so the work assignment sheet is how that lot is going to be parked according to this Use Permit? Mr. Bull replied that was correct. **CHAIRMAN CASON** said that was good. He asked if there were any other questions for Mr. Bull. There wasn't.

CHAIRMAN CASON went to the audience to see if anybody wanted to speak on this matter. There were none. He went back to Mr. Bull to see if there was anything else he wanted to add. Mr. Bull said he requests their approval.

VICE CHAIRMAN RIVERS said to clear something up in his mind he had a parking diagram that he had at the last meeting that has colors on it, orange, blue and yellow. They were discussing up here along the Platt's property that there used to be parking places that pointed directly at their property and he sees that they are now not on the new working assignment sheet

or the temporary parking page that they have. He was just double checking that the issue of the cars pointing directly at their property has been eliminated. Mr. Bull replied yes. He said it has been kind of a work in progress. He guesses that is how the system is supposed to work.

CHAIRMAN CASON thanked Mr. Bull and his clients for working with them. The biggest concern that they left with was just having an idea of what they had in mind and how long it was going to take is what they are looking for. He appreciates them coming back and sharing that with them. He looks forward to them getting everything done in a timely fashion. He looked for a motion.

MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER VEITCH** to approve ZUP10-0054 CORNERSTONE CHRISTIAN FELLOWSHIP with the amended site plan identified as ‘work assignment’. The item passed unanimously 6-0.

F. ZUP11-0003 MID MOUNTAIN EXCAVATION

Request Use Permit approval to operate an excavation business at 930 E. Germann Road, west of the northwest corner of Germann and McQueen Roads.

1. Substantial conformance with application materials (Site Plan, Narrative) kept on file in the City of Chandler Planning Division, in File No. ZUP11-0014, except as modified by condition herein.
2. Site improvements required to comply with the Zoning Code’s site development standards shall be completed within six (6) months of City Council approval.
3. No materials may be located outside of the storage yard. Existing materials piles outside the storage yard must be removed within one (1) week of City Council approval.
4. Landscaping planted in and adjacent to the storage yard shall be maintained at a level consistent with or better than at the time of planting.
5. The storage yard shall be relocated so that no part of it is closer to Germann Road than the existing office building. Also, no part of the yard may be moved closer to McQueen Road than currently exists.
6. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

MR. BILL DERMODY, SENIOR CITY PLANNER, stated they could see an aerial photograph of the site on the overhead camera in front of them. This is located at the northwest corner of McQueen and Germann roads – actually a little west of that intersection. This is an existing excavation business that is operating in violation of the zoning. It has apparently been there since about 2004 on a mostly vacant site. To the west of them on the same parcel is an auto repair use that is legal and non-conforming also known as grandfathered use that has been there for quite some time. There is also a cell tower in the northern part but for the most part this is an undeveloped site. It was approved about three years ago for rezoning from AG-1 to PAD for a mixed-use site that involved RV storage in the back, a field station at the corner and some retail along McQueen Road. Market conditions have not allowed that to construct and so the property

owner would like to allow this tenant to continue here with their excavation business, which involves a number of trucks and equipment within a fenced area. There is also an office that is actually an old existing historic home that they have converted to an office and ideally would like to maintain an “as is” on the site going forward. The Airpark Area Plan doesn’t support this for a long term use but Staff is recommending approval of this request as a short term use. They suggest a 1 year time limit on it that may or may not come back in a year for future extensions but for whatever time, it wouldn’t be a permanent use. They also suggest that the storage yard be relocated on a site. That is one of the conditions that are attached to the memo so that no portion of it is closer to Germann Road than the office building. One of their major concerns with this is the aesthetic effect of a storage yard right across from Tumbleweed Park on a major arterial and being able to move it back about 60 feet or so with less of an aesthetic impact. They also note that the zoning code requires a number of upgrades associated with this if it were to get approved including a block wall would encompass the storage yard; probably an 8-foot high block wall. There would also have to be some degree of landscaping. Those decisions would be made administratively but through preliminary discussions they have determined these are probably the ones that would be enforced. There is a little bit of leeway but that is all in an administrative basis. This Commission and through the Use Permit process doesn’t have the power to waive those site development standards. The only question before us is whether the use is appropriate. He said he believes the business owner would like to talk about some of those standards. Again, the Staff recommendation is for approval and he would like to read into the record additional condition no. 6 that didn’t make it in the original Staff memo but was always intended. It reads as follows:

7. *The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.*

Mr. Dermody said one other site development standard that is a key one he would like to mention is that all driveways whether inside or outside of the gate will most likely have to be paved. Right now it is all unimproved surface out there. It creates dust at certain times. So that would be remedied administratively through the review process. Again, recommendation is for approval for 1 year and he said he would be glad to answer any questions.

CHAIRMAN CASON asked if there were any questions for Staff on this item. He asked Mr. Dermody about the driveway entrance into Germann. Is there already a driveway there or ramp there? Mr. Dermody replied there is a ramp. There is a curb cut there already but there is no driveway. They can see an obvious path where the trucks have been traveling but that would have to be paved. **CHAIRMAN CASON** asked if the landscaping was going to be a commercial landscaping standard? Mr. Dermody said what is anticipated is the commercial landscaping standards on two sides – not the backside but only what faces McQueen and Germann and is what they anticipate enforcing. Yes, as far as the number of trees and number of shrubs it would be their commercial design standards – the norm. **CHAIRMAN CASON** asked if the 145 x 250 is the extent of the property that would include the south side and east side that would have to be bumped in a little bit to allow for a strip for landscaping. Correct? Mr. Dermody replied that is correct. The 145 x 250 is approximately what it is today. They are

recommending that the office be the closest portion to Germann Road so they would lose a lot in the south and to make up for that they would probably add on the back and the north side. Wherever the fences end up it will have to allow enough space to get landscaping around the south and east sides of the storage yard. **CHAIRMAN CASON** said let's say the applicant has made an arrangement with the owner of the property that he needs an inside-the-fence size of 145 x 250 and all of the paperwork, all of the exhibits that are presented with this application show that but in affect it might end up being 145 x 275 or something like that. Is there any kind of discrepancy between the fact that the presentation is showing that the actual lot the applicant needs is 250 x 145 when in actuality it will be a larger lot? Mr. Dermody replied that they don't have any conditions placed on this that would restrict the size to exactly 250 x 145 so it might get a little bit larger if necessary because of the way the driveways are laid out. **CHAIRMAN CASON** asked if that is completely between the applicant and the person who owns the property ultimately? Mr. Dermody said if it were to increase to 2 or 3 times the size, they would probably deem that not substantially similar to what they are asking for here but they have a little leeway.

CHAIRMAN CASON asked the applicant to come forward.

ED JOHNSON, OWNER OF MID MOUNTAIN EXCAVATION, 930 E. GERMANN ROAD, thanked Staff for approval but he has a problem with some of the requirements they are going to require. First of all they have been there since 2004. The property owner decided he was going to develop it in 2008 and came in front of them and got a PAD for that which is a storage yard and Quiktrip on the corner. A couple months ago the City came by and said they are in violation, you need to go. I requested to get this special Use Permit just to stay. The problem they have is they know they are not going to be there a long time; probably a couple years at max and the man will develop it. He'll get the storage yard and all of the amenities that you want in your planned PAD. The question he is asking them is 'what do they need to just stay' because some of these stipulations that they are giving him are more or less get out of dodge type scenario. Their business is driven by the new home market and they know that is down below the bottom so they are not financially capable of doing what they are asking. On these items is a paved driveway inside and outside the storage yard. They have track hoes and equipment that just eat up asphalt. They have decomposed asphalt or grindings (millings) that they were going to use for this driveway here. As they can see, this darkened area is pea gravel and ABC which goes all the way out to this driveway apron and all the way in here. The whole yard is all decomposed granite and ABC which is unimproved for them but improved would be asphalt but it is just not in their way of doing things because of the track equipment they own. They told Staff they could work with them if they wanted a paved driveway. They would put the millings down and then oil it or put asphalt slurry on top of the millings to get them an asphalt driveway. They wanted to move the fence back 50 feet from the right-of-way. Right now from back of curb to the edge of the chain link fence is approximately 50, maybe 45. They suggested that they remove the chain link fence and put a block fence and basically what they are saying is move this chain link fence back here to where it is 90 feet right-of-way back to this office putting a block wall down the east side, down the north side and back up the west side. The problem with that is he doesn't have that kind of money to do an 8-foot block wall or even a 6-foot block wall at \$26 a foot. They are looking at about 600 feet of block wall; roughly around \$16,000 or \$17,000. His problem with the block wall is over here about a half a mile you have their airport

and there is not a block wall anywhere around their airport; it is all a chain link fence. The aesthetics of the chain link fence are maybe good, maybe bad, but if their airport doesn't have it why are they requiring him to. He told Staff that the piece between the chain link fence and the curb he didn't have a problem with putting in some granite, some boulders and some cactus to make it look decorative but as far as trees and bushes like that they are on a well. Staff said they may need to go with City water and he said that is big bucks. They have a well that is located right here that furnishes them with water and the repair place. Now they know this isn't going to be an extended 5 or 10 year deal, this is a 1 or 2 year, possibly on the far side 3. The expenditures that Staff is requiring would be almost in the \$30,000 range. He said he can't develop this man's land for him. All he wants to do is just stay there for a couple years. He would like to. Staff has suggested trying and getting a variance to vary these stipulations in this Use Permit. He doesn't have a problem with that. He said he will look into it if approved and see about doing that. Do they have any suggestions that would help me out here?

CHAIRMAN CASON said they will certainly think about that. Is he continuing with his presentation? Mr. Johnson said the only other question he had was that Staff had one year for this and he was hoping to get two years but he guesses that he could live with one. Other than that he said he was done. **CHAIRMAN CASON** said so if he understands him any stipulations that are attached to this Use Permit are financially prohibitive for him. Mr. Johnson said he is just lucky to try and keep his business alive. Things have been very bad for him. **CHAIRMAN CASON** asked Staff about when this was annexed. Mr. Dermody said he didn't remember for certain but he believes this was part of the huge southern annexation that gave them most of southern Chandler which would have been 1983 or something like that – 80's or 70's. **CHAIRMAN CASON** asked so the auto repair use has been there since the 70's? Mr. Dermody said the auto repair use shows up on every aerial photo back to 1979. It was built sometime before that. **CHAIRMAN CASON** said he is taking that he didn't have a County Permit or anything else like that to be on this property back in 1979? Mr. Johnson said that he couldn't answer. **CHAIRMAN CASON** asked if he personally had a permit? Mr. Johnson said no.

KEVIN MAYO, PLANNING MANAGER, added that when it comes to the stipulations and things, the only kind of power that Commission and Council have for this Use Permit is to stipulate requirements of code. Staff has administrative flexibility in how they administer their code and their code is very clear that any use requires 'x and x' improvements. They have some leeway with that and they really do try to look at delivering what is the intent of code and they may not deliver to the letter of the law. If Commission feels that it is appropriate to deliver the letter of the law, saying it shall be an 8-foot solid block wall, it shall be commercial design landscaping with standards, those types of conditions can be placed on this Use Permit. Conditions that provide a variance from code can't be done through this Use Permit. Through the Use Permit the only thing it does do is grant the land use the right to do it. The applicant is correct that they have advised him that if he is looking to seek not doing pavement, not doing the wall, not doing any of those other things, that would have to go through either the Board of Adjustment or come back through this board and Council as a rezoning and a PDP under a permanent condition which then the permanent code really kicks in. The conditional Use Permit really has its hands tied to what Commission and Council can approve under deviations from code.

CHAIRMAN CASON asked if there was anyone in the audience that wanted to speak on this matter. There were none. He closed the floor to public discussion and looked for a motion or further discussion on the dais.

COMMISSIONER VEITCH said they are in a situation where they can't really do much to help the applicant. The stipulations that are attached are recommended to be attached to the Use Permit. It requires the improvements to be made that are of concern to the applicant. That becomes a matter for Staff to determine how strict to be in the application of the site development standards and as they have heard, Staff takes reality into account in terms of what the intent of the code would be in a particular situation. They are looking at 2 or 3 years maybe before the PAD development starts to take place. Staff might well find it appropriate relatively lenient with respect to the site development standards for that kind of a period of time. This Commission has no authority to waive those and they don't seem to have an appetite to put them in as stipulations either so he thinks they have what they have.

CHAIRMAN CASON said he would agree.

MOVE BY COMMISSIONER VEITCH, seconded by **COMMISSIONER BARON** to approve ZUP11-0003 MID MOUNTAIN EXCAVATION. The item passed unanimously 6-0 (Commissioner Cunningham was absent).

6. DIRECTOR'S REPORT

Mr. Mayo said there was nothing to report with the exception to remember that the August 3 hearing has been cancelled.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN CASON announced that the next regular meeting is August 17, 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 6:55 p.m.

Michael Cason, Chairman

Jeffrey A. Kurtz, Secretary