

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, February 1, 2012 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 Matthew Pridemore
Commissioner Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson

Absent and excused:

Commissioner Stephen Veitch

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. 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 discussion.

A. DVR11-0030 LIGHT OF CHRIST LUTHERAN CHURCH

Approved to withdraw for the purpose of re-advertising.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former zoning district of PAD for multi-family development. The existing PAD zoning is for a church. The subject site is

located at 1500 N.W. Jacaranda Parkway on approximately 6.3 acres. **(REQUEST WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING.)**

B. APL11-0003/DVR11-0035/PPT11-0006 WATERS AT OCOTILLO – PARCELS 1 & 4

Approved.

This application requests an amendment to the Ocotillo Area Plan from Multi-Family Residential to Single-Family Residential and Rezoning from Planned Area Development (PAD) zoning for multi-family uses to PAD Amended zoning for single-family uses along with Preliminary Development Plan (PDP) and Preliminary Plat approval for two single-family residential subdivisions. The properties are located near the intersection of Market Place and Jacaranda Parkway, northeast of the intersection of Dobson and Price Roads.

Area Plan

Staff, upon finding consistency with the General Plan, recommends approval of the area plan amendment to change the subject site's designation from Multi-Family to Single-Family in case APL11-0003 WATERS AT OCOTILLO – PARCELS 1 & 4.

Rezoning

Staff, upon finding consistency with the General Plan, recommends approval of the rezoning from PAD to PAD Amended in case DVR11-0035 WATERS AT OCOTILLO – PARCELS 1 & 4 subject to the following condition:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Waters at Ocotillo – Parcels 1 & 4" and kept on file in the City of Chandler Planning Division, in File No. APL 11-0003/DVR11-0035, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3890 in case DVR06-0052 THE WATERS AT OCOTILLO, except as modified by condition herein.

Preliminary Development Plan

Staff, upon finding consistency with the General Plan, recommends approval of PDP in case APL11-0003/DVR11-0035/PPT11-0006 WATERS AT OCOTILLO – PARCELS 1 & 4 subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Waters at Ocotillo – Parcels 1 & 4", kept on file in the City of Chandler Planning Services Division, in File No. DVR11-0035, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3890 in case DVR06-0052 THE WATERS AT OCOTILLO, except as modified by condition herein.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.

4. The applicant will work with staff to provide an additional floor plan and elevation for the 4000 Series product that is of an equal or greater quality level to the other 4000 Series products presented in the development booklet.

Preliminary Plat

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.

C. DVR11-0038/PPT11-0008 FINISTERRA

Approved.

Request rezoning from Single-Family Residential (SF-18) to Planned Area Development (PAD), along with Preliminary Development Plan and Preliminary Plat approval for a 133-lot single-family residential subdivision on an approximate 40.8-acre site located at the southwest corner of Ocotillo Road and the future 148th Street alignment.

1. Development shall be in substantial conformance with the Development Booklet, entitled "Finisterra" and kept on file in the City of Chandler Planning Division, in File No. DVR11-0038, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
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. 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.

9. 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.
10. 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.

Preliminary Development Plan

Staff, upon finding consistency with the General Plan, recommends approval of DVR11-0038 FINISTERRA, Preliminary Development Plan for subdivision layout, subject to the following conditions:

1. Preliminary Development Plan approval is for subdivision layout only.
2. Development shall be in substantial conformance with Exhibit No. 7, Development Booklet, entitled "Finisterra", and kept on file in the City of Chandler Planning Division, in File No. DVR11-0038, except as modified by condition herein.

Preliminary Plat

Staff recommends approval of the Preliminary Plat PPT11-0008 FINISTERRA, 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.

D. DVR11-0039 PROJECT GREEN BOX

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former Agricultural District (AG-1) zoning for approximately 22 acres north and east of the northeast corner of Germann and Price Roads. The existing PAD zoning allows office and light industrial uses. Also, request Preliminary Development Plan (PDP) approval for a data center with an open-air equipment courtyard on approximately 8 acres in the site's southeast portion (the northwest corner of Germann Road and Ellis Street).

Zoning Extension

Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

Preliminary Development Plan

Planning Commission and Staff, upon finding consistency with the General Plan and existing PAD zoning, recommend approval of the PDP in case DVR11-0039 PROJECT GREEN BOX subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled “Project Green Box”, kept on file in the City of Chandler Planning Division, in File No. DVR11-0039, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 4015 in case DVR07-0040 SSB PRICE ROAD, except as modified by condition herein.
3. Landscaping tree sizes and numbers shall be in accordance with the Commercial Design Standards.
4. **The decorative square metal accents shown on the south and east elevations shall be added to the west building elevation.**

E. DVR11-0047 CHANDLER AIRPARK VILLAGE

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former Agricultural District (AG-1) zoning. The existing PAD zoning is for a mixed-use development consisting of retail, medical/general office, and multi-family residential uses located on approximately 30-acres at the southwest corner of Germann Road and the Consolidated Canal (1/4 mile east of McQueen Road).

Staff, upon finding consistency with the General Plan, recommends approval to extend the timing condition for three (3) years in which the zoning would be in effect until February 7, 2015, and with all of the conditions in the original approval remaining in effect.

F. DVR11-0048 CHANDLER CENTER COMMONS

Approved.

Request rezoning from Planned Area Development (PAD) to PAD Amended zoning to allow additional uses within the Chandler Center Commons development at 5500-5590 W. Chandler Boulevard.

1. Substantial conformance with application materials kept on file in the City of Chandler Planning Division, in File No. DVR11-0048, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 4316 in case DVR11-0014 CHANDLER CENTER COMMONS, except as modified by the subject application and conditions herein.
3. Prior to any medical office occupancy, the property owner shall specify to Planning Staff which of the site’s suites are eligible for medical office uses. Such suites’ square footage shall be limited by the Zoning Code-required parking provision.

G. LUP11-0021 JERSEY D'S TAVERN & GRILL

Approved

Request Liquor Use Permit approval to sell liquor as permitted under a Series 6 Bar License for on-premise consumption indoors and within an outdoor patio area and live entertainment indoors at an existing bar/restaurant. The property is located at 5945 W. Ray Road, Suite 13, southeast corner of Ray and Kyrene Roads.

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 Bar 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. Music, including live music and speakers, are prohibited on the outdoor patio.
7. Live music and entertainment as represented shall occur indoors only and shall be controlled so as to not unreasonably disturb area residences or adjacent businesses and shall not exceed the ambient noise level as measured at the commercial property line.

H. ZUP11-0028 PRO EDGE PERFORMANCE TRAINING LLC

Approved.

Request Use Permit approval to operate a personal training fitness business within the I-1 (Planned Industrial District) zoning. The subject site is located at 500 N. 56th Street, Suites 1 & 2, north of Chandler Boulevard.

1. Expansion or modification beyond the approved exhibits (site plan, floor plan, narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit shall remain in effect for **five (5) years** 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.
3. The use shall be in substantial conformance with exhibits and representations.
4. The property shall be maintained in a clean and orderly manner.
5. All personal training and classes shall occur indoors only.

I. MOTION TO CANCEL THE FEBRUARY 15, 2012 PLANNING COMMISSION HEARING.

Approved.

CHAIRMAN CASON stated he would be voting 'no' on Item E. He voted no on Item E when it originally came through for its zoning 3 years ago. There has been no change on the item in

the area or the economy that would prompt him to vote any different this time around. Once again, on Item E he will be voting no.

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

6. DIRECTOR'S REPORT

Mr. Mayo said there was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN CASON announced that the next regular meeting is March 7, 2012 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 5:37 p.m.

Michael Cason, Chairman

Jeffrey A. Kurtz, Secretary