

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, April 4, 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 Chairman Cason.
3. The following Commissioners answered Roll Call:

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

Also present:

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

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER VEITCH** to approve the minutes of the March 21, 2012 Planning Commission Hearing. The motion passed 5-0 with 2 abstentions (Commissioners Baron and Donaldson abstained as they were not present at the 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. There were no items pulled for discussion.

A. DVR11-0040 ARCHSTONE VILLAGE CROSSING AT CHANDLER

Approved.

Request rezoning from AG-1 (Agricultural District) and C-3 (Regional Commercial District) to Planned Area Development (PAD) zoning for multi-family residential and Conceptual PAD for commercial/office/business park with Preliminary Development Plan (PDP) for the multi-family residential project. The property is located at the northeast corner of Arizona Avenue and Queen Creek Road.

Rezoning

Planning Staff, upon finding consistency with the General Plan and Airpark Area Plan, recommends approval of the Rezoning request subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Archstone Village Crossing at Chandler", kept on file in the City of Chandler Planning Services Division, in File No. DVR11-0040, 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. 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 ARCHSTONE VILLAGE CROSSING AT CHANDLER shall use treated effluent to maintain open space, common areas, and landscape tracts.

9. All structures on the property shall remain below the protective surfaces as defined in Federal Aviation Regulation Part 77 and/or in relation to limits established in FAA determined Terminal Procedures (TERPS). All construction cranes shall be installed and operated in accordance with FAA rules and regulations including notification through the filing of FAA Form 7460-1, Notice of Proposed Construction or Alteration.
10. Prior to building permit issuance for any structures the developer shall provide a DETERMINATION OF NO HAZARD TO AVIATION approval as issued by the FAA after filing an FAA Form 7460, Notice of Proposed Construction or Alteration.
11. All apartment buildings shall be designed and built with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event from an aircraft. A registered engineer shall certify that the project is in conformance with this condition.
12. The developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
13. In the event the residential component is platted to allow unit ownership, the following stipulations shall be the responsibilities of the sub-divider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
 - a) Prior to any lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Chandler Municipal Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight activity. This document signed by the homebuyer shall be recorded with Maricopa County Recorder's Office upon sale of the property.

- b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and overflight patterns, as identified and depicted in the document entitled *Chandler Municipal Airport, F. A. R. Part 150, Noise Compatibility Study, Noise Compatibility Program, Exhibit 6A (Potential Airport Influence Area)*, as adopted by the Chandler City Council (Resolution No. 2950, 11-5-98). Such map shall be a minimum size of 24" x 36".
- c) The above referenced information shall also be included within the Subdivision Public Report to be filed with the State of Arizona Department of Real Estate, as required by Arizona Revised Statute 28-8486 and Arizona Revised Statute 28-8464.
- d) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.
- e) The subdivider/homebuilder/developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
- f) All homes and buildings shall be designed and built with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event from an aircraft. A registered engineer shall certify that the project is in conformance with this condition.
- g) The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:

“This property is located within or adjacent to the Chandler Municipal Airport Impact Overlay District and is subject to aircraft noise and overflight activity, and is encumbered by an avigational easement to the City of Chandler.”

Preliminary Development Plan

Planning Staff, upon finding consistency with the General Plan and Airpark Area Plan, recommends approval of the Preliminary Development Plan request subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled “Archstone Village Crossing at Chandler”, kept on file in the City of Chandler Planning Services Division, in File No. DVR11-0040, except as modified by condition herein.
2. The future commercial/office/business park component shall be reviewed and approved by a separate Preliminary Development Plan zoning case.
3. The future commercial/office/business park development shall be designed with an urban form using architectural materials, forms, colors, and character elements as represented for the multi-family residential project.

4. 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.
5. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
7. 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.
8. Lettering for the multi-family residential project's monument signs shall be reverse pan channel or individual mounted with halo-illumination.
- 9. The application shall work with Staff to provide additional trees along the main boulevard entrance drive off of Arizona Avenue.**
- 10. Landscaping throughout the multi-family project to be in conformance with zoning code.**

B. DVR11-0044 PECOS VILLAGE CENTER

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 classification. The existing PAD zoning is for an office and retail development on approximately 15 acres. The property is located at the northwest corner of Pecos and Cooper Roads.

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

C. DVR12-0004 PALMS RESORT RETIREMENT COMMUNITY

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 allows for assisted living/retirement uses on approximately 6.4 acres at the northwest corner of Pecos Road and Pennington Drive, approximately 670 feet east of Dobson Road.

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

D. LUP11-0025 TONIC

Approved.

Request a time extension of the Liquor Use Permit allowing the sale of liquor (Series 6 Bar License) for on-premise consumption indoors and within an outdoor patio, and live music indoors at an existing lounge/bar. The property is located at 3400 W. Chandler Blvd., Suite 5, west of the Loop 101 Price Freeway and north of Chandler Boulevard.

1. The Use Permit is granted for a Series 6 Bar License only, and any change of license shall require reapplication and new Use Permit approval.
2. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, Narrative, and Neighborhood Meeting Notification Letter) shall void the Use Permit and require new Use Permit re-application and approval.
3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or additional entertainment or sporting game related uses shall require re-application and approval of the Use Permit.
4. The Use Permit is non-transferable to other restaurant locations.
5. The site shall be maintained in a clean and orderly manner.
6. The patio shall be maintained in a clean and orderly manner.
7. The rear door to this business shall remain closed and not propped open during business hours and shall not be used as a customer entrance or exit.
8. Noise shall not exceed the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
9. Amplified or non-amplified live music is prohibited on the outdoor patio and shall only occur indoors.

E. LUP12-0003 CAN'T STOP SMOKIN' BBQ

Approved.

Request Liquor Use Permit approval to allow liquor sales as permitted under a Series 12 Restaurant License for a new restaurant. The property is located at 7250 W. Chandler Boulevard, northeast corner of 54th Street and Chandler Boulevard.

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 (Restaurant 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.

F. ZUP12-0001 BORNES OFFICES

Approved

Request Use Permit approval for a time extension on the residential conversion for office use. The subject site is located at 348 W. Chandler Blvd., north side of Chandler Boulevard and west of Chandler High School.

1. The Use Permit shall be effective for three (3) years from the date of Council approval. Use Permit extensions, for similar or greater time periods, shall be subject to re-application to and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits (site plan, floor plan, building elevations) shall void the Use Permit and require new Use Permit application and approval by the City of Chandler.
3. The Use Permit is non-transferable to any other property.
4. Increases in on-site employment over that represented (7), or the expansion of the home to provide additional office space, shall require a new Use Permit application and approval by the City of Chandler.
5. The property shall be maintained in a clean and orderly manner.
6. The landscaping shall be maintained at a level consistent with or better than at the time of planting in accordance with City approved construction plans.

G. ZUP11-0038 HAMILTON HIGH WIRELESS FACILITY – VERIZON

Approved.

Request Use Permit approval to install a wireless communication facility on a ballfield light pole at Hamilton High School, located at the northwest corner of Ocotillo Road and Arizona Avenue.

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.

H. ZUP12-0006 CROWN CASTLE WIRELESS FACILITY

Approved to withdraw for the purpose of re-advertising.

Request Use Permit approval to install a second wireless communication facility on an existing tower located at the southeast corner of Chandler Heights Road and Arizona Avenue. **(STAFF REQUESTS WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING.)**

I. MOTION TO CANCEL THE APRIL 18, 2012 PLANNING COMMISSION HEARING.

Approved.

VICE CHAIRMAN RIVERS said he wanted to commend the developers of Item A. He thinks it is a beautiful project. It is multi-family and something that apparently they are short of around the airport. Though it is a beautiful project, when the project is near an existing airport, any conflicts must be considered. This project seems to create none. It is 3 stories at the highest and it is over a mile from the airport's main runway. They have the approval of the Airport Commission and it does not interfere with flight operations and its location is not in the take-off or landing pad areas. He said it is wonderful and fits the area and he commends the developers.

CHAIRMAN CASON stated he had comments on Items A as well. Over the years he has usually found objections to anything that goes along the railroad tracks in Chandler because of his fervent belief that those lands need to be preserved for future employment in the city. In this particular case the design is so overwhelmingly approvable and he can't remember the term they use to describe themselves in the narrative but he is pretty happy with the design and the fact that it moves up to the railroad tracks on the east side, and given the fact that the way that node is going to look and the uses of the land on the east side of Arizona Avenue between the railroads north from there, all kind of tie in to this type of residential use. However, he always wants to put in his two cents worth to remember to save the railroad tracks because the way things are going they might find that railroad is back in fashion.

MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER VEITCH** to approve the Consent Agenda with additional stipulations as read into the record by Staff. The Consent Agenda passed unanimously 7-0.

6. DIRECTOR'S REPORT

Mr. Mayo said there was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN CASON announced that this would be his last meeting. He has been on Commission for six years and said it is time to pass the gavel if you will. He wanted to thank Staff especially because of the insight that they have been able to provide. He said sitting up there is so much more than just looking at plans; it is actually learning things that make the City operate. He has been very honored and very thankful for having the opportunity to serve the City in this fashion.

CHAIRMAN CASON announced that the next regular meeting is May 2, 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 5:39 p.m.

Michael Cason, Chairman

Jeffrey A. Kurtz, Secretary