

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, September 5, 2012 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Rivers called the meeting to order at 5:30 p.m.
2. Pledge of Allegiance led by Commissioner Donaldson.
3. The following Commissioners answered Roll Call:

Chairman Leigh Rivers
Vice Chairman Stephen Veitch
Commissioner Andrew Baron
Commissioner Katy Cunningham
Commissioner Matthew Pridemore
Commissioner Bill Donaldson
Commissioner Phil Ryan

Also present:

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

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN VEITCH, SECONDED BY COMMISSIONER PRIDEMORE to approve the minutes of the August 15, 2012 Planning Commission Hearing. The motion passed unanimously 5-0 with 2 abstentions (Chairman Rivers and Commissioner Donaldson were not present at that meeting).
5. ACTION AGENDA ITEMS
CHAIRMAN RIVERS 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. He said they had withheld Item A from the Consent Agenda but they were given the indication that they want to put that back on to the Consent Agenda. There were no objections from the Commissioners on this so Item A was put back on the Consent Agenda and there were no other items pulled for action.

The Chairman also said that he did have one speaker card and that person did not wish to speak. He said Gary Hays is opposed to the multi-tenant use of Item A.

A. DVR12-0006 PRICE ROAD COMMERCE CENTER

Approved.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) along with Preliminary Development Plan (PDP) approval for a business park on approximately 38 acres located south of the southwest corner of Germann and Price roads.

Rezoning

1. Development shall be in substantial conformance with the attached Development Booklet, entitled "PRICE ROAD COMMERCE CENTER", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0006, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.
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. 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.
4. 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 or as otherwise approved in a development agreement.
5. Unless otherwise included as part of the City's Capital Improvement Program, 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.
6. 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 Price Road Commerce Center development shall use treated effluent to maintain open space, common areas, and landscape tracts.

7. Landscaping shall be in compliance with current Commercial Design Standards.
8. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
10. Approval by the Director of Transportation and Development for landscaping (open spaces and rights-of-way), perimeter walls and arterial street median landscaping is required.
11. 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.

Preliminary Development Plan

1. Development shall be in substantial conformance with the attached Development Booklet, entitled "PRICE ROAD COMMERCE CENTER", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0006, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.

B. DVR12-0015/PPT12-0008 LAYTON LAKES PARCELS 24, 26 & 27

Approved.

Request rezoning from Planned Area Development (PAD) for Single-Family and High-Density Residential to PAD amended for Single-Family Residential, with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and housing product on approximately 95 acres located south and east of the southeast corner of Gilbert and Queen Creek roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "Layton Lakes Parcel 24, 26 & 27 PAD & PDP Amendment" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0015, 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 the original stipulations adopted by the City Council as Ordinance 3250, case DVR00-0025 LAYTON LAKES, 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. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
5. 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.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
7. 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.
8. 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.
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.
11. 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 Layton Lakes Parcels 24, 26 & 27 development shall use treated effluent to maintain open space, common areas, and landscape tracts.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "Layton Lakes Parcel 24, 26 & 27 PAD & PDP Amendment" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0015, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as case PDP03-0038 LAYTON LAKES, except as modified by condition herein.
3. The same elevation shall not be built side-by-side or directly across the street from one another.
4. All homes built on corner lots within the residential subdivision shall be single-story.
5. Window mullion patterns shall remain consistent on all sides of the homes.
6. For lots backing onto an arterial street, two-story homes are limited to every third lot.

Preliminary Plat

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. DVR12-0020 NW & W OF THE SWC APPLEBY & GILBERT ROADS

Approved.

Request the establishment of initial City zoning of Agricultural (AG-1) on an approximate 33.8-acre site located northwest and west of the southwest corner of Appleby and Gilbert roads.

Upon finding consistency with the General Plan, Staff recommends approval of the establishment of initial city zoning of AG-1 on an approximate 33.8-acre site located northwest and west of the southwest corner of Appleby and Gilbert roads.

D. DVR12-0016/PPT12-0009 BELMONT ESTATES

Approved to continue to the September 19, 2012 Planning Commission Hearing.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) along with Preliminary Development Plan and Preliminary Plat approval for a single-family residential subdivision on approximately 33.8 acres. The subject site is located at the northwest corner and west of the southwest corner of Appleby and Gilbert roads. **(REQUEST CONTINUANCE TO THE SEPTEMBER 19, 2012 PLANNING COMMISSION HEARING.)**

E. DVR12-0017 SAN HACIENDA II

Approved.

Request rezoning from AG-1 (Agricultural District) and C-3 (Regional Commercial District) to PAD (Planned Area Development) to allow multi-family residential with Preliminary Delopment Plan (PDP) for multi-family residential on approximately 3.5 acres located south of the southwest corner of Warner Road and Arizona Avenue adjacent to the existing San Hacienda apartment community.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "San Hacienda Expansion", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0017, 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.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "San Hacienda Expansion", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0017, except as modified by condition herein.

2. 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.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
5. 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.
6. The parking space canopies shall be consistent in design with existing parking space canopies throughout the development.

Preliminary Plat

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

F. DVR12-0024 COMSTOCK OFFICE WAREHOUSE

Approved.

Request rezoning from Planned Industrial District (I-1) with a Planned Area Development (PAD) overlay, I-1/PAD zoning, to I-1/PAD amending the ordinance and allowed uses for property located at 305 East Comstock Drive, east of Arizona Avenue and south of Elliot Road.

1. Development shall be in substantial conformance with existing zoning and PDP approvals except as modified by the application materials of this request (narrative and site plan) and associated conditions of approval.
2. Automotive repair shop, a body and fender shop, an auto broker, car rental, vehicle maintenance, and the like shall be allowed as represented by the application materials.
3. All work shall be conducted indoors.
4. There shall be no outdoor storage of parts.
5. Any overnight storage of vehicles will be stored in the gated area.

G. PDP12-0010 BANK OF AMERICA ATM

Approved.

Request Preliminary Development Plan (PDP) approval for a drive-up ATM in the shopping center parking lot at the northeast corner of Ray and Rural Roads.

1. Development shall be in substantial conformance with application materials (site plan, elevations, narrative), except as modified by condition herein.
2. Compliance with previous site approvals, except as modified by condition herein.
3. The adjacent existing tree shall be maintained and trimmed in a natural manner.

H. PDP12-0017 AVIAN MEADOWS

Approved.

Request Preliminary Development Plan approval for housing product for a single-family residential subdivision located north of the northwest corner of Chandler Heights and Lindsay roads.

1. Development shall be in substantial conformance with Attachment No.7, Development Booklet, entitled "AVIAN MEADOWS", kept on file in the City of Chandler Transportation & Development Services Department, Planning Division, in File No. PDP12-0017 AVIAN MEADOWS, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 4202 in case DVR09-0002 AVIAN MEADOWS, except as modified by condition.

I. LUP12-0017 NANDO'S MEXICAN CAFÉ

Approved.

Request approval of a Use Permit to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors and within an outdoor patio at a new restaurant within The Shops at Pecos Ranch development. The property is located at the northeast corner of Dobson and Germann 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 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.

J. ZUP12-0019 APEX TINT LLC

Approved.

Request Use Permit approval to allow automotive detailing, windshield/window repair and replacement, and automotive window tinting within the I-1 (Planned Industrial District) zoning. The subject site is located at 500 N. 56th Street, Suites 8 and 19, north of Chandler Boulevard.

1. Expansion or modification beyond the approved exhibits (site plan, floor plan, narrative, parking plan) shall void the Use Permit and require new Use Permit application and approval.
2. 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.
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 vehicle work shall occur indoors only.
6. There shall be no washing of vehicles outside or indoors creating running water on the property.

K. ZUP12-0023 LEADING EDGE AUTO FINISHES

Approved.

Request extension of 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 three (3) 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.

L. ZUP12-0026 ARIZONA NATURAL MEDICAL CENTER

Approved.

Request Use Permit approval to operate a medical office in a converted residence at 821 W. Warner Road, east of the southeast corner of Warner and Alma School Roads.

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 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.
3. The site shall be maintained in a clean and orderly manner.

KEVIN MAYO, PLANNING MANAGER, stated that on the agenda they had inadvertently left off on Item E, San Hacienda II the Preliminary Plat number PPT12-0014, which is also a part of that request this evening. He said it is attached with the memo but didn't make it on to the agenda.

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

6. DIRECTOR'S REPORT

Mr. Mayo said he had nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN RIVERS announced that the next regular meeting is September 19, 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 5:42 p.m.

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary