

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, November 7, 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 Cunningham.
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
Ms. Jessica Sarkissian, 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 October 17, 2012 Planning Commission Hearing. The motion passed 7-0.
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. Item C was pulled to action.

A. DVR12-0002 FRY'S FUELING CENTER

Approved to withdraw.

Request rezoning from Planned Area Development (PAD) to PAD Amended to eliminate conditions prohibiting a fuel station and 24-hour uses, along with Preliminary Development Plan approval for site layout and building architecture. The subject site is located at the southwest corner of Alma School and Germann roads. (**APPLICANT REQUESTS WITHDRAWAL.**)

B. DVR12-0039 WEST OF THE SWC CHANDLER HEIGHTS & GILBERT ROADS

Approved.

Request the establishment of initial City zoning of Agricultural on an approximate 25-acre site located west of the southwest corner of Chandler Heights 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 24.98-acre site located west of the southwest corner of Chandler Heights and Gilbert roads.

D. DVR12-0030/PPT12-0015 AERIE AT ALMA & PECOS WEST

Approved.

Request rezoning from Planned Area Development (PAD) Commercial to PAD (Multi-Family Residential) with Preliminary Development Plan and Preliminary Plat for a multi-family residential development located at the northwest corner of Alma School and Pecos Roads.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "AERIE AT ALMA & PECOS WEST", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0030, except as modified by condition herein.
2. Construction shall commence above foundation walls within eighteen (18) months of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).

6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
8. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled “AERIE AT ALMA & PECOS WEST”, kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0030, except as modified by condition herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
4. 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.
5. **The developer shall work with Staff to incorporate a north to south paseo linking open spaces.**

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.

E. DVR12-0031/PPT12-0016 AERIE AT ALMA & PECOS EAST

Approved.

Request rezoning from Planned Area Development (PAD) Commercial to PAD (Multi-Family Residential) with Preliminary Development Plan and Preliminary Plat for a multi-family residential development located at the northeast corner of Alma School and Pecos Roads.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled “AERIE AT ALMA & PECOS EAST”, kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0031, except as modified by condition herein.
2. Construction shall commence above foundation walls within eighteen (18) months of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.

4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
8. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "AERIE AT ALMA & PECOS EAST", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0031, except as modified by condition herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
4. 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.
5. **The developer shall work with Staff to incorporate a north to south pedestrian paseo linking open spaces.**

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. DVR12-0032/PPT12-0017 THE PLAZA

Approved.

Request rezoning from Planned Area Development (PAD) for a residential condominium development to PAD along with Preliminary Development Plan and Preliminary Plat approval for a 65-lot single-family attached residential subdivision. The subject site is located west of the northwest corner of 56th and Harrison streets.

1. Development shall be in substantial conformance with the Development Booklet, entitled "THE PLAZA" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0032, 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. 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.
8. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
9. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "THE PLAZA", and kept on file in the City of Chandler Planning Division, in File No. DVR12-0032, except as modified by condition herein.
2. **The applicant shall work with Staff to ensure that landscaped areas between the entrances of the homes provide a non-evasive tree species.**
3. **The color scheme of the wall shall be consistent with the surrounding area.**

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.

G. DVR12-0035 POLLACK BUSINESS PARK NORTH PHASE 2

Approved to continue to the November 20, 2012 Planning Commission Hearing.

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 I-1/PAD. The existing PAD zoning designation is for commercial retail/office/showroom and light

industrial uses on an approximate 10-acre site. The subject site is located at the northeast corner of Arizona Avenue and Elliot Road. **(REQUEST CONTINUANCE TO THE NOVEMBER 20, 2012 PLANNING COMMISSION HEARING.)**

H. DVR12-0036 POLLACK BUSINESS PARK SOUTH

Approved to continue to the November 20, 2012 Planning Commission Hearing.

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 I-1/PAD. The existing PAD zoning designation is for commercial retail/office/showroom and light industrial uses on an approximate 16-acre site. The subject site is located at the southeast corner of Arizona Avenue and Elliot Road. **(REQUEST CONTINUANCE TO THE NOVEMBER 20, 2012 PLANNING COMMISSION HEARING.)**

I. PDP12-0013 AZ 202

Approved.

Request Preliminary Development Plan amendment approval for site layout and building architecture for a retail, office, and hotel development on an approximate 45-acre site. The subject site is located at the southwest corner of Arizona Avenue and Pecos Road.

1. Development shall be in substantial conformance with the Development Booklet, entitled "AZ 202", kept on file in the City of Chandler Planning Division, in File No. PDP12-0013, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3951 in case DVR07-0009 ARIZONA 202, except as modified by condition herein.
3. The applicant shall work with Staff to incorporate additional architectural elements for the hotel in order that the hotel provides a stronger architectural tie to the larger development.

J. LUP12-0021 I SUSHI

Approved.

Request Use Permit approval for a Series 12 (Restaurant) liquor license for a restaurant and outdoor patio. The subject site is located at 4939 W. Ray Road, Suites 1 & 2, which is located at the southeast corner of Ray and Rural roads.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to other store locations.
3. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
4. The site and outdoor patio shall be maintained in a clean and orderly manner.
5. Televisions, speakers, and music are prohibited outside of the restaurant.
6. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.

K. ZUP12-0027 HARVEST FOR HUMANITY

Approved to continue to the November 20, 2012 Planning Commission Hearing.

Request Use Permit approval to operate a community garden on a vacant lot. The subject site is located at the northwest corner of Chicago and Dakota streets. **(REQUEST CONTINUANCE TO THE NOVEMBER 20, 2012 PLANNING COMMISSION HEARING.)**

L. ZUP12-0028 PRESIDIO WIRELESS

Approved.

Request Use Permit approval to allow a monopalm wireless communication facility in the Presidio Executive Center, located at 1120 S. Dobson Road, at the southwest corner of Pecos and Dobson Roads.

1. Development shall be in substantial conformance with the approved exhibits except as modified by conditions herein. Expansion or modification of the use beyond the approved exhibits shall require a new Use Permit application and approval.
2. The monopalm shall provide long enough palm fronds so as to extend beyond the antennas to provide adequate camouflage.
3. Further screening shall be required along with the wrought iron fencing to visually conceal the equipment inside.

M. MOTION TO RESCHEDULE THE WEDNESDAY, NOVEMBER 21, 2012 PLANNING COMMISSION HEARING TO TUESDAY, NOVEMBER 20, 2012.

Approved.

COMMISSIONER RYAN said for the record he will be abstaining from voting on Items D and E because he was a consultant on those projects.

COMMISSIONER BARON said he wanted to explain and comment on the additional stipulations on Items D and E on the Consent Agenda. Those comments really came from reviewing the site plan and evaluating all the quality of life and circulation within the project itself trying to find discernible pathways to allow residents to be able to migrate from the southern to the northern end of the property and to utilize the active open space element. He think the stipulations as read in by Staff working with the applicant to find ways to mitigate that through manipulation of buildings, creating some width of open space area that could be landscaped again and provide connectivity. That is the goal of that stipulation.

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

ACTION:

C. DVR12-0022/PPT12-0011 CHANDLER HEIGHTS

Approved to continue to the January 16, 2013 Planning Commission Hearing.

Request rezoning from Agricultural to Planned Area Development along with Preliminary Development Plan and Preliminary Plat approval for a 68-lot single-family residential subdivision. The subject site is located west of the southwest corner of Chandler Heights and Gilbert Roads.

MR. ERIK SWANSON, CITY PLANNER, stated this is a rezoning from AG-1 to Planned Area Development for a single-family residential development as currently provided in the development booklet and then also the Staff memo. It is a 68-lot subdivision that has modified to be reduced to 67 lots. He said he will address that when they get to that later in the memo. The subject site is located west of the southwest corner of Chandler Heights and Gilbert roads and is directly on the south side of Chandler Heights. It is kind of an odd conglomeration of 7 or so parcels that really makes up a unique site. In total 25 acres of almost a larger 40 acre section. It is currently vacant with some structures scattered throughout. It has a history of being farmed. Within the general vicinity there is County land at the northeast section of the site; there are County properties directly west of it and also northwest of it. There is the Circle G at Riggs Ranch custom single family home subdivision to the east and south and there is also a custom subdivision to the southwest-Terra Vista.

The site is very odd shaped and is not a traditional layout from anything they have seen. The proposal again is 68 lots and is located in the Southeast Chandler Area Plan. When they look at these subdivisions they have to meet a couple of standards. First, our residential development standards and second the standards as outlined in the Southeast Chandler Area Plan. There are a number of provisions that are provided in both of those documents that developments have to meet and those are outlined in both the development booklet and in his memo. It should be noted that with the Southeast Chandler Area Plan there is a density cap ranging from 0 dwelling units per acres up to typically 2.5 dwellings per acre. There is provisions provided that allow a density to be increased up to 3.5 dwellings per acre based on amenities being provided; open spaces areas, various landscaping themes, etc. Those are outlined both in the memo and then in the appendix of the development booklet.

It does meet the density incentives to allow for what is being proposed in the development booklet and 2.78 dwelling units per acre but again when he gets further into the presentation that has actually been reduced. The typical lot layout is 70 x 110 for an average lot size of 7700 square feet. However, the minimum lot size is 7700 square feet; the average lot size is just above 9400 square feet with a maximum lot size being about 17,400 square feet. There are a good range of sizes in that. Setbacks are provided with this layout and they are typical to what they have seen recently. This request is strictly for subdivision layout only and future housing product will come through in a future Preliminary Development Plan submittal. Overall Staff

does support the request. They understand that this is a rather unique layout and really requires some creative kind of design with some street systems and lot layouts. It does create a unique development. The lots are laid out in a cluster of facts where you have different areas where more lots are located. There is also a wide range of lot depth and lot sized due to the unique conglomeration of these parcels. Also, as they were looking at this and as they look at the site plan they will notice there are some exception pieces outlined on the site plan. If they look at the overall site, it is kind of a large square and in the center of that square you will see an exception piece and at the lower left hand corner of what would be the southwest, you see some large exception pieces. Those pieces, all the ones labeled as exceptions are currently in the County, will remain so until they annex into the City. There has been really no discussion on the development of those.

As they look at the development in this subdivision, they wanted to make sure that future development of those properties was something that was considered and a viable option. Although it is not included in the development booklet, the development team has provided some layouts that potentially allow it to work either as one full development of those remaining parcels or if they were to come in as a worst case scenario, piecemealed. They believe it is a development that can occur.

There were nine neighbors at the meeting. He has received a number of phone calls regarding it. At that neighborhood meeting it was general questions primarily. Staff is unaware of any opposition being strongly expressed at that meeting. However, following the meeting he received a number of phone calls from nearby property owners. He has also received one letter in opposition and he received the attached letter of opposition and signed petition addressing some of the concerns. With the initial opposition letter it was given to us in enough time that they were able to have the property owner also work with the developer on some of the concerns. Some of those concerns have been addressed. Some of those were relating to the location of lots, the alignment of Via de Palmas, and the development of Via de Palmas which is the street that is on the south side of the property. Other concerns were lighting issues and streetlights and the flooding of those into backyard properties and the irrigation canal. A number of those things they have been able to work with and resolve. They will see in the addendum memo that there is an updated site plan and an updated wall plan. Those are primarily done to address the concerns by the initial letter of opposition. If you look on the very south end, the first thing you will notice is that Lot 41 has been kind of re-designated. It is now in tract H and all of those lots have been renumbered. In essence they have lost a lot; where they had 68 before they have now gone down to 67. This does affect the overall residential, the density of the sites, where it was outlined in the initial memo and development booklet with it being 2.78. With the elimination of that additional lot, it is now down to 2.74.

Additionally, addressing some circulation concerns and trash pickup and emergency vehicles, they will notice that it is called out down by Lot 41 that there is now a cul-de-sac there that allows for that circulation. On the west side at the south end of Ashley Drive there is a temporary turn around that will actually be by easement to allow for that. So those are some of the things that have been updated. Additionally on Via de Palmas, there have been concerns both with the initial letter of opposition and then the addendum one. As it currently operates now, Via de Palmas runs along the south side of the property and there is a 33 foot wide access

and irrigation easement that runs along Via de Palmas and then heads north along the properties eastern line. That accessing easement will remain intact as there is an exception parcel at the southeast corner of the site that requires access to the access easement. One of the concerns is whether or not this disappears or not. It will not disappear and that access easement will remain intact so that property owner can access their property. However, the development team has provided an access point at the south end of Danielson Way, the cul-de-sac. It is shown as Lot 49 in the updated site plan and 50 in the development booklet. Those are a number of the concerns that have been expressed. Again, with the Letter of Opposition it is the property owners primarily from the Circle G at Riggs Ranch residential subdivision to the east and south. There is also some opposition and some petition signatures from the Terra Linda subdivision to the southwest. Due to the opposition it triggers what is a legal protest. A legal protest is triggered when there is 20% of one side of the property in opposition and certainly based on the two letters of opposition that he has received and also some of the phone calls that he has received that legal protest is triggered. He has not had an opportunity to design a map because of the late notice of the opposition petition but suffice it to say it is covered. That doesn't directly affect the vote of Commission however it will require a three quarters vote from the City Council.

In addition to that and a final vote in the conditions of approval under the PDP there is condition no. 4 – 'no more than two 2-story homes shall be built side by side' that was inadvertently included and they are requested the recommending of that condition be struck from the conditions of approval. He said with that he would be more than happy to try and answer any questions.

CHAIRMAN RIVERS asked if there were any questions for Staff on this item.

VICE CHAIRMAN VEITCH said his question concerns the density. He said Mr. Swanson talked about the SECAP 2.5 per acre threshold and the 3.5 acre maximum and they were at the 2.78 and with the revision it is now 2.74, but in the broader context of the General Plan which designates the area for low density, where is the upper end of what is considered low density? Mr. Swanson replied with the General Plan it covers a wide variety and what they really have to look at is the focus of the Southeast Chandler Area Plan and that really dictates densities to a more specific nature. In this particular location it is actually designated up to 0 to 1.5 and the reason why that 1.5 is there because a number of these properties at the time of the development of the SECAP were agrarian properties in the County and so it was really an effort to still maintain homage to that agrarian lifestyle. However, with that being said the SECAP does say that they can do up to 2.5 and then 3.5. That is really the cap. For an average of the area it is hard to say. The Circle G at Riggs Ranch average lot size was just under 20,000 and to the southwest similar lot size ranging between 12 and 17,000. There are some smaller lots that are typical to what this development is proposing. Southeast of this in the Riggs Ranch Meadow subdivision to the east side of the canal, there is a section of that which is adjacent to Gilbert Road that is consistent with this type of development and those densities. For the larger area the density that is being proposed is not out of context but in a more specified scope with the immediate area these are a little bit smaller lots but not out of the ordinary. **VICE CHAIRMAN VEITCH** said there is another subdivision that they have considered in the last year on the northeast corner of Riggs and Cooper. Does he recall the density on that one? Mr. Swanson

believes that at that point in time that density was right up at 2.5. Through some modifications it was reduced. He thinks those lot sizes were around 70 to 80 foot wide. It was kind of a unique layout but he believes it was around 2.5.

COMMISSIONER PRIDEMORE said in looking at the new site plan with the exception piece smack dab in the middle of this site, that piece is accessed from the southwest. Correct? He is surprised that he is not seeing some kind of fencing along the northeast and the remainder of this southeast corner of that exception piece unless there is an existing fence there that he doesn't know about or see in the aerial. Mr. Swanson replied that there access is right on the southeast portion of their property so there is no wall there. The development team has agreed to provide access to that and additionally to provide access to this person off their cul-de-sac. Access to these properties would be off Via de Palmas. **COMMISSIONER PRIDEMORE** said so what about the north and the east of that piece-fence wise? Mr. Swanson showed where there would be a wall. He said basically it would be a perimeter wall around it. **COMMISSIONER PRIDEMORE** said that is not what he is seeing. Mr. Swanson said there is a wall on the west and for a portion on the south. **COMMISSIONER PRIDEMORE** said on that exception piece on the north side of it running along the south side of Nolan, what is there and what is on the east of the exception piece? Mr. Swanson said there is no wall on the east just landscaping.

COMMISSIONER BARON said he was looking at the layout and he typically doesn't prefer coming in on front doors off of 131st Street, it is sort of an old school way of doing Planning. Those people get a lot of cars driving by their houses. Is there any consideration given to some different geometry there? Mr. Swanson said they have looked at a number of variations of this plan and it is one of those things that at one point in time had access points, multiple ones out to Chandler Heights. They had variations drives around and really this one made the most sense because if you come in and head east or west you run into the same situation as to immediately coming in and having lights flash onto homes. This is kind of making the best as the most difficult site layout. It is something they looked at and is a concern. They have plans where there are other lots located where the retention areas are that they really tried to be cognizant of traffic coming off and people pulling right in. It is something they looked at albeit it is not the best situation, but it is the best they could make of it. **COMMISSIONER BARON** asked how far does he think it is set back then for the first lot? About 80 feet maybe? Mr. Swanson said it is about 80 feet. **COMMISSIONER BARON** said he is looking at the graphics and he has a series of questions. He wasn't sure if he should let the applicant go through it after comments. Most of the stuff he has is about the walls and not understanding what a subdivision wall is. It is not shown in this document. There are lots of conditions throughout the site that don't have like on the back side of Lot 61, it doesn't say what kind of wall that is on Chandler Heights. Mr. Swanson replied would this be referring to the updated wall plan? **COMMISSIONER BARON** said that is the one that you handed out. Mr. Swanson said generally speaking the ones where the situation of 31, 35, those are going to be the typical subdivision wall. They did not provide all of those details because they more or less clutter up the plan. It would be the design wall – a perimeter theme wall. In those particular areas, those are just the roadways. In between the homes it would be the dooley wall. **COMMISSIONER BARON** said that is a significant difference. That is something that should be shown on here. The theme wall the way they have it shown is split faced and has some patterns. He was just curious. Mr. Swanson said he would double check with the development team. **COMMISSIONER BARON** said some of the

sidewalks when he looks at the civil plans versus the landscape plan there is definitely disconnect. They show some north/south sidewalk connections behind lots 1 through 3 from Chandler Heights down to Cherrywood but there are basins there-fully depressed retention basins. He is not sure how those sidewalks work. Same comment on Tract F which is lots 42, 43 and 49. They just want to make sure that if they are showing capacity for retention that there is also room for sidewalks if that is what they are intending on doing. Mr. Swanson said absolutely. When they look at that, it is something that would be provided. Down by Tract F is a little bit different situation. Generally speaking they require sidewalks on both sides. What would be the future of Via de Palmas. In speaking to neighbors to the south some of their concerns would be foot traffic right behind their property. They have been working with both the development team and also the City Engineer to see upon future development of Via de Palmas if it makes sense to just do it on the north side. It is certainly our intention to make sure that access is provided in all areas. That is something that we would require either way. **COMMISSIONER BARON** said the Ramada shown or pedestrian gateway portals shown off of Chandler Heights is a shade structure and it has some scale but he doesn't know that the placement of it really makes sense because it is not something that people are going to go to out on Chandler Heights Road. He sees there is one on Cherrywood that has a play area and so on. It doesn't make sense that they are going to put a Ramada in a larger open space area in the internal part of the project that would actually make it be used. That is more of an observation. Maybe the applicant should consider that. He said the other question he had was the entry feature itself. He is having a hard time understanding the scale-no dimensions, not sure what the treatment is, is it small or large, etc. Mr. Swanson replied to go back to the Ramada concern, is he referencing right at the end of the cul-de-sac? He is looking at Tab 4. **COMMISSIONER BARON** said it is at Lot 60. I guess it is 61 in the old plan-Tract A. Mr. Swanson said it would be behind that and it is to just provide more of a seating area similar to what they did at Pastorino Dairy in one of their cul-de-sacs. The intent is not to create a large scale gathering. That is not the intent and it will be more or less a seating node and what they have done is to really provide the main focus for gathering kind of as you enter off of 131st Street in that main central open space area. **COMMISSIONER BARON** said he understands the point but he feels like if you are going to spend the money to put shade out there, put it internal where somebody is going to use it. He doesn't think it is going to get used out on Chandler Heights Road. If that is the desire, he supposes it is more of a function that was aesthetic than it is function. Mr. Swanson said regarding scale of the entry monumentation that is behind Tab 7. He received clarification that the water cistern is going to be roughly about 8 feet. All though there is no scale on here that would make the sign roughly about 6 feet and the wall dimension is 1 and 8. **COMMISSIONER BARON** said he had one comment that was a personal opinion. The stone veneer doesn't finish out very well especially when you trim things trying to cap it; it always looks kind of artificial. If it is an option to consider some other application, he would certainly encourage it. He is not asking for a stip. or anything, he is just not a big fan of it.

CHAIRMAN RIVERS asked Mr. Swanson to please clarify why they are not going to go with stipulation no. 4. Mr. Swanson replied that the condition they used to have in play and generally speaking they have not used that for the past number of residential developments. He said he would make a caveat of Belmont Estates which they saw at last Planning Commission Hearing. That condition was put in there for that because there were a lot of neighborhood concerns with the way that the south side was reduced to single story and the north side wanted that condition

as well. To address those concerns they put that condition that no more than two 2-story homes be there. With this particular subdivision it is something that when they are dealing with these larger subdivisions, they don't historically do that. They will make that condition or a modification of it to prevent that out along arterial streets or adjacent to open spaces but in this particular case they don't have any homes that back up to the arterial. It was kind of one of those conditions that was inadvertently put on there. **CHAIRMAN RIVERS** said they are going to keep the idea that they are not going to have 2-stories on the corners. Right? Mr. Swanson said that was correct. All corner lots will be restricted to one story homes.

VICE CHAIRMAN VEITCH said he had a follow up to Chairman Rivers' question. Doesn't that stipulation about the 'no more than two 2-stories homes side by side' since they are not considering housing product, does that enter into the presence or absence of this stipulation? Mr. Swanson said that was a good question and it is one they struggle with. They have come to the conclusion at this point in time as this subdivision is developed, it is better for us to put that condition on there. As future developers come in, they are aware of concerns and conditions similar to the fact that they have already addressed the setbacks and things like that. That way a future home builder knows what they have to work with rather than kind of a carte blanche-anything goes. They try not to get too specific that restricts development but they do want to put those on there just to insure that future development is aware of concerns. **VICE CHAIRMAN VEITCH** asked if they want to give future developers or home builders notice as to what the concerns are about replacement of one story versus two story homes; wouldn't it be better to put that stipulation in at this stage rather than waiting? Mr. Swanson said they believe they are addressing that with the one story condition on the corner lots. **VICE CHAIRMAN VEITCH** said so you are recommending that they stick with 3 and drop 4? Mr. Swanson replied that was correct. He said they are keeping the 'corner lots are single story' and dropping 'no more than two 2-story homes'. **VICE CHAIRMAN VEITCH** asked because they simply don't think that is an issue in this subdivision? Mr. Swanson said correct.

CHAIRMAN RIVERS invited the applicant up to speak.

BRENNAN RAY, 702 E. OSBORN RD., PHOENIX, stated he was here on behalf of the applicant. As Erik expressed tonight, the request before them is for a PAD single-family residential zoning, PDP for subdivision layout and for Preliminary Plat approval. As has been touched on briefly, this is a very challenging site. It is a very odd fill and from their perspective is an infill site although they might not traditionally think of that in this location. It is very much an infill site that is an assemblage of multiple parcels. As was addressed in Study Session, this property is in the County and is in the process of being annexed into the City and giving the initial designation of AG-1. Historically, it was designated Rural 43 in the County. They believe that certainly the land use for residential housing is appropriate and compatible with the area and certainly consistent with the General Plan and SECAP. They believe that the proposed layout is also appropriate certainly for the site and the surrounding area so they are committing the challenges on this odd shape infill site. As was touched on in Staff's presentation, they do provide opportunities and there are ways with which the out parcels that are shown on this site can develop so that in the end when all the patches are filled on the patchwork quilt, you have the appearance of a very cohesive development. They have worked hand in glove with a variety of City departments including Planning, Traffic, Engineering and others to create this plan. They

think as they get into this they can address those concerns of the neighbors again on this touch, challenging site. They are certainly appreciative of Staff's recommendation for approval. They are o.k. with the stips. and are in agreement with the deletion of PDP stipulation no. 4 and would express this body's approval in accordance with Staff's recommendation.

He would like to highlight a few points tonight. He is going to be working off the revised site plan that was submitted. The plan he is going to show them now is not one that they have and they need to give them copies. This plan deals with the condition that Erik discussed down here on the south side. The subdivision is almost 25 acres; 24.9 acres. He mentioned that it was Rural 43 in the County. He didn't know if he needs to belabor the point of the General Plan and the SECAP other than to say that this proposed project is consistent with that plan and certainly consistent with the ability to achieve a higher density. The density cap has been discussed and they are at the lowest density bump up that you can have provided that certain incentives are met and he can go through the details of those.

The site before them is 67 lots. He showed where it is. It is the site of the old Riggs family property. The Riggs family is a long time Chandler family that has been around in this area for quite a while. As Erik mentioned, they are approximately a minimum 70 foot wide lots. There are a wide range of lot sizes in there; 70 is the minimum. There is 75 and 80 within the subdivision as well which gives them an average lot size of approximately 9400 square feet. When you look at it the density what does is gives them a density of 2.74 which is in the first tier of the density percentage that you can get. The first tier being 2.5 to 2.75 so they are in that first tier.

He said he wanted to touch on concerns Via de Palmas. As they see on the plan right now, they see Halsted Street running north and south and continuing on the Via de Palmas. Going back to when they initially filed this application the discussions they had with the City preliminarily was that the City wanted to see Via de Palmas continue east from its current position. If you look farther over here (he showed on overhead), this Via de Palmas heading out to Cooper is improved. It is a 30 foot half street improvement presuming that the property to the north someday eventually develops in the City and then they would be required to construct the half street improvements on the north side. The discussion at the time with the City was that Via de Palmas would be a fully improved street (curb, gutter, and sidewalk) that would continue all the way to the east and the discussion at that time is that it would punch through this wall over here into Riggs Ranch Road. Because they had concerns about that and they knew the neighbors in Circle G would have concerns about that. They worked very hard and very diligently with Staff to come up with a solution that they believe adequately addresses the City concerns as well as trying to minimize the impact of that on the neighbors to the south. The condition is that this is to be emergency access only. There will be a crash gate located along the south side. That crash gate will run east/west. As the Commission is aware, the City does require them to make their improvements at the time of development. They have had discussions with the City Engineer and the City Engineer has agreed that they can enter into a deferral agreement to defer those improvements down there which would include the sidewalk and the streetlight. The triggering mechanism for that will be that if this property farther to the west were to develop that would then trigger our requirements to develop.

He said the other thing he wanted to focus on is the theming. They have paid close attention to the agricultural heritage and theming of the area. That is reflected in a variety of exhibits that they see in the development booklet in the entry monument, evident in the landscaping. It is also reflective in the fencing and the split rail accents that they are providing in key locations. If you look at the amenities and certainly Commissioner Baron touched on a few of them and when you look at the central area and you look at what is being provided there of having this Ramada and as illustrated in the book that is a Ramada that has a rusted corrugated metal roof which gives the appearance of a barn. In addition if you look at the other amenities they are providing there, if this farmland play concept which is not a traditional tot lot. It is designed and intended to reflect the theming of the area. When you look at that, consistent with the SECAP's desire to provide an agrarian feel to it they certainly are doing that through the theming from the entry monument that Commissioner Baron talked about with the corrugated steel, silo structure on there, the ranch style monument sign reminiscent of something you might see over an old ranch homestead property with the name hanging down. All of those things they think do a good job of maintaining and promoting agrarian heritage of the area.

Erik touch briefly on the SECAP and what is required as well as Appendix A in the booklet which identifies those. Based on the revisions to the site plan which eliminated that Lot 41 they satisfied the two required elements and the five optional requirements under SECAP for the density incentives. For the increment one, they are only required to meet three under that incentive. Nevertheless, they are providing five in such things as locating parks and open space in close proximity to the residents, providing 17% open space which is 7% greater than what would otherwise be required under it. They are also providing tree lined streets and he thinks those are all good positive things certainly ones that satisfy SECAP and the additional ones that allow them to achieve this density of 2.74.

When you look at the subdivision diversity standards, they satisfied the 8 required and the 10 optional points. He said if it is alright with the Commission he would like to speak about some of the neighborhood concerns they heard coming out of the neighborhood meeting, subsequent conversations they have had with the neighbors and the adjustment and changes to the plan they have made.

CHAIRMAN RIVERS said if he would like to do that now to please do so. Mr. Ray said he would like to.

Mr. Ray said at the October neighborhood meeting there were 9 neighbors in attendance, there were general questions and concerns expressed relative to the development of this project. They became aware of the concerns raised by Mr. Chris Leason in his letter that was sent last week. They have actually met with him and worked hard to address his concerns. They recently before coming to this meeting tonight became aware of the written opposition of the HOA and their concerns. He did have a very brief conversation with the representative of the HOA on Monday but due to schedules they weren't able to have any substantive conversation at that time. The bottom line is the result is that changes have been made and they have listened to the neighbors and tried to address some of their concerns as best they could on this very challenging infill site.

One of the things they heard was about wall heights. They distributed to the Commission this updated preliminary wall plan. When they went to the neighborhood meeting back in October the majority of perimeter walls were six feet high. There were concerns expressed by the neighbors along here to the east and north about the wall height. What is reflected on the plan today is this wall here that has been raised from 6 feet to 8 feet. This wall along here again was raised from 6 feet to 8 feet. Those are all good positive things. One of the things they also heard was on restrictions on one and two stories and he is appreciative of Vice Chairman Veitch's comments on restrictions. At the time of the neighborhood meeting and from their perspective, they believe and feel that it is more appropriate to address those types of restrictions when the housing product comes through because there is an unknown of what that housing product is whether it is all single stories or whether it is a combination of ones and twos as you would anticipate. They believe that is a more appropriate time when that separate application is processed for the housing products.

Notwithstanding that they did do some additional considerations and deliberation and what he could tell them is that he believes it is a new stipulation they would offer to the Commission. He doesn't know if it is a new stipulation no. 6 or if it is number 5 but in terms of a new stipulation it would be to provide that these lots 6 and 5 be limited to single story and Lot 41 on the revised plan be limited to single story. The reason for that is again these neighbors were in a relative close proximity. This condition for there was as a result of their conversations with Mr. Leason. That is one of the things that they are willing to offer and to discuss tonight. The other thing he mentioned was Via de Palmas. He knows that some of the concerns with Via de Palmas were streetlights and they were certainly open and be agreeable to an additional stipulation that would say that any streetlights they install on their property be shielded, a downward shield so as to prevent the lights from spilling over.

As he mentioned in his initial presentation, they have an agreement with the City Engineer for a deferral agreement that would defer the improvements along there. The other thing that he would tell you is that one of the concerns that they heard about dealt with the location of the sidewalk. There was some concern that the location of the sidewalk on the south side would give greater opportunity for people to look into the backyards of the Circle G residents. Through the preliminary discussions that they had with the City they were told that sidewalk needed to be on the south side but through a conversation that he just had today with the City Engineer she has said it is preliminarily o.k. that they locate sidewalk on the north side. He needs to work out the details with her and they need to see how that is going to play out but she has at least indicated on their property that they can put that sidewalk on the north side.

Erik mentioned that they eliminated Lot 41. One of the things they were working with Staff on were concerns about providing a turn-around for garbage trucks down in this area here. They had met with Mr. Leason and he had concerns about Lot 40 and so rather than shoving this cul-de-sac and making it go over here which he thinks makes sense to a lot of people, the developer agreed to eliminate Lot 41 and provide that turn-around there, provide this tract that will be landscaped. He said he could show those details on the landscape plan if they need to. The bottom line is Lot 41 has been eliminated and that from his perspective is a permanent condition.

Mr. Ray thinks that despite the challenges of this site and the fact that it is odd shaped and the fact that it is infill they have a good plan and a layout that provides additional housing choices within southeast Chandler. Their request certainly is compatible with the area and compatible with the General Plan and with SECAP. They appreciate the work that has gone into it up to this point from a variety of City departments, Planning, Traffic, Engineering and others. They have tried to be a good neighbor and to work hard to address the neighbor's concerns. They are o.k. with the stips. including the new stips. that they talked about today and certainly would request this Commission's approval in accordance with Staff's recommendation. He would be happy to answer any questions. He knows that he has some additional follow-up relative to Commissioner Pridemore's questions and Commissioner Baron's questions.

COMMISSIONER PRIDEMORE stated he had questions about the exception piece right in the middle of the site just south of Nolan. He asked if he could talk about fencing around that piece of exception. Mr. Ray said he could. He said if he understood the question it was what is going here along the north and what is going here along the east. In their discussions with the neighbor additionally he had a few concerns one of which dealt with access and the other one dealt with fencing around his property. He was concerned that they would wall his property in and create this almost impenetrable shield. Through discussions with him it was agreed that there would be no fencing along this property line and no fencing along this property line (he showed on overhead). His home faces south and so access was going to be provided off of Beechnut Way. What they anticipate doing is something to delineate the two areas because it is open space and because there are trees and plantings there. Their initial plan was to provide some type of rolled curbing to delineate it. There will be if you look on the landscaping plan, there are a row of trees on that eastern side. On the updated site plan it is planned that there will be a grove type planting of trees in this area. It is not intended to be accessible necessarily to the public in terms of a true open space where they can come and go. **COMMISSIONER PRIDEMORE** said let's talk about the north side then. He understands the property owner not wanting to feel like they are in prison surrounded by walls but he is also just trying to visualize this site plan as it starts to get built out. Looking at the aerial there is really nothing on the south side of Nolan. It looks like all the landscaping that is existing is on the subject on the development's property so that is obviously all going to go away to make room for Nolan. He is really curious about what kind of buffer is going to exist there. He understands what he is doing on the east side since that is a public space and trying to delineate it but to him there is nothing on that north side. If he is standing in the middle of Nolan and he is looking south, he is going to be seeing right into that exception piece. There is no visual barrier. Correct? Mr. Ray replied that is correct. Mr. Ray said that part of the reason is to allow future development of that property should it occur. He doesn't know if the owner of that area is here. If he is here, he can certainly address it. He doesn't believe there are any current development plans for there but should he choose, the expectation would be that he could continue the pattern similar to what they have done west of his and continue lots on there. Because of that and because of what they are looking at now, they didn't feel that was a real need and again to address the neighbor's concerns, to put anything there. **COMMISSIONER PRIDEMORE** said he obviously has been dealing with that specific property owner to get to where they are and he personally doesn't understand it. He would have liked to have seen something there not necessarily a 6 foot high or an 8 foot high wall but something even if it is just landscaping, some low bushes or something to give not only a visual but a physical barrier. He is just concerned that it is going to be confusing

to people going to the site of what is this subdivision and what is private property. If he personally lived on that site, he would want some kind of delineation understanding that they don't want to live behind walls their entire life. He understands that. This site to him is so odd that they are coming across things that they normally wouldn't. They may need to think outside of the box or need to look at some condition which they don't normally have. To him this is one of them. He knows he has dealt with the property owner directly. If they were here tonight, he would love to ask them what they would like to see there. For now he will accept what he is showing but he wanted to express his concerns. Mr. Ray said they would be happy to work with the property owner to see if something can be done down there. **COMMISSIONER PRIDEMORE** said in looking at the same graphic that he has on the overhead right now he is curious about the cul-de-sac at the end of Ashley. It is not your property so they are showing something off their property that if they could have acquired that piece of property they could have put a cul-de-sac there. It is now labeled as temporary turn-a-round. He is curious how he can even show that because it is not their property. Mr. Ray said they have had extensive discussions with the neighbors further west of them and the owner of this property here. In the course of those discussions, what they have agreed to and what they are working on are easements. Easements to continue Via de Palmas heading east although there is a private easement out there to date that would allow them to do that; an easement for this temporary turn-a-round. The property owner that they are showing this property on is aware of that and knows of it and that is something that has been agreed to that temporary turn-a-round will be there until such time as his property develops. **COMMISSIONER PRIDEMORE** asked what the surface would be. Mr. Ray said whatever the City would require them to do for that type of a temporary turn-a-round.

MR. KEVIN MAYO, PLANNING MANAGER, said that it would be paved just like it would be a cul-de-sac just like every other cul-de-sac. **COMMISSIONER PRIDEMORE** said they are talking the regular cross-section pavement. They are not just talking depressed. Mr. Mayo said it is strictly to provide for City Garbage trucks turn-a-round and any other surface is going to get degraded pretty quick. **COMMISSIONER PRIDEMORE** said that was his concern but this wasn't shown earlier and it just kind of popped up. He wanted to make sure that he wasn't missing something.

CHAIRMAN RIVERS said the turn-a-round that we were just discussing is that also going to have a sidewalk? Mr. Mayo said it would end up being the City's 100 foot diameter right-of-way curb to curb cul-de-sac. There may be not a whole lot of reason to wrap the sidewalk all the way around it but where it is Ashley Drive, it is going to have sidewalk on the east and west sides coming out of the cul-de-sac. There may not be a reason to pour the sidewalk all the way to the loop. There may be a reason to do that and ultimately the City engineer will work with the development team to figure out what that needs to look like. **CHAIRMAN RIVERS** asked if that also then going to be used for drainage? Mr. Mayo replied they will end up having to retain their property and somehow the engineers will figure how to let that surface drain back to the property it is on.

COMMISSIONER PRIDEMORE said before it gets to Council know matter what happens here tonight, can they have that labeled differently then. Seeing just a dotted line with temporary turn-a-round to him is a lot different than a fully constructed City specified detail with sidewalks,

etc. To him right now he has his own preconceived notion about what temporary means. If they could clear that up before it gets to Council so that they can get a better understanding. It is much more permanent at least in the interim even though it is still temporary but he thinks that may help.

COMMISSIONER BARON said on Nolan he is looking at the street section that is a standard 50 foot right-a-way so what happens to the sidewalk past Lot 18? Does it just go away? Mr. Ray responded that is a good question and he didn't know if he had a definitive answer for him. **COMMISSIONER BARON** said that would address the landscape issue as well because it creates a 5-foot landscape area. Mr. Mayo, Planning Manager, said it is a quick answer. Nolan Place is a full cross section to where it's southern right-of-way edge be aligned with that conception parcel so you will have sidewalk, your landscaping and all of that. **COMMISSIONER BARON** said but technically it is sort of an offset center line because it is on the northern boundary so it will have landscaping. Mr. Mayo said to a degree within the right-of-way but outside of that, even though the PUE would be on the exception parcel. **COMMISSIONER BARON** said he thinks that is a major clarification. That makes a lot of sense.

Mr. Ray said Commissioner Baron had a question that dealt with the stone veneer. He said they would be happy to look at a different application. **COMMISSIONER BARON** said he thinks sometimes they work too hard to try to push this agrarian character which they like to ram down their throats and he would challenge the team to be a little bit more open minded that it doesn't necessarily have to speak loud and clear that this was a farm. That material just doesn't weather well, doesn't wear well, it is just not his favorite. **COMMISSIONER BARON** said he still has some questions on the wall stuff because he is still kind of confused on what a subdivision wall is. Mr. Ray said he knows that the theme wall that appears on what is located behind Tab 7 in the project booklet. The perimeter subdivision wall would occur along the perimeters with the 6 foot theme wall without the stone veneer on the columns. So in terms of the patterns that they see on the actual wall itself mixes a split face and standard block. That is the pattern that would appear identified as the subdivision wall. **COMMISSIONER BARON** said he recommends they add a stip. for that because this isn't clear at all. This exhibit is completely confusing. There are missed labels on there too. Lots 55 through 61 show an 8 foot tall subdivision wall but it is labeled Lot 64 through 60. There are all kinds of little nuances here and 61 is still missing a wall clarification. The only reason he is asking these questions because this is dividing a bunch of larger lot subdivision and some undeveloped property so continuity and character he thinks is important. So the fact of the matter is if they are willing to agree to that he would recommend they add a stip. to the zoning case. Mr. Ray said they would be happy to work with this but he is not sure he understands what the stipulation would be. **COMMISSIONER BARON** said now it says 'subdivision wall' but there exhibit says a wall. Mr. Ray says he appreciates that detail was left out and what he has told them tonight and again if they need a stipulation to follow up he is happy to do that but that subdivision wall although not represented here, will be the theme wall without the stone column. **COMMISSIONER BARON** said he is hearing him but he is not seeing it in a document and that is the only reason he is asking. Mr. Ray responded they would be happy to have a stipulation to the effect of what he just said.

CHAIRMAN RIVERS asked when he is talking about deferring the completion of the south end of 131st Place, he wasn't talking about deferring the crash gate construction? Mr. Ray replied that is correct. There will be no deferral of the construction and he can appreciate that Commissioner Baron's comments about some labels. On one plan they show 131st Place and another place they show Halsted Drive. Yes, that crash gate south of Lots 40 and 41 will be constructed. **CHAIRMAN RIVERS** asked where it is constructed it is just going to be sitting in the middle of the road or is it going to be connected to something? He is trying to figure what would prevent someone from just driving around it. Mr. Ray said he didn't know if he knew the details of it but the crash gate will be there and will prevent vehicular ingress and egress except in the case of emergencies. **CHAIRMAN RIVERS** asked so maybe the exterior wall needs to move farther south? What he is looking at is a diagram of a crash gate sitting in the middle of the south end of this 100 foot diameter cul-de-sac and there is nothing on either side of that except green or a grassy area. It doesn't look like it would prevent any egress or traffic. If you have a pickup truck you can just drive around it. The other thing he was concerned with and it is a suggestion. He might want to talk to the property owner in the exception piece of the middle on the south side of Nolan Place. If he doesn't want to feel like he is in a prison, maybe view fencing on the north and east side of that just to delineate the separation. If he lived in a house on 34 or 35 facing south and he is looking at the side of what appears to be a barn, that wouldn't be his first choice of a lot. He just sees a lot of problems around that area.

MR. SWANSON, CITY PLANNER, said if he may clarify the crash gate and the additional track. Basically what the modification of that lot being eliminated and now becoming a cul-de-sac and a track, that track will actually have more or less a tree grove so it wouldn't be something that is drivable where somebody could just go around it. There will be sufficient landscaping there to prevent vehicles similar to the east side. Mr. Ray replied to continue what Erik said if they look closely at the landscape plan, he pointed out where there are going to be trees. Because he believes there are neighbors here that wish to speak, he said he would like the opportunity when they are done to address concerns that they may raise.

CHAIRMAN RIVERS said he had four speaker cards. He called up the first speaker. He asked when he comes to the podium to point out on the picture where his house is

MIKE SCHUGG, 2495 E. CLOUD DR., said he is representing the HOA Board for Circle G and there on behalf of the entire Circle G. He said he is a retired dairy farmer from the Chandler area and has lived in Circle G since 2004. He has also been the HOA Treasurer for 4 years.

He said this has been a rush situation for us. He said they met with their lawyers to go over the petitions they were going to put together. The Board met and voted unanimously to go and get the homeowners involved with this subdivision going in. They are not in opposition of the subdivision they are just in opposition of the high-density and the way this one is set up. It brings a lot of threat to their neighborhood and all the homeowners are upset about it. They proposed 104 homeowners, 10 of those in Tierra Linda and 90+ some in Circle G. Not one person was for this subdivision. They could get another 300 signatures if they would like it but it takes a lot of time to go to each house.

In 1999 and 2000 this was designate as a low-density area of one acre lots and now they are proposing a high-density. He said he would like to correct Mr. Swanson on one thing. There lots are over 43,000 square feet not 20. They are over 4 times the size of the average lot that is going to be put in this neighborhood. Tierra Linda is over 20,000 square feet per home. That is over the twice the size of the lots they are proposing for this area. They would like to see 1.7 to 2 houses per acre there. That fits the area. They would like to see something built that compliments the whole community not just this 25 acres. There are people that have been there a long time for a lot of money and effort in their homes to keep them beautified and they are really upset about this kind of subdivision coming in their area.

They spoke about Riggs Ranch Meadows having close to the same density. He believes there is close to a 100 foot buffer across that canal between them and us. They also have an exterior perimeter fence that keeps them secure from coming across the canal. They have great concerns about the homeowners living right next to where this subdivision is going to be. Regarding Via de Palmas Road, he said he has used this road over the past years. That has been an access road for the people irrigating on the non-developed land. They need Via de Palmas to go all the way to the end to get their irrigation and bring it down to their farms. They are concerned that if they approve this plan, then that is going to allow these parcels here which will gradually be behind Tierra Linda and boarding all of their properties to put in the same kind of development. They are not happy about 2 story homes. He showed homes that are between 1 to 2 million dollars. These 2 story homes will be looking right into the back yard. Then if they put solar on top of that, it is going to really destroy these people's values. Building a subdivision with a high-density is going to decrease the comps. of Tierra Linda and Circle G tremendously. They are not opposed to development; they are just opposed to very high density and 2 story homes. They would like to see an average of 12-13,000 square foot lots. They would like to see no 2-story homes on the outside.

In regards to fencing, they are not proposing any fencing right here - an 8-foot fence behind their homes adjoining Circle G. Put fences in here for the safety of children and not falling into these canals. You need fencing on all of the perimeters to keep these children safe. Commissioner Pridemore said to keep fencing there to keep those kids from going into that road. There are a lot of safety hazards he sees in this that concerns them tremendously. The fences behind the properties at Circle G are 5-1/2 feet. If you stand in the back you can look over them. Kids are going to be jumping and going into the swimming pools. With no fencing on the southern part of this development, those kids will be coming into these neighborhoods.

Regarding the lighting of Via de Palmas Road they have a lot of concerns about the lighting disturbing the back yard of the people. They have hot tubs and swimming pools and they like to go out there and enjoy their property without being intruded on by lighting. Two story homes – in today's world you're probably going to see someone put solar up on the back side. It is not very appropriate for a million dollar home owner to be looking at that. They would like to see a development that compliments the entire community not just this 25 acres.

The most important part that they are aware of that we are on 43,000 square feet per lot not 20. Tierra Linda is 20. He just got 10 signatures off of one street because they are very upset about this development. It is not that it is being developed. They are concerned about the density

because it is going to lower the cost of the rest of the homes in the area. They would like to see Via de Palmas developed and go all the way through now. He's not saying that the other pieces later on that they go through and develop that. Any kind of buffer at all between their community and their community is good. If they come through Circle G Ranch Road, they will see in their subdivision that they have close to 12 feet of buffer, rock gravel updating the flowers and trees. They have no trees along their perimeter block that is out there. Fencing is the most important part for the safety of the children. There is still agriculture over here and kids can go over there; they have cows and bulls. Kids will be getting into those fences if they don't secure the southern portion of that community. There are other homeowners here tonight that are going speaking from Circle G.

CHAIRMAN RIVERS asked where Tierra Linda is. Between Tierra Linda and Circle G Ranch is there a buffer? Mr. Schugg said there is a buffer. **CHAIRMAN RIVERS** asked what kind of buffer. Mr. Schugg said there is an irrigation canal that comes down and actually wraps around Circle G. Circle G is in the northwest corner. They are fenced on their side. There is a canal that comes between us and there is a fence on their side. There is a perimeter fence on Tierra Linda and on Circle G with an irrigation canal.

Mr. Mayo, Planning Manager, said if they look at the exhibits under Tab 2 in the booklets go down to the bottom where it says the word Via de Palmas. You will see the two fences with a gap between the two and that is the canal that runs down.

Mr. Schugg requested that the Planning Commission deny this application for further work to be done.

MR. ERIK SWANSON, CITY PLANNER, said he wanted to address a couple of the concerns; the first one being the canal. It is their standard and requirement that whenever there is any sort of improvement along the property to that canal it be tiled or undergrounded. They have no control nor does the developer have control for the properties to the west. In essence theirs would still be exposed until future development would come in. In addressing the perimeter wall for Lots 49 through 53, those that are basically touching the Circle G; on the back side of their lots those would have a perimeter wall. They can't take it all the way up to the Circle G property because there is that access easement. In essence they will get that wall, the easement and then the wall at Circle G. Those are two things that will be addressed. In working with the City Engineer they are discussing the options for the shielding of the lights and they do understand there is concern with a kind of flooding of those lights. That is a relatively easy thing for them to put shields on them to try to prevent the flood over the lights.

CHAIRMAN RIVERS asked Mr. Swanson how wide it is between the wall and this subdivision and the Circle G wall, how wide that easement is between the two walls? Mr. Swanson said the easement is approximately 30 feet. **CHAIRMAN RIVERS** said so it is like an alley? Mr. Swanson said it will be a little bit wider than an alley. Alleys are typically like 16 some odd feet.

CHRIS LEASON, 2410 E. CEDAR PLACE, stated his home is in Circle G. It is identified in the various documents before them as Lot 132. To give them some perspective he showed where

his home is. As indicated, they are directly south of the contemplated development and the resulting Via de Palmas Road improvement that will occur if this request is approved. His opposition letter is before them in the materials that they received this evening. To give them his perspective they moved to their current house on October 3 and the Zoning Commission notice came out the 9th of October. They were unable to attend the neighborhood meeting. They didn't receive the notice. While they don't oppose the development of this land, they recognize it is going to happen someday. They do oppose the development that is currently before the Commission and encourage either a no vote this evening or else tabling this for additional dialogue between the interested parties.

He would like to point out as well that he has met and had positive conversations with Mr. Ray, his client and Mr. Swanson and am pleased to hear of the stipulations that the developer is bringing to the table tonight many of which were set forth in his October 30 letter to the City Planner. He would also suggest that the new lot 40 even though it is not a corner lot, be considered to be a one story. Even with the cul-de-sac that is being proposed in pulling out the renumbered Lot 40 would still be approximately 120 feet from their property line which would place it roughly where the existing home is there that will be destroyed as part of this development. He would like to ask for consideration of Lot 40 being a one story home.

The proposed development is not yet right for consideration as evident from the shape of the plot plan and the number of Maricopa County exception parcels surrounding it within the plan. They heard tonight and it is in the City Planner's memo that there are five exemption parcels. In the memo to the Commission, the City Planner recognizes this describing the development as "unique in nature" but nonetheless reaches the same conclusion that he has reached. Quoting from the memo "the development of the entire 40 acres which would include these exemption parcels would be in the best interest of the community". Unfortunately the City Planner then goes on and recommends approval of the zoning request with only 25 acres.

He would like to address with the Commission his specific concerns relating to the second emergency access point and the result of Via de Palmas road improvements that will occur. They heard tonight there is going to be a deferral of some of the improvements. Nonetheless the City is mandating certain improvements to that road. He showed where his lot is and the access into the development where the improvements will occur. The current proposed plan requires a developer to make improvements at Via de Palmas to allow for emergence vehicle access through an emergency access only gate to the north of their property into the proposed development. Both the City Planner and the applicant in the materials they have before them recognize this is not the ideal situation. The best of location for this emergency gate is where the pavement ends on the improved portion of Via de Palmas to the west. They have heard a lot this evening Tierra Linda. He showed an improved road with a sidewalk on the south side of the road. This is the exception parcel. They heard tonight for the first time that there is going to be an easement to allow a cul-de-sac to be placed here. He thinks the most appropriate place for the emergence access gate should be right here because they already have an improved road in place and they aren't improving this road any further down at present which could lead to some of other privacy concerns that he will address to the Commission very shortly.

First, to accommodate emergency response vehicles the City is requiring now the improvements of Via de Palmas from Tierra Linda through to the new development from its current 12 foot width as a gravel road to a 24 foot wide all weather access road. Further as they heard tonight it is his understanding that the City is also going to require further expansion of this road to 29 feet is the exception parcels are brought in at a later date. Expansion of the road is part of the emergency access point will set in motion the City's desire for full development of the road without adequate public input and failure to address the alignment, privacy, noise, safety, lighting and property value implication of an improved road.

Further, if the exemption parcels to the west are brought into the development it is likely that the emergency access point will be moved from here to the west which is recognized by the City and the applicant at the preferred entry point since it is closer to a major road; Cooper road. This would leave an improved Via de Palmas that could easily be converted to a second public access point to the proposed development resulting in increased traffic behind their home.

Second, currently there is a 12 foot buffer between the northern walls of the Tierra Linda development and the improved portion of Via de Palmas. What you have is 8 feet which are comprised of stones, bushes and tree and then a standard City 4 foot sidewalk. This 12 foot buffer is consistent with what he currently has behind his fence before the gravel portion of Via de Palmas. There is 3 foot of direct; there is a 6 foot aboveground canal and then an additional 3 foot of dirt. As proposed, the City is permitting a mere 6 foot buffer behind his home. What they are doing is they are proposing a 24 foot all weather access road but they are taking away the above ground canal as Erik mentioned and putting it underground and reducing that bumper zone from 12 feet down to 6 feet. As proposed with its improvement in place, the City places the burden of this development and emergency access to the proposed development solely on the Circle G residences to the south reducing the buffer space from the current 12 to 6 feet instead of maintain a 12 foot buffer as is current in place behind his home and consistent with Tierra Linda.

Finally, the widening of the road could lead to parking behind their yard. Streetlights would shine on to their yard and increase traffic and perhaps parking behind their yard. Further it would lead to much reduced privacy if this proposal moves forward because there would only be a 6 foot buffer as he mentioned between the road and their backyard. No canal above ground to act as a deterrent from people coming over to their fence and somebody standing next to the fence who is 5'10" or taller is able to look into their yard or perhaps even climb over a fence to their yard. The one thing that is important that he thinks Erik mentioned as a clarification is there will be a fence here and here but there will be no fence down here except for the existing fences in Circle G here and here. This lot in Circle G is a vacant lot and there is currently no fence there which means there will be access from the community through the grassy area and either people will be able to look into the back of their yards, climb over their fences or in this case enter the community and perhaps access yards on either side. He is not concerned about crime he is concerned about public safety with people having swimming pools in the back of their yard and not planning for that contingency.

All this will occur because the developer is presenting this matter for your consideration now without obtaining the parcels to the west, engaging in dialogue which he has heard for the first time is occurring regarding easements on those parcels to the west to have those discussions

included for emergency access closer to the major artery, Cooper Road. They are having relative discussions with the relevant and effective homeowners.

To conclude, the South Chandler Area Plan states a local government should “weigh equally the needs and wants of citizens, landowners and a development community when reviewing, interpreting and making decisions on a new development”. When you look at the proposed development its current configuration and the concerns that have been expressed tonight by him as well as others, the scale clearly tips in favor of denying the zoning request or at least postponing a decision to allow for more fruitful dialogue to concur. He thanked them all for their time and consideration of his verbal comments as well as his letter in opposition and he will entertain any questions.

VICE CHAIRMAN VEITCH said in respect to Via de Palmas in terms of relocating the emergency access gate and as well as the buffer along the north side of their property and their neighbors to the west, he understood the Circle G homeowners Association to suggest that Via de Palmas should be fully improved now all the way through to Riggs Ranch Road. Mr. Leason said the point is that right now you have Via de Palmas which is improved; it continues on as a 12 foot gravel road to tie into this road here. As part of this development, they are going to have Via de Palmas currently improved behind Tierra Linda and then have it improved from 12 feet to 24 feet through to here and then stopping here in a grassy area. He thinks his fellow neighbors comments relate to this portion here in maintaining this access of Via de Palmas. **VICE CHAIRMAN VEITCH** said he doesn't think it currently accesses Riggs Ranch Road. He doesn't think it goes through. Mr. Leason said it is Riggs Lane. **VICE CHAIRMAN VEITCH** said some of their drawings call it Riggs Ranch Road. Mr. Leason said it cuts through their development but it currently runs west to east Via de Palmas and then goes north. The concern was putting in this green belt they are taking up the road surface that is currently there. **VICE CHAIRMAN VEITCH** said it is replacing that piece; that is correct.

MR. SWANSON, CITY PLANNER, said he would like to address those concerns. There is a long history with how development occurs and when they look at large swaths of vacant land and road circulation patterns. Quite some ago they considered that Via de Palmas would openly run along the south property line and then connect to Riggs Ranch Road which would be the road which is in Circle G. They have taken a look at that and realized there serves no great purpose for that and so with that being said, they have re-evaluated what that road will be and it would primarily circulate or operate as a local street for the development of this area. So with that being said one of the options at this subdivision would just have it operate as a local street for this subdivision and the development of the exception pieces and not operate as kind of a larger collector for the area. Addressing Mr. Leason's concerns about the full improvements of it, they historically unless they have the ability to condemn and get that right-of-way dedicated, they do not require the full improvements of Via de Palmas for the properties to the west which is also prompting the development teams request by the City Engineer to defer Via de Palmas because in essence they don't want an improved, unimproved, then improved, then unimproved. What they are requesting with that deferral is that it all remain unimproved until development to the west occurs which is something they typically have done in other areas. Maintaining that or extending it to the east to Riggs Lane, which was north/south on the east side of this property, access is there and has to be maintained to allow those properties along there. There will always

be some sort of movement there so whether or not it is improved or unimproved that needs to be maintained. There are some concerns with it being maintained, being an access road or not; it is something that has to be there because that easement is in place and until that easement can disappear it will remain in place.

VICE CHAIRMAN VEITCH said it is connecting to the main drive through north/south access of Circle G is not on anybody's plate. Mr. Swanson said correct. At one point in time a long time ago they considered it but really after taking a look, no it is not. **VICE CHAIRMAN VEITCH** said he was surprised to hear what sounded like a suggestion for that to be done but apparently that is not the suggestion.

Mr. Leason wanted to know if he would be able to respond to Mr. Swanson. He said it is his understanding that and it shows here that currently there is a 12 foot buffer from the Circle G fences to the current road. You had indicated that there would not be any improvements that would occur at this time. It is his understanding that the City is requiring widening of Via de Palmas from the current 12 foot to 24 feet to allow for the emergency access vehicles and as part of that the 12 foot buffer would be reduced to a 6 foot buffer north of his property. Is that not correct? Mr. Swanson replied that as part of the improvements one, they would have to underground the canal so that is going to trigger some stuff. Additionally, that access road would have to meet fire access and basically meet the standard for that secondary emergency access and so improvements would be made to widen that. It would be widened to an extent of 20 feet. It would not be full improvements like what is being proposed. That would come along when the exception parcels to the west would be developed so they would get all of Via de Palmas fully improved. In addressing his concerns about buffers, he has sat down with the City Engineer and they have looked at that. That is something that they are looking at because he did explain to various residents concerned about buffering. He doesn't have anything resolved at this point in time and he can't say that it is actually going to be just like Tierra Linda but it is understood that there is a difference between those two.

CHAIRMAN RIVERS asked about the farthest east piece of this development which shows that it goes all the way across this north/south road. Does it really go all the way across that road or does it go to the west side of that road? Mr. Swanson said for all intents and purposes they are including the easement because the easement lies with the property. They are not going to develop the easement. In essence what's going to happen is they are going to have the wall roughly along here so that 30 foot easement will be maintained. **CHAIRMAN RIVERS** said so the wall isn't going to be built right next to the adjoining property. Mr. Swanson replied correct. **CHAIRMAN RIVERS** said then on the south side of the property they have included Via de Palmas in this project because it's going to be part of the project. So that line down there on the south is in the correct place. Mr. Swanson replied basically that access easement needs to be maintained. In this area since they have homes backing up to it, a wall will be provided to separate the residential lot from that access easement. On this side basically due to that layout and some of the concerns by Mr. Leason there is going to be a retention tract area and then the homes are roughly going to start here. This easement needs to be maintained so there is not going to be a development there. **CHAIRMAN RIVERS** said on the southwest corner of that little jet out piece that is going to be paved anyway. Right? Mr. Swanson said the only place that it is going to be paved is ultimately going to be that cul-de-sac. What the applicant is

requesting through the City Engineer is that deferral of all this area be reduced. In essence they are requesting deferral to the City Engineer to not improve this as a fully improved drive.

COMMISSIONER DONALDSON said at the northwest corner of Circle G where the canal makes the turn, is that in essence a moat around Circle G or is there a break there. What he is trying to get to is Mr. Leason's comment that there will be new access to the back sides of the Circle G properties which doesn't exist today because there is a canal there. Is there a true separation today created by the canal or is there only a partial separation. Mr. Swanson showed where the canals run. For Mr. Leason's property there is his fence and a couple feet of landscaping, the canal, and then basically the gravel access easement. **COMMISSIONER DONALDSON** said he is just trying to find out if there is current access to the back side of Mr. Leason's property. Mr. Swanson said he has a wall. The property to the east of him does not because there is no home there. The potential does exist for people more or less to hop the canal.

CHARLES NELSON, 13103 E. CHANDLER HEIGHTS, OLD RIGGS RANCH, said he is not really going to get into the Circle G thing too much. He showed on the overhead where his property is. He said he has been working with the development team and they have been responsive about this wall on this side, which would be the west side. He said they are going up from 6 feet to 8 feet but from what he can see lots 54 through 61 are almost going to drive the 2 story. If they have a small lot, they are going to have to build something that justifies the square footage divided into the cost so they can get it down. His ranch is a fully functional ranch; they have tractors, chickens, pigs and horses. They also have open canals; ditches. He is concerned that density being here along this side-houses 54 through 61 and this so called easement road that runs right here (he showed where). He did some measurements today and from the APS poles up to the Circle G wall, the widest point is 18 feet 3 inches to about 20 feet. Where they are coming up with this 30 foot easement, he is at a complete loss. It is on private property. ADOT does not recognize that as a road so it is pretty much private property. When he was a kid they used to work this ranch. It was nothing more than an access road all the way down to the back part of the ranch. Back here on Via de Palmas there is a valve that they need to have access to. They used to just drive up to it, open the valve and work it. If they block that off, they still need to get to it without hiking or crossing private property. They use that to supply water up to his ranch along the south side and along the west side where there is an open ditch. He is not opposed to the development but he is not very happy about the density and really concerned about the density on his west side. The Circle G folks made a good point. There is a possibility of solar panels. He doesn't like it. His lot is 112,000 square feet. He likes the open lot structures. He knows that people are leaning towards building homes that are smaller these days. He said that is about it; density, the so called easement that everybody keeps talking about on the east, the wall to Circle G and the 30 feet. Like he said ADOT doesn't see it, he doesn't see it. The measurements he took today, unless they are going to hit APS poles from the wall to the telephone poles, 18 to 20 feet. It is on private property so he pays for the insurance on it and he has had to jack up his liability until this all settles because he doesn't know what is going to happen.

MIKE HOOVER, 12904 E. VIA DE PALMAS, said he never received anything in the mail for this development but found out about it after the first meeting. His biggest concern is the temporary cul-de-sac issue coming out of that Ashley Drive. He doesn't see how he can allow a

temporary cul-de-sac outside of the site development. Obviously, the developer wants it because he doesn't want to move a couple of lots and most likely that five acre plot to the south of the development which he thinks is owned by some dentist in Phoenix, will eventually he will sell his property to the development. He sees cars driving down into that temporary cul-de-sac and kids walking through it. It is another access point for kids to come into the farmlands that are to the west of that area. He agrees with Mr. Leason and some of the other people that this is a poorly walled development. If it is going to be developed, it should be developed where it stands on its own. Let the people come in and out through approved access points or whatever. He understands the crash gate down on Via de Palmas near that Lot 40. People have probably not considered the homeowner. Mr. Leason wanted the crash gate moved all the way down to the edge of the property there on that 5 acre plot to the west. They have a new homeowner in there and both of those occupants in there work for the City of Chandler. They have to have access to their home. They are not here tonight but he doesn't think he can move the crash gate down to the end of the gravel road. His biggest concern again like Mr. Leason is the kids coming across from 131st Place, coming across from the other cul-de-sac that doesn't have a name and just wandering across that open canal. That canal doesn't have water in there all of the time but it is about 3 feet deep when there is water in it and if you fall into it you won't get out of it very easily. The open lot next to Mr. Leason's land, if they close the canal there then there is total access to that lot. He just sees a few problems, nothing that is going to affect him farther down the road other than a lot of foot traffic and car traffic. Mr. Riggs speaks about the canal that runs behind Mr. Leason's land which is the canal that feeds his property. They drive to that; it is about ¾ a mile drive for him. If they close this all off and you can't drive to it, they would have to walk to it or take a bike which he will probably do. Riggs Lane which is that undeveloped easement to the east of the property, he doesn't know how people can use that if the Riggs' don't let them. There is some talk that they might close that easement. He doesn't know if that can be done. Then way down on that corner where that water box is, the Circle G ranch owner there wants to close the 6 foot access to that. There are a lot of questions that he would like to talk to the developer about. He said thanks for listening.

DAN HARRIS, 2577 E. BEECHNUT COURT, said this probably affects him probably more than anybody. The wall they have is for lots 49, 50, 51 and 52. Those are the lots that back up to his site. He showed where his property is. He built it for three and a half million dollars. He is not opposed to development and he is a builder. He did not receive any information about this. He is opposed to any 2 story homes on any of those lots. He is not opposed to development and he would love to see something go in there to cut down on the dust and the debris and stuff that come their way. He sees the Riggs all the time using that access road or their easement for their farm equipment and stuff like that. It is urban. They came into the subdivision in its infancy and have been there for 12 years. At that particular time the zoning is pretty much what it is now; 1 acre and now they are proposing come in with a higher density so he is completely opposed to it and the height restriction.

CHAIRMAN RIVERS asked if his house is one or two stories. Mr. Harris said he has an office that is a two story on Riggs Ranch Road. It is not to the back of the property; it is on their main road. One middle portion of the 10,000 square foot is 2-story, an office. **CHAIRMAN RIVERS** asked if the rest was one story. Mr. Harris replied yes the rest is single story. He

doesn't know where this is going to go but he for sure would like to see this tabled until there is more communication or dialogue on how this is going to move forward.

RAFE RIGGS, 13104 E. VIA DE PALMAS, said he has been in touch with Mr. Ray and said he has to apologize to him. He didn't know there was going to be 2 story houses and he didn't realize the lots were going to be so small. That first meeting they had he had an elk hunt with her daughter and couldn't get away from that. There are a lot of issues and he begged to differ with Mr. Harris because he thinks it affects him more than anybody. They built this custom home and they put their heart and soul in it and they were planning on staying there forever. The rest of his family was supposed to be building around them. One of those family things that all blew apart. They also knew that could happen. They anticipated that possibly things could change. They always figures there would be other custom homes that would come in beside us. They way that property is set up. He has this other acre next to him and they figured they could split that into two lots; two half acre lots with custom homes on them. They are offering him a road in front of his house. He is a little concerned about it if he does want to split this other acre but he doesn't like the 2-story deal and he thinks the lots are too small. He has an irrigation line that goes through their property and his gate right up here on the corner and that is how he irrigates this lot. They would have to figure out a way to get him irrigation. That irrigation comes with an easement. When he bought this property from his Aunt Cheryl, the paperwork he got from the lady who did the survey and said he has an easement off the front over to Riggs Lane and out to Riggs Lane. Mr. Ray said that is not the case but he really hasn't had time to research it. He opposes this project and would like to table it.

COMMISSIONER PRIDEMORE asked what he understood the perimeter of his property to be relative to this new development. Mr. Riggs said he didn't realize Lot 34 and 36 will have to face the south which will be looking into his backyard. This is a horse barn. Presently he has this house rented out. He had to buy another place because it was getting too congested around here. Anyway, there are horses and chickens. They would have to put some kind of landscaping. He is worried because if he was to build another house or sell this lot over here, which way would it face.

CHAIRMAN RIVERS said this is a barn with horses and chickens. Are the chickens contained within the barn or are they running loose on his land? Mr. Riggs said on the back of his property there is a pipe fence with mesh and the fence is about 6 feet tall. When he lived there, he mowed it for a backyard but right now they have it split and they have turned their animals out into half of that. **CHAIRMAN RIVERS** asked so there is some kind of fence there? Mr. Riggs said yes there is a 6 foot white pipe with wire on the fence right now.

CHAIRMAN RIVERS asked the audience if there was anyone else that would like to address the Commission on this matter. Seeing none he invited Mr. Ray back up to the podium.

COMMISSIONER RYAN said most of the speakers that came up here didn't receive their mailings and weren't aware of the advertisement on this property. He is not sure who attended the neighborhood meeting but usually when they have this many of the neighbors show up, it is a problem they have to get resolved before this meeting. It just is not good. These people aren't aware of what is going on around them. It is just going to make it tougher at the Council

meeting. He thinks this project needs to get continued and have another neighborhood meeting to get these people involved. That is his personal feeling. He knows they have worked hard but for some reason the notifications haven't been sent out correctly or these people don't live on the property or something. He is just not liking what he is hearing. That is his thought right now.

CHAIRMAN RIVERS asked if he was hearing a motion. Mr. Ryan said no he wants Brennan to go ahead. He has done a great job tonight and he appreciates what he has done. He likes the project, he really does and he would like to see it go forward. He just thinks there is too much neighborhood opposition. At the Planning and Zoning Committee they need to be good to their neighbors. When you only have one or two it is one thing. These people are coming in here at the last minute especially Mr. Riggs who is right in the middle of this thing. He is not sure of what is happening. He is just not getting a good feeling about it.

MR. RAY said he wanted to answer Commissioner Ryan's question relative to notice and then he will speak about Mr. Riggs. They provided the notices required under the City Ordinance. Notice was provided he believes within 300 feet of the site as well as to all registered neighborhood associations within a quarter mile. They pull their information the best way they know how and the best way they have been instructed to do that and that is off of the County Assessor's website. The County Assessor's if there is one thing to be certain of is these two things. One, there are mistakes made on the assessor's website or the information is not updated properly or the information has not been properly provided to the County. He can tell them that Dan would have absolutely received a notice for it. He said he would have to go back and look and check to make sure the address and information is correct but he will tell them in those circumstances where they do get a return notice back, they do their best to be able to locate a good address and then to resend it out. He can understand the concerns about the notice. He doesn't know what to tell him but that they follow the process that they were required to go through.

With respect to Mr. Riggs he is a little surprised that he would stand up here and express some of his concerns. He can tell them from the first time the neighborhood notice went out he spoke with his wife Tracey Riggs and then he has had three or four subsequent conversations with Mr. Riggs concerning his property, concerning access and so on. Some of his questions he raised tonight, he heard for the first time here. He can appreciate that is part of the process but he would have received the same plan and the same opportunity to review that plan as other neighbors.

With respect to some of the issues that have been raised by the HOA, Mr. Leason, Mr. Nelson, Mr. Hoover and Dan Harris. In going through these he thinks there is a lot of misunderstanding about what exactly currently exists today versus what they are proposing as it relates to what exists there today. The first issues he heard a lot of discussion and chatter on deals with this easement. He will tell them in this document right here, a publicly recorded Easement Agreement, dated August 19, 1996 that was between the Riggs Homestead Ranch Limited Partnership, this is where that 30 foot easement for ingress and egress appears. That easement near as they can tell from looking at the legal description attached to it runs the length of what has been referred to as Riggs Lane and it runs the length of Via de Palmas. That is a private easement. There is a provision in here that whether anyone realizes it or not, says this instrument

shall not be construed as creating any rights in the general public nor as dedicating to public use any portion of the easement property. That easement benefits all of the people in this area to the extent that there are people outside of the area of that property using it. He can't address that but with respect to this easement as it affects their site as was shown on the site plan and has been discussed. He knows there are various conversations of 18 feet, 12 feet. It is a 30 foot easement. The natural path he can't speak to that but what they are doing on their site as they will see here, they are maintaining this. This actually will be 20 feet wide. For part of the back of the lots they will still be encumbered by this 30 foot easement. They felt the 20 foot is sufficient enough room to provide access to allow the utilities to continue to go there. They are not interfering with any easement access right along Riggs Lane nor are they interfering any of the irrigation rights. As it relates to Via de Palmas that appears on the updated landscape plan is that access is being maintained for those people with lawful access through there. They can't see it but what is shown on the plan here is a 10 foot wide decomposed granite trail that is running through there to provide access; physical access for those people wishing to use it. They believe the 10 feet is sufficient enough for a vehicle to travel down there should they need to but certainly there is ample opportunities for pedestrian access to get to the water turnout that they understand is on the corner of this exception piece right here. They have had discussions with this neighbor concerning access and easement. It was her concern about continuing to maintain that access in some form down there. They are doing that. They are maintaining the access north/south along Riggs Lane. The other thing is that when this community, presuming it gets developed, this parcel will not really have the need for that access although they will continue to use it if they like, but that access is provided through here as well. So that is with respect to Via de Palmas.

In terms of the subdivisions in the area, he thinks there were some concerns expressed about this type of development being located in the area. As Erik mentioned and as Vice Chairman Veitch pointed out, within a mile if they were to take a pen and draw a mile around the site, there is one subdivision located along Riggs Road. The minimum lot width is 65. Regarding the subdivision that is south on Cooper and Riggs, the approval for that was for 65 wide lots and 75 wide lots; the subdivision at the northwest corner of Cooper and Chandler Heights, again, 75 wide lots. So when they look at it, it is certainly appropriate and consistent with what other developments that is in the area that is located next to arterial streets and consistent with good Planning purposes. It makes sense that there would be additional density when they are approaching an arterial trying to protect the larger density as a buffer and as a transition when they are heading south off of Chandler Heights. So they think it is absolutely appropriate for the area and certainly consistent and compatible with what is going on down there.

He knows that there was a question and Erik addressed these with respect to tiling. They can only control what is done on their property. The lighting he thinks they have addressed. With respect to the grading, there was a concern raised about the grading as it is today. It is their plan that grading will be per City requirements in terms of elevation and in terms of what they need. They anticipate that the finished grade for everything even one the improvements are made will be no higher than what currently exists there today. Again, they think they are doing a lot of good things that they need to be a good neighbor as Commission Ryan indicated.

With respect to one of the issues raised by Mr. Leason, there is a significant and substantial amount of buffering that is taking place. Once of the challenges when dealing with irrigation

line and he had this conversation with the City Engineer, is that the City whether it is public or private will not allow trees to be placed over and irrigation line. Because it is a private irrigation line not a public that they could put some landscaping over the top of that; maybe some bushes and some shrubs but no trees.

This is a near the cross-section of what they have going on. The first cross-section is behind Lot 41; on the new plan Lot 42. As they can see, they are providing the appropriate separation for that decomposed granite trail for those irrigation utilities to go and then there will be a row of trees. They are going to place that row of trees in that southern boundary as close as they can without interfering with the existing rights. Then they have the retention area and an additional street being located over there. Also, that is 92 feet. If you look at this 2nd exhibit with the change of the elimination of old Lot 41 there are approximately 156 feet; half a football field length away of separation between the home. There is going to be lots of landscaping and lots of buffering occurring there. One of the things that Mr. Leason raised was a stipulation for Lot 40 to be a single story. That is something they are agreeable to so one of the stipulations he asked for they would be willing to add Lot 40 to that discussion.

He knows there were some questions about streetlights. He thinks he touched on that. With respect to the location of the emergency access gate they would be happy to locate it wherever the City would allow them to. Part of the concern is that they can only control the property that they can control which is their property. They thought it was a good thing to put that emergency gate where they had placed it which was in this area right here so it was maintained with existing easement rights along Via de Palmas heading over here and still provide security to their subdivision so that they know the people aren't traipsing down there using it as a collector road. He knows there was a question asked by the HOA as it related to no parking along Via de Palmas. They are happy to agree and have discussed with the City Engineer putting a "No Parking" sign along Via de Palmas.

He would like to think he has touched on most of the issues that have been raised. To the extent that there are some he has missed that they feel need to be addressed, he would be happy to do so. They think this is an appropriate use of the site and they have heard from the neighbors that they want development here. They have heard that it is a good thing to eliminate the dust and the debris and stuff that has been out here. They would request approval in accordance with Staff's recommendation.

COMMISSIONER PRIDEMORE asked Mr. Ray if he could put up the new cross-sections again. In the cross-section C which is the one that would abut Mr. Leason's property, what is that dimension where the tree is located right next to the wall? Mr. Ray said the dimension between is 6 feet.

CHAIRMAN RIVERS said he is still really concerned about Mr. Riggs property and what is going on around that. On the south side of Nolan Place is there a sidewalk? Mr. Ray replied that is a full street improvement that will be taking place there so there will be a sidewalk but located on their property and not on Mr. Riggs property. **CHAIRMAN RIVERS** said so he is just wondering on the south side of that sidewalk you couldn't use their ranch rail fencing along there. He doesn't even know if it would keep the kids out of that property. He is concerned

about what he perceives as a white plastic fence with chicken wire running along that property. Any thoughts? Mr. Ray said as expressed earlier, they would be happy to work with Mr. Riggs to try to find some appropriate balance that doesn't infringe on him yet provide visual screening and/or separation as it relates to that northern property along Nolan Place. **CHAIRMAN RIVERS** asked so the east side of the property? Mr. Ray said he would be happy to visit with him about that. He knows per their landscape plan they are showing on that east side is a grove of trees. There are going to be a whole lot of trees there but they would certainly be happy to visit with him as well about something else there. **CHAIRMAN RIVERS** said he is a little hesitant because he has been talked to before about lots of trees and really big trees and it took 6 to 10 years for the trees to become really big and he is just thinking even if that is a grove of trees, he thinks their branch rail fence at least from the representation would be a good addition to that grove of trees. That is just his observation.

VICE CHAIRMAN VEITCH said while the floor is still open he just wanted to say that he finds the use is appropriate; he thinks they all do. Obviously, a great deal of effort has been expended by the applicant to deal with what is obviously an irregular piece of property as it is currently shaped. 2.74 units per acre in his mind it is not high-density and is not inconsistent with what is found nearby if not adjacent. But with all that said he has to agree to some extent with Mr. Leason and with Commissioner Ryan. There are a number of features of the proposal that don't seem to be quite fully baked yet. Mr. Leason said in his view that the proposal isn't ripe for consideration and he thinks to some extent he is right. They have heard claims of lack of notice and incomplete information. There are issues with identification of subdivision walls location wise and design wise and lots of comments about irrigation facilities and what happens to them or what doesn't happen to them, temporary street improvements on easements one of which apparently exists but the other apparently doesn't exist yet. There are some things having to do with fencing and landscaping particularly around Mr. Riggs property in the center. He just wanted to throw out the possibility that usually when they have these kinds of situations there options include design review or a continuance. Design review normally involves the design professionals on the Commission making suggestions and raising issues and the applicant going off and reworking some things and coming back. It seems to him that many if not most of those suggestions have already been made here in one way or another so maybe a design review isn't the most appropriate way to go but others might disagree. He is wondering how the Commission feels about a continuance and for that matter how the applicant feels about a continuance in order to try and get some of these things nailed down more completely. A good number of the exhibits they have seen tonight they don't even have, so that is another observation.

CHAIRMAN RIVERS asked Mr. Ray if he wanted to address the Vice Chairman's comments. Mr. Ray said they certainly appreciate the compliments that have been made by you as well as Commissioner Ryan and others. They appreciate that there are a lot of concerns out there. They will continue to listen and do what they can to address them the best that they can. Probably consistent with the recommendation of the Vice Chairman they would be agreeable to a continuance of this case to give them additional opportunity to go out and discuss things with the neighbors. In all likelihood he believes they will have a second neighborhood meeting where they can present some of the plans and hopefully get feedback from them. So they would request this Commission continuance and he believes the date would be January 16, 2013.

They would love it to be sooner but they run into problems with Thanksgiving and with the Christmas holiday.

COMMISSIONER CUNNINGHAM said she has concerns regarding the size of the lots. This is a Cinderella subdivision and the stepsister is trying to fit into it. It is a very hard shoe to fit and she compliments on their creative ability to put as many lots in as possible but lots that are 7700 square feet which many of the subdivisions have, lots bordering acre + lots and the largest one is 12,000 square feet and most of them are just over 9, she just doesn't see how that fits the area where the norm is acre lots. Even if you go to the west and south and get 20,000 square feet lots, 7700 doesn't cut it. She disagrees that you can take that many small properties next to all of these large ones and not expect the neighbors to a) lose value and b) lose tax dollars from the City when the values go down and c) lose friends. Your neighbors are not going to be happy and she doesn't see how she is going to make them happy with that small of lots. Her compliments on the design of the subdivision-it is beautiful but it is a smaller home subdivision putting it in the midst of very high-end housing.

COMMISSIONER DONALDSON said since the floor is open he commended the effort it takes on a conglomeration of lots to this point but he is concerned with the literal holes that exist in the development. He thinks the access points that are required because of the lots that haven't been acquired and they are not included in this acreage and he thinks there are figurative holes. He thinks he would definitely support a continuance and he recommends the neighbors come out to the neighborhood meeting and work with the developer to accomplish the needs and the questions they have.

COMMISSIONER PRIDEMORE said to Mr. Ray about the density that when he first looked at this site it is quite ugly. Kudos to the developer putting it together to get to this point. He doesn't know that he would have had that vision. When he looks at the site, he thinks they have to look at it in two ways. First, is what has been put before them tonight, which to him is an interim case until some of these exceptions would be acquired. With the acquisition of some of these exception pieces which realistically has to occur for this thing to really function in the end. It would allow the lot sizes to be increased so why he appreciates what has been put in front of them now, he also appreciates what Commissioner Cunningham said about trying to shoe horn everything in. He doesn't think that is necessarily the case here because there are so many other pieces that are going to be part of this at some point in the future. He doesn't know when. He guessed he was saying that as a hope because if it stayed like this forever that would be a tough one for him to swallow just because there are so many transparency issues that have been brought up. There are so many conditions between these open and rural parcels and what they are seeing. He wanted to make a comment to all of the citizens that have spoken and are here. He appreciates them understanding that development is going to occur. Too many times they see people come before the Commission that own property next to an undeveloped piece of land that can never understand that something is going to go there. They seem to all understand that this land is never going to be like this forever and he appreciates them understanding that and having the vision to see something down the road that is better than what it is now. He said to Mr. Ray he put that on the table to say they have to look at what this is going to be down the road. When some of these exceptions are brought in, what does that do for the development. He knows the one property owner on the northeast was already commenting on what those houses were for the

54 through 60 lots. Again, looking at it in the future and if these properties were acquired, now they are having to deal with those people in Circle G and what is that condition like. That one he can see more staying out of it, same with the northwest corner. To him for this one to really function as a useful subdivision they need some of this stuff, either Mr. Riggs property in the middle or some of the other properties to the southwest. He said he would also support a continuance but again he would also like to have the development team look at this and putting that hat on it for looking into the future. Obviously, some thought has been put in given the layout that they are looking at. How would this lay out with some of the exception pieces and in his mind with those exception pieces there then some of these lot sizes can be increased not necessarily bringing it to what they are seeing with the neighboring properties but at least something a little larger than what they are seeing here. He hoped that was looked at already but again, from the comments they are seeing here and down the road whether it is for them if it gets continued or goes forward to City Council. He would love to see a hypothetical for how the rest of this is going to lay out because unless that is shown they are going to have a lot more of these neighbors. In most cases, you wouldn't really want to show that but in this case they almost have to because this is a half-finished project. It is a good start but he thinks there could be improvements made across the board. Again, he thinks some of those improvements will come about once some of these exceptions will be acquired.

CHAIRMAN RIVERS closed the floor and looked for discussion and possible motion.

VICE CHAIRMAN VEITCH MOVED to continue DVR12-0022/PPT12-0011 CHANDLER HEIGHTS to the January 16, 2013 Planning Commission Hearing, seconded by **COMMISSIONER RYAN**. The item passed unanimously 7-0 to continue this case to January 16, 2013.

7. DIRECTOR'S REPORT

Mr. Mayo said there was nothing to report.

8. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN RIVERS announced that the next regular meeting is Tuesday, November 20, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting was adjourned at 8:14 p.m.

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, November 20, 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 Ryan.
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
Mr. David de la Torre, Principal Planner
Mr. Erik Swanson, City Planner
Ms. Jessica Sarkissian, City Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Joyce Radatz, Clerk

4. 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. There were no items pulled for action.

A. DVR12-0009 ALLRED BOARDWALK

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

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for a business park on approximately 65-acres located at the southwest and southeast corners of Price and Willis roads.

(REQUEST CONTINUANCE TO THE DECEMBER 19, 2012 PLANNING COMMISSION HEARING.)

B. ZCA12-0003 MONUMENT SIGN TENANT PANELS

Approved.

City initiative to amend Section 39-9.16 (Sign Code) of the Chandler City Code.

Planning Staff, upon finding consistency with the General Plan and the recommendations from the Mayor's 4-Corner Retail Committee recommends approval of ZCA12-0003 MONUMENT SIGN TENANT PANELS.

C. DVR12-0035 POLLACK BUSINESS PARK NORTH PHASE 2

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 zoning district of I-1/PAD. The existing PAD zoning designation is for commercial retail/office/showroom and light industrial uses on an approximate 10-acre site. The subject site is located at the northeast corner of Arizona Avenue and Elliot Road.

Staff, upon finding consistency with the General Plan, recommends approval of extending the timing condition for case DVR12-0035 POLLACK BUSINESS PARK NORTH PHASE 2, for an additional three (3) years, with all of the conditions in the original approval remaining in effect.

D. DVR12-0036 POLLACK BUSINESS PARK SOUTH

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 zoning district of I-1/PAD. The existing PAD zoning designation is for commercial retail/office/showroom and light industrial uses on an approximate 16-acre site. The subject site is located at the southeast corner of Arizona Avenue and Elliot Road.

Staff, upon finding consistency with the General Plan, recommends approval of extending the timing condition for case DVR12-0036 POLLACK BUSINESS PARK SOUTH, for an additional three (3) years, with all of the conditions in the original approval remaining in effect.

E. LUP12-0024 ZIPPS SPORTS GRILL

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 4060 S. Arizona Ave, southwest corner of Arizona Avenue and Ocotillo Road.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new liquor Use Permit re-application and approval.
2. The liquor Use Permit is granted for a Series 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. LUP12-0025 ZAMMI'S GRILL

Approved.

Request Liquor Use Permit approval to sell liquor as permitted under a Series 6 Bar License for on-premise consumption indoors at an existing restaurant. The property is located at 4040 S. Arizona Ave, #7, at the southwest corner of Arizona Avenue and Ocotillo Road, within the Fulton Ranch Towne Center.

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 a change to any other liquor licenses shall require re-application and new liquor Use Permit approval.
3. The liquor Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean an orderly manner.

G. LUP12-0026 U.S. EGG RESTAURANT

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 5840 W. Chandler Blvd, east of the northeast corner of Kyrene Rd. and Chandler Blvd.

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.

H. LUP12-0027 NOSH

Approved.

Request Liquor Use Permit approval to allow wine production and liquor sales as permitted under a Series 13 Domestic Farm Winery License for the production, selling and serving of wine for on or off-premise consumption at a new restaurant within the Copper Point shopping center.

The property is located at 4080 W. Ray Road, Suite 26, the northwest corner of McClintock Drive and Ray Road.

1. The Use Permit granted is for a Series 13 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The addition of the Series 13 license Use Permit shall not revoke the existing Series 12 license Use Permit.
3. The Use Permit is non-transferable to any other location.
4. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

I. LUP12-0030 SANTAN BREWING COMPANY INC.

Approved.

Request Use Permit approval for a Series 1 (In-State Production) liquor license to allow for the manufacturing and production of beer, and Series 7 (Beer and Wine Bar) liquor license to allow for incidental retail sales and tastings of beer for both on- and off- premise consumption. The subject site is located at 495 E. Warner Road, east of the southeast corner of Arizona Avenue and Warner Road.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to other store locations.
3. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
4. The site shall be maintained in a clean and orderly manner.
5. The Use Permit is granted for a Series 1 (In-State Production) and 7 (Beer and Wine Bar) license only, any change of licensure shall require reapplication and new Use Permit approval.

J. LUP12-0031 VINTAGE 95

Approved.

Request Liquor Use Permit approval to allow liquor sales as permitted under a Series 12 Restaurant License for on-premise consumption indoors and within an outdoor patio at an existing restaurant within Historic Downtown Chandler. The property is located at 95 W. Boston Street, the southeast corner of Boston and Oregon Streets.

1. The Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. The outdoor patios shall be maintained in a clean and orderly manner.
5. **Music shall be controlled so as to not unreasonably disturb area residences.**

6. The restaurant shall provide contact information for a responsible person (restaurant owner and/or manager) to interested neighbors that will allow music complaints to be resolved quickly and directly.

K. ZUP11-0016 CENTRO DE ALABANZA JUDA

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

Request Use Permit approval to allow for a temporary storage trailer to be located on-site. The subject site is located at 450 S. Hamilton Street, south of the southwest corner of Frye Road and Hamilton Street. **(REQUEST CONTINUANCE TO THE DECEMBER 19, 2012 PLANNING COMMISSION HEARING.)**

L. ZUP12-0027 HARVEST FOR HUMANITY

Approved.

Request Use Permit approval to operate a community garden on a vacant lot. The subject site is located at the northwest corner of Chicago and Dakota streets.

1. Expansion or modification beyond the approved exhibit (Site Plan) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to other locations.
3. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
4. The site shall be maintained in a clean and orderly manner.
5. The Use Permit shall coincide with any terms of the lease agreement between Harvest for Humanity and the City of Chandler.

M. MOTION TO CANCEL THE DECEMBER 5, 2012 PLANNING COMMISSION HEARING.

MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER BARON** to approve the Consent Agenda including the indicated modification to condition no. 5 on Item J as read into the record by Staff. The Consent Agenda passed unanimously 7-0.

5. DIRECTOR'S REPORT

Mr. Mayo wished the Planning Commission a happy Thanksgiving.

6. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN RIVERS also wished everyone a Happy Thanksgiving and announced that since they won't be here on December 5, the next regular meeting is December 19, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

7. ADJOURNMENT

The meeting was adjourned at 5:37 p.m.

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary