

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, January 16, 2013 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 Baron.
3. The following Commissioners answered Roll Call:

Chairman Leigh Rivers
Vice Chairman Stephen Veitch
Commissioner Matthew Pridemore
Commissioner Andrew Baron
Commissioner Katy Cunningham
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 December 19, 2012 Planning Commission Hearing. The motion passed 5-0 with 2 abstentions. (Commissioners Baron and Ryan were absent for that meeting).
5. ACTION AGENDA ITEMS
CHAIRMAN RIVERS informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no items pulled for action.

A. DVR12-0022/PPT12-0011 CHANDLER HEIGHTS

Approved to withdraw for the purpose of re-advertising.

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. **(REQUEST WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING.)**

B. DVR12-0046 SEC ARIZONA AVE. & RIGGS RD.

Approved.

Request the establishment of initial City zoning of Neighborhood Commercial (C-1) and General Industrial (I-2) on an approximate 2.1-acre site located at the southeast corner of Arizona Avenue and Riggs Road.

Upon finding consistency with the General Plan, Staff recommends approval of the establishment of initial city zoning of C-1 and I-2 on an approximate 2.1-acre site located at the southeast corner of Arizona Avenue and Riggs Road.

C. DVR11-0037 CIRCLE K (SEC ARIZONA AVE. & RIGGS RD.)

Approved to withdraw for the purpose of re-advertising.

Request rezoning from initial City zoning of Neighborhood Commercial (C-1) and General Industrial (I-2) to Planned Area Development (PAD) for a gas station with convenience store on property located at the southeast corner of Arizona Avenue and Riggs Road.

D. DVR12-0028 CHANDLER BUSINESS CENTER

Approved.

Request rezoning from Planned Area Development (PAD) light industrial with ancillary showroom uses in Buildings A/B and retail/office in Building C to PAD light industrial, showroom, place of worship/church, and Community Commercial (C-2) zoning district uses permitted by right in Buildings A/B and C with the exception of no restaurant uses in Buildings A/B. The property is located at the northwest corner of Chandler Boulevard and Kyrene Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Chandler Business Center", kept on file in the City of Chandler Planning Division, in File No. DVR12-0028, except as modified by condition herein.
2. The development shall be in substantial conformance with all previous conditions adopted by Ordinance No's. 3249 and 3407, except as modified by condition herein.
3. Buildings A/B shall be allowed light industrial (I-1) uses, showroom, and C-2 uses as permitted by Zoning Code and in accordance with the parking analysis on file in case DVR12-0028; restaurant uses are not permitted in Buildings A/B.

4. Building C shall be allowed C-2 uses as permitted by Zoning Code and in accordance with the parking analysis on file in case DVR12-0028.

E. DVR12-0038 ORTHOPEDIC GROUP

Approved.

Request rezoning from Planned Area Development (PAD) light industrial, general office, commercial, airport uses, adult vocational education uses with a mid-rise overlay to an amended PAD zoning adding medical office and athletic field to the permitted uses along with Preliminary Development Plan (PDP) for a medical office with athletic field. The property is located east of the southeast corner of the Loop 202 Santan Freeway and Cooper Road off of Yeager Drive.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Orthopedic Group", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0038, except as modified by condition herein.
2. The development shall be in substantial conformance with all previous conditions adopted by Ordinance No. 3673, except as modified by condition herein.
3. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
4. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
5. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
7. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
8. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
9. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water

provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the ORTHOPEDIC GROUP shall use treated effluent to maintain open space, common areas, and landscape tracts.

10. All structures on the property shall remain below the protective surfaces as defined in Federal Aviation Regulation Part 77 and/or in relation to limits established in FAA determined Terminal Procedures (TERPS). All construction cranes shall be installed and operated in accordance with FAA rules and regulations including notification through the filing of FAA Form 7460-1, Notice of Proposed Construction or Alteration.
11. Prior to building permit issuance for any structures the developer shall provide a DETERMINATION OF NO HAZARD TO AVIATION approval as issued by the FAA after filing an FAA Form 7460, Notice of Proposed Construction or Alteration.
12. The developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Orthopedic Group", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0038, except as modified by condition herein.
2. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

F. DVR12-0047 WEST OF THE NWC LINDSAY & RIGGS ROADS

Approved.

Request the establishment of initial City zoning of Agricultural (AG-1) on an approximate 12.25-acre site located west of the northwest corner of Lindsay and Riggs roads.

Upon finding consistency with the General Plan, Staff recommends approval of the establishment of initial city zoning of AG-1 on an approximate 12.25-acre site located west of the northwest corner of Lindsay and Riggs roads.

G. DVR12-0048 EAST OF THE SEC MCQUEEN & WILLIS ROADS

Approved.

Request the establishment of initial City zoning of Agricultural (AG-1) on an approximate 1.6-acre site located east of the southeast corner of McQueen and Willis roads.

Upon finding consistency with the General Plan, Staff recommends approval of the establishment of initial city zoning of AG-1 on an approximate 1.6-acre site located east of the southeast corner of McQueen and Willis roads.

H. PDP12-0015 CORONA DEL SOL PLAZA

Approved.

Request Preliminary Development Plan approval to allow for additional monument sign tenant panels. The subject site is located at the southeast corner of Ray and Rural roads.

1. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. The applicant shall work with Staff to incorporate additional landscape materials at the base of the monument signs.
4. Monument 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 monument signs shall be in substantial conformance with the attached site plan and sign elevation exhibits, kept on file in the City of Chandler Current Planning Division, in File PDP12-0015 CORONA DEL SOL PLAZA, except as modified by condition herein.

I. LUP12-0033 PHO VAN

Approved.

Request approval of a Use Permit to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors within an existing restaurant. The property is located at 2095 W. Dobson Road, # 3, at the northeast corner of Dobson and Warner Roads.

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.

J. LUP12-0034 SIBLEY'S WEST

Approved.

Request Use Permit extension approval to allow liquor sales as permitted under a Series 10 Beer & Wine Store License for off-premise consumption only. The property is located at 72 S. San Marcos Place, west of Arizona Avenue and south of Buffalo Street in Historic Downtown Chandler.

1. The Use Permit granted is for a Series 10 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 beyond the approved Floor Plan and Narrative shall void the Use Permit and require new Use Permit application and approval.

K. ZUP12-0030 DESERT VIKING OFFICE

Approved.

Request Use Permit approval to allow for the conversion of a residential home into a commercial business, a general office use. The subject site is located at 542 W. Chandler Blvd.

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

L. ZUP12-0031 CROWN CASTLE COLLOCATION

Approved.

Request approval of a Use Permit to allow a collocation of nine (9) antennas and a ten (10) foot height addition to an existing Wireless Communication Facility on property zoned Planned Area

Development (PAD). The property is located east of the southeast corner of Chandler Heights Road and Arizona Avenue.

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. Further screening shall be required along with the wrought iron fencing to visually conceal the equipment inside.

M. ZUP12-0038 REACT DEFENSE

Approved.

Request Use Permit approval to allow adult education and physical fitness/training type uses in Building 4 of Westech Corporate Center. The property is located at the southeast corner of Arizona Avenue and Palomino Drive, north of Warner Road.

1. Development shall be in substantial conformance with the exhibits and representations contained within this memo and in the Use Permit case, entitled "REACT DEFENSE" kept on file in the City of Chandler Current Planning Division, in file number ZUP12-0038 except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3812 in case DVR06-0005, except as modified by condition herein.
3. Adult education and physical fitness/training uses are permitted in Building 4 only.

A woman from the audience had questions on Item G. She came to the podium and stated that this is basically across the street from where they live and this card on this meeting was the only notification they had received. She said she was just concerned that it is on the consent agenda and that they don't have any other information on it. Is there going to be a public meeting or a neighborhood meeting or anything like that where they could get more information from?

MR. SWANSON, City Planner, stated this is just the initial process. This is kind of a follow-up to the annexation process. This is really the next step to get it to a zoning designation in the city similar to what was in the County. There will be a follow-up rezoning for the land for a development which will entail a neighborhood meeting and then the 2 public hearings and they will certainly be notified. There will be a sign put out on the site; a 4 by 8 orange sign. They will also receive notification for a neighborhood meeting and then also a similar card like they received. He said if she would like to wait until after the meeting, he will get her number. He will be the point of contact for this.

She asked if it will affect the remaining parcels of land across the south side of Willis Road.

Mr. Swanson said it will not do anything addressing rezoning of that property. Certainly, it will be in proximity to it so there is that kind of natural way that it will affect that but it is not going to change any of their zoning designation or land use privileges or anything like that.

She said so right now there is no specific use identified to go on this piece of property for the rezoning. Mr. Swanson replied not for tonight. There will be a follow up rezoning for a future development but based on statute they can't really discuss that tonight because the Commission hasn't seen it, neighbors haven't seen it, so really what is for tonight is what the land use was in the County to what it is in the city, which would be agricultural.

MR. KEVIN MAYO, PLANNING stated he had a little bit more information. When they annex the property from the County in they can't bring with it the zoning that the County had on it. It comes in basically without zoning and they have a certain amount of a time frame that they have to establish an equivalent city zoning no more intense than what was in the County. The County was R-43 and so their closest zoning designation in the City is AG-1. The property has been annexed by the City of Chandler through a City Council Ordinance and now they have to by State Statute follow-up with the establishment of a base zoning consistent with what was in the County. If they don't and there is a time frame of six months and if they don't take action within 6 months, the property doesn't have any zoning which means they can't do anything, it means they can do everything. So they go through this process establishing initial city zoning and then there is a separate rezoning process that they are in and they will be notified and a part of it to rezone from AG-1 to whatever their future use is going be.

She asked if she can get his phone number off the website. Mr. Swanson said it should be on the card as well. It should be his direct number. She said she will give him a call.

CHAIRMAN RIVERS thanked her and the Staff for taking care of these problems.

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

6. DIRECTOR'S REPORT

Mr. Mayo, Planning Manager, said there was nothing to report this evening and wished them a happy New Year.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN RIVERS said the next regular meeting is February 6, 2013 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:48 p.m.

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary