

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, February 6, 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 Pridemore.
3. The following Commissioners answered Roll Call:

Chairman Leigh Rivers  
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. 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

Absent and excused:

Vice Chairman Stephen Veitch

4. APPROVAL OF MINUTES  
MOVED BY COMMISSIONER PRIDEMORE, seconded by COMMISSIONER CUNNINGHAM to approve the minutes of the January 16, 2013 Planning Commission Hearing. The motion passed 6-0 (Vice Chairman Veitch was absent).
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. DVR11-0037 CIRCLE K (SEC ARIZONA AVE. & RIGGS RD.)

**Approved.**

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 with Preliminary Development Plan (PDP) on property located at the southeast corner of Arizona Avenue and Riggs Road.

**Rezoning**

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "CIRCLE K STORE", kept on file in the City of Chandler Planning Division, in File No. DVR11-0037, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. 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.
6. 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.
7. 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.
8. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be

made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

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

**Preliminary Development Plan**

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "CIRCLE K STORE", kept on file in the City of Chandler Planning Services Division, in File No. DVR11-0037, 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 property owners' association.
4. The site shall be maintained in a clean and orderly manner.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. Raceway signage shall be prohibited within the development.
7. Fuel tank venting shall be fully screened in a manner to be architecturally integrated with the development as represented in the Development Booklet.

**B. DVR12-0027 KYRENE 202 BUSINESS PARK**

**Approved.**

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for a business park, along with Preliminary Development Plan approval for building architecture and site layout on an approximate 34-acre site located at the southwest corner of Kyrene Road and Gila Springs Place.

## **Rezoning**

1. Development shall be in substantial conformance with the attached Development Booklet, entitled "KYRENE 202 BUSINESS PARK", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0027, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals or as otherwise approved in a development agreement.
5. Unless otherwise included as part of the City's Capital Improvement Program, the developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. Landscaping shall be in compliance with current Commercial Design Standards.
7. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
8. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
9. Approval by the Director of Transportation and Development for landscaping (open spaces and rights-of-way), perimeter walls and arterial street median landscaping is required.
10. 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.
11. Right-of-way dedications of the future Frye Road extension to achieve full widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
12. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).

### **Preliminary Development Plan**

1. Development shall be in substantial conformance with the attached Development Booklet, entitled “KYRENE 202 BUSINESS PARK”, kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0027, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.

#### **C. DVR13-0003 CHANDLER FREEWAY CROSSING**

##### **Approved.**

Request rezoning from Planned Area Development (PAD) for business park uses consisting of a mixture of office, manufacturing and industrial uses, to Planned Area Development (PAD) Amended to include a Mid-Rise Overlay for buildings exceeding 45-feet in height on approximately 30 acres located at the northeast corner of the Loop 101 Price and Loop 202 Santan freeways.

1. Development shall be in substantial conformance with the Development Booklet, entitled “Chandler Freeway Crossing” and kept on file in the City of Chandler Planning Division, in File No. DVR13-0003, 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. Building heights are limited to 150-feet in height.

#### **D. PDP12-0018 STAYBRIDGE SUITES OF CHANDLER**

##### **Approved.**

Request Preliminary Development Plan approval for site layout and building architecture for a hotel development on an approximate 14.5-acre site located at the northeast corner of Chandler Boulevard and McClintock Drive.

1. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4)
2. 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.
3. 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.
4. Development shall be in substantial conformance with the Development Booklet, entitled “Preliminary Development Plan Booklet”, kept on file in the City of Chandler Planning Services Division, in File No. PDP12-0018, except as modified by condition herein.
5. Landscaping shall be in compliance with current Commercial Design Standards.
6. The site shall be maintained in a clean and orderly manner.

7. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
8. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
9. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
10. 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.
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 knows and understands that the site is located nearby the Stellar Airpark and that adverse aircraft noise, odors, vibrations, and other externalities associated with the airpark are legal and should be expected to continue indefinitely.

E. LUP12-0035 THE COURTYARD ON WALL ST.

**Approved.**

Request Liquor Use Permit approval to sell liquor as permitted under a Series 6 Bar License for on-premise consumption indoors and within an outdoor courtyard. The property is located at 238 S. Wall St., behind the northwest corner of Arizona Avenue and Frye Road.

1. Expansion, modification, or relocation beyond the approved exhibits (Site 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.
5. **Music shall be controlled so as to not unreasonably disturb area residents.**
6. **The applicant shall provide contact information for a neighborhood liaison responsible person such as the owner and/or manager to interested neighbors that will allow music and complaints to be resolved quickly and diretly.**

F. LUP12-0036 CHOP

**Approved.**

Request Liquor Use Permit approval to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors and within an outdoor patio at an existing restaurant within the Downtown Ocotillo Commercial Complex. The property is located at 2625 W. Queen Creek Road, Suite 1, east of the southeast corner of Price and Queen Creek 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. Use Permit 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.
3. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation (i.e. handicap shall have direct access to all indoor and outdoor pedestrian spaces).
4. The patio area shall not be enclosed from the existing pedestrian pathway until the adjacent pedestrian pathway is constructed opposite the water feature to the east.
5. The Use Permit is non-transferable to any other location.
6. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Liquor Use Permit application and approval.
7. No noise shall be emitted from outdoor speakers on the patios or from music occurring indoors that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
8. The patio shall be maintained in a clean and orderly manner.

G. ZUP12-0017 SHEILA'S CHRISTIAN ACADEMY "MINDS IN MOTION"

**Approved.**

Request approval of a time extension for a Use Permit to allow a residential childcare/academic training for children business within a Planned Area Development (PAD) zoning district for single-family residential. The property is located at 2735 W. Highland Street, south of Warner Road and east of the northbound Loop 101 Price Freeway off of Coronado Street.

1. Use Permit approval for operating residential childcare shall be applicable only to the location identified with this application and shall not be transferable to any other location.
2. The Use Permit is granted for a maximum of 10 children for compensation.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, Narrative) shall require a new Use Permit application and approval.

H. ZUP12-0033 DESERT SAGE HERBS

**Approved.**

Request Use Permit extension approval to allow retail sales and personal services in the Planned Commercial Office (PCO) zoning district located at 1728 N. Alma School Road, the southwest corner of Alma School Road and Stottler Drive.

1. Development shall be in substantial conformance with exhibits and representations in the application packet.
2. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
3. The site shall be maintained in a clean and orderly manner.

**CHAIRMAN RIVERS** said he had one speaker card for Item B for a Mr. Crandall. He asked Mr. Crandall if he wanted that item pulled from the agenda or did he just want to comment on it? Mr. Crandall said he just wanted to comment on it. He went to the podium to speak.

**MR. DON CRANDALL, 5929 W. CHICAGO ST., CHANDLER** stated he lives on Chicago Street at the corner of Kyrene where the development is going in. He said their concern is not so much the development because they knew that would be developed in time. The planning of the development is inconsistent with what they already built north of there when the horse ranch went out. He is concerned with the fact that they want to put Chicago Street on through to the industrial park that most people come in off of Chandler Boulevard to get to and you add a swimming pool there and they want to put Chicago Street through. If you look at the map they have lain out and they have a light at Gila Springs which goes into a dead end street. They have a light down at Frye's which goes into the park which dead ends but yet they want to put a through street by Chicago all the way through to connect with Frye on the other side of the development without a light. Kyrene was never developed for the amount of traffic that is on there now. Chandler Boulevard has a single left turn lane and in the morning traffic backs up past the Gila Spring light and at night time it backs up past Chicago Street with people trying to get on the southbound 202. So a through street there that didn't have a light in conjunction with Frye in the evening and Gila Springs in the morning is going to cause major back-up and concerns with people trying to get out coming from the industrial park and people trying to come out of Chicago Street which you can't do in the morning or at night time in rush hour traffic anyway. You have to go around and take a bunch of side streets to get out. So their concern is with the pool there and then in the summertime all of the kids in the family development, they don't walk all the way down to Frye, cross at the light and walk back up to the pool; they cross at Chicago Street to go to the pool for the dog park there.

That is their major concern; not with the development itself but the putting through of Chicago all the way to the industrial park and he would like to see the recent study that has been done on Kyrene on the amount and flow of traffic. He noticed that when he went to work they had put a rubber counter going down towards the freeway and one on the freeway ramp going east on the 202. He doesn't know if they are just now doing the traffic study on it but a traffic study really needs to be done on Kyrene between Chandler and the freeway.

**CHAIRMAN RIVERS** thanked him for being here and asked Staff to address the gentleman's concerns.

**ERIK SWANSON, CITY PLANNER**, said he doesn't have any specific hard data on what the numbers are until their traffic department is done but right now Kyrene is roughly generating about 25,000, just shy of 26,000 trips per day. He knows they went out there because he spoke with one of their traffic managers and one of the study managers and they said they were out there recently looking at those numbers because of some concerns with the Chicago Street, Gila Springs Place and also the Frye Road light. He doesn't have his hard data yet. It is certainly something that if it gets to him, he will be more than happy to send it to him. He thinks it is important to note that whether or not this development goes in and the Frye Road comes in with

this development, it is anticipated that Frye Road will be completed within the next five years or so. It is part of a Capital Improvement project. Either the developer does it or the City does it in the long run. Unfortunately, it is going to be one of those things that's going come in to alleviate the park to the west.

Mr. Crandall said the Kyrene School District owns the property south of the park and Frye Road goes right down by the park. To him it would make more sense to go to Frye Road by going straight on across down past the park and around the reclamation center and then hook into the roads that are there. If they look at the map, they can see the park and what the school owns and it would make more sense to them because they already have a light at Frye, to widen that road down by the park and take it on around by the retention basin.

**CHAIRMAN RIVERS** stated it is this groups purpose to look at development and decide if it is appropriate for its location and land use. That is what they will be deciding this evening but he encouraged him to take his concerns about Frye Road and anything the City is going to do with Frye Road to the City Council. They will be taking this item to Council on February 28. He encouraged Mr. Crandall to go and give them his concerns because they have more power to do something about them. He thanked Mr. Crandall and his wife for coming.

**CHAIRMAN RIVERS** asked if there was anybody else in the audience that would like to have any of our agenda items pulled for a full presentation. Seeing none he looked to the dais for a motion.

**COMMISSIONER RYAN** stated for the record he would be abstaining from voting on Item D STAYBRIDGE SUITES OF CHANDLER as he is a consultant to the owner.

**CHAIRMAN RIVERS** said he wanted to make a comment on Item D STAYBRIDGE SUITES OF CHANDLER. When the development first came before the Commission he voted no against having hotel properties on this corner because of the vehicle traffic that would generate into the residential neighborhood just next door. While this hotel moved a little bit on the property in question, it still will generate traffic and the only way that the people coming out of this hotel can get to the 101 is either make an immediate U-turn on Chandler Boulevard or take a right turn on to Tyson Street and drive through a residential neighborhood to get to Hearthstone Way and back to Chandler Boulevard so that they can make a left turn at a light to get back to the 101. He is concerned about the additional out of town vehicle traffic driving through their residential neighborhood so he will be voting no on Item D.

**MOVED BY COMMISSIONER PRIDEMORE**, seconded by **COMMISSIONER BARON** to approve the Consent Agenda as read into the record by Staff with the additional stipulations and the one removal as noted. The Consent Agenda passed unanimously 6-0 with the exceptions noted (Vice Chairman Veitch was absent).

6. DIRECTOR'S REPORT

Mr. Mayo, Planning Manager, said there was nothing to report this evening.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN RIVERS said the next regular meeting is February 20, 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 5:51 p.m.

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Leigh Rivers, Chairman

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Jeffrey A. Kurtz, Secretary