

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, June 19, 2013 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Veitch 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 Stephen Veitch  
Vice Chairman Matthew Pridemore  
Commissioner Andrew Baron  
Commissioner Katy Cunningham  
Commissioner Phil Ryan  
Commissioner Bill Donaldson  
Commissioner Devan Wastchak

Absent and Excused:

Commissioner Phil Ryan

Also present:

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

4. APPROVAL OF MINUTES  
CHAIRMAN VEITCH pointed out to the Commission that he called in one minor correction to page 30. Near the bottom of the page he made a brief reference to the neighborhood he lives in and said it does not have an HOA. The first draft inadvertently omitted the word 'not'. It has been inserted for the signature copy. With that minor correction he asked if there was a motion to approve the minutes as corrected.

MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by COMMISSIONER DONALDSON to approve the minutes of the June 5, 2013 Planning Commission Hearing with the change as noted. The motion passed unanimously 6-0. (Commissioner Ryan was absent.)

5. ACTION AGENDA ITEMS  
**CHAIRMAN VEITCH** 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. DVR13-0006 SWC NORMAN WAY & PECOS ROAD

**Approved.**

Request rezoning from AG-1/PAD (Agricultural District with a Planned Area Development Overlay) to allow a solar PV system to PAD (single-family residential) for the development of one single-family residence with Preliminary Development Plan (PDP) for site layout and building design. The property is located at the southwest corner of Pecos Road and Norman Way, west of Gilbert Road.

**Rezoning**

1. Development shall be in substantial conformance with Exhibits A, B, C, and D as represented by the applicant in case DVR13-0006 SWC NORMAN WAY & PECOS ROAD, 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. 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.
7. 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.
8. 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 Exhibits A, B, C, and D as represented by the applicant in case DVR13-0006 SWC NORMAN WAY & PECOS ROAD, 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 in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
4. The perimeter wall design shall be compatible with the adjacent Rancho del Ray perimeter walls.

**B. PDP13-0002 CHANDLER MIDWAY CORPORATE CENTER**

**Approved.**

Request Preliminary Development Plan (PDP) approval to allow freestanding multi-tenant monument signs for an existing development located at the northeast corner of Chandler Boulevard and Gila Springs Boulevard.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled “CHANDLER MIDWAY CORPORATE CENTER”, kept on file in the City of Chandler Planning Division, in File No. “PDP13-0002”, except as modified by condition herein.
2. 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.
3. All future signage shall be consistent with the signage contained within the attached exhibits with regards to sign type and quality. Any deviations shall require separate Preliminary Development Plan approval.

**C. LUP13-0004 MAX & TED’S 480**

**Approved.**

Request Liquor Use Permit approval to sell liquor as permitted under a Series 6 Bar License for on-premise consumption indoors and have live music indoors at an existing bar. The property is located at 480 N. Arizona Avenue, south of the southwest corner of West Oakland Street and North Arizona Avenue.

1. The Use Permit granted is for a Series 6 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. The Use Permit is non-transferable to any other location.
4. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require a new Liquor Use Permit application and approval.

5. Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.
6. No noise shall be emitted from the live entertainment 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.
7. The site shall be maintained in a clean and orderly manner.

**D. LUP13-0005 NABERS**

**Approved.**

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 6 Bar License for on-premise consumption indoors and within an outdoor patio and have live music indoors at a new restaurant. The property is located at 825 North 54th Street, northeast corner of West Harrison and North 54th Streets in the Chandler Pavilions.

1. The Use Permit granted is for a Series 6 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. The Use Permit is non-transferable to any other location.
4. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require a new Liquor Use Permit application and approval.
5. Music shall be controlled so as to not unreasonably disturb area residents and businesses and shall not exceed the ambient noise level as measured at the commercial property line.
6. No noise shall be emitted from the live entertainment 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.
7. The site shall be maintained in a clean and orderly manner.
8. The patio shall be maintained in a clean and orderly manner.

**E. ZUP12-0035 EVA'S MI AMORE**

**Approved.**

Request Use Permit extension approval to operate a wedding planning and bridal service office in a converted residence in the SF-8.5 Single-Family Residence zoning district. The property is located at 598 W. Chandler Blvd.

1. Substantial expansion or modification beyond the approved exhibits (Floor Plan, Narrative) shall void the Use Permit and require a new Use Permit application and approval.
2. There shall be no tandem parking in the designated parking spaces at the rear of the property.
3. Parking along Hartford Street is not permitted for either employees or clients.
4. Parking shall not be permitted in the front yard other than on the existing concrete driveway.
5. The site 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.
7. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

F. MOTION TO CANCEL THE JULY 3, 2013 PLANNING COMMISSION HEARING.

**Approved to cancel the July 3, 2013 Planning Commission Hearing.**

**CHAIRMAN VEITCH** noted for the Commission that he had a speaker card concerning Item C. He read the speaker card that said he is opposed to Item C and wishes to speak. He asked the gentlemen if he wished to speak prior to a vote on the Consent Agenda or if he wanted the item to be pulled from the Consent Agenda for a full hearing. The gentlemen responded that he would like to speak.

**OMAR GORDILLO, 1938 E. MEADOW, TEMPE**, said he is the owner of the property down the street which is on the northwest corner of Oakland and Arizona Ave. He has noticed every night the parking spaces in the area are not enough for the businesses that are operating. Most of the time they park in the parking lot that belongs to his apt. building. The problem that it is causing is because there is no place on the street, particularly on Arizona Avenue, when they come back at night to pick up their car from the bar, they make a lot of noise, start to fight, and sometimes the police come. Another problem is going to be the traffic going through the alley which connects Oakland Street and the other street by where the Chandler Liquor store is. He has been getting complaints from his tenants about the noise, the people who are in the area roaming, sometimes drunk, sometimes doing drugs. His concern is that a lot of activity in the area is going to add more problems and more disruption.

**CHAIRMAN VEITCH** asked if there were any questions for the speaker. There were none but he had a question for Staff. He said his recollection from the Study Session presentation is that the property itself is parked to code.

**SUSAN FIALA, CITY PLANNER**, replied that is correct. All parking is provided on site within a parking lot that is on the west side of the business and is accessed from the alley. So it is actually over parked based on their code requirements for a bar.

**CHAIRMAN VEITCH** said in addition as he remembers it, there is a parking agreement in place for bar staff to park off site. The property owner of Max & Ted's has gone above and beyond what is required by code and has received permission from an adjacent property owner, who owns a tire shop south of there, to use their site for parking as the tire shop ends their business at noon on Saturdays. The property owner will park his car and any other available spaces that are there. The other employees will go over and use their site as well.

**MR. GORDILLO** said what is happening is the regular people don't know where to park and they park anywhere they can find a space. He is not sure if the regular people will know where to park when they are going to the bar. He doesn't know how he is going to regulate it. He has already called the police. He has been having these issues for about 2 years when Coyote opened. He looked up the website with the information to have more patrols particularly around 2:00 a.m. for the noises and for the people who get drunk.

**CHAIRMAN VEITCH** said thank you sir. Without affirming or denying that there might be parking issues in the area, given the fact that this property is parked to code and has arrangements in place for additional parking, it is hard to pin the problem on this particular establishment. However, the applicant he is sure is going to be made aware of his concerns regarding knowledge on the part of patrons where they should park and issues of that sort.

**MR. GORDILLO** said he sees they have space for 64 people and they have a space for parking 20 cars. He doesn't think that 64 people come into the bar in 20 cars. He thinks probably it will be more than 20 cars. That is another one of his concerns. There will probably be more than 64 people and they will arrive in 50 cars.

**CHAIRMAN VEITCH** said they can park anywhere where it is legally permitted whether that is on a public street or in the bar's parking lot or anyplace else where they have an arrangement in place. **CHAIRMAN VEITCH** thanked Mr. Gordillo and said his comments will be reflected in the record that the City Council will see. With that he said they were ready for consideration of the Consent Agenda. He asked for a motion to approve the Consent Agenda as read in by Staff.

**MOVED BY VICE CHAIRMAN PRIDEMORE**, seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda as read into the record by Staff. The Consent Agenda passed unanimously 6-0. (Commissioner Ryan was absent.)

**CHAIRMAN VEITCH** said Item C will be on the Council's agenda for July 11, 2013.

6. DIRECTOR'S REPORT

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

7. CHAIRMAN'S ANNOUNCEMENTS

**CHAIRMAN VEITCH** said the next regular meeting is July 17, 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 5:44 p.m.

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Stephen Veitch, Chairman

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Jeffrey A. Kurtz, Secretary