

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, July 17, 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 Vice Chairman Pridemore.
3. The following Commissioners answered Roll Call:

Chairman Stephen Veitch
Vice Chairman Matthew Pridemore
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Phil Ryan
Commissioner Devan Wastchak

Absent and Excused:

Commissioner Andrew Baron

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Erik Swanson, City Planner
Ms. Susan Fiala, City Planner
Kay Bigelow, Assistant City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by COMMISSIONER CUNNINGHAM to approve the minutes of the June 19, 2013 Planning Commission Hearing with the change as noted. The motion passed unanimously 6-0. (Commissioner Baron 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. DVR13-0005 NORIA @ CHANDLER AIRPARK

Approved.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for a mixed-use development including commercial and multi-family residential uses, with Preliminary Development Plan (PDP) approval for site layout and building architecture on an approximate 39-acre site. The subject site is located at the southeast corner of Germann and McQueen roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "NORIA AT CHANDLER AIRPARK", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0005, 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. 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. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
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. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
8. An emergency access easement shall be provided along the site's eastern boundary as part of phase two. Full construction of the access easement shall occur when the property east of the subject site develops, or at the point in time the Transportation and Development Director determines that a permanent drive is necessary.
9. The multi-family apartment manager shall display, in a conspicuous place within the rental office, a map illustrating the location of the Noria at Chandler Airpark Multi-Family Apartments in the context of the Chandler Airpark Area Plan. Such map or aerial photo shall be a minimum size of 24" x 36". Compliance with this condition shall be demonstrated by the property owner or multi-family apartment manager by submittal to the Zoning Administrator of a signed affidavit and photograph that acknowledges such map is on display prior to beginning any rental activity.

10. Prior to execution of any lease, prospective apartment tenants shall be given written disclosure in their lease and in a separately signed disclosure statement acknowledging that this apartment community is located proximate to the Chandler Municipal Airport, that an avigational easement exists on the property, and that the property is subject to aircraft noise and overflight activity. The requirement for such disclosures shall be confirmed in an Avigation Notice Covenant that runs with the land and is recorded with the Maricopa County Recorder prior to issuance of the first Building Permit for this development.
11. 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.
12. 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.
13. In the event the development is proposed to be subdivided to allow individual condo unit ownership, the proposed condos shall be processed in accordance with City of Chandler plat requirements which includes public hearings and, if such Condo Plat is approved and Recorded, the following stipulations shall be the responsibilities of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
 - a) Prior to any condo unit reservation or purchase agreement, any and all prospective condo buyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies proximate to the Chandler Municipal Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight activity. This document signed by the condo buyer shall be recorded with the Maricopa County Recorder's Office upon sale of the condo to such buyer.
 - b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the condo sales office, a map illustrating the location of the Condo Plat in the context of Chandler Municipal Airport. Such map or aerial photo shall be a minimum size of 24" x 36". Compliance with this condition shall be demonstrated by the subdivider/developer by submittal to the Zoning Administrator of a signed affidavit and photograph that acknowledges this map is on display prior to beginning any sales activity.
 - c) The aircraft noise, overflight activity and avigational easement information referenced above in "a" and "b" shall also be included within the Subdivision Public Report to be filed with the State of Arizona Department of Real Estate, as required by Arizona law.
14. All leases at the NORIA AT CHANDLER AIRPARK multi-family apartments shall provide that all questions, concerns or complaints any tenant may have about Chandler Municipal Airport of the operation of aircraft landing at, taking off from or operating at or on Chandler Municipal Airport shall be directed solely to the manager of the NORIA AT CHANDLER AIRPARK development and not to the Chandler Municipal Airport, the City of Chandler, the FAA, any aircraft owner or any pilot. All leases shall also provide that it shall be within the sole and absolute discretion of the Manager of NORIA AT CHANDLER AIRPARK (and not the tenant) to determine (after the Manager's due consideration of all airport related acknowledgements and disclosures that are required by these Zoning Stipulations and

consideration of all information known to NORIA AT CHANDLER AIRPARK Manager) whether or not, when and how to communicate any tenant's question, concern or complaint to the manager of the Chandler Municipal Airport.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "NORIA AT CHANDLER AIRPARK", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0005, 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.

B. DVR13-0014 CORNERSTONE CHRISTIAN FELLOWSHIP

Approved.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for a church campus, with Preliminary Development Plan (PDP) approval for a parking lot. The subject site is located east of the southeast corner of Alma School and Willis roads.

Rezoning

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
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 rezoning request does not include a specified timing condition. This includes relief of the 1-year timing condition from the effective date of the ordinance as specified in the City Code section 35-2603.B.
4. Development shall be in substantial conformance with the attached exhibits (Site Plan, Narrative), kept on file in the City of Chandler Planning Division, in File No. DVR13-0014, except as modified by condition herein.
5. Landscaping shall be in compliance with current Commercial Design Standards.
6. 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 the attached exhibits (Site Plan, Narrative), kept on file in the City of Chandler Planning Division, in File No. DVR13-0014, except as modified by condition herein.

2. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler shall apply.
3. The applicant shall work with Planning Staff to provide safe and convenient pedestrian walkways within the parking lot.

C. DVR13-0015 HABITAT FOR HUMANITY

Approved.

Request rezoning from Multiple Family Residential District (MF-2) to Planned Area Development (PAD) with Preliminary Development Plan approval for a single-family residence with a reduced front yard setback. The property is located at 489 South Delaware St., northeast corner of Delaware and Fairview streets.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "Habitat for Humanity Central Arizona" and kept on file in the City of Chandler Planning Division, in File No. DVR13-0015, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. 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. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "Habitat for Humanity Central Arizona", kept on file in the City of Chandler Planning Division, in File No. DVR13-0015, except as modified by condition herein.

D. DVR13-0022 EAST OF THE SEC OF CHANDLER HEIGHTS AND COOPER ROADS

Approved.

Request the establishment of initial City zoning of Agricultural (AG-1) on an approximate 25-acre site located east of the southeast corner of Chandler Heights and Cooper roads.

Upon finding consistency with the General Plan, Planning Commission and Planning Staff recommend approval of the establishment of initial city zoning of AG-1 on an approximate 24.98-acre site located east of the southeast corner of Chandler Heights and Cooper roads.

E. PDP13-0005 KRISPY KREME DOUGHNUTS

Approved.

Request Preliminary Development Plan amendment approval of a site layout for a new retail bakery with a drive-through lane. The site is located at 1055 West Chandler Boulevard, southwest corner of Chandler Boulevard and Alma School Road.

Preliminary Development Plan

1. Compliance with original conditions adopted by the City Council as Ordinance No. 2629 in case PL96-001 SOUTHWEST CORNER OF ALMA SCHOOL AND CHANDLER BOULEVARD, except as modified by condition herein.
2. Development shall be in substantial conformance with the Development Booklet, entitled "Krispy Kreme Doughnuts", kept on file in the City of Chandler Planning Division, in File No. PDP13-0005, except as modified by condition herein.
3. The site shall be maintained in a clean and orderly manner.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

F. LUP13-0002 SAGE BAR

Approved.

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 6 Bar license for on-premise consumption within a restaurant, bar and an outdoor patio and to have live music indoors. The business is located at 4929 West Chandler Boulevard, Ste. 12, southeast corner of Chandler Boulevard and Rural Road.

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 is non-transferable to any other location.
3. 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.
4. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
5. The outdoor patio shall be maintained in a clean and orderly manner.
6. Live music and speakers shall be prohibited within the outdoor patio.
7. 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.
8. 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.
9. The site shall be maintained in a clean and orderly manner.
10. The establishment shall provide a contact phone number of a responsible person (bar owner and/or manager) to interested neighbors to resolve noise complaints quickly and directly.
- 11. All exterior doors shall remain closed and shall not be propped open when live acoustical music, bands, karaoke, or a disc jockey occurs.**

G. LUP13-0006 STADIUM CLUB

Approved.

Request Use Permit approval for floor area expansion to an existing sports bar and restaurant under a Series 6 Bar license. The business is located at 940 North Alma School Road, Ste. 109, southwest corner of Alma School and Ray roads.

1. The Use Permit is granted for a Series 6 license only; any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other store location.
3. 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.
4. 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.
5. Live music shall be prohibited on the outdoor patio.
6. The site and outdoor patio shall be maintained in a clean and orderly manner.

H. ZUP13-0005 CORNERSTONE CHRISTIAN FELLOWSHIP

Approved.

Request Use Permit extension approval for the continued use of a temporary unpaved parking lot. The subject site is located east of the southeast corner of Alma School and Willis roads.

1. The Use Permit shall remain in effect for two (2) years from the effective date of City Council approval. Continuation of the use of such parking lot beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. The temporary parking lot shall be surfaced with gravel or other suitable material and type of dust palliative in accordance with current Maricopa County regulations. The parking lot shall be maintained at all times in a dust-free and weed-free manner.

I. CANCELLATION OF THE AUGUST 7, 2013 PLANNING COMMISSION HEARING.

Approved to cancel the August 7, 2013 Planning Commission Hearing.

COMMISSIONER RYAN stated he would be abstaining from voting on Item A, Noria, as he was a consultant for the client.

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

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 August 21, 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 5:36 p.m.

Stephen Veitch, Chairman

Jeffrey A. Kurtz, Secretary