

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, September 18, 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 Donaldson.
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. Jodie Novak, Senior City Planner  
Mr. Erik Swanson, City Planner  
Ms. Susan Fiala, City Planner  
Glenn Brockman, Assistant City Attorney  
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES  
MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by COMMISSIONER WASTCHAK to approve the minutes of the August 21, 2013 Planning Commission Hearing. 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. Item C was pulled for action.

A. DVR13-0018/PPT13-0014 CANTABRIA

**Approved.**

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and housing product for a 90-lot single-family residential subdivision located on 39 acres. The subject site is located at the northwest corner of Lindsay and Ocotillo roads.

**Rezoning**

1. Development shall be in substantial conformance with the Development Booklet, entitled "CANTABRIA" and kept on file in the City of Chandler Planning Division, in File No. DVR13-0018, 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. 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. 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.
9. 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.
10. 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.

11. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
12. **The construction of Spur Road shall be deferred until a time that the Transportation and Development Director and City Engineer deems necessary. Until the improvement of Spur Road occurs, a drivable surface sufficient for emergency access and in conformance with City standards and requirements shall be provided.**

**Preliminary Development Plan**

1. Development shall be in substantial conformance with the Development Booklet, entitled "CANTABRIA", and kept on file in the City of Chandler Planning Division, in File No. DVR13-0018, except as modified by condition herein.
2. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.
3. The same elevation shall not be built side-by-side or directly across the street from one another.
4. All homes built on corner lots within the residential subdivision shall be single-story or a combination of single and two-story elements consistent with the Residential Development Standards.

**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.

B. DVR13-0034 NORTH OF THE NORTHWEST CORNER OF SUNRISE PLACE AND GILBERT ROAD

**Approved.**

Request the establishment of initial City zoning of Agricultural (AG-1) on an approximate 0.25-acre site located north of the northwest corner of Sunrise Place and Gilbert Road.

Upon finding consistency with Arizona Revised Statutes, Planning Staff recommends approval of establishing the initial city zoning of AG-1 following the recent annexation of the subject site.

D. DVR13-0036 NORTH OF THE NORTHWEST CORNER OF COOPER AND CHANDLER HEIGHTS ROADS

**Approved.**

Request the establishment of initial City zoning of Agricultural (AG-1) on an approximate 2.5-acre site located north of the northwest corner of Cooper and Chandler Heights roads.

Upon finding consistency with Arizona Revised Statutes, Planning Staff recommends approval of establishing the initial city zoning of AG-1 following the recent annexation of the subject site.

E. DVR13-0037 NORTHEAST CORNER OF GILBERT AND QUEEN CREEK ROADS

**Approved.**

Request the establishment of initial City zoning of Agricultural (AG-1) on an approximate 4.8-acre site located at the northeast corner of Gilbert and Queen Creek roads.

Upon finding consistency with Arizona Revised Statutes, Planning Staff recommends approval of establishing the initial city zoning of AG-1 following the recent annexation of the subject site.

F. DVR13-0039/PDP13-0008 THE GROVE – PHASE 2

**Approved.**

Request Rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for church related uses along with Preliminary Development Plan approval for a church campus on an approximate 20-acre site. The subject site is located north and east of the northeast corner of Gilbert and Queen Creek roads.

**Rezoning**

1. Development shall be in substantial conformance with the Development Booklet, entitled “THE GROVE” and kept on file in the City of Chandler Planning Division, in File No. DVR13-0039, except as modified by condition herein.
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, with the exception that the canal located on the site’s east side may remain in its current location and may continue to convey water with review and approval by the City Engineer and the Transportation & Development Director. 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. 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.
9. 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 Development Booklet, entitled “THE GROVE”, and kept on file in the City of Chandler Planning Division, in File No. DVR13-0039, except as modified by condition herein.
2. Landscaping shall be in compliance with current Commercial Design Standards.
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 property owners’ association.
5. 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 and this Preliminary Development Plan shall apply.

**G. PDP13-0006 SANTAN BREWING COMPANY**

**Approved.**

Request Preliminary Development Plan (PDP) approval amending the comprehensive sign package for Lot 2 of Warner Commerce Park on approximately 2.8 acres located at 495 E. Warner Road, east of the southeast corner of Warner Road and Delaware Street.

1. Development shall be in substantial conformance with the attached exhibits, entitled “SANTAN BREWING COMPANY” kept on file in the City of Chandler Planning Services Division, in File No. PDP13-0006, except as modified by condition herein
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3653, case DVR04-0036 WARNER COMMERCE PARK, except as modified by condition herein.
3. 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.

**H. LUP13-0009 MORENO’S MEXICAN GRILL**

**Approved.**

Request Use Permit approval to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption in a new restaurant and new outdoor patio. The business is located at 2100 S. Gilbert Rd., #14, southwest corner of Germann and Gilbert 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 (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require a new Liquor Use Permit application and approval.
4. The site shall be maintained in a clean and orderly manner.
5. The patio shall be maintained in a clean and orderly manner.

I. LUP13-0010 DOLLAR GENERAL STORE

**Approved.**

Request Liquor Use Permit approval to sell beer and wine for off-premise consumption only under a Series 10 Beer & Wine Store License. The business is located at 400 W. Ray Rd., north of Ray Road and west of Arizona Avenue.

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. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require a new Liquor Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.
4. The site shall be maintained in a clean and orderly manner.
5. **Site landscaping shall be brought back up to the level consistent with or better than at time of planting.**

J. LUP13-0012 THE PERCH

**Approved.**

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 6 Bar License for on-premise consumption indoors, within an outdoor courtyard, and have live music outdoors. The second request is for alcohol production and packaging as permitted under a Series 3 Domestic Microbrewery License in a new building addition. The business is located at 232 S. Wall St., north of Frye Rd. and west of Arizona Avenue.

1. The Use Permit granted is for a Series 6 license and a Series 3 license, 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. The site shall be maintained in a clean and orderly manner.
6. Music and entertainment 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.
7. No noise shall be emitted from the live music and entertainment occurring outdoors 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 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.

K. LUP13-0013 CHAO PHRAYA

**Approved.**

Request Liquor Use Permit approval to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption in a new restaurant and new outdoor patio. The business is located at 1890 W. Germann Rd. #1, northeast corner of Germann and Dobson 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 (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require a new Liquor Use Permit application and approval.
4. The site shall be maintained in a clean and orderly manner.
5. The patio shall be maintained in a clean and orderly manner.

L. LUP13-0015 SANTAN BREWING COMPANY

**Approved.**

Request Liquor Use Permit approval for the operation of a Domestic Microbrewery under a Series 3 License, as well as the sale and serving of liquor as permitted under a Series 12 (Restaurant) license within a portion of an existing Microbrewery and restaurant (Suites 4-6) including an expansion to the outdoor patios for property located 8 S. San Marcos Place.

1. The Use Permit granted is for a Series 3 license and 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 (Site Plan/Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. The area adjacent to the establishment shall be maintained in a clean and orderly manner.
5. The outdoor patios shall be maintained in a clean and orderly manner.

M. ZUP13-0004 VIEN MINH BUDDHIST TEMPLE

**Approved.**

Request approval of a time extension for a Use Permit to allow a place of worship in a single-family home zoned SF-8.5 (Single-Family District). The property is located at 285 North Comanche Drive, west of Alma School Road and north of Chandler Boulevard.

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. In accordance with the Building Code's maximum occupancy load, there shall be no more than 49 persons on-site at any time.
3. Parking for gatherings such as worship services, celebrations/events, and the like shall not occur on-site. Parking shall occur off-site at an appropriate location in accordance with Zoning Code.
4. Worship services shall occur only within the single-family residence and cannot occur outside.

5. The outside area, the backyard, may be accessed during worship services pending compliance with all building codes, permits, and lot coverage requirements.
6. The site shall be maintained in a clean and orderly manner.

N. ZUP13-0010 FLORES RESIDENCE

**Approved.**

Request Use Permit approval for construction of a single-family residence to replace the existing structure proposed to be demolished. The property is zoned Multiple Family Residential (MF-2) and is located at 240 S. Dakota St., north of Frye Road and west of Arizona Avenue.

1. Development shall be in substantial conformance with the exhibits and representations.
2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.

**MOVED BY COMMISSIONER RYAN**, seconded **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda as read into the record by Staff with the additional stipulations on Items A and I. The Consent Agenda passed unanimously 6-0 (Commissioner Baron was absent).

**ACTION:**

C. DVR13-0035 SOUTH OF THE SOUTHWEST CORNER OF MCQUEEN AND OCOTILLO ROADS

**Approved.**

Request the establishment of initial City zoning of Agricultural (AG-1) on six parcels totaling approximately 14.3 acres located south of the southwest corner of McQueen and Ocotillo roads.

Upon finding consistency with Arizona Revised Statutes, Planning Staff recommends approval of establishing the initial city zoning of AG-1 following the recent annexation of the subject parcels.

**DAVID DE LA TORRE, PRINCIPAL PLANNER**, stated this request involves 6 parcels that recently went to a City Council for an annexation request. Four of the parcels are located about ½ mile south of Ocotillo Road on the west side of McQueen and 2 of the parcels are located on the west side of McQueen and further north closer to Ocotillo Road. State law requires that after you annex a parcel that the parcels be zoned with a zoning district that is not denser and that is similar to what was zoned in the County. In this particular case, all parcels were zoned R-43 in the County which permits 1 dwelling unit per acre and as such to be consistent with the state law requirements, Staff is proposing a zoning of agriculture which also allows for 1 dwelling per acre on all 4 parcels. 2 parcels are being left out because they are essentially right-of-way along McQueen Road. So there are 4 parcels that are receiving the initial city zoning of AG-1. He said with that he would be happy to answer any questions.

**CHAIRMAN VEITCH** asked if there were any questions for David. There were none. He asked a member in the audience who wanted to speak to come up to the podium.

**RANDY KEMENY, 1056 E. TONTO DRIVE, CHANDLER** said he is right across the street from the parcel further south on McQueen. His concern is that he saw some plans. If you look at the houses in this general area, they are larger houses and many gated communities and 3-car garages. He has no concerns with the site closer to Ocotillo that they want to use for City use. For this particular site, frankly the houses are much smaller than the other houses in the area. Are they planning doing agriculture here instead of houses now? **CHAIRMAN VEITCH** said what is going on here is the initial zoning upon annexation of the land to the City. State law requires that they mirror what the County zoning was. The closest thing to that is the AG-1 district. Any rezoning for residential use or any subdivision to implement that residential use is not yet before them. Staff might have some information on when it will be or might be.

**ERIK SWANSON, CITY PLANNER**, stated there is an application in right now that is under review. It probably should be moving forward and before the Commission in a month to two months. It will be forthcoming. He will see big orange 4 x 8 signs out on the property that will have those dates on there as well. He will know when that happens. Mr. Kemeny replied great.

**CHAIRMAN VEITCH** asked if there was anything else. Mr. Kemeny replied that was it and they will keep watching for it.

**KEVIN MAYO, PLANNING MANAGER** asked Mr. Kemeny if he was part of the notice area and if he received a letter on this one. Mr. Kemeny said he did. Mr. Mayo said he if he did, then he will receive it for the zoning as well. So just keep an eye out for another one of those cards as well as the neighborhood meeting notice. Mr. Kemeny said he will and thanked Mr. Mayo.

**CHAIRMAN VEITCH** thanked the speaker for his time.

**MOVED BY VICE CHAIRMAN PRIDEMORE**, seconded by **COMMISSIONER RYAN** to approve DVR13-0035 South of the southwest corner of McQueen and Ocotillo Roads as recommended by Staff. The motion 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 October 2, 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 5:46 p.m.

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Stephen Veitch, Chairman

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Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, October 2, 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 Wastchak.
3. The following Commissioners answered Roll Call:

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

Also present:

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

4. APPROVAL OF MINUTES  
MOVED BY COMMISSIONER RYAN, seconded by COMMISSIONER CUNNINGHAM to approve the minutes of the September 18, 2013 Planning Commission Hearing. The motion passed 6-0 with 1 abstention (Commissioner Baron was not present at that meeting).
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 from action.

A. APL13-0002 AIRPARK AREA PLAN AMENDMENT/DVR13-0016 LA ESQUINA/PPT13-0020 LA ESQUINA

**Approved.**

Request an Area Plan amendment from Neighborhood Commercial to Low-Medium Density Residential. Rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for low-medium density residential with Preliminary Development Plan (PDP) for subdivision layout and housing products and Preliminary Plat (PPT) approval on approximately 15 acres located north and west of the northwest corner of Gilbert and Ocotillo roads.

**Rezoning**

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "LA ESQUINA", kept on file in the City of Chandler Planning Division, in File No. DVR13-0016, 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. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
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. 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. 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
10. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at [www.chandleraz.gov/infomap](http://www.chandleraz.gov/infomap), or

available from the City's Communication and Public Affairs Department. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.

11. 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 lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Chandler Municipal Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler 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 homebuyer shall be recorded with Maricopa County Recorders Office upon sale of the property.
  - b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and overflight patterns, as identified and depicted in the document entitled *Chandler Municipal Airport, F. A. R. Part 150, Noise Compatibility Study, Noise Compatibility Program, Exhibit 6A (Potential Airport Influence Area)*, as adopted by the Chandler City Council (Resolution No. 2950, 11-5-98). Such map shall be a minimum size of 24" x 36".
  - c) The above referenced information 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 Revised Statute 28-8486 and Arizona Revised Statute 28-8464.
  - d) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.
  - e) The subdivider/homebuilder/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.
  - f) All homes and buildings shall be designed and built to achieve an interior noise level not to exceed 45 decibels (Ldn) from aircraft noise. A professional acoustical consultant, architect or engineer shall certify that the project's construction plans are in conformance with this condition.
  - g) The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:

“This property is located within the Chandler Municipal Airport Impact Overlay District and is subject to aircraft noise and overflight activity, and is encumbered by an avigational easement to the City of Chandler.”

12. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby a heliport at the Chandler Municipal Airport that may cause adverse noise, odors, and other externalities. The “Public Subdivision Report”, “Purchase Contracts”, CC&R’s, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby a heliport, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
13. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The “Public Subdivision Report”, “Purchase Contracts”, CC&R’s, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

#### **Preliminary Development Plan**

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled “LA ESQUINA”, kept on file in the City of Chandler Planning Division, in File No. DVR13-0016, 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 tot lot shall be a minimum of 20 total play stations.
6. All homes built on corner lots within the residential subdivision shall be single-story or a combination of one- and two-story with the one-story portion on the street side.
7. The same elevation shall not be built side-by-side or directly across the street from one another.

8. **No more than two, two-story homes shall be built side-by-side for more than 50% of the lots adjacent to an arterial street.**
9. No more than two identical side-by-side roof slopes should be constructed along the arterial streets of Gilbert and Ocotillo Roads.

**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.

**B. DVR12-0019 MCCLINTOCK VILLAGE**

**Approved to withdraw for the purpose of re-advertising.**

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 PAD zoning for office and commercial retail. The existing PAD zoning is for a commercial retail development that includes a hotel on approximately 26.4 acres located at the northwest corner of Chandler Boulevard and McClintock Drive. **(REQUEST WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING.)**

**C. DVR13-0012/PPT13-0009 FIRE ROCK RANCH**

**Approved.**

Request rezoning from Planned Area Development (PAD) for commercial and multi-family residential development to PAD for single-family residential, with Preliminary Development Plan and Preliminary Plat approval for subdivision layout and housing product on an approximate 23-acre site. The subject site is located at the northwest corner of Chandler Boulevard and Gilbert Road.

**Rezoning**

1. Development shall be in substantial conformance with the Development Booklet, entitled "FIRE ROCK RANCH", kept on file in the City of Chandler Planning Division, in File No. DVR13-0012, except as modified by condition herein.
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. 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. 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.
9. 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.
10. 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 "FIRE ROCK RANCH", kept on file in the City of Chandler Planning Division, in File No. DVR13-0012, except as modified by condition herein.
2. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.
3. The same floor plan and elevation shall not be built side-by-side or directly across the street from one another.
4. All homes built on corner lots within the traditional lot portion of the residential subdivision shall be single-story.
5. For the traditional lots adjacent to an arterial street, two-story homes are limited to every third lot, with no more than two, two-story homes built side-by-side.
6. Landscaping shall be in compliance with current Commercial Design Standards.
7. 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 and this Preliminary Development Plan shall apply.

#### **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.

D. ZUP13-0019 BRYCON CONSTRUCTION

**Approved.**

Request Use Permit approval to install a 1,640 gallon argon fuel storage tank in a screened exterior service area. The property is located at 6915 W. Frye Rd., east of the southeast corner of 56th St. and Frye Rd.

1. Development shall be in substantial conformance with narrative, site plan, and associated conditions of approval.
2. The tank shall be constructed to comply with all City of Chandler Building and Fire Codes.
3. Fuel containment shall be in accordance with all State and Federal laws.
4. A Spill Prevention Plan shall be kept on file with the Fire Marshall.

E. PPT13-0023 VILLA DEL LAGO

**Approved.**

Request Preliminary Plat approval for an 85-lot single-family residential subdivision located at the southeast corner of Dobson and Ocotillo Roads.

1. Approval by the City Engineer and Director of Transportation & Development with regard to the details of all submittals required by code or condition.

**COMMISSIONER BARON** stated he will be abstaining from voting on Item C and Item E as has provided consultant services on those projects.

**MOVED BY VICE CHAIRMAN PRIDEMORE**, seconded by **COMMISSIONER RYAN** to approve the Consent Agenda as read into the record by Staff with the changes as noted. The Consent Agenda passed 7-0 with Commissioner Baron's abstentions noted.

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 October 16, 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 5:37 p.m.

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Stephen Veitch, Chairman

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Jeffrey A. Kurtz, Secretary