

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, April 2, 2014 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 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. Glenn Brockman, Assistant City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by COMMISSIONER BARON to approve the minutes of the March 19, 2014 Planning Commission Hearing. The motion passed 6-0 with 1 abstention. (Commissioner Wastchak was not present at the 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 action items.

A. DVR13-0032 ALLRED PARK PLACE

Approved.

Request rezoning from Planned Area Development (PAD) for commercial, office, and business park uses including a Mid-Rise Overlay for buildings up to 85-feet in height, to Planned Area Development (PAD) for business park, hotel, conference center, and service retail uses, including a Mid-Rise Overlay for buildings up to 150-feet in height, with Preliminary Development Plan (PDP) approval for site design and building architecture on property totaling

approximately 73-acres located at the northeast and southwest corners of Price and Willis roads.
(REQUEST CONTINUANCE TO THE APRIL 16, 2014 PLANNING COMMISSION HEARING.)

May Kevin Mayo, Planning Manager, stated for the record that a Design Review Committee (DRC) meeting has been scheduled for April 8, 2014 at 4:30 p.m. in the Transportation & Development building.

B. APL14-0003 WATERS AT OCOTILLO AREA PLAN AMENDMENT /DVR13-0043/PPT13-0027 SIENA AT OCOTILLO

Approved.

Request Area Plan Amendment to the Waters at Ocotillo Area Plan for parcel 7 from Commercial Office/Retail development to Single-Family Residential, along with rezoning from Planned Area Development (PAD) for commercial office/retail to PAD for attached single-family residential and Preliminary Development Plan and Preliminary Plat approval for a 76-unit townhome development on approximately 7.7 acres. The subject site is located at the southeast corner of Dobson Road and Market Place.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "SIENA AT OCOTILLO", kept on file in the City of Chandler Planning Division, in File No. DVR13-0043, 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. 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.
8. Approval by the Planning Administrator 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.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "SIENA AT OCOTILLO", and kept on file in the City of Chandler Planning Division, in File No. DVR13-0043, except as modified by condition herein.

Preliminary Plat

1. Approval by the City Engineer and Planning Administrator with regard to the details of all submittals required by code or condition.

C. DVR13-0047 MCCLINTOCK & CHANDLER LUXURY APARTMENTS

Approved.

Request rezoning from Planned Area Development (PAD) for commercial to PAD for multi-family residential with Preliminary Development Plan (PDP) for site layout and building design. The property is located north and east of the northeast corner of McClintock Drive and Chandler Boulevard.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "McClintock and Chandler Luxury Apartments", kept on file in the City of Chandler Planning Division, in File No. DVR13-0047, 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. 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. The multi-family apartment manager shall display, in a conspicuous place within the rental office, a map illustrating the location of the MCCLINTOCK AND CHANDLER LUXURY APARTMENTS in the context of Stellar Airpark. 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.
9. 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 Stellar Airpark, 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.
10. Prior to the execution of any lease, prospective apartment tenants shall be given a written disclosure statement acknowledging that the apartments are located adjacent to or nearby existing and future industrial uses that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Lease/Purchase Contracts", CC&R's, and individual rental contracts shall state such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the subdivider/apartment builder/developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
11. Presuming an ambient noise condition of 55-60 DNL, all apartment 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.
12. The developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
13. 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.
14. The development shall not be subdivided to allow individual dwelling unit ownership.
15. All leases at the MCCLINTOCK AND CHANDLER LUXURY APARTMENTS shall provide: (i) that all questions, concerns, or complaints any tenant may have about Stellar Airpark or the operation of aircraft landing at, taking off from, or operating at or on Stellar Airpark shall be directed solely to the property manager of the MCCLINTOCK AND CHANDLER LUXURY APARTMENTS and not to Stellar Airpark, the City of Chandler, the FAA, any aircraft owner, or any pilot; and (ii) that the property manager of the MCCLINTOCK AND CHANDLER LUXURY APARTMENTS shall determine, in its sole discretion, how to address any such complaint, if at all.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "McClintock and Chandler Luxury Apartments", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0047, except as modified by condition herein.

2. Approval by the Planning Administrator 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.
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.

D. LUP13-0019 ORIGINAL CHOPSHOP CO.

Approved.

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 7 Beer and Wine Bar license for on- and off-premises sales, and a Series 12 Restaurant License for on-premise sales for a new restaurant with outdoor dining in downtown Chandler. The property is located at 35 W. Boston Street, west of Arizona Avenue and south of Chandler Boulevard.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit re-application and approval.
2. The Liquor Use Permit is granted for a Series 7 Beer and Wine Bar license and a Series 12 Restaurant license only, and any change of 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 and patios shall be maintained in a clean and orderly manner.

CHAIRMAN VEITCH said he wanted to acknowledge that he had a speaker slip from Mr. Dan Perry who represents the Stellar Airpark area in connection with Item C and who wishes to make a comment for the record but does not wish to remove the item from the Consent Agenda. Also, Mr. Ed Bull might also have a comment with respect to Item C.

COMMISSIONER RYAN said for the record that on Item C he provided consulting services so he would be abstaining from any conversation or vote on the item.

COMMISSIONER BARON said he would also be abstaining from voting on Item B on the agenda as he provided consulting services.

MR. DAN PERRY, 4304 W. MERCURY WAY, STELLAR AIRPARK stated they wanted to come tonight to get on the record for condition no. 14. When this project was brought to them, their only objection was that they were concerned that it would be converted to a condo project sometime in the future thereby pitting Stellar Airpark against ownership and of course, Stellar will be flying over this project. He said they wished to thank Lennar and Ed Bull for crafting

these stipulations to protect Stellar. They only wanted it on the record so in the future if there is ever an issue, it is clear to anybody that would read these notes and the minutes that stipulation 14 was put on specifically to preclude condominium conversion of this property in the future. That was really their only objection and they appreciate their working with them and they hope they have accomplished that. Their attorneys are still in contact and there may be some minor paperwork change between here and the Council but that is it.

MR. ED BULL, 702 E. OSBORN ROAD, REPRESENTING LENNAR MULTI-FAMILY, said as they know from their Staff Report and earlier discussions in the Study Session, there were several meetings between the Stellar Board of Directors and Lennar Multi-Family representatives discussing a host of things including, as Dan just mentioned, Stellar concern with condo conversion. They worked through a bunch of stuff and worked on a lot of stipulations and some additional documentation and the wording of stipulation 14 is intended as a zoning stipulation to preclude condo conversion or conversion to some other kind of individual ownership and would require addressing the zoning stipulation through a public process. Bottom line, lots of discussion and lots of issues worked out and efforts to document things both in the stipulations, which they appreciate Staff adding because some of them are normal, some are in addition to normal stipulations. The additional documents called for in the stipulations have been drafted. Dan is correct, starting this afternoon Stellar's attorney and he began swapping voice messages so he doesn't know exactly what they are talking about yet. He's guessing it is adding some wordings to one of these separate documents and if that is the case when they talk, he will ask him to draft something and send it over and they will review it and get back with him. He has no reason to believe it couldn't be dealt with between now and the Council hearing. He said if they any questions, they will try to answer them otherwise, they appreciate all the work with Staff and the Stellar Board and others and ask their approval per Staff's recommendation.

CHAIRMAN VEITCH asked if there were questions for Mr. Bull or Mr. Perry. There were none.

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 7-0.

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager, said he just wanted to again reiterate that they do have the Design Review Committee meeting hearing scheduled for next Tuesday evening, April 8. It will not be in the Council Chambers but in the Transportation & Development building in the South Atrium.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN VEITCH said the next regular meeting is April 16, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting was adjourned at 5:40 p.m.

Stephen Veitch, Chairman

Jeffrey A. Kurtz, Secretary