MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, April 16, 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 Ryan.

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
   Ms. Susan Fiala, City Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
   MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by COMMISSIONER RYAN to approve the minutes of the April 2, 2014 Planning Commission Hearing. The motion passed 7-0.

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 was one action item.

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.

Rezoning

1. Development shall be in substantial conformance with the attached Development Booklet, entitled "ALLRED PARK PLACE", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0032, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals or as otherwise approved in a development agreement.
5. Unless otherwise included as part of the City's Capital Improvement Program, the developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
7. Approval by the Director of Transportation and Development for landscaping (open spaces and rights-of-way), perimeter walls and arterial street median landscaping is required.
8. 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.

9. Notwithstanding any provision of the Development Booklet or of any other conditions of the Rezoning, no data center use of any type, unless ancillary and secondary to a primary use, shall be a use permitted for the property that is the subject of this Rezoning.

10. Maximum building height shall be limited to 150-feet.

Preliminary Development Plan

1. Development shall be in substantial conformance with the attached Development Booklet, entitled "ALLRED PARK PLACE", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0032, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. All buildings shall be designed to be consistent with the level of quality, detail, building material, paint colors, architectural articulation, and the like as established in the attached Development Booklet.
4. Administrative changes to the approved building elevations shall ensure that the building elevations and massing (i) carry an architectural level of quality and detail that is as good or better than what is contained in the Development Book and (ii) are horizontally and vertically broken up through the use of color, material, texture, and varied treatment of segments of the buildings.
5. Building architecture shall promote consistent architectural character and detail on all sides of the structure.
6. The traffic signal to be located at the intersection of Price Road and Armstrong Road shall be installed before or simultaneous with the construction commencing on Area 3.

C. <u>DVR13-0017 ARIZONA K-9 CENTER</u>

Approved.

Request rezoning from Planned Area Development (PAD) for machine shop, tool and die to PAD (dog daycare, boarding, grooming, training, and related uses) with Preliminary Development Plan (PDP). The property is located at 1535 N. Dobson Road, east side of Dobson Road and south of Warner Road.

Rezoning

1. Development shall be in substantial conformance with Exhibit A Narrative, Exhibit B Site Plan, Exhibit C Landscape Plan, Exhibit D Floor Plan, and Exhibit E Grading & Drainage Plan kept on file in the City of Chandler Planning Division, in File No. <u>DVR13-0017 ARIZONA K-9 CENTER</u>, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
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.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A Narrative, Exhibit B Site Plan, Exhibit C Landscape Plan, Exhibit D Floor Plan, and Exhibit E Grading & Drainage Plan kept on file in the City of Chandler Planning Division, in File No. DVR13-0017 ARIZONA K-9 CENTER, 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.

D. DVR13-0050 RAY ROAD APARTMENT HOMES

Approved to continue to the May 21, 2014 Planning Commission Hearing.

Request rezoning from Planned Industrial District with a Planned Area Development (PAD) overlay to PAD for multi-family residential with a Preliminary Development Plan for a 192-unit multi-family residential development. The site is approximately 7 acres and located east of the northeast corner of Arizona Avenue and Ray Road.

(REQUEST CONTINUANCE TO THE MAY 21, 2014 PLANNING COMMISSION HEARING.)

E. DVR13-0051/PPT13-0031 PESCARA

Approved.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential development with Preliminary Development Plan (PDP) and approval for subdivision layout and Preliminary Plat approval for 46 lots on 19 acres. The subject site is located east of the northeast corner of Gilbert and Riggs roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled “PESCARA”, kept on file in the City of Chandler Planning Division, in File No. DVR13-0051, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.

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. 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.
10. 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 an aircraft engine testing facility and an airplane aerobatic training area 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 an aircraft engine testing facility and an airplane aerobatic training area, 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.
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.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "PESCARA", kept on file in the City of Chandler Planning Division, in File No. DVR13-0051, 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. All homes built on corner lots within the residential subdivision shall be single-story.

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.

F. LUP14-0005 PIZZA ON 87

Approved.

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 12 Restaurant License for on-premise consumption in a new restaurant with a new outdoor patio. The restaurant is located at 1368 North Arizona Avenue, Suite 101, south of the southwest corner of Knox Road and Arizona Avenue.

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 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.
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 and patio shall be maintained in a clean and orderly manner.
6. No noise shall be emitted from the televisions and speakers located 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.
7. The establishment shall provide a contact phone number of a responsible person (owner and/or manager) to interested neighbors to resolve noise complaints quickly and directly.

G. PDP14-0002 CLEANFREAK CARWASH

Approved.

Request Preliminary Development Plan (PDP) approval for the site layout and building architecture for a new carwash on approximately 1.15 acres located south of the southwest corner of Gilbert and Queen Creek roads, within the Carmel Village shopping center.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3788, in case DVR05-0052 CARMEL VILLAGE PLAZA, except as modified by condition herein.
2. Development shall be in substantial conformance with the attached Development Booklet, entitled "CLEANFREEAK CARWASH", kept on file in the City of Chandler Planning Services Division, in File No. DVR14-0002, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Planning Administrator and Director of Transportation and Development for landscaping (open spaces and rights-of-way), perimeter walls and arterial street median landscaping is required.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
7. **The applicant shall work with Staff to add two additional trees at the north and south corners of the carwash building.**

CHAIRMAN VEITCH said for the record he had 24 speaker slips indicating that the signers are in favor regarding Item C, Arizona K-9 Center. 12 others indicate they are in favor and wish to speak if it was to move to a full hearing. 3 others indicate they wish to speak and whose positions aren't entirely clear, meaning they did not check a box in favor or opposed. He said he will have to ask because the case number sited doesn't seem to conform to any of the cases on our agendas. The address is 193 W. Wisteria Place in Chandler and indicates opposition to Item to DVR13-0042. Kevin Mayo, Planning Manager said that was Item B which is already on action. He said he has 39 speaker cards concerning Item C which are overwhelmingly in favor but there has been no indication that a full presentation is desired on Item C so they will leave it on the Consent Agenda unless a member of the Commission would like to have it removed.

COMMISSIONER RYAN said before they go to a motion, for the record he will be voting no on Item C. He doesn't feel like that is an appropriate use for that site. He didn't want to pull it off consent because of all of the support it has from the neighborhood.

CHAIRMAN VEITCH said he has received 9 more speaker slips in favor of Item C.

MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda with the additional stipulation as read into the record by Staff. The Consent Agenda passed unanimously 7-0.

ACTION:

B. APL14-0002 AIRPARK AREA PLAN AMENDMENT/DVR13-0042/PPT13-0026 ARIZONA AVENUE & QUEEN CREEK ROAD

DENIED.

Request an Area Plan amendment to the Airpark Area Plan from Neighborhood Commercial and Commercial/Office/Business Park with a Light Rail Corridor Overlay to Low-Medium Density Residential. Rezoning from Conceptual Planned Area Development (PAD) for Commercial/ Office/Business Park to PAD (Low-Medium Density Residential) with Preliminary Development Plan (PDP) for subdivision layout and housing products and Preliminary Plat (PPT) approval on approximately 14 acres located at the northeast corner of Arizona Avenue and Queen Creek Road.

MS. JODIE NOVAK, SENIOR CITY PLANNER, stated the item before them is an Area Plan Amendment APL14-0002 Airpark Area Plan Amendment. The rezoning component is DVR13-0042 which is Arizona Avenue and Queen Creek Road which is the name of the project. There is also a Preliminary Plat, PPT13-0026 Arizona Avenue and Queen Creek Road.

The request has 3 components. There is an Area Plan Amendment to the City's adopted Airpark Are Plan to change the land use on the Airpark Area Plan's Land Use map. The request is to change the use which is currently Neighborhood Commercial and Commercial/Office/Business Park with a Light Rail Overlay to a new land use which would be Low-Medium Density Residential. The rezoning is to change the site's existing PAD zoning district which was conceptual for a Commercial/Office/Business Park uses with a Light Rail Overlay and to rezone to a PAD for Low-Medium Density Residential. There is also a Preliminary Development Plan included and that is for the subdivision layout as well and the Preliminary Plat which is the engineering document for the subdivision's layout. This property is at the immediate northeast corner of Arizona Avenue and Queen Creek Road. The applicant is KB Home. What they are proposing is on approximately 13.8 acres to develop 90 single-family residential homes, approximately 6.51 dwelling units per acre which is akin to our low-medium density designation that they are requesting and all the housing product would be 2-story homes.

Ms. Novak said they would see in the Staff Report that the Planning Staff has a recommendation of denial for the Area Plan Amendment and the Rezoning request and also the Preliminary Development Plan with the Plat. To clarify the recommendation of denial, they look at the proposal for the residential land use in conformance with the City's adopted land use plans and what uses are allowed or are not allowed to be considered under the current plan. City Staff with the findings and the information that has been presented has determined that the proposed use for a detached single family housing at low-medium density isn't a considerable use under the General Plan and the Airpark Area Plan for this particular area. That considerable use can occur

through the public hearing process to be at Planning and Zoning Commission as well as City Council so, therefore, they come forward with a recommendation of denial.
Also with that is the Preliminary Development Plan and the recommendation of denial is consistent with that. If they are not supporting the land uses, they can't support the development plan that comes with it. However, she will get into some of the positives of the development plan they have and while the use isn't o.k., it's still a very good development center they have come forward with.

This particular parcel was part of a larger rezoning case that occurred in 2012. There is some history with the property. The property was rezoned as part of a larger master plan called Archstone Village Crossing at Chandler. It has high density urban living residential multi-family that is on the land that surrounds particular property. As a part of that, the developer at that time had left over this piece for future commercial/office/business park type uses which is what is currently designated in the City's Airpark Area Plan Land Use map. What is before you today is to change that intent and that land use to do a single-family residential community. Getting into some of the detail of the General Plan component, which is really the primary component of the request for us in recommending denial. Our General Plan's land use map does designate this as an employment area. It also is at a commercial node because Arizona Avenue and Queen Creek are arterial street intersections and Arizona Avenue is one our hubs for all of these commercial intersections. It is also with an area called a Large Tract Growth Area. The City has specialized goals and planning for future roads and developments of this particular area. It is also within the Airpark Area Plan. The Airpark Area Plan is a much more specific plan. It's not as general as the General Plan is and it further defines what the City's intent and goals are and the guidelines are for this particular area. As she has mentioned, the request is to change the Commercial/Office/Business Park to a Low-Medium Density Single-family Residential. With that request they feel while the area does allow the consideration for high-density multi-family, which is what is occurring to the north of it that occurs because it is a high-capacity transit corridor area. Those types of use, higher density residential, can occur as part of a larger employment business park type of development plan. Also, as a use that is very considerable to have as part of their 9 square mile Airpark Area Plan, which currently doesn't have any multi-family developed in it and is something they look for to support the larger employment base that is occurring.

Directly east of this property is a component of that adjacent multi-family, then the railroad tracks and then east of that is the larger light industrial and general industrial, which is a heavy industrial area that is planned. The particular project that is coming forward is not very large and it is just 90 single-family residential lots and is developed into a very intimate atmosphere and it is like a cluster subdivision layout and has lots of open space around it. While it is designed in a way to fit within the apartment development that is developing around it, there aren't any other single-family or residential neighborhoods that surround this. It is not really part of any kind of a larger area so with the development request at hand, this project would have a lot that range from around 2400 up to 3700 square feet in size. While they are small, they are specific to a particular lifestyle and a development intent with their client; smaller lots, less maintenance. They all have front yards and have usable side yards and indoor/outdoor spaces for entertaining as defined in their development booklet.

With this project they have taken great lengths on the layout and the design of it to create lots with pedestrian pathways, pedestrian access to a greenbelt, the ability to have lots of open space surrounding the arterial streets, large retention basins that are usable that are along the arterial street versus tucked inside the neighborhood itself. In addition, the wall design is designed to be related to the multi-family Archstone project that is next to it; very articulate, multiple materials, modern urban design theme that you would see along the two arterial street frontages, and the landscape theme is integrated as well. You have a consistent street theme between the two projects that are there. The walls have been staggered. Some of them have been put on angles to provide some of those unconventional organic layouts that you wouldn't traditionally see in a regular single-family subdivision. The project with its lot sizes are smaller. They are under the 7000 sq. feet and therefore, the typical residential development standards would need to be required. However, they realize when you have unique subdivisions like this that has smaller lots and are more of an urban design and have a cluster layout, not all of the residential development standards are going to be applicable. That is known and understood through this project so there really isn't necessarily a need for them to waive a lot of those standards because it's just known that it is just not going to fit in with this type of unconventional layout. It is a really inviting community with the way they have positioned all of the lots. The applicant will get into more detail with a lot of the design features that are more internal with it.

They have looked at the housing product, which are sizable homes from over 1900 to 2800 square feet. The homes definitely meet our intent for residential development design, architectural quality. They are all 2-stories but you wouldn't necessarily know it because of the orientation of all of the lots and the layout and the loop streets that they have throughout the community. They have done a really good job with the overall design of it. With that being said getting back onto the land use is a tough decision that they have to look at and evaluate and determine while though it is a quality project and it looks real nice and if it were to be approved, it would be a good fit aesthetically but land use wise the City would prefer to see other appropriate uses on this particular property. In the discussion that she provided in the report she does touch on some of the elements and some of the uses from an Economic Development and a Planning standpoint and it is still appropriate for future commercial/office or business park type uses-that would include even retail or restaurants. Those are services that they feel are needed and they support the Airpark Area Plan which exists east of Arizona Avenue and that intersections while a commercial node, it does have other smaller commercial corners that are designated for commercial retail. This is a property that is in the Airpark Area Plan where the other properties are not and as part of anchoring that particular location of the Airpark Area and all the industrial that is planned to occur just east of the railroad tracks, they feel this is an appropriate site and would support the rest of that development that would occur in the future.

This did go to their Airport Commission and they are aboard that we do keep in the loop and let them know and be apprised of products that are occurring within the city. They look and evaluate to determine if this proposed development and land use would have any conflicts with the Airport operation. The Airport Commission did come up with a finding that this proposed development use does constitute a conflict. They have explained that the change in land use to a single-family residential use is not compatible with the City's guiding documents for the Airpark

area which is designed to preserve the long term viability of the airport and the surrounding area around the airport given that there is aircraft and flight and so forth and that having homes in that area would negatively impact the airport operations. Usually from past experience with any single-family residential that was planned years ago in the Airpark area, they tend to have an increase in noise complaints from over flights. That is always a big concern for the Airport Commission.

Through this entire process the applicant has done a good job in keeping the citizens informed. Early on in the process they did do a neighborhood meeting back in November of 2013 and nobody attended. They did have them do a 2nd neighborhood meeting because the Area Plan Amendment component needed to be filed. They hadn't done that at that time. Expanded notice occurs when you have an Area Plan Amendment. Therefore, they went back and had another meeting and only 4 residents attended and they were supported of it. They just asked some general questions that she has explained in the report. She hasn't really received many phone calls or e-mails or anything related to this case. There was one e-mail from somebody who was in support who lives down the road and then there was a phone call from a gentleman who she believes was a couple miles away and basically said that this would hurt any future expansion of the operations and uses at the airport. Given the history of residential impact with the airport already, he didn't want to see that happen any further. They are not aware of any opposition to this particular project.

They do have all of the recommendations and motions in the memo and everything is denial. They don't have the zoning conditions because with the support they would have them. She does have them available on line on the computer. They are our boiler plate zoning conditions – just standard; nothing unique or with the project so if the Commission was inclined to recommend approval she could certainly read all of them into the record. With that being said they feel the land use is something that they would like to preserve and keep on that property. That is something they had discussed prior with the original project that they intend to keep there and it is not something they want to set precedence for in the Airpark area. There was very limited single-family initially planned for and designated historically and that's already been built. The Preliminary Development Plan is a quality project as far as the design of the subdivision; all of the amenities, the open space, the layout, the uniqueness to it and the intimacy of it and the housing product so they don't really have any issues with that component of the request. If they have any additional questions, she would be happy to answer them.

CHAIRMAN VEITCH asked if there were any questions for Staff. He asked to hear from the applicant.

MIKE CURLEY, 3101 N. CENTRAL AVENUE, said he is there representing the property owner but also the purchaser of this site. As Jodie has indicated, this case has been the subject of a lot of discussions and a lot of meetings with Staff. He will explain why this has taken so long but over that period of time they have gone through a number of iterations of this plan for reasons he will explain momentarily. Staff has spent an enormous amount of time with them in site planning and in terms of product. They are very appreciative of the time they gave us. He really respects the fact that Staff even with the recommended Denial was very gracious and

complimentary of the product itself of the site plan. He couldn't say that all Staff would do that. He thanked them for being fair minded and he respects that. As Jodie has indicated there are really two issues here. One is the land use and the other is the product and site plan. He is going to begin by focusing on the land use because he really thinks that is the crux of the matter.

When they began this process back in 2012, they knew that Staff was going to be skeptical and somewhat cautious here because the essence of this case is that they are changing the zoning or requesting that the zoning be changed from the retail business employment type category to a single-family. This is really a medium-density product and they recognize that whenever you are changing commercial zoning any Staff is going to be hesitate and wary because that is the tax base of the city. He has the utmost respect of Staff but by the end of the day when they got done having their discussions, they had a couple of differences with Staff. Number one is the character of Arizona Avenue. Arizona Avenue as you look from the 202 south to Riggs or Chandler Heights is a very mixed type of development character and what they are proposing he would submit is not out of character with what that character of Arizona Avenue is. Number two compatibility is not an issue here. They are adjacent and actually wrapped by multi-family. They are a medium-density product. They don't think there is anything incompatible with that development scenario. Finally, this is really an important consideration and they are hoping the Planning Commission will give some consideration to the fact that the viability of some of the uses that he thinks the Airport Plan envisions for the site i.e. retail or employment, they think are very, very limited. That is what has really driven this application. He said he wanted to talk about the character of Arizona Avenue.

When you look at Arizona Avenue from the 202 on the north going down to Chandler Heights or Riggs in the south, what really strikes him is there is an enormous amount of diversity in terms of land uses. This is anything but Price Road, which is obviously exclusively an employment corridor south of the 202. When you look at the diversity of single-family, multi-family medium-density, they believe that from a land use perspective the medium density type of product that they are proposing tonight is a new and unique product and they think this product is consistent with the diversity and the development fabric of this area. Typically, as he is going to show, the City has historically said that when you are near an employment corridor, having diverse types of housing whether it be multi-family or single-family, is an important component because you are trying to provide different types of housing for people who are near major employment areas. Here they are next to the Airpark area.

He thinks Staff will be the first one to admit that when you look at the development character that what they are proposing here is not out of character with some of the other recent approvals that have taken place. He said he wanted to start by examining some of the specifics of the corridor. The first graphic showed an inventory of retail between the 202 on the north going down Arizona Avenue toward Riggs. Starting at the 202 and Arizona Avenue, as they know there are a couple of power centers (indicated by an asterisk) that are in retail and have been approved that are existing right now. This is one mile to the north. They have 750,000 square feet of retail. When they go down 1 mile to the south, there is about 350,000 square feet of retail on these corners and then when you go on the southeast corner there is about another 200,000 square feet of existing retail. When they are looking at this corridor just within a mile and a half

to the north and a mile and a half to the south, they have 1,500,000 square feet of existing retail. When they look at the zoning that is in the same corridor, what they are looking at are centers and corners that are already zoned for commercial. South of the 202 about a half of a mile, there is a corner that is zoned for 77,000 square feet. When they get down to the intersection of Queen Creek and Arizona Avenue on the west side, there are 2 corners that are zoned for 180,000 square feet of retail. When they go down further to the south between the Shops at Chandler Heights which is a partially developed retail center on the north side of Chandler Heights, it is over a 100,000 square feet and then Riggs Road there is 300,000 square feet. In terms of this corridor between the 202 down to Riggs, you have a total of 700,000 square feet of retail. That is where they stand from a commercial standpoint. Again, the point he is making is to try to bolster their view that this is a mixed-use corridor; it is not a Price Road Corridor where they are having one exclusive use.

Regarding the intersection that is right across the street, all 4 corners are actually zoned retail. The southeast corner is a smaller parcel; it is a County parcel roughly 2 to 3 acres but the other sites are 13 acres and the other corner is 20 acres - a total of 180,000 square feet. That figure does not include the acreage that could be built on this southeast corner.

Turning to the residential nature of this Price Road Corridor between the 202 on the north down to Riggs (slides were shown); everything that is on the west side highlighted in yellow is essentially residential. Mr. Curley said he wanted to talk about all the parcels that are to the south. Jodie indicated this was a recent approval (the parcel labeled Archstone) which is a multi-family project that was approved in 2012. When you go down further to the south, Paseo Lindo, was approved in 2007; Fulton Ranch was approved in 2011. PB Bell which is across the street on the west side of Arizona Avenue was approved in 2000 to 2011. These are recent residential approvals that have occurred. He would submit that when you total the exhibits that he just showed them between the enormous amounts of commercial corners that have been zoned, undeveloped zones and developed in residential character that has taken place on both sides of Arizona Avenue, he doesn’t think that they are inconsistent. In fact, he thinks they are consistent.

All of the background ducktails into the second point he wants to make and that is really the viability of this particular corner, and to do that they need to look at what they just discussed about a little bit; this property is zoned for retail and for employment. His clients have owned this property for about 5 years. They are sophisticated, real estate investors. They have marketed this property to every retail developer to every retail user to every broker in town. Clearly, they would prefer to sell this property for retail. It was an option but they have concluded is not an option. The reason it is not an option is for the reason he is about to speak about. It’s not only that it is not an option for this to be developed commercially and he understands that Chandler has a long and well-deserved reputation in looking into the future, but it is their conclusion based on what their research has found that there is not an option for a future for this property to be developed for commercial. They return to the existing commercial that is in this area, about 1,500,000 square feet within a mile and a half to two miles and north and south of the subject site. What also influences the potential for development of this site is that not only do you have a million and a half square feet of retail but they have major box users that are essentially

category killers. You have Target, Walmart, and Sam's Club. What that means is that with those users there, it really inhibits the ability of other commercial corners to develop commercially.

The next exhibits he showed were the grocery stores. There is some reference in the Staff Report to the viability of this property down the road being a grocery or neighborhood type center. They don't think that is a realistic option. When you look at the grocery stores that are in this one and a half mile trade area which is really probably a little smaller than what grocery stores are considered to be. Their trade area is a mile and a half to two miles but within one and a half miles they have Sam's Club, Target, and Walmart which isn't even shown on this graphic. They have Sprouts, Fry's and in terms of this area being over-grocered there may be other reasons why AJ's and Basha's decided to close their doors in Arizona at Alma School and Chandler Heights and Alma School and Queen Creek. Obviously, Basha's financial situation had something to do with this but he thinks it is fair to say that probably the proliferation of grocery stores in this area certainly contributed to that. When you take all that into account and you look at the fact that you have 3 of the 4 corners that are zoned commercial here and when you look at what has happened up at Germann and Gilbert where they have a 1,600,000 square feet of retail, all of that leaves them to conclude that if they are going to be sitting on this site for potential retail, they are going to be sitting on the site forever. They just don't think it is a viable use. If ever there was a poster child for problems associated with 4-corner commercial, this is it. He has had some discussion with you and they talked a little bit about the 4 corner Study that the City engaged in a couple years ago. He has read the 4-Corner Retail Study several times and there is a whole series of items that are studied in that analysis and the real lesson to be taken from that Study is that it's not in the City's best interest to over entitle, to over develop and over retail sites. What they wind up happening is that they over saturate the area, the retailers cannibalize each other and you wind up with vacancies occurring in some of the developed centers.

Within two miles north and south you have a 1,500,000 compilation of all of the existing and the proposed zoning hard corners, 1,500,000 square feet built, 700,000 square feet that has been approved and then lastly by Chandler Heights you have 100,000 square feet of a half-built center. All that coupled with the fact that the 4 corners of this intersection and the fact that you have the major retail users already seating at the table and have a place at other intersections, they think this is very unlikely this will involve retail. The 4-Corner Commercial Study does reference Fulton Ranch retail. It talks about it but does not speak to this specific intersection. The reason why it doesn't speak to this intersection is because in the study it references seven different intersections. Those intersections that were studied were actually intersections where there was developed retail and the developed retail had suffered because some of the larger users had moved out of the centers. The study was basically an effort to try to determine how do they rectify the situation, how do they remedy this vacancy that has occurred in some of these other centers. This particular intersection wasn't analyzed, wasn't studied because there is nothing there and there wasn't the problems that have occurred at the seven other intersections. Again, it is interesting that it does reference some of the difficulties that have happened over at Alma School Road with the development of the Fulton Ranch and rightly or wrongly the author and contributors of the 4-Corner Study basically felt that the development of the power center and the retail that has taken place at Arizona Ave. has heard the retail on Alma School.

The other issue is can some type of Business Park or retail take place here. He is not saying that on this 16-acre small site that something of an employment nature couldn't occur there although there are some vacancy problems with office further south from here. He would submit there are better locations, better business environments and better office environments than this isolated piece. He showed an exhibit that was produced by the City of Chandler. Everything in red is essentially potentially development area for businesses. The area in red constitutes about 1700 acres and if you look just to the north there is business park area that in their view is better situated and better located. This is all basically along Germann and the 202. These are developments which actually have infrastructure already in place and they are selling PADS off. They think this type of development here totals about roughly 800 acres of users and large contiguous parcels that are available. These properties can't be developed for residential because they are within the noise contours of the airport which they are not.

With those two options they think limiting this particular property, they think residential is a viable use here. He doesn't think that anybody including Staff would argue that residential particularly if it is medium-density or high-density, it benefits and can support the nearby employment. The best evidence of that is some of the analysis that Staff and the City has gone through when they have looked at residential properties and residential proposals south of them.

They are looking at four fairly recent developments. The four parcels he is talking about are Archstone to the north, and the following three to the south are basically projects that were recommended for approval by Staff that were in fact approved by the City. He would submit to them as they start to look at some of the justifications that were used in connections with those cases, they think that the justifications are absolutely equally applicable to their particular case. The Archstone case, which the report says it meets the Airpark plan and serves the employment needs. He showed Paseo Lindo which is about a half of a mile to the south of them. This density was at 5.4 units per acre and roughly the same as them. Their project meets the Airpark Plan. Arizona Avenue Land Use Corridor has evolved and reflects changes from commercial employment to residential. This was The Reserve at Fulton on the east side of Arizona Avenue. It meets the Airpark Plan. Arizona Avenue was intended to accommodate high density but this proposed medium-density which is 5.1 and comparable to what they are doing, is compatible with the areas commercial zoning. The last one he showed was Southshore Village and again the quote from the Staff Report is that this proposed medium-density at 5.4 is compatible. He would again submit that they think from a logic standpoint, all that logic that applied to these zoning cases is equally applicable to here.

Dealing with the land use they think they are consistent with the development pattern; retail is not realistic and they don't think it is beneficial and is not sustainable. For those reasons, they respectfully disagree.

Turning to the site plan, when they began this process, he started this discussion by saying they started this process about a year and ¾ ago. They actually were into Staff in late December of 2012/January 2013. They worked extensively on the design of the project. They actually had to sit back after they had made their original submittals because the fire department had come up

with new concerns in dealing with circulation, dealing with fire truck access and proximity of the fire truck to the unit. They had to lose about 14% of their density from what they had originally proposed but in August and September they were ready to come to the Commission. Right about that same time, unfortunately the City Council had decided that some cluster products were being opposed throughout the City and they thought that the Staff really needed to take a look at some new criteria so that some of the cluster product weren't replicated by the City. This is July/August 2013 and Staff said they weren't well advised to move forward with the zoning case at this time; let them come up with some new criteria. They put the brakes on the zoning case. New criteria came up and they were presented with these new criteria and were asked to redesign the project and this is after spending about 7 or 8 months designing to density standards. The owner had been frustrated because he had taken the property off of the market for considerable amount of time. Staff and he said if they take the time and really try to create something special and you do conform to these new criteria that Staff will stand tall in the saddle and acknowledge that the site plan and the product are high quality product and meet the City's expectations. Staff to their credit was very complimentary of the product. He read quotes out of the Staff Report – unique, inviting living environment, innovative layout, unconventional layout, varied streetscapes, etc. In the end, they are winding up with a product they think is exciting, high level quality, something different that doesn't exist in this area which again they think is a positive addition. He has actually gone out and seen this product.

He has done 5 or 6 of these projects for KB throughout the valley. In order to get his arms around the product, he really wanted to understand so he and Gary went out there. They took a series of photographs, which he showed them briefly. He doesn't think the product or the site plan is in question. It is a very impressive looking product in terms of providing a small lot environment. People want to have lock and leave mentality yet still having a very good looking aesthetic from the street. They can see there are large setbacks that they have incorporated along the perimeter. The general concept of these are six packs. These are the public streets. The architecture is out on the public street which he thinks is something that is really significant and they are avoiding some of the smaller lots, the 45 wide lot that they used to see in the best where the garage is dominant out on the street. He showed the photographs of the units that are out on the street. Basically, you are coming in and you don't see the garages because they are off of these courtyards. This is the concept of the public street. He showed pictures of the architecture in the home and that is what they are seeing out in the street as opposed to the garage. One of the impressive things about the product is that there really is a relationship between the indoor and the outdoor space. The pictures taken are of Irvine as well as the product that KB has built at Greenway and Tatum and dimensionally everything they see are accurate to what they are doing here. These doors are basically accordion doors that come out and feed out onto this outdoor space. While the lots are small, they are very efficient and the outdoor/indoor space is a very livable environment.

He said he would conclude that if they have questions about the Airpark, he would be happy to answer that. They think it was a foregone conclusion when they went into the Airport Commission that they were going to be denied. The reason being is that the Airport Commission like every other Airport Commission has a charge and that is the airport. That is their focus – not necessarily a mix of land use and other considerations which they think the Planning

Commission's prevue goes beyond that narrow focus of just the airport. They are half of a mile from the 55 decibel level area. Every other jurisdiction that he deals with, the 55 decibel level is the line of demarcation as to where residential is appropriate and where it is not appropriate. He totally respect that the Airport Commission that if they had their druthers they would rather have no residential within 5 miles of the site. Therefore, there is no complaint. The fact of the matter is he doesn't want anybody laboring under the impression that they are in a noise sensitive area and they are a half a mile away from it. They had an aviation report that was submitted basically testifying that the number of over flights were relatively insignificant otherwise the token noise level would be greater. Again, they weren't surprised by the outcome and they offer a series of stipulations which by the way the Airport Commission also recommended denial on several of the cases that he showed earlier on the east side and the Archstone case to the north as well and the single-family to the south. They had offered them a series of stipulations that were the identical stipulations which were associated with the multiple family case that wraps them and they would be happy to agree to those stipulations. Basically they require notification to buyers that they are within the airport or near the airport and then secondly a stipulation requiring that the decibel levels be brought down. There would be noise attenuation incorporated into construction such that decibel levels would be reduced to 45 decibel levels. They are more than happy to agree with that.

Mr. Curley apologized for taking so long but with Staff's recommendation of denial so he wanted to make sure that he covered everything. He said if they had any questions, please fire away.

CHAIRMAN VEITCH asked if there were any questions for Mr. Curley.

COMMISSIONER RYAN said that was a pretty convincing presentation. He did a good job. He said he thinks the use is appropriate here. They are actually upsizing the density from the apartments as you get to the corner. He said he really wanted to look at the housing product, the materials, the colors, perimeter fencing, and perimeter landscaping because he was the landscape architect for the apartments so he was concerned with this being a small piece as it is. At least the streetscape would blend from project to project. Even though both projects have their own sense of identity from a material standpoint it blends very well. He was happy to see that. He thinks it is a great project so he is wholeheartedly going to support it. He understands Staff and City Council not wanting to give up their retail commercial but he thought he covered all of the bases as far as showing us how they are pretty saturated with commercial now. He is all on board.

COMMISSIONER DONALDSON said this might be a question for Staff or the applicant. What is the applicant's view of why the Airport Commission shows conflict on this versus the other four properties that they showed. If Mr. Curley wants to answer that and then also he would like to ask Staff.

MR. CURLEY replied that the Airport Commission in Chandler is no different than any other Airport Commission that he practices in front of. There focus is aviation and there is a general feeling, rightly or wrongly, that residential is a problem for airports because of complaints.

There is no surprise. They don't want to have deal with complaints. He understands that. The Airport Commission recommended conflict on the single-family project to the south of us so their position is consistent. Again, he understands the complaints are a problem but he guesses that he would just argue from a landowner standpoint that when you are half a mile away from the 55 dln line there has to be a point where the influence of a Commission sort of wanes and they have to look at objective criteria. The reason why they have these decibel level areas is to decide where is residential appropriate and where is it inappropriate. When you look at any Airport criteria, if you are inside the 55 db it is inappropriate; if you are outside of the db, then it is permissible and they are a half a mile from that.

MS. JODIE NOVAK, SENIOR CITY PLANNER, said the information is correct with what is being conveyed by the applicant on here. They have had two other multi-family projects that have been in the Airpark area. They haven't been constructed yet. One came forward through them not too long ago. The Airport Commission will always typically find residential can be an impact. People are going to complain. With multi-family they are not as concerned with that because they can leave. They do ask that there be specific zoning stipulations in place that if they were to become condominiums and become more of an ownership, the same disclosures are put in place like they do with any other kind, like a residential subdivision. Paseo Lindo was very controversial with the airport back in the day because it is directly in that southern flight path and the directional path of the actual runways themselves. The particular project Fulton Ranch II is marketed as a reserve. These two particular projects aren't really in close proximity to the airport contour lines either; same as this situation. Southshore Village had previously been zoned for single-family by Maracay Homes for several years prior to that. There was a precedence already set. There is a lot of history that she really wouldn't want to get into but these areas where Fulton Ranch II is and Southshore Village and an even more specific area plan that pre-dated the City's Airpark Area plan being adopted. So there was another Land Use plan called the Southshore Area plan that had been in place forever. It was supposed to be a square mile of employment and over the years they had the Pinelake Estates subdivision and Pinelake Village built and there was a lot of discussion from an economic standpoint. It originally had high-density multi-family residential in it and there were a lot of decisions over the years of what uses would or would not go there and obviously it has substantially changed over the years. There was a lot of precedence that kind of came in through the Airpark Area plan because of that Southshore Area Plan that was there. That was more like a unique circumstance with the evolution of those residential components that exist today on those areas.

MR. KEVIN MAYO, PLANNING MANAGER, said he wanted to point out that the Reserve at Fulton Ranch in the Southshore is not a part of the Airpark Area plan. They did not go to the Airport Commission for a formal recommendation of finding. Only the Paseo Lindo did. Ocotillo really is that line in the sand. In terms of either one of those exhibits that the applicant had up, if Chris Mackey was here she would remind us that thing has been termed the chaos corridor forever. It has always just been this evolutionary thing of what does Arizona Avenue want to be? If you drive down it 10 years ago and you drove down it 5 years ago and if you drive down it today, you still don't know. You still have a question mark of I'm not sure what this thing is trying to be and it is always a push and pull. As they start moving north towards it, they look at Pinelake Estates on the exhibit shown on the screen right now and there is Fulton

Ranch and Southshore, you kind of have this city evolution that is moving towards the airport. Everything is moving north and west. A lot of the residential like the exhibit right now is a really good one. Everything moved in and just kind of hit Arizona Avenue and it stopped. There have been little things that have been able to push into it but it has been a case by case step movement. When they start approaching Ocotillo and north of Ocotillo in around the Airpark Area you are going to see very little penetration into that area. Although if we take a step back and solely focus on the commercial retail aspect of this, he would not disagree with the applicant in their presentation on a true retail standpoint. As things lay today, clearly there is no liability for retail today or in the next five years, probably for the rest of his career. In terms of an employment standpoint, they look at this piece from an employment standpoint and they look at what the single-family residential does to the adjacent pieces. As things start to push into that Airpark Area Plan, that has influence then on the piece that is just next to it and the piece that is next to that. It is very important to keep in mind that when they look at this Airpark Area Plan, if they keep their eye on the ball and say the railroad tracks are the line in the sand, they have a different discussion when they look at this. They see the Commercial/Office/Business Park and refer back to this exhibit. It starts to make a whole lot of sense of why not. When you look just to the railroad tracks, you are going to see this dark color purple (shown on exhibit) and it is a quarter of a mile away. That is one of the few areas in the City of Chandler where the most intense heavy industrial is going to occur someday. Is it going to occur in the next five years, he doesn't know-he wishes it would but he doesn't know. It would be kind of like looking towards West Chandler where they had some pretty heavy industrial stuff. While this piece taking on isolation from a retail standpoint, it was a fantastic presentation and he almost wants to get a copy of it to keep it for later reference. As they look to that line of sand pushing from the west to the east, there is a point at which it starts to influence the development evolution potential and viability further to the east. Their recommendation of denial is a much more global recommendation for what that pushing of the line starts to occur. As they look to this example, it really starts to set the stage. You can barely visually see that push from west to east.

MIKE CURLEY said he wanted to go on record saying that he has the Chaos clause written in his notes but he didn't use it in his presentation.

CHAIRMAN VEITCH said he didn't have to use it.

MIKE CURLEY said he thinks Kevin makes a good point. He thinks that clearly when you start going east of Arizona Avenue, you are obviously getting closer to the airport. One of the things that he thinks is unique about this piece is that it is wrapped by the multi-family piece and so they are actually constrained in terms of moving further to the east. This piece is actually further towards west and the other parcels and the other interesting thing is that when you look at the noise contour lines, they actually extend much further toward Arizona Avenue as you are going south. He totally respects what Kevin is saying but they are sort of an isolated piece wrapped by the existing multi-family.

CHAIRMAN VEITCH thanked him and asked if there were any further questions for Mr. Curley at this time.

COMMISSIONER CUNNINGHAM said she had a couple of questions. She said this was a beautiful product. The homes are very nice and planned. She loves the indoor/outdoor concept. She is curious about the accordion doors. Is that going to be a standard? Mr. Curley replied yes. He has been asked that question before and the answer is yes. **COMMISSIONER CUNNINGHAM** said she has been to subdivisions where that is on the models but it is several thousand dollars higher for that to be a part of the home. That is part of what sells this subdivision is that accordion wall. Secondly, she asked how KB Home acquired a commercial corner in the first place. How did they come to do that? Mr. Curley said they haven't acquired it yet. The property owner is still the owner of the property. KB is the purchaser and for any purchaser these days it is very rare that anyone who is going to develop the property is going to buy the property without a zoning contingency. They are obviously very committed to the property. The amount of money that they spent engineering wise is an enormous amount. They are committed to the property but they haven't purchased it yet.

COMMISSIONER WASTCHAK said as he looked through the Airpark Area Plan it doesn't call for multi-family other than it says this is a use where the corridor wants higher densities. Multi-family was brought in here and was previously approved. The concern he has is this is a lower density going to a higher density versus a higher density going to a lower density. That is a concern. The corner, although retail for this property is not a use that would be viable now or probably again in the future, it's not just retail that is allowed here; there is office, Business Park, and employment. Typically, you are going to want that on a corner and by an intersection so he does agree that retail isn't a use that would be viable or even into the future.

If this use was on the north side of this property and on the other side of the multi-family, would Staff support something like that? He says this because he wants to know if this use can be put anywhere in this area much less this corner. He is just trying to get a feel for Staff on that. When you compare this to the other uses that are here, they are not on a hard corner. They are mid corner, mid-block so he was just asking if that was taken into consideration. Mr. Mayo replied in a global sense they would never go on record stating that they do or don't support a use. There is an evaluation process that goes into that. The initial gut reaction is that it is a pretty steep uphill battle to get to a point of support for type of use. Again, as they look starting south near Chandler Heights or even further south than that, that corridor has just been in this moment of turbulence as you work your way up. When you get to Ocotillo, the west side of Arizona Avenue continues to develop out. When you get north of Ocotillo, there are very few things like Paseo Lindo is there and the Target Center. It really kind of stops and there is a recognition that there is an Airpark area, a Business Park that is going to be coming and you see that kind of development stop. To pick this up and put it directly north of it there is a Business Park that is coming that is directly to the east of this. It becomes a hard thing to get over that hump that they would do that on the north side. That being said, he can't say yes or no that they would or would not support something on a hypothetical like that. He would never do that. **COMMISSIONER WASTCHAK** said is it Staff's concern keeping commercial, keeping a business employment on this corner or is it we just don't want residential regardless of the density.

MS. NOVAK replied that part of the land use decision factor is what is and what isn't allowed. The Airpark Area Plan has the fundamentals of the General Plan so you have to look at both. It does explicitly say higher density to residential. That historically has always been the higher density category and it further gets into detail about when you have campus, office business park type development, that you can integrate those multi-family type uses as a part of it because those uses support the larger employment area. It's not formulated for the single-family or the medium-density. It is not in the Airport Master Plan Part 150, it's not in the Airpark Area Plan and it's not in the General Plan. There are three guiding documents and there isn't anything that says any kind of single-family, low-density, low-medium density or medium-density is considerable. While some of those uses have happened, they are on a site by site basis throughout history. Everything south of Ocotillo Road is a totally different area plan as mentioned earlier. That is the Southeast Chandler Area Plan. Then there was that specific Southshore Area Plan. There are different components and reasons for why those uses happen. Once they are in this 9-square mile Airpark Area Plan has Kevin had indicated, it is a very protected area - the borders of Arizona Avenue, the northern boundaries of Pecos, the east side is Gilbert and then you have Ocotillo. Within that area when this plan was adopted, there is a very specific single-family designated area. The airport has grown and Part 150 has been re-evaluated. Its establishment of wanting to get longer runways and have more traffic over a period of time, is what the airport envisioned. The airport mission has the forethought of if they put anymore single-family than what the City had already originally planned with this development plan, it could impact them and that is not something they want to see happen. From a case by case basis looking at that corner, saying would they support high-density residential is not anything they can answer today. While high density residential is a considerable land use under the General Plan and the Airpark Area Plan because it is a high capacity transit corridor, it has the bus rapid transit and has potential for the light rail in the future, that is how they were able to come up with considering the Archstone development to the north but it is always on a case-by-case basis. As Kevin indicated, they do it globally. They look at what are the land uses in the area, what are the development inquiries happening in that particular area, what kind of development is looking and how much acreage do they need, where do they have that acreage, were they able to compile that acreage. It is literally putting pieces of a puzzle together and you do this large evaluation of it. If you take one chunk does that create a domino effect of other things that the City's economic development division is doing and working to get developments and businesses and companies and business parks or offices into that particular area. You don't want to take one piece out that hurts what could be planned on the other. It is very strategic and looking at that from a long term standpoint where they come from once it comes before the Hearing Board, it could sometimes be looked at on a short term standpoint. They don't know the evolution of what's happening today versus five years from now. That is what they don't know on this particular corner whether it is commercial office Business Park and when that will happen. If they put high-density residential, the answer is already known. They are taking away any potential to have commercial office Business Park and are they o.k. taking that land use away and where else could it go. What is the market on the other properties. It isn't always an easy decision for them to be able to answer but HDR is a considerable land use under the land plan documents. **COMMISSIONER WASTCHAK** asked what is Economic Development's opinion on this property. Ms. Novak replied that they work with them wholeheartedly on this and this is not one of those hard fasted recommendation of denial as if this was the most

inappropriate land use someone could think about and this would really kill the Airpark Area Plan. It's more just a fundamental premise. It is just the historical philosophy of the City is to protect the airport, check the growth and development of it, the expansion of it, all the businesses in or around it and the functionality of the airport. While it is a commercial node and Mr. Curley is very correct about the whole 4-corner intersection, this is Arizona Avenue – it's a state route. It has different impacts than a typical intersection in a very single-family subdivision that has single-family residential at all 4 intersection corners. This corner is leading into heavy industrial and light industrial type developments and light rail. So they look at it quite differently for them to say yes. You could potentially have the commercial supporting some office or business park or corporation. The light rail and the railroad track do have a decisive line. It's kind of a gray area. There is not really a hard fast, this is a really bad use or not a bad use but they just think planning wise and economic wise that there are other appropriate uses that they are marketing for that they think would eventually happen at some point on this property other than residential at this time. It is never known-zoning can change all the time.

CHAIRMAN VEITCH asked if there were any other questions from the Commission at this time. He said there would be more opportunities. He said he wanted to turn to the audience but he had a feeling that Mr. Curley would like to be recognized with respect to what has been put up on the screen. Mr. Curley said he could wait until after all of the comments and just do a rebuttal then if that is o.k. with them. **CHAIRMAN VEITCH** then asked if there was anybody that would like to speak regarding this case. He said he did have a speaker card from someone who listed their address as 193 W. Wisteria Place in Chandler. He asked if that person was here. No one answered.

MR. CURLEY said in response to a couple of the comments that were made, in terms of the compatibility of this use with multi-family he would submit a couple things. One, Chandler's residential densities for multi-family is really at the low end. The surrounding multi-family case, the Archstone case, is about 18 units per acre. It is relatively low density unlike probably 90% of the stuff that he has done in town. It is upwards to 40 or 50 units per acre and on many of those urban 40 to 50 units per acre, they are putting it right in single-family areas. There does seem to be a compatibility issue there so he submits that when they are talking about this type of product which is really a more urban type product. People go in there and they have a different set of expectations than do single-family residents. He sees absolutely no incompatibility between this 6 unit per acre and 18 units per acre surrounding multi-family project. You could make an argument that if this property was to develop out commercially or a business park, as compatible to the multi-family as with this. Secondly, just from a practical standpoint, there have been a number of multi-family projects that have been approved up and down this corridor. Down at Chandler Heights and on the southeast corner about a year or so ago, a multi-family project. This Archstone was approved and the PB Bell was approved. There were a number of projects in this area that were approved and he thinks there is a feeling to some degree that a multi-family development in these areas have sort of hit their mark and he doesn't think there is a big welcome wagon on the doors open for more multi-family because of the 6 to 8 projects that have recently approved not too far from here - also along the 202 corridor. That is the niche that has been filled. He thinks the niche that hasn't been filled and he knows that is going to sound self-serving but he thinks it really goes to the essence of the case that this is a uniquely different

product than what they have seen up and down this corridor. The exhibit he showed earlier, they showed the west side of Arizona Avenue. He thinks this is somewhat relevant to the whole airport compatibility, noise issue. They are essentially 120 feet to the east of all that single-family. All the single-family that is here is separated by Arizona Avenue so whatever the right-of-way is, 120 or 140 feet, he doesn't think anybody can say that because they are across the street and all of a sudden they are that much more significantly potentially impacted by the residents and all of a sudden the 90 different homeowners that are going to be living in this site are going to be calling the airport when they have all of this single-family over here. People are going to move in an area and they know what the expectations are. He thinks that having a different type of product that doesn't exist here, he thinks is a benefit. It is a benefit to people who are going to live in this area, who are going to work in this area, providing alternate housing is something that is important. In terms of a business or business park he can't stand in front of them and say there is no chance that this 15-acre site might not at some point develop out as some sort of business or Business Park. He thinks that the exhibit that they showed earlier where they have 800 acres, an area that is already improved in a larger Business Park environment. It is not like the Business Park option for users that want to locate in this area isn't present. There is an enormous amount of inventory here. The case would be entirely different if like Kevin was saying that they were encroaching further to the east and less than that quarter mile on the east side of Arizona Avenue, it would be an entirely different case. These properties in here can't develop residentially. They are bound by the noise contour. Their property can and that is where the logical residential is and he would submit that this is appropriate land use but he understands if they differ.

CHAIRMAN VEITCH said they are at a point where they can open the floor for discussion among the Commissioners. If there are questions for either the Staff or the applicant, that certainly can be asked as well.

COMMISSIONER RYAN said he wanted to take a minute and add to what Kevin was saying. It was interesting but it brought back his memory from quite a few years ago on this Airport Area Plan. What he recalls is Queen Creek Road is going to be a major employment industrial kind of corridor because it was a straight shot to the 10 and so they visualized a lot of truck traffic going back and forth. This might even precede Kevin's time. He understands the airport and trying to utilize that employment industrial land around that airport. It is very important for the airport. He always felt like it was going to be along Germann Road along the northern part which has developed more up in that area for the fast connection to the 202. He understands Kevin's thoughts because when he brought that up about that whole Queen Creek area being employment and as you take these small pieces it just keeps moving and moving. He's right. He sees that railroad as kind of the dividing line and he see the traffic in corridors moving north/south and not in this east/west direction off of Queen Creek. He just wanted to say that because he remembers some of that discussion way back whenever they did this in the 80's or 90's.

CHAIRMAN VEITCH said give some respect to Commissioner Ryan who is their historian and they appreciate it. Kevin Mayo said if they turn the history backs far enough the southwest corner of Arizona Avenue and Queen Creek was actually supposed to be our designated mall site based on that traffic.

VICE CHAIRMAN PRIDEMORE said one thing that jumps out at him is how Archstone developed. To him it was very clear when Archstone came through that it left the corner available for commercial development. He wondered what would have happened if Archstone had said they would take the whole corner but they didn't do that. The specifically left this piece carved out and to him it put a very little awkward arm on the east side because they didn't want to take the whole thing. That is very telling. They all would love to have the crystal ball but again looking at how that site has already developed and they have kind of kept that open, he just doesn't see necessarily putting in lighter density residential is going to work. It is a nice product and he has nothing against what they have been shown. He doesn't know personally if he would want to live in it. The indoor/outdoor spaces are gorgeous except the majority of the conditions their outdoor space is delineated by the wall of your neighbor and you don't really see that in those renderings. He would have to see one personally to get a better handle for that but overall he doesn't have an issue with the product. If it ends up being built on this corner, he wouldn't be offended by it and it would like fine and would blend in with what they have. Right now looking at it he doesn't see why they shouldn't still give this site some more time to develop as it has been kept on the books this whole time – for commercial.

COMMISSIONER DONALDSON said he looked at this and thought it was kind of strange to have high-density residential surrounding a corner with medium-density residential. At first, he wasn't sure he has seen that. VICE CHAIRMAN PRIDEMORE kind of highlighted that by saying its commercial, its employment and was set aside for that. That makes him want to support the denial and as he was listening he lives near and has spent quite a bit of time on the employment area designated north of Stellar. North of Stellar is an employment corridor that has taken a very long time to develop into an employment corridor but it is finally coming along. He doesn't think anybody wanted it to take this long but it has. He is protective of the employment corridor and so he will be supporting the denial.

COMMISSIONER CUNNINGHAM stated she agrees with both Commissioner Pridemore and Commissioner Donaldson. When Archstone was approved, they specifically did state that they needed to preserve the commercial corner. No one has anticipated the economic downtown over the last ten years but it happened and had we continued going guns a blazing we would have filled all of these commercial properties with jobs. It has always been the goal of Chandler since the early 70's when they first started the Master Plan to create a community where you could live and work and they do need areas such as KB Homes has proposed but they need them to go into residential areas. It is a beautiful product and she supports KB Homes on the design. There is a need for smaller single-family residences. They don't need the great big giant homes they had ten years ago going. They need the workers to have homes also but they got to have a place for their jobs to grow. With the Price corridor and Allred Park that they approved tonight, they have the potential to build more industrial areas and they are going to need to support businesses. They are also going to need medical centers around the residential areas. For that reason this site would be perfect for small office complex or a Business Park. She will be voting to turn this down.

COMMISSIONER WASTCHAK said that he doesn't have any issues with the product; it's a great product. They approved something similar to the north previously. His concern is exactly as has been articulated and is that when you look at this specific slide that is up here and look at the employment and you look at the Price corridor for employment, you need to have that ability to have smaller users. These are larger users, big box where you are going to need that commercial designation for smaller buildings, smaller offices, smaller users and if they start getting rid of some of those, we will find ourselves in trouble. In his business he sees that. He has had people look for office and he knows there is a demand for office even if people don't think there is today. There are people out there trying to find small parcels where they can put a small office or be able to have a place to put office. It also could be medical or other uses. He thinks keeping this as a commercial designation is the best move.

CHAIRMAN VEITCH said for his part he doesn't think he is quite ready yet to give up on an employment use for this corner. They have other single-family even on the east side. They have talked about Paseo Lindo. It is not at a corner. If they were going to have residential at this corner, he would have been happier as he thinks some of the Commissioners would to have seen Archstone just come out and take it. This product is wonderful. The design is terrific and he hopes it can be executed in other places around Chandler. He thinks they need to stand for now in favor of trying to hold this piece of property possible employment related use. He thinks they all agree it probably isn't retail but it might be something else.

CHAIRMAN VEITCH said unless there are other comments they had to do 4 motions which could go either way. The first motion would be concerning the Area Plan. Staff had given them the suggested motions for denial. If there is a motion to approve that is to be made, then they will need to have the Staff inform them of what the stipulations that will be recommended be attached to that motion.

COMMISSIONER BARON abstained from voting on all the motions regarding this case as he provided consulting services.

MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by **COMMISSIONER CUNNINGHAM** to recommend denial for the Airpark Area Plan Amendment from Neighborhood Commercial and Commercial/Office/Business Park with a Light Rail Corridor Overlay to Low-Medium Density Residential in case APL14-0002 AIRPARK AREA PLAN AMENDMENT per Planning Staff recommendation. The motion carried 5-1 (Commissioner Ryan opposed and Commissioner Baron abstained).

MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by **COMMISSIONER CUNNINGHAM** to recommend denial for the rezoning request DVR13-0042 ARIZONA AVENUE & QUEEN CREEK ROAD for PAD for Commercial/Office/Business Park to PAD low-medium density residential per Planning Staff recommendation. The motion carried 5-1 (Commissioner Ryan opposed and Commissioner Baron abstained).

MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by **COMMISSIONER CUNNINGHAM** to recommend denial of the Preliminary Development Plan request DVR13-

0042 ARIZONA AVENUE & QUEEN CREEK ROAD for the single-family residential development per Planning Staff recommendation. The motion passed 5-1 (Commissioner Ryan opposed and Commissioner Baron abstained).

MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by **COMMISSIONER CUNNINGHAM** to recommend denial of the Preliminary Plat request PPT13-0026 ARIZONA AVENUE & QUEEN CREEK ROAD per Planning Staff recommendation. The motion carried 5-1 (Commissioner Ryan opposed and Commissioner Baron abstained).

6. DIRECTOR'S REPORT

Kevin Mayo, Planning Manager, said time has a way of sneaking up on us. It is already the second quarter of 2014 and he doesn't know where the first quarter went. This evening as many of you may not know is the Chairman's last meeting. From Staff's standpoint they wanted to extend a heartfelt thank you for his service to the City of Chandler. His professionalism and his leadership with this group has been exemplary. His attention to detail has always been great and he will miss it tremendously. He thanked the Chairman and said it has been a pleasure serving with him.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN VEITCH said this month marks the end of his second full term and according to the recent practices of the Mayor and Council, that is all you get. So this will be his last meeting and thanked the Staff for all of its hard work and support over the years. He said it has been a pleasure serving with them and to all of the other Commissioners who have served during the six years that he has been on the Commission. It has been a pleasure serving with them as well. It has been an honor to be their Chairman this past year. Beyond that he said keep up the good work.

CHAIRMAN VEITCH said the next regular meeting is May 7, 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 7:09 p.m.

_____
Stephen Veitch, Chairman

_____
Jeffrey A. Kurtz, Secretary