

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, May 7, 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 Cunningham.
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 April 16, 2014 Planning Commission Hearing. The motion passed 7-0.
5. ANNUAL PLANNING COMMISSION BUSINESS MEETING
Election of Officers:
 - A. Chairman
 - B. Vice Chairman

CHAIRMAN VEITCH stated as the Commission is well aware of his term expired on May 1, 2014 and is there only because the Council has not yet completed the process of appointing his successor and so he is obligated to continue to serve until that is done. It should be done very soon. In any case, he will be going off of the Commission shortly and is not eligible to serve again as Chairman or as Vice Chairman. He then opened the floor for nominations for the office of Chairman and Vice Chairman.

COMMISSIONER RYAN nominated Matthew Pridemore for Chairman. There were no other nominations. A vote was taken and passed unanimously 7-0 for Matthew Pridemore as the new Chairman.

COMMISSIONER RYAN nominated Andrew Baron for Vice Chairman. There were no other nominations. A vote was taken and passed unanimously 7-0 for Andrew Baron as the new Vice Chairman.

6. ACTION AGENDA ITEMS

CHAIRMAN PRIDEMORE 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 three action items; Items A, B and G.

C. * DVR14-0005 FALCON POINTE AT PINELAKE

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three year schedule for development or to cause the property to revert to the former PAD (Business Park) and I-1 zoning districts. The existing PAD zoning allows multi-family residential. The property is located at the southeast corner of Ocotillo Road and Pinelake Way.

Planning Staff, upon finding consistency with the General Plan, recommends approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

D. * PDP14-0004 CHUCK E CHEESE'S

Approved.

Request Preliminary Development Plan (PDP) approval for the site layout and building architecture for a new restaurant on approximately 2.5 acres located at the southeast corner of Frye Road and the Loop 101 Price Freeway.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3823, in case DVR06-0012 CHANDLER HILTON, except as modified by condition herein.
2. Development shall be in substantial conformance with the attached Development Booklet, entitled "CHUCK E CHEESE'S #3260", kept on file in the City of Chandler Planning Services Division, in File No. PDP14-0004, 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. Exposed exterior building illumination is prohibited.

E. * LUP14-0004 FAZIO'S CATERING AND EVENT CENTER

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor as permitted under a Series 6 Bar License within a catering and event business. The property is located within an existing shopping center at 700 West Warner Road, northwest corner of Warner Road and Evergreen Street.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Liquor Use Permit re-application and approval.
2. The Liquor Use Permit is granted for a Series 6 (Bar 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 store locations.
4. The site shall be maintained in a clean and orderly manner.
5. **Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.**

F. * ZUP14-0001 VERIZON PHO PANNO

Approved.

Request Use Permit approval to install a monopalm wireless communication facility at 1420 South Arizona Avenue, north of the northwest corner of Arizona Avenue and Willis Road, within the San Tan Plaza shopping center.

1. Development shall be in substantial conformance with approved exhibits. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.

H. * ZUP14-0004 QUANTUM HELICOPTERS

Approved.

Request Use Permit approval to install a temporary modular building adjacent to Quantum's existing heliport tarmac for pilot training. The site is at 2401 South Heliport Way at the Chandler Municipal Airport.

1. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require a new Use Permit application and approval.

COMMISSIONER RYAN stated for the record that he would be abstaining on Item C even though it is just an extension as he was a consultant originally on that project.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda as read into the record by Staff with the noted exceptions. The Consent Agenda passed 7-0.

ACTION:

- A. APL14-0004 AIRPARK AREA PLAN AMENDMENT / DVR14-0004 / PPT14-0006 WILLIS GATED COMMUNITY

Approved.

Request Area Plan Amendment to the Airpark Area Plan amending roughly 6 acres from High-Density Residential to Low-Medium Density Residential, along with rezoning from Agricultural (AG-1) to Planned Area Development for detached single-family residential and Preliminary Development Plan approval for subdivision layout and building architecture of a 35-lot single-family residential subdivision. The subject site is located east of the southeast corner of McQueen and Willis roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "WILLIS GATED COMMUNITY" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0004, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. 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. 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.

7. 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.
8. 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.
9. The following stipulations shall be the responsibility of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
 - a) Prior to any lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Chandler Municipal Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and over flight activity. This document signed by the homebuyer shall be recorded with Maricopa County Recorder's Office upon sale of the property.
 - b) The subdivide/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and over flight patterns, as identified and depicted in the document entitled Chandler Municipal Airport, F. A. R. Part 150, Noise Compatibility Study, Noise Compatibility Program, Exhibit 6A (Potential Airport Influence Area), as adopted by the Chandler City Council (Resolution No. 2950, 11-5-98). Such map shall be a minimum size of 24" x 36".
 - c) The above referenced information shall also be included within the Subdivision Public Report to be filed with the State of Arizona Department of Real Estate, as required by Arizona Revised Statute 28-8486 and Arizona Revised Statute 28-8464.
 - d) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.

- e) The subdivider/homebuilder/developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
- f) All homes and buildings shall be designed and built with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event from an aircraft. A registered engineer shall certify that the project is in conformance with this condition.
- g) The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:
“This property is located within the Chandler Municipal Airport Impact Overlay District and is subject to aircraft noise and over flight activity, and is encumbered by an avigational easement to the City of Chandler.”

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit 9, Development Booklet, entitled “WILLIS GATED COMMUNITY”, kept on file in the City of Chandler Planning Services Division, in File No. DVR14-0004, 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. 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.

Preliminary Plat

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

MR. ERIK SWANSON, SENIOR CITY PLANNER, stated the request is for an Area Plan Amendment to the Chandler Airpark Area Plan amending roughly 6 acres from High-Density Residential to Low-Medium Density Residential along with the rezoning from Agricultural to Planned Area Development for Detached Single-Family Residential homes and a Preliminary Development Plan approval for a subdivision layout and housing product.

The subject site is east of the southeast corner of McQueen and Willis roads. While they discussed this during their Study Session, he won't go into too much detail unless of course Commission has questions, but will more or less get to the point so that the residents can ask their concerns. Again, the request is for single-family residential. What is being proposed is 35 single-family residential lots in a gated community. This project came through last year for townhomes. That has since been changed to single-family residential. A lot of the concerns expressed at that point in time dealt with circulation and traffic at which time the developer came back and made the modifications to address those issues.

As part of this review, they did go to the Airport Commission and they reviewed it and issued 'no conflicts' statement. They did have a neighborhood meeting where roughly 8 or so neighbors attended. They had some concerns that primarily revolved around the traffic and circulation. As part of the review additionally, they had spoken with ADOT, both the developer and Staff and our Transportation Department. With those concerns a Traffic Study has been generated and as a result of that Traffic Study it was determined that the proposed development does not create any conflicts with any sort of circulation. Basically this shows any problems with the interchange of McQueen and Willis roads. However, if it is deemed appropriate and Council is desirous of it, the applicant has worked with ADOT to reduce the median that is out in McQueen Road to allow for a left turn out. Again, that is contingent upon Council approval and going through the annexation process of that. Following the neighborhood meeting, Staff had an occasional inquiry as to what the request was and didn't hear any opposition to the request up until today where there were some exchange of e-mails and phone calls with some concerns primarily revolving around the circulation and not necessarily a single-family issue but more as development occurs, this is going to create a traffic hazard.

Mr. Swanson said he would be happy to answer any questions and would be more than happy to go into further details if Commission so deems.

CHAIRMAN PRIDEMORE asked if there were any questions for Staff before they turn to the applicant. There were no questions for Staff so he asked the applicant to speak.

MR. MIKE CURLEY, 3101 N. CENTRAL AVE., stated that Erik Swanson gave a good summary to the application. He has Don Cartier here who is their traffic engineer and who has been working on this for a number of months. He is perfectly willing to dispense with the presentation because he doesn't have a whole lot to add but said he would be happy to answer any questions and respond to any comments that are made.

CHAIRMAN PRIDEMORE asked if there were any questions for the applicant before they turn to the audience.

KEVIN BIESTY, 961 E. WILDHORSE DR., said this address is northeast of the property in question. He does work for ADOT and is not here in his official capacity but as a concerned citizen. On his card he wrote that he was opposed to this development. He said he wished there was a box for neutral and concerns. He thought that would best describe why he is there today. He does bring up the issue of traffic and they have had this discussion on previous occasions with the developer and other Staff and the Council. He is not a traffic engineer but said he could tell them from living off of Wildhorse which is the street where all of the U-turns occur. What generally happens is there is a development northeast of him where people come off of the 202 to head north and it is shorter for them to go west on Willis to get to their community rather than going up to Pecos and enter into that way. What they will do is they will make a U-turn at Wildhorse and then proceed down to Willis. The concern of himself and his neighbors is that further development of Willis with High-Density or even the density being proposed now, once that is fully developed, how that traffic is going to flow and how that is going to interact with the 202. He is not against development. He is pretty sure when his house was built in the 70's there

were probably people for a Commission like this saying that it probably shouldn't be built but he would just ask that they consider the traffic there. He understands that Mr. Swanson had mentioned that there has been discussion with the traffic department. He appreciates all the work that he has done on this. He has been in situations that he has been in with neighbors and it is hard to balance the need for development, property rights and the community that it impacts. At the last Council meeting which he wasn't able to attend as residents were bringing up these issues, it appeared that the traffic folks kind of waived on their claim that there wasn't going to be any real impact to the traffic flow, especially with the 202. He just wants to be on record that he is hoping the discussions are underway to really look at what this is going to look like, not just with this development but the development to the east of it – when that should occur on a dead end street, how all of these people are going to get in and out. In his neighborhood they have horse properties. They already have conflicts trying to get to the canal. That is the only route to the trails. Even at the light at the 202 and McQueen, people coming off of the ramp – but that is not their concern. He just asks that they listen to some of the other neighbors and hopefully, they can resolve this. He said he appreciates their time and their service to Chandler. He said he would be happy to answer any questions.

CHAIRMAN PRIDEMORE asked if there were any questions for the speaker.

COMMISSIONER WASTCHAK said since Mr. Biesty works for ADOT he probably understands or at least knows that there were some contemplation of changing this configuration of the median in McQueen so people can make a left out. Is that correct? Mr. Swanson replied that what happens right now is that median goes the length of Willis. It extends beyond that and so it prohibits that left turn out. The discussion has been to cut that back and allow for a left turn out. **COMMISSIONER WASTCHAK** asked has ADOT already conceptually approved that and so has traffic for the City? Mr. Swanson replied yes. **COMMISSIONER WASTCHAK** said so if this is approved, it just a matter of administratively getting that modification to be made at the intersection. Mr. Swanson said to clarify his presentation earlier because there was some confusion that he heard from a couple of people. The reason why he didn't include the details in the development booklet fully was because in order to get that median that property needs to be annexed which then is a Council action. He didn't want to say look this is going to be approved because it requires Council action. So assuming that the proposal is approved their next step will be to go forward with the annexation. So for all intents and purposes if everything is approved, that will be put in. He just can't say with all confidence it is going to because it stills requires action from Council. **COMMISSIONER WASTCHAK** said he knows when people get in he knows it doesn't look like it is going to be a left turn onto Willis which he said people are doing U-turns but at least from this property, it looks like that will at least stop people from going north and doing U-turns. Does that satisfy what his concerns are? Mr. Biesty said it does but looking at the fact that this probably won't be a signalized intersection, he pulled into Willis and sat there and watched the traffic. Again, he is not a traffic engineer. He drives every day. That is the best he could do to advise people on traffic but to now go across all these lanes to get to the 202, he would be interested to see the plan. His understanding, and again he is not speaking for ADOT, is generally in cases like this if the City wants to assume the liability and maintenance of an intersection that is currently in control of the state, the City can take on that liability and maintenance cost and the state would transfer right-of-way in cases like that. He is

not sure –he doesn't have details on this intersection. He said he would also ask if there is a similar intersection within the City that is similar to this, he would be curious to see that. Where there is a similar layout where they do allow left, if it is possible.

CHAIRMAN PRIDEMORE said since it has been brought up could Staff say something about a signal at this intersection. Mr. Swanson replied that his understanding is that the separation between the freeway interchange and then another signal is just too close and so you start getting a stack issue. He actually spoke with their traffic guys earlier today looking at this because some concerns were expressed about line of site and cresting over the freeway and seeing that some people turn out. In really looking at our traffic volumes that are not only existing but are proposed, they really had no concerns with the ability for somebody to get all the way across. In addition to that the width of that median as it currently sits and with that improvement would allow potentially for somebody to stack there. It is not a designated stacking area but there is enough width for a car to pull in, stop and then proceed southbound on McQueen. In short, no, they can't put a light in there. He also looked at if they could do a left turn; an actual lane onto Willis and unfortunately the way that it is designed also poses issues with southbound left onto the freeway. He is trying to solve it but unfortunately there are some restrictions that they just can't control. Mr. Biesty said he would just ask that they look at the long term not just this property. A lot of development is going to happen. He knows that. He tells people he lives on the edge of the country where he lives now from where he moved. It is all going to be developed. He knows they are all professionals and this is not your first time doing this but looking at long term maybe just for this development a left turn would work but as further development occurs in that area, he doesn't see how that intersection is going to function.

MR. KEVIN MAYO, PLANNING MANAGER, said in terms of an example of this, existing Cooper and Willis is a similar intersection with the exception that it doesn't have the westbound leg of Willis since it is all commercial property on the west side of Cooper. Down at Cooper, Willis Road is eight feet wide in terms of right-of-way; it is a really big street. It is almost the sole single feeder collector road that feeds almost all of that entire mile worth of residential since most people don't go westbound on Willis where it arcs up around through the Chandler Auto Mall and then going on to Gilbert Road; that intersection is set up with the left out westbound to southbound to get onto the 202. Driving that every day it is not signalized and there are always 3 or 4 cars that are waiting to go and the gaps just work out but that is how it works. A similar distance in terms of how roads interact with it and the westbound heading left to go south. Cooper is very similar. It just doesn't have the westbound lane where people head north on McQueen and then would be turning left.

COMMISSIONER RYAN said he wanted to make sure he understands this right. They are just really going to vote on the single-family housing plan. It has nothing to do with the reduction of the median or left hand turn out. That comes in another hearing. It is kind of a moot issue to discuss it right now. Mr. Swanson, City Planner, said he is correct in the sense they will be making a motion on an Area Plan Amendment, a rezoning, a PDP and then the plat. They just know that traffic has been kind of a historical issue for the site. They have been kind of throwing this in there because they know it is an issue. They believe it has been resolved. They have tried

to do that hand in hand but he is correct that the motions they will be looking at is strictly for the Area Plan Amendment, the rezoning, the PDP and the plat.

TERRY WOOD, 12220 E. WILLIS ROAD, said when they were here last summer listening to the original proposal she comes in with an open mind and the willingness to support something because she is also in favor of development. However, she lives on Willis Road and goes to work every single morning. She can wait sometimes 10 minutes. It is easy to listen to statistics and reports and who knows when those studies are being taken, what time of day or what have you. She turns right to go to work. She used to have to turn left and get onto the 202, now she goes north. She still waits some morning 10 minutes and she lives at 6:30 a.m. The traffic with the 3 lanes coming over the bridge of the 202 is 45 miles per hour and people are going at least 50 miles per hour. The second they are stopped by a light on the bridge, there is no deterrent from turning right. You don't have to wait for a green to turn right onto Willis to go north on the 202. The minute the northbound traffic stops the freeway traffic comes and it is constant. They have horse property, they have trailers, fifth wheels and when they try to pull out into that on those 3 lanes of traffic, there is no way they could ever make a left hand turn. With a 36 foot fifth wheel behind our truck to make a left hand turn to try to go eastbound on the freeway, would never happen. She apologizes as she has to go through the subdivision. They have to turn right on McQueen, try to get over 3 lanes, sit in the middle section, wait for the southbound traffic to clear, go through the whole subdivision off Wildhorse, then turn south and cross 3 more lanes of traffic just to get on the eastbound 202. It is a nightmare now. She can't even imagine what it is going to be like with 35 homes and possibly 2 people in the home going to work every morning. Like the previous speaker said the property to the east of that when it is developed, that's even more traffic. She understands how it works. Only the south portion of Willis Road is going to be improved because the north side isn't. It's still agricultural and they are still in the County. With the example that Mr. Mayo gave, he said Cooper is 80 feet wide. They may have 30 feet of asphalt from edge to edge. It's not even an improved road. The south side of Willis Road isn't even going to be improved. The north side is. She just doesn't see how that is going to happen. Even shortening the median. Where are the cars going to stack from turning left to go south. She just can't visualize that in her head because especially if they are pulling their horse trail or their RV or whatever. If it could be signalized, she would have no problem but just putting in a left hand turn lane, she doesn't see how that is going to be a liability that the City would even want to take on if they had to annex that intersection from ADOT. Those are her concerns. She agrees with the previous speaker that she really hopes that they take into consideration the proposal as it is, the future proposal to the east and for those of them living on that road right now.

CHAIRMAN PRIDEMORE asked if there were any questions for Ms. Wood. There were none so he turned back to the applicant.

MR. CURLEY said Don Cartier is there if they have any traffic issues. When he first got retained on this case, he reviewed the record of the previous application that Erik talked about which was a proposal for 66 townhomes. He reviewed the minutes and traffic was the overriding issue in that case. Much of what was just stated was stated in connection with the previous case but the U-turns were repeated by speaker after speaker as being a problem. They had Don go out

there and actually do physical inspections of the amount of U-turns that are taking place during the peak hours in addition to looking at accident information on this stretch because there was some representation that there were a significant number of accidents. There were accidents at the intersection of the freeway but not necessarily on McQueen. They also did in regards to the first speaker, Don's Traffic Study which anticipates the build out of this vacant area so it is not just the analysis of the development of their 35 homes but also anticipates the build out of a vacant development that is currently planned. They did take a comprehensive look at this. When you look at the question of the U-turns, they basically said there are two ways of addressing this. One is they reduce the density, which obviously decreases the number of trips and the second is looking at this median modification. They spent a lot of time with the City of Chandler Traffic Department as well as with ADOT looking at seeing whether they can modify the median to avoid the exacerbation of the U-turns which basically is taking place north of Wildhorse. Again, it is up to the Council if the median modification takes place. They can live with the existing median or they can agree to the median modification. If the median modification takes place it is not going to worsen that situation. The other comment he wants to make is that they did look at three different intersections that are similar situations. They have looked at those situations, the accident rates for those particular intersections and nothing was particularly alarming or out of the ordinary. Regarding to Ms. Woods, they have a meeting scheduled with the Woods for next Friday. They have been trying to get something scheduled since April but he thinks there was some medical reason that prevented that but they look forward to sitting down and meeting with them and addressing some of their concerns.

CHAIRMAN PRIDEMORE asked if there were any questions for the applicant. There were none so he looked to the Commission for any discussion or comments. He called for a motion and noted there were four items that will require separate motions and votes.

COMMISSIONER CUNNINGHAM said she did have one question for Staff and maybe one for Glenn Brockman, Assistant City Attorney. What they are reviewing is a subdivision that is not at the intersection that is in question. Do they have the authority to require a traffic light in a planning and zoning case. She knows they don't have the authority to pass one but do they have the authority to put that as a stip. for a subdivision that is not on the intersection. **GLENN BROCKMAN, ASSISTANT CITY ATTORNEY** stated no, that would go beyond the scope. **KEVIN MAYO, PLANNING MANAGER**, regarding a light there is an emotional desire for a light and then there is a practical desire for a light. A lot of times the emotional desire triggers much earlier than the practical desire for a light. Dealing with another case that will be coming before Commission very shortly, the entire issue is centered on signal lights in an intersection or not. When they look to Willis Road for signalization, in the event Council said that they should signalize this intersection, if it even come close to warranting it and currently with this proposal and the anticipated lane use directly east of it and then some reasonable level of residential development from the larger AG piece north of Willis. That in and of itself doesn't even come close to triggering the need for a signal. Even if you solely focus that down to simply a name or peak time frame, it doesn't come close to doing it. Practically speaking throughout the valley and throughout the United States, when you signalize intersections that don't need it, it has a negative impact - the number of accidents actually goes up. When people signalize an intersection and when you have the red, it mentally says to you everybody else is stopping so I'm

going and people go. You end up having higher levels of rear endings, higher levels of people running red lights that didn't see it or it is a new signal and they are not used to it. A lot of times unless it is warranted, it will have a negative impact by signaling that intersection. While there is an emotional desire to signalize it and a thought that it just makes it better, in the real world it actually has the more often effect of making it worse.

CHAIRMAN PRIDEMORE looked for a motion.

COMMISSIONER RYAN said he doesn't think the subdivision itself which is currently a right turn out only and that is the way it will stay until there is another hearing. He doesn't think that it is going to impact the traffic flow that much on Cooper/McQueen roads.

MOVED BY COMMISSIONER RYAN, seconded by **VICE CHAIRMAN BARON** to recommend approval of APL14-0004 AIRPARK AREA PLAN AMENDMENT. The motion passed 7-0.

MOVED BY COMMISSIONER RYAN, seconded by **VICE CHAIRMAN BARON** to recommend approval of the rezoning subject to conditions of DVR14-0004 WILLIS GATED COMMUNITY. The motion passed 7-0.

MOVED BY COMMISSIONER RYAN, seconded by **VICE CHAIRMAN BARON** to recommend approval of the Preliminary Development Plan for subdivision layout and building architecture subject to conditions. The motion passed 7-0.

MOVED BY COMMISSIONER RYAN, seconded by **VICE CHAIRMAN BARON** to recommend approval of the Preliminary Plat for the 35-lot subdivision with conditions. The motion passed 7-0.

CHAIRMAN PRIDEMORE said given the questions that they have had here by the neighbors he asked when this would go to Council. Mr. Swanson, City Planner, said it is scheduled for Council on May 22, 2014.

B. DVR13-0044 FOOTHILLS COMMUNITY CHURCH

Approved to continue to the June 4, 2014 Planning Commission hearing.

Request rezoning from Planned Area Development (PAD) for Industrial uses to PAD for a church and Preliminary Development Plan approval for building architecture and site layout. The 1.9-acre site is located north of the northwest corner of Hamilton Street and Pecos Road.

Rezoning

1. Development shall be in substantial conformance with the attached exhibits and kept on file in the City of Chandler Planning Division, in File No. DVR13-0044, except as modified by condition herein.

2. 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.
3. 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.
4. 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.

Preliminary Development Plan

1. Development shall be in substantial conformance with the attached exhibits and kept on file in the City of Chandler Planning Division, in File No. DVR13-0044, except as modified by condition herein.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. The site shall be maintained in a clean and orderly manner.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.

MR. ERIK SWANSON, CITY PLANNER, stated this is a request for rezoning from Planned Area Development (PAD) for industrial uses to PAD for a church along with the Preliminary Development Plan approval for building architecture and site layout. The subject site is located north of the northwest corner of Hamilton Street and Pecos Road. The subject site is part of Bogle Business Park and as such is literally surrounded by industrial users. South is one, west is one, and north is currently a church and east is the ICAN facility. Additionally, there is a healthcare facility through the County that is just east of the site.

The request is for a church. There are two structures and two phases. Phase one is roughly 9400 square feet and is kind of the church proper with the sanctuary associated rooms for that. Phase two is more or less for some gathering areas, classrooms, etc. As they look at these things, they take into consideration its location and specifically on this case with the Business Park and the restrictions placed upon us through the Religious Act they have to look at these through. As such, they looked at it from a land use standpoint. They didn't find any negative impacts imposed on the site so therefore they do recommend approval of that. Of note, the design is not typical churches that they have seen in the past. They have really gone above and beyond to really bring out some architectural features that really highlight the building and create some really unique designs to it. Again, Staff is recommending approval of that as well.

Based on its location they did not have a neighborhood meeting but rather the applicant went door to door and sent out notification. As Kevin mentioned earlier, they have not received a

direct opposition, however, the applicant did submit letters of approval and there was a letter of opposition stating concerns based on religious differences. This was not directly related to the land use but more or less opinions. With that, Planning Staff is recommending approval and he said he would be happy to answer any questions.

CHAIRMAN PRIDEMORE asked if there were any questions for Staff. Seeing none he asked the applicant if he would like to speak.

S.A. EVERLY, 2101 W. CAMBRIDGE AVENUE, PHOENIX, stated he represents the Foothills Community Church. Aside from what Erik has already told them he doesn't know what else to add to this but he is there to answer any questions they might have.

CHAIRMAN PRIDEMORE told Mr. Everly he would turn to the audience after he had spoken here and that he would have a chance to respond to any comment. He asked if there were any questions for Mr. Everly. There were none. He asked if there was anyone who wanted to speak on this item. There was one speaker.

GUY BLUFF, ATTORNEY FOR ALOHA DEVELOPMENT, 4205 N. 7TH AVENUE, SUITE 201, PHOENIX, said he represents the property owner immediately south of the proposed new church and they do oppose the rezoning on a number of grounds. His client is a construction company. This area is historically an industrial area. His client uses it for its construction yard for storage. It also has carcinogenic materials stored there and gases it uses historically for its construction yard. In discussing the matter with the bank who is the primary lender on the construction yard, it has become clear that allowing this particular development will have a diminished value in terms of the ability of what is historically an industrial area that has value for that purpose. It will diminish the value of his client's property. The other issues that they have in particular relate to the hiring of our employees. As a construction company, many of the employees that they hire are convicted sex felons. That is just one of the areas that they traditionally go to for employment because this is a church and one of the proposed plans involves a preschool that will eventually adjoin it. They are very concerned that even though there may be a fence between them that the current employees they have now who work in that yard would no longer be able to work for the company because of restrictions. His client does new residential development so they don't ever have any issues regarding schools or churches because they build building pads essentially that are brand new developments. They don't have wide open spaces and they don't have any issues with respect to the schools or church limitations that a convicted sex felon might otherwise have. It is one of the reasons that they kind of draw them to us as an employer. It is just the nature of our business.

Having a church immediately adjoining their property and in particular having a preschool will cause significant problems to our company. Employees that they have presently they would have to fire or otherwise change their job duties. They would have significant restrictions placed upon them regarding hiring new individuals because their main construction yard is this particular property. They would no longer be able to send them to their construction yard to pick up supplies, pick up equipment and the like which negatively impact their business. The last issue that they have and they spoke with Mr. Everly directly on the phone about this was as a

construction yard there is a considerable amount of noise that is generated by their operations. There is a considerable amount of dust even though they comply with Maricopa Dust Control regulations; it is inherent in the day to day operations of their business. The fact that they create construction debris and construction dust and are very concerned about having a preschool immediately adjoining them literally. Where they are proposing putting their school is not 50 feet from their primary activities.

The only alternative that they could suggest and has not been proposed to the City Planner would be if they look at the site plan they propose, they are actually putting their school and church immediately adjoining their property. If they were to completely flip the site plan given the dimensions of the lot that they are on, it would put the school and church outside the boundaries where they would be impacted relative to their employees but also reduce the amount of dust and carcinogen issues that they would have as a result of their normal day to day operations as a construction company. They are very concerned based on the current site plan that they are literally putting themselves right next to them. They can't be good neighbors given their current operations so as proposed, they object to the plan. They would also indicate that even though there may only be a few property owners, there was not a neighborhood meeting as required by Code and regulations. They did reach out to them. They received a letter where they proposed to them they indicate their approval of the rezoning. They advised them they could not. That was the only contact that they had from this particular development. Those are the reasons that they oppose the development as it is currently proposed.

CHAIRMAN PRIDEMORE asked if there were any questions for the speaker. He said he had one for Staff. He asked them to address the decision when there is a neighborhood meeting versus a letter.

KEVIN MAYO, PLANNING MANAGER, replied absolutely. In terms of code requirements he believes the only thing that is truly required is the posting of the notice of the site and the notice of the request. Everything else is a discretionary list at the discretion of the Zoning Administrator. In terms of a neighborhood meeting historically when they near residential property owners, they almost always have a neighborhood meeting. When there are industrial parks like this and surrounded by significant amounts of city owned property and things like that, non-residential properties and owners don't come to a neighborhood meeting. They notify us. A lot of times they are out of state (property owners). They notify us through mail, e-mail, by phone and things like that. In this type of situation they historically don't do a neighborhood meeting and yet still go through the same time period process where they have to have a neighborhood letter that is sent out for two weeks prior to the advertisement for the public hearing. They don't schedule and hold it on a neighborhood meeting historically in areas like this.

COMMISSIONER RYAN asked Mr. Bluff if they flip the footprint on the two lots, would that remedy most of the concerns that they have? Mr. Bluff replied it doesn't remedy the devaluation of their property. That will never happen because the nature of putting a church and a school historically always devalues the adjoining properties especially when it is commercial. If it was residential, the property immediately adjoining it would be a different story but for industrial

properties of this nature putting a church and a school will devalue his client's property. Flipping the footprint does address the issues that we would have regarding their concerns over dust, their concerns over carcinogens for the preschool and would he thinks, depending on the particular employee, because some of the statutes are 500 feet and in terms of probation may be only 300 feet, would address the issue with respect to their employees. They are subject to limitations in terms of where they could work in proximity to a school or a church. **COMMISSIONER RYAN** asked Kevin this whole area was rezoned as a PAD or as a hard I-1 or what? Mr. Mayo, Planning Manager, said the total Business Park is PAD and within that it had broken out a bunch of different uses within it. **COMMISSIONER RYAN** asked if the church was an original approved use. Mr. Mayo said no, it was not. Where the Sunbelt Equipment is on Pecos it had a little more of a retail base to it. As you head east of Hamilton it was predominantly light industrial in manufacturing stuff. It was identified with the Maricopa County Health facility that was identified in the 1989 rezoning and then you have obviously the ICAN facility that was sitting on property northeast. The property directly to the north was actually outside of the Bogle Business Park and was on property zoned SF8.5 that came through and rezoned for the church. **COMMISSIONER RYAN** said the applicant's attorney refers to carcinogen and chemicals and so forth. What is allowable by right in here? They are all breathing carcinogens every day he guesses. He is assuming that Staff really took this in consideration when the church came in and proposed this use here. Mr. Mayo replied that is a delicate question and even a more delicate answer. Fundamentally in their code, PAD or just straight I-1 is not allowed to have obnoxious noise, obnoxious dust, odors, things that impact adjacent properties. I-1 does not permit that in one stretch. Most of that is controlled through Maricopa County Air Quality. In terms of carcinogen and things, more than likely it is going to be the off gassing of paint in industrial areas or just physical idling of vehicles and the burning of either diesel or gasoline. That occurs throughout the valley, driving on the freeway and things like that so in terms of carcinogens and higher levels in one area or another, it's not something that the City gets into regulating how much you are allowed to idle a vehicle in one area and not in the other. From a land use standpoint for I-1, you are not permitted to create lots of dust, lots of noise, lots of odors and things like that. It is entirely done on a complaint basis. If it is an I-1 buried that nobody complained about, it doesn't get addressed. When it is in more sensitive areas, it is more rigidly enforced.

CHAIRMAN PRIDEMORE asked if there were any more questions for the speaker. There were none. He turned back to the applicant and said he had a question or two.

MR. EVERLY said he would like to address the attorney's comments. He did speak to him on the phone. The contact with him was one of three contacts with that property owner; one in person when he went to his office and attempted to speak to him. He wasn't successful in speaking to him directly. The third time he actually physically on every single one of the properties that were within 600 linear feet radius of the church property he went to see them. He said Erik Swanson has a copy of an e-mail that he sent to Gus Schultz, owner of Aloha (he believes). That should address the fact that he did contact him just as he did everybody else that was within that 600 foot area.

He went back to the gentleman's first comment that this would reduce the property value. That is subjective. He has been a real estate broker in this state and in this county for 37 years. He is not any longer but he dealt exclusively with commercial and industrial properties. One can argue in both directions having a church next door could substantially raise the value of your industrial property in light of the fact that you don't have competing dust, noise, water pollution and so forth that's transfers itself back over to your property. On the other hand, he thinks you could easily argue in favor for his comment that it would reduce the property value because now you have to be a little more careful. Speaking of careful, Maricopa County Air Quality controls dust and if his client, which is Aloha Pavers, was in compliance with air quality that it would appear to him that it would become a non-issue. If he has a lot of carcinogenic floating around because of his activities over there, it would appear to him that not only would he have a problem with his neighbors but he would probably be in violation of OSHA regs. He thinks that becomes a red herring.

With respect to the employees that he hires, that is outside of his area. He doesn't have any expertise in that area. He couldn't tell them how to address that. There is a substantial wall right now that is on the property line. It is a demising wall. He leaves this one up to them because they have the expertise. He just accomplished addressing the issues as he saw them.

CHAIRMAN PRIDEMORE asked if he could speak to how his client has chosen this site and if they are aware of who their existing neighbors are. Mr. Everly responded that he had offered to guide the gentleman who was just up there and provided him with the telephone number, an e-mail address and a name of the Chairman of the Board of Directors for the church – a Doctor Robert Clark. He told him he could contact him. He inquired on two different occasions to Mr. Clark whether or not he had ever been contacted. The similar concerns regarding dust and noise were raised by actually the largest property owner in the area which is Old Castle. They actually met on site and Jason Jackson, the GM for Old Castle, met with Dr. Clark and got along fine. If you met the pastor of the church you would find him quiet and demure, very accepting. They knew exactly what they were getting into when they purchased the property. They knew they were going to be sitting next to dust and noise but quite frankly I've sat out there on that property on two different occasions. One was the morning that they had the sign erected and he was out there about 6:30. The ambient noise from the freeway actually drowns any noise from next door including Aloha because Aloha was loading up there trucks that morning as they did two other mornings. As far as dust is concerned, they are going to encounter that even next to a vacant lot. You are going to encounter that next to your next door neighbor that doesn't mow his grass and cut his weeds. The rising of dust and so forth is something that is both tolerable and expected by the church.

COMMISSIONER WASTCHAK asked what the hours of operation are going to be for the church. It looks like they may have school going on or is it just strictly Sundays. Mr. Everly responded the first year, year and a half is going to be strictly church. The daycare center is something to evolve. He believes that comes into Phase 2. It's a Seventh Day Adventist church. Subsequently, there Sabbath is on Saturday. Whether or not they have activities during the week, he doesn't have any knowledge. He would say the bulk of their activity is going to be on Saturday. He went to one of their services recently to get a feel of their place and so forth and

Sabbath appears to be an all-day affair starting about 10:00 a.m. and about 4 or 5:00 p.m. it starts petering out. **COMMISSIONER WASTCHAK** asked if the applicant be opposed to flipping the site. He doesn't know if there were any constraints or anything like that. Mr. Everly said the topic never came up. He believes that one of the reasons why early on in the site planning that there was a concern with the driveway to the north of the property. Mr. Swanson, Senior City Planner said they haven't looked at it. Visually looking at the site it seems like it can be done. Of course, that comes back to some substantial costs to the church and the developer as to redesigning, engineering, landscaping, and site plans. He was thinking that there were some easements here. There is an easement on the north end but again looking at some of those setbacks, they might be able to work with that but it is kind of a difficult thing at this point in time just simply because they haven't looked at that at all and sort of redesign everything. **COMMISSIONER WASTCHAK** said the concern he has is based on the notification and it sounds like he reached out and tried to have a discussion about it that at least this could of have been vetted before they came here and heard that there were issues - at least to look at it and have dialogue about it. That is a concern he has that if they could indeed do that, it sounds like they would be happy to but they are pretty far road down here and never even had that discussion.

CHAIRMAN PRIDEMORE asked if there were any other questions for the speaker. Seeing none he thanked Mr. Everly. He closed the floor and turned to the Commission to see if there were any comments.

COMMISSIONER RYAN said he is thinking at this point it is a beautiful facility and it's a great site plan but it looks like an easy flip to him. If that takes away at least half of the problems, that is a good thing. Since the church has already acquired the property he said he would feel kind of bad rejecting it at this point. It just sounds like the uses aren't very compatible next door to each other. He said he would like to make a motion to continue the case so the two parties can get together and then the owner also has the ability to take a look at the flip on the site. That could at least remedy part of it. That is how he feels right now.

VICE CHAIRMAN BARON said one of the things he has been confused about on this is that he just sees a PDP. He doesn't see a pre-plat, landscape plans or anything. How far are they actually in the process? Mr. Swanson replied that for this particular piece it is only two parcels and so it then goes through our minor land division process and so they wouldn't include it on here. They have a landscaping plan. It is just a matter of getting some of the submittals in front of them and not necessarily overbearing them with too much information. He is happy to do that and he has it. **VICE CHAIRMAN BARON** said he is kind of leaning the same way that Commissioner Ryan is because he feels like without seeing all that data and having done site plans like this it seems like it would be really easy to flip. He also understands the cost associated with that. What is the land use directly to the east of this? Is that all industrial as well? Mr. Swanson said it is actually a City park. **VICE CHAIRMAN BARON** said south of that City Park. Mr. Swanson replied that is a Maricopa County Healthcare facility. South of that is a fire station. South of that is an office flex industrial – an air-conditioned facility. **VICE CHAIRMAN BARON** said he would second Commissioner's Ryan motion.

COMMISSIONER RYAN said it could be worked out and will continue it for two weeks.

KEVIN MAYO, PLANNING MANAGER said if the intent is to study flipping the site, our memo gets written in two days. It gets mailed out a week or week and a half from now. That will clearly not be enough time unless it is simply to have the applicant meet with the adjacent property owner and work out a verbal agreement and it comes back to them in this exact format plus a landscape plan that normally would have been applied. If there is a change to that there isn't enough time and really should be a one month continuance to the June 4, 2014 hearing.

CHAIRMAN PRIDEMORE said he had a motion and a second to continue this item to June 4, 2014 hearing. He asked if there were any other comments.

COMMISSIONER CUNNINGHAM stated she is in favor of looking at an alternative and flipping the site. It does appear to have the same width on both ends with a little bit of restrictions but not much. The main thing is she has read the laws on sexual predators who have been convicted and it is very restrictive and for them to be working is a positive thing. It is not easy for them to find employment and to be working rather than back in prison is certainly a good thing for us tax payers so she would hate to see that something that went on the site is supposed to be a church and a thing to promote faith would directly cause the unemployment of people who can't find employment everywhere. She thinks we need to have these parties seriously sit down and study the issues and look into what the restrictions are for the neighbor's employees because those employees cannot be near schools. They do have a distance regulation and it is very important that be adhered to or they do have to leave those jobs. They cannot stay in that area. With that said she will be in support of this motion also.

CHAIRMAN PRIDEMORE said he is in favor of the project. He said he kind of wished that they had gotten a motion first to approve as is just to see how that would have flown. He agrees with a little work it would help reduce some of the concerns of the neighbors and he would like to think everybody wants to be a good neighbor. Obviously, the church that is looking to go in here is aware of who is around them. They have consciously made the decision to look at this site and to move forward with it. He understands the argument and would be in support of the continuance.

MOVED BY COMMISSIONER RYAN, seconded by **VICE CHAIRMAN BARON** to continue DVR13-0044 FOOTHILLS COMMUNITY CHURCH to the June 4, 2014 Planning Commission hearing. The motion passed 7-0.

G. * ZUP14-0003 THE PAMPERED PINKIE
Approved.

Request Use Permit approval to allow a beauty salon in an existing residential conversion property zoned SF-8.5. The subject site is located at 498 W. Chandler Blvd, northeast corner of Chandler Boulevard and Iowa Street.

1. The Use Permit shall be effective for two (2) years from the date of Council approval. Use Permit extensions, for similar or greater time periods, shall be subject to re-application to and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits (site plan, floor plan, narrative) shall void the Use Permit and require new Use Permit application and approval by the City of Chandler.
3. The Use Permit is non-transferable to any other property.
4. Increases in on-site employment over that represented, a maximum of four (4) or the expansion of the home to provide additional tenant/business space shall require Use Permit application and approval by the City of Chandler.
5. The property shall be maintained in a clean and orderly manner.
6. Use Permit approval does not constitute Final Development Plan approval such as building plan review and permits for the residential conversion; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.

MS. JODIE NOVAK, SENIOR CITY PLANNER, said the item before them ‘The Pampered Pinkie’ is regarding a property at 498 W. Chandler Blvd. which is the northeast corner of Chandler Boulevard and Iowa Street. This is a single-family residential home in SF-8.5 zoning that was converted to an office use several years ago. It has been a general office use since at least 1995 so actually more than several years ago. It has always been an office and she thinks at one time a Counselor was in there. The property is for sale and the last user that went in there has left so it is vacant. The Pampered Pinkie is an existing salon in downtown Chandler’s Wall Street area. The business owner is looking at purchasing this property in requesting to put another residential conversion use in here which would be a nail salon. While it may seem more of like a retail oriented kind of use it is akin to a more recently approved residential conversion use for a dress shop or like a wedding and event kind of an office use. They also had alterations and tailoring of dresses. There are a handful of them along Chandler Blvd. maybe like five homes have been converted to these types of uses. What they are requesting to do doesn’t generate any more traffic or any more employees than what has been improved on that property since the 90’s. It won’t be any more of an impact than what already existed or what already exist on either side of it with other office uses in place. The applicant had a neighborhood meeting as was mentioned earlier this evening in their Study Session with one attendee that was supportive. They received an e-mail in support of this particular use. They have some standard zoning conditions in place that they conform with and what has been represented for their business and their floor plan. Ms. Novak said if they have any questions, she would be happy to answer them.

CHAIRMAN PRIDEMORE asked if there were any questions for Staff. Seeing none he turned to the applicant to see if she would like to make a statement.

MEGAN WILCOCK, 639 E. GILA LANE, CHANDLER stated she is the business owner and has owned it since August of 2009 and has been in Chandler the entire time. She is more than happy to answer any questions.

CHAIRMAN PRIDEMORE asked if there were any questions for the applicant. There were none. There was a speaker from the audience.

DONNA HUMPLE, 470 W. TOLEDO ST., CHANDLER said she doesn't have a problem with the business. Her concern is her parking lot. If there is not enough room in her parking lot or if patrons choose not to park in the parking lot and park on Iowa St., it is not wide enough for two way traffic and parked cars. That is her only concern. What she would like Council to consider is putting 'No Parking' on Iowa from Chandler Boulevard to Toledo either on the east side where her driveway is. They can see traffic coming and going. There is no blind vision. That is her concern. There is no parking on Iowa. Other than that she has no problems with the business.

CHAIRMAN PRIDEMORE asked if there were any questions for the speaker. Seeing none he turned to Staff for adding 'no parking' how would they even go about that and who would have to weigh in. Would it even be a part of this item.

MS. JODIE NOVAK said the property itself conforms with on-site parking. There are 12 existing parking spaces in the back side of the property. The way this business functions is less intense, has less employees and would potentially have less clients than what was previously there. All of the offices beforehand would take up almost all 11 spaces. There is one disabled space that is one the property. The business would have ultimately a total of four employees; currently they have three. They had one that is not employed with them at this time. Those employees don't all work at the same time so you don't have all four parking spaces filled. You might have one employee there, maybe one comes later in the day, maybe they will have two on one day, three on another day and vice versa. So the appointments with their clients if you only have all four employees there and four clients, that is eight people maximum and there is 12 spaces so there is never going to be a parking shortage based on how this operation is occurring. In regards to Iowa Street, she knows from prior cases throughout the years that she has done on this particular site for these Use Permits, it is a public street so certainly anybody could park on any City of Chandler public street if they would like to. However, there are limits of not parking in any of the lane configurations when there is a traffic signal on a particular property. So when there is that kind of circumstance, nobody can park in the thru lane or the leaving lane or whatnot. That is usually monitored by the Police Department if somebody turned around the corner on a traffic light and there is a car parked right there. There is a program that our Traffic Staff that does like a whole study to determine whether or not 'No Parking' signs need to be considered. In previous cases it hasn't been something that was considerable here because there never has been a parking problem. There has never been non-stop on-going parking that impacted anybody's visibility or being able to drive up and down Iowa Street for that situation. That is not to say that can't be considered in the future if there was a problem but it just hasn't been implemented in years past because it didn't warrant having those 'No Parking' signs. But based on what she is representing, she would be required to comply with what is being

represented in the narrative and the floor plan and everything that they are doing and in the stipulations as well. Stipulations aren't going to allow her to have more than four employees that they represented. They won't be able to create the parking problems. They are pretty confident that there won't be a situation occurring off-site onto the public street.

KEVIN MAYO, PLANNING MANAGER, said requiring a street to be signed or even a segment of a street or even right in front of one house be signed with 'No Parking' is never something that gets tied to a Use Permit. Ultimately, it comes down to site lines and things and if it ends up becoming a problem, unfortunately for us, parking traffic is always reactionary; it is not a proactive thing. If it becomes a problem and there are people parking and it becomes an unsafe situation, then they will go out and study it. It is sole and separate since it is public right-of-way and dedicated to the public for public use there is a separate process that occurs that is outside of the Use Permit.

COMMISSIONER DONALDSON asked the speaker that there has been business going on at that residence since 1995. Ms. Humple said since they moved in there has been nobody there. She has been there a year and a half and has had nothing. When cars do park there and she is coming from Chandler Blvd. onto Iowa to go home, she has to go in the middle of the road to the other side to get around a parked car that is on the east side. There are two fire hydrants also on both corners. They are not marked red for people not to park there and she thought the law says you can't park in front of a fire hydrant. There is one on Chandler Boulevard and Iowa and one on Toledo and Iowa. She has been driving this for the last year and a half. She will probably have enough parking but that doesn't mean somebody is going to park in her parking lot. If somebody doesn't want to, they may park on the street. Maybe they will park on the other side so they can get out on Chandler Boulevard and that is her concern. If the car parked on the corner of Chandler Boulevard and Iowa coming out of her parking lot, it is going to be blinded and if she is coming in trying to beat traffic on Chandler Boulevard to get onto Iowa, they are right there. That is why she is concerned and would really like to see 'No Parking' on the east side of Iowa. **COMMISSIONER DONALDSON** stated as everybody has said so far it sounds like it is unrelated from a parking standpoint compared to the Use Permit application. As Kevin says, it is reactionary. Ms. Humple said she doesn't have a problem with this. **COMMISSIONER DONALDSON** said if there are general parking issues then that would be reactionary reporting and through the police to deal with the general parking issue.

MS. JODIE NOVAK, SENIOR CITY PLANNER, said she would think that the business owner would ensure advising their clients to park in the parking lot that is why they required this parking lot to be constructed on-site to provide on-site parking just like with shopping centers or office complexes. They have to provide required parking on their own property. She hears what she is saying. Somebody could say I don't want to I want to park on the street. She is not aware of that in any of the cars recently. She is not really sure who would have been parking there and if it was related to this site or not. Ms. Humple said she thinks it is the construction workers. Ms. Novak said certainly if someone is blocking the view at the intersection or by a fire hydrant or a landscaper who happens to be on the street that warrants a non-emergency police officer call. They would certainly come out there that they move their vehicle. Ms. Humple said she is just trying to keep from calling the Police Department to move a car when that is not an

emergency. She is just trying to make it better. She just can see some potential issues. There have been people parking there whether it's the landscapers, the contractors. There have been people with four sale signs and they will park on the west side of Iowa and she is just saying the road is not wide enough even though as a business owner may tell her patrons to park in the parking lot. If she is not comfortable pulling into a parking lot and trying to park and then back out and get out, she is not going to park in there. She is going to park on the street whether she says please park in my parking lot or not. She would really hate to have to call the Council or the Police Department every time somebody decides to park on the street. She just sees herself having to pull to the middle of the road in oncoming traffic to get around that car when she is trying to get off of the busy street of Chandler Boulevard. Ms. Novak said once the hearing ends, she will get her number and they will communicate further and will coordinate with some other professionals in our City Staff dealing with traffic or enforcement so that maybe they can provide additional information beyond what they may have and kind of come up with a solution to help address that.

CHAIRMAN PRIDEMORE asked if there were any other people that would like to speak on this. There was no one. He turned to the applicant to see if she would like to add anything. They do see in the stips. that she is restricted to four employees and they hope over time she gets her customers trained that they do have their own parking lot to be used.

MS. WILCOCK replied absolutely and she is actually really proud to have her own parking lot and thinks it's great that they put it in. She will, of course, inform all of her customers to park in the parking lot and if there are any issues, feel free to call her if there is anything that arises between now and then. She doesn't foresee any issues with that.

CHAIRMAN PRIDEMORE closed the floor and looked for a motion.

COMMISSIONER VEITCH said the geometrics of the parking lot seem to be quite generous in terms of backing out. No one is going to have to back out onto Iowa Street and will be able to pull out in the normal way. If a parking problem develops, there is a process to deal with it.

MOVED BY COMMISSIONER VEITCH, seconded by **VICE CHAIRMAN BARON** to approve ZUP14-0003 THE PAMPERED PINKIE subject to the conditions recommended by Staff. The motion passed 7-0.

6. DIRECTOR'S REPORT
Kevin Mayo, Planning Manager said there was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN PRIDEMORE said the next regular meeting is May 21, 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 7:00 p.m.

Stephen Veitch, Chairman

Jeffrey A. Kurtz, Secretary