

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, May 21, 2014 held in the City Council Chambers, 88 E. Chicago Street.

1. Vice Chairman Baron 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:

Vice Chairman Andrew Baron
Commissioner Stephen Veitch
Commissioner Katy Cunningham
Commissioner Phil Ryan
Commissioner Devan Wastchak

Also present:

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

Absent and excused:

Chairman Matthew Pridemore
Commissioner Bill Donaldson

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER RYAN, seconded by COMMISSIONER CUNNINGHAM to approve the minutes of the May 7, 2014 Planning Commission Hearing. The motion passed 5-0 (Chairman Pridemore and Commissioner Donaldson were absent).
5. ACTION AGENDA ITEMS
VICE CHAIRMAN BARON informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no action items.

A. DVR13-0050 RAY ROAD APARTMENT HOMES

Approved.

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.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Ray Road Apartment Homes", kept on file in the City of Chandler Planning Division, in File No. DVR13-0050, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
8. Prior to the execution of any lease, prospective apartment tenants shall be given a written disclosure statement acknowledging that the apartments are located adjacent to or nearby existing and future industrial uses that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Lease/Purchase Contracts", CC&R's, and individual rental contracts shall state such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the subdivider/apartment builder/developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
9. In the event the multi-family residential is platted to allow unit ownership, prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/developer shall provide a written disclosure statement, for the

signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing railroad tracks and railroad right-of-way that may cause adverse noise, odors, and other externalities. The “Public Subdivision Report”, “Purchase Contracts”, CC&R’s, and the individual lot/unit property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby an existing railroad track and railroad right-of-way, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the subdivider/homebuilder/developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled “Ray Road Apartment Homes”, kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0050, 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 Planning Administrator for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
- 6. The applicant shall work with Planning Staff to incorporate the additional architectural elements, building materials, and/or paint colors to further break up flat wall planes.**
- 7. The applicant shall work with Planning Staff to incorporate additional window treatments.**
- 8. The applicant shall work with Planning Staff to add plant materials within the curbed islands along the driveway between Buildings 4 and 5.**

B. LUP14-0006 ZOE’S KITCHEN

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. The restaurant is located at 7131 West Ray Road, Suite 7, southeast corner of Ray Road and 54th Street.

1. The Liquor 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 Liquor 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 Liquor Use Permit and require a new Liquor Use Permit application and approval.
4. The site shall be maintained in a clean and orderly manner.

C. ZUP13-0016 ICEV PARKING LOT

Approved.

Request Use Permit Extension approval for a temporary parking lot on an approximate 2.10-acre site located at 411 N. Alma School Road.

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

D. ZUP14-0007 AOK PROPERTY ASSETS, LLC

Approved.

Request Use Permit approval for a time extension on the residential conversion for office use. The subject site is located at 542 W. Chandler Blvd.

1. The Use Permit shall be effective for five (5) 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 (Narrative, Site Plan, Floor Plan) 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, seven (7), or the expansion of the home to provide additional office space, shall require a new Use Permit application and approval by the City of Chandler.
5. The property shall be maintained in a clean and orderly manner.
6. The landscaping shall be maintained at a level consistent with or better than at the time of planting in accordance with City approved construction plans.

E. ZUP14-0008 AZ REALTY NETWORK

Approved.

Request Use Permit approval to allow an office use within a residential conversion. The subject site is located at 598 W. Chandler Blvd.

1. The Use Permit shall be effective for five (5) 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 (Narrative, Site Plan, Floor Plan) 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. There shall be no tandem parking in the designated parking spaces at the rear of the property.
5. Parking along Hartford Street is not permitted for either employees or clients.
6. Parking shall not be permitted in the front yard other than on the existing concrete driveway.
7. The site shall be maintained in a clean and orderly manner.
8. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

COMMISSIONER RYAN stated for the record that he provided consulting services on Item A, the Ray Road Apartments, so he would be abstaining from any discussion.

MOVED BY COMMISSIONER VEITCH, seconded by **COMMISSIONER WASTCHAK** to approve the Consent Agenda with the additional stipulations as read into the record by Staff and with the removal of stipulation no. 2 on Item B. The Consent Agenda passed 5-0 (Chairman Pridemore and Commissioner Donaldson).

6. DIRECTOR'S REPORT

Kevin Mayo, Planning Manager said there was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

VICE CHAIRMAN BARON said the next regular meeting is June 4, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting was adjourned at 5:35 p.m.

Andrew Baron, Vice Chairman

Jeffrey A. Kurtz, Secretary