

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, August 6, 2014 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Pridemore called the meeting to order at 5:30 p.m.
2. Pledge of Allegiance led by Vice Chairman Baron.
3. The following Commissioners answered Roll Call:

Chairman Matthew Pridemore
Vice Chairman Andrew Baron
Commissioner Bill Donaldson
Commissioner Katy Cunningham
Commissioner Devan Wastchak
Commissioner Ryan Foley

Absent and excused:

Commissioner Phil Ryan

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. David de la Torre, Principal Planner
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Mr. Scott McCoy, Asst. City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER DONALDSON, seconded by COMMISSIONER WASTCHAK to approve the minutes of the July 16, 2014 Planning Commission Hearing. The motion passed 4-0 with 2 abstentions (Vice Chairman Baron and Commissioner Cunningham abstained as they were not present at that meeting). Commissioner Ryan was absent at this meeting.
5. 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 was one item pulled for action – Item G.

A. APL14-0008 DOBSON/GERMANN AREA PLAN AMENDMENT /
DVR13-0030/PPT13-0019 CANOPY LANE

Approved.

Request an amendment to the Dobson/Germann Area Plan from Low Density Residential to Medium Density Residential. In addition, request Rezoning from Planned Area Development for office to Planned Area Development for single-family residential, with Preliminary Development Plan and Preliminary Plat approval for subdivision layout and housing product. The site is approximately 2.5 acres and located north of the northwest corner of Dobson and Germann roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "Canopy Lane", kept on file in the City of Chandler Planning Division, in File No. DVR13-0030, 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. 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 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.
7. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, the Development Booklet, entitled "Canopy Lane", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0030, 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. Lots 11 through 15 shall be constructed with single story homes only.
7. The same elevation shall not be built side-by-side or directly across the street from one another.
8. "No Parking" signs shall be installed where parking is prohibited and in accordance with Fire Department regulations.

Preliminary Plat

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

B. PDP13-0016 OCOTILLO PLAZA SHOPPING CENTER

Approved.

Request Preliminary Development Plan (PDP) approval for additional commercial buildings, and PDP approval for a comprehensive sign package for the Ocotillo Plaza shopping center located at the northwest corner of Alma School and Queen Creek roads.

1. Development shall be in substantial conformance with the Development Booklet, entitled "Ocotillo Plaza Shopping Center" and kept on file in the City of Chandler Planning Division, in File No. PDP13-0016, 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 monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
3. The applicant shall work with Planning Staff to ensure that decorative metal elements are incorporated into the design of the monument sign.
4. All tenant panel and center identification lettering on the monument signs shall be 1" routed aluminum push-thru lettering.
5. Landscaping shall be in compliance with current Commercial Design Standards.
6. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

7. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
8. The freestanding pads shall carry an architectural level of detail similar to front facades of main building.
9. 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.
10. The applicant shall work with Planning Staff at time of building permit submittal to ensure that there is cohesiveness between the commercial buildings in the use of colors, materials, accent features, and architectural design.
11. The applicant shall work with Planning Staff to ensure that the drive-thru of Building A meets the queuing requirements as provided in the Zoning Code.

C. PDP14-0005 FAIRVIEW MEDICAL PLAZA

Approved.

Request Preliminary Development Plan approval of a phased medical office development. The approximate four acre property is located at the southeast corner of 94th and Fairview Streets, north and west of the northwest corner of Dobson and Pecos roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "FAIRVIEW MEDICAL PLAZA", kept on file in the City of Chandler Planning Services Division, in File No. PDP14-0005, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council as Ordinance No. 4174, in case DVR09-0011 SANTE CHANDLER, except as modified by condition herein.
3. The vehicular curb cut and pedestrian connection located on the Sante Chandler property shall be removed and reconstructed by the Fairview Medical development as part of Phase I.
4. Landscaping along 94th and Fairview streets shall be installed as part of Phase I.
5. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
6. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
7. 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.
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.

D. ZCA14-0001 ZONING CODE AMENDMENTS

Approved.

City initiative to amend Chapter 35 of the City Code (Zoning Code) by adopting clarifications, citation reconciliations and other minor adjustments to match current administrative practices.

Upon finding consistency with the General Plan, Planning Staff recommends approval of the Zoning Code amendments as presented in case ZCA14-0001 ZONING CODE AMENDMENTS.

E. LUP14-0010 THE PERCH

Approved.

Request Liquor Use Permit approval to expand the premise area to sell and serve liquor as permitted under a Series 6 Bar License in an existing restaurant, outdoor courtyard and patios, and continue live entertainment indoors and outdoors. The request also includes expanding the area for operation of the Series 3 Domestic Microbrewery License to include additional storage for property located at 232 South Wall Street, north and west of the northwest corner of Arizona Avenue and Frye Road.

1. The Liquor Use Permit granted is for a Series 6 license and a Series 3 license, and any change of license shall require reapplication and new Use Permit approval.
2. The 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. Music and entertainment shall be controlled so as to not unreasonably disturb area residents and businesses and shall not exceed the ambient noise level as measured at the commercial property line.
5. No noise shall be emitted from the live music and entertainment occurring outdoors that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
6. No live entertainment shall occur after 11 p.m. on Friday and Saturday.
7. The establishment shall provide a contact phone number of a responsible person (bar owner and/or manager) to interested neighbors to resolve noise complaints quickly and directly.
8. The site shall be maintained in a clean and orderly manner.

F. LUP14-0011 MAX & TED'S 480

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor as permitted under a Series 6 Bar license and allow live music indoors at an existing bar. The property is located at 480 N. Arizona Ave., south of the southwest corner of Oakland Street and Arizona Avenue.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.

2. The Liquor Use Permit is granted for a Series 6 license only, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.
4. Music shall be controlled so as to not unreasonably disturb area residents and businesses and shall not exceed the ambient noise level as measured at the commercial property line.
5. No noise shall be emitted from the live entertainment occurring indoors 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.
6. The site shall be maintained in a clean and orderly manner.

H. PPT14-0010 CORNERSTONE CHRISTIAN FELLOWSHIP

Approved.

Request Preliminary Plat approval for an approximate 23-acre church campus located at the southeast corner of Alma School and Willis roads.

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

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda with the exception of Item G, as read into the record by Staff. The Consent Agenda passed 6-0 (Commissioner Ryan was absent.)

ACTION:

G. ZUP13-0025 HUDSON BAYLOR dba RECOMMUNITY CHANDLER

Approved.

Request Use Permit extension approval for the continued operation of a recycling facility located within a General Industrial (I-2) zoning district, and the continued use of ingress and egress off of Hamilton Street. The subject site is located at 1100 N. Hamilton Street, north and west of the northwest corner of Ray Road and Hamilton Street.

1. The site shall be maintained in a clean and orderly manner.
2. 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.
3. Expansion or modification beyond the approved exhibits (Site Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

MR. ERIK SWANSON, SENIOR CITY PLANNER, stated this a request is for a Use Permit Extension approval for the continued allowance of ingress and egress off of Hamilton Street for a recycling facility located within an I-2 zoning district. The subject site is located at 1100 N.

Hamilton Street, which is generally north and west of the northwest corner of Ray Road and Hamilton Street. Staff is recommending approval with conditions.

The subject site is surrounded by I-2 zoned properties. There are recycling activities occurring to the south of the subject site. East is a vacant industrial lot and then north is a welding facility. Recycling activities have taken place on the subject site and the site to the south. Since the late 80's it is important to note that as he stated in the request tonight the request is simply for the allowance of ingress and egress. As Staff has reviewed this, the recycling activities themselves have been vested for the subject site. The question is whether or not the allowance for ingress and egress off of Hamilton Street.

This specific building has operated for recycling facilities since 1995 and has operated using access off of Ray Road. They go in and out off of Ray Road not causing any issues with Hamilton Street. In 2001, Use Permits were granted to allow ingress off of Hamilton Street and then they would cut through and go back out down to Ray. When he got involved it was in 2009 and at that point in time there was a split in ownership between the subject site and the recycling facility to the south. At that point in time there was a request for ingress and egress off of Hamilton Street so this subject site could get in and out without having to head down south on to Ray Road. The Use Permit was granted for one year. They did come back in 2010 and also received a 3-year extension at that point in time which brings them to today's date.

As alluded to during the 2009 and 2010 process, they really looked at the truck traffic, what would be generated, what were the issues going to be and were there other extenuating circumstances. Staff worked with their traffic department, looked at projected totals, worked with the applicant on what their projected total from a traffic standpoint was, and they both came to an agreement that there wasn't an issue. It is important to note that Hamilton Street as it is designed from a cross-section standpoint is an industrial collector. It is designed to accommodate this kind of truck traffic. It is very much in keeping with the area. Again, they looked at that as this case came through this most recent time. He worked with their traffic division to go back out and have them measure traffic counts again. Let's see what is being generated. They did the 2-day study; they also did a study with some cameras as well to watch movements. Really what it came down to is that 4% of the total traffic on Hamilton Street was truck generated; that is the recycling trucks, Fedex trucks. Again, looking at this as well, they looked at the overall traffic heading north on Hamilton Street and that was about 9% of the truck traffic. So it was 4% overall, 9% heading north.

It is important to note that with the original Use Permit granted in 2009 and subsequently in 2020 and what they are again recommending at this point in time is that any traffic coming out of the site onto Hamilton Street, head south down to Ray Road rather than heading north into the more residential areas. The applicant has done that albeit there are probably some kinds of rogue trucks that occasionally head north. Their study showed that there were some that did do that. By in large, 91% headed south as they are required.

They did have a neighborhood meeting. There were a number of neighbors that attended. In addition to that, he has been in contact with what has turned out to be a neighborhood activist or

advocate. He works with him and then goes back to the HOA and goes back to the larger neighborhood and presents their information. It is kind of working back and forth. What it has come down to is there are 3 primary issues they are concerned with. One is the diminished property values on account of the recycling facility, two is the on-going trash issues (if a storm rolls through there are recyclables kind of thrown throughout the neighborhood) and three is the traffic on Hamilton. As he explained to him and tried to explain to the neighbors, they can't really touch the diminished property values just because that is information they don't generally get into. Regarding the trash it is difficult to really pinpoint where it is coming from because there are other facilities in the area. However, all of the times he has gone out to the subject site he has never found there to be an issue with trash. As indicated in the applicant narrative, when a truck comes in and dumps the trash, it is pushed into a 3-sided building and then they push it all the way to the edge and there is a net that is pulled over it to prevent anything from going out. Really what it comes down to is that any recyclables that get outside of the net is more or less money lost to the user. They have looked at the surrounding users and have noticed there are some deficiencies in some of their standards and they are working with their site team to remedy the issues with outstanding trash in the area as well as some other issues. It is tough to say that this guy and not that guy – it could be both. By in large from Staff's visiting the site and perspective, the subject site has been clean on all of their visits. His understanding is that there are a number of neighbors here tonight that are here to speak about the case. In a nutshell the opposition that he has heard is really about the traffic and trash. They believe that the traffic issue has been addressed and they don't really believe that this site is particularly the result of the trash and there are other users in the area that may also contribute to that.

Mr. Swanson said Staff is recommending approval for an additional 3 years. Again, the request is primarily for the ingress/egress off of Hamilton Street and not for recycling use.

CHAIRMAN PRIDEMORE said for the audiences benefit could he define what vested means in terms of the use not only for this site but the others surrounding it. Mr. Swanson said from the standpoint of this type of use when you get a vested use, in this case there is a use permit and some of the other items on tonight's agenda there are use permits. In essence that is a granting of a particular use on a property that says that use is allowed with some conditions attached for a certain amount of time. In this particular case the way that the zoning has occurred over the years, the recycling use is more or less allowed and vested on the site but there are no particular modes that can be removed. In this particular question, it is really whether or not traffic can use Hamilton to get to the site. That is what is in question. That can be taken away. Now granted if that is taken away, then ultimately they have to find another way to get in and out of the site to make sure that use can work but the use itself is vested and allowed to stay.

CHAIRMAN PRIDEMORE said regarding the traffic, he knows you said the one figure was 91% of the traffic was heading south to Ray. In general does he have an overall count of how much traffic is actually being generated by this particular property? Mr. Swanson said he has the traffic report in from of him so he said he would crunch some quick numbers. What they are looking at is a tractor trailer volume of roughly 29. That is over the 2 day period and then single unit truck volume which includes 2 axle trucks is right around 200. That isn't specifically to this particular user but the tractor trailer is. They are looking at 29 for the tractor trailers over those 2

day periods and then 217 over those 2 day periods and that is the municipal trucks that come in and go.

CHAIRMAN PRIDEMORE called up the applicant.

WILL HERZOG, REGIONAL DIRECTOR OF BUSINESS DEVELOPMENT FOR RECOMMUNITY, stated they are the operator of the facility at 1100 N. Hamilton Street. He said he has been before Commission and Council in the past. He has been involved with this project since they first applied for their expanded use permit back in 2009. Recommunity is a recycling company. They are not attached to other things such as trucking or garbage. They don't actually operate any of our own trucks. In terms of collection routes they operate one tractor trailer vehicle specific to this project. They receive recycling material collected from households at their facility, consolidate those and move them to a second processing facility elsewhere in the valley. In terms of traffic count, they typically average approximately 100 vehicle trips a week from their facility. Those are made up of in-bound deliveries from a variety of recycling collection vehicles as well as their outbound trucks taking the collected recyclables to their processing centers. The reason that was stated by Staff that came originally in 2009 for the Use Permit and a continued request for it. It is the driveway to their property that only exits onto north Hamilton Street. They have no other means of access in or out of the facility. In the history of the site there was access across a neighboring site unfortunately they no longer have that opportunity –the land use has changed. They are adjacent to a similar operation.

It is very difficult for them to know exactly where any of the potential neighborhood concerns regarding contamination is coming from. He can't speak to the neighbor's property but he can speak to what they do to try and contain the recyclables delivered to them and processed at their facility. As Staff noted, they did receive all of their materials indoors in a 3-sided building that had the screen that is able to be closed when there is no traffic so that they are able to maintain all of the materials indoors. It is important to them. Every single piece of recyclable material, bottle, paper, has value to them but only if you can capture it, process and sell it. Anything that gets away from them is a loss of revenue. Not only do they have the ability to contain materials, they also have Staff on site. Part of their daily responsibility is to clean up because they are not perfect and he doesn't claim to be. What they do have is an everyday protocol of the staff going around our site all the way out to the end of their driveway. If they notice anything on Hamilton Street they are also instructed to clean that area as well so they can be as good as a neighbor as they can be given the fact that they all know that recycling is not popular when there are adjacent residential neighborhoods. The recycling facility does go back long before Recommunity was involved or their predecessor – Hudson Baylor.

What they are here asking for through the Use Permit is being able to maintain continuing their business. Their business is to provide a location for their customers that provide efficiency for our customers. It allows their customers to shorten their driving time by acting as a consolidation point. It allows their customers to drive fewer miles with individual vehicles so there are obviously some greenhouse gas house benefits to that as well as strict cost savings for everybody involved. Without the access to Hamilton Street they would have no way they could bring trucks onto their property but have no legal way to have them exit and that would have a severe

damaging impact on their business. He said he was happy to answer any questions they might have about their use, their traffic counts and flow, their procedures for trying to be a good neighbor and keep the site clean. At each of the meetings he has been to from 2009 and forward at neighborhood meetings and at City Council meetings, he has already tried to hand out his business card and ask people to call him if they have specific concerns and complaints. They do try to be as good of a neighbor as they can possibly be given the fact that they are absolutely in a recycling use. Everybody likes to recycle but no one likes to have it in their neighborhood.

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

COMMISSIONER DONALDSON said in the last part of his statement that he would have ingress but not egress. Mr. Herzog said the ingress was allowed through a prior Use Permit prior to them being involved in the property so his understanding is that the ingress is a pre-existing approved use from a prior Use Permit that actually has no termination to it. **CHAIRMAN PRIDEMORE** asked Staff why it is one-sided. Mr. Swanson, Senior City Planner, replied that in 1995 they came in and got the Use Permit for the ingress which then allowed them to go down to Ray Road because they had that partnership to the south. Then in 2009 they had to get the egress and so it was tied together.

KEVIN MAYO, PLANNING MANAGER, said back when the subject's facility in the one to the south were not combined but operating in harmony with each other, the access came in off of Ray Road. They came up into the site and then came back down. They came through in 1995 and got the Use Permit to come in off of Hamilton and basically created a loop using Hamilton. In early 2000, they took through a time extension that had no time limit so that again the two facilities both were coming in off of Hamilton and dropping down to the site back to Ray Road. That no longer has a time condition to it at the point that the southern facility stopped access for this facility to come down south. The southern facility has everything coming off of Ray Road and this one functions apparently off of Hamilton and in 2009 brought with it the need for egress onto Hamilton. It seems a little bit weird but the entire site has the ability to use ingress off of Hamilton, even the other one. If the gate got opened back up, they could use that. If this Use Permit Time Extension fails, the site still has the Use Permit authority to enter off of Hamilton and still has Use Permit authority to operate the recycling transfer facility on the property but does not have land use authority to exit onto Hamilton.

COMMISSIONER WASTCHAK said would it be safe to say that most of the truck traffic that actually has trash is inbound traffic? Mr. Herzog replied the in-bound traffic is recycling. They prefer to refer to it as recycling then trash because it has value as opposed to something that is thrown away. The inbound trucks are collection vehicles that collect recyclables from households typically and deliver those to our facility. **COMMISSIONER WASTCHAK** said so the only truck taking trash away would be one that has their consolidated materials. Mr. Herzog said yes to a larger vehicle to save money and time. **COMMISSIONER WASTCHAK** said is the property landlocked other than this access point? Mr. Herzog replied yes it is. **COMMISSIONER WASTCHAK** said is there an alternative to get out? Mr. Herzog said they have not been able to secure any alternatives at this time. They are bordered by railroad on one side and the same owner owns everything to the southern border of their property and they have

not been able to secure an agreement. **COMMISSIONER WASTCHAK** said so if this is denied they wouldn't have access to their facility. Mr. Herzog replied correct. **COMMISSIONER WASTCHAK** said other than bringing people in but nobody is leaving. Mr. Herzog replied yes.

CHAIRMAN PRIDEMORE said the item before them tonight is for the egress from this site; it is not the use. He knows that is a sticking point for some of the neighbors unfortunately that is out of their prevue tonight so please be aware of that.

JOHN OSBORN, 3165 S. ALMA SCHOOL ROAD, SUITE 29-306, CHANDLER, said the main issue he has with the property is if you are heading east on Ray Road to turn left onto Hamilton and one of the tractor trailers is leaving, which has happened twice to him this year, he had to back up to let this truck out. It may be zoned industrial but it is not built industrial, if that makes sense. It is a small 2-lane thorough fare and a turning radius on a tractor trailer forces that truck to come all the way over into eastbound Ray Road traffic in order to get its car going westbound on Ray Road. He has rentals in the area and he has had to back up his car twice due to that. Another point of contention is that he has heard it bandied about as a recyclable station. He sees a lot of trash in the neighborhood and he doesn't know what the percentage of trash gets put into those blue cans. That has to be figured into the equation he would say – it's not all recyclables coming in. It is really about the traffic and it is a danger heading west.

COMMISSIONER CUNNINGHAM asked how long would he say the trucks are – how large? Mr. Osborn said there is regular tractor trailers coming in – 40 foot trailers and then the cabin is at least 20 along with the hitch.

BRAD TAYLOR, 700 E. INDIAN WELLS PLACE, CHANDLER, said he has been a Chandler resident since 2002. The reason he is here based on Mr. Swanson's comment and Mr. Herzog's comment, they are in the process of looking at investment properties and the Fiesta and Provinces subdivision which neighbors on Hamilton Street. During his due diligence phase, he has been out there 2 or 3 times. As John had mentioned, Hamilton may have been built and zoned for commercial for 2-axle commercial trucks but these are 4-axle with trailer trucks that are 40-foot trailers. Hamilton is a narrow street – one lane each way with a center turn lane so it is not designed for a 40-foot tractor trailer. During the due diligence phase and walking the neighborhoods and what not and sitting out and watching the facility, you can't control City of Gilbert, City of Mesa or services but he has noticed several times the 2-axle trucks making left turns going northbound onto Hamilton versus south as the sign states. They need to tighten up the protocol there. At the end of the day based on what he has seen so far, he thinks he will invest elsewhere.

GARY LIEDER, 1017 N. BOGLE AVE., CHANDLER said his back street is Hamilton. At 4:30 in the morning he starts hearing trucks coming out of there. It is not so much that he sees trucks it is hearing them all day long. They see a lot of garbage in their back yards. They even see rats. The rats are out at night time. They have runners that go around and see them on the back fences. You can see them go on their back fences. Their back fence is higher than any fence around the neighborhood. You tell him out they get up there, he doesn't know. He is

looking at his property value. Someday he is going to sell and he doesn't want to have a low price because there is a dump in his back yard. There are a few other people here from the same neighborhood that he is at. There are a lot of people that couldn't make it tonight. They were saying the same thing. They are hearing the trucks going in and out and a lot of noise. A semi makes a lot of noise especially when it is 45 feet behind your house. He hopes they deny it because he doesn't want to see it.

WILLIE MONTEITH, 1122 N. BOGLE AVE. CHANDLER said he lives right behind the recycle plant. Every morning at 4:00 they are pulling out. Is that street designed for 40-foot trailers? He worked for the City of Los Angeles and they shouldn't be down that street. There are kids and parents taking them back and forth to school and these trucks are very dangerous. They don't care, the trucks belong to them – it's making money to recycle. His property values are going down because of all of this trash blowing into the yard. Come on over on windy day and you can see all that stuff. People have swimming pools; they have to buy a new pump because the plastic gets into it. They have to replace them. They should a bill to the guy and make them pay for it.

LINDA VAN HORN, 693 E. IRONWOOD DRIVE, CHANDLER said she lives in the Provinces and it is a little bit over her head that there is nothing they can do about the actual transfer station itself. It's there and they have to live with it. That is what she got out of this. In relation to talking about property values perhaps it would be a little easier to ignore if you put your house up for sale and people came and see your home, if they didn't have the big trucks that are going up and down Hamilton and just seem to bring it right out to anybody who is looking at your property. At least maybe they could live with it a little easier since there is nothing they can do about it, if they could keep the big trucks off their community road which is what they feel it is. They were talking about ingress and egress and she understands why they feel they have to come out onto Hamilton but a statement was made that they can't come out onto Ray Road because that would be illegal and she is wondering why that is. It doesn't seem like it would be to her if they could just take a right. If they could do that, why can't they drive their trucks and make their circle on their property rather than using Hamilton as the circle. That is the part she is not getting. She wants to state to please keep the trucks off of Hamilton so that at least it isn't so obvious when they go to sell their home that there are big trucks going down that street and that might help them to live with it.

MITCH VAN HORN, 693 E. IRONWOOD DRIVE, CHANDLER stated he is a tractor trailer mechanic and he said he can guarantee them that Hamilton is not wide enough for tractor trailers to pull out onto the street and stay in its own lane. There are 3 lanes there and he said he will guarantee that every one of those tractor trailers that pulls out of that yard goes into the third lane. Everybody keeps saying 40-foot trailers – those trailers could be up to 53 foot trailers. Then you add on a 15-foot tractor and if you are sitting on Hamilton, you have 3 lanes; one goes north, one is a turning lane and one is a right hand turn lane or going straight. Right there at Ray Road it is only 2 lanes wide. There is an island in the middle where cars turn to go left on Hamilton. There is no way that tractor trailer is going to make that right turn onto Ray Road without swinging out into the turning lane, out into the middle of the intersection so anybody turning left onto Hamilton and then will be lucky to miss the curb to get into the second lane of

Ray Road. He will never make that inside lane. There is a telephone pole and a sharp curve right there. That road is not set up for tractor trailers and that is coming from somebody who knows. The other point he has if you go down and look at that yard, it is huge. They have a wide open field to the east. He has the railroad tracks right behind his building. If he wanted to, he could put down pavement, he could put down rock and make that yard big enough to do a U-turn and go back out the same way they have been coming in for years. It's bad enough that they have expanded. He's saying his competitor, his recycling plant. That recycling plant has been there since 1995 at least, a long time. They never had the trash, they never had the rats or any of those problems until this new company came in. They are bringing recycles from Mesa, Gilbert, Tempe. Why? They have a Chandler station that they pay for that is down away from housing on McQueen and Queen Creek. They pay for those themselves. They put it out there because it is not near people. It is not ruining the values of the homes around it. They all did that. We all did that because they are here in Chandler. He has been here for 25 years. This is one of the worst ideas is to put a recycling plant in the middle of your town. That is what - 1.5 miles from downtown Chandler. Is that the kind of impression they want to give out to people. They want people to move here. That is all he has to say.

CHAIRMAN PRIDEMORE closed the floor for public comment and he asked the applicant to step forward as he had a question and he has the opportunity to make another statement. He said he heard several times tonight about the hours of operation in this facility. He is quite surprised about the 4 a.m. operating time if in fact that is correct. He asked Mr. Herzog, the applicant, during what hours are these trucks arriving and leaving. Mr. Herzog said in the Use Permit application it does speak to operating hours that start at 4:30 a.m. That is a residue of the prior operation prior to arriving on the site and they maintain those hours. Their current operation typically starts up around 6 in the morning and most of the inbound traffic is received between the hours of 8 a.m. and 4 p.m. This is the majority of the truck traffic that happens at their site. They are one of several industrial users in the neighborhood. He can't speak to whether or not there are other trucks or other activity happening in the neighborhood. Beyond that time, his manager typically arrives at the facility somewhere between 5:30 a.m. and 5:45 a.m. They have some start up activities. Typically our operations commence around 6:00 in the morning. **CHAIRMAN PRIDEMORE** said so there could be a time where a truck arrives at say 4:30 a.m. and is just sitting there or is it dumping its load? Mr. Herzog said they don't currently have anything happening on site at 4:30 a.m. **CHAIRMAN PRIDEMORE** said but they could. The Use Permit is written that way because the 4:30 a.m. start time was the existing condition when they took over the facility. **CHAIRMAN PRIDEMORE** said again just to clarify their current operations really don't get going until closer to approximately 6 in the morning. He said Mr. Herzog is welcome to respond to the comments if he so chooses.

MR. HERZOG said one of the comments he wanted to speak to was their operating hours. So obviously they just touched on that. Ms. Van Horn also made the comment about trucks having access to Ray Road. He wanted to clarify, they do not have any direct access to Ray Road nor do they have any direct access to any other neighborhood streets other than North Hamilton. They are a tenant on the site. Their landlord they share the driveway with and the driveway goes to North Hamilton Street. It is a separately owned parcel to the south of us as well as being separately owned parcels to the west of us on the other side of the railroad tracks and to the

north. He wanted to clarify that point that if they had access to Ray Road they would certainly do everything we could to use it. Unfortunately, their site does not have that. Speaking to how trucks exit their site, their trucks are directed at all times to come and go from the Ray Road side of Hamilton so they should be coming to our site from Ray Road north on Hamilton. They also exit our site to the south down Hamilton towards Ray Road. That was expressly put into their Use Permit in prior hearings because they were trying to keep traffic away from the rest of the neighborhood at the residential areas that are to their north and west. They do regularly instruct their customers who are driving these vehicles to please observe the rules. Always enter and exit coming from the Ray Road side on Hamilton. On a monthly basis we re-issue notices to all of the drivers who use their facility to remind them of the rules in addition to the times posted at the end of our driveway instructing all truck traffic to turn to the right and towards Ray Road. His only other comment just because it has not come up in the discussion is he does note that the traffic pattern of Hamilton and Ray roads is a traffic light controlled intersection so certainly their drivers should be obeying all the traffic rules related to the traffic light and he would hope that would ease any potential congestion at that point.

CHAIRMAN PRIDEMORE asked him if he would say there is an on-going effort to negotiate with their neighbor to the south for exiting or is that no longer happening. Mr. Herzog replied because they are in related businesses they have periodic discussions on a variety of topics and certainly whether they initiate them or are approached by different ideas, they are always exploring different ways they might be able to partner together, unfortunately, they have not found a successful avenue to get there. **CHAIRMAN PRIDEMORE** said is it safe to say it is on-going? Mr. Herzog said it isn't a weekly discussion but it is a topic that is raised periodically.

COMMISSIONER DONALDSON said the ingress and egress that existed before they received permission on Hamilton, the property to the south was that in its current configuration or is that a configuration of new buildings that have been built or is that ingress/egress plausible? Mr. Herzog replied that prior to applying for the existing Use Permit the building that they occupy was occupied by the business under different ownership to the south of them. That business at the time went through a Chapter 11 proceeding and that was what caused them to separate. They were actually working with them in a capacity prior to the Chapter 11 but through the Chapter 11 proceeding unfortunately that fell apart. Through the Chapter 11 proceeding a new owner took over this facility to the south and that is where they stand today. Physically on the site, he can't speak to whether or not there have been any major changes to their site because he doesn't know. He does know as a result of them separating their facility from the facility to the south of them, they shared in the cost of putting up a fence between their two properties. He can't speak to whether or not there are any other physical restrictions or traffic flow concerns that the owner to the south would have with their truck traffic. **COMMISSIONER DONALDSON** said he probably transfers a number of cubic feet of material. Since they have people on it and resources on collecting it and making it sure it doesn't escape to a large degree, do they have a fall down percentage? Mr. Herzog said actually they do measure that because they measure what comes in as well as what goes out. He said he didn't know the percentage off the top of his head. The numbers tie up very closely because as he stated before any material that is received and not been able to be recovered is a loss to them. While he doesn't have that number at his fingertips, it is extraordinarily low because that is their business to not lose anything.

COMMISSIONER CUNNINGHAM asked if it would affect his business adversely to change the permit to start at 6:00 a.m. rather than 4:30 a.m. so that no trucks from their facility would be out at 4:30 in the morning. Mr. Herzog said their permitted hours right now are 4:30 a.m. to 6:00 p.m. My request at that point would be to make sure that they had at least the same amount of permitted time to operate in the event of things happening that require them to work a little bit longer than their plan. Their plan is to work approximately 6 in the morning to 4 in the afternoon but anyone in an industrial type of business knows that things happen and they do need to have the ability to operate longer. Whether it's preferable for that to be later into the evening versus earlier in the morning is not my position to make a statement on. They have not to his recollection started up at 4:30 a.m. He can't remember the last time they intentionally did that. It is an element of a business flexibility that helps us. **COMMISSIONER CUNNINGHAM** said just for clarification, their property is what she would describe as a flag lot. You have a square property in the middle of a very large block and you have in the northeast corner a strip of land that accesses Hamilton and that is the only way they can get out. Mr. Herzog replied that is correct. **COMMISSIONER CUNNINGHAM** said so if that way were blocked to them, he has no business. Mr. Herzog said that is correct.

COMMISSIONER WASTCHAK asked if he said the property to the south owns the land he is on and does he rent from them or did he hear that wrong? Mr. Herzog said no the property he is on is owned by the Steel Company which is located to the north of them. The property to the south of them is owned by a different ownership group. They are tenants of T.W. Steel. **COMMISSIONER WASTCHAK** said the Steel company's access is the same access that we are talking about to Hamilton. Mr. Herzog said yes it is. **COMMISSIONER WASTCHAK** said he had a question for Staff. Is the Steel company required to have a Use Permit as well for access on this road and why is it specific to this site that a Use Permit is required. Mr. Mayo, Planning Manager, said you get deep into the technicalities. He said to look to the vicinity map that is attached to their memo. They will see that entire block that is bound by the Festiva Corridor residential subdivision to the north, railroad tracks on the west, Ray Road on the south and then Hamilton on the east. That entire block is zoned what they consider a hard zoning district of I-2. That is general industrial. It is the heaviest industrial district that they have in Chandler. The only thing less than that is I-1 and that is more of a light industrial. This is general industrial so the heaviest of the heaviest things they can do from a manufacturing standpoint can occur on this property by right. It needs no Use Permit approval to do such. T. W. Steel, the steel manufacturing facility they operate there with their trucks and some of them are 18-wheelers and some are U-Haul size trucks, all that can exist without any Use Permit and is allowed by right. Their access to Hamilton is allowed by right. Because the recycling facility is not a use that is allowed by right in I-2 – that takes a Use Permit. The piece that subject business is in has Use Permit approval to operate that recycling facility as does the piece at the south, the other recycling facility. It goes all the way down to Ray Road. They have Use Permit authority to operate that business on this property. The need for the access to Hamilton and the reason for the Use Permit for that is because if a use is not permitted by right, it has authority to do something on this piece of property. They need to cross this piece of property to get to that public street; they still have to have some level of land use authority to utilize that property in some capacity even if it is simply just for access. So that is why the Use Permit came in initially

as they want to cross this piece of property that has not been granted authority to operate a recycling facility on – they want to use this piece of property to get to this piece of property. That started the entire Use Permit process for simply ingress off of Hamilton. Once the two split and they no longer had authority to go through the southern piece to get to Ray Road, they then needed to modify that request to include egress from a land use authority standpoint. **COMMISSIONER WASTCHAK** said the Use Permit for the recycle facility is vested now. Right? Mr. Mayo replied only on the piece that the building sits on. There are actually separate parcels. It looks like a flag lot from an ownership standpoint; that piece never had land use authority to have a recycling facility. Once they establish the authority to have a recycling facility if that piece physically touched public right-of-way, then you just naturally have that access. The piece that has land use authority for the recycling facility doesn't physically touch the public-right-of way. They have to cross over that other piece owned by T.W. Steel. **COMMISSIONER WASTCHAK** said if the property that we are talking about, the recycling, has vested use. It has a Use Permit and is now vested. At what point would this drive become vested as well? If they have been operating this, is it 2009 when the first Use Agreement was? Mr. Mayo replied the first access point came in 1995, as ingress only. When the two of them operated together, all exiting flow went south to Ray Road. In 2009, when they split and the fence was erected, then the egress standpoint came into play. **COMMISSIONER WASTCHAK** said because the Use Permit had time stip. on it, it didn't vest because it has always had a time stip. where the first one did not. The property to the south, that hasn't been reconfigured from when they previously had access down to Ray Road. They could technically use the same access if they could negotiate something with the property to the south. Mr. Herzog replied he can't speak to whether it has been reconfigured because he has not been on the site himself. He is not aware of anything that has been changed but he simply doesn't know.

CHAIRMAN PRIDEMORE closed the floor with the applicant and opened it up for discussion and questions from the Commission.

COMMISSIONER CUNNINGHAM asked Mr. Mayo about the steel company. Do they have trucks and they have no restriction of use on Hamilton. So it could be the steel company's trucks that are out there at 4:00 or 4:30 every morning. Is she correct? Mr. Mayo said that is correct. If this facility lost its access point, it then obviously loses its viability. The steel company owns the vacant dirt that is south of the flag so in the event they wanted to come in and ramp up or triple the size of their business, they can do so by right. There are restrictions in I-2 in terms of setbacks and things like that and assume they live within all of those, they could erect more buildings and do more steel truss manufacturing. They have direct access onto Hamilton and that can all occur by right without any public hearing of any sort. There isn't a restriction in terms of hours on their business especially in I-2. It is the hardest of our industrial zoning. **COMMISSIONER CUNNINGHAM** said so we really don't know where these trucks come from and in fact based on Mr. Herzog's statement, the trucks don't come from his company even though they are coming from that vicinity at 4:30 a.m. They are more than likely coming from the neighboring business. Mr. Mayo replied based on his statement, anything prior to 6 a.m. is not coming from the subject facility.

CHAIRMAN PRIDEMORE said from the most recent traffic survey they could specifically account 29 in two days specifically to this site. Is that correct? They do have a hard number. They do.

COMMISSIONER DONALDSON asked Erik about the traffic study. One of the speakers mentioned the unsafe access. Actually two speakers mentioned unsafe driving associated with coming out of Hamilton and going across turning lanes and possibly coming into oncoming lanes and also waiting for someone to do a 3-point turn onto Ray Road heading west. Is that something that the traffic study would either indicate or observe or do they have any awareness of that? Mr. Swanson, Senior City Planner, responded when he worked with their traffic division it was strictly to address traffic on Hamilton and so they did not look at the movement out onto Ray Road and the radius and things like that. He can certainly work with them to see if there is some means that they could measure that and get a little bit more information. From the study standpoint it was strictly how many vehicles or trucks are heading north and how many vehicles and trucks are heading south. One thing he didn't mention that he thinks they could probably look at from that swing standpoint is at the width of the drive on Hamilton onto the site, the potential exists to widen that so then rather than have such a large swing out and head south, you almost can kind of angle south more and try to stay in their more. Obviously, that requires work with the applicant and property owners to see if they have the ability to go ahead and desire to get permits and rebuild that. That is certainly something that they can look into to try and alleviate that. But again it has been designed as an industrial collector. The amount of truck traffic on there is really not even close to capacity even from a traffic standpoint. And yes there are wide movements and it is something to be anticipated on an industrial collector.

COMMISSIONER DONALDSON said the applicant's business sounds like they want to be a good neighbor. They have had some restrictions placed on them. When he was reading through this case in the first place, he thought of a community liaison type relationship with some of the property owners and some of the neighbors and the applicant. His thought is this is asking for a 3-year Use Permit. He doesn't know if the applicant would be interested in establishing that relationship over the next period of time because from a business ownership standpoint land locking your property with a 3-year Use Permit is pretty risky business. You have the potential to lose a Use Permit and you have the potential to lose your business by not having egress from your property. With that said it sounds as though there is ongoing communication with the property owner to the south to try to get ingress/egress in case that would happen. His point is if the neighbors are unhappy and they have situations that are happening because of this business or other recycling businesses in the area, it is going to impact the business owner in the long run. He appreciates the neighbors coming out but he thinks that could take a really positive course over the next period of time over this Use Permit if that is established with the business owner. Staff has recognized that this business would impact the neighborhood to the north that is why there are restrictions on them. Through the Use Permit they have said they won't go to the north because there are neighbors on the west side and there are neighbors on the east side. These neighbors on the east side south of Hamilton are impacted. The business owner and they need to be really aware that this is impactful and how can they mitigate it and how can the business owner mitigate it.

KEVIN MAYO, PLANNING MANAGER, said the reason for the northbound movement was done earlier in 2000/2001 when he had done a time extension on that ingress only. It came up for discussion why they didn't want to go into the north. If you refer back to their vicinity map, they will notice that entire block of I-2 is south of what is Sheffield Ave. That road is what goes east off of Hamilton into the subdivision that isn't all the way on the east side on Hamilton. The reason for not sending trucks north is because there are residential streets that intersect into Hamilton north of that access point but there are none to the south. The only things the trucks would be interacting with heading south would be Ray Road. If they head north, they are passing multiple intersections that are residential streets feeding onto Hamilton. The reason for heading south at the time was simply to keep the trucks away from any intersections that are residential streets and Hamilton.

COMMISSIONER WASTCHAK said he understand that the neighbors don't like the use of recycling but that is not changing. Anything that falls under I-2 trucks are going to be able to use this drive and get out there and cause secondary issues which is the traffic. Is that correct? Mr. Swanson replied that is correct and not only that but if there is additional expansion like T.W. Steel as an example, there is no prohibition on them heading north onto Hamilton and so the prohibition on right turns only onto Hamilton is strictly for the transfer station. If that disappears and that southern stretch from Hamilton to the railroad tracks gets developed as industrial, they could head north and south on Hamilton all day long and there is no time limit. **COMMISSIONER WASTCHAK** said he doesn't like hearing that trucks are going at all hours but that is aloud right now. This use has a limitation on what it can do. I like the idea of maybe addressing the issue of at least helping with turning. It sounds like there is a traffic issue not only at the exit here and Kevin put in the stip. in to go south for a good reason. The reality is steel trucks have long pieces of steel that they pull in and out. That is probably part of the problem as well. He doesn't know if the neighbors would be able to speak to how many steel trucks come out of there and clip traffic and whatever. They may be going left because they can because it is easier to make a right going north or whatever, he doesn't know. As they sit her today, he doesn't know if they could do anything about traffic other than recommend that maybe Staff looks at that. They will have access in not only this business but other businesses and in the future have access to this street and could cause a traffic issue. Again, they may not like the use of recycling but he is taking that out because that is not the issue here, it is an issue of trucks coming in and out of that. He said let's say it doesn't get approved and this business goes away, the welding company is going to bring somebody else to lease their property and they could have the exact same kind of impact just with a different use that is allowed. He is talking more in general in his observation and is looking at it from a neighbor's standpoint. Any use that is allowed under I-2 could cause the exact same traffic problem they have now. Maybe it is just a matter of Staff looking at the exit and what can they do to make it a little easier to get out when traffic is going so that people are going and not clipping traffic. That helps for any use that is coming into this later. He doesn't know what you do with your Hamilton/Ray intersection because that is a traffic issue that they are not solving here tonight. Just because this is I-2, he thinks the City should try and at least do something from a traffic standpoint. He said that are his observations as he sits there and looks at strictly the traffic issue and the access.

KEVIN MAYO, PLANNING MANAGER, said he doesn't want to set the stage or give the impression that they are powerless and they can do nothing. In terms of the use of a recycling facility is that they are correct in that the use is vested. That does not mean that the subject site or the one to the south can just let trash migrate and they don't care and we don't care. The City absolutely does care and there are enforcement actions and steps they can take. These Use Permits actually have a lot of value especially when they come back in the three years because things happen. You get focused on something and these things remind you that you need to go back and recheck that. The migrating trash is an issue that is not allowed by right by anybody regardless of T.W. Steel or whoever. As Erik indicated, they have gone out at multiple times during this process to just surprise and inspect this site and the site to the south and even a couple uses southeast of this piece and see how they are doing from a garbage standpoint. He doesn't want to say that recycle is garbage, he agrees there is value. We have noticed issues and they have notified the property owners they are seeing that originate from. That is not something they are powerless to do and they don't have any authority – they do. That process has started. As Erik indicated with the driveway cut, coming from the T.W. Steel access on Hamilton Street, it isn't again that they are totally powerless. There are things they can do. They can open up the wings to that driveway and let the turning movement begin to occur on private property so that they are not hitting Hamilton Street at a ninety. It starts to open that thing up. If 18-wheelers regardless of who they are, if they are physically having a problem making a southbound Hamilton left to westbound Ray Road, that is a safety issue. He would like to go and find out from our traffic guys and see if anybody has heard of this issue, has anybody looked at it. He doesn't know if there is enough right-of-way to adjust the radius of the turns at the intersection. Maybe there is – he doesn't know. He is going to go and see what can be done. It really has nothing to do with this site it could be T.W. Steel. He doesn't want to set the stage to most of the neighbors that there is nothing they can do. The Use Permit is only about the access question but there are other things to get brought up as concerns that the City will want to address regardless of what happens with this Use Permit.

COMMISSIONER WASTCHAK thanked Kevin and said that is what he was looking for. He wants to be clear especially to the neighbors. He is not saying that he doesn't think the City should be doing something to stop rats and trash - they absolutely need to have that. He is just saying that is not what they are discussing tonight. The City should do what it can. He was just simply making a point that is doesn't matter if it is this or anybody else, you can do something. However this vote goes if they can do something check that out because that is his issue. This is I-2 and there are trucks that are going to be coming out of here without any kind of use restrictions. They should try and see if that could be fixed.

CHAIRMAN PRIDEMORE looked for a motion.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER CUNNINGHAM** to approve ZUP13-0025 HUDSON BAYLOR dba RECOMMUNITY CHANDLER subject to conditions recommended in by Planning Staff. The motion passed 6-0 (Commissioner Ryan was absent).

CHAIRMAN PRIDEMORE said obviously there are some existing issues that the City is now aware of. Obviously, they have been looking at the trash issue and is on-going, and also now the turning issue not only onto Hamilton but onto Ray. That is something that is now on the record and Staff will be pursuing further. He reminded everyone that they are a recommending body. All these items still go before City Council on September 11, 2014. He encouraged everyone to attend that meeting as well and to voice their opinions. He thanked them for coming tonight.

6. DIRECTOR'S REPORT

Kevin Mayo, Planning Manager, said there is nothing to report this evening.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN PRIDEMORE said the next regular meeting is August 20, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 6:47 p.m.

Matthew Pridemore, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, August 20, 2014 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Pridemore called the meeting to order at 5:30 p.m.
2. Pledge of Allegiance led by Commissioner Foley.
3. The following Commissioners answered Roll Call:

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

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. Scott McCoy, Asst. City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN BARON, seconded by COMMISSIONER CUNNINGHAM to approve the minutes of the August 6, 2014 Planning Commission Hearing. The motion passed 6-0 with 1 abstention (Commissioner Ryan was not present at that meeting).
5. 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 no action items.

A. DVR14-0006 BELLA ROSE INN

Approved to continue to the September 3, 2014 Planning Commission hearing.

Request rezoning from Planned Area Development (PAD) for Office to PAD for a Hotel, including a Mid-Rise Overlay for building height up to 75 feet, along with Preliminary

Development Plan approval for site layout and building architecture on an approximate 3.5-acre site located west of the northwest corner of Price and Willis roads.

B. DVR14-0007 THE PERCH

Approved.

Request rezoning from Community Commercial (C-2) with a Planned Area Development (PAD) overlay to PAD for commercial and retail with a Preliminary Development Plan for the site and new buildings at an existing bar and restaurant. The property is located at 232 South Wall Street, north and west of the northwest corner of Arizona Avenue and Frye Road.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "THE PERCH", kept on file in the City of Chandler Planning Division, in File No. DVR14-0007, except as modified by condition herein.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, the Development Booklet, entitled "THE PERCH", kept on file in the City of Chandler Planning Services Division, in File No. DVR14-0007, except as modified by condition herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting. Dead, dying, or missing landscape shall be replaced.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.
4. The site shall be maintained in a clean and orderly manner.
5. Trash shall not accumulate outside the refuse containers.
6. Trash pick-up shall be provided five-days a week.
7. The on-site trash enclosure shall be constructed and remain in place until such time that a permanent off-site refuse location is developed. If the off-site refuse location is removed and no replacement is available, an on-site trash enclosure shall be required.

C. DVR14-0013 NEC LOOP 202 & ALMA SCHOOL ROAD

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the two year schedule for development or to cause the property to revert to the former PAD (Commercial) and AG-1 (Agricultural District) zoning. Request to revert from PAD (Commercial) zoning in Ordinance No. 3260 (DVR00-0005) to PAD (Commercial) in Ordinance No. 2822 (PL97-199) and AG-1 (Agricultural District). The reverted zoning establishes community commercial uses on approximately 10 acres and agricultural uses on approximately 2 acres. The property is located at the northeast corner of Loop 202 Santan Freeway and Alma School Road.

Upon finding consistency with the General Plan, Planning Staff recommends approval to cause the property to revert from PAD (Commercial) zoning in Ordinance No. 3260 (DVR00-0005) to PAD (Commercial) in Ordinance No. 2822 (PL97-199) and AG-1 (Agricultural District). The reverted zoning establishes community commercial uses on approximately 10 acres and agricultural uses on approximately 2 acres.

D. DVR14-0014 NEC LOOP 202 & ALMA SCHOOL ROAD

Approved.

Request rezoning on approximately 2 acres from AG-1 (Agricultural District) zoning to Planned Area Development (PAD) for Commercial, as well reestablishment of Preliminary Development Plan (PDP) approval for a commercial center. The property is located at the northeast corner of Loop 202 Santan Freeway and Alma School Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "NEC SR202 and Alma School Road DVR14-0013 and DVR14-0014", kept on file in the City of Chandler Planning Division, in File No. DVR14-0014, except as modified by condition herein.
2. The rezoning request does not include a specified timing condition. This includes relief of the 1-year timing condition from the effective date of the ordinance as specified in the City Code section 35-2603.B.
3. The rezoning reestablishes the Preliminary Development Plan (PDP) for a commercial center as represented in zoning case PDP08-0005.

E. LUP14-0013 HYATT PLACE PHOENIX / CHANDLER FASHION CENTER

Approved.

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 11 Hotel Liquor License) for on-premises consumption of beer, wine, and spirits. The property is located at 3535 W. Chandler Boulevard, southwest corner of Chandler Boulevard and Chandler Village Drive.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit re-application and approval.
2. The Liquor Use Permit is granted for a Series 11 (Hotel 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.

F. ZUP14-0006 MID MOUNTAIN EXCAVATION

Approved.

Request Use Permit extension approval for the continued operation of an excavation business located at 900 E. Germann Road, west of the northwest corner of Germann and McQueen roads.

1. Substantial conformance with application materials (Site Plan, Narrative) kept on file in the City of Chandler Planning Division, in File No. ZUP14-0016, except as modified by condition herein.

2. The Use Permit shall be extended for a period of three (3) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER DONALDSON** to approve the Consent Agenda as read into the record by Staff. The Consent Agenda passed unanimously 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 September 3, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:38 p.m.

Matthew Pridemore, Chairman

Jeffrey A. Kurtz, Secretary